MAR 20 1972

UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS
FIRST SESSION

VOLUME 117—PART 2

FEBRUARY 2, 1971, TO FEBRUARY 11, 1971
(PAGES 1339 TO 2740)

GENERAL SERVICES ADMINISTRATION
LAW
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1971

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Congressional Record

United States of America

PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, FIRST SESSION

SENATE—*Tuesday, February 2, 1971*

(Legislative day of Tuesday, January 26, 1971)

The Senate met at 11:15 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, whom the pure in heart see and the loving know, keep ever before us the holy vision of a new and better world, where men are transformed and made new by the power of Thy spirit, where justice abides and brotherhood prevails. Make us bold in purpose and audacious in action for the healing of the nations and the bringing of peace.

Bless this Nation which Thou hast given us for our heritage. Give us grace to bridge the chasm between man and man and nation and nation. Guide our leaders by Thy higher wisdom and lead us in the way everlasting.

We pray in the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, February 1, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR FROM GEORGIA

Mr. TALMADGE. Mr. President, I present the certificate of appointment of the Honorable David H. Gambrell to the U.S. Senate, to succeed the Honorable Richard Brevard Russell, signed by the Governor of Georgia. I ask that it be read.

The PRESIDENT pro tempore. The certificate of appointment will be read.

The legislative clerk read as follows:

CERTIFICATE OF APPOINTMENT

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Georgia, I, Jimmy Carter, the Governor of said State, do hereby appoint Honorable David H. Gambrell a Senator from the State of Georgia to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Honorable Richard Brevard Russell, is filled by election as provided by law.

Witness: His Excellency our Governor, Jimmy Carter, and our seal hereto affixed at the State Capitol in Atlanta, Georgia, this 1st day of February, in the year of our Lord 1971.

By the Governor:

JIMMY CARTER, *Governor.*
BEN W. FORTSON, Jr.,
Secretary of State.

The PRESIDENT pro tempore. If the Senator-designate will present himself at the desk, the oath of office will be administered to him.

Mr. Gambrell, escorted by Mr. TALMADGE, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the President pro tempore; and he subscribed to the oath in the official oath book.

[Applause, Senators rising.]

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief recess for the purpose of greeting our new colleague.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Thereupon, at 11 o'clock and 20 minutes a.m., the Senate took a recess until 11:24 a.m.

On expiration of the recess, the Senate reassembled, and was called to order by the Senator from Alabama (Mr. ALLEN).

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, pending the arrival of the distinguished Senator from Arizona (Mr. FANNIN), I wonder if I might be recognized briefly so that what I say now I will not have to say later.

Mr. SCOTT. Mr. President, if the Senator will yield, I ask unanimous consent that notwithstanding the previous order, the distinguished Senator from Montana (Mr. MANSFIELD) may proceed, and that thereafter other Senators may proceed upon being recognized, pending the arrival of the Senator from Arizona.

The PRESIDING OFFICER. Without prejudice to the rights of the Senator from Arizona, it is so ordered.

How much time does the Senator from Montana request?

Mr. MANSFIELD. I will make the request for 3 minutes. I will stay within the rule.

The PRESIDING OFFICER. The Senator from Montana is recognized.

UNFINISHED BUSINESS OF THE 91ST CONGRESS

Mr. MANSFIELD. Mr. President, last Tuesday, January 26, the President of the United States submitted to the Congress a message covering what was termed the "unfinished business" of the 91st Congress. In listing these items the President requested that they be made the first order of business for the 92d Congress. It should be noted that some of these proposals had been acted upon by the Senate. Some were passed in the form in which they were submitted. Others were modified to meet legitimate concerns. It is my understanding that all but a very few of them received a full degree of consideration.

At this time I wish to report that the President's message has been referred and the various committees involved have been appropriately notified. Draft proposals on the various items mentioned by the President in this message are beginning to be received from the administration. As they are referred to the committees, the majority leadership is fully confident that they shall receive the appropriate priority fitting for a Presidential request. The full attention of the committees is thus requested, including necessary hearings, reports, studies, investigations, and all other actions involved in according any matter full consideration.

To be sure, changes will be made in some of the proposals to meet various impairments that will become apparent during consideration. I do think, however, that as the majority party in the Senate, we are obliged to pledge our full cooperation in considering each of the President's requests. Therefore, the program outlined in this message will be disposed of with the same degree of diligence and high regard that is accorded any proposal that is submitted to the Congress as a request of the President of the United States.

Finally, Mr. President, I have directed that a compilation of items based on the President's message of January 26 be prepared. This compilation identifies the measure very briefly, and indicates the date on which any supporting draft proposal was forwarded. I ask unanimous consent that this compilation be printed at this point in the Record.

There being no objection, the compilation was ordered to be printed in the Record, as follows:

President Nixon's Major Legislative Recommendations, 92d Congress, 1st Session, as Contained in the Special Message of 1/26/71

Farmers Home Administration—Insured Loans (1969; Special Message 1/26/71; Draft 1/27/71; Budget 1971).

Rural Telephone Bank (Special Message 1/26/71; Draft 1/27/71; Budget 1971).

Stockpile Disposals (1970; Special Message 1/26/71; Draft 1/27/71).

Cost Accounting Standards Board—Transfer of Authority to Executive Branch (1970; Special Message 1/26/71).

Defense Production Amendments (1970; Special Message 1/26/71; Drafts 1/27 and 1/28/71).

Federal City Bicentennial Development Corporation (1969; Special Message 1/26/71; Draft 1/29/71).

Silver Certificates—Writeoffs (1970; Special Message 1/26/71; Draft 1/27/71).

Small Business Reforms (1970; Special Message 1/26/71; Draft 1/28/71).

Natural Gas Act Amendment (1970; Special Message 1/26/71; Draft 1/27/71).

Ports and Waterways Safety Act (1970; Special Message 1/26/71; Draft 1/27/71).

Vessel-to-Vessel Radiotelephones (1969; Special Message 1/26/71; Draft 1/27/71).

Wholesome Fish and Fishery Products Act (1969; Special Message 1/26/71; Draft 1/27/71).

Capitol Program Financing Act (1970; Special Message 1/26/71; Draft 1/27/71).

USER TAXES

Aircraft, Hijacking (1970; Special Message 1/26/71; Draft 1/27/71; Budget 1971).

Highways (1969; Special Message 1/26/71; Draft 1/27/71).

Asian Development Bank—$100 Million Contribution to Special Fund (1970; Special Message 1/26/71; Budget 1971).

Inter-American Development Bank—U.S. Contribution (1970; Special Message 1/26/71; Budget 1971).

Federal Power Commission—Authority to Designate Chairman (Special Message 1/26/71).

Grant Consolidation Act (1969; Special Message 1/26/71; Draft 1/27/71).

Joint Funding Simplification Act (1969; Special Message 1/26/71; Draft 1/27/71).

Protection of Public Buildings by GSA (1970; Special Message 1/26/71; Draft 1/27/71).

Alaska Native Claims (1969; Special Message 1/26/71; Budget 1971).

Federal Employees Indian Tribal Organization Transfer Act (1970; Special Message 1/26/71).

Indian Control Over Federally Funded Programs in Departments of Interior and HEW (1970; Special Message 1/26/71).

Indian Education, etc.—Channelling of Funds Directly to Indian Tribes and Communities (1970; Special Message 1/26/71).

Indian Financing Act (1970; Special Message 1/26/71).

Indian Trust Counsel Authority—Establishment (1970; Special Message 1/26/71).

Interior Department—Additional Assistant Secretary for Indian and Territorial Affairs (1970; Special Message 1/26/71).

Long-Term Leasing of Indian Lands (1970; Special Message 1/26/71).

Micronesian Compensation and Claims Commission (1970; Special Message 1/26/71; Draft 1/28/71)

Repeal of Policy of Termination of Trusteeship Relationship Between Federal Government and Indians (1970; Special Message 1/26/71).

Licensing of Nuclear Power Reactors—Fees (Special Message 1/26/71; Draft 1/29/71).

Immigration and Nationality Act Amendments (1969; Special Message 1/26/71; Draft 1/27/71).

Nontestimonial Identification—Judicial Orders (1970; Special Message 1/26/71; Draft 1/27/71).

Obscene Materials—Prohibition of Transportation to Minors (1969; Special Message 1/26/71; Draft 1/28/71).

Salacious Advertising—Prohibition of Transportation (1969; Special Message 1/26/71; Draft 1/27/71).

Wagering Tax Amendments (1969; Special Message 1/26/71; Draft to Finance 1/27/71).

Drug Identification Act (1969; Special Mesage 1/26/71; Draft 1/28/71).

Emergency School Aid Act (1970; Special Message 1/26/71; Draft 1/28/71; Budget 1971).

Longshoremen's and Harbor Workers' Compensation Act Amendments (1970; Special Message 1/26/71; Draft 1/26/71).

National Institute of Education—Establishment (1970; Special Message 1/26/71; Draft 1/28/71; Budget 1971).

Burial Allowance—Elimination of Duplication (Special Message 1/26/71; Draft 1/28/71; Budget 1971).

Hospital Care—Reimbursement from Private Insurers (Special Message 1/26/71; Draft 1/28/71; Budget 1971).

Tuberculosis Disability Compensation (1969; Special Message 1/26/71; Draft 1/28/71; Budget 1971).

Veterans' Administration—Sale of Direct Loans (1969; Special Message 1/26/71; Draft 1/28/71).

Vietnam Veterans Education Allowance (1970; Special Message 1/26/71; Draft 1/28/71).

STATEMENT OF SENATOR MANSFIELD TO DEMOCRATIC CAUCUS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement made by me on January 21, 1971, before the Democratic caucus be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Mike Mansfield to Democratic Caucus

We meet at a time when the sounds of war in Indochina again grow ominous. We meet just as the official indicators of the nation's economic activity register an overall decline for 1969—the first decline in a dozen years.

Let me say that reports of an intensified U.S. military role in Cambodia were not unexpected; nor were they needed to remind us that there is still a deadly war in Indochina. We are reminded by the casualties—a hundred this week, a hundred the week before, a hundred next week—the continum stretches back years and reaches forward into the indefinite future. As Members of the Senate, we know those casualties not as statistical counts. We know them as the sons, husbands and friends of our constituents.

The Senate did not need, either, the statistics of economic contraction to make the point of a recession. Letters of the unemployed to Senators tell the story and they tell it in human terms. Senators have long been aware of the trend in the economy. We have some sense of what its prolonged persistence portends for the nation.

Abroad, the war in Indochina. At home, the recession. We do not establish the overriding questions of the 92nd Congress. They will be there to confront us at the beginning. Together with the President and the House, it is our responsibility to see to it that they are not there at the end.

To be sure, from the outset of his Administration, the President has searched for an end to the war. He has striven to reduce U.S. casualties in Indochina and to cut the costs of the involvement. His efforts have achieved a great deal in these respects. He has withdrawn tens of thousands of Americans from Vietnam. In so doing, he has had the encouragement of Members of both parties in the Senate. Insofar as the Majority is concerned, he will continue to have full support for any—*any*—further reductions in the presence of the United States forces—ground, air, sea or whatever, in this ill-fated war.

For the present, however, it is clear that we are still deeply in the war and we are still committed to remain until the end, whenever that may be. It is the form of the U.S. involvement which has been changed; not the involvement itself. In so saying, I do not minimize the significance of that change. It has saved U.S. lives by reducing our presence on the ground. But it has also enlarged the area of our assumed responsibility, from South Viet Nam where it was at the beginning of the last Congress to include, now, all of Indochina. If we have less men in Southeast Viet Nam we have at the same time consigned to those who remain a larger geographic area of responsibility. If we have taken Americans out of zones of combat in South Viet Nam, we have sent them by air or however to where they have not been before—into Laos and, apparently, within inches of the ground in Cambodia—in connection with the expansion of the war into those other two countries. In short, we may be in a war of different tactics but it still is a war in which we are involved. It is still a mistaken war. Americans are still dying in that mistaken war which does not, involve the vital interests of the United States.

The Senator shares with the President the responsibility for this situation. To be sure, in a most proper exercise of Constitutional function, Cooper-Church was an effort to inhibit the deepening of the American involvement. Yet, recent news accounts suggest a stretched and, perhaps, distorted interpretation of the intent of that leigslation in Indochina.

In his Congress, therefore, there must be even greater vigilance. Every effort must be made, in concert with the President, to bring the actions of all of the agencies of this government into the line with the desires of this nation—as expressed through its elected officials—to curb the involvement—to close the involvement in Indochina.

Until the tragedy is ended, the Senate's concern with Indochina cannot end and will not end. There are but two vital interests of this nation, in my judgment, which justify the continuance of any U.S. military presence in this mistaken war. One is the safe return of the prisoners-of-war. The second is the safety of all remaining U.S. forces from Viet Nam, as they are withdrawn in an orderly fashion. They are responsibilities which must take precedence over the interests of other governments. The President will have my support and I believe the support of Senators on both sides of the aisle in the singular pursuit of these objectives through negotiations.

With regard to the economy, both the President and the Congress—together I would hope—must seek out new initiatives to erect a firm bulwark against rising prices and to move the nation out of the economic doldrums. Ways must be sought and found to strengthen the government's resolve and effectiveness in this connection. The human consequences of the economic recession can no longer be ignored. If the Executive Branch has its responsibilities in this connection, so, too, has the Congress. Therefore, the Leadership makes this request now of all who will serve as Chairman of Committees of the Senate which deal with economic questions. I ask that they put their Committees to work without delay, on the basis of the President's views and their own initiatives, in order to develop concrete recommendations for the Senate. The Majority Leadership pledges every cooperation of the Majority Policy Committee in moving those recommendations to the floor.

There will be neither a cut in prices nor an end to the recession, in my judgment, unless the Federal government keeps a rein on expenditures which are currently so wasteful of the nation's resources. An end to the war in Viet Nam, for example, would be the greatest single foreseeable contribution to the economic welfare and social well-being of the nation. But there are other aspects, too, of our foreign relations in which gaping holes have been torn in the nation's purse; they are holes which must be closed.

In this connection, it would be my hope that the Senate will expand upon the steps which were taken last year to curb antiquated national commitments overseas. We should do our best to develop legislation which will be in concert with the Nixon "low profile, self-support Doctrine." There is, for example, still the case of the massive deployment of American military under NATO. An encampment of about 500,000 U.S. military personnel and dependents in Europe in the year 1971 is in consonance with neither a "low profile" nor the great capacity of the European nations for self-supports. In its present form, the deployment is a wasteful anachronism. At a time of economic recession at home it is still being maintained in a most extravagant fashion. An estimated $14 billion pours out of the federal purse every year to sustain this establishment. I would hope, therefore, that the President would join with the Senate to stem this outflow of resources which are badly needed for urgent purposes within the nation. However it is done, by legislation if necessary, ways must be found to bring about a sharp reduction in this costly deployment.

The 92nd Congress, I believe, would also be performing a necessary public service by continuing to seek to cut expenditures for exotic weapons which are of dubious utility or are already in excessive supply. Over the years, billions, perhaps, tens of billions have been wasted in this fashion, as the Senator from Wisconsin (Mr. Proxmire) so ably illustrated in the last Congress. The fact is that we can ill afford the kind of waste in a military budget which, at $75 billion annually, already chews the lion's share of federal revenues and contributes greatly to the rise in prices.

As the session begins, an agenda of carry-over items from the last Congress will confront the Senate. These include the Supersonic Transport whose final disposition fell between the clashing views of the two houses. There is also the matter of the Family Assistance Plan, which is of national importance and of deep Presidential interest. The subject is one for priority consideration and the joint leadership—Republican and Democratic—has pledged every effort to try to see that it is so treated.

An increase in Social Security payments is very high on the list of carry-over business. The Senate agreed to a 10% increase and a minimum payment of $100 at the close of last session. It would be my hope, therefore, that the final enactment of this proposal can be accomplished before early spring and that it will be back-dated to January 1, 1971.

The new Congress will also be confronted by many new questions. Among those already unveiled is the matter of "revenue-sharing." It is not so much a new concept as it is a new phrase. In one way or another, the federal government has been "sharing" revenues with the states and localities for decades and for a great variety of purposes. The Subcommittee on Intergovernment Relations has held general hearings on new approaches to this old relationship and the President has urged consideration of the question. It seems to me that the key question is the integrity of the expenditures which may be made at the State and local levels out of federally collected funds. The phrase "revenue-sharing" must not become a cover-all for lack of accountability and fiscal irresponsibility. The federal revenues are the last bulwark between this nation and economic chaos and they must be safeguarded. Moreover, we should also bear in mind that the hard-pressed federal taxpayer and the hard-pressed state taxpayer is one and the same; he must not be squeezed further, in the name of "revenue sharing." Indeed, some assurance of relief, in particular, for the small property owner who pays a variety of taxes in every community of this country may well be in order in connection with any new federal revenue-sharing scheme. Finally, a preliminary study of the range of burdens which are now borne by taxpayers and the disparities between states and within states might well be a necessary preliminary to any intelligent new legislation on "revenue sharing."

The continued health of our Federal system certainly requires special efforts to restore fiscal balance as among Federal, State, and local governments. Just what shape such a proposal finally takes, however, should be determined only after the most careful investigation by the Congress.

That is not to say that Congress can ignore the enormous financial burdens which now fall upon the localities and on the metropolitan areas in particular. There is no state in the Union which now lacks these areas and the solutions of their problems are becoming ever more national in scope. In short, the issue is not whether the federal government should help more than it is already helping. It is *how* shall the federal government help?

Initiatives which are related to this question may be expected from the new Congress; additional innovative efforts to curb pollution, to stimulate housing, to improve educational opportunities and medical services and to extend comprehensive health insurance in the nation.

The war, the economy and the great range of issues at hand establish a most formidable responsibility for the Senate in the next two years. There is no gainsaying the fact that the practices and procedures of the Senate—notably, as they operated towards the end of last year—did not appear, at times, to be equal to that responsibility.

To be sure, the new Congressional Reorganization Act will be in effort this year. Moreover, the Joint Leadership has already given its endorsement to an array of procedural innovations which were suggested by Senators Cranston, Hughes, Saxbe and Schweiker and I have asked these Members to continue to pursue their explorations with the fresh viewpoints of relatively recent arrivals in the Senate. Other proposals may be expected from other sources.

When that has been said, however, it seems to me that the Senate must still confront the reality that the ⅔ cloture rule is a fundamental part of the difficulty. This rule enjoins a debate so protracted that in times of sharp or multiple disagreement it is an open invitation to evasion and an inaction bordering on breakdown. It permits the consumption of such a chunk of the total available time on one or two issues that the Senate cannot accommodate to the balance of the great load of work which is now a continuing reality of the Congress. The need for a change in Rule XXII, it seems to me, was demonstrated beyond a shadow of a doubt during the last session. The time for a change is now.

As the Members of the Conference know, I have long favored ⅗'s cloture. I hope that the Senate will be able to look to the merits of a proposal of this nature this year and would do so at the outset of the session and without prolonged debate.

Whatever changes may be made in procedures, however, I must stress that it is the Leadership's considered judgment, today, as it was, when this Leadership began a decade ago, that there is no substitute for comity and cooperation among the members of the Senate—all of the Members of the Senate and both sides of the aisle. Insofar as the leadership is concerned, it will continue to function on that basis, and no other. There will be no steam rollers; no parliamentary shenanigans. There is no indication in the legislative history of the Senate of recent decades that such tactics are effective in creating a body of constructive legislation. Even if there were, the Leadership would still not be a party to them.

We are members of a majority, to be sure, but before that we are—all of us—members of the Senate with one vote each and each entitled to equal consideration. What emerges from the Senate in the coming Congress will bear the mark of a Majority. It will not be, however, a majority composed of Democrats alone; nor of Republicans alone. It will be a majority of the Senate.

To be sure, there are differences among us, differences between Democrats, between the parties and between the Senate and the President. Differences, notwithstanding, we have—all of us—a great deal in common. There is a far higher stake than the fate of this Majority. There is a far higher stake than the political fortunes of any one of us. There is the stake in the future of America and our individual responsibilities to that future.

Insofar as the Senate is concerned, therefore, it would be my hope that the politics of 1972 will be left to November 1972. It would be my hope that the concern of the Congress no less than the Administration will be with the needs of the nation now and in the years ahead. That is what the people ask of us. That is what they have a right to expect. That is what the Majority Leadership sets as its single purpose in this Senate of the 92nd Congress.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The PRESIDING OFFICER (Mr. Allen). The Chair lays before the Senate the pending business, which the clerk will state.

The legislative clerk read as follows:

A resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama (Mr. Allen) to postpone until the next legislative day the consideration of the motion to proceed to the consideration of Senate Resolution 9.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent, in view of the developments which have occurred, that we have a portion of the morning hour for the conduct of morning business at this time, under the 3-minute limitation.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business will be transacted.

ORDER FOR RECESS UNTIL 11:15 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:15 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ORDER FOR RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the laying before the Senate of the pending business, the approval of the Journal, if there is no objection, and the recognition of the able majority leader and the able minority leader, under the standing order of January 29, the able Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 45 minutes, for the purpose of conducting a colloquy with other Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order that was vacated recognizing the able Senator from Arizona for not to exceed 15 minutes be reinstated.

The PRESIDING OFFICER. Without objection, it is so ordered.

At this time, the Chair recognizes the distinguished Senator from Arizona for not to exceed 15 minutes.

Mr. FANNIN. I thank the distinguished Senator from West Virginia.

THE EFFECT OF NONTARIFF BARRIERS ON CITRUS GROWERS IN ARIZONA AND CALIFORNIA

Mr. FANNIN. Mr. President, during the past 12 months the Congress has been intensely concerned with matters relating to foreign trade. I have made several statements regarding serious problems in foreign trade, and I introduced a bill to regulate unfair import practices.

Our trade problems have not gone away; they have become even more acute as time has passed.

Mr. President, the foreign trade policy of the United States since World War II has been to support and stimulate free trade. But free trade requires more than the removal of tariff barriers.

Through a series of negotiations under the General Agreement on Tariffs and Trade—GATT—tariffs have been progressively lowered to a point where most industrial goods are now exchanged in increasing amounts and with increasing ease throughout the more developed world.

With these reductions, tariffs have become relatively unimportant as a factor in restricting international trade. Obstacles of much greater importance have sprung up. These are the so-called nontariff barriers that exist in different forms in most countries. The most troublesome on these nontariff barriers are national buying policies, administrative procedures, the indirect subsidizations of exports, and preferential tariff arrangements.

Today I want to bring to the attention of my colleagues one very serious problem being caused by nontariff barriers. This situation provides a good example of the frustrations encountered by many American businessmen seeking to do business abroad.

This specific case involves citrus growers in Arizona and California who are fighting to maintain their historical access to markets in the European Economic Community—EEC.

The first exports of American citrus to Europe began in the late 1800's. Exports in significant quantities started in 1930. The EEC represents the largest overseas export market for U.S. fresh citrus exports. Exports to the world market from California and Arizona over the last 5 years averaged 27 percent of gross sales and totaled approximately $70 million. Fresh oranges are the largest earner of foreign exchange of all fresh and canned fruits and vegetables. Thus, it is important to maintain export markets not only for the citrus growers, but for the entire United States.

The citrus case is one which should have been resolved months ago, and would have been, if the United States had been defending its exporters. The case involved a clear cut violation of the most favored nation—MFN—principle. It is significant that the principle involved is the cornerstone of the general agreement on tariffs and trade. For without this principle, there is no reason for continuing with GATT. This may sound like a startling statement, but there is no point in deceiving people into believing that GATT is useful, when in fact it is not observed. This is especially true in light of the fact that the State Department advises that the EEC says that it is not interested in discussing principles. Without the observance of basic principles, there can be no orderly world trade.

Mr. President, it is important to note that five of the six members of the EEC do not produce citrus. The citrus produced in Italy is, with small exception, consumed in Italy. In other words, the EEC has no domestic production that it is protecting.

The current citrus fight began in late 1969. On September 1, 1969, the EEC signed an alleged association agreement with Tunisia and Morocco. The principal purpose was to grant those two countries an 80-percent reduction in the common external tariff on fresh oranges and lemons. At approximately the same time, but not by treaty, the EEC granted a 40-percent reduction in the common external tariff to Spain and Israel on oranges, lemons, and grapefruit.

Brazil, South Africa, and the United States, the three major non-Mediterranean suppliers of citrus, protested this action to GATT. The EEC, recognizing the illegality of its action, requested a waiver of the MFN rule. A working party was organized to study the tariff reductions. It became apparent that the waiver the EEC requested on the preferential duty reductions to Spain and Israel would not be granted. Rather than receive a negative vote, the EEC withdrew its request for a waiver and said it would withdraw the duty reductions to Spain and Israel.

Although the EEC announced that it would take this action in January, it did not do so until April and the action was not effective until May. This had the effect of allowing Spain and Israel to enjoy the preferential duty reduction during the major part of their shipping season. Additionally, on October 1, 1970, treaties between the EEC, Spain, and Israel reestablished the discriminatory 40-percent duty reduction.

The effect of the preferences in 1970, the first year of their existence, was a direct loss of $2¼ million to citrus growers in Arizona and California. In the Netherlands market, for example, each country with a preference increased its market share while every country without a preference decreased its market share.

The California-Arizona Citrus League on behalf of the producers of fresh citrus for export requested a hearing as provided for in the Trade Expansion Act of 1962. Evidence was presented at that hearing documenting the illegality of the EEC's action. The United States has since stated publicly that the EEC action was illegal, and asked to consult with the EEC under the applicable provision of GATT. The consultation took place January 18, 1971, in Brussels. The ECC admitted it was discriminating, but said it did not matter. A second meeting is scheduled for February 15–20.

The importance of this case is so significant that in August of 1970, I personally appeared and testified at the hearing held pursuant to section 252 of the Trade Expansion Act of 1962. I did this because of my conviction that the United States must achieve MFN treatment or else come to realize that its trading partners have no interest in dealing fairly with the United States.

In order to maintain the creditability of the United States in world trade and to emphasize to the EEC that the United States will not allow other trading blocs to discriminate against it, the United States must win this fight for equal treatment.

Unless the most favored nation principle can be firmly reestablished through this action, the entire structure of the fair trade rules established by GATT will be further, and perhaps fatally, undermined.

The importance to the United States of obtaining a MFN solution cannot be overstated. While citrus is the commodity concerned this time, next time it could be any industrial or agricultural commodity. If the EEC is willing to disregard its commitment to observe the most favored nation principle embodied in GATT, then it cannot be trusted to observe any other commitment. If the EEC wishes continued access to the U.S. market, then it must permit U.S. products to enter its market without discrimination.

The citrus case is fortunate in that both the principle and damages sustained are clear cut and well documented. If the United States cannot obtain most-favored-nation treatment for itself, this will be another clear signal of the need to reexamine the GATT agreement to ascertain whether these provisions offer the United States full reciprocity in international trade.

Mr. President, the time for negotiating a solution is fast running out. I would hope that the Department of State can remedy the discriminatory EEC practices under existing provisions of law. However, if the Department of State fails to resolve the issue, it will become necessary to enact legislation which will affect the imports of EEC products into this country. There is strong support in the Senate for a trade bill. Last year, such a bill passed the House of Representatives. It would not be difficult to use an important House bill as a vehicle for an amendment forcing a resolution of the citrus fruit problem which is vital to the economy of the State of Arizona—as well as California, Texas, Florida, and other States.

If the State Department refuses to face the issue squarely, the Congress will be forced to act.

Mr. President, I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

AERONAUTICS AND SPACE REPORT: MESSAGE FROM THE PRESIDENT H. DOC. NO. 92–42)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Aeronautics and Space Sciences:

To the Congress of the United States:

In this first year of the new decade, we have been working to establish a firm basis for a balanced national aeronautics and space program which is compatible with our national priorities, goals and resources and which insures continuing progress throughout the decade. 1970 has been a year of transition from past successes to new challenges.

The activities of our space program during the year are consistent with the recommendations I made in March for a balanced space program. Our goals are continued exploration, scientific knowledge and practical applications. The technology acquired through our space programs has many practical applications on earth ranging from communications, meteorology and navigation to agriculture, education and transportation.

Specific objectives guide our space endeavors. We should continue to explore the moon and increase the scientific return on the investment in the Apollo program. We should also continue to explore the planets of our solar system and the universe. We must strive to reduce the cost of space operations. We should try to expand our knowledge of man's ability to perform productively in the hostile environment of space and to relate this knowledge to uses here on earth. We must apply space-related technology to the critical assessment of our environment and to the effective use of our resources. We should also promote international cooperation in our space program by pursuing joint space ventures, exchanging scientific and technical knowledge, and assisting in the practical application of this knowledge. We are greatly encouraged by European interest in joining us in cooperative post-Apollo planning.

From our aeronautics activities have come substantial contributions to continued U.S. pre-eminence in civil aviation, major improvements in aeronautical services, and impressive developments in a sound SST program. This year has been the initiation of new military aeronautics programs that will enhance our national security. We must consider other new means to insure that our national aeronautics program is given the opportunity and encouragement to contribute to our national well-being.

I am pleased to transmit to Congress this report of our national aeronautics and space activities during 1970. I take this opportunity to express my admiration for the men and women whose devotion, courage and creativity have made our aeronautics and space progress a source of national pride.

RICHARD NIXON.

THE WHITE HOUSE, *February 2, 1971.*

REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

In accordance with Section 396(i) of the Public Broadcasting Act of 1967, as amended, I hereby transmit the Annual Report of the Corporation for Public Broadcasting covering the fiscal year July 1, 1968 to June 30, 1969.

RICHARD NIXON.

THE WHITE HOUSE, *February 2, 1971.*

PROPOSED ESTABLISHMENT OF THE FEDERAL EXECUTIVE SERVICE—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–41)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

In my State of the Union message, one of the six great goals that I proposed to the Congress was a renewal of the Federal Government itself through a sweeping reorganization of the executive branch. The structural changes I outlined would enable us to bring greater coherence to the management of Federal programs, and to raise them to a new level of effectiveness. But even the best of structures requires the effective utilization of highly qualified people. The need for the best people and for making the best use of their talents becomes more vital as we improve the structure and organization of the Federal Government.

It is on our Federal executives—both career and non-career—that the task of translating broad public policy into operational reality rests most heavily. These men and women are among the most valuable resources that we have as a government. We must not use them wastefully. We must not let their talents and their dedication be squandered. And we must constantly seek better ways of attracting into the executive ranks of the Federal service new people with the capacity and the drive to help us meet our national needs.

The time has come, therefore, to take a critical look at the existing Federal system for selecting, training, assigning and rewarding executive manpower, and to see whether it cannot be improved. We have carried out such an examination, and have concluded that it can be significantly improved by incorporating principles of modern personnel management.

For some time now, the Government's executive manpower systems have shown increasing evidence of weakness. The present arrangements have grown up over the years without any comprehensive plan. Disparate systems for the authorization, appointment and assignment of Government executives have prevented adequate planning and provision for constantly changing requirements. The resulting complexities and rigidities have reached a point at which it is now futile to try to patch the present structure further. Too often, the present system serves only to frustrate the conscientious agency head and the dedicated career executive alike.

At my request, the Civil Service Commission has completed a painstaking and systematic analysis of the existing manpower management programs for executives. The Commission has informed me that reforms are essential, reforms that cannot be made within existing law. I agree. Accordingly, I recommend legislative action to establish an entirely new personnel system for upper-level officials of the executive branch, to be called the Federal Executive Service.

This Service would apply to those persons—now about 7,000 in all—serving in executive branch positions presently established at grades GS–16, 17, and 18, or within the same pay range under several other salary systems. It is designed to meet the special needs of managing the Federal establishment, and at the same time to preserve and strengthen merit principles.

In order to accomplish these purposes, the legislation I am proposing would:

—Abolish the present so-called supergrade system and establish the Federal Executive Service, to include both career and non-career officials. Preserving the present ratio, it would establish a minimum of 75 percent career appointments and a maximum of 25 percent non-career appointments.

—Establish a general salary range (from about $28,000 to the equivalent of level V, now $36,000), within which the agency head can set the salary of each individual member, provided that he maintains an average salary for all members of the Federal Executive Service employed by his agency as established annually by the Civil Service Commission after collaboration with the Office of Management and Budget.

—Require the appointment of Qualification Boards to pass on the eligibility, under merit standards, of all persons selected for future entry into the Federal Executive Service as career members. Holders of present supergrade positions and persons chosen for non-career appointment to the Federal Executive Service would be exempt from this requirement.

—Provide that new entrants into the career system be employed under renewable three-year agreements, and give present holders of career type supergrade executive positions the choice of entering the new Service under the renewable three-year agreements or retaining their present positions and salaries.

—In the case of a career Federal executive whose employment agreement expires without being extended (whether because renewal was not offered by the agency, or because the executive chose not to accept the renewal offered), the legislation would provide for either severance pay, retirement, or reversion to the top grade of the Classification Act (GS–15) without reduction in pay from his previous level for a period of two years.

—Provide for the Civil Service Commission, after collaboration with the Office of Management and Budget, to establish annually maximum numbers and average salary for members of the Federal Executive Service in each agency, taking into account program priorities, level of work, work load, and budget allowances for the agency concerned.

To assure proper, periodic Congressional review of the operation of the Federal Executive Service the proposed legislation would also require the Civil Service Commission to make an annual report to the Congress on April 1, detailing the number of Federal Executive Service members it proposes to allow each agency for the coming year and the average salary level it proposes to set for each agency. At the same time, the Commission would report any variances it had allowed during the previous year under its statutory authority to meet emergency needs or provide for needs occasioned by changes in existing programs. If the Congress did not make any changes within the 90-day period, the Commission's proposed authorizations would take effect.

By establishing eminent Qualifications Boards, composed of highly respected professionals, to review the qualifications of all persons proposed for entry into career positions, this legislation would ensure the continued high quality of Federal career executives and enhance the prestige associated with executive service in the Federal Government.

By differentiating clearly, for appointment and retention purposes, between executives who make the Federal service their career and those appointed for brief periods, it would preserve the integrity of the career service.

By providing for renewable, fixed-term agreements for career executives, it would give agency heads the flexibility needed to use their high-level personnel most effectively in meeting the changing demands made on the Federal Government.

By giving him access to positions of high responsibility without jeopardizing his career rights, it would enlarge the horizons of the individual career executive. One of the many faults of the present system is that it results too often in bunching non-career officials at the top, with career officials relegated to lower positions. This new proposal would strengthen executive development programs and reduce the present obstacles to executive mobility.

By providing for an annual assessment of executive manpower requirements in relation to program activity in each agency, it would make it possible to respond promptly to changing needs and to eliminate wasteful overstaffing of low-priority programs.

In addition, it would give the Congress annually a comprehensive overview of Federal executive manpower programs and policies, an indispensable measure for ensuring the exercise of Congressional responsibilities in monitoring the use of this manpower resource in partnership with the executive branch.

The Federal Executive Service proposal has been designed to ensure against an increase in the partisan political component of the executive group. It is to this end that I am recommending retention of the approximate present ratio of career to non-career executives—a ratio that has proved an effective one during several administrations of both political parties. I feel that it is imperative that we strengthen the career service and make Government careers more rewarding to individuals of high ability. This proposal will materially serve that end.

The proposed new Federal Executive Service would result in simplification of the existing fragmented system. But its most important result would be to improve the capacity of the executive branch to meet the challenges of our democratic system. Freed from unnecessary obstacles and from much red tape, the career executives of the Federal Government would be better able to realize their potential, both personally and in terms of program accomplishment. At the same time those responsible for agency performance would be given sufficient authority over the selection and use of their most able manpower to meet their agencies' goals more fully and more efficiently.

The demands upon Government today are great and pressing. I am convinced that the Government has attracted, and will continue to attract, men and women of the highest caliber. But too often we have enmeshed them in a web of rigid and intricate personnel policies which have frustrated their efforts and arrested their professional growth.

We need both dedication and high performance from our Federal executives. Mere competence is not enough. Mere continuity is self-defeating. We must create an environment in the Government service in which excellence and ingenuity can flourish—and in which these qualities are both encouraged and rewarded.

It is to this end that I urge prompt and favorable consideration of this landmark legislation.

RICHARD NIXON.

THE WHITE HOUSE, *February 2, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

COMMUNICATION FROM FOREIGN CLAIMS SETTLEMENT COMMISSION

Mr. HRUSKA. Mr. President, it is the understanding of the Senator from Nebraska that there is a communication at the desk from the Foreign Claims Settlement Commission. It includes the proposal and recommendation of the executive branch for consideration of a draft of a proposed bill, the text of which is attached to the letter.

I ask unanimous consent that it be referred to the Judiciary Committee.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION TO AMEND THE UNIFORM TIME ACT

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases (with an accompanying paper); to the Committee on Commerce.

REPORT OF AUDIT OF POTOMAC ELECTRIC POWER COMPANY

A letter from the Vice President and Comptroller, Potomac Electric Power Co., transmitting, pursuant to law, a report of audit of the company for the year ended December 31, 1970 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF THE U.S. INFORMATION AGENCY

A letter from the Director, U.S. Information Agency, transmitting, pursuant to law, a semiannual report of the Agency for the period ended June 30, 1970 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, a report of the Commission, dated January 31, 1971 (with an accompanying report); to the Committee on Government Operations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the potential for improvements in Department of Defense maintenance activities through better cost accounting systems, dated February 2, 1971 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION TO AUTHORIZE APPROPRIATIONS FOR THE SALINE WATER CONVERSION PROGRAM FOR FISCAL YEAR 1972

A letter from the Assistant Secretary of the Interior transmitting a draft of proposed legislation to authorize appropriations for the saline water conversion program for fiscal year 1972, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION RELATING TO THE TERMS OF OFFICE OF THE MEMBERS OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting a draft of proposed legislation to amend subsection (d) of section 2 of the War Claims Act of 1948, as amended, relating to the terms of office of the members of the Foreign Claims Settlement Commission of the United States (with an accompanying paper); to the Committee on the Judiciary, by unanimous consent.

REPORT ON MARIHUANA AND HEALTH

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on marihuana and health, dated January 31, 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF DEPARTMENT OF DEFENSE ON POSITIONS IN GRADES GS–16, GS–17, AND GS–18

A letter from the Assistant Secretary of Defense, Manpower and Reserve Affairs, transmitting, pursuant to law, a report with respect to positions in grades GS–16, GS–17, and GS–18 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT OF CIVIL SERVICE COMMISSION ON POSITIONS IN GRADES GS–16, GS–17, AND GS–18

A letter from the Chairman, Civil Service Commission transmitting, pursuant to law, a report of the Commission with respect to positions in grades GS–16, GS–17, and GS–18 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT OF THE FOUR CORNERS REGIONAL COMMISSION

A letter from the Federal Cochairman, Four Corners Regional Commission, U.S. Department of Commerce, transmitting, pursuant to law, a report of the Commission for 1970 (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the General Assembly of the State of South Carolina; to the Committee on Commerce:

"GENERAL ASSEMBLY OF SOUTH CAROLINA

"A concurrent resolution memorializing Congress to enact legislation changing the last day of daylight saving time to an earlier date

"Whereas, the present termination date of Daylight Saving Time requires school children to depart from school in almost total darkness and creates similar difficulties in certain farming and other activities; and

"Whereas, this situation could be remedied with great benefit and increased safety to those concerned and with little inconvenience to the general public if Daylight Saving Time ended at an earlier date. Now, therefore,

"Be it resolved by the Senate, the House of Representatives concurring:

"That the Congress of the United States is hereby memorialized to incorporate within the Uniform Time Act the provision that the effective date for yearly terminating Daylight Saving Time should be no later than the first Sunday following Labor Day.

"Be it further resolved that copies of this resolution be forwarded to the Clerk of the United States Senate, to the Clerk of the United States House of Representatives and to each member of Congress from South Carolina."

A concurrent resolution of the General Assembly of the State of South Carolina; to the Committee on Public Works:

"GENERAL ASSEMBLY OF SOUTH CAROLINA

"A concurrent resolution memorializing the Congress of the United States to restrain Federal agencies from interfering with projects not financed with Federal funds except projects deemed unsafe or unhealthy and which involve Federal jurisdiction

"Whereas, there is an ever increasing traffic burden on the present route to James Island from the mainland of Charleston County; and

"Whereas, approval of a proposed bridge to alleviate this situation has been voiced by all interested State and Federal agencies insofar as the design and compatibility with land and water traffic are concerned; and

"Whereas, the proposed bridge would be paid for with State funds only; and

"Whereas, Federal approval of the proposed bridge is being withheld because of provisions contained in the National Environmental Policy Act of 1969; and

"Whereas, it is believed that the intent in passing this act did not include the use of its provisions by Federal agencies to frustrate trans-water traffic improvements especially when they are to be completely financed by State funds; and

"Whereas, it appears that such act should be amended so as to reflect the true intent of Congress. Now, therefore,

"Be it resolved by the Senate, the House of Representatives concurring:

"That the Congress is hereby requested to amend the National Environmental Policy Act of 1969 so as to exempt its provisions from improvements financed entirely from funds other than Federal and to take any other action necessary to restrain Federal agencies from interfering with projects financed by public funds other than Federal except projects deemed unsafe or unhealthy and which involve Federal jurisdiction.

"Be it further resolved that a copy of this resolution be forwarded to the President of the Senate, Speaker of the House of Representatives and to each member of Congress from South Carolina."

A resolution adopted by the board of directors, Chamber of Commerce of the New Orleans Area, New Orleans, La., praying for the provision of whatever moneys, authority, and guidance is necessary to obtain the naval and military power required to guarantee our survival as a free nation; to the Committee on Armed Services.

EXECUTIVE REPORT OF A COMMITTEE

Mr. LONG. Mr. President, as in executive session, I ask unanimous consent to send to the desk a report and favorable vote of the Senate Committee on Finance on the nomination of former Gov. John Connally, of Texas, to be Secretary of the Treasury.

The final vote was a vote of 13 Senators favoring the nomination of the distinguished former Governor of Texas, and no Senators voting against, with two abstentions—the Senator from Oklahoma (Mr. HARRIS) and the Senator from Wisconsin (Mr. NELSON).

The Senator from Oklahoma wished information which he had requested and which will be forthcoming as soon as it can be obtained for him.

The Senator from Wisconsin desired to review the hearings before he cast his vote.

There was one absentee, the Senator from Arkansas (Mr. FULBRIGHT), who will be recorded, I am sure, at a later date.

The PRESIDING OFFICER (Mr. CASE). Without objection, the report will be received and the nomination will be placed upon the Executive Calendar.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ALLOTT (for himself and Mr. Dominick):

S. 520. A bill to authorize the construction, operation, and maintenance of the closed basin division, San Luis Valley project, Colo., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MANSFIELD:

S. 521. A bill to amend the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Labor and Public Welfare.

By Mr. METCALF (for himself and Mr. Mansfield):

S. 522. A bill relating to the status of the Little Shell Band of Chippewa Indians of Montana; to the Committee on Interior and Insular Affairs.

By Mr. MUSKIE (for himself, Mr. Baker, Mr. Bayh, Mr. Boggs, Mr. Eagleton, Mr. Gravel, Mr. Montoya, Mr. Randolph, Mr. Spong, Mr. Tunney, and Mr. Nelson):

S. 523. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

(The remarks of Mr. Muskie when he introduced the bill appear below under the appropriate heading.)

By Mr. BENNETT:

S. 524. A bill for the relief of Alberto Orduna; to the Committee on the Judiciary.

By Mr. PROUTY:

S. 525. A bill to amend the Longshoremen's and Harbor Worker's Compensation Act to improve its benefits, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Prouty when he introduced the bill appear below under the appropriate heading.)

By Mr. BENTSEN:

S. 526. A bill to provide for better regulation of the Federal elective process, to provide a means of encouraging broad voter participation in the financing of Federal election campaigns, and for other purposes; to the Committee on Rules and Administration:

By Mr. CHURCH:

S. 527. A bill directing the Secretary of the Interior to set aside certain public lands for the purpose of providing permanent cover and food for wildlife; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Church when he introduced the bill appear below under the appropriate heading.)

By Mr. HOLLINGS:

S. 528. A bill for the relief of Joyce Shiela John; and

S. 529. A bill for the relief of T. Michael Smith; to the Committee on the Judiciary.

By Mr. BAYH (for himself and Mr. Mondale):

S. 530. A bill to provide for child care programs and services including developmental preschool programs to families with children who may need such services; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Bayh when he introduced the bill appear below under the appropriate heading.)

By Mr. FULBRIGHT (by request):

S. 531. A bill to authorize the United States Postal Service to receive the fee of $2 for execution of an application for a passport; to the Committee on Foreign Relations.

(The remarks of Mr. Fulbright when he introduced the bill appear below under the appropriate heading.)

By Mr. STEVENS:

S. 532. A bill for the relief of the estate of Lowell W. Gresham; and

S. 533. A bill for the relief of the Bill Ray Company; to the Committee on the Judiciary.

S. 534. A bill to authorize and direct the Secretary of the Interior to sell interests of the United States in certain lands located in the State of Alaska to the Gospel Missionary Union; to the Committee on Interior and Insular Affairs.

By Mr. HART:

S. 535. A bill to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Michigan for potential additions to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Hart when he introduced the bill appear below the appropriate heading.)

By Mr. SPARKMAN:

S. 536. A bill for the relief of Mary Margaret Threadgill (Tran-Thi-Hong); to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 537. A bill to amend title XVIII of the Social Security Act so as to include chiropractor's services among the benefits provided by the insurance program established by part B of such title; to the Committee on Finance.

S. 538. A bill to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Cochiti; to the Committee on Interior and Insular Affairs.

By Mr. MONDALE:

S. 539. A bill for the relief of Grant J. Merritt and Mary Merritt Bergson; to the Committee on Interior and Insular Affairs.

S. 540. A bill for the relief of Jose Carlos D. Simpao; to the Committee on the Judiciary.

By Mr. HARRIS:

S. 541. A bill for the relief of Mrs. Essat Jatala; to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 542. A bill for the relief of Emil and Edith Anna Giesti; to the Committee on the Judiciary.

By Mr. CASE:

S. 543. A bill to establish the Sandy Hook National Seashore; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

S. 544. A bill to amend the Internal Revenue Code of 1954 to ease the tax burdens of small businesses, and for other purposes; to the Committee on Finance.

(The remarks of Mr. Bennett when he introduced the bill appear below under the appropriate heading.)

By Mr. WILLIAMS (for himself, Mr. Brooke, Mr. Case, Mr. Church, Mr. Cranston, Mr. Cooper, Mr. Eagleton, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Kennedy, Mr. McGee, Mr. McGovern, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Randolph, Mr. Ribicoff, and Mr. Stevenson):

S. 545. A bill to improve and increase postsecondary educational opportunities throughout the Nation by providing assistance to the States for the development and construction of comprehensive community colleges; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Williams when he introduced the bill appear below under the appropriate heading.)

By Mr. CASE (for himself, Mr. Harris, Mr. Hart, Mr. Nelson, Mr. Proxmire, Mr. Tunney, Mr. Kennedy, and Mr. Williams):

S. 546. A bill relating to the construction of an oil pipeline system in the State of Alaska; to the Committee on Interior and Insular Affairs.

By Mr. GRIFFIN:

S. 547. A bill for the relief of Pasqualina D'Aguanno;

S. 548. A bill for the relief of Doctor Hahn Joong Lee;

S. 549. A bill for the relief of Toshiko Saito;

S. 550. A bill for the relief of Soon Nam Pyun;

S. 551. A bill for the relief of Doctor Petre Lubarovski; and

S. 552. A bill to insure the separation of Federal powers by amending the National Labor Relations Act transferring jurisdiction over unfair labor practice and representation cases to the U.S. Labor Court, and for other purposes; to the Committee on the Judiciary.

S. 553. A bill to provide that no regular appropriation act for a fiscal year shall become effective until enactment of the last regular appropriation act for that year; to the Committee on Government Operations.

S. 554. A bill to provide for the establishment of a Council to be known as the National Advisory Council on Migratory Labor; to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. Bible, Mr. Church, Mr. Cranston, Mr. Eagleton, Mr. Fong, Mr. Miller, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Randolph, and Mr. Williams:

S. 555. A bill to authorize the establishment of an older worker community service program; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Kennedy when he introduced the bill appear before under the appropriate heading.)

By Mr. GRIFFIN:

S.J. Res. 25. A joint resolution to create a joint congressional committee to review, and recommend revisions in, the laws relating to industrywide collective bargaining and industrywide strikes and lockouts; to the Committee on Labor and Public Welfare.

S. 523—INTRODUCTION OF THE NATIONAL WATER QUALITY STANDARDS ACT OF 1971

Mr. MUSKIE. Mr. President, a year ago, when I introduced expanded water pollution legislation I said in complete candor that the Federal water quality program is still lagging behind the goals set by the Congress. Little has happened to change that fact.

It was 6 years ago that the Congress first declared a national policy for improvement of water quality, set up the Federal Water Pollution Control Administration, and put in motion the program for high water quality standards.

A year later in the Clean Water Restoration Act, the Congress authorized $3.4 billion worth of Federal grants to assist in the construction of municipal waste treatment plants. The major cities were encouraged to take part in the program.

The results to date are skimpy. Millions of dollars have been spent on research and planning with little effect upon water quality. Standards have been promulgated, but only a minority of States have had standards approved for all interstate waters.

But inadequate funding has delayed implementation of these standards. Of the $3.4 billion authorized for waste treatment plants, only $2.2 billion has been appropriated. Many States and localities have not yet been reimbursed for the Federal share of plants already built and in operation.

The Federal Water Pollution Control Administration itself has been a stepchild. Short of funds and manpower, its enforcement activities have been spotty. Now, under a new name, it is getting a new start with the Environmental Protection Agency.

While abatement conferences have dragged on in private, citizens have not been fully involved in the struggles for water quality. Vigorous actions against polluters have been commenced but have not been taken to court. Polluters have continued to foul rivers, lakes, and coastal zones.

New problems also have developed. During the past year, the problems of ocean dumping of nerve gas and Navy oil, of mercury in the food chain, of phosphates and nitrilotriacetic acid—NTA—in detergents, were considered by the Congress.

The Senate Subcommittee on Air and Water Pollution alone devoted 14 days in April, May, and June to public hearings on more than a dozen bills dealing with some of the old—and some of the new—water pollution problems.

Last year both houses agreed to an appropriation of $1 billion—from an authorization of $1.25 billion—for construction of waste treatment plants in fiscal year 1971.

Fortunately, in my opinion, the $1 billion appropriation is the last available under the 1966 act. On June 30, 1971, unless the Congress takes further action, the authority for the water quality program will expire.

And so, now is the proper time for the Congress to revise the Federal water quality program, to require stricter standards and tougher enforcement, to encourage greater public participation and certainly to authorize adequate funding for construction of waste treatment plants needed in all parts of the country.

To accomplish these purposes, Mr. President, I offer for introduction in the Senate a bill to amend the Federal Water Pollution Control Act and to authorize $2.5 billion in Federal grants for each of the next 5 years, the Federal share of $25 billion worth of waste treatment plants.

Let me emphasize that I believe a 5-year, $25 billion national program is neither too little nor too much for the country to handle. The administration last year, in my opinion, recommended too little: A 4-year, $10 billion national program with the Federal Government contributing $4 billion.

During the subcommittee's hearings, I asked the National League of Cities and the U.S. Conference of Mayors to survey the national needs for water pollution control. Their report estimated the needs over the next 6 years at $33 to $37 billion.

The survey covered more than 1,000 cities, counties, and special districts serving 89.4 million persons. It concluded that—

> A $3 to $4 billion a year Federal program can be easily justified in light of present needs.

Some portions of the bill I introduce today are similar to proposals considered by the subcommitee during its hearings last year. Some portions of the bill are newly developed from testimony received and from the subcommitee's experience with other environmental legislation.

Among the proposals considered last year and retained in the new bill are:

First. Incentives to encourage river basin development and financing of treatment systems for all sources of waste within the basin.

Second. Extension of the water quality standards program and implementation plans to all navigable waters.

Third. A requirement that all new industrial facilities which use the navigable waters of the United States shall incorporate the best available pollution control technology.

Fourth. A requirement that enforceable effluent standards and compliance schedules be included in any implementation plans for water quality.

Fifth. Tighter Federal enforcement procedures on a uniform, effective basis with quick access to the courts.

Sixth. Greater public participation in the development of water quality standards.

Seventh. Extension of public participation to enforcement by permitting citizen suits against alleged violators of water quality standards and the Administrator of EPA.

Eighth. A requirement that Federal water quality criteria for all pollutants be published and revised on a regular schedule as a sound basis for developing water quality standards and implementation plans.

Among the newly developed portions of the bill are the following:

First. A requirement that all water quality standards be adopted within a statutory deadline and attained within 3 years of approval by the EPA Administrator.

Second. A prohibition against any degradation of present water quality.

Third. Authority for the EPA Administrator to assure protection of water quality in the territorial sea and the contiguous zone through regulation of ocean dumping.

Fourth. A requirement that new industrial facilities must be certified by State and Federal governments to comply with water quality standards, and closed cycle systems must be used as they become available.

Fifth. Authority for the EPA Administrator, whenever he finds a violation of water quality standards, and State enforcement is inadequate, to order abatement or go to court for an injunction against the violation.

Sixth. Civil penalties for negligent violation of water quality standards of $10,000 a day. A knowing violation would be subject to a criminal penalty of $25,000 a day, or up to 1 year in prison, or both. After the first conviction, the penalties would be doubled.

Mr. President, I ask unanimous consent to have an analysis of the bill printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. BENTSEN). The bill will be received and appropriately referred; and, without objection, the analysis will be printed in the RECORD.

The bill (S. 523) to amend the Federal Water Pollution Control Act, as amended, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title and referred to the Committee on Public Works.

The analysis of the bill presented by Mr. MUSKIE is as follows:

ANALYSIS OF THE BILL

1. *State assistance grants.*—Beginning in fiscal year 1972, the bill doubles the authorization for grants to State and interstate water pollution control agencies to $20 million annually.

The bill provides that this money be used to supplement, not supplant, State and interstate funds.

The bill adds a new requirement that Federal assistance funds be used to help develop and carry out effective plans for the implementation, maintenance, and enforcement of water quality standards and effluent requirements under the water quality standards program. If a State fails to have its plans approved or implement them in timely fashion, grant money can be forfeited.

2. *Waste treatment construction grant program.*—The bill continues the present direct grant program for construction of waste treatment works for five fiscal years (1972, 1973, 1974, 1975, and 1976) with several changes designed to improve the program, achieve more efficient waste treatment, and make it more consistent with national water quality standards program.

The bill increases the authorization from $1.25 billion in fiscal year 1971 to $2.5 billion annually through fiscal year 1976. If fully funded, this authorization would generate the construction of $25 billion worth of municipal waste treatment works.

The bill also extends the reimbursement provisions of the Act to June 30, 1976. Funds allotted to a State would be available for new treatment works to reimburse communities for works constructed since 1966.

The present provision of the Act for allocation of the first $100 million appropriated each year on the basis of a formula designed to help rural areas is retained. The bill requires that funds not obligated within six months after the beginning of the fiscal year because of a lack of State approved and certified treatment works shall be reallotted to States eligible for 50 to 60 percent grants.

The present grant program authorizes 30, 40 and 50 percent grants for treatment works depending on the level of State assistance and water quality standards.

RIVER BASINS

As an additional incentive to river basin planning the bill authorizes a Federal share of 60 percent of the cost of treatment works located in basins designated by the Administrator. 40 percent of the cost of construction would be shared by the participating States, communities and industries located in the basin.

The Administrator would designate basins eligible for these increased grants and would make such increased grants after a finding that an effective and economical system for the collection and treatment of all waste discharges in the basin has been established consistent with approved water quality standards.

CONSTRUCTION PRIORITIES

Under the present system, each State sets its own priorities for the funding of treatment works construction. This bill requires that the criteria for determining these priorities must at least be consistent with the State plans for implementation, maintenance and enforcement of water quality standards. The Administrator is authorized to withhold grants from States that do not have priority systems consistent with this plan.

3. *Water quality standards.*—The bill establishes that the purpose of water standards is to protect and enhance the existing quality of all waters; encourages public participation in the development, enforcement and revision of such standards; extends the water quality standards program to all navigable waters and their tributaries in the United States; requires that all standards

be adopted with statutory deadlines and attained within three years of approval; prohibits degradation of present water quality; requires that all standards include effluent requirements and compliance schedules; requires a review and, where appropriate, a revision of standards by the States at a minimum of every five years; extends water quality standards to the waters of the contiguous zone; and authorizes the Administrator and his representatives to enforce all standards.

4. *Ocean dumping and new sources.*—Discharges into the ocean would be regulated through permits granted by the Administrator to assure protection of water quality of the territorial sea and the contiguous zone.

The bill directs the Administrator to issue regulations requiring that any new building or facility subject to water quality standards use the latest available pollution control technology. New facilities must be certified by the State and Federal governments to comply with water quality standards, and closed-cycle systems must be used as they become available.

5. *Enforcement.*—The bill provides that the discharge of any wastes in violation of water quality standards, effluent requirements, schedules for compliance, or prohibitions of discharges of hazardous substances is prohibited. Whenever the Administrator finds such a violation, and that State enforcement is inadequate, he is authorized to order abatement or go to court to seek an injunction against the violation.

The bill provides that a negligent violation of a water quality standard, a requirement of an implementation plan, or an order of the Administrator would be liable to a civil penalty of $10,000 per day of violation. A knowing violation of a water quality standard, a requirement of an implementation plan or an order of the Administrator, or any violation of a prohibition of discharge of a hazardous substance, would be subject to a criminal penalty of $25,000 per day of violation or imprisonment for up to one year, or both.

The penalties are doubled after the first conviction.

The Administrator is granted broad powers to enter and inspect effluent sources, to sample, and to require monitoring and reporting of effluents and other relevant data, and to make such information available to the public.

6. *Imminent endangerment.*—The bill authorizes the Administrator to bring suits in the United States district courts in cases where he has evidence that an effluent source presents (a) an imminent or substantial endangerment to the health of persons or fish and wildlife, or (b) substantial economic injury to persons marketing shellfish or shellfish products. This provision should enable the Administrator to act promptly to protect people, fish and wildlife, and our commercial shellfish industry.

7. *Citizen suits.*—Any person may sue a polluter to abate a violation of water quality standards, effluent requirements, schedules for compliance, or prohibitions of hazardous substance discharges, or such person may sue the Administrator to seek enforcement or the performance of any duty under the Act. Costs of litigation, including attorney and expert witness fees, could be awarded to any party.

8. *General.*—The bill abandons the conference procedure in favor of the quicker and more effective enforcement of water quality standards.

In the case of pollution that endangers the public health or welfare of another Nation the bill provides that the Administrator, at the request of the Secretary of State, shall convene a hearing board to recommend appropriate action to abate the pollution.

9. *Employee protection.*—The bill protects workers who give information in any proceeding under the Act, including testifying in a proceeding to enforce water quality standards, by making the discharge or discrimination of such worker illegal. The Secretary of Labor shall review cases and investigate. If the Secretary finds illegal discharge or discrimination, he shall issue a decision ordering the rehiring or reinstatement of the employee compensation.

10. *Federal procurement.*—The Federal government would not purchase goods or services from a person convicted of a knowing violation until the condition was corrected. The President would be required to issue an executive order implementing the policies of the Act in the procurement practices of the United States.

11. *Hazardous substances.*—The bill provides that any discharge of a hazardous substance designated under Section 12 of the Act would be prohibited, and any discharge would subject the person responsible to liability for all damages caused by the discharge, including clean-up costs, without regard to negligence or willfulness.

12. Also the bill provides for a study of run-off from agricultural areas and from highways and roads.

Mr. BOGGS. Mr. President, it is an honor for me to join the distinguished Senator from Maine (Mr. MUSKIE) in cosponsoring this important bill to clean up our Nation's rivers and lakes. It is legislation that will prevent the creation of new dead seas off our coast or in our lakes, and revive those waters that now are dying.

Senator MUSKIE has offered a bill that contains many important concepts discussed last year within our Subcommittee on Air and Water Pollution. Many of the provisions and mechanisms, for example, run parallel to those that we established in last year's amendments to the Clean Air Act.

But, in addition, this bill offers several innovative proposals that deserve very careful attention before current authorizations expire June 30.

Within the next week or so, President Nixon will send to the Congress his environmental message, to be accompanied by a series of significant pollution-control measures. While I have not had the opportunity to read the specific provisions the President will offer, I know that they seek the same goal as this bill: A cleaner, healthier world.

It is my intention to cosponsor the President's proposals when they are sent to the Senate. And I hope many of my colleagues will join with me at that time.

The Committee on Public Works and its Subcommittee on Air and Water Pollution have established an effective foundation for environmental enhancement during the past several years. This progress has, in great measure, been accomplished because of a cooperative approach by all Members in a knowledge that the most effective legislation could only be achieved through a careful evaluation of all proposals.

I am honored to cosponsor these bills, as well as those of the administration, in an effort to assure that these concepts receive the fullest evaluation.

S. 525—INTRODUCTION OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AMENDMENTS OF 1971

Mr. PROUTY. Mr. President, I introduce a bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and ask that it be appropriately referred.

This is the administration's bill, Mr. President, which I am introducing by request.

It implements the general proposals made in this area by President Nixon in his message to Congress of January 26 which appears in the CONGRESSIONAL RECORD of that date.

It is high time, Mr. President, that Congress acted to bring this compensation law up to date.

A bill was introduced for this purpose in the 89th Congress, but hearings were never held on it by the Labor and Public Welfare Committee.

Hearings were held on this subject during the 90th Congress, but a bill was never reported by our committee for the Senate's consideration.

In the 91st Congress, I also inroduced the administration's proposals to amend the Longshoremen's and Harbor Workers' Compensation Act, and a similar bill was introduced by the distinguished junior Senator from New Jersey.

Again, however, hearings were not even held on this important matter by the Labor Committee.

In the meantime, Mr. President, the average weekly earnings of covered employees have increased approximately 35 percent as the result of both greater efficiency and the ever-increasing cost of living.

For example, the present minimum compensation payment for disability of $18 per week was established in 1956, and the maximum compensation payment for disability of $70 per week was established in 1961.

These figures alone, Mr. President, demonstrate how outdated this law has become and underlines the urgency for action in this field by the 92d Congress.

One of the basic premises underlying any compensation law, Mr. President, is that it provides exclusive compensation to injured employees regardless of fault.

Through the years, however, the courts have developed a doctrine permitting injured longshoremen to bring damage suits against the owner of the ship on which he is working when injured.

These are the so-called "third party actions." While such suits benefit the legal profession and some injured workers, by and large their impact is detrimental to the vast majority of employees covered under this law and have also made the cost of compensation insurance almost prohibitive.

The administration's bill, Mr. President, contains provisions to terminate this circular liability and to reinstate the exclusive liability principle set forth in the Longshoremen's and Harbor Workers' Compensation Act.

This bill also contains many other improvements which were included in the bill I introduced in the 91st Congress, but in the interests of time, I shall not discuss them again at the present time.

I am in complete agreement with the administration's approach and the philosophy on which this bill is based.

I do, however, intend to introduce a similar bill in the near future that will provide somewhat higher benefits which I feel are warranted by our present economic situation. This bill will also incorporate a measure introduced in the 91st Congress by the distinguished senior Senator from Texas to extend the provisions of the Longshoremen's and Harbor Workers' Compensation Act to marine petroleum employees working in marine extractive operations.

Mr. President, I ask unanimous consent that the bill, together with an explanatory statement and a section-by-section analysis, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BENTSEN). The bill will be received and appropriately referred; and, without objection, the bill, statement, and section-by-section summary will be printed in the RECORD.

The bill (S. 525) to amend the Longshoremen's and Harbor Workers' Compensation Act to improve its benefits, and for other purposes, introduced by Mr. PROUTY, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Longshoremen's and Harbor Workers' Compensation Act Amendments of 1971."

DEFINITIONS

SECTION 1. (a) Section 2(4) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, as amended) is amended to read as follows:

"(4) The term 'employer' means an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any drydock), and includes any vessel as defined herein."

(b) Section 2 of such Act is amended by renumbering paragraph (19) as (20), and adding a new paragraph (19) to read as follows:

"(19) The term 'vessel' means any vessel upon which or in connection with which any person entitled to benefits under this Act suffers injury or death arising out of or in the course of his employment, and said vessel's owner, owner pro hac vice, agent, operator, character or bare boat character, master, officer or crew member."

LIABILITY FOR COMPENSATION

SEC. 2. Section 4(a) of such Act is amended to read as follows:

"Every employer shall be liable for and shall secure the payment to his employees of the compensation payable under sections 7, 8, and 9 of this Act: Except, That a vessel shall be liable for and shall secure the payment of compensation only if another employer of the employee entitled to benefits hereunder does not secure the payment of such compensation. Where one or another employer, as defined herein, has secured compensation, such compensation shall be the exclusive remedy against any employer. In the case of an employer who is a subcontractor, the contractor shall be liable for and shall secure the payment of such compensation to employees of the subcontractor unless the subcontractor has secured such payment."

TIME FOR COMMENCEMENT OF COMPENSATION

SEC. 3. Section 6(a) of such Act is amended by striking "more than twenty-eight days" and substituting "more than twenty-one days."

INCREASES IN MAXIMUM AND MINIMUM LIMITS OF DISABILITY COMPENSATION AND ALLOWANCE

SEC. 4(a). Section 6(b) of such Act is amended to read as follows:

"Compensation for disability shall not exceed $119 a week and compensation for total disability shall not be less than $35 per week: *Provided, however,* That if the employee's average weekly wages, as computed under section 10, are less than $35 per week, he shall receive as compensation for total disability his average weekly wages."

(b) Section 14(m) of such Act is amended by striking "$24,000" and substituting "$40,800."

DISFIGUREMENTS

SEC. 5. Section 8(c)(20) of such Act is amended to read as follows:

"(20) Disfigurement: Proper and equitable compensation, not to exceed $3,500, shall be awarded for serious disfigurement: (1) of the face, head, or neck; or (2) of other areas normally exposed while employed and which handicap the employee in securing or maintaining employment."

INJURY FOLLOWING PREVIOUS IMPAIRMENT

SEC. 6. Strike section 8(f) of such Act and insert the following new section 8(f):

"(f) Injury increasing disability: If an employee receives an injury which of itself would cause only permanent partial disability, but which combined with a previous disability does in fact cause permanent total disability or death, in addition to compensation for temporary total or temporary partial disability or both, the employer shall:

(1) if the injury results in a disability which would entitle the employee to compensation for scheduled injuries under subdivision (c)(1) through (20) of this section, provide compensation as prescribed therein or for 104 weeks whichever is greater, or

(2) if the injury results in a disability which would entitle the employee to compensation under subdivision (c)(21) of this section or death, provide compensation for 104 weeks only. After cessation of the payments for the period of weeks provided for herein, the employee or his survivor entitled to benefits shall be paid the remainder of the compensation that would be due for permanent total disability or for death out of the special fund established in section 44."

STUDENT BENEFITS

SEC. 7(a) Section 2 of such Act is further amended as follows:

(1) In paragraph (14) insert "(1)" in the fourth sentence between "are" and "under"; delete the period after "disability" at the end of the sentence; and add ", or (2) are students as defined in paragraph (21) of this section."

(2) Add a new paragraph (21) to read as follows:

"(21) The term 'student' means a person regularly pursuing a full-time course of study or training at an institution which is—

"(A) a school or college or university operated or directly supported by the United States, or by any State or local government or political subdivision thereof, or

"(B) a school or college or university which has been accredited by a State or by a State-recognized or nationally recognized accrediting agency or body, or

"(C) a school or college or university not so accredited but whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, or

"(D) an additional type of educational or training institution as defined by the Secretary,

but not after he reaches the age of twenty-three or has completed four years of education beyond the high school level, except that, where his twenty-third birthday occurs during a semester or other enrollment period, he shall continue to be considered a student until the end of such semester or other enrollment period. A child shall not be deemed to have ceased to be a student during any interim between school years if the interim does not exceed five months and if he shows to the satisfaction of the deputy commissioner that he has a bona fide intention of continuing to pursue a full-time course of education or training during the semester or other enrollment period immediately following the interim or during periods of reasonable duration which, in the judgment of the deputy commissioner, he is prevented by factors beyond his control from pursuing his education. A child shall not be deemed to be a student under this Act during a period of service in the Armed Forces of the United States or while receiving educational or training benefits under any other program authorized by the Congress of the United States."

(b) Section 8(d) of such Act is amended by striking the words "under the age of eighteen years" in paragraphs (1), (2), and (4) thereof.

INCREASE IN DEATH BENEFITS

SEC. 8. (a) Sections 9 (b) and (c) of such Act are amended by striking "35" wherever it appears, and substituting "45".

(b) Section 9(d) of such Act is amended by striking out "15" and substituting "20".

(c) Section 9(e) of such Act is amended to read as follows:

"In computing death benefits the average weekly wages of the deceased shall be considered to have been not more than $178.50, nor less than $52.50, but the total weekly compensation shall not exceed the weekly wages of the deceased."

(d) Section 9(g) of such Act is amended by striking the comma after "may" and the words "at his option or upon the application of the insurance carrier shall" and "one-half of".

DEFENSE BASE ACT DEATH BENEFITS TO ALIEN AND NONNATIONAL SURVIVORS

SEC. 9. Section 2(b) of the Defense Base Act (55 Stat. 622), as amended, is amended by striking the comma after "may" and the words "at his option or upon the application of the insurance carrier shall" and "one-half of".

TIME FOR NOTICE AND CLAIMS

SEC. 10. (a) Section 12(a) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

"(a) Notice of an injury or death in respect of which compensation is payable under this Act shall be given within sixty days after the date of such injury or death, or sixty days after the employee or beneficiary is aware or in the exercise of reasonable diligence should have been aware of a relationship between the injury or death and the employment. Such notice shall be given (1) to the deputy commissioner in the compensation district in which the injury occurred and (2) to the employer."

(b) Section 13(a) of such Act is amended to read as follows:

"(a) Except as otherwise provided in this section, the right to compensation for disability or death under this Act shall be barred unless a claim therefor is filed within one year after the injury or death. If payment of compensation has been made without an award on account of such injury or death a claim may be filed within one year after the date of the last payment. Such claim shall be filed with the deputy commissioner in the compensation district in which such injury or such death occurred. The time for filing a claim shall not begin to run until the employee or beneficiary is aware, or by the exercise of reasonable diligence should have been aware, of the relationship between the injury or death and the employment."

SPECIAL FUND

SEC. 11(a). Section 8(d) of such Act is amended to read as follows:

"(d) Any compensation to which any claimant would be entitled under subdivision (c) of this section excepting subdivision (c–21) shall be payable upon his death without surviving wife, dependent husband, or child, into the special fund established under section 44(a) of this Act. Where there are survivors if death arises from causes other than the injury such compensation shall be payable to or for the benefit of the persons following:"

(b) Section 44(c)(1) of such Act is amended by striking out "$1,000" and substituting "$20,000".

DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION ACT

SEC. 12. Section 1 of the Act of May 17, 1928, as amended (45 Stat. 600), extending the Longshoremen's and Harbor Workers' Compensation Act to the District of Columbia, is amended to read as follows:

"(a) The provisions of the Longshoremen's and Harbor Workers' Compensation Act and all amendments thereto, except as indicated in subsections (b), (c) and (d) hereof, shall apply in respect to the injury or death of an employee of an employer carrying on any employment in the District of Columbia, irrespective of the place where the injury or death occurs, except that in applying such provisions the term 'employer' shall be held to mean every person carrying out any employment in the District of Columbia, and the term 'employee' shall be held to mean every employee of any such person.

"(b) Compensation for disability and for death benefits in the District of Columbia shall not exceed $85 a week.

"(c) The total money allowance payable to an employee in the District of Columbia under section 14(m) of the Longshoremen's and Harbor Workers' Compensation Act shall in no event exceed the aggregate of $29,160.

"(d) In computing death benefits in the District of Columbia the average weekly wages of the deceased shall be considered to have been no more than $127.50."

APPROPRIATION

SEC. 13. Section 46 of such Act is amended to read as follows:

"(a) There are authorized to be appropriated for the current fiscal year and for each succeeding fiscal year such sums, to be deposited in the administration fund established under section 45 of this Act, as may be necessary for the administration of the Act.

"(b) There are also authorized to be appropriated for the current fiscal year and for each succeeding fiscal year, such supplementary funds, to be deposited in the special fund established under section 44 of this Act, as may be necessary to meet the obligations incurred under the authority of that section."

TECHNICAL AMENDMENT

SEC. 14. Section 3(a)(1) of such Act is amended by striking out the word "nor" and substituting the word "or".

EFFECTIVE DATE

SEC. 15. (a) The amendments made by sections 1 and 2 shall become effective thirty days after enactment.

(b) The amendments made by sections 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 shall become effective six (6) months after the date of enactment and said amendments shall relate only to injuries and deaths occurring after the effective date.

The statement and summary, presented by Mr. PROUTY, are as follows:

EXPLANATION OF A BILL TO AMEND THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

INTRODUCTION

The purpose of this bill is to improve the Longshoremen's and Harbor Workers' Compensation Act by increasing benefits, liberalizing certain provisions of the Act, and removing the dual liability of stevedore and ship repair contractors for employment injuries to employees covered by the Act. At the present time, these employers are liable for compensation required by the Act and may also be liable for reimbursement to shipowners of amounts paid in damages by the shipowners to the same employees for the same injuries.

A comparatively small number of employees now recover substantial damages for their employment injuries from shipowners which must be ultimately paid by the Longshore Act employer, while the benefits under the Act, which the great majority of employees depend on for income when disabled, are inadequate and out of date. The proposal combines provisions to break the circular liability chain and significantly improve benefits.

CIRCULAR LIABILITY CHAIN—LONGSHOREMEN V. SHIPOWNERS V. STEVEDORES

The initial point for consideration in the present circular liability chain which exists with respect to the Longshore Act is that the Act explicitly states that the liability of the employer for damages for injury or death resulting from employment of employees covered by it shall be *exclusive*.

The Longshore Act covers approximately 266,000 longshoremen and harobr workers. Of this number, 14,464 received workmen's compensation at some time during fiscal year 1968. In that same fiscal year, 1,320 cases were filed by Longshore Act employees in the U.S. district courts against third-party shipowners for damages for employment injuries.

Beginning in 1946 the courts established the principle that a shipowner owes an absolute warranty for seaworthiness to Longshore Act employees. This warranty has no relation to negligence and, under the decisions, makes a shipowner a virtual insurer for any employment injury which befalls a longshoreman, ship repairman or harbor worker aboard ship.

Under existing principles also formulated by the courts and first stated in 1955, the Longshore Act employer is liable to reimburse the shipowner for recoveries by Longshore Act employees for injuries for which the employer stands primarily liable under the Act. Since election between receiving compensation from an employer and bringing suit against a shipowner for the same injury is not required, the same employees are involved in an unknown number of both claim and litigation cases. Recoveries made by employees against shipowners, however, are offset against compensation payments under the Act. The courts in 1963 began applying the new principle that a shipowner employing longshoremen directly to unload his ship (acting as his own stevedore), is subject to damage suits by the longshoremen for employment injury, despite the fact that the shipowner is an employer under the Longshore Act.

The provisions of this bill relating to the circular and enhanced liability of Longshore Act employers are intended to reinstate the exclusive liability principle of the Act.

INCREASE OF PRESENT MAXIMUM AND MINIMUM COMPENSATION

The existing minimum disability compensation payment of $18 weekly was established in 1956 and the existing maximum payment of $70 weekly was established in 1961. In the interim since 1961 to September 1970, the average weekly wage in ship and boat building and repair has increased by 35%.

We estimate that in 1970 most longshoremen were earning nearly $200 a week. The base rate under union contracts was $4.60 an hour on the east coast and gulf coast and averaged $4.81 an hour on the west coast for a standard 8-hour day (including a guarantee of 2 hours overtime daily). In the Great Lakes the basic rate was $4.02 an hour, increasing to $4.37 an hour in 1971. The 1970 rates for the west coast became effective in June 1970, for the east and gulf coasts in October 1970, and April for the Great Lakes.

In 1961, when the present $70 weekly maximum was put into effect, the average earnings of a longshoreman working a 40-hour week, handling general cargo, were $129.60 on the west coast. In 1970, the comparable figure was $192.60, an increase of 49%. The weekly earnings in 1970, again assuming a 40-hour week and using the general cargo rate, was $184.00 in most east and gulf coast ports and $160.80 on the Great Lakes. These earnings represent increases over 1961 of more than 50%. It should be noted, however, that these calculations are made on basic general cargo rates. Most workers earned considerably more because of penalty cargo rates paid for handling certain types of cargo and for different working conditions.

In view of the above facts, an increase in the maximum compensation under the Longshore Act to $119 a week is recommended.

In the District of Columbia, to which the Longshore Act applies, the average wage in 1969 was $138.81 and is estimated to have been $144 in 1970. Accordingly, a lower maximum of $85 is set for employment in injuries in that jurisdiction and the overall maximum for temporary total disability is set at $29,160. The $85 maximum would be in line with the higher of the two maximums currently prevailing in the States contiguous to the District ($62 in Virginia and $85 in Maryland). The Department of Labor supports legislation to create a separate compensation system for the District of Columbia. The provisions of this bill upgrading benefits for the District are intended only as a contingency proposal until separate legislation is enacted.

The minimum compensation would also be increased from $18 to $35 weekly to provide a totally disabled employee with sufficient funds to meet the cost of minimum subsistence. Employees whose wages do not exceed the new minimum are entitled to their entire wages free of the Act's percentage limitation otherwise applicable. With today's living costs it is evident that employees making less than $35 weekly would not be able to subsist on 66⅔ percent of their earnings.

The Act presently provides that temporary total disability benefits may not exceed $24,000. An increase in this overall maximum proportionate to the increase in the weekly maximum is provided. The increase would be to $40,800 except in the District of Columbia.

INCREASE IN DEATH BENEFIT PERCENTAGES AND AUTHORIZATION OF STUDENT BENEFITS

The percentage of an employee's wage which may be drawn by a widow is increased from 35% to 45%, and of surviving grandchildren and sisters and brothers eligible for benefits, from 15% to 20%.

Further, surviving children in a student status, as defined by the bill, would be authorized to continue to receive benefits after reaching 18 years of age.

DISFIGUREMENT

The lump sum payment of $3,500 is extended to be paid for disfigurement of the neck, as well as of the face and head, and also of other normally exposed areas which would affect employability.

REDUCTION IN LENGTH OF DISABILITY BEFORE ELIMINATION OF WAITING PERIOD AND EXTENSION NOTICE AND CLAIM TIME

Since 1956 the Act has provided that there must be a 3-day waiting period unless the disability continues for at least 28 days. The bill reduces the period to 21 days, after which compensation is payable for the waiting period. This improvement is in line with modern workmen's compensation law trends.

The Act now provides that notice of injury or death shall be given within 30 days and claim for compensation or death shall be filed within one year after the injury or death. These time limits do not take into consideration the later development of latent disability from a relatively minor accident, or disease casually related to the employment. The time for giving notive of injury and filing claim for compensation or death is, therefore, extended to 60 days after the employee or the beneficiary is aware, or in the exercise of reasonable diligence should have been aware, of a relationship between the disabling condition or the death and the employment.

SPECIAL FUNDS

Two special funds are established under the Act. One, is for employees covered by the Longshore Act and its extensions; and the other, for workers in the District of Columbia. The funds provide continuing compensation for permanently disabled workers, or their survivors, when so-called second injuries are suffered by employees with existing physical impairments. The special fund payments begin when payments attributable to the second injury have been completed by the employer or insurance carrier who is liable.

The funds also provide compensation payments when an employer becomes insolvent, and for expenses of vocational rehabilitation when necessary in certain cases, including a living allowance not to exceed $25 a week.

Financing of the funds is provided by fines and penalties collected under the Act, interest, and sums of $1,000 paid into the fund in non-survivor death cases. The Longshore Act fund is now in a precarious state. Annual disbursements are in excess of annual income and the outstanding liabilities agaist the fund exceed the amounts it contains.

In order to finance the Longshore special funds adequately, the bill requires that employers or insurance carriers in cases where an employee suffering employment injury dies and there is no eligible beneficiary pay into the funds any amounts remaining unpaid under a schedule award. It also increases from $1,000 to $20,000 the amount which must be contributed by employers or carriers into the funds in all cases where an employee dies from an employment injury and there is no eligible beneficiary. At present compensation levels, the average compensation paid in fatal cases under the Longshore Act is $35,000. The contribution of $20,000, therefore, where the potential liability is so much greater appears reasonable.

In view of the length of time since improvements have been made in the compensation program under the Longshore Act early action is sought to provide income maintenance for injured employees within its terms in keeping with wages and other current economic factors.

Section by Section Summary of Bill to Amend the Longshoremen's and Harbor Worker's Compensation Act

Section 1—*Definitions*—(a) Amends section 2(4) of the Act to extend the definition of "employer" to include "vessel."

(b) Amends section 2 of the Act by renumbering paragraph (20) and adding a new paragraph (19) to define "vessel."

Section 2—*Liability for Compensation*—Amends section 4 of the Act, requiring employers to secure compensation, to except vessels unless another employer of an employee entitled to benefits under the Longshore Act does not secure compensation. Provides further than when an employer, as defined under the Act, secures compensation, such compensation shall be the exclusive remedy against any employer.

Section 3—*Waiting Period*—Amends section 6(a) of the Act to permit payment of compensation without a waiting period when the disability exceeds 21 days. A three-day waiting period is now specified unless the disability exceeds 28 days.

Section 4 (a) and (b)—*Maximum and Minimum*—Amends section 6(b) of the Act to increase the maximum of $70 a week to $119 a week; the minimum from $18 to $35; and amends section 14(m) to increase the overall money limit for temporary and partial disability from $24,000 to $40,800.

Section 5—*Disfigurement*—Amends section 8(c)(20) of the Act to expand the meaning of compensable disfigurement to include, in addition to the face and head, disfigurement of neck, or of any other area normally exposed while employed which would handicap an employee in obtaining or holding employment.

Section 6—*Injury following previous impairment*—Amends section 8(f) to clarify and make definite the conditions under which an employer provides compensation for disability caused by subsequent injuries and thus to encourage employment of handicapped persons.

Section 7—*Student benefits*—(a) Amends section 2(14) of the Act to add "student" to definition of eligible "child" and adds a new paragraph (21) to define "student" for the purpose of continuing benefits to certain surviving dependents while they are in school.

(b) Amends section 8(d) to allow surviving dependents to receive benefits beyond 18 years of age if in a student status.

Section 8—*Death benefits*—(a) Amends section 9(b) and (c) of the Act to increase the death benefits to the surviving wife or dependent husband from 35 to 45 percent of the deceased employee's average wages.

(b) Amends section 9(d) to increase the death benefit for dependent grandchildren, brothers or sisters from 15 to 20 percent of such average wages.

(d) Amends section 9(e) to increase the maximum weekly wages for computation of death benefits from $105 to $178.50 and increases the minimum from $27 to $52.50.

(d) Amends section 9(g), which provides for the commutation of compensation benefits to certain aliens who are not residents of the United States or Canada. The section now requires the Secretary, upon application of an insurance company, to commute future installments of compensation to such aliens by paying one-half the commuted amount of future compensation. The amendment removes the requirement for commutation payments and permits the Secretary to commute in his discretion.

Section 9—*Defense Base Aet-Benefits to Alien Survivors*—The Defense Base Act extends the benefits of the Longshoremen's and Harbor Workers' Compensation Act to employees of contractors at United States bases or on public works where such contracts are performed outside the continental United States. Section 2(b) of that Act respecting compensation payments for nonresident aliens is similar to section 9(g) of the Longshoremen's Act. This bill, therefore, amends section 2(b) of the Defense Base Act to conform to amendment to Longshore Act described in preceding section.

Section 10—*Time for Notice and Claim*—Amends section 12(a) to extend the time for giving notice of injury or death to the deputy commissioner and to the employer, from 30 days after the injury or death to 60 days after the employee or the beneficiary is aware or in the exercise of reasonable diligence should have been aware of a relationship between the injury or death and the employment.

(b) Amends section 13(a) to defer the time for filing a claim for compensation for injury or death in latent disability cases. The Act now provides that a claim must be filed within one year after the injury or death, or if payment of compensation has been made without an award a claim may be filed within one year after the date of the last payment.

The amendment provides that the time for filing claim shall not begin to run until the employee or beneficiary is aware, or by the exercise of reasonable diligence should have been aware of the relationship between the injury or death and the employment.

Section 11—*Special Fund*—(a) Amends section 8(d) by providing for payment into the special fund, described in section 44(a) of the Act, of any disability compensation due to an employee under a scheduled award when he has no survivors.

(b) Amends section 44(c)(1) by substituting $20,000 for the $1,000 now required to be paid into the special fund by the employer or insurance carrier upon the death of an employee resulting from employment injury when there are no survivors.

Section 12—*D.C. Workmen's Compensation Act*—(a), (b) and (c) Provides that the maximum compensation rate in the District of Columbia under extension of the Longshore Act in (45 Stat. 600), will be $85 a week and the overall maximum in temporary total disability cases will be $29,160.

(d) Provides the basis for computing death benefits shall be considered to be no more than $127.50.

Section 13—*Appropriation*—Amends section 46, (a) to authorize appropriation of amounts necessary for administration of the Act, and (b) authorizes supplementary funds as necessary to meet obligations of special fund under section 44 of the Act.

Section 14—*Technical Amendment*—Makes grammatical change of substituting "or" for "nor" in section 3(a)(1) of the Act.

Section 15—*Effective Date*—Provides for effective dates for different sections and that higher benefits and other related provisions shall apply only to injuries and deaths therefrom sustained after the effective date indicated.

S. 527—INTRODUCTION OF A BILL TO PROVIDE WILDLIFE COVER ON RECLAMATION PROJECTS

Mr. CHURCH. Mr. President, I introduce for appropriate reference a bill directing the Secretary of Interior to set aside certain public lands for the purpose of providing permanent cover and food for wildlife.

This proposed legislation would authorize and direct the Secretary of the Interior to set aside, out of each 640-acre section of public lands utilized in connection with reclamation projects hereafter authorized and constructed in accordance with the Federal reclamation laws, areas totalling not less than 40 acres to provide food and refuge for wildlife.

In the past, wildlife has been an accidental byproduct of most farming operations, but if we are to keep our present wildlife populations or enhance them, we must embark on a well-designed program which can be integrated with new plans for development of our public lands.

There are reclamation projects in my State of Idaho, such as the Minidoka, Hunt and Black Canyon projects, where certain features of the land have caused farmers to leave fence row, roadside and other cover, as well as willow patches and sagebrush pockets. Here, small game has flourished and survived against the inroads of intensive farming, proving that such a program as provided by this bill is not only workable but necessary if we are to salvage and enhance our wildlife on new projects.

On too many reclamation projects in the West, so-called clean farming practices have removed much of these cover areas, destroying natural wildlife habitat and wiping out game populations. Should this pattern of development continue to characterize future reclamation of new lands, small game population, including game birds of all kinds, will suffer avoidable and unnecessary diminution.

The 40 acres out of each section would not be set aside as a solid block, but in separate areas such as strips along road systems, waterways and other topographical land features not desirable for farming.

Mr. President, I believe this to be a much-needed program, and one which will repay many times over its small investment.

Irrigators would not have to bear any additional costs under this bill, since any increases would be repaid under the provisions of the Federal Water Projects Recreation Act.

The areas would be managed by the Secretary of Interior in cooperation with the appropriate State wildlife agencies.

Mr. President, I send the bill to the desk and ask that the text of the bill be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. BENTSEN). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD as requested by the Senator from Idaho.

The bill (S. 527) directing the Secretary of the Interior to set aside certain public lands for the purpose of providing permanent cover and food for wildlife, introduced by Mr. CHURCH, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is authorized and directed to set aside, out of each 640 acre section of public lands of the United States utilized in connection with reclamation projects hereafter authorized and constructed in accordance with the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto), areas totalling not less than 40 acres thereof which he determines are suitable or capable of being made suitable for providing food and cover for wildlife. The Secretary shall make such designations with a view to utilizing, to the extent feasible, areas along road systems, waterways, and other areas not suitable for farming.

(b) Any such areas so designated shall be administered by the Secretary of the Interior in cooperation with the appropriate state wildlife agencies. The Secretary of the Interior is authorized to issue such regulations as may be necessary to carry out the purpose of this Act.

SEC. 2. Any additional costs to carry out the purposes of this Act shall be repaid under the provisions of the Federal Water Projects Recreation Act (Act of July 9, 1965 (79 Stat. 213)).

SEC. 3. As used in this Act, the term "wildlife" includes birds, fishes, mammals, and all other classes of wild animals.

S. 530—INTRODUCTION OF UNIVERSAL CHILD CARE AND CHILD DEVELOPMENT ACT OF 1971

Mr. BAYH. Mr. President, on December 10, I announced that in the 92d Congress I intended to introduce a Universal Child Care and Child Development Act of 1971. I rise today on behalf of myself and the Senator from Minnesota (Mr. MONDALE) to introduce that bill. In the weeks between December 10 and today, evidence has continued to accumulate which points up the need for this legislation. Here in Washington, we have learned of the tragedy of Junior Village—a tragedy that is composed not just of institutional failure to respond as adequately as necessary, but a tragedy that is also partially due to the past inattention of the Congress. Here in Washington, and throughout the Nation, our children are in trouble—and hence our Nation is in danger—and we must move quickly, boldly, and with all the resources needed to reverse the process of child destruction now taking place.

First, we find that the problems of children are not isolated, but related to their families and their entire communities. I was pleased to join my colleague, Senator MONDALE, in his statement on justice for children this past December. My colleague was right on target as he discussed the need for increased participation and "sharing of power and alleviation of powerlessness" at the local community level. Senator MONDALE stated further that—

> No one really knows more about whether a program is working or not, and whether it is being properly administered than those whom it is supposed to benefit. More important, the only way to eliminate paternalism, laziness and unresponsiveness is to share power. If we do nothing else in the 1970's we must make it our goal to achieve participation in programs by those who are supposed to benefit from them and by the community generally. Such participation, such sharing of power, should become a familiar aspect of our national life.
>
> Fortunately, the political and other struggles of the past decade have given us some models for participation.
>
> The Headstart program at its best has shown us what a marvelously rich experience parent involvement can be—both in terms of the parents coming to understand what quality education is and also in terms of the enhanced learning experience of a child. The extension of that kind of parent involvement throughout the elementary and secondary schools as well, would be a great boom in our society.
>
> It is critical that the method of participation that we adopt be one in which real power is shared. There is always the bureaucratic temptation to try to coopt—to try and create nice-sounding advisory boards which have no power, are convened once or twice a year in a fancy board room or hotel and are then ignored. The struggle to create the proper mix for participation will not be easy. There is an appropriate role for professionals in both administration and policy, and citizen participation must include both those who are served by the program and representatives of the community generally.

For these reasons, we are recommending in this legislation that a new kind of machinery be set up to respond to these needs at the place where the work must be done—at the community level. This new concept we call the child service district, and in many respects it is similar to the public school districts which have served the Nation well, and which, once they pass through this period of reevaluation and reorientation, will continue to serve the Nation well. In the same sense, the child service district will be serving children and parents through locally designed and locally controlled agencies. I realize, when I say locally designed and locally controlled, that these are ideas that are accorded much lipservice these days. Certainly, we hear a great deal about the principle of local control, we still support the concept of local elections, we remain committed to the ability of local citizens to get together to solve most of their own problems. But local control is neither neat nor easy to package. It does not fit easily into the computers of the social scientists of various philosophical leanings who believe in programing our future. Nor does it fit into the simple, one-dimensional molds that a nation grown used to easy labeling feels comfortable with. The election process in this bill is difficult—but I would rather put up with the occasional inefficiency of the democratic process a hundred times over than submit to the dictates of either well-meaning technocrats or zealous wordsmiths.

I realize, too, that this bill's emphasis harkens back to many of the principles that were contained in the original community action programs, now declining in almost every area under the heavy hand of autocratic domination and reliance on bureaucracy. In a sense, I realize that by making it possible for these programs to continue by providing for coordination of existing programs rather than wholesale repeal of existing authorities, I stand the chance of offending those colleagues who have determined that community action had been an idea that failed. I think that community cooperation has not failed, that it has not really been tried, and that through this bill it can be tried for the first time.

One of the reasons for the belief that the original community action idea failed is that there was less reliance on the willingness of people of all income levels, races, and cultural backgrounds to come together than there should have been. There was instead a narrowing of focus, a nondeliberate but nonetheless effective pitting of various needy groups against each other for the few resources available. As a result, programs never were funded at the level required by even our most needy citizens. Perhaps one reason for this was that worthwhile programs like Headstart were not available for all children. We intend to try a different approach. We want to make these programs available to all citizens who require them, and to make it possible for the entire community to work together to use these services in the way that serves the parents and children in their communities best. Because we have not despaired of ability and willingness of people to work together, we have endeavored to carry this spirit out throughout this legislation. At the local, county, and State levels too, we have attempted to encourage the involvement of all citizens, and the various Government agencies responsible to these citizens, so that this program will work. We also encourage your examination of the role we have selected for the States. We know that most States are responsive to the needs of their citizens and we are certain that this legislation will encourage their participation in a way that has not happened before. In the same way, we recognize the duty of the Federal Government to carry out its proper role. In those cases where local and State governments fail to carry out their responsibilities there is provision for the Federal Government to meet these responsibilities.

We feel that our handling of the very delicate matter of State and local standards for child-care services illustrates our intention throughout this bill. We recognize that there are good and bad standards at every level, that it takes personnel to carry out these standards, and that cooperation is required at every level to make good standards mean something. We believe that our writing into law of basic standards, with money for enforcement and technical assistance to make these standards practical is one response to the problem. We believe another response is to provide within the legislation a mechanism that makes it possible for standards to be reviewed by fair hearings on the local level to insure that the Federal Government does not overreact and attempt to accomplish by fiat what cannot be accomplished by suggestion.

We need a new constituency for this bill, a constituency of people that want to do their own planning, their own setting of priorities, their own hiring and firing. We need a constituency that rises above racial lines, class lines, income lines and cultural lines, a constituency that is wiling to work for the benefits of all the citizens of a community, not just a favored few. And we are determined that this constituency shall have the power to work from a position of strength to respond to the specific needs of each community. Throughout this bill, there are many specific provisions that will be of interest to my distinguished colleagues, most of which were touched upon when I made my initial statement of intention to introduce this legislation and, subsequently, when I rose on this floor to join the Senator from Minnesota, Mr. Mondale, in his eloquent plea for a new, fairer and brighter day for the Nation's children. This is my dream—that our communities shall one day be healthy, be together, be united—and it is my belief that universal concern for children and families is the best way to begin making that dream a reality.

Mr. President, the recent White House Conference on Children produced a list of 16 "overriding concerns" which speak directly to essential developmental needs of our children. I ask unanimous consent that a summary of these concerns which appeared in the Washington Post of December 19, 1970, be included in the Record at his point. I ask also that my press conference statement of December 10, 1970, be included along with a section-by-section analysis and full text of the bill I am introducing today.

The PRESIDING OFFICER (Mr. Bentsen). The bill will be received and appropriately referred; and, without objection, the material and bill will be printed in the Record.

The bill (S. 530) to provide for child care programs and services including developmental preschool programs to families with children who may need such services, introduced by Mr. Bayh (for himself and Mr. Mondale), was received, read twice by its title and ordered to be printed in the Record.

The material submitted by Mr. Bayh is as follows:

Excerpts From the White House Conference on Children

Here is background on the "concerns" as prepared from summaries by panel and caucus chairman:

"Reordering of national priorities beginning with a guaranteed basic family income adequate for the needs of children." More specifically, there should be, in the next decade, an increase of at least 50 percent in the proportion of the gross national product devoted to children and youth.

Development of programs to eliminate the racism which "cripples all children." "The tragedy is that we are unaware of our subconscious feelings of superiority and inferiority."

"Elimination of racism demands many meaningful federal programs, particularly an adequate family income maintenance floor." The black caucus, which petitioned this "concern" onto the ballot, did not specifically endorse the $5,500 level demanded by the Welfare Rights Organization for the President's proposed family assistance program (FAP).

"Health, welfare, educational and bi-lingual—bi-cultural growth of ALL children must be given top priority." Narciso L. Aleman and Piri Thomas of the sponsoring Spanish-speaking and Spanish-surnamed caucus have spelled out a wide range of penalties that society imposes on children because English is the dominant language.

"The Indian representatives . . . recommend that all levels (of society) embark on a vigorous practical approach to enhance the future of our children." The American Indian caucus, which formulated this "concern," said it wants the President to follow through with his stated Indian policy of self-determination for American Indians, without termination of government responsibilities with Indian tribes.

"Universal developmental child care without sex role stereotyping will help to eliminate institutional, individual sexism." The women's caucus, which petitioned this onto the ballot, emphasized that child developmental services should be available to all families seeking them, not merely those needing them because, say, of poverty. The caucus censured the conference itself "for demonstrating sexism through the domination of decision-making processes by men and execution of details by women.

"Improve the nation's system of child justice so law responds in timely, positive ways to needs of children." Drastic remedies are needed: more and better-trained sexism." The womens caucus, and juvenile laws "to humanize, not stigmatize," and "a massive plan for small community-based care facilities, foster homes, group homes, and day care."

"A change in our national way of life to bring people back into the lives of children." Among other institutions, business and industry must enable children and adults to spend time together in offices and factories.

"Comprehensive family-oriented child development programs including health services, day care and early childhood education." This issue, similar to the foregoing, asks federal funds at once to provide spaces for 500,000 children in the first year, and spaces for 250,000 each year thereafter.

"A federally financed national child health care program which assures comprehensive care for all children." This would be the first step in a broader national health program.

"A system of early identification of children with special needs and which delivers prompt and appropriate treatment." Presently, the back-up declaration said, little heed is given to cries for help from the retarded, the physically and mentally handicapped, the intellectually gifted, and "those whose environment produces abuse, neglect and directs the child to antisocial conduct."

"Immediate, massive funding for development of alternative, optional forms of public education."

"Establishment of a child-advocacy agency financed by the federal government and other sources with full ethnic, cultural, racial and sexual representation."

"A national land use policy must be developed to guarantee the quality of leisure services, social services and our nation's natural resources for all children."

"All institutions and programs that affect children must involve children as active participants in the decision-making process."

"Establish immediately a Cabinet post of children and youth to meet the needs of all children." This was the "concern" of the "concerned kids' caucus."

Statement by Senator Birch Bayh on Child Care Bill

The French writer Victor Hugo once said, "Greater than the tread of mighty armies is an idea whose time has come."

The decade of the 1960's saw many ideas whose time had come.

We recognized the need for medical care for older Americans.

We recognized the need to break down barriers that prevented some of our citizens from enjoying the full rights and privileges enjoyed by the majority.

We recognized the fact that the Federal Government had a direct responsibility to assist in the education of the nation's children.

All ideas whose time had come; all ideas with sufficient force to bring men together, across party lines.

Now there is another idea whose time has come: provision of universal child care, utilizing voluntary and community organizations and other means, for all mothers who feel their children would benefit from this service.

Actually, it is strange that this idea has been so long in coming. We, who consider ourselves leaders of the free world, have long been surpassed in this area by national child care programs in such nations as Sweden, Israel, and even the Soviet Union.

In addition, we have ourselves had long ago, though partial, experience with the contribution that child care can make to both children and families.

The roots of child care in the United States can be traced back as far as 1863 when Philadelphia mothers engaged in making uniforms and bandages for the Union Army were assisted by a child care center. During the Great Depression poor families and unemployed teachers and nurses were assisted by WPA child care centers. Once again, during World War II, the need for such child care centers was obvious, and many thousands of mothers and children benefited from programs established in centers throughout the nation.

At least we are beginning to understand that child care centers are too significant to become the creature of emergencies. They should have a permanent place in the structure of American social services, because they fulfill a permanent need.

Those needs are both obvious and increasingly urgent. They are needs that are not centered in any one area of the country or in any economic group.

For example:

There are 14 million children in this nation who have working mothers (8 out of 10 of these children are cared for through makeshift arrangements);

There are 2,790,000 mothers who work because they are the sole support of their families;

Of those mothers who work, nine out of ten do so to satisfy an otherwise unmet economic need: basic support; medical bills; to provide for the future education of the children, etc.;

The need reflected by these figures is neither temporary nor declining. Indeed, as we become a more urbanized nation the extended family—with a grandmother or elderly aunt or unmarried sister available to take care of the children—has gradually disappeared. Thus—

While the proportion of working mothers with preschool children was 10% in the 1940's and 40% in the 1960's, it is estimated that the percentage will increase to between 60 and 70% in the decade of the 1970's;

And U.S. Department of Labor Women's Bureau figures reflect a similar trend, by showing that the 3.7 million working mothers with under-5 children will increase to 5.3 million by 1980.

The figures also clearly show that provision of such care would make a measurable and positive economic impact on both national productivity and on the status of the individuals involved, particularly since one-third of all poor families in the U.S. are headed by women. However, the need for child care is by no means confined to the lowest income group since, for example, 57% of all working mothers are from families that have incomes of $6,000 or more annually, and 48% from families with incomes from $6,000 to $10,000 annually. Further, it is estimated, based on 1967 population figures that 10.6 million mothers at *all* economic levels would like to work, including one-third of the mothers now on welfare rolls. The majority of these who would like to work, however, are modest- to middle-income mothers who find it increasingly necessary to supplement their husbands wages to make ends meet. Their earnings often mean the difference in providing full educational opportunity for their children.

Though this program would fill a significant and growing need among mothers who work or would like to work, the major point is that it would have a highly beneficial effect on the children of such mothers. Research on early child development, etc. is providing convincing evidence of the importance to intellectual and character development of the early years. We owe it to the millions of mothers who must work, we owe it to the children, to provide some nationwide, effective, professional network of child care centers.

The Bill I am proposing today—the Universal Child Care and Development Act of 1971—will take a major and much needed step toward providing this network.

Briefly, the bill establishes a new network of public institutions (called the Child Service Districts) for the provision of the variety of services necessary for adequate child care and development. Included among these services eligible for funding are: infant care; comprehensive pre-school programs; general child care services during evening and night time hours; day care programs before and after school; emergency care; day care and night care programs to aid working parents; and combinations of such programs. Health, nutritional, and social services will be an integral part of the programs funded. Planning, research, and construction funds are also provided for.

Each Child Service District will consist of a limited geographic area small enough to reflect the specific needs of parents and children residing in the District. Direct community participation is assured through the election of boards of directors composed of parents of the children to be served. State and local governments will be responsible for developing plans for the District boundaries.

The bill provides for Child Service Advisory Councils to be established in each District to assure the participation of representatives of public and private agencies with established interest and expertise in child care and development services.

My bill calls for an appropriation of 2 billion dollars for the fiscal year ending June 30, 1972, 4 billion for the fiscal year ending June 30, 1973; and 6 billion for the fiscal year ending June 30, 1974. This level of funding has been recommended by every major organization concerned with providing universal care for American children.

Loans in the amount of 600 million dollars are authorized through fiscal 1974 for construction or remodeling of appropriate facilities—300 million dollars for the fiscal year ending June 30, 1972; 200 million dollars for the fiscal year ending June 30, 1973; and 100 million dollars for the fiscal year ending June 30, 1974. Loans and grants would be applied for by and rewarded to the individual Child Care Service Districts through the Office of Child Development of the Department of Health, Education and Welfare.

During this and previous sessions of Congress we have witnessed with approval the introduction of many bills aimed at responding to this natural and proper desire for all Americans, whether poor, near-poor, or non-poor, to have their children receive the benefits of early childhood programs. Some of these proposals have a single purpose, reflecting the Member's concern with a particularly urgent problem that needs solving. Our legislation is designed to provide more comprehensive services, and aims at a reform of all programs now serving young children.

Our concern today in introducing this bill is not only to draw together the best features from all of these proposals, but to take an additional significant step. Not only is there a need for adequate nutritional services, for adequate health services, for educational and social services needed by the child and his family, but also we believe it important that these programs must involve the parents not only in the final stages, but in the earliest, planning phases.

We are aware, also, of the wasteful and unnecessary duplication which has resulted from the fragmentation of these programs among the various Federal agencies. For that reason, it is our hope that comprehensive programs can be designed and administered through this bill, and that one Federal agency can have the main responsibility for seeing that the programs work.

In this bill, also, we have taken that final step which we believe is necessary in fairness to all the American people. We are recommending that *all* children, regardless of income or status, receive those services in such degree and at such locations and during such hours as they require. Recognizing the need for parents to work and to study, but believing that the children of parents who need not be absent from the homes also require these programs, we are recommending that child care services be recognized and provided as a matter of right to every child in America, no matter what the income of his family.

Certainly it is in the national interest as well as their own, that our children grow into whole, humane citizens who can function in a democracy. And in fulfilling the needs of these children, we simultaneously serve them, their parents and our society.

In this bill, we stress the developmental nature of these programs because we believe that the years of experience and the results of studies made of Head Start programs demonstrates that early involvement, properly planned, can best benefit all children, not just the few children of the poor and near-poor now served. For this reason, a variety of programs must be provided. Each must meet the needs of the child as an individual, and the individual development of that child must be paramount.

One of the greatest incentives to positive action in the Bill is the benefits our society and the economy will realize by allowing parents to take training and employment, safe in the realization that their children are enrolled in quality child care programs. Through this program, then, the professionals and para-professionals needed by the millions in our social services and our industries can re-enter the labor market. Hence, not only will the welfare recipients benefit through finding an alternative to the degrading status of welfare but our economy wil benefit from an influx of middle- and upper-income workers into the marketplace. In addition, this bill provides for situations such as visitation to those homes where a child may be too ill to attend his or her child care facility.

It should be noted that this bill defines young children broadly with services to be provided for children from birth through age 14. The legislation is designed to serve this age group because, in the course of each child's development, he requires programs at every stage. Past programs have failed to recognize the need for services for infants and have failed to provide sufficient funds to offer programs that will not produce more human tragedy in the form of psychologically-crippled children. In this bill, adequate personnel will be provided to avoid institutionalized crippling.

At the same time, this legislation will recognize the needs of school-age children for before-and-after school programs and for summer programs. Not only those children that require remedial programs will be enrolled; all children will be eligible for enrollment. Attention under the terms of the Bill will also be accorded to the urban, suburban and rural children who are too often left to their own devices, and who form the seedbed from which springs our growing numbers of juvenile delinquents and drug users.

Another area which this bill emphasizes is the practical need of parents who must take training or jobs, or who are ill, but have no place for their children. Too often, the working parent must work at night; classes in the evening are also common. This bill would provide night-time programs for the children of these parents.

We have still another interest in offering this bill, and that is a desire to restructure child assistance on a more rational basis. Now, it is common for several public agencies to have partial responsibility for children. No local, community-based agency has full responsibility. We wish to change this picture, so that agencies that see childcare as a secondary purpose will still be involved, but the children they are serving will be the responsibility of an agency that has child welfare as its primary job.

There is clearly a need to create a continuing structure which will assume the task of providing child services to the population on a truly universal basis. This permanent structure must be composed of both professionals and non-professionals committed to the task. In that way, citizens employed as para-professionals, can work together with their neighbors who have been trained as teachers and are increasingly unable to find a job. It will be the responsibility of these locally-controlled groups to design and determine where resources can be focused most effectively on the needs of the children involved. Citizen participation, both professional and non-professional, will insure that a broad range of perspective and training is brought to the task. It will also insure that race, economic factors, or even political philosophy will not delay services which are greatly needed by every community.

Parental and community participation is, we have come to realize, a requirement for successful child development programs, particularly those that reflect and build on the culture and language of children, families, and communities being served. At every age, children require services of such range and diversity that without complete parental and community participation, some children will not get what they need. And we must recognize that every child who fails costs society and the community not only in terms of his lost potential contribution but through the very real and considerable costs which he may cause to society as an adult.

To guarantee that parental involvement through this Bill will not be merely advisory, administration and control will be vested in boards of the parents of children who are being served. These boards, given full authority within each community to provide the services needed by that community's children, would operate within broad Federal and State guidelines. Federal standards would of course be required to ensure that Federal funds did not subsidize inadequate or harmful programs. And State participation will be required to guarantee that local planning does not destroy the delicate mechanisms for Federal-State-Local cooperation built up over the past few years. But, at the operational level, community control will be read in the context of parental control.

There is an additional desire accommodated here, the desire that people everywhere have for a greater voice in their own destiny and in that of their children. Perhaps, with the goal of making it possible for all children to grow into healthy, humane citizens we can build a common understanding within our neighborhoods that children are important enough to spur the resolution of our disagreements. This process of resolution involves grappling with the issues of community control as well as other matters of contention that have made public education so controversial of late, particularly in our large cities. Hopefully, the size of the service area proposed in this bill will allow neighbors to work out these tensions, and to build upon, rather than magnify, the diversities which are unique in the American society.

In summary, the act will neither be easy to implement nor inexpensive to finance. To provide what our children need, when they need it, to the extent they need it will require a real, but I am convinced, long overdue and highly creative commitment to reordering national priorities in favor of an investment in human resources. Our children are the Nation's tomorrow and deserve the kind of opportunity this Bill seeks to provide. I believe our society has evolved to a point of humaneness in which it can combine its economic ability to provide childcare with a willingness to do so. In short, this is the idea whose time has come and the Universal Child Care and Development Act of 1971 is a mechanism to translate idea into institution.

SECTION-BY-SECTION ANALYSIS OF UNIVERSAL CHILDCARE AND DEVELOPMENT ACT OF 1971

SECTION 2: STATEMENT OF FINDINGS AND PURPOSE

States (a) the findings of Congress that (1) The provision of adequate childcare, including developmental programs for infants, children of pre-school age and children up to 14 years of age in need of such care is of the highest national priority;

(2) adequate family support for the care, protection and enhancement of the developmental potential of children does not now exist;

(3) the mobility of our society has tended to separate family units from traditional family support thereby affecting the quality of life, including the proper care and nurture of the young;

(4) present opportunities for bilingual and bicultural enhancement of our citizenship are limited, thereby limiting the potential for full participation in our culturally diverse society;

(5) appropriate childcare services and resources are not now available to provide needed family support;

(6) such services and resources are necessary in a modern society to ensure adequate care and development of the children of this Nation, the opportunity for parents to participate as productive members of society and the opportunity for parents to achieve their own potential as humans.

States (b) It is the purpose of this Act to provide financial assistance in order to fulfill the responsibility of the Federal Government to contribute to attaining an optimum level of adequate care, developmental and other services for young children, to help to assure the stability of the family unit, and to offer an increased opportunity for parents to participate in society at the maximum level of ability.

SECTION 3: PROGRAM AUTHORIZED

Authorizes the Secretary of Health, Education, and Welfare to make grants to the public agencies created by the Act.

SECTION 4: ALLOTMENT OF FUNDS

Allots funds in proportion to the number of children in each state, infant to age 14. Specific allotments for research and development, Puerto Rico and trust territories, national advisory councils, and migrant and Indian programs.

SECTION 5: USES OF FEDERAL FUNDS

Authorizes the use of grants for planning and furnishing childcare services including (a) infant care; (b) comprehensive preschool programs including part day and day care programs; (c) general childcare services for children 14 and under during evening and night time hours; (d) day care programs before and after school for school age children 14 and under in need of such care; (e) emergency care for young children 14 and under; (f) day care and night care programs to aid working parents and (g) combinations of such programs. Health, nutritional and social services will be an integral part of programs funded. Planning, research, and construction funds are provided. Also programs for development of professional and nonprofessional personnel, programs for parent education, and provisions for bilingual and bicultural services.

SECTION 6: APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

Sets conditions for the application for and approval of funds granted to the Child Service Districts including criteria for fiscal accountability, periodic evaluation, and other requirements as may be necessary to assure proper disbursement of funds. Programs funded must be consistent with criteria and standards of quality prescribed by the Secretary and consistent with the purposes of the Act.

SECTION 7: CHILD SERVICE DISTRICTS

Authorizes establishment of public agencies named Child Service Districts. Such districts will not be less than the contiguous attendance areas of three public elementary schools nor more than twenty-seven. The geographic boundaries of each district shall be determined by appropriate state and local officials in each standard metropolitan statistical area. State officials will determine district boundaries in all other areas in given states. Governors in each state shall submit a state plan for creation of the districts including the conduct of elections in each district to choose a board of directors. Eligible voters are parents having one or more children who have not attained 15 years of age who reside with their children within the geographic area of the District established pursuant to the Act. The Board of Directors will consist of 9 to 15 members. It will plan for, contract for, and operate programs authorized by the Act. In all municipalities having populations greater than 100,000 persons, one or more Child Service Advisory Councils shall be appointed by the chief executive of such municipality. Advisory Councils shall consist of representatives of public and private agencies with established interest and expertise in the area of childcare and development services, and function as a consultative body to the Districts. For those areas of each State not included in municipalities over 100,000 population, a State Child Service Advisory Council will provide consultation.

SECTION 8: STANDARDS

Authorizes the Secretary to promulgate standards to be known as "Federal Standards for Childcare Services." These personnel and facilitity standards will set requirements for (1) child-staff ratios, (2) staff qualifications, (3) developmental services, (4) physical health and safety, (5) fire safety. Funds are authorized for maintenance of these standards. Hearings are provided to determine pre-emption of state standards that may be higher than Federal standards.

SECTION 9: LOANS AUTHORIZED

The Secretary of Health, Education, and Welfare is authorized to make loans and set terms including forgiveness, to any Child Service District for construction or remodeling of facilities appropriate for use as Child Service Centers and other facilities deemed necessary to provide services assisted under the Act. Applicants must be unable to secure a loan from other equally favorable sources and must assure that construction and remodeling will be both economical and consistent with delivery of quality service. A total of $600 million is authorized to carry out this section; $300 million for the fiscal year ending June 30, 1972; $200 million for the fiscal year ending June 30, 1973; $100 million for the fiscal year ending June 30, 1974.

SECTION 10: RESEARCH, DEMONSTRATION AND TRAINING—PROJECTS AND TECHNICAL ASSISTANCE

The Secretary is authorized to provide for (1) research to improve child care and developmental programs (2) experimental, developmental, and pilot projects to test effectiveness of research findings; (3) demonstration, evaluation, and dissemination projects; (4) training programs for inservice personnel; (5) projects for development of new careers, especially for low income persons.

SECTION 11: NATIONAL ADVISORY COUNCIL ON CHILD CARE AND CHILD DEVELOPMENT

The Secretary is authorized to appoint a National Advisory Council consisting of twelve persons representative of parents, state and local government, and professionals in bilingual and bicultural education, child health and nutrition and child care and development. The Council will study and report annually to the President, Secretary and Congress on matters relating to the purposes of the Act.

SECTION 12: PROGRAMS FOR INDIANS, MIGRANTS, AND SEASONAL FARMWORKERS

Provides for independently funded programs specifically to meet the needs of Indians, and migrant and seasonal farmworkers, in those states and areas within states having the greatest needs for such programs.

It creates Migrant Child Service Agencies and Indian Child Service Agencies at the local level eligible to make applications for and administer the grants for the purposes and under the conditions named in the Act. The Migrant Child Service Agencies are to be organized in communities where migrant families reside or will reside during the course of their employment using maximum feasible participations of migrants in the planning, directing and implementation of the program. Similar provisions are made for the establishment of Indian Child Service Agencies in areas throughout the country that are accessible to communities, groups, tribes, bands and groups of individuals of native American descent.

A National Advisory Council on migrant child care, and a similar national advisory council on Indian child care are created composed of farmworkers in one, Indians on the other and professionals in the fields of health, nutrition, child development and child care who have demonstrated interest in and knowledge of the problems of migrants and Indians. These councils will assist the Secretary in evaluation of proposals and will conduct independent study and submit a yearly report to the President, the Congress and the Secretary containing their findings and recommendations relating to the child care needs of migrant and seasonal farmworker families. In each of these areas, the Secretary is directed to designate full time personnel who are experienced in migrant child care problems and who can communicate with the target population.

SECTION 13: PAYMENTS

Each approved applicant will receive a grant amount equal to the total sums to be expended under the terms of the application or such lesser amount as the Secretary determines on the basis of objective criteria, relating to fees charged to the parents of children to be served, if any, and other similar factors prescribed that the applicant can afford.

SECTION 14: WITHHOLDING OF GRANTS

Grants may be withheld after reasonable notice for failure to comply substantially with any requirement or applicable provision set forth in the Act.

SECTION 15: RECOVERY OF PAYMENTS

Provides that, if a facility which was constructed with the aid of federal funds under this Act ceases to be used as a public childcare facility within 20 years, the government can recover from the facility's owner the portion of its value which is equal to the federal share of the original cost of the building.

SECTION 16: REVIEW AND AUDIT

Provides for access for audit and examination of records by the Comptroller General.

SECTION 17: LABOR STANDARDS

Provides that prevailing wage rates shall be paid to laborers and mechanics employed on construction projects assisted under the Act.

SECTION 18: EMPLOYMENT AND BUSINESS OPPORTUNITIES FOR LOWER INCOME PERSONS

Provides opportunities for training, employment, and business development for lower income persons in the planning and implementation of projects authorized by the Act.

SECTION 19: ADMINISTRATION

Establishes the Office of Child Development within the Department of Health, Education and Welfare to administer the provisions of the Act. The Director of the Office shall report directly to the Secretary.

SECTION 20: EVALUATION AND REPORTS

Provides for complete review of programs assisted under the Act. Requires the Secretary to directly consult with as many of the members of the Child Service District Boards of Directors as possible. Requires the Secretary to submit annually to the Congress a report on the administration of the Act.

SECTION 21: REPEAL, CONSOLIDATION AND TRANSFERS

Consolidates major early childhood, day care, child service, and preschool programs authorized by existing laws to form a single coordinated comprehensive child care and development program in the Department of Health, Education and Welfare.

SECTION 22: DEFINITIONS

Defines the terms used in the Act to insure accurate interpretation of its intent.

SECTION 23: AUTHORIZATION OF APPROPRIATIONS

Fiscal year 1972, $2 billion.
Fiscal year 1973, $4 billion.
Fiscal year 1974, $6 billion.

S. 530

A bill to provide for child care programs and services including developmental preschool programs to families with children who may need such services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Universal Child Care and Child Development Act of 1971."

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) the provision of adequate child care, including developmental programs for infants, children of preschool age and children up to 14 years of age in need of such care, is of the highest national priority;

(2) adequate family support for the care, protection and enhancement of the developmental potential of children do not now exist;

(3) the mobility of our society has tended to separate family units from traditional family support thereby affecting the quality of life, including the proper care and nurture of the young;

(4) the present opportunities for bilingual and bicultural enhancement of our citizenship are limited, thereby limiting the potential for full participation in our culturally diverse society;

(5) appropriate child care services and resources are not now available to provide needed family support;

(6) such services and resources are necessary in a modern society to ensure adequate care and development of the children of this Nation, the opportunity for parents to participate as productive members of society and the opportunity for parents to achieve their own potential as humans.

(b) It is the purpose of this Act to provide financial assistance in order to fulfill the responsibility of the Federal Government to contribute to attaining an optimum level of adequate care, development and other services for young children, to help to assure the stability of the family unit, and to offer an increased opportunity for parents to participate in society at their maximum level of ability.

PROGRAM AUTHORIZED

SEC. 3. The Secretary is authorized to make grants in accordance with the provisions of this Act, to public agencies created pursuant to this Act for the furnishing of child care services.

ALLOTMENT OF FUNDS

SEC. 4. (a) From the total funds appropriated under this Act the Secretary shall reserve the following amounts (for the purposes indicated:)—

(1) ten percentum for the purposes of section 10 relating to resource and development;

(2) not less than three percentum and as much as the Secretary may determine to be allotted for programs in Puerto Rico, Guam, American Samoa, the Virgin Islands and the trust territories of the Pacific Islands according to their respective needs for assistance;

(3) not more than seven percentum for administrative expense, including expenses incurred by the National Advisory Council on Child Care and Child Development, the Migrant & Seasonal Farmworker National Advisory Council on Child Care and the National Advisory Council on Indian Child Care established under this Act;

(4) not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of eligible persons as determined for the U.S. on the basis of the most satisfactory current data and estimates available to the Secretary, which shall be made available for the purposes of section 12(a);

(5) not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of eligible persons from Indian and Alaska native descent bears to the total number of eligible persons as determined for the U.S. on the basis of the most satisfactory current data and estimates available to the Secretary, which shall be made available for purposes of section 12(b).

(b) From the remainder of the sums appropriated pursuant to section 20, the Secretary—

(1) shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of children aged three to five, inclusive, in such State bears to the number of such children in all States, and

(2) shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of children under 14 years of age in such State bears to the number of such children in all States.

For the purposes of this subsection, the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(c) The portion of any State's allotment under subsection (b) for a fiscal year which the Secretary determines will not be required, for the period such allotment is available, for carrying out the purposes of this Act shall be available for reallotment from time to time, on such dates during such period as the Secretary may fix. to other States in proportion to the original allotments to such States under subsection (b) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Secretary estimates such State needs and will be able to use for such period for carrying out such portion of its State application approved under this Act, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for such year.

USES OF FEDERAL FUNDS

SEC. 5. Grants under this Act may be used in accordance with applications approved under section 6, for—

(1) planning for and furnishing child care services, including—

(A) infant care;

(B) comprehensive preschool programs including part day and day care programs;

(C) general child care services for children who have not attained 14 years of age during evening and night time hours;

(D) day care programs before and after school for school age children in need of such care who have not attained 15 years of age;

(E) emergency care for young children who have not attained 15 years of age;

(F) day care and night care programs to aid working parents; and

(G) combinations of such programs;

(2) planning for and taking other steps to the development of early childhood development and child care services programs including planning grants to pilot programs designed to test the effectiveness of plans so developed;

(3) the establishment, maintenance, and operation of programs described in paragraph (1) of this section, including the acquisition, construction, lease or rental of necessary facilities, including child service centers, and acquisition of necessary equipment and supplies designed to provide adequate developmental and child care services, technical assistance necessary to develop expertise in such programs, including activities and services such as—

(A) comprehensive health services for children needing such assistance in order to profit fully from their developmental opportunities;

(B) food and nutritional services for children in pre-school, emergency, day-care, night care and before and after school care programs, as needed to ensure their physical and emotional well-being;

(C) specialized social services designed to secure needed family child care support, improve the home environment and involve the parent in the child's development;

(D) a program of daily activities, as appropriate, designed to develop fully each child's potential;

(E) other specially designed health, social and educational programs for children (including summer, weekend, and vacation programs) which contribute to carrying out the purposes of this Act;

(F) specialized training programs for development of professional and non professional personnel, including short term training and workshops; and

(G) programs for parents, guardians, and others, including adolescent youths, in child development and nurturing concepts. Which programs shall emphasize the nutritional, educational, and psychological wellbeing of parent and child; and

(4) planning, establishment and maintenance of bilingual and bicultural child care and child development services including acquisition of necessary teaching materials and equipment designed to enhance and develop the bilingual capabilities of children and develop cultural awareness and pride in their ancestry.

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

SEC. 6. (a) A grant under this Act may be made to a public agency known as a Child Service District created and operated in accordance with section 7 of this Act, upon application to the Secretary at such time or times, in such manner and containing or accompanied by such information as the Secretary deems necessary. Such application shall—

(1) provide that the activities and services for which assistance under this Act is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out the purposes set forth in Section 5 and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 5, and in no case supplant such funds;

(4) provide assurances that the requirements of sections 14 and 15 will be met;

(5) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this Act;

(6) provide that the applicant will make to the Secretary—

(A) periodic reports evaluating the effectiveness of programs funded under this Act in carrying out the purposes of this Act, and

(B) such other reports as may be reasonably necessary to enable the Secretary to perform his functions under this Act, including assurances that such applicant will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) Applications for grants under this Act may be approved by the Secretary only if—

(1) the application meets the requirements set forth in subsection (a);

(2) the program set forth in the application is consistent with criteria established by the Secretary for the purpose of achieving an equitable distribution of assistance under this Act within each State.

(3) the program set forth in the application is consistent with criteria and standards established by the Secretary for the purpose of achieving programs of a quality level consistent with the purposes of this Act.

(c) Amendments of applications shall, except as the Secretary may otherwise by regulation provide, be subject to approval in the same manner as original applications.

CHILD SERVICE DISTRICTS

SEC. 7. (a) (1) A Board of Directors shall serve Child Service Districts. Said Districts will be formed on the basis of a State plan for such Districts prepared by the Governor of each State and submitted to the Secretary for review and concurrence no later than six months from the effective date of this Act. Such plan shall provide for administrative coordination by the state of those State agencies responsible for services which further the purposes of this act. Such State plan shall result from a proposed set of District geographic boundaries prepared jointly by the Governor and appropriate local officials in each Standard Metropolitan Statistical Area within such State, and District geographic boundaries prepared by appropriate State officials for all other areas in the State;

(2) State plans shall provide for elections to be held for the establishment of a Board of Directors for each District so formed. Candidates for election to such Board for each District shall be limited to the eligible voters in each District as defined in this Act.

(3) For the purposes of this Act, eligible voters shall be any parents having one or more children who have not attained 15 years of age, who reside with their children, within the geographic area of the District established pursuant to this Act.

(4) Sums required to be expended for elections required by this section shall be paid from the appropriate State allotment under section 4(b).

(5) The Child Service District shall be governed by a Board of Directors of not less than nine nor more than fifteen members. The Board of Directors shall have responsibility for the planning and establishment of programs consistent with the needs of children and parents to be served. The Board of Directors shall have authority to operate programs and provide services assisted under this Act or contract for operation of such programs or services with public and private agencies (including agencies for profit) competent to provide such programs and services. The Board of Directors may employ such administrative and program staff as are necessary. Board members shall serve for a period not to exceed three years.

(6) In all municipalities having a population of more than 100,000 persons, one or more Child Service Advisory Councils may be established to serve as advisory bodies to the Districts formed pursuant to this Act. The Child Service Advisory Council shall be appointed by the chief executive of such municipality or other appropriate public official and shall consist of representatives of public and private agencies with established interest and expertise in the area of child care and development services. The Advisory Council will function as a consultative body to the Districts situated in such municipality.

(7) Nothing in this Act shall prohibit the Secretary to directly, or by contract with units of State government, provide such technical assistance and guidance to Child Service Center Districts if he deems necessary.

(8) For those areas of each State not included in Standard Metropolitan Statistical Areas, State Child Service Advisory Councils shall be formed to perform the functions set forth in subsection (5) above.

(9) The Secretary is authorized to develop and implement state plans to carry out the purposes of this Act in states that have not compiled with section 7(a)(1) of this Act.

(b) There is hereby authorized to be appropriated such sums as may be necessary to conduct the elections and costs incident to preparation of the initial proposals required by this Section.

FEDERAL STANDARDS FOR CHILD CARE SERVICES

SEC. 8. The Secretary shall promulgate program standards which shall be applicable to all child care services programs utilizing funds authorized under this Act. These Standards shall be known as the "Federal Standards for Child Care Services," and shall be designed to guarantee that services provided by funds authorized under this Act shall be of a comprehensive, developmental nature. For purposes of this Act, these Standards established under this section shall include requirements for:

(1) adequate child-staff ratios for each kind of service to ensure that developmental needs of each child are met;

(2) adequate qualifications for all staff members to ensure that the purposes of the Act, (as stated elsewhere), are carried out;

(3) provision of such services, including health, nutritional and other services, as are required to guarantee that the developmental needs of each child are met;

(4) maximum physical health and safety precautions in design, use and care of facilities used under this Act;

(5) fire safety standards which are no less than the standards prescribed in the life safety code of the National Fire Protection Association. For the purpose of maintaining such standards, and to assist States and other jurisdictions in complying with such standards, there is hereby authorized to be appropriated, in addition to such funds provided elsewhere for administrative purposes, such additional sums for staff and other costs as may be necessary for these purposes.

Federal Standards shall not pre-empt higher State or local standards without there having been provision made for a prior public hearing to show cause why such State or local standards should be pre-empted.

LOANS AUTHORIZED

SEC. 9. (a) The Secretary is authorized to make loans in accordance with the provisions of this section to the Board of Directors of any Child Service District for the construction or remodeling of facilities appropriate for use as Child Service Centers and other facilities determined to be necessary by the

Secretary to provide the services assisted under this Act.

(b) No loan pursuant to the Secretary may be made unless the Secretary finds:

(1) that the applicant is unable to secure the amount of such loan from other sources upon the terms and conditions equally as favorable as the terms and conditions applicable to loans under this title;

(2) that the construction or remodeling will be undertaken in an economical manner and it will not be in an elaborate or extravagant design; and

(3) such other terms and conditions as the Secretary determines will assist in carrying out the purposes of this Act and will protect the interests of the United States.

(c) In the administration of this section, the Secretary is authorized to postpone payment of the principal and to authorize forgiveness of up to 50% of the loan in cases in which it is determined by the Secretary that the District which is in financial hardship, or would be unable to repay the full amount.

(d) There are authorized to be appropriated $600,000,000 for the purpose of carrying out this section; $300,000,000 for the fiscal year ending June 30, 1972, $200,000,000 for the fiscal year ending June 30, 1973, $100,000,000 for the fiscal year ending June 30, 1974.

RESEARCH, DEMONSTRATION AND TRAINING PROJECTS AND TECHNICAL ASSISTANCE

SEC. 10. (a) The Secretary is authorized to provide either directly or by way of contract, grant, or otherwise, for—

(1) research to improve child care and child development programs;

(2) experimental, developmental, and pilot projects designed to test the effectiveness of research findings in the field of child care and child development;

(3) demonstration, evaluation, and dissemination projects in the field of child care and child development;

(4) training programs to familiarize persons involved in child care and child development programs with research findings and successful pilot and demonstration projects in child care and child development programs; and

(5) projects for the development of new careers and occupations in the field of child care and child development, with priority for employment and training directed towards those individuals who meet the poverty guidelines as established by the Office of Economic Opportunity in accordance with the provisions of the Economic Opportunity Act of 1964.

(b) In order to carry out the provisions of this Act the Secretary is authorized to provide either directly or by way of grant, contract, or otherwise such technical assistance as he deems necessary to Child Service District Boards of Directors.

NATIONAL ADVISORY COUNCIL ON CHILD CARE AND CHILD DEVELOPMENT

SEC. 11. (a) The Secretary shall appoint a National Advisory Council on Child Care and Child Development (referred to in this part as the "Council") which shall consist of—

(1) four parents who are Board members of Child Service Districts;

(2) one governor of a State;

(3) a mayor of a city in excess of 100,000 population;

(4) two individuals from private life with demonstrated experience in bilingual and bicultural education of children;

(5) two from private life who are education professionals in the fields of childcare and child development; and

(6) two from private life who are health professionals in the field of child health and nutrition.

(b) The Secretary is authorized to supply to the Council such technical and support personnel as he deems necessary.

(c) The Council shall study, investigate, conduct research, and prepare a report containing its findings and recommendations concerning matters relating to the purposes of the Act, and shall transmit such report to the Secretary, the President and to the Congress no later than October 1 of each year.

PROGRAMS FOR INDIANS, MIGRANTS AND SEASONAL FARMWORKERS

SEC. 12. (a) (1) Migrant and Seasonal Farmworkers Child Care Programs: Authorization—

(A) funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

(B) in determining the distribution of funds under this part, the Secretary shall give the highest priority to States and areas within States having the greatest need for programs authorized by this part.

(2) Applications for grants and conditions for approval—

(A) grants under this section will be made to public agencies known as Migrant Child Service Agencies, created and operated in accordance with Section 603 of this Section, upon application to the Secretary at such time or times in such manner and containing or accompanied by such information as the Secretary deems necessary. Such application shall:

(i) provide that the programs and projects for which assistance under this part is sought will be administered by, or under the supervision of, the applicant and set forth assurances that the applicant is qualified to administer or supervise such programs or projects;

(ii) set forth a program for carrying out the purposes of this part and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(iii) provide for such fiscal control and fund-accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the applicant under this part;

(iv) provide assurances that provision has been made for the maximum participation in the projects for which the application is made of persons representative of the population to be served; and

(v) provide for making an annual report and such other reports as the Secretary may reasonably require and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and vertification of such reports.

(B) The Secretary is authorized to make grants in accordance with the provisions of this Act, to public agencies created pursuant to Section 12(a) (3) of this Act, for the furnishing of Child Care Services.

(3) Migrant child service agencies—

(A) Migrant Child Service Agencies will be organized in communities where migrant families reside or will reside during the course of their employment using maximum feasible participation of migrants in the planning, directing and implementation of the program.

(B) The Secretary will publish criteria that will be used to determine the locations of Migrant Child Service Agencies throughout the migrant stream and establish rules and regulations to insure that no financial assistance is provided under this part unless the Secretary determines, upon the basis of evidence supplied by each applicant and evaluated and approved by the Migrant and Seasonal Farmworker National Advisory Council on Child Care, established by Section 12(a) (4) that persons broadly representative of the population to be served here have been given an opportunity to participate in the implementation of such programs.

(4) Migrant and Seasonal Farmworker National Advisory Council on Child Care: The Secretary shall appoint a Migrant and Seasonal Farmworker National Advisory Council on Child Care (referred to in this part as the "Migrant Council") which shall consist of—

(A) six individuals broadly representative of the population to be served by this part;

(B) two health professionals from private life who are specialists in the field of child health and nutrition;

(C) two individuals from private life who are professionals in the field of child development and child care and who have a demonstrated interest in and knowledge of the child care problems of migrant and seasonal farmworkers; and

(D) two individuals from private life who have a demonstrated interest in and knowledge of the problems relating to child care among migrant and seasonal farmworker families and who have been actively involved in activities leading to solutions of such problems.

The Migrant Council shall study, investigate, conduct research and prepare a report containing its findings and recommendations concerning matters relating to the purposes of this part and shall transmit such report to the Congress, the President and the Secretary no later than October 1 of each year.

The members of the Migrant Council shall designate their own chairman, vice chairman and secretary. Such council will hold not less than two meetings during each calendar year. The three officers will form the executive committee and be empowered to act for the Migrant Council between meetings.

The appointed members of the Council shall be paid compensation at a rate not to exceed the daily rate prescribed for GS-18 under Section 5332 of Title 5, United States Code, while engaged in the work of the Council, including travel time and shall be allowed travel expenses and per diem in view of subsistence as authorized by law (5 USC 5703) for persons in the Government service, employed intermittently.

The Secretary shall provide the Migrant Council with such staff and services as may be necessary for the Migrant Council to carry out its functions.

(5) Qualified personnel: The Secretary is directed to designate full time personnel with the ability to communicate with the target population and who are experienced in the child care problems of migrant and seasonal farmworkers to have responsibility for program leadership, development, coordination and information and to give special attention to the child care problems of migratory and seasonal agricultural workers and the programs related to child care among migratory and seasonal agricultural workers.

(b) (1) American Indian Childcare Programs—Authorization: Funds available for this part shall be expended for programs and activities consistent with the purpose of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

In determining the distribution of funds under this part, the Secretary shall give the highest priority to States and areas within States having the greatest need for programs authorized by this part.

(2) Applications for grants and conditions for approval—(A) Grants under this Section will be made to public agencies known as Indian Child Service Agencies created and operated in accordance to Section ( ) of this Section, upon application to the Secretary at such time or times in such manner and containing or accompanied

by such information as the Secretary deems necessary. Such applications shall:

(i) provide that the programs and projects for which assistance under this part is sought will be administered by, or under supervision of, the applicant and set forth assurances that the applicant is qualified to administer or supervise such programs or projects;

(ii) set forth a program for carrying out the purposes of this part and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(iii) provide for such fiscal control and fund-accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the applicant under this part;

(iv) provide assurances that provision has been made for the maximum participation in the projects for which the application is made, of persons who are members of federally recognized tribes, bands, and individuals and other groups and individuals of Native American descent; and

(v) provide for making an annual report and other such reports as the Secretary may reasonably require and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(B) The Secretary is authorized to make grants in accordance with the provisions of this Act to public service agencies created pursuant to section 12(b)(3) of this Act, for the furnishing of child care services.

(3) Indian child service agencies: Indian Child Service Agencies will be organized in areas throughout the country that are accessible to communities, groups, tribes, bands and groups of individuals of native American descent.

No financial assistance shall be provided under this part unless the Secretary determines upon the basis supplied by each applicant and evaluated and approved by the National Advisory Council on Indian Child Care established in Section 12(b)(4) of this part, that persons broadly representative of the population to be served have been given an opportunity to participate in the development of programs to be assisted under this part and will be given an opportunity to participate in the implementation of such programs.

(4) National Advisory Council on Indian Child Care: The Secretary shall appoint a National Advisory Council on Indian Child Care (referred to in this part as the "Indian Council") which shall consist of:

(i) six individuals from private life, broadly representative of the population to be served by this part.

(ii) two health professionals from private life who are specialists in the field of child health and nutrition.

(iii) two individuals from private life who are professionals in the field of child development and child care and who have a demonstrated interest in and knowledge of child care problems of native American Indians.

(iv) two individuals from private life who have a demonstrated interest in and knowledge of the problems relating to child care among native Americans and who have been actively involved in activities leading toward solution of such problems.

The Indian Council shall study, investigate, conduct research and prepare a report containing its findings and recommendations concerning matters relating to the purposes of this part and shall transmit such report to the Congress, the President and the Secretary no later than October 1 of each year.

The Indian Council shall review proposals from the Indian Child Service Agencies and advise the Secretary as to its feasibility, adequacy and participation by native Americans.

The members of the Indian Council shall designate their own chairman, vice chairman and secretary who will comprise the executive committee and be empowered to act for the Indian Council between meetings. Such Council shall hold not less than two meetings during each calendar year.

The appointed members of the Indian Council shall be paid compensation at a rate not to exceed the daily rate prescribed for GS 18 under Section 5332 of Title 5, United States Code, while engaged in the work of the Indian Council, including travel time and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 USC 5703) for persons in the Government service employed intermittently.

(5) Qualified personnel: The Secretary shall provide the Indian Council with such staff and services as may be necessary for the Indian Council to carry out its functions.

The Secretary is directed to designate full time personnel with the ability to communicate with the target population and who are experienced in the child care problems of Indians and Alaska Natives to have responsibility for program leadership, development, coordination and information and to give special attention to the child care problems, of native Americans and the programs related to child care among native Americans.

(6) Trust responsibilities: No provisions of this Act shall abrogate in any way the trust responsibilities of the Federal Government to Indian bands or tribes.

PAYMENTS

SEC. 13. (a) From the amounts allotted to each State under Section 4 of this Act the Secretary shall pay to each applicant in such State having an application approved by him under Section 6 an amount equal to the total sums to be expended by the applicant under the application or such lesser amount as the Secretary determines on the basis of objective criteria, relating to fees charged to the parents of children to be served, if any, and other similar relevant factors, prescribed by him that the applicant can afford. For the purpose of this section non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

WITHHOLDING OF GRANTS

SEC. 14. Whenever the Secretary, after reasonable notice and opportunity for hearing to any grantee, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the application of that grantee approved under Section 6; or

(2) that in the operation of any program or project assisted under this Act there is a failure to comply substantially with any applicable provision of this Act; the Secretary shall notify such grantee of his findings and that no further payments may be made to such grantee under this Act until he is satisfied that there is no longer any such failure to comply, or the non-compliance will be promptly corrected.

RECOVERY OF PAYMENTS

SEC. 15. If within twenty-five years after completion of any construction for which Federal funds have been paid under this Act—

(1) the owner of the facility shall cease to be a State or local public agency, or

(2) the facility shall cease to be used for the child service purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

REVIEW AND AUDIT

SEC. 16. The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

LABOR STANDARDS

SEC. 17. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 27a–276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 USC 276c).

EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS

SEC. 18. After consultation with the Secretary of Labor, the Secretary shall make whatever arrangements he deems necessary to assure that opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of such project.

ADMINISTRATION

SEC. 19. (a) There is hereby established in the Department of Health, Education, and Welfare, an office to be known as the Office of Child Development. The Secretary shall administer the provisions of this Act through the Office.

(b) The office shall be administered by a Director who shall report directly to the Secretary.

(c) Section 53 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"( ) Director of the Office of Child Development, Department of Health, Education, and Welfare."

(d) In order to carry out the provisions of this Act, the Secretary is authorized to make, amend, alter and repeal such rules and regulations as he deems reasonably necessary.

EVALUATION AND REPORTS

SEC. 20. (a) The Secretary shall, either directly or by way of a grant or contract, provide for a complete review of programs assisted under this Act. In carrying out the provisions of this section, the Secretary shall consider evaluation reports obtained pursuant to Sec. 6(a) and where feasible directly consult with as many of the members of the Child Service District Board of Directors as possible.

(b) The Secretary shall prepare and submit annually to the Congress a report on the administration of this Act.

REPEAL, CONSOLIDATION AND TRANSFERS

SEC. 21. (a) The purpose of this section is to consolidate early childhood, day care, child service, and preschool programs authorized by the existing laws referred to in subsections (b) through (h), so as to form a single coordinated Comprehensive Child Care and Development Program in the Department of Health, Education, and Welfare.

(b) To effectuate such consolidation the Director of the Office of Management and Budget under the direction and supervision of the President shall transfer to the Department the following programs:

1. Section 222(a) (1) of the Economic Opportunity Act of 1964.

2. Part B of Title V of the Economic Opportunity Act of 1964.

(c) Section 162(b) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing day care services for children, but not operation of day care programs for children."

(d) Section 123(a) (6) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children and inserting in lieu thereof "assistance in securing day care services for children" and adding after the word "employment" the phrase ", but not including the direct operation of day care programs for children".

(e) Section 101 of the Elementary and Secondary Education Act of 1965 is amended by striking out "(including preschool programs)" and by inserting "aged five to seventeen" before the end of the sentence.

(f) Section 105(a) (1) (A) of the Elementary and Secondary Education Act of 1965 is amended by insertiing "aged five or older" after the phrase "which are designed to meet the special educational needs of educationally deprived children".

(g) Section 312(b) (1) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children".

(h) Effective July 1, 1971, neither the child care services furnished under a State plan approved under part A of title IV of the Social Security Act nor the child welfare services furnished under a State plan developed as provided in part B of such title shall include day care services or any other organized child development program within the meaning of this Act, and section 422(a) (1) (C) of such Act shall not apply. The Secretary shall prescribe such regulations and make such arrangements as may be necessary or appropriate to ensure that suitable child development programs under this Act are available for children receiving aid or services under State plans approved under part A of title IV of the Social Security Act and State plans developed as provided in part B of such title to the extent that such programs are required for the administration of such plans and the achievement of their objectives, and that there is effective coordination between the child development programs under this Act and the programs of aid and services under such title IV.

(c) (1) Subject to the provisions of this subsection, the Director of the Office of Management and Budget, under the direction and supervision of the President for a period of 3 years after the date of enactment of this Act may transfer to the Department any other function (including powers, duties, activities, facilities, and parts of functions) of any other department or agency of the United States, or of any officer or organizational entity thereof, which relates primarily to the functions of the Secretary under the provisions of this Act and which he determines can more adequately carry out the purposes of this Act by being so transferred. In connection with any such transfer, the President may, under this section or other applicable authority, provide for appropriate transfers of records, property, civilian personnel, and funds.

(2) Whenever any such transfer is made before January 1, 1975, the President shall transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate a full and complete report concerning the nature and effect of such transfer.

(3) After January 1, 1975 no transfer shall be made under this section until (1) a full and complete report concerning the nature and effect of such proposed transfer has been transmitted by the President to the Congress, and (2) the first period of sixty calendar days of regular session of the Congress following the date of receipt of such report by the Congress has expired without the adoption by the Congress of a concurrent resolution stating that the Congress does not favor such transfer.

DEFINITIONS

Sec. 22. As used in this Act—

(1) "Child Service Center" means a center for child care, child development programs, of office, established within a Child Service District as the facility for parents and children in need of programs and services;

(2) "Child Service District" means an area approved by the Secretary pursuant to section 7 to be an attendance area for not less than 3 public elementary schools or not more than the sum of the attendance areas of 27 public elementary schools, which areas are contiguous; except in cases where the Chief Executive of the State and the Secretary jointly determine that an area not consistent with the criteria of this paragraph is best suited to the applicant and will meet the purposes of this act.

(3) "Comprehensive pre-school, part day, and day care programs" means a developmental program for children aged 3 to 5 inclusive, that provides for an educational component, health, nutritional services, psychological services, parental involvement, and social services for the enhancement of the family unit in a part day program of not less than twenty hours per week or a full day program for children of parents who are working or in training for employment;

(4) "Infant care" means are provided to infants from birth to three years of age to ensure their physical and emotional well-being in group or individual placement for a portion of a twenty-four hour day and includes any such service provided by an agency by individuals in groups or as a family;

(5) "day care programs before and after school for school aged children in need of such care" means the provision of care to ensure the physical and emotional well-being of children of parents who are working or in training for employment and who are in need of such care as determined by the Secretary;

(6) "day care and night care programs" means any such program designed to aid parents working during daylight hours or the provision of care in group or individual settings during the evening, night or early morning hours that provides an environment that ensures the physical and emotional well-being of children whose parents work during such hours;

(7) "emergency care" means care to ensure the physical and emotional well-being of children from birth to 14 years of age who need such care during any part of the twenty-four hour day because of a family emergency that incapacitates or otherwise removes the parent from the child;

(8) "Department" means the Department of Health, Education, and Welfare;

(9) "Office" means the Office of Child Development established pursuant to section 16 of this Act;

(10) "parents who work or are in training" means those single parent families who must be apart from their children to secure the training for employment or the actual employment to be self-sufficient and self-supporting, and for those parents who are both employed or in training during the same time of the day or night;

(11) "parents" as used in this act includes any natural or adoptive parent, foster parent or legal guardian with whom the child resides, but any temporary absence of the child from the home not exceeding 6 months shall not affect the eligibility of otherwise eligible parents;

(12) "agency for profit" is limited to corporate enterprises organized by area residents as a community project for the purposes of this Act;

(13) "Secretary" means the Secretary of Health, Education, and Welfare;

(14) "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa and the Trust Territory of the Pacific Islands;

AUTHORIZATION OF APPROPRIATIONS

Sec. 23. There are authorized to be appropriated for the purposes of carrying out the provisions of this Act, $2,000,000,000 for the fiscal year ending June 30, 1972, $4,000,000,000 for the fiscal year ending June 30, 1973, and $6,000,000,000 for the fiscal year ending June 30, 1974.

S. 531—INTRODUCTION OF A BILL TO AMEND SECTION 214 OF TITLE 22, UNITED STATES CODE

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend section 214 of title 22, United States Code, to permit the Secretary of State to pay to the U.S. Postal Service the execution fee of $2 for each passport application executed before postal officials.

The bill has been requested by the Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Assistant Secretary dated January 25, 1971, to the Vice President.

The PRESIDING OFFICER (Mr. Bentsen). The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the Record.

The bill (S. 531) to authorize the United States Postal Service to receive the fee of $2 for execution of an application for a passport, introduced by Mr. Fulbright (by request), was received, read twice by its title, referred to the Committee on Foreign Relations and ordered to be printed in the Record, as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso clause in Section 1 of the Act of June 4, 1920, as amended (22 USC 214) is hereby further amended by striking out the period after "$2" and inserting in lieu thereof "or to transfer to the Postal Service the execution fee of $2 for each application accepted by that Service."

Sec. 2. The amendment made by this Act shall become effective on the date of enactment and shall continue in effect until June 30, 1973.

The letter submitted by Mr. FULBRIGHT is as follows:

DEPARTMENT OF STATE,
Washington, D.C., January 25, 1971.
Hon. SPIRO T. AGNEW,
President of the U.S. Senate.

DEAR MR. PRESIDENT: Enclosed is a draft bill to amend section 214 of Title 22, United States Code, to permit the Secretary of State to pay to the U.S. Postal Service the execution fee of $2 for each passport application executed before postal officials.

The constant increase in the number of American citizens seeking passports for travel abroad has seriously overburdened the existing facilities of the Department's passport agencies and of the Federal and state courts that accept passport applications. The Secretary of State's Committee to Facilitate Travel recommended, in June 1970, that, with a view to providing more convenient facilities and a greater number of such facilities for the travelling public, a pilot project be instituted whereby selected Post Offices in Houston, Texas; Detroit, Michigan; and in eight cities in Connecticut would accept passport applications, as the clerks of many Federal and state courts now do under existing arrangements. The purpose of the pilot project was to determine the feasibility of utilizing Post Office facilities nationwide for the acceptance of passport applications.

Pursuant to an agreement between the Post Office Department and the Department of State, the Department of State agreed to reimburse the Post Office Department in the amount of $2 for each application accepted at Post Office facilities during the test period.

The Department of State and the Post Office Department have evaluated the results of the test project to date. Both Departments agree that expansion of the system nationwide is both feasible and desirable.

Present plans call for expansion of the acceptance of passport applications by Post Offices commencing in late February 1971 in a number of additional cities to meet the high-volume period of passport applications beginning in March with expansion thereafter to other cities on a phased basis. At present, the sum of $2 per application appears to be reasonable reimbursement for the service performed by Post Office employees. We are unable, however, to make any meaningful forecast of the number of passport applications that will be made at Post Office facilities. We cannot, therefore, determine in advance the amount of appropriations that should be sought by the Department of State to reimburse the Post Office Department for performance of this function. If, however, the Department of State were authorized to transfer to the Postal Service the $2 execution fee collected for each application executed at Post Office facilities, reimbursement could be effected in a timely and efficient manner. The attached draft bill would permit such a transfer. Under present law the Secretary of State may authorize officials of States accepting passport applications to retain the $2 execution fee. It is contemplated that the transfer to the Postal Service will be accomplished by periodic adjustments of receipts on the books of the Treasury, rather than by dividing the receipts at the time of collection.

Section 2 of the bill limits the authorization to a period from enactment to June 30, 1973. By June 30, 1973 the scope of Postal Service participation in the passport application process should be clearly established and it should be possible to evaluate this new arrangement and to make informal determinations on such matters as the best method to effect reimbursement as well as the proper amount of such reimbursement.

Inasmuch as the draft bill is an essential element in providing more efficient and convenient passport services to the American public, the Post Office Department and the Department of State hope that this proposed legislation may be given early and favorable consideration.

The proposed bill is identical to that submitted to you by my letter of December 11, 1970.

The Office of Management and Budget advises from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

S. 535—INTRODUCTION OF A BILL TO PROTECT THE AU SABLE AND MANISTEE RIVER SYSTEMS, MICHIGAN

Mr. HART. Mr. President, today I am reintroducing a bill to help protect the Au Sable and Manistee River systems in Michigan. The purpose of the bill, which was S. 4570 in the 91st Congress, is to add portions of these two wonderfully wild, increasingly endangered rivers and their tributaries to the list of 27 streams which Congress scheduled for study as potential additions to the wild and scenic rivers system.

Designation of appropriate stretches of these streams and the wild, beautiful settings through which they flow for special preservation is, in my view, absolutely essential. The purpose of this bill is to direct that a study be made, and to assure stronger protection against adverse development during the study period.

Last fall, the State of Michigan enacted its own wild rivers protection law, carefully written to coordinate well with the features of the national law. The bill I introduce today does not conflict with State plans. The study it orders will be a cooperative one, involving State, local, and citizen interests, as well as the Bureau of Outdoor Recreation and the U.S. Forest Service, which administers large national forests near these two rivers. The bill I am introducing has the support of Michigan's Department of Natural Resources.

Much of the immediate flowage lands along these streams has been owned for many years by the Consumers Power Co. of Jackson, Mich. The company, by holding these lands intact, has given us the opportunity we now have. Many of Michigan's conservation-minded citizens are increasingly concerned that absent prompt action these magnificently wild rivers will be overtaken by private development.

The threats are closing in, make no mistake. Oil wells are being drilled—as close as 500 feet to the Au Sable's north branch. Leases have been let and large parcels have been sold off for private development. Action on this bill is needed soon.

We who know and treasure these streams, draw resolve from our image of the inestimable value that wild rivers, in all their uses, will have for the future. We recall that William Mershon said in "Recollections of My Fifty Years Hunting and Fishing" about the Au Sable and the Manistee:

> The splendid trout streams of the upper part of our state also need timely help, or they, too, are doomed.

He wrote that—a plea for timely help—in 1870.

Then, too, there are these words of Henry Stephan, a pioneer whose memories were recalled in "The Old Au Sable" by Hazen Miller:

> I have no great desire to catch a lot of trout now, being satisfied if I get a few to eat and being out fishing, enjoying wildlife and the peacefulness of it all. When the time comes for me . . . I would like to have a resting place on the bank of the beautiful, beloved Au Sable.

Now, as a Michigan weekly newspaper, the North Woods Call, points out, the threats are closing in. The Call asks:

> Are we willing to continue our retreat? Can we rebury Henry Stephan along another stream?

That, I strongly believe, places the question in its most eloquent, forceful, and relevant form. I ask unanimous consent to include at this point in the RECORD the North Woods Call editorial and the full text of the Au Sable-Manistee bill.

The PRESIDING OFFICER (Mr. BENTSEN). The bill will be received and appropriately referred; and, without objection, the bill and editorial will be printed in the RECORD.

The bill, S. 535, a bill to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Michigan for potential additions to the National Wild and Scenic Rivers System, introduced by Mr. HART was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 5 of the Wild and Scenic Rivers Act (16 U.S.C. 1276) is amended by adding at the end thereof the following:

"(28) Au Sable, Michigan: the segment downstream from Foot Dam to Oscoda; upstream from Loud Reservoir to the river's source and including its principal tributaries and excluding Mio and Bamfield Reservoirs.

"(29) Manistee, Michigan: the segment upstream from Manistee Lake to the river's source and including its principal tributaries and excluding Tippy and Hodenpyl Reservoirs."

The editorial submitted by Mr. HART, is as follows:

AN OIL WELL AND THE AUSABLE

A DNR geologist has promised that the producing oil well only 900 feet from the North Branch of the AuSable River in Otsego County, cannot possibly pose a threat to the flies-only waters beside which it pumps its black gold. (We assume geologists gave equally emphatic assurance that those oil wells off California and Texas would never become an environmental threat.)

Thanks to Wynn Case, Saginaw trout fisherman, the Call's editor has reference to William B. Mershon's "Recollections of my Fifty Years Hunting and Fishing." Mr. Mershon personally recalls the grayling fishing in the North Branch of the AuSable in the 1870's and pleads, "The splendid trout streams of the upper part of our state also need timely help, or they, too, are doomed."

That was in the 1870's. One hundred years ago.

Mr. Mershon saw the grayling disappear from the North Branch of the AuSable. Eighty years later the Call's editor could not resist the promise of grayling in Alaskan streams. Grayling! The AuSable! They are a part of a Michigan lover's blood.

Many years after Mershon saw this beautiful river, Hazen Miller, in his memorable "The Old AuSable," quotes aging pioneer Henry Stephan: "I have no great desire to catch a lot of trout now, being satisfied if I get a few to eat and being out fishing, enjoying wildlife and the peacefulness of it all.

"When the time comes for me to join (old comrades) Shop and Rube in the 'Happy Hunting Ground', I would like to have a resting place on the bank of the beautiful, beloved AuSable."

Aye, cobber, the "beautiful, beloved AuSable."

It is still beautiful. It is still beloved, by many of us.

But who can think of the silver glory of a sparkling grayling's dorsal fin under the shadow of an oil well? Who can dream of William Mershon and mighty men like the Stephan when their thoughts are interrupted by the god-awful ugly thump of an oil well's pump?

There is still the Jordan. The Two-Hearted. The AuTrain. The Whitefish. And many others. But are we willing to continue our retreat? Can we re-bury Henry Stephan along another stream?

They have drilled an oil well barely a football field's length from the AuSable.

"The Old AuSable," is indeed too old for us to appreciate if that oil well doesn't kindle a fire in our guts.

We make our mistakes, as William Mershon and Henry Stephan did. But will we allow more mistakes like the oil well only 900 feet from "their" and "our" stream?

S. 544—INTRODUCTION OF THE SMALL BUSINESS TAXATION OF 1971

Mr. BENNETT. Mr. President, I am today introducing the Small Business Taxation Act of 1971, incorporating the administration's proposals to ease the tax burdens presently borne by small business. This legislation is identical to proposals made to but not acted on by, the 91st Congress.

The health of small business is critical to the health of the Nation's economy. There are some 5½ million independent businesses in the United States today, of which approximately 95 percent are classified as small businesses by the Small Business Administration. Some 77 percent of our Nation's firms employ fewer than 100 full-time workers, and the small business sector accounts for more than 40 percent of U.S. employment and 37 percent of the gross national product.

Small business provides the diversity, the chance to make good on your own, that epitomizes the American dream. Many of us in this Chamber have been small businessmen—certainly I have—or have been reared in families dependent on small businesses. Directly, or indirectly, the problems of small business are the problems of every American.

The Federal income tax laws have an important effect on the success or failure of small businesses, particularly in the case of the new enterprise. Some of these problems have already been recognized in the tax laws, through the provisions in subchapter S to permit certain qualified corporations to be taxed as partnerships; in section 1244, allowing ordinary loss treatment on investments in small business, and the allowance of a $25,000 surtax exemption.

The legislation which I am introducing today for the Nixon administration is directed toward problems which are particularly acute to small business; that is, securing adequate capital and attracting management talent. It also provides special incentives further to encourage creation and success of minority enterprise. It is a result of intensive study by business and tax experts in the Department of the Treasury, the Department of Commerce, and the Small Business Administration and reflects a number of recommendations from the President's Task Force on Small Business, chaired by Mr. J. Wilson Newman, of New York. The proposals will not solve all the problems of small business. But for a minimal loss in revenue, they will remove some of the more serious disincentives to the growth of small business. Let me also say at this point, I offer them as a starting point or a focus for action. Later in the legislative life of the bill I may want to alter parts of it and add other provisions as they may be needed.

I now turn to a brief description of the major features:

CAPITAL NEEDS

One of the most serious problems facing small businesses in general, and newly organized businesses in particular, is the difficulty of obtaining and keeping the capital required for further growth.

SMALL BUSINESS LOAN DEDUCTION

In order further to increase the funds available to high-risk small businesses, the legislation I am introducing today provides a deduction equal to 20 percent of gross income derived by corporations from obligations guaranteed by the Small Business Administration. Thus, if a bank makes an SBA guaranteed loan to a small business, yielding interest of $1,000 per year, the bank would be entitled to a deduction of $200. The deduction would not, however, be available to subchapter S corporations and personal holding companies. To insure that no taxpayer is able to take undue advantage of the provisions, the deduction could not reduce taxable income to less than 60 percent of the lender's economic income. For this purpose, "economic income" includes tax-exempt interest and all dividends received by the taxpayer.

This is not a new concept. The Newman Commission recommended that an interest incentive be provided to lenders to help make senior money available for small businesses. And in its recommendations to the Senate Finance Committee on H.R. 13270, the Tax Reform Act of 1970, the Treasury Department recommended a similar 5-percent deduction on interest derived from loans for socially desirable purposes, including small business.

It should be noted that the key criterion for an SBA-guaranteed loan is that the borrower would not qualify for a loan under the bank's normal criteria —thus, the incentive tends to be focused on "high risk" small businesses most in need of help, rather than all businesses which are relatively small in size.

NET OPERATING LOSS CARRYOVERS

Under present law, a net operating loss may be carried forward for 5 consecutive years as a deduction. However, if a new business sustains substantial startup losses in its first few years of operation, a substantial portion of the original losses may not be used up before the 5-year period expires. Thus, the proposed legislation would permit business losses incurred by individuals or qualified small business corporations to be carried forward for 10 years as a deduction against income in subsequent years. A corporation will be considered "small" if, together with its affiliates, it has no more than 250 employees, 250 shareholders, and $1 million in net assets.

The extended net operating loss carryover period will be particularly helpful to new businesses which spend large amounts on research and development during their early years but may not begin to show a profit until 6 or 7 years later. Extending the carryover to 10 years would not provide any advantage to a business, but would simply assure the deductibility of a loss which might otherwise be unused before a company turns the corner.

ATTRACTING KEY MANAGEMENT

For the small business with a modest cash flow, attracting and retaining competent management is a chronic problem. Offering the executive a piece of the action is often the only practical way to resolve the problem.

QUALIFIED STOCK OPTIONS

Thus, in the case of qualified small business corporations, the bill would liberalize the requirements for capital gain treatment of qualified stock options under section 422 of the Internal Revenue Code. The period during which such an option could be exercised would be extended from 5 to 8 years, and the period during which the stock must be held after exercise would be reduced from 3 years to 1 year.

Extending the exercise period from 5 to 8 years is based on the same considerations for extending the operating loss carry-forward period from 5 to 10 years: That it simply takes some businesses more than 5 years to begin to show a profit, and a manager will not commit himself to the purchase of the stock until he is reasonably confident that the company is going to be successful.

Reducing the holding period from 3 years to 1 year is intended to remove an impediment in present law to the effectiveness of stock options. Generally, for a young executive to finance the exercise of an option, he must borrow money from a bank. Over a 3-year period, the carrying charges can be quite substantial, and during this time the executive may have up to 50 percent of his own money tied up in the stock. Moreover, the extended holding period introduces a substantial element of risk. The purpose of a stock option is to provide a direct incentive for managers to increase the value of a business, and since the corporation does not receive a deduction for stock options—as opposed to other forms of compensation—there is a certain built-in limitation on possible abuses.

Since competent management, along with adequate financing, is the single greatest need of small business, liberalizing the requirements for stock options is a particularly appropriate method to aid small business.

SUBCHAPTER S

The legislation I am introducing today would increase the number of permissible shareholders in a subchapter S corporation from 10 to 30. This will substantially increase the number of qualifying businesses; and will be particularly helpful to those businesses that wish to offer stock to their key employees.

MINORITY ENTERPRISE

Our current proposals would also permit shares in a subchapter S corporation to be owned by minority enterprise small business investment companies—MESBIC's. MESBIC's, as you know are small business investment companies who specialize in investments to minority-owned businesses. Permitting them to be subchapter S shareholders is specifically designed to permit the MESBIC to utilize a prorata portion of the subchapter S corporation's early year operating losses. This will encourage more large companies to fund MESBIC's, and will encourage the successful MESBIC to take on riskier ventures which have a long leadtime before showing a profit.

Another provision in the bill would allow a charitable deduction for contributions to nonprofit MESBIC's whose earnings do not inure to the benefit of private shareholders. This would recognize the philanthropic nature of such contributions.

Mr. President, the need for small business tax relief is not a partisan issue. Small businessmen represent all parties, and neither the Democrats nor Republicans have a monopoly on this concern. In fact, one of the leading exponents for relief of small business is my distinguished colleague, the senior Senator from Nevada (Mr. BIBLE) who as chairman of the Select Committee on Small Business introduced legislation in the 91st Congress to alleviate the tax burdens on small business. This indicates the range of bipartisan support for the legislation which I am introducing today, and I hope that it indicates prompt passage by the Congress.

I ask unanimous consent to have printed in the RECORD a copy of the bill and a section-by-section analysis of its particular provisions.

The PRESIDING OFFICER (Mr. BELLMON). The bill will be received and appropriately referred; and, without objection, the bill and analysis will be printed in the RECORD.

The bill (S. 544) to amend the Internal Revenue Code of 1954 to ease the tax burdens of small businesses, and for other purposes, introduced by Mr. BENNETT, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Taxation Act of 1971."

(b) AMENDMENT OF 1954 CODE.—Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. INTEREST ON GUARANTEED SMALL BUSINESS LOANS.

(a) IN GENERAL.—Part VIII of subchapter B of chapter 1 (relating to special deductions for corporations) is amended by adding after section 249 the following new section:

"SEC. 250. INTEREST ON GUARANTEED LOANS TO SMALL BUSINESSES.

"(a) GENERAL RULE.—In the case of a corporation there shall be allowed as a deduction an amount equal to 20 percent of—

"(1) the gross income derived for the taxable year with respect to obligations guaranteed by the Small Business Administration, reduced by

"(2) the amount allowable as a deduction under section 171(a)(1).

"(b) LIMITATION.—For any taxable year, the amount allowable as a deduction under subsection (a) shall not exceed taxable income (computed without regard to this section), reduced (but not below zero) by 60 percent of the sum of the following:

"(1) taxable income (computed without regard to this section);

"(2) interest on certain governmental obligations described in section 103(a); and

"(3) the amount allowable as a deduction under section 243.

"(c) EXCEPTION.—This section shall not apply to:

"(1) a personal holding company (as defined in section 542), or

"(2) an electing small business corporation (as defined in section 1371(b))."

(b) BASIS ADJUSTMENT.—Section 1016(a) (relating to adjustment to basis) is amended by striking out the period at the end of paragraph (22) and inserting in lieu thereof a semicolon, and by inserting after paragraph (22) the following new paragraph:

"(23) for purposes of section 165 and 166, in the case of a right to receive gross income derived from an obligation guaranteed by the Small Business Administration, to the extent of the allowable deduction under section 250."

(c) CLERICAL AMENDMENT.—The table of sections for part VIII of subchapter B of chapter 1 is amended by adding at the end thereof:

"SEC. 250. INTEREST ON GUARANTEED LOANS TO SMALL BUSINESS."

(d) Effective Date.—The amendment made by this section shall apply with respect to loans which are guaranteed by the Small Business Administration after the date of enactment of this Act and with respect to taxable years ending after such date.

SEC. 3. QUALIFIED SMALL BUSINESS NET OPERATING LOSSES

(a) IN GENERAL.—Section 172(b)(1) relating to net operating loss deduction) is amended by adding at the end of subparagraph (G) the following new subparagraph:

"(H) In the case of an individual or a corporation, which is a qualified small business corporation, for any taxable year ending after March 19, 1970, a net operating loss for such taxable year shall be a net operating loss carryover to each of the 10 taxable years following the taxable year of such loss."

(b) CONFORMING AMENDMENT.—Section 172 (b)(1)(B) is amended by striking "and (E)", and inserting in lieu thereof "(E), and (H)".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to all taxable years ending after December 31, 1970.

SEC. 4. MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT COMPANIES.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, etc.) is amended by redesignating subsection (f) as subsection (g), and by inserting after subsection (e) the following new subsection:

"(f) Minority Enterprise Small Business Investment Companies.—For purposes of this title, an organization shall be treated as an organization organized and operated exclusively for charitable purposes if—

(i) it is a small business investment company operating under the Small Business Investment Act of 1958;

(ii) it is not organized for profit, and no part of its net earnings inure to the benefit of any private shareholder; and

(iii) it is certified by the Department of Commerce or the Small Business Administration as organized and operated exclusively to increase the ownership of small businesses by socially or economically disadvantaged persons.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any taxable year of a minority enterprise small business investment company beginning after the date of enactment of this Act, and to contributions made to any such company after November 6, 1969. Any company which meets the requirements of section 501(f), as added by subsection (a), for its first taxable year beginning after the date of enactment of this Act, shall be deemed to have met such requirements as of the date of its organization if no part of its net earnings have at any time inured to the benefit of any private shareholder.

SEC. 5. QUALIFIED SMALL BUSINESS CORPORATION STOCK OPTIONS.

(a) IN GENERAL.—Section 422 (relating to qualified stock options) is amended by adding at the end of subsection (c) the following new paragraph:

"(7) Qualified small business corporation. In the case of options granted by a corporation which is a qualified small business corporation as of the end of the taxable year immediately preceding the year in which the option is granted—

"(A) the period referred to in subsection (a)(1) shall be 1 year, and

"(B) the period referred to in subsection (b)(3) shall be 8 years."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to options granted after the date of enactment.

SEC. 6. DEFINITION OF SUBCHAPTER S CORPORATIONS.

(a) NUMBER OF SHAREHOLDERS.—Subsection (a)(1) of section 1371 (relating to the definition of a small business corporation) is amended by striking out "10" and inserting in lieu thereof "30".

(b) MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT COMPANIES.—Subsection (a) of section 1371 is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) have as a shareholder a person (other than an estate) who is not—

"(A) an individual, or

"(B) a small business investment company operating under the Small Business Investment Act of 1958, which is certified by the Department of Commerce or the Small Business Administration as organized and operated exclusively to increase the ownership of small businesses by socially or economically disadvantaged persons.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1970.

SEC. 7. QUALIFIED SMALL BUSINESS CORPORATION.

(a) DEFINITION OF QUALIFIED SMALL BUSINESS CORPORATION.—Section 7701 (relating to definitions) is amended by adding at the end of subsection (a) the following new paragraph:

"(35) QUALIFIED SMALL BUSINESS CORPORATION.—

"(A) GENERAL RULE.—The term 'qualified small business corporation' means any corporation which—

"(i) has not in excess of 250 employees (as defined in section 3401 (c)) during two out of four calendar quarters which end in the taxable year;

"(ii) has net equity capital not in excess of $1,000,000 as of the end of the taxable year; and

"(iii) has not in excess of 250 shareholders as of the end of the taxable year.

"(B) SPECIAL RULES.—For purposes of subparagraph (A)—

"(i) in the case of a corporation which is a component member (as defined in section 1563(b)) of a controlled group of corporations, the term 'corporation' shall include all corporations which are component members of such group.

"(ii) the net equity capital of a corporation is the sum of its money and other property (in an amount equal to the adjusted basis of such property for determining gain on sale or other disposition) less the amount of its indebtedness (other than indebtedness to shareholders which are not member corporations described in clause (i)).

For purposes of clause (i), the term '80 percent' as used in section 1563 (a) shall be '50 percent'."

The analysis, presented by Mr. BENNETT, is as follows:

SECTION-BY-SECTION ANALYSIS

SMALL BUSINESS TAXATION ACT OF 1971

Section 1

Section 1 labels the Act as the "Small Business Taxation Act of 1971," and specifies that all amendments contained in the bill are amendments to the Internal Revenue Code.

Section 2

Section 2 adds a new section 250 to the Internal Revenue Code, allowing corporations a deduction equal to 20 percent of the gross income derived from loans guaranteed by the Small Business Administration. However, the deduction could not reduce taxable income below 60 percent of "economic income"—taxable income increased by the amount of tax exempt interest and dividends received for the year.

Section 2(b) of the bill adds a new paragraph (23) to section 1016(a), providing that for purposes of the deduction for losses (under section 165) and bad debts (under section 166), the basis of a right to receive gross income derived from an SBA-guaranteed loan will be reduced by the amount of the deduction allowable under section 2(a) of the bill (section 250 of the Code).

The interest deduction will be allowable with respect to loans guaranteed after enactment of the bill; and the computation of economic income for purposes of the limitation will include all income for taxable years ending after such date.

Section 3

Section 3(a) of the bill amends section 172 (b) (1) by adding a new subparagraph (H), providing that in the case of individuals and qualifying small business corporations (as defined in section 7 of the bill), net operating losses may be carried forward for 10 years, instead of the 5 years allowed under present law. The 10 year carryforward is applicable to taxable years ending after December 31, 1970.

Section 4

Section 4 adds a new subsection (f) to section 501 of the Code, specifying that a non-profit Minority Enterprise Small Business Investment Company (MESBIC) will be treated as an organization described in section 501(c)(3) of the Code, organized and operated exclusively for charitable purposes. Consequently, payments made to such organizations will be treated as charitable contributions under section 170 of the Code.

In the case of contributions made after November 6, 1969, but before the date of enactment of this bill, contributions to a MESBIC will be treated as charitable contributions if the MESBIC qualifies as a non-profit organization for its first taxable year beginning after the date of enactment.

Section 5

Section 5 adds a new paragraph (7) to section 422(c), dealing with special rules for qualified stock options. In the case of a corporation which is a qualified small business corporation (as defined in section 7 of the bill) for the taxable year immediately preceding the year in which an option is granted, an option will be considered "qualified" if it is not exercisable until 8 years after the date it is granted, compared to the 5-year exercise period required in the present law. The provision also permits the shares to be sold or disposed of within one year after the date the option is exercised, as opposed to 3 years under present law. The section applies to options granted after the date of enactment.

Section 6

Section 6 amends section 1371(a), dealing with electing small business ("Subchapter S") corporations, by rewriting paragraph (2) to increase the number of permissible shareholders in a Subchapter S corporation from 10 to 30, and by providing that a MESBIC may be a shareholder in a Subchapter S corporation. The section applies to taxable years beginning after December 31, 1970.

Section 7

Section 7 of the bill adds a new paragraph (35) to section 7701(a) of the Code, defining a qualified small business corporation. A corporation falls within this definition if it has not in excess of: (i) 250 employees (as defined in section 3401(c)) during two out of four calendar quarters in the taxable year; (ii) net equity capital of $1 million as of the end of the taxable year; and (iii) 250 shareholders as of the end of the taxable year. In applying these tests, a corporation must take into account all component members of a controlled group of corporations of which it is a member. A controlled group of corporations includes any group described in section 1563(a) of the Code, plus corporations related to the taxpayer through common control of 50 percent of the voting stock, or value, of each corportaion in the group.

"Net equity capital" is defined as the adjusted basis of all the taxpayer's property (including money) less the amount of its indebtedness (other than indebtedness to shareholders which are not members of the controlled group of corporations).

S. 545—INTRODUCTION OF COMPREHENSIVE COMMUNITY COLLEGE ACT OF 1971

Mr. WILLIAMS. Mr. President, perhaps the most striking development in American education during the past decade has been the phenomenal growth of community colleges. In 1960, more than 600,000 students were enrolled in 2-year community junior colleges. Ten years later, their numbers grew to more than 2 million, including both full- and part-time students. Students enrolled in these 2-year institutions of higher education accounted for nearly 30 percent of all undergraduates and 25 percent of all those attending universities and colleges throughout the Nation.

What accounts for this community college "explosion?"

It has become increasingly obvious that the world we live in no longer views high school as the terminal educational experience. One hundred years ago, we assigned the task of producing a finished product to our secondary schools. But, today, we demand much more of ourselves.

We no longer limit formal education to the years between ages 6 and 18. A person must be able to change his career and his context of living both to accommodate his talents and to fill the needs of the times.

For many young people, the traditional access to higher education is closed. They cannot get started when admissions policies at many institutions judge them on their past performance rather than their future potential. Many young people cannot finance their education because of arbitrary standards which set ability above need in order to qualify for financial assistance. And uncounted numbers see no need for the traditional forms of higher education because these institutions hold out little meaning for their world or their future.

Clearly, then, we have had to find a better means to seek out and develop our precious human resources. We have had to provide the chance for young people to develop and express themselves.

It is the comprehensive community college which has demonstrated that it is best equipped for this task of extending and expanding much-needed educational opportunities in our country.

Its low cost to students, proximity to those it is designed to serve, flexible admissions arrangements, and its strong counseling and advising services are among the explanations for the rapid advance of the community colleges.

Community colleges offer a greater number of programs for a wider variety of students than any other segment of higher educations. The curriculum of a community college grows out of the needs of society, the community it serves, and of its students. It is expressly designed to meet personnel requirements in such diverse fields as medicine, engineering, and social service. And the community college curriculum provides a new direction in urban education as well as offering promise in job preparation and cultural and academic remedial education.

The genius of these schools is best summed up by Dr. Edmund J. Gleazer, Jr., executive director of the American Association of Junior Colleges, who has said:

> The community college is as much a social movement as an educational enterprise, and is perhaps closer to realizing a concept of a "people's college" than any other institution in the United States.

Over the past 10 years, the Federal Government has focused its efforts on imaginative and overdue programs for elementary and secondary education and the more traditional 4-year and graduate institutions of higher education. Now, it is the view of many that a crisis has emerged in our educational system which demands some sober rethinking and a better balance. The urgency of this imbalance prompted the Comprehensive Community College Act which I first introduced in the Senate almost 2 years ago.

Today, on behalf of myself and Senators BROOKE, CASE, CHURCH, CRANSTON, COOPER, EAGLETON, GRAVEL, HARRIS, HART, HARTKE, HUGHES, HUMPHREY, INOUYE, JACKSON, KENNEDY, MCGEE, MCGOVERN, MONDALE, MOSS, MUSKIE, NELSON, RANDOLPH, RIBICOFF and STEVENSON, I once again introduce for appropriate referral this bill entitled "The Comprehensive Community College Act of 1971."

This legislation, which has been developed with the energetic cooperation of the American Association of Junior Colleges, is designed to improve and increase postsecondary educational opportunities throughout the Nation by providing assistance to the States for the development and construction of comprehensive community colleges. We want to insure, through this act, that the education provided by these colleges is suited to the needs, interests and potential benefits of the total community. A special emphasis will be placed on meeting the needs of those neglected or ignored by traditional forms of education.

The general provisions of the bill call for a year devoted solely to planning so that each State may have time to develop or update a master plan for community college education. This 1-year period will also give the U.S. Office of Education time to create the position of Deputy Commissioner for Community Education and to staff a Bureau of Community Education to administer all Federal programs related to community colleges. An additional 3 years are provided to begin the implementation of these master plans.

The master plans will be developed jointly at the Senate level with all postsecondary education agencies within that State. They will set forth a statewide plan for the improvement, development, and implementation of comprehensive community colleges, including first, the development and implementation of comprehensive curriculum programs that have a special emphasis on the needs of the educationally and economically disadvantaged; second the training and development of faculty and staff; third, household research; fourth, a tuition-free or low-tuition admissions policy, or an adequate financial aid program; fifth, a policy and procedure to assure that Federal funds will not supplant existing State and local efforts; and sixth, where feasible and desirable a plan for interstate planning and cooperation in implementing this act.

Institutions eligible under the provisions of this act are those legally authorized within each State to provide a 2-year comprehensive program of postsecondary education—provided they admit as regular students high school graduates, or anyone 18 years of age or older. Accreditation of these schools will be determined by nationally recognized accrediting agencies and associations.

A National Advisory Council, appointed by the Commissioner of Education, from among those active in comprehensive community colleges, will assist the Commissioner in establishing the criteria for approving and implementing State plans.

Finally, the Commissioner will report to the Congress the results of his investigations and study of all Federal programs assisting community colleges in order to determine which programs are duplicating the benefits of this act and to collect in this new Bureau of Community Education, all Federal programs affecting community colleges.

Mr. President, there are many who ask why we need yet another Federal program in education. There are many reasons.

Community colleges have grown in the past decade from 678 in 1960 to 1,038 at the end of 1969. As I pointed out earlier, enrollment during the 10-year period has skyrocketed from 640,000 to 2,186,272. And what is most striking, is the fact that freshman students at community colleges comprise nearly 50 percent of all first-year students enrolled in institutions of higher education.

But these statistics alone do not tell the complete story. In June of last year, the Carnegie Commission on Higher Education, chaired by the distinguished educator, Clark Kerr, issued a special report on Community Colleges entitled, "The Open Door Colleges," in which it made the case for a new nationwide policy of encouraging and emphasizing community college development. Not only did this report point to the open-admissions policies, the strategic geographic distribution, and the low-tuition policies of these schools, it also described the dramatic innovations which community colleges have made in the field of higher education:

> They offer more varied programs for a greater variety of students than any other segment of higher education. They provide a chance for many who are not fully committed in advance to a four-year college career to try out higher education without great risks of time or money. They appeal to students who are undecided about their future careers and unprepared to choose a field of specialization. And last, but by no means least, they provide an opportunity for continuing education to working adults seeking to upgrade their skills and training.

The Carnegie Commission Report points to some other decided advantages of community colleges:

> Community colleges are more representative of the college-age population of the United States than are students in any other major segment of higher education. They tend to be almost equally divided between students of above-average ability, and the great majority come from families that may be classified as "moderate" or "high" in terms of occupational level. They are predominantly from families with average incomes. The proportion of students from upper-income families tends to be appreciably higher in public four-year institutions and decidedly higher in private four-year institutions than in two-year colleges.
>
> Community college students are also representative of their communities in racial composition. Although, on a nationwide basis, the proportion of minority-group students in community colleges (except for Japanese and Chinese-Americans) falls short of their representation in the youthful population, the position of the community college student body in individual communities tends to reflect the local mix, especially in the northern and western States.

Although there has been a rapid growth of community colleges in the United States, it is clear that there is still a problem of inadequate 2-year college space. A recent survey for the College Entrance Examination Board showed that 23 of the 29 largest cities in the United States have a major deficiency in the accessability of higher education and in 102 areas, the principal city has no free-access colleges. The Carnegie Commission Report estimates that by 1980 there will be a need for approximately 230 to 280 new public community colleges. And, the report continues:

> The Commission's estimates of needs for new community colleges by 1980 are based on the assumption that all public two-year branch campuses and two-year specialized institutions that do not have comprehensive programs will move promptly to develop curricula that are truly comprehensive, as the Commission has recommended. If this should not occur, there would be a need for some 400 to 450 new community colleges by 1980 rather than only 230 to 280.

In addition to an inadequate number of community colleges, we face the fact of there being inadequate Federal funds allocated for these institutions. As we have seen, community colleges serve a truly comprehensive role in the educational system of the United States. Not only do they offer the first 2 years of traditional higher education providing the student who so wishes to transfer to a 4-year school to earn a baccalaureate degree, but their significance as community institutions is found in the ability and effort to provide education at a wide variety of levels. The comprehensive community colleges offer vocational, technical, and other career education. They offer adult and continuing education. They provide remedial education for those who have left high school prematurely or who have been shortchanged at the elementary and secondary levels. Community colleges perform in virtually the whole spectrum of the education world, and yet, during the current fiscal year, it is estimated that they will receive less than 6 percent of the $4.4 billion budget administered by the U.S. Office of Education.

This imbalance of treatment by the Federal Government is not confined to funding alone. The Office of Education has a Bureau of Elementary and Secondary Education, a Bureau of Higher Education, a Bureau of Adult, Vocational, and Technical Education, a Bureau of Education for the handicapped, a Bureau of Libraries and Educational Technology, and a Bureau of Educational Personnel Development—but there is no bureau, division, office, or program for community colleges. Shortly after I first introduced this bill, the administration began taking actions and making promises which seemed to indicate that it had come to recognize the need for a more direct Federal role in community college education. The report of President Nixon's Task Force on Education recommended early in 1969 that:

> In planning the future Federal role in higher education, special attention be given to assisting the States to establish and develop these two-year colleges, especially where they can serve as community-wide learning centers.

Former Secretary of Health, Education, and Welfare, Robert Finch, said at that time:

> To begin to tackle that problem and fill that critical gap—that is what impels us in our thinking and planning for the stepped-up development of community colleges.

Unfortunately, when the administration got down to actually grappling with this subject, we found that their rhetoric was more promise than performance. The President's message on Higher Education issued on March 19, 1970, and the bill introduced shortly thereafter, gave short shrift to the needs of community colleges. They decided that these burgeoning institutions should remain a second sister at best.

I had hoped that the introduction of the Comprehensive Community College Act would have succeeded as an expression of philosophy and unmistakeable intent to spark a new Federal role in the nationwide development of this new level of education. During 2 days of hearings last July, we heard exciting and persuasive testimony from educators across the country. Without exception, those individuals made an urgent plea for more direct Federal attention to community colleges. They told the story of the great promise that these schools have provided to their communities in California, Washington, Texas, New York, Florida, Kentucky, and in my own State of New Jersey. We heard of the great flexibility of these young institutions which neither have, nor intend to acquire, the rigidity that comes from overbearing traditions. We found that the shedding of a sense of "status" puts community colleges in closer empathy with the poor, the unaccepted, and the classless. We saw a new breed of administrators who are challenging the "establishment." And we learned that the responsiveness of community colleges to the needs of their constituency has made them "rebellion reluctant."

Within the next 6 months, it will be incumbent upon the Congress to reexamine our present system of Federal aid to higher education. The bulk of this legislation is due to expire at the end of this fiscal year. Since too many States will provide only traditional programs of higher education in traditional institutions, it is time to concentrate this effort on a community college program which would correct the inadequacies of the patchwork and piecemeal nature of existing Federal support of 2-year colleges.

Because the bill which we are introducing today focuses attention on a special form of postsecondary education, some might be tempted to conclude that we want to bolster the community college at the expense of the 4-year university, or the vocational school, or the secondary school. Nothing could be farther from the truth; in fact it is precisely because we believe in the strengths of these other educational systems that we are calling for action on the community college.

The problem is a simple one. We have been treating education as a series of movements for so long that we have neglected to orchestrate the symphony as a whole. We have spent millions of dollars and uncounted hours to build partitions between levels of grades. In all this typing and categorizing, and dividing, we have done an injustice to the long-term continuity of real education.

When you move out of an assigned level of education—by graduating, failing, or dropping out—it has become increasingly difficult to get back. Nowhere in the scheme of things is there an educational system designed simply to reach those who want to learn—and not solely on the basis of birthday, accumulated grade-point average, or prep school lineage. The community college, if it is given help, can fill that void.

Our Nation cannot afford to lock the doors to education.

Comprehensive community colleges can be the key to open those doors and show the way to full educational opportunity for all Americans.

I ask unanimous consent that the bill be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. BELLMON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 545) to improve and increase postsecondary educational opportunities throughout the Nation by providing assistance to the States for the development and construction of comprehensive community colleges, introduced by Mr. WILLIAMS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Community College Act of 1971."

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to assist the States in providing postsecondary education to all persons in all areas of each State through a program of Federal grants to each State for the purpose of strengthening, improving, and developing ocmprehensive community colleges; to insure that the education provided by such colleges is suited to the needs, interests, and potential benefits of the total community; and to assist such colleges in providing educational programs especially suited to the needs of educationally and/or economically disadvantaged persons in each State.

TITLE I—DEVELOPMENT OF STATE PLANS

AUTHORIZATION

SEC. 101. In order to assist the States in developing State plans for the purposes of title II of this Act, there is authorized to be appropriated $15,000,000 for the fiscal year beginning July 1, 1972, which sum shall be made available for expenditure for each succeeding fiscal year ending prior to July 1, 1975. The sums appropriated pursuant to this section shall be used for making payments to States whose applications for funds for carrying out such purposes have been approved.

STATE APPLICATIONS

SEC. 102. The Commissioner shall approve any application for funds for carrying out the purpose of section 101 if such application—

(1) provides that a State agency to be designated by the Governor of that State, which is representative of all agencies in such State which are concerned with postsecondary education or which is presently responsible for the administration of community college education in such State, will be the sole agency for carrying out such purpose.

(2) provides for the development of a State comprehensive community college plan to meet the requirements of section 203 of this Act; and

(3) provides that such State agency will make such reports, in such form, and containing such information as the Commissioner may from time to time reasonably require, and, to assure verification of such reports, give the Commissioner, upon request, access to the records upon which such information is based.

ALLOTMENTS TO STATES

SEC. 103. The sums appropriated pursuant to section 101 shall be allotted by the Commissioner among the States on the basis of the amount needed by each State for the purpose of this title, except that no such allotment to any State shall be more than $300,000.

WITHHOLDING OF PAYMENTS

SEC. 104. Whenever the Commissioner, after reasonable notice and opportunity for hearing to a State agency, finds (1) that such State educational agency is not complying substantially with the provisions of this title or the terms and conditions of its application approved under this title, or (2) that any funds paid to such State educational agency under this title have been diverted from the purposes for which they had been allotted or paid, the Commissioner shall notify such State agency that no further payments will be made under this title with respect to such agency until there is no longer any failure to comply or the diversion has been corrected or, if compliance or correction is impossible, until such State agency repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended.

TITLE II—FINANCIAL ASSISTANCE FOR COMPREHENSIVE COMMUNITY COLLEGES

AUTHORIZATION

SEC. 201. (a) The Commissioner shall, in accordance with the provisions of this title, make payments to State agencies for the period beginning July 1, 1972, and ending June 30, 1975.

(b) There are authorized to be appropriated for the purpose of making such payments for each fiscal year such sums as the Congress shall deem necessary.

ALLOTMENTS

SEC. 202. (a) From the sums appropriated pursuant to section 201(b) for each fiscal year the Commissioner shall (1) allot not more than 5 per centum thereof among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs and (2) reserve not more than 5 per centum thereof for the purposes of section 206. From the remainder of such sums the Commissioner shall allot to each State an amount which bears the same ratio to such remainder as the population aged 18 and over in such State bears to the total of such population in all States. For the purposes of this subsection, the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the purposes of this title shall be available for reallotment from time to time, on such dates during such period as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out such portion of its State application approved under this title, and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

STATE PLANS AND PAYMENTS

SEC. 203. (a) Any State desiring to receive its allotment of Federal funds under this title shall submit a State plan, in such detail as the Commissioner deems necessary, which—

(1) provides for the administration of such plan by a State agency to be designated by the Governor of that State, which is representative of all agencies in such State which are concerned with postsecondary education or which is presently responsible for the administration of community college education in such State.

(2) sets forth a comprehensive statewide program for the improvement, development, and construction of comprehensive community colleges in the State for the purposes of this Act, including (A) the development and carrying out of comprehensive curriculum programs with special emphasis on programs for educationally and economically disadvantaged persons, including occupational-technical programs, adult continuing education programs, community service programs, developmental programs, counseling-advising programs, and lower division university parallel programs, (B) training and development of faculty, administrators, counselors, and other necessary personnel, and (C) research to be carried out in such colleges to increase the effectiveness of such colleges and to provide data for future development;

(3) establishes priorities for the purpose of carrying out such program;

(4) provides that such colleges will be tuition free or low tuition to State residents or provide adequate financial aid programs. The term "low tuition" as used in this subsection shall be determined by the Commissioner within his discretion upon approval of a State plan.

(5) provides for the necessary State and local financial support to carry out such program with assistance under this title;

(6) sets forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, or funds of comprehensive community colleges, but to supplement and, to the extent practicable, to increase the amounts of such funds that would in the absence of such Federal funds be made available for the purposes of this Act;

(7) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State (including such funds paid by the State to comprehensive community colleges) under this title;

(8) provides for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this title, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

(9) provides to the extent possible for interstate cooperation in carrying out programs pursuant to this title.

(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a) and shall pay to such State, from its allotment for each fiscal year, the reasonable cost, as determined by the Commissioner, of carrying out such approved plan for such year.

(c) Payments to a State under this title may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments, and they may be paid directly to the State or to one or more participating colleges designated for this purpose by the State, or to both.

ADMINISTRATION OF STATE PLANS

SEC. 204. (a) The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State agency or institution submitting the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency or institution administering a State plan approved under section 103, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of such section, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify the State agency or institution that the State will not be regarded as eligible to participate in the program under this title until he is satisfied that there is no longer any such failure to comply.

LABOR STANDARDS

SEC. 205. All laborers and mechanics employed by contractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

DEMONSTRATION PROJECTS AND RESEARCH FOR COMPREHENSIVE COMMUNITY COLLEGE PURPOSES

SEC. 206. The Commissioner is authorized to enter into such contracts or other arrangements as may be necessary to carry out innovative and exemplary demonstration projects and research to promote the purpose of this Act.

TITLE III—GENERAL PROVISIONS

DEFINITIONS

SEC. 301. As used in this Act—

(1) The term "Commissioner" means the Commissioner of Education.

(2) The term "comprehensive community college" means any junior college, technical institute, or any other educational institution in any State which—

(A) is legally authorized within such State to provide a program of education beyond secondary education;

(B) admits as regular students high school graduates or equivalent, or persons at least 18 years of age;

(C) provides a two-year postsecondary educational program leading to an associate degree, or acceptable for credit toward a bachelor's degree, and also provides programs of postsecondary vocational, technical, occupational, and specialized education;

(D) is a public or other nonprofit institution;

(E) has a Board of Trustees or other designated governing body which includes individuals representative of the community which it serves.

(F) is accredited as an institution by a nationally recognized accrediting agency or association, or if not so accredited—

(i) is an institution that has obtained recognized preaccreditation status from a nationally recognized accrediting body, or

(ii) is an institution whose credits are accepted on transfer, by not less than three accredited institutions, for credit on the same basis as if transferred from an institution so accredited, and

for purposes of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(3) The term "construction" includes the preparation of drawings and specifications for college facilities; erecting, building, acquiring, altering, remodeling, improving, or extending such facilities; and the inspection and supervision of the construction of such facilities. Such term does not include interests in land or off-site improvements.

(4) The term "college facilities" includes classrooms and related facilities; and initial equipment, machinery, and utilities necessary or appropriate for comprehensive community college purposes. Such term does not include athletic stadiums, or structures or facilities intended primarily for athletic exhibitions, contests, or games or other events for which admission is to be charged to the general public.

(5) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

ADMINISTRATION

SEC. 302. (a) The Commissioner shall administer the provisions of this Act through a Bureau of Community Education which he shall establish in the Office of Education. Such Bureau shall be headed by a Deputy Commissioner for Community Education, which position is hereby created in the Office of Education. Such Bureau shall, upon request, advise any State with respect to its programs pursuant to this Act.

(b) The Commissioner shall, within 120 days of enactment of this statute, make a report to Congress (1) identifying all other programs administered by the Office of Education which should, for the purpose of consolidating the administration of programs affecting comprehensive community colleges, be administered through the Bureau of Community Education, and (2) what action is being taken to provide for the administration of such programs by such Bureau.

(c) In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

JUDICIAL REVIEW

SEC. 303. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its application submitted under section 102 or its plan submitted under section 203, or with his final action under section 104 or section 205, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

PROHIBITIONS

SEC. 304. (a) Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

(b) Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for the construction of facilities as a place of worship or religious instruction.

NATIONAL ADVISORY COUNCIL

SEC. 305. (a) The Commissioner shall appoint a National Advisory Council on Comprehensive Community Colleges. The members of such Council shall be appointed without regard to the civil service laws, to represent appropriate fields competent or interested in the development of such colleges for the purposes of this Act.

(b) The Council shall advise the Commissioner with respect to (1) criteria for the evaluation of applications and State plans pursuant to this Act, (2) the administration of title II of this Act, and (3) means of improving the administration and operation of this Act.

(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this Act) to the President not later than March 31 of each calendar year after the calendar year in which this Act is enacted. The President shall transmit each such report to the Congress together with his comments and recommendations.

(d) Members of the Council who are not regular full-time employees of the United States shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the President, but not exceeding $100 per day, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

STUDY AND RECOMMENDATIONS IN ORDER TO AVOID DUPLICATION OF BENEFITS

SEC. 306. The Commissioner shall (1) make an investigation and study of all Federal programs assisting comprehensive community colleges in order to determine which of such programs provide assistance which is a duplication of assistance provided pursuant to this Act, and (2) report to Congress, not later than six months after the date of enactment of this Act, his recommendations, including any necessary legislation, for terminating such duplication.

S. 555—INTRODUCTION OF THE OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT ACT

Mr. KENNEDY. Mr. President, on behalf of myself, the Senator from New Jersey and a bipartisan group of 12 Senators, I introduce for appropriate reference the "Older American Community Service Employment Act."

As a nation, we pride ourselves on an innovative combination of manpower and technology that has powered our social and economic development. Yet in the United States today, we are wasting the talents of millions of experienced and able men and women. More than 1.4 million men between 55 and 64 years of age are absent from the work force today. Among the 20 million men and women 65 or older, a substantial number would prefer part-time employment, but they have been unable to find it. All too often, our emphasis on the problems and pursuits of the young has meant that we ignore and neglect the potential of the elderly.

For many of the Nation's senior citizens, the golden years are tarnished with frustration, and the fear that their lives have no meaning. Retirement often is involuntary and the Nation suffers along with the individual as the skills and talents of the elderly are wasted.

Even more discouraging has been the recent report of the special committee on aging which has outlined the depths of the economic plight of older Americans.

In December 1969, the number of persons 65 or older living in poverty had increased in 1 year by over 200,000. These 4.8 million aged represent nearly 20 percent of all persons 65 or older. The number of impoverished senior citizens between 60–64 also increased during that period by 12,000.

These older Americans were the only group in the Nation which actually had an increase in the number of persons living in poverty. Over the past 10 years, as the Nation has succeeded in reducing the total number of Americans living in poverty by an estimated 39 percent, the older Americans have been the ones to benefit least. In 1959, Americans 65 and older constituted 15.1 percent of all citizens living below the poverty level. By 1969, that proportion had reached the 20 percent mark.

And for persons 55 and over, the depressing statistics tell the same tale. Their percentage of the total poor population increased from 23.8 percent in 1959 to about 26.5 percent in 1968.

Even more appalling is the finding that since January 1969, the number of jobless men 45 years or older has jumped from 596,000 to 1,017,000. This trend is particularly disturbing because of numerous studies which show that for men in their late forties and early fifties, the duration of unemployment increases sharply and the likelihood of returning to the prior level of earning is substantially diminished.

Legislation is urgently needed now to provide a comprehensive program of employment services for older Americans. Outstanding pilot projects such as senior aides, late start and senior community service aides already have amply proved the value of service programs for older persons and their communities. These programs have been enthusiastically welcomed by the elderly and the number of applicants has been many times the available openings.

The hearings I conducted as chairman of the Subcommittee on Aging of the U.S. Senate last year on the 1970 version of this bill demonstrated both in statistical and personal terms the benefits that could be provided by a comprehensive approach to provide increased opportunities for community service by older persons.

One 72-year-old man, who found new meaning in retirement after obtaining work at a local marine museum, told the subcommittee:

> I knew when I got up in the morning it was going to be a repetition of the day before. It was not very pleasant to know it was the same thing all over again.
>
> But since being down to the museum that all has changed. I know when I get up in the morning I have someplace to go.

A job provides the place to go and for millions of older Americans it also offers vital additions to their income which can mean the difference between poverty and an adequate standard of living.

Under the bill which I introduce today, the Secretary of Labor would be authorized to establish and administer a community senior service program for persons 55 and older who lack opportunities for other suitably paid employment. The Secretary would provide assistance to national voluntary agencies and State and local agencies in developing such programs. He could pay up to 90 percent of the cost of a State or local program and up to 100 percent for emergency or disaster projects.

Older citizens with low incomes would be paid an average of $1.60 to $2.00 an hour for their work in the community. The bill authorizes $35 million for fiscal year 1972 and $60 million for fiscal year 1973 to carry out this program.

The older American community service employment program would have two general benefits:

For the older Americans, it would provide needed incomes, and it would offer them the opportunity to be a working, contributing member of society. It would mean that they were once more in the mainstream of American life.

For the communities, the program would supply needed, experienced and dedicated manpower to perform critical tasks in hospitals, in schools, in libraries and in countless other public agencies.

The test of a nation is the ability to provide for all of its citizens. Too often, senior citizens are unable to impress the institutions of this Nation with the legitimacy of their needs. And as a result, old age unnecessarily becomes equated with obsolescence. I believe this bill would mean substantial progress in avoiding that path by offering older Americans the opportunity to use their skills and talents. I ask unanimous consent to have the full text of the bill printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BENTSEN). The bill will be received and appropriately referred; and, without objection the bill will be printed in the RECORD.

The bill (S. 555) to authorize the establishment of an older worker community service program, introduced by Mr. KENNEDY, for himself and other Senators, was received, read twice by its title, referred to the Committee on Labor and

Public Welfare and ordered to be printed in the RECORD, as follows:

S. 555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older American Community Service Employment Act".

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 2. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American community service employment program (hereinafter referred to as the "program").

(b) In order to carry out the provisions of this Act, the Secretary is authorized—

(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payments shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals who do not have opportunities for other suitable public or private paid employment, other than projects supported under the Economic Opportunity Act of 1964, or under this Act;

(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(H) will include such short-term training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed under such programs will be paid at rates comparable to the rates of pay prevailing in the same labor market area for persons employed in similar occupations, but in no event shall any person employed under such programs be paid at a rate less than that prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended;

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons; and

(K) will authorize pay for transportation costs of eligible individuals which may be incurred in employment in any project funded under this Act in accordance with regulations promulgated by the Secretary; and

(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this Act.

(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

SEC. 3. (a) In order to effectively carry out the purposes of this Act, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

(1) the localities in which community service projects of the type authorized by this Act are most needed;

(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b) The Secretary shall encourage those agencies and organizations administering community service projects which are eligible for payment under section 2(b) to coordinate their activities with agencies and organizations which are conducting existing programs of a related nature which are being carried out under a grant or contract made under the Economic Opportunity Act of 1964. The Secretary may make arrangements to include such projects and programs within a common agreement.

(c) In carrying out the provisions of this Act, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects by agencies and organizations eligible for payment under section 2(b).

(e) The Secretary shall not delegate his functions and duties under this Act to any other department or agency of Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 4. (a) Eligible individuals who are employed in any project funded under this Act shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this Act with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self-insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary may establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

INTERAGENCY COOPERATION

SEC. 5. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this Act with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this Act and in promoting the identification and interests of individuals eligible for employment in projects funded under this Act.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 6. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance under this Act among the States and between urban and rural areas, but no State shall receive more than 12 per centum of any money appropriated in any fiscal year to carry out the provisions of this Act.

DEFINITIONS

SEC. 7. As used in this Act—

(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(b) "eligible individual" means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment;

(c) "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are hereby authorized to be appropriated $35,000,000 for the fiscal year ending June 30, 1972, and $60,000,000 for fiscal year ending June 30, 1973.

ADDITIONAL COSPONSORS OF BILLS

S. 343

At the request of the Senator from New Jersey (Mr. CASE), the Senator from Florida (Mr. CHILES), the Senator from Missouri (Mr. EAGLETON), the Senator from Maine (Mr. MUSKIE), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 343 to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States.

S. 485

At the request of the Senator from Michigan (Mr. GRIFFIN), the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 485 to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 10

At the request of the Senator from Oklahoma (Mr. BELLMON), on behalf of the Senator from Tennessee (Mr. BROCK), the Senator from Kentucky (Mr. COOPER), the Senator from Nevada (Mr. BIBLE), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of Senate Joint Resolution 10, to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action."

SENATE RESOLUTION 36—SUBMISSION OF A RESOLUTION TO ESTABLISH A SELECT COMMITTEE ON NATIONAL SECURITY POLICY

Mr. CASE. Mr. President, I submit a resolution to establish a Select Committee on National Security Policy, and I ask unanimous consent that it be referred to two committees, the Committee on Armed Services and the Committee on Foreign Relations.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. Mr. President, reserving the right to object, does not the Senator from New Jersey feel that there is a danger of that resolution receiving a somewhat schizophrenic consideration if it is referred to two committees?

Mr. CASE. The adjective is something the Senator from New Jersey missed. What was the adjective?

Mr. ERVIN. Schizophrenic.

Mr. CASE. Oh.

Mr. ERVIN. In other words, there might be a schizophrenic result if the consideration of the resolution were split between two committees.

Mr. CASE. The Senator from New Jersey appreciates the solicitude of the Senator from North Carolina. He thinks, though, that since the subject matter impinges on the jurisdiction of both these committees, he has to take that chance.

Mr. ERVIN. It is like the old adage of escaping one rock and falling on another. The danger the Senator from North Carolina is worried about is the future welfare of the resolution offered by the Senator from New Jersey. He does not want it to suffer the consequences of the possibility that it might find a favorable reception in one committee and an unfavorable reception in another.

Mr. CASE. The Senator from New Jersey appreciates the solicitude of the Senator from North Carolina.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Jersey? Without objection, it is so ordered.

The resolution (S. Res. 36), which reads as follows, was referred to the Committees on Armed Services and Foreign Relations, by unanimous consent:

S. RES. 36

Resolution to establish a Select Committee on National Security Policy

Whereas it is essential to provide an effective mechanism by which the Senate can regularly and continuously examine the foreign policy objectives and the security requirements of the United States and the military capabilities needed to meet such objectives and requirements: Now, therefore, be it

Resolved, That (a) there is hereby established a select committee of the Senate to be known as the Select Committee on National Security Policy (referred to hereinafter as the committee") composed of ten members of the Senate appointed as follows:

(1) five members from the Committee on Foreign Relations to be appointed by the chairman of that committee, three of whom shall be from the majority party and two of whom shall be from the minority party; and

(2) five members from the Committee on Armed Services to be appointed by the chairman of that committee, three of whom shall be from the majority party and two of whom shall be from the minority party.

(b) One of the members of the committee shall be designated by the majority leader of the Senate to serve as chairman of the committee. Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee and shall be filled in the same manner as original appointments thereto are made.

(c) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking sworn testimony. The committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(d) The committee shall have no authority to report any legislative measure to the Senate nor shall it otherwise have legislative jurisdiction.

SEC. 2. (a) It shall be the function of the committee to—

(1) assess the foreign policy objectives of the United States with a view to determining how such objectives relate to the maintenance of American security;

(2) review the appropriateness of this Nation's commitments abroad in relation to such objectives;

(3) evaluate the general contingencies under which the United States is prepared to employ military force to meet its foreign policy objectives, to carry out its commitments abroad, and to protect its security interest; and

(4) examine the missions and capabilities of major United States military components in terms of the contingencies they are designed to meet and the foreign policy objectives which they are intended to serve.

In carrying out this function, the committee shall, insofar as it is practicable to do so, determine the respective policy objectives which can be achieved at various alternative military force levels, identifying within such levels the principal missions, capabilities, and costs of major military components in such detail as is necessary.

(b) The committee shall submit an annual report to the Senate not later than May 15 of each year, the first report to be submitted not later than May 15, 1971. Each annual report shall contain a comprehensive summary of the work of the committee during the preceding year and shall include such recommendations as the committee deems appropriate with regard to the matters referred to in subsection (a) above. The committee shall from time to time make such other reports and recommendations to the Senate as it deems in the national interest.

SEC. 3. (a) For the purposes of this resolution, the committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants; and (8) enter into such contracts with private organizational and individual consultants as it deems advisable.

(b) Upon request made by the members of the committee selected from the minority party, the committee shall appoint one assistant or consultant designated by such members. No assistant or consultant appointed by the committee may receive compensation at an annual gross rate which exceeds by more than $2,800 the annual gross rate of compensation of any individual so designated by the minority members of the committee.

(c) With the consent of the department or agency concerned, the committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of the chairman of any other committee of the Senate, the committee may utilize the facilities and the services of the staff of such other committee of the Senate, or any subcommittee thereof, whenever the chairman of the committee determines that such action is necessary and appropriate.

(d) Subpenas may be issued by the committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

SEC. 4. The expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 37—SUBMISSION OF A RESOLUTION ON CHINA POLICY

Mr. JAVITS. Mr. President, on behalf of myself and Senators CASE, HART, HUGHES, INOUYE, KENNEDY, MONDALE, STEVENSON, SYMINGTON, and WILLIAMS, I introduce a resolution regarding the question of United States-China policy, with particular reference to Chinese representation in the United Nations.

On the great question of Chinese representation in the United Nations, the vote last November clearly marked the end of an era. This year—when the vote is taken in November—we are likely to witness the long-delayed "moment of truth" respecting the admission of Communist China into the United Nations. It is essential for U.S. diplomacy to adjust to this reality and to adopt a constructive posture. As the Nation which has done the most to establish and nurture the United Nations, and as the world's greatest power, in my judgment the United States has an obligation to itself and to the world to ease, in a creative fashion—rather than exacerbate—the transition. I speak here with special reference to my experience last year as U.S. Delegate to the General Assembly responsible for the Chinese representation issue.

On November 18, 1970—for the first time in 20 years—a majority of the U.N. General Assembly voted, 51 to 49, with 15 abstentions, to admit the Peoples Republic of China into the United Nations. The result of this vote was obviated, however, by a U.S.-supported procedural resolution establishing that a change in Chinese representation is an "important question" requiring a two-thirds majority. The important question—IQ—resolution was passed by a vote of 66 to 52, with seven abstentions. Most experts now doubt that the important question procedure is likely to be sustained again this year if there is a straight up-or-down vote on the two resolutions voted upon last year.

Last year, as has been the case for many years, the U.N. General Assembly was limited to a narrow choice on the issue of Chinese representation. The so-called Albanian resolution—which received a majority last year—called for the admission of Communist China and the expulsion of Nationalist China on Taiwan. The indications are clear that a majority of the U.N. General Assembly favor membership under some suitable arrangement for both the Peoples Republic of China on the mainland and the Republic of China on Taiwan. This seems to be a reasonable assumption from the vote last year when a majority voted for the Albanian resolution—to admit the Peoples Republic of China—and also voted for the important question resolution—to prevent the expulsion of the Republic of China on Taiwan.

The solution is not simply because both Peking and Taipei oppose a two Chinas solution. I am confident that there are a number of formulas that could be devised to deal with the two Chinas dilemma.

Chancellor Willy Brandt has offered a formula of one German nation, two German states which might be adapted to the China situation.

A simple formula of universality which could open membership to all the divided states is another possibility.

In addition to the wishes of the Chinese Communist Government in Peking and the Chinese Nationalist Government in Taipei, the wishes of the people of Taiwan must also be considered. In my judgment, the wishes of the people of Taiwan should be ascertainable and this can be accomplished by an internationally supervised plebiscite of the people of Taiwan to determine, at a suitable time, what they wish to be the permanent status of Taiwan in the community of nations.

Accordingly, I am introducing a resolution, with several cosponsors, to establish a new policy on this issue, and for the purpose of bringing the issue to the attention of the Senate. I ask unanimous consent that the text of the resolution appear in the Record at this point in my remarks.

The PRESIDING OFFICER (Mr. Allen). The resolution will be received and appropriately referred; and, without objection, will be printed in the Record, in accordance with the Senator's request.

The resolution (S. Res. 37), which reads as follows, was referred to the Committee on Foreign Relations:

S. Res. 37

Whereas it is the declared policy of the United States to seek a normalization of relations with the Peoples Republic of China on the Mainland, and; Whereas it is important to the prospects for world peace and prosperity that the world's most populous nation should be integrated peacefully into the community of nations;

Resolved, It is the sense of the Senate that United States policy should seek further relaxation of tensions between the United States and the Peoples Republic of China through additional measures to promote the expansion of trade and cultural and scientific exchange, and relaxation of travel restrictions, with a view toward the establishment of diplomatic relations when conditions permit.

It is further the sense of the Senate that the policy of the United States respecting the question of Chinese Representation in the United Nations should be one which encourages a greater universality of membership and participation. Accordingly, United States policy should not oppose the admission of the Peoples Republic of China to the United Nations, while not accepting as a condition of such membership the expulsion from membership of the Republic of China.

It is further the sense of the Senate that this policy should be pursued without prejudice to the legal position of the United States respecting the ultimate disposition of the question of sovereignty over the island of Taiwan, a question on which the United States, as a liberating power in World War II, has reserved its legal position since 1950.

Mr. JAVITS. Mr. President, the record of the Congress to date on the issue of Chinese representation is one of flat opposition to the admission of Mainland China. However, the last rollcall vote in the Senate on this issue was on July 23, 1956 when the Senate passed House Concurrent Resolution 265 by a vote of 86 to 0. Nonetheless it has continued to be the practice of the Senate—and the House—to retain "sense of Congress" phrasing, opposing U.N. admissions of the Chinese Peoples Republic, in foreign assistance and other legislation. The Department of State, Justice, Commerce and Related Agencies Appropriations Act of 1971, passed as recently as October 21, 1970 states:

> Sec. 105. It is the sense of the Congress that the Communist Chinese Government should not be admitted to membership in the United Nations as the representative of China.

I believe that it is important now for the Congress to revise this position, which is a mechnical carry-over from the tense and bitter days of the Korean war period. And, in a year which may call for a big change in the official U.S. position at the United Nations, I feel it is important for the President and the Secretary of State to know the position of the Senate respecting this major question.

It is my feeling that a majority in the United States now thinks along the lines suggested in the resolution I have introduced, rather than in the stark "cold war" terms of section 105 which I quoted above. If the Senate adopts a new and more enlightened position, I think this will encourage the House and the administration to take a more creative position in the United Nations.

The basic purpose of the resolution which I have submitted today, with such distinguished cosponsors, is to get us to look at this thing again, and not just accept the routine of retaining a sense of Congress statement incorporated in an appropriation bill. The subject is too important to be handled in this manner. Therefore, I hope very much we will have a separate consideration of the China question, based on a report and recommendation by the Committee on Foreign Relations on my resolution.

It seems to me that the winding down of the Vietnam war, and the Nixon doctrine which charts a lower military profile for the U.S. in Asia in the years ahead, both argue in favor of steps to reach a new way of living with Mainland China. Revision of the U.S. position flatly opposing Peking's admission to the U.N. would appear to be the logical next step.

In his first state of the world message of February 18, 1970, President Nixon stated:

> The Chinese are a great and vital people who should not remain isolated from the international community. In the long run, no stable and enduring international order is conceivable without the contribution of this nation of more than 700 million people . . . it is certainly in our interest, and in the interest of peace and stability in Asia and the world, that we take what steps we can toward improved practical relations with Peking.

Peking needs to be admitted to the diplomatic councils of the world if meaningful progress is to be made toward a stable peace in Asia. And, no meaningful system of international control of nuclear weapons can be established without the participation of Peking.

In the nondiplomatic field several initiatives have already been taken by the United States to ease trade and travel restrictions. The time has come for new initiatives to expand cultural and scientific exchange between the United States and the Peoples Republic of China. Additional measures to permit greater trade should not be delayed by the lack of diplomatic relations. Indeed, in terms of our bilateral relationship the fields of cultural, and scientific exchange, and expanded trade, appear to be the most propitious fields for development.

Our experience in the decade of the 1960's—including our bitter experience in Vietnam—should give us a new perspective on mainland China. Peking can no longer be viewed as a satellite of Moscow and as a coconspirator in a monolithic international Communist threat. Grave differences have surfaced between Moscow and Peking. Tension and bloodshed mark long segments of the Sino-Soviet border in central Asia.

In Vietnam, we have not had a repetition of the experience in Korea of the massive intervention of Chinese combat forces. Peking has given diplomatic and material support to Hanoi but it has carefully avoided steps which would provoke military hostilities with the United States. On its part, the United States has taken care not to create an impression of military encroachment on China's borders. In short, both Washington and Peking have demonstrated a desire to avoid direct military confrontation. We no longer appear to be on a mutual collision course in Asia.

I think it is now possible for the United States to begin to establish a more normal relationship with the Peoples Republic of China. I do not think we are close to an era of detente, much less of entente, and I think it would be foolish and counterproductive to try to enter into a "normal" relationship all in one big leap. What is both possible and essential at present, in my view, is an adjustment in U.S. policy so as to make it easier for the world to admit Peking to the United Nations—and not have to do it over our bitter opposition. For this is a real possibility if we lack the grace, the wit and the ingenuity to shape circumstances to enhance prospects for peace and stability in the world.

Mr. President, there is nothing revolutionary in what I have proposed. The moment of truth—and I say this from my experience at the United Nations as well as in foreign affairs—with respect to Communist China is approaching, and I say we are not ready for it. If we deliberately reconsider our position, it may result in our confirming it, but at least we will have done it deliberately; we will know why; all our people will be advised, and we will be pursuing a common policy. I do not think this would be the result, but it is a possibility. As the situation stands now, I believe the matter urgently requires the consideration of the Senate, which is uniquely charged with an interest in the foreign relations of the country.

SENATE RESOLUTION 38—SUBMISSION OF A RESOLUTION RELATIVE TO SELECT COMMITTEE ON SMALL BUSINESS

Mr. STEVENS. Mr. President, on behalf of myself and Senators Burdick, Javits, McGee, Miller, Pell, Randolph, Scott, Case, Williams, and Young, I submit for appropriate reference a resolution designed to give to the Select Committee on Small Business the authority necessary for it to receive bills and resolutions relating to the problems of small business and to report bills and resolutions to the Senate for floor consideration.

Mr. President, as a Senator from a small State, I know firsthand the importance that small business has to millions of Americans. In thousands of small communities throughout the Nation, small business constitutes the very backbone of community existence. On the other hand, Mr. President, small business also constitutes the economic backbone of our larger urban areas.

In our highly technological society, we sometimes think of business only in terms of General Motors, General Electric, or other large, well-known corporations. Big business certainly is important to the Nation's economic well-being, but small business continues to be the most important factor in our overall economy. There are nearly 5 million small businesses in this country. These small businesses, which constitute 95 percent of the total number of businesses in the country, provide employment for over 30 million Americans. Both in rural and urban areas, small businesses furnish a livelihood for nearly 60 percent of the population and provide direct employment for 40 percent of the population.

At the present time, most of the small business legislation offered in the Senate is considered by the Small Business Subcommittee of the Committee on Banking, Housing and Urban Affairs. Over the years, that committee has had a distinguished record of protecting the interests of small business. The resolution I am introducing today is in no way intended to diminish or criticize the hard work and dedication of the Small Business Subcommittee of that committee.

However, Mr. President, if we in this 92d Congress are to be decided to streamlining the legislative process on a more functional basis, we must realize that the problems of small business have little relationship to the problems of banking, housing, or urban affairs. All of us want our country to grow and prosper without the scourge of inflation. Such growth and prosperity depends in large measure on the health, effectiveness and responsiveness of America's small businesses.

Now is the time, Mr. President, for us in the Senate to give a higher priority to the small businesses in this Nation. I sincerely hope that in organizing the 92d Congress, we will adopt the resolution I am introducing today. This resolution does not establish a new standing committee, but it does give a higher priority to the needs of small business thus greatly increasing the efficiency of the Senate.

The PRESIDING OFFICER (Mr. Case). The resolution will be received and appropriately referred.

The resolution (S. Res. 38), which reads as follows, was referred to the Committee on Rules and Administration:

S. Res. 38

Resolved, That S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended, is amended to read as follows:

"That there is hereby created a select committee to be known as the Committee on Small Business, to consist of seventeen Senators to be appointed in the same manner and at the same time as the chairman and members of the standing committees of the Senate at the beginning of each Congress, and to which shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the problems of American small business enterprises.

"It shall be the duty of such committee to study and survey by means of research and investigation all problems of American small business enterprises, and to obtain all facts possible in relation thereto which would not only be of public interest, but which would aid the Congress in enacting remedial legislation.

"Such committee shall from time to time report to the Senate, by bill or otherwise, its recommendations with respect to matters referred to the committee or otherwise within its jurisdiction."

Sec. 2. Subsection (e) of rule XXV of the Standing Rules of the Senate is amended by striking out in paragraph 2 the words "under this rule".

SENATE RESOLUTION 39—SUBMISSION OF A RESOLUTION RELATIVE TO COMMITTEE APPOINTMENTS OF SENATOR GAMBRELL

Mr. BYRD of West Virginia (for Mr. Mansfield) submitted a resolution (S. Res. 39) relative to committee appointments of Senator Gambrell, which was considered and agreed to.

(The remarks of Mr. Byrd of West Virginia when he submitted the resolution appear later in the Record under the appropriate heading.)

SENATE RESOLUTION 40—SUBMISSION OF A RESOLUTION TO PERMIT TELEVISION AND RADIO COVERAGE OF SENATE DEBATES

Mr. GRIFFIN submitted the following resolution (S. Res. 40); which was referred to the Committee on Rules and Administration:

S. Res. 40

Resolved, That (a) the Standing Rules of the Senate are amended by adding at the end thereof the following new rule:

"RULE XLV

"BROADCASTS AND TELECASTS OF SENATE PROCEEDINGS

"The proceedings of the Senate may be broadcast and telecast at such times and under such conditions as may be specified in rules, regulations, or resolutions adopted by the Committee on Rules and Administration."

(b) The second sentence of paragraph 2 of Rule XXXIV of the Standing Rules of the Senate is amended by inserting therein, immediately after the words "radio, wire, wireless", a comma and the word "television".

SENATE RESOLUTION 41—SUBMISSION OF A RESOLUTION RELATING TO SELECT COMMITTEE TO INVESTIGATE IMPROPER ACTIVITIES IN LABOR-MANAGEMENT RELATIONS

Mr. GRIFFIN submitted the following resolution (S. Res. 41); which was referred to the Committee on Labor and Public Welfare:

S. RES. 41

Resolved, That there is hereby established a select committee which is authorized and directed to conduct an investigation and study of the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers to the detriment of the interests of the public, employers or employees, to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities.

Sec. 2. (a) The select committee shall consist of eight members to be appointed by the Vice President, four each from the majority and minority Members of the Senate, and shall, at its first meeting, to be called by the Vice President, select a chairman and vice chairman, and adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(b) Any vacancy shall be filled in the same manner as the original appointments.

SEC. 3. (a) The select committee shall report to the Senate by February 14, 1972, with such interim reports as may be appropriate, and shall, if deemed appropriate, include in its report specific legislative recommendations.

(b) Upon filing of its final report the select committee shall cease to exist.

SEC. 4. For the purposes of this resolution the select committee is authorized as it may deem necessary and appropriate to:

(1) make such expenditures from the contingent fund of the Senate;

(2) hold such hearings;

(3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate;

(4) require by subpena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents;

AUTHORIZATION FOR ADDITIONAL EXPENDITURES FOR INQUIRIES AND INVESTIGATIONS

Mr. SPARKMAN. Mr. President, yesterday I introduced Senate Resolution 29 which requests additional funds for the Senate Committee on Banking, Housing, and Urban Affairs to operate during this session of the Congress.

The resolution which I introduced did not carry the amount of funds the committee was requesting for operation. I ask unanimous consent that a star print be made so that the figure can be properly inserted in the resolution.

I also ask unanimous consent that the resolution be printed in the RECORD.

The PRESIDING OFFICER (Mr. CASE). Without objection, it is so ordered.

The resolution, ordered to be printed in the RECORD, is as follows:

S. RES. 29

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, to expend not to exceed $330,000 to examine, investigate and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $150,000 shall be available for a study or investigation of—

1. Banking and currency generally.
2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.
3. Deposit insurance.
4. Federal Reserve System.
5. Gold and silver, including the coinage thereof.
6. Issuance of notes and redemption thereof.
7. Valuation and revaluation of the dollar.
8. Control of prices of commodities, rents, or services.

SEC. 4. Not to exceed $180,000 shall be available for a study or investigation of public and private housing and urban affairs generally.

SEC. 5. The committee shall report its findings together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 6. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, how much time remains under the order for the period for the transaction of routine morning business as previously entered?

The PRESIDING OFFICER (Mr. BENTSEN). Under the previous order for the transaction of routine morning business, 35 minutes remain.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

SENATOR ROBERT C. BYRD ON "FACE THE NATION"

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD the transcript of the television and radio broadcast of the "Face the Nation" program on which I appeared as guest on Sunday, January 31, 1971.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

FACE THE NATION

(As broadcast over the CBS Television Network and the CBS Radio Network, Sunday, January 31, 1971—12:30-12:55 p.m., e.s.t.,[1] Origination: Washington, D.C.)

Guest: Senator Robert C. Byrd (D., W. Va.) Senate Majority Whip.

Reporters: George Herman, CBS News; Hays Gorey, Time Magazine; Hal Walker, CBS News.

Producers: Sylvia Westerman and Prentiss Childs.

HERMAN. Senator Byrd, the Secretaries of State and Defense have both been up on Capitol Hill talking a good deal about policy in Southeast Asia. Are you convinced that Mr. Nixon's policy there is both legal and proper?

Senator BYRD. I am.

ANNOUNCER. From CBS Washington, Face the Nation, a spontaneous and unrehearsed news interview with the man who unseated Senator Kennedy to become Senate Democratic Whip, Senator Robert Byrd of West Virginia. Senator Byrd will be questioned by CBS News correspondent Hal Walker; Hays Gorey, political correspondent of Time Magazine, and CBS News correspondent George Herman. We shall continue the interview with Senator Byrd in a moment.

HERMAN. Senator Byrd, you said on the CBS Morning News interview that you were worried about sinking our treasure and our blood into Southeast Asia, you had some reservations about Cambodia. How does the idea of the spread of the war into Laos with South Vietnamese troops and American air power, how do you feel about that?

Senator BYRD. I'm concerned. I think that the American people should be told the facts. I do not believe that the use of American troops would be legal, but I do believe that the use of American air power would be legal and would be proper if, and only as long as it is used for the purpose of protecting American lives in South Viet Nam and facilitating the withdrawal from South Viet Nam

GOREY. Senator, a two-part question, if I may. During your campaign to become Whip of the Senate—Democratic Whip—you were supposed to have argued that a defeat for Senator Kennedy would knock him out of the presidential race in 1972.

Senator BYRD. I didn't argue that.

GOREY. You did not?

Senator BYRD. I did not.

GOREY. Do you feel that the defeat has had that effect?

Senator BYRD. Mr. Kennedy himself indicated, prior to the election of the Whip at the caucus that he had no intention to be a presidential candidate in 1972. I took him at his word then; I take him at his word now.

GOREY. Well, if he should by any chance become the nominee of the party, could you support him?

Senator BYRD. This is an iffy question. I have always supported the nominee of the Democratic Party for president.

WALKER. Senator, aside from the personalities involved, does your election as Democratic Whip mean that the Party has moved to the right?

Senator BYRD. Not at all. Not at all. There are members in the Senate, of course, on my side of the aisle, who are liberals, moderates, conservatives. They will continue to exercise their viewpoints as they have in the past. I don't think this has any bearing one way or the other.

WALKER. I'd like to follow—it's probably no surprise to you that there are many black Americans who have viewed your election as number two man among the Democrats in the Senate with some alarm, something less than pleasure. Have you any way of reassuring black Americans that your election is not a repudiation of black Americans and their needs?

Senator BYRD. They need only to look at the record. Of course, they've been told that I voted against the 1964 and the 1965 Civil Rights Acts, which is true, but I also voted for the 1957, the 1960 and the 1962 and the 1968 Civil Rights Acts. I've appointed black Americans to the military academies; I've employed them in my office. I've employed them on my patronage as policemen. I think that the record will show that I am not anti-black Americans.

---

[1] This transcript includes the full interview as broadcast on the CBS Radio Network. The program was five minutes shorter on the CBS Television Network because of a CBS News Special Report on Apollo 14.

WALKER. The record will show, sir, that you at one time referred to the late Dr. Martin Luther King as a self-seeking rabble rouser. Have you had occasion any time to regret that characterization?

Senator BYRD. Not at all.

HERMAN. The record will also show, since we're going to go, apparently, through the whole record, several other things which I'm sure will come back to you again and again, that you advocated the spread of the Ku Klux Klan when you were very briefly a member; that you voted against Thurgood Marshall as a justice of the Supreme Court.

Senator BYRD. I would have voted against Thurgood Marshall if he had been a white man. As to my advocacy of the spread of the Ku Klux Klan, my brief connection with the Klan was a quarter of a century ago, and I believe that a lot of young people will look back 25 years from now upon their association with certain radical groups today as having been a mistake. It was a mistake; I have said so a hundred times. I'm glad to say so again.

HERMAN. All right. Now, where do you put yourself, to get back to the Senate Democrats, where do you estimate your position to be? Are you in the middle of them, between left and right wings? Are you somewhat to the right of—Senator, where do you find yourself?

Senator BYRD. Disraeli said that he was conservative, to preserve all that is good in our constitution, and a radical to remove all that is bad. I think that I sort of fall into the category of Disraeli as he viewed himself. I look upon myself as a moderate.

GOREY. Senator, your reference to the Klan and its similarity to groups which youngsters are joining today or have joined, could you specify any groups which you think are comparable to the Klan which are being joined by young people today?

Senator BYRD. I referred to radical groups, for example, the SDS.

HERMAN. You think that there will be people who will look back when they are 25 years older and have to live that down in politics?

Senator BYRD. I suspect that they may very well have to.

HERMAN. Well, now, let me get back to your position in the Senate Democrats. The question always comes up, what is the job of the Whip? Is he going to make his commitment, his feelings, felt through the Senate Democrats? You've said that you can view yourself as a legislative technician. Is that all?

Senator BYRD. The job of the Whip, as I view it, is to do the floor work, assist the Majority Leader, and promote Democratic policy as formulated by the Majority Leader and the Democratic Policy Committee.

HERMAN. You feel that you have no jobs—no say at all in policy as an official of the party, that your views should not get some little push by you as an executive of the Democratic caucus?

Senator BYRD. I have a say as a United States Senator from the state of West Virginia and as an ex-officio member of the Democratic Policy Committee.

WALKER. But Senator, doesn't it say something about the Democrats in the Senate themselves that they chose you, a southern conservative, rather than an eastern liberal, for the post? Doesn't it say something about your colleagues?

Senator BYRD. It only says, I think, that they believe that they chose the man who could best do the work of Democratic Whip.

GOREY. Senator, one of the things that the Senate seems to have before it each year, and certainly this year, is a change in the rule regarding filibusters. Could you tell us just why you think in this day and age that some form of filibuster ought to be maintained in the Senate, which as I understand it is your position.

Senator BYRD. Well, I think that some form of filibuster is necessary to protect minority opinion in the United States Senate.

HERMAN. Presumably you defend it as strongly for the groups which are now using it, which seem to be more often the liberal groups than the conservative groups, I take it.

Senator BYRD. I do. Now, on that point, may I say that I voted for the modification of the rule in 1959, bringing it from a two-thirds constitutional majority to two-thirds of those present and voting, and I am considering supporting a further modification of the rule.

HERMAN. What is your—the current modification that's being debated?

WALKER. Three-fifths?

Senator BYRD. I am considering supporting the current proposal.

HERMAN. Well, you're not only a whip and a Democratic Senator, you're also an experienced politician; what is your guess about the outcome?

Senator BYRD. It will depend upon whether or not cloture can be invoked.

HERMAN. I'm not sure I follow you fully on that.

Senator BYRD. Whether or not we get to the substance of the proposal depends upon whether or not, in my judgment, cloture can be invoked by two-thirds of the members present and voting.

HERMAN. Well, do you think it can be?

Senator BYRD. That remains to be seen.

WALKER. Senator, looking at—you were talking about the record before, your 1970 voting record, shows that you supported President Nixon 57 per cent of the time, overall, and 89 per cent of the time on foreign policy, so, despite your position as the Democratic Whip, do you think you might be counted among that ideological majority the Republicans say they now have in the Senate?

Senator BYRD. I shall face each issue as I come to it. I intend to do what I think is best for the nation, for the Democratic Party, for the state of West Virginia, and for the Senate of the United States.

HERMAN. Reviewing these same figures that Mr. Walker has discussed, I noticed that your adherence to the Nixon position, both on foreign and on domestic policy, diminished considerably, at least statistically in 1970. Does that reflect anything, or is it just a fluke of statistics?

Senator BYRD. I would suppose it to be the latter.

HERMAN. You also said, and I thought it was a very interesting statement, that you thought that the Senate had grown more liberal, you thought there was less pride in being a United States Senator, and that the institution of the Senate and being a Senator had less dignity than it used to when you first came to the Hill. Would you tell us a little about that?

Senator BYRD. Well, I suppose this is a subjective analysis on my part.

HERMAN. So, I would like to hear your analysis about it, why you think it's happened, and how you feel that it's happened.

Senator BYRD. I don't know why it has happened. I just don't think that there is that feeling of respect for the institution—the Senate as an institution, and the pride in being a member of it.

HERMAN. I don't mean to push it too far, but in that particular statement, in that interview, you linked it either by accident or on purpose with the Senate growing more liberal. Was that part of what you think happened?

Senator BYRD. No. No.

WALKER. Senator, in your role as the number two Democrat in the Senate, where are you going to take the Party under your leadership?

Senator BYRD. I intend to stand with my convictions, first of all. In the second place, I intend to do the best I can to promote Democratic Party policy as formulated by the Majority Leader and by the Democratic Policy Committee.

GOREY. Senator, we've had a great deal of discussion lately about expansionary budgets, full employment budgets; are these not the same as what we used to call deficit budgets?

Senator BYRD. The expansionary budget is a deficit budget, and I think it all adds up to pump-priming, which we Democrats have practiced over the years.

GOREY. Well, let me ask you this: is it not time that some branch of the government, whether federal or state or local, faced up to the fact that the tax burden simply has to be increased, rather than the deficits each year, in order to carry out the functions of government?

Senator BYRD. Well, I think there has to be some streamlining of government. There has to be more efficiency all along the line, and I believe that there ought to be a better balance between the federal tax take and the state tax take.

HERMAN. In what manner? Are you interested in the administration's revenue-sharing proposal, which as far as I can read the figures comes to about three and three-quarter billion in this budget?

Senator BYRD. It is an interesting proposal. It ought to be given very careful consideration, and certainly it will receive adequate hearings, but I think that the emphasis should be placed on permitting the states to have additional resources from which they might extract taxes. In other words, I think there ought to be a slimming down of the federal government and along with that a slimming down of the federal tax take, so as to make possible a larger resource from which the states and the state taxpayer, who is also the federal taxpayer, to increase their income with revenues.

HERMAN. You know the main argument against it always is, can we trust the states, and in your own state, I notice that in 1968 the governor and some 20 of his appointees were accused of tax evasion. The question is, can we give federal moneys to the states without some kind of safeguards?

Senator BYRD. Well, you also may have noticed that in my own state, the personal income tax was increased by the state legislature at the same time the Congress removed the surtax on federal income.

HERMAN. I'm not sure that you answered the main thrust of my question—

Senator BYRD. Well, permit me to say, I think that a careful examination by the Congress could effectuate the objective while at the same time overcoming the problem which you have anticipated. For example, I think that the taxpayer should be able to subtract from his federal income taxes the increased state income taxes, and in this way, I think it would encourage the states to increase their taxes, and I have no doubt but that if the federal taxes were in some way lowered, the states would move into the vacuum and increase their tax take.

HERMAN. And you prefer that to revenue sharing direct—

Senator BYRD. I do.

WALKER. You're also going to get, or have gotten, some administration proposals with regard to the reform of the welfare system. And you yourself, as the Chairman of the D.C. Appropriations Committee, had a lot to do with the welfare program in tht District of Columbia itself. You were known most, I guess, best as the author of the man-in-the-house rule.

Senator BYRD. In the first place, I was not the author of the man-in-the-house rule. It existed before I ever became Chairman of the Appropriations Subcommittee on the District of Columbia.

WALKER. Well, for years you've been associated with it, as favoring the rule. Would you favor such a rule in the national welfare reform package?

Senator Byrd. Permit me to say that I think there should be welfare reform, but tripling the welfare caseload and tripling welfare expenditures will not necessarily bring about welfare reform. In connection with my work as Chairman of the D.C. Appropriations Committee—Subcommittee on the District of Columbia, I also doubled the number of social workers. I supported increased foster home care, and I instituted a 13 per cent across the board increase in—in payments to the recipients. My philosophy, in the most simple terms, was simply that those who need help, and who qualify for help, should be helped, and that the rules—which I did not devise—should be enforced; and that those who were not qualified should not be on the caseload.

Walker. Well, would you favor denying a person welfare aid if there is an able-bodied man in the house? You've been charged, I suppose, almost directly by enforcing that rule, with causing the breakup of poor and black families locally. Is that a legitimate charge?

Senator Byrd. I've been charged with—with that, of course. It is not a legitimate charge. I think there is a great misunderstanding of the substitute parent rule. Only in the case where a man acted in the place of a husband or parent, and it could be shown that he was maintaining a husband-wife relationship with the mother—only then did the substitute parent rule require that the recipient be taken off the caseload. And of course, there were adequate hearings procedures. So I did not—I did not create the rule.

Herman. Senator, I know it's sometimes considered improper to talk politics to a Senate official, but you won reelection with one of the highest votes anywhere in the country—78 per cent. How is the political situation in your state? Is there going to be a struggle for power between you and John D. Rockefeller IV for the Democratic Party in your state?

Senator Byrd. I don't anticipate such a struggle.

Herman. Do you think that Rockefeller is going to run for and win the governorship the next time around?

Senator Byrd. I do not know what Mr. Rockefeller may be planning. I think that he very well may have a very bright future in the state of West Virginia.

Herman. Do you and he have a unified party? Do you work together?

Senator Byrd. We don't work apart. I work in Washington as a member of the United States Senate; he works in Charleston, West Virginia as Secretary of State.

Gorey. Senator, speaking of people being apart and so on, last week two members of your party in the Senate, Senator Stennis for one, and Senator McGovern for another, both were on television, Senator Stennis saying that he felt there should be and would be a step-up, and of course there has been, in American activities in Indochina. Senator McGovern came on and said that he thought any senator who felt this way ought to lead the charge himself. This represents quite a wide division among members of your own party on a very substantial foreign policy matter. Could you tell us, whether you think there is this wide a split in the Democratic Party on many issues of this nature? And also, where would you place yourself between Stennis and McGovern on this one issue?

Senator Byrd. There is such a wide split; there has been all along. Where I would place myself? I suppose I would be placed somewhere in the betwixt and between.

Herman. Do you care to graduate a little bit closer to one side or the other?

Senator Byrd. Well, I have supported the Commander-in-Chief, whether he be the late President John F. Kennedy, ex-President Lyndon B. Johnson, or Mr. Nixon, in foreign policy, as a general rule with respect to the war in Indochina. This does not mean that I favor a continuation of the war. I want to see our men brought home, but at the same time, I want to see those men who are there and who have been sent there without it having been their own choice, I want to see them protected; I want to see them brought home. I believe in the Nixon Doctrine, and if I understand it, it is simply this, that the Asians should fight Asian wars themselves, and that we should attempt as best we can to Vietnamize the war in South Viet Nam so that the South Vietnamese can do their own fighting, and that we ought to wind down our participation in the war and bring our men home. I support the Commander-in-Chief in this policy.

Walker. Will you support those forces in the Senate that will attempt to set real and specific limits on the President's power to widen or wage this war?

Senator Byrd. I voted for the Cooper-Church Amendment, as amended by my language and the language of Mr. Javits and others, and so I do support every effort to appropriately wind down the war.

Walker. What about the McGovern amendment, which would have set a specific date by which time we should be out of that involvement in Southeast Asia? Would you support that?

Senator Byrd. Not—I would not support a setting of a public timetable. I think that this plays into the hands of the enemy and as far as our purposes are concerned, it would be self-defeating. I do believe there should be a timetable. I think that the administration ought to have one. Perhaps it does have one. But it should not make such a timetable public.

Herman. Do you think that winding down the war in this way that you said is going to bring what is usually referred to as a peace dividend, more money which can go to some of the social priorities in the country, or is it all going to be absorbed by the Defense Department?

Sen. Byrd. I think that it would bring more money, which could be assigned to various priorities which are very high in my estimation.

Herman. How about the request of the administration for a small expansion in the Defense Department's budget for this year? Would you support that, do you think, or have you had a chance to study it?

Sen. Byrd. Well. I have not had a chance to study it. I will support any dollar which I think is necessary for the defense and the security of this country. At the same time, I think that there is fat in the defense budget. I think it has been shown, if I recall, the over—the defense take, insofar as the overall budget is concerned has decreased from about roughly 45 per cent two or three years ago to maybe 35 or six or seven per cent now.

Herman. You also—another question in the budget is the funds for the continuation of the SST. Do you think you will support that?

Sen. Byrd. So, if I may just return to the other question, so while there is an increase in dollars for defense, I think that from the standpoint of percentage, it may be down. Yes, I would expect to support the request for moneys for two prototype planes.

Gorey. Well, certainly that wouldn't be the limit of the program, Senator, two prototype planes.

Sen. Byrd. Well, the purpose, of course, is research, and I—

Gorey. Yes, but once you have prototype, are you obliged to continue to full development and building a number of the planes—

Sen. Byrd. Not necessarily, but I think that if we're going to overcome the problem of noise pollution and air pollution, we're going to have to have some experimental planes with which to—on which we may do the research, so as to overcome these problems.

Walker. Senator, you know that Senator Kennedy had a poll, showed he had 26 votes, but he actually counted only 24. Who do you think are the two who said one thing and voted the other?

Sen. Byrd. Well, obviously, I'm not going to enter into that kind of speculation.

Gorey. Senator Byrd, I'd like to ask you something concerning your home state and several of your neighboring states, and that has to do with the Coal Mine Health and Safety Act. Could you tell us whether you think that this act is sufficient to handle the problems of the coal mining industry, which apparently have existed for some time in your state, and whether you think the enforcement of it is likely to be adequate to bring about both the safety and the health of the miners?

Senator Byrd. I cannot say whether or not it is sufficient. I think this can only be known in the face of experience as time goes on. Whether or not it will be adequately enforced, I cannot say. I certainly would urge that it be adequately enforced, and I believe that if it is, it will certainly enhance the safety of the coal miners.

Gorey. But you don't intend, or you don't plan any action within the Senate to strengthen it or to insure its enforcement?

Senator Byrd. I'm sure that my senior colleague, Senator Randolph, who is very much closer to this matter than I am, in view of the fact that he is on the committee which has jurisdiction, does plan further monitoring and surveillance of the act and possibly he may suggest further hearings and some further action.

Herman. Are you pleased at the action in bringing it to court now?

Senator Byrd. Well, of course, this is something new. The Bureau of Mines has never done this before. I think that if there is evidence that would warrant such action, of course, it ought to be taken to the courts and the judgement would have to be made there.

Herman. The usual argument is that strict enforcement of the rules would doom a great many of the mines in your state and cause a good deal of poverty.

Senator Byrd. Well, we heard those arguments when the legislation was before the Senate. However, it passed the Senate unanimously, as I recall. I hope that it will not have that kind of impact, but I think we have to act in the interests of safety.

Walker. Senator, back in Washington, as a member of the Rules and Administration Committee, you will be going over the President's governmental reorganization plan, a part of the revolution 1970. Do you favor reorganization as presented by the administration?

Senator Byrd. I favor the objective. I think in theory this is good, but I would have to see a road map. As we all recall, Mr. Johnson proposed a joining of the Labor and the Commerce Departments. I think that this proposal, which Mr. Nixon has made, perhaps comes about as a result of his growing knowledge of the duplication of efforts and programs that presently exist in the Federal Government. I believe that serious consideration ought to be given to the proposal. I think that it would have a lot of repercussions in many areas which don't show on the surface. For example, I think that it would reach into the committees of the two houses and bring about quite an upheaval in those committees and revamping and restructuring. So, it has a rugged road to travel, but I think we ought to give the President every consideration.

Herman. Are you sanguine? Do you think that these various committees are willing to give up some of the powers? If you put two departments together, you can have only one committee, one chairman. Is Congress likely to do that?

Senator Byrd. Well, I don't think it confines itself to the committees. I refer to the committees. I think there are lobbies and there are interested parties within the affected agencies themselves.

HERMAN. And it's going to be tough. Thank you very much, Senator Byrd, for being with us on Face the Nation. We'll have a word about next week's guests in a moment.

ANNOUNCER. Today on Face the Nation, Senator Robert Byrd, Democrat of West Virginia, was interviewed by CBS News correspondent Hal Walker; Hays Gorey, political correspondent of Time Magazine, and CBS News correspondent George Herman.

STATE DEPARTMENT MUST ACT NOW TO SAVE U.S. CITRUS EXPORTS

Mr. GOLDWATER. Mr. President, during the past year and a half the citrus growers of my State of Arizona, together with our neighbors from California, have been locked in a monumental struggle for the survival of a giant share of their $70 million export industry. Thirty-five percent of American citrus exports and several million dollars worth of the U.S. balance-of-payments surplus have been placed in total jeopardy because of discrimination against our products by the world's largest citrus importing area—the European Economic Community. This trade malady holds such ominous implications for American trade policy in general that I believe it warrants the immediate attention of Congress and the executive branch before the symptoms spread.

What has happened is this. The European Economic Community, which is perhaps the world's strongest trading bloc, has granted a sizable tariff preferential to four major competitors of U.S. citrus growers, but has not extended the same treatment to U.S. shipments. In August of 1969, the EEC summarily reduced the tariff on citrus commodities imported from Israel and Spain. This was done without the authority of any kind of waiver from the United States or other affected nations. Then in October of 1970, the EEC rubbed this abusive conduct in our faces by arbitrarily extending the preferential duties for another year.

In addition, Tunisia and Morocco have signed agreements with the EEC under which they, too, receive preferential treatment for citrus exports.

The result is that oranges and lemons from Tunisia and Morocco are subject to only 20 percent of the common tariff applied to citrus products. In the case of Spain and Israel, the agreements provide for the payment of only 60 percent of this tariff. In other words, Morocco and Tunisia are granted an 80 percent tariff preference or reduction and Spain and Israel are given a 40 percent preference.

Translated into monetary figures, this works out to a duty of only 16 cents per carton on shipments from Tunisia and Morocco and 48 cents per carton on shipments from Spain and Israel. Compare this, if you will, with the rate on U.S. citrus products, which is 80 cents per carton.

Mr. President, this places American fresh citrus exports in an almost impossible situation. It means American citrus shipped to Europe must compete with oranges and lemons which enjoy a price advantage of as much as 64 cents a crate. It should come as no surprise that the impact upon exports of fresh citrus fruits from Arizona and California was immediate and drastic with the loss of over two and a quarter million dollars in sales within months after the tariff reductions were made effective.

This is an atrocious development, and our Government should take strong measures to correct it without delay. It is an open violation of the basic agreement which governs trade relations between the United States and the EEC; and, to my mind, it warrants the personal attention of the Secretary of State.

Mr. President, our commerce with the six Common Market countries is controlled by the agreement known as GATT—the General Agreement on Tariffs and Trade. The very cornerstone of GATT is article I, the most-favored-nation provision, which is designed to assure that when a preference is given to one country by a GATT nation, it will automatically be granted to all other GATT parties.

However, the most-favored-nation doctrine has been shunted aside by the EEC in the case of American citrus exports. The EEC is acting as if the principle of nondiscrimination in international trade is not meant for U.S. products.

Mr. President, let me put this conflict in its correct perspective. What is at stake is not merely the export future of a single American industry, although that alone is reason enough to justify a display of backbone by the U.S. State Department.

After all, we are talking about $30 million of the American trade balance. This is how much is sold to the EEC countries each year by the growers in Arizona and California. The present level of these exports is 385,400 metric tons of fresh citrus, or 27 percent of the entire American fresh citrus exports.

This is a trade which has been steadily and carefully developed over a period of nearly a half century. It is a market which is supplied by 12,500 citrus growers in Arizona and California. And it is an industry which supports almost 40,000 U.S. citizen employees. No foreign contract workers are used.

Therefore, standing on its own merits, the Arizona–California trade effort deserves the vigorous support of the U.S. Government. But beyond the interests of this one industry, there looms a clear challenge to the entire U.S. industrial and agricultural export community. The whole spectrum of America's trade position is at stake.

Here is why. If the EEC can openly discriminate against oranges and lemons, then it can discriminate against any other item whether it is industrial or agricultural. Automobiles, aircraft, electronic equipment, apples, pears—you name it. They will all be fair game once the precedent is established that the United States will not enforce its trading rights.

While the dollar amount of citrus exports may not be so large as that of some other commodities, this fact serves to emphasize the importance of the citrus problem. If the United States cannot obtain equal treatment for itself on a commodity which the EEC does not itself produce in any significant quantity and in a case where the dollar amount of American exports is relatively small, how can we ever expect to win fair terms when the problem concerns a high dollar commodity or one produced extensively in the EEC.

By allowing the EEC to run roughshod over one American commodity in this instance, we will be putting each and every one of our trade items on the block—to be hacked away at the whim of the EEC.

What is more, there may be even greater risks involved than the danger to U.S. export markets. According to the Chamber of Commerce of the United States:

> The entire international system of multilateral, reciprocal and non-discriminating trading relationships, so painstakingly built up for the past thirty years, is in jeopardy.

The national chamber further contends:

> It must be emphasized that not only the interests of the United States are at stake, but those of all trading countries.

These views are set forth in the recent report drafted by a special National Chamber Task Force on United States-EEC Relations and bear out my position on the vital need for strong initiatives by the United States in support of American products.

As one who backs a policy of free trade accompanied by the expansion of our own exports, I feel it is incumbent upon our Government to assure American business that both sides of the trade avenues will be kept open. It is to the credit of the Arizona-California citrus producers that this crisis has not backed them into a position of demanding the erection of protective tariffs around America's borders. The citrus growers are export minded, not protectionist oriented.

But every law of equity requires that if an American industry is willing to accept the challenge of free competition within its own market, then it should be allowed to compete on equal terms with other producers in foreign markets. There must be reciprocity in order for a successful and thriving world trade to exist.

The answer is obvious. The United States must convince the EEC it is committed to obtaining nondiscriminatory treatment for American export commodities. To this end, I recommend that the Secretary of State himself should participate by instructing all U.S. embassies in the six EEC member countries to increase their efforts on behalf of equality for American citrus products.

A better opportunity could not be at hand for an effective U.S. move than the one now before us. It is reported the EEC will meet on the 15th of this month to consider the citrus export conflict. What better occasion could there be for these nations to be made aware of the intense feeling by the U.S. Government that the same preference given to other third country citrus products shall be given promptly and unconditionally to Arizona and California citrus products as well.

Accordingly, I call upon the President and the Secretary of State to take all appropriate steps within their power to assure the EEC will admit American citrus commodities on equal terms with those of the most favored nation. This is not simply commanded by elementary justice: it is compelled by international law.

INTERVIEW OF FORMER REPRESENTATIVE MILES CLAYTON ALLGOOD, OF ALABAMA

Mr. ALLEN. Mr. President, one of Alabama's most beloved and distinguished sons is a close personal friend of mine. He is former Representative Miles Clayton Allgood, who on February 22, 1971, will be 93 years of age. Representative Allgood remains an active and alert participant and observer of current social and political trends. Recently, Representative Allgood attracted considerable interest by reason of newspaper interviews serialized by the Fort Payne, Ala., Times-Journal. These interviews have special appeal because they reflect anecdotes and insights gathered from the perspective of a full life characterized by public service and an extraordinarily broad range of experience.

Mr. President, a brief résumé of Representative Allgood's experience in public life provides the source of the great interest aroused in his accounts of personal participation in important political, cultural, and economic events during and after his service in Congress.

Representative Miles Clayton Allgood is a native of Blount County, Ala., born February 22, 1878. He attended the common schools of his native county and graduated from State Normal College at Florence, Ala., in 1898. From that time until his retirement from public life in 1943, he taught school in Blount County; served as its tax assessor; on the State democratic executive committee; as county agricultural demonstration agent; State auditor of Alabama; State Commissioner of Agriculture and Industries; delegate from Alabama to the Democratic National Convention at San Francisco, 1920; and was elected to the 68th Congress where he served with distinction from March 4, 1923, to January 3, 1935. He then served as a member of the Farm Security Administration until he retired from public life on December 1, 1943.

Mr. President with the foregoing background information in mind, I ask unanimous consent that one of the serialized interviews with Representative Allgood which appeared in the Fort Payne, Ala., Times-Journal on October 13, 1970, be printed in the Record. I invite all who may be interested in pure Americana to read this delightful account from the memories of my good friend, Representative Miles Clayton Allgood.

There being no objection, the interview was ordered to be printed in the Record, as follows:

Congressman Allgood Looks at the Past

There was very little money in Blount County and Dr. Allgood would take anything his patients could spare. Back then hogs were "Piney woods Rooters" and were hogs with long noses. Some folks said, "The hogs could drink molasses out of a jug." These hogs were hard to fatten and it took a BIG hog to weigh 150 pounds. A sow was sold by the number of pigs she had. If she had eight pigs the sow brought $8.

Miles C. Allgood in 1904 attended the World's Fair at St. Louis, Missouri where he saw hogs that weighed 500–600 pounds. The enthused young man went back home and ordered a registered Duroc bred sow from Tennessee. The sow came by express and Allgood turned her loose in the lot. Soon Dr. Allgood came down to see what his son had bought. He looked at the sow and said, "That is a fine hog."

Young Allgood from past experience knew what his father was going to ask next. Dr. Allgood asked, "What did she cost you?"

Miles replied, "Thirty-six dollars and thirty-six cents laid down."

To that exotic price, Dr. Allgood said, "You've gone hog wild!"

But the sow brought seven pigs. The runt Miles gave to his father. Dr. Allgood fattened the runt which became nice size. Young Miles noticed it wasn't long before his father was bringing his friends up to the lot to see the hog. When Dr. Allgood had the hog slaughtered it weighed over 400 pounds and made a can of lard.

Miles went into the registered Duroc hog business. He exhibited his hogs at the State Fairs in Birmingham, Montgomery and Mobile in 1910 and won the prize for the Championship Duroc Boar in the State.

Young Miles feels it was this record as a hog grower that caused J. T. Watt, State Agriculture Agent to appoint him as an Agriculture Demonstration Agent for Blount County. He was Agriculture Demonstration Agent for Blount County three years. Then was appointed District Agent and young Allgood put on a "cover crop campaign" in several counties in North Alabama. One of the counties was Limestone which today is one of the leading livestock producing counties in Alabama.

In 1920 Allgood was going to make some money in sorghum. He paid $250 for a sorghum mill and sowed 10 acres in cane. The cans were 10 cents each. Came the harvesting—and sorghum was only 15 cents! Allgood had paid 10 cents for the cans!

In the wind up, Allgood lost a $1,000 in his Sorghum venture and had to sell 40 acres of land to settle up. With a slight grin, Allgood said, "I didn't plant sorghum the next year."

When Allgood was Tax Assessor each family was allowed two cows and calves without taxation but yearlings were taxable. He was talking to a man one day and asked him, "Do you have any yearlings?"

He replied, "H—, No!" then told of his reason why.

"Years ago," he said, "I had a yearling to get out of my pasture into a neighbors' pasture. We got into a lawsuit and the case was taken from the Justice Court to the County Court, from County Court to Circuit Court from Circuit Court to the Alabama Supreme Court. I wound up with court costs, witnesses cost and lawyers cost—$600 and every time I hear a yearling bellow it makes me mad."

Allgood served from 1908 till 1910 on the State Democrat Executive Committee. He became State Auditor in 1914 and served until 1918. In 1916, Allgood went to Washington, D.C. with a group. He asked Senator Bankhead to see if he could get President Woodrow Wilson to welcome them. Bankhead complied with the request.

President Wilson greeted the group shaking hands with all 60 of them.

The State Auditor's office was right across from the office where Willie Randall Fox was a member of the State Board of Examiners for Teachers' Certificates. And the two met.

Miss Fox was the daughter of David C. Fox born in Bay Minnette, and Annie Randall of Mobile. The Foxes were living in Montgomery and Mr. Fox was a conductor on the L&N Railroad.

Miles and Willie Randall Fox were later married in the Holy Comforter Episcopal Church in Montgomery. And although, perhaps the young bride hadn't realized it, her husband was destined to receive many honors in the political world.

Allgood was elected as a delegate at large from his native state to the National Democratic Convention in San Francisco in 1920. At the time he was serving as State Commissioner of Agriculture and Industries. In 1922, Miles C. Allgood ran for Congress from his district and was elected.

Soon after entering Congress, Allgood sought advice from Bill Bankhead who had been a member of the Irrigation and Reclamation Committee for many years before becoming speaker of the House. Bankhead advised Allgood to apply for a place on this committee and Allgood followed his advice, later becoming Chairman of the Irrigation and Reclamation committee.

A proposed canal from a lake in Idaho to the Columbia River Basin was one of the ideas of irrigating the Columbia River basin which comprised a million acres. Another idea was to dam the Columbia River at Grand Coulee Falls. In 1930 Allgood and the other members of the Irrigation and Reclamation committee were invited by the Chamber of Commerces of Idaho, Oregon and Washington to visit their section.

The group went by train and then the rest of the way to the Grand Coulee Falls in cars. The last speaker on the platform was Allgood, Congressman from Alabama. He spoke eloquently near the end of his talk, Allgood said, "Here is the place to get the water to irrigate a million acres to make the land produce like the very garden of Eden and generate more electricity than is being generated on any other river in our country. Here is the place for the dam."

From 12–15,000 people had gathered at the Grand Coulee Falls and after Miles C. Allgood's speech, the Band began to play "Dixie." In the ensuing minutes of hand shaking Allgood almost missed his train. The train had left the station but Allgood was taken in an automobile across country to intercept the train. The man taking Allgood got out and flagged the train down.

The Coulee Dam was constructed and millions of acres were irrigated. In November of 1932 President Franklin D. Roosevelt called Allgood to Warm Springs in Georgia. He wanted the Alabama Congressman to tell him something to do to help the southern farmer. Allgood pointed out that cotton was the southern farmers' main money crop. "The farmer has to buy fertilizer every year. Muscle Shoals," said Allgood, "was built by the United States government to furnish nitrate for munitions in time of war and fertilizer and power in peacetime. We have been at peace thirteen years and not a sack of fertilizer has been produced and ninety per cent of our farm homes are without light and the machinery is rusting out."

Seated on the porch of his home on the mountain top, the now elderly Congressman, paused in his talk, then he said, "If the United States hadn't perfected the atom bomb and Hitler had perfected it first our main cities, millions of lives would have suffocated, those left would be a providence of Germany. The United States owes a debt of gratitude to Roosevelt that we will never be able to pay. If Roosevelt hadn't produced the atom bomb when he did Germany would have, because Hitler's scientists had the know-how, had they beat us to it, Hitler would have destroyed millions of lives throughout the nation and we would be under the heel of the German ruler.

Hitler destroyed the lives of four million jews."

Later President Roosevelt's secretary, Marvin McEntire, called Allgood from Albany, New York, to invite him to go with a party to visit and inspect the Muscle Shoals properties. Allgood, Senator Lister Hill, Oliver, Almon from Alabama were also in the party on the special train through Virginia and Tennessee to Alabama.

The greatest accomplishment Congressman Allgood performed perhaps was bringing President Roosevelt to Alabama to visit Muscle Shoals and the Tennessee River. It resulted in the Tennessee Valley Authority bill.

A prized letter of the Honorable Allgood was one dated: April 18, 1934 and headed: The White House, Washington and reads, "My dear Mr. Congressman: Thanks for your letter of April 14th with its friendly expressions.

Knowing your deep interest in the development of Muscle Shoals, I am counting on your continued loyalty and constructive support in the further development of this great project. Very sincerely yours, "this was typewritten, but below the president had penned "I hope to visit the Tennessee Valley in the autumn and I shall look forward to having you accompany me." (The copy of letter is from the papers of Franklin D. Roosevelt in the Franklin D. Roosevelt Library.)

At the time in 1933 that Senator Norris introduced President Roosevelt's TVA Bill in the Senate * * * was a member of the Military Affairs Committee and introduced it in the House.

Congressman Allgood was in Congress twelve years, from March 4, 1923 until January 3, 1935.

It is said that Congressman Allgood's riding with President Roosevelt in his private car, pointing out the potential spots for developing hydro-electric power brought prosperity to this whole region. It is said that creating TVA in this area Allgood did more than any other man to introduce and develope hydro-electric power to America.

Allgood served as a member of the United States Farm Security Administration in Washington from September 4, 1935 until he retired December 1, 1943.

Congressman and Mrs. Allgood have two sons, Miles C. Allgood, Jr., who is City Engineer for Ocean City, Maryland and also serves as the City Manager and Dr. William D. Allgood who is a Dentist in Fort Payne. Dr. Allgood married Janece Johnson of Henagar and a daughter, Mary Fox Allgood. Mary is Mrs. Peter C. Boisseau, her husband is an Aeronautical Engineer. The Boisseaus live in Lee Hall, Virginia, a part of Newport News and have four children.

While Congressman Allgood was in Congress, during the depression his district did not have a CC Camp. He found out Congressional District number seven in Georgia had two C.C. Camps. He personally went to see President Roosevelt and told him about the situation. President Roosevelt took a pad and ordered the man in charge of the C.C. Camps to transfer one to Allgoods' district.

Roosevelt asked, "What county do you want the C.C. Camp located in?"

Allgood replied, "DeKalb County."

"The C.C. Boys cleaned DeSoto Park," said Allgood, "and the first reforestation was in the Sand Mountain section."

While Allgood was campaigning for Congress one fall he spent the night in Mentone at Hal Howe's Hotel. The Congressman was suffering from a severe attack of hay fever. His head cleared up and next morning was feeling fine.

"Hal Howe," said Allgood, "was a smart Yankee that came to this section with a side show. He married a fine mountain girl and located here at Mentone. He had a fine sense of humor.

"Allgood," he said, "You ought to buy you a lot and build you a home at Mentone." "Who's got a lot?" Allgood asked Howe. "I have." Howe replied.

Allgood purchased a lot and built a home on the mountain at Mentone. This was in 1924. And after he retired, Congressman and Mrs. Allgood, made their home on the mountain.

Allgood is a member of the Southern Methodist Church. He joined the church, Shiloh, at the age of nine and his membership is still there. He is an associate member of Valley Head Methodist Church and the Mentone Methodist Church. He occasionally attends services at other churches. Mrs. Allgood is a member of St. Phillip Episcopal Church in Fort Payne. The Allgoods' son, Dr. Allgood is a Lay Reader at St. Phillip Episcopal Church.

Allgood is a life member of the Masonic Lodge at Gadsden and is a member of the Democratic party. Mrs. Allgood is a member of the Valley Head Woman's Club.

The years have gone by since Miles C. Allgood was born at Chepoeltopec—now Allgood—when he was 12, a neighbor, Mrs. S. T. Burnett entertained a visitor who was a fortune teller. The fortune teller told Allgood that he would lead a good life, "You," she said, "will live to be very old and will engage in work which will carry you far away from home. After many years of service you will return home in your old age to become a famous person"

Allgood jogs from one to two miles a day. He cultivates a garden which just now has some tender greens in it. He plays Shuffle Board and doesn't stay idle. Of late, Congressman Allgood has been receiving invitations to speak on several radio and TV stations.

His great desire is to see world peace. He believes that there will be Southerners on the United States Supreme Court. On the rioting students, Congressman Allgood said, "I think the school should go back to teaching patriotism and love of their country. We've got the best country in the world! Thousands of the younger generation don't appreciate it.

"I think the lives of this generation has been too easy. The discipline in the home in many instances is broken down. One marriage out of every four ends in divorce. There are thousands and thousands of children in these divorced homes.

The sunlight flitters through the trees. The afternoon is fast becoming early evening. The trees in the Allgoods' yard, mostly apple, the trees up on the hillside are beginning to put on the appearance of early dusk.

The slender man continued, "The parents are failing to control their children and they've made life too easy for them, letting them run wild, smoke, drink and carouse around the drop out of school with the result we've got hippies by the thousands."

Allgood touched a moment on integration, "If the Negro race and the people that have brought on integration claim that all they want for the Negro is equal opportunities for education—if Congress would appropriate sufficient money to build Negro schools, colleges and Universities where they are needed and educate Negro teachers to the highest degree such as Masters degree to teach them—trades, educate them at law, trades, arts—so they would have equal facilities every way with the white race—it seems to me it would meet the requirements of the Supreme Court.

"If I was in Congress I'd advocate such a measure and require the Negro teacher to teach negro children and the white teacher white children.

"The white race has sufficient schools, colleges and Universities. All it would take would be appropriations for the Negro race. I think this would stop the marching, the rioting, the burning, the looting, the murder and the hatred between the races.

"We have spent billions on highways (which I supported). We now have a splendid system of highways and can cut down on highway appropriations. We have spent billions on Lunar Explorations. The Russians are sending airships to the moon that are radio controlled with no one on board with no risk of life and at greatly reduced expense. I would like to see Congress reduce highway and moon appropriations by billions of dollars and appropriate money to the Federal Educational Department for separate education of White and Negro children, students in colleges, Universities, arts and trade schools. Japan is prospering and making great economic advancement. Japan educates every pupil to work in some trade or profession so they will be self supporting and bring wealth to Japan.

"I would grant scholarships to pupils who's ancestors came from foreign countries for them to go to colleges and Universities in their mother countries to study economics and then make reports to the Department of Commerce and committee on foreign affairs—send Negroes to Africa and require them to compare conditions of Negroes there with conditions in the U.S.A. The youth, especially of the United States are ignorant of the tragic living conditions in most foreign countries.

"I do believe the Negro teachers should teach negro children, white teachers white children. I've prayed over this—it has bothered me. I am now an old man—I'm like my old great-grandfather back in South Carolina—he was seriously ill in 1864 nearing the close of the Civil War. His neighbors came to see him and they were telling of the deaths of members of their families. My great-grandfather told his wife to ask them to please not mention the war, he didn't want to hear the sad occurrences of his neighbors.

"Alabama has been good to me. I appointed Leonard Bradshaw Southerland to the Naval Academy in 1927. He became a Rear Admiral and was serving as Chief of Staff of the carrier—he was killed on November 15, 1958. I appointed Richard Hunt to the Naval Academy and also Austin Keith to West Point but his father became ill and he couldn't go.

"Back to the integration problem—Congress should take charge and settle the Integration problem. I would like to see peace—sweet peace between the races in my last days here on God's footstool."

By now signs of night approaching were visible as a lovely mist began to settle on the trees, the shrubs and the bright sunshine was changing into early sunset. The Allgoods brown dog was quiet.

"I would like to see Congress authorize Federal Commissions of education to take over the education of our children and relieve cities, counties and states of their duties. I would grant scholarships to pupils who's ancestors came from countries for them to go to colleges and Universities in their mother countries—and compare with the conditions they have here—I do believe the Negro teachers and Educators would approve the Government educating their race." The distinguished man repeated, "I would like to see peace between the races."

This man, Miles C. Allgood born in another era, has lived in the changing Twentieth Century using great wisdom as the years came, seeing what was needed for the world to go on and having courage and the know-how to fight without ceasing to get what was needed for his beloved United States. Now, with (hopefully) other men able and courageous and with wisdom to carry on, Miles C. Allgood wants to enjoy the years of retirement—to garden—to jog in the early morning.

And to have the pleasure of the remembrance by others of his years in his state and congress. He treasures letters from Senators, Congressmen, representatives and presidents. He speaks with great respect of many friends. Senator Lister Hill, Senator John Sparkman, Senator Norris, Senator Carl Hayden, Congressman Jim Allen, Congressman Tom Bevil who recently Allgoods' record in the Congressional Record, and many other outstanding Senators, Congressmen, Presidents, Governors.

Maybe the wisdom of this man on the mountain at Mentone on Integration will reach through to someone in high power and Congress will take charge and settle this problem and let there be peace between the races.

Miles Clayton Allgood, like so many has added to the progress of our great nation with their services to their state, their country, given unselfishly with thoughts for their fellowman.

SENATOR RICHARD B. RUSSELL

Mr. YOUNG. Mr. President, a very good and appropriate editorial concerning our beloved and departed colleague, Senator Richard Russell was published in the Minot, N. Dak., Daily News of January 26.

The editorial places Senator Russell's contributions to our Nation in proper perspective and pays well deserved tribute to him as a Senator of the United States.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR RUSSELL—A GREAT MAN

Along with the many who have praised him, we pay our respects most sincerely to the memory of Sen. Richard Russell of Georgia.

We agree with the sentiments of Sen. Milton R. Young of North Dakota, a long-time friend and admirer, that "ours is a greater nation because of Senator Russell."

It is hard for some single-purposed people of the present era of crusading for good causes to understand how a man could be called a great American who for years led the forces in Congress who opposed national Civil Rights legislation. Anyone who offers a tribute to Senator Russell of Georgia must take this fact into account, and explain that many a notable statesman in the history of this country has been proved either wrong or a defender of the losing side on some important cause; but despite that fact has contributed mightily to the nation's sanity and strength.

Senator Russell was not a hypocrite. He was a man whose integrity was unimpeachable, whose humanitarianism could not be questioned, and whose dedication to the Union and to the two-party system, and to the constitutional system of government, was an earnest devotion. He was a true lover of America, a believer in its destiny, and he understood the sources of the nation's strength. He conceived our system of government as "a dual system of sovereign states in an indestructible union" and in his mind and understanding of it this was no shallow conception; it was fundamental.

He loved the Senate in which he served so many years. To him it was unthinkable that the Senate should allow itself a posture of contributing to an image of U.S. weakness abroad, and to an image of national disunity, in time of war or other national emergency. He possessed, and exemplified, that Southern mystique so important to our nation, which enables Southerners to rise to national occasion and subordinate their personal and even sectional interest at times to an overriding concern for the Union and support for the institutions of national government. Part of the mystique is the intuition as when it is essential that this be done. Again and again we have to take off our hats to Southern gentlemen for putting the nation and its government first.

It may be argued that it is one thing to be devoted to the federal form of government in time of need and quite another, perhaps, to discern and be right on the great domestic issues of social justice which call for corrective action. Sometimes the young Northern senators, so disdainful of Southerners, have been right on the urgencies of justice, even when the Northern practice of justice has been far from exemplary. These young liberal senators, who talk so righteously, yet often accomplish so little, often promoting themselves more than their causes, might take a leaf from Senator Russell's handbook. If they did their homework as well as he did, and if they studied the system and made use of its necessary rules of procedure—instead of stomping their feet with impatience—their achievements might be more worthy of respect.

It is always easier to climb on the bandwagon of national minority groups, and be a righteous apostle of change, than to persuade a majority. In times when minority causes are rampant, someone has to have the patience to represent the majority, and give step by step leadership, and sometimes a measure of protection, to the reluctant who are on the road to change and don't know it or can't accept it. Besides, there are stubborn verities in the art of representative government which redhot reform movements are likely to disregard.

THE YMCA IS HERE AND NOW

Mr. McINTYRE. Mr. President, at a time when we frequently hear that traditional institutions in our country are reaching a smaller and smaller percentage of our young people, it is most heartening to see the Young Men's Christian Association remain vigorous and thriving.

I was reminded of this happy fact just last week when my local newspaper, the Laconia Citizen, published a full page ad announcing the celebration of National YMCA Week at the Laconia YMCA.

The local branch, incidentally, was founded in 1886 by a group of 23 local men. This was not too many years after the parent organization, founded in London, England in 1844, crossed the Atlantic to America.

Early Laconia YMCA meetings were held in the South Baptist church, the Smith block, the third floor of the National Bank, and the Edward block on Mill St., which contained a gym, kitchen and reading room.

In 1948 the building committee bought a lot on North Main St., and in October, 1957, the Laconia "Y" building was dedicated.

Today the "Y" in Laconia has a membership of 750 and offers activties for every member of the family. A partial list of these activities is ample proof that the YMCA is still meeting the needs and desires, not only of young people, but of all ages in my home community and throughout the Nation. They include: day camp, kiddie camp, men's volleyball, men's basketball, jogging, slimnastics classes, grade, junior high and senior high gym classes, swimming, preschool swimming lessons, an industrial management club, older girls' conference, youth and government program and many others.

Mr. President, the YMCA continues to be an organization that provides valuable services to our communities, services which otherwise might not be available. The YMCA is appreciated, it is respected, and it deserves our support.

ROTATION OF MILITARY PERSONNEL

Mr. PERCY. Mr. President, on Friday, January 29, the Washington Post published a report of the transfer of the commanding officer of the U.S. Army Intelligence Command at Fort Holabird, Md. The Army Intelligence Command is responsible for all personnel security investigations conducted by the Army. According to the report, Brig. Gen. Jack B. Matthews served less than a year in that position.

Last August I submitted an amendment to the military authorization bill instructing the Secretary of Defense to undertake the necessary steps to implement a 25-percent reduction in the rotation of military personnel in order to save the taxpayers some $140 million in fiscal year 1971. It has been and continues to be my view that the frequent rotation of military personnel is overdone, wasteful, and inefficient. The $1.3 billion amount earmarked for moving military personnel from assignment to assignment could have been significantly diminished by altering the rotation plan.

I was disappointed that this measure, having passed the Senate unanimously, was changed in conference to request the Secretary of Defense merely to implement the procedures to make such cutbacks rather than requiring adherence to specific dollar reductions in rotation costs. It not only had the overwhelming support of the Senate, it also had remarkable support among servicemen and their families, according to the mail I received in my office after its introduction. I will renew my efforts to secure passage of specific reductions in rotation costs of military personnel during the 92d Congress.

My support of reductions in rotation of military personnel does not prevent me from expressing my support of the transfer of Brigadier General Matthews. Increasing criticism of Army intelligence activities has resulted from charges that its agents have investigated nonmilitary targets including several high ranking political figures. Though no specific relationship has been established between General Matthews' transfer and those activities, in my judgment there has been enough controversy and enough questions raised to warrant the move.

I have followed with careful interest the progress of reports on the military surveillance activities. They are a source of deep concern to me. Private conversations with the principles in this controversy suggest that my concerns are not unfounded, though I am confident the hearings later this month before the Constitutional Rights Subcommittee will provide us with the factual background needed to sustain appropriate followup action.

Mr. President, systematic compilations of data are an affront to all citizens who cherish the rights of free speech and free press. To the extent that data collecting activities intimidate those who would exercise these freedoms, all of us suffer. I will support, and hopefully participate in, the full and careful investigation of these activities. In the meantime, I am pleased that the Department of the Army has seen fit in the midst of the present controversy to make this important transfer.

I ask unanimous consent that the Washington Post article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Army Intelligence Chief Transferred

(By Douglas B. Feaver)

The commanding officer of the United States Army Intelligence Command, which is responsible for all personnel security investigations conducted by the Army, is being transferred Feb. 1 after less than a year on the job, Army spokesmen confirmed last night.

Brig. Gen. Jack B. Matthews, 52, will be reassigned from Ft. Holabird in Baltimore to an Army infantry training center at Ft. Lewis, Wash. His replacement will be Brig. Gen. Orlando C. Epp, 50, currently stationed in Hawaii.

Army intelligence has come under increasing criticism recently as a result of charges that its agents were investigating such nonmilitary targets as political conventions and members of Congress.

A spokesman at Ft. Holabird declined to comment last night on whether there is any relationship between Gen. Matthews transfer and those charges. However, the spokesman said, "all that publicity (about nonmilitary investigations) did concern the Intelligence Command."

Other sources said that Matthews, a longtime infantry officer, had received his new assignment within the past week, considered short notice. His tenure at Ft. Holabird is considered unusually short for such an assignment.

Epp is a longtime Army intelligence officer and one of the few in that specialty to achieve the rank of general. He has considerable experience in European military intelligence operations.

The transfer comes after a major shakeup of military intelligence operations designed to bring them under tighter civilian control, was announced by Secretary of Defense Melvin R. Laird last December.

STATEMENT OF ILLINOIS STATE SENATOR CECIL A. PARTEE

Mr. STEVENSON. Mr. President, prior to the convening of this session of Congress, a historic event took place in Illinois. For the first time a black American, State Senator Cecil A. Partee, was elected president pro tempore of the Illinois Senate. Senator Partee has had a distinguished career in Illinois.

He was elected to five terms in the Illinois House of Representatives before being elected to the State Senate in 1966. Now, as he enters his third session in that distinguished body, his colleagues have honored him with the highest office a member of that body may obtain. I am sure that Senators would be interested in the remarks of Senator Partee on the occasion of his election. I ask unanimous consent that his statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Illinois State Senator Cecil A. Partee

Gentlemen of the Senate: Before I left my hotel this morning, I made three (3) telephone calls; two of them were happy calls, and one was a sad one. The first was to my mother and father, in their late '70's, in St. Louis, Missouri, thanking them for the training and encouragement they gave me throughout the years, and also thanking them for living before me, a life worthy of emulation. Another call went out to my wife, a devoted, understanding, helpful and encouraging person.

The call of sadness went back to Chicago to Mrs. Nettie Campbell, who is the recent widow of my political guide and mentor. Alderman Campbell, who nurtured me politically, departed this life on December 31, 1970, just a few days ago, and was necessarily deprived of the opportunity to see his work product in this august body, in this exhaulted position today.

I am, of course, grateful to my Party for their endorsement and their confidence.

As I stand here and look out into the State Senate, I am looking at friends. You will observe, that I am not looking on either one side or the other of that aisle, but that I am looking at friends on both sides of that aisle. I am looking at new members here, who, I trust, will become friends as time goes on. I have come to recognize a long time ago that on both sides of this aisle there are men of talent, there are men of wisdom, there are men of experience, there are men of devotion to that concept that we categorically define as "Good Government".

As your President, I am sure that we will not forget our party labels, but, more important, that we will put our joint minds, our multi-talents, and our combined energies together in the interest of the people of the great State of Illinois

One gentleman from the press last night asked me if I felt the fact that I was Black would hamper the legislative program of this State. I told him, and I say again here and now, I am an American. I am here to pass, to help pass, that legislation which is in the best interest of this State, as it affects people who are rich or poor, black or white, educated or uneducated. I earnestly solicit your cooperation on behalf of the citizens of this great State. Thank you.

THE FIRST AMENDMENT AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, an objection to the ratification of the Genocide Convention is that based upon the Constitution. It is directed not to the Convention as a whole but to the provision in article III(c) of the Convention, which declares that "direct and public incitement to commit genocide" shall be a punishable act. It is argued by some that to make such conduct a criminal offense would be an infringement of freedom of speech and freedom of the press under the first amendment to the Constitution.

The plea completely overlooks the obvious limitation upon the absolute freedom of speech which is both part of the very same statement of the "clear and present danger" doctrine and its practical application in the past. What was said in *Frohwerk* v. *United States* (249 U.S. 47 (1919)) is especially pertinent:

> (We) think it necessary to add to what has been said in *Schenck* v. *United States* (249 U.S. 47) that the first amendment, while prohibiting legislation against free speech as such, cannot have been, and obviously was not intended to give immunity to every possible use of language (*Robertson v. Baldwin* (165 U.S. 275, 281)). We venture to believe that neither Hamilton nor Madison, nor any other competent person then or later, ever supposed that to make criminal the counseling of murder within the jurisdiction of Congress would be an unconstitutional interference with free speech.

The case of *Giboney* v. *Empire Storage Co.* (336 U.S. 490, 498 (1949)) is a recent expression of the Supreme Court that incitement to commit crime enjoys no immunity under, and draws no protection from, the first and 14th amendments. In that case the Court held that peaceful picketing, with use of placards, to induce violation of a State antitrade law—a criminal statute—could be enjoined.

The Court said:

> It rarely has been suggested that the constitutional freedom for speech and press extends to immunity to speech and writing used as an integral part of conduct in violation of a valid criminal statute. We reject that contention now." (Giboney v. Empire Storage Co., 336 U.S. 490, 498 (1949)).

Justice Brandeis, in his concurring opinion in Whitney against California, had this to say:

> But even advocacy of violation, however reprehensible morally, is not justification for denying free speech where advocacy falls short of incitement and there is nothing to indicate the advocacy would be immediately acted upon. The wide divergence between advocacy and incitement, between preparation and attempt, between aessembling and conspiracy, must be borne in mind.

It is interesting to note that the Section of Individual Rights and Responsibilities of the American Bar Association reported that:

> It appears that article III (c) is drawn precisely to satisfy the prevailing interpretations of the First Amendment to the United States Constitution.

It is clear from the choice of the words "direct and public incitement" and from the legislative history, including statements made in the debates by the American and other delegations, that this is wholly consistent with our constitutional safeguards of free speech. Speech in the United States is not protected where it is incitement to illegal action, so there is no inconsistency between our Bill of Rights or the 14th amendment on the one hand and the Genocide Convention on the other.

I therefore urge the Senate to delay no longer in ratifying the Genocide Convention.

VIETNAM: LESSONS LEARNED

Mr. KENNEDY. Mr. President, one of the more important questions that now haunts our Nation's discussion of foreign policy is: What lessons have we—or should we—learn from our tragic experience in Vietnam?

From the beginning, American intervention in Vietnam has involved a crisis of perception. Public opinion, like public policy, has too often been based upon mistaken views and erroneous assessments of the true forces at work in Vietnam. How these misperceptions came to be, how they have come to be shared by so many, and why it has taken us so long to correct them will obviously be a source of debate and study for years to come. Yet, one thing is clear: These misperceptions have been shared not solely by our national leadership; our journalists, scholars, and the public at large, have also been blinded at times.

The task before us now is to identify these misperceptions and to learn from our experience. A constructive step in this direction has recently been taken by a group of distinguished journalists who, in the current issue of the Columbia Journalism Review, have explored the subject "Vietnam: What Lessons?" As to be expected from such noted correspondents as Jules Witcover, of the Los Angeles Times, Robert Shaplen, of the New Yorker, and Fred W. Friendly, formerly president of CBS News, their reflections on Vietnam and the press coverage of it provide a cogent review of some of the mistakes, blunders, and cultural misperceptions all of us have experienced in Vietnam. I commend these articles to all Senators and ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From Columbia Journalism Review, winter 1970–71]

The Challenge Ahead

(By Robert Shaplen)

The longer one stays in Vietnam and the more one travels around the country, from the northernmost provinces below the Demilitarized Zone to the southernmost parts of the Delta, the more apparent it becomes that the war's overall effects on the Vietnamese have been cataclysmically destructive, not only in physical terms but psychologically and socially. Yet, as in all wars, the pattern is uneven. Poverty-ridden urban slums and rural wastelands are in predominant contrast to spots of "new wealth" for a minority and of considerable prosperity for a good many middle-class entrepreneurs, contractors, restaurateurs, newspaper publishers, dance hall operators, and so on, as well as for what might be called "proletarian profiteers" of the American invasion—cyclo and taxi drivers, prostitutes, and vendors of black-market goods stolen from American Post Exchanges.

What the long-term socioeconomic results of the war have been and will be are as important as the politico-military consequences, yet they have scarcely been written about. Confining the discussion to South Vietnam, let us consider the impact of the war to date in human and social terms. The single biggest effect of the long and tragic conflict has been the urbanization of the 17 million people in the South. Some 60 per cent of the people now live and work, or are unemployed and steal or beg, in and around towns and cities. Before the war, only 20 per cent were urban dwellers. While scores of thousands of city-bound refugees, driven from the countryside by bombing, are gradually returning to their old rural homes or have been resettled in new areas, it seems likely that the urban and suburban population will not go below a 40 per cent level, particularly as the slow postwar process of industrialization begins.

The principal impact of urbanization has been the destruction of family life, of the close-knit family and inter-family relationships, that have marked Vietnamese life—and Asian life in general—for centuries. Even in the countryside, where the fragmentation of family life has perhaps been less drastic, the war has caused the breakdown of family life as it used to exist. The families of regular army soldiers (ARVN) accompany their men from place to place but mostly live in hovels that pass for "temporary camps," and they are separated much of the time anyway. Even in the case of the Regional and Popular Force elements that stick closer to their homes, the old peaceful village and hamlet existence has been destroyed, at least for the war's duration. Politically, there has been some effort to restore local autonomy through recent staggered hamlet and village elections. This has somewhat ameliorated the social dislocation, but the effects so far are more artificial than real, and it will be some time before reunited families can live and work together again under common roofs and in common fields.

There are relatively few areas of populated Vietnam that have not felt the brunt of the war. One of them, in the Delta, is An Giang, a wealthy province dominated by the Hoa Hao sect, which has established its own accommodation with the Vietcong. Here peasants till their land unmolested, prosperity reigns, and one could hardly tell that a war has been taking place. But almost everywhere else, in varying degree, there is ample proof that in the American effort to "save" a nation we have done much to destroy it. From the highlands to the lowlands, whole hamlets and villages (a village in Vietnam generally consists of from four to six hamlets) have been wiped out. Not long ago I flew in a helicopter over what used to be the village of Ap Bac, in the Delta near Saigon. Years ago at the beginning of the "big war" it was totally destroyed in a major battle the Communists claimed as a great victory because it proved their ability to defeat a helicopter-borne government force. Like many other such places, it has never been rebuilt. In fact, if my friend John Paul Vann, who is in charge of the combined American-South Vietnamese pacification program in the Delta, hadn't pointed out the site of Ap Bac I wouldn't have recognized it, for it was nothing but burned-out brown fields spotted with bomb craters. Even the rubble was gone.

What happened to the people of the hundreds of Ap Bacs throughout the country? The answer is, who knows? Certainly scores of thousands of ordinary civilians—no one really knows how many—were killed, and countless other thousands were permanently maimed. Many thousands more became refugees in nearby cities, including Saigon, while others have resettled in far-flung villages, probably working as tenants or more likely as sharecroppers, or living with relatives. The sons of the surviving families are in diffierent communities either serving with the Vietcong, or with the ARVN or the Territorial Forces, which are what the Regional and Popular Forces together are now called.

Vietnam has indeed become a nation of migrants, but the tragedy of the Ap Bacs is not universal. I have visited many other villages in the Delta that have been reestablished and repopulated with a mixture of former inhabitants and new citizens. New hamlets and villages have been created all over the country, mostly along or close to roads and highways that are protected by South Vietnamese troops, including local People's Self Defense Forces. But these new places usually lack the natural symmetry and charm of their now-devastated tree-fringed predecessors, and many of them look like shantytowns.

The most ubiquitous sign of "restoration" in Vietnam is the gleaming tin roof. All along the Street Without Joy, the northern strip of rich coastal farmland in Quang Tri province, one can see hamlet after hamlet where shattered mud-brick homes have been rebuilt and topped with tin roofing supplied by the Americans. Flying at sunset over the once-beautiful city of Hue, one is almost blinded by the reflection bouncing off these bright new roofs. Though it will never again be as beautiful as it was, Hue, which was largely destroyed during the 1968 Tet offensive, has made an astonishing recovery. Though at least 5,000 people were killed in the city—some say many more—it is prospering again, the markets are booming, and in the surrounding rural hamlets the rice harvests are once more rich and new crops of vegetables are being grown.

VIETNAM HAS BECOME A NATION OF MIGRANTS

One of the most common results of the war has been "de-peasantrification" due to widespread American bombing and defoliation. All along the roads of the country one sees small crude shacks with wooden slabs announcing GI WASH CLOTHES or COKE, BEER, SOFT DRINK or WE FIX TYRE. These places are operated for the most part by dispossessed farmers. Only as the level of the fighting has decreased—as it has done markedly in the last year, although it may pick up again—have peasants again begun to till the land; and one now begins to see many small Japanese-mechanized plows run by one man, alongside the traditional ones hauled by water buffaloes. However, Vietnam, a prewar exporter of rice, will still have to import this staple commodity indefinitely. And though the use of miracle rice seeds from the Philippines is starting to increase the yields, it will be years before the effects of the newly introduced land reform, distributing land to the tiller, will be felt. In the meantime tremendous shifts in the peasant population are continuing. Given the movement of peasants back to their old villages or to new ones, and some continued movement into towns and cities, one can only say the population as a whole is in a state of flux that is likely to continue for several years more.

What is thus evolving is a new kind of mixed urban-rural society, though I think the basic trend remains urban. Saigon-Cholon (Cholon is the Chinese section), a city of 400,000 before the war, has now swelled to 2 million, and it is not apt to diminish in size or numbers. The great majority live in slums or in areas that are so overcrowded that they are pseudo-slums, where small wooden-frame or corrugated tin houses are tightly packed together in narrow lanes like so many sardine cans. One of the most familiar sights in downtown Saigon today is that of small girls, aged nine or ten, wandering around begging with their infant sisters or brothers strapped to their backs. Their mothers and fathers, if both are still alive, are working, by day and by night; the father perhaps as a cyclo driver, and the mother as a bar-girl, where she makes herself available to American soldiers, black or white, if they occasionally wander in—no guarantee against VD. The chances are that the members of such families see each other no more than four or five hours a week. Saigon, too, like the rest of Vietnam, is full of widows and vagrants.

Nobody really knows how many orphans there are in Vietnam. Recently I rode back from Paris to Vietnam with a young Belgian nurse who runs a small orphanage in Gia Dinh, the province alongside Saigon. She told me that her home regularly has about twenty-five orphans offered for adoption, and that half are Vietnamese and the other half the products of GI fathers and Vietnamese girls. It is no easy process to adopt an orphan—the paperwork alone takes about a year—so it is safe to assume that the permanent orphan population will also run into scores or hundreds of thousands.

This is only one tragic side of the war in Vietnam. What may prove equally tragic, though in a different way, is the social dislocation that will result when the Americans finally leave and the American-privileged Vietnamese are dispersed. These include not only the 400,000 or 500,000 men and women who have worked directly for the Americans but also the million or more who are their wives and sons and daughters, and perhaps their sisters, brothers, uncles, aunts, and cousins—for the circle of Vietnamese dependents is wide. Already there have been serious strikes caused by workers who have rebelled against having to go back to work at Vietnamese wages in Saigon's inflated economy, wages that are four or five times lower than what the Americans paid. The inevitable result, aside from more labor troubles, will be an acerbation of what has already occurred—an increase in the rate of crime, delinquency, and hooliganism, with all the attendant abuses of drug addiction and other forms of vice. A familiar sight along Tu Do, the main thoroughfare in Saigon, is the empty bars where the bar-girls who used to drink "Saigon tea"—high-priced colored water—with prowling American soldiers now sit by themselves, hour after hour, waiting for the stray customer and not even talking to each other; just staring emptily. The same is true in the resort cities of Vung Tau and Nhatrang, on the coast and in other cities.

The political effects of social upheaval and dislocation are even more difficult to analyze and predict. In 1966, when the so-called Student and Buddhist Struggle Movement was destroyed in Danang and Hue by the government of Prime Minister Nguyen Cao Ky, with the approval and logistical support of the Americans, the Buddhists dropped out of sight as a political force. Many were jailed, some were killed, others just went underground, while still others became traditional Vietnamese *attentistes*—the French-inherited term for "waiting to see what happens." During the September, 1970, election for the Senate, the Buddhists reemerged politically, stopped their boycott of elections, and captured ten of the sixty seats in the Senate (only thirty seats were at stake this off-year election). The student movement is also active again, and while the Communist minority is responsible for most of the demonstrations and makes the most noise, the majority of student leaders and members of the important student groups are non-Communist but pro-peace. Along with the veterans—both the disabled and healthy ones—the students are likely to become more important politically in the period of readjustment that lies ahead. It may even turn out that the growing movement for peace, mostly urban-expressed, may become and remain strong enough to avert the new civil war that so many fear will follow this one.

In the countryside as well as in the cities, millions of people who are not demonstrating are simply "waiting"—waiting for the Americans to leave so they can determine who will be stronger, the Government or the Communists, and therefore with whom they should make their accommodation. The easy accommodators may yet outnumber the more ardent nationalists in the South and the ultimate outcome of such a development would undoubtedly be its domination by the North, which is partly what Hanoi means when it speaks of "protracted warfare" and of being "patient." If there is a cease-fire as a result of negotiations, and a real political contest begins, Hanoi and the Provisional Revolutionary Government it controls will quickly concentrate on the accommodators, including most importantly the fragmented religious elements in the South. The process of influencing them may take several years, if there is no new war, but the hardheaded and dedicated men of the North will meanwhile find time to rebuild their own shattered nation.

THE POSSIBILITIES OF MILITARY REBELLION CANNOT BE DISCOUNTED

There has been much speculation and considerable writing about terrorism and the possibility of bloodbaths once this war is over. I have read countless documents in which the Communists constantly speak of eliminating "tyrants" and even list, by individual names in specific villages, the people they want to kill—mostly government cadres, teachers, and anyone who has worked for or cooperated with the Americans. On the basis of the number of assassinations and kidnappings still taking place, let alone the proven history of repression and killing that occurred in North Vietnam in 1945–1947 and again during the abortive land reform experiments in the mid-Fifties, there is reason enough to believe that the Communists mean what they say. I have had long talks with ex-Vietminh friends of mine who have outlined whole scenarios of what they think will happen "when the Communists come," of their plans to use village and town hooligans to turn people against each other, and of other terrorist tactics that have been applied before. There is no reason to believe that terror will not beget terror and that a repressive government on the Saigon side would be any less recriminatory or would eschew violence. Both sides at the Paris peace talks, in their endless propaganda, have spoken of "guarantees" against terrorism and reprisals, and if there is any attempt at a rational peace settlement an effort will undoubtedly have to be made under some sort of international supervision at least to limit the degree of such violence. The interregnum between peace and a potential Third Indochina War, however long the interval lasts—perhaps a year or two—will be crucial, and the most crucial period of all will be the first six months.

Economic dislocation and poverty also enter the equation. Although steps have recently been taken to raise the level of wages of civil servants and soldiers, the mounting inflation in the South, particularly in Saigon and other cities (the peasants in the Delta are relatively better off), threatens to burst the seams of the urban economy. At the same time the possibilities of military rebellion are not to be discounted. So long as men in the army, from the rank of private up to captain especially, but in the higher ranks as well, are not paid enough to sustain themselves and their families, the threat of armed rebellion will remain. (A hard-working whore or cyclo driver can make two or three times more a month than a general or a cabinet minister, though of course they don't have the same opportunities to make as much through corruption.) The possibilities of civil strife within a civil war are thus not to be discounted. Right now, unless the United States is willing to give Vietnam another $200 million to $300 million on top of the more than $100 *billion* the war has already cost us, the danger of economic collapse and fresh internal violence are serious. Should such outbreaks in the Government's own ranks take place, the obvious beneficiaries would be the Communists.

"Vietnamization" in this sense has an inbuilt fallacy. The Vietnamese can scarcely finance the maintenance of delicate helicopters and modern jet fighter-bombers in the manner in which *we* are accustomed, let alone support an army of a million in a nation of 17 million. In fact, three-fourths of the Vietnamese national budget of some 230 billion piasters currently is devoted to military expenditures, under already inflated conditions. The social implications herein, too, are thus dire to contemplate. Grandiose postwar plans have been drawn up by combined American and Vietnamese experts—the chief American architect of the official 700-page plan has been David Lilienthal, former chairman of the Tennessee Valley Authority—but, in the opinion of most Vietnamese economists I have talked to, these long-term planners have had their heads in the clouds. Far better are some much more modest contingency plans, being worked out privately by small groups of Vietnamese in Saigon and in Paris, for postwar recovery based on agricultural improvements and then on light-industry development on a year-by-year basis.

The dichotomy of prosperity and poverty that has already afflicted the wealthy nations, notably the United States, is already evident in wartime Vietnam, too, and one shudders to think what we have wrought in this regard. In the shabby shantytown communities of Saigon and other cities, and parts of the Delta, too, one can see thousands of television aerials poking up into the sky—they are by no means restricted to fancy new modern structures being built by the get-rich-quick war profiteers and corrupt bureaucrats. The bug of the affluent society has already bitten the Vietnamese in many other ways as well, even amid the breakdown of classes and the destitution of the war. There is a generic term for it all—"the Honda society"—and it dates back several years to the policy instituted by the Americans to soak up piasters by creating a consumer climate. There is nothing wrong in every Vietnamese having a Honda (except for the increase in pollution this causes), but as one Vietnamese economist and sometime cabinet member I have known for many years says, "You shoved all these expensive things we didn't need down our throats in order to keep your kind of war going, and then, overnight, you order us into austerity and tell us to tighten our belts while we go on fighting a war we can't possibly pay for with our resources." It is no idle prediction to state that, short of the United States' continuing to give the Vietnamese $2 billion worth of economic assistance a year for at least five years after the war ends (which seems hardly likely, given the current mood of Congress), the country may simply blow up or fall apart economically, with obviously more disastrous political and social consequences.

These and other factors have contributed to the growing anti-Americanism in Vietnam. We are not, as the Communists repeatedly accuse us, "neocolonialists" in that we are not out to "conquer" or occupy Vietnam; but what we have done, unwittingly, is to create an ambience of colonialism, in social and economic ways, and the ultimate effects are not that different from what the French did before us. Perhaps they are worse in some ways, because so much more waste has been involved. In this sense the dislocation we have caused in the South, let alone the destruction by bombing and artillery, may prove to be as disastrous as the damage caused by bombing in North Vietnam.

WE ARE NOT REALLY ATTEMPTING TO DISCOVER WHAT WENT SO WRONG

What do the Vietnamese think of it all, and of us? They are divided and bewildered. One reads the daily translations of the Vietnamese newspapers, and talks to friends who are reporters and editors, to authors and writers of cynical songs, and the feeling one comes away with is not that they are bitter or unforgiving but that they have begun to wonder whether it was all worth the price after all. It is not that they feel they were not worth saving or even that they did not need and welcome outside help, but that they now realize, belatedly, they could and should primarily have done more to save themselves, from Communism or anarchy, and that what we did was simply shove them over a different kind of precipice. One constantly asks oneself the question of whether a totally controlled society such as that in North Vietnam is not bound to win, one way or another, over a *partially* controlled one, such as has existed in South Vietnam since 1945.

There has been considerable difference of opinion, both in Vietnam and in the United States, about how the foreign press—especially the American correspondents—have covered the war. I think our coverage, generally, has been fairly good, though spotty. At the same time, however, far too little has been written, in any kind of depth, about either the politics or the social and economic aspects of the long conflict—and this has been made more difficult by the fact that the longer the war has lasted, the less willing the Vietnamese themselves have been to talk to any Americans, officials as well as reporters. Among other things, the Vietnamese have become mighty tired of the constantly changing American faces—the average tour of duty for a correspondent has roughly been similar to the eighteen months for an embassy official, though there have been some notable exceptions.

I have always been astonished at the lack of interest in the politics of the war shown by most American reporters. This may be due, in part, to the fact that a great many of them have been young men in their twenties who were gung-ho and eager to get out where the action was. Action stories, and action shots, were "what the American public wanted," and I do think that much of the revulsion of the war back home was caused by the overemphasis placed by television on battle coverage. It became virtually impossible, again with some rare exceptions, for a TV man to persuade his home office that there were other aspects of the war and of Vietnamese life worth shooting in film. I remember one producer, Al Wasserman of NBC, who spent two arduous months preparing an hour-long show about the politics of Vietnam at the time of the 1967 elections. He spoke to dozens of politicians and other people, both in Saigon and in the provinces, and the show was scheduled to be telecast in New York at 6 o'clock in the evening of what was election day in Vietnam. At the last moment this time was preempted by a golf match, and the excellent job Wasserman did was viewed by a small audience late that night.

There have been a few other good hour-long "specials" done by the networks, notably CBS's *The Mind of the Vietcong,* and for the past three years National Educational Television has conducted panel shows—discussions among correspondents—that have been informative and lively. In my opinion, most of the *Face the Nation* and *Meet the Press* interview shows that have dealt with Vietnam—and there have been many—have been cut and dried and fairly stilted, with little information coming out of them, though there have been exceptions. Some of the best TV work has been done by foreigners, notably by independent French and German producers.

Comparable to the TV specials have been the occasional "blockbusters"—stories of three or four columns—usually written by departing Saigon correspondents of major newspapers or the wire services. Among the best of these that I recall were the summaries and opinions of R. W. Apple, Jr., Peter Grose, and Gene Roberts of the New York *Times,* and Robert Kaiser of the Washington *Post*. Invariably, by the time a correspondent left Vietnam, he had become pessimistic, so most of these blockbusters have tended to be gloomy, with considerable justification. During their periods of assignment, the majority of correspondents have tended to be so busy competing for daily stories, or covering routine ones, that they seldom had time to sit back and do some quiet reflection. The result has shown in the generally gray copy that often appeared on page 1—how many men lost in how many battles, and who did what to whom.

There have been some notable exceptions to this kind of reporting. Two outstanding daily men were Ward Just of the Washington *Post* and William Tuohy of the Los Angeles *Times,* while Peter Arnett of Associated Press stood out among the wire service men. All three constantly worked hard to present a proper mixture of reporting and interpretation, and they did better than most in mixing military and political news. Perhaps because they wrote less often, some of the correspondents from other countries often did a more reflective and interpretive job. This has particularly been true of Mark Frankland of the *Observer* of London and Jean-Claude Pomonti of *Le Monde*. On the other hand, Robert Keatley and Peter Kann, both of the *Wall Street Journal,* have done similar fine work, and some excellent feature writing has been done by Bernard Weintraub and Gloria Emerson, both of the New York *Times*. Strangely enough, it has been only fairly recently that some of the most subtle and poignant reporting of this sort has begun to appear on a more regular basis. It has been as if, belatedly, we have realized what we have done not only *in* but *to* Vietnam and have looked in the mirror at our own faces as well as those of the Vietnamese.

I sincerely doubt that either the Vietnamese or the Americans will recover from the trauma of this long and misfought, misconstrued, and often misreported or unreported war—at least not for several generations. In having sought to distinguish between involvement and intervention, I continue to feel that, originally, we made a valid commitment politically in Southeast Asia and, specifically, in Vietnam. We should not, however, have overcommitted ourselves militarily once it became clear that our efforts to initiate reforms, as far back as the period after the Second World War when the French were still in control, were getting nowhere.

But as the years have passed what has dismayed me most, beyond the damage we have wrought, is that not only have we inhibited or even helped lose a revolution that might have been won—that is, a true nationalist revolution as against a Communist one—but that we have done and suffered more than that: we have confounded and divided ourselves, and we have done the same to the Vietnamese, perhaps more seriously because more permanently. To make it worse, we are now flagellating and *mea-culping* ourselves without really attempting to discover what actually happened, why and how things went so wrong. It may be too soon for that, but given all our other national and international problems, and our short memories, I fear that when we do find time—*if* we do—to think back to Vietnam, it may be too late to learn.

WHERE WASHINGTON REPORTING FAILED

(By Jules Witcover)

On March 10, 1964, Sen. Ernest Gruening, Democrat of Alaska, walked onto the floor of the Senate and delivered the first speech in that important forum advocating an American withdrawal from Vietnam. The next morning Gruening, a former newspaperman, picked up the New York *Times* and the Washington *Post,* looking for stories about his historic speech. He could not find them. He thumbed through the entire issue of the *Times* and then the *Post* and found not a single reference. Had he been able to repeat the exercise with most if not all other newspapers in the country that day, the search would have been just as futile.

This single incident tells much about the performance of the Washington press corps in covering the Vietnam war. It represents not simply the misreading of the significance of a single event; more critically, it pinpoints the breakdown of a cardinal principle of newsgathering, especially early in the war; pursuit of all points of view.

While the Washington press corps in those years diligently reported what the Government said about Vietnam, and questioned the inconsistencies as they arose, too few sought out opposing viewpoints and expertise until very late, when events and the prominence of the Vietnam dissent no longer could be ignored. Gruening and other early dissenters from official policy in and out of the Senate attest that they found very few attentive ears among Washington reporters in the early 1960s. Only in 1966, when the dissent surfaced in force within the Establishment with televised hearings of the prestigious Senate Foreign Relations Committee, did the voices of opposition really enter the mainstream of Washington reportage. Anti-war demonstrations had been covered, to be sure, but the policy arguments behind them had been given short-shrift by most.

In coverage of the war, the press corps' job narrowed down to three basic tasks—reporting what the Government said, finding out whether it was true, and assessing whether the policy enunciated worked. The group did a highly professional job on the first task. But it fell down on the second and third, and there is strong evidence the reason is that too many reporters sought the answers in all three categories from the same basic sources—the Government. The 1966 hearings, which brought the Johnson Administration into open defense of its Vietnam policy before a respectable forum, enabled the press to do a better job than before. But responsible dissent existed well before those hearings [see page 28]. One can only speculate how the course of the war might have been affected had more members of the Washington news community relied less on their government and more on its responsible critics in appraising the veracity and effectiveness of government policy?

Admittedly, these observations are made with benefit of hindsight. In any appraisal of how Washington's press corps has covered a war halfway around the globe, it must be acknowledged that newsmen in the capital have labored under severe handicaps. Not the least is their sheer distance from the war. For most, the textbook axiom of "go to the source" could not be applied, so it was extremely difficult to make an independent evaluation. In addition, Washington in the early 1960s was more concerned with Laos than with Vietnam.

According to Lloyd Norman of *Newsweek,* who has covered the Pentagon since 1946, efforts in those days to get information about Vietnam were turned aside with the observation that "the war is being fought out there" and that was where the news media would have to go to find out about it. It was not bad advice, then or later, and Norman and other Pentagon correspondents followed it as time, the pressures of other duties and the budgets and wisdom of home offices permitted. But on-the-scene coverage was a luxury that most Washington-based newsmen did not have. They had to take what they could get from their government and try to make sense out of it.

Referring inquisitive reporters to Saigon, of course, could not stand for long as a Pentagon policy, particularly as the war dragged on and grew larger. Nor was it, the Kennedy and Johnson Administrations found out, prudent to encoruage probing. Reporters who went to Vietnam—such as Malcolm Browne of Associated Press, David Halberstam of the New York *Times,* and Charles Mohr of *Time*—sought out other points of view, checked them against their own observations, and began to write stories casting serious doubts on the effectiveness and wisdom of American policy. These stories in turn raised eyebrows within the Washington news community and spawned more probing questions at the Pentagon.

SKEPTICISM CAME SLOWLY AND DISBELIEF EVEN MORE SO

As early as 1962, regular briefings on Vietnam were given to Pentagon reporters. But they were extremely sterile, at first focusing largely on the counterinsurgency concept that flourished under President Kennedy and, increasingly under his Secretary of Defense, Robert S. McNamara, on the "quantification" of the war. Guerrilla warfare was new to the American military, to McNamara's Pentagon, to the news media, and to the American public. As pressures mounted to report progress in a war in which the normal yardstick of land taken did not apply, new yardsticks had to be found. The result was a statistical avalanche from a constantly augmented Pentagon propaganda machine—body counts, weapons captured, kill ratios, defection rates. A whole new vocabulary was created and conveyed to the press to assess. Reporters in Vietnam could gauge the progress of the war with their eyes and ears; reporters in Washington could not, so they tried to cull meaning from the statistics and the new language.

Complicating the task was this overriding fact: the men in government who parceled out the data believed it was significant. Their own self-delusion, later approaching self-deception and then in some cases rank deception, led the purveyors of this data to press it with the zeal and conviction of the True Believer. And as the war became broader than simply a Pentagon affair, True Believers at the White House and the State Department joined in. "We were largely at the mercy of the Administration then," Peter Lisagor, Washington bureau chief of the Chicago *Daily News,* recalls. We had no touchstones on the war. And we were less skeptical on the war than we were on other things. There was a tendency to believe more because they were supposed to have the facts and you didn't, and we were more inclined to accepting an official's word on something as cosmic as a war. After all, we don't consider our government a foreign power just yet."

Beyond that was the fact that the Washington press corps, like the officialdom it reported on, was comprised largely of men and women in whose lives and political thinking the Cold War had been a reality. To many of them it was continuing, even if in a more relaxed, sophisticated mode. Even those occasional early-day Vietnam war critics like Bernard Fall, living in Washington, argued more with the strategy being used than the political objectives sought. Consequently, the focus remained largely on military aspects, to exclusion of the broader—and, ultimately, more critical—questions.

Norman recalls how he and other Pentagon reporters in the early Sixties went to Fort Bragg, N.C., to witness the training of the heralded Green Berets, reporting on the concept as a military technique but seldom questioning it in the broader political context. "It looked pretty good," Norman says. "Those little guys in black pajamas didn't look like much, and these big guys in Green Berets were going to help the Vietnamese lick them." As a Pentagon correspondent at the time, I remember going to Fort Bragg myself, walking through a mock "Vietcong Village," and suddenly being confronted by riflemen in black pajamas and conical straw hats who popped out of pine-covered hiding places in the North Carolina woods to "ambush" the visitor. Surely with training under such realistic conditions, the Green Berets would then be able to go to Vietnam and show the South Vietnamese how to win.

All this time, as the doubts of young American reporters in Vietnam were trickling home in their dispatches, older news hands at the Pentagon were likely to dismiss them as the product of the inexperienced. Pentagon officials constantly sniped at the Saigon press corps, accusing it of covering the war from the bar atop the Caravelle Hotel and of listening too much to dissident, self-seeking South Vietnamese politicians. Still, the reports from Saigon were having impact, to the point where Arthur Sylvester, then Assistant Secretary of Defense for Public Affairs, initiated "Operation Candor" in 1964–65. U.S.-based reporters were dispatched to Vietnam, at government expense, for two-week tours during which they could see for themselves what was going on. The Pentagon hoped they would counter in their reporting the "erroneous" accounts coming from Saigon regulars.

As is usually the case with such government-sponsored endeavors, the candor was more apparent than real. I went to South Vietnam under the program in March 1965, and on arrival found myself subjected to a stifling round of official briefings parroting the government verities of the moment. Great claims for pacification were made, and special side trips arranged to recently pacified villages and hamlets. On these carefully selected trips it was possible to find American military men who persuasively challenged the claims of progress, and trips of the visiting reporters' own choice yielded more grounds for doubt. But a few weeks were not enough for a really solid reading by a reporter who knew neither the language nor the politics of the country. As a result, much of what was written out of "Operation Candor" served the Government's intended purpose of providing a counter to the pessimism of the Saigon press corps. Beyond that, it returned to Washington scores of reporters who know knew enough about the Vietnam war to sound authoritative, but who in most cases weren't.

Still, even in a short tour in Vietnam the trained reporter could recognize elements of a very mixed and uncertain bag. In that sense "Operation Candor" boomeranged, for it nurtured a skepticism that, in the middle Sixties, was increasingly applied to official claims about the war. For one thing, the official deception that American military men in Vietnam were functioning merely as "advisers" in ground combat and as "instructors" in air missions—a deception already pierced by the Saigon press corps—was further unmasked. Also, the visiting newsmen got a crash education in the fine military art of semantic obfuscation. Lisagor recalls an officer's coming in from a mission in which his unit had been chewed up, and hearing an official spokesman in Saigon describe it to the visiting press as a "meeting engagement." To which the officer blurted: "Meeting engagement? We were ambushed." Says Lisagor: "A whole language was created to minimize that we were in a war, and that we didn't know how to fight it."

But it must be remembered that only a relatively few in the Washington press corps ever got to Vietnam, even for this brief, government-sponsored stint. And outside the Pentagon news corps, the Washington correspondent who went to Vietnam was rare indeed. Almost as rare, too, was the Washington reporter who really sought out alternative sources available to him—the obscure histories of Indochina that lent perspective and understanding; the less obscure writings of the French experience by Fall, Jean Lacouture, and others; the small and generally suspect peace movement.

One of the few non-Pentagon reporters who very early took on the Vietnam war as a beat was Richard Dudman, now Washington bureau chief of the St. Louis *Post-Dispatch*. His capture and detention in Cambodia last year occurred during his eighth reportorial tour in Southeast Asia since 1960, and in Washington he mined not only Pentagon sources but Vietnam experts at the State Department, the White House, on Capitol Hill, and in the academic and nongovernmental antiwar communities. The mix of viewpoints he thus culled produced both insight and skepticism and equipped him better than most to assess official claims. He recalls, for instance, when he was exploring claims of success for the Chieu Hoi or "open arms" program toward Vietcong defectors. When he asked an aide to Walt W. Rostow, President Johnson's chief national security adviser, what happened to the defectors after they were clothed and fed, the aide replied: "We don't know. We think some of them go back. They regard it as a V.C. R&R program."

But skepticism came slowly and disbelief even more so to the bulk of the Washington press corps. When the Government reported in August, 1964, that two American destroyers had been attacked in the Gulf of Tonkin, and President Johnson used the report to obtain a sweeping authorization to respond as he saw fit, there was no sustained effort by the daily press in Washington to ferret out its veracity [see page 21].

Similarly, the scope and intent of the major American buildup in Vietnam in the spring and summer of 1965 were inadequately probed and analyzed from Washington. Although the Pentagon reported the increases in troop commitments and Pentagon reporters dutifully chronicled them, President Johnson was able to gear up for a massive American takeover of the war without the American public's really grasping that harsh fact. The bombing against North Vietnam as a response to the Pleiku and Quinhon attacks of February, 1965, was presented at first as a simple tit-for-tat, then prolonged into a full-blown air offensive—always with the Administration denying there had been any "escalation." At first Marines were sent to Danang to protect Hawk missile sites, then more to protect the protecting Marines, and so on. Reporters in Washington asked the right questions, but by and large were worn down by the frustrations of coping with the constantly augmented information-propaganda bureaucracy, and were misled by explanations at the highest levels. Again a serious problem was that the ranking officialdom believed—or persuaded themselves they believed—what they told reporters.

YET WITH MANY THE HABIT OF ESTABLISHMENT REPORTING REMAINS

The President and others played the background game deftly in this regard; except in the earliest stages, and with a few exceptions, they were careful to avoid extravagant claims on the record. But in backgrounders they produced secret reports, charts, and the most elaborate rationalizations for optimism. In the spring of 1965, it now is clear, Mr. Johnson thought he could accomplish the buildup under the table, polish off the war without upsetting his ambitious domestic program or public opinion, and come out of the whole business as a mastermind. It was self-delusion, but it was policy, and an element in achieving its success was deception of the public and the news media. And partly because the bulk of the Washington press corps still was listening primarily to one source — the Government — the deception worked.

The policy, however, did not work, and increasingly both the media and the public at home realized that they had been had. For many Washington reporters, the unrelated Dominican Republic intervention in the spring of 1965 helped pierce the smog. So blatant and transparent were the manufactured justifications for dispatch of American troops to save the favored military government there that the skepticism and even cynicism thus nurtured spread to all aspects of Johnson policy. And as the credibility of the Government shrank, the voices of those who had been casting doubt on it grew in numbers and volume. The teach-ins of the spring of 1965 spotlighted many of these voices, and when the Administration sent spokesmen to do oratorical battle with some of them, many in the media began to plug into these alternative sources of expertise. Previously, the Administration's defense usually had been wrapped in the anonymity and ambiguity of the Washington backgrounder; now it was on the firing line, and the media were freed of the restrictions imposed in those earlier, cozy sessions.

At the same time, the American peace movement, locked into a circular dialogue with itself through the Fifties and early Sixties when its primary focus was nuclear disarmament, was developing a newer, more credible face. Almost imperceptibly, the war had changed it into a remarkably broad-based, outreaching protest of middle-class

Americans who wanted answers. As on the campus, the origins of the war were researched in great depth by the more serious antiwar groups such as SANE and Women's Strike for Peace. Although they propagandized, as did the Government, they also provided materials, ideas, and individuals from which the questing reporter could seek clues and answers to what was going on. Through these new sources or independently, some reporters like Joseph Kraft developed contacts—if they could go abroad—with North Vietnamese and National Liberation Front diplomats, and—if they could not—with dissident South Vietnamese who occasionally were brought to Washington. From them, reporters had the opportunity to sift fact from propaganda and gain new insights.

Most of Washington's press corps, however, continued to ignore these alternative sources of information. In the fall of 1965 a series of militant antiwar acts, including the burning of draft cards and lying down in front of troop trains on the West Coast, hardened public attitudes against the protest. Sanford Gottlieb, Washington political action director for SANE and one of the more moderate voices in the peace movement, recalls that when he held a press conference in November, 1965, to announce the first broad-based antiwar march on Washington, "the hostility was so thick you could cut it." Even when the November march took place peaceably—and conventionally dressed middle-class participants far outnumbered the crazies—that hostility continued among most of the Washington press. "Like most Americans," Gottlieb says, "they wanted to believe their country. They were skeptical in favor of the status quo." Only with the Senate Foreign Relations Committee hearings in 1966 did this media hostility begin to dissolve.

For all that, the Washington news community continued to see the protest in very narrow terms. "It was covered almost as a police problem by most people," Dudman says. Reporters focused on the numbers game of whether 50,000 or 100,000 attended a demonstration and on how many security forces were mustered to make how many arrests, often overlooking important voices and viewpoints the protest was bringing to the debate over U.S. military and political policy in Vietnam.

In early 1968 a series of military and political events occurred that probably did more than anything else to open up the Washington bureaucracy to the press corps. In the last days of January, 1968, the unexpectedly massive Tet Offensive shattered most remaining illusions in official Washington. To be sure, the President and others in his Administration sought to put the best face on things. But it was too late; the fallacies in Administration thinking about the war were open wounds. Voices of doubt and dissent—muted up to now if they had existed at all—began to be heard in inner councils of government. They culminated finally in the internal debate that led to President Johnson's decision against sending more troops to Vietnam, and in favor of limiting U.S. bombing and starting peace talks. The government that for so many years had spoken with one voice on the war now fragmented into several, and the press corps was able to record a number of them. The Washington *Post*, *Newsweek*, and particularly the New York *Times* reconstructed that debate in impressive enterprise journalism.

When a new Administration took power in 1969, the press corps, which during the campaign had not pressed Richard Nixon to say what he would do about the war, did not press him particularly hard to say what he was doing as President. When he finally did unfurl his Vietnamization plan, once again it was difficult for reporters based in Washington—though more skeptical about all aspects of the war—to assess its workability. As the President began to withdraw American troops, and U.S. casualties dropped, the press corps monitored the trend—and focused on other stories. A general assumption set in that the worst was over; Vietnam for many reporters in Washington had become a tiresome story. This attitude may account in some measure for what happened in the fall of 1969, when freelance reporter Seymour Hersh stole the most explosive story of the war—the detention of an American officer on charges of mass murder at Mylai—from under the noses of the Washington press corps. A brief wire account of Lt. William L. Calley's detention had been buried in major papers, and letters from a returned veteran about the incident went to key Capitol Hill offices. But until Hersh got wind of the story and developed it, Mylai was a tree felled in a deserted forest. Many reporters and their editors, reluctant to pursue the story, remained "skeptical in favor of the status quo."

In the year since the Mylai disclosures, Washington newsmen have delved into a number of events—the Cambodian invasion that threatened President Nixon's credibility and revived campus dissent; Vice President Agnew's broadsides against protesters and the Nixon-Agnew off-year election effort to purge Senate doves; the Sontay raid to rescue American prisoners of war; and the temporary resumption of bombing of the North. Severe doubts about the eventual success of "Vietnamization" also are being examined. Now, as six or eight years ago, it is difficult for a reporter half a world away from a war to cover it. But at least there are few illusions left, and reporters do use other touchstones evaluating for official claims.

Yet, with many, the ingrained habit of Establishment reporting remains. For three days in late November, forty American veterans of Vietnam met at a downtown Washington hotel and, in "hearings" to focus attention on the effect of Vietnam on the American conscience, told of atrocities they saw or took part in. None of the narratives approached the dimensions of Mylai, but they suggested a prevasive breakdown of accepted standards of civilized conduct. Whether or not the veterans' stories were true, there is little doubt that, had the same testimony been given on Capitol Hill before a bonafide committee of Congress, it would have received massive coverage. As it was, only a handful of reporters and a few TV crews covered the event the first day, and by the third day only three or four Washington correspondents were present. Like most things concerning Vietnam now, it was "old stuff," and it was off centerstage besides. Other things were happening—as they were a year ago when Mylai broke, and six years ago, when Senator Gruening made the speech that nobody printed.

TV AT THE TURNING POINT

(By Fred W. Friendly)

As a wise old physician, an eminent teacher of clinical surgery, awaited a desperate effort to repair his ruptured aorta, he whispered to me, "I just don't want them to save the organ and kill the man." The analogy is relevant to the Vietnam operation, particularly in the summers of 1964 and 1965 when, based on faulty X-rays and a naïve diagnosis, the United States attempted to save an organ—a government—by radical surgery which destroyed the patient. It is imprecise to say that the patient perished on the operating table, but the reality is that for all the transfusions and desperate transplants Vietnam as a sociological community never really regained consciousness. In South Vietnam, the trauma of war has so ruptured the human fabric that what is left may hardly be worth saving.

The failure to understand this tragic reality and the battery of brutal facts that exploded the State Department's simplistic theories about Vietnam cannot be blamed on the U.S. Government alone. The news media, and particularly broadcast journalism, which owned "first rights" on this violent little war, must share that responsibility. It was not our war to win or lose, but it was our war to understand and to explain. I refer specifically to 1964 and 1965 when, as an Undersecretary of State later testified, escalation at the time of the Tonkin Gulf resolution amounted to the functional equivalent of a declaration of war, and when Danang and Cam Ne signaled the intenisfication and brutalization of the American effort. It was a time when the military's failure to understand the complexities of the Asian mainland and mind—"We don't know beans about what Hanoi is thinking," one Pentagon official said—caused an entire administration to flirt with deception. All of Walter Lippmann's Seven Deadly Sins of Public Opinion—hatred, intolerance, suspicion, bigotry, secrecy, fear, and lying—were marshalled to obscure a series of decisions which could be justified only by further drastic acts of war.

Those of us who were in key editorial posts at the time can blame it all on the President, or his advisers—Robert McNamara, Dean Rusk, McGeorge Bundy, Maxwell Taylor—but we cannot forever paint over the stain left by our own ineffectiveness. With few exceptions, "the world outside and the pictures in our heads," as far as Vietnam was concerned, were not appreciably different from those of the Administration. The broadcast journalist went into Vietnam the same way he went into World War II and Korea—"as a member of the team." (The extent of cooperation was such that the U.S. Navy's official film on Tonkin was narrated by NBC's Chet Huntley.) Because the Tonkin Gulf resolution was not by the letter of the law a declaration of war, and for other complicated reasons, we operated without censorship in Vietnam. It was a unique responsibility to avoid bringing aid and comfort to the enemy without doing commercials for the Pentagon. The delicate balance between those two objectives and the complications of the times in which we lived were conditions for which we were unprepared.

In 1965 Dan Schorr, returning from his highly successful assignment in Europe, was so impressed with CBS News' intensity of Vietnam coverage that he wryly accused me of attempting to make it television's war. I do think we succeeded in capturing the battles, the skirmishes, the human interest, and the inhuman strategies. But we never captured the whole war. Again I am describing 1964 and 1965, when the reporting in the field far outran the editing and much of the reporting at home. "The Living Room War," as Michael Arlen called it, transported millions of Americans to Pleiku, Quinhon and Cam Ne. As we watched, 2,500 years of historical humbug about the glory of battle was dissolved into a montage of miserable little firefights in which GI Joe was often cast in the role of the heavy. It was Morley Safer who first focused the TV eye so dramatically. For his work, the Johnson Administration not only tried to bring about Safer's recall but to my certain knowledge trafficked in phony charges about the Royal Canadian Mounted Police having questions about this Canadian national's loyalty.

With his colleagues, Peter Kalischer—"the brass wants us to get on the team, but my job is to find out what the score is"—and young Jack Laurence, Safer helped to invent a new kind of battle coverage that combined threads of Murrow's shortwave reports from the London Blitz with David Duncan's battle photos from Korea. The combat cameramen, many of whom were Asians, pioneered new ground, usually at the risk of their own lives. (Assistant Secretary of Defense Arthur Sylvester asked me by phone one night after viewing a damaging piece of film on the

Cronkite broadcast, "What do you mean by hiring Vietnamese nationals as cameramen?" Several weeks after I left CBS in 1966, I met Mr. Sylvester at a Gridiron Club dinner. His after-dinner greeting to me was, "Well, we got rid of you, now we have to get rid of Morley Safer." Sylvester's tour of duty ended long before Safer's, whose record in Vietnam endures.)

The Pentagon's and the President's admonitions that the news media were giving and the public was getting a distorted picture "because they couldn't know all the facts" had a hollow ring when nightly broadcasts seemed to indicate that the Commander in Chief and his generals, for all their orchestrated briefings and charts, themselves did not know what was happening in the elephant grass and rice paddies. What seemed to come across on the tube and between the lines of every newspaper report was the frightening reality that the hunted in this search-and-destroy scenario was a foe whom no one really hated. Pleiku was no Alamo, even if the President on a visit to Camranh Bay urged the troops to "nail the coonskin to the wall."

The Commander in Chief, watching those three Sony TV sets of his, would, I am told, swear at the sets, denounce the NBC or CBS report, order his staff to warn the network and then call the Pentagon to find out if it was true—about the Marines burning a village with cigaret lighters, or what the patrol said after that unsuccessful walk-in-the-sun mission. In the end, the film would be shipped to Washington and often back to Saigon, where it would be denounced all the way to the line outfit, where the commander would merely shake his head.

If the combat reporting was so effective in 1965, why all the second guessing at this late date? Although the performance naturally varies with the three networks, the record looks impressive on paper and in the film library. There were some excellent reports on refugees, on nationbuilding, on air evacuation, on Saigon's black market, on the Chinese colony of Cholon; and, always from Washington, those polarizing hawk and dove debates. Charles Collingwood, who commuted to Vietnam, teamed up with Les Midgely to do several penetrating documentaries; and Frank McGee and Walter Cronkite did some very tough news analyses in 1967. But that was already 1967 and we had more than 300,000 troops in Vietnam.

NOR CAN WE BLAME IT ALL ON PROFIT DEMANDS OF THE NETWORKS

There were really four Vietnam stories: the military, diplomatic, political, economic. We may have been providing most of the parts of that mosaic but in my view we lacked the will and imagination to relate them to one another. The three-minute snippets between the Marlboro man and the Dodge girl, together with an occasional documentary or debate, just didn't add up to interpretive journalism. The coefficient of loss between what the correspondent corps in Washington—Elie Abel, Marvin Kalb, Ed Morgan—knew and what those in Saigon—Peter Kalischer, Bernard Kalb, and Welles Hangen—could see was a lag of enormous proportions. It was not just a shortage of air time—although the continuous coverage that could be cleared for Space, Presidential junkets, and football, compared to air time for Vietnam, is a commentary of its own. Nor can we blame it all on the profit demands of the networks and the unwillingness of some local stations to carry serious Vietnam coverage. The equally disturbing problem was our inability to understand the complexities of the Vietnam puzzle and to assemble a comprehensive profile early enough to make a difference. The most succinct definition of news analysis I know comes from Alexander Kendrick, who calls it the "Yes, but . . ." school of journalism. To have used that formula in 1965 when President Johnson proclaimed, "I'm not going to be the President who saw Asia go the way China went," might have made a difference.

Various correspondents understood segments of it. A few editors, like Russ Bensley of the Cronkite News and Herb Mitgang, for three years CBS News' Executive Editor, had a solid overview of the war. But all this energy and talent produced only a fraction of the maximum effort required by this decisive moment in history. Perhaps what was needed was a primer on how to watch a war—for both journalists and viewers. If the military experts didn't understand that nasty little war where there were no fronts, no reliable body counts, and no aerial reconnaissance worthy of the name, how could working journalists get a fix on so fluid and inscrutable a situation?

Part of the answer lay in more editorial coordination, more imagination in stitching together what we did know, and more accurate identification of those clouded areas where we had no experience. Arthur Schlesinger wrote: "The United States salvation of Asia represents an extravagance in national policy. The fact is our government just doesn't know a lot of things it pretends to know." The same criticism was true of experts in the news media.

The mistakes we journalists made in 1964 and 1965 almost outran those of the statesmen. One useful example is the sad case of U Thant's abortive peace effort in the summer of 1965. The story begins with what was in many ways the most distinguished single piece of journalism done outside Vietnam in 1965 by a broadcast journalist—Eric Sevareid's essay about his last meeting with Adlai Stevenson in London just before the Ambassador's tragic death. Although Sevareid broadcast some of the insights from London in abbreviated form, the heart of the interview—evidence of the Stevenson desire to resign—burst with explosive force in *Look* Nov. 30.

It was a rough week for CBS News. Top management was upset because the White House was challenging the accuracy and delicacy of the Sevareid report—"He [Stevenson] simply had to get out of the UN job." My colleagues' and my own embarrassment was compounded by the fact that we had to quote *Look* to report what our own chief correspondent had written. Eric was surprised at the impact of the story. He pointed out that he had aired parts of it on CBS radio and/or TV that summer and wrote it for *Look* because an article provided more space and a more suitable forum for what was intended as a eulogy. David Schoenbrun, then of Metromedia Broadcasting buttressed the story by reporting a similar interview with Stevenson who expressed the same discouraged tone. But Adlai Stevenson III countered with an unmailed, unsigned letter that his late father had drafted, indicating to some of his Stateside friends that he had no intention of resigning. Elie Abel, then NBC bureau chief in London, had his private interview the day after Sevareid's meeting and came away with the impression that Stevenson was not going to resign. Abel is convinced, as I am, that the contradiction is probably more a reflection of the Hamlet-like approach to decision making that was the Stevenson style than a reflection on the accuracy of the journalism. What Abel and Sevareid each heard loud and clear was Ambassador Stevenson's disappointment over his mission and his ineffectiveness in the Johnson Administration during the Dominican intervention and in Vietnam. He was particularly depressed over his failure to get through to the White House the seriousness and promise of Secretary General U Thant's peace negotiations with the Hanoi government.

U Thant, then under growing pressure in the UN, was convinced he could bring Ho Chi Minh's representatives to the peace table in Rangoon, that a truce line could be drawn across not only Vietnam but adjacent Laos, and that the U.S. Government "could write the terms of the ceasefire offer exactly as they saw fit" and that he (U Thant) would announce it in exactly those words. Stevenson had told interviewers that Secretary of Defense McNamara was not interested and that he could not even get Secretary of State Rusk to respond.

Sevareid reported much of the U Thant peace effort on CBS radio without attribution to source. Several weeks later, the Paris edition of the *Herald Tribune* and other European newspapers reported the U Thant peace expedition, but the Government in Washington discounted the seriousness and even credibility of the overture. Stevenson did not.

The Sevareid-Stevenson episode taken alone is perhaps just a fascinating footnote to history. But viewed against the concurrent developments of that fateful summer, it could have meant far more than a footnote. So frustrated and disturbed was U Thant that in a news conference held in February, 1965, he tried to use Asian shorthand to telegraph a message to the American people: "I am sure the great American people, if only they know the true facts and the background to the developments in South Vietnam, will agree with me that further bloodshed is unnecessary. And also that the political and diplomatic method of discussions and negotiations alone can create conditions which will enable the United States to withdraw gracefully from that part of the world. As you know, in times of war and of hostilities the first casualty is truth."

Other events, more or less known by broadcast reporters and editors at the time, add substance to U Thant's sense of foreboding. The battle situation in Vietnam was deteriorating. Premier Khan's government was swiftly decaying. Corruption in Saigon and desertion from the Army were putting heavier demands on the 50,000 men on the ground there. Pleiku had been a disaster, but as one high government official put it, "If there hadn't been a Pleiku, it would have had to be invented." General Maxwell Taylor, commuting between Saigon and Washington, was telling the President that escalation by as much as 115,000 additional troops would be necessary to prevent a total rout. Within the Government there was disagreement on strategy between Rusk and his Undersecretary George Ball, and some between Taylor and McNamara. Although there were important backgrounders by the Administration about the desire to strengthen the role of the United Nations, the truth was that high officials of the Johnson Administration were constantly sabotaging the effectiveness of the world organization and even the credibility of its Asian Secretary General.

The fact is that on the night of the Sevareid-Stevenson interview, when U Thant was still desperately trying to get both sides to that Rangoon table, the White House was making the decision to send 115,000 troops to Vietnam. Soon afterward the decision was enlarged to bring U.S. troop strength in Vietnam to a total of 380,000 by 1966.

Recently I asked former White House press chief Bill Moyers, who in 1965 had the assignment of downgrading the Sevareid story, what he believed now about the reliability of the Stevenson message. Moyers said he believed Stevenson went to his grave convinced that Hanoi was prepared to negotiate on U Thant's terms. But Moyer also believed that Johnson was in July of 1965 unaware of such peace possibilities The State Department's role in this massive misunderstanding was largely unreported then, as it is now. What is clear is that our Ambassador to the United Nations had no direct access to the President of the United States and that Rusk and/or his bureaucracy applied a pocket veto to a peace plan whose validity they rejected.

"YES BUT" JOURNALISM MIGHT HAVE ENCOURAGED DEEPER DIGGING

U Thant's peace plan was not the only casualty that July. Interpretive journalism suffered a wound from which we are still bleeding. It is not just hindsight which enables us to see this now with 20/20 vision. Most of the information was known to a variety of able broadcasters, each capable of incisive interpretation of the patterns that the various parts reflected. Kalischer and Safer knew about the deterioration after Pleiku. Richard Hottelet at the UN was aware of the frigid attitudes between the Secretary General and the President. Marvin Kalb and John Scali were at the State Department every day and understood the hardening Rusk position. Sevareid, Abel, and Schoenbrun had been present when Stevenson bared his soul and frustrations. The tragedy was that what emerged on the home screen was at best a series of sharply edited, professionally honed episodes. As a news executive often accused of being more involved with production and content than with administration, I was certainly aware of each of these stories. Yet the failure to assemble all these elements into the kind of interpretive journalism that would have enabled the American people to understand the magnitude of the decision their leadership was about to make was a serious lapse.

For those not familiar with a broadcast news operation, let me state that there were editors. The Vietnam content of the evening and morning news is carefully structured by dedicated, serious newsmen. But too often the problem turns into a question of logistics. The foreign editor, although that is not his title, must be more concerned with the plane schedule from Saigon, the transfer time in Hong Kong or Tokyo, and the cost of the satellite than with the content of the story. Within each program the pressure is on getting the film in and out of the lab, evaluating it, reconciling it with the reporter's script—often recorded on the run in the field—and getting it down to time. Because broadcast correspondents must fight daily with the clock and because producers are traditionally averse to too many talking heads, we often produced one-dimensional stories which accentuated the urgent rather than the important.

The time, the skill, and—if you like—the sophistication to put it all together were, at least in 1964 and 1965, absent. Of course there were documentaries and specials; the titles and scope make an imposing list: Fred Freed's three-and-a-half-hour study of U.S. foreign policy and Ted Yates' *Secret War in Laos*, both of which NBC broadcast in 1965; CBS's *Vietnam Perspectives*, our half-hour interview with Senator Fulbright that so upset the White House; and of course the 1966 Foreign Relations Committee hearings, which NBC and CBS covered in considerable but not equal depth.

But the lost opportunity that must haunt print as well as broadcast journalists was the Tonkin Gulf incident in August of 1964. We in journalism have to share the guilt with the commanders of the *Maddox, Turner Joy*, and the Admiral who commanded the task force, with the officials who drafted the resolution, with the President who brought it to the Congress, and with the Senator from Arkansas who steered it through in record time. The fact that CBS News chose to do some five minutes of wrapup rather than the kind of comprehensive analysis our Washington bureau was capable of is something that will always haunt me. President Johnson went on the air at 11:3 and spoke for less than eight minutes. Our entire broadcast lasted eleven minutes, and I didn't even fight for more time.

The only phone call I got that night came from Ed Murrow, then desperately ill in Pawling but still caring enough to castigate me for our insufficient interpretation. Of course we had no way of knowing how dangerous a swamp that resolution and accompanying action would lead to. Certainly we had the warnings of Lippmann, and that painfully prophetic prediction of Wayne Morse:

"We're at war in violation of the Constitution of the U.S. Article I, Section 8 of the Constitution specifically provides that only Congress has the power to declare war. No President has the right to send American boys to their death on a battlefield in the absence of a declaration of war. But one thing I do know and that is we're going to be bogged down in Southeast Asia for years to come if we follow this course of action and we're going to kill thousands of American boys until, finally let me say, the American people are going to say what the French people finally said: they've had enough."

Senator Morse spoke those words on Aug. 2, even before the actual Tonkin Gulf resolution. The coverage in print and broadcast was that accorded a "reckless and querulous dissenter."

Morse and Gruening of Alaska were the only two Senators who voted against the resolution. Most newspapers and broadcast organizations supported it as an act of great restraint under provocation [see page 21]. We reported that Senator Goldwater, then running for President on a GOP ticket with a hawkish plank, saluted the Johnson action and its subsequent escalation. We never emphasized that in order to nullify one of Goldwater's chief campaign issues, Johnson had repudiated a promise as old as his Presidency, a promise "not to send American boys nine to ten thousand miles from home . . . [to be] tied down in a land war in Asia." Walter Lippmann's criticism of the quality of editing at this time, although directed at Washington's leading newspaper, was also an indictment of me and every other broadcast editor: "If I had been editor of the Washington *Post* when Johnson was planning to move to a full-scale war in Vietnam, I'd have raised a great stink and told the people what was happening."

Without raising that "great stink," which might have required broadcasters to cross that fine line from news analysis to editorializing, we certainly should have raised and explored in depth a series of obvious questions which might have illuminated those dark shoals and jagged reefs which came to be known as the credibility gulf:

1) How does a major power declare war? What was the legal difference between the Tonkin Gulf resolution and a declaration of war? Senator Fulbright and Undersecretary of State Katzenbach clashed over this in 1967, and even today the printed text reads like a confrontation in a Hochhuth drama. We could have brought about a debate on these questions when it mattered.

2) What were the 1954 Geneva Accords and how did we interpret them? How did we interpret the Manila agreement that was so often used as the basis for our intervention? What were the commitments President Eisenhower made? How could the Senate majority leader (LBJ) who helped persuade President Eisenhower not to involve the United States in the French Indochina war in 1954 reverse his field in 1964 in the name of a SEATO treaty?

3) What was the *Maddox* evidence? If the Tonkin Gulf situation was understandably confused during that frantic first week in August, 1964, what about some investigative reporting between Aug. 4 and the following July, when the major escalation decisions were made?

4) What was the cost of the war in 1964? What was it likely to cost after we first sent in ground troops to protect the air units and then when we sent more to fight a jungle war together with sufficient service troops to supply the combat units? Even in 1965 and 1966 war costs were approaching $2.5 billion a month, and Congressman Melvin Laird of Wisconsin was asking why there was such a gap between what the Pentagon said the war was costing and the facts.

5) What about the Vietnam extravagance when measured against the unfulfilled commitments to our urban obligations, when riots in Watts, Harlem, and Rochester were already sending out early-warning signals every bit as challenging as those from the *Maddox* and from the *Turner Joy?*

6) Why did the President tell journalists and Senators that he knew the war had to be won and could be won on the nonmilitary side when the plan to escalate had become a virtual certainty? Did the President purposefully avoid calling up the reserves and forego making obvious budgetary plans in order to obscure what was to be a maximum effort to teach Ho Chi Minh a lesson?

THE BEST REPORTED AND LEAST UNDERSTOOD WAR IN HISTORY

In a recent forum in Atlanta on credibility, Agnew, and the news media, I was asked the recurring question: Why do broadcasters feel they must do instant analysis after every Presidential speech? The answer was that it is seldom on an instant basis, that White House briefings and advance texts often give newsmen a lead time of two to five hours. I then went on to explain—as I have before—my own sense of guilt over CBS's failure in 1964 to provide serious news analysis after the Tonkin Gulf resolution. Another panelist, Sidney Gruson of the New York *Times*, gently childed me for my hair shirt, insisting that nothing CBS News could have done the night of Aug. 4 and in the days following could have changed history. Gruson may be right, but that does not excuse us for not trying. Perhaps if we had all done more to convince the President that his plans would be carefully scrutinized by a series of well informed broadcasts and searching analyses in the nation's press, there might have been a chance for some sober second thoughts. Perhaps the contagion of such "Yes, but . . ." interpretive journalism might have encouraged others to dig deeper. William Shirer at the time of Hitler, and Murrow and Elmer Davis during the McCarthy ordeal affected the entire level of reporting. Perhaps some of the self-deception might have been minimized. Perhaps some of the false assumptions from which our leadership suffered might have been challenged.

I have always believed that the news media's improved performance during the Dominican intervenion may have pervented that Caribbean caper from escalating. It may be an overstatement to say that the presence of news cameras at Mylai might have prevented that massacre. But I doubt it. Certainly more news analysis on the kind of war it was could have made a difference. The present criticism of broadcast journalism—Mr. Agnew notwithstanding—is that there is too little interpretation, not too much.

What of the future?

As the State Department has suffered from a lack of Asian scholars, so, too, American journalism suffers from a shortage of expertise on Southeast Asia. Broadcasting will need specialists in the field, whether it be on Asia, Hough, Wall Street, or for Santa Barbara oil slicks. Perhaps what is needed is the equivalent of the Election Unit and the Space task forces which have provided the networks with highly specialized teams for major developing stories. A new kind of editor will be required, one who perceives the national predicament early enough to turn on the kind of searching light that permits a choice of options while there is still time.

Broadcast newsrooms, like newspapers, suffer from lack of seasoned, dedicated men on the desk; there seems to be more reward in reporting or in being an anchorman. The notable exception is the documentary producer, who is really an editor. But the future of the serious documentary is now in doubt except on public television, where there is at least air time.

Brilliant combat reporting has not been enough, or Vietnam would not continue to be the best reported and least understood war in history. Even today too many Americans remain oblivious to the confusions at the time of Tonkin Gulf. An extended documentary such as NBC's *Decision to Drop the Atomic Bomb* might be a relevant place to begin. A history of the Vietnam struggle may not be as glorious as Solomon's *Victory at Sea* or Wolff's *Air Power*, but the lessons to be learned might be as valuable as those of Pearl Harbor and Dresden. CBS News once did a documentary called *1944*. What about 1964 and 1965? What about a study of the effect of jungle bombing from Namdinh through Sontay in December of 1970? A dialogue between all three defense Secretaries—McNamara, Clifford, and Laird—on what the generals were always telling them was certain and what events have taught them was not might be a useful primer.

Finally, as we continue to challenge assumptions, let the news media face up to their own. There has been such obfuscation, distortion, and mishandling of interpretation concerning Vietnam—such a climate of distrust between the Government and the news media—that the end result may be a deadly sense of cynicism. Just as Munich and Czechoslovakia have become shorthand pejoratives for appeasement and apathy, Vietnam may create a new generation of knee-jerk isolationists unwilling to involve America in any cause, regardless of its merit. The tragedy of Vietnam would indeed be compounded if, like the characters in Plato's Cave, we saw only shadows and became the prisoners of the preconceived "pictures in our heads"—pictures placed there by journalistic failures we have only begun to see and remedy.

TONKIN: WHAT SHOULD HAVE BEEN ASKED

(By Don Stillman)

On the stormy night of Aug. 4, 1964, the U.S. Navy destroyers *Maddox* and *C. Turner Joy* were cruising the Gulf of Tonkin off North Vietnam when the *C. Turner Joy* reported radar detection of ships closing in fast for a possible attack, Sonarmen reported tracking torpedoes from the ships. Seaman Patrick Park, the main gun director of the *Maddox*, scanned his sensitive radar for signs of the enemy. But as the destroyers maneuvered wildly for three hours in heavy swells he detected nothing. Then suddenly he reported picking up a "damned big" target, and was ordered to fire. Park recalled later:

"Just before I pushed the trigger, I suddenly realized: that's the *Turner Joy*. This came right with the order to fire. I shouted back, "Where's the *Turner Joy*?" There was a lot of yelling "Goddamn" back and forth, with the bridge telling me to "fire before we lost contact. . . ." I finally told them, "I'm not opening fire until I know where the *Turner Joy* is. The bridge got on the phone and said, "Turn on your lights, *Turner Joy*." Sure enough, there she was, right in the cross-hairs. I had six five-inch guns right at the *Turner Joy*, 1,500 yards away. If I had fired, it would have blown it clean out of the water. In fact, I could have been shot for not squeezing the trigger. . . . People started asking, "What are we shooting at? What is going on?" We all began calming down. The whole thing seemed to end then."

But it didn't end there for Park, whose statements were reported by Joseph Goulden in his excellent book *Truth Is the First Casualty*, or for the rest of the world. Hours later, President Johnson ordered the first U.S. bombing raids against North Vietnam. Within the week, he had demanded and received a Congressional resolution that authorized him to "take all necessary steps" to "prevent further aggression" in Vietnam.

The massive American buildup in Vietnam dates from that crucial week in the Gulf of Tonkin, and in retrospect the events there proved to be a turning point in the war. At the time of the incidents, only 163 Americans had died in action in Vietnam, and the 16,000 American troops there ostensibly were serving as "advisers" rather than full combat soldiers. But within a year President Johnson began to use a Congressionally approved "Tonkin resolution" as a functional equivalent of a declaration of war in an escalation that ultimately brought more than half a million U.S. troops to Vietnam. More than 40,000 were killed.

What really happened that dark night is unclear; but persistent digging by Senator J. W. Fulbright and his Foreign Relations Committee staff, by then-Senator Wayne Morse, and by a handful of persistent reporters like Joseph Goulden has given us a view of at least part of the iceberg of deception that remained hidden for years.

Reporting of the first attack on the *Maddox* on Aug. 2 and the second alleged attack on both the *Maddox* and the *Turney Joy* on Aug. 4 was extremely difficult because the only real resources of information were Pentagon and Navy officials and the President himself. Slowly and painfully over four years, as the private doubts of Senators and reporters became public, the American people learned that in fact the *Maddox* was not on a "routine patrol in international waters," but was on an electronic espionage mission to gather intelligence information on North Vietnamese radar frequencies. As part of that mission, the *Maddox* would repeatedly simulate attacks by moving toward the shores of North Vietnam with its gun-control radar mechanisms turned on to stimulate enemy radar activity. In addition, years after the incident stories revealed that the territorial waters recognizde by North Vietnam (twelve miles) were repeatedly violated by the *Maddox*.

Two days before the first attack on the *Maddox*, the South Vietnamese for the first time conducted naval shelling of North Vietnam. Using U.S. "swift boats," they attacked the islands of Hon Me and Hon Ngu. The night following the raids, the *Maddox*, approaching from the same direction as the South Vietnamese, came within four nautical miles of Hon Me. The captain of the *Maddox* intercepted North Vietnamese messages reporting the possibility of "hostile action" because the enemy believed the *Maddox* to be connected with the South Vietnamese shelling of the islands. The *Maddox* cabled: CONTINUANCE OF PATROL PRESENTS AN UNACCEPTABLE RISK. That day it was attacked.

The *Maddox* was joined by the *Turner Joy* and, after again requesting termination of the mission because of the likelihood of attack, it reported two days later that the two ships had been ambushed by North Vietnamese PT boats. The black clouds and electrical storms during that night prevented any visual sightings of hostile craft, and contradictory sightings on radar and sonar added to the confusion. The commander in charge cabled:

"Entire action leaves many doubts except for apparent attempted ambush. Suggest thorough reconnaissance in daylight by aircraft."

After lengthy questioning of crew members on both ships, the doubts grew larger. The commander cabled:

"Review of action makes many reported contacts and torpedoes fired appear doubtful. . . . Freak weather effects and over-eager sonarmen may have accounted for many reports. No actual visual sightings by *Maddox*. Suggest complete evaluation before any further action."

That evaluation did not occur, and hours later American bombers took off for North Vietnam.

Thus the espionage mission of the *Maddox*, its violation of territorial waters, its proximity and relationship to South Vietnamese shelling, and major questions about whether the second attack occurred all combine to give a much different picture of the incidents than the Administration fed the country through the news media. How well did the media handle reporting and interpretation of the Tonkin incidents?

Perhaps the worst excesses in reporting were committed by *Time* and *Life*. Both viewed the event as if the *Maine* itself had been sunk. The week after the encounter, *Life* carried an article headlined FROM THE FILES OF NAVY INTELLIGENCE that it said was "pieced together by *Life* correspondent Bill Wise with the help of U.S. Navy Intelligence and the Department of Defense." Wise was clearly fed only a small smattering of cables that contained none of the doubts about the second attack. He stated [Aug. 14, 1964]:

"Despite their losses, the [North Vietnamese] PTs continued to harass the two destroyers. A few of them amazed those aboard the *Maddox* by brazenly using searchlights to light up the destroyers—thus making ideal targets of themselves. They also peppered the ships with more 37 mm fire, keeping heads on U.S. craft low but causing no real damage."

Senator Wayne Morse, in a speech on the floor of the Senate Feb. 28, 1968, denounced the Pentagon's "selective leaking of confidential information" and *Life's* gullibility in accepting it. "I don't know who leaked, but I can guess why," he said. "The 'why' is that someone in the Pentagon decided that the American people should see some of the messages confirming that an unprovoked attack had occurred on innocent American vessels. . . . The *Life* magazine reporter was taken in. He was 'used.' The press should be warned."

The next issue of *Life* went even further in embellishing events. It carried a picture spread headlined HEROES OF THE GULF OF TONKIN that praised the pilots who had bombed North Vietnam. "Most of the young Navy pilots had never seen combat before, but they performed like veterans," *Life* said. The planes, with two exceptions, "got back safely and their pilots, the nation's newest battle veterans, would be remembered as the heroes of Tonkin Gulf."

This kind of irresponsible puffery was evident in *Time*, too. Despite thorough and restrained files from its Washington bureau, *Time* [Aug. 14, 1964] constructed its typical dramatic scenario of events which, though lively, was grossly inaccurate:

"The night glowed eerily with the nightmarish glare of air-dopped flares and boats' searchlights. For three and a half hours the small boats attacked in pass after pass. Ten enemy torpedoes sizzled through the water. Each time the skippers, tracking the fish by radar, maneuvered to evade them. Gunfire and gun smells and shouts stung the air. Two of the enemy boats went down. Then, at 1:30 a.m., the remaining PTs ended the fight, roared off through the black night to the north."

Joseph Goulden, one of the few writers to interview crew members, reports that when the *Maddox* and *Turner Joy* arrived at Subic Bay several weeks after the incidents, one crew member had occasion to read both the *Life* and *Time* accounts. He quotes the seaman as stating:

"I couldn't believe it, the way they blew that story out of proportion. It was like something out of *Male* magazine, the way they described that battle. All we needed were naked women running up and down the deck. We were disgusted, because it just wasn't true. It didn't happen that way."

Newsweek, which generally waved the flag far less than *Time* in its coverage of the Vietnam War, was just as overzealous in its dramatization of the second Tonkin incident [Aug. 17, 1964]:

"The U.S. ships blazed out salvo after salvo of shells. Torpedoes whipped by some only 100 feet from the destroyers' beams. A PT boat burst into flames and sank. More U.S. jets swooped in. . . . Another PT boat exploded and sank, and then the others scurried off into the darkness nursing their wounds. The battle was won. Now it was time for American might to strike back."

Even the usually staid New York *Times* magazine was caught up in the adventure of the moment. Its Aug. 16 picture spread on the Seventh Fleet, which had launched the planes that bombed the North, had the look of a war comic book. Headlined Policemen of the Pacific, it showed planes streaking through the sky, missiles being fired, and Marines landing on beaches. It carried captions such as, "A component of the Marines is always on sea duty, ready when the call comes."

The New York *Times* news sections handled the story with restraint and, after the Aug. 2 attack, even mentioned claims that U.S. destroyers like the *Maddox* "have sometimes collaborated with South Vietnamese hit-and-run raids on North Vietnamese cities." The Washington *Post*, like the *Times*, was thorough and incisive in its reporting. Murrey Marder's superb accounts even mentioned the South Vietnamese shelling on Hon Me and Hon Ngu as a possible cause for the then seemingly irrational attack on the *Maddox*.

Because transcripts of TV news shows from this period are not available it is difficult to evaluate broadcast media performance. But the accounts of TV coverage printed in government bulletins and elsewhere indicate that some perceptive reporting did occur. NBC carried an interview with Dean Rusk Aug. 5 in which Rusk was pressed on the question of whether the U.S. ships might have been operating in support of the South Vietnamese shelling units. But for the most part the broadcast media, while perhaps more responsible than some print outlets, fed viewers the same deceptive Administration leaks.

Editorial comment almost universally supported the President's response. The New York *Daily News* speculated that "it may be our heaven-sent good fortune to liquidate not only Ho Chi Minh but Mao Tse-tung's Red Mob at Peking as well, presumably with an important assist from Generalissimo Chiang Kai-shek and his Nationalist Chinese forces on Taiwan."

EDITORIALS ALMOST UNIVERSALLY SUPPORTED THE PRESIDENT

The Los Angeles *Times* praised U.S. actions as "fitting in selectivity, proper in application, and—given the clear, long-standing statement of U.S. intentions—inevitable in delivery." William Randolph Hearst, Jr., praised the bombing as a "fitting reply to one of the more outrageous—and implausible—aggressions committed by communism in many years." He went on to suggest that rather than limit the bombing it might be better to continue until the North Vietnamese surrendered.

The New York *Times* said: "The attack on one of our warships that at first seemed, and was hoped to be, an isolated incident is now seen in ominous perspective to have been the beginning of a mad adventure by the North Vietnamese Communists." But the *Times* did warn that "the sword, once drawn in anger, will tend to be unsheathed more easily in the future." When the Tonkin resolution went before Congress, the *Times* perceptively cautioned that "it is virtually a blank check."

The Washington *Post*'s editorial page saw the Tonkin resolution much differently. Earlier editorials mentioned "the atmosphere of ambiguity" that surrounded the first attack on the *Maddox*, but when the resolution was considered the *Post* said: "That unity [against Communist aggression] has been demonstrated despite the reckless and querulous dissent of Senator Morse. There is no substance in Senator Morse's charge that the resolution amounts to a 'predated declaration of war'. . . . This means of reasserting the national will, far short of a declaration of war, follows sound precedent. . . ."

One of the few newspapers to attack the President's account was the Charleston, W. Va., *Gazette*, which stated that the Tonkin attacks were probably caused by the South Vietnamese naval strikes and complained of the "air of unreality" about the incidents. But the overall failure of the press to raise questions about the incidents in the editorial columns, although in keeping with the mood of the country at the time, was part of the general breakdown of the media's responsibility to act as a check on the actions of the Government.

Foreign coverage of the incidents raised some of the significant points being ignored in this country. *Demokreten*, of Denmark, stated:

"To create a pretext for an attack on Poland, Hitler ordered the Germans to put on Polish uniforms and attack a German guard. What the Americans did in North Vietnam was not the same. But the story sounds doubtful. . . . Why was the vessel off North Vietnamese coasts? In any case its presence there could indeed be interpreted as provocative."

New Statesman of Britain also raised doubts:

"There is so little trust in official [U.S.] accounts about Vietnam that suspicion is surely understandable. . . . Is it not possible that the destroyers could not be distinguished from South Vietnamese craft that were engaged in another raiding mission?"

One American journalist who raised continuing doubts about the veracity of the Administration's accounts was I. F. Stone. In his small, outspoken sheet, Stone reported the South Vietnamese attacks on Hon Me and Hon Ngu. He was the only one to cover in detail the charges raised by Senator Morse about the incidents and the Tonkin resolution, and he even raised questions about whether the second attack even occurred. While *Time* and *Life* were adding readable embellishments to the nineteenth-century theme of "they've sunk one of our gunboats," I. F. Stone was asking the crucial questions.

One of the major shortcomings of columnists and opinion writers was their failure to ask the broad question: does the punishment fit the crime? The total damage in both attacks was one bullet hole in the *Maddox*. No U.S. ships were sunk, no American boys were killed or even wounded. In turn, we not only claimed to have sunk four North Vietnamese vessels but went on to the bombing of the North, sinking the major part of the North Vietnamese navy, and wiping out more than 10 per cent of its oil storage tanks.

The overwhelming response of the editorialists was that President Johnson should be commended for his restraint in limiting the bombing. Among Washington journalists only Stone opined that indeed the American response was "hardly punishment to fit the crime." His small-circulation sheet received little attention.

The record of the media improved measurably a public doubts about the Tonkin incidents began to grow. Senator Fulbright, who managed the Tonkin resolution through Congress for President Johnson, began to question the facts and, in May, 1966, wrote in *Look* that he had serious doubts about the Administration's account. But the media didn't follow this up very extensively. Despite the importance of the Tonkin incidents, they were content to pass over opportunities to interview crew members of the two ships—the only firsthand witnesses—some of whom had left the service or were otherwise accessible for interviews. The first real breakthrough came in July, 1967, when Associated Press sent a special assignment team headed by Harry Rosenthal and Tom Stewart to interview some three dozen crew members. Their superb 5,000-word account was the first real enterprise reporting on the Tonkin affair.

AP revealed for the first time that the *Maddox* was carrying intelligence equipment, and also cited for the first time that the *Maddox* had not fired any warning shots, as claimed by Secretary McNamara, but had shot to kill instead. The crew interviews indicated that there was a great confusion on board the two ships during the incident. At this point, however, there was little client interest in the story. Urban riots broke out the day it was to run. As a result, the AP report was not used by major metropolitan newspapers such as the Washington *Post*, Washington *Star*, New York *Times*, or others which might have given it the exposure it deserved. The story did appear in the *Arkansas Gazette*, however, where it was read by Fulbright, who by this time was devoting much of his attention to uncovering the true story of Tonkin.

The AP account was followed in April, 1968, by an article in *Esquire* by David Wise, who also interviewed the crews and cast further doubt on the Administration's account. These two reports and another AP account by Donald May were the only real enterprise stories that turned up new information. But John Finney, the able New York *Times* reporter, raised further questions in *New Republic* early in 1968, as did John Galloway in *Commonweal*. (Galloway has just done a splendid source book, *The Gulf of Tonkin Resolution*.)

By this time Fulbright and Morse were generating much breaking news as they prepared for the Foreign Relations Committee hearings held in February, 1968. But even during those hearings the press failed to distinguish itself. When Morse, through the *Congressional Record*, released important segments of a top-secret study done by the Foreign Relations staff, based on cable traffic and new data from the Defense Department, it took the Washington *Post* two days to recognize the significance of his statements.

The final credit for tying together the whole thread of deception surrounding the incidents must go to Joseph Goulden, whose book appeared in early fall of 1969. While covering the 1968 Tonkin hearings for the Philadelphia *Inquirer*, Goulden had filed a story on the controversial testimony of Secretary McNamara, who appeared to contradict some aspects of his 1964 testimony. The *Inquirer* rewrote the lead to make it read:

"The United States did not provoke the 1964 Gulf of Tonkin incident, previously secret naval communications indicated Saturday."

Goulden left the *Inquirer*, sought out crewmen and others involved in the incident, and wrote his detailed and insightful account.

This, then, is the record on the Tonkin affair. Given its lessons, one may hope that the media will not fail so grandly if similar incidents occur. The reporting on the *Pueblo* and the *Liberty* give reason for hope. But the Fourth Estate must establish a far more independent and critical stance on government actions if hope is to become reality.

Can the Media Cover Guerrilla Wars?

(By James McCartney)

It was May 2, 1970, two days after President Nixon sent U.S. combat troops into Cambodia, and the United Press International-al lead story from Saigon read: "Allied troops and tanks resumed their advance into neighboring Cambodia early today, one American tank column pressing to within 6,000 yards of an underground tunnel complex thought to be the site of the Communist military command headquarters for the war in Vietnam." There it was, war in all its drama: a tank column slashing toward an objective, the enemy headquarters about to fall. It was but the beginning of a month of sparkling wire service leads about the new war in Cambodia. But as it turned out, if one read the fine print in days to follow, the U.S. tank column was riding into monsoon mud and rain, and the Communist military command headquarters was evanescent and elusive, nowhere to be found.

For writers of leads and of headlines, for lovers of action, for makers of maps, for fans of World War II, it was a fine little war: flamboyant South Vietnamese racing down highway No. 1 toward Phnompenh; a new front, with a new arrow on the map every few days; an armed flotilla, guns blazing, steaming up the Mekong; helicopter assaults; artillery fire bases—the works. But if you read it now, you can't help wondering, what happened? For somehow, despite all the tank columns, the allied "thrusts," the "new assaults," the fire bases, when ground action by U.S. troops was finished two months later the Communists had gobbled up almost half of Cambodia. By October they controlled more than half of it.

With all that action, how did the Communists quietly take over so much terrain? What happened was what has almost always happened in Vietnam when U.S. power has been used in grand, military "sweeps." What happened was that guerrillas, in a guerrilla war, acted like guerrillas. They faded into the jungle or the countryside or villages. They fell back and spread out and disappeared, letting the U.S. and the South Vietnamese destroy thousands of acres of jungle and countryside and caches of supplies while they bided their time, as guerrillas will.

The casual reader of U.S. newspapers, the TV viewer, or the listener to radio bulletins would find that hard to discern, for it was not the war he had read or heard about or seen on the tube.

What is involved in Vietnam, as careful students of the war are aware, is a complex political struggle that will be won or lost on factors other than territorial thrusts. They are also aware that guerrilla tactics are far different from those of conventional war, and the effect is to be measured differently. By classic definition, guerrillas need only survive to "win." Yet graphic images of battle reminiscent of World War II persist in the U.S. media. The result is often wildly misleading.

Time after time there were reports of "battles" or "sieges" for cities in Cambodia. Then several days later a careful reader would learn that there had been no battles at all.

Raymond R. Coffey, the talented and perceptive correspondent for the Chicago *Daily News* in Cambodia, has reported several examples. He cited one in which Cambodian communiques told of a fierce, six-day battle for the town of Srang against a regiment of 1,200 North Vietnamese soldiers. "At the end of the battle," he wrote, "the Cambodians reentered the town against no opposition and explained lamely that the 1,200 enemy had somehow slipped away unharmed. The total reported killed-in-action casualties for the six-day fray were six Cambodians and fourteen North Vietnamese." Similarly, Coffey wrote, Cambodia at one time reported its troops were pitted against 3,000 to 4,000 enemy in trying vainly to retake the Kirron plateau. "According to U.S. intelligence sources," he said, "there never were more than 300 enemy [personnel] involved in the battle.

Laurence Stern, Saigon bureau chief for the Washington *Post* through the Cambodian invasion, says bluntly: "Many a battle was reported in Cambodia that didn't occur." Probably the most striking example was the colorfully reported "battle" for the town of Snoul, just a few days after the U.S. invasion. Both the military and the press gave Snoul a buildup. A U.S. tank commander was quoted widely as saying that his objective was "to take the town—without destroying it." The New York *Times* last May 5 reported that U.S. tanks were "fighting the biggest battle of the five-day campaign in Cambodia, against North Vietnamese troops in the streets of Snoul and in bunkers ringing the town." Two days later UPI dramatically reported, under a Snoul dateline: "American tanks today smashed through the smouldering ruins of this rubber plantation town leveled by massive air strikes."

Yet all that had happened, as later became clear, was that the U.S. military, with its massive firepower, had destroyed the town. It had shot up buildings with 90-millimeter guns and leveled others with jet bombers. It had used ample quantities of napalm. UPI reported that the guerillas had fled—in classic guerrilla style—after initial skirmishes on the edges of the town. "All that remained," said UPI, "were the bodies of at least seven persons, four of them civilians." (The UPI story written in the aftermath of Snoul was one of the finest pieces of reporting and writing to come out of Cambodia; the shame was that there wasn't more reporting and writing like it.)

Another example of World War II-style reporting occurred in the ostensible battle by the Communists to capture Phnompenh. Early last April, before the U.S. invasion, UPI reported a "four-pronged" drive on Phnompenh, suggesting implicitly that the capital was in danger of falling—as Paris had fallen to the Germans. In the weeks and months that followed, "drives" against Phnompenh regularly were depicted in the press.

State Department officials say Phnompenh had never been in danger of falling, nor even under serious attack. They believe the Communists have consistently practiced "harassment"—virtually classic guerrilla tactics in seeking to terrorize the city. They doubt that the Communists have ever wanted to capture and occupy Phnompenh, any more than they have ever wanted to take and occupy Vientiene, in neighboring Laos, or major cities in Vietnam. To occupy and hold cities would cost them too many troops. From the beginning they thought the stories were exaggerated.

Still another illustration of the hazards of conventional yardsticks in Cambodia concerns estimates of Communist troop strength. The tendency has been to view the war in terms of numbers of troops and how they balance, rather than as a guerrilla war, where numbers are less significant.

Throughout the Cambodian struggle "official" estimates of Communist strength, both in Saigon and Washington, have ranged from 40,000 to 60,000. This was a convenient range for the military because it helped to justify a combined South Vietnamese-U.S. force in Cambodia of about 80,000 men. Most of the press never got past this simplistic view, blandly accepting the official picture and blithely passing it along. The New York *Times* on May 1, for example, reported from Phnompenh that Cambodian troops had given "little indications of possessing the experience or materiel to withstand a sustained challenge by the up to 40,000 North Vietnamese and Vietcong in the country."

Ray Coffey investigated the question and reported discovering that the total number of North Vietnamese combat troops in the country never numbered more than 12,000. The rest—possibly about 20,000—were administrative, logistic, or rear-area service forces. Again, the temptation to think of the war in conventional tearms was almost irresistible.

If the President and the military elect to send columns of tanks into the jungle in the hope of finding a way out of our national agony, the reporter's job is to report it. But if the news media become so preoccupied with reporting the military effort that they virtually ignore the real war—the guerrilla war—then it is the reader who loses in understanding.

In the Cambodian fighting the most significant phrases were often buried in wire service dispatches—phrases that said "no resistance was encountered" or "no immediate contact with the enemy was reported." The challenge at times was to report that there were no battles and that the enemy was fading away. The challenge was to report what wasn't happening.

Many a reporter on the scene cut through the morass to report in some kind of perspective. Peter Arnett of AP managed to convey the futility of using sophisticated equipment against jungle and mud. UPI reporters wrote brilliantly on occasion of nonbattles, of the senseless destruction of towns "in order to save them." Robert Kaiser of the Washington *Post* proved adept at searching out the inconsistencies of the positions of U.S. policymakers. Henry Kamm of the New York *Times* was versatile and incisive. Others did as well. But these writers found themselves writing for a preconditioned audience, one conditioned by the highest level of government.

Government officials, from President Nixon down, apply the hard sell to certain concepts that fit snugly with official government policy. Possibly the best single illustration in connection with Cambodia is the sales effort that President Nixon and his national security adviser, Henry Kissinger, have undertaken on behalf of the South Vietnamese army. "Vietnamization"—turning over the war to the South Vietnamese so the U.S. can go home—is a keystone of Government policy. But in spite of official announcements and reports, U.S. officials have been highly skeptical of the fighting capabilities of the South Vietnamese. (Last February, Gen. Creighton Abrams, U.S. commander in Vietnam, said flatly that more than half of the South Vietnamese army was not capable of handling itself properly in battle situations.)

On April 30, when President Nixon announced the decision to send U.S. combat troops into Cambodia, top White House officials said quite candidly that South Vietnamese forces were assigned to the "Parrot's Beak" area because no resistance was expected there. U.S. forces were assigned to invade the "Fishhook" region to the north, where fighting was expected to be rough.

Thus it was candidly admitted, before the fact, that the South Vietnamese got a pat assignment. As it turned out, the advance guess was correct. They encountered virtually no resistance. Their principal accomplishment was to show that they were capable of operating relatively sophisticated U.S. trucks and armored vehicles without running into ditches. They managed to ride down roads, wave flags, and shoot up the countryside without being seriously challenged. The arrows on the maps showed success after success.

The press for the most part went along with the myth. A New York *Times* story said on April 30: "Thousands of South Vietnamese soldiers, with American advisers and support, swept westward through Cambodia today. . . ." On May 3 the *Times* said that the South Vietnamese Third Corps was "sweeping back in a semicircle toward the South Vietnamese border." On May 5 a story in the *Times* said that "a combined force of several thousand United States and South Vietnamese troops began a sweep of the northeastern corner of Cambodia. . . ." The *Times* wasn't alone. This kind of description was widely employed. Thus President Nixon and Kissinger were able, after the fact, to cite the experience as dramatic evidence that the South Vietnamese army had proven itself and come of age.

If the President and the U.S. Government have difficulty grasping the nature of guerrilla war, it is no wonder that news media may have difficulty in presenting an intelligent picture. The difficulty of the task, however, is hardly an excuse for failure—particularly when failures extend over a period of years.

Reporting has only rarely gotten below the surface of superficial military activity and into the heart of modern guerrilla conflict. Rarely have reporters dug into the complex political makeup of South Vietnam and explained it in terms that readers and viewers could understand. Rarer still has been the occasion when the economics of the struggle in South Vietnam have been presented in graphic and understandable manners. Yet political and economic factors are probably more important in a guerrilla struggle than all that could be written about military maneuvers. The central questions are: How are the people of the country doing? Are they getting a fair shake? Do their political institutions work? Does their economy work? Are problems being solved?

What is required is a complete reexamination of the approach to coverage of guerrilla wars, and a complete reorientation of both editors and writers. Journalism must develop bonafide experts in both the politics and the economics of the underdeveloped world—experts who can write with authority and genuine background on the complex problems these areas face; experts who can explain how the people are doing.

Few American reporters in Vietnam today speak the language. Few have had any kind of special background and training in that extremely complex part of the world. Though "Vietnamization" is central to the Nixon Administration's program in Vietnam, the press corps has few students of internal Vietnamese politics who can report with confidence what is happening. Is President Thieu a "tinhorn dictator," as Sen. George McGovern once charged? Can the U.S. expect to develop any more satisfactory leadership in Vietnam? What alternatives are there, given the history and sociology of the country?

In Cambodia, U.S. reporters wrote much of Lt. Gen. Do Cao Tri, commander of South Vietnamese forces. He was colorfully described as a pistol-packing type, ready to fight, and he was frequently quoted. The news media did not do nearly so well in explaining Gen. Tri's private commercial interests, in lumber and in cinnamon, that have helped make him rich while men under his command were dying.

American journalism needs to know more about the nature of guerrilla warfare in the great struggle that spreads across the world. It needs men who are educated to get at underlying factors that make men act as they do in far-off countries. Guerrilla warfare is most probably the warfare of the future. We can expect to see a great deal of it in years ahead, not only in Southeast Asia and the Middle East but in Latin America and Africa—and in the U.S. itself. If America's news media cannot learn to understand it, to interpret it, to explain it to the public, then we are lost.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The PRESIDING OFFICER (Mr. BENTSEN). The Chair lays before the Senate the pending business, which will be stated.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion to proceed to the consideration of Senate Resolution 9.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. ERVIN. Mr. President, I will say to the Senator from New Jersey——

Mr. BYRD of West Virginia. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may be permitted to speak for a time not to exceed 40 minutes without it being charged as a speech on the pending question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, will the Chair state the pending question?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the standing rules of the Senate with respect to limitation of debate.

Mr. BYRD of Virginia. I thank the Chair.

Mr. President, the matter before the Senate at the present time is not a simple procedure or rule change, but rather a proposal far-reaching in scope. I propose today to cite some chronological history of the effort to limit debate in parliamentary bodies.

In 1604, a practice of limiting debate in some form was introduced in the British Parliament by Sir Henry Vane. It became known in parliamentary procedure as "the previous question," and is described in section 34 of Jefferson's Manual of Parliamentary Practice as follows:

> When any question is before the House, any member may move a previous question whether that question (called the main question) shall now be put. If it pass in the affirmative, then the main question is to be put immediately, and no man may speak anything further to it, either to add or alter.

In 1778, Mr. President, the Journals of the Continental Congress also show that the previous question was used. Section 10 of the Rules of the Continental Congress reads:

> When a question is before the House, no motion shall be received unless for an amendment, for the previous question, to postpone the consideration of the main question, or to commit it.

In the British Parliament and the Continental Congress, the previous question was used to avoid discussion of a delicate subject or one which might have injurious consequences.

Mr. President, the Senate of the United States is one of the few bodies in the world—perhaps the only body—that does not have a provision for the previous question. There are many good reasons, just reasons, why the Senate rules are as we find them today.

But, to go back again a few years, on July 12, 1841, Senator Henry Clay brought forth a proposal for the introduction of the previous question which he stated was made necessary by the abuse which the minority had made of the privilege of unlimited debate.

So it can be seen, going back well over a hundred years, that in the Senate of the United States there was a considerable difference of opinion as to just what the Senate rules should be.

In opposing Senator Clay's motion, Senator Calhoun said this:

> There never had been a body in this or any other country in which for such a length of time so much dignity and decorum of debate had been maintained.

Senator Clay's proposition met with very considerable opposition, and it was abandoned, just as I hope the proposal to change the rules here in 1971 will be abandoned.

Mr. President, from that date until 1917, the Senate of the United States had unlimited debate, with no provision for a shutting off of debate, no cloture provision. In 1917, much of the world was at war. On March 4, 1917, President Wilson made a speech in which he referred to the armed-ship bill, which he emphasized was defeated by filibustering.

The President said, in part:

> The Senate has no rules by which debate can be limited or brought to an end, any rules by which debating motions of any kind can be prevented. The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action. The only remedy is that the rules of the Senate shall be altered that it can act.

The following day, March 5, 1917, the Senate was called into extraordinary session by the President because of the failure of the armed-ship bill in the preceding 64th Congress.

On March 7, 1917, Senator Walsh of Montana introduced a cloture resolution, Senate Resolution 5, authorizing a committee to draft a substitute for rule XXII, limiting debate. Senator Martin of Virginia also introduced a resolution amending rule XXII, and this proposal was favorably reported by the Committee on Rules. The Martin resolution was debated at length and was adopted on March 8, 1917, by a vote of 76 yeas, 3 nays.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. BYRD of Virginia. I am glad to yield to the distinguished Senator from North Carolina, with the understanding that I will not lose my right to the floor and that my response will not be considered a second speech.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. ERVIN. Is it not true that at the time Woodrow Wilson made the complaint about the right to unlimited debate in the Senate, Woodrow Wilson was a much harassed and much troubled President of the United States?

Mr. BYRD of Virginia. The Senator from North Carolina is correct.

Mr. ERVIN. I should like to ask the Senator from Virginia if it is not correct that when Woodrow Wilson was a student, seeking the degree of doctor of philosophy, he chose constitutional government as the subject of a thesis which was later published as a book on that subject.

Mr. BYRD of Virginia. The Senator from Virginia will have to take the word of the Senator from North Carolina on that score.

Mr. ERVIN. Will the Senator from Virginia accept the assurance of the Senator from North Carolina that that is a fact?

Mr. BYRD of Virginia. The Senator from Virginia will accept any statement made on any subject by the distinguished senior Senator from North Carolina.

Mr. ERVIN. Will the Senator from Virginia accept the assurance of the Senator from North Carolina that he is very deeply complimented and deeply grateful for that remark?

Mr. BYRD of Virginia. I thank the Senator from North Carolina.

Mr. ERVIN. Will the Senator from Virginia accept the assurance of the Senator from North Carolina that when Woodrow Wilson was a student, seeking the degree of doctor of philosophy, and was not harassed and was able to consider this proposition in an objective and detached manner, he had this to say about the rules of the Senate:

> The Senate's opportunity for open and unrestricted discussion and its simple, comparatively unencumbered forms of procedure unquestionably enable it to fulfill with very considerable success its high functions as a chamber of revision.

Mr. BYRD of Virginia. Yes. The Senator from North Carolina makes a very important point, it seems to me. The Senator from North Carolina points out that it was only when Woodrow Wilson became President and found much of the world in turmoil and at war that he sought a change in the Senate rules. Up to that time, he recognized the validity of the Senate rules and recognized the basic purpose of those rules. It was only when he became a very harassed President that he made the recommendation I have just read, which he made on March 4, 1917.

Mr. ERVIN. I thank the Senator from Virginia for yielding.

Mr. BYRD of Virginia. I appreciate the comment of the Senator from North Carolina.

I wish to say, in regard to Woodrow Wilson, that he was a Virginian. He was born in the State which I have the high honor and great responsibility to represent. He was born in the city of Staunton. His birthplace is kept as a shrine in that historic town in the Shenandoah Valley. We in Virginia are very proud of Woodrow Wilson. We are proud of his connection with our State, proud of the record he made as Governor of New Jersey, and proud of the record he made as President of the United States.

Mr. ERVIN. Mr. President, will the Senator from Virginia yield for a question to the Senator from North Carolina and only on the same understanding which the Senator from Virginia stated just a moment ago?

Mr. BYRD of Virginia. I ask unanimous consent to be able to yield to the Senator from North Carolina under those conditions.

The PRESIDING OFFICER (Mr. Stevenson). Without objection, it is so ordered.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that one of the things which contributed to Woodrow Wilson's greatness, in addition to his being born in the historic Old Dominion, arose out of the fact that he received part of his early education in a North Carolina institution of learning, Davidson College, which college today must have witnessed with pride the oath of office being administered to another one of its distinguished students, the distinguished junior Senator from Georgia (Mr. Gambrell)?

Mr. BYRD of Virginia. I would agree with the remarks just made by the Senator from North Carolina. I think they add to my knowledge because I had overlooked the fact that this great Virginian, Woodrow Wilson, had been educated in the great State which borders the Commonwealth of Virginia and which the distinguished Senator from North Carolina now so ably represents.

Mr. President, President Woodrow Wilson, in the midst of world turmoil, sought a change in the rules and the rules were changed, for the first time, to permit a vote as to whether debate should be closed.

Thus, ever since 1917, there has been a means by which, whenever a sufficient number of Senators so desired, they had the right to bring debate to a close.

In regard to the motion of March 5, 1917, as to the change in the rules, the rule change was presented to the Senate by one of my predecessors. He was at that time the majority leader of the Senate. I refer to the Honorable Thomas S. Martin of Virginia. He was elected to the Senate in 1894 and served continuously in this body until his death in 1919. Incidentally, he was succeeded a few months later by the late beloved Carter Glass, who had previously served in the House of Representatives and whom President Wilson named as his Secretary of the Treasury. Senator Glass, in turn, served in the Senate from the early 1920's until his death in 1946.

Senator Martin was an able and remarkable man. He was serving as majority leader in the Senate in 1917, and he served in that position throughout World War I.

I might say that when Senator Martin was elected to the Senate by the Legislature of the State of Virginia, his opponent was a former Governor of our State, the equally beloved general and former Governor, Fitzhugh Lee. Senator Martin's election to the Senate by the legislature over Governor Fitzhugh Lee was by a narrow margin. I do not remember the exact vote, but I think it was a margin of only two or one vote in the Virginia Legislature. It had rather severe political repercussions for many years following that date.

I cite Senator Martin's role in amending the Senate rules because I feel that there should be some means by which debate can be brought to a conclusion when a sufficient number of Senators deem that the subject matter is of sufficient importance so that debate should be shut off. So it seemed to me that the rule which the Senate adopted in 1917 was a fair one, one which simultaneously protected the rights of the majority and the rights of the minority. That rule, which required a vote of two-thirds of the elected Members of the Senate to vote affirmatively to shut off debate, remained in existence for a period of some 30 years or more; and then the rule was changed again, I believe it was in 1949, in which two-thirds of the Senators present and voting could shut off debate.

That is the situation in which the Senate finds itself today. That is the rule of the Senate today, that any time two-thirds of Senators present and voting—not a constitutional two-thirds, as it used to be—it has been liberalized now to where it takes only two-thirds of those present and voting to determine that debate should be cut off—and then they have the right to so move and, if they are successful, debate will be brought to a close. I feel that we should be very careful how we further liberalize that rule. I believe that perhaps, too frequently, the American people or their representatives become so impulsive that they want something done immediately regardless of the long-range effect that it might have on a constitutional body or the effect it might have on a minority.

It has been said that the tyranny of a majority is one of the worst tyrannies of all, and the purpose of the rules under which the Senate is now operating is to seek to protect the minorities against the excess zeal or the tyranny, whichever way one wants to express it, of the majority.

Mr. President, it has been argued that the Senate is not a continuing body, that it has no ties with the rules and traditions of its predecessors. I submit that this argument arises from a profound misreading of the nature of our Republican form of government and the intent of its founders.

Only a few days ago on this floor the distinguished junior Senator from Alabama (Mr. ALLEN) so clearly pointed out the illogic of the proposal that the rules of the Senate may be rewritten at each sitting of the Congress because the Senate is not a continuing body. As the Senator from Alabama noted, if this concept were true we would, even at this date, be possessed of no rules of procedure whatsoever.

I find this philosophy, this philosophy that whatever cause might be the popular one at the moment, justifies the rewriting of the entirety of our laws, to be a disturbing aspect of the present national scene. I find it doubly disturbing to see this philosophy become injected into the debates of the Senate, as to the Senate's own procedural rules.

Far too often in recent years, we have witnessed the total disregard by certain groups, of the entirety of our heritage, laws, and traditions. Many in this so-called "now" generation would compel us to reformulate the legal justification for the very existence of this Republic, with each passing "crisis" of the moment.

Consider for a moment what consequences would follow should each new generation of Americans raise the same objections against a Constitution signed by their forefathers nearly 200 years ago. It was not their contract. Why then should they be bound by it?

The answer is simple. No nation can endure without the commitment of all its citizens, present and future, to abide by the rules under which they live. The temporary majority of one generation, cannot be permitted to change the rules freely to suit their purposes of the moment. Nor can the minority of that generation be made to suffer their excesses.

Majorities change not only from generation to generation, but from issue to issue. If each coalition of the moment is given free rein to work its will, or undo the will of an earlier majority, the bonds of community which hold this Nation together will shortly fly apart.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of Virginia. Mr. President, at an earlier hour I sought and obtained unanimous consent to speak for 30 minutes without the remarks being charged as a speech on the pending question. I inquire how much time I have remaining.

The PRESIDING OFFICER. The Senator from Virginia sought and obtained consent to speak for not to exceed 40 minutes. Of that time, 13½ minutes remain.

Mr. BYRD of Virginia. Mr. President, at this time I wish to present for the consideration of the Senate the well-reasoned remarks of a distinguished Virginian who served as a Member of this body for many years. I refer to the Honorable A. Willis Robertson, who served as a Member of the Senate from 1946 through 1966. Former Senator Robertson is now living in the city of Lexington, situated in Rockbridge County, Va. His former colleagues will be interested to know that former Senator Robertson is enjoying good health and is making a contribution to his fellow citizens in his home area.

Senator Robertson said in this Chamber in January 1959, when a similar proposal was before the Senate:

> In providing that two-thirds of the Senate always would hold over, and in providing that the President would send nominations to the Senate while it was in recess—not to a new Senate, but to the same, continuing Senate—the framers of the Constitution intended that the Senate should be a continuing body. That was so stated at that time in the Federalist papers by Madison, Hamilton and Jay.
>
> In two United States Supreme Court decisions which have dealt with the functioning Senate committees during a recess of the Senate—and of course the committees of the Senate would not be able to function and would not exist during a recess of the Senate if the Senate itself were not then continuing and alive—the Supreme Court has held that the Senate is a continuing body, and that its committees function while the Senate is in recess, although that does not apply to the House of Representatives.

I interpolate here to say that there is a great distinction between the two congressional bodies, the Senate and the House of Representatives. It was purposely made that way under our Constitution by those who wrote it in the Convention of 1787.

Mr. President, I continue to read from the remarks made by former Senator Robertson in 1959:

> I cannot emphasize too strongly the point, that if we take the position that the Senate has no rules when it meets for a new session, there will be an opening for any proposal of a temporary majority, whereas undoubtedly in our early history the new Union of sovereign States, with equal rights in this body, would not have come about unless there had been the great compromise.
>
> The keystone of that arch is the right to protect the sovereignty of our several states, and the assurance that the Senate, as a continuing body, would have rules definitely established for the protection of the minority. That theory is not inconsistent with the provision of the Constitution that the Senate can change its own rules whenever it wants to. There is no question about that. By precedent, by the clear meaning of the Constitution by two Supreme Court decisions, the Senate is a continuing body, and we should never change that fundamental principle of our unique form of government.

Mr. President, that is the end of the quotation from Senator Robertson in the Senate in 1959.

Let us pause to reflect for a moment upon the climate of this country at the time of the founding of the Republic in 1787.

Having suffered the ardor of a war for independence which lasted for 6 years, this Nation found itself a collection of States bound together in a loose confederation, which at any moment seemed capable of rendering itself asunder. Spurred on by the governmental crises of the era, the Founding Fathers of this Republic gathered in Philadelphia to draft a more perfect instrument of Government. The result of their labor, the Constitution of the United States, was a remarkable document, which, like no other the world has seen, has endured practically intact for nearly 200 years.

I might say, Mr. President, that most of those men who gathered in Philadelphia in 1787 had lived—and thank God none of us have—under a dictatorship and a tyranny of the British crown. What they were seeking to do in Philadelphia in 1787 was to forge an instrument, a constitution, which would guarantee to themselves and to those who came after them freedom and individual liberty. Those men were merchants, frontiersmen, lawyers, and representative citizens of the day who were seeking on the then relatively new continent, to bring forth an instrument guaranteeing freedom and liberty to the individual citizens.

This constitutional document was not hastily drawn; it was as many leading historians and political scientists have realized, a monument to the art of compromise. That farseeing body of men who met in convention so long ago, was in no way hampered by procedural devices which would have cut short their periods of deliberation and hours of argument.

Even in the face of the extreme crisis which faced the young country, these men proceeded patiently; cautiously, and deliberately to forge an instrument which was designed to protect the entirety of the populous. Their final product contained in it a unique system of checks and balances by which no sphere of the body politic might gain untrammeled superiority over another.

Mr. President, that is why the Senator from Virginia is very reluctant to see this constitutional document tampered with too much. It has stood the test of time for over 200 years. I submit that one of the great problems facing the United States and which has faced the United States in recent years is that Congress, meaning both the Senate and the House of Representatives, has passed too much legislation merely for the purpose of passing legislation rather than giving foremost attention to what I think is vitally important in legislation that is passed, and that is, Will it stand the test of time? We know the Constitution of the United States has stood the test of time. It is a document that should not be tampered with lightly and I submit that whenever an effort is made to tamper with it lightly those of us in positions of responsibility have an obligaton to speak out strongly and forthrighty.

In seeking a balanced system of checks and balances the Constitution provided that the House of Representatives was established to speak for the people as a whole, to speak for the right of the majority. I am the first to admit and state frankly that I feel the House of Representatives, situated at the other end of the Capitol, is, as it should be, more representative of all the people of our Nation than is the Senate.

Terms of 2 years were provided for Members of that body as compared to 6-year terms for Members of the Senate. The purpose of the 2-year term, of course, was to keep Government close to the people, to require the Representatives of the people at the seat of Government to come back to the individual citizens of our Nation every 2 years and to submit themselves to the electorate as to whether they should or should not be returned to the Congress of the United States.

While the House was established to speak for the will of the people as a whole, and to speak for the rights of the majority, and recognizing the footing of this country rested upon far more than the whim of a simple majority at a given moment, the founders of our Constitution in the "great compromise" established a Senate which would be representative of the people as a whole, and of the States. So the role of the Senate is entirely different from the role of the House of Representatives.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I personally favor some modification of the rules of the Senate. I have suggested changes which I thought were in order in years gone by, and I shall be suggesting more changes in the future. It seems to the Senator from Louisiana that we ought to be legislating to streamline and modernize our procedures in this Congress just as we vote to streamline, improve, and move into the 20th century with legislation in every other field that is before the Congress.

For example, it is my judgment that rule XXII very definitely should be changed. I, for example, would like to see rule XXII changed to meet the experience that we have had when we invoked it in the past, as it has been invoked a number of times while I have had the privilege of serving here during the last 22 years. When rule XXII has been invoked we have found it completely impractical to limit each Senator to 1 hour of debate without according the right of any other Senator to yield the 1 hour's time available to that Senator.

Let me just point out how completely impractical and how unfair that rule worked out when cloture was invoked with respect to the space satellite filibuster. On that occasion, there was on the desk of each Senator more than 100 amendments. The manager of the bill, the Senator from Rhode Island (Mr. PASTORE), had only 1 hour available to him, so he was not in position, as manager of the bill, to explain why these amendments should not be agreed to. He felt that the only recourse available to him was to move to table each amendment without debate, and the majority followed the manager of the bill in doing just that. So, there we were with many good amendments, well considered, some of which had every element of justice, honor, and conscience about them, and should have been agreed to. A Senator to this day will find great difficulty in determining why amendments which were presented with a prima facie case, which required rebuttal, were voted down without a hearing. As to some of those amendments, one, even this day, would find it difficult to produce an argument to dispute them. Yet the manager of the bill, because of the rules allowed him only 1 hour, relied upon the fact that this was the only route available to him, and, having 100 amendments to be considered, simply moved to table each amendment, without debate.

Talk about tyranny. I was on the opposition side on that occasion. That was a case where the liberals were talking against the bill and the conservatives were trying to pass it. Talk about an outrage and legislative lynching. A Senator who had an amendment which had much merit could not even argue it, and so it was laid on the table without debate. Inasmuch as the manager had only 1 hour, he could not respond to all of them, and he was compelled to move to lay them on the table without debate. So we had to engage in legislative lynching, so to speak, because of the requirements of that rule.

That rule, as a minimum, should be modified, in my judgment, so that other Senators representing the same side as the majority could yield the manager of the bill some time, in order that he might at least show the proponent of the amendment the courtesy of explaining why the amendment should not be agreed to. But I must say, Mr. President, having been through the cloture situation, when cloture is invoked in this body there is no logic, no reason, no sense, no judgment, no conscience—nothing but just the brute force and strength of the majority to trample down the minority at that point, and a hatred and contempt on the part of one group for the other. The majority, in those situations, tends to deal with the minority much like a victorious army being confronted with an underground rebellion by a conquered people; and those who are in the minority, having had the gag rule voted against them, are treated almost with contempt by those who are in the majority. I know that, Mr. President; I have been in those situations, as have other Members of this body, where one can present amendments with regard to which the manager of the bill cannot produce an argument, nor can his advisers produce an argument, except, "We have these people on the ground now, let us go ahead and do it our way."

That kind of legislation, Mr. President, is a disgrace to any legislative body. I have observed it; so have other Senators. They do not approve of doing business in this fashion, and I cannot blame them.

Why, then, would I oppose proceeding in the fashion that some would seek now to amend rule XXII? It does a disservice to the Senate of the United States. If we are to amend rule XXII, there are a lot of things about it that ought to be considered. They ought to be considered in a thoughtful way. Proposals for amendment should be offered, and they ought to have the recommendation of a thoughtful group that could study them thoroughly and report them out or turn them down.

Why would not the sponsors of this proposal have enough confidence in the Rules Committee to permit that committee to hold hearings, to consider both their amendments and the suggestions of other Senators, in order that the proposal before us could be a well considered proposal, and have the recommendations of those arguing for it, as well as the recommendations of a minority? Why not? If they have no confidence in the Committee on Rules and no respect for it, and do not feel that the committee is properly constituted to consider such a proposal, why do they not propose to us, as they have every right to do, that we appoint an ad hoc committee? If they would like to have a different balance on the committee, perhaps more liberals, perhaps more from the North or more from the East or West, why not suggest the procedure they would like to see the Senate pursue, and suggest that we have a special committee to consider this particular matter, separate and apart from all other matters?

That is not unprecedented. We have done that kind of thing before. We have appointed special committees to study a particular problem and make recommendations with regard to it. Why not?

Because, Mr. President, it would appear that the sponsors of this proposal are embedded in concrete. Having been so long wedded to an ancient legislative proposition, they cannot even open their minds to a new idea.

This procedure which is offered to us here had its genesis back in the days when some Senators felt that no change of the rules was possible if they were to proceed by the rules that were in effect and applied to the Senate at that time. In other words, the rules required that a two-thirds vote be mustered in order to shut off debate, and those who wanted to change the rules felt that they would have difficulty mustering a two-thirds vote.

There was a time when even debate on a motion to proceed to consider a proposal was not subject to a cloture motion, and they wanted to get around that. So, in those days, those Senators suggested that they could do violence to the rules, and they presented the argument that at the beginning of a session, the Senate had no rules and had no procedure; it was simply like a group of men who met on a street corner, with no prior association, and that it could go by the law of the jungle. Any group who found themselves on the top of the pile could proceed to impose their will on the minority.

Proceeding on that logic, a number of attempts were made to demonstrate that the civil rights laws could not be passed without a change in the rules, and the rules could not be changed if the Senate were regarded as a continuing body. So the attempt was made to demonstrate that there were no rules at the beginning of a session, even though the Senate has historically been recognized as a continuing body, and even though Senators retained their seniority and their assignments on the basis that it was a continuing body. Even those Senators would argue that at the beginning of a session, we must do violence to our rules, we must proceed by mob rule to conduct more or less of a legislative lynching, and establish new rules insofar as limitation of debate was concerned.

So the whole proposal to proceed, without due consideration, in a disorderly fashion, and without procedural safeguards, was all bottomed on the theory that the rules themselves cannot be changed, and that you cannot pass civil rights laws without changing the rules.

Well, we found that both of those assumptions were completely incorrect. I came here in 1949. I know that since that time we have changed the rules a number of times. We changed them in 1949; we changed them again under the leadership of Lyndon Johnson; and we have changed them at other times.

When I first came here, for example, debate on a mere motion to proceed to consider a question in the morning hour, or concerning reading of the Journal, would not be subject to a cloture motion. That loophole was closed as a result of the debate over the rules in 1949, in which I participated.

Then there was a provision in the rules that required that to shut off debate, there must be a constitutional two-thirds present and voting to shut off the debate, so that, if we had 100 Members, we would have to have 67 votes to shut off debate. That was changed to require that it only be a two-thirds majority of those present and voting. If you had 90 Senators present, that would mean you would only have to have 60 or 61 votes to shut off debate, rather than 67.

The rules have been changed, and they undoubtedly will be changed again. But they ought to be changed, Mr. President, by orderly procedure. They should not be changed by a bum's rush, nor should they be changed by legislative lynching. That type of procedure, Mr. President, has met with the failure which it deserves down through the years. It has been repeatedly repudiated by the Senate, and it should be bypassed in this case.

We have the power to change the rules of the Senate whenever we want to, and whenever a majority of Senators have been sufficiently determined to take the time and seek an orderly way to change the rules, they have been notably successful in it. I will say that those efforts to change the rules by usurpation have failed, and indeed they should have.

George Washington, in his Farewell Address, eloquently set forth the fact that if one wishes to change the form of this Government, he should seek to do it by the measures prescribed for changes; he should not seek to do it by usurpation. I am happy to say that in this body, when we have agreed to a change in the rules, we have done it by the forms prescribed, as I believe we should do in this case, and not by usurpation.

There are those who contend that this should be done by a so-called majority vote, on the contention that we have no rules at all, at least not with regard to shutting off debate, when we first meet at the beginning of a new session.

Mr. President, the majority always has the power to run roughshod over the minority by use of usurpation, if it really is determined to do that.

There are a number of wrong ways in which this type thing can be done. One of them is the approach that has been attempted at the beginning of each session, to contend that the Senate has no rules until it adopts them. Another procedure that has been discussed, which I have mentioned on this floor on a number of occasions, is one which is analogous to that. This is the procedure used in the Supreme Court altogether too often, when Justices, having raised their hands to heaven and sworn to uphold the Constitution and the laws, proceed to strike down the Constitution by ruling that it does not mean what it says or that it means the opposite of what it says.

That type of procedure could be followed in this body. Any Vice President, or, in the absence of a Vice President, any President pro tempore, or, for that matter, any Presiding Officer, could insist on ruling that the rules do not mean what they say at all. An appeal, of course, would be taken from his ruling, and the motion could be made to table the appeal. Any mere majority vote would table the appeal, and any rule we would have would be about as meaningless as the Russian constitution against those roughshod tactics, if the Senate were inclined to take that approach. It has been my experience, I am happy to say, that the Senate does not buy that kind of tyranny very easily. It seldom happens in this body. I doubt that it will happen this time—I hope not.

Another procedure would be one which I have sometimes facetiously suggested when we were confronted with extended debate, that the Presiding Officer simply could bang his gavel and say, "The yeas and nays have been ordered, and the clerk will now proceed to call the roll," and refuse to recognize Senators who were standing, demanding recognition to speak at the time. That type of thing might require the help of a Sergeant at Arms or the District police force, to arrest some Senators and haul them out of the Chamber in order to force this matter through to a vote while their rights were being violated. But that is a procedure that could be used if the majority wanted to engage in such tactics, previously unknown in the Senate.

Those are approaches of legislation by usurpation that are available to a majority, if that majority really feels that the situation in this Republic has reached the point that we can no longer afford orderly, proper procedure, or that we must resort to the kind of tactics that have destroyed democratic government down through the years. I do not believe the Senate will do that.

It has somewhat amused me to see Senators standing here contending that their bill must be passed and that unless we destroy the rules of the Senate as they exist and unless we set a precedent of legislative violence, their bill will not become law.

I recall some years ago when Senators would argue that civil rights bills cannot be passed unless we do violence to the rules of the Senate, that civil rights bills cannot be passed by orderly procedure. Yet, Mr. President, in 1964 the Senate voted to pass a civil rights bill. It voted to invoke two-thirds majority cloture and to pass the Civil Rights Act of 1964. On that occasion, the Senate passed everything in the way of civil rights that a majority in this body could conceive or submit to a vote, sometimes to a point of ridiculousness.

Mr. SPARKMAN. Mr. President, will the Senator yield for a question?

Mr. LONG. I yield.

Mr. SPARKMAN. The Senator has been reviewing the various actions taken relating to change in the rules, relating to cloture, relating to legislation going through. We often hear the complaint made that this cloture rule or, rather, the fact that it requires a two-thirds vote to invoke cloture, keeps out good legislation. I take it from the statements the Senator has just made that he refutes that claim.

Mr. LONG. Yes; I do.

Of course, the argument is made that a majority should be able to work its will. Those of us who have been around here for a while would like to ask this: "What majority are you speaking of, Senator? Are you talking about the majority that has not heard the argument, or are you talking about the majority that has listened to the debate? Of course, if you are talking about the majority that exists before an argument has been heard or before the debate has been heard by Senators, or before the country has had the opportunity to consider the argument against it, then it is of such things that tyranny is made. But if you are talking about a well informed majority, if you are talking about a majority that exists after a matter has been thoroughly discussed, thoroughly considered, and everyone has made up his mind about the matter, that is a different proposition. That is a horse of a different color. But how do you know which one you are talking about unless that debate has gone on for a considerable period of time?"

Is it not true that those who are in the starting majority, as they watch their votes drift away from them by the logic of the other fellow's debate, are going to use their best efforts to shut off the debate as soon as they can, and is that not the very reason why we want free debate in any legislative body, particularly this one?

Mr. SPARKMAN. Mr. President, will the Senator yield further?

Mr. LONG. Yes.

Mr. SPARKMAN. I think there is a great misunderstanding on the part of many people throughout the country with reference to cloture. Many people seem to think that the cloture rule established filibustering. As a matter of fact, it is just the opposite; is it not? The cloture rule was adopted in order to provide some way of cutting off extended debate.

Mr. LONG. The Senator is correct.

Mr. SPARKMAN. From the beginning of our Nation until about 1922, I believe, no way was provided for forcing the end to a debate.

Mr. LONG. The Senator is correct. Rule XXII was established in order to terminate debate. It was not a rule established to permit extended debate.

Mr. SPARKMAN. Not at all. Rule XXII, as it exists today, is not for the purpose of somebody filibustering, but it is a limitation on what was the rule for many, many years during the history of this Nation.

Even when the founders of our Government were writing the Constitution, and in the very early stage, Thomas Jefferson referred to the fact that there was freedom of debate, freedom of speech, in the Senate and that it should be that way, that this should be the deliberative body, and that a person should have the right to free and unlimited debate in the Senate.

Mr. LONG. The Senator is entirely correct. It was to protect the rights of minorities that the Senate was created in the first instance. The Senate having been created to protect those who might find themselves in a minority in the House of Representatives, should be the first to recognize the need for protecting the rights of minorities to be heard, to have their case considered, to have checks and balances. The very establishment of the Senate was a recognition of the fact that the majority is not always right and that the majority can be very oppressive upon the rights of people.

So it was agreed that there would have to be three tests for a bill to become law: First, it would have to meet the approval of a majority in the House of Representatives, constituted on the basis by population. Second, it would have to meet the approval of a majority of a body constituted to represent the States. Then, third, it would have to be signed into law by the President, who must be elected by the popular vote of the people, so that it has to meet three tests. There are many laws that could meet the test of one majority but could not meet the test of the other majority, or a single man, who must be elected by all of the people.

Mr. SPARKMAN. In the three points the Senator makes, any one of the three can be checked against the other two; is that not right?

Mr. LONG. The Senator is entirely correct. That is part of the general theory of the wise men who founded this Republic, that this was not to be a government of unlimited powers but of limited powers, that the powers asserted by the Central Government should be limited in a number of ways.

Mr. SPARKMAN. I thought the Senator was going to say it was not envisaged that the Senate should be a place through which things have to move hurriedly. That is the reason the Senate was created in the first place; was it not?

Mr. LONG. The Senator is exactly correct. I believe that the best illustration is to cite what happened during the Constitutional Convention when one of the founders poured some tea into a saucer to let it cool before he drank it. He was asked, as an illustration, was that not the function of the Senate, to help cool the hot liquid that comes from the House?

Mr. SPARKMAN. Yes. I believe that actually occurred between George Washington and Thomas Jefferson, although Thomas Jefferson was not at the Convention, of course. George Washington was the President of the Convention. As I recall the story, when Jefferson returned from France he was talking to Mr. Washington. Thomas Jefferson was a man who believed that there should be a parliamentary body, but represented only by those elected by the people. Undoubtedly, he considered the Senate, which, when founded, had its Members elected by the State legislatures and were more or less ambassadors from the States, as being kind of aristocracy.

But the story goes that Jefferson said to Mr. Washington, "Why in the world did you create a Senate?" Mr. Jefferson was standing there with the tea, and he was pouring some of it into his saucer, and George Washington replied, "Why are you pouring that into your saucer?" Mr. Jefferson replied, "To cool it off, of course." Said George Washington, "That is exactly the reason we have created a Senate, to cool things off when they come to us hurriedly from the other body."

Does the Senator not think that is still good philosophy?

Mr. LONG. It is very good philosophy. I think one illustration of that is what happened in the previous session of the Congress. In fact, one could cite many things which happened in the previous session of the Congress, one being the so-called family assistance plan of the President which was presented to Congress. When it came over to the Senate from the other body, many Senators seemed to like it, but as they studied it, they began to find fault with it. The administration saw its defects and admitted that it should be redrafted, which they proceeded to do some 12 different times, I believe, and still they could not solve some of the problems. I know that this Senator was criticized because, as chairman of the committee, he did not try to run roughshod over the minority, or over those who found there were problems which had to be resolved. The more the problems developed, the more we had arguments, and the more we wrestled with the problems the more we found out how difficult and complicated they were, so that the bill did not become law. But even in the Senate we found that we could not resolve those questions in the time remaining to us. The Senate, by an overwhelming vote, voted to leave the family assistance plan off the bill in order to give the Senate the opportunity to struggle with the problems again this year.

When one looks at the enormous complexity and the fantastic costs involved, as well as the enormous future costs, and also the implications of some of the mistakes that could have been made in the bill, I think any sensible person who has studied them in depth would agree that we are better off not adding to a program that has so many difficult points unresolved in it. The solutions proposed may create more problems than they solve and it was recognized that we would better approach the matter this year with the benefit of the experience we had and report a better bill.

There is no doubt in my mind that the House will send us a better bill than it sent us last year. There is no doubt in my mind that all the good we had managed to contrive in the Finance Committee will be preserved, and all the good provisions that the Senate agreed upon will become law this year. Some of the provisions that we took in haste which could rise up to plague us will be, at least, better perfected before they become law now; so that the message gets through to the public and Senators understand the problem better and we pass better laws. Sometimes one wonders whether all this speed to pass bills is justified, when we find we have bad bills which are difficult to change thereafter. Sometimes we are better off with greater, indepth study so that we understand them a lot better and are able to solve the problems.

The Senator knows that some of the problems that have come to us are insurmountable. By the efforts of Senators, by men of good will, resolving first one facet and then another, sometimes they work out to be good bills but only because those who presented the measures in the first instance did not have the power to lower their necks and charge on through, but had to consider the arguments put forward by others, listen to better answers, perhaps, and other suggestions, and even had to find ways to solve problems that they had found to be insurmountable in the first instance.

Mr. SPARKMAN. If the Senator will yield further, to comment on another point I just thought of—although I have thought of it many times before—in connection with the present discussion, the Senator knows there has been a kind of division or understanding as to what Senators believe regarding filibusters. They have the habit of using the term "filibustering" for any kind of extended debate and thorough discussion, but usually it has been understood that certain Senators are in favor of it and certain Senators are completely opposed to it.

Cannot the Senator recall a good number of occasions when those trying to change this rule, who have argued so strongly against filibustering, have themselves conducted long, drawnout filibusters, and actually have been able to kill bills toward the end of a session by their filibustering?

Mr. LONG. Mr. President, that is one of the amusing facts about this body. No one wants to change the rules to deny a Senator the right to be heard who agrees with what the Senator is saying.

Mr. SPARKMAN. Yes.

Mr. LONG. Even though they might feel that the point has been made very clear, they are perfectly willing to permit argument to be further expanded upon. They are perfectly content to hear a Senator agree with what they may be saying or are in favor of, even going a step beyond to amplify what has been said.

There would be no proposal now to strike at free debate in this body if those who are proposing it now were merely trying to persuade Senators who already agree with them.

Mr. SPARKMAN. The Senator is right. I have thought of that so many times.

By the way, the Senator's distinguished

father was a great speaker here on the Senate floor. I can remember being up in the gallery, as a young lawyer, when I saw the Senator's father speaking in this Chamber. He was a great speechmaker. In fact, in his day, I think he was recognized as the champion debater on the floor of the Senate.

Of course, the rules have been tightened up since his day. I am not including him in this, but the Senator, I am sure, will recall one Senator who, perhaps more than anyone else, inveighed against filibustering and was in favor of changing the rules, and who actually established for himself, a record for long-time speaking in a filibuster on the Senate floor. Does not the Senator remember that?

Mr. SPARKMAN. He is not here any longer.

Mr. LONG. The Senator is right. May I say that I think the then Senator from Oregon, Senator Morse, established a record. I recall the night very well.

Mr. SPARKMAN. The record never has been broken and probably never will be.

Mr. LONG. The Senator from Alabama suggests that our ex-colleague took the position—and I do not criticize him for it—that as long as the rules permitted free debate, he would take advantage of it, even though he had voted to change that rule.

The Senator will recall the occasion on which former Senator Morse broke the all-time record. It was a completely appropriate occasion for a man to assert his rights. The Senator will recall that former Senator Morse offered an amendment during the course of the atomic energy filibuster. Before he could even obtain permission to explain his amendment, the then majority leader, former Senator Knowland, asked how long the Senator would speak to explain his amendment.

Former Senator Morse explained that he did not intend to speak very long, but that he was not going to agree to any limitation of debate. He said that when he was satisfied he had explained his amendment, he would sit down but that he was not going to agree to any sort of gag rule.

When he insisted on explaining his amendment, he was asserting the kind of old-fashioned right which still exists in this body—thank the merciful Lord—to say, "I will be heard; I will not sit down until I have had my say." He said that he did not expect to take very long. Of course, for the former Senator from Oregon, that might be a somewhat longer time than by other Senator's standards.

The then Senator from California, former majority leader Knowland, then proceeded to say that if he could have no assurance that the Senator from Oregon would agree to limit himself to 10, 15, or 20 minutes, he would then move to table the amendment, which he did. The motion carried. The former Senator from Oregon was denied the right of so much as explaining the first sentence in his amendment.

The former Senator from Oregon then proceeded to claim the floor. He did have a right to speak on the bill itself which, of course, was not subject to a motion to table as long as one wished to debate the bill. The Senator from Oregon then proceeded to talk for 24 hours about the bill.

I recall it so well. I went home and had a good night's rest. I think the Senator from Oregon said that he was going to exercise his right of free debate and he urged those who were weary to go home because there would not be a vote any time soon.

I think that rather changed the mind of the then majority leader, former Senator Knowland, about trying to tell a Senator that he could not make a 20-minute speech and let his conscience be his guide about how long he would take to explain his amendment.

The then Senator from Oregon did on that occasion exercise his right. But it could not be done if we were to do what some want us to do, to strike out one part and then another part of the right of free debate.

If we were to do what some want us to do, our procedure would be similar to that in a State legislature where one acting in the position of leadership could stand up and move that the matter be brought to a vote.

Mr. SPARKMAN. That is the previous question.

Mr. LONG. The Senator is correct.

Mr. SPARKMAN. That situation prevails in the House, but not in the Senate. It was not intended to prevail in the Senate. However, we are moving more and more toward that point so far as the advocacies of those who would amend the rules are concerned.

Mr. LONG. Mr. President, I agree with the Senator. There is not any doubt in my mind that procedures that no one would even attempt in this body today will become the order of the day and the practice of the Senate if we permit ourselves to move to the point where a simple majority can shut off debate in this body whenever it wants to do so.

Mr. President, I would ask the question, has the Senate reached the point where free debate must be denied in order to meet the demands of this country? Is there any particular bill that anyone has in mind that must be passed which cannot muster the votes to shut off debate in the event a rather extended debate were engaged in by those who opposed the bill?

In the previous Congress, I recall a suggestion that we should pass, I believe, two constitutional amendments, neither of which became law. They failed in the Senate.

A two-thirds majority vote is required in order to pass a constitutional amendment. Assuming that there are enough votes for passage of a constitutional amendment, all that is required under the present rules is that the two-thirds majority favoring the constitutional amendment vote to shut off debate. No more than that is required. It is true that the two-thirds majority favoring the measure might not be willing to deny other Senators the right to be heard further. They might not want to deny a Senator the right to discuss his amendment. They might prefer that the freedom to debate the measure continue a while longer. But to suggest that those who are prepared to vote for a bill should change the rules merely because they cannot agree upon the point at which they want to shut off debate or to suggest that those who want to pass the bill should change the rules merely because they will not avail themselves of the right they have under the rules is ridiculous. Yet that is suggested by some.

Mr. President, when we look at the experience of the previous Congress, my offhand recollection is that the measures that failed to pass were constitutional amendments requiring a two-thirds vote. It would have required no more than the Senators who favored the measure—assuming they had the two-thirds vote to pass it—voting to shut off debate. If they had a two-thirds vote and that two-thirds voted to shut off debate, there would have been no problem.

It is a poor answer to say that we must change the rules of the Senate merely because those who seek to pass a constitutional amendment would not avail themselves of the right to bring it to a vote. In that instance it is not a failure of the rule. It is just the lack of sufficient zeal or the lack of a decision on the part of those who favor the measure to go ahead and avail themselves of their right in order to pass it.

It is true that some Senators who favor a measure might be among those who never vote for cloture in this body. It might be that they have a moral conviction against it. I do not know what a change in rules would do to change their moral convictions on freedom of debate. That is something between a Senator and his conscience. But I hardly think other Senators should be made to answer for another man's deep, inner convictions. That is something a man is entitled to possess as a condition to serving here.

I would like to remind the Senate of one situation as an example. A Senator proceeds to argue the rules should be changed to pass his proposal when it is unnecessary, and his proposal becomes law without changing the rules.

In 1965 the Senator from New York (Mr. Javits) was making the argument that in order to pass civil rights bills, even after we passed the omnibus civil rights law of 1964, we must change the rules of the Senate to permit majority cloture. I wish to read to the Senate what I said at that time:

> Mr. Long of Louisiana. Mr. President, the Senator from New York made the statement that only once had a filibuster been broken by cloture. It would be well for the record to reflect that on two previous occasions, previous to the passage of the 1964 Civil Rights Act. Congress had passed voting rights legislation. It passed such legislation in 1957, and again in 1960. Then it passed the Civil Rights Act of 1964.
>
> On the two previous occasions, those of us who opposed the bill, were of the opinion—and that was one reason why the bills came to a vote—that in the event a motion for cloture were filed, and a filibuster were attempted on the bill, the Senate would vote for cloture, if not on the first vote, then certainly on the second vote.

I am of the opinion, without regard to whether or not I vote for it—and whether I vote for it would depend on what it looked like—that a bill that appears to be reasonably tailored to meet the problem that exists, using no more Federal interference than is necessary to meet the problem, will pass the Senate, and will pass the Senate under the existing rule, without the rule being changed.

For that reason, the Senator from Louisiana hopes that the Senate will schedule a voting rights bill when it is reported, and vote on the bill on its merits. If we did so, it might not be necessary to have to vote on a proposed change in rule XXII.

It should be remembered that rule XXII does more than protect those who are opposed to some civil rights measures. As the Senator knows, there was a measure before the Senate to prevent the reapportionment decision of the Supreme Court from going into effect, which perhaps could have been passed by a majority vote. It was defeated. So this proposal tends to work both ways.

I should like to see a rule acted on without reference to any particular bill, particularly if the bill itself can pass on its own merit without changing the rule.

I wished to make my position clear for the record, without necessarily taking issue with the Senator.

Mr. Javits. Mr. President, the Senator's position is critically important. It is most statesmanlike that he will do more than merely say it will happen, because I have heard him actually pledge himself to use his best efforts to see that it does, and that there will be action by voting on a rights bill.

Mr. Long of Louisiana. I have not seen the President's message. I do not know what the President will say. I have not seen any particular bill. I am perfectly frank to admit that there are situations which exist in my own State in connection with which the local authorities will have to respect the right of Negro citizens to vote, or someone will have to do something about it. That will happen whether I vote for a bill or not.

Mr. President, I make that point because there was an effort in 1965 to limit free debate and to further restrict the right of Senators to stand here and speak their consciences and convictions because, it was said, we must pass a voting rights bill. Well, we passed the voting rights bill, and in that very year. We passed it with free debate and without changing the rules of the Senate to give any further advantage to the majority that wanted to pass that bill, just as we have passed other measures of that sort when those who contended free debate would prevent it from happening. They were proved wrong, and they have been proved wrong repeatedly. They cannot make their case now. About the best case they can make is that the Senate would be more efficient, get on with its business more rapidly, that it would not take as much time, or that they would not have to hear as many long-winded speeches if we had a rule which made it easy for those in the majority to shut off debate.

That may be true, but at the same time the liberties and freedoms we enjoy in this country would be a lot less secure. It would be just one more erosion of the right of the people to be represented, the right to be protected from a temporary majority, a fleeting majority, and the right to be protected against mischief, which would not be sustained by the mature judgment of time.

Mr. President, at the present time we find the suggestion being made that we could transact our business quicker, and adjourn sooner, if we did not hear the argument of other Senators to the extent we do. Yet it is our duty to hear those arguments and it is our duty to consider them. Although a Senator may come from a small State and speak for a small constituency even though those for whom he speaks may be unpopular with other people in the country, it is our duty to assure that all views be considered and that we take time to explain both sides of an argument so that both sides may be considered.

When this matter was debated in 1949, a point was reached at which a simple majority in this body could have taken advantage of the minority by ruling that the rules do not mean what they say. At that point those who took that position were sustained by the Presiding Officer, the then Vice President, Mr. Alben Barkley. An appeal was taken from the ruling of the Chair. Eloquent speeches were made at the time pointing out that although it might be bad politics to vote to overrule the Presiding Officer at the time, it might make it more difficult to pass civil rights legislation. The fact of the matter was that the Vice President was wrong, in that he was setting a precedent which could well lead the Senate to a situation where a majority could force a measure to a vote even though the previous precedents would not permit it.

When a motion was made to appeal the ruling of the Chair, by the vote of the Senate, the appeal was sustained. A number of very persuasive speeches with compelling logic were made that caused the Vice President, even though he was supported by all of the civil rights organizations and great organizations of the time, to be overruled.

It seemed to this Senator at that time, the statement by the then Senator from Oregon, Mr. Cordon, had a compelling logic that deserved a place in posterity.

I say that without making any invidious comparison to great and eloquent speeches made at the time by the then President pro tempore of the Senate, Arthur Vandenberg, who had made a contrary ruling the year before. I also say that without making any comparison with what I thought was one of the most eloquent speeches I ever heard in this body, delivered by the then senior Senator from Georgia, Mr. George. But the simple logic of the senior Senator from Oregon on that occasion was so compelling to this Senator that I think it deserves to be in the Record at this point. Here is what Mr. Cordon said:

> Mr. President, I have never been one who believes in reiteration. I shall limit myself to one or two points which I believe have not been covered. Beyond that, I associate myself with the statement made earlier this afternoon by the eminent senior Senator from Michigan. I find myself in as embarrassing a position as the Senator indicated his was. I am a believer in cloture. I have reached that conclusion after long study and deliberation. I believe cloture should go to any motion, measure, or business, to any question which might be before the Senate at the time a petition for that purpose is submitted. I believe the petition should be a preferred matter, to be filed even while a Member of this body is on his feet. But, Mr. President, it is my conviction that we can pay too much in other more precious things for some of the things we desire.
>
> Mr. President, as I view this matter, I am constrained to believe it has taken on a very great deal more importance, important as it is, than the subject matter warrants. I agree with the distinguished Senator from New York in his statement that this is a most important matter in the minds of millions of people. It has become important chiefly because it is misunderstood. The belief is abroad, based upon statements made and reiterated time after time and heard on the floor of this body, unless we correct the rule situation by the amendment we have to the present cloture rule, that in some moments of tragic and great public necessity in this country the Senate will find itself hog-tied and unable to act.
>
> Mr. President, as long as the United States Senate is constituted under the provisions of the basic structure of this country, just that long a majority of a quorum on this floor can do what it will. We speak of rights under the rules of this body. If by the term "right" we mean a legal right, such rights are nonexistent. The rules we have in the Senate are worth while only to the extent that we who are Members of this body are willing to abide by them, as long as we who are Members of this body are willing to give our consent to their operation, as long as we who are Members of this body believe that the business of this body and the welfare of the people of the United States will be better served while we have those rules or some other rules.
>
> But let us not delude ourselves, Mr. President, with any thought that we are hog-tied, handcuffed, futile in this body, if a time comes that we must do this or that. On that day, this body will act, and it will act within its constitutional power, because this body is the sole judge of its rule. The rules it has today exist by sufferance, by consent of a majority, even the rule of cloture, which require two-thirds vote. That rule, or the rule requiring two-thirds vote for suspension of rules, can all go down and be overthrown on any day the Senate feels that the overriding welfare of the people here requires it.

It may come as a surprise to some Senators to hear this thought expressed, but that is exactly what I said earlier at any time a majority in this body believes the situation is such that we can no longer afford the luxury of free debate, that we can no longer afford the luxury of orderly procedure, that we must resolve ourselves into a legislative lynching party in order for the majority to work its will, and that if the majority feels the means justifies the end to that degree, then, of course, the Senate can indeed resort to the procedure whereby the Presiding Officer can say the rules do not mean what they say. The Presiding Officer can refuse to recognize a Senator who stands on his feet demanding to be heard, or the Chair can rule a Senator out of order and order him to take his seat, and rule that every other Senator is out of order and order them to take their seats, and gag all others who wish to speak, and then proceed to put the matter to a vote.

Those kinds of legislative acts of usurpation and those kinds of oppressive procedures can be used if the situation justifies it. But should not tactics of that kind demand circumstances where the end justified those means, and not strip away the rights which exist in the Senate to protect the liberties of 200 million people merely because a Senator does not want to stay in his seat and hear the argument of another man, or merely because he finds it too burdensome to attend the sessions of the Senate and be available for a vote, even though he is permitted to go home and not even hear the speech?

So the convenience of Senators, the move for efficiency at the expense of liberty, can be a very bad mistake. Nevertheless, it is available to the Senate any time someone wants to engage in that tactic. So let us not delude ourselves that these things cannot be done. They can be done. They have been attempted right here in this body.

Why have they not succeeded? They have not succeeded because there has never been a time when a majority of Senators would agree with the argument that the time had come when we must resort to tactics of that sort to achieve their will.

Pray that the time will never come when we have to agree to engage in that kind of scurrilous conduct in order for the majority to prevail in this body.

Now let me read further the words which so impressed me when I heard them in this body. I am quoting Senator Cordon again:

> So let us consider the rules for what they are. They represent the consensus of the Members of this body now and in the past that orderly operation in this body requires some ground rules. And we have, as a result of experience through the years, made, amended, modified, and added to, a set of ground rules. By sufferance of a majority of the quorums that appear here, we have restrained ourselves within them. Let it not be understood that I for a moment feel that we should not do that. On the contrary, I feel that the judgment of those who are in this body today, and of those who have been in this body since the inception of the Republic, has all gone to the proposition that the welfare of the country demands that we have orderly procedures.
>
> I make only the point that there is no power under the shining sun that can tell a majority of a quorum of this Senate what it can or cannot do in the matter of rules at any given moment while the Senate is in session. The only place in which that power resides is in the body of the people and then only by amendment to the Constitution itself.
>
> So, Mr. President, let us have done with the thought that the country itself may be imperiled because we do not have the power to act. We can act at any time, on any question, when we feel that it is necessary. Our observance of the rule of restraint in this body has been outstanding, but just as outstanding has been the willingness of this body, by unanimous consent, time after time, in every session, to set the rules aside entirely and act as one.

Mr. President, at that time the argument was that to pass civil rights bills, we must do violence to our procedure, we must do violence to our rules, we must do violence to the rules of fair play; that the Senate is powerless to act in order to pass a civil rights measure, or a number of civil rights bills proposed at that time.

What is the argument now? No one is proposing any civil rights measure which could not be passed under the existing rules. What bill do they want to pass, that requires us to do violence to our procedure? What bill do they want to pass, that requires that we change the rules in a disorderly fashion? What is their excuse now?

It is only, I take it, for the convenience of Senators, that they just do not care to be bothered with hearing an argument with which they do not agree.

I must say, Mr. President, as one who has served in this body for 22 years, that Senators who have been here less time than that ought to adjust themselves to that painful requirement of being a U.S. Senator. If you are going to serve in this body, you are going to find it necessary, over a period of time, to hear arguments with which you do not agree. If you do not want to hear it, you can, of course, vacate the Chamber. However, the argument will be made whether you want to hear it or not. That was one of the things for which this body was established; and if you do not believe in it, you ought to find something else to do, because free debate is that for which the Senate exists.

I continue to read the statement of Senator Cordon:

> If I may say that a careful consideration of the picture indicates that the Republic itself is not in danger as of the moment, then perhaps I can turn for another moment to the matter immediately at hand.
>
> We are here concerned with a rule which had been adopted pursuant to other rules which were then in existence, by which we agreed to restrain our constitutional power for our good and for the good of the people. A question has arisen as to what the rule means. Again, Mr. President, let me say that although we have agreed among ourselves to follow a certain procedure to change the ground-rules we have adopted, we are not bound to do it, as witness the fact that at this moment we are here considering the question of whether we shall short-cut our rules. We can do it. It rests in the conscience and sound judgment of every Member of the Senate as to whether it is the better thing to do. There is no question about the power that rests here to do it.
>
> Mr. President, as to the rule in question, I simply want to present one proposition, only one. There has been a very great deal of research done over the years, and most intensely within the past 2 weeks, to determine, so far as possible, what was intended to be done when the present cloture rule was adopted in 1917.
>
> I want to associate myself with the remarks made by the Senator from Missouri, with reference to the definitions given of the word "measure." I think they should appear in the RECORD as broad as they appeared in the dictionaries. That has been done. The ruling was announced from the Chair that the words "pending measure" were not limited to bills or resolutions—in other words, actions of a substantive character—but that, necessarily, if there was no such measure before the Senate, then a motion to bring up such substantive business became itself a pending measure.
>
> I say, in all frankness, Mr. President, that long ago, weeks ago, in my consideration of this question, I gave very deep and careful consideration to the point as to whether that should be the declaration from the Chair, because it appealed to me as answering one of the basic and fundamental rules of statutory construction, namely, that we must always presume that the legislative body did not intend a vain thing. But, Mr. President, when I had finished my investigation and again turned to the letter of the rule itself, to the plain words of the rule, I had to confess that the record carried evidence to the contrary. I then had to face this proposition as one who believes in law, one who believes there can be no order in this world without law, one who believes that there can be no law unless there is precedent, that there can be no law unless a man today can determine his actions tomorrow by what happened yesterday, because I believe in that with every atom of my being. I had to say to myself, when I considered this matter, I cannot today legislate for the Members of this body who sat here in 1917, no matter what I may conjecture they intended to do. Unless I can find that they did it, I cannot today, ex post facto, do it for them. Therefore I had to turn my attention to the rule, and I now call the attention of the Senate to the rule.

The Senator made this further point, which I should like to add to my quotation from his speech:

> One thing more. If I left the matter there I would feel I was a defeatist. What shall we do, faced with a situation with which we are faced, not these questions in the background of so-called civil rights, but just this one question of a resolution to amend the cloture rule? Are we stymied? Reserving the basic power that we have in the Constitution to act directly, are we not obligated, first, because we believe in law, because law is of the very meat and bone of our being, to try in good faith, with all the endurance we have, to bring this matter to a vote, after allowing those who object to speak until they can speak no longer? Let us try that once. I, for one, am prepared to do it, and I wish to quote now the words of my illustrious predecessor in the Senate, the revered late Senator Charles L. McNary:
>
> "So far as I am concerned, I am willing to stay here from dawn till evening star, and evening star to dawn, till the job is done."
>
> Let us try that, and then, Mr. President, if we find that after the most courageous attempt that can be made we cannot win, I for one, I say in all frankness, will turn then and see whether or not events justify my using that other reserved constitutional right which rests in this body. But I believe we can win.
>
> Mr. President, perhaps I of all the Members of this body have used up less CONGRESSIONAL RECORD space than any other Senator. Perhaps I am not qualified to make this observation, but I cannot help believing that it takes more effort to stand on one's feet hour by hour and make a speech than it does to sit in one's chair and listen, or walk out in the cloakroom and forget it. If it be a matching of endurance, who has the laboring oar?
>
> Before we admit defeat, let us carry the battle as far as it can be carried.

Now, Mr. President, the compelling logic of that speech by Senator Guy Cordon was that the Senate can, by usurpation or violence, overwhelm and destroy the rights of a minority any time it wants to do so, but that the Senate should not engage in that kind of tactics unless it has tried and exhausted the avenue of orderly procedure and the proper approach to permit those who disagree to be heard fully.

Again let me say that I am very much in favor of improving our procedures. I am in favor of improving them in an orderly fashion. I am not in favor of improving them in a disorderly fashion, because the time has not come when we would be justified in engaging in disorderly tactics of usurpation in order to modify or change the rules of the Senate.

Let me just point out one simple thing available to all Senators with regard to the problem of limitation of debate. The overwhelming majority of Senators in this body will vote against shutting off debate merely because they are opposed to a measure. In other words, if we have before us a welfare bill and if the sponsors of the bill submit a cloture motion to try to shut off debate in order to get on with the business, the probability is that every Member of this body who is against that bill will vote against the cloture motion.

I do not agree with that approach. I, for one, think that if the matter has been dragging on for a long period of time and the arguments have pretty well been exhausted, and if I were opposed to the bill but really did not feel it would do great violence to the country for the bill to become law, I would vote to impose cloture on the matter.

In other words, it seems to me that these matters should be relative. In a situation of that sort, I would seek to persuade my fellow Senators who were opposed to the measure to stop talking or to abbreviate their remarks. I would say: "Don't talk so long. We have done the best we can. Our arguments are well understood. We have achieved everything that can be done by debating this matter. Let it come to a vote, and let us get on with the next thing. It is not going to destroy the Nation. Let us vote and get on with something in which we can prevail."

That is the argument I have made to Senators before, and I would make it again if I felt that nothing was to be achieved by further dragging out the debate.

I am constrained to believe that we should establish more of a tradition that even though a Senator is opposed to a measure, if nothing constructive is to be gained or if the demerits of the bill do not really justify a determined, all-out effort to defeat it, then one should permit it to be voted through by majority vote. That is how it usually is, with the exception of those incidences when someone makes up his mind to make an all-out fight against a proposal. Tradition here is that those opposed to the bill will vote against a motion to shut off debate.

In my judgment, it should be the other way around. I think that those who are opposed to a bill, but feel that the bill is not going to do irreparable damage to our Republic, should vote to shut off the debate and let the matter come to a vote. Yet tradition today is against shutting off debate if one is against the bill. We should change that tradition in the other direction. One should vote to shut off debate even though he thinks that it is a bad bill but one which will not do irreparable harm to our Republic. That would be an improvement on our procedures. I would favor it and I intend to conduct myself in that fashion. But I certainly would not want to destroy, or in any way deny or abridge the right of Senators to do what I have seen done in this body under free debate.

I must say, Mr. President, that although I advised against the nomination of Justice Fortas, the present occupant of the Chair, the Senator from Michigan (Mr. GRIFFIN), felt more strongly about the matter than I did and was determined in his efforts to defeat the nomination. He was joined by others who shared his concern, and they waged a determined fight, with the result that the nomination of Justice Fortas to be Chief Justice was not confirmed.

There is no doubt in my mind that if the junior Senator from Michigan (Mr. GRIFFIN), and others who fought as he did, had not been determined in their views, and had they not availed themselves of the rights that existed under the rules, Justice Fortas today would be the Chief Justice of the United States, and I do not think the country would be any better off for it. I think that Justice Burger is an admirable Chief Justice. I think that if the other side had prevailed in that instance, they would have lived to regret it. I believe the Senate was saved from a mistake by the debate that existed under the rules at that time. That was a case in which a determined majority prevailed in good conscience.

I recall we had a prolonged debate over the issue of atomic energy. Those who were fighting against that bill found a number of things about it that tended to create monopoly, and tended, in their language, to give away, into private hands, the enormous resources that this Government had achieved by more than $10 billion of research.

Those engaged in that debate were small in number in the beginning. As they debated the matter, their numbers grew. I did not participate in that filibuster, but I must say that I was one of those who observed the compelling logic of their case. As time went forward, it became apparent that the debate could not be brought to a close unless some compromise was made or unless cloture was invoked. An effort was made to invoke cloture, but it failed. Efforts were made to shut off debate by motions to table amendments and prevent them from coming to a vote without debate. All those efforts failed. In the end, those who were seeking to pass the measure were forced to compromise with those who were the minority.

Go back and review that debate. That has been properly described as a filbuster. The compromises that were extracted from the minority were in the national interest. They protected the public's right to its billions of dollars of investments in research and development. This country is a better country because that fight was made—and those who made the fight were justified in making it. They did not win all their points, but they won enough of them to justify making that fight. I salute them for making that valiant and determined effort, because they did it in the national interest.

On other occasions, we have seen issues of similar importance come before this body, in which a minority prevailed and in which they gained converts and gained votes as they went along.

Reference has been made to the ill-considered action in the House of Representatives when the President, in the incipience of a railroad strike, urged that Congress pass laws to draft working people into the Army and subject them to involuntary servitude in order to operate the railroads. The bill immediately passed the House by an overwhelming vote. One of the reasons why we have across the street today a monument to the late Robert Taft, and one of the reasons Robert Taft's portrait hangs in the Senate Reception Room as one of the five great Senators of all time, is that he had the courage to take to his feet and espouse an unpopular cause. He had the courage to insist that the matter be analyzed and debated long enough so that passions could subside and the Senate could vote with careful consideration having been given to a measure, rather than to vote in an atmosphere of hysteria.

How did it work out?

It worked out that the bill did not pass, and subsequently the Senate passed a more carefully considered measure, which is still controversial, known as the Taft-Hartley law. But while it still is the most unpopular piece of legislation to organized labor that one could name, it was, nevertheless, a much more statesmanlike answer to the problem. The statesmanship of its principal sponsor had much to do with the fact that Senator Taft is remembered as one of the most effective and one of the most fair-minded Members of this body—one of those who provided great leadership in resolving the Nation's problems according to his convictions.

While one might argue and take issue with some provisions of that measure, no one can argue that Senator Taft was not a man of great courage to risk being misunderstood by taking his case to the Senate floor and debating the issue long enough so that the public could be returned to its senses and decline to pass a bad measure which should not become law.

The freedoms and rights of American citizens are not come by lightly. This Nation has made great sacrifices. The blood of its patriots was spilled many times. Its treasure was poured forth and great discipline was imposed upon the people to have the freedoms that exist in this great land of ours. These freedoms came dearly. We have paid too great a price to preserve them, to sacrifice them lightly. Much as the pundits may find cause to disagree, and much as the cynical may desire to sneer, the right of men to stand on this floor, unpopular though their cause may be, and insist on being heard, their right to carry on debate and carry on the fight day after day against overwhelming odds, picking up one convert here and another there, seeking by first one means and then another to get their message across to the people even when an unfriendly press would decline to print a word of their speeches, has, down through the years, played a major part in the freedoms, rights, and privileges that have been preserved to the American people. That should be continued.

No case has been made, nor will a case ever be made that the mere convenience of Senators demands and requires that we should forgo the right of free debate and pass on to the majority the right to shut off any speech with which the majority does not agree, or to a series of speeches with which the majority does not agree, because the majority has made up its mind about the matter and desires to hear no more.

We should tread lightly upon the rights of the minority, Mr. President, and I would pray that this would continue to be the judgment of this body.

Now, Mr. President, one likes to speak of the rights of the majority.

It is well to ask, what majority does one have in mind, Mr. President. Does one have in mind a majority of those on one side of an issue when the subject is first mentioned? Do you have in mind a majority of those who have not heard the debate? Do you have in mind a majority of those who have committed themselves before they ever heard the debate and feel compelled to vote for a measure, even though they are now convinced that they are wrong? Or are we speaking of a numerical majority in this body, although a majority of the people in the country do not agree with them?

Are we speaking of a majority so alined because they wish to support their President even though they have doubts about his wisdom?

Are we speaking of a majority existing for the moment because some are in fear of their personal fate if they do what their conscience tells them is right?

Just what kind of majority are we speaking of, because there are all kinds of majorities.

There is one majority of those who are misinformed.

There is one majority, of another kind, those not informed at all.

There is one majority of those who are half informed. There are other majorities who are for the measure who are fully, thoroughly, and adequately informed but want to hear no more about the matter.

Even more than that, who is to judge whether those people have been fully informed?

These things are relative. The Senate was never intended to be a mere instrument of the majority. It was intended to be a restraint upon the majority. We need have no rules, if all we are trying to do here is to accommodate a majority. A majority needs no rules. Just read Jefferson's Manual, the opening paragraphs set forth that very fact, which is obvious to anyone who has served in the Senate over a period of time.

Rules are made to protect the minority, not the majority. The majority can do whatever it pleases without rules. Rules are made to preserve some rights to the minority. In the Senate, in many instances, the rule of free debate is to preserve for the minority the opportunity to test the conscience, to test the will, to test the determination, and to test the logic of those who find themselves in a majority at the commencement of a debate.

Sometimes that majority can be changed. Oftentimes, it is. Sometimes it cannot be changed. When that majority cannot be changed, then the time comes when those waging the debate have to reach the decision, of whether or not there is anything to be served by debating the matter further. Having asked themselves the question, there will undoubtedly be some who will contend it might be proper to debate awhile longer, but when the minority has been persuaded and it cannot prevail, it is only on rare occasions that the minority decides the issues at stake are so great that they must persevere awhile longer and still seek to prevent the majority, which exists at that moment, from working its will.

It takes courage to make that decision, Mr. President. When the press is in support of the majority, as is usually the case, it takes more than courage, it takes the hide of a rhinoceros to take the criticism which is hurled at those who speak on behalf of what appears to be a lost cause, or an unpopular cause, which as often as not is done without the overwhelming support of the press, television, and the other news media.

To what extent would their right to speak be respected? There is this much to be said for it. As often as not, history has judged them right. Many times, men of that kind have been judged as the great men of their time.

Look at the men whose pictures appear in the Senate reception room. They were judged by a very able panel of Senators that was headed by the then Senator John Kennedy and others. They were selected as the five great Senators of all times.

We see among them the picture of old Bob LaFollette, Sr. They called him old Fighting Bob. What a man. He was a man who was not afraid to be in the minority. He was not afraid to defend his convictions with his fists, if need be. He was a man who would stand up against Satan and all his demons or God and all his angels if he thought it was right and necessary.

He was a man accustomed to being in the minority, and a man who had a deep and great conviction that the little man of this country should be treated rightly and fairly.

What fantastic and great speeches he made in this Senate. Where are those who opposed that man? Where are their pictures? Are they alongside of old Fighting Bob? Not on your tintype, no siree. Those men have long been gone and forgotten. But Fighting Bob is there because he had the courage to stand alone in this body and speak for 18½ solid hours for the rights of the underprivileged.

There is his picture in the Hall of Fame. He was judged by his colleagues as the greatest of them all. Fighting Bob fought for the minority cause. He fought for what was right, bless him. History judged him in that fashion, and it should.

What would Senators do if they wanted to change the rule and deny a man the right to stand and speak for a cause that is unpopular?

What would they do about old Bob LaFollette's picture out in the reception room? Would they like to take his statute in the Hall of Fame and melt it down and use it for currency? What would they do about him? He proved beyond the shadow of a doubt to the average man that he was right, so much so that if he had had television or even radio available to him in those days, he would have been President.

What would they do about old Fighting Bob? Lesser men would change the rules so that a Bob LaFollette of today would be required to take his seat and shut up while the majority voted its will.

History might note that the man was right, but it would not note that he stood here and fought as long as his constitution would hold him erect to insist that Senators were making a mistake in passing laws that had no business being on the statute books.

He was not only fighting for what he thought was right, but was also inspiring other men at other times to do the same.

Mr. President, I recall as a boy that I sat in the Senate family gallery and heard my father speak all night long. That was before they air conditioned the Senate Chamber. That was a hot July night. The Supreme Court of the United States had declared the National Recovery Act, the old NRA, unconstitutional.

The people of this Nation were disgusted with the NRA. They were sick of the Blue Eagle. They wanted to hear no more about a code proclaiming how businessmen were supposed to conduct themselves. They were disgusted. The NRA was a failure. The people wanted to be done with it.

The then President of the United States was still a very popular President, the late Franklin Roosevelt. He was determined to save some part of a very bad piece of legislation. He sent down a so-called streamlined NRA.

I recall that my father, the then Senator from Louisiana, stood on the floor at the very desk on which I am leaning at this moment and held the floor for about 15½ hours continuously to explain to the Senate of the United States that that measure should be junked and thrown out and forgotten about.

That was the minority position. That man was supported by only two or three Senators, but he was speaking for what the majority of the people in this country believed. He was speaking for a popular cause and over a period of time the President of the United States, the great Franklin Delano Roosevelt, saw fit to modify his policies, not toward a reactionary proposition that was going to try to bring recovery to this country by repealing the antitrust laws, making money hard to get, crucifying the veterans by repealing what little veterans' benefits they had, and instituting further economies and putting people out of work. He was moving in the other direction, toward social security, unemployment insurance, public welfare, agricultural assistance, and those measures for which the so-called New Deal is now famous.

I recall at that particular time many people said that it was the speeches made by that man on the floor of the Senate and across the land which had a great deal to do with the decision of President Roosevelt to change his direction.

Former President Lyndon Johnson, during a speech in New Orleans, said that when he was a boy keeping a door in the House of Representatives, he would make it a point to come and hear those speeches of my father's because they carried a message to him and were meaningful to the people of Texas and the people of Louisiana and, indeed, to anyone who heard them.

Those rights of a Senator to stand here and attempt to persuade the majority long after the majority is tired of hearing the speeches have been used for the good of this country by statesmen down through the years.

They should not be denied by usurpation. If one wishes to modify or to change them, he ought to do it in the manner provided under the rules. He ought to do it legally. He ought to do it in an orderly fashion. He ought to do it after proper consideration, and he should not do it by usurpation. He should not do it by going along with a popular misconception.

He ought to first seek to understand why we have free debate, free speech, why we permit people to say things with which we do not agree. He ought to understand why we let them say them at all.

He ought to apprise himself of what it has meant to freedom and to the crucial decisions that have been made in this Republic.

If that is done, Mr. President, I do not think we would see one trying to destroy the rights of free debate in this body by suggesting an irregular procedure as has been, is being, and will be attempted here in this body. Oh, no, Mr. President, there is no need, no requirement, nor even a justification of the procedure that some would propose to shut off debate and deny the right of Senators to speak on behalf of their amendments, deny adequate time to consider the various proposals, deny the mature consideration that goes with it by any of the able Senators versed in the subject studying the proposition and studying the various suggestions and incorporating the best and rejecting the worst of those proposals.

There is no justification for denying those procedures. The change is urged by those who contend that the end justifies the means; those who urge that free debate must be dispensed with or seriously curtailed. The justification offered is that the Senate could take a longer recess, that the Senate could adjourn for a longer period of time, that Senators need not be bothered being called while on vacation to be asked how they would vote on this matter or that matter. It is put forth as a matter of convenience to Senators. They do not care to be bothered for a moment discussing something with which they disagree. That is the only justification that can be offered today for a completely irregular procedure.

Mr. President, I would hope that the Senate has not reached the point where Senators are unwilling to give a year's work for a year's pay. If need be I would like to see us conclude our work in 6 or 7 months, but I would rather take a year to conclude our work than to see free debate dispensed with in this body because free debate might be the instrument which would some day preserve this Nation. Indeed, I am sure it will be.

The line between freedom and tyranny is so narrow that not too many mistakes must be made to lose the freedom of a nation. As greatly as freedom is threatened today both from within and without, as seriously as it has been threatened in the past, and will be facing in the future, it could be that only one mistake would cost this Nation this freedom. Then, why should we dispense with the right of one to do what is expected of him in this body? Why should we deny a Senator the right to speak for as long as he thinks necessary to explain his point of view, while reserving to the majority, if they can muster a two-thirds vote, the right to make him stop talking. There is not any one man who can delay the Senate indefinitely. One man can delay the Senate for only a matter of days, no matter how deeply he feels about a subject, for it takes other Senators working with him, who share his views that the fate of the Republic is involved. Without that, no one can wage a successful filibuster, and even if he were to do so, that does not prove that at a subsequent date a measure will become law if it is a good measure, and if it is not a good measure it should never become law.

So what harm occurs that affects the national interest by Senators delaying for a year or perhaps 2 years the enactment of a measure which they, in good conscience, believe to be something that could destroy the future of the Republic. I know of nothing of that sort, and until an emergency of that sort has been demonstrated, I would urge that the Senate should not rush to make that mistake.

I say that we have no emergencies that would justify dispensing with orderly procedures in this body. The nearest thing we have to such a requirement would be the effort of those who want to pass a constitutional amendment, although they cannot persuade their own supporters to vote to shut off debate. Those who have the power to shut off debate, if they wish to assert it, do not think the situation has developed to the point that they would be justified in asserting that power, and so because they will not assert their rights, some of their numbers think the rules should be changed and insist on closing off debate.

There are given picayunish reasons, reasons of expediency, reasons of misunderstanding, and reasons of convenience. They would dispense with and dispose of the most indispensable element of free government, free speech, orderly procedure, and due consideration. The Senate should not make that mistake.

If we are to legislate a change of the rules to in any way modify rule XXII, it should be through orderly procedures. It should be in such a fashion that consideration would be given to every suggestion of every Senator: the suggestion of a 60-percent rule instead of a 67-percent rule, the suggestion of a modified way of applying rule XXII so that a Senator could yield some part of his time that he did not need to a Senator who desperately required that time to explain his amendment or debate in opposition to the amendment of another Senator; and the suggestion we should have the time to thoroughly analyze the workings of a rule under one set of circumstances where perhaps a two-thirds vote would be required, but a different ratio would be required under a different set of circumstances. All of these things are matters that should be thoroughly considered. In the absence of consideration of that sort, this rule change should be referred to committee.

Mr. President, we have not found that debate under the rules as they exist in this body has kept the Senate from passing bills. Down through the years we have found that the Senate passes about as many bills, and in most instances more bills than the House of Representatives. The Senate might be required to stay in session longer but Senators need not needlessly concern themselves with the fact that the Senate might stay in session long hours. Senators are not required to be in the Chamber at all times when the Senate is in session. Only those who are speaking need be here plus the presiding officer and someone to represent the minority. Other Senators can read the Senator's speech in the RECORD the following day if they are disposed to do so. If they do not agree with a Senator or if they do not wish to read his remarks, they are not even required to do that.

But the right of those who wish to be heard to explain their position, to seek to convert others to it, is an essential element of legislation and without that essential part of the exercise of this legislative function this body might well fail to serve its purpose in the longer period.

For those reasons I would suggest that this matter should be referred to the Committee on Rules and Administration; or, if the Senate is not satisfied with that, refer the matter to a special committee organized for the purpose of considering it, and that it should be reported to the Senate along with whatever changes that committee would recommend. Then, and then only should we proceed to consider the modifications that would be necessary.

It would be my hope that when the recommendations were reported, they would include more rule changes than we see here. I would hope that some of those I have suggested would be a part of the rule changes. But very definitely would I hope that when the committee had reported and the Senate had acted, it would have preserved the one thing that distinguishes the Senate from any other legislative body on this earth, to my knowledge, and that is the freedom that has existed in this body since its inception—that those who find themselves in the minority should be able to stand here and discuss their opposition to a measure long enough to make the majority take pause; long enough to have some chance to convey their meaning and their thoughts to the people of this country who should be concerned about it; long enough to make those who have closed minds on the subject at least consider for a moment the arguments of the others; long enough perhaps to change the minds of some who have unwisely committed themselves to a bad proposition; long enough to seek to persuade them that they should obtain release from an unwise commitment; long enough to prevail if the national interest requires it.

That has always been a function of the Senate. May it ever be so.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SENATE'S RESPONSIBILITY: FULL AND FREE DEBATE

Mr. JORDAN of North Carolina. Mr. President, over the years the Senate has given much study to Senate rule XXII as a procedure for limiting debate. As chairman of the Committee on Rules and Administration, I have paid particular attention to the historical background of the provision, and to the changes that have been effected in it over the years. The question of the present rule XXII has been a recurring issue before the Senate since 1917. While numerous hearings have been held, perhaps the most extensive study was carried out in 1957 by a special subcommittee of the Rules Committee, producing a transcript of more than 350 pages. Other reports have been produced since then.

The history of attempts to limit debate prior to 1917 should also be of importance to us.

The first Senate in 1789 adopted 19 rules, of which seven relate to debate and colloquy. These are as follows:

> 2. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any printed paper while the Journals or public papers are reading, or when any Member is speaking in any debate.

If we were to enforce that rule now, Mr. President, the procedures of the Senate would have to be changed very drastically, would they not?

> 3. Every Member, when he speaks, shall address the Chair, standing in his place, and when he has finished shall sit down.

These are rules adopted in 1789. They sound a little bit strange to us today, but nevertheless they were adopted by the Senate at that time.

> 4. No Member shall speak more than twice in any one debate on the same day, without leave of the Senate.
>
> 6. No motion shall be debated until the same shall be seconded.
>
> 8. When a question is before the Senate, no motion shall be received unless for an amendment, for the previous question, or for postponing the main question, or to commit, or to adjourn.
>
> 9. The previous question being moved and seconded, the question from the Chair shall be: "Shall the main question be now put?" And if the nays prevail, the main question shall not then be put.
>
> 11. When the yeas and nays shall be called for by one-fifth of the Members present, each Member called upon shall, unless for special reasons he be excused by the Senate, declare, openly and without debate, his assent or dissent to the question.

Of those seven rules, only one, No. 9, concerning the previous question, could possibly have related to limiting debate. And the use of that rule bears some scrutiny, in that numerous authorities have concluded that its use was to postpone or avoid a decision and not to limit debate on an issue. Our late loved President pro tempore, Richard B. Russell, in July of 1962 called to the attention of the Senate a dissertation on the so-called previous question rule as employed by the Senate in its early days. The writer was Dr. Joseph Cooper, a professor of political science in the department of government at Harvard. Dr. Cooper concluded, after tracing the history of this rule in great detail:

> The fact that a previous question mechanism existed and was used in the early Senate furnishes no precedent for the imposition of majority cloture in the Senate today . . . the previous question was not understood functionally as a cloture mechanism . . . it was not in practice used as a cloture mechanism. Indeed, it is even improbable that the Senate could have used the previous question for cloture, given the obstacles which existed and the lack of any evidence to show that these obstacles could in fact be overcome.

At any rate, the argument is moot since the rule was abandoned altogether when the Senate rules were modified in 1806. The rule had been used only three times in the 17 years from 1789 to 1806.

With the single exception of prohibiting debate on an amendment at the third reading of a bill, a rule adopted in 1807, there was no further limitation on debate in the Senate until 1846, when the unanimous-consent agreement was used to fix a date for a vote on the Oregon bill. It is still in use today, of course.

However, there were several attempts in the interim. In July of 1841 Henry Clay brought out a measure to limit debate, but this was abandoned due to considerable opposition.

Again in July of 1850, just a little more than 9 years after Clay attempted to persuade the Senate to adopt a measure to limit debate, Senator Douglas tried the same move. His resolution was debated and laid on the table after considerable opposition was encountered.

Numerous other proposals to limit debate were introduced between 1850 and the Civil War. None were adopted until January of 1862, when, in the course of the war, the Senate determined to limit debate on subjects related thereto.

Mr. President, rather than recount here the development of attempts to limit debate in the Senate between 1862 and the present, I encourage my colleagues to read that history as prepared in July of 1970 by the Legislative Reference Service, now the Congressional Research Service, in the booklet "Limitation of Debate in the Congress of the United States." I commend it to my colleagues attention. I do not believe a perceptive and objective review of that history will reveal that the mood of the Senate over any sustained period of time has ever been in the direction of limiting debate unless substantially more than a simple majority of Members present so desired.

Cloture as we know it today, of course, was adopted in the Senate in 1917. After continuing careful study over several years, I have concluded that the purposes of that provision are at the very core of the Senate's responsibilities. To continue to weaken the right and responsibility of free and full debate by further watering down rule XXII would, in my judgment, be inappropriate.

It was determined years ago by the Founding Fathers that the several States should be equally represented in the Upper Chamber. Thus, Rhode Island, though small in size and population, shares in the Senate an equal voice with California, now the most populous State in the Union. This arrangement of checks and balances is designed to protect basic rights of the sovereign States. Rule XXII is an important building block in that arrangement. To dilute it further would not only destroy the right and responsibility of full and free debate, it would at the same time weaken the voices of small States.

While majority rule is inherent in our system, we have always felt it important to protect basic minority rights. This is true in the Senate, and that is another reason for rule XXII. As the senior Senator from Georgia has pointed out, it is precisely because we realize that democracy's excesses can be as damaging as those of totalitarianism that we subscribe to a republican form of government.

That government, with its carefully designed system of checks and balances, protects against both extremes. Free debate in the Senate is an implied, if not actual contribution to that design.

If that basic minority right is lost in the Senate through further weakening of rule XXII, then we may find minorities affiliating with a multiplicity of splinter parties. That event, in my judgment, Mr. President, would be of no small detriment to our system.

The facts are that rule XXII works as it stands now. There have been 49 attempts to invoke cloture since 1917, on legislation covering a variety of subjects. In every one of these areas with the exception of two—the reapportion amendment and the right-to-work question—the Senate has in fact passed positive legislation.

While rule XXII may have slowed the legislative process, it has not prevented the enactment of measures which meet the test of full and careful examination. I think the safeguards provided by this rule in its present form have improved legislation subsequently enacted and have prevented passage of hastily drawn and ill-conceived proposals.

Mr. President, I am not among those who believe that history provides the only guide for today's actions and tomorrow's plans. But neither am I among those who think history can be ignored. I do not believe I am so steeped in tradition and in my generation's way of doing things that I am opposed to all change. But neither will I support change for change's sake or because the clamor of the moment calls for it. I do not hold most rules or systems sacred. But I will not abandon a system which has worked and is working for another, the drawbacks of which are far greater.

There is little doubt, Mr. President, that there have been occasions when rule XXII has been misused, just as most of the rights and freedoms guaranteed by our Constitution have been misused on occasion by the few. But the occasions of misuse of rule XXII are few. And who among us would abandon our freedoms? That is why I did not support the D.C.

crime bill—because it contains provisions which, in my judgment, violate basic rights of our citizens.

Free and full debate in the Senate is no less a basic responsibility which we owe the American people. We should not abandon it because some of those who may be in the majority today encourage us to do so.

Like the weather, the majorities are fickle. They change. And rule XXII is a stable and solid protector of the rights of every Senator and every viewpoint.

The same Senate which today is being criticized by some for sluggishness and inaction has been periodically chastised, and by many of the same critics, for rashly passing over important measures without proper debate and consideration.

Moreover, many of my colleagues who today are opposing rule XXII have themselves employed it in behalf of their points of view, and in some instances very recently. I did not hear them clamor for its reform on those occasions. Nor did I criticize them for exercising their rights under rule XXII.

Mr. President, if I am to be criticized, I had rather it be for thinking through a matter carefully and fully than for glossing over and hastily passing unwise and untimely legislation. Rule XXII serves the purpose of protecting that right of full and thorough consideration.

I urge my colleagues not to succumb to the loud and popular call of the moment. Something far more basic than the editorial support of today's press is at stake. If in a hasty and transient moment we give up this basic freedom and responsibility, we may in years to come rue the loss of the rights and freedoms provided all minorities by those very minorities whose courage and wisdom founded this republic at the beginning.

1868—In 1868 a rule was adopted providing that:

> Motions to take up or to proceed to the consideration of any question shall be determined without debate, upon the merits of the question proposed to be considered.

The object of the this rule, according to Senator Edmunds, was to prevent a practice which had grown up in the Senate, "when a question was pending, and a Senator wished to deliver a speech on some other question, to move to postpone the pending order to deliver their speech on the other question." According to Mr. Turnbull the object of the rule was to prevent the consumption of time in debate over business to be taken up. The rule was interpreted as preventing debate on the merits of a question when a proposal to postpone it was made.

1869—A resolution pertaining to the adoption of the "previous question" was introduced in 1869, and three other resolutions limiting debate in some form were introduced in the first half of 1870.

1870—Senate, on appeal, sustained decision of Chair that a Senator may read in debate a paper that is irrelevant to the subject matter under consideration—July 14, 1870.

1870—On December 6, 1870, in the third session of the Forty-first Congress, Senator Anthony, of Rhode Island, introduced the following resolution:

> On Monday next, at one o'clock, the Senate will proceed to the consideration of the Calendar and bills that are not objected to shall be taken up in their order; and each Senator shall be entitled to speak once and for five minutes only, on each question; and this order shall be enforced daily at one o'clock 'till the end of the calendar is reached, unless upon motion, the Senate should at any time otherwise order.

On the following day, December 7, 1870, the resolution was adopted. This so-called Anthony rule for the expedition of business was the most important limitation of debate yet adopted by the Senate. The rule was interpreted as placing no restraints upon the minority, however, inasmuch as a single objection could prevent its application to the subject under consideration. (Now rule VIII, 1.)

1871—On February 22, 1871, another important motion was adopted which had been introduced by Senator Pomeroy and which allowed amendments to appropriation bills to be laid on the table without prejudice to the bill.

1872—Since a precedent established in 1872, the practice has been that a Senator cannot be taken from the floor for irrelevancy in debate.

1872—On April 9, 1872, a resolution was introduced, "that during the remainder of the session it should be in order, in the consideration of appropriation bills, to move to confine debate by any Senator, on the pending motion to five minutes." On April 29, 1872, this resolution was finally adopted, 33 yeas to 13 nays. The necessity for some limitation of debate to expedite action on these annual supply measures caused the adoption of similar resolutions at most of the succeeding sessions of Congress.

1873—In March 1873, Senator Wright submitted a resolution reading in part that debate shall be confined to and be relevant to the subject matter before the Senate—etc., and that the previous question may be demanded by a majority vote or in some modified form. On a vote in the Senate to consider this resolution the nays were 30 and the yeas 25.

1879—Chair counted a quorum to determined whether enough Senators were present to do business.

1880—From 1873 to 1880 nine other resolutions were introduced confining and limiting debate in some form. On February 3, 1880, in the second session of the 46th Congress, the famous Anthony rule which was first adopted on December 7, 1870, was made a standing rule of the Senate as rule VIII. In explaining the rule, Senator Anthony said:

> That rule applies only to the unobjected cases on the Calendar, so as to relieve the Calendar from the unobjected cases. There are a great many bills that no Senator objects to, but they are kept back in their order by disputed cases. If we once relieve the Calendar of unobjected cases, we can go thru with it in order without any limitation of debate. That is the purpose of the proposed rule. It has been applied in several sessions and has been found to work well with the general approbation of the Senate.

1881—On February 16, 1881, a resolution to amend the Anthony rule was introduced. This proposed to require the objection of at least five Senators to pass over a bill on the Calendar. The resolution was objected to as a form of "previous question," and defeated. Senator Edmunds in opposing the resolution said:

> I would rather that not a single bill shall pass between now and the 4th day of March than to introduce into this body (which is the only one where there is free debate and the only one which can under its rules discuss freely measures of importance or otherwise) a provision which does in effect operate to carry a bill either to defeat or success with only a five or fifteen minutes' debate and one or two Senators on a side speaking. I think it is of greater importance to the public interest, in the long run and in the short run, that every bill on your Calendar should fail than that any Senator should be cut off from the right of expressing his opinion and the grounds of it upon every measure that is to be voted upon here * * *.

1881—Senate agreed for remainder of session to limit debate to 15 minutes on a motion to consider a bill or resolution, no Senator to speak more than once or for longer than 5 minutes (February 12, 1881).

1882—On February 27, 1882, the Anthony rule was amended by the Senate, so that if the majority decided to take up a bill on the Calendar after objection was made the ordinary rules of debate without limitation would apply. The Anthony rule could only work when there was no objection whatever to any bill under consideration. When the regular morning hour was not found sufficient for the consideration of all unobjected cases on the Calendar, special times were often set aside for the consideration of the Calendar under the Anthony rule.

1882—On March 15, 1882, a rule was considered whereby "a vote to lay on the table a proposed amendment shall not carry with it the pending measure." In reference to this rule Senator Hoar (Massachusetts, R.), said:

> Under the present rule it is in the power of a single member of the Senate to compel practically the Senate to discuss any question whether it wants to or not and whether it be germane to the pending measure or not * * *. The proposed amendment to the rules simply permits, after the mover of the amendment, who of course has the privilege, in the first place, has made his speech, a majority of the Senate if it sees fit to dissever that amendment from the pending measure and to require it to be brought up separately at some other time or not at all.

This proposed rule is now rule XVII, of the present Standing Rules of the Senate.

1883—On December 10, 1883, Senator Frye, of Maine, Chairman of the Committee on Rules, reported a general revision of the Senate rules. This revision included a provision for the "previous question." Amendments in the Senate struck this provision out.

1884—On January 11, 1884, the present Senate Rules were revised and adopted.

On March 19, 1884, two resolutions introduced by Senator Harris were considered and agreed to by the Senate as follows:

> (1) That the eighth rule of the Senate be amended by adding thereto: All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

> (2) That the tenth rule of the Senate be amended by adding thereto: All motions to change such order or to proceed to the consideration of other business shall be decided without debate.

From this time until 1890 there were 15 different resolutions introduced to amend the Senate rules as to limitations of debate, all of which failed of adoption.

1884—Senate agreed (March 17) to amend rule VII by adding thereto the following words:

> The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

1886—Senate agreed to strike out the words "without debate," from that part of rule XIII which provided that "every motion to reconsider shall be decided by a majority vote." (June 21, 1886).

1890—Hoar, Blair, Edmunds, and Quay submitted various resolutions for limiting debate in various ways (August 1890).

1890—On December 29, 1890, Senator Aldrich introduced a cloture resolution in connection with Lodge's "force bill," which was being filibustered against. The resolution read, in part, as follows:

> When any bill, resolution, or other question shall have been under consideration for a considerable time, it shall be in order for any Senator to demand that debate thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion, except one motion to adjourn, shall be made * * *.

There were five test votes on the cloture proposal which "commanded various majorities, but in the end it could not be carried in the Senate because of a filibuster against it which merged into a filibuster on the 'force bill.'"

1893—Platt, Hoar, Hill, and Gallinger introduced resolutions for cloture by majority action during a filibuster against repeal of the Silver Purchase Law, which evoked extended discussion.

1893—Sherman (Ohio) urged a study of Senate rules with a view to their revision and the careful limitation of debate.

1897—Chair ruled on March 3, 1897, that quorum calls could not be ordered unless business had intervened.

1902—Senate agreed (April 8) to amend rule XIX by inserting at the beginning of clause 2 thereof the following:

> No Senator in debate shall directly or indirectly by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.
>
> No Senator in debate shall refer offensively to any State of the Union.

1908—Three important interpretations of the rules were adopted in the course of the filibuster against the Aldrich-Vreeland currency bill: (1) the Chair might count a quorum, if one were physically present, even on a vote, whether or not Senators answered to their names; (2) mere debate would not be considered business, and therefore more than debate must take place between quorum calls; (3) Senators could by enforcement of the rules be restrained from speaking on the same subject more than twice in the same day.

1911—April 6, 1911, Senator Root, of New York, submitted a resolution requesting the Committee on Rules to suggest an amendment to the Senate Rules whereby the Senate could obtain more effective control over its procedure. No action was taken on the resolution.

1914—Smith (Georgia) proposed a rule of relevancy.

1914—Senate decreed, September 17, that Senators could not yield for any purpose, even for a question, without unanimous consent; but reversed itself on this ruling the next day, September 18.

1915—February 8, 1915, Senator Reed, of Missouri, introduced a resolution to amend rule XXII whereby debate on the Ship Purchase Bill, "S. 6845 shall cease, and the Senate shall proceed to vote thereon." The resolution did not pass in this session.

1916—From December 1915, to September 8, 1916, the first or "long" session of the 64th Congress, there were five resolutions introduced to amend rule XXII. The resolutions acted upon were S. Res. 131 and S. Res. 149. On May 16, 1916, the Committee on Rules reported out favorably S. Res. 195 as a substitute for S. Res. 131 and S. Res. 149, which had been referred to it, and submitted a report (No. 447). The resolution, providing for two-thirds' cloture by those voting, was debated but did not come to a vote.

In the years 1916 and 1920—Democratic national platforms for both years included a statement that—

> We favor such alteration of the rules of procedure of the Senate of the United States as will permit the prompt transaction of the Nation's legislative business.

In 1917—March 4, 1917, President Wilson made a speech in which he referred to the armed ship bill, defeated by filibustering. The President said in part:

> The Senate has no rules by which debate can be limited or brought to an end, no rules by which debating motions of any kind can be prevented. * * * The Senate of the U.S. is the only legislative body in the world which cannot act when its majority is ready for action. * * * The only remedy is that the rules of the Senate shall be altered so that it can act. * * *

In 1917—On March 5, 1917, the Senate was called in extraordinary session by the President because of the failure of the armed ship bill in the 64th Congress.

On March 7, 1917, Senator Walsh of Montana introduced a cloture resolution (S. Res. 5) authorizing a committee to draft a substitute for rule XXII, limiting debate. Senator Martin also introduced a resolution amending rule XXII—similar to Senate Resolution 195, favorably reported by the Committee on Rules in the 64th Congress. The Martin resolution was debated at length and adopted March 8, 1917, 76 yeas, 3 nays. It provided for cloture on a "pending measure" if two-thirds of those present and voting so voted.

In 1918—On May 4, 1918, Senator Underwood introduced a resolution (S. Res. 235) further amending rule XXII, reestablishing the use of the "previous question," and limiting debate during the war period.

On May 31, 1918, the Committee on Rules favorably reported out Senate Resolution 235 with a report (No. 472).

June 3, 1918, the Senate debated the resolution and Senator Borah offered an amendment.

June 11, 1918, the Senate further debated the resolution and a unanimous-consent agreement was reached to vote on the measure.

June 12, 1918, the resolution was further amended, by Senator Cummins.

June 13, 1918, the Senate rejected the resolution, nays, 41; and yeas, 34.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I yield.

Mr. LONG. Might I ask the able chairman of the Senate Committee on Rules and Administration whether there has been a suggestion made that the Rules Committee, for any reason, is not properly qualified to consider a proposed change in the Senate rules?

Mr. JORDAN of North Carolina. No, there has not been.

Mr. LONG. Has the Senator heard in the course of this debate a suggestion that perhaps some other committee than the Committee on Rules and Administration ought to be asked to study the proposed change in the rules and make recommendations on it prior to Senate consideration?

Mr. JORDAN of North Carolina. There has been no question or suggestion made to that effect that I have heard here, and I think I would have heard it, being chairman of the Committee on Rules and Administration, had such a suggestion been made.

Mr. LONG. The reason why I ask the question is that I have the utmost regard for the distinguished Senator from North Carolina, chairman of the Committee on Rules and Administration. I have appeared before his committee with regard to problems that concerned the Finance Committee. He has always been most fair. His committee, so far as I know, has given every consideration to our views. From time to time I have urged the Senator and his committee to consider modifications of the Senate rules and suggestions that the Senator from Louisiana might generate that were designed to facilitate procedures. I have no complaint to make. The committee has not always agreed with me. I do not know of anyone who always agrees with the Senator from Louisiana. I would not consider it a failure of the committee to consider what I had to offer. I have had an opportunity to offer suggestions or amendments here on the floor.

Has anyone contended that there is any reason why we should bypass the orderedly procedure of calling upon those who are assigned the duty of conducting hearings and considering and making recommendations with regard to changes in our procedures and not perform that duty which the Senate has entrusted to them?

Mr. JORDAN of North Carolina. I am glad the Senator asked that question, because it seems to me that the members of the Committee on Rules and Administration—and, as the Senator knows, there are nine members of the committee, five Democrats and four Republicans, and they are all responsible men, men with much seniority—always are willing to consider any proposals that are referred to it and to hold hearings and to do everything that is necessary to try to arrive at a good answer. I cannot see any good reason in the world why this matter should not be referred to the Committee on Rules and Administration and let it hold hearings. As the Senator well knows, when we hold hearings, any responsible witness is permitted to attend, both pro and con. After all the evidence has been taken, the committee tries to arrive at the right answer.

Mr. LONG. Mr. President, if the Senator will yield further, I notice that in addition to the distinguished chairman of the committee there are on that committee the Honorable Howard Cannon, of Nevada; Claiborne Pell, of Rhode Island; Robert Byrd, of West Virgina as well as James B. Allen, of Alabama. I digress to say that Senator Byrd of West Virginia has indicated that he has an open mind on the matter of the change of the rules, rule XXII in particular; that he would like to see something worked out that could meet with the approval of the Senate. Then there are on the committee Senators Winston Prouty, John Sherman Cooper, Hugh Scott, Robert Griffin. There are only two Senators on that committee, the distinguished chairman, the Senator from North Carolina (Mr. Jordan), and the junior member, the Senator from Alabama (Mr. Allen), who are guilty, if that be a sin, of representing States of the Deep South. There are nine other members who hail from other parts of the country and perhaps could be expected to take a more liberal view with regard to modifications of rule XXII.

Does the Senator have any procedure on the Committee on Rules and Administration whereby he would or could deny these other Senators the right to report a proposed change of the rule if they thought it was desirable?

Mr. JORDAN of North Carolina. I would not have any right. But even if I did, I certainly would not resort to that at all, because I try very hard to respect the wishes of a majority of our committee.

The Senator read out the composition of the committee, I remind him that Senator Scott, for example, is the minority leader of the Senate, with many years of seniority. Senator Griffin is the whip on the Republican side. He is from Michigan, and one certainly could not say he has a great love for anything below the Mason and Dixon line. He does not have anything against them, I am sure of that, but he would not be biased in their favor.

Senator Curtis, who just left the Chamber, the ranking minority member of the committee, is a Senator of great seniority. He has been a most valuable member for years, and is always willing to take up anything which might be referred to the committee which would be for the good of the Senate, regardless of what it is.

Senator Cook of Kentucky is a very able Senator. One just cannot imagine that caliber of people being unwilling to take up and consider any matter, rule XXII or anything else that was referred to them.

Mr. LONG. I am constrained to note that on that small committee of nine members, of the three elected by our conference, representing the whole leadership position, we have one from the Democratic side, and there are two, both the leader and the whip, from the Republican side.

It seems to me that if the leadership from the two sides of the aisle think that the proposed change in rule XXII should be acted upon, we have all the representation that any partisan leadership on either side could add to provide leadership, suggestions, and inspiration to get on with the business and seek to bring about a proposed change of the rules in an orderly fashion. There are fair-minded men on that committee who could be expected to move the proposal ahead. Can the Senator explain to me what reason, if any, there is for those who would seek to bypass the Rules Committee to try to bring about that result?

Mr. JORDAN of North Carolina. I am glad the Senator has asked that question, because, as he well knows, every time we have gone into a new Congress, we start off by bypassing the Rules Committee, and it is sought to change the rules of the Senate without going through the Rules Committee or anything else. What Senators are virtually saying is that we do not have any rules, we had just as well start off with no rules at all, which, of course, I cannot agree to.

Mr. LONG. If the Senator will be so kind as to yield further, I ask the Senator if it is not true that we have changed the rules a number of times. We changed the rules when I first came here, in 1949, to say that cloture could be applied to anything. When I first came here we could not apply cloture to a procedural motion; only to a motion itself, once it had been before the Senate. So, even with a two-thirds vote, you could not shut off debate. But we changed that so that with a two-thirds motion you could shut off debate on anything.

Then we made it even easier to shut off debate by saying there need not be a constitutional majority of two-thirds of the Members of the Senate, but only two-thirds of those present and voting.

Then we passed the Pastore rule, to say that debate had to be germane to the issue for a certain number of hours after the measure was laid before the Senate, so as to assure that during the time when there was the fullest attendance of Senators discussing the issue, Senators would be held strictly to the measure they were discussing.

Those changes of the rules were made through the orderly procedure prescribed by the rules. The matter was studied in the committee. I am proud to say that I was once on the Senator's committee, and I found great satisfaction in serving there. I regret that I had to move off that committee to serve on a different legislative committee. But it was a matter of great satisfaction to me that I had a chance to serve this body on the Rules Committee, and I was proud of the Senators with whom I served there—some of the ablest Members of this body.

The rules were amended again and again, under the leadership of the Senator from North Carolina.

That procedure, the orderly procedure, the right procedure, the proper procedure, has been successful on three occasions with regard to changing the rules of debate in the Senate. This business of trying to start out by contending that we have no rules, and that you cannot trust the committees, and all that, what success have they had with that sort of outrage? They have never succeeded with anything of the sort. All they have done is waste a lot of time.

Talking about wasting time, it is this thing of trying to take away the rights of others, to run roughshod over someone else, to give someone the bum's rush, or engage in legislative lynching—that is where they have had their big flop; they have not achieved anything.

Can the Senator tell me what they have achieved by saying that the committees cannot be trusted, or the procedures cannot be trusted. Must we do violence to that, and change the ordinary procedures which custom and fairness would dictate? Where have they got with all that mischief?

Mr. JORDAN of North Carolina. I cannot see that they have succeeded in anything whatsoever, because, as the Senator has pointed out, these three changes have been made in orderly fashion. As to the Pastore germaneness amendment, there has never been any question in the mind of any fairminded Senator but that we ought to stick to the subject matter of debate. As far as I know, we have, and if Senators do not, the Chair can call them down and they must get down to the subject, and debate the bill that is before the Senate at the time.

Going back to the composition of the Rules Committee, the Senator will remember, a few years ago, the late Senator Dirksen was a member of that committee, and Senator Hayden was a member of that committee since I have been chairman of it, as was Senator Mansfield.

So we have had, I would say, the ablest of able Senators on that committee, and all of them as fairminded as anyone could be, to take up anything that was legitimate, and give it a fair hearing.

Mr. LONG. Ever since this roughhouse approach was devised—some call it the brainchild of Walter Reuther, to run the Senate the way he ran the United Automobile Workers—that is, the idea of saying that the rules do not mean what they say, has not accomplished anything, it has not changed anything, it has been ignominiously defeated in all cases.

Mr. JORDAN of North Carolina. I agree with the Senator. I ask the Senator, does he not agree that the very thing we are doing right now is wasting the time of the Senate? The matter should have been referred in an orderly manner to the Committee on Rules and Administration. There it would have been considered and debated, hearings would have been held, and, at the proper time—an early time—those who proposed and opposed it could have been there, and the Senate could have proceeded with its orderly business.

Mr. LONG. I ask the Senator if it is not true that if they had used the procedure prescribed by the rules, the ordinary procedure, we would have had people well qualified by experience and training, and well versed in Senate procedure—there is not a single freshman member on that committee—men aware of what it is all about, in a position to study that proposition and recommend action to the Senate. Instead, we are confronted with this situation that we will be required to stand out here on the Senate floor and try to educate the freshman Members as to what it is all about, and what has gone on in the Senate for the last 100 years.

Mr. JORDAN of North Carolina. Yes. And the Senator will further agree with me, I am sure, that if the Rules Committee should report out a bill, the Senate has still got to act on it, and if they want to defeat it, they can, by a majority vote.

Is that not correct? If, after they hold hearings, they report out a bill to the Senate for action, then the Senate can decide on what they want to do with it.

Mr. LONG. Yes.

Mr. JORDAN of North Carolina. So it cannot be bottled up—well, maybe a few days or something like that, but there has never been any intention, certainly, on my part, or on the part of any member of the Senate Rules Committee, to try to hold up anything.

Mr. LONG. All I wanted to suggest to the Senator, and I would ask if this is not correct, is that those who have pursued orderly procedure by asking the Rules Committee to state their proposal, awaiting a report of the committee and seeking consideration of the measure here in the Senate, or else seeking an amendment to the Reorganization Act and voting a proposal to the Senate floor after proper consideration, have been eminently successful. We have passed reorganization bills. We have offered any Senator a chance to offer an amendment. I have offered mine. I cannot recall that I had much success, but I had the privilege of offering them; and some of them, I am happy to say, have been considerably successful. I think I was one of the principal sponsors of the proposal that a committee ought to be able to meet while the Senate is in session, without requiring unanimous consent, that it should not be a debatable motion. That is now in the Senate procedures.

So, is it not correct that those of us who have followed orderly procedure have been very successful about modifying and changing Senate procedures and rules, while those who have engaged in roughhouse tactics have been ignominiously defeated repeatedly, as they should have been?

Mr. JORDAN of North Carolina. Am I correct in my understanding that the committee studied the reorganization of the Senate several times, not just once? Senator Monroney held hearings on it for weeks. We passed it in the Senate. It failed in the House. In the last session, we passed a reorganization bill which everyone here voted on. We took part of it; part of it we did not take. But there was nothing in the reorganization bill that suggested that rule XXII ought to be done away with and that we ought to adopt new rules at the beginning of a session. Am I correct in that?

Mr. LONG. Mr. President, I ask unanimous consent that I may answer the question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Yes, that is my understanding.

So here we have rules that have been changed repeatedly. I neglected to mention one of the changes of the rules advocated by the former Senator from Pennsylvania, Mr. Clark. He wanted to change the rule that provided that any Senator could put another Senator in his seat if he did not agree with what the Senator was saying and felt that that Senator had referred in a disparaging manner to some other Senator or to a State. That was another rule that was rather controversial—the fact that a Senator could be put in his seat, without having had a right to submit the question for decision of the Senate. That also was involved in rule XXII, as I recall. So that is another change that has occurred, but in an orderly fashion.

I ask the Senator this question: How long is it going to take some of those in this body to discover that they do not get very far with disorder, that the orderly way to go, the proper way, the legal way, the way provided by the rules, is the way to bring about results?

Mr. JORDAN of North Carolina. I thoroughly agree with the Senator that that is the only proper way to do it, and that is the only way to have order and to have a continuing body.

For example, take a big corporation which may merge with another company. They do not change the rules and say, "We are going to adopt new rules. We have been making automobiles, and now we are going to make plows." They continue in an orderly fashion; and if the rules need to be changed, the board of directors changes them when they need to be changed. But they do not throw everything out the window on the opening day.

Mr. LONG. I thank the distinguished Senator.

I can see no reason why we must be confronted with this sort of legislative bum's rush every time a new Congress meets. If there is anything new to suggest that we should engage in that kind of activity, I am not aware of it, and I am pleased to note that the able and distinguished chairman of the Rules Committee sees no reason for it, either.

Mr. JORDAN of North Carolina. I see no reason for it. I want the Senator and all other Members of the Senate to feel free at any time to submit anything they wish to refer to the committee, and I assure them that they will receive fair and prompt hearings.

Mr. LONG. In support of what the Senator has said, the Senator has never denied me an opportunity to submit suggestions. Although I cannot report 100 percent success, I can report that the committee has not denied consideration to any suggestion I have made, and I do not know of any Senator who can make the statement that he has sought to have his proposals considered by the committee, which is so ably chaired by the Senator from North Carolina, without that committee according him the consideration that his proposal deserved.

Mr. JORDAN of North Carolina. I appreciate the confidence that the Senator has expressed in the Rules Committee. I hope to retain that confidence among all the Members of the Senate, and I think we do.

Mr. President, I yield the floor.

NOTICE OF HEARING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to submit, on behalf of the Senator from Mississippi (Mr. EASTLAND), a notice of a public hearing that has been scheduled by the Judiciary Committee for Tuesday, February 9, at 10:30 a.m., in room 2228, on the following nomination:

Robert V. Denney, of Nebraska, to be U.S. district judge, district of Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSIGNMENT OF SENATOR GAMBRELL TO THE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES AND THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD of West Virginia. Mr. President, I send to the desk a resolution and ask that it be stated.

The PRESIDING OFFICER (Mr. BELLMON). The resolution will be stated.

The legislative clerk read as follows:

Resolved, That Mr. Gambrell of Georgia be, and he is hereby, assigned to service on the Committee on Aeronautical and Space Sciences and the Committee on Banking, Housing and Urban Affairs, to fill vacancies on those committees.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that rule XIV be waived and that the Senate proceed to the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 39) was considered and agreed to.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the able Senator from Wisconsin (Mr. PROXMIRE), for which an order has already been granted, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, and that the period for the transaction of routine morning business not exceed 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, under the orders previously entered, the program for tomorrow is as follows:

The Senate will soon recess until 11:15 a.m. tomorrow.

Upon the approval of the Journal, if there is no objection, and laying before the Senate of the pending business and following the recognition of the majority leader and the minority leader, under the order entered on January 29, the able Senator from Wisconsin (Mr. PROXMIRE) will be recognized for not to exceed 45 minutes, for the purpose of making a statement and conducting a colloquy.

Following the statement by Mr. PROXMIRE, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, and the period will be limited to not to exceed 45 minutes.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—it is my understanding that Senator PROXMIRE intends to engage in a colloquy with other Senators. Is that correct?

Mr. BYRD of West Virginia. That is correct.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

RECESS TO 11:15 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11:15 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock p.m.) the Senate recessed until tomorrow, Wednesday, February 3, 1971, at 11:15 a.m.

NOMINATIONS

Executive nominations received by the Senate February 2 (legislative day of January 26), 1971:

UPPER GREAT LAKES REGIONAL COMMISSION

Thomas F. Schweigert, of Michigan, to be Federal Cochairman of the Upper Great Lakes Regional Commission, vice Alfred E. France, resigned.

DEPARTMENT OF JUSTICE

John K. Grisso, of South Carolina, to be U.S. attorney for the District of South Carolina for the term of 4 years vice Joseph O. Rogers, Jr., resigning.

HOUSE OF REPRESENTATIVES—*Tuesday, February 2, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let the peace of God rule in your hearts.—Colossians 3: 15.

God of the morning and the evening, make us conscious of Thy presence as we live through the hours of this day. Strengthened with might by Thy spirit in the inner man may we be sustained by "a faith that shines more brightly and clear, when tempests rage without: That when in danger knows no fear, in darkness feels no doubt."

Into Thy keeping we commit ourselves, our loved ones, and our country, praying that through these troubled times we may live courageously and confidently, always working for the day when peace will come, justice will be done, and men will learn to live together freely and faithfully.

"God of justice, save the people
  From the clash of race and creed,
From the strife of class and faction:
  Make our Nation free indeed.
Keep her faith in simple manhood
  Strong as when her life began,
Till it find its full fruition
  In the brotherhood of man."

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries.

RESIGNATION FROM A COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

FEBRUARY 2, 1971.

Hon. CARL ALBERT,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: I herewith submit my resignation from the Committee on Ways and Means.

Sincerely yours,

HALE BOGGS.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

INCREASE IN SOCIAL SECURITY

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, today, in glaring disregard of the administration's own commitment to an expansionary policy, it is shocking to learn that the administration is recommending a paltry 6-percent increase in social security benefits retroactive to January 1, 1971. The proposal would limit the retirement income test to $2,000 and would limit the increase in minimum benefits to the 6-percent across-the-board increase.

The administration contends that the cost of living has increased only 5.5 percent since the last benefit increase took effect. The Government's estimate of the cost-of-living increase in 1970 is almost 100 percent out of line for the elderly poor. The Consumer Price Index is calculated on the living expenses of a young family unit of four in good health. In the case of social security beneficiaries who live in family units of one or two in poor health, the cost of housing, health services, drugs, food, and transportation have risen over 15 percent in the last year. On the basis of these real increases in living costs, a 6-percent increase in social security benefits is unrealistic and a cruel blow to the elderly.

APOLLO 14 DOING WELL

(Mr. MILLER of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I am very glad to be able to inform the House that everything is going well with Apollo 14. I had a telephone call from Mr. George Low, Administrator of NASA this morning from Houston, and he tells me that everything is underway, and he is quite satisfied with it.

I know the Members are all glad to hear this.

FASCELL URGES EARLY ACTION ON SOCIAL SECURITY INCREASE

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, there are today more than 26 million Americans awaiting action by the Congress on social security legislation. The dramatic increase in the cost of living has exceeded their ability to make ends meet, and they are once again caught in the lair of fixed income at a time of rapidly inflating prices.

There can be no piece of legislation for this 92d Congress more important than the early passage of a social security bill with a substantial increase in benefits retroactive to January 1 of this year.

Combating inflation and stabilizing the

economy are the important long-range objectives of our legislative activity, but we must act to protect the citizens who depend on the Congress to keep their income realistically in line with the cost of living.

I know we did our best to provide this relief in the last session. It was unfortunate that the social security bill became enmeshed in the legislative logjam at the end of the 91st Congress.

But that should give us more reason to proceed expeditiously with the consideration of a social security bill in the early days of this session. Every day we delay, the inflated cost of living takes our senior citizens farther away from the security for which they worked all their lives and which their Government promised them.

We can close that gap by quick action on this legislation.

"SPECTRUM" OFFERS EFFECTIVE DRUG REHABILITATION

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. FASCELL. Mr. Speaker, I want to call the attention of our colleagues to a drug rehabilitation program operating successfully in south Florida. In this era of drug abuse and misinformation, the evidence of a sensible, working rehabilitative attack on addiction is refreshing and offers hope for the future.

The name of the program is Spectrum, an accredited agency of the National Institute of Mental Health operating under the Narcotic Addict Rehabilitation Act of 1966. It is recognized and approved by both the office of the Surgeon General and the State of Florida for the treatment of selected drug addicts.

South Florida, like so many areas across the United States, has experienced a serious drug problem in recent years. Dade County alone has had a 297-percent increase in death by overdose of narcotics in the last 2½ years. About half of the victims were between the ages of 15 and 24.

The Spectrum program offers what its name implies: a comprehensive range of services geared to the needs of the individual and based on the philosophy that the drug addict's main problem lies in the conditions which led him to drug dependency.

While it is an open-ended concept and constantly in search of new approaches in therapy, Spectrum offers three basic programs:

First, under the Narcotic Addict Rehabilitation Act of 1966, Spectrum operates as an official agency of the Department of Health, Education and Welfare. As such, it offers addicts services for commitment, hospitalization, detoxification, psychiatric therapy, counseling, and support.

Second, for those who cannot enter in-resident treatment, for whatever reasons, Spectrum offers counseling, employment assistance, and referral to other local agencies involved in helping the addict maintain a drug-free existence.

Finally, there are three Spectrum houses operating in Dade and Broward Counties, offering around-the-clock involvement and care for addicted persons. These highly supervised therapeutic communities are staffed by rehabilitated ex-addicts. The emphasis here is on group therapy, motivation building, reorientation, and then community reentry with gainful employment.

This process is long, difficult, and expensive. But when the product is a healthy and whole human being salvaged from an addict's shell, the investment is certainly worth the cost.

Mr. Speaker, I am proud of this Christian Community Service Agency in my district. I believe it represents a model for similar programs across our Nation, and I commend the example of Spectrum to all those interested in effective alternatives to the massive drug problem confronting us today. Surely every one of us is a member of that interest group.

BILL TO PRESERVE THE ATLANTIC SALMON OF NORTH AMERICAN ORIGIN

(Mr. PELLY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PELLY. Mr. Speaker, today I am introducing legislation to preserve Atlantic salmon of North American origin. I am proud to announce that 36 of my colleagues have joined me today in cosponsoring this bill, and that they share my concern for the problem America faces in conserving this species of fish.

Mr. Speaker, there seems to be no means other than voluntary agreement to compel one nation to protect fish that originate in the waters of another nation. The case of Atlantic salmon is an example.

Danish fishing interests have discovered that Atlantic salmon congregate off Greenland and as a result of their taking large stocks of these American fish, our Atlantic streams are suffering from diminished supply.

This bill is an effort to encourage Denmark and other nations to protect Atlantic salmon of North American origin either on the high seas or in their own coastal fishing zones. It provides for the Secretary of Commerce to notify the Secretary of the Treasury where our American stocks of fish are endangered by overfishing by foreign fishermen, whereupon the Secretary of the Treasury would ban fish products of such nation from being imported into the United States.

This obviously is a harsh measure, but whenever any such nation finds its exports to the United States threatened they can negotiate a conservation treaty which is in their own interest, and likewise in the interest of the United States.

Mr. Speaker, it is encouraging to have this wide support of my colleagues for this bill, and I am assured by my committee chairman, Mr. DINGELL, of Michigan, we can receive early hearings in this matter which is of great concern to both commercial and sports fishermen of America.

A list of cosponsors follows:

LIST OF COSPONSORS

Hon. Hastings Keith of Massachusetts.
Hon. Silvio O. Conte of Massachusetts.
Hon. Wendell Wyatt of Oregon.
Hon. George A. Goodling of Pennsylvania.
Hon. Paul N. McCloskey, Jr., of California.
Hon. Don H. Clausen of California.
Hon. Chalmers P. Wylie of Ohio.
Hon. William D. Hathaway of Maine.
Hon. William L. Scott of Virginia.
Hon. Charles W. Sandman, Jr., of New Jersey.
Hon. Carleton J. King of New York.
Hon. John H. Dent of Pennsylvania.
Hon. Paul G. Rogers of Florida.
Hon. Otis G. Pike of New York.
Hon. Alexander Pirnie of New York.
Hon. Burt L. Talcott of California.
Hon. Harold T. Johnson of California.
Hon. Alton Lennon of North Carolina.
Hon. Craig Hosmer of California.
Hon. Ben B. Blackburn of Georgia.
Hon. Robert H. Steele of Connecticut.
Hon. R. Lawrence Coughlin of Pennsylvania.
Hon. Frank Horton of New York.
Hon. Frank M. Clark of Pennsylvania.
Hon. Floyd V. Hicks of Washington.
Hon. Fletcher Thompson of Georgia.
Hon. Seymour Halpern of New York.
Hon. Lawrence G. Williams of Pennsylvania.
Hon. Thomas M. Rees of California.
Hon. Norman F. Lent of New York.
Hon. Lawrence J. Hogan of Maryland.
Hon. George P. Miller of California.
Hon. James A. Burke of Massachusetts.
Hon. Louise Day Hicks of Massachusetts.
Hon. Mario Biaggi of New York.
Hon. Lloyd Meeds of Washington.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. Charles Willson Peale embodied the spirit of American individualism. He was a universal man of the 18th century and his genius ran from a painter of George Washington, to a silversmith, inventor, sculptor, mechanic, millwright, soldier, and founder of America's first public art gallery and first museum of natural history. He embodied the vigor and boundless energy of a young America.

EIGHT MONTHS WITHOUT AN LEAA ADMINISTRATOR

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. FASCELL, Mr. Speaker, on June 1, 1970, the resignation of Mr. Charles Rogovin as Administrator of the Law Enforcement Assistance Administration became effective. At that time, and now, I lament the departure of Mr. Rogovin as head of this most important Federal agency, which, in my opinion, represents the great hope and potentially the most effective weapon in this Nation's war on crime. My disappointment at Mr. Rogovin's resignation was based not only on the loss to the Federal Government of a man of his exceptional talents, but also because as a new agency charged with such an important mission. I felt that LEAA could not afford to be beset by the problems and logjams which in part were the cause of Mr. Rogovin's departure. Fortunately, Mr. Rogovin's has remained in the criminal justice field as president of the Police Foundation in Washington, D.C. and the Congress has responded to the infirmities in LEAA's structure by modifying the "troika" and giving the Administrator "all administrative powers."

Incredibily, however, 8 months have elapsed since Mr. Rogovin's resignation without the appointment of a replacement for the position of Administrator of LEAA. For almost an equal length of time the position of Director of the National Institute of Law Enforcement and Criminal Justice has gone unfilled since the resignation of Mr. Henry Ruth, another highly respected exponent of an enlightened approach to criminal justice problems.

In the interim, among other developments, Congress has increased the authorized funding level of LEAA for fiscal year 1973 to an amount 27 times larger than the budget of LEAA in fiscal year 1969—$1.75 billion in fiscal year 1973 as compared with $63 million in fiscal year 1969—the law enforcement plans of 55 State planning agencies. upon which block grants are made, were received by LEAA; millions of dollars in block, discretionary, and research grants and contracts were issued; and the employment rolls within the leaderless agency continue to grow. What the lack of an Administrator does to the standing and esteem of LEAA in the eyes of the general public and State and local law enforcement agencies cannot be readily calculated.

What is clear, however, is that the continued absence of direction for LEAA can only lead to a further erosion of morale within the agency, a fostering of a poor example to State planning agencies, and a lack of national policy guidelines. This is especially evident in LEAA's audit division where a woefully undermanned staff is attempting to supervise the expenditure of millions of dollars on literally hundreds of projects in every State of the Union.

The Legal and Monetary Affairs Subcommittee of the House Government Operations Committee, in the exercise of its oversight responsibilities, intend to maintain a very close supervision of the operations of LEAA. As chairman of this subcommittee I can state that the staff of LEAA has been extremely cooperative and helpful to the subcommittee in its work. Almost without exception I have found LEAA's personnel to be highly motivated, dedicated, and industrious. But as with any good army they need an able general. The Nation's crime problem demands effective leadership by LEAA. I urge the President to fill the position of Administrator of LEAA at the earliest possible moment.

THANKSGIVING DAY

(Mr. COLLIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLIER. Mr. Speaker, certain days will always remain vivid in the memories of those who lived through them. For years afterward they will be able to recall the details of what transpired on the national scene, along with what happened to them personally on the same day.

Such a day was November 22, 1963, when John F. Kennedy, the President of the United States, was assassinated by a Marxist. How well we all recall the tragedy of that day, as we sat before our television sets and watched the news unfold.

It is an unfortunate coincidence that in 1973, 2 years from now, the anniversary of John F. Kennedy's death will coincide with Thanksgiving, the day on which we express our gratitude to the Almighty for the blessings we have received during the previous year. The law provides that "The fourth Thursday of November in each year after the year 1941 shall be known as Thanksgiving Day."

Mr. Speaker, I have today introduced a bill which, if enacted into law, would provide that "The last Thursday of November in each year after the year 1972 shall be known as Thanksgiving Day." Under the terms of my bill, Thanksgiving Day could never be earlier than November 24, thus avoiding the possibility of a conflict with the anniversary of John F. Kennedy's death.

U.S. CHAMBER OF COMMERCE MARSHALS CITIZEN POWER AGAINST CRIME

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the record of the 91st Congress in the area of criminal justice legislation stands unequaled. The Congress took giant steps toward solution of some of the most complex crime problems facing us today. While there are some unfinished legislative tasks, notably with regard to the Wagering Tax amendments, we can look with pride at the enactments of the previous Congress. Three stand out as milestones:

Organized Crime Control Act of 1970, Public Law 91–452: As the most comprehensive legislative attack ever made on organized crime this act, among its twelve titles, provides sorely needed evidence-gathering tools against organized crime, attacks the growing rate of infiltration of legitimate business by organized crime, and tackles the primary source of revenue of organized crime—illegal gambling.

Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91–513: This act attacks the Nation's drug problem on three basic fronts—enforcement, education, and rehabilitation. It provides promise that the deadly depredation of our human resources by drugs will also be stemmed and reversed.

Omnibus Crime Control Act of 1970, Public Law 91–644: As a series of amendments to the Omnibus Crime Control and Safe Streets Act of 1968 this act sharply increases the funding level of the Law Enforcement Assistance Administration which in turn increases Federal law enforcement assistance to State and local governments. It also focuses attention on the Nation's correctional institutions and places a higher premium on training, education, and research. Specifically, the act places emphasis on training in the organized crime area by authorizing LEAA "to establish and support a training program for prosecuting attorneys from State and local offices engaged in the prosecution of organized crime."

While this legislation improves our chances of reversing the rise in crime and eliminating fear that crime and its consequences bring, ultimate success can only be achieved by an active partnership of Government and the private sector. Indicative of this is the active and effective role which the U.S. Chamber of Commerce played in urging the enactment of the above acts.

In the past few years the national chamber has provided exceedingly effective leadership in galvanizing public support for governmental efforts against crime and educating the public on the manifestations of crime and its causes. Its excellent "Deskbook on Organized Crime," published in 1969, stands as one of the best layman's reference works in that field. On a number of recent occasions the chamber has devoted its radio and television programs to discussion of the citizens' role in the crime fight.

Recently, the national chamber published another reference work on crime, equal in impact and quality to the deskbook. Titled "Marshaling Citizen Power Against Crime," the booklet is an excellent overview of the problems confronting police, the courts, and the corrections system. It should be required reading for all seeking solutions to these problems.

Following are the problem identification checklists regarding those three areas of law enforcement which are contained in the new chamber booklet, "Marshaling Citizen Power Against Crime," by the U.S. Chamber of Commerce:

Problem Identification Checklists

THE POLICE—PROBLEM IDENTIFICATION CHECKLIST

Administration and operation

A. Organization, Management, and Policies

1. Have official policies pertaining to all areas of police responsibility been adopted and documented?

2. Have procedures for implementing police policies been documented and made available to those responsible for carrying them out?

3. Is the job structure of the department differentiated so that there are appropriate entry levels for those with different backgrounds and educational attainment?

4. Are there so many specialties with independent command structures that there is difficulty in bringing the full resources of the department to bear on a problem?

5. Do personnel assume responsibility commensurate with their rank?

6. Is the number of command personnel excessive?

7. Is the span of control too broad?

8. Is authority commensurate with responsibility?

9. Are there too many precincts?

10. When a juvenile is apprehended by an officer, what are the subsequent steps in the process? Detention? Release in care of parents? Arrested? Served with summons? Re-

ferred to juvenile court? Referred to a community agency?

11. Is report preparation by field personnel streamlined? Are records centralized or are they fragmented among the precincts?

12. Is there an organization chart of the department? Does it correspond to the way the department actually operates?

13. Are responsibilities and their assignment clearcut?

14. Would the department benefit from a legal advisor?

15. What is the policy governing use of firearms?

16. What management or administrative skills does the department most need?

17. Is the chief given sufficient decision-making latitude?

B. Coordination and Consolidation of Services and Facilities

1. What pooling or coordination of police resources exists within the region?

2. Could record keeping, recruitment, purchasing, detention facilities, criminal intelligence be consolidated or better coordinated among the departments in the area?

3. Can intercommunity cooperation result in a shared-by-all criminal laboratory, training facility, more efficient communication network?

4. What is the relationship of municipal to county and state police? Are there conflicts, duplications?

5. Is there a regionwide computer-based police information network the department should plug into? Should the department avail itself of the FBI's computerized National Crime Information Center, which supplies information on wanted persons, stolen vehicles, and stolen property?

C. Crime Prevention and Control

1. Is adequate credit given to the crime prevention efforts of patrolmen?

2. Are patrolmen responsible for all aspects of law enforcement—from traffic to vice?

3. Is the number of men assigned to a shift in proportion to the amount of crime and calls for service that can be expected to occur during the shift?

4. Of all reported crimes, how many are cleared by arrests or summons? How can the clearance rate be improved?

5. Are there contingency plans for emergencies, such as riots, natural disasters, etc.?

6. Has the matter of organized crime been investigated in depth?

7. To what extent would faster response time deter crime or increase arrests?

8. How might the department participate in community planning regarding crime prevention measures, security codes, etc.?

D. Corruption

1. Should the department have an internal investigation unit to probe breaches of police integrity and to determine the validity of civilian complaints?

2. Are ethical standards enforced to minimize corruption?

3. Are citizens pressured into purchasing Christmas club or policeman's ball tickets?

4. Do businessmen offer free meals or other goods and services to police in return for relaxed enforcement of certain laws such as double parking?

E. Community Relations

1. In what way does the department believe citizen involvement can be most helpful?

2. Is there a police-community relations program? In addition to a special unit for this purpose, are all personnel aware of their role?

3. Is police-community relations nothing more than superficial public relations?

4. Do segments of the community exhibit animosity toward police?

5. Are the rights of citizens respected before, during, and after arrest?

6. Are certain activities of patrolmen adversely affecting what should be the neutral political image of police?

7. Are juveniles included within the scope of the community-relations program?

8. What is the policy for processing a civilian complaint?

F. Research and Statistics

1. Are sufficient data available to indicate how patrol officers should be distributed according to the actual need for their presence?

2. Are criminal statistics maintained and analyzed?

3. Are all crimes that are reported to police reflected in official statistics?

4. What type of crime is considered most serious in the city?

5. Are statistics available regarding types of offenses, their volume, their place and time of occurrence, the victim and offender (youths, adult, man, woman), the motive?

G. Personnel Utilization and Performance

1. Is civilian manpower used whenever feasible?

2. Are police utilized for trivial duties?

3. Is the force up to authorized strength?

4. How many more men are needed? Why? How would they be used?

5. How many men ride in a patrol car? Are foot patrolmen assigned singly or in pairs to a given beat?

6. Do officers use police cars while off duty?

7. Should foot patrol receive more emphasis, given its community-relations and criminal intelligence advantages over motor patrol?

8. Has the state developed minimum standards for police performance?

9. Do patrol cars operate through the night?

Manpower and management

A. Recruitment

1. Are recruitment standards sufficiently and realistic?

2. Has an effort been made to recruit college graduates? High school graduates? Ghetto dwellers?

3. Can a qualified patrolman or detective from another city be hired by the department?

B. Training

1. Is adequate training given to recruits?

2. Are there periodic sessions of in-service training?

3. Are educational improvement and training given appropriate emphasis by promotion policy?

4. Are there officers specially trained to handle juvenile problems?

C. Salaries and Promotion

1. Are salaries competitive?

2. Are salaries tied to those of other municipal agencies?

Equipment and facilities

A. Equipment

1. Are more patrol cars or scooters required?

2. Is communication equipment badly needed? Other types of equipment?

General

1. What does the department consider as its biggest problem?

2. Is high personnel turnover a problem?

3. Does the department need citizen support for its proposed budget?

4. What court-related problems are faced by police? What corrections problems?

5. What offenses do police officials consider in need of "decriminalization"?

6. What new legislation would assist police?

7. What seems to be the major complaints of patrolmen? Of administrative personnel? Of command officers?

THE COURTS—PROBLEM IDENTIFICATION CHECKLIST

A. Case backlog and delay

1. What is the case backlog in the lower criminal courts? In the felony courts?

2. How long is the delay between arrest and sentencing? Between arrest and trial?

3. How long must police wait in court before testifying?

4. To what extent are continuances granted and for what reasons?

5. Do poor case-scheduling procedures contribute to delay?

6. How closely does the judicial process conform to the model timetable for felony cases developed by the President's Commission?

7. How many alleged offenders are in pretrial detention facilities?

8. On the average, how long are defendants confined while awaiting trial?

9. To what extent are courts dealing with cases that could be better handled outside the criminal justice system?

B. Sentences and dismissal or reduction of charges

1. To what extent are charges dismissed or reduced? Why?

2. What percentage of cases are disposed of through a plea of guilty? How many of those pleas are negotiated?

3. What are the most common sentences for a given offense?

4. To what extent are sentences of imprisonment avoided because of substandard correctional facilities?

5. Are legislature-mandated sentences consistent with one another—are sentences relating to serious crimes less severe than those pertaining to less serious offenses?

6. Are there sentencing disparities among judges?

7. Are judges informed about sentence alternatives? Do they receive presentence reports?

8. Is appropriate use made of probation?

9. What is the relationship between the economic and ethnic status of defendants charged with similar offenses and their sentences?

C. The prosecutor and defense counsel

1. Is the prosecutor's position a full-time job or is he permitted to work on the side?

2. Are salary and other working conditions adequate to attract high caliber individuals to seek the office of prosecutor?

3. Does the prosecutor have enough assistants in relation to the workload?

4. Does the prosecutor attend prosecutor training institutes?

5. How efficient is the system in the provision of legal services to the poor? Is it overlooked, understaffed?

6. To what extent does the local bar discipline unscrupulous counsel?

7. What method is used to provide defense service to the poor—assign counsel, public defender, combination?

8. What is the provision of the defense services—donations, taxes, both? How much does this cost? Are more funds required?

D. Court organization, management and procedures

1. Does the court have a court administrator? To what degree are judges involved in day-to-day administrative matters?

2. Is there a multiplicity of trial courts without coherent and centralized management?

3. Is each judge accountable to someone for his performance and conduct?

4. How could the criminal courts in the state benefit from unification?

5. Is there a justice-of-the-peace system?

6. Is probation administered by the courts, by corrections, or by both?

7. How long are judicial vacations? Are they staggered?

8. How effectively does the court coordinate the appearances of all parties to a case?

9. Has judicial independence been extended to matters of administration, with the result that each judge is his own boss?

10. Are fines collected within reasonable periods?

11. Are calendar calls staggered?

12. Are the most serious cases adjudicated first?

13. Are court procedures about to be computerized without prior analysis of the worth or effectiveness of those procedures?

14. Is there a mechanism assuring equalized caseloads?

15. Are omnibus motions and pretrial discovery part of criminal court procedure?

16. Are the ABA standards relating to criminal appeals and post-convictions remedies being seriously studied by the court?

17. What are the most important management or administrative deficiencies?

18. Is there a plan available for the administration of justice under emergency conditions?

19. To what extent do police and corrections create problems for the court?

20. Are there now enough judges, facilities, and support personnel to handle the current workload *if* management and administrative techniques were upgraded?

E. Personnel selection, utilization, and performance

1. What are the daily hours of judges?

2. How are judges selected for appointment? How is their performance reviewed?

3. Is there a practical procedure by which judges can be removed from the bench?

4. Are judicial vacancies filled quickly?

5. To what extent is the judicial process suffering from failure of personnel on the one hand and from failures of procedure and policy on the other?

6. Are law school students being appropriately utilized?

7. On what basis are applicants selected to fill court vacancies?

8. What are the minimum qualifications for judges and prosecutors?

9. Are there training opportunities for judges and prosecutors—both before and after election or appointment?

10. Do court personnel receive adequate training?

11. What do court personnel consider as their most important problem?

12. In what ways do court personnel feel that citizen involvement can be most beneficial?

F. Facilities and equipment

1. Have court facilities and procedures kept pace with factors affecting the court's workload, such as increased police effectiveness, rising population, new laws, etc.?

2. Are treatment of and facilities for jurors and witnesses adequate?

3. Are court facilities conducive to justice?

4. What can businessmen do to help alleviate the lack of court facilities?

5. What correctional facilities are available to the lower courts? To the felony courts?

6. Are adequate statistics maintained by the court to facilitate problem identification and solution?

G. Juvenile Court

1. Is there a juvenile court system? How well qualified are the judges?

2. Are youths subject to formal juvenile court action for offenses that would not be considered criminal for adults?

3. Are juvenile court judges exclusively or excessively preoccupied with rehabilitation, with too little concern about public protection?

4. Is there adequate due process in the juvenile court?

H. Bail

1. Is bail applied too stringently or extensively?

2. What is the quality of bondsmen?

3. Have alternatives to bail been explored?

4. Is bail really a cloak with which to cover preventive detention instead of dealing with the latter on its merits?

5. To what extent are dangerous offenders released on bail and those charged with lesser offenses detained because they could not raise sufficient money?

6. Are "credit bonds" outlawed?

7. Is the number of bonds that a bondsman is permitted to supply related to the assets backing up the bonds?

8. Do bondsmen pay forfeitures promptly?

CORRECTIONS—PROBLEM IDENTIFICATION CHECKLIST

A. Correctional facilities, their utilization and effectiveness

1. Is there an adequate range of correctional facilities or services to which offenders may be sentenced?

2. Are correctional alternatives studies from a cost/benefit standpoint?

3. How many of those now in maximum security institutions really need that type of confinement?

4. Are statistically valid evaluations made of the effectiveness of various correctional methods, and are the criteria realistic in terms of public expectations?

5. What are the conditions in correctional institutions, particularly in short-term facilities? What about sanitation, the rights of prisoners, overcrowding, appropriate segregation of types of offenders, etc?

6. What correctional options are available for misdemeanants, who represent 96.5 percent of those arraigned for nontraffic offenses? Particularly, are probation services available, and if so, are they sufficient to meet caseload problems and levels?

7. Do correctional facilities and services plan to avail themselves of the accreditation procedure of the American Correctional Association?

8. What is the recidivist rate of those released from each correctional facility in the region? How does each facility define recidivism? Are there built-in "success" factors which compromise the validity of the data?

9. Have referral and commitment practices been thoroughly evaluated to minimize the use of detention and confinement?

10. Do the physical facilities make adequate provision for correctional programs, and if not, are plans under way to modify or replace them?

B. Organization, management, and policies

1. Is the goal of these facilities and services rehabilitation and reintegration as well as public protection?

2. Is the correctional system unreasonably fragmented? Is there a need for better pooling or coordination of services, facilities, and management?

3. Are correctional methods tailored to the offender? If he is without a skill, is he trained until he develops one? If he is undereducated, are educational programs available? If he is an alcoholic or is mentally retarded, are appropriate medical and social services available?

4. What managerial or administrative skills do correctional administrators require the most? Do the correctional administrators really have the capacity for leadership and innovation?

5. Are administrators taking appropriate note of the union movement among correctional employees?

6. Are administrators making provision for the use of female employees, minority group members, ex-offenders and paraprofessionals?

7. Is there statewide coordination of corrections?

8. Are the administrators taking full advantage of the many different Federal funding and technical assistance programs which are now being made available through several Departments of the government?

9. Are the administrators familiar with the contents and recommendations of the many studies and surveys in corrections that have been made in recent years—among others, the President's Commission Report on Law Enforcement and Administration of Justice, the President's policy directive on corrections dated November 13, 1969, the report "A Time To Act" of the Joint Commission on Correctional Manpower and Training, and the 1970 report of the White House Task Force on Prisoner Rehabilitation.

10. Do the administrators have the information resources and systems which enable them to make intelligent decisions and do intelligent planning?

C. Overcrowding and other penal conditions

1. To what extent is corrections overburdened with those awaiting trial? Are they separated from prisoners serving their sentences? Are juveniles separated from adults?

2. Is there an excessive use of sentences to confinement?

3. How does the average inmate population of correctional institutions compare with the capacity for which they were originally designed?

4. Do the cells hold in excess of the number of prisoners for which they were designed?

5. Have any riots or disturbances occurred during the last three years of each facility?

6. Do the facilities have emergency fire and disorders prevention and control plans?

7. Is there sufficient provision made, both in physical provisions and by regulation, for family visiting?

8. Are custodial provisions, both physical and by practice, overly stringent? Or insufficiently secure?

9. Are the physical conditions of the facilities, and associated practices, so bad that as in several other localities an inmate lawsuit may be successful in obtaining a court judgment that they represent cruel and unusual punishment prohibited by the Constitution?

10. Are the rights of prisoners, as reflected in many recent court decisions, fully observed?

D. Probation and parole

1. Does the state, or the county, or the locality even have a probation system?

2. Where probation and parole do exist, do they have sufficient manpower and resources to provide any really meaningful rehabilitative treatment?

3. Are the type and extent of supervision geared to the individual needs of probationers and parolees?

4. Do the judges make adequate and intelligent use of probation, and do the parole boards use realistic criteria in making decisions for the release of prisoners?

5. Are parole and probation revocations arbitrary?

6. Are parolees and probationees informed in writing of conditions to which they must adhere?

7. Are probation and parole offices aware of the community resources available to the treatment of their clients, and do they make sufficient use of these?

8. Do the probation and parole officers have access to funds for the purchase of services—educational, training, employment placement, guidance, medical and psychological, etc.—for their clients?

9. Do the probation and parole officers really supervise their clients, or do they depend on a monthly checklist or letter?

10. Would an increased use of probation and parole, consistent with the public safety, reduce or eliminate the need for further institutional construction?

E. Personnel selection, training and performance

1. To what extent are correctional appointments influenced by political considerations?

2. Do the correctional agencies observe nationally recognized standards for the education and training of personnel?

3. Are administrators required to acquire management skills?

4. What is the turnover rate among corrections personnel?

5. Are personnel pay standards adequate?

6. Are the personnel encouraged to take advantage of state and Federal grant and loan programs for their education?

7. Do the correctional agencies have qualified and especially trained personnel to develop and conduct in-service training programs?

8. Are the personnel encouraged, and their expenses underwritten, to permit them to maintain active associations with national and regional professional organizations?

9. Are the personnel encouraged, or are they actively discouraged, from developing attitudes receptive to innovations in the correctional treatment of offenders?

10. Are the suggestions of employees for the improvement of programs and policies given full consideration and recognition?

F. Community-based corrections

1. Are the many potentially supportive medical, guidance, educational, employment, and other resources of the community sufficiently developed and coordinated with the correctional process?

2. Is the public uninformed or misinformed about the promise of community-based corrections—in terms of costs and benefits?

3. Has sufficient attention been directed toward applying community-based corrections to adults as well as to youths?

4. Are there really any community-based programs—work release, halfway houses, group homes, court diversion projects, manpower programs, etc.?

5. Are any reasonable standards observed in the operation of community-based programs, or are they really much better than the jails and institutions for which they are used to substitute?

6. Are the community-based programs equipped with sufficient supportive services—service purchase funds, counseling, training, etc.?

7. Have the correctional administrators applied for grants from any of the many Federal funding sources for various types of community-based programs?

8. Is there realistic follow-up and evaluation of community-based programs to ascertain if they are really more effective in the rehabilitation of offenders?

9. Do the police, prosecutors, and courts actively support the development of community-based programs?

10. Is the selection of offenders for placement in community-based programs too stringent and intended only to make them look good, or is selection primarily in terms of offenders needing this type of program, consistent with the public safety?

G. Recruitment and salaries

1. How many more correctional personnel are needed—and for what jobs?

2. Is there an excessive number of security personnel in comparison to so-called treatment personnel?

3. Are ex-offenders and paraprofessionals hired as full-time correctional employees?

4. Are salary levels and working conditions sufficiently high to attract fully qualified personnel?

5. Are recruitment requirements too arbitrary? Could recruitment practices be strengthened?

6. Is lateral entry permitted into the system?

7. Are new personnel who demonstrate their unfitness for correctional work weeded out?

8. Do promotion policies reflect records of performance or political or other considerations?

9. Are employees occasionally exchanged on a temporary basis with other correctional systems?

10. To what extent do the personnel standards reflect the recommendations of the Joint Commission on Correctional Manpower and Training?

H. General

1. In the opinion of correctional officials, what are the most important problems they face?

2. How might citizen involvement best help them, and do they encourage citizen involvement?

3. Are correctional problems created or intensified by the police and courts to any extent?

4. What are the budgetary needs of correctional facilities and services, and is anything being done to meet them?

5. What legislation is required to help bring about a more effective correctional system?

6. What is being done to avoid an excessive dependence upon and use of institutions?

7. Are there efforts being made to treat certain types of inmates—alcoholics, addicts, social misfits, etc.—outside the correctional system?

8. Is the power structure of the community aware of the problems of corrections, and are these problems being given sufficient priority?

9. Are the respective jurisdictions receptive to pooling facilities and programs for the care and treatment of offenders where geographically feasible?

10. Are outside experts sought where necessary in developing solutions to correctional problems?

I. The ex-offender and jobs

1. Are employers willing to hire ex-offenders for meaningful jobs?

2. Is there an effective liaison between correctional institutions and potential employers of ex-offenders.

3. Are institutional training programs geared to the actual employment requirements and skills needed by the community?

4. Do the institutions have work-release programs, permitting the community employment of prisoners during the latter part of their terms?

5. Do the institutions take advantage of the manpower training program grants offered by the Department of Labor?

6. Are supporting services offered to ex-offenders when they return to communities and begin employment?

7. Do the state laws or municipal ordinances have to be changed to permit the licensing of ex-offenders for certain occupations, as for example barbering?

8. Are the correctional agencies making use of the bonding program for ex-offenders administered by the U.S. Employment Service?

9. Where programs for the employment placement of offenders exist, do they place them in meaningful jobs, or to occupations in restaurants, dry cleaning establishments, car washes, etc., where they are unlikely to remain?

10. Are funds and resources made available to probation departments for the training and employment of their clients by the private sector?

J. Volunteers

1. Is any use made of corrections volunteers?

2. How many volunteers are now being used in probation, parole, and institutions? Are more required?

3. Are there any standards being observed in the selection, training and supervision of volunteers?

4. What are the kinds of services for which volunteers are found to be most useful?

5. Are ex-offenders and minority group members included in the volunteer rolls?

6. Are the correctional agencies taking advantage of the several Federal funding sources for the initiation of volunteer programs?

7. Where volunteer programs are being started, is outside technical assistance sought to make sure that the prospects of success are enhanced?

8. Are volunteers being used to substitute for, or to supplement, the services of professional workers?

9. Are the volunteers being used on a one-to-one basis, or are they assigned excessive numbers of offenders with which to work?

10. Are those volunteers weeded out whose services do not prove productive or whose motivation may be suspect?

AIR SAFETY

(Mr. MINSHALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, the Federal Aviation Administration in the Department of Transportation is responsible for air safety throughout the national airspace system. The excellent safety record for scheduled air carrier operations is a good index of the fine job being done by the FAA, the airlines, the air traffic controllers and all others involved in aviation safety. After compiling an outstanding record in 1969, the airlines in 1970 had the safest year in the history of U.S. commercial aviation. There were no fatalities in scheduled domestic airline operations and only two fatalities in international operations. This is a great record of service to the American public.

I also am pleased to note that the safety record for general aviation showed significant improvement in 1970. The number of fatal accidents, dropped from 692 in 1968 to 621 in 1970, and the number of fatalities declined from 1,399 to 1,270 during the same time period.

We know very well that safety is not a matter of happenstance or luck. It is the result of dedication, imagination, initiative and just plain hard work on the part of Government and the aviation community to make the aviation system safe. This teamwork between the public and private sectors has been the hallmark of civil aviation in the United States and certainly one of the key reasons for its great success. This teamwork between Government and industry this past year was instrumental in resolving the problems associated with the introduction of the Boeing 747 into commercial service. The success of these efforts speak for themselves as the Boeing 747 has already logged more than 15.5 billion accident-free passenger miles in airline operations around the globe. At present, this great aircraft carries one-quarter million passengers each week and this figure is climbing.

Progress also has been made in several other aviation activities in 1970. Congestions and delays at the Nation's airports have been reduced substantially. During the last 6 months of 1968, there were 84,337 delays of 30 minutes or more in the air traffic control system. In the same period in 1969 delays were down to 50,721 and in the last half of 1970 the number had been reduced to only 23,230. That is better than a 50 percent reduction between 1970 and 1969 and better than 70-percent improvement between 1970 and 1968. For the most part, this progress can be traced directly to actions taken by FAA to break—or at least widen the bottlenecks in the airport/airways system.

It is encouraging to note that hijackings of U.S. aircraft dropped more than 40 percent last year from the 1969 total of 33. Only three of the 19 U.S. hijackings last year occurred during the last quarter, reflecting the increase in ground and in-flight security measures under development for the past 2 years.

As a member of the Transportation Appropriations Subcommittee I have been keenly interested in all aspects of air safety and have consistently led the fight for more budget funds to expand the number of air traffic controllers, improve their working conditions, and to modernize the air traffic control system.

It is gratifying to report that during 1970 the program to automate the air traffic control program was accelerated to meet increased demands. The IBM 9020 central computer complex, which is the heart and brains of the en route automation program, is now in use for flight data processing at 14 of the 20 air route traffic control centers serving the domestic United States. Seven of these computer installations went on line in 1970 alone.

The terminal automation program for air traffic control also is moving forward. Two automated radar terminal systems have been delivered and 10 others will provide greater safety and efficiency while handling far more aircraft in the future.

In addition to upgrading the hardware in the air traffic control system, the FAA has been working to improve the working conditions and career opportunities of the men who operate the system, in line with the recommendations of the Air Traffic Controller Career Committee, established by Transportation Secretary Volpe. During 1970 another record was set with 3,600 controller trainees added to the work force, more than in any single year in the history of the agency. I am both a private pilot and a frequent user of commercial airlines in commuting between Washington and my district in Cleveland. My admiration and gratitude are boundless for the tireless roles our air traffic controllers have played in bettering the air safety record. I am particularly well acquainted with the outstanding jobs they do in handling traffic at both Washington National and the Cleveland airports. These men deserve a special accolade for their high standards of precision, presence of mind, and what often approaches prescience under conditions of great stress. Despite their heavy workload the traffic control centers are most cooperataive in giving VFR advisories when conditions in today's congested airways permit. These advisories contribute greatly to air safety.

I would be remiss if I did not single out the wonderful work done by the flight service stations who, though undermanned and underequipped, give pilot briefings to commercial and private pilots. They do a magnificent job.

While we are learning to expect significant progress in aviation activities, when it occurs I do not feel that it should pass unnoticed. I commend FAA Administrator John Shaffer and his staff, the airlines, private pilots, and all the air traffic controllers for their outstanding record in aviation safety in 1970.

MINED LANDS CONSERVATION ACT

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, a town in my district called Issaquah is suffering from land dropout. At the turn of the century subsurface coal mining flourished in the area. But now the old timbers rot in unused shafts and the surface land gives way.

I am today introducing a bill to prevent subsidence of this land—it is entitled the "Mined Lands Conservation Act." The bill would provide Federal money for up to 75 percent of the costs of technical assistance and filling abandoned shafts.

Not only are there places where the land has fallen, but land values are also down. This legislation is designed to shore up both the land and land values.

In November of 1967, two young boys and three of their rescuers were overcome by mine gas when they entered an opening at the bottom of a caved-in area. All five would have died had the Issaquah Fire Department not recovered and revived them. This kind of potential disaster is precisely what we seek to avoid with the Mined Lands Conservation Act.

This legislation is national in scope. It deals not only with subsurface coal mining, a problem in my district, but also provides for reclamation of strip and surface mined areas—a serious problem in the East. Additional provisions outline stiff penalties for on-going mining operations which violate the conservation standards set up in the bill.

BONNEVILLE UNIT—CENTRAL UTAH PROJECT

(Mr. McKAY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McKAY. Mr. Speaker, I was keenly disappointed in reviewing the President's budget to discover that only $8,199,000 new money had been requested by the administration for work on the Bonneville unit of the central Utah project. When the Bonneville project was authorized, the projected cost was $324 million, and the estimated time for construction was 15 to 20 years. Since work was begun on this unit some 5 years ago, the project has been consistently underfunded; but at the rate of development recommended by the latest administration request, the project may well take 50 to 100 years and cost over twice the projected figures, according to the estimates of the Utah officials involved.

Moreover, the need for this water is urgent. Utah's two most populous counties may face critical shortages in this decade without it. And when we consider that ultimately most of the money advanced for this project will be paid back with interest by those who will use the water, then the delays on financing seem particularly inexcusable.

Mr. Speaker, I am not asking for any special treatment in regard to this project. I am simply concerned that the Bonneville project be completed within the time and for the costs contemplated by Congress when it authorized the project in the first instance.

The project has been authorized, and it will be built. Delays incident to inadequate financing can only increase the costs by necessitating inefficient construction measures and subjecting the work to the pressures of inflation.

If the President is truly concerned about unemployment, he should be promoting these necessary projects in areas, like our district, where the construction industry has suffered.

I am sure that the Congress will review these and the other areas in which the administration's false efforts at "economy" will cost the people more in the long run.

Mr. Speaker, I am also concerned in examining the administration's budget that they have failed to follow through with the long-range plan for topographic mapping. There are areas in my district which have never been adequately mapped, and it is a matter of critical importance to the development of our State.

You will recall that the initial planning for this project anticipated that it would be completed during the bicentennial year, 1976. Already, the project is behind, and the estimated costs are exceeding those in the long-range plan. The initial plan called for $48 million to be expended in fiscal 1972. The President's budget has allocated only $32,869,000. Once again we have an example where needless delay may result in additional cost for services which are needed now.

A further matter of concern to the West is the enactment of the proposals of the Public Land Law Review Commission, particularly those proposals which deal with payments to States for federally owned lands in lieu of the property taxes to which the States would otherwise be entitled if the lands were privately owned. Those of us in the West are hopeful that legislative action can be taken soon on these proposals, a hope which is apparently not shared by the administration because it has failed to consider the costs of such programs in its budget.

Mr. Speaker, the administration's budget has not adequately handled the legitimate needs and expectations of people in the West, and I trust that Congress will be more sympathetic to us.

NEW KENSINGTON PROTESTS FREE FLOW OF STEEL INTO THE UNITED STATES

(Mr. DENT asked and was given permission to address the House for 1 minute and to present a resolution.)

Mr. DENT. Mr. Speaker, I present a resolution from the city of New Kensington, Pa., a political subdivision in my community protesting the free flow of steel into the United States and begging this Congress to do something about it.

It may interest the House to know that this community of 55,000 population now has more workers drawing trade adjustment assistance than it had in the active production of goods. This community is down to less than 600 payroll jobs in the entire population of 55,000 people.

Mr. Speaker, the resolution I refer to is as follows:

RESOLUTION OF THE CITY OF NEW KENSINGTON

Whereas, the City of New Kensington, a political municipal corporation situated in the County of Westmoreland and Commonwealth of Pennsylvania in the United States of America is cognizant and aware of the free flow of foreign steel to the United States, and

Whereas, this municipality is also aware that the local steel companies are in an economical disadvantage in competing in the sale and production of steel with the foreign imports, and

Whereas, as a matter of fact, local steel industries are operating at an unhealthy economic level of employment and possibly at the very lowest in thirty (30) years, and

Whereas, the Council of the City of New Kensington feels impelled to prevail upon the proper authorities to remedy the unhealthy situation which now exists,

Now, therefore, be it resolved that the City of New Kensington in the County of Westmoreland and Commonwealth of Pennsylvania requests that the proper officers, Senators, Representatives and officials of the United States government take immediate and necessary steps to perfect an embargo as to the import of foreign steels in order to protect the economic steel situation and as a result of said embargo would increase the use of man power in the production of steel and the sale of more steel in the United States.

Resolved at a special meeting of Council of the City of New Kensington on this 26th day of January, 1971.

HOUSE MAJORITY WHIP—REPRESENTATIVE O'NEILL OF MASSACHUSETTS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I was quite pleased that my good friend and colleague from Massachusetts, Representative THOMAS P. O'NEILL, JR., was designated as the Democratic whip for the House of Representatives. He has served admirably in the House since 1952, and rounds out what will prove to be an excellent Democratic leadership team. He will serve the Nation, New England, and his own State of Massachusetts with spirit and effectiveness.

I would like to add to the CONGRESSIONAL RECORD a biographical sketch of Representative O'NEILL written by David E. Rosenbaum for the New York Times' "Man in the News" column. This column provides some sense of the spirit of Congressman O'NEILL, and I recommend it to all my colleagues:

HOUSE MAJORITY WHIP: THOMAS PHILIP O'NEILL, JR.

(By David E. Rosenbaum)

WASHINGTON, January 24.—Whether he's talking with constiuents in Cambridge pubs, debating on the floor of the House or negotiating behind the scenes with other politicians, Representative Thomas P. O'Neill Jr. of Massachusetts likes to make his points with stories and personal anecdotes. So when Representative Hale Boggs of Louisiana sought him out a couple of weeks ago and began talking in generalities about whom Mr. O'Neill would support for majority leader, Mr. O'Neill told him a story.

"I told him," Mr. O'Neill recalled today, about the time when I was 21 years old and running for City Council in Cambridge. One day, Mrs. O'Brien came up to me on the street and said: 'Tip, I'm going to vote for you even though you never asked me to.'

"I said: 'Mrs. O'Brien, I've been shoveling your walk and mowing your grass ever since I can remember. I didn't think I had to ask you to vote for me.'

" 'Tip,' she told me, 'I always like to be asked just like everybody else.' "

Mr. Boggs then directly asked Mr. O'Neill to vote for him for majority leader. He said that he would, but only if his fellow Massachusetts Representative, Edward P. Boland, decided not to run.

After Mr. Boland pulled out of the race and Mr. Boggs was elected, Mr. O'Neill went back to the new Democratic leader and asked him if he had remembered the story about Mrs. O'Brien. Mr. Boggs said that he had and Mr. O'Neill said: "Well, you know that I wasn't going to support you originally, and you owe me no obligations, but I'd like to be whip, and I'm asking you for it."

THE NATURAL CHOICE

The Massachusetts Democrat did not find out that Mr. Boggs had picked him for whip, the No. 3 spot in the Democratic House leadership, until about 10 minutes before it was announced Friday afternoon.

In many respects, Tip O'Neill was the natural choice for the job. As an Easterner, he provided geographical balance to the leadership, the other members of which are from the South and Southwest. As a close friend of the former Speaker, John W. McCormack, he was part of the House Establishment and had for years been part of the so-called "Board of Education," an informal late afternoon gathering of House leaders and their friends.

And, as a former Speaker of the Massachusetts House and as a long-time member of the House Rules Committee, he is considered to be an expert in parliamentary procedure. This should be especially valuable in executing the most important functions of the party whip—rounding up Democratic votes and maneuvering on the House floor.

Politically, Mr. O'Neil describes himself as an "Establishment liberal." It is an accurate assessment, but he is not so close to the Establishment that he cannot be independent in his views. In 1967, he was one of the first members of Congress to come out strongly aaginst the war in Vietnam, a position that put him sharply at odds with President Johnson and Speaker McCormack.

Thomas Philip O'Neill Jr. was born in Cambridge, Mass., on Dec. 9, 1912. He picked up the nickname "Tip" as a child, after a baseball player named James Edward O'Neill, who had the uncanny knack of hitting foul tips until the pitcher finally walked him.

After graduating from Boston College, Tip O'Neill lost that first race for City Council by 150 votes. But he was never far from politics and was elected to the Massachusetts House in 1936. In 1948, the Democrats gained control of the state house for the first time in more than 100 years and Mr. O'Neill was elected Speaker.

WON KENNEDY'S SEAT

"Being Speaker was the most important thing that ever happened to me," the new House whip said.

In 1952, John F. Kennedy resigned from the House to run for the Senate, and Mr. O'Neill won his seat. At the beginning of his second term, he was named to the Rules Committee, the committee that determines which legislation is called up for debate.

In those days, his five children were young, and he and Mrs. O'Neill, the former Mildred Anne Miller, decided not to take them out of school and move to Washington. So. Mr. O'Neill moved into an apartment with Mr. Boland. They have been roommates ever since.

Two of the children, Rosemary, 27 years old, and Susan, 24, now live in the Washington area. Rosemary is in the Public Affairs Office of the State Department and Susan is a teacher in Alexandria, Va. Thomas 3D, 26, is a stockbroker in Boston, and Christopher, 21, and Michael, 19, are students at Boston College.

A Hulking man, well over 6 feet tall. Mr. O'Neill, who is 58, became worried about six months ago that he was seriously overweight He weighed 290 pounds. He signed up for a weightwatchers class near the Capitol. At the first meeting, Mr. O'Neill discovered that he was the only man in a class of dozens of women. But he stuck with the class and lost more than 50 pounds.

STAINLESS STEEL FLATWARE QUOTA

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I was pleased to learn yesterday from President Nixon's Special Representative for Trade Negotiations, Ambassador Carl J. Gilbert, that an agreement had been reached by the U.S. and Japanese governments relating to a proposed tariff quota on certain stainless steel flatware. I have been working since 1967 on this problem with officials of the Government and representatives of the domestic industry, particularly INSILCO, and I am pleased that this conclusion has been reached voluntarily. The agreement calls for a tariff quota of 16 million dozen pieces a year for a period of 5 years. This compares with imports of approximately 35 million dozen pieces in 1970, an import rate approximating 60 percent of domestic consumption.

This was welcome news to me and to the people in my State where unemployment has reached staggering figures. More than 850 employees of INSILCO have been laid off and a principal reason has been the competition of foreign imports.

I have had considerable correspondence with President Nixon and with Ambassador Gilbert to recommend the application of the tariff quota on stainless steel flatware and only last week I had talked with Theodore R. Gates, the President's Acting Special Representative for Trade Negotiations to recommend that the negotiations with Japan and other producing countries be pushed to conclusion because of the impact of imports on U.S. employment and sales.

I include the text of a press release issued by the Office of Trade Negotiations:

STAINLESS STEEL FLATWARE QUOTA

Ambassador Carl J. Gilbert, President Nixon's Special Representative for Trade Negotiations today announced that the United States had entered into an agreement with the Japanese Government relating to a proposed tariff quota on certain stainless steel flatware. The agreement was completed on February 1, 1971 by an exchange of notes in Washington.

The tariff quota would relate only to stainless steel flatware valued under 25¢ per piece and not over 10.2 inches in overall length. It would provide for an annual tariff quota of 16 million dozen pieces, the current trade agreement rates of duty allocated on a quarterly basis. This level of imports is slightly larger than those of 1968 when total imports reached 14.9 million pieces. Any imports in excess of the tariff quota would be subject to the statutory rates of duty.

The tariff quota would be allocated among supplying countries on the basis of average annual imports from them during 1968 and 1969. The quota would last for five years unless extended and could be increased by the United States by as much as six percent annually.

The negotiations leading to the agreement were held in accordance with Article XXVIII of the GATT. The United States gave notice under the GATT that it was reserving the right to renegotiate its tariff concession on stainless steel flatware and that reservation was invoked in August 1970. Agreement with Japan, the principal supplier of stainless steel flatware to the United States, is the first of several steps to be taken to enable the United States to impose the tariff quota. Additional negotiations are now being conducted with other suppliers. At least 30 days notice will be given before the tariff quota becomes effective.

The provisions of the tariff quota were developed and approved by the Trade Staff Committee composed of representatives from Departments of Agriculture, Commerce, Defense, Interior, Labor, State, Treasury, and the Office of the Special Representative for Trade Negotiations. The negotiations were coordinated through that committee which is chaired by Mr. Allen H. Garland of the Special Representative's Office.

Tariff relief had previously been provided for the stainless steel flatware industry from November 1959 to October 1967. President Johnson permitted the tariff relief to expire in 1967 but requested government agencies to maintain surveillance of the industry to determine if further assistance was needed in the future. Imports of stainless steel flatware that would be covered by the tariff quota have risen drastically since then rising from 14.9 million dozen pieces in 1968 to 26.0 million dozen pieces in 1969 and to approximately 35 million dozen pieces in 1970. The import rate in 1970 is close to 60 percent of domestic consumption.

THE PROBLEMS OF THE AGED

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, I have today introduced four bills which I consider to be of the utmost importance. All four bills concern and would alleviate the rapidly deteriorating conditions in which over 25 percent of our senior citizens find themselves.

I was dismayed—but frankly not surprised—to learn that over one-fourth of Americans over the age of 65 must live on a poverty-level income. Between 1968 and 1969 the number of aged poor rose by 200,000. What promise does America hold for its citizens if they must face the realization and live with the fear that in their last years they may not afford enough food or sufficient medical care, much less the amenities which would make those years more pleasurable, more relaxing, and most important, more dignified?

I say that I am not surprised at the increasing number of older people who must live on a poverty income, because reports and statistics have been pointing to these conditions for many years. And for many years I have been urging both the increase and liberalization of benefits which would make our social security system a fair and equitable system, one which every citizen could count on to deliver the promise of his country.

Mr. Speaker, the four bills which I have introduced would first, provide an additional across-the-board increase in benefits of 10 percent over and above the increase which we passed as part of the Tax Reform Act of 1969. This would actually constitute the 20-percent increase which I have supported for the last 3 years.

Second, Mr. Speaker, I would increase from $1,680 to $3,000 the amount of outside earnings permitted annually without deductions from benefits. I believe that the $3,000 figure would reflect more accurately the increase in the cost of living. There are many older persons who can and want to work. Many of the senior citizens are able and willing to put in time with service organizations or private industry and feel that their labor should be compensated. Many others cannot support themselves on their pensions and must supplement their incomes in order to live. I realize that the conferees on last year's social security bill provided for a 5-percent increase in benefits—that is 10 percent over the previous increase. I do not consider this sufficient.

In addition to the previous two bills, I have also introduced legislation today which would give full social security benefits to women at 62 years of age as well as a bill which would liberalize disability conditions of blind persons to receive disability insurance.

I do not consider that these bills will resolve all of the inequities of the social security system. They would resolve, however, some of the more glaring problems. In the next few months I shall introduce additional legislation which would further allow older Americans to live out their lives in dignity, with pride, and with a decent standard of living.

HEART-SAVER SQUADS BILL

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, on January 22 I introduced H.R. 644, the heart-saver squads bill designed to launch an attack on heart disease, the Nation's prime killer. This bill would amend title IX of the Public Health Service Act in order to provide Federal assistance and encourage local initiative to demonstrate the effectiveness of emergency heart-saver squads for heart attack victims.

These squads would include specially trained persons operating out of specially equipped ambulances which would give emergency care to persons suffering with congestive heart failure. It is estimated that these units could save as many as 60 percent of the 400,000 deaths occurring annually due to coronary artery disease.

In my introductory remarks on this bill, I pointed out the excellent "heartmobile" unit operating in nearby Montgomery County, Md. This unit had been functioning under a 3-year grant from the Department of Health, Education, and Welfare and from contributions from private organizations.

I was most distressed to learn from news reports of January 23 that the Department of Health, Education, and Welfare suddenly canceled the $100,000 grant for the third year of operating Montgomery County's lifesaving heartmobile. I have been in touch with the Honorable GILBERT GUDE, the Representative from Maryland's Eighth District which includes Montgomery County, and with the county's Heart Association, and offered my support and assistance in helping them reverse the decision to halt Federal funding of the heartmobile.

The grant to the heartmobile had been canceled without justification or explanation by the Department of Health, Education, and Welfare. For the people of Montgomery County, this apparently arbitrary cutoff of funds means that the heart-saver unit will cease to be operational as of February 28.

The Montgomery County Heart Association had planned to use the grant to also train all the county's fire and rescue personnel in heart-saver emergency care techniques. Thus, by enlarging the trained paraprofessional staff, emergency coronary care could be provided throughout the county, reaching its approximately 550,000 population.

I want to take this opportunity to commend my distinguished colleague from Maryland (Mr. GUDE) for his prompt efforts to aid the people of Montgomery County. Following a meeting between Congressman GUDE and Dr. Roger O. Egeberg, Assistant Secretary of Health, Education, and Welfare on January 27, it was reported in the Washington Post that Dr. Egeberg will request the necessary Federal funds to continue operation of the heartmobile.

The entire story from the Post follows:

U.S. HEARTMOBILE FUND ASKED

Dr. Roger O. Egeberg, assistant secretary of the Department of Health, Education, and Welfare, said yesterday he will request federal money to operate the Montgomery County Heartmobile for another year.

The heartmobile, a vehicle manned by physicians and paramedical personnel, uses special mobile equipment to aid heart attack victims on the way to Holy Cross Hospital in Silver Spring. It has been in operation for a year, financed as a demonstration project.

Egeberg had announced earlier that cost effectiveness studies indicated that the heartmobile, credited with saving 10 lives in the last year, is not worth continued federal support, which amounted to $85,000 last year.

Egeberg met yesterday with Rep. Gilbert Gude (R-Md.), who said later he had urged Egeberg to seek about $125,000 to carry the program another year while local money could be sought for the future.

This tragic situation in Montgomery Country serves as a vivid illustration of the urgent need for congressional action on H.R. 644. Heartmobiles are needed across the length and breadth of this country to reduce the deaths, because emergency care is not available to heart attack victims within the first 60 minutes of their affliction. I urge my colleagues to join with me in support of H.R. 644 and provide the Federal mandate for operation of emergency heartsaver ambulances with trained personnel.

Without this bill, another 250,000 Americans will die this year before they can receive the proper treatment for heart failure. Let us act now to end this needless and tragic waste of life.

RELIEF FOR THE TEXTILE INDUSTRY

(Mr. MANN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MANN. Mr. Speaker, there is a very little news these days concerning any progress in negotiations between the United States and Japan with reference to the voluntary limitations on textile imports. As a matter of fact, I am curious to know whether or not such negotiations are being conducted by the Department of Commerce at this time. However, there is one thing that I do know, and it is that the depression in the textile industry is worsening.

The Japanese-led import campaign has caused foreign textile imports to jump from 976 million yards in 1959 to more than 4 billion yards in 1970. Textile employment across the Nation dropped, in the past year alone, from 991,000 to 945,000, a decrease of 4.7 percent. In South Carolina, the effects of this have been disastrous. As a recent editorial in the Greenville News has pointed out:

> Through the middle of 1970, more than 7,000 textile workers, representing salary losses of $23.6 million and state revenue of $633,000, lost their jobs. Indications are that final figures for the year will push the totals much higher. The list of mills closing down or sharply curtailing expensive expansion plans grows longer every day.

This is not the whole picture. Some two-thirds of South Carolina's industrial labor force is employed by textile and textile-related industries. Similarly frightening statistics can also be found to obtain in North Carolina and other States greatly dependent on textiles for their economic well being.

Mr. Speaker, a regionwide, industry-large depression threatens this country if the much needed relief for the domestic textile industry is not promptly brought about. In this connection, it should be remembered that relief for the textile industry was promised by Mr. Nixon in his 1968 campaign, as an election, vote-getting pledge. Support has been coming from the White House, it is true, but it has been lukewarm at best. The President should put himself totally behind the effort at this time. During these next few weeks, while the textile quota legislation is hopefully being processed by the Congress, the President should vigorously push for voluntary import agreements with Japan and other countries. If such efforts fail, or indicate little promise, then the President should vigorously support the legislative effort of those who are backing the textile quota bill. He should do so in a timely way, so as not to slow the progress of the legislation. He should do so in a practical way, perhaps accepting relief for other industries as a necessary condition of practical politics. If he does not accept a practical approach, then his pledge to help the textile industry "alone" is an empty gesture. The economy of this country demands that both Congress and the administration heed Japanese Premier Sato's wise advice:

> In any country, if a certain industry is in trouble, it is natural for that country to take steps to protect that industry.

REPUBLICAN PARTY ENTERS THE WORLD OF 20TH CENTURY ECONOMIC PRACTICE

(Mr. RUNNELS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUNNELS. Mr. Speaker, these are historic times. We are witnessing the entry of the Republican Party into the world of 20th century economic practice. It has been a breach birth if there ever was one.

In the past few days, a Republican President has announced that he is a converted Keynesian—a Republican administration has submitted what they term an expansionary or full employment budget—and on Monday we received an economic report which indicates that Republicans are at long last conceding that Government must play an active role in the management of the economy.

Without detracting from this great leap forward by the Republican Party, I must say that they are three decades late and considerably more than the proverbial dollar short.

When a Republican President states that he is a converted Keynesian, Lord Keynes, himself, would be the first to realize that it is time to push on, lest he be passed by stragglers.

And this is my point: what is needed now is not merely the adoption of one of the successful economic policies applied by Democrats over the past generation; what is needed is the promulgation of economic policies relevant to the state of the economy in the 1970's.

It is said that imitation is the sincerest form of flattery. We Democrats are flattered. It is also said, however, that a little learning is a dangerous thing. We Democrats are worried.

We are worried that our Republican friends have learned—however painfully—only the first chapter of the textbook of enlightened economic policies written by Democratic administrations.

Let me be more specific. The President has made full employment an economic goal. Democrats should applaud this, for full employment has been the goal of our party throughout the 20th century.

Yet full employment is not precisely a self-fulfilling prophecy, even with an expansionary budget. We must also have adequate manpower and retraining programs. Neither the budget message nor the economic report discuss manpower policy; and last year, the President went so far as to veto manpower legislation.

The administration, moreover, is basing its budget and economic policies on the premise that during the next calendar year the gross national product will grow from $977 billion to $1,065 trillion—an incredible 9 percent. I think this forecast is unrealistic, especially since last year the real GNP shrank for the first time in anyone's memory. Democrats know that the road of recovery from Republican recessions is not so easy. I believe the growth rate of the economy will be considerably less than 9 percent. I think Federal revenues will fall short of current estimates. The budget deficit next year, I believe, will be larger than $11.6 billion.

Last week, it was announced that during the past 2 years, inflation has increased at a rate of more than 11 percent. During 1970, the rate of inflation was 5.5 percent. The December rate of inflation—annualized—was 6 percent, just about as high as it has ever been in our history.

Republicans say that the rate of inflation is declining. What they are really saying, however, is that things are not getting bad quite as fast as they were. They are, however, getting bad at a rapid rate.

Republicans say that this inflation was inherited from the past administration. I think there ought to be a statute of limitations on that kind of argument, and I think we ought to invoke it.

I urge the administration to learn the rest of the economic lessons of the past few decades, particularly those chapters relating to the use of Presidential powers of pursuasion to control wage-price spirals.

Republicans, of course, deny all this: They say that their party is a party of bold innovation, and they point with pride to the President's state of the Union address last week.

The rhetorical smoke screen surrounding the "New American Revolution." however, is beginning to dissipate. The American people are beginning to perceive the revenue sharing proposal for what it really is: A Republican shell game in which the cities and States are invited to surrender what little they have in exchange for something considerably less. Other proposals are similarly failing to bear close scrutiny. The "new comprehensive health strategy" turns out to be a vague proposal 3 or 4 years down the road. A $100 million "total national commitment" to find a cure for cancer turns out to be $30 million more for the coming year, but hardly what was cut or vetoed in health programs in the past 2 years. And so it goes.

In closing, let me say that the Democratic Party is the genuine party of innovation and bold leadership. Democrats have their eyes on the future. The Republican Party is a party with a mythical past—a time which never existed outside of their imagination. With the reins of Government in their hands, they sit reversed in the saddle, staring at where they have been instead of watching where they are going.

PRESERVING OUR ETHNIC MOSAIC

(Mr. NEDZI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. NEDZI. Mr. Speaker, most of us, I believe, would identify themselves with the English philosopher Edmund Burke, who, in describing his philosophy of life, said he regarded himself as one "having an ability to reform with a disposition to preserve."

There is an element of this philosophy in the recent trend toward redefining the melting pot concept in America. The old definition was that all incoming minorities lost their identities and became part of the homogenized mass. The alternative definition which I believe is very much in keeping with the American dream, is that the various ingredients each contribute their flavor and make their contribution, yet retain their individual identities.

America at its best represents a symphony of many cultures. Our society can be both interesting and cooperating if people are free to manifest or submerge their ethnic heritage as they choose.

In Detroit's public schools the submerging of ethnic consciousness seemed to work inequity upon those school administrators who would by ability or random selection, be entitled to a wider share of administrative positions. It is a delicate matter. They seemingly have been discriminated against and only the assertion of Slavic ethnicity called attention to their situation. It is an example of the positive use of ethnic consciousness in career matters, which is more difficult to properly focus than is the nonconflict aspect of cultural enjoyment.

I note that the superintendent of Detroit schools has conceded the discrimination. I also understand that the school administration has quietly ordered an ethnic census of its school administrators.

Under leave to extend my remarks in the Record I set forth below a Detroit Free Press editorial of January 21, 1971, "Preserving our Ethnic Mosaic," and an article from the Polish Daily News on the initiative of Kazimierz Olejarczyk, whose action opened the issue for responsible discussion:

[From the Detroit Free Press, Jan. 21, 1971]

Preserving Our Ethnic Mosaic

The Detroit school system, having tried as valiantly as it has to make blacks feel they are a part of the larger society, could scarcely be less than responsive to the demands of other ethnic groups for equity.

Thus, Dr. Norman Drachler, the superintendent of schools, responded with a simple admission to the complaint of three Slavic groups that they are under-represented in school administrations and faculties. Of one of their complaints, he said, "This is wrong, and it is wrong that we did not know it until it was pointed out to us."

What is happening is that, under pressure of black demands for equity, society is having to realize that it assumed too much about the American "melting pot." This country and this city do have dozens of ethnic groups whose members think of themselves as Americans and Detroiters, but who have not forgotten their distinct ethnic identity and do not wish to forget it.

If there is a place for black pride and for the accommodation of black pride, then there is a place for accepting as a reality all the other strains that go to make up this city's rich mosaic. They can be fostered and nurtured; they need not conflict with the sense of being part of a larger Detroit community. The idea that the melting pot was going to produce some homogenized, peculiarly American type was a mistake all along.

The school system ought to broaden its efforts to assure that all the elements in this city—including most decidedly the large percentage with a Slavic background—have a stake in the schools. This is doubly essential with the decline in the number of parochial schools, around which some ethnic communities frequently centered their lives. It is an important part of making Detroit a community, and making the schools community schools.

[From the Polish Daily, Detroit, Mich., Jan. 23 and 24, 1971]

Poles, Other Slavs Charge Bias in City School System

A survey of the number of children of Polish and other Slavic descent in the enrollment of Detroit's public schools in relation to their representation on the staffs and in the administration of the schools would be made in order to achieve a balance.

Such was the reaction of School Superintendent Norman Drachler following charges of discrimination against the Slavic groups made at a meeting of the Detroit Board of Education Tuesday night.

Kazimierz Olejarczyk, president of the Michigan Division of the Polish American Congress, made the bias charges in a two page prepared statement on behalf of the Congress, the Czechoslovak National Council and the Ukrainian Congress Committee.

The text of his statement follows:

The City of Detroit is made up of many different ethnic communities. The multiplicity of groups is the source of much of Detroit's uniqueness and strength. To maintain and develop cultural differences, while avoiding needless conflicts, requires unity of all the people in the city to effectively respond to the challenges of the present school decentralization plan.

Speaking for the Slavic groups (Polish, Ukrainian, Czech and Slovak) I would like to inform the Central Board of Education of the City of Detroit, that the Polish, Ukrainian and Czech groups, the largest ethnic groups in the city, want to share in the decisions which shape their lives and the lives of their children.

To assure the success of the centralization plan, I call upon the Central Board of Education to be more liberal and responsive to the Slavic community and provide opportunity for greater Slavic participation and representation in the decision making positions of the Detroit Public Schools.

Also, speaking for the Slavic groups, I would like to state that ethnic discrimination against the Slavic groups exists in the Detroit Public Schools. To support this statement, I would like to call to the attention of the Board the following facts.

In the General Administration of the Detroit Board of Education (the superintendent assistants to the superintendent, assistant executive superintendents, deputy superintendents, and assistant superintendents) not one member of the Slavic community is represented.

There are eight region superintendents. Of Slavic descent there are none.

There are sixteen region assistants. Of Slavic descent there are none.

To continue not one high school principal is of Polish, Ukrainian, Czech or Slovak descent. In the history of Detroit Public Schools only one high school principal was of Polish descent. That was over 40 years ago. Czech, Slovak and Ukrainian representation in this position is still to be attained.

In the Division of Curriculum and Educational Research less than 10% of the members are of Slavic descent.

In the office of personnel there are no individuals of Slavic descent.

In the division of school housing, not one director is of Slavic descent.

In the division of School Community Relations the Slavic group is not represented. No attention is given to the Slavic groups although they comprise 30% of the Detroit population.

In the Department Head positions Slavic names are extremely scarce. The number during the past few years has steadily been decreasing even though more positions were made available.

In the official publication of the Detroit Public Schools, the Roster of Key Personnel, the number of Slavic names is less than 3%. And individuals listed occupy only minor positions.

In the naming of schools, in the selection of books for the school libraries, Slavic groups have been especially singled out for discrimination. An examination of the names of the Detroit schools and the library catalog of books available for purchase will readily confirm this observation.

Although the Slavic group is the largest ethnic minority group in the City of Detroit, nevertheless they are by the Detroit Board of Education, the most neglected and ignored group of all the peoples who make up our great City of Detroit. While excellent surveys have been written about other Detroit minorities, the Slavic groups possess not one embracing historical survey concerning their needs and aspirations in the Detroit Public Schools. Ethnic studies in the schools are non-existent. No attempt has been made by the administration to improve the image of the Slavic group of Detroit.

Our demand for participation will be insistent and continuous. Our demand will not be silenced until it is heard. The success of the decentralization plan will be assured only when the Central Board of Education investigates and eliminates the ethnic discrimination which is so blatant in the Detroit Public Schools.

We believe that the Central Board of Education is sincere and dedicated in promoting unity among all the groups in Detroit. We also believe the Board will respond to our just request.

And in conclusion I would like to state that the Polish American Congress, the Ukrainian Congress Committee of America and the Czechoslovak National Council of America have always maintained that when the rights of any group are threatened by discrimination, the rights of all are endangered.

Kazimierz Olejarczyk,
President, Polish American Congress Inc.
William Kolodchin,
President, Ukrainian Congress Committee of America, Inc.
Dr. Jan Sklenar,
President, Czechoslovak National Council of America.

THE PRESIDENT'S BUDGET

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, last Friday, even before the President's 1972 budget message was received by the House, the distinguished majority leader attacked the budget as "a twofold tragedy" which failed to carry out the goals of President Nixon's state of the Union message. I suggested at the time in replying to the distinguished gentleman that his demonstration of speed reading might excuse the many errors evident in his analysis, and refrained from compounding a truly twofold tragedy by prolonging debate without myself studying the fiscal 1972 budget document in detail.

The distinguished gentleman has doubtless discovered by now how superficial examination of the budget may be misleading. For the information of the House, however, I would like to comment on several of his statements which seem particularly inaccurate.

The gentleman expressed dismay that the President's budget "recommends an appropriation of zero dollars for water and sewer facilities for next year."

First of all, as I pointed out to the gentleman, the new budget doubles the recommendation for Environmental Protection Agency grants for construction of waste treatment facilities from $1 billion to $2 billion.

Moreover, the Department of Housing and Urban Development program to which the gentleman referred has not been eliminated but rather phased into a more flexible community development program described on page 333 of the budget. This will permit resources made available to localities for growth and redevelopment to be directed to specific State and municipal needs.

In addition, the $4 billion special allocation for revenue sharing in fiscal 1972 described on page 502 of the budget would also be available for water and sewer facilities, waste treatment or other high priority needs. In this and other respects the budget reflects the Nixon administration's commitment to broad Federal reform rather than the piecemeal programing of the past. The funds it proposes are sufficient and flexible enough to meet the highest priority requirements as determined by State and local authorities for themselves.

The distinguished majority leader also appears to have been misinformed in his allegation that the budget reduces spending for urban renewal and community development grants. As shown on page 134 outlays and commitments actually are increased in 1972 with increased flexibility to meet specific local needs under the new community development program. Of course, the $4 billion special allocation of shared revenue to which I previously referred is also available in these areas.

I very much regret the gentleman's charge that President Nixon's budget proposes reduction in the funds for medical facilities, since this need is fundamental to so many Americans. The fact is that the budget proposes a loan program with subsidized interest to replace part of the previous grant program which, if approved by the Congress, will generate many times more construction of medical facilities at a lower cost to the taxpayer. As stated on page 151, the amount proposed for interest subsidies is increased fourfold to $20 million in fiscal 1972. Only $5 million was provided for this purpose in fiscal 1971 and this is excepted to generate $166 million in construction loans this year.

Under the fiscal 1972 proposals it will also be possible in some situations to allow a grant for the matching requirement and make up the difference in a subsidized loan.

President Nixon's proposals will permit the total hospital construction and modernization effort in this country to be increased to a level of $1 billion by the end of 1972, at the same time making far more efficient use of Federal funds. Once again the $4 billion special revenue sharing allocation is also available if hospital construction represents the greatest local need.

The distinguished majority leader was correct in his concern for ample funding of the Law Enforcement Assistance Administration but he is wrong in concluding that the new budget would reduce these funds. On page 365 the President asks for an increase of $166 million—31 percent more than in fiscal 1971. Total funds for all law enforcement programs in this budget, as shown on page 564, come to $1.5 billion as compared to $1.1 billion of this year. Also, the $4 billion shared revenue allocation is available in the area of local law enforcement and crime control.

There is no magic in fully funding every item in the Federal budget without regard to what can be effectively used in any one year and without taking into consideration the total Federal budget and the total revenue available. If we were to do this with every item, we would not need any Appropriations Committee.

Mr. Speaker, as one who served many years on the Committee on Appropriations, I would not describe this budget or any budget as perfect. But this is a responsible budget designed to improve the effectiveness with which we use Federal revenues. This is a reform budget designed to eliminate the helter-skelter administration of Federal grants that has evolved over years of piling Federal program upon Federal program. It is a revolutionary budget designed to allow State, city, and other local governments to direct larger sums of money to specific problems under their own particular priorities. It is a full employment budget designed to deal with the realities of the economic situation, without returning to the inflationary spiral from which we have suffered long enough.

I urge the distinguished majority leader and his colleagues on the other side of the aisle to study the President's budget submission for fiscal 1972 carefully and with open minds so that we may benefit by its innovations and improvements. I do not suggest that we buy every recommendation blindly, but I do strongly urge that we consider them conscientiously.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 11]

Abbitt
Abourezk
Anderson, Tenn.
Aspin
Baring
Barrett
Betts
Biaggi
Blatnik
Boland
Brasco
Broomfield
Brotzman
Brown, Mich.
Byrne, Pa.
Caffery
Celler
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Conyers
Delaney
Dellenback
Dellums
Diggs
Dingell
Donohue
Dowdy
Downing
Drinan
Edmondson
Edwards, La.
Erlenborn
Esch
Eshleman
Foley
Ford, William D.
Frey
Fulton, Tenn.
Gallagher
Garmatz
Gettys
Giaimo
Grasso
Gray
Griffin
Grover
Gubser
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hébert
Howard
Hungate
Jacobs
Jarman
Jonas
Jones, Tenn.
Kee
Keith
Kemp
Kluczynski
Koch
Long, La.
McCloskey
McCulloch
McDade
McDonald, Mich.
Mizell
Morse
Murphy, N.Y.
Myers
Nix
Obey
O'Neill
Patman
Patten
Pepper
Pryor, Ark.
Purcell
Quie
Railsback
Rangel
Roberts
Rooney, N.Y.
Rostenkowski
Roy
St Germain
Sandman
Scheuer
Shipley
Sisk
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Steele
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Ullman
Waldie
Wiggins
Wright
Yatron

The SPEAKER pro tempore (Mr. Boggs). On this rollcall 320 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PARLIAMENTARY INQUIRIES

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GROSS. Since this was the first quorum call conducted under the new rules, why is it that tally sheets were not placed at the desk?

The SPEAKER pro tempore. It is within the discretion of the Chair, as to how quorum calls will be conducted; and for the time being we are proceeding under the old rule.

Mr. GROSS. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GROSS. Is it within the knowledge of the Speaker that several additional employees of the House are being sought to take care of papers that may be used at some time in the dim distant future with respect to quorum calls?

The SPEAKER pro tempore. Well, it is not within the knowledge of the present occupant of the chair, but it is entirely possible that help will be required.

ANNUAL REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. Boggs) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, was, without objection, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

In accordance with Section 396(i) of the Public Broadcasting Act of 1967, as amended, I hereby transmit the Annual Report of the Corporation for Public Broadcasting covering the fiscal year July 1, 1968 to June 30, 1969.

RICHARD NIXON.

THE WHITE HOUSE, *February 2, 1971.*

THE NATIONAL AERONAUTICS AND SPACE PROGRAM—A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-42

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, was, without objection, referred to the Committee on Science and Astronautics and ordered to be printed, with illustrations:

To the Congress of the United States:

In this first year of the new decade, we have been working to establish a firm basis for a balanced national aeronautics and space program which is compatible with our national priorities, goals and resources and which insures continuing progress throughout the decade. 1970 has been a year of transition from past successes to new challenges.

The activities of our space program during the year are consistent with the recommendations I made in March for a balanced space program. Our goals are continued exploration, scientific knowledge and practical applications. The technology acquired through our space programs has many practical applications on earth ranging from communications, meteorology and navigation to agriculture, education and transportation.

Specific objectives guide our space endeavors. We should continue to explore the moon and increase the scientific return on the investment in the Apollo program. We should also continue to explore the planets of our solar system and the universe. We must strive to reduce the cost of space operations. We should try to expand our knowledge of man's ability to perform productively in the hostile environment of space and to relate this knowledge to uses here on earth. We must apply space-related technology to the critical assessment of our environment and to the effective use of our resources. We should also promote international cooperation in our space program by pursuing joint space ventures, exchanging scientific and technical knowledge, and assisting in the practical application of this knowledge. We are greatly encouraged by European interest in joining us in cooperative post-Apollo planning.

From our aeronautics activities have come substantial contributions to continued U.S. pre-eminence in civil aviation, major improvements in aeronautical services, and impressive developments in a sound SST program. This year has seen the initiation of new military aeronautics programs that will enhance our national security. We must consider other new means to insure that our national aeronautics program is given the opportunity and encouragement to contribute to our national well-being.

I am pleased to transmit to Congress this report of our national aeronautics and space activities during 1970. I take this opportunity to express my admiration for the men and women whose devotion, courage and creativity have made our aeronautics and space progress a source of national pride.

RICHARD NIXON.

THE WHITE HOUSE, *February 2, 1971.*

PROPOSED FEDERAL EXECUTIVE SERVICE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-41)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, was, without objection, referred to the Committee on Post Office and Civil Service and ordered to be printed:

To the Congress of the United States:

In my State of the Union message, one of the six great goals that I proposed to the Congress was a renewal of the Federal Government itself through a sweeping reorganization of the executive branch. The structural changes I outlined would enable us to bring greater coherence to the management of Federal programs, and to raise them to a new level of effectiveness. But even the best of structures requires the effective utilization of highly qualified people. The need for the best people and for making the best use of their talents, becomes more vital as we improve the structure and organization of the Federal Government.

It is on our Federal executives—both career and non-career—that the task of translating broad public policy into operational reality rests most heavily. These men and women are among the most valuable resources that we have as a government. We must not use them wastefully. We must not let their talents and their dedication be squandered. And we must constantly seek better ways of attracting into the executive ranks of the Federal service new people with the capacity and the drive to help us meet our national needs.

The time has come, therefore, to take a critical look at the existing Federal system for selecting, training, assigning and rewarding executive manpower, and to see whether it cannot be improved. We have carried out such an examination, and have concluded that it can be significantly improved by incorporating principles of modern personnel management.

For some time now, the Government's executive manpower systems have shown increasing evidence of weakness. The present arrangements have grown up over the years wihout any comprehensive plan. Disparate systems for the authorization, appointment, and assignment of Government executives have prevented adequate planning and provision for constantly changing requirements. The resulting complexities and rigidities have reached a point at which it is now futile to try to patch the present structure further. Too often, the present system serves only to frustrate the conscientious agency head and the dedicated career executive alike.

At my request, the Civil Service Commission has completed a painstaking and systematic analysis of the existing manpower management programs for executives. The Commission has informed me that reforms are essential, reforms that cannot be made within existing law. I agree. Accordingly, I recommend legislative action to establish an entirely new personnel system for upper-level officials of the executive branch, to be called the Federal Executive Service.

This Service would apply to those persons—now about 7,000 in all—serving in executive branch positions presently established at grades GS-16, 17, and 18, or within the same pay range under several other salary systems. It is designed to meet the special needs of managing the Federal establishment, and at the same time to preserve and strengthen merit principles.

In order to accomplish these purposes, the legislation I am proposing would:

—Abolish the present so-called supergrade system and establish the Federal Executive Service, to include both career and non-career officials. Preserving the present ratio, it would establish a minimum of 75 percent career appointments and a maximum of 25 percent non-career appointments.

—Establish a general salary range (from about $28,000 to the equivalent of level V, now $36,000), within which the agency head can set the salary of each individual member, provided that he maintains an average salary for all members of the Federal Executive Service employed by his agency as established annually by the Civil Service Commission after collaboration with the Office of Management and Budget.

—Require the appointment of Qualification Boards to pass on the eligibility, under merit standards, of all persons selected for future entry into the Federal Executive Service as career members. Holders of present supergrade positions and persons chosen for non-career appointment to the Federal Executive Service would be exempt from this requirement.

—Provide that new entrants into the career system be employed under renewable three-year agreements, and give present holders of career type supergrade executive positions the choice of entering the new Service under the renewable three-year agreements or retaining their present positions and salaries.

—In the case of a career Federal executive whose employment agreement expires without being extended (whether because renewal was not offered by the agency, or because the executive chose not to accept the renewal offered), the legislation would provide for either severance pay, retirement, or reversion to the top grade of the Classification Act (GS-15) without reduction in pay from his previous level for a period of two years.

—Provide for the Civil Service Commission, after collaboration with the Office of Management and Budget, to establish annually maximum numbers and average salary for members of the Federal Executive Service in each agency, taking into account program priorities, level of work, work load, and budget allowances for the agency concerned.

To assure proper, periodic Congressional review of the operation of the Federal Executive Service the proposed legislation would also require the Civil Service Commission to make an annual report to the Congress on April 1, detailing the number of Federal Executive Service members it proposes to allow each agency for the coming year and the average salary level it proposes to set for each agency. At the same time, the Commission would report any variances it had allowed during the previous year under its statutory authority to meet emergency needs or provide for needs occasioned by changes in existing programs. If the Congress did not make any changes within the 90-day period, the Commission's proposed authorizations would take effect.

By establishing eminent Qualifications Boards, composed of highly respected professionals, to review the qualifications of all persons proposed for entry into career positions, this legislation would ensure the continued high quality of Federal career executives and enhance the prestige associated with executive service in the Federal Government.

By differentiating clearly, for appointment and retention purposes, between executives who make the Federal service their career and those appointed for brief periods, it would preserve the integrity of the career service.

By providing for renewable, fixed-term agreements for career executives, it would give agency heads the flexibility needed to use their high-level personnel most effectively in meeting the changing demands made on the Federal Government.

By giving him access to positions of high responsibility without jeopardizing his career rights, it would enlarge the horizons of the individual career executive. One of the many faults of the present system is that it results too often in bunching non-career officials at the top, with career officials relegated to lower positions. This new proposal would strengthen executive development programs and reduce the present obstacles to executive mobility.

By providing for an annual assessment of executive manpower requirements in relation to program activity in each agency, it would make it possible to respond promptly to changing needs and to eliminate wasteful overstaffing of low-priority programs.

In addition, it would give the Congress annually a comprehensive overview of Federal executive manpower programs and policies, an indispensable measure for ensuring the exercise of Congressional responsibilities in monitoring the use of this manpower resource in partnership with the executive branch.

The Federal Executive Service proposal has been designed to ensure against an increase in the partisan political component of the executive group. It is to this end that I am recommending retention of the approximate present ratio of career to non-career executives—a ratio that has proved an effective one during several administrations of both political parties. I feel that it is imperative that we strengthen the career service and make Government careers more rewarding to individuals of high ability. This proposal will materially serve that end.

The proposed new Federal Executive Service would result in simplification of the existing fragmented system. But its most important result would be to improve the capacity of the executive branch to meet the challenges of our democratic system. Freed from unnecessary obstacles and from much redtape, the career executives of the Federal Government would be better able to realize their potential, both personally and in terms of program accomplishment. At the same time those responsible for agency performance would be given sufficient authority over the selection and use of their most able manpower to meet their agencies' goals more fully and more efficiently.

The demands upon Government today are great and pressing. I am convinced that the Government has attracted, and will continue to attract, men and women of the highest caliber. But too often we have enmeshed them in a web of rigid and intricate personnel policies which have frustrated their efforts and arrested their professional growth.

We need both dedication and high performance from our Federal executives. Mere competence is not enough. Mere continuity is self-defeating. We must create an environment in the Government service in which excellence and ingenuity can flourish—and in which these qualities are both encouraged and rewarded.

It is to this end that I urge prompt and favorable consideration of this landmark legislation.

RICHARD NIXON.

THE WHITE HOUSE, *February 2, 1971.*

CONFUSION IN THE WHITE HOUSE

(Mr. LEGGETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, I would like to address a remark to the President of the United States.

Mr. President, I am confused about your fiscal management of the country. Last year, on January 27, 1970, you stated:

> The inflation we have at the start of the Seventies was caused by heavy deficit spending in the Sixties. In the past decade, the Federal Government spent more than it took in—$57 billion more. These deficits caused prices to rise 25 percent in a decade.
>
> That is why I ordered Federal spending cuts this year.

You also stated, Mr. President, that the projected surplus for the current year, fiscal year 1971, would be $3.1 billion. Last Thursday you filed a budget document showing that your administration borrowed $2.8 billion in the last year, fiscal year 1970, and you diverted $10 billion from the trust funds for a 1970 total deficit of $13 billion.

Last week, instead of a $3.1 billion surplus for the current fiscal year, fiscal year 1971, you showed a deficit of $18.5 billion plus a diversion from the trust funds of $7 billion, for a total 1971 deficit of $25 billion.

For fiscal 1972, as opposed to your planned surplus for 1971, you are apparently planning on a $11.5 billion deficit and are also planning on borrowing $11.5 billion from the trust funds, for a total of $23 billion, or a total deficit of $61 billion.

Mr. President, I am confused as to how you intend to control inflation.

CONVERSION OF BIOLOGICAL WARFARE FACILITIES TO PEACEFUL USES

(Mr. ZABLOCKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. ZABLOCKI. Mr. Speaker, it was with considerable gratification that I received the recent announcement that the biological warfare facilities at Pine Bluff, Ark., will be converted into a national center for research into the effect of chemicals on man.

The conversion of the Pine Bluff Arsenal to peaceful uses was a major recommendation of the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments in its report on "Chemical-Biological Warfare: U.S. Policies and International Effects."

Following extensive hearings on the subject of CBW, the subcommittee concluded that every effort should be made to retain former biological warfare facilities and personnel, turning them to the solution of environmental problems for the benefit of all Americans and, indeed, all mankind.

In making its recommendation the subcommittee said:

> Personnel and facilities at Pine Bluff, Arkansas, and Fort Detrick, Maryland, constitute valuable resources for our Nation in the stepped-up campaign against environmental pollution, ecological hazards and dangers to human beings from chemical and bacteria. Beyond national benefits to be obtained from turning those facilities to peaceful pursuits, our Nation stands to gain worldwide repute by making available internationally the knowledge and techniques developed there.

I have written the President to commend him for his decision to turn the Pine Bluff Arsenal to peaceful pursuits, and for his earlier announcement that the United States would renounce the use of biological weapons and would destroy existing stocks.

At the same time I urged his personal intervention in the decision on the future of Fort Detrick. It is my understanding that, to date, no final plans have been made for the use of that installation. It, like Pine Bluff Arsenal, should be turned to work related to health and the environment.

Many of our colleagues in the Maryland delegation have been working tirelessly to that end, and I am happy to have had an opportunity to add my endorsement to their efforts.

The article on the Pine Bluff conversion, which appeared in the January 28 New York Times, follows:

GERM WAR CENTER ASSIGNED NEW ROLE

WASHINGTON, Jan. 27.—President Nixon announced today that the biological warfare facilities at the Pine Bluff, Ark., would be converted into a national center for research into the effects of chemicals on man.

The announcement said the Pine Bluff Arsenal would be used to complete the destruction of biological warfare weapons and would then be turned over to the Food and Drug Administration for use as a national center for toxicological research.

The transition is expected to take about a year.

On Nov. 25, 1969, President Nixon renounced the use of biological weapons and ordered destruction of all existing stocks. The Pine Bluff Arsenal was the principal production facility for these weapons.

The White House announcement today said the new center would concern itself with developing "better approaches to the understanding of what the data acquired from experimental animals means for man" and would be used to evaluate chemicals in man's surrounding, such as pesticides, food additives and therapeutic drugs.

The announcement said experiments on animals to determine the effects of long exposures of low doses of chemical would be one function of the new center.

AMERICAN ADVERTISING FEDERATION GOVERNMENT AFFAIRS CONFERENCE

(Mr. BOB WILSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOB WILSON. Mr. Speaker, the American Advertising Federation is currently holding its government affairs conference here in Washington. I take this time to salute my fellow practitioners of this honorable profession who constantly strive to improve the ethics and standards of business.

I take this opportunity to speak a word in behalf of advertising, and to express concern about the antibusiness attitude which seems to be in vogue among certain restless and well-meaning people searching for a cause.

I feel strongly that advertising, as an essential part of business, must sharpen its awareness to the attacks which are being launched on business from several fronts. Advertising is an important function of business. It is important because its promotion of goods and products has been the impetus behind the growth of a free enterprise system which has surpassed all others in history.

Most advertising people that I know would not move an inch to defend false or misleading advertising, or other bad business practices. No one with any sense would.

Unfortunately, however, the attacks on business and its various arms, such as advertising, are going beyond the limits of reasonableness and all of us must be convinced of the necessity for defending the basic system of our free enterprise society. Under the guise of consumer interest, business is being tarred in a manner which, at times, almost makes one think that business and industry are un-American. Sure, there are problems in our industrial life. But it is still the lifeblood of the Nation. And it is the one segment of our society that is providing the people with the goods and services they need and want. I would be the first to acknowledge that every item off every production line is not perfect and that we all should be striving to improve quality.

But, with all of the faults within the business community, I ask you, does it rate the type of abuse which is being heaped upon it? I, for one, think not.

A couple of decades ago a man in the U.S. Senate became famous, or perhaps infamous is a better word, for the tactics he used in pursuit of his own pet ends. He made broad and damaging accusations, leveled unfounded and unproven charges against individuals and organizations. There often was a degree of truth in what he said. But that small seed of truth too often was exploded, bent, twisted and embellished until it became a vicious half-truth. It generally left its victim scarred and defenseless and without a platform from which to defend himself. I am sure you all remember it. The tactic became so refined it took on the name of its propagator.

Today, business is being hit with a newer and even more refined strategy. This one could justly be called Naderism. I realize that speaking of Ralph Nader in anything but reverential tones nowadays is somewhat less than a popular undertaking. As a matter of fact, he has all the earmarks and the trappings of a sacred cow. As an observer of the business scene today, it is obvious that many of Nader's charges are specious and unfounded. As a matter of fact, rather than being a sacred cow, a better description would be "bull."

Perhaps I would not speak thusly of Nader without the personal confidence that during my years in Congress I have been as stanch an advocate of consumer's rights as any man. And I will continue to do so anytime I find the public being abused or the consumer being deceived. The difference between Mr. Nader and myself, apparently, is that I believe we can correct abuses without tearing down our entire free enterprise system or weakening the economic structures which support it.

Furthermore, I do not believe his efforts are always constructive nor do his tactics always seem to indicate a devotion to fairplay. I have noted with interest that his offensives generally begin with a release to the press, leaving the companies or persons being criticized in the position of having to play catch-up ball to get their side of the story told. You probably read of his assault last week on the president of New York University. In this case, he sent a letter to the educator on Sunday and released it to the press on Monday. When the press called Dr. Hester, what else could he do but decline comment since he had not seen the letter. But the story made headlines. And I might add that there seems to be no end to his expertise. I often am amazed that he and his raiders can spend weeks or months studying a company or industry and come up with solutions to problems that experts with years of experience have been wrestling with day-in-day-out. I suspect one reason for this is that Mr. Nader has a singleness of purpose that a responsible businessman cannot afford. The businessman must weigh the effects of his actions on his firm, his employees, and even on the economy.

I applaud crusades aimed at curing specific ills or deficiencies. But, as I said, I cannot condone throwing the baby out with the bathwater as often seems the case. It is sufficient, it seems to me, to call attention to, and make strong efforts to correct defects in automobiles if they place the consumer in jeopardy or do not function as they should. In my mind, however, it goes beyond a consumer crusade to try to destroy the entire industry which has produced thousands upon thousands of automobiles for the American public, which has provided high wage employment, and has become one of the mainstays of the economy.

I read a copy of the letter Mr. Nader sent to Chairman CELLER of the House Judiciary Committee and to Chairman HART of the Senate Antitrust and Monopoly Subcommittee last December 23 complaining that no one has taken action to break up General Motors and Ford. This letter summoned up all sorts of diabolical and political reasons why such action had not been taken. Perhaps, I can add two additional reasons. It is not sensible or logical. I suspect Mr. Nader has some very personal reasons for wanting to get at General Motors, without regard to its effect upon the economy.

It is not just a case of trying to break up GM that bothers me, though. It is this whole trend toward making business the goat for all of our problems. Of late it almost seems to be sport to shout that business, and particularly big business, is bad. I will readily admit that big business is one of the establishments in American life. But let us not forget for a minute that it gained that position by "establishing" itself over the years as a solid economic base for the growth of our country. Large corporations did not just spring up in this country overnight despite the fact that some crusaders feel they should be dismantled in that time span. They were built slowly and arduously. And only in response to the demands for more of the things that make ours the highest standard of living in the world. This may sound like a lot of flag waving but it is not. It is the story of American business and all of us should be quick to defend it against blithe attacks by so-called crusaders. We should be quick to speak out against such assaults no matter where they arise and—to my dismay—they are beginning to come from some pretty high places.

Unfortunately, all the attacks on business are not from outsiders or so-called raiders or crusaders. The Government gets its oar in, too. For example, if you listen to the philosophy being espoused by the Antitrust Division of the Justice Department these days, you hear some of the same type of pronouncement that Nader uses—"Bigness is Bad." Indeed they have not merely made noises in this direction but have sought to inflict this belief on the courts. So far they have been imminently unsuccessful, thank goodness. I have the impression that Mr. Nader and Mr. McLaren, who heads the Antitrust Division, are something of "kindred spirits" in their devotion to tearing down big business.

I bring this subject up before this group because I know that advertising has received more than its share of unjust criticism. But I ask advertising to remember it is just one arm of business and it is up to it not only to come to its own defense but to take up the cause for business as a whole. Advertising people know what business and industry do for America. They are in a sensitive area of business and know full well what happens to the whole economic structure when business suffers as a result of unthinking attacks.

I would not expect everyone in business to ride the highways and byways like Paul Revere shouting "The raiders are coming." But I would expect a few business people to take a stand at the bridge and fire a few volleys at the approaching enemy. I am happy to do so today.

THE PUNXSUTAWNEY GROUNDHOG

(Mr. SAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAYLOR. Mr. Speaker, at 7:29½ this morning the real weather vane of the next 6 weeks; namely, the Punxsutawney groundhog, made his appearance, saw his shadow, and immediately returned to his burrow.

Now, I realize that there are many fakes around the country who have tried to move in on the Punxsutawney groundhog, wishing to take his place as the Nation's foremost weather forecaster. But just to show you that the Punxsutawney groundhog, wherever he is located, is a real prognosticator of the weather, last fall I had transported here to Washington one of his progenies and lo and behold at 7:29½ this morning on the Capitol grounds he came out of his hibernation, saw his shadow, and has returned. I regret to inform you folks that you should not put away your long underwear nor your asafetida bag because the next 6 weeks, according to Punxsutawney "Phil," will be cold, cold, cold.

PROGRESS IN THE NATIONAL FIGHT AGAINST CRIME

(Mr. THOMSON of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMSON of Wisconsin. Mr. Speaker, it is important that progress in the national fight against crime be brought to the attention of the Congress and the American people. The 1970 crime report for the District of Columbia represents such progress.

For the first time in memory, crime statistics show that crime in the Nation's Capital decreased from the previous year. The 5.2-percent decline in serious crimes is a direct result of our anticrime measures, including tough new laws and more policemen on the beat.

I served on the District of Columbia Committee in the 91st Congress for the express purpose of supporting President Nixon's anticrime legislation. These initiatives, including many provisions to speed criminal justice and to end discrimination against the economically deprived, should strengthen further the forces of law and justice against destructive criminal activity.

I am satisfied that the approach used successfully in the District of Columbia can produce progress in our fight to control crime. Every citizen can take heart at this evidence that the upward spiral of crime is not inevitable.

THE DISTRICT OF COLUMBIA TAX PROPOSAL

(Mr. BROYHILL of Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, last week the Commissioner of the District of Columbia presented a proposed budget for the District to the District of Columbia City Council which included a proposal to tax Virginia and Maryland residents who are employed in the District of Columbia. He estimated that this new tax on commuters would bring a revenue gain to the District of $51.6 million each year and mean a net revenue loss of $28 million to the State of Maryland and $17 to the Commonwealth of Virginia.

Justification for this tax was offered on the basis of studies apparently done by the District of Columbia Budget Office which indicated that "reciprocity" such as he proposed already existed between Maryland and 24 other States, and between Virginia and some 29 other States. These studies, by whomever they were done, are totally inaccurate, and indicate a misunderstanding of the reciprocity which does exist between Maryland and Virginia and, in the case of Virginia, a total of nine, not 29, jurisdictions including the District of Columbia.

Under reciprocal agreements between the Commonwealth of Virginia and Arizona, California, Idaho, Kentucky, Maryland, New Mexico, Vermont, West Virginia, and the District of Columbia, a person is considered to be a resident of a State if he has lived in the State more than one-half year, or 183 days, and his income tax is paid to the State in which he lived. The State in which he may have lived for a shorter period than 183 days yields its rights to tax him on income unless his tax in that State would be greater than it is in his State of actual residence, and, should this be the case, the State where he has lived less than a year would only tax him for the difference.

In all cases, reciprocity is based on the right of a State in which a person lives, not where he works, to tax his income to provide for essential community services.

Virginia residents, who live in Virginia more than 183 days a year, are taxed on all their income regardless of where the income is earned. What the District proposes to do is to impose a second tax on any income they earn in the District of Columbia, assuming that the State of Virginia will give them credit against their own income tax in their own State for taxes paid to the District. It is true that Virginia can and does in some cases give credit to Virginia residents for taxes paid elsewhere. But Virginia need not necessarily do so. In the case of the District of Columbia, Virginia took special action in the State legislature only 6 years ago to make it unnecessary for District residents working in Virginia to file income tax returns in Virginia, and under the present reciprocal working agreement employees of District residents withhold District income taxes for their employees and the District employers withhold Virginia taxes for their Virginia employees. Interestingly enough, this was done after appeals from District residents about the unnecessary and time-consuming necessity for filing returns in two locations when they would, because of reciprocity, be eligible for a refund in their place of employment and liable for tax on their full income in their place of residence. This arrangement would be scrapped by the Commissioner's proposal, and every commuter, regardless of his residence, would be required to file two tax returns in addition to his Federal tax return. Further, if either Maryland or Virginia refused, as they can, to credit residents with any tax paid to the District of Columbia, suburban commuters would be subjected to double taxation, and the flight to the suburbs for tax relief would be hard to imagine.

The Commissioner has called his budget a "barebones" budget, yet he offers no alternative source of revenue for this $51.6 million he hopes to receive from suburban commuters. If it is, indeed, a tight and sound budget, it is unbelievable that there would be no alternative source of revenue proposed for a sum as substantial as $51.6 million. If he offers no alternative, and Congress refuses, as it will, to give him this taxing authority, he faces the obvious cuts by the Congress, possibly in areas of most importance to him and to the District of Columbia. If he has exhausted all other areas of taxing the residents and businesses of the District of Columbia, and has presented the Council with the tightest budget he can offer, then he should scrap this ridiculous proposal, announce that he must have that $51.6 million in additional revenue, and seek it from the Congress as an added increase, over and above the $27 million increase he is asking, in the Federal payment to the District.

Mr. Speaker, I have always supported the District in its efforts to obtain sufficient revenue to finance its essential operations. I know the city is in financial trouble, as are cities and suburbs across the Nation. If the District budget presented to Congress is as tight as it can be; if all sources of revenue have been explored and the residents and businesses of the District are carrying a tax burden comparable or heavier than that of the surrounding communities, I will fight for a Federal payment sufficient to continue its operations even if it is as high as the $75 million-plus more than the $126 million authorized for this year. Realistically speaking, though, we must acknowledge that every city, county, and State has to operate for less if revenue is not available, just as every family can adjust its standard of living to its income if it is to survive. I submit, therefore, that it is incumbent on the Commissioner to go back to his Budget Office to see if and where he can make cuts where it will hurt the least, so that the budget when it comes to Congress will be in fact the bare bones budget the Congress expects. Again I say I will support the amount necessary to finance the District of Columbia, but I believe Congress should demand more responsibility from the District government than alleged total dependence for survival on an inequitable, unworkable, and unobtainable commuter tax.

WELL-BEING OF THE ENVIRONMENT

(Mr. BROYHILL of Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, the well-being of the environment has come to be a major issue of the 20th century. Every man, woman, and schoolchild is concerned lest this magnificent planet on which we all live shall in our time or our children's time, because of man's own pollution, become a place as uninhabitable and desolate as our astronauts have found the moon to be.

Because the environment may be defined as all that is outside ourselves, man has perforce been managing, for better or for worse, the environment since before written history. What is really emerging as the burning issue of our times is the question of how wisely we have managed the environment. We are able to see now that all of our past activities impacting the environment, utilizing it, altering it, have produced significant effects. Today we realize that the induced effects have not always produced a net benefit and in many instances have been completely destructive.

The Federal Government has for over a half century recognized the need for measures to preserve and enhance the quality of the environment. But only in recent years have these efforts been accelerated and the gravity of the situation officially acknowledged. Moneys have been spent and laws passed. Institutional arrangements have been adjusted and serious planning has been proposed for the future stewardship of our national resources.

Today at the outset of the 92d Congress, it is time to look at these efforts in an atmosphere of cold calculation without hysteria and to appraise them; it is time to look toward the future and evaluate the requirements for funds to complete our self-assigned task of pollution abatement; and it is time to think about the most efficient social and institutional framework to provide for the kind of environment we want for ourselves and for our children.

A REVIEW OF CONGRESSIONAL ACTION TO CURB POLLUTION

In order to appraise myself of the tasks before this Congress to curb further pollution of our environment, I have made a thorough study and a complete review of all past legislation in this field, including past appropriations and future requirements for further appropriations, insofar as such requirements could be identified. I request that significant portions of this study be appended to my remarks.

It seems fairly clear to me from my study that past Congresses have taken very significant steps to establish a sound, adequate body of regulatory laws to curb the pollution of our environment by the Federal Government, State governments, private industries, public utilities, and the individual citizen.

Beginning with the Rivers and Harbors Act of 1899, which contained several sections prohibiting the discharge of refuse other than liquids from streets or sewers into navigable waters without a permit from the Corps of Engineers, the body of regulatory laws to control pollution of our environment has grown significantly. While legislation until very recent times dealt with water rather than air or land pollution, today this body of regulatory law is most complete and affects a variety of controls over every aspect of man's existence.

We have established laws which not only provide for stringent standards of water quality, by prohibiting the pollution of our streams, rivers, lakes, and oceans by industries, governments, utilities and people, but we also have established similar regulatory laws to curb pollution of our air and land resources. Under these laws, provided they are properly administered and funded, the American people can expect an automobile that is relatively pollution free by 1975; stream, rivers, and lakes that will be clearer and cleaner than they were when our country was only inhabited by the American Indian; and methods for disposing of our garbage and waste from both humans and industry which will additionally yield usable heat, power and by other by-products. We can also be reasonably assured that man's technological creations, such as the jet aircraft, will not disrupt our delicately balanced life-giving atmosphere, and will also be able to operate at lower noise levels than current air vehicles. Moreover, by a combination of ecological engineering and development and production of pollution-free automobiles, buses and trucks integrated with expanded use of rapid-rail urban transport systems, we will not only be able to preserve and improve our present transport systems, but will be able to expand man's ability to move about our cities, suburbs and countryside more economically and efficiently, with a reduced impact on our total environment. As the Congress is well aware, it is of utmost importance that our peoples win this battle of air-pollution, not only to preserve our health and the health of our children and their children, but we must win this battle to maintain a vast economy which brings the very bread to our mouths. We must also win it to permit our people to remain as free men, unhindered by restrictions which would by necessity, if such development does not take place, force us to adopt life styles and confine us to living in highrise dwellings along railroad tracks, unable to travel freely to work or play.

MANAGEMENT PROBLEMS

Another problem which remains to be solved by the Congress is to determine whether the current management system employed by the Federal Government to implement the laws passed by Congress will get the job accomplished. Certainly we have in the past established enough agencies or subagencies within the Government to examine and identify our environmental problems. However, until very recent times we have done relatively little to focus these agencies into a logical direction which could supervise the regulatory laws we have enacted, the research we have authorized or the funds we have appropriated to improve our environment. We did manage in the last Congress to enact the National Environmental Policy Act to create a Council on Environmental Quality to establish a national policy on environment. Also, the executive branch recognized its own management problems and by Reorganization Plan No. 3 of 1970 brought most of these separate agencies under the Environmental Protection Agency. Certainly, further examination of this management problem is necessary and should be closely and continuously examined by the Congress. We should also bring our own house in order and pass legislation establishing a Joint Congressional Committee on the Environment to give the Congress a complete overview of our national problems in this most vital field.

A PARTICULAR MANAGEMENT PROBLEM: POLLUTION IN THE POTOMAC RIVER BASIN

An example of a type of management problem facing the Congress is the establishment of a more efficient means of providing water and sewage treatment for the National Capital region. The responsibility for establishing and maintaining such a system stems directly from the Constitution of the United States.

The Potomac River Basin has a long and distinguished history of freedom from detrimental factors. The first basin-wide problem to make itself evident was water pollution. The need to deal with this problem led to the first basinwide activities other than scientific studies. Soil conservation practices for sediment control were instituted in the 1930's and in 1940 the Interstate Commission on the Potomac River Basin—Incopot—was formed by compact among Virginia, West Virginia, Maryland, Pennsylvania, and the District of Columbia. Incopot's powers are only advisory in relation to State and community action against pollution, and it has never been generously financed. In spite of its efforts, along with those of several Federal and State agencies, pollution of the Potomac has increased together with an evermore precarious situation of water supply. Today we have a situation wherein the Potomac River in the area of the Nation's Capital is unfit for swimming because of excessive bacteria; the water is rendered unsightly by mats of algae supported by excessive nutrients; sludge beds cover the river bottom; the oxygen content of the water is depleted, excluding desirable fish life; and in general the river is seriously degraded.

Coupled with this is the fragility of our water supply because of limited storage capacity. At times in the last few years, the Washington area was within several days of water use restrictions.

It is apparent, then, that the whole water supply and pollution control situation in the Potomac River Basin as it impacts the Washington area must be considered on a regional basis and that institutional arrangements must be made to permit wise management of our water resource. The District of Columbia Revenue Act of 1970 provides for this in section 704. This section calls for a study which will produce legislative recommendations concerning: First, the water pollution problems of that part of the Potomac River located within the Washington metropolitan area; second, the water resources of the Potomac River for that area; third, the problems relating to the provision of adequate facilities for water, sewer, and related services for the area; and fourth, most importantly, the establishment of an independent regional entity to control and resolve the water pollution problems, to regulate and control the water resources of the area, and to provide such services to the various jurisdictions of the area at reasonable cost.

This study also will contain specific legislative recommendations as to the amount of funding necessary to establish and maintain such a regional entity, recommendations as to what functions now performed by Federal and District of Columbia entities should be transferred to the new regional entity, and guidance for the actual mechanics of effecting this proposed transfer of functions. This study is being performed by the newly formed Environmental Protection Agency, in consultation with the Department of Interior, the Corps of Engineers of the U.S. Army, and the Commissioner of the District of Columbia. It is expected that much of the information for this report will be extracted from the numerous previous studies performed by these various participants in the past and will form the best basis for the recommendations which will guide the creation of a new Metropolitan Regional Authority. This report will be submitted on March 31, 1971, to the Congress.

The conference report pertaining to the District of Columbia Revenue Act of 1970—House Report 91-1672—discussed the state of affairs that demanded this new approach to water supply and pollution control in the metropolitan Washington area. The need for the establishment of a regional authority is carefully spelled out and expressed fully the complexity of the current situation, a situation which will only get worse unless bold, innovative action is not taken in the near future.

PRIOR FUNDING OF NATIONAL PROGRAMS FOR POLLUTION ABATEMENT

It is readily apparent that the task of abating pollution is neither simple nor cheap. Assuming that technology is available or will become available as needed, the factors of cost versus benefit must be evaluated. Most of us feel that we appreciate the benefits of a clean environment and that effort must be made to preserve and enhance the world in which we live. But, as in so many other human endeavors, availability of resources influences both our aspirations and our achievements. The table I below indicates funding over the years 1965 through 1971 for the three major pollution control agencies. Projections are shown for the years 1972 and 1973 to indicate present authorizations:

TABLE I.—FEDERAL FUNDING FOR POLLUTION CONTROL—FEDERAL WATER QUALITY ADMINISTRATION, NATIONAL AIR POLLUTION CONTROL ADMINISTRATION, BUREAU OF SOLID WASTES

[In millions of dollars]

	1965	1966	1967	1968	1969	1970	1971	1972	1973	Total
Water:										
Authorized	110	175.0	215.0	581.0	836.0	1,190.0	1,420.0	(1)	(1)	4,527.0
Appropriated	130	187.0	235.0	296.0	303.0	886.0	1,120.0			3,257.0
Air:										
Authorized	25	30.5	46.0	109.0	185.0	179.0	200.0	350	450	1,574.5
Appropriated	21	27.0	36.0	62.0	80.0	102.0	114.0			442.0
Solid wastes:										
Authorized		7.0	14.0	19.2	20.0	19.8	41.5	[2] 172	[2] 238	531.5
Appropriated		4.4	12.4	13.4	15.2	15.4	19.4			79.9
Totals for period:										
Authorized										6,633.0
Appropriated										3,778.9

[1] Pending legislation. [2] Includes Bureau of Mines.

In addition to these sums, construction grants have been supplied by the Farmers Home Administration of the Department of Agriculture for the development of basic water and sewer facilities in rural areas and by the Office of Resources Development of the Department of Housing and Urban Development for water and sewer facilities in cities. These funds are separated out from the above table because of their application for a water supply as well as for pollution abatement. In fiscal year 1970, the Farmers Home Administration was appropriated $46 million for other purposes. This amount was increased to $100 million in fiscal year 1971. The fiscal year 1970 appropriation for the Office of Resources Development water and sewer program was $135 million; increased to $350 million in fiscal year 1971.

Other Federal agencies also expend considerable sums for pollution control and abatement. The following three tables—tables II, III and IV—reproduced from the First Annual Report of the Council on Environmental Quality, "Environmental Quality," show these expenditures in detail. Note in table II that the total budget authority in fiscal year 1971 is $4.8 billion. This does not include any authorizations established after July 1970, thus the actual figure is somewhat greater. It is also interesting to note that 19 agencies are identified as having major roles in pollution control.

The tables follow:

TABLE II.—ESTIMATED FEDERAL FUNDING FOR POLLUTION CONTROL AND ABATEMENT PROGRAMS, FISCAL YEARS 1969-71 BY TYPE OF ACTIVITY

[In millions of dollars]

Type of activity	Budget authority			Obligations			Outlays		
	1969	1970	1971	1969	1970	1971	1969	1970	1971
I. Assistance for State, interstate, and local governments [1]	289	887	4,089	312	626	1,336	217	255	649
(a) Funds for capital investments; e.g., treatment facilities	232	825	4,020	256	564	1,265	170	199	580
(b) Funds for operations of pollution control agencies	36	30	45	35	39	46	25	35	45
(c) Technical assistance	21	23	25	21	23	25	22	21	24
II. Research, development, and demonstration [1]	319	319	346	330	332	361	292	317	339
(a) Primarily for pollution control and abatement	249	241	267	253	251	277	220	242	259
(b) For some other primary purpose but contributing to pollution control and abatement	70	78	79	77	81	84	72	75	80
III. Monitoring and surveillance [1]	49	46	50	48	46	51	48	46	51
(a) Primarily for pollution control and abatement	41	38	40	40	38	41	40	38	41
(b) For some other primary purpose but contributing to pollution control and abatement	8	8	10	8	8	10	8	8	10
IV. Standards promulgation and enforcement	23	27	32	22	28	32	22	26	31
V. Manpower development	17	18	19	16	18	19	17	17	18

Type of activity	Budget authority			Obligations			Outlays		
	1969	1970	1971	1969	1970	1971	1969	1970	1971
VI. Remedial actions to control pollution at Federal facilities	50	88	130	77	108	153	63	103	144
VII. Other:									
(a) Program administration and education	25	31	30	22	29	30	19	20	33
(b) Direct actions by AEC to control pollution from radioactive wastes	22	29	37	22	30	38	19	26	32
(c) Financial and technical assistance by Soil Conservation Service to control sediment and agriculturally related pollutants	68	75	79	68	75	79	66	75	83
Total	862	1,520	4,813	916	1,291	2,100	763	885	1,380

[1] Totals of amounts below.

Source: Compiled from data supplied by the Office of Management and Budget, July 1970.

Note: Details in the tables may not add exactly to the totals due to rounding.

TABLE III.—ESTIMATED FEDERAL FUNDING FOR POLLUTION CONTROL AND ABATEMENT, BY AGENCY AND BY POLLUTED MEDIUM AND SELECTED POLLUTANTS (FISCAL YEAR 1970 OBLIGATIONS)

[In millions of dollars]

Agency	Polluted medium			Selected pollutants[1]						Total
	Air	Water	Land	Pesticides	Radiation	Solid wastes	Noise	Thermal	Other	
Interior	4.0	629.9	2.6	5.2	0.2	5.7		2.4		640.0
AEC	4.6	5.8	.2	.1	133.3	2.1		1.8		147.9
HEW	94.2	3.5		11.7	18.6	15.2	0.1		7.9	151.2
DOD-military	19.9	35.5		.7	.8	.2	12.5		.1	69.7
Agriculture	12.0	120.7	7.9	23.2	.7	2.6			.4	167.5
Transportation	5.8	6.0		.2		.4	7.3			19.7
NASA	2.3	.9				.1	14.0			17.3
Appalachian Regional Commission		4.6	6.5			1.0				12.1
TVA	14.5	10.2	.1		1.4	.1		6.8		33.1
Corps of Engineers	.4	3.0				1.8				5.2
Commerce	1.7	3.4	.2		.1	.2	.2		.4	6.2
Justice	.3					.9				1.2
Other	3.5	5.0	.2	.1	.2	.4			.4	9.8
Total	163.2	828.5	17.7	41.2	155.3	30.0	34.1	11.0	9.2	1,290.9

[1] Excluding funds reported in media columns.

Source: Compiled from data supplied by the Office of Management and Budget, July 1970.

TABLE IV.—ESTIMATED FEDERAL FUNDING (FISCAL YEAR 1970 OBLIGATIONS) FOR POLLUTION CONTROL AND ABATEMENT, BY AGENCY AND BY TYPE OF ACTIVITY

[In millions of dollars]

Agency	Aid to State, regional, and local governments				Research, development demonstration			Monitoring and surveillance			Standards and enforcement	Manpower development	Pollution control: Remedial actions at Federal facilities	Other			Grand total
	Capital funds	Operating funds	Technical assistance	Subtotal	Primarily for pollution control	Contributing to pollution control	Subtotal	Primarily for pollution control	Contributing to pollution control	Subtotal				Program administration and education	AEC control of radioactive wastes	Financial-technical assistance by SCS	
Interior	514.8	12.5	11.4	538.7	57.4	16.2	73.6	4.4	5.5	9.9	4.4	6.2	7.0	9.8			650.0
AEC			.1	.1	71.2	17.1	88.3	15.9		15.9	11.7		1.5		30.4		147.9
HEW		26.7	10.6	37.3	62.8	7.0	69.8	10.0	1.0	11.0	7.4	11.1		13.9			150.4
DOD-military					.5	6.5	7.0	4.6	.3	4.9		.4	57.8	.1			70.1
Agriculture	32.3			32.3	32.8	17.7	50.5	.7	1.2	1.9	3.2		3.1	1.2		75.1	167.2
TVA			.3	.3	.8	3.6	4.4	1.5		1.5			26.9				33.1
Transportation					9.4	7.1	16.5				.9		.5	1.8			19.7
NASA					14.1	3.1	17.2						.1				17.3
Appalachian Regional Commission	10.4			10.4										1.8			12.1
Commerce	2.3		.4	2.7	.5	2.7	3.2	.2	.2	.4			.2				6.5
Corps of Engineers								1.0		1.0			4.2				5.2
GSA													2.3				2.3
HUD	2.5			2.5													2.5
VA													1.8				1.8
Post Office					.2		.2						1.4				1.6
Justice	.5			.5									.7				1.2
State	.8			.8					.1	.1	.1						1.0
NSF					.8		.8										.8
Smithsonian						.2	.2										.2
Total	563.5	39.2	22.8	625.5	250.5	81.0	331.5	38.3	8.1	46.4	27.7	17.7	108.1	28.5	30.4	75.1	1,290.9

Source: Compiled from data supplied by the Office of Management and Budget, July 1970.

PROJECTIONS OF FUTURE COST OF POLLUTION ABATEMENT

The appropriate question now is "Will these expenditures do the job, assuming funding continues at the indicated level?" Dr. Allen V. Kneese, director, Quailty of the Environment Program, Resources for the Future, Inc., has prepared a preliminary paper entitled "The Economics of Environmental Pollution in the United States." In this draft he has bravely attempted to project the cost of natural programs to reduce environmental pollution. Dr. Kneese writes:

V. WHAT WILL NATIONAL PROGRAMS TO REDUCE ENVIRONMENTAL POLLUTION COST?

A large number of published estimates of the costs of improving environmental quality are brought together in Table V. A glance at it will quickly convince the reader that these numbers are extremely difficult to interpret. They are partial, relate to different time frames, are based on different assumptions (as often as not unstated), pertain to different goals, are unclear about what are increases and what costs of continuing present programs, and are generally lacking in comparability.

Under these circumstances, an effort at precise interpretations would certainly be misplaced. In an attempt to give readers some feeling for the general magnitude of these numbers, I have selected some estimates, rounded them drastically, and made various heroic judgments. The results are put together in Table V. It appears that for the period 1970 to 1975, expenditures for making substantial improvements on all fronts (air, water, solids—including a lot of cleaning up of problems inherited from the past) might run between 20 percent and 35 percent of the increase in GNP which could be expected over this period. These figures are loosely based on goals which have been seriously put forward for this period. The figures probably err on the high side because they are mostly based on simply administrative approaches to the problem rather than sophisticated management approaches. As is explained in section VI below and illustrated in Appendices C and D . . .(omitted), the difference in cost of major components, if the latter were adopted, might be very large, perhaps by a factor of 2 or more. Also, there is a lot of capital investment for catching up in these estimates, especially if one includes the separation of storm and sanitary sewers. Probably more than three quarters of the expenditures would be investment. Accordingly, expenditures could "hump" and then drop off considerably. Perhaps one should not overstress this point, however, because some further steps could be extremely costly. To take perhaps the major example, it has been estimated that to remove or recycle nutrients from all treated sewage effluents to protect streams and lakes from excessive enrichment and eutrophication might cost $90 billion.

A few words of explanation should be inserted here about the separation of sanitary and storm sewers because the cost magnitudes are so large. In most of the older cities of the United States, at least a portion of the sewage is carried in the same passages that are used for storm water runoff. During dry weather there is no problem, but when there is substantial storm runoff, treatment plants cannot accommodate the large volume of water, and at least part of the sewage must be discharged, with the storm water, to the watercourse without treatment. In some large old systems, this is a frequent event. In New York and Boston, bypass occurs on the average of about once a week. To rebuild the sewers so as to prevent this condition from occuring periodically is extremely costly and therefore presents a difficult problem of social choice.

In any case the estimates shown in the table V suggest that while achieving major environmental improvements is likely to be very costly, the amounts are not so great as to preclude a substantial growth in product available for other purposes—especially since the projected expenditures are heavily investment.

This is a short-run conclusion, valid for perhaps a few decades. The implications of very long continued growth in population and material and energy conversion could be quite different, as I will discuss later.

Table V follows:

TABLE V—*A Collection of Rough Estimates of Increase in Costs During Period 1970–75 to Achieve "Substantial" Reductions in Environmental Pollution*

[Estimates in billions of dollars and including investment and operation cost]

WATER	
Treatment of municipal sewage	12
Reducing nonthermal industrial wastes	6
Reducing thermal discharges	3
Sediment and acid mine drainage control	3
Reducing oil spills, water craft discharges, and other miscellaneous items	1
Added reservoir storage for low flow regulation	1
Separating storm and sanitary sewers	40
Total	66
Total without last item (industry share of this may be 50 percent)	26
AIR	
Controls on stationary sources (one-half industrial)	5
Mobile sources:	
To modify refining and distribution of gasoline	2
Engine modifications	2
Added fuel costs	1
Total (industry share of this may be two-thirds)	10
SOLIDS	
Increased coverage of collection	1
Increased operating cost, including environmental protection costs	3
Total (industry share? Nothing included for increased recycling of autos and other things)	4
OTHER	
Controls of heavy metals (mercury, cadmium, etc.), stopping the use of persistent pesticides, improving water treatment, control of pollutant-bearing soil runoff, control of feed-lot operations, etc. (a sheer guess)	15
Total (percent of GNP increase about 35)	[1] 95
Total without storm sewer separators (percent of GNP increase about 20)	55

---

[1] $90 billion additional, if funds are to be provided to remove or recycle nutrients from all treated sewage effluents to protect streams and lakes from excessive enrichment and eutrophication.

From a cursory, initial review of President Nixon's budget for fiscal year 1972 it is rather obvious that we again fall short of providing adequate funds to meet our national goal to clean up our environment within a reasonable timeframe.

Comparison of the amounts of money authorized and appropriated against the amounts of money needed to control and abate pollution quickly tells us that either our goals must be reappraised or our funding levels must be increased. Certainly considerable thought must be given to the disparity between the resources needed and those available.

SUMMARY

There is no longer any debate concerning the importance of environmental issues in the day-to-day and in the long-range programs of Government, industry, agriculture, and individuals. The debate today is concerned with clarification of goals, establishment of national priorities, how best to achieve these goals, funding, and optimum institutional arrangements. Too often, environmental issues are presented as clear-cut choices between pro and con, with industrialists and developers on one side and conservationists on the other. In fact, such situations exist only in the context of narrowly defined goals and the apparent conflict over the environment is really one of differing opinions concerning which of the many needs of man are most critical in the use of the resource under consideration. There are many worthy human goals, frequently conflicting among various individuals and groups of people. Judgments must be made which are fair and equitable for all peoples concerned. All too often in management of the environment and natural resources choices must be made which are more or less exclusive of other options. These choices are rarely those of good use against bad use, but usually require a selection between two good and valid options. Either one will result in some benefit to man, but the difficulty lies in determining which of these benefits is greater, and to whom.

It is essential in any discussion of environmental management to remember that all benefits are secured only at some cost. The quest is for maximum benefits at least cost and to arrive at a wise and proper balance between exploitation of natural resources and conservation of the environment. My purpose has been to examine the past and existing legislation dealing with preservation and enhancement of the environment. We have seen that extensive measures exist and that large sums of money have been authorized to partially implement these laws. Studies by economists and scientists have predicted that even these sums are woefully inadequate to meet the goals established, thus certain management and legislative decisions must be made concerning the value and wisdom of the course we have charted. Perhaps we have been overambitious.

Perhaps we have been underinformed as to the many ramifications and expenses involved in environmental programs. Certainly we must examine closely all sides of the cost-benefit aspects of our current programs and perhaps develop alternative ways of pursuing our goal of a clean environment. Certainly, in view of the large sums of money involved, possibly as much as $185 billion, we must make sure that all of our efforts are conducted in the most efficient fashion, and that we receive maximum benefit from all expenditures of money, effort, and time. Equally, certainly, we must develop and create the most efficient institutional arrangements to permit optimization of investment and minimization of overlap and waste.

It is for these reasons that I am so enthusiastic about the regional authority approach to solution of regional resource problems.

The Congress has: First, established the necessary framework of laws, second, provided some extent of financial support, and third, supplies planning and technical assistance to State, local and regional bodies. The national program of research and development is essential to the State and regional efforts and has already developed the bulk of technology necessary for the successful abatement of pollution. As has been repeatedly demonstrated, the real bottlenecks are in the failure of lower level institutional arrangements to provide for optimum utilization of money, technology, and effort and the failure of Congress and the executive branch to adequately fund a meaningful program.

During the coming session of the Congress, I intend to introduce amending legislation to substantially increase the President's budget requests for funds to further improve the quality of our environment. Moreover, I also intend to introduce legislation in the Congress to improve the management of these funds and the programs they sustain.

FEDERAL LEGISLATION CONCERNING POLLUTION CONTROL, WATER

The bulk of Federal legislation devoted to pollution control has dealt with water rather than air or land until very recent times. The first of these antipollution measures was contained within various acts concerned with preservation of rivers and harbors and gave jurisdiction to the Corps of Engineers as an adjunct to their responsibility for maintaining the Nation's navigable waters. The Rivers and Harbors Act of 1899 contained several sections prohibiting the discharge of refuse, other than liquids from streets or sewers, into navigable waters without a permit. Penalties were specified. Although originally enacted to provide for construction, to facilitate navigation, and to regulate associated facilities, this law has been interpreted as applying to pollutants whether or not they hamper navigation. Supreme Court action has held that this broad interpretation is valid but in their decision only specific pollutants, primarily solids and oils, were cited as examples. Enforcement activity under this law was relatively rare until 1969, when its applicability once again became recognized. As of February 28, 1970, the Justice Department reported over 110 cases pending with another 99 closed out in fiscal 1969. Most of this activity has been in the areas of southern Michigan, Lake Erie, and New York Harbor.

In just the last year even more emphasis has been placed on the value of this law and many more suits have been entered. In what may become a landmark case, the Department of Justice is suing the Florida Power & Light Co., contending that the waste heat being discharged to Biscayne Bay constitutes "refuse" within the context of this law. The Environmental Protection Agency, along with the Corps of Engineers, is now insisting on approved permits for some 40,000 existing industrial discharges and all new outfalls.

The Public Health Service Act of 1912—Public Law 62-265—directed that organization to conduct research concerning the health aspects of water pollution. In the course of complying with this directive, the Public Health Service has not only virtually eliminated major health threats from waterborne disease, but has also provided a solid base of knowledge for later work.

The Oil Pollution Act of 1924—Public Law 68-238—prohibited the dumping of oil into navigable waters except in cases of emergency threatening life or property, unavoidable accident, or as permitted by regulations. It dictated that the person responsible for such discharge would immediately remove it from the water and adjoining shorelines, and provided that, if that person failed to act, the Secretary of the Interior would undertake the cleanup, with the offending party liable for all expenses incurred. The act also provided for criminal penalties of a fine and/or imprisonment. The enforcement of this act was under the direction of the Secretary of the Interior, with assistance from the Coast Guard and the Corps of Engineers. This act was repealed in 1970 and replaced by the more stringent regulations of the Water Quality Improvement Act.

The first modern act specifically designed to abate water pollution was the Water Pollution Control Act of 1948—Public Law 80-845. This was an experimental, temporary measure designed to expire after 5 years. This act specifically recognized the primacy of the States in the field of water pollution control. It provided for Federal research and Federal technical and planning assistance through the Public Health Service and the Federal Works Agency—phased out in 1950. These Federal activities were supported by annual authorization of $5 million for expenditures and $22.5 million in lending authority. The act was extended until 1956.

The Federal Water Pollution Control Act of 1956—Public Law 84-660—is the basic act amended in 1961, 1965, 1966, and 1970 to form the legal backbone of our current national campaign for clean water. This legislation provides for construction and other grants, establishes enforcement procedures, and expands existing research programs. This act authorized a 5-year program of grants to municipalities for the construction of sewage treatment plants at the rate of $50 million a year. The now classic conference technique of enforcement proceedings still in use was developed within the framework of this legislation.

The amendments of 1961—Public Law 87-88—increased authorization for construction grants to $80 million for fiscal year 1962, $90 million for fiscal year 1963, and $100 million a year for fiscal years 1964-67. Other provisions of the granting arrangement were liberalized also. The act increased research funds to $5 million a year, authorized the establishment and construction of seven field laboratory and research facilities, and directed the Secretary of Health, Education, and Welfare to conduct studies on the water quality of the Great Lakes. Federal agencies constructing dams were directed to include potential benefits from low-flow augmentation in their considerations and Federal enforcement authority was expanded to include navigable as well as interstate waters.

The Water Quality Act of 1965—Public Law 89-234—elevated the Division of Water Supply and Pollution Control within the Department of Health, Education, and Welfare to form the Federal Water Pollution Control Administration within the same Department. The act authorized a research and demonstration program to deal with the problems caused by combined sanitary and storm sewers and increased authorization for construction grants to $150 million for fiscal years 1966 and 1967. The provisions for Federal aid were liberalized and incentives were developed to promote comprehensive regional planning. The act also provided for a program of mandatory water quality standards for all interstate and coastal waters.

The newly created Federal Water Pollution Control Administration was transferred from the Department of Health, Education, and Welfare to the Department of the Interior by the Executive Reorganization Plan No. 2 of 1966. This unit was subsequently placed in the Environmental Protection Agency by Reorganization Plan No. 3 of 1970.

Title I of the Clean Water Restoration Act of 1966—Public Law 89-753—authorized grants to appropriate State, interstate, local, and international planning agencies to support development of comprehensive basinwide pollution control and abatement plans. Title II of the act contained provisions for research and development grants to State and other agencies and persons, increased program support grants, revision of the construction grant program, modified enforcement procedures, the national estuarine pollution study, a study of pollution caused by wastes from watercraft, a study of incentives to industry for pollution control, and a study to develop a detailed estimate of the costs involved in carrying out the Water Pollution Control Act, as amended. The research, development, and demonstration grants were to encourage work on controlling combined sewage pollution problems, for development of advanced waste treatment and water purification methods, for improved means of treating joint municipal and industrial wastes, and to develop methodology for the prevention of industrial pollution.

The Clean Water Restoration Act of 1966 is the vehicle by which significant amounts of money were made available for research and development. Additional grants were made available to State agencies for research and demonstration grants projects relative to combined sewers, advanced waste treatment and water purification, and joint municipal/industrial treatment works, and to persons for research and demonstration projects concerning the prevention of pollution by industry. Grants were also made available to support State and interstate programs. Construction grants were liberalized to where the Federal Government could pay up to 55 percent of the construction costs of a treatment plant. Moneys were authorized for this purpose through fiscal year 1971. Granting authority for construction through the years has been:

Fiscal year:	*Million*
1962	$80
1963	90
1964	100
1965	100
1966	150
1967	150
1968	450
1969	700
1970	1,000
1971	1,250

Title I of Public Law 91-224, entitled the Water Quality Improvement Act of 1970, is the most recent amendation to the Federal Water Pollution Control Act. Section 11 provides for improved control of oil pollution. This provision gives the Federal Government the authority to immediately undertake cleanup actions following an oil spill, with the costs of the cleanup charged to the offending party. Unless he can prove that the spill resulted from an act of God, of war, of U.S. Government negligence or an act or omission of a third party, the owner or operator is absolutely liable to the United States for the costs of the cleanup. Limits on the liability are set at $14 million or $100 per gross ton, whichever is less, in the case of vessels and $8 million in the cases of on or offshore facilities. If the United States can prove willful negligence or conduct, the full penalties will be sought.

Failure by the owner or operator to notify the U.S. authority of a spill may result in a fine of up to $10,000 and/or imprisonment for 1 year. This section further directs the President to prepare and publish, within 60 days of its enactment, a national contingency plan to provide efficient and effective means of dealing with spills. It establishes a revolving fund of $35 million to carry out the removal of oil discharges. It gives the President the authority to define by regulation the amounts of oil which can be released without violating the act. Title I also repeals the Oil Pollution Act of 1924 and renames FWPCA the Federal Water Quality Administration.

Section 21 of the Water Quality Improvement Act provides that any applicant for a Federal license or permit must obtain certification from the concerned State that his operation will not violate the existing water quality standards. A 3-year grace period is extended to facilities for which actual construction was initiated prior to the date of enactment of this act, and a 1-year period for pending applications for Federal licenses or permits.

A third provision of the act is for the control of sewage from vessels. Section 13 directs the Secretary of the Interior to promulgate Federal standards of performance for marine sanitation devices, and the Coast Guard to formulate regulations covering the design, construction, installation and operation of those devices. These standards and regulations will become effective 2 years after their promulgation in the case of new vessels and 5 years in the case of existing vessels. The Federal Government, upon their promulgation, preempts the control of vessel sewage from local and State governments, unless, in the event it is necessary to meet water quality standards, the State applies for complete prohibition of vessel sanitary waste discharges.

The law applies to all U.S. owned and operated vessels with exception only in the interest of national security as determined by the Secretary of Defense. Penalties for violations under this section of the act range from a maximum of $2,000 for persons operating a vessel without a working marine sanitation device, to a maximum of $5,000 for manufacturers marketing a device which is different from a certified test device, and for persons rendering a device inoperable prior to the sale or delivery of the vessel. The Coast Guard is directed to enforce this section, and is given power to board and inspect vessels, and to execute court orders.

Other elements of the Water Quality Improvement Act provide for: First, the identification of hazardous substances, and a report to the Congress by November 1, 1970, discussing the need for and desirability of enacting legislation to impose liability for the cost of removal of hazardous substances from onshore and offshore facilities and vessels, including recommendations on enforcement and recovery of costs; second, $15 million for grants to State and interstate agencies for acid mine drainage control demonstration projects; third, $20 million for grants to Great Lakes pollution control demonstrations; fourth, $62 million for training grants and contracts and scholarships; fifth, $1 million for Alaska village water and sewer demonstration projects; sixth, the extension for fiscal years 1970–71 of the research and demonstration program at the level of $65 million per year; and seventh, an additional $15 million for the study of the Nation's estuaries.

PROGRAMS

Under the Consolidated Farmers Home Administration Act of 1961—Public Law 87-128. The Farmers Home Administration of the Department of Agriculture provides planning and construction grants for the development of water and sewer systems in rural areas.

The Department of Housing and Urban Development also provides significant grant moneys for basic water and sewer facilities. Through its Office of Resources Development under authority of the Housing and Urban Development Act of 1965. The Emergency Facilities Act of 1970—Public Law 91-431—amended title VII of this act to authorize appropriation of $1 billion for basic water and sewer facilities.

AIR

The development of the Federal air pollution control effort has followed the pattern as set by the water pollution program. The first Federal legislation—Public Law 84-159—was passed in 1955, authorized the Public Health Service to conduct a research program and to give technical assistance to State and local governments. The policy was established that State and local governments have prime responsiblity and the Federal Government is obligated to provide leadership, information, and support. In 1960 Public Law 86-493 directed the Surgeon General to conduct a special study of air pollution due to automobiles. His report was published in 1962 as House Document 87-489, "Motor Vehicles, Air Pollution, and Health."

The Clean Air Act of 1963—Public Law 88-206—authorized direct grants to State and local governments to establish, develop, or improve control programs, and provided for Federal enforcement action in interstate cases.

The act designated three areas of research for special attention: control of motor vehicle exhausts, removal of sulfur from fuels, and development of air-quality criteria on which to base source-emission limits and ambient air-quality standards.

The Motor Vehicle Air Pollution Control Act of 1965—Public Law 89-272—amended the Clean Air Act to provide for Federal regulation of motor vehicle emissions, expanded the research program, created a Federal laboratory, provided for the investigation of new sources of pollution, and instituted a procedure for the abatement of international air pollution.

The Clean Air Act Amendment of 1966—Public Law 89-675—authorized an expansion of the program. Grants were made available for the maintenance of effective State and local control programs, supplementing those formerly available.

The Air Quality Act of 1967—Public Law 90-148—brought major revisions in the total program of air pollution control and abatement. The Division of Air Pollution within the Public Health Service was enlarged to form the National Air Pollution Control Administration—now a part of the Environmental Protection Agency. A sequence of criteria, ambient air quality standards, and enforcement was established, modeled after the water quality standards program. In the absence of the clear boundaries provided by river basins as for water, it has been necessary to define air regions with common problems. Eight broad atmospheric areas dividing the United States according to climate, meteorology, and topography have been recognized and further subdivided into 57 air quality control regions on the basis of common air pollution problems.

As in water pollution, the States bear the basic responsibility for the implementation and enforcement of standards with support and backup from the Federal Government.

The Air Quality Act of 1967 also provides for expansion of the Federal Government's air pollution research and development activities; continuation of grants to States and communities to assist them in their efforts; financial aid for planning activities in interstate air quality control regions; action by the Secretary to obtain court orders to curtail pollution during emergencies; continuation of Federal standard setting to control motor vehicle pollution; awarding of grants to States to assist them in developing programs for inspection of motor vehicle pollution control systems; continued efforts to control pollution at Federal installations; creation of a 15-member Presidential Air Quality Advisory Board; establishment of technical advisory groups to assist the Department of Health, Education, and Welfare; registration of fuel additives; a study of the need for and effect of national emission standards for stationary sources of air pollution; a study of the feasibility of controlling pollution from jet and conventional aircraft; comprehensive economic studies of the cost of controlling air pollution; and investigation of manpower and training needs in the air pollution field.

The most recent legislation the Clean Air Amendments of 1970—Public Law 91-604—were passed during the second session of the 91st Congress. This legislation is discussed below.

SOLID WASTES

The Solid Waste Disposal Act of 1965, title II of the Clean Air Act of the same year—Public Law 89-272—marks the beginning of Federal involvement in this growing problem. The purposes of the act are to initiate and accelerate a national research and development program for new and improved methods of proper and economic solid-waste disposal, including studies directed toward the conservation of natural resources by reducing the amount of waste and unsalvageable materials and by recovery and utilization of potential resources in solid wastes and to provide technical and financial assistance to State and local governments and interstate agencies in the planning, development, and conduct of solid-waste disposal programs. Unlike air and water pollution, the Federal program thus far has not tended toward regulation.

The Federal program was administered jointly under a memorandum of agreement by the Departments of Health, Education, and Welfare, and Interior. The HEW program is carried out by the Bureau of Solid Waste Management, and the Interior program—concerned with handling the wastes generated in the extraction, processing or utilization of fossil fuels, and with the recovery of valuable materials from municipal wastes—by the Bureau of Mines. The Bureau of Solid Waste Management—now a part of the Environmental Protection Agency—conducts research and demonstration grants and contracts to universities, private industry, and other nongovernmental groups for the improvement of methods of collection and transport, recycling and reuse, and processing and disposal of solid wastes. The Bureau also awards grants to universities for training programs, and provides technical and planning assistance to governmental agencies. To provide a basis for its program, the Bureau conducted a national survey of community solid waste practices which was designed to define the extent of the problem, and to assess the means currently employed for handling it. The act provided authorization for appropriations as follows: for the Bureau of Solid Waste Management in HEW, $7 million for fiscal 1966, $14 million for fiscal 1967, $19.2 million for fiscal 1968, and $20 million for fiscal 1969; for the Bureau of Mines, $3 million for fiscal 1966, $6 million for fiscal 1967, $10.8 million for fiscal 1968, and $12.5 million for fiscal 1969. The Public Health Service Act Amendments of 1968—Public Law 90–574—extended the program with authorizations of $19,750,000 for the Bureau of Solid Waste Management and $12,250,000 for the Bureau of Mines. As with the other environmental pollution programs, appropriations for solid waste management have lagged behind the authorizations, most clearly so in the case of the Bureau of Mines which, as of fiscal 1970, had a total gap between authorizations and appropriations of $32,906,000.

The latest legislation in the field of solid waste management is the Resource Recovery Act of 1970—Public Law 91–512. This act is discussed below in the section dealing with the second session of the 91st Congress.

NATIONAL POLICY

A key portion of the national program of environmental protection and enhancement was the establishment of a national policy on the environment and creation of Council on Environmental Quality to act as consultant to the President. These actions were accomplished by passage of the National Environmental Policy Act of 1969—Public Law 91–190.

This act declared that it is the policy of the U.S. Government to create and maintain conditions under which man and nature can exist in productive harmony. Title I recognizes that "each person should enjoy a healthful environment and has a responsibility to contribute to the preservation and enhancement of the environment." It required all Federal agencies to take into account the environmental impact of all actions they propose. Specific directives to prevent adverse environmental effects of Federal agency activities are indicated. It created in the Office of the President a permanent Council on Environmental Quality of three members, modeled on the Council of Economic Advisers, and authorized an annual appropriation of $1 million to cover the expenses of a small professional staff. The principal functions of the council are to recommend environmental policies to the President and to assist him in the preparation of an annual environmental report to be submitted to the Congress beginning in July 1970. The national goals of environmental policy are specified in title I as follows:

First, fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

Second, assure for all Americans safe, healthful, productive and esthetically and culturally pleasing surroundings;

Third, attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

Fourth, preserve important historic, cultural, and natural aspects of our natural heritages, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

Fifth, achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

Sixth, enhance the quality of renewable resources and approach the maximum attaintable recycling of depletable resources.

ACTION BY THE SECOND SESSION, 91ST CONGRESS

Thus the onset of the second session of the 91st Congress saw a solid foundation of environmental legislation on which to proceed. The existing enabling authorities were not perfect and organizational difficulties hampered the most efficient pursuit of the goal of a clean environment. Funding was far from adequate, but the key State, Federal, and local roles had been identified and to some extent supported. The Congress, the executive branch, and the country in general were acutely aware of the need for additional action and for a reordering of national priorities in respect to the environment.

The President sent to the Congress a special message on the environment on February 10, 1970. This message proposed a 37-point action program, with special emphasis on strengthening the fight against air and water pollution. The major legislative recommendations included:

WATER POLLUTION

First. Authorization of $4 billion to cover the Federal share of $10 billion needed for construction of municipal waste treatment plants; to be allocated at a rate of $1 billion per year over the next 4 years, with a reassessment in 1973 of further needs for 1973 and subsequent years.

Second. Establishment of an Environmental Financing Authority to insure that every municipality can finance its share of treatment plant construction costs.

Third. Extension of Federal-State water quality standards to include precise effluent standards for all industrial and municipal sources.

Fourth. Extension of Federal pollution control authority to include all navigable waters, both inter- and intrastate, all interstate ground waters, the U.S. portion of boundary waters, and waters of the contiguous zone.

AIR POLLUTION

Fifth. Publication of new, more stringent motor vehicle emission standards for 1973 and 1975.

Sixth. Authorization for the Secretary of Health, Education, and Welfare to regulate gasoline composition and additives.

Seventh. Establishment of national air quality standards, with the States preparing abatement enforcement plans to meet national standards.

Eighth. Accelerated designation of interstate air quality control regions.

Ninth. Establishment of national emissions standards for pollutants that are extremely hazardous to health and for specified classes of new facilities.

SOLID WASTE MANAGEMENT

Tenth. Redirection of solid waste research toward techniques for recycling materials and producing packaging materials that are easily degradable.

INDUSTRIAL INVOLVEMENT

Eleventh. Establishment of a National Industrial Pollution Control Council.

PARKS AND RECREATION

Twelfth. Full funding of the $327 million available under the land and water conservation fund.

Thirteenth. Review of all federally owned real estate to identify properties that can be converted to public recreational use, or sold, with the proceeds used to acquire additional recreational areas.

Fourteenth. Relocation of Federal installations that occupy locations that could better be used for other purposes.

Fifteenth. Provision that the land and water conservation fund is maintained or increased as a source of funds for purchase of lands in future years.

The President also described 14 measures he intended to implement by Executive action.

By and large, this program has met with a fair amount of success. Each of the Executive initiatives have been implemented and the National Industrial Pollution Control Council has been created within the Department of Commerce. Executive Reorganization Plan No. 3 created the Environmental Protection Agency. This new agency assumes the major role of regulating water quality, air quality, solid waste management, pesticides, and radioactive materials. It is comprised by the Federal Water Quality Administration from the Department of the Interior; the National Air Pollution Control Administration from HEW; the Bureau of Water Hygiene, Bureau of Solid Waste Management, and Bureau of Radiological Health from the Environmental Control Administration of HEW; Pesticides Standards and Research from HEW and Interior; Pesticides Registration from the Agricultural Research Service of the Department of Agriculture; the Federal Radiation Council from the Executive Office of the President; the Environmental Radiation Standards function of the Atomic Energy Commission; and responsibility for studies of ecological systems from the Council on Environmental Quality. The Environmental Protection Agency—EPA—hence is the major agency responsible for pollution control and abatement. It carries extensive regulatory and granting authority, conducts research and provides financial and technical assistance to the States and municipalities in support of their programs.

The Clean Air Amendments of 1970—Public Law 91–604—provided everything the President requested and more. There are 10 major provisions to these amendments.

First. Vehicular sources. Legislation provides statutory deadlines by which new automobiles must be substantially pollution free. By 1975, carbon monoxide and hydrocarbon emissions must be reduced to 10 percent or less of present emissions. Oxides of nitrogen emissions must be reduced the same extent by 1976. The Federal Government preempts State emission standard setting functions for vehicles except for California. Penalties of $10,000 per vehicle may be assessed against violators.

Second. Motor fuels and additives. The Environmental Protection Agency is authorized to control or prohibit the manufacture or sale of motor fuel additives.

Third. Low-emission vehicle. Certification and Federal purchase of low emission vehicles is authorized. A Low-Emission Vehicle Certification Board is created.

Fourth. Aircraft emissions. EPA is to prescribe emission standards for civil aircraft. The Federal Aviation Administration—Department of Transportation—is responsible for enforcement of these standards.

The States are preempted from adopting or enforcing any but identical standards.

Fifth. Air quality control regions. States continue to have primary responsibility for assuring air quality within designated regions. The EPA Administrator will establish appropriate interstate and certain major intrastate areas as a control region if necessary for "attainment and maintenance of ambient air quality standards."

Sixth. National ambient air quality standards. Federal standards will be set for sulfur oxides, particulates, carbon monoxide, hydrocarbons, and photochemical oxidants within one month of passage of the law. As criteria become available, standards will be established for nitrogen oxides, fluorides, lead, polynuclear organic matter, and odors.

Seventh. State implementation plans. Each state must develop implementation plans which assure attainment of primary ambient air quality within 3 years from date of approval of such plan.

Eighth. National standards for new stationary sources. The Federal Government may set national standards of performance on emissions from new stationary sources with emphasis on 19 specified industries.

Ninth. Hazardous substance emissions. Within 6 months, EPA must set standards providing for an ample margin of safety to protect health.

Tenth. Enforcement procedures. Primary responsibility for enforcement lies with the States for enforcing requirements established under their implementation plans. If they fail to do so, EPA can act.

This bill authorizes a total of $1.1 billion for fiscal years 1971, 1972, and 1973.

The Resource Recovery Act of 1970—Public Law 91–512—extensively rewrote the Solid Waste Disposal Act of 1965, extending it for 3 years, and set the stage for a tenfold increase in Federal funding in solid wastes management. The purpose of the act is to promote improved management of solid wastes and the development and construction of resource recovery systems; promote research; provide technical and financial assistance to State and local governments; provide guidelines for waste management systems; and to provide for training competent manpower.

The President also received support for his program concerning parks and recreation. As in other environmental issues, Congress provided not only for the President's request but also authorized additional funds for the land and water conservation fund.

There was no legislative response to the administration's proposals concerning water pollution. As things stand, the latest authorization for funds to combat water pollution do not provide for funding beyond fiscal 1971. Several elements of the President's program have proven to be controversial; not in their goals, but as to the best method of achieving these goals. There is no question that water pollution will be one of the issues before the 92d Congress and that meaningful legislation will be enacted.

STANDARD 1-MINUTE SPEECH SHOULD BE DEVELOPED

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, I thought that I had seen the President deliver his state of the Union message to the Congress but in reading the CONGRESSIONAL RECORD and certain segments of the press since then one could get the impression that he did not appear since every passing day brings a torrent of words about this or that pet project or "world-saving" program that the President failed to mention.

In that regard, I thought it might be of some assistance to my colleagues and also make it easier for the folks down at the Government Printing Office who print the CONGRESSIONAL RECORD if we could develop a somewhat standard 1-minute speech that would be adaptable to most any issue or subject by simply filling in the blanks with the appropriate word or words.

I include this form in the RECORD at this point and also assure my colleagues that there will be no royalties involved and that it may be used freely without attribution to the gentleman representing the 18th District of Illinois:

(NOTE.—The following has been prepared for use by any member of the opposition party or by anyone of the President's party who has an axe to grind. Simply fill in the blanks and choose the appropriate phrases.)

THE ADMINISTRATION'S DISREGARD OF ------

(Mr. Speaker), I was profoundly disturbed that the President, in his State of the Union address, mentioned the word -------------- (agriculture, education, labor, health, research, etc.) (1. not at all; 2. only once in passing; 3. only ------ times, with scant recognition of its significance.)

It is incomprehensible to me that this Administration could show such utter and complete disregard for this highly important aspect of our ---------- (economy, society, culture, etc.).

The major contributions of ---------- to our nation's well being must not be ignored by our citizens or our government. It is impossible to understate the vital and significant role which ---------- plays in making our nation strong.

The Administration's lack of concern in this vital area is further demonstrated in their failure to recognize the critical need for allocation of adequate financial and human resources to deal with the pressing ---------- (economic, social, etc.) problems facing our nation today.

Until ---------- begins to receive from this Administration the kind of attention it requires—until the highest policy councils of our government become willing to place it on our list of highest national priorities, I fear this whole ---------- (area, field, segment of our economy, etc.) will continue its present downward spiral of deterioration and decline.

The need is great (Mr. Speaker) and I call upon the President and his Administration to take immediate steps toward strengthening our national commitment to deal with the serious problems in ----------.

(The above material can also be handily utilized for a hard hitting, politically significant press release.)

ALARMING SPECTACLE OF TOTAL NEWS BLACKOUT OVER WHAT APPEARS TO BE A WIDENING OF THE WAR IN INDOCHINA

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, during the past few days we have witnessed the alarming spectacle of a total news blackout over what appears to be a widening of the war in Indochina. I, along with other American citizens, am shocked and dismayed that the Pentagon has undertaken to widen the war. But—more importantly—I am shocked that this action has been shrouded in secrecy, and that Government officials have imposed an "embargo" on all news reporting on this vital topic. Surely the first requirement of a free society is that public debate be possible on major public issues. Yet, here, the U.S. Government is undertaking a major military operation on the Laotian border, and the people of the United States are deprived of all information.

Mr. Speaker, at this point in the Record I would like to revise and extend my remarks by including an article which appeared in the New York Times on January 31. This article, by Tom Wicker, expresses my sense of outrage over the events of the past few days, and my abiding conviction that this increased activity on the Laotian border makes it even more clear than before that we must withdraw all American Armed Forces from Indochina no later than July 4, 1971.

The article follows:

A Wider War for What?

(By Tom Wicker)

Washington.—The way Secretaries Laird and Rogers tell it, any air strike for any purpose anywhere in Southeast Asia serves the Administration's ultimate goal of protecting the withdrawal of American troops from South Vietnam, and is thereby justified. That means that in the guise of winding down the war, the Nixon Administration is widening the war in the most destructive way.

The first and most terrible fact of this policy is that it will perpetrate a thousand Mylais throughout the region. Air warfare is indiscriminate; villages are burned, children and women killed, the countryside blasted. Napalm and bombs do not make distinctions or respect the innocent.

But considerations of elementary humanity rarely move statesmen. They are practical men. They must make large decisions, ponder global questions, gauge the national interest. Even on that rarefied level, the statesmen of this Administration seem singularly immune to the most compelling truths.

The nation was told last spring that the invasion of Cambodia was the greatest success of the war, a veritable Marengo—that it had bought amounts of time ranging up to two years to bring off the American withdrawal, that it would not involve American forces in another limitless war, that it had proved the capacity of the South Vietnamese army.

Now, just as critics said would be the case, the invasion can be seen to have moved, not destroyed, the so-called sanctuaries. They have been shifted out of Cambodia, it seems, into the Laotian panhandle. So still another country must be invaded if the sanctuaries are to be wiped out, and the withdrawal to proceed. American air power, which Mr. Nixon himself said would not be needed in Cambodia, now is needed throughout Southeast Asia. Some success!

In fact, the Administration's achievement in Southeast Asia is reminiscent of the financier who boasted: "Last year I was broke, but today I owe millions." The situation could, of course, be much worse, and no doubt it would be if the Administration had not been saved, over its own objections, from even greater folly.

Mr. Nixon and his men fought hard against the so-called Cooper-Church amendment. It invaded the President's prerogative, they said, as if that were original sin; it tied his hands in protecting the lives of American troops, and it wasn't needed anyway because Mr. Nixon had no intention of doing any of the things it sought to prevent him from doing. Some assurance!

But the most important matter today is not whether the Administration has violated either the letter or the spirit of the amendment, or both, by using air power. What matters is that, if the amendment were not part of the law, American troops might well be going into the Laotian panhandle or down Cambodia's Route 4 with the South Vietnamese.

It matters also that the Cooper-Church amendment imposes at least some Congressional limitations upon the escalation now going on, and that its mere existence means that both Congresisonal and public scrutiny of Mr. Nixon's war policy will be more searching than anything applied in the early years of the war in Vietnam—a classic case, perhaps, of locking the barn after the horse has been stolen.

Congress, as Senator Fulbright has conceded, can do little to make the President desist from his Southeast Asian air war. It is important to remember, therefore, that this air war is not some dreadful natural catastrophe, like a typhoon, and that Mr. Nixon cannot ask, as Lyndon Johnson used to ask, "What else could I do?"

The fact is that the widened air war is a direct consequence of the President's policy of Vietnamization, as even Mr. Rogers made plain. As withdrawal proceeds, there is a growing danger of strong attack on the remaining troops, and Mr. Nixon must take steps to protect them.

It ought to be asked how the million-man South Vietnamese army can be expected to protect the whole country, once the Americans have left, if it cannot now protect even the American withdrawal. But above all, it has to be asked why the policy of Vietnamization, requiring an expanded air war, further invasions of other countries by the South Vietnamese, and all the wanton destruction and indiscriminate killing that will result—why is Vietnamization to be preferred to a negotiated settlement of the war?

How does Vietnamization, rather than negotiation, lead to what Mr. Nixon repeatedly refers to as "a generation of peace"? What is the logic of a policy that requires the bombing of three countries and the invasion of two in order to evacuate one? And to the extent that protecting the troop withdrawals requires the bombing of North Vietnam itself, how can that be a step toward peace when it shatters the only real achievement of the Paris talks, the so-called "understanding" why the bombing was stopped in 1968?

It is true that to make or allow a negotiated settlement in Southeast Asia would require large concessions by Mr. Nixon and probably would result in political arrangements for the region that he does not desire. But there is no guarantee whatever that Vietnamization will not ultimately bring equally undesirable or worse conditions; the chances are that it will. A wider war, more indiscriminate slaughter from the air, the continuing corrosion of American society, the mounting destruction of Southeast Asia—if Mr. Nixon really believes that by such costly means a generation of peace can be achieved he owes it to humanity to explain how.

IS ANYBODY THERE? DOES ANYBODY CARE?

(Mr. ZION asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZION. Mr. Speaker, in the haunting caricature of our national beginnings, the Broadway musical "1776," John Adams stands alone in the darkened congressional chamber at Philadelphia. In the depths of his despair at the seemingly elusive dream of national independence, Adams cries out "Is anybody there—Does anybody care?" It surely seemed to the Massachusetts statesman at that dark hour, that American freedom had only been a bright promise, now becomes broken on the apathy of a war not going well for the colonies; now stifled in the sultry heat of a Philadelphia summer.

"Is anybody there—does anybody care?" Thus it has always seemed to those most wishing freedom in a long night of slavery and tyranny. Freedom is really a quantitative thing and its quality remains pure and true whether men speak of the freedom and liberty of nations or of single human beings. In its essence, it is the freedom of human beings that count and it has been a highly elusive dream throughout man's path on earth—always sought, seldom obtained, easily lost.

In the stinking, rooting confinement pens of Southeast Asia, American sons must similarly cry out in the long night "Is anybody there—does anybody care." To these husbands, fathers, sons and brothers, the night must indeed seem long, the future dark and without promise. To the families of these same men, made at least aware of public and official concern for the plight of American prisoners of war, the continued inequity of the enemy response, the darkness can only be a little less severe. The marching years of fruitless effort, the continued inhumanity exhibited by the north, the endless repetitive failure of the enemy to provide a valid response to the entreaties of much of the free world—there can be little cause for joy or hope or rejoicing in such a time, in such a night.

And how much more terrible it must be for those families cast into the abyss of uncertainty concerning the very existence of the life of a loved man. Are we widows? Are we orphans? The cry in the dark is very real—and there is no answering response in the heart of an enemy seemingly bereft of all humanity.

The plight of American prisoners, of those men missing in action, has caught the fancy of much of the American public. It is all too true that too often it has been the "fancy" and not the wellsprings of the human heart which responds to such a cause. We are too often a fickle nation of fickle causes, burning bright, faddish, mod butterflies of the hour—we tire of futile enterprises, we grow weary with goals that are not fulfilled. It must never be so with America's imprisoned flesh and blood. If these, our sons, are to be discarded by the ineptness of our purpose—then we must accept the condemnation of history and the accurateness of those who charge us with being a nation immoral.

If we cease for one minute the quest for applied humanity to our sons, then we must stand condemned at the bar of history for abandoning our own—for not finding some continuing flame in the human heart that cannot be extinguished by the passage of years or the tide of events.

Over 150 Members of this House have joined me in asking that we once again pause to remember these men. This latest effort has requested that a week be set aside in March to again pause and bring national concern to bear on the plight of American prisoners who see nothing but the darkness of their enslavement. We call again for a rekindled national purpose that will shout to the leaders of the Communist north:

> Grant our sons the minimum decency of the Geneva accords. Let them communicate with those who love them with the quiet desperation that comes from knowing that letters may be all that shall ever be. Tell us who lives and who does not, so that families may reorder their lives and live again in the certainty of the essentials of life or death. Care for those of our men who suffer the ravages of tropical disease, or injury, or malnutrition.

Those joining this resolution stand as did John Adams at Philadelphia and echo the cry of these imprisoned national patriots and their families "Is anybody there—does anybody care"? The flame cannot be allowed to flicker and die. We cannot rest on the circulation of letters, the gathering of petitions, the commemoration of special days or weeks, the establishment of diplomatic contacts with the Communist world on the prisoner question. When all has been done, when every action has been taken, when every speech is made, there must always be one more step to take, one more candle to light in the night.

RESOLUTION TO STOP SENDING U.S. REPLACEMENT TROOPS TO VIETNAM

The SPEAKER pro tempore (Mr. BOGGS). Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 60 minutes.

Mr. PUCINSKI. Mr. Speaker, I have today introduced a House joint resolution urging President Nixon to stop sending any new U.S. troops to South Vietnam after March 1, 1971.

Those of my colleagues who know me and who have been here in the House over the years know that I am no dove. I have been one of the strongest supporters of Vietnam and our role in Vietnam. I make no apologies for the Herculean contributions that America has made in defense of freedom in Southeast Asia. I believe that we needed to help that little country when that country needed help, and I believe that the American people have written a magnificent chapter of courage in coming to the help of those people when they needed that help. When South Vietnam was on the verge of collapsing into Communist hands, America made a great sacrifice in helping that nation. Indeed, we can say with certainty today that the Communists have been driven back in Southeast Asia, whereas some 8 or 9 years ago it appeared that the Communists would take over the whole of Southeast Asia, using Vietnam as a jumping-off point.

So I do not come before this House today as one who has been critical of our policies, but rather as one who has consistently supported those policies because I believed that those policies were right.

But I believe with the same fervor that the time has now come to get out of Vietnam.

As we look at what is happening in Laos, and as we look at new involvements in Cambodia, the time has come for America to engage in a major reappraisal of our further reinvolvement in that theater of conflict.

I am certain the American people do not want to escalate our involvement in these new war zones.

My resolution proposes that as American troops are rotated back home after completing their 1-year tour in Vietnam, that they not be replaced as of March 1, of this year. Consequently, all U.S. troops would be out of Vietnam in 12 months.

The resolution calls for no change in the policy which guarantees soldiers rotation after 12 months in Vietnam. This policy of rotation has been one of the greatest stabilizing factors in upholding American troop morale in South Vietnam, for indeed each of our soldiers now knows almost to the day when he is going to be rotated, and I do not suggest in my resolution that we in any way alter that policy. On the contrary, my resolution provides that there shall be no change in this policy.

The resolution is a simple resolution. It says:

H.J. RES. 258

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that, after March 1, 1971, the President of the United States shall not send any United States armed forces to Vietnam. No law, rule, or regulation in effect on the date of enactment of this resolution shall be amended or modified to authorize the extension of a tour of duty with respect to any member of the United States armed forces assigned to duty in Vietnam on such date of enactment.

Further, it is the sense of Congress that as present United States troops in Vietnam are rotated at the conclusion of their one-year tour of duty, their remaining units shall be consolidated until ultimately no U.S. troops will remain in Vietnam.

Mr. Speaker, I have every reason to believe that if this new policy were to be announced to the world, North Vietnam would agree to an immediate release of American POW's and negotiate a cease-fire which would guarantee the safe withdrawal of American troops from South Vietnam.

The United States presently is sending approximately 33,000 fresh U.S. troops to Vietnam every month as replacements.

Even if President Nixon's announced troop reduction policy were to be completed by May 1, we will still have 285,000 U.S. troops remaining in Vietnam requiring a monthly replacement rate of more than 20,000 U.S. troops for an indefinite time.

I am not at all persuaded by those who argue that the remaining 285,000 troops will be logistical support troops and will not be engaged in combat. Every soldier is a combat soldier when he is in a combat zone. And Vietnam will remain a combat zone for a long time if we remain there.

I am disturbed and worried, very seriously disturbed and worried, when I hear the President state, as he did in one of his recent messages that while we intend to take our American troops out of combat and leave the remaining 285,000 Americans as logistical support troops, should they at any point be endangered, we would not hesitate to renew the escalation of the war. It is clearly apparent within this context that this war could last for another decade or two with full American involvement.

While the United States is bogged down in the swamps of Vietnam, the Soviet Union continues to wage with uninterrupted ease its campaign of intrigue and conspiracy against freedom all over the world. Here we have all of our resources tied down in Southeast Asia and in South Vietnam, while the Soviet Union rearms all of the Arab States to wage aggression in the Middle East, and carries on all sorts of penetrations of the continent of Africa, so rich in natural resources, and conspires in all sorts of rebellion and subversion in South America.

The Soviet fleet now has moved into the Mediterranean and is on the verge of driving U.S. influence out of the Mediterranean.

So here we see the Soviet Union, free to roam all over the world with its conspiracy of subversion against freedom, while the United States continues to remain bogged down in an endless struggle in Vietnam.

So I say to you, that while we are being assured the 285,000 remaining troops in Vietnam after May 1 will be noncombat troops—this is an illusion. They will be as much combat troops whether they serve as supply clerks, cooks, guards, or artillery men—as they would be leading a search and destroy mission of Marines in the jungles of Vietnam. So long as American troops remain in Vietnam, they will be constant targets for Communist terror and subversion.

As I pointed out a moment ago, the President has said that if at any point these 285,000 troops are endangered, we will not hesitate to escalate the war all over again. Simply stated, this policy means that full scale conflict can be resumed at any moment and those noncombat "logistical support" soldiers, on a moments notice, become combat troops.

I have discussed this proposal with sources at the Pentagon and I have been assured that such a troop freeze is feasible. I believe that a troop freeze at this time would provide a new and dramatic dimension to the deadlocked peace talks in Paris.

It should be a source of great concern to all of us as Americans, and starting with the President on down, that not a single nation in this world has responded with any kind of assistance of help in marshaling world opinion in support of our efforts at the peace talks in Paris.

These peace talks have been bogged down now for 2 years. Every week we read of new casualty lists and new American deaths in Vietnam while the peace talks go on and on without any meaningful results.

I believe a new dimension is necessary. I honestly believe a troop freeze at this time; an announcement by the President that we are not going to send any replacement troops to Vietnam, and that through this policy, all of our troops will be out of there within 12 months, would rally the rest of the free world behind our cause and marshal moral support for a meaningful cease-fire in Southeast Asia. The nations of the world up to now have heard the same record—we talk of troop withdrawal and we discuss peace, but we continue to send 33,000 fresh American troops into Vietnam every single month.

This incongruity has brought no results in Paris nor has it marshaled any world support to our side.

Hanoi has said it is willing to release our POW's and negotiate a cease-fire if we get our troops out of Vietnam. We have said we will get our troops out in a year, but insist on a cease-fire now. It occurs to me that the proposal I make here today is a sensible compromise between the two sides. A freeze on replacement troops would in itself effectuate a timetable for withdrawal which, I believe, can break the deadlock.

The first order of business would be the release of our POW's while the second item of the negotiations will be to permit the orderly withdrawal of our American troops from all of South Vietnam. I do believe this can be done and I also believe the proposal I am making here today is totally feasible.

South Vietnam now has a fully trained and completely equipped army of 1,200,000 men. President Thieu and Vice President Ky both have stated publicly that their armed forces are now capable of carrying on the war successfully without our troops.

Actually, South Vietnam today has the biggest and best trained army in Southeast Asia.

An American troop freeze at this time is not tantamount to any surrender. On the contrary, it is a reaffirmation that the United States has given South Vietnam the time needed to build her own defenses.

South Vietnam is now fully capable of handling the war with her own troops and resources. We can say this with great confidence. We went into Vietnam because South Vietnam was totally unprepared and the Communist invasion threatened the collapse of that country. When we went into Vietnam there was no government, there was no economy, and they had no armed forces. The Vietcong were destroying every single village and every institution of South Vietnam.

Today, 6 years after our total involvement, South Vietnam has the finest army in all of Southeast Asia; 1.2 million fully trained men, fully equipped. As a matter of fact, all of our new equipment is being assigned to South Vietnamese troops while our American soldiers are getting the used equipment, the "spitbacks," on the theory that American soldiers are better capable of repairing the equipment and reusing it.

We have built for South Vietnam Cam Ranh Bay, a deepwater port which was the dream of a thousand years by Southeast Asians. It will become the new Hong Kong of Asia. We have built ports, heliports, airports, railroads, and supply depots. In 6 years, we have given South Vietnam sinews to victorously continue its struggle, such as we have never given any other country ever before.

No nation in the world is as well prepared to defend itself today as is South Vietnam, and I say America has no mandate to remain in South Vietnam until the last bloody shot is fired.

I believe the question now is no longer whether or not South Vietnam can win. Everyone agrees they can win. The question now is when do we as Americans pull out?

I say the time has come for us to pull out now.

I notice that the Gallup poll taken over the weekend shows 73 percent of the American people agree in urging all of our American troops be out of Vietnam by the end of this year.

Under my proposal, we would provide for an orderly withdrawal and disengagement of American involvement in Vietnam.

There is no further justification for sending fresh U.S. troops to Vietnam, when these expenditures can now be used for urgently needed programs here in the United States.

The President spoke to a joint session the other day. He talked about deficit spending. They are estimating that the deficit for fiscal 1972 will be somewhere in the vicinity of $11 billion or $12 billion. But I say that estmate is totally unrealistic. If we look at the budget, and look at the needs of the country, and look at the programs in the pipeline, and look at the mandatory programs which must be met, I believe it is safer to predict here today that the deficit for fiscal 1972 will be closer to $25 billion or $30 billion, and not the $11 billion or $12 billion, estimated by the administration.

I speak with some degree of knowledge on the subject. I stood in the well of this House a year ago and I warned that the deficit for fiscal 1970 would be in excess of $15 billion. I was challenged on that statement. Well, time has proved me right, as time will prove me right on the deficit for 1972.

So I say that if South Vietnam were not totally prepared, and if the South Vietnamese could not provide the necessary defense of their country, I would not be making this recommendation today. But I was in Vietnam. I saw the troops. I watched them in action. There is no question in my mind that the South Vietnamese troops are more than capable of providing their own defense.

History is on our side on that score. There has not been an American soldier in the Mekong Delta for 9 months now. There have been some bloody battles in the Mekong Delta, and the South Vietnamese forces, the ARVN forces, have magnificently held their own. There have been some bloody battles in Cambodia, and we have not found it necessary—nor can we, by law—to send American aid. The ARVN troops and the Cambodian troops have demonstrated they are more than capable of holding their own in these areas.

So I say to you, faced with a $30 billion deficit in fiscal 1972, it occurs to me that enormous savings can be made by turning the remainder of this conflict over to South Vietnam. This will help President Nixon avoid this huge deficit which is anticipated.

But more significantly, American disengagement at this time would make Hanoi realize it is in for a long, drawn-out battle with South Vietnam. I submit that American continuance in South Vietnam is prolonging this war. Hanoi needs only read the various public opinion surveys, to know that the American people have come to a point where they no longer support our exercise in Vietnam. Hanoi knows only too well that there are great pressures on the American Government to do something about it, and Hanoi is counting on Americans to help them impose upon South Vietnam a coalition government. What they cannot win on the battlefield they hope to win at the bargaining table by forcing the United States to impose a coalition government on Saigon as the price for peace.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. Let me finish this statement and I will in just a moment.

I say to you that if we have a disengagement at this time, it would make it very clear to the Communists that they have a long battle with the South Vietnamese and they might as well come to some terms among themselves and get this conflict over with.

I now yield to the gentleman.

Mr. CARTER. Mr. Speaker, I want to compliment the distinguished gentleman on the change of heart he has had since 1966 when I was one of his companions on a trip to South Vietnam. Thirteen of us reported to the President and out of those 13 I was the only man who said, "Mr. President, we are in trouble. We are not winning this war." I believe the distinguished Speaker in the chair today recalls that very situation.

Again let me mention your change of heart, your change from hawkishness to dovishness is quite obvious.

Mr. PUCINSKI. I thank the gentleman for his observation and contribution. I think perhaps the first thing we ought to do as Americans is to stop calling each other names. We are all Americans.

We looked at the situation when we were in South Vietnam and looked at the chronology of the events.

We started American involvement in Vietnam on October 23, 1954, when President Eisenhower offered U.S. military aid to South Vietnam because it was very apparent what was happening in

South Vietnam. The Communists had realized that big wars—nuclear exchanges between the major powers—are out of the question. The Communists realized the major powers have such devastating capabilities that a major war would produce no winners.

Time has run out on big wars. Nobody knows it better than the Soviet Union. We went out of our way to tell the Soviets what we had and what our capablity was and what the consequences were if they violated the peace of the world on a major scale. We went out of our way to show them our capability. Many Americans said why did we do this and why did we tell the Soviets what we had. We said it was because history teaches us that all of man's conflicts were started by a miscalculation. The most tragic miscalculation was Hitler's in 1939 when he invaded Poland and triggered World War II. He thought the free world could never repond. Here was the most tragic miscalculation, and the history of warfare in general shows all wars are started by miscalculations. So we went out of our way to say to the Soviets this is what we have. These are the consequences if you are foolish enough to trigger a major war. The Communists had to find new techniques to carry on their aggression. They never quit. They have a grand design for the conquest of the world, and they are not about to quit. So they discovered a concept which is very old in the history of warfare; namely, terrorism and subversion. They trained the Vietcong and terrorists from North Vietnam to come in the middle of the night to small villages and hamlets, seize the mayor or police chief or the principal of a school, yank them out of bed and drag them to the village square and there brutally massacred them for all of the populace to see. The whole conspiracy of breaking down resistance to Communist occupation was shown there.

That was what happened in 1954.

A great American President, Dwight Eisenhower, saw what was happening. He realized what the Communists were doing and realized that the Communists were developing a new concept of warfare through terrorism and subversion. So he sent a military aide mission to South Vietnam to see what we could do in the way of offering help.

On January 1, 1955, the United States began to deliver direct military aid to South Vietnam.

On April 28, 1956, the French military high command in Vietnam was dissolved. The French were not defeated; they just copped out on their responsibility, as the young people say today, and left all of Southeast Asia at the mercy of the Communists. So the United States was faced with this horrible situation.

On May 1, 1957, the French responsibility for training the Vietnamese Navy and air force was terminated. This made their disengagement complete.

On April 28, 1959, the American Military Assistance Advisory Group officially assumed responsibility for recruiting and training a South Vietnamese Army. Up to that time there was no army. They had nothing to defend themselves with. We can contrast that situation with the situation today, when they have 1.2 million men under arms.

The United States quite properly went to the defense of this tiny country because it symbolized a testing ground for the Communists to try out a new concept of warfare. We know from a conference held in Havana, Cuba, in 1965, the Communists agreed that if their techniques of terror and subversion worked successfully in Vietnam, they were ready to use the same techniques in 83 countries of Asia, Africa, and South America. The United States properly went to the defense of South Vietnam. I will never apologize for our involvement in this conflict and for the help we gave these struggling people when the rest of the world walked away from its responsibility.

On October 25, 1960, President Eisenhower assured the South Vietnamese President of continued military assistance.

On May 5, 1960 the United States announced that the mission would be increased to 685 men. Before that there were only 327.

In the spring of 1965 we sent in combat troops. Before that we only had advisers.

In 1965 the bombing of North Vietnam began.

In February of 1965, a Marine Corps Hawk antiaircraft missile battalion was deployed at Danang.

On March 8, 1965, the first U.S. infantry battalion landed in South Vietnam.

In May of 1965, the United States sent in more troops and the escalation began. These things were done because of the necessity of defending that tiny, helpless country.

But I say to you today things are different and there is a different picture.

Today they have an army of 1.2 million men. In the 6 years that we have been there we have given them time to build up a tremendous defense posture in South Vietnam.

South Vietnam in 1971 is not what South Vietnam was in 1965.

We gave that little country the tools she needed with which to defend herself. Americans wanted to help her in order for her to help herself.

Now the time has come for us to get out as we did in Lebanon, when President Eisenhower sent 12,000 marines to help that country. They stayed only 4 months. When the situation became stabilized, we pulled them out.

We stayed in the Dominican Republic only 48 hours because the situation had stabilized and because that is all the time that was required to help that little nation.

Mr. Speaker, American policy ought to be to help a country help itself as we did in South Vietnam. Once we have achieved that mission, we should get out, so we can be free to resume our leadership of the world and assume our position of great leadership, morally and spiritually.

Mr. Speaker, it is in this hope that I have introduced this resolution today. I hope it will receive the support of the Members of the House and the other body.

In taking this action today, I know that there is a constitutional question involved. This is why I have treated my proposal only as a resolution. I know there is a constitutional question as to who has the right to commit American troops to combat. The executive branch as represented by the President, reads the Constitution one way. The President as Commander in Chief, claims he has the right and the responsibility to commit American troops wherever the safety of our country is at stake.

But we in the Congress read that Constitution differently. We in the legislative branch interpret it that only the Congress of the United States can declare war.

I do not want to get involved in that conflict today. This is why I am proposing a sense-of-Congress resolution which the President may accept or reject. It is a resolution that says to the President, "Mr. President, it is the judgment of the Congress of the United States that we ought not to send any more replacement troops to Southeast Asia after March 1; as American soldiers are returned at the conclusion of their 1-year tour of duty, they will not be replaced in South Vietnam."

I believe this is the road to peace. I do not agree with the Vice President when he says that a troop withdrawal at this time would be tantamount to surrender. In my judgment, and I believe the facts bear me out, the United States has successfully concluded its mission, its historic mission of helping South Vietnam, and it is now capable of providing its own defense.

We have no greater authority on this subject than the President of South Vietnam himself when President Thieu said recently in a public statement that his armed forces of 1.2 million men are now capable of carrying on the defense of that country.

And Vice President Ky, when he was in America recently, publicly stated the same thing. Our own people have said that Vietnam is now capable of carrying on its own defense.

President Nixon himself has said that he hopes to have the troops out of Vietnam by the end of this year, or early next year.

I say to you that not sending any more troops after March 1 would have a tremendous impact on the people of America.

Mr. RHODES. Mr. Speaker, will the gentleman yield at that point?

Mr. PUCINSKI. Mr. Speaker, I will yield to the gentleman in just a moment.

Mr. Speaker, all you have to do is to sit in my office on a Saturday morning and see the dozens of American families coming in and saying, "Congressman, is there not something we can do to keep our son from going to Vietnam?"

Nothing has stirred this country more at all levels than the prospects that 33,000 American families must bid farewell to their loved ones every month and see them go to Vietnam.

I say to you that the question today is not whether or not we are surrendering, of course we are not surrendering, we have won that battle. Now the question is how do we get out?

When American troops do finally get out of Vietnam, there will be no ticker tape parade down LaSalle Street, or down Wall Street, and there will be no battleship *Missouri* steaming into Hanoi harbor for a formal surrender of the enemy. Modern conflict, as witnessed in Korea or Vietnam, has no beginning and no ending, and all I am saying is that an announcement by the President of the United States at this time would solidify the world and would indeed show everybody that the United States is going to be out of there in 12 months, and the forces of freedom in Southeast Asia can use our equipment, but not our men, to carry on their heroic struggle.

Mr. Speaker, I will now be happy to yield to the gentleman from Arizona.

Mr. RHODES Mr. Speaker, I thank the gentleman from Illinois for yielding. The gentleman is making a very important statement. I think that the pronouncements by the President of the United States and the Secretary of Defense have amply reassured the Members of this body and the country of their agreement that the time has come to withdraw our forces from Vietnam at a rate which will not endanger those Americans remaining, or pull the rug from under the South Vietnamese.

However, I have this question to ask the gentleman from Illinois: If we try to get a withdrawal from Vietnam down to some kind of a formula, such as agreeing not to replace troops who are rotated from Vietnam, do we not run into the problem that we may run very short of troops with certain skills, whereas we might have a plethora of troops with other skills in that country?

In other words, should not there be some flexibility, so we may maintain the type of forces we need over there and that it might not be possible to do so under a willy-nilly withdrawal formula such as the gentleman mentions?

Mr. PUCINSKI. Mr. Speaker, I think the gentleman raises a good question, and I think it is a very important question in this discussion, but if the gentleman from Arizona will keep in mind, we are now in the process of withdrawing 150,000 troops by May 1. No particular consideration is being given to their skills. In other words, when they have completed their 12-month tour, they are added to the pool of those being rotated and no particular effort is made to replace those with particular skills. Field commanders merely consolidate remaining troops into new units and when a particular skill is necessary to comlete the unit, they transfer those in Vietnam to the new unit.

In other words, they do not necessarily replace the same military occupational specialties that have been rotated stateside when they send replacement troops from here. We are sending draftees with 18 weeks' basic training as replacements for those being rotated, for the most part. I am quite sure that while there may be some problems here and there, the consolidation we propose could continue, because that is what they are doing now, and they have been doing so for some time.

All I am saying in my proposal is that we make a national commitment now that we will not replace our troops as they are rotated back home in order to provide a new dimension in the peace talks in Paris.

I want to make this point clear to my colleagues, that I do not question the honesty of the President or the intentions of the President. I believe that President Nixon wants to get out of Vietnam just as quickly as everyone else does, and I hope that what I say will not be construed as in any way challenging the President's good judgment. All I am offering today is a different formula, and one that I believe could bring immediate results in many ways.

Just imagine the intensive joy and happiness to thousands of parents in America who all of a sudden would get a new lease on life, knowing that their son will no longer be threatened with shipment to Vietnam. It is no comfort to these people to know that their boy is not going in as a combat soldier, but that he is going there as some form of logistical support. People are deeply depressed on the subject of Vietnam. I have seen mothers turn gray virtually overnight when they learned their youngster will be shipped off to the jungles of Vietnam.

And let me repeat, as I said before the gentlemen came in, that the Vietcong, the Communists, would now have to face up to the stark reality that they have one of two choices to make, either they sit down and work out a peace treaty with the South Vietnamese, or they will be faced with a conflict for many years to come. Because once the Americans have been detached from personal involvement in Vietnam, once the pressure on the United States is eliminated, I tell you that the South Vietnamese may carry on this war for another decade, and nobody is going to be hurt by that more than the Communists themselves. So they will have to face up to the realities of carrying on a military conflict with a very different type of South Vietnamese because now the South Vietnamese are ready. Five years ago the South Vietnamese were not ready, and the country and the people were at the mercy of the Vietcong, but today with an army of 1.2 million men, South Vietnam is fully capable of handling her own defense. And that is why I am making this proposal today.

Mr. RHODES. Mr. Speaker, will the gentleman yield further?

Mr. PUCINSKI. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I thank the gentleman for yielding further. I want it understood that I certainly would not accuse the gentleman from Illinois of engaging in discussion other than one based upon a very thoughtful statement about a subject which is most important to the American people, including the President of the United States. I would like to probe a little further into the thinking of the gentleman by suggesting that what we are here talking about is really the removal of combat troops.

I recognize that, having been in Vietnam twice, and having had a son who served a year there, that what the gentleman has said about the attitude of parents is true, because there is danger in Vietnam even if you are there in a so-called noncombatant's role.

But it seems to me in order to get peace over there, and this is what we all want, it would not be wise to pull the rug out from under the South Vietnamese forces logistically.

It is true that they have 1,200,000 men and they are learning the skills that are required to operate an army of that size. But they do not have the skills yet. We are teaching them those skills, but it seems to me it would not be wise for us to leave before they learn those things that are necessary, including the mechanics of operating and maintaining equipment of the more sophisticated type of materiel, which they cannot now do—for us to walk away from the job.

Does the gentleman feel that I have made a valid distinction there?

Mr. PUCINSKI. I think you have. I am very respectful of the argument that you make. But I would like you to take a look at the other side of that point.

We started in Vietnam in 1960 with 900 American troops.

In 1961 we had 3,000 troops.
In 1962 we had 11,000 troops.
In 1963 we had 16,000 troops.
In 1964 we had 23,000 troops.
In 1965 we had 184,000 troops.
In 1966 we had 385,000 troops.
In 1967 we had 486,000 troops.
In 1963 we had 543,000 troops.
In 1969 we had 542,000 troops.

We have heard the military people say: "Well, these Vietnamese will be ready at some point in time to assume the responsibility, but they are not ready now."

The gentleman has been there twice. I have been there once. The distinguished chairman who is presiding here today was there with me as well as some other Members who were here earlier.

If we were to follow the rationale and the logic of the Department of Defense, we will be there for many years to come.

I liken this situation in Vietnam to you and I as parents. There comes a time when we have to say to our sons: "Son, you are now big enough and old enough to stand on your own two feet." Your wife never agrees with you. She thinks he is not yet ready. Mothers never think their son is ready. Momma cries and momma says, "No, he is not ready. He has not grown up yet." But you and he know better and indeed he has grown up.

The fact of the matter is that there comes a time when everybody has to stand on their own two feet.

I am expressing to you my own judgment based on extensive studies. I have talked to Vietnam combat soldiers who are now in hospitals here at Walter Reed Hospital or in my own city at Hines Hospital or Great Lakes—I have also talked to hundreds of American soldiers who have come back. I have said, "You have been there. You have fought there. Is it your judgment that the South Vietnamese can now handle their own defense?

Almost uniformly their answer is: "Yes, if we get out but so long as we stay there, they have a very convenient fallback position."

So I say to you, while I am mindful of the problems that are involved of matching skill against skill—and I am mindful that there might be some skills in shortage, I am mindful that this kind of one-for-one rotation could create some problems, we still ought to put a freeze on sending any new troops to Vietnam.

The American people have been most tolerant and have been most generous. That is why I honestly believe the time has come to now look at this thing and to ask, is South Vietnam capable of doing the job? That is the question. In my honest judgment, it is.

I respect those who disagree with me, but in my honest judgment I believe South Vietnam is capable. It is for this reason I am making this proposal.

Mr. RHODES. Mr. Speaker, will the gentleman yield further?

Mr. PUCINSKI. I yield further.

Mr. RHODES. I believe the only difference between the gentleman and myself is a higher degree of trust and confidence in the administration on my part than perhaps the gentleman from Illinois has.

Mr. PUCINSKI. I say to my colleague I have plenty of trust and confidence in this administration.

Mr. RHODES. But the gentleman does feel there has to be some sort of formula imposed for getting the troops out. I believe if we had an administration which had not shown by deeds and words it is dedicated to the idea of disengagement perhaps there should be a formula imposed. But so long as we have established in the administration the philosophy of disengagement then I cannot help but feel it would be best for the legislative branch to let the people best informed run the timetable as to getting out.

If, on the other hand, we see a lag develop, and if we see that the situation is not going as it should, then I believe the gentleman and I both would take another look at it. But now it is going very well, and I trust it will continue to go well and that U.S. forces will get down to a constabulary-sized force.

The gentleman from Illinois knows as well as I do that we still have large forces in South Korea. I certainly hope we do not get into a situation in South Vietnam where we will have to maintain large forces for a long period of time. I would resist it. I do not believe it is necessary, because the South Vietnamese are doing a good job and can take care of themselves if given time to learn to perform more sophisticated tasks.

Mr. PUCINSKI. The President has a timetable for withdrawal but even his timetable provides for leaving 285,000 American troops in Vietnam for an indefinite period.

I want to make one point clear. I do not question or challenge either the sincerity or the integrity of the President. He is my President, too, even though I may be sitting on this side of the aisle. He is my President and the only President I have right now, so I trust him and I have to trust him as an American.

But I am not so sure I can say the same about some of the people in the Pentagon. I think there is a kind of military paternalism that has kept 20,000 troops in South Korea for 17 years and a vast army of American troops in West Germany since the end of World War II. It is costing $14 billion a year to keep these troops scattered around the world, and I do not think they ought to be there. I do not think these 20,000 American troops could do anything if the Korean conflict should reoccur. North Korea during the 17 years of truce has violated every single one of the truce agreements.

President Eisenhower in good faith negotiated the truce in North Korea, yet we know that truce has been violated time and time again, by building airfields and military installations. North Korea today is one of the most formidable military bastions in the world.

Those 20,000 American troops we have in South Korea would not have a chance. I do not know why we keep them there. But the military or the Pentagon for some reason or other says we ought to keep them there. There is a kind of military paternalism. And the same is true in Europe. We have vast numbers of troops in Europe which should have been brought back.

So it is because of this military paternalism that I am concerned about the timetable. I believe the President himself is trying to move as expeditiously as he can. I am not too sure the Commander in Chief is always getting the best information from those in the Pentagon.

It seems to me, when we read about the involvement in Laos and when we read about the involvement in Cambodia and we see the Southeast Asian conflict being escalated, and we hear the President say that if our troops are in danger we will have to escalate our own activity, all of this makes one feel that somehow or other, despite good will and good intentions and good people, we are going to be involved in the Southeast Asian conflict for a long time to come.

I do not believe we ought to be. I believe we have fulfilled our mission. We have helped these people. Now is the time to cut the umbilical cord.

These Asians have been fighting among themselves for centuries. Long after we are gone they will continue to fight among themselves.

Our mission in Vietnam was only one, to help the South Vietnamese help themselves. I maintain we have discharged that responsibility with great honor and dedication, and now we ought to get out.

Mr. LANDGREBE. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Indiana.

Mr. LANDGREBE. I thank the gentleman for yielding.

What was our mission or what is our mission in Vietnam, in the gentleman's view?

Mr. PUCINSKI. Our mission in Vietnam in 1954 was to demonstrate to the Communists that just as their big wars had been made totally unprofitable, so would their so-called small wars of liberation be unprofitable.

Vietnam is not a small war. It is the longest war we have every been in. We have suffered 45,000 casualties, and 300,000 wounded, at a cost of well over $100 billion, so no one can call this a small war. But in 1954 the Communists started out under a new doctrine or new theory. They knew they could not engage in big wars. They knew they could not destroy freedom through big wars, because the consequences were too costly, so they started testing a new technique in Vietnam, the so-called wars of liberation, through terrorism and subversion. President Eisenhower recognized this, and I give him credit for it, and may his soul rest in peace, because he made a great contribution and recognized what the Communists were up to.

So we wanted to demonstrate that, and we have. We gave South Vietnam the time she needed to build her own defense capability.

I do not necessarily like the Thieu government, but they are the government with the longest tenure of service that the South Vietnamese have had in more than two decades. They have a stable government and a viable economy. It is not a Yankee dollar economy. About 3 months ago we dedicated a new steel mill just outside of Saigon which will provide 10 percent of all the steel needs of Southeast Asia. So they have a viable economy now in Saigon. The Americans gave them what they needed, which was time to build their own defenses. They now have an army of 1.2 million men.

Our mission, I will say to the gentleman, in Vietnam was to demonstrate to the Communists that their plans to start so-called small wars of liberation in 83 countries of Asia, Africa, and South America are going to fail. We have demonstrated that. I say to my colleague that the time has come now to get out and to recognize the fact that you have concluded and completed a very successful mission. You did what you started out to do, namely, gave the South Vietnamese the time they needed to help themselves. Now I submit to you that any further prolongation of our involvement will defeat the very purpose that we are there for. That is why I suggest let us get out, but do it in an orderly way. What I am saying is according to my formula it will take us a year to get out. If we rotate 33,000 boys back every month, we will just not replace them, and in 1 year there will be no more American troops in Vietnam. You can just imagine what an impact it would have on our whole country. This glorious country of ours, 194 years old, has never been more divided than it is now. There were never greater forces at play dividing us, with good people concerned about their children and their family. We proved in Vietnam that the Communists can be stopped not only in big wars but that they can be stopped in this new technique that they tried to test out in Vietnam through a phony war of liberation. I submit to the gentleman that having done this we have made a very significant contribution.

Mr. LANDGREBE. Mr. Speaker, will the gentleman yield further?

Mr. PUCINSKI. Yes. I am glad to yield to the gentleman.

Mr. LANDGREBE. Are you so naive as to believe that if we pull out of there the Communists will pull out of North

Vietnam? I have no doubt that the South Vietnamese can handle the North Vietnamese pressures and aggressions, but what assurance do we have without arriving at some sort of a negotiated truce with the Communists in North Vietnam, that they are not going to come in and bring about a blood bath? This is what the people in South Vietnam expect, if and when we leave without their having some sort of an understanding with North Vietnam.

Mr. PUCINSKI. The word "naive" is the gentleman's and not mine. I am not naive and I do not consider the gentleman to be naive, but surely the gentleman is not suggesting and I am sure he must not be suggesting that he believes that at the end of this long and costly conflict in South Vietnam that somehow or other the truce or the negotiations or whatever they call it will bring about some kind of a diminution of Communist control over North Vietnam. That has never been our mission. I do not know of anyone who has suggested it as our mission. Our mission has been to save South Vietnam from the Communists.

Mr. LANDGREBE. The gentleman from Illinois is correct in the statement.

Mr. PUCINSKI. But we have never said we are either going to invade North Vietnam or that we are going to try to bring about the downfall of the Hanoi Communist Government, because that is not our mission. The only way we can do that, obviously, is to send a huge expeditionary force to North Vietnam, which no one has suggested, thank God. However, I want to make it clear, so we know what we are talking about, I hope that my colleague from Indiana is not suggesting somehow or other a continuation of American presence in Vietnam until we can drive the Communists out of the temples of North Vietnam, because I do not know of anyone else in this administration or in the previous administrations who has ever claimed that that kind of a situation could be brought about. I do not think it is in the books or that we ever talked about it. Our mission is to save South Vietnam from Communist aggression.

Mr. LANDGREBE. That is right.

Mr. PUCINSKI. I say this because I believe I can assure you that the South Vietnamese can have the right of self-determination and I state that as far as that is concerned the gentleman in the well has no doubt that the South Vietnamese with an army of 1.2 million men are fully capable of doing that. I do not think there is a chance in the world of the North Vietnamese defeating the South Vietnamese at the present time.

Mr. LANDGREBE. Mr. Speaker, if the gentleman will yield further, I beg to disagree with the gentleman. I have visited South Vietnam on two occasions and for some reason there are great areas of that land still in the hands of the Vietcong or the North Vietnamese.

I have seen the vast array of the U.S. military present there. I do not know how the gentleman can suggest that with the removal of this vast array of equipment, the people of South Vietnam, the country which has been the bloody battleground of this war can defend themselves, unless we can have some sort of understanding with the North Vietnamese. I do not see how we can abandon these people and simply walk out. You and I have a total disagreement as to the ability of the South Vietnamese to defend themselves.

Mr. PUCINSKI. I think, again, perhaps for clarity, we ought to know that the President of the United States has committed us to a withdrawal of combat forces. This is not the gentleman in the well saying that. The President has said this. The President obviously is not going to keep our forces there guarding those rubber plantations which are owned by the French. There are French rubber plantations in South Vietnam, and the gentleman is absolutely correct, which are under the control of the Vietcong today, but they are paying taxes to the French owners in Paris while our American boys are standing over there guarding these things. In my opinion this is sheer folly and a grave mistake.

Mr. LANDGREBE. I am not talking about property. I am talking about priests, doctors, shopowners—I am talking about people, not rubber plantations supposedly owned by the French Government. They are anti-Communist, the people of South Vietnam.

Mr. PUCINSKI. Right.

Mr. LANDGREBE. We could go on with this discussion for many, many hours, but I give great tribute and credit to President Nixon for winding down this war. It took dramatic action when we went into Cambodia to clean out the sanctuaries that had been permitted to exist there for several years where real damage was done to our boys.

But at the same time I have been there and have talked to our military people. I am somewhat—not somewhat, I am in total disagreement with the gentleman in the well and the gentleman's opinion of our military leadership. In fact these people are champing at the bit to do what they know they can do, but because of the actions of this Congress they are not permitted to put forth a good solid effort. However, be that as it may, I have yet to find the first military person from private all the way up to Admiral Bardshar who simply want to continue this war for the sake of continuing the war and killing people. Their mission is to contain communism. They are dedicated to that purpose. They are not totally happy with the tactics which they are permitted to use, but these people—I do not have quite the same regard for them as the gentleman in the well.

Mr. PUCINSKI. I have to remind my colleague—and I do not wish to be disrespectful of anyone and especially the military. There are good people and bad people. I certainly do not challenge the honesty or the loyalty or patriotism of them. But is it not a source of concern to the gentleman, as long as you want to talk on that subject—and I was hoping not to be diverted—as to this high posture the gentleman talks about with reference to the military. There must be something dramatically wrong with the training, leadership and policies of our military when we suffer 300,000 casualties in Vietnam in 5 years. I would hope this will be of great concern to all of us and I would hope that the Armed Services Committee will take a look at this. I think, perhaps, we ought to look beyond the realms of what is assumed to be the case and ask ourselves what kind of leadership are these troops getting when we suffer 45,000 dead and 300,000 wounded.

There is something drastically wrong with a leadership that permits that kind of casualties such as we have suffered in Vietnam. I say this to my colleague because I see these figures and this is the longest war in which we have been engaged, against a relatively insignificant enemy who has proved very deadly, but I have to ask myself do I want to put complete abiding confidence in that kind of leadership.

I have to ask myself do I want to put complete, abiding confidence in that kind of leadership? I do not challenge the President, but I do challenge his advisers. I challenge the kind of advice that Mr. Nixon has, and I challenge the kind of advice that President Johnson had, and I challenge the kind of advice that President Kennedy had, and maybe even the kind of advice that President Eisenhower had, because this has been a long, costly, hard-fought war, and I think a lot of mistakes have been made.

It seems to me that in the light of those mistakes now they are saying to us, "Well, we have got to stick it out—we have got to stick it out."

Well, I am not too sure as a responsible Member of this Congress, who has studied this very carefully from all sides, and who has visited over there, I am not sure that that advice is right.

I believe that announcing a freeze on troops now would open up a new dimension for the peace talks in Paris, and would get our prisoners of war released, and would effectuate a cease-fire, and then let the Asians slug it out themselves now that we have brought parity of capability. That was not my idea 6 years ago when there was no military parity, but today when they have parity in defense capability—and as a matter of fact South Vietnam is superior to North Vietnam today, so I say that the smartest thing that we Americans can do is get out of there, and get out of there as fast as possible.

Mr. LANDGREBE. Mr. Speaker, will the gentleman yield further?

Mr. PUCINSKI. I yield further to the gentleman from Indiana.

Mr. LANDGREBE. Mr. Speaker, I thank the gentleman for yielding.

May I say, No. 1, that I fail to agree that we have an insignificant enemy.

Mr. PUCINSKI. I did not say it was insignificant. I agree that they are not insignificant. In fact, they are very deadly.

Mr. LANDGREBE. They are anything but insignificant.

There is no doubt in my mind but that Hanoi has had the advice and the help of the Russians and the Red Chinese, they have had the help that they have needed to carry on a very deadly war. Now, I can cite figures from my last trip to Vietnam, during which it was my good fortune or bad to visit the hospitals there, seen our soldiers brought in from the battlefields. I believe, in all sincerity, that I have as much compassion for those boys who have suffered terrible injuries there, as anyone in this Congress. The casualties in South Vietnam gnaw at my heart as much as they gnaw at the heart of any of my colleagues.

Mr. PUCINSKI. Has my distinguished colleague heard of a single Russian who has been killed in Southeast Asia?

Mr. LANDGREBE. No. In fact, my answer is that I have not heard or read where a Russian soldier has died any place.

Mr. PUCINSKI. That is right.

Mr. LANDGREBE. But they are promoting and directing this war, and we are over there hammering away at them.

The gentleman talks about perhaps we could have a negotiated peace, but if the gentleman means we simply move out, total, that is the last thing we can offer them, because President Nixon has offered them the full bag of goodies, hoping that they would accept a negotiated peace, and they have flatly refused and ignored it. Just a couple of weeks before the last election our President made a dramatic plea in which he offered them almost everything but a total, complete, automatic troop pullout.

Mr. PUCINSKI. So that the record of our discussion will show that neither of us are recommending a complete abandonment of our responsibilities—I want to make it crystal clear my proposal today in no way adversely affects South Vietnam's capability to wage this war against the Communists for as long as necessary. We will continue giving South Vietnam all the weapons and armor she needs to defeat the Communists. All I want to do is recognize that the American participation can be terminated. If South Vietnam cannot win the war with an army of 1.2 million troops and all the equipment she needs, then the war can not be won. But I believe South Vietnam can go it alone now, otherwise I would not have introduced my resolution today.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

THE 1972 FEDERAL BUDGET—A STRANGE DOCUMENT OF DECEPTION AND SEMANTICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. EVINS) is recognized for 20 minutes.

Mr. EVINS of Tennessee. Mr. Speaker, I have asked for this time to discuss some aspects of the budget. I have had occasion to examine in some depth the administration's new budget and I must say that I am impressed—and also somewhat concerned.

I want to say at the outset that I commend the President for his effort to be creative and innovative.

Many of his recommendations and proposals are challenging and worthy of serious consideration.

Many of his proposals represent sharp departures and drastic change.

Many of his proposals obviously represent long hours of study and analysis.

Generally, however, the budget challenges the credibility of the public, members of the Appropriations Committee and others who have had some years of experience in examining our annual Federal budgets.

I am concerned by the rhetoric and fiscal juggling act called an expansionary but not inflationary budget.

Certainly I want to commend the President for his flexibility. I trust these goals can be achieved.

In last year's budget the President was calling for a balanced budget and reduced spending—this year he calls for a large unbalanced budget and deficit spending.

Now we are to accept the doctrine that the Federal budget can be used as an instrument to assist in bringing us out of the current recession to a prosperous full employment economy.

Certainly the new budget represents flagrant deficit-spending.

One may call it a full employment budget or whatever the public relations experts of the administration prefer as a sugar coat.

But this still represents deficit spending.

I want to make it clear that I have no quarrel with the President's effort to strengthen the economy and to reduce unemployment which administration policies have shocked into recession.

I do, however, have some reservations about the Madison Avenue buildup which attempts to hold up deficit spending as a panacea for all of our economic problems.

In view of the condition of our economy, we must move ahead with Federal expenditure increases to prime the pump and attempt to cut unemployment—now at its highest rate in 10 years.

The country faces critical economic problems and the new approach has been considered the only possible course to effect a substantial recovery—and that is not certain.

In submitting this budget, the President has utilized the "unified budget" concept which came into vogue in fiscal 1968.

Formerly the "administrative budget" was used which was based on income outlays of the Federal Government within a given budget year. The unified budget lumps together all Federal assets—including trust funds which were established for specific purposes: Highways, social security.

Including these large trust funds is nothing more than a smokescreen to obscure an extremely large deficit position. By using these trust funds as a means to increase a possible asset position—a fiscal paper tiger, if you will—the budget deficit is reduced to an estimated $11.6 billion.

Without the trust funds the deficit emerges at approximately $23.1 billion—and that could well be a conservative figure if the estimates of Federal revenue are as inflated as many economists believe.

The Knoxville News-Sentinel, in a recent editorial, said:

> LBJ ran up deficits averaging around $8.9 billion a year. Yet Nixon says his $11 billion deficit (if he is lucky enough to come off that well) will produce for the first time "a prosperity without war and without runaway inflation." . . .
>
> If he is right it will be wonderful and every last one of us will be grateful. If he is wrong—we hate to think about it.

In this connection the budgetary trend during the past several years presents an interesting study.

In fiscal 1969—President Johnson's last budget—there was a surplus of $3,236 million.

In fiscal 1970—President Nixon's first budget—a deficit of $2,845 million occurred.

In fiscal 1971—President Nixon's second budget—the estimated deficit is $18,845 million.

And the President's budget for fiscal 1972 projects a further deficit of $11.6 billion—more accurately the figure should be between $15 and $20 billion.

President Johnson's last budget called for $198 billion—and was hailed as too high, excessive, and dangerous.

In fiscal 1971, the first year under the Nixon administration, the budget broke through the fiscal sonic barrier to an ear-splitting $200 billion—$212,755 million, to be exact.

And now we have before us a budget of $229,222 million for fiscal 1972—an increase of more than $44 billion since this administration took office.

While even bigger and bigger, this budget is also an interesting study in semantics.

When President Johnson was proposing his budget of $198 billion, many "fiscal experts," who now acclaim the $229 billion package, were decrying the Johnson budgets as wild spending—inflationary—irresponsible—and pie in the sky.

Even when a Democratic administration in 1961 was proposing a budget of less than $100 billion, we heard the same sad lamentations about irresponsibility and excessive spending.

Today we do not hear these outcries.

As you know, Mr. Speaker, the Congress has enacted a Truth-in-Packaging Act.

It is too bad this act does not apply to budgeteering. The Madison Avenue cult in administration circles would in all likelihood be subject to cease-and-desist orders because of their flagrant sugar-coating of critical problems with deceptive labels.

The Washington Star, in a recent editorial, said:

> In making a rhetorical gimmick of the otherwise respectable concept of a full employment budget aimed at helping restore prosperity, Mr. Nixon perhaps has created a credibility problem he could have avoided. And credibility hazards abound in the budget.

The Star points out for instance that the administration translates its $18.6 billion deficit of fiscal 1971 into "a full employment surplus of $1.4 billion." Almost anything can be established by shifting figures.

This optimistic budget is based on the assumption that the administration can push a button and restore the economy to a sound expansion.

The administration deliberately braked and slowed the economy.

Needed public works projects approved by Congress were held back.

Needed public facilities were delayed.

These could have helped to ease the impact of the recession and at the same time provided needed public power, water supplies for municipalities, and other benefits.

Unfortunately our complex economy does not always respond to the push-button style of economics the administration champions.

Push a button—slow the economy.

Push another button—speed up the economy.

It takes time to feed into our economy the stimulus needed to reverse a recession and re-create confidence.

The administration could have begun this process months ago rather than waiting to make a big "splash" with its great reams of rhetoric and a large deficit budget disguised as a cure-all.

Believe it or not, this administration is attempting to spend us into prosperity.

That great champion of the people—President Franklin D. Roosevelt—must be chuckling somewhere as he sees a conservative administration adopting many of the approaches he developed to pull the Nation out of another Republican recession in the thirties.

Viewing history in perspective, it is interesting to review the inconsistency of those who traditionally maligned this great President—and who now are utilizing the same economic theories they criticized.

As we all know, an important concept in this new budget is revenue sharing with State and local governments.

I know that many of us favor revenue sharing in principle.

Certainly we want to provide State and local governments with as much autonomy and resources as possible. However, the needs of the people are paramount—the public interest must be served. Many are concerned over whether the funds will reach those who need them.

As I understand it, the first phase of the President's revenue-sharing proposal is $5 billion to be distributed to our States and cities.

Another phase of this proposal projects another $11 billion in revenue sharing—$1 billion in new funds and $10 billion in funds which will be recaptured and taken from existing grant-in-aid programs.

These funds would be allocated for broad purposes including urban community development, rural community development, education, manpower training, law enforcement and transportation.

This sounds logical and feasible.

But there are questions that must be answered.

When one examines carefully the budget message of the President, it is apparent that there will be a substantial impact on a number of very basic programs, many with established procedures of long standing.

Are basic essential vital programs to be cannibalized to feed the revenue-sharing plan?

For example, to share revenue under the general urban community development category, funds would be taken from such programs in the Department of Housing and Urban Development as urban renewal, model cities, water and sewer grants, and home rehabilitation loans.

With respect to rural development, the budget says this:

> This fund ($1 billion for revenue sharing purposes) would replace a set of present, unnecessarily restrictive, categorical grants and other cost-sharing arrangements directed toward this same general purpose.

Programs which would be affected include:

Agricultural extension service, agricultural conservation programs, rural water and waste disposal grants, Forest Service grants for forestry assistance, waterbank program, resource conservation and development program, regional development programs, economic development assistance, and Appalachian Regional Commission.

Concerning education, the budget says this:

> More than any other Federal activity, the school aid programs of the Office of Education reflect the excesses of the categorical grant system.

The following programs would be affected under this phase of the revenue-sharing proposal:

The school lunch program, the impacted areas assistance program, elementary and secondary education program, education for the handicapped, and vocational education.

Also affected by revenue sharing will be manpower training, law enforcement assistance grants, urban mass transit grants, airports grants, highway safety grants, Federal aid highways, and highway beautification.

The budget fails to make one thing clear: precisely how all of the programs will be affected and exactly which programs will be discontinued entirely, or which will be cut back and reduced.

Presumably these details will be provided later.

The New York Times, in a recent editorial, described the revenue-sharing proposal as "hastily improvised and inadequately thought through."

It is interesting to note that although the budget contends that this revenue-sharing plan will effect economies, the number of Federal employees would increase from 2,574,000 to 2,589,300—an increase of more than 15,000 Federal employees—to effect revenue sharing.

Suffice it to say that the Congress must carefully consider all of the complex ramifications of this proposal before making its decision.

There are those who believe that the revenue-sharing proposal will be used to destroy a number of progressive programs that have been passed over the years by the Congress in response to urgent needs in many areas after long and careful consideration.

Some assurance must be provided that the needs of deprived children will be met, for example.

The Appalachian regional development program apparently would be abandoned in the general shakeup. This program is tailored to a single region and was developed after years of hard study and preparation. The program is just beginning to have a significant impact. Today I have introduced a bill to reestablish and extend the Appalachian regional development program.

In other words, will revenue sharing reach the people who need it most? The people of Appalachia, for example.

Another aspect of this budget which Congress must carefully consider is the proposed sale of Federal assets—the Alaska Railroad—the possible sale of some AEC facilities, the Washington National Capital Airport and Dulles International Airport.

The budget also proposes to eliminate direct loans for farm operations and increase the cost of Federal crop insurance premiums.

The Coast Guard Reserve would be phased out and changes made to effect economies in the medicare and medicaid programs.

The budget would also eliminate certain veterans and social security benefits, which are described as duplications.

With respect to public buildings, the budget proposes to sell certain Government-owned design and sites for construction of 45 new Federal buildings to private enterprise—and to be leased back to the Government. Well, my Committee on Appropriations considered this concept years ago, and the General Accounting Office, in detailed studies and reports has shown after careful examination has determined this is by far the most expensive method of providing Federal buildings. It would be leased over a 40- or 50-year period with interest over the same period.

Direct water and sewer loans by the Department of Agriculture would be discontinued and placed on an insured basis. The special milk program for children would be stopped and eliminated.

"Less efficient" field offices of the Small Business Administration would be closed and the rural loan program for the poor under the Office of Economic Opportunity would be closed down.

The budget would restrict "narrow purpose aid" for land-grant institutions like the University of Tennessee—college construction grants and undergraduate instructional equipment programs.

These and other proposals must be studied carefully by the Congress.

This budget proposes many changes which the Congress will evaluate.

This budget glows with a rosy hue of optimism.

Many hope that the goals of efficiency, economy, prosperity, and full employment can be achieved.

Time will tell whether the predictions held out for this budget are more accurate and credible than those for the one last year which predicted a surplus but produced a huge deficit.

PARKLAND AT THE BELTSVILLE AGRICULTURAL RESEARCH CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, in his state of the Union message, President Nixon said:

> I will put forward the most extensive program ever proposed by a President to expand the nation's parks, recreation areas, and open spaces in a way that truly brings parks to the people. For only if we leave a legacy of parks will the next generation have parks to enjoy.

I was very pleased to hear the President give such strong emphasis to the need for additional parkland and recreation areas because in September of last year, I proposed, on a smaller scale in Prince Georges County in my congressional district, virtually the same idea as President Nixon would like to implement on a national level.

Mr. Speaker, last year I asked the Secretary of Agriculture, in conjunction with the Secretary of the Interior, to open up the lands and facilities of the Agricultural Research Center in Beltsville, Md., for use as a national parkland without in any way giving up the agricultural research now being conducted there.

I became concerned about the lack of parklands in my congressional district, as well as throughout the entire country, after reading a report on the matter prepared jointly by the Maryland Department of Forest and Parks and the Maryland Department of Planning. This report indicates that there is a deficiency of 179,707 acres of parkland in the Baltimore and Washington metropolitan areas and in southern Maryland.

Former Secretary of the Interior Walter J. Hickel enthusiastically endorsed my proposal. In fact, the Department of the Interior had just announced, at that time, that the Department would soon undertake studies designed to determine the feasibility of making national recreational areas and parklands more readily accessible to city populations. There is no doubt that the facilities of the Beltsville Agricultural Research Center would be accessible to the thousands of inner city youngsters from the District of Columbia.

Secretary of Agriculture Clifford Hardin stated that the Department of Agriculture is currently conducting a review of the available facilities at the Research Center as well as other Department of Agriculture property to determine if the lands are being fully utilized.

Mr. Speaker, I am most hopeful that this proposal will soon become reality and that the children of the Washington metropolitan area will experience to a greater extent the pleasure of new and improved parklands and recreation areas.

Many youngsters living in urban and suburban areas rarely have an opportunity to see farm animals. By opening up the Agricultural Research Center at Beltsville for joint use as a park, the youngsters in the Baltimore-Washington region, as well as tourists, would have that pleasure.

REVIEW OF CIVILIAN NUCLEAR MISSION LONG OVERDUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, I am introducing today, for the umpteenth time, a bill which would bring about a total review of our Nation's civilian nuclear program. Heretofore, the Joint Atomic Energy Committee has not seen fit to acknowledge that such a bill has been introduced, much less admit there is a need for such a review. However, the tide of public opinion and public uneasiness with respect to the proliferation of civilian nuclear plants is building and I confidently predict that the Joint Committee will soon acknowledge that it has a moral duty to hold broad hearings on the subject.

The importance and the necessity of this review implies that such study be conducted by as impartial a panel as can be found. Perhaps instead of "impartial" I should use the term "balanced." There are few persons who are "impartial" when it comes to nuclear power. I believe the President should appoint an ad hoc committee for the purpose of conducting this review and that all points of view, all manners of opinion, all degrees of expertise, and all segments of the population be heard by the reviewing body.

The joint resolution which I have introduced today is reproduced below. The statement therein indicates the breadth and depth of representation I would like to see on the Federal Committee on Nuclear Development. But I am not married to the format listed, nor am I married to the personnel recommended in this bill. What I am hoping to provide in this bill is a framework for a serious discussion by members of the Joint Committee on Atomic Energy. I have no desire to circumvent the committee even though that body has ignored similar pleas by myself and other Members of Congress in the past. I am fully cognizant of the fact that members of that committee have a near monopoly on congressional expertise and experience regarding nuclear matters. But in saying that, I also recognize that the power which has emanated from that combined experience is out of all proportion to the effect of that body's decision on the public-at-large. The Joint Committee and the Atomic Energy Commission may be the repositories of the bulk of knowledge about nuclear energy; they are not, separately or combined, the repositories of the wisdom necessary to guide the Nation along a safe course of nuclear development. I implore the members of the committee to share their wealth of knowledge with the Nation in order that the public can be reassured about the direction of our civilian nuclear program.

The joint resolution is reproduced below:

RESOLUTION

Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF THE COMMITTEE

SECTION 1. There is hereby established the Federal Committee on Nuclear Development (hereinafter referred to as the "Committee").

MEMBERSHIP AND ORGANIZATION OF THE COMMITTEE

SEC. 2. (a) The Committee shall be composed of a Chairman, who shall be a member of the general public having no ties to or connections with either the atomic energy industry or any competitive industry, and fourteen other members as follows:

(1) Two Members of the House of Representatives, one from each political party, appointed by the Speaker of the House of Representatives;

(2) Two Members of the Senate, one from each political party, appointed by the President pro tempore of the Senate;

(3) The Secretary of the Interior;

(4) The Secretary of Commerce;

(5) The Secretary of Labor;

(6) The Secretary of Health, Education, and Welfare; and

(7) Six members of the general public who are specially qualified to consider and evaluate the technical, economic, and sociological impact of the atomic energy program.

(b) The Chairman, and the members specified in paragraph (7) of subsection (a), shall be appointed by the President by and with the advice and consent of the Senate.

(c) Each member specified in paragraphs (3) through (6) of subsection (a) may designate another officer of his department to serve on the Committee in his stead.

(d) Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) The Committee may issue such rules and regulations as it deems advisable to conduct its activities.

DUTIES OF THE COMMITTEE

SEC. 3. (a) The Committee shall study, review, and evaluate the present provisions of the Atomic Energy Act of 1954 and intensively probe the atomic energy program of the United States generally, with the specific objectives of ascertaining whether the existing civilian nuclear program is responsive to the public need, assessing the validity of the assumptions upon which the existing program is built, and determining what changes should be made in that program. In this connection the Committee shall consider and assess (1) the impact of the subsidized atomic energy industry upon competitive industries not subsidized; (2) the cost of the nuclear program not only in expended human and material resources but also in lost opportunities in nonnuclear fields; (3) methods for effectively integrating atomic energy into the general energy complex of the United States so that reasonable priorities may be determined; and (4) the potential impact of rapid atomic development upon the health and safety of the American public (including the effects of waste disposal, radioactive air and water pollution, the location of plants in urban areas, and possible losses caused by malfunction of nuclear plants.)

(b) As soon as possible after the completion of the study and review provided for in subsection (a) the Committee shall submit a report of its findings and recommendations to the President and the Congress, and shall make such report available to the public. Ninety days after the submission of such report, the Committee shall cease to exist.

POWERS OF THE COMMITTEE

SEC. 4 (a) The Committee, or, on the authorization of the Committee, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Committee or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the chairman of the committee, or such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 to 104, inclusive, of the Revised Statutes of the United States (2 U.S.C. 192–194, inclusive) shall apply in the case of failure of any witness to comply with a subpena or to testify when summoned under authority of this section.

(b) The Committee is authorized to secure directly from any department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the executive branch of the Federal Government information, suggestions, estimates, and statistics for the purpose of this Act; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Committee, upon request made by the Chairman.

COMPENSATION OF MEMBERS

SEC. 5. The members of the Committee specified in paragraphs (1) through (6) of section 2(a) shall serve without additional compensation. The Chairman and the members appointed under paragraph (7) of section 2(a) shall receive $100 per diem when engaged in the performance of the duties of the Committee. All members of the Committee shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Committee.

STAFF AND FACILITIES

SEC. 6. (a) The Committee shall have power to appoint and fix the compensation of such personnel as may be necessary to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Committee may also procure (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates), temporary and intermittent services to the same extent as is authorized for the executive departments by section 3109 of title 5, United States Code, but at rates not to exceed $50 per diem for individuals.

(c) To the extent of available appropriations, the Committee may obtain, by purchase, rental, donation, or otherwise, such property, facilities, and additional services as may be needed to carry out its duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The state of the public's awareness about nuclear energy and nuclear power plants is being finely tuned by an increasing number of articles which can only be considered in the "scare" category. I know full well that in saying that, it would give the appearance of discounting such articles. I want to lay that particular charge to rest right here. A point, a sentence, a paragraph, or even some "facts" in any one or all of the articles I will append to my statement can be challenged. If the past is prolog regarding either the AEC's or the Joint Committee's reaction to the articles, it will mean that a tiny fragment of an article will be picked apart and that done, the Commission-Committee Defense League will have considered its job as finished. This has been the level and quality of the "public debate" which has grown over the past 2 or 3 years. Having defended themselves, the commission-committee goes on the offensive with a counterspate of speeches or articles. The public is left confused.

I submit that this is no way to discuss a public policy that affects the future of every living American. The issue of public safety and nuclear development is too important to be left solely in the hands of the commission-committee or the publicists of the opposition.

The commission-committee gives the impression that anyone who opposes nuclear energy is some kind of nut, or worse, anti-American. There is a sanctimoniousness about commission-committee statements which belies the true fact that there are real dangers involved in dealing with the atomic genie released over a quarter of a century ago.

The purpose of my bill to establish a Review Commission is to get the debate into the open, get it discussed with intelligence, and ultimately, to get the problem of nuclear safety resolved in favor of the public's safety. I do not believe this is too much to ask of our colleagues in the House and Senate. I believe that once aroused, the majority of them would also like to lay the simmering issue of nuclear safety to rest.

But why is there a growing public concern? I have answered that partially above. Now, I want to give our colleagues a more complete reason. To do this I am appending to this speech a number of recent articles on the subject of nuclear safety which, in my opinion, should be read by anyone having anything to do with nuclear energy. I believe that you will agree with a friend of mine who, after reading one of the articles below, told me:

> For Heaven's sake, if just fifty percent of that is true, we ought to stop producing nuclear energy until we know what the heck we are doing!

The articles attached are as follows: "The Nuclear Power Controversy—Safety," by Dr. Ralph E. Lapp, from the January 23, 1971, issue of the New Republic; "Precautions Are Being Taken by Those Who Know—An Inquiry Into the Power and Responsibilities of the AEC," by Paul Jacobs, in the January 1971, issue of the Atlantic; and "Atom-Age Trash—Finding Places To Put Nuclear Waste Proves a Frightful Problem," by Dennis Farney, which appeared in the January 25, 1971, issue of the Wall Street Journal.

The articles follow:

THE NUCLEAR POWER CONTROVERSY: SAFETY

(By Ralph E. Lapp)

During the past two years the atom, largely exempt from controversy since the days of radioactive fallout, has become the focus of public concern. The nuclear hazard involved is associated with the siting of power reactors for the generation of electricity. The radioactive effluents and fallout from the routine operation of these nuclear plants, together with the water-heating effects of the reactors, have formed the primary basis for public fear. While these fears have fueled the controversy, there has been very little attention given to the problem of nuclear accidents. In this three-part series, the issue of nuclear reactor safety is examined first, because there are many unanswered questions about the siting of more and more, higher-power, nuclear plants closer and closer to cities.

At the outset it should be perfectly clear that a nuclear reactor operating for any length of time constitutes a unique hazard to people and property in its vicinity. The accumulation of immense amounts of radioactivity in the reactor core constitutes a potential threat[1] without precedent in urban life.

The US Atomic Energy Commission is directed by law to promote the development of nuclear power for peacetime benefits, and it also acts as the regulatory agency to control the industrial deployment of nuclear power plants. While there is a certain economy involved in this dual promotional-regulatory role, it introduces a potential conflict of interest. The time has come to split off this regulatory function from the AEC and to transfer it to the newly organized Environmental Protection Agency (EPA). This transfer would favor an independent review of reactor safety and siting and might well serve to extricate the utilities from some of their hang-ups in "going nuclear."

Make no mistake about it, the utilities *are* depending on the atom to supply electric power. Nuclear electric energy has been a long time in coming, especially when one recalls the early postwar optimism about it, but it's here now. The following schedule of nuclear orders illustrates the pace at which utilities are proceeding to buy nuclear power plants:

1966: 24 units, 19,500,000 kilowatts.
1967: 30 units, 25,000,000 kilowatts.
1968: 14 units, 13,000,000 kilowatts.
1969: 7 units, 7,200,000 kilowatts.
1970: 15 units, 16,400,000 kilowatts.

The 1968–69 fall-off in orders reflects overbuying in the previous two years, saturation of the construction capability, and public opposition to nuclear power. It is notable that the 1970 upsurge in orders goes against the tide of environmental opposition and must be due to utility fear of fossil fuel unavailability on terms meeting their cost and pollution restrictions.

Two companies, General Electric and Westinghouse, account for 78 percent of these nuclear orders, and they are probably the only two American firms that have a real grasp of the nuclear safety issue. Both do little safety research with their own funds and the utilities do practically nothing, preferring to spend their money on advertising. For example, Sen. Lee Metcalf (D, Mont.) disclosed last month that in 1969 the utilities spent $323.8 million on sales and advertising against $41 million for research and development.

The AEC had its nuclear safety budget for this year slashed by the Bureau of the Budget and now spends slightly more than $30 million per year in this area. When AEC officials are queried as to why they don't spend more on safety, they admit they should, but claim that industry should pay for it. It's rather late in the day for industry to be safety-researching its nuclear product that is now on order. In the critical area of reactor safety I would prefer to see the work done by the AEC. It has the facilities and the manpower and the real estate for the job. As a constructive suggestion, I propose that the utilities, who will reap the cash rewards of A-power, establish a safety research pool to fund AEC work on reactor safety. An initial annual outlay of $12 million would serve to invigorate AEC activity on projects that have either slowed down or have not seen the light of day.

---

[1] One high-power reactor operating for one year burns as much nuclear fuel as is consumed in the detonation of more than 1000 Nagasaki A-bombs.

To understand the present status of reactor safety we have to go back to 1957 and review the sequence of events and change in philosophy attending the evolution of nuclear power risks. Furthermore, we need to know something about reactors themselves.

In March 1957 the AEC published its response to a request from the Joint Committee on Atomic Energy for a study of damage potential from reactor accidents. It took the form of a 105-page document (WASH–740) titled "Theoretical Possibilities and Consequences of Major Accidents in Large Nuclear Power Plants." The AEC's description of these consequences was sufficiently spectacular to catapult the Congress into passing the Price-Anderson Act, providing for financial protection and government indemnity in the event of a reactor accident. The AEC undertook but never issued a revision of WASH–740; what appears in the public domain is a letter from AEC Chairman Glenn T. Seaborg to Rep. Chet Holifield, Chairman of the Joint Committee on Atomic Energy, dated June 18, 1965. This letter deals with the likelihood of major accidents and their consequences, admits that higher power levels in reactors and longer fuel cycles could produce greater damage (although the likelihood of accidents, it said, "is still more remote") and calls for extension of the Price-Anderson Act.

On October 10, 1957 an atomic accident in the form of a uranium fire took place in England at the Windscale Unit 1 production reactor. Some 20,000 curies of iodine-131 escaped to the atmosphere and the British authorities had to stop milk supplies from farms in an area of 200 square miles downwind of the malfunctioning reactor. This particular hazard had received only passing reference to the AEC-WASH–740 analysis. The Windscale accident shook up officials in Britain and made them sensitive to reactor hazards.

On January 3, 1961 an explosion in the SL–1 reactor, near Idaho Falls, Idaho killed three young men with a blast-radiation effect. The 3000-kilowatt experimental boiling-water reactor blew up when a control rod was mismanaged, producing a power surge in the reactor vessel. Sited remotely at the AEC's National Reactor Testing Station, the SL–1 reactor had its consequences confined to the immediate vicinity, but the accident served notice that no man-made design was foolproof.

Nuclear power reactors were emerging from their research phase and on Feb. 10, 1961 the AEC issued its "Notice of Proposed Guides" requiring that applicants for a permit to construct a power reactor submit a reactor safeguards report including details of the siting. All applicants were required to calculate these three distances:

"(A) Exclusion area, which is the area surrounding the reactor. Access to this area is under full control of the reactor owner. Residence within this area would normally be prohibited. . . .

"(B) Low population zone, the area immediately surrounding the exclusion area. In this area the number of residents must be small enough so that they could be evacuated or other protective measures taken in the event of a serious accident.

"(C) Population center distance, which is the distance from the reactor to the nearest boundary of a densely populated center containing more than about 25,000 residents."

The whole concept enunciated in this AEC guide to reactor siting was one of minimizing risk through interposition of distance between the reactor and population. Anyone reading the details of how the AEC suggested these distances should be assessed would be convinced that the AEC was steering utilities away from close-to-large-city sites.

Dr. Clifford K. Beck, Deputy Director of Regulation of the Atomic Energy Commission, admitted the no-near-city prohibition in a speech delivered Sept. 25, 1963: "No reactor of high power level can be placed in or near a populated area if there is any substantial likelihood that significant portions of its accumulated wastes could accidentally be released to the environment." But, he went on to add, "there are virtually no sites acceptable, safetywise, if the worst conceivable accident must be assumed. . . ." Dr. Beck's speech was titled: "Engineering Out the Distance Factor." In it he outlined two alternatives to distance—one, design and construction to prevent a major accident from happening, and, two, building in safeguards to contain the consequences of an accident.

Here then was the turning point in reactor safety, in which engineering came to be substituted for distance. What sort of engineering? The details started to flow out of the AEC in 1967 and—this is what worries me—they have been upwelling ever since. New criteria emerges, more unknowns are identified and more research is indicated, *but* all the while more powerful nuclear reactors are being constructed closer to cities.

For example, the AEC issued its "General Design Criteria for Nuclear Power Plant Construction Permits" on July 10, 1967. A total of 70 individual criteria is listed. That high AEC officials harbor their own doubts about reactor safety engineering comes out piecemeal in their speeches or may be read between the lines. (It comes out directly if you talk to AEC personnel at the operating or bench level. Reactor engineers tend to be somewhat habituated to their machines and most utility men are not very well informed about reactors.) None other than the AEC's Director of Regulation, Harold L. Price, put his finger on the real problem in mid-1967 when he said:

"The basic safety issue presented by metropolitan sites for large power reactors is whether, in lieu of partial dependence on distance from population centers, full reliance can or should be placed on the inherent safety of the reactors and their engineered safety features."

Yet almost at the same time that Mr. Price was identifying the issue, Dr. Seaborg was testifying before the Joint Committee: "While progress has been made in improving the safety of reactors, we need to obtain more experience and data in order to develop criteria for the sitting of these units in urban areas." The full extent of the unknowns in reactor safety is revealed in 145 pages of AEC material introduced into congressional testimony in 1967 under the title "Water-Reactor Safety Program: Summary Description." This evidence includes brief descriptions of 100 individual reactor safety studies or projects, some of which were not even under way in 1967. Dr. Seaborg may have had these projects in mind when he testified.

At this point it becomes necessary to define the major physical problem in reactor safety. A nuclear reactor is basically a chain-reacting nuclear core sealed inside a stout pressure vessel which is rigged to permit entry and withdrawal of control rods that determine the power level of the machine. The reactor core consists of about one million pounds of nuclear fuel, control rods, and core structure. Most modern reactors of high power contain their nuclear fuel in the form of about nine million thimble-size pellets distributed in 12 foot long tubes all clustered together in a cylindrical array 11 feet in diameter. The very center of these uranium dioxide pellets is raised to a temperature of 4100° F producing a near-molten condition. The outer surface of the uranium fuel pellet is cooled by the swift passage of water under high pressure—from 1000 to 2250 pounds per square inch. Any interruption of the cooling water imperils the integrity of the fuel element, and it is a prime requirement in reactor engineering that provisions be made for emergency cooling in the event of a loss of coolant.

What is the worst that could happen to cause a reactor to lose its coolant? Experts agree that it would be a double break in the huge pipes that conduct heated water away from the reactor core to a heat exchanger and then return it to the pressure vessel. Should such a pipe rupture occur, the high pressure hot water would gush out and produce what reactor men call a "blowdown." Dr. William K. Ergen of the Oak Ridge National Laboratory headed up a task force that reported out in 1967 with a 226-page analysis "Emergency Core Cooling." Using this as a guide I have sketched the sequence of events in a reactor core following a drastic coolant break on a time schedule as follows:

5 to 10 seconds: Core temperature jumps from 600 to 1500°F in localized sectors.

30 to 50 seconds: Temperature exceeds 2000°F. cost structure begins steam reaction and energy release.

50 to 100 seconds: Core attains temperature of 3360°F.

2 minutes: Core, collapse begins.

10 minutes: Melt-down debris accumulates in vessel.

1 hour: Probable melt-through of pressure vessel with possible steam explosions.

1 day: Molten mass of reactor material breaks through containment slab.[2]

3 years: Molten material forms 100-foot glob in sand.

11 years: Cool-off of residual material shrinks to 80-foot diameter.

The point to stress here is that emergency core cooling systems which may spray water into or flood the reactor core have to work *within five to 10 seconds*. Otherwise one is no longer dealing with a reactor core but with a glowing mass of molten and melting material for which additional cooling or preventive measures are no longer effective. Yet as one reads through the Ergen report the phrases "a matter of speculation" or "it is not known" keep recurring. I have not been able to find any more recent AEC analysis of core-cooling, nor have I come across any overall evaluation of nuclear safety. I therefore urge that a high-level review of reactor safety be made by some independent group such as the National Academy of Engineering, funded by the Environmental Protection Agency.

No more important engineering challenge exists today than making sure that the reactors coming into use conform to a rigid set of codes so that the public safety is assured for the coming decades of nuclear power. The National Academy should establish a permanent Nuclear Power Safety Board whose first mission would be an evaluation of the status of reactor safety. The Academy already has a task force working on reactor siting and the new responsibility would be a natural addition to its present activity, involving however a much higher-powered organization to investigate the safety issue. This recommendation is in line with the example set by the British, who established a Nuclear Safety Advisory Committee with appointments to it being made by responsible Ministers. Incidentally, British siting policy emphasizes controlled population adjacent to reactors and thorough evacuation planning for zones closest to the site.

My basic reason for proposing an independent review of reactor safety is that the question of "How much safety?" is a public not an AEC matter. I would not impose a moratorium on reactor construction, because nuclear safety is a combination of reactor design and siting. Reactor safety is essentially a statistical concept. For example, the

---

[2] Reactor experts use the phrase *Chinese Syndrome* to describe the possibility that a liquid sodium-cooled core might break through confinement and keep sinking in the earth—Chinabound.

Calvert Cliffs nuclear station being built on Chesapeake Bay 46 miles southeast of the White House has fewer than 200 people living within a two-mile radius and the nearest large town is Cambridge, 20 miles across the bay. This contrasts with the two nuclear units New Jersey's Public Service & Electric plans to site at Newbold Island in the Delaware River, five miles south of Trenton and 10 miles north of Philadelphia. A 1985 projection puts the population at risk within a 10-mile radius of Newbold Island as three-quarter of a million people. An AEC construction permit for this plant was applied for last March.

The AEC procedure for granting a construction permit is a democratic one in that it allows for a public hearing. The utility is required to file a detailed Preliminary Safety Analysis Report (PSAR) which is then scrutinized by the AEC's regulatory staff. This safety review often takes a year and involves many conferences with the utility experts, often the vendor's people, but unfortunately these exchanges do not appear on the record. Furthermore, the AEC subjects the PSAR and the regulatory staff study to independent review by its Advisory Committee on Reactor Safeguards (ACRS), a highly competent group of 14 nuclear experts. ACRS has the guillotine power of decision on a construction permit for a reactor. ACRS approval is often contingent upon the utility making changes in plant design and its reports pinpoint weak points in reactor safety, some of which indicate a need for further research and development.

Public hearings prior to the granting of a construction permit involve a three-man AEC tribunal selected from a 23-man Atomic Safety and Licensing Board Panel. Citizens and associations are allowed to appear as intervenors at public hearings and in some cases these interventions have produced lengthy delays in granting a permit. Finally, the AEC allows for public hearings prior to awarding an operations license, and a number of nuclear plants are now hanging fire because of intervention at this stage. Many issues get aired at these hearings, but that of reactor safety is extremely difficult for an intervenor to explore; he must bow to the judgment of the experts—almost all of whom are employed by the AEC, by the reactor manufacturer or by the utility.

When AEC Chairman Seaborg says, as he did before an AP editors' convention on Nov. 19, 1970: "We know that the benefits we gain will far outnumber the risks of the potential hazards," then I submit the "we" is not all of "us."

I do not make the charge that the AEC is imposing an unsafe system of nuclear power on the nation; I submit that the public record is not visible to substantiate public confidence in the AEC's assurance. It's deeply disturbing to read in the Oak Ridge National Laboratory *Review* an article on "Benefits vs. Risks in Nuclear Power—A logical, facts-and-figures comment on the current anti-atom literature," by ORNL Assistant Director Walter Jordan:

"The $64 million question still remains, and that is whether we have succeeded in reducing the risk to a tolerable level—i.e., something less than one chance in ten thousand that a reactor will have a serious accident in any year. Thus when we have 100 nuclear power stations in operation, not too far in the distant future, an accident once every hundred years might be expected."

But before the year 2000 we will probably have 500 nuclear reactors of one million kilowatt rating, and it would appear a certainty we will have a serious nuclear accident—and by that time population, if uncontrolled, will hem in our reactor sites. To call it a $64 million question is to sadly underestimate the hazard and to make a mockery of the Price-Anderson Act. Dr. Jordan concludes his article:

"We and the public should be prepared to face the possibility of a nuclear accident, just as we live with the possibility of major earthquakes which will exact a large toll in property and lives."

This time the "we" is separated from the public, but this gap between the nuclear community and the public is precisely the reason for worrying about a nuclear accident. Even a mini-accident could roadblock the future course of nuclear power.

The nation needs power, clean power, and I believe it is not beyond our technological capabilities to design, site and operate nuclear power plants and insure the public safety. But as we, meaning all of us, enter into the nuclear decades, it is essential that the record is clear—that we, not just a few experts in a closed community, audit the nuclear books and lay the basis for public confidence in our nuclear future. As a constructive way of proceeding, I propose the following:

Establishment of a permanent Nuclear Power Safety Board to study and report on the status of nuclear reactor safety. This body would recommend a national policy on reactor safeguards and siting.

Imposition of a ceiling on reactor electric power ratings, limiting output to 1,200,000 kilowatts of electric power. This restriction has the effect of limiting the accident consequences of a nuclear plant.

Intensification of reactor safety research and development at AEC sites, aided by funds supplied by the nuclear utilities. This activity would encompass full-scale operational testing of reactor components.

Prohibition of AEC construction permits for nuclear plants with a near-metropolitan siting posture like the Newbold Island units.

Separation of the regulatory function from the AEC with assignment of this responsibility to the Environmental Protection Agency.

"Precautions Are Being Taken by Those Who Know": An Inquiry Into the Power and Responsibilities of the AEC

(By Paul Jacobs)

Early in 1957, Dr. Linus Pauling suggested that I might want to investigate a dispute between the editor of a small weekly paper in Tonopah, Nevada, and the Atomic Energy Commission. Pauling told me that the editor was troubled about the weapons-testing program conducted by the Atomic Energy Commission at the Nevada Test Site, not far from Tonopah. The editor, Robert Crandall, was convinced that the Atomic Energy Commission had been less than candid about the effects of radioactive fallout from the weapons testing on the people of his community and the surrounding areas.

It was very difficult to research an article about the Atomic Energy Commission at that time. In 1957, the cold war was still on, the United States was in a bitter nuclear weapons race with the Soviet Union, and the Atomic Energy Commission was considered sacred, the guardian of the only weapon that stood between us and the Communists. Scientists like Pauling, who were predicting wide-scale genetic damage from radiation, were derided and vilified. In those years, too, almost everything about the Atomic Energy Commission's activities was protected by security provisions. The Commission effectively controlled all information about itself.

Nevertheless, I went to Nevada to interview Crandall and as I got into the story, talking with him and the people around Tonopar, I became as involved in it as Crandall himself. Gradually, as I drove from ranch to ranch in the wild Nevada mesas and to quiet Mormon villages in Utah and Arizona, the pieces of the story began to fit together. And then I managed to obtain a document which verified, in precise detail, many of the charges made by Crandall and other residents of the area.

The document was a report prepared by the U.S. Public Health Service on the Atomic Energy Commission's monitoring activities in the areas around the test site during the 1953 series of weapons tests. It revealed that while the AEC was saying publicly that there was no health hazard from the Nevada tests and that radiation levels were being adequately monitored and recorded, in fact there was great uncertainty within the Public Health Service over the effects of the tests. The report also indicated that the spread of fallout had been unpredicted in many cases, simply because the wind had shifted in a way that the AEC had not expected. The result of the wind shift was that large numbers of people had received doses of radiation in differing amounts.

The unit for measuring the amount of radiation to which the whole body, as opposed to a single organ, is exposed is called a "rad"; the present standards are that the average exposure of a given population should nto exceed 0.17 rads and that no individual should be exposed to more than 0.5 rads. The current bitter controversy over nuclear reactors focuses on the 0.17 rad figure (sometimes given as 170 millirads). Those who oppose the AEC maintain that the 0.17 figure is much too high, while the AEC insists that it is low enough to protect public health adequately and that, in any case, the general population would never receive the 0.17 dosage, even from the operations of all the reactors now in existence or planned.

In my article "Clouds From Nevada," which appeared in the *Reporter* magazine May 16, 1957, I criticized the AEC for poor monitoring work, secrecy, the disguise of health hazards, and the Atomic Energy Commission's unrestrained use of its power. A few newspapers and wire services noted the story; the Washington *Post* printed an editorial praising it, and the Atomic Energy Commission blasted it and me. But the effect of the article was short-lived.

One day in late 1969, a newspaper in San Francisco, where I live now, carried a small item about the widow of an Air Force officer who had won a case against the Veterans Administration. Her husband had been one of the pilots who flew planes that monitored for radioactivity in the weapons tests about which I had written. He had died of leukemia. She lived in Santa Cruz, California, according to the article, and her name was Mrs. William Wahler.

Mrs. Wahler is a short, slender, energetic woman. Over a cup of coffee and a sandwich, she told me of her life with Bill Wahler and of his death from leukemia. Wahler had flown in the Eighth Air Force during World War II and had been awarded seven Air Medals. After his discharge in 1945, he reenlisted so he could continue flying. In 1951, he was assigned to Kirtland Air Base in Albuquerque, New Mexico, as a member of a special group of pilots trained to fly radiation monitoring and surveillance missions during the secret tests of nuclear weapons at Eniwetok, in the Pacific, and in Nevada. Some of the pilots in the group were trained also to drop the nuclear bombs used in the tests, both in Nevada and in the Pacific.

I asked Mrs. Wahler what kind of precautionary measures had been taken to guard the pilots against any overexposure to radioactivity.

"Well, they all wore film badges, but it was sort of haphazard in Nevada. The pilots didn't really have confidence in the men who were doing the tabulating; sometimes they'd skip taking the radiation exposure that day because the people weren't around at the right time or something like that. I guess everybody felt the levels they were exposed to were perfectly harmless. They didn't know enough at that time to realize they build up.

"When Bill was at Eniwetok, he had rest and recuperation in October, 1956, in Hawaii, and I noticed while we were together for ten days that he wasn't well. He seemed pale and listless, had no pep."

But after Wahler returned to the United States, he seemed completely recovered from whatever had caused his listlessness in Hawaii. In 1961, he retired from active duty, and the family moved to Santa Cruz, where he got a job as a social worker.

"He began to slow down, and he just seemed to be aging rapidly," Mrs. Wahler said. "Between Christmas and New Year's of 1966, we went to visit his brother in San Diego, and his brother said Bill looked like he'd aged a lot in the year since he'd seen him. A week later, he woke up in the middle of the night with a severe headache, and he said he'd had a terrible, wild dream. This went on for a week or two, and he'd have these dreams and these unexplained bruises on his arms and legs. So he went to the hospital, and three weeks later he was dead."

He was dead, but his wife and children were alive, without any income. At the time, Mrs. Wahler hadn't made any connection between her husband's leukemia and radiation, until another pilot, who had come to the funeral, told her that some people thought such a connection existed.

"I started researching it then, and the more I got into it, the more convinced I was that radiation was involved." She applied for a pension, claiming her husband's death was service-incurred. The Veterans Administration denied her claim because the Atomic Energy Commission maintained that her husband had not received enough radiation to cause the leukemia. So she had appealed, been denied again, appealed again, and finally, after two years, was given the opportunity to present her case in person to a VA appeals board. The board reversed the previous denials after getting an opinion from an independent medical expert; enough doubt existed, they said to warrant making the decision in her favor. The Atomic Energy Commission continues to insist, however, that Major Wahler could not have received enough radiation to have caused his death.

Before I left Mrs. Wahler that day, I asked if she knew what had happened to the other pilots in her husband's outfit. She mentioned a flier named Marvin Speer, who she had heard had leukemia. And she remarked, "I kind of hesitated when I wrote to some of my husband's former buddies, because I was putting fears in them, and this was brought to my attention, and I stopped writing."

In the case of Marvin Speer, Mrs. Wahler need not have worried about arousing fears. As I discovered weeks later, Colonel Speer had died in September, 1968, also from leukemia.

A third pilot in the group, Major Richard Partrick, talked to me in Albuquerque of the monitoring flights he'd made. Major Partrick's words are difficult to understand because the left side of his jaw and part of his larynx were removed in 1968, after it was discovered that he had cancer.

And still another pilot from the group, who wishes not to be identified, repeated many of the same details about the radiation missions, his hand occasionally reaching up to touch the suppurating lesions on his head, lesions which he has had for more than ten years and which do not respond to treatment.

The Atomic Energy Commission insists no connection exists between the deaths from leukemia of Major Wahler and Colonel Speer, nor between Major Partrick's cancer, and the radiation to which they were exposed. No one can assert positively, at this time, that these deaths and injuries are from the radiation.

Neither is there any unassailable scientific evidence that the abnormal number of deaths from leukemia in the quiet Mormon villages of Parowan, Paragonah, and Pleasant Grove, Utah, and Fredonia, Arizona, were the result of the fallout from the tests to which the towns had been exposed. The death rate from leukemia in Pleasant Grove is approximately 6 times higher than normal, while in Paragonah and Parowan, neighboring towns, 4 cases were diagnosed in a period when only 1.4 should have been anticipated. Fredonia and its neighboring town, Kanab, Utah, suffered what one medical expert described as a leukemia "epidemic."

But neither can the AEC accurately claim, as it does, that no possible connection exists between these events and its activities. It cannot justify such an assertion because (a) no one knows, including the AEC, the exact amount or the type of radiation to which these pilots and communities have been exposed and (b) not enough knowledge exists about the effects of low-level radiation. The AEC continues to make such statements as the one it issued in 1970 in response to a critical NBC–TV program: "Small doses produce no damage which scientists have been able to detect." Many eminent scientists would worry over the implications of such a pronouncement. Nobel Prize winners Dr. Joshua Lederberg and Dr. Linus Pauling both warn that if the persent permissible dose occurred it would kill thousands of people every year, and they argue, amongst other things, that it may be too early to detect damage already caused by small doses of radiation. Even the AEC's staunchest supporters in the scientific community tend to put the case cautiously. Thus, Dr. Victor Bond, of the AEC's Brookhaven Laboratory, said in November, 1970, that "for purposes of radiation protection, in the absence, of well-defined data otherwise, the cautious assumption must be made that any amount of exposure carries some probability of harm to a population, however small that probability may be."

"[N]ever before in the peacetime history of the United States has Congress established an administrative agency with such sweeping authority and entrusted with such portentous responsibilities," said the men who wrote the Atomic Energy Act of 1946. Under the terms of that Act, and its 1954 Amendment, Congress gave the Atomic Energy Commission total and exclusive control over every aspect of nuclear energy, including both its military and peaceful uses. It has at its disposal more than $2 billion a year, its own security force, the right to police its own activities, and the authority to classify any data which the Commission judges might threaten the national interest if they were to be released. In effect, the AEC is a government within the government.

The Commission also contributes more than $300 million yearly in subsidies to academic research at universities, scientific consortia, and AEC-owned laboratories operated by educational organizations. The AEC's total investment in research facilities is more than $3 billion.

In addition, the Atomic Energy Commission is charged with the responsibility for guarding the public safety from the dangers of radition, for negotiating and administering international agreements involving nuclear energy.

Approximately 53 percent of the Commission's current budget is allotted for military applications. Since the first nuclear bomb was exploded in New Mexico, the AEC has conducted 512 announced weapons detonations, plus an undisclosed number of secret tests. The components for the nuclear weapons are produced at eight plants scattered over the country and operated by large corporations as AEC contractors.

The number of these weapons now stockpiled is kept totally secret, but obviously, must run into the thousands. Production continues and can be expected to continue indefinitely.

Plowshare, the AEC program for the peaceful use of nuclear bombs, was once the AEC's *Wunderkind*, hailed by Dr. Edward Teller. "Success in Plowshare," he said, "will bring as rich a harvest as man's ingenuity ever produced."

But success has been slow to come, and today the Plowshare program is reduced in scope and budget. Only $8 million of the operating budget was allocated to Plowshare last year. Of all the grandiose schemes to use nuclear energy for peaceful purposes hardly a handful remain, and even these are in trouble, endangered by the opposition to them from conservationists and groups fearful of radiation dangers. Meanwhile, the AEC now expends about 20 percent of its budget on the reactor program, under which the AEC has the sole right to license the building of reactors and complete control over the sale of the fissionable material used in them. The program will continue to expand unless the AEC receives a serious setback in the controversies about nuclear reactors now raging all over the country.

The AEC—along with its congressional ally, the Joint Committee on Atomic Energy, and the nuclear power industry—is committed to the widest possible utilization of nuclear energy. One of the proponents, Dr. Glenn T. Seaborg, AEC Chairman, believes that "not only do we need nuclear power, but this source of energy has, historically speaking, been discovered just in the nick of time. . . . In view of the world's growth and human expectations, to depend for our energy on the remaining supply of fossil fuels—as optimistic as we might be about their reserves—would be environmentally, economically and humanely disastrous."

The AEC's perpetual optimism leads inevitably to a situation in which the agency is uncomfortable presenting anything less than the most jovial view of nuclear energy. Such a posture is characteristic, of course, of most public and private institutions as they seek to present themselves in the most favorable light. But in the case of the AEC, maintaining its image has sometimes meant risking the public's health: I was concerned over the Commission's record in 1957, and this past summer I found fresh cause for alarm.

In August, 1970, I asked the Atomic Energy Commission Public Information Officers at AEC headquarters in Germantown, Maryland, for several documents, including the "Official Use Only" report which I had first obtained in 1957. It is now declassified, together with reports on monitoring in earlier weapons-test programs, and was readily available. I had kept the original all these years, and now I read them side by side.

The comparison revealed, at first, only minor differences, softening in the second version the impact of the first. But when I got to the conclusion I discovered a much more serious change. A large portion of the original was deleted. Taken out was the section described as "probably the most significant summary in this report." The now-absent summary dealt with the fact that certain areas of Nevada and Utah were exposed to radiation far in excess of the standards set by the National Committee on Radiation Protection Standards. The deleted section said further that: ". . . in future tests, within such areas, blood changes in man might be demonstrable if systematic observations are made. It is possible also that the immunities of the population might be sufficiently reduced that measurable increased incidences of selected communicable diseases would be discerned by epidemiological investigations. The long-term implications of yearly exposure of a cross-section of the population to levels in excess of those considered to be maximum permissible for occupational workers certainly justify continued observation and maintenance of radiation health records, even though specific consequences cannot be foreseen at this moment."

That warning, that plea for "continued observation and maintenance of radiation health records," and the statements that some areas of Nevada and Utah had received excessive exposures—all those statements are now missing.

Where did the original page go? The AEC says it does not know who made the deletion or why it was done, although, as one AEC staff member told me, "It does seem like a pretty important change."

This was not the only time that the AEC had concealed, and in some cases disregarded, information that has threatened its interests. In many of these cases, to be sure, honest scientific disputes are involved. But each of them raises grave doubts in the mind of a layman about the AEC's regard for public safety. And one need not be a physicist or a biologist to worry, at the very least, over the way in which the AEC has dealt with unpleasant news and with the messengers who deliver it.

In 1960, for example a physicist named Dr. Harold Knapp, then on the AEC staff, was investigating a phenomenon called "hot spots." Hot spots are areas of unexplained high radiation that occasionally occur throughout the country as an aftermath of aboveground weapons testing. Knapp was paying particular attention to evidence of I–131, radioactive iodine, which had been discovered in abnormal levels in milk produced near St. Louis, Missouri. In human beings I–131, like ordinary iodine, concentrates in the thyroid gland, where it may cause cancer. Knapp was anxious to compare the levels in Missouri with those in milk-producing areas near the Nevada test sites. But he discovered that the AEC had failed to monitor the milk in those areas. In 1953, for example, a test had deposited an unpredicted amount of fallout on the dairy region near St. George, Utah. A monitoring team sent there reported that "no standard procedures existed for preparing milk samples"; as a result "no details were obtained on time of milking, milking techniques, individual producers, etc." But it was decided to forgo attempting to collect such data because "extensive inquiry into such details would indicate the concern of the test program's rad-safe ["radiation safety"] group with the possibility of milk contamination and alarm an already worried community."

Knapp was able partially to overcome the lack of data from the early tests when milk monitoring procedures were set up to follow a weapons test in 1962. The purpose of collecting the data was to permit a calculation of how large the iodine 131 burden was to the thyroids of persons drinking milk after a nuclear detonation and to provide a standard for estimating the iodine 131 doses to children's thyroids from past nuclear tests.

Knapp's report horrified his superiors. Not only did he point out that, until 1962, "no systematic effort had been made to obtain fallout levels and milk levels at the same time," but also he concluded that, on the basis of the 1962 data, heavy doses of iodine 131 had been ingested by children in Utah from at least one earlier test and perhaps from others as well.

Pressure was applied to Knapp to keep him from publishing his report. Its technical validity was questioned, and in addition, its potential bad effect upon the AEC's public image was pointed out. One AEC official who opposed publishing Knapp's report worried at the time about "what reaction may we expect from the press and the public"; and Dr. Gordon Dunning one of Knapp's superiors, told me in 1970 that the Commission believed that publication of Knapp's report "would lead to substantially larger numbers [of thyroid doses] than had been published from the various monitoring programs. . . . How did one explain this? Would it look like the Atomic Energy Commission and Public Health Service had not been doing their job?"

But Knapp insisted on the publication of his report; finally, the AEC convened a committee of scientists to review the report, pointing out to them that if the report were published, it "would make the Commission out to have been liars." The committee refused to block publication, and finally Knapp's report appeared, prefaced by an analysis of it by the committee members. But the AEC version did not include Knapp's conclusion that following a 1953 weapons test, the doses to the thyroid glands of infants in the St. George, Utah, area "would be in the range of 120–440 rads," doses which would have been very high indeed. Subsequently, Knapp published the full report, including his conclusions about St. George, in *Nature* magazine.

It is, of course, possible that Knapp's conclusions were inaccurate, but he was correct in at least one respect: the AEC does not know how much radioactive iodine it visited on St. George, Utah, and elsewhere in the country. And this, clearly, is information the Commission sought, unsuccessfully, to keep private.

Nuclear explosions—weapons tests and huge cratering experiments—are the most awesome and frightening aspect of the AEC's operations; but almost everything associated with atomic energy is full of risk. The disposal of radioactive wastes from nuclear reactors and plants providing fissionable materials poses problems on a scale far greater than the Army's difficulties in ridding itself of nerve gas. The handling of these wastes has been the focus of yet another muffled controversy between worried scientists and the AEC.

In 1966, a special committee of earth scientists (from the National Academy of Sciences and the National Research Council) severely criticized AEC waste-disposal procedures and suggested alternative methods. The committee charged that the AEC was putting economic considerations ahead of safety, and that in some cases the Commission's officials were vastly overconfident of the ability of local environments to absorb wastes. Specifically, the committee members cited burial of radioactive material in places where too little was known about the shifting of the earth or about subterranean movement of water. And they were alarmed at the use of containers subject to erosion and fracture.

The Atomic Energy Commission "had a lot of problems with the report," said John Erlewine, an AEC official. In fact, the AEC tried for a time to suppress it. Erlewine justified the suppression to me by saying the report was "in house" and "outside the competence" of the sicentists involved, and, he added, "we didn't think much of it."

It was not until a member of the scientists' committee charged publicly late in 1969 that the AEC had "persistently refused" to release the report, arousing senatorial pressure, that the Commission relented.

By that time, evidence had already been uncovered that confirmed the scientists' fears. The Dow Chemical Company, which operates the AEC's Rocky Flats plutonium manufacturing plant in Colorado, had been burying radioactive plutonium wastes in exactly the manner which the committee had warned against—in "artificial containers subject to corrosion, fracture and other forms of damage." Dow had buried metal drums, filled with either oil-saturated plutonium wastes or uranium wastes, within the area of the plant as far back as 1958. Drums of plutonium waste oil had also been stored on the surface of the ground inside the plant; some of these fractured and sprang leaks. In addition, the company had buried drums of uranium wastes outside the plant.

This might not have been known had it not been for another worrisome event, a disastrous $45 million fire which broke out in the plant on May 11, 1969. Ten days later, Major General E. B. Giller, Atomic Energy Commission Assistant General Manager for Military Applications, told a congressional committee, "I am relieved to report that there is no appreciable amount of plutonium outside the building" and "no known contamination off-site as a result of the fire."

General Giller's optimistic statements about the absence of plutonium outside the plant turned out to be both premature and incorrect; in January, 1970, a Colorado conservation group issued a report that Dr. Edward Martell, a nuclear chemist working at the National Atmospheric Research Center in Boulder, Colorado, had made an independent investigation and found plutonium traces in the soil outside the plant. (Dr. Martell charges that prior to his analysis of the soil, the Atomic Energy Commission had monitored primarily the air around the plant and neglected to check for radioactivity on the ground.)

Initially, Martell believed that the plutonium traces he found in the soil after the Rocky Flats fire were the result of the fire itself. But the Atomic Energy Commission, on the basis of an investigation made for it by the Public Health Service in August, 1970, announced that the plutonium had not come from the fire of 1969 or from an earlier fire, but instead from dust blowing around the oil drums, which had been leaking plutonium wastes into the ground.

I asked General Giller a few months ago whether he was satisfied with the safety precautions being taken at Rocky Flats.

"The answer is an unqualified yes," he replied.

"Had you been satisfied with the safety precautions before the fire?"

"We had been satisfied with the safety precautions before the fire. Certainly, in hindsight, we could have operated the plant differently, in which, for instance, the drums would not have been stored outside and we would not have leaked, meaning we would not have put plutonium from that source into the soil. But we must remember, of course, we're talking about extremely small amounts, and none of this constitutes a hazard to health."

But, as General Giller said himself, plutonium is one of the most dangerous radioactive substances, and it is an undisputed scientific fact that it takes only "extremely small amounts" of plutonium to cause lung cancer. A microscopic particle of plutonium can cause death if it lodges in the lungs. And the $45 million fire itself, which might have been catastrophic for nearby Denver, suggests that safety precautions at Rocky Flats were inadequate.

Representative Chet Holifield (Dem., Cal.), chairman of the Joint Committee on Atomic Energy, is aware of the dangers from plutonium, for he is one of the most knowledgeable legislators in the country on matters of nuclear energy. But at an executive session of the Joint Committee, held on April 10, 1970, Congressman Holifield decried Dr. Martell's independent investigation which turned up the plutonium traces as "scratching around in the sand."

The executive session was attended by two other congressmen, members of the Joint Committee staff, a group of high AEC officials, and two officers of the union representing the workers at the Dow Chemical plant. When it was disclosed that the company had hidden drums of radioactive wastes in the plant area, Holifield was enraged. "Maybe this is not putting one milligram of radiation above ground, but you know the problems this sort of thing can create from a public relations standpoint. It can be magnified many times by these sensationalists," he told the group. The chagrined AEC officials replied that they, too, had been ignorant of the hidden wastes until just before the executive session started. And the executive director of the committee staff conceded, "It was a very poorly supervised thing." One high AEC official said, "It is clear to us that we have a considerable amount of work to do and have to undo some things that were done in the past. This may turn out to be one of those situations. We have waste in Idaho that I think the final analysis will show we should dig up. . . . We are going to have a lot of clean-up operations to do for the long pull as a result of this."

Publicly, of course, neither the AEC nor the Joint Committee admits the enormous potential danger in the AEC's present practices of radioactive waste management. That is why the AEC tried to suppress the report on waste disposal and why the true dimensions of the problem are revealed only when the minutes of an executive session are obtained; in the meantime, those who warn the public are "sensationalists."

Perhaps the most complex dispute in which the AEC is now involved concerns the total amount of "low-level" radiation in the environment resulting from *all* man-made sources, including nuclear reactors. Two scientists today are doing battle with the AEC over this issue: Dr. John Gofman and Dr. Arthur Tamplin of the Livermore Laboratory in California. Their present conflict with the AEC began when they were asked to investigate the alarming predictions of another physicist, Ernest Sternglass, of the University of Pittsburgh.

In 1969, Sternglass presented an analysis suggesting 400,000 possible infant and fetal deaths in the United States as a result of fallout from the weapons tests of the 1950s. Sternglass' analysis set off a furor. A short time later, a request from the Atomic Energy Commission for a critique of the Sternglass thesis came to the Livermore Lab. The assignment was given to Arthur Tamplin, who had been at the Lab since April, 1963, under Gofman, studying the effects of radiation on man and the total environment. Tamplin concluded that Sternglass' estimates of the number of deaths were far higher than they ought to have been. Having criticized Sternglass, however, Tamplin then prepared his own estimates, which were that 4000 deaths might have been caused by the fallout. That figure was considerably lower, but high enough to unsettle the Atomic Energy Commission's Division of Biology and Medicine in Washington.

Faced with this damaging opinion, the Commission (and Livermore officials) proposed that Tamplin separate his criticism of Sternglass into two portions. The attack on Sternglass' calculations was to be published in some popular journal. Tamplin's own estimates of cancer deaths were to be published in a more esoteric, less widely read scientific journal. Gofman and Tamplin had come to another conclusion, even more disturbing to the AEC than Tamplin's figure of 4000 infant and fetal deaths. On the basis of their studies, they believed that the federal standard for acceptable radiation exposures was ten times higher than it ought to be and that it should be cut back; failure to do so would result in 32,000 additional cancer and leukemia deaths, they said.

In October, 1969, they presented this data at a meeting of the Institute of Electrical and Electronic Engineers in San Francisco, attended by a few science writers. Gofman and Tamplin followed this presentation with another, more widely publicized appearance before a Senate committee on November 18, 1969.

The AEC has totally rejected the Gofman-Tamplin thesis that permissible radiation standards be lowered by at least a factor of ten. If such a decrease did go into effect, the AEC would be forced to curtail most of its nuclear power enterprises, especially the nuclear reactor program.

Gofman and Tamplin are convinced that the Atomic Energy Commission and the Lab are trying to censor them, harass them, and deprecate their scientific work. Of the censorship, there is no doubt: a paper entitled "Nuclear Reactors and the Public Health and Safety," which Tamplin was scheduled to give at a Boston meeting of the American Association for the Advancement of Science, was so heavily edited by Dr. Roger Batzel, chief of the Laboratory's Division of Biology and Medicine, that it bore little resemblance to Tamplin's original manuscript. Typically, the fourteen-line abstract of the paper was reduced by Dr. Batzel to the sentence, "Over the past two years a number of serious objections have been raised concerning the safety of nuclear power reactors."

Although the paper was finally presented in close to its original form, Dr. Batzel's editing of the manuscript demonstrates the Laboratory's basic policy difference with Gofman and Tamplin. Dr. Batzel told me that the Lab doesn't disagree with their scientific findings, only with the policy judgments they make from the data and the manner in which they seek public support for their position. Specifically, he is against their calling for a moratorium on building additional nuclear reactors.

The fundamental difference separating the Lab officials from Gofman and Tamplin arose again when Gofman was invited to testify before the Senate Subcommittee on Air and Water Pollution, chaired by Senator Edmund Muskie. When the invitation became known to Dr. Michael May, the current director of the Lab, he attempted to dissuade Gofman from appearing before the Committee on the grounds that Senator Muskie didn't understand nuclear energy problems and might use Gofman's testimony politically.

When Tamplin and Gofman have made public criticisms of the AEC, the Lab has refused to pay their travel expenses, and in addition, has docked Tamplin's vacation time, in one case even deducting from his vacation a Saturday and Sunday he spent at a seminar. However, when Dr. Edward Teller and Dr. Gerald Johnson went from the Lab to Alaska in order to describe the virtues of a Plowshare project, their travel expenses were paid and their vacation periods left untouched. When these scientists went to Pennsylvania in 1968 to assure worried citizens that another proposed Plowshare project was not hazardous, their expenses were paid and they did not suffer any loss of vacation time.

Dr. John Totter, head of the AEC's Division of Biology and Medicine, has said publicly of Gofman that he "was hired to make sure Plowshare could operate in a safe manner. He is now attacking Plowshare, and I see no reason that [we] should want to continue his services."

Gofman and Tamplin have found a foe as well in Joint Committee Chairman Holifield. The congressman used the floor of the House to say of them, "Undeterred by the rejection of their opinion by their scientific peers . . . they continue to do their own thing in the limelight of the mass media and public forums to exacerbate the public anxiety."

The two scientists argue that their scientific findings impel them to political action. In their book *'Population Control' Through Nuclear Pollution*, they conclude from their experience that groups of scientists and laymen must be established specifically for the critical examination of technological decisions taken by industry and government. "It is evident that we are urgently in need of a mechanism for effective criticism of present day science and technology. . . . The scientists and others who compose such critical groups must be activists in the best sense of the word. They must necessarily interact effectively with members of Congress, with activists from many fields, and with pressure groups in the country."

The question of whether *I* was exacerbating the public anxiety troubled me when I returned to Nevada and Utah to talk with the people living in the area. I thought about it, too, as I sat and talked with the test-site pilots whom I had traced from the leads given me by Mrs. Wahler. But the issue was resolved for me when I read, late in the summer, the once "secret" and "confidential" reports on the safety precautions in effect during the 1951 and 1952 test series for the monitoring personnel.

Thus, the "secret" report on the 1951 tests, named Buster-Jangle, complains, in a minor key that "instrument repair was at times unsatisfactory because there was not always a qualified man in charge." A more serious note is struck in the statement that the weapons tests "were crowded together with inadequate time for personnel to function efficiently" and that the radiation safety personnel "were somewhat confused as to whom they were actually responsible." In addition, "On innumerable occasions a decision on some point was needed from some person in authority and it would be found that the person had departed for Las Vegas or Los Alamos without leaving a responsible alternate."

But the real impact of the 1951 report is contained in the section dealing with the radiation exposures of the personnel involved in monitoring the tests.

Page 10 states that for personnel involved in the tests, "An exposure limit of 3-r was agreed on prior to the test. . . . The Division of Biology and Medicine agreed to an unpublicized exposure of 3.9-r, which was used to give the 3-r limit added flexibility where absolutely necessary." The report then goes on to state that 75 percent of the monitors exceeded the maximum exposure limit.

The "confidential" report on the 1952 series of tests indicates that the monitoring procedures may have been even worse than in 1951. "Each test brought a new group of operators inexperienced in the proper techniques," states the report, "and little use was made of the experience gained by members of the group on succeeding tests. Personnel were not assigned to the program until a few hours before it was necessary to dispatch them to their respective stations to perform duties in which they had been only briefly indoctrinated."

New equipment was also used in the 1952 monitoring. "The lack of trained personnel to operate and observe these units resulted in little knowledge gained," states the report. And when planes were used to bring samples back to the labs for analysis, "some samples contained activity greater than the counting limits of the counting equipment." Forecasts of fallout patterns were of little use in the 1952 series, especially since "airdrops are carried out even when wind forecasts are likely to be in error." Some communities were not included in the fallout prediction and so could not be notified when the fallout hit them unexpectedly, and sometimes even when the fallout was expected. "Unfortunately, the collection trays were lost," and so no adequate measurements could be made. In one test, a reduction was made in the number of samples collected and treated; the result, according to the report, was that "unfortunately, this procedure does not permit arrival times [of the fallout] to be obtained with great accuracy. . . ."

Five thousand soldiers were brought to the Nevada Test Site in 1951 to participate in one weapons test. The AEC says no harm done to them, but no long-term studies were made of the men. But in the light of the safety reports, how much confidence can one have in the AEC's assertion? That question may need an answer soon: the Veterans Administration has started to get claims from some of those men or their families, charging disability as a result of their exposure.

Just as no complete records exist for the military personnel, no accurate records exist for the amount of radioactive fallout to which the people of Kanab, Fredonia, Paragonah, Parawan, and Pleasant Grove have been exposed. It has been demonstrated, again and again, that it is impossible to predict accurately the drifting patterns of radioactive clouds. And as the reports of the 1951, 1952, and 1953 tests indicate, often such drifting was not monitored in any way for radioactive content.

Elmer Jackson, who was born in Fredonia, Arizona, and now lives in Kanab, Utah, a few miles away, knows lack of monitoring to be a fact. He was caught in a radioactive cloud, and burned by it: his doctor believes that the thyroid cancer Jackson later developed results from the experience.

Early in the morning of March 17, 1953, at 5:20 A.M., a 16-kiloton bomb was exploded from the top of a metal tower at the test site. On the basis of the pre-shot weather forecasts, mobile monitoring units had been sent into the communities in the area around the test site. The cloud bearing the particles of radioactive metal drifted further east than the Atomic Energy Commission had anticipated, into an area more than a hundred miles away from where any monitoring team was stationed:

"Suddenly the cloud seemed to move just a little, and it started going in a southerly direction, so I thought, 'Well, it won't come this way,' so I continued on out, about three miles out. I gathered up about fifty head of cattle that were in the area and started moving with them, when the wind changed and blew that cloud swiftly. It just came with a rush and engulfed me and the cattle in the valley, and within just minutes my eyes started burning, the water was running out of them, and my face started burning. . . .

"I think it's taken at least ten years off my life, and I've suffered for ten or fifteen years as a result of those burns, so I'd like to go back to the days when we didn't have that kind of trouble."

Other men and women living in Fredonia and Kanab would also like to go back to the "days when we didn't have that kind of trouble." Maureen Tait's husband died of leukemia in 1965, leaving her with five children. Mr. Tait was a crane operator, who worked in areas where fallout has been recorded. Rosemary Mackelprang's husband, who was school superintendent for ten years in Fredonia, died of leukemia in 1964. He, too, was out of doors a great deal, collecting rocks, Before he died, his widow says, "He often wondered if maybe some of the rocks had radiation in them that could have caused the leukemia. And we used to watch the atomic bombs go off and see the big flare, and we often wondered if maybe radiation carried out this far, if it had any effect on us. But the people from the bomb tests told us, 'You're so far away from everything, you don't have to worry.' "

Jessie Mackelprang's son, Graham, was fourteen when he died, in 1955, of leukemia. The family was living in Kanab at the time, but went away to their ranch, also located in a fallout area, as often as possible. In the summers, Graham lived outside from early dawn till dark. Mrs. Mackelprang is convinced that the weapons tests "started the leukemia in this country, but what can we do about it? We're just helpless; we're just small people. We have no money to pay an investigator to try and find out if that was true and if the government does it, what's the people to do? They're higher than we, so we just sit here and take it."

The government *did* investigate the leukemia outbreak in Fredonia, although it has never told the people the results of the investigation. The inquiry began after Dr. Richard Riley, who had been treating the cases, discussed them with a leukemia specialist in Salt Lake City, who felt the number of cases represented an epidemic. Riley, who is a radiologist, told an AEC doctor that he was convinced the cancer and leukemia cases were the result of fallout radiation. A team of specialists from the U.S. Public Health Service Communicable Disease Center in Atlanta came into the area, took blood samples from everybody in Fredonia and from a sample of the Kanab population. In January, 1970, a report on the investigation appeared in *Hospital Practice:* the Public Health Service was not able to pinpoint the cause of the leukemia and could state no more than that the leukemia epidemic was not the result of chance.

Ample evidence exists of the direct and immediate effects of large doses of radiation of the order inflicted upon the population of Hiroshima and Nagasaki. But only now are some important data coming to light revealing the consequences of much lower doses of radiation: a recent report published in the *Journal of the American Medical Association* points out that a small group of Marshall Islands people exposed to lower doses of radiation from unexpected fallout after a Pacific weapons test are just today developing thyroid disorders. And the report concludes that now is the critical period to begin analyzing these disorders. Twenty-eight Americans were also exposed to unanticipated fallout during the test. No long-term study has been made of them. When I asked why, the doctor in charge of the Marshall Islands study replied that it would have been too difficult to keep track of the men.

Clearly there is a need for studies on a mass scale over a long period of time. And after the possible relationship between iodine 131 in milk and thyoid cancer in young people appeared in the forefront of scientific consciousness, the U.S. Public Health Service did begin a study, financed by the Atomic Energy Commission, of children's thyroids in St. George, Utah, where the heavy fallout of iodine 131 had taken place from the weapons-testing program.

Initially, the study indicated an increase in thyroid difficulties, but as the study progressed, through the high school years of the children, the data began to become very inconclusive. Now the young people involved have graduated from high school and the study is ending. But the teen-agers ought to be watched for many more years; if their expectancy of developing thyroid cancer has been increased, even slightly, because of weapons testing, they are owed a continuous appraisal of their health by the government.

The list of situations in which the Atomic Energy Commission may have endangered the public is extensive. More than one hundred uranium miners have died of lung cancer because of exposure to radioactivity in the mines. (Uranium is produced almost wholly for the AEC, although the mines are owned and operated by private companies.) The direct relationship between uranium mining and lung cancer was established many years ago in Europe and disputed by no one. The cancers are caused by radon gas which escapes into the mine's atmosphere when uranium is drug from the earth. The mines could be cleansed of the deadly radon, but at a cost so great that the mine owners are unwilling to pay it.

A revealing conflict over setting the proper standards for human exposure to radon developed a few years ago between Secretary of Labor W. Willard Wirtz and Congressman Holifield. Secretary Wirtz was convinced that the exposure standard set by the Federal Radiation Council was too high and so ordered that it be lowered to 30 percent of the Council's recommendations. His action brought forth a heated response from Congressman Holifield, who charged the Secretary with making his determination "on an emotional basis rather than on a scientific basis." In contrast to Congressman Holifield's view, Dr. Walter S. Snyder, associate director of the Health Physics Division at the Oak Ridge National Laboratory, testified, in 1967, at a Joint Committee hearing on the uranium mining problem, that "when human life is in the balance, it would seem that conservatism in safeguarding these lives has much to commend it."

Meanwhile, the uranium miners continue to die from lung cancer, and others are exposed to radon gas. It seeps from under the floors of many homes built in Colorado on tailings from the uranium mines. Admittedly, to move the people from their homes into new residences would be very expensive; the government insists the risks are very small and therefore no action need be taken.

The most controversial, and potenially, perhaps, the most dangerous, of the AEC's current programs is its commitments to nuclear power reactors. Seventeen nuclear reactors are operating now, fifty-four are under construction, thirty-eight more are far along in the planning, and nine additional plants have been scheduled to be built. Within the next thirty years, the AEC expects to license 950 nuclear power installations, all dependent upon radioactive materials.

The proponents of nuclear reactors as a source of energy insist that the country faces a severe power crisis. In what the AEC sees as a dangerous diminution of conventional power sources, the agency sees itself as standing between the country and disaster: thus, it rejects any serious criticisms of its enthusiasm for building nuclear reactors. But serious criticism abounds.

"In principle, nuclear reactors are dangerous," Dr. Edward Teller, no foe of atomic energy, said in 1965 and again in 1970. "They are not dangerous because they may blow up. The explosion of a nuclear reactor is not likely to be as violent as an explosion of a chemical plant. But a powerful nuclear reactor which has functioned for some time has radioactivity stored in it greately in excess of that released from a powerful nuclear bomb. There is one difference, and this difference makes the nuclear bomb look like a relatively safe instrument. In the case of an atmospheric nuclear explosion, the radioactivity ascends into the stratosphere. . . . A gently seeping nuclear reactor can put its radiocative poison under a stable inversion layer and concentrate it onto a few hundred square miles in a truly deadly fashion. This is why we must be exceedingly careful in constructing nuclear reactors. By being careful and also by good luck, we have so far avoided all serious nuclear accidents. . . . Nuclear reactors do not belong on the surface of the earth. Nuclear reactors belong underground."

But reactors are being built above ground. The Enrico Fermi reactor at Lagoona Beach, Michigan, experienced difficulties from the moment it began test operations. The plant, an experimental one, had been built despite the objections of the Commission's Advisory Committee on Reactor Safeguards.

"There is insufficient information available at this time," warned the committee in 1956, to assure that the reactor could be operated "without public hazard." But Lewis Strauss, then Chairman of the AEC, suppressed that warning, which might never have been made public except for its disclosure by another AEC commissioner, Thomas Murray.

The AEC's decision to sanction the Fermi reactor created a tremendous controversy, but all efforts to halt the construction failed. Then, in October, 1966, while the plant was going through a series of operating tests, a serious accident occurred. A portion of the reactor's uranium fuel source overheated and melted; radiation was released within the plant, and the reactor was immediately shut down. For a month scientists debated how to investigate the accident, fearing that any disturbance of the uranium could set off a runaway chain reaction culminating in an explosion, an event that could have released enough radioactive gas (according to one study commissioned by the AEC) to kill as many as 133,000 people living in the Detroit area.

After the accident, an official of the company operating the reactor said, "It's one of those accidents the consequences [of which] are so terrible, the probability has to be very, very small." But that "very, very small" probability did become a reality.

The Fermi reactor is now being tested again after being shut down for four years.

Another freakish accident occurred at the Windscale reactor in England in 1957; a large quantity of radioactivity was released, so that all milk and produce in a four-hundred-square-mile area around the plant had to be confiscated. In 1961, an accident in an experimental reactor in Idaho killed three people. And not even the AEC's own reactors are free from such accidents: on November 19, 1969, the Oak Ridge Research Reactor had a failure which occurred, according to an official report, "amazingly, from seven failures or errors in each of three identical channels, a total of 21 failures. The seven common mode failures that contributed to system failure were unpredictable or, if predicted might have been considered to be adequately monitored."

But the public health problem inherent in the operation of nuclear reactors is not limited to the possibility of an accident. There remains the persistent issue of low-level radiation.

The usual AEC response to those who seek to reduce the permissible radiation standards is to insist that only infinitesimal amounts of radiation will be emitted from the normal operations of a reactor and that these emissions will be harmlessly diffused into the atmosphere, within a few miles of the reactor's perimeter.

But that argument ignores the fact that the reactor is only *one* part of a total operation each component of which involves its own separate dangers. Reactors require radioactive fuel rods which must be shipped into the plant and then out of the plant to be reprocessed every few years; reactors produce radioactive wastes which must be stored or processed with all the attendant risks involved. Those two examples alone set up whole series of other dangerous operations. When to these are added the risks of food supplies being contaminated directly, and the introduction of radioactive substances into the total ecological cycle, the possible consequences of hundreds of reactors are staggering.

Dr. Paul Tompkins, the executive director of the Federal Radiation Council, dealt with the heart of the matter from the AEC viewpoint when he said that accepting the Gofman-Tamplin recommendations "might well price society out of business. To reduce radiation exposure tenfold would cost billions; it might even cost more than the Vietnam War. To comply, you'd practically rebuild all nuclear installations and the factories that use any sort of X-ray equipment. We'd have to review radiation exposure from wristwatches, TV sets and radium dials. Plus, I'm not completely sure it is now technically possible to monitor down to such a tight level."

Is it possible that nuclear energy as the cure for the power crisis may be worse than the disease itself? The risk-benefit issue involved in that question needs to be debated thoroughly before the public can make a decision.

Unfortunately, in the atmosphere that now prevails within the Atomic Energy Commission, the agency's critics are characterized as "nuclear nuts" or "arch anti-nuclears" who make "doomsday forecasts" (to use the words of Howard Brown, a high-ranking AEC official). It seems unlikely that open debate will flourish—and that many actions crucial to the public safety will be taken—as long as the AEC continues in its dual role as proprietor and regulator of nuclear energy.

In May, 1957, Chet Holifield wrote the *Reporter* that he shared the "great concern about the moral and political issues" which had been raised in my article, "Clouds From Nevada." Recently Holifield refused to talk to me about "the moral and political issues." He believes that the public will "never" know enough about radiation, "because it's too complicated." However, the congressman assured a television audience, "that doesn't mean that precautions aren't being taken by those who know, to protect the person who does not know."

[From the Wall Street Journal, Jan. 25, 1971]

Atom-Age Trash: Finding Places to Put Nuclear Waste Proves a Frightful Problem—AEC, Prodded by Critics, Looks Harder at Safety of Radioactive Dumpings—Stirring Up a Deadly "Soup"

(By Dennis Farney)

Lyons, Kans.—The phrase "peaceful atom" conjures up images of cleanliness and light; Of white-gowned technicians and bright new reactors, of light and heat and power, seemingly without pollution.

The dark, dirty side of atomic energy is symbolized a half-mile east of this central Kansas town. It is an abandoned salt mine that may soon become this country's first atomic-age crpyt.

There, in the perpetual darkness a thousand feet below the Kansas prairie, the Atomic Energy Commission plans to entomb all the "high level" (intensely radioactive) wastes generated by U.S. commercial atomic power plants for the rest of this century. So concentrated will be these wastes that, were they somehow evenly distributed, they could contaminate much of the nation. So fantastically long-lived are they that they will have to remain sealed away for as long as 500,000 years.

The mine also symbolizes a growing, if belated, effort by the AEC to come to grips with potentially the most devilish pollution problem of all. This is the problem of isolating from the environment the growing volume of radioactive wastes—the result of weapons-making as well as commercial operations—for the centuries, even millennia, they require to decompose.

EXPEDIENCY IS CHARGED

Finding solutions hasn't been the AEC's top priority. Democratic Sen. Frank Church of Idaho has calculated that over the last 25 years, while the agency spent billions to develop military and commercial applications of the atom, it spent only $50 million on waste disposal research. Today the nuclear industry is growing rapidly. But one of the AEC's own scientific advisory committees has characterized some of the agency's waste disposal practices as "expedients designed to make the best use of poor location."

For example:

In southeastern Idaho, one of the AEC's four major U.S. installations routinely stores a variety of radioactive wastes about 600 feet directly above the Snake Plain Aquifer, a huge underground river whose waters ultimately reach much of the Pacific Northwest. Sen. Church and Federal water quality officials are concerned that radioactivity might leach down into the aquifer.

Near Richland, Wash., the AEC's Hanford installation stores millions of gallons of high-level liquid wastes in huge underground tanks. The tanks have a life expectancy of 20 or 30 years, though the wastes within them will remain deadly for about 600 years. At least 11 times, the tanks have sprung relatively minor leaks.

Millions of gallons of high-level wastes rest in a similar "tank farm" at the AEC's Savannah River plant, near Aiken, S.C. The AEC hopes to dispose of these wastes by pumping them into a man-made cavern below the Tuscaloosa Aquifer, already heavily used for drinking water and industry. The AEC advisory committee has called this plan—in a report that was suppressed for four years—"in its essence dangerous."

AN INSIDER URGES HALT

Glenn T. Seaborg, AEC chairman, concedes that "you could argue, in retrospect, that the AEC might have moved faster" on waste disposal. But he says such work is moving rapidly now and argues "it was logical" to build up the industry first.

One of the commission's sharpest critics disagrees. Arthur R. Tamplin of the AEC's Lawrence Radiation Laboratory argues for a moratorium on growth of the industry "until we perfect the systems all along the line." He adds: "We really don't know what to do with wastes today. We haven't devised the systems. And we're starting to produce wastes at an ever-increasing rate."

The AEC puts the great bulk of radioactive wastes in the "low-level" category, and maintains that relatively simple disposal techniques are perfectly adequate. Some four million cubic feet of contaminated materials now lie buried in the Idaho desert, for example—everything from contaminated laboratory gloves to bricks and rubble, placed in steel drums or wooden containers and buried in shallow trenches.

There is growing concern that disposal practices for even low-level and intermediate-level wastes pose serious potential hazards. "The current practices of disposing of intermediate and low-level liquid wastes and all manner of solid wastes directly into the ground above or in the fresh-water zones, although momentarily safe, will lead in the long run to a serious fouling of man's environment," warned one AEC scientific advisory committee.

DRAMATIC GROWTH SEEN

But by far the greatest concern is over "high-level" wastes, which account for more than 99% of all the radioactivity in materials on hand, though they account for a relatively small percentage of volume.

The exact volume of high-level wastes is classified because they are largely the result of AEC plutonium production for nuclear weapons. The AEC put the total at more than 80 million gallons; of this, only about 400,000 gallons are the result of commercial operations.

But this ratio is going to change dramatically as the U.S. nuclear power industry grows. Today that industry provides roughly 1% of all U.S. electric power; by 1980, the AEC estimates, it will provide 25%. By the year 2000, the industry is expected to generate some 60 million gallons of "high-level" waste (or its solidified equivalent), which will be from 10 to 30 times as radioactive as the weapons-related waste now on hand.

Nuclear reactors' uranium fuel elements, whether used to generate electricity or to produce plutonium for weapons, eventually become choked, in effect, with the radioactive fragments of split atoms. When this happens the fuel must be taken to a reprocessing plant. There, the fuel rods are dissolved in acid and the reusable uranium and plutonium are separated out.

What's left, in AEC jargon, is "the soup": A liquid laden with enough radioisotopes to make it one of the deadliest substances on earth.

Many of the radioisotopes decay to harmless levels in relatively short order. (An example is zirconium-95, with a half-life of 65 days; this means half of a given amount will decay in the first 65 days, half of the remaining half in the next 65, and so on.) At the other extreme is plutonium—some of which escapes reprocessing—with a half-life of 24,000 years.

Despite its extreme longevity, plutonium isn't considered the most dangerous component of the liquid waste. Its radiation is incapable of penetrating even a thin shield (a steel barrel, for example) and most plutonium compounds aren't readily soluble in water. Thus plutonium is considered highly dangerous only if actually ingested into the body, particularly if inhaled into the lungs.

The really troublesome radioisotopes are strontium-90 (half-life: 25 years) and cesium-137 (33 years). Unlike many radioisotopes, which are excreted by the body, strontium-90 concentrates in the bones. Cesium-137 emits gamma radiation, similar to X-rays, which can readily penetrate thick shields. In addition, both give off great amounts of heat as they decay, enough to make "the soup" boil furiously for years.

The waste liquid goes into enormous concrete-encased steel tanks, some more than a million gallons in capacity. Depending upon the tank design, the liquid is either cooled for years or simply allowed to boil (with its steam siphoned off to prevent tank rupture). Either way, the liquid loses much of its heat and radioactivity within a few years.

The problem is that the tanks wear out—to say nothing of their vulnerability to accidents—while some radioisotopes within them remain hazardous, in human terms, almost forever. (Strontium-90 and cesium-137 are considered hazardous for 600 years and plutonium for a half-million.) Already there have been 15 recorded cases of tank failure, the 11 at Hanford and four at Savannah River. In one mishap at Savannah River, about 700 gallons of intensely radioactive waste overwhelmed safety devices and soaked into the ground.

LONGER THAN HISTORY

Clearly, the AEC and its critics agree, a more permanent solution is needed. "We really can't talk about this in terms of 'waste disposal,'" says Mr. Tamplin. "It's 'waste guardianship.' . . . Somebody is going to have to watch this stuff . . . for longer than the history of our country and, in the case of plutonium, longer than the recorded history of man."

The AEC has yet to decide upon a "final" solution to its weapons-related wastes. In the interim, it is solidifying much of them in the tanks they now occupy. But the agency does have a plan for the growing volume of commercial wastes: Solidification and shipment to the salt mine here at Lyons.

Many scientists, inside and outside the AEC, endorse this plan as the safest, surest available. Salt beds are dry and extremely stable geologic formations. Rock salt approximately equals concrete as a gamma ray shield and is so plastic under heat and stress that fissures are self-healing.

Beginning in 1975, if AEC plans hold, ordinary railroad cars would start hauling in barrels and containers of "low-level" wastes for burial here. At full-scale operation, 200 to 400 carloads might be coming here each year.

DEFYING THE IMAGINATION

The "high-level" wastes would start arriving about 1976. Concentrated and solidified, they might take the form of a greenish-black glassy substance, a ceramic-like material or a granular powder. This would be packed inside steel cylinders, each containing wastes so enormously radioactive as to almost defy imagination.

The standard unit of measurement for radioactivity is the curie. One AEC official calculates it would take 10 billion gallons of water to dilute one curie of strontium-90, the deadliest of all the radioistopes in high-level waste, to the level that current guidelines consider acceptable in drinking water. By comparison, the strontium-90 in high-level wastes may run at 50 to 100 curies per gallon. Solidification of high-level wastes before shipment here would concentrate them sixfold or more.

Altogether, including curies of other radioisotopes as well as strontium-90, each cylinder to be buried here would contain a million or more curies. By 1990, when the disposal operation would be in full swing, some 1,200 or more cylinders would be arriving here each year—shipped in enormous 50 or 100-ton lead "casks" to contain their gamma radiation.

Once here, the casks would be unloaded by remote control behind heavy shielding. The cylinders would then be lowered to the caverns below and transported by a remote-controlled vehicle to their burial tunnels, holes drilled into the tunnel floor. Eventually the entire tunnel would be filled with crushed salt.

TAKING THE LONG VIEW

The strontium and cesium within the cylinders would make them hot enough eventually to raise the temperature within the underground caverns to 200 degrees or more. This impresses laymen, but AEC engineers seem to take it in stride. Conducting a group of Lyons townsfolk through the mine, an AEC official assured them that "the heat drops off very rapidly. It would be essentially done . . . in a couple of hundred years."

None of this seems to worry many people in this town of about 4,800, who see a potential boom in the disposal project. "This is great," says Jack McClain, a local electrician. "We just couldn't get a cleaner industry." Declares C. R. "Tiny" Moorman, resplendent in his red "Lyons ambassador" boosters club jacket; "It's about the grandest thing that could happen to any place."

But father away from Lyons, concern is rising.

The Kansas affiliate of the Sierra Club is considering a court fight to block the project. Chairman Dale Saffels of the state corporation commission has expressed concern about derailments when the big shipping casks start coming in. Gov. Robert Docking has said he wants more facts. But perhaps the most influential skeptic is William W. Hambleton, director of the state geological survey.

Mr. Hambleton was a member of an AEC advisory group that found salt mine disposal, with qualifications, "the safest choice now available." Nevertheless, he's worried about a number of questions and says he isn't "horribly impressed by the enthusiasm they (the AEC) show for checking out these things."

One of his worries is what's known as the "Wigner effect." The wastes will bombard the walls of rock salt with intense radiation, causing energy to be stored in the salt. Under certain conditions this energy might be released in a sudden burst of heat, perhaps shooting temperatures in the underground caverns to 800 degrees centigrade. What would happen then?

"I don't know," he says, "One would speculate on all kinds of horrible things." An extreme possibility: An explosive upheaval, which could release radioactivity to the world above.

And Mr. Hambleton has another worry. "As far as we can tell, the AEC has no contingency plans for retrieval of this stuff should something go wrong."

In reply, an AEC official cites specific studies that "have virtually ruled out" the heat burst danger. And the AEC emphasizes that nothing in the disposal plan will preclude retrieval—although an official concedes the agency hasn't worked up detailed contingency plans for such an operation.

Questions about this project may seem mild, however, compared to the controversy likely to erupt if the AEC goes ahead with another proposal under evaluation. This is "Project Bedrock," the plan to pump millions of gallons of high-level liquid waste into a cavern below the Tuscaloosa Aquifer.

ECONOMY GETS PRIORITY

The project here at Lyons is only for commercially related wastes; the AEC's enormous stores of high-level weapons-related wastes still remain. It seems generally agreed—even among AEC officials—that the safest answer to these wastes, too, is solidification and salt mine burial. Nevertheless, the AEC is seriously considering the bedrock plan, which another of its own scientific advisory committees not only described as "in its essence dangerous" but also predicted would be sure to "lead to public controversy."

Economy appears to be the foremost consideration. AEC officials say admittedly inexact estimates indicate it might cost 10 times as much to solidify the wastes and bury them in salt mines as to dump them into bedrock caverns. Another consideration: Project Bedrock would allow onsite disposal, eliminating potentially hazardous overland shipments. Finally, AEC officials argue, if Project Bedrock proves safe enough it's simply wasting money to buy an additional margin of safety.

The big questions of course, are whether the wastes would seep upward through fissures in the bedrock into the acquifer itself—and, if so, how soon?

A majority of the AEC advisory committee—in a critical 1966 report that the AEC suppressed until 1970—concluded the risks of this happening were simply too great. In one of several projections, the committee theorized that wastes could possibly reach fresh water within 100 years; they will be hazardous for at least 600 years. A narrow committee majority recommended that the AEC abandon even attempts to study the project.

"You could never prove, even by all sorts of (exploratory) drilling, that bedrock storage would be safe as solidification and storage in a salt mine," says Earl Cook, a Texas geographer who was executive director of the committee. "The only way you could be sure is to put this stuff down and wait and see. Unfortunately, that's the way we make too many decisions these days."

Project Bedrock has at least one Senator worried. Democratic Sen. Mike Gravel of Alaska has called on the President's Council on Environmental Quality to "immediately appoint a committee of independent and credible investigators" to look into it. Council member Gordon J. MacDonald says he's inclined to agree.

Nevertheless, the project is "still feasible; so far the feeling is that it looks quite good," says one AEC official close to the matter. The AEC feels confident at this stage of investigation that several barriers—including a layer of clay between the bedrock and the aquifier—would bottle up the wastes long enough to allow them to decay to harmless levels before reaching fresh water.

The agency says it plans to spend $1.3 million for preliminary work and at least $10 million to sink an exploratory shaft and tunnels. If tests prove favorable, routine pumping of the wastes into the cavern probably would start in the late 1970s The agency might then go ahead with a similar project for the Hanford wastes. "We won't go ahead with (Project Bedrock) until we're sure it's absolutely safe," pledges Chairman Seaborg.

But, as AEC officials themselves testify, few problems in the arcane world of radioactive waste lends themselves to "absolute" answers.

"I'm often asked, "Can you be absolutely sure this or that is safe,'" says John A. Erlewine, the AEC's assistant general manager for operations "My invariable answer is, 'No, I'm not absolutely sure of anything on this earth.'"

RODINO URGES ENACTMENT OF PLAN FOR ALL-OUT WAR ON NARCOTICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, during the last Congress I formulated a comprehensive plan for an all-out war against narcotics addiction. Now that the new 92d Congress has commenced its work, I believe it is imperative that we give full consideration to this plan and enact it as soon as possible.

Almost a year ago I pointed out the devastating effects that such hard narcotics drugs as heroin, cocaine, and morphine are having on our youth. At that time the narcotics epidemic had already reached critical proportions. In the last 6 months the situation has grown even worse. According to official estimates of the Department of Justice, there are now between 140,000 to 200,000 narcotics addicts in our country. As alarming as are these official estimates, some other authorities estimate that the true number of addicts is many times greater.

Recently, the chairman of a Senate Subcommittee on Alcoholism and Narcotics pointed out on the floor of the Senate that some authorities have estimated the number of addicts to be closer to 600,000. He also pointed out that although there is no reliable estimate of the total number of people who have tried heroin at least once, it has been suggested that up to 7 percent of the schoolchildren in the New York public schools have experimented with it. In addition, a recently completed study of narcotics deaths in New York City reveals that from January 1, 1970, to September 9, 1970, 740 persons died from narcotics-related causes, of which a substantial number were teenagers.

Also, various congressional committees recently considering the problem of drug abuse in the armed services have received startling testimony from Defense Department witnesses indicating appalling increases in the use of hard narcotics by servicemen. For example, in Southeast Asia in the period from January through October of this year, there were at least 26 proven deaths due to heroin—with the number of undetermined deaths due to heroin obviously much greater. It is also now unquestioned that there are large quantities of heroin readily available to our servicemen in Vietnam which is 90 percent pure and can be bought at a price many times lower than the illegal price in the United States. At the same time, Defense Department witnesses now indicate that marihuana is used by more than 50 percent of our servicemen in Southeast Asia. This fact in itself is appalling, but when coupled with the growing practice on the part of drug pushers in Vietnam to include opium in marihuana cigarettes it should give us cause for the gravest possible concern.

Mr. Speaker, if our youth is to be preserved, our society to remain healthy, and our streets to be made safe, then I am convinced that an all-out war against hard narcotics must be waged. For that reason, I have been doing everything in my power to generate support for this plan, not only from my colleagues in Congress but also from the administration, national organizations, and local community groups. Within the next few days I shall be writing personally to each of my colleagues in the House of Representatives urging them to cosponsor the two bills embodying my plan.

For the benefit of my colleagues, I would like to briefly review these proposals.

The Rodino plan calls for a vigorous three-pronged attack on all hard narcotics such as heroin and cocaine. First, under my bill H.R. 1540 any person known to be an addict would be placed under medical supervision and control by public health officials. Such treatment would be mandatory and could involve confinement of the addict if and when medical officials consider it necessary. This proposal has already received the support of the American Medical Association as well as a number of State and local narcotics officials.

Mr. Speaker, in my judgment the compulsory medical treatment of narcotics addicts is not only sound social philosophy, in terms of preventing lives from being destroyed and families ruined—it is also sound economics. Statistics released recently in the District of Columbia indicate that the crime rate in this city has decreased by 19 percent since an extensive addict-treatment program was instituted. The economics of this program are highly significant. An untreated addict steals at least $50,000 worth of property per year. Even if we assume that there are only 100,000 addicts in the United States, this amounts to an economic loss of $11 billion per year.

To incarcerate an addict in prison for 1 year costs between $5,000 and $10,000 at present. To provide the same addict with the kind of treatment that is being administered in the District of Columbia, and which is being used effectively to reduce crime, costs only $2,000 per year.

Under the circumstances, the medical treatment of the addict is not only something that we must do for moral reasons, it is also something that should be done for economic reasons.

Obviously, the treatment of narcotics addicts is in itself not enough. The second prong of our attack must be directed at the most heinous criminals of our times—the narcotics pushers who peddle their horrors on the streets; the organized drug rings; and international narcotics entrepreneurs who operate on a worldwide scale. Under my plan, law enforcement officials would be freed to conduct vigorous crackdowns in these areas. My bill would make it possible for more law enforcement officials to use other measures that have been developed in the last Congress by the House Judiciary Committee on which I serve. In particular, they could concentrate on the strong powers provided in the Organized Crime Control Act, which we passed last year in the form of Public Law 91-452. With enactment of my bill, H.R. 1540, the administration would also be enabled to make greater use of provisions of the Drug Abuse Prevention and Control Act, which the 91st Congress enacted in the form of Public Law 91-513.

The third thrust of my attack is in an area which has been too long neglected by both the administration and the Congress—the area of international control over narcotics. It is shocking to realize that almost all of the illegal narcotics in the United States come from abroad.

Mr. Speaker, one of the most effective ways to reduce the narcotics epidemic both in the United States and among our servicemen in Southeast Asia is to eliminate the supply of hard narcotics drugs at their source. Important as it is for us to provide effective programs for the treatment and prevention of narcotics addiction here in the United States, there is little doubt among students of this problem that the epidemic will not be substantially abated until the flow of these hideous drugs into our country is cut off. My bill, H.R. 1539, introduced on January 21, is directed to attaining that objective.

As many of the Members of the House will recall, in the last Congress I, together with the distinguished chairman of the House Judiciary Committee, Representative EMANUEL CELLER, introduced a similar proposal, H.R. 18397, which was cosponsored by more than 140 Members of the House from both sides of the aisle. Subsequently, on December 9, 1970, when the House considered the foreign assistance supplemental authorization bill, I offered my proposal in the form of a floor amendment to that bill. I was gratified that this amendment had overwhelming support and was adopted by us. Unfortunately, however, the Senate version of the foreign assistance supplemental authorization bill did not contain my amendment and the provisions relating to international narcotics control were not enacted into law.

Under the circumstances, I believe it is imperative that this problem be thoroughly aired by this Congress as soon as possible. As I pointed out here in December, our Government has for many years been attempting to persuade foreign governments to curb the illegal growing of opium poppies and the illegal production of heroin, morphine, and cocaine. These efforts have been conducted largely through our State Department and severe as the problem has been, little progress has been made. Recently, Mr. John Ingersoll, the Director of the Bureau of Narcotics and Dangerous Drugs, pointed out to the United Nations Commission on Narcotics Drugs that the information published by the International Narcotics Control Board suggests:

> We seem to be making no progress at all, We are not even standing still! We are dropping further and further behind.

In considering my bill, H.R. 1539, it is important to note that about 80 percent of the illegal narcotics used in the United States originates from opium which is grown in Turkey and processed in France. This problem was discussed at length in an excellent article in the December 7, 1970, issue of U.S. News & World Report. As pointed out in that article, 200 kilos of raw opium that cost $4,000 where it is grown have a street-market value in the United States of more than $2 million when converted into heroin. So plentiful is the supply and so lucrative the illegal profits that to date our Government has failed to stop heroin from pouring into our country.

Recently, the Governments of both Turkey and France have agreed to cooperate more extensively with us in wiping out the scourge of heroin. Also, our Government is sponsoring and strongly supporting a proposal in the United Nations calling for a concerted action against drug abuse and the establishment of a United Nations fund for drug control. This proposal has the support of the Turkish Government as well as the governments of a number of other NATO countries. In addition, the North Atlantic Assembly has adopted a proposal establishing a working party of legislators from NATO countries to evaluate the narcotics problem and to recommend effective controls within the NATO area. This proposal was originally sponsored by me in the Assembly's Scientific and Technical Committee, of which I am Vice Chairman.

I am, of course, gratified by these developments both in the United Nations and in NATO. However, I recognize that mere agreements among nations will not solve this problem unless every government involved exerts an all-out effort to cooperate. My bill, H.R. 1539, will, I believe, help to contribute to those efforts.

Recently, in a statement to the North Atlantic Assembly, I discussed this proposal and pointed out to the legislators of the NATO countries that the proposal had strong support here in the House of Representatives from each of the two major political parties. I acknowledged candidly to that group that I was aware of the fact that the proposal had created some amount of controversy in international circles. Unfortunately, it has received more publicity abroad because of the sanctions that it provides than because of the affirmative offer of assistance that it contains.

I would like to reiterate again today that my proposal is not a vindictive one. It would penalize no country for failing to solve the problem, but, instead, calls on all countries which receive foreign aid from the United States to exert a good faith effort to stamp out the illegal production, distribution, and sale of narcotic drugs. Any suspension of foreign aid would have to be based on a determination by our President that the foreign government was not cooperating. Such suspension could be only partial if the President determines that to be desirable. At the same time, the President would be authorized to increase the assistance to any country whose government is making a good faith effort to cooperate with us.

I believe that a three-pronged attack against narcotics addiction of the type embodied in my two bills, H.R. 1539 and H.R. 1540, is essential. These are times when our Nation is divided—there are disagreements among young and old, blacks and whites, management and labor. But the narcotics contamination affects all of our institutions. As a result, every responsible member of our society should be willing to unite in such a war against narcotics. I, for one, have pledged to the people of the 10th Congressional District of New Jersey that, as their Representative, I will do my utmost to muster the full resources of the Federal Government in this fight. I intend to keep that pledge, and I urge all of my colleagues to join with me. The enactment of either of my bills will be a major step forward. The enactment of both would bring about a truly effective national antinarcotics program.

Mr. Speaker, I include the text of my two bills, H.R. 1539 and H.R. 1540 in the Record at this point. In addition, following the two bills I also include in the Record three current comments on the narcotics problem which I believe will be of considerable interest to Members: an editorial from today's Washington Post supporting my proposal for international narcotics controls; an excellent article written by Stewart Alsop which appeared in the February 1, 1971, issue of Newsweek; and a highly constructive and timely editorial comment from television station WPIX in New York which was presented on January 18, 1971.

The material follows:

H.R. 1539

A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370) is amended by adding at the end thereof the following new subsection:

"(v) The President shall suspend (in whole or in part) economic and military assistance provided under this or any other Act, and shall suspend (in whole or in part) sales under the Foreign Military Sales Act and sales under title I of the Agricultural Trade Development and Assistance Act of 1954, with respect to any country when the President determines that the government of such country has failed to take appropriate steps to prevent narcotic drugs (as defined by section 102(16) of the Controlled Substances Act) produced or processed, in whole or in part, in such country from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken appropriate steps to carry out the purpose of this subsection. In implementing the provisions of this subsection, the President is authorized to utilize such agencies and facilities of the Federal Government as he may deem appropriate to assist foreign countries in their efforts to prevent the unlawful entry of narcotic drugs into the United States. The President shall keep the Congress fully and currently informed with respect to any action taken by him under this subsection. Nothing contained in this or any other Act shall be construed to authorize the President to waive the provisions of this subsection.".

H.R. 1540

A bill to provide for the mandatory civil commitment of certain narcotic addicts, to provide for more facilities for treating, supervising, and controlling narcotic addicts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That this Act may be cited as the "Narcotic Addict Rehabilitation Act of 1971".

Sec. 2. The Narcotic Addict Rehabilitation Act of 1966 is amended by striking out the second paragraph of section 2 and inserting in lieu thereof the following new paragraphs:

"In addition, it is the policy of the Congress to establish a procedure under which certain persons charged with violating criminal laws, who are determined to be addicted to narcotic drugs, and who are not civilly committed for confinement and treatment in lieu of prosecution, may be civilly committed for confinement and treatment of their addiction during the period of their criminal proceedings, and at other times.

"It is the further policy of the Congress that certain persons addicted to narcotic drugs (including those under prosecution for the commission of criminal offenses) should be civilly committed for treatment in order that (A) they may receive medical treatment and their addiction may be controlled, (B) society may be protected more effectively from the crime and delinquency which results from narcotic addiction, and (C) when they are returned to society they may serve as useful members."

Sec. 3. Title III of the Narcotic Addict Rehabilitation Act of 1966 is amended as follows:

(1) The title heading is amended to read as follows:

"TITLE III—CIVIL COMMITMENT".

(2) Section 302 is amended to read as follows:

"Sec. 302. (a) Except as otherwise provided in section 311 of this title, proceedings for the commitment of a narcotic addict under this title may be initiated in accordance with this title by:

"(1) A narcotic addict.
"(2) A related individual.
"(3) The Surgeon General.
"(4) A United States attorney.
"(5) A United States district court.

"(b) Whenever any narcotic addict desires to obtain treatment for his addiction, or whenever a related individual has reason to believe that any person is a narcotic addict, such addict or related individual may file a petition with the Surgeon General requesting that such addict or person be admitted to a hospital of the Service for treatment of his addiction. Any such petition filed by a narcotic addict shall set forth his name and address and the facts relating to his addiction. Any such petition filed by a related individual with respect to a person believed by such individual to be a narcotic addict shall set forth the name and address of the alleged narcotic addict and the facts or other data on which the petitioner bases his belief that the person with respect to whom the petition is filed is a narcotic addict.

"(c) (1) Whenever—

"(A) the Surgeon General determines that there is reasonable cause to believe that any person is a narcotic addict (whether or not such person is named in a petition filed with him under this section) and that appropriate State or other facilities are not available to such person, or

"(B) a United States attorney has reason to believe that any person charged with an offense against the United States (other than a person who is civilly committed under section 2902 of title 28 of the United States Code) is a narcotic addict,

he may file a petition with the United States district court to commit such person to a hospital of the Service for treatment as provided in this title. In the case of the Surgeon General, in making his determination with respect to the nonavailability of appropriate State or other facilities, he shall consult with appropriate State and local officials.

"(2) Whenever a United States district court has reason to believe that any person charged with an offense against the United States (other than a person who is civilly committed under section 2902 of title 28 of the United States Code) is a narcotic addict, such court may, on its own motion, initiate commitment proceedings under this title.

"(d) Upon the filing of any such petition by the Surgeon General or a United States attorney, or acting on its own motion, a United States district court may order the patient to appear before it for an examination by physicians as provided under section 303 of this title and for a hearing, if required, under section 304 of this title. The court shall cause a copy of such petition, if any, and a copy of the order to be served personally upon the patient by a United States marshal."

(3) Section 301(b) is amended by inserting after "and ending" the following: "or controlling and reducing".

(4) Section 301(e) is amended by striking out "a United States attorney" and all that follows thereafter and inserting in lieu thereof the following: "Surgeon General or a United States attorney as provided under subsection (c) of section 302 of this title, or with respect to whom a United States district court has initiated commitment proceedings under such subsection."

(5) The second sentence of section 303 is amended by striking out "who is likely to be rehabilitated through treatment" and inserting in lieu thereof "who requires medical treatment", and by striking out "that for a period of three years following his release" and inserting in lieu thereof "that, except as otherwise ordered by the court imposing sentence in the case of a patient who is convicted of a criminal offense, for a period of three years following his release".

(6) Section 304(a) is amended by striking out "or is an addict not likely to be rehabilitated through treatment" and inserting in lieu thereof "or is an addict who does not require medical treatment".

(7) Section 304(a) is further amended by striking out "who is likely to be rehabilitated through treatment" and inserting in lieu thereof "who requires medical treatment".

(8) Section 305 is amended by striking out "is likely to be rehabilitated through treatment" and inserting in lieu thereof "requires medical treatment".

(9) Section 306 is amended by striking out the period and inserting in lieu thereof "for the medical treatment of his addiction."

(10) The second sentence of section 307 (a) is amended by striking out ", after considering the recommendations of the Surgeon General with respect to posthospitalization treatment for any such patient so returned, may" and inserting in lieu thereof "shall".

(11) Section 307(a) is further amended by adding at the end thereof the following new sentence: "During the first year of such posthospitalization program, such patient shall report for care and examination as the Surgeon General shall direct, but in no event less than once every week, and after the first year such patient shall report as the Surgeon General shall direct. If a patient fails to report under this section, such failure shall be reported to the committing court.".

(12) Section 311 is amended to read as follows: "The provisions of this title shall not be applicable with respect to any person who is on probation or whose sentence following conviction on a criminal charge, including any time on parole or mandatory release, has not been fully served, except that such provision shall be applicable to any such person on probation, parole, or mandatory release if the authority authorized to require his return to custody consents to his commitment."

(13) Section 312 is repealed.

(14) Section 316 is amended by striking out "United States attorney" and inserting in lieu thereof "Surgeon General" and by striking out "section 302(a)" and inserting in lieu thereof "section 302(b)".

Sec. 4. Section 2902(c) of title 28 of the United States Code is amended by striking out the last sentence and inserting in lieu thereof the following: "The court shall thereupon resume the criminal proceeding, and the individual shall remain committed under this title pending the outcome of the criminal proceeding."

Sec. 5. Title IV of the Narcotic Addict Rehabilitation Act of 1966 is amended by—

(A) inserting after "LOCALITIES" in the chapter heading the following: "; FACILITIES"; and

(B) inserting at the end thereof the following new subsection:

"Sec. 403. (a) The Surgeon General is authorized and directed to establish and maintain inpatient and outpatient medical centers as Public Health Service facilities for the treatment of narcotic drug addiction. In addition, the Surgeon General is authorized and directed to certify such other public or private facilities or institutions, as may be made available, as inpatient or outpatient medical centers for the treatment of narcotic drug addiction. All such inpatient and outpatient medical centers for the treatment of narcotic drug addiction shall meet such standards as the Surgeon General, in his judgment, determines to be necessary to provide effective treatment and control of narcotic drug addiction.

"(b) To the extent that the Surgeon General determines that there are not adequate facilities or equipment for the purpose of establishing medical centers for the treatment of narcotic drug addiction, notwithstanding any other provision of law, the President is authorized (on the recommendation of the Surgeon General) to make available by executive order for temporary or permanent use as such inpatient or outpatient medical centers any property or facilities under the jurisdiction of any executive agency or military department."

Sec. 6. Whenever the amendments made by this Act refer to the Surgeon General, such references shall be deemed to be a reference to any officers to whom the functions of the Surgeon General may have been transferred by a reorganization plan.

Sec. 7. This Act shall take effect three months after the date of its enactment.

[From the Washington Post, Feb. 2, 1971]

The Drug Problem: Getting to the Roots

Is the time finally at hand when the United States will take what steps are necessary, particularly in its foreign policy, to limit the tidal inflow of hard drugs, in particular heroin? The omens are good. Senator Mondale, a newcomer to the issue, introduced yesterday—and Representative Rodino, an old hand, last week—legislation designed to encourage the foreign producers and processors of opium (from which heroin is derived) to stop growing it. Their approaches are substantially similar: governments willing to implement police, crop-substitution and other measures to control opium growing would get American help for the job; governments found to have failed to take such measures would be subjected to economic sanctions, in national and international forms.

In the past the Congress has been strangely reluctant to address this issue. It has generally been willing to accept the State Department's contention that controlling drugs at the source means intervening in the domestic affairs of another state and must be done carefully and discretely. The department is entirely right, of course, in noting the aspect of domestic intervention. The trouble is that care and discretion, while necessary to maintain good relations with such an important American ally and drug source as Turkey, have failed to shut off the flow of heroin. The Turkish government has worked hard to limit opium-growing but so far it has been no match for smugglers. Whether the offer of further aid—and the parallel threat of sanctions—would induce Turkey to move faster and harder, or whether that approach would merely provoke a nationalistic uproar, is difficult to predict with assurance. Our own judgment is, however, that those in Turkey who realize the importance of opium control would be strengthened considerably by a tougher American approach.

At one point the Nixon administration seemed to be deadly serious about cutting off drugs at the source, no matter what the consequences. It proclaimed itself to be the first administration that had adopted international drug-control as a goal of American foreign policy. In the clutch, however, it faltered: a statement last July by Attorney General Mitchell that he would support *any* methods needed to do the job was followed by an outburst of rage in Turkey and then by a State Department-White House backdown. Later, the principal internal White House advocate of a foreign-policy attack on drugs, Daniel Moynihan, left Washington. If Mr. Nixon remains serious about mobilizing all available resources against the drug trade, he can now expect strong support from the Hill.

[From the Newsweek magazine, Feb. 1, 1971]

The Smell of Death

(By Stewart Alsop)

New York.—Once, many years ago, 9 West 102nd Street certainly housed a respectable family, probably with a maid to open the door. Even now, it looks rather shabbily respectable from the outside. Inside, it is probably the closest thing to hell to be found in New York City, where there are a lot of hellish places.

For 9 West 102nd Street is known throughout the East as a place where a desperate man can get a sure heroin fix. According to Deputy Inspector Richard Di Roma, the able, quick-spoken chief of uniformed police in the 24th Precinct, there were 366 narcotics arrests at 9 West 102nd Street in the last nine months. But the house still operates full blast as a heroin supermarket.

Inspector Di Roma had agreed to give urbanologist Pete Young and myself a look at the place. As we drove up in a police car, a big limousine driven by a huge black—which had been double-parked beside the house—whisked away. "Pusher, probably," said Di Roma laconically.

THE BOSS

Outside the front door a black was cleaning up a puddle of vomit. Di Roma unbuttoned his overcoat, hooked his right thumb over his belt beside his service revolver and led us briskly inside. To the left of the entrance, behind a cubicle covered with heavy steel wire, a very thin Negro sat—the nails on his right hand were at least 3 inches long. Di Roma identified himself, and the thin Negro went to find "the boss."

A pretty black girl with matchstick-thin legs brushed past us. A dog barked incessantly. There was gurgling laughter, and a girl yelled, and then, except for the barking, there was sudden silence. The word had spread fast that there was a cop in the house.

The boss appeared—a white man with a Uriah Heep manner—and he led us up the stairs. A huge, angry-looking Negro lurched down the second floor hall at us, mumbling loudly but incoherently, and another big black appeared from nowhere, and led him away, still mumbling.

Doors opened off the hall, into tiny, slatternly bedrooms and a couple of closet toilets, littered with cigarette stubs. The paint, an electric blue, was crumbling off the walls. On one door was a neatly lettered sign: Please do not knock on this door looking for drugs. Please cooperate. Thank you.

Upstairs there was a sudden crash. The manager explained that "somebody" had hidden "something" in a bathroom, and the something had fallen behind a partition, and now the somebody was tearing the wall down. "He's strong, I can't stop him." The somebody, of course, was a heroin bag.

WHATYA GONNA DO?

A mangy police dog lunged out of a bedroom, snarling—a black pulled it back with a rope. At the back, beneath a fire escape, there was a knee-deep accumulation of filth—old mattresses, bottles, boxes. "Whatya gonna do?" asked the manager plaintively. "They just throw everything out the window."

Outside, the air of New York, not famous for its purity, suddenly smelt sweet. Inside, there had been an omnipresent stench of vomit—addicts who need a fix vomit often. But there had been another smell as well, the smell of death. The people inside will be dead soon—heroin kills most people in a few years. But the smell was not only of the death of people, but of the death of a city.

New York City is dying of a malignancy that originates in such places as 9 West 102nd Street. The city is being killed by heroin. Other American cities are on the death list. But New York may be terminal. What Inspector Di Roma had to say about his 24th Precinct left little doubt about that.

The 24th Precinct, between north Central Park and the Hudson, includes some 160,000 people, about 40 per cent non-white. It ranges in income level from the very poor who live in the welfare fleabags to the upper-middle class in high-rise luxury apartments. Almost all the people in the 24th Precinct—but especially the old and lonely—are scared a great deal of the time. Inspector Di Roma explains why.

When a person first gets hooked on heroin—most of the addicts are young and black—he can get by for a few weeks on one "$3 bag" a day. (Di Roma showed us the "bags"—they are glassine envelopes half-filled with a small helping of what looks like soft sugar.) But the addict soon moves up to the $5 bags, and after a year or so, he needs four or more double bags, at $10 apiece, every day.

For most addicts, the only way to support a $40-a-day addiction is to steal. As heroin addiction has become epidemic—narcotics arrests have climbed 600 per cent in a year in the 24th Precinct—robbery complaints have climbed to an all-time high, and the complaints represent a fraction of the actual thefts. About two-thirds of the crime in the precinct is now "drug-connected." "It's outta hand now," says Ken Sauer, chief detective of the precinct. "It's desperate. They're stealing the city blind."

Some addicts become "car boosters," and a great many are muggers. Some specialize in mugging single women in elevators, and others in breaking into apartments. Di Roma has distributed a flyer entitled "Hints For Personal Safety," which tells its own story:

"Walk with your head up and your eyes open! If you look like a victim, you may become one!" "Walk in well-lighted areas, away from doorways." "Don't resist and don't panic." "Organize a building-buddy system to patrol lobbies." And so on.

$1.5 BILLION A YEAR

New York is, in short, a city under siege. New York has at least 100,000 heroin addicts, the number is growing all the time, and these people *must* get their $40 or so a day. That means that the addicts must steal more than $1.5 billion from the people of New York every year. But that sum is a tiny fraction of the real cost.

The real cost is the death of New York as a city in which people who have any choice at all will be willing to leave. Rather than live out their lives in fear those who can afford it are leaving the city. In time, unless the malignancy can be brought under control, New York will be a shell, its tax base wholly eroded, inhabited only by the very poor, and a tiny handful of those rich enough to insulate themselves from the surrounding sea of fear.

Thus the meaning of 9 West 102nd Street is this: *any* measure, no matter how radical, which holds out *any* promise of controlling the heroin malignancy must be taken, and soon. It must become an overriding first priority of American policy—and especially foreign policy—to control the production and distribution of this city-killing drug. Some elements of the problem will be examined in in another report in this space.

WPIX Editorial

The drug problem which faces our nation is not one that yields to easy solutions. It is clear that a major part of the drug abuse problems rest in social causes, and until those social problems are eased, there can be no end to drug abuse.

That is not to say that there is nothing which can be done. It may well be that one of the most important pieces of legislation in recent years is the Dangerous Substance Act, which passed the last Congress, and which will drastically limit the production and prescription of amphetamines, known as speed in the drug culture.

But there is another part of the drug abuse situation which is harder to fight. Illicit heroin, which begins in the opium poppy fields of Turkey, and continues through the underground processing plants in the Marseilles area constitutes a major problem to the future of this nation. For this reason, stern measures are called for.

We are told by the State Department that the governments of Turkey and France are cooperating with the United States in reducing the flow of illicit heroin into this country. While this is true, and while we are grateful for the cooperation of these nations, which are responsible for some 80% of the illicit heroin which is available on our streets, we still believe that the President needs some additional muscle to make it effective.

In the past Congress, there was an attempt to add an amendment to the Supplemental Foreign Assistance Act which would have barred economic and military aid to nations which have failed to take steps to prevent the production of illicit drugs. The amendment died in the last minute rush of the last session.

After considering the issue, the Management of WPIX believes that similar legislation should be passed forthwith. Our country has demonstrated that it will take action against the problem internally. What is needed now is some means of insuring that other nations will do the same. We believe that economic and military aid should be withheld from nations which do not, in the President's view, do enough to combat the worldwide problem of drug abuse. What's your opinion? We'd like to know.

FRAUD, SPECULATION AND BANKING—III

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, it seems clear, if the recently revealed banking practices of the Sharpstown Bank and the Bank of the Southwest, both in Houston, Tex., are any indication, banks today are investing in very large speculative ventures.

In the case of the Bank of the Southwest, large loans are made to enable people to buy up smaller banks, and these loans are large enough to enable the purchasers to offer three times the normal price of the stocks they want.

In the case of the Sharpstown State Bank, now closed, millions of dollars were spent in immensely complicated stock deals mostly to benefit companies owned by the bank's principal owner and to finance stock manipulations that he indulged in to dazzle and befriend a wide range of people. The only ones hurt by the collapse of the Sharpstown Bank were the innocents.

Mr. Speaker, I believe that banks must use depositor funds with the care and caution expected by the depositors, who have no way of knowing how a bank is managing their funds.

Fortunately depositor insurance helps people save themselves from speculations and speculations of unscrupulous bank officials. But who is to protect the Massachusetts credit union depositors whose $2 million were on deposit at the Sharpstown bank? How were they to know, and how were their officers to know, that this was an institution dedicated not to banking, but to playing financial con games? Who is to protect the innocent depositor from the players of financial shell games?

There is no reason why we should permit banks either to speculate or support speculation of the sort I have described here. There is no reason why a depositor should place his money in an account not knowing whether it will be used in sound and productive loans, or used as cards by bankers who like to think that high finance is three-card monte. Nor should depositor money be used merely to finance the acquisition of other banks; that is not productive, it is counter to the letter and intent of banking laws and regulations, and it ought to be stopped.

I have introduced today a bill that would prohibit federally insured banks from using their resources as loans to finance purchase of stocks in other banks. This is legislation that I supported 7 years ago, and which was needed then, and is much more needed today.

There are not many bankers who are dishonest, but it is the few who are not who can also wreck the entire system. We cannot stand idly by.

I have asked that the Committee on Banking and Currency move forward on my bill as soon as possible, and I am confident that my friend and colleague Wright Patman will lend his full energies to this effort.

Mr. Speaker, I make part of the Record a letter I have just sent to Chairman Patman:

February 2, 1971.

Hon. Wright Patman,
Rayburn House Office Building,
Washington, D.C.

Dear Mr. Chairman: Pursuant to my concern about banks making large stock loans to finance the acquisition of other banks, I have introduced a bill to prohibit banks from making loans for such a pupose; a copy of the bill is enclosed.

As you will recall the Committee studied bank acquisitions for a 27 month period from 1964 to 1966, and found that more than half the bank acquisitions in that period were financed by stock loans. The result of this was that people who invested only $30 million of their own money wound up controlling assets of $3 billion.

To put it another way, anyone who wants to buy a bank can apparently get ninety cents worth of stock loans for every ten cents he invests. The lending bank naturally gets the acquired stock as collateral, and further protects its investment by having one or more representatives on the board of the acquired bank.

This practice diverts huge sums of otherwise useful bank credit into speculative purchases of bank stock loans. In the Texas case I wrote about last week, the Bank of the Southwest loaned between $5.5 and $6 million to purchasers of stock of the Groos National Bank of San Antonio. The purchasers, thanks to this loan, were able to offer up to three times the current price of Groos stock. Needless to say, the Bank of the Southwest will have its representatives on the board of the Groos Bank, when and if this stock raid succeeds.

Thus, banks in Texas are not only diverting large amounts of credit from useful purposes into questionable adventures but are also controlling other banks by proxy, contrary to the spirit and intent of Texas banking law, and very likely contrary to the intent of Federal laws and regulation.

I hope that you will seek an early departmental report on the attached bill, and that you will make available the full resources of the Committee to investigate this growing practice of bank stock loans, with a view toward taking early action on appropriate legislation. I believe that the attached bill represents fairly the intent you expressed in 1964 to seek remedial legislation. I hope that this year the effort will not again be frustrated.

With every good wish, I am,
Sincerely,
Henry B. Gonzalez,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Wiggins (at the request of Mr. Gerald R. Ford), for January 28 through February 5, on account of official business.

Mrs. Hansen of Washington (at the request of Mr. Boggs), for today, on account of official business.

Mr. Gallagher (at the request of Mr. Daniels of New Jersey), for February 2 to February 15, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Evins of Tennessee, for 20 minutes, today.

Mr. Stratton, for 60 minutes, tomorrow; to revise and extend his remarks and to include extraneous matter on the subject of dropping charges against General Koster.

(The following Members (at the request of Mr. Young of Florida) and to revise and extend their remarks and include therein extraneous matter:)

Mr. Hogan, for 5 minutes, today.

Mr. Saylor, for 15 minutes, today.

Mr. Price of Texas, for 15 minutes, today.

(The following Members (at the request of Mr. Runnels) to revise and extend their remarks and include extraneous material:)

Mr. Rarick, for 15 minutes, today.

Mr. Rodino, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Flood, for 60 minutes, February 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Young of Florida) and to include extraneous material:)

Mr. Broyhill of Virginia in three instances.

Mr. Derwinski in two instances.

Mr. Reid of New York.

Mr. Whalen.

Mr. Steiger of Wisconsin.

Mr. Schmitz in two instances.

Mr. Gross.

Mr. Fulton of Pennsylvania in five instances.

Mr. Blackburn.

Mr. Schwengel in two instances.

Mr. Halpern.

Mr. Shriver.

Mr. Conte.

Mr. Price of Texas in three instances.

Mr. Wyman in two instances.

Mr. Chamberlain.

Mr. Michel.

Mr. Springer.

Mr. Anderson of Illinois.

Mr. Rhodes.

Mr. Poff.

Mr. Steiger of Arizona.

Mr. Forsythe in two instances.

Mr. Broomfield.

(The following Members (at the request of Mr. Kyl) and to include extraneous matter:)

Mr. Riegle.

Mr. Kuykendall.

Mr. Gerald R. Ford.

Mr. Keith in two instances.

(The following Members (at the request of Mr. Runnels) and to include extraneous material:)

Mr. Harrington.

Mr. Rodino.

Mr. William D. Ford.

Mr. Bolling in two instances.

Mr. Foley in two instances.

Mr. Podell in three instances.

Mr. Rarick in three instances.

Mr. Gonzalez in two instances.

Mr. Corman, and to include tables.

Mr. Mahon in two instances.

Mr. Charles H. Wilson in two instances.

Mr. Anderson of California in two instances.

Mr. Thompson of New Jersey in two instances.

Mr. Adams in two instances.

Mrs. Grasso in 10 instances.

Mr. Matsunaga.

Mr. Bingham in three instances.

Mr. Long of Maryland in two instances.

Mr. Ullman in five instances.

ADJOURNMENT

Mr. RUNNELS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 3, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

179. A letter from the Deputy Secretary of Defense, transmitting a report on Department of Defense working capital funds as of June 30, 1970, pursuant to 10 U.S.C. 2208; to the Committee on Armed Services.

180. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain areas; to the Committee on Interstate and Foreign Commerce.

181. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend title 5, United States Code, to establish and govern the Federal Executive Service, and for other purposes; to the Committee on Post Office and Civil Service.

182. A letter from the Chairman, U.S. Civil Service Commission, transmitting a report on positions in grades GS–16, GS–17, and GS–18, during 1970, pursuant to 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

Received From the Comptroller General

183. A letter from the Comptroller General of the United States, transmitting a report on the potential for improvements in Department of Defense maintenance activities through better cost accounting systems; to the Committee on Government Operations.

184. A letter from the Comptroller General of the United States, transmitting a report on ways to reduce payments for physician and X-ray services to nursing home patients under medicare and medicaid, Department of Health, Education, and Welfare; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 3228. A bill to provide for regulation of public exposure to sonic booms, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3229. A bill to abolish the Commission on Executive, Legislative, and Judicial Salaries etsablished by section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of Illinois:

H.R. 3230. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 3231. A bill to make the Federal Reserve System responsive to the best interests of the people of the United States, to improve the coordination of monetary, fiscal, and economic policy, and for other purposes; to the Committee on Banking and Currency.

By Mr. BINGHAM:

H.R. 3232. A bill to establish a National Economic Equity Board to protect the public interest in price stability and the control of inflation; to the Committee on Banking and Currency.

By Mr. BURKE of Massachusetts (for himself and Mr. Betts):

H.R. 3233. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on olives packed in certain airtight containers; to the Committee on Ways and Means.

By Mr. BURTON (for himself, Mrs. Abzug, Mr. Anderson of California, Mr. Annunzio, Mr. Badillo, Mr. Biaggi, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Danielson, Mr. Edwards of California, Mr. William D. Ford, Mr. Fraser, Mr. Garmatz, Mr. Harrington, Mr. Hathaway, Mr. Hawkins, Mr. Holifield, Mr. Kyros, Mr. Matsunaga, Mr. Meeds, Mr. Mikva, Mr. Moss, Mr. Rosenthal, Mr. Roybal, and Mr. Tiernan):

H.R. 3234. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

By Mr. BURTON (for himself, Mr. O'Neill, and Mr. Rooney of Pennsylvania):

H.R. 3235. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

By Mr. BURTON (for himself, Mrs. Abzug, Mr. Badillo, Mrs. Chisholm, Mr. Conyers, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Fraser, Mr. Harrington, Mr. Hathaway, Mr. Hawkins, Mr. Holifield, Mr. Mikva, Mr. Rosenthal, and Mr. Scheuer):

H.R. 3236. A bill to amend section 14(b) of the National Labor Relations Act so as to protect the rights of employees and employers, in industries affecting commerce, to enter into union shop agreements; to the Committee on Education and Labor.

By Mr. BURTON (for himself, Mrs. Abzug, Mr. Anderson of California, Mr. Badillo, Mrs. Chisholm, Mr. Drinan, Mr. Edwards of California, Mr. Harrington, Mr. Hawkins, Mr. Kastenmeier, Mr. Matsunaga, Mr. Meeds, Mr. Mikva, Mrs. Mink, Mr. Rosenthal, and Mr. Ryan):

H.R. 3237. A bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. BURTON (for himself, Mr. Anderson of California, Mr. Danielson, Mr. Dellums, Mr. Edwards of California, Mr. Hawkins, Mr. Holifield, Mr. Leggett, Mr. Waldie, Mr. Badillo, and Mr. Tiernan):

H.R. 3238. A bill to establish the Juan Manuel de Ayala National Recreation Area at the Golden Gate headlands in California; to the Committee on Armed Services.

By Mr. CASEY of Texas:

H.R. 3239. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 3240. A bill to amend title 18 of the United States Code to provide for increased penalties for certain illegal use or possession of explosives; to the Committee on the Judiciary.

H.R. 3241. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 3242. A bill to prohibit brokered deposits in banks and other financial institutions; to the Committee on Banking and Currency.

By Mr. CELLER:

H.R. 3243. A bill to abolish the death penalty under all laws of the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 3244. A bill to amend the Sherman Act, as amended, by requiring prior notification of price increases in certain industries, and for other purposes; to the Committee on the Judiciary.

H.R. 3245. A bill to amend section 8 of the Clayton Act to prohibit certain corporate management interlocking relationships, and for other purposes; to the Committee on the Judiciary.

H.R. 3246. A bill to increase criminal penalties under the Sherman Antitrust Act; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 3247. A bill to amend title 28 of the United States Code, "Judiciary and Judicial Procedure," and incorporate therein provisions relating to the U.S. Labor Court, and for other purposes; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 3248. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN (for himself, Mr. Brown of Ohio, Mr. Mathias of California, Mr. Shriver, and Mr. Winn):

H.R. 3249. A bill to amend section 4491 of the Internal Revenue Code of 1954 to provide that the weight portion of the excise tax on the use of civil aircraft shall apply to piston-engined aircraft only if they have a maximum certificated takeoff weight of more than 6,000 pounds, and to restrict expenditures from the Airport and Airway Trust Fund to the purposes for which it was established; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 3250. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. CORBETT:

H.R. 3251. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. CÓRDOVA:

H.R. 3252. A bill to require the Secretary of the Army to maintain for navigation purposes Port Las Mareas, Puerto Rico, and the channel thereto; to the Committee on Public Works.

By Mr. CÓRDOVA (for himself, Mr. Badillo, Mr. Biaggi, Mr. Camp, Mrs. Chisholm, Mr. Foley, Mr. Mikva, Mr. Morse, Mr. Mosher, Mr. Pepper, Mr. Podell, Mr. Rosenthal, Mr. Ryan, Mr. Sandman, Mr. Scheuer, and Mr. Williams):

H.R. 3253. A bill to provide that the social security benefits provided by the Tax Adjustment Act of 1966 for certain uninsured individuals at age 72 shall apply in the case of residents of the Commonwealth of Puerto Rico, the Virgin Islands, and Guam; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 3254. A bill to amend title 38 of the United States Code in order to establish in the Veterans' Administration a national veterans' cemetery system consisting of all cemeteries of the United States in which veterans of any war or conflict are or may be buried; to the Committee on Veterans' Affairs.

H.R. 3255. A bill to amend title 38 of the United States Code so as to make certain widows of veterans of periods of war and certain children of such veterans who are deceased eligible for care in Veterans' Administration hospitals; to the Committee on Veterans' Affairs.

H.R. 3256. A bill to amend section 620 of title 38, United States Code, to authorize direct admission to community nursing homes of those veterans needing such care for a service-connected condition; to the Committee on Veterans' Affairs.

H.R. 3257. A bill to amend title 38 of the United States Code in order to provide for the payment of an additional amount of up to $100 for the acquisition of a burial plot for the burial of certain veterans; to the Committee on Veterans' Affairs.

H.R. 3258. A bill to provide for the granting of National Service Life Insurance to Vietnam conflict veterans; to the Committee on Veterans' Affairs.

H.R. 3259. A bill to amend title 38 of the United States Code to provide a paraplegia rehabilitation allowance of $100 per month for veterans of World War I, World War II, the Korean or Vietnam conflict; to the Committee on Veterans' Affairs.

H.R. 3260. A bill to provide for the establishment of a national cemetery in Los Angeles County in the State of California; to the Committee on Veterans' Affairs.

H.R. 3261. A bill to amend title 38 of the United States code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3262. A bill to amend title 38 of the United States Code to make the children of certain veterans having a service-connected disability rated at not less than 50 percent eligible for benefits under the war orphans' educational assistance program; to the Committee on Veterans' Affairs.

H.R. 3263. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. DANIELS of New Jersey:

H.R. 3264. A bill to amend title II of the Social Security Act to provide a 10 percent across-the-board benefit increase, with a minimum primary benefit of $100; to the Committee on Ways and Means.

H.R. 3265. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Commttee on Ways and Means.

H.R. 3266. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

H.R. 3267. A bill to amend title II of the Social Security Act to increase from $1,680 to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder: to the Committee on Ways and Means.

H.R. 3268. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged, to the Committee on Ways and Means.

By Mr. DAVIS of Georgia (for himself, Mr Miller of California, Mr. Fulton of Pennsylvania, Mr. Teague of Texas Mr Mosher, Mr. Karth, Mr. Hechler of West Virginia, Mr. Bell, Mr Pelly Mr. Wydler, Mr. Downing, Mr Vander Jagt, Mr. Waggonner, Mr. Winn, Mr. Fuqua, Mr. Cabell, Mr. Price of Texas, Mr. Goldwater Mr. Symington, Mr. Helstoski Mr. Biaggi, Mr. Podell, Mr. Roush and Mr. Anderson of California):

H.R. 3269. A bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes; to the Committee on Science and Astronautics.

By Mr. DENNIS (for himself, Mr. McCulloch, Mr. Poff, Mr. Smith of New York Mr. McClory, Mr. Fish, Mr Mayne, Mr. Coughlin, Mr. Wiggins. Mr Railsback, Mr. Hutchinson, Mr Zion, Mr. Myers, Mr. Landgrebe, Mr. Esch, Mr. Hillis, Mr. Mann, Mr Biester, and Mr. Bray):

H.R. 3270. A bill to provide for the appointment of an additional district judge for the northern and southern districts of Indiana; to the Committee on the Judiciary.

By Mr. DENNIS (for himself, Mr. Hillis, Mr. Bray, Mr Landgrebe, Mr. Zion, and Mr. Myers):

H.R. 3271. A bill to provide for the appointment of two additional district judges in Indiana; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.R. 3272. A bill to amend the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. DEVINE:

H.R. 3273. A bill to establish an educational assistance program for the children of police officers who died as a result of a disability or disease incurred in the line of duty; to the Committee on Education and Labor.

By Mr. DICKINSON (for himself, Mr. McCloskey, and Mr. Andrews of Alabama):

H.R. 3274. A bill to authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL:

H.R. 3275. A bill to amend the Internal Revenue Code of 1954 to require that the containers in which distilled spirits, wine, and beer are sold shall be reusable containers; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 3276. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

H.R. 3277. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 3278. A bill to restore persons having claims against the United States their right to be represented by legal counsel of their own choosing; to the Committee on the Judiciary.

H.R. 3279. A bill to amend the Internal Revenue Code of 1954 to provide a credit against the individual income tax for certain expenses of higher education; to the Committee on Ways and Means.

By Mr. EVINS of Tennessee:

H.R. 3280. A bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended; to the Committee on Public Works.

By Mr. FULTON of Pennsylvania:

H.R. 3281. A bill to authorize the erection of a statue of Queen Isabella of Spain in the rotunda of the U.S. Capitol; to the Committee on House Administration.

By Mr. GALIFIANAKIS (for himself, Mr. Aspin, Mr. Badillo, Mr. Begich, Mr. Cleveland, Mr. Dellums, Mr. Evans of Colorado, Mr. Forsythe, Mr. Goodling, Mr. Hanley, Mrs. Hicks of Massachusetts, Mr. Horton, Mr. Hunt, Mr. Kazen, Mr. Kyl, Mr. Link, Mr. Mikva, Mr. Mitchell, Mr. Montgomery, Mr. Murphy of Illinois, Mr. Pepper, Mr. Rangel, Mr. Robinson, Mr. Roy, and Mr. Springer):

H.R. 3282. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GALIFIANAKIS (for himself, Mr. Abourezk, Mr. Anderson of Tennessee, Mr. Baker, Mr. Brademas, Mr. Burke of Massachusetts, Mr. Burton, Mr. Clay, Mr. Danielson, Mr. Dow, Mr. Fascell, Mr. Frazer, Mr. Gettys, Mr. Halpern, Mr. Helstoski, Mr. Hicks of Washington, Mr. Jones of Tennessee, Mr. Keating, Mr. Kyros, Mr. Matsunaga, Mr. Mazzoli, Mr. Minish, Mr. Moorhead, Mr. O'Neill, and Mr. White):

H.R. 3283. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GIBBONS:

H.R. 3284. A bill to amend title II of the Social Security Act to provide under the retirement test a substantial increase in the amount of outside income permitted without loss of benefits, but with a requirement that income of all types and from all sources be included in determining the amount of an individual's income for purposes of such test; to the Committee on Ways and Means.

By Mr. GOLDWATER:

H.R. 3285. A bill to provide compensation for work injuries for certain criminal offenders who perform service in national forests in lieu of other punishment, and for other purposes; to the Committee on Education and Labor.

H.R. 3286. A bill to amend title 5, United States Code, to provide time off to employees of executive agencies to vote in Federal, State, and local elections, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.R. 3287. A bill to prohibit federally insured banks from making loans to provide for the purchase of bank stock, and for other purposes; to the Committee on Banking and Currency.

By Mrs. GRIFFITHS:

H.R. 3288. A bill to amend title II of the Social Security Act to permit the payment of regular widower's insurance benefits (actuarially reduced the same as widow's benefits) at age 60, and to eliminate the special dependency requirement for entitlement to widower's insurance benefits; to the Committee on Ways and Means.

H.R. 3289. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record, to eliminate the special dependency requirement for entitlement to husband's or widower's benefits, to provide for the payment of benefits to widowed fathers with minor children, and to make the retirement test inapplicable to individuals with minor children who are entitled to mother's or father's benefits; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 3290. A bill to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam at any time before September 30, 1978; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 3291. A bill to amend section 1114 of title 18 of the United States Code to make the killing, assaulting, or intimidating of any officer or employee of the Federal Communications Commission performing investigative, inspection, or law enforcement functions a Federal criminal offense; to the Committee on the Judiciary.

H.R. 3292. A bill to amend title II of the Social Security Act to provide in certain cases for exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

By Mr. JOHNSON of Pennsylvania:

H.R. 3293. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and of foreign origin; to the Committee on Ways and Means.

By Mr. KYL:

H.R. 3294. A bill to preserve feed grain history on farms with feed grain bases; to the Committee on Agriculture.

By Mr. LENNON (for himself, Mr. Fountain, and Mr. Henderson):

H.R. 3295. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 3296. A bill to amend title II of the Social Security Act to permit retirement of all persons in the United States at the age of 60 years with benefits sufficient, in the absence of any other resource, to assure elderly persons freedom from poverty and also to assure elderly persons generally full participation in prevailing national standards of living, to provide like benefits for physically, mentally, or vocationally disabled persons aged 18 and over, and to provide benefits for certain full-time students aged 18 to 25, and to provide benefits for certain female heads of families and for certain children, and to provide for the establishment and operation of this system of social security by an equitable gross income tax, and for other purposes; to the Committee on Ways and Means.

By Mr. McMILLAN:

H.R. 3297. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. MAILLIARD (for himself, Mr. BURTON, and Mr. MCFALL):

H.R. 3298. A bill to amend title II of the National Housing Act to authorize the Government National Mortgage Association to guarantee obligations issued by State agencies to finance low- and moderate-income housing; to the Committee on Banking and Currency.

By Mr. MEEDS:

H.R. 3299. A bill to authorize the Secretary of the Interior to designate within the Department of the Interior an officer to establish, coordinate, and administer programs authorized by this act, for the reclamation, acquisition, and conservation of lands and water adversely affected by subsurface, strip or surface coal mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MIKVA:

H.R. 3300. A bill to eliminate jeopardy to tax status of sponsoring school because of editorial policies or activities of student newspapers; to the Committee on Ways and Means.

By Mr. MINSHALL:

H.R. 3301. A bill: Newsmen's Privilege Act of 1971; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 3302. A bill to amend the Communications Act of 1934 to provide for regulation of television networks to assure that their operations are in the public interest; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS (for himself and Mr. DINGELL):

H.R. 3303. A bill to amend the Communications Act of 1934 to prohibit the transfer, assignment, or other dispositions of a construction permit granted under that act; to the Committee on Interstate and Foreign Commerce.

By Mr. PELLY (for himself, Mr. KEITH, Mr. CONTE, Mr. WYATT, Mr. GOODLING, Mr. MCCLOSKEY, Mr. DON H. CLAUSEN, Mr. WYLIE, Mr. HATHAWAY, Mr. SCOTT, Mr. SANDMAN, Mr. KING, Mr. DENT, Mr. ROGERS, Mr. PIKE, Mr. PIRNIE, Mr. TALCOTT, Mr. JOHNSON of California, Mr. LENNON, Mr. HOSMER, Mr. BLACKBURN, Mr. STEELE, Mr. COUGHLIN, Mr. HORTON, and Mr. CLARK):

H.R. 3304. A bill to amend the act of August 27, 1954 (commonly known as the Fishermen's Protective Act) to conserve and protect Atlantic salmon of North American origin; to the committee on Merchant Marine and Fisheries.

By Mr. PELLY (for himself, Mr. HICKS, of Washington, Mr. THOMPSON of Georgia, Mr. HALPERN, Mr. WILLIAMS, Mr. REES, Mr. LENT, Mr. HOGAN, Mr. MILLER of California, Mr. BURKE of Massachusetts, Mrs. HICKS of Massachusetts, Mr. BIAGGI, and Mr. MEEDS):

H.R. 3305. A bill to amend the act of August 27, 1954 (commonly known as the Fishermen's Protective Act) to conserve and protect Atlantic salmon of North American origin; to the Committee on Merchant Marine and Fisheries.

By Mr. PRICE of Texas:

H.R. 3306. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

By Mr. PODELL:

H.R. 3307. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. REUSS:

H.R. 3308. A bill to amend title XVIII of the Social Security Act to provide coverage for the cost of ptosis bars under the supplementary medical insurance program; to the Committee on Ways and Means.

By Mr. RHODES:

H.R. 3309. A bill relating to the interest rates on loans made by the Treasury to the Department of Agriculture to carry out the programs authorized by the Rural Electrification Act of 1936; to the Committee on Agriculture.

H.R. 3310. A bill to establish the calendar year as the fiscal year of the Government, and for other purposes; to the Committee on Government Operations.

H.R. 3311. A bill to provide that the President shall include in the budget submitted to the Congress under section 201 of the Budget and Accounting Act, 1921, an item for not less than $2 billion to be applied toward reduction of the national debt; to the Committee on Government Operations.

H.R. 3312. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior to cooperate with States, local agencies, and individuals in the planning and carrying out of practices for water yield improvement, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 3313. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 3314. A bill to provide for national cemeteries in the State of Arizona; to the Committee on Veterans' Affairs.

H.R. 3315. A bill to amend title 38, United States Code, to increase the amount payable on burial and funeral expenses; to the Committee on Veterans' Affairs.

By Mr. ROONEY of Pennsylvania:

H.R. 3316. A bill to amend the Antidumping Act, 1921, as amended; to the Committee on Ways and Means.

H.R. 3317. A bill to amend the Tariff Schedules of the United States with respect to the duties on stainless steel sheets and on articles made from such sheets; to the Committee on Ways and Means.

H.R. 3318. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania (by request):

H.R. 3319. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide that the procurement of certain transportation and public utility services shall be in accordance with all applicable Federal and State laws and regulations governing carriers and public utilities, and for other purposes; to the Committee on Government Operations.

H.R. 3320. A bill to amend the Interstate Commerce Act to strengthen and improve the enforcement of Federal and State economic laws and regulations concerning highway transportation; to the Committee on Interstate and Foreign Commerce.

H.R. 3321. A bill to amend the Interstate Commerce Act to provide assistance to States in establishing, developing, and administering State motor carrier programs to enforce the economic laws and regulations of the States and the United States concerning highway transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3322. A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier safety programs to insure the safe operation of commercial motor vehicles, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3323. A bill to amend the Communications Act of 1934, as amended, to establish a Federal-State joint board to prescribe uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3324. A bill to amend the Natural Gas Pipeline Safety Act of 1968 to establish a formula for the division of Federal grants among State agencies, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3325. A bill to amend the Communications Act of 1934, as amended, to redefine State and local governmental authority over communications primarily of local concern; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSTENKOWSKI:

H.R. 3326. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 3327. A bill to provide for the establishment of a consumer education program designed to inform and give more adequate warning to elderly persons and others concerning the widespread existence, techniques, and dangers of home repair rackets and other forms of consumer fraud; to the Committee on Interstate and Foreign Commerce.

H.R. 3328. A bill to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 3329. A bill to amend the Civil Service Retirement Act to extend to employees retired on account of disability prior to October 1, 1956, the minimum annuity base established for those retired after that date; to the Committe on Post Office and Civil Service.

H.R. 3330. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. RUPPE:

H.R. 3331. A bill to provide partial reimbursement for losses incurred by commercial fishermen as a result of State-imposed restrictions on commercial fishing; to the Committee on Merchant Marine and Fisheries.

H.R. 3332. A bill to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. SHOUP:

H.R. 3333. A bill to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket No. 50233, U.S. Court of Claims, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SISK:

H.R. 3334. A bill to provide for the establishment of a national cemetery within the boundaries of the San Luis unit of the Central Valley project (California); to the Committee on Veterans' Affairs.

By Mr. SPRINGER:

H.R. 3335. A bill to promote the advancement of biological research in aging through a comprehensive and intensive 5-year program for the systematic study of the basic origins of the aging process in human beings; to the Committee on Education and Labor.

H.R. 3336. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Arizona:

H.R. 3337. A bill to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STEIGER of Arizona (for himself and Mr. Udall):

H.R. 3338. A bill to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona; to the Committee on Interior and Insular Affairs.

H.R. 3339. A bill to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas:

H.R. 3340. A bill to amend title 38, United States Code, to authorize increased benefits for veterans requiring regularly scheduled hemodialysis; to the Committee on Veterans' Affairs.

H.R. 3341. A bill to amend title 38 of the United States Code so as to permit the Administrator of Veterans' Affairs to provide medical and hospital care to the widows and children of persons who died of service-connected disabilities and to wives and children of persons who have service-connected disabilities rated as total; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 3342. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services, of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 3343. A bill to provide that compensation received by an individual from the Veterans' Administration for service-connected disability shall not be taken into account as income so as to prevent his occupancy of Government-sponsored housing (or so as to increase the rent which he would otherwise be required to pay); to the Committee on Banking and Currency.

H.R. 3344. A bill to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code; to the Committee on Veterans' Affairs.

H.R. 3345. A bill to amend title 38 of the United States Code to assist veterans with a permanent and total service-connected disability due to the loss or loss of use of one upper and one lower extremity to acquire specially adapted housing; to the Committee on Veterans' Affairs.

H.R. 3346. A bill to amend title 38, United States Code, to increase the amount payable on burial and funeral expenses; to the Committee on Veterans' Affairs.

H.R. 3347. A bill to repeal the savings provision of Public Law 90–493 protecting veterans entitled to disability compensation from arrested tuberculosis; to the Committee on Veterans' Affairs.

H.R. 3348. A bill to amend section 902 of title 38, United States Code, to eliminate certain duplications in Federal benefits now payable for the same, or similar, purpose; to the Committee on Veterans' Affairs.

H.R. 3349. A bill to amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; to the Committee on Veterans' Affairs.

H.R. 3350. A bill to amend title 38 of the United States Code to require that certain veterans receiving hospital care from the Veterans' Administration for non-service-connected disabilities be charged for such care to the extent that they have health insurance or similar contracts with respect to such care; to prohibit the future exclusion of such coverage from insurance policies or contracts; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3351. A bill to amend section 1682 of title 38 of the United States Code to require that more emphasis be given to supervised work experience in the farm cooperative training program; to increase the educational assistance allowance rates for such program; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3352. A bill to amend title 38 of the United States Code to provide an annual clothing allowance to certain veterans who, because of a service-connected disability, wear a prosthetic appliance or appliances which tends to wear out or tear their clothing; to the Committee on Veterans' Affairs.

H.R. 3353. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

H.R. 3354. A bill to amend title 38 of the United States Code to provide mustering-out payments for military service after August 5, 1964; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Georgia:

H.R. 3355. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

H.R. 3356. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON of New Jersey:

H.R. 3357. A bill to provide that veterans be provided employment opportunities after discharge at certain minimum salary rates; to the Committee on Veterans' Affairs.

By Mr. UDALL (for himself and Mr. Daniels of New Jersey):

H.R. 3358. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ULLMAN:

H.R. 3359. A bill to establish the Federal Medical Evaluations Board to carry out the functions, powers, and duties of the Secretary of Health, Education, and Welfare relating to the regulation of biological products, medical devices, and drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 3360. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in benefits thereunder, with a minimum primary benefit of $100, and to increase to $2,400 a year the amount of outside earnings a beneficiary may have without loss of benefits; to the Committee on Ways and Means.

By Mr. VIGORITO (for himself, Mr. Bingham, Mr. Harrington, Mr. Rosenthal, Mr. Drinan, Mr. Hays, Mr. Macdonald of Massachusetts, Mr. Conte, Mr. Brasco, Mr. Yatron, Mr. Burleson of Texas, Mr. Córdova, Mr. Hechler of West Virginia, Mr. Carter, Mr. Bergland, Mr. Anderson of California, Mr. Fraser, Mrs. Mink, Mr. Halpern, Mr. Hathaway, Mr. Gettys, Mr. Burke of Massachusetts, Mr. Roncalio, Mr. Roybal, and Mr. Keating):

H.R. 3361. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. VIGORITO (for himself, Mr. Burton, Mr. Reid of New York, Mr. Barrett, Mr. Koch, Mr. Vanik, Mr. Matsunaga, Mr. Aspin, Mr. Fascell, Mr. Biaggi, Mr. Quie, and Mr. Edwards of California):

H.R. 3362. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON:

H.R. 3363. A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation; to the Committee on Interstate and Foreign Commerce.

H.R. 3364. A bill to provide for a comprehensive program for the control of noise; to the Committee on Interstate and Foreign Commerce.

H.R. 3365. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

H.R. 3366. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3367. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. ALEXANDER:

H.J. Res. 251. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.J. Res. 252. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. CELLER:

H.J. Res. 253. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. COLLIER:

H.J. Res. 254. Joint resolution to amend title 5 of the United States Code to provide for the designation of the last Thursday in November of each year as Thanksgiving Day; to the Committee on the Judiciary.

By Mr. DINGELL:

H.J. Res. 255. Joint resolution proposing an amendment to the Constitution of the United States to extend the right to vote to persons 18 years of age and older and to require that they be treated as adults for the purposes of all law; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. Burton, Mr. Mazzoli, Mr. Rangel, Mr. Roy, Mr. Runnels, and Mr. Seiberling):

H.J. Res. 256. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.J. Res. 257. Joint resolution proposing an amendment to the Constitution to provide the right of persons lawfully assembled to participate in nondenominational prayer; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.J. Res. 258. Joint resolution urging the President of the United States not to send any U.S. Armed Forces to Vietnam after March 1, 1971, and for other purposes; to the Committee on Armed Services.

By Mr. QUILLEN:

H.J. Res. 259. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.J. Res. 260. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. RUTH:

H.J. Res. 261. Joint resolution proposing an amendment to the Constitution of the United States relating to prayer and Bible reading; to the Committee on the Judiciary.

H.J. Res. 262. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SAYLOR:

H.J. Res. 263. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. THOMPSON of New Jersey:

H.J. Res. 264. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself and Mr. Rosenthal):

H.J. Res. 265. Joint resolution to authorize the President to designate 1 week each year as "National Cystic Fibrosis Week"; to the Committee on the Judiciary.

By Mr. LONG of Maryland (for himself, Mr. Burke of Massachusetts, Mr. McCormack, Mr. Biaggi, Mr. Tiernan, Mr. Edwards of Louisiana, Mr. Pepper, Mr. Caffery, Mr. Clay, Mr. Rosenthal, Mr. Dellums, Mr. Thompson of Georgia, Mr. Ryan, Mr. Podell, Mrs. Mink, Mr. Moss, Mr. Donohue, Mr. Halpern, Mr. Adams, Mr. Meeds, Mr. Hicks of Washington, and Mr. Whitehurst):

H. Con. Res. 108. Concurrent resolution expressing the sense of Congress with respect to the continued operation of Public Health Service facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON:

H. Con. Res. 109. Concurrent resolution to utilize more effectively the expertise and abilities of the scientists and engineers associated with the National Aeronautics and Space Administration in the fight against environmental pollution; to the Committee on Science and Astronautics.

By Mr. ABERNETHY:

H. Res. 182. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. DULSKI:

H. Res. 183. Resolution relative to the sovereignty and jurisdiction over the Canal Zone and the Panama Canal; to the Committee on Foreign Affairs.

By Mr. EDWARDS of Alabama:

H. Res. 184. Resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

By Mr. FLOOD (for himself and Mr. Rarick):

H. Res. 185. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H. Res. 186. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. HAYS:

H. Res. 187. Resolution authorizing the printing of additional copies of the hearings entitled "Attempted Defection by Lithuanian Seaman, Simas Kudirka"; to the Committee on House Administration.

H. Res. 188. Resolution relating to the operation of the House restaurant and other food services facilities of the House; to the Committee on House Administration.

H. Res. 189. Resolution relating to the minimum per annum gross rate of pay which may be paid from the clerk hire allowances of Members of the House; to the Committee on House Administration.

By Mr. YOUNG of Florida:

H. Res. 190. Resolution to retain U.S. sovereignty over the Canal Zone and Panama Canal; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 3368. A bill for the relief of Francesco Biondo; to the Committee on the Judiciary.

H.R. 3369. A bill for the relief of Gilda and Arturo Canestraro and minor children, Sandro and Mirena Canestraro; to the Committee on the Judiciary.

H.R. 3370. A bill for the relief of Gaetana Cefalu; to the Committee on the Judiciary.

H.R. 3371. A bill for the relief of Teresa Carratello Cefalu; to the Committee on the Judiciary.

H.R. 3372. A bill for the relief of Giusto Farinella; to the Committee on the Judiciary.

H.R. 3373. A bill for the relief of Mayo Goff; to the Committee on the Judiciary.

H.R. 3374. A bill for the relief of Alfredo and Caterina Iannitelli and minor son, Ricardo Jose Iannitelli; to the Committee on the Judiciary.

H.R. 3375. A bill for the relief of Alfredo Licatini; to the Committee on the Judiciary.

H.R. 3376. A bill for the relief of Thomas McHugh; to the Committee on the Judiciary.

H.R. 3377. A bill for the relief of Raffaele Mazza; to the Committee on the Judiciary.

H.R. 3378. A bill for the relief of Aurora Matia Moranta; to the Committee on the Judiciary.

H.R. 3379. A bill for the relief of Giovanni Nardulli, also known as Juan Nardulli, and his wife, Antonia Nardulli, and their minor child, Anna Nardulli; to the Committee on the Judiciary.

H.R. 3380. A bill for the relief of Geuseppe and Virgilia Poppalardo; to the Committee on the Judiciary.

H.R. 3381. A bill for the relief of Mario and Rita Pelmonte; to the Committee on the Judiciary.

H.R. 3382. A bill for the relief of Alberto Sciuto; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H.R. 3383. A bill for the relief of Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido; to the Committee on the Judiciary.

H.R. 3384. A bill for the relief of Maj. Boyd L. Schultz; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 3385. A bill for the relief of Onofrio Campobasso and Maria Campobasso; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 3386. A bill for the relief of Gilbert Linford Escalante, Yvonne Marie Escalante, and Jacqueline Elizabeth Escalante; to the Committee on the Judiciary.

H.R. 3387. A bill for the relief of Grace Marie Gladden; to the Committee on the Judiciary.

H.R. 3388. A bill for the relief of Vallan Pitts; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 3389. A bill for the relief of Youghaper Derderian; to the Committee on the Judiciary.

H.R. 3390. A bill for the relief of Alberigo Romeo; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 3391. A bill for the relief of Anna Giovine; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 3392. A bill for the relief of Gerard Lecomte; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 3393. A bill for the relief of Manuel Vieira Andrade, Jr.; to the Committee on the Judiciary.

H.R. 3394. A bill for the relief of Franco and Ida Angelucci; to the Committee on the Judiciary.

H.R. 3395. A bill for the relief of Antonio Balsamo and Maria Balsamo; to the Committee on the Judiciary.

H.R. 3396. A bill for the relief of Antonio Alberto Gomes Barbosa; to the Committee on the Judiciary.

H.R. 3397. A bill for the relief of Alessandro Berardinelli and family; to the Committee on the Judiciary.

H.R. 3398. A bill for the relief of Giorgio Colarusso; to the Committee on the Judiciary.

H.R. 3399. A bill for the relief of Silverio Conte, his wife, Lucia Conte, their son, Aniello Conte, and their daughter, Silvanna Conte; to the Committee on the Judiciary.

H.R. 3400. A bill for the relief of Gaetano D'Antona; to the Committee on the Judiciary.

H.R. 3401. A bill for the relief of Vincenzo Guarino; to the Committee on the Judiciary.

H.R. 3402. A bill for the relief of Constantinos and Anna Kritikos; to the Committee on the Judiciary.

H.R. 3403. A bill for the relief of Caterina Leto; to the Committee on the Judiciary.

H.R. 3404. A bill for the relief of Giuseppe Matorano; to the Committee on the Judiciary.

H.R. 3405. A bill for the relief of Ubalda Mazzacani and Giorgio Mazzacani; to the Committee on the Judiciary.

H.R. 3406. A bill for the relief of Calogero Palermo and Adelina Turco Palermo; to the Committee on the Judiciary.

H.R. 3407. A bill for the relief of Guido Paribello; to the Committee on the Judiciary.

H.R. 3408. A bill for the relief of Mario Rossi; to the Committee on the Judiciary.

H.R. 3409. A bill for the relief of Franseco Spadadro; to the Committee on the Judiciary.

H.R. 3410. A bill for the relief of Giuseppe Tarara; to the Committee on the Judiciary.

H.R. 3411. A bill for the relief of Vasil and Anthoula Thanasis; to the Committee on the Judiciary.

H.R. 3412. A bill for the relief of Arnaldo M. Xavier; to the Committee on the Judiciary.

By Mr. CASEY of Texas:

H.R. 3413. A bill for the relief of Dr. David G. Simons, lieutenant colonel, U.S. Air Force (retired); to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 3414. A bill for the relief of Anna Maria Arcangeletti and daughter, Antonella Arcangeletti; to the Committee on the Judiciary.

H.R. 3415. A bill for the relief of Antonio Penna; to the Committee on the Judiciary.

H.R. 3416. A bill for the relief of Miss Evelina Persello; to the Committee on the Judiciary.

H.R. 3417. A bill for the relief of Filomena Quaranta; to the Committee on the Judiciary.

H.R. 3418. A bill for the relief of Abou Samir Semaan; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 3419. A bill for the relief of Rodolfo S. Guadiana; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 3420. A bill for the relief of Salvatore Barone, Domitilla Barone, and Josephine Barone; to the Committee on the Judiciary.

H.R. 3421. A bill for the relief of Salvatore Coico, Vincenza Coico, Francesca Coico, and Luigi Coico; to the Committee on the Judiciary.

H.R. 3422. A bill for the relief of Giuseppe Parisi, Carmine Parisi, Rita Leanor Parisi, and Franco Nicholas Parisi; to the Committee on the Judiciary.

H.R. 3423. A bill for the relief of Carmela Pitruzzella; to the Committee on the Judiciary.

H.R. 3424. A bill for the relief of Jamie Chuntianlay Siy; to the Committee on the Judiciary.

H.R. 3425. A bill for the relief of Helen Tziminadis; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 3426. A bill for the relief of Dady Balansay; to the Committee on the Judiciary.

H.R. 3427. A bill for the relief of Giuseppe Modica; to the Committee on the Judiciary.

H.R. 3428. A bill for the relief of Irene Moreno; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.R. 3429. A bill for the relief of Mary Margaret Threadgill (Tran-Thi Hong); to the Committee on the Judiciary.

By Mrs. DWYER:

H.R. 3430. A bill for the relief of Anna Maria Ciaccio; to the Committee on the Judiciary.

H.R. 3431. A bill for the relief of Mrs. Libera Scrocca de Girolamo; to the Committee on the Judiciary.

H.R. 3432. A bill for the relief of Tong Li Fat; to the Committee on the Judiciary.

H.R. 3433. A bill for the relief of Santi Fiumara and his wife, Concetta Fiumara; to the Committee on the Judiciary.

H.R. 3434. A bill for the relief of Mario Guerriero; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 3435. A bill for the relief of Angelo Pellegrini; to the Committee on the Judiciary.

By Mr. GARMATZ:

H.R. 3436. A bill for the relief of Dominic Colamonaco; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 3437. A bill for the relief of William E. Browning; to the Committee on the Judiciary.

H.R. 3438. A bill for the relief of M. Sgt. George C. Lee, U.S. Air Force; to the Committee on the Judiciary.

H.R. 3439. A bill for the relief of Capt. Willie Paul Sims; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 3440. A bill for the relief of Albert Cohen; to the Committee on the Judiciary.

H.R. 3441. A bill for the relief of Fernando Leano del Fierro, Sr.; to the Committee on the Judiciary.

H.R. 3442. A bill for the relief of Josefina del Fierro Hizon; to the Committee on the Judiciary.

H.R. 3443. A bill for the relief of Jesus Calapatia Leano and Bayani Calapatia Leano; to the Committee on the Judiciary.

H.R. 3444. A bill for the relief of Ricardo Galec Mactangay; to the Committee on the Judiciary.

H.R. 3445. A bill for the relief of Magtibay Perez Pedro; to the Committee on the Judiciary.

H.R. 3446. A bill for the relief of Fernando Vega Rodriguez; to the Committee on the Judiciary.

H.R. 3447. A bill for the relief of Manuel Paredes Santiangco; to the Committee on the Judiciary.

H.R. 3448. A bill for the relief of Salvado Francisco Sugui; to the Committee on the Judiciary.

By Mrs. GRASSO:

H.R. 3449. A bill for the relief of Pio De Flaviis; to the Committee on the Judiciary.

H.R. 3450. A bill for the relief of Mrs. Aprus Eshoo; to the Committee on the Judiciary.

H.R. 3451. A bill for the relief of Joseph Giardina; to the Committee on the Judiciary.

H.R. 3452. A bill for the relief of Houmer C. Godje; to the Committee on the Judiciary.

H.R. 3453. A bill for the relief of Vincenza Incorvaia; to the Committee on the Judiciary.

H.R. 3454. A bill for the relief of Benito Mirmina, his wife, Nunziata Mirmina, and their children, Franca Mirmina, Guiseppina Mirmina, and Francesco Mirmina; to the Committee on the Judiciary.

H.R. 3455. A bill for the relief of Pasquale Pizzimenti; to the Committee on the Judiciary.

H.R. 3456. A bill for the relief of Rocco and Lucia Pocetti; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 3457. A bill for the relief of Luis Barbato Alvarado; to the Committee on the Judiciary.

H.R. 3458. A bill for the relief of Antonio de Leonardo; to the Committee on the Judiciary.

H.R. 3459. A bill for the relief of Herminia Dulay; to the Committee on the Judiciary.

H.R. 3460. A bill for the relief of Antonio Papulino; to the Committee on the Judiciary.

H.R. 3461. A bill for the relief of Francesco Scatigno; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 3462. A bill for the relief of Seaview Electric Co.; to the Committee on the Judiciary.

By Mr. MURPHY of Illinois:

H.R. 3463. A bill for the relief of Maria Kovac; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 3464. A bill for the relief of Oreiro Romeo Pagaduan; to the Committee on the Judiciary.

By Mr. RANDALL:

H.R. 3465. A bill for the relief of Hazel Alberta (Flanders) Kirkendoll, Sheila Darlene (Kirkendoll) McFarland, Lydia Ellen (Flanders) Smith, Wilma Elizabeth (Flanders) Bainter, Temple Lucile (Flanders) Schulz Wells, William Edward Schulz, Genevia Bell (Flanders) Iiams, John Calvin Iiams, David Eugene Iiams, Pamela Sue Iiams, Florence Garnell (Flanders) Bergerhofer, Richard Albert Bergerhofer, Debra Ann Bergerhofer, Finis Marion (Flanders) McFarland, Mari Kathleen (McFarland) Palmer, and Gary Lee McFarland; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 3466. A bill for the relief of Anton Sobonja; to the Committee on the Judiciary.

By Mr. RHODES:

H.R. 3467. A bill for the relief of Vladko Dimitrov Denev; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 3468. A bill for the relief of Giuseppe Sebastiano Saglimbeni; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 3469. A bill for the relief of Mr. and Mrs. Giovanni Altobello and Francesco, Vincenzo, and Pino Altobello; to the Committee on the Judiciary.

H.R. 3470. A bill for the relief of Nicola and Maria Lerario, and Vincenza Lerario Favia; to the Committee on the Judiciary.

H.R. 3471. A bill for the relief of Trinidad Laceras; to the Committee on the Judiciary.

H.R. 3472. A bill for the relief of Antonino Mannino; to the Committee on the Judiciary.

H.R. 3473. A bill for the relief of Jovito Lucas Salvador; to the Committee on the Judiciary.

H.R. 3474. A bill for the relief of Mrs. Helena Wojcik; to the Committee on the Judiciary.

By Mr. RUTH:

H.R. 3475. A bill for the relief of Paul Anthony Kelly; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 3476. A bill for the relief of Guy Lubroth; to the Committee on the Judiciary.

H.R. 3477. A bill for the relief of Samuel Woletsky; to the Committee on the Judiciary.

By Mr. SCHNEEBELI:

H.R. 3478. A bill for the relief of Walter F. Colbert, colonel, U.S. Army; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia:

H.R. 3479. A bill to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land located in the State of Georgia to the record owner of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. VEYSEY:

H.R. 3480. A bill for the relief of Rudolf Sandor, and his wife, Klara, and their son, Rudolph; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.R. 3481. A bill for the relief of Victoria E. Doles; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SENIORITY

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. FISHER. Mr. Speaker, much is being said and written these days about seniority of service on committees as a basis for selection of committee chairmen. This concern is coming from various sources. There are those who are captivated by the expression: "Merit should come ahead of age." Others, like such politically oriented organizations as Common Cause and Americans for Democratic Action, are apostles of change, with little thought given to what the change would amount to. Still others suffer from ideological disenchantment. Then, there are the disgruntled who are always against those in authority—regardless of age.

Out of all this comes little by way of suggestions for improvement and progress. These critics uniformly cite the ages of certain chairmen they do not like, conveniently omitting those they do like. In proving their point they remind me of the man who said he caught a 50-pound fish, and to prove it he took the dubious to the river and showed them the water where the fish was allegedly caught.

Anyone who is familiar with Congress, and has sense enough to get in out of the rain, knows there is no magic in age. We all know there are many who are relatively incompetent who are on the younger side. And we see a few in that category who are older.

It stands to reason that any person who is endowed with reasonable intelligence becomes more competent as a result of experience. And that is what seniority means. Not only does it signify experience, but a Congressman must, along with that, be subjected to rigorous tests at the polls every 2 years. If there were very much wrong with him, the folks at home would find it out and he would be thrown out of office. Our political screening process is very cleansing, as it should be.

It is, therefore, understandable why the seniority system has evolved in this country and has stood the test of time.

The one thing these critics do not like to discuss is an alternative which would offer any reasonable hope for improvement. To be sure, the present method of choosing committee chairmen is not perfect, even though a chairman is required to be the most experienced, eligible member of a particular committee. Otherwise, he or she would not be the chairman. The method itself puts a premium on experience. In that respect the system is foolproof.

There are those who would choose chairmen by majority vote of committee members every 2 years. That is the most common proposal. Yet, it is replete with weakness. To put committee chairmanships up for grabs would insure chaos. It invites logrolling and deals. It would breed dissent and interminable confusion. Ambitious Members would spend much of their time lining up votes for the next election of a chairman. All sorts of promises and commitments would be in order. Troublemakers would have a field day.

On the other hand, a man chosen by seniority is indebted to no one for his position. He is a free agent, obligated to no one except the electorate and the House of Representatives. That adds to his effectiveness and capacity for leadership. While, being human, he may make mistakes, it is obvious he will make fewer mistakes than would those chosen in other ways.

Mr. Speaker, what assurance can there possibly be that one chosen chairman by committee vote or in any other manner would be better qualified? There can be none. Indeed, it is more likely that a less competent person would be chosen. That fact is self-evident.

Moreover, committee staffs are normally chosen by the chairman. At least, they must play a dominant role in such choices. We all know that the quality of committee work is very directly related to the competence of the experts who comprise the staffs. To attract the most competent, and keep them, there is an imperative need for some assurance of continuity of service. Many of them make a career of those jobs. It follows that if there is a constant danger every 2 years that the chairman will be replaced, the more competent help would be looking around for more permanent-type positions. Their jobs would be in constant jeopardy. And the public would be the ones to suffer the most.

I have said there is no magic in age. There are many brilliant young men who come to Congress, but they need seasoning which comes only with experience. The various committees deal with special topics. Much of the legislation referred to them is complicated and needs the guidance of an expert. One who remains on a committee long enough and applies himself becomes something of an expert in that committee's specialty. That becomes a valuable asset. So regardless of one's natural competence, to be a fully qualified leader he must learn the hard way. There is no substitute for it.

Young men have performed miracles. They have walked on the moon. Treasures in art and literature have been theirs. When he drafted the Declaration of Independence, Thomas Jefferson was only 33. And Benjamin Franklin was past 80 when he performed so brilliantly at the Constitutional Convention.

Winston Churchill first became Prime Minister at the age of 66. Charles DeGaulle was 68 when he became President of France and continued to serve until he was 78.

On and on it goes, proving time and time again there is no magic in age. It all depends on the individual—regardless of his age.

Mr. Speaker, let us not be guided by emotionalism in dealing with this subject of seniority. Let us proceed with reason and caution. There is so much at stake.

A FULLY AUTOMATIC RAILWAY FREIGHT SYSTEM

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 2, 1971

Mr. SPONG. Mr. President, there is widespread interest in improving the efficiency of our rail transportation system and some of the most provocative new ideas have been put forward by Professor Whitelaw of Virginia Polytechnic Institute. I ask unanimous consent to have printed in the RECORD Professor Whitelaw's article entitled "The Case for a Fully Automatic Railway Freight System," published in the Virginia Engineer in October 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CASE FOR A FULLY AUTOMATIC RAILWAY FREIGHT SYSTEM

(By Robert L. Whitelaw)

(NOTE.—Robert L. Whitelaw is a professor of mechanical and nuclear engineering at Virginia Polytechnic Institute. A few months ago he prepared an article entitled "Free Rail: The Next Step in Transportation" which appeared in the Summer, 1969, issue of the then entitled "Virginia Engineer." "The Virginia Professional Engineer" is now pleased to present his next article about a subject upon which he is a recognized authority.

(In an abstract to the article, Professor Whitelaw notes that "the time has come to seriously consider planned conversion to a totally automatic rail-freight system. The first step is already here in the unitrain; next should come the unmanned unitrain, and finally the regular periodic shipment of any mixed or specialty freight in multiple or single cars, self-propelled and unmanned. The ultimate goal is to utilize our national railroad plant at maximum efficiency, which will only be attained when every loaded car is constantly in motion, and automatically routed from shiper to receiver.

(The economic incentives are enormous and the technology fully developed. Given the magnificent rail network already before us, the principal changes needed are three; electrification, individual vehicle propulsion and grade-crossing elimination.

(Though costly, these changes need not be accomplished all at once, and the benefits to be reaped far outweigh such costs. The current 5 to 15% car utilization factor and spasmodic freight car shortages would be things of the past. Almost all long-haul highway freight and much of current air freight would return to rail. The 1000-mile overnight dock-to-dock delivery would be commonplace, and even 30 hours coast-to-coast would be feasible.

(A self-propelled freight car, once loaded, would be dispatched. Its entire route, from switch to switch, would be selected by a simple onboard computer, completely programed by the destination assigned. Its journey would be non-stop at an average 50 to 70 mph, and very rarely need it travel empty. Ultimately, all propulsion would be electric with attendant social benefits of quietness, cleanliness and conservation of fuel resources.

(Gone would be the locomotive, the caboose and the railroad yard as known today. All labor would be in maintenance, service or technical supervision. The railroad would thus handle freight in like manner as our wires handle electricity and our pipelines oil and gas, with an efficiency and economy heretofore undreamed of.)

Automation is a word still viewed in some quarters with deep misgiving. One school of economic theory would equate it with long-term joblessness. Such views tend to obscure long-term benefits by magnifying short-term dislocations. For the lesson of history is that automation almost invariably improves both the productivity and the quality of human effort. One has only to view the changes in the technological scene in a single generation (not to speak of the two centuries since James Watt's first steam engine) to recognize that wherever the skill-saw, the thermostat, the electric eye, the conveyor belt, or whatever other device has been applied to eliminate onerous repetitive labor, more jobs have been created than have been destroyed, and the new jobs created are always more satisfying and more rewarding. Automation, in short, elevates human labor.

Now it is apparent that there is some labor price at which automation becomes justified. For each operation in the whole complex chain of converting raw materials into finished products in the consumer's hands there is such an "automation-justifying labor cost", and it has already been reached in a vast number of manufacturing operations, and in many retail and accounting operations. (Witness the rise of the self-serve grocery and discount store, computerized banking and the credit card!) And now that distribution cost, distribution from mine and forest to fabricator, from fabricator to assembler, from assembler to warehouse to retailer,—is becoming the principal cost in so many commodities, it is here proposed that automation in almost every one of these steps is now justified. It is proposed in fact that automation in commodity transportation and even in human transportation is the next great technological revolution before us. It is further proposed that, of all possible forms of commodity transportation available (excepting fluids and electricity), the railroad system lends itself most readily to such automation with the greatest economic benefit. And finally it is proposed that the principal deterrent to achieving these benefits is neither capital investment nor engineering know-how, but railroad traditions enshrined in government, management and labor,—traditions whose original purpose has long since vanished.

The specific proposition is that total automation of land transportation of most commodities, using our existing railroad system as a foundation on which to build, is already economically justified and technically feasible; and that the best form of this automation will be a nationwide fleet of individually self-propelled freight-cars, each dispatched the instant it is loaded and threading its way automatically through the rail network from shipper to receiver, at continuous speed and without benefit of crew of any kind.

Since speeds of 60 to 100 mph would be almost immediately attainable, and since every loaded car would be continuously moving and earning revenue, regardless of weather or human factors, the direct economic benefits to shippers are readily seen. But the corollary blessings of such a system to society at large might well exceed even these direct benefits. First among these would be the elevation in the dignity and productiveness of railroad labor. Next we would find that large industrial concentrations, aggravating both air and water pollution, would tend to disperse, no longer being subject to slow and costly long-distance transportation. Finally, since the new system would recover much of the business presently lost to highway and air, and would be all-electric, it would greatly reduce the triple-threat of current transportation; air pollution, congestion of air and road, and waste of precious liquid fuel.

These are but a few of the advantages to be examined. But first it is necessary to review the weaknesses and strengths of our present railroad system, to show that it cannot continue long in its present form, and yet is the necessary foundation on which to build the automatic system of the future.

THE PRESENT RAIL FREIGHT SYSTEM

To paint a detailed picture of the general economic sickness of most of our major railroads is not necessary here. The most casual observer cannot fail to note its growing symptoms. Revenue per ton-mile is declining along with car utilization, while labor costs, maintenance costs, damage costs and taxes continue to soar. So long as the "train" concept is adhered to, there are both technical and labor barriers to automation that are insurmountable. Based upon present concepts the best future projections see railway revenue freight falling behind highway freight within 20 years, and the worst projection sees it continuing to decline even from the present. And the revenue picture is even worse, since under the present operations the railway must constantly lose the most profitable cargoes to truck and airplane.

Taken as a whole, our railroad plant is probably the most magnificent freight transportation system the world has ever seen. Yet in fifty years its share of the business has declined from 90% to 45%, and in less than fifty more some see it cut in half again. The problem is partly technical but mostly human. Of the five different groups upon whom the economic health of the railroad depends—railroad management, railroad engineering, railroad labor, government regulators, and the multifarious taxing agencies—all at one time or another in history have preyed upon it as something either to be frozen and entrenched against the slightest vestige of change, or as something to be sucked clean of every nickel it might produce, and generally in total unconcern as to what the customers really want. In fact, if it had not been for technical improvements initiated for the most part by railroad equipment manufacturers, i.e., the diesel locomotive, the block signal system, air brakes, radio controls, automatic classification systems, and special-purpose freight cars, our national railroad plant would be on the verge of disaster, if not totally moribund. In this picture it is significant that the healthiest roads today are for the most part those which enjoy most revenue from bulk commodities such as coal, commodities which are totally dependent upon rail and are handled largely by automatic machinery.

Looking at the operating characteristics of our present rail-freight system it is easy to identify four of the major culprits in its bleak economic picture:

1. At any given time on our railroads only 10% of our freight cars are moving, only half of these (5%) are moving with revenue freight on board, and then only at an average speed of 35 mph. In short, the average freight car only travels about 40 miles a day with revenue on board.

2. While the length and average speed of mixed freight trains has undoubtedly increased, offsetting the increased crew costs, they are approaching an upper limit at which derailments from various causes (including vandalism) are both intolerable and unavoidable without prodigious expense and redesign of both tracks and vehicles. What is more, the longer the train and the higher the speed the more expensive is the average derailment in damage to rolling stock and roadbed, not to speak of danger to the public.

3. No matter how fast or long the trains, reclassification of one mixed train into another must still be done slowly one car at a time. Thus complete automation of present-type train reclassification is almost totally impossible, and while classification yards are ingeniously automated in many other ways they represent a prodigious investment in land and trackage that will always entail individual human action at every coupling, drawing hazardous occupation wages. What is more, damage to lading in classification shunting represents an annual bill of almost $100,000,000, not to speak of long-term hidden effects in equipment reliability!

4. So long as each railroad attempts to be "autonomous" in a given region, and gather the lion's share of any freight shipment on its own trackage, and through its own classification yards as at present the shippers continue to suffer from ineconomic routing and delays. Under this modus operandi, the national railway network is never looked upon as a network to be optimized for the shippers benefit, and many vital and long-needed links in the system are never built.

If we now view our railroad system as a potential transportation plant, a foundation upon which to build what is really needed, a caterpillar to be metamorphosed into a butterfly, then one could hardly wish for a finer asset. With 7% of the world's population, and 7% of its land area, the inhabited area of the United States and Canada has 35% of the world's railway mileage and an even larger share of its freight-carrying capacity. Here is a plant of over 250,000 miles of uniform gauge, well-ballasted main-line roadbed, almost 50,000 miles being double-tracked, another 100,000 miles in spurs and sidings, an operating network connecting all but the most insignificant centers of manufacture and commerce in the two countries. Large sections are in heavy-duty rail, much of it all-welded, and almost all main-lines equipped with block-signal controls, remote-control switches and switch-heaters. Grade-separation has progressed to the point where few main highways have main-line level crossings in the east, and almost all hard-surfaced highway crossings are protected with gates or flashers.

Viewing this system as the nucleus for the automatic system of the future, its merits are considerable. Almost all of it, with minor improvements, is capable of accepting the new type of high speed self-propelled freight-car which an automatic system would call for. The important transition steps of double-tracking, electrification and complete grade separation could be achieved gradually, even while the first elements of an automatic system were being introduced. The existing roadbed alone represents a taxpaying asset of over fifteen billion dollars which could not be duplicated today for five times that amount. With this to build on, plus the benefit of modern construction machinery, the modifications needed to bring the entire system up to the requirements of a nationwide automatic freight network, with no vital links missing, can be achieved with an investment in the neighborhood of ten billion dollars,—well within the vastly improved earning power that would result.

THE AUTOMATIC RAIL—FREIGHT SYSTEM

With the foregoing picture of things as they now stand, and of the built-in shackles of any system employing manned "trains", let us try to formulate the elements of an ideal system built on the same foundations. We begin with the four basic elements: a shipper, a receiver, two rails connecting them, and a vehicle. We then ask, (a) what is it the two customers essentially want, and (b) what is the best means of achieving this goal in the light of present and foreseeable technology.

Clearly, the shipper would like to load his commodity as expeditiously as possible on a vehicle suitable both to the commodity and to the average size of each shipment. He would like it dispatched the instant it is loaded; he would have it travel at a speed such that the sum of its costs (transportation plus inventory plus insurance) will be a minimum, and both he and the receiver would like it to arrive intact and undamaged and on time any time of the year, regardless of the weather. Finally, it is presumed that such service can be provided by rail at a total cost less than by any other means.

What then is the most promising means of achieving this goal? The best approach is first to explore history. Whence came the idea of a "train" of cars pulled by a locomotive? It was merely the form that chanced to appear best at the moment. First, the steam engine had to precede the electric motor, at least in western Europe, because there was no comparable means of converting fuel to mechanical energy in the quantities needed. (Hydraulic power, except in Scandinavia, was of significant potential). Second, the reciprocating steam engine clearly became technically feasible before the steam turbine. Thirdly, the earliest steam engine, put upon wheels, was so massive for a given power that it was obviously best to consolidate its power in a single vehicle towing a number of unpowered vehicles. (The weight being so great, and the "train" being so short, tractive adhesion at the rail was no problem, and undoubtedly never entered the analysis!) Finally, horses had already been in use in just this way, towing coal cars on tracks from a colliery. Thus was born the concept of a "train" towed by a steam locomotive, able to exert large traction from standstill just like a horse. It would be asking too much to expect a careful analysis of future developments and problems, of ultimate speeds and electronic automation, at a time the railroad was just aborning! Even to consider that each car might have a separate destination was novel!

But now let us turn the coin and ask how things stand today. Suppose our entire technology had developed to its present state without the invention of the railroad, and the first railway system was now to be built on a national scale. What form should it take?

Two parallel steel rails supported on wooden (or synthetic!) ties on a stone-ballasted well-drained roadbed would still appear close to optimum. The form, height and weight of the average rail used today would undoubtedly emerge. The magnitude of aerodynamic resistance, and the means of minimizing it by streamlining, the relative importance of grades and curves, and the relative unimportance of rolling resistance would quickly be determined; a low center of gravity and a wide gauge would clearly be important; and the inside-flanged wheel would undoubtedly be chosen, though not necessarily the four-wheel truck.

Sophisticated dynamic analysis would readily show the relationship of track-keeping ability to speed, vehicle weight and center gravity, and track width and curvature. A careful optimization of all these factors would then lead to conclusions as follows:

1. Track gauge should be between 6' and 7' (certainly wider than 4'-8½").

2. Vehicles should be low-slung, as to center-of-gravity, with small wheels; and if coupled, the coupling should be close to axle-height.

3. A system of individual self-propelled vehicles could accept a right-of-way with steeper grades and sharper curves than a system of locomotive-drawn trains; and on any given track could attain a higher safe speed.

4. Even allowing for the higher investment in propulsive power per vehicle, the self-propelled vehicle system could be economic and safe up to average speeds in excess of 100 mph; and if unmanned (i.e., automated) would easily show greater earning capacity per dollar invested than a system of coupled trains.

Total automation would thus be the immediate goal if the railroad were introduced today; and its specific form would be unmanned self-propelled vehicles, operating singly or in permanently coupled strings, with fail-safe automatic control of speed, headway, braking and switching. All-electric power would likewise be obvious, supplied through a weather-protected third rail, and probably in the form of direct current using solid-state inverter technology. The monstrosity of overhead wires and vehicle catenaries inherited from 19th century electrification concepts would be rejected. Outlying spurs of the network, with insufficient traffic to justify electrification might still operate with small diesel-electric or gas turbine "locomotives". But considerations of air pollution, noise and fuel conservation would favor maximum, if not total, electrification.

With electrification, plus the concept of a self-propelled vehicle passing a given point many times an hour, it would follow that no grade crossings could be allowed, and that most links in the network must be double-tracked with single-track links being one-way. (It should be noted that European railroads adopted these criteria from the outset, even for a conventional train!)

The drawbacks, both technical and economic, of a locomotive-drawn train as a means of distributing mixed freight from various shippers to various receivers would be obvious such as: limited speed, derailment hazards, low grades, heavy roadbed, long headway between trains, and above all the impossibility of uncoupling, reclassifying and recoupling without human intervention.

One case only for the locomotive-drawn train might remain, namely in applications justifying a "unitrain": a train of cars carrying the same commodity (or set of commodities) day after day between a given origin and a given destination and never uncoupled. Even such a train could be unmanned and looked upon as merely a long flexible self-propelled car operating compatibly in a nationwide system of self-propelled cars of all types and sizes.

Thus we see that, if the railroad were to be introduced for the first time in today's world, the steam locomotive would be dismissed at the outset, and even the diesel would be of doubtful merit. Instead, the most economic freight system for the future would be a wide-track network, almost totally electrified and carrying a fleet of self-propelled cars at speeds up to 100 mph. Each would be available to any shipper on demand, and once loaded would thread its way automatically throughout the network so as to reach its designated receiver by the quickest route. Such cars would come in a variety of types, just as seen today, but because of the higher speed and the absence of couplings, there would be significant streamlining both fore and aft. Center-of-gravity would be noticeably lower with smaller wheels and less risk of derailment. In a few cases, cars might travel in permanently coupled groups of two, three, four or long "unitrains". In every case, acceleration, braking, maintenance of safe headway and decision-making at every switch, would be totally automatic.

The principal and obvious economic advantage in such a system would derive from three factors: (a) no human operators or guidance required, (b) all revenue cargo would be in continuous, fast and direct motion from shipper to receiver, and (c) empty cars would be dispatched automatically to the nearest revenue shipper.

A fleet of self-propelled cars equal in number to the present national fleet of 1,000,000 would handle over ten times the present annual mixed freight tonnage (i.e. excluding coal, ore, sand, etc.), and even bulk-handling of the latter commodities by unitrains in such a system would be significantly reduced in cost. Of equal importance, freight car shortages as we now know them would practically vanish, along with the vast, ugly, noisy and depressing yards of freight cars that now blot the nation.

Under the new system the attractive railroad tariff on almost all commodities, stemming from both automation and rapid dock-to-dock service, would recover almost all long-haul highway freight, and even a large fraction of present airfreight. And this recovery would be essentially permanent, since neither motor-freight nor airfreight can ever achieve total automation or shipping speeds significantly greater than what is now offered?

Before these advantages can be clearly established, at least three economic questions must be answered:

1. What is the increased capital investment in each vehicle by virtue of having to carry its own powerplant, and automatic control and route-finding system?

A preliminary answer here is that all such powerplants being alike, being electric and having extremely long and maintenance-free operating life, the cost-increment on a life-cycle basis is much lower than might appear. Again, with modern electronic technology, and uniformity throughout the fleet, the needed control system per vehicle is neither large nor costly.

2. Since each vehicle must overcome its own air resistance, unlike a train, and since air resistance increases as the square of speed, surely the fuel cost of each shipment will be significantly higher? Here it is easy to demonstrate that with streamlining, plus electric traction and regenerative braking fuel cost per ton-mile will actually be less.

3. Surely the prodigious investment needed in the entire railroad system to bring this about would be too great and take too long before net benefits could be realized? In answer to this question, even if the total cost were close to 100 billion dollars, freight costs will still be lower, than if we persist in retaining manned freight systems. Again, it can be shown that much of the investment proposed represents improvements the railroads must make in any case, even with present-type equipment and all their problems of labor, air pollution, derailment and sorting. It remains then to show that there is a feasible program of orderly transition to an automatic rail-freight system that neither loses revenue nor is too costly.

A PROGRAM OF TRANSITION TO AN AUTOMATIC RAIL-FREIGHT SYSTEM

The nucleus of the new system would be all existing main lines already double-tracked and with grade crossings all but eliminated. This would be the "primary network" and, surprising as it may seem, such a network already connects most of the principal cities in the east, plus at least one line west. In the long western stretches of track, lightly used grade crossings could be allowed for a number of years but with protective barriers operating in reverse: crossing gates would be normally down rather than up, only opening for road traffic when no rail traffic is close enough to be affected.

This primary network would first be electrified, including all spurs to principal shippers and receivers nearby, and all switches modified for automatic control. Development and construction of the necessary rolling-stock and electronic control and safety systems would be concurrent with development and installation of the high-voltage concealed power-rail, so that the beginnings of automatic rail-freight between the nation's principal cities could appear in less than two years.

The next step would be electrification, double-tracking and grade separation on each of the remaining trunk and spur lines in a planned national network, each link being completed in the order of greatest benefit to the economy and to defense logistics. This planned network would entail (a) double-tracking of obviously vital links and spurs; (b) converting many single-track links to one-way traffic, where another presently-cometing single-track parallels if not many miles away, the two thus comprising an effective double-track link; (c) abandonment of many existing links of fading usefulness; and (d) new construction on some long-needed vital links never appreciated because of the hodge-podge and short-sighted planning that shaped much of our present railroad network.

The third step in the program, some of it concurrent with the second, would be an orderly program of curve reduction and/or increase in superelevation, as best for each situation, so as to permit uniform maximum speed almost everywhere. This step, in essence, would be the correction of a pathological error forced upon the railroad system by the choice of locomotive-drawn trains rather than self-propelled vehicles. To meet the demands of the long train and heavy locomotive we have spent billions to keep grades low and make roadbeds heavy but without much attention to curves. A self-propelled vehicle system, by contrast, readily accepts fairly steep grades, but would demand gentler curves, especially as speeds increase. This principle is demonstrated in our interstate highway system in which curves found on most railroad mainlines would be intolerable whereas grades impossible to heavy trains are quite acceptable. Thus for instance the optimum future rail crossing of a freeway might have the railroad arching over the road to the same degree as the road dips beneath the railroad!

The fourth and final step in the transition to an optimum fully-automatic rail-freight system might be a massive expenditure to correct one of the worst technical blunders in engineering history, namely, the choice of 4'–8½'' as standard track gauge. To appreciate the magnitude of this error one has only to consider that a 500-ton locomotive, 15 feet high, is confined to the same wheel-spacing as a 1-ton 5 ft. high Corvair. Volumes could be written on the millions this historic error has cost in human discomfort in damage to lading, and in unnecessary derailments, not to speak of its cost in limiting both speed and stability. Yet, in charity, we must recognize that it was an error not easily foreseen, and self-entrenching as time passed and railroads grew.

Consideration of both the economic and technical factors involved would not indicate an optimum track gauge of about 6'–6''. By this step together with curve-reduction and lowered center-of-gravity mentioned previously, the safe continuous top speed of unmanned self-propelled vehicles could be increased some 33%, i.e., from 75 to 100 mph.

Such an increase in gauge could be superimposed gradually upon an operating present-gauge system, with the system accepting a mix of both speed—and narrow-gauge vehicles, depending upon the customers connected, until the entire conversion is completed.

Against this final step the argument might be made that given the colossal present investment in 4'–8½'' track, it would be wiser to accommodate higher safe speeds by making vehicles lower, slimmer and longer. This would also reduce the annual energy cost per cubic foot of cargo space at a given speed. Again, a case might be made for closer attention to wheel diameter, flange height and undercarriage suspension to achieve high-speed stability. Undoubtedly therefore the most sophisticated analyses and tests would be justified before taking such a drastic step as widening track gauge.

DETAIL DESIGN CONSIDERATIONS

Some final comments are in order regarding the design of the typical vehicle in the proposed system, and of the control system necessary to ensure safe headway and correct switch actuation at all times.

While a number of basically different types of cars would be called for, just as at present, they would all be designed with a great deal of attention to streamlining, since at speeds approaching 100 mph over 95% of the propulsive energy will be spent in overcoming wind-resistance. In the light of the above, a standard truck with 50 to 100 hp per axle would appear to be acceptable for almost all cars in the system.

Open space enclosed vehicles (i.e., boxcars) would be most common; with internals designed for automatic loading of cartons by an extension of the factory conveyor system. Open flatcars for such freight as lumber, steel, machinery, etc., would undoubtedly employ a light rigid fairing both for aerodynamics and weather protection. Tank cars would be as clean as airplane fuselages, with faired undercarriages. Special vehicles requiring either heat or refrigeration enroute would have a special advantage in an all-electric system, not being dependent upon the reliability of an auxiliary onboard powerplant as at present.

Automatic maintenance of headway would require equipment on each vehicle capable of detecting when the vehicle ahead is approaching the "safe differential stopping distance" (SDSD), plus braking controls to maintain headway in excess of that distance at all times. This SDSD control system requires a knowledge of three factors at all times, speed, headway and rate-of-change of headway. Several electronic systems to accomplish this in a tracked vehicle are feasible.

Automatic guidance of each vehicle from origin to destination is not so difficult as might appear. Since each shipper would have a pre-established supply relationship with a limited number of receivers, his staff would have ample time to map out both the best and alternative routes in each case. Each route would be "mapped" by merely identifying the yes-or-no decision at every switch enroute, and the final terminal. This sequence would then be registered on tape or card carried in the vehicle's switch-control system. If in the course of its journey a particular track segment should be blocked by accident or unforeseen congestion, a railroad "troubleshooter" at an appropriate point upstream would electronically "read" the destination of each approaching vehicle, and transmit a "correction" (i.e., a set of detour switches to follow) which would return it to its prescribed route another way.

Both the planning of the best routes, and the trouble-shooting described, are good examples of the upgrading of railroad labor to more creative functions that would result from automation.

CONCLUSIONS AND SUMMATION

The principal merits of such a fully-automatic railroad freight system may then be summarized as follows:

1. Nowhere in the system is manpower needed to drive, connect or disconnect vehicles.

2. All revenue-producing vehicles would start moving as soon as loaded, and would continue at uniform speed by the best route to the receiver's dock.

3. Uniform speeds approaching 100 mph can be foreseen, and the best route in every case would be based upon regarding the entire national network as a single system, regardless of who "owned" what piece of track; i.e., the customer's benefit, rather than that of any particular railroad, would be paramount.

4. A released empty freight car would be automatically routed to the nearest "demand" pool, or claimed by another shipper while enroute to such a pool. The inventory of cars of each type in a "demand" pool would vary with both region and season, but in any case would be a much smaller fraction of the whole than the idle car inventory in the nation today.

5. Being all-electric, and totally separated from highway traffic, the system would add to its economic virtues the social virtues of quietness, cleanness, better conservation of natural resources, and protection of the public.

6. Every mile of mainline track would be in constant use by vehicles many times an hour bringing to the railroad investment a utilization, efficiency and productivity hitherto unmatched in any form of vehicle transportation.

7. The combined industry of the entire nation, linked by such a system, could now be looked upon as a single factory; each factory as merely an operation of the whole; and the automatic rail-freight system as the conveyor-belt connecting each operation to the next. In short, it would become to the nation what the circulation system is to the body, the life-blood supply to every joint and sinew, the epitome of what an effective transportation system ought to be.

MRS. WYNONA LIPMAN ASSUMES BOARD OF CHOSEN FREEHOLDERS DIRECTORSHIP

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. RODINO. Mr. Speaker, a dear friend and devoted public servant, Mrs. Wynona Lipman recently assumed the duties as director of the Essex County Board of Chosen Freeholders. She brings to this task outstanding ability and commitment. The following editorial from the Montclair Times and her own words aptly describe her determination. And, I want to congratulate her and extend my warm wishes for success in her challenging new post. The editorial follows:

THE FREEHOLDER-DIRECTOR

Over the years Montclair has contributed heavily to governmental service from its vast store of outstanding citizens. Since this has been a predominantly Republican community and still shows numerical Republican leanings, most of the contributions have come from the GOP.

Montclair's most recent addition to the ranks of local citizens in governmental service, however, comes from the Democratic Party, Mrs. Wynona Lipman. Mrs. Lipman, on Jan. 2, was named director of the Essex County Board of Chosen Freeholders.

Accepting the directorship Mrs. Lipman spoke of "better government and more effective public service." Of them she remarked: "This goal cannot be achieved by wishing, but only by doing."

Regarding governmental costs, Mrs. Lipman declared:

"Let us separate the niceties from the necessities, the essential from the convenient, the immediate from the occasional, and come up with a budget that is realistic, sound, and most of all effective from the hard-hit taxpayer's point of view."

Of her financial philosophy, Mrs. Lipman asserted: "The day of the loose and easy dollar is rapidly becoming a part of ancient history. The public wants results and results it is going to get."

These are brave words and they are strong words, but the new freeholder-director seems headed in the right direction.

THE PRESIDENT'S PROPOSALS

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, February 2, 1971

Mr. BOGGS. Mr. President, the proposals put forward by President Nixon in his state of the Union message have drawn much thoughtful study and commentary in the Nation's press.

The newspapers in my own State of Delaware have offered constructive comment on the proposals and I ask that three representative editorials be printed in the RECORD.

The first of the three, "Cabinet Shuffle: Good Step," appeared in the Wilmington Evening Journal on January 25. The second, "Nixon: Meaningful Address" by Jack Gibbons, appeared in the Delaware State News on January 27. The third, "Nixon Tests Himself," appeared in the Evening Journal on January 26.

While I do not necessarily agree with all the points raised in the editorials, I think they are representative of the thoughtful responses called forth by the President's proposals.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

CABINET SHUFFLE: GOOD STEP

There is no reason, excepting perhaps tradition, why the federal government should not be an efficient organization with a minimum of overlapping functions and ambiguous responsibilities. President Nixon's proposal to reorganize seven Cabinet-level departments into four new ones is an attempt to buck that tradition. The planned consolidation will not be easy, but the attempt is well worth the try.

President Nixon rated the reorganization plan high enough in his priorities to make its announcement the climax of his State of the Union message Friday night. (General commentary on the message will follow tomorrow.)

One has only to look at a few examples of how the system works under the present setup to realize its inadequacies. The food stamp program, naturally an adjunct of welfare, is administered not by the Department of Health, Education and Welfare but by the Department of Agriculture, to point out one mismatch.

The Nixon proposal would do away with the Departments of Agriculture, Labor, Commerce, the Interior, Transportation, Housing and Urban Development and Health, Education and Welfare, combining their functions into four new departments—natural resources, human resources, economic development and community development. The Departments of State, the Treasury, Defense and Justice would be unaffected.

Various interest groups and congressional committeemen, long accustomed to things as they are and quite comfortable with them, will put up stiff opposition to the Nixon proposal. The old "you scratch my back I'll scratch yours" game is a tough one to play when someone moves one of the backs.

But hopefully, the reorganization plan will prove too important to be stalled by a few squawks from the inconvenience. As one government official put it:

"The present Cabinet just grew, haphazardly, over two centuries. This plan is not just moving boxes around. It is an effort to overcome very real overlaps, competition and ambiguity of responsibility."

The more cynically minded might be tempted to view the plan as creating four monsters out of seven giants. Bigness is not, after all, any guarantee of improved efficiency or responsiveness. The planned reorganization stems, however, from recommendations made by the Ash Commission, chaired by Roy L. Ash, head of Litton industries Inc., and study groups from the Office of Management and Budget.

Finally, the risk that such a reorganization might make matters worse is minimized substantially when one considers that things generally have nowhere to go but up.

NIXON: MEANINGFUL ADDRESS

If President Nixon continues to speak as well, as humbly and as meaningfully as he did in his address to the joint session of Congress Friday night he will be much harder to defeat in 1972 than now seems likely.

To begin with, the president adopted the tone that he has asked the rest of us to use ever since his inaugural two years ago. He wanted us to stop yelling so we could hear each other. He didn't yell Friday night. He didn't implore or insult. In fact, Ted Agnew, sitting behind him, looked uncomfortable. Here was Ted's president doing what Ted had refused to do.

Next, the president was humble. This becomes a president, especially in these times when everyone around him competes for his favor and attention, and flattery is the accepted tactic.

Then, the president's message was filled with meaning and substance. There will be no discrimination, Nixon said, and he reached the highest emotional pitch of his delivery with this assertion. Any funds going from federal government to state will be used in the American way, not in the Mississippi way.

One observer made 17 positive notes as he listened to the 33-minute talk. This is a high mark. Mr. Nixon spoke of a strong economy without war. He asked $100 million for cancer. He will expand the park system. He will provide more physicians by increasing aid to medical schools. He still wants family assistance.

Did the president omit anything?

Yes, the observer, reflecting for several minutes after the talk, thought of three omissions. One, the president did not speak much about education and the right of every citizen to higher education regardless of economic circumstances. That was too bad. But in a way the president evened up this loss by leaving out tiresome references to law and order and the drug scene. Enough has been said about this rubbish.

NIXON TESTS HIMSELF

Twin thrusts of the program President Nixon is laying before Congress, beginning with last week's report on the State of the Union and continuing with various subject oriented messages, are decentralization and reorganization.

The first objective, adoption of a plan to share federal revenue with the states, and cities, adds flesh to his "New Federalism" (a notably uninspired example of sloganeering which is now seldom mentioned). The second would take those functions remaining to the federal government and execute them through a radically different structure.

The total is a new way of doing things in Washington, and a new way of relating the various levels of government in the United States, which Mr. Nixon chose to call "revolutionary." The word is a bit strong.

The "six great goals" to which Mr. Nixon aspires for the nation are philosophically acceptable to the great majority: Welfare reform, full peace-time prosperity, restore the environment, strengthen state and local government, reform federal government and improving health care.

It is Mr. Nixon's means to those ends which will run into, if not actual resistance, then the kind of keep-things-as-they-are inertia which has frustrated so many reform-minded presidents and their inspired advisers.

Welfare reform, as implemented by the Family Assistance Plan the President presented to the last Congress, has already met that fate once. It was scuttled by members of Congress (and those they represent) who would not like any welfare plan because they basically do not like the idea of public welfare, and they refuse to recognize that one way of administering welfare could be relatively better than another.

The means of achieving the strengthening of state and local government (through revenue sharing) and reforming the federal establishment (through the "big package" plan of reorganizing 12 Cabinet-level departments into eight function-oriented departments) are subject to similar drags.

Revenue sharing needs a lot of selling at the national level, and Mr. Nixon has promised to lay his plan before Congress in greater detail. Even in its broader outlines, which include taking $10 billion from present federal categorical programs and adding to it $6 million in "new money" for a grand total of $16 million to be transferred to the states and localities, will meet the objection that it is not much more than a shuffling of the spending authority. Congress is not inclined to look with favor on a program that make it the tax collector for funds to be spent by state and federal government; no legislative body likes to take the blame for taxes which others will spend.

But how else is the President to respond to the really desperate, even panicky calls of governors and mayors who see themselves and their governments going down for the third time in a fiscal sea?

Federal reorganization on a truly broad scale which would achieve, in addition to standing Departments of State, Defense, Justice and the Treasury, new Departments of Human Resources, Community Development, Natural Resources and Economic Development, is a crying need to relate today's problems with today's government, and to establish in government cleaner lines of authority and responsibility.

But Congress itself is used to doing things the old way; all the other institutions built up around the existing system—agencies, lobbies, committees, state structures—are used to the old way.

What faces Mr. Nixon is a monumental task of leadership and salesmanship, with little promise of help from a Congress which, in both parties, is rather stodgy and establishmentarian. The test which the President has set for himself is both personal and political future, will ride on the success he on the country, and quite probably his own political future, will ride on the success he achieves toward the goals he has set, and the means to achieve them.

THE BUDGET GAP—NIXON RECEIVES AN "A" FOR CREDIBILITY

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. GERALD R. FORD. Mr. Speaker, fiscal forecasting is a hazardous art. I hesitate to call it a science. And budget drafting is doubly so. It is interesting, therefore, and significant that Edwin L. Dale, Jr., of the New York Times, has given the Nixon administration high marks for the forecasting done in the fiscal 1972 budget. Mr. Dale finds the Nixon budget for 1972 far more credible than its recent predecessors, particularly since it does not hinge too heavily on what Congress might or might not do. I commend a reading of Mr. Dale's article of January 31 to my colleagues.

THE BUDGET GAP—NIXON RECEIVES AN "A" FOR CREDIBILITY

(By Edwin L. Dale Jr.)

WASHINGTON.—If the financial and business community—and economists—have a sense of skepticism about President Nixon's new budget, and particularly the estimate of the deficit, the feeling is entirely understandable.

The reason is what has happened in recent years. Presidential estimates in the January budget have usually been wildly wrong, almost always with the result of a much bigger deficit than estimated in the original budget document. The question now is: How does the new budget stack up for "credibility?"

Before answering, it is worth a look at the rather depressing recent record.

In January, 1966, President Johnson estimated an almost exact balance for the fiscal year ended June 30, 1967; result—a deficit of $8.7-billion. The chief reason in that case was a major underestimation of the cost of the war in Vietnam.

The next January, Mr. Johnson estimated a deficit of $4.3-billion for fiscal year 1968; result—a deficit of $25.2-billion. Here, a major reason was the failure of Congress to enact the 10 percent income tax surcharge until 11 months after it was proposed.

The opposite happened in the next fiscal year. In January, 1968, President Johnson estimated a deficit of $7.9-billion for fiscal 1969. Largely because receipts, spurred by an economy that refused to slow down, greatly exceeded estimates, the final result showed a surplus of $3.2-billion.

Fiscal year 1970, a budget started by Mr. Johnson but amended somewhat by President Nixon, had the merit of the smallest error—only $6.2-billion. A predicted surplus of $3.4-billion turned into a deficit of $2.8-billion. In this case the most important villains were a big burst above estimates in the "uncontrollable expenditures," such as interest on the debt, and the first impact of the 1970 recession in slowing receipts.

The worst record of all is the current fiscal year, though it is not yet over. President Nixon in January a year ago projected a surplus of $1.3-billion. The new budget document has revised that to a mammoth estimated deficit of $18.6-billion, the second largest since World War II. The culprits: Congressional action and inaction increasing spending and reducing revenues, some increase in the "uncontrollables" (particularly welfare), and the big impact of the recession on receipts.

What about the new budget?

In several important respects it has advantages over its predecessors on the side of credibility. The most important is that it is not asking Congress for a single significant tax increase, nor does it depend on Congressional approval of a postal rate increase.

In addition, there is a somewhat more realistic approach to the package of old and relatively ineffective programs that every President, properly, tries to get Congress to reduce or abolish. This budget does not include nearly as many items of this type that nearly everyone recognized at the beginning that Congress would not approve. To this degree, the expenditure figure is more realistic, though it still counts on some "savings" requiring Congressional approval.

Also, and of considerable importance, the Government has gradually improved its methods of estimating the "uncontrollables" and in this budget tried to be honest and realistic in estimating them. Officials say there was no pressure this time to shave the estimates to make the over-all budget total lower.

Finally, there is some indication that Congress is beginning to awaken to its own, almost unconscious, role in raising spending and that it might be more cautious this year, though that it is not certain.

On the opposite side, by far the most important reason for doubting the budget estimates is the extremely optimistic forecast for the economy—a Gross National Product in this calendar year of $1,065,000,000. Only by estimating the G.N.P. high was the revenue figure brought up to $217.6-billion and the deficit held down to $11.6-billion.

Thus it should be no surprise if the deficit again turns out higher than last week's estimate, though the error should not be nearly as large as in the current fiscal year. Under the "full employment budget" concept now used by the President, a larger deficit caused solely by the economy's failure to perform quite as well as forecast would be acceptable anyway, and the money markets in those circumstances should be in an easier position to finance it.

In general, then, insofar as decisions and judgments made at this stage are important, this budget appears to deserve fairly high marks for credibility. And the main reason, is that, in various ways, it relies much less than in the past on having Congress do things it does not want to do.

THE TURNED ON CRISIS

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 2, 1971

Mr. SCOTT. Mr. President, I am pleased to announced that yesterday public television stations throughout our Nation began broadcasting a comprehensive drug abuse education series produced by Station WQED of Pittsburgh, Pa. This unique series, entitled "The Turned On Crisis," was funded by a grant from the Corporation for Public Broadcasting, of Washington, D.C., and received high acclaim when it was pretested in Pittsburgh last October.

"The Turned On Crisis" examines the many problems surrounding drug addiction and explores the alternatives parents and teenagers can seek to combat this national crisis. The series will be presented in three parts. In February, 8 hours of prime time programs, aimed at families in their homes, will be aired twice weekly. This will be followed in March by six half-hours aimed at educators, including school board members, administrators, and supervisors. Next fall, six 20-minute programs will be beamed to junior high school students in their classrooms.

One of the most innovative aspects of this series is its provision for community participation through the formation of "mini community meetings." These local groups are being provided with materials to advertise the series in their areas. In addition, they are encouraged to develop followup action programs to deal with the drug problem in their own community.

This series, involving both television programs and especially prepared printed materials, is designed to effectively reach young people without oversensationalizing or preaching. It attempts to have an impact on the most important audience—young people.

A wide range of guests appear in the series: nationally known figures such as Dr. Jesse Steinfeld, the U.S. Surgeon General; David Susskind, television producer and host; Fred Rogers of "Misterogers' Neighborhood;" Dr. Carl Rogers, noted psychologist with the center for the Study of the Person; Dr. Lewis Yablonsky, author and sociology professor; Dr. Helen Nowlis, psychology professor and author; and Dr. Sidney Cohen, adviser to the Department of Health, Education, and Welfare.

Television personalities, sports celebrities, entertainers, ex-addicts, youth, and adults from communities throughout the United States also participate, lending their talents, insights, and personal experiences to the series. Among them will be: Arnold Palmer, "Brother John," Big Brother and the Holding Company, O. J. Simpson, the "Bugaloos," Frank Gorshin and Martin Allen.

When "The Turned On Crisis" was pretested in Pittsburgh last October, many communities across western Pennsylvania developed their own action programs. I am very much encouraged by the fact that of the 29 "mini community meetings" set up as a part of the program, 22 have decided to form permanent organizations to fight drug abuse. The results and effects of this pretest series is discussed in an article written by Robert Adams in Qed Renaessance, Station WQED's community magazine. I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

Station WQED has done a highly commendable job in producing "The Turned On Crisis." I am hopeful that the series will enjoy a high viewership and am enthusiastically awaiting report of its reception.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A COMMUNITY COMMUNICATES ON DRUG ABUSE

(By Robert Adams)

THE TURNED ON CRISIS PROMOTES UNDERSTANDING THROUGH INVOLVEMENT

With so many demands on an individual's time, what provided the impetus that motivated some 2,000 people to attend meetings each week for four weeks in their communities in 9 different counties surrounding the Pittsburg area?

The first phrase that probably stimulated their participation was "drug crisis." No word in the country today brings fear to people's minds faster than the word drugs. That phrase was immediately followed by the word television. Certainly that is another word which can motivate people into action.

But "The Turned On Crisis" was formulated by WQED/WQED's staff with more than a television series on drugs in mind. Rather, the series of month-long programs was only a part of a project which hopefully would encourage and urge viewers to act in their respective communities to challenge the drug crisis.

A VIEW OF THE PROGRAMS

Let's first examine the kind of television programs that could produce the community response that was sought.

The series featured week-by-week topic development of four main areas of concentration: Information, Prevention, Rehabilitation, and Legislation. Starting last October, the series was presented on WQED Sunday through Friday starting at 8:00 PM. Most of the programs were 60 minutes, but several of them, notably the "Town Meeting" programs and the feature-length motion pictures, ran 2½ hours.

Each week a program's initial showing was presented on Sunday and repeated on Tuesday, with another first showing on Monday and a repeat on Wednesday. Thursday was "Town Meeting" Night. On Friday, award-winning dramatic film productions dealing with the drug problem were aired. Among these presentations were "Man With The Golden Arm," "Hatful of Rain," and the Emmy Award-winning "The People Next Door."

Thus, six nights a week the station was presenting programming in prime-time which would provide information, examine various forms of prevention and rehabilitation, and finally, ask judges and legislators to comment on what they had seen and suggest legislation which would aid in combating the drug problem.

Drama, encounter sessions, panels, community discussion groups, documentaries, feature films and dramatic television programs were all utilized in the series. Well-known personalities in the entertainment world, educators, psychologists, police officers, social workers, lawyers, judges—all were asked to participate and their enthusiasm was evident throughout the series. Tear-filled eyes . . . angry voices . . . heated arguments, these were intermingled throughout the series with intelligent and sobering statements, pertinent information, and a spirit of cooperation.

An "Electronic Bibliography" on WQED provided 60 films and videotapes related to topics on drugs. They included programs from a week-long Drug Abuse Seminar conducted at Seven Springs, Pennsylvania; a series on alcoholism; programs offering socio-cultural points of view on drugs. This material was gathered from educational and research centers and from public television stations throughout the country. These films were presented Monday through Friday from 6:00 PM to 11:00 PM on WQED.

INFORMING THE PUBLIC

Next, the public had to be made aware of the project and what the station hoped to accomplish. A marathon promotional campaign was set in motion as the October deadline approached.

News releases, on-the-air promotional films, radio spot announcements, special stationery, billboards, bus cards, taxi cards, 30 daily newspaper ads, and special mailings to schools and other interested groups were flooded throughout the Pittsburgh area. All were integrated through the use of a unique logo and logotype which instantly identified "The Turned On Crisis." The logo suggested that "turning on with drugs is turning on yourself."

In addition to press kits which contained the promotional materials, utilization kits included a drug fact-book, meeting guides, audiovisual and print bibliographies on drugs, posters, flyers, logo buttons, drug glossary, discussion leaders handbook, and other informational materials which supported the project.

INVOLVING THE COMMUNITY

A key ingredient in making the series meaningful was a decision made early in the planning stages to involve the citizens in the project throughout the many communities served by WQED. This required action by the station in initiating or activating a group of people or an organization which could undertake the leadership in a series of town meetings, later called "Mini-Town Meetings." The "Mini-Town Meetings" which provide a forum at which interested citizens could view the televised programs and voice their opinions of what could be done with the drug problem in their community. Such an organization was found in the nearly 400 member Human Resources Committee of professional and civic volunteers in the Community project. Their members provided the leadership and committee chairmen needed at the "Mini-Town Meetings."

The meetings were held Sunday, Monday, Tuesday and Wednesday each week for four weeks in 29 areas. They watched the programs and then commented on what they had seen and how it related to their own community. On Thursday of each week, representatives from the "Mini-Town Meetings" participated in a televised "Town Meeting." These "Town Meetings" were broadcast "live" and openended from the studios of WQED as part of "The Turned On Crisis."

The station, however, sought more than a series of "conversations" at the "Mini-Town Meetings" and the "Town Meetings." The station sought commitment and action by the community areas. The programs and discussions had to be so stimulating that they could only lead to action.

THE COMMUNITY RESPONDS

Throughout the entire month of October the programs were aired and supported with the many forms of publicity and promotion. The "Mini-Town Meetings" were, in most instances, well attended and the participants were beginning to see, as they watched the programs, and discussed the problems with their neighbors, the need for action in their communities.

These actions took several forms. In Moon Township, their group is renting a building situated on 10 acres of land with an option to buy. The young people in the area will be able to work the land during summer months to supplement their financial needs.

This center will be a totally self-help program, and partially self-sustaining. They have secured the professional services of a lawyer, a judge, and assistance at Staunton Clinic in Sewickley, which offers psychiatric and emotional services to those in need. They are also working with local officials, schools, businesses and churches.

The group also has volunteer workers who "man" a 24-hour "hotline." They are prepared to listen when an individual needs a "rap session." They also sponsor activities which include arts and crafts, a coffee house, amateur theatricals, and a limited non-professional counseling service. In addition, they have what they term a "first-aid" room which provides cold-turkey treatment and a doctor on call. Of course, their future plans are much more extensive, but their present facilities are a direct outgrowth of "The Turned On Crisis."

The group in Monroeville has formed an adult drug council. They are also planning a "hotline" for youngsters to call when they are in need of information, but they also see the need for more personal involvement in the form of counseling.

Butler County is an example of one of the groups that is getting assistance from an existing organization. Peer group counseling is available every Tuesday night at Butler's Mental Health Center. This group has been assured by the County Commissioners that it will appoint a county coordinating committee on drugs. They are planning a Drop-In Center where "rap sessions," counseling, and alternative activities to drug use will be offered to youngsters.

A SAMPLING OF RESPONSES

A good sampling of the responses was seen at the final "Town Meeting" which was broadcast on WQED. Representatives from all the "Mini-Town Meetings" were interviewed on the program. Their answers ranged from on woman who offered her 10 room house for a rehabilitation center, to another woman who complained that she still is trying to find someone in her community interested in meeting with her to discuss the drug problem.

Several representatives echoed the response of Mrs. Joan Ripple from Greensburg, who said that at her "Mini-Town Meetings" "the youngsters, who turned out in large numbers, found that they did not have enough adults there to talk to." Mrs. Marty Friday and Mrs. J. C. Price of Penn Hills were two more people who shared Mrs. Ripple's view.

Catherine Marburger from Evans City in South Butler County was also typical of several representatives when she said her community had 50 to 60 people who would continue to meet and set up definite procedures to alleviate the problem.

Several people were frank to admit they still didn't know what they were going to do in their communities. Lack of funds, lack of a center for addicts, lack of hospital beds, and the need for training teachers and parents—all were cited on the program as barriers to action. But all were in agreement that the efforts of the station in making them more aware of the problem would eventually result in action in their areas.

As Mrs. Lois Albrecht of South Center Mental Health Center said, "We thank WQED for this project. It's a good beginning."

"But a beginning is not enough," stated Lloyd Kaiser, President and General Manager of the station at the conclusion of the program. "We want to hear about your actions as a result of this project. We also want your reaction to the series. Whether it's criticism or praise; our weaknesses and our strengths. We would like to know through your letters, what you think about the 'Mini-Town Meetings' and the 'Town Meetings' and the other programs. We plan to follow up with a report of some of the actions taken by groups as a result of this series."

A TALLY OF THE RESPONSES

Statistics are often poor indicators of the effectiveness of a project. But they do give some evidence of the success or failure of a project such as "The Turned On Crisis."

Out of a total of 29 community areas that participated in the "Mini-Town Meetings," 22 of them have definite plans to continue meeting and seeking solutions to the drug problem in Western Pennsylvania.

Examining these 22 area groups we find that:

Eight areas, Westmoreland County, Penn Hills, East Liberty, Braddock, Green County, Southern Butler County, Monroeville, and North East, have formed new *ad hoc* committees. They will be working with PTA groups or forming their own active groups to combat drug abuse in their areas.

Nine areas, Butler County, South Side, North Hills, Churchill, South Hills, Homewood, Brookline, Mercer County, and Wilkinsburg, are working on the expansion and strengthening of already existing community action councils.

Three areas, Moon Township, North Side, and Lawrence County, are working specifically for Youth Recreation Centers as an alternative to drug use.

One area, Fox Chapel, plans to continue weekly mini-meetings indefinitely. These will be informal "rap sessions" between youths and adults and will be held in the area high schools.

One area was instrumental in getting their county commissioners to appoint a ten-member council on drugs.

INDIVIDUAL RESPONSES

Although perhaps not as impressive as the statistical summary, what happened to several individuals as a result of this project may have more meaning. To be effective in a drug situation you have to work on almost a one-to-one relationship. This is where real progress is seen.

A woman who was one of the leaders from Moon Township befriended a drug addict during the community meetings. They established a very friendly relationship and both of them, from opposite ends of the economic and social strata, are more understanding of the other's point of view.

A man in an affluent suburban area of Pittsburgh, after seeing the drug sensitivity encounter program, identified so strongly with the young man who broke down on the program that he was encouraged to go to his own son and establish a better relationship.

Following the first "Town Meeting" program, several blacks commented that this was the first time that they have been able to talk to white people about a subject without any references to racial problems.

A march on St. Francis Hospital by residents from the Homewood Brushton area resulted in obtaining 12 beds in the hospital for drug addicts.

These examples are typical of the truly meaningful results of "The Turned On Crisis." They are not as impressive as 22 out of 29 community areas taking action, but they are the incidents, multiplied many-fold, which will have lasting results.

PROGRAMS TO BE SEEN NATIONALLY

Eight of the programs which were seen on WQED in October will be shown on the Public Broadcasting Service network in February. They will be supported by extensive promotional materials which will be supplied to all the stations which broadcast the series of programs. The objective of the series nationally is the same as the objective in this area. The drug crisis cannot be solved through a project even as intensive as "The Turned On Crisis." It is more realistic to call the project *one* of the challenges to the drug crisis which spur others into action toward long-range solutions.

AN EXAMPLE FOR KANSAS AND THE NATION

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. SHRIVER. Mr. Speaker, the city of McPherson, Kans., provides an encouraging example for other cities in our State and throughout the country. During this past decade, McPherson registered steady and substantial population and economic growth without the resultant problems which plague many cities of its size.

At a time when our rural areas are fighting to retain their identities and to keep their young people at home, McPherson is showing the way. Blessed with adequate and inexpensive power and water resources, new industrial efforts have flourished. Jobs have been created for the ample and skilled labor supply which is available due to increasingly efficient farming methods.

I might add that McPherson has made this progress with a minimum of assistance from the Federal Government. While many cities hold out their hands for Federal money whenever a problem arises, McPherson has gone ahead, attacking local problems with local initiative, unencumbered by Federal controls.

Mr. Speaker, I close my remarks with an editorial from the McPherson Sentinel, which is justifiably proud of these acomplishments:

> McPherson Shows Kansas How To Grow Better
>
> Kansas leaders interested in encouraging growth of Kansas in proportion to our neighboring states are discouraged by the poor growth of Kansas in the past 10 years. Despite tremendous efforts to attract new industry to provide jobs for our young people at home, Kansas population only grew a little over 3 per cent in the past 10 years. In comparison, our neighbor states grew about twice as fast.
>
> There is one place in Kansas which is keeping up with the growth in our neighbor states—McPherson. In the past 10 years we gained over 8 per cent in population which compares well with our neighbor states.
>
> Why the difference? We have an aggressive industrial expansion program similar to many other cities in Kansas, but we also have something more. We have an aggressive and progressive retail community which has steadily expanded services in these 10 years. We have a city of homes, well kept and happy We have a city which so far has escaped deprivations of organized crime, excessive vandalism and rioting.
>
> Not only can we offer new jobs in our industries and stores, but we also can offer a city in which people want to raise their children.
>
> We are mighty proud of this record and pledge to go on showing the rest of Kansas how to grow in a sensible and healthy way.

INTERGOVERNMENTAL COOPERATION ACT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. PICKLE. Mr. Speaker, today I joined my colleague the gentleman from North Carolina (Mr. Fountain) and others, in cosponsoring the Intergovernmental Cooperation Act of 1971.

This general subject matter is one on which I have introduced legislation in the past. It is a timely bill considering the growing concerning over the cooperation of Federal, State, and local governments in reaching our national goals. The tax dollar can only go so far and the needs for governmental assistance are so great, that no one will dispute the fact that the executive branch, Congress and the State and local governments must all clasp hands to reach the most efficient use of the tax dollar in government assistance programs.

Last session, I introduced a bill with several cosponsors calling for a study commission to look at, among other things, the effects of Federal grant activities on the interrelationship of government at all levels, and to consider the possibility of channeling Federal programs which benefit the same functional area, through a single State agency for each State. This is an approach that I still think should be looked into.

The bill I am cosponsoring today is designed to improve the financial management of Federal assistance programs and to implement consolidation of such programs. Among other things, the bill also provides for strengthening congressional review of Federal grants-in-aid.

Our long range goal should be to provide the simplest, soundest method of government—not just at the Federal level, but across the board. This bill, introduced by Mr. Fountain, is in keeping with this goal.

A NUTRITION PROGRAM FOR OUR SENIOR CITIZENS

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. PODELL. Mr. Speaker, in my home district in Brooklyn, I am privileged to number among my constituents a large percentage of senior citizens. I am, therefore, deeply concerned with the nutritional crisis which currently faces many older people in America.

It is a sad, but well-known fact that most of the elderly people in this country exist on diets which are woefully inadequate. Often, they are referred to as "tea and toast" diets, a description which is all too accurate. Mrs. Sandra Howell, project director for the Gerontological Society, explained the inevitable result of such malnourishment:

> When poor nutrition exists and persists in the older adult, it serves to intensify the severity of other conditions which accompany the processes of aging. By not specifically dealing with the problems of adequate diet in the elderly, we encourage the spiral of chronic disease, physical and psychic disability and ultimate institutionalizations.

The reasons for this disgraceful situation are many. However, to state the problem in the most straightforward terms possible, elderly people do not eat well because they cannot afford to.

Today's senior citizens have been doubly victimized by the circumstances of history and economics. Their peak earning years came during the depression or before the advent of minimum wage laws; and as a result, they were not able to accumulate the large savings necessary to provide for their later years. Those who by hard work and good fortune were able to maintain small savings have had these reserves quickly depleted by today's soaring cost of living. Therefore, most older Americans are now obliged to exist on social security benefits from the Federal Government.

To say I was shocked to learn of the paltriness of these benefits is an understatement. The average social security benefit for a retired worker is $99 a month, $87 per month for a widow, and $166 a month for a retired couple. Yet, according to the Bureau of Labor Statistics, a moderate budget for a retired couple is $370 a month—more than two times the amount the Government provides.

The situation is even worse concerning State welfare programs. In New York, one of the States with so-called "liberal" welfare statutes, the elderly poor are allotted a grand total of 66 cents a day for food. I shudder to think of what people are forced to live on in less liberal States.

The impossibility of achieving proper nourishment on such a meager sum as 66 cents should be evident. Several wealthy people of impeccable reputation have tried such a diet for just 1 week and have told us of the misery and hunger it has caused. Our wealthy friends, however, could always look forward to meat and vegetables only a few days later; and such knowledge was enough to keep them going for 1 painful week. Imagine, though, how it feels for an elderly man or woman to know that from the day he retires until the day he dies, there will be no hope of escaping such near starvation.

There are several other reasons, aside from simple poverty, which prevent senior citizens from eating well. The process of aging is not easy for anyone. Suddenly, dearly loved husbands or wives are gone. Friends become ill. One by one they, too, pass away. Children are far away, raising families of their own. Life has become very, very lonely.

Consider the effort required for poor older people to plan and cook adequate meals. One food after another is prohibited by diet restrictions. Aching legs must trek from store to store in search of the best bargains. Groceries must be carried home and up flights of stairs, while hearts are pounding and breath is short. Dull, meager meals must be prepared and cooked. Finally, our senior citizens must sit down to eat—alone.

Can we honestly expect older Americans to go through this same tedious routine day after day, with no hope of relief from the loneliness and boredom? I think not.

Last session of Congress, I cosponsored a bill amending the Older Americans Act of 1965 which called for grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training programs, and opportunities for social contacts for our senior citizens. Hearings were held on this bill, but then no further action was taken.

I am again putting my name on this bill in the hope that action will be taken in this session of Congress. The bill goes to the heart of the problem. Unlike so many proposals, it does not merely advocate the pouring of massive sums of money into something which does nothing more than treat some of the symptoms of the problem, without dealing with the causes.

Under the provisions of the bill, low cost, nutritionally sound meals could be delivered to those elderly people who are not able to leave their homes. For those who are able to get about more easily, the same meals could be served in local community centers. Such an arrangement would not only provide superior nutrition for the elderly, but would immeasurably widen their social horizons. New friendships would be made, new interests developed. A program of this sort would be a major step toward relieving not only the nutritional problem of our senior citizens, but the loneliness and boredom which are major causes of that problem.

Unless we move now to solve the nutritional crisis facing the elderly, it is very possible that in the near future we will be debating not the number of older Americans, but the starvation of older Americans.

America's senior citizens have served their country well for many long years. They now need our help in facing a problem of grave proportions. It is my fervent hope that we will not fail them.

GOVERNMENT PRICE AND WAGE FIXING

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. SCHMITZ. Mr. Speaker, as inflation continues throughout the national economy, with no end in sight and no countermeasures apparently working, an increasing number of people who ought to know better are beginning to call for governmental price and wage fixing, usually known by the milder sounding term "price and wage controls." By people who ought to know better, I mean those with no personal or ideological interest in bigger, more socialistic government.

This trend is reflected to some extent in my mail. Constituents write saying, in effect, that if other anti-inflationary policies do not succeed soon, we may have to resort to "price and wage controls" as the lesser of evils. The implication is that such controls, though a drastic change in policy, are a sure-fire means of guaranteeing the availability of cheaper goods to consumers.

But in fact they are nothing of the sort. In peacetime governmental price and wage fixing never works in a free country; and even in time of all-out war, when patriotic fervor does what fear of penalties cannot do in bringing about compliance, Government-fixed prices are always accompanied by severe shortages of the price-controlled goods. Chronic shortages are the hallmark of every controlled economy.

In his recent book "Man Versus the Welfare State," the noted economist Henry Hazlitt explains why this is true:

> Attempts to hold down or roll back prices, when they do not merely lead to black markets and quality deterioration, must reduce and disrupt production and distort the balance and structure of production. . . .
>
> When the price of one item, say some necessity such as bread or milk, is held below the price that supply and demand would set in a free market, it reduces the comparative profit margin in making that product and soon creates a shortage of that product. This is exactly the opposite result from the one the government price-fixers had in mind. If, in the effort to cure this, the government tries to hold down the prices of the labor, raw materials, and other factors that go into producing the price-controlled product, the price control must be extended in ever-widening circles, until the government finds itself trying to fix the price of everything.
>
> As there are probably at least 10 million separate prices in the American economy, and as this implies something on the order of 50 trillion cross-relationships among prices, the government sets itself a fantastically impossible task. But this does not mean it cannot do immense harm to the economy when it nevertheless undertakes this task.

Therefore, we are not simply making a choice between big government and inflation when we consider adopting governmental price and wage fixing. In that case we are also choosing scarcity over abundance.

Governmental price and wage fixing can never cure inflation, because it is aimed only at the symptoms of the disease, not at the cause. There are three good ways to get at the cause: first, eliminate the huge annual Federal deficit, every dollar of which is 100-percent inflationary; second, move toward restoring the gold backing of all our money, made meaningful by once again allowing private citizens to own monetary gold; third, curb the excessive powers and special legal privileges now given to labor unions, which enable them to demand and obtain inflationary wage increases.

These three courses of action against inflation, and legislation to implement them, have a high priority in my legislative program for the new session of Congress just beginning.

A BIRTHDAY TRIBUTE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. PATTEN. Mr. Speaker, when Milton S. Kronheim, Sr., of Washington, D.C., celebrated a recent birthday, his friend and columnist, Art Buchwald, wrote a parody on the classic, "Casey at the Bat," by Ernest Lawrence Thayer.

Mr. Kronheim is one of those exceptional Americans who has practiced brotherhood all his life. Those who are privileged to know him not only respect him; they love him. He is a real inspiration to his many friends—a man of great ability, leadership, and compassion—a living legend.

Despite his 82 years, he is in remarkable physical condition and was—and is—quite an athlete. I was, therefore, rather disappointed in the last line of Art's verse. Instead of depicting Milton Kronheim as the "villain" of the game, he should have made him a hero, because Milton Kronheim has been a hero for many, many years by helping people—thousands of them. But I still enjoyed the parody, and I am sure Milton Kronheim did, too.

Art Buchwald's parody, "Kronheim at the Bat," follows:

KRONHEIM AT THE BAT

It looked extremely rocky for the D.C. nine that day
The score stood two to four, but an inning left to play.
So, when Goldberg died at second and Wagman did the same
Judge Bazelon got up to go, leaving there the rest
With that hope which springs eternal within the human breast.
For they thought, "If only Kronheim could get a whack at that
They'd put even money now with Kronheim at the bat."
But Levine preceded Kronheim and so did Rosenbloom
The former was a duffer, the latter used a broom.
So on that stricken multitude, a deathlike silence sat
There seemed but little chance of Kronheim getting at the bat.
But Levine let drive a single to the wonderment of all
And Rosenbloom got luck and tore the cover off the ball.
And when the dust had lifted and they saw what had occurred
There was Rosenbloom at second and Levine a-hugging third.
Then from the gladdened multitude went up a joyous yell
It rumbled in the White House, it shook the Capitol.
It struck upon the monuments and rebounded up at State
For Kronheim, mighty Kronheim, was coming to the plate.
There was ease in Kronheim's manner as he stepped into his place
There was pride in Kronheim's bearing and a smile on Kronheim's face.
When responding to the cheers, he lightly doffed his hat.
No stranger in Washington could doubt Kronheim was at bat.
Ten thousand eyes were on him as he rubbed his hands with dirt.
Five thousand tongues applauded when he wiped them on his shirt.
Then when the writhing pitcher ground the ball into his hip
Defiance glanced in Kronheim's eye, a sneer curled Kronheim's lip.
And now the leather-covered sphere came hurtling through the air,
And Kronheim stood a-watching it in haughty grandeur there.
Close by the sturdy batsman the ball unheeded sped.
"That ain't my style," said Kronheim. "Strike one," the umpire said.
From the benches filled with relatives, went up a mighty yell
His grandchildren were screaming, but what I can not tell.
"Kill him, kill the umpire," shouted son, Junior, from the stand
And it's likely they'd have killed him had not Kronheim raised his hand.
With a smile of Jewish charity, great Kronheim's visage shone
He stilled the rising tumult, he made the game go on.
He signaled to the pitcher and once more the spheroid flew.
But Kronheim just ignored it and the umpire said, "Strike two."
"Fraud," cried the maddened relatives and the echo answered "Fraud!"
But one scornful look from Kronheim and the audience was awed.
They saw his face grow stern and cold, they saw his muscles strain.
And they knew that Kronheim wouldn't let the ball go by again.
The sneer is gone from Kronheim's lips, his teeth are clenched in hate.
He pounds with cruel vengeance, his bat upon the plate.
And now the pitcher holds the ball, and now he lets it go.
And now the air is shattered by the force of Kronheim's blow.
Oh, somewhere in this favored land, the sun is shining bright
The band is playing somewhere and somewhere hearts are light.
And somewhere men are laughing and somewhere children chat.
But there is no joy in D.C.; Kronheim hit the umpire with his bat.

Happy Birthday

MEMPHIS BUSINESS LEADER CITES VALUE OF U.S. SAVINGS BOND PROGRAM

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. KUYKENDALL. Mr. Speaker, under permission to extend my remarks in the RECORD, I would like to include some pertinent thoughts of one of America's outstanding business leaders on the U.S. savings bond program.

Mr. Kemmons Wilson is founder and chairman of the board of Holiday Inns, Inc. Not only is Mr. Wilson a highly successful business leader, he is also a practical practitioner of all that is best in the American system of private enterprise.

His thoughts on the value of U.S. savings bonds to the individual as well as to the Nation are well worth reading and I commend them to your attention:

SAVING WAYS TO HOLIDAYS

(By Kemmons Wilson)

Holidays are happy events on the calendars of most families everywhere. They are "time-outs" from the hurry-and-scurry of work-a-day worlds. They are renewals of the good things of living, learning, growing, understanding.

Vacations together—family style—recreate the minds, bodies, spirits of parents and youngsters alike. It is all so much a part of the promise of the American way—life, liberty and the pursuit of happiness. I know the promise so well—and its fulfillment.

Hard work is a consequence of a dream, an idea, the desire to achieve. Another key to the puzzle of progress—both personal and corporate—is saving. Setting something aside, in reserve, is the wisdom of prudence. It is the thrift of our tradition, taught around the family table. It is a requisite of sound management, re-echoed around the board rooms of industry.

There are numerous ways to be thrifty, to save, to create reserve. But, for the individual—particularly the employed person and his family—there is no safer, surer program than the Payroll Savings Plan of the U.S. Treasury.

I believe in the program. My family believes in it with me. We know that it works. I talk to guests in our Holiday Inns, wherever I go. I want to know how they feel about our system and its services. Many of them volunteer the information that they are buying Bonds; that they are saving them for holiday trips and planned vacations.

Homecoming games, graduations, group meetings and reunions (many are becoming family affairs), golf outings and the whole spectrum of sports, young marrieds discovering new vistas, those seeking the haunts of history, retired couples satisfying their wanderlust, students on leave from classrooms—all finding new corners of a great country, some for the first time; all revitalizing their thinking about places, people, customs.

All these are our guests. These too, are the savers, the Bond buyers, the wise, who exercise the priceless foresight of building their own reserves for the happy days of future pleasures.

It is the big, wonderful, wide-open world of experience, knowledge and personal satisfaction. And what broadens the outlook better than travel?

Travel is now a favorite national pastime. We are not only discovering but rediscovering our country in amazing numbers. We have the money to match the desire to witness first-hand the new, the different, the beautiful, the exciting brought to our eyes and ears by the magic of communications. We've annihilated space with transportation.

In our lifetime, travel, vacations, holidays have jumped from luxury, affluent status to within the reach of most everyone of moderate means. They are more affordable, as well as more enjoyable, thanks also to the last word in lodging and fine food at reasonable prices.

So, the Bond-buyer/Holiday Inn guest, performs his preference for both of us, because he can count on what he gets in return. Of course, that's simply the prime action of good customer relations.

He knows there's no risk involved in buying U.S. Savings Bonds. The interest rate is guaranteed and not subject to market fluctuations. If lost, stolen, damaged or destroyed, his bonds are replaced at no cost.

His savings can now earn 5½ percent, for as little as $18.75 invested in an E Bond that now matures in 5 years, 10 months. He knows also that, in case of emergency, he can redeem his Bonds with ease and certainty. If he retains his Bonds long enough, when he redeems them, he is assured of getting interest, along with the purchase price. That's unlike most other forms of savings.

Patriotically, he realizes that his Bond holdings help to protect the value of the dollar; that they help the government to sustain and add to the quality of our accustomed life. As he travels with his family past historic sites; through national and state parks; into art galleries, libraries, museums—he enjoys the pride of ownership for having contributed a share of their maintenance.

Yes, I've been a volunteer for Savings Bonds some time now. That's why our "Great Signs", at Holiday Inn locations around the country, feature messages to guests and neighbors that promote the benefits of Bonds. Holiday Inns and Savings Bonds are companions in their provision and promotion of public-service values, plus best possible returns on customer purchases.

Guaranteed reservations at guaranteed prices, plus the pleasantries of peace of mind provided by the attentive attitudes of host personnel—this is the atmosphere, these the attributes of the Holiday Inn daily adventure with the refinements of good living.

Ask almost anyone along the road to name the best assets of good living away from home. He will most likely vote for ease of comfort and convenience, temptation for his taste buds and economy of accommodation. We think we meet the measure of most who visit with us and we cherish our role of host.

Mrs. Wilson shares my belief that the Savings Bonds Program takes the person by the hand and teaches him how to develop financial security. We are very proud of her selection as "Mother of the Year". And she is a bellwether of gift-giving with Savings Bonds. We have found no more impressive nor lasting means of expressing our affection to our family; also for our country.

She believes that Bonds—and what they stand for—are excellent examples in teaching the importance of thrift to youngsters. The practice of saving encourages young people to assume responsibility for themselves; to gain poise and confidence. They also serve well in building educational funds for future use by the family.

She would tell you that I long ago had to learn how to make my own way. And she tells me that I'm a better husband and father for having done so. I do know that I discovered the enduring lesson that our lives are richer when we strive to help others, rather than merely to please ourselves. However, I've found that the Savings Bonds of Uncle Sam accomplish both—service to our country and security for ourselves.

NINETEEN SEVENTY SPEAKS

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. ADAMS. Mr. Speaker, one of my constituents, Mr. Leo Lipp of Seattle, Wash., has sent to me a poem he has written expressing his feelings at the close of 1970 and the beginning of a new year:

NINETEEN SEVENTY SPEAKS

(By Leo Lipp)

I am old and weary and somewhat dejected
From a year of strain and great turmoil.
My time is up; no, it is not unexpected
Yet some will say in vain was my toil.
Have I failed during the year to perform my mission
As my predecessors have done in the days of the past?
If so, had I heard complaint or received petition
I would have changed my course surprisingly fast.
I fell heir to a throne, by name Nineteen Seventy.
I was ruler for a year over a world filled with madness
And the heavens looked suffused with crimson for me
From the blood which stained the earth, the tears and sadness.
The ornaments on my crown, the bones of unknown soldiers;
The jewels, their wistful eyes pleading for mercy and rest.
My sword not of gold, but of steel, sharp as a razor;
My word was law. Justice? Might! Useless telling, you know best.
My throne from which I ruled was of silver and gold;
I held the fate of everyone's life in my mighty hand.
I pronounced judgment to some, kill and be killed, and to others I told,
Make more ammunition, the fight must go on from air, sea and land.
I see some wiping their tears away, their hearts filled with sorrow,
Yet, those who coin millions would say, "I hope this is not over tomorrow."
And here I am, an old and weary man, Nineteen Seventy not a year more.
How can I fulfill each one's desire—bring peace to grieving hearts—
And wealth to those who worship it and adore?
I see it cannot be done; come forward Nineteen Seventy-One, I will retire.

AN EXPANDING ECONOMY, MORE JOBS AND PRICE STABILITY

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. RHODES. Mr. Speaker, there are increasing signs substantiating President Nixon's statements that America can look forward to an expanding economy, more jobs, and price stability. Factors pointing to this include the following:

Interest rates are dropping. The prime rate has dropped 2¼ points from 8½ percent to 6¼ percent.

In the last 2 months, the Federal Reserve Board has approved the lowering of the discount rate from 6 to 5¼ percent.

We are seeing declines in consumer lending rates.

Housing starts have surged from an annual rate of 1.2 million in the first quarter of 1970 to 1.7 million in November and are headed upward.

In the last 2 months FHA mortgage rates have dropped from 8½ to 7½ percent. Conventional mortgage rates also continue to drop.

The President's policies have helped cut the rise in wholesale prices from 4.8 percent in 1969 to 2.3 percent in 1970.

Inflation has been turned around. Forces set in motion by the Johnson administration sent the consumer price index from 4.7 percent in 1968 to 6.1 percent in 1969. But in the last 6 months of 1970, the increase dropped to 4.5 percent.

In 1969 food prices rose at an annual rate of 8.2 percent; in the last half of 1970, food prices were rising less than 1 percent a year.

Personal savings rates of 7.5 percent point to expansionary days ahead as the money is released for consumer purchases.

Industrial production advanced 1.4 percent in December, the greatest rise in 3 years.

Excluding automobiles, retail sales as estimated in December of 1970 were 8 percent up from December of 1969 and 8 percent—10 percent annual rate—up from November.

The third quarter of 1970 saw an increase in the annual rate of productivity in the private nonfarm economy from 3.9 in the 2d quarter to 4.8 in the 3d quarter.

State-insured unemployment claims are going down.

State and local spending is heavy.

The President's decision to liberalize depreciation schedules will stimulate expansion of plant and equipment in 1971.

There are heavy inflows of savings into the mortgage markets.

There has been strong performance in the bond markets and the stock market has risen dramatically from its low of 1970.

Mr. Speaker, it is gratifying to know that those who seek to talk us into a depression for political purposes have failed again.

REFORM DOOR OPENED BY NIXON PROPOSALS

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. CHAMBERLAIN. Mr. Speaker, President Nixon's state of the Union message on domestic matters contains some of the most far-reaching proposals ever put before the Nation and the Congress. In the view of the editors of the State Journal of Lansing, Mich., in a statement appearing in the January 24 issue, it was a "powerful message well in tune with the times." The basic question remains, however, whether the 92d Congress will move ahead on the President's six major goals. The State Journal expresses the hope that for the good of the country it will. I commend the editorial, entitled "Reform Door Opened by Nixon Proposals," to the attention of my colleagues:

REFORM DOOR OPENED BY NIXON PROPOSALS

President Nixon's State of the Union appeal for a transfer of more power to state and local governments and his proposals for grappling with key domestic issues facing the nation made for a powerful message well in tune with the times.

Initial reaction in Congress, as expected, was along partisan lines with Democrats generally reported cool and Republicans enthusiastic. This is traditional and a picture won't start to develop until the more specific details are forthcoming.

The President, however, has zeroed in admirable on many of the most critical domestic problems facing the nation. Not the least of these is the growing public disillusionment with the massive federal bureaucracy and with the general unresponsiveness of government at all levels, stressed by Mr. Nixon in his talk.

To meet this he called for a huge federal revenue sharing program to send more money back to hard pressed states and cities. At the same time he proposed a major restructuring of the federal executive branch of government.

He also called for what amounts to deficit spending to meet the serious unemployment problem, a vast new program to improve health care and medical research and to assure that no person is denied medical treatment simply because he cannot afford it. He appealed again for action on his welfare reform proposals which were left on the congressional shelf last year, and said he would offer new programs to combat environmental pollution, provide more recreation centers for urban populations and to provide for a return to a prosperous peacetime economy which the nation has not seen in more than a decade.

He called upon Congress to give early consideration to a number of other reform legislative proposals which were bypassed last year.

As some analysts have already noted, the President's State of the Union outline is a massive challenge to the 92nd Congress to meet the critical domestic problems of the nation head-on. Some have suggested that this was politically motivated simply to put the Democratically controlled Congress on the hot seat for the 1972 election.

The latter, however, is a conclusion which would have been made by the chronic critics regardless of what the President proposed in his message. Had the President made a brief speech, suggesting nothing in particular about how to meet the nation's problems, the critics would then harp that he was avoiding his responsibilities.

The job of the President, any president, is to tell the Congress what he thinks ought to be done to meet the nation's needs. Congress can accept it, reject it, amend it or come up with alternative proposals.

Nixon, we believe, clearly made it known that he wants a break in the bureaucratic ice jam which has held up the many programs and reforms he outlined. In so doing he was responding to the national pulse.

It is significant that many of the issues Nixon discussed are the same ones which a number of Democratic leaders have been stressing in their campaign activities for a long time.

Thus it appears that the President and Congress are not terribly far apart on goals. The combat will be over the methods and priorities given to the programs.

Probably the biggest battle will be over the proposed revenue sharing with states and cities and the reorganization of the executive branch of the federal government.

Both carry a built-in demand that Congress and the massive federal agencies must surrender some of their traditional powers in the interest of more efficiency and bringing government closer to the people.

Traditionally, all such efforts have met with strong resistance in the past in Washington. But events of the last few years have made it clear that most Americans want action to reverse the steady growth of top-heavy federal bureaucracy.

It is too much to expect that either the President or the Democrat controlled Congress will put aside political infighting. But we believe the way is open for both to seek compromise and bring about the solutions which are so urgently needed.

President Nixon has provided an excellent beginning to get what he calls the "peaceful revolution" underway at last.

A NEW ERA FOR THE REPUBLICAN PARTY

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, during the last 2 weeks we have been witness to a dramatic change in the purpose and direction of one of America's two great political parties. Without question, January 1971 will surely stand in history as the beginning of a new era for the Republican Party.

In the recent past, it has been Democratic administrations that innovated while Republican administrations provided sound managerial skills, corrected excesses, and restored balance to Government. This may be a gross oversimplification, but, still, it has largely been true.

The great and historic change we have now seen is the emergence of a Republican administration that combines both functions. President Nixon has proposed domestic reforms sweeping in concept and purpose, and imaginative and innovative beyond anything proposed in the last 30 years, perhaps in this century. And yet throughout these proposals runs the same strain of commonsense and sound management that has long been the strong point of Republican administrations.

President Nixon has forcefully demonstrated that his administration is alert to the needs of our society; that he is willing to propose change where change is needed, and that he has not given up on the principles of sound government for which our party stands. It is a historic achievement, one of which every American can be proud.

COURAGE AND COMPASSION MARK WEST CONSHOHOCKEN TRAGEDY

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. COUGHLIN. Mr. Speaker, a devastating series of gasfed fires and explosions wracked the borough of West Conshohocken, Pa., in my Congressional District on the night of January 27, 1971. The toll is appalling: four dead, 35 injured and 24 homes destroyed.

While there are many questions that surround the circumstances of this tragedy, there are other things which stand out quite clearly. These are the courage and compassion of the many people whose lives became intertwined when the rending blasts tore apart masonry walls, spewed fire over the street and left families homeless.

In my county of Montgomery, we are served by volunteer firemen and that night proved once again that they stand with the best of professional firemen anywhere in competence, valor, and dedication to duty. Joseph Powers, 19, a volunteer with West Conshohocken's George Clay Fire Company, was playing a hose on a burning house after initial blasts in homes when the street erupted in explosion. The concussion caused the house's front wall to collapse. He was crushed to death.

His twin brother, James, was further away and was fighting the fire. He was injured along with other volunteer firemen.

Two children, missing the night of the fire, later were found dead. They were Michael Pruitt, 14, and his sister, Michelle, 8. Their grandfather Albert Rupp, 66, had been blown out of the house by one of the explosions and died later in the hospital.

In West Conshohocken, a community of a little more than 2,000 people with less than a square mile of area, the flags fly at half staff. Neighbors, service organizations, officials of government at all levels and individuals are working to ease the burden of the grieving and the displaced.

The courage and compassion that marked the early hours of the West Conshohocken tragedy are evidenced in the continuing efforts of countless groups and individuals. As the Congressman and formerly the State senator for West Conshohocken, my personal inspection of the site further convinced me of the widespread impact of this disaster.

Words are inadequate to comfort a mother who has lost two children and her father. Expressions of sympathy cannot console a mother who has lost a twin son. Even all our efforts to provide shelter, clothing, and food for the homeless somehow cannot make up for the terrible suffering caused these people.

The scars of the West Conshohocken tragedy will remain. But remaining also will be the indomitable spirit of the volunteer firemen of George Clay Fire Company, as exemplified by Joseph Powers' sacrifice, and of their hundreds of counterparts from volunteer companies in the county. The cooperation and courage of police, government officials and individuals certainly display the highest degree of concerned citizenship. I cannot single out any individual or group, nor would they want this, except to be known that they were tested and did not fail in their obligations to their fellow men.

To deplore and commiserate is not enough, however. I intend to do my utmost to cooperate with the Pennsylvania Public Utility Commission and others involved in investigating the reasons for these series of blasts and fires. Within Federal jurisdiction, I will propose recommendations, if the probes reveal these are necessary, for tightening Federal laws on natural gas pipelines.

Preliminary information provided to me indicated the cause may have been a crack in a weld of a 50-year-old, 16-inch steel, high-pressure pipeline. I wondered, as I viewed the devastation in West Conshohocken, just how many other pipelines might be just as old or older, might be just as susceptible to leaks or stresses, and might be just as vulnerable to circumstances which led to the incredible series of events that comprised the West Conshohocken disaster.

The very least we owe to those who died, to the sorrowing survivors, to the homeless, and to those brave citizens who were there that night is to review all regulations, making sure they are strong enough, tightening them up and enacting new ones if necessary, making certain we have stiff inspection procedures and remedies for deficiencies. Instituting procedures for immediately cutting off gas to ruptured lines, and taking every possible step to prevent a recurrence of this type of disaster.

DR. JOYCE BROTHERS LAUDED

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. LONG of Maryland. Mr. Speaker, recently Dr. Joyce Brothers received a telephone call on her television program from a New York housewife who wanted to commit suicide. Dr. Brothers stayed on the telephone with the woman until the crisis had passed.

One of my Baltimore constituents, Mr. Walton Windsor, has requested that national recognition be given to Dr. Brothers for her act of human kindness. All too often these days the helpless are cast aside or ignored. The example of Dr. Brothers is one I should like to share with my colleagues in the House.

THE AMERICAN SPIRIT

HON. RICHARD H. POFF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. POFF. Mr. Speaker, the six great goals for domestic reform which President Nixon presented in his state of the Union message are so far-reaching in concept that they have already generated great controversy in the Congress and in the Nation.

Free and open discussion about the substance of the President's proposals is entirely in the best interests of the country. However, some partisan critics have chosen to question the motives of the President in putting forth such a program.

The answer to such questions lies in a very remarkable document which I have just reread. It is a speech delivered by candidate Richard Nixon during the presidential campaign of 1968. Prepared and delivered almost 2½ years ago, it is a most unusual foreshadowing of the ideas which the President presented to the Congress in his state of the Union message.

For those of our colleagues who would like a true insight into the depth of commitment behind the President's six great goals, I am inserting this speech on "The American Spirit" in the RECORD. It was delivered by Richard Nixon on October 2, 1968, in Williamsburg, Va.

The speech follows:

THE AMERICAN SPIRIT

(Speech by President Richard Nixon)

Williamsburg is a revered place in America.

Here was the capital of Colonial Virginia; here was a revolutionary war headquarters of George Washington and here, during the Civil War, was the scene of a bloody battle between Blue and Grey forces.

In modern times, Williamsburg has been restored to its historic setting; today, men of the twentieth century can walk through a village of the eighteenth century, absorbing the mood that surrounded the men who built this nation.

It is fitting, then, to pause in the election campaign of 1968 at a place, steeped in our heritage; this is a proper moment to examine our past for some keys to our future. Perhaps we can draw some strength and gain some insight from what has gone before.

We recall the days of our Revolution, we think of the phrase "the spirit of '76." That is not just a slogan; there was a real "spirit of '76." The spirit was the driving force within most Americans of that revolutionary era.

I believe that a nation, like a person has a spirit.

I believe that a national spirit comes to the fore in times of national crisis.

I believe that each time a national spirit makes itself felt, it speaks to its own time with a different message directed to the problems of that time.

That is why a searching look at the American spirit is needed today. The American spirit, as I vision it, is not visitation of some ghost of the past; rather it is the affirmation of a deep national yearning that all of us feel today.

Whenever America falls short, that spirit appears—not to comfort us, but to make demands on us. Not to salve our conscience, but to spur our conscience.

Our history shows that as a people we have responded to these new demands each time they were made.

Almost two centuries ago, at the time of our Revolution, the American spirit demanded political liberty. And so a nation was born.

A century and a half ago, the American spirit demanded a choice in national leadership, calling for a framework that encouraged the cut and thrust of controversy. And the two-party system was born.

A century ago, at the time of our Civil War, the American spirit demanded an end to slavery and an end to sectionalism. And so the nation was born again, this time into a deeper unity.

At the turn of this century, the American spirit demanded a fair share for all in the fruits of our economic system; trust-busting was born and the labor movement gained momentum.

A generation ago, with tyranny on the march, the American spirit stirred again; a new internationalism was born, and America shouldered her world responsibilities.

With hindsight, we can now see how the American spirit reappeared time after time in our history; looking back, it is easy to detect its differing demands and the great changes it achieved.

But the Americans living through those times did not have the benefit of hindsight. The men who gathered at places like Williamsburg two centuries ago were not then a distinguished group of statesmen known as Founding Fathers—they were a band of practical idealists risking the gallows by talking of revolution.

The great eras of changes are clear enough for us in retrospect. But to the men living through those times, America was upset and uncertain; strong cross-currents of opinion roiled the waters and hatreds flared.

That is the kind of era we are going through right now. The textbooks of the next century—if textbooks are still in use—may sum up the new demands of the American spirit in a sentence or two. But now it is up to us to work it out for ourselves.

Here in 1968, what is missing from American life that has called up this spirit of change? What void in each one of us needs to be filled?

Of course, we think first of the obvious answers. We need peace in the world; we need the good life for all; we need justice for all, in the framework of law. But let's go a step beyond.

We are told of a man who was seen digging around the walls of his house; when he was asked why, he gave this strange and intriguing answer: "I am letting the dark out of my cellar." That is what we must do now; as we dig for the demands of change, we must let the dark out of our cellars.

I believe that an underlying reason for the feeling of emptiness in so many hearts today stems from the loss of personal freedom.

I believe that the American spirit is reappearing now to demand the return of that personal freedom.

As in our past, these demands are thundered in stormy times. Some of us are all too noisy; some of us are all too silent; but each of us knows that this is the time to stand up for his own individual identity.

We won our fight for political freedom two centuries ago; we won a battle for human freedom a century ago; today, we are in a fight for our personal freedom.

Personal freedom, to me, is at the root of human dignity.

Personal freedom is room to turn around in life. It is the right to grow in your own way, to learn what is not yet being taught; it is both the right to privacy and the right to participate.

Personal freedom is not a license to disrupt, but it is a liberty to dissent; not a duty to destroy, but an obligation to challenge.

Personal freedom will not ensure that every man will get all he desires; it will ensure that every man will get all he deserves.

Those Americans who once had personal freedom and lost it, now want it back; those who never had it at all, want it now.

In striving for a worthy goal—security—we have lost a worthy asset—individuality, the hallmark of personal freedom. In trying to provide for the material needs of all, we have stolen from the personal freedom of each.

Where did we lose our way? Where did we begin to trade away our personal freedom?

Some would say we lost our way when we began our ever-expanding welfare programs. Others would say we lost our way when we took on the responsibility of helping to defend the free world.

I don't agree. These were steps that changed the course of history; these were steps in the right direction.

We were right to want to help the poor, the sick, the unemployed, the elderly. We were right to want to help advance the cause of democracy around the world.

But in making these advances, we lost something. We became so busy doing so much for the "people" that we forgot about the person. We became so obsessed with the collective needs that we overlooked the individual need.

At first we didn't feel the loss. Our American system had so much momentum; there was so much to be done and so much to do it with. We could not detect the slow erosion of our personal freedom, the gradual diminishing of human dignity.

But now, a generation later, we feel it. And we miss what we lost. We miss it in the feeling so many Americans have of being hemmed in; of being a cog in a huge machine; of being no longer in control of our own lives; of not having our own important say in the direction of our communities and our nation.

Well, what are we going to do about it? We cannot turn back the clock; we must not undo all the good we have done, as we try now to regain the freedom we have lost.

Nor can we throw up our hands and say that one man does not count anymore—that we've traded personal freedom away for the security of a big, paternal government.

We do have another choice. We must find a way to make government work for all of us without dominating any one of us. We have to establish new respect for the qualities of initiative, personal sacrifice, and readiness to seize opportunity, that made the individual American the wonder of the world.

And we have to reawaken this respect the hard way: without tearing down the structure we have built to help those who cannot help themselves.

That is why a political promise of "more of the same" is wrong, and why a promise of "less of the same" is just as wrong. We need neither more nor less of the "same"—we need an approach that is entirely different.

Welfare is too important to be left to the Welfare Staters. We are going to change our welfare system to make it fit the American system, to provide each person with a means of escape from welfare into dignity. This is not an impossible dream. America needs it: with leadership that understands the American spirit, America is going to get it.

And that's not all. Each of us wants to get back that sense of participation in government, that hand in our own destinies.

We are going to reverse the flow of power to the Federal Government in Washington, and channel more power back to the states and localities. Tax sharing; bloc grants; decentralization; local option; community participation; this is the direction I believe America is about to choose.

What's more, the pendulum is going to swing back to an emphasis on individual opportunity. But something new will be added; genuinely equal opportunity, starting from childhood. The industrious person will get ahead and the lazy man will fall behind, no matter what their background or heritage or skin color.

How can I be so certain about all this?

Because I believe that is what the American spirit now demands. Because the American people are not "the masses"—they are 200 million individual persons who are discovering what they have lost, and are determined to get it back.

Our present leaders are out of touch with this new mood and cannot comprehend this new need. They see the future as bearing down on us. They are fearful of the future, fearful of the change it will bring, and they brace themselves for the shock that they know will come.

In the eyes of the fearful, tomorrow is a threat that must be faced; in the eyes of the hopeful, tomorrow is a vision that must be realized.

An American poet put it this way: "dive for dreams, or a slogan may topple you." We must turn away from the old slogan that trigger responses that are no longer responsive; we must dive for the dreams we can make come true.

The way to the future is not along the path of least resistance. We will only earn back our personal freedom along a path of great resistance.

The American spirit is presenting its demands today, as it did in different terms to generations before us. Once again, those demands require sacrifice and ingenuity:

The American spirit demands an explosion of education into the mind of every child in every corner of this land;

It demands a career—not just a job, but a career—open to every man and woman who has the capacity to get ahead;

It demands an end to the slamming of doors, with the answering echo of gunfire that we have heard in the past;

It demands a plunge into community service by each of us, rather than delegating compassion to government;

The American spirit of today demands that the helpless be cared for, and the hopeless be cared about;

It demands that there be greater rewards for initiative and hard work and self-reliance;

It demands that privacy be respected, that the individual be respected, that the law be respected.

Most of all, the American spirit today demands the self-determination of the human being. This means a shift from Federal rule to home rule, a shift from faceless manipulation to personal participation.

There is a mystery to America that its detractors have never been able to grasp.

Just when our idealism appears to be swamped in a sea of material wealth; just when our native morality seems to be flooded by a wave of crime and disorder; just when our international power and prestige appear frustrated by the ineptness of our leadership—something remarkable happens.

The American spirit wells up and we snap out of it. We let the dark out of our cellar. We choose new leaders with new ideas and we tell them we're ready to make any sacrifice required to set our nation right.

We don't ask new leadership to put us back to sleep. We don't ask new leadership to fix everything without bothering us. Instead, we demand to know what we need to do—what each individual one of us must do.

At watershed moments like these, the unconquerable American spirit comes alive. We stand at a pivot point; the nation is poised to turn and move in the direction the spirit of America demands.

That is why I have been saying that the choice in this election year is perhaps the most important in our lives. If we fail to seize this moment, if we let slip this chance to recapture our personal freedom—the moment may never come again in our lifetime.

Therefore, let us not lightly dismiss the agony of the American spirit today as only "growing pains."

Let us recognize it as hunger pangs, for now is a time that our body politic hungers for new directions, new answers to new needs.

At moments like these throughout our history, it has been America's genius and good fortune to satisfy this appetite for orderly change. This generation of Americans shall not be the first in 200 years to deny the demands of the American spirit.

Rather, I believe this generation will choose to rise to the challenge: we shall promote the general welfare, yes—but we shall preserve our personal freedom as well.

We shall hold fast to the quality that made America great, as we reach out for new qualities that will make America greater.

Woodrow Wilson described the challenge of such a moment. The year was 1913. The nation was badly torn; a third party movement had split the majority vote. There was war in the Balkans that threatened to spread to the rest of the world.

In his first Inaugural Address, this is what Wilson told his countrymen: "Men's hearts wait upon us; men's lives hang in the balance; men's hopes call upon us to say what we will do. Who shall live up to the great trust? Who dares fail to try?"

In this campaign, my fellow Americans, we can feel the American spirit stirring.

It calls upon us to make a mighty effort to rekindle our hope, our courage and our passion for personal freedom. We dare not fail to try.

The American spirit today demands an awareness of the need for change.

It requires the exploration of new horizons of justice.

It insists on the rediscovery of the worth of the individual.

It will accept nothing less than a reach for greatness.

The next President of the United States could possibly serve until 1976, the 200th anniversary of the birth of our nation.

The next President will lead this nation in its reach for greatness only if he summons a new "spirit of '76"—a spirit conceived in old glories, born to speak to its own time, destined to shape a glorious future.

A TRIBUTE BY NEWSPAPER EDITOR JIM FAIN TO THE HONORABLE WILLIAM M. McCULLOCH

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. WHALEN. Mr. Speaker, I am sure that most Members of the House are aware of the fact that our distinguished colleague, the gentleman from Ohio (Mr. McCulloch) currently is hospitalized following a second operation stemming from a fall he experienced last year.

Bill McCulloch's confinement prompted the editor of the Dayton Daily News, a newspaper which circulates in Bill's district as well as my own, to reflect on what kind of a man the Fourth Ohio District has in Congress. In his column, Jim Fain frankly states what we all know to be a fact about him:

Bill McCulloch is my idea of what a servant of democracy ought to be. He is high-minded, fair, dedicated, self-effacing. He puts the welfare of the country ahead of political advantage.

Bill's career in Congress has proven his dedication to the Nation. His approach to government is a model for all of us to emulate.

I know that my colleagues join me in wishing Bill McCulloch a speedy recovery so that we may have the benefit of his guidance and inspiration in the 92d Congress.

Mr. Speaker, at this point in the Record I would like to insert the text of the column written by Mr. Fain:

[From the Dayton (Ohio) Daily News, Jan. 13, 1971]

Rep. McCulloch—A Medal for a Political Hero

Washington.—People work off more distemper on politicians than on baseball umpires—or even newspaper editors.

There's nothing fair or logical about this. A politician is a man of considerable talent and endurance. The citizen has no right to use him as a punching bag; he ought to be grateful instead. But the custom is embedded, as American as mom's pizza pie.

All of which is brought to mind by the fact that one of Ohio's truly great public servants is seriously ill in John Hopkins hospital in Baltimore and is entitled to the prayers and best wishes of the people he has served so well.

He is Rep. William M. McCulloch, Republican of Piqua, who has represented the Fourth Ohio District in Congress since 1947 and who was a member of the Ohio House of Representatives for six terms before that.

Bill McCulloch is my idea of what a servant of democracy ought to be. He is high-minded, fair, dedicated, self-effacing. He puts the welfare of the country ahead of political advantage.

The best example came several years ago in the in-fighting over a tough, realistic civil rights law. Mr. McCulloch is the ranking Republican on the House Judiciary committee, the main cockpit in which that battle was fought.

Not many congressmen wanted to maneuver one way or the other on so controversial a measure in the full spotlight of floor action. The place to cripple the bill was by the amendment process in committee. Bill McCulloch and Rep. Emanuel Celler, the ranking Democrat and committee chairman, refused to let that happen.

They stood shoulder-to-shoulder, constructed a meaningful bill, then defended it against all comers, in committee and on the House floor.

Not to take anything away from Celler, who has been an outstanding congressman, but Bill McCulloch's role was by far the more courageous. Celler represents a Brooklyn district with a sizable black population. At that time, McCulloch's district was comprised entirely of rural and semi-rural Ohio counties north of Montgomery.

McCulloch had no black constituency to speak of. He had nothing to gain politically. On the contrary, he had a good bit to lose. Prejudice is not unknown among whites in his district. But he is a man of principle and be believed in what he was doing.

That kind of philosophy and courage has illumined Bill McCulloch's entire quarter century in Congress. He has the respect of just about everybody who counts in Washington. He is highly regarded, on the Hill, in the executive branch, in the judiciary and among the hard-bitten Capitol press corps.

Last year the 69-year-old congressman suffered a fall at his home, which caused some blood clotting. He has been plagued with complications ever since and currently is hospitalized, as he has been for some time, at Johns Hopkins.

Here's wishing him a speedy recovery and here is one loud witness that the citizens of Ohio owe this old-school gentleman a great deal. Politics is a rough, demanding, cruel business. The men who endure its hardships and go on to offer a brand of enlightened service that has characterized Congressman McCulloch are the heroes who make democracy workable.

NEEDED BILLS TO MEET PRESSING PROBLEMS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. CHARLES H. WILSON. Mr. Speaker, as the 92d Congress convenes, our Nation faces problems of gigantic proportions that must be met and overcome. We, in Congress, as the elected representatives of the people, are assigned the responsibility of providing the necessary leadership required to effectively combat these maladies afflicting our country. New ideas must be brought forth and then implemented if we are to succeed in our struggle against poverty, malnutrition, pollution, and crime. Our resources must be marshaled and utilized more effectively. Reforms of existing programs must be instituted to eliminate waste and misdirected activities. But above all, we, the Members of the 92d Congress must acknowledge the task before us and pledge our untiring efforts to meet the mandates imposed upon us by the American people.

Today I am introducing five bills that I sponsored during the 91st Congress that unfortunately were not acted upon. These bills touch on four major areas of concern: health, crime, pollution, and the economy. They are good bills, bills worthy of your support and your vote.

The first bill that I am sponsoring is the Federal Drug Abuse and Drug Dependence Prevention, Treatment and Rehabilitation Act of 1971. Last session over 75 of my colleagues joined me in sponsoring this badly needed legislative proposal. The Senate under the able leadership of HAROLD HUGHES of Iowa passed it in the closing days of the last session. Hopefully both bodies of the Congress will take such action during the 92d and the proposed Federal Drug Abuse and Drug Dependence Prevention, Treatment and Rehabilitation Act will become law. I personally intend to solicit cosponsorship of this measure within the next few weeks.

The second and third measures that I am putting forward today deal with the economic plight we are in. I intend to establish through these legislative proposals a framework to provide for economic conversion of our industries. The transition from a war oriented to a peacetime economy, which hopefully is taking place, must be planned and coordinated. The economic conversion bill I reintroduce today will help accomplish this. With unemployment up to 6 percent, with the GNP down for the first time in 12 years, with cutbacks in spending in every area of the economy, clear and accurate measures must be established to meet these grave dangers to the well-being of the American people.

In a more specific area, one in which I have a very personal concern, I am also introducing legislation. This area, the decline of the aerospace industry, cannot be allowed to continue. I have often stated that I consider the members of the aerospace team to be a national resource that must be protected. The loss of these skilled individuals would represent a loss that I do not think this country can tolerate. Consequently, I am reintroducing my own resolution calling for a redirection of the members of this fine group into meeting our domestic problems, particularly environmental pollution. The professionals at NASA as well as those at our aerospace firms can make invaluable contributions in this regard. I intend to see that their skills are not lost to us.

The next bill that I am sponsoring today also deals with the environment. It is of particular interest to the people of my district who live near Los Angeles international airport but affects citizens throughout the land. The bill will provide for a comprehensive program to control an environmental polluter, noise. This matter is not limited to jet aircraft noise which is a serious problem of itself but goes to the whole area. Doctors have evidence that excessive noise is both physically and psychologically harmful to humans. In my own Congressional district we have had to close two schools due to this problem. The din created by huge trucks on highways and streets, the rat-a-tat of the pneumatic drill and the pile driver, the blasting of a stereo that comes through the paper thin walls of modern apartment houses are all taking their unseen toll on us. I am therefore calling for the Surgeon General to investigate this matter through an office specially set up under his jurisdiction. The proposal also provides enough funding to make their work effective.

Finally, in the area of law enforcement and crime, I am resubmitting a bill to assist in combating crime by reducing the incidence of recidivism. This I feel can be accomplished only by instituting a sweeping reform of our correctional institutions, from the local jail house to the Federal penitentiary. Today our prisons do not rehabilitate as they should. Rather they harden inmates and act as schools for crime, insuring the first offender the chance to become a second offender.

Punishment alone is illogical and unproductive. Our penal institutions should be places where men and women who have committed wrongs, atone for their crimes and are also provided the opportunity to return to society in the hope of living an honest and worthwhile life. My bill will help in this direction.

While undoubtedly many other needed and worthwhile bills will be introduced today, several of which I am joining my colleagues in cosponsoring, I wanted to call your attention to these specific measures that I have submitted to the Congress today. The need to meet the myriad of problems that the United States faces today is urgent. These needs must be met by the 92d Congress for time is running out on us all. We must act affirmatively and constructively before it is too late.

THE DRAFT AND POVERTY IN THE ARMED FORCES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, one of the most unfortunate consequences of the draft has been its effect on military pay. Since conscription forces the young men of our Nation to join the Armed Forces regardless of the pay rate, there has been little incentive for policymakers to establish a reasonable compensation policy for junior enlisted men. The President's Commission on an All-Volunteer Force noted in its report last spring that pay for career personnel was increased by 111 percent between 1948 and 1969, but by only 60 percent for first termers during that period. As a result, many young servicemen are having a most difficult time trying to make ends meet. We must enact the recommendations of the President's Commission if we are to remove the financial penalty which is now associated with military service.

The problem of poverty in the Armed Forces should be the concern of every Member of Congress. I commend this item from Stars and Stripes to your attention:

MANY GIs CALLED POVERTY-STRICKEN

(By John Pilger)

NUERNBERG, GERMANY (S&S)—A tremendous number of low-ranking USAREUR enlisted men are living in a state of poverty, an Army doctor said here.

Dr. (Capt.) Fletcher Hamilton, chief of the neuro-psychiatric clinic at the 130th General Hospital, claimed that, because of low pay and lack of resources, a significant number of soldiers are suffering breakdowns.

Hamilton has started a movement to generate congressional pressure, with the aim of bettering the lot of low-ranking enlisted men.

"Our program," said Hamilton, "is primarily for the men in grades E1 to E5. We don't deny that other soldiers can have problems, too, but these are the guys who get hit the hardest, and they really need help fast."

According to Hamilton, there is a definite "debt cycle" that many enlisted men unwittingly get into.

"Take an average Pfc. who is married" Hamilton said. "He comes to USAREUR without his wife, since she won't be command-sponsored.

"With his low pay, he usually has to take out a loan to get her flown over. Then there is the matter of an apartment."

An informal study of E5 and lower-ranked soldiers assigned here to the hospital shows, he said, that the average rent is $112 per month.

"Then there are the purchases needed to stock a house. In the end the man is left with maybe $40 a month to feed himself, his wife, and maybe even a child."

While there is no rule that states that a soldier can or cannot bring his wife to Germany, Hamilton said that having his family with him is very important to his well-being.

Since many soldiers in these grades are newly married, it could be disastrous to separate the family, Hamilton said, pointing out that the first 18 months of a marriage are the most important and hardest, since that is the period of adjustment.

The doctor said many soldiers—including a high percentage of new husbands—find themselves sent to Vietnam for a year, and then are given direct assignments to Germany for two or three years.

"If he does not fly his wife over, it means a separation of three or more years," said Hamilton, adding that "this could ruin a marriage before it even starts."

But what can be done for those GIs who do bring their wives to Germany?

The ideal, Hamilton says, would be command sponsorship of the wives. But, on a more immediate basis, there are several changes which could be made, according to Hamilton.

In the United States, the Agriculture Department issues food stamps, which, Hamilton said, are approved for use in commissaries.

Hamilton's group is calling for issuing these stamps, which would greatly expand a soldier's purchasing power in a commissary, to GIs in USAREUR.

Hamilton also points out that a significant pay hike should be approved for the lower grades.

"It should be a sliding one, however," he said, "giving the most money to the enlisted men who really need it . . . not to us officers who already make enough to get along quite well."

What he considers a "significant hike" is at least 60 percent, if not more.

Hamilton also sees the need for a federally run poverty program in Europe to aid soldiers.

Another major point is that there should be a renegotiation of the Status of Forces Agreement (SOFA).

Portions of SOFA could and should be changed to allow dependent wives to take many of the jobs now available solely to local nationals, he maintains.

"The German economy is in great shape," the doctor said. "Germans don't really need the jobs which we are offering to them. Our own military families need them so they can survive."

While at first it might seem that a neuropsychiatric clinic is a rather strange place to begin a movement toward these reforms, Hamilton explained that it is "really quite natural."

"In our job, in our daily work, we see the soldiers and their wives who have problems. We are in a better position, perhaps, to fully understand the cause-and effect relationship which exists.

"We see that a lot of the breakdowns are directly attributable to the fact the GI is here without his family, or if here, the marriage is in serious trouble because the soldier has to live in a constant state of poverty and indebtedness.

He said, "We have cases in the hospital right now which demonstrate this. The wife of a Spec. 4 who is about to deliver her child is in poor physical condition because they don't have enough money each month to purchase adequate food.

"Her husband is forced to go out on summer nights and raid farmers' vegetable patches to get enough food to survive."

Hamilton also said this is but one of many similar cases.

"The problems of the GI in USAREUR are double or even triple those of a soldier stationed in CONUS.

"In many respects they are even more severe than those of men stationed in Vietnam. Although it isn't classified as such, this definitely is a hardship tour."

The movement sparked by Hamilton and generated from the clinic here is slowly expanding.

Thursday Hamilton is scheduled to present his views and hopes to a meeting of neuropsychiatric personnel at a two-day meeting being held at the Landstuhl Medical Center.

Hamilton's goal is simple: to generate a letter-writing campaign to congressmen and Pentagon officials, which will have enough pressure behind it to bring about some of the urgent reforms he claims are needed.

THE NEGLECTED DEBATE

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. RIEGLE. Mr. Speaker, in this morning's Washington Post, there appeared an excellent article written by David Broder pointing out that election periods have never yielded any adequate definitive treatment of the Indochina war issue. Last Sunday's Gallup poll reported that 73 percent of American voters now feel that we should have a fixed date of total withdrawal from Vietnam by the end of this year. Hopefully, all elected officials and both major parties will work—much harder and much more openly—to clarify this issue and define for the American people exactly what the specific policy alternatives are. A copy of the article follows:

THE NEGLECTED DEBATE

(By David S. Broder)

A question the historians of this era will have to confront is how the Indochina war issue, which has dominated so much of the national debate, escaped definitive treatment in any of the national elections of the period.

In 1964, Lyndon Johnson ran and won on a pledge to avoid American troop commitments to Vietnam, and less than a year later sent the first large-scale combat forces to that country.

In 1966, when the costs of that policy were already becoming apparent, the leadership of the Republican opposition nonetheless endorsed its essential assumptions and strategies. The voters handed Mr. Johnson and the Democrats a massive repudiation on other issues, but his response was further escalation of the level of troops and warfare.

In 1968, the failure of that policy drove him from office, but the general election campaign between Hubert Humphrey and Richard Nioxn produced bipartisan expressions of support for the new American policy of remaining in Vietnam until negotiations guaranteed the survival of a non-Communist government in Saigon. Richard Nixon was elected on the promise of a plan to end the war, but not until long afterward did he reveal that his plan was to reverse the Johnson strategy and begin withdrawing American troops before a political settlement was reached.

Before the 1970 election, the Cambodian invasion had made it clear that the new strategy might involve increasing American intervention in other countries of Southeast Asia. There was heated debate in Congress, but little of the controversy carried over into the 1970 campaign.

Instead, for the fourth time in as many elections, the voters were assured that there was no real disagreement between the parties over Indochina strategy—and were invited to consider other issues. And now, as before, we can see a new strategy emerging in the post-election period, a strategy of expanded military action aimed at protecting non-communist governments, not just in Vietnam, but in all of Indochina. We find again that the controversy that was not vented in the campaign is boiling in Congress and the country.

It is a dreary cycle, and hardly an advertisement for the efficacy of the two-party system. But it may be, however, that the pattern of political deceit, in which both parties have participated, is coming to an end.

Public opinion and opposition party strategy appear to be coinciding at last in a proposition that may be explicit enough to provide an electoral mandate for a substantive decision on our policy in Indochina—something there has never been since 1964.

Last Sunday's Gallup Poll reported that 73 per cent of the American voters now support congressional action to withdraw all U.S. troops from Vietnam by the end of this year.

That is one-third more than favored the same proposition last September, and it now commands heavy majorities among Democrats, Republicans and Independents.

It is a clear, explicit proposition—even if all its consequences probably have not been thought through by its adherents in the public. And it happens to be a proposition supported by almost all the men in contention for next year's Democratic presidential nomination.

Sen. George McGovern initiated the proposal, and it has been endorsed by his colleagues and potential competitors, Edmund Muskie, Birch Bayh, Harold Hughes and Edward Kennedy. Only Sen. Henry M. Jackson among the Democratic hopefuls is clearly on the other side, with Hubert H. Humphrey reserving judgment on the matter for the time being.

The leading Democratic proponents have acknowledged that the price for fixing a final date for American withdrawal may well be the overthrow of the present governments in Saigon, Pnom Penh and Vientiane. But they argue that those governments are not essential to America's interests and that a fixed timetable for withdrawal offers the only way to end America's combat role in all of Indochina, to secure the release of our prisoners and to close out the ghastly history of that misguided intervention.

It is a proposal Mr. Nixon would surely reject today, and his opposition is sufficient to block its passage in Congress. It may be that Vietnamization may moot the issue by 1972, or it may be that before the campaign begins, Mr. Nixon himself may be willing to set a final date for withdrawing all American forces.

If not, the proposition may well become the center-piece of presidential campaign debate. It could at long last provide the vehicle for a public resolution of this top-long-postponed Indochina policy question.

FEDERAL CIVILIAN EMPLOYMENT, DECEMBER 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. MAHON. Mr. Speaker, I include a release highlighting the December 1970, civilian personnel report of the

Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, DECEMBER 1970

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of December was 2,875,228 as compared with 2,880,346 in the preceding month of November. This was a net decrease of 5,118.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of December totaled 2,838,317. This was a net decrease of 5,094 as compared with employment reported in the preceding month of November. Employment by months in fiscal 1971, which began July 1, 1970, follows:

Month	Executive branch	Increase	Decrease
1970:			
July	2, 942, 517		−1, 595
August	2, 901, 856		−40, 661
September	2, 851, 875		−49, 981
October	2, 838, 664		−13, 211
November	2, 843, 411	+4, 747	
December	2, 838, 317		−5, 094

Total employment in civilian agencies of the Executive branch for the month of December was 1,682,363, an increase of 1,010 as compared with the November total of 1,681,353. Total civilian employment in the military agencies in December was 1,155,954, a decrease of 6,104 as compared with 1,162,058 in November.

The civilian agency of the Executive Branch reporting the largest increase during December was Post Office with 3,959. Agriculture Department reported the largest decrease with 4,176. These changes were largely seasonal.

In the Department of Defense the largest decreases in civilian employment were reported by the Army with 4,709 and the Navy with 930.

Total Executive Branch employment inside the United States in December was 2,628,610, a decrease of 1,324 as compared with November. Total employment outside the United States in December was 209,707, a decrease of 3,770 as compared with November.

The total of 2,838,317 civilian employees of the Executive Branch reported for the month of December 1970 includes 2,523,542 full time employees in permanent positions. This represents a decrease of 3,634 in such employment from the preceding month of November. (See Table 2 of accompanying report.)

The Executive Branch employment total of 2,838,317 includes some foreign nationals employed abroad, but in addition there were 101,395 foreign nationals working for U.S. agencies overseas during December who were not counted in the usual personnel reports. The number in November was 101,916.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of December totaled 29,813, a decrease of 146 as compared with the preceding month of November. Employment in the Judicial Branch in the month of December totaled 7,098, an increase of 122 as compared with November.

DISADVANTAGED PERSONS

The total of 2,875,228 reported by the Committee for November includes 20,000 disadvantaged persons employed under federal opportunity programs, an increase of 1,371 over the preceding month of November. (See Table 4 of the accompanying report.)

In addition, Mr. Speaker, I include a tabulation, excerpted from the Joint Committee report, on personnel employed full-time in permanent positions by executive branch agencies during December 1970, showing comparisons with June 1969 and the budget estimates for June 1971:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969[1]	December 1970[1]	Estimated June 30, 1971[2]
Agriculture	83, 425	82, 527	85, 600
Commerce	25, 364	27, 689	28, 400
Defense:			
Civil functions	31, 214	29, 733	30, 900
Military functions	1, 225, 877	1, 090, 441	1, 079, 500
Health, Education, and Welfare	102, 941	103, 798	105, 300
Housing and Urban Development	14, 307	14, 859	16, 000
Interior	58, 156	55, 647	58, 000
Justice	35, 106	39, 186	43, 600
Labor	9, 723	10, 452	11, 600
Post Office	562, 381	567, 631	585, 200
State	24, 658	23, 226	23, 600
Agency for International Development	15, 753	13, 893	14, 000
Transportation	60, 386	66, 217	69, 600
Treasury	79, 982	87, 182	93, 500
Atomic Energy Commission	7, 047	6, 948	7, 000
Civil Service Commission	4, 970	5, 219	5, 500
Environmental Protection Agency		[3] 4, 552	6, 700
General Services Administration	36, 176	36, 440	39, 900
National Aeronautics and Space Administration	31, 733	29, 677	29, 900
Office of Economic Opportunity	2, 856	2, 352	2, 500
Panama Canal	14, 731	11, 450	14, 800
Selective Service System	6, 584	6, 702	6, 500
Small Business Administration	4, 099	3, 941	4, 100
Tennessee Valley Authority	11, 987	13, 194	13, 300
U.S. Information Agency	10, 500	9, 845	9, 900
Veterans' Administration	147, 606	149, 795	154, 400
All other agencies	26, 200	30, 691	29, 700
Contingencies			5, 000
Subtotal	2, 633, 762	2, 523, 287	2, 574, 000
Public service careers program		255	
Total	2, 633, 762	2, 523, 542	2, 574, 000

[1] Excerpted from the December 1970 personnel report of the Joint Committee on Reduction of Federal Expenditures.

[2] Source: As projected in 1972 budget document; figures rounded to nearest hundred.

[3] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council, and Atomic Energy Commission.

THE AGE STRUCTURE OF POLITICAL POWER

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. HARRINGTON. Mr. Speaker, the December 1970 issue of the American Statistician contains an article which bears factual witness to the proposition that political leaders are severely estranged by age from the average age of citizens.

The article "The Age Structure of Political Power" is by Ernest Rubin, who is associated with the Department of Commerce, American University, and the American Statistical Association.

Mr. Rubin concludes his article with a most perceptive question and statement:

> Can innovative, suggestive, creative concepts originate and develop, be exploited and executed when the fountainheads of political power are concentrated in the upper quartiles of the age distribution? Politics may be a game like chess, neither an art nor a science, but the age factor influences how you play it. Unlike chess, however, the consequences of politics are real.

The article follows:

THE AGE STRUCTURE OF POLITICAL POWER

(By Ernest Rubin)

On June 22, 1970 a law was enacted in the United States setting 18 years as the minimum age for voting.[1] The traditional age requirement in this country had been 21 years. In a sense the new law reflects the mood of the time with its special concern over the present generation gap. A related phase of this perennial controversy of youth versus age is found in the criticism of political leaders and institutions, including the seniority selection system of choosing chairmen for Congressional Committees. It is of interest to explore statistically the age distribution of formal political power in the United States at the national level. The following discussion should be considered as an exploration in political demography.

Formal political power at the national level embraces elected or appointed officials. There exists three political divisions under the Constitution and laws of the United States. These are the executive and legislative branches which require the election of the President and of the Congress, and the Federal judiciary, which depends upon nomination by the President and confirmation by the Senate.

Since 1789 there have been 37 Presidents of the United States. Article II Section I paragraph 4 of the U.S. Constitution states in part that ". . . neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years . . . "The age range of the presidents at time of inauguration is 42 through 68 years; for vice presidents the range is slightly broader, 40 to 72 years. Table 1 provides the age distributions of presidents and vice presidents. The average age of presidents at time of inauguration is about 55.0 years and that of vice presidents 55.5 years.

An examination of the ages of president over the 180 year period, 1789–1969, indicates a modest through discernible downward trend, that is, relatively speaking presidents are getting a little younger. In the period prior to the Civil War, 1789 to 1860, there were 15 presidents, 5 of whom were over 60 years of age at inauguration. The average age of these presidents is over 57 years. The age range for the pre-Civil War presidential group is 48 to 68 years. For the period 1861–1969 there were 22 presidents, two of whom were over 60 years old. The age range for this group is 42 to 62 years and its average age is about 53 years. The data on the ages of presidents and vice presidents for the entire period 1789–1969 suggest that the contest for the highest elective post in the United States is not a young man's game. Since the duration of the presidency lasts as a general rule between four and eight years, most presidents reach their 60's during their term of office.

TABLE 1.—AGE DISTRIBUTION OF PRESIDENTS AND VICE PRESIDENTS OF THE UNITED STATES AT TIME OF TAKING OFFICE, 1789 TO 1969

Age group	Presidents	Vice Presidents
40 to 44 years	2	4
45 to 49 years	5	5
50 to 54 years	11	13
55 to 59 years	12	5
60 to 64 years	5	3
65 to 69 years	2	7
70 to 74 years	—	1
Total	37	38
Average age	55. 0	55. 5
Standard deviation	6. 0	8. 2

Note: On the discrepancy between the number of Presidents and Vice Presidents, Grover Cleveland, who served 2 alternate terms is counted as the 22d and 24th President. He had 2 different Vice Presidents. Franklin D. Roosevelt, who is counted as the 32d President, was elected for 4 terms and had 3 different Vice Presidents.

Source: The 1970 World Almanac and Books of Facts (Newspaper Enterprise Associat'on Inc., N Y., 1970).

Footnotes at end of article.

TABLE 2.—THE AGES OF SELECTED U.S. PRESIDENTS AND THEIR CABINETS, 1789-1969

President	(Year)	Age of President	Average age of Cabinet	Age range Low	Age range High	Number in Cabinet (excluding President and Vice President)
Washington	(1789)	57	39.6	36.0	46	5
Jackson	(1829)	62	47.5	39.0	50	6
Lincoln	(1861)	52	58.4	48.0	63	7
Cleveland	(1885)	48	54.9	51.0	60	8
Wilson	(1913)	57	50.6	47.0	55	10
Franklin Roosevelt	(1933)	51	58.7	45.0	71	10
Kennedy	(1961)	43	48.1	36.0	63	11
Nixon	(1969)	56	55.1	47.0	64	12
Average (in years)		53.3	51.9	43.8	59	

Source: Webster's Biographical Dictionary (1st ed. G. & C. Merriam, Massachusetts) and the 1970 World Almanac and Book of Facts (Newspaper Enterprise Association, Inc., N.Y. 1970).

A considerable distribution of political power derives from the President through his Cabinet. It is, therefore, of some interest to examine the age structure of presidential cabinets. Table 2 provides age data for the cabinets of eight presidents (a non-random selection). The age range for these cabinet members is 36 to 71 years, while the average age range for the eight cabinets is 44 to 59 years.

For the data in Table 2 a rank correlation coefficient of −.5 was computed between the age of the president and the average age of his cabinet. For this non-random sample an inverse relation exists between the age of presidents and the average age of their cabinets. Of the eight selected presidents (Table 2) the four youngest presidents (Kennedy, Cleveland, Roosevelt and Lincoln) had cabinets with a substantially higher average age while the three oldest presidents (Washington, Jackson and Wilson) had cabinets of significantly lower average age. In one case, Nixon, the average age of the cabinet is almost equal to that of the president. In the aggregate, however, the average presidential age of 53.3 years is slightly over the average age of cabinets of 51.9 years. In general, presidents primarily select cabinet members within a half dozen years of their own age; almost all cabinet members are of the same generation as the president.

The U.S. Constitution sets the minimum age qualifications of candidates for Congress, to wit, 30 years for Senators and 25 years for Representatives.[3] In this examination of the legislative branch I will be concerned only with the age structure of the Senate.

The number of Senators and their average age at time of taking office for the period 1789-1966 is given in Table 3. Before the Civil War there were 571 Senators with an average age of 45.4 years. The average has risen substantially since 1860 with a slight downturn for the period 1931-66. For the entire group of 1,619 Senators covering the period 1789-1966 the average age is 49.3 years.

The age distribution of the U.S. Senate on January 1, 1968 is shown in Table 4. It will be observed that the average age of the Senate at that time was 58.7 years, with a standard deviation of 10.25 years. Senators are elected for a period of six years[4] and many are reelected several times. The age range for the Senate of 1968 was 35 years to 94 years, a span of more than two generations, or a two generation gap within the Senate itself.

The rules of the Senate further accentuate differences between the social and economic mores of its members and those of the general population. This result occurs because of the seniority method of selecting committee chairmen. On August 24, 1970 Senator Robert Packwood attacked in detail the seniority system in effect in both of the legislative branches of Congress, concentrating his fire on the Senate.[5] The thrust of his argument was that under the rules of the Senate, in effect since 1846, solely length of continuous service is the determining factor for the chairmanship post of these committees; ability or other relevant criteria carry no weight. Because committee chairmen exercise significant control regarding the course of proposed legislation their positions in the Senate and in the House are of critical political importance.

Table 5 shows the age distribution of the chairmen of committees in the U.S. Senate in 1870 and 1970. The median age of committee chairmen in 1870 was about 52 years; a century later, the median age was almost 67 years. On the average, committee chairmen are 9 years older than their legislative colleagues. In 1970 the median age of the Senate was about 58 years. The median age of the U.S. population in 1960 was 29.5 years and in 1970 will probably be about 28.5 years.[6]

The age factor in the Senate, which begins with a required minimum of 30 years has generally increased over time, i.e., since 1789. The average age of the Senate in 1970 was about 59 years, while that of its powerful deans, the committee chairman was almost 69 years. A similar situation obtains for the House, with the averages throughout between five to ten years less than for the correspondent characteristics described for the Senate. In a general way it may be said that the gap between the Congress and the general population exceeds one generation.

The third great component of political power in the United States reposes in the judiciary. I will consider data relating to the judges of the U.S. Supreme Court, which is the highest judicial tribunal in this country. Curiously enough, the U.S. Constitution does not prescribe a minimum age requirement for the position of a Supreme Court judge.

TABLE 3.—THE AVERAGE AGE OF U.S. SENATORS: 1789-1966

Time period	Number of Senators	Average age on 1st taking office
1789-1860	571	45.4
1861-1900	392	49.9
1901-30	319	52.8
1931-66	337	52.0
Total	1,619	49.3

Source: The 1970 World Almanac and Book of Facts (Newspaper Enterprise Association, Inc., New York, 1970) p. 431.

TABLE 4

[Age distribution of the U.S. Senate as of Jan. 1, 1968]

Age group:	*Number of Senators*
35–44 years	10
45–54 years	20
55–64 years	35
65–74 years	29
75–84 years	5
85–94 years	1
Total	100

Average age, 58.7 years.

Standard deviation, 10.25 years.

Source: *Congressional Directory 1968* (U.S. G.P.O., Washington, D.C. 1968).

The average age of Supreme Court judges at the time of their appointment, for the period 1789-1969, is almost 53 years. In Table 6 the 180-year period is divided into four historical intervals. This average increased by about 9 years to 56.7 years during the period 1789-1926. This average declined in the last period 1927-69 by about three years.

A Supreme Court judge is not an elected position and he is not subject to a specifically defined term. Rather this post virtually embraces life-time tenure as there is also no mandatory retirement age. Vacancies on the Court primarily occur because of mortality or resignations. Hence the matter of service duration on the Court is of even more importance than that of the members of the legislative branch.

For the period 1789-1956 there were 85 Supreme Court justices with an average service of 16 years. Table 7 provides data on duration of service in three historical periods. Between 1789 and 1905 the average years of service was somewhat over 17 years; for the period 1906-56 this average was 13.3 years. More than one-third of this body served over 20 years.

TABLE 5.—AGE DISTRIBUTION OF COMMITTEE CHAIRMEN IN THE U.S. SENATE: 1870 AND 1970

Age group	1870	Percent	1970	Percent
40 to 49	9	34.6	1	6.2
50 to 59	13	50.0	3	18.8
60 to 69	3	11.5	6	37.5
70 and over	1	3.9	6	37.5
Total	24	100.0	16	100.0

Source: Congressional Record, vol. 116, No. 147, p. S14007, based on information from the Congressional Directories of 1870 and 1970, and Biographical Directory of the American Congress.

TABLE 6.—AVERAGE AGE OF U.S. SUPREME COURT JUDGES AT TIME OF APPOINTMENT BY SELECTED HISTORICAL TIME PERIODS, 1789 TO 1969

Period	Number of judges appointed	Average ages (in years)
1789 to 1834	22	47.6
1835 to 1880	22	52.7
1881 to 1926	29	56.7
1927 to 1969	24	53.4
Total	97	52.9

Source: The 1970 World Almanac and Book of Facts (Newspaper Enterprise Association, Inc. N.Y , 1970).

TABLE 7.—DURATION OF SERVICE OF U.S. SUPREME COURT JUDGES APPOINTED IN SELECTED PERIODS, 1789-1956

Duration of service	Judges appointed in— Period I 1789-1845	Period II 1846-1905	Period III 1905-56	1789-1956
0 to 4 years	6	1	3	10
5 to 9 years	4	8	8	20
10 to 14 years	2	5	4	11
15 to 19 years	5	3	6	14
20 to 24 years	3	7	3	13
25 to 29 years	3	4	2	9
30 to 34 years	6	2		8
Total	29	30	26	85
Average (in years)	17.3	17	13.3	16

Source: The 1970 World Almanac and Book of Facts (Newspaper Enterprise Association, Inc., N.Y., 1970).

Footnotes at end of article.

Age of the Supreme Court became an issue in the first two terms (1935–37) of President Franklin D. Roosevelt. The Court rendered a series of decisions that invalidated Congressional social and economic legislation of the New Deal.[7] This Court was described as "nine old men" and Roosevelt, in attempting to reform the Court suffered a serious Congressional defeat.[8] The average age of this Court in 1936 was 71 years with a standard deviation of about 6 years.

The foregoing discussion suggests that the age distribution of political power at the federal level is substantially weighted above 55 years of age. To summarize the principal statistics, the average age upon assumption to office for Presidents was 55 years, for Vice-Presidents, 55.5 years, for Presidential cabinets 52 years, for Senators 49 years and for Supreme Court judges 53 years.

A large proportion of the members of the three branches of government are lawyers. There appears to be a propensity toward conservatism and the maintenance of the status quo in the legal profession.[9] Further analysis of interest may be along the lines of identifying and correlating age data with such variables as political affiliation, educational background, religion, income level, wealth status, occupation or job experience. A certain degree of relationship, possibly measurable, exists between the branches of government and within a particular branch. Some presidents and vice-presidents have come to their positions via the legislative route and some presidents have gone to other branches of federal government, e.g., J. Q. Adams, Andrew Johnson and Howard Taft. Many Senators were first elected to the House and frequently Federal political careers were preceded by experience in State offices.

There are, of course, other questions that statistical analysis may throw some light on. Can innovative, suggestive, creative concepts originate and develop, be exploited and executed when the fountainheads of political power are concentrated in the upper quartiles of the age distribution? Politics may be a game like chess, neither an art nor a science, but the age factor influences how you play it. Unlike chess, however, the consequences of politics are real.

FOOTNOTES

[1] H.R. 4249, Law #01-285, signed by Presiday Nixon, June 22, 1970.

[2] Albert Szent-Gyorgi writes ". . . Our political leaders all come from a bygone age. Our system of representation is antiquated . . ." in an article "15 Minutes to Zero," *New York Times*, September 25, 1970, p. 41. Speech by Senator Robert Packwood, August 24, 1970, Congressional Record, Vol. 116, No. 147, p. S 14006.

[3] *Constitution of the United States*, Article 1, Section 2 and Section 3.

[4] Ibid, Section 3, 1.

[5] cf. note 2. A 1970 study on Congressional reform, prepared by the Committee for Economic Development, recommended that the rigid seniority system for selecting committee chairmen should be abolish. *Washington Post*, September 24, 1970, p. A 26.

[6] In 1790 the median age of the U.S. population was 16 years. Before the Civil War, data returns for the 1860 census indicated that the median age had risen to 19.4 years. At the turn of the century the median age of the national population was 22.9 years. The rise in median age reached its peak in 1950 at 30.2 years declining in 1960 to 29.5 years. *Historical Statistics of U.S.*, Colonial Times to 1957 (U.S.G.P.O., 1958), p. 11, and *Statistical Abstract of the U.S., 2969* (U.S.G.P.O., 1970), p. 26.

[7] Between January 1935 and May 1936 the U.S. Supreme Court rendered seven decisions that invalidated major economic and social legislation of the New Deal reform. See, Harold W. Falkner, *American Political and Social History* (F.S. Crofts, N.Y., 1943, Third Edition) pp. 704–706.

[8] President Roosevelt on February 5, 1937 asked Congress to pass a new law empowering the President to appoint a new federal judge when any judge did not retire within six months after his seventieth birthday. The maximum permissible size for the U.S. Supreme Court would have been 15. Ibid., p. 713.

[9] Along similar lines John Maynard Keynes observed ". . . in the field of economic and political philosophy there are not many who are influenced by new theories after they are twenty-five or thirty years of age, so that the ideas which civil servants and politicians, and even agitators apply to current events are not likely to be the newest . . ." *The General Theory of Employment Interest and Money* (Harcourt, Brace Co., N.Y., 1936), pp. 383–384.

DR. MARIE Y. MARTIN—TOP ADVISER ON COMMUNITY COLLEGES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. ANDERSON of California. Mr. Speaker, I wish to congratulate Dr. Marie Y. Martin on her selection as "special assistant" within the U.S. Office of Education, as the Nation's top adviser on community colleges. California has long been recognized as the national leader in this important area of education, and I congratulate the Office of Education for this wise choice.

Dr. Marie Martin has had a long and distinguished career in community college leadership. This appointment is a well-merited recognition of her work. I wish to share with my colleagues the following article from the Los Angeles Times on January 21, 1971 concerning Mrs. Martin's appointment and some of the political background that unfortunately has been occurring in the Los Angeles Community College District, a large portion of which is included within the congressional district I represent:

EX-PRESIDENT OF PIERCE COLLEGE GETS HEW POST—DR. MARIE MARTIN, NEW COMMUNITY COLLEGE HEAD, WAS CENTER OF TURMOIL

(By Robert B. Young)

The former president of Los Angeles Pierce College, Dr. Marie Y. Martin, has been selected as the nation's top community college executive, The Times has learned.

The new U.S. commissioner of education, Sidney P. Marland Jr., authorized the addition of Mrs. Martin to his team in Washington, D.C., after a quick and quiet round of interviews late in November. As a GS–15 ranking "special assistant" within the U.S. Office of Education, Mrs. Martin's job will be to encourage two-year college development throughout the United States.

The appointment of the popular San Fernando Valley educator comes one semester after she was given an abrupt "administrative transfer" to a solo staff job downtown—a move that touched off a controversy that still festers within the eight-campus Los Angeles Community Colleges district.

Mrs. Martin's removal from the Woodland Hills campus she led for four years was widely seen as a punishing and highly political slap administered by Supt. Donald W. Click but given muscle by board conservatives led by former Trustee Robert C. Cline.

LOTS OF SPECULATION

Speculation about Mrs. Martin's next move had been widespread among her colleagues and former students, despite repeated arguments by the board's majority that the transfer last fall was routine.

Mrs. Martin, a widow, will begin work as soon as she is settled in Washington. Her new job—unprecedented within the federal education establishment—puts her directly under USOE's assistant commissioner of higher education, a job yet to be filled by President Nixon's new team.

As a special assisstant, Mrs. Martin will draw a salary of at least $30,000. As a college president, she had earned $29,550 in the Los Angeles district.

Peter Muirhead, Marland's deputy, "said he was looking for a strong voice for the junior colleges" within the Health, Education and Welfare Department, Mrs. Martin said during a recent interview here.

"I want to open up a direct voice for the junior colleges to Washington," said the sprightly, no-nonsense nominee, whose Los Angeles area career has shown her zest for both the practical and intellectual sides of two-year college training.

CONTRASTING VIEWS

From a national perspective, Mrs. Martin's selection is an indirect tribute to California's advanced stage of community college growth, a leadership role acknowledged in a 1970 study by the Carnegie Commission on Higher Education.

Locally, however, Marland's choice of the strong-willed San Fernando Valley educator will, by many close observers of the district, be read as vindication.

Mrs. Martin, when she was moved off campus, had one year to go at Pierce before a schedued retirement. She is 62.

When asked why the move was made at that time—the Tuesday before Pierce reopened last Sept. 14—Cline said the sudden switch was meant to maximize the district's personnel effectiveness, since Mrs. Martin would be given two important jobs to do at district headquarters. These jobs were to develop a 10-year academic plan for the system, and to pave the way for a changeover to a program budget format.

Although she long refused to talk about it, and accepted her reassignment in seeming good grace, Mrs. Martin said early this month that her 11th-hour removal, and bestowal of a new title—"president-at-large"—was "an affront."

Mrs. Martin tackled her assignments with customary thoroughness (leaving home for work at 6:30 each morning), and completed them before Christmas. Because the whisking away of a college president shook the district last fall, and because she now feels free to present her view of the issues it raised, Mrs. Martin helped a reporter reconstruct the incident—which had its roots in the late 1950s.

Since the trustees who formally concurred in Mrs. Martin's removal are Republicans (Cline was elected in November to the Assembly from the 64th District), it is germane to say something first about Mrs. Martin's own brand of Republicanism.

ADMIRER OF NIXON

"I'm a very great admirer of Nixon," she had told a reporter months before she was considered for the Nixon Administration job. "You could say I'm a Nixon Republican. I was reared by an Irish father who thought the best government was no government, and my feeling is that if you can do it yourself, you should do it."

Firmly, she added: "I've always been a conservative, in politics and in everything else. But as an educator, I'm dedicated to certain things. We can't go backwards. We must go ahead."

Significantly, she doesn't think of her board opponents as "conservatives," which they are often dubbed, but as "extremists" within her own party.

"Bob Cline has exercised political leadership, and politics has no business on any school board," she said.

In January, 1966, after serving as a Los Angeles City College dean and as president of now defunct Metropolitan College, Mrs. Martin was named to lead the 17,000-student Pierce campus—a park-like oasis that got its start in 1947 as an agricultural school.

Until the district got its own board of trustees in July 1969, things went well for the erect, blue-eyed and sandy-haired administrator. With help from the telephone company, she equipped a nature "Braille trail" for blind children on 70 acres of former pastureland, which she turned into a "resource management" preserve.

PIERCE ACCOMPLISHMENTS

Pierce acquired a sophisticated computer center as well as an arts building, equipped metalworking shops with the latest in numerical control machinery, automated the library and biology lab, and reduced English dropouts by two-thirds.

But to many members of the advisory councils she brought in to help frame course goals, Mrs. Martin's real knack was in keeping the lid on explosive student tensions, by "maintaining outstanding rapport with students, faculty, local police and (community) groups."

A council member, Mrs. Mary Alice O'Connor, a Republican, is also president of Burbank's school board She told a reporter: "Marie's an extremely fine administrator—forthright, tough, but feminine. She's tiny but she's mighty."

Pierce's former president said her trouble began on the Tuesday of the new trustees' second meeting, in the summer of 1969

At the meeting, "Cline called me in and said, then, that he would have Thomas A. Devine back in the classroom by Sept. 15, 1969," Mrs. Martin said.

(Thomas A. Devine, a sociology teacher, had been removed from his teaching duties at Pierce in 1963.)

In this way, Mrs. Martin inherited a situation which would later lead to an ill-concealed feud between two strong-willed leaders: Trustee Cline and President Martin. Instead of acquiescing, she determined to back up her faculty predecessors at Pierce. Despite pressure from supporters of Cline, she denied Devine automatic reentry to classroom teaching.

"We knew Devine worked in their campaign," she said, referring to the Community College Board elections of 1969. "Cline made a political commitment, and this was a political payoff, in my opinion."

While conservative trustees have never admitted any link between Mrs. Martin's removal by Supt. Click and the reinstatement of a long-idle Pierce sociology teacher, many members of the eight-college community have said Devine was the reason why she was summoned to the main office.

Devine, who maintains a post office box in Reseda, had been removed from his teaching duties by a ruling of an assistant superintendent of the Los Angeles Unified School District, which governed the colleges until 1969.

The ruling was an outgrowth of complaints lodged by students and faculty members during a five-year period, to the effect that Devine was devoting more time to his personal anti-Communist activities than a conscientious teaching schedule should allow, and that he was using his class time to "indoctrinate, rather than teach," in the words of an associate speech professor, Howard J. Russell.

Russell, who heads Pierce's academic senate and faculty association, said, "The first overt move to alert (then-president) John Shepard that things weren't right with Devine's classes" was made by a group of teachers in November, 1958.

According to Russell, several hearings with the school board's personnel committee ensued, and, in 1963, "things peaked" when Asst. Supt. Walter Coultas removed Devine from teaching.

LATER POSTS

He was given a nonteaching assignment as Pierce's audio-visual director. Early in 1970, he was named director of the district's narcotics education program.

According to Mrs. Martin, Cline called her the day after he had vowed to have Devine back in class that fall. He had changed his mind, she said. As Cline told The Times last week, "I told (Devine) and his attorney to initiate a grievance hearing, and then a report would come to the board."

(Trustee Frederic A. Wyatt, in a telephone interview, disputed Cline's credit-taking, saying: "It was I who forced it to go through the grievance procedure—not Cline." On such matters has the board bogged down, in its first 18 months.)

CLOSED-DOOR HEARING

The hearing began behind closed doors Jan. 8, 1970, and consumed 35 days of testimony before a specially called panel of two college presidents (chosen by Mrs. Martin), two teachers (chosen by Devine), and Maurice Harwick, a private attorney who served as hearing officer.

Harwick's fee alone cost the district about $17,000. The testimony wasn't finished until the end of July, and the panel took until Sept. 2 to deliver its "facts and findings."

The panel's report backed Mrs. Martin to the hilt. Unanimously it recommended that Devine not be returned to Pierce on "any assignment for a minimum of five years" and that he be enjoined from any teaching job in the district for three years, pending his completion of at least 12 semester units of sociology.

TELLS SEQUENCE

Here, according to Mrs. Martin and her chief faculty colleague, Russell, is the sequence of events after the grievance panel gave the board its report on Sept. 2:

—On Sept. 4, Supt. Click visited Mrs. Martin at Pierce and "told me I'd be removed."

—At the board's next regular meeting, Sept. 8, Supt. Click announced a series of personnel switches, including Mrs. Martin's summons into the W. Olympic Blvd. headquarters. This was done less than a full week before the opening of classes.

—Two months later, on Nov. 4, the board, by a 4–1 vote, reinstated Devine to his first classroom teaching job in seven years—at Los Angeles City College—thus overriding the hearing panel's recommendation.

FORTY-EIGHT MILLION DOLLAR CLAIM

Devine at the time said, "It is certainly good to have my name cleared." Downtown, Mrs. Martin steadfastly refused to comment.

On Dec. 18, the district received from Devine's attorney, Bryson M. Kratz of Glendale, a $48 million-plus "claim" for loss stemming from his client's seven-year banishment from the classroom, as well as for "repeated libel published by (the) Los Angeles community colleges and their predecessors."

Asked about the claim, Cline told a reporter early this month: "I don't know, I haven't read anything."

At the same time, Cline said he had "known of" Devine for "eight or nine years," while denying that he (Cline) had influenced the superintendent's decision to remove Mrs. Martin from Pierce.

"I purposely did not get involved in the case," he said.

The reason for Mrs. Martin's transfer—"she wasn't removed, she was transferred," Cline said—was, in his opinion, that "Dr. Martin had the only combination of talent to do the job" that Supt. Click had cut out for her in the home office.

Cline added that, to him, the "real issue here is discrimination against a certificated employee," meaning Devine.

Pierce's administration, Cline added, "were spying on him and keeping a secret file—really a Gestapo-like harassment."

Rollin M. Russell is a Tarzana businessman who, as a Republican, served on Gov. Reagan's education reform commission in 1970 and who is vice president of the Southern California Industry Education Council. At the Sept. 29 board meeting, he was one of seven representatives of Valley organizations who pleaded with the board to reconsider Mrs. Martin's removal from Pierce. By a 3–3 vote on a motion of Trustee Wyatt, the board ignored the plea.

FURTHER REMARKS

"I would like to think that this board was responsive to the community," Russell said, "(but) I am not very sanguine on the matter."

Recalling the episode last week, Russell said: "Marie was railroaded. She is in one sense one of the most conservative Republicans you'll ever find. For Bob (Cline), for political reasons, to undermine Marie for his own personal gain—and I truly believe this—is absolutely inexcusable."

Dr. James C. Nofziger, an animal nutritionist whose brother, Lyn, serves President Nixon as a deputy assistant in Washington, is another Republican fan of Mrs. Martin's. ("She's a top-notch person," he said.)

To Nofziger, as to Russell, the long-festering dispute between Devine and the district provided a pretext for a showdown. "The Devine case itself was an unimportant consideration," he said. "It could have been any situation."

What Mrs. Martin's supporters agree on is that the newly elected board picked the wrong target. To Nofziger, the whole thing was absurd because, as he said, "there were no real 'liberal' problems at all at Pierce. Literally, it was the far right that gave her a problem."

NEW FUTURES

The old crowd is breaking up now. Assemblyman Cline is in Sacramento, and Mrs. Martin is wondering how a Turlock girl will adjust to Washington's mores. Devine will begin teaching part time at City College in September.

But the saga of Marie Martin still holds deep fascination within a district that had never known anything like the attention lavished upon it by its first board of trustees.

Mrs. Martin, in the meantime, said, "There's a whole lot of work to be done. I'll be devoting my whole energy to this new job."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

GOVERNOR WEST'S TIMELY IMPACT

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. MANN. Mr. Speaker, there is a new wind blowing in my native State of South Carolina. It is of local origin, naturally, as all things of a positive character in politics must be; and if left free of outside interference of all kinds, it may well reap a whirlwind of progressive changes for all the people of South Carolina.

I, therefore, proudly take this opportunity to insert in the Congressional Record the inaugural address of South Carolina's new Governor, John C. West, as well as a perceptive review of it from the editorial page of the Greenville, S.C., News of January 20, and an enlightening review of Governor West's State of the State address from the editorial page of the Spartanburg Herald-Journal of January 31:

Inaugural Address

(By Gov. John C. West)

Nineteen Hundred-seventy was the year that the citizens of South Carolina marked the 300th anniversary of the founding of this state, and we now move with confidence and optimism into the Fourth Century of our stewardship of this land. Our Tricentennial years was a time of reawakening to our history and heritage; it was a time of new awareness of the essential character and strength of the people of this state.

It was also a time to gain new understanding of our particular moment in history, and to view the past and the future with a new degree of sensitivity and perspective.

It was a time to realize that no state has produced more greatness in the character of its individual leaders; no state has given more freely of itself in the building of this great nation. But it was also a time to understand that ours is a history of people—of people who have known struggle and survival, disappointment and endurance, frustration and despair. We have emerged as a state in the twentieth century still limited in material attainment. But out of the trials and tests of the past, we have built a wealth of human and spiritual resources with which we can now look to our Fourth Century—a new Century of Progress for People.

As never before, we can look forward with confidence to a new era of achievement, to new milestones of accomplishment for our people, to a reawakened spirit of unity which should project our state to new heights of greatness, unparelleled in this state, or in any state at any time in history.

I make these statements not in the sense of the politician reaching for the easy superlative on a most memorable day. Instead, I speak with the assurance of one who senses an elevation of the spirits and renewed confidence of the people in themselves. I speak as one who has observed and experienced the resurgence of our state in recent years, and has detected the new energy and new determination present within the fiber of our people.

In the last decade, South Carolina has made more progress in every meaningful way than at any comparable period in her 300-year history. In fact, I challenge historians of today or tomorrow to match the progress that South Carolinians have made in the last ten years with that made by any state—including our own—in any hundred-year period of the past.

If there has been a single factor which has influenced this phenomenal growth and progress more than any other, it has been the quality of leadership our state has had in the Office of Governor.

I should like to say especially to our retiring Governor, Robert E. McNair, that yours has been a period of unusual service and unprecedented accomplishment. You have served more consecutive years as Chief Executive than any Governor in the history of our state, but your place in the history books will be for reasons other than length of term. Yours will be recorded as a period in which this state experienced its greatest human advancement. By reason of your distinguished service, you will unquestionably be accorded a well-deserved place as one of the greatest governors who has ever served the State of South Carolina.

I would be remiss if I did not mention also the one who has not only been your helpmate, but one whose years as First Lady have brought new dimension to that position, and a new and lasting sense of pride for the people of South Carolina. Through such accomplishments as the restoration and furnishing of the Governor's Mansion, you have not only won national acclaim, but with your charm, grace and dignity, Mrs. McNair . . . Josephine . . . a lasting place has been won for you and your family in the hearts of all South Carolinians.

Thanks to the caliber of leadership South Carolina has experienced, the decade of the sixties was one of unparalleled progress for our people. But more importantly, it was a period in which the foundation was laid for the seventies—a foundation giving us the capacity to reach for and attain any goals to which we as a people may aspire.

Therefore, it is appropriate on this occasion marking the beginning of the New Century in South Carolina that we set for ourselves certain goals, goals whose urgency and priority at this moment in our history cannot be questioned.

If to some these goals seem too lofty, impossible of achievement, or unrealistic, I submit that nothing is impossible if we unite together with energy, determination, and dedication toward a common cause.

We can, and we shall, in the next four years eliminate hunger and malnutrition, and their attendant suffering from our state.

We can, and we shall, in the next four years, initiate new and innovative programs which will in our time provide adequate housing for all our citizens.

We can, and we shall, this year initiate far-reaching programs to provide more doctors, nurses and health personnel as well as better systems for delivery of health care to each citizen. Our goal shall be that each citizen may live with proper protection from disease and proper treatment of illness for his full life expectancy.

We can, and we shall, in the next four years, eliminate from our government, any vestige of discrimination because of race, creed, sex, religion or any other barrier to fairness for all citizens.

We pledge to minority groups no special status other than full-fledged responsibility in a government that is totally color-blind.

We can, and we shall, accelerate programs of industrial and agricultural development until every citizen who is underemployed has the opportunity for full and rewarding employment, and every young person, has a job opportunity that is productive, meaningful and challenging.

We can, and we shall, strengthen our law enforcement system by providing better training, better pay and better equipment for our officers; by strengthening our laws and court procedures dealing with criminals; and by working for the removal of the root causes of crime.

We can, and we shall seek and channel the energy, dedication and social consciousness of our young people into solving the problems of our times.

We do not need—and we cannot afford—an alienation of the generations, and I pledge that this will be an administration which actively seeks the involvement of the young and old alike.

We can, and we shall, in the next four years, take whatever action is necessary to assure the preservation of our living environment, and to provide the type of resource management which will make it possible for all interests in our society to live in harmony with each other. There need not be—and there shall not be—economic or elecological sacrifice in the progress of South Carolina in the next four years.

Finally, and perhaps most important of all, we can, and we shall, provide a better educational opportunity for all citizens of whatever age or status, from a comprehensive preschool program for the very young to a continuing educational program for adults ranging from basic literacy to sophisticated, advanced research-oriented graduate programs.

These goals, admittedly ambitious, are no more impossible of achievement than those articulated by the brave young President, John F. Kennedy, who stated so eloquently in 1961 that we could perform the seemingly impossible task of placing a man safely on the moon and returning within the decade of the sixties—a dream of man for untold centuries.

It has been just as much a dream that man one day could conquer the plague of human hunger and privation, and could live in peace and dignity with his fellow man. The fact that these conditions have been a part of man's recorded lot since Biblical times should make us no less determined to attack them with all our energy and capabilities in this decade.

The setting of these goals is in itself an important first step toward their ultimate accomplishment, and—in all candor—this first step is perhaps the easiest. Certainly it is the simplest. But if these words can launch our state into positive action, if they can unleash the energies of our people and their government toward solutions, then they will have proved to be a valuable first step.

More important than action and good intentions at this point must be the establishment of guiding principles to direct and channel our efforts in this undertaking. Basically, I see three principles to be of immediate and primary importance.

First, the goals, as stated, must be accorded priority status. In today's complex society with constantly increasing demands and expectations of people, there is a tendency to overlook fundamental problems, and to scattergun society's thrust on less essential, but more glamourous functions. In a state with limited financial resources, we must concentrate with laser beam accuracy on the basic human problems, using the constant criterion of Progress for People toward stated goals.

Second, the achievement of these goals can become a reality only if the people of this state unite and work together, putting aside differences of race, politics, generation, or other. Two thousand years ago, the greatest philosopher and teacher who ever lived said, "And if a Kingdom be divided against itself, that Kingdom cannot stand, and if a house be divided against itself, that house cannot stand." The politics of race and divisiveness have been soundly repudiated in South Carolina.

We are all one—God's people, and our differences—whether they be age, sex, religion or race—should be considered as blessings and strengths. As we work toward the elimination of discrimination, as we build toward a better life for all, as all the people of our state join together in this most noble of undertakings, perhaps we shall begin to realize the truths as expressed in the words of the hymn:

> God moves in a mysterious way
> His wonders to perform.
>
> Ye fearful saints, fresh courage take;
> The clouds you so much dread
> Are big with mercy and shall break
> In blessing on your head.

Third, in directing our efforts toward achievements which have eluded man throughout his time on this earth, we must have the active involvement of all citizens. Government is but the instrument of the will of the people—having no power in and of itself; deriving not just its power, but its will and its effectiveness from its citizens. It is not our purpose to change that relationship; it is our goal to strengthen it. What we outline today in terms of human progress are not simply governmental projects. If we are to eliminate hunger, provide better housing, improve the delivery of health care for all, we must have the deep involvement and commitment of the private sector working in close cooperation with the public sector and providing necessary support from our whole free enterprise system.

If we are to bring the generations together, if we are to eliminate discrimination, it requires more than a law or mandate from government. Basic to all our hopes and aspirations is the willingness of our people to accept change, and to gain a new respect for the opinions and the rights of all people.

Providing a better education for all, especially within our present limited tax sources, requires new and innovative concepts, the most important aspect of which will be the voluntary involvement of citizens in the educational program.

As we address ourselves to Progress for People, it is implicit that I am also talking about Progress by People. It is most important that each citizen recognize his responsibility and his opportunity to participate in Progress for People, and to make the years ahead rewarding and fulfilling, and

I pledge to each of you, my fellow South Carolinians, on this the most important day of my life, every ounce of strength, every talent which I possess, to move with you toward these goals for a better life for all South Carolinians and a new and brighter era in the history of our state.

[From the Greenville News, Jan. 20, 1970]

GOVERNOR WEST'S PEOPLE PROGRAM

Astute observers of the South Carolina scene have for generations noted a paradoxical divided unity in the Palmetto State. It permits all sorts of disagreements without destroying underlying, controlling common loyalty, respect and genuine affection throughout all segments of the population.

The atmosphere of community has confounded many newcomers in recent decades. They found it hard to understand why many obvious inequities did not produce constant upheaval.

But the deep-running sense of common heritage in 300 years of history is there. It has worked constantly to keep South Carolinians together through thick and thin, despite many stresses. Often the pace of progress has been painfully slow and many legitimate needs and desires have been sacrificed. Sometimes change has come rapidly, as when the biracial Redcoat movement coalesced to rid South Carolina of radical rule.

Yesterday South Carolina inaugurated the state's 76th governor, the first to take the oath of office in the fourth century of South Carolina's existence, and he sensed a strong desire among South Carolinians to step up the pace of economic and social progress.

The new governor, John Carl West, took note in his inaugural address of the community spirit of South Carolinians and left no doubt but that he was relying heavily upon it to achieve some rather ambitious goals.

Governor West's pledge that state government would be "totally color blind" and that "any vestige of discrimination" would be eliminated caught the immediate headlines. But the central theme of the inaugural was well beyond the racial question, as important as the "color blind" pledge was. It went to the heart of South Carolina's commonality.

Governor West noted a "new determination" and a "renewed confidence of the people in themselves", to tackle difficult problems.

Realistically Governor West noted that "we have emerged as a state in the 20th century still limited in material attainment. But out of our trials and tests of the past, we have built a wealth of human and spiritual resources with which we can now look to our fourth century—a new century of progress for people."

The governor said he spoke "with the assurance of one who senses an elevation of the spirits and renewed confidence of the people in themselves." He said he "has detected the new energy and new determination present within the fiber of our people."

Then the governor outlined a program of better housing, poverty elimination, better health care, continued economic expansion, stronger law enforcement, an end to discrimination, involvement of more people in government, environmental improvement and increased educational opportunities for all citizens.

This is the most ambitious "people program" proposed in this state for many generations. It will not be easy to carry out. As Governor West said, achievement can come "only if the people of this state unite and work together—putting aside differences of race, politics, generation and others."

In that context the headline-capturing racial pledge is only a means to the end of achieving better and more rewarding living conditions for all South Carolinians, the white majority as well as the black minority.

In our view the new governor has accurately expressed the desire of most South Carolinians to have done with racial issues and get on with the really important business of the state and its people. We think this desire has been evident for some time and was confirmed beyond any doubt in 1970.

Governor West will give details of his "people program" in forthcoming state-of-the-state and later messages to the General Assembly. These are awaited with much interest.

Although there may be many disagreements about details of the prospective legislative and executive program, most South Carolinians agree with the ideals and aims expressed by their new governor. He has their best wishes and broad support as he takes up the duties of office.

[From the Spartanburg Herald-Journal,
Jan. 31, 1971]

WEST'S MESSAGE HAD RIGHT TONE

Gov. John C. West's first "State of the State" message was no flamboyant exercise in magnificent oratory.

There was no grandiose panacea for any of the challenges facing the state. Nor was there any gloomy warning about the obviously difficult fiscal situation with which the Legislature will have to deal.

The Governor offered a succinct and solid program of work which can be approached realistically with good prospects for accomplishment. Its tone of quiet confidence, while recognizing significant problems and needs, was most fitting for the present state of the state.

As usual in South Carolina, education both at grade-school and college levels, required major attention. Gov. West made some provocative suggestions.

The 12-month public school year was not new. As the Governor said, the quarter system with the objective of increased utilization of facilities and personnel deserves more serious appraisal than it has received heretofore. His emphasis on the idea should achieve at least that.

Another idea was somewhat startling: that a full year of college-level courses for which students could earn college credit be offered within the high school framework.

Actually, something akin to that already is present in the better high schools. Students who are academically capable and who have sufficient ambition can proceed farther in some courses than necessary for high school graduation. Once in college, they are able to prove by examination that they are qualified to be placed in higher than freshman classes. That gives them the opportunity to earn credits in other courses earlier than they otherwise could.

Gov. West's comments suggest the desirability, however, of closer and more formal coordination between high schools and colleges to make the procedure more productive for students.

The recommendation of a $250 pay raise for teachers was about what was expected. Also as expected, an immedicate reaction was that "the teachers" were dissatisfied. How dissatisfied is a matter of conjecture.

School teachers, like most human beings, wish to earn more money. They make a strong case of justification. However, to overdo the pressure at a time when the state's wherewithal is in extreme doubt cannot be ultimately beneficial to their cause.

The dissatisfaction has been expressed primarily by Dr. Carlos Gobbons, executive secretary of the S. C. Education Association. It seems to be his professional responsibility to be dissatisfied.

In other fields, Gov. West limited his major recommendations.

He gave very good advice to the State Senate, suggesting "immediate attention to the reapportionment situation," saying he hopes it can be accomplished "without the necessity of a court order." There are some in the Senate who believe they can get away with ignoring the 1970 census as a basis for representation. They are wrong and the Governor is right.

Gov. West also gave good advice when he urged the Legislature to complete action on revision of the State Constitution.

The Chief Executive launched his administration with a laudable spirit of conservative leadership and the kind of cautious optimism these times need.

TO PRESERVE TAX EXEMPT STATUS OF STUDENT NEWSPAPERS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. MIKVA. Mr. Speaker, student newspapers have offered an important educational experience to thousands of American high school and college students over the years. I dare say that more than a few of my colleagues here served at one time or another, as I did, on a student publication and found it a rewarding experience. Not only did we learn to write, to edit, to meet deadlines and to compose a printed page—most importantly we learned the fragile importance of editorial independence and the responsibilities it entails.

Freedom of the press has been a cornerstone of our open, democratic society. Yet this most fundamental principle of editorial independence is presently in danger in the case of student operated newspapers. School newspapers have been warned by the Internal Revenue Service that they may endanger the tax-exempt status of their sponsoring schools if they take it upon themselves to publicly endorse a candidate for political office. Understandably, many schools have responded to this prospect by enforcing political restrictions on student newspapers.

Today I have introduced a bill to eliminate the jeopardy to the tax status of sponsoring schools because of editorial policies or activities of student newspapers. This bill amends sections 170(c)(2)(D) and 510(c)(3) of the Internal Revenue Code to provide that for purposes of determining the tax status of the educational institution, the activities of a student operated newspaper shall not be attributed to the school. The portion of the entire budget represented by support of a student paper is so small, and the activities of the editorial board so fractional and remote a part of the entire functions of the school, that it makes no sense to disqualify the entire institution on this basis. The bill I have introduced would make it clear that if the editorial board of a school newspaper decided to print an endorsement of one side or another in a political contest, this would not be considered "political activity" on the part of the sponsoring school such as to jeopardize its tax status.

The spectre of an adverse interpretation of section 501(c)(3) has resulted in a substantial curtailment of the editorial freedom exercised by school newspapers. This is not the kind of atmosphere which teaches our children a healthy respect for the sanctity of the first amendment's guarantee of freedom of the press. I hope my colleagues will support the legislation I have today introduced to remedy this regrettable uncertainty in the tax law.

UKRAINIAN INDEPENDENCE DAY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. MINISH. Mr. Speaker, January 22, 1971, marked the 53d anniversary of Ukrainian Independence Day. On January 22, 1918, the short-lived Ukrainian Republic proclaimed its independence. Shortly thereafter, the Bolsheviks annexed the Ukraine to the Soviet Union, destroying the sovereignty of the Ukraine, but not the spirit of its people.

The Ukraine is the largest non-Russian nation both in the Soviet Union and in Eastern Europe. It is, moreover, the second largest Soviet Socialist Republic in the Soviet Union, containing about 47,000,000 Ukrainians and makes up about one-fifth of the Soviet Union's total population.

Nonetheless, it is hard for us to properly envisage the tragic cultural subordination Ukrainians suffer under. They are a people who have always been noted for their writers and intellectuals, as well as their ethnic individualism. The more we learn about life behind the Iron Curtain, the more we are shocked by the harsh intolerance of Soviet Russia to individual and ethnic differences.

It is therefore most important that we continue to honor the individualism of the Ukraine, and to mark its past independence. Moreover, we must constantly remind ourselves that while differences are admired within a free nation, elsewhere they may not even be tolerated.

The Ukrainian national spirit is a most uplifting one, and serves to inspire those of us who find freedom less costly. I hope the great people of the Ukraine can soon enjoy the liberation they seek.

H.R. 1000 AND THE PRESIDENT'S NEBRASKA PROPOSAL

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. BINGHAM. Mr. Speaker, Henry Owen, distinguished manpower expert, writing in the Washington Post on February 1, 1971, makes an important point with regard to the President's proposal to combine the Peace Corps and VISTA into an umbrella volunteer agency for youth. Mr. Owen states that voluntary programs like the Peace Corps and Vista "have tended to attract people from more affluent and well-educated families, rather than from the more numerous blue collar and lower middle class."

Mr. Owen concludes that it is desirable to expand the opportuinties for voluntary service. He suggests that we should "expand opportunities for part-time voluntary service; and make full-time volunteer service an alternative to the draft." Mr. Owens cites the National Service Act, which I reintroduced on January 21, 1971 as H.R. 1000, as a means to accomplish this second objective.

Mr. Owen's article follows:

WIDER VOLUNTARY PROGRAMS NEEDED—SERVICE CORPS IDEA IS WORTH ATTENTION

(By Henry Owen)

The Presidents' proposal at Nebraska University to create a new volunteer service corps deserves more attention and discussion than it has received. It could lead to innovations which would eventually affect millions of Americans.

In a recent essay on the presidency, Thomas Cronin, former White House Fellow and now a research associate at Brookings, suggests that presidential powers are more limited than is generally realized, and that federal action is only a partial remedy for many of our present problems. "Gone is the view," he concludes from his own and similar studies, "that the American presidency is the pre-eminent source of wisdom or benevolence; absent is the assumption that a strong presidency and central government can pass laws and allocate funds for the effective resolution of 'major people' problems . . ." This changing view, as he points out, helps to explain the current enthusiasm for private (as well as state and local) action.

The problem has been to translate this enthusiasm for voluntarism into concrete new steps to strengthen it. The President's proposal to combine several ongoing volunteer programs into one agency could be an important move in this direction. The question is whether it goes far enough. Combining these programs would improve their efficiency, but the real need lies elsewhere: It is to widen the programs' reach. Most of these programs can take only a limited number of volunteers; VISTA (domestic Peace Corps) has about 5,000; the Peace Corps has less than 10,000. Voluntary programs, moreover, have tended to attract people from affluent and well educated families, rather than from the more numerous blue collar and lower middle class. This has limited these programs' scope and impact.

Efforts are being made to widen the base of recruitment of such programs as VISTA, but this is hard to do: Most Americans can't afford full-time volunteer service; they have to earn a living and to help support a family. There may be two ways out of this box: expand opportunities for *part-time* voluntary service; and make full-time volunteer service an alternative to the draft. Both need to be explored.

VISTA once encouraged part-time service, and some 40,000 people were reportedly involved. The new agency proposed by the President could revive this effort and go even further: It could become a clearing house for those wanting either to become or to secure part-time volunteers. Private and public groups seeking these volunteers would register their needs with the agency; citizens seeking part-time service could also register; and the agency might put the two in touch with each other. If the agency also provided limited funding for non-labor costs of certain community type projects requiring part-time volunteers, voluntarism might become a truly national effort. Perhaps this expansion is what the President had in mind when, at Nebraska University, after speaking of "a volunteer service corps that will give young Americans an expanded opportunity for the service they want to give," he went on to say:

"To the extent that young people respond to this opportunity, I will recommend that it be expanded to new fields, new endeavors . . . For those who want to serve but cannot devote their full time, the new center for volunteer action will open new opportunities for millions of Americans of all ages to the extent they wish to contribute their time, their talents, their hearts, to building better communities, a better America, a better world."

There is a partial precedent in the foreign field: The International Executive Service Corps has, for the last five years, sent retired and active businessmen volunteers overseas for brief periods to help specific projects in developing countries. The IESC is a nonprofit corporation, directed and managed by private citizens; its volunteers aren't paid salaries, and its funds come from both private and public sources. Its people have worked quietly, professionally, and successfully; the relation between volunteers and host has proved amiable and mutually rewarding.

A national program for part-time service could benefit from this model: The new agency proposed by the President might place management of any such program in the hands of a mixed public-private board, which might draw money both from private and public sources. The fact of its private management could enhance the attraction of part-time service to young people.

The other way to widen the scope and attraction of volunteer programs would be to make *full-time* voluntary service an alternative to the draft. Jonathan Bingham and nine other congressmen have proposed that young men be allowed to opt for voluntary civilian service, instead of taking their chances in a draft lottery. This civilian duty—in schools, hospitals, social service, etc.—could last longer and be less well paid then military service, to ensure against its being preferred by all draft registrants. Registrants unable to find one of these qualified civilian service jobs on their own initiative could enter a National Service Corps, which would operate federal programs in such areas of social need as reforestation. The idea seems to have found favor with the public; a Gallup poll showed 71 per cent favorable. If the President's proposal to create a National Service Corps goes forward, Congressman Bingham's idea could be readily translated into reality by an amendment to the Selective Service law.

All this would mean more volunteers, of more varied backgrounds, than ever before. This would be good for the country, since many useful community activities need more manpower—both part-time and full-time. But it would also be good for the people involved—bringing them together in common service which could erode barriers of class and race, and provide an outlet for the idealism which most Americans share. This has been the promise of voluntarism since the Peace Corps and VISTA were first launched. The President's Nebraska University speech could pave the way for action to fulfill that promise.

URBAN TWELVE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, the Virginia Delegation met for luncheon yesterday with members of Virginia's "Urban Twelve", an organization representing the 12 largest communities in the Commonwealth, to discuss their revenue problems and their support for some sort of a revenue sharing program.

One of the statements presented was made by Mr. Joseph L. Fisher, chairman of the Arlington County board. Mr. Fisher's statement gives some very clear examples of the problems involved in one of the leading communities of our State. I hope it will be of interest to my colleagues, and I insert it in full at this point in the RECORD:

STATEMENT ON REVENUE SHARING FOR VIRGINIA'S "URBAN TWELVE" TO VIRGINIA CONGRESSMEN

(By Joseph L. Fisher, Arlington County Board)

We in State and local government need revenue sharing, urban people deserve it, and Virginia's Urban Twelve will work for it. The time has come to nationalize the Federal Income Tax and make it the American Income Tax.

The revenue sharing bill proposed by President Nixon and described generally in his State of the Union Message offers the best hope on the horizon for municipal governments to meet their fiscal crisis, which is an excruciatingly severe one. Local governments in 1971 are victims of inflation to a degree beyond anything they have ever known. Local revenue systems are not equal to these inflationary pressures. Property tax bills are skyrocketing, but local governments are still in deep trouble. In most instances, they cannot bleed property for more money and they cannot realistically expect to get much more from the State, so they must look to the Federal Income Tax for help.

Arlington—my community, one with admittedly well above average resources—today faces a short-fall of $7.1 million in its budget for the fiscal year 1971–72, and this does not include salary increases for its employees and school teachers.

The revenue sharing bill soon to be considered by the Congress has several features that strongly appeal to Virginia's Urban 12. First, the distribution formula bases the share of each local government on its present local general revenue in relation to total State and local general revenue. Urban centers are where the people and the problems are; the Urban 12 jurisdictions have necessarily exerted a strong tax effort. Consequently, their revenue sharing distributions would also be relatively high and reasonably related to their pressing needs. The distribution formula puts the money where the people and problems are.

The second intriguing feature of the bill is the ten per cent incentive that a State and its local governments can qualify for if they can jointly agree on a new State-local fiscal system. In our judgment, this is a powerful incentive for causing Virginia State and local governments to sit down to consider seriously whether revenue sources should be reallocated and whether there should be transfers of expenditure responsibilities between the State and its local government. They could evaluate the financing of education, welfare and transit, and consider such revenue system changes as an increased local sales tax, an income tax surcharge for local governments, gasoline tax changes, and perhaps others. Reduction or stabilizing of property tax bills would, of course, be a foremost objective. The governmental climate in Virginia augurs well for reaching a creative solution.

Under revenue sharing, the political accountability of State and local officials to the electorate would stand as a powerful and natural defense against wasteful fiscal practices. Local policymakers are keenly aware of a hard political fact—that they would be forced to ask their constituents to pay higher taxes if they frittered away revenue sharing funds. They are not, as has been claimed, evading responsibility for raising taxes to cover increases in expenditure programs.

We know that as revenue sharing grows categorical aid programs may shrink in number and size. Arlington would welcome this shift. From Arlington's point of view the certainty of an annual revenue sharing allocation is infinitely preferable to the uncertainties of grantsmanship, which occupies key urban personnel and which often leads to dashed hopes, long project delays, and painful financial strain when the local share must be produced. We also know that local governments, when spending local dollars, start programs on a modest basis and build them cautiously. When they make one-shot Federal aid applications, they have then to contend with large and sudden increases if and when the Federal grant ceases. Revenue sharing, in short, promises certainty, flexibility, real economies, and the opportunity for orderly financial planning.

In conclusion, it should be underscored that the leading organizations that represent the States, the counties, and the cities have reached agreement that revenue sharing is the preferred and workable method of distributing Federal funds to meet problems at the State and local level. They are committed to presenting their case now in the hope that the 92nd Congress will go down in our history as the "Revenue Sharing" Congress.

ANCIENT SWORD RETURNED TO CITY OF KOBE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. DERWINSKI. Mr. Speaker, a very interesting article by Alec Kerr, editor of the Harvey, Ill., Tribune, told of a fascinating series of events whereby an ancient Japanese samurai sword was returned to the city of Kobe. The article very effectively makes the point that the officers of the 108th Combat Engineer Battalion of the Illinois 33d Division exercised considerable diplomacy and skill in arranging for the sword to be returned to the city of Kobe.

May I add that Col. Frank Wittosch, who is prominently mentioned in the article, is an old friend and constituent of mine and Lt. Col. Francis Kane is a former member of the Chicago Metropolitan Sanitary Board. The article follows:

SOUTH HOLLANDER RELATES TALE OF RARE SWORD

(By Alec Kerr)

How a Japanese samurai sword, 800 years old, was returned to its home city of Kobe was revealed recently by a South Holland resident, Col. Frank A. Wittosch, public facilities chief of the 363rd Civil Affairs area (B) headquartered in Chicago.

It appears that the sword, seven feet long, was contained in a weapon turn-in by the Japanese to the U.S. military upon the conclusion of World War II, and seized by the 108th Combat Engineer battalion of the Illinois 33rd division.

The sword and its handsomely-carved scabbard were estimated to have been over 800 years old because a government translator could not identify the Japanese characters dating back beyond that period.

Commander of the battalion at the time was Lt. Col. Francis P. Kane whose executive officer was Frank A. Wittosch, then a major. The two officers, according to "Officer," a national military publication which originally carried the story, recognized the sword as unique and presented it to their division commander, Maj. Gen. Percy Clarkson, who declared it a division war memento and returned it to Chicago with the unit in 1946.

For the next 22 years the sword hung in the office of the commanding general. In September, 1968, the division was terminated. Kane by that time had become a major general and Wittosch a colonel. They were the only remaining officers of the old 108th battalion so they decided to return the sword to the City of Kobe.

But this was not as easy as it seemed. It appears that the Japanese look with dishonor on the return of a military weapon after defeat and its capture. By custom the Japanese could not accept the sword as a gift.

But after discussions with the Japanese consul in Chicago, it was arranged that the Kobe Historical Society would request the loan of the sword as an item of great historical significance. General Kane and Col. Wittosch presented the sword for shipment to the captain of the Japanese ship America

Maru who in turn delivered it to Mayor Chujiro Haraguchi of Kobe.

Umeo Kagei, Japanese consul in Chicago, extended his appreciation and that of the City of Kobe for the sword's safe return.

CALENDAR OF EVENTS OF THE SMITHSONIAN INSTITUTION—FEBRUARY 1971

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the calendar of events of the Smithsonian Institution for the month of February 1971. The Smithsonian, as usual, has planned an outstanding schedule of varied events of interest to people of all ages. Once again, I urge my colleagues and the American people, especially those living in the metropolitan area and those visiting our Nation's capital to visit the Smithsonian Institution.

The calendar follows:

FEBRUARY AT THE SMITHSONIAN

Tuesday, February 2—Illustrated lecture: The *Anacostia Museum Experiment*, by John R. Kinard, Director of the Smithsonian's Anacostia Neighborhood Museum. The first of its kind, this museum strives to be a meaningful part of neighborhood life. Lecture sponsored by the Smithsonian Associates. 8:30 p.m. History and Technology Building auditorium. Open to the public.

Wednesday, February 3—Lunchbox forum: The *Museum Aviation Collection*. Informal lecture and discussion by Jack Hilliard, Curator and Clyde Gillespie, Assistant Curator of the Marine Corps Museum, Quantico, Va. Sponsored by the Smithsonian National Air and Space Museum. Noon. Room 2169, Arts and Industries Building.

Thursday, February 4—Creative screen: *Generation*—A Hilary Harris study in patterns of the playful images of the kaleidoscope; *Catlin and the Indians*—The paintings of George Catlin, painter-historian, law student turned artist, who recorded the culture and customs of the American Plains Indians and the rituals of the vanished Indian society. Continuous half-hour showing beginning 11 a.m.; last showing at 2:30 p.m., National Collection of Fine Arts.

Concert: *U.S. Air Force Woodwind Quintet*. 8:30 p.m., History and Technology Building auditorium.

Saturday, February 6—Creative screen: *Generation; Catlin and the Indians*. Repeat. See Feb. 4 for details.

Concert series: *Music from Marlboro*. Six artists from the celebrated Marlboro Festival of Vermont present music featuring rarely heard works by Beethoven, Haydn, Webern, and Dvorak. Musicians will be Mary Burgess, mezzo-soprano; David Golub, piano; Miriam Fried, violin; Felix Galimir, violin; John Graham, viola; and James Kreger, cello. Second in a series of three concerts presented by the Division of Performing Arts. 8 p.m., Natural History Building. Tickets $4.50 and $5; series ticket (final two performances) $9. For information call 381–5407.

Tuesday, February 9—Illustrated lecture: *The Persistent Unicorn*, by Dr. John White, co-author of *Stonehenge Decoded*. Sponsored by the Smithsonian Associates. 8:30 p.m., Natural History Building auditorium. Open to the public.

Wednesday, February 10—Lunchbox forum: *A Tour of the Research Center*. Informal lecture and discussion by Robert B. Wood, Chief, Historical Research Center, Smithsonian National Air and Space Museum. Noon. Room 2169, Arts and Industries Building.

Thursday, February 11—Seminar in marine biology: *Primary Organic Production*. Lecturer: John Ryther, Woods Hole Oceanographic Institution. First in a series of graduate-level lectures on current research in marine biology. Each lecture will present a general survey of the current status of knowledge in the field, review the main concepts and unsolved problems of the particular subject area, and conclude with the latest research data of the lecturer. A question and answer period follows each program. Persons interested in graduate credit should contact their own university. 7:30 p.m., History and Technology Building auditorium. Public invited.

Lecture: *The Renaissance of Ferro-Concrete Watercraft*, by Cdr. William C. Filkins, Research and Development, U.S. Navy. Sponsored by the Smithsonian Division of Transportation. 10 a.m., West Conference Room, History and Technology Building.

Concert: *U.S. Air Force String Orchestra*. 8:00 p.m. Natural History Building auditorium.

Friday, February 12—Folk concert: Franklin George playing the fiddle, banjo and dulcimer presents *Folk Songs and Fiddle Tunes of Appalachia*. Sponsored by the Smithsonian Division of Performing Arts and the Folklore Society of Greater Washington. $1 admission for non-FSGW members. 8:30 p.m. History and Technology Building auditorium.

Exhibition: *Venice 35*. More than 30 prints produced in the Smithsonian's Graphic Arts Workshop at the 35th Venice Biennale, and photographs of the workshop activities. Graphics are by American artist-teachers resident at the shop during the summer and Fellows from the United States, Italy, England, Greece, Denmark, and Malaysia. Organized by the International Art Program, National Collection of Fine Arts. Through March.

Monday, February 15—Concert: *U.S. Air Force Chamber Ensemble*. 8:00 p.m., Natural History Building auditorium.

Wednesday, February 17—Lunchbox forum: *Is There an Airplane in Your Future?* Informal lecture and discussion by E. W. Robischon, Assistant Director, Smithsonian National Air and Space Museum. Noon. Room 2169, Arts and Industries Building.

Thursday, February 18—Creative screen: *Short and Suite*—A color cocktail inscribed directly on film by Norman McLaren with music written for jazz ensemble by Eldon Rathburn; *The Twenties*—How one era ended and another began. The paradoxes of the 20's shown as a battleground in politics, religion, law, morals and ethnic relations. Continuous half-hour showings beginning 11 a.m.; last showing at 2:30 p.m., National Collection of Fine Arts.

Lecture: *Pollock and His Teachers*, by Francis V. O'Connor, Senior Visiting Research Associate, National Collection of Fine Arts. 2 p.m., Room 337, NCFA.

Audubon Lecture: *Four-Fathom World*. Harry Pederson presents another of his remarkable undersea films, going into the world of the coral reef where the many inhabitants display their reactions to each other and to a human intruder. Sponsored by the Audubon Naturalist Society. Natural History Building auditorium. 5:15 and 8:30 p.m. Public invited.

Seminar in marine biology: *Kinetics and Growth of Phytoplankton Species and Communities*. Lecturer: Theodore Smayda, University of Rhode Island. See Feb. 11 for seminar details. 7:30 p.m., History and Technology Building auditorium.

Friday, Feb. 19—*Protecting Mountain Lands* by Dr. Hubert W. Vogelmann, Department of Botany, University of Vermont. Dr. Vogelmann, a specialist in mountain ecology, uses the Green Mountains of Vermont to explain basic man-mountain relationships and the critical conservation problems which exist all along the Appalachian mountain chain. Sponsored by the National Parks and Conservation Association. 8 p.m., Natural History Building auditorium. Public invited.

Saturday, February 20—Creative screen: *Short and Suite; The Twenties*. Repeat. See Feb. 18 for details.

Folk concert: by the *Southern Folk Festival Association*, including Mike and Alice Seeger, Libba Cotten, and Hazel Dickens. Sponsored by the Folklore Society of Greater Washington and the Smithsonian Division of Performing Arts. $1 FSGW members; $2 nonmembers. 8:30 p.m., History and Technology Building auditorium.

Wednesday, February 24—Exhibition: *Romaine Brooks: "Thief of Souls."*

The first major retrospective of Romaine Brooks (1874–1970) since 1935 when she was acclaimed internationally for the exceptional quality and unique expression of her work. Thirty paintings are on display, including a self-portrait, portraits of Ida Rubinstein, Natalie Clifford Barney, and Gabriele d'Annunzio, as well as highly self-expressive drawings and associative material on the artist. Through April 3, National Collection of Fine Arts.

Lunchbox forum: *Space Documentation at NASM*. Informal lecture and discussion by Frank H. Winter, Historical Research Assistant in the Astronautics Department, Smithsonian National Air and Space Museum. Noon. Room 2169, Arts and Industries Building.

Thursday, February 25—Lecture: *American Artists in Paris, 1850–1870*, by Dr. Lois Fink, Coordinator of Research, National Collection of Fine Arts, 2 p.m., Room 337, NCFA.

Seminar in marine biology: *Techniques and Instrumentation for Marine Biology*. Lecturer: John H. Busser, Bioinstrumentation Advisory Council. See Feb. 11 for seminar details. 7:30 p.m., History and Technology Building auditorium.

Saturday, February 27—Dramatic reading: *Stein Salon: An Afternoon with Gertrude Stein*. Directed by Dr. Donn B. Murphy of Georgetown University. Actor: Robert Frankfurt; Actress: Mimi Norton Salamanca. 3 p.m., Granite Gallery, National Collection of Fine Arts.

Workshop: *Experiment in City Building*. For young people 8–12 years old, conducted by Frank O. Gehry, Architect. Mr. Gehry has been involved in planning Newburgh, N.Y.; Hermosa Beach, Calif.; and Columbia, Md. Sponsored by the Smithsonian Associates. By subscription only; call 381–6158.

Sunday, February 28—Workshop: *Experiment in City Building*. Repeat. See Feb. 27 for details.

DEMONSTRATIONS

Museum of History and Technology

Musical Instruments—from the Smithsonian's collection. Monday, Wednesday, Friday, 3 p.m., Hall of Musical Instruments, 3rd floor.

Power Machinery—steam engines and pumping engines. Wednesday, Thursday and Friday, 2–3:30 p.m.; Saturday and Sunday, 10:30–noon and 1–3:30 p.m., Power Machinery Hall, 1st floor.

Spinning and Weaving—Monday and Thursday, 10–4 p.m., Tuesday and Friday, 10–noon. Textile Hall, 1st floor.

FOREIGN STUDY TOURS

Tours concerned with archaelogy, the arts, museums, private collections and natural history are available to national and local Associates in 1971.

East African Safari and Cruise: March 20–April 15. Five days in game reserves; two-week cruise from Mombasa to islands in the Indian Ocean. A few spaces still available.

Cyprus and Turkey: May 11–June 1. Waiting list only.

Architectural and Historical Tour in Scotland, Wales and Ireland: May 31–June 20. Waiting list only.

"No-Tour" Tour. May 26–June 16. Air France Excursion-Dulles/Paris/Dulles. Members make their own arrangements for travel in Europe.

Roman Archaelogy: July 1–22. Inexpensive excursion for students, teachers and parents.

South America: Aug. 2, 21 days. Brazil, Peru, Ecuador and Colombia, with emphasis on archaeology, old and new architecture, museum and private collections plus a short visit to the upper Amazon.

"No-Tour" Tour. Three weeks in September. BOAC Excursion—Dulles/London/Dulles. Members make their own arrangements for travel in Europe.

Russia. Sept. 20–Oct. 12. Samarkand, Kiev, Vladimir, and Novgorod, with extended visits to Moscow and Leningrad. Directed by Dr. R. H. Howland and Prof. George Riabov. Tour full. Second group departs Oct. 25 (through Nov. 19).

For itineraries and details, please write to Susan Kennedy, Smithsonian Institution, Washington, D.C. 20560, or call 381–5520.

CONTINUING EXHIBITIONS

Anacostia Neighborhood Museum

2405 Martin Luther King, Jr. Avenue (formerly Nichols Ave.) S.E.

. . . Toward Freedom. The civil rights movement from 1954 to the present is reviewed. Through March 28.

Arts and Industries Building

East 100th Street. Eighty photographs of one block in Harlem, taken by Bruce Davidson during 1967–68. Through March 8.

Apollo 14. As a background for the Apollo 14 launch, this display explains the current Apollo mission—its purpose, destination, participants, etc., with text, photos and a lunar relief map. Through February.

Aerial Exploration. Two airplanes of the 1930's—Sirius and Polar Star—that made pathbreaking polar flights.

Pakistani Prints. Prints from a creative workshop in Pakistan during 1967. Sponsored by the International Art Program of NCFA. Through Feb. 16.

Hand of Man on America. Photographs by David Plowden depict man-made objects and their impact on the American continent—past, present and future. Through Feb. 16.

The Genteel Female. Lithographs depict the romantic view of the American woman of the 19th century. Through Feb. 16.

SNAP-27. A duplicate of the nuclear device that supplies electric power for the package of experiments placed on the moon by Apollo 12 astronauts. On display indefinitely.

Astronautical Art. Realistic illustration, impressionistic and abstract paintings and sculpture inspired by the space program. Included are works by Norman Rockwell and other well-known artists. On display through Easter.

World Bazaar. Museum Shops sales/exhibition featuring objects d'art and craft from 50 countries.

Freer Gallery of Art

Whistler's Landscapes and Seascapes. Forty paintings show Whistler in his forgotten role as an avant garde artist. On display indefinitely.

Whistler's Etchings. Twenty-six prints and 16 canceled copper plates. On display indefinitely.

Museum of History and Technology

The First Two Years: A Photographic Impression of the Presidency. Fifty-picture exhibit showing President Nixon in a variety of activities beginning with his inauguration to the present time. Through Feb. 21.

Railway Mechanical Interlocking. Objects, prints and photographs relating to interlocking switches and signals, an important 19th century development in railway safety. 1st floor, through Feb. 25.

Yellow-Glazed Earthenware. A rare collection of some 600 pieces of English earthenware made between 1785 and 1830. Pieces will be rotated in the exhibit, which is permanent.

Do It the Hard Way: Rube Goldberg and Modern Times. Featuring cartoons, writings, sculptures and cartoon "inventions." On display indefinitely.

Rube Goldberg films are shown in the History and Technology Building auditorium in half-hour programs at 11 a.m. and 2 p.m., Feb. 1, 2–5, 9, 11, 12, 16–22.

Iron and Steel Hall. Exhibit of the American iron and steel business dealing with modern practices and some of the historical background. On display indefinitely.

Museum of Natural History

Moon Rock Research. Findings of research on lunar samples by Smithsonian scientists. On display indefinitely.

National Collection of Fine Arts

Paintings of the John Henry Legend. Twelve paintings by Palmer Hayden retell the legend of John Henry and the dramatic contest between the steam drill and the steel driver. On display through March 14.

A Look at the World: Mid-Century. Twenty-six American paintings and small sculptures give an individualist view of the 1950's. On display indefinitely.

Winslow Homer. Fifty-one oils, watercolors, drawings, and graphics, mostly from the artist's popular early period. On display indefinitely.

National Portrait Gallery

John Muir, 1838–1914. A display centered around the great naturalist Muir and the conservation movement in the United States at the turn of the century. Through June 1.

Along This Way. Portraits, photographs, death mask, and other artifacts of black culture exponent James Weldon Johnson. A teaching exhibition. Through May 31.

RADIO SMITHSONIAN

Radio Smithsonian is broadcast every Sunday night on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. This weekly program presents conversation and music growing out of the Institution's exhibits, research, and other activities and interests. Program schedule for February:

7th—The Alarius Ensemble of Brussels, in a concert ranging from contemporary to baroque music recently presented at the Smithsonian.

14th—"A Collection of Millions?", Dr. Richard S. Cowan, Director of the National Museum of Natural History; You Are More Attractive with a Flat Head!, Dr. T. Dale Stewart, Senior Physical Anthropologist.

21st—Council on Worms, Dr. Meredith L. Jones, Curator of the Division of Worms; Scientists at Sea, Dr. I. Eugene Wallen, Director of the Office of Environmental Sciences.

28th—Indians. A long look at a major area of Smithsonian scholarship, the American Indian, his culture, and some of his problems today.

Also heard on WAMU–FM (88.5) Tuesdays at 6 p.m.; WETA–FM (90.9), Mondays at 9:30 p.m.; and on WNYC–AM/FM in New York City.

TOURS

Sponsored by the Smithsonian Associates
By Subscription Only

Our Natural Heritage, Feb. 21–26. Six-day study trip to the Aransas National Wildlife Refuge, Padre Island, and selected private areas in southern Texas. The unique bird population of south Texas will be emphasized. Phone 381–5159.

Winterthur and Odessa, March 6 or 27. One-day tours. Phone Mrs. King, 381–5157.

HOURS

Smithsonian Museums: 10 a.m.-5:30 p.m., 7 days a week. Cafeteria: 11 a.m.-5 p.m. daily, MHT. Snack Bar: 10 a.m.-3 p.m. daily, MHT.

National Zoo Buildings: 9 a.m.-4:30 p.m., 7 days a week.

Anacostia Neighborhood Museum: 10 a.m.-6 p.m., weekdays; 1–6 p.m., weekends.

Dial-a-Museum—737–8811 for daily announcements on new exhibits and special events.

Dial-a-Phenomenon—737–8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs. Editor: Lilas Wiltshire. Deadline for entries in the March Calendar: February 5.

MUSEUM TOURS

Walk-in Tours

Museum of History and Technology (meet in Pendulum area): Tues.-Fri. 10:30, 11:30 a.m., 1 p.m.; Sat. and Sun. 10:30 a.m., noon, 1:30, 3 p.m.

National Collection of Fine Arts—Mon.-Fri. 11:30 a.m., 1 p.m.

School or Adult Group Tours by Appointment

Museum of History and Technology, Museum of Natural History, National Collection of Fine Arts—381–5019; 381–5680.

Freer Gallery of Art—381–5344.

National Portrait Gallery—381–6347.

National Zoological Park—332–9322.

Mailing list requests and changes of address should be sent to the Smithsonian Calendar, 107 Smithsonian Institution Bldg., Washington, D.C. 20560.

SOLDIER PAID TRANSPORTATION COSTS BACK TO VIETNAM

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. BROOMFIELD. Mr. Speaker, in January of last year I was introduced to the case of Sp4c. Thomas O. Jensen. This young mean, after serving an 8-month assignment in Thailand, volunteered for another 13-month hitch in Vietnam. For the period before transferred to his new station he was granted a 30-day leave, only to find that he would be forced to pay all his transportation costs back to Vietnam.

Jensen contacted me immediately, and I requested an explanation of the matter by the Defense Department. I was informed simply that this "was Army policy, and nothing could be done for Specialist Jensen."

To me, and I am sure to young Jensen, it seemed dubious policy indeed to require servicemen to contribute part of their sparse monthly pay for the "privilege" of going into a battle zone. Accordingly, I introduced legislation to authorize the Army to pay for travel expenses incurred by military personnel who are granted leave between two foreign assignments. The Defense Department sent the bill to the Office of Management and

Budget for approval, where it has stayed ever since. Apparently, no one over there thinks our servicemen deserve better treatment.

Despite this initial setback, I am reintroducing the bill, confident that it will receive the consideration it truly demands. I am sure my colleagues will agree that this is a worthwhile and thoroughly sound piece of legislation.

Frankly, I must wonder how the O.M.B. could possibly have rejected this bill. It has but limited application—to servicemen granted leave between two permanent foreign assignments—and it simply will not be very expensive.

Moreover, I think its benefits will far outweigh its costs. When we consider the low level of morale within the service and the even lower esteem in which it is held by the public, we must agree that any measure designed to ease the situation of the enlisted man will certainly be useful in restoring the military's somewhat tarnished public image.

Raising the pay of our servicemen, Mr. Speaker, was, of course, the major step in our drive toward high enlistment rates and a zero draft. But we must improve as well the conditions under which our courageous young men must live and fight for their country. Like any other Federal employees our soldiers ask only to be treated fairly and honestly. I believe they deserve a better deal.

RURAL LEAGUE ASSISTANCE PROGRAM

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. REID of New York. Mr. Speaker, I rise to express my fear that the credibility of the administration's commitment to the poor of our Nation is endangered by the failure of the Office of Economic Opportunity to immediately express its continued support of the California rural legal assistance program.

I call on Mr. Frank Carlucci, Director of OEO, to cease his posture of delay and promptly override Governor Reagan's veto before the faith of the poor is permanently shattered.

Unless the administration reverses its decision to fund the CRLA for only a temporary period the following damaging results appear inevitable:

A planned project establishing a local legal aid "back-up center" will have to be scrapped;

The projected hiring of 12 new lawyers has been rendered nearly impossible due to the uncertainty over funds;

The time and energy of CRLA staff will be expended in answering Governor Reagan's charges, instead of helping the poor;

And, finally, many CRLA staff will be compelled to search for secure employment, due to uncertainty over OEO backing, instead of efficiently carrying out their duties.

I am extremely disappointed that Mr. Carlucci has extended CRLA funds for only 6 months, thus postponing a firm decision on Governor Reagan's veto.

Mr. Carlucci and this administration have had more than ample time to study the matter, and are apparently procrastinating simply to avoid facing up to a tough decision.

They must act, and act now with a positive, long-range commitment to the California rural legal assistance program.

BLACK CONGRESSMEN VIEW NIXON

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. CLAY. Mr. Speaker, as most of my colleagues are aware, the black members of the House have attempted several times to gain an audience with the President. However, we have consistently been turned down. The President not only demonstrates a lack of common courtesy but also a lack of respect for elected officials who represent 25 million blacks. Because of his refusal to discuss with us the problems which confront our people, we in turn refused to attend his state of the Union address. Mr. William Raspberry, a columnist with the Washington Post has written an article capturing our view of Mr. Nixon and the total lack of concern for blacks which the President and his administration embraces.

Mr. Raspberry's article follows:

It was more than a fit of pique that led the 12 black members of the House of Representatives to boycott the President's State of the Union message.

It was more accurately a desperate move designed to get Mr. Nixon to listen—or to make crystal clear than he does not wish to listen—to what black Americans, through their elected representatives, have to say about the direction the country is headed.

Said Rep. William Clay (D-Mo.), who called the State of the Union boycott:

"We started with the assumption that Mr. Nixon has not surrounded himself with anyone who can speak for black Americans, nor even shown any interest in discussing the problems of blacks.

"In addition, he has refused to discuss these problems with black congressmen.

"Therefore we concluded that Nixon can't tell us anything about the State of the Union as far as black people are concerned. Our boycott was designed to serve notice that black people are disgusted with his policies and their effect on their lives."

Clay and Rep. John Conyers (D-Mich.) told me their desperation is no sudden thing. It dates back at least to last Feb. 18, when the Black Caucus (comprising all black members of the House) requested an audience with the President.

"We wrote him a letter, outlining our reasons for wanting to see him," said Clay. "We got no response until April 20. The thrust of the reply was that the President's schedule was such that he couldn't fit us in.

"You know, the don't-call-us-we'll-call-you kind of thing. And that was signed by a lower-echelon clerk."

"Well, now," corrected Conyers, "it was an upper echelon clerk. In fact it was the same guy who wrote to the little black poster girl in Kansas saying that the President didn't have time to have his picture taken with her for the muscular dystrophy poster, or whatever it was."

The point, Conyers and Clay agreed, is that the President, who does have time to meet with, say, hardhats, finds his schedule impossibly full when black people want to see him.

After the February letter, and after a second letter in August in which they said it was "imperative" that Mr. Nixon meet with them, the congressmen said they followed up their formal requests with efforts to have intermediaries—"highly placed administration figures"—impress upon the President the importance of their request.

The closest they got to an explanation of why the President didn't want to see them, they said, came in a Time magazine article when the question was put to Presidential Assistant John Erlichman:

"We try not to permit opportunists to use the Presidency as a grandstand. That group has been going around, with Adam Clayton Powell, holding hearings and taking extremist positions. This looked to me like a set up."

The explanation, if it is accurately quoted, is incredible. It is bad enough to imply that all black members of Congress are "opportunists."

But if every one of the black congressmen that black Americans have elected can be considered as advocating "extremist" positions, that in itself ought to say something about the state of the union as black folks see it.

Part of what is behind the administration's recalcitrance is its almost-pathological fear that some Negro will leave a presidential conference and issue a public blast against the President. The White House got burned that way once with the Rev. Ralph Abernathy and is loath to run that risk again.

It has become routine, one hears, to extract no-blast pledges from any black spokesman before granting him an audience with Mr. Nixon.

But even understanding the nature of White House fears, it seems incredible that a man who is rated a political genius would provide such useful campaign ammunition to the 12 black members of the House.

As they wrote him last July, the President has had "a record 30,600 personal guests at the White House."

They find it hard to believe that such a schedule would provide not a single opening for the 12 leaders blacks have chosen to represent them.

OBSCENITY CONTROL

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. PRICE of Texas. Mr. Speaker, yesterday, February 1, a new Federal antismut law went into effect. Under the terms of this law, persons who do not want to receive offensive materials in the mails can complete a postal form requesting that their names be placed on a special computerized list. Anyone sending "sexually oriented" advertising or printed matter to an individual whose name has been on the list 30 days or more, has committed a Federal crime punishable by up to 5 years imprisonment, a fine of $5,000, or both. This new law also makes a break from past regulations that only enabled individuals to stop offensive mailings from specific concerns. Now, by getting on the special list a person can be protected against all filth peddlers.

While this new postal regulation certainly should prove significant in terms of stemming the rising tide of pornography inundating the Nation, it does not go far enough. The Federal Government must take stronger steps to halt the flow of obscene materials into the homes of America.

Mr. Speaker, in an effort to provide a focus for congressional action I am introducing a bill which, if enacted, would step up the tempo of Federal regulation, and would hasten the demise of the smut trade. I propose that the use of interstate facilities, including the mails, be closed to the transmission of salacious advertising, or advertising that would pander to prurient interests. Any person or business convicted of violating this ban could be punished by up to a $50,000 fine, or up to 5 years in prison, or both for a first offense. A second conviction could bring a $100,000 fine, a 10-year prison sentence, or both.

In conclusion, I would point out that a bill similar to this was passed by the House during the second session of the last Congress, but was not acted upon by the other body. By introducing this bill today, I hope to expedite House action and provide the other body ample time to consider the obvious merits of this proposal.

WELFARE DIRECTOR'S EFFORTS ARE RECOGNIZED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article which appeared in a recent edition of the Louisville Ky., Times, in which Mr. Gordon Railey, Clark County, Ind., welfare director, is recognized for his years of service and dedication to the needy:

WELFARE DIRECTOR RAILEY EARNS REPUTATION AS A BATTLER FOR THE POOR IN CLARK COUNTY

(By Maxwell King)

Gordon Railey is of that timeless and paradoxical breed: the fighting Christian. A gentle, deeply religious man, he has often stood fast and fought for what he believed during his eight years as Clark County welfare director.

"I think the best Christians have got to fight sometimes," he said recently, explaining that he found nothing conflicting in his dual role as church leader and personnel director of the Indiana Army Ammunition Plant during the Korean War.

Since he left that position in 1958 and later became welfare director, Railey has continued to fight, this time as an administrator working to see that his clients get the benefits they need.

"There's been many a welfare check go out of this office," he said, "only because I fought long and hard to see that it did."

Railey's battles over the past few years have often been with members of the Clark County Council, who, worried over increasing welfare costs, have slashed his budget and his salary.

COUNCIL CUTS BUDGET, SALARY

These battles have reflected the conflict between welfare recipients and taxpayers. When Railey has defended the rights of his clients, and the county councilmen have defended the pocketbooks of their irate constituents, they have naturally clashed.

In 1969, the council cut the welfare department's proposed budget by half, and also cut Railey's salary from $7,800 to $4,300. The State Board of Tax Commissioners later restored most of the cuts, including Railey's salary.

When Railey came back at the end of 1969 for an extra appropriation of $158,000, the council did not approve it until Railey had threatened to sue.

In 1967, the county welfare board did go to court to pry loose an extra appropriation of $47,000 from the council.

Railey has steadfastly maintained that the cost of welfare has been rising, not because of free and easy spending policies, but because of the rising costs of medical care for the elderly and the indigent.

OLD, SICK NEED HELP

Inflation in the cost of medical care, and scientific advances that make it possible for people to live longer, are chiefly responsible for increased welfare costs, he has said.

"I feel that in this business," Railey said, "we are helping those who cannot help themselves. Those who can help themselves shouldn't be on our rolls, and we work very hard to keep them off.

"But those that are old or sick need someone to help them and fight for them, and that's what we do."

Railey (who grew up in a devoutly religious home in Westport, Ky., later attended a seminary, and still preaches occasionally in churches) views his role of welfare agent as part of society's Christian effort to help others.

Since he was a young man, he has been involved in church work for the infirm and elderly. "I feel like I'm carrying on my church work here (in welfare) by caring for the poor, the sick and the infirm. This work is definitely humanitarian," he said.

Railey was born in 1910 into the Cecil Railey family. His father, a saw mill owner, and mother were devout Christians and Gordon began attending church as a young boy.

After his family moved to Louisville, Railey attended Male High School and then the University of Louisville. He had to drop out of college before graduating because of financial problems.

"The depression hit right after I went to college," he recalled, "and it got so tough I had to drop out. I worked and went to school nights."

He also continued his involvement with the church. In the early '30s, he was elected the president of the Louisville Christian Endeavor Society, a group of young members of various churches who visited persons confined in institutions and carried out other volunteer church work.

Railey attended Louisville Theological Seminary for several years while he was working, and he originally planned to join the ministry. A brother, the Rev. C. Marion Railey, is a missionary in Mexico.

But Railey dropped out of the seminary after he was married to the former Edna Bair of Morehead, Ky. "I guess I always took on too many responsibilities at once," he said.

He worked as a chemist (he studied chemistry when he was in college) for a Louisville firm, but lost that job when the depression caused the company to lay off a number of workers.

He later worked as a salesman and credit manager for a home supply company in Louisville. "Those were the years when I was really raking in the money," he said wistfully.

But he was lured away from that job to become personnel manager at the ammunition plant in Charlestown, then known as the Indiana Ordinance Works. He took the job during the Korean War and was laid off in 1958, when peacetime slowed the plant's production.

He later worked as a shoe store manager in Louisville, then quit that to start his own sales firm.

But his varied career was altered again when the members of the Clark County Welfare Board convinced him to take the job of welfare director.

"I wouldn't have taken it," he said recently, "but I was told it was a part-time job that wouldn't interfere with my business."

RAILEY GIVEN CITIZENSHIP PLAQUE

He discovered that the director's position was very much a full-time position, and to continue as director he had to sell his business, even though it meant a large loss in revenue.

He started as welfare director with a salary of $5,400. Though he now makes $9,420, this is the minimum salary he can be paid under his state civil service ranking.

Railey's wife, Edna, works as a nurse and has been an employe of Clark County Hospital for more than 20 years. They have two children.

Railey received the Jeffersonville Social Concerns League Citizenship Plaque in 1967, and he was the 1969 state president of the Indiana Conference on Social Welfare.

Among the Railey's outside interests is square dancing, and he was chairman of the National Square Dance Convention held in Louisville in 1958.

Despite the low salary accorded him by the county, the 60-year-old director has no plans to retire: "What would I do, sit around and learn to knit?" he asks facetiously.

And he feels that, after the many different positions he has held over the years, he has found his chosen vocation: "I just regret that I didn't get into this (welfare work) as a young man. I think you can do more good here, really, than as a minister of a church. . . .

"Helping people . . . and seeing the appreciation they show us—particularly from the children who grow up and become self-supporting—that makes it worthwhile."

The only thing that has given him as much satisfaction is his record as a Sunday School teacher. He was Sunday School superintendent of the First Christian Church of Jeffersonville for 14 years, and during that time the school doubled in size and became the largest Sunday School in the city.

That was this fighting Christian's most pleasant victory.

THE GOOD THAT JACK HALL DID LIVES AFTER HIM

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. MATSUNAGA. Mr. Speaker, America lost a most remarkable and valuable man last month with the passing of Jack W. Hall, a great labor leader and truly a man's man.

For 25 years Jack Hall served, in the truest sense of service, as the regional director for Hawaii of the International

Longshoremen and Warehousemen's Union.

The laboring man in Hawaii today enjoys independence, dignity, and economic well-being. To a substantial degree, he owes this present status to the tenacity, dedication, and organizational skill of Jack Hall. He was among the first to recognize the need for working men of all races to unify in order to achieve their common objectives.

Jack Hall was an unusual, if not unique, labor organizer and leader who commanded the respect not only of the working men but also of employee executives with whom he dealt during the bitter struggles of the 1930's, and the later more difficult, though less combative days of labor-management relations from the 1940's to his death.

Jack Hall's word was his bond and as good as gold. This was the reputation he developed over the years and he was one of those rare individuals trusted by politicians, regardless of party line. As so aptly expressed by Honolulu Star Bulletin's Shurei Hirozawa:

> Hall's honesty more than anything else was the ingredient that improved labor-management relations in Hawaii and the deep respect that management developed for him.

Hawaii has suffered an irreplaceable loss with the death of Jack Hall, but the good that he did will live long after him. As one who was numbered among his friends I too have been enriched for having known him.

The Honolulu Star-Bulletin recently published both an extensive article on Jack Hall's life and a thoughtful editorial assessing his impact on the life of Hawaii. I include them in the RECORD at this point:

Social Justice Is Jack Hall's Isle Legacy

(By Shurei Hirozawa)

Jack W. Hall, whose death Saturday brought to an untimely end the career of a great labor leader, will be remembered for the major role he played in uplifting the lot of Hawaii's masses in this century.

In the history of Hawaii, Hall will be remembered as a visionary, a self-educated leader who, with his union, accomplished important social gains.

It was only a year and a half ago that Hall left Hawaii to fill a new post of vice president in charge of organization for the ILWU. This was after he'd served 25 years as the union's regional director in the Islands.

He had great plans when he left. He believed the ideas he had developed in Hawaii could be applied nationally. But Parkinson's Disease hospitalized him recently, and a massive stroke on New Year's Day claimed his life a day later.

Although he died in San Francisco, he will be remembered with more respect in Hawaii.

From age 21 to 53, Hall dedicated himself to the improvement of the conditions of the working man in the Islands.

Graduated from high school at the height of the Depression, when millions were unemployed, he took the only job he could find at the time—going to sea.

As he often mentioned, the times made a deep impression upon him, making him wonder if there wasn't a better way out of the social problems facing the nation. The answer he found was through trade union action.

He told me once that the 1934 West Coast dock strike taught him that interracial unity was the only way a union could win a strike where the work force consisted of more than one race.

Another tool that he adapted for use in agricultural Hawaii was the Wagner Act of 1935. That law gave unions the right to organize for the first time. This New Deal law gave rise to the great industrial unions of the CIO, led by the late John L. Lewis.

Young as he was, Hall quickly learned the principles laid down by Lewis. And these were to bring him success in his long battle for social justice for workers.

For trade union success, Lewis had preached independent political action and organization along industrial lines.

This is exactly what Hall said he did in the late 1930s on Kauai, which brought him his initial victories in organization and in political action.

He was assigned to help the dock strikers at Port Allen in 1937 and also to help workers organize in that area. Within a year a political action group he had organized was able to upset a highly favored candidate and elect labor-oriented J. B. Fernandes to the Territorial Senate.

In another year, Hall had won labor agreements for workers at McBryde Sugar Co. and Kauai Pineapple Co., the first contracts with agricultural firms in Hawaii, and probably the nation.

Hall forged the winning group out of a loyal nucleus of older nisei and English-speaking Filipinos and Portuguese in positions of leadership among the workers. When needed, these leaders did the translating into native tongues.

All of his work on Kauai was not without personal danger. He told me once of two attacks on him in Hanapepe in which thugs were sent to get him.

"One night four goons mistook a tall first mate off a freighter for me and hurled him into the river," he said. On another occasion, a thug went after him with a .45 caliber pistol in a bar and he was saved only by the quick-witted barmaid who turned off the lights and hid him under the steam table in the kitchen. Hall later escaped out of the building by the back way. He said he was never so frightened in his life.

As a high school student, I used to see Jack Hall at times when my friends and I hiked four miles to Hanapepe to see an occasional Saturday afternoon matinee.

His office, which I never saw, was two doors away from the theater. The times I saw him, the tall figure always appeared to be in a hurry, or busy in conversation with someone.

Not one of my friends or I realized what he was doing to the social fabric of the Islands. It was many years later that I met him for the first time while covering the labor beat for the Star-Bulletin. And it was many years more before I was to understand fully what he was trying to accomplish.

One particular assignment about 10 years or so ago for the Star-Bulletin gave me a pretty good clue to where his thinking pointed. He spoke to a church convention one Sunday morning and told what he saw coming with the containerization of freight.

Matson Navigation Co. had just begun to containerize freight for the Hawaii trade at that time, and great economies and advantages for consumers had been predicted.

But Hall talked about the effect this would have upon dockworkers, especially on the Neighbor Islands where he saw containerization reducing the docks to ghost ports.

Hall was concerned first about the eventual evaporation of work and finding a way to minimize the hardship that he saw coming.

The answer was to come seven years later, in the dock labor negotiations of 1967.

Hall had told me in many different ways during my years on the labor beat about his philosophy of the roles of labor and management in the American economic scene.

Employers under the free enterprise tradition have one major objective, and that is profits.

Unions, in the same context, have fought mainly for improvement in wages and working conditions for workers. In the early years of the ILWU, what seemed like serving its self-interest was actually an act of self-preservation and strengthening so the union could tackle the wider problems on another day, he said.

In this technological age, Hall felt employers have a social responsibility to help ease the problems arising from the shifting demands of today's fast-paced economy.

And unions have the same responsibility to push for solutions to social problems through collective bargaining and other means if it fails at the bargaining table.

Fortunately, an era of mature labor-management relations began in the early 1950s following the disastrous dock strike of 1949 when the ILWU firmly established itself as a part of Hawaii's economic structure.

Jack Hall and his union saw the changes coming in the labor-heavy sugar plantations and the social casualties that were sure to appear among the older non-English speaking workers who had been brought to Hawaii by the industry.

The union made a decision that it wouldn't waste its strength fighting mechanization, but would demand instead that industry pay workers a share in the benefits business got from the machine.

The fact that industry decided to work with the union toward this goal is a tribute to Hall's innovative thinking and the industry's social consciousness.

Older workers were given cash incentives to take early retirement. Aliens were given special cash incentives to retire and return to their homelands where American dollars expanded their purchasing power.

The union also took smaller wage increases and with the remaining funds purchased pensions for older workers who could then afford to retire earlier. Another incentive the union negotiated was a good medical plan for retired workers and their spouses.

Even with the elimination of thousands of jobs in the sugar industry, there was no reported hardship case or involuntary unemployment.

The union and the pineapple industry followed the same pattern for orderly elimination of workers with the same happy results.

The mechanization of the docks came 10 to 15 years later, and a somewhat similar program was used in easing the elimination of jobs.

Repatriation to the country of origin, generous severance allowances to older workers, transfers to docks on the West Coast financed by travel allowances were part of the program to trim the work force without throwing people into the streets.

For the ones who remained, longshoremen were flown to different ports within the State to equalize work opportunity, and each was guaranteed 38 hours of straight time pay a week.

The cost of flying workers to and from their home ports went beyond initial estimates and caused financial problems. But Hall's solutions for the social problems that might have occurred were achieved.

In the hard bargaining with industry, Hall was often able to win unheard of demands. His secret weapon was careful preparation and deep knowledge of the economics of the sugar, pineapple and longshore industries.

Even management people have told me that Hall's grasp of the economics of these industries was better than many on the companies' bargaining committees.

But the industries were rewarded for good-faith bargaining with the ILWU. Hall's leadership brought stability because his word was a bond and he never went back on it. Industry could depend on that.

Hall's honesty more than anything else was the ingredient that improved labor-management relations in Hawaii and the deep respect that management developed for him.

Aside from the bargaining table, Hall built the political influence of his union to such a potent force that the numerous social benefits won in the Legislature covered thousands of other workers as well.

Working with Sens. Fernandes and Clem Gomes whom labor helped elect from Kauai, Hall got the State Wage and Hour law passed in 1940.

In 1945, he was able to get a Little Wagner Act through the Legislature which gave agricultural workers the right to organize, and made it possible for the ILWU to bring sugar and pineapple into its fold.

In later years, the ILWU was instrumental in helping write the most liberal workmen's compensation, unemployment insurance and minimum wage laws of any State. The temporary disability insurance law, passed two years ago, is also a product of ILWU lobbying.

The union's success in creating an interracial membership with a discipline unequaled in Hawaii's labor history gave the ILWU the power it needed to win what it deemed right at the bargaining table or in the Legislature.

And Hall sometimes was not shy about using power when needed even at the expense of criticism from the community. One of his favorite sayings was, "We don't worry about losing our respectability, but we want to be respected."

During his last years in Hawaii, he took the position that government, business and labor working together will best solve the social problems that arise from our ever-changing economy.

He took little credit for bringing Hawaii to this stage where working people take hard-won dignity and human rights for granted.

But that's the way he was. His work was done when he left in June 1969. He said he was grateful for friends and foes for making his life so interesting and meaningful.

And if he was to be remembered for anything, he wanted to be remembered as "a rebel in paradise who struck a flame that was kept burning."

HE CHANGED HAWAII

Should the time come when monuments are erected to the builders of Hawaii, Jack W. Hall will have a rightful place among those selected.

Hall was controversial and tough.

He also was idealistic and brave—brave morally and brave physically.

Starting as a young man just off a ship from California, Hall dedicated himself to the task of improving the lot of the laboring man in Hawaii.

He gave his lifetime to it and he succeeded so well that he revolutionized life in these Islands.

Hall united working men without regard to racial lines for the first time.

Then he engaged in battles—some of them extremely tough and bitter—that won them economic democracy and with it political and social democracy.

Few people today would deny that, on the balance, the labor movement has been a force for good in Hawaii and that Hall's ILWU was the pioneer that made it so.

Many other unions now operate actively and freely in Hawaii but it was Hall and the ILWU that blazed the trail through the tough forest of resistance.

They challenged a well-intended but paternalistic and semi-feudal plantation system. From it, they won the independence, dignity, power and economic well-being that mark the laboring man's status in Hawaii today.

Hall's place of honor today is disputed by a few who say he was a Communist and see that as reason enough to dishonor him.

At one time he was. The 1950 Smith Act jury delivered a finding to this effect and the later reversal on technical grounds did not dispute the evidence.

Hall never said publicly that he had been a Communist but he did not deny it either. Instead he chose to say that he had not been a Communist since 1950.

The evidence at his trial along with six others suggested that he joined the Communist Party because it offered to help the ILWU at a time when no one else would. He was, in other words, a labor man first and a Communist second.

The late Arnold Wills, the National Labor Relations Board representative in Hawaii after World War II, knew something about Communists. He had been on the fringes of the party himself.

Wills, who liked Hall immensely as did most other people who knew him well, once waved a bony finger at Hall and told him: "You'll never make a good Communist, Jack. You've got a conscience."

Hall also was too bright and too pragmatic to be a Communist zealot. If he had ever believed in a Communist revolution as a means of winning independence and dignity for the American laboring man he certainly abandoned it as he saw what was happening in the totalitarian countries and contrasted it with the progress that he was making for his cause within the American system.

Like many critics before him, Hall wound up by making the American system better. He proved to be one of Hawaii's greatest builders.

No tribute to Hall can ignore his honesty.

He was respected in labor negotiations as a man who kept his word. He sought little for himself and got along on a relatively small salary compared to other labor leaders or to businessmen with far less responsibility. His union remained free of scandal.

When Hall left Hawaii for California in 1969, the round of alohas and goodbyes was overwhelming. Beyond the immediate sadness of the parting and the wide and deep aloha for him was the knowledge that his health was such that he might not be back, at least not in an active leadership position.

It has turned out that way. Hall's life was shorter than average but in Hawaii he will always be remembered and respected as a champion of the common man who was one of the most uncommon men of all.

VOLUNTARY PRAYER

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. MOLLOHAN. Mr. Speaker, the words of the first amendment of the Constitution should be interpreted as a safeguard to the exercise of religious beliefs—not as a prohibition. When these words: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof" were written, our Nation was still close to its fears of religious persecution. The colonies had been settled by men whose religious ideas were unpopular and in the minority, and the religious groups which sought freedom here were many and diverse. So when these words were written, the fears of religious persecution and the establishment of a state religion were in the minds of all men, for many of these groups had fled an England where there was, in effect, a state-created religion.

During the 1960's the Supreme Court and the courts of various States decided that certain prayers in public schools, since the schools were supported by the State, amounted to the State giving its endorsement to certain religious doctrines. These may have been logical rulings for, in some cases, the prayers may have favored one denomination over another. Furthermore, these rulings were designed to protect religious minorities and the right of men not to believe in what might happen to be the most popular religion of the time.

To protect the rights of the minority, these rulings have decreed, it is the wisest policy of the State to be impartial to religion, because if any State policy lends support to any one religious idea, someone, somewhere, might be offended because the State has given its official prestige to a religious idea which may be heresy to him.

The logical extension of this argument is the condition where the State neither voices any ideas which may be considered religious nor listens to any such ideas, but instead performs its duties in an isolated, empty room apart from the religious belief and strength of the people.

In the greater perspective, these rulings have actually prohibited the free exercise of religion. They decree that the separation of church and State means that when a man leaves his church and goes across the street to the courthouse, he must put aside—into a quiet corner—his religion as if it were something as discardable as his hat or coat.

With a constitutional amendment allowing voluntary, nondenominational prayer, we could avoid the question of the State giving its support to a particular religion and we would correct the error of past court decisions which are prohibiting the freedom of religion.

CEYLON'S INDEPENDENCE

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. FOLEY. Mr. Speaker, the 23d anniversary of Ceylon's independence will be celebrated tomorrow, February 4, 1971.

Ceylon remains one of the most stable parliamentary democracies in the Far Eastern part of the world and, in fact, her record in maintaining democratic freedom compares favorably with those countries who have been independent for longer periods of time. His Holiness Pope Paul VI on his brief visit to Ceylon in December 1970 stated:

> Lanka must be a beacon of peace throughout Asia, in all the lands bound by the Indian Ocean and throughout the World.

Parliamentary elections in Ceylon have been based on universal adult suffrage dating as far back as 1931, and a few years ago the age for voting rights was lowered to 18 years. This was made possible because of the considerable progress Ceylon has made in curbing illiteracy and, in fact, the literacy rate is the highest in the countries of the region with the possible exception of Japan. This in turn is the result of education being brought within the reach of everyone by making it free from the kindergarten through the university.

That the rule of law is firmly entrenched in the traditions in the country is evidenced by an active parliamentary opposition and a free press. This is further testimony to the vitality of the democratic process in Ceylon.

Another area in which Ceylon has made considerable progress is health. The life expectancy has been raised to 62 years owing to the greatly improved environmental sanitation, better medical treatment, and improved diet.

The present Government, which came into office after a general election in May 1970 under the leadership of Prime Minister Mrs. Sirimavo Bandaranaike, has given the highest priority to economic development through three major commitments:

It is committed to lay the foundation for transition of the economy to a Socialist one while preserving the democratic traditions through the strength of the ballot.

It is committed to maintain those measures which are an integral part of her social fabric in order to provide the necessities of life at reasonable prices to a majority of the people.

It is committed to a program of rapid economic growth of sufficient magnitude to absorb a sizable proportion of the unemployed and to bring the solution of this problem within sight during its term of office.

In order to fulfill these commitments the Government recognized that austerity must be the keynote to her social thinking during the next few years.

Ceylon has had to face a difficult balance-of-payments situation owing to a recent decline of her foreign exchange earnings. In the last 4 years there has been a steady decline in the export price of tea—which is the country's largest export; and the export price of natural rubber—which is the second largest export—has also declined due to competition from synthetics. While these factors are beyond Ceylon's control, they are the chief causes of Ceylon's balance-of-payments problems.

In the past 5 years Ceylon has received economic assistance from an aid-to-Ceylon group of friendly countries that had been convened annually by the World Bank. The United States has been one of the foremost supporters of this aid group. The International Monetary Fund and the World Bank have also given assistance to Ceylon by extending standby credit and by making soft loans for development projects. This is an indication of the confidence reposed in Ceylon's economy. The IMF, the World Bank, the United States and other countries in the aid group have continued to have confidence in Ceylon, and she hopes that with the help of these friendly countries she will be able, in a few years, to develop her economy so as not to have to rely on external assistance.

Mr. Speaker, having visited Ceylon, I found it to be a dynamic young country; the United States enjoys good relations with Ceylon. Her people are most friendly to Americans.

Ceylon's achievements on this 23d anniversary of independence are well worth noting, and, therefore, I am happy to pay tribute to Ceylon on its independence day.

THE STATE OF THE UNION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, Mary McGrory, a columnist for the Washington Star, recently summed up in one paragraph the dilemma of attempting to understand the policies and statements of the Nixon administration. In noting that Mr. Nixon's state of the Union address was truly a historic first, Miss McGrory pointed out that while other such messages have been faulted for failing to state solutions to problems,

Mr. Nixon fails to state the problems as well.

True to form, the President polished his performance by utilizing broad, sweeping strokes of swollen rhetoric to paint a generally cheerful, but unrealistic and fuzzy picture of the state of our Nation after 2 years of "new leadership" under the Nixon administration. He unveiled his plans for a "new American revolution," replete with all the vague political slogans—"power to the people, quest for new greatness, prosperity in peacetime, full employment budget," and a new one, even for Mr. Nixon, "parks to the people." Indeed, another political columnist compared the speech to that of the insurance salesman's "dream of the golden years" pitch—that great day in the future when there would be no more war, no more inflation, unemployment, or unpaid hospital bills. But the truth is: That this is the same story we heard during the 1968 presidential campaign; yet the war Mr. Nixon promised to end continues to rage, unemployment has skyrocketed to its highest rate in a decade, and inflation remains unchecked.

Mr. Nixon speaks of revenue sharing, again in broad, general terms. Our basic problem today is not revenue sharing, but revenue itself, and Mr. Nixon is already sharing too much of our revenue—all over Southeast Asia. Furthermore, while the President is evidently planning to once again unleash Vice President Agnew in search of popular support for this latest Presidential brainstorm, he has yet to relate the details of this new plan to Congress—how it would actually operate, what existing programs would be eliminated, where the new money would come from, or what steps would be taken to assure that this revenue would be properly allocated and used.

The President urges other government leaders now to "give up power"—to return the power to the people. Yet he draws freely and heavily on his own Presidential power. Without hesitation he coldly vetoes important bills, passed by an overwhelming majority of those who represent the people in Congress. He sardonically refers to a "bureaucratic elite in Washington," but maintains for himself a bulging personal cadre of Presidential counsellors, assistants, special consultants, advisers and deputies—by far the largest White House staff in our Nation's history. He recalls Abraham Lincoln's government of 100 years ago—of the people, by the people, for the people. The Republican Party has come a long way since then, Mr. Speaker. Judging by present policies and political appointments, Mr. Nixon would be more candid in referring to the modern Republican administration as the Government of big business, by big business, and for big business.

Mr. Speaker, on January 26, 1971, Mr. Leonard Woodcock, president of the United Auto Workers delivered an excellent statement before the Joint Economic Committee. At this point I would like to insert a copy of that portion of Mr. Woodcock's remarks responsive to the state of the Union message in the RECORD for the benefit of my colleagues:

STATEMENT BY LEONARD WOODCOCK TO THE JOINT ECONOMIC COMMITTEE

I am sorry that the President's Message on the State of the Union was delivered so close in time to these hearings that it was not feasible to leave the completion of my statement until after the Message had been delivered. However, there are some comments I would like to make in the form of a supplementary statement.

Some of his suggestions, such as that of revenue sharing, I have dealt with in my statement. As we suspected, the greater part of the funds for revenue sharing would come from cutting back of existing federal programs. What is most serious is that the largest cutbacks, apparently, would be in federal aid to education. In many states, this would mean that the leverage now available to the federal government to fight segregation in the school system would simply disappear.

According to the New York Times, among the federal programs to be dismantled would be all those established under the Secondary and Elementary Education Act, most of the Model Cities Program, urban renewal and water and sewer grants, most of the federal manpower training programs, the anticrime funds appropriated under the Safe Streets Act of 1968, rural development programs and mass transit programs. All of these are essential programs, and there is no assurance that they would be carried on by the various states and communities. Indeed, the pressures for reduction in state and local taxes would almost ensure that a substantial proportion of the revenues would be used for this purpose rather than for continuing under state auspices present federal programs.

I am completely in favor of federal government assistance in cutting the present overwhelming burden of state and local taxation, but this should be accomplished by a federal program directed specifically to that purpose, and not by cutting down existing essential programs.

As to the argument that revenue sharing will restore "power to the people," that is complete nonsense. After all, members of the Senate and the House of Representatives have to be elected by the people just as do members of state and local governments, and they presumably feel just as great a need to keep close to the people who have power to elect or unseat them.

As a matter of fact, there is every evidence that state and local governments are less concerned with meeting the needs of all the people, and more subject to the influence of special interests, than is the federal government. Why, for example, is state and local taxation so much more regressive than federal taxation? A major reason is that state and local governments are engaged in a competition to maintain a so-called "favorable climate" for business, which is actively fostered by large corporations in the form of demands for special tax and other concessions—all at the expense of the small taxpayer.

If the President really wanted to restore "power to the people," he might better have done so by recommending the direct election by popular vote of future Presidents and Vice Presidents.

Neither is there any evidence that municipally directed welfare programs, for example, are any less bureaucratic or dictatorial in their approach than federally controlled programs. On the contrary, for many minorities, especially the black people in the South, there is every reason to believe that those who administer federal programs will be much more responsive to their needs than the administrators of locally controlled programs.

In his welfare program, in fact, the President has completely misjudged the needs of the people. His frequently proposed floor of $1,600 a year for a family of four would represent only 42 percent of the $3,800 a year recently announced by the Department of Labor as the poverty line for an urban family of that size.

Mr. Nixon proposes to "stop helping those who are able to help themselves but refuse to do so." Actually, this is not the problem. The problem is rather that too many of those who "help themselves" nevertheless remain in poverty.

In 1969, there were more than a million families which received an income below the poverty level, even though the family head worked full-time, the year around.

Among black families, more than one-fifth received an income below the poverty level even though the family head had been working full-time all year-round.

All told, there were more than 5 million workers and dependents in 1969 who lived in poverty although the family head held a year-round full-time job.

With reference to inflation and unemployment, I think that the President is both too optimistic and too vague. He talks about the "tide of inflation having turned;" earlier in this testimony I have expressed my doubts that this is so. Moreover, I would have liked to see much more concrete policies geared to bring the unemployed back into the economic mainstream. In particular, I would have welcomed a firm commitment towards linking further cutbacks in military spending with efforts to provide adequate housing, restore the environment, and improve our transportation system.

As to health care, we will have to delay full comment until the details of the President's program are set forth. It may be significant, however, that his Message promised only to bring "basic medical care" within the reach of every family. This could mean a severely stripped-down program that would leave many major medical needs unmet.

As to the President's proposal for reorganization of government departments, again we will have to wait for details. But I fail to see how eight "monster departments" can be more efficient and less bureaucratic than twelve smaller departments. And one thing is sure, that if the Congress allows itself to become involved in the vigorous clashes of opinion and the prolonged debates that must precede any such far-reaching reorganization of the government, it will have little time left indeed to enact either the President's programs or any other of the urgently needed measures to halt inflation, to reduce unemployment, to provide for conversion of defense industries to the needs and purposes of peace, or to enact any other of the measures so vital to the welfare of this country's people.

NATIONAL MEDAL OF SCIENCE RECIPIENTS FOR 1970

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. MILLER of California. Mr. Speaker, I am indeed happy to include in the CONGRESSIONAL RECORD the list of outstanding scientists, who have been chosen by the President as recipients of the 1970 National Medal of Science, the Federal Government's highest award for distinguished achievement in science, mathematics, and engineering:

RECIPIENTS OF NATIONAL MEDAL OF SCIENCE

The recipients are:

Richard D. Brauer, Professor of Mathematics, Harvard University, Cambridge, Massachusetts, "For his work on conjectures of Dickson, Cartan, Maschke, and Artin, his introduction of the Brauer group, and his development on the theory of modular representations."

Robert H. Dicke, Cyrus Fogg Brackett Professor of Physics, Princeton University, Princeton, New Jersey, "For fashioning radio and light waves into tools of extraordinary accuracy and for decisive studies of cosmology and of the nature of gravitation."

Barbara McClintock, Distinguished Service Member, Carnegie Institution of Washington, Cold Spring Harbor, Long Island, New York. For establishing the relations between inherited characters in plants and the detailed shapes of their chromosomes, and for showing that some genes are controlled by other genes within chromosomes."

George E. Mueller, Senior Vice President, General Dynamics Corporation, One Rockefeller Plaza, New York, New York, "For his many individual contributions to the design of the Apollo System, including the planning and interpretation of a large array of advanced experiments necessary to insure the success of this venture into a new and little known environment."

Albert B. Sabin, President of the Weizmann Institute of Science, Rehovoth, Israel, "For numerous fundamental contributions to the understanding of viruses and viral diseases, culminating in the development of the vaccine which has eliminated poliomyelitis as a major threat to human health."

Allan R. Sandage, Staff Member, Hale Observatories, Carnegie Institution of Washington, California Institute of Technology, Pasadena, California, "For bringing the very limits of the universe within the reach of man's awareness and unraveling the evolution of stars and galaxies—their origins and ages, distances and destines."

John C. Slater, Professor of Physics and Chemistry, University of Florida, Gainesville, Florida, "For wide-ranging contributions to the basic theory of atoms, molecules, and matter in the solid form."

John A. Wheeler, Joseph Henry Professor of Physics, Princeton University, Princeton, New Jersey, "For his basic contributions to our understanding of the nuclei of atoms, exemplified by his theory of nuclear fisson, and his own work and stimulus to others on basic questions of gravitational and electromagnetic phenomena."

Saul Winstein, deceased November 23, 1969; formerly Professor of Chemistry, University of California, Los Angeles, California, "In recognition of his many innovative and perceptive contributions to the study of mechanism in organic chemical reactions."

The National Medal of Science is the highest award of the Federal Government for outstanding contributions to scientific and engineering development. Since 1962, the award has been presented annually to the nation's most distinguished scientists.

Recipients are judged, by a selection committee, to have profoundly changed the whole field of science or engineering in which he works. Six past recipients of the National Medal have later received the Nobel Prize.

The award was established in 1959 by Act of Congress, signed by President Eisenhower. The President's Committee on the National Medal of Science which assists in making the selection of recipients, is currently chaired by Dr. John R. Pierce, Executive Director, Research Communications Science Division, Bell Telephone Laboratories.

THE AMERICAN SPIRIT

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. SPRINGER. Mr. Speaker, in 1968, while he was a candidate for President of the United States, Richard Nixon set forth some of his basic philosophy of government in a great speech on October 2, 1968, in Williamsburg, Va.

I know that many of my colleagues will want to read this and renew some of the spirit which the President expressed on that great occasion. Some of what he expressed in 1968 is coming to pass in some of the new programs which he has suggested to the Congress.

The speech follows:

THE AMERICAN SPIRIT

(Speech by President Richard Nixon)

Williamsburg is a revered place in America.

Here was the capital of Colonial Virginia; here was a revolutionary war headquarters of George Washington and here, during the Civil War, was the scene of a bloody battle between Blue and Grey forces.

In modern times, Williamsburg has been restored to its historic setting; today, men of the twentieth century can walk through a village of the eighteenth century, absorbing the mood that surrounded the men who built this nation.

It is fitting, then, to pause in the election campaign of 1968 at a place, steeped in our heritage; this is a proper moment to examine our past for some keys to our future. Perhaps we can draw some strength and gain some insight from what has gone before.

When we recall the days of our Revolution, we think of the phrase "the spirit of '76." That is not just a slogan; there was a real "spirit of '76." That spirit was the driving force within most Americans of that revolutionary era.

I believe that a nation, like a person, has a spirit.

I believe that a national spirit comes to the fore in times of national crisis.

I believe that each time a national spirit makes itself felt, it speaks to its own time with a different message directed to the problems of that time.

That is why a searching look at the American spirit is needed today. The American spirit, as I envision it, is not the visitation of some ghost of the past; rather it is the affirmation of a deep national yearning that all of us feel today.

Whenever America falls short, that spirit appears—not to comfort us, but to make demands on us. Not to salve our conscience, but to spur our conscience.

Our history shows that as a people we have responded to these new demands each time they were made.

Almost two centuries ago, at the time of our Revolution, the American spirit demanded political liberty. And so a nation was born.

A century and a half ago, the American spirit demanded a choice in national leadership, calling for a framework that encouraged the cut and thrust of controversy. And the two-party system was born.

A century ago, at the time of our Civil War, the American spirit demanded an end to slavery and an end to sectionalism. And so the nation was born again, this time into a deeper unit.

At the turn of this century, the American spirit demanded a fair share for all in the fruits of our economic system; trust-busting was born and the labor movement gained momentum.

A generation ago, with tyranny on the march, the American spirit stirred again; a new internationalism was born, and America shouldered her world responsibilities.

With hindsight, we can now see how the American spirit reappeared time after time in our history; looking back, it is easy to detect its differing demands and the great changes it achieved.

But the Americans living through those times did not have the benefit of hindsight. The men who gathered at places like Williamsburg two centuries ago were not then a distinguished group of statesmen known as Founding Fathers—they were a band of practical idealists risking the gallows by talking of revolution.

The great eras of changes are clear enough for us in retrospect. But to the men living through those times, America was upset and uncertain; strong cross-currents of opinion rolled the waters and hatreds flared.

That is the kind of era we are going through right now. The textbooks of the next century—if textbooks are still in use—may sum up the new demands of the American spirit in a sentence or two. But now it is up to us to work it out for ourselves.

Here in 1968, what is missing from American life that has called up this spirit of change? What void in each one of us needs to be filled?

Of course, we think first of the obvious answers. We need peace in the world; we need the good life for all; we need justice for all, in the framework of law. But let's go a step beyond.

We are told of a man who was seen digging around the walls of his house; when he was asked why, he gave this strange and intriguing answer: "I am letting the dark out of my cellar." That is what we must do now; as we dig for the demands of change, we must let the dark out of our cellars.

I believe that an underlying reason for the feeling of emptiness in so many hearts today stems from the loss of personal freedom.

I believe that the American spirit is reappearing now to demand the return of that personal freedom.

As in our past, these demands are thundered in stormy times. Some of us are all too noisy; some of us are all too silent; but each of us knows that this is the time to stand up for his own individual identity.

We won our fight for political freedom two centuries ago; we won a battle for human freedom a century ago; today, we are in a fight for our personal freedom.

Personal freedom, to me, is at the root of human dignity.

Personal freedom is room to turn around in life. It is the right to grow in your own way, to learn what is not yet being taught; it is both the right to privacy and the right to participate.

Personal freedom is not a license to disrupt, but it is a liberty to dissent; not a duty to destroy, but an obligation to challenge.

Personal freedom will not ensure that every man will get all he desires; it will ensure that every man will get all he deserves.

Those Americans who once had personal freedom and lost it, now want it back; those who never had it at all, want it now.

In striving for a worthy goal—security—we have lost a worthy asset—individually, the hallmark of personal freedom. In trying to provide for the material needs of all, we have stolen from the personal freedom of each.

Where did we lose our way? Where did we begin to trade away our personal freedom?

Some would say we lost our way when we began our ever-expanding welfare programs. Others would say we lost our way when we took on the responsibility of helping to defend the free world.

I don't agree. These were steps that changed the course of history; these were steps in the right direction.

We were right to want to help the poor, the sick, the unemployed, the elderly. We were right to want to help advance the cause of democracy around the world.

But in making these advances, we lost something. We became so busy doing so much for the "people" that we forgot about the person. We became so obsessed with the collective needs that we overlooked the individual need.

At first we didn't feel the loss. Our American system had so much momentum; there was so much to be done and so much to do it with. We could not detect the slow erosion of our personal freedom, the gradual diminishing of human dignity.

But now, a generation later, we feel it. And we miss what we lost. We miss it in the feeling so many Americans have of being hemmed in; of being a cog in a huge machine; of being no longer in control of our own lives; of not having our own important say in the direction of our communities and our nation.

Well, what are we going to do about it? We cannot turn back the clock; we must not undo all the good we have done, as we try now to regain the freedom we have lost.

Nor can we throw up our hands and say that one man does not count anymore—that we've traded personal freedom away for the security of a big, paternal government.

We do have another choice. We must find a way to make government work for all of us without dominating any one of us. We have to establish new respect for the qualities of initiative, personal sacrifice, and readiness to seize opportunity, that made the individual American the wonder of the world.

And we have to reawaken this respect the hard way: without tearing down the structure we have built to help those who cannot help themselves.

That is why a political promise of "more of the same" is wrong, and why a promise of "less of the same" is just as wrong. We need neither more nor less of the "same"—we need an approach that is entirely different.

Welfare is too important to be left to the Welfare Staters. We are going to change our welfare system to make it fit the American system, to provide each person with a means of escape from welfare into dignity. This is not an impossible dream. America needs it: with leadership that understands the American spirit, America is going to get it.

And that's not all. Each of us wants to get back that sense of participation in government, that hand in our own destinies.

We are going to reverse the flow of power to the Federal Government in Washington, and channel more power back to the states and localities. Tax sharing; bloc grants; decentralization; local option; community participation; this is the direction I believe America is about to choose.

What's more, the pendulum is going to swing back to an emphasis on individual opportunity. But something new will be added: genuinely equal opportunity, starting from childhood. The industrious person will get ahead and the lazy man will fall behind, no matter what their background or heritage or skin color.

How can I be so certain about all this?

Because I believe that is what the American spirit now demands. Because the American people are not "the masses"—they are 200 million individual persons who are discovering what they have lost, and are determined to get it back.

Our present leaders are out of touch with this new mood and cannot comprehend this new need. They see the future as bearing down on us. They are fearful of the future, fearful of the change it will bring, and they brace themselves for the shock that they know will come.

In the eyes of the fearful, tomorrow is a threat that must be faced; in the eyes of the hopeful, tomorrow is a vision that must be realized.

An American poet put it this way: "dive for dreams, or a slogan may topple you." We must turn away from the old slogans that trigger responses that are no longer responsive; we must dive for the dreams we can make come true.

The way to the future is not along the path of least resistance. We will only earn back our personal freedom along a path of great resistance.

The American spirit is presenting its demands today, as it did in different terms to generations before us. Once again, those demands require sacrifice and ingenuity:

The American spirit demands an explosion of education into the mind of every child in every corner of this land;

It demands a career—not just a job, but a career—open to every man and woman who has the capacity to get ahead;

It demands an end to the slamming of doors, with the answering echo of gunfire that we have heard in the past;

It demands a plunge into community service by each of us, rather than delegating compassion to government;

The American spirit of today demands that the helpless be cared for, and the hopeless be cared about;

It demands that there be greater rewards for initiative and hard work and self-reliance;

It demands that privacy be respected, that the individual be respected, that the law be respected.

Most of all, the American spirit today demands the self-determination of the human being. This means a shift from Federal rule to home rule, a shift from faceless manipulation to personal participation.

There is a mystery to America that its detractors have never been able to grasp.

Just when our idealism appears to be swamped in a sea of material wealth; just when our native morality seems to be flooded by a wave of crime and disorders; just when our international power and prestige appear frustrated by the ineptness of our leadership—something remarkable happens.

The American spirit wells up and we snap out of it. We let the dark out of our cellar. We choose new leaders with new ideas and we tell them we're ready to make any sacrifice required to set our nation right.

We don't ask new leadership to put us back to sleep. We don't ask new leadership to fix everything without bothering us. Instead, we demand to know what we need to do—what each individual one of us must do.

At watershed moments like these, the unconquerable American spirit comes alive. We stand at a pivot point; the nation is poised to turn and move in the direction the spirit of America demands.

That is why I have been saying that the choice in this election year is perhaps the most important in our lives. If we fail to seize this moment, if we let slip this chance to recapture our personal freedom—the moment may never come again in our lifetime.

Therefore, let us not lightly dismiss the agony of the American spirit today as only "growing pains."

Let us recognize it as hunger pangs, for now is a time that our body politic hungers for new directions, new answers to new needs.

At moments like these throughout our history, it has been America's genius and good fortune to satisfy this appetite for orderly change. This generation of Americans shall not be the first in 200 years to deny the demands of the American spirit.

Rather, I believe this generation will choose to rise to the challenge: we shall promote the general welfare, yes—but we shall preserve our personal freedom as well.

We shall hold fast to the quality that made America great, as we reach out for new qualities that will make America greater.

Woodrow Wilson described the challenge of such a moment. The year was 1913. The nation was badly torn; a third party movement had split the majority vote. There was war in the Balkans that threatened to spread to the rest of the world.

In his first Inaugural Address, this is what Wilson told his countrymen: "Men's hearts wait upon us; men's lives hang in the balance; men's hopes call upon us to say what we will do. Who shall live up to the great trust? Who dares fail to try?"

In this campaign my fellow Americans, we can feel the American spirit stirring.

It calls upon us to make a mighty effort to rekindle our hope, our courage and our passion for personal freedom. We dare not fail to try.

The American spirit today demands an awareness of the need for change.

It requires the exploration of new horizons of justice.

It insists on the rediscovery of the worth of the individual.

It will accept nothing less than a reach for greatness.

The next President of the United States could possibly serve until 1976, the 200th anniversary of the birth of our nation.

That next President will lead this nation in its reach for greatness only if he summons a new "spirit of '76"—a spirit conceived in old glories, born to speak to its own time, destined to shape a glorious future.

GREEK COMMUNITY IN THE UNITED STATES

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. BLACKBURN. Mr. Speaker, last December, I had the pleasure and privilege of attending a banquet in which His Excellency Basil Vitsaxis, the Royal Ambassador of Greece to the United States, spoke. The occasion was the commemoration of the consecration of the Greek Orthodox Church in Atlanta, Ga.,

I wish now to share with my colleagues Ambassador Vitsaxis' interesting remarks about the intrinsic worth of a religious heritage such as that of the Greek community in the United States:

AMBASSADOR VITSAXIS' REMARKS

Once upon a time, in a village of a distant country, the pupils asked their teacher: "Where is Greece?"

"Greece—he answered—is near our hearts; mine as well as yours. She dwells in our Libraries in our Universities and in our Academies. She lives in our temples, in our churches and in our galleries; she is present in wherever there is light; for, light is her substance and her dwelling."

The teacher of our story had a concept of his own concerning geography, and strange was the answer he gave to his pupils. But indeed strange is the whole geography of the mind and heart. There, the countries are given a place, not on a map, big or small, but in the infinity of time and in the endless space of human soul.

Greece is not a country, or better, not only a country she is mainly a concept and a moral value, an idea which transcends the human boundaries of time and space and lives at its essence within the realm of the spirit.

I have chosen to tell you this little story, at the outset of the few remarks I am going to offer you tonight, because I felt that, instead of praise—a well deserved praise—for your achievements to which I shall revert in a moment—it would be only proper to share with you tonight some thoughts on the very essence of the guidelines of your community life: Hellenic Ideals and Greek Orthodoxy.

For many years now, since my first tour of duty in the United States back in 1957, the Community life of Americans of Greek Ancestry has been very close to my mind and heart. I have unceasingly tried, from the position where my country placed me, to listen to the heartbeats and especially to its problems and to its worries. For I consider, that, problems and worries in this realm are nothing but challenges to all of us, leading to new approaches, not destructive but constructive through the process of "synthesis" of old and new elements in the appropriate proportions. Let us, for a moment turn our attention—our affectionate attention to the worries and the problems.

There has never been an up-rooting without consequences; nor have new roots ever bloomed into life without struggle. The consequences of their up-rooting are still felt by the community of Greek ancestry.

With the deepest affection and, at the same time, with some concern, I follow its struggle to assert its own presence in this land, which it has chosen for its new country. With some concern, because the faith in the continuity—religious and otherwise—in the tradition in the ideals, which are its own by an ancient heritage, might be shaken.

In the struggle for survival, the tradition which acts as a life line between generations, wore thin. This life line which is both a guarantee and a promise. So the future seeming to be cut off from the past, became uncertain. The rest are but mere symptoms or consequences.

The tendencies to introduce foreign elements to our religious life, the gradual abandonment of the language, the very disbelief in the idea of unity in general, are the expression of the difficulties we are faced with. It is from this uncertainty that originate the differentiations between, what we call the generations of Americans of Greek ancestry, therefrom stems a movement for a so called religious liberalism—and all those consequences of the central cause: the uprooting. Of the deeper, personal uprooting which leads to the quest—the vain quest—for new foundations and traditions and denies to look at the old ones, its very own, which still today, as they always have been, are full of rich promise.

This is the difficulty in its essentials. Whether we approach it synthetically or analytically we arrive at the same conclusion. Can this difficulty be overcome?

Many believe that any attempt is romantic and naive and therefore vain. That it is a lost cause. Others think that the difficulty can still be overcome.

Yet, which is this "lost cause", what is the difficulty which can still be overcome. This question proves, I believe, that there is a difference in the approach of the question; and this difference leads to the cleavage between "optimists" and "pessimists".

If we aim at a community of Greek ancestry which would remain totally unaffected by its surrounding, if we should ask of it to remain faithful to the secondary and insignificant traits of the past, if, in other words, we should wish the third and fourth generations to differ in nothing or in very little from the pioneer generation, then we are naives and romantics. Then the struggle is futile and the cause lost.

If, however, we believe that it is not the details which are important, and that our great heritage—the great heritage of your community—religious and hellenic, is oecumenic, world embracing, and that it applies to all and always, like the daylight which is poured without distinction as to what it illuminates, then the cause takes a completely different aspect. It then concerns the eternal and undestructible values. The values that know no boundaries and are unaffected by the element of time.

The precepts of the Orthodox religion do stop before human boundaries. There are no boundaries for truth. And the hellenic ideals do not fear time, for they have conquered it.

So, with ideals which have been those of heritage, but which can and do belong to all men, the American community of Greek ancestry must feel, for it is, closely connected with the eternal human legacies of its very own past and upon them build its own future.

Eternal, is not only that, what has survived the long chain of centuries it is that, mainly that, which can be a guarantee for the future.

I, therefore, feel particularly happy to partake tonight to the joy of your community for the inauguration of its new magnificent church and facilities for community needs.

The building of a church is an act of faith. An act of faith to God, of course, but also an act of faith to your Past and to the future, an act of faith to yourself.

Speaking on another occasion I said that Past is nothing but a memory and future nothing but a dream and present does not exist unless it is a perfect blending of memories and dreams.

A perfect blending, of memories and dreams is your church we are inaugurating tomorrow. Memories of a glorious past and dreams for a bright future of our Greek Orthodox Community in this fascinating city of the South East and for that matter in this great country of yours as a whole.

Let me, in closing these remarks, convey to you on behalf of Greece and its deeply religious people and on behalf of the Government I have the honour to represent our warmest congratulations and our most heartfelt thanks.

You have offered a new tangible proof in this country that the Greek Orthodox faith of ours, is a living faith! A faith for the alive; not only good for beyond the coldness of the grave, but a faith for the cheerful and the gay, a faith for the smiling and for the young. I am tempted to say "for the young of every age and of all ages."

OBSERVANCE OF THE 25TH ANNIVERSARY OF THE UKRAINIAN INSURGENT ARMY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. BROYHILL. Mr. Speaker, Mr. Volodymyr Y. Mayewsky, of the Committee for the Observance of the 25th Anniversary of the Ukrainian Insurgent Army, who is a friend and constituent of mine, recently called my attention to a letter he wrote in early January to the editors of a number of national publications. Several of the newspapers have published his letter, but for the benefit of many Americans who did not have an opportunity to read it, I insert its full text at this point in the Record:

COMMITTEE FOR THE OBSERVANCE OF THE 25TH ANNIVERSARY OF THE UKRAINIAN INSURGENT ARMY

DEAR SIR: Many families sitting down to their Christmas dinner this holiday season in America were missing a husband, father, son or brother who are languishing in POW camps in North Vietnam, often under conditions appallingly inhumane and brutal.

To the Ukrainian people, however, such a situation is nothing new. Members of the Ukrainian Insurgent Army including women, who fought bravely against both German Nazi and Russian Communist forces to free their homeland, have now been enduring the horrors of Siberian prison camps for more than 20 years—and no one seems to be particularly concerned. In both cases, Soviet Russia bears a heavy responsibility for its and Hanoi's POW policy. It is no coincidence that Alexander Shelepin, the Kremlin Politburo member and former head of the KGB, travelled to Hanoi three years ago to give the North Vietnamese the benefit of the KGB's experience in handling prisoners. There is little doubt that if Moscow brought pressure to bear on Hanoi, the POW policy would change overnight; but at this point Moscow has no more intention of doing this than it has of freeing the Ukrainian POWs in its own camps. Indeed, the Soviet Union last month successfully blocked a Human Rights resolution in the United Nations because it fears repercussions in its own prison camp empire.

In such a situation the President and Congress, as well as the United Nations and the the case of the Leningrad trial) a great deal to ease the plight of both American and country's news media, could do (as it was in Ukrainian POWs (and also all other prisoners and inmates in the USSR) by pointing out to the American people and the rest of the world Moscow's role and responsibility in the matter. Everyone should do what he can to muster public opinion and force Moscow and Hanoi to abide by the Geneva Convention and the UN Declaration of Human Rights so that the suffering of these forgotten human beings can be ended as quickly as possible.

Sincerely yours,
Press Secretary.
VOLODYMYR Y. MAYEWSKY,

PRESIDENT'S REORGANIZATION PROPOSAL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. DERWINSKI. Mr. Speaker, a very well-reasoned editorial endorsement of the President's reorganization proposal appeared in the January 26 issue of the Chicago Daily News. While expressing approval of the Chief Executive's plans for streamlining the Federal departments, the writer also points out some of the difficulties that he will face in securing legislative enactment.

I most emphatically agree with the editorial's closing word:

> If the plan falters it will be opponents of change who must carry the burden of proof.

The editorial follows:

NIXON'S BIG RESHUFFLE

"Change is hard," President Nixon conceded when he confronted Congress with proposals for sweeping changes in government organization. And although the need for change in any number of musclebound institutions of government can be readily demonstrated, the road to achievement is long and lonesome, and strewn with booby traps.

The elements of Mr. Nixon's plan to restructure federal departments are soundly conceived. Even to the untrained eye, it is clear that the functions of Cabinet officers overlap at many points, and at lower levels the mushroom growth of federal agencies in recent years has created a bewildering jungle.

The proposed new structure would leave only four of the present departments intact—State, Defense, Treasury and Justice. The remaining seven (now that the Post Office has been set aside) would be refined into four, under the headings of Human Resources, Community Development, Economic Development and Natural Resources.

This formulation grew out of a study under the chairmanship of Roy L. Ash, president of Litton Industries, and seeks to apply some of the management techniques of big business to the biggest business of them all, the federal government. But the political touch is also evident in the proposed labels. "Natural Resources" has a certain ring that is lacking in the Department of the Interior, which would be the nucleus of the new department and who could resist the appeal of a whole wing of government dedicated to "Human Resources"?

Plainly, there would still be some overlap, for every department meets all the others coming 'round the bend. Economic development doesn't exist in a neat little compartment walled off from human and natural resources or community development. Coordinating the whole remains the job of the President. But merging most of the functions of Commerce, Labor, Agriculture and Transportation into the single Economic Development category would surely make sense.

The obstacles to such sweeping changes, however, are formidable. Long-established relationships between special interest groups and their government would be severely scrambled. The farm lobby, to cite only one example, cannot be expected to welcome the disappearance of a Cabinet-level Department of Agriculture. The reorganization would also disrupt any number of cozy positions of influence on congressional committees. The committees themselves would have to be reshuffled to align with the new look in the Executive branch. Between the external lobbying and the foot-dragging within Congress, the reorganization plan isn't likely to give the proverbial snail much competition.

Nevertheless, the challenge has been hurled and Congress can't very well ignore it. Mr. Nixon can carry his appeal again to the people, on the same grounds that he laid down in his State of the Union message: The reorganization is needed to make government more responsive to the people, as well as more efficient.

That's an impressive selling point, and if the plan falters it will be the opponents of change who must carry the burden of proof.

AMERICAN YOUTH VICTIMS OF LIBERAL ENVIRONMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. RARICK. Mr. Speaker, the announcement that some 10,000 Washington area teenagers ran away from home in 1970, should provoke serious discussions as to the cause of and solution to this crisis.

I doubt that many will buy the bleeding heart theory that the action of the youthful runaways can be attributed solely to discipline in the home and parental control. Rather, I feel that we should reassess the liberal environment of our Nation's Capital and the contributing influences of television, radio, and the press in creating an unrealistic environment of overpermissiveness, nonconformation, and rebelliousness that is rampant in this area; to say nothing about the drugs, pornography, and a well coordinated and sponsored program to discourage self-respect, responsibility, and pride in parents, home, and country.

The greatest threat to future generation in our Capital City area is the lack of morality.

Given such an environment, we are further advised by a parent in Fairfax County, Va., that the public school system in that county has proposed a Family Life Education program which includes courses and discussions to further alienate the parent-youth relationship.

With the Nation's conscience focused on pollution and environmental dangers, it is time that the parents of America awaken to the threat to our youth from immoral influences in a so-called liberal revolutionary society which seeks to justify itself behind the veneer of advancing a pollution free environment.

I hereby insert in the Record the following news clippings:

[From the Evening Star, January 30, 1971]

FAMILY LIFE EDUCATION

Sir: Recently the Fairfax County Board of Education held an open hearing on the proposed "Family Life Education Program" to be used in the Fairfax County Public School System. The majority of these attending the hearing were overwhelmingly against the program, a complete and comprehensive program from kindergarten to the 12th grade.

According to the manual, one of the goals of this program is "to afford each individual opportunities for gaining knowledge which would help mold attitudes and practices that are socially acceptable and meaningful." Whose attitudes and practices will our children learn? Is this not an invasion into the privacy of our homes?

I wish to quote several other gems from this manual:

(1) "Cite instances where parental guidance is and is not needed."

(2) "Discuss acceptable and unacceptable types of parental discipline."

(3) "Conclude that family conflicts and disagreements are normal and have students suggest sensible solutions." Won't it be delightful to have your family arguments discussed in the classroom?

Is this the type of help that we parents need? Is this the type of program that we wish for our children and all the children attending the Fairfax County Public School System?

Margery G. Pflug.

[From the Washington Post, Jan. 31, 1971]

Parents Cry: "She Isn't the Kind To Run Away"

(By Paul Hodge)

On Dec. 29, three days after her 14th birthday, Terri Lynn Whisman buttoned her suede jacket, the one with the fringe, walked out of her family's Takoma Park apartment and became one of the 10,000 Washington-area teenagers to run away from home in 1970.

From a family of strict Seventh Day Adventists, she had never seen a movie, ridden in a bus, had a date or even been to Georgetown, her parents said, before she left to visit the apartment of a friend.

Her parents, Carl and Loretta Whisman, immediately called, and then sent pictures to, police in Takoma Park, Prince George's County and Washington. They also notified the FBI.

The police, inundated with calls, letters and reports of runaways from all over the nation, said they "couldn't do anything," according to Mrs. Whisman. "They've got so many missing," she said.

They also told the Whismans not to worry. The majority of runaways return within a few days and most others straggle in within a few months. A few never return home, but almost all are eventually accounted for, police noted.

But the Whismans did worry. After a week they began leaving letters and messages in hippie hangouts around Dupont Circle and Georgetown.

They even spent one Saturday night parked in front of the Hot Shoppes Jr. on Wisconsin Avenue in Georgetown, watching crowds of milling street people.

"I'd never been to Georgetown before myself," said Mrs. Whisman, who attended the same Seventh Day Adventist School in Takoma Park as her daughter.

After two and one-half hours of watching and waiting, she wasn't sure she would be able to recognize her daughter if she saw her. "They've got some nice looking children down there," she said, "but they all look alike."

The helplessness and unhappiness of the Whismans, who have now gone a month without a word from their daughter, is an experience shared by the families of an estimated 500,000 children who run away from home each year, according to the New York City Youth Board.

New York and California are the destinations of many runaways with Washington considered the third most popular youth mecca. At least 500 youths under 18 are hiding here on any one day of the year, according to police.

One of the major reasons for an almost three-fold increase in runaways in the Washington area in the past five years, police say, is that children now have a place to run away to.

Runaways in the old days went off with the circus or fairs, police say. They were easy to track down, and were usually lonely and ready to come home.

The 13-year-old boy who ran off with the circus here last year and the two youths who ran off with horse shows were all quickly returned home, police observed.

UNDERGROUND COMMUNITY

Today, however, runaways can virtually disappear in the underground community that exists here and in many cities, reassured and safe in their numbers, room and board and free medical attention offered, catered to and written about in their own underground newspapers.

"Leaving Home for Fun and Profit," a two-page compendium on running away published in Washington's "Quicksilver Times" tells how to "split successfully from your home" forever or just for a few days "to frighten the old folks back home into their senses."

It tells how to acquire fake identification, driver's license, library and credit cards, bogus Security and Selective Service cards and even a fake birth certificate. It abounds with hints about disguise (dye your hair, throw away your braces, change your clothes), shoplifting—known as "ripping off"—look out for mirrors and television cameras and "be cautious, be quick, look confident, thank-you and come back soon") and generally how to survive like an undercover agent in a foreign land.

The Quicksilver Times article also recommends that every serious runaway know "a set of 'on-call' parents," a willing couple versed in a fake family background for police to call. Just remember, the article concludes "act scared' when police call them."

Once discovered, a runaway under 18 can be forced to return home unless he requests, and a juvenile court grants, some kind of foster care. But little can be done to prevent him from running off again.

Merritt Raymond, regional supervisor of Maryland's youth services, says, "The family structure, close-knit groups, are not important to the child any more." Even the ethnic groups "which traditionally have had strong family ties . . . Chinese and Jewish families . . . are no longer what they used to be," says Raymond.

Adults tend to think of runaways as problem children, says Raymond, "without realizing that they, the adult members of the family are part of the problem."

ORDINARY CHILDREN

Studies of runaways, such as the 1964 report on 1,000 Prince George's County runaways, reveal that most do not come from broken homes as was once presumed, but are ordinary children, "very much like their non-runaway counterparts."

What causes a child to run away in the first place is that parents frequently are "strict to the point of being unrealistic . . . turning their homes into convents . . . requiring conformity in nonessential matters such as hair cuts," says William Zaslow, 22, a counselor with Maryland's Department of Juvenile Services.

"We've had many runaways over haircuts and one even ran away because his parents burned his blue jeans. Parents are definitely forcing the issue in many cases."

Children, on the other hand, are frequently just as intolerant and impatient as they accuse their parents of being, says Zaslow—don't-trust-anyone-over-30 school of thinking.

"Kids get two weeks restriction then split without a word. Nothing wrong, just that their parents wouldn't let them stay out after 10 p.m. So they left . . . the kids aren't willing to stick around and try to help their parents, they just reject them. Kids should try to make friends with them. Some really good people are parents," concludes Zaslow.

Counseling and compromises by both parents and children are recommended by juvenile officials in most runaway cases. But such counseling usually does not occur unless a runaway is reported missing, officially declared delinquent and apprehended by police.

Maryland's Juvenile Services Department, established in 1967 and expanded in 1969, is still relatively unknown and unconsulted. Its staff of psychiatrists, psychologists and social workers—offering probably the best juvenile counseling in the Washington area—see relatively few runaways.

The Prince Georges division saw only a few hundred of the approximately 2,500 children who ran away in the county in 1970 (county police only began keeping count of runaways last August, but has been averaging will over 200 runaways a month).

Such counseling is outside Maryland's police-juvenile court system and is credited with helping to solve juvenile problems without giving children criminal records. In November, 1970, for instance, the number of juvenile cases handled informally by Juvenile Services increased 517 over November, 1969, says Raymond, while cases handled "formally" by the courts decreased by 133.

UNOFFICIAL GROUPS

A number of unofficial groups also have been found to act as intermediaries between parents and runaways, including Washington's Runaway House, at 18th Street and Riggs Place NW.

Praised by almost all suburban police and youth officials, it is begrudgingly given sanction by Washington police. It actually houses runaways—more than 1,000 in its 2½-year existence—and technically breaks the law by harboring delinquent children. Its operators refuse to divulge information on any runaways in the house, but encourage the runaways themselves to contact their parents.

Police have used subterfuge to force their way into Runaway House in search of a particular runaway on six or seven occasions, says William Treanor, 27, founder and director of the house and two nearby group foster homes. Treanor says no court has issued a warrant to enter Runaway House.

Many runaways dont' like the youth-hostel atmosphere of Runaway House, which prohibits liquor and drugs and has separate floors for boys and girls, preferring the crash pads and communes that abound in the Washington area.

Other groups help runaways find the crash pads, food, clothing and medical help. These include Free Clinic in the basement of the Georgetown Lutheran Church, financed by grants from the Junior League and the Social Hygiene Society, Grace Episcopal Church, the Switchboard—an underground telephone service which also offers advice to callers—and the Quicksilver Times, which offers free classified ads.

The Whismans already have contacted most of these groups, leaving notes to Terri Lynn on bulletin boards already full of forlorn messages from parents of runaways.

The Whismans have now reluctantly concluded that their daughter has gone to California, Florida or New York, perhaps accompanied by a 13-year-old boy who ran away from the same Takoma Park Seventh Day Adventist School about the same time.

They have prepared flyers with her picture and vital statistics, to send to out-of-state police departments. They are also placing an advertisement in a new publication called the National Missing Youth Locator—$28.50 per ad—which mails weekly bulletins to police stations around the country.

SUSPECT FOUL PLAY

Like most parents of runaways, they feel their child's disappearance is the result of foul play although police assure them there is no evidence to believe so. They refuse to believe that their daughter has rejected them and voluntarily left.

"It's a mystery," says Mrs. Whisman. "The kid has never been two blocks away by herself. She isn't the kind to run away. She doesn't even know her way downtown."

"Terri never showed she was unhappy and she had more freedom than I ever had," adds the mother. "I've never been to a movie and all I did as a girl was go to church on weekend nights . . . not too far from Takoma Park . . . and everybody was happy."

"We never spanked her and she's had plenty of money. Why, she has clothes in her closet with the price tag still on them . . . and she had plenty of records," says Mrs. Whisman.

The only thing Mrs. Whisman could think of that her daughter had wanted and been denied was a maxi coat.

"She'd wanted a maxi for two years. But I said no. They are horrible looking. My neighbors love her and gave her some money to buy one. But I said no maxi. But you know, I wish I hadn't now. She's out there in the cold . . . all she had on was that little suede jacket, with the fringe."

THE FUEL SHORTAGE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. WYMAN. Mr. Speaker, for still another winter this Nation has had to grapple with a fuel shortage, a shortage which particularly affects those of us from the Northeast. Attempts to locate the particular agency or policy responsible usually end up in a shouting match with those affected hurling charges and countercharges. The following article from the current issue of Consumer Reports shows how futile this exercise is. It points out how eight agencies of the Federal Government, in addition to the several State regulatory agencies, all contribute to the problem by working at cross purposes. The result is the individual is often left holding the bag, and the Nation, particularly the Northeast. left with dangerously low fuel reserves.

I believe a unified approach to fuel policy is necessary before the country can ever hope to solve "the fuel crisis." A good example of this kind of approach is the recent Environmental Protection Agency. As with energy, an excess of regulatory departments and agencies, frequently pulling in opposite directions, have plagued attempts to administer effective solutions for the protection of the environment. EPA was created by consolidating those agencies scattered throughout the huge Federal bureaucracy into one function to coordinate all efforts to preserve our environment. Serious consideration should be given to a similar consolidation of agencies charged with regulating the production and distribution of energy. It is evident the present patchwork approach is more elaborate and less effective than a device constructed by the late Rube Goldberg. The following article from Consumer Reports is of interest:

COLD FACTS ABOUT THE FUEL SHORTAGE

Remember last summer's brownouts—those miserably hot days when the electric power companies in some sections of the country reduced their voltage and deliberately blacked out entire areas to avoid massive power failures? Remember the curious spectacle of utility company executives, after having spent millions of dollars to encourage the purchase and use of air-conditioners and other electrical appliances, pleading with customers to turn them off?

The utility companies muddled through that summer crisis. Now there's a winter crisis. As winter approached, a White House official said, "The number one problem facing electric utilities in the cold months . . . is getting adequate supplies of coal, oil and natural gas, not generating capacity." By mid-December the situation had eased somewhat, but fuel reserves remained precariously low.

Because of the shortage, fuel prices had already reached an all-time high by December. The price of coal was up 56 per cent from 1969. Residual oil, which is used to generate electricity and to heat large buildings, was up 47 per cent. As a result, electric bills were rising, too. The Tennessee Valley Authority, a Federally owned utility, was among the first to act, increasing its rates 23 per cent. Nationwide, according to one estimate, higher fuel costs will raise consumers' electric bills by $1 billion this year.

The cost of heating homes was rising steeply, too. Furnace oil has skyrocketed, in some areas by as much as 40 per cent. Natural gas, which is regulated by the Federal Power Commission and state public service commissions, was more stable in price, but supplies are at an all-time low. Joseph Swidler, chairman of the New York State Public Service Commission, reports that there will not be enough natural gas to provide continuous service for all industrial users this winter. The situation in other states is similar, according to Mr. Swidler. The Federal Power Commission chairman, Josn Nassikas, says that the demand for natural gas this winter will exceed the supply by 3 billion cubic feet per day—the amount needed by a very large city.

WHAT HAPPENED

The shortage of fuels stems from a variety of seemingly unrelated factors. There is no immediate shortage of coal, oil or natural gas underground. The nation's reserves of all three fuels should be adequate for some years to come.

The four major sources of electrical energy—oil, natural gas, coal and uranium for nuclear generators—are to a certain extent interchangeable. Thus, a shortage of one fuel increases the demand for other fuels and, in times like these, can lead to a general shortage. Much of the current difficulty can be traced to the Atomic Energy Commission, which oversold the immediate importance of nuclear energy. Coal companies, convinced that uranium fuel was about to come into its own, grew reluctant to open new coal mines. Railroads, similarly misled, cut back on purchasers of coal cars. But the construction of nuclear generators has fallen behind schedule. None of the 10 new plants scheduled to begin operation this winter will be ready on time. That alone has created an unexpected demand for 20 million additional tons of coal.

At the same time the U.S. has been *exporting* coal at a fantastically increased rate. In 1961, 34 million tons were shipped abroad; the figure has now nearly doubled to 66 million tons a year. Increased exports have intensified the shortage of railroad cars for domestic deliveries. To make matters worse, as many as 20,000 coal cars were for some time tied up at East Coast dock areas, partly because of a quirk in coal-car rental rates. Under rates set by the Interstate Commerce Commission, it was said to be cheaper for an East Coast railroad to keep cars standing empty in freight yards than to return them to Midwest mines. Coal cars piled up, moreover, while waiting for ships to become available—or while waiting for coal prices to go higher.

THE POLLUTION FACTOR

New air-pollution-control laws in many cities limit the sulfur content of fuels. That increases the demand for coal with low sulfur content. But adequate supplies of low-sulfur coal have yet to be developed because the relatively high-sulfur coal in Ohio, Illinois and West Virginia is cheaper to deliver to major users than low-sulfur coal from Wyoming, North Dakota and other Western states. As a final touch, coal production of late has been slowed by a new and much-needed mine-safety law, which forced a number of mines to close, and by a series of wildcat strikes related to mine safety.

Faced with a shortage of coal, and particularly of low-sulfur coal, many manufacturers and power companies might have converted to clean-burning natural gas, had it, too, not have been in short supply. The major oil companies, which dominate the natural gas industry, claim that the gas shortage results from unrealistically low prices set by the Federal Power Commission. The industry says it just doesn't pay to search for and develop new supplies.

Critics of the industry, such as Mr. Swidler and Lee White, another former FPC chairman, accuse the industry of deliberately holding back on developing new wells in order to create a gas shortage that would force the FPC to grant a price increase. Mr. Swidler claims the industry "has virtually been on strike in an effort to discredit Federal regulation of gas prices."

Much of the nation's natural gas reserves lie beneath the waters of the outer continental shelf. In contrast to off-shore oil, this gas can be developed with little fear of polluting the ocean. The U.S. Department of the Interior has sold some 1000 leases for oil and gas exploration along the Texas and Louisiana coast. According to a recent report prepared by a group of state public utility commissioners chaired by Mr. Swidler, the incentive for rapid development of many leases is minimal, since they were sold for amounts so low that the big petroleum companies, which bought most of the leases, could easily afford to delay production pending a rate increase. Mr. Swidler's group suggests, therefore, that the Interior Department exercise its authority to require expeditious development of offshore gas properties, that it put additional leases up for sale, and that it change the bidding procedure to encourage small producers to participate in the development of the outer continental shelf by permitting lesses to pay for their leases over an extended time.

OUT OF OIL

Contrived or not, the gas shortage coupled with the shortage of coal has created an unprecedented demand for oil. The kind of oil in shortest supply is residual oil, which as the name implies is basically the sludgy stuff left over after the refining process has removed the lighter, more profitable oils and gasolines from crude oil. Twenty years ago the output of U.S. oil refineries necessarily included 23 per cent residual oil. Since then, millions of dollars have been invested in new refining processes to produce more specialized petroleum products and less residual oil, so that now the production of residual oil has been reduced, on average, to 7 per cent of the refinery output.

Because of its low price, residual oil makes a good fuel for heating big buildings and for generating electricity. U.S. users are heavily dependent on Venezuela for residual oil. With coal and gas temporarily in short supply, the natural course would have been to increase imports. But it now turns out that residual oil, and especially low-sulfur residual, is in short supply throughout the world. Until recently the demand for residual had been increasing at an annual rate of only 2 per cent. This winter, however, demand is up 15 per cent.

A tanker shortage proved the crowning blow to U.S. residual-oil supplies. Last May a Syrian bulldozer "accidentally" cut a key oil pipeline carrying 500,000 barrels of oil a day to the Mediterranean for shipment by tanker to Europe. At the same time, Libya put the squeeze on oil prices at its own fields by reducing production by 500,000 barrels a day. With the Suez Canal already closed, European nations are being forced to ship oil from the Persian Gulf all the way around the southern tip of Africa. The vastly longer voyage is responsible for the current shortage of tankers.

ALL THIS AND A QUOTA, TOO

Oil industry spokesmen exploited the tanker shortage and the uncertainties of Middle East and North African politics as object lessons to those who have been trying to convince President Nixon to remove a 12-year-old quota on the import of crude oil and most refinery products. The oilmen argued that those events proved the wisdom of America's not being dependent on foreign supplies of oil. The President, if he had not been previously persuaded to accept the oilmen's point of view, has accepted it now by putting aside all consideration of abandoning the quota system.

The oil quota in fact intensified the current fuel shortage by discouraging foreign refineries from producing more of the low-sulfur residual oil so badly needed right now. Unlike other petroleum products, residual oil may be imported in unlimited quantity for use in the eastern U.S.

Thus, there is a ready and open market in this country for desulferized residual oil from overseas.

The catch is that the desulfurization process reduces by 30 percent the residual on produced from a barrel of crude oil, while increasing proportionally the amount of gasoline and other oil products. Because of the U.S. import quota, additional foreign gasoline and other oil products cannot be sold here. That being so, foreign refineries have been unwilling to manufacture the desulfurized residual oil, which *can* be sold here.

American refineries have run into similar problems. In 1967 Gulf Oil Co. asked the Interior Department's permission to import high-sulfur residual oil, desulfurize it and sell both the cleaned-up residual and the gasoline and other products that would have come out of the process. The proposal was rejected.

A major foreign source of naturally low-sulfur oil is the North African nation of Libya. The U.S.-owned Occidental Oil Co. controls extremely rich oil fields in Libya and wants to import low-sulfur Libyan crude. It has offered to guarantee that a relatively high percentage would be turned into residual oil. In exchange, Occidental has asked for a free-trade zone to be created at Machiasport, Me., permitting Occidental to build facilities there for refining Libyan crude oil imported outside of the existing quota. Thus far, the plan has not won approval. Indeed, it raises serious environmental questions. But according to one expert on residual oil, "If the Occidental proposal and others like it are rejected, it is difficult to see from where any large amounts of very low-sulfur residual oil are to come."

HIGH COST OF QUOTAS

Restrictions on imports of low-cost foreign oil for over a decade have cost the U.S. consumer as much as 5¢ per gallon of gasoline and as much as 4¢ per gallon of home-heating oil, according to one expert. The total burden of oil-import quotas on consumers was estimated by a Cabinet-level Presidential task force last February at $5.2 billion a year. At expected consumption levels 10 years from now, the figure is expected to reach $8.4-billion a year. The burden falls unevenly across the country, in general getting heavier toward the East. The quota is said to cost an average of $17 a year per person in California, $22 a year in Illinois, and $35 a year in Massachusetts. For a family of four in Boston, that means an extra $140 a year for gasoline, heating oil and other petroleum products.

The quota was imposed in 1959 by President Eisenhower, acting under authority of a law permitting the President to restrict imports that pose a threat to the national security. Then, as now, supporters of the quota argued that foreign competition would destroy much of the domestic oil industry, leaving the country dangerously dependent on foreign oil. President Eisenhower's closest adviser, Sherman Adams, later acknowledged, however, that the President's decision to limit oil imports had more to do with protecting the U.S. oil industry than with national security.

A majority of the 1970 oil-import task force, including the Secretaries of Defense, State and Treasury, reported to President Nixon that the oil import program "bears no reasonable relation to current requirements for protection either of the national economy or of essential oil consumption." The quota, the majority said, "is no longer acceptable."

Government oil policy has not only failed to guarantee the nation a comfortable fuel supply this winter, but has also failed to develop adequate long-term reserves of oil. Indeed, U.S. oil reserves are on the decline. It is therefore very difficult to understand how the national security has been served by a system of import quotas that forces the immediate consumption of domestic oil at times when foreign oil is cheap and plentiful.

The tanker shortage provides a convenient but unsatisfactory explanation. True, if import restrictions were lifted at once, there would not be enough tankers to carry the amount of foreign oil needed here. But the Libyan crisis shows signs of abating, an unprecedented number of new tankers are on the ways, and increased tanker rates may encourage ship owners to delay the retirement of old, formerly uneconomical tankers and to equip cargo ships, grain and ore carriers to carry crude oil. Indeed, a director of Royal Dutch Shell predicts a surplus of tankers within the year even if the situation in Libya and Syria remains unchanged.

WINTER OF DISCONTENT

The energy crisis is traceable largely to hydra-headed and uncoordinated government regulations.

The Texas Railroad Commission and the Louisiana Department of Conservation largely determine how much domestic crude oil will be pumped from the ground.

The Interior Department administers coal mine safety standards, oil quotas, and the development of off-shore oil wells and vast, untapped lodes of shale oil.

The Atomic Energy Commission lobbies for atomic energy.

The Interstate Commerce Commission affects the coal industry through its regulation of the railroads.

The Department of Health, Education, and Welfare has jurisdiction over air pollution standards.

The Federal Power Commission regulates the interstate price of natural gas.

State public utility commissions regulate the local price of natural gas.

The Justice Department and the Federal Trade Commission enforce the antitrust laws under which oil companies have been allowed to enter the coal and uranium business. The oil industry now owns 25 per cent of the nation's coal production and 45 per cent of its known uranium reserves.

The Treasury Department administers and interprets tax laws that have an important bearing on domestic oil and gas exploration. (A Treasury Department ruling, for example, has actually encouraged huge international oil companies, such as Jersey Standard, Gulf, Texaco and Mobil, to explore for oil overseas instead of at home by deducting overseas royalties from their Federal income taxes.)

Responsibility for the maintenance of an adequate fuel supply clearly cannot be entrusted to a host of agencies working at cross-purposes. Nor can it be entrusted to the forces of the market. Private industry's quest for profits does not necessarily coincide with public needs—it does not, for example, produce enough emergency supplies of residual oil when gasoline is more profitable.

Existing regulation not only fragments the public interest. It is also a one-sided affair, shielding the politically powerful oil industry from the price competition of an unrestricted supply of crude oil and petroleum products while leaving the consumer to pay the bill at times when shortages force up prices. Rational management of the nation's energy needs will demand intelligent and well coordinated use of regulation, freed from the shackles of petroleum politics. Economist Walter Adams summed up the situation at a Senate hearing:

"You cannot make speeches about noninterference by Government and cite Jeffersonian texts on the Fourth of July and in the country clubs and counting houses and then come up to Capitol Hill and lobby for governmental interference which will protect special and vested interests, not of the poor and the underprivileged, but of the powerful, the wealthy, the favored. When Government is used as a mask for privilege, then it becomes an Elizabethian institution. I do not want to be corny but this is what the American Revolution was all about."

SEAMAN DAVID SIMMONS—A DEDICATED SERVICEMAN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. RARICK. Mr. Speaker, during the second session of the 91st Congress, I inserted in the RECORD a letter written by Seaman David Simmons, a young PBR sailor, to the newspaper of the university he had previously attended, CONGRESSIONAL RECORD, volume. 116, part 12, page 16845.

In his letter, Simmons told about the cooperation in combat between the South Vietnamese and American sailors, and he described the inhumane atrocities of the Vietcong against the South Vietnamese, especially against children.

Simmons concluded his letter with these reflections which are just as apropos today as they were when written:

> But to some of you back home, these are other peoples problems. You think you don't have to worry about things like this back "in the world." Well, Jack, look around. What is happening now is the start. And man it is going to get a whole lot worse if some people don't open their eyes.
>
> Right now Americans are being killed by other Americans. I don't mean just the few who are killed in "dissent turning to violence." I mean the hundreds and thousands who are being killed here because the communists have had their confidence bolstered by the protesters and the violence and a slanted news media in the United States.
>
> I want to come home to my wife and my 8-month-old son. I want to return to LSU and finish the two semesters I have left there. I want to live and work in the United States, but not the way it sounds now. It's almost safer here. Here, it's almost over, one way or another. There, it's just beginning.

Seaman David Simmons was recently awarded the Navy Commendation Medal for "untiring devotion to duty and courage under fire in keeping with the highest traditions of the U.S. naval service."

I am proud to represent an area and people which produces such a courageous and dedicated young American. I take pride in inserting the citation of Simmons' meritorious service following my remarks:

CITATION

The Secretary of the Navy takes pleasure in presenting the Navy Commendation Medal to David L. Simmons, Seaman, United States Navy, for service as set forth in the following:

"For meritorious service while serving with friendly foreign forces engaged in armed conflict against the North Vietnamese and Viet Cong communist aggressors in the Republic of Vietnam from October 1969 to September 1970. While serving as a gunner on river patrol boats attached to River Division Five Nine Four, Seaman Simmons participated in one hundred seventy-seven combat patrols and engaged the enemy on twenty-three occasions. During those patrols, he boarded and searched numerous junks and sampans, interdicted cross river traffic, enforced curfew, inserted and extracted friendly forces in hostile territory and provided fire support for besieged units and outposts. On the night of 10 April 1970, while en route to waterborne guardpost, his boat detected an evading sampan. Seaman Simmons immediately opened fire while his patrol simultaneously came under intense enemy rocket and automatic weapons fire. Reacting quickly, he directed his guns against the enemy's firing positions, laying down an accurate volley of fire which silenced the enemy. His quick actions facilitated the advantage to his own units and inflicted casualties on the enemy force. Seaman Simmons' exemplary professionalism, untiring devotion to duty and courage under fire were in keeping with the highest traditions of the United States Naval Service."

The Combat Distingiushing Device is authorized.

THE 10TH ANNIVERSARY OF POINT PARK COLLEGE, PITTSBURGH, PA.

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, we in Pittsburgh are proud of the accomplishments our city has made in the past 10 years. We are fortunate indeed that we have so many civic minded citizens, who dedicate their time and effort for the betterment of our community.

Willard F. Rockwell, Jr., chairman of the board of North American Rockwell has devoted much of his time to the growth and development of Point Park College, an urban center of higher education. Mr. Rockwell, chairman of the board of Point Park College and Arthur M. Blum, president of Point Park have guided Point Park College to its present excellence in the field of education.

Recently, Mr. Rockwell and Mr. Blum addressed a corporate and foundation meeting of Point Park College in Pittsburgh, commemorating Point Park's 10th anniversary. It is a pleasure to place their addresses in the CONGRESSIONAL RECORD at this time:

ADDRESSES OF ARTHUR M. BLUM, PRESIDENT AND WILLARD F. ROCKWELL, JR., CHAIRMAN OF THE BOARD POINT PARK COLLEGE AT THE 10TH ANNIVERSARY OF THE COLLEGE PITTSBURGH, PA.

REMARKS OF ARTHUR M. BLUM

Ladies and gentlemen, welcome to Point Park College. Our purpose in inviting you to be with us today is two fold. First, to show our appreciation for the part you have played in the achievements of Point Park College during our first decade of service. And secondly, to share with you our goals for the future.

It was in 1960, that Point Park College was chartered by the Commonwealth of Pennsylvania as a private, non-profit junior college. In April, 1966, the Commonwealth granted the petition of the College for a charter change and after examination by a Commission of the Middle States Association of Colleges and Secondary Schools, the College was admitted to membership in the Association as fully accredited baccalaureate institution in December, 1968.

Currently, Point Park College offers fifteen baccalaureate major programs in the Liberal Arts and Science and fourteen in the Liberal Arts professions.

Since 1961, the full-time student body has increased just over 664%; and the increase in the full-time faculty has kept pace in numbers and faculty.

Today we celebrate our Tenth Anniversary. Let's consider the first decade of the College's history in light of the interesting sixties, thereby drawing analogies between trends of that era and directions in which the College has been moving:

1. In the field of Conservation-Point Park College is cooperating with the Western Pennsylvania Conservancy in the operation of educational programs at the Wildflower Reserve, where a Comprehensive Conservation Program for our own students, inner-city children, and adults has now been launched.

2. Through an affiliation with the Allegheny Round Table, the College provides weekly forums for the discussion of current, social, environmental and political issues. These are shared with the community by means of radio and T.V.

3. Within the College, a consortium of the performing arts has emerged resulting in multi-media performing arts programs. For the past two summers the Pittsburgh Playhouse, the Pittsburgh Ballet, and the American Wind Symphony have collaborated in producing the Pittsburgh Festival of the Arts. The addition of the 28-hour Environmental Circus, in 1970, brought to the Festival still a new dimension.

The College's Department of Education is now operating Point Park Academy, a laboratory school of the performing arts for high school age youngsters.

4. Committed to community action, the College is rendering service in a number of areas. For the Pittsburgh Model Cities Agency, the College is conducting a summer creative arts program in the Hill and Lower Oakland—a Visual Arts Program, expanding the Part-time Playhouse classes and Television-Radio Photography training in cooperation with our Journalism department.

This year the Pittsburgh Ballet will provide four free performances, and will perform in many schools and colleges. Under the U.S. Department of Labor's Manpower Program, nineteen New Careerists are working toward degrees at the College while employed in service-oriented jobs.

5. During the completion of Pittsburgh's Golden Triangle our own Lawrence Hall has been renovated and converted into a dormitory and student union. The rooms in the new addition to Lawrence Hall have provided a faculty dining room, a ballet studio, and an art gallery. The upper floors of Lawrence Hall provide residence facilities for 400 men students. On the opposite side of Wood Street, adjacent to Academic Hall, Thayer Hall houses 379 women students. Plans for an expanded College Library will provide our neighbors with an esthetic experience. The architect's sketches of a roof garden above the two-story library and glass-walled Thayer Hall give promise of a handsome facade toward the Gateway and Point State Park. It will also provide our students and faculty with additional study space that is vital to our academic programs.

PROJECTION

As we embark on our second decade, sensitive to new issues and challenges, we accept the responsibility to provide relevant programs and to maintain our flexibility. Our planning includes consideration of the following:

1. Provision for additional educational programs for younger women who may have postponed college or dropped out of college, and for mature women, who desire to finish college work.

2. Continuing development of the area between the College and the Monongahela River—some six blocks or more of land which has not yet been included in the Renaissance. We will continue to be innovative in circular design to meet changing academic needs.

Many of you have visited our campus before. For you we have planned an abbreviated tour to include only the most recent innovations. For our guests who have not visited us in the past we have planned a tour of additional areas of the College so that you may see what has been happening at the College during this first decade. Neither tour will last more than twenty minutes. Both tours will conclude in the faculty dining room so that you may pick up your coats. At that time my staff and I will be happy to discuss with you what you have seen on the tour and answer your questions.

Thank you all for sharing in this joyous event and best wishes during this holiday season.

REMARKS OF WILLARD F. ROCKWELL, JR.

President Blum has given you a pretty good picture of Point Park's past, present, and future. He's given a clear and concise view of this dynamic, young school that has established itself in our community here as a major independent institution of higher education.

This is the reason I have invited you here today. I wanted each of you to see first hand and to hear of the accomplishments of Point Park College. Only with an in-depth picture can you be made aware of the areas in which our school can continue to grow with your interest and support.

During the years I have worked with Point Park I have developed a great appreciation for what the College has done. I have seen the growth through stages—as Art Blum outlined for you—from Pittsburgh's first junior college to a fully accredited four year institution in less than 10 short years. I have seen it, admired it, and proudly helped to guide it. I am also prepared to continue my financial support and I hope each of you will choose to join us in a development program.

As foundation and corporate leaders in this community, you have traditionally appraised the future of education and provided leadership in its programs. The greatest problem of higher education is money. Tuition alone, regardless of the enrollment, is not adequate to meet growing needs. Tuitions are used to offset normal operating expenses, salaries, supplies, services, and to a lesser degree, maintenance of the physical facilities. Unfortunately, Point Park as yet, does not have significant endowment income and our independent status rules out a share of government program subsidies.

We have no illusions about the magnitude of our job. We speak to you today to appraise you of our immediate and long range needs for capital improvement, endowment, and academic programs income.

We are prepared to launch a two million dollar development program and in a few days we will invite each of you to share in the expansion of this institution.

During the past we feel that we have managed the fiscal affairs of this college in a business-like manner and used community funds in a judicious way.

As you have read, all private colleges are in serious financial trouble. We, too, are faced with those same inflationary costs confronting every institution of higher learning. However, through sound fiscal management and maximum utilization of staff and facilities we approach you from a position of strength, not financial panic. With your help and your support we can continue to maintain our high level of academic excellence and look forward to a future of even greater development and growth.

REALISTIC DETERRENCE: INFERIORITY ACCEPTED—II

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. SCHMITZ. Mr. Speaker, Hilaire Belloc, in "A General Sketch of the European War," said:

> Every war, then, arises from some conflict of wills between two human groups, each intent upon some political or civic purpose conflicting with that of his opponent.

Wars, as Mr. Belloc makes clear, are caused by conflicting political intentions of two groups. Today the Soviet Union intends to complete its conquest of the globe and the United States intends to see that this does not happen. There is a conflict of wills but as yet no direct armed clash. The war to this point has been cold; but there is a war.

It is the strategic means available to the Soviets, in relation to the strategic means held by the United States, which determine whether they might actually attempt to fulfill their design for global mastery through initiating direct armed conflict. Soviet strategic capability is our best indicator of whether the cold war will become red hot.

The U.S. strategic force posture must be based, therefore, both on Soviet intentions and their strategic ability to transform these intentions into direct armed acts against us.

Communism is a messianic force system limited only by the forces which oppose its extension. If these forces, both spiritual and material, which stand in the way of total Communist world power were removed tomorrow, the conquest would be completed at that date. It is not the Soviets' desire that limits the extension of their power, but rather their inability, at this time, to destroy the resistance which has been organized against them.

It is important to understand this in order to view our strategic weapons systems in the proper light. They are an essential element of organized resistance in the chain of resistance which confronts the Soviets across the planet. History shows conclusively that the Soviets will use armed force to achieve their end if they think this method of conquest will be successful.

Some of the popular writers on nuclear defense matters, especially the group known as the "arms controllers," have become hopelessly confused as to the relationship which exists between weapons and war. Noting several instances of mutual armament before some armed conflicts, these "defense intellectuals" come to the conclusion that it is a so-called "arms race" which causes the conflict, and not the hostile intentions of one power—and the understanding of these intentions by the group targeted for subjugation—which sometimes causes both groups to arm.

Notice that it is only sometimes that both groups arm before the battle. At other times one group does not take the measures necessary for successful defense. This does not prevent the battle; it simply results in easy victory for the aggressor. The "arms controllers," impervious to the facts of history and the nature of war, continue to insist that arming of itself causes war, and advocate U.S. disarmament in the name of peace.

It is not like this in the real world. For every unit of U.S. power that is reduced, the Soviets gain just that much in relative strength. For example, if we dismantle one of our strategic bomber bases overseas, this is just one less target for the Soviets to hit. The weapons and weapon systems which would have been used to destroy that target can then be used against another increment of U.S. strategic force, say, a Minuteman base in North Dakota. As we lose one unit, they automatically gain the same amount.

Another misconception about strategic forces is that possession of limited quantities of nuclear weapons by the United States is enough to forestall Soviet armed advance. This theory is known as "automatic deterrence." A typical statement of it is Richard Rovere's comment that:

> If the Russians had ten thousand warheads and a missile for each, and we had ten hydrogen bombs and ten obsolete bombers . . . aggression would still be a folly that would appeal only to an insane adventurer.

People with this view feel that as long as we do not totally give up our nuclear weapons, there is little chance of Soviet attack. They forget that disarmament can be brought about not only through congressional shortsightedness, peace marchers, prolonged industrial strikes, and McNamara-type thinkers. There is also such a thing as a disarming strike.

The Soviet forces, from huge ICBM rockets to fractional orbital bombs, nuclear powered attack submarines, and antisubmarine warfare carriers, are all being configured to achieve just such a goal—disarming the United States with one giant blow. Cutting our strategic forces to the point where it becomes possible for the Soviets to rapidly and violently disarm us opens to the Communists an avenue of sure conquest.

What do you think the 20th century's most successful killers would do should their material forces become capable of achieving their political objective?

BRONX ARTS COUNCIL

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. BINGHAM. Mr. Speaker, my home county of Bronx, N.Y., has in the past suffered from a bad press. This was typified by the famous—it should be infamous—couplet by Ogden Nash, reading:

> The Bronx?
> No thonx.

We who represent the Bronx know better. We are proud of our county. A special cause for pride in these days is the Bronx Council on the Arts. The New York Times on January 12 carried an excellent article by Mr. McCandlish Phillips on the Bronx Council on the Arts, which was quite properly headlined: "Lively and Innovative Bronx Arts Council Promotes Cultural Fare on a Shoestring."

In commending this article to my colleagues in the Congress, I should like to note further that Bronx County is, of course, a part of New York City, and to add that the current reports of New York City's imminent demise are, in the words of Mark Twain, "grossly exaggerated." The article follows:

LIVELY AND INNOVATIVE BRONX ARTS COUNCIL PROMOTES CULTURAL FARE ON A SHOESTRING

(By McCandlish Phillips)

To Mrs. Irma Fleck, Gerald Klot is "the Sol Hurok of the Bronx." It is not that he does things on a Hurokian scale, but that he knows how to make something—a symphony orchestra, for instance—out of nothing. When he has a little bit, he can make a great deal of it.

Mr. Klot is a school principal who came to adulthood in the Bronx when it was, in his own words, "a cultural desert," but he trusts that before his work is done it will be a garden of many cultural delights. He is chairman of the lively and innovative Bronx Council on the Arts. Mrs. Fleck is its executive director.

The team of Fleck and Klot has given the Bronx a vision, a means and a structure for a local development of the arts, and many have rallied to their banner—The Bronx Banner, a monthly publication that proves in every issue that the borough offers an uncommonly generous a la carte menu of cultural fare for the hungry.

There are four other boroughwide arts councils in the city as well as one that covers the black community, the Harlem Cultural Council.

"HEART OF CULTURE"

The Bronx council's blue-fronted office gleams in a row of one-story brick stores, wedged between a former judo academy and a storefront synagogue that sits hard by a small delicatessen.

"The carved-out heart of culture in the Bronx," Mr. Klot announced, pushing into the place, at 57 East 184th Street near Walton Avenue. His reference was to the job it had been to carve out a seat of culture amid much indifference and dollar scarcity.

"It was a big, barnlike store when we took it over, a factory actually. They made skirts," said Mrs. Fleck, a woman who looks like an abbreviation for Mitzi Gaynor. Her secretary's desk is wedged into a small store window by the front door, with a large board set in place to cut drafts from the frequently opened door.

Her own cubicle, at the end of the row, borrows a little warmth from a large poster bearing a Rembrandt self-portrait from the Rijks-museum, Amsterdam. Mrs. Fleck sits with her back to it, so that Rembrandt appears to be gazing over her shoulder at whatever is on her desk.

In the course of a week he would see documents telling of the Bronx Opera Company, the Bronx Experimental Theater, the Festival of Poetry, the Bronx Showcase of the Visual Arts, the May Arts, Festival, forthcoming exhibitions of paintings and photographs, and easily 20 other major thrusts.

In a nearby area, two tables had been pushed together, Mrs. Edna Meschel, captain of the mailing team, and three volunteers were stuffing 1,200 copies of The Banner into envelopes, sorting them by zip codes, and tieing them into bundles.

"They're screwed up," one woman said, squinting at the addresses. "The letters near the ends of the lines are wrong. This is all done by computer and the machine may be on tilt."

"We get I.B.M. data processing service from the Bronx Community College, one of the big supporters of the council," Mrs. Fleck said. "We couldn't have got along without them. The president, Dr. James A. Colston, is still sort of our fairy godfather over there."

In the time of World War II, Mr. Klot said, "I saw the cultural desert that existed in the Bronx, and I made a blueprint of attack. The first thing we needed was an orchestra.

"In 1945 I organized the Bronx Symphony Orchestra under the direction of Irwin Hoffman, who became associate conductor of the Chicago Symphony. We had 45 members in it—lawyers, dentists, doctors, housewives, and even a tree pruner.

"It has had a continuous existence since that time, at least four or five concerts a year and they're all free to the public. Not long ago, a left-handed violinist came back and got a standing ovation after a solo. We'd had that violinist as an 11-year-old player. It shows what you can do with youngsters who have that musical surge and urge.

"The orchestra's going stronger than ever now, under Michael Spierman, the seventh conductor. We had a full house for the first time ever on Dec. 12, a completely full house. I think I broke down a little. It was the complete fulfillment of a dream."

PAID AT EQUITY SCALE

Throughout the 1950's, Mr. Klot presided over live professional theater in the Bronx, using the actors and productions of the Equity Library Theater of Manhattan and paying them at scale.

As principal of the Clinton-Walton Youth and Adult Center at 100 West Mosholu Parkway, which offers 120 courses "out of the regular day-school climate, he had an advisory board that, seeing "the dire need for cultural events throughout our area," formed the original Bronx Council on the Arts in 1961.

Mrs. Fleck, aggrieved at the shoddy way the Bronx is represented to the rest of the world, decided to try to improve its tone and image by founding the Bronx Committee on the Arts in June, 1967.

She broached it to Herman Badillo, then the Borough President, and he put his office behind the effort.

The two separate organizations, with parallel visions, found marriage expedient, and the present organization came of that in September, 1967. The Bronx Community College took the merged council in out of the cold.

"We began really in the lap of Prof. William C. Woolfson," Mrs. Fleck said. Professor Woolfson, a genial and portly man who once was a financial writer for The Herald Tribune, is now cultural relations officer for the college. "We had a couple of drawers in a file there," Mrs. Fleck recalled.

The council has grown at an astonishing rate since then, adding a long list of programs, productions, exhibitions and services to its name. Some of these it regards as only the earliest forms of far larger ventures.

The Bronx Museum of Art exists now only as a fraction of what it is intended to be. Half of the council's office space has been made into a cream-walled gallery, 40 feet long by 11½ feet wide. Six double sets of sunlamps bathe the works in a tropic glow.

There were 10 works on the west wall, including sketches, water-colors, a cubist painting, a portrait in oil, and a college of brown corduroy with holes in it, with bright red flannel showing through, all stretched tight on a frame.

Mrs. Ethel Bramson, the gallery director, shares Mrs. Fleck's views regarding shortshrift for the Bronx. "I say come visit Zeroland," she said, with a satiric bite. She recalled that art gallery operators would never come to see her paintings while she had her studio in the Bronx but that after she moved it to Manhattan, they came.

The council has used a larger space for exhibitions, the rotunda of the Bronx County Court House, showing 200 works at a time.

"The rotunda is a magnificent space, a great, huge marble hall that is going to waste," Mrs. Fleck said. "We feel this should be a year-round art gallery. I envision one central gallery there, then little satellites all over the Bronx—libraries, hospitals, banks, even the walls in a supermarket are terrific for that kind of thing."

The council has about 750 members and runs on a total annual budget of $65,000. It keeps in touch with 75 to 80 neighborhood centers—storefront agencies, settlement houses and the like—through the ambassadorial journeys of Mrs. Mary Jane Hanzlik, a vivacious former actress and model from Boston.

"We coordinate, we develop, we inspire, we instigate, we promote the arts in every possible way," Mrs. Fleck said.

"Our major support is from the New York State Council on the Arts. We just got a grant of $17,500 from them for administrative expenses for a year. It keeps us alive and we're grateful for that.

"The City Department of Cultural Affairs granted us $7,000 for programs. So I take a medicine dropper and I apportion out program grants, a little bit here and a little bit there, with the intention of just keeping these groups alive.

"I feel terrible about giving them such small sums, but we are very pragmatic. We would love to do deficit spending, but we can't. We just have to spend exactly what's in our hot little hands.

"We've got $2,000 a year from the Grand Street Boys Club Foundation, and that has helped us pay the rent in our very lean times."

STUDENTS AID CENTERS

Working with what Mrs. Fleck calls a consortium of six colleges, the council established a College-Community Cultural Program in September, in which students who are skilled in painting, drama, the dance or any of the arts go out to neighborhood centers to spend time with people who gather in them—children, adults, old people, the poor, as well as members of the blue collar class—who wish to learn such skills.

Mrs. Fleck said that for a long time the colleges in the Bronx had "existed as little enclaves—little castles with a moat around them is the way the community felt about them."

With the help of Msgr. Gustav J. Schultheiss of St. Raymond's Church, who served as the host of a get-together dinner meeting, the council pulled the colleges into a common effort.

"This is the first time in the history of the Bronx in which all the colleges have come together. It's a fantastic thing that's happened here," Professor Woolfson said.

Twenty students are in the field now, Mrs. Fleck said, "but when we get in full swing we ought to have 250 to 300 students working in it."

The council formed a Business Men's Committee on the Arts two years ago to stimulate support for the arts in the business community.

"We feel that what we can do by way of cultural awakening can improve the community," Mrs. Fleck said. "By keeping our middle class from moving away, we're aiding business as well. Therefore, it's a good business point."

Among the prime movers on the committee is Donald Darcy, executive vice president of the North Side Savings Bank, an art collector and a student of the life and work of Edgar Allan Poe, who has lectured and written on the writer.

BOROUGH EVENTS LISTED

Since the Bronx has no daily newspaper and "one end of the borough doesn't know what the other end is doing," Mrs. Fleck explained, The Bronx Banner seeks to present a complete calendar of artistic, cultural and intellectual events in the borough.

A recent issue, listing 41 events, gave Bronxites a choice of "Fiorello" or "Figaro" on the same day.

Nine concerts offered a trio performing Yiddish Folk Songs; the New York Baroque Ensemble; Johanna Meier, soprano, with Guido Dellavecchia, tenor; a recital by Gerald Kaga, cellist; and a choral concert by the Amalgamated Worker's Circle Chorus.

Or a reader could pick among Alfred Hitchcock and Jennifer Jones Film Festivals; a satiric revue called "A Time to Heal"; "Apollo of Bellac" played in French by the French Art Theater Group of New York University; a lecture on Vergil's Aeneid, and two exhibitions of paintings.

"If we were measured by population, the Bronx would be bigger than Boston, Cincinnati, Denver or Dallas," Mrs. Fleck said. "Most such cities have their own professional symphony orchestras, their own operas, their own cultural centers—places much smaller than the Bronx."

"We have dreams, let's put it that way," Mr. Klot said.

HOUSE OF REPRESENTATIVES—*Wednesday, February 3, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Thou shalt keep the commandments of the Lord thy God, to walk in His ways and to fear Him.—Deuteronomy 8: 6.

Eternal God, our Father, by whose providence our fathers were led to these shores and by whose power they established here a government of the people, by the people, and for the people, guide Thou our Nation into the ways of truth and peace. Remove from among us all bitterness, all bigotry, and grant that seeking what is just and good and concerned about the needs of others we may learn to live together in unity and love.

Grant to our President, our Speaker, these Representatives, and those who work with them the wisdom to know Thy will and the strength to do it day by day. Direct their deliberations, prosper their planning, motivate their minds as they labor for good of our country that truth and justice, peace and good will may be established among us now and for generations to come.

In the Master's name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

RESIGNATION FROM COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER laid before the House the following resignation from a committee:

February 3, 1971.

Hon. Carl Albert,
Speaker of the House of Representatives.

Dear Mr. Speaker: I herewith submit my resignation from the Committee on House Administration.

Sincerely yours,
Joe D. Waggonner, Jr.,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE IN THE MATTER OF CHARLES F. ECKERT AGAINST THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, D.C.,
January 22, 1971.

The Honorable the Speaker,
U.S. House of Representatives.

Dear Sir: The Clerk of the House of Representatives received on **January 2, 1971,** from the U.S. Marshal by certified mail (return receipt number 688–442) an attested copy of the Summons, together with a copy of the Complaint filed by Charles F. Eckert v. The Senate of the United States and The House of Representatives of the United States (Civil Action File No. 70–3530) in the United States District Court, Eastern District of Pennsylvania, Philadelphia, Pennsylvania 19107.

The summons required the House of Representatives to answer the complaint within sixty days after service.

The summons and complaint in question are herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,
W. Pat Jennings,
Clerk, U.S. House of Representatives.

U.S. Marshal,
Eastern District of Pennsylvania,
Philadelphia.

Re Charles F. Eckert *v.* House of Representatives, 70–3530.

Dear Sir: In accordance with Rule 4, Subdivision 4, of the Rules of Civil Procedure, I am enclosing herewith one true and attested copy of the Summons, together with one copy of the Complaint in the above entitled case.

Sincerely yours,
Charles S. Guy,
U.S. Marshal.
Geraldine McLaughlin,
Deputy U.S. Marshal.

[No. CA 70–3530, U.S. District Court, Eastern District of Pennsylvania, U.S. Courthouse, Philadelphia, Pa., of the United States of America]

Charles F. Eckert, Petitioner-Plaintiff, *v.* the Senate of the United States of America, and the House of Representatives of the United States of America, Respondents-Defendants

(Complaint in and of trespass)

Petition to the U.S. district court for relief from a deprivation of rights.

Paragraph 1

Your Honor: I Charles F. Eckert acting under my right as an American Citizen do hereby envoke Article One of the Bill of Rights of the Constitution of the United States of America. In that I as a Citizen, person and member of the people do hereby petition the United States Government and the United States Federal Court System for a redress of grievances. I do hereby file suit with the United States Federal Court System a grievance and complaint and suit seeking relief from a deprivation of my rights which has resulted as a result of the actions and or the lack of actions on the part of the respondents and or the defendants, the Senate and the House of Representatives of the United States of America.

Paragraph 2

Article One of the Bill of Rights of the Constitution of the United States of America, states:

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

Paragraph 3

I call the attention of the Court to the United States Code Annotated, 42 U.S.C. § 1983. It states:

"§ 1983. Civil action for deprivation of rights."

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Paragraph 4

Your Honor, I charge that the defendants have under color of statute, ordinance, regulation, custom and usage subjected and caused me to be subjected to a deprivation of my rights, privileges and immunities which are secured by the Constitution and laws of the United States of America. The defendants have failed through their actions, reactions, and lack of action to uphold and enforce and follow the rules and guidelines and orders of the Constitution of the United States of America. By so doing, they have deprived me of my rights, my privileges, and immunities.

Paragraph 5

The Constitution of the United States, Article One, Section 8–1, States:
"*THE CONGRESS* shall have power; to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

Paragraph 6

The Constitution of the United States, Article One, Section 7–1, States:
"*ALL bills* for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with Amendments as on other bills.

Paragraph 7

The Constitution of the United States, Article XVI, States: "*The Congress* shall have power to lay and collect taxes on incomes, from whatever sources derived, without apportionment among the several States, and without regard to any census or enumeration."

Paragraph 8

The Constitution of the United States, Article IV, Section 2–1, States: The Citizens of each State shall be entitled to all privileges and communities of citizens in the several States."

Paragraph 9

The Bill of Rights of the Constitution, Article X, States: "The powers not delegated to the United States by the Constitution, not prohibited by it to the States, are reserved to the States respectively or to the people.

Paragraph 10

The Constitution of the United States of America, Article VI, 2, States:
"*This Constitution and the laws of the United States* which shall be made in pursuance thereof and all treaties made, or which shall be made, under the authority of the United States, *shall be the supreme law of the land,* and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Paragraph 11

The Constitution of the United States of America, Article XIV, par. 1, States:
"*All persons* born or naturalized in the United States, and *subject to the jurisdiction thereof, are citizens of the United States* and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall

any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Paragraph 12

Your Honor, the Constitution of the United States of America shows and orders beyond the shadow of any doubt that the Congress has been delegated with and has claimed the sole power to tax American Citizens. This power to tax carrys with it the responsibility to provide on a regulated proper basis the equal distributing under proper regulation, of revenue to provide the people and or the country with a *complete system of action and means* to *pay the debts* and *provide for the common defence* and *general welfare* of the *United States*, AND ITS PEOPLE. The people are the United States.

Paragraph 13

Your Honor, the defendants have not provided a *complete system of action and means and methods*. The defendants have taken my money and have not extended the services that I have been taxed for. The Constitution demands complete services, not just a part of a service.

Paragraph 14

The Constitution of the United States of America requires that the Congress pay the debts of the United States. The debts of the United States are the debts of each and every State. The debts of the States are the debts of the cities and towns and representation boundaries of the people. The defendants are required to pay these necessary debts, and the defendants are indeed taking monies and taxes under the color of statute, ordinance, regulation custom and usage. However the Defendants are not paying the required debts first with this money.

Paragraph 15

The defendants have not paid the full cost of the debt of welfare in my city and my state and my country.

Paragraph 16

The defendants have not paid the full cost of the debt of protection; (police and fire and health and defense departments) in my city and my state and my country.

Paragraph 17

The defendants have not paid the full cost of the debt of education, (Grades 1 thru 12 required by law) that is necessary to the welfare and protection of the United States of America, in my city and my state and my country.

Paragraph 18

The defendants have not paid the full cost of the debt of health and medical care that is necessary to the welfare and protection of the United States of America, in my city and my state and my country.

Paragraph 19

The defendants have not paid the full cost of the debt of administrative costs that are necessary to run the country, and the city and the state, where I reside.

Paragraph 20

The defendants and the defendants who have retired, died, or left office denied me my rights and privileges and immunities of full American Citizenship; and services, unrendered, which is a denial and deprival of my property without due process.

Paragraph 21

Your Honor, If the defendants went to a car dealer and paid for a new car in cash they would expect delivery of their purchase. However if the defendants purchase were not delivered the defendants would soon start complaining, and demanding action.

Paragraph 22

Your Honor, I Charles F. Eckert support and uphold the Constitution of the United States of America. My oath of Allegiance and duty and responsibility is solely to the United States Constitution. The Constitution of the United States of America is the United States of America. People come and go, but do not let the Constitution go down the drain, for if it does we all go down with it.

Paragraph 23

Your Honor, I Charles F. Eckert do hereby seek relief from injustice, from a deprivation of my rights, privileges, and immunities. I do hereby seek a court ruling and order in my favor ordering the defendants to immediately begin the action means and methods necessary for a *complete system* of action and means and methods to pay the debts and provide for the common defense and general welfare of the United States in its complete entirety and full payment for all debts necessary to the survival of the complete United States and her people.

Therefore, Petitioner Plaintiff prays that the Court will look favorably upon his petition and complaint against the defendants.

Respectfully submitted,

CHARLES F. ECKERT.

NATO BURDEN-SHARING RESOLUTION

(Mr. YATRON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. YATRON. Mr. Speaker, in 1948 the 80th Congress debated a historic foreign policy resolution sponsored by the late Senator Arthur H. Vandenberg. That congressional declaration put the Senate on record as favoring collective defense arrangements, based on continuous and effective self-help and mutual aid.

Adoption of the Vandenberg resolution in June of that year paved the way for Senate ratification of the North Atlantic Treaty and creation of the North Atlantic Treaty Organization—NATO.

Today, a quarter of a century after the end of World War II, the 92d Congress seems likely to begin another great debate. The resolution—S. 292—introduced last year by the distinguished Senator from Montana, MIKE MANSFIELD, and cosponsored by 51 of his colleagues, recommends that we substantially reduce the number of U.S. forces stationed in Europe. The key provision of that resolution reads as follows:

> It is the sense of the Senate that, with changes and improvements in the techniques of modern warfare and because of the vast increase in capacity of the United States to wage war and to move military forces and equipment by air, a substantial reduction of United States forces permanently stationed in Europe can be made without adversely affecting either our resolve or our ability to meet our commitment under the North Atlantic Treaty.

The Senate majority leader maintains that West Germany is today one of the most prosperous countries in the world. Senator MANSFIELD has said:

> The age of empire, the era of occupation, the period of the cold war and one-sided financial pre-eminence are of the past.

The stage is set, therefore, for a major debate on the question: Should the United States, a quarter of a century after World War II, keep its 310,000 troops in Western Europe?

The Nixon administration's position was outlined by Secretary of State William Rogers on December 3, 1970. Addressing the opening session of the NATO Foreign Ministers Conference at Brussels, Secretary Rogers read a Presidential message ruling out troop reductions "unless there is reciprocal action from our adversaries."

Mr. Speaker, while the debate on this critically important question continues, I believe that a number of interim steps could be taken by our NATO allies to ease the financial burden upon the United States. All revolve around the concept of burden sharing.

Burden sharing can be implemented in two principal ways, neither of which involves the withdrawal of American troops: First, our NATO allies could contribute a great deal more to the enormous cost of maintaining our forces in Europe, and, second, they could assume some of the military missions and functions now being carried out by U.S. personnel.

Under the budgetary category, our allies could pay the salaries of local nationals employed at American installations. In Germany, for example, we pay 62,000 civilians nearly a quarter of a billion dollars a year.

The host country could also foot the bill for construction costs, goods purchased on the local market, transportation and utility costs, and NATO infrastructure expenses; for example, roads and runways.

If these recommendations were adopted, a savings of between $500 million and $1 billion would accrue to the American taxpayer.

To add insult to injury, some of our NATO allies actually tax us for the privilege of defending them. As Senator CHARLES PERCY has charged:

> It is scandalous that the U.S. Government continues to pay millions of dollars annually to its NATO partners in taxes—real property taxes, local and municipal taxes, business and trade taxes, excise taxes, and import taxes.

A staff report submitted 2 months ago to the House Committee on Foreign Affairs, of which I am a member, makes a number of specific suggestions on ways to reduce U.S. defense costs in Europe.

The report recommends that just as our National Guard mans some air defense units in the United States:

> There is no reason why Germany could not work out the same kind of arrangement using their reserve components to man the fighter-interceptor Hawk, Nike-Hercules, and air control warning sites to augment their active defense forces.

In addition to air defense, I feel that the United States could initiate and our European allies play an active role in the creation of a truly integrated logistics and supply system.

In December our allies announced that they plan to spend an additional $1 billion over the next 5 years on military installations and communications. While this is certainly a step in the right direction, our NATO partners have not addressed themselves—and show no inclination to address themselves—to any of the substantive issues I have raised this afternoon.

Mr. Speaker, because of my deep concern over what I regard as a grossly inequitable situation, I will introduce today, together with 24 of my colleagues, a resolution urging the President to press our NATO allies to contribute their fair share to the cost of our collective security.

I ask unanimous consent that the full text of my resolution and a list of cosponsors be inserted in the RECORD at this point:

NATO BURDEN SHARING

Whereas our North Atlantic Treaty Organization (NATO) allies have made substantial economic progress since the end of World War II more than a quarter of a century ago; and

Whereas our military presence in Europe—including a total of over 550,000 Department of Defense personnel and dependents—costs the American taxpayer approximately $14 billion each year; and

Whereas the balance-of-payments deficit resulting from U.S. defense expenditures in Europe is approximately $1.7 billion per year; and

Whereas we must begin to reorder our priorities if we are to solve critical domestic problems; and

Whereas the President has expressed an interest in redistributing the defense burden more equitably among NATO members: Now, therefore, be it

Resolved by the House of Representatives (*the Senate concurring*), That it is the sense of Congress that (1) the President vigorously press our NATO allies to assume a greater proportion of the cost of their own defense; and (2) the President, as Commander in Chief, take whatever steps he deems necessary to implement this burden-sharing concept; and

Be it further resolved, That no action taken pursuant to this resolution should weaken either our resolve or our ability to fulfill our commitments under the North Atlantic Treaty.

LIST OF COSPONSORS

Representative Mario Biaggi, of New York.

Representative Hugh Carey, of New York.

Representative Shirley Chisholm, of New York.

Representative Dan Daniel, of Virginia.

Representative Edward J. Derwinski, of Illinois.

Representative Marvin L. Esch, of Michigan.

Representative Dante B. Fascell, of Florida.

Representative Don Fraser, of Minnesota.

Representative James G. Fulton, of Pennsylvania.

Representative William J. Green, of Pennsylvania.

Representative Seymour Halpern, of New York.

Representative Michael Harrington, of Massachusetts.

Representative Wayne L. Hays, of Ohio.

Representative David N. Henderson, of North Carolina.

Representative William L. Hungate, of Missouri.

Representative Manuel Lujan, Jr., of New Mexico.

Representative Spark M. Matsunaga, of Hawaii.

Representative John Melcher, of Montana.

Representative Thomas P. O'Neill, Jr., of Massachusetts.

Representative Roman Pucinski, of Illinois.

Representative Edward R. Roybal, of California.

Representative William F. Ryan, of New York.

Representative Herman T. Schneebeli, of Pennsylvania.

Representative Robert O. Tiernan, of Rhode Island.

TRANSFER OF SPECIAL ORDER

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that the special order previously entered for me for today be transfererd to tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

"RAIDING THE SOCIAL SECURITY TRUST FUND"

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, I am considerably distressed that the Nixon administration recommendations on social security propose a reduction in the contribution rate for cash benefits under existing law from 4.6 percent in 1971 and 1972 and 5 percent in 1973 and thereafter, to 4.2 percent through 1974, 5 percent between 1975–1979 and to 5.5 percent in 1980 and thereafter.

Secretary Richardson told us yesterday that this reduction in the contribution rate is necessary to prevent unnecessarily large accumulations in the cash benefits trust funds in near future years.

I am distressed with administration policy which opposes an increase in minimum benefits to $100 and an increase in the retirement income test to $2,400—because of the cost of such improvements. How can this position be reconciled with a proposal to reduce contributions to the cash fund because present law would generate unnecessarily large contributions.

The Nixon administration contribution reduction proposal would reduce the old age and disability insurance fund by $30.2 billion in the next 4 years with compounded loss including interest totaling $54.9 billion. The purpose of the Nixon administration recommendation is to reduce the size of the social security trust fund in order to reduce demand for improvements in the system—and increased benefits to those served by the fund.

Under regular insurance actuarial standards, the social security trust funds are below accepted reserve requirements. Reducing the contribution rates reduces the strength of the trust fund.

The trust funds are invested in the public debt. The time is not far distant when 40 percent of the public debt will be borrowed from trust funds. The recent encounters of the Treasury Department with high interest rates—would have been tragically worse if it were not for the trust fund investment in the public debt. The trust fund investment in the public debt reduced public borrowing on the private market and prevented interest rates on public borrowing to spiral beyond economic sanity.

The security of the elderly and the capacity of the Social Security System to meet its statutory commitment requires that contribution rates to the trust funds under present law be continued without change.

LIEUTENANT FONT AND THE WAR CRIMES ISSUE

(Mr. DELLUMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, as I take the floor today in making my initial remarks to this body, I firmly believe this Nation's illegal, immoral, and insane adventurism in Southeast Asia must be the top priority item of this Congress—indeed, of America itself.

War crimes and war crimes responsibility are a crucial facet of the entire issue, but I feel that these tragic problems delve to the heart of the matter. For that reason, I attach great importance to the problems of soldiers such as Louis Font and I am devoting much time and effort in this endeavor.

On November 23, 1970, Army Lt. Louis P. Font, and four other active duty officers announced the opening, on December 1, of 3 days of public hearings sponsored by the Citizen's Commission of Inquiry Into War Crimes in Vietnam. War veterans were asked to testify about eyewitness accounts of war crimes in Southeast Asia.

Font, a 1968 West Point graduate, announced also that he was preparing to file charges against the highest levels of military command for war crime policies in Indochina. Font's statement was reported in the following article from the November 24, 1970, Washington Post:

[From the Washington Post, Nov. 24, 1970]

WAR FOES BLAME U.S. COMMANDERS FOR VIET ATROCITIES

(By Robert C. Maynard)

Six military officers and enlisted men, some still on active duty, charged yesterday that the killing of civilians and the torture of prisoners in Vietnam is a "matter of deliberate policy."

For that reason, they said at a press conference, the court-martial at Ft. Benning, Ga., of Lt. William Calley, accused in the alleged massacre at Mylai, should be promptly halted.

One of them, Lt. Louis P. Font, a 1968 graduate of West Point, announced that he is now preparing to file charges against those he believes are the real culprits of Vietnam atrocities—the generals who design military policy.

COMMANDER RESPONSIBLE

"I learned at West Point that a commander is responsible for what happens under his command," Font said. "If Lt. Calley is guilty, then the people who are responsible for him are far more guilty."

Furthermore, Font and the other men who spoke yesterday argued, "Mylai was not an aberration. Mylai was part of deliberate, criminal policy."

To dramatize that contention, the men announced the opening here on Dec. 1 of three days of public hearings at which they say some 75 veterans of the war in Vietnam will testify to innumerable violations of international military conventions there.

The hearings will be sponsored by the National Committee for a Citizens' Commission of Inquiry on U.S. War Crimes in Vietnam. The committee is composed of Vietnam veterans who are organizing against the war.

TORTURE CHARGED

Digests of the testimony of more than 60 prospective witnesses were handed out yesterday. Veterans of the war say in the digests that they witnessed the shooting of old men, children and other unarmed noncombatants. They say they watched prisoners tortured by having electric shocks applied to their bodies and by having their flesh torn by fine wire.

In many instances, the statements assert, senior officers were witnesses to acts that the men contend violate the international rules of warfare.

In August of 1968, for example, six months after Mylai, 24 women and children were massacred at Bongson, according to William E. Marhoun of St. Paul, Minn., a former soldier who says he was there.

One of the reasons such incidents occurred, according to Robert Johnson, a former captain and a West Point graduate, is that many of the men are unaware of the "Rules of Land Warfare" and because a process of dehumanization occurs in Vietnam in which Asian life is devalued.

USE OF BODY COUNTS

"Generals, colonels—even captains—are promoted on the basis of their body counts," the number of the enemy reported killed in an operation, Johnson contended. He and others of the men asserted that many noncombatant civilians have died for the benefit of a unit's body count.

The men appearing at the press conference, yesterday included a former Marine Corps lance corporal, T. Griffitts Ellison, whose father is a retired Navy captain; three captains on active duty at Ft. Meade, Robert Masters, Grier Merwin and Edward Fox; and Michael J. Ewell, an antiwar veterans organizer.

On December 1 to 3, Lieutenant Font attended the hearings conducted here in Washington, and he participated as a member of the interrogation panel. At this point, I would like to insert his statement delivered at the hearings:

STATEMENT OF LIEUTENANT FONT

I'm Louis Font, an active-duty First Lieutenant, United States Army, stationed at Fort George G. Meade, Maryland. I've participated in this conference over the last three days, and my primary concern is that the testimony not end here.

I feel very strongly that something must be done with the evidence that has been gathered over the last three days. I think it would be very sad indeed, and a sad commentary on our entire society, if this material were simply to end up on some college shelf, somewhere. I think that it is incumbent on each one of us to try to do something to disseminate this information to the public. I feel this very strongly.

There seems little doubt that if a hearing like this had been held three or four or five years ago—and some of the testimony we have heard goes back that far—perhaps today we would not be having the My Lai trial. And perhaps My Lai would never have occurred.

Perhaps this testimony can be taken to Capitol Hill, in written form, or, even more hopefully, people may testify before some congressional committee. Perhaps this testimony can be used in some way directly with regard to the My Lai trial.

I'm an active-duty First Lieutenant, and there are several things that I can do, and over the next month or two I will be preparing and then executing one or more of the following options that are open to me. As an active-duty First Lieutenant in the United States Army, I am subject to the Uniform Code of Military Justice. Article 138 provides that an individual can complain and call for an investigation of his commanding officer. My commanding officer, of the First United States Army, is a man who was very heavily involved—whose unit was very heavily involved—with regard to some of the testimony that we heard here yesterday relating to Cedar Falls Operation.

Furthermore, there is a ruling in the United States Supreme Court *United States v. General Yamashita*. You may be familiar with this case. It holds, quite simply, that a commander is responsible for everything that goes on in his unit. And the Court went even further—to state that he is responsible whether he knows what is going on in his unit or not. I'm in process of consulting with legal counsel, and have been speaking with lawyers, and I may well do something with regard to this precedent set by the United States Supreme Court in World War Two.

At any rate, what I'm simply trying to get across is that the hearings are nearing an end, and yet the war crimes continue; and that something should be done about this. And further, that what we have heard today are many incidents—different individuals, in many different places in Vietnam, but relating the same sort of information. It seems quite obvious that a pattern emerges. And that pattern, coupled with what I learned at West Point—that a commander is responsible for *everything* that goes on in his unit—makes it quite clear to me that what is going on in Vietnam is something for which someone other than a lieutenant, such as Lieutenant Calley and others, are responsible.

I feel strongly that if Lieutenant Calley is guilty of anything, then the generals, and perhaps even higher are far more responsible.

On January 11, 1971, Lieutenant Font and four other active-duty Army and Navy officers announced they were formally requesting—under article 135 of the Uniform Code of Military Justice—the Secretaries of the Army and Navy to convene boards of inquiry to look into the responsibility of the highest levels of military command and civilian leadership for war crimes policies in Southeast Asia.

Their request was accompanied by a 300-page transcript of war crimes testimony gathered at the December hearings—a transcript I plan to insert into the RECORD in its entirety over the next few weeks. At this point, I would like to insert an article from the January 12, 1971, New York Times:

FIVE OFFICERS SAY THEY SEEK FORMAL WAR CRIMES INQUIRIES

(By Neil Sheehan)

WASHINGTON, January 12.—Five young military officers said today that they were asking the Secretaries of the Army and the Navy to convene formal courts of inquiry into the question of war crimes and atrocities in Vietnam.

These officers said they were sending letters to the secretaries under provisions of military law that permit such requests to authorities empowered to convene courts of inquiry. The service secretaries have this power.

Copies of the letter were passed out by the officers at a news conference at the Du Pont Plaza Hotel here this noon. The conference was sponsored by the National Committee for a Citizens Commission of inquiry on U.S. War Crimes in Vietnam, an antiwar group with a New Left political orientation that is seeking a national inquest into the war crimes question.

TWO ARE ARMY DOCTORS

Two of the officers, Capt. Robert J. Master, 28 years old, of New York, and Capt. Grier Merwin, 28, of Washington, are Army doctors stationed at nearby Fort Meade, Md. Two others, Capt. Edward G. Fox, 25, a zoologist in the Army Medical Service Corps, and First Lieut. Louis Font, 24, a 1968 West Point graduate who has requested discharge because of his antiwar views, are also stationed at Fort Meade.

The fifth officer, Lieut. (jg.) Peter Dunkelberger, 25, of Muskogee, Okla., is a management systems analyst at Navy headquarters at the Pentagon.

All five said they were members of an antiwar group within the services known as the Concerned Officers Movement. Captain Fox said the organization now had about 60 adherents, including about 20 officers in South Vietnam.

The officers said they were accompanying their letters with a 300-page transcript of statements made here last month by 36 Vietnam war veterans at another meeting sponsored by the Citizens' Commission of Inquiry.

The veterans made allegations of war crimes and atrocities and some contended that these acts had been committed under a de facto military policy approved at the highest level of command and by the civilian leadership in Washington.

In their letters to the service secretaries they also cited a report published two weeks ago by the American Association for the Advancement of Science, which said the use of chemical herbicides in South Vietnam was causing catastrophic ecological effects and had destroyed a fifth of the 1.2 million acres of mangrove forest there.

Assertions that American civilian and military leaders may have committed war crimes in Vietnam by Telford Taylor, the chief United States prosecutor at the Nuremberg war crimes trials, were also mentioned. Mr. Taylor is a professor of law at Columbia.

The letters said the statements of the veterans, the report on herbicides and the Taylor arguments formed "sufficient cause" for the five officers to ask the Secretaries to convene courts of inquiry "to investigate U.S. military behavior in relation to principles set down by the Nuremberg proceedings and the Japanese war crimes trials and other international treaties binding on the U.S. Government."

Last fall, Mr. Taylor presented this argument in his book, "Nuremberg and Vietnam: An American Tragedy," and on Friday he said on a television program that Gen. William C. Westmoreland, commander in Vietnam for four years and now Army Chief of Staff, could be convicted as a war criminal if World War II precedents were followed.

Michael Uhl, one of the leaders of the Citizens' Commission of Inquiry, went to the Pentagon office of John H. Chafee, Secretary of the Navy, this afternoon to deliver Lieutenant Dunkelberger's letter. Mr. Uhl declined to leave it and a transcript of the veterans' statements there when one of Mr. Chafee's aides declined to give him a receipt for them.

PROCEDURE CITED

A Navy spokesman said Mr. Uhl had been informed that Navy procedure was not to give receipts for such papers "unless they are delivered by registered mail." He said Mr. Chafee's aide tried unsuccessfully to reach Lieutenant Dunkelberger and to permit him deliver the letter.

Jeremy Rifkin, another leader of the Citizens' Commission, said the letter to Mr. Chafee and the letter to Stanley Resor, Secretary of the Army, would be sent tomorrow by registered mail.

> Spokesmen for both the Army and the Navy said neither Secretary would have any statement until they had had an opportunity to read the letters and the transcript of veterans' statements.

On January 28—the same day that Gen. Jonathan O. Seaman dropped charges against Gen. Samuel Koster in regard to the My Lai massacres—Lieutenant Font was charged with five specifications of failure to obey a direct order. The maximum penalty, if convicted, for him would be 25 years in military prison at hard labor.

I am writing to the Secretary of the Army to ascertain whether the charges brought against Lieutenant Font are related to his vigorous pursuit of the war crimes issue and to his specific requests that military high command and civilian leaders be investigated for war crimes responsibility.

But just as important is the issue that Lieutenant Font has been attempting to raise over the past months. I believe that Congress must look into the entire question of war crimes policy and ultimate responsibility—not in the interest of meeting our punitive measures but rather in the interest of exposing the reality of our continuing adventurism in Southeast Asia.

I am now in the process of drafting new legislation asking for broad, full-scale congressional hearings and action in this area, and I am requesting my colleagues join with me in this effort.

In addition, I am making available through my office, photographs, documents, and testimony collected by the Citizens Commission of Inquiry into U.S. war crimes policies in Indochina. Vietnam veterans who participated in or were witnesses to such war crimes can be present at my office on a daily basis for those Members of Congress who wish to meet with them.

TO AMEND THE UNIFORM TIME ACT OF 1966

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROUSH. Mr. Speaker, I rise today to reintroduce a bill that would amend the Uniform Time Act of 1966 to allow those States which are divided into more than one time zone to adopt or exclude a part of the State from daylight savings time. Currently the State legislature must adopt daylight time or reject it for the entire State.

My own State of Indiana happens to be one of these, along with Kentucky, Tennessee, Florida, North Dakota, South Dakota, Nebraska, Kansas, Texas, Idaho, Oregon, and Alaska. These States are all affected in different ways and to different degrees by the Uniform Time Act. My amendment, cosponsored by 11 other Congressmen, would simply allow a State to "exempt either the entire State or exempt the entire area of the State lying within any time zone" from adopting daylight time.

This amendment would not detract from the basic principle of uniformity of the Uniform Time Act. Those States who adopt daylight time, in whole or in part, would be required to observe the standard dates from April to October. Nor could every town or county simply choose to go on daylight time or not. The legislature makes the determination for an entire area within a time zone.

My own State is a prime example of the current problem. In Indiana most of the State is in the eastern time zone and will remain on eastern standard time year round. The legislature has so ruled this year.

But there are 12 counties in the western part of the State on central standard time which would prefer central daylight time 6 months of the year since they are economically and geographically contiguous to areas using that time.

Under the present law, either the whole State adopts daylight time—putting the majority of the State on what the people call double daylight time—to satisfy the economic needs of those 12 counties which are tied to areas using central daylight time, or those 12 counties must sacrifice their need for daylight time and observe central standard time year round.

Mr. Speaker, the purpose of the Uniform Time Act was uniformity and convenience. Neither are achieved in Indiana by this law as it now reads. I voted against the Uniform Time Act in 1966 because I knew that it would remove a local option from Indiana and prevent the whole State from being on the same clock time one-half the year.

The U.S. Department of Transportation tried moving the time zone line from the middle of the State to the present border in 1969, but this has not solved the problem. Therefore, the Department of Transportation endorses the present legislative approach. It is my hope that this 92d Congress will, to paraphrase Hamlet, get the time back "in joint."

INDIANA DUNES NATIONAL LAKESHORE

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, I appear before the Congress at this time to once again focus attention upon the Indiana Dunes National Lakeshore, the first urban national park. Once again, it seems, the Congress of the United States and the people of that area are required to make a concerted effort to save the dunes. I refer to the fact that the proposed budget which this Congress has just received does not provide development funds and it seems that the National Park Service has not even requested such funds.

This decision is contrary to recent statements by President Nixon and by both former Secretary of the Interior Hickel and the incoming Secretary, Rogers Morton, all of whom have indicated support of a program of bringing the national parks to the people. Mr. Morton has been quoted as saying:

> If you are going to spend money on parks in any kind of equitable per-capita formula, I think a lot of the money is going to have to be spent in the Great Lakes area and on the West Coast and East Coast.

Once again, I must point out that the Indiana Dunes National Lakeshore is like an empty house waiting to be occupied by the 10 million people living within a 100-mile radius of this park. Although the Congress approved the park in 1966 and the land has been acquired, the dunes have not been developed in order to make the park operational and available to the public.

INCLUSION OF CHIROPRACTIC SERVICES IN MEDICARE

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, yesterday I introduced a bill which I feel is of utmost significance to senior citizens who particpate in the medicare program. This legislation would provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged—otherwise known as medicare.

Mr. Speaker, when the medicare law was approved by Congress in 1965 its provisions did not cover chiropractic services. Two years later, when the first changes were made in the medicare law under the Social Security Amendments of 1967, Congress again rejected the pleas of elderly citizens for the inclusion of chiropractic services. Now that the medicare program is going into its 6th year, I feel we can no longer turn a deaf ear to these pleas.

There is a widespread demand by senior citizen organizations for such chiropractic services. It is also significant that the VFW, AMVETS, and American Legion groups have requested that chiropractic services be included under medicare. Last year the Senate saw fit to include chiropractic services under medicare in their version of H.R. 17550, the Social Security Act. In addition, Mr. Speaker, the States already recognize chiropractic services for medicaid and workmen's compensation.

Recent statistics show that more than one-fourth of Americans over the age of 65 must live on a poverty level income. Many of these people are in poor health and need frequent medical attention, and, as my constituent mail indicates, many of them find that they obtain the most satisfaction from the care of a chiropractor rather than an M.D.

In my opinion, they have the right—and we have the obligation to guarantee that right— to select the type of medical care which best suits their needs. At this time, people who choose chiropractic for relief, are forced to pay the full cost of this service with no reimbursement from medicare, an expense which most of our senior citizens are in no position to carry. Obviously, those who simply cannot afford the extra expense must do without the care they need.

Mr. Speaker, I feel it is incumbent upon Congress to enact my legislation without further delay. To ignore this vital measure is to deny the older citizens of the United States the freedom of choice concerning a very basic and important factor of old age—physical well-being.

I hope my colleagues will support this measure.

TRANSPORTATION STRIKES—IMMEDIATE AND FUTURE SOLUTIONS

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, we welcome President Nixons' legislation on long-range solution to transportation disputes. This does not mean I endorse his particular approach—rather it is agreement that his, and all the other bills on this complicated issue must be heard.

I agree with the President that the Congress must hold hearings on some long-range, permanent settlement of labor and management disputes which threaten the Nation's transportation system. My committee, the Interstate and Foreign Commerce Committee, has given assurances that the President's bill, my bill and the bills of my colleagues will be heard this Congress.

However, Mr. Speaker, I am compelled to point out that the President's bill does nothing for the two immediate deadlines which will not go away.

And I again call on President Nixon to use jawboning to its finest and fullest use in order to bring labor and management to the bargaining table.

The two deadlines are coming fast. On February 15, the President will report on the success or failure of the current negotiations and will offer his recommendations at that time. Then on March 1, if no agreement has been worked between labor and management, this country will suffer the terrible agony of a Nation-wide strangulation of the railroads.

The thought is not as terrifying as the deed.

No commerce will be shipped, no commuters will be moved, mail must be rerouted and inflation will syrocket because of the added cost of moving things around the country. All of these changes will overload the existing alternate transportation systems. Nerves will fray and businesses will close.

Mr. Speaker, this tragedy might be averted if the President will take charge now. If ever there was a time for leadership, it is now. I urge President Nixon to use jawboning, moral suasion, and public opinion to force labor and management into meaningful negotiations within the next 10 days. To do otherwise is to shirk responsibility.

NIXON'S STRATEGY: THE NEW AMERICAN REVOLUTION

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, the President's recent budget message has given a responsible role to the Federal Reserve Banking System, a privately owned and controlled fractional reserve control bank of money issue, to carry out his political promises. The consternation and uneasiness of the hierarchy of the Federal Reserve has not gone without notice. And quite naturally so, because the Federal Reserve family is fully aware that the President has singularly honored them to solve his financial commitments rather than us in Congress. Apparently they are uneasy over this uninvited political limelight.

The Federal Reserve is well aware that Congress cannot produce the new money requested by the President to step up the economy—that Congress cannot guarantee the President an increased gross national product—that Congress cannot deliver the President a full-employment economy. The success or failure of the President's new American revolution depends primarily upon whether or not the Federal Reserve Banking System creates the necessary new money. Only the Federal Reserve Banking System can create new money out of the air by the flourish of the pen.

Likewise, the members of the inner sanctum of the Federal Reserve body, understand that should the President's program fail, it will be they, the Federal Reserve Banking System and the owners of the money in their private monopoly and not we in Congress, who will be made the scrapegoat in the eyes of the public and be forced to bear the full responsibility for its failure.

On the other hand, should the President's expansive monetary policy be adopted, the Federal Reserve Banking System can expect to be held publicly responsible for the recurrence of inflation that will surely follow.

Either way, the Federal Reserve will reap the blame for promises unfulfilled and inflationary losses inflicted upon the American people.

By his new American revolution, only President Nixon's political future is intended to gain.

TO PROHIBIT THE MAILING OF UNSOLICITED MERCHANDISE SAMPLES

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDERSON. Mr. Speaker, today my friend and colleague, the gentleman from Michigan (Mr. WILLIAM FORD) is introducing a bill which would prohibit the mailing of unsolicited cigarette samples.

I commend him for his desire to protect the American public from receipt of merchandise samples which, in some cases, are unwanted. However, he does not go far enough. I invite him and all of my colleagues to join me in cosponsoring a bill I am introducing today which prohibits the use of the mails for all types of merchandise samples.

Frankly, I do not believe the practice of sending cigarette samples unsolicited through the mails is sufficiently widespread to constitute much of a threat or hazard even if one admitted for purpose of argument that a cigarette is a dangerous product.

But there are many other products being sent through the mails which are at least potentially dangerous. I quite frankly have never received a cigarette sample in the mail, but I have received unsolicited samples of toothpaste, razor blades, medicines, detergents, cereals, coffee, soaps, advertising novelties, and a number of other items.

Certainly all of us are aware of the charges recently made against some brands of tooth paste that they have an abrasive effect and that their continued use literally wears away our teeth. Obviously razor blades are dangerous and should not be allowed unsolicited in the mail. Patent medicines often contain alcohol and could result in illness or undesirable effects if taken by unsuspecting youngsters in overdoses.

Many detergents have extremely high phosphate content and enzymes known to be a direct cause of water pollution, and the same is true of certain soaps. Certainly we cannot afford to permit dangerous products like these to be sent unsolicited in the mail.

Coffee is known to contain caffein, believed by many to contribute to heart disease and other physical problems.

Recent charges have been lodged without successful refutation against certain cereals to the effect that they do not provide, in usable form, the nutrients claimed, but instead afford only "empty calories." Surely it is essential to protect the public from receiving unsolicited samples of such products.

Advertising novelties being sent unsolicited through the mails include ballpoint pens, metal badges with sharp pins attached, cigarette lighters capable of starting fires, sharp pointed golf tees, and literally dozens of other potentially dangerous items.

I am told merchandise samples are a burden to the U.S. Postal Service, adding to the strain in the receipt and delivery of the mail, creating storage problems, and do not sufficiently recover the cost of this service.

I urge all my colleagues to join me in cosponsoring my bill to prohibit the use of the mails for unsolicited merchandise samples.

"SCIENCE AND GOVERNMENT REPORT," A NEW AND USEFUL PUBLICATION

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, virtually every aspect of public affairs today is significantly affected by the close relationship that exists between the U.S. Government and the Nation's scientific, educational, and high-technology industrial organizations. Whether it be in basic research, industrial electronics, health, educational innovation, or military strategy, the impact of Government decisions concerning science and technology is increasingly felt. And we can only conclude, from past developments and present trends, that the impact will be ever more widely felt.

In this circumstance, it is essential that public bodies, as well as the general public, have an opportunity to become well informed of the issues, policy deliberations, and decisions that affect this Nations capabilities for research as well as the purposes to which that research is applied. Having long been concerned with these matters in the field of education and manpower development, I am especially pleased to note the appearance of a new publication, "Science and Government Report," which expertly addresses itself to illumination of the complex relationship between science and Government.

Published by Daniel S. Greenberg, "Science and Government Report" has swiftly attracted an international audience of leaders in science, technology, education, government, and industry. Mr. Greenberg, I might add, is widely regarded as one of the most knowledgeable science journalists in Washington, having previously headed the news department of "Science," the weekly journal of the American Association for the Advancement of Science. He has written and lectured widely on science and politics, and is author of a standard work in that field, "The Politics of Pure Science," first published in 1968 and now in a fifth printing, with a revised edition soon to be published.

Mr. Speaker, I think it is fair to say that "Science and Government Report" is must reading for anyone concerned with the public policy implications that inevitably arise from the quest for and application of knowledge. Published twice monthly, and both concise and comprehensive in its coverage of the complexities of its subject, it merits high commendation as a valuable source of reliable news and analysis.

Mr. Speaker, I am pleased to insert a perceptive examination of certain aspects of President Nixons' policies toward science as published in the first issue of Science and Government Report, February 1, 1971.

Excerpts from the article follow:

SCIENCE AND GOVERNMENT REPORT

President Nixon's proposal to add some $100 million to the budget of the National Science Foundation, plus another $100 million to the National Institutes of Health budget for "cancer research," is being touted as evidence of a renaissance of federal fervor for science. And, in particular, NSF Director William D. McElroy and White House Science Adviser Edward E. David Jr. are being cited for persuasiveness with the White House inner councils. At least in regard to the NSF budget—the cancer scheme being a political ploy aimed at heading off a Kennedy-backed move for even greater demands on the Treasury—the two officials must be credited with delivering an unanticipated fiscal package. While most other Federal agencies are being held more or less level, NSF is pointed significantly upwards, and there is reason to believe that Congress will react sympathetically. This is not one of those schemes where the Executive can propose spending with confidence that the Congress will say "no" and thereby merit the blame for being the villain. But, like most else in the budget, the NSF entry is not what it seems to be on first examination; moreover, obscured in the intricacies of the Nixon proposal are some profound issues of scientific and educational policy that ought to be given close examination before the Treasury Department starts writing checks.

First, a look at some of the realities of the NSF budget: About $40 million of that additional $100 million will be for the purpose of NSF picking up the costs of research activities now financed by the Department of Defense and the National Aeronautics and Space Administration. Without the NSF money, these would probably wither, as a good many, in fact, already have under the impact of the Mansfield restriction on Defense supporting research remote from military application. Nevertheless, what is involved here is a transfer—not an expansion. It is also worth noting that NSF does not intend to support *all* the academic-style research that NASA and Defense are dropping. Only some of the survivors are going to be picked up out of the water. Add to this the fact that NSF, with a finger to the congressional wind and an ear cocked toward the utilitarians who dominate the White House Office of Management and Budget, is now bound full speed and wallet bulging into supporting research related to "social problems." Preliminary work in this area got underway last year under the auspices of NSF's program of Interdisciplinary Research Relevant to the Problems of Society. IRRPOS, as it comes out in acronym, was well received in Congress and is said to have pleased the White House budgetmakers, the latter being an occurrence so rare as to merit prompt notation by aspiring historians of the Nixon era. IRRPOS, however, was simply an appendage of NSF's Office of Interdisciplinary Research—way down in a crowded table of organization. However, hand in hand with the new budget, it is going to be expanded into a full-fledged, self-contained division, to be known as the Division of Research Applicable to National Needs, which skeptics no doubt will promptly be referring to as also-RANN. Its objectives are already known: They will be in the fields of ecology, population, transportation, and urban studies, with high priority going to proposals that not only cross disciplinary lines but that also involve the collaborative efforts of several institutions, preferably across the boundaries of academe, industry, and government. RANN is slated for a big chunk of the budget increase.

PROGRAM UNDERCUT

With all this going on, annual support for basic research, which, after all, is why the Foundation is there in the first place, is scheduled nevertheless to go from the present figure of $180 million to $265 million. The growth of basic research support will come in part from the $100 million expansion, but a good deal of it is scheduled to come from pruning or terminating existing programs. On the termination list is one of NSF's most politically popular and academically important programs: support of institutional development, which currently provides about $30 million a year—in grants of $2 million to $5 million each—for raising the quality of research and science education in lesser-ranking universities. Started at the direction of President Johnson under the banner of promoting the creation of new "centers of excellence," the program is now regarded by Nixon's planners as simply a means for promoting the production of more academically certified unemployables. Congress willing, which is far from certain when so much is at stake for so many congressional districts, the program is slated for termination.

With the Office of Management and Budget run by what one NSF official derisively describes as "a bunch of economists," the addition of some $100 million to the NSF budget—for whatever purpose—can only be regarded as a triumph for Science Adviser David. Taking over the shambles left him by his predecessor, the venerable Lee DuBridge, David has worked quietly and industriously at the prime task of anyone occupying an administration post in which potential influence is high but authority is virtually nil: He has striven to gain the confidence of the humorless, narrow-visioned and intensely loyal staff immediately around Nixon. What goes on in that process is something that is rarely spoken of in public. But DuBridge was swiftly frozen out when the Nixon men concluded that he was operating in large part as a representative of the scientific community, rather than as a wholly commited member of the Nixon team. DuBridge tried to warm his way back in by publicly representing the Administration as kind to science; he also spoke out in behalf of the anti-ballistic missile, an act that mainly served to alienate his colleagues on the President's Science Advisory Committee. In any case, he was out almost from the beginning.

QUIET MAN

Five months in office, David has been generally reticent in public, taking refuge in the once-reasonable but decreasingly valid point that he needs time to learn his way around before pronouncing on controversial public issues. Several persons who have been at interagency committee meetings with him say his practice is to listen attentively and say little or nothing. A talk he gave Jan. 8 at the National Bureau of Standards identified a variety of science-policy issues, but David refrained from saying where he stood on any of them. One little-noted episode, however, points to his determination to develop the best of all possible relationships with the Nixon staff. Six weeks ago, when the Senate was blocking the Administration's proposal to go ahead with development of the supersonic transport, David issued a statement in behalf of the SST with supporting signatures from 34 scientists and engineers of one sort or another, including Raymond L. Bisplinghoff, the number two man at NSF; Stark Draper, of the MIT Instrumentation Laboratory; Frank T. McClure, of the Johns Hopkins Applied Physics Laboratory; William A. Nirenberg, of the Scripps Institution of Oceanography, and Edward Teller, of the University of California. The David statement was pure pro-SST: "Our society must not suppress technological advances," it said, "but through research, development, and experimentation make sure that those advances are obtained without undesired side effects. Instead of canceling work on the SST, we should mount a vigorous program aimed not only at solving the technical problems of economic supersonic transportation but also at assuring no undesirable effects." In the hubub of the post-election pre-Christmas session, the incident passed without much notice, except for insertion of the statement and signatures in the *Congressional Record* (Dec. 15, p. 41594) by Senator Barry Goldwater (R-Ariz.).

Goldwater, reacting to an anti-SST statement of six scientists offered by Senator Charles Percy (R-Ill.), accompanied David's statement with the observation that "the scientific enemies of the SST include some scientists who were doubtful some years ago that we could even travel beyond the speed of sound without dire consequences. And this is the part of the scientific community also from which technical opposition to the development of the H-bomb came. The argument then was similar to the one used against the ABM—that it could not be perfected without tremendous danger to the entire world."

POLITICAL FEEL

With the President's budget now up for examination by Congress, a key figure in the fate of the NSF portion will be NSF Director McElroy. He, as it turns out, is something of a rare phenomenon in science politics these days: a topflight scientist whose manner and instincts fit in well with the peculiar ambience of Capitol Hill. In appearance and style, McElroy comes across like central casting's stock entry for a ward politician, rather than as the distinguished academic biochemist that he was for many years before taking over at NSF. In fact, at the moment there is no one around who comes up to McElroy in rapport with Congress on scientific matters. David has been making himself known to various congressmen simply by asking to see them; he has made a favorable impression but is yet to conduct any serious business on Capitol Hill. Academy President Handler is an inveterate traveler to the Hill and an eager witness whenever there is a hint that a committee might hear him, but since he has nothing to dispense but his own brand of wisdom, congressmen accord him ceremonial courtesy, but otherwise do not take him very seriously. Robert Q. Marston, director of NIH, is a pale figure when it comes to congressionl affairs. NASA still lacks a fulltime head, and as for AEC Chairman Glenn T. Seaborg, his milktoast management of the AEC is an endless source of dispair to the Joint Committee on Atomic Energy. (Commissioner James T. Ramey is widely said to be the strong personality on the AEC, but being an avowed Democrat, he can get into the White House only as a tourist.)

In contrast to all the above, McElroy has successfully tuned in to what Congress is all about: power, influence, and personal glorification of the membership, with the furtherance of the public well-being sometimes an acceptable ingredient. On the basis of personal performance, he is now regarded as the shrewdest scientific operator to ascend the Hill since NIH's James Shannon went there some years back to coax out several odd billion dollars for a breakneck expansion of medical research and training.

The main difficulty, of course, is that Shannon found quick harmony with two influential legislators who, if anything, were more fervent believers in medical research than he himself was: the late Rep. John Fogarty (D-R.I.) and the now-retired Senator Lister Hill (D-Ala.). No two legislators of that faith and influence are currently available to harmonize with McElroy, . . .

QUESTIONS POSED

The plans embodied in the new NSF budget raise several public policy questions that might stir up Congress if it chooses to pay attention, which is by no means certain, since NSF actually figures small in the congressional view of the world. Though it is obviously politically expedient, is it appropriate for NSF to be plunging into the support of "socially relevant" research? If resources and attention are to be diverted in that direction, what will be the effect on the support of basic research over the long run? Also, it is worth recognizing that implicit in the termination of the institutional development program is a decision to turn off the expansion of high quality higher education. In the present circumstances, perhaps that is a wise move, but it would be desireable to have such a policy decision brought out into the open, rather than have it obscured inside a tome of budget figures.

The $100 million that Nixon proposed for cancer research is best understood in terms of his efforts to preempt any attractive political ground that might be taken over by potential political rivals. (He has done it all along in regard to Senator Muskie's efforts to command the pollution issue, even to the point of not inviting Muskie to the White House signing of Muskie's own Clean Air bill.) Over the past year, the health lobby, with Democrat Mary Lasker at its center, has been cooking up a scheme to take cancer research out of NIH and establish an independent, highly visible, and heavily funded National Cancer Authority. A proposal to that effect was issued in December by an advisory panel appointed by the Senate Committee on Labor and Public Welfare. Last week, Senator Edward Kennedy (D-Mass.) followed this up with a proposal to establish the authority and put virtually unlimited funds at its disposal. Whatever the prospects may be for that proposition, they are not enhanced by Nixon's proposal to add another $100 million to NIH's budget for cancer research.

TO RENAME THE U.S. COAST GUARD CUTTER "VIGILANT" THE "SIMAS KUDIRKA"

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I would like my colleagues to know that 15 Members of the House of Representatives have today joined me in cosponsoring a resolution to change the name of the U.S. Coast Guard cutter *Vigilant* to the *Simas Kudirka.*

Mr. Speaker, we have checked with Coast Guard authorities, and they say that there are no restrictions or regulations against such a suggestion. We feel very strongly that by renaming the Coast Guard cutter *Vigilant* the *Simas Kudirka* that it will be an everlasting reminder that the Congress of the United States and the American people do not want another tragedy like that which struck the Lithuanian sailor Simas Kudirka, who was refused sanctuary and liberty in this country.

The cosponsors of the resolution which we are introducing today, besides myself, are Congressmen Silvio Conte, Edward Derwinski, James Fulton, Seymour Halpern, Henry Helstoski, Louise Day Hicks, Robert Michel, Joseph Rarick, Fernand St Germain, Samuel Stratton, John Ware, Harold D. Donohue, Ella T. Grasso, Abner Mikva, and Wayne Hays.

Mr. Speaker, I do hope that the appropriate committee will give this resolution early consideration.

The resolution is as follows.

H.J. Res. 271

A joint resolution to rename the U.S. Coast Guard cutter "Vigilant" the "Simas Kudirka"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the tragic lack of guidance and initiative surrounding the forcible return of the Lithuanian sailor, Simas Kudirka, to a Soviet ship from the American Coast Guard cutter "Vigilant" on November 23, 1970 should serve as a perpetual reminder to all Americans of the need for an understanding of the obligations of liberty.

That static leadership, unclear authority, and a woeful absence of basic compassion resulted in Soviet naval personnel being permitted to board an American ship in American waters for the express purpose of capturing and subduing Simas Kudirka and denying him the sanctuary to which he was entitled.

That this tragedy and this man must not be forgotten by the free world.

That the Congress of the United States therefore urges the President to adopt the suggestion of the Lithuanian American Congress and rename the Coast Guard cutter "Vigilant" the "Simas Kudirka" in memory of the right of all men to individual liberty and as a constant reminder to all American ships at sea that this tragedy shall never be repeated.

LEGISLATION TO HELP SPUR ECONOMIC OPPORTUNITY

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CHAMBERLAIN. Mr. Speaker, today with many cosponsors on both sides of the aisle, I am again introducing legislation designed to help spur economic activity, alleviate unemployment, and aid hard-pressed small businesses.

Basically this bill would permit a business to deduct 20 percent of its taxable earnings, up to a $40,000 limit when the funds are reinvested for the purpose of business expansion.

The need for such legislation is clear. Dollars to finance expansion have been tough to come by, particularly for independent businesses, since the money must either come from aftertax profits, which have been squeezed, or from borrowing which has been either too expensive or unavailable. The plowback approach is aimed directly at this icejam in the economic climate and its adoption should help trigger an upturn for the economy generally and a downturn in unemployment.

Mr. Speaker, the President in his messages dealing with the state of the Union, the fiscal 1972 budget, and the state of the economy has stressed his concern for promoting stable economic growth and full employment. I believe this legislation is not only consistent with these efforts but offers a promising contribution to getting the job done. In my judgment, there could hardly be a better time for its passage. It is my hope that this legislation will receive the early and careful study of the Committee on Ways and Means.

I am particularly grateful to my colleagues: Mr. Bevill, Mr. Blackburn, Mr. Broyhill of Virginia, Mr. Broyhill of North Carolina, Mr. Burke of Massachusetts, Mr. Camp, Mr. Collins, Mr. Conte, Mr. Corman, and Mr. Daniel.

Mr. Duncan, Mr. Evins, Mr. Fisher, Mr. Fulton of Pennsylvania, Mrs. Griffiths, Mr. Hansen, Mrs. Hicks, Mr. Johnson of Pennsylvania, Mr. McClory, and Mr. O'Konski.

Mr. Pettis, Mr. Rarick, Mr. Scherle, Mr. Schmitz, Mr. Scott, Mr. Shriver, Mr. Vander Jagt, and Mr. Williams who are also deeply concerned about the welfare of our small business community and have joined with me in introducing this legislation needed to provide a stimulus for this most vital segment of our economy.

SMALL BANKS FORCED TO CLOSE

(Mr. CEDERBERG asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, I am today introducing legislation to prohibit a bank from participating in the brokered deposit scheme, which, as I reported during our last session, contributed to the closing of many small banks across the country. These small banks have been forced to shut their doors due to fiscal instability, as a result of the use of banking instruments known as "certificates of deposit" or "letters of credit."

I am again inserting a simple description of the mechanics of the brokered deposit-link financing arrangement as outlined in a Wall Street Journal article by Frederick C. Klein:

THE MIDDLEMAN: SMALL BANKS GO UNDER, AND AUTHORITIES ASSAIL ROLE OF MONEY BROKERS—WILL THERE BE MORE FAILURES?

(By Frederick C. Klein)

A small bank fails in Prairie City, Iowa. Another goes under in Auburn, Mich. Still another in Coalville, Utah. And Petersburg, Ky., Covington, Ga., and Aransas Pass, Texas.

All these banks have failed in the past 18 months, and Federal regulators indicate all have failed for much the same reasons. In each case big borrowers defaulted on loans or appeared likely to do so. In each case the loans were in excess of what the little banks should prudently have made and in most cases were made to persons from outside the bank's normal business area. And in each case some of the loans had been backed by deposits generated by so-called money brokers.

Money brokers are an oft-criticized breed who act as middlemen in loans that banks make to persons or corporations. Say Mr. A. wants to borrow $100,000 from the Jones National Bank. The bank won't make the loan because it doesn't have the funds, or if it does have the money it has more credit-worthy customers to lend to. But the bank will agree to lend the money if Mr. A. can bring to the bank, depositors willing to deposit $100,000. Mr. A. doesn't know anybody with that kind of money, so he goes to a money broker. The broker finds the people, and the deal is arranged.

THEORY—AND PRACTICE

In theory, everyone is happy. The broker is happy because the borrower pays him 3% to 5% of the loan as his fee. The depositors are happy, because they are getting 5½%, say, on their certificates of deposit (which are insured by the Government) and another 2% or so that the broker pays them out of his fee to entice them. The bank is happy, because it has new deposits and a new loan. And the borrower is happy, because he has his loan.

That's not only the way it works in theory, but also the way it works in practice a lot of the time. It isn't known how much money is channeled through brokers in the course of a year, but the total is probably somewhere around $750 million. Seaboard Corp., a Los Angeles company that is the largest money broker in the U.S., says it will place deposits of $130 million to $150 million this year, up from $50 million in 1968. These deposits probably will offset a like amount of loans, though the deposits offsetting any one loan can range from 20% to 200% of the face value of that loan. In most cases the loan is repaid to the bank, the certificates come due and the deposits are returned to the depositors and all goes well.

But sometimes—increasingly, Federal regulators say—all doesn't go well. The borrower defaults, and the bank is left with insufficient capital to carry on. Sometimes the borrower defaults because he was borrowing to finance a hare-brained scheme that failed. Sometimes he defaults because he was just a bad businessman. And sometimes, according to several court suits, he defaults as part of a conspiracy to defraud the bank.

Mr. Speaker, this article points out the seriousness of this situation and also the need for a thorough investigation into this banking practice. Definite regulations must be set to prevent situations such as the ones that have developed as a result of these quick money schemes.

Many of our Nation's hardest working and most solid citizens are members of small communities who depend on the financial stability of their local banks. Since the ordinary individual could not be expected to distinguish the intricacies of these banking practices, my legislation places the burden squarely where it belongs: on the banker who would use the broker to find funds for basically unsound loans—ones which the bank would not make on its own assets. I believe it imperative on the Congress to take legislative action to eliminate this threat to the small bank and to the citizens of small communities throughout this country.

I hope that the chairman of the Banking and Currency Committee will see fit to hold early hearings on this measure and will promptly bring this legislation to the floor for action by this body.

GIVE WASHINGTON CITIZENSHIP

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, taxation without representation is as intolerable in the 1970's as it was in the 1770's. Yet this is precisely the condition of the residents of the District of Columbia.

This city is the home of over 750,000 people—more than the population of 10 States. These States not only have at least one voting Member of the House of Representatives; each has two Senators.

It has been nearly 200 years since the adoption of the U.S. Constitution which provided for a House of Representatives and a Senate with each State to be represented by at least one Congressman and two Senators. Yet the residents of the District of Columbia have neither. That this is still the case is nothing less than an outrage and a scandal.

Consequently, together with a bipartisan group of cosponsors, I am introducing today a constitutional amendment designed to correct this grave injustice. It would provide at least one Representative and, as may be provided by law, one or more additional Representatives or Senators or both up to the number which the District of Columbia would be entitled were it a State.

The people who live in the District of Columbia are as much American citizens as any who live in this Republic. They are subject to the Federal laws enacted by the Congress.

They must pay the Federal taxes levied by this Congress.

They are subject to the regulations handed down by Federal regulatory agencies created by this Congress.

Yet, they have no voting representation when these laws are made.

There is no reason why the people of the District of Columbia should be penalized. They have not been collectively tried and convicted of a felony and, therefore, should not be denied the rights of citizenship accorded the residents of the 50 States.

It was not until 1960 that the District of Columbia residents were permitted to vote for President. Surely, Mr. Speaker, we cannot expect them to wait another 172 years to obtain at least a voting representative in Congress.

I call on my colleagues, Mr. Speaker, to remedy this longstanding inequity. The time is past due for the United States to confer citizenship on its Capital and the citizens who reside there.

RURAL JOB DEVELOPMENT ACT

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SEBELIUS. Mr. Speaker, today I am quite pleased to introduce the Rural Job Development Act, a bill that has already been introduced in the Senate by my good friend and colleague, Senator JIM PEARSON.

This legislation, in essence, would encourage job creating industries in our rural areas. In brief, the bill would work as follows:

A series of tax incentives—a 7-percent tax credit on personal property, a 7-percent tax credit on real property, an accelerated depreciation allowance, and a 50-percent tax deduction on wages paid workers given on-the-job training—would be offered to industrial and commercial enterprises locating in counties designated as "rural job development areas." Rural job development areas are counties which have no city of over 50,000 population and where at least 15 percent of the families have incomes of less than $3,000. Indian reservations are also included. To be eligible the enterprise must hire at least 10 people and wherever possible must hire at least 50 percent of the work force from the local area. The bill contains a prohibition against "runaway" firms and recapture provisions for those firms which willfully violate the terms of the program.

In introducing this bill, I take great pride in pointing out to my colleagues the dedication and tireless efforts of the senior Senator from Kansas in working to revitalize rural and small town America.

I would like to stress one particular point regarding this legislation. The objectives of the Rural Job Development Act are truly in the best interests of our entire Nation. This bill should and can be an integral part of our growing commitment to deal with our Nation's urban crisis.

The rural development concept is directed toward reversing the trend of rural migration into our Nation's overcrowded cities. Our Nation's cities have become an unwilling lure for the rural poor; many unskilled and unable to find the economic opportunity they came to seek.

As Senator PEARSON pointed out, the task ahead is clear. We must expand the quantity and quality of economic and social opportunities in rural America so that those who choose to live in our rural areas can do so and not be forced to move to our already overcrowded and overburdened metropolitan areas.

Mr. Speaker, this legislation can help revitalize rural and small town America and help our Nation again achieve a healthy and prosperous rural and urban balance.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. Henry Ford—the man and the legend—still remains controversial and elusive today. Ford's great achievements are perhaps the most significant aspect of his career. By revitalizing mass production and promoting his philosophy of high production, low prices, and mass consumption he remade the world and laid the foundation of our modern industrial technology.

TEXASWEET RUBY RED GRAPEFRUIT

(Mr. de la GARZA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. de la GARZA. Mr. Speaker, a taste treat is in store for Members of Congress.

Through the courtesy of the Texas Valley Citrus Committee of Pharr, Tex., I have been able to arrange for Texa-Sweet ruby red grapefruit to be served today in the House restaurants in the Capitol. Furthermore all Members of the House and, through the courtesy of a former valley resident and my longtime friend, Senator Lloyd Bentsen, of Texas, all Members of the Senate, will receive six packs of grapefruit.

Mr. Frank Gross, head of the Valley Citrus Committee, and I had the honor of personally presenting the best grapefruit produced anywhere to Speaker Carl Albert and Minority Leader Gerry Ford.

Tomorrow Mr. Gross will accompany me on a tour of the produce markets in Washington—where the Texas ruby red grapefruit is becoming increasingly more popular—thanks to efforts of the citrus committee sending this fruit up here to us.

Good things come from south Texas. I am grateful to the Valley Citrus Committee for making it possible for me to share some of them with my colleagues in the Congress.

TREATMENT OF PRISONERS OF WAR IN NORTH VIETNAM

(Mr. BLANTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. BLANTON. Mr. Speaker, I am introducing today, on behalf of 210 colleagues, a resolution condemning the North Vietnamese Government for their inhumane treatment of American prisoners of war, and calling on them to abide by the Geneva Convention Accords.

The language of this resolution is much the same as the House Resolution 435 which passed the House in December of 1969.

Simply stated, this resolution puts the 92d Congress on record as cognizant of the plight of over 1,400 Americans held prisoner of war or missing in action. Likewise, we call upon the North Vietnamese and their allies in South Vietnam, Laos, and Cambodia to: First, identify the prisoners they hold; second, permit impartial inspection of their POW camps; third, release prisoners who are seriously ill or injured; and, fourth, permit the free flow of mail between prisoners and their families.

Mr. Speaker, these four points are elementary rules which civilized countries are expected to follow in their dealings with prisoners of war. These four points are contained in the Geneva Convention Accords on Prisoners of War, which the Government of North Vietnam signed in 1957.

The fact of the matter is, the Communists have not abided by these four points. While from time to time they have incomplete lists for propaganda purposes, they have not made a complete disclosure of the prisoners they hold.

They have never permitted impartial observers to inspect prison camps, and have refused such requests by the International Red Cross. Instead, they have permitted camera crews to film staged POW camps for propaganda purposes in a barbaric attempt to deceive the world about the real treatment our prisoners of war receive.

They have released less than a dozen prisoners in the past 5 years, and rather than sick or injured ones, all have been healthy. This is an obvious attempt to again deceive world opinion, although the effort inevitably backfires once the American can tell his story to Americans back home.

They have allowed a few letters to trickle back to the United States, although certainly not in the spirit of the "free exchange" as listed in the Geneva accords.

While the treatment continues to be obviously bad for our captured American servicemen, the North Vietnamese have shown signs of easing up on some points. This has been apparent since the growing involvement by the mass of American people concerned about our prisoners. It is growing apparent to the North Vietnamese that the world looks harshly upon their acts of terrorism to helpless prisoners. World opinion—yes, even among some countries behind the Iron Curtain—has been pressuring the Communist North Vietnamese Government to treat our prisoners more humanely.

This is another reason why it is vital that this 92d Congress go on record officially, just as the past Congress did, to deplore these acts, and to urge better treatment of our prisoners.

Mr. Speaker, perhaps the most important point of the four that the resolution stresses is that the Communists release a full and documented list of the prisoners they hold. Not only for the sake of the families of the men involved. This is obvious—for the cruelty of the Communists not allowing civilian relatives of the captive to know whether he is dead or alive is absolutely unforgiveable.

Just as important, we must have such a list to know the fate of these men in the event some prisoner exchange is ever worked out. Two years ago, when I introduced a similar resolution, I was told by the State Department that at the conclusion of the Korean armistice, the United States could not determine the fate of more than 800 Americans who were known to have been POW's. Even with a prisoner exchange, we still do not know to this day—almost two decades later—what happened to some of the Americans held captive by the Communist North Koreans. The reason is that we had no list of prisoners prior to the armistice.

Such a list of prisoners is imperative, and I believe that this one point in itself should be considered a direct negotiable point at the Paris peace talks.

Mr. Speaker, the POW problem is a continuing one and has not been resolved. While we see signs of our massive effort bringing better treatment, we must continue the tempo, we must continue our vocal and active efforts to seek humane treatment for those men we ordered into battle in Southeast Asia. It is this Congress which passed the draft laws. It is this Congress which provides the funds to fight that war. It is, then, our responsibility to help those young men held captive. This resolution, I am firmly convinced, is one way of doing just that. I am proud of the widespread bipartisan support of this resolution, and the fact the Democrat and Republican leadership have joined in to sponsor it.

Mr. Speaker, I insert for the record the language of the resolution, and a list of my colleagues who have joined with me in sponsoring the measure.

Prisoner of War Resolution

Whereas more than one thousand four hundred members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

Whereas North Vietnam and the National Liberation Front of South Vietnam and their forces in other countries have refused to identify all prisoners they hold; to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners and thereby have violated the requirements of the 1949 Geneva Convention on prisoners of war, which North Vietnam ratified in 1957; and

Whereas the United States has continuously observed the requirements of the Geneva Convention in treatment of prisoners of war; and

Whereas the 91st Congress formally condemned by Resolution the uncivilized treatment of prisoners of war by the North Vietnamese and the National Liberation Front: Now, therefore, be it,

Resolved by the House of Representatives (the Senate Concurring), That the Congress strongly protests the treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls upon them to comply with the requirements of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, and International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

List of Cosponsors

Abbitt, Watkins M., Virginia.
Abernethy, Thomas G., Mississippi.
Alexander, Bill, Arkansas.
Anderson, Glenn M., California.
Andrews, George W., Alabama.

Andrews, Mark, North Dakota.
Annunzio, Frank, Illinois.
Archer, Bill, Texas.
Aspin, Les, Wisconsin.
Baker, LaMar, Tennessee.
Baring, Walter S., Nevada.
Begich, Nick, Alaska.
Bell, Alphonzo, California.
Bennett, Charles F., Florida.
Bergland, Bob, Minnesota.
Bevill, Tom, Alabama.
Biaggi, Mario, New York.
Biester, Edward G., Jr., Pennsylvania.
Blackburn, Ben G., Georgia.
Blanton, Ray, Tennessee.
Bray, William G., Indiana.
Brinkley, Jack, Georgia.
Brooks, Jack B., Texas.
Broomfield, William S., Michigan.
Brown, Garry, Michigan.
Broyhill, James T., North Carolina.
Buchanan, John, Alabama.
Burleson, Omar, Texas.
Burlison, Bill D., Missouri.
Cabell, Earle, Texas.
Camp, John M. Happy, Oklahoma.
Carney, Charles J., Ohio.
Cederberg, Elford, Michigan.
Casey, Bob, Texas.
Chamberlain, Charles, Michigan.
Chisholm, Shirley, New York.
Clark, Frank M., Pennsylvania.
Clausen, Don H., California.
Cleveland, James, New Hampshire.
Collier, Harold R., Illinois.
Collins, George W., Illinois.
Collins, James M., Texas.
Corbett, Robert J., Pennsylvania.
Coughlin, R. Lawrence, Pennsylvania.
Crane, Philip M., Illinois.
Davis, John W., Georgia.
Dellenback, John, Oregon.
Denholm, Frank E., South Dakota.
Dennis, David W., Indiana.
Dent, John H., Pennsylvania.
Derwinski, Edward J., Illinois.
Devine, Samuel L., Ohio.
Dickinson, William L., Alabama.
Diggs, Charles C., Michigan.
Dingell, John D., Michigan.
Donohue, Harold D., Massachusetts.
Dorn, Wm. Jennings Bryan, South Carolina.
Dowdy, John, Texas.
Downing, Thomas N., Virginia.
Duncan, John J., Tennessee.
Edwards, Edwin W., Louisiana.
Eilberg, Joshua, Pennsylvania.
Eshleman, Edwin D., Pennsylvania.
Evans, Frank E., Colorado.
Fascell, Dante B., Florida.
Fish, Hamilton, Jr., New York.
Fisher, O. C., Texas.
Flood, Daniel J., Pennsylvania.
Flowers, Walter, Alabama.
Ford, Gerald R., Michigan.
Ford, William D., Michigan.
Forsythe, Edwin B., New Jersey.
Fountain, L. H., North Carolina.
Frelinghuysen, Peter H. B., New Jersey.
Frenzel, Bill, Minnesota.
Fulton, Richard, Tennessee.
Gaydos, Joseph M., Pennsylvania.
Gibbons, Sam, Florida.
Gonzalez, Henry B., Texas.
Grasso, Ella T., Connecticut.
Griffin, Charles H., Mississippi.
Gubser, Charles S., California.
Gude, Gilbert, Maryland.
Hagan, G. Elliott, Georgia.
Halpern, Seymour, New York.
Hammerschmidt, John Paul, Arkansas.
Hanley, James M., New York.
Hastings, James F., New York.
Hathaway, William D., Maine.
Hawkins, Augustus F., California.
Hays, Wayne L., Ohio.
Helstoski, Henry, New Jersey.
Henderson, David, North Carolina.
Hicks, Floyd, Washington.
Hicks, Louise Day, Massachusetts.
Hillis, Elwood, Indiana.
Hogan, Lawrence J., Maryland.
Holifield, Chet, California.
Horton, Frank, New York.
Hosmer, Craig, California.
Howard, James J., New Jersey.
Hull, W. R., Jr., Missouri.
Hutchinson, Edward, Michigan.
Hunt, John E., New Jersey.
Ichord, Richard, Missouri.
Johnson, Albert W., Pennsylvania.
Johnson, Harold J., California.
Jones, Ed, Tennessee.
Jones, Walter B., North Carolina.
Kee, James, West Virginia.
Keith, Hastings, Massachusetts.
King, Carleton, New York.
Kuykendall, Dan, Tennessee.
Kyros, Peter, Maine.
Long, Speedy O., Louisiana.
Lujan, Manuel, Jr., New Mexico.
McClure, James A., Idaho.
McCollister, John Y., Nebraska.
McDade, Joseph M., Pennsylvania.
McDonald, Jack H., Michigan.
McEwen, Robert C., New York.
McKinney, Stewart B., Connecticut.
Mahon, George H., Texas.
Mann, James R., South Carolina.
Mathias, Robert, California.
Mathis, Dawson, Georgia.
Mayne, Wiley, Iowa.
Meeds, Lloyd, Washington.
Melcher, John, Montana.
Michel, Robert H., Illinois.
Miller, Clarence E., Ohio.
Miller, George P., California.
Minish, Joseph G., New Jersey.
Mizell, Wilmer, North Carolina.
Montgomery, G. V., Mississippi.
Moorhead, William S., Pennsylvania.
Morse, F. Bradford, Massachusetts.
Murphy, John M., New York.
Myers, John T., Indiana.
Nedzi, Lucien N., Michigan.
Nelsen, Ancher, Michigan.
Nichols, Bill, Alabama.
O'Hara, James, Michigan.
O'Konski, Alvin E., Wisconsin.
Passman, Otto E., Louisiana.
Patten, Edward J., New Jersey.
Pelly, Thomas M., Washington.
Pepper, Claude, Florida.
Peyser, Peter A., New York.
Pike, Otis G., New York.
Poage, W. R., Texas.
Podell, Bertram L., New York.
Powell, Walter E., Ohio.
Preyer, Richardson, North Carolina.
Price, Robert, Texas.
Pryor, David, Arkansas.
Pucinski, Roman C., Illinois.
Rarick, John R., Louisiana.
Rees, Thomas M., California.
Rhodes, John J., Arizona.
Robinson, J. Kenneth, Virginia.
Roe, Robert A., New Jersey.
Rogers, Paul G., Florida.
Rostenkowski, Dan, Illinois.
Rousselot, John H., California.
Ruppe, Philip E., Michigan.
St Germain, Fernand J., Rhode Island.
Scheuer, James H., New York.
Scott, William Lloyd, Virginia.
Sebelius, Keith G., Kansas.
Sikes, Robert L. F., Florida.
Slack, John M., West Virginia.
Smith, Henry R., New York.
Spence, Floyd, South Carolina.
Springer, William L., Illinois.
Staggers, Harley O., West Virginia.
Stanton, J. William, Ohio.
Stanton, James V., Ohio.
Steiger, William A., Wisconsin.
Stubblefield, Frank A., Kentucky.
Terry, John H., New York.
Thompson, Fletcher, Georgia.
Thomson, Vernon W., Wisconsin.
Thone, Charles, Nebraska.
Tiernan, Robert O., Rhode Island.
Veysey, Victor V., California.
Vigorito, Joseph P., Pennsylvania.
Waldie, Jerome R., California.
Ware, John, Pennsylvania.
Whalley, J. Irving, Pennsylvania.
White, Richard C., Texas.
Whitehurst, G. William, Virginia.
Whitten, Jamie L., Mississippi.
Widnall, William B., New Jersey.
Wiggins, Charles E., California.
Williams, Lawrence G., Pennsylvania.
Wilson, Charles H., California.
Winn, Larry, Jr., Kansas.
Wolff, Lester, New York.
Wright, Jim, Texas.
Wyatt, Wendell, Oregon.
Wydler, John W., New York.
Yatron, Gus, Pennsylvania.
Young, C. W. (Bill), Florida.
Zion, Roger H., Indiana.
Byron, Goodloe E., Maryland.
Reid, Charlotte Mrs., Illinois.
Ullman, Al, Oregon.
Steele, Robert H., Connecticut.
Anderson, John B., Illinois.

Mr. VEYSEY. Mr. Speaker, today I am joining with 225 of my colleagues in a vigorous protest of the treatment of U.S. servicemen held prisoner by North Vietnam and the Vietcong.

In 1949, the Geneva Convention Relative to the Treatment of Prisoners of War was promulgated. It was ratified by the United States in 1955, and acceded to by North Vietnam in 1957.

The Communists claim the convention does not apply to the Americans they have captured in this war. The falseness of their scheme, however, was recently demonstrated when the 21st International Conference of the Red Cross—meeting in Istanbul—unanimously adopted a resolution completely rejecting North Vietnam's contention and calling on all parties to abide by the obligations set forth in the convention.

A summary of those obligations reads like an indictment of the Government of North Vietnam.

The convention binds its signatories to: First, identify prisoners they hold within a week of capture; second, allow periodic, impartial inspection of prison facilities; third, release, immediately, seriously injured or ill prisoners; and, fourth, permit free exchange of mail between families and prisoners.

Article XIII of the treaty is fundamental. It provides:

> Prisoners of war must at all times be humanely treated. Any unlawful act by the Detaining Power causing death or seriously endangering the health of a prisoner of war in custody is prohibited and will be regarded as a serious breech of the present Convention . . .
>
> Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

The record of the North Vietnamese under their commitment is unacceptable. In the first 5 years of the war, the Communists have released only nine prisoners. From these men, and from those who have escaped, comes a harrowing story of physical torture, psychological terror, public display and humiliation, insufficient medical care, neglect of sanitary necessities, prohibition of correspondence with families, political exploitation, and forced participation in propaganda exercises.

Meanwhile at home, families have been forced to suffer the torture of not knowing whether their sons, husbands or brothers were dead or alive. At least four families in my own congressional district have been inhumanely tortured by the blatant disregard of the North Vietnamese for their commitment under the convention.

The one hopeful sign has been the apparent sensitivity of the North Vietnamese to world opinion on this issue.

I am pleased that so many of my colleagues in both parties are today adding to this outcry by protesting the inhuman treatment of American prisoners by the North Vietnamese.

I am informed that the Secretary of State will formally convey this resolution to the Representatives of the North Vietnamese in Paris.

Mr. Speaker, last week I introduced the first resolution of my congressional career. It authorizes the President to declare the week of March 21–27 as "National Week of Concern for Prisoners of War/Missing in Action." Today I urge my colleagues to join me in further denouncing the cruel and barbarous treatment of the North Vietnamese toward American prisoners of war.

Mr. PICKLE. Mr. Speaker, I am proud to join many of my colleagues today in support of a resolution requesting the Government of North Vietnam and their Liberation Front allies in South Vietnam, Laos, and Cambodia to abide by the accords of the Geneva Convention in their treatment of Americans they hold as prisoners of war.

This resolution is being introduced by the Honorable RAY BLANTON of Tennessee. I salute the Congressman for his leadership, and I salute my many colleagues who have joined in this effort.

I am sure that many of us here in this Chamber have wives and families of POW's in their own districts. The plight of these families is not only tragic, it is inexcusable, because it is unnecessary. The things we ask for are not difficult or expensive requests and they are humane requests. We ask that these powers who hold our men prisoners identify the men they hold, permit impartial inspection of their POW camps, release prisoners who are seriously ill or injured, and permit the free flow of mail between prisoners and their families.

The North Vietnamese have no political, no economic, and no military gains to expect from holding these men. Let us hope that they will soon realize this. I emphatically support every effort made to bring this point home to the North Vietnamese, and I will continue to do so until they discontinue this senseless and inhuman practice.

GENERAL LEAVE

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the subject of my remarks with relation to prisoners of war.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

AMENDING THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

(Mr. QUIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. QUIE. Mr. Speaker, I introduce a bill to amend the Longshoremen's and Harbor Workers' Compensation Act and ask that it be appropriately referred. This bill implements the administration's proposals in this area which are contained in a message transmitted to the Speaker of the House of Representatives by the Secretary of Labor.

One of the primary objectives of these amendments is to break the circular liability chain which has involved longshoremen, shipowners, and stevedoring companies in costly and unnecessary litigation. This complex situation is peculiar to the longshore industry and deserves a moment of explanation so that the need for the present amendments will be fully appreciated.

The Longshore Act now provides that the liability of an employer for an injury to an employee under its provisions shall be his exclusive liability on account of such injury. However, the current state of admiralty law has frequently made this provision ineffective. The typical situation arises when a longshoreman employed by a stevedoring company is injured while working onboard a vessel. The cases often allow the longshoreman to recover both from the stevedoring company under the Longshore Act, and from the shipowner under his warranty of seaworthiness. This warranty makes the shipowner responsible, regardless of fault, for injuries caused by shipboard hazards. The circle of liabilty is completed by another court-made doctrine, which generally allows a shipowner who has been held liable for an injury to a longshoreman to obtain indemnification from the stevedoring company which employs him. The courts have also held that where the shipowner employs longshoremen directly, the exclusive remedy provisions of the Longshore Act do not bar suits predicated on the warranty of seaworthiness. While recoveries against shipowners are offset against compensation payments under the act, the present system promotes needless and expensive litigation for both shipowners and Longshore Act employers. During fiscal year 1968, 14,464 employees covered by the Longshore Act received compensation. In the same year, 1,320 cases were filed by Longshore Act employees in U.S. district courts seeking recovery from shipowners.

These amendments seek to reinstate the exclusive liability principle of the Longshore Act.

A second primary objective of these amendments is to upgrade the level of compensation benefits available under the Longshore Act. Since the present $70 weekly maximum was put in effect in 1961, the average weekly earnings of longshoremen have increased approximately 50 percent. These amendments would increase the maximum weekly compensation to $119 and raise the minimum weekly compensation for total disability from $18 to $35. They would also make a proportionate increase in the overall maximum for temporary total and partial disability from present level of $24,000 to $40,800.

The Longshore Act also serves as the general workmen's compensation legislation for the District of Columbia. The average weekly wage in the District is substantially lower than that for longshoremen. Accordingly, the amendments provide a lower maximum weekly compensation of $85 and set the overall maximum for temporary total or partial disability at $29,160 for the District. I understand that proposed legislation is forthcoming which would create a separate workmen's compensation act for the District. The portions of these amendments dealing specifically with the District will serve to provide improved benefits until the separate legislation can be considered.

These amendments also make several other changes, liberalizing various provisions of the act. The act's statute of limitations is modified increasing its period and allowing for the later development of a disability resulting from an employment injury. The period of continued disability required to avoid a waiting period is reduced. The amendments increase the level of survivor's benefits and allow a surviving child to continue to receive benefits after age 18 if he is in a student status as defined by the bill. They also make more definite the second injury provisions of the act and provide additional revenue for the "special fund" for second injuries. Both these provisions are intended to promote employment of the handicapped.

In my opinion this is excellent legislation which should be enacted during this session of Congress.

Mr. Speaker, I include the bill together with an explanatory statement and a section-by-section analysis in the RECORD:

H.R. 3505

A bill to amend the Longshoremen's and Harbor Workers' Compensation Act to improve its benefits, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

DEFINITIONS

SEC. 1. (a) Section 2(4) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, as amended) is amended to read as follows:

"(4) The term 'employer' means an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any drydock), and includes any vessel as defined herein."

(b) Section 2 of such Act is amended by renumbering paragraph (19) as (20), and adding a new paragraph (19) to read as follows:

"(19) The term 'vessel' means any vessel upon which or in connection with which any person entitled to benefits under this Act suffers injury or death arising out of or in the course of his employment, and said vessel's owner, owner pro hac vice, agent, operator, charterer or bare boat charterer, master, officer or crew member."

LIABILITY FOR COMPENSATION

SEC. 2. Section 4(a) of such Act is amended to read as follows:

"Every employer shall be liable for and shall secure the payment to his employees of the compensation payable under sections 7, 8, and 9 of this Act: Except, That a vessel shall be liable for and shall secure the payment of compensation only if another employer of the employee entitled to benefits hereunder does not secure the payment of such compensation. Where one or another employer, as defined herein, has secured compensation, such compensation shall, be the exclusive remedy against any employer. In the case of an employer who is a subcontractor, the contractor shall be liable for and shall secure the payment of such compensation to employees of the subcontractor unless the subcontractor has secured such payment."

TIME FOR COMMENCEMENT OF COMPENSATION

SEC. 3. Section 6(a) of such Act is amended by striking "more than twenty-eight days" and substituting "more than twenty-one days."

INCREASES IN MAXIMUM AND MINIMUM LIMITS OF DISABILITY COMPENSATION AND ALLOWANCE

SEC. 4(a) Section 6(b) of such Act is amended to read as follows:

"Compensation for disability shall not exceed $119 a week and compensation for total disability shall not be less than $35 per week: *Provided, however*, That if the employee's average weekly wages, as computed under section 10, are less than $35 per week, he shall receive as compensation for total disability his average weekly wages."

(b) Section 14(m) of such Act is amended by striking "$24,000" and substituting "$40,800."

DISFIGUREMENTS

SEC. 5. Section 8(c)(20) of such Act is amended to read as follows:

"(20) Disfigurement: Proper and equitable compensation, not to exceed $3,500, shall be awarded for serious disfigurement: (1) of the face, head, or neck; or (2) of other areas normally exposed while employed and which handicap the employee in securing or maintaining employment."

INJURY FOLLOWING PREVIOUS IMPAIRMENT

SEC. 6. Strike section 8(f) of such Act and insert the following new section 8(f):

"(f) Injury increasing disability: If an employee receives an injury which of itself would cause only permanent partial disability, but which combined with a previous disability does in fact cause permanent total disability or death, in addition to compensation for temporary total or temporary partial disability or both, the employer shall:

(1) if the injury results in a disability which would entitle the employee to compensation for scheduled injuries under subdivison (c)(1) through (20) of this section, provide compensation as prescribed therein or for 104 weeks whichever is greater, or

(2) if the injury results in a disability which would entitle the employee to compensation under subdivision (c)(21) of this section or death, provide compensation for 104 weeks only. After cessation of the payments for the period of weeks provided for herein, the employee or his survivor entitled to benefits shall be paid the remainder of the compensation that would be due for permanent total disability or for death out of the special fund established in section 44."

STUDENT BENEFITS

SEC. 7. (a) Section 2 of such Act is further amended as follows:

(1) In paragraph (14) insert "(1)" in the fourth sentence between "are" and "under"; delete the period after "disability" at the end of the sentence; and add ", or (2) are students as defined in paragraph (21) of this section."

(2) Add a new paragraph (21) to read as follows:

"(21) The term 'student' means a person regularly pursuing a full-time course of study or training at an institution which is—

"(A) a school or college or university operated or directly supported by the United States or by a State or local government or political subdivision thereof, or

"(B) a school or college or university which has been accredited by a State or by a State-recognized or nationally recognized accrediting agency or body, or

"(C) a school or college or university not so accredited but whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, or

"(D) an additional type of educational or training institution as defined by the Secretary,

but not after he reaches the age of twenty-three or has completed four years of education beyond the high school level, except that, where his twenty-third birthday occurs during a semester or other enrollment period, he shall continue to be considered a student until the end of such semester or other enrollment period. A child shall not be deemed to have ceased to be a student during any interim between school years if the interim does not exceed five months and if he shows to the satisfaction of the deputy commissioner that he has a bona fide intention of continuing to pursue a full-time course of education or training during the semester or other enrollment period immediately following the interim or during periods of reasonable duration which, in the judgment of the deputy commissioner, he is prevented by factors beyond his control from pursuing his education. A child shall not be deemed to be a student under this Act during a period of service in the Armed Forces of the United States or while receiving educational or training benefits under any other program authorized by the Congress of the United States."

(b) Section 8(d) of such Act is amended by striking the words "under the age of eighteen years" in paragraphs (1), (2) and (4) thereof.

INCREASE IN DEATH BENEFITS

SEC. 8(a) Sections 9(b) and (c) of such Act are amended by striking "35" wherever it appears, and substituting "45".

(b) Section 9(d) of such Act is amended by striking out "15" and substituting "20".

(c) Section 9(e) of such Act is amended to read as follows:

"In computing death benefits the average weekly wages of the deceased shall be considered to have been not more than $178.50, nor less than $52.50, but the total weekly compensation shall not exceed the weekly wages of the deceased."

(d) Section 9(g) of such Act is amended by striking the comma after "may" and the words "at his option or upon the application of the insurance carrier shall" and "one-half of".

DEFENSE BASE ACT DEATH BENEFITS TO ALIEN AND NONNATIONAL SURVIVORS

SEC. 9. Section 2(b) of the Defense Base Act (55 Stat. 622), as amended, is amended by striking the comma after "may" and the words "at his option or upon the application of the insurance carrier shall" and "one-half of".

TIME FOR NOTICE AND CLAIMS

SEC. 10. (a) Section 12(a) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

"(a) Notice of an injury or death in respect of which compensation is payable under this Act shall be given within sixty days after the date of such injury or death, or sixty days after the employee or beneficiary is aware or in the exercise of reasonable diligence should have been aware of a relationship between the injury or death and the employment. Such notice shall be given (1) to the deputy commissioner in the compensation district in which the injury occurred and (2) to the employer."

(b) Section 13 (a) of such Act is amended to read as follows:

"(a) Except as otherwise provided in this section, the right to compensation for disability or death under this Act shall be barred unless a claim therefor is filed within one year after the injury or death. If payment of compensation has been made without an award on account of such injury or death a claim may be filed within one year after the date of the last payment. Such claim shall be filed with the deputy commissioner in the compensation district in which such injury or such death occurred. The time for filing a claim shall not begin to run until the employee or beneficiary is aware, or by the exercise of reasonable diligence should have been aware, of the relationship between the injury or death and the employment."

SPECIAL FUND

SEC. 11(a) Section 8(d) of such Act is amended to read as follows:

(d) Any compensation to which any claimant would be entitled under subdivision (c) of this section excepting subdivision (c-21) shall be payable upon his death without surviving wife, dependent husband, or child, into the special fund established under section 44(a) of this Act. Where there are survivors if death arises from causes other than the injury such compensation shall be payable to or for the benefit of the persons following:"

(b) Section 44(c)(1) of such Act is amended by striking out "$1,000" and substituting "$20,000".

DISTRICT OF COLUMBIA WORKMAN'S COMPENSATION ACT

SEC. 12. Section 1 of the Act of May 17, 1928, as amended (45 Stat. 600), extending the Longshoremen's and Harbor Workers' Compensation Act to the District of Columbia, is amended to read as follows:

"(a) The provisions of the Longshoremen's and Harbor Workers' Compensation Act and all amendments thereto, except as indicated in subsections (b), (c) and (d) hereof, shall apply in respect to the injury or death of an employee carrying on any employment in the District of Columbia, irrespective of the place where the injury or death occurs, except that in applying such provisions the term 'employer' shall be held to mean every person carrying out any employment in the District of Columbia, and the term 'employee' shall be held to mean every employee of any such person.

"(b) Compensation for disability and for death benefits in the District of Columbia shall not exceed $85 a week.

"(c) The total money allowance payable to an employee in the District of Columbia under section 14(m) of the Longshoremen's and Harbor Workers' Compensation Act shall in no event exceed the aggregate of $29,160.

"(d) In computing death benefits in the District of Columbia the average weekly wages of the deceased shall be considered to have been no more than $127.50."

APPROPRIATION

SEC. 13. Section 46 of such Act is amended to read as follows:

"(a) There are authorized to be appropriated for the current fiscal year and for each succeeding fiscal year such sums, to be deposited in the administration fund established under section 45 of this Act, as may be necessary for the administration of the Act.

"(b) There are also authorized to be appropriated for the current fiscal year and for each succeeding fiscal year, such supplementary funds, to be deposited in the special fund established under section 44 of this Act, as may be necessary to meet the obligations incurred under the authority of that section."

TECHNICAL AMENDMENT

SEC. 14. Section 3(a)(1) of such Act is amended by striking out the word "nor" and substituting the word "or".

EFFECTIVE DATE

SEC. 15(a). The amendments made by sections 1 and 2 shall become effective thirty days after enactment.

(b) The amendments made by sections 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 shall become effective six (6) months after the date of enactment and said amendments shall relate only to injuries and deaths occurring after the effective date.

Statement in Explanation of a Bill To Amend the Longshoremen's and Harbor Workers' Compensation Act

INTRODUCTION

The purpose of this bill is to improve the Longshoremen's and Harbor Workers' Compensation Act by increasing benefits, liberalizing certain provisions of the Act, and removing the dual liability of stevedore and ship repair contractors for employment injuries to employees covered by the Act. At the present time, these employers are liable for compensation required by the Act and may also be liable for reimbursement to shipowners of amounts paid in damages by the shipowners to the same employees for the same injuries.

A comparatively small number of employees now recovers substantial damages for their employment injuries from shipowners which must be ultimately paid by the Longshore Act employer, while the benefits under the Act, which the great majority of employees depend on for income when disabled, are inadequate and out of date. The proposal combines provisions to break the circular liability chain and significantly improve benefits.

CIRCULAR LIABILITY CHAIN—LONGSHOREMEN V. SHIPOWNERS V. STEVEDORES

The initial point for consideration in the present circular liability chain which exists with respect to the Longshore Act is that the Act explicitly states that the liability of the employer for damages for injury or death resulting from employment of employees covered by it shall be *exclusive*.

The Longshore Act covers approximately 266,000 longshoremen and harbor workers. Of this number, 14,464 receiver workmen's compensation at some time during fiscal year 1968. In that same fiscal year, 1,320 cases were filed by Longshore Act employees in the U.S. district courts against third-party shipowners for damages for employment injuries.

Beginning in 1946 the courts established the principle that a shipowner owes an absolute warranty for seaworthiness to Longshore Act employees. This warranty has no relation to negligence and, under the decisions, makes a shipowner a virtual insurer for any employment injury which befalls a longshoreman, ship repairman or harbor worker aboard ship.

Under existing principles also formulated by the courts and first stated in 1955, the Longshore Act employer is liable to reimburse the shipowner for recoveries by Longshore Act employees for injuries for which the employer stands primarily liable under the Act. Since election between receiving compensation from an employer and bringing suit against a shipowner for the same injury is not required, the same employees are involved in an unknown number of both claim and litigation cases. Recoveries made by employees against shipowners, however, are offset against compensation payments under the Act. The courts in 1963 began applying the new principle that a shipowner employing longshoremen directly to unload his ship (acting as his own stevedore), is subject to damage suits by the longshoremen for employment injury, despite the fact that the shipowner is an employer under the Longshore Act.

The provisions of this bill relating to the circular and enhanced liability of Longshore Act employers are intended to reinstate the exclusive liability principle of the Act.

INCREASE OF PRESENT MAXIMUM AND MINIMUM COMPENSATION

The existing minimum disability compensation payment of $18 weekly was established in 1956 and the existing maximum payment of $70 weekly was established in 1961. In the interim from 1961 to September 1970, the average weekly wage in ship and boat building and repair has increased by 35%.

We estimate that in 1970 most longshoremen were earning nearly $200 a week. The base rate under union contracts was $4.60 an hour on the east coast and gulf coast and averaged $4.81 an hour on the west coast for a standard 8-hour day (including a guarantee of 2 hours overtime daily). In the Great Lakes the basic rate was $4.02 an hour, increasing to $4.37 an hour in 1971. The 1970 rates for the west coast became effective in June 1970, for the east and gulf coasts in October 1970, and April for the Great Lakes.

In 1961, when the present $70 weekly maximum was put into effect, the average earnings of a longshoreman working a 40-hour week, handling general cargo, were $129.60 on the west coast. In 1970, the comparable figure was $192.60, an increase of 49%. The weekly earnings in 1970, again assuming a 40-hour week and using the general cargo rate, was $184.00 in most east and gulf coast ports and $160.80 on the Great Lakes. These earnings represent increases over 1961 of more than 50%. It should be noted, however, that these calculations are made on basic general cargo rates. Most workers earned considerably more because of penalty cargo rates paid for handling certain types of cargo and for different working conditions.

In view of the above facts, an increase in the maximum compensation under the Longshore Act to $119 a week is recommended.

In the District of Columbia, to which the Longshore Act applies, the average wage in 1969 was $138.81 and is estimated to have been $144 in 1970. Accordingly, a lower maximum of $85 is set for employment injuries in that jurisdiction and the overall maximum for temporary total and partial disability is set at $29,160. The $85 maximum would be in line with the higher of the two maximums currently prevailing in the States contiguous to the District ($62 in Virginia and $85 in Maryland). The Department of Labor supports legislation to create a separate compensation system for the District of Columbia. The provisions of this bill upgrading benefits for the District are intended only as a contingency proposal until separate legislation is enacted.

The minimum compensation would also be increased from $18 to $35 weekly to provide a totally disabled employee with sufficient funds to meet the cost of minimum subsistence. Employees whose wages do not exceed the new minimum are entitled to their entire wages free of the Act's percentage limitation otherwise applicable. With today's living costs it is evident that employees making less than $35 weekly would not be able to subsist on 66⅔ percent of their earnings.

The Act presently provides that temporary total and partial disability benefits may not exceed $24,000. An increase in this overall maximum proportionate to the increase in the weekly maximum is provided. The increase would be to $40,800 except in the District of Columbia.

INCREASE IN DEATH BENEFIT PERCENTAGES AND AUTHORIZATION OF STUDENT BENEFITS

The percentage of an employee's wage which may be drawn by a widow is increased from 35% to 45%, and of surviving grandchildren and sisters and brothers eligible for benefits, from 15% to 20%.

Further, surviving children in a student status, as defined by the bill, would be authorized to continue to receive benefits after reaching 18 years of age.

DISFIGUREMENT

The lump sum payment of $3,500 is extended to be paid for disfigurement of the neck, as well as of the face and head, and also of other normally exposed areas which would affect employability.

REDUCTION IN LENGTH OF DISIBILITY BEFORE ELIMINATION OF WAITING PERIOD AND EXTENSION NOTICE AND CLAIM TIME

Since 1956 the Act has provided that there must be a 3-day waiting period unless the disability continues for at least 28 days. The bill reduces the period to 21 days, after which compensation is payable for the waiting period. This improvement is in line with modern workmen's compensation law trends.

The Act now provides that notice of injury or death shall be given within 30 days and claim for compensation or death shall be filed within one year after the injury or death. These time limits do not take into consideration the later development of latent disability from a relatively minor accident, or disease causally related to the employment. The time for giving notice of injury and filing claim for compensation or death is, therefore, extended to 60 days after the employee or the beneficiary is aware, or in the exercise or reasonable diligence should have been aware, of a relationship between the disabling condition or the death and the employment.

SPECIAL FUNDS

Two special funds are established under the Act. One, is for employees covered by the Longshore Act and its extensions; and the other, for workers in the District of Columbia. The funds provide continuing compensation for permanently disabled workers, or their survivors, when so-called second injuries are suffered by employees with existing physical impairments. The special fund payments begin when payments attributable to the second injury have been completed by the employer or insurance carrier who is liable.

The funds also provide compensation payments when an employer becomes insolvent, and for expenses of vocational rehabilitation when necessary in certain cases, including a living allowance not to exceed $25 a week.

Financing of the funds is provided by fines and penalties collected under the Act, interest, and sums of $1,000 paid into the fund in non-survivor death cases. The Longshore Act fund is now in a precarious state. Annual disbursements are in excess of annual income and the outstanding liabilities against the fund exceed the amounts it contains.

In order to finance the Longshore special funds adequately, the bill requires that employers or insurance carriers in cases where an employee suffering employment injury dies and there is no eligible beneficiary pay into the funds any amounts remaining unpaid under a schedule award. It also increases from $1,000 to $20,000 the amount which must be contributed by employers or carriers into the funds in all cases where an employee dies from an employment injury and there is no eligible beneficiary. At present compensation levels, the average compensation paid in fatal cases under the Longshore Act is $35,000. The contribution of $20,000, therefore, where the potential liability is so much greater appears reasonable.

In view of the length of time since improvements have been made in the compensation program under the Longshore Act early action is sought to provide income maintenance for injured employees within its terms in keeping with wages and other current economic factors.

Section-by-Section Summary of Bill to Amend the Longshoremen's and Harbor Worker's Compensation Act

Section 1—*Definitions*—(a) Amends section 2(4) of the Act to extend the definition of "employer" to include "vessel."

(b) Amends section 2 of the Act by renumbering paragraph (20) and adding a new paragraph (19) to define "vessel."

Section 2—*Liability for Compensation*—Amends section 4 of the Act, requiring employers to secure compensation, to except vessels unless another employer of an employee entitled to benefits under the Longshore Act does not secure compensation. Provides further that when an employer, as defined under the Act, secures compensation, such compensation shall be the exclusive remedy against any employer.

Section 3—*Waiting Period*—Amends section 6(a) of the Act to permit payment of compensation without a waiting period when the disability exceeds 21 days. A three-day waiting period is now specified unless the disability exceeds 28 days.

Section 4 (a) and (b)—*Maximum and Minimum*—Amends section 6(b) of the Act to increase the maximum of $70 a week to $119 a week; the minimum from $18 to $35; and amends section 14(m) to increase the overall money limit for temporary and partial disability from $24,000 to $40,800.

Section 5—*Disfigurement*—Amends section 8(c)(20) of the Act to expand the meaning of compensable disfigurement to include, in addition to the face and head, disfigurement of neck, or of any other area normally exposed while employed which would handicap an employee in obtaining or holding employment.

Section 6—*Injury following previous impairment*—Amends section 8(f) to clarify and make definite the conditions under which an employer provides compensation for disability caused by subsequent injuries and thus to encourage employment of handicapped persons.

Section 7—*Student benefits*—(a) Amends section 2(14) of the Act to add "student" to definition of eligible "child" and adds a new paragraph (21) to define "student" for the purpose of continuing benefits to certain surviving dependents while they are in school.

(b) Amends section 8(d) to allow surviving dependents to receive benefits beyond 18 years of age if in a student status.

Section 8—*Death benefits*—(a) Amends section 9(b) and (c) of the Act to increase the death benefits to the surviving wife or dependent husband from 35 to 45 percent of the deceased employee's average wages.

(b) Amends section 9(d) to increase the death benefit for dependent grandchildren, brothers or sisters from 15 to 20 percent of such average wages.

(c) Amends section 9(e) to increase the maximum weekly wages for computation of death benefits from $105 to $178.50 and increases the minimum from $27 to $42.50.

(d) Amends section 9(g), which provides for the commutation of compensation benefits to certain aliens who are not residents of the United States or Canada. The section now requires the Secretary, upon application of an insurance company, to commute future installments of compensation to such aliens by paying one-half the commuted amount of future compensation. The amendment removes the requirement for commutation payments and permits the Secretary to commute in his discretion.

Section 9—*Defense Base Act—Benefits to Alien Survivors*—The Defense Base Act extends the benefits of the Longshoremen's and Harbor Workers' Compensation Act to employees of contractors at United States bases or on public works where such contracts are performed outside the continental United States. Section 2(b) of that Act respecting compensation payments for nonresident aliens is similar to section 9(g) of the Longshoremen's Act. This bill, therefore, amends section 2(b) of the Defense Base Act to conform to amendment to Longshore Act described in preceding section.

Section 10—*Time for Notice and Claim*—Amends section 12(a) to extend the time for giving notice of injury or death to the deputy commissioner and to the employer, from 30 days after the injury or death to 60 days after the employee or the beneficiary is aware or in the exercise of reasonable diligence should have been aware of a relationship between the injury or death and the employment.

(b) Amends section 13(a) to defer the time for filing a claim for compensation for injury or death in latent disability cases. The Act now provides that a claim must be filed within one year after the injury or death, or if payment of compensation has been made without an award a claim may be filed within one year after the date of the last payment. The amendment provides that the time for filing claim shall not begin to run until the employee or beneficiary is aware, or by the exercise of reasonable diligence should have been aware of the relationship between the injury or death and the employment.

Section 11—*Special Fund*—(a) Amends section 8(d) by providing for payment into the special fund, described in section 44(a) of the Act, of any disability compensation due to an employee under a scheduled award when he has no survivors.

(b) Amends section 44(c)(1) by substituting $20,000 for the $1,000 now required to be paid into the special fund by the employer or insurance carrier upon the death of an employee resulting from employment injury when there are no survivors.

Section 12—*D.C. Workmen's Compensation Act*—(a), (b) and (c) Provides that the maximum compensation rate in the District of Columbia under extension of the Longshore Act in (45 Stat. 600), will be $85 a week and the overall maximum in temporary or partial disability cases will be $29,160.

(d) Provides the basis for computing death benefits shall be considered to be no more than $127.50.

Section 13—*Appropriation*—Amends section 46, (a) to authorize appropriation of amounts necessary for administration of the Act, and (b) to authorize supplementary funds as necessary to meet obligations of the special fund under section 44 of the Act.

Section 14—*Technical Amendment*—Makes grammatical change of substituting "or" for "nor" in section 3(a)(1) of the Act.

Section 15—*Effective Date*—Provides for effective dates for different sections and that higher benefits and other related provisions shall apply only to injuries and deaths therefrom sustained after the effective date indicated.

AUTHORIZING PRINTING OF REVISED EDITION OF "HISTORY OF THE U.S. HOUSE OF REPRESENTATIVES"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–3) on the concurrent resolution (H. Con. Res. 97) authorizing the printing of a revised edition of the publication entitled, "History of the U.S. House of Representatives," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 97

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House Document a revised edition of the publication entitled "History of the United States House of Representatives", and that there be printed forty-three thousand nine hundred additional copies to be prorated to the Members of the House of Representatives for a period of sixty days, after which the unused balance shall revert to the House document room.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF HEARINGS ENTITLED "ATTEMPTED DEFECTION BY LITHUANIAN SEAMAN, SIMAS KUDIRKA"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–4) on the resolution (H. Res. 187) authorizing the printing of additional copies of the hearings entitled "Attempted Defection by Lithuanian Seaman, Simas Kudirka," and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 187

Resolved, That there be printed for the use of the House Committee on Foreign Affairs two thousand additional copies of its hearings before the Subcommittee on State Department Organization and Foreign Operations entitled "Attempted Defection by Lithuanian Seaman, Simas Kudirka".

The resolution was agreed to.

A motion to reconsider was laid on the table.

RELATING TO THE MINIMUM PER ANNUM GROSS RATE OF PAY WHICH BE PAID FROM THE CLERK HIRE ALLOWANCES OF MEMBERS OF THE HOUSE

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–5) on the resolution (H. Res. 189) relating to the minimum per annum gross rate of pay which may be paid from the clerk hire allowances of Members of the House, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 189

Resolved, That, until otherwise provided by law and notwithstanding any other authority to the contrary, effective at the beginning of the first pay period commencing on or after the date of adoption of this resolution no person shall be paid from the clerk hire allowance of any Member of the House of Representatives, the Resident Commissioner from Puerto Rico, or the Delegate from the District of Columbia at a per annum gross rate of less than $1,200.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORITY TO DEAL WITH NATIONAL EMERGENCY LABOR DISPUTES IN THE TRANSPORTATION INDUSTRY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–43)

The **SPEAKER** laid before the House the following message from the President of the United States; which was read, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed:

To the Congress of the United States:

Early in 1970, I proposed to the Congress a new approach for dealing with national emergency labor disputes in the transportation industry. The proposal was based upon my belief that existing law did not provide adequate remedies for settling such disputes, and thus failed to protect the national interest.

Today, I am again recommending that proposal, the Emergency Public Interest Protection Act. Events since the bill's first introduction have made its enactment even more urgent. I am hopeful that the Congress will give the proposal its prompt and favorable consideration—before there is another crisis in the transportation industry.

The bill I propose would give the President vital new authority to deal with national emergency disputes in the railroad, airline, maritime, longshore, and trucking industries.

First, the bill would abolish the emergency strike provisions of the Railway Labor Act—which now govern railroad and airline disputes—and make all transportation industries subject to the national emergency provisions of the Taft-Hartley Act.

Second, the bill would amend the Taft-Hartley Act to give the President three new options in the case of a national emergency dispute in a transportation industry, when that dispute is not settled within the eighty-day "cooling-off period" authorized by Taft-Hartley. Under those circumstances, if a strike or lockout should threaten or occur, and national health or safety continued to be endangered, the President could select any one of the following courses of action:

—He could extend the cooling-off period for as long as thirty days. This might be most useful if the President believed the dispute to be very close to settlement.

—He could empanel a special board to determine if partial operation of the industry were feasible and, if so, to set out the boundaries for such an operation. This alternative would allow a partial strike or lockout without endangering the national health or safety. It could not extend beyond 180 days.

—He could invoke a "final offer selection" alternative. Under this procedure, the final offers of each party would be submitted to a neutral panel. This panel would select, without alteration, the most reasonable of these offers as the final and binding contract to settle the dispute. Unlike arbitration, which too often merely splits the difference between the parties, and thereby encourages them to persist in unreasonable positions, this procedure would reward reasonableness and thereby facilitate negotiation and settlement.

Third, the bill would establish a National Special Industries Commission to conduct a two-year study of labor relations in industries which are particularly vulnerable to national emergency disputes.

Fourth, the bill would amend the Railway Labor Act to conform the management of labor relations under that Act to the practices prevalent in most other industries, including the encouragement of voluntary settlement of grievances by overhauling the existing grievance procedures.

The urgency of this matter should require no new emphasis by anyone; the critical nature of it should be clear to all. But if emphasis is necessary, we need only remember that barely two months ago the nation was brought to the brink of a crippling railroad shutdown, the strike being averted only by legislation passed after a walkout had actually begun. That legislation, we should also remember, settled little; it merely postponed the strike deadline. A few weeks from now another railroad strike over the same issues which precipitated the last one is a distinct possibility.

I believe we must face up to this problem, and face up to it now, before events overtake us and while reasoned consideration is still possible.

Time and again, as the nation has suffered major disruptions from a transportation shutdown, voices have been raised on all sides declaring emphatically that this must not happen again—that better laws are needed to protect the public interest, and that the time to enact those laws is before, not after, the next crippling emergency. But with the same regularity, as each emergency in turn has passed the voices have subsided—until the next time. So nothing has been done, and emergency has followed emergency, at incalculable cost to millions of innocent bystanders and to the nation itself.

The legislation I propose today would establish a framework for settling emergency transportation disputes in a reasonable and orderly fashion, fair to the parties and without the shattering impact on the public of a transportation shutdown. I urge that this time we not wait for the next emergency, but rather join together in acting upon it now.

RICHARD NIXON.

THE WHITE HOUSE, *February 3, 1971.*

NATIONAL EMERGENCY LABOR DISPUTES IN THE TRANSPORTATION INDUSTRY

(Mr. **GERALD R. FORD** asked and was given permission to address the House for 1 minute.)

Mr. **GERALD R. FORD**. Mr. Speaker, it is time for a showdown. It is time the Congress quit running away from the question of what to do about national emergency labor disputes in the transportation industry.

The President has again sent the Congress his proposed Emergency Public Interest Protection Act, which would bring the railroads and airlines under the Taft-Hartley Act and amend Taft-Hartley to give the President three additional options for handling national emergency labor disputes in transportation.

It is possible that none of us agrees word for word with the language of the legislation being proposed by the President to deal with this pressing national problem. But it is incumbent upon the Congress to give the President's proposal a hearing and to formulate a solution.

It is a shameful shirking of responsibility for the Congress to avoid coming to grips with the critical need for improving the Federal machinery for handling labor disputes affecting transportation.

Action is needed—and now. The threat of another railroad strike in the space of just a few weeks points up the urgency of the situation. The American people should not stand for continued delay.

CHARGES OF LIEUTENANT FONT REGARDING CONDITIONS AT FORT MEADE

The **SPEAKER**. Under a previous order of the House, the gentleman from Maryland (Mr. MITCHELL) is recognized for 15 minutes.

Mr. **MITCHELL**. Mr. Speaker, I shall try to be as brief as possible, but the incidents I have to relate to this body frighten me, and I am sure will frighten other Members as well.

On January 19 of this year, it was brought to my attention that there existed an Army medical report which described certain barracks in use on the Fort Meade Army base as "not suitable for human habitation." At the same time, I learned that 85 men and their executive officer had written and signed statements revealing that, first, the conditions were longstanding in nature; second, that numerous complaints had been made to the proper authorities; and, third, that nothing had been done to correct the situation.

Since the problems were immediate in nature—men forced to live through the coldest months of the year without hot water or heat—I quickly called for an investigation of these charges. It was the sort of situation that had to be corrected without delay or redtape.

The authorities at Fort Meade have concurred with me that indeed the conditions existed. On January 25 of this year, I was able to personally inspect the barracks in question, and to confirm that the Army had improved their conditions since my call for action. Though not perfect, the barracks, at the time of my inspection, were at an acceptable standard for habitation. I enjoin the Army to maintain them at this level.

I have given you this information as a background to what I am now going to say. Lieutenant Font, the man who brought me this information, was, therefore, extremely instrumental in improving the living conditions of several hundred men on Fort Meade post. Lieutenant Font graduated from West Point. In his capacity as a barracks inspector, Lieutenant Font repeatedly made his superiors aware of the conditions in these barracks. Only when his reports were ignored completely, and the weather necessitated immediate action, did he bring his reports to me.

The day after Lieutenant Font had his conversation with me, he alleges he was accosted by Maj. Gen. Richard O. Ciccolella in 1st Army Headquarters at Fort Meade. General Ciccolella first physically jostled Lieutenant Font, and then had him arrested for disobeying a direct order to leave the headquarters when Lieutenant Font did not exit speedily enough to satisfy the piqued general. Lieutenant Font was thereupon detained without benefit of counsel for 4 hours, and then was placed under restriction pending an investigation of allegations that General Ciccolella has preferred against him.

The investigation of the allegations against Lieutenant Font was conducted by Colonel Alexander, base commander at Fort Meade. At the time of my inspection of the barracks at the fort, I inquired of Colonel Alexander the status of the allegations against Lieutenant Font. Colonel Alexander assured me that the investigation of Lieutenant Font would be handled with complete impartiality, and that the initiation of an investigation of Lieutenant Font was in no way connected with his conversation with me.

Nevertheless, on January 29, Colonel Alexander officially preferred charges against Lieutenant Font. In point of fact, there were five specifications each dealing in one way or another with the incident in the 1st Army Headquarters. The maximum sentence that Lieutenant Font is now faced with, if he is convicted on all five specifications, is 25 years at hard labor.

It is impossible for me to ignore the sequence of events in this case. I cannot overlook the fact that Lieutenant Font was charged immediately after he came to me with information highly critical of certain facilities on the Fort Meade base. I am aware that Lieutenant Font is not popular with his superiors at Fort Meade because of his views on the war in Southeast Asia and because he has called for an inquiry into "U.S. war crimes" in Southeast Asia. I am apprehensive that these unpopular views played a part in determining the Army to bring charges against the lieutenant. I am more concerned that charges have been brought against Lieutenant Font as a punitive measure because of his conversation with me.

Lieutenant Font had every right to bring the existence of conditions on the Fort Meade base to my attention. If the charges brought against Lieutenant Font are, as I believe them to be, a form of vindictive harassment, then I must demand that they be dropped. We are all aware of the authoritarian aspects of the military, but we are all committed, I hope, to the protection of the basic human dignity and rights of army personnel. We cannot allow Lieutenant Font to become an example to be held up to other soldiers of what happens when they complain.

If the Army cannot stand criticism, if constructive protest is a phenomenon to be crushed ruthlessly and immediately, then what am I to tell the mothers and fathers of enlisted men in my district? How can I vote to continue the forceable drafting of young men into a military that denies them their basic rights as citizens? How can we hope to attract men to a volunteer force when they will be allowed no opportunity to express their grievances? Gentlemen, if we are the representatives of the people, then the people must have access to us. I cannot allow Lieutenant Font to be punished because he desired to talk to me.

Mr. Speaker, we are as responsible for what will happen to Lieutenant Font, as are the military authorities. I call at this time for an investigation of circumstances around the preferring of charges against Lieutenant Font. I ask that the investigation be conducted not by Font's immediate military superiors, but rather by the Office of the Secretary of the Army, Mr. Resor. I am confident that such an investigation will result in a dismissal of the charges against Lieutenant Font.

I feel a personal commitment to the cause of Lieutenant Font. It was to me that he came in an effort to help his fellow soldiers. Now he is the one who needs my help. I request that Mr. Resor commence his investigation immediately.

Mrs. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL. I yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Speaker, I share the fear that the gentleman from Maryland (Mr. MITCHELL) is voicing concerning what appears to be a very serious example of military vindictiveness. In the case, as described by Congressman MITCHELL, we see once again public proof of the inability of the Army to cope with the truth—except by the use of reckless repression.

Lieutenant Font is a very highly conscientious man, and has provoked the Army only by reason of his exercising what I believe to be his fundamental constitutional rights. He is today physically restricted under exaggerated charges with the threat of long imprisonment because he dared to uncover and expose the deplorable living conditions imposed upon his fellow soldiers at Fort Meade.

But of even more concern is the implied connection between the Army's charges against Lieutenant Font, and Lieutenant Font's announced plans rightfully to request investigation of alleged Vietnam war crimes of his superior officers, General Seaman and General Koster.

It seems more than coincidental, and certainly less than justice that Lieutenant Font was charged on the same day that General Seaman dropped war crimes charges against General Koster. I support Mr. MITCHELL's demand for an investigation of this whole matter to be conducted personally by Secretary Resor. Only such an investigation can fairly determine the facts. In addition, however, I think what this raises is that none of us here in this Congress or the public at large can be satisfied until all the facts concerning Army justice and war crimes are brought before this body, and the public.

Mr. MITCHELL. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. Speaker, I yield back the balance of my time.

H.R. 2631—TO PROHIBIT THE "HUNTING" OF WILDLIFE BY AIRBORNE HUMAN PREDATORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 5 minutes.

Mr. SAYLOR. Mr. Speaker, last Friday, January 29, Congressman DAVID R. OBEY and I, along with a number of our colleagues, introduced a bill to prohibit the hunting of wildlife from an airplane. At the time of introduction, I inadvertently excluded the name of our colleague from Michigan, Congressman JACK H. MCDONALD, as a cosponsor for the proposed legislation. In order to correct that error, I have reintroduced the bill today with all the cosponsors listed.

Our bill would amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft. I am sure our colleagues remember the dramatic television show "The Wolf Men" viewed nationally in December 1969. That program produced one of the greatest outpourings of public sentiment for a conservation bill that I have had the pleasure of witnessing in my years in Congress. With the public behind us, the House acted decisively. Hearings were held by the Subcommittee on Fisheries and Wildlife Conservation and the give-and-take was open and frank. Reports were received from the various agencies and the subcommittee and the Committee on Merchant Marine and Fisheries reported a bill to the House. This body unanimously passed H.R. 15199 early in 1970. Unfortunately, the bill languished in the other body and no action was taken thereon prior to the adjournment of the 91st Congress.

Congressman OBEY and I, unable to forget the horrors of the television program which showed human predators slaughtering wolves from airplanes, and recognizing the overwhelming interest of our colleagues in the House about this matter, agreed to reintroduce our bill in the 92d Congress. Coincidentally, at the beginning of this year, another television program was shown nationally where the same type of bloodthirsty activity was employed against other wildlife such as the polar bear. The program "Say Goodbye" is beginning to create the same sense of public revulsion as did "The Wolf Men."

Recognizing the number of Members who introduced companion bills last year, and thankful of the assistance and dedication of the members of the Subcommittee on Fisheries and Wildlife, Mr. OBEY and I asked a larger group to support our renewed efforts on behalf of all endangered species.

We know the concern of all our colleagues in the House with the dwindling population of wildlife and know of the universal desire to halt the despicable activity against endangered species practiced by a breed of subhumans who hunt from airplanes. H.R. 2631 is reproduced below; we urge Members of the House to introduce companion bills:

H.R. 2631

A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fish and Wildlife Act of 1956 is amended by adding at the end thereof the following new section:

"SEC. 12. (a) Any person who—

"(1) while airborne in an aircraft shoots or attempts to shoot for the purpose of capturing or killing any bird, fish, or other animal; or

"(2) uses an aircraft to harass any bird, fish, or other animal; or

"(3) knowingly participates in using an aircraft for any purpose referred to in paragraph (1) or (2); shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"(b) This section shall not apply to any person in the discharge of his duties if such person is employed by, or is an authorized agent of, or is operating under license or permit of, any State or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, or livestock: *Provided, however,* Except as provided by State law, nothing in this section shall prohibit the right of an individual to protect his own livestock from depredations by predatory animals.

"(c) As used in this section, the term 'aircraft' means any contrivance used for flight in the air."

SEC. 2. (a) Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) is amended by inserting "(a)" immediately after "SEC. 609." and by adding at the end thereof the following new subsection:

"VIOLATION OF CERTAIN LAWS

"(b) The Administrator, in his discretion, may issue an order amending, modifying, suspending, or revoking any airman certificate upon conviction of the holder of such certificate of any violation of subsection (a) of section 12 of the Fish and Wildlife Act of 1956, regarding the use or operation of an aircraft."

(b) (1) Immediately after the section heading of such section 609, insert the following:

"PROCEDURE"

(2) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading:

"Sec. 609. Amendment, suspension, and revocation of certificates."

is amended by adding the following:

"(a) Procedure.

"(b) Violation of certain laws."

SEC. 3. The amendments made by the first section of this Act shall take effect as of the thirtieth day after the date of enactment of such section.

REPORT ON REFUGEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, section 203(a)(7) of the Immigration and Nationality Act authorizes the conditional entry into the United States of 10,200 refugees annually who because of persecution or fear of persecution, or on account of race, religion, or political opinion, have fled from any communist-dominated country or from a country in the general area of the Middle East, or who are uprooted from their homes by natural calamity.

Furthermore, section 203(f) of the Immigration and Nationality Act requires the Attorney General to submit a report containing a complete and detailed statement of facts in the case of each alien conditionally entered pursuant to the above section. The reports must be submitted on or before January 15 and June 15 of each year. In accordance with this section of law, the following report summarizing the operation of the refugee section was referred to the Committee on the Judiciary.

In order that the House may be fully informed of the operation of section 203(a)(7) of the immigration, I wish to insert this report in the RECORD.

U.S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., January 20, 1971.

SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR MR. SPEAKER: In compliance with Section 203(f) of the Immigration and Nationality Act, detailed reports of aliens who conditionally entered the United States during the six month period ending December 31, 1970 are furnished herewith. There are also furnished detailed reports on conditional entry applicants who were authorized for parole under Section 212(d)(5) of the Act during the latter part of fiscal year 1970 following exhaustion of conditional entry numbers, as set forth in report for the period ending June 30, 1970, and who arrived and were paroled into the United States during the period covered by this report.

Pursuant to agreements entered into with the governments of the countries concerned, officers of the Immigration and Naturalization Service have been accepting applications and examining the qualifications of applicants for conditional entry under Section 203(a)(7) of the Act in Austria, Belgium, France, Germany, Greece, Italy, and Lebanon. By letter dated October 2, 1970 the Secretary of State informed the Attorney General that the Hong Kong Government had agreed to the implementation of a conditional entry program, and that accordingly the list of countries in which applications for conditional entry of refugees are to be accepted should be amended by the addition of Hong Kong. After completion of preliminary arrangements, including necessary coordination with the Hong Kong Government, the conditional entry program was placed in operation and Service officers commenced accepting applications in Hong Kong on November 3, 1970.

At the beginning of the six month period covered by this report, July 1, 1970, there were pending 3,647 applications for conditional entry under Section 203(a)(7) of the Act, submitted by aliens in the seven countries in which the program was then in operation. During the period, an additional 7,016 applicants registered in these countries and, subsequent to November 3, 1970, in Hong Kong. During the six month period, 4,178 were approved for conditional entry, 2,102 were rejected or otherwise closed, and there were 4,383 applications pending on December 31, 1970.

The following reflects the activity in each of the countries in which applicants were examined during the period between July 1, 1970 and December 31, 1970.

Country	Applications pending June 30, 1970	Registrations received during period	Total	Found qualified	Rejected or otherwise closed	Pending Dec. 31, 1970
Austria	879	2,743	3,622	1,518	813	1,291
Belgium	42	30	72	10	26	36
France	689	348	1,037	186	390	461
Germany	663	711	1,374	451	509	414
Greece	30	45	75	45	9	21
Hong Kong	0	1,068	1,068	35	63	970
Italy	1,103	1,638	2,741	1,650	250	841
Lebanon	241	433	674	283	42	349
Total	3,647	7,016	10,663	4,178	2,102	4,383

The following listing shows the country of visa chargeability of the 4,178 aliens approved for conditional entry during the six month period (includes accompanying spouses and children):

Albania	74
Austria	15
Bulgaria	142
China	35
Cyprus	1
Czechoslovakia	648
France	16
Germany	5
Greece	8
Hungary	438
Iraq	16
Israel	4
Jordan	3
Kuwait	2
Lebanon	14
Libya	3
Netherlands	1
Poland	330
Rumania	346
Sudan	1
Syrian Arab Republic	49
Turkey	49
U.A.R. (Egypt)	203
United Kingdom	1
U.S.S.R.	93
Yugoslavia	1,681
Total	4,178

Established screening procedures resulted in the rejection of 1,088 applicants during the period, on the following grounds:

Ineligible	556
Security grounds	106
Criminal grounds	23
Medical reasons	11
Immorality	14
Undesirability	26
Resettled	25
Spouses and children of above principals	327
Total	1,088

During the six month period ending December 31, 1970, 1,222 aliens in the United States were accorded permanent resident status pursuant to the provisions of Section 203(a)(7) of the Immigration and Nationality Act.

Sincerely,

RAYMOND F. FARRELL,
Commissioner.

TEXTILES, FOOTWEAR, AND U.S. FOREIGN POLICY

(Mr. MANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MANN. Mr. Speaker, I am proud to introduce, today, the Textile and Footwear Import Quota Act of 1971. The bill is designed to limit imports from Japanese and other foreign manufacturers should negotiations between the Nixon administration and the Japanese continue to be unproductive of meaningful import restrictions.

I would like to call the attention of the House to an announcement which was released by the Saco-Lowell Division of the Maremont Corporation of Greenville and Easley, S.C. last week. It serves to make explicit the public disgrace of American workers being laid off because of the unfair competition from abroad in textiles which the United States presently is tolerating.

The press release from Saco-Lowell serves notice that many workers will now be laid off every second Friday for a period of at least 3 months. This could spell disaster for families already close to the line between financial means and living ends. Basically, this is the result of unfair competition from abroad. Cheap labor plants of Japan, Hong Kong, Korea and Taiwan—plants whose modernity and know-how were the fruits of aid and guidance from the United States—are now producing lower cost items than we can produce, and our domestic market is being swamped by them.

Nor is this all. The several support industries—the manufacturers of textile-producing machinery and so forth—are undergoing a severe depression due to such unfair foreign competition. It is a depression that well could spread to other, allied industries. The time to act is long past due. The President's campaign promise is getting overripe. It appears that Congress must act, but enthusiastic support by the White House is still required if a practical legislative solution is to be achieved.

Thus far our foreign policy has not seen fit to protect domestic producers, as it should. It must now begin to do so. The duty of the foreign policy of any country is to put the interests of that country first. We must now begin to do so with respect to our textile industry.

The announcement by Saco-Lowell follows:

SACO-LOWELL TO TEMPORARILY REDUCE WORK WEEK

EASLEY, S.C.—Saco-Lowell has announced that on alternate Fridays for the next three months, starting in February through April, they will be operating on a four-day week. This reduced schedule will apply to all manufacturing, sales, and service facilities. Provisions will be made, however, to provide critical services to customers on the days of shutdown which are scheduled to be February 5 and 19; March 5 and 19; and April 9 and 23.

It was noted that textile mills are still faced with a chaotic situation due to imports and legislation and are reluctant to extend themselves. This lack of clarification has created a depression for the machinery manufacturers in the United States, particularly in the areas of yarn preparation and weaving. Since there is little evidence of a quick turnaround, Saco-Lowell has found it necessary to adjust its work week accordingly.

TIME MAGAZINE HONORS PAUL E. MARTIN

(Mr. CARNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CARNEY. Mr. Speaker, today I wish to recognize and pay tribute to a man in my congressional district.

During the latter part of January, Paul E. Martin, president of Martin Chevrolet in Warren, Ohio, received a plaque proclaiming him a Time Magazine Quality Dealer Honors Award winner for 1971, in ceremonies in San Francisco, Calif. Paul is also vice president of Al Thompson Chevrolet, in Hudson, Ohio.

Time magazine had selected 71 automobile dealers nationally for their Quality Dealer Award. From this list, they selected 13 finalists, one of which was Paul Martin. He was the only dealer in the country nominated for 2 years—1970 and 1971.

Mr. Speaker, I take pleasure in congratulating Time magazine on their selection and commend Mr. Paul E. Martin on receiving this award.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BARING (at the request of Mr. SISK), for today and February 4, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRENZEL) and to revise and extend their remarks and include extraneous matter:)

Mr. PRICE of Texas, for 15 minutes, today.

Mr. SAYLOR, for 5 minutes, today.

(The following Members (at the request of Mr. BERGLAND) and to revise and extend their remarks and include extraneous matter:)

Mr. RARICK, for 15 minutes, today.
Mr. GONZALEZ, for 10 minutes today.
Mr. MINISH, for 10 minutes, today.
Mr. RODINO, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FRENZEL) and to include extraneous matter:)

Mr. DEL CLAWSON.
Mr. STEIGER of Wisconsin.
Mr. PRICE of Texas in three instances.
Mr. GROSS.
Mr. SCHWENGEL.
Mr. THONE.

(The following Members (at the request of Mr. BERGLAND) and to include extraneous matter):

Mr. COTTER in five instances.
Mr. RARICK in three instances.
Mr. SCHEUER in two instances.
Mr. BOLLING in two instances.
Mr. MANN in 15 instances.
Mr. CARNEY in three instances.
Mr. PODELL in two instances.
Mr. RODINO in three instances.
Mr. LONG of Maryland.
Mr. HANNA in two instances.
Mr. GONZALEZ in two instances.
Mr. VANIK in two instances.
Mr. EVINS of Tennessee in two instances.
Mr. ROONEY of New York.
Mr. DENT.

ADJOURNMENT

Mr. BERGLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 39 minutes p.m.) the House adjourned until tomorrow, Thursday, February 4, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

185. A letter from the Secretary of Agriculture, transmitting a report of the activities of the Rural Electrification Administration for fiscal year 1970; to the Committee on Agriculture.

186. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

187. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

188. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of diamond tools from the national stockpile; to the Committee on Armed Services.

189. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of iridium from the national stockpile; to the Committee on Armed Services.

190. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile; to the Committee on Armed Services.

191. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

192. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of mica from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

193. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

194. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize

the disposal of shellac from the national stockpile; to the Committee on Armed Services.

195. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

196. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of thorium from the supplemental stockpile; to the Committee on Armed Services.

197. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of vegetable tannin extracts from the national stockpile; to the Committee on Armed Services.

198. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to extend the period within which the President may transmit to the Congress plans for reorganization of agencies of the executive branch of the Government; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DENT: Committee on House Administration. House Resolution 187. Resolution authorizing the printing of additional copies of the hearings entitled "Attempted Defection by Lithuanian Seaman, Simas Kudirka" (Rept. No. 92–4). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 97. Concurrent resolution authorizing the printing of a revised edition of the publication entitled "History of the United States House of Representatives", and for other purposes (Rept. No. 92–3). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 189. Resolution relating to the minimum per annum gross rate of pay which may be paid from the clerk hire allowances of Members of the House (Rept. No. 92–5). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 3482. A bill to amend title 5, United States Code, to permit a retired officer of a regular component of the uniformed services who holds a civilian position in the Government to receive the full pay of that position in addition to his retired or retirement pay, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BOLAND:

H.R. 3483. A bill to amend the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

By Mr. CEDERBERG:

H.R. 3484. A bill to safeguard the consumer by prohibiting the unsolicited distribution of credit cards and limiting the liability of consumers for the unauthorized use of credit cards, and for other purposes; to the Committee on Banking and Currency.

H.R. 3485. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3486. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

H.R. 3487. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 3488. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN (for himself, Mr. Bevill, Mr. Blackburn, Mr. Broyhill of Virginia, Mr. Broyhill of North Carolina, Mr. Burke of Massachusetts, Mr. Camp, Mr. Collins of Texas, Mr. Conte, Mr. Corman, Mr. Daniel of Virginia, Mr. Duncan, Mr. Evins of Tennessee, Mrs. Griffiths, Mr. Hansen of Idaho, Mr. Johnson of Pennsylvania, Mr. McClory, Mr. O'Konski, Mr. Pettis, Mr. Rarick, Mr. Scherle, Mr. Schmitz, Mr. Scott, Mr. Shriver, and Mr. Williams):

H.R. 3489. A bill to provide a program of tax adjustment for small business and for persons engaged in small business; to the Committee on Ways and Means.

By Mr. DELANEY:

H.R. 3490. A bill to establish a National Cancer Authority in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. DELLENBACK (for himself and Mrs. Green of Oregon):

H.R. 3491. A bill to create one additional permanent district judgeship in Oregon; to the Committee on the Judiciary.

By Mr. DENT (for himself, Mrs. Green of Oregon, and Mr. Saylor):

H.R. 3492. A bill to amend the Higher Education Act of 1965, as amended, and for other purposes; to the Committee on Education and Labor.

By Mr. EDWARDS of Alabama:

H.R. 3493. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

H.R. 3494. A bill to amend title 18, United States Code, to prohibit the sale of mailing lists used to disseminate through the mails materials harmful to persons under the age of 19 years; to the Committee on the Judiciary.

H.R. 3495. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

By Mr. HÉBERT (for himself and Mr. Arends):

H.R. 3496. A bill to amend title 37, United States Code, to make military pay more equitable and for other purposes; to the Committee on Armed Services.

H.R. 3497. A bill to amend chapter 7 of title 37, United States Code, to authorize reimbursement to members of the armed forces who are assigned to recruiting duties for expenses incurred in recruiting of personnel; to the Committee on Armed Services.

H.R. 3498. A bill to amend title 37, United States Code, to provide for the payment of an enlistment bonus to certain persons who enlist in the Army, Navy, Air Force, or Marine Corps for at least 3 years; to the Committee on Armed Services.

By Mr. HENDERSON:

H.R. 3499. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of manufactured products; to the Committee on Post Office and Civil Service.

By Mr. MACDONALD of Massachusetts:

H.R. 3500. A bill to amend section 103 of the Social Security Amendments of 1965 to provide hospital insurance benefits (under title XVIII of the Social Security Act) for certain uninsured individuals who are not otherwise eligible for such benefits; to the Committee on Ways and Means.

By Mr. MANN:

H.R. 3501. A bill to establish annual quotas with respect to the importation of certain textile and footwear articles, and for other purposes; to the Committee on Ways and Means.

By Mr. PRICE of Texas:

H.R. 3502. A bill to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes; to the Committee on Agriculture.

H.R. 3503. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

H.R. 3504. A bill to amend the Internal Revenue Code of 1954 to limit the use of industrial development bonds to rural areas, to allow a credit against income tax to employers for the expenses of providing job training programs in rural areas, and otherwise to encourage fuller and more effective use of the human resources of such areas; to the Committee on Ways and Means.

By Mr. QUIE (for himself, Mr. Ashbrook, Mr. Bell, Mr. Erlenborn, Mr. Dellenback, Mr. Esch, Mr. Steiger of Wisconsin, Mr. Hansen of Idaho, and Mr. Landgrebe):

H.R. 3505. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act to improve its benefits, and for other purposes; to the Committee on Education and Labor.

By Mr. RHODES:

H.R. 3506. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3507. A bill to afford protection to the public from offensive intrusion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROUSH (for himself, Mr. Brademus, Mr. Bray, Mr. Dennis, Mr. Duncan, Mr. Hamilton, Mr. Hillis, Mr. Jacobs, Mr. Landgrebe, Mr. Madden, Mr. Myers, and Mr. Zion):

H.R. 3508. A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 3509. A bill to amend the public assistance provisions of the Social Security Act to increase the Federal share of a State's expenditures under the public assistance programs (including administrative expenses) to 90 percent, to provide for the establishment of nationally uniform minimum standards for aid or assistance thereunder, and to repeal the freeze on the number of children with respect to whom Federal payments may be made under the aid to families with dependent children program; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mr. Obey, Mr. Biaggi, Mr. Don H. Clausen, Mr. Dingell, Mr. Downing, Mr. Edwards of California, Mr. Fulton of Pennsylvania, Mr. Frey, Mr. Goodling, Mr. Hanna, Mr. Karth, Mr. Keith, Mr. Kyros, Mr. Lent, Mr. Lennon, Mr. McCloskey, Mr. McDonald of Michigan, Mr. O'Hara, Mr. Pelly, Mr. Reid of New York, and Mr. Rogers):

H.R. 3510. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Merchant Marine and Fisheries.

By Mr. SEBELIUS:

H.R. 3511. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. STAFFORD:

H.R. 3512. A bill to amend the Social Security Act to provide increases in benefits; to the Committee on Ways and Means.

H.R. 3513. A bill to amend title II of the Social Security Act to increase from $1,680 to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 3514. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. THONE:

H.R. 3515. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in benefits thereunder, with subsequent benefit increases based on the cost of living, and to raise to $4,000 a year the amount of outside earnings a beneficiary may have without loss of benefits; to the Committee on Ways and Means.

By Mr. WYATT:

H.R. 3516. A bill to provide for the appointment of one additional United States district court judge for the judicial district of Oregon; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 3517. A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes; to the Committee on Education and Labor.

H.R. 3518. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. BUCHANAN (for himself, Mr. Anderson of Illinois, Mr. Brasco, Mr. Brown of Ohio, Mrs. Chisholm, Mr. Don H. Clausen, Mr. Edwards of California, Mr. Eilberg, Mr. Frelinghuysen, Mr. Halpern, Mr. Hastings, Mr. McClory, Mr. McKinney, Mr. Morse, Mr. Pepper, Mr. Pike, Mr. Steiger of Wisconsin, Mr. Talcott, and Mr. Vander Jagt):

H.J. Res. 266. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. CEDERBERG:

H.J. Res. 267. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KUYKENDALL (for himself, Mr. Anderson of Illinois, Mr. Baker, Mr. Brown of Ohio, Mr. Brown of Michigan, Mr. Camp, Mr. Don H. Clausen, Mr. Cleveland, Mr. Collier, Mr. Colmer, Mr. Corbett, Mr. Coughlin, Mr. Daniel of Virginia, Mr. Derwinski, Mr. Dowdy, Mr. Esch, Mr. Eshleman, Mr. Fisher, Mr. Fulton of Pennsylvania, Mr. Grover, Mr. Gubser, Mr. Halpern, Mr. Hastings, and Mr. Hogan):

H.J. Res. 268. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. KUYKENDALL (for himself, Mr. Hosmer, Mr. Jarman, Mr. Jones of Tennessee, Mr. Landgrebe, Mr. Lujan, Mr. Lloyd, Mr. Mathias of California, Mr. Michel, Mr. Nichols, Mr. Pettis, Mr. Pirnie, Mr. Poage, Mr. Powell, Mr. Robinson, Mr. Rousselot, and Mr. Saylor):

H.J. Res. 269. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. KUYKENDALL (for himself, Mr. Schmitz, Mr. Sebelius, Mr. Shriver, Mr. Sikes, Mr. Spence, Mr. Stubblefield, Mr. Thone, Mr. Ware, Mr. Whitehurst, Mr. Williams, Mr. Wyatt, and Mr. Zion):

H.J. Res. 270. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. PUCINSKI (for himself, Mr. Hays, Mr. Conte, Mr. Derwinski, Mr. Fulton of Pennsylvania, Mr. Halpern, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Michel, Mr. Rarick, Mr. St Germain, Mr. Stratton, Mr. Ware, Mr. Donohue, Mr. Mikva, and Mr. Grasso):

H.J. Res. 271. Joint resolution to rename the U.S. Coast Guard cutter *Vigilant* the *Simas Kudirka*; to the Committee on Merchant Marine and Fisheries.

By Mr. BLANTON (for himself, Mr. Abbitt, Mr. Abernethy, Mr. Alexander, Mr. Anderson of California, Mr. Andrews of Alabama, Mr. Andrews of North Dakota, Mr. Annunzio, Mr. Archer, Mr. Aspin, Mr. Baker, Mr. Baring, Mr. Begich, Mr. Bell, Mr. Bennett, Mr. Bergland, Mr. Bevill, Mr. Biaggi, Mr. Biester, Mr. Blackburn, Mr. Bray, Mr. Brinkley, Mr. Brooks, Mr. Broomfield, and Mr. Brown of Michigan):

H. Con. Res. 110. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. Broyhill of North Carolina, Mr. Buchanan, Mr. Burleson of Texas, Mr. Burlison of Missouri, Mr. Cabell, Mr. Camp, Mr. Carney, Mr. Cederberg, Mr. Casey, Mr. Chamberlain, Mrs. Chisholm, Mr. Clark, Mr. Don H. Clausen, Mr. Cleveland, Mr. Collier, Mr. Collins of Illinois, Mr. Collins of Texas, Mr. Corbett, Mr. Coughlin, Mr. Crane, Mr. Davis of Georgia, Mr. Dellenback, Mr. Denholm, and Mr. Dennis):

H. Con. Res. 111. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. Dent, Mr. Derwinski, Mr. Devine, Mr. Dickinson, Mr. Diggs, Mr. Dingell, Mr. Donohue, Mr. Dorn, Mr. Dowdy, Mr. Downing, Mr. Duncan, Mr. Edwards of Louisiana, Mr. Eilberg, Mr. Eshleman, Mr. Evans of Colorado, Mr. Fascell, Mr. Fish, Mr. Fisher, Mr. Flood, Mr. Flowers, Mr. Gerald R. Ford, Mr. William D. Ford, Mr. Forsythe, and Mr. Fountain):

H. Con. Res. 112. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. Frelinghuysen, Mr. Frenzel, Mr. Fulton of Tennessee, Mr. Gaydos, Mr. Gibbons, Mr. Gonzalez, Mrs. Grasso, Mr. Griffin, Mr. Gubser, Mr. Gude, Mr. Hagan, Mr. Halpern, Mr. Hanley, Mr. Hastings, Mr. Hathaway, Mr. Hawkins, Mr. Hammerschmidt, Mr. Hays, Mr. Helstoski, Mr. Henderson, Mr. Hicks of Washington, Mrs. Hicks of Massachusetts, Mr. Hillis, and Mr. Hogan):

H. Con. Res. 113. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. Holifield, Mr. Horton, Mr. Hosmer, Mr. Howard, Mr. Hull, Mr. Hunt, Mr. Hutchinson, Mr. Ichord, Mr. Johnson of Pennsylvania, Mr. Johnson of California, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mr. Kee, Mr. Keith, Mr. King, Mr. Kuykendall, Mr. Kyros, Mr. Long of Louisiana, Mr. Lujan, Mr. McClure, Mr. McCollister, Mr. McDade, Mr. McDonald of Michigan, and Mr. McEwen):

H. Con. Res. 114. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. McKinney, Mr. Mahon, Mr. Mann, Mr. Mathias of California, Mr. Mathis of Georgia, Mr. Mayne, Mr. Meeds, Mr. Melcher, Mr. Michel, Mr. Miller of Ohio, Mr. Miller of California, Mr. Minish, Mr. Mizell, Mr. Montgomery, Mr. Moorhead, Mr. Morse, Mr. Murphy of New York, Mr. Myers, Mr. Nedzi, Mr. Nelsen, Mr. Nichols, Mr. O'Hara, Mr. O'Konski, and Mr. Passman):

H. Con. Res. 115. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. Patten, Mr. Pelly, Mr. Pepper, Mr. Peyser, Mr. Pike, Mr. Poage, Mr. Podell, Mr. Powell, Mr. Preyer of North Carolina, Mr. Price of Texas, Mr. Pryor of Arkansas, Mr. Pucinski, Mr. Rarick, Mr. Rees, Mr. Rhodes, Mr. Robinson, Mr. Roe, Mr. Rogers, Mr. Rostenkowski, Mr. Rousselot, Mr. Ruppe, Mr. St Germain, Mr. Scheuer, and Mr. Scott):

H. Con. Res. 116. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. Sebelius, Mr. Sikes, Mr. Slack, Mr. Smith of New York, Mr. Spence, Mr. Springer, Mr. Staggers, Mr. J. William Stanton, Mr. James V. Stanton, Mr. Steiger of Wisconsin, Mr. Stubblefield, Mr. Terry, Mr. Thompson of Georgia, Mr. Thomson of Wisconsin, Mr. Thone, Mr. Tiernan, Mr. Veysey, Mr. Vigorito, Mr. Waldie, Mr. Ware, Mr. Whalley, Mr. White, Mr. Whitehurst, and Mr. Whitten):

H. Con. Res. 117. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North

Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. Widnall, Mr. Wiggins, Mr. Williams, Mr. Charles H. Wilson, Mr. Winn, Mr. Wolff, Mr. Wright, Mr. Wyatt, Mr. Wydler, Mr. Yatron, Mr. Young of Florida, Mr. Zion, Mr. Byron, Mrs. Reid of Illinois, Mr. Ullman, Mr. Steele, and Mr. Anderson of Illinois):

H. Con. Res. 118. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. MACDONALD of Massachusetts:

H. Con. Res. 119. Concurrent resolution relative to retention of Public Health Service hospitals; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas:

H. Con. Res. 120. Concurrent resolution to authorize the printing of a Veterans' Benefits Calculator; to the Committee on House Administration.

By Mr. YATRON (for himself, Mr. Biaggi, Mr. Carey of New York, Mrs. Chisholm, Mr. Daniel of Virginia, Mr. Derwinski, Mr. Fascell, Mr. Fraser, Mr. Fulton of Pennsylvania, Mr. Green of Pennsylvania, Mr. Halpern, Mr. Harrington, Mr. Hays, Mr. Henderson, Mr. Hungate, Mr. Lujan, Mr. Matsunaga, Mr. Melcher, Mr. O'Neill, Mr. Pucinski, Mr. Roybal, Mr. Ryan, Mr. Schneebeli, Mr. Tiernan, and Mr. Esch):

H. Con. Res. 121. Concurrent resolution expressing the sense of Congress that our NATO allies should contribute more to the cost of their own defense; to the Committee on Foreign Affairs.

By Mr. BROTZMAN (for himself, Mr. Frenzel, and Mr. Hunt):

H. Res. 191. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 3519. A bill for the relief of Calogero Armandini; to the Committee on the Judiciary.

H.R. 3520. A bill for the relief of Gaetano Battaglia; to the Committee on the Judiciary.

H.R. 3521. A bill for the relief of Rosa DiGiovanna; to the Committee on the Judiciary.

H.R. 3522. A bill for the relief of Alfio DiMaggio; to the Committee on the Judiciary.

H.R. 3523. A bill for the relief of Giovanni DiMaggio; to the Committee on the Judiciary.

H.R. 3524. A bill for the relief of Elsa Dowden; to the Committee on the Judiciary.

H.R. 3525. A bill for the relief of Konstantinos Ekonomides; to the Committee on the Judiciary.

H.R. 3526. A bill for the relief of Eleftherios Ekonomou; to the Committee on the Judiciary.

H.R. 3527. A bill for the relief of Rosa Magro; to the Committee on the Judiciary.

H.R. 3528. A bill for the relief of Georgios Nikolaros; to the Committee on the Judiciary.

H.R. 3529. A bill for the relief of Dimitrios Papaiconstantopoulos; to the Committee on the Judiciary.

H.R. 3530. A bill for the relief of Giuseppa Barone Parisi; to the Committee on the Judiciary.

H.R. 3531. A bill for the relief of Giacomo LaLicata Saccaro; to the Committee on the Judiciary.

H.R. 3532. A bill for the relief of Francesco Scalice; to the Committee on the Judiciary.

H.R. 3533. A bill for the relief of Maria Grazia Tarantino; to the Committee on the Judiciary.

H.R. 3534. A bill for the relief of Francesco Troia; to the Committee on the Judiciary.

H.R. 3535. A bill for the relief of Antonio Zambianchi; to the Committee on the Judiciary.

By Mr. ASPINALL:

H.R. 3536. A bill for the relief of Demetrios Verdos; to the Committee on the Judiciary.

By Mr. COTTER:

H.R. 3537. A bill for the relief of Vincenzo Zocco; to the Committee on the Judiciary.

By Mr. LINK:

H.R. 3538. A bill for the relief of Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kochendorfer; and, Frederick L. Baston; to the Committee on the Judiciary.

H.R. 3539. A bill for the relief of Min Kyung Sook and Min Kyung Jo; to the Committee on the Judiciary.

By Mr. PURCELL:

H.R. 3540. A bill for the relief of S. Leon Levy; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 3541. A bill for the relief of Hung-Ju Chao; to the Committee on the Judiciary.

SENATE—*Wednesday, February 3, 1971*

(Legislative day of Tuesday, January 26, 1971)

The Senate met at 11:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. Ellender).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

We commend to Thee, O Lord, all who are engaged in the Government of this Nation. Grant to them integrity of purpose and unfailing devotion to the cause of righteousness. May all their legislation be such as will promote the welfare of the people, succor the poor, relieve the oppressed, bring new opportunities to the underprivileged, correct bad policies and reduce social wrongs, to Thy glory and the good example of the people, through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, February 2, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

A CONVERSATION WITH THE MAJORITY LEADER

Mr. MANSFIELD. Mr. President, on January 26, the TV networks very generously made available a substantial amount of time for congressional Democrats to set forth views on current issues.

I agreed to make this appearance, with the concurrence of the Senate Democratic conference and the distinguished Speaker of the House (Mr. Albert) whom I would have preferred to have seen speaking for the Democrats as he can so ably do, but who was unable because of a previous ironclad commitment to undertake the telecast at the time.

I want to make clear that while the occasion was billed as a "Democratic state of the Union message," it was not so intended. There is only one person who can deliver a state of the Union message in this Nation and that is the President of the United States, whoever he may be. It is both his constitutional prerogative and his responsibility as the sole political representative of the Nation as a whole. I would not presume to intrude on either that right or that responsibility. He speaks for the Nation on the state of the Union and, of course, answers to the Nation as a whole on the state of the Union.

My appearance was simply a Democratic point of view on the current situation as elicited from me in the course of "A Conversation With the Majority Leader"—animated but pleasant—by four distinguished American correspondents: Roger Mudd, CBS News; Bill Monroe, NBC News; Robert Clark, ABC News; and Frank Mankiewicz for Public Broadcasting.

I ask unanimous consent that the transcript be included at this point in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

A Conversation With the Majority Leader

(As broadcast over the CBS television network Tuesday, January 26, 1971, 10–10:45 p.m., e.s.t.)

With: Roger Mudd for CBS News; Bill Monroe for NBC News; Robert Clark for ABC News; Frank Mankiewicz for Public Broadcasting.

Announcer. From CBS in Washington, "The State of the Union—A Democratic View". As it has in recent years following the President's State of the Union, the CBS Network has provided time for the opposition party to present its views on the state of the union. The invitation was sent to, and accepted by, the Democratic party leadership in the Congress, and the following was recorded earlier tonight.

In the office of Senate Majority Leader Mike Mansfield of Montana, the Senator has chosen to give his party's view on the state of the union through an interview with representatives chosen by the four networks. The conversation was unrehearsed, with no restrictions on topics discussed. Senator Mansfield has been Majority Leader since 1961.

With him tonight are Frank Mankiewicz of NET for Public Broadcasting; Roger Mudd, Congressional Correspondent for CBS News; Robert Clark, Congressional Correspondent for ABC News; and Bill Monroe, Correspondent for NBC News, who starts the questioning:

Bill Monroe. Senator Mansfield, President Nixon advocates reversing the flow of power to Washington, decreasing federal power, increasing the power of the cities and states. Do you look on this as desirable? Is it practical, and how do you do it?

Senator Mike Mansfield. Maybe desirable, perhaps not practical, but certainly worthwhile. I hope that the proposals made by the President will be given serious and prompt attention by the appropriate committees of the Congress, because any Presidential request is entitled to that much consideration.

Robert Clark. The chief proposal made by the President, of course, Senator, was his rather massive plan for federal revenue sharing. The most important and powerful Democrat in Congress on the subject of revenue sharing and taxes and revenue generally is Wilbur Mills, who has already announced that he will do his best to kill the President's revenue sharing program. Is there going to be a Democratic position on revenue sharing, an alternative to the President's program, or is Wilbur Mills going to stand as the chief Democratic spokesman on revenue sharing?

Senator Mansfield. Well, Wilbur Mills, of course, is the key to the whole proposal. He is Chairman of the House Ways and Means Committee, a very powerful man and a very good man. But there are some questions about the President's suggestion which I think ought to be given some consideration before we arrive at a final determination.

The President is only asking for hearings, prompt hearings. He thinks he has a good proposal there, but some of the—we have no specifics, no details. We don't know yet what it all entails and the only thing which stands out in my mind, and I assume in Wilbur Mills' mind as well, is the fact that $5 billion of the $16 billion would be given to the states without any quid pro quos and I think that's a possibly dangerous procedure to follow. I can understand Wilbur's feelings on this matter and sympathize with him. But, despite that, I think we ought to go ahead and hold hearings and find out just what is entailed.

Roger Mudd. Senator, does Mr. Nixon's State of the Union Message signify to you a sharp break with the policies of federal government over the past thirty years? He said in his speech, "Let's face it. Most Americans today are simply fed up with government at all levels." Do you believe that?

Senator Mansfield. Yes, I do, but it varies in different degrees when you refer to the Congress, the Executive Branch of the government, the state and the local set-ups because there are different attitudes towards each and I do think that his proposals are revolutionary. I do think they signify a change and, in his thinking, a decided change. I do think something must be done and I feel that what we have to do is to try and keep up with the times and get away from old outmoded policies which have outlived their usefulness.

Frank Mankiewicz. Senator, the Republican President now, if I can ask you as a spokesman here for the Democratic party, here's a Republican President coming before you and saying, in effect, that they're firmly committed for deficit spending, for what the New Deal used to call "pump priming." The President even hinted at something which used to be called socialized medicine. Does the Democratic party take this as sinners come back to the fold, or how do you fight this? Do you take a position in opposition to these things or are you going to say, well, we can do it better or we can spend more money?

Senator Mansfield. Well, it isn't a case of "I told you so" or welcoming a recent convert. It's a case of trying to do what is best for the country because it is the nation that comes first and as far as the parties are concerned and those of us who are in politics, the future of the party and the politician, I think comes second if not third.

Roger Mudd. Senator, you are a politician who has been through the birth, the development of the New Deal. Do you believe that the states and the local governments are better at administering these programs than the federal government?

Senator Mansfield. No. Quite the contrary. But I think the federal government could make its own administration of these programs much more effective, and that applies to all administrations, regardless of coloration. I think there's been too much money spent in administration and not enough money spent as the intent of the Congress indicated to help those who are in need and for whom the money was in reality appropriated. But we've had too much in the way of top-heavy administrations and not enough in the way of good administration and lacking a great deal in effective efficiency.

Robert Clark. Senator, one of the criticisms leveled at this last Congress was that the Democrats, although they did a lot of talking about criticizing the President's program, didn't come up with constructive alternatives of their own.

Senator Mansfield. Oh, I would disagree with that because—and furthermore I would say that this President has received very little criticism from the Congress as a whole. He's been treated quite well and the Congress has indicated its desire to go more than half way in the interests of the nation to try and pass constructive legislation. So I would rebut that with feeling because it just isn't true.

Robert Clark. But we do, Senator, see a picture of Democrats, and especially those who are regarded as Presidential hopefuls, all galloping off in different directions and there's a Muskie program on pollution and a McGovern program to end the war and a Kennedy program on health and a Proxmire plan to kill the SST; and a Jackson plan to save it. How do you weld all of these diverse programs together into one coherent program of Democratic alternatives?

Senator Mansfield. We've never been able to develop much in the way of a coherent Democratic program because the Democratic party isn't built that way. But the Senators themselves have responsibilities. They'll have to decide just how those responsibilities fit in with their duties as a Senator. As far as Muskie is concerned, you talk about his role in pollution. He was Number One. He started five or six years ago when nobody else was even talking about it and he's the Godfather, I think, of the pollution programs, anti-pollution programs, which have been inaugurated since that time. And I'm delighted that President Nixon and Senator Muskie have joined forces in that respect because in doing so they're working for the common good, not for the good of either party.

Frank Mankiewicz. Well, Senator, what is the Democratic response then, to the extent there is one, when it comes, let's say, to the economy? The President says he's going to have an expansionary money policy; he's going to run a substantial deficit for the budget that he's about to introduce. Now, has the Democratic party got some other solution, or do you agree that by doing that, as the President says, 1971 will be a good year and 1972 will be an even better year?

Senator Mansfield. Well, I hope he's right, but only time will tell. There again, we haven't got the specifics, the details, so we can't comment on the legislation which we'll have to consider apart from the messages. The messages cover a great deal of territory, but you can't legislate messages; you can't pass messages, so you have to find out what he has in mind.

Now, as far as the economy is concerned, the Democratic-controlled Congress did place in the hands of the President stand-by wage, price and rent controls and they did a year ago last December pass legislation which gave him the authority to bring about a lowering of interest rates in certain categories. Neither one of these actions by the Congress were taken up by the President and the result is that they're all lying in limbo.

Frank Mankiewicz. On the unemployment question, Senator, do you think the Democrats will be behind repassage of that public service employment measure that went through last year that was vetoed?

Senator Mansfield. Yes, I do. I think the President made a most serious mistake in vetoing that bill, the Manpower Bill so-called, because it would have done in part, a small part, a sizable part, of what he is trying to do now through deficit spending based on his full employment budget so-called.

Bill Monroe. Senator Mansfield, you say that you believe it's desirable to reverse the flow of power to Washington, but you also say that you feel the federal government spends money more efficiently. Isn't there a conflict here? Aren't you saying that you can't trust local government? President Nixon says you've got to trust the local governments and let them have the money without strings.

Senator Mansfield. No, I don't mean to say that I thought the power should revert to Washington. What I meant to say was that there should be a greater degree of coordination, but with coordination goes responsibility and efficiency. I do not believe that the funds ought to be given without any quid pro quo to the states or the local municipalities because in that way you're making a good gesture, perhaps, which I don't think will be very much worthwhile and we've got to consider that the state taxpayer is the same as the federal taxpayer. There's no difference between the two and no matter how you put it out, the same guy is always shelling it up to the government.

Bill Monroe. Do you have any plans that would increase the power of local and state governments?

Senator Mansfield. No. This is a little new, this message by the President less than a week ago. Again, I move to fall back on the fact we have no details, no specifics.

Robert Clark. Senator, if we could talk about one specific, and I think it is difficult for many people to know, to understand, to recognize who really speaks for the Democrats these days, but Senator Kennedy yesterday introduced in the Senate a very ambitious program for national health care that would take a long step towards socialized medicine, would cost something like $50 billion a year. Are you going to support that health program?

Senator Mansfield. I'm going to support some kind of a health program. I understand the Administration is going to offer a comprehensive health program as well. Something has to be done to take care of the mounting medical costs, hospital beds, doctor's fees, drugs and so forth and so on, and what I want to see is something in the way of legislation which will take care of older people, which will cope with the problem which confronts all of us today and which is crying out for assistance legislatively and otherwise—

Robert Clark. I think there are currently something like five massive medical care and health programs before Congress. Wouldn't it be better for the Democrats to get together behind one single program?

Senator Mansfield. Well, it's pretty hard for the Democrats to get together on any kind of a program, but we do our best.

Roger Mudd. Senator, I noticed a minute ago when Mr. Clark said he found it hard to find out who was speaking for the Democrats that you were smiling. May I ask you, under the circumstances, with brand new leadership on the House side and two-thirds of your leadership is new on the Senate side, why those leaders are not with you on this broadcast?

Senator Mansfield. When the proposal was first made, it was my suggestion that the Speaker, Carl Albert of Oklahoma, should carry the load for the Congress as a whole because I had done my part, I thought, in answering the President's economic message some months ago. I didn't look forward to this with anticipation. I'm not enjoying it, but I'm doing what I think is a duty. But Carl had some other commitments. He couldn't make it. I'd said that I'd go on with him if he would just take the lead. But the result is that last night I'm informed that I'm the pigeon, so here I am.

Bill Monroe. Senator Mansfield, in connection with the President's State of the Union Message, he listed six great goals. In listening to his State of the Union Message, did you have the feeling that there was a subject omitted that you would like to have seen him touch upon, or were there one or two goals you might have wished he had put into the speech that he left out, as far as you were concerned?

Senator Mansfield. Well, he painted the speech with a pretty broad brush. I would have liked to have seen something in the field of foreign policy. He has said that he will make a State of the World speech next month. I'll be looking forward to it with anticipation. You can't say a great deal in a State of the Union speech. If it's too long, you lose interest and people go to sleep on you. He picked out six broad areas which he wanted to emphasize and he did. Of course, there are always other areas which could have been mentioned, the question of the races, the question of the ghettos, but I assume that in all these areas, more or less, which he advocates, that these other matters are intertwined.

Frank Mankiewicz. Senator, we're sorry to hear you're not enjoying yourself, but . . .

Senator Mansfield. Well, I am with you people. I don't like to—well, go ahead.

Frank Mankiewicz. But, perhaps it will get more enjoyable as we go along. To get back to the statement you made last year when you answered the President's economic message, the Administration is now saying that the economic game plan is working out all right, that the tide of inflation has turned, that we're at or near the peak of unemployment, that unemployment is going to recede and prices are going to stay level. Do you believe that? Do you think we've turned that corner? If so, who gets the credit for it?

Senator Mansfield. I would wait until the next figures on unemployment come out. I understand they are at six percent at the present time. A few days ago I indicated that inflation was at a rate of around seven percent. I found out since that I was wrong. I was basing my figures then on a report put out by the St. Louis Federal Reserve Bank last September and October. The inflation is a little in excess of five percent so there seems to be some diminution there. With the reduction in interest rates, even including mortgage interest rates, with the rise in the stock market, maybe there are indications that a turn for the better is taking place. But we cannot say so with certainty at the present time. We have to wait and see what the figures will show in the months ahead.

Robert Clark. What happened to that temporary wage-price freeze that you and other Democratic leaders of Congress proposed a couple of months ago? Would you still like to see that put into effect?

Senator Mansfield. Well, it's kind of late now to put it in. It was proposed at a time when we thought it would be most effective. Nothing has happened to it.

Roger Mudd. Senator, the President last week, in effect put the burden on the Congress when he said that the 92nd Congress can be recorded as the greatest Congress in the nation's history.

Senator Mansfield. So did the Republican National Chairman yesterday.

Roger Mudd. Well, do you regard the President's six great goals as so meritoric that if the Congress enacts them that the nation's place in history will be fixed by the 92nd Congress?

Senator Mansfield. Well, if they're all enacted, we will have made our mark. But I don't think they all will be enacted because it's so comprehensive that I think it's not reasonable to expect that all these proposals could be accomplished in a two year span.

Roger Mudd. Well, do you think that the six great goals are of such magnitude and are so revolutionary that there is design in the President's message to tie the Congress up, that the recommendations will fall of their own weight and he will have something to run against in '72?

Senator Mansfield. Oh, no. I wouldn't make that charge or alegation against any President because I think basically they're all trying to do the best they can for the country.

Robert Clark. I think Roger has quoted the President on the 92nd Congress. To put that in perspective, Roger, if you'll pardon me, I think we need to quote him on the 91st Congress also; and he said in his summary of the last Congress in its last days, he called it a failure in many ways and said that in its closing days it gave the American people a spectacle that it had lost the capacity, that Congress had lost the capacity to decide and the will to act. Would you agree that that's an opinion that is at least shared by a lot of people?

Senator Mansfield. No, I would not. I think as far as the Senate is concerned, we've acted very responsibly and as far as the House is concerned. I must say in all candor, they've acted better than we have.

Bill Monroe. Didn't you have any sense of failure, even partial failure, in terms of the end of the last Senate session and the logjam that happened in the Senate?

Senator Mansfield. No, not failure. Disappointment, but the Social Security Bill will come back and be passed before Spring, in my opinion, and be made retroactive to the 1st of January. The trade bill and the welfare plan very likely needed some more consideration, so I think if you balance it up, it evens out.

Bill Monroe. Would you like to see the Senate perform better, more efficiently, in the 92nd Congress?

Senator Mansfield. Oh, yes. And I anticipate it will, despite the fact that a filibuster is in the making at the present time on the change of Rule 22.

Monroe. What are the circumstances that might let it perform more efficiently?

Mansfield. Well, I think we ought to reduce the Rule 22 from two-thirds of those present and voting to three-fifths of those present and voting so that we wouldn't get caught in the logjam, as we did in part, in the closing days of the 91st.

Monroe. To end the filibuster.

Mankiewicz. Senator, one of the things the Senate certainly re-asserted and I think one of the things that the President may have been talking about in some of his less complimentary comments on the Senate was in the area of foreign policy and specifically in Southeast Asia. Do you see anything in the events of the last couple of weeks and even in the last couple of days in Cambodia to suggest to you that perhaps the Senate might want to move again in that area?

Mansfield. Yes, indeed. I think the Senate is to be commended for taking the time it did last year, unwittingly aided by Administration stalwarts, in the consideration of the Cooper-Church proposal to make its presence felt. Under the Constitution, the Congress is a co-equal branch of the government and I think it's about time that the Senate stepped, the Congress stepped forward, the Senate especially, and looked after the interests of the American people, to a greater extent than heretofore in the field of foreign relations.

Yes, I'm disturbed about Cambodia. I hope it isn't the beginning of a step-up in the war. But at the present time I'm uneasy, concerned and disturbed.

Clark. Senator, do you think that the President has violated or disregarded the intent of Congress in the expansion of the air war into Cambodia?

Mansfield. I think that the intent has been disturbed, distorted, but I think that he's doing the best he can in a most difficult situation and trying to adhere to the strict interpretation of the law, but I think it's being interpreted a little bit out of proportion.

Mudd. Senator, how would that follow? If he's doing the best he can and the best he can involves going beyond the pledges that the Administration gave to the Congress about the use of air power over Cambodia?

Mansfield. That's right, but what I mean is the interpretations that are being given by Secretary Laird seem to indicate that what is being done in Cambodia is in accord with Cooper-Church, which I think is contrary to the fact. Furthermore, you may recall that last June 30th the President, on the removal of the last U.S. troops from Cambodia, made the statement that there would be no air support or logistic support for South Vietnamese troops in Cambodia and that the only air activity would be to interdict the inflow of supplies and men from North Vietnam down into South Vietnam.

Clark. Senator, I think you would agree that the only real power the Congress has, the only real weapon it has in asserting its own authority over the President in ending the war or in curtailing Cambodian operations is the power of the purse.

Mansfield. That's right.

Clark. And that would mean actually withholding appropriations for military operations in the field.

Mansfield. That's right.

Clark. Can you conceive of this Congress taking that drastic step?

Mansfield. No. I cannot. Because while my position on the war is well-known—I think it's a tragedy, a mistake. We never should have become involved in the first place—and I must say that I felt this way even before we became involved, that the possibility was there. But you have young men out there who are carrying out their obligations, many of them with grave questions in their mind, and I think we owe an obligation to them and because of that there will be no diminution as far as the funds necessary to be appropriated to care for them.

Mankiewicz. Let's talk about Cambodia for a minute, Senator, if we may, and assume, as I imagine you do and certainly Secretary Laird seems to, that without the level of U.S. support that they're now getting, they would not be able to survive, or at least the present government would not be able to survive.

Mansfield. That is correct.

Mankiewicz. Now, I take it what you're saying is that if the intent and spirit of the Cooper-Church Amendment were carried out, we would not be giving that support. Would you be willing, then, to see that government, in effect, overrun?

Mansfield. Well, let me put it this way. I'm more interested in the release of our prisoners of war, the safety of the U.S. troops, and the continued, it not accelerated withdrawal. The Saigon government has in excess of one million men and they've been trained, paid, armed, fed, everything by this government and if one million or more men cannot defend their country at this time and participate on their own in behalf of Cambodia, then I don't know what can be done. I'm not interested in other countries except on a sympathetic arms-length basis. I am interested in P.O.W.'s. I am interested in our own troops.

Monroe. Senator, is there a basic difference in our approach to Vietnam and ending that war between the Democratic Party and the Nixon Administration?

Mansfield. No. Only on the hope of some of us that it could be accelerated. But at least the President has reversed the inflow, is moving in the right direction—out and we want him to continue to do so.

Monroe. There's no consensus yet among Democrats that we should set a deadline for getting all the way out?

Mansfield. Well, the question of a deadline is one which ought to be settled in private. But if it comes to the crunch, it may well be that there will be some of us who will vote for a public deadline to help speed up withdrawal. But basically it should be something which the President himself and his advisors ought to arrive at an agreement on.

Monroe. Senator, are you personally more favorable to the idea of setting a deadline now than you were some months ago?

Mansfield. Oh, I voted for the McGovern-Hatfield Amendment.

Clark. Senator could you be convinced that the sort of air support we're giving in Cambodia, and it seems to be very complete tactical air support, heavy bombing raids and so on, that this sort of air support is justified if it's the only way we can guarantee that we can proceed with the timetable for pulling American troops out of Vietnam?

Mansfield. I don't see the connection between the two because again I throw in the one million man plus army of South Vietnam.

Clark. Well, if I could quote your old friend George Aiken, who said only yesterday that he has been among those who has voiced strong concern over what's going on in Cambodia at the moment, but, he said, "That action has to be judged against the problem of withdrawing American troops from Vietnam." Would you disagree with that?

Mansfield. Well, I would take George Aiken's word on anything and if George Aiken says that, it's all right with me. I still have my own conviction.

Mudd. Senator, you yourself have said that Democratic criticism against the President's foreign policy has been muted, that you wanted to give him time to go through with his withdrawal. Has the time now come when that criticism must increase in pitch and intensity?

Mansfield. Not necessarily, but the time has come, I think, to work harder in an attempt to get the President to continue the policy which he has now undertaken and to speed up the withdrawal of U.S. troops from all of Southeast Asia, all of Indochina and Thailand to withdraw lock, stock and barrel.

Mudd. Precisely how do you do that?

Mansfield. By calling attention to what's happening in Cambodia, by showing the people downtown that these things are not going unnoticed, that we intend to hold hearings and to lay the story out.

Mudd. But hearings don't really bring the Administration to heel, do they?

Mansfield. Well, hearings bring the people to the—bring the situation to the attention of the people and the people are still the dominant factor in this country, as I think was indicated at the time of Cambodia last Spring.

Clark. Senator, if the war is still going on in 1972, will the Democratic candidate for President have to be an anti-war candidate with a specific plan and a cut-off date for getting out of Vietnam.

Mansfield. You're asking me something I know nothing about.

Mankiewicz. Senator, if we could get to something that you were very active in related to the foreign field, the annual debate, the close contest over the anti-ballistic missile system specifically. The President picked up a few votes last summer on that question, but not yours. On the dual argument that the Russians were rushing ahead with development of their new supermissile, the SS-9 and that we wouldn't really need the ABM, we could use it as a bargaining chip in the SALT Talks. Since it now appears that the SS-9 production has slowed, if not stopped and that we apparently are not going to bargain the ABM at SALT, is it your feeling that you may prevail this year? Are you going to make another fight on the ABM, and do you expect most of the Democrats to go with you?

Mansfield. Yes, but I don't think the prospects for success are good based on what developed last year. Two years ago we did come within one vote, but now that the start has been made, it would be my belief that the difficulties would be greater in defeating the extension, though I hope we can because I think it's a waste of money. And when you consider that we are far better off in submarines, missile-equipped, than the Soviet Union, far better off in bomber fleets and not too far behind in the field of emplaced missiles, I think that the answer would be to try and achieve a stand-off because we're both aware of the fact that if they're ever loosed, these weapons, that it will be the end of both of us.

Monroe. Do you believe that the Administration is going after disarmament as vigorously as it should?

Mansfield. Yes, I do, not fast enough by any means, but I have a great deal of confidence in Gerard Smith, whom I know fairly well and whom I think is doing his damnedest to try and reach an agreement with the Soviet Union.

Clark. Senator Muskie came back from his trip to Europe this past week with some, what he described as second thoughts about your plan for pulling American troops out of Europe. Does that disturb you? You've on repeated occasions said that you regard Senator Muskie as a front-runner for the Democratic nomination. Is the question of reducing American forces in Europe serious enough to be involved as an issue in the Democratic contest for the Presidential nomination?

Mansfield. Well, I never question any Senator's motives. I'm sure that Ed Muskie had reasons to make that statement which indicated that he was not against the removal, but that he was reconsidering his position. But when you have 525,000 American military personnel and dependents in Western Europe a quarter of a century after the end of the Second War, when you figure that out of the annual defense budget $14 billion is spent, would have been spent anyway, a good part of it even if they weren't there, when you think of the gold outflow, the dollar drain, the balance of payments, which are adverse to us, you'd better stop and do something. Basically, it isn't the funds which concern me, it's a matter of principle. And politicians do have principle. As long as a decade and a half ago, I thought that these troops should be reduced. So did Eisenhower. And I think that fifty percent of the troops there today would be plenty because you could strip off the fat, cut down the headquarters which are building on headquarters, cut down some of these installations like the Navy station in London and elsewhere and be probably more effective at less cost. I think also that the European nations themselves they're all better off economically—ought to start bearing the brunt of the burden which is theirs.

Clark. I take it, then that you're not having any second thoughts as a result of Senator Muskie's defection.

Mansfield. Not at all, because I intend to introduce a sense of the Senate resolution and in an appropriate bill consider the possibility of amending it in line with my views.

Mankiewicz. That would be to reduce our NATO commitment by 50 per cent.

Mansfield. To reduce them substantially, to leave the definition of the word substantially up to the President, to stay in NATO because I think it is vital to our security, but to bring about a reduction and a skimming off of the fat.

Monroe. Senator Mansfield, there's talk of . . .

Mansfield. Eisenhower indicated that two divisions would be plenty in Europe and he was quite a military man.

Monroe. There's talk of the defense budget going up. Are the Democrats likely to offer considerable opposition to that?

Mansfield. Yes. The understanding is, according to the press, that it will be raised $72 to $75 billion this year. We just can't keep on spending money like that when we have all these problems at home. I think we're spending too much money on exotic weapons. I think that there are weapons being produced today which are probably larger in supply than anywhere near necessary, and to use that now familiar word "reorientation," I think we ought to bring about a re-ordering of our priorities.

Mudd. Just one more question. When the President came up here last week, he did omit any mention of foreign policy. Do you think that was a bad precedent?

Mansfield. No. I assume he had his reasons. He did say he was going to give us his feelings, his message on the State of the World next month and the next month isn't very far away. No, I don't fault him for that. I would have liked to have heard something, especially about Cambodia, but it's understandable.

Clark. Senator, if we can turn to some problems on the homefront, your own homefront here in Congress, the seniority system, which many people regard as the greatest single evil in Congress and the biggest roadblock to progress legislation, has come under the heaviest attack ever, probably, in the last few months, in the last year. There are four Committee Chairmen in Congress, I believe, who are eighty or over. There are eight or ten who are in their seventies. Isn't the seniority system going to have to topple if Congress is to repair its image and give people the idea that it is ready to tackle the great problems facing the country?

Mansfield. Well, isn't it remarkable how well the so-called seniority system has worked down through the decades of this Republic almost two centuries? There have been places here and there where there was need for correction. I think the seniority system should be overhauled. I'm not prepared as yet to say how far I intend to go, but I do intend to say that by and large during the entire history of this Republic, it has worked overall exceedingly well.

Clark. Well, simply on the question of age, Senator, would you have any reservations about that?

Mansfield. Yes.

Clark. Would you set a cut-off, an age limit for Committee Chairman?

Mansfield. Well, really, I think we ought to set an age cut-off for Senators.

Clark. Are you thinking along the lines of the proposal made by John Williams just before he left the Senate?

Mansfield. Yes, indeed.

Clark. And that would mean roughly that Senators couldn't run for election after they were 65 years old. Is that it?

Mansfield. Well, that's correct. If they ran before they were 65 and got to 70 or 71 in the process, that would be understandable.

Clark. Do you plan to do anything to pursue this idea?

Mansfield. No.

Mankiewicz. Senator, we've talked about a number of issues this evening. I'm thinking specifically of the ABM, Cambodia, and I'm sure all of us here can think of others, on which your vote and your position has sharply differed from that of Senator Byrd of West Virginia who is now your Assistant Majority Leader. Indeed it's hard to think of a major issue in the Senate in the last few years on which you have not differed. Will you find that difficult in terms of presenting the viewpoint of the party to the American people as the even numbered year approaches?

Mansfield. No, I would say that Bob Byrd and I have voted a good deal alike on labor matters, for example. There are other matters on which we've differed, but there isn't a Senator in that chamber with whom I have not voted differently from on various occasions. But I look for Bob Byrd to be flexible, to be understanding, to enter on his duties with a sense of dedication and understanding. As far as the policy position is concerned, that will be laid down by the policy committee as well as the regular committees of the Senate and during the past two years, we have come forth unanimously with many positions on various matters which the Democratic caucus by and large has approved.

Monroe. Senator Mansfield, the President has put the issue of reorganization of government before the people. He would like some seven departments melded into four. There's been some talk that the Congress might hesitate to do this because it would disturb the congressional committee structure which more or less parallels the government structure. Would the Congress hesitate on this basis and if so, wouldn't that be the tail wagging the dog?

Mansfield. I would hope they wouldn't because I think that it is a step in the right direction. I think we've become too topheavy in departments, bureaus, agencies and the like. I'm not at all certain that it would be the answer. It may be just a conglomeration into a few rather than the many, but this is a proposal which should be considered by the Senate, by the Congress regardless of our personal feelings on the matter. I think, I repeat, it's a step in the right direction, but, by the same token, not only is the argument which you've advanced potent, but also you'll find the greatest lobbying groups combined fighting it, in my opinion, labor, agriculture, businessmen, and so forth.

Monroe. Do you welcome the President's initiative on this and are you likely to support him?

Mansfield. Again, I want to see the specifics, but I think it's a move in the right direction. I think we've been slap-happy in piling bureaus, agencies, and departments on one another. It's about time that we come up short and take notice.

Clark. Senator, wouldn't you agree, though, that the present massive reorganization program is likely to gather more dust than support in this current instance?

Mansfield. I would. Still, I think that we ought to give the President, any president, the consideration of hearings, and if the legislation is reported out of committee, taken up on the floor for consideration, debate and disposal.

Clark. But wouldn't the process be to hear him out and turn him down?

Mansfield. That I couldn't say. I would guess so, but I wouldn't know.

Mudd. Senator, you remember better than I the President's Inaugural Address of two years ago. I would very much like to hear your views tonight of what you think the state of the Union is. Do you think we've really advanced since the Inauguration of 1969?

Mansfield. In Vietnam, yes. We've advanced in the right direction, out, at least in part. In Western Europe, no. At home I think some of the vetoes of programs by the President were ill-timed, ill-placed because the programs were attempts, in some instances, based on his own recommendations, to face up to the problems confronting our people, both in the urban areas, in the field of health, in the fields of employment and in the ghettos. So it isn't as good as I'd like it to be.

Mudd. You described the vetoes as ill-timed.

Mansfield. Yes, and ill-placed.

Mudd. What I mean more than that is just the spirit in the country.

Mansfield. I think the . . .

Mudd. Has there been an improvement?

Mansfield. No, I don't think so. I think the people are still disturbed. I think on the campuses the situation has quieted down there, but with the unemployment and inflation still running rampant despite a decrease in interest rates and the like, the people are uneasy, concerned, looking for leadership and guidance and looking to Washington for it.

Mankiewicz. Senator, if we could ask you a philosophical question that might even go back to your days as a professor of political science, the President has talked about the need for a prosperous economy in peacetime. He talks about this as a transition from wartime to peacetime and there is a suggestion there that perhaps there has been more over the years than we like to admit to the Marxist argument that a society such as ours can only have full employment and prosperity in a time of war. Do you think our economy can be prosperous and that we can have full employment without inflation in peacetime with our present structure?

Mansfield. Yes. I do. I don't know in what direction we will go as events develop, but certainly when you consider the needs of mankind, the increase in the population, the problems which confront us and the technical know-how and skills which our people have at the present time, I should think that with a little ingenuity, those energies could be diverted to peacetime uses. I certainly deplore the fact that wars are believed to bring full employment. They don't always. We don't have it now and a war is still in progress with no end in sight. It's a bad situation when any country, especially this country because this is our country, has to depend upon a war for jobs.

Clark. Senator, one impression that spread during this last Congress and I know there are specific cases where this didn't apply, was that there were a lot of democrats in Congress who were not any more anxious than Republicans were to raise taxes and provide the money to come to grips with some of the great domestic problems that we face.

Mansfield. That's true, but that's par for the course, because what you're seeing developing in the Congress, at least in the Senate, is a coalition in reverse, a coalition between the modern Republicans and the liberal Democrats on the one hand, which I think is far superior to the old time coalition of the Southerners and old line Republicans.

Clark. Senator Goldwater back in 1964 when he was running for president suggested because of this very thing that there should be a basic realignment in political parties.

Mansfield. Well, that's a nice theory, but . . .

Clark. The liberals in one and conservatives in the other.

Mansfield. You couldn't work it out and it's a Godsend, I think, that there are these differences in both parties. The Republicans are just feeling the rumblings in late years. We've felt them for decades, but I think it's good for the country because it keeps alive the spirit of independence and difference and that's what it takes, I think, to keep a republic such as ours functioning.

Mankiewicz. Well, you seem to feel, Senator, that this new combination of the liberal Democrats and the more modern liberal Republicans seems to you the coming force. The President has said, of course, and the Vice President has said, that the November elections give him an ideological majority in at least the Senate and perhaps in the House as well. Do you agree with that or do you think this new coalition is going to upset it?

Mansfield. Time will tell. I don't agree with it.

Monroe. Senator, if you went back to teaching political science, would you teach it any differently than you used to?

Mansfield. I wouldn't go back to teach it except on a seminar basis because these youngsters know a lot more than I do, or did, and I'd be a little fearful of going up against them, they're smart. I'm glad they got the 18-year-old vote.

Clark. You've been in Washington, been in the Senate since 1952, I believe, and in Washington longer than that. Have you ever thought that it might be more fun to try to come to grips with all these problems, try to solve them from the other end of Pennsylvania Avenue in the White House?

Mansfield. Never.

Mudd. Senator, one quotation from the President's State of the Union was that America has been going through a long nightmare of war and division, crime and inflation. We have gone through the long dark night of the American spirit, but now that night is ending. Do you think it is ending?

Mansfield. I hope so. But, again, time will tell. There are indications that it may be ending, the situation on the college campuses, for example. But there are other disturbing factors which you have to weigh against them. I hope sincerely that the President's right, but I don't know.

Monroe. Do you have any problem, Senator Mansfield, in differentiating in your own mind whether you're talking as a partisan or as a statesman? Do you sometimes wish that you hadn't said a particular thing because in retrospect it sounded a little partisan and you wished you might have been a little more statesmanlike about it?

Mansfield. Well, I'm not much of a partisan, and frankly I don't know why I'm in this job, to tell you the truth.

Mankiewicz. Is there a suggestion that perhaps, have some of your colleagues suggested that you're in it perhaps because you're not that much of a partisan?

Mansfield. Well, maybe it's because somebody has to keep the party together.

Clark. Senator, you were one of the chief sponsors of the bill, the amendment that gave the vote to 18-year-olds.

Mansfield. Yes, indeed.

Clark. Currently, do you think the Democrats are—realistically, do you think the Democrats are doing anything more to attract the youthful voter in the country than the Republicans are?

Mansfield. Well, I don't think we should set out to attract them. We ought to prove by what we do, especially in the Congress, as to whether or not we are worth their support. These youngsters are smart. They know what's going on. I'm delighted to see them come in because they'll bring in new blood, new vitality, new ideas. I think we could use some of their naivete and they could replace many of us who are looking to the past, to things which were good two or three decades ago and which we think are still good today. These youngsters are coming into a new role. I'm delighted they're coming in. I want them in the system and only in that way will the necessary reforms be made.

CLARK. But, Senator, you talk about you can prove by what you do in Congress, and yet the younger Democratic leaders in the leadership battles in the House and Senate were shut out altogether this year. You ended up with Carl Albert and Hale Boggs and Bob Byrd in the Senate. Is that the way to appeal to youthful voters?

MANSFIELD. Well, those things are internal matters in both houses of the Congress. I think it's the overall record of the Congress which is going to determine how effective we are as Democrats in relation to the young people coming in.

MUDD. But how can you say that that's an internal matter, Senator? This is a national party appealing to the country.

MANSFIELD. That's right. But when you bring in new officers or displace older ones, that is something which is done internally for a variety of reasons, the origin of which I know not.

MANKIEWICZ. Do you have any idea of how these 18-year-olds, 18, 19 and 20-year-olds are going to vote? Have you got any guess on which way they're going?

MANSFIELD. Well, I hope they vote Democratic, but they tell me when they gave the British the 18-year-old vote, they voted Conservative.

MONROE. Senator, how do you manage to be Majority Leader of the Democrats in this particular Senate and not be ambitious to run for President?

MANSFIELD. Oh, I'm too old. I have no ambitions and I'm very satisfied where I am. The greatest job is being a Senator from the State of Montana.

MANKIEWICZ. Senator, I'm afraid our time is up. My colleagues and I want to thank you very much for sharing this time with us this evening.

MANSFIELD. Well, thank you, gentlemen. And I want to know that I enjoyed this very much.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under an order previously entered, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for 45 minutes.

WAR DOWN—MILITARY SPENDING UP—WHY?

Mr. PROXMIRE. Mr. President, in President Nixon's budget for fiscal year 1972, spending for the military functions for the Department of Defense will go up—by $1.6 billion. The new budget calls for outlays by the Pentagon of $75 billion.

MORE MILITARY MONEY IN THE FUTURE

But budget portents for military spending are much higher than the $1.6 billion rise in outlays for 1972. The amounts for new spending authority—that is, for funds which will be spent both this year and in future obligations— are up by $6.9 billion, or almost $7 billion. The President is asking for $77.7 billion for "recommended budget authority" for fiscal year 1972.

If we add to these totals the funds to be spent or obligated next year for that part of military assistance shown separately under national defense, for the Atomic Energy Commission which supplies atomic warheads, and for the various directly related defense activities—stockpiling, selective service, defense production—the amounts are even higher. The total "outlays" for "national defense" as outlined in the budget are $77.5 billion. The requests for new budget authority total $80.2 billion.

NO PEACE DIVIDEND

We are told that the war is being wound down. But the military budget goes up. It is the only time in American history that we will spend more for the military at the end of a war than while the war was still going strong. The cruel, disappointing fact is that there is no peace dividend.

The only big drop in the military budget was the fictitious figure predicted by President Nixon for fiscal year 1971. It never materialized. In concert with what was actually spent in the last few fiscal years, the facts indicate two things.

REALITY CONFLICTS WITH PROPAGANDA

The first is that there has been no appreciable or substantial cut in defense spending. For all practical purposes there has been no cut at all. The real facts are in sharp contrast with the massive public relations propaganda put out by the Pentagon that there has been a sharp drop in Pentagon spending.

The facts are that in fiscal year 1968, the Defense Department spent $77.4 billion.

In fiscal year 1969, it spent $77.9 billion.

In fiscal year 1970, it spent $77.2 billion.

In fiscal year 1971, the President estimated that Pentagon spending would be $71.2 billion. But so far this year, that is, the fiscal year beginning June 30, the Pentagon is spending at the rate of $75 billion, and even the President's budget now shows an increase in the estimated 1971 outlays of $2 billion for the Pentagon.

The second key point is this. Not only has military spending not been reduced, but it is now going up.

The simple, straightforward, honest conclusion is that military spending, like Old Man River, just keeps rolling along.

WE SHOULD CUT MILITARY SPENDING

In the view of this Senator, and I believe a growing number of colleagues, the changes in circumstances and policies outlined by the President over the past 2 years should not lead to increased military spending but should instead lead to a major decrease in military spending. The failure to cut the military should lead to the most intensive analysis of this situation. The Senate, the Congress, and the American public should subject the request for a rise in defense spending to the most critical examination.

Along with a number of Senators who have been discussing this matter informally, I propose that over the next few weeks and months we call upon former Defense officials. Pentagon experts, scientists and technologists with special military knowledge, and a variety of community and national groups who are concerned with priorities and national needs to help us examine the Pentagon budget.

MAJOR CONCERNS

Among our most important concerns and the areas where the spotlight of public attention might first be focussed are these.

VIETNAM COSTS DOWN

Item. Why is the defense budget going up at a time when the Vietnam war is being brought to a close? Why is it that in a period when the incremental costs of the Vietnam war will drop from a high of $23 to $25 billion in fiscal year 1969 to about $10 to $12 billion in fiscal year 1972—or by $11 to $15 billion—the military budget should rise?

NIXON DOCTRINE SHOULD BRING CUTS

Item. President Nixon at Guam and in subsequent statements enunciated the "Nixon doctrine." He said that "In Korea and again in Vietnam, the United States furnished most of the money, most of the arms and most of the men." In the future he said "we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense."

The clear meaning of that statement is that America should be bearing a smaller part of the load and that our allies should be bearing a bigger part of the load. In view of that policy and that doctrine, why should military spending go up now?

EXCESSIVE COSTS FOR NATO

Item. Why should the United States, 25 years after World War II still station over 300,000 troops, plus their dependents, in Europe and spend about $14 billion a year for NATO defense? Why should we continue to devote a disproportionate share to the defense of Europe when the Europeans have never met their NATO commitments, when their balance-of-payments position contrasts favorably with ours, when their population is in fact larger than that of the United States, and when they have made a full and complete recovery from the devastation of World War II? The recent NATO proposal to increase their contribution by $1 billion over the next 5 years is an insignificant gesture.

Just yesterday the Assistant Secretary of State appeared before our Joint Economic Committee to testify in connection with our foreign military assistance program. I asked him to what extent other countries of the free world are engaging in foreign military assistance; that is, what other countries are helping us by military assistance to strengthen the free world nations against aggression. The Assistant Secretary of State, a very able man, Mr. Irwin, could cite only one other country that is engaging in any kind of foreign military assistance, and that is Germany. In the case of Germany, there is involved a relatively modest amount for Greece and Turkey. There is no other assistance from any other country with respect to any other nation in the world. As we know, the European nations have recovered dramatically in the last 25 years and are at an alltime record of prosperity, but they are not carrying their share of the burden.

Under these circumstances, how can we justify spending $14 billion on NATO and stationing 300,000 troops in Europe?

It seems to me that whereas President Nixon has properly called for a Vietnamization of the war in Vietnam, we should call for a "Europeanization" of Europe in defense. I do not believe we should withdraw all of our troops, but perhaps one-half of them would be a reasonable goal over the next few years.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. Mr. President, I am glad that the distinguished Senator from Wisconsin once again is emphasizing the fact that we are maintaining in excess of 300,000 military personnel in Western Europe, a quarter of a century after the end of World War II. I think the distinguished Senator should add to that figure approximately 200,000 dependents, for a total figure of something on the order of 525,000.

The Senator has mentioned the fact that the European nations have recovered, that they are in better shape than we are, and that none of them has met its NATO commitment.

I believe Great Britain has done away with conscription entirely; Denmark has reduced the period of conscription to some extent if it has not eliminated it entirely. If I remember correctly, the only nation which is living up to its full commitment is Luxembourg, which, I think, pledged 800 soldiers to NATO. The Canadians have taken a step in the right direction, and I commend and compliment Prime Minister Pierre Trudeau for bringing about a substantial reduction of Canadian air and ground forces in Europe.

Until that happened—and I say this with all due respect to Luxembourg and Iceland, and others because their position is understandable—the only two nations of consequence which filled their commitments in full were Canada and the United States.

We note, of course, that France, after giving 3 years' prior warning, did pull out of NATO, at least to the extent of ordering the withdrawal from France of all NATO troops, even though the French still maintain, I believe, a 60,000-man force in Germany.

The Senator has indicated the relation of NATO to the balance of payments, as well as the recovery of the NATO nations, and also the fact that $14 billion a year is used to maintain our position in NATO. It is often contended that this is money which might well have been spent elsewhere for military purposes even if it were not spent in NATO, but that is not the point. The point is that this is what NATO participation is costing the United States this year as it has in the past years. The figure can be pegged. It has not been controverted as yet.

Mr. PROXMIRE. May I say on that particular point that the Senator from Montana has always been very guarded in using $14 billion as a total figure and has agreed that we may have spent much of that money anyway; but it is my understanding that if we withdrew 150,000 troops, we would save a substantial amount. It has been estimated that it costs us about $25,000 a man to maintain those troops there. So the saving, in withdrawing 150,000 troops, and demobilizing those 150,000 troops would be a great deal. It would be $2 billion or $3 billion. It would be a considerable help in overcoming our adverse balance of payments, and also ease the inflationary pressure of excessive spending and freeing resources which we could devote to urgent needs here in this country.

Mr. MANSFIELD. Mr. President, if the Senator will yield further, I agree that 50 percent of the force would be just as effective, very likely more effective, than the 300,000 military personnel now stationed in Western Europe. It is my understanding that we have on the order of 100 or more generals and admirals in Europe. It is my understanding that we have headquarters piled on headquarters piled on headquarters. It is my understanding there are headquarters, such as the naval headquarters in London, which could very well be removed and a substantial saving achieved thereby.

What we should emphasize on this point, which is not thoroughly understood, is that those of us who suggest that the time is long past due as a matter of principle, if for no other reason, for a substantial reduction in U.S. forces in Europe think it is important also that we not withdraw from NATO. We recognize NATO's worth to this Nation as well as to Western Europe. We intend that this Nation should remain in it. We know that the future of this country in the Atlantic is tied up with the future of Western Europe. That has nothing to do with antiquated and wasteful military concepts. There comes a time when we have to face up to reality, and this is one of the times.

May I say, in conclusion, that my understanding of the Nixon doctrine promulgated in Guam some months ago called for a low profile all over the world, not just in Asia, and also called for more self-support on the part of our allies. I would like to see the Nixon doctrine applied on those terms and with that definition, not only in the countries in Southeast and East Asia but also in Western Europe as well. This is a difficult and a delicate situation, and action will be taken on this matter this year one way or another.

I thank the Senator.

Mr. PROXMIRE. I thank the majority leader, who, of course, has taken the leadership, as we all know, in introducing a resolution and proposing action by the Congress of the United States to limit our troops in Europe. I would wholeheartedly support the view that we should remain in NATO, that we should provide it with air support, naval support, and a nuclear umbrella; that we should provide a substantial number of troops to make clear that Europe is of vital importance to us and that we will take action to defend free Europe from Communist aggression.

At the same time I agree wholeheartedly that there comes a time when we should withdraw many of our troops. As the Senator from Montana said some years ago, it is unwholesome and unhealthy that American troops have been stationed in a foreign country for all these many years. It is wrong. It is resented. It has to be resented by the plain citizen in that country, whatever the view of the leaders of the foreign country and the government of it.

Mr. President, I was explaining some of the items which I felt would justify a substantial cut in the defense budget. I have already discussed the Nixon doctrine, the diminution of the war in Vietnam, the prospect of withdrawing some of our troops from Europe. I would now like to point to another area.

SHIFT TO ONE-PLUS WAR CONCEPT

Item. Why should defense spending rise when the Secretary of Defense has publicly proclaimed that the basic concept of our military strategy has shifted. Our strategy is now based on the concept of sufficient forces to fight one major war and one minor war at a time instead of the previous concept that we should have sufficient forces to fight two major wars and one minor war or conflagration at the same time.

This shift in policy, announced just over a year ago, should bring major reductions in Pentagon costs. In fact, former Budget Director Charles Schultze has shown that the shift from a two-plus war strategy to a one-plus war strategy should result in savings of $10 billion a year in the cost of general purpose forces, based on fiscal year 1971 costs and prices.

His estimates were not drawn from thin air. They were based on studies and estimates made by the top military policymakers when Mr. Schultze was in the Government only a very few years ago.

The shift should bring a smaller budget. Instead, it is going up.

CONGRESS CUTS FUNDS—SPENDING GOES UP

Item. Why is it that military spending will rise even though Congress has cut military appropriations by huge amounts. In the last 3 years, Congress has cut the President's request for funds contained in the military appropriations bills by over $13.5 billion. But actual outlays—the amounts actually spent by the Pentagon—have dropped only a total of $2.5 to $3 billion—in other words, the outlays have dropped $10 billion less than the appropriations—dropped, as I have said, by only $3 billion. Why is it that a $13.5 billion-plus cut by Congress has resulted in only a $2.5 to $3 billion cut by the President and his military advisers? And next year it goes up.

That, I believe, is a question worth pursuing.

SLOWDOWN IN SS-9 DEPLOYMENT

Item. We are told on excellent authority that the rate at which the Soviet Union is deploying the huge SS-9 missiles has been dramatically slowed. Yet, it was the increase in the rate of deployment of that weapon which the Pentagon used in their annual "scare hell out of them" tactics to call for a larger missile force and the ABM system.

If the speed up in the deployment of the SS-9 was a reason for the ABM and the MIRV'ing of our land-based missiles, why is not the slowdown in deployment a reason to scrap the ABM and slow down or stop the MIRV'ing of our land-based missiles?

WASTE IN PROCUREMENT

Item. Why is it that after the most intensive examination of military procurement both by congressional committees and the blue ribbon Pentagon committee—the Fitzhugh Committee—that the President is asking for almost $2 billion more in procurement authority for next year than he intends to spend? At a time when Deputy Secretary of Defense Packard admits that procurement is in a "mess"—with overspending and underperforming—why should the Pentagon be asking for more authority to obligate future procurement funds than it is going to spend this year?

BUREAUCRATS GO ON FOREVER

Item. Next year will see a reduction of almost 200,000 military personnel. The onboard strength from June 30, 1971, to June 30, 1972, will drop by that amount. Yet, civilians at the Pentagon, according to the budget which was delivered to us a few days ago, will decline by only 18,000. In fiscal years 1969 and 1970, there were 37 civilians working for the Pentagon for every 100 military men and women. At the end of fiscal year 1972, there will be 42 civilians for every 100 members of the military.

Soon the Department of Defense will resemble the Department of Agriculture. There, as the number of farmers goes down, the number of bureaucrats goes up. This is called burgeoning bureaucracy.

Why should not the number of bureaucrats at the Pentagon fall at least proportionately with the number of military men who are discharged? The present trend will give us fewer fighting men and more bureaucrats.

FAILURE TO USE GUARD AND RESERVE

Item. Next year the budget proposes that we spend $3.1 billion for the National Guard and Army, Navy, Marine Corps, and Air Force Reserve personnel. As the budget message states:

> These forces are designed to augment the active forces in an emergency requiring a rapid and substantial increase in capability.

Yet, there is a very real question whether the National Guard and Reserve Forces have augmented in the slightest the active forces which an emergency might require. In the report of the Senate Appropriations Committee for the fiscal year 1971 budget, the committee had this to say about our National Guard and Reserve Forces in their relationship to the Vietnam war:

> The limited use of National Guard and Reserve Forces personnel to meet the manpower requirements of the conflict in Southeast Asia is a matter of great concern to the committee. During fiscal years 1966 through 1968, the strength of our Active Forces was increased from 2,535,000 to 3,547,000, an addition of over a million. However, during this period only 36,972 National Guard and Reserve Forces personnel were called to active duty involuntarily.

In other words, we had a very rapid step-up in our military forces, an emergency stepup to meet emergency conditions; and yet, in effect, we did not really call on the reserves at all.

Should not these funds and the personnel levels of the Guard and Reserve forces be questioned in light of this stinging criticism of the Defense Appropriations Committee? Has this situation been changed as the Appropriations Committee strongly urged?

Why should we spend $3.1 billion for emergency forces which are not used in an emergency? That issue should certainly be raised.

EXAMINE THE ISSUES

These are just some of the many issues which Congress should examine if it is to carry out even in a limited way its responsibilities under the Constitution "To Raise and Support Armies" and "To Provide and Maintain a Navy."

It was a great mistake for this country to reduce its Armed Forces after World War I and again immediately after World War II to such low levels that we were incapable of defending ourselves. None of us advocates such a policy, and we know no Senator proposes that we make that mistake again. We are not proposing a drastic cutback of the kind that occurred after World War I and World War II. We did leave ourselves drastically weakened, which was one of the reasons for the difficulties which we had following those conflicts.

Furthermore, the rise in prices due to inflation, the various pay raises, and the increased costs of a voluntary army will raise costs. We recognize that. But these seem to be more than offset by the number of items which I have raised today.

SCRUTINIZE THE BUDGET—CUT THE WASTE

The military budget, the premises on which it is based, and the entire question of how real security in a political democracy is best obtained are all questions which the Congress should subject to the most detailed scrutiny.

WE SHOULD FIND THE WASTE, AND THEN CUT IT

In the context of the reduction in our obligations abroad and the rise in our needs here at home, we can do no less and carry out our responsibilities.

We should welcome that task. We invite not only our colleagues in the House and the Senate to join with us, but we hope that constructive criticism may become contagious and that we will be joined by concerned citizens throughout the land.

Mr. President, I am happy to yield to the distinguished Senator from Michigan (Mr. HART).

Mr. HART. Mr. President, I am delighted that I was able to get to the floor before the distinguished Senator from Wisconsin had concluded these remarks. I am delighted, first, because it gives me an opportunity to thank him for raising in very compact style, I think, all of the basic issues to which we should address ourselves as we analyze the request reflected in the budget and in greater detail from the Appropriations Committee as to how much money is required to be given the Pentagon in order that we may effectively prepare for the defense of this country.

Second, I am glad that I was able to get here to perhaps underscore, not each point, but the one point which I think overrides all that the Senator from Wisconsin is suggesting.

He says:

> The military budget, the premises on which it is based, and the entire question of how real security in a political democracy is best obtained are all questions which the Congress should subject to the most detailed scrutiny.

Oversimplifying that a little, the Senator from Wisconsin, as he has over the years, is urging that we subject the requests for defense dollars to the same cross-examination, assigning the same burden of proof, to which we submit the requests for food for hungry children, and require the burden to be borne by those who seek to increase funds for medical research.

I think that is a responsibility that Congress, until the last 2 or 3 years, has failed to recognize. We have begun in the last few years, largely by analyzing specific weapons systems, to attempt better to understand the reason for the request, and better to understand the relevancy that the item has to our security. Certainly the day is past, and all of us are glad of it, when a military authorization bill could come in here on Wednesday afternoon, and we were advised that we would have to pass it by Friday night. Shocking though that is, it describes a condition that applied here until the very recent past.

Mr. PROXMIRE. And those were military authorization bills containing $50, $60, or $70 billion, by far the largest proportion of the money that was under the control of Congress, of course excluding the trust funds and the other items that we cannot very significantly affect; and, as the Senator has properly said, our responsibility was not discharged sensibly, when we consider the fact that the real power, the real authority we have is over the money that is being spent. This is the way we can affect policy and make it really mean business.

Mr. HART. That is what the Founding Fathers intended when they assigned us, to quote the Senator from Wisconsin, the responsibility of raising the Army.

I make this point because as we have increased our effort intelligently to analyze this request, I sense a developing feeling on the part of some of our colleagues that we are, perhaps they would not say wasting time, but that we are taking an awful lot of time out of the Senate's year.

There is not, of course, any approved rule of thumb as to how we shall allocate our time around here, but if we are to do it as a bookkeeping proposition, the way we ought to allocate our time is to get the total spending requests, and then spread our hours of work in proportion to the total amount of the requests; and my hunch is that if we used that rule of thumb, even on our performance last year, we would find we still are not spending enough time informing ourselves with respect to requests by the Pentagon, and then prudently acting on them.

I hope that there will not develop a feeling that it is all right to debate for a week whether we can increase by $70 million funds for school breakfasts, but that we cannot take a month of our time in the Senate to decide whether $72 billion or $68 billion is the appropriate response to the requirements of national defense.

Mr. PROXMIRE. May I say to the Senator from Michigan that of course I could not agree with him more. I think that it is most important that the Senator from Michigan has taken leadership in the past, and I hope that he will take leadership this year as well, to encourage other Senators to come out and speak on the Senate floor as the year goes on. We do expect, of course, to discuss the authorization bill and the appropriation bill in detail when they come up. We should do that, and we are determined to do it.

In addition, however, I think it will be most helpful if, in the course of the year, we encourage our colleagues to come to the floor and speak out on these matters, because it is something that will and should take a great deal of time to discuss in detail, and if we can develop a questioning, a challenging, of these principal items in the defense budget as the year goes on, we are going to be in a much stronger position to contribute responsibly to a defense budget when the authorization bill and the appropriation bill come before us.

I think that even though we did spend more time on that appropriation bill last year than we usually had sometimes in the past—the Senator is absolutely correct. We spent quite a bit of time on the authorization bill, but when we came down to the appropriations, we were hurried and under pressure and did not really question, for example, the manpower expenditure, which is a huge expenditure and about which there is all kinds of evidence that great waste is involved. We should have gone into this in far greater detail.

I think that one way of doing this is by encouraging Senators to come to the floor and speak out, as the Senator from Michigan and the Senator from Montana and I are doing this morning. I hope this will be done frequently.

Mr. HART. Mr. President, there is one point in the remarks of the Senator from Wisconsin about which, had I seen the text in advance, I must confess I would have asked him whether he was sure he wanted to make the point. I almost wish he had not made it in the fashion he has. He has this caption: "Slowdown in SS–9 Deployment." He says that we have learned on excellent authority that the Soviet Union is deploying the SS–9 missiles at a dramatically reduced rate than had been predicted. He reminds us that it was the rate of deployment of the SS–9 that the Pentagon used to push us to the wall on an antiballistic missile system.

Then the Senator logically asks:

> If the speedup in the deployment of the SS–9 was a reason for the ABM and the MIRV-ing of our landbased missiles, why is not the slow down in the deployment a reason to scrap the ABM and slow down or stop the MIRV-ing of our landbased missiles?

I do not question the logic of the Senator's point. The logic is overwhelming. I just have the fear that when this RECORD is read at the Pentagon tomorrow, by the day after tomorrow we will have photographs that show the SS–9 deployment rate has increased dramatically in the last 48 hours.

Mr. PROXMIRE. May I say to the Senator that I would expect that, except that I think their timing might be different. They usually time that for the 3 or 4 days just before the House will consider marking up a Defense authorization. The Pentagon will scare us with a suddenly discovered Russian might again when the Senate comes to it. They will do it when the appropriation bill comes along. The timing has been remarkable. They do this every year. They can find more things the Russians have done in those 3 or 4 days than we find in the preceding many, many months.

Mr. HART. I realize that there was not any reason why the Senator from Wisconsin should not include this comment; because, even if he had not, as he just reminds us, on the eve of the hearing for House action, this newly discovered SS–9 increased rate of deployment would have been unveiled, anyway.

Mr. PROXMIRE. That is correct.

Mr. HART. Mr. President, I thank the Senator from Wisconsin for taking the floor this morning and seeking to persuade us to focus on what is, in terms of resource applications, the most important request to be made of Congress. It is the biggest chunk.

As long as there are so many unmet domestic needs in this country, this Senate, I hope, will find a way actually to turn the Vietnam peace dividend about which we have been reading into a domestic help program. Clearly, the proposed budget of the President would give us no hope that that peace dividend would be paid to anybody other than the Pentagon.

Let us see whether we can make that dividend payable to the people of this country, those who are in greatest need. It is our responsibility to insure that if this is possible, it is done. That is why the Senator from Wisconsin serves so valuable a purpose in rising this morning.

Mr. PROXMIRE. I thank the Senator from Michigan.

I might point out that while I did cover a number of areas where savings could be made in our defense budget, I did not mention the fact that we still have 400 major bases scattered all over the world and a million men overseas, in addition to the 300,000 or so in Vietnam. We have 3,000 minor bases or installations throughout the world, far more than we ever had before in war or peacetime. These are areas in which we can make some cutbacks. We obviously have to have some of these bases. We have to have a capacity to defend our interests throughout the world. But we are overdoing it. We have a challenge in the growing size of the defense budget, and we have not considered it with the critical examination we should.

I think that the Senator from Michigan made the fundamental point, which is, after all, where are we going to get the resources to solve the serious problems we have here at home.

There has been a series of witnesses before the Joint Economic Committee in the last two weeks. One of the things that surprised me most was that the Governors and mayors who appeared generally said that, rather than revenue sharing as being their top priority, their top priority is Federal welfare. They want the Federal Government to step in and assume virtually all the welfare burden. They make a strong case for it on many grounds, but this will cost us $6 or $7 billion.

They also made a strong appeal for a job program that would be effective, because they are laying people off at a time when we have growing unemployment, and the cities desperately need services. We know about the very expensive health insurance program. Some estimates go as high as additional Federal spending of $20 billion for an effective health insurance program. We need that. We need more funds for combating pollution. We need to find a way to provide funds for our cities and States. If not by revenue sharing, I think we should consider seriously eliminating some of the Federal tax sources and making them available to the States and the cities.

All these things will take a great deal of money. In the context of the $229 billion budget, we cannot come close to it unless we are willing to cut back military spending and cut it back substantially.

Mr. President, in conclusion, I should like to read part of an editorial which was published in the New York Times a couple of days ago:

In the national defense area, the recent decline in spending has now been reversed. In fiscal 1972 there will be a rise of defense outlays of $1.5 billion to $76 billion, and the future trend may more clearly be signaled by the President's request for an extra $6 billion in budget authority for national defense.

What is happening is that while force levels are planned to decline in fiscal 1972 to 2.5 million—200,000 fewer than the pre-Vietnam force level—together with a decline in the number of planes and ships, the Pentagon is planning to buy into some highly expensive defense systems: new attack submarines, nuclear destroyers and support ships, fighter aircraft, antisubmarine aircraft, nuclear missiles, manned bombers, antiballistic missile systems and underwater missile systems.

Budgeted defense outlays which may look relatively acceptable this year represent growing future commitments. The Nixon Administration, in its haste to turn control of the Pentagon back to the generals and admirals, has scuttled the kind of financial controls that former Defense Secretary McNamara sought to install. It is urgent that this tremendous cost escalation—a latter-day expansion of Parkinson's law that costs increase as functions contract—be curbed by the President.

Mr. PROXMIRE. Mr. President, I yield the floor.

Mr. GRIFFIN. Mr. President, I have listened attentively to the remarks of the distinguished Senator from Wisconsin who, apparently, does not recognize or will not concede that there has been a rather dramatic reordering of the Nation's priorities under the Nixon administration.

A recently published document entitled, "The Budget In Brief," on page 5 thereof contains this statement:

> In the 1971 budget, America's priorities were quietly but dramatically reordered: For the first time in 20 years, the money spent for human resource programs was greater than the money spent on defense.
>
> In 1972, we will increase our spending for defense to carry out the Nation's strategy for peace. However, even with this increase, defense spending will drop from 36% of total spending in 1971 to 34% in 1972. Outlays for human resources programs, continuing to rise as a share of the total, will be 42% of total spending in 1972.

Mr. President, despite the fact that Congress has approved two pay raises for military personnel, one effective January 1, 1970, and another effective January 1, 1971, and despite the increased costs that have resulted from inflation—which hit the Defense Department as well as other segments of the economy, private and public—the amount included in the budget for defense in fiscal year 1972 is nearly $3 billion less than the amount budgeted for defense in the last Johnson year.

In fiscal 1970, the amount budgeted for defense was $80,295 million. The amount included in this fiscal 1972 budget is $77,512 million, nearly $3 billion less, despite the automatic increases which are built in.

Mr. President, I ask unanimous consent that a number of tables numbered 1 through 7 be printed at this point in the RECORD, that a briefing paper presented by Secretary Laird referring to the several tables be printed, and that several pages concerning national defense from the "Budget in Brief" be reprinted thereafter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE BUDGET

TABLE 1.—FINANCIAL SUMMARY

[Dollars in billions]

	Fiscal year—			
	1964	1968	1971	1972
Outlays:				
Current dollars	50.8	78.0	74.5	76.0
Constant fiscal year 1972 prices	75.8	99.9	79.6	76.0
Percent of GNP	8.3	9.5	7.4	6.8
Percent of Federal budget	41.8	42.5	33.9	32.1
Obligational authority:				
Current dollars	50.8	75.9	75.3	79.2
Constant fiscal year 1972 prices	75.8	97.6	80.5	79.2

DEPARTMENT OF DEFENSE BUDGET

TABLE 2.—COST AND MANPOWER COMPARISONS

[Dollars—billions]

	Fiscal year—			
	1964	1968	1971	1972
Current dollar outlays:				
Pay and related costs	22.0	32.6	38.4	39.6
Goods and services	28.8	45.4	36.1	36.4
Total	50.8	78.0	74.5	76.0
Manpower:				
Military	2,685	3,547	2,699	2,505
Civilian	1,035	1,287	1,104	1,082
Defense related industry	2,280	3,470	2,240	2,160
Total	6,000	8,304	6,043	5,747
Current manpower status (December 1970):				
Military				2,880
Civilian				1,120
Industry				2,360
Total				6,360

DEPARTMENT OF DEFENSE BUDGET

TABLE 3—OPERATIONS AND INVESTMENT PROGRAM COMPARISONS

[Dollars in billions]

	Obligational authority, fiscal year—			
	1964	1968	1971	1972
Current dollars:				
Operations	26.5	43.4	47.1	48.6
Investments	24.3	32.5	28.2	30.6
Total	50.8	75.9	75.3	79.2
Constant fiscal year 1972 prices:				
Operations	44.3	59.4	51.2	48.6
Investments	31.5	38.2	29.3	30.6
Total	75.8	97.6	80.5	79.2

DEPARTMENT OF DEFENSE BUDGET

TABLE 4.—SELECTED GENERAL PURPOSE FORCE COMPARISONS

	June 30—		
	1964	1971	1972
Army divisions	16⅓	13⅔	13⅓
Attack/ASW carriers	24	18	16
Carrier air wings	24	16	15
Marine division/wings	3/3	3/3	3/3
Air Force tactical squadrons	119	112	105
Airlift squadrons	61	45	38
Commissioned ships in fleet	932	710	658
Active aircraft:			
Fixed wing	25,160	20,724	19,850
Helicopters	5,148	11,542	11,229

DEPARTMENT OF DEFENSE BUDGET

TABLE 5.—FUNCTIONAL TITLE OBLIGATIONAL AUTHORITY

[Dollars in billions]

	Fiscal year—			
	1964	1968	1971	1972
Current dollars (TOA):				
Military personnel/O. & M.	24.9	40.8	43.2	42.7
Retired pay	1.2	2.1	3.4	3.8
Procurement	15.1	22.9	18.0	19.7
R.D.T. & E.	7.0	7.3	7.1	7.9
Military construction	1.6	2.2	2.1	2.4
Military assistance	1.0	.6	1.5	1.2
Volunteer force				1.5
Total	50.8	75.9	75.3	79.2
Constant fiscal year 1972 prices (TOA):				
Military personnel/O. & M.	38.3	53.4	45.5	42.7
Retired pay	3.8	3.8	3.8	3.8
Procurement	19.5	26.8	18.6	19.7
R.D.T. & E.	9.3	8.7	7.4	7.9
Military construction	2.1	2.6	2.2	2.4
Military assistance	1.3	.7	1.5	1.2
Volunteer force	1.5	1.5	1.5	1.5
Total	75.8	97.5	80.5	79.2

DEFENSE WARTIME BUDGET TRENDS

TABLE 6.—INDEX OF CHANGES, IN CONSTANT PRICES

	Index		
	Prewar	Peak	Postwar
World War II (fiscal year 1940–45–48)	100	3,839	405
Korea (fiscal year 1950–53–56)	100	290	219
Southeast Asia (fiscal year 1964–68–72)	100	132	100

TABLE 7.—*Department of Defense budget—Major investment increases—fiscal year 1971 to fiscal year 1972*

[In millions of $ TOA]

Modernization of forces (procurement):	
Shipbuilding; SSN, DD–963, support ships	$739
Navy aircraft; F–14, S–3A, E–2C, P–3C	807
Air Force missiles; MM III, SRAM, Maverick	450
Army readiness	247
Development of new weaponry: (R.D.T. & E.):	
Strategic forces:	
B–1, ULMS, AWACS, Safeguard, etc.	500
General Purpose Forces:	
Land, SAM–D; Sea, SES, Air; F–15, etc.	300

TABLE 1

The top line of this table traces the Defense budget from the pre-war year of 1964, to the peak war year of 1968, to the current year 1971 and to the budget year 1972. In outlays, the budget year is $1.5 billion above this current year and $25.2 billion above the last peacetime year of 1964. The current year 1971 has been updated to include the MAP Supplemental, the pay raise of January 1, 1970 and the pay raise of January 1, 1971.

The Defense program which is financed in each of these years is not reflected in the dollar values shown for the respective years because of the very significant impact of inflation on the cost of Defense. On the next table I will explain the inflation impact and it is documented in the press package. On this table, however, please accept the fact that we have eliminated the distortion of inflation by pricing each year's program in 1972 prices. The personnel in each program year are priced at 1972 pay rates and the purchased goods and services are priced using the price index increase developed by the

Department of Commerce (FY 1971 increase assumed at 4% and FY 1972 at 3.5%).

The line captioned "Constant FY 1972 Prices" does, therefore, show program content for each year on a comparable basis. FY 1972 outlays at $76.0 billion are only $200 million higher in constant prices than FY 1964, the pre-war year. Defense spending from the peak war level in FY 1968 has been reduced by $23.9 billion at constant prices and the residual cost of the war in FY 1972 is absorbed within the pre-war outlay level. The continued contraction of active forces as the war is wound down brings conventional forces to a level lower than the last pre-war year of 1964. A later table shows these comparative forces.

The point to be made is that the Administration has accomplished a very dramatic change in National Priorities and has reallocated resources equivalent to the peak cost of the war away from Defense. The war is winding down. The Defense portion of the Gross National Product at 6.8% in the budget year is the lowest it has been since 1951 when it was 6.7%. The reallocation of resources within the Federal Budget is reflected in the lowest percentage of the budget for Defense, at 32.1%, since 1950. It averaged 51.4% per year in the fifties and 42.4% per year in the sixties.

We have been talking spending levels. Obligational Authority is more representative of new buying levels. On this basis the fiscal year 1972 budget shows a $3.2 billion higher Obligational Authority level than the outlay level and a $3.9 billion increase over 1971 in current dollars. The decrease between 1971 and 1972 in constant 1972 prices for Obligational Authority is much smaller than the outlay drop. As a matter of fact there is an increase in investment funding between the years and an offsetting decrease in current operational funding.

TABLE 2

I want to use this table to explain the impact of inflation on the Defense program. Government pay scales have increased more than private sector salaries since 1964 because Government salaries were lower than comparable private sector rates in 1964. Within the federal sector Defense employs three quarters of all personnel and the impact of pay increases is greater in the DoD than in any other segment of the economy. In the press package is a page which lists every military and civil service pay increase since 1964. From that time to and including proposals in the 1972 budget, civil service salaries increase by 56.5% and military basic pay, without allowances, increase by 85%. The cost of goods and services purchased from industry has, in the same period, increased 27.7%.

The result is reflected on the table. Pay and directly related costs have increased by $17.6 billion since 1964 or an increase of 80%. If you will look at the military and civilian manpower totals for 1964 and 1972 you will note that the total direct employment decreases by 133,000 personnel. In 1972 we will be paying $17.6 billion, or 80% more, for 133,000, or 3.5%, less people than we had in 1964. In 1964, forty-three percent of the budget was for pay, in 1972 it will be fifty-two percent. This is the measure of the impact of inflation on the defense program.

For goods and services purchased from industry we will be paying $7.6 billion more over the same period and there will be 120,000 fewer people engaged in defense work. This is a 26.4% increase in cost and a 5.3% decrease in people.

I have indicated that total employment for Defense in fiscal year 1972 is budgeted at 5,747,000 or 253,000 lower than the prewar level of 1964. From the peak employment period of fiscal year 1968 to December 1970, almost 2 million people have been released from the defense effort. That reduction took place over a two-year period. Over the next eighteen months the Defense budget provides for the release of about 600,000 personnel with 300,000 in the next six months and 300,000 in the ensuing year.

The continued decrease in employment as well as in dollars at constant prices reflects the steady rate of withdrawal from Southeast Asia. The slower rate of decrease in the future is an indication that we are turning to the job of improving the strength and readiness of the reduced active forces both for the present period and for the future. I'll cover these trends on later tables.

TABLE 3

On this Table we are again looking at the buying power of Defense versus the spending or outlay impact. Operations is defined as the activity or tempo of the forces and includes the cost of all direct personnel and their support. Investment includes the cost of new or modified weapons, equipment, research and development and construction of facilities.

The cost of operations is up by $22.1 billion from 1964 and all but $4.3 billion is due to inflation. The real increase of $4.3 is attributable to the higher activity rates associated with the war as well as the funding for free world force support, a cornerstone of the Nixon Doctrine.

All of the increase for investment is due to inflation and, in constant prices, there is a real decrease of $900 million in the investment funding since 1964. The disproportionate impact of inflation on operations costs (up 67%) has, over the years since 1964, forced an inadequate level of investment funding as a result of efforts to minimize the effect of increased war costs. Modernization of forces was curtailed, shipbuilding was sharply cut back, equipment and facility maintenance was deferred and research and development was held to a minimum level.

The fiscal year 1972 budget reflects a modest change in that an increase over fiscal year 1971 for investment funding is being requested and further it is an increase in terms of constant prices.

TABLE 4

This is a listing of the major general purpose forces. We have discussed manpower earlier. It will be noted that the forces are lower than in 1964 and lower than in 1971. This reflects both the wind down of the war and the effect of the Nixon Doctrine on U.S. conventional forces.

Strategic forces are not shown because they stay essentially level between fiscal year 1971 and 1972. The budget itself, however, does have a table which shows the comparative strategic forces.

TABLE 5

On this table we can see more of the detailed changes between fiscal years. In real terms, that is constant prices, operations funding decreases while procurement, RDT&E and construction increases. The continued withdrawal from SEA allows a lower operational level while the need to modernize forces and emphasize weapons development requires a higher investment level. Aid to Allies, another element of the Nixon Doctrine, shows an increase for the past two years.

While an increase in buying authority over fiscal year 1971 is being requested it should be pointed out that RDT&E is still at a level of $1.4 billion or 15% lower than the pre-war year of 1964 when the effect of inflation is eliminated. The level of procurement funding is essentially the same in 1964 and in 1972 while construction is up by about 15%. The increases in FY 1972 are modest but they do provide for the strengthening of current and future forces of the U.S. and its Allies.

TABLE 6

On this table I want to point out a historical first. In all the earlier wars of this country the armed forces have, in the postwar period, remained at a higher level than in the pre-war period. This has been true in terms of manpower as well as in funding. Because of this ratchet effect the postwar military level has never before returned to the pre-war status.

This is not true in the case of Vietnam. Already, even with remaining war activity, the manpower level for defense purposes is 253,000 below the pre-war level and the funding is within $200 million of the pre-war cost.

TABLE 7

I have said that the Defense portion of the total Federal Budget in fiscal year 1972 will amount to 32.1% and that this will be the lowest percentage for Defense since 1950. So many people, however, believe that high Defense budget levels have precluded funding for domestic programs that I want to show you a comparative trend over the years.

This table compares Defense and non-Defense spending in the Federal Budget.

Defense at $76 billion in fiscal year 1972 is 50% higher than in 1964. Non-Defense for the same period is 230% higher. The non-Defense budget increase since 1964 is 4 times that of Defense. From 1968 Defense has *decreased* while non-Defense is up by $55.5 billion. I would not think that domestic programs have suffered from inadequate spending or that Defense spending has been the major cause of inflation. On the other hand, we do think that Defense cutbacks have significantly helped in the efforts to control inflation.

The budget requests an increase in buying authority from fiscal year 1971 of $3.9 billion. This table lists some of the more significant increases and decreases in specific programs. They are in consonance with the changes in program emphasis which stresses modernization of current forces, development of future weapons and the continued phase-down of the war effort.

The fiscal year 1972 budget requires a reduction in direct military and civilian personnel employment of 216,000. This reduction results from a contraction in active forces, a reduction by Congress in fiscal year 1971 funding and continuing actions to achieve improved efficiency and economy. In making this reduction it will be necessary to reduce and realign military and civilian personnel strengths at a number of installations in the United States and overseas.

Based on current studies, it is now anticipated that if Congress approves fiscal year 1972 budget requests, it will not be necessary, however, to take any major base closure actions in the United States.

The hope is that the personnel reductions can be achieved in large measure by not filling currently authorized spaces or by attrition. The Department of Defense loses by attrition approximately 1% of its civilian strength each month.

The progress of Vietnamization and the implementation of the Nixon Doctrine are reflected in the reduction of 194,000 military personnel in fiscal year 1972. This will result in a number of realignment actions in the United States and overseas. Some units or functions will be shifted from one installation to another and some support and training functions, particularly those specifically related to the level of U.S. involvement in Southeast Asia, will be reduced.

To sum up: Based on present determinations and in the anticipation of favorable Congressional action on the fiscal year 1972 Defense budget, the Department of Defense does not plan, for budget reasons, major base closure actions in the United States.

EXCERPT FROM BUDGET IN BRIEF—NATIONAL DEFENSE

Program	Outlays in millions: 1970 actual	1971 estimate	1972 estimate
Department of Defense—			
Military:			
Military personnel	$23,031	$21,698	$20,105
Retired military personnel	2,849	3,394	3,744
Operation and maintenance	21,609	20,380	20,234
Procurement	21,584	18,448	17,936
Research, development, test, and evaluation	7,166	7,281	7,504
Military construction and other	1,059	1,407	2,019
Allowances		945	3,580
Deductions for offsetting receipts	−148	−183	−147
Subtotal, military [1]	77,150	73,370	74,975
Military assistance [2]	731	1,130	1,025
Atomic energy [1]	2,453	2,275	2,318
Defense-related activities	79	−54	92
Deductions for offsetting receipts [3]	−118	−278	−898
Total	80,295	76,443	77,512

[1] Entries net of offsetting receipts.

[2] Excludes support to other nations funded directly by the Department of Defense.

[3] Excludes offsetting receipts deducted by subfunction above: 1970, $979,000,000; 1971, $1,193,000,000; 1972, $1,113,000,000.

The defense programs recommended in this budget are necessary to provide the strength needed for our security. From our position of strength we seek meaningful negotiations for peace and a reduction or limitation of military forces. It is essential to our policies and to the effectiveness and readiness of our military forces that budget authority and outlays for national defense programs increase.

Our strategic forces are the cornerstone of the free world's deterrent against nuclear attack and must always be sufficient for this crucial role. We seek a negotiated limit or reduction of strategic nuclear forces in the SALT talks. In the absence of such an agreement, and in the face of a formidable Soviet threat, we must proceed with planned improvements.

Our general purpose forces, together with those of our allies, must be adequate to counter a major Warsaw pact attack in Europe or a Chinese attack in Asia, to assist our allies against lesser threats in Asia and simultaneously to contend with a minor contingency anywhere.

Funds in this budget will assist our allies and friends assume a greater share of their own defense. The general purpose forces will be kept modern, fully ready and trained to meet a range of contingencies.

This strategy is already meeting its first tests. By May 1971, authorized troop ceilings in Vietnam will be approximately half the strength approved when this administration took office. Reductions in approved force levels have also been possible in Thailand, Korea, Japan, Okinawa, and the Philippines.

National defense outlays will increase by $1.1 billion over 1971, to $77.5 billion. This increase primarily reflects a rise in outlays for military functions and the military assistance programs to provide for:

A high level of readiness and increased modernization for the general purpose forces;

A high level of military assistance;

A more effective research and development effort; and

Progress toward an all-volunteer armed force.

Atomic Energy Commission outlays are estimated to increase $43 million, to $2.3 billion in 1972. These increases will be partially offset by sales of $920 million from the stockpile of strategic materials.

DEPARTMENT OF DEFENSE—MILITARY

This Nation's ability to pay the full cost of an adequate military program has never been questioned. Outlays for the military and military assistance programs will rise. Despite this increase the resources required for our military programs will continue to decline as a percent of Gross National Product (GNP).

Strategic forces.—The function of the strategic forces is to deter nuclear attack or to retaliate decisively should this fail. This capability is assured by three major strategic systems—intercontinental ballistic missiles (ICBM's), submarine-launched ballistic missiles (SLBM's) and bombers—each able to survive a first strike and inflict unacceptable damage upon any aggressor. This budget provides funds to: (1) Continue converting our intercontinental and submarine-launched missile forces to more effective systems; (2) a phased minimum deployment of the Safeguard ABM system; (3) proceed with orderly development of a new manned strategic aircraft; and (4) continue development of an advanced ballistic missile submarine system.

General purpose forces.—Our general purpose forces, and those of our allies, must be adequate to meet a variety of nuclear and conventional war situations below the level of strategic nuclear exchange. We expect our allies to do more in their own behalf, as many are planning to do; but we must also do our share. We have a vital interest in peace and stability abroad and plan to maintain the capabilities to protect these interests. Withdrawals from Vietnam and the change in our force planning and strategy permit a smaller force structure than in the past. At the same time, Vietnam has limited our ability to meet some military needs elsewhere, particularly in NATO. Military forces must be combat ready and properly equipped to fulfill their role in our strategy for peace.

Land forces will be increasingly tailored to meet a range of contingencies. Armored and mechanized infantry forces will be kept ready with our NATO commitments in mind. Marine Corps divisions and Army airmobile and airborne units will emphasize rapid response.

Ship construction will be budgeted at the highest levels since 1963 to continue the improvement of the fleet. Five high-speed nuclear attack submarines, one nuclear guided-missile frigate, and seven antisubmarine destroyers will be added. It is also necessary to explore new ways to develop better *naval forces* for the late 1970's, and 1980's. In this connection, the budget will support: (1) Experimentation with dual use of our aircraft carriers in both attack and antisubmarine warfare roles; (2) initial procurement for a force of high-speed patrol boats with surface-to-surface missile capability; and (3) exploration of concepts for a new class of smaller, faster escort ships.

Tactical air forces contribute to general purpose operations by providing air support for ground actions. To provide for future modernization, development of F–15 and AX air systems for the Air Force will proceed and procurement of the swing-wing F–14 fighters for fleet air defense and Harrier vertical-takeoff-and-landing aircraft for the Marine Corps will be increased.

Research and development.—In order to improve the effectiveness and readiness of our general purpose and strategic forces, increased emphasis will be placed on the development of new weapons, vehicles, and communications systems, and on strengthening the technological base that is essential to our national security.

MILITARY ASSISTANCE

Military assistance and sales programs supplement the efforts of other countries to provide for their own defense, and ease the transition of our allies and friends to a position of greater self-reliance—a fundamental requirement for success of the Nixon doctrine.

ATOMIC ENERGY

The Atomic Energy Commission is responsible for developing and manufacturing nuclear weapons, improving nuclear power reactors for propulsion of naval vessels and generation of electric power, and providing services to enrich nuclear fuels for atomic powerplants. It also pursues the various peaceful applications of atomic energy, and conducts basic research in the physical and biomedical sciences.

Funds are included for continued development and production of nuclear weapons and development of higher performance naval reactors.

Research on the NERVA nuclear rocket will be reduced in scale. Two plutonium production reactors will be shut down due to a reduction in military requirements. The program to develop a "fast breeder" nuclear power reactor designed to meet future energy needs will be accelerated.

NATIONAL DEFENSE

Fiscal year	Total outlays (in millions)	Percent of total budget outlays
1972 estimate	$77,512	33.8
1971 estimate	76,443	35.9
1970	80,295	40.8
1969	81,232	44.0
1968	80,517	45.0
1967	70,081	44.3
1966	56,785	42.2
1965	49,578	41.9
1964	53,591	45.2
1963	52,257	46.9
1962	51,097	47.8
1961	47,381	48.4

Mr. PROXMIRE. Mr. President, in response to the comments of the Senator from Michigan (Mr. GRIFFIN), may I say that, indeed, there has been a reordering of priorities in the past 2 years. It has been done by the Congress of the United States with the President's resistance almost every step of the way. He has vetoed some of the legislation that would have justified a more profound and thoroughly justified reordering of priorities.

Furthermore, the distinguished Senator from Michigan (Mr. GRIFFIN) pointed out that in the last Johnson year the military budget was $3 billion higher than it is this year.

Two points: One, the military budget was cut that last Johnson year to which Senator GRIFFIN referred. It was not the $3 billion greater after Congress finished. Two, the last Johnson year was the all-out war year in Vietnam. The Vietnam war cost has gone down $13 billion since then; yet, Nixon's last budget was only $3 billion below it. That means, somehow, that $10 billion of the peace dividend has been lost.

I would agree with the Senator from Michigan (Mr. GRIFFIN) that he is absolutely right. There has been inflation and there have been pay raises. But I say, when we cost out that inflation and the pay raises, there is still an excessive amount being added to the defense budget which has not been justified, and should be.

I yield the floor.

Mr. GRIFFIN. Mr. President, as will be noted in the briefing paper inserted earlier, total employment for the Defense Department for fiscal year 1972 is budgeted at 5,747,000 personnel, or a figure which is 253,000 lower than the prewar level of 1964.

In addition, between fiscal year 1968, which was a peak war year under the Johnson administration, and December 1970, almost 2 million people were released by the Defense Department from the defense effort.

Let me repeat that: From the peak employment period for the Defense Department in fiscal year 1968 to the end of the year 1970, almost 2 million people were released from the defense effort.

That reduction took place over a 2-year period.

Mr. President, during the 18-month period ahead, the Defense budget contemplates the release of more personnel—600,000 more; 300,000 in the next 6 months and another 300,000 in the ensuing year.

Mr. President, some of the same Senators and Representatives who refuse to recognize that there has been a reordering of priorities often express their concern about the unemployment problem we have today. The junior Senator from Michigan shares that deep concern about the high rate of unemployment we have today.

But many of those who demand deeper cuts in Defense spending do not seem to realize that Defense cuts already made are largely responsible for the unemployment we have today.

I have seen reliable estimates which indicate that about half the increase in unemployment which has taken place during the past 2 years is attributable to the cutbacks already made by the Nixon administration in Defense spending and in spending for the space program. Unfortunately, those unemployment figures themselves are rather dramatic evidence that there has been a significant reordering in priorities as far as Federal spending is concerned. There is a danger now that the Defense budget could be cut too much—below the minimum which is necessary, for national security.

Mr. President, as indicated by tables inserted in the Record, in 1961 the Federal Government was spending 48 percent of the national budget for defense.

By 1969, that percentage had gone down to 44 percent.

In fiscal 1971, the first full budget year for the Nixon administration, defense spending went down to 35.9 percent of the budget.

In fiscal 1972, the percentage spent for national defense is scheduled to go down again—down to 33.8 percent of the budget.

Mr. HART. Mr. President, when we talk about percentages, we should realize that the enormous and wholly desirable increase in social security funding is an important fact. All of us recognize and some of us believe that it is largely because of congressional heat that there has been a decrease in Pentagon spending.

The fact is that there remain enormous unmet domestic needs. Rather than take satisfaction out of playing this numbers game to prove that the percentage of total defense spending is less, we should continue to stress the unmet domestic needs. The only place we will be able to find money—and let us not kid ourselves—to feed those children, as the present occupant of the Chair, the Senator from South Dakota (Mr. McGovern) recognizes, is out of the Pentagon pot.

There are people in this country who regrettably feel that we will be unable or unwilling to do it.

We must be careful when we talk about the unemployment that results from the reduction of the Pentagon spending.

The Soviet Union long has preached that the great threat to world peace is the United States because the United States cannot afford to disarm. That is not my theory. That has been Soviet gospel for a long time.

Let us be cautious when we analyze the unemployment figures. This is harsh, I suppose, to the man who is in that army of the unemployed, but it is desirable nonetheless that we remind ourselves of that fact. Finally, while we all acknowledge that inflation faces us in further expanded Pentagon spending, let us remember that the most inflationary spending of all was the Pentagon spending. It does not put food in the grocery store. It does not provide very much in the way of consumer goods.

If our effort is to curb spending in order that we bite into inflation, the place into which most usefully to apply our effort is in the Pentagon budget.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

EMERGENCY PUBLIC INTEREST PROTECTION ACT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-43)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Early in 1970, I proposed to the Congress a new approach for dealing with national emergency labor disputes in the transportation industry. The proposal was based upon my belief that existing law did not provide adequate remedies for settling such disputes, and thus failed to protect the national interest.

Today, I am again recommending that proposal, the Emergency Public Interest Protection Act. Events since the bill's first introduction have made its enactment even more urgent. I am hopeful that the Congress will give the proposal its prompt and favorable consideration—before there is another crisis in the transportation industry.

The bill I propose would give the President vital new authority to deal with national emergency disputes in the railroad, airline, maritime, longshore, and trucking industries.

First, the bill would abolish the emergency strike provisions of the Railway Labor Act—which now govern railroad and airline disputes—and make all transportation industries subject to the national emergency provisions of the Taft-Hartley Act.

Second, the bill would amend the Taft-Hartley Act to give the President three new options in the case of a national emergency dispute in a transportation industry, when that dispute is not settled within the eighty-day "cooling-off period" authorized by Taft-Hartley. Under those circumstances, if a strike or lockout should threaten or occur, and national health or safety continued to be endangered, the President could select any one of the following courses of action:

—He could extend the cooling-off period for as long as thirty days. This might be most useful if the President believed the dispute to be very close to settlement.

—He could empanel a special board to determine if partial operation of the industry were feasible and, if so, to set out the boundaries for such an operation. This alternative would allow a partial strike or lockout without endangering the national health or safety. It could not extend beyond 180 days.

—He could invoke a "final offer selection" alternative. Under this procedure, the final offers of each party would be submitted to a neutral panel. This panel would select, without alteration, the most reasonable of these offers as the final and binding contract to settle the dispute. Unlike arbitration, which too often merely splits the difference between the parties, and thereby encourages them to persist in unreasonable positions, this procedure would reward reasonableness and thereby facilitate negotiation and settlement.

Third, the bill would establish a National Special Industries Commission to conduct a two-year study of labor relations in industries which are particularly vulnerable to national emergency disputes.

Fourth, the bill would amend the Railway Labor Act to conform the management of labor relations under that Act to the practices prevalent in most other industries, including the encouragement of voluntary settlement of grievances by overhauling the existing grievance procedures.

The urgency of this matter should require no new emphasis by anyone; the critical nature of it should be clear to all. But if emphasis is necessary, we need only remember that barely two months ago the nation was brought to the brink of a crippling railroad shutdown, the strike being averted only by legislation passed after a walkout had actually begun. That legislation, we should also remember, settled little; it merely postponed the strike deadline. A few weeks from now another railroad strike over the same issue which precipitated the last one is a distinct possibility.

I believe we must face up to this problem, and face up to it now, before events overtake us and while reasoned consideration is still possible.

Time and again, as the nation has suffered major disruptions from a transportation shutdown, voices have been raised on all sides declaring emphatically that this must not happen again—that better laws are needed to protect the public interest, and that the time to enact those laws is before, not after, the next crippling emergency. But with the same regularity, as each emergency in turn has passed the voices have subsided—until the next time. So nothing has been done, and emergency has followed emergency, at incalculable cost to millions of innocent bystanders and to the nation itself.

The legislation I propose today would establish a framework for settling emergency transportation disputes in a reasonable and orderly fashion, fair to the parties and without the shattering impact on the public of a transportation shutdown. I urge that this time we not wait for the next emergency, but rather join together in acting upon it now.

Richard Nixon.

The White House, *February 3, 1971.*

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. McGovern). At this time, under the previous order, the Senate will now proceed to the transaction of routine morning business for 45 minutes, with a time limitation of 3 minutes to each Senator.

Mr. BYRD of West Virginia. As I understand it, the period for the transaction of routine morning business will not exceed 45 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

THE LATE SENATOR RICHARD B. RUSSELL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding rule VII, paragraph 5, a letter from Lt. Gen. Y. Rabin, Ambassador to the Embassy of Israel in Washington, D.C., expressing condolences and regrets at the passing of the late Senator Richard B. Russell, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Embassy of Israel,
Washington, D.C., January 25, 1971.

The Vice President,
The Capitol,
Washington, D.C.

Dear Mr. Vice President: It was with deep regret that I heard of the passing of Senator Richard B. Russell. Senator Russell was, I know, held in universal esteem as an outstanding parliamentarian and a great American.

I would be grateful if you would convey my condolences to his family.

Yours sincerely,

Y. Rabin,
Lieutenant General, Resident Ambassador.

LATEST PRESIDENTIAL USE OF "POCKET VETO" VIOLATES THE SEPARATION OF POWERS DOCTRINE

Mr. ERVIN. Mr. President, as chairman of the Judiciary Subcommittee on Separation of Powers, I called hearings on January 26, 1971, in the form of a roundtable discussion, to examine a serious breach of the doctrine of separation of powers—President Nixon's recent attempt to "pocket veto" two bills passed by Congress.

This latest conflict of executive-legislative powers and prerogatives took place on Christmas Day when the President failed to return the two bills and claimed that they had been "pocket vetoed" because Congress had "adjourned," thereby preventing their return.

The two bills involved were S. 3418, the Family Practice of Medicine Act which authorized the appropriation of $225 million over the next 3 years to help train family-practice doctors, and H.R. 3471, a private bill granting jurisdiction to the Foreign Claims Settlement Commission to hear a claim of the heirs of Miloye Sokitch.

In the *Pocket Veto* case, 279 (U.S. 655 (1929), the Court ruled that a congressional recess of several months constituted an "adjournment" and was sufficient to support a "pocket veto." In that case, the House had adjourned sine die, and the Senate had recessed for several months until reconvening to sit as a court of impeachment. Prof. Arthur S. Miller of the George Washington University National Law Center and a consultant to the Subcommittee on Separation of Powers, said at the subcommittee's hearings that the Pocket Veto case "really is so different that it does not even bear much resemblance to what happened last month at the short recess for Christmas."

The other Supreme Court decision was in *Wright* v. *U.S.*, 302 U.S. 583 (1938). The facts in that case are that the Senate had adjourned for 3 days while the House was still in session. This case is not in point either because the facts differ greatly from the recent Christmas break when both Houses of Congress recessed for 4 days. In the Wright case, the Court simply declared that the Congress is not adjourned in the constitutional sense when one House is adjourned for 3 days or less.

Mr. President, I discussed both these cases and the specific facts of the Christmas "pocket veto" in my opening statement at the subcommittee's hearings. I ask unanimous consent to insert my opening remarks in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Pocket Veto Concept

(Statement of Senator Sam J. Ervin, Jr.)

On December 14, 1970, the Congress sent to President Nixon the Family Practice of Medicine Act, which authorized $225 million to be appropriated over the next three years for special grants to hospitals and medical schools to train general practice physicians. The bill passed the Senate by a vote of 64 to 1, and the House of Representatives by 364 to 2.

In accordance with Senate Concurrent Resolution 87, the Senate—in which the Family Practice of Medicine Act originated—recessed from the close of business on Tuesday, December 22, 1970, until 12 o'clock noon on Monday, December 28, 1970. This was a recess of four days, the intervening Sunday, December 27, 1970, not counted. The Senate had given unanimous consent for the Secretary of the Senate to receive messages from the President during this Christmas recess.

Since the Senate was not in session on December 25, 1970, President Nixon announced that the Family Practice of Medicine Act has been "pocket vetoed." This action involves construction of Article I, Section 7, Clause 2 of the Constitution, Which provides:

> "Every Bill which shall have passed the House of Representatives and the Senate shall, before it becomes a Law, be presented to the President of the United States; if he approves, he shall sign it, but if not, he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. . . . If any Bill shall not be returned by the President within ten days (Sunday excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its return, in which Case it shall not be a law."

The last sentence of this provision is the determinative langauge in considering—as we shall this morning—whether or not President Nixon had the constitutional authority to "pocket veto" the Family Practice of Medicine Act, and whether or not the Act became law without his signature.

In the *Pocket Veto* case, 279 U.S. 655, the Supreme Court ruled in 1929 that an interim adjournment of a Congress at the end of a session prevented the return of a bill by the President to the Congress, and thus substantiated his pocket veto. In that case, a bill which originated in the Senate was presented shortly before the adjournment at the end of the first session of the 69th Congress. President Coolidge did not sign the bill nor return it with his objections within the 10-day constitutional limitation, and it was not published as a law. While the Supreme Court drew no distinction between the types of adjournments—whether at the end of a Congress, sine die, at the end of a session, or within a session—the question at hand was the adjournment *at the end of a session.* The Court did not dwell on the relationship of the "pocket veto" concept to one short recess within a session.

In *Wright v. United States,* 302 U.S. 583, the Supreme Court in 1938 did deal with an adjournment within a session, and it considerably limited its opinion and dictum of the *Pocket Veto* case. In the *Wright* case, a bill which had originated in the Senate was vetoed by the President and returned with his objections to the Senate during a 3-day adjournment of that body. The House of Representatives was in session at that time. The bill with the President's message was received by the Secretary of the Senate, and submitted by him to the Senate when it reconvened. The issue presented was whether the veto was effective in view of the fact that the President's objection had not been received within the 10-day period by the originating House while in session. The Supreme Court held that an adjournment of the Congress, both House and Senate, prevents a return of the bill by the President within the period of 10 days allowed for that purpose; but that since the Senate alone had adjourned, the constitutional provision did not apply and the veto was effective.

In the *Pocket Veto* case, the Court stated that the House to which the bill is to be returned "is the House in session". However, in the *Wright* case, the Court said that this phrase cannot be narrowly considered and is not applicable during a temporary recess as opposed to the end of a session. The Court further stated, in opposition to the *Pocket Veto* holding, that the officers and agents of the Houses of Congress have great power and responsibilities and that they can be utilized to receive returned bills from the President.

The *Wright* opinion gives attention to the need to consider the realities and practicalities of returning bills, rather than relying on wholly unnecessary technicalities. The criteria set out in that opinion are, first, that the President shall have suitable opportunity to consider bills presented to him, and, second, that the Congress shall have suitable opportunity to reconsider the bill and pass it over his veto, provided there are the requisite votes.

In the *Pocket Veto* case, the Supreme Court also stated that the Constitution, in giving the President veto authority, imposes upon him not only the obligation to sign bills that he approves, but also to return bills that he disapproves, with his objections, in order that they be reconsidered by the Congress.

In the situation before us today, the President had ample time to consider his objections to the Family Practice of Medicine Act, yet the congressional opportunity to override his veto was frustrated by the attempted "pocket veto," even though Congress had authorized the Secretary of the Senate to receive his veto message.

It also seems to me that if the President is allowed to "pocket veto" legislation during short recesses of the Congress within a session, he will have established an *absolute* veto power during these brief periods. The Founding Fathers had no intention of granting the President such an absolute power. The veto they devised in 1787 is a qualified power, as opposed to the absolute power held by the King of England. Indeed, Alexander Hamilton observed in *The Federalist No. 69:*

"The King of England, on his part, has an absolute negative upon the acts of the two houses of Parliament. The disuse of that power for a considerable time past does not affect the reality of its existence and is to be ascribed wholly to the crown's having found the means of substituting influence to authority, or the art of gaining a majority in one or the other of the two houses, to the necessity of exerting a prerogative which could seldom be exerted without hazarding some degree of national agitation. The qualified negative of the President differs widely from this absolute negative of the British sovereign. . ."

In short, to my mind a "pocket veto" during a short recess of Congress within a session is tantamount to an absolute veto, which is contrary to the intent of the Framers of the Constitution.

I might also add that at the time the Constitution was written and for many years thereafter, it was the custom of the Congress to meet only during the first few months of each year and then go home. The 10-days provision obviously was written into the Constitution to cover the adjournments at the end of a session, since Congress would be absent from the Capital for many months. It was designed not only to prevent delay on the part of the President in considering legislation, but to give him ample time to study bills passed by the Congress. At the same time, it placed upon the Congress the burden not to adjourn and go home before he had sufficient time either to sign or to return bills it has passed.

Today of course, we have a different situation entirely. The Founding Fathers did not envision brief holiday trips to the ski slopes of Colorado or the sunny shores of the Bahamas. Surely they did not foresee that legislative sessions would become a year-round operation, often straining to finish its business before the constitutional end of a Congress.

Therefore, we have these general questions before us today: "Was th Senate adjourned in a constitutional and traditional sense on December 25, 1970? Did the Family Practice of Medicine Act become law? If it did not, then what can Congress do to protect its right to reconsider bills which the President has allegedly vetoed?"

Mr. President, in order to shed some light on the questions outlined in my opening statement, the Subcommittee conducted a round-table discussion among several distinguished participants. I should like to briefly summarize the testimony adduced.

William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, spoke on behalf of the President's position and maintained that, under the *Pocket Veto* Case, Congress was adjourned in a constitutional sense on Christmas Day. Therefore, he argued, the President was prevented from returning the bills to the Senate and the House at the expiration of the 10-day period and had no choice but to exercise a "pocket veto." Thus, the two bills did not become law, according to the President's argument.

Mr. Rehnquist contended that the ruling in the *Pocket Veto* case defines "adjournment" as any recess of more than three days. A recess of three days or less, he said, is not considered an "adjournment" under the holding in the *Wright* case.

While the administration placed emphasis on the word "adjournment," Professor Miller contended that:

"the operative part [of Article I, Section 7, Clause 2], is not so much "Adjournment," it seems to me, as it is "prevent its Return." . . . If you take the word "adjournment" in its ordinary meaning, I would think most people would think that it means an adjournment at the end of a session of Congress, *sine die*.

"I would emphasize the notion that the real question is whether Congress, not being actually in session, prevented return of the bill. I take it that the bill . . . was not prevented [from being returned] because the Congress made specific provision for an officer of the Senate to receive the message from the White House. So I would consider it to be a fairly clear case that the Congress did not prevent the return of the Family Practice of Medicine Act."

In addition to the legal questions, participants in the Subcommittee's round-table discussion also explored the political and policy implications involved. Representative Fred B. Rooney of Pennsylvania, sponsor of the Family Practice of Medicine Act in the House, said that he had word on the day the bill came up for debate in the House that President Nixon was going to exercise his veto power if Congress enacted the measure. Therefore, Representative Rooney said, he called for a roll-call vote "because I wanted the President to get the consensus of the Congress, especially the Republican leadership, which voted unanimously to support the legislation."

Dr. Donald R. Matthews of the Brookings Institution, a political scientist, reflected on the political implications of President Nixon's "pocket veto" action in the context of his relations with the Congress:

"It seems to me that . . . it was rather unfortunate that the President pocket vetoed this particular bill without any regard at all to its merits or lack thereof. It showed a gross lack of respect for Congressional opinion. Here was a bill that was opposed by one Senator and two members of the House and was not a close thing. This was about as close to a consensus as you could get. . . . [A]fter it passed so overwhelmingly in both Houses, to veto it in a way which does not give the Congress an opportunity to override the veto seems to me to show some lack of respect, or at least discourteousness. I think it was unfortunate.

"On the whole, the pocket veto probably ought to be used only when Congress finally adjourns . . . and goes home for some period of time; otherwise, this would not be a good way of orderly running the government."

Dr. Thomas E. Cronin of the University of North Carolina and the Brookings Institution, who served in the White House under President Johnson, also spoke of the political aspects of the pocket veto:

". . . I am in favor of a strong presidency, but it seems to me this act by President Nixon was an act not of strength but of weakness, an action of shortness, taking advantage of a very pro-presidential court decision [and] a reasonable four or five day Christmas break. It seems to me this appears as a retaliatory, almost angry act by the President. This was seemingly an act of weakness, to go this route. It seems to me that an alternative to President Nixon would have been to return on Saturday a message . . . saying, 'I realize that this is a Christmas break, which is not at the end of a session, that clearly the intent of the Founding Fathers was not to use a pocket veto for this type of recess, and I would hope that you would take up this legislation and my veto on Monday', which was the day the Senate, I understand, was coming back."

Having discussed the legal and political aspects of President Nixon's action, the panel turned its attention briefly to methods by which the Congress can protect its power against such "pocket veto" attempts in the future. Specifically, discussion was directed at what action can be taken in the case of S. 3418 and H.R. 3471. Of the Family Practice of Medicine Act, Senator Kennedy said:

"It is my own belief that the legislation that was passed so overwhelmingly . . . is law today, and I think really the basic question . . . is how we are going to get the appropriate resolution of this question.

"As I understand, there are some variety of ways in which this might be done. We in the Congress can appropriate money to implement the Family Practice bill as though it were a valid public law. It is possible, although, as I understand, it is extremely difficult to begin a mandamus action to compel the Administration officials to carry out a ministerial duty to enroll the Family Practice Law. . . . The third and perhaps the best opportunity would be in court testing, involving the private bill that was similarly pocket vetoed."

Mr. President, it is time for the Congress to move positively to resolve the question presented by the "pocket veto" of S. 3418 and H.R. 3471. Congress should either appropriate the funds to carry out the purposes of S. 3418 as though it has become positive public law, initiate a mandamus action to require enrollment of the Act by the Executive, or join in a court test of the private claims bill, H.R. 3471, as Senator Kennedy has suggested.

I agree with Senator Mathias, who said during the round-table discussion:

". . . The question that is raised in its baldest form is whether the Executive Branch, through the vehicle of the pocket veto, has usurped the powers of the Legislative Branch or perhaps even more baldly, that the President is accused of using the pocket veto to circumvent the orderly legislative process of sending a vetoed bill back to Congress for final consideration . . . (T) he time is ripe at which we should attempt to make a determination of the proper limits and boundaries and settle this question."

Mr. President, almost daily, the Members who are honored to sit in this body express outrage over the usurpation of congressional authority by the Executive Branch of the Government. Much of this outrage is, no doubt, justified. In the instant controversy, there is no doubt in my mind that President Nixon violated the doctrine of separation of powers. The Founding Fathers, in order to fragmentize political power, allocated Federal legislative power to the Congress, Federal executive power to the President, and Federal judicial power to the Supreme Court and "such inferior courts as the Congress may from time to time ordain and establish."

In other words, the Founding Fathers, to make government by law secure, ordain that the Constitution and the laws enacted by Congress pursuant to it should be the supreme law of the land, and imposed upon all public officials the duty to obey them. This includes, of course, the President of the United States.

Mr. President, in the instant "Pocket Veto" controversy, I am dismayed to hear a representative of the Executive Branch of the Government declare that the use of the "pocket veto" surrounding the bills under discussion is justified because Presidents throughout the history of this nation have followed the same course of action. All mankind knows that citing instances of murder and rape does not make those crimes legal. Likewise, just because Congress over the years has acquiesced in unconstitutional "pocket vetoes", does not make President Nixon's recent action constitutional.

I think this controversy boils down to a very simple question: Will the Congress demand that the Executive Branch of the Government respect its rights, duties, and obligations as set out by the Constitution?

Mr. President, in the very near future, I hope to discuss at length possible methods by which the Congress may protect its rights duties, and obligations under the Constitution in circumstances involving an illegal use of the "pocket veto" power.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation by the General Services Administration

Twelve letters from the Assistant Administrator, General Services Administration, transmitting drafts of proposed legislation (with accompanying papers), which were referred to the Committee on Armed Services, as follows:

A bill to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile;

A bill to authorize the disposal of thorium from the supplemental stockpile;

A bill to authorize the disposal of diamond tools from the national stockpile;

A bill to authorize the disposal of mica from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of shellac from the national stockpile;

A bill to authorize the disposal of iridium from the national stockpile;

A bill to authorize the disposal of vegetable tannin extracts from the national stockpile;

A bill to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile; and

A bill to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile.

Report of the Secretary of Defense

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report setting forth the financial condition and operating results of working capital funds at 30 June 1970 (with an accompanying report); to the Committee on Armed Services.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on ways to reduce payments for physician and x-ray services to nursing-home patients under medicare and medicaid, Department of Health, Education, and Welfare, dated February 2, 1971 (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation To Establish a Federal Executive Service

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend title 5, United States Code, to establish and govern the Federal Executive Service, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

Report of Sales and Transfers of Foreign Excess Property by the Veterans' Administration

A letter from the Deputy Administrator, Veterans' Administration, Office of Veterans Affairs, transmitting a report of sales and transfers of foreign excess property by the Administration for the year ended December 31, 1970 (with an accompanying report); to the Committee on Veterans' Affairs.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. McCLELLAN, from the Committee on Government Operations, with amendments:

S. Res. 31. Resolution authorizing additional expenditures by the Committee on Government Operations for inquiries and investigations; referred to the Committee on Rules and Administration.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BOGGS (for himself and Mr. Roth):

S. 556. A bill to authorize the conveyance of certain unneeded Federal lands of the Fort Miles Reservation, Dela., to the State of Delaware for public education and park purposes, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. Boggs when he introduced the bill appear below under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. Anderson, Mr. Hartke, Mr. Magnuson, Mr. Prouty, and Mr. Randolph):

S. 557. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to other severely handicapped individuals who are not blind, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bill appear below under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. Cannon, Mr. Hatfield, Mr. Pell, and Mr. Percy):

S. 558. A bill to provide for the efficient disposal and recycling of motor vehicles, and for other purposes; to the Committee on Public Works, by unanimous consent.

(The remarks of Mr. Javits when he introduced the bill appear below under the appropriate heading.)

By Mr. BYRD of West Virginia (for Mr. Cranston):

S. 559. A bill for the relief of Albina Lucio Z. Manlucu; to the Committee on the Judiciary.

(The remarks of Mr. Byrd of West Virginia when he introduced the bill appear below under the appropriate heading.)

By Mr. GRIFFIN (for himself and Mr. Dole):

S. 560. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Griffin when he introduced the bill appear below under the appropriate heading.)

By Mr. COTTON:

S. 561. A bill for the relief of Julius Petrovic; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 562. A bill for the relief of Gyorgy Sebok; and

S. 563. A bill for the relief of Elena P. Muya; to the Committee on the Judiciary.

By Mr. PACKWOOD (for himself, Mr. Bennett, Mr. Gravel, Mr. Hatfield, Mr. Stevens, and Mr. Fannin):

S. 564. A bill to promote the exploration and development of geothermal resources through cooperation between the Federal Government and private enterprise; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Packwood when he introduced the bill appear below under the appropriate heading.)

By Mr. BAYH:

S. 565. A bill for the relief of Malunka Pesic;

S. 566. A bill for the relief of Maria Grazia Iaccarino;

S. 567. A bill for the relief of of Diana G. Collas;

S. 568. A bill for the relief of Fidelina Guadaloupe Pichardo;

S. 569. A bill for the relief of Marguerita Ponce; and

S. 570. A bill for the relief of Silah Corlean Alleyne; to the Committee on the Judiciary.

By Mr. PEARSON:

S. 571. A bill to amend the Federal Meat Inspection Act relating to the importation of meat and meat products into the United States; to the Committee on Agriculture and Forestry.

S. 572. A bill for the relief of Ensy Hsiao; to the Committee on the Judiciary.

(The remarks of Mr. Pearson when he introduced S. 571 appear below under the appropriate heading.)

By Mr. MUSKIE (for himself, Mr. Baker, Mr. Bayh, Mr. Boggs, Mr. Eagleton, Mr. Gravel, Mr. Montoya, Mr. Spong, and Mr. Tunney):

S. 573. A bill to amend the Clean Air Act and the Federal Water Pollution Control Act to provide for standards for the manufacture of certain products to protect the quality of the Nation's air and navigable waters; to the Committee on Public Works.

(The remarks of Mr. Muskie when he introduced the bill appear below under the appropriate heading.)

By Mr. GRAVEL:

S. 574. A bill relating to oil productions, processing and transportation facilities in the United States; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Gravel when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. RANDOLPH (for himself, Mr. Cooper, Mr. Aiken, Mr. Allen, Mr. Beall, Mr. Baker, Mr. Bayh, Mr. Bible, Mr. Boggs, Mr. Burdick, Mr. Byrd of Virginia, Mr. Byrd of West Virginia, Mr. Church, Mr. Cranston, Mr. Eagleton, Mr. Eastland, Mr. Ervin, Mr. Fulbright, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Jackson, Mr. Javits, Mr. Jordan of North Carolina, Mr. Jordan of Idaho, Mr.

Kennedy, Mr. Magnuson, Mr. Mathias, Mr. McClellan, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Montoya, Mr. Muskie, Mr. Nelson, Mr. Pell, Mr. Percy, Mr. Saxbe, Mr. Schweiker, Mr. Scott, Mr. Sparkman, Mr. Spong, Mr. Stennis, Mr. Stevens, Mr. Talmadge, Mr. Tunney, Mr. Weicker, and Mr. Williams):

S. 575. A bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended; to the Committee on Public Works.

(The remarks of Mr. Randolph when he introduced the bill appear later under the appropriate heading.)

By Mr. TOWER:

S. 576. A bill to provide tax incentives to encourage physicians to practice medicine in physician shortage areas; to the Committee on Finance.

(The remarks of Mr. Tower when he introduced the bill appear below under the appropriate heading.)

By Mr. TOWER:

S.J. Res. 26. Joint resolution to authorize and request the President to issue annually a proclamation designating the second Sunday of October of each year as "National Grandparents Day"; to the Committee on the Judiciary.

(The remarks of Mr. Tower when he introduced the joint resolution appear below under the appropriate heading.)

S. 556—INTRODUCTION OF A BILL TO CONVEY FIVE PARCELS OF LAND AT CAPE HENLOPEN, DEL., FROM THE ARMY AND NAVY TO THE STATE OF DELAWARE

Mr. BOGGS. Mr. President, I introduce on behalf of my colleague, Mr. Roth, and myself a bill which would convey five parcels of land at Cape Henlopen, Del., from the Army and the Navy to the State of Delaware.

This is not new legislation. It was offered last year, but no hearings were held on it. The former senior Senator from Delaware, Mr. Williams, and I offered it on May 5, 1970, and my colleague, Mr. Roth, offered the same legislation in the other body.

Of particular interest to those of us from Delaware is the 190 acres at the cape owned by the 1st Army, headquartered at Fort Meade, Md. We feel that this valuable beachland has been abused by the Army and that its best use could be realized by incorporating it into the Delaware State park system.

The Armed Services Committee did not hold hearings on the bill, partly because the Department of Defense never offered written comment on it, despite two requests from the distinguished committee chairman.

The land lies on the Atlantic Ocean, north of Rehoboth Beach in Sussex County, Del. The State of Delaware operates public parkland which surrounds the military land.

It is one of the few areas of unsullied beach remaining on the densely populated East Coast of the United States and it is a popular vacation and swimming spot for thousands of Americans from Eastern cities.

Frankly, the State of Delaware long has coveted these parcels for incorporation into the park system where they could be of service to many more thousands of persons.

It became evident during April of last year—during Earth Week to be more exact—that it is necessary for the land to be conveyed to the State if it is to be used wisely.

The 1st U.S. Army chose that week to level what we used to refer to as the "Big Dune." The Big Dune once stood 70 feet high—the largest between Sandy Hook, N.J., and Cape Hatteras, N.C. It was so well known among naturalists that it was the subject of learned articles in the National Geographic and Scientific American. This natural wonder was knocked down and in its place the 1st Army installed five house trailers.

The Navy, I must say, has been reasonable and has indicated a willingness to part with some of the land it does not need for vital defense purposes. The Army, however, has been adamant that it must retain its 190-acre plot.

The Army uses its land only as a rest and relaxation area. There is a firing range on the land and an underground bunker, neither of which is in use.

Former Secretary of the Interior Walter J. Hickel has indicated the land should belong to the State and be used for recreational purposes. That is an attitude long held by the National Park Service. In 1955 it issued a survey of the Atlantic and gulf coasts. That survey mentioned the Delaware coastline north of Rehoboth Beach as a most desirable place to develop public recreational facilities.

This Army land is adjacent to the Cape Henlopen State Park, which accommodated 1 million persons last year, compared to the few people served by the Army facility. The State park commission estimates that the 2,800 feet of beach occupied by the Army would accommodate 4,500 swimmers at a time.

The State of Delaware has been a generous host over the years. Usage of the Cape Henlopen Park, alone, is double the population of the State. It is estimated that 4 million visitors will use Delaware parks this year. That is nearly eight times the State's population.

The State of Delaware is fortunate to have such beautiful beach areas and it is anxious that they be maintained properly. The Army has demonstrated its disregard for the piece of beach it owns and the land should be consolidated within the adjacent State parks.

There is ample precedent for this action. Recently, the Marine Corps turned over 3½ miles of beachland at Camp Pendleton for inclusion in a California State park. If the Marines can part with 3½ miles of beach at an active military installation, the Army certainly can part with 2,800 feet of beach at an inactive one.

It is not our intent to deny the use of this land to military personnel, but rather to make it available for all on an equal basis.

Neither is it our intent to deny the Department of Defense any facilities that are important for our national defense. There is a Navy installation and a Navy Reserve facility at Cape Henlopen, and we have no desire to oust them.

Although this bill would convey all the military lands at Cape Henlopen, we are willing—indeed anxious—to work out our differences with the Department during the legislative process.

Mr. President, I ask unanimous consent that the bill be printed at this point in the Record.

The PRESIDING OFFICER (Mr. McGovern). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 556) to authorize the conveyance of certain unneeded Federal lands of the Fort Miles Reservation, Del., to the State of Delaware for public education and park purposes, and for other purposes, introduced by Mr. Boggs (for himself and Mr. Roth), was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the Record, as follows:

S. 556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army and the Secretary of the Navy shall convey to the State of Delaware by quitclaim deeds and without reimbursement, that part of the federally owned real property of the Fort Miles Army and Naval Reservation, Delaware, said real property comprising five (5) parcels totaling 820.38 acres, more or less.

S. 557—INTRODUCTION OF A BILL TO AMEND THE WAGNER-O'DAY ACT

Mr. JAVITS. Mr. President, I introduce for myself and for Senators Anderson, Hartke, Magnuson, Prouty, and Randolph a bill amending the Wagner-O'Day Act, the 1938 law which gives to the blind a special priority in the selling of certain products to the Federal Government.

For the past 33 years, the Wagner-O'Day Act has stood without amendment. In the intervening years, techniques for utilizing the innate talents of the blind and other severely handicapped have continually improved and the realization has grown that these persons can pursue useful, productive lives rather than being institutionalized or becoming burdens upon their families. This bill involves no added cost to the Government.

This bill has two principal objectives: First, to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring, however, that the blind will have first preference; and, second, to expand the category of contracts under which the blind and other severely handicapped would have priority to include services as well as products, reserving to the blind first preference for 5 years after the enactment of the bill.

This measure is similar to the legislation which passed the Senate unanimously last year, too late, unfortunately, to be considered by the House. A companion bill is being again introduced in the House of Representatives by Representative Craig Hosmer of California and a group of his colleagues from both parties in the other body.

During the hearings last year, support for this proposal was indicated by representatives of the three Federal agencies concerned; namely, the Committee on Blind-made Products, the Rehabilitation Services Administration of the Department of Health, Education, and Welfare, and the President's Committee on Employment of the Handicapped. Among the organizations submitting testimony in support were the American Association of Workers for the Blind, the American Foundation for the Blind, the General Council of Workshops for the Blind, the Goodwill Industries of America, the International Association of Rehabilitation Facilities—formerly the National Association of Sheltered Workshops and Homebound Programs and the Association of Rehabilitation Centers, the National Association for Retarded Children, the National Easter Seal Society for Crippled Children and Adults, the National Industries for the Blind, the National Rehabilitation Association, and the United Cerebral Palsy Association of America.

The proposed legislation is not a welfare measure. It is a hard-nosed proposal to help those who have no choice but to help themselves. The blind and the other severely handicapped wish to be self-supporting and to be taxpayers, not tax burdens. This legislation would provide a significantly increased number of opportunities for work for those who otherwise might be relegated to institutions, to welfare programs or supported by already burdened families. After 33 years of successful operation, the Wagner-O'Day Act must now be strengthened.

In conclusion, I wish to express my gratification that the Senator from West Virginia (Mr. Randolph) is a cosponsor of this bill. As a Member of the House, he was a coauthor of the Randolph-Shepherd Act which for the past 35 years has benefited blind vendors in public buildings. He has long been a pioneer in the effort to help the blind become productive citizens, as they are well able. I think it is most heartening that he has lent himself to this effort as well.

The PRESIDING OFFICER (Mr. McGovern). The bill will be received and appropriately referred.

The bill (S. 557) to amend the Wagner-O'Day Act to extend the provisions thereof to other severely handicapped individuals who are not blind, and for other purposes, introduced by Mr. Javits, for himself and other Senators, was received, read twice by its title and referred to the Committee on Labor and Public Welfare.

S. 558—INTRODUCTION OF THE MOTOR VEHICLE DISPOSAL ACT

Mr. JAVITS. Mr. President, I introduce a bill, entitled the Motor Vehicle Disposal Act, on behalf of myself and Senators Cannon, Hatfield, Pell, and Percy.

Mr. President, this bill provides for the efficient disposal and recycling of junked and abandoned automobiles.

There are in this country roughly 9 million cars that will go out of service this year, and of that number, 15 percent, or about 1,300,000, will simply be abandoned. Right here in Washington, cars are abandoned at the rate of about 1,000 a month, and in my own city of New York, the rate is 1,000 a week. These numbers are cumulative. The cars are going into the woods and onto vacant lots, and they are an eyesore and a hazard. Nevertheless they are also a challenge to a society which prides itself on its ability to generate technological solutions to its problems.

PROVISIONS OF THE ACT

This bill would require that all cars carry a permanent plate issued by the Federal Government for a fee of from $25 to $50, depending on the size and weight of the car. Title to the plate would inhere in the car itself, so that transfer of the car would automatically transfer title to the plate, and the value of the plate, in turn, would obviously affect not only the original price of the car but also its resale price, in each case in an amount equal to the value of the plate, which the last owner would recoup upon proper disposal of the remains of the car.

The last owner of the car could obtain a full refund of the license fee by depositing the car with a concern authorized to process, and in the business of processing, junked vehicles into established grades of scrap for remelting purposes. This would return the scrap metal to the stream of commerce without littering streets and landscapes. In the event a car is unlawfully abandoned in a public place—and that is our problem—a public agency authorized by law to remove the car could then take it to such a qualified scrap-processing concern, and the agency itself would receive the disposal fee to cover its very considerable cost in removing abandoned cars.

In addition to providing an incentive not to abandon cars on public streets—the incentive being loss of the disposal fee refund—and giving a bounty to the local government to remove such abandoned cars, this plan, which is entirely a self-help plan, would also create an incentive for junkyards not to expand their inventory endlessly, for each car carcass on a junkyard would always be worth at least $25 to the lot owner if he removes and deposits it with an authorized disposal concern.

This proposal conceivably could be done on a State level as well, of course, but this is such a broad problem that I believe the national establishment has the right to move into it in the interest of interstate commerce as well as health, sanitation, and the prevention of crime.

THE COST OF THE PROPOSAL

Senators will recall that the President, in his February 10, 1970, message to the Congress on environment and pollution, said:

> The way to provide the needed incentive is to apply to the automobile the principle that its price should include not only the cost of producing it, but also the cost of disposing of it.

I think it is important to note that this bill, except for the expenses of initial organization of the plan, would be completely self-liquidating in terms of cost. A law-abiding car owner would incur no cost at all, assuming that he would recoup the cost of his license when he sells his car to a second owner, and further assuming that the last owner—whose cost would include the cost of the license—would get a complete refund when he deposits the car for disposal. The bill would also make self-liquidating the very considerable cost which local governments incur for towing away abandoned vehicles, bearing in mind that there are 90 million vehicles in the United States. So this is a very tidy sum of money. The cost of administration could, I believe, be defrayed by the interest on money deposited in the revolving fund made up of the license fees themselves.

THE GENERAL MARKET FOR RECYCLED MATERIAL

Since I introduced this measure in an earlier version last year, experts have come forward and pointed out to me that the system my bill proposes would create a useful "pressure" of raw material into the recycling system, but that a fully effective system will also require some "suction" on the market.

By "suction," I mean some requirement or incentive for the producers of raw materials—not just steel, but perhaps also aluminum, rubber, glass, paper, and so forth—to use a stated percentage of recycled material in their "mix." My staff and I are working on that problem now, and I expect to have a measure along that line ready for introduction this year.

The problem, of course, is so general and all pervasive that it calls for a general solution such as this.

But even with respect to cars alone, a great deal can be done as a first step, because, astounding as it may seem, 20 percent of all American steel goes into automobiles, as well as 10 percent of our aluminum, 7 percent of our copper, 13 percent of our nickel, 35 percent of our zinc, over 50 percent of our lead, and 60 percent of all rubber. We simply cannot afford to waste that much material, nor can we afford to destroy our environment by letting the scrap accumulate on the roadsides, in vacant lots, and on side streets.

Mr. President, 1 day of hearings was held last year in the Public Works Committee on my bill and one other. I hope very much that the committee will act dispositively with respect to the problem this year at an early date.

I ask unanimous consent that the text of this bill be printed in the Record, and that it be referred to the Committee on Public Works, as it was in the 91st Congress.

The PRESIDING OFFICER (Mr. McGovern). The bill will be received; and, without objection, the bill will be referred to the Committee on Public Works and printed in the Record.

The bill (S. 558) to provide for the efficient disposal and recycling of motor vehicles, and for other purposes, introduced by Mr. Javits, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, by unanimous consent, and ordered to be printed in the Record, as follows:

S. 558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Disposal Act".

DISPOSAL FEE REQUIRED

SEC. 2. (a) Each person within any State who owns a motor vehicle on the effective date of this title shall, within three months after the effective date of this title, pay to the Secretary of the motor vehicle disposal fee required by the provisions of this title, and affix to the motor vehicle a plate or other device, designed by the Secretary, stating that the motor vehicle disposal fee has been paid.

"(b) Every motor vehicle manufacturer shall pay for each motor vehicle manufactured by it after the effective date of this title the motor vehicle disposal fee required by the provisions of this title, and shall affix to the motor vehicle a plate or other device, designed by the Secretary, stating that the motor vehicle disposal fee for that vehicle has been paid.

EVIDENCE OF PAYMENTS OF DISPOSAL FEE

SEC. 3. (a) The Secretary shall design a plate or other device suitable for easy and permanent installation in a conspicuous place on a motor vehicle on which the disposal fee required by this title has been paid.

(b) The Secretary shall make available places at convenient locations throughout the country in which persons shall pay the disposal fee required under section 2 and receive the plates or other devices evidencing such payments together with instructions for the installation of such plates or other devices.

(c) The Secretary shall make necessary arrangements with manufacturers required to pay the disposal fee under section 2 to receive the payment of such fees at such times as he determines to be convenient for such manufacturers and to furnish such manufacturers sufficient numbers of plates or other devices evidencing such payment.

AMOUNT OF DISPOSAL FEE AND ESTABLISHMENT OF THE MOTOR VEHICLE DISPOSAL FUND

SEC. 4. (a) The Secretary shall prescribe the amount of the disposal fee required under this title in an amount not less than $25 nor more than $50 per motor vehicle. In determining the amount of the disposal fee the Secretary may establish a schedule of fees after considering the size of the motor vehicle and the cost of removing motor vehicles. Any fee or fee schedule established under this section may not be established by the Secretary without proceedings including notice and an opportunity for a hearing held in accordance with the provisions of subchapter II of chapter 5, title 5, United States Code, and provisions for judicial review in the United States Court of Appeals for the District of Columbia in accordance with the provisions of chapter 7 of such title.

(b) Any sums appropriated pursuant to section 2 of this title and any disposal fees collected pursuant to this title shall be deposited in a revolving fund which is hereby established in the Treasury of the United States and shall be known as the "Motor Vehicle Disposal Fund". Moneys in the fund shall be available, without fiscal year limitation, to the Secretary to make payments to persons certified to him by licensed motor vehicle disposal concerns in accordance with the provisions of this title. Moneys in the fund not necessary for current operations shall be invested in bonds or other obligations of, or guaranteed by, the United States.

MOTOR VEHICLE DISPOSAL CONCERNS LICENSED

SEC. 5. (a) After the effective date of this title, any person engaged in the business of processing junked motor vehicles into established grades of scrap for remelting purposes may make application to the Secretary for a license under this section at such time, in such manner, and containing such information as the Secretary shall by regulation reasonably require.

(b) Licenses issued under this section shall be in such form as the Secretary shall prescribe and shall continue in effect unless revoked pursuant to this title.

(c) In issuing or refusing to issue any licenses under this section the Secretary shall conduct proceedings in accordance with the provisions of subchapter 2 of chapter 5 of title 5, United States Code. Such proceedings shall be reviewable in the appropriate United States court of appeals in accordance with chapter 7 of such title.

(d) The Secretary shall issue a license to any applicant if he determines that—

(1) the applicant is qualified and has the facilities necessary to process junked motor vehicles into established grades of scrap for remelting purposes;

(2) agrees to certify to the Secretary the names and addresses of persons eligible to receive disposal payments under this title.

(e) (1) The Secretary is authorized to enter the facility of any person authorized under this title or any person applying for a license under this title and to inspect the premises and facilities on such premises at reasonable times, within reasonable limits, and in a reasonable manner.

(2) Every licensee shall establish and maintain such records, make such reports, and provide such information, including technical information, as the Secretary may reasonably require to enable him to carry out the provisions of this title. All information contained in any report received under this section shall be deemed to be confidential information for the purposes of section 1905 of title 18 of the United States Code.

(f) Subject to such terms and conditions as the Secretary may by regulations prescribe, persons licensed under this section shall receive from the Secretary a fee, in an amount not less than $1 nor more than $5 for each car processed, to cover the cost of removal of the plate or device required by this title and the keeping of necessary records as required by this title.

REVOCATION OF LICENSES

SEC. 6. (a) Any license issued pursuant to this title may be revoked by the Secretary if he determines that (1) the licensee has discontinued the business of disposing of motor vehicles as provided in the license, or (2) the licensee fails or refuses to make the certifications required by this title.

(b) Before revoking any license pursuant to subsection (a) of this section, the Secretary shall serve upon the licensee an order to show cause why an order of revocation should not be issued. Any such order to show cause shall contain a statement of the basis thereof, and shall call upon such licensee to appear before the Secretary at a time and place stated in the order, but in no event less than thirty days after the date of receipt of such order, and give evidence upon the matter specified therein. The Secretary may in his discretion suspend any license simultaneously with the issuance of an order to show cause, in cases where he finds that the public interest requires such suspension. Such suspension shall continue in effect until the conclusion of any revocation proceeding, including judicial review thereof, unless sooner withdrawn by the Secretary, or dissolved by a court of competent jurisdiction. If, after hearing, default, or waiver thereof by the licensee, the Secretary determines that an order of revocation should issue, he shall issue such order, which shall include a statement of his findings and the grounds and reasons therefor and shall specify the effective date of the order and he shall cause such order to be served on the licensee. In any case, where a hearing is conducted pursuant to the provisions of this section, both the burden of proceeding with the introduction of evidence and the burden of proof shall be on the Secretary. Proceedings under this section shall be independent of, and not in lieu of, any other proceeding under this title or any other provision of law.

MOTOR VEHICLE DISPOSAL PAYMENTS

SEC. 7. (a) Each person who owns a motor vehicle on which the motor vehicle disposal fee has been paid is entitled to receive a disposal payment in an amount equal to the motor vehicle disposal fee whenever such vehicle is transferred to, and presented for disposal to, a concern licensed under the provisions of this title.

(b) If an owner, in violation of State law, abandons a motor vehicle on which the motor vehicle disposal fee has been paid, and such vehicle is thereafter presented to a concern licensed under the provisions of this title by a public agency authorized by State or local law to confiscate and dispose of such abandoned vehicle, the public agency so presenting and transferring such abandoned vehicle shall be entitled to receive a disposal payment equal to the motor vehicle disposal fee.

(c) Whenever a motor vehicle is properly presented to a motor vehicle disposal concern as provided in paragraph (a) or (b) of this section, such concern shall issue to the person or agency presenting and transferring such vehicle a receipt therefor, on a form prescribed by the Secretary, stating that such vehicle has been properly disposed of under this title and that such person or agency is entitled to receive the disposal payment.

(d) The Secretary shall redeem, by payment of the disposal payment, under whatever arrangements he deems appropriate, receipts properly issued under paragraph (c) of this section.

UNLAWFUL ACTIVITIES

SEC. 8. It shall be unlawful for any person—

(1) to fail or refuse to pay the motor vehicle disposal fee required by section 2 or to fail to affix the evidence of such payment to the motor vehicle in accordance with the provisions of this title;

(2) to manufacture for sale, offer for sale, introduce or deliver for introduction in interstate commerce any motor vehicle manufactured on or after the effective date of this title without the payment of the disposal fee for such vehicle under section 2 and a plate or other device evidencing such payment being affixed to such vehicle in accordance with the provisions of this title;

(3) who is licensed under the provisions of this title, to fail or refuse access to or copying of records or fail to make reports or furnish information or fail to permit entry or inspection as required under section 405;

(4) to manufacture or furnish to any other person a plate or other device designed by the Secretary for the purposes of this title unless such person is authorized by the Secretary to do so; or

(5) to remove, destroy, or otherwise dispose of the plate or device evidencing payment of the disposal fee provided in section 2, except as authorized by this title or by regulations promulgated by the Secretary pursuant to this title.

PENALTIES

SEC. 9. (a) Any person who is required to pay the disposal fee pursuant to section 2 of this title and who willfully and knowingly fails to make such payment shall be subject to a penalty of not to exceed $500 for such violation.

(b) Any person who violates the provisions of section 3 or paragraph (3), (4), or (5) of section 8, or regulations issued thereunder, shall be subject to a civil penalty not to exceed $500 for each such offense except that the maximum penalty shall not exceed $100,000 for any related series of violations committed by the same person.

(c) Any person who willfully and knowingly makes a false statement of any information required under this title shall be deemed to have violated the provisions of section 1001 of title 18, United States Code.

(d) Any such civil penalty under this section may be compromised by the Secretary and shall be recoverable in a civil action in any district court in the district in which any such person resides, or is doing business.

(e) In addition to the civil penalties provided hereunder, any person who willfully violates the provisions of paragraph (4) or (5) of section 8 shall be subject to imprisonment of not more than six months for each such violation.

ADMINISTRATION

SEC. 10. (a) In order to carry out the objectives of this title, the Secretary is authorized to—

(1) promulgate such rules and regulations as may be necessary;

(2) appoint such advisory committees as he may deem advisable;

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) use the services, personnel, facilities, and information of any other Federal department or agency, or any agency of any State, or political subdivision thereof, or any private research agency with the consent of such agencies, with or without reimbursement therefor; and

(5) manufacture the plates or devices designed by him for the purposes of this title at the expense of the United States.

(b) Upon request by the Secretary each Federal department and agency is authorized and directed to make its services, personnel, facilities, and information, including suggestions, estimates, and statistics available to the greatest practicable extent to the Secretary in the performance of his functions under this title.

(c) The Secretary, the Comptroller General of the United States, or any of their duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers, and records that are pertinent to the payments certified to by any licensee under this Act.

(d) The Secretary shall have discretion, based on market or other conditions in any locality or area of the country causing an inability or unwillingness of any licensed disposal concern to accept vehicles for disposal, to license automobile wreckers, including any public agency of a State or political subdivision thereof acting as an automobile wrecker, to accept vehicles for disposal and issue receipts under section 7, on condition that such wrecker undertakes to deposit such vehicles with an authorized disposal concern within twelve months after the Secretary determines that such market or other local conditions have abated.

(e) The Secretary shall have discretion, if business practices make it advisable in a particular locality or area of the country, to authorize any person engaged in the business of hauling scrapped motor vehicles, after crushing, to licensed disposal concerns, to issue receipts under section 7, provided that such persons satisfy the Secretary of their undertaking to deposit such vehicles as required by this Act and applicable regulations issued by the Secretary.

DEFINITIONS

SEC. 11. As used in this title—

(1) The term "person" includes any individual, corporation, company, association, firm, partnership, society, joint stock company, or public agency.

(2) The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails. The Secretary may exclude classes of motor vehicles other than passenger automobiles from the definition of motor vehicle for the purposes of this title upon a finding that to do so is in the public interest.

(3) The term "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles including any person importing motor vehicles for resale.

(4) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone and American Samoa.

(5) The term "interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(6) The term "Secretary" means the Secretary of Transportation.

AUTHORIZATION AND APPROPRIATION

SEC. 12. There is hereby authorized to be appropriated to the Secretary to carry out the provisions of this title not to exceed $500,000 for the fiscal year ending June 30, 1971.

NATIONAL MOTOR VEHICLE DISPOSAL COUNCIL

SEC. 13. (a) The Secretary shall establish a National Motor Vehicle Disposal Council which shall consist of seven members, of whom three members who shall be representatives of businesses engaged in processing junked motor vehicles into established grades of scrap for remelting purposes, three members representative of the general public, and one member representative of automobile wreckers. Representatives of the general public may include representatives of Federal, State, or municipal agencies working in the fields of environmental protection and control.

(b) The Secretary shall consult with the National Motor Vehicle Disposal Council with respect to all matters subject to regulations which may be promulgated under this title.

(c) Members of the National Motor Vehicle Disposal Council may be compensated at a rate not to exceed $100 per diem (including traveltime) when engaged in the actual duties of the Advisory Council. Such members, while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistance as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Advisory Council employees or officials of the United States for any purpose.

EFFECTIVE DATE

SEC. 14. The provisions of this title shall take effect on September 1, 1971, except that sections 3, 10, 11, 12, and 13 shall become effective on the date of enactment of this title.

S. 559—INTRODUCTION OF A BILL FOR THE RELIEF OF ALBINA LUCIO Z. MANLUCU

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I be permitted to introduce, for the Senator from California (Mr. CRANSTON), a bill for the relief of Albina Lucia Lucio Z. Manlucu.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be received and appropriately referred.

The bill (S. 559) for the relief of Albina Lucio Z. Manlucu, introduced by Mr. BYRD of West Virginia (for Mr. CRANSTON), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 560—INTRODUCTION OF THE EMERGENCY PUBLIC INTEREST PROTECTION ACT OF 1971

Mr. GRIFFIN. Mr. President, it is with a sense of urgency that I rise to reintroduce a bill which I introduced in the 91st Congress—a bill entitled the Emergency Public Interest Protection Act which, if enacted, would implement an administration proposal.

This bill is an effort to deal in a positive, equitable, and sensible way with threat of National emergency strikes that arise from time to time in the transportation industry.

It should hardly be necessary to point out the deficiency of current law for protecting the public interest against such crippling emergency strikes. But allow me to briefly take note of some events in 1970 which highlight the critical need for reform.

January 31, 1970: Shopcraft unions struck the Union Pacific Railroad. A District Court temporary restraining order was issued and twice extended.

March 2, 1970: Shopcraft unions were barred by injunction from striking individual railroads.

March 4, 1970: Congress acted to ban strikes by the shopcraft unions for 31 days.

April 8, 1970: Congress passed legislation imposing a contract upon the parties to the shopcraft dispute—a contract which had been rejected by the rank and file.

July 7, 1970: President Nixon invoked the Railway Labor Act to delay a railroad firemen strike for 60 days.

September 15, 1970: Operating unions, in defiance of a district court injunction began a selective strike against three railroads. The workers returned to their jobs after being threatened with contempt charges.

September 18, 1970: The President invoked the Railway Labor Act to delay a strike by the operating unions.

December 10, 1970: In a late evening session which many would like to forget, Congress not only extended the strike ban until March 1, 1971, but also proceeded unilaterally to impose by legislation a retroactive wage increase.

Now, we look up to find another crisis approaching: the strike ban extension voted December 10 will expire in less than 4 weeks.

Although this legislative proposal was before the Congress during the greater portion of the last session, no hearings were even held. I hope that will not be the fate of this urgently needed legislation in this session of Congress.

As President Nixon said in his message to Congress:

> I urge that this time we not wait for the next emergency, but rather join together in acting upon it now.

Mr. President, I ask unanimous consent that an explanatory statement of the bill be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT OF THE "EMERGENCY PUBLIC INTEREST PROTECTION ACT OF 1971"

(A draft bill to protect the public interest whenever a threatened or actual strike or lockout in the transportation industry imperils the national health or safety, and for other purposes)

I. GENERAL

The draft bill would provide additional protection for the public interest for those labor disputes in the transportation industries which imperil the national health or safety. Because current procedures for protesting the national health or safety in the transportation industries have not proved effective, the draft bill provides additional options to the President that carefully balance the needs of the public and the rights of free collective bargaining.

The draft bill also amends the Railway Labor Act to promote greater utilization of private collective bargaining procedures rather than reliance upon governmental intervention.

In addition, the draft bill provides for a Special Industries Commission to study labor relations in those industries which are particularly vulnerable to national emergency disputes and make recommendations concerning such industries.

II. AMENDMENTS TO THE LABOR-MANAGEMENT RELATIONS ACT

The draft bill would not change the existing national emergency dispute provisions of Title II of the Labor-Management Relations Act as they apply to industries other than transportation.

It would make the national emergency provisions of the Labor-Management Relations Act applicable to all transportation industries. It does this by repealing the emergency procedures of the Railway Labor Act and bringing the railroads and airlines under the basic emergency provisions now applicable to other industries with certain changes.

In recognition of the special nature of the transportation industries, the President would be empowered to use, in addition to the basic emergency dispute provisions of the Labor-Management Relations Act, one of three new options for dealing with national emergency disputes in the transportation industries. These optional procedures could be used if a transportation national emergency dispute was still unresolved after the 80-day cooling-off period provided in the Labor-Management Relations Act has expired. Because of the potential impact of these options, the basic 80-day injunction would have to be issued by a three judge court in the case of national emergency disputes in the transportation industries. Transportation is defined to include railroads, airlines, maritime (including longshore), and trucking.

The President would be empowered to choose any *one* of these new procedures—but if the one chosen does not result in the resolution of the dispute, the provisions in current law for a report to the Congress would remain in effect.

III. DESCRIPTION OF OPTIONAL PROCEDURES APPLICABLE TO THE TRANSPORTATION INDUSTRIES

Extension of the cooling-off period

There are occasions when a dispute may be readily resolved by the parties by a mere extension of the cooling-off period. In such a situation the President would be authorized to extend the cooling-off period, with continued bargaining between the parties for a period of up to thirty days.

Partial operation

Even when the shutdown of an entire industry imperils the national health and safety, it may be possible to make an acceptable accommodation between the right to strike or lockout and the national good. Such an accommodation could rest in arranging for operation of only an essential part of the industry or by requiring production or service only to a critical class of customers.

It would be unwise and difficult to attempt the division of an industry into essential and nonessential components in the critical period preceding the issuance of an injunction. But if the parties do not reach agreement in the 80-day cooling-off period, partial operation deserves consideration and the President would be authorized, as one of his options, to appoint a special board and direct them to review the feasibility of partial operations. Any party or any member of the board could present to the board a plan defining the strike or lockout action that would be consistent with the public interest. The board, after appropriate hearings in which the government would be a party to protect the public interest, could adopt or modify the plan. Before approving the plan, the board would also have to find that the partial strike or lockout is sufficiently extensive to encourage resolution of the dispute; in other words, that sufficient economic pressure will remain on both sides to encourage an early resolution.

The board's decision must be made within 30 days and during that period the status quo must be maintained. Partial operation pursuant to the board's decision would be limited to a maximum of 6 months.

Final offer selection

As one of the President's options following the eighty-day cooling-off period, the parties would be required to submit their final proposals for full resolution of the controversy. The parties would be given 3 days in which to submit two final offers. If any party failed to submit a final offer or offers, the last offer made during bargaining would be deemed its final offer.

As a first step following this submission, to the Secretary of Labor, the parties would be required to meet and bargain for five days, with or without mediation by the Secretary.

As a second step, the parties would be given an opportunity to select a panel to act as "Final Offer Selector." If the parties were unable to select the panel, a panel composed of three neutral members would be appointed by the President. The panel would hold hearings and determine which of the final offers constituted the final and binding resolution of the issues. In reaching its determination, the panel could not choose any settlement other than those represented by the final offers. The panel's function would be limited to choosing the more reasonable of the final offers. The bill specifies the criteria to be used by the panel in reaching its decision.

The effect of this procedure would be to encourage the parties to arrive at a settlement in negotiations. Should negotiations fail, it would insure that in the course of a dispute the parties draw closer together rather than pull further apart.

The panel's choice would become the contract between the parties.

This option has the virtue of providing finality, yet it does not contain those aspects of compulsory arbitration which are inconsistent with free collective bargaining.

IV. AMENDMENTS TO THE RAILWAY LABOR ACT

Though the emergency disputes provisions of the Railway Labor Act have been the most conspicuous example of procedures undermining rather than strengthening collective bargaining, there are other provisions of that Act which place an excessive reliance on Governmental intervention in matters which should be left to the parties. These can be summarized under two headings: (a) the procedure for the adjustment of grievances under collective bargaining contracts, and (b) procedures for the negotiation of new agreements. The basic deficiency of the first is that it provides for *Governmental* arbitration as a final step, and of the second, that government procedures have tended to substitute for expeditious private settlement of collective bargaining disputes.

The interpretation and application of agreements

The Railway Labor Act presently places upon those within its coverage an obligation to make every effort to negotiate and maintain collective bargaining agreements and to settle all disputes peaceably. "Minor" disputes are those which include interpretation of provisions in existing collective bargaining agreements. Those in the railroad industry are processed through grievance machinery established by and between the parties, but, failing resolution, are submitted to the National Railroad Adjustment Board. In the case of air carriers, final resolution of minor disputes has been delegated to system or regional adjustment boards, no national board having been established by the National Mediation Board.

The inordinate delays which now attend the use of present railroad grievance machinery under the Act have proven burdensome and unfair to both labor and management. At the beginning of 1968, the Board had a backlog of over 5,300 cases—it was still over 5,000 cases at the end of that year.

Complete overhaul of the existing grievance procedure is needed. Such action would include the abolition of the NRAB, and with regard to air carriers, system and regional Boards of Adjustment. Grievances should not be settled by procedures established by statute but by those most concerned with their equitable and expeditious settlement, the parties themselves.

The Act now encourages the voluntary settlement of grievances but does not implement this clear mandate of sound policy because it establishes a governmental body to make the ultimate decision. Legislation should not itself provide the machinery—rather it should encourage the parties to include in their collective bargaining agreements a full and adequate grievance procedure up to and including final and binding arbitration.

The draft bill proposes the following changes in an effort to eliminate reliance on governmental machinery in the case of "minor disputes." The National Railroad Adjustment Board, system and special boards of adjustment would be phased out over a two-year period. In their stead, the parties would be encouraged in their collective bargaining agreements to provide for grievance machinery terminating in final and binding arbitration, together with provisions for no-strike and no-lockout clauses. Until such time as the collective bargaining agreements contain such provisions, "minor disputes" would be resolved by private arbitration with the arbitrator selected by the parties on the basis of consent or elimination of alternates until one arbitrator remains. No strikes over such minor disputes would be permitted during this period.

Negotiation of new agreements

The Railway Labor Act, as it has been administered and interpreted by the courts over the years, establishes a formalized, complex, and excessively lengthy procedure for the negotiation of new agreements. There are no specified time limits in this process and the parties are not free to resort to self-help until the National Mediation Board determines that an amicable settlement will not be reached through mediation. As a result, contracts have no effective termination date but instead remain in effect until the procedures for amending them have been complied with and this can often be well beyond the intended expiration date of the contract.

The result has often been that these procedures become a hindrance rather than an aid to voluntary negotiation. New procedures are needed so that governmental mediation will assist the parties in resolving their disputes rather than merely being preliminary to further governmental action.

In order to remove the parties' dependence on governmental intervention in "major disputes," the draft bill would overhaul the present procedures in several respects. The notice-of-contract modification or termination provisions would be changed so as to direct the railroad and airline industries to the form of contract reopening existing in industries subject to the Taft-Hartley Act. Thus, the parties would be obliged to serve written notice of proposed contract changes on each other at least 60 days prior to the contract expiration date. The bill provides special provisions for the transition to the new method of contract reopening. At the expiration of the contract or of 60 days, whichever is later, the parties would be free to resort to self-help.

Finally, the draft bill would amend the Railway Labor Act so that the mediation duties of the National Mediation Board and its staff would be transferred to the Federal Mediation and Conciliation Service in order to have all mediation responsibilities under one roof. The National Mediation Board would retain its function of determining the representatives of bargaining units, but its name would be changed to the Railroad and Airline Representation Board.

V. SPECIAL INDUSTRIES COMMISSION

Experience has shown that the labor crises which affect the national health or safety tend to be concentrated in certain industries. It is essential that we determine why crises occur in one industry and not in others. The draft bill establishes a special commission to study labor relations in those industries which the Secretary of Labor has determined to be particularly vulnerable to the national emergency disputes. The commission would be empowered to study all the factors affecting labor relations in these industries and to make recommendations to the President as to the best way of remedying the weaknesses of collective bargaining in the industries studied, including recommendations for legislation, if appropriate. Such recommendations might include a proposal that additional industries be brought within the coverage of Part B of Title II of the Labor-Management Relations Act.

The Commission would also be authorized to study the operation of the revised emergency procedures.

VI. MISCELLANEOUS PROVISIONS

The draft bill would provide several important remedies for the parties. First, it would assure that collective bargaining agreements or arrangements in air and rail industries would be enforceable in federal courts. It also would make representatives suable in their capacity as such and would define the jurisdictions in which such representatives may be sued.

The Norris-LaGuardia Act made inapplicable to any judicial proceeding brought under or to enforce the provisions of the Act. This would apply to the provisions amending the Railway Labor Act as well as the Emergency Disputes provisions.

The draft bill also repeals the provisions of the Railroad Unemployment Insurance Act that makes strikers eligible for benefits if the strike is not in violation of the Railway Labor Act or of the rules of the labor organization of which he is a member. Thus strikers in the railroad industry will be disqualified from unemployment insurance benefits in accordance with the usual criteria in State unemployment insurance laws applicable to other industries.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD in connection with these remarks.

The PRESIDING OFFICER (Mr. McGOVERN). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 560) to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes, introduced by Mr. GRIFFIN (for himself and Mr. DOLE), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 560

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Public Interest Protection Act of 1971."

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds:

(1) That present procedures for dealing with national emergency disputes under the Railway Labor Act tend to encourage resort to governmental intervention in such disputes rather than utilization of the collective bargaining processes to solve labor-management disputes;

(2) That present procedures for dealing with disputes in the transportation industry, in general, have proved insufficient to prevent serious disruptions of transportation services.

(b) The Congress declares it to be the purpose and policy, through the exercise by Congress of its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible, that no strike or lockout in the transportation industry or a substantial part thereof will imperil the national health or safety—

(1) by providing a single set of procedures for dealing with national emergency disputes in the transportation industries;

(2) by establishing procedures which will encourage the parties to make effective use of various private collective bargaining techniques to resolve disputes;

(3) by establishing procedures which will both protect the public interest and recognize the interests of the parties involved in the dispute;

(4) by providing the President with appropriate alternative means for dealing with national transportation emergency disputes;

(5) by amending the Railway Labor Act to eliminate reliance upon Governmental machinery or intervention for adjusting grievances and for collective bargaining in the railroad and airline industries; and

(6) by establishing a National Special Industries Commission to study and make recommendations concerning those industries which are or may be particularly vulnerable to national emergency disputes.

TITLE I—AMENDMENTS TO THE LABOR-MANAGEMENT RELATIONS ACT RELATING TO EMERGENCY DISPUTES IN THE TRANSPORTATION INDUSTRY

SEC. 101(a) Title II of the Labor-Management Relations Act, as amended, is redesignated as title II Part A.

(b) (1) Section 208 (a) is amended by substituting a colon for the period at the end thereof and by adding the following proviso:

"*Provided that,* when such petition is sought to enjoin a strike or lockout in an industry subject to Part B of this title it shall be heard and determined by a three-judge district court in accordance with section 2284 of title 28, United States Code."

(2) Section 208(c) is amended by substituting a semicolon for the period at the end thereof and adding the following: "except that where the proviso in section 208(a) is applicable, appeal shall be to the United States Supreme Court in accordance with section 1253 of title 28, United States Code."

(c) Section 212 is hereby repealed.

SEC. 102. Title II of the Labor-Management Relations Act, as amended, is hereby further amended by adding a new Part II B at the end of Part II A to read as follows:

"PART B—ALTERNATIVE PROCEDURE FOLLOWING INITIAL 80-DAY COOLING-OFF

"SEC. 213. APPLICABILITY OF THIS PART. This Part shall apply only to the following transportation industries: (1) railroads, (2) airlines, (3) maritime, (4) longshore, and (5) trucking.

"SEC. 214. If no settlement is reached before the injunction obtained pursuant to section 208 of this Act is discharged, the President may, within 10 days, invoke any one, but only one, of the procedures set forth in sections 217, 218, and 219 of this Act with regard to a national emergency dispute subject to this part.

"SEC. 215. Notice of which procedure the President has selected must immediately be transmitted to the Congress, unless the Congress has adjourned or is in a recess in which case such notice shall be transmitted as soon as Congress reconvenes. Such procedure shall remain in effect, unless within 10 days after the President invokes such procedure, either House passes a resolution stating that that House rejects the procedure invoked by the President.

"SEC. 216. If either House passes a resolution pursuant to subsection (c) of this section rejecting the procedure invoked by the President, or, if the President does not choose to invoke any of the procedures set forth in sections 217, 218, and 219 of this Act, the President shall submit to the Congress a supplemental report including such recommendations as he may see fit to make.

"SEC. 217. ADDITIONAL COOLING-OFF PERIOD. The President may direct the parties to the controversy to refrain from making any changes, except by agreement, in the terms and conditions of employment for a specified period of not more than 30 days from the date of his direction. During such period the parties shall continue to bargain collectively, and the board of inquiry may continue to mediate the dispute with the assistance of, and in close coordination with, the director of the Federal Mediation and Conciliation Service.

"SEC. 218. PARTIAL OPERATION (a) The President may appoint a special board of three impartial members for the purpose of having the board make the following determinations:

"(1) Whether and under what conditions a partial strike or lockout in lieu of a full strike or lockout in an entire industry or substantial part thereof could take place without imperiling the national health or safety; and

"(2) Whether, under such conditions, the extent of such partial strike or lockout would, in the judgment of the board, appear to be sufficient in economic impact to encourage each of the parties to make continuing efforts to resolve the dispute.

"(b) (1) If the board makes a determination that there are conditions under which a partial strike or lockout can take place in accordance with the criteria specified in subsection (a), it shall issue an order specifying the extent and conditions of partial operation that must be maintained: *Provided,* That, in no event, shall the order of the board place a greater economic burden on any party than that which a total cessation of operations would impose.

"(2) If the board makes a determination that a partial strike or lockout cannot take place in accordance with such criteria, it shall submit a report to the President.

"(c) The parties shall not interfere by resort to strike or lockout with the partial operation ordered by the board. The board's order shall be effective for a period determined by the board, but not to exceed 180 days.

"(d) The board's order or any modification thereof shall be conclusive unless found arbitrary or capricious by the district court which granted the injunction pursuant to section 208 of this Act.

"(e) (1) The board shall issue its order no later than 30 days from the date of its appointment by the President, unless the parties, including the Government, agree to an extension of time but such extension shall reduce pro tanto the maximum effective period of the board's order.

"(2) On notice to the parties, the board may at any time during the period of partial operation modify its order as it deems necessary to effectuate the purposes of this section.

"(f) Until the board makes its determination and during any period of partial operation ordered by the board no change, except by agreement, shall be made in the terms and conditions of employment. If the board determines that the implementation of any particular term of the existing terms and conditions of employment is inconsistent with the conditions of partial operation, it may order the suspension or modification of that term but only to the extent necessary to make it consistent with the conditions of partial operation.

"(g) The following rules of procedures shall be applicable to the board's functions under this subsection:

"(1) Notice of hearing.—Upon appointment by the President the board shall promptly notify and inform all parties, including the Government, of the time, place, and nature of the hearings, and the matters to be covered therein.

"(2) Hearing to be public.—The board shall hold public hearings, unless it determines private hearings are necessary in the interest of national security, or the parties, including the Government, agree to present their positions in writing. The record made at such hearing shall include all documents, statements, exhibits, and briefs, which may be submitted, together with the stenographic record. The board shall have authority to make whatever reasonable rules are necessary for the conduct of an orderly public hearing. The board may exclude persons other than the parties at any time when in its judgment the expeditious inquiry into the dispute so requires.

"(3) Participation by board in the hearing.—The board, or any member thereof, may, on its own initiative, at such hearing, call witnesses and introduce documentary or other evidence, including a plan for partial operation, and may participate in the examination of witnesses for the purpose of expediting the hearing or eliciting material facts.

"(4) Participation by parties in hearing.—The parties, the Government, or their representatives shall be given reasonable opportunity; (A) to be present in person at every stage of the hearing; (B) to be represented adequately; (C) to present orally or otherwise any material evidence relevant to the issues including a plan for partial operation; (D) to ask questions of the opposing party or a witness relating to evidence offered or statements made by the party or witness at the hearing, unless it is clear that the questions have no material bearing on the credibility of that party or witness or on the issues in the case; (E) to present to the board oral or written argument on the issues.

"(5) Stenographic records.—An official stenographic record of the proceedings shall be made. A copy of the record shall be available for inspection by the parties.

"(6) Rules of evidence.—The hearing may be conducted informally. The receipt of evidence at the hearing need not be governed by the common law rules of evidence.

"(7) Requests for the Production of Evidence.—The board shall have the power of subpena. It shall request the parties to produce any evidence it deems relevant to the issues. Such evidence should be obtained through the voluntary compliance of the parties, if possible.

"(h) If a settlement is reached at any time during the hearing, the board shall adjourn the hearing and report to the President within 10 days the fact that a settlement has been reached and the terms of such settlement.

"(i) (1) Members of the board shall receive compensation at a rate of up to the per diem compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the board as prescribed by this Act, including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

"(2) For the purposes of carrying out its functions under this Act the Board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"Sec. 219. Final Offer Selection. (a) (1) The President may direct each party to submit a final offer to the Secretary of Labor within 3 days. Each party may at the same time submit one alternative final offer. The Secretary of Labor shall transmit the offers to the other parties simultaneously.

"(2) If a party or parties refuse to submit a final offer, the last offer made by such party or parties during previous bargaining shall be deemed that party's or parties' final offer.

(3) Any offer submitted by a party pursuant to this section must constitute a complete collective bargaining agreement and resolve all the issues involved in the dispute.

"(b) The parties shall continue to bargain collectively for a period of 5 days after they receive the other parties' offers. The Secretary of Labor may act as mediator during the period of the final offer selection proceedings.

"(c) If no settlement has been reached before the end of the period prescribed in subsection (b) of this section, the parties may within two days select a three-member panel to act as the final offer selector. If the parties are unable to agree on the composition of the panel, the President shall appoint the panel.

"(d) No person who has a pecuniary or other interest in any organization of employees or employers or employers' organizations which are involved in the dispute shall be appointed to such panel.

"(e) The provisions of section 218(h) and 218(i) (1) and (2) of this Act shall apply to the panel.

"(f) The panel shall conduct an informal hearing in accordance with section 218(g) of this Act insofar as practicable, except that

"(1) the Government shall have no right to participate; and

"(2) the 30-day period in which the panel shall complete its hearings and reach its determinattion shall run from the time that the President directed the parties to submit final offers.

"(g) The panel shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed by this section.

"(h) From the time of appointment by the President until such time as the panel makes its selection, there shall be no communication by the members of the panel with third parties concerning recommendations for settlement of the dispute.

"(i) Beginning with the direction of the President to submit final offers and until the panel makes its selection, there shall be no change, except by agreement of the parties, in the terms and conditions of employment. In no instance shall such period exceed 30 days.

"(j) The panel shall not compromise or alter the final offer that it selects. Selection of a final offer shall be based on the content of the final offer and no consideration shall be given to, nor shall any evidence be received concerning, the collective bargaining in this dispute including offers of settlement not contained in the final offers.

"(k) The panel shall select the most reasonable, in its judgment, of the final offers submitted by the parties. The panel may take into account the following factors:

"(1) past collective bargaining contracts between the parties including the bargaining that led up to such contracts;

"(2) comparison of wages, hours and conditions of employment of the employees involved, with wages, hours and conditions of employment of other employees doing comparable work, giving consideration to factors peculiar to the industry involved;

"(3) comparison of wages, hours and conditions of employment as reflected in industries in general, and in the same or similar industry;

"(4) security and tenure of employment with due regard for the effect of technological changes on manning practices or on the utilization of particular occupations; and

"(5) the public interest, and any other factors normally considered in the determination of wages, hours and conditions of employment.

"(l) The final offer selected by the panel shall be deemed to represent the contract between the parties.

"(m) The determination of the panel shall be conclusive unless found arbitrary and capricious by the district court which granted the injunction pursuant to section 208 of this Act.

"Sec. 220. (a) Any board or panel established under Part B of title II of this Act may act by majority vote.

"(b) A vacancy on any such board or panel shall not impair the right of the remaining members to exercise all of the powers of such board or panel. In case of a vacancy due to death or resignation, the President may appoint a successor to fill such vacancy.

"Sec. 221. Whenever the term 'Government' is used in title II of this Act it shall be deemed to mean the United States Government acting through the Attorney General or his designee."

TITLE II—AMENDMENTS TO THE RAILWAY LABOR ACT

Sec. 201. The National Mediation Board is hereby renamed the Railroad and Airline Representation Board, and the functions of the Railroad and Airline Representation Board shall be those specified in Sec. 202(f) of this Act.

Sec. 202. The Railway Labor Act is further amended as follows:

(a) Section 2 Seventh of Title I is amended to read as follows:

"Seventh. No carrier, its officers or agents, or representatives shall change or seek to change the rates of pay, rules, or working conditions as embodied in agreements or arrangements except in the manner prescribed in such agreements and in Title I, section 6 of this Act, as amended."

(b) Section 3 First (i) of Title I is amended by striking the period following the words "upon the disputes" and inserting thereafter:

": *Provided, however,* That all such disputes shall no longer be referred to the Adjustment Board commencing 60 days after the effective date of this Amendment to the Act.

"All such disputes which are not so referred within such period and all such disputes arising thereafter shall be submitted to arbitration in accordance with the following procedure. Upon failing to reach a satisfactory adjustment at the level of discussion hereinbefore mentioned, the parties shall within 5 days seek to reach mutual agreement on the selection of an arbitrator. If the parties fail to reach agreement within such period, the Federal Mediation and Conciliation Service shall submit to the parties a list of five qualified arbitrators. Each party shall alternately reject a different arbitrator named on the list until one arbitrator remains who shall thereupon arbitrate the dispute. To the extent that the parties are unable to agree to the rules for arbitration, including the distribution of costs, the arbitrator shall make all necessary rules therefor.

"All disputes which have been referred to the Adjustment Board may be removed by the grievant to the arbitration process herein if the dispute is not then being heard by the Adjustment Board.

"The aforementioned method of arbitration shall prevail with respect to such disputes until such time as the collective bargaining agreements between the parties contain no-strike, no-lockout clauses and provisions for grievance machinery terminating in final, binding arbitration.

"The Adjustment Board shall be dissolved after it has processed to completion all of the disputes before it or upon two years from the effective date of this Amendment to the Act, whichever first occurs. If all the disputes before the Adjustment Board have not been processed to completion by the time of the Board's dissolution date, all such disputes shall be removed by the grievant to the arbitration process hereinabove described."

(c) Section 3 Second of Title I is amended by adding the following language at the end of the first paragraph following the words "jurisdiction of the Adjustment Board.":

"The provisions of paragraph (i) of this section, as amended, shall apply in the same manner and to the same extent with respect to system, group or regional boards of adjustment."

(d) Section 3 Second of Title I is amended by adding the following language at the end of section 3 Second following the words "awards of the Adjustment Board.":

"No dispute which has not been referred to a special board of adjustment by the effective date of this Amendment to the Act may be referred to such special board thereafter."

(e) Section 4 Second of Title I is amended by striking the word "mediation" in the third sentence of paragraph Second and inserting therefor the word "representation".

(f) Both paragraphs of Section 4 Fifth of Title I are amended to read as follows:

"Fifth. The functions of the Representation Board shall be generally those relating to the determination of bargaining representatives including duties particularized in Title I, section 2 Eighth and Ninth of this Act, as amended."

(g) Section 4 of Title I is further amended by adding the following paragraphs after paragraph Fifth:

"Sixth. All functions of the National Mediation Board which in the judgment of the President are primarily related to mediation shall be transferred to the Federal Mediation and Conciliation Service.

"Seventh. All cases which are being mediated by the National Mediation Board on the effective date of this Amendment to the Act shall be transferred to the Federal Mediation and Conciliation Service no later than 30 days after the effective date of this amendment to the Act. All cases arising thereafter under this Act, as amended, requiring mediation, shall be subject to the jurisdiction of the Federal Mediation and Conciliation Service.

"Eighth. All unexpended appropriations for the operation of the National Mediation Board that are available at the time of the dissolution of the Board shall be apportioned between the Railroad and Airline Representation Board and the Federal Mediation and Conciliation Service by the President according to the relative needs of each based on the division of functions prescribed herein."

(h) Section 6 of Title I is amended to read as follows:

"Section 6. Carriers and representatives shall give the other at least 60 days written notice of an intended modification or termination in agreements or arrangements affecting rates of pay, rules or working conditions. The party desiring such change or termination shall also notify the Federal Mediation and Conciliation Service of the existence of a dispute within thirty days after such notice to the other party, provided no agreement has been reached by that time. The parties shall continue in full force and effect, without resorting to strike or lockout or other economic coercion, all the terms and conditions of the existing agreement or arrangement for a period of sixty days after such notice is given or until the expiration date of the agreement containing the rates of pay, rules, or working conditions sought to be changed, provided such agreement exists, whichever occurs later.

"With respect to rates of pay, rules or working conditions for which there exists no fixed expiration date, the time for serving the 60-day notice in the first instance, and the first instance only, shall be established by agreement of the parties to the arrangement; if they cannot agree, the party seeking to serve the 60-day notice may invoke the arbitration procedure prescribed in section 3 First (i), as amended, in order to fix the date on which such notice may be served. In making his decision, the arbitrator shall take into account the probable intention of the parties as revealed by custom and practice with respect to past adjustment of rates of pay, rules or working conditions. In no case, however, shall the arbitrator decide that the time for serving the first 60-day notice shall be more than 2 years after the enactment of this amendment to the Act.

"The parties shall bargain collectively with respect to such intended modification or termination which means that the parties shall have the mutual obligation to meet at reasonable times and confer in good faith with respect to rates of pay, rules and working conditions or the negotiation of an agreement and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making a concession."

(i) Section 201 of Title II is amended by striking the words "except the provisions of section 3 thereof,".

(j) Section 202 of Title II is amended (1) by striking the words ", except section 3 thereof", and (2) by adding the following language after the end of the first sentence therein:

"The functions and duties of the Representation Board, as prescribed in Title I, section 4, shall apply as well to carriers by air and their employees or representatives."

(k) Section 204 of Title II is amended by striking the period following the words "upon the disputes" at the end of the first sentence and inserting thereafter—": *Provided, however,* That all such disputes shall no longer be referred to such Adjustment Boards commencing 60 days after the effective date of this Amendment to the Act but shall be handled in the manner specified in Title I, section 3 First (i), as amended. Such adjustment boards shall be dissolved after they have processed to completion all of the disputes before them or upon two years from the effective date of this Amendment to the Act, whichever first occurs. If all the disputes before such adjustment boards have not been processed to completion by the time of the Boards' dissolution date, all such disputes shall be removed by the grievant to the arbitration process prescribed in Title I, section 3 First (i), as amended."

TITLE III—SPECIAL INDUSTRIES COMMISSION

SEC. 301. The National Special Industries Commission is hereby established. The Commission shall be composed of seven members all of whom shall have a background by reason of education or experience in labor relations.

(a) The Commission members shall be appointed by the President for a term not to exceed 2 years.

(b) The Commission members shall receive compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the Commission, together with any necessary travel and subsistence expenses.

(c) The Commission shall be authorized to study and investigate industries (determined by the Secretary of Labor to be particularly vulnerable to national emergency disputes) combinations or groups thereof, and problems relating thereto, including but not limited to—

(1) the ways and means by which the collective-bargaining process might be improved, altered, revised, or supplemented so as to avoid or minimize strikes and lockouts which effect an entire industry, or region, or a substantial part thereof;

(2) the effectiveness and usefulness of various forms of mediation, conciliation, arbitration, and other possible procedures and methods for aiding or supplementing the collective-bargaining process;

(3) the administration, operation, and possible need for revision of this Act and its effect on collective bargaining, strikes, or lockouts affecting an entire industry or region, or substantial portion thereof;

(4) such other problems and subjects which relate in any way to collective bargaining, strikes, or lockouts as the Commission deems appropriate.

(d) A vacancy in the membership of the Commission shall not affect the powers of the remaining members to execute the functions of the Commission, and shall be filled in the same manner as the original appointment was made. The President shall designate a chairman and a vice chairman from among its members.

(e) In carrying out its duties, the Commission or any duly authorized subcommittee thereof, is authorized to hold such hearings or investigations, to sit and act at such places and times, to require by subpoena or otherwise the attendance of such witnesses and production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, to make such expenditures as it deems advisable. The Commission may make such rules respecting its organization and procedures as it deems necessary: *Provided, however,* That no recommendation shall be reported from the Commission unless a majority of the Commission assent. Subpoenas may be issued over the signature of the chairman of the Commission or by any member designated by him or by the Commission, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Commission or any member thereof may administer oaths to witnesses. The cost of stenographic services shall be fixed at an equitable rate by the Commission. Members of the Commission, and its employees and consultants, while traveling on official business for the Commission may receive either a $50 per diem allowance or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

(f) The Commission is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The Commission is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government.

Sec. 302. The Commission shall, within a period of 2 years from the date of the appointment of its members, report to the President concerning its findings. Such report shall also contain any recommendations for dealing with problems caused by any weaknesses in the collective bargaining process, including any recommendations for legislation which the Commission deems necessary to the solution of such problems. The Commission may also recommend, if it deems it advisable, legislation to bring other industries within the coverage of Part B of title II of the Labor-Management Relations Act, as amended.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Suits by and Against Representatives.—(a) Suits for violation of agreements or arrangements between carriers or common carriers by air and their employees or the representatives thereof, as those terms are defined in the Railway Labor Act, or between any such representatives, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy or without regard to the citizenship of the parties.

(b) Any representative of employees, as defined in the Railway Labor Act, and any carrier or common carrier by air, as defined in the Railway Labor Act, shall be bound by the acts of its agents. Any such representative may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against such representative in a district court of the United States shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.

(c) For the purpose of actions and proceedings by or against representatives in the district courts of the United States, district courts shall be deemed to have jurisdiction of a representative (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

(d) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a representative, in his capacity of such, shall constitute service upon the representative.

(e) For the purposes of this section in determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

Sec. 402. Repeal.—Sections 5, 7, 8 (both), 9 and 10 of title I, and sections 203 and 205 of title II of the Railway Labor Act, as amended, are hereby repealed.

Sec. 403. Inapplicability of the Norris-LaGuardia Act.—The provisions of the Act of March 23, 1932, entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", shall not be applicable to any judicial proceeding brought under or to enforce the provisions of this Act.

Sec. 404. Rights of Employees.—Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor by an individual employees an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall be quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this Act.

Sec. 405. Railroad Unemployment Insurance.—Section 4(a) (v) of the "Railroad Unemployment Insurance Act of 1938," 52 Stat. 1098, is hereby amended by inserting a semicolon following the words "at which he was last employed" and striking the remaining language in the paragraph.

Sec. 406. Appropriations.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Sec. 407. Separability.—If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Mr. JAVITS. Mr. President, I do not wish to intrude on the time of the Senator from Michigan. When his time expires I wish to be recognized in my own right.

I believe this is a very critically important initiative of the President. I am very grateful that the Senator from Michigan has seen fit to reintroduce the bill. I have been unable to introduce it myself, though I am the ranking member of this committee, because I believe that we need to go beyond transportation. This bill is confined to transportation.

I believe also that the range of remedies which is made available needs to be made broader. Because the Senator from Michigan has been so cooperative in reintroducing this bill, I am free to introduce a bill of a broader kind that I believe is essential. That will not be the administration bill. The bill of the Senator from Michigan is the administration bill.

I shall introduce my proposal tomorrow and will address myself to it on tomorrow.

Mr. President, I join with the Senator from Michigan in hailing the recognition by the President of the critical importance of enacting legislation to insure that we do not find ourselves bereft of any remedy when we are faced, as we are now, with a railroad strike, thus leaving Congress frustrated and the people concerned as to whether we are really forehanded in meeting emergencies which could cause the country to grind to a halt.

The President has done what is fully justified and required by the national interest. So has the Senator from Michigan.

I can only hope that we will be able to fashion in the Labor and Public Welfare Committee a measure which will meet with the support of the Senate and the House and the President so that we may have permanent law on the books.

If there is any difference between my position and that of the administration on the fundamentals, it is that I believe we have to reach not only transportation but also the utilities and other aspects of our Nation's life in which the same results could occur as would occur from further railroad strikes.

This is a splendid initiative by the President. I can only hope that what I do and what our committee does will improve the recommendation which the President has so properly called to our attention as being urgent in the interest of the country.

Mr. GRIFFIN. Mr. President, I thank the distinguished Senator from New York for his remarks. The Senator from New York provides outstanding leadership on the Labor and Public Welfare Committee where I was privileged to serve for some time.

Although the administration's proposal may be subject to improvements, like other legislation, it is entitled at least to very careful consideration by Congress. It should be noted again, as I have said before, that unfortunately, neither the committee with jurisdiction in the other body nor the Committee on Labor and Public Welfare—and this is no criticism to the distinguished Senator from New York—ever held hearings on this important legislation in the past.

I have seen some indication that the situation may be a little different, and that there will be hearings in this session.

S. 564—INTRODUCTION OF A BILL TO PROMOTE THE EXPLORATION AND DEVELOPMENT OF GEOTHERMAL RESOURCES

Mr. PACKWOOD. Mr. President, today I am joined by my colleagues, Senators Bennett, Gravel, Stevens, and Fannin, in introducing a significant piece of legislation to further the research, exploration and development of our geothermal resources. The development of this power potential will have a measurable economic impact upon the Western States.

The demand for energy in the United States continues to grow at an ever increasing rate. The demand for electrical power alone increased from 95 billion kilowatt hours 30 years ago to 1,212 billion kilowatt hours in 1967, and probably will reach 4,700 billion kilowatt hours in the year 2000. This expanding demand requires that all possible practical sources of energy be developed.

To date, the principal use of geothermal energy has been in electric power generation. World geothermal power capacity in 1968 was about 700 megawatts compared with about 850,000 megawatts from all generation modes. Geothermal power, where developed, is competitive with power generated from conventional thermal sources and is currently cheaper than nuclear power. However, in the final analysis nuclear power from large reactors at favorable sites probably will be cheaper. In addition, the total potential for power generated from nuclear plants unquestionably is far larger than that for geothermal power.

Nuclear power may never be cheaper than geothermal power in regions where large supplies of reactor cooling water are lacking or in sparsely populated areas where large power markets do not exist. Nuclear power from small plants is far more expensive than from huge plants. In addition, transmission of power from centrally located large plants to widely distributed points of consumption is possible but adds greatly to consumer costs due to high power transmission costs.

In contrast, geothermal energy, where available, is very amenable to economic production of power on a small scale and is readily adaptable to changes in loads. Small geothermal powerplants—10 to 50 megawatts—produce power at a lower cost than similar size nuclear or fossil fuel plants. Accordingly, geothermal energy provides an opportunity for cheap sources of power on the local scene.

Perhaps even more significant than economic factors favoring development of geothermal energy, the essentially non-pollution nature of geothermal energy makes it a nearly unique source of energy the nation cannot afford not to use, substituting this energy for the more highly polluting conventional sources of energy where feasible.

Here I might just quote Under Secretary of the Interior Department, Mr. Fred J. Russell, when he stated in a news release on January 15, 1971:

> While power generation from underground steam and hot water will be a small percentage of total power generation in the immediate future, geothermal resources can provide the energy for local generating needs in many Western states more efficiently than any other power source. In addition, geothermal steam will provide a relatively pollution free power source, and has yet the undeveloped potential for many different associated minerals and associated water resources to be recovered as by-products of the power generation process.

Actually, the Geological Survey has identified 1.3 million acres of land, primarily in the West, as potentially attractive for geothermal development. Potential geothermal steam reserves in those lands represent about 30,000 megawatts of electric power capacity.

The enactment and signing of the Geothermal Steam Act of 1970, which was so diligently pursued by my distinguished colleague, Senator Bible, and others on the Interior Committee, has removed a major hindrance to the development of geothermal energy in the United States. Federal lands that have a potential for geothermal energy can now be developed properly. The next requirement to be accomplished is to expand our knowledge about the occurrence of promising geothermal areas and improve methods of how to explore for and develop these resources. Some of the research needed to supply this knowledge will be undertaken by private industry, but industry needs the support on the overall technical aspects. For any one company, the costs compared to the monetary benefits anticipated are too high to invest in all the related areas of research and development. If geothermal energy is to be tapped, joint public and private research must show the way.

My bill is designed to accomplish just this goal, and takes up where the 1970 Geothermal Act leaves off. The bill proposes a 5-year program which would basically consist of the present program expanded sufficiently to meet the urgent needs of today's energy and environmental crisis. The goals are: First, to assess the geothermal energy resources of the public domain; second, to establish a reliable body of knowledge of the principles that determine the occurrence and characteristics of geothermal reservoirs; third, to develop reliable guides to exploration for such reservoirs; fourth, to help develop the technology of power generation; and fifth, to help develop the technology of byproduct recovery, largely fresh water and mineral products.

My bill would establish an immediate revolving fund of $20 million and an amount not to exceed $5 million in each succeeding year. The total amount in the fund could never exceed the original $20 million. Federal loans could be made to cover up to 75 percent of the cost involved in the exploration of ground steam or hot steams. The legislation would allow the loans to be made for exploration on both private and public lands.

Mr. President, I ask unanimous consent to have the text of my bill printed in the Record together with a copy of an article from the Oil Digest, January 1971, entitled "Geothermal Energy Looms as Economic Factor."

The PRESIDING OFFICER (Mr. Cook). The bill will be received and appropriately referred; and, without objection, the bill and article will be printed in the Record.

The bill (S. 564) to promote the exploration and development of geothermal resources through cooperation between the Federal Government and private enterprise, introduced by Mr. Packwood (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress finds and declares that geothermal resources are vital natural resources which should be explored and developed to their fullest potential to supplement the Nation's energy supplies and conserve nonrenewable resources and environmental quality.

Sec. 2. Definitions.—As used in this Act—

(a) "geothermal resources" means (i) all products of geothermal processes, embracing indigenous steam, hot water and hot brines; (ii) steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations; (iii) heat or other associated energy found in geothermal formations; and (iv) any byproduct derived from them;

(b) "byproduct" means any mineral or minerals (exclusive of oil, hydrocarbon gas, and helium) which are found in solution or in association with geothermal steam and which have a value of less than 75 per centum of the value of the geothermal steam or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves;

(c) "person" means an individual, partnership, corporation, or other legal entity;

(d) "Secretary" means the Secretary of the Interior.

TITLE I—GEOTHERMAL RESOURCES RESEARCH PROGRAM

Sec. 101. (a) For the purpose of evaluating and developing the potential of geothermal resources as a source of power, the Secretary is directed to establish a Federal Geothermal Resources Research Program of the Seventies.

(b) The Geothermal Resources Research Program will be a five year program designed to:

(1) establish a reliable body of knowledge of the principles that govern occurrences and characteristics of geothermal resources;

(2) develop reliable guides for identification of and exploration for specific reservoirs of geothermal resources;

(3) conduct regional surveys, using geologic, geophysical, geochemical, and drilling techniques, that will lead to identification of potential reservoirs of geothermal resources in the United States and its territories, possessions, and the District of Columbia and Puerto Rico with emphasis on assessment of geothermal resources of all federally-owned lands.

(4) develop the basic knowledge of geothermal resource systems necessary for consideration of byproduct recovery, including that of fresh water, gases, and minerals.

Sec. 102. There is authorized to be appropriated for the purposes of this title the sum of $10 million to be spent over the five-year life of the program.

TITLE II—GEOTHERMAL RESOURCE DEVELOPMENT LOAN PROGRAM

Sec. 201. (a) The Secretary is authorized to enter into contracts with persons who are engaged in the business of developing power from geothermal resources to:

(1) conduct exploration on private lands or on federally-owned lands to which rights have been obtained in order to determine the character and economic potential of specific reservoirs of geothermal resources;

(2) develop the technology of power generation from geothermal resources, including construction and operation of demonstration or pilot plants;

(3) develop the technology of by-product recovery, including that of mineral products such as calcium chloride, lithium, and borates; gaseous products such as carbon dioxide and ammonia; and fresh water;

(4) develop a disposal system for waste products from geothermal resources such as brines and condensates, in a manner compatible with environmental preservation.

(b) The Secretary shall file a written report on the progress of this program with the President, the Congress, and the Environmental Protection Agency, at the end of each fiscal year.

Sec. 202. (a) Contracts issued under section 201 shall provide for Federal loans of up to 75% of the cost of the project, to be repaid in the event the Secretary determines that the results of the project have a commercial value.

(b) If the Secretary determines that the results of the project have a commercial value he shall establish a reasonable schedule for repayment of an amount not to exceed (1) the full amount of the loan plus 6% interest compounded annually or (2) 75% of the commercial value of the results of the project, whichever is smaller.

(c) The contract may include such terms and conditions as the Secretary deems necessary to protect the interests of the United States and the environment.

SEC. 203. The Secretary is directed to establish a revolving loan fund from which loans will be made and into which loan repayments will be deposited.

SEC. 204. There is authorized to be appropriated in the first fiscal year after enactment of this Act $20 million and in each subsequent year an amount not exceeding $5 million provided that in no event the revolving fund exceed $20 million.

The article, presented by Mr. PACKWOOD, is as follows:

GEOTHERMAL ENERGY LOOMS AS ECONOMIC FACTOR

Geothermal energy, perhaps accompanied by the commercially profitable extraction of minerals from geothermal brine, may—in the not too distant future—become a significant factor in the economy of California and other western states where geothermal reserves appear to abound.

Already, in The Geysers area some 85 miles north of San Francisco, steam wells are generating some 82,000 kilowatts of electricity which is being purchased under contract by Pacific Gas and Electric Co.

By 1975, electricity generated from these geothermal reserves is scheduled to be increased to over 600,000 kilowatts, and it is planned to add 100,000 kilowatts annually thereafter for an indefinite period, as new wells are drilled and additional turbine generators installed.

Power for the electricity already contracted for by PG&E is being supplied from wells taken down by what is now a joint venture operation formed by Magma Power Co., Los Angeles; Thermal Power Co., San Francisco; and Union Oil Co. of California's geothermal division headed by Dr. Carel Ott. Union Oil is operator.

Other acreage in the area has been leased by a number of oil and geothermal companies.

The Geysers area, because its wells produce dry steam and the geothermal waters are low in salinity, appears to be ideal for electrical generation, which is the reason so much attention has been centered there.

Now, however, Dr. Robert Rex, professor of geology of the University of California at Riverside, who, with a team of UC–Riverside colleagues, has been conducting a survey of the geothermal potential of the lower section of California's Imperial Valley, contends that he has located seven geothermal fields with a 1,800 square mile area "bordered on the south by Mexico and on the north by a line parallel to the Mexican border three miles north of Westmoreland, and on the east and west by basement outcrops."

The UC–R professor has repeatedly asserted these steam fields were discovered by geological and geophysical surveys and the drilling of 100 shallow (100–500 feet) temperature-measuring holes as well as from data turned up in dry hole oil wells taken down earlier in the general area. He says these fields have the potential to produce 20,000 to 30,000 megawatts of electrical energy and 5 million to 7 million acre feet annually of distilled water.

Late in October, he told a State Geothermal Resources Board meeting in Sacramento that, while a special type of hypersaline brine containing approximately 25 percent dissolved solids occurs at the north end of the Imperial Valley in the old salt sink area now occupied by the Salton Sea, "there is no evidence that this highly corrosive salt saturated brine exists outside the confines of the old salt sink."

The normal low salinity, low corrosivity brine found in Mexico's Baja California is also found over almost the entire U.S. section of the Imperial Valley, he stated.

However, some leading California professional geologists, several of whom have conducted operations in the Imperial Valley north of the Mexican border, are inclined to view these pronouncements with considerable skepticism.

Discussing Dr. Rex's report on the study made by his team, they note that much of the data was taken from old geological and magnetometer work and tests (about which the UC–R professor has been somewhat vague) to detect water gravity and salinity.

Geothermal operations in the California portion of the Imperial Valley date back to the 1920s, when a few steam wells were drilled and abandoned. Modern exploration and development efforts (which are estimated to have cost between $7.5 million and $10 million thus far) were launched there more than a decade ago.

To date, however, these have been centered in the area around Niland, near the Salton Sea, where some 11 wells have been taken down. They found wet steam, highly saturated with mineral brine containing large quantities of sodium chloride and small quantities of potash and other compounds.

The geology of the Imperial Valley contains numerous anomalies which are a source of heat sufficient to generate geothermal steam, but all exploration conducted in the Salton Sea area has indicated that the extremely high mineral content renders the steam produced unsuitable for generation of electric power under any methods perfected to date.

Dr. Rex, as conceded by professional geologists contacted by the Oil Daily, may be correct in assuming that the salinity of the geothermal water in the area his team has surveyed is far lower than that around the Salton Sea.

They caution, however, that this is a fact as yet unproved. "The only real test of the commercial potential of geothermal reserves is the drilling of test wells," commented a prominent California geologist whose judgements are widely respected.

"No real determination can be made until wells have been drilled and the brine content of the produced steam has been carefully analyzed," he said.

What is known is that below the Mexican border, in the Cerro Prieto geothermal field 25 miles south of Mexicali, the steam produced from 17 wells completely lacks the degree of mineral contaminants which have thus far precluded development of geothermal power in the California portion of the valley.

Dr. Rex expects, in fiscal 1971, to drill a well on one of the geothermal fields he says he has located on the California side of the border. Which field will be drill-tested, he has not revealed, but of the seven fields identified, the UC–R professor has indicated that five are the most probable areas for geothermal development. These five are located near North Brawley, Buttes, Heber, Glamis and Dunes.

West Coast oil companies, energy companies, public utility firms and agriculturists will be eagerly awaiting the results, but only after each field has been tested by completed wells will Dr. Rex's contentions be verified or disproved.

S. 571—INTRODUCTION OF A BILL RELATING TO DANGEROUS RESIDUES IN IMPORTED MEAT PRODUCTS

Mr. PEARSON. Mr. President, I am introducing legislation which will amend the Wholesome Meat Act of 1967 relating to the importation of meat and meat products into the United States. This legislation will prohibit the importation of meat for human consumption unless the Secretary of Agriculture determines that the country of origin has in effect safeguards or procedures sufficient to protect the health, safety, and welfare of the consumers of such meat in the United States.

My bill closes a loophole in the Wholesome Meat Act of 1967 by requiring, for the first time, that exporting nations maintain controls on the use of "economic poisons," such as pesticides and herbicides, substantially equivalent to those controls which are in effect in the United States.

I have concluded that American consumers cannot be guaranteed wholesome food when a significant proportion of their meat supply is produced in countries which have failed to implement and enforce reasonable regulations controlling the use of dangerous chemicals and drugs.

CONCERN FOR THE CONSUMER AND THE PRODUCER

Mr. President, Americans have become concerned about residues of pesticides, herbicides, drugs, and heavy metals in the food supply. Recent discoveries of unacceptably high levels of mercury—a deadly poison—in tuna and swordfish products have underscored the critical importance of food-monitoring programs conducted by various agencies of the Federal Government.

Because meat and other edible animal products are particularly vulnerable to contamination through retention of "economic poisons" as residues, I have begun a review of Federal efforts to protect the consuming public from residues in these products.

This review is prompted by two considerations: First, the American people have every right to rely upon Federal law and regulations which control the application of chemicals during production and processing, promulgate residue tolerances which may not lawfully be exceeded, and establish sampling procedures designed to promote full compliance and consistently healthful products for the marketplace.

This reliance must not be in vain, for nothing less than the health of the consuming public is at issue.

Second, as the Senator of a major beef-producing State, I have an obligation to work for reasonable Federal regulations which may be imposed upon beef producers and processors. Pesticides and herbicides, for instance, should not be restricted or banned without compelling justification and proof of liability. The prosperity of the beef industry, and agriculture generally, depends in part upon the continued availability of weed and pest killers, as well as feed supplements and drugs which promote resistance to disease, weight gain, and thus maximum profits.

THE DOMESTIC PRODUCER

Over the past 2 years, concern for the environment and human health has led to significant restrictions on the availability of important agricultural chemicals. The U.S. Department of Agriculture suspended DDT registration for uses near shade trees, around houses, on tobacco, and in aquatic areas such as marshes and lakes in November, 1969.

From March to May of 1970, the USDA took the following action against herbicides and pesticides:

TDE registration was suspended for use on tobacco;

Aldrin and dieldrin registrations were suspended for uses in aquatic areas;

Lindane, benzene, hexachloride—BHC—registrations were suspended for uses on beans, citrus fruits, corn, and peas;

Registrations for mercury products used in the treatment of seeds were suspended;

Registration for the herbicide 2,4,5-T was suspended for uses around houses, ponds, lakes, and ditch banks; and

Registration for 2,4,5-T was suspended for all uses on food crops for human consumption.

Beginning in January 1971 the new Environmental Protection Agency assumed responsibility for the registration of agricultural chemicals. Almost immediately, the EPA canceled DDT registration for all remaining uses.

It should be noted that EPA does not have authority to prohibit the use of pesticides. Interstate shipment of pesticides, however, can be prevented by suspension of registration. When a pesticide's registration is suspended, there must be an immediate termination of interstate shipment of the chemical. When registration is canceled, the pesticide may not be shipped, interstate after a 30-day period. During this interim period, a private or public hearing may be held to appeal the cancellation.

These facts should demonstrate convincingly that domestic agricultural producers are confronted with altered, perhaps less efficient, techniques of production. The extent to which agricultural chemicals endanger the environment and human health has yet to be fully determined. The magnitude of this problem, for consumers and farmers, has yet to be fully documented.

Chairman POAGE of the House Agriculture Committee has announced an intention to hold early hearings on the uses and potential dangers of agricultural chemicals, as well as the hardships and adjustments which may be suffered by farmers and ranchers forced to terminate the application of various chemicals during production. Congress has an obligation to insure that action taken against agricultural chemicals is neither arbitrary nor unreasonable. This obligation is wholly compatible with the concomitant congressional responsibility to protect environmental and consumer interests. Agribusiness in Kansas—our State's largest industry—welcomes the Poage hearings as an appropriate initiative, an opportunity to review the stake which agriculture has in the continued availability of chemicals for efficient production.

The Food and Drug Administration has the responsibility to determine safe tolerance-levels for chemical residues in food products. These tolerances apply to all food consumed by the American people, regardless of source. Both FDA and the Consumer and Marketing Service of USDA have the responsibility to establish sampling programs throughout the United States. These sampling programs are designed to reveal violations of FDA-established residue tolerance levels, and to remove products which show such violations from the marketplace.

Mr. President, I do not question the effectiveness of the FDA "market basket sample" program which monitors the diet of a typical 19-year-old American for chemical residues in excess of established tolerances. Nor do I challenge the USDA domestic red meat and poultry sampling program. Table I lists the samples of domestically produced meat and poultry taken by USDA over the past 2 years, as well as the residue analysis for which each sample was taken. The Slaughter Inspection Division of C. & M.S. reports a 95-percent degree of confidence that less than 3 percent of our domestic meat and poultry products violate specific residue limits imposed by FDA to protect human health.

However, Mr. President, I do have reservations about the efficacy of the C. & M.S. pesticide, drug, and metal monitoring programs conducted on imported meat and meat products. I have concluded, after somewhat detailed investigation, that American consumers do not enjoy the comprehensive protection from dangerous residues in imported meat that they receive in respect to the domestic product.

RESIDUE CONTROLS ON IMPORTED MEAT PRODUCTS

Let there be no misunderstanding: Imported meat is supposed to be subjected, under the law, to the same rigorous standards of purity imposed on the domestic product. Both the Wholesome Meat Act of 1967 and the Food, Drug, and Cosmetic Act recite equivalent standards of wholesomeness for imported and domestic meat.

Foreign review officers have been dispatched by USDA to inspect and certify overseas slaughterhouses as "equivalent" to U.S. facilities in terms of cleanliness, and so forth. More than 1,100 foreign plants have been certified for export by the 14-member Foreign Review Officer Corps. Should USDA suspect that a foreign source has permitted excessive residues of drugs or chemicals to pass without corrective action, the foreign review officers are instructed to inform local officials that higher standards are imperative for U.S.-bound produce.

In extreme cases, the USDA requires pretesting and certification of residue tolerance compliance before produce is released for export. Argentina is now required to pretest all meat destined for our market, and Brazil is being placed in the some status. Nicaragua at one time was forced to suspend all exports until it eliminated the source of residue contamination.

The USDA has primary responsibility to sample landed meat imports for residues of economic poisons. C. & M.S. takes approximately 1,200 samples of imported meat each year for chemical analysis. Thus, approximately 4-million pounds of meat are imported before three packages are set aside for residue analysis.

My investigation has revealed that, as of January 1, 1971, the C. & M.S. was devoting its entire sampling program to pesticide and herbicide residue analysis. Although testing programs for drug and metal residues were being conducted on domestically produced meat, no similar drug or metal sampling program was being conducted on the imported product.

Mr. President, tables II and III reveal the results of USDA tests for pesticide residues in imported meat products during calendar years 1968 and 1969. These tables reveal that 14 percent of all samples taken in 1968 were in violation of FDA-established pesticide residue tolerances. South American republics, apparently, use substantial quantities of pesticides and herbicides which may be retained as residues in the fatty tissue of the animals. These tables also reveal that less than 3 percent of the samples taken in 1969 were in violation of established residue tolerances. Although 1968 statistics reveal that nearly 30 percent of the meat imported from Uruguay contained residues dangerous to human health—only 21 samples of Uruguayan imports were taken during 1969.

Persons familiar with the meat import program will immediately note that some nations ship meat to the United States without a single sample being taken for residue analysis during the calendar year.

Mr. President, I have concluded that a sampling program limited to 1,200 samples annually, a sampling program which does not even test for drug and mercury residues, is wholly inadequate to protect the consumers of more than 1.7 billion pounds of foreign meat each year. While I am confident that officials at C. & M.S. are using budgeted funds efficiently, I am equally confident that Congress should enact legislation which will give the executive agencies additional authority to protect consumers from potentially dangerous residues in imported meat products.

THE LEGISLATIVE REMEDY

Under the Wholesale Meat Act of 1967, the foreign review officers are required to determine whether exporting plants maintain equivalent standards of meat inspection—both ante- and post-mortem inspection. The officers have declared that more than 1,100 plants in more than 40 foreign nations have standards of meat inspection equivalent to our own.

But more than sanitary conditions at the slaughterhouse is required for consumer protection. More than visual searches for diseased carcasses is required to protect the consuming public from dangerous residues of economic poisons.

Mr. President, more than a fragmentary sampling program is required to insure that 1.7 billion pounds of imported meat—enough to provide the annual needs of more than 8 million Americans—is wholly free of dangerous residues of economic poisons.

Mr. President, I submit there is only one way to provide the consumer with fully equivalent protection against dangerous residues. The American consumer has a right to be assured that foreign supplier nations maintain fully equivalent controls over the registration and usage of dangerous chemicals during production and processing.

Should controls on the registration of aldrin and dieldrin be deemed necessary to protect human health from dangerous residues in the United States, then clearly the application of those same chemicals in another country creates a health hazard to those Americans who consume meat products from that country.

Therefore I am introducing this legislation, which will amend the Wholesome Meat Act of 1967 to require the Secretary to determine that exporting Nations have implemented residue controls sufficient to protect the health of the consuming public. These controls and limitations, of course, should reflect a similarity to the controls and limitations deemed necessary to protect human health here in the United States.

My proposal requires the foreign review officer to make the affirmative determination, before certifying a nation for export, that that Nation has implemented residue tolerance levels and chemical usage restrictions at least equivalent to our own.

Mr. President, the United States has opened its market to promote international trade and U.S. foreign policy. Production for the American market should be considered a privilege by overseas merchants—not a right.

This legislation eliminates whatever competitive advantage a foreign supplier might gain by less stringent health and environmental legislation in his own country. Thus, the bill eliminates an unfair trade practice which could, if permitted to continue, subject domestic cattlemen and processors to unfair competition from abroad. And that competition comes from a product which has the added disadvantage of being potentially dangerous to human health.

Mr. President, because of the critical importance of protecting our consumer from dangerous economic poisons, and because of the imperative to place foreign and domestic producers on the same competitive plane, I urge the immediate consideration of this bill by the appropriate committees, and the timely enactment of its provisions by the Congress.

Mr. President, I ask unanimous consent that the tables referred to and the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. COOK). The bill will be received and appropriately referred; and, without objection, the tables and bill will be printed in the RECORD.

The bill (S. 571) to amend the Federal Meat Inspection Act relating to the importation of meat and meat products into the United States, introduced by Mr. PEARSON, was received, read twice by its title, referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

S. 571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) is amended by (1) redesignating subsections (d) and (e) as subsections (e) and (f), respectively; (2) striking out "(e) (2)" in paragraph (3) of subsection (f), as redesignated by this Act; and (3) inserting after subsection (c) a new subsection (d) as follows:

"(d) Nothwithstanding any other provision of law, whenever any Federal law or regulation prohibits or limits the use of any economic poison (as defined in section 2(a) of the Federal Insecticide, Fungicide, and Rodenticide Act) because the unrestricted use of such economic poison would likely pose a threat to the public health, safety, or welfare of the people of the United States, the importation of any carcass, part of a carcass, or meat or meat food product of any animal capable of use as human food shall be prohibited unless the Secretary determines that the country from which the article is imported has in effect safeguards or procedures sufficient to protect the health, safety, and welfare of the consumers of such articles in the United States."

The material submitted by Mr. PEARSON is as follows:

TABLE I.—USDA SAMPLING PROGRAM FOR DOMESTIC PRODUCTION

Objective phase chemical group	1969		1970	
	Animal	Poultry	Animal	Poultry
Chlorinated hydrocarbon Insecticides	3,500	3,000	3,500	3,000
Antibiotics[1]	3,900	1,300	600	600
Diethylstilbestrol	600	0	300	0
Arsenicals	300	600	300	600
Organophosphorus Insecticides	300	0	0	0
Carbamate insecticides	300	0	0	0
2,4-D herbicide	300	0	0	0
Sulfonamides	0	0	0	600
Melangestrol acetate	0	0	300	0

[1] Antibiotics:
1969—Penicillin, streptomycin, tetracycline group.
1970—Penicillin streptomycin, chlortetracycline, oxytetracycline, neomycin, erythromycin.

TABLE II.—IMPORT RESIDUES FOR CALENDAR YEAR 1968

Country	Sample number	Violations	Percent
Argentina	594	148	24.9
Australia	1	0	0
Brazil	113	8	7.0
Costa Rica	25	2	8.0
Dominican Republic	19	1	5.2
Guatemala	33	0	0
Honduras	22	2	9.0
Mexico	40	2	5.0
New Zealand	12	0	0
Nicaragua	311	6	1.9
Panama	7	1	14.2
Paraguay	65	0	0
Uruguay	27	8	29.6
Total	1,269	178	14.0

TABLE III.—IMPORT RESIDUES FOR CALENDAR YEAR 1969

Country	Sample number	Violations	Percent
Argentina	449	[1] 22	4.89
Australia	106	2	1.88
Belgium	2	0	-------
Brazil	50	0	-------
Canada	44	0	-------
Costa Rica	16	0	-------
Czechoslovakia	1	0	-------
Denmark	64	0	-------
Dominican Republic	5	0	-------
England and Wales	3	0	-------
France	8	1	12.5
Germany	3	0	-------
Guatemala	7	0	-------
Honduras	10	0	-------
Ireland	6	0	-------
Mexico	2	0	-------
Netherlands	27	0	-------
Nicaragua	253	1	.39
New Zealand	82	3	3.65
Panama	5	0	-------
Paraguay	35	0	-------
Switzerland	2	0	-------
Uruguay	21	1	4.76
Yugoslavia	12	0	-------
Total	1,213	30	2.47

[1] 4 of the 22 are organophosphorous compounds, 3 Ethion, 1 Diazinon.

S. 573—INTRODUCTION OF A BILL TO AMEND THE CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. MUSKIE. Mr. President, I offer for introduction today a bill that would require the development and enforcement of standards to control the use of environmentally dangerous substances in manufactured products and a premarket evaluation of new substances to facilitate compliance.

The bill would amend national policy by adding to the Federal Water Pollution Control Act and the Clean Air Act a congressional finding of three major points:

First. Many manufactured products may contain substances which adversely affect the quality of our air and waters.

Second. The control of these adverse effects may not be feasible at the points where the products are used, such as agricultural lands and the kitchens and appliances of American homes.

Third. Consequently, the Congress believes it necessary to protect and enhance water and air quality by regulating the use of such substances in products at the point of manufacture and to seek information about environmental consequence before such substances come into widespread use.

Mr. President, I offer this bill because I am convinced, from our experience with phosphates and NTA in detergents, with lead, with mercury, with chlorinated hydrocarbon pesticides, with other hazardous substances that we must have a system to deal with these problems before they reach the crisis stage.

We no longer can depend upon either special legislation for each dangerous product or upon voluntary cooperation among the manufacturers to deal with these problems. These approaches have produced only uncertain and haphazard environmental policy decisions.

I am particularly concerned with the inadequacies of voluntary agreements. They are not based upon firm guidelines or formal public decisions. There is no evidence that leads me to believe such informal agreements will afford adequate protection in the future.

Mr. President, I ask unanimous consent that the text of the bill and a summary of its provisions be included at the close of my remarks.

The PRESIDING OFFICER (Mr. COOK). The bill will be received and appropriately referred; and, without objection, the bill and summary will be printed in the RECORD.

The bill (S. 573) to amend the Clean Air Act and the Federal Water Pollution Control Act to provide for standards for the manufacture of certain products to protect the quality of the Nation's air and navigable waters; to the Committee on Public Works, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works and ordered to be printed in the RECORD, as follows:

S. 573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SECTION 1. The Clean Air Act, as amended (42 U.S.C. 1857 et seq.), is amended by inserting after section 118 a new section as follows:

"STANDARDS FOR CERTAIN MANUFACTURED PRODUCTS

"SEC. 119. (a) The Congress hereby finds and declares—

"(1) that many manufactured products may contain substances which adversely affect the quality of our nation's air;

"(2) that the control of the adverse effects of these substances is not feasible at the point of use of the products; and

"(3) that it is therefore the purpose of this section to protect and enhance air quality and protect public health through the regulation of the use of such substances in products at the point of manufacture.

"(b) Not later than 180 days after the effective date of this section, and at appropriate times thereafter, the Administrator shall designate substances or combinations of substances which are being used in manufactured products and which as a result of such use adversely affect the public health or contribute or may contribute to the violation of any air quality standards established or approved pursuant to this Act

"(c) Prior to the introduction into commerce of any manufactured product containing any new substance or any previously available substance in a substantially new use, the Administrator shall require—

"(1) the manufacturer of any such manufactured product to notify him as to the commercial identifying name and manufacturer of such substance, the range of concentration of such substance in such manufactured product, and the purpose-in-use of such substance in such manufactured product;

"(2) the manufacturer of any such substance to notify him as to the chemical composition of such substance;

"(3) the manufacturer of any such manufactured product or the manufacturer of any such substance—

"(A) to conduct tests to determine potential public health effects of the use of such substance in such manufactured product (including, but not limited to, carcinogenic, teratogenic, or mutagenic effects), in conformity with test procedures and protocols established by the Administrator;

"(B) to provide any information under the control of such manufacturer concerning the short and long term environmental effects of the use of such substance in such manufactured products and to develop by test or analysis such information on potential environmental effects; and

"(C) to furnish the description of any analytical technique that can be used to detect and meaure such substance or its byproducts in such manufactured product, in the human body, or in the environment.

"The results of tests and other information gathered under paragraph (3) shall not be considered confidential.

"(d) Whenever the Administrator finds on the basis of surveys, studies, or reports that (1) the use in substantial quantities of any manufactured product which contains any substance or substances designated under subsection (b) results or is likely to result in direct or indirect discharges into the air of the United States so as to adversely affect the public health or to cause or substantially contribute to violation of any air quality standard established or approved pursuant to this Act, and (2) treatment to remove the harmful effects of such manufactured product at the point of such discharge is not feasible, he shall prescribe, in accordance with the provisions of title 5 of the United States Code relating to administrative procedure, standards for the use in such manufactured product of such substances either singly or by classes. Included with such standards shall be (A) specific methods by which products shall be tested by the Administrator to determine if they conform to such standards, and (B) requirements with respect to necessary record keeping, reporting, and other actions necessary for the purpose of this section. Upon a showing satisfactory to the Administrator that information reported or otherwise obtained by the Administrator or his representative pursuant to such requirements contains or relates to a trade secret or other matter referred to in section 1905 of title 1-8 of the United States Code, the Administrator shall consider such information confidential for the purpose of such section 1905, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act.

"(e) It shall be unlawful after the effective date of such standards for any person to import for use in the United States or manufacture for use in the United States or for export any product, unless such product conforms with standards prescribed with respect to such product pursuant to subsection (d) of this section.

"(f) (1) Any product which does not conform with standards prescribed pursuant to subsection (d) of this section shall be liable to be proceeded against on libel of information and condemned in any district court of the United States within the jurisdiction of which such product is found.

"(2) Such product shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this subsection shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in such case shall be tried by jury. When libel for condemnation proceedings under this subsection, involving the same claimant and the same issues, are pending in two or more jurisdictions, such pending proceedings, upon application of the United States or the claimant seasonably made to the court of one such jurisdiction, shall be consolidated for trial by order of such court, and tried in (A) any district selected by the applicant where one of such proceedings is pending; or (B) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the United States or the claimant may apply to the court of one such jurisdiction, and such court (after giving the other party, the claimant, or the United States attorney for such district, reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

"(3) Any product condemned under this subsection shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this subesction, direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such product shall not be sold under such decree for a use which would result in violation of any air quality standard contrary to the purpose of this section; except that after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such product shall not be used contrary to the provisions of this section, the court may by order direct that such product be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this section under the supervision of an officer or employee duly designated by the Administrator and the expenses of such supervision shall be paid by the person obtaining release of the product under bond.

"(4) When a decree of condemnation is entered against the product, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the product.

"(5) In the case of removal for trial of any case as provided by paragraph (2) of this subsection—

"(A) the clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction;

"(B) the court to which such case is removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.

"(g) (1) The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this section.

"(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of this section, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(h) All libel or injunction proceedings for the enforcement, or to restrain violations, of this section shall be by and in the name of the United States. Subpoenas for witnesses who are required to attend a court of the United States in any district may run into any other district in any such proceeding.

"(i) The Secretary of the Treasury and the Administrator shall jointly prescribe regulations for the efficient enforcement of the provisions of subsection (k) of this section, except as otherwise provided therein. Such regulations shall be promulgated in such manner and take effect at such time, after due notice, as the Secretary shall determine.

"(j) (1) The Administrator is authorized to conduct examinations, inspections, and investigations for the purposes of this section through officers and employees of the Environmental Protection Agency or through any officer or employee of any State, or political subdivision thereof, duly commissioned by the Administrator.

"(2) For purposes of enforcement of this section, officers or employees duly designated by the Administrator, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (A) to enter, at reasonable times, any factory, warehouse, or establishment in which a product is manufactured, processed, packed, or held, or to enter any vehicle being used to transport or hold a manufactured product; (B) to inspect at reasonable times and within reasonable limits and in a reasonable manner, such factory warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished materials; and (C) to obtain samples of such materials. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

"(3) If the officer or employee obtains any sample, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained. If an analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator or agent in charge.

"(k)(1) The Secretary of the Treasury shall deliver to the Administrator, upon his request, samples of products which are being imported, or offered for import, for use in the United States, giving notice thereof to the owner or consignee, who may appear before the Administrator and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that such product does not conform to standards prescribed pursuant to subsection (d) of this section, such product shall be refused admission, except as provided in paragraph (2) of this subsection. The Secretary of the Treasury shall cause the destruction of any such product being imported and refused admission unless such product is exported, under regulations prescribed by the Secretary of the Treasury, within ninety days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.

"(2) Pending decision as to the admission of a product being imported or offered for import, the Secretary of the Treasury may authorize delivery of such product to the owner or consignee upon the execution by him of a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury."

SEC. 2. The Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), is amended by redesignating section 27 as section 28 and inserting before such section a new section as follows:

"STANDARDS FOR CERTAIN MANUFACTURED PRODUCTS

"SEC. 27. (a) The Congress hereby finds and declares—

"(1) that many manufactured products may contain substances which adversely affect the quality of our nation's navigable waters;

"(2) that the control of the adverse effects of these substances is not feasible at the point of use of the products; and

"(3) that it is therefore the purpose of this section to protect and enhance water quality and protect the public health through the regulation of the use of such substances in products at the point of manufacture.

"(b) Not later than 180 days after the effective date of this section, and at appropriate times thereafter, the Administrator shall designate substances or combination of substances which are being used in manufactured products and which as a result of such use adversely affect the public health or contribute or may contribute to the violation of any water quality standard established or approved pursuant to this Act.

"(c) Prior to the introduction into commerce of any manufactured product containing any new substance or any previously available substance in a substantially new use, the Administrator shall require—

"(1) the manufacturer of any such manufactured product to notify him as to the commercial identifying name and manufacturer of such substance, the range of concentration of such substance in such manufactured product, and the purpose-in-use of such substance in such manufactured product;

"(2) the manufacturer of any such substance to notify him as to the chemical composition of such substance;

"(3) the manufacturer of any such manufactured product or the manufacturer of any such substance—

"(A) to conduct tests to determine potential public health effects of the use of such substance in such manufactured product (including but not limited to, carcinogenic, teratogenic, or mutagenic effects), in conformity with test procedures and protocols established by the Administrator;

"(B) to provide any information under the control of such manufacturer concerning the short and long term environmental effects of the use of such substance in such manufactured products and to develop by test or analysis such information on potential environmental effects; and

"(c) to furnish the description of any analytical technique that can be used to detect and measure such substance or its by-products in such manufactured product, in the human body, or in the environment.

The results of tests and other information gathered under paragraph (3) shall not be considered confidential.

"(d) Whenever the Administrator finds on the basis of surveys, studies, or reports that (1) the use in substantial quantities of any manufactured product which contains any substance or substances designated under subsection (b) results or is likely to result in direct or indirect discharges into the navigable waters of the United States so as to adversely affect the public health or to cause or substantially contribute to violation of any water quality standard established or approved pursuant to this Act, and (2) treatment to remove the harmful effects of such manufactured product at the point of such discharge is not feasible, he shall prescribe, in accordance with the provisions of title 5 of the United States Code relating to administrative procedure, standards for the use in such manufactured product of such substances either singly or by classes. Included with such standards shall be (A) specific methods by which products shall be tested by the Administrator to determine if they conform to such standards, and (B) requirements with respect to necessary record keeping, reporting, and other actions necessary for the purpose of this section. Upon a showing satisfactory to the Administrator that information reported or otherwise obtained by the Administrator or his representative pursuant to such requirements contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, the Administrator shall consider such information confidential for the purpose of such section 1905, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act.

"(e) It shall be unlawful after the effective date of such standards for any person to import for use in the United States or manufacture for use in the United States or for export any product, unless such product conforms with standards prescribed with respect to such product pursuant to subsection (d) of this section.

"(f)(1) Any product which does not conform with standards prescribed pursuant to subsection (d) of this section shall be liable to be proceeded against on libel of information and condemned in any district court in the United States within the jurisdiction of which such product is found.

"(2) Such product shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this subsection shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in such case shall be tried by jury. When libel for condemnation proceedings under this subsection, involving the same claimant and the same issues, are pending in two or more jurisdictions, such pending proceedings, upon application of the United States or the claimant seasonably made to the court of one such jurisdiction, shall be consolidated for trial by order of such court, and tried in (A) any district selected by the applicant where one of such proceedings is pending; or (B) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the United States or the claimant may apply to the court of one such jurisdiction, and such court (after giving the other party, the claimant, or the United States attorney for such district, reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered hereby.

"(3) Any product condemned under this subsection shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this subsection, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such product shall not be sold under such decree or a use which would result in the violation of any water quality standards contrary to the purpose of this section; except that after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such product shall not be used contrary to the provisions of this section, the court may by order direct that such product be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this section under the supervision of an officer or employee duly designated by the Administrator and the expenses of such supervision shall be paid by the person obtaining release of the product under bond.

"(4) When a decree of condemnation is entered against the product, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the product.

"(5) In the case of removal for trial of any case as provided by paragraph (2) of this subsection—

"(A) the clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction;

"(B) the court to which such case is removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.

"(g)(1) The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this section.

"(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of this section, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(h) All libel or injunction proceedings for the enforcement, or to restrain violations, of this section shall be by and in the name of the United States. Subpoenas for witnesses who are required to attend a court of the United States in any district may run into any other district in any such proceeding.

"(i) The Secretary of the Treasury and the Administrator shall jointly prescribe regulations for the efficient enforcement of the provisions of subsection (k) of this section, except as otherwise provided therein. Such regulations shall be promulgated in such manner and take effect at such time, after due notice, as the Secretary shall determine.

"(j) (1) The Administrator is authorized to conduct examinations, inspections, and investigations for the purposes of this section through officers and employees of the Environmental Protection Agency or through any officer or employee of any State, or political subdivision thereof, duly commissioned by the Administrator.

"(2) For purposes of enforcement of this section, officers or employees duly designated by the Administrator, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (A) to enter, at reasonable times, any factory, warehouse, or establishment in which a product is manufactured, processed, packed, or held, or to enter any vehicle being used to transport or hold a manufactured product; (B) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished materials; and (C) to obtain samples of such materials. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

"(3) If the officer or employee obtains any sample, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained. If an analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator or agent in charge.

"(k) (1) The Secretary of the Treasury shall deliver to the Administrator, upon his request, samples of products which are being imported, or offered for import, for use in the United States, giving notice thereof to the owner or consignee, who may appear before the Administrator and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that such product does not conform to standards prescribed pursuant to subsection (d) of this section, such product shall be refused admission, except as provided in paragraph (2) of this subsection. The Secretary of the Treasury shall cause the destruction of any such product being imported and refused admission unless such product is exported, under regulations prescribed by the Secretary of the Treasury, within ninety days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.

"(2) Pending decision as to the admission of a product being imported or offered for import, the Secretary of the Treasury may authorize delivery of such product to the owner or consignee upon the execution by him of a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury."

The summary presented by Mr. MUSKIE is as follows:

SUMMARY OF PROVISIONS

The bill establishes parallel provisions in the Clean Air Act and Federal Water Pollution Control Act to set standards for the manufacture of certain products, in order to control the environmental impact of substances which cannot be adequately regulated at the point of use.

Subsection (a) of each new section is the findings of Congress and the purposes of the legislation.

Subsection (b) of each new section provides that within 180 days after enactment, the Administrator of the Environmental Protection Agency will designate substances which may be present in manufactured products and which may cause a violation of any air or water quality standards.

Subsection (c) of each new section requires that before any new substance (or substance in a new use) is introduced into commerce the Administrator will require the manufacturer to submit information on the composition and potential public health and environment effects of the substance. He will also require testing by the manufacturer to establish such effects.

Subsection (d) of each new section authorizes the Administrator to prescribe standards for the use in manufactured products of any designated substance whose use in substantial quantities may cause discharges which adversely affect health or violate air or water quality standards. Standards may include testing procedures and record-keeping and reporting requirements.

Subsection (e) of each new section prohibits the importation or manufacture of any product not in compliance with standards under these sections.

Subsection (f) of each new section provides for the condemnation, seizure, and disposition of any product which does not conform to the standards under these sections.

Subsections (g) and (h) are procedural authorizations.

Subsections (i) and (k) of each new section authorize the Administrator and the Secretary of the Treasury to jointly enforce the standards under these sections against imported products.

Subsection (j) of each new section authorizes the Administrator to conduct examinations and inspections and to enter any premises and obtain samples.

S. 576—INTRODUCTION OF A BILL TO ENCOURAGE PHYSICIANS TO PRACTICE MEDICINE IN PHYSICIAN SHORTAGE AREAS

Mr. TOWER. Mr. President, I am today introducing legislation to narrow the gap in the medical manpower needs of the country. This legislation provides tax incentives for physicians to take up practice in medical manpower shortage areas.

It is a simple fact that the country faces a doctor shortage. According to the U.S. Public Health Service, it is estimated that manpower needs this year exceed the supply by some 48,000 doctors. Even if we do narrow the gap over the next 10 years, the Public Health Service says we can still estimate that America's doctor shortage will number in excess of 25,000. I believe we should assume that such a reduction in the next 10 years is overly optimistic and extremely generous.

The gap between supply and demand is obviously greater in certain geographical areas. The Public Health Service has noted:

> The problem of health manpower shortages is not only one of gross numbers but also relates to the disparity in the geographic distribution of health manpower within States and metropolitan areas.

My bill, through the incentive principle, would encourage physicians to take up practice in areas of the country where physicians are in the shortest supply. Generally speaking, passage of this legislation will benefit rural and inner city areas all across the country. To narrow the medical manpower gap in the most critically physician short areas is something that should be of priority interest. I am, therefore, hopeful that this bill will have broad support.

Briefly, my bill proposes that the first $20,000 of a physician's adjusted gross income from medical sources be tax exempt for the first taxable year of practice in an established physician shortage area. This tax incentive would continue for 5 years on a downward sliding scale. The bill requires that a doctor practice in the physician-shortage area for at least 2 years. Designation of physician-shortage areas would be made by the Secretary of Health, Education, and Welfare with the advice of appropriate State agencies.

The need for this legislation is apparent. Physician-shortage areas are generally areas of low per capita income. Many metropolitan core areas together with many rural areas of our Nation face doctor shortages far in excess of the rest of the country. It is even more apparent that in such regions of low economic growth delivery of basic health care services is a matter of great urgency. Compounding this fact with an enormous medical manpower shortage makes the situation critical.

I strongly believe that the proposal I am offering today employs the best method of solving this particular problem. The tax incentive concept creates financial incentive for physicans to practice in an area where they can do the most good. Yet it does not dictate where a physician shall establish his practice.

My proposal would use existing governmental mechanisms. It will not require the establishment of yet another bureaurcracy to carry out yet another program.

I do not propose this legislation as a panacea for our medical manpower problem. Other ideas and programs can and should be considered alongside my suggestion. But, other programs both in the public and private sector can work in liaison with this proposal to improve health care for the American people.

I do not yet know the specifics which the President will recommend in his upcoming health message. I am extremely hopeful, however, that a proposal similar to the one I now introduce will be closely examined by the administration. Everyone today agrees that the American people can be provided with better health care. I believe my bill will assist in improving health care and that it merits broad support.

Mr. President, so that my colleagues can examine my proposal in detail, I ask unanimous consent that the complete text of this bill be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. COOK). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 576) to provide tax incentives to encourage physicians to practice medicine in physician shortage areas, introduced by Mr. TOWER was received, read twice by its title, referred to the

Committee on Finance and ordered to be printed in the RECORD, as follows:

S. 576

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by—

(1) redesignating section 124 as section 125; and

(2) inserting after section 123 the following new section:

"SEC. 124. PHYSICIANS ESTABLISHING PRACTICE IN PHYSICIAN SHORTAGE AREAS.

"(a) IN GENERAL.—In the case of a physician who engages in a medical practice in a physician shortage area, gross income does not include, at the election of the taxpayer, adjusted gross medical income from such medical practice in such area to the extent of—

"(A) $20,000 during the first taxable year of such practice;

"(B) $15,000 during the second taxable year of such practice;

"(C) $10,000 during the third taxable year of such practice;

"(D) $7,500 during the fourth taxable year of such practice; and

"(E) $5,000 during the fifth taxable year of such practice.

"(b) Limitations.—

"(1) Two-year practice requirement.—The provisions of subsection (a) shall apply to a physician with respect to a medical practice in a physician shortage area only if he continuously engages in such practice for at least 2 years, commencing with the day on which he first engages in such practice. The preceding sentence shall not apply—

"(A) to a physician who dies during such 2-year period, or

"(B) with respect to any period of disability during such 2-year period.

"(2) Provisions to apply only once.—The provisions of subsection (a) shall apply to engaging in a practice of medicine in a physician shortage area only once for any physician.

"(c) Election.—

"(1) In general.—An election to have the provisions of subsection (a) apply shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations. Such election may not be revoked except with the consent of the Secretary or his delegate and subject to such terms and conditions as the Secretary or his delegate prescribes.

"(2) Designation of first taxable year.—At the time of making an election under paragraph (1), a physician shall designate his first taxable year of a medical practice in a physician shortage area, for purposes of applying the provisions of subsection (a), as—

"(A) the taxable year in which he first engages in a medical practice in such area, or

"(B) the succeeding taxable year.

"(d) Definitions.—For purposes of this section—

"(1) the term 'adjusted gross medical income' means gross income from the practice of medicine less any deductions arising out of such practice; and

"(2) the term 'physician shortage area' means any area within a State certified to the Secretary by the Secretary of Health, Education, and Welfare as an area in which there are an insufficient number of physicians practicing medicine to meet the need for medical care of the population of such area.

"(e) Certifications by Secretary of Health, Education, and Welfare.—

"(1) In general.—The Secretary of Health, Education, and Welfare shall on or before November 1 of each year (beginning with 1971) certify the physician shortage areas (if any) in each State for the following calendar year.

"(2) Certifications pursuant to State agency recommendations.—In making certifications of physician shortage areas for purposes of this section, the Secretary of Health, Education, and Welfare shall accept the determination as to the number and location of physician shortage areas in a State recommended to him by—

"(A) the State planning agency for such State (as designated pursuant to section 314 (a) (2) (A) of the Public Health Service Act), or

"(B) if in such State there is no such agency, or if such agency fails to make a recommended determination within a reasonable time prescribed by him, by such other agency of such State as he finds to be qualified to make such a recommended determination and as the Governor of such State shall have designated to make such a recommended determination;

but only if the agency, in making such recommended determination, has sought the advice and assistance of the State medical societies for such State; and

"(C) the Secretary of Health, Education, and Welfare is satisfied with the adequacy of the criteria employed by the agency as the basis upon which such recommended determination was made.

"(3) Other certifications.—If, in the case of any State, the Secretary of Health, Education, and Welfare does not receive (within such reasonable time as he shall prescribe) a recommended determination with respect to such State which meets the requirements of paragraph (1), he shall (after seeking the advice and assistance of the State medical societies for such State) certify the number and location of the physician shortage areas (if any) of such State on the basis of the most current and appropriate data available to him.

"(4) Effective period of certifications.—A certification by the Secretary of Health, Education, and Welfare under paragraph (1) of physician shortage areas in a State shall remain in effect for the calendar year for which it is made. With respect to a physician who engages in a medical practice in an area so certified during his taxable year beginning in such calendar year and who makes an election under subsection (c) to have the provisions of subsection (a) apply, such certification (A) shall remain in effect for succeeding calendar years, and (B) shall be treated as having been in effect for prior calendar years for purposes of determining the number of taxable years of his medical practice in such area.

"(e) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 124 and inserting in lieu thereof the following:

"Sec. 124. Physicians establishing practice in physician shortage areas.

"Sec. 125. Cross reference to other Acts."

(c) The amendments made by this Act shall apply to taxable years beginning after December 31, 1971.

SENATE JOINT RESOLUTION 26—INTRODUCTION OF A JOINT RESOLUTION TO DESIGNATE NATIONAL GRANDPARENTS DAY

Mr. TOWER. Mr. President, in the 92d Congress I introduced a joint resolution calling for the designation of a National Grandparents Day. Unfortunately, the Senate did not act upon the measure before the close of the session. Therefore, I wish to again bring to the attention of my colleagues this matter which I continue to feel is deserving of the official consideration of the Congress.

In this time of rapid change—when diversity has become a way of life, it is important to consider that which we hold in common. Let us call it the human condition. We have all loved and hated, realized dreams and been disillusioned, achieved and faltered. Eventually, we have come to realize that only the aging process has been able to properly bring these life forces into perspective so that understanding and true wisdom are possible.

But even as aging brings maturity, with it also comes a lessening of activity—and it is here that we must not let ourselves be deceived. Physical decline is not indicative of an outdated mind. Many a strong spirit or keen sense of judgment has been overlooked by the young, whose attentions are too often drawn only to the demonstrative in their midst.

Grandparents harbor a lifetime in their minds—a rich, valuable set of experiences and observations. They are wardens of a wisdom that comes from years of dealing with life's inconsistencies while simultaneously trying to bring and contribute something of themselves to life. This contribution is, in part, sharing their knowledge and experiences with those closest to them, and I am sure that the majority of us have benefited from this inheritance. Those of us who are fortunate enough to have known our grandparents will recall these exchanges as both enjoyable and positive character-building influences.

For many years we have paused to honor and pay tribute to the mothers and fathers in this country, but we have not formally recognized our grandparents, who contribute so much to our strength and heritage. Therefore, I feel that it is fitting that we as a nation set aside a time to focus national and personal attention on those loved ones whom we otherwise honor and respect in our everyday lives, and I urge my colleagues to join me in requesting the President to designate the second Sunday in October as National Grandparents Day.

Mr. President, I ask unanimous consent that my joint resolution be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. COOK). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 26) to authorize and request the President to issue annually a proclamation designating the second Sunday of October of each year as "National Grandparents Day," introduced by Mr. TOWER, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 26

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation designating the second Sunday of October of each year as "National Grandparents Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS

S. 23

At the request of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Nebraska (Mr. HRUSKA), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY), were added as cosponsors of S. 23, the "Ethnic Heritage Studies Centers Act of 1971."

S. 143

Mr. BYRD of West Virginia. Mr. President, at the request of my colleague from Wyoming (Mr. MCGEE), who is absent from this body on official business for the Appropriations Committee, I ask unanimous consent that the name of the Senator from Nevada (Mr. CANNON) be added as a cosponsor of the bill to amend section 315b of title 43, United States Code, to provide the cost factors which shall be taken into consideration in determining the grazing fees which will be imposed for use of public lands (S. 143).

S. 426

At request of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 426, to amend the Public Health Service Act to provide for the protection of the public's health from unnecessary medical and dental exposure to ionizing radiation.

ADDITIONAL COSPONSORS OF JOINT RESOLUTIONS

S.J. RES. 4

At the request of the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of Senate Joint Resolution 4, to authorize and request the President to proclaim the period April 19, 1971, through April 23, 1971, as "School Bus Safety Week".

S.J. RES. 8

At the request of the Senator from Indiana (Mr. BAYH), the Senator from Michigan (Mr. HART), the Senator from Wyoming (Mr. MCGEE), the Senator from Rhode Island (Mr. PASTORE), the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. MONDALE), the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from Wyoming (Mr. HANSEN), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Senate Joint Resolution 8, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE RESOLUTION 42—SUBMISSION OF A RESOLUTION RELATING TO DISCLOSURE OF FINANCIAL INTERESTS

Mr. TAFT. Mr. President, when charges of financial irregularity are lodged against key Senate staff members, there is properly an outpouring of public anger and concern. This concern in my judgment is not only directed at the individuals involved, but more broadly affects confidence in the Senate as an institution. Moreover, it spotlights the need for a public disclosure of income, assets, and liabilities on the part of Members of the Senate and key Senate employees. The present rule XLIV which provides for nonpublic disclosure is like showing a picture to a blind man in the dark.

Consequently, I am, today submitting, for appropriate reference, a resolution to require full public disclosure of such income, assets and liabilities. I ask unanimous consent that the text of this resolution be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. SCHWEIKER). The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 42), which reads as follows, was referred to the Committee on Rules and Administration:

S. RES. 42

Resolved, that rule XLIV of the Standing Rules of the Senate be amended to read as follows:

"RULE XLIV

"DISCLOSURE OF FINANCIAL INTERESTS

"1. Each Senator or person who has declared or otherwise made known his intention to seek nomination or election, or who has filed papers or petitions for nomination or election, or on whose behalf a declaration or nominating paper or petition has been made or filed, or who has otherwise, directly or indirectly, manifested his intention to seek nomination or election, pursuant to State Law, to the office of United States Senator, and each officer or employee of the Senate who is compensated at a rate in excess of $15,000 a year, shall file with the Secretary of the Senate, before the 15th day of May in each year, commencing in 1972, the following reports of his personal financial interests:

"(a) a statement of all income received during the preceding year listing the source of all income and the amount of income received from each such source;

"(b) a statement of all assets and liabilities as of December 31 of the preceding year;

"(c) the identity of each trust or other fiduciary relation in which he held a beneficial interest having a value of $10,000 or more, and the identity, if known, of each interest of the trust or other fiduciary relation in real or personal property in which the Senator, officer, or employee held a beneficial interest having a value of $10,000 or more, at any time during the preceding year. If he cannot obtain the identity of the fiduciary interests, the Senator, officer, or employee shall request the fiduciary to report that information to the Comptroller General in the same manner that reports are filed under this rule;

"(d) the source and value of all gifts in the aggregate amount or value of $50 or more from any single source received by him during the preceding year, excepting only Christmas and birthday gifts received from family members.

"2. All papers filed under section 1 of this rule shall be kept by the Secretary of the Senate for not less than three years and shall be made available promptly for public inspection and copying.

"3. This rule shall take effect on January 1, 1972. With respect to Senators and officers and employees of the Senate as to whom section 1 of this rule is applicable, no reports must be filed for any period before such officer or employee was hired with the Senate, or during a period of office or employment with the Senate of less than ninety days in a year."

SENATE RESOLUTION 43—SUBMISSION OF A RESOLUTION RELATING TO COMMITTEE ASSIGNMENT OF SENATOR GAMBRELL

Mr. BYRD of West Virginia (for Mr. MANSFIELD) submitted a resolution (S. Res. 43) relating to the assignment of the Senator from Georgia (Mr. GAMBRELL) to the Select Committee on Small Business, which was considered and agreed to.

(The remarks of Mr. BYRD of West Virginia when he submitted the resolution appear later in the RECORD under the appropriate heading.)

CONSTRUCTION OF AN OIL PIPELINE SYSTEM IN THE STATE OF ALASKA—AMENDMENT

AMENDMENT NO. 3

Mr. GRAVEL submitted an amendment, intended to be proposed by him, to the bill (S. 546) relating to the construction of an oil pipeline system in the State of Alaska, which was referred to the Committee on Interior and Insular Affairs and ordered to be printed.

(The remarks of Mr. GRAVEL when he submitted the amendment appear later in the RECORD under the appropriate heading.)

ORDER FOR RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 12 o'clock meridian tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HART). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUNGER ILLEGAL IN AMERICA AFTER JUNE 30, 1972

Mr. McGOVERN. Mr. President, since the late Senator Robert F. Kennedy knelt to touch a child sick from hunger in a dirt yard in Mississippi 3 years ago, the tragic and unnecessary problem of hunger and malnutrition in the world's richest Nation has troubled the American people.

A great deal has been said about the problem since that time. Citizens' committees have investigated, television networks have probed, and the Senate, itself, established a special committee to document the existence of hunger and malnutrition afflicting millions of our fellow citizens.

Much progress, it should be noted, has been made. We have raised the number of poor Americans participating in food programs from 6 to 12 million of America's 25 million poor. We have increased the amount of money for food programs by more than $1½ billion.

The Congress has passed and the President signed a new school lunch act that guarantees a free and reduced price lunch to every needy schoolchild, and a Food Stamp Act that, while containing a number of serious faults, does extend food benefits to more hungry Americans.

I have listed these steps forward because I do not want to appear to be saying that nothing has been accomplished. But the question we must all ask is whether partial gains are enough when millions of Americans continue to go hungry.

In May of 1969, the President of the United States sent a special message to Congress stating:

> The moment is at hand to put an end to hunger in America itself for all time.

That was nearly 2 years ago but the time apparently is not yet at hand. For we continue to approach hunger as a problem to be solved in bits and pieces.

I think the time has come to squarely face up to the President's commitment to end hunger and to set a definite deadline by which it will be banished from the Nation. If America can set a deadline to put a man on the moon and to build a multibillion-dollar Interstate Highway System, then there is no reason why America cannot set a deadline to end hunger.

I propose, today, and intend to submit specific legislation in the near future, that the deadline to end hunger in this Nation be Thanksgiving of this year for needy schoolchildren and the end of June 1972 for every needy family.

These deadlines are long overdue. Following the White House Conference on Nutrition in December 1969, the White House pledged that every needy schoolchild, approximately 6.6 million by administration estimates, would receive a hot lunch by last Thanksgiving. Last Thanksgiving came and went but only 5 million poor children were receiving lunches.

The President has also pledged to expand the food stamp program nationwide and ultimately fund it at a level of $2.5 billion—the amount authorized in the food stamp bill passed by the Senate in September 1969.

Unfortunately, the President's budget request for the next fiscal year for food stamps is only $2 billion, half a billion dollars less than is needed and an amount that will not permit any further expansion of the food stamp program next year. If the Congress is serious about ending hunger in needy families, it must appropriate at least $2.5 billion for food stamps next year.

I intend to fight for that amount and I hope my colleagues in the Senate will see fit to support that fight.

What must we do to end hunger among the 12 million poor Americans who are still outside of the family feeding programs? I propose the following:

First, we must legislate a mandatory nationwide food stamp program by June 30, 1972. This would mean bringing approximately one-third of the Nation's 3,000 counties, now operating the old surplus food program, into the food stamp program. The President has said this is what he wants to do; the Congress should now make it the law of the land.

After June 30, 1972, hunger in America's poor families should be made as illegal as any other crime against our society.

Second, we must legislate badly needed improvements in the recently passed Food Stamp Act. If we do not legislate these improvements, we will continue to have so-called paper programs, which exist only to employ paper-pushing bureaucrats but not to really feed the poor.

The first of these improvements must come in the punitive work requirement contained in the new Food Stamp Act. I cannot accept, and I do not think a majority of the Congress or the American people approve, a work requirement that denies innocent children food because some adult member of the family has been deemed by local officials to have refused to work.

That kind of work provision is a throwback to the age of Elizabethan poor laws when the hungry were punished for their poverty. Cutting an innocent child off from food assistance today bears an unhappy resemblance to a time when a child could lose a hand for stealing a loaf of bread.

Surely, in America today, we do not believe that the sins of a father—or an older brother or sister or uncle or second cousin—should be visited upon innocent children—children who we now know can suffer irreparable mental and physical damage if they are not properly nourished.

The second improvement must come in the amount of food families are being provided. Despite admissions by the Department of Agriculture, itself, that the present food stamp level, the economy diet of $106 a month is not nutritionally adequate for most families, that level is retained in the new Food Stamp Act. We must raise the food stamp allotment to the Department's low-cost diet of $134 a month.

Third, we must cut through the redtape that is strangling this program in its own good intentions. We have provided a way to cut through the redtape for the welfare poor in the new act but we have done nothing for the working poor families of America. These are the families that are lining up by the thousands all across the country trying to get interviewed and waiting months before they actually receive any assistance. The working poor in America are just as deserving as the welfare poor and they should be given equal opportunity at a decent diet.

The President has claimed his welfare reform plan has a major effort to help the working poor. Getting rid of food stamp redtape would help working poor families in equal measure.

These are the improvements we need and I will shortly be introducing legislation to accomplish them.

I also intend to fight for a continuation of the Office of Economic Opportunity's emergency food and medical services program which has been eliminated from the budget next year. This program, more than any other, makes sure that the poorest of the poor are reached.

If we do all these things, then we must finally face up to the fact that ending hunger for all time cannot be done on the cheap. In fact, it cannot be done for less than $3 to $4 billion. I realize that this is a large sum of money but I can think of no single investment in the health and well-being of America's poor that will provide a greater return.

Over the past 5 years, we have invested enormous resources in trying to improve the education offered America's needy schoolchildren. These resources, however, have somehow failed to achieve the results for which we had hoped. I believe one of the major reasons they have failed is that we have failed to recognize the most fundamental fact about a child's ability to perform. The fact is that a hungry child simply cannot learn—and millions of American schoolchildren are still going hungry at lunchtime.

If we are going to resolve this problem, then we must take the following steps:

We must recognize that the real problem in reaching America's needy schoolchildren is a problem of equipment and facilities. The greater proportion of needy children still not receiving school lunches are children in 18,000 inner city schools—older schools that lack school lunch facilities.

In passing the School Lunch Act of 1970, Congress clearly intended that this bottleneck be broken. It authorized $38 million for facilities for fiscal year 1971, $33 million for fiscal year 1972, and on down to $10 million a year. This was done with the intention of spending the greatest amount of money immediately and meeting this problem head on. Only then would we have the ability to bring lunches to the millions of inner-city children.

That is the real point at issue here. Unfortunately, the administration is only asking for $20 million in appropriations for facilities in fiscal year 1972. This inadequate request can only have the effect of keeping the lid on spending for child feeding programs. Congress cannot allow a bootstrap appropriation like this to continue to stand in the way of feeding millions of hungry children. I intend to make every effort to see that Congress appropriates the full amount of authorized funds for school lunch facilities for the next fiscal year.

This necessarily will call for a proportionate increase in the appropriation requested for free and reduced price lunches. Once we have brought facilities to these 18,000 inner-city schools, we will then have the capability of feeding not just the 6.6 million children that the President has pledged to feed but the additional 2.3 million children in these inner-city schools eligible under the new law. At that time, we will need to increase our spending for free and reduced price lunches from the administration's 1972 budget figure of $237 million to nearly $400 million. This policy of full and coordinated spending is the only answer to hunger in the classroom.

Mr. President, I take considerable pride in the contribution that the Senate Select Committee on Nutrition and Human Needs, a truly bipartisan committee, has made toward solving the problem of hunger and malnutrition in America. I think it is fair to say that without the work of this committee, its hearings, reports, and recommendations, we would not be even halfway home on ending hunger in the country.

The members of the select committee recently voted to extend its work for 1 more year—a year in which we could finish the job we started. I hope and expect that the Senate will approve that extension.

Further, I want to serve notice here and now that I intend to pursue the fight against hunger as actively in the coming year as I have in the past 2 years. Later this month, the select committee will hold hearings to review the results of the White House Conference on Nutrition. In the coming months, we will investigate the continuing deficiencies of the food stamp program, the surplus foods program and the school lunch program. We also intend to document the need for an expanded school breakfast program. We shall seek a national nutrition policy for the Nation which includes the elimination of hunger and malnutrition from our land.

Hunger is not and should not be a political issue. The only issue that matters is whether families and children are being fed. Only by continuing to maintain the pressure for improvements will they be fed. I am going to do everything in my power to keep the pressure on.

THE HANDLING OF WAR INFORMATION

Mr. BYRD of West Virginia. Mr. President, the Members of Congress and the American people are entitled to know what is going on in South Vietnam and Laos. It seems to me that there has been inexcusable bungling in the handling of information which normally should be given to concerned Members of the Congress and in the dissemination of news to the public.

I am well aware, of course, that military operations must be conducted in such a manner as to prevent information which might be of value to an enemy from falling into enemy hands. But in this instance it seems likely that the enemy may know more about what we are doing than our own people know. There have been far too many conflicting statements. The Pentagon appears to be working from one set of blueprints while the State Department seems to be working from an entirely different set. The inevitable result is to nurture confusion and disbelief.

I can sympathize thoroughly with the frustrations that news reporters must feel. The complaints of some that news agencies in practically every other country have had more information than our own journalists have had seem at this point to be justified. It is being said that the most authoritative sources of information on the current situation in South Vietnam, Laos, and Cambodia are Izvestia, the Russian newspaper, a French news agency, and a Japanese news service. This is incredible. Surely, such a situation could be rectified without endangering our national security. Full information should be released to the public as soon as possible without, of course, compromising considerations of security.

The speculation and the rumors that have been stirred up by the embargo on information can in themselves impair national purpose. We need facts a great deal more than we need rumors and conjectures. Some reports have it that American troops have been massed on the border of Laos in Northwestern South Vietnam ready for an assault across the border. It has been said that authority may have to be given for additional ground action by U.S. troops. Other reports say that some American advisers are leading the South Vietnamese troops which have crossed the border into Laos. There are varying reports about the nature and the extent of the use of American air power. These differing stories create an entirely unnecessary credibility gap between those who are directing the American operations and those who should advise and consent to and support such operations.

Some reports which I take to be reliable, Mr. President, indicate to me that the participation of U.S. forces in ground activity in South Vietnam has been substantially decreasing, and that there are now few actions involving units of any size. These reports say that the South Vietnamese are now bearing the brunt of all ground fighting, and that they are performing in very creditable way. Vietnamization of the war is succeeding, and we are moving forward as originally planned with respect to our withdrawal, according to these reports.

The secrecy surrounding the new operations tends to discredit and to take away from what seems to me to be the successful carrying out of the President's Vietnamization program in South Vietnam.

COMMUNIST ATTEMPTS TO BLACKMAIL CZECHS AND SLOVAKS LIVING IN AMERICA

Mr. HRUSKA. Mr. President, the puppet Czechoslovakian Government has never recovered from its acute embarrassment suffered in the popular uprising of its people in 1968.

The Communist rulers continue to harass and blackmail the 50,000 expatriates of 1968 who continue from exile to fight the oppression gripping their beloved homeland.

For the Communists, no scheme is too petty, no trick too insidious for attempts at reprisal.

Two months ago, their latest scheme came to public attention. Almost juvenile in concept, it nevertheless represents a threat and source of torment to Czechs and Slovaks who left relatives and property behind when they departed.

The despicable trick came to light when Czechs and Slovaks in the United States, Canada, and other nations of the free world began to receive letters stating they were being tried in absentia for the "criminal act of leaving the Republic." The letters went on to say that if there was to be any hope of avoiding sentences of imprisonment and confiscation of their property, they would have to pay substantial defense fees in advance. If this is not done, then the government-appointed barristers in such cases would be entitled to accept payment by your close relatives.

It seems unlikely that many persons would be taken in by this clumsy attempt at blackmail. Yet it does not tax the imagination to recognize the mental anguish it causes among those who fear for their loved ones.

The scheme was first called to my attention by Mrs. Anna Faltus, secretary for the Czechoslovak National Council of America with offices in Washington, D.C. The council is a nonprofit organization founded in 1918 to promote cooperation of all peoples for the preservation of democratic freedom. That council is to be commended for the active interest which it has taken on this subject.

Mrs. Faltus wrote:

> DEAR SENATOR HRUSKA: I am taking the liberty of bringing to your attention the fact that the Communist Government of Czechoslovakia started to blackmail the Czech and Slovak exiles who fled the country after the Soviet-led invasion of Czechoslovakia.
>
> I am enclosing for your information copies of some articles and letters pertaining to the subject. Please note, that one letter is addressed to a member of our local Chapter.
>
> According to an article that appeared in the New York Times—copy of which is enclosed—the Australian Government protested this unprecedented action of the Czechoslovak Government while our State Department informed some of the exiles who asked for help that it cannot do anything.
>
> This action of the Czechoslovak Government is not only harassing people who were granted asylum in this country and who have a right to be protected, but would also mean—if it succeeded—providing the communist government with funds for financing actions against our country; it would also mean a drain on our economy which we can hardly afford.
>
> Respectfully yours,
>
> ANNA FALTUS, *Secretary*.

Here are two samples of the letters to which she refers:

> You are advised that criminal proceedings have been instituted against you for the criminal act of leaving the Republic, according to paragraph 109, section 2 of the Criminal Code. Since these proceedngs are conducted in your absence, the Czechoslovak law on criminal procedure requires that you . . . have a defense lawyer. I was appointed as your defense lawyer, and you are obliged to defray the cost, which is estimated in the first instance of the proceedings at 1,350

crowns/approximately $190.00/, which includes the lawyer's fee and court expenses.

I am therefore requesting that you pay the sum mentioned within one month as a down payment for the defense. It should be credited in dollars according to the official exchange rate to the account of the Regional Lawyers Union at the Artisans Bank, Prague.

Finally, I should like to bring to your attention that the results as of now of the criminal proceedings seem to indicate that you will be sentenced and that your punishment cannot be suspended. The prison term for the criminal act mentioned above ranges from 6 months to 5 years and, in addition, your property will be confiscated.

You could possibly receive a suspended sentence, but only if you return to Czechoslovakia immediately or apply to the Regional Passport Office for extension of your permit to stay abroad. In the latter case it may be possible to request a stay of the criminal proceedings pending a decision with regard to your application for passport extension.

You are advised that following the decision of the inquest officer dated October 12, 1970, prosecution has been initiated against you for the criminal act of abandoning the Republic according to article 109/2 of the Criminal Code, because established facts do sufficiently justify the conclusion that you have been, since October 18, 1968, staying abroad illegitimately with the intention to take up permanent residence there.

The law makes defense in this case obligatory; as you have not yet chosen a counsel, I was appointed to be your defense lawyer. Consequently, I am addressing to you the above information.

At the same time I wish to advise you that according to the quoted article of the Criminal Code you may be tried in absentia and sentenced to prison for a term of 6 months to 5 years or to corrective measures, or possibly to forfeiture of your property.

It is in your interest to communicate to me, whether there are any facts that I could, as your counsel, point up for your defense in this process. In particular, let me know, whether you applied for an extension of your stay abroad or whether proceedings relating thereto are on the way.

Finally, you are advised that the costs of the proceedings and those of legal defense are your responsibility. As far as the defense costs are concerned, it is my duty to invite you to send within 15 days an adequate deposit, i.e. 700-Czechoslovakian crowns. According to our foreign-currency regulations, of course, the deposit has to be forwarded in the currency of the country of your immediate residence, i.e. in Canadian dollars, at the official exchange rate to the order of the City Guild of Barristers/Městké sdruzení advokátu/Prague at the Artisans Bank Zivonstenká banka/, Prague 1, Prikopy. If the deposit is not forwarded within the stated deadline, the organization of barristers is entitled to accept payments by your close relatives in Czechoslovakia.

Expecting your answer, I remain,
Yours truly,
(illegible signature).

Mr. President, I ask unanimous consent to have printed in the Record at this point a number of news releases and translations of documents of the kind relating to the incidents to which I have referred.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the New York Times, Dec. 16, 1970]

Prague Duns Refugees Abroad for Legal Fees on Defections

(By Tad Szulc)

Washington, Dec. 15.—Many Czechoslovak refugees in the United States, Canada and Western Europe, who fled their country after the Soviet-led invasion in 1968, are being advised from Prague that they face criminal proceedings for "illegal" presence abroad.

Letters from "legal advisory centers" in Prague also inform them that they must make a "down payment" in foreign currency within five days to assure their "legal defense," or the fees will be collected from the refugees' "nearest relatives" in Czechoslovakia.

The payments range from about $70 to $100, and are to be credited to the Prague regional lawyer's union at an official Czechoslovak bank.

There are estimated to be 8,000 Czechoslovak refugees in the United States, 12,000 in Canada and 50,000 in other Western countries.

United States officials said that even if a relatively small number of the refugees agreed to the "down payments" and later the full trial costs, the money would represent a source of badly needed foreign exchange for the Czechoslovak Government.

State Department officials said they had been consulted by several persons who have received letters from Czechoslovakia. The officials said they could offer no assistance or advice since the matter was between a foreign Government and its nationals abroad.

Czechoslovak citizens here and elsewhere began receiving in October the notifications of action pending against them. On Nov. 13, the Prague evening newspaper Vecerni Praha reported that courts were dealing with "hundreds of cases" of illegal departures and illegal stays abroad.

The letters to the refugees inform them that under the provisions of Section 109 of the Czechoslovak penal code, "You can be tried in absentia and may be sentenced to prison for terms of six months to five years, to corrective measures and to confiscation of property."

Those aiding other Czechoslovak citizens to leave the country without permission are subject to prison terms of from 3 to 10 years. A virtual ban on foreign travel was imposed early in 1969.

In most cases, the property of refugees, including apartments and vehicles, has already been confiscated through administrative procedures.

A letter from the "legal advisory centers," signed by individual lawyers, tells a refugee that "since you have not chosen a defense counsel, I have been nominated to represent you."

A letter asks a refugee "to let me know if any circumstances exist which, as your lawyer, I could use for your defense in these proceedings. Especially, let me know whether you submitted an appeal asking for permission to prolong your stay abroad, or whether such an appeal is under consideration by the authorities."

The letters do not say what the final cost of "legal defense" will be, but it is understood that it may go up to $140. The exact number of refugees involved was not known.

Spokesmen for refugee groups here and in Canada said that in many cases the citizens abroad may be willing to pay for "legal defense" to avoid financial or other reprisals against relatives at home, in Canada, refugee groups have advised refugees not to reply to the letters, but to ask Canadian Government authorities to intercede with the Prague Government.

[From the New York Times, Dec. 13, 1970]

Prague Lawyers Seek Fees From Emigrants to Australia

Sydney, Australia, Dec. 12.—Efforts by lawyers in Czechoslovakia to collect fees from Czechoslovak emigrants to Australia have aroused the anger of the Government here.

Several Czechoslovak residents of Adelaide said that they had received letter from Prague demanding payment of $150 to court-appointed lawyers assigned to defend them against charges of having left the country illegally after the vakia in 1968. The letters were turned over to the Australian police, who brought them to the attention of the Ministry of Foreign Affairs.

Foreign Minister William McMahon said that his department had "expressed displeasure" to the Consul General of Czechoslovakia in Sydney, Jaromir Johannes.

About 1,400 Czechoslovaks came to Australia in 1969, according to Government figures.

[From the Washington Post, Dec. 16, 1970]

Australia Protests Czech "Blackmail"

Canberra, Australia, Dec. 15.—Australia has expressed concern to Czechoslovakia over what it regards as blackmail letters sent to former Czechs now living here, a foreign office spokesman said today.

He said the letters inform recipients they will be prosecuted for leaving Czechoslovakia illegally and ask for sums of around $150 for defense costs.

Expatriate Leader Appeals to Ottawa Over Blackmail

The leader of 1,200 Czechoslovakian expatriates in Vancouver has filed charges with Ottawa that many of them are being blackmailed by the Communist regime of their homeland.

Prague recently advised Czech refugees in the United States, Canada and Western Europe, who fled their country after the Soviet-led invasion in 1968, that they face criminal proceedings for "illegal presence" abroad.

Many expatriates have received letters telling them that they must make a "down payment" for legal defence or the "fees" will be collected from their nearest relatives in Czechoslovakia.

University of B.C. professor, Dr. V. J. Krajina, says many of these letters have been received by refugees settled in Vancouver.

* * * * *

"To my mind (this) belongs to the same category of blackmail that was applied at the kidnappings all over the world and more recently in Quebec," said Krajina. "But in this case it is applied directly by an agency which is under the control of the Communist state."

In his letter to Sharp, Krajina says the Communist regime of Czechoslovakia has two aims in invoking "mass extortion".

He says the first is to alleviate the economic problems of Czechoslovakia by extorting money from refugees.

The second aim is to create hatred between relatives—Czechs presently living in Czechoslovakia and those who fled.

"Both these Machiavellian aims are humanly most objectionable," says Krajina.

Prague Starts Blackmailing 70,000 Exiles: Trials for Unauthorized Departure To Be Paid in Foreign Currencies by Refugees or Relatives—Solicitors' Letters Despatched All Over the World—KCB Advisers Behind Foreign Currency Drive

(London/FCI) British authorities are in possession of an interesting official document originating from Prague. It testifies to an unprecedented blackmail which may affect 70,000 voluntary exiles from Czechoslovakia, the majority of whom are now settled in Commonwealth countries, some 2–3,000 in Britain itself. It is a letter from the "Legal Advisory Centre" ("Advokatni poradna") established by the Prague regime and is addressed to post-August 1968 exiles. It demands an immediate down-payment of 700 Kcs. (£40 at the official exchange rate, but worth treble to the State Bank in foreign currency) with the threat that if the money "is not deposited within 15 days the Legal organization has the right to demand it from near relatives in CS(S)R", i.e. in most cases aged parents. This letter has reached exiles in a number of countries and may soon affect most of the post-invasion exiles of whom there are about 70,000, although Prague officially admits to only 51,000 by omitting those who have not yet made a declaration that they have no intention of returning.

The Letter: "I wish to inform you that based on the decision of an investigator made on . . . a criminal proceeding has been initiated against you based on para. 102/2 of the criminal law, because according to the aforementioned decision there is a reasonably founded conclusion that you have been illegally abroad since . . . with the intention of taking up permanent residence there.

According to the law Defence Counsel in this case is obligatory. Since you have not chosen a Defence Counsel, I have been nominated to represent you, for which reason I am sending you the above information. (FCI Note: This is usually the first time the addressee has heard about the proceedings. He has, therefore had no opportunity of naming a Defence Counsel, even if he had wished to do so).

"At the same time I wish to inform you" the letter goes on, "that according to the provisions of the criminal law cited, you can be tried in absentia and may be sentenced to prison for a term of 6 months to 5 years, to corrective measures and to confiscation of property. (FCI note: In most cases property, flats, cash deposited, etc., have already been confiscated by a special decree before any proceedings being instituted in individual cases).

"It is in your own interest to let me know if any circumstances exist which, as your lawyer, I could use for your defence in these proceedings. Especially, let me know whether you submitted an appeal asking for permission to prolong your stay abroad, or whether such an appeal is under consideration by the authorities." (FCI: Many exiles left legally but failed to return).

"Finally, I wish to inform you that the cost of the proceedings and of the defence have to be met by you. As far as the cost of the defence is concerned, it is my duty to ask you to pay, within 15 days, an appropriate down-payment, i.e. 700 Kcs. According to our currency regulations this down-payment must be paid in the currency of the state where you are now domiciled to the value of the official exchange rate. (FCI note: which is purely fictitious) and credited to the account of the Regional Lawyers Union at . . . with the Artisans Bank (Zivnostenska Banka). Should you fail to transfer the required sum within the period stipulated, the Legal Advisory Centre is entitled to obtain payment from your nearest relatives in CS(S)R.

I await your reply and remain with greetings

(Stamp) Legal Advisory Centre at . . .

Signed.

In many cases, in order to save old parents or other relatives the exile pays up. He does not realise that the final bill may be many times higher than the original demand for "down-payment". If later he refuses to pay the balance for concluding the proceedings—the result of which is a foregone conclusion—the money will be extorted from those he wished to save by making the first payment. Since similar measures were not applied (especially in their financial aspects) against the majority of the post-February 1948 putsch victims, observers believe that this scheme for obtaining foreign currency has been devised by the KGB and Soviet legal advisors who have of late directed political "justice" in occupied Czechoslovakia.

To avoid further victimisation of a particular "offender" and of his relatives, it has been decided not to publish the name or the address of the "Legal Advisory Centre" and the nominated Defence Counsel concerned in this letter. (221a/Do/SDC/To)

CS(S)R: World-Wide Campaign (London/FCI). According to Swiss and German press reports the number of exiles resident in Switzerland, who have received notification of criminal proceedings instituted against them, is considerable. Downpayments vary. In some cases it is 1000 Kcs. (almost £60 or $144). Exile publications in Canada have advised readers not to reply to the letters, but to contact Canadian authorities and ask for protection against blackmail. A Czechoslovak exiles delegation appealed to Mr. Trudeau to intercede with Soviet authorities to liberalise the occupation regime in Czechoslovakia (221b/FA/NH)

[From the Washington (D.C.) Daily News, Dec. 21, 1970]

PRAGUE STOOPS TO BLACKMAIL

This is the time of year that newspapers used to write stories about "the meanest man"—a thief who stole a crippled newsboy's Christmas savings or snatched a blind girl's seeing eye dog.

Well, our nomination for the honor in 1970 is a smirking genius in Communist Party headquarters in Prague. He is the brain behind blackmail letters now being received by Czechoslovak refugees from the 1968 Russian invasion of their homeland.

Under the manic logic of a communist society, one must be satisfied in a workers' paradise. So if you flee, even to avoid a Russian bayonet or a stretch in a prison camp, this leads to "illegal presence" abroad, a serious crime.

Czech refugees in the United States, Canada, Western Europe and Australia have received letters from alleged "lawyers" in Prague demanding up to $150—in hard currency, of course—as fees for their "legal defense."

If the money isn't sent, the hapless refugees are warned, it will be collected from their "nearest relatives." This is open blackmail, always a dirty crime. Usually, tho, it's the act of a criminal with a diseased mind. Making it government policy is more reprehensible.

There are perhaps 8,000 Czechoslovak refugees in this country, 12,000 in Canada and 50,000 in other non-Communist states. So the Prague extortion racket could raise a lot of foreign currency. This is badly needed by an economy staggered by the Soviet invasion, communist bungling and the Czech worker's unwillingness to exert himself for his oppressors, foreign and native.

Australia, which is a small nation but not one lacking in backbone, has expressed concern to Czechoslovakia over these blackmail letters.

By contrast, our State Department has told refugees that it can give no help or advice since the letters are between a foreign government and its nationals abroad.

This cautious, narrowly legalistic reply shows that some diplomats haven't learned anything from the scandalous case of the Lithuanian seaman, Simas Kuderka, a few weeks ago. In its answer we hear echoes of the advice to the Coast Guard—not to "encourage" the defector—which led to Kuderka's return to his Communist pursuers.

Consistency is, of course, a virtue, but not when the State Department tries to live up to President Kennedy's description of it as a "bowl of jelly."

The issue is really quite clear: when we give people refuge in this country, we can find ways to protect them against the exactions of foreign tyrants.

OF CZECH AND SLOVAK DEMOCRATIC INSTITUTIONS

For Your Information: The below mentioned organizations of Canadians of Czech and Slovak origin in Toronto area would like to bring to your attention the following matter:

Many refugees from Czechoslovakia, who came to our shores after the invasion of their country, are now facing in-absentia trials in Czechoslovakia, in which they are accused of "crimes", like living in Canada without Czechoslovak Government official permission. These trials, in the opinion of many, would be just a farce, if they were not accompanied by threats to the new immigrants and their relatives in Czechoslovakia.

Czechoslovak refugees in Canada are receiving letters from state-appointed "legal counsels" in Czechoslovakia and are being asked to pay a down-payment for what is called "defence in court". These letters invariably include a sentence that down-payment will be "accepted from close relatives in Czechoslovakia", which will be interpreted as "to demand payments" by anybody, who had lived under a Soviet type of dictatorship. It is therefore understandable that people in Canada receiving such letters from authorities in Czechoslovakia consider themselves to be victims of blackmail.

We are warning our fellow-countrymen, through our ethnic press, against this Communist scheme, and we are urging them to leave letters from state-appointed Czechoslovak lawyers unanswered. However, we fear that if anyone in Canada will submit to pressure from authorities in Czechoslovakia, he will do so not because he recognizes any legal obligation, but only because he wishes to spare his closest relative from persecution.

We feel that the whole situation might be remedied more efficiently, if the Government of Canada could find a way of expressing it's dissatisfaction with these procedures.

Two aspects of this affair would, in our opinion, justify Canadian Government action:

1. New immigrants in Canada are being bothered and their settlement rendered more difficult by moral as well as economic pressure;

2. If the scheme were allowed to go on unchecked, several million dollars might be drained out of the Canadian economy.

We sincerely hope that you will understand the cause of our concern. We would like to assure you that any support, you might be able to give to our standpoint, will be of great significance to us. It may also restrain further moves by the Czechoslovak Government, as well as similar activity by other governments behind the Iron Curtain.

Club of newcomers of Czech and Slovak origin in Canada—represented by Steve Petr, Secretary, 5 Brookfield St., Toronto 145, Ont.

Czechoslovak Baptist Chuch—represented by Rev. J. Novak, 153 Medland St., Toronto 165, Ont.

Czechoslovak Refugees Canadian Fund and Information Service—represented by Karel Buzek, Vice-Chairman, 1 Adelaide St. East, Toronto 210, Ont.

Permanent Conference of Slovak Democratic Exiles in Canada—represented by Rudolf Frastacky, President, 338 Cortleigh Blvd., Toronto 305, Ont.

Royal Canadian Legion, Branch 601 (Czechoslovak)—represented by Petr Eben, President, 605 Rushton Rd., Toronto 173, Ont.

St. Paul's Evangelical Lutheran Church—represented by Rev. Daniel Jurkovic, 54 Clinton St., Toronto 140, Ont.

St. Wenceslaus Roman Catholic Church—represented by Rev. Jaroslav Janda, 496 Gladstone Ave., Toronto 173, Ont.

Soccer Club "Sparta"—represented by V. Bělohlávek, President, 118 Christie St., Toronto 174, Ont.

Sokol Gymnastic Association of Toronto—represented by Karel Jerábek, President, 3 Fiesta Lane, Toronto 560, Ont.

Union of Czechoslovak Protestants in Canada—represented by V. Mensik, President, 196 Oakmount Rd., Toronto 165, Ont.

Union of Czechoslovak Sportsmen Abroad, Toronto Branch—represented by O. Pokorny, President, Apt. 309, 1285 Lakeshore Rd. East, Port Credit, Ont.

Welfare Association of former Czechoslovak Political Prisoners/Canada—represented by Mojmír Chromec, Secretary, Apt. 1203, 103 West Lodge Ave., Toronto 146, Ont.

In full agreement with the above statement is also M. Komínek, Publisher of independent Czechoslovak weekly "Nase Hlasy", 77 Florence St.. Toronto 145. Ont.

Mr. HRUSKA. Mr. President, the Czechoslovak National Council sent the following wire to Secretary of State William Rogers and Attorney General John Mitchell:

Public opinion in the United States, Canada, Australia and other free countries has been seriously disturbed by recent evidence of a new form of harassment of refugees from Czechoslovakia by agencies of the Prague government. Many refugees have received communications from Czechoslovak authorities informing them about pending trials initiated against them for having illegally left Czechoslovakia or for not returning from abroad. The Czechoslovak authorities urged refugees to transmit sizeable sums of money to cover the fees of officially assigned defence lawyers.

The letters contain a veiled threat that in case of nonpayment the refugees' relatives in Czechoslovakia might be called upon to defray the defense expenses. This despicable form of blackmail is a logical consequence of the communist unwillingness to respect the fundamental human right of every individual permitting him to leave at will his own country and to settle in any country of his own choice.

Basically this is the same evil which is found in the cruel denial of permission to Jews to emigrate from the Soviet Union to Israel.

The Czechoslovak National Council of America is deeply shocked by the apparent inability of the American government to convince the communist governments of the imperative need to implement more accurately the spirit of the Universal Declaration of Human Rights. The Czechoslovak National Council urges the Departments of Justice/State to find new and better ways of representing this need to the communist governments of East Central Europe.

JAMES V. KRAKORA,
President.
FRANCIS SCHWARZENBERG,
Vice President.
VLASTISLAV CHALUPA,
Secretary.

The following response was received from Mr. David Abshire, Assistant Secretary for Congressional Relations at the State Department:

DEAR SENATOR HRUSKA: I have your letter of December 31 concerning the comments of Mrs. Anna Faltus on letters being sent by "Lawyers Councils" in Czechoslovakia to Czechoslovak nationals residing outside Czechoslovakia. Mrs. Faltus recently wrote the Department of State about this matter and attached materials similar to those enclosed in her letter to you. A copy of our reply to Mrs. Faltus on that occasion is enclosed for your information.

The Department has seen and carefully examined copies of several of the letters, signed by court-appointed attorneys on behalf of local "Lawyers Councils" in Czechoslovakia, which have been received by Czechoslavak nationals residing outside Czechoslovakia. The letters request payment of legal fees for defense of the addressees in prosecutions instituted against them *in absentia*, under Czechoslovak law, for leaving, or being absent from, Czechoslovakia without Governmental permission. The letters indicate that penalties under such Czechoslovak law may range from six months to five years deprivation of liberty and, in some instances, confiscation of property. Some letters request fees for services already rendered and describe the sentence imposed, while other letters request advance payment for services to be rendered. The fees requested have ranged from 470 to 1,000 crowns (the official rate is 7.18 crowns to the dollar). Two of the letters which have come to the Department's attention have stated that nonpayment of the fees will result in an assessment for the fee against the addressee's relatives remaining in Czechoslovakia.

While the United States Government, as a practical matter, cannot enjoin the enforcement of domestic laws in Czechoslovakia, it does have a strong interest in protecting all persons residing in the United States from communications from abroad which they regard as offensive and threatening. The Department has made known to the Czechoslovak Embassy its concern in this regard. I understand that Mr. John Leahy of my office has been in touch with your office on this particular point.

In response to inquiries by recipients of the Czechoslovak letters, the Department is drawing attention to Postal Service Regulation Section 154.11, under which any resident of the United States may prevent delivery of any mail to him from overseas simply by writing his local Postmaster, citing the regulation, and identifying specifically the names and addresses of the senders of mail that he does not wish to receive. For a period of two years thereafter all such mail will be treated as undeliverable by the United States postal authorities. Notably, this procedure may be invoked with respect to any correspondence or material sent from overseas, including Czechoslovak "census questionnaires," such as were reported in the press most recently, or other unsolicited communications. Recourse to the procedure under this Postal Service Regulation is, of course, entirely at the discretion of the individual.

I hope the foregoing information will be helpful to you in replying to Mrs. Faltus.

Sincerely yours,
DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

In the meantime, I recently received another letter from Mrs. Faltus, calling my attention to still another similar scheme, an attempt to collect money for child support. The text of this letter:

MY DEAR SENATOR HRUSKA: I am again taking the liberty of informing you of another action of the communist authorities of Czechoslovakia against the Czech and Slovak exiles who fled Czechoslovakia after the Soviet invasion of the country in August 1968.

Enclosed is a copy of a letter which we received from Austria which brought to our attention another scheme of the Czechoslovak authorities to harass Czech and Slovak exiles in western countries. This time it concerns "child support" for children whom the father left in Czechoslovakia with his relatives while he is staying abroad "illegally". A special department for collecting child support money from abroad has been established by the District Court in Brno. It is headed by Dr. Uhde. This department is exacting child support money by way of courts in the particular country where the exile resides and is employed.

It has come to our attention that in some instances the Austrian authorities, for example, have already allowed such money to be collected and forwarded to the authorities in Czechoslovakia. While morally this claim to child support cannot be disputed, it would only be correct to demand reciprocity. There are instances where the children are abroad while the father stayed in Czechoslovakia. In cases where reciprocity was demanded, the Czechoslovak authorities stalled and delayed execution of the case to such an extent that the persons who were supposed to receive the money, lost hope of ever getting it. And, of course, no funds have been provided by the Czechoslovak authorities for this purpose. In other words, there are so many complications and so much red tape, that persons living abroad in the end give up their right to collect the money.

Our head office in Chicago is in the process of finding out whether there exists any agreement in this regard between the U.S. and the Czechoslovak governments. There is no reason why the Czechoslovak Government should be able to enrich its coffers with hard currency while not fulfilling its own obligations towards people living in the West.

Very respectfully yours,
ANNA FALTUS, *Secretary.*

Those of us who are intimately concerned with this problem appreciate the concern of the State Department and its efforts to stop these insidious encroachments by the Czechoslovakian Government.

As in the case of our prisoners of war in Southeast Asia, however, governmental action is limited because it is impossible to have meaningful dealings with governments which operate without a base of honorable and humantarian principles.

We must, therefore, seek other means of bringing these blackmail attempts to public attention. I will have more to say about other approaches in the near future.

Meantime, Mr. President, I urge the Members of this body to support any measures which may be taken to induce the Communist Czechoslovakian Government to cease its despicable practices.

ADDITIONAL STATEMENTS OF SENATORS

ABANDONMENT OF RAIL LINES IN MONTANA

Mr. METCALF. Mr. President, the following resolution has been forwarded to me from the Montana State House of Representatives. It addresses itself to a problem of great interest to us all, the problem of adequate rail service.

The State of Montana, Mr. President, is of truly massive size, nearly 600 miles long by 400 miles wide. This area is inhabited by about 700,000 people. In a State such as Montana adequate rail service is absolutely essential to economic development and to the convenience and well-being of the people who live there.

As this resolution so eloquently argues, the Interstate Commerce Commission must give due consideration to the hardships that will be suffered by all Montanans if rail lines are abandoned. Montana needs a truly effective system of transportation. Abandonment of rail lines such as those between Norris and Sappington will seriously impair that effectiveness.

I ask unanimous consent that the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Montana Resolution

A resolution of the House of Representatives of the State of Montana urging the Interstate Commerce Commission to consider the hardship upon the people and the State of Montana when ruling upon the abandonment of rail lines in Montana, and to hold hearings on such matters in the area affected

Whereas, under the Interstate Commerce Act, the Interstate Commerce Commission has jurisdiction over the abandonment of railroad lines in Montana; and

Whereas, at the present time, the Interstate Commerce Commission considers only the burden upon interstate commerce, the public need, and usage when determining whether a rail line may be abandoned, without giving due consideration to the impact of such abandonment with the attendant hardship upon the people and the state of Montana; and

Whereas, most railroad branch lines parallel primary and secondary roads which are unsuitable for heavy traffic and the cost of building primary roads suitable for heavy traffic is costly to the state of Montana; and

Whereas, heavy traffic on existing primary and secondary roads creates costly maintenance and a hazard to the normal flow of traffic; and

Whereas, winter conditions in the state of Montana often make existing highways hazardous and at times impossible. Now, therefore, be it

Resolved by the House of Representatives of the State of Montana: That the House of Representatives of the state of Montana recognizes that the public interest and convenience of the people of the state of Montana requires adequate railroad service to all points now served by railroads in Montana, and be it further

Resolved, that the House of Representatives of the state of Montana urges the Interstate Commerce Commission to give due consideration to the hardship upon the people and the state of Montana when ruling upon the abandonment of rail lines in Montana, and further urges the Interstate Commerce Commission to hold the hearings upon rail line abandonments and continue such hearings in the area to be affected, and be it further

Resolved, that the chief clerk of the House of Representatives be instructed to send copies of this resolution to the Interstate Commerce Commission; John Volpe, Secretary of Transportation; The Honorable Warren G. Magnuson, Chairman of the Senate Interstate and Foreign Affairs Committee; The Honorable Harley O. Staggers, Chairman of the House Interstate and Foreign Commerce Committee; The Honorable Mike Mansfield and Lee Metcalf, senators from the state of Montana; and The Honorable John Melcher and Richard Shoup, congressmen from the state of Montana.

THE KITTERY-PORTSMOUTH NAVAL SHIPYARD

Mrs. SMITH. Mr. President, the citizens of the area of Kittery, Maine, and Portsmouth, N.H., where the Kittery-Portsmouth Naval Shipyard is located, have a right to know without any further and undue delay whether that shipyard is going to remain open or be closed in 1974 as ordered by former Secretary of Defense McNamara and former President Lyndon B. Johnson.

I wrote President Nixon about this grave matter a month ago on December 28, 1970. With a month having passed without any reply or response from him, although his assistant for congressional relations wrote me that the matter would be brought to the President's early attention, I again wrote the President this past Friday.

Three weeks after my letter of December 28, 1970, the Portland, Maine, Evening Express echoed the sentiments of my letter with an editorial stating "what is most needed is a clarification of Presidential policy so that the Kittery and Boston yards will know where they stand."

I ask unanimous consent that my letters of December 28, 1970, and January 28, 1971, to the President, and the Portland Evening Express editorial of January 20, 1971, and the February 1, 1971, reply of Kenneth E. BeLieu be placed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., December 28, 1970.

The President,
The White House,
Washington, D.C.

My Dear Mr. President: It has been my custom to make an annual year-end visit to major defense establishments in Maine to learn of developments at such establishments in the past year and of the problems facing such establishments. I do this in an attempt to be helpful.

This past Saturday I went to two Air Force bases, a Naval Air Station, and the Kittery-Portsmouth Naval Shipyard and had very informative conferences.

The Commandant of the Kittery-Portsmouth Naval Shipyard told me that his greatest problem there was the uncertainty that hung over the future of that shipyard. With such uncertainty it is very difficult for him to make plans and administer the yard.

As you know, very shortly after the November 1964 election, then Defense Secretary McNamara publicly announced that the Johnson Administration had decided and ordered that the shipyard be closed in 1974. All efforts since that time to get a rescission of that McNamara-Johnson closure order have been to no avail.

Earlier this year an ambiguous statement was made by White House staff personnel to the news media that you had stated that there need be no worry about the future of the shipyard. This has been interpreted by many as tantamount to an official announcement that the closure order has been rescinded.

I have made inquiries to both the Department of the Navy and the Department of Defense for corroboration of this oral report. Representatives of both departments have answered that they have nothing to confirm the report and that there has been absolutely no indication or word from the White House, oral or written, to them indicating that the closure order would be rescinded. They profess to be mystified by the White House report to the news media.

I went into this matter with the Commandant of the shipyard and he told me that he had made similar inquiry and that his superiors in the Navy Department told him that they had not received any notice or information to indicate a rescission of the closure order. Despite this, the Commandant of the shipyard feels that he has had no choice but to proceed in future planning on the basis that the unconfirmed oral report of the White House to the news media is the true situation and that you have decided that the shipyard will not be closed.

For several years now, there have been recurring rumors that the Kittery-Portsmouth Naval Shipyard will ultimately be taken over by the Electric Boat subsidiary of General Dynamics. There is some speculation that the ambiguity of the White House statement of "no need for worry about the future of the shipyard" was actually not tantamount to a rescission of the closure order but was possibly an indication that there need be no worry because Electric Boat would purchase and operate the shipyard.

I fervently hope that you have decided to rescind the shipyard closure order. And I hope that if you have so decided that you will remove the existing ambiguity, confusion and speculation by so formally and officially announcing without delay.

I believe it to be in the best interests of the workers and citizens of the affected area. I believe that in basic fairness to everyone concerned—including the shipyard commandant—that the ambiguity and uncertainty be removed as soon as possible.

I make this request to you not only as a Senator from Maine concerned for the best interests of my constituents—but I make the request as well as the top ranking member of your own political party on the Armed Services Committee in what I consider to be the best interests of our nation and our national defense.

Sincerely yours,
Margaret Chase Smith,
U.S. Senator.

January 28, 1971.

The President.
The White House,
Washington, D.C.

My Dear Mr. President: A month ago, back last year on December 28, 1970, I wrote you about the confusion and speculation regarding the future of the Kittery-Portsmouth Naval Shipyard resulting from White House reports that you had decided to rescind the closure order. I pointed out that I had made several inquiries to the Department of the Navy and the Department of Defense on the White House reports and that all responses had been that there was nothing to confirm those reports and that nothing had been received from you or your staff directing rescission of the closure order.

I expressed my deep concern about the matter and requested that, in fairness to everyone concerned, you remove the existing ambiguity, confusion and speculation with a formal and official announcement without further delay.

A week later I received an acknowledgement from Mr. Timmons who stated that my "thoughts on this subject will be brought to the President's early attention."

Having heard nothing further, a month later, I repeat my request to you and I appeal to your basic sense of fairness.

Sincerely yours,
Margaret Chase Smith,
U.S. Senator.

Kittery Menaced Again

After President Richard Nixon is said to have promised Rep. Louis Wyman last summer that the Kittery Naval Shipyard would not be closed out, it must have appeared to people in the affected area that that would be the last word on the subject.

Ever since former Defense Secretary Robert McNamara said several years ago that Kittery would be liquidated, the subject of its disposal has been a heated political issue in New England and at Washington. Now a new and puzzling element has entered the picture so far as Kittery goes, with the report in the Boston Herald Traveler recently that the Defense Department will shortly order the closing of either the Boston or Philadelphia navy shipyards, while it re-affirms the shutdown of Kittery. Some major naval units, said the Herald, may even be moved from Newport, Rhode Island, to bases in the South.

On orders from the White House, the Pentagon is still looking for economies in its operations, and there is expected to be announcements in March of "massive reductions" in civilian and military manpower levels, with more ships laid up.

This does not sound like a sensible policy, in view of the frantic efforts being made by Russia to surpass us in naval power, and if American shipbuilding and repair facilities are going to be cut to the bone, we will be in a sad predicament in the event of a future conventional war. It is hard to believe that these apparent decisions, hitting so hard at New England, are partly political in nature even though the region is now strongly Democratic for the most part. New England members of Congress are already protesting, but what is most needed is a clarification of presidential policy so that the Kittery and Boston yards will know where they stand.

THE WHITE HOUSE,
Washington, D.C., February 1, 1970.
Hon. MARGARET CHASE SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: Your January 28 letter to the President with further reference to the Kittery-Portsmouth Shipyard has just been received.

Please be assured that yours of December 28th has not been overlooked. Upon checking, I find that the status of this installation has been, and is currently, under active review at the highest levels. I am informed that you may expect a substantive reply in the very near future.

With highest regards,
Sincerely,
KENNETH E. BELIEU,
Deputy Assistant to the President.

THE HUMAN RIGHTS DECLARATION AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, as members of the United Nations, we have accepted an obligation to protect human rights, to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women. Yet, international jurists of great repute have observed that the Declaration of Human Rights is not binding on the members of the United Nations. They note that it is but adopted as a resolution; that such resolutions have as a general rule no binding character; that they are of a political and moral but not legal nature; that the General Assembly is not the parliament of man; and that the Declaration of Human Rights is not a universal constitution. But this should in no way detract from the force and impact of the declaration.

The Declaration of Human Rights, has presented a challenge to all nations, and has had a profound effect upon the implementation of human rights around the world.

Arthur Holcombe wrote in 1948 concerning the possibilities of the declaration:

> It could raise a standard of good conduct which might serve as an ideal until such time as legislative powers should be granted to the United Nations.

The declaration has been used as a standard of achievement in administration of nongoverning and trust territories. The declaration has been used as a basis for requesting the Government of South Africa to suspend the enforcement of the Group Practices Act and to reconsider its policies of apartheid. A Convention of the Status of Refugees was convened in Switzerland in 1951; it came into force in 1954 granting equality, justice and humane treatment to refugees. This was in large part inspired by the declaration. The International Labor Conference adopted a Convention on the Abolition of Forced Labor in June of 1957, ratified as of 1961 by 40 nations. This was in large part inspired by the declaration.

The Declaration of Human Rights began not as a legal document, but as a moral and political one. Yet from it have flowed conventions, treaties, national constitutions, and laws of national states.

Mr. President, the declaration explicitly recognizes "the inherent dignity and the equal and inalienable rights of all members of the human family." It sets the standards for the Human Rights Conventions, which flow from it.

Mr. President, the Senate action on these conventions—in particular the Genocide Convention—is long overdue. Let us act on the Genocide Convention now.

THE RISING CONSUMER MOVEMENT

Mr. CASE. Mr. President, in a recent address to the Poor Richard Club of Philadelphia, Mr. Robert W. Sarnoff, chairman and president of RCA Corp., urged business to be responsive to—rather than nervous about—the rising consumer movement.

I found Mr. Sarnoff's address enlightened and highly readable and commend it to my colleagues' attention. Mr. President, I ask that the text of the address be printed in the RECORD.

There being no objection, the text of the address was ordered to be printed in the RECORD, as follows:

THE AGE OF THE ARTICULATE CONSUMER

(Address by Robert W. Sarnoff)

I feel very honored to receive your Gold Medal for 1971, especially so, since it is the second time for the Sarnoff family. My father was proud to accept it thirty-one years ago. I can assure you that the years have not diminished its value.

This occasion offers the opportunity to acknowledge the formidable gifts of your patron saint. We are all in debt to Benjamin Franklin for his countless contributions—as scientist, political philosopher, and diplomat, with a gift of wit and brevity that excites the envy of every advertising professional.

The aphorisms of Poor Richard still offer sound advice, although the times might call for some modification. Today, for instance, a dollar saved is a penny earned. In any case, Franklin's common-sense attitude is just as relevant to the 1970's as it was to the 1770's. He would be a superb consultant in dealing with the problems of the present market environment.

Its problems are intensified by the uncertain state of the national economy, which tripped over the threshold on its way into this new decade. As a result, our customers are more inclined to save their money than spend it. One of our priorities is to help restore their confidence, and to offer them a strong incentive to buy. Certainly no real recovery can be achieved without the restoration of vigor to the marketplace.

The current economic weakness is a short-range problem. However, its resolution will still leave new and challenging conditions, affecting our long-range outlook and our way of doing business. On one side, pressures are being generated by the greater variety, increasing complexity, rising cost, and shorter market life of the things business makes and sells. On the other, a more sophisticated public is increasingly outspoken in its skepticism of advertising claims.

These challenges might be considered as payments due the piper for the technological and economic spree of the past decade. The 1960's released a torrent of new goods and services. With them came a rising level of technical sophistication in everything from computers and color TV sets to self-cleaning ovens and remotely-controlled toys. Change stimulated further change, prodded by rising competition and consumer enthusiasm. These, in turn accelerated the marketing cycle.

Welcome as they may be to the consumer, these changes have complicated the life of the advertising man and have placed a higher premium on creativity. You know how difficult it is to describe almost any new or modified product or service without oversimplifying or exaggerating its virtues—particularly in a 30- or 60-second broadcast message. There will be greater creative demands in the future, for technology will certainly hasten the trend toward more sophisticated innovations. In fact, intensified competition will compound the difficulty of claiming unique advantages.

Such conditions would offer challenge enough in a receptive environment. They are even more formidable in this era of low credibility. The social and economic climate is polluted by a general malaise of inflation, war, taxes, racial conflict, youthful dissent, crime, and personal frustration. Nowhere is the attitude more evident than in the marketplace. While the causes are many, let us concede that business and advertising have contributed a share.

Perhaps we have been too preoccupied with the growth of mass markets, the proliferation of goods, and the problems of cost and competition. Perhaps we have lost sight of the fact that the market, too, has its ecology—the vital interdependence of producer and consumer in a free economy.

Today, we face an increasingly vocal and intransigent attitude on the part of customers who seek to restore a balance. Let us not confuse this ground swell of popular concern with the perennial clamor of those few malcontents who always seek the Holy Grail at a discount, with optional extras. Current consumer unrest is rooted in both real and imagined offenses in the form of overstated claims, poor service, inflated charges, and neglected customer needs.

Its potential danger lies in the development of a political crusade that could lead to over-reaction, with results as unfortunate for the public as for business. To avoid such an overkill, it is imperative that we respond swiftly and effectively to the legitimate needs and desires of the buying public. Whatever the product or service, we must insure that advertising claim matches business performance. There can be no exception.

The new market environment provides a crucial test of our ability to maintain effective communication between business and the public. A first essential is the closest cooperation between the advertising profession and business management. Your client must tell you precisely what he wants to achieve and what, in his view, makes his product or service preferable to others. You must be specific about what you need to know of his business, his product, and his expectations—in order to do the job.

I recognize that the degree of your involvement is usually determined by the attitude of the client. Enlightened executive and marketing managers will welcome your participation on the same basis of mutual trust that characterizes the business relationship with legal or accounting specialists.

Unfortunately, some businessmen are reluctant to share confidential information with an outside agency, or even with a staff advertising executive. Others are self-appointed experts in advertising, ready to reject what you recommend, and to tell you exactly what to say. In either case, you have a job of education to do.

The important point is that at a time when the flow of new products and the increased impact of the media has placed the highest value on expertise, your profession must be a partner in marketing rather than simply a transmission line for the sales message. You have the obligation to insist upon such an active role. There is no other way to fulfill your share of our joint responsibility to meet the advertising requirements of honesty, good taste, and effective communication with the public.

It is not enough to communicate just at the top. The executive exchange at lunch or on the golf course is only marginally useful if there is insufficient rapport among those who maintain the day-to-day working contacts between agency and client. This is the crucial area where only the closest mutual understanding will permit candor when a mistake is about to be made.

How often, for example, does overenthusiasm on either side help to push advertising beyond the limits of accuracy or good taste? When it happens, the fault may lie with an excessively eager product manager, or perhaps an overly imaginative copywriter.

It is the responsibility of those at the top to curb such excesses, and to do so without discouraging enthusiasm and creativity. The task can be made considerably easier and more foolproof if the sense of common interest and shared responsibility extends to all levels of both agency and client organizations. Whether formally acknowledged or not, I believe that part of any successful working relationship between business and advertising requires each to ride herd on the other.

Obvious, but worth repeating, is the fact that communications often fail between people approaching the same objective from different directions. I am convinced that a communications gap underlies many of the actual or alleged violations charged to advertisers and agencies by the Federal Trade Commission.

Better communication among ourselves should help us to communicate even more effectively with the buying public. This may not be particularly easy in the new climate, but the rewards can be greater than in the past.

I urge that we stop looking nerviously over our shoulders at consumerism as a movement. We should look instead at the consumer as an individual who insists upon being dealt with in an honest and straightforward manner. It is not a faceless horde out there to whom we are talking. You and I are consumers too, and our own experience should teach us much about human desires, expectations, and reactions.

Life styles may differ, but a $5 lemon is just as sour as a $5,000 lemon, and doubletalk is no more welcome in a Main Line home than in a Harlem flat or on a Kansas farm. Young or old, dove or hawk, square or hippie, one tie that binds us all is irritation at being had.

The sentiment is familiar, but it arises now in a new setting. *This is the age of the articulate consumer*. The buyer is demanding a more active voice in determining the nature and quality of things available to him. Business will have to spend less time talking and more time listening—and responding to what it hears.

In this new climate, consumer interests and needs rank with the manufacturing and financial aspects of business as matters of top-priority concern for management. Every company that has not already done so, will find it essential to establish an effective mechanism for two-way communication with those who buy and use its products.

At least one prominent national advertiser has already introduced a campaign which solicits and airs a wide variety of individual views about its present and future products. Other companies have intensified their marketing research programs and established consumer affairs organizations to receive and act upon suggestions and complaints. RCA has done so at the top corporate level and in key operating divisions. Both the company and its customers are already gaining benefits from this more direct channel of communication.

What of the old seller's market—that turn in the economic cycle which permitted the producer to call the tune in a time of high demand and tight supply? Except in isolated cases, we may never see it again. The concept is incompatible with the new consumer-oriented market philosophy now developing. I welcome the change, for it will lead to better products and services, and to improved market planning. Above all, it can bring about a higher level of trust between the public and the business community, and eventually restore their relationship as allies rather than antagonists.

The transition into this new era will not be smooth and painless. We are not dealing with a monolithic structure. There is great diversity among business enterprises, products and services, advertising concepts, and public attitudes. Frictions will continue to arise. Offenses, real or fancied, will continue to occur in spite of the best intentions and the most vigorous efforts. There will remain the peril of overzealous crusaders that draw their justification from earlier charges of omission or neglect. Yet we can reasonably expect a general improvement to the degree that we succeed in adapting our policies and practices to the new market environment.

Successful adaptation means more than simply avoiding the obvious and specific errors that lead to misstatement and unjustified claims. We must consider all our activities and their consequences in the broadest perspective, if we are to enjoy the public trust.

It is clear that advertising should not be used as an instrument to influence the editorial content of the print or broadcast media. It is one thing to convey an editorial viewpoint in an institutional advertisement. It is another to attempt to force that viewpoint, by the weight of advertising dollars, into a news column or a newscast.

It is also essential to appreciate the total impact of advertising when it is used to promote not only products and services, but also people and ideas. No facet of the industry has grown more rapidly in recent years than its application to political campaigns.

Subjective questions are now being raised that relate directly to negative public attitudes toward all advertising. For example, what is the dividing line between selling and seduction? At what point does advertising go beyond persuasion based upon the merits of what is being sold? When does it, in fact, begin to exploit human vulnerability to social pressures, or, to such emotions as envy, greed and prejudice?

The answers will come only from those who continue to probe their consciences. It is not enough simply to blame the medium for any offense in the message. The basic responsibility rests jointly with those who originate and those who articulate the message.

I believe that ultimate success in winning public confidence will depend primarily upon the intensive cultivation of two attributes—flexibility and self-discipline.

The advertising profession has already gone far towards achieving flexibility. It has restructured itself to an impressive degree in order to meet the diverse requirements of business for comprehensive and specialized services in support of marketing. It has expanded its resources and refined its techniques for determining consumer attitudes. It has enhanced and diversified its creative talents.

Business, too, has shown encouraging readiness to adapt to the new conditions. One index is the growing interest and activity concerned with customer satisfaction. Business has moved farther in this direction, in fact, than is generally recognized. The lack of recognition is, in itself, perhaps a heartening sign. It indicates that there is far more to the trend than a play for headlines.

No one would contend, however, that we have gone far enough. The times require increasing flexibility in the content and direction of all of our marketing and advertising programs. They must be designed to cope successfully with the constant change that affects every facet of our relationship with the buying public.

We must continue to work together, too, in programs of self-regulation which will demonstrate that government-imposed advertising standards and controls are as unnecessary as they are undesirable. I believe that some of those who propose increased government intervention are sincerely motivated, but unaware that official control, once it is introduced, is exceedingly difficult to contain within reasonable limits. Sensitive areas of expression become the ultimate victims of such expansion.

However, self-regulation cannot be used simply as an escape. It implies self-discipline—a readiness to set our own high standards and to impose sanctions upon those who violate them.

Various means have been suggested to this end. To date, however, no simple or complex solution appears adequate. But the goal is clear: acceptance throughout the advertising and business communities of the highest standards of integrity and good faith, and a means of enforcing those standards where they are not voluntarily observed.

Because of its extraordinary visibility and pervasiveness, advertising is especially vulnerable to attack in an era of general public discontent. Remember, however, that adversity has its sweet uses. Let it be so in this case.

Advertising has been one of the foundations of this nation's growth and prosperity. It is still a principal catalyst of a free economy, but it can function effectively only so long as it has the trust of the public.

We must work together to regenerate that trust by widening our channels of communication with the public and adapting our programs and practices to the new market environment. I am confident that we can rise to that challenge, and that advertising will play an even more vital and responsible role than ever before.

ANOTHER MERIT AWARD FOR FORT DETRICK

Mrs. SMITH. Mr. President, it was my privilege to defend the biological warfare center at Fort Detrick, Md., here on the Senate floor in a speech not long ago. In that speech I unmasked the false statements that had been made against this Army activity.

I am delighted to tell the Members of the Senate today that Fort Detrick has been honored with the 1970 Award of Merit from the National Safety Council.

But this is nothing new for Fort Detrick. It is the 11th award in the past 21 years for safety achievement. Fort Detrick has received either the safety award of honor or award of merit in 1950, 1953, 1959, 1960, 1963, 1964, 1965, 1967, 1969, and 1970.

What a thunderous answer to those who have spread falsehoods against Fort Detrick and tried to blacken its image with the public.

EUROPE AND THE UNITED STATES: AGING RAISES MAJOR ISSUES

Mr. CHURCH. Mr. President, the Senate Special Committee on Aging has made sustained and exhaustive efforts to inform the Congress and the public about the complexities of many far-ranging issues related to aging.

On the matter of retirement income, for example, the committee recently published a report, "Economics of Aging: Toward a Full Share in Abundance." In its recommendations and conclusions, the committee called for broad-based, far-ranging actions involving not one, but many, Federal programs. It is not enough to raise social security benefits, essential as that reform is. Additional steps, relating to such matters as private pension coverage and employment opportunities, must also be taken.

Important as economic security is, it in itself would not solve many problems facing older Americans. Serious inadequacies exist in social services needed by the elderly; the question of arbitrary retirement at fixed age levels needs far-reaching evaluations; in fact there is a clear-cut need for greater national attention to the role of the retiree in our society today. Too often, he tends to feel that he has been cast aside; he has little or no feeling that he is entering a new stage of his development which can be satisfying and rewarding.

My point, Mr. President, is that our Nation and others must make far-reaching social and economic changes to what has been called a "retirement revolution." Never before in history have we faced such a challenge. We must resolve issues which have arisen in our lifetimes as rapidly rising numbers of people spend more years living in retirement. We are, only now, beginning to understand what is involved. Either we, as a nation, will take actions which will make each one of us proud of the treatment given to older Americans, or we will become increasingly ashamed and guilty about our failure to do so.

At this point I would like unanimous consent to have reprinted two articles which recently appeared in the New York Times.

One, dated January 27, gives an excellent report on the problems of the aged in European nations. This account makes it clear that the issues I raised earlier in this statement are not limited to the United States, by any means. The retirement revolution is causing many leaders in Government and in the social sciences to ponder long and hard about the adequacy of present efforts to deal with the needs of the elderly.

Another article, published on January 30, describes the economic problems which blight the lives of many elderly persons living in an American community. It provides a picture of people who, even though they may somehow make ends meet, live in anxiety, and often in despair.

One final comment: The New York Times, in my opinion, deserves commendation for the many fine reports it has provided on issues related to aging. It is heartening for those in the field of aging to note that, with increasing frequency, newspaper editors are coming to realize that far more intensive coverage should be given to older Americans. Only a few years ago, many editors seemed to regard news about the old folks as uninteresting or even depressing. But, in the New York Times and other publications, reporters are breaking away from old clichés and giving us news of vital importance to the elderly and to those who look ahead to their own retirement. Much of that news is bad, but we can hope that the positive side of aging will be expressed with greater frequency as improvements and adjustments are made.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EUROPE MEETS PROBLEMS OF AGED WITH VARIED PROGRAMS

(By Bernard Weinraub)

Berlin, January 16.—Mrs. Charlotte Rynar sits on her bed, twisting the strap on her handbag, "I am 76, I have managed," she says tremulously. "But I get worried now, I get lonely. I think of death. What will happen? What will happen to me?"

Elsewhere in West Berlin Marta Cohan, who is 74, gazes at the doll perched on the bed of her one-room apartment at the Heinrich-Plett Haus, a home for the aged. She laughs softly and says with a shrug: Life is good, life is grand. "I haven't died yet, have I?"

In every major city of Europe the aged are making economic and emotional demands upon relatives, social workers and officials. Medical advances, prosperity and in some countries, the avoidance of war have resulted in population that are living longer and retiring earlier.

INTEGRATION IS THE AIM

With varying success, each country is tackling the problems of old age with a blend of social programs, pension benefits and housing plans. One conclusion emerges from visits to a number of cities and reports from correspondents of The New York Times: that the overriding aim of numerous countries dealing with old people is to "integrate" them into apartment houses and to avoid homes for the aged, which most of the elderly dread.

Loneliness and boredom—the central problems of old age—have been met in Britain, Sweden, West Germany and other European countries with burgeoning programs involving "home helpers," who offer food and social care to old people in their apartments, as well as the growth of government-sponsored day centers that transport the aged in cars, buses and ambulances to recreation halls and clubs.

NEEDS ARE BARELY MET

Yet across Europe, officials conceded that the problem of old age had been widely brushed aside until recent years and that social programs were barely meeting the needs of this emerging population.

"We are only just beginning," said one British official. In West Berlin, Dr. Klaus Bodin, the Minister for Social Affairs, observed: "We realize now that our cities are becoming crowded with the overaged. They need more social care, more hospitals. It is an enormous problem—how do you get these people integrated into society and let them live a life of dignity?"

The conditions in which the aged live and the economic and social policies to deal with their problems vary sharply in the European countries. A man earning $60 a week, a typical European wage, can expect a $13.50-a-week basic wage-related pension in Britain, $21.60 a week in the Netherlands and $45.60 in Austria.

These pensions meet the basic needs of most pensioners but provide little extra for such amenities as movies or a visit to a pub or cafe. Any comparison with the United States, however, must be balanced by the fact that in such European countries as Britain and Sweden all medical costs are free. Doctors' bills pose few hardships for the elderly.

In the United States, where the average Social Security payment to retired single person is $116 a month a Senate committee reported Monday that one elderly American out of four lives on a poverty-level income.

SOME SOCIAL PROGRAMS

Among social programs, Sweden offers new apartments to the aged in buildings with young and middle-aged couples and provides "home helpers" for cooking and daily cleaning.

Italy has begun experiments that include vacations for residents of old-age homes and a program in Florence in which 1,280 people over 70 share in the services of a pool of doctors, social workers and college students.

In the south of France, Government-sponsored "retirement" apartments have opened. The Paris Government offers a 75 per cent contribution to low-cost rents and half-fare train tickets.

The impact of two wars has left a disproportionate number of old women in some countries. In Britain, for example, there are 44 men for every 100 women aged 80 to 84.

There are eight million people over 65 in West Germany, and a common sight is an elderly man without an arm or leg.

William Childs, acting director of welfare in the London borough of Westminster, said: "Right now we're feeling the results of World War I—the women who lost fiances or young husbands and never remarried, so they're left alone now without children, with few relatives or friends. Their contemporaries are dying now, and they're especially bereft."

LONELINESS AND DESPAIR

The essential problems of old age—loneliness, despair, a sense of worthlessness, frailty—are universal.

"Life is a matter of frustration for old people," said David Fleet, a director of social services in the sprawling East End borough of Tower Hamlets.

"The simplest, most common, things become difficult—tying a pair of shoes, dressing yourself, buttoning a shirt," he said as he walked into a crowded room where elderly men and women were signing up for $6-a-week summer holidays at three coastal hotels supported by the borough.

"They can't bend down, their fingers aren't nimble, they knock things over, they can't walk too well," he added. "They get annoyed with themselves, and it's expressed in terms of frustration and quick temper."

A nurse, Mrs. Charlotte Schutzer, stood in a spotless dining room in a West Berlin home for the aged while 100 men and women silently ate a Friday lunch of halibut.

"No matter what we do to help, there is a loneliness in every situation," she said. "There is a feeling among them that the loneliness will never end until. . . ." She shook her head.

The problem of old age had been largely ignored in Europe until recent years because life expectancy was considerably lower and the aged themselves were an inconspicuous part of society, living with their children or in old-age homes.

Because of postwar apartment shortages, as well as tradition, old people in Europe have lived with their children far more than in the United States. In the Soviet Union, Poland and Austria, for example, the aged still play important roles in raising grandchildren and running the house since younger parents usually work.

"Grandmother is still the universal housekeeper and baby sitter here, especially in a society where there are often multiple wage earners," a correspondent in Warsaw reported.

The easing of housing shortages and the availability of small apartments for young families have tended to isolate the aged from their children. At the same time, young families in Italy, Britain, West Germany and Sweden have moved into cities, leaving the elderly alone. Only lately—and somewhat hastily—have some countries realized the size of the problem.

In the United States, a major problem confronting the approximately 20 million people 65 or older is rising costs, particularly medical costs, while on fixed income.

One effort to solve it is being made in the Social Security legislation that Congress is expected to pass early in the present session. It contains a cost-of-living clause as well as a general 10 per cent increase in benefits.

The number of Americans 65 or older has nearly doubled in the last 20 years. About 70 percent live in their own homes or with relatives, about 25 percent live alone or with a nonrelative and 5 percent live in institutions.

Medicare, Social Security, veterans' pensions, old-age assistance and aid to the disabled and the blind are the major programs that benefit the elderly. But both critics and supporters of these programs agree that Congressionally approved increases in these programs rarely keep up with inflation.

Discussing the situation in Italy, Senator Ludovico Montini, a brother of Pope Paul VI and president of the state agency caring for the aged, said, "There is really no proper system to care for the aged in our country."

The number of Italians 60 years and older was 3.2 million, or 9.6 percent of the population, in 1901; now it is 8.5 million, or 16 percent of the population in a nation whose welfare activities, developed over centuries, blends Government pensions, church hospitals and municipal homes.

Life expectancy in France, where Government action has been slow, was 46 at the turn of the century; now it is 72. The population of men and women over 60 in Britain is 12.5 million, compared with 7.9 million in 1951.

"You hear the same story now," said Mrs. Phyllis Sanford, director of the King George VI Memorial Club for the Aged in South London. Children move out of their towns and villages into the cities, where they eventually get married and move into apartments and don't have room for Mom and Dad. The old people are bitter. They become not physically but mentally housebound."

She showed a vistor the recreation room of the municipally supported day club, where women volunteers led the aged in singing "Roll Out the Barrel." An afternoon's activities included lunch, raffles, bingo and tea.

"You can't categorize these people as a special class," she said. "We have doctors, widows, policemen, accountants, homosexuals, the lot. They're totally different—but the only important thing about them now is their age."

Nearby, Maud Capon, a frail 81-year-old widow, began eating her lunch of meat pie, potatoes and custard.

"What you need most when you get a bit older is contact with others," she said. "It's so easy to lose that contact."

"I lived in an old house in Peckham for 44 years, but I had to move because a development was coming in," she continued. "I live with my son and daughter-in-law now but I haven't been right since I've moved. I sit and cry. I know I had to move but I cry. The special bus picks me up once a week to come here, and it's the one day a week I feel happy."

One of Sweden's most popular revue artists and writers, Hasse Alfredsson, has made a line famous in a monologue about an old man: "Now I'm going to tell you how I like the old people's home: I don't."

Across Italy, France and West Germany such homes are grim and crowded. In Italy, where there are 2,500 old people's homes taking care of 112,000, numerous homes are near cemeteries. Marisa Malfatti, an Italian journalist who surveyed them, called them "death lobbies."

Simone de Beauvoir, in her recent book on old age in France, "La Vieillesse" cited two terrifying statistics: Eight percent of those entering homes for the aged die in the first week and 46 percent die within the first six months.

Ake Fors, a social-welfare expert who was interviewed in his office at the Ministry of Social Affairs in Stockholm, said:

"Every effort is made now to keep the aged in their homes and out of institutions. Each community is responsible for the housing, rent, personal care and needs of its aged members."

As in numerous other social policies, Sweden is in the vanguard among European countries in measures to help the aged—962,000 persons over the pension age of 67, or 12 percent of the population.

The basic old-age pension amounts to about $1,300 a year for a single person. The Government pays at least part of a pensioners' rent and has hired 43,000 "home helpers," the purpose being to keep old people in their homes as long as possible. The local authorities have also begun setting up special services.

Economically, we have very few complaints," 70-year-old Tora Claesson said in a suburban Stockholm clubhouse of the National Organization of Pensioners, a politically powerful group. "What we do complain about is something that society cannot give to us."

"We envy the younger people," she explained, smiling. "To be so young at this time, with things changing so rapidly, must be so very exciting."

MANY AGING FACE AN ECONOMIC NIGHTMARE

(By Robert Lindsey)

MIAMI BEACH.—Not far from Miami Beach's opulent strip of ocean-front hotels, where a room for the night costs upward of $50, the 69-year-old widow of a Bronx tailor was recently caught trying to steal a 25-cent can of soup in a supermarket.

Shoplifting food occasionally, she explained later, is one method she uses to make ends meet on her fixed income of $114 a month.

The woman lives in a community called South Beach, where, for many hundreds of older men and women, visions of a warm and graceful old age in the Florida sun have turned into a continuous economic nightmare.

AN INCOME CRISIS

This nightmare is growing worse each month, as Government statistics just released showed. Consumer prices rose by 0.5 per cent in the nation last month to 138.5 per cent of the 1957–59 average, and 5.5 per cent above a year ago. Nowhere is the impact of such inflation more severe than on the aged people, such as those here, who are living on fixed retirement incomes.

The Senate Special Committee on Aging said earlier this month that the retirement income problem in the nation "has become a retirement income crisis." The report, based on a two-year study, painted a bleak picture of millions of older Americans living in poverty and poor health. It predicted a worsening future unless immediate action on a broad scale was taken.

Poverty among Americans over 65, the Senate report said, increased by 200,000 between 1968 and 1969, while it decreased by 1.2 million for all other age groups.

As Mrs. Rose Langmann, another resident of South Beach, walked toward a supermarket with her husband, she expressed the frustrations of many here.

"Every time you go to the store," she said, "the prices are still higher. But your income doesn't get any higher. You buy less. Then, the President comes on the television and says everything is all right. The next day you go shopping and the prices are higher again."

THE 9,000 RESIDENTS

About 9,000 persons live in South Beach, a tightly-packed, 40-square-block community of apartments, duplexes and small hotels on a tip of land between Biscayne Bay and the Atlantic Ocean.

Miami Beach is only three miles to the north, but, except for the narrow strip of sand they share, South Beach could hardly be more different.

More than half of South Beach's residents are 68 or older; at least two-thirds are Jewish; almost half were born in Europe, emigrated to America early in this century and retired to a predominantly Jewish community here after a lifetime of work in the big cities of the Northeast or Middle West.

Each day, usually about 1 p.m., hundreds of the older men and women leave their small, sometimes shabby dwellings and, with lawn chairs and umbrellas, head for a nearby stretch of public beach.

On the beach and a strip of lawn beside it, they play cards, talk in groups, read Yiddish-language newspapers, hold Yiddish talent shows, or simply bake under the sun.

"What you have here are some of the last immigrants you'll find in this country," said Bernard Baron, a Miami Beach social worker who assists the senior citizens from a small office at the edge of the beach.

"It's their ghetto," he continued, "and despite the financial problems a lot of them are having, it's one ghetto nobody wants to leave."

Mrs. Fannie Sanrowitz, a widow who emigrated to New York from Austria in 1910, sat in the kitchen of her small home, part of which has been converted into three small rental units. On a wall hung a picture of Mayor Lindsay of New York and another smiling man. both wore tuxedoes. "That's my grandson, he's a lawyer," she said proudly. Then Mrs. Sanrowitz, who is 79, discussed other matters.

HARDER AND HARDER

"I bought this place in 1954," she said, "with the rentals to help support me. I've made a go of it all of these years. It hasn't been easy. But I have. Now it's getting harder and harder.

"My taxes just went up over 30 per cent—$175 at one time. People complain when you charge more rent, and this year because of the recession, I guess, I got vacancies.

"The electrician costs more, the plumber, the painter . . . I can't take in enough. I get $74 a month Social Security but that's not enough. I scrimp and my children help me. But I can only sponge on them so much. I ought to be able to afford a trip to New York once in a while, but I can't."

Mr. Baron said that many South Beach residents had enough income from investments, pensions or periodic checks from their children to absorb the rising cost of living without serious hardships, but he said that many do not.

Two years ago, a survey indicated that half of South Beach's residents who lived alone had monthly incomes of less than $176, while among all of the households, half had incomes of $231 or less.

About 500 South Beach residents currently receive state welfare aid. They can receive a maximum of $114 monthly. But the amount is decreased proportionately by each dollar of Social Security benefits or other income they have.

"The effects of the inflation started to get serious about three years ago, especially rents," Mr. Baron said "Three years ago, a one-bedroom apartment rented for $70 or $75. Now it's $115 if you can find one that cheap."

"Lately, more people seem to be having a tough time making ends meet, and we're starting to get some new [needy] cases. I think there are a lot of doctors up North referring patients to Miami Beach as a cure, a panacea, and some of them can't afford it."

SAVE OUR SENIORS

Some of the more affluent residents of Miami Beach became aroused about the problems of poverty among the senior citizens late in 1968, after a local newspaper and a television station reported that some South Beach residents were regularly rummaging in garbage cans for food.

A group of Jewish residents in the burgeoning high-rise condominium apartments north of South Beach established a group called "Save Our Seniors," which currently helps about 200 persons, dispersing Federal food-stamps packages and kosher food, clothing, and, in some cases, money. Mr. Melvyne Sommers, director of Save Our Seniors, said:

"We know there are a lot more people who can use our help, but many of them are too proud to admit it."

SENATOR CASE ADDRESSES MEMBERS OF SCHOOL BOARD

Mr. SCHWEIKER. Mr. President, my distinguished colleague from New Jersey, Senator Case recently spoke to an education group in his State regarding the responsibilities of local school board members as they try to meet the financial needs of their respective school districts while the Congress considers the proposal for revenue sharing. In his remarks Senator Case points to the continual effort to provide more adequate levels of support for the education of our children and the requirement that revenue sharing programs when implemented must enlarge this effort. I ask unanimous consent that the remarks of Senator Case before a group of school board members be printed in the Record.

There being no objection, Senator Case's remarks were ordered to be printed in the Record, as follows:

Senator Clifford Case Says Revenue Sharing Offers a Tempting Prospect of Eliminating Layers of Government Bureaucracy But it Must be Examined Closely and Critically

As school board members, you have long given strong support to the efforts of those of us in Congress who have been trying to provide more adequate levels of support for the education of our children.

Together, we have had success in a number of areas ranging from basic aid to education and aid to disadvantaged students to specialized programs such as providing for improved libraries and federal assistance to school districts with significant numbers of refugee children, a program of special significance to portions of New Jersey.

In 1965 when I first proposed fellowships to enable elementary and secondary teachers to keep up with new knowledge in their field, school board members helped to get that proposal enacted into law within the same year.

And board members have recognized that education for most today does not stop at the secondary level. You have supported programs to improve our colleges and universities and to put them within the reach of worthy students.

My amendment to provide the first federal aid to community colleges was adopted as part of the Higher Education Act of 1963 with the support of board members. Since that time, New Jersey has received more than $12 million for construction alone.

Last year, Senator Mondale and I were able to expand the concept of federal school desegregation assistance so that it applied to northern school districts which are desegregating voluntarily as well as to southern school districts which are under administrative or court orders to eliminate discrimination.

As a result, New Jersey is expected to receive at least $25 million, maybe more, during the next two years to help overcome racial segregation problems in our schools.

The concept of assisting both southern and northern schools is firmly embedded in a $1.5 billion, two-year school desegregation assistance program which seems certain to be approved by Congress this year.

But the outlook for other education programs is less certain. There is a new element in the picture—revenue sharing.

The level of funding of almost all of them will depend upon how various issues relating to revenue sharing are resolved.

In one view, existing programs should be curtailed immediately in anticipation of federal budget deficits which may be incurred to provide funds to state and local governments. I disagree with this view and I believe it has little support in Congress.

A second view is that existing programs should be frozen at their current dollar levels during the interim period while Congress is considering various plans to share federal revenues with state and local governments.

Those who favor this approach argue that it would allow an easier transition from current programs to new alternatives developed by state and local governments through the use of federally shared revenues.

But what would happen during the interim while Congress is considering revenue sharing?

Obviously, we would be marking time while the needs which our categorical grant-in-aid programs are designed to meet continue to grow. In the next year alone, it will require more than an additional $2 billion to meet fully our federal commitments under grant-in-aid programs now on the books.

As one who long has worked for more adequate financial support of these grant-in-aid programs, I cannot accept such a standstill approach.

A third view, and one that I share, is that federal support for these programs must be continued, as contemplated under existing law, to help state and local governments meet their needs until the Federal Government provides sufficient funds under revenue sharing.

Those of us who hold this view believe that state and local governments, including school districts, need increased help immediately. In many cases they are pushed to the wall financially and face curtailment of existing and often inadequate programs. The Federal Government must make additional funds available immediately through existing programs.

Up to this point, I have discussed what can be expected while revenue sharing is under consideration by Congress. But there are some aspects of revenue sharing itself which warrant the special attention of school board members.

Much of the detail of the Administration's proposal to share federal revenues with state and local governments still has not been made public.

It is known, however, that one part of the program calls for $11 billion of federal aid to state and local governments for spending in six broad areas—urban development, rural development, transportation, job training, law enforcement and education.

This is what has been referred to as the "block grant" portion of the program. Of the $11 billion proposed in this area, $1 billion would be new money and $10 billion would be transferred from existing grant programs which now total about $30 billion.

The other portion of the program calls for $5 billion of new money to be provided to state and local governments with virtually no strings attached.

Administration officials have told me that the whole program would be based on a matrix of protections against discrimination and provisions for federal auditing of the use of the funds.

It was explained that in the case of the unrestricted funds this would mean primarily that the funds would have to be used for public, rather than private purposes.

In the block grant area, it would mean only that education funds, for example, would have to be used for purposes which would have some educational context.

According to budget figures made available yesterday, $3 billion will be earmarked for elementary and secondary education under this portion of the program. This money would replace $1.5 billion in aid to educationally deprived children, $487 million in aid to federally impacted districts, $73 million in library services, $14 million in supplementary services, $39 million for equipment and minor remodeling, $27 million for strengthening state agencies, $34 million for education for the handicapped and $382 million for vocational education—a total of about $2.8 billion.

What does all this mean to school board members?

First of all, it means that board members are going to have to work hard to convince those who would curtail or hold the line on existing programs that the needs of our schools cannot be postponed while a decision is made on revenue sharing.

Secondly, it means that board members are going to have to pay the closest attention to the development of the various revenue sharing proposals which will be presented to Congress.

The Chairman of the House Ways and Means Committee has said that in one set of circumstances, New Jersey would be among the 15 biggest losers—that is states which would have the smallest portion of taxes collected in the state returned in the form of shared revenues.

While Administration officials have said this set of circumstances will not occur, I am sure you will agree that this is a matter which we must look at closely. Highly urbanized states like New Jersey, which have the most severe problems, must be assured of a fair share of federally shared revenues.

Thirdly, it means that board members, if revenue sharing is enacted, will have to turn increasingly to state and local government to obtain the funds they need and to assure themselves that they get their fair share within the state. This would apply to both block grant money and to unrestricted funds.

Fourth, it means that board members will have to assume the burden of making sure that the funds they receive are apportioned wisely to meet the needs of all who attend their schools. This is the responsibility of local control. If it is not met adequately, the program will be sure to fail.

We are offered a prospect of eliminating some of the many layers of government bureaucracy which currently get in the way of delivery of public services. It is a tempting prospect but to attain it we must meet many problems and face many challenges.

I look forward to meeting these challenges with the same type of support from school board members which has produced a good number of successes over the period of our joint adventures.

DEATH OF JUDGE JOHN WORTH KERN

Mr. BAYH. Mr. President, last week, I was greatly saddened to learn of the passing of the Honorable John Worth Kern, a native Hoosier who had a long and distinguished career as attorney, educator, mayor, and jurist. Despite a crippling attack of poliomyelitis as a youth, Judge Kern earned degrees at both Washington and Lee University and Harvard Law School and led a very active and full life. After practicing and teaching law in Indianapolis for a few years, he emulated his father, former U.S. Senator John Worth Kern, Democrat, of Indiana, by entering politics.

Following his election to and service in the offices of superior court judge and Indianapolis mayor, he was appointed in 1937 by President Franklin D. Roosevelt to the U.S. Board of Tax Appeals, the name of which Congress changed in 1942 to the U.S. Tax Court. In this post Judge Kern served with distinction for 24 years, retiring about 10 years ago. However, he had been recalled regularly to active duty since then, and had also been occupied with a number of religious, civic, and fraternal obligations.

Mr. President, as a further tribute to the memory of this outstanding citizen and devoted public servant, I ask unanimous consent that an obituary prepared by one of Judge Kern's many long-time friends be printed in the Record.

There being no objection, the obituary was ordered to be printed in the Record, as follows:

Judge John Worth Kern

John Woth Kern, retired judge of the Tax Court of the United States, died January 29, 1971, in Washington Hospital Center of lung cancer. He was 70 and resided in Watergate East.

He was the son of the late United States Senator John Worth Kern, D-Ind., and the father of Judge John Worth Kern III of the District of Columbia Court of Appeals. His family has deep roots both in Virginia and Indiana.

As a child in Indianapolis, Judge Kern was stricken with poliomyelitis which left him paralyzed in both legs. He swung through life on powerful arms and two crutches.

As a youth, he spent many hours in his father's library and was able to complete four years of undergraduate study at Washington and Lee University in three years. He was graduated in the Class of 1920. In 1923 he was graduated from Harvard Law School.

Judge Kern returned from Harvard to Indianapolis where in 1927, he was married to the former Miss Bernice Winn. The young attorney entered private practice and also became a United States Commissioner. He served as professor of law at the Indianapolis branch of Indiana University Law School and as secretary of the Indiana Bar Association. In the latter capacity, he was in charge of bar examinations in Marion County (Indianapolis).

In 1930, Judge Kern was elected to the Superior Court of Marion County, which, when it sat en banc, was the claims court of the State of Indiana.

He was nominated and elected mayor of Indianapolis in the depression year of 1934 and campaigned with President Franklin D. Roosevelt during the 1936 election year.

In 1937, President Roosevelt named Judge Kern to the U.S. Board of Tax Appeals, which later became the Tax Court of the U.S. Judge Kern filled two 12-year terms on the Court, retiring in 1961 after serving 6 years as Chief Judge of that Court. Although retired, he was recalled to active service and continued in that capacity until his death.

While living in Washington, Judge Kern was president of the Harvard Law School Alumni Association. He was a trustee of the Georgetown Presbyterian Church, a governor, executive board chairman and first vice president of the Metropolitan Club, and he served as a member of the first Board of Directors of the Watergate East Apartments. He was also a member of the Chevy Chase Club, the Farmington Country Club, and the Lake Placid Club in New York where he spent his summers.

During the summer sessions of 1948 and 1949, Judge Kern was a member of the law faculty at the University of Virginia.

Survivors are his widow, son, and two grandsons, John W. Kern IV and Stephen G. Kern, and his sister, Mrs. George B. Lawson of Roanoke, Virginia.

THE HONORABLE ALF M. LANDON DISCUSSES LIFE IN THE MIDWEST

Mr. DOLE. Mr. President, today's op-ed page of the New York Times carries an article by Alf M. Landon, former Governor of Kansas and 1936 Republican nominee for President. As is customary, Governor Landon's comments are timely, thought provoking, and eminently sensible. His insights into the midwestern style of life and its relationship to the needs of our Nation today should be of interest to Members of Congress and other readers of the Record.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

New Plain Talk From Kansas

(By Alf M. Landon)

Topeka—The Old Middle West is gone. However, it still lives in song and story. Give most children the choice of visiting Valley Forge or Dodge City . . . Dodge City wins. It is more glamorous in their imagination than Valley Forge.

The old Middle West developed a strong, compassionate people out of the hardships and suffering of the destructive blizzards of earlier generations—"northers" that swept over it with white clouds of blinding snow and ice—and southern winds that brought the black blizzards of dust storms.

The Middle West is realistic about the nation's domestic and international affairs. It views both with intense interest and anxiety, for it knows that—although stubborn resistance to change can be lead to catastrophic—change often does have unforeseen ramifications.

This caution is still—especially on political major questions—present in the modern Middle West and is its particular contribution to our national relationships.

I think the Middle West's strength is in its customary cautious approach to the day of reckoning in our complex industrial structure and what should be put forward for its solution. That solution will take time, for slap-dash approaches never work.

It took thirty years for our great country to recover from the upheaval of the Civil War. It took thirty years for our country to discard the Democrat policy that the way to settle economic troubles was with flat money. I made inflation the prime issue in 1936. It still is—along with the Vietnamese war.

Our era has seen some fifty years of war and international tension piled on top of World War I, and enormous industrial development.

The new West is more worldly minded than the old Middle West was, and, in general, is a balance between the East Coast—with alignment toward Europe and the Atlantic countries—and the West Coast—with its interests in Asian affairs.

There is still a noticeable difference between the atmosphere in the Middle West and that of the Eastern states. It is more free and easy. There are not as many old families with local supremacy. The East's "money power"—as the old Middle West called it—is now the "Establishment."

The parallel factor is the desire on the part of many heads of families in many lines of activity to change from the tensions and insecurity of life in the big cities to the pleasure and comfort that some from the security of living in smaller towns. In the Middle West, it has increasingly taken the form of people remaining in the smaller cities and giving them new life and intelligence. This has strengthened smaller communities and offset the flow of Middle Westerners to the big cities. There are, however, signs that cities in general are no longer content to be corrupt. There is pragmatic awakening that can mean a new leadership—with a growing understanding of their problems and responsibilities. This newly awakened urban leadership, joining the Midwest and small city leadership in the quest for stability, may just possibly be the salvation of the big cities.

That is a reversal of the trend that started some years ago that seemed to threaten the stagnation of the Middle West by the tide of migration to the big metropolitan area.

The Jews are almost the only people in America today—or, in the world, for that matter—that, during Passover, recall to the memory of the present generation their tremendous racial achievements, their leadership and their heroes of long ago.

On the other hand, the freedom of communications—the easy movement of Americans around their great country—and the ease of changing occupations is remarkable in the United States. All contribute to breaking down ethnic and religious group prejudices.

Possibly one reason we have so much difficulty in resolving our problems of a complex society is that we have tended to lose not only a sense of national identity, but a sense of pride in and a strong feeling for the speical qualities of our local area.

What Americans must find is a way to square their diversification, and the freedom upon which it is based, with the older sense of identity and of stability. Perhaps the contemporary Middle West offers the answer in its freer acceptance of people as they are, and as they are capable of becoming—a surviving characteristic of mutual helpfulness, willingness to accept change—not for change's sake, but on its merits.

DEATH OF HON. HUGH R. ADAIR

Mr. METCALF. Mr. President, one of Montana's outstanding citizens recently died. He was Hugh R. Adair, member of the Montana Supreme Court from 1943 to 1968. He also served as a legislator and Lieutenant Governor of Montana. It was my privilege to serve with him for 6 years on the Montana Supreme Court. He was chief justice during the time I was an associate justice.

I have known Justice Adair since I was in the legislature in 1937 and feel that the following tribute to him by the Reverend George Harper, of St. Paul's United Methodist Church in Helena, Mont., is worthy of the attention of my colleagues.

I ask unanimous consent that a copy of this tribute by Reverend Harper be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

TRIBUTE TO HUGH R. ADAIR

We could have had this service in any town in Montana and had the room filled with people who knew Hugh Adair personally. Where is the Main Street that he couldn't walk down and shake hands with personal friends, and what is more amazing call them by name?

When the famous pioneer Methodist minister, W. W. VanOrsdel, known everywhere as "Brother Van", was buried in 1919 in the same cemetery where we will lay this body, Governor Norris made the statement at his funeral that "there was not a dog in the state of Montana that wouldn't wag his tail if he saw Brother Van coming." There was something of that nature in this beloved man whose body lies here.

Any young person who aspires to political office in Montana would do well to consider the perfect combination of qualities which Hugh Adair put together in his life as a public servant since he was first elected in 1926 to the Legislature. He was effective in his work as a lawyer and jurist, honest and hard working, never putting off on another the work he felt he had to do himself with good conscience. And on the other hand, he was a man who went out of his way to meet and know people person-to-person. He shook your hand and he called your name; and though he may have been the busiest man in the world at that moment, you would never suspect that he did not have all the time in the world to spend with you, if you wanted to talk about something that was on your mind.

This is why he was unbeatable in any election. Opponents could raise their campaign banners to the sky through all kinds of media, but the Judge had too many personal friends in Montana who liked the idea of having a man on the Supreme Court of the State who knew and cared about them personally. When an opponent who was very critical of him received fewer votes than the Judge did Christmas cards from his friends across the state, I could see how 2 and 2 make 4; and how 2 and 2 and 1 and 1 here and there, in homes and stores, businesses, farms and ranches, make up a landslide majority in every election. People still care about people who care about them.

Now I am talking as if this is good political strategy, to shake hands and know people in all walks of life . . . and it is. But his feeling for people was not sham or surface. A man doesn't go down to the candy store and load up with many dollars worth of packages of candy, then get in his old car and head out to the Veteran's Hospital to distribute those little tokens of his affection to men whose other friends may have forgotten them on a holiday, unless there is something genuine in those relationships. And this he did time and time again. Many times in the last ten years I have found Judge Adair visiting in the local hospitals, when men with less to do were too busy to have been doing that. And if only one family of kinspeople from each funeral Judge Adair has attended in the last ten years were here today, you could not get near this church for the crowd.

Seeing the casket lying in state yesterday in the rotunda of the Capitol, someone said, "This is very fitting, because the Judge's life centered here in this building." And that is true. His life for the last 35 years centered in the Capitol in all three branches of our government.

After serving in the House of Representatives in the late 1920's and early 1930's, and then as Lieutenant Governor from 1937 to 1941, when he was also president of the Senate, he was elected to the Supreme Court, and from 1943 on till his retirement two years ago this was his life. The lonely light on in his office many many nights until 2 and 3 a.m. testified to that. But though his life centered in the state capitol, it rooted in the state's people. It was for us that he was there, always fearful that a decision or an opinion of his might not be exactly fair and beneficial to some little man whose life or business was at stake in an upcoming court decision.

His son Hugh Jr. (whom he nicknamed Jim) Jim's wife and the two grandchildren, Hughie and Amy; his brothers Albert and William; his sisters Ruth and Laura, are his immediate family, but many of us feel that we were included in his wider family of Montana citizens.

He loved all of Montana. He revelled in the opportunities to get out hiking or riding in the back country. His hunting was mostly limited to birds because he didn't like to kill the animals, but the sport afforded him time he cherished most—time with his son and with his favorite dog.

A familiar sight that we will miss in Helena is that of the Judge in these later years, motoring down the street at a most deliberate pace, with his canine friend, Tippy, seated proudly in the old Studebaker as he was being chauffered around.

Hugh Adair will be missed by his fellow members of the organizations to which he belonged, the Masonic Lodge, the Algeria Shrine of which he was once potentate, the Mounted Patrol of the Shrine; the Elks Chapter 193 of which he was a lifetime member; No. 16 of the Fraternal Order of the Eagles, the local group of W.W. I veterans, and the Helena Trailriders. Here as St. Paul's United Methodist Church we miss him, too. For so many years he sat almost every Sunday in the balcony, and many a time he went to sleep during my sermon. I never resented it, because he assured me that it was only because he trusted me and figured that I could handle it OK without his help.

Formally he was not much for organized religion, except in the case of the Deaconess Home for Children and other such institutions that he loved because they helped kids. But there is no doubt in my mind of the welcome he is receiving from the Heavenly Father who measures our life not by rituals performed or creeds signed, but by loving relationships we have or don't have. As the New Testament puts it: "God is love, and whoever loves lives in God and God lives in him." (I John 4:16).

Now the Judge has moved to another realm or phase of life which we cannot know in any detail, but where God still has complete jurisdiction. His case has been transferred to a different court. Hugh Adair is in a mighty good place because it is an existence where the only thing that really counts is interpersonal relationships, and he already has a thousand friends there. We would not call him back if we could to the forced inactivity and suffering of these past two years. So we wish him a good journey and pray that somehow he may know how much we appreciate his friendship and service during his 81 years stay with us on this earth.

"He is not dead, for death can only take away the mortal breath, and life commencing here is but the prelude to its full career. So Hope and Faith our best assurance give: we do not live to die, we die to live."

THE POPULATION PROBLEM

Mr. TAFT. Mr. President, we are all familiar with the grim statistics relative to the population problem. I am sure that we do not need to be reminded that the world population will double to over 7 billion people by the year 2005. We are also aware that if the present growth rate were to continue, in only 900 years there would be 60 million-billion people on earth, or, 100 people for every square yard of the earth's surface.

But, in my judgment, the question of population control should focus neither upon theoretical statistics nor the development of space ships to lift people to other planets. Our concern should not be premised upon the projected point in time when there will be universal starvation for mankind.

The issue for us now must be the quality of human life. Are future generations to be crowded together as mice in a cage? Will there be good air and water, forests and open fields? Without these simple things, life will not be good as we know it, and projections as to the capacity of this earth to feed more people will be meaningless.

I am happy to have been one of the early sponsors of the Family Planning Services and Population Research Act, which is now Public Law 91–572. This legislation authorized the expenditure of $267 million over the next 3 years, and provided for the reorganization of HEW's family planning activities. Hopefully this can be adequately funded, especially in the important area of research.

During fiscal year 1970, the U.S. Government expended $88.9 million on population control programs and research in the United States and another $54.1 million overseas through the Agency for International Development and the Department of State. These figures are encouraging if it is remembered that in 1964, the U.S. Government did not spend as much as $1 on birth control. Furthermore, it was not until May 1967 that AID removed contraceptives from its ineligible commodity list.

As improved as these statistics may appear, we all know that the problem is not solved and will not be solved unless those interested in population control continue to press forward with energy and determination. Let us remember that the cause is mankind and our efforts have just begun.

DEATH OF JUDGE JOHN WORTH KERN

Mr. HARTKE. Mr. President, last Friday a great Hoosier and a great public servant died here in Washington.

Judge John Worth Kern, the son and namesake of a distinguished U.S. Senator from Indiana and the father of an outstanding jurist, Judge John Worth Kern III, of the District of Columbia Court of Appeals, was 70 years old at the time of his death.

Like his great friend and leader, Franklin Delano Roosevelt, John Kern suffered paralysis of both legs from poliomyelitis and remained afflicted throughout his life. But despite so terrible a handicap, he achieved an outstanding academic record, first at Washington and Lee Unversity and then at the Harvard Law School.

His career in elective politics began with a successful campaign in 1930 for a seat on the Superior Court of Marion County, Ind. Four years later Judge Kern was elected mayor of Indianapolis and served in that difficult office with unmatched distinction until 1937, when President Roosevelt appointed him to the U.S. Board of Tax Appeals—later the Tax Court of the United States.

Judge Kern served two 12-year terms on the Tax Court, during the last 6 years of which he distinguished himself even more as chief judge. His retirement in 1961 was nominal only, for he remained on active call until his death.

I know I speak for all in this body who knew Judge Kern when I say that he was the very model of a man of courage and integrity. Men like this cannot easily be spared from any walk of life, and least of all from public service.

To his widow, son, two grandsons, and his sister go our heartfelt condolences.

UNEMPLOYMENT

Mr. TAFT. Mr. President, we have recently learned that the average rate of unemployment in the Nation's largest 100 cities rose from 5.5 to 7.6 percent in 1970. Jobless rates for the Nation as a whole have risen steadily during 1970, remaining above 5 percent since July. Our Nation's urban centers are suffering severely as they bear the brunt of growing unemployment.

Jobless rates for teen-aged residents of poor neighborhoods rose from 19.9 to 24 percent during 1970. Among black youths in these areas, 35.8 percent were without jobs as compared with 16.3 percent unemployment among white teen-agers in poor communities. Throughout the Nation, jobless rates for black men climbed from 4.3 to 7.1 percent during 1970. Unemployment among white men rose from 3.1 to 5.7 percent last year.

In my own State of Ohio, there were 233,000 unemployed during November. Though Ohio's jobless rates throughout 1970 have remained below the national average, we can take little solace in this fact.

As significant as these figures are, we must recognize that unemployment is not simply a matter of statistics. For many American families, unemployment represents a personal tragedy and an empty table. Whether jobless rates be 3 or 10 percent, economic theories and statistical analyses offer little comfort to those who are currently unemployed. We must act now by taking measures to insure that every American who is willing and able to work has the opportunity to do so.

Unemployment is not a necessary ingredient to the war on inflation. I accept the President's premise that we must proceed to adopt monetary, fiscal, and other governmental measures to stimulate full employment. Congress must carefully review all spending proposals to insure that Federal dollars are maximized in those areas which will build to a full employment economy.

MILITARY RETIREMENT PAY

Mr. TOWER. Mr. President, I have introduced again this year a measure providing for the computation of military retirement pay on the basis of active duty pay rates. The bill, S. 377, is identical to the one I introduced in the last Congress, S. 364. I am going to renew my efforts to achieve justice for military retirees and to eliminate the inequity that has existed since the passage of the present legislation in 1958.

This measure would repeal the provisions of the law presently governing computation of retired and retainer pay. The law now provides that whenever the Consumer Price Index rises by at least 3 percent, retired pay will be adjusted 3 months later. My bill would provide that retired military personnel, with minor exceptions, have their pay recomputed to reflect increases in the basic pay of personnel on active duty.

Section 4 of the bill provides that no change would be made by the bill in the pay and allowances of five-star generals, who are, of course, considered by law to be on active duty at all times. This section would also provide that no change be made in the pay and allowances of certain four-star officers whose pay and allowances are prescribed by special acts of Congress.

The Secretary of Defense has said:

> Like the President, I have long recognized that some form of recomputation is a desirable goal. . . . There is a genuine need to treat the retired members of our armed forces more equitably.

The cost of this bill has been estimated at $982 million for fiscal year 1972. This is the size of the debt that we owe these men and women for only 1 year; it is too high a burden for them to bear alone, and it would be negligent in the extreme for us to continue to impose it on them. Justice to these retired personnel will not come cheaply.

I would like to have printed in the RECORD at this point a table which indicates the gross size of the inequities that presently exist in the retired pay of selected pay grades. It indicates that a major retiring with 24 years of service after December 31, 1970, receives $237 a month more than a major with the same length of service who retired before June 1, 1958. That is nearly 50 percent more for the younger retiree. A master sergeant retiring after December 31, 1970, likewise receives 50 percent more retirement pay than his counterpart who retired before June 1, 1958. All retirees must pay the same price for a car, a loaf of bread, or a suit of clothes. But the younger retiree, who, by the way, still has a chance to take on a second job, is paid as much as 50 percent more than the older retiree.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MILITARY RETIRED PAY

RETIRED PAY RECEIVED BY RETIREES WITH 24 YEARS OF SERVICE, AS AFFECTED BY DATE OF RETIREMENT

	Retired before June 1, 1958	Retired between June 1, 1958–Mar. 31, 1963	Retired between Apr. 1, 1963–Aug. 31, 1964	Retired between Sept. 1, 1964–Aug. 30, 1965	Retired between Sept. 1, 1965–June 30, 1966	Retired between July 1, 1965–June 30, 1968	Retired between July 1, 1968–June 30, 1969	Retired between July 1, 1969–Apr. 14, 1970	Retired after Apr. 15, 1970	Retired after Dec. 31, 1970
Major (0–4)	$501	$516	$578	$592	$601	$620	$638	$674	$708	$738
Master sergeant (E–7)	278	287	312	320	340	351	361	382	402	418

HIGH-LOW DIFFERENTIALS

	Amount	Percent
Major (0–4)	$237	47.3
Master sergeant (E–7)	140	50.4

Mr. COOPER. Mr. President, we cannot, we must not, allow these injustices to continue. We must give those servicemen the retirement system they were promised when they served in the active military.

PAUL HARVEY SUPPORTS J. EDGAR HOOVER

Mr. THURMOND. Mr. President, recently, there have been some public attacks upon the distinguished Director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover, who has devoted over 40 years of dedicated public service.

In general, these criticisms are directed at Mr. Hoover's dedication to the law and its uniform application, as well as determination to insure that FBI employees are above reproach in every respect. I have long been a supporter and admirer of Mr. Hoover's methods of operation and administrative practices.

To many Americans, he has become a symbol of impartial but stern observance of the law. It is a sign of the times that symbols of things that are good in America be degraded and criticized. Usually, these attacks come from militant organizations dedicated to disruption, violence, and the overthrow of the Government.

On the other hand, Mr. Hoover's supporters and friends are more than willing to come to his defense when it is required. One excellent example is the January 25, 1971, radio broadcast of Mr. Paul Harvey.

Mr. President, I invite the attention of my colleagues to this broadcast and request that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the broadcast was ordered to be printed in the RECORD, as follows:

EXCERPT FROM PAUL HARVEY BROADCAST, AMERICAN BROADCASTING CO., MONDAY, JANUARY 25, 1971, 12:30 P.M.

Our "For What It's Worth Department" understands the little jackals are again yapping at the heels of the lion, and the red-beaked news hawks are circling, hoping to dine on the carcass of J. Edgar Hoover. But, you and I have seen him outlive generations of them, and he will again.

When the FBI Director reported an "East Coast Conspiracy" to sabotage our Nation's Capital and to kidnap a high-ranking Government official, he kicked open a hornet's nest, of course. "Now," the Hoover-hounders decided, "Now we have caught the Director with an indefensible exaggeration." So they said, "If it's true, Mr. FBI, why don't you show your evidence to a grand jury and get the guilty indicted?" So he did—they were. Now the red-beaked news hawks—and at least one member of Congress—with egg all over their faces, appear pretty silly. But thus personally angered and determined to throw a smoke screen over the accused Brothers Berrigan, they launched a counterattack. Well, it's not the first time the vultures have sought to get the ungettable Mr. Hoover. I saw another generation of these same birds gang up on him when his Agents arrested reds in 1940 and periodically since, and then, as now, they sought to portray accused conspirators as persecuted and the Director as the persecutor And then, as now, they said the FBI was a gestapo and the Director should be forced to resign.

And the "now" generation of cynics cannot conceive of any public official without a skeleton in his private closet, so this time their tiresome attack has included surveillance—surveillance of the Director. One of the Lilliputian scandalmongers assigned his own agents to follow Mr. Hoover around, to wait outside his home, to trail him to the office, to watch from a restaurant table near his. Ostensibly this childish charade is intended to show the Director how uncomfortable it feels for an innocent person to be watched. Well, actually, of course, the FBI does not conduct surveillance of any person except in instances wherein there's already evidence of a Federal crime. His detractors—amateur and professional—know that, but what they're trying to do is throw their own shadows over him.

One yellow journalist found a letter which the bachelor Director had written to a long-time family friend which Mr. Hoover had signed with the word, "Affectionately." And the obviously innocent letter, when published, appeared under the headline, quote "Hoover's Letters to a Washington Widow." Well, our Nation's Number 1 lawman, the personification of integrity, is not personally vulnerable. Always, however, there's a real danger that false charges might seriously injure the image and effectiveness of the FBI, and that's Mr. Hoover's concern, and we must make it ours. Congress passed a law in 1960 allowing Mr. Hoover to retire at full pay, but such is this man's love for his country that for ten years he's been working for us just for love—not money. Generations of taxpayers and eight Presidents have appreciated that rare degree of loyalty; so do I.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Is there further morning business?

The PRESIDING OFFICER (Mr. HART). Under the previous order, the period for the transaction of morning business has expired; therefore, morning business is now concluded.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The PRESIDING OFFICER. The Chair lays before the Senate the pending business, which the clerk will state.

The assistant legislative clerk read as follows:

> A motion to proceed to the consideration of the resolution (S. Res. 9) amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, in a short time I shall engage in some remarks on the pending business. I ask unanimous consent that these remarks not be counted as a speech in their entirety, but as preliminary to more extended remarks in which I shall engage later in the day.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Nebraska is recognized.

Mr. HRUSKA. Mr. President, I rise to support the motion of the junior Senator from Alabama to postpone until the next legislative day the consideration of the motion introduced by the senior Senator from Kansas to amend rule XXII of the Standing Rules of the Senate.

Once again, it is the beginning of a new Congress, and we find ourselves debating the biennial proposition that rule XXII should be altered in some manner, shape, or form. If my memory serves me correctly, this is the eighth time since I became a Member of this body, which was in 1954, that we are confronted with a challenge to the existing rule with regard to the right of debate.

Mr. President, rule XXII is sometimes characterized as a procedural rule rather than a substantive rule. This is true, but the word "procedural" must not be allowed to downgrade the importance of the rule. It is a procedural rule in the sense that the Constitution, itself, is a set of procedural rules. In other words, it is of such importance that it can dictate the environment of the Senate and its usefulness as a part of Congress and of the legislative process. Viewed in this light, it is most important that this question be considered carefully.

I have again reviewed the history and traditions of the Senate and have studied the logic of the arguments of both sides in this matter. Based upon this effort, I must question the advisability of modifying rule XXII of the Standing Rules of the Senate.

Our country, at the time of our Constitution's fabrication, was driven by a kind of dynamic tension. This tension, even today, pervades the operational structure and philosophy of our entire political, economic, and social system.

It also pervades the Constitution designed to govern that system. In that document's delicately balanced mechanism, force is set against force, power against power, and interest against interest. This was so in colonial times. This was so in the early years of the Republic following the implementation of our present Constitution. It is true today. The Constitution-makers deliberately provided a well-balanced mechanism to cope with an everlasting struggle between those determined upon action and those determined to oppose such action. Each side was given powerful weapons. And, to round out the system, each side was liable to be transformed at any moment into the operational counterpart of its opponent.

In many of the debates that occurred during the preceding Congress only recently adjourned, there were a number of examples of that kind where those who often oppose extended debate as a delaying tactic took advantage of that rule, and where those who often favor extended debate were on the other side.

This feature I shall discuss a little bit later in my remarks.

One of the striking features of our Government is the difference that exists between the House of Representatives and the Senate. Representation in the House is determined on the basis of population, and a majority of its Members can thus truly be said to represent a majority of the people on any particular matter before that body. In the Senate, however, each State is entitled to an equal number of Senators regardless of the population of the State, and each Senator is entitled to one vote. Many people tend either to ignore or to resent the fact that Senators do not represent individuals as such but rather individuals as they are organized into States. However, the rules of the Senate implicitly recognize that fact.

As a matter of fact, in the original concept, Members of the Senate were considered the equivalent of ambassadors from their respective States. They were not elected by the people but were designated by action of the State legislatures. They were considered as being the representatives of the Commonwealths or the independent States as States, and not as direct representatives of the people.

These rules also reflect another significant characteristic of the Senate, and that is its relatively small size. George H. Haynes has written:

> The Senate rules were intended for a body which at the time of their adoption had not more than 20 Members, and which it was be-

> lieved would always remain relatively small. Hence, many matters . . . were left to the control of that courtesy and deference which it was expected would characterize the small group of Senators in the intimate contacts of the Senate Chamber. Despite the fact that the Senate's membership is now larger (than it was originally), the Senate still cherishes the tradition that in most of their relations its Members shall be governed by custom and mutual courtesy rather than by an elaborate code of formal rules. Of the original list of rules the list of all but three is to be found, in practically the identical phraseology, in the standing rules of today.
>
> (Haynes, George H., "The Senate of the United States: Its History and Practice," Boston, Houghton Mifflin, 1938, p. 340).

It might be said, parenthetically, that the idea of the Senate starting out as a small body, with the expectation that it shall remain a small body, has proved correct. Starting out with 20 Members representing a total population of this country of some 4 million persons in round numbers, we find that our present membership of 100 Senators, still a relatively small number, represents the Republic with a population of over 200 million persons. The expectation this body would remain relatively small has come to fruition; only a multiplication of five in the number of Senators since our beginnings as a Republic, today represent a population increased fiftyfold.

Unlike the House of Representatives, the Senate does not have to contend with the problems that accompany a large membership. Its relatively few rules enable the Senate to retain a flexibility of action and a tolerance of individuality that its sister body can hardly afford.

This tolerance of individuality and, therefore, of minorities is a considerable prize. The protection of the rights of the minority is, after all, the primary reason for the existence of the Senate and is as precious an element of democratic government as is the fulfillment of the will of the majority. This protection is one of the unique and outstanding features running throughout the entire Constitution.

The Founding Fathers at no time intended under our Federal Government that a simple majority unchecked should be able to impose its will on a minority of the country. The following are but a few examples of situations in which a simple majority is prevented from acting alone. First, before becoming law, every bill must be passed by the House and the Senate and approved by the President, or, if not approved by the President, must thereafter be passed by the House and Senate by a two-thirds vote of each body; second, if challenged, each law must be able to withstand attack in the Federal courts; third, treaties must be approved by the President and consented to by two-thirds of the Senators present and voting; fourth, amendments to the Constitution must be agreed to by three-fourths—that is, 38—of the States—and before that by two-thirds of the House and the Senate.

No one can read the Constitution and the debates of the delegates at the convention in Philadelphia without realizing that our Federal Government is one of checks and balances—a balance of majority and minority rights and a check against majority rule.

Mr. President, in regard to the matter of minorities, I speak not only as a representative of my State but as a member of several minorities.

First, I am a member of the Republican Party, and I need hardly remind the Presiding Officer nor any other Member of the Senate that for the past four decades my party has had control in only two Congresses. The Republican Party does constitute a minority. We sometimes are in need of rules such as rule XXII in order to try to protect some of the rights which we think we need to retain in representing the people of Nebraska—the bulk of whom, happily, are members of that same party.

Second, another minority to which I belong is that of being a representative of a State which is small populationwise. Of course the problems of the smaller States with small populations were present when our Constitution first took effect, and they are still present.

In fact, I have frequently expounded upon the proposition that as time goes on the problems of the smaller States will multiply many times.

We have heard figures time and again concerning how a larger and larger percentage of our population is coming to live in less and less physical space. That means that the remainder of the vast geographical expanses of our 50 States will be populated by a very small number of people. And when that happens, it means that the Representatives in the other body of just a handful of States will dominate the membership of that body much more completely than is presently the case. There may then be temptations from time to time to enact legislation and to embark upon courses of procedure which might not have every consideration for the rights and privileges and, perhaps, even for the benefits, the freedom, and the liberty of the people living in States such as my own.

Third, another minority of which I am a member is that I represent an area that is primarily and basically agricultural in nature. It depends upon agricultural pursuits for its livelihood and its progress. It has done so ever since beginning as a State in 1867.

Mr. President, farm population statistics are interesting. There was a time in this body and in the other body when the farm bloc was a very formidable element in our legislative process. It was able to bring about the passage of laws dealing with agriculture with considerable facility. It was also able to block the passage of laws considered by it to be harmful to agriculture without too much trouble.

Those days and those years have come and gone, Mr. President. Farm population has been on the decline in numbers for many years—not in quality, certainly not in the quality of life lived in agricultural areas, but in numbers.

An average of 10,307,000 persons lived on farms in rural America in 1969, compared with 15,635,000 in 1960—only 9 years earlier. This represents a decline of about one-third in the number of the people living on farms in rural America during that period.

Between 1960 and 1969, the average annual decline in farm population was 4.6 percent. The figures do not mean too much in the abstract, but when we consider that this percentage in absolute numbers means that an average of about 100,000 people each year left the farms during the sixties. This is graphic evidence that there is a mass exodus of our population from rural to urban areas. There are slightly less than 3 million farms left in the United States today.

In 1954, 11.8 percent of our population lived on farms. This percentage dropped to 5.1 percent in 1969, the latest year for which figures are available. That is a drop, Mr. President, from 11.8 percent of the population to 5.1 percent, of more than 50 percent. So there we have another minority which I have tried to represent since coming to this body, as have the others coming from such areas. We have great concern, indeed, about the amendment of a rule which benefits minorities and prevents the oppression of a majority by a minority.

Fourth, I am probably considered a member of a minority in another respect. That concerns my political philosophy. It is hard to classify political figures one way or another by labels, I suppose, but such terms as conservative and liberal are frequently used. There are further refinements of such labels as hard-bitten conservatives, unyielding conservatives, and willful conservatives, even such terms as moderate Republican, moderate conservative, and strict constructionists.

There are all kinds of labels. It is hard to apply any one of them to a person, to any political figure, and be accurate about it because the range of decisions which one is called upon to make is so great. However, by and large, I like to think of myself as being perhaps a combination of some of these things. Rather than a strict constructionist, I would like to be termed a careful constructionist, one who takes a little more cautious view of the interpretation of the Constitution and its application to our laws than others, making no changes in the Constitution or in the statutes of this land or its policies for the sake of change alone. I am no opponent of change and do not fear change when it is warranted, but fear change when it ventures into areas and realms which have been proven to be worthy of preservation, useful, and carefully and wisely constructed.

So it is in this role of being a member of several minorities that this Senator expresses himself upon the subject at hand.

Our Federal Government is carefully designed to be a balance of majority and minority rights with a careful check against tyrannical majority rule. The underlying fear of the drafters of the Constitution was the danger of the majority oppressing the minority.

This is certainly true throughout this fundamental document we know as our organic law. It is equally true with respect to the Bill of Rights, which is properly construed and regarded as almost an integral part of our original Constitution because there was tacit understanding and agreement on the part of the framers of the Constitution that the Bill of Rights would be quickly proposed and ratified by the legislatures of the several newly made States.

Mr. President, pursuant to the unanimous consent agreement which was registered here earlier in this session, I shall discontinue my present remarks, and resume them at a later time in the afternoon. That unanimous consent agreement also provided that the remarks made heretofore during this afternoon by this Senator will not be counted as a speech in itself but will be combined with remarks he will engage in later in the day.

I yield the floor now to the senior Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to thank the distinguished and able Senator from Nebraska.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, recently I prepared a newsletter for my constituents entitled "Unlimited Debate." At this time I would like to present this report to my colleagues for their information.

The Senate is now in the midst of a discussion about the rules of debate. At first glance, such a procedure might seem trivial and a waste of time. However, the members of the Senate know that the stakes in this issue are high, and that the very survival of free government is threatened if the Senate rules for debate are substantially changed.

The Senate is the last forum that allows unlimited debate in our process of government. The House of Representatives, because of the great number of its Members, cannot allow everyone to express their views at length. Most legislation moves through the House under tight restrictions on debate; and important as that body is in our system, we cannot overlook the fact that there have been occasions when partisan politics and dictatorial control allowed significant legislation to be gavelled through with little expression of dissenting views.

There is no reason why Senate procedures should become a carbon copy of the House. The practice of unlimited debate allows a thorough discussion of the issues, even to an unpopular minority. Both liberals and conservatives have made use of this privilege. When extended debate develops, the national attention is focused upon the issue at hand. Thousands of people become aware of the arguments, and frequently write to their Senators expressing their views. Thus on crucial issues, a Senator is able to consult his constituency during the course of debate, a privilege which is denied to him when legislation is rushed through.

The fact is that, if the Senate really wishes to end debate, it can do so with a two-thirds vote. The Senate has actually done so on a number of occasions. Yet, it does not happen very often, indicating that most Senators maintain an open mind about the need for debate. The present debate rules, particularly rule XXII requiring a two-thirds majority for ending debate, have played a long and honorable history in drawing the Senate's attention to unwise and hasty legislation, when fundamental constitutional questions may be at stake.

Some opponents of rule XXII have argued that it is too difficult to get two-thirds of the Senate to agree on ending debate, and they propose a change to three-fifths. This is nothing but the salami technique, hoping to weaken the extended debate privilege bit by bit. The framers of our Constitution consistently required a two-thirds majority for fundamental issues—a two-thirds vote of the Senate to ratify a treaty, a two-thirds vote of both Houses to override a veto, a two-thirds vote of both Houses to pass constitutional amendments, a two-thirds vote of the Senate to convict on impeachment, and a two-thirds majority vote of either House to expel its own Member. The concept of a two-thirds majority is embedded in the heart of our constitutional thinking.

Fortunately, the Senate has always held that the two-thirds rule itself is subject to extended debate, requiring, in turn, a two-thirds vote to vote on the change. The House can adopt a new set of rules at the beginning of every Congress, but the Senate is subject to the old Senate rules. The reason for this difference is that every Member of the House is elected or reelected every 2 years, whereas only one-third of the Senate is elected anew every 2 years. Thus the Senate continually has a quorum carrying over from Congress to Congress. Senate committees carry over even when Congress is in recess, a fact cited by the U.S. Supreme Court.

In practical effect, this means that the Senate is a continuing body. There have been 92 Congresses to date, but only one Senate.

Our governmental system has developed a complex system of checks and balances, some of them written into the Constitution, and others adopted through precedent, practice, and legislative decision. The U.S. Senate's practice of unlimited debate is an important part of that system and must be retained.

Mr. President, I would now like to expound several ideas I have on this important subject which were not contained in my newsletter.

Such words as "democracy" and "liberty' are used often in discourses concerning American government. They are too often used interchangeably, and taken to mean the same thing. It is necessary, however, that we ponder for a moment just what these words mean, and the difference between them. It is true that these two words refer to similar characteristics of the Government of the United States: Democracy, simply put, being rule by the majority and liberty being the rights of the individual. Both concepts are important to all Americans. Take away either, and the other would probably no longer aptly describe our system of government.

While both democracy and liberty are essential to our form of government, there is a point at which these two ideals conflict, and the fight to preserve both democracy and liberty is often a fight to keep the two in proper balance with one another. If the principle of majority rule is expanded without limitation, the consequences would be severe: should 50 percent plus one of the electorate decide to ignore the rights of the minority, the justice of the minority cause would become irrelevant. Majority rule would prevail. Liberty, or the rights of the individual would be abolished.

Democracy would, in fact, become mobocracy or tyranny. Similarly, if liberty is allowed to permanently thwart the will of the majority, we would not have liberty, but oligarchy and thus tyranny.

Mr. President, we in the Senate have an awesome responsibility. As the world's greatest deliberative body, it is appropriate for us to consider and to ponder the philosophical foundations of our Government. The immediate interest of those favoring particular legislation must not be allowed to further erode the institutions which buttress our Republic. If the desire of a temporary majority conflicts with a principle important to the maintenance of democracy and liberty, then in my judgment, the duty of the Senate is to side with the long-range good of the Nation. Mere temporary majority support for legislation is hardly the sole criterion for passage of legislation.

Mr. President, this concern for our Republic, and the institutions which keep it free, is the principal motivation for those of us who favor retention of rule XXII in its present form. This rule is one of a number of important rules and procedures which serve to protect our Republic and its free institutions. By allowing extensive debate of legislative proposals, and by allowing an exceptionally determined minority of 34 Senators to speak indefinitely, the Senate prevents passage of unduly harsh or punitive legislation, even though a majority may favor it. In my judgment, this is the strength of the Senate: our goal is not to contrive legislation which pleases a mere majority; rather, it is to attempt to fashion proposals which will consider the desires of the many geographical, ideological, economic, and other interests of this vast country.

Mr. President, rule XXII in its present form encourages this great body to consider the entire Nation when conducting our business. To weaken the rule by allowing three-fifths of the Senators to cut off debate is to discourage this broad approach which is essential to the unity of our Nation. The most able American and South Carolinian John C. Calhoun, who served with great distinction in this body, is known for expounding the theory of the concurrent majority. Calhoun was a brilliant political scientist, and his analysis of the United States as a pluralistic society was not only original for its day, it has also stood the test of time. This great Senator correctly perceived that our Nation consisted of numerous competing groups—business, agricultural, sectional, religious, and so forth. He contended that none of these groups alone could determine the course of government, but that the interests would combine—giving and taking with each other—until a given policy was sufficiently broad to receive the support of a majority of the interests in the Nation. The coalition was hardly permanent, but another would be formed on behalf of another policy.

Mr. President, John C. Calhoun, in propounding the theory of the concurrent majority, was presenting an analysis of our body politic, and how it worked. He was not advocating, but observing. However, Calhoun did foresee a danger that the system could break down if safeguards were not provided to insure that major interests, representing a substantial segment of the population, were given a voice on matters vitally affecting them. Indeed, Calhoun at one time advocated several executives—with veto powers—rather than one President, so concerned was he that our system could not sustain the complete alienation of a major part of our Nation. Perhaps Calhoun was prophetic—for indeed the War Between the States was in part the result of the inability of our government to reconcile opposing points of view within the system.

Rule XXII, as presently written, has been criticized by its critics not merely because its use has prevented passage of certain legislation but because the threat of extended debate under the rule works an influence on legislation that is passed. It has been said that the threat of extended debate by small groups of Senators has diluted otherwise good legislation. In my judgment, this is not an argument for weakening rule XXII, but a most persuasive one for retaining the present rule. While critics use the term "dilute," in reality they are referring to changes in proposed legislation which accommodate the bill to the numerous points of view represented in this body. This process, far from being harmful, actually helps fashion legislation more acceptable to the entire Nation. The result is not diluted legislation but legislation that is designed to do more than satisfy a temporary majority—that is designed to meet the requirements of as large a proportion of the American people as is possible. In a time of increasing bitterness and frustration among the American people, it would appear to be ill-advised to weaken a device which allows a substantial minority to make its views felt on legislation. Let us all remember, particularly those who wish to weaken rule XXII, that today's majority can easily become tomorrow's minority.

Mr. President, some would give the impression that a small and willful minority now have a virtual veto over all legislation because of rule XXII. I think we are all aware that this is not the case. First of all, 34 Senators are required to prevent cloture, if all are present to vote.

I should like to remind my colleagues that there are only 22 Senators from the States of the old Confederacy, and that all 22 seldom vote as a unit. Second, the success of extended debate depends in some measure on the infrequency of its use. It is a technique that would rapidly become ineffective if used often. Extended debate can become physically tiring and mentally exhausting. It can subject participants to the ridicule of a sometimes hostile press. It can place a Senator strongly at variance with a majority of his colleagues. In summary, a substantial minority of Senators will exercise their rights under rule XXII only if they feel very strongly about an issue. When this occurs, there can be no doubt that the issue is important. It is probable that the additional attention focused on the issue as a result of extended debate—both here in the Senate and in the news media—is justified, and might well prevent hasty action that while acceptable to a majority, would be strongly opposed by a minority.

Mr. President, in my judgment, rule XXII in its present form is an important preservative of the rights of the minority point of view. It helps preserve that balance between democracy and liberty essential to the well-being of our Republic. It encourages legislation more acceptable to the entire Nation—and thus provides consideration of all major interests by the concurrent majority of which Calhoun wrote. The Senate—as the world's greatest deliberative body—would be wise to resist those who would weaken its effect.

Mr. President, the critics of the present rule XXII often speak as if a two-third's majority were required to pass all legislation. It seems clear, however, that extended debate is a technique that is used only sparingly, and then not always successfully.

Mr. ERVIN. Mr. President, will the Senator yield for a question or two?

Mr. THURMOND. Mr. President, I shall be glad to yield to the distinguished Senator from North Carolina, provided I can maintain my right to the floor, and that when I resume, it shall not constitute another speech on the same date; and I ask unanimous consent to that effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask the distinguished Senator from South Carolina this question: In the ultimate analysis, is not rule XXII simply a rule which gives a minority a reasonable opportunity to persuade a majority of the rectitude of the minority's position in respect to legislation, and affords the minority a reasonable opportunity to convert itself into a majority? Is not that the purpose of rule XXII, to afford the minority a reasonable opportunity, by persuasion, to convert itself into a majority?

Mr. THURMOND. Mr. President, in reply to the distinguished Senator from North Carolina, I would state that that undoubtedly is the purpose of rule XXII, because, by carrying on debate, the opportunity is presented to the Senate and to the Nation to cause reflection, to produce thought, to stimulate new ideas on the subject, and as a result of such thought and stimulation of ideas, sometimes people change their minds; and thus rule XXII does not hamper the passage of good legislation. I do not know of a single piece of good legislation that rule XXII has ever stopped.

Mr. ERVIN. I ask the Senator from South Carolina if he, like the Senator from North Carolina, has not on occasion had a tentative opinion in respect to the wisdom or unwisdom of legislation changed by listening to the arguments of others who have studied the question.

Mr. THURMOND. The Senator is eminently correct; and if debate is not helpful to Senators in formulating conclusions on matters presented by the debate, then no debate is worthwhile.

Why do we have debate in the Senate at all? We have debate because people have different views, and some have formed opinions, perhaps, on a subject, before they come to the Senate, or before they have had the opportunity to consider the matter; but upon the stimulation of thought, with new ideas being injected into debate, and upon reflection, and upon reading and hearing discussions, it is very helpful to Senators to get new ideas and new thoughts. If a Senator is openminded—and I would attribute to my colleagues in this body that they are openminded—then debate is helpful. And if debate is helpful at all, why is not extended debate helpful, where the subject involved is so extremely important and vital to the whole Nation, or any one section of the Nation?

Mr. ERVIN. I ask the Senator from South Carolina if what he has just said does not engender the conclusion that the debate allowed by rule XXII in its present form serves the majority as well as the minority, because it gives to the majority, on many occasions, an opportunity to expand their intellectual horizons and achieve a better understanding of a subject of great importance to the Nation.

Mr. THURMOND. It not only does that, but it also provides a forum for the majority, speaking here in this body, to expose their opinions to the Nation, and to meet the approval or disapproval by public opinion of what is being advocated; and if the Nation approves of what the majority is doing, then that opinion will become stronger and stronger, and put the majority in a very fortified position, in which they might not otherwise have been.

Mr. President, on an occasion when a substantial minority of Senators realizes that it has a chance of preventing action on an extremely controversial matter, this chance, provided by rule XXII, encourages both sides to look long and hard at a proposal and give more careful consideration to the issue than would have been given had the rule not existed.

Mr. President, rule XXII demands of the Senate that legislation be carefully drawn. It demands that the views of Senators—and also of part of the American public—which may be in an unpopular minority be given both a fair hearing and a due consideration in the provisions of the legislation. Rule XXII stands as a barrier to whim, to radical change which, though temporarily popular, could do harm not contemplated by the proponents of the change.

Mr. President, our Republic has survived and prospered because we have attempted to preserve a balance between democracy and liberty, because our forefathers contemplated the democratic process not as an end in itself, but as a means to an end. The rights of man are held to exist independently of the willingness of a majority to tolerate those rights. For this reason, we have not had government by Gallup, in which the will of the majority at a given time is the sole test of the merit of a given proposal.

This is not to say that there is something wrong with the majority opinion prevailing. Our system of government, while replete with safeguards against majority excesses, is essentially a system whereby majority opinion is translated into government action. The use of extended debate under rule XXII allows a minority of Senators—who might actually represent a majority of the people—to stand up and yell "Wait a minute." If a sufficient minority of Senators is willing to take such a stand, then there is certainly a serious doubt as to the advisability of the proposal.

Mr. President, it has been said that extended debate delays the Senate in its work. I submit that this is a deliberative body—not a traffic court anxious to clear the docket. Speed may be a virtue in other branches or agencies of government, but not necessarily in the Senate. Deliberation by its very nature takes time. It is important for the Senate that we consider many aspects of legislative proposals and other matters. Is the bill constitutional? This must be considered by the Senate—not left to the Supreme Court. The Senate, being a reflective body, is well suited to preventing passage of legislation which violates the Constitution—even though the proposal might be otherwise popular.

In addition, the Senate must consider the wisdom of legislation. It is entirely conceivable that a bill acceptable to a majority of Senators—and a majority of the Nation—could work an extreme hardship on a minority. A Senate operating under rule XXII is peculiarly sensitive to such matters—a bill injurious to the interests of a substantial minority naturally runs the risk of extended debate. A Senate with a weakened rule XXII would, in my judgment, be much less inclined to consider a bill from the standpoint of its effect on all Americans—not just a majority.

Mr. President, the proposal to alter rule XXII changes the percentage of Senators required to invoke cloture from 66⅔ to 60 percent of those present and voting. Some of the proponents of this change appear to recognize the advisability of a rule which prevents a cutoff in debate by a mere majority. They apparently believe, however, that 60 percent represents a sufficient safeguard. I should like to remind my colleagues that the 90th Congress began with a Senate composed of 64 Democrats and 36 Republicans. Had a proposal been before the Senate of a highly partisan nature which seriously endangered the minority party, the 36 Republicans could have debated the measure extensively and probably guaranteed its alteration or withdrawal, because of the requirements of rule XXII. However, had the proposed change in rule XXII been in effect, with only 60 Senators required to invoke cloture, the minority party would have been powerless to prevent passage of such a measure.

I make no prediction, but those of the majority must certainly consider the possibility that the next Congress will find them looking at the rules from the point of view of the minority—whether it be a partisan minority, a philosophical minority, a sectional minority, or some other minority. All of us find ourselves espousing a minority point of view at one time or another. There are times when a minority viewpoint needs the protection which 34 Senators can now provide. As I have said, extended debate is not used capriciously in the Senate. Senators on the losing side of an issue often feel strongly about the matter, yet extended debate is resorted to sparingly. The rigors involved in extended debate are indeed safeguards against its overuse in the Senate.

Mr. President, in attempting to devise a specific number or fraction of Senators necessary to close debate, it is to some extent necessary that the specific figure appear arbitrary. There is nothing magic about the fraction two-thirds or the fractions three-fifths, but, in my judgment, it is clear that a change to the three-fifths rule would weaken the protection offered to the minority under rule XXII. Simply put, it means that where 34 Senators can now prevent passage of extremely harsh legislation, it would take 41 under the proposed change. I believe rule XXII has worked well and that it effectively provides a degree of protection for the minority point of view.

Mr. President, the issue at stake in this debate is one of great importance to all people of this country and should be of the greatest importance to the minority groups of this country. It is most unusual that the Members of the Senate who are proposing restrictions upon freedom of debate in the Senate and, thereby, curtailment of the right of minorities, are the very ones who are the most eloquent in their defense of minority rights in other areas. It is also an anomalous situation in that a number of the proponents of the proposals for greater restrictions upon debate are noted for their loquaciousness on other issues when they feel strongly either for or against them.

While proponents of this change often talk about the rights of the minorities, they are seeking to deny a long-standing right of the Members of the Senate, who happen to be in the minority on a certain issue, to fully debate the issue while representing their constituents in a manner which is consistent with each Senator's pledge to represent the people of their State and to uphold the Constitution. Our Government was not founded on the principle of absolute rule by the majority; there are a number of provisions in our Constitution which refute the idea of absolute majority rule.

Mr. President, while our Founding Fathers, in setting up our Federal Republic, provided for a very substantial increase of political power in the Central Government, they did not abolish the sovereign States and they distributed the newly created powers in a manner which would practically eliminate the possibility of absolute rule by the majority. One of the primary considerations of our Founding Fathers in providing a wide distribution of power was the desire to prevent radical action by a popular majority. The principle of checks and balances which is preserved in our Constitution by the creation of three co-equal branches of government fully expresses the spirit of our form of government as being opposed to the rule by an absolute majority. The Senate and the manner in which it came into being are proof of the fact that our Founding Fathers were opposed to a form of government which would allow a popular majority to work its will on a powerless minority. The compromise between the large and small States at the Philadelphia Convention to give equal representation to all States in the upper House of the Congress of the United States insured that the large States would not be able to completely dominate our new National Government. This illustrious body stands as a barrier to the demise of the type of government which has made our Nation great; equal representation for every State in the Senate assures that the people of the smallest State will have an equal chance to have their views expressed on any and every issue which is presented to the Congress. The Senate was envisioned by the Founding Fathers as a body where the rights of States and the views of minorities would be given extraordinary consideration.

During the course of the debates of the Philadelphia Constitutional Convention of 1787, the delegates reached agreement upon a House of Representatives to be elected by the people every 2 years and based upon a population ratio divided into congressional districts. After this action was taken, the smaller of the participating 13 States wondered how their minorities could be adequately protected from the capricious whims of a majority in the House.

After long debate, which was at times most acrimonious, and which actually threatened to break up the Convention, the solution was offered by the wise and venerable Benjamin Franklin; namely, equal representation in the Senate for every State. And, to make sure that that representation would be of a character that would calmly consider and patriotically and unselfishly act on laws under which all the people would have to live, it was provided in the original instrument that Members of the Senate should be elected by State legislators and not by popular vote and given a term of 6 years. The Senate was never intended to be a vehicle to be used by a majority of the large States or by any simple majority as a means of imposing their will on a minority of the States; but it was designed to be a long-term protector of the freedoms which our Founding Fathers fought and died for and sought to preserve in the new Constitution.

Mr. President, the Senators who are making this attempt to change rule XXII are attempting to deny the protection that was given to the small States by our Founding Fathers against domination of the U.S. Senate, the Congress and our Government by the large States. There is more at stake in this debate than the simple wording of rule XXII. A change in rule XXII could be the first step in a series of maneuvers by a radical popular majority which could result in the loss of many of the freedoms which we have enjoyed for nearly 200 years in this great Nation.

Many of the citizens in the original 13 States were concerned about the extent to which they were submitting themselves to the new Federal law. They had recently freed themselves from tyranny and secured for themselves individual liberty in a great fight for independence. Consequently, numerous safeguards to protect the rights of the States were built into the Constitution. Before they would assent to the ratification of this supreme law, however, they won assurance of early approval of the first 10 amendments to the Constitution. These amendments, commonly referred to as the "Bill of Rights," constitute the greatest set of civil and individual rights to be found anywhere.

Probably the most important of these 10 amendments to the present discussion is the first. It reads as follows:

> ARTICLE I
>
> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

This amendment contains one of the most important restrictions placed upon this Congress, in that Congress is prohibited from enacting any law which abridges the freedom of speech. The importance of free and open debate was foremost in the minds of the authors of this amendment.

The Founding Fathers also wrote into the original Constitution other safeguards against what the advocates of a rules change term "majority rule." They provided in certain instances for votes requiring a majority of two-thirds. Here are some of these provisions as found in the Constitution:

> No person shall be convicted on impeachment without the concurrence of two-thirds of the Senators present (art. I, sec. 3).
>
> Each House, with the concurrence of two-thirds, may expel a Member (art. I, sec. 5).
>
> A bill returned by the President with his objections may be repassed by each House by a vote of two-thirds (art. I, sec. 7).
>
> The President shall have power, by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur (art. II, sec. 2).
>
> When the choice of a President shall devolve upon the House of Representatives, a quorum shall consist of a Member or Members from two-thirds of the various States of the Union (amendment 12).
>
> A quorum of the Senate when choosing a Vice President shall consist of two-thirds of the whole number of Senators (amendment 12).

The Constitution, therefore, does not give recognition, in all cases, to the rights of the majority to control, and our Founding Fathers envisioned the Senate as a very real barrier to absolute rule by the majority and as a citadel to protect the numerated rights of the citizens of the new Republic.

Mr. President, one of the most important safeguards of our freedoms established and preserved by the U.S. Constitution is article V which requires that two-thirds of both Houses must concur on any amendment to the Constitution. Article V reads as follows:

> ARTICLE V
>
> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress: Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Not only does an amendment to the Constitution require the concurrence of two-thirds of both Houses or the concurrence of conventions called by two-thirds of the States but the Constitution provides that any amendments approved must be ratified "by the legislature of three-fourths of the several States, or by conventions in three-fourths thereof."

Extended debate, or if you prefer, filibuster, is a weapon as old as parliamentary procedure and is justified as man's last defense against what Aristotle first recognized as the "Tyranny of the majority." It is impossible to determine when its use first began, when the first "leather lunged, iron legged" men began to stand up in forums and literally talk to death public measures they deemed obnoxious.

When Julius Caesar was Praetor—according to Seutonius—he staged one of the first recorded filibusters. Alone of the Roman Senators, he was bitterly opposed to a measure to condemn and execute the Catline conspirators. Caesar began what started out as an argument against conviction, and quickly developed into a full-fledged filibuster against the measure. After some time, the Roman guard entered the chamber with loud threats against Caesar's life, began thrusting at him with their swords, until his friends, fearing for his life, covered him with their togas and ushered him from the Senate.

As consul, Caesar himself was victimized by this same stratagem practiced by Cato the younger. Caesar was anxious to pass a farm bill, and Cato the younger started to filibuster against it. Outraged by the same practice he had indulged, Caesar ordered the sergeant at arms to eject Cato from the chamber. When this officer performed his duty, the entire Senate left the chamber with Cato as a demonstration of their disapproval of this arbitrary conduct. Thereafter, to the end of the Roman Republic, there was no attempt to limit debate in the Senate, and filibusters flourished on many occasions.

The Romans undoubtedly carried the art and practice with them through Western Europe and into England, where we next find filibusters used defensively against tyranny of a majority in forums. In 1604, the British Commons sought to curb filibusters by providing for "submission of the previous question," and while this had the result of terminating debate and bringing the issues to a conclusion, ways were still found to debate and delay extreme proposals for legislative enactment.

Edmund Burke, Parnell, and other Members of the Commons were adept at finding parliamentary means of opposition. They used mostly the ruse of forcing rollcalls or divisions. Parnell, a great and fearless Irishman, led the famous battle of 1881 to obstruct all business of Commons and compel public attention to the Irish home rule bill. With a little group of 24, Parnell dominated the House, forced endless rollcalls, raised nearly 2,000 points of order, and made over 6,000 speeches.

It was on this occasion that Speaker Brand declared:

> Under the operation of the accustomed rules and methods of procedure, the legislative powers of the House are paralyzed. A new and exceptional course is imperatively demanded.

Then the House adopted the rule of "urgency" under which the Speaker might put the main question, in itself a form of cloture against which the opposition fought, without success, tooth and nail.

France, too, had her troubles. In fact, "cloture"—as opposed to English closure—is a French word. It was introduced in the French parliamentary procedure in 1814.

The United States borrowed "filibuster" from the English, and gave it its name. The word itself is derived from "flibusteros," West Indian pirates who sailed in small vessels called flibotes or fly boats.

Our Government owes much of its success to the fact that the exercise of sovereignty by the people is facilitated by the Senate's full and free debate on public issues. To further curtail this basic function of the Senate would be to weaken further the entire political system on which our Nation has based its hope for freedom and prosperity. I urge the Senate to reject all of the pending proposals to amend rule XXII, lest our country fall victim to that historical nemesis of freedom, self-government and statehood—the "tyranny of the majority."

The Senate, in its wisdom, has recognized the importance of preventing absolute majority rule. The Senate has recognized that the wishes of a temporary majority may conflict with the rights of a minority, rights which should be preserved. The Senate has recognized its role as a body peculiarly well suited to giving due consideration to a point of view that may not be popular, but may possess great merit. Let us continue to exercise this wisdom by rejecting once again the proposal now before us.

This attack upon the Rules of the United States Senate should be viewed as what it actually is—a frontal assault upon tradition and orderly procedure and a real and present danger to the Senate of the United States. This fact is largely forgotten or intentionally overlooked due to the propaganda barrage leveled against the present rule XXII by the liberal press as merely a device for defeating civil rights legislation. Nothing could be further from the truth.

Tradition, in and of itself, is not sacred and cannot provide the complete answer to every problem. Neverthless, longstanding traditions are seldom maintained without sufficient reason. Almost invariably, traditions serve as a warning beacon of oft-forgotten and sometimes obscure, but always sound and logical purposes.

A beacon of more than 178 years unbroken tradition stands as a warning of the seriousness of the proposal before this body. Should the motion to proceed to a consideration of the rules be favorably considered by this body, this 170-odd year tradition will be destroyed, and regardless of a subsequent return to the same method of procedure by this body after sober reflection, the tradition will be broken, and the beacon extinguished forever.

Even more vital, however, are the logical purposes which prompted the unshattered existence of this tradition. Foremost among these purposes is that of insuring an orderly procedure, so vital in such an authoritative body.

Complaints have been made that this body is not only deliberative but, on occasions, dilatory when operating under its present rules. Yet some of those who voice these complaints would have this body declare itself, by an affirmative vote to proceed to the adoption of rules, to be a noncontinuing body and, therefore, without any rules whatsoever. It has been suggested that, during the interim between this vote and the adoption of new rules by a majority vote of this body, that the Senate proceed under general parliamentary law or, as one self-styled authority suggested, under "Roberts' Rules of Order." I cannot conceive of a more perfect example of jumping from the frying pan into the fire than to proceed from a disagreement as to what the rules should be, to a disagreement on what the rules are, as would be the case if this body attempted to operate under general parliamentary law, or even "Roberts' Rules of Order."

The Senate is not an ordinary parliamentary body. Analogies to the procedure of other parliamentary bodies have little, if any, relevancy to the question before us. For instance, the House of Representatives is exclusively a legislative body. The Senate is far more. In addition to being a legislative body, it performs, by constitutional mandate, both executive and judicial functions. Article II, section 2, of the Constitution provides that the President shall share with the Senate his executive treatymaking power and his power of appointment of the officers of the United States. Article I, section 3, of the Constitution requires of the Senate a judicial function by reposing in the Senate the sole power to try all impeachments.

The uniqueness of the Senate is not confined, by any means, to its variety of functions. There are innumerable other aspects about this body which prevent its orderly operation at any time under parliamentary law other than its own rules, adopted in accordance with the provisions of these rules. For example, almost all parliamentary procedures presuppose that any main question, after due notice, can be decided by at least a majority of the Members of the particular body using the parliamentary procedure. Any Senate rules which presupposed such a conclusion would be inoperable, for the Constitution itself specifies the necessity for two-thirds majority for action on many matters. Among these issues requiring a two-thirds majority by constitutional mandate are for conviction on impeachment; to expel a Member, to override a Presidential veto; to concur in a treaty; to call a constitutional convention; to propose a constitutional amendment to the States and to constitute a quorum when the Senate is choosing a Vice President. The very fact that each State, regardless of its population, has equal representation in this body belies the thought of simple majority rule in its deliberation.

It is this very uniqueness which has compelled so many to conclude that the Senate had a degree of continuity unknown to other parliamentary bodies.

The Founding Fathers themselves, in drafting the Constitution, provided for this continuity by establishing a 6-year term of office for each Senator, so that a minimum of two-thirds of the entire body would continue from one session to the next. Had the Founding Fathers desired continuity only, but less than a continuing body, they could have provided for a staggered term of 4 years for a Senator with one-half of the Senate returning from one session to the next. This would not have provided the necessary quorums to do business at all times, and the Senate would not have been a continuing body.

The Senate itself has reinforced the premise that it is a continuing body by the unbroken precedent of continuing its rules from one session to the next. In recent years there are two clearcut precedents upholding the Senate's status as a continuing body, and even more specifically, that its rules continue from one session to the next. In 1953 and again in 1957, this body tabled a motion that it proceed to take up the adoption of rules for the Senate.

In 1954, the Senate voted to condemn the late Senator McCarthy for his conduct in a previous session. The committee report accompanying the resolution stated: "The fact that the Senate is a continuing body should require little discussion. This has been uniformly recognized by history, precedent, and authority."

In addition, the Senate has jealously maintained its authority to continue its committees in their operations between adjournment and the commencement of the next ensuing session. The Supreme Court in the 1926 case of McGrain against Daugherty specifically ruled that the Senate was a continuing body and that, therefore, its committees were authorized to act during the recess after the expiration of a Congress.

Is the purpose sought to be accomplished by the drastic action proposed so worthy as to justify the risk of stripping the Senate's committees of their authority to function after the date of adjournment? Is it so imperative that it justifies the abandonment of orderly procedure for the jungle of "general parliamentary law"? The Senate has again this year answered this question in the negative. The Senate is a continuing body.

The proponents of the pending motion aver that the real target for this all-out effort is one Senate rule, and only one—the one which primarily governs the limitation of debate. This much maligned rule has been made the scapegoat by many groups. Its greatest distinction, however, appears to be its seclusion from objective consideration.

In discussing the history of limitation of debate in the U.S. Senate, many newspaper columnists appear to be under the impression that a limitation of debate existed in the United States in the period between 1789 and 1806. Their assumption is based on the fact that, during that period, the Senate rules allowed the use of a motion called the previous question. During the debate on this subject in previous years, the point was discussed, and it appears that the debate would have established in the mind of a reasonable person that there was no limitation on debate in the Senate during this period. Nevertheless, some newspaper editorials and columnists apparently still labor under the misapprehension that "the previous question," which existed in the Senate between 1789 and 1886 was a motion to end debate. For this reason, I believe it would be well to review this matter to some extent so that any lingering doubts that there was a limitation of debate in the Senate between the years 1789 and 1917 will be dispelled.

In discussing the "previous question" which existed in both the Senate and the House until 1803, Dr. Joseph Cooper stated:

> There is very little evidence to support the contention that in the period 1789–1806 the previous question was seen as a mechanism for cloture, as a mechanism for bringing a matter to a vote despite the desire of some members to continue talking or to obstruct decision. This is true for the House as well as for the Senate. On the other hand, convincing evidence exists to support the contention that the previous question was understood as a mechanism for avoiding either undesired discussions or undesired decisions, or both.
>
> The leading advocate of the view that the proper function of the previous question related to the suppression of undesired discussions was Thomas Jefferson. In his famous manual, written near the end of his term as Vice President for the future guidance of the Senate, he defined the proper usage of the previous question as follows:
>
> "The proper occasion for the previous question is when a subject is brought forward of a delicate nature as to high personages, etc., or the discussion of which may call forth observations, which might be of injurious consequences. Then the previous question is proposed: and, in the modern usage, the discussion of the main question is suspended, and the debate confined to the previous question."
>
> In terms of his approach, then, Jefferson regarded as an abuse any use of the previous question simply for the purpose of suppressing a subject which was undesired but not delicate, and he advised that the procedure be "restricted within as narrow limits as possible."
>
> Despite Jefferson's prestige as an interpreter of parliamentary law for the period with which we are concerned, his view of the proper usage of the previous question cannot be said to have been the sole or even the dominant one then in existence. A second strongly supported conception understood the purpose of the previous question in a manner that conflicted with Jefferson's view; that is, as a device for avoiding or suppressing undesired decisions.

The classic statement of this view was made in a lengthy and scholarly speech delivered on the floor of the House of Representatives on January 19, 1816, by William Gaston. In this speech Gaston, a Federalist member from North Carolina, argued that on the basis of precedents established both in England and America the function of the previous question was to provide a mechanism for allowing a parliamentary body to decide whether it wanted to face a particular decision. In the course of his speech he took special pains to emphasize his differences with Jefferson:

"I believe, sir, that some confusion has been thrown on the subject of the previous question (a confusion, from which even the luminous mind of the compiler of our Manual, Mr. Jefferson, was not thoroughly free) by supposing it designed to suppress unpleasant discussions, instead of unpleasant decisions. * * *"

Gaston's speech, to be sure, was made 5 years after the previous question had been turned into a cloture mechanism in the House and it was made as a protest against this development. It is valuable, nonetheless, as an indication of the state of parliamentary theory in the years from 1789 to 1806 and its standing as evidence of this nature is supported both by the arguments made in the speech itself and by less elaborate statements made on the floor of the House in the years before 1806.

That the previous question was understood as a mechanism for avoiding undesired decisions in the early Senate as well as the early House is indicated by an excerpt from the diary of John Quincy Adams. The excerpt comes from the period in which Adams served in the Senate and it contains his account of Vice President Burr's farewell speech to the Senate. In this speech, delivered on March 2, 1805, Burr by implication seems to understand the function of the previous question as relating primarily to the suppression of undesired decisions.

"He (Burr) mentioned one or two of the rules which appeared to him to need a revisal, and recommended the abolition of that respecting the previous question, which he said had in the four years been only once taken, and that upon an amendment. This was proof that it could not be necessary, and all its purposes were certainly much better answered by the question of indefinite postponement. * * *"

We should note in closing our discussion of proper usage that in Burr's case, as in a number of others, his words do not rule out the possibility that he understood the previous question as a mechanism for avoiding undesired discussions as well as undesired decisions. Indeed, despite the exclusive character of the positions maintained by Jefferson and Gaston their basic views could be held concurrently and in the years immediately preceding 1789 they were, as a matter of general agreement, so held in the Continental Congress. The previous question rule adopted by that body in 1784 read as follows:

"The previous question (which is always to be understood in this sense, that the main question be not now put) shall only be admitted when in the judgment of two Members, at least, the subject moved is in its nature, or from the circumstances of time and place, improper to be debated or decided, and shall therefore preclude all amendments and further debates on the subject until it is decided."

Thus, a third alternative existed in parliamentary theory in the early decades of government under the Constitution with reference to the previous question—that of seeing it as a mechanism for avoiding both undesired discussions and undesired decisions. The extent to which Jefferson's, Gaston's, or a combination of their positions dominated congressional conceptions of the proper function of the previous question is not clear. The lack of rigidity in parliamentary theory was an advantage rather than a disadvantage and the average member, in the years before 1806 as now, was not apt to be overly concerned with the state of theory or its conflicts unless some crucial practical issue was also involved. However, practice in these years reveals that in both the House and the Senate the previous question was used mainly for the purpose of avoiding or suppressing undesired decisions, rather than undesired discussions. Still, practice also reveals that the degree to which these purposes can be distinguished varies widely from instance to instance and that often any distinction between them must be a matter of degree and emphasis, rather than a matter of precise differentiation.

The previous question of these early congressional days was a mechanism for avoiding undesired discussions or decisions rather than to achieve cloture. Three key factors in the rule's operation from the standpoint of parliamentary theory illustrate this: The motion of previous question was debatable, the procedure followed after the motion was determined and the limitations on the use of the motion.

When the previous question was properly moved by the required number of Members, it was debatable. The debate could be extensive, for the only real limitation in the Senate was the provision that no Senator should speak more than once on the same issue on the same day without permission of the Senate.

The procedure following a determination on the previous question motion is described by Dr. Cooper as follows:

> Equally, if not more important, as an indication of the purposes for which the previous question was designed is the manner in which the House and Senate understood the motion to operate after a decision had been rendered on it. With regard to negative determinations of the previous question, the view that appears to have been dominant in the period from 1789 to 1806 was that a negative decision postponed at least for a day, but did not permanently suppress, the proposition on which the previous question had been moved. In the House this view seems to have prevailed during the whole period from 1789 to 1806, though it is possible to place a contrary interpretation on the evidence which exists for the first few years of the House's existence. As for the Senate, less evidence is available, but it is probable that its view was similar to that of the House. This conclusion can be based on Jefferson's statement that temporary rather than permanent suppression was the consequence of a negative result and the fact that on one occasion the Senate seems to have acted in accord with the temporary suspension view. However, it should also be noted that in a number of instances in which the previous question was used in both the House and Senate, the circumstances were such that permanent suppression was or would have been the unavoidable consequence of a negative result.
>
> The fact that a negative determination of the previous question suppressed the main question supports our contention that the previous question was originally designed for avoiding undesired discussions and/or decisions, rather than as an instrument for cloture. That the previous question could not be employed without risking at least the temporary loss of the main question ill adapted it for use as a cloture mechanism. It is not surprising that one of the long run consequences of the House's post-1806 decision to use the previous question for cloture was the elimination of this feature. On the other hand, suppression was a key and quite functional feature of the previous question, viewed as a mechanism for avoiding undesired discussions and/or decisions. Indeed, in the period from 1789 to 1806 suppression served as a defining feature of the mechanism. Men who intended to vote against the motion would remark that they supported the previous question and on one occasion the motion was recorded as carried when a majority of nays prevailed.
>
> With regard to affirmative determinations of the previous question, the evidence which exists again does not lend itself to simple, sweeping judgments of the state of parliamentary theory in either the House or the Senate. The House in the years from 1789 to 1806 on a number of occasions allowed proceedings on the main question to continue after an affirmative decision of the previous question. Finally, in 1807 a dispute arose over whether such proceedings could legitimately be continued. The Speaker ruled that they could not, that approval of the motion for the previous question resulted in an end to debate and an immediate vote. This was Jefferson's opinion as well. But despite the fact that Jefferson's pronouncements on general parliamentary procedure were as valid for the House as for the Senate, the House procedure were as valid for the House as for the Senate, the House overruled the Speaker and voted instead to sustain the legitimacy of continuing proceedings after an affirmative decision of the previous question. It is not clear whether this decision should be explained by assuming that it reflected the House's long-term understanding of proper procedure or by assuming that it merely reflected the House's pragmatic desire to escape the consequences of the 1805 rules change which abolished debate on the motion for the previous question.
>
> As for the Senate, again less evidence is available, but the Senate appears to have accepted the view that the proper result of an affirmative decision was an end to debate and an immediate vote on the main question. This is what seems to have occurred in the three instances in which the previous question was determined affirmatively in the Senate. Nonetheless, it should be noted that the issue never came to a test in the Senate and we cannot be certain what the result would have been if it had.
>
> Yet, even if we concede that the Senate understood the result of an affirmative decision as Jefferson did, what must be emphasized once more is that this facet of the rule's operation does not mean that the previous question was designed as a cloture mechanism. Jefferson did not regard it as such, but rather saw an immediate vote upon an affirmative decision as an integral part of a mechanism designed to suppress delicate questions. To be sure, it was this facet of the rule's operation, combined with the abolition of debate on the motion for the previous question, which helped make it possible for the House to turn the rule into a cloture mechanism. This occurred in 1811 when the House, fearful that filibustering tactics were going to result in the loss of a crucial bill, reversed its previous precedents and decided that henceforth an affirmative decision would close all debate on the main question, finally and completely. Nonetheless, despite the fact that the previous question was available for use as a cloture mechanism from 1811 on, the House did not make frequent use of it for several decades. One of the reasons for this was that the rule, not having been designed as a cloture rule, continued to retain or was interpreted to have features which made it both ineffective and unwieldy when used for the purpose of cloture. Indeed,

> it took the House another 50 years of intermittent tinkering to eliminate most of these debilitating features.

Mr. President, Dr. Cooper also described how the limitations on the scope of the motion "previous question" handicapped the possibility of its use as a cloture device. He stated:

> For one thing, the previous question could not be moved in committee of the whole, a form of proceeding which both the early House and early Senate valued highly as a locus for completely free debate. Thus, when the House beginning in 1841 finally decided to limit debate in committee of the whole, it was forced to develop methods other than the previous question for accomplishing this result. However, the early Senate relied to a large extent, not on the regular committee of the whole, but on a special form of it called quasi-committee of the whole, i.e., the Senate as if in committee of the whole; and apparently it was possible to move the previous question when the Senate operated under this form of proceeding.
>
> More important as a limitation on the scope of the previous question was its relation to secondary or subsidiary questions. At first, at least in the House, the previous question was treated as a mechanism that could be moved on subsidiary or secondary questions, e.g., motions to amend, motions to postpone, etc., as well as a mechanism that could be moved on original or principal questions, e.g., that the bill be engrossed and read a third time, that the bill or resolution pass, etc. Thus, though this fact is often misunderstood, in the early House the main question contemplated by the motion for the previous question was sometimes a subsidiary question rather than the principal or original question. Whether the Senate permitted the previous question to be applied to secondary or subsidiary questions before 1800 is not clear. However, in that year Thomas Jefferson, as presiding officer of the Senate, ruled that the previous question could not be moved on a subsidiary question and his manual when it appeared reaffirmed this position. The House followed suit in 1807, though as late as 1802 a ruling of the Speaker, concerned with the effect of a negative determination of the previous question, took to cognizance of the fact that the previous question had been moved on a subsidiary question and allowed such usage to go by unchallenged.

The decision of the House to confine the previous question to principal questions created great difficulties once it began to use the device as a cloture mechanism. Neither the rules of the House or the Senate clearly gave the previous questions procedure over other subsidiary questions, such as the motions to postpone, commit, or amend. Thomas Jefferson's opinion was that subsidiary questions moved before the previous question should be decided prior to a vote on the previous question. However, such an approach became entirely unacceptable once it was desired to employ the previous question as a cloture mechanism. If subsidiary questions moved before the previous question took procedure over it and if the previous question could only be applied to the original or principal question, then obstructionists could move subsidiary questions before the previous question and prolong the discussion of these questions for great lengths of time. It was probably no accident that the House amended its rules to give the previous question precedence used the previous question for cloture.

Nonetheless, this change did not transform the previous question into an efficient cloture mechanism. Beginning with the 12th Congress—1811–13—rulings of the Speakers strictly enforced and further developed the doctrine that the previous question applied only to the original or principal question. This caused the House great inconvenience. It meant that if the previous question was approved, it cut off all pending subsidiary questions and brought the House directly to a vote on the original or principal question. Thus, a vote might have to be taken on a form of the question undesired by the majority; for example, that the bill without the amendments reported pass to a third reading instead of that the bill with the amendments reported be recommitted with instructions. Thus also, when a subsidiary question was moved early in debate the House might either have to endure a lengthy discussion on the motion or employ the previous question, which would force a vote on the principal question before it had been adequately considered. Ultimately, of course, the House did reshape the previous question mechanism so that it could efficiently be applied to the subsidiary questions involved in an issue. However, this reshaping occurred piecemeal over a number of years in response to the difficulties we have described and it was in a sense dependent on them.

We may conclude, then, that in the period from 1789 to 1806 the previous question mechanism was designed to operate in a manner that was stated only to its utilization as an instrument for avoiding undesired discussions and/or decisions. In the Senate and in the House until December of 1805 debate on the motion was permitted. In both bodies a negative determination of the previous question postponed or permanently suppressed the main question and in the House, at least, debate and amendment were permitted after an affirmative decision. In the eyes of those who saw the previous question as a means of avoiding undesired decisions this could easily be justified by assuming that the vote on the previous question only determined whether the body wanted to face the issue. Finally, the nature of the limits on the scope of the motion greatly handicapped its efficacy as a cloture mechanism. It is true that in the beginning the House and possibly the Senate allowed the previous question to be applied to subsidiary questions. It is also true that, once both bodies accepted the proposition that the device could not be so applied, this restriction could and in the Senate actually did handicap those who wanted to use the previous question as a mechanism for avoiding certain decisions. Still, as the experience of the House after 1811 demonstrates, the nature of the handicap was one that was much less a limit on the negative objective of suppressing a whole question than on the positive objective of forcing a whole question to a vote. In short, we may conclude that in both the early House and early Senate not only was the purpose of the previous question conceived of as relating to the prevention of undesired discussions and/or decisions; in addition, the device itself was clearly designed operationally to serve such ends rather than the ends of cloture. In later years the previous question was turned into an efficient cloture mechanism in the House. But this required considerable tinkering, and what is more, tinkering that resulted ultimately in a basic transformation of the operational nature of the mechanism.

Mr. President, I ask unanimous consent to suggest, at this time, the absence of a quorum.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

Mr. HANSEN. Mr. President, the debate which engages this body today is not a matter of procedure, but of substance. Not a matter of a technicality labeled rule XXII, but of the individual's right to enjoy his constitutional liberties. Specifically, I am speaking out against the proposal to allow three-fifths of the Senators present and voting to shut off debate on any bill.

I can see no good coming from this proposal to reduce from two-thirds to three-fifths the number of Senators required to silence debate. What is the sanctity of the number 60? Why is it necessary to change the definition of a substantial majority which the founders of this Nation used? We do not convict Presidents on impeachment charges by three-fifths, but by two-thirds. We do not expel Members of the Congress by three-fifths, but by two-thirds. The Senate does not approve treaties by three-fifths, but by two-thirds. And, as every Member of this body knows, there are many other constitutional stipulations predicated upon the two-thirds majority. Those who argue that the Constitution of the United States establishes rule by majority are indeed poor students of the Nation's past. It requires no subtlety to understand that the Constitution provides a system of checks and balances and that these checks and balances were included as a bulwark against simple majority rule. Those are facts, not theories.

The founders did establish one body whose Members were frequently elected and where the opinions of the always-changing majority could be more fully represented. But, we are not Members of that body. That body is the House of Representatives, a Chamber quite unlike the one in which I speak. The Senate was designed as an institution wherein careful deliberation was to be the order of the day and wherein the rights of all could be given protection. Those who wrote the Constitution knew full well that simple majority rule led inevitably to chaos. They could foresee Government policy changing year by year, month by month, even day by day, if legislation was founded on the shifting desires of temporary majorities; and so they undertook to construct a body of Congress wherein open and free debate would safeguard the interests of minorities against the possible tyranny of the majority.

The product of their vision is the U.S. Senate, a body once described by Senator Robert La Follette, of Wisconsin, as:

> The only place in our system where no matter what may be the organized power behind any measure to rush its consideration and to compel its adoption, there is a court to be heard, where there is an opportunity to speak at length and where, if need be, under the Constitution of our country and the rules as they stand today, the Constitutional right is reposed in a member of this body to halt a Congress or a session on a piece of legislation which may undermine the liberties of the people and be in violation of the Constitution which Senators have sworn to support.

I submit, Mr. President, that there can be no really representative government apart from adequate safeguards to protect the inalienable rights of the minority. In other words, there must be guarantees that the passions of a possible majority can be tempered by the wisdom of the minority. The majority is not always correct, nor, obviously, is it always wrong. But, what we must insure is that when it is wrong, the sentiments of the minority be given their time in court.

In a sense, the final legislative court available for the protection of minority interests is the very body in which I stand today—the U.S. Senate. Here the minority, under the rules and procedures which have been observed for many decades, can seek and find refuge from the possible haste of a temporary majority. If the Senate ever comes to that ignoble day when a minority of its Members lacks the right to speak, then, Mr. President, the American system of government as we have known it will have disappeared.

On Friday, last, I was in the chair of the Senate while the junior Senator from South Carolina was speaking. I was much impressed with his comments on the issue we are debating today. He pointed out that while there was needless delay and intolerable procrastination in the legislative process, the blame should not be put on rule XXII. Rather, he suggested, the blame should be placed upon the antiquated procedures to which we have become too closely wedded. It was not rule XXII that sank us into the quagmire of inaction last December. It was the fact that our other procedures were so out of step with the processes of modern life. We spent 2½ workweeks last year in answering rollcalls. Surely, much better use could have been made of that time. We did not begin hearings on many legislative proposals until the waning months and even weeks of the 91st Congress. Most of our methods for dealing with the making of new laws were created in the horse-and-buggy days. Perhaps they were adequate to the demands of an earlier era, but certain it is that they are anachronistic in an age of computers, instant communications, and rockets journeying to other planets. It was the tired technique of days long ago which brought us to a slowdown last December. Those who blame rule XXII are seeking an easy scapegoat for a complex matter. The abolishment of rule XXII would have had no effect—I repeat, no effect—in expediting the adjournment of the 91st Congress.

In the light of growing Executive power in the modern era, it is more vital than ever to retain the right of free and open debate in this Chamber. The prerogatives of the Executive are indeed growing—the power of the Presidency over the people grows day by day. It is the administration, not the Congress, which has the easiest access to public attention. The President can command the airwaves upon a moment's notice. In being able to reach the public, the President's public relations task becomes much easier. And, I speak now without regard to party or individual. This development has been with us for some time and, during that period, both Republicans and Democrats have occupied the White House.

My point, Mr. President, is that in these modern times, it is easier for the administrative branch to form a majority on a particular issue and to mobilize that majority behind the legislation being sought. Such legislation can usually be expedited through the House of Representatives and, were it not for the bastion of the Senate, could become instant legislation. Thanks to the open and free debate guaranteed to Members of the Upper House, that type of government by whim can be kept from materializing. I am proud of the role of the Senate—I am proud to be a Member of an institution which has forthrightly stood off the possibility of government by administrative edict and government by overly zealous legislative action in the House of Representatives. Without the provision of extended debate, the Senate could not have fulfilled its historic function and, without that contribution of the Senate, ours would be a poorer nation.

Anyone familiar with the debates of this body, both past and present, knows that this is not a sectional debate, nor a partisan party debate. Some of those who have spoken in favor of rule 22 come from the South. Others, like myself, come from other sections of the country. Some are Democrats—others, like myself, are Republicans. Some are conservative—others are liberal. What disturbs me particularly about some of the arguments for shutting off debate is the attempt to picture those who favor rule 22 as being married to one political ideology or one particular section of the country. Even the most cursory glance at the list of those whose sentiments accord with mine reveals the absurdity of such accusations. Most of us in the Senate know better. But, unfortunately, many throughout the country do not. Far too many Americans today equate change with reform. Far too many believe that change is good simply because it is change. Hence, they sympathize with those who advocate changing the processes of the past. But, change is not necessarily reform, and movement for the sake of movement is not automatically progress. It is as simple to step backward as it is to step forward. Those who are advocating the imposition of silence on this body are taking a long step backward.

Mr. President, each and every law that issues from the Congress becomes the law of the land. It affects the activities of every man, woman, and child living in the United States. The laws can and do have immediate impact upon the lives, fortunes, and happiness of tens of millions of our fellow countrymen. That impact can work for good, or it can bring in its wake great evil. How vital it is, then, that before enacting any proposal into law we give it the thoughtful analysis and discerning care which matters so important clearly merit. No facet of a proposal should be exempt from the severest inquiry, no matter how time consuming the process may be. Not only does this work to the benefit of the lawmaker but also to the enlightenment and well-being of the people. If, after all that has been accomplished, there still remains in the minds of substantial minority serious doubt as to the wisdom and advisability of going ahead with the proposal in question, then it is the constitutional prerogative of that minority to defer immediate action. Such delay has been resorted to before. But it is a matter of record that never once has such action been taken in the face of an overwhelming national consensus to the contrary. In protecting the minority, the Senate has never obstructed the wishes of a viable and well-informed majority. Some of the proposals were premature and eventually found their ways into the laws of the land after the appropriate educational and political campaigns. And many other proposals were cast aside with benefit to the future of the Nation. The balance is thus weighted heavily in favor of those arguing for the retention of rule XXII. It offers protection for the minority groups, yet simultaneously it guarantees a way out of legislative impasse if a true national consensus to the contrary exists. While the arrangement may not be perfect, it is the best compromise the mind of man has yet been able to devise. It is testimony to the wisdom of its authors who deserve not the disapprobation of our citizens but rather the sincere gratitude of a nation better for their work.

The 1970's will be a time of crisis. It requires no special insight or crystal ball to envision the rough roads we must tread during the next 10 years. Challenge is all around us. To guide the Nation over this tortuous path, we will have need of every institution which has served us well in the past. Certainly at or near the top of that list is the U.S. Senate. It is still, in spite of the necessity of procedural improvements mentioned earlier in my talk, the greatest lawmaking body on the face of the globe. We can either lose or save the potential of this body. We can either sacrifice or enhance its power and prestige. What choice will we make? That, my colleagues, is what this debate is all about. That is way I characterized it at the outset as a matter of great substance rather than of procedural technicality. Let it not be written that in the 92d Congress, the U.S. Senate sacrificed all, including honor. May we have the vision and courage to put aside this ill-advised plan which would end by jeopardizing the foundation upon which we have stood since 1789.

Mr. President, in my reviews of the history of the Senate, I have not been able to ascertain any case where a filibuster has permanently prevented the enactment of a bill that had great wisdom behind it. Bills have been delayed by filibuster, it is true, but this has not been evil per se. When a law's time for enactment has come, in my view, it has almost inevitably been enacted. When the people overwhelmingly desire action in this country, the action occurs. A simple majority, in the excitement of having that bare majority and of being a part of that majority, can act in haste—can ramrod through a project before it is altered and refined—before it has had the parliamentary artistry applied to make it a better law. In those cases, quite often there are serious regrets, and by the time the damage has been undone, there has been considerable needless suffering.

A modification of the two-thirds vote required for cloture would deprive some of the less populous States, like Wyoming, from the equal representation they can get in the Senate against passage of legislation possibly pernicious to the interests of these States.

It is a great tradition of this great Nation that minorities should always be protected. The two-thirds requirement for cloture is a valuable provision for our minorities. The Senate is the only forum that I know of in our Government where less than a majority may deter the passage of hasty and ill-advised legislation. Many would say that majority rule is a basic principle of a democratic society, but the Founding Fathers had great faith in the two-thirds provision, and this provision has proved workable and important throughout our history.

ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, will the Senator from Wyoming yield to me temporarily?

Mr. HANSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Alaska without losing my right to the floor and without my continuing remarks being interpreted as a second speech.

The PRESIDING OFFICER (Mr. Schweiker). Is there objection? Without objection, the Senator from Alaska is recognized under those conditions.

Mr. GRAVEL. I thank the Senator from Wyoming.

S. 574 AND AMENDMENT NO. 3—INTRODUCTION OF A BILL AND SUBMISSION OF AN AMENDMENT RELATING TO CONSTRUCTION OF AN OIL PIPELINE SYSTEM IN THE STATE OF ALASKA

Mr. GRAVEL. Mr. President, I would like to take the floor for a few moments on a different subject, one that I think is very important not only to the State of Alaska but to this entire Nation. I know that my colleague from Wyoming particularly will have knowledge on the subject about which I speak since his State is, of course, in the same situation as any State which has a natural resource orientation.

Yesterday, the senior Senator from New Jersey introduced a bill that would require approval of Congress for the construction of the trans-Alaskan pipeline by the ALYESKA Corp. I am sure that the Senator from New Jersey (Mr. Case) is motivated by the highest of intentions in trying to involve the decisionmaking process of Congress directly in this issue. However, I submit that I think it is a misguided—and I underscore the word "misguided"—effort in this case.

I offer today, as proof, an amendment and a bill that I think in themselves will make the point very well. In these I have included several other States. As it presently stands, under the Case bill, the only State that would be affected by this congressional process is the State of Alaska. I think this is entirely discriminatory. So I am inserting at this time, and send to the desk for appropriate referral, one amendment—No. 3—that would not only include the State of Alaska in this process, but the State of New Jersey, since, if my colleague feels this is a good and sound procedure to follow in the case of Alaska, I am sure he will feel the same with respect to New Jersey.

And since he was joined by colleagues from Michigan, California, Oklahoma, and Wisconsin, I similarly have added to my amendment, so that the effect of this process would apply equally to these States, the States of Wisconsin, Michigan, Oklahoma, and California. In any event, if the point is not made by this amendment and the wisdom of that proposal is not clear, I have a bill which would make the same proposed procedure binding upon all of the area of the United States and not just those I earlier mentioned.

I send the amendment and bill to the desk for appropriate referral.

The PRESIDING OFFICER (Mr. Schweiker). The bill and amendment will be received and appropriately referred.

The bill (S. 574) relating to oil productions, processing, and transportation facilities in the United States, introduced by Mr. Gravel, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The amendment (No. 3), intended to be proposed by Mr. Gravel, to the bill (S. 546) relating to the construction of an oil pipeline system in the State of Alaska, was referred to the Committee on Interior and Insular Affairs and ordered to be printed.

Mr. GRAVEL. Mr. President, let me say that we in the Congress, in the last few years, have on numerous occasions shown how we felt about how these ecological issues should be handled. We have supported commissions, advisory panels, groups of all sort, to make necessary determinations in this regard.

We have done this because we have seen the wisdom of transferring some of our authority in this intricate decisionmaking processes to the Executive. However, here is a specific case where we are withdrawing, for one particular State and one particular pipeline, that authority from these environmental councils, these commissions, and the executive departments, and taking it upon ourselves to make a determination.

I suspect there will not be two Members of this body who read the 102 report of the Interior Department, which is in excess of 200 pages, in order to make an intelligent evaluation or make an intelligent decision. What will be effective will be some force based upon public opinion whose views have been formed by a good deal of misinformation.

With respect to the proposed oil pipeline in Alaska, let me state that it is the most significant economic development in the State's history. In the State of Alaska we have the highest rate of unemployment in the United States. We have the greatest amount of poverty on a per capita basis. Our statistics reflect the shameful utilization of the Alaskan environment and its people over the last 100 years under American leadership; under the tutelage we had when Alaska was a territory and its economic and social determination was totally in the hands of Washington, D.C.

The bill introduced by the Senator from New Jersey (Mr. Case) is reminiscent of a prior era when the determinations made for Alaska were not made in Alaska but were made here in Washington, D.C., under a spirit of paternalism.

With respect to the ecological impact of this pipeline, let me state that the 102 statement submitted by the Interior Department was very frank and candid. With the construction of this pipeline it was stated that there will be some denigration of the environment. There would be a similar denigration of the environment in the construction of a pipeline in Wisconsin, Michigan, Massachusetts, California, Oklahoma, New Jersey, or any other part of the United States. But the record is abundantly clear with respect to oil transportation that probably the safest way to transport oil is by pipeline. It is ironic that that is the method of transportation which is receiving the greatest amount of criticism. This criticism is not justified, but it is criticism that has been born of national visibility which, interestingly enough, has come from oil spillage—not oil spillage from any pipeline, but oil spillage from another method of transportation, tanker transportation.

And let me submit that as the energy crisis continues to grow in this Nation, and as we continue to get brownouts on the east coast, in Michigan, in Wisconsin, in California, and other areas, the demand for energy and for the sources of energy will become so great that we will see pressures brought to bear to transport this oil from Alaska, not through a pipeline, but through the Northwest Passage by tanker. I submit that that would not be nearly as practicable a route or as safe as transporting it through a pipeline from Alaska.

The construction of the pipeline would be attended by stipulations by the Government which would guarantee that all of the necessary safeguards would be implemented, and a return to as close a natural environment in Alaska as possible would be affected.

That the attainment of such an environment will be undertaken in the construction of this pipeline, in concert with minimizing its impact on our ecology in Alaska, should be applauded rather than criticized; and I would hope that pipelines heretofore constructed and to be constructed in New Jersey, California, Michigan, Wisconsin, and other States, wherever they may be, would be constructed with the same amount of engineering and policy attention we are devoting to this pipeline in Alaska.

Again, I can only underscore the irony of the fact that where we are doing the best job in this regard is where we are receiving the greatest amount of unwarranted criticism. One of the things that I find most difficult to understand is that we in Alaska, who are so concerned about our environment, are disgusted, on many occasions as we travel around this country, to see the terrible and horrible environmental denigration that has taken place in other States, and continues to take place. I believe that Alaska has become the ecological and environmental battleground for the very simple reason that we are totally frustrated in our ability to handle ecological problems in the other, more populous States, and that we fly away from the realities and the difficulties of doing something in these other States where something should be done, and where the problem cries out for solution, and move to an area where there is not a very large number of people where the cries of poverty are very distant, and the problem is "easily" handled.

I might liken this situation to the neglect we have long practiced in the solution of our Indian problems. Then, all of a sudden, we experience the great amount of national focus and attention on this problem, somewhat as a psychic pang of conscience for what we have not done with respect to the total racial problems of the Nation.

I would hope that the bill and amendment I have offered will bring to the attention of all how ridiculous is the approach of requiring that decisions as to every single construction project that could occur relative to a pipeline of any size, regardless of how long the pipeline, be it a mile or be it the gathering pipeline between two wells on the northernmost regions of this continent, be made by the Congress of the United States. That does not make, to my mind, a persuasive augury for the type of reform that we need in this country today, for Congress to address itself not to the broad energy-environmental problems that affect our society, but to a mile or half a mile of pipe. I submit that if we did become the arbiter of such decisions, we would fall into the wake, and would have very little time to address ourselves to the great and momentous decisions of this era.

I thank my colleague from Wyoming for giving me this time to underscore this problem. In addition to the comments I have made, I ask unanimous consent to have printed in the RECORD the inaugural address of Gov. William A. Egan, as Governor of Alaska, on June 9, 1971. He has an outstanding record as a person concerned with the ecology and environment, and I think places in proper perspective the problem we face in Alaska and the problem we face in the Nation of satisfying our voracious energy demands while at the same time having a deep and abiding concern for the protection of our environment.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

INAUGURAL ADDRESS BY WILLIAM A. EGAN, JANUARY 9, 1971, JUNEAU, ALASKA

Alaska is, as it always has been, a land of great promise. And, now, it has the means of fulfilling that promise. Destiny has touched the great land, making tangible the dream held by the Fathers of Statehood. Alaska has become established as America's greatest oil province.

Ponder for a moment the promise, the dream, and the touch of destiny. They are none of them new to man in his hope for meaningful life during his own brief moment in eternity, and for all of mankind which shares that moment and the time afterward. It is up to Alaskans to render the promise, the dream, and the touch of destiny into something more than hope.

Promise has been the legacy of every new land to its people, and dreams have been the response to that legacy. The touch of destiny has bestowed riches upon others before us. Too often, the legacy has divided the family of man.

Too often, the legacy has been squandered, the dreams dashed into despair.

But those unfortunate, and all-too human, frailties of other people in other places are also part of our heritage. They enrich Alaska's heritage.

Building from them, we have learned again that we must all be brothers. We have learned that riches, such as our abundant oil reserves, are nothing more than the means by which to build a better life, that revering wealth in itself is an empty promise, a false hope. We have learned that the touch of destiny also exacts as much of man as it favors him.

I believe we have learned these things with the rigorous pace always demanded of Alaskans, with the rapid reasoning and agile adjustment vital to survival in our rugged land.

We had to pause on the brink and ask ourselves, "Have we lost our way in the land of the last frontier?" and because we did pause to ask, we could answer, "No, we have not lost our way." We could answer that the promise of the north is still bright and full. We could remind ourselves that the quality of Alaskan life derives from material wealth only if that wealth leads to the fulfillment of our unique spiritual heritage. We could remind ourselves that no amount of riches can make up for a sickness of the spirit.

But used prudently, and in consciousness of its dedication to the brotherhood of man, the resource wealth of Alaska can be the key to a new way of life. Natural resources can unlock human resources.

As we approach the bicentennial of the founding of the republic, we will find a new spirit of '76 guiding Alaskans towards a level of freedom never before enjoyed on earth. We are not there yet. But it is the joyful task of this generation to find a way.

In the four years ahead, I see three landmark objectives to be overtaken.

First, we must achieve, with the help of Congress, a just settlement of the native land claims. There will be no progress without it. The native land claims should be viewed not as an obstacle, but as opportunity.

A settlement of the land claims of the native people will bestow the justice promised in the treaty of purchase, the Statehood Act, and the Constitution of the State of Alaska. It will open the door to full participation by all of us in the economic, political, and social life of the State.

By enhancing the opportunity of the native people for self-development, the ability of all the people of the State to move forward will be guaranteed. For this State cannot survive with half of its people enslaved by poverty.

Secondly, we must build the pipeline from the north slope oil fields to Valdez which will be necessary to the development of the human resources of our people. We have had several proper reminders that this is not a task to be approached lightly.

We should welcome, even be flattered by, this show of concern by Americans throughout the Nation. This points up Alaska's unique position as the last great, unspoiled State in the Nation. The full range of environmental concerns must be recognized. The mistakes of the past must be recitified. Good conservation is good business.

And through a combination of good conservation practices together with good business, the pipeline can be built. It is folly to say there are insurmountable challenges. The technology is available. We have the know-how.

And human poverty, ignorance and disease cannot be allowed to wait upon the more luxurious, and understandable, desires of those who have been fortunate enough to escape these bonds. Those who have escaped these bonds have done so primarily because of the natural resources that have abounded here in Alaska and throughout the Nation.

While we sometimes have been too lax in insuring our environmental heritage for future generations and while we must take corrective action, we must never forget that there are no people on earth who could exist but for the wise development, distribution, and use of the great natural resources we have been blessed with.

In our economic system, in any economic system which holds the chance for betterment of life for its people, some form of money is needed—and money has to come from somewhere.

So far, man has been able to produce that means of bettering his life only through development of natural resources. We can, and we must, develop our natural resources wisely, protecting them and perpetuating them at the same time that we use them. There is no reason we cannot achieve that balance. We recognize fully the need for developing a meaningful, effective program of environmental protection throughout the agencies of State Government and throughout Alaska.

The construction of the pipeline, the enterprise generated through a native claims settlement and the renewal of Alaska through the investment of our common wealth hold both promise and dangers for the people of our State. Hypnotized by the jobs, the development, the riches, we must not fall prey to the avoidable dangers of inflation.

This brings me to the third landmark objective of the next four years.

We must develop and implement an Alaskan economic policy. Alaskans are all too familiar, from the construction boom of the 40's, with the pitfalls inherent in a fast-growing economy. They know that what a fast-growing economy can give to the working man with the left hand it can take away with the right hand through rapidly rising living costs.

Alaska's new growth will attract substantial new migration into the State of Alaska. We are likely to find that with new employment opportunity will come new challenges to avoid disastrous unemployment ills, and an increase in the range of human problems which accompany economic dislocation.

It should be an objective of an integrated Alaskan economic policy to respond firmly to inflationary pressures, not only to still unreasonable surges but also to bring Alaska's cost economy closer to par with the rest of the United States.

The Alaskan economic policy must control unemployment through the development of new job opportunities as well as training programs in new skills. It accomplishes nothing to train a person for a job if no job exists for him after he is trained.

The policy must work to even out the bumps and dips of the high development economy. It must restrain the excesses of monopoly and of economic profiteering, which dip into the workers' pay envelopes.

In periods when we do have excess sums over public expenditures, a sizable portion of those funds should be invested within Alaska to promote the objectives of an Alaskan economic policy. For our wealth, public as well as private, is far from limitless.

Compared with our needs and the costs of accomplishing even the most modest goals in education, housing, welfare, public improvements and development of communications systems, the amount received a year and a half ago at the Prudhoe Bay bonus sale was a very modest sum.

We must make sure that every dollar spent returns many dollars' worth of benefits in human values until oil royalty revenues, beginning with the flow of oil to market, are there to provide for our total needs.

Inherent in this Alaskan economic policy must be the planning for wise use of our land. For the bumps and dips of a high development economy also wreak havoc on our countryside as well as on people's hard-earned paychecks if utilization of our land lacks foresight.

The temptation during boom times is to use only the cream of the land, that which offers the greatest and quickest profit with the least effort. In our large cities, even in Alaska, the results of this are evident.

Poor use of land has produced urban sprawl, blighted landscapes, and damaged streams. Proper planning from the start of development is no undue handicap. Because, if our land is misused, if only the richest land is skimmed off during initial development, then we can only end up having to go back and develop the land which was skipped over and at a greater cost because of damage resulting from the hasty, earlier development.

We must continue to develop effective techniques for the management of all our natural resources. The sound management of the State's resources and the coordination of the public and private sector is one of the greatest challenges of Alaska's future.

We must carefully define our priorities and reassess on-going programs if we are to achieve the long-term happiness and prosperity we all seek.

The task ahead will seldom be easy. It will often seem difficult. But Alaskans would never have built this great land if they had been awed by difficult times or been discouraged by the great obstacles they have overcome.

As Alaskans working together now, we will meet the challenge; we will forthrightly accomplish what needs to be done to bring into being the fruits of the opportunities open to us in the 1970's.

AFFAIRS OF STATE MESSAGE

(By Gov. William A. Egan, to the First Session of the Seventh Alaska Legislature, Jan. 14, 1971)

Mr. President, Mr. Speaker, Members of the Seventh Alaska Legislature, my fellow Alaskans:

This is the time prescribed in the Constitution of the State of Alaska when the Governor first advises the Legislature and the people of Alaska on his views concerning the affairs of the State. At this time, and at other times, it is my duty to recommend those measures I consider necessary to the orderly pursuit of the purposes and objectives of our State Government.

Before me today I see many old friends, wise in the ways of the legislative process. I see many new faces bringing freshening experience to these legislative halls. Without exception, I see men and women who, whatever their differences, share with me total dedication of talent and spirit to the purposes of building a prosperous, just and peaceful Alaska.

As I approach this task prescribed in our Constitution, I am conscious of the resources in thought and energy which you, the elected members of the Legislative Branch, can bring to the analysis of the affairs of the State.

I am ever mindful of the duty of each of you to make his own assessment of the condition of the State and of the measures which might be necessary to further the interests of its people.

I do not suggest, therefore, that it is my duty alone to propose and yours only to dispose. We share a common responsibility for the definition of legislative concerns. It is my belief that in an atmosphere of mutual respect we can work cooperatively, bearing in mind that each of us brings different experience to the tasks of government and necessarily has differences of opinion on the best way to proceed.

These differences must and can be worked out. A team that is not pulling together is working at cross purposes. It is my hope that when the Session now opening comes to an end, we will find that through working together we will have developed a solid approach to the opportunities open to us in the 1970's.

Each of our efforts and concerns should be seen in relation to the overall objectives of governmental policy.

Only in this way can the priorities of Government be properly assessed. The hard questions of Government are not whether a proposal is good or bad, but whether, in a limited resource economy, the urgency of one program outweighs that of another.

With that in mind, one of my earliest acts upon taking office was to stimulate and expand the work of the program budgeting study project authorized by the Legislature last year as a part of the continuing effort to bring modern management techniques to our State Government.

Through this project I hope we can build a more accurate picture of what the State is doing and provide a tool useful to the Legislature, the Governor, and every Department in State Government.

This tool will help us evaluate the success of our programs. Not only will it measure efficiency in terms of dollars spent; it will also provide a guide assuring that every program produces the intended benefits for people.

As we take a hard look at our programs, we will further identify many areas where organizational change would clarify priorities or improve efficiency in the operation of Government. We should not pursue change for the sake of change. Nor should we attempt major reorganization without careful planning.

One area of reorganization has already been given substantial study by the Legislature and is urgently needed to meet the demands of the times for adequate recognition and protection of the Alaskan environment. Following the pioneering work of the Alaska Legislative Council, I intend to propose legislation establishing a cabinet level Department of Environmental Affairs with responsibility for maintaining clean air and pure water throughout the State and establishing adequate environmental surveillance of the design and construction of major public and private works in the State including pipelines.

Education will continue to get the level of priority support which it enjoyed in my previous terms as Governor.

We will be watching carefully for the need for remedial legislation as the State operated school reorganization plan adopted last year is implemented.

In this reorganization, we will be embarking upon a new adventure in education in Alaska. On July 1, the State-operated schools will begin operating much as would a new and separate department of Government. The board required for the State-operated system will be appointed in the near future.

We will have a vigorous program of financial support for private education. As one of several means in which investment policy can be used for socially desirable ends, we will adopt a policy of purchasing for investment Federally guaranteed student loans.

In several ways investment policy may be adjusted to provide investment in Alaska and in Alaska human resources. I will propose guidelines redirecting the bank-participation housing loan programs to lower income groups which have the greatest need for help in securing mortgage financing.

The maximum dollar limits on veterans loans should be raised to realistic levels. In areas where housing is a critical problem, we should support the men and women of the Alaska National Guard with expanded housing opportunities.

The State has long relied heavily on information gained from private sources concerning the location and value of its natural resources. A new philosophy is needed in our approach to selection and timing of our natural resources development.

A strong geophysical division will be proposed to strengthen the capacity of the Department of Natural Resources to adequately identify and appraise Alaska's subsurface wealth. We will thus be assured of obtaining full value and benefits from our natural resources.

The proposals of the Federal Land Law Review Commission will stir action in the Congress of the United States as well as in this Legislature. We must carefully monitor these proposals in Congress.

We should also consider how best to respond to the Commission's wise proposals for joint Federal-State land use planning. Not only is joint use planning vital to the selection of the State's public land base, but all Alaskans have a vital interest in the management of residual lands in Alaska that will remain in Federal ownership.

The resources of the sea must be conserved and developed as much as those of the land.

At a later date, I will request funding for a major program which includes clearing of salmon streams and stocking of various barren lakes.

The continuing problem of the impact of unlimited entry on the fishing resource and the fisherman's economy will get a fresh appraisal.

Careful study should be given to the need for State Constitutional revision in support of the State's efforts in fisheries resource management.

We will need marine research laboratories and institutes to carry out conservation and development of our ocean resources. The work to be conducted and the training of people to do it can best be accomplished where the resources are found.

It is sensible and logical that these facilities, when they are built, be located in important seacoast communities such as Kodiak and Seward.

The time has come when the State must vigorously make clear to the Congress and the Executive Branch of the Government of the United States our unyielding determination to fight for extension of control over our fisheries resources to the limits of the continental shelf.

I will be submitting to you at an early date for your consideration a resolution petitioning the President and the Congress to take action on this matter.

Developments of recent years have underlined the need for coordinated planning of development in those areas of Alaska which lack local government capacity.

The settlement of the Native Land Claims question this year and the expansion of activity in the more sparsely settled and vacant areas of Alaska will make this situation more acute.

I will forward to the Legislature proposals for the organization of the unorganized borough to provide State-wide regional planning and local services where needed.

The time is at hand to seriously plan for the creation of a Department of Community Affairs. Another year's effort in bringing together the necessary planning research should see us ready to take this very important step.

Evaluation of the many roles in Alaskan Government of the Alaska State Housing Authority in planning and operations in Alaska should be a part of this effort.

For the first stage of reorganization of the State's role in community affairs I will suggest a program strengthening the Local Affairs Agency and a consolidation of related functions within the Agency to provide both a staff arm to the unorganized borough and liaison with existing local government.

The relationship of the work of this Agency to land use planning functions and to overall State planning functions needs careful evaluation from an organizational point of view.

Considerable progress is being made on the question of consolidating all the transportation functions of the State into a single Department of State Government, and this Administration is convinced we must move toward creating such a department.

Expanding of the capabilities of the Marine Highway System cannot wait upon the establishment of a Department. I believe we have solved the problems of providing needed additional capacity and all-around improved service in plans worked out during the past few weeks. These plans have been worked out with the Commissioner of Public Works, naval architects, and the Director of the Division of Marine Transportation.

Our plans will be spelled out to you in more detail in the Budget Message which I will be presenting to you later.

We feel sure these improvements will fully meet the needs of the Marine Highway System in Southeast Alaska for several years to come.

In addition to these steps in transportation development already in progress, I will recommend for this year research on the relationship of law in the development of the private sector of transportation.

The Alaska Transportation Commission, as presently constituted, has had difficulty in coping with the problems involved. The Commission's efforts should be redirected to concentrate on quasi-judicial and enforcement functions. Responsibility for planning and policy generation should be strengthened by additional staffing in the Departments concerned.

The development of communications technology has outreached the State Government's policy planning capability. We will ask for funds for expanded communications research planning on a functional level to assure that the full range of Alaska's public and private communications enterprises are properly and orderly regulated and directed.

The State's need to provide the research, development and training necessary to support our responsibilities in crime prevention have not been met. The recent Conference on Bush Justice at Alyeska pointed out but one aspect of the many antiquated approaches we still use in law enforcement and legal administration. I will propose the establishment of a center for the administration of justice. The center will provide training programs for the full range of personnel engaged in the administration of criminal justice in Alaska and develop research and program proposals to meet the special challenge of crime in Alaska.

All our plans for the future of Alaska are founded on the premise of an orderly society. That premise is now open to question. The challenge of crime in Alaska must not be avoided. The imagination and scientific spirit which has helped us solve so many vast problems in the natural sciences will provide the basis for assuring domestic order in the seventies.

In addition, the time is ripe for passage of a Criminal Code revision; a proposal which has been under legislative consideration for several years.

Domestic tranquility is closely related to the trust which people have in their governmental institutions. We must shore up that trust by making sure that the organization of our representative institutions keeps pace with social reality. We must adopt a program for improving the quality of the democratic process.

The Constitution of the State of Alaska requires me to reapportion the Alaska Legislature following the population guidelines of the 1970 United States Census.

This reapportionment machinery will be set in motion as quickly as possible following receipt of the official report from the Bureau of Census.

In the recent election, the voters of the State of Alaska voted to hold a Constitutional Convention. Until and unless a court holds otherwise, it is my view that the people have spoken.

I shall shortly propose legislation for your consideration setting out standards and procedures for the call of the Convention.

A method of apportioning for the membership at that Convention in keeping with constitutional standards will be submitted to you.

A new Constitutional Convention should have the benefit, within the limits of the time available, of adequate advisory and consultation sources. In the legislation I shall suggest the establishment of a group to undertake the planning of the Convention and with the power to authorize necessary background studies on State Constitutional issues.

I shall propose legislation requiring full reporting of campaign expenditures in all elections and providing procedures for establishing maximum limitations on campaign expenditures. The requirements of voter education should be assisted by the State through provision for public educational programs and expanded voter information.

In addition, legislation will be submitted establishing a procedure for financial reporting by all State officers, both legislative and executive, so that public decisions will not be tainted by the suspicion of conflict of interest.

Selected prohibitions will be laid down for private investment by public officers.

No segment of our society has been more skeptical of its aspirations to democracy than the youth of the country. Institution structures work in practice against youthful participation in the affairs of government.

Mechanisms must be designed to encourage expanded participation by the youth of the State in the decision making processes of government. I shall introduce legislation providing a procedure for the systematic selection of able young people for service on State Boards and Commissions.

In addition, I shall ask you to fund a program engaging younger people in government service, one each on a year's basis annually in the Office of the Governor and as Special Assistants to Commissioners in the State Cabinet.

A Youth Conservation Corps can be another significant institution in harnessing the energy of, and providing constructive work experience opportunity for, our youth.

Great care should be taken in the design of such a program to assure that it is coordinated with all the needs of park and recreation development, that it teaches useful skills, and benefits from maximum Federal financial participation.

The Legislature as well as the Executive must closely examine the sufficiency of planning and advisory support before putting such a program into effect. It might very well be in the best interests in ultimately assuring the program's success not to contemplate enactment of it until the 1972 Session.

We will be submitting a series of measures which I believe will advance the capabilities of the State for coordinated State economic planning and inflation control. A long-term State Capital improvement plan will be developed as a State economic planning tool.

Proposals for a State anti-trust measure have been considered by many legislative sessions. The time has come to adopt this vital missing element in the range of inflationary controls which protect the ordinary consumer.

Consumers' protection functions in the State Department of Commerce will be strengthened and a full-time advisor on consumers' affairs will be established. Funding will be required in support of a vigorous program of intervention before public regulatory bodies which control the rates of public utilities and carriers.

I will advance a number of proposals for the strengthening of human resource development. The senior citizens of Alaska should not be neglected. I will submit legislation granting me the authority to engage a team of professional actuaries to research all aspects of bolstering the income of Alaskans reaching normal retirement age.

An important aspect of the resulting report will provide recommendations on the feasibility of various approaches in attempting to resolve the existing problems faced by people on fixed incomes, yet confronted by rising living costs.

State employees should be protected from the hardships of economic dislocation through inclusion in the Employment Security Program.

The Legislature should give careful consideration to the pay raise plan just submitted in the annual salary survey it ordered.

There are many more items of legislation which you may rightfully consider to be of importance but which in the interests of time, are not referred to today. This message presents the highlights of the proposals which I will send down for your consideration.

In due course you will receive the specific legislative proposals for those features of my program which require legislative action. I am aware that many of you have done extensive research on proposals and programs which are similar to some of those to which I have just referred. Your views on these matters will be studied and respected in the shaping of our proposals. I hope you will give the same consideration to my views as you consider our legislative proposals in your deliberations.

We are engaged in a shared task on behalf of Alaskans. The people have entrusted to us, in our separate but complementary roles of elective office, the responsibility of conducting the business of our great State. Cooperation between us is required if we are to achieve the fruits of opportunity open to Alaska.

And it is a time of unique opportunity. While our new oil wealth at this stage is still modest compared to our needs, it will suffice if we manage it wisely.

We must use this wealth from our natural resources wherever it is needed to unlock human resources. But we must also make sure that every dollar spent returns the maximum intended benefits to people.

This will require careful and continual reexamination of our on-going programs as well as diligent evaluation of new proposals. If a program is not producing the desired human benefits, the dollars must be redirected in a manner in which they will produce.

Though it has been wintry in the Capital City these past few days, there is a spirit of springtime in this building.

It is a rare position we occupy in the offices entrusted to us, and which we occupy in time—the beginning of a new decade offering a potential unparalleled in Alaska's history.

Working together, with the best interests of people ever in mind, we can render that potential into unparalleled achievements in building a better Alaska and a better life for Alaskans.

I wish you success in the tasks that will fall to you in the weeks ahead. I ask your help, and assure you of mine, so that we can accomplish the job before us.

Budget Message

(By Gov. William A. Egan to the first session of the Seventh Alaska Legislature, January 14, 1971)

Mr. President, Mr. Speaker, Members of the Seventh Alaska Legislature, my fellow Alaskans:

Just over a year ago, Alaska gained overnight the reputation of being a rich state. At this time last January when the Legislature convened, many pictured our wealth as a windfall beyond our present needs, to be looked away permanently. The interest alone, it was said, was sufficient to meet the needs at hand.

Now, a year later, the more realistic picture has fallen clearly into place. There were substantial needs to be met, and the cost of meeting them far exceeds the interest from the bonus monies.

There was catching up to be done in overcoming acute privations of the past. There is furthere catching up ahead of us.

The Legislature indicated last year that this work should be undertaken and I concur. We can look now toward a much brighter future if we use our wealth wisely to develop the people of Alaska, than if we hide our wealth away in banks and impose harsh general tax levies to meet the reasonable needs of Alaska.

We have a bright future, and it is a solid future, when viewed from the more appropriate perspective of the long term.

But the illusion of limitless wealth which was popular a year ago needs revision. A fresh, tough-minded appraisal is in order if we are to face today's realities, as we must, if we are to move forward soundly.

Despite the investment earnings, the magic figure of 900 million dollars in oil lease bonuses will have shrunk to approximately 814 million dollars by the time the appropriations made last year are satisfied.

Even while we still talk of the 900 million, the machinery of financial necessity is in motion to reduce it by some 85 million dollars.

The budget balanced without invasion of the bonus monies was an illusion, built partly on a 40 million dollar oil lease sale that did not materialize.

The budget adopted last year is mortgaged to 16 million dollars in unavoidabale supplemental appropriations which you must now provide. Thus, for practical purposes, nearly one hundred million dollars of the bonus money is already committed as I come before you today.

I do not criticize these expenditures. They were largely necessary. But we must plan cautiously the course we are taking.

Our wealth must not be totally exhausted before the royalties from the flow of North Slope oil start to come in.

The printed document being presented to you today describes most of the second step in the direction which has been chosen.

This document, which evolved before I took office, was unfortunately not available to my Administration in time for more than a cursory examination. While I would have liked to rework it, there simply has not been time.

This will have to be undertaken as we work together during the session. An administrative review of the budget is now under way.

You need to be aware of the costs built into next year's budget which are not reflected in the printed document. So that you will clearly see the cost of those proposals which reflect redirections which I see as necessary, I have included these major items in the appropriation bill before the results of our review are available.

The scope of my new proposals and programs to this point for the people of Alaska is, therefore, reflected in the appropriation bill accompanying the printed document.

The findings from the review will enable my Administration to establish its own financial plan for Alaska in detail.

We expect there will be necessary redirecting of funds in programs where the intended benefits to people are not being produced. And we anticipate finding places where trimming can be accomplished in line with redirection of available funds.

The amount of the appropriation bill I am submitting to you today, including $309.9 million proposed in the printed document, totals $318,079,800.

This compares to the current year's general fund total of $314,242,100, a figure which increases to $330,743,900 when the supplementals mentioned earlier are added to it.

The funds I am proposing for establishment of the important functions Alaska needs in environmental protection, fisheries rehabilitation, consumer protection, law and justice, State employee benefits, and other areas are as follows:

$500,000 for initial funding in creating a strong geophysical division in the Department of Natural Resources so that Alaskans, as I outlined to you earlier today, can be assured of obtaining full value and benefits from our natural resources.

$750,000 to launch a vitally needed fisheries improvement program including the clearing of salmon streams and stocking of various barren lakes. I expect this investment to yield many times its size in return through the rejuvenation of our fisheries resources.

$3,263,500 for establishment of a Department of Environment, of which $500,000 in new funds is required.

$500,000 for pipeline construction monitoring to provide environmental protection surveillance.

$4.5 million to provide for the State employees' pay raises. This is called for in the annual salary survey ordered by the Legislature last year.

$100,000 for establishment of a Center for the Administration of Justice. This center, for the training of personnel and the development of research and proposals to meet the challenge of crime in Alaska, is needed for us to achieve our goals, which are all based on the premise of an orderly society.

$250,000 for establishing a full-time advisor on consumer affairs, and the strengthening of consumers' protection functions within the Department of Commerce.

$200,000 for a Youth Intern Program to enable young people to serve as special assistants in the Governor's Office and in the offices of commissioners in the State cabinet. This program will encourage participation by youth in the decision making processes of our government. This will include a program of high school students serving as members of various important boards of the State.

$900,000 for giving State employees the benefit of coverage by the employment security system. We are long overdue in protecting State employees from the hardships of economic dislocation.

In addition, you should be aware of several items which will not be in the general appropriations bill.

I estimate that $150,000 will be needed to fund a commission, and the advisory and consultant services it will require, to plan for the Constitutional Convention recently approved by Alaska voters. This amount will be needed prior to the next fiscal year and will be submitted to you later as a supplemental appropriation this year.

Further, the conducting of the Constitutional Convention itself will be a substantial item of funding requiring consideration by this Legislature.

Since taking office, I have revised plans for the Marine Highway System. This revised program should satisfy predicted needs for capital improvements for the system in Southeast Alaska for at least the next eight years without further general-fund financing except on a short-term basis.

As the key to the program, I have ordered plans for a new Alaska vessel, capable of carrying up to a thousand people, greater in passenger capacity and for all types of vehicles than any of the existing vessels.

The sleek, 407-foot vessel will have full ocean-going capability, so that if the need arises it can be used in any type of service, in any waters, at any time of the year. It will berth 300 persons, and accommodate approximately 175 automobiles or a combination of trailer vans, campers and automobiles numbering 135.

The total vehicle capacity of the ship will be slightly over 70 percent greater than that of any of the main-line vessels now plying the waters of Southeast Alaska.

The new ship, added to the established three-vessel fleet, will add flexibility. And it will greatly step up the frequency of service which is critical to the successful growth of the Southeast Alaska system and the region it serves.

In addition, two modern and fully equipped smaller ships will be added. One of the new ships will take the place of the M/V Bartlett in the Prince William Sound area of Southcentral Alaska. The other will provide service in the Northern Panhandle of Southeast Alaska.

And the Bartlett will be permanently assigned to the southern and west coast area of Southeast Alaska.

This arrangement will not only provide service to the western islands of Southeast Alaska, but it will also enhance the efficiency of vessels on the main runs by providing connecting service to the larger vessels in the system.

The two smaller vessels will measure 235 feet, with a service speed of 15 to 18 knots and passenger capacity of 190 to 200. Vehicle capacity will be 46 automobiles or a combination of units, including campers, totaling 31.

It is my hope that when the Congress of the United States is convinced of our intent to build a new vessel in America, Alaska will be granted a temporary certificate of exemption from the Jones Act for the foreign-built Wickersham until the new vessel is completed.

This would allow expanded service within Alaska immediately. The Wickersham could then operate directly between American ports. And plans would be developed for sale of the Wickersham upon completion of the new vessel.

Because the Wickersham is prohibited from operating directly between American ports, more than $500,000 of likely revenue escapes us each year.

Assuming that we receive the Jones Act waiver as indicated previously, the additional revenue that the State should realize from full utilization of the Wickersham's capability during the time it takes for construction of the new vessel should amount to at least one and one-half million dollars.

The plans I have ordered also provide for lengthening and complete renovation of a Malaspina-class vessel. Her length would be increased to 409 feet through an addition of 56 feet to her midsection. Berths would be provided for an additional 200 passengers, with total passenger capacity increased to over 750.

Plans also provide for construction of necessary terminal facilities for the new smaller vessels at new ports served. And it includes four and one-half million dollars in reserve for lengthening of a second Malaspina-class vessel if desired.

The costs break down this way:

$17.5 million for the new vessel.

$8 million total for the two new smaller vessels.

$4.5 million for the lengthening of a Malaspina-class vessel, plus $4.5 million for a second lengthening if desired.

$1.5 million for port facilities.

Total costs come to thirty-six million dollars.

The financing breaks down this way:

$21 million from bond funds which Alaska voters approved in the November 1970 election.

$8 million from Federal funds available under terms of the Federal Highway Act of 1971.

$7 million to come from the sale price obtained for the Wickersham.

This total also comes to $36 million, all without any further appropriations for capital outlay from the general funds of the State.

Among the Major items of increased funding in the printed document being presented to you is $87,771,000 for the Department of Education, an increase of $8.6 million.

Major program increases in the Department are $1.1 million for the scholarship loan fund, $548,400 for Educational Broadcast Commission functions, $4.3 million for the Public School Foundation Program, $400,000 for pupil transportation, and $1 million for debt retirement.

The increase in school lunch program funds is $496,000 under a permanent grant-in-aid program of financial assistance in the form of cash and food.

In vocational education, there is a $450,000 increase for non-degree Community College programs, and $499,700 in additional support to the boarding home program for regional schools.

For State operated schools, an increase of $1,315,000 is proposed for area schools, and one of $564,400 for special programs in the Teacher Corps/Opportunity Program project.

For the University of Alaska, $22,800,000 is proposed. This is an increase of more than $5 million.

The money includes providing for a lower-cost "college education at home" in many Alaska communities and for special vocational, adult and retraining programs to fit local needs.

The University also proposes redirection of its research programs toward significant studies in further development of resources and environmental work.

General fund amounts include $925,000 for Alaska Methodist University and $215,000 for Sheldon Jackson College, in the category of contractual support of private colleges and universities.

Major increases for the Department of Public Works are $589,700 for Airport Operations. This program includes the operation of a State-wide network of land and seaplane facilities as well as the maintenance and operation of all State-owned aviation facilities, with the exception of Anchorage and Fairbanks International Airports.

$1,181,500 for Anchorage International Airport provides funding for 24 new positions, contractual services and commodities, and equipment.

$171,900 is the program increase for Fairbanks International Airport.

$387,900 is proposed for Central Communication Services, with $300,000 of this sum needed primarily for the purchase of new radio equipment requested by various agencies. This includes installation and maintenance of radio equipment in remote villages having no other means of communication.

Major increases in the Department of Health and Welfare are $250,000 for Adult Public Assistance; $750,000 for Aid to Families With Dependent Children; and $105,100 for the Food Stamp Program. Increases in the Division of Corrections are $416,500 for the Care of Prisoners and $246,900 for the Care of Juveniles.

I am convinced we can finance these proposals and programs which I have outlined to you in a sound and fiscally responsible manner.

This will require that we make sure every dollar spent returns its full share of intended benefits to Alaskans. It will require that we hold the line within reasonable limits during the several years prior to the time the full volume of oil begins flowing to market from the North Slope.

Holding the line does not mean there is a moratorium on efforts to meet our needs. But it does mean we have to make sure our money is producing the desired results in the programs in which it is invested. It means that if our money isn't producing the desired results, it must be redirected so that it will.

This will require thrift, both on my part and on yours. It requires diligent and thorough examination of all expenditures.

A brief look backward, and a look forward based on projections for the next five years provides the necessary perspective.

As I mentioned earlier, our surplus funds had dropped to slightly more than $814 million with the initial demands on it to finance this current year's budget.

Financing the general appropriations bill I am presenting to you today reduces that surplus to just over $712 million.

That is the picture we will be looking at when we meet here at this time next year—assuming that the proposed appropriations bill being presented to you at this time represents essentially the final appropriations by this Legislature.

We have made a projection, based on a calculation of revenues and predictable expenditures for the next five years. It includes an anticipated increase in expenditures of 15 percent a year, which is a reasonable estimate in view of the State's past budget experience year-to-year, and in view of the budget level geared up to at this point.

This five-year projection shows us with a balance of surplus funds of about $85 million by the end of 1975–76. It is a sobering picture, but it need not be a dismal one.

Anticipated revenues show a good increase in fiscal 1974–75, based on the informed estimate that 1974 is the earliest time during which oil can begin flowing to market.

That increase alone is not enough to meet our needs, but the oil bonus monies have bought us time to plan for other ways of increasing State revenues. The geophysical division I have proposed, the fisheries rehabilitation program, the Department of Environment to lay down guidelines in order that industry can know what is expected of it and invest in our State with a feeling of security, these are all examples of what we can do to increase our revenue base.

In the meantime, we have the means of meeting our needs if we manage our money wisely.

We are, for the first time in history, able to catch up on the basic services which Alaskans have gone without for so long. We are doing that.

We have, for the first time, the means to set a solid and humanly meaningful course for the future. We will do that.

Prosperity is finally ahead and we have the time to carefully plan for it. We *must* do that.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. HANSEN. Mr. President, our Constitution guards against the dangers of majority rule in a number of instances. Some of these are the requirement for a two-thirds vote of the Senate to ratify a treaty, a two-thirds vote of both Houses to override a veto, a two-thirds of both Houses to pass constitutional amendments, a two-thirds vote of the Senate to convict on impeachment, and a two-thirds vote of each House to expel a Member. The prevailing fraction in the Constitution is two-thirds—not the three-fifths advocated by some.

Mr. President, anyone can grab a tiger by his tail, but the expertise is required for the second step—turning him loose. Should the Senate take such a revolutionary step, and reduce the requirement for limiting debate from two-thirds to three-fifths—then we are only a little longer jump from dropping the requirement to two and one-half fifths plus one Member—that is 91 percent.

Some will argue that there should be no magic in the figure two-thirds. By the same token, I fail to see the magic of the number 60, except that it moves us nearer to rule by a simple majority, which is a distinct danger to our form of government. A simple majority if all Members were present, could, of course, be 51. On a vote that close, one man would have tremendous power. It is not unforeseeable that one Member would find himself in the position of depriving the representatives of 100 million Americans, less than half our population, the privilege of being heard.

To move to a 60-vote requirement, three-fifths, would put us only nine votes from dealing with a simple majority. Many who oppose the rights provided by rule XXII, will argue that that could never happen, but it is not impossible if the safeguards of two-thirds as recognized in the Constitution as being the more reasonable figures are so weakened that action can come with greater haste, with less wise deliberation.

Mr. President, I hold the opinion that in this Republic our minorities have certain inalienable rights which no majority should override. One of these is the freedom reasonably to express their views and prevent a trampling of their rights—to prevent an unmindful action. There is great value in extended debate until such time as a broad political concensus has developed upon an issue.

Such reasoned debate prevents the sort of stampede that perhaps Dag Hammarskjold had in mind when he said:

> The madman shouted in the marketplace. No one stopped to answer him. Thus it was confirmed that his thesis was incontrovertible.

Many distinguished Senators throughout our history, have risen—taking advantage of the right to extended debate—to point out the fault of such a thesis—to answer an enthusiastic majority that means well but gets in too big of a hurry.

Mr. President, I hope that the Members of this great body, will not, at the beginning of each session, throughout their time of service have to debate this matter. I believe that all of us know most of the arguments for both sides in this matter and that we embellish those points as best we can to try to draw others to our points of view. Perhaps there is the hope by some that new Members of the Senate can be influenced through these almost biennial attempts to destroy the historic two-thirds rule. I think not. I believe one of the reasons new Members seek to become Members of the Senate is to become a part of the greatest deliberative body in the world. Extended debate is a vital ingredient of this deliberation for which this Senate is famed.

I should like to quote from remarks by our late and beloved colleague Everett Dirksen of Illinois on January 11, 1967, describing the biennial attempts to alter the rule, and his views on the matter:

> We have been through this biennial convulsion four or five different times over the past 10 or 12 years, and now it appears that we are going through this quiet agony all over again.
>
> I believe that the Senate might be well advised to prepare itself for a rule discussion which is not going to end in a day or two, if I have anything to say about it.
>
> I do not wish to see these rules changed so lightly.
>
> If time permits, I invite attention to the most recent classic example which was cited, on repeal of section 14(b) of the Taft-Hartley law in the last session of Congress. When we finally got time to inform the country, I think there was as many union men as nonunion men who deluged the Senate with mail and telegrams that they were opposed to repeal of section 14(b) because it was the only disciplinary weapon that they had, ofttimes, to keep their union leaders straight.
>
> We do not do that in a day, or a week. It takes a good many weeks to inform the electorate in a country of 195 million people. Mr. President, that is why both these proposals should be rejected. We should preserve rule XXII.
>
> Mr. President, we never had any trouble. I speak with knowledge when I say that in the 1964 debate on the major civil rights bill we obtained cloture. We could have obtained cloture on the voting proposal in 1965, had it been necessary. We could have obtained cloture in 1963, if we had to.
>
> Anyone who has a case can make his case to get cloture in this body, because we have proved it.
>
> Thus, why go about lightly now changing rule XXII which is a safeguard for the minority against the tyranny of the majority?
>
> Suppose the Senate had passed a constitutional resolution to give a 4-year term to House Members so that it would be coterminous with the President's term. At a moment when an emotional issue was before the country and there was a one-sided majority in both bodies, as it proved to be over the past few years, we could ram anything through this body. It would not make any difference what it was.
>
> Therein lies the safeguard of rule XXII.
>
> In 1934, I remember that President Franklin D. Roosevelt said to the House of Representatives:
>
> "Let no doubt, however reasonable, about the constitutionality of this bill deter you from passing it forthwith."
>
> That is what he said to Congress. That is the kind of condition we are likely to get.
>
> When Harry S. Truman wanted to take the miners and the railroaders into the Army, unless they went back to work, it was the fellow standing right at this desk who stopped it. If necessary, the cloture proposal was there. Obviously, there would have been sufficient debate for the whole country.

Mr. President, in our system of Government, there are possibilities where legislation can be gaveled through the House of Representatives at high speed with very limited debate under special rules framed by a partisan committee. Under such procedures, it would be essential that a forum for thorough debate remain. That place is the U.S. Senate, and it must remain such a forum.

I cannot recall a really meritorious measure proposed that has been defeated permanently by extended debate. The only check upon presidential and political party authority, when a President is of the same party as a substantial majority of the Senate and of the House, is unrestricted debate. Such debate certainly is justified by the nature of our governmental system of separated powers in which the Senate plays a significant role as the check upon the executive branch. This responsibility could not be performed without full freedom of debate.

All of us have mourned the loss of the great Senator from Georgia, Richard Russell. Senator Russell was a stalwart defender of the right to unrestricted debate. He believed that minorities are entitled to be heard.

Mr. President, I should like to quote from some of his remarks on this subject, for his experience was far greater than mine, and he knew far better than most—from personal experience over the many years he served—the importance to this Republic of full debate on all issues of great import, or that advocated radical change at what was perhaps an improper time in the development of this Nation. Senator Russell said the following on January 12, 1967:

> I wish to make a few brief references to the importance of the issue that is at stake before the Senate in this proposal to rewrite the rules of the Senate.
>
> This proposal goes much deeper, Mr. President, than the right of an individual Senator or a group of Senators to engage in a prolonged discussion that might be labeled a filibuster. The real issue, the real nub of the question before the Senate, is whether we are to alter the role and the position of this body in our great scheme of government.
>
> Mr. President, it was said on the floor of the Senate yesterday that the Senate is the only parliamentary body in the United States where a Senator could not rise to his feet and make a motion that could be carried by a transient majority of one, to gag the other Members of that body and prevent them from speaking. It was said that a rule existed in all other parliamentary bodies on earth, including the House of Commons of the British Parliament, by which a motion carried by one vote would gag the remainder of the body. And that statement is true.
>
> It is true, Mr. President, because the Senate has individuality. It has qualities that are different from those of any other parliamentary body ever created by the mind and ingenuity of man.
>
> Mr. President, the greatest difficulty confronted by the Constitutional Convention that wrote our basic charter—a charter which receives rather short shrift these days, not only in the courts but here in the Congress and at the hands of the executive departments, and indeed at the hands of some of the teachers of political science—the greatest difficulty they encountered in reaching agreement and accord on the basic charter of our liberties and the bulwark of our rights, the Constitution of the United States, was on the question of the composition of the parliament of this country, or, as they designated it, the Congress of the United States. The little States would not go along with the proposition that it should be based purely on population, and it took a long time to work out a compromise.
>
> The compromise they eventually reached places on this body an indelible stamp that differentiates it from any other parliamentary body on earth; because under that agreement, the smallest State has the same representation in this body as the largest and most populous.
>
> That is true today. Not only did they make that provision, but they provided the only limitation in the Constitution that is not subject to amendment without the consent

of the States, because they went further and said in article V:

And that no State, without its consent, shall be deprived of the equal suffrage in the Senate.

So when Senators speak lightly of invoking a gag rule in the form of the States of this Union, on the ground that it is different from other parliamentary bodies, I say, Mr. President, that that is the strongest reason for not tampering with these rules, and for not shutting off or stifling the voice of any representative of any State, be it great or be it small, until he has had an opportunity to discharge his responsibilities here.

Why do men wish to be U.S. Senators? Why, Mr. President, do Members of the other body, which is a coordinate branch of this Congress with the Senate, so often desire to offer for the Senate of the United States? Why do men desire to come from Governors' chairs to the Senate of the United States? I submit that it is because of the very differences that distinguish this body from every other legislative body on earth.

Yet we are told that because the Senate is different, we have got to change it and make it like all the others, even though to do so would be a serious invasion of the whole theory of our republican form of government, as contemplated by the Founding Fathers. Now we are being asked to whittle away and destroy the powers and the rights of those who serve here. In the old days, they were referred to as ambassadors of their respective States. Now we are told we should make the Senate just another parliamentary body, exactly like any other. Now we are told that because in the senate of the State of Georgia a member can rise, move the previous question, and shut off debate when Senators have not had an opportunity to express themselves, the same rule should apply in the Senate of the United States.

Mr. President, I have never heard a more fallacious argument. Yet Senators absorb it. You see them drink it in.

Here we are, Members of the greatest deliberative body on earth, bearing an honor in the parliamentary field that is greater than any that has ever existed except in the earlier days of the Roman Senate; yet some Senators are pressing us into destroying this body, into eroding their own powers, into disfranchising their own States, and preventing their States from being represented properly here.

It was done first, Mr. President, in the name of civil rights. They came forward and said, "We have got to make these changes because we can't pass any civil rights bills." Well, a number of sweeping civil rights bills have been passed in the last few years. The last one proposed, the open housing bill, did not pass. I do not know whether or not it would have been enacted if we had had the majority gag cloture rule that is being urged on the Senate. But we passed bills that dealt with every other subject. We voted on, I think, some 70 amendments in 1964, dealing with every facet of the relationships between the races, and between the races and their government, and we did it under the present rules of the Senate.

Mr. President, I have waited a long time for a Senator to come forward with a list of bills vital to the security and progress of the United States that have been killed because of the right of free speech in the Senate of the United States. I have never seen one example brought out here. But I have sat in the Senate for the past 34 years and have seen the exercise of that right prevent the passage of many bad bills, bills that would have been injurious to the people of the United States.

Make no mistake about it. If we go ahead and pass this majority gag cloture, we will soon be met with a change in the rules that will deny or limit or restrict the right of amendment in this body. Mark that prediction. We will have a situation in the Senate in which a mere majority, a bare majority, a temporary majority of one will get some kind of rule, such as they have in the other body, that will keep a Senator from offering an amendment to a bill. It will make a U.S. Senator run around and beg to get the chance to speak for 3 minutes on a bill.

That is where the proponents are trying to take us with this type of change in the rules. It will destroy the prestige of the Senate. The Senate has had prestige in this country despite the efforts of many Senators to shatter or destroy that prestige.

This would destroy or impair the greatest element of checks and balances among the three divisions in our Government, the judicial, the legislative, and the executive.

The Senate is the foundation of that division of powers. It is the balance wheel on which the division of powers in the system of checks and balances revolves.

It is because of the fact that it is different from all other parliamentary bodies that it has been able to make its contribution in war and in peace under rules permitting more freedom of debate than the present rules would permit, without impairing the welfare of the Nation, but contributing mightily to the building of the greatest society that has ever existed under the canopy of Heaven.

It has contributed to the making of the American way of life that is the envy of mankind everywhere. It has been done under these rules, and yet they say, "we come in here now with a form of gag to deny the right of meaningful debate in the Senate. And do it in the name of democracy."

Mr. President, when they talk about amending the rule because it is necessary to pass civil rights bills, that is sheer hypocrisy. It has been demonstrated that they can pass such bills under the present rules. Not only that, but a determined majority in the Senate has passed every bill they desired to pass when in the hearts and minds of the majority of the Senators they wanted the bill, since I became a Member of this body.

Where are we going to have our debate? How are we going to take the question to the people of this country? Make no mistake about it, we are not living in the simple days of the early life of this Republic, and I admit that, but I say that that is all the more reason to have the right of free speech in the Senate.

It is hard to get through to the people of this country what is involved in the very complex and complicated issues that pass through here in the way of legislation. However, if the proponents can just get a gag rule through, they can then go forward and destroy or limit the right of amendment in the Senate of the United States. They can then pass the economic and social legislation they want, legislation that will revolutionize this country and will destroy this system that has afforded men the opportunity to make progress and to go forward and to succeed in accordance with their abilities, in accordance with their talent and their energies, the opportunity that has made this great country of ours.

Mr. President, Senators talk about a majority of the Senate having the right to vote at any time. There are a number of things that have been put beyond the limit of the majority. The right of private property in this country was supposed to be protected in the Constitution of the United States. Founding Fathers did not leave it to the mercy of a simple majority in the House of Representatives or in the Senate of the United States. They put it in the Constitution, where it would require not only a vote of two-thirds of all the Senators, but also the approval of three-fourths of all the States.

They did the same thing with respect to the right of religious liberty and the right to worship God according to one's own wishes and ideas, or the right not to worship any god if one saw fit.

They said that that could not be changed by any mere statute, but must be changed by a two-thirds vote.

Even the Founding Fathers, with all their brilliance, could not look down the lane 190 years and anticipate what would happen. Even with all their brilliance, they could not possibly have predicted or envisioned what we have done in this country and the developments of the 20th century that have within the period of 60 years changed the manner of living and habits and thinking of mankind to a greater extent than in any other period of a thousand years in human history.

So please, I beg, Senators, even those who in a moment of weakness have made some commitment with respect to this matter, to go over it in your minds and think over again what the effect would be.

I know about the frustrations of long debate here. I suppose I have been involved in my share of it on both sides of the fence.

It is human nature that if you have a bill up and have a majority of one in the Senate, you are ready to vote then, and any debate against that bill is something that is irritating and frustrating, because you cannot bring the bill to a vote immediately with that majority of one.

Mr. President, the majority is not always right. Down through the years there are great monuments, tragic monuments, to the failure of the majority to be right, the errors of a temporary majority such as it is proposed to subject the Senate to, a proposal to turn loose all the fires of partisanship to a mere majority, to close off debate and silence the opponents before they have had a full and fair chance to make their case before the American people.

It is sometimes hard to let it seep through. Sometimes when you are defending what you believe in, but which may be unpopular for the moment, you do not have the great media of communications to support you. They have a way of getting together sometimes, and they will exalt statements in favor of the issues they support and will minimize statements in opposition to those issues.

It is more difficult today than ever before to get both sides of the case before the American people. But I can assure, Senators, on the basis of almost 35 years of service in this body, that there are two sides to every question.

Maybe most of us think, "There is my side and there is the wrong side," but often the side you are for and the side I am for is the wrong side—and it happens time and again.

Mr. President, the Senate was created to give a full chance to expose here the errors of the other branches of the Government. One of its main purposes was to permit a complete revision or canvass of the acts of the other body, to have full sway to offer amendments, and to make speeches to point out those mistakes.

Over the years, when you balance it up, the right of free speech in this body has been vastly more beneficial in the preservation of our system of Government, in maintaining our system of checks and balances, in trying to maintain the division of powers between the three separate branches of the Government, than the action of any army. The Senate is the last bulwark of the minority in this land.

Mr. President, I shall not delay the Senate much longer.

I have sat in this Chamber with men who were real liberals. They did not have to get a big badge and write on it, "I am a liberal," and run around saying, "I am a liberal. Look at it. Here is my badge." I mean men like Bill Borah, George Norris, and Hiram Johnson. I did not serve with the elder La Follette, but I served with his distinguished son, who was completely indoctrinated with his father's political philosophy. Every one of them defended the right of free speech in this body as the last defense of a minority that might be oppressed.

Now, the majority will work its will. It may have a little trouble. It may have delays. The members of the majority may get tired of sitting around listening to debate that men of good faith are making; to speeches made in the Senate, with which I thoroughly disagree, but upon which Senators had spent hours of labor. They rendered a public service, because they helped to open up before the American people both sides of the question.

This is not a partisan matter. This is a matter that goes to the heart of our system. The Senate of the United States is a unique body. It has been the most useful instrumentality of government down through the years. It has served this Nation well as a continuing body, with two-thirds of its Members going over from election to election, as the Founding Fathers provided, to carry with them experience and an understanding of the operations of the other branches of the Government, so that they might help to protect the people of this country from the excesses of the executive branch of the Government or to undo some excess or wrong that was worked by the decisions of the judicial branch of the Government.

The Senate has had a proud history. Oh, we have made mistakes, because we are human. We are fallible, as are all other men who are born of women, and as are women who are born of women. But, Mr. President, the Senate owes its greatness to the right of the representatives of the States of this Union to stand up and speak their pieces. This is the only place where that can be done.

I do not guarantee these figures, but I think they are correct. The last time I checked them they were correct. In the other body, the solid votes of nine States can overcome the resistance of all the Representatives of the other 41 States in affairs of legislation that would be beneficial to those larger States.

In the general scheme of things, the smaller States are always disadvantaged and handicapped. That is true in the organization of our political parties. It is true in the other body. Until recent years, very few men from very small States were even appointed to the President's Cabinet. The one place where the small States had a right to be heard, where they could defend the interests of their people, was the Senate of the United States.

I never cease to be amazed when I see representatives from some of the smaller States come into the Senate and attempt to denigrate the only power of the small States which equalizes them with the larger. It is not true anywhere else. It is not true in an election. It is not true in the other body. It is true only in the Senate of the United States.

Let those who wish to have gag rule that is more inflexible than the existing rule XXII bring a bill of particulars, and say: "Here are the bills that are vital to our people, that were defeated because we did not have immediate gag rule to shut off debate in the Senate of the United States."

Let them bring a bill of particulars. Certainly in over 190 years there must have been a number of such bills. If the situation is so bad that we have to go through this procedure at the beginning of every Congress, and it is said, "The Senate is not a continuing body; therefore we have a right to shortcut the rules," even though the rules specifically provide that they shall carry over from one Congress to the other, let the proponents bring in a bill of particulars.

In spite of all that, this drive goes on and on and on. I can understand it on the part of Senators from the very large States.

Mr. President, from the standpoint of the Senate itself as a body—I have great respect for the Senate of the United States as an institution—I think the right of free speech in this body has been one of the factors that has made this Government, this system of ours, the oldest operating system of government on earth today. Our Constitution is the oldest charter. I do not like to see Senators take lightly these proposals to so drastically change the rules.

As a matter of fact, up until 1917 there was no way on earth to prevent any Senator or group of Senators from speaking as long as they wished. During the First World War and afterward, in connection with the so-called armed-ship bill and two or three other measures, rule XXII has been modified two or three times. Now it is proposed to strike it out almost completely, with a great statement of words. The proponents say that to do so will protect the rights of Senators. Mr. President, the only way the rights of Senators can be protected in representing the States that sent them to the Senate is to preserve the right of free speech in the Senate. When that right is limited, the power of every Senator is limited, and the rights of the State that sent him here are circumscribed.

I realize that there are those who are committed to the doctrine that the States no longer serve any useful purpose and that it would be much more efficient and much better to have everything, from parking regulations on up to the treaties that, under the present Constitution, must be submitted to the Senate, decided by some vast bureaucracy on the banks of the Potomac. But if that is true, it flies in the teeth of human experience; because the shores of history are littered with the wrecks of civilizations that have tried that, that have enticed men to surrender their rights to someone who is going to be able to be more benevolent to a person than he could be to himself—the old "something-for-nothing" theory.

That is the objective of some of those who are seeking to bring about various changes in our system. This rule has worked no great wrong on the American people. To change it and institute gag rule in the Senate will work great wrong on them.

If the Senate in a moment of weakness adopts this gag rule, I do not doubt that a time will come when the authors will have the unfortunate end of Haman, who built the gallows for Mordecai and was hanged on it himself.

Mr. President, the late Senator from Georgia, whom we all admired, spoke with wisdom based upon experience. None ever doubted his integrity, and none ever doubted that what he did was absolutely for what he believed was the good of these United States.

The President pro tempore, Senator ELLENDER, also is blessed with the wisdom of long years of experience in the Senate and in dedicated service to this Nation.

I am confident that the distinguished senior Senator from Louisiana, the senior Senator of this body, will attest to the value to this country of extended debate. These men have participated in the making of much of the history of the United States in this century, and they have seen first-hand the importance of the two-thirds requirement in the progress of the Nation.

These distinguished gentlemen who have the concrete records of having helped carve out the prominent position of the United States in the history of the world, know the value of being tolerant to minorities—of seeking the contributions that minorities can make to the welfare of the entire Nation—of finding the wisdom that will come forth through extended debate—and of reaching the compromises that result in a maximum of good to the all and a minimum of damage to the few.

There is a humorous old adage to "Always be tolerant with those who disagree with you, because they have a perfect right to their ridiculous opinions." Often in day-to-day life—and in history, minority opinions have seemed ridiculous at the outset, but have later proved more valid than the majority opinions. I believe that Columbus had faith in a minority opinion that the earth is more round than flat. It was not until this century, I think, that more than a minority believed man could ever fly.

Not too many years ago, only a minority believed American women should have the right to vote. I am proud of the fact that Wyoming was the first State to grant woman suffrage—and that was in the past century when a majority of Americans had taken no action.

Mr. President, there are many more examples of the sort of wisdom that can be brought forth when minorities are granted the opportunity to express themselves. It is my fervent hope that the 92d Congress will not deprive the Nation and its generations to come of the potential benefits that unrestricted debate can produce—either in the development of new ideas, or in the responsible role of insuring that change occurs with caution and with full consideration of the possible consequences.

Mr. President, on January 18, 1967, the late Senator from Georgia, Mr. Russell, made these observations.

> Mr. President, how can the Senator embrace all his proposals within one motion? It gets to be a divisional question. He will have to submit his motion in two questions. I am confident I am right about that.
>
> The VICE PRESIDENT. The clerk will restate the motion of the Senator from South Dakota for the edification of the Senate.
>
> The assistant legislative clerk read the motion, as follows:
>
> Mr. President, under article I, section 5, of the Constitution, which provides that a majority of each House shall constitute a quorum to do business, and each House may determine the rules of its proceedings, I move that debate upon the pending motion to proceed to the consideration of S. Res. 6 be brought to a close in the following manner:
>
> The Chair shall immediately put the motion to the Senate for a yea-and-nay vote and, upon adoption thereof by a majority of those present and voting, with a quorum present there shall be two hours of debate upon the motion to proceed to the consideration of S. Res. 6 divided equally between the proponents and the opponents thereof and immediately thereafter the Chair shall put to the Senate, without further debate, the question on the adoption of the pending

motion to proceed to the consideration of S. Res. 6.

Mr. RUSSELL. Mr. President, the motion is confused. One-half of it will have to be submitted at a time. Both proposals cannot be submitted at the same time.

The VICE PRESIDENT. The Senator from Georgia is correct in reference to his request that there be a division of the question, under Senate rule XVIII; and that division of course, would take place at the time of the vote upon the motion. However, the Chair should say that a point of order can be raised against the entire motion at any time.

Mr. President, I think here again we see concrete evidence of the wisdom of unlimited debate. The distinguished late, beloved Senator from Georgia pointed out, as I have just read, back in 1967, that there is no way under which a complicated proposition can properly be placed before the Senate.

I would hope that the Senate would consider very carefully the advice that this wise and kindly man gave.

I yield the floor.

THE RURAL JOB DEVELOPMENT ACT OF 1971

Mr. PEARSON. Mr. President, on January 27, I introduced S. 346, the Rural Job Development Act of 1971. Inadvertently, the text of the bill was not printed in the RECORD as I requested. Therefore, Mr. President I ask unanimous consent that the text of S. 346 be printed in the RECORD at this time.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 346

A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Job Development Act of 1971".

DECLARATION OF PURPOSE

SEC. 2. The purpose of this Act is to increase the effective use of the human and natural resources of rural America; to slow the migration from rural areas due to lack of economic opportunity; and to reduce population pressures in urban centers resulting from such forced migration.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "rural job development area" means any area which the Secretary of Agriculture determines is—

(A) a county—

(i) no part of which is within an area designated as a standard metropolitan statistical area by the Bureau of the Budget,

(ii) does not contain a city whose population exceeds fifty thousand, and

(iii) in which more than 15 per centum of the families residing therein have incomes under $3,000 per annum; or

(B) a county defined in paragraph (A) (i) and (ii) in which for the most recent five years employment has declined at an annual rate of more than 5 per centum; or

(C) an Indian reservation or a native community designated by the Secretary after consultation with the Secretary of the Interior; or

(D) a county defined in paragraph (A) (i) and (ii) and is undergoing or is likely to undergo a substantial emigration of persons residing therein (other than military personnel and their dependents) as a consequence of the closing, or curtailing of operations, of an installation of the Department of Defense.

The Secretary's findings under this subsection shall be made on the basis of the most recent satisfactory data available to him.

(3) The term "person" means an individual, a trust, estate, partnership, association, company, or corporation.

(4) The term "industrial or commercial enterprise" means any of the following types of business engaged in, by any person, through an industrial or commercial facility—

(A) the manufacture, production, processing, or assembling of personal property—

(i) for sale to customers in the ordinary course of business excluding any part of the activities of such business consisting of retail sales and leases, or (ii) for use in such person's business,

(B) the distribution of personal property as principal or agent, including, but not limited to, the sale, leasing, storage, handling, and transportation on thereof but excluding any part of the activities of such business consisting of retail sales and leases, or

(C) the construction of any building in a rural job development area as contractor for, or for sale to, any customer, but only in the case of a person engaged in the business of constructing such buildings as a contractor for, or for sale to, customers.

The term "industrial or commercial enterprise" does not include the activities of selling, leasing, or renting out of real property including the selling or leasing or renting out of a factory, workshop, office, warehouse, sales outlet, apartment house, hotel, motel, or other residence, or the lending of money or extending of credit.

(5) The term "industrial or commercial facility" means a fixed place of business, in which an industrial or commercial enterprise is wholly or partly carried on, including but not limited to—

(A) a place of management or office,

(B) a factory, processing facility, plant, or other workshop,

(C) a warehouse or sales outlet,

(D) a center for the transportation, shipping, or handling of property,

(E) a recreation facility, including guest accommodations constructed as part of such a facility, providing recreation to the public for a charge or fee which is (i) not inconsistent with State recreation plans, approved by the Bureau of Outdoor Recreation, (ii) other recreation facilities consistent with local economic development plans, but no benefit shall be granted for recreation facilities where the tax credit would result in an undue local competitive advantage.

The term "industrial or commercial facility" does not include any store, or other premises, or portion of premises used as a retail facility.

(6) The term "retail sale or lease" means a sale or lease made to a party whose payments therefor do not constitute the expenses or costs of a business.

(7) The term "retail facility" means a store, premises, or portion of premises in which a substantial percentage of the sales or leases are retail sales or leases.

TITLE I—ELIGIBILITY FOR ASSISTANCE

CERTIFICATION

SEC. 101. (a) The Secretary shall issue a certificate of eligibility for benefits under this Act to any person who is engaged in an industrial or commercial enterprise, through a new industrial or commercial facility (or a new portion of such a facility) located in a rural job development area, if—

(1) such facility has been approved by local authority as consistent with local zoning ordinances and economic and physical planning;

(2) such facility (or new portion thereof) was placed in service by the person to whom the certificate is to be issued in a rural job development area in the first taxable year of the certification period;

(3) placing such facility (or new portion thereof) in service has resulted in regular, full-time employment by such person of at least ten additional persons;

(4) at least 50 per centum of the persons employed at such facility (including the existing portion of an expanded facility) in such first taxable year are (A) persons who reside within such rural job development area or any other rural job development area within reasonable commuting distance of such facility, or (B) persons who within the three years preceding the commencement of their employment (i) have served at least one year on active duty in the Armed Forces of the United States, or (ii) have been enrolled for at least one year in the Job Corps;

(5) the Secretary determines that the industrial or commercial enterprise was not relocated from one area to another except that he may waive this requirement if (A) the establishment of such industrial or commercial facility will not result in an increase in unemployment in the area of original location (or in any other area where such enterprise conducts business operations), or (B) such industrial or commercial facility is not being established with any intention of closing down the operations of such enterprise in the area of its original location or in any other area where it conducts such operations;

(6) the person to whom the certificate is to be issued agrees, in such form and manner as the Secretary may prescribe, to maintain records listing the names and residences of all full-time employees at the industrial or commercial facility for which the certificate is being issued, the date on which they were hired, their employment, their residences and economic situation at the time of hiring, and any other information reasonably required by the Secretary for the purposes of this title; and

(7) the Secretary determines that the expected benefits to employment and to other aspects of the economic and social welfare of such rural job development area warrant the granting of the income tax incentives under title II of this Act as to the capital investment in such industrial or commercial facility.

(b) The Secretary shall issue a separate certificate of eligibility with regard to each industrial or commercial facility (or new portion thereof) which meets the requirements of subsection (a) regardless of whether such facility is operated by any person as part of a single industrial or commercial enterprise.

(c) The Secretary shall issue a certificate of eligibility for benefits under this Act to any person who is a successor in interest to any person operating an industrial or commercial enterprise which has established an industrial or commercial facility in a rural job development area and with respect to which facility a certificate of eligibility was issued under subsection (a), if—

(1) such person agrees to continue to use the facility as an industrial or commercial facility, and to conform to the requirements of subsection (a); and

(2) the issuance of such certificate is in accordance, as determined by the Secretary, with the policy set forth in subsection (a) (5) respecting the relocation of industry.

(d) The Secretary shall terminate a certificate of eligibility issued to any person under this section to operate an industrial or commercial facility whenever he determines, after an appropriate hearing, that the person to whom such certificate was issued has failed, after due notice and a reasonable opportunity to correct the failure at such facility, to carry out its agreement under subsection (a)(4). In making a determination under this subsection, the Secretary shall be guided by, but not limited to, the following criteria.

(1) A reduction in the number of qualified jobs provided by any such enterprise below the minimums specified in subsection (a)(4) shall not be grounds for termination of a certificate of eligibility issued to such enterprise, if the Secretary determines that (i) such reduction results from business or economic factors beyond the control of such enterprise, and (ii) not less than two-thirds of all the persons employed full time in such jobs by such enterprise to meet the requirements of subsection (a)(4) continue to meet those requirements.

(2) A change in the residence of any person employed by such enterprise, after his employment has commenced, shall not affect his status for purposes of applying section (a)(4).

(e) The Secretary may waive all or part of the requirements specified in subsection (a)(4) if he finds that the operation of a facility requires skills that are not available within the rural job development area and that the expected benefits to other aspects of the economic and social welfare of the rural job development area warrant granting of tax incentives under title II of this Act.

(f) Each certificate of eligibility issued under this section shall describe the industrial or commercial enterprise and the industrial or commercial facility (or the portion thereof) with respect to which it is issued in such detail as may be necessary for purposes of administering the income tax incentives under title II of this Act.

(g) The Secretary shall keep interested and participating Federal, State, and local agencies fully apprised of any action taken by him under this section.

(h) No certificate of eligibility shall be issued under this section to any person, unless application therefor is received by the Secretary prior to the expiration of ten years after the date of enactment of this Act.

REPORTS

SEC. 102. (a) The Secretary may by regulation require any person to whom a certificate of eligibility is issued under section 101 to file such reports from time to time as he may deem necessary in order to carry out his functions under this title.

(b) Whoever, in any report required to be filed under this section, knowingly makes a false statement of a material fact, shall be fined not more than $——— or imprisoned for not more than ——— years, or both.

TITLE II—TAX INCENTIVES

INCOME TAX CREDIT FOR INVESTMENT IN DEPRECIABLE PROPERTY IN RURAL JOB DEVELOPMENT AREAS

SEC. 201. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. INVESTMENT IN CERTAIN DEPRECIABLE PROPERTY IN RURAL JOB DEVELOPMENT AREAS

"(a) GENERAL RULE.—There shall be allowed, as a credit against the tax imposed by this chapter, the amount determined under subpart C of this part.

"(b) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section and subpart C."

(b) Part IV of subchapter A of chapter 1 of such Code (relating to credits against tax) is amended by adding at the end thereof the following new subpart:

"Subpart C—Rules for Computing Credit for Investment in Certain Depreciable Property in Rural Job Development Areas

"Sec. 51. Amount of credit.

"Sec. 52. Certain dispositions, etc., of section 40 property.

"Sec. 53. Definitions; special rules.

"SEC. 51. AMOUNT OF CREDIT

"(a) DETERMINATION OF AMOUNT.—

"(1) GENERAL RULE.—The amount of the credit allowed by section 40 for the taxable year shall be equal to:

"(A) 7 percent of the qualified expenditures (as defined in section 53(b)) made during the taxable year in regard to section 40 property (as defined in section 53(a)(2)), or

"(B) in the case of qualified expenditures made with respect to a section 40 facility (as defined in section 53(a)(5)) which is located in a rural development area (as defined in section 3(2) of the Rural Job Development Act of 1971) which has a population density of less than 25 persons per square mile, 10 percent of such qualified expenditures.

"(2) LIMITATION.—Notwithstanding paragraph (1), the credit allowed by section 40 for the taxable year shall not exceed the taxpayer's liability for tax for such year.

"(3) LIABILITY FOR TAX.—For purposes of this section, the liability for tax for the taxable year shall be the tax imposed by this chapter for such year, reduced by the sum of the credits allowable under—

"(A) section 33 (relating to foreign tax credit),

"(B) section 35 (relating to partially tax-exempt interest),

"(C) section 37 (relating to retirement income), and

"(D) section 38 (relating to investment in certain depreciable property).

For purposes of this paragraph, any tax imposed for the taxable year by section 56 (relating to minimum tax for tax preferences), section 531 (relating to accumulated earnings tax), section 541 (relating to personal holding company tax), or section 1378 (relating to tax on certain capital gains of subchapter S corporations), and any additional tax imposed for the taxable year by section 1351(d)(1) (relating to recoveries of foreign expropriation losses), shall not be considered tax imposed by this chapter for such year.

"(b) CARRYBACK AND CARRYOVER OF UNUSED CREDITS.—

"(1) ALLOWANCE OF CREDIT.—If the amount of the credit determined under subsection (a)(1) for any taxable year exceeds the taxpayer's liability for tax for such taxable year (hereafter in this subsection referred to as the 'unused credit year'), such excess shall be—

"(A) a section 40 credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(B) a section 40 credit carryover to each of the ten taxable years following the unused credit year,

and shall be added to the amount allowable as a credit by section 40 for such years, except that such excess may be a carryback only to a taxable year ending after the date of the enactment of the Rural Job Development Act of 1971. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the thirteen taxable years to which (by reason of subparagraphs (A) and (B)) such credit may be carried and then to each of the other twelve taxable years to the extent that, because of the limitation contained in paragraph (2), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(2) LIMITATION.—The amount of the unused credit which may be added under paragraph (1) for any preceding or succeeding taxable year shall not exceed the amount by which the taxpayer's liability for tax for such taxable year exceeds the sum of—

(A) the credit allowable under subsection (a)(1) for such taxable year, and

"(B) the amounts which, by reason of this subsection, are added to the amount allowable for such taxable year and attributable to taxable years preceding the unused credit year.

"SEC. 52. CERTAIN DISPOSITIONS, ETC., OF SECTION 40 PROPERTY

"(a) GENERAL RULE.—Under regulations prescribed by the Secretary or his delegate—

"(1) EARLY DISPOSITIONS.—If section 40 property (as defined in section 53(a)(2)) is disposed of, or otherwise ceases to qualify as section 40 property with respect to the taxpayer, the tax under this chapter for the taxable year in which the disposition occurs shall be increased by an amount equal to the credits allowed under section 40 for prior taxable years for qualified expenditures (as defined in section 53(b)) which were made—

"(A) in the case of section 40 real property (as defined in section 53(a)(3)) within ten years before the date of the disposition, or

"(B) in the case of section 40 personal property (as defined in section 53(a)(4)) within four years before the date of the disposition.

This paragraph shall not apply to any qualified expenditures with respect to which there has been an increase of tax under paragraph (2).

"(2) TERMINATION OF CERTIFICATE.—If the section 40 certificate (as defined in section 53(a)(1)) is terminated under section 101(d) of the Rural Job Development Act of 1971, with respect to a section 40 facility of the taxpayer—

"(A) the taxpayer's tax under this chapter for the taxable year in which the termination occurs shall be increased by an amount equal to the credits allowed under section 40 for prior taxable years for qualified expenditures which were made in accordance with section 53(b)(3) within 3 years before the date of the termination with respect to all section 40 property used at, or in connection with, such facility, and

"(B) the taxpayer's gross income for the taxable year in which the termination occurs shall be increased by an amount equal to the deductions allowed to the taxpayer under section 188 in such taxable year and the 2 preceding taxable years with respect to employees employed at such facility.

"(3) CARRYBACKS AND CARRYOVERS ADJUSTED.—In the case of any disposition described in paragraph (1) or any termination described in paragraph (2), the carrybacks and carryovers under section 51(b) shall be adjusted.

"(b) SECTION NOT TO APPLY IN CERTAIN CASES.—Subsection (a) shall not apply to—

"(1) a disposition by reason of death,

"(2) a disposition to which section 381(a) applies,

"(3) a disposition necessitated by the cessation of the operation of a section 40 facility where the Secretary of Agriculture certifies that such cessation results from economic factors beyond the control of the section 40 business (as defined in section 53(a)(6)), or

"(4) a disposition on account of the destruction or damage of section 40 property by fire, storm, shipwreck, or other casualty, or by reason of its theft.

For purposes of subsection (a), property shall not be treated as ceasing to be section 40 property with respect to the taxpayer by reason of a mere change in the form of conducting the section 40 business so long as the property is retained in such business as section 40 property and the taxpayer retains a substantial interest in such business.

"SEC. 53. DEFINITIONS; SPECIAL RULES

"(a) SECTION 40 CERTIFICATE, ETC.—For purposes of this chapter—

"(1) SECTION 40 CERTIFICATE.—The term 'section 40 certificate' means a certificate of eligibility issued by the Secretary of Agriculture under section 101 of the Rural Job Development Act of 1971.

"(2) SECTION 40 PROPERTY.—The term 'section 40 property' means property which, in regard to a taxpayer conducting a section 40 business—

"(A) is of a character which is subject to the allowance for depreciation provided in section 167 and which is not property of a kind which would properly be includable in the inventory of the taxpayer if on hand at the close of the taxable year or which is not property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business,

"(B) will be used by such taxpayer (i) as a section 40 facility, (ii) as an integral part of, or in the operation of, any such facility, or (iii) in furnishing transportation, communications, electrical energy, gas, water, or sewage disposal primarily to any such facility, and

"(C) has at the time it is first used by such taxpayer after such taxpayer has been issued a section 40 certificate in regard to the section 40 facility at, or in connection with which, such property is used, a useful life of at least (i) 4 years in the case of section 40 personal property, (ii) 10 years in the case of section 40 real property.

Property shall not be treated as section 40 property if, after its acquisition by the taxpayer, it is used by a person who used such property before such acquisition (or by a person who bears a relationship described in section 179(d)(2)(A) or (B) to a person who used such property before such acquisition).

"(3) SECTION 40 REAL PROPERTY.—The term 'section 40 real property' means section 40 property which is section 1250 property (within the meaning of section 1250(c)).

"(4) SECTION 40 PERSONAL PROPERTY.—The term 'section 40 personal property' means section 40 property which is section 1245 property (within the meaning of section 1245(a)(3)).

"(5) SECTION 40 FACILITY.—The term 'section 40 facility' means an industrial or commercial facility (as defined in section 3(5) of the Rural Job Development Act of 1971) which is specified by the Secretary of Agriculture in a section 40 certificate.

"(6) SECTION 40 BUSINESS.—The term 'section 40 business' means an industrial or commercial enterprise (as defined in section 3(4) of the Rural Job Development Act of 1971) with respect to which a section 40 certificate has been issued which has not been terminated under section 101(d) of such Act.

"(b) QUALIFIED EXPENDITURES.—

"(1) IN GENERAL.—The term 'qualified expenditures' means, with respect to each taxable year, expenditures by the taxpayer—

"(A) properly chargeable to capital account,

"(B) paid or accrued for—

"(i) the manufacture, production, construction, or erection of section 40 property,

"(ii) the acquisition of section 40 property by a purchase (as defined in section 179(d)(2) and subsection (d) of this section), or

"(iii) the reconstruction, permanent improvement, or betterment of section 40 property, and

"(C) made before the close of the 10-year period beginning with the date on which a section 40 certificate is first issued to any person with respect to the section 40 facility, at, or in connection with which, such property is used.

"(2) LIMITATION.—Expenditures in regard to section 40 real property shall be treated as qualified expenditures only if the construction, erection, acquisition, reconstruction, permanent improvement, or betterment for which expenditures are made, conforms to the standards prescribed by the Secretary of Agriculture.

"(3) YEAR OF QUALIFIED EXPENDITURES.—All qualified expenditures shall be deemed made in the taxable year in which—

"(A) in the case of qualified expenditures for the manufacture, production, construction, erection, or acquisition by purchase of section 40 property, the year in which the section 40 property is placed in service, and

"(B) in the case of qualified expenditures for the reconstruction, permanent improvement, or betterment of section 40 property, the year in which the section 40 property as reconstructed, improved, or bettered as a result of the qualified expenditure is placed in service.

For purposes of this paragraph, any manufactured, produced, constructed, erected, or acquired section 40 property, or any reconstructed, improved, or bettered section 40 property, shall be deemed placed in service in the taxable year in which such manufactured, produced, constructed, erected, or acquired section 40 property, or such section 40 property as reconstructed, improved, or bettered, first becomes subject to depreciation by a taxpayer computing depreciation on a daily basis.

"(4) REPLACEMENT PROPERTY.—If section 40 property is manufactured, produced, constructed, erected, reconstructed, or acquired to replace property which was destroyed or damaged by fire, storm, shipwreck, or other casualty, or was stolen, the qualified expenditures with respect to such section 40 property which would (but for this paragraph) be taken into account for purposes of section 51(a) shall be reduced by an amount equal to the amount received by the taxpayer as compensation, by insurance or otherwise, for the property so destroyed, damaged, or stolen, or to the adjusted basis of such property, whichever is the lesser.

"(c) CERTAIN LEASED PROPERTY.—A person who is a lessor of property, which in the hands of the lessee constitutes section 40 property, may (at such time, in such manner, and subject to such conditions as are provided by regulations prescribed by the Secretary or his delegate) elect with respect to any section 40 property, as to which no prior credit under section 40 has previously been taken, to treat the lessee as having purchased such property for an amount equal to—

"(1) except as provided in paragraph (2), the fair market value of such property, or

"(2) if such property is leased by a corporation which is a member of a controlled group (within the meaning of section 46(a)(5)) to another corporation which is a member of the same controlled group, the basis of such property to the lessor. If a lessor makes the election provided by this subsection with respect to any property, the lessee shall be treated for all purposes of this subpart as having acquired such property. For purposes of this subpart, the useful life of property in the hands of the lessee is the useful life of such property in the hands of the lessor.

"(d) SUBCHAPTER S CORPORATION.—In the case of an electing small business corporation (as defined in section 1371)—

"(1) the qualified expenditures for each taxable year shall be apportioned pro rata among the persons who are shareholders of such corporation on the last day of such taxable year, and

"(2) any person to whom any expenditures have been apportioned under paragraph (1) shall be treated (for purposes of this subpart) as the taxpayer with respect to such expenditures, and such expenditures shall not (by reason of such apportionment) lose their character as qualified expenditures.

"(e) ESTATES AND TRUSTS.—In the case of an estate or trust—

"(1) the qualified expenditures for any taxable year shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each, and

"(2) any beneficiary to whom any expenditures have been apportioned under paragraph (1) shall be treated (for purposes of this subpart) as the taxpayer with respect to such expenditures, and such expenditures shall not, by reason of such apportionment) lose their character as qualified expenditures.

"(f) CROSS REFERENCE.—

"For application of this subpart to certain acquiring corporations, see section 381(c)(24)."

(c) Section 381(c) of such Code (relating to carryovers in certain corporate acquisitions) is amended by adding at the end thereof the following new paragraph:

"(24) CREDIT UNDER SECTION 40 FOR INVESTMENT IN CERTAIN DEPRECIABLE IN RURAL JOB DEVELOPMENT AREAS.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 40, and under such regulations as may be prescribed by the Secretary or his delegate) the items required to be taken into account for purposes of section 40 in respect to the distributor or transferor corporation."

d)(1) The table of subparts for Part IV subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Subpart C—Rules for computing credit for investment in certain depreciable property in rural job development areas."

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Investment in certain depreciable property in rural job development areas.

"Sec. 41. Overpayment of tax."

DEPRECIATION DEDUCTION

SEC. 202. Section 167 of the Internal Revenue Code of 1954 (relating to depreciation) is amended by redesignating subsection (m) as (n) and by inserting after subsection (l) the following new subsection:

"(m) SECTION 40 PROPERTY.—

"(1) USEFUL LIFE.—At the election of the taxpayer—

"(A) the useful life of any property which is section 40 property (as defined in section 53(a)(2)) shall, for purposes of this section, be 66⅔ percent of the useful life of such property determined without regard to this paragraph; and

"(B) the guideline class lives and asset depreciation ranges prescribed by the Secretary or his delegate which are applicable to any property which is section 40 property shall, for purposes of this section, be 66⅔ percent of the guideline class lives and asset depreciation ranges applicable to such property determined without regard to this paragraph.

An election under this paragraph shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations.

"(2) Nearest full year.—If the useful life, guideline class life, or asset depreciation range of any property as determined under paragraph (1) includes a fraction of a year, such useful life shall be deemed the nearest half year.

"(3) Exception.—No election may be made under paragraph (1) with respect to any section 40 property which is placed in service after the expiration of the 10-year period beginning on the date on which a section 40 certificate (as defined in section 53(a)(1)) is first issued to any person for the section 40 facility (as defined in section 53(a)(5)) at, or in connection with which, such section 40 property is used."

NET OPERATING LOSS CARRYOVERS

Sec. 203. Section 172 of the Internal Revenue Code of 1954 (relating to net operating loss deduction) is amended—

(1) by striking out "(D), and (E)" in subsection (b)(1)(B) and inserting in lieu thereof "(D), (E), and (H)";

(2) by adding at the end of subsection (b)(1) the following new subparagraph:

"(H) The portion of a net operating loss for any taxable year to which (under subsection (l)) this subparagraph applies which is allocable to the operation of a section 40 business (as defined in section 53(a)(6)) through a section 40 facility (as defined in section 53(a)(5)) shall be a net operating loss carryover to each of the 10 taxable years following the taxable year of such loss."

(3) by redesignating subsection (l) as (m) and by inserting after subsection (k) the following new subsection:

"(l) Carryover of Net Operating Losses of Section 40 Business.—Subsection (b)(1)(H) shall apply, with respect to the operation of a section 40 business through a section 40 facility, only to a net operating loss for (A) the taxable year in which the operation of such facility is begun by any section 40 business under a section 40 certificate (as defined in section 53(a)(1)) or (B) any of the 9 succeeding taxable years."

SPECIAL DEDUCTION FOR COMPENSATION PAID DURING TRAINING OF EMPLOYEES

Sec. 204. (a) Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to itemized deductions for individuals and corporations) is amended by adding at the end the following new section:

"Sec. 188. Special Deduction for Certain Businesses Operating in Rural Job Development Areas

"(a) General Rule.—In the case of any person engaged in a section 40 business (as defined in section 53(a)(6)), there shall be allowed as a deduction for the taxable year (in addition to any deduction under section 162) an amount equal to 50 percent of the compensation paid or incurred in money during the taxable year to each employee who—

"(1) satisfies the requirements of section 101(a)(4) (A) or (B) of the Rural Job Development Act of 1971,

"(2) perform substantially all of his services as an employee at a section 40 facility (as defined in section 53(a)(5)) through which such section 40 business is conducted, and

"(3) is receiving training to acquire the skills necessary to perform (A) the position or job in which he is employed or (B) another position or job as an employee of such section 40 facility.

"(b) Limitations.—

"(1) In general.—The deduction under subsection (a) shall be allowed with respect to the compensation of an employee only—

"(A) if the Secretary of Labor certifies that such employee requires training to acquire the skills in order to perform satisfactorily the position or job in which he is employed or for which he is being trained, and

"(B) for the period that the Secretary of Labor certifies that such training is so required.

"(2) Delegation of duties.—The Secretary of Labor may perform his duties under paragraph (1) through the United States Employment Service or through such State agencies as he may prescribe."

(b) The table of sections for part VI of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 188. Special deduction for certain businesses operating in rural job development areas."

EFFECTIVE DATE

Sec. 205. The amendments made by this title shall apply to taxable years ending after the date of the enactment of this Act.

TITLE III—MISCELLANEOUS PROVISIONS

ECONOMIC AND BUSINESS DATA

Sec. 301. The Secretary may collect, analyze, and publish data pertaining to investments in various types of enterprises in relation to employment, inventories of resources, unemployment and underemployment, suitability of potential locations for various types of enterprises, qualifications, and skills and training needs of the labor force in various areas, market information, and other economic subjects, for use in carrying out the purposes of this Act and for the information and guidance of businessmen who may seek to establish job-creating enterprises in rural job development areas. In the collection of such data, existing sources and facilities shall be utilized to the maximum extent feasible.

NATIONAL ADVISORY COMMITTEE

Sec. 302. The Secretary may appoint a National Advisory Committee on Rural Industrialization which shall consist of twenty-five members and shall be composed of representatives of business, industry, labor, agriculture, State, and local governments, and the general public. The Secretary shall designate a Chairman from the members appointed to such Committee. Such Committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary relative to the carrying out of his duties under this Act. Such Committee shall hold not less than two meetings during each calendar year.

ANNUAL REPORT

Sec. 303. The Secretary shall make a comprehensive and detailed annual report to the Congress of his operations under this Act for each fiscal year beginning with the fiscal year ending after the date of enactment of this Act. Such report shall be transmitted to the Congress not later than January 3 of the year following the fiscal year with respect to which such report is made.

APPROPRIATIONS AUTHORIZED FOR INFORMATION PROGRAM

Sec. 304. (a) The Secretary is authorized to collect and disseminate relevant economic data and to serve as an information clearinghouse for local communities and businesses considering establishing job-creating enterprises in job development areas. Information programs under this section shall include—

(1) telling businessmen of the advantages of locating plants in rural America;

(2) providing a site location and analysis service; and

(3) assisting in the coordination of community, State, and Federal programs for industrial and community development.

(b) There is authorized to be appropriated $500,000 for each fiscal year to carry out the provisions of this section.

S. 575—INTRODUCTION OF THE APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1971

Mr. RANDOLPH. Mr. President, I introduce for appropriate reference the Appalachian Regional Development Act Amendments of 1971.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 575) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, introduced by Mr. Randolph (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works.

Mr. RANDOLPH. Mr. President, in sending this legislation to the desk, I think it is significant to state that the able ranking minority member of the Senate Committee on Public Works, the Senator from Kentucky (Mr. Cooper), is joining with me in this legislative effort, and we are gratified that an additional 52 Members of the Senate are signatories to this measure.

This bill would authorize a 4-year extension of one of the most unique and innovative programs in the history of American government. For 6 years the Appalachian regional development program has been in operation, helping people of a 13-State region to better develop the institutions and the public facilities that will enable them to participate more fully in the growth of the American economy.

Members of the Congress recognized the necessity for a unique program to meet the special needs of the Appalachian region when they passed the original legislation in 1965. That this program has shown its value and deserves to be continued is reflected in the fact that more than one-half of all Senators are joining with us today as cosponsors of this bill. I am pleased, Mr. President, to have as my partner in this endeavor the senior Senator from Kentucky and ranking minority member of the Committee on Public Works, John Sherman Cooper, and to have the support and encouragement of numerous Members in placing this important legislation before the Senate.

Prior to 1965, when we were considering the form Appalachian legislation should take, we had only general ideas about how local communities could be organized to take advantage of the programs that would follow. There was much deliberation and debate before we agreed on the concept of the Appalachian Regional Commission in which the Federal Government and the States work together as equal partners.

To provide a more intimate link to local communities, the Congress authorized the Commission to work through Governors and local development districts in the States. We recognized that we were legislating, to a great extent, in areas in which there was no past experience. We encouraged Appalachia to explore new methods and to undertake experiments in developmental activities.

To this experiment in Government organization and operation the Congress added several structural programs designed to directly attack and correct severe deficiencies in public facilities related to proper growth—a highway program, a health program, a vocational educational program, and, more recently, housing and manpower training programs.

We felt the new Appalachian developmental highway program, a key segment of the total effort, should be designed to facilitate access to areas isolated by mountainous terrain so that new jobs and better public services would be beneficial results. The Commission was encouraged to locate new facilities which would serve groups of communities most efficiently. We urged counties and groups of counties to combine their resources and thereby expand services by cooperative action.

I confess that, as an original sponsor of the Appalachian concept and a supporter of the program for 6 years, I may lack some degree of objectivity in evaluating its accomplishments. At the same time, I feel I have a responsibility not only to the State of West Virginia but to the entire region and to the people of the United States to examine the program critically.

After 6 years' experience, I believe we can point to a number of solid achievements. Appalachia is the only region in our country which has a full complement of local regional planning and development organizations actively working together to build a better future. This achievement has not been an easy one in a society such as ours where there are many levels and forms of government.

In recent months there have been a number of attempts to assess the results of the Appalachian program. There are evaluations which found it to be a worthwhile effort and others that pronounced it a failure. It is conceivable that, as is often the case, the truth lies somewhere between the extremes.

Income in Appalachia has increased, but not as much as we hoped; the number of jobs has grown, but not as much as we hoped; outmigration has slowed, but not as much as we hoped; the levels of health and education have improved, but not as much as we hoped. These are not reasons to abandon the effort; rather they are incentives to increase the effort and develop even more than has been achieved.

In 1962, Appalachia's official unemployment rate was 8.2 percent, compared to the national rate of 5.5 percent. By fiscal year 1970, Appalachia's unemployment rate was 3.9 percent, compared to a national rate of 3.4 percent. Jobs are increasing today in Appalachia at a rate slightly faster than that of the United States. Many of these new jobs are developing along completed segments and future corridors of the new Appalachian Development Highway System, and we are seeing, for the first time, the kind of companies that never located in many sections of our Appalachian region in the past.

Incomes in Appalachia are growing now at about the same rate as in the rest of America, but our earnest hope is that we can accelerate the Appalachian rate during the next few years so that our region can catch up with the Nation. For too long Appalachia has lagged too far behind. It is the goal of the Appalachian Regional Commission to have Appalachian per capita income within 90 percent of the Nation by 1980.

Unfortunately, many people are still leaving Appalachia for the big cities of the Midwest and the East. Even so, outmigration is steadily tapering off. Between 1950 and 1960, 2.2 million Appalachians moved out of the region. Between 1960 and 1970, outmigration reduced to 1.4 million persons, but this was still 300,000 more persons lost to the region than originally anticipated for the decade. We want to stop this outflow of mostly young talent and ease the problems of our large cities by making opportunities for work and a good life available right at home. We fervently desire to make outmigration from Appalachia unnecessary.

The Appalachian developmental highway program is well underway, providing improved and, in many cases, new access to areas that are becoming desirable sites for industrial growth. Construction has been completed on 488 miles of the highway network and is underway on 367.7 additional miles. The Appalachian Regional Commission to date has obligated $615,451,000 on the highway program, and some of the States have accelerated their construction by prefinancing an additional $35 million worth of work in anticipation of future Federal obligations.

Of the total of 2,571 miles of Appalachian highways authorized, work has been completed or is in some stage of activity on 93 percent of them.

There are many ways to measure the impact of the Appalachian program, but the best way I know to determine its progress is to see what is happening in the local communities themselves.

Where the new Appalachian developmental highways have been completed, the patterns of economic development have already begun to change for the better. On one highway in eastern Kentucky, for example, a major computer corporation has located a plant that will employ 150 persons in a county which was the second poorest in the United States in 1960.

I know that the Senator from Kentucky (Mr. Cooper) is interested in the fact that a major manufacturer of plumbing fixtures has also located on the same highway with a payroll ultimately projected to reach 450 persons. This is the largest manufacturing plant ever to have located in that part of Appalachia.

The new highways are serving as traffic arteries on which new schools, hospitals, industrial parks, better housing—new communities—are being built.

Under the Appalachian health program, over a million persons have already been touched in one way or another by one of the most innovative efforts to solve health problems currently underway in the United States. An alliance of local health councils, State health departments, the Appalachian Regional Commission, and the Public Health Service has been able to begin in selected areas of Appalachia a comprehensive health program in several areas.

In the southern counties of West Virginia, for example, improved health services are being provided to mothers and infants; essential public and mental health services have been expanded to reach people who had heretofore been untouched by our regular health services; tuberculosis—still a scourge in that area—is being better controlled; and dental and medical care are being provided to the sick and infirm right in their own homes. A new health communications system is operating around the clock to enhance the program of care for persons stricken in the area. The objective is placement of such individuals in the care of the physician or hospital best available and best able to handle his problem. Schoolchildren are going through a health screening program and those youngsters stricken with illness are being provided with vital treatment they were never able to receive before. There is a new dental care program for children in an area which has suffered from an epidemic of dental disease because of the acute shortage of dentists in the past.

Perhaps the most impressive achievement so far under the Appalachian program has been in vocational education. When the program began in 1965, only 20 percent of Appalachia's manpower needs were being met by the vocational and technical schools. Today expanded numbers of such schools are meeting 40 percent of the Region's needs. The objective of the Appalachian Regional Commission is to provide vocational and technical training opportunities for half the high school population in Appalachia. It is close to reaching that goal, having already participated in the development of 310 vocational and technical centers.

The rate of increase in vocational and technical enrollment in Appalachia has been two to three times that of the Nation during the last several years. Under the stimulus of the program, the States have more than doubled their own commitments to improve vocational and technical education, and Appalachia now leads the Nation in improvements in this form of training.

So I say that there is every reason to continue this program. I shall not speak of the phasing out which has been advocated, and I am not certain yet just what the administration effort will be in reference to the Appalachian effort.

I should not want to close my remarks without stating that I feel I have personal knowledge, in the State of West Virginia, of this program. I have visited many areas, and have seen the results, as has my colleague from West Virginia, Senator Byrd. I know personally of the nature of change this vocational-technical education effort has brought about.

The James Rumsey Vocational Technical Center in West Virginia was one of the first area-serving schools to be built in my State, serving residents of Berkeley, Jefferson, and Morgan Counties in our eastern panhandle area. When it is completed in the fall of 1972, it will have an initial enrollment of 500 students in such courses as computer programing, health occupations, stenography, and distributive education.

A network of community colleges is being built, too. Virginia has practically completed a network of such schools. Georgia used Appalachian funds to build its first region-serving community college. In West Virginia, we have a new branch of West Virginia University providing technical and professional training in Parkersburg.

Under the Appalachian program, much of the substantial damage caused in the past by coal mining is being slowly repaired. In the anthracite mining section of northeastern Pennsylvania, where such sizable cities as Scranton and Wilkes-Barre are threatened with cave-ins in their downtown business districts, Appalachian mine area reclamation funds have been used to fill dangerous areas and extinguish or control all of the major mine fires burning in the area causing dangerous air pollution. Old surface mine waste piles are being pumped underground to shore up the business districts and residential areas of these large cities and free large areas for use as parks, industrial sites, and housing. Strip mines are being reclaimed for parks, schools, housing developments, and industrial sites.

And, this year for the first time, Appalachian funds have been available to find new methods of mining and mining control in order to reduce the environmental damage caused by extraction.

Using supplemental grants available under the Appalachian program, as well as other assistance, the States and localities have been able to initiate or to further the development of new communities, new industrial sites, new service complexes, some of them located on the Appalachian developmental highways and some on the Interstate Highway System.

There is an impressive industrial and education complex under development in the Golden Triangle between Starkville, and Columbus, Miss.

A new industrial park is being developed in an area of high unemployment in southwestern Virginia.

New industrial sites are being developed in eastern Kentucky.

An important new community is being established near Lucasville, Ohio.

A major new urban community is being planned in Pennsylvania.

A new campus to provide post-high school and college education is being developed in Maryland.

Under the leadership of the Commission, several States have been able to create new State housing corporations to accelerate the construction of new housing.

On many occasions I have enunciated my belief that one of the most significant and far-reaching aspects of the total Appalachian experiment is the development of the partnership role among all levels of government. It is this fusion of interests that has come to fascinate and challenge many people concerned with improving the operation of government as a whole.

As a result of this and the solid achievements that have taken place in Appalachia in the past 6 years, I sense a new spirit of hope in the region, one that has for too long been relegated to the backwash of American society by events and circumstances often beyond its control. Where there once existed despair, there is now encouragement that Appalachia can and will join in the dynamic growth of the United States.

So we move forward in these areas. I believe we have shown fully and clearly the reasons why the Appalachian programs should be continued. We hope that similar programs may move forward in the other five regions in other sections of the country. If such a program were dropped, I think it would be ill-advised and imprudent.

In his state of the Union message to the Congress, President Nixon gave particular emphasis to the reorganization of Government to make it more responsive to contemporary needs and to new methods of channeling Federal revenues in meaningful ways to State and local activities.

I am proud that the Appalachian development program has been a leader and an innovater in both of these areas. The Committee on Public Works recognizes the significance of the bold new steps that have been taken in Appalachia, and we are studying the Appalachian program as a possible pattern for economic development and other programs elsewhere.

Senator Cooper and I, along with others, have attempted to convince President Nixon that the recommendation of some of his advisers that the Appalachian program be abandoned cannot be justified. For reasons I have discussed, the Appalachian program should be extended 4 more years, and dropping it or phasing it out at this time would be ill-advised and imprudent.

I hope that from these deliberations the Congress can conceive a new generation of legislation leading toward intelligent national policy and further improvement of efforts such as are growing out of the Appalachian endeavor.

Based on what we have learned in the past 6 years and what we expect to learn this year, I am sure that the Appalachian program will be modified and refined. We will, however, want to preserve the momentum and the spirit of cooperation and Federal-States partnership generated under the Appalachian program.

The Committee on Public Works, which I chair, and its Subcommittee on Economic Development under the able chairmanship of the distinguished Senator from New Mexico (Mr. Montoya), intend to give careful consideration to the extension of the Appalachian program and to legislation to revise and amend the Public Works and Economic Development Act of 1965 which was intended to help the rest of the Nation provide the facilities and services being developed in Appalachia under specific legislation.

The committee has scheduled hearings on this bill in Washington on February 8, 9, and 10. At that time we will thoroughly review the full range of programs undertaken by the Appalachian Commission. We will pay particular attention to the implementation of new programs authorized in 1969, such as the retraining of unemployed miners and other workers, and expanded activities in health, housing, and mine area restoration.

We will explore the possibility of demonstration programs in the fields of education and the environment as successors to Appalachian commission programs legislated in 1965 that are approaching completion.

The committee expects to complete work on the Appalachian legislation early and bring this bill to the Senate for early action while we carefully consider overall economic development legislation.

Appalachia is a region rich in resources. Its manpower and productive capacity have been underutilized for too long. While that capacity is not used, the national economy suffers and the people of the region continue to live in frustration with the knowledge that they do not yet participate in the better life enjoyed by the majority of our citizens.

I invite all Members of the Senate to examine these proposals in detail. The advice and recommendations of my colleagues are encouraged so that we may produce legislation that is most responsive to the needs of the people we represent.

Mr. President, this legislation was well conceived. It has been effectively carried out in the region, and we believe, as it moves toward fruition, delayed at present because of inflation—the increases in cost that have hampered many programs during these past few years—that now is the time to go forward, rather than to retreat. I am grateful, as I have said so many times, for the very effective efforts of the Senator from Kentucky and others in crossing this line in the Senate, as it were, to help an area of the country that has not wanted a handout, but has wanted a helping hand. I believe that is what we have provided in the Appalachian program.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. RANDOLPH. I am happy to yield to my colleague from Kentucky.

Mr. COOPER. I am honored to join with my colleague, the senior Senator from West Virginia (Mr. Randolph), in introducing the Appalachian Regional Development Act Amendments of 1971.

It was my pleasure to join with Senator Randolph in March 1965 in introducing the original Appalachian development bill. At that time, a number of Senators joined with us as sponsors. I think the fine success of this program is expressed by the fact that more than 50 Members of this body have joined in the bill to continue this program for an additional 4 years.

The bill would authorize a 4-year extension of the Appalachian regional development program, a program established 6 years ago to assist one of the most economically depressed regions of our country, a region which could be easily identified because of the geographic similarity of the various States, the people, and the problems which the people of this area had confronted.

The purpose of the Appalachian Regional Act is "to assist the region in meeting its special problems, to promote its economic development, and to establish a framework for joint Federal and State efforts toward providing the basic facilities essential to its growth."

Much attention has been given the Appalachia highway program. If anyone has visited Appalachia, he knows that it is necessary to open the isolated area to provide links to markets around the periphery but which cannot be tapped for lack of access, and to provide a way for people to reach services, schools, and developing employment opportunities. Transportation is vital if Appalachia is to break out of its isolation—one of the underlying causes of its poverty.

But highways are not the only key to the development of Appalachia. Highways are not the goal, but they are the means of promoting more jobs, of providing markets, and of facilitating communication and transportation.

To promote the region's economic development and to reach the personal needs of the people, several program areas were established by the Appalachia Governors for priority consideration—not only the highway system but also health, vocational education, and environmental programs, including mine area restoration, land stabilization, and water resource development.

In my statement, which I will not read in full, but which I will insert in the RECORD at the close of my remarks, I have called attention to these various needs and the programs which have been established to overcome them.

I have mentioned education and vocational education. To date the Commission has placed an average of 57 percent of its supplemental grant funds—provided under section 214—in education.

There is a critical shortage of health manpower, and a need exists to extend basic health services to the more remote sections of the region. For this reason, the Commission, under the demonstration health services program—section 202 of the act—has been working with the U.S. Health Service and Mental Health Administration, medical schools, and local health personnel to develop a better health system to serve the people of the region. This system includes not only a regional hospital network but also ambulance services, mobile health and dental units, public health clinics, home-visiting nursing services, and a field doctor program.

Child health and nutrition is a major concern of the Commission in Appalachia. Prenatal care, immunization programs, and nutritional screening clinics have been established. Under these programs, Pickens County, S.C., has established its first public health dental program and has already treated hundreds of children and adults.

My distinguished colleague has brought to our attention the problem of underemployment and lack of employment in the region. Employment and industry come slowly into such an area, but it has begun to move into Appalachia. I know this to be true in the eastern part of Kentucky, principally because of the highway system being developed.

I should mention, also, the housing program, the programs that are underway to study and utilize the water resources of the region, and the programs to conserve and develop the great timber and coal resources of the area.

Perhaps one of the greatest achievements of the Appalachian regional program has been the creation of a workable local-State-Federal partnership which could serve as a model for recent proposals to create a more balanced Federal system.

In his state of the Union message, President Nixon outlined six goals for the country. One of his proposals was to strengthen and to renew our State and local governments and to initiate a plan of revenue sharing. I believe that the experience, derived from the operation of this act, could be considered and drawn upon as a fundamental base of the President's proposal.

The Appalachian Regional Commission has not been just another Federal program. It was initiated by 10 Appalachian State governments voluntarily coming together to assist each other in solving the myriad problems of their States.

The program has demonstrated over the past 6 years that such a partnership of governments can work and that States can and will assume their responsibilities. Under the Appalachian organization, States initiate projects, establish priorities—using the total assistance available—and coordinate and direct State and Federal funds into areas of need—areas where they can be best invested for the public benefit.

The other element of the Appalachian program which I believe should be studied is the present use of block grants and the flexibility afforded each State in the use of these moneys. Funds for various programs are appropriated to the Commission in a block for the Commission to allocate among States. It is left to the States to establish priorities for the use of these funds.

In closing, Mr. President, I wish I could say today that the Appalachia regional program has accomplished all the goals we established 6 years ago. The progress I have cited is real, and the problems of the region, have yielded in some degree to change.

Because of the isolation of the region, inflation, and the Vietnam war, the schedule of appropriations has not been attained, and many projects have been delayed.

More recently, there has been a movement from the more traditional "brick and mortar" approach to an emphasis on the development of human resources. This shift in effort has caused some adjustment problems and further delay. The program has moved along but it will take several years for the program to produce its potential benefit. We believe that this might be done with a 4-year extension. This extension is essential if the region is to achieve the level of development and economic growth which Congress intended.

I do not consider this extension of the act, which will be provided by this bill, contrary to President Nixon's proposals of governmental reorganization and revenue sharing. As I have stated before, I consider the Appalachia program an innovative experiment in this area and a model which the Congress can draw upon.

When the proposed reforms have been submitted and considered, the Appalachia program can then be reassessed with respect to its relation to the national program. At least until such a program is established for the country, I believe it necessary to continue the Commission so that the program and achievements we have attained will not be lost to the people of Appalachia.

In the budget for fiscal year 1972, President Nixon has recommended a total of $288 million, which is an increase over the recommendation for 1971.

I close by thanking my colleague from West Virginia, Mr. RANDOLPH, chairman of the Public Works Committee, for his effective and ever-continuing efforts on behalf of this region and its people. He believes—as I do—that the bill is essential. I thank him particularly for his dedication to the principle that this program shall be extended and, I must say, that I have that same feeling of obligation.

I was born on the edge of this region where my family has lived for over 170 years. I have served as a county judge in my own home county and as a circuit judge in four other counties.

Years ago. when I first traveled through this region, the individual wealth of these people was about the same. There was no great wealth except for some few individuals.

There was a certain pride about these people, and a dignity, whether they were illiterate, whether they lived in a cabin on the hillside, in old framehouses with a porch on every side, on the river, or in the creek valleys. They had pride. They never thought that one person was any better than they, whatever their financial status.

However, the individual wealth of some of these people grew as advantages came to the region. Those who lived in the poorest or the most isolated sections seemed to decline not only economically, but, as they believed themselves, socially, and, unfortunately, a class distinction gradually developed in the area—very unfortunate for today and also for the future.

The Appalachian program has given them hope. It can give them an education. It can give them job training and health services which they were not able to get before the establishment of this Commission.

I do not want to get too patriotic, but it is a fact that during wars, the people of this region have been the first to volunteer to serve their country. Perhaps the reason was that there was nothing else available to them. Some counties in the eastern part of Kentucky, before a draft was even required, had their quotas filled by men whc volunteered in numbers greater than the assigned quotas.

Mr. President, these people are a great people. I hope very much that this program will be continued.

Mr. President, I ask unanimous consent that the text of my prepared statement be inserted in the Record at this point.

There being no objection, Senator Cooper's statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR COOPER

I am glad to join with my colleague, the senior Senator from West Virginia, Mr. Randolph, in introducing the Appalachia Regional Development Act Amendments of 1971. Senator Randolph and I introduced the regional bill in March, 1965.

The bill would authorize a four year extension of the Appalachian Regional Development Program—a program created six years ago to assist one of the most economically depressed regions of our country.

In 1965 Appalachia was an area marked by severe unemployment and underemployment, a lack of educational opportunities, a lack of basic facilities and public services and an area isolated from its more fortunate neighbors by a rugged topography. The economic distress of the region was mirrored in the desolate lives of the people remaining in the area—their lack of any hope.

The purpose of the Appalachia Regional Development Act is "to assist the region in meeting its special problems, to promote its economic development and to establish a framework for joint Federal and State efforts toward providing the basic facilities essential to its growth . . ."

To promote the region's economic development, several program areas were established by the Appalachia Governors for priority consideration—the highway system, health, vocational education and environmental programs, including mine area restoration, land stabilization and water resource development.

Much attention has been given the Appalachia Highway program. It is necessary to open isolated areas, to provide a link to markets which have grown up around the periphery of the region but which could not be tapped for lack of access, and to provide a way for people to reach services, schools and developing employment opportunities. Transportation is vital if Appalachia is to break out of its isolation—one of the underlying causes of its poverty.

As of January this year, 20 percent of the proposed 2,700 miles of Appalachia highway was in use and about 20 percent under construction. The economic impact of the new system is being felt today.

Much of the expansion in manfacturing employment coming into the area is located along the Appalachia and Interstate highway corridors. For example, in my own State of Kentucky Control Data Corporation has opened a new plant which will employ 150 persons. This plant was opened in Campton, Kentucky—the second poorest county in the United States in the 1960 census. Another large plant to locate in the area is being constructed by American Standard Company and will employ 450 persons from Eastern Kentucky. In Pennsylvania, Chrysler corporation is constructing an automobile assembly plant with a potential employment of 5,000 persons.

But highways are not the only key to the development of Appalachia. Highways are not the goal but they are a means of promoting more jobs, of providing markets and of facilitating communication and the transportation of people to jobs, schools, and services.

Without the development of other program areas—health, manpower, education and housing—the highway system would serve only limited purposes.

Education is another area in which the region has lagged behind the rest of the nation. Appalachia's school dropout rate runs about 20 per cent higher than the national average and fewer than one-half of the adult population has a high school education.

To provide essential job skills and basic education to these individuals, the States have concentrated funds in a vocational education program. Presently, 240 vocational education and technical assistance schools have been planned and over half of these are presently providing training to both young people and adults.

In addition to vocational education, assistance has been provided for educational television systems, early childhood education, eduactional manpower programs and for support of community colleges.

To date the Commission has placed an average of 57 per cent of its supplemental grant funds, provided under Section 214, into education.

Besides the highway and education programs, health has received much attention and support. When the Appalachia program was initiated there was an average of 92 doctors per 100,000 persons. In Eastern Kentucky the situation was worse. There were only 60 doctors per 100,000. The nurse-patient ratio in several areas was only 32 per 100,000 persons as compared with the national rate of 300 per 100,000 persons.

In addition to the critical shortage of health manpower, there exists a need to extend basic health services to more remote sections of the Region. For this reason the Commission, under the Demonstration Health Services Program—Section 202 of the Act—has been working with the United States Health Service and Mental Health Administration, the Appalachia States, medical schools and local health personnel to develop a better health delivery system. This new system includes not only a regional hospital network, but also ambulance services, mobile health and dental units, public health clinics, home visiting nursing services and a field-director program.

Health Manpower remains a critical problem in Appalachia, as it is in most of the rural areas and inner cities of our country. The Commission has encouraged more medical and nursing professionals to set up practices in Appalachia and has encouraged more local young people to enter health profession careers.

Child health and nutrition is a major concern of the Commission in Appalachia. Prenatal care, immunization programs, and nutritional screening clinics have been established. Under these programs, Pickens County, South Carolina has established its first public health dental program and has already treated over 200 children and adults.

High employment and the decreasing effects of long term underemployment remain central problems for the Region. Some progress has been made but the problem has not been overcome. Between 1962 and 1965, the average annual increase in employment in Appalachia was 2.2 percent, the same as the rate for the entire United States. By 1968–1969 the average increase in employment for the Appalachia Region had risen to 2.8 percent as compared with the national increase of only 2.6 percent.

Some parts of the Region have progressed more rapidly in job creation than others, and have experienced much lower unemployment levels. However, for central Appalachia States, such as West Virginia and Kentucky, unemployment rates are still as high as 7 percent.

As noted by the President's Task Force on Rural Development, two-thirds of the nation's substandard housing is in rural areas. The problem of poor housing in Appalachia is compounded by the lack of local capital for housing. Over 40 percent of the capital used in home financing comes from outside the Region. The cost of construction on the steep hillsides of the Region are often prohibitive. Also, most of the area's residents are too poor to qualify for housing assistance under regular Federal housing porgrams.

The Appalachia Housing Program, authorized by the 1967 amendments, provides loans and technical assistance to non-profit housing sponsors. Since 1967, 59 loans have been made to finance over 7,000 housing units. This represents a total value of new construction of $97-million.

Perhaps the greatest achievement of the Appalachia Regional Program has been the creation of a workable local-State-Federal partnership which could serve as a model for recent proposals to create a more balanced Federal system.

In his State of the Union message, President Nixon outlined six goals for the country. One of his proposals was to strengthen and to renew our State and local governments and to initiate a plan of revenue sharing. I believe that Appalachia experience could be considered and drawn upon as we begin to study the President's proposals.

The Appalachia Regional Commission has not been just another Federal program. It was initiated by 10 Appalachian State Governors, voluntarily coming together to solve the myriad problems of their regions.

The program has demonstrated over the past 6 years that such a partnership of governments can work and that States can and will assume their responsibilities. Under the Appalachian organization, States initiate projects, establish priorities—using the total assistance available—and coordinate and direct State and Federal funds into areas of need—areas where they can be best invested for the public benefit.

Two other elements of the Appalachian Program which have been most effective and innovative are the supplemental and block grant programs. Under the supplemental grant authority—section 214—a wide variety of existing programs may be supplemented with Appalachia funds up to 80 per cent of the total Federal share of the project.

It is section 214 money which has given the States and the Commission flexibility to adapt the Appalachia program to the highest priority needs of each State, to make the most effective use of the funds appropriated and to better utilize within the Region ongoing Federal grant-in-aid program funds.

The other element of the Appalachia program which I believe should be studied is the present use of block grants and the flexibility afforded each state in the use of these monies. Funds for various programs are appropriated to the Commission in a block for the Commission to allocate among States and programs. It is left to the States to establish priorities for the use of this fund.

I wish I could state today that the Appalachia Regional Program has accomplished the goals we established six years ago. The progress I have cited is real but the problems of the Region are the result of years of neglect and have yielded more slowly to change than we had hoped.

Due to the isolation of the State, inflation, and the Vietnam war, appropriations have not met the Commission's requests and many projects have been delayed.

> More recently, there has been a movement from the more traditional "brick and mortar" approach to an emphasis on the development of human resources. This shift in effort has caused some adjustment problems and further delay. For example, the innovative health demonstration program only began operation in late 1968. It has moved along very well and the Commission has increased its appropriation. However, it will take several years for the program to take hold and produce its potential benefit. Therefore, I do believe that this four-year extension is essential if the Region is to achieve the level of economic growth which the Congress intended.
>
> I do not consider this extension contrary to President Nixon's proposals of governmental reorganization and revenue sharing. As I have stated before, I consider the Appalachia program an innovative experiment in this area and a model which the Congress can draw upon.
>
> When the proposed reforms have been submitted and considered, the Appalachia program can then be reassessed with respect to its relation to the national program. At least until such a program is established for the country, I believe it necessary to continue the Commission so that the program and achievements we have attained will not be lost to the people of Appalachia.

Mr. RANDOLPH. Mr. President, the references made by the able Senator from Kentucky (Mr. COOPER) to the Appalachian region, with emphasis on his own State of Kentucky, underscore what many Senators could say and will say at a later time when we consider the legislation itself.

The commitment has been well expressed by the Senator from Kentucky, a commitment that, although provincial to a degree, is a commitment to the kind of program which needs to be more widely understood and carried forward throughout America.

For that reason, we move now with this legislation, conscious of some difficulties in procedures, but certain in our minds and hearts that it is good. For that reason, we believe that the Senate and the House of Representatives will continue this constructive effort to help good people to help themselves, and aiding a good region to strengthen itself as a part of the family which constitutes the Nation as a whole.

Mr. President, I ask unanimous consent to suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

COMMITTEE ASSIGNMENT OF SENATOR GAMBRELL

Mr. BYRD of West Virginia. Mr. President, I am authorized by the majority leader to submit a resolution. I ask that the clerk state the resolution out of order as in morning business.

The PRESIDING OFFICER (Mr. SCHWEIKER). The clerk will state the resolution.

The legislative clerk read as follows:

> S. RES. 43
>
> *Resolved*, That Mr. Gambrell of Georgia be, and he is hereby, assigned to service on the Select Committee on Small Business to fill a vacancy on that Committee.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that rule XIV be waived and that the Senate proceed to the immediate consideration of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered, and without objection the resolution (S. Res. 43) is considered and agreed to.

MILITARY ACTIVITIES NEAR THE LAOTIAN BORDER

Mr. GRIFFIN. Mr. President, some criticism has emanated from this body, and particularly from the distinguished assistant majority leader, concerning the information policy of the Nixon administration with respect to reports about military activities near the Laotian border.

In a statement earlier today, the distinguished assistant majority leader used the term "inexcusable bungling in the handling of information," as he referred to administration policy on this point.

At another point in his statement he said:

> The Pentagon appears to be working from one set of blueprints while the State Department seems to be working from an entirely different set.

Mr. President, on the wire this afternoon was a story which included this paragraph:

> At the State Department's regular noon briefing for newsmen, Press Officer Robert McCloskey continued to give no-comment answers to questions. McCloskey said that by and large he was refusing to comment on American military actions in Indo-China at this time for reasons of security of the American forces and of the allies, including the South Vietnamese.

Mr. President, I see no inconsistency or basis for a charge that the Pentagon and the State Department are working from different sets of blueprints. Frankly, both the Pentagon and the State Department have imposed a news blackout or embargo which is in effect at the present time. The reason and justification given for this news blackout or embargo is that it is necessary in order to protect the lives of Americans as well as the lives of South Vietnamese.

The distinguished assistant majority leader said in his statement:

> It seems likely that the enemy may know more about what is going on than our own people know.

Of course, I would say most respectfully, that such language as "it seems likely" and the enemy "may" know is not precise. It does not necessarily state facts.

At another point in his statement earlier today, the assistant majority leader referred to:

> The complaints of some that news agencies in practically every other country have had more information than our own journalists. . . .

Then he refers to Izvestia, the Russian newspaper, and the Japanese news service as sources of information. Of course, the United States cannot control what the news services of other nations put out. We have no way by which we can control what their news releases say. Whether they are accurate or not is another question and it is very difficult to pass judgment on that question at this particular time.

In his statement the able assistant majority leader further says:

> Surely such a situation could be rectified without endangering our national security.

Then, the next sentence says:

> Full information should be released to the public as soon as possible without, of course, compromising considerations of security.

I would agree with the distinguished assistant majority leader 100 percent, that "as soon as possible" and "without compromising considerations of security" full information should be released. That is exactly the information policy of the Defense Department and the State Department, as it has been indicated.

Another wire story today, written by AP reporter Carl Leubsdorf states:

> Administration officials indicate today an unusual embargo on publication of news concerning the military activities in South Vietnam near the Laotian border will be lifted relatively soon.

So the indication is that the embargo will soon be lifted; that it will be lifted as soon as it is believed that doing so would not jeopardize lives of those on our side.

Elsewhere in his statement, the distinguished assistant majority leader said:

> I am well aware, of course, that military operations must be conducted in such a manner as to prevent information which might be of value to an enemy from falling into enemy hands.

Since he recognizes the justification for a restricted information policy in connection with military operations, I would respectfully suggest that we have that kind of a situation on our hands at the present time.

If it should turn out that the operation is something different than a military operation within the scope of the recognized bounds which have been set, and more or less agreed to as between Congress and the administration, and that there was no advice or consultation then at a later point, I could understand justifiable criticism coming from a leader on the other side.

However, I must say most respectfully that to level such criticism is premature.

Whatever is taking place ought not to be viewed as a military operation which our Commander in Chief in the White House and commanders in the field believe needs to be protected with the tightest security for the protection of those who are involved in the operation.

While the assistant majority leader, of course, is within his rights and privileges in making such critical statements at this point, this Senator will await fuller disclosures as to exactly what is happening before passing judgment.

I think it really comes down to this:

American troops have been and are withdrawing from South Vietnam; hopefully, they will continue to be withdrawn. But, we must not lose sight of the fact that the war is not yet over in Southeast Asia. There is still a war going on. And to protect those still there we must conduct ourselves as though we are still involved and still engaged in a war. This is a wartime operation. It involves and necessitates security.

So, I would urge and plead that those in Congress have patience and exercise some restraint. Security has been necessary in the past and it is not surprising that it is necessary at the present time.

Mr. BYRD of West Virginia addressed the Chair.

The PRESIDING OFFICER (Mr. BENTSEN). The Chair recognizes the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, just prior to making the statement earlier today to which the able minority whip has referred, I supplied the minority whip with a copy of the statement. I expected him to read the statement, of course, and possibly to have some comment thereon. I appreciate what he has said.

I think that perhaps I can clarify what may seem to him to be an inconsistency with respect to my having said that "such a situation could be rectified without endangering our national security" and then having followed that with the sentence which reads:

> Full information should be released to the public as soon as possible without, of course, compromising considerations of security.

What I had in mind in the first instance was this. Perhaps I did not make it clear. I had in mind the situation to which I had alluded earlier, to wit:

> The Pentagon appears to be working from one set of blueprints while the State Department seems to be working from an entirely different set.

The distinguished Senator has taken umbrage with respect to that statement. What I had reference to was simply this. As I understood it, the Secretary of Defense had made the statement that American airpower and seapower would be used to "back up our allies" in any part of Indochina. My impression was that there was not a disclaimer attached to that statement—at least I did not see it or hear it—which accompanied the statement which was made by the Secretary of State. On the other hand, the Secretary of State indicated that American airpower would be used only if and when it was necessary to protect American lives in South Vietnam.

So to me, that was a set of statements by two administration spokesmen which, in my judgment, were not precisely in accord, one with the other. One spokesman said that we will support—with our airpower and seapower—our allies; the other, that we will use our airpower whenever, and only whenever, it is necessary to save American lives in South Vietnam. I am for the latter. I am for using American airpower when necessary to protect American lives in South Vietnam and to facilitate their withdrawal from South Vietnam.

That is why I said there seemed to be two sets of blueprints. These appeared to me to be somewhat conflicting statements. Therefore, I went on to say that—

> Such a situation could be rectified without endangering security.

Certainly we could have one definitive statement on the part of one spokesman, or if statements by two spokesmen, let them be in accord with each other. That situation could be rectified without endangering our national security.

As to the next statement that—

> Full information should be released to the public as soon as possible without, of course, compromising considerations of security . . .

I had in mind here the "full information" on the military operation itself. I proceed to remind Senators that I have consistently supported the President's Vietnamization program. I have consistently upheld the hand of the Commander in Chief with respect to his constitutional duty to act to protect the lives of American servicemen.

I am not critical of the embargo, as such. I know the purpose of an embargo. It is to protect the security of our men and to cloak whatever military operation we may be engaged in so as to take whatever advantage we can of the element of surprise. I am not opposed to the use of an embargo on news when it is so strictly confined and for such a purpose.

But the embargo has gone on for 6 days. It is not the embargo that I object to so much as it is the apparent conflict in statements; meanwhile, we get stories that emanate from the Soviet Union, stories put out by the Japanese news agency, and stories released by the French news agency. What information do our own news media receive so that the American people may know at least something about what is really going on? This is what I am talking about.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. If I may just proceed briefly first. I can understand that, as I have stated, there is an advantage in not letting the enemy know what we are doing. But from my following of the newsstories, such as they are, I have gotten the impression that the enemy may know more about what we are doing than we know ourselves.

Finally, the complaint I sought to make is simply this: Certainly, the leadership on both sides of the aisle ought to be trusted and should be taken into the confidence of those in the administration who do know what is going on. When I say leadership, it does not matter whether or not I am included; that is not the point. I do not know for a fact that the distinguished majority leader has not been briefed. I have not asked him. However, I did note in today's newspaper that the majority leader indicated he had not been briefed. Why is this? Why should not the people who have to advise and consent, and who represent the people of this country be at least briefed a bit on what is going on?

We know something is going on, but we do not know what. It may be that the leadership on the other side of the aisle has been briefed. But there are two sides to this aisle and there are two sides to the congressional support that the President needs and ought to have in this situation that we are discussing.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Yes.

Mr. GRIFFIN. Mr. President, I want to say first of all that the distinguished assistant majority leader has been a stalwart supporter, on a bipartisan basis, of the Commander in Chief whether the Commander in Chief has been a Democrat or a Republican; and the assistant majority leader has generally given the Commander in Chief the benefit of the doubt where it could be justified. I want to commend him for that, and I certainly do not want what I said earlier to detract from what has been a splendid record in that regard.

His statement, as I reread it, still does direct itself mainly at the handling of the information with respect, as I understand it, to the public. He does refer to Members of Congress in his statement. Then, just recently in this critique he referred specifically to the obligation of the administration to the leadership in Congress.

Now, he is touching a point where we could join hands. I do think that there is an obligation, a necessity, for close liaison and contact as between the administration and the leadership in this body, whether or not it includes the assistant minority leader.

I was critical in the past on that point with respect to the Cambodian operation, not that the operation was not justified—certainly, its results more than justified the operation—but I thought it was unfortunate then that there was not advance consultation with the leadership.

I do not believe that the current military operation, if there is one going on, is analogous to the so-called Cambodian incursion. I assume at this point, without any other information, that there has been no crossing of the line so far as our policy against the use of American ground troops in Laos or Cambodia is concerned.

In the absence of contrary information, I believe we should assume that no new policy is involved; that this is just another military operation, the size of which may or may not be larger than other military operations.

Perhaps we as Senate leaders have some special right to detailed information about a particular military operation. But I am not sure that we do. Obviously we will be in a much better position to make that judgment when it is over, on the point as to this operation when the news blackout is lifted and we know the facts.

It may be that, at that time, the junior Senator from Michigan will be standing shoulder to shoulder with the assistant majority leader in criticism of the way this was handled; but I cannot do so now. It may be a shortcoming on the part of the administration in not briefing us. In any event, I believe the discussion here indicates that there are several points of view as to the current situation.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished minority whip. In looking back upon the situation after the passage of from 7 to 10 days I have read something in the newspapers to the effect that, whatever operation may be in progress, it will last from 7 to 10 days—when we are able to look back, after the fact, we all may see a good reason why the light embargo was justified. I am not attempting to pass judgment now by saying all the facts should be spread at this time on the public record. I am not saying that at all. I am simply saying that I would hope that if there are conflicting reports on the part of representatives of the State Department and representatives of the Defense Department, as there appear to be to me——

Mr. GRIFFIN. Mr. President, will the Senator yield there?

Mr. BYRD of West Virginia. Yes; in just a moment.

Then I think people should get together and decide on what is the precise thing to say and say it, and everybody then will see it and hear it, so we do not have these conflicting reports, because they only contribute to conjecture, rumor, misunderstanding, and confusion, and in the long run they damage the credibility of those who conduct the military operations.

That is what I am concerned about. I am willing to be patient until the purpose of the embargo can be fulfilled. In the meantime, I hope we will not have what appear to be conflicting statements. In the meantime, moreover, I would hope that the majority leader and the minority leader and any others that the President, in his good judgment, may deem to be a part of the leadership in this body and in the other body can be consulted. It is up to the President. I do not mean that he should tell the majority leader and the minority leader, the majority whip and the minority whip, the majority secretary of the conference and the chairman of each committee in the House and the Senate, all of which really go to make up the leadership. He can and should be the judge as to how far into the leadership structure he would go. But let somebody here know what there is to be known, not every jot and tittle perhaps, but at least consult with and advise some of the leadership on both sides. Let the American people and the news media and the Members of Congress not have to depend upon Izvestia, the French News Agency, the Japanese News Agency, or reports coming out of North Vietnam or out of Communist China; but let there be some degree of definitive explanation, insofar as it can be given without jeopardizing the success of whatever military operations may be underway in the interest of saving American lives and accomplishing our future withdrawal from South Vietnam.

Mr. GRIFFIN. Mr. President, I know the Senator from Kansas (Mr. DOLE) wants the floor, but I should like to add one further comment. I am confident in my own mind that there is no policy difference as between the Defense Department and the State Department. I am not aware of any statements such as have been alluded to which indicate any particular difference in policy. But I can agree with the distinguished assistant majority leader that if there are such statements which lead to the impression that there is a policy difference, then they ought to be clarified. That can be done, of course, by the President or someone speaking for him.

I thank the Senator.

Mr. BYRD of West Virginia. I thank the able minority whip.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Yes; I yield to the distinguished Senator from Kansas.

Mr. DOLE. First, I share the views expressed by the junior Senator from Michigan and, of course, recognize the efforts of the Senator from West Virginia. In fact, as the Senator from West Virginia recalls, he offered the key amendment to the Church-Cooper amendment which made it possible for the Senator from Kansas to support that resolution insofar as protecting the rights of the Commander in Chief under the Constitution is concerned. So there is no criticism intended of the Senator from West Virginia, though, as I understand, both the Secretary of Defense and the Secretary of State have made it very clear that our goal is withdrawal from Southeast Asia—Vietnamization, if you please.

The junior Senator from Kansas, of course, like every other Senator, has been concerned. I have had inquiries from people. The pot has been boiling for about a week. Statements have been made by some Senators. There has been speculation by the press. So I made some inquiries late this afternoon. Before making inquiry, I made a statement that, if there was an embargo, I would assume it was because it involved the security of some forces there.

I called, after making that statement, to see if I was correct. I was informed by a White House official and by Defense Department officials that that was a correct assumption and a correct statement.

So, as the Senator from West Virginia has made clear in his statement, if it involves a matter of security, that is fine; we do not expect to telegraph our punches to the enemy. We can understand that many of the stories appearing in the French press, the Japanese press, and the Russian press are probably highly speculative. There have been speculative pieces in some of the American newspapers. I think it is more important that we protect the lives of those involved than that we read something on the ticker or something in the Washington Post.

It also occurs to me that if there is any effort being made, it is being made in compliance with the Church-Cooper resolution, which means one basic fact: That there are no American ground forces in Cambodia or in Laos, and none will be introduced in either of those countries, and, therefore, it may be that the South Vietnamese Government does not want the matter publicly discussed, because it would be their forces which would be involved. The South Vietnamese, Government and its citizens would be taking the lion's share of the risk. I have no way of knowing if they asked for the embargo, or whether it was dictated or directed by our Government, but it does appear to me that the great risk, if there is any engagement, any involvement, or any incursion, will be borne by South Vietnamese troops. American airpower, yes, but not the introduction of ground combat troops, which would violate the Church-Cooper resolution as adopted by Congress late last year.

I simply wanted to say to the Senator from West Virginia that, having checked with certain officials and not having been briefed prior to that time, the indication was that the embargo was for security reasons. I accept that, with one caveat, and that is that if it should appear tomorrow, the next day, or next week that there was no justification for withholding news, then I would share the views expressed by the Senator from Michigan and the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I thank the able Senator from Kansas. I do not think anything more need be said. I have already indicated that I accept the necessity for a news embargo in such an operation as I suppose this is, but I simply repeat that when we are told, we had better understand and all agree that there was a necessity for continuing the embargo as long as it has been continued. But if, indeed, the French, the Japanese, the Russians, the North Vietnamese, and the Communist Chinese know more about what we are doing than the American people do themselves, then I would submit that the embargo could no longer be justified. I again thank the distinguished minority whip.

AUTHORITY FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, following the approval of the Journal, if there is no objection, and the laying before the Senate of the pending business there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, keeping in mind the standing order entered on January 29 which provided that the minority and majority leaders shall be the first to be recognized during that morning business period.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 12 o'clock meridian tomorrow.

The motion was agreed to; and (at 5 o'clock and 44 minutes p.m.) the Senate took a recess until tomorrow, Thursday, February 4, 1971, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

SENATOR RANDOLPH URGES ACTION TO REDUCE SOLID WASTE LITTER—STRESSES INDUSTRY RESPONSIBILITY

HON. EDMUND S. MUSKIE

OF MAINE

IN THE SENATE OF THE UNITED STATES

Wednesday, February 3, 1971

Mr. MUSKIE. Mr. President, my distinguished colleague from West Virginia, the chairman of the Committee on Public Works (Mr. RANDOLPH), is one of the most knowledgeable and articulate Members of the Senate concerning the environmental problems faced by this country.

His wide experience in this field continues to contribute greatly to the Subcommittee on Air and Water Pollution, which I chair. Senator RANDOLPH has done much to focus attention of the American people on the challenges involved in creating and sustaining a clean environment. He has traveled tirelessly about the country, addressing thousands of people, always stressing to them the necessity for personal commitment and involvement to support the work we do in the Congress.

On Tuesday, Senator RANDOLPH took his message to Toledo, Ohio, where he addressed the Wholesale Beer Association of Ohio. On this occasion, he emphasized the problems associated with solid waste disposal, particularly as they relate to the beer industry.

Mr. President, Senator RANDOLPH'S address in Toledo was a forceful statement on what needs to be done to reduce the accumulation of litter, and steps that can be taken to reach this goal. I ask unanimous consent that his address be printed in the RECORD.

There being no objection, Senator RANDOLPH'S address was ordered to be printed in the RECORD, as follows:

CLEANING THE UGLY COSTLY FACE OF POLLUTION

Mr. RANDOLPH. Mr. President, nearly 10 months ago the United States observed Earth Day. This day of concentrated attention to the abuses of our environment was planned as the beginning of a full scale effort to end these practices and to prevent their recurrence in the future.

In the light of what has happened, we could almost say that 1970 turned into Earth Year.

Certainly the environment was on our own minds during 1970. It was a topic of discussion on college campuses, in the public media, and by organizations of all types and, of course, on Capitol Hill, in Washington, D.C., and in your State Capitol in Columbus.

In the Committee on Public Works, which I chair, environmental issues occupied a substantial portion of our time and energies. Major legislation for environmental controls in several areas was processed. During the 91st Congress we enacted new and strengthened laws to help in the battle against environmental contamination.

The Water Quality Improvement Act, the Resource Recovery Act and the National Air Quality Standards Act addressed themselves directly to environmental questions. Portions of the Federal-Aid Highway Act of 1970 and the Rivers and Harbors Act also contained important sections relating to the environment.

I have no doubt that the ecological explosion we witnessed last year will continue. I am confident that the Congress will be called on again this year to review the need for further environmental legislation, especially in the field of water pollution.

Very often we see public interest and concern centered on an individual topic for a few months, only to wane and be diverted in other directions. Therefore, the continuing high level of environmental concern is in some ways unique, but it is not be surprising since this is really a life and death matter affecting all of us. We are now reaping the fruits of many years of neglect of our natural surroundings, and these past abuses cannot be overcome quickly or easily. We are now acutely aware of the large quantities of pollutants that are regularly poured into the air we breathe and the water we drink. The growing mountains of solid wastes are threatening our increasingly concentrated population with dirt and disease. In addition, our technological society has produced a new hazard of noise pollution with which we must contend.

We have no choice but to face squarely the problems of the environment. The United States no longer has physical frontiers to which our people can escape and postpone the necessity of dealing with our hasty and thoughtless actions. Furthermore, we are now aware that our abundant natural resources are not limitless and must be conserved through reuse to the greatest extent possible.

I have been encouraged by the response of the American people to the need for environmental action. That they realize the seriousness of the threat to our world was demonstrated in last November's elections when environment-releated issues were given substantial voter support. While other financial questions on the ballots were being rejected in large numbers, most proposals to pay for environmental enhancement were approved.

At many levels of our national life there are plans and proposals to further the knowledge needed to meet the growing challenge to the environment. I view this as a healthy sign, for not only is action needed to end environmental abuse but extensive research to define the problems and pose solutions is essential.

A number of proposals have been made in this direction.

Senators Muskie and Baker have sponsored legislation to create a National Environmental Laboratory. As you know, Sen. Muskie is deeply involved in these problems as chairman of our Subcommittee on Air and Water Pollution.

All members of the Congress share the concern over the damage that is being done to our environment. Your own Senators Saxbe and Taft and the Ohio delegation in the House of Representatives work closely with us in developing the legislation needed to maintain a clean environment.

I am informed that the Administration will propose an Environmental Institute as a joint venture of the government and private groups. The National Academy of Science has considered involvement in similar efforts.

A new organization, the National Center for Solid Waste Disposal, has been created by a broadly based group of industries, to further research and exploration of effective ways to meet the challenge of solid waste. This is the kind of industrial response to these problems that is heartening to me and strengthens my belief that we will find the answers. I am glad that your association fully supports the center's goals and work.

This ferment is encouraging, for it means that we are willing to support our concern over pollution with the commitment to hard research that must be made if we are to succeed.

Every segment of the American Industrial complex is affected by the new concern with the environment. I am sure that no industry can correctly claim that it does not contribute in some degree to our national pollution problems.

The American beer industry must share the blame for being the initial producer of a substantial quantity of our solid waste. I know you realize the responsibility that this places on you.

In your Ohio association there has been a long standing concern over environmental issues. As early as 1964 you exhibited an understanding of the problems created by discarded beer containers.

Just over a year ago you responded to the growing public pressure by creating an Ecology Committee.

Incidentally, I wonder if it is only coincidence that this active group is chaired by a man named Litter. Your Ecology Committee obviously has been active under Bob Litter's leadership.

Products of the beer industry, one of our largest, are found almost everywhere.

It is this widespread distribution of canned and bottled beer that has made your industry not only successful, but has produced specific and unique problems. A motorist has only to drive along virtually any highway to be appalled at the sight of cans and bottles lying along the roadway . . . and on private property. Your industry cannot, of course, be blamed for the thoughtless actions of your customers who toss containers out of their cars, but in many instances the finger of suspicion is pointed at you.

During our hearings on solid waste disposal, the Committee received testimony on a number of new techniques that are being developed to collect, sort, dispose and recover solid wastes. It was encouraging to learn of the intensive activities that will help us cope with the solid waste problem.

As represenatives of the beer industry, you are fully aware of the demands to reduce or eliminate the accumulation of bottles and cans that carry your products to the public.

This awareness is reflected in the campaign of your association to distribute thousands of bags throughout Ohio in which beer cans and bottles could be collected instead of discarded.

This is one imaginative way in which the beer industry can contribute directly to reducing the accumulations of trash.

The promotion of anti-litter signs on members' trucks and the sponsorship of effective legislation in the state legislature are activities that reflect the willingness of the Wholesale Beer Association of Ohio to accept a responsible role in improving our environment.

The beer industry has been one of enormous growth in recent years and there has been increasing use of non-returnable bottles and cans to carry your product to the consumer.

It is, therefore, not surprising that we hear many demands for the elimination or outlawing of these convenient bottles and cans.

Such action may, on the surface, seem to be a quick and effective way to meet the problem. I believe, however, that few long-range benefits would result from the banning of throw-away cans and bottles.

In the first place, there is evidence that the public views throw-away and returnable bottles in virtually the same light. In other words, returnable bottles, on which a deposit is paid, are regularly thrown away as are the cheaper non-returnable bottles. Equally disturbing is the fact that reusable bottles are least popular in the large urban areas where most of our people live and where the solid waste disposal problems are the most acute.

Added to the public's recluctance to use returnable bottles in larger numbers, is the unwillingness of retailers to take on the added cost of handling them.

The challenge seems to me to be one of finding ways of recycling discarded cans and bottles instead of trying to impose the re-use of containers on a public and business structure that does not want them.

As I mentioned, there is increasing knowledge in the country of ways to recover and use again many materials that were once simply discarded.

I have many times in the past year discussed environmental problems before groups such as yours and before audiences representing other segments of American society. On each occasion, I have stressed that an essential requirement in the fight against pollution is a change in attitude by all of us.

We must stop thinking of ourselves as consumers. We are actually users of materials that are passed along for processing and continued use. The challenge we face was well stated by Athelstan Spilhaus, former President of the American Association for the Advancement of Science, who declared that "waste is simply some useful substance we do not yet have the wit to use."

I think American technical genius is well advanced to devising the processes we need to reclaim and reuse many of the left-overs we formerly considered trash suitable only for disposal.

Testimony before the Public Works Committee last year included discussion of a number of ways in which bottles and cans, the sources of concern to your industry, can be usefully recycled. The knowledge, for instance, that cans are now made of simpler materials and, in fact, less metal per can, will make the task of sorting refuse easier. If this takes place, the incentive for recovery and reusing of cans becomes economically greater.

There are now two pilot programs for recycling of cans that possess great promise. One is being conducted by Weirton Steel Company at its Weirton, W. Va. plant on ways of separating and reclaiming steel cans. Reynolds Aluminum Company is pursuing the same goals for aluminium cans at plants in Miami and Los Angeles.

New techniques also are providing easier ways to separate glass from other materials and to make it into such useful substances as building bricks, glass wool for installation, glass beads, and even a material known as glasphalt. This last is a mixture of ground glass with asphalt that may become of importance in highway construction.

The conduct of separation activities on a large scale is now approaching economic feasibility.

Only a few days ago recommendations were made for the construction of a large refuse recovery plant in the Washington, D.C., area to provide newly-developed techniques a full test. The proposed plant would process the trash from a community of 200,000 people with the aim of recovering enough reusable materials to make it pay for itself.

The economical separation of waste materials continues to be one of the greatest problems confronting those who must cope with solid wastes. But another serious obstacle is concerned with marketing materials once they have been reclaimed. We have had evidence that there is resistance by some producers of raw materials to having used substances introduced into the manufacturing cycle in competition with them.

This is an obvious opportunity for these reluctant industries to adopt a statesmanlike posture for the benefit of society. Any real or imagined financial harm they fear could be ameliorated by these companies entering the recycling field themselves.

There is no single or simple solution to this problem, and its resolution must be sought in several areas. The sorting problem is compounded, for example, by nothing more complex than the decline in the number of communities that require householders to sort their trash before it is collected. Simple actions such as this may be one way in which the public can support its desire for a cleaner environment.

We in Congress recognize the demands being made on the beer industry to somehow reduce the litter of discarded bottles and cans. We also recognize that you are not wholly to blame for the environmental degradation to which they contribute. I believe you will agree, though, that you have a critical role to fill in easing this particular solid waste problem. And, I believe you are aware of the need and are deeply involved in doing your part.

Our country is being subjected to a test of its ability to adapt. How we respond to these pressures in the months and years ahead may well determine the form of society and perhaps even our continued existence as a viable democracy in the future. The strength and dedication of all our citizens is needed, and I ask you to join with me in pledging our best energies to a strong and durable America.

In the final analysis, the success of man's battle against pollution will be determined by his will to break away from old habits, to reject what Abraham Lincoln called the dogmas of the past, and to come to grips with the fact that the environmental crisis is one of life and death.

Man created environment pollution, and only man can end it.

To this commitment let us pledge anew our words, but more importantly, let us pledge our deeds.

A rebirth of personal responsibility is the answer, in part, to the elimination of ugly and costly contamination.

THE TIME HAS COME TO REFORM GOVERNMENT OIL POLICIES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. CONTE. Mr. Speaker, I want to commend to the attention of my colleagues an excellent article, "Cold Facts About the Fuel Shortage," in the February issue of the highly respected Consumer Reports.

The article focuses much of its attention on Government oil policy which, it says, "has not only failed to guarantee the Nation a comfortable fuel supply this winter, but has also failed to develop adequate long-term reserves of oil."

This concise explanation of our present bankrupt oil policy helps to explain why I and many of my colleagues have long opposed the oil import quota system which costs the U.S. consumer over $5 billion annually in artificially high prices.

Recent developments, described in the article, have also made clear that State oil production controls serve only to maintain unreasonably high prices.

Mr. Speaker, yesterday I sent a letter to my colleagues inviting their cosponsorship of two bills which will effectively end both these programs. I also include a copy of that letter at the close of these remarks. I hope that all my colleagues will examine this Consumer Reports study. Having done so, I am confident it will encourage support for these legislative reforms. The material referred to follows:

COLD FACTS ABOUT THE FUEL SHORTAGE

Remember last summer's brownouts—those miserably hot days when the electric power companies in some sections of the country reduced their voltage and deliberately blacked out entire areas to avoid massive power failures? Remember the curious spectacle of utility company executives, after having spent millions of dollars to encourage the purchase and use of air-conditioners and other electrical appliances, pleading with customers to turn them off?

The utility companies muddled through that summer crisis. Now there's a winter crisis. As winter approached, a White House official said, "The number one problem facing electric utilities in the cold months . . . is getting adequate supplies of coal, oil and natural gas, not generating capacity." By mid-December the situation had eased somewhat, but fuel reserves remained precariously low.

Because of the shortage, fuel prices had already reached an all-time high by December. The price of coal was up 56 per cent from 1969. Residual oil, which is used to generate electricity and to heat large buildings, was up 47 per cent. As a result, electric bills were rising, too. The Tennessee Valley Authority, a Federally owned utility, was among the first to act, increasing its rates 23 per cent. Nationwide, according to one estimate, higher fuel costs will raise consumers' electric bills by $1 billion this year.

The cost of heating homes was rising steeply, too. Furnace oil has skyrocketed, in some areas by as much as 40 per cent. Natural gas, which is regulated by the Federal Power Commission and state public service commissions, was more stable in price, but supplies are at an all-time low. Joseph Swidler, chairman of the New York State Public Service Commission, reports that there will not be enough natural gas to provide continuous service for all industrial users this winter. The situation in other states is similar, according to Mr. Swidler. The Federal Power Commission chairman, John Nassikas, says that the demand for natural gas this winter will exceed the supply by 3 billion cubic feet per day—the amount needed by a very large city.

WHAT HAPPENED?

The shortage of fuels stems from a variety of seemingly unrelated factors. There is no immediate shortage of coal, oil or natural gas underground. The nation's reserves of all three fuels should be adequate for some years to come.

The four major sources of electrical energy—oil, natural gas, coal and uranium for nuclear generators—are to a certain extent interchangeable. Thus, a shortage of one fuel increases the demand for other fuels and, in times like these, can lead to a general shortage. Much of the current difficulty can be traced to the Atomic Energy Commission, which oversold the immediate importance of nuclear energy. Coal companies, convinced that uranium fuel was about to come into its own, grew reluctant to open new coal mines. Railroads, similarly misled, cut back on purchases of coal cars. But the construction of nuclear generators has fallen behind schedule. None of the 10 new plants scheduled to begin operation this winter will be ready on time. That alone has created an unexpected demand for 20 million additional tons of coal.

At the same time the U.S. has been *exporting* coal at a fantastically increased rate. In 1961, 34 million tons were shipped abroad; the figure has now nearly doubled to 66 million tons a year. Increased exports have intensified the shortage of railroad cars for domestic deliveries. To make matters worse, as many as 20,000 coal cars were for some time tied up at East Coast dock areas, partly because of a quirk in coal-car rental rates. Under rates set by the Interstate Commerce Commission, it was said to be cheaper for an East Coast railroad to keep cars standing empty in freight yards then to return them to Midwest mines. Coal cars piled up, moreover, while waiting for ships to become available—or while waiting for coal prices to go higher.

THE POLLUTION FACTOR

New air-pollution-control laws in many cities limit the sulfur content of fuels. That increases the demand for coal with low sulfur content. But adequate supplies of low-sulfur coal have yet to be developed because the relatively high-sulfur coal in Ohio, Illinois and West Virginia is cheaper to deliver to major users than low-sulfur coal from Wyoming, North Dakota and other Western states. As a final touch, coal production of late has been slowed by a new and much-needed mine-safety law, which forced a number of mines to close, and by a series of wildcat strikes related to mine safety.

Faced with a shortage of coal, and particularly of low-sulfur coal, many manufacturers and power companies might have converted to clean-burning natural gas, had it, too, not have been in short supply. The major oil companies, which dominate the natural gas industry, claim that the gas shortage results from unrealistically low prices set by the Federal Power Commission. The industry says it just doesn't pay to search for and develop new supplies.

Critics of the industry, such as Mr. Swidler and Lee White, another former FPC chairman, accuse the industry of deliberately holding back on developing new wells in order to create a gas shortage that would force the FPC to grant a price increase. Mr. Swidler claims the industry "has virtually been on strike in an effort to discredit Federal regulation of gas prices."

Much of the nation's natural gas reserves lies beneath the waters of the outer continental shelf. In contrast to offshore oil, this gas can be developed with little fear of polluting the ocean. The U.S. Department of the Interior has sold some 1000 leases for oil and gas exploration along the Texas and Louisiana coast. According to a recent report prepared by a group of state public utility commissioners chaired by Mr. Swidler, the incentive for rapid development of many leases is minimal, since they were sold for amounts so low that the big petroleum companies, which bought most of the leases, could easily afford to delay production pending a rate increase. Mr. Swidler's group suggests, therefore, that the Interior Department exercise its authority to require expeditious development of offshore gas properties, that it put additional leases up for sale, and that it change the bidding procedure to encourage small producers to participate in the development of the outer continental shelf by permitting lessees to pay for their leases over an extended time.

OUT OF OIL

Contrived or not, the gas shortage coupled with the shortage of coal has created an unprecedented demand for oil. The kind of oil in shortest supply is residual oil, which as the name implies is basically the sludgy stuff left over after the refining process has removed the lighter, more profitable oils and gasolines from crude oil. Twenty years ago the output of U.S. oil refineries necessarily included 23 per cent residual oil. Since then, millions of dollars have been invested in new refining processes to produce more specialized petroleum products and less residual oil, so that now the production of residual oil has been reduced, on average, to 7 per cent of the refinery output.

Because of its low price, residual oil makes a good fuel for heating big buildings and for generating electricity. U.S. users are heavily dependent on Venezuela for residual oil. With coal and gas temporarily in short supply, the natural course would have been to increase imports. But it now turns out that residual oil, and especially low-sulfur residual, is in short supply throughout the world. Until recently the demand for residual had been increasing at an annual rate of only 2 per cent. This winter, however, demand is up 15 per cent.

A tanker shortage proved the crowning blow to U.S. residual-oil supplies. Last May a Syrian bulldozer "accidentally" cut a key oil pipeline carrying 500,000 barrels of oil a day to the Mediterranean for shipment by tanker to Europe. At the same time, Libya put the squeeze on oil prices at its own fields by reducing production by 500,000 barrels a day. With the Suez Canal already closed, European nations are being forced to ship oil from the Persian Gulf all nations are being forced to ship oil from the Persian Gulf all the way around the southern tip of Africa. The vastly longer voyage is responsible for the current shortage of tankers.

ALL THIS AND A QUOTA, TOO

Oil industry spokesmen exploited the tanker shortage and the uncertainties of Middle East and North African politics as object lessons to those who have been trying to convince President Nixon to remove a 12-year-old quota on the import of crude oil and most refinery products. The oilmen argued that those events proved the wisdom of America's not being dependent on foreign supplies of oil. The President, if he had not been previously persuaded to accept the oilmen's point of view, has accepted it now by putting aside all consideration of abandoning the quota system.

The oil quota in fact intensified the current fuel shortage by discouraging foreign refineries from producing more of the low-sulfur residual oil so badly needed right now. Unlike other petroleum products, residual oil may be imported in unlimited quantity for use in the eastern U.S.

Thus, there is a ready and open market in this country for desulfurized residual oil from overseas.

The catch is that the desulfurization process reduces by 30 per cent the residual oil produced from a barrel of crude oil, while increasing proportionally the amount of gasoline and other oil products. Because of the U.S. import quota, additional foreign gasoline and other oil products cannot be sold here. That being so, foreign refineries have been unwilling to manufacture the desulfurized residual oil, which can be sold here.

American refineries have run into similar problems. In 1967 Gulf Oil Co. asked the Interior Department's permission to import high-sulfur residual oil, desulfurize it and sell both the cleaned-up residual and the gasolines and other products that would have come out of the process. The proposal was rejected.

A major foreign source of naturally low-sulfur oil is the North African nation of Libya. The U.S.-owned Occidental Oil Co., controls extremely rich oil fields in Libya and wants to import low-sulfur Libyan crude. It has offered to guarantee that a relatively high percentage would be turned into residual oil. In exchange, Occidental has asked for a free-trade zone to be created at Machiasport, Me., permitting Occidental to build facilities there for refining Libyan crude oil imported outside of the existing quota. Thus far, the plan has not won approval. Indeed, it raises serious environmental questions. But according to one expert on residual oil, "If the Occidental proposal and others like it are rejected, it is difficult to see from where any large amounts of very low-sulfur residual oil are to come."

HIGH COST OF QUOTAS

Restrictions on imports of low-cost foreign oil for over a decade have cost the U.S. consumer as much as 5¢ per gallon of gasoline and as much as 4¢ per gallon of home-heating oil, according to one expert. The total burden of oil-import quotas on consumers was estimated by a Cabinet-level Presidential task force last February at $5.2 billion a year. At expected consumption levels 10 years from now, the figure is expected to reach $8.4-billion a year. The burden falls unevenly across the country, in general getting heavier toward the East. The quota is said to cost an average of $17 a year per person in California, $22 a year in Illinois, and $35 a year in Massachusetts. For a family of four in Boston, that means an extra $140 a year for gasoline, heating oil and other petroleum products.

The quota was imposed in 1959 by President Eisenhower, acting under authority of a law permitting the President to restrict imports that pose a threat to the national security. Then, as now, supporters of the quota argued that foreign competition would destroy much of the domestic oil industry, leaving the country dangerously dependent on foreign oil. President Eisenhower's closest adviser, Sherman Adams, later acknowledged, however, that the President's decision to limit oil imports had more to do with protecting the U.S. oil industry than with national security.

A majority of the 1970 oil-import task force, including the Secretaries of Defense, State and Treasury, reported to President Nixon that the oil import program "bears no reasonable relation to current requirements for protection either of the national economy or of essential oil consumption." The quota, the majority said, "is no longer acceptable."

Government oil policy has not only failed to guarantee the nation a comfortable fuel supply this winter, but has also failed to develop adequate long-term reserves of oil. Indeed, U.S. oil reserves are on the decline. It is therefore very difficult to understand how the national security has been served by a system of import quotas that forces the immediate consumption of domestic oil at times when foreign oil is cheap and plentiful.

The tanker shortage provides a convenient but unsatisfactory explanation. True, if import restrictions were lifted at once, there would not be enough tankers to carry the amount of foreign oil needed here. But the Libyan crisis shows signs of abating, an unprecedented number of new tankers are on the ways, and increased tanker rates may encourage ship owners to delay the retirement of old, formerly uneconomical tankers and to equip cargo ships, grain and ore carriers to carry crude oil. Indeed, a director of Royal-Dutch Shell predicts a surplus of tankers within the year even if the situation in Libya and Syria remains unchanged.

WINTER OF DISCONTENT

The energy crisis is traceable largely to hydra-headed and uncoordinated government regulations.

The Texas Railroad Commission and the Louisiana Department of Conservation largely determine how much domestic crude oil will be pumped from the ground.

The Interior Department administers coal mine safety standards, oil quotas, and the development of off-shore oil wells and vast, untapped lodes of shale oil.

The Atomic Energy Commission lobbies for atomic energy.

The Interstate Commerce Commission affects the coal industry through its regulation of the railroads.

The Department of Health, Education and Welfare has jurisdiction over air pollution standards.

The Federal Power Commission regulates the interstate price of natural gas.

State public utility commissions regulate the local price of natural gas.

The Justice Department and the Federal Trade Commission enforce the antitrust laws under which oil companies have been allowed to enter the coal and uranium business. The oil industry now owns 25 per cent of the nation's coal production and 45 per cent of its known uranium reserves.

The Treasury Department administers and interprets tax laws that have an important bearing on domestic oil and gas exploration. (A Treasury Department ruling, for example, has actually encouraged huge international oil companies, such as Jersey Standard, Gulf, Texaco and Mobil, to explore for oil overseas instead of at home by deducting overseas royalties from their Federal income taxes.)

Responsibility for the maintenance of an adequate fuel supply clearly cannot be entrusted to a host of agencies working at cross-purposes. Nor can it be entrusted to the forces of the market. Private industry's quest for profits does not necessarily coincide with public needs—it does not, for example, produce enough emergency supplies of residual oil when gasoline is more profitable.

Existing regulations not only fragments the public interest. It is also a one-sided affair, shielding the politically powerful oil industry from the price competition of an unrestricted supply of crude oil and petroleum products while leaving the consumer to pay the bill at times when shortages force up prices. Rational management of the nation's energy needs will demand intelligent and well coordinated use of regulation, freed from the shackles of petroleum politics. Economist Walter Adams summed up the situation at a Senate hearing:

"You cannot make speeches about noninterference by Government and cite Jeffersonian texts on the Fourth of July and in the country clubs and counting houses and then come up to Capitol Hill and lobby for governmental interference which will protect special and vested interests, not of the poor and the underprivileged, but of the powerful, the wealthy, the favored. When Government is used as a mask for privilege, then it becomes an Elizabethan institution. I do not want to be corny but this is what the American Revolution was all about."

Protectionism, Quotas, and Free Enterprise, Texas Style

Again this year Congress is under pressure to convert the Trade Expansion Act, which made possible the Kennedy round of tariff reductions, into a protectionist measure the likes of which hasn't been seen since the Smoot-Hawley Act 40 years ago (Consumer Reports, May 1969). Imports of textiles, clothing and footwear would be controlled by means of a quota (at a cost to consumers estimated by a member of the Federal Reserve Board at $3.7 billion a year in higher prices by 1975), and severe constraints would be placed on the President's authority to abolish oil import quotas.

The oil-quota provision was patched onto the trade bill last year after a Cabinet-level task force had advised the President to replace oil quotas with a tariff that would be less restrictive on imports and would therefore force down the price of gasoline, home-heating oil and other petroleum products. To tie the President's hands, the 1970 trade bill would have prohibited him from using tariffs in place of quotas. The bill was passed by the House, and was killed by the Senate only under threat of a filibuster.

Instead of trying to perpetuate oil quotas, Congress should abolish them. Keeping low-priced foreign oil out of the country is an essential part of an elaborate Federal-state system for propping up the price of oil from U.S. wells. Shortly after World War II, the oil industry found itself overinvested. Quite simply, it could produce more oil than it could sell. Excess capacity of anything, be it oil or potatoes, should mean lower prices as sellers are forced to compete for the available market. To curb excess capacity, the leading oil-producing states, Texas and Louisiana, began limiting production. Furthermore, after the U.S. Supreme Court had ruled that offshore oil fields belong not to the states but to the Federal government, the Interior Department dutifully began enforcing offshore production limits drawn up by the adjacent states. Thus, production control was extended to the vast resources of the outer continental shelf off Texas and Louisiana. Federal and state governments now can shelter most crude oil from the forces of supply and demand.

The Texas Railroad Commission, which sets oil production quotas in that state, has at times ordered wells shut down all but eight days a month. Production controls at their best are hardly calculated to promote industrial efficiency The pro-rationing system, though seems designed to make oil production as inefficient as possible. It does so by setting production limits on each well, instead of on the overall output of an oil field. To produce as much oil as the state allows, an oil field developer may drill four wells where only one well could drain the field at maximum efficiency. Superfluous oil wells, according to one oil economist, have added an estimated $1 billion to the production costs of crude oil since 1948. In 1960 it was proposed that more than three quarters of some 17,200 East Texas wells be capped as superfluous, but the Texas Railroad Commission rejected the idea because of the bad effect it would have had on the local economy.

Last November major oil companies increased the price of crude oil by 25¢ a barrel. The cost to motorists was expected to be 1¢ per gallon of gasoline, or some $600-million a year for all car owners. The potential price increase for all oil products was put at $1.25-billion a year. Despite the crude oil price increase, the Texas Railroad Commission went ahead and cut production quotas for December, a decision which the White House noted "would have the effect of reducing the supply of crude oil and supporting the price increase."

Texas acted, moreover, after Mobil Oil Corp. had requested a production cutback on the ground that its stocks were too large. Thus was Mobil able to increase prices when, as the White House observed, excess inventories "ought to have been moving [the industry] in the direction of stable, to perhaps declining prices."

President Nixon quickly exerted some of the power at his disposal to roll back oil prices. He permitted a limited increase in imports to bolster immediate petroleum supplies. More important for the long run, he removed production limits on off-shore oil wells. If these measures didn't work, he still held the trump card. He could eliminate all quotas on oil imports with a stroke of his pen.

FEBRUARY 1, 1971.

DEAR COLLEAGUE: For years American consumers have suffered from two government oil policies which have led to artificially high oil prices: severely restrictive import quotas and state production controls, or prorationing. The latter is an interference with interstate commerce made possible only by a Federal law known as the Connally "Hot Oil" Act.

In May of 1969, I introduced a bill, ultimately consponsored by 65 of our colleagues, to eliminate the import quota system. Events since then have made clear that these quotas should be ended and the Connally Act should be repealed. I am writing to invite you to join me as a cosponsor of two bills to accomplish these ends.

Let me briefly indicate the rationale for these two bills. In February, 1970, President Nixon's own Cabinet Task Force on Oil Import Control found that quotas annually cost U.S. consumers over $5 billion in artificially high prices, that the present quotas are not justified for reasons of national security, and that they should be replaced by a tariff which would permit greater imports and lower prices. Regrettably, no action was taken to implement these recommendations.

The present tight fuel supply situation offers further proof that oil quotas have not been able to guarantee adequate supplies. It has also provided dramatic evidence that state prorationing should be abolished. Despite unprecedented demand and declining inventories the state regulating commissions in Louisiana and Texas have actually cut back production.

This cutback continues despite recent inflationary oil price hikes so severe that they prompted the first federal investigation, still underway, to determine whether import quotas should be increased or changed to assure adequate supplies and reasonable prices.

These developments combined to force the President on December 4, 1970 to take two steps: He increased allowable imports from Canada, and ended the practice of limiting Federal off-shore oil production in *voluntary* compliance with these state production controls. In taking this latter step President Nixon stated that these controls "are not necessary for national security; moreover, they actually interfere with the freedom of our domestic market system." A more complete discussion of the President's action can be found in the Congressional Record for December 10, 1969 at H.11523.

While these were welcome moves, I believe it is essential for the Congress to take more decisive action. My first bill would abolish all oil import controls by January 1, 1972. In view of the deep concern about the present supply situation in the Middle East, let me stress that the President would retain the right to impose a tariff as the Task Force recommended. It should be noted that the Task Force called for the use of tariffs to restrict imports from that region to no more than 10 percent of U.S. demand, assuring we will not become unduly dependent on this source.

The second bill, repealing the Connally Act, would remove federal sanction from state prorationing and render it inoperative. The combination of these two programs has cost at least $40 billion over the past decade. Their abolition will not only relieve chronic shortage problems of particular concern to the Northeast heating oil consumer, but also create a strong downward pressure on prices across the nation. It is too little appreciated that gasoline consumers have been paying 5 cents more per gallon because of these anti-competitive programs.

If you wish to join in this bipartisan reform effort to provide needed consumer relief, I hope you will agree to cosponsor these two bills. Since I plan to introduce them on Thursday, February 25th, please advise Myrna Vanden Eykel of my staff (ext. 55335) by Wednesday the 24th if you wish to join me.

With warmest good wishes, I am,

Cordially yours,

SILVIO O. CONTE,
Member of Congress.

CINCINNATI COLUMNIST LIGHTENS SST DEBATE

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Wednesday, February 3, 1971

Mr. TAFT. Mr. President, Congress has been debating continued support of the supersonic transport for many months. The Senate, as most of my colleagues are well aware, was tied up for weeks in a prolonged discussion of the merits of the SST and debate will undoubtedly continue.

At times, I am sure all of us would agree, there is a need for levity. Bob Brumfield, a very talented columnist for the Cincinnati Enquirer, has provided some of that in a recent column entitled "The Wisconsin SST." I am sure my distinguished longtime friend, the Senator from Wisconsin, will enjoy the article.

While I have no plans to join Mr. Brumfield's Wisconsin dairy products boycott, my wife advises that avoidance of butterfat would certainly not hinder my waistline and might do as much for me as jogging to work.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Cincinnati Enquirer, Jan. 25, 1971]

The Wisconsin SST

(By Bob Brumfield)

Sen. William Proxmire (D.-Wis.) wants to kill the SST.

Okay, so I think Americans should boycott Wisconsin dairy products.

Now, at first glance, it might look like I'm just being vindictive because the Cincinnati area has so much to lose if the SST program is killed, but this is far from the truth. I think there should be a boycott on Wisconsin dairy products simply because of the environmental dangers they present.

Wisconsin cows are dirty animals. They're always . . . well, they make it necessary to watch carefully where you walk. And they attract flies. Not only that, but they add to noise pollution with their mooing. Wisconsin cows eat grass, and unless something is done soon, they will completely strip the Earth of grass.

The argument has been advanced that Wisconsin dairy products are necessary to the nation's health. This just isn't true. Wisconsin dairy products are simply a jet set food. The country can get by fine with the excellent margarine now on the market. There also is an excellent synthetic cheese on the market that is plenty good enough for cheeseburgers.

You may ask: "But what about milk for babies and cats and for putting on breakfast food." And to this I reply (rather smugly, actually): Did the Indians have Wisconsin milk for their babies and cats and for putting on their breakfast food? Of course they didn't. They ate their shredded wheat dry, the way nature intended it to be eaten. They nursed their young. And when a cat came around meowing for Wisconsin milk, they kicked it all the way to Milwaukee.

As for their health, they were plenty healthy enough to beat hell out of General Custer.

Wisconsin dairy products are not only unnecessary for the nation's health, but they also might be extremely harmful. Many reputable scientists are of the opinion that these dairy products contain high percentages of cholesterol, and that this might be contributory to heart disease. Although these are just unproved theories, there is enough scientific evidence against Wisconsin dairy products to warrant an extremely cautious approach to their use. We just can't take the chance.

Proponents of Wisconsin dairy products say that there will be no harm done by just a little of their cheese here, and a little of their milk and butter there. They advance the argument that unless we permit a few Wisconsin dairy products to be sold, we'll never be able to prove or disprove their dangers.

Baloney! If we let them sell a little of these products—produced through massive federal aid in the form of farm subsidies—the next thing you know it will get completely out of hand. If we need any dairy products for experimental or other purposes, we've got plenty of good old Ohio, Indiana and Kentucky cows.

A GRANDMOTHER'S MOVEMENT TO RESTORE DECENCY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. RARICK. Mr. Speaker, many parents, ministers of the Holy Gospel, educators, and other citizens abhor and are deeply concerned about the torrent of indecent, obscene, and pornographic art, plays, literature, periodicals, films, and television programs inundating this great country. They are rightfully concerned since history records that no nation has survived a successful assault upon its morals.

There exists today a frightening parallel in crime rise and the proliferation of smut material which not only advocates acts in conflict with God's natural law, but debases traditional virtues and standards.

Our runaway Supreme Court Justices, who by their unconscionable and unwise decisions have promoted this onslaught of salacious materials, seem to have forgotten that America was founded as a Christian nation and that the earliest schools is America were established to teach children to read so that they could read the Holy Bible.

In his Epistle to the Ephesians, St. Paul says:

> Let no corrupt communication proceed out of your mouth, but that which is good to the use of edifying, that it may minister grace unto the hearers.

And in Psalms 127:1, we are reminded:

> Except the Lord build the house; they labor in vain that build it: except the Lord keep the city, the watchmen waketh but in vain.

It is encouraging and refreshing to learn of a grossroots movement by concerned citizens individually and collectively through organizations to attempt to stem the tide of pornography and obscenity, to restore decency throughout America, and to get America back on the right moral track prescribed by Almighty God in Holy Scriptures.

One such individual is Mrs. Billie Lasker, a grandmother, of 7815 Pershing Avenue, Clayton, Mo. 63105. Her crusade for decency is told in a news release by Gerald P. McAtee, of Fitzgerald Enterprises, 9216 Clayton Road, St. Louis, Mo. 63124. I insert at this point Mr. McAtee's release and a news clipping:

Remarks by Gerald P. McAtee

A widowed grandmother in Clayton, Missouri, has hurled down the gauntlet to the powerful paladins of pornography now riding the crest of a golden wave estimated in excess of a billion dollars yearly.

Mrs. Billie Lasker has sent some 8,000 signatures to Senator James O. Eastland, Chairman of the Senate Committee on the Judiciary, in the past five months. Almost 3,000 of them were secured within the past four weeks as her lone crusade against filth gathers momentum.

But for the intervention of Death, Mrs. Lasker's crusade would be far advanced over its present development. After fifteen years of caring for an invalid husband, she was crushed by his death only six months after she began her campaign. It was almost a year later before, rising in indignation from the trauma of her grief like the legendary phoenix from its ashes, she again took up the sword against the forces of filth.

Gene Lasker was reduced to a nervous wreck by financial ruin. Three years and six hospitals later, the Laskers' home and savings were gone. For the next fifteen years Billie Lasker struggled to support her ailing spouse.

To make ends meet, she began a small antique business which she conducted in her home. Her husband's illness, housemaking and the business left her little time for anything else. And she felt that she would be content with life if she could just keep her head above water and meet the everyday expense of doing so. Then a reeking piece of imported cinematic feculence exploded in her consciousness and nothing has been quite the same ever since. Outraged at this blatant opus, she drew up a petition to the late Senator Everett M. Dirksen with the help of a friend and sallied forth to counterattack the powerful forces of the pornographic world. Despite the already heavy demands on her time, energy and emotions, she spent two hours a day, three days a week, accosting people in a neighborhood shopping center to ask them to sign the petition to deprive the Supreme Court of the jurisdictional authority to overturn decisions of lower courts in cases involving pornography.

"And if you don't believe the Supreme Court is involved," says she, "just look at the record. Thirty-eight lower court decisions were reversed by the Court in just three years from 1967 through 1969. And those decisions have opened wide the floodgates through which this tidal wave of filth now surges in upon us. And, aside from the fact that much of it is vile enough to nauseate a vulture, it is corrupting our young people. Every parent in the country ought to be up in arms about this abominable assault upon our children. Every mother should join this fight now and put this despicable enemy to route once and for all. The time has come for all Americans to stand up and be counted for decency."

But even Death allied itself with the evil Billie Lasker, undaunted by overwhelming odds, had attacked. In May, 1969, Gene Lasker died. And for the next ten months grief robbed the doughty widow—who had already mailed more than 1,000 signatures to Senator Dirksen—of the strength to continue the fight.

Then a "particularly revolting picture advocating drug usage and perversion" galvanized her into action once again. She was doubly shocked to observe young teenagers serving as ushers and ticket takers and to see other youngsters in the audience. She immediately wired the Prosecuting Attorney of St. Louis County and phoned her friends to urge them to do likewise. The picture abruptly disappeared. She doesn't take credit for the change—just says, "Five days later, it was gone."

One must draw one's own conclusions.

Says this twentieth century Joan of Arc: "Some people say there is no legal definition of obscenity—but that is not true. In 1957 in the case of Roth versus the United States, the Supreme Court declared that 'obscenity is not within the area of constitutionally protected speech or press'. The Court further stated, clearly and unequivocally, that material is obscene when 'to the average person, applying contemporary community standards, the dominant theme of the material, taken as a whole, appeals to prurient interests'."

Mrs. Lasker can now be seen daily at one of the busiest shopping centers in the St. Louis area buttonholing people to ask for their signatures on this "petition against filthy movies and other forms of pornography". She averages approximately 100 signatures a day. On weekends she stands in the rear of churches to ask the support of churchgoers as they leave services. On three Sundays within the past month she obtained a total of almost 1,000 signatures in this effort.

"It should have been twice as many and I believe it would have been if there had been more help," she says.

Mrs. Lasker expects to obtain 100,000 by spring in the St. Louis area.

"If enough people will join this fight, we can make it a million," she says. "And I think they will. People are calling or writing me every day asking for copies of the petition which they work on themselves and return to me after they have completed them by securing twenty signatures on each copy. A retired Catholic priest requested copies and returned them with one hundred signatures. One woman ordered twenty-five petitions for use in local hospitals and other institutions, then had one hundred duplicates made up herself which she sent to people she knows all over the country. I hope this campaign will grow into a national crusade for decency that will sweep this abomination back into the cesspool where it belongs—for good."

Who foots the bill for all this?

"Nobody," answers the fighting lady. "But some people are very thoughtful. A few have enclosed stamps with requests for petitions. One woman sent two dollars. Another sent ten. And a well-known and dedicated businessman has printed hundreds of petitions for me and also provided stationery and secretarial help."

For many years, when she was younger, she visited local nursing homes of the Little Sisters of the Poor to sing twice monthly for the aged inmates. She also entertained veterans in veterans' hospitals in the area.

"They were so appreciative," says she.

Mrs. Lasker's life has been characterized by service, charity, dedication, and self-sacrifice.

The world has all too few Billie Laskers.

Valiant is the name for Billie.

[From the St. Louis Globe-Democrat, Jan. 30, 1970]

WOMAN FILES PETITIONS IN ANTI-SMUT FIGHT

A Clayton grandmother who is waging a one-woman crusade against pornography has added more than just a handful of signatures to the collection she has been sending regularly to U.S. Sen. James Eastland (Dem.) Mississippi.

The crusader is Mrs. Billie Lasker, 7815 Pershing ave., who collects about 100 signatures a day on petitions which she circulates at various shopping centers in the county.

Her latest batch of petitions, containing 2,860 signatures, was put in the mail Tuesday addressed to Eastland, who heads the Senate Judiciary Committee and is responsible for consideration of any new anti-smut legislation.

In her letter Mrs. Lasker asks, "When is Congress going to end the unconscionable usurpations of the Supreme Court which has opened wide the floodgates of iniquity through which this hellish torrent of unspeakable rottenness thunders in upon us from all sides?"

PROPOSED AMERICAN AIRLINES-WESTERN AIRLINES MERGER

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 3, 1971

Mr. GRAVEL. Mr. President, I believe the proposed merger of American Airlines and Western Air Lines will benefit the people of Alaska. If done properly and American maintains its positive attitudes about its advent on the Alaska scene, I see the following advantages being realized:

First. It will provide Alaska, for the first time, with the services of American Airlines, one of the world's leading airlines.

Second. Alaska's developing oil industry will obtain an important new one-carrier link to Texas.

Third. The merger will provide a new single-carrier service between Alaska and a long list of major cities in the Southwest, Midwest, and East which American serves and which are a great potential source of Alaskan vacation travel. It also will provide one-carrier service to the South Pacific. American will use its promotional efforts to stimulate these Alaskan vacation markets.

Fourth. American will be able to improve Alaska's air services. American has 10 Boeing 747 aircraft in service, another six on order, and has delivery positions for six Boeing SST's. It has also ordered 25 Douglas DC–10's. American promises to provide improved service over the Alaskan routes now serviced by Western.

Fifth. American has a fleet of 17 all-cargo jet aircraft available to meet the needs of the people of Alaska.

Because of the peculiarities of Alaska's cost functions and other factors, it has been clear for some time that the State will be developed largely by big capital. Big capital is generally available in the private sector to the big firms, and transportation and the airlines are no exception to these maxims. For these and other reasons I welcome the possibility of American Airlines merging with Western Airlines which presently serves Alaska routes.

Such a merger seems to me to be a logical step in the evolution of air transport carriage in Alaska—Pacific Northern Airlines having earlier merged with Western and now Western merging with a still larger carrier with still greater financial strength and diversity of equipment and service. American, with its extensive marketing capability, can be very helpful in promoting tourist travel to Alaska, an increasingly important factor in that State's economy as personal incomes and leisure time increase, air travel times diminish, and fewer places remain to be visited by the vacationing public. Through American's subsidiary enterprises, new and selectively located hotel accommodations may be added to the Alaska tourist industry.

In the business and commercial fields I see the connecting of the traditional oil areas of Southwestern United States with the emerging oil areas of Alaska to be of particular importance both in the transport of passengers and cargo. If, as I believe is likely, the development of Alaska—particularly the northern areas—will not involve dramatic increases in community size, this implies the substitution of a high-speed air transportation network for migration and settlement itself.

For the consumer of air transportation and the benefits it can bring, the real payoff is, of course, in reasonable air fares and reliable frequencies of service. I am aware that there has sometimes been a history of major air carriers being interested in acquiring new routes and then moving to "skim the cream" of the high density traffic for themselves, leaving communities and the traveling public on the thinner routes to shift as best they can.

American Airlines has assured me that this will not be the case, and I, therefore, hope the merger with Western will be approved when all the requirements for the transaction are met.

VOTING RECORD IN THE SECOND SESSION OF THE 91ST CONGRESS

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1971

Mr. TALCOTT. Mr. Speaker, once again I take this opportunity to insert an account of my voting record for all rollcall votes during the second session of the 91st Congress. I believe this report will be of interest to the residents of the 12th Congressional District whom I am privileged to represent in the Congress. My constituents are entitled to this accounting. This continues my practice of making my record readily and succinctly available.

During the 91st Congress, Members cast votes which were not recorded; however, only recorded votes are available; they are generally considered representative of a Member's position on issues. I fully realize how difficult it may sometimes be to properly interpret a Member's position when a half dozen votes are involved. We do not always have the opportunity to make clear-cut votes on every issue. However, my affirmative votes reflect a judgment that a bill includes more good than bad.

If any constituent desires more detailed information concerning any particular issue, I will be pleased to furnish it.

Due to official business away from Washington, it was occasionally necessary to miss a rollcall vote. On these measures, I have indicated my position.

My report follows:

VOTING RECORD OF BURT L. TALCOTT OF THE 12TH CONGRESSIONAL DISTRICT OF CALIFORNIA

(Yea—for; Nay—against; NVA—not voting, against; NVF—not voting, for; NVPA—not voting, paired against; NVPF—not voting, paired for.)

Roll-call No.	Date	Measure, question, and result	Vote
4	Jan. 27	H.R. 15149: To make appropriations of $2.5 billion for Foreign Assistance and related programs for fiscal 1970. Adoption of conference report. (Passed 202 to 162)	Yea
5	Jan. 27	H.R. 860: To amend section 302(c) of the Labor-Management Relations Act, 1947, to permit, in certain instances, employer contributions for joint industry promotion of products. On passage. (Passed 189 to 186)	Nay
7	Jan. 28	H.R. 13111: To make appropriations of $19,747,153,200 for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for fiscal 1970. To override veto. (Failed 226 to 191; 2/3 vote required)	Nay
9	Jan. 29	H.R. 14864: To amend the Internal Security Act of 1950 to authorize measures to protect defense production and classified information released to defense industry against acts of subversion. On passage. (Passed 274 to 65)	Yea
12	Feb. 16	H.R. 1049: To amend the Anadromous Fish Conservation Act of 1965, relating to the conservation of Anadromous fishing resources. Motion to suspend rules and pass. (Passed 301 to 19; 2/3 vote required)	Yea
14	Feb. 17	H.R. 15062: For the relief of sundry claimants. Hall motion to strike title I (H.R. 3732) to provide for the relief of Robert G. Smith. (Failed 59 to 288)	Yea
15	Feb. 17	H.R. 15062: Gross motion to strike title II (H.R. 5000) for the relief of Pedro Irizarry Guido. (Failed 56 to 290)	Yea
16	Feb. 17	H.R. 15062: Brown motion to strike title III (H.R. 6378) for the relief of Noel S. Marston. (Failed 67 to 288)	Yea
17	Feb. 17	H.R. 15062: Duncan motion to strike title IV (H.R. 2214) for the relief of the Mutual Benefit Foundation. (Failed 51 to 306)	Yea
18	Feb. 17	H.R. 15062: To provide for the relief of sundry claimants. On passage. (Passed 318 to 51)	Nay
22	Feb. 18	H.R. 15165: To establish a Commission on Population Growth and the American Future. On passage. (Passed 371 to 13)	Yea
25	Feb. 19	H.R. 15931: To make appropriations of $19.4 billion for the Departments of Labor, and Health, Education, and Welfare for fiscal 1970. Previous question. (Passed 238 to 157)	Yea
26	Feb. 19	H.R. 15931: Michel recommittal motion with instructions to provide authority for the President to withhold 2 1/2 percent of the funds. (Failed 189 to 205)	Yea
27	Feb. 19	H.R. 15931: On passage. (Passed 315 to 81)	Nay
29	Feb. 24	H.R. 10937: To authorize a study of the construction of an Eisenhower National Memorial Arena. On passage. (Failed 136 to 230)	NVA
30	Feb. 24	H.R. 10335: To revise certain laws of the District of Columbia relating to offenses against hotels, motels and other commercial lodgings. On passage. (Passed 246 to 117)	NVF
31	Feb. 24	H.R. 14608: To change the procedure for return and cancellation of liquor licenses in the District of Columbia. On passage. (Failed 97 to 262)	NVF
33	Feb. 26	S. 2523: To amend the Community Mental Health Centers Construction Act, to extend programs of assistance to community mental health centers, for the treatment of alcoholics and narcotic addicts, and for the mental health of children. Adoption of conference report. (Passed 369 to 0)	Yea
34	Feb. 26	H. Res. 799: To provide for the consideration of H.R. 12025, the National Forest Timber Conservation and Management Act. On passage. (Failed 150 to 228)	Yea
36	Mar. 3	H.R. 15931: To make appropriations of $19.4 billion for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for fiscal 1970. Motion to lay on table the motion to instruct House conferees to agree to the amendments of the Senate. (Failed 164 to 222)	Nay
37	Mar. 3	H.R. 15931: Motion to instruct House conferees to agree to amendments of the Senate. (Passed 231 to 152)	Yea
39	Mar. 3	H.R. 15931: Adoption of conference report. (Passed 324 to 55)	Yea
40	Mar. 4	H. J. Res. 1112: To prohibit strikes or lockouts in the railroad dispute until 12:01 a.m. April 11, 1970. On passage. (Passed 343 to 15)	NVF
42	Mar. 5	H. Res. 862: To provide for the consideration of S. 2910, to amend Public Law 89-260 to authorize additional funds for the Library of Congress James Madison Memorial Building. On passage. (Passed 289 to 62)	NVF
43	Mar. 5	S. 2910: Snyder recommittal motion with instructions not to report back until plans and designs are completed. (Failed 150 to 196, "present" 1)	NVF
44	Mar. 5	S. 2910: On passage. (Passed 209 to 133, "present" 1)	NVA
46	Mar. 11	H.R. 15945: To authorize $429,300,000 in fiscal 1971 to build and operate American merchant ships. On passage. (Passed 370 to 12)	Yea
48	Mar. 16	H.R. 15143: To provide the grade of Lieutenant General for the Chief of the National Guard Bureau. Motion to suspend rules and pass. (Passed 269 to 44; 2/3 vote required)	Yea
49	Mar. 16	H.R. 14896: To provide for the preservation of additional historic properties. Motion to suspend rules and pass. (Passed 317 to 9; 2/3 vote required)	Yea
54	Mar. 18	S. 952: To provide for the appointment of additional Federal district judges. On passage. (Passed 366 to 18)	Yea
56	Mar. 19	H.R. 16196: To reorganize the courts of the District of Columbia; to revise the procedures for handling juveniles in the District of Columbia; to codify title 23 of the District of Columbia Code. On passage. (Passed 294 to 47, "present" 1)	Yea
59	Mar. 23	H.R. 15728: To authorize the loan of surplus naval vessels to foreign countries. On passage. (Passed 281 to 66)	Yea
61	Mar. 24	H.R. 15628: To extend the Foreign Military Sales Act through fiscal 1972. On passage. (Passed 351 to 26)	Yea
62	Mar. 25	H. Res. 884: To authorize the expenditure of $450,000 for the expenses of the House Committee on Internal Security. On passage. (Passed 307 to 52)	Yea
63	Mar. 25	H.R. 4148: To amend the Federal Water Pollution Control Act. Adoption of conference report. (Passed 358 to 0)	Yea
66	Apr. 7	H.R. 514: To extend programs of assistance for elementary and secondary education, aid to impacted areas, and other education legislation. Adoption of conference report. (Passed 312 to 58)	Yea
67	Apr. 7	H.R. 15733: To amend the Railroad Retirement Act to provide a temporary 15 percent increase in annuities. On passage. (Passed 379 to 0)	Yea
70	Apr. 9	H.R. 16844: To increase the pay of Federal employees. Corbett recommittal motion with instructions to delete sections establishing unrelated allowances or benefits for Army Corps of Engineer dredge workers and certain personnel who perform duty at remote worksites. (Passed 261 to 124)	Yea
71	Apr. 9	H.R. 16844: On passage. (Passed 372 to 7)	Yea
73	Apr. 13	H.R. 16900: To make appropriations of $9,492,702,000 for the Treasury and Post Office Departments, the Executive Office of the President and certain independent agencies for fiscal 1971. On passage. (Passed 333 to 3)	Yea
75	Apr. 14	H. Res. 909: To concur in the Senate amendments to the House amendment to S. 3690 (H.R. 16844), to increase the pay of Federal employees. Previous question. (Passed 309 to 65)	Yea
77	Apr. 15	H. Res. 916: To provide for the consideration of H.R. 16311, the Family Assistance Act. On passage. (Passed 205 to 183)	Nay
80	Apr. 15	Motion to adjourn. On agreement. (Passed 81 to 75)	NVA
82	Apr. 16	H.R. 16311: To authorize a family assistance plan providing basic benefits to low-income families with children; to provide incentives for employment and training to improve the uniformity of treatment of recipients under the Federal-State public assistance programs; and to otherwise alter such programs. Collier recommittal motion with instructions to delete the word "suitable" from the description of the employment welfare recipients must accept. (Passed 248 to 149)	Yea
83	Apr. 16	H.R. 16311: On passage. (Passed 243 to 155)	Yea
85	Apr. 20	H.R. 10666: To establish a National Commission on Libraries and Information Science. Motion to suspend rules and pass. (Passed 261 to 11; 2/3 vote required)	Yea
86	Apr. 20	H.R. 780: To authorize $28.5 million for the Merlin Division, Rogue River Basin Project, Oregon. Motion to suspend rules and pass. (Passed 271 to 15; 2/3 vote required)	Yea
89	Apr. 23	H.R. 16516: To authorize appropriations of $3,600,875,000 to the National Aeronautics and Space Administration for fiscal 1971. On passage. (Passed 229 to 105)	Yea
91	Apr. 27	H.R. 14714: To encourage, through the National Park Service, travel in the United States. Recommittal motion. (Failed 111 to 222)	Yea
92	Apr. 27	H.R. 14714: On passage. (Passed 238 to 94)	Yea
93	Apr. 27	H.R. 14385: To authorize subsidized transportation for Public Health Service employees affected by the transfer to the Parklawn Building in Rockville, Maryland. On passage. (Failed 64 to 273)	Nay
95	Apr. 28	H.R. 16200: To extend through fiscal 1971 and 1972 authorizations for the Arms Control and Disarmament Agency. Gross recommittal motion with instructions to reduce funds from $17.5 million to $13.125 million. (Failed 87 to 280)	Nay
96	Apr. 28	H.R. 15693: To prohibit the mailing of obscene materials to persons under 17 and to permit persons to preclude such materials from coming into their homes by mail. On passage. (Passed 375 to 8)	Yea
100	May 4	S. J. Res. 193: To provide for appointment of James E. Webb as citizen regent of the Smithsonian Institution. Motion to suspend rules and pass. (Passed 309 to 16; 2/3 vote required)	Yea
103	May 6	H.R. 17123: To authorize fiscal 1971 appropriations of $20,237,489,000 for procurement of military equipment and weapons, and for other purposes. Previous question on recommittal motion. (Passed 248 to 146)	Yea

VOTING RECORD OF BURT L. TALCOTT OF THE 12TH CONGRESSIONAL DISTRICT OF CALIFORNIA—Continued

(Yea—for; Nay—against; NVA—not voting, against; NVF—not voting, for; NVPA—not voting, paired against; NVPF—not voting, paired for.)

Roll-call No.	Date	Measure, question, and result	Vote
104	May 6	H.R. 17123: On passage. (Passed 326 to 69)	Yea
107	May 7	H.R. 17399: To make supplemental appropriations of $5,764,115,791 for fiscal 1970. Previous question on recommittal motion with instructions. (Passed 220 to 134)	Yea
108	May 7	H.R. 17399: On passage. (Passed 334 to 6)	Yea
110	May 11	H.R. 17138: To amend the District of Columbia Police and Firemen's Salary Act of 1968, and the District of Columbia Teacher's Salary Act of 1955 to increase salaries. On agreeing to committee amendments. (Passed 183 to 142)	Yea
111	May 11	H.R. 16595: To authorize fiscal 1971 appropriations of $527,630,000 for National Science Foundation. Roudebush recommittal motion with instructions to cut authorizations from $527,630,000 to $500,000,000. (Failed 137 to 188)	Yea
112	May 11	H.R. 16595: On passage. (Passed 312 to 6)	Yea
117	May 13	H.R. 14465: To provide for the expansion and improvement of the Nation's airport and airway system, to be financed in major part by user taxes. Adoption of conference report. (Passed 362 to 3)	Yea
118	May 13	H. Res. 960: To disapprove Reorganization Plan No. 2 of 1970 creating a Domestic Council and enlarging the Bureau of the Budget, to be called the Office of Management and Budget. On passage. (Failed 164 to 193)	Nay
120	May 14	H.R. 17575: To make appropriations of $3,106,956,500 for the Departments of State, Justice, Commerce, and for the Judiciary, and related agencies for fiscal 1971. On passage. (Passed 321 to 14)	NVF
121	May 14	H.R. 14685: To amend the International Travel Act of 1961 in order to promote foreign travel to the United States. On passage. (Passed 173 to 88)	NVF
123	May 18	S. 2624: To alter the judicial machinery in customs courts. Motion to suspend rules and pass. (Passed 301 to 0; 2/3 vote required)	NVF
124	May 18	S. 1508: To amend provisions of the law relating to the retirement of Federal judges. Motion to suspend the rules and pass. (Failed 109 to 198; 2/3 vote required)	NVA
125	May 18	H.R. 3328: To authorize annexation of the Soboba Indian reservation to the Metropolitan Water District of Southern California to provide for construction of a water supply for the reservation. Motion to suspend rules and pass. (Passed 287 to 11; 2/3 vote required)	NVF
127	May 19	S. 952: To provide for the appointment of additional district judges. Adoption of conference report. (Passed 331 to 21)	NVF
130	May 20	H.R. 17604: To authorize $1,999,634,000 for military construction. Previous question on recommittal motion. (Passed 251 to 133)	Yea
131	May 20	H.R. 17604: On passage. (Passed 335 to 47)	PR
132	May 21	H. Res. 1022: To provide for the consideration of H.R. 17550, to increase Social Security benefits by five percent. Previous question. (Passed 201 to 181)	Yea
133	May 21	H. Res. 1022: On passage. (Passed 297 to 83)	Yea
135	May 21	H.R. 17550: Betts recommittal motion with instructions to add amendment providing for automatic cost-of-living increases. (Passed 233 to 144)	Yea
136	May 21	H.R. 17550: On passage. (Passed 344 to 32)	Yea
137	May 21	H.R. 15424: To amend the Merchant Marine Act of 1934. On passage. (Passed 307 to 1)	NVF
139	May 25	H.R. 17601: To exempt FHA and VA mortgages and loans from D.C. usuary laws until April 1972. On passage. (Failed 118 to 176)	Yea
140	May 25	H.R. 15073: To amend the Federal Deposit Act to require insured banks to maintain certain records; to require that certain transactions in United States currency be reported to the Department of the Treasury. On passage. (Passed 302 to 0, "present" 1)	Yea
141	May 25	H. J. Res. 1117: To create a Joint Committee on Environment and Technology. On passage. (Passed 285 to 7)	Yea
143	May 26	H. Res. 796: To amend House rules relating to financial disclosure. On passage. (Passed 335 to 1)	Yea
146	May 27	H.R. 17755: To make appropriations of $2,579,579,937 for Department of Transportation and related agencies for fiscal 1971. Previous question on recommittal motion. (Passed 176 to 162)	Yea
149	June 3	H. Res. 1051: To provide for consideration of H.R. 17802, to raise the temporary and permanent debt ceilings. Previous question. (Passed 273 to 85)	Yea
150	June 3	H.R. 17802: On passage. (Passed 236 to 127)	Nay
152	June 4	H.R. 17867: To make appropriations of $2,220,961,000 for Foreign Assistance and related programs for fiscal 1971. On passage. (Passed 191 to 153)	Nay
154	June 8	H. Res. 976: To authorize an Indochina Study Committee. On agreeing to Committee amendment to enlarge from 11 to 12 members. (Passed 227 to 95)	Yea
155	June 8	H. Res. 976: Previous question. (Passed 246 to 80)	Yea
156	June 8	H. Res. 976: On passage. (Passed 223 to 101)	Nay
157	June 8	H. Res. 976: On agreeing to Committee amendment to strike the preamble. (Passed 210 to 84)	Yea
161	June 10	H.R. 11102: To extend authorizations for three years for Federal grants for modernization and construction of health facilities. Adoption of conference report. (Passed 378 to 0)	Yea
162	June 10	H. Res. 1069: To provide for the consideration of H.R. 17255 to authorize the Secretary of HEW to establish nationwide air pollution standards. On passage. (Passed 336 to 40)	Yea
164	June 10	H.R. 17255: On passage. (Passed 374 to 1)	Yea
167	June 11	H.R. 17970: To make appropriations of $1,997,037,000 for military construction and family housing. On passage. (Passed 308 to 57)	Nay
168	June 15	H.R. 17958: To increase the rates of disability compensation and to alter criteria for determining the eligibility of widows for benefits. Motion to suspend rules and pass. (Passed 313 to 0, "present" 1; 2/3 vote required)	Yea
169	June 15	H.R. 15361: To establish the Youth Conservation Corps. On passage. (Passed 256 to 54)	Yea
171	June 16	H. Res. 1077: To provide for the consideration of H.R. 17070, to reorganize the postal system. Previous question. (Failed 139 to 219)	Nay
175	June 17	H. Res. 914: To provide for agreeing to Senate amendments (including the lowering of the voting age to 18 and uniform residency requirements for voting in presidential elections) to H.R. 4249, to extend and amend the Voting Rights Act of 1965. Previous question. (Passed 224 to 183, "present" 2)	Nay
176	June 17	H. Res. 914: On passage. (Passed 272 to 132)	Nay
179	June 18	H.R. 17070: To reorganize the postal system. Gross recommittal motion with instructions to report the bill back with a recommendation to delete the entire bill except an 8-percent pay raise for postal employees and a reduction to 8 years required to reach the top pay steps within a grade of postal field service. (Failed 77 to 306)	Nay
180	June 23	H.R. 17070: On passage. (Passed 359 to 24)	Yea
182	June 22	S. 2315: To restore the golden eagle program for annual permits of entry to all national parks and forests. On passage. (Passed 314 to 1)	Yea
184	June 23	H.R. 11833: To extend and amend the Solid Waste Disposal Act. On passage. (Passed 339 to 0)	Yea
188	June 25	H.R. 11102: To extend program of Federal grants for construction and modernization of health facilities. To override veto. (Passed 279 to 98, "present" 2; 2/3 vote required)	Yea
189	June 25	H.R. 17399: To make supplemental appropriations for fiscal 1970. Cohelan motion to agree to Senate amendment adding $587.5 million for urban renewal grants. (Failed 137 to 236)	Nay
190	June 25	H.R. 17495: To alter the availability of mortgage credit for the financing of housing. On agreeing to committee amendment to provide for establishment of National Development Bank. (Passed 216 to 112)	Yea
191	June 25	H.R. 17495: On passage. (Passed 324 to 2, "present" 1)	Yea
194	June 30	H.R. 16916: To make appropriations of $4,420,145,000 for the Office of Education for fiscal 1971. Flood motion to table motion of Cohelan to instruct House conferees to agree to Senate amendments striking provisions prohibiting use of funds for busing or the closing of schools and providing for freedom of choice plans. (Passed 191 to 157)	Yea
195	June 30	H.R. 17825: To authorize $3.15 billion in Federal law enforcement assistance funds for fiscal 1971, 1972, and 1973. On passage. (Passed 345 to 2, "present" 1)	Yea
196	June 30	S. J. Res. 88: To create a commission to study bankruptcy laws. On passage. (Passed 334 to 12)	Yea
197	June 30	H.R. 16065: To authorize funds through fiscal 1973 for the National Foundation on the Arts and Humanities. On passage. (Passed 262 to 78)	Yea
199	July 6	S. 3592: To amend the Federal Meat Inspection Act, to permit custom slaughterers to engage in the retailing and wholesaling of meat. Motion to suspend rules and pass. (Passed 297 to 2; 2/3 vote required)	NVF
201	July 7	H.R. 16327: To authorize appropriations for the Peace Corps. Gross recommittal motion with instructions to reduce authorizations by $28.8 million. (Failed 118 to 245)	NVF
202	July 7	H.R. 16327: On passage. (Passed 316 to 46)	NVF
203	July 7	H.R. 8673: To establish a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver. On passage. (Passed 351 to 9)	NVF
205	July 8	H. Res. 1031: To authorize the House Committee on Standards of Official Conduct to investigate lobbying and campaign contributions. On passage. (Passed 382 to 0)	Yea
206	July 8	H.R. 279: To exempt from antitrust laws certain joint newspaper operating arrangements. On passage. (Passed 292 to 87, "present" 2)	Yea
207	July 9	H.R. 15628: To amend the Foreign Military Sales Act. Previous question on agreeing to send to conference. (Passed 247 to 143)	Yea
208	July 9	H.R. 15628: Hays motion to lay on table Riegle motion to provide that House conferees be instructed to concur in Senate-passed Cooper-Church amendment on Cambodia. (Passed 237 to 153, "present" 1)	Yea
209	July 9	H.R. 17070: To reorganize the postal system. Dulski motion to table Henderson motion to instruct House conferees to insist on right-to-work provision in House-passed version of the bill. (Failed 153 to 230)	Nay

VOTING RECORD OF BURT L. TALCOTT OF THE 12TH CONGRESSIONAL DISTRICT OF CALIFORNIA—Continued

(Yea—for; Nay—against; NVA—not voting, against; NVF—not voting, for; NVPA—not voting, paired against; NVPF—not voting, paired for.)

Roll-call No.	Date	Measure, question, and result	Vote
210	July 9	H.R. 17070: Henderson motion to instructions to instruct conferees. (Passed 227 to 159)	Yea
211	July 9	H.R. 16968: To provide for adjustment in Government contribution with respect to the health benefits coverage of Federal employees. Gross recommittal motion with instructions to reduce the contribition from 50 percent to 38 percent. (Failed 146 to 200)	Yea
212	July 9	H.R. 16968: On passage. (Passed 284 to 57)	Yea
213	July 13	S. 3215: To authorize appropriations through fiscal 1973 for the National Foundation on the Arts and Humanities. Adoption of conference report. (Passed 237 to 69)	Yea
216	July 15	S. 2601: D.C. Court Reform and Criminal Procedure Act of 1970. Adoption of conference report. (Passed 332 to 64)	Yea
217	July 15	H.R. 16595: To authorize $537,730,000 for activities of the National Science Foundation plus $2,000,000 in excess foreign currencies for fiscal 1971. Adoption of conference report. (Passed 311 to 76)	Yea
219	July 16	H.R. 14685: To amend the International Travel Act of 1961 to expand U.S. Government efforts to attract foreign tourists. Adoption of conference report. (Failed 174 to 207)	Nay
220	July 16	H.R. 16916: To make appropriations of $4,420,145,000 for the Office of Education for fiscal 1971. Adoption of conference report. (Passed 357 to 30)	Yea
221	July 20	H.R. 18253: To increase availability of guaranteed home loan financing for veterans. Motion to suspend rules and pass. (Passed 326 to 0; 2/3 vote required)	Yea
222	July 20	H.R. 14114: To improve administration of the national park system. Motion to suspend rules and pass. (Passed 325 to 0; 2/3 vote required)	Yea
228	July 22	H.R. 17619: To make appropriations of $2,028,524,700 for the Department of the Interior and related agencies for fiscal 1971. Adoption of conference report. (Passed 387 to 3)	Yea
231	July 23	H.R. 14705: To extend and alter the Federal-State unemployment compensation program. O'Hara motion to recommit the conference report with instructions to agree to Senate amendment extending coverage to certain agriculture workers. (Failed 170 to 219)	Nay
232	July 23	H.R. 14705: Adoption of conference report. (Passed 388 to 3, "present" 1)	Yea
233	July 23	H.R. 18515: To make appropriations of $18,824,663,000 for the Departments of Labor, and HEW, OEO and related agencies for fiscal 1971. On passage. (Passed 362 to 14)	Yea
238	July 29	H.R. 17548: To make appropriations of $18 billion for Independent Offices and the Department of Housing and Urban Development for fiscal 1971. Motion to recommit conference report. (Failed 156 to 227)	Yea
242	July 30	H.R. 15733: To provide a temporary 15-percent increase in railroad retirement annuities. Adoption of conference report. (Passed 344 to 0)	Yea
243	July 30	H.R. 13100: To extend for three years programs of assistance for training in the allied health professions. On passage. (Passed 343 to 1)	Yea
244	July 30	H.R. 14237: To amend the Mental Retardation Facility and Community Mental Health Centers Construction Act of 1963. On passage. (Passed 339 to 0)	NVF
247	July 31	H.R. 17880: To amend the Defense Production Act of 1950. Blackburn recommittal motion with instructions to report back with a provision requiring the President to freeze prices, rent, wages, salaries and interest at their May 25, 1970 level and authorizing a ceiling of no more than $2 billion to carry out provisions of the freeze. (Failed 11 to 270)	Nay
248	July 31	H.R. 17880: On passage. (Passed 257 to 19)	Yea
250	Aug. 3	H.R. 18260: To authorize $45 million through fiscal 1973 to establish programs on environmental education. Motion to suspend rules and pass. (Passed 289 to 28; 2/3 vote required)	Yea
251	Aug. 3	H.R. 11032: To prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising. Motion to suspend rules and pass. (Passed 322 to 4; 2/3 vote required)	Yea
252	Aug. 3	H.R. 2076: To provide for the withholding from the salaries of Federal employees income taxes imposed by certain cities. Motion to suspend rules and pass. (Failed 145 to 184; 2/3 vote required)	Nay
255	Aug. 5	H. Res. 1117: Relating to compensation of two positions providing for staff created by H. Res. 543, 89th Congress, providing for a staff member for both House Democratic Committee and House Republican Conference. On passage. (Failed 90 to 284)	Nay
256	Aug. 5	H.R. 18546: Agricultural Act of 1970. Teague recommittal motion with instructions to delete titles dealing with payment limitations and wheat, feed grains, cotton and land-retirement programs. (Failed 167 to 218)	Yea
257	Aug. 5	H.R. 18546: On passage. (Passed 212 to 171)	Nay
259	Aug. 6	H.R. 17070: To reorganize the postal system. Adoption of conference report. (Passed 338 to 29, "present" 1)	Yea
260	Aug. 6	S. 1933: To establish uniform Federal rail safety standards and guidelines for transporting hazardous materials. On passage. (Passed 359 to 0)	Yea
262	Aug. 10	H. J. Res. 264: To propose a constitutional amendment banning discrimination on account of sex. Motion to discharge the Committee on the Judiciary from further consideration. (Passed 332 to 22)	Yea
263	Aug. 10	H. J. Res. 264: McCulloch recommittal motion with instructions to hold hearings thereon. (Failed 26 to 344)	Nay
264	Aug. 10	H. J. Res. 264: On passage. (Passed 350 to 15)	Yea
265	Aug. 10	H.R. 18619: To establish a nonvoting delegate from the District of Columbia in both the House and Senate. On passage. (Passed 338 to 23)	Yea
266	Aug. 10	H.R. 18725: To establish a Commission on the Organization of the Government of the District of Columbia and to provide for a nonvoting delegate in the House from the District. On passage. (Passed 300 to 57)	Yea
269	Aug. 11	H.R. 18110: To amend the Public Health Services Act to extend assistance programs to states and localities for comprehensive health planning. On passage. (Passed 275 to 1)	Yea
271	Aug. 11	H.R. 18434: To amend the Communications Act of 1934 to exempt major party candidates for the Presidency from equal-time provisions of the Act and to establish limitations on campaign spending for political broadcasting. On passage. (Passed 273 to 98)	Nay
274	Aug. 12	H.R. 8298: To amend the Interstate Commerce Act to alter certain restrictions upon the application and scope of the exemption provided therein. Nelsen amendment in the form of a substitute for the Committee amendment. (Failed 181 to 194)	Yea
275	Aug. 12	H.R. 8298: Nelsen recommittal motion. (Failed 141 to 230)	Nay
276	Aug. 12	H.R. 17570: To amend the Public Health Service Act to extend and alter the existing program relating to education, research and training in the fields of heart disease, cancer, stroke, and other major diesases. On passage. (Passed 365 to 0)	Yea
278	Aug. 13	H.R. 16916: To make appropriations of $4,420,145,000 for the Office of Education for fiscal 1971. On passage to override veto. (Passed 289 to 114; 2/3 vote required)	Yea
279	Aug. 13	H.R. 17548: To make appropriations of $18 billion for Independent Offices and the Department of Housing and Urban Development for fiscal 1971. On passage to override veto. (Failed 204 to 195; 2/3 vote required)	Nay
280	Aug. 13	S. 3302: To amend the Defense Production Act of 1950. Adoption of conference report. (Passed 216 to 153)	Nay
281	Aug. 13	S. 3547: To authorize the Secretary of Interior to construct, operate, and maintain the Narrows Unit, Missouri River Basin Project, Colorado. Adoption of conference report. (Passed 337 to 4)	Yea
283	Aug. 13	H. Res. 1182: To provide for two hours debate on H.R. 17809, to provide an equitable system for fixing and adjusting rates of pay for prevailing rate employees of the Government. Previous question. (Passed 235 to 86)	Yea
287	Sept. 9	H.R. 17809: On passage. (Passed 231 to 90)	Yea
288	Sept. 9	H.R. 16542: To provide for the regulation of the mailing of unsolicited credit cards. On passage. (Passed 301 to 0)	Yea
290	Sept. 10	H.R. 17795: To amend Title VII of the Housing and Urban Development Act of 1965. On passage. (Passed 282 to 32)	Yea
291	Sept. 10	H.R. 11913: To amend the Public Health Service Act to provide authorization for grants for communicable disease control. On passage. (Passed 312 to 1)	Yea
293	Sept. 10	H.R. 9306: To provide for the establishment of Apostle Islands National Lakeshore in Wisconsin. Kyl recommittal motion with instructions.	NVA
295	Sept. 14	H.R. 18306: To authorize United States participation in certain international financial institutions. On passage. (Passed 177 to 140)	NVF
299	Sept. 16	H.R. 16900: To make appropriations of $3,004,711,000 for the Treasury and Post Office Departments, the Executive Office and certain independent agencies for fiscal 1971. Adoption of conference report. (Passed 342 to 8)	Yea
300	Sept. 16	S. 3637: To amend the Communications Act of 1934 to exempt major party candidates for the Presidency from equal-time provisions of the Act and to establish limitations on campaign spending for political broadcasting. Adoption of conference report. (Passed 247 to 112, "present" 2)	Nay
304	Sept. 17	H.R. 17654: Legislative Reorganization Act of 1970. Schwengel amendment to provide that no vote may be cast by proxy. (Failed 156 to 187)	Yea
305	Sept. 17	H.R. 17654: On passage. (Passed 326 to 19)	Yea
307	Sept. 21	S. 2763: To provide for purchase of systems and equipment for passenger motor vehicles over statutory price limitations. Motion to suspend rules and pass. (Passed 264 to 42; 2/3 vote required)	Yea
308	Sept. 21	H.R. 14678: To alter provisions for penalties for illegal fishing in territorial waters and contiguous fishing zone of the U.S. Motion to suspend rules and pass. (Passed 315 to 0; 2/3 vote required)	NVF

VOTING RECORD OF BURT L. TALCOTT OF THE 12TH CONGRESSIONAL DISTRICT OF CALIFORNIA—Continued

(Yea—for; Nay—against; NVA—not voting, against; NVF—not voting, for; NVPA—not voting, paired against; NVPF—not voting, paired for.)

Roll-call No.	Date	Measure, question, and result	Vote
309	Sept. 21	H.R. 15911: To provide for an increase in rates of pension and dependency and indemnity compensation. Motion to suspend rules and pass. (Passed 316 to 0, "present" 1; 2/3 vote required)	Yea
310	Sept. 21	H.R. 16710: To authorize loans for mobile homes for veterans. Motion to suspend rules and pass. (Passed 297 to 0; 2/3 vote required)	Yea
311	Sept. 22	H.R. 18127: To make appropriations for Public Works and the Atomic Energy Commission for fiscal 1971. Evins motion to recede and concur in Senate amendment reported by conferees providing $807,000 in planning funds for the Dickey-Lincoln power project in Maine. (Failed 131 to 230)	Nay
312	Sept. 23	H. Res. 1220: A resolution citing Arnold S. Johnson for contempt of Congress. On passage. (Passed 337 to 14)	Yea
315	Sept. 24	H.R. 18583: To alter existing drug abuse education programs, prevention, treatment and rehabilitation programs, revising the Federal narcotics laws and penalty structure, and providing additional law enforcement methods. On passage. (Passed 341 to 6, "present" 1)	NVF
317	Sept. 28	S. 2264: To provide authorization for grants for communicable disease control and vaccination assistance. Adoption of conference report. (Passed 292 to 2)	NVF
318	Sept. 28	S. 1933: To alter existing standards for railroad safety and hazardous material control. Adoption of conference report. (Passed 311 to 0)	NVF
320	Sept. 29	H.R. 17123: To authorize $19,929,089,000 for defense procurement research and Safeguard antiballistic missile construction for fiscal 1971. Adoption of conference report. (Passed 341 to 11)	Yea
321	Sept. 29	H.R. 18185: To provide long-term financing for expanded urban mass transportation programs. Boland amendment to reduce aggregate authority to $3.1 billion from $5 billion for grants and loans. (Passed 200 to 145)	Yea
322	Sept. 29	H.R. 18185: On passage. (Passed 328 to 16)	Yea
324	Sept. 30	H.R. 18679: To amend the Atomic Energy Act of 1954 to eliminate the requirement for a finding of practical value. On passage. (Passed 346 to 0)	Yea
325	Sept. 30	H.R. 19444: To provide for guards to accompany aircraft operated by U.S. air carriers in order to prevent hijackings and to raise revenue for that purpose. On passage. (Passed 323 to 17)	Yea
326	Oct. 5	H. J. Res. 1388: To provide for continuing appropriations of $600,000,000 for fiscal 1971. Motion to suspend rules and pass. (Passed 284 to 9; 2/3 vote required)	Yea
327	Oct. 5	S. 1461: To provide for public defender organizations to represent defendants in Federal criminal cases who are financially unable to obtain adequate counsel. Motion to suspend rules and pass. (Passed 277 to 21; 2/3 vote required)	Yea
329	Oct. 6	H.R. 14685: To amend the International Travel Act to alter the balance of payments by further promoting travel to the U.S. Staggers motion to recede and concur in Senate amendment to reduce funds by $500,000. (Passed 254 to 93)	Yea
330	Oct. 6	H.R. 15424: To amend the Merchant Marine Act to create a construction subsidy program to build 300 merchant ships by 1980. Adoption of conference report. (Passed 343 to 4)	Yea
332	Oct. 7	S. 30: Organized Crime Control Act of 1970. On passage. (Passed 341 to 26)	Yea
337	Oct. 8	H.R. 19590: To make appropriations of $66,806,561,000 for the Department of Defense for fiscal 1971. Riegle recommittal motion. (Failed 46 to 264, "present" 1)	
338	Oct. 8	H.R. 19590: On passage. (Passed 274 to 31, "present" 2)	Yea
340	Oct. 13	H.R. 17604: To authorize appropriations of $1,667,154,000 for military construction for fiscal 1971 and $33,586,000 in prior year authorizations. Adoption of conference report. (Passed 316 to 20)	NVF
341	Oct. 13	H.R. 18546: Agriculture Act of 1970. Adoption of conference report. (Passed 191 to 145, "present" 1)	NVPA
347	Oct. 14	H.R. 16408: To authorize $373,000 for fiscal 1971 for the American Revolution Bicentennial Commission. On passage. (Passed 304 to 1)	NVF
349	Nov. 16	S. 2455: To authorize appropriations of $3,400,000 for the Civil Rights Commission. Motion to suspend rules and pass. (Passed 272 to 59; 2/3 vote required)	Yea
350	Nov. 16	S. 3785: To authorize educational and home loan assistance to dependents of armed forces personnel missing in action or captured. Motion to suspend rules and pass. (Passed 331 to 0; 2/3 vote required)	Yea
351	Nov. 16	H.R. 19318: To alter the coordination of family planning services and population research activities of the Federal government. Motion to suspend rules and pass. (Passed 298 to 32; 2/3 vote required)	Yea
352	Nov. 16	H. J. Res. 1355: To define the war powers of Congress and the President. Motion to suspend rules and pass. (Passed 288 to 39, "present" 4; 2/3 vote required)	Yea
355	Nov. 17	H.R. 19519: Manpower Act of 1970. Scherle recommittal motion to refer to Committee on Education and Labor. (Failed 80 to 275)	Nay
357	Nov. 18	H. Res. 1225: To provide for the consideration of H.R. 18970 to amend the tariff and trade laws of the U.S. Previous question on closed rule under which the bill was considered. (Failed 189 to 204)	Nay
358	Nov. 18	H. Res. 1225: Gibbons amendment to permit amendments deleting provisions from the bill. (Failed 192 to 201)	Yea
359	Nov. 18	H. Res. 1225: On passage. (Passed 203 to 187)	Nay
361	Nov. 19	H.R. 18970: Collier recommittal motion. (Failed 172 to 207, "present" 3)	Yea
362	Nov. 19	H.R. 18970: On passage. (Passed 215 to 165; "present" 3)	Nay
365	Nov. 24	H.R. 16785: Occupational Health and Safety Act of 1970. Steiger-Sikes amendment in nature of substitute authorizing a presidentially-appointed board to set standards and an appeals commission to enforce standards. (Passed 220 to 173)	Yea
366	Nov. 24	H.R. 16785: On passage. (Passed 384 to 5, "present" 1)	Yea
367	Nov. 24	H.R. 19830: To make appropriations of $17,709,525,300 for Independent Offices and the Department of Housing and Urban Development. On passage. (Passed 375 to 10)	Yea
368	Nov. 24	H. Res. 1267: To provide for the consideration of H.R. 19504, Federal-Aid Highway Act of 1970. On passage. (Passed 287 to 60)	Yea
371	Nov. 30	H.R. 18884: To permit projects for paid advertising under marketing orders; to provide for potato research; and to provide for the extension of restrictions on imported commodities. Goodling recommittal motion. (Failed 130 to 187)	Nay
373	Dec. 1	H.R. 19333: To create a Securities Investor Protection Corporation and an insurance fund to protect customers against losses due to broker insolvency. On passage. (Passed 359 to 3, "present" 1)	Yea
374	Dec. 1	H.R. 19599: To provide for grants to medical schools and hospitals to assist in establishing departments and programs in the field of family medical practice. On passage. (Passed 346 to 2)	Yea
376	Dec. 2	H. Res. 1270: To increase telephone, telegraph, and radio-telegraph allowances of Members of the House. On passage. (Passed 187 to 164)	Nay
377	Dec. 2	H. Res. 1271: To provide for the consideration of H.R. 19436 to provide for the establishment of a national urban growth policy and to amend laws relating to housing and urban development. On passage. (Passed 344 to 22)	Nay
381	Dec. 3	H.R. 19436: On passage. (Passed 328 to 30, "present" 1)	NVF
383	Dec. 3	H.Res. 1147: To alter medical allowances for former Members of the House of Representatives. On passage. (Failed 89 to 192, "present" 1)	NVA
385	Dec. 7	To dispense with further proceedings under the call of the House. (Passed 312 to 28)	Yea
387	Dec. 7	H. Res. 1282: To express support for the November 21 military expedition to rescue American prisoners of war incarcerated in North Vietnam. On passage. (Passed 347 to 15, "present" 1)	Yea
389	Dec. 8	H.R. 17755: To appropriate $2,453,923,605 for the Department of Transportation and related agencies for fiscal 1971. Boland motion to table Yates motion to instruct conferees to agree to Senate amendment to strike $289.9 million for development of the SST. On passage. (Passed 213 to 175, "present" 1)	NVA
390	Dec. 8	H. Res. 1290: To provide for the consideration of S. 3070 to provide for the development of novel varieties of sexually reproduced plants. On passage. (Passed 331 to 27)	Yea
392	Dec. 9	H. J. Res. 1413: To provide for a temporary prohibition of railway strikes or lockouts. Staggers amendment: to increase the pay of all employees subject to the resolution's first section by 5 percent effective January 1, 1970, and by 32 cents per hour effective November 1, 1970, which amounts may be changed by agreement. (Passed 203 to 184)	Nay
393	Dec. 9	H. J. Res. 1413: On passage. (Passed 220 to 167)	Nay
394	Dec. 9	H.R. 19911: To provide for supplemental foreign aid authorizations. On passage. (Passed 249 to 102)	Yea
397	Dec. 9	H. J. Res. 1413: Adoption of conference report. (Passed 198 to 131)	Nay
399	Dec. 10	H. Res. 1303: To waive points of order against H.R. 19928, making supplemental appropriations for fiscal year 1971. On passage. (Passed 331 to 28)	Yea
400	Dec. 10	H.R. 19928: To provide $1,525,365,538 in supplemental appropriations for fiscal year 1971. On passage. (Passed 344 to 21, "present" 1)	Yea
401	Dec. 10	S. 3867: To authorize $5 billion for various manpower training programs; to reorganize those programs; and to authorize $4.5 billion for public service jobs. Adoption of conference report. (Passed 177 to 159)	Nay
403	Dec. 11	H. Res. 1296: To consider H.R. 19868 to accelerate estate and gift tax collection and to continue car and communication service excise taxes. On passage. (Passed 242 to 22)	Yea
405	Dec. 11	H.R. 13956: To authorize additional appropriations to the Smithsonian Institution. On passage. (Passed 215 to 53, "present" 3)	Yea

VOTING RECORD OF BURT L. TALCOTT OF THE 12TH CONGRESSIONAL DISTRICT OF CALIFORNIA—Continued

(Yea—for; Nay—against; NVA—not voting, against; NVF—not voting, for; NVPA—not voting, paired against; NVPF—not voting, paired for.)

Roll-call No.	Date	Measure, question, and result	Vote
407	Dec. 14	H. Res. 1306: To assert House privilege to publish an Internal Security Committee report on campus speakers. Stokes motion to lay on table ordering of the previous question. (Failed 55 to 301)	Nay
408	Dec. 14	H. Res. 1306: On passage. (Passed 302 to 54)	Yea
409	Dec. 14	H.R. 19885: To provide additional revenue for the District of Columbia. On passage. (Passed 272 to 58)	Yea
411	Dec. 15	H.R. 17755: To appropriate $2,608,134,605 for the Department of Transportation and related agencies for fiscal year 1971. On ordering previous question on motion to recommit conference report. (Passed 205 to 185)	Nay
412	Dec. 15	H.R. 17755: Adoption of conference report. (Passed 319 to 71)	Yea
413	Dec. 15	H.R. 6114: To provide relief for Elmer M. Grade. On motion to disagree with and ask for conference on Senate amendment providing the Mississippi steamboat Delta Queen a 3-year exemption from existing safety standards until a replica might be built. (Passed 295 to 74, "present" 1)	Yea
414	Dec. 16	H.R. 17867: To appropriate $2,534,310,000 for foreign assistance and related programs for fiscal year 1971. Adoption of conference report. (Passed 199 to 152)	Nay
415	Dec. 16	H.R. 19590: To appropriate $66,595,937,000 for the Department of Defense for fiscal year 1971. Adoption of conference report. (Passed 328 to 30, "present" 2)	Yea
416	Dec. 16	H.R. 6778: To amend the Bank Holding Act of 1956 to extend Federal regulation of multibank holding companies to those controlling just one bank. Adoption of conference report. (Passed 366 to 4, "present" 7)	Yea
418	Dec. 16	H.R. 18582: To amend the 1964 Food Stamp Act. On Foley of Washington substitute amendment as amended by Abbitt of Virginia substitute: To change the committee bill by banning food stamps to strikers, postponing the State sharing provision one year, preventing unspent funds from being available from one year to the next, and making eligible migratory workers who are U.S. citizens. (Failed 172 to 183)	Yea
419	Dec. 16	H.R. 18582: On passage. (Passed 290 to 68)	Nay
420	Dec. 17	S. 1181: To amend the Agricultural Marketing Agreement Act of 1937 to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to provide for the extension of restrictions on imported raisins, olives, and prunes. On motion to ask for a conference. (Passed 214 to 145)	Yea
421	Dec. 17	S. 2193: To authorize the Secretary of Labor to set industrial health and safety standards; to encourage State participation; to provide for research, information, education and training. Adoption of conference report. (Passed 308 to 60)	Yea
422	Dec. 17	H.R. 17809: To provide a system for fixing and adjusting the pay scales of Federal wage board employees. Adoption of conference report. (Passed 271 to 89)	Yea
426	Dec. 18	To dispense with further proceedings under the call of the House. (Passed 307 to 10)	Yea
430	Dec. 18	H.R. 19504: Federal-Aid Highway Act Amendments of 1970. Adoption of conference report. (Passed 319 to 11)	Yea
432	Dec. 19	H.R. 19436: To provide for a national urban growth policy emphasizing new community and inner city development; to extend and amend housing and urban development laws. Adoption of conference report. (Passed 168 to 104)	Nay
433	Dec. 19	S. 578: To include firefighters within Code provisions on retirement of Government employees engaged in certain hazardous professions. On passage. (Passed 158 to 104)	Nay
435	Dec. 21	H.R. 14233: To exempt .22 caliber rimfire ammunition from recordkeeping requirements of the 1968 Gun Control Act. On motion to suspend rules and pass. (Passed 246 to 59; 2/3 vote required)	Yea
436	Dec. 21	H. Res. 1308: To provide for consideration of H.J. Res. 1146 authorizing $20 million to defray part of the cost of expanding the U.N. headquarters. On passage. (Passed 189 to 107)	Yea
438	Dec. 21	H.J. Res. 1146: Gross motion to recommit with instructions that no funds be appropriated until all U.N. members' delinquent dues and assessments have been paid in full. (Failed 124 to 168)	Yea
439	Dec. 21	H.J. Res. 1146: On passage. (Passed 152 to 135)	Nay
441	Dec. 21	H.R. 19446: To assist school districts to meet special desegregation problems, and to provide funds to improve education in racially impacted areas. On Perkins motion to resolve into Committee of the Whole House on the State of the Union. (Passed 147 to 84)	Yea
442	Dec. 21	H.R. 19446: On striking enacting clause. (Failed 109 to 130)	Yea
443	Dec. 21	H.R. 19446: On passage. (Passed 159 to 77)	Yea
446	Dec. 22	To dispense with further proceedings under the call of the House. (Passed 278 to 9)	Yea
447	Dec. 22	H. Res. 1238: A resolution providing staff and office allowances for the Speaker of the House in the Ninety-first Congress after his retirement. On passage. (Passed 218 to 69)	Nay
448	Dec. 22	H. Res. 1315: To provide for the consideration of H.R. 19953 to authorize the Interstate Commerce Commission to provide funds to certain railroads to preserve essential rail services. On passage. (Passed 263 to 30, "present" 1)	Yea
449	Dec. 22	H.R. 19953: On passage. (Passed 165 to 121, "present" 2)	Nay
450	Dec. 29	H.R. 14984: To provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians. On concurring in Senate request for the return of the bill. (Passed 235 to 20)	NVF
451	Dec. 29	S. 1181: To amend the Agricultural Marketing Agreement Act of 1937 to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to provide for the extension of restrictions on raisins, olives, and prunes. Adoption of conference report. (Passed 159 to 93)	NVPF
452	Dec. 29	H.R. 19590: To appropriate $66.6 billion for the Department of Defense. Adoption of conference report. (Passed 234 to 18)	NVF
454	Dec. 30	H.R. 18582: To amend the 1964 Food Stamp Act. On ordering previous question on motion to recommit conference report. (Passed 148 to 126, "present" 2)	NVPF
455	Dec. 30	S. 4268: To amend the Export-Import Bank Act of 1945 to allow for greater expansion of the export trade of the United States, and to exclude Bank receipts and disbursements from the budget of the United States Government. On motion to suspend rules and pass. (Failed 161 to 102; 2/3 vote required)	NVA
457	Dec. 31	H.R. 13000: To implement the Federal employee pay comparability system, and to establish a Federal Employee Salary Commission and a Board of Arbitration. On motion to suspend rules and agree to conference report. (Passed 183 to 54; 2/3 vote required)	NVA
458	Dec. 31	H. Res. 1337: To provide for the consideration of H. J. Res. 1421 making continuing Department of Transportation and related agencies appropriations for fiscal 1971. On ordering previous question on agreement. (Passed 145 to 76, "present" 2)	NVF
459	Dec. 31	H. J. Res. 1421: On passage. (Passed 180 to 37, "present" 1)	NVF

THE FUTURE OF THE UNION

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 3, 1971

Mr. THURMOND. Mr. President, hardly anyone will deny that President Nixon's state of the Union address has stirred the Congress and the Nation in a positive way.

The feeling of this address has been captured in an editorial published in the January 26, 1971, issue of the Columbia Record newspaper in Columbia, S.C.

Mr. President, this editorial is titled "Nixon's 'Future of the Union'", and I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NIXON'S FUTURE OF THE UNION

President Nixon's imaginative address to the Congress and the American people was not so much a State of the Union report as a Future of the Union panorama. His innovative design for the realignment of government would make the Federal bureaucracy more responsible and more responsive to the people's genuine desires and would return, through revenue-sharing, government to the people.

Few will quarrel with some of the less contentious matters: cancer research, environmental protection, improved medical care, economic revival and—even—welfare reform.

But the two major items projected by the President were (1) reform of the gargantuan Federal bureaucracy that has "grown like Topsy," and (2, revenue sharing with states and cities.

Both, if accepted in time, would alter the course of American government and return it in theory to a form more like that sought by the Founding Fathers. It is strange to compare what happened here and in Canada in growth and development of government.

The United States deliberately conceived a document, the Constitution, which was designed to keep local government strong and the central government weak. Canada, on the other hand, tried to create a strong central government in its Articles of Confederation and weaken provincial government. The reverse has transpired—the U.S. has a strong central government while the provinces often dictate to Ottawa.

Mr. Nixon wants to rearrange all this. And Federal bureaucratic reorganization is inextricably intertwined with revenue-sharing in an attempt to constrain government to deliver those services most desired by the majority at levels most responsive to the people's will. It will not be easy.

"Potomac fever" includes a disposition by veteran Washingtonians to distrust both state and local governments, believing that omniscience rests in the legislative and bureaucratic offices. It does not, of course; but Congressmen and Senators believe the myth.

Power is involved. Congress will not surrender easily its jealously, selfishly guarded jurisdictions. Men ill-equipped and ill-prepared to experiment boldly with faith in the people will impede the two major proposals. They will pose as guardians of the "public trust" even while they display no trust in the public.

Mr. Nixon's proposals are innovative at the precise moment when America requires creative change in government to forge a future union of mutual trust and courage. The President has been imaginative; the Congress must now display the will to be adventuresome as the American experiment continues.

THE "AVAILABLE" UNIVERSITY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. BOLLING. Mr. Speaker, I urge all my colleagues who are seriously concerned about the future of higher education in the United States to read the article by Thomas Sowell which follows. It is a wise analysis of the nature of one of our most important institutions. Thomas Sowell, Ph. D. 1968, is associate professor of economics at the University of California at Los Angeles. The copyrighted article appeared in the University of Chicago magazine, November/December 1970 issue. It follows:

THE "AVAILABLE" UNIVERSITY

(By Thomas Sowell)

One of the odd characters who appears from time to time in "Li'l Abner" is "Available" Jones, an enterprising man whose time and talents can be rented for any purpose whatsoever. If you want to impress your girl friend by outdoing someone in sports or repartee, Available Jones can be hired to play the fall guy. Full of pent-up anger and frustration? Get it out of your system by giving Mr. Jones a good, hard kick in the behind, for a modest fee. The analogy with the modern university is all too apparent. But while Available Jones' occupation is seen as something of an oddity, it is often considered reasonable, if not inevitable that universities alone of all institutions must serve the purposes of others. No one expects a gas station to cater to pedestrians, or churches to accommodate atheists, or a bar to make teetotalers feel at home. People go into one of these places precisely because they are in accord with is known purposes. But the university is expected to be "open" (to those unconcerned or contemptuous toward its goals), "relevant" (to the purposes of *other* institutions and movements), "involved" (in activities for which it has no special fitness), and "responsive" (to any demand whatsoever)—in short, available.

The apostles of Relevance argue as if the only alternative was a community of cloistered scholars talking only to each other while the suffering of the world goes on outside. This argument goes to the heart of the question whether a university has any intrinsic relevance or whether it must launch expeditions to go out and find relevance, and import it like some rare tropical plant. A look at the agony and progress of man over the centuries might suggest some value in the systematic development of the human mind and a continuing relevance of disciplined and informed thinking, in contrast to the kinds of visceral reactions, heady rhetoric, and grandiose visions which have spread so much blood and debris across the pages of history. The tedious analytical dissection of ideas and problems, far from being a luxury of a leisure class, is a prime necessity for society's survival, much less its technical and social progress. Despite this vital function which lies at the heart of a university's role, it is clear that groups within the university, and sometimes whole universities, have lost their sense of purpose. Partly this is because the university's purpose has been obscured by an overgrowth of additional and often conflicting activities. The recognized importance of the university, which has caused it to be maintained for centuries by societies far poorer than today's, has made it a "hot property" in the hands of modern "operators," and its credentials an impressive backdrop for romantic posturing by adolescents of various ages, including faculty members and administrators.

The university, like every other institution of society, has never existed in a pure form designed to serve its ideal purpose. But it is nevertheless useful to note which of the alien features that have been grafted onto it have helped produce its current maladies. One of these has been the consuming desire to gain additional money, power, and prestige by serving outside interests—i.e., the pursuit of local and transient "relevance" rather than the general and permanent relevance inherent in the search for knowledge and understanding. Vocationalism, corrupt athletics, the establishment of "institutes" for some vested interest, "centers" for things currently making headlines, and "chairs" in some donor's pet idea are obvious examples. Another has been the acceptance of *bigger numbers* as an index of success—enrollments, buildings, faculty, news items, etc. The university has sold itself to the public as a veritable panacea for personal and social problems, playing on the credulous notion that processing everyone through ivy-covered buildings for four years was "education" and therefore "a good thing." Its pretensions have been greatly helped by the fact that even the worst education cannot prevent students from growing four years older in the course of four years, and that it is rare for a young adult not to acquire some elements of maturity and miscellaneous information over such a span of time. Moreover, the university is necessarily a testing ground of sorts—of perseverance, if nothing else—so that employers find college degrees and records to be handy screening devices, regardless of what was actually taught. This in turn means that young people are forced to go to college in economic self-defense. In short, the colleges and universities have been in an ideal position to gain an ever-increasing captive audience. Now they are discovering that the audience can also hold them captive.

While there is justifiable outrage at disruptions and violence on college campuses across the country and around the world, this feeling is no defense of university administrators, who have been far too clever for anyone's good, or of those faculty members who have abdicated responsibility for anything beyond personal ambitions and departmental logrolling. The feeling of outrage is because underneath all the cheap huckstering, the petty intrigues and casual betrayals, there is something vital to the life of the mind and the life of society, which cannot be allowed to be destroyed.

The threat of destruction comes not from the actual physical assaults, disruptions, and turmoil on campus, for there is ultimately ample power to stop all of this, but from the ambivalence, expediency, guilt, and apathy in which it flourishes, and which is willing to buy it off at any price, provided only that convenient payments be arranged in easy (though perpetual) installments. It is symptomatic of the underlying values involved that the possibility of waking up some morning and finding a university building gutted by fire is the great fear; the prospect of waking up some day and finding the whole meaning of the university gutted does not arouse nearly as much concern.

The current struggle on college and university campuses is like some curious storybook battle in which one side has an overwhelming superiority in material resources but the other side possesses a few magic words that can spread confusion and paralysis and its opponents—in this case, "relevance," "black," "youth," and "idealism." While there is ample reason for the university's loss of confidence in its moral position, which is what makes such words effective, the real question is whether the guilty ambivalence of one side and the dogmatic self-righteousness of the other are the ingredients of an intelligent policy for the future.

RELEVANCE—TO WHAT?

So much of the loose talk about relevance assumes that it is something which can be determined *a priori* on the basis of the reactions of students while still studying a subject, rather than an empirical question to be settled after having tested its application in a variety of situations over a period of years. The great rush to be "relevant to the ghetto," for example, means in practice putting together courses and programs that will be favorably received by students from the ghetto or students interested in the ghetto. It does *not* mean an attempt to put together courses or programs whose *actual results* have proven to be beneficial in solving or ameliorating any major ghetto problem. The most relevant courses in the latter sense might turn out to be dry, tedious studies in medicine, accounting, or law—which is certainly not what the relevance people have in mind. They want to *talk about* the ghetto, or do studies that take them into the ghetto, satisfying their own emotional needs but doing little for the ghetto. If such talk and such studies had any significant value, there have already been enough of both to make the ghetto a paradise on earth. There isn't the slightest reason to expect the coincidence that those things which actually advance black people will simultaneously provide material for college courses which is any more exciting than the study of chemistry, physics, finance, and other dry studies which have helped advance other people.

If the world were in fact as direct and obvious as the relevance argument seems to assume, then of course the whole elaborate and dreary paraphernalia of systematic abstract reasoning would be unnecessary. There would be no need for all the graphs in economics and all the elaborate equations of probability in statistics. Our social problems could be solved by the same kind of direct commonsense which told us, in the natural sciences, that the earth was flat and the sun moved around it. But the underlying assumption of all scholarship is that things look very difference after systematic analysis than they do on the surface.

If a university is going to proceed on the basis of the spontaneous appeal of its offerings, then it is going to move in a non-intellectual (and often anti-intellectual) direction, much like the television industry which academics disdain—including some variant of the ratings (and consequent appeal to the lowest common denominator) and the other obtrusive features of television; flamboyant, irresponsible statements by people having something to sell, glitter rather than substance, and in general a presentation of a world of good guys and bad guys and showdowns and "action" as ways of explaining and dealing with the complexities of life. The search for villians—of whom there is never a shortage—can replace the analysis of causation, if exciting courses with instant appeal are the goal. But if being interesting and exciting is going to be the guiding star of higher education, we must face the fact that mass emotions and mass actions are always going to be more exciting than the lonely process of intellectual development. If we cannot convince students that they must do what is necessary rather than what turns them on, we owe it to everyone to at least make the effort. There is a sizable body of "sophisticated" opinion which operates on the theory that students cannot be reasoned with, but can only be "handled," meaning some judicious blend of partial concessions and fashionable talk. Conceivably they could be right, but to date the clever approach has not been notably successful either.

No sane person wants education to be irrelevant or believes that current educational practices are the ultimate perfection. The real question is—relevant to what? To what the student wants as he sits in the classroom, or to what he will discover he needs, years later after he has gone and probably cannot return? Is building a general intellectual capability irrelevant because it is not *exclusively* relevant to the current headlines and slogans? Is a method of asking questions and testing answers less relevant than a course on how to promote a preconceived goal? In the slopy language of today, opposition to any particular pattern of change is denounced as opposition to change, as such, and extravagant statements are made about the rigidity of the academic curriculum. Actually the opposite charge would have more substance: that American education, down through the years, has spent so much time getting on and off bandwagons that it has had little time for anything else.

If universities in their venality had not tried to appeal to wealthy donors by depicting their role as that of turning out pillars of the status quo—"well rounded" young men in some Y.M.C.A. or Junior Chamber of Commerce sense—then perhaps it would not be so easy for others to think of it as a staging area for revolution. Many young people actually believe that their teachers are trying to fit them into the existing social "system" or "machine," not realizing that most teachers find it hard enough to get them to understand their subject, and perhaps graps something of the nature of intellectual inquiry in general, without trying to plan their lives and the destiny of society as well.

CAMPUS REVOLUTIONARIES

The Grand Illusion of campus revolutionaries is that the university is a microcosm of society at large, and that their victories there foreshadow their coming success in overthrowing the hated Establishment. The university is in fact unique in a number of ways which explain the revolutionaries' success there, despite their political insignificance nationally (except as a boon to people like Reagan, Yorty, George Wallace and Spiro Agnew). Universities get most of their wealth from outside. College officials can buy peace with other people's money. Professors can buy peace and popularity by eroding standards, at the expense of those conscientious students whose degrees will be devalued, but at no cost to themselves. Success in gaining concessions under these conditions is no indication of what to expect when it comes to more direct and fundamental challenges in society at large.

Campus revolutionaries sometimes engage in a kind of heads-I-win-tails-you-lose reasoning by which they argue that the very uproar against them shows the fear which they inspire in the Establishment and, by implication, the realism of their plans for revolution. What it really shows is that (1) the news media find that they make a colorful story, and (2) John Q. Public finds them repulsive, doesn't mind saying so, and votes for politicians who say so (a fact not lost on the politicians). The corporations, banks, etc., have no reason to lose a moment's sleep over them. The only kind of revolution student militants can produce in this country is a right-wing revolution, and they would have to get a lot stronger than they are to provoke that.

In the university environment, student, revolutionary leaders are far more realistic than most faculty members about what is really involved in campus struggles. They understand that the name of the game is *power*. "Issues" are a means of mobilizing support and immobilizing opposition. The various sacred "causes" to which student revolutionaries are "committed" are usually not too sacred to be ditched at the earliest convenient moment after a campaign has gotten under way, and completely new demands substituted—demands which go for the jugular of power. As many times as this old melodrama has been played, it might be expected that everyone would begin to follow the plot by now. But words have a heady fascination, especially for those faculty members who cannot be bothered to analyze or who cannot muster the moral courage for making choices.

The usual apology for campus revolutionaries has been that they have "legitimate grievances" and that all other methods have failed. It must be recognized that (1) all unhappy situations are not grievances, that (2) even legitimate grievances do not excuse all acts, and that (3) to say that any institution can be brought to a halt as long as there are legitimate grievances—that is, as long as they are run by human beings—is to say that there can be no institutions. Moreover, rational methods have not "failed" because one party or faction did not get what it wanted. Given that there are always numerous contending groups demanding opposite things, every historical or conceivable system must "fail" by this standard.

None of this denies the need for changes, or even for sweeping changes, in universities. I would suggest, as a start, the abolition of academic tenure, prohibition of consulting fees, the destruction of the teaching assistant system, elimination of varsity athletics, and drastic cutbacks in enrollments. Any academic is bound to have his own list. What is crucial is to recognize that no reforms are so desirable as to be achieved "at all cost," because beyond some point the methods used may not leave anything worth reforming.

A university is an intangible structure of reciprocal commitments and obligations, a hierarchy of skills (which no democratic rhetoric can change), and an atmosphere of learning. It is very easy to cripple or even destroy the intangible reality of education, even though the physical plant remains unscathed and the bureaucratic machine keeps earning undisturbed. This process of destruction is already well under way at a number of institutions and is likely so become general unless university faculties are prepared to abandon their old parlor game of equally deploring this and that, and recognize that we live in a world where choices have to be made, priorities assigned, and responsibility taken.

One of the popular non sequiturs of the day is that universities must be peculiarly bad institutions since they are peculiarly beset with violent protests. The fact that violent protests are peculiarly *acceptable* on university campuses is seldom considered as a factor. If the average factory worker could lock his boss in the office and denounce the foreman as a "facist pig" with impunity, we might discover that universities have no more grievances than many other institutions. But of course no one expects to grant to ordinary working people the kind of immunity from legal retribution for their actions which is common for college students. It is ironic that this socially and economically privileged group should now be demanding legal privileges (amnesty) as well, in the name of democracy and the masses! That they can put their own boredom with the university in the same category with the sufferings of the poor is a tribute to their gall, but that the rest of us take this seriously is no tribute to us at all.

BLACK EDUCATION

Race taps the depths of man's irrationality as few things can. In this area, intelligent and knowledgeable men say and do things whose illogic and self-defeating consequences would be apparent to them in any other aspect of life. There are no experts in this field, and those who imagine that they have found The Truth are the most untrustworthy guides of all.

Whether black students are brought to the university as part of the general recruitment and admissions procedures or in special programs, there is almost never a clear-cut definition of priorities beyond a nebulous desire to do good, make amends, or improve public relations. There are serious and lasting consequences to not thinking through at the outset whether the goal is to give direct benefits to needy individuals or to invest in individuals in ways designed to maximize the return to the black community and society at large. If the university is trying to make the intellectual investment for which it is peculiarly qualified, it will select the most able black students it can possibly find as its vehicles; if it is trying to play Lady Bountiful, its bias will be toward those who "need help" most, rather than those who can use it best. The second is the dominant approach, not only in universities but in social programs supported by the government and the foundations. They do not try to cultivate the most fertile land, but to make the desert bloom. This is often hotly denied by officials who insist that they are looking for the best black people available—subject, it will usually turn out, to a series of constraints or special emphases which make the original statement meaningless.

Most people are unaware of the extent to which the severe educational problems of black college students are functions of the manner in which they are recruited and selected, rather than simply being the inevitable result of "cultural deprivation." There is no question that the overwhelming bulk of black youth have been given grossly inadequate preparation in the public schools. However, the overwhelming bulk of black youth do not go to college, and while the *proportion* of these youth who are educationally well prepared for college is very low, in *absolute numbers* there are literally tens of thousands of them who are, by all the usual indices—far too many for the top universities to be *forced* to have as many inadequately prepared black students as they do. The fact that standardized examinations may be less reliable for ethnic minorities than for others has been used as a blanket excuse for recruiting and selecting black students on all sorts of non-intellectual criteria, from the ideological to the whimsical. Programs for black people tend to attract more than their fair share of vague humanitarians and socio-political doctrines seeking to implement some special vision. Not all are as obtuse as the special admissions committee for black students at one Ivy League university who objected to admitting three black applicants with College Board scores in the 700's on grounds that they were probably—God forbid—middle class, and that there were other blacks applying who were more "interesting" cases—but this general kind of thinking is by no means rare. One consequence of this is that, despite the buzz of recruiting activity, there are many black students who belong in the best colleges in the country who have not been reached with the information and financial aid offers that would bring them there, and are languishing at some of the worst colleges in the country. At the same time other black students are in over their heads at the top colleges, struggling—or being maneuvered—toward a degree.

Faculty members are by no means exempt from the paternalism found in recruiting and admissions policies. Some professors grade black students more leniently than they would grade other students, and many hesitate to flunk them, either out of humanitarianism or a desire to avoid "trouble." One cynic said of his black students, "I give 'em all A's and B's; to hell with them." At least he understood the consequences of what he was doing. The double standard of grades and degrees is an open secret on many campuses, and it is only a matter of time before it is an open secret among employers as well. The market can be ruthless in devaluing degrees that do not mean what they say. It should also be apparent to anyone not blinded by his own nobility that it also devalues the student in his own eyes.

The greatest tragedy of the black man in America, after slavery itself, has been the simple fact that his own ability has always been far less important than how he happened to fit in with white people's preconceptions and emotional needs. What specific kind of black person would be fashionable with white people has of course varied considerably over the years and between different groups of white people at a given time. But today's crop of white liberal and radical patrons of the mystique of "blackness" are in no fundamental way different from the old-time white Southerner who would accept any level of irresponsibility and incompetence from a Negro who met his preconceptions (who "knew his place"), and who had only suspicion or resentment for a black man with competence, self-discipline, and capacity for hard work. At the height of the most blatant racial oppression, white Southerners were full of the same romantic notions about the special spiritual qualities and insights of black people which are currently in vogue among the more "enlightened" intellectuals. Nor has this been an exclusively American phenomenon. It was the most unabashed apostle of British imperialism who said, "You're a better man than I am, Gunga Din." The more things change, the more they remain the same.

"Black studies" is one of the signs of our times. After years of history being written as if black did not exist, suddenly their role was recognized, usually after a university building was seized. Suddenly, hastily constructed black studies programs began springing up all over the landscape, like intellectual shanty towns. Few things are more revealing than seeing white faculty members rationalizing and romanticizing the black studies program on a campus where the black students are staying away from it in droves.

CONCLUSIONS

The university created a Frankenstein when it cast itself in the role of panacea for personal and social ills. A feeling has developed that anything worth doing at all is worth doing at a university. Even our revolutionaries believe that you must go to college in order to make revolution. Some people want to see the university itself go off like a knight on a white horse to slay the dragons of social injustice. A more apt analogy would be a man charging into hell with a pitcher of ice water The university's resources for direct social action are grossly inadequate to make a dent in the problem. Its greatest contribution would be to turn out people who are intellectually equipped to deal with social problems in ways that produce tangible results rather than symbolic acts. If a university is going to make a real contribution, it must make it *as a university*, not as a general fix-it shop. A proliferation of Quixotic endeavors may produce more glowing feelings and more good publicity, but it is a waste of specialized resources that can do more in the uses for which they were meant than anywhere else.

Practically every campus has a contingent of faculty members who are not above misappropriating the money, facilities, and good name of their institution for purposes of making themselves feel noble. The more activist and doctrinaire of these faculty members are absolutely impervious to logic and are prepared to explain away any facts. They cannot be persuaded; they can only be counteracted—and this can happen only if the great bulk of the faculty are prepared to come out of their laboratories and studies and sit on admissions committees, meet black students as individuals, and constantly monitor the decisions of administrators who are preoccupied with getting immediate problems off their necks without worrying about long-run consequences (the long run being any time after next week). It is a shame that highly trained people must devote precious time to miscellaneous campus activities, but the alternatives is to leave gut decisions up to the operators and the doctrinaires, and we have seen how that has turned out.

THE AMERICAN MERCHANT MARINE

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 3, 1971

Mr. SPONG. Mr. President, there has been no wiser investment of Federal funds in recent years than the program authorized by the 91st Congress to restore the American merchant marine to its former level of greatness. This program will not only pay rich economic dividends but also greatly strengthen the national security of this country.

The case for rebuilding the American merchant marine has been persuasively set out by James J. Reynolds, president of the American Institute of Merchant Shipping, in a recent New York Journal of Commerce article. I ask unanimous consent that that article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SUBSIDY OF MERCHANT MARINE CALLED SOUND INVESTMENT

(By James J. Reynolds)

In contrast to the 9-to-5, rather humdrum existence associated with everyday living on land, the American merchant marine 24 hours a day knifes it sway through turbulent seas that cover nearly three-quarters of the earth's surface, performing a silent but vital economic and military service to the nation.

Unfortunately, only a limited few, it seems, really understand its critical role or know it is a tremendously active and aggressive industry on which the United States is becoming increasingly dependent in assuring our continued comfort, growth and security.

The shipping industry of late has been under attack from a few, often uninformed, news sources whose critical writers, with their blinders on, take delight in whipping up erroneous, one-sided articles repetitive in their spurious conclusion that the U.S.-flag merchant fleet is not competitive, that the subsidy program has not worked and that the taxpayer gets little return on his dollar.

Well, it is time to set the record straight, to speak up. Not with vituperative remarks, but with facts, the hard facts about what our maritime fleet does for the country, the businessman, and the individual American.

The contributions of the American merchant marine, as measured in terms of national growth and well-being, are most significant and yet little known. The merchant fleet has been: (1) our commercial lifeline to global trade and developer of hundreds of overseas markets for businessmen through trained steamship agents abroad; (2) a major contributor to our economy through significant contributions to the U.S. balance of payments and as an important employer, taxpayer and customer of American goods; (3) a protector of U.S. traders' interests by assuring the availability of adequate, dependable shipping services at fair and reasonable rates and by preventing foreign shipping interests from sending cargo rates sky high; (4) a logistical weapon in our national arsenal which carries all but a fraction of the cargoes to sustain our troops in Vietnam in an effort that represents the longest sealift in our history; (5) a valuable political instrument, as vessels flying the American flag into foreign ports become symbols of both America's strength and her peaceful intentions.

To say the American merchant marine is a vital national asset might be compared to saying we need oxygen to breathe. It has long been a fundamental policy of the United States to foster the development and encourage the maintenance of a merchant marine. This policy was clearly defined in the 1936 Merchant Marine Act, after a century of trial and error in shipping policy.

Of the many facets of the 1936 Act, none have been so widely criticized—and so greatly misunderstood—as its two subsidy provisions. The first of these allows qualified cargoliner companies to receive operating differential subsidy payments which are designed to offset the higher costs of using American labor aboard our ships. This is no mere handout, however, since in return the shipowner must commit himself in a contract to engage in a ship construction program in U.S. shipyards; provide a regular scheduled service between the United States and designated foreign ports; buy supplies and equipment domestically, and employ only citizen seamen.

The second provision, the construction differential subsidy is designed to enable American shipyards to compete with the foreign yards whose labor costs are so much lower than ours. Here again, however, this is not a handout program—it is one that assures the availability of American shipbuilding and repair facilities in the event of a national emergency.

What have these two programs accomplished in the light of today's American merchant marine? The 180 modern ocean-going cargoliners built in American shipyards by the subsidized lines in the past decade or so represent more than a $1.2 billion investment in private capital. They ply the world trade routes on regular schedules, making well over a thousand voyages annually to all parts of the globe.

The U.S.-flag cargoliner fleet in a word is second to none. Its operators have been in the forefront in maritime research and development programs. They are the world's maritime leaders in mechanization, in all types of quick acting, pushbutton cargo handling techniques, in safety features, in navigational aids and in developing revolutionary types of ships.

The 1936 Act, as a liner act, was enacted to revitalize American-flag common carrier operations and to build ships to carry liner-type general cargoes approximating 75 per cent of the value of all U.S. ocean-borne trade. The Act has succeeded remarkably well in helping to develop a highly competitive cargoliner fleet.

Rather than a drain on the taxpayer's pocket, the operating subsidy program shows a return in benefits in billions of dollars. A recently completed two-year study, "The United States Merchant Marine in National Perspective," covering 1958–1967, reveals the American merchant marine during that period contributed $11.5 billion in quantifiable benefits to the nation at a government cost of $2.7 billion in vessel operating costs.

These accomplishments, based on balance of payments and national security contributions, represented a net national benefit of $8.8 billion, or over $4 in benefits for each dollar of subsidy cost.

The study concludes: "The benefits to the nation of a strong U.S. merchant marine program ($300 million per annum to build 30 ships with construction differential subsidy) could total almost $2 billion a year over cost." This represents the kind of savings, or benefits, that our nation undoubtedly could not receive from any other strategic U.S. industry.

Thousands of U.S. employees either directly or indirectly depend on all facets of the maritime industry for a livelihood in terms of shipboard and shoreside employment, shipyard workers and ship construction suppliers from every state.

Since the 1936 Act went into effect, the subsidized lines have paid nearly $450 million in federal taxes. Without an American merchant marine these revenues would have been substantially reduced and most of the profits on which these taxes were paid would have gone to foreign-flag lines exempt from U.S. taxes. Over a 10-year period the U.S.-flag companies also infused into the national economy over $1.1 billion in payments for domestic goods and services.

Certain critics have incorrectly pictured a non-competitive American shipping industry and stated that even if 300 high-technology vessels are to be built in a decade under President Nixon's proposed maritime program, the industry probably would be unable to capture a larger percentage of U.S. foreign trade.

Completely ignored is the fact that American ship operators have led the world in possibly the biggest maritime venture of all time—intermodalism. The American merchant marine is playing the dominant role in developing this total transportation concept—a link-up of the various modes—with development of containership and cargo carrier systems to provide the most efficient and least expensive ways for the freight shipper to move his goods from inland points to foreign markets in record time.

Does such advancement portray a lack of competitiveness on shipping's part? Of course not! The businessman and the country will be getting a sizable return on the tax dollar from a 300-ship building program geared to intermodal transportation.

And, I predict, the American Merchant Marine will be carrying between 30 and 50 percent of U.S. foreign trade.

Much has been made of the fact that the entire American merchant marine now carries only between 5 and 6 per cent of U.S. foreign trade. Actually, the lines in the regularly scheduled commercial cargo trades, carry about 24 per cent of the liner cargo by volume and nearly 30 per cent by value.

But the merchant marine's carriage of U.S. foreign commerce will increase markedly as intermodalism develops and "shipper confidence" results. The increased capacity of high technology ships to be built in the Nixon program, plus a nearly 50 per cent increase in volume of U.S. general cargo available in the next few years, will assure this nation of again becoming a major commercial seapower, to the direct benefit of the freight shipper.

The effectiveness of such a fine fleet will call for the combined effort of American shipping management, labor and management. Already this has been evidenced in the joint support and cooperation to increase exporter utilization of American ships. Of course, other nations are not lying back. They, too, are helping their respective maritime industries build modern merchant fleets; in fact, a recent Maritime Administration study shows that 47 out of 49 major maritime nations are giving government assistance to their shipping and shipbuilding industries.

Critics tend to forget that U.S.-flag shipping has played a major role from the time of the American Revolution to World War II—when American industry built 5,600 cargo vessels that were lifelines to victory. And our fleet was vitally important in the crises of Korea, Suez, Lebanon, Cuba and now Vietnam.

Certain misinformed writers have said that military requirements could be met by building 10 rather than 30 ships a year, as outlined in President Nixon's Maritime Program. Such thinking has been quickly discarded by the President, the White House staff and other knowledgeable government officials as unrealistic and inadequate to cover defense needs.

In recent months, for example, key Defense Department officials have voiced strong support for rebuilding an American-flag merchant marine of at least 30 ships a year or more. Before Admiral Thomas H. Moorer was promoted from Chief of Naval Operations to become Chairman of the Joint Chiefs of Staff he made this clear:

If the Merchant Marine is not completely revitalized to a "position of strength and modernity" the nation will be eliminating a defense arm, a move that would be "tantamount to abandoning seapower as an essential element of our total national power." He did not have in mind building only 10 merchant ships a year to handle the job.

But let's go farther up the defense ladder than even the Chief of Naval Operations. As soon as the President's maritime program went to Congress, Secretary Melvin R. Laird publicly conveyed the Defense Department's "complete support" of Mr. Nixon's 30-ship-a-year program. Mr. Laird immediately let it be known through letters to House and Senate leaders charged with maritime matters "of my pledge that the Department of Defense fully supports the building and maintaining of a strong and viable U.S. merchant marine."

In retrospect, we must consider: Where would this country have been without the hundreds of U.S.-flag merchant ships delivering cargoes to sustain our troops in Vietnam in the past five years? I could cite case after case of foreign-flag ships refusing to carry American combat equipment and supplies to Vietnam. One million tons of cargo were moving monthly to Vietnam, not by air, but by the sea in American ships, admittedly many of them World War II Reserve Fleet rustbuckets that have answered a last call to arms.

But let us not forget that the American-flag lines operating under subsidy contracts, with modern ships built under their replacement programs, had 125 cargoliners actively engaged in the Vietnam effort, according to the Military Sealift Command. At the same time, they carried on their peacetime function plying the trade routes of the world with the additional vessels in their fleet.

Speaking of the Vietnam War, as the U.S. merchant marine, from 1963–1967, increased carriage of military cargoes by 100 per cent (9.1 million to 18.2 million measurement tons), U.S.-flag shipping capacity was available to the government and rates did not escalate. Without that capacity the government would have been required to pay foreign flag carriers, if available, an additional $4 billion to ship its military cargo in the past decade. That adds up to a government saving of over $400 million per year.

Some American merchant marine opponents have minimized the Russian merchant marine build-up, classifying it as "scare talk about Russia outstripping the U.S. at sea."

To set the record straight: Russia's seapower build-up has taken priority over its space program. Their ships visit nearly 900 ports in about 100 countries. Admiral Moorer, in testimony before the House Appropriations Subcommittee this year, revealed that "another three-quarters of a million deadweight tons of new merchant shipping has been placed in the hands of the Soviet economic and political planners." He added that the Russians will double their merchant fleet in 10 years and that, by 1980, will have "twenty million tons of merchant shipping."

But, more important, the Russians have had the worldly wisdom to realize that without a many-purposed, modern merchant marine their total seapower complex would be a fizzle. Again in the words of Admiral Moorer: "In addition to an expanding Navy, the Soviets' fishing fleet—the world's largest and most modern—their advanced oceanographic program and a growing merchant marine are integrated into a seapower package of expanding influence and importance."

Critics also tend to ignore the fact that the Russians introduced missiles into Cuba by their merchant marine and that between 400 and 450 modern Soviet cargo vessels annually transport war material to Hanoi.

The maritime subsidy program has resulted in a first class cargoliner fleet with a payoff of inestimable benefits to the nation. Other fleet segments, however, must be modernized. The Administration's proposed 300-ship program to rebuild all segments will represent a much needed beginning toward the restoration of our nation as a world shipping leader.

AFDC REFORM PROPOSAL

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. CARNEY. Mr. Speaker, one of the first orders of business of the Congress is to be the social security amendments proposal. In conjunction with this legislation, I received a proposed ADC reform bill from William L. Toth, Poland, Ohio, which I commend to my colleagues:

PROPOSED ADC REFORM BILL

I hereby propose a bill be submitted to the Congress, to pass into federal law, the following changes in regard to enforcement of court ordered payments of child support funds, incompassing, divorce, separation, court ruled fathers of children born to unwed mothers, common law fathers.

That these funds no longer be doled out on a haphazard voluntary basis, which allows for a 90% or more rate of nonpayment. Due to this laxity of the cases, an unusual burden is being imposed on the tax payers of any given community. Rather than the rightful, legal, shoulders of the persons proclaimed by the courts. Because of the financial burden placed on a recipient to recall on adjudged before the court for redress.

SECTION I

All funds so awarded, be withheld from pay checks, and to be deposited in the survivors benefit fund (Soc. Sec.) and in turn forwarded, quarterly or semiannually to the welfare office in the state, and county of the recipent, who will in turn, forward a monthly check to the rightful recipient, thus preventing costly court sessions, legal fees, laxity of payments, regardless of the movements, of the payee. By using the office of Soc. Sec. a small administrative increase would be required to implement the law, and put it into immediate effect. A code letter added to a Soc. Sec. number will designate a payee and the amount to be deducted.

SECTION II

Unemployment benefits paid to a payee; to pass into law, that it be a State or Federal offense for a payee to claim such dependents, unless that portion of the benefits be diverted directly to the welfare board for dispursion to the recipient.

SECTION III

Refusal to work clause—to avoid payment. Any person who willfully refuses to gainfully earn a living to avoid payment of such funds, shall be summoned up to the courts, and if found quilty shall be put in jail for 6 months for each offense.

SECTION IV

Self-employed Persons—Persons who are self-employed shall set aside such sum as required by the court along with that persons Soc. Sec. fund to be reported and paid at the same required time as the Soc. Sec. fund.

THE HEALTH CARE CRISIS

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. COTTER. Mr. Speaker, the problems involved in the health delivery system are receiving increased attention. This development is long overdue. I have resolved to make this one of my paramount legislative priorities.

As insurance commissioner for the State of Connecticut, I strove to lessen medical costs. I attempted to combine the efforts of Blue Cross and Connecticut Medical Service—Blue Shield—into one administrative group. It was estimated that the merger of these two groups would save $1 million in operations and other costs and would serve to streamline this aspect of the health delivery system. I am now preparing legislation that will further reduce the unacceptable high costs of health care so that all our citizens can receive the highest quality medical care.

Recently in the Hartford Times, two perceptive reporters, James Mason and Jeffrey Daniels, wrote a series of articles on what has come to be called the health care crisis. Their analysis of the situation is perceptive and hard hitting. These articles deserve wide circulation and I am hopeful that my colleagues and the readers of this RECORD will profit from them:

[From the Hartford Times, Jan. 24, 1971]

CAN YOU AFFORD TO BE SICK?

(By James Mason and Jeffrey Daniels)

The cost of medical care here, in the state and across the nation is in an astronomical spiral.

Insurance and medical experts told The Times that the spiral is twisting upward too fast, too far and too furiously.

Fed by a demand for greater service and financed mostly by medical insurance programs that have become an American obsession, the cost of hospital treatment, medicine and doctors is outstripping the economy and emptying the pocketbook.

It costs $80 a day for a hospital bed in Connecticut. State projections say it will cost $219 in nine years. In 1964, that same bed cost $32 a day.

Medical costs soared 14.4 per cent last year, while an inflation-fueled state income level rose a mere 6.2 per cent. The percentage cost per bed last year is nearly double the state's 10-year average.

In raw dollars it costs taxpayers $81.9 million to pay hospital, clinic and nursing home bills for state patients. Hospitals get $22.9 million, a 27 per cent hike in a single year.

Connecticut Medical Service (CMS) recently won a 19 per cent increase to consumers. Over the past two years, the major corporations in the state have sustained 30 to 50 cent increases in their employe benefit programs.

Local hospitals, in staccato fashion, are announcing rate hikes. Mt. Sinai last week raised the bed rate $5 a day to a high of $85. St. Francis Hospital four months ago raised its charges $7 for a high of $77 a day.

Nowhere in the state is there a bed for less than $55 a day.

The average family last year spent $324 for health care, including insurance premiums and out-of-pocket medical bills. It was an 11 per cent rise.

Nationally, hospital care rose about 15 per cent. Doctors fees, according to Washington Report on Medicine and Health, rose 9.5 per cent. Connecticut's average increase, says the Hartford County Medical Society, was about 7 per cent.

But even as prices skyrocket, the pinch isn't readily apparent to the consumer. His premiums rose about 7 per cent last year, but the real increases are hidden.

It looks like the old Blue Cross policy picks up the tab. Or the Medicare, the Medicaid, or the state. Maybe even the average man's employer. But that $85 a day for a hospital bed seems too remote in the insurance-ordered society.

But someone is paying. The operation may appear like a chain letter where no one gets caught, but it is not so.

Taxpayers pay up to 35 per cent of a hospital's bills in federal and state payment programs. Some family plans, moreover, may lose coverage as rising prices undermine the policy protection.

The effects, mostly brought on by extreme price increases, are being felt. Connecticut will feel the CMS pinch when the fee for state employe benefits (just increased) will mean nearly $1 million in extra insurance costs.

The state now pays out an average of $88 a day per bed to the state's 35 non-profit hospitals that take state patients.

The medical establishment, termed an industry in its own right, is under pressure for reform that could mean a British-like national medical system or similar private-run programs.

Liberals in the Congress are now backing a national health insurance program sponsored by Massachusetts Sen. Edward M. Kennedy. The plan would provide complete medical care for all Americans and fix standards for doctors and hospitals.

President Nixon, in his State of the Union address Friday night, underlined his administration's commitment that every American even if he cannot afford medical care, receive treatment.

Details of his program were scanty, and will presumably be explained in a later message to Congress. The President called for a $100 million program to find a cancer cure and for major outlays to help medical schools.

Still, as Congress and the President make pronouncements and envision programs to lighten the burden, costs continue to escalate.

Where is the blame for the increased costs, the astronomical price now placed on becoming ill.

The roots of the problem are entwined and intermeshed in the medical establishment—that complex of hospitals, insurance firms, doctors and medical suppliers.

"It's a jury rig system," said Dr. Max Goldstein, new president of the Hartford County Medical Society. Reform is required in the entire system, he suggests, as blame touches all parts.

State overseers of the hospitals, like the Hospital Cost Commission, see the nonprofit institutions in Connecticut as massive, poorly run operations, overstaffed and badly managed.

Edward Karnasiewicz, the commission's executive director, believes the hospitals do duplicate services, are all encumbered with paperwork and do not review their own operations because a combination of tax regulations and insurance companies that do not check on hospital administration.

"There is no incentive to keep costs down," he said. "If costs rise, just raise the announced (bed) charge." What happens, he said, is the system—state, federal and private insurance—merely increases the payments.

The insurance system, say the doctors and the state officials, force people to enter the hospital even if treatment can be performed in a doctor's office.

Example: A head cut requiring stitches may cost $10 at the doctor's office. But many insurance plans don't cover it. So the patient would have to pay.

But if he goes to the emergency room at the hospital, Blue Cross picks up the tab—a bill that may mean $20 to the hospital and $10 for a doctor. Money is wasted, said Dr. Andrew J. Canzonetti, outgoing president of the Hartford Medical Society. Time, and the hospital's efficiency, is also compromised.

To the hospital, major cost factors include equipment and personnel. Years ago each patient required 1¼ staff members. Now, says the Connecticut Hospital Association, the average is three staff members for each patient.

Wages in hospitals have been the major factor in the increased cost of medical care. Local hospitals estimated the annual budget has a 70 per cent cost for labor. At St. Francis Hospital, the figure is 68 per cent.

In 1956, St. Francis paid workers $1 an hour, a salary hospital administrator Sister Mary Madeline called generous compared to what some hospitals were paying at that time.

Up to four years ago, many hospitals had 48-hour work weeks and no overtime. Federal legislation, however, forced changes, reducing the work week, mandating overtime. All these changes compounded, the administrators say, the simultaneous increases in wages.

Two local hospitals, now pay lower-echelon employes $2.30 to $2.50 an hour. As little as four years ago, the average was $1.60.

"Until very recently," said Mt. Sinai Hospital Administrator Dr. Donald Bernstein, "the hospital industry functioned at the expense of the people who worked there. Employes subsidized the (low) cost of care."

Unionization, a factor peculiar for its absence in the hospital industry, is now on the increase. St. Francis still has no union, but years-long struggles over unionization have rubbed off, leaving wage increases.

Doctors in the state report overhead in

their practices has climbed faster than their fee schedules. One Connecticut physician said his premium for malpractice insurance jumped from $200 to $1,200 in two years.

Every hospital in the state, the hospital association says, has a major building program. And according to a spokesman for the New Haven-based association, it costs about $65,000 per hospital bed to expand a hospital.

Other costs, particularly supplies and equipment, are also at the root of price hikes for the hospitals. Some hospitals are pooling, but even so, the hospital association, reported that the bill for sutures for several hospitals came to $1.5 million. At St. Francis, supply costs rose 27 per cent in 14 years.

At Mt. Sinai, as other hospitals, the cost of security forces is a factor. Particularly a problem for the urban hospital, some administrators estimate security costs at $2 of the price of a bed per day. Some physicians, however, say there is too much security.

As various built-in, and unavoidable factors have pushed hospital care costs upward, long established habits, traditions some call them, have come under scrutiny as the money wasters.

The state believes that if nursing schools were separated from the non-profit hospitals, a clean $6 million a year could be saved, while allowing the state—with broader population base—to finance the nurse training.

Dr. Goldstein, of the medical society, estimates that education costs range from 5 to 20 per cent of a hospital's per bed cost.

The physical plant of the state's 34 hospitals is also questioned by some. Would it be better—more efficient in the long run—to go into completely new buildings, rather than duplicate vital services while adding to archaic basic hospitals. Most of the state hospitals, officials agree, are more than 50 years old.

Might not physicians' overhead be lowered, and patient service strengthened, by starting more group practices, team doctoring and the like? Some physicians are suggesting mass use of para-professionals to aid doctors in their office work.

Should Connecticut move in the direction of pre-paid medical plans like the New Haven Community Medical Plan Inc., which provides virtually unlimited patient and outpatient services, including physical examinations?

Are the boards and staffs of the leading Connecticut insurance companies—Blue Cross and CMS—as aggressive as they might be about pressing for cost-saving reform of the hospital system?

Former State Insurance Commissioner William R. Cotter, now First District Congressman, said in 1969, "I . . . think that in (Blue Cross') capacity as probably the single most important factor in the support of the hospitals in the state they could exact a little more influence and pressure on the hospitals to keep expenses down."

Major portions of the boards of both CMS and Blue Cross are also the same people who are intimately involved in the medical establishment.

[From the Hartford Times, Jan. 24, 1971]

THE HOSPITAL—SAVER OF LIVES, CENTER OF SOARING COST

(By James N. Mason, Jr. and Jeffrey Daniels)

The hospital is the key element in curing our ills; it is also the basic cause of the high cost of getting well.

Last year some 361,572 Connecticut residents were admitted to the state's 34 highly specialized centers of healing, with an average stay of eight days each.

The sick, with a great deal of financial help from insurance companies and public health programs, spent more than $300 million for that hospital care.

Nationally, the Department of Health, Education and Welfare says the hospital, by itself, accounted for 43 percent of the medical bill in 1969. It is, in the main, responsible for the doubling of the cost of medical care in 10 years.

The cost of the hospital bed in Connecticut has increased twofold in the last six years. In some cases, hospitals in the state are charging more than three times the average of $32 a day in 1964.

In the last 13 months alone, three major Hartford area hospitals announced bed per day increases. One hospital, Mt. Sinai, has had two increases, raising the price of a bed $12 a day.

The increased costs, for the most part, have overshadowed the hospitals' treatment of record numbers of patients, their efforts to meeting expanding demands for health care and the equally expensive demands of modern treatment.

The hospitals do have staggering labor bills, some as much as 70 percent of the budget, with annual salary increases reaching 20 percent.

Hospital administrators are quick to remind the public, with some justification, that their facilities are open 24 hours a day and must be called on to supply quality service.

Still, the doctors, patients and public servants who deal most closely with the hospitals are the most vociferous critics. They point accusing fingers at the state's voluntary, non-profit institutions as the money-wasters that drive up the cost of medical care.

Some charges are the same, some are new, but all are more cogent as costs go higher. The key criticisms are:

Duplication of services by hospitals that have become self-serving "empires" of medical care.

Inefficient operation, often caused by tradition-bound procedures that do not relate to modern care.

The hospital as a powerful institution of the community, with considerable influence to resist reform.

The charges, made by professionals and laymen alike, are strong. Moreover, some of the very problems attacked have been caused by the same people who are blaming the hospitals.

The doctor-critics, like leaders of the Hartford County Medical Society, blame specific operations like the educational programs, the emergency rooms, the routine hospital procedures.

The state, through its Hospital Cost Commission, has published reports ad infinitum demonstrating that hospitals are poorly-run businesses.

A specific example: Hospitals are resisting, say the state and medical societies, efforts to introduce a new type of procedure called "progressive medical care."

In brief, it is a program where after the "crisis" period in an illness is over, the patient is shifted to less intense, and less costly, types of treatment.

"The hospital," said Dr. Andrew J. Canzonetti, "should have a back door leading to a motel." What Canzonetti, a surgeon and outgoing president of the county medical society, described was that after surgery, many patients should be moved because they can almost care for themselves.

Edward Karnarsiewicz, executive director of the state's Hospital Cost Commission, was more specific.

"A patient comes into the hospital," said Karnarsiewicz. "He gets a room at $85 a day; that's where he stays until discharged."

(The cost commission, by law, is responsible for setting rates the state will pay the 34 non-profit hospitals when they treat state patients. The rate procedure carries with it some scrutiny of general hospital operations.)

Two years ago, U.S. Sen. Abraham A. Ribicoff told convalescent home officials in Connecticut the same thing. The senator said too often hospitals beds costing $40 to $100 a day are occupied by persons requiring care costing half as much.

There are arguments against the progressive medical care, which is not being completely tried, according to hospital association spokesmen, in any hospital in the state. (Hartford and Manchester hospitals reportedly have programs they call progressive care, but which are greatly modified).

Dr. Donald Bernstein of Mt. Sinai was one of several administrators who doubted that moving the patient saved money—what with transportation, changes in nurses, altered schedules and other hidden costs.

Sister Mary Madeline of St. Francis Hospital, Hartford, talked about the so-called progressive or intermediary care.

"We don't have extended care facilities," she said of her 625-bed hospital, "(but) I don't know if intermediary care would affect costs."

A two-sided argument over hospital care is the familiar emergency room, a 24-hour crisis-oriented service that has changed over the years.

Use of the emergency room has grown. At Hartford Hospital, the state's second largest facility, calls have doubled since 1960, from 27,000 to 55,000 last year.

Basic to the problem here, is the increased use of the emergency room as an extension of the doctor's office. It is the expensive way doctors have relieved themselves of those famous house calls our grandmother used to tell us about.

"We've created that monster called the emergency room," conceded the outgoing head of the Hartford County Medical Society, Dr. Canzonetti.

But the medical insurance programs, he added, have not helped. Often, because of limited insurance coverage, it is the only type of care that can be covered under a contract.

Some hospitals, like St. Francis and New Britain, have full-time emergency room doctors—not staff physicians "forced" to do service. Some facilities now have "auxiliary emergency units" for people with not-so urgent emergencies. But it all costs money.

The hospitals have also been hit hard for waste by duplication. "They are little empires built in terms of Parkinson's law (for every person employed, there is a job to fill the time)," one doctor said of the hospitals.

Because of hospital trustee attitudes, hospitals that have explored combined services, have in many cases kept doing things alone.

Dr. Max Goldstein, incoming president of the Hartford County Medical Society, blames what he terms "empire building" by non-medical trustees for much overlap in services.

Several area hospitals each have kidney teams, with what Goldstein describes as "expensive people and expensive equipment."

Part of the duplication is caused by a time-honored system where doctors "belong" to particular hospitals, with privileges only at the institutions where they are accepted.

It has produced, conceded Goldstein, hospitals that must have those duplicated services because each doctor wants them available. But the system that virtually prohibits a doctor from using any hospital, says Goldstein, is one engineered by the hospital boards.

Why isn't the system broken? Joseph Gordon, executive director of the Hartford County Medical Society, a local arm of the state medical society, put it bluntly.

"The doctors won't use tactics generally used by the public," he said. Job actions have been hinted, said one doctor, but the physicians just never get tough.

A tradition—and an expensive one—is the tying of the nurse—doctor—and continuing education facilities to the hospital.

At some hospitals, experts estimate, 5 per cent or more of the per bed charges are for education.

Hospitals, or at least some administrators, say the best nurses are those trained at hospital-nursing schools that are joined.

But one administrator said the state could take over the nurse education, if it "assured us" of quality training. Part of this changed attitude is more than costs. Recently it has been tougher for some schools to recruit and keep students.

The Hospital Cost Commission has put educational costs for nurses alone at $6 million annually. Dr. Goldstein, speaking as president of the County Medical Society, believes the sick population in the state should not have to bear the major costs of educating nurses, doctors and other professionals.

In its last report to the commission, the staff of the Hospital Cost Commission outlined the same philosophy. They would like to see the education programs transferred to state financing and control, a move that could lower hospital costs.

"Educational programs for nursing personnel and other technical skills," said the report, "(should) be removed from the hospital setting and be provided in the state school system . . . as a means of reducing direct cost to the sick patient."

[From the Hartford Times, Jan. 26, 1971]

MEDICAL "BLUES" SHELTERED

(By James N. Mason, Jr., and Jeffrey Daniels)

Can Connecticut Medical Service (Blue Shield) work aggressively for cost-saving medical reforms when 50 per cent of its board are doctors?

Can Connecticut Blue Cross, whose board's 15-members include seven hospital trustees, work aggressively against higher hospital costs?

Could these two nonprofit institutions, which claim the lion's share of health insurance protection in Connecticut, operate more effectively as a merged, single organization?

These are among questions raised inside and outside the state's sprawling medical industry as leaders of government, business, and consumers grope for answers to the steep rise of health costs.

CMS, with 1.3 million members, and Blue Cross, with 1.5 million, bridle at the suggestion that they aren't doing all that their limited swat will permit in the effort to reduce costs. As hospital administrators and physicians are quick to point out, "the Blues" have no right to meddle in the affairs of private institutions.

But former State Senator and Majority Leader Edward Marcus is among critics who feel greater state government influence is in order for these two tax-sheltered insurers which have such heavy impact on Connecticut citizens.

He sponsored an unsuccessful bill in 1969 which would have given the Governor partial appointive powers on the CMS and Blue Cross boards.

"Even though all the members of these boards are public-spirited citizens, I felt it was important for the Governor to have some appointive privileges," said Marcus. "The boards of any institution run the danger of becoming inbred. New members are usually suggested by management and reflect management's point of view."

Except for the 1969 two per cent tax on premiums, Blue Cross and CMS operate tax-free as nonprofit companies. The exemptions include tax-free status for buildings housing their offices in New Haven.

Besides the eight physicians on the CMS board, most of whom are medical staff officers in hospitals of their communities, the CMS board includes eight lay representatives: The CMS legal counsel, two utility company ex-executives, chief executives of two small industrial firms, a retired executive of Pitney-Bowes, Inc., a savings bank executive, and a labor union official.

A Blue Cross spokesman stressed that there are no paid hospital administrators on its board. But seven of the 15 lay representatives hold trusteeships or higher posts on hospital boards.

The board includes the Blue Cross legal counsel, a physician, two utility company employees, two labor leaders, two department store executives, an executive of New Departure Hyatt Division of General Motors, a Yale University official, a newspaper publisher, stock broker, an executive of Scovil Manufacturing Co., and a state officer Gerald Lamb, appointed when he was state treasurer.

When CMS sets new rates, it consults its medical advisory committee, composed entirely of physicians. The final rate schedule, prepared for state Insurance Department consideration, is approved by CMS board—loaded with physicians.

Similarly, any use of the considerable financial leverage which Blue Cross might use to induce cost-saving reforms must first be approved by a board whose members include many hospital trustees.

Nevertheless, CMS and Blue Cross, insist that their records point to many efforts and achievements toward medical cost control.

On the question of merger, Blue Cross has favored it, but CMS balked, supported by physicians who claimed merger would lead to meddling in their profession.

Some doctors warned a legislative committee in 1969 that they would withdraw from CMS participation if the merger succeeded.

Former State Insurance Commissioner William R. Cotter (now a U.S. Representative) tried unsuccessfully that year to get legislative approval of a merger plan for the two groups. He said it would permit savings of at least $1 million in operations and other factors, and would permit greater coordination of efforts to control costs.

Blue Cross favored the idea but CMS, bolstered by the physicians, opposed it and succeeded in burying it. A similar merger proposal was killed in 1967.

Blue Cross and CMS split the bill on an $80,000 consultant's evaluation of merger possibilities in 1968. When the report was published in 1969, it shied away from specific recommendations. Blue Cross continued to favor merger and Cotter said the report merely strengthened his conviction that merger made good sense.

Despite the charges of hospital-doctor domination, "the Blues" contend they are doing all that is legally possible or politically realistic to induce cost control without courting rebellion of the largely automonous private hospitals and physicians.

"We feel we're doing more than anybody else to influence lower costs," said John Kennedy, vice president for marketing at Blue Cross.

He cited these developments of recent years which were either initiated or actively supported by Blue Cross.

Elimination of duplicated benefits. It is no longer possible for a Blue Cross subscriber, who is also a member of another health benefit plan, to receive benefits from both for the same service. Blue Cross saved about $2 million in 1970 from this new policy, which was sanctioned by the 1969 General Assembly.

A cost saving incentive program. Hospitals have been accused of operating too loosely under open-ended financial practices. Blue Cross now offers a two per cent incentive bonus to hospitals which set a realistic budget and then stick to it.

Merit rating of Blue Cross groups. This helped spread medical costs more equitably among the state's employer groups. By legislative authority, Blue Cross now rates larger groups according to each one's "experience."

Data collection to evaluate hospital bed use. Blue Cross compiles data to determine if too much use is given to hospitals by some doctors, or possibly by staff practice.

Pilot projects in home care. In New Britain, Blue Cross is supporting a program aimed at getting patients out of high cost intensive care hospital beds and back to their homes as quickly as possible. But this can happen only if visiting nurses or other medical personnel can give proper attention to convalescents after they get home.

. Encouraging "preadmission testing," Blue Cross is urging physicians to send ambulatory patients to hospitals for lab tests in advance of actual bed confinement. This frequently cuts one or two days off of total hospital confinement.

Consulting and other aid to community groups interested in health programs. Blue Cross, recognizing growing interest in prepay outpatient health plans, is working with a neighborhood clinic in New Haven toward possible dovetailing of hospital services with out-patient prepay services.

Support of the Connecticut Hospital Planning Commission. Blue Cross will impose a 5 per cent penalty on its reimbursements to any hospital which undertakes a building project of more than $250,000 without prior approval of the Connecticut Hospital Planning Commission.

Support of Public Act 693 which gave muscle to the Planning Commission. Hospitals will now be denied accreditation needed for any state and federal funds if they undertake expansion projects without commission approval.

Eugene Whittaker, director of communications for CMS, says the company's standard fee schedule for doctors under its full-payment Century Plan of benefits is a major factor in holding down physicians' fees.

Of the state's 3,700 physicians, about 1,800 are members of the Century Plan, meaning that they charge no more than the CMS maximum for various medical services. For instance, the CMS Century Plan rate for an appendectomy is $250. (It was $200 before the rate boost this year.)

Member physicians agree to charge only this amount. Nonmember physicians may charge their patients what they choose, but CMS will pay only the $250 and the patient must pay any difference out of his own pocket.

[From the Hartford Times, Jan. 27, 1971]

HOSPITAL "WATCHDOG" HAS NO BARK

(By James N. Mason, Jr. and Jeffrey Daniels)

The state's Council on Hospitals was created as a watchdog over rising hospital costs, but in the 15-month existence of the unit it has "passed" some 45 rate increases without a murmur.

Left with no funds to hire a staff, and stacked with a five-member board dominated by hospital industry representatives, the council is a good example of Connecticut's weak control over the 34 non-profit, volunteer hospitals in the state.

It was not without truth, then, when a Connecticut Hospital Association spokesman said recently, "We haven't seen much activity in the Council on Hospitals."

It was the way the hospital lobbies planned it when they created the council in 1969 by act of the legislature. According to medical sources, it was the way the hospitals blunted efforts to control the industry, while providing some kind of facade of regulation.

Even as the hospitals say they are fighting a rough battle against increasing costs, they are winning a tougher struggle: Keeping the hospitals out of state control.

It has been a seesaw struggle with both side—state vs. industry—battling to move the regulation question off dead center.

Even now, two legislative committees are due to report on fact-finding searches in high medical costs. At least three bills have been filed to strengthen state control over the hospitals.

But with hospital per bed charges running about $80 a day in the state, the two state agencies that regulate hospitals say they have little control over rising costs.

The state's Hospital Cost Commission, a section under the budget division, sets rates every 21 months for hospitals which treat state welfare and mental patients. But, despite control over some $22.9 million in annual funds to the hospitals, the commission's executive director says his control over costs is limited.

"Indirectly," said Edward S. Karnasiewicz, "we can do something to help cut (hospital) costs, but it is a spin-off to private patients.

The Hospital Association believes the best agent for making hospitals more efficient are those "knowledgeable" in the field; those who run the hospitals.

Allen Herkimer, whose Connecticut Hospital Research and Education Foundation is a federally-funded arm of the Hospital Association, is working on ways to cut hospital costs by budgeting method changes.

But efforts by the hospitals to keep out state government scrutiny and control of hospital budgets and affairs has been effective.

It is no secret, both within the hospital industry and in the closely aligned doctors' groups, that The Hospital Cost Commission, particularly Karnasiewicz, has been a thorn in the hospital's side.

In 1969, legislation was introduced that would have eliminated his job and redesigned and enlarged the Cost Commission, now made up of four key state commissioners.

Failing at this, the Council on Hospitals put under the State Health Department, was created. A $50,000 budget request was denied by the Legislature and the commission's make-up was ordered to provide ample in-industry representation.

The council's purpose, according to the law, was to review all rate increases by the 34 hospitals and issue investigative reports, and recommendations on the proposed rate hike.

The Council has been busy, according to its chairman, Health Commissioner Franklin M. Foote, but most of its work has not been in cost analysis or review of rising costs.

It has never scheduled a hearing on the more than 45 rate hikes. The Council has never, says the Hospital Cost Commission, asked for technical assistance on rate cases.

"We've been handicapped because of lack of money," said Foote. "We don't even have a stenographer. We don't have a cent."

Doctors who were asked about the Council said they had not expected too much from it, particularly because the legislation provided for two direct representatives from the hospital industry.

Some state officials privately say they would like to see more "consumer" or lay representation on the Council.

Members of the Council include Dr. Christie McCloud, chief pathologist at Middletown Hospital; Dr. Isidore S. Geetter, former director of Mt. Sinai Hospital and the Connecticut Hospital Association representative; Francis P. Dellafera, president of the Connecticut Extended Care Facilities Association (nursing homes); Mrs. Annarie P. Cazel, a layman, and George Pipkin, layman and executive director of Hill Neighborhood House, Bridgeport.

The Council, according to Foote, has been investigating over-all hospital planning and has streamlined reporting procedures for hospitals seeking approval of rate increases.

While the track record in the Council has not evidenced vigorous review of the hospital cost spiral, actions taken by the hospitals in the state concerning expansion and state-established rates has been even less encouraging.

Despite the scheduling of two days of hearings in Bridgeport and carrying out what Dr. Foote termed intensive investigation, the Council has been unable to stop expansion of the Park City Hospital's maternity wing.

According to law, the Council is to review all expansion or renovation projects by hospitals where the cost exceeds $250,000. At stake here is state accreditation for handling Medicare, Medicaid and welfare cases (this amounts to about 30 per cent of a hospital's annual revenue).

Park City, however decided to build a 100-unit maternity wing. The plans were carried out despite surveys by the Council in Bridgeport demonstrating that occupancy rates at the three volunteer hospitals was only 50 or 60 per cent.

While the need for the maternity wing was severely questioned the wing is under construction and the attorney general has ruled, said Foote, that Park City Hospital had begun work before the Council's power took effect.

In a second, more recent, incident, a $300,000 renovation of the surgical wing of University-McCook Hospital has been approved and bonded, bids let and construction started without Council approval. The vote is scheduled for Feb. 18 on the now under construction project. Officials say it was an oversight.

If the Council has had trouble in controlling hospital activity, the Hospital Cost Commission has its own troubles.

The Commission staff complains it is overworked, while the Hospital Association accuses the Commission employes of being cost analysts who know figures but little about how a hospital works

"It's an easy thing to criticize hospital costs," said Robert Waterson public relations man for the Hospital Association. "(But) we have the responsibility for dealing with people's lives."

The Commission, in its annual report, consistently chastises the hospitals for inefficiency (though the Commission has no control here) and last year it made an attempt to impose its will on the hospitals.

The law says the Hospital Cost Commission must establish rates for all hospitals that treat state-sponsored patients. The commission must choose the "lower cost" between what the hospitals list as their "public charge" and what they claim as actual costs for service.

The commission, instead, chose to establish what it termed a "reasonable rate" for certain clinical and emergency room services in the hospitals. The commission did not accept, on face value, the hospital data.

The hospitals went to court in two cases. Superior Court judges ruled that the state, under present law, could not say what a reasonable cost should be, but could only pick the lower cost from those provided by the hospitals.

In the two cases the rates were increased, sending rates up in many of the 34 hospitals. It cost the state taxpayers an additional $256,370 in a 21-month period. This was in addition to the approximately $80 million already budgeted to pay for state patients.

The struggle goes on. One of three bills now before the Legislature would give the State Cost Commission power to determine its rates on "reasonable rate." This would give the commission power to review hospital procedures to establish efficiency.

Another evidence of the push-pull relationship is in a bill introduced by Rep. Morris N. Cohen (D-Bloomfield).

Cohen's bill would strengthen the Hospital Cost Commission, giving it authority to investigate and evaluate patient charges for all hospitals.

The bill also would empower the Commission staff to investigate the financial resources of the hospitals and review their stated needs for special equipment.

The legislation, in short, would attempt to put back most of the power taken away from the Commission by the 1969 Legislature and add to it.

The chance of passage? Sources close to the industry, including people within the state government, are not too optimistic.

[From the Hartford Times, Jan. 28, 1971]

MDs Draft Pay-by-Month Plan

(By James N. Mason, Jr., and
Jeffrey Daniels)

A new health insurance plan, good for virtually all medical services in a doctor's office, is under study by the Hartford County Medical Association and could become a demonstration program for other communities.

Association officials are quick to stress that this idea is still very young and its outcome uncertain, but if it reaches fruition, they say it could be another answer to the medical cost spiral and could remove the financial uncertainties of thousands of Hartford area families.

The proposal is essentially a pre-pay outpatient plan, but the doctors shy away from this term, which has usually been identified with group clinics staffed by salaried physicians—as in the Kaiser Plan on the West Coast of the New Haven Community Medical Plan in this state.

The plan, if one can be formulated which will satisfy a majority of the association's 1,200 member physicians, would safeguard the medical profession's much-cherished fee-for-service system, which has come under attack from medical reform advocates.

The fee system, say critics, offers little incentive for physicians to control cost of treatment. The longer the treatment, the greater the physicians income.

But, this liability would probably be eliminated under a pre-pay plan covering Hartford physicians. Fees would tend to be standardized for all outpatient services, much as they are now in services covered by Connecticut Medical Service and other private health plans whose benefits mainly extend to treatment in hospitals.

Subscribers to an association plan would continue to select their family doctors from hundreds of member-physicians. They would continue to be treated in doctors' offices located throughout the area (as opposed to traveling some distances if pre-paid health services were offered in clinics). They would pay a standard monthly premium in exchange for guaranteed out-patient medical services as needed.

As tentatively conceived today, a non-profit corporation would be established to handle premium collections and reimbursements to physicians for services to their patient-subscribers.

The resulting centralization of billing and operating costs would presumably help hold down the rising overhead costs reported by physicians.

"Peer review"—scrutiny of medical charges by medical professionals—would guard against unnecessary costs that could otherwise push premiums up. And the physicians would have strong incentive to keep the premiums as low as possible, especially in light of growing consumer consciousness and public complaints toward rising costs.

Dr. Andrew J. Canzonetti, association president, said the association has the blessing of the Connecticut Medical Society in its study of a possible outpatient plan.

The state medical society vigorously opposed legislation in 1967 which led to the outpatient program sponsored by Yale Medical School and the New Haven Labor Council in that city.

But the plan was seen by the medical society as creating a government-subsidized competition with private practitioners in New Haven.

Dr. Canzonetti said one factor which may make a local pre-pay plan palatable to private physicians is the fact that fees for federally-financed Medicare have already been standardized and subjected to peer review.

Also, physicians enrolled in Connecticut Medical Service consent to charge standard fees established by the state medical society.

Fees used to be fairly secret. Doctors frequently had little idea of what their colleagues charged for the same types of treatment, says Joseph Gordon, executive director of the County Medical Association; but Medicare has changed that.

The physicians' program would be designed to dovetail with hospital insurance plans and could also accommodate existing medical insurance plans and federal-state welfare coverage, Dr. Canzonetti said.

Built into the plan could be options for regular physical examinations and other preventive medicine in order to detect physical ailments for early treatment before they became far more expensive, and debilitating, for the patient, say the doctors.

The medical association has no time table for creating their proposal, but fast-moving events nationally and possibly in the state could be a spur for action.

The idea of a local outpatient insurance plan comes at a time when many proposals are being presented to Congress for overhauling the present, flabby, medical industry.

From the doctors' point of view, the most frightening of these is Sen. Kennedy's Health Security Bill, which has the backing of the AFL–CIO labor unions and the United Automobile Workers among other liberal forces.

This measure would make the federal government the overseer of all health services. Physicians and hospitals fear it would cut deeply into their historic autonomy.

But, they also realize that unless they take initiative now to deal with high costs and deficiencies in the health system, advocates of government control will have a stronger case.

[From the Hartford Times, Jan. 29, 1971]

CONGRESS MAY WRITE THE RX

(By James N. Mason, Jr. and Jeffrey Daniels)

The crisis over the high cost of medical care—indeed, the experts now label it an emergency—has achieved star billing in a rapid spiral that is only matched by the escalating costs.

There have been, for years, various proposals seeking to modify the nation's fractionalized health care system.

But health care, and its cost, was a problem much like pollution. It was there but it could never quite be termed a "crisis."

Suddenly, however, there are now no less than 20 proposals to reform health. There are at least eight major programs now facing Congressional scrutiny. The President has set aside a separate message to Congress to deal with health.

The problem of high health costs is simply an issue whose time has come. Five years ago, the problem of health care was a nagging headache. Now, like its environmental counterpart, health care cost is a full-scale crisis demanding immediate attention.

Where is that attention coming from? Who is focusing on the necessary changes in a health system that has been described as "jury-rigged?"

A glance at the proposals making the Washington circuit shows the plans have several common themes:

Most plans emphasize significant changes in the present health care system; major reform is forecast.

Most of the proposals have come from organizations with a direct interest in the $60 billion a year medical industry.

Virtually every proposal before Congress comes from persons or organizations that must share the blame for the present cost crisis.

Some proposals want to enlarge the Medicare-Medicaid system, others want to encompass it in far-reaching national programs. Still a third segment wants to eliminate the existing federal programs altogether.

The labor-initiated programs are suggesting a totally nationalized health system. These plans, still far from winning acceptance, have already had their effects on the others.

Generally, the hospital industry wants one that will leave their sector intact. The doctors' proposal would retain the basic freedom of the doctor. The insurance firms' program would guarantee the continued need for private insurers.

All the programs attempt to deal, in some way, with the vast numbers of Americans the U.S. Department of Health, Education and Welfare says are not being adequately treated.

As the lobbyists for the programs attempt to win support in the Congress, the plans may be modified. The final solution, if one comes this year, may be an amalgam of several plans.

The major proposals, for the present, look like this:

HUMAN SECURITY BILL

Sponsored by Sen. Edward M. Kennedy and Rep. Martha Griffiths, this bill is the creation of the Committee of 100, spearheaded in 1969–70 by the late Walter Reuther, president of the United Auto Workers. The Reuther-Kennedy package was merged this year with the very similar Griffiths bill, which was developed by the AFL–CIO.

Federal government would take over all financing of health care, establishing regional offices which would negotiate rates with doctors and hospitals.

It would wipe out the private health insurance industry and the present structure of group health plans used by most Americans to cover their health bills.

Group practice plans (in which several physicians of varying specialties practice together and coordinate care of patients) would be encouraged.

All Americans would be entitled to total medical care which would be financed by a 3.5 per cent tax on employers' payrolls and one per cent levied on individual income up to $15,000. Federal funds raised through existing sources would pay the rest.

Estimates range from $53 billion to $77 billion on what the cost of full implementation of this plan would be. In the Kennedy-Griffiths bill reintroduced this week, a gradual phase-in is proposed which would require less initially.

Consumers would be in the majority on local health-care-policy boards which might sharply contrast with most of today's hospital boards. These tend to limit representation to prominent business and civic leaders.

AMERIPLAN

Proposed by the American Hospital Association, it would link hospital care with new health-care corporations in which eligible individuals could receive all outpatient services, which would be financed by the federal government.

Eligible persons also would be protected for catastrophic illness—payment for hospitalization and other needs when personal hospital insurance benefits had expired.

To be eligible for services of the health-care corporation and the catastrophic services, however, individuals would have to purchase "basic benefits" from a private insurer.

These basic benefits would be prescribed by the federal government. AHA has suggested up to 90 days of hospital care, 30 days in less intensive care beds, and 90 days in a nursing home.

A spokesman for the insurance industry fears that private insurers would gradually be squeezed out of this system as the health care corporations, which would contract with hospitals for services, became stronger entities.

Under the AHA plan, poor people unable to afford private health insurance, would be covered by the federal government. Consequently, they would have full rights with other citizens to use the health care corporations.

Physicians under this system could continue under a fee for service system or participate as salaried members of clinics. AHA proposes a variety of compensation options for physicians but fees would be standardized under contracts with the health care corporations.

MEDICREDIT

Proposed by the American Medical Association, this plan would let individuals choose their own health coverage and receive tax credits in proportion to income. Credits would range from 10 per cent of hospital costs to 100 per cent, the latter being for poor people unable to afford any part of their medical payments.

The physicians would depend on peer review for cost and quality control, but the basic system for delivering health services would not change.

Estimated federal cost: $16 billion.

HEALTHCARE

Proposed by the Health Insurance Association of America which includes the major insurance companies of Hartford where thousands work in health insurance jobs.

This system would basically preserve the present delivery system but would strengthen controls on physicians' fees as part of an extension of insurance benefits for outpatient services. Most insurance benefits today are tied to hospitalization.

Companies complain that inability to control outpatient costs under the fee system have discouraged liberal coverage of outpatient services including preventive medicine.

But this position would change under the HIAA plan where preventive medicine and pre-payment for virtually all health services would be proposed.

Insurers would insist on stronger professional guidelines and peer review to control outpatient costs. They also would want legislative support to assure sound budget policies by hospitals and authority to appeal when hospital budgets became excessive.

Heavy stress would be placed on switching from hospital emphasis to ambulatory care to avoid wasteful use of hospital beds.

The HIAA plan also proposes financial incentives for medical school graduates to serve in areas lacking adequate medical services. Older physicians might be offered financial incentives to move to these areas.

Group insurance, which is a major share of the private health insurance business, would be safeguarded with tax incentives for employers to meet voluntary minimum standards prescribed by the federal government. Full compliance would mean 100 per cent tax deduction. Lesser plans would qualify for only 50 per cent deduction.

Individuals also would continue to buy private insurance. Poor people would be insured through a pool of insurance companies in each state, subsidized by up to 90 per cent by the federal government.

Estimated cost of this program would be about $650 million.

NIXON PLAN

Still only generally spelled out, President Nixon's proposal would provide family health insurance for the poor and near-poor to replace Medicaid and offer preventive medicine as well as hospital and surgical care.

It also would provide government-financed catastrophic insurance for all Americans covering 80 per cent of medical bills over $2,000. Estimated cost of the Nixon plan: $2.3 billion.

[From the Hartford Times, Jan. 30, 1971]

Hospitals Fight Back Against Cost Spiral

(By James N. Mason, Jr., and Jeffrey Daniels)

Hospitals—the main butt of criticism over rising medical expenses—are beginning to fight back, against both the costs and the critics.

In Connecticut, where the 34 non-profit, volunteer hospitals provide all acute medical care, the administrators, planners and hospital partisans say they are taking action—not just watching the cost spiral eat into the medical dollar.

The hospitals, clearly, are on the defensive as public agencies, state and Federal, begin to take a jaundiced eye at hospital costs that keep rising.

The Connecticut Hospital Association concedes that the battle against rising costs isn't being won easily, but the battle is being waged.

Hospitals have hired systems engineers to study operational efficiency. There are 13 hospitals in the state under direct contract with one such firm now. Savings of $1.2 million already have been documented.

Blue Cross and the federal government—which both share major costs of paying for medical care—have sponsored a $677,000 four-year study program to reform hospital budgets and get hospitals to live within those budgets.

Twenty-three hospitals are now voluntarily participating in joint purchasing agreements, contracts that put the hospitals in the higher-discount bracket when they buy supplies.

Comprehensive planning is going on, with a Hospital Planning Commission, Inc., financed by the member hospitals. The commission, based in New Haven, has already created some waves, say the hospital spokesmen, with recommendations that are sometimes not popular.

Administrators continually point at the ominous labor portion of the budget—a 70 percent item that no hospital seems able to cut.

Last year the industry spent $270 million on salaries, while $180 million went for all the rest. Turnover in personnel, moreover, reaches as high as 50 per cent in some hospitals.

The problem, say the hospital spokesmen, has meant extensive retraining and now, because of a new state law in effect since Jan. 1, the hospitals will have to pay unemployment insurance for those leaving hospital employ.

The hospital association, the primary group that stands up for the hospitals, says the employment insurance alone will cost another $3.5 million annually across the state.

Hospitals say they have redistributed personnel and improved efficiency, but basically labour costs continue to be the primary cause of high costs. So the industry seems to be concentrating cost cutting in the other parts of the hospital budget.

In another sidelight, hospital people become incensed at critics who blame hospitals for rising emergency room and clinical costs.

These problems, the hospitals say with legitimacy, were created as doctors made the emergency room the "second office" and as public programs sent people who couldn't pay to the clinics.

Some hospitals across the state, particularly the big five, have sizable uncollectable bills. The details are not discussed in mixed company, but uncollectables are a significant problem for the large facilities.

In specific areas, cost cutting has been successful, reports the Hospital Association.

Twenty-three hospitals, working with Ernest Bauer, a purchasing agent attached to the hospital association, have joined in purchasing the necessary supplies of sutures and liquid oxygen—two high quantity items in the supply budget.

The hospitals, Bauer reports, achieved an 11 per cent discount on a $1.2 million order. Savings annually are projected at $33,565 for the hospitals. In liquid oxygen purchases, Bauer estimates the facilities will save about $340,000 over five years.

The experiment in budgeting has, thus far, had 18 state hospitals trading information in an effort to increase efficiency. They have also been working with a systems engineering firm, Community Systems Foundation, Ann Arbor, Mich. This firm has also contracted with 13 hospitals to do individual studies.

The bonus for efficient budgeting has been provided by Blue Cross. According to Allen Herkimer, head of the budget project, if a hospital can keep its cost 2 per cent below its budget, it can keep that profit to pump back into the hospital. Blue Cross has agreed not to deduct it from its payments to the hospitals for services under its policies.

The second phase of the budgeting project will be to cut personnel costs by reviewing hospital procedures.

According to Clyde McCollum, project director of the systems foundation, the hospitals so far have only asked for studies on particular operations in the hospitals (laboratory, transport systems, etc.).

The hospitals, he said, have not asked for studies on the hospital with a view toward overall care procedure in the total renovation of the present health delivery system.

While hospital association representatives quickly admit that cost increases must slow down and that hospitals want to keep costs down, the comparison with neighboring states, they say, shows Connecticut is doing a fairly good job.

Dennis May, finance director for the hospital association (he checks the hospitals' books annually) believes a key factor in keeping Connecticut's cost below other states in the northeast (especially New York, Massachusetts and Rhode Island) has been due to a declining length of stay in hospitals here.

The average stay last year was 8.1 days, compared with a high of 10.9 in New York. Connecticut was 24th highest, nationally May said, but Massachusetts and Rhode Island had 8.9 day averages.

What length of stay means, economically, is that more people can be treated in a year if they stay for a shorter time. Also, the shortening of stay reduces the cost to the patient.

May estimated that if the length of the hospital stay in Connecticut matched neighboring Massachusetts and Rhode Island, hospital expenses last year would have been $22 million higher than the $450 million they were.

Occupancy rate in Connecticut hospitals is also high: An average of 82.6 per cent last year. May says it means the use of space is efficient, that bed shortages, a crisis a number of years ago, is less than before. (Some hospitals, like St. Francis in Hartford, are still reporting a five-month wait for some surgery, however.)

The high per day cost of a hospital bed in Connecticut, 5th in the nation, is blamed partly to high incomes here and the rising per capita income in the state (it is the nation's highest).

But May said the cost of a bed per day is higher in Rhode Island, New York and Massachusetts. The northerly neighbor, in fact, has the highest bed rate per day in the nation.

[From the Hartford Times, Jan. 31, 1971]

How To Halt Runaway Costs

(By James N. Mason, Jr. and Jeffrey Daniels)

Connecticut's spiraling medical-hospital costs can be braked, experts in the field believe. Here are several key recommendations most agree could do the job:

Better hospital planning.

Improved services for treating and preventing illnesses before people need expensive hospital care.

A bigger and louder consumer voice in medical agencies now dominated by medical forces.

Less dependence on high cost hospital beds by building "progressive care" units where patients not needing intensive care can occupy beds with lower staff requirements.

Better distribution of medical personnel including training of more "para-professional" assistants to relieve physicians of time-consuming routine talks.

In most areas, the medical establishment has begun in recent years to take action. Opinions differ sharply whether physicians, hospitals, insurers and government have moved fast enough, and with the kind of vigor needed to put tight reins on medical costs.

Planning, for instance, has been initiated by private groups, financed mostly by the medical establishment and dependent not on what the public believes it needs, but what hospitals and doctors want to provide—and how.

Dr. Max R. Goldstein, incoming president of the Hartford County Medical Association (HCMA), believes the present rate of hospital construction could lead to a huge oversupply of costly hospital beds within five years.

The reason: The pattern of growth is based on existing hospital operation, on current methods of dealing with sick, treating them and keeping them in hospitals.

If the system changes dramatically—by reforming hospital operation as some critics desire—there will be surplus beds.

Two imminent health developments could throw present hospital expansion programs into serious question, suggests Dr. Goldstein. One is the pressure for improved programs to treat people outside hospitals, catching their maladies before they become serious enough for hospital care. Most of the reform proposals before Congress stress this emphasis on outpatient care.

The other is called "progressive care" hospital service. Instead of putting all patients in the beds requiring the most intensive—and expensive—staffing, they are placed in progressively less expensive units. Some might be in an intermediate care wing or floor requiring fewer nurses. Others might be in motel-like accommodations where patients are ambulatory but not yet well enough to go home. So far hospitals have been slow to embrace this approach.

But if outpatient service is strengthened and more "progressive care" facilities are built, the hundreds of intensive care beds being built or planned for today will cause an over-supply, suggests Dr. Goldstein.

The design requirements for hospitals make it impractical, or at least very expensive, to later convert intensive care beds to progressive care beds, he says.

In the area of hospital planning, the public is confronted with a tangled picture. How do the taxpayers sort out the conglomeration of agencies that includes the State Comprehensive Health Planning Council, the State Advisory Council for Hospital Survey and Construction, the Connecticut Hospital Planning Commission, Inc., the State Council on Hospitals, the Greater Hartford Health Planning Council, Inc., and others?

All these agencies have some voice, direct or indirect, in planning for hospitals and other health facilities. Some are heavily dominated or actually the creations of the medical interests they are supposed to be regulating.

The hospitals fear too much government control. What seems apparent, some observers say, is not so much the need for more control but rather a clear-cut control from agencies properly staffed and properly represented by the taxpayers instead of being controlled by medical industry interests.

Another avenue to more reasonable medical costs, the experts say, is clearly in the improvement of outpatient services and preventive medicine.

Far-thinking physicians among the members of the Hartford County Medical Association appear to be nudging their colleagues toward a pre-pay program for services in doctors' offices.

Everybody seems to agree that the most promising route to medical cost control is to keep people well. The HCMA idea (if the doctors really come through with it) and other pre-pay plans would make it a lot easier for people to take periodic physical examinations.

The prospects of paying $30 or more for a routine physical even once a year tends to make many people of moderate means postpone it. Sometimes, while they delay it for months or years—until the car is paid off or the kitchen is done over—the seeds of destructive disease germinate.

Under pre-pay plans, the patient can take his periodic physical, his flu shots, and other preventive medicine without feeling it in the pocketbook.

The Community Health Center Plan in New Haven, sponsored by the Greater New Haven Labor Council, is this state's first pre-pay medical program and may pave the way for others.

Connecticut General Insurance Corp., anxious to carve out a position in the brave new medical world of tomorrow, has been a partner in the pre-pay medical program serving the new city of Columbia, Md.

Another avenue of cost control is more diligence by taxpayers and consumers.

The voice of the consumer seems rarely to be heard in the state's medical establishment.

This was clearly evident in December when the State Insurance Department held a public hearing on Connecticut Medical Service's (CMS)) request for a boost on rates for its Century Plan.

The CMS witnesses presented their case. Several independent physicians spoke in favor of boosts.

No witness questioned or contested the CMS application.

A representative of the state personnel department (whose 36,000 members make up CMS' biggest group plan) testified that the proposed rate boost would cost the state about $1 million, but he did not speak for or against it. (Ultimately, the Insurance Department reduced several of the requested increases.)

The medical consumer appears to be insulated from the medical cost spiral by his health insurance. Only when lingering illness eats up benefits does he get hit with the impact.

But the state's employers do feel it. The rate boosts on group health plans bite directly into company profits.

Yet there is no business-oriented monitor on health costs similar to the highly respected Connecticut Public Expenditure Council which is a business-financed research bureau on state and local financial matters.

Former State Sen. Edward Marcus suggests that the governor should have appointive powers on CMS and Blue Cross boards which presently have heavy representation from the medical establishment.

Another avenue of cost-saving would be to reform some federal and state administered programs that doctors and hospitals say are pushing up costs.

Two in particular stand out.

Hospitals have criticized the state's Hospital Cost Commission because it bases its rate for treating state patients by taking the hospital's public charge for the lowest price room in the hospital. Officials complain that if a bed costs $40, while most in the hospital are ranging from $55 to $85 a day, the commission uses the lowest bed rate, then cuts from that to get the state rate.

The federal government, moreover, is forcing doctors to send patients into hospitals instead of nursing homes.

One physician tells a story of a woman who after leaving the hospital was sent home to be cared for by relatives. The care proved too much for the family.

In order to get the woman into a nursing home, with the Medicare money she deserved, the doctor had to lie, and put the woman back in the hospital.

The law, says this physician, mandates that federal aid only be provided for patients who go from hospitals to nursing home directly. The patient, moreover, must spend three days in a hospital. The cost: About $200 to $250 of federal money, plus the waste of a hospital bed for three days.

One problem which complicates hospital finances is the dependency on high bed occupancy to remain solvent, says Dr. Goldstein. Studies show that empty intensive care beds cost as much as $8,000 a year to maintain.

Staffing and other fixed costs persist even when many beds are empty.

Consequently, hospitals sabotage their financial well-being by any measures which shorten occupancy of intensive care beds, he says.

Only by developing progressive care facilities on high occupancy to balance the budget, he says.

The present supply and use of medical manpower is frequently criticized. Doctors say that if they had more "assistant doctors" or para-professionals and legal authority to use them, they could treat more patients at lower cost.

Highly trained nurses are often used as clerks processing the myriad of forms forced on hospitals for public and private reimbursement agencies.

It has been suggested that the community hospitals should encourage careers in various medical technical specialties which would permit better use of the most highly trained medical manpower.

The medical industry cites progress in all these problem areas. Possibly this year with at least a half-dozen serious proposals for medical reform facing Congress, the chances for voluntary overhaul inside the industry is greater than ever before.

OF DREAMS AND THINGS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. HANNA. Mr. Speaker, in the state of the Union address, President Nixon in his opening lines said:

> Now we are ready for the lift of the driving dream.

Although I find even in reviewing the written presentation a studied avoidance of either description or direction for such drive and little inspiration for the said dream, the rhetorical phrase did bring to mind some thoughts we trust will be found relevant.

Speaking of dreams the Irish poet, Arthur O'Shaughnessy wrote:

> For each age is a dream that is dying
> Or one that is coming to birth.

Our view is that, given the accelerated pace of this period which compresses time, we are the uncomfortable occupants of an age when concurrently the old dream is dying and the new dream's aborning. The old dream of America is dying hard. Its death throes are traumatic and the fact of demise is neither gracefully accepted nor willingly entertained. The new dream is agonizingly aborning. Like a breech delivery, its appearance is slow and painful with its distinct attending trauma.

The passing of the old and the issuance of the new assail us alike with separate storms of pain and violence. With the wailing at the wake mixing with anguished screams from the delivery room, the emotionally charged twin events assault us in a manner which transcends at time our tolerance; they challenge the thresholds of bearable suffering; they threaten the society which seeks to survive the turmoil.

The events of death and birth are usually calculated to bring those mutually affected together. In most societies this would be predictable; however, in the context of American society today and its dying old dream and its arriving new and "driving dream", we wonder if the situation described by Alexis de Tocqueville is not more accurately the case. He, in describing the condition most likely to erode national unity, wrote that when members of a nation "each of them, living apart, is a stranger to the fate of all the rest; when his children and his private friends constitute to him the whole of mankind; when, as for the rest of his fellow citizens, he is close to them but sees them not, he touches them, but feels them not" such a citizen, he concludes, has already "lost his country."

Just such aggravating circumstances compound the troubles of our times. Instead of the unity which assuages grief at time of death, we feel apart and mourn alone. Instead of the oneness which reduces fear and enhances the joy of new birth, we are alienated and the burden of fear and pain is unshared. The sense of loss over the passing old dream is inordinately increased, and troubled doubt over the birth of the new dream is paramount.

Why fear acknowledging the passing of an old dream? An old coat, comfortable and familiar, but no longer able to protect its wearer from the elements, is discarded and replaced by a new one. The old coat served its purpose and had its time and is fondly remembered. But it is no longer useful. Old dreams, too, can be fondly remembered, for they, too, have had their time. But like old coats, dreams must be discarded when they are worn and no longer useful.

A mature person accepts change. He remembers the past but is not subservient to it. A mature nation honors its past but does not allow it to dictate its future. I've been told that what one dreams is often a clue to his maturity. What does our collective dream suggest? If a society's dream is amenable to analysis, our diagnosis perhaps might be one of a national immaturity characterized by an excessive distrust of the future while desperately clinging to a past which long ago died but remains unburied.

For those who would be helpful leaders for our America, the message is clear.

We must as a nation, as we must as individuals, approach the death bed with some sense of willing grace. It is neither useful nor healthy to resurrect dreams whose age has passed. However much we have been committed to the old dream of America, the evidence of its passing is too strong to be safely ignored. Let us get on with the burial, so that, like the mature people we should be, we can appropriately honor our past without being unduly burdened by it.

The pace of modern times has made some dreams obsolete upon birth. Although this is particularly painful, even the newest ideals must be in context with their immediate times if they are to be useful and survive.

Mr. President, if you offer us the lifting spirit of a "driving dream", please make it part of today. And please do not commit us too firmly, for what is important today may be unimportant tomorrow.

Tell us you understand that the dream you have is one that recognizes an America changing daily. Tell us we have a leadership comfortable and rational in an environment of change, and unafraid to admit that even old dreams die and new ones must be born.

Today, Mr. President, we need a vision we can clearly see and whose value we can understand. We need an ideal firmly grounded in the realities of the present, an ideal that generates our participation, so that we are not "strangers to the fate of all the rest" but partners in the weaving of that fate.

Today, America is in the middle of burying an old dream and gaining a new one. Only a President can lift us from our solitary grief and articulate those new ideals which fuse a nation's purpose. You have alluded to the "driving dream", Mr. President, and the Nation needs to know what it is that we may be brought together again.

BLACK PROGRESS IS HAPPENING, TOO

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. PUCINSKI. Mr. Speaker, Mr. Edwin Harwood, an assistant professor in the department of anthropology and sociology at Rice University, Houston, Tex., and the Wall Street Journal, have performed a notable public service by calling our attention to the significant progress being made in this country by black Americans.

In a penetrating article called, "Black Progress Is Happening, Too," which appeared in the Wall Street Journal yesterday, Mr. Harwood very carefully documented the fact that while serious needs continue to plague our minority groups, it is a mistake to fail to realize that our vast numbers of black Americans have made enormous progress in all of their social endeavors.

I welcome Mr. Harwood's study because it confirms what I have said on many occasions—that too often, when discussing problems of America, we fail to see the forest for the trees.

There are the sociologists who spend so much time lamenting our weaknesses as a nation that they fail to see our strengths.

We are the first nation to develop a middle-income black society. While I agree that progress to date may not be moving as fast as some wish, the fact remains that it is moving, and that we are progressing in opening up new opportunities for minority groups in America.

I am willing to support programs to accelerate this progress, but I believe that Dr. Harwood offers an excellent "way station" to measure the degree of progress already made by black Americans.

Mr. Harwood's article follows:

BLACK PROGRESS IS HAPPENING, TOO

(By Edwin Harwood)

Considering what many radical social scientists have been writing about black Americans, and how the American public is consistently overexposed to pitifully small cadres of black extremists by the news media, one could hardly expect even educated Americans to know the most elementary fact about Black America: Its rapidly growing working and lower-middle classes. This black silent majority shares with its white counterpart many of the same jobs and the life-style accompanying those jobs. It also shares the same anxieties over good schools and homes in neighborhoods free of crime.

Last November I took my family to view the Thanksgiving Parade in downtown Houston because the parade's celebrated guests were the Sesame Street actors my young daughter adores. What caught my interest was not just the easy intermingling of white and Negro families, the similarity in their dress, comportment and enthusiasm for the event, but the fact that not a few Negro families arrived in late-model cars bearing American flag decals.

Read what my young radical colleagues in sociology have been writing over the past decade and you would not see this. Through a flood of angry books and articles on "black rage," "ghetto revolts" and "internal colonialism" (by white police in black neighborhoods), they have fashioned an image of the Negro that is about as much to be believed as the early 19th century accounts of preliterate peoples that white missionaries brought back to Europe's reading public. Naturally the radicals would have anyone who will only listen take seriously their claim to be "telling it like it is." Fortunately for race relations most of what they write circulates only amongst themselves. It certainly has no impact on the masses, white or black. Unfortunately, there is a newer breed of journalist and "with it" cleric who, following the chic in activist fashion, have helped propagate the intellectuals' fantasies of racial Armageddon among their educated audiences.

What is happening? In terms of jobs, it is the Negro gal Friday, the medical technician, receptionist, telephone operator, registered nurse and welfare and recreational worker; the cement finisher, pipe fitter, welder, truck driver, architect and draftsman—not the Mississippi sharecropper whose wagon and mules go out on loan to a civil rights' expedition up North, or the bootblack who is fast vanishing from the barbershops across the nation.

EMPLOYMENT SHIFTS AND INCOME

Between 1957 and 1969, Negro farm workers declined by more than half a million. During the same 12-year span, private household workers fell by almost 300,000 and nonfarm laborers, the least skilled blue-collar workers, by about 100,000. These are the lowest-paying jobs according to the Census Bureau. But these shifts did not mean massive unemployment, because Negro unemployment followed the national trend downward throughout the 1960s at the same rate as the white trend in unemployment.

Proof of the growth of a sizable Negro lower-middle class can be gauged by income statistics published by the Bureau of Labor Statistics. In 1957, only 10% of all Negro families earned $8,000 or more (in 1968 dollars), but by 1968, Negroes earning $8,000 or more had increased to 32%. (In the North and West, families in this bracket were 43% of the total Negro population.)

The rhetoric of racial polarization suggests a gulf between whites and blacks in economic terms that the facts fail to support. Throughout the 1960s, Negroes were closing the income gap. In 1960, their median income was slightly more than half the white median income. By the end of the decade it had increased to almost two-thirds the white median income.

Negroes had, relative to white, made disproportionately greater gains in all the top job categories, from skilled blue-collar jobs to professional occupations. Between 1957 and 1969, Negro clerical workers more than doubled from 400,000 to over 1 million; Negro craftsmen and foremen increased from 380,000 to 700,000; managers, officials and proprietors from 140,000 to 250,000 and professionals from 250,000 to 700,000.

Though much has been written about the barriers to Negro entry into the skilled crafts, the facts tell a different story. In 1957, Negroes were only about 4.3% of the nation's craftsmen and foremen. By 1969, they were nearly 7%. To reach parity with the white labor force Negroes would have to reach roughly 11% in all job categories. That they will achieve parity in the skilled blue-collar jobs in the near future seems certain at their present rate of increase.

We should have expected Negroes to gain on whites for two reasons: They had so far to go in catching up to begin with, and much larger numbers of younger better-educated Negroes were entering the labor force for the first time during the '60s.

ATTITUDES AND FACTS

As early as 1964, Negroes interviewed in a survey directed by sociologist Gary T. Marx were asked: "Do you think things are getting better or worse for Negroes in this country?" In his book, "Protest and Prejudice," Marx reports that 8 out of every 10 respondents said "better" and gave economic improvement or more dignity as the reason. Thus Negro attitudes were in line with the objective fact of swift gains in jobs and a closing of the income gap between whites and blacks. And though no civil rights leader could admit it, heavy military spending during the '60s was a major cause of the sharp decline in Negro unemployment throughout that decade.

The facts were there for the irate and the aggrieved to look at. But too many social scientists had no interest in facts gathered from surveys—certainly not in any findings at odds with their rhetoric of stagnation and irremedial poverty, of expanding pockets of ghetto despair and a widening gulf between blacks and whites.

The irony of what some social researchers have been reporting about Black America is not just the evident fact of bias in whom they choose to study and listen to but its effect in reinforcing popular stereotypes and white resistance to integration. Time magazine can be glib and tell us that the Black Panthers' belligerency "has enabled all blacks to walk a little taller" (Jan. 11, 1971) and yet fail to see the mischief of this. Because, if black revolution is just around the corner, then what white family is going to want blacks, in whose every face they are conditioned to see hate, just around *their* corner?

One reason the ears of educated Americans have been turned by social critics to complaints of police brutality, for example, is that the available "spokesmen" in a slum tend to be the younger unattached males and the newer cadres of radical community organizers. The latter have taken a natural antagonism that exists between "the fuzz" and action-prone adolescents and auctioned it off to the more serious bidders of the New Politics.

In his book, "The Airtight Cage," Joseph Lyford remarks at how surprised he was to learn that residents in the low-income neighborhood he studied in New York City were upset by the public disorder and crime, and had little enthusiasm to spare for the issue of police brutality or a civilian review board. Lyford came to this finding simply, by having John Kraft Inc. conduct a survey to insure that all categories of residents would be heard from, those working and raising families and not just those who, free of this regimen of the adult working-class, were available for the kinds of activities that provoke the police.

"STREET CORNER" RESEARCH

Distorted accounts of what slum residents think and feel arose partly because social researchers have chosen to study the slum by means of direct observation—which we sometimes call "street corner" research. It is true that the researcher using this approach sees more action at close range. Yet "street corner" studies have bias built into them. They fail precisely at getting that which the sample survey does best: A representative sampling of a community's population and therewith a representative picture of the sentiments and characteristics of all its members. Street corner observers can get to know only a limited number of people; moreover, only those people who will make themselves available for the heavy exchange of conversation vital to the researcher's task will be studied. The sad fact is that today the most accessible members of low-income neighborhoods tend to be the least well controlled and least respectable members, or the youths who have been freed for life on the streets by our greater affluence. (A half-century ago, many would have gone to work in their early teens to support a widowed mother and younger brothers and sisters.)

The continued emphasis scholars give to the Negro male's economic handicaps, often joined by a corollary belief that Negro women enjoyed a superior position in the urban labor market, is perhaps the cruelest and most damaging stereotype of all. It persists even as other prejudices have fallen because scholars who are thought to know the facts continue to pay lip service to it. In an article we are preparing for "The Public Interest," Claire Hodge, a government labor economist, and I have examined the historical record from the decennial censuses and other studies of black communities and find nothing to support the notion that somehow economic roles were reversed in the case of Negroes, giving the woman special advantages relative to the Negro man during good times or bad. If, as some sociologists have put it crudely, the Negro male was "emasculated," it was not by anything happening in the labor market but only by the long lease of life given this particular stereotype by liberal white scholars.

Looking at the caricatured portraits of Black America that scholars and social critics outside the academy have drawn, we may wonder if good judgment and sagacity necessarily follow from intellectual accomplishments. For the picture of Black America that has emerged is not only one in which most Negroes would have difficulty recognizing themselves, but one that is more likely to hinder than help the difficult work still remaining to be done in achieving a fully integrated society.

SPEAKER CARL ALBERT: A GIANT IN ABILITY AND LEADERSHIP

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. EVINS of Tennessee. Mr. Speaker, Parade magazine recently published an excellent article about our distinguished Speaker.

This article portrays his warmth and dedication and because of the interest of my colleagues and the American people in our recently elected Speaker, I insert the article in the RECORD as follows:

SPEAKER CARL ALBERT: THE LITTLE GIANT EVERYBODY LOVES

(By Jack Anderson)

WASHINGTON, D.C.—The first time Carl Albert set foot on the House floor—five feet, four inches and 120 pounds of freshman Congressman in a blue serge suit—he was mistaken for a Capitol page. A veteran Republican member handed him a batch of papers and told him to take them to his office, which Albert obediently did.

That was 24 years ago. Certainly few who saw the shy little redhead from the Oklahoma hills, as he was sworn in alongside the likes of Congressmen John F. Kennedy and Richard Nixon, would have suspected he would someday be the most powerful man in the House. But this month Carl Albert, son of a poor coal miner, was made Speaker of the House by his Democratic colleagues.

The key to Albert's success is his extraordinary popularity. It is nearly impossible to find anyone with an unkind word for him. Why is Albert so well liked?" When I first came to Congress," the friendly, still freckled-faced Oklahoman told Parade, "I made it a point to be on the floor all the time I could. I learned the rules of the House, who the members were, how they voted, what they talked about, their problems. I try to know all the members."

Such is Albert's knowledge of the House and its members that the late President Kennedy once said: "No matter who tells me what will happen to a piece of legislation, if it differs from what Carl Albert says, I believe Carl. I've never known him to be more than six votes off on any bill."

As Majority Leader under John McCormack, Albert went along loyally with the aging Speaker's passive leadership, but those close to Albert are convinced he will be an aggressive leader. They believe he will stand up to the autocratic House committee chairmen who have been defying the will of the majority. Even the sanctified seniority system itself may be in for some revamping. As Rep. Tom Steed, Albert's close friend and fellow Oklahoman, puts it: "If people make the mistake of thinking because Carl's such an innately nice guy, he hasn't got any steel in him, they're in for the surprise of their lives."

AN EARLY RISER

Carl Albert's day begins about 6:30 a.m. when he rises in the uptown apartment where he and his wife Mary and 16-year-old son David live. Their daugter Mary Frances, 21, attends Rice Institute in Texas.

Albert is usually the first one in his office. He sorts the mail and picks out anything requiring his immediate attention. Most of the morning is consumed handling the affairs of his constituents, responding to correspondence and conferring with members. By noon, he is on the House floor where he remains most of the day. He seldom can get away from the Capitol before 7 p.m. Then he and Mrs. Albert often must attend as many as five receptions in an evening.

Among House members of both parties, Albert is considerably impeccably honest, enormously bright, capable, and thoughtful to the point of being a worrywart.

THINGS TO WORRY ABOUT

Recalls Tom Steed: "Many years ago, it was in the spring and Carl had just heard that he'd have no opposition in the next election. I was sitting on the floor with Bill Stigler, who represented another part of Oklahoma. We were saying how nice it was for Carl that he had won elections without opposition. Just then we saw him and I said to Bill that, despite the goods news, I'd bet a cup of coffee that Carl would be worrying about something. He took me up on it and we beckoned Carl over and said how wonderful we thought the news was. 'I know it looks that way,' he said. 'But my name won't be on the ballot this time and did you ever think what that might do to me two years from now.' Well, Bill and I went off the floor laughing and Carl followed us into the cloakroom and he got mad when he heard about our bet and wouldn't drink coffee with us."

If Albert's worrying is legendary, his sense of rectitude is another trademark. His scrupulous honesty has sometimes made it necessary for him to borrow money when campaign expenses left him short. He refuses to accept large political donations, even from such respectable sources as organized labor.

Albert's friendship with Tom Steed goes back to the day when he took part in a high school speech contest which Steed covered for the school paper. The place was McAlester, Okla.; the time the early 1920's. "It was during an assembly," Steed recalls. "In those days oratory was called 'declaiming' and Carl was supposed to declaim extemporaneously. There was no loudspeaker on the assembly stage and he came out there, just a damned midget. He started giving this oration and damned near knocked the plaster off the walls."

Albert attended the University of Oklahoma, where he won a number of prizes for his speaking. One award enabled him to travel to England. He saw Oxford University and decided he wanted to go there. His grades were excellent and earned him a Phi Beta Kappa key. But he needed to excel in some sport to win the coveted Rhodes Scholarship to Oxford. Too small for most sports, Albert went out for wrestling, in which he would be matched with a man his size. "He became a pretty darned good wrestler. I understand," says Steed. "I never saw him but the guys told me that he was just a tiger—a ferocious wrestler."

"THIS ONE IS MINE"

Albert won the scholarship and spent three years at Oxford. He studied law and earned two law degrees, which got him a spot in the Judge Advocate General's office in Washington when he enlisted in the Army shortly after Pearl Harbor. One of the office clerks was a tiny, 20-year-old girl from Columbia, S.C., named Mary Harmon. "So help me," she recalls, "there was not another single man in that department. When Carl walked in I told the other girls, 'Now, you can just stand back and stop drooling because this one is mine. He's just my size.' "

They were married in August, 1942, and a few months later, Captain Albert left for the Pacific. He served 2½ years and was awarded a Bronze Star. After the war, the couple moved to McAlester, and Albert shortly announced for Congress. He won the race by a few hundred votes. Thereafter he won all of his races by as much as 90 percent of the vote. "If it falls below 90 percent," says Steed, "Carl starts worrying."

Whatever changes Carl Albert seeks in the House seem certain to be evolutionary, not revolutionary. For he has deep respect for the House and its traditions. "I think the House is the greatest institution in the country," he says. "But I don't think it's fully understood. I think there are things that could be done to improve the image of the House. Its problems are more intense than they were before. We must keep our mechanisms up to date. The seniority system is as good a method as anyone has come up with, but it must not be able to thwart the will of the House."

THE PERSONAL TOUCH

Whatever kind of Speaker the 62-year-old Albert turns out to be, it is doubtful he will abandon the political style that has made him so popular. It is an intensely personal style, relying on friendship, mutual respect and persuasion, not political pressure to convince other members to see things his way. "Carl assumes that if you get elected to the Congress, you're bound to have some sense," says Steed. "So he's always nice to a member when the member has to go against him. The next time the member will think, 'Well, here's a vote I can help old Carl out on.'" The guessing in Washington is that Carl Albert will never lack members to help him out in the legislative pinches.

LET US END THE DRAFT AND GET OUR SERVICEMEN OFF THE WELFARE ROLLS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the distinguished ranking member of the Senate Armed Services Committee, Mrs. Smith, recently criticized the Department of Health, Education, and Welfare, "for permitting 25 States to refuse AFDC to children where the father is serving his country and being paid such a low wage for it that his family has become impoverished." In a related development, the Army Times reported that Defense officials have made a rough estimate that 50,000 servicemen qualify for food stamps.

What is the logic of a system which takes productive young men out of the civilian economy and pays them wages that are so low they are forced to choose between welfare and poverty?

The President's Commission on an All-Volunteer Force has recommended pay increases averaging 50 percent for first-term enlisted men and 28 percent for first-term officers. The Commission declared that these pay raises were justified not only in terms of ending the draft, but also on the grounds of equity. It is imperative that we enact the recommendations of the Commission to establish a volunteer force, and to lift our men in uniform out of poverty. I commend these items from the Navy Times and the Army Times to the attention of my colleagues:

SEN. SMITH RAPS 21 STATES FOR MILITARY KIN NEGLECT

WASHINGTON.—Sen. Margaret Chase Smith (R., Maine) is demanding to know why 21 states give no welfare payments to military families under the government's chief relief program. Aid For Dependent Children.

In a letter to Health, Education and Welfare Secretary Elliot Richardson, Sen. Smith also points out that AFDC payments in two states (Maine and Idaho) go only to families of servicemen who have been drafted and in two others (Iowa and Vermont) limit the aid to draftees or men who enlisted to avoid the draft.

Mrs. Smith points out that the purpose of the AFDC program is to aid families whose fathers are absent from home and asks "Aren't these men absent from home?"

"What good reason is there," she asks Richardson, "for permitting 25 states to refuse AFDC to children where the father is serving his country and being paid such a low wage for it that his family has become impoverished."

AFDC payments in August averaged $185.05. They vary by state. The states pay some and the federal government adds to it, based on a sliding scale. Mississippi paid the lowest amount in August, $46.85, and Hawaii paid the most $277.85.

The states giving no aid to families with dependent children because of the "continued absence of the serviceman" are: Alabama, Arkansas, California, Florida, Georgia, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New Mexico, Puerto Rico, South Carolina, South Dakota, Texas, West Virgina, Wisconsin, and Wyoming.

COMMISSARY REPORT: FOOD STAMP USE NEARS $250,000

WASHINGTON.—Army commissaries accepted nearly $250,000 in food stamps in the first three months in which the stores were permitted to redeem them.

Army stores in the U.S. started accepting the Department of Agriculture food stamps July 1, 1970.

In a report submitted to a House Armed Services Exchange and Commissary Subcommittee, the Army said that in the first quarter of FY 1971 (July, August and September 1970) "the value of food stamps redeemed in Army commissary stores was $238,000, which amounts to .2 of one percent of total sales for the quarter."

Officials estimated that more than 14,600 food stamp transactions were conducted in the three month period.

"This initial response appears relatively slight but increased activity is expected as the program progresses," the report said.

Department of Agriculture records are said to be "too unwieldy" to furnish figures on the number of military families participating in the food stamp plan. Officials said that as a "rough estimate," 50,000 men in uniform are eligible for food stamps. That's three to four times some earlier estimates.

In addition, the Army said that "only an estimate of the number of military participants in the program is available because issuance of the identification cards and maintenance of records are controlled by supervisory field offices of the USDA."

BEST VOICE FOR AGRICULTURE

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. THONE. Mr. Speaker, in his recent innovative state of the Union address, President Nixon, in a most positive and affirmative tone, suggested that—

> A sweeping reorganization of the Executive Branch is needed if the Government is to keep up with the times and with the needs of the people. . . . The time has come to match our structure to our purposes—to look with a fresh eye, to organize the government by conscious, comprehensive design to meet the new needs of a new era.

As pointed out in a recent editorial in the Lincoln, Nebr., Evening Journal, the President's suggested change is aimed at realining the Federal bureaucracy to broad functions of government. Without a question of a doubt the President's reorganization plan so far as it affects agriculture will be carefully and thoughtfully scrutinized by rural interests. And this is as it should be.

In this editorial, it is concluded that it might very well be more effective to consider agricultural and rural matters as part of the whole structure of government rather than to expect agriculture to be faithfully served through the narrow attention it now receives. I insert this editorial in the RECORD:

BEST VOICE FOR AGRICULTURE

It is natural that spokesmen for farm interests would immediately bristle at the idea of eliminating the U.S. department of agriculture and distributing its operations among four new departments, as proposed by President Nixon in his State of the Union message.

These farm leaders are sincere in their determination not to dilute further the influence of agriculture on the federal government and not to permit additional deterioration of the farm economy.

At this point, though, it might be contended that the reshaping of the cabinet could expand the federal concern for rural America and give agriculture more clout in national councils than presently is the case.

This contention begins with the premise that agriculture is a pretty lonely voice in Washington right now; farmers have not gained their rightful share of the national affluence under the existing setup. In short, the system being defended by the farm spokesmen has been no great shakes for the farmer.

It is possible that one reason for this is that federal concern for agriculture presently is concentrated in a single bureau—the department of agriculture. And the department of agriculture is so clearly intended to be an advocate of farm interests that it lacks some credibility, as well as contact into other elements of the government.

The President's suggested change is aimed at realigning the federal bureaucracy according to broad functions of government. As it is now, the departments seem to be divided more by vested interests—one for agriculture, one for labor, one for business (commerce) and so on.

In such a breakdown, agriculture is at a natural disadvantage by having such a small constituency across the nation.

Under Mr. Nixon's reorganization plan, agriculture concerns logically would be distributed among all four new departments: price support and crop control programs in the department of economic development; rural development in the department of community development; conservation and ecology matters in the department of natural resources; rural poverty and social problems in the department of human resources.

Insofar as the problems of rural America are legitimate—and we are confident that for the most part they are entirely legitimate—they might be expressed with a broader and more believable voice through these several departments.

It is widely claimed, by agricultural spokesmen as well as others, that the problems of rural America are interwoven with the problems of urban America; that the remedy for both lies in a redistribution of the population away from big city congestion and back to rural expanses.

If this is true, it might be more effective to consider such matters as part of the whole structure of government than to expect agriculture to be served through the narrow attention it now receives.

THE JEWEL OF SECRECY

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. GROSS. Mr. Speaker, the citizens of this country have every reason to ask why a cloak of secrecy has been thrown over the testimony which Albert B. Parvin gave the Securities and Exchange Commission concerning his dealings with Supreme Court Justice William O. Douglas.

In an article in the Chicago Sun-Times of January 31, 1971, Mr. Clark Mollenhoff, one of the Nation's outstanding newsmen, pulls together information concerning Parvin, the Parvin Foundation, and its dealings with Douglas—dealings that ought to be the subject of an immediate and thorough investigation by an appropriate committee of Congress. It should no longer be possible to sweep the Parvin-Douglas dealings under the nearest rug and then throw a cloak of secrecy over them.

The article follows:

PARVIN'S DOUGLAS TESTIMONY KEPT SECRET

(By Clark Mollenhoff)

WASHINGTON.—Albert B. Parvin has insisted that secrecy cloak 97 pages of the testimony he gave before the Securities and Exchange Commission on his dealings with Supreme Court Justice William O. Douglas.

The testimony deals with operations of the Parvin Foundation, which he established in 1961 and and which paid Douglas $12,000 a year as president until his resignation a year ago. SEC lawyers have permitted the testimony to remain secret rather than become involved in delays that they say would only stall the fraud action brought in connection with the manipulation of Parvin Dohrmann stock.

But the secrecy Parvin has succeeded in having imposed only deepens the mystery around the whole Parvin-Douglas relationship, for there is already enough information on the public record of the SEC to demonstrate that Parvin was not "just another businessman."

The defenders of Douglas have contended that Parvin was "just a businessman" or "an interior decorator" and have discounted the general allegations in Congress that Parvin was a front man for a group of Mafia figures in Las Vegas (Nev.) gambling casinos.

Over the last nine years, Douglas has been paid more than $100,000 from the Parvin Foundation. The foundation was started in 1960 after Parvin sold the Flamingo Hotel and Casino to Morris Lansburg for $10 million. A "finder's fee" of $200,000 was paid to Meyer Lansky, a Florida gambling figure who has been identified in many hearings as the Mafia's money man. The agreement for Lansky to receive the $200,000 "fee" in the sale was signed by Parvin and Lansky on May 12, 1960.

AGREEMENT WITH LANSKY DESCRIBED

The agreement called for Lansky to collect $25,000 a year from the Flamingo for eight years, and the $2 million received by Parvin above his original investment went into the Parvin Foundation.

The sale of the Flamingo didn't mean Parvin was getting out of Las Vegas gambling activities. His Parvin Dohrmann firm, bought the Fremont Hotel and Casino in 1965 and has broadened its base in Las Vegas gambling since then with the purchase of the Stardust and the Aladdin hotels. He has done some negotiating on the possibility of buying the Riviera.

In testimony, Parvin has admitted he wasn't a corporate officer who kept at arm's length from the gambling operations. He related that two of his employees, Edward Levinson and Edward Torres, gave him nightly reports on operations at the casinos and hotel. Levinson was a business partner of Robert G. (Bobby) Baker, former secretary to the Senate Democrats, in the Serv-U Vending Co. and in other enterprises involving Fred B. Black Jr., a Washington representative for North American Aviation. Baker has began a jail term of one to three years for conviction on charges of income tax evasion, conspiracy and larceny.

Parvin has stated under oath that he personally told Levinson that Levinson could no longer work at the Fremont after being indicted on federal income tax charges involving skimming of money from the top of the gambling winnings. A story in Life magazine has identified Levinson as one who delivered cash to Lansky in Florida for transmission to Swiss bank accounts. This action reportedly made Levinson vulnerable in the eyes of the Nevada Gaming Commission, which regulates gambling in that state.

Parvin admitted under oath that Torres was also under indictment on the same Internal Revenue charge involving the skimming at the night club. However, Parvin said he did not take action to separate Torres from the Fremont operations.

Parvin said Torres was such an efficient manager of the Fremont that Parvin reluctantly agreed to modify an employment contract to let Torres buy a piece of the Riviera. Parvin said he made the deal with Torres because negotiations for the purchase of the Aladdin were then on and Parvin was eager to have Torres available to manage that business also.

Torres, who was also a partner with Baker in Serv-U Vending, testified that he never had met Baker but bought his interest in the vending company through Levinson and knew nothing of the details of the other principals. Levinson took the 5th Amendment before the Senate Rules Committee on his dealings with Baker and Serv-U and other contracts.

Torres and Levinson have contended that their casino interests have been purchased with straight bank loans, but there never has been any deep inquiry into how these loans were arranged. Nor has there been any more than superficial inquiry into the source of the funds that Parvin used to buy the Flamingo in the period after it was opened by Bugsy Siegel. Siegel died in a hail of bullets in his Hollywood home, and his successor also was shot to death a short time after bowing out of the Flamingo in the mid-1950s.

SUCH INTERESTING PEOPLE

Certainly, the record shows at this stage that Parvin was in an interesting business and had known many interesting Las Vegas types in the 25 years since he went west from Chicago to sell his interior decorating services in Las Vegas.

His link with Douglas started in 1960 after he read Douglas' book, "America Challenged." Parvin said the book inspired him to start the Albert Parvin Foundation as a vehicle to promote the thinking and writing of Douglas. Within a few months, the arrangement had the two on an "Al" and "Bill" relationship.

More of the life and relationship of "Bill" Douglas and "Al" Parvin is certain to be pulled into the open in the months ahead as the House of Representatives heats up the second round of its attempt to impeach Douglas.

The thrust this year by the Douglas critics will be to get access to the secret SEC testimony by Parvin or get Parvin himself to testify in an open hearing. They complain that, in clearing Douglas of any wrongdoing during the last session, the committee headed by Sen. Emanuel Celler (D-N.Y.) didn't call either Douglas or Parvin to testify. The critics want to change that this time.

SOCIAL SECURITY BENEFIT INCREASE NEEDED NOW

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. SCHWENGEL. Mr. Speaker, today I insert in the RECORD, part II of the article entitled "Private and Public Retirement Pensions: Findings From the 1968 Survey of the Aged," by Walter W. Kolodrubetz.

The article follows:

PRIVATE AND PUBLIC RETIREMENT PENSIONS: FINDINGS FROM THE 1968 SURVEY OF THE AGED—PART II

PENSIONS OF THE RETIRED

In 1967, retirement benefits were being received by 90 percent of the aged units. Almost 12.3 million aged units were drawing "regular" OASDHI benefits—that is, benefits to which they were entitled under the regular insured-status provisions of the Social Security Act. In the aggregate, 2.5 million aged beneficiary units, or about 20 percent of the regular OASDHI beneficiary units, received another retirement benefit and two-thirds of these were paid from private plans (table 2). One half-million aged units who were not receiving OASDHI benefits did receive other public pensions.

TABLE 2.—SOURCE OF RETIREMENT BENEFITS FOR OASDHI BENEFICIARIES[1] AND NONBENEFICIARIES[2]: AGED UNITS WITH MONEY INCOME FROM SPECIFIED SOURCES, 1967

Source of retirement benefit	All units	Married couples	Nonmarried persons		
			Total	Men	Women
Number of units (in thousands)	14,332	5,531	8,801	2,173	6,628
Number with—					
OASDHI and—					
No other pension	9,791	3,438	6,353	1,476	4,876
Private group pension[3]	1,614	1,009	605	287	317
Other public pension	868	392	476	128	348
Railroad retirement	206	101	105	32	73
Government or military retirement	654	296	358	92	266
Public pension other than OASDHI	509	166	343	109	234
Railroad retirement	319	115	204	72	132
Government or military retirement	193	55	138	36	102
No retirement benefit	1,550	525	1,025	172	853

---

[1] Excludes beneficiaries who received their 1st benefit in February 1967 or later, the transitionally insured, and special "age 72" beneficiaries; also excludes a small number of units reporting private pensions but no OASDHI benefits, as well as some who did not report on private pension receipt.

[2] Excludes a small number of units who did not report on private pension receipt.

[3] Includes a small number of units reporting both a private and another public pension.

One million beneficiary couples and 600,000 nonmarried beneficaries were also receiving private pension payments.[4] The proportion was lower for the nonmarried—15 percent for nonmarried men and 6 percent for nonmarried women, compared with 21 percent for the couples. This lower proportion for the nonmarried reflects, in part, the fact that married couples potentially have two persons reporting a specified income source. The much lower proportion of women receiving such private pension payments is a function of, among other factors, the relative lack of survivor protection in private-pension plans, the low incidence of private pension plans in industries where women are typically employed, and the irregular pattern of their labor-force attachment.

In the aggregate, 10 percent of the couples and about 10 percent of nonmarried persons received public pension payments other than OASDHI in 1967. About three-fourths of these couples and three-fifths of the nonmarried were also receiving OASDHI benefits and therefore getting two public pensions. The remainder received only another public pension other than OASDHI.

When the social security program was first established, many types of employment were not covered. Among the excluded groups were government employees. Since that time many State and local government employees and military personnel, who already had their own staff retirement systems, have had OASDHI coverage extended to their work. As a result, most of the other public pension programs—like private pensions—are viewed as supplementary to the OASDHI program.[5]

TABLE 3.—SIZE OF OASDHI BENEFITS FOR OASDHI BENEFICIARIES [1]: PERCENTAGE DISTRIBUTION OF AGED UNITS BY SIZE OF OASDHI INCOME, 1967

OASDHI income	All units	couples	Nonmarried persons		
			Total	Men	Women
Number (in thousands):					
Total with OASDHI income	12,447	4,913	7,534	1,028	5,606
Reporting on OASDHI income	12,360	4,866	7,494	1,915	5,579
Percent of units	100	100	100	100	100
$1 to $499	5	3	6	3	7
$500 to $749	21	8	29	22	32
$750 to $999	18	10	22	17	24
$1,000 to $1,249	20	11	25	22	26
$1,250 to $1,499	13	14	13	26	9
$1,500 to $1,749	8	13	4	10	2
$1,750 to $1,999	5	12	----	----	----
$2,000 to $2,249	7	17	(2)	(2)	----
$2,250 to $2,449	3	9	----	----	----
$2,500 or more	1	3	----	----	----
Median OASDHI income	$1,091	$1,557	$906	$1,080	$859

[1] Excludes beneficiaries who received their 1st benefit in February 1967 or later, the transitionally insured, end special "age 72".
[2] 0.5 percent or less.

Other public pension programs—the Federal Government civilian systems and those State and local plans not covered by OASDHI, for example—are intended to provide comprehensive retirement protection outside the OASDHI system. Nevertheless, persons covered under these programs frequently obtain OASDHI coverage through other jobs and receive two public pnsions when they retire. Railroad workers have their own special program—separate from OASDHI. It is possible, however, to qualify for benefits under both programs.

As a result, about 55 percent of the couples receiving railroad retirement benefits and 15 percent of those receiving governmental retirement benefits are not receiving OASDHI benefits. Among nonmarried persons, the proportion of persons with railroad retirement or government pensions and no OASDHI were higher—65 percent and 30 percent, respectively.

Since retirement programs are the single most important permanent source of income and provide the basic support for the majority of the aged population, investigation of levels of pension benefits is important in evaluating their respective roles in income maintenance. The different levels of social security benefits and other pensions reflect the widely differing characteristics of the programs. Until the 1968 Survey information became available, there was little disaggregated data on the relative levels of private and public retirement bnefits.

---

[4] The estimates of private-plan pensioners from the 1968 Survey differ from the Social Security Administration annual estimates, chiefly because the Survey relates to the population aged 65 and over and the other estimates include persons under age 65. In addition, the Survey estimates are in terms of aged units and the global estimates are a count of individuals.

[5] See Joseph Krislov, *State and Local Government Systems* . . . 1965 (Research Report No. 15), Social Security Administration, Office of Research and Statistics, 1966.

NEW SINGING GROUP IS "SOMETHING SPECIAL"

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. DEL CLAWSON. Mr. Speaker, as the Representative of the 23d Congressional District of California it is my pleasure to call attention to the accomplishments of two of my constituents, members of the younger generation who are making their mark in the musical world with a sound that is "something special," and with unique freshness and talent. The brother and sister singing team, Richard and Karen, of the Carpenters make their home with their parents, Mr. and Mrs. Harold Carpenter, in Downey, Calif. Although a busy schedule of bookings and an impressive list of show business honors attest to their success, they found time just recently to return to Long Beach State College, where both had studied, to perform in a free concert to raise money for the music department of the school. It was a boost to the music department, and to the students as well.

It is a personal privilege to direct attention to the achievements of young people like these, who are, I believe, more representative of the average young American than the disorderly, disruptive few who have been cornering the headlines in recent years.

CREDIBILITY IS LACKING IN NIXON BUDGET

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. ULLMAN. Mr. Speaker, the 1972 budget proposal that President Nixon presented to the Congress last week is seriously lacking in credibility. In it, the President dubiously promises "a new balance of responsibility and power in America" and a move toward a "full employment budget."

While the stated goals of the budget message certainly sound noble, one wonders about the questionable premises on which they are based. To achieve what President Nixon proposes to do, the 1971 economy would have to respond from its present depressed state to experience a phenomenal record growth, enough to raise the gross national product by $88 billion to $1.065 trillion. When the President's previous record of forecasting the national economy is considered, the simple practicality of such a budget proposal is in serious doubt. For instance, after he and his economic advisers predicted progress for the economy last year, there was no real growth at all in the gross national product, corporate profits dropped $7 billion below the President's estimate, unemployment rose above forecasts, and the predicted surplus of $1.3 billion for fiscal year 1971 turned into an $18.6 billion deficit.

The President's consistent refusal to actively restrain wage and price increases makes unlikely his promise for firm control of inflation. Unless the President takes strong steps now to put the lid on wages and prices, "the greatest economic test of the postwar era" may well lead to an even bigger budget deficit than the tremendous one that the administration is already planning. It will also mean that the new budget will surely give rise to a new round of inflation that will make last year's pale by comparison.

This week, the respected business and financial editor of the Washington Post, Hobart Rowen, commented on the considerable lack of credibility in the President's budget.

I commend the article to the attention of my colleagues:

CREDIBILITY IS LACKING IN NIXON BUDGET

(By Hobart Rowen)

To be blunt about it, almost nobody believes President Nixon's budget except the high officials who put it together—and it's probable that even some of them have their doubts.

The skepticism is keyed to two observations:

(1.) Mr. Nixon's forecasting record turns out to be very bad. Neither he nor his economic advisers foresaw the extent of 1970's economic downturn. Thus, corporate profits skidded ($7 billion below the President's year-ago estimate), unemployment jumped, spending had to be jacked up—and his promised $1.3 billion surplus for fiscal 1971 turned into an $18.6-billion deficit.

(2.) Even more important, an extraordinary jump in economic activity—12 per cent from the end of 1970 to the end of 1971—is the basic underpinning for the fiscal 1972 budget. Inside and outside of the government, this is labeled a pipe-dream perhaps impossible to achieve.

Why would Mr. Nixon have estimated boom-style growth in the 1971 economy, enough to raise the Gross National Product by $88 billion to $1.065 trillion?

Those who look sourly on the budget suggest that this was the only way in which Mr. Nixon could forecast a substantial declining trend in his budget deficits.

As compared with that massive $18.6-billion glob of red ink, the fiscal 1972 deficit is put at "only" $11.6 billion.

Moreover, the election results appeared to convince Mr. Nixon that unemployment for the next two years deserved to be ranked as the nation's No. 1 problem. Revenue-sharing, viewed as a quick shot in the arm, became the dominant theme of the budget, with the annual rate of spending (starting Oct. 1) stepped up from the earlier goal of $2.5 billion to $5 billion.

More ardently than before, in other words, Mr. Nixon set his sights on getting back to a full employment "zone" of 4.0 to 4.5 per cent. This meant pulling out all the stops.

The question, as some observers put it, is "whether we can get from here to there."

In briefing reporters on the budget, White House aide George Shultz and Treasury Secretary Charles E. Walker stubbornly refused to estimate the impact on the deficit if the economy should in fact run closer to the "consensus" forecast of $1.045 to $1.050 trillion for GNP this calender year.

Outsiders, not so reticent to do the necessary arithmetic, calculate that the deficit in such a situation would increase some $7 or $8 billion for fiscal 1972, to the vicinity of $18 or $19 billion.

What mystifies analysts outside of government circles is why the administration had to go "so far out." By running the calendar 1971 total to $1.065 trillion, up 9 per cent for the 1970 figure, administration economists are saying that they believe the economy will be running at a rate by the end of 1971 a full $35 billion over most of the estimates in the business and banking world.

A comparison of the administration's economic assumptions (and the deficit projected) with the typical forecasts outside the administration shows the following:

ECONOMIC ASSUMPTIONS, CALENDAR YEAR 1971

[In billions of dollars]

Description	Official budget estimate	Outside "Consensus" estimate
Gross national product	1,065	1,045–50
Personal income	868	855
Corporate profits before taxes	98	90
Deficit (for fiscal 1972)	11.6	18–19

Official spokesmen for the administration point out that outside economists have no monopoly on wisdom, and argue that the "model-building exercise" producing forecasts by conventional methods tends to underestimate the real strength of the economy. They insist, also, that if there is a proper "mix" of fiscal and monetary policies, the government will be giving more of an expansionary thrust to the economy than outside critics are willing to believe.

It is, of course, almost a ritual for any administration to paint a rosy picture, and say that everything is going to be all right, especially after a difficult and disappointing year like 1970.

It may be recalled that an enthusiastic Kennedy Administration in January, 1962, also predicted a 9 per cent rise in GNP (which at that time amounted to only $50 billion, not $88 billion) and had to settle, when all the returns were in, for a 7 per cent gain when business investment failed to perk along as expected.

One hopes that Mr. Nixon's optimism will turn out, in fact, to be contagious. But the curious thing in today's picture is that no one, in explaining the budget, has been able to point to the expansionary forces that would provide the extra $15 to $20 billion in GNP over the consensus forecast. Perhaps the forthcoming report of the Council of Economic Advisers will be more explicit. High officials so far have been falling back on the "mystery" of the American economy, an innate ability to outperform the crystal-ball gazers.

Maybe so. Maybe one can rely on Mr. Nixon's assurance that the new budget, with its "full employment concept," is really a self-fulfilling prophecy. In any even, one way to check up on who turns out to be more nearly right—Mr. Nixon or the critics—is to cut out the little "Economic Assumptions" table above and, like a Brooklyn Dodger fan, wait until next year.

SENIOR CITIZENS NEED RELIEF

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. YOUNG of Florida. Mr. Speaker, the plight of our senior citizens living on fixed incomes in America demands that social security reform legislation be given top priority consideration by the 92d Congress.

The measure now being considered by the House Ways and Means Committee falls far short of what is required if we are to meet our obligations to the elderly.

Therefore, in a letter to Chairman WILBUR D. MILLS, I have outlined some of the strengthening provisions of my own bill, H.R. 1734. I believe many of my colleagues will find this letter of interest:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 3, 1971.

Hon. WILBUR D. MILLS,
Chairman, House Ways and Means Committee, Washington, D.C.

DEAR CHAIRMAN MILLS: The 91st Congress' failure to complete action on the Social Security Amendments of 1970 was a grave disappointment to millions of senior citizens throughout America. As a result of this indecision, our elderly have been forced to do without many necessities of life.

My own Eighth Congressional District of Florida embraces a large percentage of senior citizens. Therefore, I am acutely aware of the urgent need for Social Security reform legislation as a top-priority issue for the 92nd Congress.

During 10 years as Florida State Senator, I pushed for many measures benefiting senior citizens. I intend to continue this interest at the Federal level.

Your Committee has now begun consideration in Executive Session of H.R. 1, the Social Security and Family Assistance Amendmenst of 1971. This proposal, I feel, falls far short of what is required.

First, the Committee bill proposes to increase the outside earnings limitation from $1,680 to $2,000. My bill, H.R. 1734, would increase the limitation to $2,400—a figure far more in line with the inflationary trend which has hit hardest at those living on fixed incomes. Therefore, I strongly urge the Committee to increase the limitation to at least $2,400 a year.

Second, my bill would continue full benefits to seniors who marry or remarry after age 55. This provision is not in the Committee bill. Without it, may elderly cannot marry since to do so the wife must give up a portion of her meager Social Security benefits.

Last, the Committee bill does not provide for cost-of-living increases in benefits. This provision is essential. The cost-of-living has skyrocketed while Social Security benefits have remained essentially the same.

Our seniors are entitled to the security of knowing that when living costs go up, so do their benefits. Why must they wait in anguish while each Congress debates whether or not they are entitled to a new increase—an increase that seldom, if ever, comes close to off-setting the effects of an inflationary economy?

Mr. Chairman, I am hopeful your Committee will give serious consideration to my recommendations to improve pending Social Security reform legislation. We must enact a strong and effective bill to provide our senior citizens with needed relief. They are entitled to no less.

With best wishes and personal regards, I am,

Very truly yours,
C. W. BILL YOUNG,
Member of Congress.

FULL EMPLOYMENT

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. DENT. Mr. Speaker, President Nixon's plans for full employment are simply not feasible under our present international trade policy.

Any hope for full employment falls flat when you survey the job opportunities being sacrificed in the wave of the antiquated free-trade theory that is slowly making this Nation dependent.

Take the recent action of the steel importers, who raised their prices in accord with those of U.S. steelmakers to maintain, not only their 10 to 20 percent competitive price advantage, but also their obsolete and exorbitant price advantage.

Foreign goods are priced at profiteering amounts based upon what our market will bear, rather than upon their costs of production. In every line of foreign production sold in the U.S. market, the sales and marketing programs of the foreign—especially the Japanese—importers are as much a declaration of war on American jobs and industry, as a military attack itself.

When the Nixon administration embarked on its economic course to lull the economy, I warned that it was a plan doomed to failure. Inflation historically comes from too much money and not enough produce.

In this inflationary situation we find high wages, and a low domestic supply of shelf goods; but the shelves are loaded down with foreign products from workers who do not purchase in our marketplace, pay no taxes, utilize none of our services, but who take jobs from U.S. workers.

In the near future, my committee will report bills dealing with minimum wages and maximum hours, welfare and pension plan requirements, and a report on the actual impact of imports on American employment. We demand a minimum standard of working conditions for U.S. workers and bar the shipment of American-made goods across State lines that are not produced under our statutory labor standards, but we allow products from all over the world to pour over our borders when they have been produced at wages ranging from one-third to one-twentieth of our mandated minimum wage.

We now propose to pay family maintenance for a family of four or more, hundreds, and in some cases, thousands of dollars more than a full-time worker can earn under the minimum wage law.

Congress is faced with a dilemma that cannot be wished away. The higher we mandate minimum wages, and the more we increase taxes to compensate trade-displaced workers, the more foreign workers will invade our Nation by way of low-waged products.

Mr. Speaker, I estimate the cost to the U.S. job economy at a minimum of 1.5 million full-time jobs and an uncountable number of part-time jobs and the minimum annual cost to taxpayers at over $6 billion. Simply put, when a foreign product takes a percentage of the U.S. market in any product line, the U.S. labor required to produce that percentage, unless equalized by foreign exports of like volume, means so many American jobs lost.

A case in point is glass. One plant in my district alone wiped out by the trade war left 650 unemployed with more being added and being paid trade relief out of our taxes, while shops are overflowing with foreign glass.

Another serious situation is developing in the specialty steel industry, with most of our producers being forced to reduce employment and, in many cases, seek foreign contracts to produce for their U.S. market. There is, of course, always the other alternative—go out of business. We may survive for a while on foreign products in some lines of production, but never in the field of specialty and tool steel. One of our first lines of defense is the tool steel industry.

Mr. Speaker, we cannot progress during peacetime, and we will not survive in wartime, at our present production level in this and other strategic industries. We must admit before it is too late, that we are at war, and the soldiers are our workers who are being disarmed by unemployment. They are unable to fight back and are the real prisoners or war.

THE MYSTERIOUS INVASION OF LAOS—AN IMPEDIMENT TO WITHDRAWAL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. SCHEUER. Mr. Speaker, the events surrounding the war in Indochina have recently escalated to the point of outrage. I am appalled by the conduct of the administration concerning the alleged invasion into Laos. I say "alleged" because our Government refuses to comment on whether or not there has been such an invasion, despite the fact that the reports of allied activity in that country have already appeared in the Japanese and Soviet press. Thus, we are in the anomalous position of relying upon Soviet speeches and Japanese reporters for information about the activities of our own Government.

It may occasionally be necessary for the Government to request the press to refrain from reporting items that would jeopardize the safety of our troops, for example, when premature release of information would preclude the possibility of surprising the enemy. However, since reports have appeared in other countries, I fail to see how the element of surprise or the safety of our troops could be jeopardized if our news media were to comment on a previously reported action which has already taken place or which is at least in the process of occurring.

The freedom of our press is one of our most sacred freedoms—a freedom which is one of our strongest bulwarks against dictatorial government. The power of the Government to intimidate the press, through express or implied threats of revocation of accreditation in Vietnam, must not be used in a cavalier fashion. The Government is apparently still using this threat in Vietnam to prevent reporters there from informing the American public about the developing activity in Laos. Moreover, within the United States, Government officials, such as Secretary of Defense Laird, are refusing to comment on the situation. This conduct not only threatens to open the very credibility gap which Mr. Laird pledged to avoid and thus contributes to a loss of confidence in the Government, but also represents a threat to our most basic liberties.

Beyond the question of the Government's treatment of the news media in this situation is the question of the advisability of an invasion into Laos, assuming it has occurred, is occurring, or is contemplated.

Presumably, such an attack would be justified as necessary to interdict North Vietnamese supply lines so that a North Vietnamese buildup would not threaten the further withdrawal of American troops. This justification reminds me of the justification for the incursion last year into Cambodia; presumably, it could be used to justify an incursion into North Vietnam, China, the Soviet Union, Thailand, and, in fact, virtually any other country in the world. Just as the President's budget announces that—

> In 1972, we will increase our spending for defense to carry out the Nation's strategy for peace.

So we will no doubt be told again that—

> It is necessary to widen and intensify the war in Indochina in order to end it.

Mr. Speaker, this policy is folly. It is evident that the Chief Executive and those advisers who enjoy the confidence of the President are again seeking that great Communist headquarters in the sky. They are still seeking a means whereby we can have our cake and eat it too—a means whereby we can perpetuate a free government in Saigon and still withdraw our troops. Since even a successful incursion into Laos would only force the North Vietnamese to move their supply lines further west, I say that this policy will not work.

The obvious goal of the administration is to establish a free government in Saigon which will endure in our absence. There are several means available to the administration to accomplish this goal, including an attempt to so strengthen the Saigon regime that it would be able to survive any North Vietnamese attack. Another method would be to so weaken the North Vietnamese that they would be unable to mount an attack.

Obviously, the incursion into Laos is an attempt to pursue the latter course of action. But any attempt to do this involves a further widening of the war, first into Cambodia, then into Laos. The inevitable result of this policy, assuming the administration intends to abide by the congressional prohibition against sending American troops into Cambodia and Laos, will be to spread South Vietnamese troops so thin that the ability of the South Vietnamese to defend themselves will be gravely impaired. Thus, the result of the current apparent policy will be to force us to either retain our troops in South Vietnam indefinitely—while the South Vietnamese pursue the North Vietnamese all over Indochina—or to abandon our "goal" of leaving a strong free government in Vietnam.

Mr. Speaker, the correct course of action is clear. The American people want the U.S. Government to withdraw as soon as possible. The middle of 1971 is hardly soon enough; certainly the end of 1971 is the outside limit. What we should do between now and then is to devote our resources to training South Vietnamese troops to defend themselves instead of engaging in wild goose chases all over Southeast Asia. If, after this training, if after $104 billion and 44,000 American lives, the Saigon Government is not able to defend itself by that time, so be it.

Mr. Speaker, time and time again, the American people have said to our government "end the war." While the administration has succeeded in dampening the most vocal and public expressions of this desire, this does not mean that the wish for complete disengagement by the end of this year is not there; indeed, according to the latest

Gallup poll it is stronger than ever—increasing from 55 percent in September to 73 percent by mid-January—it is being frustrated by the failure of the Government to heed it. The frustration is there, perhaps more silent but no less intense, eating at the fabric of our society, destroying its cohesion. When will our leaders learn? When will they ever learn?

LEONARD RATNER HONORED ON HIS 75TH BIRTHDAY FOR HIS CONTRIBUTIONS TO THE GREATER CLEVELAND COMMUNITY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. VANIK. Mr. Speaker. It is my pleasure to recognize officially the tribute being paid to one of the most distinguished citizens of our community and the Nation, Mr. Leonard Ratner. Mr. Ratner will soon celebrate his 75th birthday anniversary. The entire Greater Cleveland community will honor Mr. Ratner for his untiring and exemplary commitment to our community and its people and to his beloved State of Israel and the Jewish community.

It is indeed difficult to recount the number of instances when Leonard has quietly and effectively moved to assist the downtrodden and to spur achievement among those in our community and abroad who have themselves lacked the resources necessary to allow such accomplishments otherwise.

Leonard has always lived modestly. Yet, without doubt, he and his family probably conduct the most extensive program of philanthropy in our fortunate city.

Mr. Ratner has never sought the limelight sometimes associated with benefaction. He has continually shied away from special honor and tribute even though he is the person so well deserving of the highest praise. Yet it is Leonard who is so unstinting in his support of vital community service efforts. It is always Leonard upon whom others in our community depend for guidance and leadership in the extensive support of the State of Israel and in Jewish educational and cultural activities in our Great Cleveland Jewish community.

No greater tribute can be paid to any person than will be paid to Leonard Ratner on February 10 when we in the Cleveland community will join with Senator EDMUND S. MUSKIE in a great celebration at the Hotel Sheraton-Cleveland planned by the Cleveland Jewish Community Federation. The many coveted awards already bestowed upon this fine human being are second only to his devotion to his incredibly talented family and the untold thousands of Americans, Israelis, and refugees who have benefited from Leonard's kindness and commitment. To the Max and Albert Ratners, Millers, Shafrans, Zehmans, and to Dora Sukenik, I extend my heartiest congratulations on this splendid occasion and to Leonard my best wishes for continued good health and much "Naches" for all of your good deeds, your untold "Mitzvot."

POW'S—HUMANE TREATMENT AND EARLY RELEASE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. PRICE of Texas. Mr. Speaker, I rise to introduce a resolution regarding the humane treatment and early release of American POW's in North Vietnam.

This resolution is similar to one which I sponsored in the last Congress, a resolution that received the overwhelming support of the House membership. In my view, however, it is not enough for the last Congress to have taken a position on this issue; this Congress must do likewise.

The essence of the resolution I am sponsoring today calls upon North Vietnam to comply with the terms of the Geneva Convention which it signed in 1957. In observance of their international agreement, the North Vietnamese and their puppet arm, the National Liberation Front, should have already promptly: First, identified all their prisoners; second, permitted impartial inspection of their POW camps; third, released seriously injured or sick prisoners; and, fourth, permitted the free exchange of mail between prisoners and their families.

As we are all painfully aware, however, North Vietnam has reneged on its international commitments and has refused to comply with even basic demands of humanity and decency. As a consequence, American prisoners are undernourished. They are denied access to adequate medical care, kept in solitary confinement for long periods of time, prohibited from communicating with their families and loved ones, and often used as guinea pigs for trumped-up propaganda charges. As if these inhumane practices are not enough to shock the conscience and arouse the ire of all but the unfeeling, American prisoners who have escaped or been released by the Communists have told gristly stories of torture, brainwashing and even murder being committed by their captors.

To stop these reprehensible practices from being continued is a top priority goal. Congress can do its part by voicing a clear, strong, and unified position on this issue.

The resolution I am sponsoring today will comprise part of the total effort; the resolution establishing a "National Week of Concern for American Prisoners of War/Missing In Action" sponsored on the opening day of this Congress will comprise still another.

I urge my colleagues to promptly approve both these proposals. As elected representatives of the American people, it is our duty to take the lead in focusing public and official opinion on this vital issue. Fellow Americans are rotting in Asian prisons; we must do our utmost to get them out.

HANFORD REACTOR SHUTDOWN PROTEST GROWS

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. McCORMACK. Mr. Speaker, last Friday I placed in the RECORD a statement calling for the President to withdraw his order for the immediate shutdown of "N" reactor at Hanford. I also pointed out some of the problems that will be created if the President's order is carried out and the two reactors are indeed, deactivated. Since that time a massive letter-writing campaign has developed, with thousands of letters from individual citizens, from organizations, from local governmental agencies and large and small industrial corporations writing to the President requesting that he reverse his decision with respect to closing down one or both of these reactors.

President George Meany of the AFL–CIO wrote as follows:

> The AFL–CIO is shocked by your precipitate decision to deactivate the two Hanford Plutonium Reactors. The immediate effect will be a major economic blow to a region already hard hit by unemployment. The direct and collateral unemployment resulting from this decision will total 7,500, an annual payroll loss of $95 million.
>
> I therefore urge you most strongly to cancel your deactivation order and stop all activities now underway. If the United States has adopted a policy of no longer producing plutonium, it must provide for an orderly transition period to cushion its effect on jobs and the economy.

Mr. A. Lars Nelson, master of the Washington State Grange, stated, in part:

> The President's incredible action in terminating Hanford at this time is incomprehensible in view of the national fuel shortage which very nearly reached crisis proportions this winter and which did cause California utilities to cut off the sale of surplus power to the Pacific Northwest early last fall because of oil shortages.
>
> We in the Pacific Northwest have spent years fighting for and developing the hydroelectric generation of power, and through years of patient negotiation have built up the Bonneville grid system and nuclear plant scheduling to provide for the orderly melding in of thermo-nuclear power to give us 'a stable, clear, coherent, long-range' energy policy. What will happen to it under the President's directive could be disastrous.

Today more than 10,000 letters will be mailed from the tricity area of Washington directly to the President appealing to him to reverse his decision.

Everywhere I turn Members of Congress and experts in the field of electric power production, nuclear energy, and industrial development are stunned by the President's action, referring to it as unbelievable and totally inconsistent with our Nation's need for electric power.

Several interesting facts have come to light which describe the incredible nature of the decision to deactivate "N" reactor and deprive the West of 800,000 kilowatts of electric power. I cite only two of these: First, it has been authoritatively estimated that the Bonneville Power Administration will be required to pay $20 million each year to replace the electricity lost by the deactivation of "N" reactor; and, second, it would require the burning of 8 million barrels of oil each year to replace the electric power lost if "N" reactor is deactivated.

Mr. Speaker, this is a truly unbelievable course that the President is following. I again call upon him to withdraw his order for the immediate shutdown and deactivation of "N" reactor.

FOUR MILE RUN

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, despite misreading of the budget and resultant cries of alarm in my congressional district, I have been assured by the White House and the Bureau of Management that $170,000 for the Four Mile Run flood control project, so long delayed in Arlandria, Va., is in the President's budget and will be made available to the Corps of Engineers on July 1.

The misunderstanding is understandable, and is due to the fact that some budget watchers do not know that once Congress has authorized and appropriated funds for a project and the executive branch has, for whatever reason, delayed spending the funds, all preconstruction money carried over from one fiscal year to the next is lumped together and shown as a credit or cash on hand item rather than as a line item in the budget.

But we are wasting our time emoting about $170,000. I have been virtually assured by the administration that the Four Mile Run project will proceed as of July 1. The problem now, and it should be of far more concern to those who want to see this project completed, is that in order to complete this preconstruction planning project and get a flood control project underway, the Corps of Engineers will need a total of $1,200,000 to be spent over the next 3 years, only $170,000 of which has thus far been guaranteed them.

I intend to press once again for a minimum of $400,000 additional money for fiscal year 1972, to be included in the next Corps of Engineers request to Congress, and to impress upon this administration the urgency which has thus far been overlooked.

It is high time we all recognized that human suffering such as the people of Arlandria, Va., have faced over the past 20 years, should be alleviated before we move on to more grand schemes to correct the ills of the world. It is impossible for me to understand how we can spend, spend, spend for every conceivable do-gooder program and force these good people who have started over year after year, flood after flood, to wait for relief in the name of economy.

"JOB CORPS—NOW!"

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. CLAY. Mr. Speaker, an editorial recently appeared in the St. Louis Argus detailing the efforts to establish a Job Corps center—residential manpower training center—in St. Louis and the resistance which has built up against such a center. The article points up the fact that three sites have been selected and that local racism has led to the veto of two of the sites, with the third now awaiting approval. It is imperative that the Governor approve the site now, for if he does not the funds for such an important project will expire in the next few months.

For those of us who are familiar with the Job Corps program, we know that this is the last opportunity these disadvantaged youth will be given to advance themselves. The program offers vocational training necessary to give them a start in life. Take away this last chance and they will surely be dropouts for the rest of their lives.

However, some of the local residents would deny these youth their last glimmer of hope. And their objections are based on nothing more than a lack of knowledge and the use of scare tactics. This editorial states that—

> With a sensible program of teaching and training with rules that are enforced in other locals where Job Corps is in operation, the police departments report that juvenile delinquency is 75 percent less for the students than for non-students in the area. How can St. Louisans refuse such an opportunity for their young.

I want to bring to the attention of my colleagues this most informative editorial:

> "JOB CORPS—NOW!"
>
> For almost two years the Department of Labor in Washington, D.C. has been attempting to establish a training center in St. Louis but has been frustrated by local objections, most of which have been based upon lack of knowledge and purpose of the center. As a result, the young for whom it was designed will be deprived of a life-time opportunity for, if a decision is not reached within the next few months as to the site, the funds will expire. Common sense must prevail.
>
> To begin with, we ought to describe "Job Corps" in the simplest language since there does appear to be confusion in the minds of the objectors. Basically, Job Corps is a federally funded program which does not cost the local or state government any additional taxes. Its purpose is to give vocational and office training to young men and women—primarily school drop-outs—an opportunity to learn a gainful and useful trade or ability so that they can acquire a meaningful job and purpose in life.
>
> In this area the Job Corps is proposing to give 250 young men good, clean, comfortable, living accommodations, proper meals and a proper diet, medical care, dentistry, training in a variety of work programs from the health field to office work, to mechanics, and, in addition, enough pocket money to take care of their daily necessities. They will be under the complete control of advisers who will reside with them giving them counseling and advice at all times. The same will be true of 100 young women with the exception that they will be provided with transportation to and from their homes. They will not reside on the premises. This is the simple formula of Job Corps. At the end of six months to one year's training they should be ready for a good job and be able to look at the world in a proper light. All students will be drawn from the five counties from around St. Louis and this differs totally from the former Job Corps concept at the old Missouri Baptist Hospital where girls from all over the country were accepted with all of the attendant problems that such students were involved.
>
> In 1968, the Department of Labor sent in a team to investigate possible Job Corps sites—42 were examined and inspected. Most did not measure up to standards and were dropped but all were thoroughly investigated. Two buildings and sites owned by the Catholic Order exceeded the limitations of Job Corps and could not be accepted. A site was located, highly acceptable, meeting all the criteria, at Sportsmen's Inn at Bridgeton. Governor Hearnes approved the site and a contract was entered into by the owner and the Labor Department. A motel which was in operation and was closed and turned over to the Job Corps, and, at this point, white racism raised its ugly head—the Governor was pressured into vetoing the site. This action caused everyone concerned, most of all our young people, to suffer a serious loss. The program was unnecessarily delayed. Our Governor's answer was to find a location in St. Louis and he would approve. One was found at the newly constructed property at DeBalivere and Delmar. At this point an oral agreement was reached between the owner and the Labor Department with opening scheduled for February, 1971. Hope was once again held out to deprived young people of our community. Yet, again racism, this time black as well as white compelled the Governor to veto the site. Now, a third acceptable location has been found—The Fairgrounds Manor property. It is large enough, accessible for transportation, suitable for ample indoor as well as outdoor recreation, in the immediate area, and ready for occupancy to serve the deprived young people. But, again, objections are being heard by way of negative petitions being circulated in the area. Could this be black racism—is it possible that blacks would deprive their own from bettering themselves and their lives. This must not happen. St. Louis must have a Job Corps Center—now.
>
> Since the objections are probably based on a lack of knowledge, let us clarify exactly what a Job Corps Center is, and we speak of the Job Corps as operated by the Labor Department rather than the Office of Economic Opportunity which was the director of the Old Job Corps.
>
> 1. All students will be local and drawn from St. Louis and St. Louis Counties.
> 2. All students will be thoroughly checked for temperament and abilities and desires. Trouble-makers will not be accepted.
> 3. All students will abide by specific rules and regulations—violations will lead to dismissal.
> 4. All students will be provided with trained and qualified counselors.
> 5. Only young men will be housed on the premises.
> 6. All girls will live at home and will be provided transportation to and from the school.

With a sensible program of teaching and training with rules that are enforced in other locales where Job Corps is in operation, the police department reports that juvenile delinquency is 75% less for the students than for non-students in the area. How can St. Louisans refuse such an opportunity for their young.

Our Civil Rights Act gives all of us freedom but freedom without hope is indeed sinful. The Civil Rights Act did not mean for one to sit on the steps without a job or without hope of a job. Our young people who will be helped are drop-outs. This in itself is a bad name to begin with. It casts a shadow on those who left school for a variety of reasons; some to help their families for economic reasons, some who could not master the academic work. For these, Job Corps is the great hope. It boiled down to a simple statement. Does St. Louis have a Job Corps or do we build more jails? The answer is up to those who are opposing—the decision is theirs.

In addition to the young people who will be helped, 120 jobs are being created in the area for those qualified to assist in this training. The present federal funding is in excess of 3 million dollars for the next 18 months and, if the center proves successful, it can be an on-going St. Louis institution well into the future. There is every reason for its success. The entire community should take great pride in the help it can give to our young deprived people by demanding the creation of a Job Corps in this area NOW—tomorrow may be too late.

DR. KONECCI HEADS INTERDISCIPLINARY PROGRAMS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. PICKLE. Mr. Speaker, recognizing the complexity of many of the problems in all fields which face us today, many colleges have developed interdisciplinary courses—courses which take a single issue and approach it from all relevant disciplines of thought.

To teach such a course requires a team of qualified professors, or it takes one man who is well versed in many fields. Men capable of handling an interdisciplinary course by themselves obviously are rare creatures—and one of the best is Dr. Eugene B. Konecci of the University of Texas.

Dr. Konecci came to the University from the Executive Office of the President, the Space Council, in December 1966, and was named Kleberg professor in January 1967. He has just been reappointed to his 5th year in the Kleberg chair. I applaud that reappointment.

He holds a unique triprofessorship: professor of management in the College of Business Administration at the University of Texas at Austin, professor of aerospace engineering in the College of Engineering, and professor of Bioengineering at the San Antonio Medical School.

From this launching pad he has explored the widespread fields of identification and stimulation of new emerging industries; management of health care systems; marine sciences and related resources; environmental control, including pollution and waste management; and, most important, food technology.

Working with graduate students, teaching regular courses, heading several experimental seminar courses, and spearheading several conferences, Dr. Konecci has in his 4 completed years as Kleberg professor filled four volumes with his activities and sent many young students out into the world with a better handle on the problems we face and what can be done about them.

Mr. Speaker, I salute Dr. Konecci and the other highly qualified men around our country, nationally renowned or unknown to us, who are spearheading these programs of untold benefit to their schools, their States, and their Nation.

IMPACT OF SPECIALTY STEEL IMPORTS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the addresses of Roger S. Ahlbrandt, president of Allegheny Ludlum Industries, Inc., and Joseph P. Molony, vice president of the United Steelworkers of America, before the union-management specialty steel imports conference in Washington, D.C., on Wednesday, February 3, 1971.

The impact of specialty steel imports is a serious threat to our U.S. steel industry, affecting both management and labor, and I call the attention of my colleagues to both of these excellent statements:

STATEMENT OF JOSEPH P. MOLONY

On behalf of the United Steelworkers of America, I wish to express my very real pleasure that this important meeting of representatives of government, of management, and of labor has come to pass.

It is high time that we concentrate our thoughts on the problems that beset the specialty steel industry due to a rising surge of imports. This is not a problem affecting management and workers alone; it truly affects the general well-being and future security of the entire nation. What is more, we meet not only to *discuss* a critical problem but also to *plan* practical means by which we hope to alleviate it.

For all of the reasons so dramatically portrayed by Mr. Ahlbrandt, we must now see to it that a rule of reason is made to apply with respect to the importation of specialty steel.

Three years ago, by a continuous, hard and cooperative effort we secured an initial voluntary agreement to restrain the quantity of steel pouring across our borders. We have learned, however, that our victory in achieving a more orderly protection of the American market *overall* in terms of steel tonnages now must be refined. Reasonable limitations on steel imports on a product-by-product basis now must be secured.

IMPORTS AND JOBS

The rising torrent of specialty steel pouring into this country threatens the investment of stockholders and the jobs of managers and workers alike. Unless checked, these imports actually threaten the ability of many American communities to exist.

It is particularly noteworthy that the plants of most of the specialty steel companies represented here today by managers and union members who are seeking relief from a destructive deluge of imports are not located in large metropolitan areas. Most, in fact, operate in, and provide the major sources of employment in, smaller cities located in a score of states across the nation.

It is hardly an exaggeration to say, therefore, that if the specialty steel industry does not receive redress from imports the existence of a substantial number of these American communities will, in fact, be in jeopardy.

While the loss of a stockholder's investment as a consequence of unfair competition is gracious, the loss of a job to the worker is often tragic.

But worst of all is the job loss that may occur because of a plant closing in a one-industry town. In these circumstances the finding of alternate employment is impossible without leaving home, and often well nigh impossible for the older worker even if he does.

What is more, because of the higher labor intensive nature of the specialty steel industry in relation to basic steel, the job loss is particularly greater wherever production declines. Thus, the tregedy for labor arising from imports is further compounded.

COMPETITION AND LABOR EXPLOITATION

I wish to make it abundantly clear that the desirability of competition within the steel industry and all others is not in dispute as far as the United Steelworkers of America is concerned. Business competition—both between domestic firms and from abroad—is desirable indeed as long as it adheres to *fair* rules of the game.

But, for over 100 years the American labor movement has sought to elevate the character of competition between domestic business firms by seeking to eliminate labor exploitation as the basis of competition. In this effort we have had a substantial measure of success.

While within our own borders, capital and commodities move freely in the American market-place and buyers and sellers compete, the concept of free and fair competition properly has been modified by certain safeguards created in behalf of labor and other public purposes.

Years ago, Congressional passage of the Clayton and the National Labor Relations Acts established collective bargaining as both a legal and preferred American practice. With the aid of these sanctions, American unions have sought and have substantially achieved comparable wage agreements with competing employers, whether the competition is local, regional, or national in scope.

Furthermore, the wages and conditions of work at competing non-union establishments—where they still exist—often tend to approximate those achieved by collective bargaining.

At the same time, the effort to achieve *fairer* competition in the United States through collective bargaining has been supplemented by special legislative efforts tied to the same objective. Federal minimum wage standards, social insurance benefits and other social welfare measures, all tend to equalize the labor costs which all American employers must bear.

As a consequence, thus, of our effort to obtain standards of decency for Americans who work for wages and salaries, business competition among American producers is based less and less upon the exploitation of labor. Instead, increasingly it is based on management's superior ability to improve technology, develop better managerial skills and produce a more saleable product for the American market-place.

It is precisely because of this more enlightened concept of *fair* competition that American workers have achieved the highest standards any workers have ever known.

Now, let it be clearly understood that the United Steelworkers of America seeks no shut-off of trade with other nations. Quite the contrary, we wish to maximize the genuine benefits of foreign trade. But this requires trade policies that will not unfairly penalize American business enterprises and those who work for them.

FREE TRADE—A DOGMATIC APPROACH

Unfortunately, there still are some Americans who view any imports—no matter of what kind and regardless of the unfortunate consequences for some of their neighbors and the nation—as, somehow, inevitably desirable. The mere fact that imports can be sold in the American market-place at a cheaper price is viewed to prove the righteousness of something the textbooks call "The Doctrine of Comparative Advantage."

This doctrine, I am told, argues that since all nations are endowed with special gifts of nature and special skills, trade between nations is simply a happy and enlightened process of sharing each other's "comparative advantages."

Now, it is true that some countries are endowed by nature with an extraordinary ability to provide coffee, cocoa, and pineapples and certain minerals which we badly need and want to share. What is more, some nations have that special skill—like the Scotch for the making of whisky, for example, and we want to share their comparative advantages in this matter, too.

I submit, however, that when it comes to manufactured imports from overseas the major comparative advantage enjoyed by foreign firms, including those producing steel products—is the advantage of cheap labor, various forms of government subsidies, and a sparcity of consumer and environmental protective requirements.

Until recently, it was optimistically assumed that most of our imports would continue to be the essentially non-competitive foodstuffs, crude materials, or other products our economy needs. On the other hand, it was assumed that America's superiority in technology would more than compensate for our higher labor standards and, thereby, our competitive cost advantage in manufactured products would be maintained.

The facts of life, however, were not in accord with those hopeful expectations. During the course of the 1960's it became evident that our formerly war-shattered trade competitors—particularly, but not exclusively, Germany and Japan, had made a startling industrial recovery. In fact, in one industry after another technological advances overseas have canceled out the advantages which we once enjoyed.

In addition, while other nations were not only taking monumental strides forward in industrial proficiency, their governments also were pursuing trade policies restricting imports while subsidizing exports—carefully designed to protect their own vital national interests. At the same time that the overseas industries were driving down their cost of production through technology and government subsidies, our own industry was being required to meet ever higher standards of product safety, environmental protection, and occupational safety. The recently passed amendments to the Clean Air Act and the Williams-Daniels Occupational Health and Safety Act will place added burdens upon the steel industry. These are burdens we all want to bear because we are concerned about the quality of life in our communities and in our plants. But, surely we must recognize the disadvantages that these domestic requirements place upon American producers who compete with foreign producers who are subject to no such stringent obligations. Indeed, how absurd is a recent advertisement which I saw in which the importer proclaimed: "Fight Air Pollution: Import Steel."

Notwithstanding, in this country the view still widely persists that the freer our markets are to foreign traders, somehow the fairer will be the trade and the better off we all will be. Yes, these well meaning people concede that occasionally plants may be forced to close as a consequence of foreign imports and workers will be forced to seek new livelihoods. In these cases, trade adjustment assistance will provide adequate aid—they cheerfully proclaim.

While some aid in these tragic circumstances is certainly better than none, we insist that it should not and must not be the trade policy of the United States to ignore the liquidation of American jobs. American workers, already suffering the considerable burden of adjusting to domestic technological change and to a hopefully diminishing domestic defense establishment, cannot lightly contemplate a further compounding of their problems because of displacement due to a high level of imports.

As I mentioned, an imported ton of specialty steel which displaces a domestic ton of specialty steel disemploys six to eight times more steelworkers than a comparable ton of imported carbon or basic steel. It is a little wonder then that we are gravely concerned over the import situation which is evolving. The market penetrations frighten us. The penetrations from 1966 to 1970 have increased—

In total stainless from 13.4% to 21.2%;

In tool steel from 12.8% to 16.9%;

In stainless cold rolled sheets from 20.1% to 34.4%;

In stainless wire rod from 42% to 67.1%;

In stainless wire from 21.6% to 53%;

In stainless bars from 3.4% to 14.6%.

That certainly doesn't sound like the Litany of the Saints. It should be readily apparent, therefore, that the specialty steel industry and its workers need—and are entitled to—the aid of their government in the protection of their legitimate interests.

OBJECTIVES

We intend to pursue that objective in a number of ways, and we hope your presence in Washington, the fact that this meeting is being held, and your conversations later today with Congressmen will further our cause. And a cause, indeed, it is because we are convinced that our employment opportunities are being jeopardized by an unrealistic adherence to the dogma of freer trade. We seek, therefore, the following:

1. A firm adherence to the allowable limits under the voluntary agreements. This is the last year of the 3-year agreement and there is no reason that, despite the violations of the last two years, it cannot be vigorously implemented in its third year. We exhort the State Department, through whom the letters of intent were transmitted, to exercise their extensive persuasive powers in conveying to the participating European and Japanese companies the necessity for good-faith adherence to the voluntary restrictions. As the year progresses, there should certainly be protestations from the Commerce Department, who is monitoring the agreements, if the quarterly levels of imports are not consistent with the annual objectives.

Now let me be precisely clear as to what I mean by adequate implementation—or enforcement, if you like. When the voluntary agreements were entered into by the participating companies, they agreed to roll back the 1969 tonnage by approximately 22% from the 1968 levels. In other words, from 18 million tons to 14 million tons. And this would be done by taking into consideration the then existing product mix. The language of the Japanese agreement stipulates: "During this period the Japanese steel companies will try not to change greatly the production mix and pattern of distribution of trade as compared with the present." The agreements further mandated that imports would not increase more than 5% over the rolled-back levels.

In specialty steel these requirements were violated. The roll-back never did occur, although the overall roll-back in total tonnage to 14 million tons in 1969 was approximately achieved. But the *overall* tonnage limitation provided no relief to specialty steel. I consider this to be a basic breach of understanding.

Furthermore, the 5% improvement factor has also been violated in a number of categories in addition to the lack of the roll-back.

Certainly, these discrepancies must be corrected in the final year of the agreement. In other words, we would anticipate that the roll-backs be applied to this year's imports and we so urge the government officials to measure specialty steel imports accordingly.

It is the nature of this special problem of product mix in the *current* agreement's implementation which must be explained on Capitol Hill.

2. We are also seeking an *extension* of the voluntary agreement for another two years. The original bills which we supported in Congress called for a 5-year orderly trade balance. We are not opposed to voluntary trade arrangements. However, just as the contents of any collective bargaining agreement must be improved and refined so we are asking for changes in the voluntary steel quota agreements. We would alert those who are participants in formulating any new arrangements that specific language be devised to balance imports in a categorical fashion so that no new misunderstanding arises with regard to the product mix.

We are also disturbed by the 5% improvement factor and seek a more realistic multiplier in relation to the growth of the domestic market.

While it is not the primary concern of this conference, I should mention that the increased imports on the West Coast should also be corrected, especially since the signees agreed *not* to disarrange the geographic pattern of entry.

3. The intensity of our legislative activity will be conditioned upon the progress towards obtaining an extension of the voluntary agreements. Voluntary quotas or legislative quotas will bring about the same balanced or orderly trade relationship. We do support, however, legislative quotas. A bill incorporating the formula of the voluntary agreements is being drawn up. We will be required to accelerate our legislative activity for its passage in direct proportion to the inability to develop a voluntary arrangement. We will, nevertheless, not restrain our legislative solicitation since the Congress does provide impetus to executive action and especially since both the House Ways and Means Committee and the Senate Finance Committee declared:

"Accordingly, it is the sentiment of the Committee that the administration should endeavor to have these voluntary undertakings extended and improved . . . It is the Committee's view that specialty steels should be included within the terms of these voluntary agreements."

Although these comments may be readily apparent to all of you, unfortunately, my friends, they are not yet evident to a sufficient number of the members of the Administration and the Congress, to the mass media, and to the public generally.

Therefore, while you are here in Washington, it is of tremendous importance that you meet personally with your representatives in both houses of Congress and with representatives of the Administration and convey to them the urgency of the problems we have been discussing here.

Upon your return home, I hope you will continue to communicate with these officials. In addition, it is vital that you seek the support of your whole community with respect to the impending crisis which well may ensue. And to assist you in this work, we hope to provide you with additional factual material from time to time.

Finally, I believe that it is essential that the representatives of the specialty steel industry—its management and union—maintain a close working relationship until this challenge to our survival has been met. I am confident that with hard work we can and we will succeed.

STATEMENT OF ROGER S. AHLBRANDT

Good morning, ladies and gentlemen.

It is a privilege to be here; and I want to thank the United Steelworkers of America and the American Iron and Steel Institute for the opportunity.

I want also to express my appreciation for their attendance to representatives from the Administration and Congress and to the men and women from the news media.

We from union and management are here today because we share a grave concern about an economic problem that affects the national security and the jobs of many thousands in an important segment of the steel industry in America; and which reflects government policy, past and present, in the area of fair international trade. Further, this exploration of the import problem as it affects the specialty steel industry in our country may serve as a catalytic agent to spotlight this situation in steel, specifically, and in American industry, generally.

The impact of imports on the specialty steel industry is, by any standard, the most serious and immediate threat to producers of tool and stainless steels, low alloys specialty steels, and specialty tubular products.

This problem has worsened steadily for more than 10 years, with its consequent severe impact on the marketplace and the price of specialty steels; on volume—in an already depressed American market; on earnings for 1970—which universally have made poor reading in recent days; and, last but not at all least, on employment.

If significant relief is not immediately forthcoming, we will begin to see cutbacks in vital programs, more unemployment, and experience business failures in our industry. Such dislocation in a vital industry cannot conceivably be in the national interest.

The products that concern us in the specialty steel industry include stainless steels, tool steels, high temperature metals, and refractory, reactive, electrical, and electronic metals. I am also including in this category pressure and mechanical tubing of carbon, alloy and stainless steel. I will limit my comments to these specialty products for which domestic and international trade statistics are collected and published by the Department of Commerce and the American Iron and Steel Institute.

While our union friends, who work with these products daily, know them and their characteristics, I believe it appropriate here to state further that these specialty products are designed and produced for use in extreme environments requiring exceptional hardness, toughness, tensile strength, resistance to heat, resistance to corrosion and abrasion, or some combination of these qualities. They contain substantial amounts of expensive and critical alloys such as chromium, nickel, molybdenum, titanium, columbium, tungsten, vanadium, cobalt, and other elements which help provide their unique characteristics.

Because of their special properties and alloy content, specialty steels are difficult and costly to manufacture. In 1969, and we believe the figures would hold for 1970, the producers of tool and stainless steels in this country accounted for only 1.1% of net industry shipments of steel mill products. Their products, however, generated approximately 7% of total steel industry dollar volume. Domestic manufacturers of specialty tubing in 1969 produced 1.6% of net industry shipments which, in turn, represented 4.5% of industry dollar volume.

Most specialty steel is melted in electric arc or vacuum melting furnaces, or rolled and shaped on special steel mill equipment which is designed and powered for processing of high alloys. Because of the sophisticated nature of our products, however, these processes take a higher degree of technology and considerably more time in our mills than in the mills making basic carbon steels. The number of man-hours required to produce a ton of specialty steels, on the average, totals about six to eight times that required for comparable products of carbon steel. Labor costs account for about 40% of every sales dollar in the specialty steel industry and, depending upon the specific product, labor cost will range from $350 to $4000 per ton of product. That is the basic reason why foreign manufacturers can and do consistently undersell American producers by 15% to 20%, not only in world markets, but right here in the United States.

Our competitive position in the world is perhaps best illustrated by the fact that imports have taken over 20% of the over-all U.S. market for specialty steels—with much greater percentage penetration in certain specific product lines—while we are unable to sell our products in volume abroad.

The plain fact is that steel technology and availability today is sufficiently world-wide that the basis for competition in all but a very few exotic steels is *price*—and *price alone*.

We have been told that there are several avenues for relief open to us in specialty steel and we *would* be pleased to see non-tariff barriers eliminated; to see anti-dumping, counter-vailing duty, and adjustment procedures streamlined and stepped up. In the area of critical raw materials supply, we are happy to cooperate with the President's National Industrial Materials Commission in its study and forecast of national requirements. There are many proposals here in Washington which would help us—if we would but live to see them!

But imports of foreign tool and stainless steel mill products now have taken over 20% and imported carbon and alloy pressure tubing has seized 15% of the American market. There is truly nothing in sight to prevent their continued and rapid growth.

To show how rapid this growth has been in the immediate past, I will now present some brief, specific figures concerning individual products and product lines. In the excellent publication of the American Iron and Steel Institute, "Steel Imports—a National Concern", which is available for each of you here today, there appear Tables 1S through 12S which document the rapid growth of specialty steel imports. I would like to refer today to supplementary charts which demonstrate the dangerous levels which specialty steel imports reached through November of 1970. Let me point out some of the more shocking of these figures:

Chart 1 shows that imports of stainless steels to the United States have increased every year, rising from 79,000 net tons in 1964 to approximately 182,000 net tons in 1969.

This compares with total U.S. shipments of stainless of 771,000 net tons in 1964 and 909,000 net tons in 1969. The year 1964 is used because it is the first in which adequate import statistics were available for specialty steel products. At the end of 11 months of 1970, stainless steel market penetration by imports is at an all-time high of 21.2%—one fifth of our market gone.

Throughout this period, imports of stainless steel mill products increased at an average annual rate of 18.1%, while the rate of growth for domestic shipments was only 3.4%. In those six years, domestic apparent consumption of stainless steel increased 276,000 tons. Stainless steel imports captured 103,000 tons, or 37.2% of the growth in our domestic market.

As Jack Stewart of Cyclops pointed out in a recent presentation to news media, there is another most serious aspect of this problem not evident in the figures. This is the fact that a major part of our market served by foreign producers is in the prime, high-volume (at least to us), "bread and butter products". Without these products to help keep our mills rolling, Mr. Stewart pointed out that meaningful planning, research dollars, capital equipment dollars, and service dollars are hard to justify. I agree heartily with his statement that "the stainless steel industry cannot survive on small-volume stainless leftovers."

Chart 2 shows that tool steel imports rose dramatically from 9,080 net tons to roughly 15,250 net tons during the 1964–69 period. This average annual growth rate of 10.9% contrasts sharply with the growth rate in domestic tool steel shipments of 2.2% annually. Market penetration by imports also increased steadily, from 8.3% in 1964 to a high of 16.9% at the end of 11 months of 1970.

Domestic apparent consumption of tool steel increased from about 109,000 tons in 1964 to about 126,000 tons in 1969, an increase of 15.8%. Imports captured 6,000 tons, or over 35%, of this growth in the American market.

And here the casualties are real. John Newlin, of Carpenter Technology, told news media late last year that at least five companies had either discontinued tool steel production or had gone out of business altogether. Those affected were: the Henry Disston Company, Philadelphia; Vulcan Crucible Steel Company, Aliquippa; Midvale Steel Company, Philadelphia; Firth Sterling Steel Company, McKees Rocks, Pa; and Heller Brothers Company, Newark. He also said that most of the tool steel producers that *have* survived are either companies like his, Carpenter, which produce other profitable materials—or those which have become parts of multi-product companies in which the tool steel operation is not the major component. And while he did not blame imports alone for this attrition, he did state that imports were a significant factor in the changes that came about.

In many product lines, the situation is considerably worse than the over-all figures would indicate. The charts that follow (Charts 3 through 7) show that imports have penetrated our domestic markets to a drastic degree. For cold rolled sheets, the penetration is 34.1%.

For stainless steel wire rods, the import figure is 67.1%.

For stainless steel wire—53%.

For stainless bars it is 14.6% and stainless plates it is 15.8% and while these percentage figures are lower than those for rods and wire, they are in themselves substantial—and growing.

Now let us look at the import situation as it affects specialty steel tubing.

There are four of the family of specialty steel tubing which are being hurt badly now; a fifth is fast reaching the point of being hurt; and a sixth starts showing signs of injury—with portents of things to come.

1. Seamless stainless and heat resisting tubular products: total current domestic production is about 18 thousand tons per year; imports in 1970: about 6400 tons. This is over 35% of domestic production.

2. Seamless alloy pressure type tubular products: total current domestic production is about 55,000 tons per year; imports in 1970: about 12,000 tons, representing 22% of domestic production; and it has been increasing yearly.

3. Seamless carbon steel pressure tubing: domestic production is about 100,000 tons per year; until the tariff schedule was re-

vised beginning in 1971, there had been no way of measuring the imports of this product. Based on market intelligence, however, imports for boiler tubing alone reached 25 to 30%, and growing.

4. Welded carbon steel pressure tubing: total domestic production is about 100,000 tons per year. Again, here is a product for which imports could not be measured until 1971—but market intelligence indicates that in boiler tubing alone imports are 30 to 40% of domestic production, and growing.

Imports are taking some 16% of the domestic market for welded stainless steel tubular products; in seamless alloy steel bearing tubing, imports in 1970 were 16.5 thousand tons, versus a domestic production of 250 thousand tons—and growing very fast.

We are indebted for this information to Paul Carlson of Babcock and Wilcox, who also appeared before the recent news media presentation. The papers of Jack Stewart, John Newlin, and Paul Carlson on that occasion are available in this room at the end of this Conference.

It is difficult to show graphically the Country of Origin for each product, as Charts 8 and 9 indicate—but Japan is responsible for 57.6% of all stainless steel imports; and Sweden heads the list in tool steels, with 33.7% of the American market.

It cannot be over-stated that one-fifth of the specialty steel market in America has been lost to imports from manufacturers who can make steel abroad, ship it up to 10,000 miles, pay duty on it, and continually undercut American producers' prices by amounts up to 20%. And this differential is maintained whether prices in America are *decreased or increased!*

There is our problem.

It is immediate and it must be dealt with promptly, no matter what measures may ultimately be adopted to equalize conditions of fair trade.

We have not hesitated to tell about the difficulties we in the specialty steel industry have experienced with the Voluntary Limitation Arrangement assumed by the Japanese and West European steel producers in January 1969. Ironically, these limitations, designed to relieve import pressures on ALL American steel producers, have worked to the severe detriment of American specialty steel producers and the employees of those firms.

In specialty steel, the figures show that foreign specialty steel producers have not complied with the provisions of the Voluntary Limitation Arrangement but have actually sharply increased imports of stainless steel, tool steel, and other specialties. Instead of *declining*, as they should have done under the Voluntary Arrangement, imports of stainless steel in 1970 *increased* 32% and tool steel 81% above the Voluntary Limitation Arrangement levels. In stainless, imports from Japan in 1970 showed more than a 54% increase over the Voluntary levels and 24% over the comparable 11 months of 1969. In tool steel, Japan was 77% above the Voluntary arrangement in 1970, while the Common Market was 86% above and all others 81%.

The foregoing charts and data illustrate two flaws in the Voluntary Limitation Arrangement as it applies to specialty steels. First, some of the major foreign producers of specialty steel products are not participating in the Voluntary program. Last year, more than 50% of stainless steel imports to the U.S. and three-fourths of tool steel imports came from countries outside the Voluntary Limitation Arrangement. Second, even the signatories have entirely disregarded their stated intent not to disturb the historical product mix and geographical distribution patterns on which the program is based.

Some may say that a few thosuand tons of stainless steel do not make a ripple in 14 million tons of total steel imports. But that kind of a relatively small quantity can wipe out the *entire market* of one of America's smaller specialty mills. In the tool steel area, where *five* tons is a big order, 500 tons of high speed tool steel wire can have a crippling and demoralizing effect on the market place and to the small companies in this industry.

As to geographic distribution, in stainless steel we have seen a significant shift in import focus to the Pacific and Gulf Coast ports. In tool steels, the shift has been to the Atlantic Coast for high speed tool steels, and to the Pacific Coast for alloy tool steels. Any such shifts greatly intensify the local effects of increased imports and contribute further to market imbalance and dislocation.

We reach three basic conclusions with respect to the importance of specialty steels to the United States of America:

1. Our national security starts with our ability to maintain a strong industrial base and a civilian economy marked by growth, both in peacetime and in a period of national emergency;

2. Specialty steels, as I have described them here today, are an indispensable industrial material; and

3. Therefore, this nation must maintain an adequate level of self-sufficiency in specialty steels, not only in production and supply capability, but also in a contemporary reservoir of Research technology, skilled management, and a skilled and experienced labor force.

In short, the national security requirements of the United States are best met by providing an economic climate in which the domestic specialty steel industry will continue to grow and expand.

The producers of tool and stainless steels, and other specialties, are the low-volume, high-value part of the steel industry. Their product is as essential to America's economy as energy; jobs in this industry are as vital and as important as in any other sector of the economy.

The companies in specialty steel have now lost over 20% of their domestic markets to imports, with which they cannot compete adequately because of the foreign wage rate advantage and other national barriers and policies which are not afforded to industry here in the United States.

Immediate relief, I repeat, is necessary for this industry today—not in two or three months, or years.

Mr. Joseph P. Molony, International Vice President of the Steelworkers Union, will tell you in a few moments in what areas such immediate relief must be forthcoming.

For the long term, however, the United States *must recognize* that industrialized nations of the free world—and those of the Russian bloc, and China—pursue policies of *protecting* their home industries and of *providing incentives* and subsidies for exports, for the purpose of maximizing employment there, getting more foreign exchange (meaning American dollars), creating new industries, and for other national purposes.

This means that we here in America must obtain greater understanding of the problem between labor, government, and industry—such as we are attempting in this Conference today. Only by knowing what needs to be done can we demand that it be done—and done quickly.

New national policies in America include other government actions which I hope labor will support, in its own best interests: tax incentives for capital equipment expenditures, low interest loans for both capital and export, perhaps value-added taxes, and—if necessary—handling taxes for foreign goods coming into this country.

The specialty steel industry, frankly, and any individual company in it (no matter how relatively large), cannot fight foreign imports by itself—not if it is expected to meet, single-handedly, foreign-backed industry, especially with economic policies as now administered in the United States.

The profit pinch resulting from the impact of foreign specialty steel imports is endangering the very existence of several good, small companies in our industry. In several cases, this danger involves entire communities—good, small, typically American communities in which the specialty steel firm may be the town's economic back-bone.

Let's look at the immediate results of the impact of foreign imports in the specialty steel markets of America:

The jobs of many of the 52,000 Steelworkers employed in the specialty steel industry are in jeopardy.

The market for several important specialty steel producers lies in virtual chaos.

Planning for capital investment and growth is almost impossible. Not long ago, it was possible to make five, and 10-year projections of growth in markets and profitability, with some assurance of job stability, and with some assurance of achievement. This is now no longer possible in specialty steel—and some of us have had the shattering experience of seeing multi-million-dollar plant and equipment (planned and built over a three or four-year period and estimated to employ large numbers of skilled Steelworkers) come on stream just as the market for its products collapses—largely due to imports.

I stated earlier that changes in certain national government policies are needed to help American industry fight imports. Certainly among those will have to be a new over-all national import policy—and it will have to come soon—before this nation becomes the dumping ground for all the world's economic surplus.

If it does not come, and soon, the United States could become a "service economy", a vast national warehouse for the storage of overseas-produced goods—but I predict our people will lack the resources to buy them.

We find ourselves being asked to compete not just with individual foreign specialty steel companies for both domestic and foreign markets but with entire, well-coordinated "industrial states" (such as Japan and the Common Market), in which there is careful attention paid to common national goals in unified direction of production, finance, planning, marketing, labor, and government relations.

Those "industrial states"—judged by their present structure and past and current performance—are forcing economic reassessment in the United States, the kind of new thinking about economic policy which we, in this Conference, require for assistance in our particular economic problem.

It is our sincere hope that the impact of foreign imports on the specialty steel industry—now reaching catastrophic proportions—will serve to focus the attention of all, business, labor, and government, on the serious economic problems that confront our nation.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

CAREER EDUCATION NOW

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. PUCINSKI. Mr. Speaker, Sidney P. Marland, Jr., the distinguished U.S. Commissioner of Education, delivered a speech at the Convention of the National Association of Secondary School Principals, in Houston, Tex., which I believe deserves the attention not only of the Members of Congress, but of all of those who are interested in improving America's vocational institutions.

As chairman of the House Subcommittee on General Education, which has been deeply concerned with vocational education in this country, I am extremely pleased to learn that Commissioner Marland is an advocate of career education as a means of preparing young Americans for the world of work.

Commissioner Marland brings to the U.S. Office of Education an exciting dimension of understanding the needs of American education, and I believe it is safe to state that if he pursues diligently this course of restructuring American education to guarantee every young American a marketable skill, Commissioner Marland shall win the gratitude and admiration of all young Americans.

His enlightening speech follows:

CAREER EDUCATION NOW

(Address by Sidney P. Marland, Jr.)

Since I intend to devote a major part of my remarks today to the subject of career education, it seems appropriate to begin by mentioning that I am finding my new job to be a richly rewarding learning experience.

Take the matter of the Commissioner's place in the Washington pecking order. I have always held the commissionership to be one of the great and auspicious positions in the Federal Government. So naturally, when I learned that a prominent Federal official is issued a brand new $30,000 bulletproof limousine each year, I immediately inquired into the nature of the transportation furnished to the Commissioner of Education.

It turned out to be rather basic—a small, misshapen, used Rebel. When I asked for an improvement, I was sent a slightly newer, small, misshapen, used Rambler.

I am not discouraged. I am merely chastened. It's really a very nice car. And, besides, I have been assured that the Commissioner hardly ever gets shot at.

Career education is an absorbing topic at the Office of Education lately. In essence we are attempting to answer a very large question: what is right and what is wrong with vocational education in America today and what can be done to build on our strengths and eliminate our weaknesses?

I will indicate to you in a few moments the major points of our reply, the steps we believe should be taken by the Federal Government and particularly by the Office of Education to strengthen your hand in refashioning the vocational or career curriculum. For we are in wholehearted agreement that it is in serious need of reform and it is my firm intention that vocational education will be one of a very few major emphases of the U.S. Office, priority areas in which we intend to place the maximum weight of our concentrated resources to effect a thorough and permanent improvement.

But let me broaden the discussion a bit at this point to talk about career education not simply from the Federal point of view but from the point of view of you and me and of everyone who has committed his life's work to the proposition that education's prime task is to seek and to free the individual's precious potential. My concern with this vital area of education was with me long before I came into possession of my bent Rambler. It is the result of more than 30 years in school life, ample time to observe the vocational education problem in such diverse settings as New York City, Pittsburgh, and Winnetka, Illinois. For even in Winnetka, archetypal suburb, blessed in material things far above most communities in this country, there are many people who are worried about the logic and relevance of what is being taught their youngsters, particularly when considered in the light of the amazingly sophisticated, complex, and rapidly changing career situations they will face upon graduation from high school or from college.

Winnetkans, like most Americans, ask: what are we educating our children for?

Educators, it seems to me, have too often answered: we simply are not sure.

Uncertainty is the hallmark of our era. And because many educators have been unsure as to how they could best discharge their dual responsibility to meet the student's needs on the one hand and to satisfy the country's infinite social and economic appetites on the other, they have often succumbed to the temptation to point a Godlike finger at vocational educators and damn them for their failure to meet the Nation's manpower requirements and doubly damn them for their failure to meet the youngster's career requirements, not to mention his personal fulfillment as a human being.

Most of you are secondary school administrators. You, like me, have been preoccupied most of the time with college entrance expectations. Vocational-technical education has been a second-level concern. The vocation education teachers and administrators have been either scorned or condemned and we have been silent.

There is illogic here as well as a massive injustice. How can we blame vocational educators for the hundreds of thousands of pitifully incapable boys and girls who leave our high schools each year when the truth is that the vast majority of these youngsters have never seen the inside of a vocational classroom? They are the unfortunate inmates, in most instances, of a curriculum that is neither fish nor fowl, neither truly vocational nor truly academic. We call it general education. I suggest we get rid of it.

Whatever interest we represent, Federal, State, or local, whether we teach or administer, we must perforce deny ourselves the sweet solace of knowing the other fellow is in the wrong. We share the guilt for the generalized failure of our public system of education to equip our people to get and hold decent jobs. And the remedy likewise depend upon all of us. As Dr. Grant Venn said in his book, *Man, Education, and Manpower*: "If we want an educational system designed to serve each individual and to develop his creative potential in a self-directing way, then we have work to do and attitudes to change."

The first attitude that we should change, I suggest, is our own. We must purge ourselves of academic snobbery. For education's most serious failing is its self-induced, voluntary fragmentation, the strong tendency of education's several parts to separate from one another, to divide the entire enterprise against itself. The most grievous example of these intramural class distinctions is, of course, the false dichotomy between things academic and things vocational. As a first step, I suggest we dispose of the term vocational education, and adopt the term *career education*. Every young person in school belongs in that category at some point, whether engaged in preparing to be a surgeon, a brick layer, a mother, or a secretary.

How absurd to suggest that general knowledge for its own sake is somehow superior to useful knowledge. "Pedants sneer at an education that is useful," Alfred North Whitehead observed. "But if education is not useful," he went on to ask, "What is it?" The answer, of course, is that it is nothing. All education is career education, or should be. And all our efforts as educators must be bent on preparing students either to become properly, usefully employed immediately upon graduation from high school or to go on to further formal education. Anything else is dangerous nonsense. I propose that a universal goal of American education, starting now, be this: that every young person completing our school program at grade 12 be ready to enter higher education or to enter useful and rewarding employment.

Contrary to all logic and all expediency, we continue to treat vocational training as education's poor cousin. We are thereby perpetuating the social quarantine it has been in since the days of the ancient Greeks, and, for all I know, before then. Since the original vocational fields were defined shortly before World War I as agriculture, industry, and homemaking, we have too often taught those skills grudgingly—dull courses in dull buildings for the benefit of what we all *knew* were young people somehow pre-judged not fit for college as though college were something better for everyone. What a pity and how foolish, particularly for a country as dependent upon her machines and her technology as America. The ancient Greeks could afford such snobbery at a time when a very short course would suffice to instruct a man how to imitate a beast of burden. We Americans might even have been able to afford it a half-century ago when a boy might observe the full range of his occupational expectations by walking beside his father at the time of plowing, by watching the farmers, blacksmiths, and tradesmen who did business in his home town.

But how different things are today and how grave our need to reshape our system of education to meet the career demands of the astonishingly complex technological society we live in. When we talk of today's career development, we are not talking about blacksmithing. We are talking about the capacity of our people to sustain and accelerate the pace of progress in this country in every respect during a lifetime of learning. And nothing less.

The question seems to be fairly simple, if we have the courage and creativity to face it: Shall we persevere in the traditional practices that are obviously *not* properly equipping fully half or more of our young people or shall we immediately undertake the reformation of our entire secondary education in order to position it properly for maximum contribution to our individual and national life?

I think our choice is apparent. Certainly continued indecision and preservation of the status quo can only result in additional millions of young men and women leaving our high schools, with or without benefit of diploma, unfitted for employment, unable or unwilling to go on to college, and carrying away little more than an enduring distaste for education in any form, unskilled and unschooled. Indeed, if we are to ponder thoughtfully the growing charge of "irrelevance" in our schools and colleges, let us look sharply at the abomination known as general education.

Of those students currently in high school, only three out of 10 will go on to academic college-level work. One-third of those will drop out before getting a baccalaureate degree. That means that eight out of 10 present high school students should be getting occupational training of some sort. But only about two of those eight students are, in fact, getting such training. Consequently, half our high school students, a total of approximately 1,500,000 a year, are being offered what amounts to irrelevant, general educational pap!

In pained puzzlement they toil at watered-down general algebra, they struggle to recollect the difference between adjectives and adverbs, and they juggle in their minds the atomic weight of potassium in non-college science. The liberal arts and sciences of our traditional college-preparatory curriculum are indeed desirable for those who want them and can use them. But there must be desire and receptivity, and for millions of our children, we must concede, such knowledge is neither useful nor joyful. They do not love it for its own sake and they cannot sell it in the career market place. Small wonder so many drop out, not because they have failed, but because we have failed them. Who would not at the earliest convenient and legal moment leave an environment that is neither satisfying, entertaining, or productive? We properly deplore the large numbers of young men and women who leave high school before graduation. But, in simple truth, for most of them dropping out is the most sensible elective they can choose. At least they can substitute the excitement of the street corner for the more obscure charms of general mathematics.

I want to state my clear conviction that a properly effective career education requires a new educational unity. It requires a breaking down of the barriers that divide our educational system into parochial enclaves. Our answer is that we must blend our curricula and our students into a single strong, secondary system. Let the academic preparation be balanced with the vocational or career program. Let one student take strength from another. And, for the future hope of education, let us end the divisive, snobbish, destructive distinctions in learning that do no service to the cause of knowledge, and do no honor to the name of American enterprise.

It is terribly important to teach a youngster the skills he needs to live, whether we call them academic or vocational, whether he intends to make his living with a wrench, or a slide rule, or folio editions of Shakespeare. But it is critically important to equip that youngster to live his life as a fulfilled human being. As Secretary Richardson said, "I remind you that this department of government more than anything else is concerned with humaneness."

Ted Bell, now Deputy Commissioner for School Systems in OE, made the point particularly well in a recent speech to a student government group. He was speculating on the steps a young person needs to take not just to get a diploma or a degree today, but to make reasonably sure he will continue to learn in the years ahead, to be an educated man or woman in terms of the future, a personal future, Dr. Bell said:

"Here the lesson is for each person to develop a personal plan for lifelong learning: learning about the world we live in, the people that inhabit it, the environment—physical and social—that we find around us; learning about the sciences, the arts, the literature we have inherited and are creating; but most of all, learning the way the world's peoples are interacting with one another. If one educates himself in these things, he will have a pretty good chance of survival and of a good life."

In other words, life and how to live it is the primary vocation of all of us. And the ultimate test of our educational process, on any level, is how close it comes to preparing our people to be alive and active with their hearts, and their minds, and, for many, their hands as well.

True and complete reform of the high school, viewed as a major element of overall preparation for life, cannot be achieved until general education is completely done away with in favor of contemporary career development in a comprehensive secondary education environment. This is our ultimate goal and we realize that so sweeping a change cannot be accomplished overnight, involving as it does approximately 30 million students and billions of dollars in public funds. Until we can recommend a totally new system we believe an interim strategy can be developed entailing four major actions:

First we are planning major improvements in the vocational education program of the Office of Education. This program, as you know, involves the expenditure of nearly $500,000,000 annually and our intention is to make the administrative and programmatic changes that will enable the States to use this money to make their vocational education efforts more relevant to the needs of the young people who will spend their lives in careers in business and industry. We intend to give the States new leadership and technical support to enable them to move present programs away from disproportionate enrollment in low-demand occupations to those where national shortages exist and where future national need will be high.

Right now State training programs fill only half the jobs available each year. The other half are filled by job seekers with no occupational job training of any kind. We do better in some fields than others, of course, particularly production agriculture where we are able to come closer to meeting the total need because it is a relatively static job market with little growth projected. About 70 percent of the demand in farm jobs will be met with trained help this year compared with only about 38 percent in the health occupations and 35 percent in various technical fields. This is nice if you happen to own a farm, not so nice if you run a hospital or laboratory.

We obviously require greater emphasis on such new vocational fields as computer programmers and technicians, laser technicians, and jet mechanics. We particularly need qualified people in health occupations such as certified laboratory technologists, dental assistants, occupational therapists, and the like. And, of course, we badly need men and women to capably service the rapidly growing environmental industries. Though when we speak of new occupations it is always useful to remind ourselves that even some of the newest, such as computer programming, for example, will very likely be obsolete in 20 years or so, affirming once again the need for a sound educational base underlying all specific skill training.

Second—here I speak of all cooperating agencies of education and government—we must provide far more flexible options for high school graduates to continue on to higher education or to enter the world of work rather than forever sustain the anachronism that a youngster must make his career choice at age 14. This demands that we broaden today's relatively narrow vocational program into something approaching the true career education we would eventually hope to realize. Vocational students need much more than limited specific skills training if they are to go on to post-secondary education, whether at the community college or four-year level. And young people presently drifting in the general education wasteland need realistic exposure to the world of work, as well as to the option of general post-secondary schooling.

Third, we can effect substantial improvement in vocational education within current levels of expenditures by bringing people from business, industry, and organized labor, who know where the career opportunities are going to be and what the real world of work is like, into far closer collaboration with the schools. Eventually, further subsidies or other encouragement to industry to increase cooperative education and work-study could greatly enhance these programs. Efforts should be made by people in educational institutions offering occupational courses to get nearby employers to help in the training. This will not only aid the students but employers as well by providing these cooperating firms a ready supply of skilled workers well prepared for the specific demands of their particular fields. I would add only this caveat: that these work experience arrangements be accepted and operated as genuine educational opportunities, of a laboratory nature, not simply as a source of cheap help for the business and pocket money for the student. Youngsters should be given the opportunity to explore eight, ten, a dozen occupations before choosing the one pursued in depth, consistent with the individual's ambitions, skills, and interests.

Fourth, we must build at all levels—Federal, State, and local—a new leadership and a new commitment to the concept of a career education system. For we require leaders willing to move our schools into more direct and closer relationships with society's problems, opportunities, and its ever-changing needs. I believe these leaders will come primarily from the ranks of organizations such as yours. Not only will the present vocational-technical education leaders be partners in change, but general educators, long dedicated to the old ways, must become new champions of the career program.

In closing, a word about two very promising OE efforts to help strengthen vocational-technical education in its most crucial aspect, personnel.

The teacher is by far the most important factor in the school environment. We all know this. And we also know that voc-ed teachers are in seriously short supply.

We are also keenly aware that vocational-technical education is starved for other critical personnel, especially those qualified to develop and administer productive programs.

The first effort, called Leadership Development Awards, is a doctoral-fellowship program under the Education Professions Development Act. It seeks to identify and train a cadre of leaders for the vocational-technical career education field. As an initial move we have made the first group of awards to 160 experienced vocational educators to enable them to undertake full-time study at the doctoral level.

These men and women are attending 11 universities which share an emphasis on career education. These institutions pay special attention to the needs of the disadvantaged and handicapped; they cooperate closely with industry, the States, and the local districts; and they have established close working relationships with the surrounding communities.

Training lasts from two to three years. It is not tied to the campus but is essentially an intensive internship program with opportunities for research and exploration into the complexities of our constantly changing occupational structure.

We believe these doctoral candidates will make a very constructive imprint on the world of career education. But they will not be cast adrift upon graduation to search out their own niche in that world. Their home States will develop plans for the most strategic use of their skills—in colleges and universities which prepare career educators, in State departments of vocational education, in community colleges, and at the local level for development of the entirely new approach school systems must take to career education.

Our second effort is a program, already producing impressive results, to help the States attract and train teachers and administrators in vocational-technical education. The Leadership Development Awards I have described will produce the shapers and developers of the new career education; this second effort will produce the teachers to carry out the realistic and contemporary plans and programs they develop.

We are funding a variety of State plans. The money is helping to train personnel to work with the disadvantaged and the handicapped, to develop innovative and effective methods of exchange between teachers and businessmen, and to design and carry out more effective vocational guidance, a particularly crucial area. The funds are also being used to increase the number of trades and industry teachers in the emerging occupations that I spoke of a few moments ago.

The overriding purpose of this program is to encourage the States to develop their own capacities and their own resources to produce vocational-technical teachers in the numbers we need and of a quality we need. This new blood will energize career education, particularly in our city schools, whose revitalization is certainly education's first order of business.

President Nixon put the matter well when he said, "When educators, school boards and government officials alike admit that they have a great deal to learn about the way we teach, we will begin to climb the up staircase toward genuine reform."

We have, I believe, begun to climb that staircase. We have begun, at least in part, the difficult, continuing work of reform. These recent tumultuous years of challenge and strife and all-encompassing change have given us lessons to learn, especially lessons in humility. But they have also taught us to hope and to act. The actions in vocational education and teacher education that I have outlined to you today are but the first in a series of reforms which I intend to initiate and carry out within the U.S. Office of Education. I solicit your reactions to what I have said for I particularly want to bridge the gulf between the Federal Government and the education leaders in the States, in the communities, indeed, in all the classrooms of America.

With a guarantee of your tolerance and support I will return to Washington and my new duties confident that the absolute need to develop a strong new program of career education is well understood by you who must understand it, that you and I agree on the kind of action that must be taken and the urgency of taking it. I respect and salute your capacity to reform the secondary schools of the land. In sum, the schools are engaged in swift change because you the educators have chosen to change them. The schools, I conclude, are in good hands.

POW MAIL PLAN

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. CARNEY. Mr. Speaker, I recently received a letter from a constituent, Mr. Louis D. Kugelman, of Youngstown, Ohio, suggesting a POW mail plan. I commend Mr. Kugelman's idea to my colleagues, as written to me:

Dear Sir: I am writing to you, personally, about a subject that I know is of prime importance to you and I and most fellow Americans.

So that you will not feel that I am a "kook" or "nut" of some kind—I will tell you a little about myself. My wife and I have met you at several rallies in the past, for which you could not remember. But—almost everyday there is a group that has lunch at the 20th Century Restaurant on Belmont Avenue—which "discusses the problems of the World"—myself—and two friends, one of which is Bob DeMar, and another is our "protegee"—Marcie Crann.

I have had a "brain storm" of an idea for quite sometime—which I have divulged to no one—regarding our P.O.W.'s in Viet Nam which I know all of us are quite concerned about. If this "scheme" should be successful, it would be of great humanitarian value. If you think it is worthy—use it—if not—forget it and all I have wasted is your time and mine.

I do not know whether you are familiar with an International Reply Coupon. This is a coupon, purchased at our Post Offices as well as any other member of the Universal Postal union, which I know North Viet Nam is not a member. As it has several languages printed around its border, and could be mistaken for being issued by the United Nations, and knowing the value of "saving face" before the world by the North Viet Namese, perhaps if the loved ones of every P.O.W. listed, and all lost in action, would mail a letter with an International Reply Coupon enclosed—we might have results.

Thanking you in advance, for utilizing your most valuable time, to read and digest a long epistle which may prove to be of naught value.

I remain,

LOUIS D. KUGELMAN.

THE CONQUEST OF CANCER

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. COTTER. Mr. Speaker, today I have introduced a bill to fully fund efforts to conquer cancer. This act, called the "Conquest of Cancer Act of 1971," is being introduced with bipartisan support and would authorize $400 million immediately for a massive attack on this dread killer.

As soon as practicable, the funding will be increased to $1 billion a year. There might be a question in the minds of some about this level of funding. Let me just illustrate the extent of this illness. Cancer kills 330,000 Americans each year. It afflicts almost one-fourth of our population. Of the 204 million persons now living in the United States over 51 million will develop some form of cancer. Of this number more than 34 million will die. Cancer does not respect age, it is the greatest cause of death in children between 1 and 15 years.

Mr. Speaker, I know first hand the horrors of cancer. Members of my family have suffered its ravages. I feel that the most eloquent and touching case for this all-out effort was made in a letter I received from a constituent. At this point I will include this letter without naming the author:

MY DEAR MR. COTTER: Last summer, I joined the ranks of the millions of Americans who have suffered the ravages of cancer. Because of malignant lesions, both of my breasts and the lymph nodes from under both arms were removed. After this I was exposed to a series of cobalt treatments.

As one who has endured this kind of physical and emotional pain at the hands of this disease, I plead with you to become a leading force in getting the Federal Government to make a solid commitment to finding a cure for cancer—not with millions of dollars—but with billions.

The creation of a National Anti-Cancer Agency—with a large enough pledge of public and private funds—would probably see the control of this killer.

I am not so naive as to believe that if malignant cells are still present in my system, this program will save my life; but I do believe that it might save those of my children and grandchildren.

Sincerely yours,

I hope this Congress will give rapid approval to this necessary legislation.

YOUTH INVOLVES ITSELF

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. HANNA. Mr. Speaker, in April of last year I launched an effort to investigate and initiate any necessary actions regarding possible linkages between water pollution and human health through the human food chain involving sea products. I conducted emergency hearings in my district which clearly established the need for such an investigation. The 91st Congress did not act on my proposed legislation and I am pursuing these worthwhile goals again in this Congress.

Be that as it may, I am not here now to plead for my cause but rather to note and commend the progress of another, a constituent and now personal friend, Kris Lindstrom. Kris testified before my emergency hearings and supported my legislative efforts. This idealistic young man, however, did not stop there but has time and again renewed his commitment to the goals—which I like to think we share—and actively participated in efforts and activities to seek out and rectify problems caused by man's disregard for his environment. He has worked with local city-organized groups—for example, as vice chairman of the Seal Beach Environmental Quality Control Board—and now with a national and international group—the committee on comparative oncology, under the auspices of l' Union Internationale Coutre le Cancer. Kris will be working with two well-known and respected experts in the field on this committee, Dr. John Harshbarger, of the Smithsonian Institute, and Dr. Narbik Karamien, of the National Institutes of Health.

I rise in this body to commend Kris for these notable achievements and to wish him well in his activities in the future, of which he will have many—he is but 22 years old.

TRIBUTE TO HON. L. MENDEL RIVERS: A GREAT AMERICAN

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. EVINS of Tennessee. Mr. Speaker, during the recent recess of the Congress our beloved friend and colleague, the gentleman from South Carolina, Mendel Rivers, passed away and I wanted to take this means of paying a brief but sincere tribute to the memory of this great American statesman.

Mendel Rivers was a man of courage and honor—he stood firm and unyielding for a strong defense for our Nation, believing that it is better to err on the side of strength than on the side of weakness in crucial matters involving national defense.

As chairman of the House Committee on Armed Services and as Representative from the First District of South Carolina, he served his district, State, and Nation faithfully and well. He represented his district with great ability and success and yet in a much broader sense he represented the best interests of the Nation.

We can thank his leadership in large part for our Nation's excellent state of preparedness. He knew and understood our responsibilities and our heritage.

Mendel Rivers was a great personality—many who saw him often remarked that he looked like a Congressman. He had the stature, the bearing, the dignity—the charisma, if you will—of a great Congressman—a great American statesman.

Mendel Rivers will be greatly missed in these sacred precincts and I want to take this opportunity to extend to Mrs. Rivers and others members of the family this expression of my deepest and most sincere sympathy. My wife, Mrs. Evins, joins me in these expressions and sentiments.

SENATE—*Thursday, February 4, 1971*

(Legislative day of Tuesday, January 26, 1971)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our God, our help in ages past, our hope for years to come, help us to work amid the things which are seen and temporal with eyes of faith firmly fixed upon that which is unseen and eternal. Make us to be good workmen in striving for that kingdom, higher than all present earthly kingdoms, toward which all history moves, whose builder and maker is God. Uphold us this day that we may run and not be weary, walk and not faint. Make us to know that underneath are the everlasting arms which reach down to rescue, to hold, to sustain, and that the everlasting arms are Thy very own.

In the name of the Great Burden Bearer. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, February 3, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the concurrent resolution (H. Con. Res. 97) authorizing the printing of a revised edition of the publication entitled "History of the United States House of Representatives," and for other purposes, in which it requested the concurrence of the Senate.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 97) authorizing the printing of a revised edition of the publication entitled "History of the United States House of Representatives," and for other purposes, was referred to the Committee on Rules and Administration.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRESIDENT NIXON'S PROPOSALS

Mr. MANSFIELD. Mr. President, the distinguished minority leader and I have been discussing the 40 "leftover" proposals contained in a message sent to Congress by the President of the United States some days ago.

We intend to get together with the committee chairmen and the ranking Republican Members and ask them to expedite consideration of these Presidential requests as soon as possible.

Some of the measures were passed in the previous Congress. Some of them will take a little time to dispose of. Others may be readily disposed of. We are confident that the Senate, acting responsibly, will give due regard to the President's proposals termed "the unfinished business" which, I have indicated, number approximately 40. On the basis of a communication I received on January 26, they number 67 and, on the basis of a new compilation which will become available very shortly, I think number about 127.

Thus, we will have plenty to do.

Now is the time to do it.

The minority leader and I both hope that our colleagues will begin to undertake this endeavor.

Mr. SCOTT. Mr. President, I shall convey to the ranking members of the respective committees the suggestion of the distinguished majority leader and the information which he has conveyed just now, and additional information as received regarding measures undisposed of in the previous Congress.

Of course, I join the distinguished majority leader in urging expeditious action on these measures. I believe that we can expedite the proceedings if we can find a way out of the present difficulty regarding rule XXII. I would hope that it will not go on at such length as to prevent our moving into the Nations business. At the same time, I think it was Abraham Lincoln who said, "No question is settled until it is settled right."

I have my own viewpoint as to the right way to settle, to amend the rule, but I will not go into that any further at this time.

Mr. MANSFIELD. I am in full accord with what the distingushed minority leader has just said.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back the remainder of the time allocated to me.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

GENERAL REVENUE SHARING—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-44)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Finance:

To the Congress of the United States:

One of the best things about the American Constitution, George Washington suggested shortly after it was written, was that it left so much room for change. For this meant that future generations would have a chance to continue the work which began in Philadelphia.

Future generations took full advantage of that opportunity. For nearly two turbulent centuries, they continually reshaped their government to meet changing public needs. As a result, our political institutions have grown and developed with a changing, growing nation.

Today, the winds of change are blowing more vigorously than ever across our country and the responsiveness of government is being tested once again. Whether our institutions will rise again to this challenge now depends on the readiness of *our* generation to "think anew and act anew," on *our* ability to find better ways of governing.

BETTER WAYS OF GOVERNING

Across America today, growing numbers of men and women are fed up with government as usual. For government as usual too often means government which has failed to keep pace with the times.

Government talks more and taxes more, but too often it fails to deliver. It grows bigger and costlier, but our problems only seem to get worse. A gap has opened in this country between the worlds of promise and performance—and the gap is becoming a gulf that separates hope from accomplishment. The result has been a rising frustration in America, and a mounting fear that our institutions will never again be equal to our needs.

We must fight that fear by attacking its causes. We must restore the confidence of the people in the capacities of their government. I believe the way to begin this work is by taking bold measures to strengthen State and local governments—by providing them with new sources of revenue and a new sense of responsibility.

THE POTENTIAL OF STATE AND LOCAL GOVERNMENT

Part of the genius of our American system is that we have not just one unit of government but many, not just one Chief Executive and Congress in Washington, but many chief executives and legislators in statehouses and courthouses and city halls across our land. I know these men and women well. I know that they enter office with high hopes and with sweeping aspirations. I know they have the potential to be full and effective partners in our quest for public progress.

But once they have taken office, leaders at the State and local level often encounter bitter disappointment. For then they discover that while the need for leadership is pressing, and their potential for leadership is great, the power to provide *effective* leadership is often inadequate to their responsibilities. Their dollars are not sufficient to fulfill either their dreams or their most immediate and pressing needs.

And the situation is getting worse.

A GROWING FISCAL CRISIS

Consider how State and local expenditures have been growing. In the last quarter century, State and local expenses have increased twelvefold, from a mere $11 billion in 1946 to an estimated $132 billion in 1970. In that same time, our Gross National Product, our personal spending, and even spending by the Federal government have not climbed at even one-third that rate.

How have the States and localities met these growing demands? They have not met them. State and local revenues have not kept pace with rising expenditures, and today they are falling even further behind. Some authorities estimate that normal revenue growth will fall $10 billion short of outlays in the next year alone.

THE HEAVY BURDEN OF STATE AND LOCAL TAXES

The failure of State and local revenues to keep pace with demands is the inherent result of the way in which our tax system has developed. Ever since the 16th Amendment in 1913 made it possible for the Federal government to tax personal income, this source of revenue has been largely pre-empted and monopolized by Washington. Nine out of every ten personal income tax dollars are collected at the Federal level.

Income tax revenues are quick to reflect economic growth. Often, in fact, they grow much faster than the economy. As a result, budget increases at the Federal level can more readily be financed out of the "natural growth" in revenues, without raising tax rates and without levying new taxes.

State and local governments are not so fortunate. Nearly three-fourths of their tax revenues come from property and sales taxes, which are slow to reflect economic expansion. It is estimated, in fact, that the natural growth in revenues from these sources lags some 40 to 50 percent behind the growth rate for State and local expenditures. This means that budget expansion at these levels must be financed primarily through new taxes and through frequent increases in existing tax rates.

As a result, the weight of State and local taxes has constantly been getting heavier. On a per capita basis, they have climbed almost 50 percent in the last fourteen years. Property tax receipts are six times as great as they were a quarter century ago. In the past dozen years alone, States have been forced to institute new taxes or raise old ones on 450 separate occasions. Consumer and service taxes have sprung up in bewildering variety in many cities.

These rising State and local levies are becoming an almost intolerable burden to many of our taxpayers. Moreover, they often fall hardest on those least able to pay. Poor and middle income consumers, for example, must pay the same sales taxes as the wealthy. The elderly—who often own their own homes—must pay the same property taxes as younger people who are earning a regular income. As further pressures are placed on State and local taxes, the impact is felt in every part of our society. The hard-pressed taxpayer—quite understandably—is calling for relief.

The result is a bitter dilemma for State and local leaders. On the one hand, they must cut services or raise taxes to avoid bankruptcy. On the other hand, the problems they face and the public they serve demand expanded programs and lower costs. Competition between taxing jurisdictions for industry and for residents adds further pressure to keep services up and taxes down.

While political pressures push State and local leaders in one direction, financial pressures drive them in another. The result has been a rapid and demoralizing turnover in State and local officeholders. The voters keep searching for men and women who will make more effective leaders. What the State and localities really need are the resources to make leaders more effective.

THE BEST OF BOTH WORLDS

The growing fiscal crisis in our States and communities is the result in large measure of a fiscal mismatch; needs grow fastest at one level while revenues grow fastest at another. This fiscal mismatch is accompanied, in turn, by an "efficiency mismatch"; taxes are collected most efficiently by the highly centralized Federal tax system while public funds are often spent most efficiently when decisions are made by State and local authorities.

What is needed, then, is a program under which we can enjoy the best of both worlds, a program which will apply fast growing Federal revenues to fast growing State and local requirements, a program that will combine the efficiencies of a centralized tax system with the efficiencies of decentralized expenditure. What is needed, in short, is a program for sharing Federal tax revenues with State and local governments.

A WORD ABOUT PRESENT GRANTS-IN-AID

There is a sense in which the Federal Government already shares its revenues with governments at the lower levels. In fact, Federal aid to the States and localities has grown from less than one billion dollars in 1946 to over 30 billion dollars this year. Unfortunately, most of this assistance comes in the form of highly restricted programs of categorical grants-in-aid. These programs have not provided an effective answer to State and local problems; to the contrary, they provide strong additional evidence that a new program of unrestricted aid is badly needed.

The major difficulty is that States and localities are not free to spend these funds on their own needs as they see them. The money is spent instead for the things Washington wants and in the way Washington orders. Because the categories for which the money is given are often extremely narrow, it is difficult to adjust spending to local requirements. And because these categories are extremely resistant to change, large sums are often spent on outdated projects. Pressing needs often go unmet, therefore, while countless dollars are wasted on low priority expenditures.

This system of categorical grants has grown up over the years in a piecemeal fashion, with little concern for how each new program would fit in with existing old ones. The result has been a great deal of overlap and very little coordination. A dozen or more manpower programs, for example, may exist side by side in the same urban neighborhood—each one separately funded and separately managed.

All of these problems are compounded by the frequent requirement that Federal dollars must be matched by State and local money. This requirement often has a major distorting effect on State and local budgets. It guarantees that many Federal errors will be reproduced at the State and local level. And it leaves hard-pressed governments at the lower levels with even less money to finance their *own* priorities.

The administrative burdens associated

with Federal grants can also be prohibitive. The application process alone can involve volumes of paperwork and delays of many months. There are so many of these programs that they have to be listed in large catalogs and there are so many catalogs that a special catalog of catalogs had to be published. The guidelines which are attached to these grants are so complicated that the government has had to issue special guidelines on how the guidelines should be interpreted. The result of all this has been described by the Advisory Commission on Intergovernmental Relations as "managerial apoplexy" on the State and local level.

Meanwhile, the individual human being, that single person who ultimately is what government is all about, has gotten lost in the shuffle.

State and local governments need Federal help, but what they need most is not more help of the sort they have often been receiving. They need more money to spend, but they also need greater freedom in spending it.

A NEW APPROACH

In the dark days just after the Battle of Britain, Winston Churchill said to the American people: "Give us the tools and we will finish the job."

I now propose that we give our States and our cities, our towns and our counties the tools—so that they can get on with the job.

I propose that the Federal Government make a $16 billion investment in State and local government through two far-reaching revenue sharing programs: a $5 billion program of General Revenue Sharing which I am describing in detail in this message to the Congress, and an $11 billion program of Special Revenue Sharing grants which will be spelled out in a series of subsequent messages.

GENERAL REVENUE SHARING: HOW IT WORKS

The General Revenue Sharing program I offer is similar in many respects to the program I sent to the Congress almost eighteen months ago. But there are also some major differences.

For one thing, this year's program is much bigger. Expenditures during the first full year of operation would be ten times larger than under the old plan. Secondly, a greater proportion—roughly half—of the shared funds would go to local governments under the new proposal. In addition, the 1971 legislation contains a new feature designed to encourage States and localities to work out their own tailor-made formulas for distributing revenues at the State and local level.

The specific details of this program have been worked out in close consultation with city, county and State officials from all parts of the country and in discussions with members of the Congress. Its major provisions are as follows:

1. Determining the Size of the Overall Program.

The Congress would provide a permanent appropriation for General Revenue Sharing. The size of this appropriation each year would be a designated percentage of the nation's taxable personal income—the base on which individual Federal income taxes are levied. This arrangement would relieve the States and localities of the uncertainty which comes when a new level of support must be debated every year.

Since the fund would grow in a steady and predictable manner with our growing tax base, this arrangement would make it easier for State and local governments to plan intelligently for the future.

The specific appropriation level I am recommending is 1.3 percent of taxable personal income; this would mean a General Revenue Sharing program of approximately $5 billion during the first full year of operation, a sum which would rise automatically to almost $10 billion by 1980. All of this would be "new" money—taken from the increases in our revenues which result from a growing economy. It would not require new taxes nor would it be transferred from existing programs.

2. Dividing Total Revenues Among the States.

Two factors would be used in determining how much money should go to each State: the size of its population and the degree to which it has already mobilized its own tax resources. By using a distribution formula which takes their tax effort into account, this program would encourage the States to bear a fair share of responsibility. A State which makes a stronger effort to meet its own needs would receive more help from the Federal Government.

One other incentive has also been built into the new legislation: those States which negotiate with their local governments a mutually acceptable formula for passing money on to the local level, would receive more money than those States that rely on the Federal formula. This provision would encourage a State and its localities to work out a distribution plan which fits their particular requirements. States which develop such plans would receive a full 100 percent of the money allocated to them under the formula described above. Other States would receive only 90 percent of their allocation, with the remaining ten percent being carried over and added to the following year's overall allocation.

3. Distributing Revenues Within the States.

Those States which do *not* adopt their own plan for subdividing shared revenues would follow a formula prescribed in the Federal legislation. This formula would assign to the State government and to all units of local government combined a share of the new money equal to that portion of State and local revenues currently raised at each level. On the average, this "pass through" requirement would mean that about one-half of the revenue sharing funds would go to the States and half would go to the localities. Governmental units of all sizes would be eligible for aid—but only if they were set up for general purposes. This would exclude *special* purpose units such as sewer districts, school districts, and transit authorities. Each general purpose unit would then receive its proportionate share of revenues based on how much money it raises locally.

4. Other Procedures and Requirements.

General Revenue Sharing monies would come without program or project restrictions. The funds would be paid out at least quarterly through the Treasury Department; no massive new Federal agencies would be established. Each State would be required to pass on to local units their proper share of the Federal funds and to observe appropriate reporting and accounting procedures.

In my State of the Union message I emphasized that these revenue-sharing proposals would "include the safeguards against discrimination that accompany all other Federal funds allocated to the States." The legislation I am recommending provides these safeguards. It stipulates that: "No person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with general revenue sharing funds."

The Secretary of the Treasury would be empowered to enforce this provision. If he found a violation and was unable to gain voluntary compliance, he could then call on the Attorney General to seek appropriate relief in the Federal Courts, or he could institute administrative proceedings under Title VI of the Civil Rights Act of 1964—leading to a cutoff of Federal funds. The Federal Government has a well defined moral and constitutional obligation to ensure fairness for every citizen whenever Federal tax dollars are spent. Under this legislation, the Federal Government would continue to meet that responsibility.

ENHANCING ACCOUNTABILITY

Ironically, the central advantage of revenue sharing—the fact that it combines the advantages of Federal taxation with the advantages of State and local decision-making—is the very point at which the plan is frequently criticized. When one level of government spends money that is raised at another level, it has been argued, it will spend that money less responsibly; when those who appropriate tax revenues are no longer the same people who levy the taxes, they will no longer be as sensitive to taxpayer pressures. The best way to hold government accountable to the people, some suggest, is to be certain that taxing authority and spending authority coincide.

If we look at the practice of government in modern America, however, we find that this is simply not the case. In fact, giving States and localities the power to spend certain Federal tax monies will *increase* the influence of each citizen on how those monies are used. It will make government *more* responsive to taxpayer pressures. It will *enhance* accountability.

In the first place, there is no reason to think that the local taxpayer will be less *motivated* to exert pressure concerning the way shared revenues are spent. For one thing, the local taxpayer is usually a

Federal taxpayer as well; he would know that it was his tax money that was being spent.

Even if local taxpayers were only concerned about local taxes, however, they would still have a direct stake in the spending of Federal revenues. For the way Federal money is used determines how much local money is needed. Each wise expenditure of Federal dollars would mean an equivalent release of local money for other purposes—including relief from the need to raise high local taxes even higher. And every wasted Federal dollar would represent a wasted opportunity for easing the pressure on local revenues.

Most voters seldom trace precisely which programs are supported by which levies. What they do ask is that each level of government use *all* its money—wherever it comes from—as wisely as possible.

The average taxpayer, then, will be no less *disposed* to hold public officials to account under revenue sharing. What is more, he will be *able* to hold them to account far more effectively.

The reason for this is that "accountability" really depends, in the end, on accessibility—on *how easily* a given official can be held responsible for his spending decisions. The crucial question is not where the money comes from but whether the official who spends it can be made to answer to those who are affected by the choices he makes. Can they get their views through to him? Is the prospect of their future support a significant incentive for him? Can they remove him from office if they are unhappy with his performance?

These questions are far more likely to receive an affirmative answer in a smaller jurisdiction than in a larger one.

For one thing, as the number of issues is limited, each issue becomes more important. Transportation policy, for example, is a crucial matter for millions of Americans—yet a national election is unlikely to turn on that issue when the great questions of war and peace are at stake.

In addition, each constituent has a greater influence on policy as the number of constituents declines. An angry group of commuters, for example, will have far less impact in a Senatorial or Congressional election than in an election for alderman or county executive. And it is also true that the alderman or county executive will often be able to change the local policy in question far more easily than a single Congressman or Senator can change policy at the Federal level.

Consider what happens with most Federal programs today. The Congress levies taxes and authorizes expenditures, but the crucial operating decisions are often made by anonymous bureaucrats who are directly accountable neither to elected officials nor to the public at large. When programs prove unresponsive to public needs, the fact that the same level of government both raises and spends the revenues is little comfort.

At the local level, however, the situation is often reversed. City councils, school boards and other local authorities are constantly spending revenues which are raised by State governments—in this sense, revenue sharing has been with us for some time. But the separation of taxing and spending authority does not diminish the ability of local voters to hold local officials responsible for their stewardship of *all* public funds.

In short, revenue sharing will not shield State and local officials from taxpayer pressures. It will work in just the opposite direction. Under revenue sharing, it will be harder for State and local officials to excuse their errors by pointing to empty treasuries or to pass the buck by blaming Federal bureaucrats for misdirected spending. Only leaders who have the responsibility to decide and the means to implement their decisions can *really* be held accountable when they fail.

OTHER ADVANTAGES

The nation will realize a number of additional advantages if revenue sharing is put into effect. The need for heavier property and sales taxes will be reduced. New job opportunities will be created at the State and local level. Competition between domestic programs and defense needs will be reduced as the State and local share of domestic spending increases. As the States and localities are renewed and revitalized, we can expect that even more energy and talent will be attracted into government at this level. The best way to develop greater responsibility at the State and local level is to give greater responsibility to State and local government.

In the final analysis, the purpose of General Revenue Sharing is to set our States and localities free—free to set new priorities, free to meet unmet needs, free to make their own mistakes, yes, but also free to score splendid successes which otherwise would never be realized.

For State and local officials bring many unique strengths to the challenges of public leadership. Because they live day in and day out with the results of their decisions, they can often measure costs and benefits with greater sensitivity and weigh them against one another with greater precision. Because they are closer to the people they serve, State and local officials will often have a fuller sense of appreciation of local perspectives and values. Moreover, officials at these lower levels are often more likely to remember what Washington too often forgets: that the purpose of government is not budgets and programs and guidelines, but people.

This reform will also help produce better government at the Federal level.

There is too much to be done in America today for the Federal Government to try to do it all. When we divide up decision-making, then each decision can be made at the place where it has the best chance of being decided in the best way. When we give more people the power to decide, then each decision will receive greater time and attention. This also means that Federal officials will have a greater opportunity to focus on those matters which ought to be handled at the Federal level.

LABORATORIES FOR MODERN GOVERNMENT

Strengthening the States and localities will make our system more diversified and more flexible. Once again these units will be able to serve—as they so often did in the 19th century and during the Progressive Era—as laboratories for modern government. Here ideas can be tested more easily than they can on a national scale. Here the results can be assessed, the failures repaired, the successes proven and publicized. Revitalized State and local governments will be able to tap a variety of energies and express a variety of values. Learning from one another and even competing with one another, they will help us develop better ways of governing.

The ability of every individual to feel a sense of participation in government will also increase as State and local power increases. As more decisions are made at the scene of the action, more of our citizens can have a piece of the action. As we multiply the centers of effective power in this country, we will also multiply the opportunity for every individual to make his own mark on the events of his time.

Finally, let us remember this central point: the purpose of revenue sharing is not to *prevent* action but rather to *promote* action. It is not a means of *fighting* power but a means of *focusing* power. Our ultimate goal must always be to locate power at that place—public or private—Federal or local—where it can be used most responsibly and most responsively, with the greatest efficiency and with the greatest effectiveness.

"THE CARDINAL QUESTION"

Throughout our history, at one critical turning point after another, the question on which the nation's future turned was the relationship between the States and the central government. Woodrow Wilson properly described it as "the cardinal question of our constitutional system."

In most cases—in the 1780's and in the 1860's and in the 1930's, for example—that question was resolved in favor of a stronger government at the Federal level. But as President Wilson went on to say, this question is one which "cannot . . . be settled by the opinion of any one generation, because it is a question of growth, and every successive stage of our political and economic development gives it a new aspect, makes it a new question."

Because America has now reached another new stage of development, we are asking that "cardinal question" again in the 1970's. As in the past, this is a matter beyond party and beyond faction. It is a matter that summons all of us to join together in a common quest, considering not our separate interests but our shared concerns and values.

To a remarkable degree, Americans are answering Wilson's cardinal question in our time by calling on the Federal Government to invest a portion of its tax revenues in stronger State and local governments. A true national consensus is emerging in support of revenue sharing. Most other nations with Federal systems already have it. Most Mayors and Governors have endorsed it. So have the campaign platforms of both major political parties. This is a truly bi-partisan effort.

Revenue sharing is an idea whose time has clearly come. It provides this Congress with an opportunity to be recorded as one that met its moment, and answered the call of history. So let us join together, and, by putting this idea into action, help revitalize our Federal system and renew our nation.

Richard Nixon.

The White House, *February 4, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

S. 595 AND SENATE RESOLUTION 44—INTRODUCTION OF A BILL AND SUBMISSION OF A RESOLUTION RELATING TO SPRINKLER REGULATIONS

Mr. MANSFIELD. Mr. President, as perhaps my colleagues will recall, on December 4 of the last Congress, I addressed this body with respect to a matter of grave concern to my State of Montana, as well as to a number of other States across the country.

Several months ago, the Department of Health, Education, and Welfare suddenly announced that major new requirements would be imposed on all hospitals and extended-care facilities now participating in the medicare program as providers of health service to the aged. Under the regulations, all providers will be required to comply with the provisions contained in what is called the Life Safety Code, a code developed by a nongovernmental organization known as the National Fire Protection Association.

Previously, I had expressed to my colleagues my concern with the apparent willingness of the Congress to delegate indirectly authority to nongovernmental bodies to establish standards in connection with Federal programs. The problem to which I speak today is a prime example of the morass which can result when the Federal Government and its agencies relinquishes vital authorities.

As part of the new requirements included in the Life Safety Code, many facilities would be ordered to tear down their walls and ceilings in order to install fire sprinkler systems meeting the specifications provided by the code. Each institution would be required to make such an installation, even though a facility already had a fire protection system that satisfies State and local requirements in the area of building safety.

The contracts for the installation of sprinkler systems required by the Department have thrown a number of small facilities supported by local tax dollars in my State into a confusing legal morass. As a demonstration of that fact, I ask unanimous consent to have printed in the Record at this time a letter I have received recently from the Attorney General of my State which indicates that in a number of instances it is impossible for facilities legally to comply with the demands of the Department.

There being no objection, the letter was ordered to be printed in the Record, as follows:

State of Montana,
Office of the Attorney General,
Helena, January 27, 1971.

Re requirement of HEW for the installation of sprinkler systems in certain hospital facilities.

Hon. Mike Mansfield,
U.S. Senate,
Office of the Majority Leader,
Washington, D.C.

Dear Senator Mansfield: This is in reply to your letter of January 21, 1971, concerning the above subject.

The officials of any political subdivision in the state of Montana cannot commit such political subdivision for the payment of money unless such money is available as provided by statute. If the only method to raise the necessary funds for a sprinkler system is by means of a bond issue, such officials cannot commit such political subdivision until the voters have approved such bond issue. In my opinion, any commitment by such officers would have to be contingent on voter approval of a bond issue. If such commitment were not made so contingent, it would be void or voidable.

Another factor to take into consideration is that if such political subdivision has fully utilized its bonding limit as provided by statute, it would be impossible for such political subdivision to secure funds for a sprinkler system by means of a bond issue.

If I can be of any further assistance in this matter, please advise.

Very truly yours,

Robert L. Woodahl,
Attorney General.

Mr. MANSFIELD. Mr. President, for many months now, I have been receiving an enormous amount of correspondence all the way from patients to the Governor of my State, asking that I examine the Department's proposed changes in the ground rules in the medicare program. Those affected have asked me for an example where the money would come from in order to meet such new requirements. They point out that HEW has not proposed an effective method of financing such large capital renovation outlays. Others have objected, as I have said previously, to the demand that contracts be immediately entered into. Why, they want to know, should they be forced pellmell into making these substantial changes? The fire safety experts and agencies in my State and in other States would like to know why the Department insists upon enforcing nongovernmental standards upon institutions already satisfying the requirements developed and deemed appropriate by State regulatory bodies. Fire sprinkler systems, in their sound judgment, are not quite the panaceas in the fire safety area that some believe them to be.

Mr. President, on Friday, January 29, Senator Metcalf and I had an opportunity to meet with Dr. John Anderson and several of his associates representing the Department of Public Health for the State of Montana, as well as with Mr. Robert Ball, Commissioner of Social Security and members of his staff. Senator Metcalf and I requested this meeting in order to impress upon the Commissioner and the Department of Health, Education, and Welfare our genuine and personal concerns with the impact created by those provisions of the Life Safety Code which I have just mentioned. As a result of that meeting, I ask unanimous consent to have printed in the Record at this point a letter I received from Commissioner Ball.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Social Security Administration,
Washington, D.C., January 29, 1971.

Hon. Mike Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: This letter will confirm the understandings you and I reached at our meeting concerning the proposed Medicare fire protection regulations.

As you know, these regulations which are called for by provisions of law in titles XVIII and XIX of the Social Security Act were issued for comment, and there will be a number of appropriate modifications before they are put in final form. When the final regulations are issued making the provisions of the Life Safety Code applicable to extended care facilities and hospitals, we will make clear that there will be appropriate discretion in the application of the Code. There may be some instances where the circumstances of the institution, its construction and all surrounding safeguards would provide equivalent patient safety to that provided by the installation of sprinklers as well as meeting other requirements of the Code. The Code itself provides for such discretion. We will not move to terminate institutions who claim to provide an equivalent level of patient protection until such claims have been examined on an individual basis.

We and other concerned parts of the Department will work with the states and other interested parties in the development of an inspection and determination process to adjudicate these individual situations. We plan to consult with a variety of interested groups including state health officers in designing the criteria for determining equivalency and procedures for their application to individual situations. As I emphasized this morning, we do not, however, expect that there will be a high incidence of such equivalency findings, but assure you of objective assessments.

As we also indicated to you in our previous conversations and correspondence, Secretary Richardson and I are concerned about the financial difficulties the new regulations might impose on some health institutions that, after individual determinations, will be found to require installation of sprinklers or to make other changes to conform to safety requirements. In this regard, we continue to support the principle reflected in section 610 of H.R. 1550 which was included in the Senate bill at your suggestion. Hence, in any situation where it is conclusively determined that the installation of sprinklers is ultimately necessary but where there is an immediate problem of inability to secure financing, we will, as the Secretary wrote you in his letter of December 9, grant a reasonable extension.

At the Secretary's direction we will also take further steps to ascertain what changes in law, if any, and in regulations are required in order to come as close as we can to a situation in which compatible requirements of health and safety in each of the Department's programs will be applied to facilities serving patients under the financing of the several programs.

In summary, in enforcing the regulations that apply the Life Safety Code to Medicare, we will look at existing Montana hospitals and extended care facilities, (as well as those in other States), on a case by case basis. The purpose of this examination will be to make individual determinations on claims of equivalent level of patient protection and requests for an extension of time based upon financial hardship.

Sincerely yours,

ROBERT M. BALL,
Commissioner of Social Security.

Mr. MANSFIELD. Mr. President, I am, of course, most appreciative to the Commissioner and his associates for coming to the Hill to discuss with Dr. Anderson, Senator METCALF, and me these problems and further appreciate the Commissioner's decision to hold the deadlines in question in abeyance. However, I think it important that the Department understand that, although immediate relief has been provided, the crux of our problem has not been touched upon.

The proposed regulations make it clear that the Secretary is prepared to amend in the future the conditions of participation for medicare providers each time the National Fire Protection Association decides that it and it alone possesses the wisdom needed to change fire and safety regulations. This is, in my opinion, in doubtful delegation of responsibility by the Secretary to an organization over which no specific supervision is provided by any body answerable to the American people. Congress did not, in my opinion, intend in the medicare program to grant such authority to private associations.

State legislators create State agencies responsible for setting and enforcing health and safety standards. Congress can set conditions under which providers of services will function in federally financed health care programs. But in both cases, the people have a voice in assuring that these standards and these conditions be reasonable and that the wherewithal be available to assure compliance with them. Before medicare benefits are cut off to our senior citizens because of the pronouncements of a nonregulated voluntary association, I want to know the reason why.

I have asked the Department to postpone implementation of its new regulations until a full report and study has been made not only of the merits of these regulations, but also until the Congress has an opportunity to learn why it is necessary to act so quickly to deny health care to older Americans.

I do not consider the Department's response to my request as demonstrated by the Commissioner's letter of January 29 and included in my remarks to be sufficiently firm or clear. Further, the Department has failed to speak effectively to the dire consequences of this precipitous action upon the public. The people I represent want to know what is going on, and I intend to do my best to see to it that the matter be resolved fully and in the open.

Mr. President, it seems to me that the Department of Health, Education, and Welfare is now beginning to realize how confused the matter of health and safety standards has become. Even within HEW itself, different facility standards are applied in different health programs. In numerous instances, several of these programs provided assistance to the same health institution. As a demonstration of this fact, I have in my files a letter signed by Harald M. Graning, Assistant Surgeon General of the Public Health Service under the Department of Health, Education, and Welfare. Dr. Graning's letter was in response to one of my constituent's expressed concerns with certain provisos of the Life Safety Code. I think it essential that my colleagues be appraised of the manner in which this ruling is viewed by other officials in the Department who have, I might add, considerable expertise in the area of health facilities.

I ask unanimous consent that the letter referred to be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PUBLIC HEALTH SERVICE,
Rockville, Md., December 10, 1970.

Rev. HOWARD J. HOGUE,
Missionary Pastor,
Choteau, Mont.

DEAR MR. HOGUE: Thank you for your letter of November 28, 1970, to President Nixon about the problems facing Montana hospitals because of the requirement for sprinkling of hospitals.

As you may know, this office has taken the position that patient safety can best be served by insisting upon proper fire safe construction throughout rather than a blanket application of devices such as sprinklers. It would seem that the correctness of this position has been proven by the record that no lives have been lost from a building fire in any facility constructed under the Hill-Burton program since its inception 25 years ago.

It is most likely that you are referring to the requirement by the Social Security Administration that certain facilities be sprinkled in order to be eligible for Medicare-Medicaid; therefore, we are forwarding your letter to that office for further reply.

Sincerely yours,

HAROLD M. GRANING, MD.,
Assistant Surgeon General, Director.

Mr. MANSFIELD. Mr. President, I think it unimaginable that this body, of all bodies, will allow the implementation of a ruling of dubious quality costing millions of dollars nationally, escalating medical costs and, in some areas, most likely depriving thousands of senior citizens of essential medical attention.

I am, therefore, submitting today a resolution indicating that it is the sense of the U.S. Senate that, first, a study, full and complete, be made of the various standards now applied to health care institutions receiving Federal funds under various programs; second, that a report and recommendations be made to Congress by the Secretary of Health, Education, and Welfare, delineating an effective way in which one set of uniform Federal standards can be developed for all programs; and third, that the proposed changes in medicare standards not be implemented until Congress has received and reviewed the Secretary's study and recommendations.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 44), submitted by Mr. MANSFIELD (for himself and Mr. METCALF), which reads as follows, was referred to the Committee on Finance:

S. RES. 44

Whereas the Federal Government through various programs provides assistance for the construction and modernization of hospitals and other health care facilities, and through the Medicare, Medicaid, and other programs, assists individuals in obtaining health care services from hospitals and other health care facilities;

Whereas presently there are no uniform standards of health and safety applicable with respect to hospitals and other health care facilities receiving Federal funds under various programs;

Whereas the Secretary of Health, Education, and Welfare is preparing to issue regulations requiring that hospitals participating in the insurance program established by title XVIII of the Social Security Act be required to meet the standards of health and safety established by the Life Safety Code of the National Fire Protection Association for the protection of hospital patients;

Whereas enforcement of such regulations would compel the closing of many hospitals and work a grave financial hardship on others even though such hospitals do meet the standards of health and safety for patients which are imposed as a condition for the receipt of Federal funds under other programs: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Health, Education, and Welfare—

(1) conduct a full and complete study and investigation of the matter of the standards of health and safety for patients which should be uniformly applicable to hospitals and other health care facilities receiving Federal funds under various programs;

(2) on the basis of such study and investigation, develop and recommend to the Congress uniform standards of health and safety for patients which should be applicable to hospitals and other health care facilities receiving Federal funds under various programs; and

(3) not put into effect any regulation which would have the effect of making the standards of health and safety established by the Life Safety Code of the National Fire Protection Association applicable with respect to hospitals participating in the insurance program established by title XVIII of the Social Security Act until such time as the study and investigation referred to in clause (1) shall have been completed and the Congress shall have had a reasonable time to consider the standards of health and safety recommended pursuant to clause (2).

Mr. MANSFIELD. Mr. President, in addition, I am also introducing a bill to amend certain sections of the Social Security Act to permit State health agencies, in connection with medicare and medicaid, to waive certain conditions for participation as a provider of health services in these programs. In the case of certain health and safety standards, the States could waive certain requirements imposed by the Secretary if the imposition of such requirements would result in an unreasonable hardship for health facilities and for the people so vitally dependent upon them. The States would, however, have to assure that any standards substituted in lieu of the Secretary's requirement adequately guarantee the health and safety of patients in hospitals and extended care facilities. This, in my judgment, places the responsibility for guaranteeing the health and safety of patients in hospitals where it now is and where it belongs at the present time—at the State and local level.

If a thoroughly considered uniform set of Federal standards relating to patient health and safety are adopted by the

Congress, perhaps then it would be worthwhile to consider the desirability of transferring the responsibilities for standard setting in the health areas from the State to Federal Government.

I ask unanimous consent that the bill be printed in the Record.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 595) to amend title XVIII of the Social Security Act to permit, in certain instances, the State health agency of a State to waive certain requirements relating to health and safety which must be met by hospitals in such State in order for them to participate in the insurance program established by such title, and to amend title XIX of such act to eliminate the Life Safety Code of the National Fire Protection Association as the official standard for determining whether nursing homes meet health and safety standards introduced by Mr. Mansfield (for himself and Mr. Metcalf), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(e)(8) of the Social Security Act is amended by inserting "subject to section 1863A," imediately after "(8)".

(b) Title XVIII of the Social Security Act is amended by inserting immediately after section 1863 the following new section:

"Waiver by State Health Agencies of Certain Requirements With Respect to Hospitals

"Sec. 1863A. The State health agency for any State may waive in accordance with regulations of the Secretary, for such periods as it deems appropriate, with respect to any particular hospital or class or type of hospitals located in such State, any requirement imposed by the Secretary pursuant to section 1861(e)(8) if such agency makes a determination (and keeps a written record setting forth the basis of such determination) that (1) the application of such requirement to such hospital (or to such class or type of hospitals) would result in an unreasonable hardship on such hospital or hospitals and (2) the waiver of such requirement with respect to such hospital or hospitals will not adversely affect the health and safety of the patients of such hospital or hospitals."

Sec. 2. Section 1902(a)(28)(F)(i) of the Social Security Act is amended to read as follows: "(i) meet such standards relating to the health and safety of individuals receiving care in such nursing home as the Secretary shall by regulations establish; except that the State agency may waive in accordance with regulations of the Secretary, for such periods as it deems appropriate, with respect to any particular nursing home or class or type of nursing homes, any such standard if such agency makes a determination (and keeps a written record setting forth the basis of such determination) that (I) the application of such standard to such nursing home (or to such class or type of nursing homes) would result in an unreasonable hardship on such nursing home or homes, and (II) the waiver of such standard with respect to such nursing home or homes will not adversely affect the health and safety of the patients of such nursing home or homes; and except that such standards shall not apply in any State if the Secretary finds that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects patients in nursing homes; and".

Sec. 3. The amendment made by this Act shall take effect on the date of enactment of this Act.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, 30 minutes is now allotted for the conduct of routine morning business, with statements therein limited to 3 minutes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE INTER-AMERICAN DEVELOPMENT BANK

Mr. SYMINGTON. Mr. President, on January 11 an article in the Washington Post noted a report by the staff of the Inter-American Development Bank showing that the Bank had lent some $273 million for irrigation projects in Mexico, so many of which have shown disappointing results.

According to the article, and indicating the wise warnings of our former colleague from Tennessee, Senator Gore, the Bank has often been criticized for its poor loan-making procedures; and these Mexican projects are but one more example of the need for that financial institution to operate on a more businesslike basis.

The new budget just submitted to the Congress last week includes a request for $487 million in supplemental 1971 appropriations for the Inter-American Development Bank; also an additional $500 million for fiscal year 1972.

Especially considering the heavy and growing financial problems now facing this Government, let us hope that these two requests for nearly $1 billion, along with requests for funds for other financial institutions—especially those with soft-loan operations—will be more carefully scrutinized by the appropriate legislative committees and the Congress as a whole.

On any basis, and particularly at a time when the need for funds is so pressing here at home, it is hard to understand why the United States should contribute to such uneconomic development projects as those outlined in the staff report with respect to Mexico.

I ask unanimous consent that the article in question, "Bank Criticizes Loan for Mexican Project," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Bank Criticizes Loan for Mexican Project

(By Charles E. Flinner)

The Inter-American Development Bank has discovered it has been lending money to irrigate land where most crops can't grow anyway—water or no water.

A staff report circulated among bank officials reports disappointing results from heavy bank lending for many Mexican irrigation projects. A draft of the summary was obtained by United Press International.

The loans for the projects number 23 and involve $273.3 million, equal to 7 per cent of all the bank's lending and more than half of its loans to Mexico.

The staff report says that one of the projects undertaken with the development loan might be successfully converted to fish farming with some more investment but "gale force winds blow daily during nearly half of the year, restricting the adaptability of hybrid grains and other crops which are top-heavy and thus susceptible to blow-downs."

In another case, the bank staff found that irrigation was not very successful because the land involved was too hilly for the type of irrigation undertaken.

The bank has been criticized frequently for its weaknesses in loan-making procedures which should avert such uneconomic development projects.

The bank, mostly run by the borrowers—the Latin American members—has been urged to get on a more businesslike basis before.

It is now in a stage of transition. Its original and only president, Felipe Herrera, a Chilean, has resigned to return to Chile.

The president-elect, Antonio Ortiz Mena, a former Mexican finance minister, is due to take office March 1.

HONEST ELECTIONS REFORM ACT

Mr. SYMINGTON. Mr. President, last week Senators Pearson and Gravel introduced the Honest Elections Reform Act of 1971—in my opinion, a significant and comprehensive elections campaign reform bill.

As one who has just been through an extraordinary campaign for reelection to the U.S. Senate, I am only too well aware of the deficiencies in our present campaign spending laws; therefore, I joined my colleagues in cosponsoring legislation designed to correct many of the inequities in the current system; and also to achieve more confidence among the American people with respect to our elective process.

A recent article in the Kansas City Times effectively spells out the major features of this bill; and I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Pearson To Cosponsor Bill Seeking Campaign Reforms

(By Joe Lastelic)

Washington.—The federal law governing expenditure and reporting of campaign funds is a mockery and encourages deception, Sen. James B. Pearson (R-Kas.) said yesterday in announcing that he and Sen. Mike Gravel (D-Alaska) would introduce an honest elections reform bill.

"There is no more important business before the Congress and the American public than the wholesale cleansing of our democratic political system," Pearson said. "We feel this bill will go a long way toward meeting many of the evils that exist in our political system and thus should do much to restore faith in our electoral process."

The reform bill includes requirements for full disclosure of all campaign expenditures of more than $100; a reporting procedure for fund raising committees and a 10-cent limit for each registered voter on campaign spending in all the media—television, radio, newspapers, magazines and billboards.

To encourage more public participation the bill suggests a tax credit of 50 per cent for all contributions up to $50 a year, or a tax deduction for those up to $100 a year.

President Nixon vetoed a campaign spending limit bill last year because it applied only to television and radio. The Pearson-Gravel bill seeks to remedy that criticism.

Pearson said he believed his and Gravel's bill would largely meet Nixon's objections although Pearson said he had not discussed it with the White House staff.

John W. Gardner, chairman of Common Cause, the citizens lobby, issued a statement commending Pearson and Gravel for offering their bill, saying it covers questions that need immediate attention.

The bill would establish an independent, bipartisan federal elections commission to receive and audit reports of committees supporting candidates for federal offices.

Pearson said 90 per cent of campaign funds now were given by one per cent of the people and a broadening of support was necessary to reduce dependence on personal wealth or special interests.

A novel feature of the measures also would put a $25,000 ceiling on the amount a candidate or member of his family could spend of his own money in seeking the presidency or other federal office.

Gravel said he would introduce on his own a separate bill providing for subsidies out of federal tax funds to help finance the campaigns of candidates for all federal offices.

ORDER OF BUSINESS

Mr. SYMINGTON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock meridian tomorrow.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the prayer and the approval of the Journal, if there is no objection, and the laying before the Senate of the pending business, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, with the order included, entered into under date of January 29, that the able majority and minority leaders shall be the first to be recognized during the period for morning business.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS FROM FRIDAY UNTIL MONDAY, FEBRUARY 8, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, Friday, it stand in recess until 12 o'clock meridian on Monday next.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

RULE XXII, INSTITUTIONAL RENEWAL DEMANDS INTERNAL REFORM

Mr. MONTOYA. Mr. President, a nation is only as strong as its institutions allow it to be. The faith of people is the only element allowing any institution to remain viable. No institution in a representative democracy is any more basic than its parliamentary bodies. These axioms have never been more true than when applied to this very body, the U.S. Senate.

It is an unavoidable, unpleasant fact that significant public dissatisfaction exists over lack of adequate response by some of our institutions to evolving national needs. Such an attitude can lead to measurable erosion of the very foundations of our national life. We must heed these voices of reform and act accordingly and constructively. Any institution either carries within it the seeds and possibility of its own renewal or those of its own decline. This has been proven true too many times in recorded history to admit of any argument.

Therefore, we must ask ourselves if the U.S. Senate, which we all revere and love, is being properly responsive to a growing national chorus asking it to move with greater dispatch on so many issues of the day. In the end, we are the ones our people elected to meet such difficulties head on. I for one feel such a responsibility keenly. Knowing the Senate as a body, and Senators as individual citizens, I wish to meet such challenges courageously and successfully. The well being and survival of our Nation depends upon it.

If the rules of a body become like barnacles on a ship, then that organization moves more slowly. It responds more sluggishly just as a ship loses speed because of such an encrustation. No body is any more effective than its internal rules allow it to be. The filibuster has been one of the methods used to present alternative points of view held by a minority of Members of this body on given issues. I see the reasoning behind such events.

Yet it is also true that a filibuster can, in fact, halt our entire legislative process on burning issues of the day. No matter how just a given legislative position is in the minds of some, it must not be allowed to defeat the will of an overwhelming majority of the American people. We have witnessed, however, just such a series of happenings, not only in recent months, but over the course of many years. America cannot afford to overindulge in such oral legislative luxury.

The rights of any minority are sacred, particularly in the confines of such a legislative Chamber as this one. We must hold the rights of any minority as sacred and inviolable. Yet as they must be allowed to make pertinent points in debate, so there must be an end to talk and a decision must be made.

If preservation of the rights of a minority in effect creates a tyranny over the majority, the essence of democracy is denied that vast body of citizens whose well being depends on adequate functioning of the legislative body to which they have delegated authority.

We dare not fail in our charge. We cannot allow parliamentary procedure to frustrate the will of our Nation. Yet that in fact is what has been transpiring in the name of unlimited debate. This is why rule 22 must be altered to reduce the number of Senators' votes required in order to enforce cloture in this Chamber.

Only eight cloture petitions have succeeded over the past 54 years. Even a threat of unlimited debate can and does alter the entire cast of thinking, much less behavior, of this body. A proposal is being offered to adjust the number of votes required on cloture from two-thirds to three-fifth. I agree with this proposal. It is necessary, and would make this body more responsive to the changing mood and demands of the mass of our people.

Members of this body possesses two fundamental rights, which they can and must exercise on behalf of those they represent. One is a right to debate. The other is the right to vote. These can and must be balanced. Reducing the number of Senators present and voting required to shut off debate will correct the imbalance between these two rights which does at times exist. Commonsense and an awareness of what we confront in terms of national requirements alone should be enough to convince Senators of the correctness of this proposed change in our rules.

We face a monumental workload. The President has offered a number of major programs for our consideration. From a proposal to change the very structure of government itself to such staggering tasks as welfare reform and national health insurance, we are faced with one momentous decision after another. Each must be discussed, debated, and decided, one way or another. To talk them to death by abuse of parliamentary procedure is to evade senatorial responsibility.

Further, like the remains left after any massive coming together, we are confronted by huge piles of work left over after the last Congress expired. Several appropriations bills remain to be passed. It is inexcusable to delay such decisions in any selfish interest.

I fully understand why many Members of this body, of various political and ideological persuasions, feel a strong attachment to and need for unlimited debate. They defend rule XXII as it stands now. With all due respect to both their wishes and those of their States and constituents, I ask them to take a broader view and see what our overall situation really is.

Already, I feel there has been abuse of the filibuster privilege and maneuver. If too many more Members of this body seize upon it as a weapon, we shall have a total breakdown of orderly procedure and legislative headway.

ORDER OF BUSINESS

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Bentsen). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESIGNATION OF SENATOR CURTIS AS A MEMBER OF THE JOINT COMMITTEE ON ATOMIC ENERGY

The PRESIDENT pro tempore laid before the Senate the following letter from the Senator from Nebraska (Mr. Curtis):

U.S. Senate,
Washington, D.C., February 1, 1971.

Hon. Spiro T. Agnew,
Vice President of the United States,
Washington, D.C.

Dear Mr. Vice President: I herewith submit my resignation as a member of the Joint Committee on Atomic Energy.

Very respectfully yours,
Carl T. Curtis,
U.S. Senator.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Reapportionment of an Appropriation

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Agriculture for "Consumer protective, marketing, and regulatory programs," Consumer and Marketing Service, for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Report on Transfer of the Alaska Communication System

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, on the sales or other transfer of Government-owned communications facilities in Alaska, dated February 3, 1971; to the Committee on Armed Services.

Index of Laws Passed by the Government of the Ryukyu Islands During 1970

A letter from the Deputy Under Secretary of the Army (International Affairs) transmitting, pursuant to law, an index of the legislation enacted by the Government of the Ryukyu Islands during 1970 (with an accompanying paper); to the Committee on Armed Services.

Proposed Legislation by the District of Columbia Government

Three letters from the Assistant to the Commissioner, District of Columbia, transmitting drafts of proposed legislation (with accompanying papers), which were referred to the District of Columbia Committee, as follows:

A bill to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portion of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes;

A bill to revise and modernize the licensing by the District of Columbia of persons engaged in certain occupations, professions, businesses, trades, and callings, and for other purposes; and

A bill to amend the District of Columbia Minimum Wage Act to extend minimum wage and overtime compensation protection to additional employees, to arise the minimum wage, to improve standards of overtime compensation protection, to provide improved means of enforcement, and for other purposes.

Proposed Small Business Taxation Act of 1971

A letter from the Secretary of the Treasury transmitting a draft of proposed legislation entitled the "Small Business Taxation Act of 1971" (with an accompanying paper); to the Committee on Finance.

Report of the East-West Center

A letter from the Secretary of State, transmitting, pursuant to law, a report on the activities of the Center for Cultural and Technical Interchange Between East and West in Honolulu, covering the year ended June 30, 1970 (with an accompanying report); to the Committee on Foreign Relations.

Proposed Legislation Extending the Period for Submission of Reorganization Plans

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to extend the period within which the President may transmit to the Congress plans for reorganization of agencies of the Executive Branch of the Government; to the Committee on Government Operations.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on control needed over excessive use of physicians services provided under the medicaid program in Kentucky, Social and Rehabilitation Service, Department of Health, Education, and Welfare, dated February 3, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the activities of the General Accounting Office during the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on program for redistribution of Defense materiel in Europe—opportunities for improvement—Department of Defense, dated February 3, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on economic advantages of using American-made trucks abroad to transport military cargo, Department of Defense, dated February 4, 1971 (with an accompanying report); to the Committee on Government Operations.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Suspension of Deportation of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Proposed Emergency Public Interest Protection Act of 1971

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide more effective means for protecting the public interest in national emergency disputes involving the transportation of industry and for other purposes; to the Committee on Labor and Public Welfare.

Report of Postmaster General

A letter from the Postmaster General of the United States transmitting, pursuant to law, a report on revenue and cost analysis, fiscal year 1970, Finance and Administration Department (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations, with amendments:

S. Res. 26. Resolution to provide for a study of matters pertaining to foreign policy of the United States by the Committee on Foreign Relations; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Thomas Edmund Carroll, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency;

John R. Quarles, Jr., of Virginia, to be an Assistant Administrator of the Environmental Protection Agency; and

Stanley M. Greenfeld, of California, and Donald Mac Murphy Mosiman, of Indiana, to be Assistant Administrators of the Environmental Protection Agency.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TOWER:

S. 577. A bill to amend the Internal Revenue Code of 1954, as amended; to the Committee on Finance.

(The remarks of Mr. Tower when he introduced the bill appear below under the appropriate heading.)

By Mr. TALMADGE (by request):

S. 578. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating loans, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. CHURCH (for himself and Mr. Jordan of Idaho):

S. 579. A bill relating to the public lands of the United States; to the Committee on Interior and Insular Affairs, by unanimous consent.

(The remarks of Mr. Church when he introduced the bill appear below under the appropriate heading.)

By Mr. SPARKMAN:

S. 580. A bill to establish a National Development Bank to provide loans to finance urgently needed public facilities for state and local governments, to help achieve a full employment economy both in urban and rural America by providing loans for the establishment of new businesses and industries and the expansion and improvement of existing businesses and industries, for the construction of low and moderate income housing projects, and to provide job training for unskilled and semi-skilled unemployed and underemployed workers; to the Committee on Banking, Housing and Urban Affairs.

By Mr. SPARKMAN (for himself, Mr. Tower and Mr. Bennett):

S. 581. A bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the United States Government, to extend for three years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

(The remarks of Mr. Sparkman when he introduced the bill appear below under the appropriate heading.)

By Mr. HOLLINGS (for himself, Mr. Boggs, Mr. Chiles, Mr. Cranston, Mr. Ervin, Mr. Gravel, Mr. Hart, Mr. Hartke, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. Jordan of North Carolina, Mr. Kennedy, Mr. Magnuson, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Packwood, Mr. Pastore, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Spong, Mr. Stevens, Mr. Thurmond, and Mr. Williams):

S. 582. A bill to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal and estuarine zones; to the Committee on Commerce.

(The remarks of Mr. Hollings when he introduced the bill appear below under the appropriate heading.)

By Mr. BURDICK:

S. 583. A bill to amend title 10 of the United States Code to provide that nationals of the United States and citizens of the Trust Territory of the Pacific Islands may be enlisted in the armed forces; to the Committee on Armed Services.

S. 584. A bill to amend the Revised Organic Act of the Virgin Islands; to the Committee on Interior and Insular Affairs.

S. 585. A bill to amend the Immigration and Nationality Act, as amended, to permit the free entry of citizens of the Trust Territory of the Pacific Islands into the United States; to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. Metcalf, and Mr. Moss):

S. 586. A bill to amend the Tariff Schedules of the United States to accord to the Trust Territory of the Pacific Islands the same tariff treatment as is provided for insular possessions of the United States; to the Committee on Finance.

S. 587. A bill to promote the economic development of the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

By Mr. BURDICK (for himself and Mr. Young):

S. 588. A bill to increase the authorization for the appropriation of funds to complete the International Peace Garden, N. Dak.; to the Committee on Interior and Insular Affairs.

S. 589. A bill for the relief of Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knuts K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kochendorfer and Frederick L. Baston; to the Committee on the Judiciary.

By Mr. YOUNG (for Mr. Mundt):

S. 590. A bill for the relief of Miss Fructuosa Gonzales; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 591. A bill for the relief of Antone R. Perreira; to the Committee on the Judiciary.

By Mr. INOUYE (for himself, Mr. Bayh, Mr. Bennett, Mr. Burdick, Mr. Cranston, Mr. Fong, Mr. Gravel, Mr. Griffin, Mr. Hughes, Mr. Humphrey, Mr. Javits, Mr. Jordan of Idaho, Mr. Jordan of North Carolina, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. Moss, Mr. Muskie, Mr. Pell, Mr. Proxmire, Mr. Randolph, Mr. Stevens, Mr. Stevenson, Mr. Tunney, and Mr. Williams):

S. 592. A bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950); to the Committee on the Judiciary.

(The remarks of Mr. Inouye when he introduced the bill appear below under the appropriate heading.)

By Mr. CANNON (for himself, Mr. Magnuson, and Mr. Pearson):

S. 593. A bill to amend the Internal Revenue Code of 1954 to reduce the tax on fuel used in noncommercial aviation; to the Committee on Finance.

(The remarks of Mr. Cannon when he introduced the bill appear below under the appropriate heading.)

By Mr. JAVITS:

S. 594. A bill to amend the Labor-Management Relations Act, 1947, and the Railway Labor Act to provide for the settlement of certain emergency labor disputes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MANSFIELD (for himself and Mr. Metcalf):

S. 595. A bill to amend title XVIII of the Social Security Act to permit, in certain instances, the State health agency of a State to waive certain requirements relating to health and safety which must be met by hospitals in such State in order for them to participate in the insurance program established by such title, and to amend title XIX of such Act to eliminate the Life Safety Code of the National Fire Protection Association as the official standard for determining whether nursing homes meet health and safety standards; to the Committee on Finance.

(The remarks of Mr. Mansfield when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. CASE:

S. 596. A bill to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within sixty days after the execution thereof; to the Committee on Foreign Relations.

(The remarks of Mr. Case when he introduced the bill appear below under the appropriate heading.)

By Mr. KENNEDY (for himself and Mr. Mathias):

S. 597. A bill to amend title 5 of the United States Code to establish the Federal Administrative Justice Center to enhance the quality of administrative law operations in the United States; to the Committee on the Judiciary.

(The remarks of Mr. Kennedy when he introduced the bill appear below under the appropriate heading.)

By Mr. KENNEDY (for himself, Mr. Bayh, and Mr. Mathias):

S. 598. A bill to amend chapter 7, title 5, United States Code, with respect to procedure for judicial review of certain administrative agency action, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. Kennedy when he introduced the bill appear below under the appropriate heading.)

By Mr. METCALF (for himself, Mr. Mansfield, Mr. Burdick, and Mr. McGovern):

S. 599. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments; to the Committee on the Judiciary.

(The remarks of Mr. Metcalf when he introduced the bill appear below under the appropriate heading.)

By Mr. METCALF:

S. 600. A bill to establish certain rights of professional employees in public schools operating under the laws of any of the several States or any territory or possession of the United States, to prohibit practices which are inimical to the welfare of such public schools, and to provide for the orderly and peaceful resolution of disputes concerning terms and conditions of professional service and other matters of mutual concern; to the Committee on Labor and Public Welfare.

By Mr. SAXBE (for himself and Mr. Taft):

S. 601. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for river basin programs; to the Committee on Public Works.

(The remarks of Mr. Saxbe when he introduced the bill appear below under the appropriate heading.)

By Mr. TOWER:

S.J. Res. 27. Joint resolution to establish a commission on labor law reform; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Tower when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. SAXBE:

S.J. Res. 28. Joint resolution to establish the Cedar Swamp National Monument; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Saxbe when he introduced the joint resolution appear below under the appropriate heading.)

S. 577—INTRODUCTION OF A BILL RELATING TO THE CORPORATE SURTAX EXEMPTION

Mr. TOWER. Mr. President, I am today reintroducing a bill which I submitted in the last Congress, designed to provide some recognition of the problems faced by smaller businessmen over the past several decades as the dollar has decreased in value.

The long-standing Federal income tax provision states that a corporation is entitled to an exemption of the first $25,000 of its taxable income from the 26-percent corporate income surtax. However, the value of the dollar has diminished so greatly that a large increase in this exemption is desirable now in order to give small businesses a decent chance at financial survival and success. My bill would raise the exemption to $100,000 to reflect these changed circumstances.

I will make additional remarks on this bill later in the session with appropriate supporting data. At this time, however, I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Bentsen). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 577) to amend the Internal Revenue Code of 1954, as amended; introduced by Mr. Tower, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at the proper place insert the following new paragraph:

"Subsection (d) of section 11 (relating to the corporate surtax exemption) of the Internal Revenue Code is amended by substituting the amount of $100,000 in lieu of the amount of $25,000 shown therein."

S. 579—INTRODUCTION OF A BILL TO PROVIDE THAT THE EQUITABLE DOCTRINE OF "ADVERSE POSSESSION" SHALL RUN AGAINST THE GOVERNMENT

Mr. CHURCH. Mr. President, on behalf of myself and my distinguished colleague from Idaho (Mr. Jordan), I introduce for appropriate reference a bill relating to the public lands of the United States.

This bill would provide that the equitable doctrine of "adverse possession" shall run against the Government, as it does in land litigation involving private ownerships.

This proposed legislation is in line with the recommendations of the Public Land Law Review Commission that the doctrine should be made applicable against the United States with respect to public lands where the land has been occupied in good faith.

The PLLRC report to the President and the Congress, says in part, and I quote:

> The principle that the United States cannot lose title to its lands by adverse possession by a private party is treated as axiomatic by the courts. This not only originated with the common law protection of the property of the sovereign, but flows from the exclusive powers of Congress under the property clause of the Constitution.
>
> In very limited circumstances Congress has consented to recognize good faith adverse possession against the Government, e.g., the Mining Claim Occupancy Act, the Color of Title Act, and the Public Land Sale Act of 1968. Furthermore, there has been a trend in principle for the sovereign to consent to suit in more situations. (pg. 261–262, PLLRC report)

The report goes on to point out that in some instances private citizens do occupy public lands in technical trespass, but in good faith believe that the land is theirs; that valuable improvements often are placed upon such lands in ignorance of the Federal claim.

Mr. President, this bill would prohibit the United States from making any entry on, or bringing an action to recover, lands which have been held in adverse possession under claim of title for a continuous period of not less than 20 years. The prohibition would not apply where such lands were held by more than one person unless there existed privity of estate between the persons holding such lands.

Stated in another way, this means that the doctrine of "tacking" could apply—allowing the adverse possessor to add his period of possession to that of a prior adverse possessor if there was privity between them so as to establish a continuous possession for the statutory period under certain circumstances.

The Public Land Law Review Commission recommended that the doctrine of tacking be applicable to adverse possession of public lands "where some form of privity between successive claimants can be shown and occupancy of good faith is established for the prescribed period."

Mr. President, numerous individual bills come before the Congress each session for the purpose of providing relief for people who find themselves threatened with the loss of property they may have occupied for years and had sound reason for believing to be theirs, as a result of new land surveys or other form of newly discovered basis for the Government to claim ownership. I believe this bill would, in many instances, provide needed security for a number of our citizens, and avoid the considerable cost and time entailed in petitioning Congress, on a case-by-case basis, for special legislative relief.

Inasmuch as this is a measure dealing with the public lands, Mr. President, I ask unanimous consent that it be referred to the Committee on Interior and Insular Affairs and printed in the Record.

The PRESIDING OFFICER (Mr. Bentsen). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 579) relating to the public lands of the United States, introduced by Mr. Church (for himself and Mr. Jordan of Idaho), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, by unanimous consent, and ordered to be printed in the Record, as follows:

S. 579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) whenever any public lands of the United States have been held by adverse possession under claim of title for a continuous period of not less than twenty years, the United States shall be prohibited from making any entry on, or bringing any action to recover, such lands. This prohibition shall not apply in any case where such lands were so held by more than one person unless there existed privity of estate between the persons holding such lands.

(b) As used in this Act, the term "adverse possession" means, with respect to lands referred to in subsection (a) of this Act, a possession which was obtained and held by a person reasonably believing that he held title to such lands, and which possession was actual, exclusive, open, and notorious.

Mr. JORDAN of Idaho. Mr. President, I am pleased to join my distinguished colleague (Mr. Church) as a sponsor of this remedial public land legislation.

Legislation dealing with title disputes and technical trespass on the public lands is of tremendous importance to the State of Idaho and the other public land States of the West. Nearly two-thirds of the State of Idaho is federally owned, and many parts of the State have a complex intermingling of Federal, State and private lands. In the Nation as a whole, the public lands constitute more than 755 million acres, or roughly one-third of the Nation's land surface.

The subject of trespass and disputed title constitutes a separate chapter in the June 30, 1970, report of the Public Land Law Review Commission, of which I was a member. Three major recommendations were made in this area after the 5-year study was completed, one of which—recommendation 113—is the basis for this legislation we are introducing today.

Senator Church has discussed the legal problem and the thrust of this legislation. I refer to the PLLRC report itself for some sound and pertinent observations:

> Public land trespasses frequently occur because of an honest but mistaken belief that the lands are privately owned. On the other hand, there are cases in which trespass is alleged on lands which, in fact, are erroneously claimed as Federal.
>
> The fact is, then, that honest disputes between the Government and private citizens as to land titles can and do occur. Most often such disputes are occasioned by disagreement over boundary locations or by an assertion by a private claimant, disputed by the Government, that title passed to the claimant or a predecessor in interest under a public land disposal statute. Although they are infrequent, disputes have also arisen over the title to land acquired by the Government by purchase or donation.
>
> Under existing law, once the fact of trespass is clearly established, even the good faith of the unauthorized occupant cannot protect him from the penalty of ejectment. On occasion, Congress has enacted legisla-

tion to give some measure of relief to those who occupy Federal lands in good faith. These acts, however, have not always fully accomplished their objective and have generally been very narrowly construed by the administrators. Without some type of remedial legislation, however, the land management agencies have no authority to grant relief from the consequences of trespass. Their efforts to work out informal administrative accommodations have not been uniform and have resulted in inequality of treatment in various public land areas.

The PRESIDING OFFICER. The 3 minutes of the Senator have expired.

Mr. JORDAN of Idaho. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

Mr. ALLEN. Mr. President, I ask unanimous consent that the period for the consideration of routine morning business be extended for an additional 12 minutes and that the Senator from Idaho may have permission to proceed for an additional 3 minutes.

The PRESIDING OFFICER Without objection, it is so ordered.

Mr. JORDAN of Idaho. Continuing with a reading of the report:

> With an expanding population and over 755 million acres of Federally owned lands, trespass probably can never be eliminated completely. However, it is possible to reduce its impact by increasing the efficiency of control methods, accelerating boundary determinations, and providing for the final determination of title disputes under methods and procedures that are equitable to both the Government and private claimants.

As a result of the problem sketched so succinctly by the PLLRC report, there are worried and often frustrated citizens in Idaho and elsewhere in the country who have nothing but squatter's rights to property they have acquired and occupied in good faith, some of them living there for over a half a century. Yet, because of the land title dispute problem just outlined, many of these people are facing eviction or the unjust requirement of paying twice for property acquired in good faith. In this situation, they find themselves in the unequal position of a person of limited financial means having to cope with the imposing legal powers of the Federal Government.

We hope that this legislation will help equalize this unfair contest and give equity to property owners caught up in the legal quagmire of faulty surveys, uncertain boundary lines, vague public land regulations, stream channel shifts, and other land title complications.

I also hope that the Congress and the executive branch will initiate other necessary administrative and legislative actions to effect the administrative measures necessary to reduce or eliminate problems of this nature.

S. 581—INTRODUCTION OF A BILL TO AMEND THE EXPORT-IMPORT BANK ACT OF 1945, AS AMENDED

Mr. SPARKMAN. Mr. President, I send to the desk for myself, Senator TOWER and Senator BENNETT, a bill dealing with certain aspects of the operation of the Export-Import Bank.

In general, the bill would: First, exclude the Export-Import Bank from the budget of the U.S. Government and provide an exemption for the Bank from annual expenditures and net lending limitations; second, would increase the Bank's overall guarantee and insurance authority; third, increase the Bank's lending authority; fourth, provide for an extension of the Bank's life and issuance of debt obligations to private purchasers; and fifth, require certain reports to be made on the Bank's operation by the President of the United States.

The Banking, Housing, and Urban Affairs Committee—then the Banking and Currency Committee—considered a bill during the last session of the Congress to exempt the Bank from the unified budget. The bill was favorably reported by our committee, received favorable consideration by the Senate, but was turned down in the dying days of the session by the House of Representatives.

I and others on the committee thought that last year's bill was a good one and this is why I am introducing the bill again today for myself, Senator TOWER, and Senator BENNETT.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis of it be printed in full in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BENTSEN). The bill will be received and appropriately referred; and, without objection, the bill and the section-by-section analysis will be printed in the RECORD.

The bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs, introduced by Mr. SPARKMAN (for himself and other Senators), was received, read twice by its title, referred to the Committee on Banking, Housing, and Urban Affairs, and ordered to be printed in the RECORD, as follows:

S. 581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635), is amended—

(a) By inserting "(1)" immediately after "SEC. 2(a)" of such Act, and by adding at the end thereof the following new paragraph:

"(2) The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank. The President shall report annually to the Congress the amount of net lending of the Bank which would be included in the totals of the budget of the United States Government if the Bank's activities were not excluded from those totals as a result of this section."

(b) Section 2(c)(1) of such Act is amended by striking out "$3,500,000,000" and inserting in lieu thereof "$10,000,000,000".

(c) Section 7 of such Act is amended by striking out "$13,500,000,000" and inserting in lieu thereof "$20,000,000,000".

(d) Section 8 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1976", and by inserting immediately following the words "Secretary of the Treasury" "or any other purchasers".

SEC. 2. The President shall within 30 days after enactment of this Act report to the Congress the amount by which the annual expenditure and net lending limitation imposed on the budget of the United States Government by title V of the Second Supplemental Appropriations Act, 1970, will be reduced as a result of the amendment made by section 1(a) of this Act.

The analysis presented by Mr. SPARKMAN is as follows:

SECTION-BY-SECTION SUMMARY

(A)—EXCLUSION FROM BUDGET OF U.S. GOVERNMENT AND EXEMPTION FROM ANNUAL EXPENDITURE AND NET LENDING LIMITATIONS

This section excludes the receipts and disbursements of the Export-Import Bank of the United States in the discharge of its functions from the totals of the budget of the U.S. Government and exempts the Bank's operations from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the U.S. Government; requires, in accordance with the provisions of the Government Corporation Control, as amended, that the President submit annually to the Congress a budget for program activities and for administrative expenses of the Bank; and requires that the President submit annually to the Congress a report setting forth the amount of net lending of the Bank which would be included in the budget if this section had not been enacted.

(B)—GUARANTEES AND INSURANCE PROGRAMS

This section amends Section 2(c)(1) of the Export-Import Bank Act of 1945, as amended (Act), by increasing within the Bank's overall authority its authority to issue guarantees and insurance on a fractional reserve basis from the present $3,500,000,000 limitation to $10,000,000,000.

(C)—INCREASE IN THE BANK'S LENDING AUTHORITY

This section amends Section 7 of the Act to increase the aggregate amount of loans, guarantees and insurance which the Bank can have outstanding from the present limitation of $13,500,000,000 to $20,000,000,000.

(D)—EXTENSION OF THE BANK'S LIFE AND ISSUANCE OF DEBT OBLIGATIONS TO PRIVATE PURCHASERS

This section amends Section 8 of the Act to extend the life of the Bank from its present expiry date of June 30, 1973 to June 30, 1976. This proposed extension of time during which the Bank may continue to exercise its functions is in accord with the request for additional authority contained in Sections (b) and (c) of this bill. The insertion of the words "or any other purchasers" immediately after the words "Secretary of the Treasury" in Section 8 of the Act would allow the Bank to issue its notes, debentures, and other obligations with maturities extending beyond its statutory life to purchasers in addition to the Secretary of the Treasury.

SECTION 2.—REPORT ON EFFECT ON FISCAL YEAR 1971 EXPENDITURE AND NET LENDING LIMITATIONS

This section requires the President to report to the Congress within 30 days after enactment of this Act the amount by which the annual expenditure and net lending limitations imposed on the budget of the U.S. Government by title V of the Second Supplemental Appropriations Act, 1970, will be reduced as a result of the amendment to the Export-Import Bank Act of 1945, as amended, contained in Section 1(a).

S. 582—INTRODUCTION OF THE NATIONAL COASTAL AND ESTUARINE ZONE MANAGEMENT ACT OF 1971

Mr. HOLLINGS. Mr. President, I introduce today for myself, Senator Magnuson, and 25 other Senators a bill to assist the States in establishing coastal and estuarine zone management programs.

Similar legislation was introduced last year, and extensive hearings were held by the Subcommittee on Oceanography of the Committee on Commerce. The bill reflects many excellent contributions made during those hearings. The legislation has strong support from the National Governors' Conference, the National Legislative Conference, the Coastal States Organization of the Council of State Governments, and the National Oceanography Association, among others.

Basically, the legislation provides grant-in-aid assistance to the States for:

First, development of management plans and programs for the coastal and estuarine zones of the United States;

Second, implementation of those plans and programs; and

Third, purchase of estuarine sanctuaries for ecological research that will be essential for making proper management decisions in the coastal and estuarine zones of the United States.

Mr. President, the coastal and estuarine zones of the United States are among the most productive natural areas found anywhere, and are under great pressure from our increasing population and development. It is essential to concentrate environmental and resource management in those areas, management geared to their special needs, management that differs markedly from terrestrial areas farther inland. The coastal and estuarine zones are the places where deep ocean regimes, inshore regimes, and land regimes meet in highly dynamic and variable systems.

In these dynamic areas are wetlands and shoreline borders of the upland; submerged lands and surface minerals; subsurface minerals and sedimentary deposits; fresh, brackish, and salt waters; and animal organisms and communities that are closely integrated and dependent upon the waters and submerged lands. These elements are interdependent and a unit. Their management can and must be approached as a unit. As Dr. William Hargis of the Virginia Institute of Marine Science stated recently:

> The coastal zone is the "key" or gate to the oceans! Effective management in the coastal zone almost automatically assures control over quality of ocean environments and quantity of resources.

The coastal and estuarine zones are socially the regions where there are the greatest impacts from man's activities. There is an increased permanent and short-term population in the coastal and estuarine zones of the United States. Over 53 percent of the Nation's population now lives in the cities and counties within 50 miles of our coasts and Great Lakes, more than 106,000,000 people. Eighty-three percent, or 170,000,000 people, live in our coastal and Great Lakes States.

There is heavy public interest in both the environment and the resources of the coastal and estuarine zones. Thirty million people turn to the coasts annually for swimming; 11 million to fish; 8 million to sail. And the greatest contests between public and private interests for the scarce resources in these areas take place there. These include demands for development, transportation, urban growth, recreation, preservation of natural environments, and the entire range of human activity.

The greatest commercial and industrial development is taking place there. A preponderance of heavy industrial investment is located there: offshore oil, fisheries, shipping, ports, manufacturing, refining, and power generation. Global transport patterns and location of our population dictate that there be concentrations of activity in these areas.

No more politically complex areas exist in the United States than in our coastal and estuarine zones. The political authority extends from the local, to State, Federal, and international. But there is no overall management by the States nor any national guidance in this critical area. Yet strategically, the coastal and estuarine zones are the key to preservation and use of the ocean's environment and resources. These are the areas where management action is most critical and must be taken immediately. Now is the time to adopt a sound strategy focusing special attention on these areas and their special problems.

Dr. Edward Wenk, of the University of Washington, recently stated that the primary issue is "how to provide for many diverse and often conflicting coastline demands, public and private, and still obtain the greatest long-term social and economic benefits." He proposed seven basic principles for reaching our goals in the coastal and estuarine zones:

> 1. We need a national policy to balance protection and development of coastal resources for this and succeeding generations.
>
> 2. Every foot of coastline should eventually be subject to a comprehensive management plan for land and water use, reflecting needs of public and private concerns such as industry, transportation, recreation, fisheries, wildlife and nature conservancy, and residential development.
>
> 3. The plan should be prepared at the state level of government and subject to review and approval by the governor.
>
> 4. The state should provide and exercise necessary regulatory authority, land acquisition and public facility development to implement its management plan.
>
> 5. Provisions should be made for public notice and public hearing in development or modifications of such plans.
>
> 6. Provisions should be made for conducting, fostering and utilizing relevant ecological and policy research so as to provide a factual basis for estimating the impact of man's intervention on the natural environment, including provision of estuarine sanctuaries to study natural and artificial ecological processes.

Mr. President, the legislation I introduce today is entirely consistent with the principles enunciated by Dr. Wenk. It states congressional policy to preserve, protect, develop, and restore the resources of the U.S. coastal and estuarine zones. It declares that it is necessary to encourage and assist the States in the preparation and implementation of management plans and programs for the coastal and estuarine zones of this country. And it provides for the public, the Federal, State, and local government to participate in the development of the plans and programs under the leadership of the States.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the Record, as well as several telegrams and a statement I have received on this subject.

The PRESIDING OFFICER (Mr. Bentsen). The bill will be received and appropriately referred; and, without objection, the material will be printed in the Record.

The bill (S. 582) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal and estuarine zones, introduced by Mr. Hollings (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved October 15, 1966, as amended (16 U.S.C. 1121 et seq.), is amended by adding at the end thereof the following new titles:

"TITLE III—PLANNING AND MANAGEMENT OF THE COASTAL AND ESTUARINE ZONE

"SHORT TITLE

"Sec. 301. This title may be cited as the 'National Coastal and Estuarine Zone Management Act of 1971'.

"CONGRESSIONAL FINDINGS

"Sec. 302. The Congress finds—

"(a) That the well-being of American society now demands that manmade laws be extended to regulate the impact of man on the biophysical environment.

"(b) That there is a national interest in the effective management, beneficial use, protection, and development of the Nation's coastal and estuarine zone.

"(c) That the coastal and estuarine zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of our Nation.

"(d) That the increasing and competing demands upon the lands and waters of our coastal and estuarine zone occasioned by population growth and economic development; including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shore line erosion.

"(e) That the coastal and estuarine zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations.

"(f) That present land and water uses in the more poplated coastal areas do not adequately accommodate the diverse requirements of the coastal and estuarine zone.

"(g) That in light of competing demands and the urgent need to protect our coastal and estuarine zone, the institutional framework responsible is currently diffuse in focus, neglected in importance, and inadequate in regulatory authority.

"(h) That the key to more effective use of the coastal and estuarine zone is the introduction of a management system permitting conscious and informed choices among alternative uses.

"(i) That the absence of a national policy and an integrated management and planning mechanism for the coastal and estuarine zone resource has contributed to the impairment of the Nation's environmental quality.

"DECLARATION OF POLICY

"Sec. 303. Congress finds and declares that it is the policy of Congress to preserve, protect, develop, and where possible to restore, the resources of the Nation's coastal and estuarine zone for this and succeeding generations. The Congress declares that it is necessary to encourage and assist the coastal States to exercise effectively their responsibilities over the Nation's coastal and estuarine zone through the preparation and implementation of management plans and programs to achieve wise use of the coastal and estuarine zone through a balance between development and protection of the natural environment. Congress declares that it is the duty and responsibility of all Federal agencies engaged in programs affecting the coastal and estuarine zone to cooperate and participate in the purposes of this Act. Further, it is the policy of Congress to encourage the participation of the public and Federal, State, and local governments in the development of coastal and estuarine zone management plans and programs.

"DEFINITIONS

"Sec. 304. For the purposes of this title—

"(a) 'Estuary' means that part of a river or stream or other body of water having unimpaired natural connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage, or with the Great Lakes.

"(b) 'Coastal and estuarine zone' means the land, waters, and lands beneath the waters near the coastline (including the Great Lakes) and estuarines. For purposes of identifying the objects of planning, management, and regulatory programs the coastal and estuarine zone extends seaward to the outer limit of the United States territorial sea, and to the international boundary between the United States and Canada in the Great Lakes. Within the coastal and estuarine zone as defined herein are included areas and lands influenced or affected by water such as, but not limited to, beaches, salt marshes, coastal and intertidal areas, sounds, embayments, harbors, lagoons, in-shore waters, rivers, and channels.

"(c) 'Coastal State' means any State of the United States in or bordering on the Atlantic, Pacific, and Arctic Oceans, gulf coast, Long Island Sound, or the Great Lakes, and includes Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"(d) 'Secretary' means the Secretary of Commerce.

"(e) 'Estuarine sanctuary' is a research area, which may include waters, lands beneath such waters, and adjacent uplands, within the coastal and estuarine zone, and constituting to the extent feasible a natural unit, set aside to provide scientists the opportunity to examine over a period of time the ecological relationships within estuaries.

"MANAGEMENT PLAN AND PROGRAM DEVELOPMENT GRANTS

"Sec. 305. (a) The Secretary is authorized to make annual grants to any coastal State for the purpose of assisting in the development of a management plan and program for the land and water resources of the coastal and estuarine zone. Such grants shall not exceed 66⅔ per centum of the costs of such program development in any one year. Other Federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this subsection, the coastal State must demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management plan and program consistent with the requirements set forth in section 306(c) of this title. Successive grants may be made annually for a period not to exceed two years: *Provided,* That no such grant shall be made under this subsection until the Secretary finds that the coastal State is adequately and expeditiously developing such management plan and program.

"(b) Upon completion of the development of the coastal State's management plan and program, the coastal State shall submit such plan and program to the Secretary for review, approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such plan and program by the Secretary, the coastal State's eligibility for further grants under this section shall terminate, and the coastal State shall be eligible for grants under section 306 of this title.

"(c) No annual grant to a single coastal State shall be made under this section in excess of $600,000.

"(d) With the approval of the Secretary, the coastal State may allocate to an interstate agency a portion of the grant under this section for the purpose of carrying out the provisions of this section.

"ADMINISTRATIVE GRANTS

"Sec. 306. (a) The Secretary is authorized to make annual grants to any coastal State for not more than 66⅔ per centum of the costs of administering the coastal State's management plan and program, if he approves such plan and program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the coastal State's share of costs.

"(b) Such grants shall be allotted to the States with approved plans and programs based on regulations of the Secretary.

"(c) Prior to granting approval of a comprehensive management plan and program submitted by a coastal State, the Secretary shall find that:

"(1) the coastal State has developed and adopted a management plan and program for its coastal and estuarine zone adequate to carry out the purposes of this title, in accordance with regulations published by the Secretary, and with the opportunity of full participation by relevant Federal agencies, State agencies, local governments, regional organizations, and other interested parties, public and private.

"(2) The coastal State has made provision for public notice and held public hearings in the development of the management plan and program. All required public hearings under this title must be announced at least thirty days before they take place, and all relevant materials, documents, and studies must be made readily available to the public for study at least thirty days in advance of the actual hearing or hearings.

"(3) The management plan and program and changes thereto have been reviewed and approved by the Governor.

"(4) The Governor of the coastal State has designated a single agency to receive and administer the grants for implementing the management plan and program set forth in paragraph (1) of this subsection.

"(5) The coastal State is organized to implement the management plan set forth in pargaraph (1) of this subsection.

"(6) The coastal State has the regulatory authorities necessary to implement the plan and program, including the authority set forth in subsection (g) of this section.

"(d) With the approval of the Secretary, a coastal State may allocate to an interstate agency a portion of the grant under this section for the purpose of carrying out the provisions of this section, provided such interstate agency has the authority otherwise required of the coastal State under subsection (c) of this section, if delegated by the coastal State for purposes of carrying out specific projects under this section.

"(e) The coastal State shall be authorized to amend the management plan and program at any time that it determines the conditions which existed or were foreseen at the time of the formulation of the management plan and program have changed so as to justify modification of the plan and program. Such modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the coastal State's management plan and program must be approved by the Secretary before additional administrative grants are made to the coastal State under the plan and program as amended.

"(f) At the discretion of the coastal State and with the approval of the Secretary, a management plan and program may be developed and adopted in segments so that immediate attention may be devoted to those areas of the coastal zone which most urgently need comprehensive management plans and programs: *Provided,* That the coastal State adequately allows for the ultimate coordination of the various segments of the management plan into a single unified plan and program and that such unified plan and program will be completed as soon as is reasonably practicable, and in no event more than three years from inception.

"(g) Prior to granting approval of the management plan and program, the Secretary shall find that the coastal State, acting through its chosen agency or agencies (including local governments), has authority for the management of the coastal and estuarine zone in accordance with the management plan and program and such authority shall include power—

"(1) to administer land and water use regulations, control public and private development of the coastal and estuarine zone in order to assure compliance with the management plan and program, and to resolve conflicts among competing uses;

"(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property within the coastal and estuarine zone through condemnation or other means when necessary to achieve conformance with the management plan and program;

"(3) to develop land and facilities and to operate such public facilities as beaches, marinas, and other waterfront developments, as may be required to carry out the management plan and program;

"(4) to borrow money and issue bonds for the purpose of land acquisition or land and water development and restoration projects; and

"(5) to exercise such other functions as the Secretary determines are necessary to enable the orderly development of the coastal and estuarine zone in accordance with the management plan and program.

"(h) Prior to granting approval, the Secretary shall find that the coastal State, acting through its chosen agency or agencies (including local governments), has authority to review all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any State or local authority or private developer to determine whether such plans, projects, or regulations are consistent with the principles and standards set forth in the management plan and program and to reject a development plan, project, or regulation which fails to comply with such principles and standards: *Provided*, That such determination shall be made only after there has been a full opportunity for hearings.

"(i) No annual administrative grant to a coastal State shall be made under this section in excess of 15 per centum of the total amount appropriated to carry out the purposes of this section.

"BOND AND LOAN GUARANTIES

"Sec. 307. In addition to grants-in-aid, the Secretary is authorized under such terms and conditions as he may prescribe, to enter into agreements with coastal States to underwrite by guaranty thereof bond issues or loans for the purposes of land acquisition, or land and water development and restoration projects: *Provided*, That the aggregate principal amount of guaranteed bonds and loans outstanding at any time may not exceed $140,000,000.

"REGULATIONS

"Sec. 308. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after appropriate consultation with other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

"REVIEW OF PERFORMANCE

"Sec. 309. (a) The Secretary shall conduct a continuing review of the comprehensive management plans and programs of the coastal States and of the performance of each coastal State.

"(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the coastal State is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the coastal State has been given notice of proposed termination and withdrawal and an opportunity to present evidence of adherence or justification for altering its program.

"RECORDS

"Sec. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, and the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

"ADVISORY COMMITTEE

"Sec. 311. (a) The Secretary is authorized and directed to establish a coastal and estuarine zone management advisory committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal and estuarine zones of the coastal States of the United States. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such manner as the Secretary may direct.

"(b) Members of said advisory committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding the daily rate for GS–18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"ESTUARINE SANCTUARIES

"Sec. 312. The Secretary, in accordance with his regulations, is authorized to make available to a coastal State grants up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make long-term studies of the natural and human processes occurring within the estuaries of the coastal and estuarine zone. The number of estuarine sanctuaries provided for under this section shall not exceed fifteen, and the Federal share of the cost for each such sanctuary shall not exceed $2,000,0000. No Federal funds received pursuant to section 306 shall be used for the purpose of this section.

"INTERAGENCY COORDINATION AND COOPERATION

"Sec. 313. (a) The Secretary shall not approve the management plan and program submitted by the State pursuant to section 306 unless the views of Federal agencies principally affected by such plan and program have been adequately considered. In case of serious disagreement between any Federal agency and the State in the development of the plan the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

"(b)(1) All Federal agencies conducting or supporting activities in the coastal and estuarine zone shall seek to make such activities consistent with the approved State management plan and program for the area.

"(2) Federal agencies shall not undertake any development project in a coastal and estuarine zone which, in the opinion of the coastal State, is inconsistent with the management plan of such coastal State unless the Secretary, after receiving detailed comments from both the Federal agency and the coastal State, finds that such project is consistent with the objectives of this title, or is informed by the Secretary of Defense and finds that the project is necessary in the interest of national security.

"(3) Any applicant for a Federal license or permit to conduct any activity in the coastal and estuarine zone subject to such license or permit, shall provide in the application to the licensing or permitting agency a certification from the appropriate State agency that the proposed activity complies with the State coastal and estuarine zone management plan and program, and that there is reasonable assurance, as determined by the State, that such activity will be conducted in a manner consistent with the State's coastal and estuarine zone management plan and program. The State shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. If the State agency fails or refuses to act on a request for certification within six months after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence, unless, after receipt of detailed comments from the relevant Federal and State agencies, and the provision of an opportunity for a public hearing, the activity is found by the Secretary to be consistent with the objectives of this title or necessary in the interest of national security. Upon receipt of such application and certification, the licensing or permitting agency shall immediately notify the Secretary of such application and certification.

"(c) State and local governments submitting applications for Federal assistance in coastal and estuarine areas shall indicate the views of the appropriate State or local agency as to the relationship of such activities to the approved management plan and program for the coastal and estuarine zone. Such applications shall be submitted in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968. Federal agencies shall not approve proposed projects that are inconsistent with the coastal State's management plan and program, except upon a finding by the Secretary that such project is consistent with the purposes of his title or necessary in the interest of national security.

"(d) Nothing in this section shall be construed—

"(1) to diminish either Federal or State jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources and navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

"(2) to change or otherwise affect the authority or responsibility of any Federal official in the discharge of the duties of his office except as required to carry out the provisions of this title;

"(3) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies, except as required to carry out the provisions of this title; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States Operating Entity or Entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

"ANNUAL REPORT

"Sec. 313. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than January 1 of each year a report on the administration of this title for the preceding Federal fiscal year. Such report shall include but not be restricted to (1) an identification of the State programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the States participating in the provisions of this title and a description of the status of each State's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allotment of funds to the various coastal States and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any State programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of the Federal development projects which the Secretary has reviewed under section 313 of this title and a summary of the final action taken by the Secretary with respect to each such project; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal and estuarine zones including identification and discussion of Federal, regional, State, and local responsibilities and functions thereof; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be required under the National Environmental Policy Act of 1969.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

"APPROPRIATIONS

"SEC. 314. (a) There are authorized to be appropriated—

"(1) the sum of $12,000,000 for fiscal year 1972 and such sums as may be necessary for the fiscal years thereafter prior to June 30, 1976, for grants under section 305;

"(2) such sums, not to exceed $50,000,000, as may be necessary for the fiscal year ending June 30, 1973, and such sums as may be necessary for each succeeding fiscal year thereafter for grants under section 306;

"(3) such sums, not to exceed $6,000,000 for fiscal year 1972; $6,000,000 for fiscal year 1973; $6,000,000 for fiscal year 1974; $6,000,000 for fiscal year 1975; and $6,000,000 for fiscal year 1976 as may be necessary for grants under section 312; and

"(b) There are also authorized to be appropriated to the Secretary such sums not to exceed $3,000,000 annually, as may be necessary for administration expenses incident to the administration of this title."

The material submitted by Mr. HOLLINGS is as follows:

NATIONAL COASTAL AND ESTUARINE ZONE MANAGEMENT ACT OF 1971

SECTION-BY-SECTION ANALYSIS

Amends the Marine Resources and Engineering Development Act of 1966 by adding a new Title III.

SEC. 302. Congressional Findings. Series of statements and findings of values and changes taking place in the coastal and estuarine zone.

SEC. 303. Declaration of Policy. States Congressional policy to preserve, protect, develop, and restore the resources of the U.S. coastal and estuarine zone. Declares that it is necessary to encourage and assist the States in the preparation and implementation of management plans and programs for the coastal and estuarine zone. Declares that it is the duty and responsibility of Federal agencies to cooperate and participate in the purposes of the Act. Encourages public, Federal, State, and local governments to participate in the development of the plans and programs.

SEC. 304. Definitions. Defines the following terms:

(a) "Estuary."
(b) "Coastal and estuarine zone."
(c) "Coastal State."
(d) "Secretary" (Secretary of Commerce).
(e) "Estuarine sanctuary."

SEC. 305. Management Plan and Program Development Grants. Provides for planning grants to the coastal States, not to exceed 66⅔% of the costs for "program development." Permits such grants annually for a period not to exceed three years, provided Secretary finds that State adequately and expeditiously developing a coastal and estuarine zone management plan and program. Upon completion, plan to be submitted for review, approval, or other action to the Secretary. Annual grants not to exceed $600,000 for any one State.

SEC. 306. Administrative Grants. (a) Authorizes the Secretary to make annual grants not to exceed 66⅔% of cost of administering a coastal State's management plan and program. (b) Funds to be allotted to States based on regulations of the Secretary. (c) To grant approval of the coastal State's management plan and program the Secretary must find that:

(1) The coastal State has developed and adopted a management plan and program in accordance with the regulations published by the Secretary and with the opportunity of full participation by relevant Federal and State agencies, local governments, regional organizations, and other interested public and private parties;

(2) The coastal State has held public hearings in development of the plan and program. Requires 30 days notice of public hearings;

(3) The management plan and program has been reviewed and approved by the Governor;

(4) A single agency has been designated by the Governor to receive and administer the operating grants;

(5) The coastal State is organized to implement the plan;

(6) The agency or agencies to implement the plan have the regulatory authorities necessary to implement it.

(d) Permits allocation by Governor of portions of operating grants to interstate agencies having authority to meet the requirements of this Act. (e) Permits State modifications of management plan and program, and provides for adoption of amendments only after full opportunity for comment, including public hearings at the affected areas. (f) Permits adoption of management plan and program in segments, to devote immediate attention to those areas of the coastal and estuarine zone requiring urgent attention. (g) Requires that the coastal State shall have authority for management of the coastal and estuarine zone, including power.

(1) to administer land and water use regulations, control public and private development, and resolve conflicts among competing uses;

(2) to acquire fee simple and less-than-fee simple interests in lands, waters, and other property within the zone through condemnation or other means;

(3) to develop land and facilities and to operate them as beaches, marinas, and other waterfront developments;

(4) to borrow money and issue bonds for land acquisition or land and water development and restoration projects.

(5) to exercise such other functions as the Secretary determines are necessary.

(h) Requires coastal State to have authority to review all development plans, projects, or regulations proposed by any State or local authority or private developer for conformance to the State management plan and program, provided there is an opportunity for full hearings.

SEC. 307. Bond and Loan Guaranties. Authorizes Secretary to underwrite coastal State bond issues or loans for the purposes of land acquisition, or land and water development and restoration projects.

SEC. 308. Regulations. Requires Secretary to develop regulations to carry out provisions of the Act.

SEC. 309. Review of Performance. Requires Secretary to conduct continuing review of coastal State management plans and programs. Authorizes Secretary to terminate financial assistance if the coastal State is failing to adhere to a program approved by the Secretary and the coastal State has been given an opportunity to be heard.

SEC. 310. Records. Calls for coastal State to keep records; Secretary and Comptroller General to have access to records of the grants.

SEC. 311. Advisory Committee. Authorizes and directs the Secretary to establish a coastal and estuarine zone management advisory committee to advise, consult with, and make recommendations on policy matters concerning the coastal and estuarine zone. Nongovernment members to be reimbursed for expenses at rates for GS–18.

SEC. 312. Estuarine Sanctuaries. Authorizes Secretary to make grants up to 50% of costs, not to exceed $2,000,000, of acquisition, development, and operation of estuarine sanctuaries for field laboratories to gather data and make long-term studies of natural and human processes occurring within the estuaries of the coastal and estuarine zone.

SEC. 313. Interagency Coordination and Cooperation. Requires the Secretary to solicit the views of Federal agencies affected by coastal State management plans before granting approval of those plans.

Requires Federal agencies conducting or supporting activities in the coastal and estuarine zone to seek to make their activities consistent with the approved State management plan and program. Applicants for Federal licenses or permits are to provide a State certification that the proposed activity complies with the State coastal plan. State and local governments submitting applications for Federal assistance shall indicate views of the appropriate agency as to consistency with the State coastal plan. Such applications to be submitted in accordance with the Intergovernmental Coordination Act of 1968. Federal agencies are not to approve projects that are inconsistent with the State coastal plan "without making investigation and finding that the proposal is, on balance, sound."

SEC. 314. Annual Report. Requires Secretary to prepare and submit annual report.

SEC. 315. Appropriations. Authorizes $12,000,000 for fiscal year 1972 for planning grants, and such sums as may be necessary thereafter. Authorizes sums not to exceed $50,000,000 for fiscal year 1973, and such sums as necessary for years thereafter for grants under Section 306. Authorizes sums not to exceed $6,000,000 each in 1972, 1973, 1974, 1975, and 1976 for grants under Section 312.

TALLAHASSEE, FLA., *February 3, 1971.*

Hon. ERNEST F. HOLLINGS,
Chairman, Senate Subcommittee on Oceanography, Washington, D.C.:

The State of Florida urges you to introduce legislation calling for national assistance to coastal States for deveolping a coastal zone management program. This affirms a similar policy statement adopted by the national governor's conference in August, 1970, and will aid Florida in protecting its vital and irreplaceable marine and coastal resources.

REUBEN O'D ASKEW,
Governor, State of Florida.

TALLAHASSEE, FLA., *February 3, 1971.*

Senator HOLLINGS,
Senate Office Building,
Washington, D.C.:

As a member of the Florida House of Representatives, I want to encourage your strong support of legislation providing Federal assistance to State in developing coastal zone management. Florida is making a serious effort at State level and would benefit greatly from such legislation.

LOUIS S. EARLE,
State Representative.

SAVANNAH, GA., *February 2, 1971.*

Senator ERNEST HOLLINGS,
Chairman, Senate Subcommittee on Oceanography, Washington, D.C.:

The purpose of this telegram is to affirm the need in the State of Georgia for coastal zone management. Accordingly, a policy statement was adopted at the National Governors Conference meeting in August of 1970 and a need for national assistance was asserted. Therefore, we urge that you introduce legislation establishing such programs in order that the vital and irreplaceable resources in the coastal zone Georgia be properly managed for the benefit of children in our future generations.

Sincerely yours,

Thomas H. Suddath,
The Governor of Georgia's Delegate to the Coastal Zone Management Commission and Secretary-Treasurer of Coastal State Organization.

University of Rhode Island,
Kingston, R.I., *February 4, 1971.*

Hon. Ernest F. Hollings,
Old Senate Office Building,
Washington, D.C.:

Governor Licht of Rhode Island strongly supports the concept of effective coastal zone management and has had a technical committee working for more than a year and a half on a program to provide proper safeguards for the estuaries and coastal resources of our State.

As a member of that committee and as the delegate from Rhode Island to the Organization of Coastal States, may I offer the fullest support in your efforts to obtain passage of your National Coastal and Estuarine Zone Management Act of 1971. It is vital legislation which will benefit all of our citizens who use our coastal resources.

Dr. Nelson Marhall,
Acting Provost for Marine Affairs.

New Orleans, La., February 3, 1971.

Senator Ernest F. Hollings.
Senate Office Building,
Washington, D.C.:

The purpose of this telegram is to affirm the need in the State of Louisiana for coastal zone management. In a policy statement adopted by the National Governors Conference meeting in August of 1970, a need for national assistance to the States for developing coastal zone management programs was asserted. Therefore, we urge that you introduce legislation establishing such a program in order that the vital irreplaceable resources in the coastal zone of Louisiana be properly managed for the benefit of children in our future generations.

Lyle S. St. Amant,
Louisiana Governor's Representative Coastal State Organization.

Statement of the Michigan State Legislature Delegation to the Michigan Congressional Delegation, February 4, 1971

Pending Federal legislation regarding coastal zone protection and management (including the Great Lakes) would be of great benefit to the states involved. Grant monies for program development and operation, as specified under this legislation, would greatly assist the coastal and Great Lake states in formulating and administering a comprehensive coastal zone and shoreline management program which would effectively resolve existing conflicts and problems within these unique and valuable natural resource areas.

Mr. BOGGS. Mr. President, I wish to express my support and cosponsorship of this bill, the National Coastal Zone and Estuarine Zone Management Act of 1971.

The distinguished Senator from South Carolina (Mr. Hollings) is to be commended for his work on this legislation to encourage the establishment of plans and programs for managing our Nation's vital coastal and estuarine zones.

It was my honor in the 91st Congress to submit a bill, S. 3183, that was an administration proposal concerning this same subject. It was cosponsored by Senators Cooper, Randolph, Baker, Hatfield, Javits, Murphy, and Packwood. That bill would have amended the Federal Water Pollution Control Act to establish a national policy and comprehensive national program for the management, beneficial use, protection, and development of land and water resources of the Nation's estuarine and coastal zones. The bill was developed as a result of a study of estuarine zone pollution authorized in the Clean Water Restoration Act of 1966.

Originally referred to the Committee on Public Works, S. 3183 was subsequently re-referred to the Committee on Commerce. This was done to enable that committee to evaluate the administration's proposal at the time it was studying other important proposals calling for coastal zone management.

The thrust and purpose of the bill I introduced last year and the bill I am honored to cosponsor today are identical. Both declare a national interest in the effective management and protection of coastal and estuarine areas. Both seek to encourage the wisest and best use of our coastal zones.

The differences that exist between the two bills largely involve the sums authorized in grants to assist the States in establishing and implementing coastal zone management programs. The bill that I introduced on behalf of the administration last year called for 50-percent Federal grants to the States. The new bill calls for 66⅔-percent grants. S. 3183 authorized a maximum of $200,000 a year to each State or territory, or a theoretical maximum of $6,400,000 a year for 30 States and two territories. This new bill raises the possible annual grant per State to $600,000 for planning, up to a maximum for $12 million for the Nation. Another $50 million would be authorized for grants to assist the States in carrying forward their coastal-zone-management programs, with a maximum of $7,500,000 authorized for any one State.

A significant difference between S. 3183 and the new bill, involves authorization for the acquisition of coastal land. S. 3183 did not contain such acquisition authority. This new bill authorizes $6 million a year for 5 years for creation of estuarine sanctuaries, plus a Federal authorization to underwrite other State coastal zone programs by guaranteeing bonds or loans up to a national total of $140,000,000.

While these differences appear to be considerable, I do not believe that they detract from the basic similarities existing between the two bills. Each bill seeks to stimulate State action to bring to all citizens the highest and best use of the coastal and estuarine zones. Each bill would encourage the States to halt the indiscriminate destruction of wetlands and unplanned development of that precious strip of land we call the coastal zone.

Possibly the best description of both bills comes from the declaration of congressional findings appearing in the bill introduced today.

Section 302(d) declares:

(d) That the increasing and competing demands upon the lands and waters of our coastal and estuarine zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion.

Mr. President, it is a distinct honor for me to join Senator Hollings in sponsoring this bill. It is my understanding that the bill, when eventually reported by the Committee on Commerce, will be re-referred to the Committee on Public Works for a brief period of time for further study and evaluation. I believe this is a useful procedure, as the Committee on Public Works, through its jurisdiction over such matters as pollution control, rivers and harbors, and other aspects of land-use, can provide a meaningful contribution to the coastal zone bill.

S. 592—INTRODUCTION OF A BILL TO REPEAL THE EMERGENCY DETENTION ACT OF 1950

Mr. INOUYE. Mr. President, I rise today to introduce a bill which most of you are familiar with and all of you supported in the last Congress. The bill will repeal title II—the Emergency Detention Act—of the Internal Security Act of 1950.

Title II of the Internal Security Act gives the President the power to proclaim an internal security emergency in the event of any of the following: First, invasion of the territory of the United States or its possessions; second, declaration of war by Congress; and third, insurrection within the United States in aid of a foreign enemy. Following the declaration of an internal security emergency, title II gives the President or his agent the power to detain persons "if there is reasonable ground to believe that such a person will engage in acts of espionage or sabotage." Following the arrest, title II details the procedures for the continued detention of a person. Generally, this course of action is at odds with normal procedure.

As you may remember, this measure passed the Senate unanimously on December 22, 1969. I was joined in cosponsorship by 26 of my colleagues. Unfortunately, the House of Representatives failed to act on this legislation during the last session. I was most disappointed that the House of Representatives did not take the same action on this bill as did the Senate and I am hopeful that enactment of this legislation will occur early in the 92d Congress.

It has been 2 years since I originally introduced this measure. Often, a proposal will lose both its significance and relevancy during such a lapse of time. However, in the case of the repeal of title II of the Internal Security Act, the time lapse has strengthened rather than weakened both the relevance and the urgency of this proposal. I introduced this measure when I became aware of the widespread rumors which were being circulated throughout our Nation that the Federal Government was readying concentration camps to be filled with those who hold unpopular views and beliefs. These rumors were being widely circulated and were believed in many urban ghettos as well as by those dissidents who are at odds with many of the policies of the United States. This situation has been intensified during the past 2 years and will continue to do so as long as it remains within the power of the President to detain persons in these camps. Many would respond to these rumors of concentration camps with the refrain "This couldn't happen in America." However, in times of stress and crisis American justice has not always withstood these pressures. I am naturally reminded that during World War II, 109,650 Americans of Japanese ancestry were arrested, their property confiscated and were detained in various "relocation camps" for most of World War II. Rumors of this nature only serve to further polarize our society when, indeed, what our Nation desperately needs at this point is a movement away from polarization toward unity.

This measure is supported by a wide spectrum of citizens throughout the United States. Since introducing the bill, I have received endorsements from numerous and varied government, labor, religious, civic, and community organizations.

In view of these facts, I submit this proposal for your favorable consideration. I am hopeful that both Houses of Congress will act favorably upon the bill early in this session. It is of vital importance that we clear our records of this statute. Repeal of title II would be a major step toward the elimination of fears and suspicions of many of our citizens who cannot agree with the policies of our Government, and toward a reestablishment of the trust between Government and people which is essential to the effective operation of a democratic nation.

The PRESIDING OFFICER (Mr. Chiles). The bill will be received and appropriately referred.

The bill (S. 592) to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950), introduced by Mr. Inouye (for himself, Mr. Bayh, Mr. Bennett, Mr. Burdick, Mr. Cranston, Mr. Fong, Mr. Gravel, Mr. Griffin, Mr. Hughes, Mr. Humphrey, Mr. Javits, Mr. Jordan of Idaho, Mr. Jordan of North Carolina, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. Moss, Mr. Muskie, Mr. Pell, Mr. Proxmire, Mr. Randolph, Mr. Stevens, Mr. Stevenson, Mr. Tunney, and Mr. Williams), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 593—INTRODUCTION OF A BILL TO REDUCE THE TAX ON FUEL USED IN NONCOMMERCIAL AVIATION

Mr. CANNON. Mr. President, I introduce for myself and for Senators Magnuson and Pearson a bill amending the Airport and Airway Revenue Act of 1970 to reduce the tax on aviation fuel used in noncomercial aviation from the present level of 7 cents per gallon to 6 cents per gallon.

Last year the Congress enacted the historic Airport and Airways Development Act, a long-term capital development program to upgrade, modernize, and expend the Nation's aviation facilities—both on the ground and in the air. The revenues required to fund that program are raised by a series of new and increased charges on the users of the U.S. aviation system; the airlines, private aircraft owners and operators, airline passengers and shippers.

One of the most difficult tasks confronting the Congress during consideration of that program was arriving at a fair and equitable allocation of the user charges among the various users. The Committee on Commerce held long and extensive hearings on this question in 1969 and, based on that analysis, made a series of recommendations to the taxing committees of Congress on the nature and level of user charges which we thought fairly apportioned the tax burden.

While there was general agreement among most aviation interests regarding the rate and type of taxation on airline passengers and shippers, there were widespread differences regarding the rate of taxation on general aviation.

The administration recommended that general aviation fuel be taxed at the rate of 9 cents per gallon. That, in almost everyone's judgment, seemed excessive. The committee after long deliberation recommended a general aviation fuel tax of 6 cents per gallon. In making its recommendation, the committee said:

> Testimony indicates that many of the facilities and much of the equipment which will be provided under this bill is not required or needed by general aviation. In addition, the Committee believes that an excessive rate of taxation on general aviation could serve to dampen its growth and economic health at a time when it is making significant contributions to the U.S. air transport system. The Committee believes that until such time as the Secretary shall report the results of his cost allocation study to the Congress, it is unwise to tax general aviation fuel at a rate higher than 6 cents per gallon. However, should the results of the cost allocation study indicate that general aviations' use of and requirements for the system demand a greater contribution in the form of user charges to support this use, the Committee believes that the Congress should review the then-current user taxes and make the appropriate revisions to assure that each segment of civil aviation is paying its fair share.

Mr. President, the cost allocation study referred to in that report has yet to be made but a greatly expanded tax burden is already being shouldered by general aviation. Congress ultimately provided that general aviation fuel be taxed at a rate of 7 cents per gallon and in addition enacted an aircraft registration tax at the rate of $25 per plane with a 2-cents-per-pound charge for aircraft weighing more than 2,500 pounds. Jet aircraft were taxed at 3½ cents per pound.

The total amount of revenue from this tax package on general aviation is expected to be $59.1 million in fiscal year 1971. The Commerce Committee recommended general aviation taxes totaling $39 million per year.

Mr. President, in my judgment and in the judgment of the Committee on Commerce the present level of taxation on general aviation is excessive. Late last year I was successful in amending the tax provisions by exempting the first 2,500 pounds of gross weight of any conventionally powered aircraft from the 2-cents-per-pound weight levy. Beginning July 1, aircraft weighing more than 2,500 pounds will be assessed the poundage fee only on that weight which exceeds 2,500 pounds. This amendment will provide a small measure of relief—$50 per year—to the small airplane owner.

The bill I offer today will provide some small additional relief by lowering the tax on aviation fuel from 7 cents per gallon to 6 cents per gallon. The fuel tax is now expected to produce revenues of $44.8 million in the current fiscal year. By lowering the tax 1 cent per gallon, total tax revenue will only decrease by $6.4 million per year—an insignificant sum considering the total airport/airways revenues involved of nearly $600 million per year. However the 1-cent-per-gallon saving to the individual operator, in many cases, will be significant.

Because the small airplane operators do not in most cases, require or use many of the sophisticated aviation system components—including many airport and airway facilities, this small tax reduction is entirely appropriate and fair. The small airplane operator is being continually burdened by new requirements for more sophisticated radio and navigational gear required by the Federal Aviation Administration for many types of operations. As a result of legislation enacted late last year, all private aircraft operators will in the future be required to equip their planes with emergency locator transmitting beacons—another expensive device required by law which will add to the expense of the private pilot.

Therefore the tax relief sought in this bill should be speedily considered and enacted by Congress in an effort to promote and encourage the growth and development of general aviation which is one of the cornerstones of the transportation system of the United States.

The PRESIDING OFFICER (Mr. Chiles). The bill will be received and appropriately referred.

The bill (S. 593) to amend the Internal Revenue Code of 1954 to reduce the tax on fuel used in noncommercial aviation, introduced by Mr. Cannon (for himself, Mr. Magnuson, and Mr. Pearson), was received, read twice by its title, and referred to the Committee on Finance.

S. 596—INTRODUCTION OF A BILL RELATING TO EXECUTIVE AGREEMENTS

Mr. CASE. Mr. President, I introduce for appropriate reference a bill requiring the transmittal of all executive agreements to the Congress within 60 days of their execution.

In the closing days of the 91st Congress when I originally introduced this bill, it had become abundantly clear to me and, I believe, to many of my colleagues that one of the major deficiencies in our relationship with the executive branch which must be remedied is that of congressional access to the terms and conditions of this Nation's nontreaty agreements with foreign nations. Only with such full knowledge, which my bill is intended to provide, can the Congress carry forward the systematic and continuing review of U.S. commitments which was pioneered by the Symington Subcommittee on U.S. Security Agreements and Commitments Abroad during the session just past.

I hope that the executive branch soon will provide its formal response to my bill and I trust that the Committee on Foreign Relations shortly thereafter will begin consideration of this potentially far-reaching measure.

Fourteen years ago the Senate approved a similar measure introduced by former Senator William F. Knowland, but it was not subsequently voted upon by the House. It is now time for the Congress to complete this action previously begun.

The PRESIDING OFFICER (Mr. FANNIN). The bill will be received and appropriately referred.

The bill (S. 596) to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within 60 days after the execution thereof, introduced by Mr. CASE, was received, read twice by its title, and referred to the Committee on Foreign Relations.

S. 597—INTRODUCTION OF A BILL TO ESTABLISH A FEDERAL ADMINISTRATIVE JUSTICE CENTER

Mr. KENNEDY. Mr. President, last April I introduced a bill to establish a Federal Administrative Justice Center. The center would be responsible for encouraging and supporting the continuing education of lawyers employed by the Federal Government. The bill grew out of recommendations of the American Bar Association and the Administrative Conference of the United States and would provide a vehicle for fulfilling the long-recognized need for continuing legal education which so far has not been adequately fulfilled by existing facilities.

The proposed center is to be set up as a new agency with a board of visitors as the governing body. A majority of this board would consist of persons employed by the Government, including representatives of all three branches. The center would be supervised by a small staff; students would be designated by the agencies; fees covering the course costs would be paid by the agencies out of training funds.

Two premises seem to be recognized by all the parties interested in the administrative process. First, there is a definite need for continuing legal education. Each year new laws are passed, new court decisions are handed down, new problems in administration arise, new policy emphases shift. Lawyers in Government and outside must keep abreast of developments in law and in society, so they may be prepared not only to perform the duties presently assigned more competently, but also to undertake effectively future challenges which might be provided through promotion or transfer.

Surely in these days where the importance of governmental responsiveness to the public needs and wishes cannot be overemphasized, the Government lawyer becomes more than a narrow advocate or technician. Thus, continuing legal education becomes as much sensitivity training to the problems of the citizenry and to the moods of society as sharpening of the lawyer's tools.

The second premise we begin with is the surprising absence—in the midst of continuing expressed need—of any meaningful continuing legal education programing by agencies of the Government today. The Civil Service Commission, for example, organized a series of evening sessions for lawyers and ran a management institute for them. But its programs have reached less than 1 percent of the Government lawyers. Other agencies have instituted orientation programs for new attorneys, but these often take the form of a tour through the library and an introduction to the physical facilities of the agency.

Last June the Subcommittee on Administrative Practice and Procedure held hearings on the Administrative Justice Center bill. Testimony was heard from representatives of the Administrative Conference of the United States, the American Bar Association, the ALI–ABA joint Committee on Continuing Legal Education, the Federal Trial Examiners Conference, the Federal Bar Association, and the Civil Service Commission.

While there was a general feeling expressed that the Civil Service Commission and other organizations had not provided adequate programs for continuing legal education for Government attorneys and trial examiners, there was some division of opinion over the desirability or necessity of establishing a new Federal agency to fulfill this gap. Further study was suggested by some witnesses, and the Civil Service Commission indicated a willingness to step up its activities in this field.

I believe that the bill and the Administrative Justice Center concept is still timely and important. I likewise believe that we must give the Civil Service Commission time to show if it can make good on its commitment to the subcommittee and the lawyers in the Federal service to assume its proper role by stepping up its activities in the area of continuing legal education. Last December the Commission held a 1-day session in Williamsburg for agency general counsels, with such items as implementation of the Freedom of Information Act on its agenda. This is just a start.

We will continue to consider this legislation and the issues involved throughout this Congress. If the present Federal agencies, especially the Civil Service Commission, cannot or will not perform responsibly and adequately their obligations to provide Government lawyers and trial examiners with continuing legal education, then Congress will have to provide another vehicle to achieve this end.

I introduce the bill, and ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. FANNIN). The bill will be received and appropriately referred.

The bill (S. 597) to amend title 5 of the United States Code to establish the Federal Administrative Justice Center to enhance the quality of administrative law operations in the United States, introduced by Mr. KENNEDY (for himself and Mr. MATHIAS), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 598—INTRODUCTION OF A BILL RELATING TO JUDICIAL REVIEW OF ADMINISTRATIVE ACTIONS

Mr. KENNEDY. Mr. President, the doctrine that "the King can do no wrong" may have gone unquestioned in medieval England. I believe that we would all agree, however, that it has no place in 20th century America. Yet this seems to be precisely the basis of the judicial doctrine of "sovereign immunity," developed during the past two centuries in this country. To the extent that this immunity doctrine prevents the orderly, rational review of actions of Federal officers, it is inconsistent with the principles of accountable and responsible government.

Under the law as it presently stands—and I emphasize that this is judge-made law, since Congress has never spoken directly on this issue—an officer of the U.S. Government can act arbitrarily, capriciously, discriminatorily, illegally, and yet the aggrieved or threatened citizen may have no recourse to the courts. For if he should bring suit against the officer, Justice Department lawyers will surely cry "sovereign immunity" and judges across the land may, with no further analysis or investigation, respond "Case dismissed."

Let me illustrate with one case. Just 2 years ago a civil servant of Italian descent charged that his superiors in the Army Corps of Engineers refused to provide him chances for promotion because of his ethnic origin.

The Civil Service Commission rebuffed his charge, and the employee sued the Government, the Engineers, and the Commission. The Federal court dismissed his suit on the following grounds:

First. The United States could not be sued without its consent.

Second. The Civil Service Commission could not be sued in its own name.

Third. Sovereign immunity prevented judicial consideration of the plaintiff's claim.

Today I am introducing a bill that would eliminate the sovereign immunity defense in such actions. This bill would not require promotion of the civil servant involved in this case. It would allow the Federal court to decide whether subtantial evidence existed to support the Civil Service conclusion that there was no discrimination in the case. In other words, elimination of sovereign immunity would allow courts to decide legal questions involving governmental action according to rational principles. The doctrine of sovereign immunity is not, and does not represent, a rational principle.

The immunity doctrine, as presently applied, is illogical, artificial, erratic, and confusing. In some cases where there may have been strong arguments against judicial intervention, astute lawyers and judges have had little difficulty sidestepping the sovereign immunity doctrine. In other cases, where the Government may have had no substantive interest at stake, summary application of the doctrine has been a source of frustration, uncertainty, and injustice.

Basically, this bill would do three things:

First. Eliminate the defense of sovereign immunity in suits for specific relief against the Federal Government.

Second. Eliminate the present requirement of a minimum jurisdictional amount in U.S. district courts where a Federal question is involved.

Third. Simplify and clarify the law relating to naming the United States, its agencies, or officers as parties defendant.

The latter two objectives appear somewhat technical, but they provide needed reforms in two important areas of the law. Citizens who are thrown out of Federal court because they cannot place a monetary value on their claims to remain free of punitive selective service reclassification, to travel abroad, or to be free from invasions of privacy, do not view the legal doctrines applied to them as trivial technicalities. A citizen whose case is dismissed because he sued the Social Security Administrator instead of the Social Security Administration, or the Civil Service Commission instead of the members of the Commission individually, is not impressed by the classification of the Government's defense as technical. And so I believe that these objectives of the bill are important and are not to be slighted.

But most important is the first section of the bill, and a most revealing aspect of this section is what it does not do.

The bill does not apply to monetary damages and will not open the United States to any further liability for such damages.

The scope of judicial review is in no way expanded. It remains limited by section 706 of title 5, United States Code, to questions involving constitutionality or legality of administrative action, propriety of procedures used, abuse of agency discretion, and whether agency findings are supported by substantial evidence.

This bill will not open to judicial review in Federal district courts agency actions expressly or impliedly precluded from judicial review by other statutes. For example, if the Government breaches a contract, the aggrieved party cannot under this bill bring an injunction for specific performance against the United States; he is limited by law to monetary damages under the Tucker Act.

The bill will not affect any other defense of the Government. For example, Congress, in the Administrative Procedure Act, and the judiciary in numerous cases have set down requirements prerequisite to judicial review like standing, exhaustion of administrative remedies, ripeness, and nondiscretionary nature of agency action. Other equitable considerations involved in judicial intervention into the administrative realm remain applicable.

Sovereign immunity has never been an absolute bar to judicial intervention in cases of nonstatutory review of administrative action. Courts have in case after case prohibited enforcement of Federal laws or regulations, halted official action, and required official action. But a review of the cases—as confused as they are—reveals one certain conclusion: Where sovereign immunity has been held to be a bar to suit, and where no other defenses retained by the bill would have been applicable, unjust or irrational decisions have resulted.

Last year I introduced this same bill, which was referred to the Subcommittee on Administrative Practice and Procedure. A full hearing was held, at which we heard testimony from six witnesses. All but one supported the bill—the representative of the Department of Justice, which often throws up the sovereign immunity defense in court as an obstacle of judicial determination of issues that should be resolved by the courts. Witnesses supporting the bill included the chairman of the Administrative Conference of the United States and two other representatives of the Conference, the chairman of the administrative law section of the American Bar Association, and Prof. Kenneth Culp Davis, one of the leading administrative law experts in the country, also speaking for the ABA.

At our hearings the basic point made was that application of the sovereign immunity doctrine was unjust, irrational, and confusing and thus should be modified. Numerous cases were explained to illustrate this point. The Department of Justice, however, raised two objections to the sovereign immunity section of the bill: First, that it would upset the allocation of functions between courts and agencies by determining that most, if not all, governmental decisions and judicially reviewable, and, second, that the resulting litigation would overburden the courts.

As to the first objection, Professor Davis, I believe, provided the subcommittee with a complete answer:

> One of the strongest areas of American administrative law, in my opinion, is the huge body of case law that has worked out the relationship between the courts and the executive branch of the government. The fundamental basis for the division of functions between courts and administrators is comparative qualifications: Judges are especially qualified for some tasks, and administrators are especially qualified for others: what administrators do in the areas where they are especially qualified is subjected to only a limited check by courts. Huge areas of governmental action courts stay out of almost completely, such as foreign policy and military action. Even when the subject matter is within an area where judges are specialists, the scope of review is limited, as provided in 5 U.S.C. Sec. 706, to those aspects of whole problems which judges are peculiarly qualified to deal with.
>
> A true fundamental is that courts deem themselves limited by Article III of the Constitution to "issues appropriate for judicial determination." The Supreme Court has often used that language, as it did, for instance, in Aetna Gardner, 387 U.S. 136, 153 (1967), the Court found the issue "fit for judicial resolution."
>
> Ninety-nine percent of the time the determining factor as to whether a court will review (assuming no explicit statutory guidance) is the judicial judgment as to whether the issue is "appropriate for judicial determination" or "fit for judicial resolution." Less than one percent of the time the determining factor is something related to sovereign immunity.
>
> But within that one percent where the sovereign immunity doctrine has an effect on the allocation of functions as between courts and agencies, the influence of the doctrine is to upset the usual sound basis for allocating functions. The partial abolition of sovereign immunity will remove the upsetting factor. For instance, when a controversy concerns application of commercial law or land law or other common law, no one in our entire society is better qualified than judges to resolve the controversy. But sovereign immunity often means that judges are barred from resolving it.
>
> Not only will this bill *not* result in making "most, if not all, governmental decisions" judicially reviewable, but it will correct most of the misallocation of functions that is caused by the doctrine of sovereign immunity.

As to the argument that partial elimination of sovereign immunity would overburden the courts, no one has come up with more than guesses. The Justice Department surmised that a substantial number of new cases would go to trial; Professor Davis placed his estimated increase, based upon his reading of the Federal reporters, at between one-third of 1 percent and 1 percent; Prof. Roger Cramton, now Chairman of the Administrative Conference, indicated his belief that abrogation of the doctrine would in fact eliminate confusion and complexity and would yield a net result of lessening judicial burdens. Of course, to the extent that the doctrine causes injustice, it should be eliminated even if a slight increase in the workload of the courts results. Finally, the Judicial Conference, reporting on the bill last fall, indicated support of the bill and did not express any fear of its overburdening the Federal courts.

Sovereign immunity has been around for centuries. But it cannot withstand the test of time. It has taxed the resources of the courts, rather than relieved them of burdens. It has often proved a barrier to justice, rather than a vehicle for insuring reasonable and just results. It obfuscates, it confuses, it confounds. It directs court attention away from, not toward, the merits of the case. We have been doing a lot of talking about government responsiveness to the citizenry lately. This bill will help do something about it.

The PRESIDING OFFICER (Mr. Fannin). The bill will be received and appropriately referred.

The bill (S. 598) to amend chapter 7, title 5, United States Code, with respect to procedure for judicial review of certain administrative agency action, and for other purposes; introduced by Mr. Kennedy (for himself, Mr. Bayh, and Mr. Mathias), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 599—INTRODUCTION OF A BILL TO AMEND THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. METCALF. Mr. President, it would appear that the provisions in the Omnibus Crime Control Act of 1970 permitting 100-percent waiver of matching requirements for grants to Indian tribes is sufficient to provide that we are going to have Federal help for crime control on the Indian reservations. However, there is some doubt about this, and, in order to get an administrative declaration, Senators Mansfield, Burdick, and McGovern and I are introducing the same bill we have offered heretofore, and, if the administration in its report advises that existing law is sufficient, that is enough for us, but if they say our bill is needed, then we shall press for further action.

The PRESIDING OFFICER (Mr. Jordan of Idaho). The bill will be received and appropriately referred.

The bill (S. 599) to amend the Omnibus Crime Control and Safe Streets Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments, introduced by Mr. Metcalf (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 601—INTRODUCTION OF A BILL TO PROVIDE FINANCIAL ASSISTANCE FOR RIVER BASIN PROGRAMS

Mr. SAXBE. Mr. President, in the last Congress I introduced a bill amending section 7 of the Federal Water Pollution Control Act to enable intrastate agencies with jurisdiction over interstate streams to continue detailed pollution control planning while implementing regional projects.

Today, with the welcome support and cosponsorship of my distinguished colleague from Ohio (Mr. Taft), I again introduce this legislation to provide financial support of basin water quality management plans. This includes the planning, construction, operation, and maintenance of waste treatment facilities and other basin water quality management activities.

In short, this bill would allow regional watershed conservation organizations usually conservancy districts, to apply for funds from the Federal Water Quality Administration. These funds would be channeled through State departments of natural resources, and will enable the Federal Water Quality Administration to participate in the development of plans for eventual implementation to improve the water quality of the Nation's streams on a watershed or regional basis. It is important that this bill be incorporated into Federal law this year. To date the Federal funds channeled to one conservancy district in Ohio, the Miami Conservancy District, have amounted to about one-third of the funds for management and planning purposes. This Federal involvement, initiated in January 1969, will end December 1971, as the grants through section 3(c) of the Federal Water Pollution Control Act are not considered nor may they be extended. The legislation which I introduce today would provide for extension of these grants, which would benefit conservancy and basin water programs all over the Nation.

The Miami Conservancy District was created by the Ohio Legislature sitting in special session in the year 1914 following a disastrous flood of the Great Miami River, and was dedicated to the single purpose of flood control. Subsequently, several regional conservancy districts were established in my State.

The basic Ohio Conservancy Act has been amended on numerous occasions to broaden the scope of conservancy districts, with the approval of property owners and public agencies within the regional watershed.

For example, the Miami Conservancy District serving the Great Miami River Watershed has planned and intends to implement many pollution abatement and water quality programs. Among these are a regional waste treatment facility, installation of floating aerators, a stream appearance program, low-flow augmentation, a water quality data network, and an incinerator for the disposal of nonaqueous liquid residual-gas, oil and paints.

Since introducing the bill in the last Congress some recommendations have been made by the Interstate Conference on Water Problems of the Council of State Governments concerning the legislation. At this time I would like to briefly discuss and heartily endorse these modifications in my prior bill.

The bill I introduce today as modified provides for authorization for the Secretary of Interior to make grants to intrastate streams. These grants would not exceed 50 percent of certain costs of carrying-out a river basin quality management plan. Further, such plan must not only be approved by the responsible State agency, but the Secretary must determine that the intrastate agency meets all criteria set forth by the Federal act, providing for a comprehensive and effective basin water quality management. The bill provides for review of applicable State statutes by the Secretary to insure intrastate agency capability for implementation of the plan. In other words, the recipient agency must be capable of not only planning, but financing, constructing, operating, and maintaining the proposed improvements recommended within the plan.

Further, and most important, the Secretary has latitude for renewing or extending the planning grants should he determine that during or at the conclusion of the initial 3-year period the recipient agency is, in fact, accomplishing those functions contemplated by this subsection.

I would also like to thank Mr. L. Bennett Coy, general manager of the Miami Conservancy District, for his tireless assistance in the researching and drafting of this legislation.

Mr. President, I introduce for proper reference a bill to provide financial assistance for river basin programs.

The PRESIDING OFFICER (Mr. Bentsen). The bill will be received and appropriately referred.

The bill (S. 601) to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for river basin programs, introduced by Mr. Saxbe (for himself and Mr. Taft), was received, read twice by its title, and referred to the Committee on Public Works.

SENATE JOINT RESOLUTION 27—INTRODUCTION OF A JOINT RESOLUTION TO ESTABLISH A COMMISSION ON LABOR LAW REFORM

Mr. TOWER. Mr. President, I am today reintroducing a joint resolution to establish a Commission on Labor Law Reform.

Since I introduced this resolution last July 15, the need for such a commission has grown. On three different occasions last year in the rail industry, Congress was forced to dictate a particular strike settlement to representatives of labor and management. I feel that the prevalent feeling of this body is that such arbitrary rulings on the part of the Federal Government are not consistent with the traditions of this Nation. Yet, under the current legislative mechanisms, Congress is confronted with the choice of imposing a settlement or facing the disastrous effects of a strike which potentially endangers the safety of the Nation.

Mr. President, I trust that the 92d Congress as a whole is becoming more aware of the need for reform of our current labor laws. President Nixon has reacted responsively to this problem. The President has sent to the Congress a bill entitled "The Emergency Public Interest Protection Act." This legislation, in my opinion, would go a long way toward providing more balance and equity in our labor laws as they affect the various transportation industries. It is up to the 92d Congress to insure that this bill receives careful review by the appropriate congressional committees. Although this legislation was first introduced in the 91st Congress, the President has now resubmitted the proposal, and I hope that it will receive the attention it deserves early in the 92d Congress.

Labor law in the transportation industries is perhaps the most glaring area where reform is needed. However, there are many areas of labor law where expert review has become a critical need. The commission established in this legislation would scrutinize all of the country's existing labor laws and submit recommendations for change.

When this legislation was introduced last year, I stated that my objective was not to set the direction of the commission. Instead, I made the point quite clear that it is the obligation of a legislator to endorse the commission concept when the need arises.

I believe that we have already reached the crisis stage in this field of public policy. Unless public officials face up to the fact that the circumstances which necessitated the passage of a great portion of labor law have changed, the country will be faced with a situation of distressing consequences. There exists an ever-growing public demand for a fresh approach in this field. I ask unanimous consent that the text of my resolution be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Bentsen). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 27) to establish a commission on labor law reform introduced by Mr. Tower, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S.J. Res. 27

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Commission on Labor Law Reform (hereinafter referred to as the "Commission").

Sec. 2. (a) The Commission shall be composed of nine members appointed by the President as follows:

(1) two from among persons who represent management;

(2) two from among persons who represent labor organizations;

(3) two from among persons who represent the public generally;

(4) one representative of the Federal Government who is knowledgeable in labor matters;

(5) one from among persons who represent arbitration and mediation associations; and

(6) one labor law professor.

(b) Five members of the Commission shall constitute a quorum for the transaction of business. A vacancy in the Commission shall not affect its powers. The Commission shall elect a Chairman and a Vice Chairman from among it members.

(c) Each member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. Each member of the Commission who is not otherwise employed by the United States Government shall receive $150 per day (including travel-time) during such time as he is actually engaged in the performance of his duties as a member of the Commission. Each member of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties as a member of the Commission.

Sec. 3. (a) It shall be the duty of the Commission to make a thorough and complete study and investigation of the Federal laws dealing with labor-management relations, including recommendations with respect to the need for the enactment of new legislation or the revision of existing legislation, with particular emphasis upon emergencies caused by disputes in the transportation industry.

(b) The Commission shall submit its report within one year after the enactment of this joint resolution, and shall cease to exist thirty days after submitting its report.

Sec. 4. (a) In order to carry out the provisions of this joint resolution, the Commission is authorized to—

(1) make expenditures;

(2) hold hearings;

(3) take testimony orally or by deposition;

(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this joint resolution without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classifications and General Schedule pay rates; and

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and urged to furnish to the Commission, upon the request of the Chairman or Vice Chairman, such information, services, personnel, and facilities as the Commission deems necessary to carry out the provisions of this joint resolution.

Sec. 5. There are hereby authorized to be appropriated such sums, not to exceed $1,000,000, as may be necessary to carry out the provisions of this joint resolution.

SENATE JOINT RESOLUTION 28—INTRODUCTION OF A JOINT RESOLUTION TO DESIGNATE CEDAR SWAMP, CHAMPAIGN COUNTY, OHIO, AS A NATIONAL MONUMENT

Mr. SAXBE. Mr. President, I am deeply concerned about the future of one of the finest boreal swamp forests remaining in the Midwest. This 100-acre refuge is presently threatened by the relocation of a four-lane U.S. highway, U.S. 68, between Springfield and Urbana, Ohio.

The natural sanctuary of Cedar Swamp, presently under the care of the Ohio Historical Society, is all that is left of a 7,000-acre postglacial swamp forest. Its southern location is unique. The rich northern flora and fauna existing there can be found only in extreme northern Michigan or Canada. The effect of drainage and highway development near the swamp may cause irreparable damage or death to the plants and animals in the bog.

Mr. President, I believe we have destroyed too much of the scenic beauty and natural ecology of our country, we must begin preservation programs now, and continue them so we may always have peaceful woodlands and wildlife santuaries. For this reason, I introduce today a joint resolution to establish a Cedar Swamp National Monument, and request that it be referred to the appropriate committee.

The PRESIDING OFFICER (Mr. Fannin). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 28) to establish the Cedar Swamp National Monument, introduced by Mr. Saxbe, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSORS OF A BILL

S. 560

At the request of the Senator from Michigan (Mr. Griffin) the names of the Senator from Idaho (Mr. Jordan), the Senator from Texas (Mr. Tower), and the Senator from Ohio (Mr. Taft) were added as cosponsors of S. 560 to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes.

SENATE RESOLUTION 44—SUBMISSION OF A RESOLUTION RELATING TO THE ESTABLISHMENT OF UNIFORM STANDARDS OF HEALTH AND SAFETY TO BE APPLIED TO HOSPITALS AND OTHER HEALTH CARE FACILITIES RECEIVING FEDERAL FUNDS

Mr. MANSFIELD (for himself and Mr. Metcalf) submitted a resolution (S. Res. 44) relating to the establishment of uniform standards of health and safety which should be applicable to hospitals and other health care facilities receiving Federal funds under various programs, which was referred to the Committee on Finance.

(The remarks of Mr. Mansfield when he submitted the resolution appear earlier in the Record under the appropriate heading.)

SENATE RESOLUTION 45—SUBMISSION OF A RESOLUTION TO AUTHORIZE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO MAKE A STUDY OF NATIONAL FUELS AND ENERGY POLICY

Mr. RANDOLPH. Mr. President, the attitude of the administration with respect to the Nation's critical fuels and energy position is not encouraging. It was disappointing to this Senator that in the President's state of the Union address no mention was made of the problem. There was no recognition that the problem exists.

Only a few days before the President's address electric power in the New York metropolitan area and other parts of the eastern seaboard had to be cut back approximately 5 percent below demand, this time during the heating season, whereas prior power shortage problems have occurred during the air conditioning season. And serious problems persist in that area and threaten others. This power deficiency, coming as it does after many other crises in the energy field, makes it clear that the Nation must assign our fuels and energy problems the high priority consideration they require.

Mr. President, to bring the picture into sharper focus and to make it more compatible with current events, we need only to refer to four news articles in yesterday's and today's February 3 and 4, 1971, issues of the Washington Post and two news items in the New York Daily News issue of yesterday, under these headlines: "Pepco Cuts Power 5 Percent to Area Users, Blames Plant Shutdowns, Cold Spells—Oil Price Talks Halt: Threat to Supply Seen—Continuing Power Crisis Dims New York—Con Ed Winter Menu: Cold Cuts, Candlelight—Con Ed Heated Up on Criticism—Oil Nations Consider Price Boosts."

They give clear and unmistakable evidence that a critical element of the state of the Union was sadly neglected by the President in his recent report to Congress and the people of America.

WE MUST PRESERVE ENERGY BASE

As a highly industrialized continental society of more than 200 million people flanked on either side by the two largest bodies of water on the globe, we have few higher national priorities than preserving the energy base on which our complex economy rests.

The United States is unique among the nations of the world in its consumption of energy, and most of our total energy comes from oil and gas, which together account for approximately three-fourths of the Nation's total energy supply. Being from the country's leading coal-producing State, I do not deprecate the role of coal, nor do I minimize its abundance. Neither do I minimize the eventual role of atomic power.

By 1959, oil imports became so large that they were declared to threaten or impair the national security and mandatory controls were instituted. Some persons will disagree, but it is my view that a number of actions by the executive branch since 1959 have not been in the best interest of this Nation's energy security sought to be achieved by the mandatory oil import program.

A case in point is the decontrol in 1966 of residual fuel imports into the eastern seaboard, an action vigorously opposed by many knowledgeable people, including members of the coal industry. Today, over 90 percent of the residual fuel needs of that area are supplied by imports. It does not make for a secure energy position for this Nation.

Another case in point is the Cabinet task force created by President Nixon in March 1969 to conduct a comprehensive review of the mandatory oil program. The review was undertaken by a team of academicians having little, if any, experience in the workings of the petroleum industry.

No public hearings were held, no witnesses were called and the committee sat as an appellate court, reading briefs, statements, claims, answers to written hypothetical questions, and so forth. I am certain that our Interior Committee would not proceed in any such arbitrary way. Knowledgeable persons having an interest in the subject matter must be given an opportunity to be heard and to answer questions in public hearings. The recommendations of the task force were largely contrary to the advice offered by people with experience in petroleum matters—both from the industry itself and from the Government.

Fortunately, the President rejected the major proposals of the task force. If he had not, this country's dependency on insecure sources of foreign oil would have grown to alarming proportions within this decade.

In rejecting the principal recommendations of the task force, the President created an Oil Policy Committee consisting of representatives from a number of executive departments and agencies and lodged in the Committee authority for program policy and management. It is well established that a committee of that nature seldom is an effective tool for management purposes. This principle has been demonstrated by the Oil Policy Committee. It has made numerous vacillating interim arrangements and it has been indecisive on many aspects of the oil import program.

Some public policy must be established which will permit the managers of the fuel industries to plan rationally for the critical years ahead.

After the Cabinet task force created a report and set of recommendations that the President rejected for what I consider to have been sound reasons, on August 6, 1970, the White House press secretary announced that the President had asked the Domestic Council to study the national energy situation and to develop for his consideration new or revised energy policies. It seems to have been given a relatively short-range mission, looking no further ahead than 5 years.

Little that we could consider to be reassuring has come from the Domestic Council since the August 6 mission was assigned to it. Our country's fuels and energy status certainly does not reflect the complacency of the administration on the subject—a complacency indicated, as I have said, by a complete skirting of the subject in the state of the Union address to the Congress and the people of America.

Perhaps the President considers the fuels and energy crisis to be concerned mainly with foreign policy and foreign trade negotiations. Much of the problem does hinge on difficulties with foreign countries in which a large portion of the free world's reserves of oil are located. The eastern seaboard of the United States depends entirely too much on heating oil and other petroleum products imported from those foreign countries.

HIGHER DEGREE OF SELF-SUFFICIENCY NEEDED

We cannot, however, rely on foreign policy and foreign trade negotiations alone to solve our fuels and energy supply and demand problems. I emphasize that our country may find itself and, indeed, the whole free world may be on the verge of being in a suffocating squeeze. Some South American and Arabic oil-rich nations are creating extremely difficult problems. We are far from being a self-sufficient fuels and energy producing country under existing policies, and we must set about finding ways to become more self-sufficient.

Present public policies toward energy are so fragmented and inconsistent and administered by so many different agencies of Government that it might truthfully be said this country has no energy policy at all.

In the 91st Congress last year, this Senator was joined by 62 others in the sponsorship of a bill—S. 4092—which would have created a Fuels and Energy Commission. It would have been empowered to recommend programs and policies intended to insure that U.S. energy requirements will be met, and to seek to blend environmental quality requirements with future energy needs.

Our proposed measure would have established a Commission of 21 members—six Members of the Congress; nine high-ranking officers of the executive branch, including representatives of appropriate independent agencies; and six persons to have been appointed by the President from among members of the public who have particular knowledge and expertise with respect to fuels and energy, as well as concern for protection of the environment.

We intended that it be the principal mission of the Commission to make a full and complete investigation and study of the energy demands and of the fuels and energy sources, including fossil fuels, synthetic fuels derived from natural fossil fuels, nuclear, and any other practical source.

Then, based on such studies, our measure would have directed that the Commission recommend those programs and policies most likely to insure, through maximum use of indigenous resources, that the Nation's rapidly expanding requirements for fuels and energy will be met in a manner consistent with the need to safeguard and improve the quality of the environment and consistent with national security.

EXECUTIVE REJECTED PARTNERSHIP

I do not believe it has been a sufficiently publicized fact that the Office of Management and Budget of the Executive Office of the President recommended to the chairman of the Senate Committee on Interior and Insular Affairs, Senator HENRY M. JACKSON of Washington, that our legislative proposal—S. 4092 of the 91st Congress—not be enacted. OMB Associate Director Arnold R. Weber centered the administration's opposition in the following four paragraphs of his letter of November 5, 1970, to the Interior Committee chairman:

> The President, on August 6, 1970, appointed a Committee of the Domestic Council, headed by Chairman McCracken of the Council of Economic Advisers, to recommend Federal actions which may be taken to alleviate shortages of clean fuels this coming winter and to assure an adequate fuel supply over the next five years. In his letter of September 8, 1970, to Senator Randolph, copy enclosed, the President pointed to this action and stated his belief that the efforts of this Committee "will result not only in a thorough appraisal of the problems ahead but also in specific recommendations for administrative and, to the extent necessary, legislative action."
>
> On September 29, Chairman McCracken and General Lincoln, Director of the Office of Emergency Preparedness, issued a joint statement announcing actions under way or to be taken dealing with immediate problems of energy and fuel supplies this coming winter. Specific actions have been taken to deal with potential shortages of residual fuel oil and to improve the supply of bituminous coal. In addition, a joint board is being established, chaired by the Director of the Office of Emergency Preparedness, to identify emergency problems in fuel supply and fuel transport and coordinate appropriate remedial actions by the responsible Federal agencies. The Domestic Council Committee will continue to keep the situation under review and will maintain close contact with the industries affecting the supply of energy to assist in averting shortages this coming winter.
>
> Actions aimed at improving the flow of fuel and energy supplies to meet increasing demands for energy over the long term are also under study by the Domestic Council Committee. The studies requested by the President are expected to involve a thorough appraisal of the problems ahead and consideration of specific recommendations for administrative and legislative actions, if these are deemed necessary, to insure an

adequate supply of energy in the coming years.

We believe that the energy study proposed under S. 4092 would unnecessarily overlap the studies which the President has already directed. The actions taken by the President, we think will provide a more effective means for reaching solutions to the Nation's energy problems, than creation of the unwieldy 21-man commission proposed by S. 4092. (It should be noted that 9 of the 21 commission members would represent Executive branch or independent agencies, most of which are members of the Domestic Council's energy Committee.) In contrast to the actions already taken by the President and the studies now underway at his direction, if this legislation were enacted it would be necessary to appropriate funds to support the Commission, appoint its members, recruit and select its staff, and attend to other organizational requirements. The time involved in this process, in addition to the one-year period provided for the Commission's studies to be completed and its report submitted, could have the effect of actually delaying measures to deal with important energy-related problems.

For these reasons, we recommend that S. 4092 not be enacted.

I do not deprecate the actions taken by the President of the United States in: First, appointing a committee of the Domestic Council headed by Dr. Paul McCracken of the Council of Economic Advisers; second, in establishing a "joint board" chaired by Gen. George Lincoln of the Office of Emergency Preparedness, and third, in activating the National Petroleum Council to make input to problem solutions in the critical fuels and energy crisis through the Secretary of the Interior.

In spite of this considerable proliferation, I am optimistic that some of those efforts can be fruitful—short range, at least. But we will have to await history's assessment of their effectiveness over the longer range, and it is here that I have doubts and take exception to the evaluations of S. 4092 by the OMB spokesman for the executive branch.

COMMISSION PLAN MISINTERPRETED

I take exception to his implications that our proposed partnership Fuels and Energy Commission would have adversely affected the executive branch instrumentalities created by the President. The commission we proposed in our measure was not intended to be a substitute for any of those board or council creations of the President and the Secretary of the Interior. The fruits of their day-to-day efforts would not have been either prematurely harvested or stunted by our proposed commission. Executive actions consistent with executive responsibility would not have been foreclosed by the Commission.

What we perceived—and that which we believed the country deserved and needed—was a broad partnership approach, with input to a Commission bringing together high level authorities of the executive and the legislative branches with representative non-Government experts. Output by the commission would have been in the form of recommendations by a partnership commission to the public, the President, and the Congress simultaneously. Certainly this would have involved some overlapping duties and activities by the nine executive branch members; certainly it would have involved some expense, but expense is not always waste.

Frankly, I believe the Commission would have afforded the people of the country and the industries involved in the fuels and energy crisis a full measure of confidence that an improved end result would be achieved—much more end result improvement that can be accomplished by a proliferation of activities within the executive establishment alone.

Yes, Mr. President, I believe the executive establishment made an ill-advised decision in turning down participation in a partnership commission and in opposing enactment of the measure that would have established a Fuels and Energy Commission. And making that decision as late as it did—during the 1970 election period recess of the 91st Congress in November 1970—likewise was a mistake.

The administration, nevertheless, has made its decision not to be a partner in a Fuels and Energy Commission with congressional and nongovernmental members. That is its prerogative. The exercise of that prerogative kills the commission concept. But killing the commission concept and placing reliance entirely on the proliferated activities in the executive branch does not necessarily solve the fuels and energy problems which many knowledgeable persons consider to be of crisis proportions over the long range, even though some short-range solutions may have emanated from the several instrumentalities created by the President.

Realism forces us to write off the Fuels and Energy Commission approach. And there is little that would be served usefully to talk or plan at this time on a joint committee of Congress approach. That was proved in the closing days of the 91st Congress when the two Houses of the Congress could not agree in conference on common ground for reaching agreement on a measure to create a Joint Committee on the Environment.

ATTENTION TO CRISIS NEEDED NOW

Nevertheless, there is too much need for prompt and careful attention to the fuels and energy crisis within the legislative branch for that attention to be excessively delayed. Hence, with the cosponsorship of the junior Senator from Washington (Mr. JACKSON), chairman of the Committee on Interior and Insular Affairs, and other Senators, I am introducing today a Senate resolution to authorize a study of national fuels and energy policy by the Interior Committee, with the cooperation and assistance of the bipartisan leadership of the Committees on Commerce, Public Works, and Atomic Energy. Its need, its purpose, and its resolve are carefully set forth in the resolution.

So, Mr. President, I submit a resolution, and ask unanimous consent that it be appropriately referred, and printed in the RECORD at this point, to complete my remarks.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 45), which reads as follows, was referred to the Committee on Interior and Insular Affairs:

S. RES. 45

Whereas adequate supplies of fuel and energy resources in all forms are essential to the continued welfare of the Nation, which includes national security, balanced growth, and safeguarding and enhancing the quality of the environment; and

Whereas authoritative estimates forecast that by the year 2000 the population of the United States will increase to approximately three hundred million persons and that the consumption of fuel and energy resources may increase over 200 per centum; and

Whereas the maintenance of adequate energy and fuel supplies at reasonable price levels, the continued fiscal stability of the basic energy and fuel industries, the proper development of adequate facilities for the production, distribution, transportation and/or transmission of fuel and energy resources consistent with environmental quality legal requirements and national goals, together with the manpower and equipment to meet these objectives, are essential to the well-being of our Nation; and

Whereas there now exist various and sometimes conflicting laws and regulations setting forth national goals which affect fuels and energy policy and which are vital to the development of fuel and energy resources; and

Whereas the Congress last reviewed national fuels and energy policy in 1962; and

Whereas in view of these and other considerations, it appears that a Senate Committee study of the fuels and energy industries is indicated to determine what, if any, changes in the implementation of existing and prospective government policies and laws may be desirable in order to coordinate and provide an effective national policy to assure a continuation of reasonable and efficient sources of fuels and energy consistent with environmental quality laws and policies and with national security: Now, therefore, be it

Resolved, That the Committee on Interior and Insular Affairs, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified in rule XXV of the Standing Rules of the Senate—

(a) make a full and complete investigation and study (including the holding of public hearings in appropriate parts of the Nation) of the current and prospective fuel and energy resources and requirements of the United States and the present and probably future alternative procedures and methods for meeting anticipated requirements, consistent with achieving other national goals, including the high priorities—national security and environmental protection; and

(b) make a full and complete investigation and study of the existing and prospective governmental policies and laws affecting the fuels and energy industries with the view of determining what, if any, changes and implementation of these policies and laws may be advisable in order to simplify, coordinate and provide effective and reasonable national policy to assure reliable and efficient sources of fuel and energy adequate for a balanced economy and for the security of the United States, taking into account: the Nation's environmental concerns, the investments by public and private enterprise for the maintenance of reliable, efficient, and adequate sources of energy and fuel and necessary related industries, and the need for maintenance of an adequate force of skilled workers.

SEC. 2. In carrying out the provisions of section 1 the committee shall, in addition to such other matters as it may deem necessary, give consideration to—

(1) the proved and predicted availabilities of our national fuel and energy resources in all forms and factors pertinent thereto, as well as to worldwide trends in consumption and supply;

(2) projected national requirements for the utilization of these resources for energy production and other purposes, both to meet short range needs and to provide for future demand for the years 2000 to 2020;

(3) the interests of the consuming public, including the availability in all regions of the country of an adequate supply of energy and fuel at reasonable prices and including the maintenance of a sound competitive structure in the supply and distribution of energy and fuel to both industry and the public;

(4) technological developments affecting energy and fuel production, distribution, transportation and/or transmission, in progress and in prospect, including desirable areas for further exploration and technological research, development, and demonstration;

(5) the effect that energy production, transportation, upgrading, and utilization has upon conservation, environmental, and ecological factors, and vice versa;

(6) the effect upon the public and private sectors of the economy of any recommendations made under this study, and of existing governmental programs and policies now in effect;

(7) the effect of any recommendations made pursuant to this study on economic concentrations in industry, particularly as business enterprises engaged in the production, processing, and distribution of energy and fuel;

(8) governmental programs and policies now in operation, including not only their effect upon segments of the fuel and energy industries, but also their impact upon related and competing sources of energy and fuel and their interaction with other governmental goals, objectives, and programs; and

(9) the need, if any, for legislation designed to effectuate recommendations in accordance with the above and other relevant considerations, including such proposed amendments to existing laws as necessary to integrate existing laws into an effective long-term fuels and energy program.

Sec. 3. The Chairmen and ranking minority members of the Committees on Commerce and Public Works or their designees and the ranking majority and minority Senate members of the Joint Committee on Atomic Energy or their designees shall participate in the study authorized herein and the Senators so appointed shall serve with the committee in an ex officio capacity.

Sec. 4. The chairman of the Committee on Interior and Insular Affairs is authorized to appoint an advisory panel or panels of non-government experts in the fields of fuels and energy and the environment. Such advisors shall serve without compensation.

Sec. 5. For the purposes of this resolution the committee is authorized through January 31, 1972 (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants; (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (4) and with the prior consent of the Chairmen of other committees of the Senate to utilize the services, information, facilities, and personnel of such committees as needed to assist in carrying out the purpose of this resolution.

Sec. 6. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate by September 1, 1972.

Sec. 7. The expenses of the committee under this resolution, from the date of its agreement through January 31, 1972, shall not exceed $——— and shall be paid from the contingent fund of the Senate on vouchers approved by the chairman of the committee.

Mr. RANDOLPH. Mr. President, I referred earlier to the news accounts in Washington and New York newspapers of February 3 and 4, 1971 relating to the foreign oil crisis and the domestic power shortage. I ask unanimous consent to have printed in the Record at this point four articles from the Washington Post, one a Reuter international dispatch, an Associated Press story from Teheran, and two by Post Staff Writers William L. Claiborne and Karl E. Meyer; and two New York Daily News items by Robert Carroll.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 3, 1971]

Oil Talks Break Off in Tehran

Tehran.—Negotiations between international oil companies and the Persian Gulf producing states collapsed tonight, raising the possibility of reprisals against Western oil supplies.

The form of retaliation will be decided by a meeting here Wednesday of the 10-nation Organization of Petroleum Exporting Countries, which produce 85 per cent of the oil consumed by Western Europe.

Negotiators for 22 companies, which have been seeking a settlement of the demands of the six oil-producing countries in the gulf for higher revenues, issued a statement tonight admitting failure.

"It has not been possible to reach agreement on the financial items or to obtain adequate assurances that a sufficient volume of oil will be available for the needs of the consuming countries," they said.

The oil companies made an offer which would have meant more than $700 million in extra revenue to the producers this year, rising to $1.6 billion in 1975.

Although progress was made on many issues, there were significant differences on the financial aspects, the statement said.

"But the critical point of assuring an uninterrupted flow of oil in the face of threats to restrict oil availability remains," the statement added.

The oil companies said they "greatly regretted" that the gulf states had set a deadline for agreement which expires Wednesday. They said they hoped there would be further negotiations and were ready to continue discussions at any time and place.

But the producer countries have shown themselves in no mood to continue negotiations beyond Wednesday's deadline.

The ministerial meeting of the Organization of Petroleum Exporting Countries, which groups of six gulf states—Iran, Iraq, Kuwait, Saudi Arabia, Abu Dhabi and Qatar—with Libya, Algeria, Venezuela and Indonesia, will start Wednesday with a mandate to retaliate in the absence of agreement.

Iran, the biggest oil producer in the gulf, will declare its reaction to the collapse of the talks when the Shah addresses an organization session Wednesday.

Nine days ago he said that if there were no agreement on oil prices before the session, the gulf states might follow the example of Venezuela, which unilaterally increased its tax on oil company incomes and increased the price of oil on which the tax is based.

But some organization members are believed to favor cutting off oil to demonstrate the groups power.

[From the Washington Post, Feb. 4, 1971]

Oil Nations Consider Price Boost

Tehran.—Ten oil-producing nations today threw their support to a proposal by the Shah of Iran that their legislatures take individual action to boost the price of oil.

Addressing a meeting of the Organization of Petroleum Exporting Countries (OPEC), the Iranian ruler suggested that in view of the breakdown in their talks with the world's major oil companies, they adopt a system that has "precedents in other areas."

Presumably the Shah was referring to a unilateral boost in the price of oil, as Venezuela has done through higher taxes on the income of oil companies.

The shah noted that the six Persian Gulf states have been seeking a price that would hike their income on a barrel of oil to $1.25. The gulf nations now earn about $1 a barrel on a posted price of $1.79.

RATIONAL, REASONABLE

"In the light of these events I now suggest that the countries of this region should adopt a system which would be rational and reasonable," said the shah.

He told OPEC delegates that price legislations would be in accord with U.N. resolutions safeguarding the sovereign rights and independence of countries.

It also would ensure the stability and confidence which is the objective of consuming countries," said the Iranian monarch.

He proposed that the countries involved should legislate simultaneously.

After the shah's speech, OPEC delegates followed him to the dais to support his proposals.

"Legislation is the best action we can take in the right direction toward achieving our goals," said Libyan Oil Minister Ezzedin Mabruk.

"We have nothing to do but to execute our rights and in this very reasonable way of legislation," said Kuwait's Abdul Rahman Salem al Atiki.

SHUTDOWN THREATENED

The shah told a news conference later that if the world's oil companies failed to comply with the proposed new laws, the oil-producing countries should "take appropriate action, including the shutdown of oil exports."

The 10 OPEC countries—Algeria, Libya, Iraq, Iran, Saudi Arabia, Kuwait, Abu Dahabi, Qatar, Indonesia and Venezuela—account for 85 per cent of the non-Communist world's oil exports.

While the shah's proposals would increase the price of oil considerably, they averted the threat of an immediate embargo on oil supplies to the West.

The shah offered the oil companies an opportunity to reopen negotiations provided they met the demands of the producer countries and made an approach to them before the passing of the new unilateral price law.

He said a deadline would be set by Thursday.

The shah cooled extremist elements within OPEC by assuring them that there had been no big-power interference in the current negotiations.

The Iranian ruler claimed that the real income from oil, eroded by inflation, had declined by 20 per cent in 10 years.

[From the Washington Post, Feb. 3, 1971]

Pepco Cuts Power 5 Percent to Area Users

(By William L. Claiborne)

Electrical power to the 340,000 Washington area customers of the Potomac Electric Power Co. was reduced by 5 percent yesterday, even though peak usage was only two-thirds of that recorded during last summer's power shortages.

Pepco blamed the reduction on a combination of planned and unplanned shutdowns of generating plants, coupled with the winter's coldest weather and increased use of electric heaters.

Eleven other utilities in the Pennsylvania-New Jersey-Maryland (PJM) power cooperative also cut back voltage.

New York City, which is not part of the PJM grid, recorded a voltage cutback of 5 per cent, the second consecutive day that Consolidated Edison ordered a reduction. Heat was shut off in subway cars and offices and commercial customers were asked to turn off lights to conserve electricity.

By way of explaining the power "brownouts" occurring in a season when usage is lowest, N. Eugene Otto, a Pepco spokesman, said the generator shutdowns for maintenance "has to be done in the winter so we'll be in good shape in the summer."

"The same conditions exist up and down the coast in the Northeast. This is nothing new," he said, noting that last year 5 per cent voltage reductions occurred three times in January, once in February and twice in March.

Officials of Pepco and the Federal Power Commission said the effects on household appliances would be negligible, although heating thermostats may react to the lower voltage by making furnaces run longer than usual.

Also, some broadcasting engineers said that lower voltage in the home could result in smaller and fuzzier television images, particularly with older receivers.

Pepco began its voltage cutback at 9:10 a.m. Monday and restored power to full peak at 10 p.m., after the industrial load went off the line, a company official said. Yesterday, the utility reduced power at 7 a.m.

The Virginia Electric Power Co., which is not part of the PJM pool, did not reduce voltage.

Otto attributed yesterday's power drain to a series of scheduled shutdowns of generating plants undergoing routine maintenance. Additionally, he said, three generating stations have been shut down this winter because of equipment failure.

Pepco's Morgantown, Md. plant was closed in November because of equipment failure and will not reopen until June.

On Jan. 13, a transformer at the Dickerson, Md., plant broke down and it was returned to the factory for repairs, requiring a shutdown of that station until July.

The latest crisis occurred Monday at Pepco's Benning Road NE generating plant, where a boiler leak required that facility to be shut until at least today, Otto said.

All of these developments, and similar situations in other utilities of the PJM power pool, necessitated the 5 per cent voltage reduction, Otto said.

The PJM pool of 12 utilities allows individual companies to buy extra power when unusual needs arise or when generating capacity is reduced. However, when all the cooperating utilities are taxed, or when generating capacity of all is below normal, a power reduction throughout the pool is the only solution, Otto said.

At 4 p.m. yesterday, Washington area customers were using 1,774,000 kilowatts of electricity, 91,000 kilowatts of which were purchased from as far away as Cleveland.

Last summer's peak use, which required voltage reductions of 5 per cent and led to several days of temporary blackouts in selected areas, was 2,908,000 kilowatts.

Otto said that on Monday, before the boiler leak, the Benning Road plant was generating 275,000 kilowatts, which he said would make up the deficiency. Repairmen were working throughout the night on the equipment in hopes of making it functional this morning, he said.

Arthur Proffit, head of the Federal Power Commission's supply requirements section, said that the entire PJM pool was short the equivalent of 2½ million kilowatts because of scheduled maintenance, and an additional 4½ million kilowatts because of unexpected outages of generating plants.

Both Proffit and Otto said effects on consumers as a result of the voltage reduction would barely be noticeable.

"Basically, when you lower your voltage for heaters, lights, toasters and other appliances, you don't get the same output, but it should be insignificant," Proffit said.

He said most new appliances are designed to accommodate 10 percent less than normal voltage.

Al Harmon, chief engineer for WTTG–TV, said that television transmitting equipment could easily be adjusted to accommodate the power reduction, but when home voltage is reduced, smaller pictures may result. Ralph Mlaska, chief engineer of WTOP–TV, said that viewers living in fringe areas some distance from a transmitter would likely notice a smaller and fuzzier image on their sets.

While local gas usage was high, service was not affected, according to Jack Raymond, of Washington Gas Light Co. He said that during the current cold spell, usage has approached, but not exceeded, the record set on Jan. 9, 1970.

[From the Washington Post, Feb. 3, 1971]

Continuing Power Crisis Dims New York

(By Karl Meyer)

New York.—Subway cars were ice cold, office lights blinked off to conserve electricity and voltage was cut by 5 per cent as New York City coped stoically with a new headache—its first sustained mid-winter power crisis.

For the second consecutive day, Consolidated Edison was forced to reduce voltage, and to import outside electricity in order to get by without the extreme step of selective blackouts. This was the city's sixth voltage cutback in the last 16 days.

Similar cutbacks were ordered throughout New York State and by members of the Pennsylvania-New Jersey-Maryland power pool.

Normally, peak power demands come in the hot summer months and last July New York endured its worst crisis aside from the great blackout of 1965. Only once before in winter months—on Jan. 9, 1970—has Con Ed been impelled to reduced voltage to protect its reserve capacity.

The reason for the present crisis, according to the utility's spokesman, is a combination of a prolonged cold wave and the breakdown of major generators.

Yesterday the utility found itself without a single kilowatt of reserve capacity during the peak hour of 5 to 6 p.m., when its supply exactly equalled the power demands for 5,686,000 kilowatts.

The peak demand today was just below yesterday's figure—5,681,000 kilowatts between 5 and 6 p.m., leaving a reserve margin of 167,000 kilowatts.

With even colder weather forecast for today, Con Ed had appealed to all its customers to use as little power as possible. At 8 a.m. a 5 per cent voltage reduction was imposed. At 11:40 a.m., the heat was turned off in the city's 7,000 subway cars, saving 8,000 to 100,000 kilowatts. It was turned on again at 6 p.m.

The temperature fell to 6 degrees, the second coldest day of the winter. And by mid-afternoon many office buildings had darkened the lights in their lobbies.

Businesses were urged to turn out electric window displays and outside advertising signs. With steps like this, plus the purchase of about 900,000 kilowatts of outside power, Con Ed was able to survive without going to the third and highest voltage cut of 8 per cent.

According to Con Ed, most appliances and machinery can tolerate a voltage cut of at least 10 per cent. The only perceptible sign of cuts lower than that is shrinkage of TV pictures.

The major problem for Con Ed has been the continued breakdown of the million-kilowatt "Big Allis" generator in Ravenswood, Queens, disabled since last July 21. In addition, the 265,000-kilowatt nuclear unit at Indian Point has been out of service since last May.

Two more units developed trouble, one at the Hell Gate plant and another at the Arthur Kill plant on Staten Island, but both were expected to be operating again shortly.

The message of today's power crisis was clear and grim for most New Yorkers—if the utility was unable to meet the winter peaks without emergency steps it will certainly be in even more serious trouble next summer when air conditioners drain millions of kilowatts. A city official concerned with the power problem discounted Con Ed's assurances that it hoped to have a wider margin for power this summer than last.

The official said "the practical situation is in fact much more pessimistic than the projected figure would indicate." He noted that Con Ed's estimate included use of units of doubtful reliability.

[From the New York Daily News, Feb. 3, 1971]

Con Ed Winter Menu: Cold Cuts, Candlelight

(By Robert Carroll)

Crippled Consolidated Edison limped through its worst crisis since last summer as bitter cold weather and the demand for electricity caused lights to go dim in Manhattan office buildings yesterday, cut off heat to some subway cars and brought an appeal to the public to curb its use of power.

Con Ed went into a 5% voltage cut at 8 a.m., the earliest daily cutback in the utility's history. As the day wore on, the utility's reserve of power dipped to within 1% of both its generating capacity and available purchases of power.

Temperatures that sank to a low of 6 degrees caused numerous problems for motorists also. The Automobile Club of New York reported 6,000 stalled cars in the metropolitan area during the morning rush.

CUTBACK NORTHEAST-WIDE

At midday, the New York Telephone Co. assisted Con Ed in the power crisis by cutting loose from the power grid and placing its 70 or so buildings in the metropolitan area on emergency generators.

The crunch extended through most of the Northeast, with all but one member of the New York power pool—Rochester Gas & Electric—joining in the 5% voltage cutback. All four New Jersey utility companies went to 5%, together with other companies in the Pennsylvania-Maryland-New Jersey pool.

The cold weather added to the woes of 100,000 residents of the 1,000 buildings managed by the City Urban Renewal Management Corp. They were left without heat and other services Monday by a strike of 1,000 maintenance workers.

SUBWAY CARS UNHEATED

Heat was turned off in those subway cars operating below ground. The action was taken by the Transit Authority at the request of Mayor Lindsay's emergency Control Board.

Business firms turned off electrical window displays and advertising signs and major office buildings, in addition to switching off or dimming some lights, turned off some elevators and cut down on use of steam heat.

In response to the Con Ed appeal, The News Building cut back on elevator useage by 20%, reduced lighting in public areas by 50%, and curtailed power to its air handling equipment by 25%.

Con Ed's voltage reduction yesterday was its sixth in 16 days. Last summer the utility had to trim voltages on 15 days and on one day shut off power completely to parts of Stalen Island and Westchester County.

CON ED HEATED UP ON CRITICISM

Although short on power, Consolidated Edison is long on reasons why New Yorkers find themselves scrambling for kilowatts only six months after last summer's critical electricity famine—and at a time when electric power is normally a surplus commodity.

The crisis, says Con Ed, developed from plant construction delays, delays in winning approval from regulatory agencies, labor disputes and opposition to plant and transmission line siting by conservation and environmental groups.

Con Ed insists that the utility itself is guiltless. "Our forecasts 10 years ago of what our demands would be have been remarkably accurate," said a spokesman. "Also, the power facilities necessary to meet those demands have been planned. But, for reasons beyond our control, we couldn't complete our programs."

Some of these programs have never even got off the ground. The Storm King pumped storage facility on the Hudson, planned for operation in 1962, is still tied up in litigation. Indian Point nuclear plant No. 2, expected to be operating in 1969, won't be ready to produce until late this year, at best. Indian Point No. 3 is due in 1972, two years late, while No. 4 has been pushed back to 1978—four years beyond its initial ready date.

With its nuclear programs stymied, Con Ed said it accelerated its fossil fuel plant program in Astoria, Queens, and at Bowline and Roseton on the Hudson. The Astoria proposal, Con Ed points out, was cut back 50% by city order—a perfect example, says the utility, of an outside force at work over which it had no control.

"How many contingencies can any utility reasonably be expected to plan for?" asked a harassed Con Ed official.

Critics of the utility argue that Con Ed should plan for every contingency, that it hasn't done this and that the regulatory agencies—especially the State Public Service Commission—have been equally remiss in making and keeping Con Ed responsible.

What's needed, say these critics, above the interests of stockholders is research, experimentation and realistic planning that puts public need above profit.

ADDITIONAL STATEMENTS OF SENATORS

NEW INFORMATION ON CRIME

Mr. BYRD of West Virginia. Mr. President, the rapidly increasing crime rate of recent years has been a source of great concern to the American people. In many of our urban areas people dwell in considerable fear for their personal safety and for the safety of their property and possessions.

I am glad to note that additional information about the incidence and seriousness of crime is soon to become available. The Census Bureau, in much the same way that it measures unemployment, is to undertake an in-depth survey of individuals and business establishments on a twice-a-year basis to determine more fully the actual damage done by crime, the anxiety it causes, and to provide the greatest accuracy possible with respect to the measurement of the crime rate.

The Justice Department, which is setting up the new system within its Law Enforcement Assistance Administration, indicates that the study will be the largest ongoing statistical survey in the world. It should be a valuable addition to what I hope is an intensifying war on crime throughout our country.

Today's New York Times, Mr. President, contains a news article setting forth the plans for this crime survey, for which pilot studies are now being conducted in Dayton, Ohio, and San Jose, Calif.

Believing that this article will be of interest to Senators, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. ESTABLISHING NEW CRIME INDEX—SYSTEM INVOLVES SURVEYS OF HOMES AND BUSINESSES

(By Fred P. Graham)

WASHINGTON, February 3.—The Federal Government is establishing a new system of crime statistics designed to gauge the level of damage and anxiety caused by crime, as well as to provide a more accurate measure of the crime rate.

Employing a technique similar to the household survey used to measure the unemployment rate, the Census Bureau will call on a carefully selected panel of homes and business establishments across the country twice a year to interview persons who have been victims of crimes.

Between 125,000 to 150,000 homes and businesses will be in the sample, making it by far the largest ongoing statistical survey in the world.

Officials at the Justice Department, which is setting up the new system within its Law Enforcement Assistance Administration, insist that it is not intended to replace the crime index published by the Federal Bureau of Investigation.

MORE ACCURATE

But the survey is expected to be far more accurate in calculating the incidence of crime than the F.B.I.'s uniform crime reports, which rely solely on reports from local police departments of crime reported to them.

The F.B.I.'s figures have been widely questioned because the reporting of crimes is known to be erratic. Household surveys made in 1966 by the President's Commission on Law Enforcement and Administration of Justice indicated that two or three times more serious crimes occurred than those reported to the F.B.I.

The unemployment survey, which checks 50,000 households each month and is now the largest in the world, is thought to be accurate within 0.2 per cent. Thus, the new crime survey of 150,000 homes and businesses is expected to tell with great accuracy what percentage of the people have been victims of various crimes within each six-month period.

STATISTICALLY SOUND

The large sample is necessary because only about 4 per cent of the public became crime victims each year. This means that the sample should produce about 6,000 victims each year, which is a statistically sound sample for Census Bureau personnel to interview.

George E. Hall, director of the Law Enforcement Assistance Administration's National Criminal Justice Statistics Center, which is in charge of the survey, said in an interview that its major importance would not be the more accurate crime count. "For the first time we will have an accurate qualitative gauge of crime and its impact on people" he said, "which will greatly benefit the police and the public."

Using a system of detailed interviewing developed by two criminologists at the University of Pennsylvania, Marvin E. Wolfgang and Thorsten Sellin, the Government will learn whether the level of viciousness in such crimes as robbery, rape and assault is rising or declining. Also, the amount of money being taken in robberies, larcenies and burglaries will be known.

DEGREE OF SERIOUSNESS

A major shortcoming of the F.B.I. crime index is that it lumps crimes of varying seriousness together. A child's taking of his schoolmate's lunch money and a vicious mugging are both classed as robberies. The new survey will improve on this by telling how serious crime is, as well as how prevalent.

Mr. Hall said that the social and economic costs of crime will be measured by asking to what extent people are staying away from downtown areas or changing other habits because of a fear of crime.

Pilot studies are now being conducted in Dayton, Ohio, and San Jose, Calif., to refine methods to be used in the survey. During the rest of the year, Census Bureau personnel will conduct interviews across the country to develop the 150,000-unit sample.

Mr. Hall expects the first survey to be completed next year, but the Government may keep these figures in 1973. This would increase its accuracy by comparing the two years' results.

THE ALASKA PIPELINE

Mr. STEVENS. Mr. President, the National Parks and Conservation magazine, in a special issue, contained an excellent article concerning my State, Alaska.

In the same issue, the editorial staff of this magazine produced an editorial dealing with the pipeline in Alaska.

The editorial was entitled, "Oil, Alaska, and the National Interest."

Keith Hay, the wildlife director of the American Petroleum Institute, has written to the editor of the National Parks and Conservation magazine to discuss some of the points raised in that editorial.

Because of the focus that has centered upon my State, and the proposal to build a pipeline, I think it important that all sides of this issue be brought out for public review. Accordingly, I ask unanimous consent that the editorial and Mr. Hay's letter to the editor be printed in full immediately following my remarks.

There being no objection, the editorial and letter were ordered to be printed in the RECORD, as follows:

[From the National Parks & Conservation magazine, November 1970]

OIL, ALASKA, AND THE NATIONAL INTEREST

The countdown toward possible disaster in Alaska is rapidly running its course.

For the moment, construction of the proposed Trans Alaska Pipeline System from Prudhoe Bay to Valdez has been blocked by injunction.

But the existing freeze on the selection of Federal land by the State of Alaska will expire at midnight, December 31, 1970. Under the Statehood Act, Alaska then re-acquires the right to select lands along the pipeline right-of-way, removing them from Federal control and depriving the Court of jurisdiction.

No further warnings are necessary in regard to the manifest dangers involved in this project: the possible melting of the permafrost, the resulting destruction of the tundra, the probable consequent oil spills, the blockage of caribou migrations, and the general wreckage of the environment.

Perhaps even more serious is the danger pointed out by Transportation Secretary

Volpe, that oil spills in the Arctic, darkening the snow, might result in the absorption of enough additional heat from the sun to cause the melting of the polar ice cap. If this were to occur, coastal cities all over the world would be submerged under some 200 feet of water. Such risks cannot be taken lightly by responsible public or corporation officials.

Leaders of 22 major conservation and economic organizations addressed a letter to President Nixon several months ago, under the auspices of the Environmental Coalition for North America, urging that full-scale public hearings be held by the Council on Environmental Quality on all the risks and precautions involved before any permit for construction is granted. The President has never replied, nor has the Council assumed any responsibilities in the matter.

The Alaska natives have been pressing their very just and reasonable claims for compensation for the seizure of their land a century and more ago by Russia and the United States. Large land claims are involved, and the natives should have a prior right to selection. The land freeze should not be lifted until the natives are granted their proper first choice.

The national interest of the American people as a whole in the preservation of the resources and environment of Alaska is also involved. No permit should be granted for the construction of the pipeline until it has been shown beyond a shadow of a doubt that this national interest has been completely protected. The land freeze should be continued in effect for that purpose, but other Federal controls should be made ready in addition.

Secretary Volpe's warning is relevant in this connection. No Federal funds should be expended on highways in Alaska—on any highways at all—until the responsible officials of the Federal Government have satisfied themselves, and until the American public has had a chance to satisfy itself, that no serious consequences will follow from construction of the pipeline, or from tanker transportation, for that matter.

This is not to say merely that all possible precautions must be taken against spills; such precautions may not be adequate; the test is whether ecological disaster can result, regardless of precautions. The Federal Government contributes 90% of interstate highway funds; 50% of primary highway funds.

The State of Alaska and the pipeline companies have severally shown considerable reluctance to foot the bill for completing the access and construction roads for the pipeline. The Nation should not bail them out of the impasse without full assurance of protection of the national interest. If the companies or the State show any inclination to go ahead with construction along the pipeline at their own expense, road funds for the entire State should be frozen—impounded if necessary—until the national security has been protected.

There are serious problems of national defense in this business. The oil of Alaska will be useless in any serious military emergency. One conventional bomb on a pipeline or tanker would end the matter. Reliance on such sources could entrap the Nation in a major military defeat.

If the price of oil were to fall to world market levels, the oil of Alaska would not be developed in the foreseeable future because of high extraction and transportation costs. Not that Near East oil appears to be dependable at the moment, but Venezuelan oil, just for example, is available. The supplies in the contiguous states and the continental shelves ought to be conserved for a serious military emergency. The abandonment of oil import quotas would have that effect. A thorough-going inquiry into the oil business may be in order before any Alaskan pipeline venture or tanker enterprise is allowed to proceed.

As though by footnote, we might add that the internal combustion engine is on its way out. The day of gasoline as a motor fuel may be ending. If electric cars take over, energy for batteries will be transported by wire and produced at mammoth plants, probably nuclear. The Department of Transportation has an interest in this aspect of the problem in terms of the development of a rational transportation policy for the country.

We come back to the notion that full-scale public hearings under Council of Environmental Quality auspices are in order. The problem is not within the jurisdiction of the Department of the Interior alone; the Departments of Transportation and Defense are at least as deeply involved. Full-scale public hearings would allow an opportunity for environmental scientists, responsible private organizations, and public officials to lay all the available facts before the American people.

Because no further steps can be taken toward construction during the oncoming winter, there is ample time for such hearings. The President has the power and a magnificent opportunity at this juncture to expedite a solution to the Alaskan oil problem by an appeal to reason in the light of all the facts available. The Council on Environmental Quality should be asked and assisted by the President to hold open, ample, and formal public hearings at the earliest opportunity. All American citizens have the right to communicate with the President and urge this course upon him.

American Petroleum Institute,

Washington, D.C., January 12, 1971.

To the Editor,
National Parks and Conservation Magazine,
Washington, D.C.

Dear Editor: I have just read your special November issue on Alaska. It contains some excellent articles by some responsible contributors who obviously have firsthand knowledge of their subject and an impressive background in Arctic affairs.

Unfortunately, your editorial in the same issue commencing with, "The countdown toward possible disaster in Alaska," failed to measure up.

In discussing oil and the pipeline in Alaska it is easy and perhaps gratifying to some to repeat the ecological hyperbole that permeates so much writing on this subject today, e.g., melting of the permafrost, destruction of the tundra, threat of oil spills, blockage of caribou migrations, and general wreckage of the environment. Exaggerations on environmental matters of such monumental import by either conservation or industry leaders do a national disservice. Only by reasonable and impartial appraisal of all available facts can we achieve a balanced, rational management of Alaska's environment, including the constructive use of its natural resources for the welfare of mankind. It is in this spirit that I take issue with some of the statements in your editorial.

To be specific, here are a few of the points that were disturbing:

1. You ascribe to Secretary of Transportation Volpe a statement that oil spills in the Arctic could darken the snow and result in the absorption of enough heat from the sun to cause the melting of the polar ice cap, resulting in the inundation of coastal cities all over the world under two hundred feet of water. Inasmuch as I was curious about the scientific basis for such an assertion, I called the Secretary's office and was advised that no one could recall or substantiate the Secretary's having made such a statement. I would be most interested in being referred to documentation of this remark attributed to Secretary Volpe. The Secretary did announce on July 22, 1970, that the U.S. Coast Guard would conduct a series of experiments in August to determine the environmental effect of experiments in August to determine the environmental effect of oil spills in the Arctic. Some heat-balance studies were subsequently conducted, and I discussed the nature of these studies along with the statement attributed to the Secretary with the Scientific Director of that mission. He stated that he knew of no scientific justification for such a statement.

2. Your editorial states that "The pipeline companies have . . . shown considerable reluctance to foot the bill for completing the access and construction roads for the pipeline." The companies have indeed been reluctant to "foot the bill" for any pipeline road until they have assurance that they will be permitted to build a pipeline to go with it. I hope you will agree that in the absence of this assurance, such reluctance is understandable. Incidentally, many conservationists feel that one of the most important long-range environmental concerns of the pipeline road is the need for immediate land-use zoning to insure that the road and the activities it is sure to stimulate will be an asset rather than a liability to Alaska's future.

3. Your editorial assessment of the military value of oil in Alaska is frankly puzzling to me. You question the military security of Alaskan oil while urging reliance on Venezuelan oil. Apart from that, however, it would seem that interruptions in supply of oil under U.S. control (such as that in Alaska) are far less likely than would be the case for oil in countries in South America or in the Middle East.

4. The editorial is out of date in its comments on the price of Middle East oil—which, under current rates for chartering tankers, is now higher delivered to U.S. East Coast ports than domestically produced oil delivered to the same ports. Moreover, the editorial implies that vast additional supplies of crude can be imported from Venezuela. This is simply not the case. In fact, production in Venezuela is presently at or near capacity.

5. The editorial urges that U.S. produced oil be "conserved for a serious military emergency." This implies that oil production can be turned off and on like a water faucet. But, with unlimited foreign oil imports, large, portions of the domestic industry would gradually have to close down. Then if an emergency arose, and imported oil supplies were cut off, it would take years and billions of dollars to rebuild a new domestic producing industry. It takes between three to ten years to develop an oil field even after a commercial discovery has been made.

One of the paramount concerns of the oil industry in Alaska is to show the world that oil can be produced and transported in a manner consonant with sound environmental standards. Along with a group of other conservationists (who are receiving copies of this letter), oilmen and environmental writers, I saw such efforts everywhere I went last fall. I spent nearly two weeks personally observing oil operations and pipeline research projects in that state. It was evident that environmental decisions on the routing, construction and operation of the TAPS (now Alyeska) Line will be based on finding from the most comprehensive programs of scientific research and analysis in the history of the Arctic. This includes projects either underway or nearing completion involving extensive soil investigations; a thermal-effects computer program to determine heat transfer from the pipeline to the soil; the actual testing of a "hot" pipeline in permafrost; the testing of a "cold" pipeline buried in permafrost, crisscrossed by extensive ice wedges; revegetation studies; welding and bending tests; simulated stresses for differential settlement conditions; full-scale pressure and temperature strain tests on the pipe; and extensive interdisciplinary ecological surveys involving scientists from universities, industry and government. The pipe specifications are the most stringent of any oil pipeline ever manufactured. The rigid environmental regulations that must be met have been called, "a model for the development and use of resources," by Russell Train, Chairman of the President's Council for Environmental Quality. These measures are hardly a countdown to disaster.

With the extension of the land "freeze" in Alaska, I understand public hearings on the pipeline project are scheduled to be held this month here and/or in Alaska. I hope that these hearings will afford an opportunity for the facts to be considered in a dispassionate manner and will contribute to the solution in the overall public interest.

I would like to stress that the petroleum industry does not for a moment take issue with your natural concern about the effects of this pipeline and other petroleum operations on the Alaskan environment. Believe it or not, your concern is shared by this industry. We would only hope that there might be due recognition given to the demonstrated sincerity of purpose manifested by the oil companies in seeking to preserve this great state's natural heritage.

Sincerely yours,

KEITH G. HAY.

GRAZING FEES

Mr. CANNON. Mr. President, grazing fees on public lands have been hotly contested policy questions in the Department of Interior since the Taylor Grazing Act of 1934. While all of us would agree that the Government should receive fair value for services rendered, the method of computing the fair market value of grazing cattle and sheep on public lands is a matter of dispute.

Subsequent to the nearly 400-percent increase in grazing fees announced by the Department of Interior late in 1968, both the Senate and the House held hearings on the subject in view of the understandable outcry from ranchers all over the United States who were suddenly threatened with bankruptcy. One of the major points of contention was whether or not the cost of the grazing permit should be included in the calculation of special expenses incurred by ranchers using public lands—an expense that Interior was not willing to allow.

I am pleased to join with Senator McGee, Moss, and Hansen in sponsoring S. 143, a bill which will amend the Taylor Grazing Act to insure that the cost of permits be included in calculation of the fair market value of the fees. These permits have a value on the open market, are used as collateral for loans by ranchers, and are recognized by the Internal Revenue Service for tax purposes. I feel that because of this widespread acceptance by all factors of the community, the cost of the permits must be included in the Government's calculations of grazing fees.

After the 1960 hearings, to which I contributed along with many other western Senators, the Department of Interior agreed to defer any additional fees increases until publication of the findings of the Public Land Law Review Commission. Recommendation 37 by the Commission states:

> Public land forage policies should be flexible, designed to attain maximum economic efficiency in the production and use of forage from the public land, and to support regional economic growth.

Public grazing lands, the report comments, are often crucial to individual ranch operations, supplementing the feed of private lands by supplying seasonal grazing. Without the privilege of grazing public lands, many ranches would be forced out of business.

In these times of economic recession, I hold it is contingent upon the Government to aid the economy, not to depress it further. I am pleased to be joined in this attitude by President Nixon, who is offering a "full employment budget" to pull us out of the economic doldrums in which we find our country.

In view of the attitude of the President, the recommendations of the Public Land Law Review Commission, and the fact that S. 143 when passed will restore grazing fees to a level complementary to the economic needs of America's ranchers, I call on the Secretary of the Interior to extend the moratorium on grazing fees another 2 years. By that time the Senate will have had time to consider our legislation, and the country will hopefully be pulling out of its current crippling recession.

This is a time to trim crippling Government taxation, not increase it. It is a time to hold the line on food price increases, not take actions that will contribute to their continuing rise. We must increase employment, not make rulings that will destroy an industry and throw even more men on the welfare rolls. The time has come to draw the line against Government encroachment upon the rights of the rancher, and of the population altogether. We must fight to stop this unnecessary increase in grazing fees immediately, and then legislate wisely to provide controls against future bureaucratic decrees.

NELL RENN, FORMER KANSAS STATE REPRESENTATIVE

Mr. DOLE. Mr. President, I recently received a copy of a resolution of the Kansas House of Representatives honoring a former member of that body, Nell Renn. I had the honor of serving in the Kansas House with Mrs. Renn. She was a gracious lady and conscientious legislator. It would be entirely appropriate and an additional honor to her memory if the readers of the RECORD could learn of her service to her State and its people; therefore, I ask unanimous consent that this resolution honoring Nell Renn be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION NO. 1024: A RESOLUTION RELATING TO THE DEATH OF NELL RENN

Whereas, Nell Renn, a former member of the House of Representatives, passed away on June 24, 1970, at the age of seventy-five years; and

Whereas, Nell Renn was born October 8, 1894, at Queen City, Missouri, to Clarence Robert Blurton and Euretta Kaster Blurton. She earned her A.B. degree from the University of Kansas in 1918 and did post-graduate work at Columbia University. She taught school at the Kingman, Kansas High School from 1918 until 1920 when she taught at Dillon, Montana, also teaching at Prescott, Arizona in 1922 and 1923.

She was married to Oscar Renn on June 29, 1924, at Bucklin, Kansas, and they made their home in Arkansas City where he had established a law practice.

Mrs. Renn was a member of the Trinity Episcopal Church, Kansas Federation of Women's Clubs and P.E.O., and was active in numerous civic and political groups. She served on the University of Kansas Advisory Council, and was particularly active in AAUW, sponsoring student housing legislation prior to her career as a member of the Legislature. Mrs. Renn was named as one of the outstanding alumni at the University of Kansas, and was also listed in Who's Who.

At the time of her death she was a member of the Intensive or Coronary Care Committee for Memorial Hospital and was instrumental in its functioning; and

WHEREAS, Nell Renn served as a member of the House of Representatives during the 1951 session, having been appointed by Governor Edward F. Arn to fill the vacancy left by the death of her husband, Representative O. Jack Renn, who passed away on January 30, 1951. Mrs. Renn was relected to serve two more terms, serving during the years 1953, 1955 and 1956. During this period she was seatmate of Bob Dole now United States Senator from Kansas and Chairman of the Republican National Committee. In later years Mrs. Renn enjoyed immensely her continuing correspondence with Senator Dole.

During her years in office, she served on the Governor's Conference on Education, and was appointed by President Dwight D. Eisenhower as a delegate to the White House Youth Conference in 1954 and 1955; and

WHEREAS, In the death of Nell Renn, this state and her community have suffered a great loss: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the chief clerk of the House of Representatives be directed to send enrolled copies of this resolution to Mr. and Mrs. Daniel C. Stark, 1227 North 2nd, Arkansas City, Kansas 67005, Mr. George E. Sybrant, 200 North Summit, Arkansas City, Kansas 67005, to the Dean of the College, Crowley Community Junior College, Arkansas City, Kansas 67005, and to Senator Bob Dole, 2327 New Senate Office Building, Washington, D.C., 20510.

ENVIRONMENT COMMITTEE SUPPORTED

Mr. HUMPHREY. Mr. President, I am delighted to join as a cosponsor of Senate Joint Resolution 17, legislation designed to create within the Congress a Joint Committee on the Environment.

I have long been in favor of creating such a committee and have spoken of this need on many occasions. I believe it is needed in light of two vital imperatives.

First, the Congress must continually update itself—must remain responsive, in a timely fashion, in meeting effectively the needs of the Nation. I have long espoused a comprehensive updating of the Congress. The need for streamlining our procedures and for improving the quality, quantity, and rapid availability of information we use has long been obvious. Increasingly complex issues, in an era of almost geometric multiplication of data inputs, require the Congress be equipped with the very best in staff and equipment. To do otherwise is to practice a very vain and equally foolish economy. Management of hundreds of billions of dollars requires our most dedicated efforts, most superb intellects and finest in equipment.

In many ways, Congress is expected to compete with the collective wisdom and sometimes parochial, self-interested efforts of a Federal bureaucracy numbering in the millions, supported by the ultimate in think tanks, computer technology, and services. If Congress is to remain in this increasingly demanding and competitive game of government and, indeed, move ahead and assert its constitutional leadership mandate, as the most direct voice of the people, we must have the tools. We must not depend on the fact that Congress can change the rules of the game when we get too hopelessly behind. The Congress and the Nation cannot afford such a copout. And the American people will not tolerate it.

The Congress must up-date and streamline itself. We must participate and lead in the governmental process. That is one of the reasons, I believe, that we have 535 legislators in Washington. This legion, well informed and properly equipped and staffed, should come forth with a flood of ideas—an outpouring of the best in intellect and effort.

This Joint Committee on the Environment, if properly staffed and given the wherewithal to do the job of restoring the environment and insuring our survival, can be a model for subsequent across-the-board reform and revitalization in the Congress. We in Congress must give to the American people the best possible expression of their voice.

The second imperative, unless fulfilled, renders the first imperative academic. Unless we halt the depredations on our environment and restore a sick ecology to health, that part of the ecological system known as man will not be around to concern itself with reform of national legislatures.

National and international problems of protecting the world's ecology have multiplied as successive countries begin paying the pollution price of rapidly expanding economies and escalating standards of living.

There is no question of the primacy of this issue. Our environment must be preserved and restored. The Congress realizes its responsibility in this area. I support and applaud this planned establishment of a Joint Committee on the Environment. It is needed now. It is overdue. I urge the unanimous support of my colleagues in the Senate and House of Representatives. Indeed, this idea's time truly has come. Let us act now, before its time, and ours, has passed.

GENOCIDE DEFINED

Mr. PROXMIRE. Mr. President, the tragedy of nazism brought out the need for the free and civilized nations of the world to cooperate in outlawing the shocking crime of deliberate extermination of entire national, ethnical, racial, or religious groups.

In ratifying the Genocide Convention, we will let the world know that the United States does not condone mass atrocities, and we will endorse the principal that such conduct is criminal under international law.

There has been a great deal of controversy among lawyers in the United States as to the Genocide Convention, but much of it has been due, I believe, to a misunderstanding as to what is meant by genocide and an unfamiliarity with the international law of crimes. The principal objection which has been raised by opponents of the convention is that it is contrary to our federal system of government because it takes away an important part of criminal jurisdiction from our State governments.

In response to this objection, it is essential to understand what is meant by "genocide." The history of the drafting of this convention in the United Nations shows that the United Nations delegates meant by the term "genocide" the killing or mutilation of people, or other overt acts specified in the convention, committed as part of a plan to destroy a group, a group in its entirety within a state, and committed on a scale affecting a substanial number of people.

Thus, it should be quite clear that the crime of genocide is quite distinct from the crime of homocide. There must not only be killing, as in the case of homocide, but there must also be the element of an intent to destroy an entire national, racial, religious, or ethnic group as that group exists within the territorial limits of a particular state. In addition, the action must affect a substantial number of persons.

Our membership in the small community of nations that have failed to ratify this human rights convention is becoming an increasing diplomatic embarrassment. Our friends cannot understand it. Our adversaries exploit it. It is a costly anachronism which should be eliminated without delay. I once again urge this body to ratify the Convention on the Punishment and Prevention of Genocide.

SECRETARY ROMNEY REBUTS LIFE ARTICLE

Mr. DOLE. Mr. President, last month Life magazine published what was purported to be an assessment of the first 2 years of the Nixon Presidency; in fact it was little more than a one-sided ax-grinding job. The article's lack of balance and absence of credit where due cannot be remedied after the fact of publication, but in evident recognition of the article's slanted character Life published a "guest privilege" reply by Secretary of Housing and Urban Development George Romney. Secretary Romney makes a powerful, persuasive case for the programs and progress of the Nixon Administration and he sets an accurate perspective for considering the record which the President has compiled.

Mr. President, I ask unanimous consent that Secretary Romney's reply be printed in the RECORD at this point.

There being no objection, the reply was ordered to be printed in the RECORD, as follows:

A REPLY TO LIFE'S EDITORIAL ON NIXON

(By George Romney)

President Lincoln once said he could not answer all the attacks against him, as it would involve him in a "perpetual flea hunt."

Two weeks ago, LIFE meticulously published so many "fleas" about Mr. Nixon and his Presidency—I asked this opportunity to bag the legal limit.

FOREIGN POLICY

Though conceding him high marks in foreign policy, LIFE skates over—in two sentences—the President's historic arms control proposals, Soviet policy, the new footing toward Communist China, the peace initiatives in the Middle East. Instead LIFE zeroed in on Cambodia.

Nowhere was credit conceded for the accomplishments of Cambodia: the new American troop withdrawals; the greatly improved chance freedom in South Vietnam will survive; the dramatic decline in American war dead.

Who would have predicted 24 months ago that by the spring of 1971 almost half of America's troops would be either home or on the way?

Had this President been of a different political philosophy, those dismissing his achievements with faint praise might well be alto sopranos in the Nixon choir.

ECONOMIC POLICY

Ernest Hemingway wrote that two evils inevitably brought nations "temporary prosperity . . . permanent ruin." They are inflation and war; Mr. Nixon inherited them both.

It required both political courage and statesmanship to move away from war and inflation, up onto the high road to peacetime prosperity. Almost two million defense-related jobs had to be eliminated in the transition.

But LIFE's gloomy assessment notwithstanding, unemployment for 1970 was lower than any peacetime year in the '60s. Last year's downturn was the mildest in 25 years. Interest rates have declined. Price rises have dropped 25% in six months. Housing starts are moving up. Food prices have stabilized. The stock market has rocketed 200 points in eight months. Public confidence is everywhere on the upswing. A business recovery is at hand.

SOCIAL POLICY

Doing its bit to "bring us together," LIFE notifies 22 million black Americans that, under President Nixon, you must "be content with the ongoing progress . . . under laws on the books."

Yet, largely through this President's initiatives, millions of poor, many of them black, are exempted from income taxes; the number of Americans getting food stamps has tripled to 10 million; the number getting food assistance nearly doubled to 12 million; "black capitalism" loans to minority business have shot up to $135,000,000. These tremendous gains are not even hinted at in the LIFE editorial.

"Nixon has fought *only* [emphasis added] for welfare reform . . ." claims LIFE. Only for welfare reform!

Where have LIFE's editors misplaced the clippings on the 37-point environmental program; the revenue-sharing bill; postal reform; the all-volunteer Army proposal; extension of unemployment insurance to five million Americans; the D.C. crime law and the billion dollars to combat crime; the proposals to stop the flow of smut to children; the higher education bill; the mass transit bill; Social Security reforms; coal mine safety; consumer proposals; the occupational health and safety law; veterans' programs; manpower training and a dozen others?

THE NIXON STYLE

Clearly, from LIFE's inventory, the Nixon "style" is being weighed in the balance with the style of the retinue that arrived in Washington in 1961. But let us broaden the judgment beyond comparative styles to comparative accomplishments. In my book, substance counts more than style.

The men of style who departed government in 1969 left behind a bitter legacy—a division in the country, disruption on the campuses, inflation in the economy, cost overruns in a bloated defense budget, crime in our cities, powderkegs in the ghettos, backlash in the suburbs—and two hundred coffins being ferried home each week from Southeast Asia.

What a price America paid for the overblown rhetoric of the sixties! And what did it all accomplish?

The day the men of style departed Washington—15 years after Brown *vs.* Board of Education—one in 16 Negro children in the South attended school in legally desegregated districts.

It was not they, but Richard Nixon, who presided quietly over the dismantling of the dual school system. He placed his faith, not in pompous rhetoric or federal power, but in the basic goodwill and dedication to law of the people of the South.

The President did not barnstorm the country promising an "end to poverty in 1976." But calmly, articulately, forcefully he proposed to the nation the most far-reaching program in 35 years to eliminate poverty from American life. He has gone to the people: to rally them at the time of the massive street demonstrations—to argue the case for a missile defense—to justify his decision to a nation alarmed over Cambodia—to explain the economic necessity for his veto of a popular health and education bill.

But, if the President truly seemed, in these appearances, a "calculating lawyer"—why, then, almost without exception have they enhanced the President's standing and rallied support for his causes?

If his appearances disappoint, why do networks and Democrats anguish aloud that the President's televised addresses give him too great a power over national opinion? Hopefully, in 1971 the American people are more interested in performance than theatrics.

Were the President genuinely "isolated," how could an informed critic like Eric Sevareid walk away from an hour's live television interview praising the President's mastery of the matters of government?

From my experience, Richard Nixon's severest critics are the pundits who know him least; his staunchest advocates those who know him best.

When the elite of the intellectual community, the media and the capital deserted President Johnson, his Presidency did not survive. But President Nixon can survive and endure their opposition—for never in his career has he had their support.

If the editorialist cannot fathom the nature and depth of Mr. Nixon's support, perhaps it is because he does not understand the American people.

On Jan. 20, 1969, America was most deeply concerned with a tragic war in Asia, campus crises, mob violence in her cities, crime on her streets. If the day Mr. Nixon departs the Presidency, America's concerns have turned to saving the environment, making government more responsive, maintaining peaceful prosperity—then history will not dwell long on comparative styles. History, rather, will write that Richard Nixon guided America through a dark night of the American spirit into the bright calm of a new day, and was, therefore, a great President.

RULES OF THE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. TALMADGE. Mr. President, section 133B of the Legislative Reorganization Act of 1946, as added by section 130(a) of the Legislative Reorganization Act of 1970, requires the rules of each committee to be published in the CONGRESSIONAL RECORD not later than March 1 of each year. Accordingly, I ask unanimous consent that rules of the Committee on Agriculture and Forestry be inserted in the RECORD at this point.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON AGRICULTURE AND FORESTRY

1. Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.
2. Voting by proxy authorized in writing for specific bills or subjects shall be allowed whenever a majority of the Committee is actually present.
3. Five members shall constitute a quorum for the purpose of transacting committee business: *Provided,* That one member shall constitute a quorum for the purpose of receiving sworn testimony.

DURING WAR, ISRAEL STILL MAKES GESTURES OF PEACE WITH HUMANITARIAN EFFORTS

Mr. WILLIAMS. Mr. President, I have recently come across a letter to the editor of the Christian Science Monitor written by one of my constituents, Benjamin J. Waldman, of New Milford, N.J. The letter reflects on a quickly forgotten, and almost unnoticed event during this long 22-year war in the Middle East. It tells of a 19-truck Israel convoy which crossed into Jordan at the direction of Israel's Defense Minister to deliver 145 tons of food to starving victims of Jordan's civil war.

I believe it is extremely important that we in the Senate of the United States keep ourselves aware of events such as these as we do of the destructive events which claim all of the notoriety. Therefore, I ask unanimous consent that Mr. Waldman's letter to the editor be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HUMANITARIAN EVENT

To the Christian Science Monitor: In the annals of military history, prowess in destruction is hailed as progress and efficiency. A destructive, victorious army is admired and intensively studied by analysts. Humanitarian achievements prove uneventful, of minor value to the military expert, and soon forgotten.

A grandiose humanitarian event was carried out by the Army of Israel immediately following the recent Jordanian civil war. Without fanfare or advance publicity, a 19-truck Israeli convoy loaded with 145 tons of food crossed the Israeli border into Jordan for distribution to starving victims of Jordan's civil war. The trucks contained 80 tons of flour, 35 tons of sugar, 25 tons of oil, and five tons of powdered milk donated by the Israeli Government.

Defense Minister Moshe Dayan directed the operation and informed Jordanian authorities that additional supplies would be contributed as required.

Dayan ordered Israeli guards to admit wounded Jordanians seeking medical treatment in Israel. Israel hospitals warmly welcomed wounded Arab civilians from both sides of the civil conflict.

What other army in recorded history actually delivered food and medical supplies to an avowed and uncompromising enemy during the course of a war? These unique charitable gestures should be remembered by people who truly believe in peace and goodwill.

BENJAMIN J. WALDMAN.

NEW MILFORD, N.J.

THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. HOLLINGS. Mr. President, this afternoon Dr. Robert M. White, Administrator-Designate of the National Oceanic and Atmospheric Administration spoke eloquently of the future programs of NOAA. His speech, delivered to the American Oceanic Organization, is an excellent summary of the capabilities and promise of this new organization. In NOAA lies the promise that the oceans will be known and used for the benefit of our Nation and for mankind. I am pleased that the Administration has seen fit to increase NOAA's proposed budget for fiscal year 1972 by 13 percent, but I question whether that increase is commensurate with the capabilities and promise that this new organization holds. During this session, the Subcommittee on Oceanography will closely scrutinize the program and budget of NOAA, and will do everything in its power to promote the new concepts about which Dr. White spoke today.

Mr. President, I ask unanimous consent that Dr. White's speech, "NOAA—A New Concept" be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

NOAA—A NEW CONCEPT

It is a great pleasure to come before the American Oceanic Organization to report on the new National Oceanic and Atmospheric Administration. I have greatly enjoyed these luncheons in the Capitol. It has given me an opportunity to get to know a great many people and to renew many acquaintances. It has given me exposure to many ideas and views on the problems and opportunities that confront us in marine affairs. I know that my meteorological friends will forgive me for focusing today on things nautical, for the time is short and it is impossible to cover everything adequately and besides this is principally an oceanic group.

Perhaps the most frequent comment I hear is "now that NOAA is here maybe we can 'get going'." Everyone agrees that the past decade was a significant one for oceanography. It was a decade of studies and efforts in the Congress, in the Executive Branch, in our academies, universities and industries to give new impetus to the nation's ocean affairs. These efforts culminated during the past year in the creation of a Federal mechanism which could act as a civil focus for a new and invigorated national ocean effort.

While there have been many new and significant achievements in new fields in ocean effort and past decade, we must admit it was also a decade of ocean rhetoric, when measured against the expectations of many. The same energies and interests that have brought institutional focus to civil ocean and atmospheric affairs must now be enlisted in a new task, that of converting ideas, dreams, and proposals into a program of action which will stand the hardest kind of competitive test for the investment of the Federal dollar, and will offer the greatest return to the American public.

The formation of NOAA is significant because it represents the establishment of a potential civil center of strength for ocean affairs and related atmospheric and other geophysical activities.

For those who may still be unfamiliar with NOAA, allow me to review briefly what NOAA is.

Its formation brought together the functions of the Environmental Science Services Administration and its major elements, the Weather Bureau, Coast and Geodetic Survey, Environmental Data Service, National Environmental Satellite Center, and Research Laboratories, from the Commerce Department.

The Bureau of Commercial Fisheries, Marine Game Fish Research Program and Marine Minerals Technology Center, from the Interior Department,

The National Oceanographic Data Center and the National Oceanographic Instrumentation Center, from the Navy,

The National Data Buoy Development Project, from the Coast Guard,

The National Sea Grant Program, from the National Science Foundation,

And elements of the U.S. Lake Survey, from the Army Corps of Engineers.

These have been given an interim reshaping. Our major organizational elements now are the National Ocean Survey, the National Weather Service, the National Marine Fisheries Service, the National Environmental Satellite Service, the Environmental Research Laboratories, the Environmental Data Service and the Sea Grant Office. The Data Buoy Project Office, the Marine Minerals Technology Center and the National Oceanographic Instrumentation Center have been assigned interim reporting points.

Today we are a collection of disparate groups which have been involved in one form or another with the oceans, the Great Lakes, and the atmosphere. Now, these groups must be transformed into an effective mechanism which can carry the civil leadership for oceanic, atmospheric and certain related geophysical affairs in our Nation. The building blocks we have to work with to bring about this new and vigorous entity are impressive but unfinished. As I learn more and more about NOAA, I find that even the building blocks in many cases are in need of important repair if we are to insure a sound foundation for building the future. We will be asking the Congress for funds for a start toward this process—operating our ships, staffing our laboratories and improving our facilities.

However, even without additional funds or manpower or new program assignments, NOAA is now the center of civil strength in ocean and atmospheric affairs in the Federal Government. Of the total Federal marine sciences budget as compiled by the Marine Council in Fiscal Year 1971, NOAA will spend $112.6 million, representing 21.1% of the total Federal effort in this field. Of the total Federal Atmospheric Science and Service budget as defined by the Federal Council for Science and Technology and the Federal Coordinator for Meteorology, NOAA will spend $152.9 million, representing 23% of the total. Only the Department of Defense exceeds NOAA's expenditures in those fields.

In Fiscal Year 1971 NOAA will spend a total of $291 million, appropriated directly to it by Congress, and an additional $34 million, transferred from other agencies of the Federal government to do work for them, for a total of $325 million.

For Fiscal Year 1972, the President has sent forward a budget providing a 20 percent increase in oceanic effort for NOAA. Had all the agencies now housed in NOAA been with us for the entire year, a total of $98,770,000 would have been expended on ocean programs in Fiscal Year 1971. The President's budget for 1972 allows $118,516,000 for NOAA's ocean programs. The percentage increase for the entire NOAA budget of $333,900,000 stands at 13 percent. To me, this is indicative of the Administration's keen interest in the oceanic environment.

I am sure you are aware that the President has just proposed a sweeping reorganization of the Executive Branch of the Federal government. Although, under its terms, most of our parent Department—Commerce—would become a part of a Department of Economic Development, NOAA would be transferred to a Department of Natural Resources. It would be one of four major components of that new department along with land and recreation, water resources and energy and minerals. Let me assure you that we in NOAA intend to move forward vigorously and without delay to begin accomplishing the tasks already set forth for us by President Nixon in the Reorganization plan which created our agency.

NOAA brings together unique capabilities which should enable it to mold a formidable instrument for governmental policy and action in the fields of oceanography and meteorology and certain aspects of the solid earth sciences. In one agency we have brought together 9,200 scientists and technicians and others covering the broadest spectrum of environmental and marine sciences of any organization in the Federal government. NOAA joins in one agency both the physical and the life scientist, enabling it to approach problems of the interaction between living systems and their environmental surroundings in a comprehensive manner. It brings together a unique complex of facilities. For example:

A fleet of 50 vessels, ranging from the most advanced and largest ocean research vessels constructed in this country, to small research and exploratory fishing vessels.

The outstanding space environmental observational capabilities of the Environmental Satellite Center formerly of ESSA.

The worldwide weather, ocean, seismic, and solar observing, communication and data processing facilities of the National Weather Service, the National Marine Fisheries Service and the National Ocean Survey, and the National Data Buoy Project.

NOAA is naturally and traditionally one of the most active collaborators with other nations in scientific and service endeavors in the entire Federal Government. Its programs and missions are inextricably intertwined with and dependent upon international cooperative efforts with other nations. NOAA participates in the work of nine different international commissions on bilateral agreements on fisheries, five specialized agencies of the United Nations System, such as the United Nations Educational, Scientific and Cultural Organization, the World Meteorological Organizations, and the Food and Agricultural Organization. I anticipate we will increasingly be the focus for bilateral agreements in oceanography with other nations.

Only during the past several weeks NOAA has been asked to be the focus of the most recent bilateral arrangements with Canada on undersea technology.

NOAA has now been designated the focus within the Department of Commerce for Departmental activities in connection with the Law of the Sea. I shall ask our Deputy Administrator to become the focal point for this substantial task. Before 1973, when a United Nations conference will consider the problem in Geneva, many questions vital to the United States position must be resolved. We shall be working closely with the Departments of State, Defense and Interior to establish our national position.

Lest my enthusiasm get the better of me, let me assure you that there are many things that we are not. We are not, nor was it ever intended, that NOAA be a monolithic agency in the fields of ocean and atmospheric affairs to the exclusion of the missions and interests of other agencies of the Federal government. It is not and has no intention of becoming a competitor of industry for the university community. To the contrary, we believe NOAA's role is to encourage, foster and support those things which our industries and universities can do best. We intend to be a center of strength and not a center of domination.

As NOAA proceeds to formulate its programs it will be done in close conjunction with the other Federal agencies . . . the Defense Department, the National Science Foundation, the Coast Guard, the Environmental Protection Agency, and Interior. We look to collaborative efforts with these agencies, and I am pleased to report that we are in contact with each to work with detailed arrangements for mutual interest. The response, I may say, is gratifying. We look for many sources and mechanisms outside of government to work with us, and advise us on our future program efforts, such as the Ocean Science and Ocean Engineering Boards, of our National Academies, and the numerous *ad hoc* advisers or study groups that are called together for many purposes.

Perhaps the greatest, most direct influences on NOAA from non-governmental sources will come from two new national groups. The first is the National Advisory Committee for the Oceans and Atmosphere, which President Nixon indicated would be formed in his message transmitting Reorganization Plan Number Four, legislation for which has been passed by the House. The second will be a National Marine Fisheries Advisory Committee, an important group now being formed at the request of Secretary of Commerce Maurice H. Stans, NACOA will be broadly representative of all segments of the oceanic and atmospheric community. The National Marine Fisheries Advisory Committee will be broadly representative of the commercial, game fishing and conservation, as well as scientific, interests. The task of assembling nominations for both of these committees is actively under way.

I am increasingly confronted, even in the short time that I have been associated with NOAA, with the question of "where is NOAA going?" "Why have the fish been put together with the weather?" "What has mapping and charting to do with observing the sun?"

These are fundamental questions and they require fundamental answers. The oceans and the atmosphere are the environments which cradle and sustain us. They can be used or misused. Some of the properties of these environments are now or can become critical for our safety and well being. They contain living and non-living resources necessary for the sustenance of the nation with all indications of an even greater dependence upon them in the future. These resources must be developed and husbanded wisely. This requires knowing what is there, understanding why it is there, having the technology to assess and develop it, comprehending the environmental effects of development, and having the mechanisms that can manage wisely.

In the oceans, the resources we seek are so intimately related to the conditions of the environment that their husbanding and development depend critically upon a knowledge and understanding of other properties of those environments, properties which enable their use as a media for all manner of human and industrial activity. These properties extend the importance of these environments far beyond the question of living and non-living resources, and we find that a knowledge and understanding of all environmental processes now becomes essential to almost all human activity. Our air and water transportation, our agricultural, industrial, space and defense operations, to name a few, are conditioned in their efficiency and safety by the state of the air and ocean environment. As environments however, they can from time to time channel the wrath of nature into cataclysmic events such as hurricanes and tornadoes, earthquakes, and tidal waves, storm surges, radio blackouts, and mass mortalities of sea life, and they can be a hazard to man's life and a danger to all he owns.

Today the word "environment" and our concern about it have taken on a new meaning. It has become evident that the air and water environments of our planet, which we once thought were infinite sinks for the insults of man, are indeed fragile. They are being contaminated and degraded by the very beings who depend on them for sustenance. Indeed, our very survival depends upon our ability to manage wisely our environments and the resources they contain. It was no happenstance that the President submitted his proposals for establishing EPA and NOAA at the same time. NOAA is and will be one of the major environmental agencies of the government.

This, then is what NOAA is all about. It is about the environment and its resources, and the need to understand the processes of the environment and their impact on, and the interrelationship with, the resources of these environments.

It is about living marine resources and the need to understand the chain of marine life, the dynamics of marine ecosystems, the need to assess and predict the stocks of marine species and the effects of environmental changes and the effect of fishing on stocks, to enable us to regulate and manage their harvesting and their conservation, and to assist the industry which derives its sustenance from them and improve their availability for recreational use.

It is about assisting with non-living resources development, particularly providing the basic maps and charts that can be used to delineate them and the need to understand the environmental impact of developing them.

It is about observing, predicting and possibly controlling the processes and phenomena of our air, water and solid earth environment, and the need to protect the life and safety of the people of this nation against the ravages of nature.

It is about providing the environmental forecasts and data and the need to heighten the efficiency and safety of our economic, industrial, agricultural and defense activities.

It is about monitoring and predicting the consequences of man's pollution of his air and ocean environment and the need to arrest environmental deterioration.

And so, as we sort ourselves out, the major thrusts of our activities in NOAA come sharply into focus.

We see our task as one of setting up systems to assess and measure, develop, and conserve all ocean resources. It is also to encourage the establishment of new Federal/State institutional arrangements for living resources which can deal effectively with the political, legal, and jurisdictional problems that prevent rational marine management. We are requesting increases in funds to initiate such programs. In the area of environmental monitoring and prediction we see our task as establishing a coordinated national environmental monitoring and prediction and warning system and we are seeking increases in funds to operate, maintain and develop our satellite, buoy and other related observing and data processing systems.

In the area of ocean exploration we will survey our inshore, continental shelf, and deep ocean regions at an increasing rate, and we are seeking funds to use our vessels fully and to accelerate the charting process. We will focus our initial efforts on the navigational and geophysical mapping and charting, in collaboration with the Departments of the Interior and the Navy. Such information will be essential for the ultimate management of all ocean activities.

In the area of the coastal zone, we will devote substantial resources to a variety of programs for which NOAA presently has the competence, knowledge and facilities. In addition to our mapping and charting of the coastal zone areas, we will enter into cooperative programs with States for boundary delineations. We will increase our efforts in basic marine ecosystem dynamics. We hope to increase our studies of the dynamics of estuarine and coastal zone waters and seek to improve our systems for the prediction of tides and currents and weather. We will be working closely with the Environmental Protection Agency, the Corps of Engineers, Department of the Interior and the Coast Guard, to make sure that our work and our knowledge of the dynamics of ocean current systems are available for decision-making on ocean uses.

In the area of environmental quality, we hope to mount a major program to examine the impact of man's activities upon the quality of the air and the oceans. We hope to increase our capabilities for the long-term monitoring of both the atmosphere and the oceans and our theoretical studies of the effect of contaminants on marine ecosystems, and on the climate and on the weather and our plans call for increases in funds for this purpose. We hope to extend and improve our systems for predicting air pollution potential and we have asked Congress for additional funds.

Already, we are involved in numerous problems of great immediacy, notably that of contaminants in marine life. We are intensifying our efforts to define this problem through the National Marine Fisheries Service. We have very recently initiated new actions in this connection through reprograming and will seek additional funds for this purpose.

We are seeking to define more clearly the nature and extent of many kinds of heavy metal contamination in fish found in coastal and offshore waters. A systematic survey of major commercial and sport species supplied from commercial boats and our own research vessels is now underway. Initially, we are checking for the presence of mercury. Other heavy metals also will be investigated. An initial screening survey has begun of more than 30 fishery products. In connection with this effort, tests by NMFS scientists already have shown that nearly all of 200 samples of commercially important fish products have tested well below Food and Drug Administration guidelines of .5 parts per million of mercury.

The fish tested in the NMFS program included 30 tuna from African waters, in which only three of the 30 exceeded the FDA guidelines for mercury content, and in no case did mercury content exceed .7 parts per million, a small amount over acceptable figures.

Let me point out that the tests thus far are too limited to provide a complete picture of the presence or absence of mercury contamination. However, these limited findings certainly give rise to optimism as we continue this monitoring and testing program.

It is our belief that these programs will give us a much better insight into the contaminant problem than we presently possess. Within the bounds of our statutory responsibility, we in NOAA intend to make the best contribution of which we are capable to the solution of a problem that has plagued us all.

In the area of environmental control, we will step up our programs looking at ways in which man can consciously manipulate ocean and atmospheric processes for the benefit of all. Our major initial attempts will be in the field of weather modification, an area of enormous potential and great promise, capitalizing on the work done by the previous components of NOAA and other agencies, and we are requesting support in this effort.

I might say at this point that the Nation's achievements in weather modification research have been exciting over the past few years. Encouraging progress has been made in augmentation of snowpack for water resources, in augmenting rainfall from tropical cumulus clouds. Perhaps the most exciting progress has been made in exploring the possibility of hurricane modification. Wind reduction did occur in connection with the seeding of Hurricane Debbie in 1969. We must now determine whether such results can be duplicated. The implications for public safety and the preservation of property, should we be able to lessen the destructiveness of these storms in the Atlantic and the Pacific are obvious.

To carry these tasks forward will require an adequate base of scientific and technological capabilities. We are taking the view in NOAA that there is a need to build certain national capabilities which can be used for a wide variety of ocean and atmospheric purposes, and that NOAA should take the lead in ensuring that such capabilities as may be required for civil uses are available. We will be asking for resources to initiate the following effort. We believe that there should be a national capability for enabling our scientists and others to explore ocean processes by means of submersibles and underwater habitats. We believe that there should be a national ocean research and survey ship capability, properly instrumented to enable the nation to accomplish its varied ocean missions. We believe there is a need for a national capability of instrumented aircraft for probing and measuring both atmosphere and oceans for a variety of field experiments or routine measurements. We believe that there needs to be a national computer capability adequate to meet the needs for mathematical simulation of both the oceans, and the atmosphere for research; and ocean and atmospheric data processing and numerical prediction to meet operational needs. We believe that all of this work must be underpinned by a healthy and vigorous basic science activity supported by the various agencies of the Federal government, and we will do our share. Plans call for increased funds for the International Field Year for the Great Lakes, Sea Grant and other ocean activities.

It must be clear, however, that when we speak of national capabilities or national needs, our thrust in NOAA is to encourage the establishment of such capabilities, facilities and programs. It is not necessary that NOAA fund or manage all of these alone. NOAA must join with all the other agencies of the Federal Government in carrying out such tasks.

It is my hope that the years ahead will prove that my remarks are more than rhetoric. In the next year we will make a start. But if the start is to flower into what I know we would all like to see, then our rhetoric must be converted to sound and solid justification for national investment.

One of the major tasks facing us in the next few years is doing just that. One of the tasks facing you is helping us to do that. During the next year, this Administration will support a vigorous beginning of NOAA. Our task will be to go beyond a beginning. With your help, I know we will.

TRANSPORTATION STRIKE EMERGENCIES

Mr. GRIFFIN. Mr. President, yesterday I introduced S. 560, the administration's bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry.

I did so with a sense of urgency since we are confronted with the possibility of a national railroad strike in less than a month unless four operating unions and the railroads come to an agreement.

Today, there is even more a sense of urgency.

For, according to an Associated Press dispatch today, a fifth union—the Brotherhood of Railroad Signalmen—has joined the others in threatening a strike.

The Associated Press dispatch said:

> The Executive Council of the Brotherhood of Railroad Signalmen ordered its 13,000 members to strike 30 days from now, under the advance notice provisions of the Railway Labor Act.

Mr. President, this is additional reason why Congress should act without delay on the President's request for emergency legislation. It underscores the need for it.

While there are reports that one or more of the operating unions and the railroads have reached or are near agreement on a contract, the need would still exist.

As the New York Times said editorially in today's paper, there is an obligation on the part of Congress—

> To take some effective action this year to establish a sounder system of public protection along the lines proposed by the President.

Mr. President, I ask unanimous consent that the text of the Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 4, 1971]

ARBITRATING CRISIS STRIKES

The strongest argument in favor of President Nixon's renewed call for better statutory protection against transportation strike emergencies as the abysmal record of collective bargaining in the railroad industry since the President first made his proposal less than a year ago.

Congress has been obliged to pass three special laws to keep threatened strikes from halting all train service and a fourth such law may be needed when the next in an endless series of strike deadlines arrives March 1. The frequency with which intervention by the White House and Capitol Hill has been proved necessary makes it plain that the national emergency provisions of the 45-year-old Railway Labor Act have broken down.

The most unusual aspect of the Nixon plan is the inclusion of a novel form of compulsory arbitration among the various remedies open to the President in crisis disputes. Its aim is to get around the age-old argument that any arbitration requirement would discourage both labor and management from making any serious independent attempt to arrive at a fair agreement for fear that their bargaining positions would put them at a disadvantage when and if the case went to an arbitrator for impartial decision.

Under the Administration proposal, the arbitrator would not follow the usual practice of splitting the difference between the last management offer and union demand but would have to choose one or the other of these last-ditch positions. The plan has won no enthusiasm from either employers or unions, and Congress itself thought so little of it last year that no hearings ever were held in either house.

That kind of legislative evasion makes no sense when the alternative is the periodic passage on Capitol Hill of stopgap laws that solve nothing on a permanent basis and often make immediate problems worse. That was conspicuously the case with the law Congress rushed through last December after the Brotherhood of Railway Clerks had spearheaded a strike over the admirable settlement recommendations of a Presidential fact-finding board. The panel had recommended substantial pay increases coupled with changes in a few of the archaic work rules that hobble the railroads.

The strikers wanted more money and no rules changes. When Congress voted to compel the rail crews to stay at work until March 1, it ordered that the first-year pay increases proposed by the fact-finders be put into effect on a retroactive basis. But the legislators ignored the rules changes through which the carriers hoped to get some offset in increased efficiency. Now the statutory time limit is nearing expiration with no agreement and little bargaining leverage left to encourage an equitable accord.

In the light of that doleful experience, the Congressional obligation is great to take some effective action this year to establish a sounder system of public protection along the lines proposed by the President.

THE 1899 REFUSE ACT

Mr. BOGGS. Mr. President, considerable public interest has been expressed in the administration's Refuse Act permit program and the documents to implement the program.

I believe that all relevant documents are now available and I ask unanimous consent to insert these documents in the RECORD. I also ask unanimous consent to include in the RECORD the remarks on the Refuse Act program by the General Counsel of the Council on Environmental Quality, Mr. Timothy Atkeson. His comments were presented to the American Bar Association-American Law Institute meeting held last week at the Smithsonian. Also, I ask unanimous consent to include in the RECORD a summary statement of the Environmental Protection Agency on the Refuse Act filed today with the Subcommittee on Air and Water Pollution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Federal Register, Dec. 31, 1970]

PERMITS FOR DISCHARGES OR DEPOSITS INTO NAVIGABLE WATERS—PROPOSED POLICY, PRACTICE, AND PROCEDURE

(Department of Defense, Department of the Army, Corps of Engineers—33 CFR Part 209)

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Corps of Engineers). The proposed regulation prescribes the policy, practice, and procedure to be followed by all Corps of Engineers installations and activities in connection with applications for permits authorizing discharges or deposits into navigable waters of the United States or into any tributary from which discharged matter shall float or be washed into a navigable water (33 U.S.C. 407).

Prior to the adoption of the proposed regulation consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Washington, D.C. 20314, Attention: ENGCW–ON, within a period of 45 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: December 23, 1970.

F. P. KOISCH,
Major General, U.S. Army,
Director of Civil Works.

§ 209.131 Permits for discharges or deposits into navigable waters.

(a) *Purpose and scope.* This regulation prescribes the policy, practice, and procedure to be followed by all Corps of Engineers installations and activities in connection with applications for permits authorizing discharges or deposits into navigable waters of the United States or into any tributary from which discharged matter shall float or be washed into a navigable water.

(b) *Law and executive order authorizing permits.* (1) Section 13 of the Act approved March 3, 1899 (33 U.S.C. 407), hereafter referred to as the "Refuse Act," provides in part that it is unlawful "to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or we washed into such navigable water * * * *And provided further,* That the Secretary of the Army, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is so granted the conditions thereof shall be strictly complied with, and any violation thereof shall be unlawful."

(2) Executive Order No. 11574 (dated December 23, 1970) directs the implementation of a permit program under the authority of the Refuse Act and provides for the cooperation of affected Federal agencies in the administration of the program.

(c) *Related legislation.* (1) Section 21(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 *et seq.*) (see particularly the Water Quality Improvement Act of 1970 (Public Law 91–224, 84 Stat. 108)), reflects the concern of the Congress with maintenance of applicable water quality standards and, subject to certain exceptions, requires any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities which may result in a discharge into the navigable waters of the United States to provide with his application an appropriate certification that there is reasonable assurance that such activity will be conducted in a manner which will not violate applicable water quality standards. Hereafter, section 21(b) will be referred to as a section of the Water Quality Improvement Act of 1970.

(2) The concern of the Congress with the need to encourage the productive and enjoyable harmony between man and his environment and the need to promote efforts which will prevent or eliminate damage to the environment was manifested in the enactment of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347). Section 102 of that Act directs that:

> to the fullest extent possible: (1) The policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

* * * * *

(B) Identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations * * *.

(3) The concern of the Congress with the conservation and improvement of fish and wildlife resources is indicated in the Fish and Wildlife Coordination Act (16 U.S.C. 661–666c), wherein consultation with the Department of the Interior is required regarding activities affecting the course, depth, or modification of a navigable waterway.

(d) *General policy.* (1) Except as otherwise provided in the Refuse Act (33 U.S.C. 407), all discharges or deposits into navigable waters of the United States or tributaries thereof are, in the absence of an appropriate Department of the Army permit, unlawful. The fact that official objection may not have yet been raised with respect to past or continuing discharges or deposits should not be interpreted as authority to discharge or deposit in the absence of an appropriate permit, and will not preclude the institution of legal proceedings in appropriate cases for violation of the provisions of the Refuse Act. Similarly, the mere filing of an application requesting permission to discharge or deposit into navigable waters or tributaries thereof will not preclude legal action in appropriate cases for Refuse Act violations.

(2) The decision as to whether a permit authorizing a discharge or deposit will or will not be issued under the Refuse Act will be based on an evaluation of the impact of the discharge or deposit on (i) anchorage and navigation, (ii) water quality standards, which under the provisions of the Federal Water Pollution Control Act, were established "to protect the public health or welfare, enhance the quality of water and serve the purposes" of that Act, with consideration of "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses," and (iii) in cases where the Fish and Wildlife Coordination Act is applicable (where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modified the stream or body of water into which the discharge is made), the impact of the proposed discharge or deposit on fish and wildlife resources which are not directly related to water quality standards.

(3) Although the Refuse Act vests in the Secretary of the Army authority to determine whether or not a permit should or should not issue, it is recognized that responsibility for water quality improvement lies primarily with the States and, at the Federal level, with the Environmental Protection Agency (EPA). Accordingly, EPA shall advise the Corps with respect to the meaning, content, and application of water quality standards applicable to a proposed discharge or deposit and as to the impact which the proposed discharge or deposit may or is likely to have on applicable water quality standards and related water quality considerations. Specifically, Regional Representatives of EPA will determine and advise District Engineers with respect to the following:

(i) The meaning and content of water quality standards which, under the provisions of the Federal Water Pollution Control Act, were established "to protect the public health or welfare, enhance the quality of water and serve the purposes" of that Act, with consideration of "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.";

(ii) The application of water quality standards to the proposed discharge or deposit, including the impact of the proposed discharge or deposit on such water quality standards and related water quality considerations;

(iii) The permit conditions required to comply with water quality standards;

(iv) The permit conditions required to carry out the purposes of the Federal Water Pollution Control Act wehre not water quality standards are applicable;

(v) The interstate water quality effect of the proposed discharge or deposit.

(4) In any case where a District Engineer of the Corps has received notice that a State or other certifying agency has denied a certification prescribed by section 21(b) of the Federal Water Pollution Control Act or, except as provided in subparagraph (6) of this paragraph, where a Regional Representative has recommended that a permit be denied because its issuance would be inconsistent with his determination or interpretation with respect to applicable water quality standards and related water quality considerations, the District Engineer, within 30 days of receipt of such notice, shall deny the permit and provide notice of such denial to the Regional Representative of EPA.

(5) In the absence of any objection by the Regional Representative to the issuance of a permit for a proposed discharge or deposit, District Engineers may take action denying a permit only if:

(i) Anchorage and navigation will be impaired; or

(ii) Where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made, and after the consultations required by the Fish and Wildlife Coordination Act, the District Engineer determines that the proposed discharge or deposit will have a significant adverse impact on fish or wildlife resources.

(6) In any case where the District Engineer believes that following the advice of the Regional Representative with respect to the issuance or denial of a permit would not be consistent with the purposes of the Refuse Act permit program, he shall, within 10 days of receiving such advice, forward the matter through channels to the Secretary of the Army to provide the Secretary with the opportunity to consult with the Administrator. Such consultation shall take place within 30 days of the date on which the Secretary receives the file from the District Engineer, Following such consultation, the Secretary shall accept the findings, determinations, and conclusions of the Administrator as to water quality standards and related water quality considerations and shall promptly forward the case to the District Engineer with instructions as to its disposition.

(7) No permit will be issued in cases where the applicant, pursuant to 21(b)(1) of the Water Quality Improvement Act of 1970, is required to obtain a State or other appropriate certification that the discharge or deposit would not violate applicable water quality standards and such certification was denied. No permit will be issued for discharges or deposits of harmful quantities of oil, as defined in section 11 of the Federal Water Pollution Control Act since primary permit and enforcement authority for all oil discharges is contained in that Act.

(e) *Authority to issue permits.* The Refuse Act provides that, "the Secretary of the Army, whenever in the judgment of the Chief of Engineers that anchorage and navigation will not be injured thereby, may permit the deposit of any material * * * in navigable waters, within the limits to be defined and under conditions to be prescribed by him * * *." The Chief of Engineers, in the exercise of his judgment under the Act, has made the general determination that anchorage and navigation will not be injured when the discharge or deposit permitted will cause no significant displacement of water or reduction in the navigable capacity of a waterway. Except as otherwise provided in this regulation, the Secretary of the Army has authorized the Chief of Engineers and his authorized representatives to issue permits allowing discharges or deposits into navigable waters or tributaries thereof, if evaluation leads to the conclusion that (1), as determined by the Chief of Engineers, anchorage and navigation will not be injured thereby, and (2) issuance of a permit will not be inconsistent with the policy guidance prescribed in paragraph (d) of this section. Accordingly, within these limitations, District Engineers are authorized, except in cases which are to be referred to higher authority for decision (see paragraphs (d)(6) and (i) (7) of this section), to issue permits or to deny permit applications for discharges or deposits covered by the Refuse Act.

(f) *Relationship to other corps permits.* (1) Operators of facilities constructed in navigable waters under a valid construction permit issued pursuant to section 10 of the Rivers and Harbors Act approved March 3, 1899 (33 U.S.C. 403) must apply for and receive a new permit under the Refuse Act (33 U.S.C. 407) in order to lawfully discharge into or place deposits in navigable waters or tributaries thereof.

(2) Any person wishing to undertake work in navigable waters which may also result in a discharge or deposit into such navigable waters or tributaries thereof must apply for a permit under section 403 for such work and for a permit under section 407 to cover any proposed discharge or deposit. However, if the work proposd to be undertaken in navigable waters is limited to the construction of a minor outfall structure from which the proposed discharge or deposit will flow, District Engineers may, in their discretion and within the guidance provided in ER 1145–2–303, require a single permit application under this regulation (ER 1145–2–321). If a single permit is issued authorizing both work in navigable waters and a discharge or deposit, the permit should cite both sections 403 and 407 as authority for its issuance.

(g) *Information required with an application.* (1) An applicant for a permit involving a discharge or deposit in navigable waters or tributaries thereof must file the required form with the District Engineer. Until the required form is printed and made available to District Offices, applicants should provide a letter requesting that the permit be issued. The letter must bear the address of the applicant and the date, identify the waterway involved and the precise location of the proposed discharge or deposit and contain a statement as to whether the facility from which the proposed discharge or deposit will originate is within the corporate limits of a municipality. The applicant must also furnish information which will fully identify the character of the discharge or deposit and monitoring devices and procedures which will be used. Such information shall include, but need not be limited to, data pertaining to chemical content, water temperature differentials, toxins, sewage, amount and frequency of discharge or deposit and the type and quantity of solids involved, if any. If the discharge or deposit will include solids of any type, applicants must (i) identify the proposed method of instrumentation to determine the effect of the disposition of solids on the waterway, and (ii) either assume responsibility for the periodic removal of such solids by dredging or agree to reimburse the United States for costs associated with such dredging.

(2) An application submitted by a corporation must be signed by the principal executive officer of that corporation or by an official of the rank of corporate vice president or above who reports directly to such principal executive officer and who has been designated by the principal executive officer to make such applications on behalf of the corporation. In the case of a partnership or a

sole proprietorship, the application must be signed by a general partner or the proprietor. Each application must contain a certification by the person signing the application that he is familiar with the information provided and that to the best of his knowledge and belief such information is complete and accurate.

(h) *State certification.* (1) Section 21(b)(1) of the Water Quality Improvement Act of 1970 provides that "Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assure, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards * * *. No license or permit shall be granted until the certification required by this section has been obtained or has been waived" (as provided in a portion of section 21(b)(1) not quoted here). In cases where certification is required and no express notice of waiver has been received from the certifying agency, District Engineers should, as a general rule, provide the certifying agency with a full year within which to take action before determining that a waiver has occurred. If, however, special circumstances (as identified by either the District Engineer or the Regional Representative) require that action on a permit application under the Refuse Act be taken within a more limited period of time, the District Engineer shall determine a reasonable lesser period of time, advise the certifying agency of the need for action by a particular date, and that if certification is not received by the date established that it will be considered that the requirement for certification has been waived. Sections 21(b)(7) and (b)(8) of the Act identify circumstances in which permits of limited duration may issue without the certification required by section 21(b)(1). See paragraph (n) of this section.

(2) In cases involving discharges or deposits from facilities the construction of which was not lawfully commenced prior to April 3, 1970, certification pursuant to 21(b)(1) is required. District Engineers may accept, but not fully process, any permit application until the applicant has provided the required certification. When persons who will eventually require a Department of the Army permit seek State or other certification they shall (i) provide the appropriate certifying agency with the information on the discharge or deposit required by paragraph (g)(1) of this section, and (ii) file a copy of the certification application with the District Engineer. These steps will facilitate the processing of any formal application which may later be filed with the District Engineer and will enable the District Engineer to determine if the certification required is being waived by inaction on the part of the certifying authority.

(3) In cases involving a discharge or deposit from a facility, the actual construction of which was lawfully commenced prior to April 3, 1970, it will be the policy of the Corps of Engineers to accept but not to fully process any permit application until the applicant or the State has provided a letter from the State describing the impact of the proposed discharge or deposit and indicating the view of the State on the desirability of granting a permit. If such a letter is not provided within 1 year or within such lesser reasonable period of time as the District Engineer may have determined this requirement shall be waived.

(i) *Processing of permit applications.* (1) When an application for a permit is received, care should be taken to assure that the applicant has provided all of the information required by this regulation. Copies of applications received and all other information received relating thereto will be promptly forwarded by the District Engineer to the Regional Representative of EPA.

(2) If all of the required information has been provided but the applicant has failed to provide, as appropriate, the required certification or other letter discussed in paragraph (h) of the section, the applicant should be advised that no action will be taken on his application until the required certification or letter is provided or until a year or such lesser reasonable period of time as the District Engineer may have determined shall have expired and that his application will be processed only to the extent of sending a copy of the application to the Regional Representative of EPA.

(3) When all of the required information has been provided and the applicant has also provided, as appropriate, the required certification or letter discussed in paragraph (h) of this section, together with assurances that the character of the discharge or deposit was fully described to the State agency prior to the issuance of the certification or letter, the applicant shall be advised that his application is in order and that it will be processed as expeditiously as possible.

(4) When the application is found to be in order the District Engineer shall promptly forward a complete copy of the application or such additional information as has not already been furnished to the Regional Representative of EPA. The Regional Representative of EPA will be asked to review the application and to (i) advise the District Engineer within 30 days whether the proposed discharge or deposit may affect the quality of waters of another State (as required by section 21(b)(2) of the Water Quality Improvement Act of 1970), and (ii) provide the other information identified in paragraph (d)(3) of this section within 45 days. If, however, additional time beyond said 45 days (or any extension thereof) is required to respond, the Regional Representative shall notify the District Engineer and shall advise him as to the additional period of time which will be required to provide such information. In cases where a Regional Representative does not provide such information and advice to a District Engineer within the time period specified herein (including any extensions of time required by the Regional Representative) the advice furnished by a State or other certifying authority shall be considered by the District Engineer to be the advice of the Regional Representative. In the event that the Regional Representative determines that the proposed discharge or deposit may affect the quality of the waters of any other State and so notifies the District Engineer, the matter should be reported to the Chief of Engineers, Attention: ENGGC–K. In such cases, special procedures are provided for in section 21(b)(2) of the Water Quality Improvement Act of 1970.

(5) At approximately the same time a completed copy of the permit application is furnished to the Regional Representative of EPA, a public notice, as described in paragraph (f) of this section, will be issued. Notice will also be sent to all parties known or believed to be interested in the application, including the appropriate Regional Director of the Department of the Interior, the National Oceanic and Atmospheric Administration of the Department of Commerce, navigation interests, State, county, or municipal authorities, adjacent property owners, the heads of State agencies having responsibility for water quality improvement and wildlife resources, and conservation organizations. Copies of the notice will be posted in post offices and other public places in the vicinity of the site of the proposed discharge or deposit. A copy of every notice issued will be sent to the Chief of Engineers, Attention: ENGCW–ON.

(6) If notice of the permit application evokes substantial public interest a public hearing may be held. Policy with respect to the holding and conduct of public hearings is discussed in paragraph (k) of this section.

(7) In the absence of objection by the Regional Representative of EPA or, in the cases involving the Fish and Wildlife Coordination Act, by the Regional Director of the Department of the Interior or the National Oceanic and Atmospheric Administration of the Department of Commerce, District Engineers may, consistent with the policy guidance contained in paragraph (d) of this section and, after considering all of the information developed with respect to the permit application, including written or oral information presented in response to a public notice or at a public hearing, issue a permit, with or without conditions. In the event that the District Engineer determines that issuance of the permit with or without conditions, is appropriate but there is objection to the issuance of the proposed permit by the Regional Representative of EPA or, in cases involving the Fish and Wildlife Coordination Act, by the Regional Director of the Department of the Interior or the National Oceanic and Atmospheric Administration of the Department of Commerce, the matter must be forwarded to higher authority for decision. Every effort should be made to resolve differences at the District Engineer level before referring the matter to higher authority. In the event that differences cannot be resolved, District and Division Engineers will forward the application, copies of the public notice and addresses to whom sent, the comments of State and Federal agencies, a copy of the transcript of any public hearing held, a narrative report and recommendations to the Chief of Engineers, Attention: ENGCW–ON. In any case referred to the Secretary of the Army pursuant to paragraph (d)(6) of this section, consultation with the Administrator shall take place within 30 days of the date on which the Secretary receives the file from the District Engineer. Following such consultation, the Secretary shall accept the findings, determinations, and conclusions of the Administrator as to water quality standards and related water quality considerations and shall promptly forward the case to the District Engineer with instructions as to its disposition.

(j) *Public notice.* (1) As required by paragraph (i)(5) of this section a public notice will be issued after a permit application is determined to be in proper order. In cases where the permit applied for pertains to a discharge or deposit and does not involve construction or other work in navigable waters, the notice shall (i) state the name and address of the applicant, (ii) identify the waterway involved and provide a sketch showing the location of the proposed discharge or deposit, (iii) fully identify the character of the discharge, (iv) include any other information which may assist interested parties in evaluating the likely impact of the proposed discharge or deposit, if any, (v) provide 30 days within which interested parties may express their views concerning the permit application. All public notices involving a proposed discharge or deposit shall contain the following statement:

> The decision as to whether a permit authorizing a discharge or deposit will or will not be issued under the Refuse Act will be based on an evaluation of the impact of the discharge or deposit on (1) anchorage and navigation, (2) water quality standards and

related water quality considerations as determined by State authorities and the Environmental Protection Agency, and (3) in cases where the Fish and Wildlife Coordination Act is applicable (where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made), the impact of the proposed discharge or deposit on fish and wildlife resources.

(2) Comments received from interested parties within the period provided for in the public notice will be retained and will be considered in determining whether the permit applied for should be issued.

(3) When a response to a public notice has been received from a Member of Congress, either in behalf of a constituent or himself, the Division or District Engineer will inform the Member of Congress of the final action taken on the application.

(4) When objections to the issuance of a permit are received in response to a public notice, the Division or District Engineer will furnish the applicant with copies of the objections and afford him the opportunity to rebut or resolve the objections.

(k) *Public hearings.* (1) It is the policy of the Corps of Engineers to conduct the civil works program in an atmosphere of public understanding, trust, and mutual cooperation and in a manner responsive to the public interest. To this end, a public hearing may be helpful and will be held in connection with an application for a permit involving a discharge or deposit in navigable waters or tributaries thereof whenever, in the opinion of the District Engineer such a hearing is advisable. In considering whether or not a public hearing is advisable, consideration will be given to the degree of interest by the public in the permit application, requests by responsible Federal, State, or local authorities, including Members of the Congress, that a hearing be held, and the likelihood that information will be presented at the hearing that will be of assistance in determining whether the permit applied for should be issued. In this connection, a public hearing will not generally be held if there has been a prior hearing (local, State, or Federal) addressing the proposed discharge unless it clearly appears likely that the holding of a new hearing may result in the presentation of significant new information concerning the impact of the proposed discharge or deposit. The need for a hearing will be reported to the Division Engineer and his concurrence obtained. In certain circumstances a public hearing may be mandatory (see subparagraph (4) of this paragraph).

(2) The success of a public hearing depends upon the degree to which all interests are aware of the hearing and understand the issues involved. The following steps will be taken for each hearing:

(i) A public notice will be prepared and issued in clear, concise, objective style, stating the purpose of the hearing; details of time and place; description of the application involved; and identification of the proposed discharge or deposit. Care will be exercised to avoid creating any impression that the Corps is an advocate or adversary in the matter.

(ii) The Public Notice will be issued sufficiently in advance of the hearing, generally not less than 30 days, to allow time for interested persons to appear for the hearing. It will be distributed to addresses on compiled lists and will include all known parties directly affected, all governmental entities concerned, all general public news media within the geographical area, appropriate specialized news media for reaching interested groups and organizations, and directly to the principal officers of such groups and organizations, including national offices of nationwide organization.

(iii) As appropriate, supplementary informational matter, fact sheets, or more detailed news releases, will be distributed to the general or specialized news media, or other groups and interests involved.

(iv) Notification will be given to interested members of the Congress and Governors of the States involved.

(3) The hearing will be conducted in a manner that permits open and full advocacy on all sides of any issues involved. A transcript of the hearing, together with copies of relevant documents, will become a part of the permit application assembly.

(4) In addition to the hearings which may be required by the policy specified in the preceding paragraphs, hearings are required under sections 21(b)(2) and 21(b)(4) of the Water Quality Improvement Act of 1970 when (i) a State, other than the State of origin, objects to the issuance of a permit and requests a hearing on its objections or (ii) the Secretary of the Army proposes to suspend a Department of the Army permit upon notification by the certifying authority that applicable water quality standards will be violated. When a hearing is required pursuant to the Water Quality Improvement Act of 1970 the matter should be reported to the Chief of Engineers, Attention: ENGGC–K. The Chief of Engineers will provide additional guidance with respect to holding of such hearings.

(5) In any case, when a District Engineer intends to schedule a public hearing he shall notify the Regional Representative of EPA not less than 10 days in advance of the deadline for filing of comments by the Regional Representative upon the permit application so that the Regional Representative will be able to defer such comments until after the public hearing has been held.

(l) *Environmental impact statement.* (1) Section 102(2)(c) of the National Environmental Policy Act of 1969 requires all Federal agencies, with respect to major Federal actions significantly affecting the quality of the human environment, to submit to the Council on Environmental Quality a detailed statement on

(i) The environmental impact of the proposed action,

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) Alternatives to the proposed action,

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(2) Section 102(2)(c) statements will not be required in permit cases where it is likely that the proposed discharge will not have any significant environmental impact. Moreover, the Council on Environmental Quality has advised that such statements will not be required where the only impact of proposed discharge or deposit will be on water quality and related considerations. However, such statements may be required in connection with proposed discharges or deposits which may have a substantial environmental impact unrelated to water quality. In cases in which a section 102 (2)(c) statement may be required, the report of the District Engineer accompanying any case referred to higher authority (see paragraphs (d)(3) and (i)(7) of this section) will contain a separate section addressing the environmental impact of the proposed discharge or deposit, if any, and, if issuance of a permit is recommended, a draft section 102(2)(c) statement should be attached.

(m) *Publicity.* District Engineers will, in consultation with Regional Representatives, establish and maintain a program to assure that potential applicants for permits are informed of the requirements of this regulation and of the steps required to obtain permits for discharges into navigable waters. Whenever the District Engineer becomes aware of plans being developed by either private or public entities who will require permits in order to implement the plans a letter will be sent to the potential permittee advising him of statutory requirements and the need to apply for a permit under this regulation.

(n) *Duration of permits issued.* (1) In cases where appropriate certification has been received indicating that there is reasonable assurance that the proposed discharge or deposit will not violate applicable water quality standards and issuance is otherwise proper, no permit may be issued which authorizes a discharge or deposit for more than 5 years without providing for revalidation of such permit.

(2) In cases involving a facility, the construction of which was lawfully undertaken prior to April 3, 1970, and it appears after evaluation that issuance of a permit would be appropriate although certification has not been provided, a permit may be issued provided (i) that the permit will expire on April 2, 1973, and (ii) that it is conditioned so as to require annual demonstration by the permittee that the discharge or deposit is in compliance with State water quality implementation schedules.

(o) *Permit conditions.* (1) Until a standard permit form is developed, every permit shall, as a minimum:

(i) Require compliance with applicable water quality standards, including implementing schedules adopted in connection with such standards;

(ii) Include provisions incorporating into the permit changes in water quality standards subsequent to the date of the permit, and requiring compliance with such changed standards;

(iii) Provide for possible suspension or revocation in the event that the permittee breaches any condition of the permit;

(iv) Provide for possible suspension, modification or revocation if subsequent to the issuance of a permit it is discovered that the discharge or deposit contains hazardous materials which may pose a danger to health or safety.

(2) Permits shall also be subject to conditions as determined by EPA to be necessary for purposes of insuring compliance with water quality standards or the purposes of the Federal Water Pollution Control Act. Such conditions may include but are not necessarily limited to:

(i) Requirements for periodic demonstrations of compliance with water quality criteria, established implementation schedules or prescribed levels of treatment;

(ii) Site and sampling accessibility;

(iii) Requirements for periodic reports as to the nature and quantity of discharges or deposits.

[From the Federal Register, Jan. 21, 1971]

PERMITS FOR DISCHARGES OR DEPOSITS INTO NAVIGABLE WATERS—PROPOSED POLICY, PRACTICE AND PROCEDURE

(Department of Defense, Department of the Army, Corps of Engineers [33 CFR Part 209])

Proposed regulations prescribing the policy, practice and procedure to be followed by all Corps of Engineers' installations and activities in connection with applications for permits authorizing discharges or deposits into navigable waters of the United States or into any tributary from which discharged matter shall float or be washed into a navigable water (33 U.S.C. 407) were published in the FEDERAL REGISTER of December 31, 1970 (35 F.R. 20005). Public comment on the proposed regulations was invited within a period of 45 days from December 31, 1970.

The proposed Memorandum of Understanding set forth below relates to the proposed regulations and to Executive Order 11574 which deals with the administration of the Refuse Act Permit Program (35 F.R. 19627). If executed, the proposed Memorandum of Understanding will be an additional paragraph to the proposed regulations 33 CFR 209.131(p).

Comments, suggestions, or objections to the proposed Memorandum of Understanding should be submitted in writing to the Office of Chief of Engineers, Washington, D.C. 20314, Attention: ENGCWON, within 30 days of publication of this notice in the FEDERAL REGISTER.

Dated: January 18, 1971.

F. P. KOISCH,
Major General, U.S. Army,
Director of Civil Works.

§ 209.131 Permits for discharges or deposits into navigable waters.

* * * * *

(p) *Memorandum of understanding between the Administrator of the Environmental Protection Agency and the Secretary of the Army.*

PERMIT PROGRAM

MEMORANDUM OF UNDERSTANDING BETWEEN THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE SECRETARY OF THE ARMY

In recognition of the responsibilities of the Secretary of the Army under section 13 of the Act of March 3, 1899, "the Refuse Act," (33 U.S.C. 407) relating to the control of discharges and deposits in navigable waters of the United States and tributaries thereof, and the interrelationship of those responsibilities with the responsibilities of the Administrator of the Environmental Protection Agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.) in recognition of our joint responsibilities under Executive Order No. 11574 (dated December 23, 1970) we hereby adopt the folowing policies and procedures:

POLICIES

1. It is our policy that there shall be full coordination and cooperation between our respective organizations on the above responsibilities at all organizational levels, and it is our view that maximum efforts in the discharge of those responsibilities, including the resolution of differing views, must be undertaken at the earliest practicable time and at the field organizational unit most directly concerned. Accordingly, District Engineers of the U.S. Army Corps of Engineers (hereinafter "the Corps") shall coordinate the review of applications for permits under the Refuse Act for discharges or deposits into navigable waters of the United States or tributaries thereof with Regional Representatives designated by the Environmental Protection Agency (hereinafter "EPA").

2. EPA shall advise the Corps with respect to the meaning, content and application of water quality standards applicable to a proposed discharge or deposit and as to the impact which the proposed discharge or deposit may or is likely to have on water quality standards and related water quality considerations. The Corps shall accept such advice on matters pertaining to water quality standards and related water quality considerations as conclusive and no permit shall be issued which is inconsistent with any finding, determination or interpretation of a Regional Representative with respect to such standards or considerations.

3. In acting upon applications for permits, the Corps shall be responsible for considering the impact which the proposed discharge or deposit may have on navigation and anchorage and, in cases where the Fish and Wildlife Coordination Act is applicable, on fish and wildlife resources.

PROCEDURES

1. Applicants for permits pursuant to section 13 of the Rivers and Harbors Act of 1899 shall be required by District Engineers to supply data identified by EPA and the Department of the Army. A uniform format for supplying such data will be developed by the Corps and EPA.

2. District Engineers shall provide Regional Representatives of EPA at the earliest practicable time with copies of an applicant's request for a permit, request for certification from a State pursuant to section 21(b) of the Federal Water Pollution Control Act, other requests for State approval, and State or interstate agency certifications or other actions relating to such permit applications.

3. In reaching determinations as to compliance with water quality standards, including determinations and interpretations arising from its review of State or interstate agency water quality certifications under section 21(b) of the Federal Water Pollution Control Act, Regional Representatives of EPA will determine and advise District Engineers with respect to the following:

(i) The meaning and content of water quality standards, which under the provisions of the Federal Water Pollution Control Act, were established "to protect the public health and welfare, enhance the quality of water and serve the purposes" of that Act, with consideration of "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses."

(ii) The application of water quality standards to the proposed discharge or deposit, including the impact of the proposed discharge or deposit on such water quality standards and related water quality considerations;

(iii) The permit conditions required to comply with water quality standards;

(iv) The permit conditions required to carry out the purposes of the Federal Water Pollution Control Act where no water quality standards are applicable;

(v) The interstate water quality effect of the proposed discharge or deposit.

4. Regional Representatives of EPA shall provide advice as to the effect, if any, of the proposed discharge or deposit on the quality of the waters of any other State not later than 30 days after receipt of copies of both the completed permit application and the State certification or other State action from the District Engineer. The other information and advice identified above shall be provided not later than 45 days after such receipt. If, however, additional time is required to respond, the Regional Representative shall so notify the District Engineer and shall advise him as to the additional period of time which will be required to provide a report. In cases where a Regional Representative does not provide such information and advice to a District Engineer within the time periods specified herein (including any extensions of time requested by the Regional Representative), the advice furnished by a State or other certifying authority shall be considered by the District Engineer to be the advice of the Regional Representative.

5. In any case, where a District Engineer of the Corps has received notice that a State or other certifying agency has denied a certification prescribed by section 21(b) of the Federal Water Pollution Control Act, or, except as provided in a subsection G below, where a Regional Representative has recommended that a permit be denied because its issuance would be inconsistent with his determination or interpretation with respect to applicable water quality standards and related water quality considerations the District Engineer, within 30 days of receipt of such notice, shall deny the permit and provide notice of such denial to the Regional Representative of EPA.

6. In the absence of any objection by the Regional Representative to the issuance of a permit for a proposed discharge or deposit, District Engineers may take action denying a permit only if:

(i) anchorage and navigation will be impaired; or

(ii) the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made, and, after the consultations required by the Fish and Wildlife Coordination Act, the District Engineer determines that the proposed discharge or deposit will have significant adverse impact on fish or wildlife resources.

7. In any case where the District Engineer believes that following the advice of the Regional Representative with respect to the issuance or denial of a permit would not be consistent with the purposes of the Refuse Act permit program, he shall, within 10 days of receiving such advice, forward the matter through channels to the Secretary of the Army to provide the Secretary with the opportunity to consult with the Administrator. Such consultation shall take place within 30 days of the date on which the Secretary receives the file from the District Engineer. Following such consultation, the Secretary shall accept the findings, determinations, and conclusions of the Administrator as to water quality standards and related water quality considerations and shall promptly forward the case to the District Engineer with instructions as to its disposition.

8. No permit will be issued in cases where the applicant, pursuant to 21(b)(1) of the Water Quality Improvement Act of 1970, is required to obtain a State or other appropriate certification that the discharge or deposit would not violate applicable water quality standards and such certification was denied.

REGULATIONS

The Department of the Army shall consult with EPA before promulgating regulations pursuant to the Refuse Act which relate to the subject of this memorandum of understanding. In no case will such regulations be issued unless at least 30 days prior to issuance, they shall have been forwarded to EPA for comment or unless prior to that time the Department of the Army and EPA have reached agreement. EPA shall consult with the Department of the Army prior to the issuance of guidelines, policies or procedures relating to the subject of this memorandum of understanding. In no event shall such guidelines, policies or procedures be issued prior to 30 days from the date they were forwarded to the Department of the Army for comment unless prior to that time the Department of the Army and EPA have reached agreement. In no event shall regulations, guidelines, policies or procedures which are inconsistent with the provisions of this memorandum of understanding be published or issued.

PERMIT CONDITIONS

1. Every permit issued shall:

(i) Require compliance with applicable water quality standards, including implementing schedules adopted in connection with such standards;

(ii) Include provisions incorporating into the permit changes in water quality standards subsequent to the date of the permit, and requiring compliance with such changed standards;

(iii) Provide for possible suspension or revocation in the event that the permittee breaches any condition of the permit.

(iv) Provide for possible suspension,

modification or revocation if, subsequent to the issuance of a permit, it is discovered that the discharge or deposit contains hazardous materials which may pose a danger to health or safety.

2. Permits shall also be subject to conditions, as determined by EPA, to be necessary for purposes of insuring compliance with water quality standards or the purposes of the Federal Water Pollution Control Act. Such conditions may include, but are not necessarily limited to:

(i) Requirements for periodic demonstrations of compliance with water quality criteria, established implementation schedules, or prescribed levels of treatment;

(ii) Site and sampling accessibility;

(iii) Requirements for periodic reports as to the nature and quantity of discharges or deposits.

3. Regional Representatives of EPA may also provide District Engineers with advice as to the duration for which permits should be issued. Relevant considerations shall include the nature of the discharge, basin plans, and changing treatment technology.

TECHNICAL DATA

EPA, in consultation with the Department of the Army, shall develop and make available analytical procedures, methods and criteria to be employed in identifying the meaning and application of water quality standards and pursuant to which EPA's determinations and interpretation respecting water quality standards will be made.

AMENDMENT

If, in the course of operations within this memorandum of understanding, either party finds its terms in need of modification, he may notify the other of the nature of the desired changes. In that event, the parties shall within 90 days negotiate such amendments as are considered mutually desirable.

(Secretary of the Army)	(Administrator of the Environmental Protection Agency)

Draft Guidelines for Litigation Under the Refuse Act Permit Program

In view of (a) the signing by the President of the attached Executive Order 11574 which establishes a permit program under the Refuse Act to regulate the discharges of pollutants and other refuse matter into the navigable waters of the United States or their tributaries, (b) the signing of the attached Memorandum of Understanding between the Corps of Engineers and the Environmental Protection Agency with respect to the enforcement of the Refuse Act, and (c) the consolidation within the Land and Natural Resources Division pursuant to the attached order of criminal as well as civil responsibility for the administration of the Refuse Act, the Guidelines for Litigation Under the Refuse Act transmitted to the United States Attorneys on June 13, 1970 are hereby withdrawn and the following procedures are to be adhered to by all United States Attorneys:

1. United States Attorneys are authorized to initiate any action, either civil or criminal, referred to them for litigation by the District Engineer of the Corps of Engineers or the Regional Representative of the Environmental Protection Agency, pursuant to their Memorandum of Understanding.

2. All allegations of violations of the Refuse Act submitted to the United States Attorneys from sources other than the District Engineer of the Corps of Engineers or the Regional Representative of the Environmental Protection Agency shall be referred to the District Engineer of the Corps of Engineers and the Regional Representative of the Environmental Protection Agency for investigation and recommendations, in accordance with the procedures set forth in the Memorandum of Understanding between the Corps of Engineers and the Environmental Protection Agency, as to whether or not legal action should be initiated.

3. The provisions of paragraphs 1 and 2 above shall not apply to actions under the Refuse Act against vessels, which actions shall continue to be handled in the manner set forth in Departmental Memorandums 374 and 376, dated June 3, 1964.

4. All requests for instructions and guidance relating to the enforcement of the Refuse Act, whether of a civil or criminal nature, or whether involving vessels or shore-based sources of pollution, shall be referred to the Pollution Control Section of the Land and Natural Resources Division, Washington, D.C. 20530 (202–739–2707).

5. No criminal or civil action under the Refuse Act shall be dismissed or settled without the prior authorization of the Assistant Attorney General for the Land and Natural Resources Division.

6. Prior to the filing of civil complaints, criminal informations and the return of indictments in Refuse Act cases, the United States Attorney shall telephonically contact the Land and Natural Resources Division (202–739–2800).

7. The United States Attorneys shall supply the Pollution Control Section, Land and Natural Resources Division, copies of all pleadings, motions, memorandums, etc., filed in Refuse Act cases.

8. United States Attorneys shall, no later than the fifth day of each month, submit to the Pollution Control Section a report of Refuse Act activities for the previous month on a form to be provided by the Land and Natural Resources Division.

Memorandum of Understanding Between the Administrator of the Environmental Protection Agency and the Secretary of the Army

The Administrator of the Environmental Protection Agency and the Secretary of the Army, recognizing the interrelationship between section 13 of the Act of March 3, 1899 (33 U.S.C. 407) (the "Refuse Act") administered by the Department of the Army and the statutory responsibilities of the Environmental Protection Agency under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 *et seq.*), and further recognizing their responsibilities under the National Policy Act of 1969 (42 U.S.C. 4321–4347), and their responsibilities under Executive Order 11574 dated December 23, 1970, which directs the Federal Government to implement a permit program under the Refuse Act to control the discharge of pollutants into navigable waters and their tributaries, have entered into this memorandum of understanding to delineate more fully the respective responsibilities of said Agency and Department for water pollution abatement and control, and to establish policies and procedures for interagency cooperation in the enforcement of the Refuse Act.

I. RESPONSIBILITY FOR WATER POLLUTION ABATEMENT AND CONTROL

A. At the Federal level, the Environmental Protection Agency has primary responsibility, pursuant to the Federal Water Pollution Control Act, for the abatement and control of pollution of interstate and navigable waters of the United States.

B. The Department of the Army has primary responsibility for the enforcement of the Refuse Act.

C. Under Executive Order 11574, the Secretary is directed to develop regulations and procedures in consultation with the Administrator governing the issuance of discharge permits under the Refuse Act, and, in connection with the grant, denial, conditioning, revocation and suspension of such permits, to adopt determinations and interpretations of the Administrator respecting water quality standards and compliance therewith.

D. The Department of the Army and the Environmental Protection Agency have in cooperation undertaken to implement the permit authority of the Refuse Act pursuant to a Memorandum of Understanding dated January , the terms of which are incorporated herein and made a part hereof.

II. THE REFUSE ACT

A. The Refuse Act, 33 U.S.C. 407, provides that:

> It shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of the navigable water from which the same shall float or be washed into such navigable water; and it shall not be lawful to deposit, or cause, suffer, or procure to be deposited material of any kind in any place on the bank of any navigable water, or on the bank of any tributary of any navigable water, where the same shall be liable to be washed into such navigable water, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed: *Provided*, That nothing herein contained shall extend to, apply to, or prohibit the operations in connection with the improvement of navigable waters or construction of public works, considered necessary and proper by the United States officers supervising such improvement or public work: *And provided further*, That the Secretary of the Army whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is so granted the conditions thereof shall be strictly complied with, and any violation thereof shall be unlawful. Mar. 3, 1899, c. 425.

B. Criminal sanctions may be imposed against persons or corporations found guilty of violating provisions of the Refuse Act. As prescribed in 33 U.S.C. 411, the penalty upon conviction is . . . "a fine not exceeding $2,500 nor less than $500, or imprisonment (in the case of a natural person) for not less than thirty days nor more than one year, or both such fine and imprisonment, in the discretion of the court, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction."

C. Civil proceedings may also be instituted to enjoin conduct which would violate provisions of the Refuse Act. *United States* v. *Republic Steel Corp.*, 362 U.S. 482 (1960) and *Wyandotte Transportation Co.* v. *United States*, 389 U.S. 191 (1967).

III. POLICY WITH RESPECT TO ENFORCEMENT OF REFUSE ACT

The policy of the Environmental Protection Agency and the Department of the Army is to utilize the Refuse Act and the authorities contained therein to the fullest extent possible and in a manner consistent with the provisions of the Federal Water Pollution Control Act to ensure compliance with applicable water quality standards and otherwise to carry out the purposes of the Federal Water Pollution Control Act. Persons wishing to discharge into or place deposits in navigable waters or tributaries thereof will be required to apply for and obtain a permit from the Department of the Army. Persons without an appropriate permit who discharge into navigable waters or tributaries thereof or who discharge into such waters in violation of the terms of a valid permit may be subjected to legal proceedings under the Refuse Act.

IV. INTERAGENCY COOPERATION

A. In recognition of the expertise of the Army and the Corps of Engineers in matters pertaining to the navigability of a waterway, it is agreed that the Department of the Army, acting through the Corps of Engineers, has primary Federal responsibility for identifying and investigating violations of the Refuse Act which have an adverse impact on the navigable capacity of a waterway. Whenever a District Engineer has reason to believe that a discharge has or may have occurred having an adverse impact on water quality, he shall so notify the appropriate Regional Representative of the Environmental Protection Agency and shall provide him with all information, including, if the discharger is the holder of a Refuse Act permit, a copy of said permit and all of the conditions attached thereto. The said Regional Representative shall make such investigation as he deems appropriate and shall advise the District Engineer in a timely manner whether in his opinion a violation of the Refuse Act having an adverse impact on water quality has or may have occurred. If the Regional Representative is of such opinion, he shall make a report to the District Engineer as to the following:

1. The nature and seriousness of the apparent violation (including, if the discharger is the holder of a Refuse Act permit, information as to the conditions of such permit which appear to have been violated).

2. The nature and seriousness of the impact on water quality.

3. The measures, if any, taken or being taken by the discharger to comply with applicable water quality standards or the conditions of a Refuse Act permit, if any.

4. The existence and adequacy of State or local pollution abatement proceedings.

5. The applicability of the Federal Water Pollution Control Act, whether any administrative or judicial proceedings are being taken or contemplated thereunder, and the status of any such proceedings.

6. His recommendations as to the action, if any, which should be taken under the Refuse Act and his reasons therefore. If the discharger is the holder of a Refuse Act permit, such recommended action may include in addition to or in lieu of prosecution under the Refuse Act for one or more of the remedies available thereunder, the suspension or revocation of the permit. A recommendation to suspend shall include a recommendation as to the period and conditions of the suspension.

B. In recognition of the expertise of the Environmental Protection Agency in matters pertaining to water quality, it is agreed that said agency has primary Federal responsibility for identifying and investigating cases involving discharges into interstate or navigable waters which have an adverse impact on water quality. District Engineers shall assist Regional Representatives of the Environmental Protection Agency by providing them with such information as may become available concerning known or suspected discharges which may adversely affect water quality (including, if the discharger is the holder of a Refuse Act permit, a copy of said permit and all of the conditions attached thereto), and, to the extent of available resources, shall assist in the conduct of investigations concerning such discharges. Regional Representatives shall be responsible for notifying District Engineers of known or suspected violations of the Refuse Act and for providing District Engineers with timely reports of investigations conducted. Whenever in the opinion of the Regional Representative a violation of the Refuse Act having an adverse impact on water quality has or may have occurred, such report shall include all of the same information and recommendations called for in subparagraphs 1 through 6 of Paragraph A with respect to reports submitted under that paragraph.

C. In connection with any remedial action recommended or taken pursuant to this memorandum of understanding, due regard shall be given to the provisions of section 21(b) of the Federal Water Pollution Control Act, and in particular the provisions of sections 21(b)(4), 21(b)(5) and 21(b)(9)(B) relating to the revocation on suspension of permits.

D. In any case in which a Refuse Act permit is suspended, if the District Engineer has reason to believe that the permittee has or may have violated the terms of the suspension, he shall notify the appropriate Regional Representatives of the Environmental Protection Agency and provide him with all available information. The Regional Representative shall make such investigation as he deems appropriate and shall make a report to the District Engineer, such report to include, to the extent relevant, the information and recommendations called for in subparagraphs 1 through 6 of paragraph A with respect to reports submitted under that paragraph.

E. If upon review of all reports and information prepared pursuant to this memorandum of understanding and any other available evidence, it is determined by the District Engineer of the Corps or the Regional Representative of EPA to request legal proceedings under the Refuse Act, such District Engineer or Regional Representative shall, in consultation with each other, forward all available evidence and information, including recommendations, if any, of both the Regional Representative and the District Engineer, to the appropriate United States Attorney. A copy of any covering letter forwarding information and evidence to the appropriate United States Attorney should be mailed, together with a brief summary of the factual background of the case, to the Assistant Attorney General for Lands and Natural Resources, Department of Justice, Washington, D.C. 20530.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.
STANLEY R. RESOR,
Secretary of the Army.

Dated: January 12, 1971.

STATE CERTIFICATION OF ACTIVITIES REQUIRING A FEDERAL LICENSE OR PERMIT—NOTICE OF PROPOSED RULE MAKING

(Environmental Protection Agency [18 CFR Part 615])

Notice is hereby given that the Administrator, Environmental Protection Agency, pursuant to the authority in sec. 103, 84 Stat. 91, proposes the addition of a new Part 615 to Title 18, Chapter V of the Code of the Federal Regulations, as set forth below.

The Federal Water Pollution Control Act vests certain authorities in the Secretary of the Interior. On December 2, 1970, those authorities were transferred to the Administrator, Environmental Protection Agency, by Reorganization Plan No. 3 of 1970.

Section 21(b) of the Federal Water Pollution Control Act, 33 U.S.C. 1171(b), requires any applicant for a Federal license or permit to conduct any activity, including, but not limited to, the construction or operation of facilities which may result in any discharge into the navigable waters of the United States, to obtain a certification from the State in which the discharge originates, or, if appropriate, from the interstate agency having jurisdiction or, under certain circumstances, from the Administrator, that there is reasonable assurance that such activity will be conducted in a manner which will not violate applicable water quality standards. In any case where actual construction of a facility from which a discharge is made has been lawfully commenced before April 3, 1970, no certification is required for the issuance of a license or permit after April 3, 1970, except that any such license or permit shall terminate on April 3, 1973, unless a certification is submitted to the licensing or permitting agency prior to April 3, 1973. Where any license or permit application was pending on April 3, 1970, and such license or permit is issued before April 3, 1971, no certification is required for one year following the issuance of such license or permit, except that any such license or permit shall terminate at the end of one year unless a certification is submitted to the licensing or permitting agency prior to that time.

The proposed Subpart A would provide definitions of general applicability for the regulations and would provide for the uniform content and form of certification.

The proposed Subpart B would establish procedures for determination by the Administrator whether a discharge which will result from an activity for which certification is required by Section 21(b) may affect the quality of the waters of any State other than the State in which the discharge originates.

The proposed Subpart C would establish procedures for obtaining certifications from the Administrator in certain cases where standards have been promulgated by the Administrator, and in cases where no State or interstate agency has authority to certify that there is reasonable assurance that an activity requiring a Federal license or permit and which may result in a discharge into navigable waters will be conducted in a manner which will not violate applicable water quality standards.

The proposed Subpart D would provide for consultation between the Administrator and Federal licensing and permitting agencies with respect to the meaning, content and application of water quality standards and related matters.

A form suitable for use by certifying agencies is being prepared and will be published in the *Federal Register* in the immediate future.

Interested persons may submit, in triplicate, written data or arguments in regard to the proposed regulations to the Administrator, Environmental Protection Agency, Washington, D.C. 20460. All relevant material received not later than 30 days after publication of this notice will be considered.

Authority: The provisions contained in this Part 615 are issued pursuant to section 21(b) and (c) of the Federal Water Pollution Control Act (P.L. 91-224), Section 103, 84 Stat. 91; 33 U.S.C.A. 1171(b) (1970); and Reorganization Plan No. 3 of 1970.

SUBPART A—GENERAL

615.1 Definitions

As used in this Part, the following terms shall have the meanings indicated below:

(a) "License or permit" means any license or permit, including leases for livestock grazing or oil, mineral, or other exploitation, granted by an agency of the Federal government to conduct any activity which may result in any discharge into the navigable waters of the United States.

(b) "Licensing or permitting agency" means any agency of the Federal government to which application is made for a license or permit.

(c) "Administrator" means the Administrator, Environmental Protection Agency.

(d) "Certifying agency" means the person or agency designated by the Governor of a State to certify compliance with applicable water quality standards. If an interstate agency has sole authority to so certify, such interstate agency shall be the certifying agency. Where a Governor's designee and an interstate agency have concurrent authority to certify, the Governor's designee shall be the certifying agency. Where water quality standards have been promulgated by the Administrator pursuant to section 10(c) (2) of the Act, or where no State or interstate agency has authority to certify, the Administrator shall be the certifying agency.

(e) "Act" means the Federal Water Pollution Control Act, 33 U.S.C.A. 1151 *et seq.*

(f) "Discharge" means any direct or indirect addition of matter to receiving waters.

(g) "Water quality standards" means standards established pursuant to section 10(c) of the Act, and State-adopted water quality standards for navigable waters which are not interstate waters.

615.2 *Form of Certification*

A certification made by a certifying agency shall include the following:

(a) the name and address of the applicant;

(b) A description of the facility or activity, and of any discharge into navigable waters which may result from the conduct of any activity including, but not limited to, the construction or operation of the facility, including the biological, chemical, thermal and other characteristics of the discharge, and the location or locations at which such discharge may enter navigable waters;

(c) A description of the function and operation of equipment or facilities to treat wastes or other effluents which may be discharged, including specification of the degree of treatment expected to be attained;

(d) The date or dates on which the activity will begin and end, if known, and the date or dates on which the discharge will take place;

(e) A statement of the probable effects of the discharge on the quality of the receiving water;

(f) An identification of applicable water quality standards;

(g) A statement of the probable effects of the discharge on the quality of waters of a State other than the State in which the discharge occurs or will occur;

(h) A statement that there is reasonable assurance that the activity will be conducted in a manner which will not violate applicable water quality standards;

(i) A statement of the conditions applicable to the discharge, reliance upon which provided the basis for the statement described in subsection (h); and

(j) Such other information as the certifying agency may determine is appropriate.

SUBPART B—DETERMINATION OF EFFECT ON OTHER STATES

615.11 *Notification*

Upon receipt of an application for a license or permit and a certification, the licensing or permitting agency shall immediately notify the Administrator of such application and certification.

615.12 *Copies of documents*

Immediately after certification has been granted, an applicant shall provide the Administrator with three copies of (i) the application for a license or permit, (ii) the application for certification, and (iii) any certification received or notification that certification has been waived. The applicant may provide the Administrator with copies of the applications as soon as the applications are made to the relevant State, interstate, or Federal agencies.

615.13. *Review by Administrator and notification*

The Administrator shall review the applications and certification, provided in accordance with section 615.12, and if the Administrator determines there is reason to believe that a discharge may affect the quality of the waters of any State or States other than the State in which the discharge occurs, the Administrator shall, no later than 30 days of the date of notice of application and certification from the licensing or permitting agency provided in section 615.11, so notify each affected State, the licensing or permitting agency, and the applicant.

615.14. *Forwarding to affected State*

The Administrator shall forward to each affected State a copy of the material provided in accordance with section 615.12.

615.15 *Hearing on objection of affected State*

When a licensing or permitting agency holds a public hearing on the objection of an affected State, such objection shall be forwarded to the Administrator by the licensing or permitting agency, and the Administrator shall at such hearing submit his evaluation with respect to such objection and his recommendations as to whether and under what conditions the license or permit should be issued.

615. 16 *Waiver*

If the certification requirement with respect to an application for a license or permit is waived due to the failure or refusal of a State or interstate agency to act on a request for certification within a reasonable time as determined by the licensing or permitting agency (which period shall not exceed one year) after receipt of such request, the Administrator shall consider such waiver as a substitute for a certification and, as appropriate, shall conduct the review, provide the notices, and perform the other functions identified in sections 615.13, 615.14, and 615.15. The notices required by section 615.13 shall be provided not later than 30 days after the date on which the waiver becomes effective.

SUBPART C—CERTIFICATION BY THE ADMINISTRATOR

615.21 *When Administrator certifies*

Certification by the Administrator that the discharge resulting from an activity requiring a license or permit will not violate applicable water quality standards will be required where:

(a) Standards have been promulgated by the Administrator pursuant to section 10 (c) (2) of the Act; or

(b) Water quality standards have been established, but no State or interstate agency has authority to give such a certification.

615.22 *Applications*

An applicant for certification from the Administrator shall submit to the Administrator a complete description of the discharge involved in the activity for which certification is sought, with a request for certification signed by the applicant. Such description shall include the following:

(a) The name and address of the applicant;

(b) A description of the facility or activity, and of any discharge into navigable waters which may result from the conduct of any activity including, but not limited to, the construction or operation of the facility, including the biological, chemical, thermal and other characteristics of the discharge, and the location or locations at which such discharge may enter navigable waters;

(c) A description of the function and operation of equipment or facilities to treat wastes or other effluents which may be discharged, including specification of the degree of treatment expected to be attained;

(d) The date or dates on which the activity will begin and end, if known, and the date or dates on which the discharge will take place;

(e) A statement of the probable effects of the discharge on the quality of the receiving water;

(f) An identification of applicable water quality standards, together with a statement as to whether, in the applicant's opinion, discharge resulting from the activity will or will not violate applicable water quality standards; and

(g) A statement of the probable effects of the discharge on the quality of waters of a State other than the State in which the discharge occurs or will occur.

615.23 *Notice and hearing*

The Administrator will provide public notice of each request for certification by publication in the *Federal Register*, and may provide such notice in a newspaper of general circulation in the area in which the activity is proposed to be conducted and by such other means as the Administrator deems appropriate. Interested parties shall be provided an opportunity to comment on such request as the Administrator deems appropriate. All interested and affected parties will be given reasonable opportunity to present evidence and testimony at a public hearing on the question whether to grant or deny certification if the Administrator determines that such a hearing is necessary or appropriate.

615.24 *Certification*

If, after considering the complete description, the record of a hearing, if any, held pursuant to section 615.23, and such other information and data as the Administrator deems relevant, the Administrator determines that there is reasonable assurance that the proposed activity will not result in a violation of applicable water quality standards, he shall so certify. If the Administrator determines that no water quality standards are applicable to the waters which might be affected by the proposed activity, he shall so notify the applicant and the licensing or permitting agency in writing and shall provide the licensing or permitting agency with advice, suggestions and recommendations with respect to conditions to be incorporated in any license or permit to achieve compliance with the purposes of this Act. In such case, no certification shall be required.

615.25 *Adoption of new water quality standards*

(a) In any case where:

(i) a license or permit was issued without certification due to the absence of applicable water quality standards; and

(ii) water quality standards applicable to the waters into which the licensed or permitted activity may discharge are subsequently established; and

(iii) the Administrator is the certifying agency because:

(*1*) no State or interstate agency has authority to certify; or

(2) such new standards were promulgated by the Administrator pursuant to section 10(c) (2) of the Act; and

(iv) the Administrator determines that such uncertified activity is violating water quality standards;

then the Administrator shall notify the licensee or permittee of such violation, including his recommendations as to actions necessary for compliance. If the licensee or permittee fails within six months of the date of such notice to take action which in the opinion of the Administrator will result in compliance with applicable water quality standards, the Administrator shall notify the licensing or permitting agency that the licensee or permittee has failed, after reasonable notice, to comply with such standards and that suspension of the applicable license or permit is required by section 21(b) (9) (B) of the Act.

(b) Where a license or permit is suspended pursuant to subsection (a) of this section, and where the licensee or permittee subsequently takes action which in the Administrator's opinion will result in compliance with applicable water quality standards, the Administrator shall then notify the licensing or permitting agency that there is reasonable assurance that the licensed or permitted activity will comply with applicable water quality standards.

615.26 *Inspection of facility or activity before operation*

Where any facility or activity has received certification pursuant to section 615.24 in connection with the issuance of a license or permit for construction, and where such facility or activity is not required to obtain an operating license or permit, the Administrator or his representative, prior to the initial operation of such facility or activity, shall be afforded the opportunity to inspect such facility or activity for the purpose of determining if the manner in which such facility or activity will be operated or conducted will violate applicable water quality standards.

615.27 *Notification to licensing or permitting agency*

If the Administrator, after an inspection pursuant to section 615.26, determines that operation of the proposed facility or activity will violate applicable water quality standards, he shall so notify the applicant and the licensing or permitting agency, including his recommendations as to remedial measures necessary to bring the operation of the proposed facility into compliance with such standards.

615.28 *Termination of suspension*

Where a licensing or permitting agency, following a public hearing, suspends a license or permit after receiving the Administrator's notice and recommendation pursuant to section 615.27 of this Subpart, the applicant may submit evidence to the Administrator that the facility or activity or the operation or conduct thereof has been modified so as not to violate water quality standards. If the Administrator determines that water quality standards will not be violated, he shall so notify the licensing or permitting agency.

SUBPART D—CONSULTATIONS

615.30 *Review and advice*

The Administrator may and upon request shall provide licensing and permitting agencies with determinations, definitions and interpretations with respect to the meaning and content of water quality standards where they have been federally approved under Section 10 of the Act, and findings with respect to the application of all applicable water quality standards in particular cases and in specific circumstances relative to an activity for which a license or permit is sought. The Administrator shall also advise licensing and permitting agencies as to the status of compliance by dischargers with the conditions and requirements of applicable water quality standards. In cases where an activity for which a license or permit is sought will affect water quality, but for which there are no applicable water quality standards, the Administrator shall advise licensing or permitting agencies with respect to conditions of such license or permit to achieve compliance with the purposes of the Act.

THE REFUSE ACT PERMIT PROGRAM

(Remarks by Timothy Atkeson, general counsel, Council on Environmental Quality to ALI–ABA Seminar on Environmental Law, Smithsonian Institution, January 28, 1971)

My assignment today is to lay out, in under half an hour, what you need to know about Federal water quality legislation. I think it is only fair to warn you that like some of the professors we all knew at college, I will begin at the beginning—with the Refuse Act of 1899, and that I have sufficient to say about my first topic that you may have to dig some of the other statutes and regulations out of the books on your own. But there are some mitigating considerations: First, the Refuse Act permit program launched by the President just before Christmas takes you through the full range of existing Federal statutory authority (Section 13 of the Act of March 3, 1899, better known as the Refuse Act (33 U.S.C. 407); the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 *et seq.*); the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661–666c); and the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347). Secondly, the Refuse Act permit program highlights the critical issues of standards and enforcement in our Federal water quality program. And thirdly, the Refuse Act permit program was drawn up with acute awareness that additional statutory authority would be needed to have a satisfactory water quality program and my comments today will indicate some areas where we think Congressional action this Session is necessary.

First, let us go back to the Refuse Act itself—that sparkling innovation in antipollution legislation of the McKinley Administration. From a technical point of view, to those of you interested in legislative drafting, I suggest you compare what was done here in one paragraph with the results of hundreds of paragraphs, sections and titles in more modern water quality legislation. In essence the Refuse Act says:

"a. It shall not be lawful to throw, discharge, or deposit . . . any refuse matter of any kind or description whatever (other than liquid sewage from municipal sources) into any navigable water of the U.S. or any tributary of any navigable water of the U.S.

"b. The Secretary of the Army, acting on the advice of the Corps of Engineers, may issue permits for such deposit, within limits to be defined and under conditions to be prescribed by him."

To this statutory language you must add the gloss of Supreme Court decisions in the 1960's (*U.S.* v. *Standard Oil Co.*, 384 U.S. 224 (1966); *U.S.* v. *Republic Steel Co.*, 362 U.S. 482 (1960)) to the effect that the Act serves anti-water pollution as well as navigation protection goals. The Refuse Act is backed up by misdemeanor fines of $500–$2,500 or imprisonment or from 30 days to a year and, most significantly, by the equity power of a Federal court to enjoin violation of the Act.

Next, to understand the Refuse Act permit program, you have to turn to Section 21(b) of the Federal Water Pollution Control Act, a provision inserted in the Act last April. This, in essence, says that any applicant for a Federal permit to conduct an activity resulting in a discharge into the navigable waters of the United States shall provide the permit issuing agency with a certificate from the appropriate State or interstate water pollution control agency that there is reasonable assurance, as determined by the State or interstate agency, that such activity will be conducted in a manner which will not violate applicable water quality standards. I should emphasize that Section 21(b) by its own terms applies to Federal permits both for existing facilities and for new facilities so that it could be applied to set water quality standards for a Refuse Act permit program covering both new and existing facilities.

Thirdly, you have to realize what a wide group of agencies play roles with respect to the Refuse Act and the Federal Water Pollution Control Act. The *Army Corps of Engineers* has, of course, the statutory responsibility for the Refuse Act, and the *Department of Justice* is assigned responsibility to conduct the necessary legal proceedings to enforce the Refuse Act. As a footnote, I will remind the few of you who don't know it already that the Refuse Act contains a provision to pay informers half of the fine imposed for information leading to conviction. It has been asserted that this entitles an informer to bring a *qui tam* action on his own for a Refuse Act violation if the U.S. District Attorney does not, but, to date, no court to my knowledge has espoused this view.

The *Environmental Protection Agency* has responsibility for administration of the Federal Water Pollution Control Act and Sections 21(b) and (c) assign EPA (which succeeded to the responsibilities of the Secretary of the Interior in this area by virtue of Reorganization Plan No. 3 of 1970) a number of specific responsibilities with respect to the water quality aspects of Federal permits: (a) under Section 21(b)(2) EPA must determine whether a discharge has a multistate effect in which case the other states affected are given a chance to intervene and protect their interests, (b) under Section 21(b)(9)(A) there is a provision that where the permit covers activity for which there are no applicable water quality standards, the Federal permit issuing authority shall impose a requirement that the permittee shall comply with the purposes of the Act. Under this, until there is a more satisfactory statutory provision, we plan that EPA will issue guidelines to Federal permit granting authorities including the Corps to regulate discharges of hazardous substances such as mercury where the applicable water quality standards do not address the problem, and (c) under Section 21(c) EPA is given the responsibility to provide relevant information to the permit granting agency as to what the applicable water quality standards are and to comment on methods to comply with these standards. We contemplate that, pursuant to this responsibility, EPA will issue guidelines on how it construes the requirement in the present standard for treatment of industrial discharges in most States that they receive "secondary or equivalent treatment." In actual practice this will require the evolution of guidelines for the standard of the treatment of effluents from some 22 different industries.

You will note that I have spelled out primary roles for three Federal agencies with respect to the Refuse Act permit program—the Corps of Engineers, the Department of Justice and the Environmental Protection Agency. (I will not attempt to enumerate the State or interstate agencies which must review the applications and which play an important role.) There are three other Federal agencies to note: first, there is the *Department of the Interior* which must be consulted in certain circumstances under the Fish and Wildlife Coordination Act and which will share this responsibility for certain fishing grounds with the *Department of Commerce* to which the Bureau of Commercial Fisheries was transferred at the formation of the National Oceanic and Atmospheric Administration in Reorganization Plan No. 4 of last year. Finally there is our own *Council on Environmental Quality* in the Executive Office of the President. Under Executive Order 11514 implementing the National Environmental Policy Act the Council has been assigned to coordinate Federal programs related to environmental quality. You will note that in Executive Order 11574 the Council is assigned responsibility to coordinate the regulations, policies and procedures of Federal agencies with respect to the Refuse Act permit program.

At this point I have introduced you to the principal players with respect to the Refuse Act permit program in the Executive Branch. You are undoubtedly aware that at various points during last year, Interior, Justice and the Corps all attempted on their own to bring some coherent relationship between the Refuse Act and our Federal water quality legislation. Interior announced that it would seek prosecution under the Refuse Act of types of discharge not adequately covered by our Federal-State standards—notably thermal pollution from power plants and mercury discharges. Justice issued guidelines to U.S. district attorneys on when to bring Refuse Act prosecutions that were intended to draw a logical distinction between use of the summary processes of the Refuse Act and the more protracted enforcement procedures of the Federal Water Pollution Control legislation. The result of these guidelines was instead a mistaken public impression that Justice was attempting to curb local initiative in use of the Act. Thereafter, without stating what relationship such a program would have to applicable water quality standards, Army announced in the late summer that it would initiate a Refuse Act permit program.

In the light of these events the need for a coordinated program was clear to all. We in the Council on Environmental Quality were concerned that such a program when launched should be legally well grounded, should relate the Refuse Act permits with water quality standards in the manner contemplated in Section 21(b) of the Federal Water Pollution Control Act, and should make the greatest impact on our national water quality problems consonant with the nature of the limits on Federal authority in the relevant legislation and the problem of applying the program to over 40,000 existing discharges without creating crippling uncertainty and delays. As the fall progressed and both Houses of Congress failed to take any action on the Administration's proposals to fill out the gaps in Federal authority (principally by an extension of jurisdiction over the waters for which the Federal Government must approve water quality standards from just interstate waters to all navigable waters and a new requirement that these Federally approved standards extend to effluent standards), we realized that any action on the Refuse Act permit program would have to start with admittedly deficient Federal water quality legislation. We also concluded that even without these improvements there were very considerable benefits that could be achieved by drawing together all our existing water quality authorities into one coherent permit program giving strong coordination from the President through the Council and starting the program before another year of debate slipped past us. The culmination of this effort was Executive Order 11574 signed by the President December 23—and published in the *Federal Register* Christmas Day—which initiated the Refuse Act permit program.

Like many Christmas presents, this program met at the outset with a mixed reception.

My purpose in spelling out all the background is to give you a basis for making your own evaluation.

There are four or five reasons for some questions at this early point about the program:

1. There has been a slowness and uncertainty up till now in the enforcement procedures under the Federal Water Pollution Control legislation which has driven some to the view that we might as well forget its concepts of Federal and State responsibility and applicable water quality standards in favor of a Russian roulette enforcement of the Refuse Act to attack any discharge into navigable waters regardless of the Refuse Act's lack of water quality standards. It became harder to hold this latter view after passage of Section 21(b) of the Federal Water Pollution Control Act last April and with the formation of EPA, but I still occasionally encounter in its pristine form the theory that in 1899 Congress granted the Army Corps of Engineers full power to regulate the water quality aspects of any and all discharges into the navigable waters of the United States on any basis the Corps believes reasonable and that Congress' efforts to develop satisfactory water quality legislation since then have been a misplaced and irrelevant effort.

2. There has been an impression, perhaps because the flourish of a criminal statute by a district attorney always makes headlines, that sporadic prosecutions under the Refuse Act are a more potent enforcement tool than any systematic plan to use Federal permits to bring all discharges up to the mark. Somehow the mental picture of Federal agents by the dark of the moon and with muffled oars scooping up evidence from a single outfall will always catch the imagination more than thousands of data cards containing this and much more information supplied at regular intervals under a systematic, nationwide permit program. But I suggest that if we are serious about attaining clean water on some timetable we think less of enforcement as a "Fox strikes again" or "High Noon" game and more as a systematic, nationwide requirement that every discharger bring to the water quality authorities the full facts on his discharge, with provision for public availability of this information, and with regular monitoring and strong penalties and personal responsibility for false statements. (Just to give you a comparison in penalties, the Refuse Act provides for up to a year in jail and a fine of up to $2,500. In contrast the penalty in Section 18 U.S.C. Sec. 1001 for false statements under the (Refuse Act) permit program will be up to five years in jail and $10,000 in fines.)

3. Another reason for questions about the Refuse Act permit program has been that not all the components are yet visible to the public. In addition to the Executive Order and draft Corps of Engineers regulations (which have been put out for 45 days public comment in the expectation they can be improved), there will be EPA regulations covering EPA's role with respect to State certifications under Section 21 (b) and (c) of the Federal Water Pollution Control Act, EPA's guidelines regulating hazardous discharges which are not covered by applicable water quality standards and EPA guidelines interpreting for some 22 industries what is meant by "secondary or equivalent treatment," revised Justice Department guidelines on Refuse Act prosecutions by U.S. district attorneys, implementing agreements between the Corps of Engineers and EPA, and further clarification of the relationship of the Fish and Wildlife Coordination Act to the program. In short, the Executive Order which triggered this program is like the tip of the iceberg—not a bad image when we are discussing a water quality program. I am confident we will see the full outlines of the program within a few more weeks. Only then will it be fair to assess the program's potential impact.

4. A fourth reason for some of the questions about the program is that it involves the necessity of coordinated action by more than one agency. Some critics say "unleash the Corps of Engineers without interference by other agencies"; while others say nothing should be done until it can all be done by EPA. Our decision was to initiate the program now, using statutory authorities as we find them, drawing on the very substantial resources of the Corps but at the same time making clear within the Federal Government that only one agency decides water quality questions and that is EPA. We fully expect that in time arrangements for the administration of the program can be improved and the Council plans to make recommendations to the President in this respect. But we felt, particularly after last year's experience on our water quality legislative proposals that it would be wise to start the program now with admittedly imperfect legislative provisions, rather than wait another year for tidier legislative authority.

5. A fifth ground for questions in forming a judgment about the Refuse Act permit program is lack of a full picture as to how it fits into our legislative proposals. This uestion will also be resolved within a few weeks. At this time I think it is clear that we will again be supporting an expansion of Federal supervision of standards to all navigable waters and provision for limitations on effluents. With this authority the present distinctions that have to be made about State certifications for discharges into interstate as opposed to intrastate waters will disappear and the way will be clear for an overall upgrading of Federal-State water quality standards.

One label for this program that does not fit is that the permits will be "licenses to pollute." The permits will not be granted unless the discharge satisfies applicable water quality standards. Where intrastate waters are involved EPA can fill in gaps in the standards (as for hazardous discharges) and check the facts; where interstate waters are involved EPA can do this and issue guidelines on what constitutes secondary treatment of industrial wastes. No permit will be issued for any discharge that would not meet these standards. I do not believe that there has been decision by any court under the Refuse Act to date requiring a higher standard.

Despite the fact that the Refuse Act specifically provides that "it shall be the duty of district attorneys of the United States to vigorously prosecute all offenders" there have also been comments in the press that the permit program would put a damper on effective enforcement, the comments of the President, Mr. Train and Mr. Ruckelshaus to the contrary notwithstanding. Here I think the wisest course may be to let events speak for themselves, but just in case you have not pieced these events together, let me sum up the evidence:

Item. At the time the program was announced the President said that the phased implementation of the program would not be a moratorium on Refuse Act prosecutions and as a matter of fact new prosecutions under the Act have been going forward since the program was announced.

Item. At the time the program was announced Mr. Ruckelshaus indicated that a permit application filed by a suspected polluter would be given accelerated review and if denied would be followed by prompt referral to the district attorney for prosecution.

Item. The Justice Department Division assigned responsibility for the Refuse Act has just created a centralized pollution control operation with authority to give prompt policy guidance on both the civil and criminal aspects of Refuse Act enforcement.

Item. The Justice Department has under consideration revised guidelines for district attorneys which I believe you will find very flexible, very practical and quite satisfactory. Do not prejudge the Justice Department on this score before these guidelines are available.

To my friends here who have been working over the Corps of Engineers regulations with quite thoughtful and legitimate questions such as:

"Why don't you apply the 'public interest test' of the dredge and fill permit regulations to each and every one of these Refuse Act permit applications?"

"Why haven't you assured that regardless of what elements to protect fish and wildlife are contained in the applicable water quality standards considered by the State water quality authority and EPA that the Department of the Interior gets a full second review of the same elements under the Fish and Wildlife Coordination Act?", and

"Why, even though the State water quality authority has held hearings can't we have another round of Corps hearings on the same subject?"

I can only answer that we are trying to devise a program that has both a sound legal base and is workable in the context of decision on 40,000 plus existing discharges covering the entire range of U.S. industry and hundreds of millions of dollars in investment. We need a program that will produce water quality results—not fascinating legal arguments.

I find that, as I expected, my layout of Federal water quality legislation to you has not gotten much beyond legislation passed in 1899. But I am sure you will find the subject lively enough to do some digging on your own and I anticipate that this year will be one of considerable progress in this area. You yourself, in the light of the changes in prospect, should become an expert in short order.

Let me sum up for you five reasons why Chairman Train said on December 23, that the Refuse Act permit program is the single most important step to improve water quality that this country has yet taken:

1. For the first time we will have a mechanism to make all discharges into all navigable waters of the country come in to report the content of these discharges and make periodic follow up reports.

2. We plan to back up this new policy of requiring what has been called "Truth in Pollution" by public availability of this information, spot checks and enforcement of the substantial penalties for giving false statements to the Federal Government.

3. We have in the Refuse Act permit program and Section 21(b) of the Federal Water Pollution Control Act a mechanism for determining the standards applicable to all discharges into all our navigable waters. This is an action forcing process that will bring every State face to face with the hard question of what effluent rules to apply. Where the discharge is subject to a Federal-State standard, EPA will issue guidelines on these effluent standards.

4. All applications for the State certifications required must be accompanied by public notice and there will be public hearings on specific applications where appropriate.

5. This program will give EPA and the State water quality authorities great leverage to develop consistent water quality policies applicable to all Federal permits—including those of AEC for nuclear plants, FPC for hydro facilities and the Corps of Engineers for dredge and fill permits.

I greatly appreciate this chance to tell you something about the Council's thinking on this very important subject.

ANSWERS OF THE ENVIRONMENTAL PROTECTION AGENCY REGARDING THE REFUSE ACT PERMIT PROGRAM

(Filed with the Senate Subcommitte on Air and Water Pollution during an oversight hearing on the water pollution control program, February 4, 1971)

Q. Describe the Refuse Act permit program.

A. The President directed by Executive Order 11574 dated December 23, 1970 that a permit program be implemented pursuant to the Refuse Act of 1899, under which dischargers into navigable waters are obliged to obtain permits from the Army Corps of Engineers. At the present time there are in excess of 40,000 industrial dischargers into navigable waters to which the permit requirement applies. This permit authority of the Refuse Act has not been used to date. It does not apply to waste discharges from municipal sewers. Court decisions have made it clear that the authority of the Refuse Act may be addressed to environmental considerations as well as to navigational hazards.

The Corps will now require permits of all dischargers into navigable waters to which the permit requirement applies. The Corps will require as a condition of each permit that the discharger comply with applicable water quality standards. The State in which the discharge occurs will have an opportunity to certify whether the activity for which a permit is sought will result in a discharge in violation of applicable water quality standards. The Corps will also receive advice from EPA concerning applicable water quality standards in connection with permit applications. The advice of EPA in these cases will consist of an identification, clarification, complete definition, and interpretation of applicable water quality standards as necessary. Pursuant to Executive Order 11574, the Corps is obliged to accept the advice of EPA concerning water quality standards as conclusive. On the basis of State certification and EPA advice, the Corps will either issue, deny, or appropriately condition the permit. The Corps will be precluded from issuing a permit where State certification is denied.

Through this mechanism we will be able in a systematic and effective manner to implement water quality standards applicable to individual dischargers. The obligations and requirements necessary to meet such standards will be clearly spelled out in the permit conditions for the benefit of Federal and State regulatory authorities and for the dischargers. This Federal permit program gives us the opportunity to identify the specific obligations of a discharger and the remedial measures which must be taken before further pollution occurs. We need not wait until the damage is done and then commence abatement actions on an ad hoc basis. We believe the permit program will overcome the problem of uncertainty with respect to the specific requirements of water quality standards as applied to particular industrial dischargers.

Q. What is the relationship of the Permit Program to section 21(b) of the Federal Water Pollution Control Act?

A. Under the provisions of section 21(b) the State certifies whether or not an activity for which a Federal license or permit is sought will result in a discharge which violates applicable water quality standards. In the context of the Permit Program the State will provide its assessment of the water quality standards and its determination with respect to an individual discharger seeking a Corps permit. At this stage, maximum effort will be made by EPA field personnel to work with and to advise the State agency with respect to the Federal assessment and interpretation of applicable water standards.

Pursuant to the Permit Program EPA will have an opportunity to advise the Corps with respect to the meaning and content of water quality standards as they apply to an individual permit applicant. As we view the two authorities, the provisions of section 21(b) provide the necessary link between the State and the Corps and the Permit Program provides the necessary link between the Corps and EPA. We see these two authorities as consistent and mutually supportive. We believe that, taken together, the provisions of section 21(b) and the Permit Program will give us the maximum assurance that water quality standards will be met by individual dischargers.

Q. What will be the role of EPA in the Permit Program?

A. EPA has the responsibility, in the case of each application for a permit, to advise the Corps with respect to the meaning and content of water quality standards as applied to the particular discharger seeking the permit. The Permit Program will also serve as an additional mechanism enabling EPA to work with State Water Pollution Control Agencies. Regional and field people of EPA will be instructed to work closely with the States and to advise State Water Pollution Control Agencies as to EPA interpretations and determinations with respect to water quality standards in individual cases. EPA will not issue or deny or suspend or revoke permits. However, we will advise the Corps with respect to water quality standards.

Q. Will EPA's role in the Permit Program be the same in the case of both interstate and intrastate waters?

A. EPA's role will be broader with respect to standards for interstate waters, which are developed by States subject to Federal approval, than with respect to standards for intrastate waters, which under present law are entirely the responsibility of the States. In the case of standards for interstate waters, EPA will be providing the Corps with both factual determinations and interpretations of their meaning, content and application. In the case of standards for intrastate waters, EPA will provide factual determinations but will defer to the States with respect to interpretations of their meaning and application in particular circumstances.

Q. What will be the role of the Corps in the Permit Program?

A. The Corps has the statutory responsibility under the Refuse Act to issue or deny permits. In exercising that authority under the Permit Program, the Corps will address such factors other than water quality as may be lawfully considered under that Act. The Corps will have responsibility for the general administration of the Permit Program. But on all questions relating to water quality standards, it is clear that the determinations, findings and interpretations of EPA will be conclusive.

Q. What will the role of the States be in the permit program?

A. The States will have the central, most important role in the permit program. They will provide the Corps with their assessment of the water quality standards applicable to particular dischargers and their assessment of necessary conditions to be included in any permit so as to insure compliance with such standards. If a State denies the issuance of a certification to the effect that a particular discharge will be in compliance with water quality standards, the Corps will be precluded by section 21(b) of the Federal Water Pollution Control Act from issuing a permit with respect to such discharge.

Q. Will EPA have authority to override State certifications?

A. It is not EPA's purpose here to override State certifications. The primary function of EPA in this program is to advise the Corps of Engineers with respect to the meaning, content and application of water quality standards, in the interests of ensuring that permits issued by the Corps will contain whatever conditions may be necessary to achieve compliance with those standards. In most cases we expect our advice in this regard to be a "completion" of the State certification—a "fleshing out"—a more precise and complete definition of water quality standards components. In those cases where EPA's interpretation of Federal-State standards differs from the State's view, it is EPA's view which the Corps must accept. We believe these cases will be the small exception.

Q. Isn't this permit program inconsistent with the idea of EPA—a centralization of environmental authority in one agency?

A. No. We do not believe that the permit program is inconsistent with the idea of EPA. Federal responsibility for environmental concerns, and for water quality standards compliance in particular, is not fragmented by the permit program. EPA will make the conclusive Federal decisions with respect to water quality standards. This responsibility is not to be shared with or delegated to the Corps or any other Federal agency.

Q. Doesn't the permit program weaken the effective use of the Refuse Act as an abatement tool?

A. No. The permit program does not weaken the abatement authority under the Refuse Act. Since all permits will contain as essential conditions the necessity of complying with applicable water quality standards and requirements as to hazardous substances, a violation of such standards will constitute a violation of the permit and subject the permittee to liabilities under the Refuse Act in addition to enforcement proceedings under the Federal Water Pollution Control Act.

Q. Describe the function of the so-called "base level of treatment" criteria.

A. This term refers to criteria which EPA is developing with respect to 22 major categories of industrial dischargers. Basically it is both a determination of the state-of-the-art of water pollution control in those industries, and an interpretation of what constitutes the equivalent of secondary treatment for industry. On the basis of this information, we will be able to specify requirements for meeting water quality standards, taking into account existing pollution control technology, with much more clarity and precision than we have been able to do to date.

Q. On what basis will a permit be issued prior to development of the base level of treatment criteria?

A. Prior to the development of the base level of treatment criteria we will use all of the information we presently have with respect to industrial pollution and remedial measures. However, where our information lacks precision, we will recommend to the Corps that permits be issued for limited durations and with general requirements subject to later definition and clarification.

Q. How many personnel will be required at the State and Federal level to implement the Permit Program?

A. The Corps of Engineers has already received authorization for 200 positions for the Permit Program for FY 1971 and will request an additional 200 positions for FY 1972. This compares with EPA's plans for 432 positions to be staffed by December 31, 1971.

Our staffing needs are predicated on (1) the anticipated receipt of approximately 41,000 permit applications by June 30, 1971; (2) the need to develop effluent criteria for the 22 major types of industry; (3) the requirement for extensive coordination with the Corps and the States.

Staffing requirements at the State level will vary considerably depending on the concentrations of water users in each State, the nature of the discharges, and the effectiveness of any programs already established in the States. Although we know the personnel needs will be large, we cannot at this time estimate the State staffing requirements. As regulations and agreements are being finalized, we will be meeting with the States and at that time the figures should become more evident.

Q. Has provision been made for recruiting the necessary personnel to carry out the program?

A. We have prepared and announced tentative personnel needs for each region, which includes a variety of professional, technical, administrative, and clerical positions. Efforts are being initiated now to publicize the possible vacancies and to tentatively commit the required personnel. Although we anticipate that in some areas of the country there will be difficulty in obtaining a sufficient number of highly qualified professionals, we believe that there will be sufficient technical, administrative, and clerical support personnel available internally or through outside sources to meet our needs. Naturally, the more lead time we have to staff the program prior to its actual initiation, the better equipped we will be to process the application workload.

The PRESIDING OFFICER. Is there further morning business?

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the period for the transaction of routine morning business has expired.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate resumed the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. BENTSEN). The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that I may speak at this time for not to exceed 2 hours, notwithstanding the provisions of rule XIX.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I made the request that I be allowed to speak notwithstanding the provisions of rule XIX because, as to the pending motion, I have already addressed the Senate on two different occasions, and Senate rule XIX, of course, provides, among many other things, that no Senator may speak more than two times on any question pending before the Senate.

The resolution under consideration, Senate Resolution 9, was submitted by the distinguished Senator from Idaho (Mr. CHURCH) and the distinguished Senator from Kansas (Mr. PEARSON), I believe, on Monday, January 25. It did not go to the Rules Committee for consideration. Notice was given that the resolution seeking to amend the rule would be brought up for consideration on the next legislative day. So on the next legislative day, which was Tuesday, January 26, the distinguished Senator from Kansas made a motion to proceed to the consideration of Senate Resolution 9. It was at that time that the junior Senator from Alabama moved that consideration of the motion be postponed to the next legislative day.

Mr. President, each day that the Senate has concluded its business since that time, instead of adjourning to the next legislative day, it has merely recessed, so that even though we would come back into the Senate on a new and different calendar day, we would still be in the same legislative day. So the motion that the junior Senator from Alabama has made, that consideration of the motion of the Senator from Kansas be postponed to the next legislative day, is still under discussion here in the Senate.

Now it is the hope of the junior Senator from Alabama that this matter will be brought to a head within the next few days and that the Senate will vote down this resolution which seeks to amend the Senate rules and that the Senate, in order to vote it down, would vote not to apply cloture.

The junior Senator from Alabama was informed earlier today by some of the proponents of this resolution providing for the rules change that, on tomorrow, a cloture motion will be filed by 16 Senators under rule XXII.

Under such rule, the Senate, on the next calendar day, but one, which in effect would mean to skip one day and then on the next day, would vote on the cloture motion seeking to cut off discussion of this proposed rules change.

Now, Mr. President, what is the issue at stake?

Two years ago, the Senate was faced with this very same question, whether the Senate would amend rule XXII providing that, in order to cut off debate in the Senate, two-thirds of the Senators present must vote to cut off debate, or to apply cloture as it is called.

The resolution seeks to reduce that number to three-fifths of Senators present and voting. Two years ago, when this matter came before the Senate, and when the cloture motion was up for a vote in the Senate, I believe the vote was 51 to 47 to apply cloture.

The then Vice President of the United States and Presiding Officer of the Senate, Mr. HUMPHREY, ruled—as he had given fair warning to the Senate that he was going to—that cloture had been applied, under the fiction that at the start of a new Congress a majority of the Senate could cut off debate in the Senate notwithstanding rule XXII requiring a two-thirds majority to apply cloture.

His reasoning was based on the fact that section 5 of article I of the Constitution provides that both Houses of Congress shall have the right to make their own rules. But it does not say that a majority could cut off debate under the existing rules of the Senate, because the Senate in compliance with that section of the Constitution has promulgated its rules, and one of those rules is rule XXXII which provides that the rules of the Senate shall carry over to succeeding Congresses and shall continue in force until amended by the Senate in accordance with the rules.

The rules can be amended if a majority of Senators vote on the specific issue of amending the rules in favor of amending them. But that question must first come before the Senate for consideration. Rule XXII provides that debate on a debatable question—and certainly amendment of the Senate rules or a motion to proceed to consideration of the rules is a debatable question—can be cut off only by application of cloture which requires a two-thirds vote of the Senate.

Now, Mr. President, the distinguished former Senator from Florida, Mr. Holland, who served with great distinction in this body for 24½ years, and who was succeeded in that office by the present distinguished junior Senator from Florida (Mr. CHILES), who is now presiding over this body, was in charge of those Senators who were fighting for the right of extended debate in the Senate. He immediately took an appeal from the ruling of the Chair.

If the Chair had been sustained on his ruling that a majority of Senators, but fewer than two-thirds of Senators, by their votes on the cloture motion had applied cloture, then cloture would have been applied and the Senate would then have proceeded to a consideration of the rules change and, having received 51 votes to apply cloture, it would have been a foregone conclusion, of course, that they would have proceeded to adopt the rules change.

Thus, former Senator Holland of Florida, taking an appeal from the ruling of the Chair 2 years ago, set up what this Senator feels was the most important vote taken in the Senate in the 91st Congress, and that was on the question of whether that ruling of the Vice President would be allowed to stand.

To the great credit of the Senate, it overturned and overruled that ruling of the Vice President by a vote, I believe, of 53 to 45. Such Senators as the distinguished senior Senator from Maine (Mrs. SMITH), who had voted to apply cloture, voted to overrule the Chair, and the distinguished majority leader of the U.S. Senate, the senior Senator from Montana (Mr. MANSFIELD), voted to overrule the titular head of his party on this matter. Because, Mr. President, the rules provide for a vote by two-thirds of the Senators present and voting to cut off debate. No fewer number must be allowed to cut off debate.

Mr. President, we now come again to this important question, and it has not lessened in importance in the last 2 years. It is still the most important single question that is going to come before the Senate in the 92d Congress.

Are we going to continue to have extended debate in the U.S. Senate, or are we going to continue to erode this great bulwark of strength in our democracy by agreeing now to a three-fifths vote for cloture, going on then to majority cloture, which would certainly be the next step, if not in this Congress, then in the next Congress.

Already the distinguished senior Senator from New York (Mr. JAVITS) has filed, for possible calling up later, an amendment to the present resolution which would provide for cloture by what we might call a constitutional majority, which would be 51 percent of the elected membership of the U.S. Senate, which of course would be 51. So, if we open up the floodgates, Mr. President, by adopting a three-fifths cloture rule, we will have a constitutional majority cloture come next, followed by a majority of those present, which inevitably would come next.

Mr. President, what is the value of extended debate in the U.S. Senate? Why have extended debate? It is the factor that makes the U.S. Senate the greatest deliberative body in the world. It is the factor which sets this body apart from all other legislative bodies.

Why have extended debate? It is the protection of a minority in this body and a minority in this country from the tyranny of a ruthless majority.

Mr. President, the right to extended debate is what sets this body apart from all other parliamentary bodies in the world. It affords protection to a minority in this body and throughout the country from the tyranny of a ruthless majority.

Yes, Mr. President, the right to extended debate in the U.S. Senate is the only hope that we have of keeping big government from getting bigger, of slowing down the mushrooming Federal bureaucracy, of continuing to maintain the separation of powers we have in our Government today.

Mr. President, just the other day the distinguished Senator from North Carolina (Mr. ERVIN) was giving an example of a constructive result from the operation of the present two-thirds cloture requirement.

He was pointing out that had we not had the requirement that it takes two-thirds of our Senators to cut off debate, we would have as Chief Justice of the United States Mr. Abe Fortas. We would also have on the Supreme Court Judge Thornberry. Extended debate was had on the matter of whether the nominations made by the President of these two individuals should be brought up for consideration by the Senate, and they were unable to get a two-thirds majority in the Senate to cut off debate.

Mr. President, what constructive pieces of legislation have been defeated in the Senate because of the exercise by Senators of the right of extended debate? Much has been said about the logjam which existed in the Senate in the closing days of the 91st Congress. That was not wholly the fault of extended debate. One factor that contributed to that logjam was other rules of the Senate, or at least silence by other rules of the Senate that permit the adding of nongermane amendments to legislation under consideration by the Senate.

We all recall, I am sure, that the social security bill providing for an increase in social security benefits was before the Senate and in the Committee on Finance. It was thought to be a good plan to add the import quota legislation, the so-called trade bill, and later on the floor of the Senate to add the Presiden's Family Plan. There was an attempt to add these two controversial measures to a bill about which there was little controversy and to let them ride piggy-back to enactment by the Senate.

It was not until those two pieces of controversial legislation were taken from the social security bill that the social security bill finally passed the Senate, and it passed so late in the session that very properly the leaders in the House refused to consider it.

Mr. EASTLAND. Mr. President, will the distinguished Senator yield for a question?

Mr. ALLEN. I yield for a question.

Mr. EASTLAND. The distinguished Senator is making a very able address. Is the Senator familiar with the rule change in the House of Commons where the previous question could be raised, and that it could be moved—and that is really what is at stake here—in order to destroy Ireland?

Mr. ALLEN. That is the understanding of the junior Senator from Alabama. I understand that did take place.

Mr. EASTLAND. Its object was to destroy the Irish people.

Did the Senator know that in the Roman Senate the right to shut off debate was enacted there in order to cause a dictatorship and destroy the Roman Republic?

Mr. ALLEN. Yes, the use of extended debate does go back to Roman days. Julius Caesar used it, and after he came to power he objected to its use by the younger Cato, I believe.

Mr. EASTLAND. Which caused the dictatorships in ancient Rome.

Mr. ALLEN. That is correct.

Mr. EASTLAND. That could be the result here.

Mr. ALLEN. Very definitely. That is what we must fight against. I thank the distinguished Senator from Mississippi for calling to my attention these lessons from history.

The distinguished Senator from North Carolina on yesterday quoted from a famous writer in saying that history teaches everything, even the future, and certainly it does. These looks backward at history show not only what happened in the past, but they cast a shadow and show very clearly what can happen in the future.

A little later on, if I can do so in the time that has been allotted me, I wish to go back to the early days of our Republic and to call attention to some of the efforts in the Senate to change the rule that we have in the Senate providing for extended debate.

At one time, and I believe in the very first Congress, we did have a rule providing for calling for the previous question. But that motion was debatable, so they would get back to the very proposition we have now of extended debate. That was taken from the rules, I believe, around 1806. Since then we have never had the previous question in the Senate.

Extended debate allows the country to catch up with what is going on in Congress. We all know that under the rules of the other body, with limitation on debate in most cases of 5 minutes, with the right of the rules committee to report gag rules they vote on themselves, that they cannot even offer amendments to a bill. With big government, with pressure groups ramming legislation through the other body, it is in the interest of the country and it is in the interest of the people of the United States to slow that legislation down and take a look at it.

The real aim of those who propose 60-percent cloture is to end up with majority cloture. I do not say that with respect to the two Senators who introduced this resolution. I am saying that Senators generally who favor the 60 percent rule also want to go from there to majority cloture. So if we are going to turn matters over to 51 Senators who might happen to be a majority for a day, then we are going to pass some very unwise legislation and have a Senate which is completely dominated by the executive department.

I am not talking about the present

administration or the last administration; I am talking about the Government of the United States. You are going to have the Senate dominated by the executive department.

Mr. President, we have seen the power of the Senate eroded. We have seen the executive department gain tremendously in strength, and the legislative department has seen its power eroded continually. That is what we are headed for with the liberalization of the cloture rule.

Among some people—not among Senators, but among some people—there is a misconception about what rule XXII does. Many people think that rule XXII gives the right of unlimited debate. Nothing could be farther from the truth. What rule XXII does is to limit debate. It provides a method for limiting debate.

We have not always had rule XXII as it exists today. I think we have had a rule XXII possibly for 100 years but not as written today, and it did not come into existence with this provision for limiting debate until 1917. It came about as a result of extended debate here in the U.S. Senate during the weeks immediately prior to the entry of the United States into World War I. Prior to 1917 there was no limitation on debate in the U.S. Senate.

So, Mr. President, at that time, as the war clouds were gathering in this country and as the Germans had set up their submarine blockade of American shipping, President Wilson proposed the arming of the merchant marine, and he proposed a bill to Congress to authorize the arming of the merchant marine.

This is just an example of the great change that has taken place in the relative power of the legislative department and the executive department since the year 1917. I think we would all concede that under similar circumstances today, if we were a neutral nation and a conflict were taking place on another continent and one of the countries participating in that conflict set up a submarine blockade of our shipping, and the President felt that it would be good to arm our merchant shipping so that they could protect themselves from that submarine blockade, today, or next year, or 5 years ago—I do not speak with respect to any one President, but under conditions today—the President would arm our merchant shipping without consulting anybody. He would just issue orders before breakfast some morning, without giving it a second thought, and we would feel that he had acted wisely.

But the President of the United States in 1917 felt that it was necessary to send to Congress a bill providing for arming that merchant shipping. Well, the bill sailed through the House, of course, came to the Senate, and a group of Senators, I think some 12 in number, or possibly one or two fewer, or one or two more felt—and I am not impugning their patriotism or being critical of them—that this legislation would carry the United States into World War I, and they fought here on this very floor where we are standing today. They were able to kill this much-needed piece of legislation.

We all recall that President Wilson referred to those men who had participated in that extended debate and said that—

> A little group of willful men, representing no opinion but their own, had brought the great government of the United States to a standstill.

And he urged his legislative leaders—I believe he called a special session of Congress—to do something about it; and rule XXII, I believe as it exists today, was put into effect at that time.

Since that time there have been amendments. At one time the rule stood that it took a constitutional two-thirds of the Senators to cut off debate and to invoke cloture. That has since been changed. Also at one time, the junior Senator from Alabama understands, the very motion by which we are seeking to postpone to the next legislative day did not come under the application of the cloture petition. The junior Senator from Alabama understands that the cloture proceedings did not apply to such a motion. That has now come under the coverage of rule XXII, providing a method of cutting off debate.

We have had this rule since 1917. It has served the country well. There is no need to amend it. It would not be in the best interest of this country if it were amended.

The charge is made that no other body has this right of extended debate, and that is true. That is the very feature that makes the Senate great. Are we going to rob the Senate of this great tradition, this great factor, this great feature that does contribute to its greatness and to the greatness of the Government of the United States and to the greatness of this country?

Are we going to make the Senate of the United States conform to the procedures of all other bodies? Is that what we are seeking to do? If that is our goal, I certainly hope that efforts to accomplish such a goal are not successful.

The distinguished Senator from North Carolina has prepared and placed on the desks of all Senators, quotations from distinguished students of government, political commentators, having to do with rule XXII of the U.S. Senate. I should like to read at this time several of these, for the information of the Members of the Senate and for the information of the public generally and for all those who might read it in the CONGRESSIONAL RECORD.

Mr. Walter Lippmann, famous political commentator, student of government:

> The filibuster—

That is a word applied to what I have been calling extended debate—

> The filibuster under the present rules of the Senate conforms with the essential spirit of the American Constitution, and it is one of the very strongest practical guarantees we have for preserving the rights which are in the Constitution.

Mr. President, this two-thirds vote that is required under rule XXII to cut off debate was not just a figure that the Senators reached out into thin air and came up with. It is a figure that has tradition, it has precedent, it has example in our Constitution for decisions of great importance in this body and in the other body. The submission of a constitutional amendment by this body or by the other body requires a two-thirds vote of the Senators present or of the Representatives present. I believe it takes a two-thirds vote in both bodies to expel a Member. It takes a two-thirds vote to impeach the President or any other Federal officer over whom the House of Representatives and the Senate have jurisdiction.

Mr. President, the other day—and I wish that more Senators had been in the Chamber—the distinguished Senator from North Carolina (Mr. ERVIN) made one of his eloquent and sagacious speeches on this subject, regarding the two-thirds requirement. I have already pointed out that he called attention to the fact that Mr. Justice Abe Fortas and Mr. Justice Thornberry are not now on the Supreme Court bench because we have a two-thirds cloture vote in the U.S. Senate.

He also called attention to, and read—and I am surely glad that he did, because I had the pleasure of listening to him as he read—from President Kennedy's "Profiles in Courage" the story of Senator Edmund Ross, of Kansas. I had read it a number of years ago, when the book first came out, but I was glad to have my recollection refreshed on this occasion.

As Senators know, the House of Representatives had voted impeachment, just following the War Between the States, following the assassination of President Lincoln, following the efforts of the radical Republicans to dominate President Johnson, following the Tenure in Office Act by which Congress very insolently passed a law saying that the President could not discharge anyone that he had appointed to office whose appointment required the confirmation of the Senate without the approval of the Senate. That was an effort to keep Secretary of War Stanton in office when he was disloyal to Johnson.

So these trumped up charges—and I say "trumped up" advisedly—were made against President Johnson. They sailed through the House of Representatives, they came to the Senate, and it looked as though, in the hysteria of the period, they would have no trouble convicting the President here in the Senate.

As we all recall, of course, the House of Representatives votes impeachment charges, which in effect is an indictment. I remember when I was a boy in school, the teacher would ask the question, "Has there ever been a President of the United States impeached?" Well, the student would probably think, "We have not had one impeached, because he was not convicted." But the impeachment takes place when the House votes the impeachment charges. So impeachment is more or less a synonym for indictment; and he was, in effect, indicted by the House of Representatives, impeached by the House and tried by the Senate.

Under that procedure, of course, the Chief Justice of the United States presided over the Senate. Of course they had no Vice President, because Johnson had gone up from the Vice Presidency to the Presidency, and the next man in line was the President pro tempore of the

Senate, and he voted to convict, because he would have taken over the Presidency of the United States had Johnson been convicted.

Senator Edmund Ross of Kansas was a man who disliked President Johnson, a man who was a strong Republican from the most radical of States. I say that not in the sense of a radical today, but that is the way they referred to that branch of the Republican Party at that time, the radical Republicans. He was a radical Republican and his constituency were radical Republicans, and fully expected him to vote to convict President Andrew Johnson of these trumped up charges that the House of Representatives had sent over for trial.

The long and short of it, Mr. President, is that it required, of course, a two-thirds vote—there again, that magic two-thirds—of the Senators present to convict the President. With Ross's vote against conviction, the vote was 35 to 19. Ross had felt that if Congress took over the executive department in this fashion, and made the Executive completely subservient to the legislative branch of the Government, our system of constitutional Government would have been destroyed. So he had the courage of his conviction, and he saved constitutional government in this country. All of the other Senators were committed on the subject except Ross. He never committed himself until he voted, here in this very Chamber, "not guilty."

They had about a 10-day recess after the first vote on one of the specifications, thinking they could bring enough pressure to bear on Ross or on some of the other Senators to get a conviction. But they did not get the required two-thirds vote.

Mr. President, I am hopeful that in this case the proponents of the rules change will not get the required two-thirds vote to choke off debate and that this matter will be laid aside. It has been coming up here in Congress after Congress—this question or a similar question.

I do hope that we can take an early vote on this cloture question. I have been advised by the proponents of the application for cloture that on tomorrow they are going to file a cloture motion which would then call for a cloture vote on Monday. At that time, when an effort is made to choke off this debate on the rules change, we are going to have the most important vote that will be cast in this Chamber in the entire 92d Congress.

I do not believe there have been many changes in this body since the vote of 2 years ago, when I believe there were 51 who voted to choke off debate; and it would take somewhere in the neighborhood, I assume, of 64 to 66—67, if all Senators should be present. Under the present rule, the two-thirds rule, it is possible, if only 51 Senators are present at the time of the vote, to choke off debate in the U.S. Senate with 34 Senators; because 34 Senators voting for cloture and 17 Senators voting against it would result in cloture being invoked. So how much more liberal a rule would one want than to be able, as a minimum and under certain circumstances, to cut off debate with a 34 vote?

This is a most important question. It deserves close and careful consideration.

I had planned to speak for a somewhat longer period, but I notice several other Senators who are anxious to speak on the subject, and I will not invade the time that has been set apart for them.

(The following colloquy, which occurred during the delivery of Mr. ALLEN'S address, is printed at this point in the RECORD by unanimous consent:)

Mr. ALLEN. Mr. President, I ask unanimous consent that, without losing my right to the floor and without the resumption of my remarks after the interruption being considered a second speech, I might yield to the distinguished senior Senator from Alaska (Mr. STEVENS) for not to exceed 3 minutes, with the understanding that his remarks appear in the RECORD following the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, today the State of Alaska——

Mr. BYRD of West Virginia. Mr. President, I am most reluctant, first, to interrupt the able Senator and, second, I am equally reluctant, if not more so, to have to object to waiving the Pastore rule.

The subject matter which the Senator is about to discuss is not germane to the pending business. I hope I would have the understanding of the Senator in asking that he not proceed with the matter until the time for the Pastore rule has expired.

The PRESIDING OFFICER. Would the Senator from Alaska yield to the Senator from West Virginia who is making the request?

Mr. STEVENS. Mr. President, in view of the remarks of the able majority whip, I will make my remarks later.

Mr. BYRD of West Virginia. Mr. President, I thank the able Senator from Alaska for his customary courtesy and cooperation.

(This marks the end of the colloquy which, by unanimous consent, was ordered to be printed at this point in the RECORD.)

Mr. EASTLAND. Mr. President, once again the Senate is considering the question of whether to change rule XXII of the Senate, pertaining to the manner by which debate may be brought to a close.

Let me state here, Mr. President, that this is a republic. The Senate is a unique institution, in that we have had the right of unlimited debate. I think it has guarded this Republic, and I think it has preserved what is left of the liberties of the American people.

In fact, I know it is impractical, but I think we should go back to the rule as it prevailed after 1917, when cloture could be invoked on a measure but could not be invoked on a motion to bring a bill up for consideration in the Senate of the United States. I think that rule was wise. I think it protects minority groups in this country.

I recall that at one time, when Vice President Dawes denounced the cloture rule after he was inaugurated in 1924, the American Federation of Labor said it was a great protection for the working man in this country. I believe that it is a protection for justice and righteousness. I think it was a good rule, and I certainly think that we should go back to that rule.

Senate Resolution 9, sponsored by the distinguished senior Senator from Idaho and the distinguished senior Senator from Kansas, provides, in essence, that debate may be closed by a vote of three-fifths of those Senators present and voting

In my judgment it is vital to the survival of the Senate as the greatest deliberative body in the world that we retain rule XXII in its present form. Rule XXII, as it now exists, stipulates that debate may be closed by a vote of two-thirds of the Senators present and voting.

The decision of whether or not to change the rules of the Senate so as to make it easier to throttle debate should be decided on a realistic basis. Realism compels us to admit that the end result of these demands for change in the rules of the Senate would be majority cloture; not cloture imposed by a constitutional majority of 51 Senators, but cloture imposed by a vote of a majority of those present and voting. I do not doubt in the slightest the sincerity of those who assure us that although they favor cloture by three-fifths, they will never support cloture by a simple majority. However, history teaches us that trends and events have a momentum of their own.

If we adopt a rule providing for cloture by a three-fifths' vote, you may be certain that in the near future some bill, measure, or nomination favored by those who control the news media in this country will fail of approval because a majority, but not a three-fifths' majority, of the Senate will have voted to impose cloture and cut off debate. When that happens, we will hear another great hue and cry about "obstructionists," "undemocratic procedures of the Senate," and "filibusters." Then the demand will be broadcast throughout the country by these same news media that more "reforms" must be made immediately in the procedures of the Senate. Of course, these "reforms" will consist of a rule providing for cloture by a majority of those present and voting. We will be given horrible examples of how the undemocratic rule has frustrated the will of the majority of the Senate. Like the Supreme Court, we will become ensnared in the dogma of simple majoritarianism, to which all customs, habits, traditions, and constitutional principles must yield.

This effort to reduce the requirements for imposing cloture from two-thirds to three-fifths reminds me of the 6-year-old boy who wanted to cut his dog's tail off a little at a time so that it would not hurt so much.

We must not overlook the fact that a number of Senators—and I suspect that it is a considerable number—presently support the principle of majority cloture. They realize that the day is not quite yet here that the Senate is willing to completely embrace this idea, so they have agreed to temporarily abandon this plan in support of the proposed three-fifths rule. This is evidenced by the introduction by the distinguished senior

Senator from New York, on behalf of himself and the distinguished senior Senator from Michigan, of an amendment to Senate Resolution 9 to provide for cloture by a majority vote of the Senate. This amendment to Senate Resolution 9 by Senator JAVITS was introduced on January 26, 1971.

I say and believe that the adoption of the proposed three-fifths rule as embodied in Senate Resolution 9 would merely be the first step in the inevitable process of achieving majority cloture.

There is absolutely no way to appease the demands of those who call for majority cloture. Certainly, the adoption of this three-fifths rule would not appease such persons. They would grudgingly concede that "some progress has been made," but they would conclude that "We must finish the job." We must nip this insidious process in the bud here and now, and the only way to accomplish this is by defeating Senate Resolution 9.

My friend, the senior Senator from Michigan, has, in my opinion, given us an excellent reason for the retention of rule XXII in its present form; that is, that had it not been for the existence of rule XXII, Abe Fortas would have been confirmed by the Senate as Chief Justice of the United States. I completely agree with my friend from Michigan, but I think that subsequent events have shown that the right of Senators to engage in extended debate within the framework of rule XXII was most beneficial to the Nation in that instance.

The CONGRESSIONAL RECORD of May 14, 1969, carries the text of an article written by Senator HART on the Fortas nomination. This article is entitled "The Discriminating Role," and appeared in Prospectus, a student law journal published by the University of Michigan Law School. Senator HART made some preliminary remarks which I quote:

> I believe that were it not for the unique circumstances of last summer—the erosion of the power of the President with the approach of a political campaign, the nearness of the end of the legislative session, and the opportunity the nomination afforded for political attacks on the Court and the President—the nomination would have been endorsed by a majority of my colleagues. If my view is correct, then the nomination procedure established by the Constitution was thwarted by a minority of the Senate who turned events to their advantage and were indifferent to the support given the nominee by the bar, by the academic community, by businessmen who recognized his perceptive handling of their problems and by the deprived members of our society who felt his concern for them.

I agree with the Senator from Michigan that the Fortas nomination had the support of a majority of the Senate. I think it is completely accurate to say that a majority of the Senate favored this nomination. The Fortas nomination was defeated only because a number of us thought it deserved extended debate.

At a subsequent point in his article, Senator HART addressed himself specifically to the question of changing the rules of the Senate pertaining to cloture:

> I appear to be advocating that the Senate continues to muddle along as it has done in the past: approving most appointments, but occasionally being cantankerous. But this does not mean that there are not lessons to be learned and to be applied arising out of our experience last session with the Fortas nomination.
>
> First, it is the unmistakable teaching of the recent controversy that use of the filibuster, an anti-democratic device in the legislative process, is intolerable in the process whereby the Senate advises and consents to a nomination to the Court. Were it not for the filibuster, Mr. Justice Fortas would now be Chief Justice. He had the support of a majority of the Senate. In the hands of a well-organized but small band of men, however, the filibuster frustrated the will of the majority.* * *

In my judgment, it was one of the brightest hours of the U.S. Senate when we refused to impose cloture on the Fortas nomination. The reputation of the Supreme Court among the American people suffered a severe shock when Mr. Fortas resigned as an Associate Justice of the Supreme Court under charges of misconduct. Consider how much more harmful it would have been if Mr. Fortas had resigned from the Supreme Court under those circumstances while he was Chief Justice of the United States. The Chief Justice may only be "first among equals," as some legal scholars have written, but in the eyes of the American people he is supposed to embody the virtues of rectitude and probity, and, like Caesar's wife, be above suspicion.

It would have been a great shock to the American people if the person at the pinnacle of the American judicial system had been forced to resign his office under such questionable circumstances.

If, on the other hand, Mr. Fortas had been confirmed as Chief Justice and Judge Homer Thornberry had been confirmed as an Associate Justice, and the revelations had not been subsequently made which caused Mr. Fortas to resign from the Court, then the Supreme Court today would still be totally dominated by the judicial activists who have twisted and distorted the Constitution and laws of the United States in the fields of criminal law, pornography, subversion, and many other areas. With the addition of Chief Justice Burger and Mr. Justice Blackmun, the Court has recently begun to take more moderate and balanced view of cases involving certain areas of the law.

In my judgment, the United States and its people are far better off with Burger and Blackmun on the bench than they would have been with Fortas and Thornberry. The extended debate on the Fortas nomination played a key part in these events, and I believe it affords an excellent reason for retaining rule XXII in its present form.

Mr. President, as we consider the grave and serious question of whether we should modify or abolish rule XXII of the Senate, it is imperative that we consider the thoughts and ideas of some of the great men who have preceded us in this body on this important question. We would be most foolish and vain to assume that we are the repositories of all knowledge and wisdom on this subject. The truth is that many of the great minds of the Senate and this Republic have carefully scrutinized the question of whether rule XXII should be abolished and modified and have come to the compelling conclusion that it should be left as it is. These conclusions have been reached by Senators from all sections of the Nation and of widely divergent political philosophies.

On May 4, 1918, during the crisis of World War I, Senator Underwood of Alabama introduced Senate Resolution 235, which was reported from the Committee on Rules on May 31, 1918, modified so as to read:

> *Resolved,* That during the period of the present war the rules of the Senate be amended by adding thereto the following:
>
> "That no Member shall occupy more than one hour in debate, except by unanimous consent, on any bill or resolution and not over twenty minutes on each amendment proposed thereto."

Fortunately, this resolution was rejected by the Senate on June 13, 1918, by a vote of 34 to 41. Preceding this vote a great debate was had in the Senate on this issue. One of the greatest speeches was given by Senator James A. Reed of Missouri. I should like at this point to quote from excerpts of this speech:

> Cloture means the granting of a power. Whenever you grant a power you must assume that the power will be exercised. So, when we discuss this proposed rule, we must do so in the light, not of how it may be exercised so as to do no harm, but we must consider how it may be exercised to do harm.
>
> I need not pause to add to the argument already made that when it is proposed to bring in a great measure involving the expenditure of vast sums of money, if it be a bill for the appropriation of money, or a bill for the collection of taxes from the entire country, affecting intimately the industries of the country, an hour's debate upon such a bill is utterly insufficient, utterly inadequate, and that a rule limiting debate to one hour would mean the end of debate. The truth is that this measure, if adopted, will empower a majority to throttle freedom of speech upon this floor and enable sinister and wicked measures to be carried to consummation without the country being advised of the iniquities they bear.
>
> Gag rule is the last resort of the legislative scoundrel. Gag rule is the surest device of the rascal who presides over a political convention and proposes to accomplish something which will not bear discussion. Gag rule is the thing that men inexperienced in legislative proceedings always advocate at first, and if they have any sense, nearly always retire from as gracefully as possible after they have seen it in operation.
>
> There is justification for unlimited debate in this body. I am getting a little tired of hearing about the sacred rights of the majority; that this is a country ruled by majority; and that the majority has the right to have its way. This is not a country ruled by the majority. This is not a country of majority rule. The Constitution of the United States was written, in large part, to prevent majority rule. The Declaration of Independence was an announcement that there are limitations upon majority rule.
>
> The rights to life, liberty, and the pursuit of happiness were declared in the Declaration to be inalienable rights. They could not be given away by the citizen himself. Much less could they be taken away by temporary agents, sitting in legislative bodies, holding a limited authority of brief duration.
>
> The Constitution itself is a direct limitation upon the majority rule. "You shall not take property without due process of law," says the Constitution, and before we can take that safeguard away what must we do? We must obtain not a majority by this body, not a majority of the House of Representatives,

> but a two-thirds majority in each House concurring in a resolution, and that resolution must be approved by three-fourths of the States. What about majority rule in connection with that proposition?
>
> The right to trial by jury cannot be taken away by majority rule. The right for the habitation of the citizen to be free from unreasonable searches and seizures cannot be taken away by majority rule. If it could have been so taken away Volstead and his like would have invaded every home in America and fanaticism would have thrust its ugly face into every home of the land long ago. Before you can trample upon certain rights of the American people you must have more than a majority, sir, and I believe it to be true that there are certain rights which, even by amending the Constitution of the United States, we cannot take away from the citizens of the United States.
>
> Majority rule! Where is the logic or the reason to be found back of majority rule except in the mere necessity to dispatch business? The fact that a majority of 1 or 10 vote for a bill in the Senate is not a certification that the action is right. The majority has been wrong oftener than it has been right in all the course of time. The majority crucified Jesus Christ. The majority burned the Christians at the stake. The majority drove the Jews into exile and the ghetto. The majority established slavery. The majority set up innumerable gibbets. The majority chained to stakes and surrounded with circles of flame martyrs through all the ages of the world's history.
>
> Majority rule without any limitation or curb upon the particular set of fools who happen to be placed for the moment in charge of the machinery of a government! The majority grinned and jeered when Columbus said the world was round. The majority threw him into a dungeon for having discovered a new world. The majority said that Galileo must recant or that Galileo must go to prison. The majority cut off the ears of John Pym because he dared advocate the liberty of the press. The majority to the south of the Mason and Dixon's line established the horrible thing called slavery, and the majority north of it did likewise and only turned reformer when slavery ceased to be profitable to them.
>
> Oh, but somebody says—and we have heard it ad nauseam, indeed, until the gorge would rise in the gizzard of an ostrich at the sheer idiocy of the statement—"we must speed up the public business. We must enact more laws." We must not consider them. We must not analyze them. We must not talk about them. Of course, if we cannot talk about them we ought not to think about them. There are a good many men who do a good deal of talking in favor of stopping talking who never stop long enough talking themselves to do any thinking themselves.
>
> What we need to do is to stop passing laws. We have enough laws now to govern the world for the next 10,000 years. Every crank who has a foolish notion that he would like to impose upon everybody else hastens to some legislative body and demands that it be graven upon the statutes. Every fanatic who wants to control his neighbor's conduct is here or at some other legislative body demanding that a law be passed to regulate that neighbor's conduct.
>
> What is it [that] has made this race great? It has not been the proud blood of any illustrious ancestry; it has not been because we could trace our lineage back to kings and a royal household; it has not been because of the peculiar graces or abilities of those immigrants who came to our shores and from whose loins we are sprung. It is simply because for once in the history of the world the chains were taken from the arms, the shackles from the brain, the shadows of fear were dissipated by the sunlight of liberty and freedom, and every brain of every human being, great or small, was at liberty to function, every arm and every limb was at liberty to move. So we unleashed the latent powers of a race of people; and from the cottage of poverty there came forth the genius, and from the house of the man of humble estate there emerged the child who could turn the dull and inexpressive canvas into pictured harmony of color, light, and shade, and paint the rainbow's mingling hues and marvelous tints.
>
> From the cottages of the impoverished, from the homes of ancestors who had been enslaved and entralled, there came forth children who in the full liberty of our civilization were able to attack every problem and to undertake every great vocation of life; so that within one generation of time we produced here orators whose words of flame could fire the hearts of all the people of this land; poets whose words will be read so long as men shall love the music of our tongue, and a citizenry who have defended our soil and our flag with unexampled valor in every contest of this Republic. All these triumphs of intellect, all these great advances in the arts and in the sciences, all our wondrous advance in wealth are due to one great fact; that we have allowed the individual in this land the opportunity to develop, the opportunity to express himself.
>
> Mr. President, what has this to do with the question I am discussing? Everything, sir. Before any law to bind 110,000,000 people could be passed it should somewhere be subjected to free debate; somewhere it should encounter opposition; somewhere the fires of keen intellects should burn their heat about it and test it for its metal; somewhere and somehow it should be determined by all that the intellect can do and all that the tongue can express whether the particular law which is proposed is fit to be fastened upon 110,000,000 people who think they are free and who once were free. That one forum reserved of all places in the world is the Senate of the United States. Here a man can stand and express his views until exhaustion comes. And what of it? Some rules of common sense and decency and gentlemanly conduct have their effect. Not in all the nearly 16 years I have sat in this body have I ever seen but two or three instances of what might be really called a filibuster.
>
> Time and time again I have seen the opportunity under the rules for the minority to have stood and obstructed legislation, but as soon as debate was fairly over they have invariably given way and the vote has come. In the two or three instances which I remember a very simple expedient was adopted. Freedom of speech was not denied, but continuance of speech was demanded. It was insisted that the bill was before the Senate and that the opponents or advocates of the bill should speak for or against it and that no other business should intervene.
>
> * * * * *
>
> Sir, I know it is popular to attack the Senate. So many an ass has stood and brayed at the lions. He who would claim this body perfection would prove himself a fool. But the more imperfect we are, the more we need to counsel and to take advice. The less we know, the more we ought to strive to know. There may be some men of such supernatural power of intellect that they can gain nothing by the discussions their fellows may produce; but I have never seen an important bill upon the floor of the Senate, unless there was some political organization in control determined to pass it without the dotting of an 'I' or the crossing of a 't,' that has not been amended and amended to its benefit.
>
> As long as we can keep this forum free, as long as a vigorous and determined minority can prevent the passage of a statute, so long this country will be safe, reasonably safe, at least, for no great act of treachery can ever be consummated where there are not some brave souls to stand in its resistance and to stand to the end.
>
> But strike down this safeguard of public discussion, apply the gag, and imagine, if you please, that it is to be applied only to pass good measures, only to accomplish the virtuous and the wise and the holy, only to bring the thing of rectitude; imagine that, if you please. He is a fool, he is every kind of a fool, that has ever cursed this earth or cursed himself, who thinks that any power will always be used wisely and justly. Power is almost invariably abused.
>
> Has there ever been one of those important measures discussed on the floor of the Senate when it was not found that many changes were necessary, when the proponents of the measure have not been willing to accept amendment after amendment? Why should there not be some place in this country where the virtues or the iniquities of proposed legislation could be exposed without gag, without rule, without limit; some place where every public act must come under the surveillance of men who have complete freedom of speech, so that the good that is in it may be properly exemplified and the evil that exists may be properly exposed?

I believe that these words of the late Senator Reed are as true today as the day he uttered them, more than 50 years ago.

In 1925, Vice President Dawes advocated changing rule XXII in order to make it easier to impose cloture. The giants of the Senate vigorously and successfully opposed this effort. One of the greatest liberal Senators of that time, Robert M. La Follette of Wisconsin, discussed rule XXII in the following language:

> I shall stand while I am a member of this body against any cloture that denies free and unlimited debate. Sir, the moment the majority imposes the restrictions contained in the pending rule upon this body, that moment you shall have dealt a blow to liberty; you shall have broken down one of the greatest weapons against wrong and oppression that the members of this body possess. * * *
>
> But, when there is organized power behind measures, it is all the more reason we should have unlimited debate in the United States Senate. There is a chance to be heard where there is opportunity to speak at length and where, if need be, under the constitution of our country and the rules as they stand today, the constitutional right is reposed in a Member of this body to halt a Congress or a session on a piece of legislation which will undermine the liberties of the people and be in violation of that Constitution which Senators have sworn to support. When I take that power away from Members of this body. I let loose in a democracy forces that in the end will be heard elsewhere, if not here.

Now, Mr. President, I submit that Senator La Follette's views are not only worthy of consideration but that they are accurate; and while the present rule has worked all right, yet, as some people predicted, usually the great business interests and corporations that were influential in this country at that time—we were entering on a period when we gradually ate away the rules, chip by chip, and at that time the racial groups, minority groups, labor organizations bitterly opposed it.

Now I quote from Senator Moses of New Hampshire. This thing in the past had not been a party matter, and it is not now. It has not been a partisan matter. He replied to Vice President Dawes, and again it is his reasoning which certainly applies here; and that is the test and not what Dawes advocated or what he did not advocate. This is from the New York Times, dated May 9, 1925, Syracuse, N.Y.:

> Senator Moses, of New Hampshire, took direct issue with Vice President Dawes against any radical change in the rules of the Senate in an address here today before the national convention of the Psi Upsilon fraternity, of which he is a member.
>
> The Senator pointed out that the present Senate rules had come down from the foundation of the Government, and that the particular rules against which opposition now is raised had existed for 119 years. The previous question, he said, was a recognized privilege of senatorial debate up to 1806, and it was fair to assume that those of the conscript fathers who were still in the Senate 30 years after the Declaration of Independence had some good object in mind when they struck down this means of majority oppression.
>
> Referring to Senator Cummins's statement that nine-tenths of the Senators desired a change in the rules, to the end that limitation of debate might be procured, Mr. Moses expressed doubt that, at any one moment, even 51 percent ever had been willing to establish such a change. It probably was true, however, that at one time or another fully nine-tenths of the Senators, when smarting under the defeat of some measure in which they had taken great personal interest, had impatiently expressed a desire for a change in rules. He had felt that way himself at times, he admitted.
>
> "On the other hand, when I recall the great instances falling under my own observation in which the rules of the Senate have saved the country and its Treasury from embarrassment," Mr. Moses added, "I cannot feel that these rules work more than a fancied hardship, and I cannot believe that even more seasoned legislators than I can freely contemplate a movement to change them."
>
> "It is to be observed that with few exceptions the demand for a change in the rules of the Senate arises from those whose contact with the Senate is either brief or nonexistent," the Senator continued. "Many a man has come into the Senate with a determination to tame it, and almost without exception these men themselves have been tamed by the Senate and have come to realize the true value of the Senate rules."
>
> Mr. Moses declared that limitation of debate already existed in the Senate. "It was generally applied," he said, "under unanimous-consent agreements—agreeing to a time for a vote and that, pending such vote, no Senator should speak more than once, nor more than a given time, upon a measure or a proposed amendment."
>
> "Rule XXII of the Senate, which has been singled out for discussion," said Senator Moses, "provides that whenever 16 Senators—a small fraction, it will be noted, of the entire senatorial body—wish to bring debate to a close, they may test the sentiment of the Senate by presenting a petition to that effect. This petition, after lying over for one day, must be voted upon, and without debate; and, if two-thirds of the Senators present approve, debate is thenceforward limited to 1 hour for each Senator who may wish to speak.
>
> "It is argued with more plausibility than truth that this means 96 hours more of talk. The fact is that, on the two occasions when I have seen this rule applied, less than one-third of the Senators have availed themselves of its privileges, and debate has been promptly brought to an end. Surely it cannot be claimed that a body which permits one-sixth of its membership to produce a gag for the remaining five-sixths is hampered by its rules."
>
> It is, of course, axiomatic that the majority has the right to rule. But majorities differ from day to day, and the majority in the Senate is no longer partisan or even political. In point of fact, except through artificial means, strict party division is rarely to be had nowadays at either end of the Capitol, and the engrossing questions of Federal legislation nowadays are those of economic import affecting the material interests of sectional groups of States. Under these conditions, a bloc system has arisen in Congress; and the changing exigencies, which should be met by operations of economic law, are sought to be remedied by Federal statute.
>
> The inevitable result is a series of coalitions differing from day to day and with the character of the proposals which the various groups espouse. Under these circumstances, majorities are bound to be as reckless as they are ephemeral; and the safest and the strongest stafeguard against the powers which the bloc system entails is to be found in the opportunity for unlimited debate which the rules of the Senate now provide.

Here is Senator Beveridge speaking in Indianapolis, Ind., June 30, 1925:

> Speaking before the General Assembly of the National Educational Association in session here tonight, ex-Senator Albert J. Beveridge attacked Vice President Dawes' demands for changes in the Senate rules and urged that no changes be made in the American system of Government, "unless those alterations are obvious and undeniable improvements on the original."
>
> "The designers of the American plan had such a deep and keen distrust of temporary majorities," Mr. Beveridge asserted, "that they provided against majorities in many cases—so many, indeed, that the so-called majority principle does not permeate American institutions."

I submit, Mr. President, that is certainly true and that one of the great precepts of Americanism is that, under our system, minorities can be protected against the will of the majority. I think the statements are made that in a parliamentary body, at some time during the proceedings, the majority in every case has got the right to place its power over the minority, to make its will felt that the majority must prevail, statements that I hear made—I think those statements are certainly not good Americanism, because it is one of the fundamental precepts of Americanism that the minorities can protect themselves and are entitled to protection under our system. He goes on and says:

> "The attack upon the basic rule of the Senate," Mr. Beveridge continued, "is an assault, though unintentional, of course, upon the theory and nature of the checks and balances of our system which assure to the people safety from impulsive and immature legislation, the Senate is by far the most important. It was established to prevent hasty action."

That is one of the fundamental reasons that we have a Senate—to prevent hasty action. To continue:

> Several alterations "of our form and methods of government" are proposed at present, he said, and "three of these schemes are radical changes in American fundamentals."
>
> "Not one of them is new," he added, "and each of them is frankly destructive of an institution which is peculiarly American, and each of them proposes to adopt a European institution in its place. All three today are sponsored of late by able and honest men, just as was the case when they were offered in days gone by.
>
> "John W. Davis, a liberal conservative, says we should alter our Constitution so that a temporary majority of the Senate can ratify a treaty; the late Senator La Follette, an advanced radical, said we should alter our Constitution so a temporary majority of Congress could reverse constitutional decisions of the Supreme Court, and Vice President Dawes, an acknowledged reactionary, says we should alter a basic rule of the Senate.
>
> "Of these three proposals," Mr. Beveridge declared, the "most radical" is that of cloture for the Senate, and "in practical results, if adopted, it would be worse than the other two combined."
>
> Reviewing arguments in behalf of the cloture proposal, he declared "If any purely domestic danger threatens the American Republic, that danger is excess legislation," and urged those who endorsed the proposal to point out "a single great wrong that has been perpetrated upon the American people" because of unlimited Senate debate, and to name "a single benefit which has been denied the American people" because of it.
>
> "Throughout our history," he continued, "no filibuster ever succeeded which, in the end, the people did not approve.
>
> "Public opinion is the most powerful force on earth; no sane man wants to oppose it, and no sane man ever did resist the ultimate majority and final judgment of a nation."
>
> Meredith Nicholson, in a discussion of "culture and brass tacks," concluded with a tribute to Mr. Beveridge for his work on the life of John Marshall, which he declared to be "the most important biography every written by an American."

During the course of this debate Senator Key Pittman of Nevada wrote a letter to the New York Times. I now quote the text of that letter:

> The campaign of Vice President Dawes is exciting considerable interest in the West. I have recently been requested to address several semicivic societies and public service clubs upon this subject. I hope that the majority and minority leaders in the Senate would set forth the reasons for the attitude which I believe a majority of the United States Senate holds in opposition to the position taken by the Vice President.
>
> The subject is not only very interesting but, in my opinion, of vital importance to the proper functioning of the legislative branch of our Government. Much may be said on both sides of the question. So far as I am aware only one side has been presented to the public, and that by a very prominent and earnest advocate. I believe I understand the feeling of impatience that actuates the Vice President. His life has been spent as an executive, and largely in a position of command. There is no position of command in the legislative body.
>
> Every legislator stands upon an equality with every other member of his body. The States and districts of the United States represented by Senators and Representatives are as widely separated as the most divergent countries of Europe, and the conditions of life, commerce, and production are equally divergent. In the very nature of things, national legislation in a republic, therefore, must be accomplished through persuasion or compromise.
>
> Every beginner in national legislative life is a crusader. On my entry into the Senate in 1913 I was classified as a fanatical crusader. For three years I fought for the same thing that Vice President Dawes now seeks to force upon the United States Senate. Experience, through long years of legislative practice, has forced me to the conclusion that I was in error.
>
> I am not in favor of unlimited debate in the United States Senate. Unlimited debate does not now exist in the United States Senate. At any time two-thirds of that body may

> limit debate on any question to the extent that a Senator may only speak once, and then for a period not to exceed 1 hour. This, in my opinion, is a reasonable limitation and is sufficient.
>
> Without regard to the necessity of the rule, it must be admitted that bills of great importance, containing thousands of different items, are passed within a few hours and without sufficient debate or consideration. It has been the extended and full debates in the Senate that advised the country with regard to vital legislation, and, through this information, molded public opinion.
>
> The Senate was founded as a part of our institutions for the protection of minorities, not alone minority parties, but minority populations and minority principles. To establish a cloture such as they have in the House would nullify the very purpose of the United States Senate. It is true that legislation has been delayed by extensive debate, but when has such delay caused any serious harm to our Government?
>
> Let those who contend for the cloture point to particular instances, if they can, wherein the rules of the Senate have been destructive of the progress of our people. It is possible that our country suffers from too much legislation, rather than too little.

Senator Pittman, representing what was then and is now a small, western State, recognized that the principle of political equality between the States in the Senate was and is directly related to the retention of rule XXII.

During the time of the cloture debate of 1925, Senator Duncan U. Fletcher, of Florida, addressed the legislature of his State on the subject of changing rule XXII. I quote from a portion of his address:

> Propagandists have been busy apparently seeking to discredit Congress and particularly the Senate in the public mind.
>
> There must be some purpose back of the efforts to create the impression that the Senate is a huge talking machine, time-wasting, inefficient, and partisan-directed. We hear much about the filibuster. The Vice President, who was taking a comfortable nap at the only time he could vote after his lecture on efficiency, is going about the country advocating a change in the Senate rules in order to have cloture in the Senate.
>
> I can illustrate very briefly what that means. The House has cloture now. The result is the Speaker of the House, who is privileged to recognize whom he pleases, will recognize the leader of the majority to make any motion he desires. The leader, we may suppose, wishes to take up and dispose of some particular bill. The chairman of the Committee on Rules can call his committee together in his room adjoining the chamber and bring in a rule limiting debate on the discussion. So that three men in the House have it in their power, with their party backing, to say what bills shall be laid aside, what bills shall be considered, and in what form they shall pass.
>
> Shall we amend the Senate rules in order that similar conditions will prevail there? If so, three men in the House and three in the Senate will have it in their power to enact such legislation as they may determine, and the people may know practically nothing about it until such laws are written upon the statute books.
>
> The Senate is today the only branch of the National Legislature where full and free discussion is had of every measure it is proposed to have enacted into law, and I think it should so continue in the public interest.
>
> Rule 22 provides that, on motion signed by 16 Senators and a vote of two thirds in its favor, debate may be limited. My experience is that a filbuster is rarely successful, even at a short session of Congress, unless it is supported in sentiment by a majority of the Senate. As ranking minority member of the Commerce Committee, I had charge of the opposition to the ship-subsidy bill. That bill, in effect, meant practically giving away our superb fleet of merchant ships, which had cost the taxpayers over $3,000,000,000, to a few private shipowners, and then paying them $75,000,000 a year for 10 years out of the money in the Treasury to operate those ships. So it seemed to me, and I felt it should be defeated.
>
> Day after day, as the debate proceeded, I had assurance—sub rosa—from Republicans that they agreed with me, and offers of help if it was needed; however, if the bill came to a vote, they would feel obliged to vote for it because the administration was so strongly urging it. The bill was finally laid aside, not because of the so-called filibuster, really, but because a majority of the Senate was opposed to it, although it would have passed—if a vote had been reached.

After the resolution sponsored by Vice President Dawes and others failed, the question of whether to modify rule XXII was raised on a number of occasions. One of the ablest Senators to serve in this body was the late Eugene D. Millikin of Colorado. Like Senator Key Pittman, he represented a small, western State. Here is what he had to say on the subject of cloture in a speech he made on the Senate floor on February 9, 1946:

> Now as to cloture: The Senate of the United States is one of the few legislative forums in the world which operates on, and guards the right of, free speech. If my country were confronted with the horrible choice of surrendering all of the individual rights of its citizens under our Constitution save one to be selected by it, I should unhesitatingly counsel the preservation of the right of free speech, for so long as this right remains unimpaired all other rights, if lost, may be regained.
>
> History confirms this. Every dictator knows it well and selects free speech as the first victim of his aggression.
>
> Is the right abused? Of course, it is abused. It is abused everywhere it exists—it is abused at times in the Senate. But there are reasonably adequate measures against abuse which do not destroy or seriously violate the right.
>
> We have laws against obscenity. We have laws against speech which incites public disorder. We have laws against slander. Men have always had their own ways, outside the courts, some of them regrettable and to be abhorred, to end or punish on the spot certain forms of personal insult.
>
> The Senate has its law for temporarily ending free speech in this Chamber. It is by operation of the rule of cloture which requires a two-thirds vote.
>
> I have heard it argued that this is unfair to the rights of the majority, that the operation of the rule subjects the majority to the will of the minority, that this is a violation of democratic practices, from which the conclusion necessarily follows that a majority of one should have the power to do as it pleases.
>
> There is so much error in this argument and it has not much significance because of its studious cultivation by people who do not know better, by people who should know better, and by those who wish to destroy our system of Government that it calls for full treatment. But on this occasion I shall limit myself to touching on some of the highlights of the matter in rather summary fashion.
>
> It is manifest that if a majority of one could end free speech in the Senate it would not be long until there would not be any free speech.
>
> The majority of any party in power would find the suppression of free speech a convenient method of expediting what it conceived to be useful and urgent legislation. It is always annoying to have errors exposed, and it would not be long until a majority of one decided that for political purposes it should retain the illusion of infallibility by preventing exposure here of its errors. And then it would not be long until corrupt and even more ominous legislation might be shepehereded through this Chamber in enforced silence.
>
> It should never be forgotten, I respectfully suggest, that the rules of a legislative body in a country which understands, appreciates, and desires to conserve the principles of human freedom are adopted not to enhance or render unshakable the power of the majority of its members, but rather to protect those in the minority.
>
> The other day in his classic speech on cloture, the senior Senator from Maine (Mr. White), in developing the same theme in a manner which I cannot equal, found support in Jefferson's Manual on Parliamentary Practice which appears on page 237 of our Senate Manual. It deserves frequent repetition. I read from what is said there:
>
> Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say it was a maxim he had often heard when he was a young man from old and experienced members that nothing tended more to throw power into the hands of administration and those who acted with the majority of the House of Commons than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority; and that they were, in many instances, a shelter and protection to the minority against the attempts of power. So far the maxim is certainly true, and is founded in good sense; that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary from time to time and are becoming the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.
>
> When we talk of the rights of the majority of one, when we would give such a majority all-embracing power over our actions here, we simply overlook the fact that in this Chamber and outside of it, rules and practices and law, out of the wisdom of centuries of experience, provide that in many of the most important decisions in life those rights are qualified so as to protect the minority.
>
> The rights of the minority have not been imposed by a minority; they have been freely granted by majorities which realize the fact that majorities are not always right, that there is an inherent tendency in majorities to oppress minorities, which realize that under natural or moral law the individual and minority groups have certain rights which should not be subjected to the caprice of others, no matter how numerous, that these minority rights by their nature and by the formal mandates and consents and relinquishments of power, by thoughtful, just, and civilized majorities, when they are engaged in laying out the long-term rules for the government of all, are truly and deservedly unalienable.

I should like to conclude this portion of my speech by quoting the words of one who has recently left us, a man acknowledged to be the equal of Clay, Webster, Calhoun, La Follette, and Taft. I refer, of course, to the late Richard B. Russell of Georgia. The Senate Committee on Rules and Administration held hearings January 24, 25, 26, 28, 31, and February 1, 1949, on the question of whether rule XXII should be modified. Senator Russell appeared as a witness before that committee, and this great man, who epitomized the spirit and the substance of the Senate, made some magnificent statements as to why he thought it was necessary to retain rule XXII in order to protect the institutional integrity of the Senate.

I quote from portions of Senator Russell's testimony, which still rings true:

> Now the Senate, as I have stated, was the result of a compromise growing out of the most bitterly debated and highly controversial issue before the constitutional convention. We had at that time 13 sovereignties undertaking to combine into one, seeking to work out that glorious state of affairs that all of us have heard referred to on the 4th of July as being an indissoluble union of indestructible States, and the smaller States were determined that they would not be overwhelmed by the numbers involved in the composition of the House of Representatives, based on population.
>
> The framers of the Constitution finally went so far as to provide not only equal representation in the Senate to each State, but the only instance where the Constitution of the United States cannot be changed by the usual method of amendment is the provision that no State should be denied equal representation in the Senate without its consent. They went to that extreme, that you could not deny the small States their rights and their powers, you could not deny the minority, which is so despised by this majority view being pressed here, their equal representation unless they gave their consent. The rules of the Senate grew out of that importance that was attached to representation on an equal basis of the States without regarding to population.
>
> The Senator from Florida has ably stated some of the effects that can flow to the majority by unequal representation in the Senate or by changing the rules. My concern is for the minority. The majority has numerical representation in the other branch of the Congress, and they may be able to stop any legislation there that the Senate might pass if we changed our rules. This protection is available to the heavily populated States, but the sparsely populated States and those having peculiar interests have no protection on earth excepting the constitutional composition of the Senate of the United States and the rules which have guided this body since its inception.
>
> I have been surprised to see Senators from small States here insisting upon the adoption of a majority rule. The founding fathers never intended to have a pure democracy. There is nothing that can be found in any debate at the constitutional convention which would justify that belief. As a matter of fact, we were seeking to escape from the tyranny that comes from a pure democracy and to avoid the effects of majority action in the heat of political passion or without any restraint, and if these Senators representing the small States, insisting that we must have a pure democracy and majority rule in this country and are in good faith—they should be willing to surrender the privilege of equal representation in the Senate of the United States now enjoyed by their States.
>
> If you go to that, New York State alone would have as many Senators as the States of Wyoming, Delaware, New Hampshire, Vermont, Arizona, Idaho, New Mexico, Utah, Montana, North Dakota, South Dakota, Rhode Island, Maine, Oregon, Colorado, Nebraska, Connecticut, and Washington.
>
> But those representing small States here that come in with this talk about a pure democracy, and insisting that we start in the Senate by adopting majority rule to conclude debate, they overlook the fact that if they went to the logical conclusion, they would have to give up many rights their State has to be represented in the Senate on a basis of equality. In the last analysis that is where they would end.
>
> We are told, Mr. Chairman, that these rule changes are necessary in order to prevent filibusters in the Senate. I have always been somewhat confused in my own mind as to just when a filibuster starts in the Senate, when legitimate debate on a measure has ended, or when the filibuster might start. There has been a change in viewpoint on that in recent years.
>
> Some of the greatest orations ever delivered in the Senate of the United States, speeches that have immortalized men in our history, were very long and they would certainly be called filibusters now. The great speech of Daniel Webster that lasted 8 hours was not called a filibuster. If you are talking about civil rights now and a man speaks 40 minutes, it is denominated a filibuster, and the charge goes out over the country before the bill is before the Senate that there is a very vicious filibuster being conducted in the Senate.
>
> I do know that the rules of the Senate as they exist today are the last refuge of those who are likely to be oppressed by political legislation directed at them by those who have no problem of their own similar to that which they seek to cure by legislation and sometimes seeking political advantage at the expense of those living under different conditions.
>
> Mr. Chairman, Senators as a rule have a pretty high sense of responsibility here. I hear all this talk about hairsplitting—would you let it be eight or nine or seven to stop the majority or would you do this, that or the other? We have been inconvenienced by lengthy debate, but by and large the Senators have had a great sense of responsibility, and we look back down the years of bitterly fought issues that have been decided in this forum, the amazing thing is that there have not been more cases where the right of unlimited debate has been used to slow measures supported by the majority to which the minority were opposed.
>
> It takes a great sense of responsibility and much courage of conviction to carry on a lengthy fight on the floor of the Senate against any measure. It is not a thing that men do lightly, even when it comes to the type of legislation that you are seeking to enact through this change in the rules. It is most unpleasant. Men must have hides like that of the rhinoceros to stand up and fight even though they know they are right. They know they are going to be the target of attack in every paper in the land and over every air wave emanating from Washington, and it requires a very deep conviction and a considerable degree of courage, if I may be pardoned for saying it, for men to utilize the freedom of discussion in this Senate in order that they may get before the country what they are really undertaking to do and their real views.
>
> That is not an easy matter at all times when the majority of the propaganda is all in the hands of those who are on the other side and who claim to represent the majority. * * *
>
> We should not in casual manner change any rules of the Senate. There is a reason for every rule. As a matter of fact, when your cloture was adopted in 1917, there was a change in language, in that the original resolution referred to "issue" and it was changed to "measure" before it was adopted, showing the Senators in that day intended to present the right of Senators to debate a motion to proceed to consideration of a bill. The cloture or gag rule was only intended to apply to a measure that had reached the floor for consideration and amendment.
>
> Now, Mr. Chairman, before I conclude, I wish to read briefly from the remarks of two men for whom I have a very high regard. I hope Senators will heed. The rules of the Senate are the product of vast experience and they should not lightly, just to set a sail in order to catch a little political breeze, be changed or stricken down.
>
> I was interested in reading a statement by Vice President Adlai Stevenson, Vice President under Cleveland, that when he first came to preside over the Senate from the House of Representatives, that he thought he had come to the Cave of Winds, that the lengthy speeches there annoyed him and harassed him to death, but he concluded by saying:
>
> "It must not be forgotten that the rules governing this body are founded deep in human experience, that they are the result of centuries of perilous effort in legislative halls to conserve, to render stable and secure the rights and liberties which have been achieved by conflicts. By its rules the Senate wisely fixes the limits of its own powers. To those who clamor against the Senate and its methods of procedure, it may truly be said 'they know not what they do.' In this Chamber alone are preserved without restraint two essentials of wise legislation and of good government: The right of amendment and of debate."
>
> And, Mr. Chairman, if we lose the right of debate, the next step could easily be to devise rules to restrict or eliminate the right of amendment in the Senate. I continue to read:
>
> "Grave evils often result from hasty legislation, rarely from the delay which follows discussion and deliberation. In my humble judgment the historic Senate, preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentarian methods and means, which unfailingly secure action after deliberation, possesses in our scheme of government a value which cannot be measured by words."
>
> Mr. Chairman, the years that have come and gone since 1897 when Vice President Stevenson made that statement have completely justified every line and every word of it.
>
> I have also, Mr. Chairman, an article by a man who was a great legislator and, more than that, a great scholar and student of our Government, the late Senator Henry Cabot Lodge, predecessor in name and seat in the Senate of the distinguished present Senator from Massachusetts. It was an article he had written for a boy's magazine, explaining the operation of our Government and of the Senate, and it goes into detail as to the reasons for the rules and states in effect that the cloture rule would not have been adopted in 1917 had it not been for the fact that we were at war.

Mr. President, the late Senator Russell made reference to a statement made by the elder Senator Henry Cabot Lodge of Massachusetts on the subject of cloture, which statement was printed in the record of the hearings held by the Rules Committee in 1949. This statement of Senator Lodge is so appropriate that I quote from it:

> It is not necessary to trace the long struggle between these opposing forces which ended in the most famous compromise of the Constitution of which the Senate was the vital element, and which finally enabled the Convention to bring its work to a successful conclusion.
>
> It is sufficient here to point out that, as the Constitution was necessarily made by the

> States alone, they yielded with the utmost reluctance to the grants of power to the people of the United States as a whole and sought in every way to protect the rights of the several States against invasion by the national authority. The States, it must be remembered, as they then stood, were all sovereign States.
>
> Each one possessed all the rights and attributes of sovereignty, and the Constitution could only be made by surrendering to the General Government a portion of these sovereign powers.
>
> In the Senate accordingly the States endeavored to secure every possible power which would protect them and their rights. They ordained that each State should have two Senators without reference to population, thus securing equality of representation among the States. They then provided in article V of the Constitution that "no State without its consent should be deprived of its equal suffrage in the Senate."
>
> Except on some rare occasions the Senate has been the conservative part of the legislative branch of the Government. The cloture and other drastic rules for preventing delay and compelling action which it has been found necessary to adopt and apply in the House of Representatives have never except in a most restricted form been admitted in the Senate. Debate in the Senate has remained practically unlimited, and, despite the impatience which unrestricted debate often creates, there can be no doubt that in the long run it has been most important and indeed very essential to free and democratic government to have one body where every great question could be fully and deliberately discussed. Undoubtedly there are evils in unlimited debate, but experience shows that these evils are far outweighed by the benefit of having one body in the Government where debate cannot be shut off arbitrarily at the will of a partisan majority.
>
> The Senate, I believe, has never failed to act in any case of importance where a majority of the body really and genuinely desired to have action, and the full opportunity for deliberation and discussion, characteristic of the Senate, has prevented much rash legislation born of the passion of an election struggle and has perfected still more which ultimately found its way to the statute books.
>
> The Members of the United States Senate have always cherished the freedom of debate which has existed in this Chamber. Senators have been reluctant to adopt any rule of cloture, and, even after the present rule was adopted in 1917, they have been reluctant to invoke it. Cloture is a gag rule; it shuts off debate; it forces all free and open discussion to come to an end. Such a practice destroys the deliberative function which is the very foundation for the existence of the Senate. It was the intent of the framers of the Federal Constitution to obtain from the upper Chamber of the Congress a different point of view from that secured in the House of Representatives. Thus, the longer term, the more advanced age, the smaller numbers, the equal representation of all States. Careful and thorough consideration of legislation is more often needed than limitation of debate.

Mr. President, I am firmly of the opinion that we should pay heed to the wisdom expressed by these and other great Senators. We should not modify or scrap rule XXII.

Mr. President, there has never been any question in my mind about the importance of rule XXII in our political structure. It has been, and is, a major bulwark against the erosion of our constitutional and republican form of government in this Nation. Majorities by their nature oppress, and the present rule is a barrier to such oppression. If one wishes to preserve the personal rights and liberties of the minority from destruction by the natural predatory instincts of the majority—if one desires that—rule XXII had better remain as is without change, modification, or amendment.

Here we are again on our once-in-every-2-year trip to the abyss of our own destruction, for it is no exaggeration to state that the present attack on the rule threatens the very fabric of our constitutional system, pierces the soul of our existing Government, and endangers the rights and liberties of minorities.

Now, Mr. President, we have all heard the parable of the saucer and the Senate. The story goes that the House of Representatives acts fast and swiftly, thus heating up the contents of the cup; whereas, the Senate acts as a saucer to cool with its debate the contents thereof. I suppose the story would go that, in the cooling off process, evil and bad legislation would precipitate to the bottom as dregs and be discarded as waste should be. I have often heard this story, and in fact, while perusing old hearings, I was amused to find it attributed to two different sources. In one place it is mentioned that in the history of free and unlimited debate the Senate is often referred to as a check. It is said that Benjamin Franklin, the wise old owl of the Revolution, spoke of the Senate as a saucer. Let me quote the paragraph from the Senate hearings.

> In other words, it (the Senate) was a saucer into which the hot coffey was to be poured to give it time and opportunity to cool. The House of Representatives, if at any time it took hot action, if it acted with too much speed and didn't thoroughly consider and thresh out the full significance and effect that action, had always this saucer waiting for the measure to cool.

Mr. President, in another place and another year our worthy Senate hearings attribute this saucer story to Thomas Jefferson who spelled it out to George Washington in his analyzation of the Senate's position of importance in the Government. Who was the author, I do not know, but I lean toward Franklin for he also said in Poor Richard's Almanac: "Act in haste and repent at leisure," which, as I see it, this body proposes to do as regards rule XXII.

A change in the rule of cloture from a two-thirds vote of invocation to a three-fifths vote is a whittling away and erosion of a great liberty bastion. Water dripping will erode rock, friction from a cotton thread will cut steel, and the dunes of the deserts are moved hundreds of miles of gentle winds. Anything can be destroyed by small persistent effort constantly applied. Again, Ben Franklin sums it up for us in: "Little strokes fell great oaks."

When those on this floor, who advocate change, rationalize that it is just a little change—I say beware! Hitler became dictator of Germany with little constitutional changes. Liberties not zealously guarded are liberties eroded, and liberties eroded are liberties lost, and liberties lost are never to be regained.

Washington in his Farewell Address expressed a great fear of what he called party spirit. This fear was also mentioned by James Madison and Governor Morris. In fact, Washington spelled it out a little further as "the baneful effects of party spirit." It is found in this address in the following:

> I have already intimated to you the danger of parties in the State with particular reference to the founding of them on geographical discrimination. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party generally.
>
> This spirit, unfortunately, is inseparable from our nature, having its roots in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed, but in those of the popular forum it is seen in its greatest rankness and is truly their worst enemy. Without looking forward to an extremity of this kind, which nevertheless ought not to be entirely out of sight, the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

The thing that averts the danger of party spirit, its baneful effects as Washington said, was our very free and unlimited debate in the Senate of the United States.

Everyone knows that it makes no difference in the House of Representatives which party is in control. The Speaker, the party leader, the chairman of the Rules Committee and perhaps a selected few others get together, usually in the Speaker's office, and determine what shall be done; and believe-you-me that is how it is done. I do not criticize the House, for obviously it is too large and unwieldly to permit free debate. Physically and practically there can be none. Their membership is too large. So be it for them. The manner in which the House operates is exactly what Washington meant by "party spirit," and he warns us in his address of its "baneful effects."

Praise it be that the size of the Senate permits it to operate practically with free and unlimited debate, and that is what has saved this country, not just from the tyranny of the majority, but actually from the tyranny of a small caucus of the majority.

The first attempt to change rule XXII was by Senate Resolution 235 on May 8, 1918. This came from the war hysteria of World War I which I shall discuss later, for foreign policy has recently been called upon by the proponents of change.

In opposition to change, Senator William Allen Smith from Michigan stated:

> The proposed new rule is intended to curtail the individual right and power of Senators. How can a Senator represent his State appropriately in a crisis if a few Senators may decree in caucus and then absent themselves, leaving the State to its fate, shorn of the power to be effective?
>
> The instances where this rule of unlimited debate has been abused and has worked to the disadvantage of the Government are very rare indeed and the cases where it has been of tremendous advantage to the Government and to the people of the United States can be counted by hundreds and hundreds.
>
> The longer I stay here the less I speak. Some of the best men who ever served in the body have grown to dislike verbal controversy.
>
> Men get over the fascination of their own speech; but if the occasion would require,

or if some injustice was sought to be done, unlimited debate would be a very desirable and potential weapon to reside in the senatorship.

It is not that a Senator wishes to be heard at great length; it is the power to defend his State which you are attempting to curtail.

Take away the right of unlimited debate and you take away the great distinguishing characteristic of senatorial procedure.

Also speaking in opposition on that occasion was Jacob H. Gallinger, a Senator from New Hampshire, and I quote:

A great deal of agitation had been heard at varying times concerning the necessity for having some rule that would limit debate. There were those of us who did not think any rule at all was necessary. There were others who thought a somewhat drastic rule necessary. I speak now advisedly, as a member of the Committee on Rules, when I say that that rule was adopted as a compromise rule, and assurances were given that if it should be agreed to—as it was, without any controversy—it would end this matter of so-called cloture legislation. It has answered its purpose.

During my somewhat protracted membership of this body, a few filibusters have been engaged in. I was the victim of one of those filibusters, Mr. President. A bill in which I was deeply interested, which had been debated for weeks in this body, as I remember it, was at the end of a session defeated by a filibuster.

At that time I felt very keenly on the subject but, when I came to look it all over, I was led to the conclusion that the evils that grew out of our present system were insignificant compared to the benefits that grew out of it.

I think I have myself participated in two filibusters during the time I have been a Member of this body, and I have never had occasion to regret it. I believed that they were justified. I believe that great good came to the country because of those protracted discussions.

Further in the debates the Senator from Massachusetts Henry Cabot Lodge stated his position as follows:

The case for free dabate in the Senate has never been better stated than in a paragraph I am about to read from a well-known book. It is there said:

It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the Government, the country must be helpless to learn how it is being served; and unless Congress both scrutinizes these things and sift them by every form of discussion the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct.

The informing function of Congress should be preferred even to its legislative function. The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but more than that, that the only really self-governing people is that people which discusses and interrogates its administration. The talk on the part of Congress which we sometimes justly condemn is the profitless squabble of words over frivolous bills or selfish party issues. It would be hard to conceive of there being too much talk about the practical concerns and processes of government. Such talk it is which, when earnestly and purposefully conducted, clears the public mind and shapes the demands of public opinion.

That, Mr. President, is taken from Congressional Government pages 303 and 304, written by the present President of the United States [Woodrow Wilson], and I think it would not be easy to find a more powerful exposition of that necessity for debate which, I think, is infringed on by this proposed rule.

Mr. President, the debate in 1918 was one of the most erudite and soul-searching that has ever taken place in this body. A few more excerpts are worth quoting and please notice that the speakers are not from the South, that they were leaders of their day, and most of them were Republicans. Here they are.

Warren G. Harding, a Senator from Ohio:

I have been hearing about the reformation of the Senate since I first entered politics; and it was rather an ironical thing the other day that one of the most emphatic speeches made in favor of the adoption of this rule was uttered by the very latest arrival in this body.

But the reformation of the Senate has long been a fad. I came here myself under the impression that there ought to be cloture and limitations on debate; and the longer I sit in this body, the more convinced do I become that the freedom of debate in the United States Senate is one of the highest guarantees we have of our American institutions.

Mr. President, before I take my seat I wish to say that the length of a speech is not the measure of its merit.

While the Senate may not listen, because the Senate does not listen very attentively to anybody, I discover, though Congress may not be apparently concerned and though the galleries of this body may not be filled to add their inspiring attention, I charge you now, Mr. President, that the people of the United States of America will be listening. This is the one central point, the one open forum, the one place in America where there is freedom of debate, which is essential to an enlightened and dependable public sentiment, the guide of the American Republic.

Charles E. Townsend, a Senator from Michigan:

It will be a sad day for our Republic when the Senate ceases to be a free and open forum.

When I was a Member of the other House, to me one of the attractive features of service in the Senate was that there was an opportunity for debate and full consideration. I did not expect to abuse that privilege, and I never have done so.

Most new Senators are instinctively for reforming the rules.

We have been in the habit of condemning long speeches sometimes and I confess that at times I have criticized them, too; but I have recalled that subsequent events have shown that many Senators were right in appealing to the Senate to consider the question under discussion, and it was their duty to make those appeals to the Senate if by doing so they had any hope of changing the sentiments of the Senators.

James E. Watson, a Senator from Indiana:

If this had been the rule of the U.S. Senate for the first 50 years of its existence John C. Calhoun would not have been able to thunder forth the doctrines in which he believed; Hayne could not have announced on the floor the ideas which he so eloquently espoused; Henry Clay would have been unable to deliver in full any one of the score of speeches that accomplished so much for his country; and Daniel Webster, imperious orator of American history, could not have blazed the pathway of the future in that historic utterance in which he announced the essential policies of the Republic if its institutions are to endure, for on the floor of the U.S. Senate and in the open forum of debate he in a sense shaped the destiny of the Republic and molded the future of the Nation.

Mr. GALLINGER. Speaking for 8 hours.

Mr. WATSON. And 8 hours, the Senator from New Hampshire informs me, he spent in delivering that masterful oration.

If this had been the rule of the Senate even in our day, the great debates that have occurred upon the financial and economic problems which have engaged the thought and attention of the Republic could not have taken place to the full.

Reed Smoot, a Senator from Utah:

The passage of this resolution means that running debate will be closed in the future, and I say now that there has been more information given to Senators, actual information, information that affected the votes of Senators, more real information gained, in a running debate where questions are freely asked, than there is in all the set speeches that were ever made in this body.

James D. Phelan, a Senator from California:

It is the history of this body that there are empty benches occasionally when a Senator exceeds what, in the judgment of the absentees, may be a reasonable time limit. I believe it was held in the House of Commons that, whereas a man had a right to speak, he had no right to be heard.

The Senate rules serve by arresting hasty action. Members of the House have appealed to me to save the power of the Senate on which the Members of the House themselves so often rely. On it the country relies to have time to deliberate and if necessary protest.

Men are carried away by passion, heat, and rancor, and they enact laws thoughtlessly; again they enact laws ignorantly. Debate restrains passion; debate restrains heat; debate restrains rancor, and at the same time debate commands deliberation. Therefore I oppose the arbitrary rule and stand for the power and dignity of the Senate which has served the country so well in this way.

Frank B. Brandegee, a Senator from Connecticut:

Mr. President, I look at this right of debate not as a right, much less a privilege, which we are conferring upon ourselves as a matter of favor. I look upon it as a right which attaches to the sovereign States of the Union, each of which is represented here by 2 Senators, and whose sole method of putting its case before the people of the United States and before this body is through the voice of its 2 Senators.

So, I say that this is the forum of the States. This is a federated Government, in which the States reserved the right of equal suffrage in the Senate of the United States, and made that the only provision of the Constitution which never should be subject to amendment.

Mr. President, within the lifetime of the Members of the body there was a period when the Republicans had but a scant 16 votes. There was a total of 96 votes in the Senate, Alaska and Hawaii not having achieved statehood. The will of the majority at that time, if unfettered and maliciously used—as Washington would say, "party spirit"—could have destroyed the Republican Party as a political entity forever except and, but for, the right of unlimited debate as now preserved by rule XXII. It just happened to be the Democratic Party at that time in the overwhelming majority. By the grace of God, next time it may be the Republican Party and, although I love my brethren on the other side of the aisle, I pray that, when they wax supreme in numbers, they are forced to guide themselves by the beacon of the right of unlimited debate.

Who knows what is going to happen in the shifting political sands of today? Two years from now who will be the majority? The oppressor now may be the future one oppressed. He screams loudest whose ox is getting gored, and the resultant offal may be the demise of our country.

Those today who press hardest to change the rule; those who insist most determinedly for change; those who would deny our present free and unlimited debate; those, I warn you, will be the very ones who will find in the future that this free and unlimited debate is needed for the protection of their rights.

The world struggle today is between those people who are free and those people who are regimented. Will free people and free government survive or will they succumb to the forces of totalitarianism? The vital target of all tyrants is political freedom. We are told that democracy no longer serves the people, that its processes are too cumbersome and too slow. Regimentation means efficiency, speed, and progress, so efforts are made to tear away our safeguards to the institutions of free governments.

The Senate has always been reluctant to invoke the cloture rule, and rightly so, and there is a reason therefor.

Cloture by its nature is designed for exceptional circumstances. Like the extraordinary writs, cloture is an extraordinary procedural remedy. It has been used gingerly and for limited purposes. The purpose of cloture was not to gag the opposition. It was not designed to cut debate short except where the number of Senators in favor of a measure is overwhelming.

Let us remember that even in the situation where 99 Senators are in favor of a bill and only one Senator opposes it, it is the bounden duty of the vast majority not to cut off the debate before the one Senator has an opportunity to set forth his views.

The power to cut off debate resides with the 99, but the right to cut off does not reside with the 99; for our political heritage is a heritage which says "No, a thousand times no." This is the essence of free and unlimited debate.

The minority must have the right to submit its views, and the power of the majority to cut off debate must be hobbled. The balance between how much hobbling versus how much free debate is a most delicate one, and this body has solved it with the two-thirds ratio.

Why two-thirds, one may ask? The answer would seem to be that our history of politics teaches us that the ratio of two-thirds is a proper working ratio with the safeguards needed to accomplish the purpose. Notice that this is the ratio for treaties, constitutional amendments, impeachments, et cetera.

Proponents say that cloture is beneficial since it stops filibusters. That is not the point. The point is simply that cloture is inherently dangerous since it can operate to cut off debate. The crowning glory of the Senate of the United States is its right of unlimited debate. This element distinguishes it from any other elected assembly or representative body in the world.

When issues are smothered, liberties die. Our press is free, and our right of open debate is unlimited. The Senate is our forum to prevent issues from being hidden from the people.

With free debate the weaker States are protected by the Senate and minority opinion has a citadel that has withstood the ravages of the impatient.

Mr. President, in 1925 Vice President Dawes took the oath of office as Vice President, and in doing so addressed the Senate that there was need of a change of the rules. The press at that time polled the individual Senators as to their views of the Vice President's remarks. It is interesting that those who responded to the poll concluded invariably that the Vice President had in mind cloture, although he had not mentioned cloture. Some of the responses have been preserved, and I offer them here to shed light on the present effort to change rule XXII.

William D. Borah, a Senator from Idaho:

> I do not know what changes Vice President Dawes proposes with reference to the Senate rules. In a general way it seems that he would adopt strict cloture. I am opposed to cloture in any form.
>
> I have never known a good measure killed by a filibuster or a debate. I have known of a vast number of bad measures, unrighteous measures, which could not have been killed in any other way except through long discussion and debate.
>
> There is nothing in which sinister and crooked interests, seeking favorable legislation, are more interested right now than in cutting off discussion in Washington.

Smith W. Brookhart, a Senator from Iowa:

> I do not think the Senate rule of unlimited debate will be materially changed. It is this rule that makes the United States Senate the one great open legislative forum in all the world.
>
> The rule sometimes delays good legislation, but never kills it. Good legislation always comes back, and finally wins. The rule kills a great deal of bad legislation. That class of legislation which cannot stand the light of publicity will always be killed by unlimited debate.

Mr. President, I for one, to keep my conscience, cannot agree to place the Senate under the same procedures as the House of Representatives. I refuse to permit the procedural machinery of this body to be used by the majority to defeat a proposal before it has had a chance to reach the floor for debate. If I will not permit this, I most certainly will not consent to a rule which allows a measure to reach the Senate floor but then arbitrarily cuts off debate.

Almost all constitutional authorities agree that under our Constitution the Senate is a continuing body and that it has equal representation for all States regardless of any consideration of either population or area. In fact, the Constitution specifically prohibits any change in State representation in the Senate, an outcome, of course, of the great compromise of the Constitutional Convention.

In fact, there would be no Union today without equal Senate representation as between the small and large States, for the small States were not going to give up their sovereignty without the protection of equality in the U.S. Senate.

A House Member represents his district whereas a Senator represents his State. The Representative serves for 2 years, and the entire body faces the electorate at the same time. The Senate serves for 6 years only, one-third of which is up for election at one time. These are elemental differences, but it is not easy to realize that they are fundamental and make for fundamentally different legislative bodies.

It makes the Senate a continuous body whose rules carry over from Congress to Congress.

It charges a Senator with representing his State in the National Legislature regardless of his party. And it is only the Senate privilege of unlimited debate which insures that a Senator may discharge his duty effectively.

Mr. President, there is no doubt that examples and cases are more telling in an argument than words. Let me give the example of the defeat of two measures by extended debate, two measures that should have been defeated, and, save the right of the Senate to debate, they would have passed.

On June 4, 1926, Senator Oscar W. Underwood, of Alabama, introduced a cloture bill. Two Senators rose in opposition: Joseph T. Robinson of Arkansas, and Senator Reed of Missouri. They each gave an example of bad bills defeated by unlimited debate. One gave an example of the atrocious force bill and another, as gall to Senator Underwood, called attention to a bill that the latter had defeated himself by debate. After the cloture bill was brought up, the RECORD reads as follows:

Joseph T. Robinson, a Senator from Arkansas:

> The filibuster has been invoked comparatively few times in the history of the country, and every time it has been invoked and proved successful it has been justified in the judgment and in the conviction of the public. If it had not been for the filibuster that the Senator from Alabama himself waged, which he led and of which he boasted, we would not have been able to defeat a bill which authorized the Federal Government to permit judgments in damages against counties and municipalities for no alleged wrongful act, a bill which took away from the local governmental institutions the few remaining powers which they are permitted to exercise.
>
> The force bill would have become a law but for the organized and persistent opposition of Senators who saw in its provisions dangers to the fundamental institutions of this Republic. They defeated it by fighting and falling back and fighting again until the hosts which were assaulting them realized that the attack had failed.

Mr. Reed of Missouri:

> The late Senator Lodge, sponsor for what is called the force bill, years afterward, indeed, only a year or two before his lamentable death, stated to me upon the floor of the Senate that he was convinced that the force bill was wrong and that the result of

> the filibuster had been a great blessing to the country.

Mr. Robinson:

> Of course, the rules could be amended and improved, but that, Mr. President, is not the question. The proposition is, 'Shall the voice of the people through their Senators be stifled and suppressed?' I care not whether Senators come from New England or from the South, whether they come from the West or from the East. The proposition is that here is one forum which, under traditions and precedents, affords an opportunity for the public to have expressions of its views through the representatives of the people.
>
> When I recall the fact that under the rules of the House of Representatives one man on one side and another man on the other side, frequently both of them, really agreeing as to the proposition in dispute, actually control all the time that is allotted; that no Member may speak except by permission of someone else, and that his only remedy is to print in the RECORD a speech which frequently he himself does not comprehend and which nobody on God's earth will ever read, I am willing to vindicate this forum of open debate where fools may be arrogant, but where men who have studied problems still have a chance to speak.

Mr. President, the history of attempts to make cloture more restrictive always echo the same; it is restrict, restrict and gag, gag, gag. Proponents give us reasons that the country cannot afford the time for debate and that the country must move with speed or it will collapse or not be able to stand up in an accelerating, atomic, moon-shooting world.

It just is not true. Under the free and unlimited debate of the Senate, the country went through all the terrible War Between the States. It fought World War I which, at the time, was the greatest war in the history of the world. Then the depression, then World War II, then Korea, and now Vietnam. These all were times to try men's souls. Yet we went through them without cloture, and we went successfully through. I have heard no one say that it was imperative that we have restrictive debate in these emergencies.

Throughout the world today, we are protecting liberty by arming our friends, and all this in the climate of unlimited debate.

Our country is not great because of restrictive laws and prohibitions. It is great because of the character of the people and the character of the men who represent those people in its Government.

Socrates exercised his right as a free Athenian to lecture in the marketplace, which lectures became increasingly political as the despots abridged the liberties. It was part of the heritage of Greece that government took place in the streets through free and unlimited debate. The tyrants gave Socrates a choice: A cup of hemlock or banishment. This was the first great example of a gag rule in a democracy, an example of cloture in Athens. It behooves us all to read today the great oration of Socrates explaining why he chose the hemlock to exile. His right to speak was more precious than his life, for he knew that a gag was the guillotine of liberty.

Many Senators have changed their minds on free debate versus cloture. In fact, it is almost a pattern that new Senators favor cloture and the longer they remain in this Chamber the more they change their minds.

Earlier today, I gave us an example of the infamous force bill that was defeated in the Senate by debate, which by length at the time was labeled a filibuster, but which history in its wisdom has labeled a debate preserving the country from a horrendous law.

The bill was introduced in the House and fought for by Senator Henry Cabot Lodge of Massachusetts.

He came over to the Senate. He was very much opposed to free and unlimited debate; he favored cloture.

He was a man of great erudition. He was a great student not only of U.S. Government but of all the governments of the world. However, he had one great thing to learn; and, being a man of intellectual integrity, he learned it well and admitted it. His change of attitude covered the entire problem so well, it is worth setting out here at some length.

Senator Lodge said:

> It is not necessary to trace the long struggle between these opposing forces which ended in the most famous compromise of the Constitution of which the Senate was the vital element and which finally enabled the convention to bring its work to a successful conclusion. It is sufficient here to point out that, as the Constitution was necessarily made by the States alone, they yielded with the utmost reluctance to the grants of power to the people of the United States as a whole and sought in every way to protect the rights of the several States against invasion by the national authority. The States, it must be remembered, as they then stood, were all sovereign States. Each one possessed all the rights and attributes of sovereignty, and the Constitution could only be made by surrendering to the General Government a portion of these sovereign powers. In the Senate, accordingly, the States endeavored to secure every possible power which would protect them and their rights. They ordained that each State should have two Senators without reference to population, thus securing equality of representation among the States. They then provided in article V of the Constitution the "No State without its consent should be deprived of its equal suffrage in the Senate."

What I am advocating is that the State of Iowa or Mississippi or Arizona or California or any other State shall not be denied its right to be heard in the U.S. Senate.

Senator Lodge went on:

> Except on some mere occasions, the Senate has been the conservative part of the legislative branch of the Government. The cloture and other drastic rules for preventing delay and compelling action which it has been found necessary to adopt and apply in the House of Representatives have never, except in a most restricted form, been admitted in the Senate. Debate in the Senate has remained practically unlimited, and despite the impatience which unrestricted debate often creates, there can be no doubt that in the long run it has been most important and indeed very essential to free and democratic government to have one body where every great question could be fully and deliberately discussed.

Senator Lodge continued:

> The Senate, I believe—

And here is the man whose bill was defeated by free and unlimited debate—

> The Senate, I believe, has never failed to act in any case of importance where a majority of the body really and genuinely desired to have action and the full opportunity for deliberation and discussion characteristic of the Senate has prevented much rash legislation born of the passion of an election struggle and has perfected still more that which ultimately found its way to the statute books.

And then he closed with these words:

> The Members of the United States Senate have always cherished the freedom of debate which has existed in this chamber. Senators have been reluctant to adopt any rule of cloture, and, even after the present rule was adopted in 1917, they have been reluctant to invoke it. Cloture is a gag rule. It shuts off debate. It forces all free and open discussion to come to an end. Such a practice destroys the deliberative function which is the very foundation for the existence of the Senate. It was the intent of the framers of the Federal Constitution to obtain from the upper Chamber of the Congress a different point of view from that secured in the House of Representatives. Thus the longer time, the more advanced age, the smaller number, the equal representation of all States. Careful and thorough consideration of legislation is more often needed then the limitation of debate.

Many years later Senator Lister Hill from the State of Alabama commented on Senator Lodge's statement in the following vein:

> Senator Lodge knew, even as we know, of the temptations and the pressures that come. He knew how a party in control, perhaps at the moment somewhat intoxicated with its new-found power or perhaps forgetful of the great responsibility of power, may be whipped on by pressure groups or spurred by some political expediency to act without full and complete deliberation and mature consideration and do the very thing that George Washington warned us against.

Mr. President, it is my belief that those who ask today for a three-fifths cloture rule are not looking to that end alone. That is just an oasis stop on the way to their Mecca. What some of the proponents of a three-fifths cloture really desire is majority rule on cloture. They want a rule to cut off debate by a majority, and I expect that by a majority they mean a majority of a quorum. Now, of course, that statement does not, by any means, apply to all who support Senate Resolution 9.

The temptations of a majority cloture to the party in power are overwhelming. The majority cloture would be an offensive weapon in the hands of the party in power awesome to behold. Abuses could not be prevented. It is certainly true that power corrupts and total power corrupts totally.

When any party program becomes bogged down by debate, the gag would come out. And in time the very threat of the gag being available would coerce the minority into sullen silence.

The majority would then rationalize the bringing out of the gag. It is best for the country; the majority of the voters want it applied; an extensive debate is a sign of weakness to our foreign adversaries; the majority would be derelict in its duty if the gag was not used.

I believe the majority would be completely helpless from the great pressure groups who in their greed to secure favorable legislation, would continually clamor for the use of the gag. In fact every citizen to protect himself economically would have to join a pressure group to obtain equality in the rush for legislative favors.

I believe that the Senate today has a sense of responsibility and a devotion to duty unmatched in any legislative body of the world. But put in harsh cloture rules and you not only open wide the door but you extend the invitation for men to depart from these fine sensibilities. The party spirit will envelope the Senate, for me the individual is no more, the caucus of the party takes over. The cry of anguish in the House is: "I must go along with the party," for the House operates by party.

Mr. President, there are many types of majority and if we are not careful we can confuse ourselves. For instance, a majority of the Senate does not always mean a majority of the Senators from States of large population. A Senate majority composed largely of Senators from sparsely populated States might well represent only a small percentage of the total population. Therefore, a minority of Senators might represent States with a majority of the total population. The power of the Senate minority to protect itself by free and unlimited debate is a pedestal upon which we all can enshrine our liberty. The minority has rights and when these rights are trampled upon by the majority there is a remedy, a protection. In the Senate of the United States the minority can debate its loss of rights. The great force of our media will pick up the debate and disseminate the views and counterviews throughout the land. After the people think about it and discuss the majority view of the Senate might be the minority view of the country. It can happen. It has happened.

The able senior Senator from Arkansas in his debate on the 1967 cloture change pointed out from quotes that geography has nothing to do with this issue. I, too, am a Southern Senator and I, too, wish to point out that geography is not controlling. For decades cloture became enmeshed in the northern cities with civil rights. This is a fallacy and it has hurt the country. Let us consider Senator MCCLELLAN's sectional quotes which run the gamut from New England to the West:

> During the course of his speech in opposition to cloture, Senator George T. Hoar, of Massachusetts, said: "There is a virtue in unlimited debate, the philosophy of which cannot be detected upon surface consideration."
>
> Senator Key Pittman, of Nevada, after noting that in his early years in the Senate, he had been a crusader for strict cloture, declared: "Experience, through long years of legislative practice, has forced me to the conclusion that I was in error."
>
> He became convinced of the great value, of the tremendous merit of unlimited debate.
>
> Then, referring to the cloture rule in the House and its effect on the legislative process in that body, he went on to state that—"* * * it must be admitted that bills of great importance, containing thousands of different items, are passed within a few hours and without sufficient debate or consideration. It has been the extended and full debate in the Senate that advised the country with respect to vital legislation, and, through this information, molded public opinion.

He stated further:

> The Senate was founded as a part of our institutions for the protection of minorities, not alone minority parties, but minority populations and minority principles. To establish a cloture such as they have in the House would nullify the very purpose of the United States Senate. * * *
>
> Mr. President, I am not fully advised, but there is a rumor abroad in the Chamber, in the corridors, and in the cloak rooms that a movement is underway, by a manipulation of the rules and by curious interpretation of them, to bring about that very result: To nullify one of the original and fundamental purposes of the Senate.
>
> Senator Pittman stated further: "Let those who contend for the cloture point to particular instances, if they can, wherein the rules of the Senate have been destructive of the progress of our people. It is possible that our country suffers from too much legislation, rather than too little."
>
> I ask any Senator who is interested in the subject at this hour to meditate upon that statement. Where do we find ourselves today? What is our leader in this body admonishing us? What did the President intimate in his state of the Union message?—that we have acted hastily, that we have passed much legislation without due study and proper deliberation, and that today we have a hodgepodge on our hands. Our leader has called upon the Senate at this session to do an oversight job, to go back and try to correct some of the things that have already been done, which should not have been done, and would not have been done, possibly, had there been more debate and more constructive deliberation instead of undertaking, as we did in some instances, to whip up the horses and drive through to the finish line irrespective of the waste and squander that fell by the wayside in our rush to the goal.
>
> Senator Smith W. Brookhart, of Iowa, pointed out that, "The Senate Rule of unlimited debate makes the United States Senate the one great open legislative forum in all the world.
>
> "That is still true today.
>
> "The rule sometimes delays good legislation, but never kills it. Good legislation always comes back and finally wins. The rule kills a great deal of bad legislation (Congressional Digest, Nov. 1926, p. 308)."
>
> Mr. President, the rule does not kill all of the bad legislation by any means.
>
> Senator Hiram Johnson, of California, in a vigorous statement in opposition to cloture declared that, "The last place in all this world where freedom obtains, the place where freedom of speech may be abused, abused, abused, and abused again, but the last free forum, in that day will then have been destroyed and we here this day have commended and made easy that destruction."
>
> Senator Hiram Johnson, of California, was not a conservative, he was not a reactionary, and he was not a southerner. In his day and time he was a great liberal. He recognized that there would be forged a two-edged sword, one that would serve to impede liberal progress, just as it would serve to assassinate any opposition.
>
> Senator Henry Cabot Lodge, the elder, of Massachusetts, also opposed cloture saying: "Careful and thorough consideration of legislation is more often needed than the limitation of debate."

Mr. President, in some respects the Senate acts as a court of review. It reviews nominations on its advice and consent. It reviews treaties. It reviews impeachments. And strangely enough in its evolution, it has come to act as an appellate court to the legislation passed by the House of Representatives. The lapse of time between the passage of a House bill and the ultimate Senate often gives the country a chance to "jell" its opinions. This "stop-gap" time as it has often been called is most helpful on many occasions. Hasty majority action is prevented by prolonged debate. The gears of the Senate mill grind fine, for the Senate in its peculiar construction does not represent a consensus of the people or even of the States.

The independence of the legislative disappears in exact proportion to the diminishing of deliberation. Bossism and cloture are synonyms. Gag rule is the foundation of machine rule. The Reichstag stopped talking when Hitler said nein, and a nyet in Russia served the same purpose. When we lay the foundation, the mechanics of machine rule become very simple. We take one or two bosses, shake them up with a party caucus, then salt with the principle of control through a majority of a majority and presto we have a machine rule. It is also interesting to note that a majority of a majority by way of the caucus route is almost invariably a minority of the whole.

What do bosses do when they become bosses? Boss, I guess, means to push around and that is what they do, but we know it as coercion. They have at their fingertips many kinds of the rack and screw. They would be in the position to take care of subservient Members primarily interested in local legislation, and to dispense patronage favors to those who prove faithful. Machines such as this are manipulated from the outside by dominant political and economic interests. Pressure groups would be supreme in the land. I am against any change in the rules which places the mace and scepter of power in the hands of the lobbyists.

A former chairman of the Senate Judiciary Committee from the Far West State of Nevada made this statement to the chairman of the Rules Committee on a pending cloture hearing:

> The rules which govern the Senate are founded in deep human experience. They are the result of more than a century of tireless effort to conserve and to render stable and secure the rights and liberties of the people. The Senate of the United States preserves, without restraint, as no other legislative body preserves, the two basic essentials of wise legislation—the right of free amendment and the right of unlimited debate. The urgent need of the Congress is seldom greater speed, but always more thorough consideration in law making. Great evils often result from hasty legislation. Rarely, on the contrary, do such evils result from the delay occasioned by full discussion and deliberation.

I am in wholehearted agreement with my former committee colleague, Senator Pat McCarran, of Nevada.

If the Senate acts in an appellate capacity, and most people agree it does, then it would seem that open debate is imperative, for how else could it carefully inspect legislation? The House does not debate; it uses the caucus and the gavel. So there would seem to be a need for one place of mature deliberation. The difference between Government fiat and democracy is the difference of time the representatives of the people are permitted to scrutinize the law to be.

It is true that under present Senate rules a minority bloc or even one steadfast Senator may retard hasty legislation. However, neither the bloc nor the one can prevent legislation indefinitely where there is a widespread and insistent demand by the public. By its very nature a successful filibuster against an important bill indicates there is substantial public and senatorial opinion against the bill. I say, Mr. President, let the minority express itself.

Mr. President, for the above and many other reasons, it is necessary and proper that the Senate reject Senate Resolution 9.

Mr. KENNEDY. Mr. President, at the start of the current session of the Congress, 51 Members of the U.S. Senate are seeking to bring the rules of the Senate into accord with its responsibilities. The two rights of Members of the Senate that are critical in the democratic system are the right to debate and the right to vote. Not only are they rights but in responding to the needs of the Nation and to their constituents, Senators have corresponding responsibilities both to explore each issue in full debate and ultimately to express the majority will through a public recording of the ayes and nays.

Historically, the balance between those two rights has been changing and the Nation is becoming more convinced that ultimately the point is reached when the right to debate must give way to the right to vote.

Even 75 years ago, Henry Cabot Lodge stated:

> If the courtesy of unlimited debate is granted, it must carry with it the reciprocal courtesy of permitting a vote after due discussion. If this is not the case, the system is impossible. Of the two rights, moreover, that of voting is the higher and more important. We ought to have both, and debate certainly in ample measure, but if we are forced to choose between them, the right of action must prevail over the right of discussion. To vote without debating is perilous, but to debate and never vote is imbecile.

Since the two-third rule was adopted 54 years ago in 1917, there have been 49 attempts at cloture. Eight succeeded. If the proposed amendment to the rules is adopted, 15 not just eight of those petitions would have been successful. What is important to recognize is that it would not have opened the floodgates in any way, shape, or form. It would not have unduly restricted the ability of the Senators to expose questions to debate. But in important instances it would have permitted the Senate to act.

At some point, a substantial majority must be able to work its will in order to carry out its representative function. Without that ability, the right to the vast majority of the citizens of this land to equal representation would be denied by the will of a handful of Senators.

The issue at hand is the determination of how substantial a majority is required to justify the stilling of Senate spokesmen for a particular minority viewpoint. The present two-third rule has no holy or preordained origin. It was created by men on the basis of their experience in the 1917 era.

Since then, we have had five decades of experience to evaluate their conclusions, and now 51 Senators are suggesting a reasonable and justifiable modification from two-thirds to a three-fifths majority of those Senators present and voting on the basis of our past experience.

But that is not all that is being decided during these debates. Also, we are debating whether a majority of the Senate has the right to adopt or change the standing rules at the start of each session and whether the Senate is itself a continuing body. I cannot believe that the Nation's founders meant for a Senate meeting for the first time to be bound by the rules adopted by a previous Congress.

What is being sought here today is a reasonable, balanced compromise that would blend and protect the best of Senate tradition—its ability to expose to the Nation the details of any single bill—and to ease the impact of its worst traditions—the obstinate denial of the Senate's ability to act.

At a time in our history when men are restless with the responsiveness of its institutions, the delay in the enactment of vital social legislation can produce a disintegration of respect for institutions and laws. That potential exists today and it is a condition that we cannot afford. Much of the loss of faith in our institutions relates directly to the continued failure of American democratic institutions to make good on past promises whether to end poverty or hunger or discrimination. Historically, the inability to end debate on the filibuster has meant the delay or defeat of many of these measures.

The conclusion of Senate business last year was perhaps the most recent example of the difficulty that the Senate can unwittingly impose upon itself by archaic and restrictive rules.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of 20 United States Code 42 and 43, the Speaker had appointed Mr. MAHON, Mr. ROONEY of New York, and Mr. BOW members of the Board of Regents of the Smithsonian Institution, on the part of the House.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The Chair, on behalf of the Vice President, pursuant to Public Law 754 of the 81st Congress, appoints Larry A. Herrmann to the Federal Records Council.

S. 594—INTRODUCTION OF A BILL TO AMEND EMERGENCY LABOR DISPUTE PROVISIONS OF THE LABOR-MANAGEMENT RELATIONS ACT

Mr. JAVITS. Mr. President, I introduce and I ask to have appropriately referred a bill aimed at giving the President broad power to deal with paralyzing strikes and lockouts which threaten national or regional health and safety.

I believe early hearings will be scheduled by the Committee on Labor and Public Welfare on emergency dispute legislation, including this bill and the administration proposal. I say this after consultation with the chairman of the committee.

This is a very urgent matter. Our country has been very lucky in recent years not to have been plunged into a very profound crisis because of the absence of such legislation. For example, if we faced a railroad strike and a determined minority took it into its mind to prevent action upon an ad hoc bill, then a strike might occur, in which event the Secretary of Transportation predicts chaos in any effort to work out with the unions a means for moving whatever is essential to the national health and safety. The unions might disagree, but we never know until we get into it. That is one of a dozen examples involving transportation, and other basic industries, which could produce grave national emergencies. So we have been lucky, but our luck cannot hold out forever. It is critically important that this matter be dealt with.

Yesterday the Senator from Michigan (Mr. GRIFFIN) introduced the administration bill. I said then that I hailed that action by the administration and by Senator GRIFFIN. I am introducing my own bill today, which differs in several important respects from the administration bill.

Mr. President, my bill would amend the emergency dispute provisions of the Labor-Management Relations Act in order to provide permanent protection for the national or regional health and safety when it is threatened by paralyzing strikes or lockouts. This bill is designed to end the periodic crises in which we find ourselves because of strikes or lockouts which threaten the national or regional health and safety.

The bill would make the following major changes in present law:

First. In the event that an emergency dispute is not settled within the 80-day cooling off period provided under the Taft-Hartley Act, the President would have the power to issue an Executive order, prescribing the procedures to be followed by the parties thereafter, and any other actions which he determines to be necessary or appropriate to protect the health and safety of the Nation or region of the Nation affected by the dispute.

Second. The emergency disputes provisions of Taft-Hartley would be made applicable to disputes which threaten the health and safety of a region of the country, as well as the whole nation. That is a very important and material change.

Third. The existing emergency procedures of the Railway Labor Act would be repealed; all industries would be subject to the emergency procedures of the Taft-Hartley Act, as it would be amended by the bill.

Fourth. Emergency boards would be permitted to make recommendations if the President so directs and the President would be given power to freeze the status quo for 30 days before invoking the court-ordered 80-day injunction in order to permit bargaining with respect to emergency board recommendations or findings.

For many years I have been calling attention to the need for permanent legislation to fill the gap in our present laws which requires Congress to act on an ad hoc basis to protect our health and safety when it is threatened by strikes or lockouts. In the past I have advocated a limited seizure approach, as the traditional governmental remedy, and the one which interferes least with free collective bargaining.

As a result of our experience over the years with one-shot emergency legislation, I have decided that a much broader approach to this problem is more appropriate, and will also have a better chance of gaining support in Congress and from the public.

This bill would provide the comprehensive, permanent protection against paralyzing strikes or lockouts which the Nation so desperately needs. At the same time, because it does not limit the remedies available to the President to one, or a few selected steps, it would also provide the flexibility which is essential if we are to preserve collective bargaining and deal with extraordinary types of disputes. The President would be authorized to invoke any of the traditional remedies utilized to resolve labor disputes. For example, fact-finding, extension of the status quo, seizure and partial operation, mediation to finality, arbitration, and the "final offer selection" procedure of the administration's bill would be among the available remedies.

I emphasize that no remedy could be invoked by the President which was vetoed by one House of Congress within 15 days after he proposes it. That procedure is analogous to the Reorganization Act procedure which has built into it a means to deal with filibusters or extended debate in the Senate, so this action could not be blocked and the resolution would have to be acted on.

Admittedly, the powers which would be granted to the President under this bill are extremely broad. They are not, however, unlimited. There are several built-in checks against arbitrary action by the President. Thus, as I have noted, either House of Congress may veto the President's order within 15 days; the action ordered by the President must be "necessary or appropriate" to deal with the threat to health and safety posed by the dispute; and the President's exercise of his broad power must be preceded by a court determination that a threat to health and safety exists and the issuance of an 80-day cooling-off injunction.

Furthermore the bill specifically provides that—

> Such executive order shall be in effect for the shortest period of time consistent with the emergency and the resolution of the dispute, and shall (1) provide for the maintenance or resumption of operations and services essential to the national or regional health and safety (2) encourage resolution of the dispute through collective bargaining (3) encourage and preserve future collective bargaining with industry affected, and (4) to the extent consistent with meeting the emergency, avoid undue interference with the rights of the parties to the dispute.

The thrust of the bill is essentially to deal with threats to the national health and safety—emergencies—and provide for how they may be obviated or how the people may be safeguarded notwithstanding a strike or lockout.

Mr. President, the bill I introduce today is designed to cover the whole field. The administration's proposal—and I paid my respects to it—is limited; it deals only with transportation. In addition, my bill applies to regional as well as national disputes, and, again, in that way it is broader than the administration's. The third way in which it is broader is that the remedies it authorizes are not limited to three remedies specified in the administration's bill; namely, a 30-day extension of the status quo, partial operation, and "final offer selection."

I do not, however, want these differences to be construed as criticism of the administration's proposal. The President deserves enormous credit for sending up an imaginative proposal, which merits the most serious consideration by the Congress, and for according this legislation the high priority it deserves.

I have introduced my own proposal today because I believe that broader protection, and more flexibility, is necessary to protect the country, and because I believe that the Labor and Public Welfare Committee should have alternative approaches before it when hearings are held on this legislation. It may well be that the committee, and the Congress, will conclude that it would be better to begin with a limited law in the most critical area, which unquestionably is transportation, than to legislate more broadly.

The point I want to emphasize today is my complete agreement with the President and the Secretary of Labor that this legislation deserves top priority in the 92d Congress.

Four times in the past 7 years—twice last year—Congress has been required to act to avert nationwide railroad strikes. At present we are facing a March 1 deadline in the dispute on which we acted last December; if no settlement is reached by that date we may well have to act again.

For all of these reasons, I believe this legislation to be very urgent. I just cannot believe that we will not have the courage to face our responsibility to protect the American people from these types of disputes.

The best way to destroy government is by anarchy, and this is what my bill seeks to avoid.

The fact is that congressional inaction on permanent emergency labor-management dispute legislation is an invitation to tragedy. The American people should not be left hanging on the edge of a precipice as they are now, wholly dependent on ad hoc congressional action to protect the Nation from the crippling impact of major labor disputes involving national or regional paralysis.

I am aware that the continuing stalemate over legislation to deal with the emergency strike problem, coupled with the enactment of ad hoc laws to deal with railroad disputes four times in the last 7 years, has led some to conclude that perhaps no legislation is really desirable—that Congress can always be counted upon to act when a true emergency occurs and that it is best to leave the nature of the solution in doubt until Congress does act. By keeping the parties guessing, you encourage them to bargain, according to this theory.

That is an appealing rationale for avoiding a hard issue, but in my opinion those who embrace it are playing Russian roulette with the American people's security.

Congress may or may not act promptly to deal with an emergency dispute, and equally important, under the stress of an immediate emergency cannot always be counted on to act in the most desirable way. If the experience of the four ad hoc laws for railroad disputes and one near-miss in the airlines dispute of 1966 has taught us anything, it is that rational consideration of these problems is exceedingly difficult given the enormous political, economic and regional pressures which are brought to bear during an emergency. We got a small taste of what is in store for us last December in the dispute which erupted over whether to legislate a pay increase of 13½ percent in connection with extending the strike deadline until March 1, 1971. Whatever the merits of that increase, I do not think there can be any argument at all that the floor of the Senate or the House is not an appropriate place to resolve wage rates, work rules or any other issue involved in a labor dispute.

Mr. President, there is no doubt in my mind that we in Congress have been remiss in our duty to come to grips with the issue of emergency strikes and lockouts. Particularly regrettable is the failure of either the Senate Labor and Public Welfare Committee or the House Interstate and Foreign Commerce Committee to hold hearings on the administration's proposal submitted to the last Congress. We have a responsibility to the American public to see to it that the public is protected from paralyzing labor disputes. That responsibility demands that permanent emergency dispute legislation be made the top priority by the committees concerned, and that action in this area not be delayed in the hope that some sort of consensus between labor and management can be achieved on this issue. No one would prefer to see such a consensus more than I, and I shall do everything I can to help achieve it. But whether or not agreement is reached, it is our duty to proceed.

In this connection I have consulted with Senator WILLIAMS the distinguished chairman of the Labor and Public Welfare Committee and he has assured me that early hearings will be scheduled on this legislation.

Mr. President, our responsibility to act promptly on this legislation has been noted in numerous editorials throughout the country, a representative sample of which I ask be printed in the RECORD. I also ask that a copy of my bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The bill will be received and appropriately referred; and, without objection, the editorials and bill will be printed in the RECORD, as requested.

The bill (S. 594) to amend the Labor-Management Relations Act, 1947, and the Railway Labor Act to provide for the settlement of certain emergency labor disputes, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Labor Disputes Act of 1971"

SEC. 2. (a) Congress hereby finds—

(1) that the present procedures established by sections 206–10 of the Labor-Management Relations Act, 1947, and section 10 of the Railway Labor Act for dealing with labor disputes which threaten the health and safety of the American people or tend to deprive any section of the country of essential transportation services are inadequate and have, in certain cases, produced a deterioration of the collective bargaining process as well as an intensification of emergencies created by such disputes;

(2) the use of present procedures for resolving such labor disputes has not prevented serious disruptions in operations and services essential to the health and safety of the nation or a substantial part of its population or territory; and

(3) a permanent range of flexible procedures permitting prompt action by the President to deal with national or regional emergencies created by labor disputes is necessary to prevent imperiling the health and safety of the nation or a substantial part of its population or territory by such disputes and to encourage and maintain free collective bargaining.

(b) It is the purpose of this Act to make available to the President on a permanent basis of a range of flexible procedures to be utilized by him in taking emergency action to prevent the interruption of operations or services essential to the health and safety of the nation or a substantial part of its population or territory because of actual or threatened strikes or lockouts.

SEC. 3. Sections 206–210 of the Labor-Management Relations Act, 1947, are amended to read as follows:

"SEC. 206. (a) Whenever in the opinion of the President of the United States, after consultation with the Director, a threatened or actual strike or lockout or other labor dispute in an industry affecting commerce may, if permitted to occur or to continue, imperil the health or safety of the Nation or a substantial part of its population or territory, he may appoint a board of inquiry to inquire into the issues involved in the dispute and to make a written report to him within such time as he shall prescribe. Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its own position, and, if the President so directs at any time, there shall be included in such report or in a supplemental report the recommendations of the board of inquiry for the settlement of some or all of the issues in dispute. The President shall file a copy of such report with the Service and shall make its contents available to the public.

"(b) Upon receiving a report or a supplemental report from a board of inquiry, the President may direct that for a specified period not to extend 30 days no change in the conditions out of which the dispute arose shall be made by the parties to the dispute, except by agreement. During such period the parties to the dispute shall be under a duty to bargain collectively, but neither party shall be under a duty to accept in whole or in part any recommendations of the board of inquiry."

"SEC. 207. (a) A board of inquiry shall be composed of a chairman and such other members as the President shall determine, and shall have power to sit and act in any place within the United States and to conduct such hearings either in public or in private, as it may deem necessary or proper, to ascertain the facts with respect to the causes and circumstances of the dispute.

"(b) Members of a board of inquiry shall receive compensation, at the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day actually spent by them in the work of the board, together with necessary travel and subsistence expenses.

"(c) For the purpose of any hearing or inquiry conducted by any board appointed under this title, the provisions of section 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1964, as amended (U.S.C. 19, title 15, sections 49 and 50, as amended), are hereby made applicable to the powers and duties of such board.

"SEC. 208. (a) Upon receiving a report from a board of inquiry, or upon the expiration of any period fixed by the President under Sec. 206 (b) for bargaining, the President may direct the Attorney General to bring a civil action in any district court of the United States having jurisdiction of the parties to enjoin such strike or lock-out or the continuance thereof, and if the court finds that such threatened or actual strike or lock-out—

"(i) affects an industry engaged in commerce; and

"(ii) if permitted to occur or to continue, will imperil the health or safety of the Nation or a substantial part of the population or territory thereof, it shall have jurisdiction to issue an order enjoining any such strike or lock-out, or the continuance thereof, and to issue such other orders as may be appropriate.

"(b) Any action brought under this section shall be heard and determined by a three-judge district court in accordance with section 2284 of title 28, United States Code. The order or orders of the court shall be subject to review by the Supreme Court in accordance with section 1253 of title 28, U.S.C.

"SEC. 209. (a) Whenever a district court has issued an order under section 208 enjoining acts or practices which imperil or threaten to imperil the health or safety of the Nation or a substantial part of the population or territory thereof, it shall be the duty of the parties to the labor dispute giving rise to such order to make every effort to adjust and settle their differences, with the assistance of the Service created by this Act. Neither party shall be under any duty to accept, in whole or in part, any proposal of settlement made by the Service.

"(b) Upon the issuance of such order, the President shall reconvene the board of inquiry which has previously reported with respect to the dispute. At the end of a sixty-day period (unless the dispute has been settled by that time), the board of inquiry shall report to the President the current position of the parties and the efforts which have been made for settlement, and shall include a statement by each party of its position and a statement of the employers' last offer of settlement. The report shall also include the final recommendations of the board if the President so directs. The President shall make such report available to the Public. If the board of inquiry so recommends, and the President so directs, the National Labor Relations Board shall, within the succeeding fifteen days, take a secret ballot of the employees of each employer involved in the dispute on the question of whether they wish to accept the final offer of settlement made by their employer as stated by him and shall certify the results thereof to the Attorney General within five days thereafter.

"(c) Whenever a labor dispute with respect to which the provisions of section 208 of this Act have been invoked has not been settled prior to the expiration of the sixty day period referred to in subsection (b) of this section, the President may, at any time thereafter, issue a proclamation declaring an emergency and invoking the provisions of this section if he finds that the conditions set forth in section 206 of this Act are still operative. Upon issuing such a proclamation the President shall issue an executive order prescribing the procedures to be followed by the parties thereafter and any other actions which he determines to be necessary or appropriate to protect the health and safety of the Nation or that substantial part of the population or territory thereof which is relevant to such labor dispute. Such executive order shall be in effect for the shortest period of time consistent with the emergency and a resolution of the dispute, and shall (1) provide for the maintenance or resumption of operations and services essential to the national or regional health and safety, (2) encourage resolution of the dispute through collective bargaining, (3) encourage and preserve future collective bargaining with industry affected, and (4) to the extent consistent with meeting the emergency, avoid undue interference with the rights of the parties to the dispute. Such executive order shall be immediately transmitted to the Congress, and shall be effective at the end of the first period of 15 calendar days of continuous session of the Congress after the date on which such order is transmitted to Congress unless, between the date of transmittal and the end of the 15 day period, either House passes a resolution stating in substance that the House does not favor the order, in which case it shall not take effect. The provisions of sections 906(b), 908 and 910–913 of title 5, U.S.C. shall be applicable to any such resolution.

"SEC. 210. (a) The provisions of this title and orders of the President issued thereunder shall be enforceable upon suit by the Attorney General, through such orders as may be appropriate by any court having jurisdiction of any of the parties.

"(b) Upon the issuance of an executive order under section 209 (c) of this Act, the Attorney General may move to modify any order issued under section 208 of this Act in order to carry out the provisions of the executive order, and the court shall so modify its order unless the executive order is found to be arbitrary or capricious or in violation of the Constitution.

"(c) The Attorney General shall move the court to vacate an order issued under section 208 with respect to a dispute, and such motion shall be granted, upon any of the following events:

(1) Settlement of the dispute,

(2) The expiration of 80 days from the date of such order without the President having issued an executive order under section 209(c) with respect to the dispute,

(3) Unless otherwise provided in such resolution, the adoption by either House of a resolution stating in substance that that House does not favor an executive order issued under section 209 (c) with respect to the dispute.

(4) The President directs the Attorney General to so move.

"(d) In the event that pursuant to an executive order issued under Sec. 209(c) the United States shall take possession of and operate, in whole or in part, any business enterprise of an employer involved in a given dispute, such enterprise shall be operated by the United States for the account of the employer: *Provided,* that employer shall have the right to elect, by written notice filed with the court within ten days of such taking of possession, to waive all claims to the proceeds of such operation and to receive in lieu thereof just, fair, and reasonable compensation for the period of such possession and operation by the United States, to be paid by the United States as follows: (A) The President shall ascertain the amount of just, fair, and reasonable compensation to be paid as rental for the appropriation and temporary use of such enterprise while in the possession of the United States, such determination to be made as of the time of the taking hereunder, and taking into account the existence of the labor dispute which interrupted or threatened to interrupt the operation of such enterprise and the effect of such interruption or threatened interruption upon the value to the employer of the use of such enterprise; (B) if the amount so ascertained is not acceptable to the employer as just, fair, and reasonable compensation for the appropriation and temporary use of the property taken hereunder and as full and complete compensation therefor, the employer shall be paid 75 per centum of such amount and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided for by sections 1357 and 1491 of title 28 of the United States Code to recover such further sums as when added to the amount so paid shall constitute just, fair, and reasonable compensation for the appropriation and temporary use of the property so taken.

"(e) In any action brought under this title, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

"(f) In granting relief under this title, the jurisdiction of the court shall not be limited by the provisions of sections 6 and 20 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and other purposes", approved October 15, 1914, as amended (15 U.S.C. 17, and 29 U.S.C. 52) or the provisions of the Act entitled "An Act to amend the Judicial Code, to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101–115)."

SEC. 4. Section 212 of the Labor-Management Relations Act, 1947, is amended to read as follows:

"REPEAL OF SECTION 10 OF THE RAILWAY LABOR ACT

"SEC. 212. Section 10 of the Railway Labor Act is hereby repealed; *Provided,* That such section shall continue in effect with respect to any emergency board in existence on the effective date of this Act. Disputes heretofore subject to section 10 of the Railway Labor Act shall be subject to provisions of this title."

SEC. 5. Title II of the Labor-Management Relations Act, 1947, is amended by adding at the end thereof the following new section:

"RIGHTS OF EMPLOYEES

"SEC. 213. Nothing in this title shall be construed to limit the right of any employee to resign from his position of employment."

The editorials, presented by Mr. JAVITS, are as follows:

[From the Washington Post, Dec. 11, 1970]

THE MISSING EMERGENCY STRIKE LAW

If the national railroad strike which afflicted the country yesterday were not so disruptive and costly, it would qualify as a first rate comedy. For months the country has known that an emergency was in the making, but the President did not ask for a stopgap law to prevent the strike until Monday night. Congress got into action on Wednesday, but did not pass its antistrike bill until after the strike had began. The President signed the bill at 2:10 a.m. and Judge Pratt, clad in pajamas and robe, issued a temporary order to restrain the strike at 3:17 a.m. Meanwhile the defiant president of the Brotherhood of Railway Clerks had disappeared so that no court order could reach him, and the nation-crippling strike went merrily on through the day. What a way to run a railroad, or a nation!

In its haste, Congress sought to sweeten the bitter but necessary pill that it was administering to the four unions involved. It legislated a 13.5 per cent wage increase for the employees, which corresponds to the first installment of a 37 per cent increase in three years recommended by an emergency fact-finding board. But Congress ignored the other parts of the emergency board's proposed settlement designed, as the President noted in signing the bill, to "increase productivity and cut back the inflationary effect of the pay increase." In effect, this attempt to meet a transportation crisis through special legislation failed to prevent the strike; it put Congress on record in support of an inflationary wage settlement; and it ignored the proposed work-rule changes designed to make higher wage rates economically feasible.

Essential though it was to take away the union's right to strike in the current circumstances, it is difficult to avoid the conclusion that Congress botched the job. Virtually every member was irritated, moreover, by the disruptive effect of this special legislation on its already overburdened catchup session. The basic fact is that Congress cannot legislate properly in such circumstances, and that is an overpowering argument for not letting crises of this sort go to Capitol Hill for settlement.

The chief ray of hope in the situation, therefore, is that the 92d Congress will overhaul the Railroad Labor Act so as to save itself and the country from fiascos of this kind in the future. Congress might not like the kind of legislation that the President recommended last February to deal with transportation emergencies which cannot be settled under existing law, but it has not said so. The inexcusable fact is that not a single hearing was held on the bill, and neither house did anything to initiate substitute legislation of its own. There is not much hope of meeting these occasional emergencies more satisfactorily until Congress is ready to buckle down and pass a new law to protect the public interest.

[From the New York Times, Mar. 4, 1970]

RAIL UNION FOLLY

The four shopcraft unions seem determined to discredit all of organized labor by their reckless course that has now obliged President Nixon to ask Congress for special legislation to block a nationwide railroad strike at midnight tonight.

The strike threat is the final folly in a chain of irresponsibility by these four unions, representing fewer than one-tenth of the 575,000 employes on the rail roads. In a real sense, even that figure exaggerates the numbers of those who are abjuring rationality in collective bargaining. For the entire dispute stems from the refusal of some 3,000 members of the Sheet Metal Wrokers Union on the railroads to go along with rank-and-file machinists, electricians and boilermakers in ratifying a new contract negotiated in good faith by their union leaders.

The agreement, negotiated with the aid of Secretary of Labor Shultz under the club of an earlier union threat to paralyze the railroads, gave the shopcrafts a 1969 wage increase double the pattern already accepted by the rest of rail labor. In return, the carriers were promised a modest measure of flexibility in assigning mechanics outside the ironclad limits of union jurisdiction.

The sheet metal rank and file balked at this *quid proquo;* it insisted on the higher pay with no sacrifice of its featherbed. The three other unions made clear their lack of sympathy by offering to sign independently, but the carriers rightly pointed out that the agreement would be inoperative unless all the unions came into line. Intervention by George Meany as a special mediator failed to budge the intransigent minority of a minority.

When it came to strike action, however, union solidarity took precedence over either responsibility or common sense. The four unions joined in ordering tonight's national shutdown after a Federal judge ruled that they could not seek to shatter the employers' front through divide-and-conquer strikes against individual lines. That ruling was an alternative to chaos in an industry in which the tradition of national bargaining was established more than two decades ago.

Congress can make its necessary contribution to sanity by swift passage of the President's bill. It calls for mandatory acceptance by all the carriers and all four unions of the agreement negotiated in Secretary Shultz's office three months ago. Passage of that emergency measure should be followed by prompt consideration of the proposals Mr. Nixon sent to Capitol Hill last week for better public protection against strike crises in all fields of transportation.

[From the Elizabeth (N.J.) Daily Journal, Mar. 5, 1970]

DOWN TO THE WIRE

President Nixon's eleventh hour move to head off a nationwide railroad strike has put the rail unions and Congress on the spot. The unions must agree on a new contract that raises their pay an average of 19 per cent or else risk an enforced settlement by the federal government by the end of a 37-day period.

The White House, which waited patiently for 14 months for a settlement between management and the unions, has been forced to abandon its policy of patience and non-intervention in major labor disputes that affect the health, safety and economy of the nation. But in a year when a number of major transportation unions, such as the Teamsters and the airline workers, are seeking hefty new contracts, the continued intervention of the White House as a virtual arbitrator of last resort is packed with danger. Instead of nationwide and industrywide bargaining, we are likely to find that the big unions will seek to evade government controls by dividing up territories for bargaining purposes in an unmanageable and chaotic pattern of individual settlements and strike threats. The White House would be confronted with an endless series of disputes that could break its will to intervene.

Indeed, the President and Secretary of Labor George Schultz are well aware of this danger. Mr. Nixon's earlier recommendations to Congress for settling national transportation strikes offer a sensible and moderate use of government power. The Nixon formula provides alternatives to the unions, management and government: The President, in the event of the failure of the two sides to agree, could order 30 days of additional negotiations; he could enforce partial operation of the affected transit operations; or he could name an impartial panel to choose between the last offers of labor or management. This leaves primary responsibility for a settlement on management and labor, where it belongs, and still protects the public by allowing government the leeway to induce a settlement or finally arbitrate one.

The President has taken a risk by allowing the latest rail strike threat to go down to the wire, but it seems to have been a carefully calculated move to win the bigger prize. Mr. Nixon has awakened Congress, the public and the transportation unions and management to the fact that something better than last minute emergency action by the White House and Congress is needed. The President has deftly maneuvered the Congress into the control tower.

[From the Minneapolis Tribune, Dec. 11, 1970]

Must the Rail Crisis Be Perpetual?

Midnight legislation is hardly the judicious way to resolve railway labor disputes. If the kind of last-minute scrambling that took place Wednesday night were an extraordinary occurrence, one could accept it more philosophically. But rail negotiations have been carried on for so many years in such a state of perpetual crisis that a pajama-clad judge issuing a restraining order at 2 a.m. seemed to fit the current scenario quite well.

Despite all the activity there remained, of course, two problems: The dispute was not resolved and a strike was not prevented. Congress acted as it has before to extend the strike deadline, and acted against precedent by legislating a pay increase. The assumption, apparently, was that a further "cooling-off period," in Railway Act parlance, would accomplish something more than nearly a year's cooling off without a contract between rail industry and labor.

Probably the clearest illustration of the disharmony that exists was the defiance by the clerks' union (BRAC) of the back-to-work order. Put another way, BRAC rejected the wage increase recommended earlier by the President's rail emergency board—an increase specifically criticized last week as inflationary by the President's Council of Economic Advisers.

The result harms the nation in a number of ways. Rail shippers, travelers and commuters are inconvenienced; ultimate wage settlements are sure to carry the country farther on its inflationary binge, and public confidence in the ability of industry, labor and government at the highest level to reach sensible agreements is shaken again.

The last point in particular is one we believe needs concerted effort by the federal government—the kind of effort that's impossible in last-minute legislation and the kind that has not been made all year. Just before the last rail crisis—only nine months ago—President Nixon sent to Congress a message calling for extensive revisions in legislation to deal with national emergency labor disputes. Among other recommendations, he proposed that a new law governing strikes or lockouts in nation-wide transportation industries, including railroads, replace the Railway Labor Act of 1926 and the applicable portions of the 1947 Taft-Hartley Act.

One proposed innovation, for example, was a "final offer selection." If arbitration failed, the parties would be required to submit final proposals to a neutral panel for selection of whichever offer the panel decided was fairer—an incentive, theoretically, to make collective bargaining faster and more realistic.

All such negotiating devices have drawbacks and cause labor leaders to decry the threat of compulsory arbitration. But the negotiating record this year, when then criterion for wage increases seems to have been to outdo previous settlements, ought to provoke a public demand for binding arbitration in such critical industries as rail transportation.

In spite of all this, Congress has held no hearings on the President's proposals of last February. Nor has the administration mounted a campaign urging House and Senate to do so. Whatever may be the merits, or lack of them, in "final offer selection" and all the other suggested changes, the arguments won't be heard and the laws modified in a continued legislative vacuum.

Perhaps there is something good to be said about the BRAC strike. That action might just possibly convince the White House, the Congress and the public that a comprehensive overhaul of emergency strike laws is a high priority for the nation early in 1971.

[From the Los Angeles Times, Dec. 11, 1970]

In Search of a Rail Solution

For some public problems there appear to be no good solutions, only a series of alternatives more or less makeshift. Such is the case with collective bargaining in the railroad industry.

Circumstances work against effective collective bargaining between rail labor and rail management. Each side knows that industry is so important to the national economy that the federal government will do whatever it can to prevent a damaging strike, so neither side has the normal incentive to reach a settlement on its own.

Once again the federal government has stepped in, this time by act of Congress. Once again the solution is jerry-built and unsatisfactory.

Although some leaders of the four unions involved argue that rails are no longer so crucial to the economy that a rail strike should be treated as an emergency, the facts are otherwise. Rails move, among other things, coal that produces electric power, 76% of automobiles shipped, 78% of lumber, 63% of chemicals, 86% of pulp and paper, 46% of meat and dairy products. Not to mention Christmas packages.

Secretary of Labor James Hodgson told Congress that a rail strike lasting a week would increase unemployment to 8.4%; eight weeks, to 22.1%. With government policy at the moment directed toward economic expansion, the prospects correctly appeared intolerable.

So Congress hastily passed a bill to forbid a strike until March 1, in order to give the negotiators more time to reach an agreement, the cooling-off and bargaining provisions of the Railway Labor Act having already expired.

The trouble with the bill is that Congress felt constrained to include an immediate 13.5% pay increase for the half million workers involved as an inducement for them to return to work. As a practical matter, in these days when militant union members seem ready to defy their own leaders and the government alike, it was only prudent for Congress to include the pay provision. But this unprecedented action was definitely a step backward in the handling of important labor disputes. Congress shouldn't be in the wage-setting business.

Moreover, as President Nixon pointed out when he reluctantly signed the bill, Congress imposed a wage increase without imposing the work rule changes recommended earlier by the presidential emergency board, which changes, as Mr. Nixon said, would have offset wage increases somewhat by increases in productivity. For, as the President said, increases in productivity per man hour are "absolutely essential" in fighting inflation.

Granting that no solution looks either perfect or easy to achieve, the question is whether some means, not quite so sloppy, not quite so threatening to all concerned, cannot be found to handle this kind of labor dispute.

Two interesting approaches have been suggested. Mr. Nixon proposed 10 months ago a reform in the Railway Labor Act that would have allowed a presidential panel to ask labor and management to put their final offers in writing, then leave it up to the panel to choose between them—not to arbitrate differences; the theory being, that such a system would induce each side to move more realistically toward a final, acceptable position.

More recently George Meany, president of the AFL–CIO, talked in general terms about new approaches throughout the union movement to voluntary arbitration. In other words, both parties would agree in advance to accept the decision of an arbitrator.

We certainly hope the manifest absurdities of the current dispute will jog Congress into further exploration of these and other new ways to handle collective bargaining in the creaky but vital railroad industry.

[From the Chicago Daily News, Dec. 12–13, 1970]

When Law Leaves the Track

It is hard to find any encouraging note in the test of power that brought a one-day railroad strike. In spite of the fact that the processes of law ended the strike quickly, the outcome is likely to invite less respect for law and more resort to muscle as the way to win a goal.

The Brotherhood of Railway Clerks specifically defied the law until it became clear that further defiance would deflate the union treasury at the rate of $200,000 a day. Yet in doing so the union president merely joined a long and growing list of unionists who hold the law in contempt when it interferes with their designs.

The economic pressures that underlie the wave of unrest and defiance are clear enough. As long as inflation persists, the struggle to catch up, keep up or pull ahead will also persist, and the union game plan makes a liberal allowance for tactics that skirt the foul line.

Inevitably, the chief victim is the public interest, and the public has no choice but to depend on the government to act firmly and fairly. In the rail dispute, Congress violated the fairness rule in ways that are bound to haunt it later on.

A presidential commission had proposed a formula for settlement. If the wage boost seemed a bit on the high side, at least it was balanced by work-rule changes that would have increased productivity. Yet in its haste and under the threat of the paralyzing strike, Congress wrote a first-year retroactive pay hike into the law and ignored the essential offsetting factor of the rule changes. The result was accurately described as inflationary by President Nixon. He might also have noted that the Democratic congressional leadership in this fiasco had called on him only the week before to freeze wages and prices as an inflation stopper.

What better invitation could the powerful unions have to carry their fights to the brink? If Congress itself caves in, where can the public turn for protection? And if the law is as lopsided as this one, how can respect for the law be maintained?

Congress has another chance, now that the strike has been called off, and instead of passing stopgap legislation as it has to date in dealing with the troubled railroads, it should undertake the broad reforms recommended by President Nixon. Unfortunately, its performance in this instance doesn't inspire much confidence that either the lawmakers or the railroads can stay on the track.

[From the Washington Star, Dec. 13, 1970]

Legislative Challenge of the Rail Crisis

One of the less gratifying congressional activities over three generations has been the attempt—repeated in successive times of crisis—to assure that labor disputes do not hurt the national interest. Congress first started grappling with railroad work stoppages in 1886, and the inauspicious result was a pocket veto by President Cleveland. The measure of the success of later efforts to solve the problem is the strike that brought the nation's railroads to a halt Thursday, and the fact that there is no law on the books to prevent the same thing from happening again after March 1.

Not that the possibility of a resumed rail strike is conceded by all to be a problem. The four rail unions involved in the current dispute want the right to strike, and did have the legal right to do so until Congress passed and the President signed the special law forcing a further delay.

The strike is the main weapon of organized workers—the threat of it, if not the actuality, is seen as indispensable to agreement on most labor contracts. The freedom of a man to work or not to work, besides, is inherent to democracy, and its denial a hallmark of totalitarianism.

Add to this the sanctity of the collective bargaining process, free of compulsive government interference, and the obstacles to would-be tinkerers loom all the larger. Labor leaders cherish the legal respectability and the protections their classic tactics gained with passage of the Wagner Act in 1935. They argue, convincingly, that meaningful bargaining is impossible if, in the end, the issues must be decided and a settlement imposed by an agent of the government.

The champions of untrammeled collective bargaining, however, are by no means confined to the union halls. They include stalwarts in the cause of preserving the free market place, where the price of labor, like that of goods, is governed ideally by supply and demand. President Nixon, perhaps influenced by his first Secretary of Labor, George Shultz, generally has followed a nonintervention policy in labor disputes, departing from this line only when rail stoppages have threatened to bring much of the economy to a halt. With respect to the inflationary effects of union wage settlements, Mr. Nixon's original economic game plan called for reliance on indirect pressures to act beneficially on the bargaining process. Thus, slack employment would temper demands by workers, and slow business would stiffen the backs of employers. While policy was aimed at cooling the economy, a strike was not always seen as a bad thing.

But repeatedly in the history of labor relations in the United States, there have come times and circumstances when strikes in vital industries cannot be permitted—even at the price of some freedom—because the cost to the nation would be too great. In wartime, strikes that hurt the fighting effort are unthinkable, and the government has seized industries (including the railroads during World War I and the Korean conflict) rather than let this happen. In other times, work stoppages in some industries can threaten such damage to the national welfare as to pose something akin to a wartime emergency.

No highly developed nation can survive for long without its transport, its fuel, its utilities and basic industrial materials. People cannot, because of a labor dispute, do without food or without health and sanitation services. Stoppages in some industries, as in the case of the railroads, can cut such a wide swath through the economy that the total loss is prohibitive.

While labor leaders do not always buy the public-interest arguments against major strikes, they may be in the process of downgrading the importance of the strike weapon for other reasons. AFL-CIO President George Meany, because of the increasing sophistication and affluence of American workers, recently put new stress on the possibilities of voluntary arbitration as a substitute for strikes, and named five of his vice presidents to take part in a study of the matter.

When a strike threatens to deal a major blow to the public welfare, American law offers only partial protection. The Railway Labor Act, passed in 1926 and amended in 1936 to take in the airlines, provides for a series of delays when labor and management cannot agree. But following the report of a presidential emergency board and a final 30-day cooling-off period, there is no legal impediment to a strike or lockout that can bring much of the nation to a literal halt. The Taft-Hartley Act of 1947, covering other industry, has the same limitation. After a presidentially ordered cooling-off period of 80 days, the parties are free to wage war and the affected industry shuts down. In 1971, this could happen in the pivotal steel industry.

Over the years, there have been countless proposals for improving this state of affairs. These schemes have had one thing in common, in that they have gone no place.

Besides the philosophic differences in American society over how to handle the problem, political realities have complicated the task of protecting the country against cripling work stoppages. Most important has been the ballot-box power of the labor movement, which remains dead set against any form of government compulsion as the last phase of the bargaining process. Congressmen facing re-election shy away from the explosive issue, and Presidents prefer other political battlegrounds. President Johnson's 1966 State-of-the-Union promise of action on the subject was followed by three years of silence.

Mr. Nixon has had no luck in seeking legislation covering a part of the territory. Last February, he proposed a law providing a system for ruling out national-emergency strikes in the transportation field. Neither House nor Senate has yet to hold a hearing on the plan, despite the prominence of the railroads in this year's labor crises, and the damage caused by the dock strike a year ago.

The crucial provision of the administration bill would permit the government to impose the "final offer" of either union or management as the settlement of an otherwise insoluble dispute. For labor, this has raised the spector of "compulsory arbitration," and the administration's preference for other terminology is not likely to cover up the basic argument.

One concept that has enduring merit is that of a labor "court of last resort" or a system of courts to adjudicate labor disputes, as an alternative to the wasteful practice in which management and labor match their ability to absorb economic punishment. The idea was advanced by Bernard Baruch after World War I, and labor courts have been employed in several other countries including Australia, Germany and Sweden.

The chance for congressional action on basic changes in labor law will be better in 1971 than it has been in most years. The remoteness of the next election is a plus for the cause. And there are signs that the congressmen, after being pressed into service this year as a court of last resort, may be tired of the imposition.

Congress had to intervene in railroad disputes three times during the Johnson administration, in 1963, 1966 and 1967. Officials of that administration came to regard this as a sort of policy, the number of interventions not warranting what then-Labor Secretary Wirtz called "a permanent intrusion on collective bargaining." Earlier this year, Congress actually legislated the terms of a settlement between the railroads and their shopcraft unions.

Thursday's intervention delaying the nationwide rail strike by four other unions, and the strong possibility of a call to similar duty early next year, may convince more congressmen that they should hire experts to do the job. If that happens, the day the trains didn't run last week will have provided a beneficial sequel.

[From the Los Angeles Herald Examiner, Dec. 15, 1970]

RAIL TALKS

Top union and management negotiators in the nation-wide rail dispute which erupted last week in a short-lived, federally aborted rail strike are meeting again for alleged "substantive discussions" on wages and work rules.

Perhaps now that the Congress and the courts have shown that the government will not tolerate a national rail walkout, negotiations might progress at a faster pace.

Both the unions and the railroads have played a dangerous waiting game during the past several months with both sides procrastinating on a settlement. Collective bargaining, in fact, has hardly been noticeable.

When the government finally did step in to persuade the rail carriers to offer a substantial 37 per cent wage increase, union leaders rejected it out of hand and deliberately entered into an illegal strike.

The threat of massive fines and possible jailings along with a sweet retroactive bribe from Congress finally brought the workers back on the job and at least temporarily saved the economy from a potentially disastrous setback.

The intelligent course for union leaders now would be to accept the already generous offer that has been made and agree to work rule changes and productivity guarantees that would in the long range be to their own best interests.

The Administration and the Congress could spur a less intransigent labor attitude and more flexible bargaining techniques on the part of the rail carriers by getting to work on sweeping revisions of the unsatisfactory Railway Labor Act—a reform which was proposed ten months ago and has received little attention from the Administration or Congress.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Michigan.

Mr. GRIFFIN. I thank the Senator for yielding. I want to commend him for the work that is evident from his statement and his proposal. It is creative and certainly presents some fresh and important approaches to what is a very serious problem.

I appreciate the kind comments that he has made concerning the administration's bill, which I introduced yesterday.

While I think there are aspects of his bill that I probably would not favor immediately, there are other features that might well improve on the administration bill, or at least ought to be considered.

I refer specifically to the concern indicated about strikes which creates a regional emergency situation rather than a national emergency. For a long time there has been an unfortunate void in this particular area. Without the Taft-Hartley Act, as the Senator from New York knows, a State would be in a position to deal with a strike that presented an emergency in the State. But because of preemption by the Taft-Hartley Act, the power of a State to act in such situations has been taken away. Yet the President can act, under the Taft-Hartley

Act, only where there is a national emergency.

So if there is not a national emergency, it does not matter how serious the situation might be, for example, in the city of New York or in the city of Detroit. Nobody can do anything about it at the present time and this is certainly a very unfortunate situation.

Some persons have suggested that the State have a residual power there. That would be one approach. The other approach is the one suggested by the Senator from New York—that the President be given authority to act in a situation where the emergency is real but cannot be described as a national emergency.

So I certainly commend the Senator for presenting this proposal. I am delighted to hear his report that the Committee on Labor and Public Welfare is going to hold early hearings on this subject and that all these important proposals will be considered.

Mr. JAVITS. I thank my colleague. I wish only to add the comment that the reason why we feel the President should be called on to act in regional matters is that most regions that have a metropolitan character bring into play an interstate problem.

The Senator named the New York region. Of course, there we have a problem with respect to three States—New York, New Jersey, and Connecticut. In other areas, for example, in the Chicago area, it is easily conceivable that an emergency there would represent an emergency in Indiana as well. In the Detroit area, it might run into an international problem through river traffic or some other aspect due to the fact that Detroit is right next to the Canadian border.

We thought, on the ground of uniformity and also on the ground of prestige, if an emergency were so real that it threatened to paralyze a region, we really would want to impress on all parties that we meant business about protecting the public health and safety, and we would probably need that kind of executive authority.

I am sure the President would use his regional authority sparingly—he would prefer that the Governors act—but that would be entirely within his discretion. He could use his remedy within a State, if it was all within one State, if he thought it necessary.

I have given the reasons for the bill. I am very grateful to the Senator from Michigan (Mr. Griffin), and I look forward, with him and the Senator from New Jersey (Mr. Williams) and the other members of the Committee on Labor and Welfare, to a very fruitful collaboration in trying to resolve this serious problem.

I hope very much that the essentiality of labor-management cooperation in this matter will be brought into focus. I can see many ways in which this would be very harmful to organized labor, jeopardizing its position very seriously in the eyes of the people, and the same thing is true of management. So I think we are entitled to have their best cooperation in our effort to resolve the problem. I think we will have that, I certainly think it is deserved.

PROGRESS REPORT ON BLACK LUNG BENEFIT PAYMENTS AND QUESTIONS CONCERNING HEALTH AND SAFETY

Mr. JAVITS. Mr. President, one of the significant features of the Coal Mine Health and Safety Act passed by Congress in 1969 was a provision in title IV providing for the payment of special benefits to the victims of coal workers pneumoconiosis, better known as black lung. As I was deeply involved in the shaping of the provisions of title IV, I have been following closely HEW's implementation of its provisions. Over a year has now passed since enactment of this law, and I believe that the Senate will be interested in knowing the results achieved under title IV in the payment of benefits to black lung victims. I therefore ask unanimous consent that a progress report to me dated January 26, 1971, from Robert M. Ball, Commissioner of Social Security, be printed in the Record, at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Social Security Administration,
Baltimore, Md., January 26, 1971.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: This is a further report on our progress in processing black lung benefit claims under the Federal Coal Mine Health and Safety Act of 1969.

We have now made decisions in over 170,000 claims nationally (close to double the number I reported to you at the end of November).

Monthly benefits have been awarded thus far to over 95,000 miners and widows. Adding wives and dependent children covered by these claims, brings the total number of beneficiaries to about 153,000. Total benefits paid nationally since the enactment of the program a year ago is over $150 million.

We have received a total of more than 250,000 claims thus far and new claims continue to be received at the rate of over 2,500 a week.

Some 75,000 claims have been denied for failure to meet the requirements of the law. In each case, the claimant is advised of the reason for the denial and given an opportunity to request reconsideration. Our local offices are also providing full assistance to these applicants in presenting any additional evidence in support of their claim.

As you know, the recently-enacted pay increase for Federal employees has the effect of increasing the benefit rate for black lung beneficiaries, effective January 1971. We are taking special steps to include the increases in all beneficiary checks starting February 3. The monthly benefit for an eligible ex-miner or widow is increased from $144.50 to $153.10; maximum family benefits will be increased from $288.90 to $306.10.

We are continuing to give high priority to the completion of pending claims so that notices of decision may reach the applicants as promptly as possible.

Sincerely yours,

Robert M. Ball,
Commissioner of Social Security.

Mr. JAVITS. Mr. President, I call particular attention to the information in Commissioner Ball's report that over 250,000 claims for benefits have been received by HEW during the past year, and that decisions have been made on over 170,000 cases resulting in benefits being awarded to about 153,000 miners and other beneficiaries. The total benefits already paid under this program exceed $150,000,000.

I think the officials of the Social Security Administration responsible for implementing this program in such an expeditious manner deserve the highest praise. They include Commissioner Ball and Bernard Popick, Director of the Bureau of Disability Insurance. Theirs was an extremely difficult assignment, abounding with controversies over such matters as the proper criteria for determining the existence of total disability due to pneumoconiosis. Most of the beneficiaries receiving black lung benefits are desperately poor and those HEW officials concerned with administering the program have responded to the conditions which this program was designed to help alleviate. I should like to give great credit to Commissioners Ball and Popick for their work, in an extraordinarily fair way. Mr. President, with respect to this matter.

I think it also should be noted, in the light of the criticisms which were made of the high cost estimates of the administration at the time this program was before us, that the experience under this program has been closely in accord with the cost estimates of the administration. I do not call attention to this in any spirit of criticism; I think the large number of beneficiaries who have been awarded benefits underscores the need for the program. Decades of neglect of the black lung problem have resulted in a health problem of catastrophic dimensions among coal miners, and the Federal Government bears a share of the responsibiliy. However, I also believe that the large cost of this program—next year's budget estimate is over $300 million—fully justifies my own actions in insisting that the law provide that after January 1, 1973, industry bear the responsibility, through adequate workmen's compensation of paying benefits to the victims of black lung.

I hasten to add that the way in which this part of the program has been handled is not matched by the way in which the health and safety features have been handled. We have very grave problems on that score, highlighted by the tragic disaster which took place at Hyden, Ky. I shall deal with that subject separately, but I did not wish to speak of this act, with which Senator Williams and I had so much to do as to its outcome, in part, without referring to the whole. I can assure the Senate that I am very deeply concerned about what has happened and about what seemed to be the very serious shortfalls in the enforcement of the safety features of the law, and I assure the Senate that I shall get at it, and I have every confidence that Senator Williams feels exactly the same way.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES, SOUTH VIETNAMESE FORCES INTERDICT INFILTRATION ROUTES

Mr. GRIFFIN. Mr. President, the news blackout on military operations against the Communists in Southeast Asia was lifted today.

It has now been recorded that no American ground forces have been engaged either in Laos or Cambodia.

American withdrawal from South Vietnam and the rest of Southeast Asia proceeds on schedule. Communist threats to that orderly withdrawal are being parried by South Vietnamese and Cambodian ground forces, with American air combat and air logistics support in those cases where South Vietnamese air components could not handle the job alone.

According to a memo provided to correspondents in Saigon today and released here by the Department of Defense, three Americans were wounded in operations inside South Vietnam, in the border area near Laos.

As indicated by Defense Secretary Laird and others, the news embargo was imposed on the recommendation of the commander in the field, Gen. Creighton Abrams.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the texts of an operational summary supplied to correspondents in Saigon on operations in the northwest corner of South Vietnam, and of a message to General Abrams from Assistant Secretary of Defense Dan Henkin, commenting on the information policies which were followed.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SUBJECT: DEWEY CANYON II

The following operational summary of Dewey Canyon II was issued as a Memorandum to Correspondents in Saigon 4 February.

To counter a North Vietnamese buildup threatening the western regions of Military Region I, a combined operation of South Vietnamese and U.S. forces was initiated on 30 January into the western regions of the Republic's two northernmost provinces.

The attack was launched to interdict enemy supply and infiltration routes and potential staging areas in MR–I. The operation began on 30 January 1971, but announcement was held up until this time to ensure the safety and security of U.S. and South Vietnamese forces.

Included in this operation were elements of the U.S. 1st Brigade, 5th Mechanized Division and the 101st Airborne Division. RVNAF participation includes elements of the ARVN Airborne Division, elements of the 1AT ARVN Division, and elements of the Vietnamese Marine Corps.

As these forces deployed, 7th Air Force airlift and RVNAF air elements moved troops and logistics northward into MR–I.

On 30 January at about 0100, the operation began with elements of TF 1/5th Mech. moving westward along Route 9 toward Khe Sanh. While this force moved overland, other elements of TF–1/5 (with units from the 101st and 23rd Infantry Divisions under operational control) made a helicopter assault into Khe Sanh.

Engineer elements from the 45th Engineer Group accompanied the overland forces and moved into Khe Sanh to begin improving the old air field, and to build a dirt assault strip alongside the former strip. Other engineer elements worked at improving Route 9.

These positions were consolidated and improved during 31 January and on the 1st and 2nd of February.

On the 1st of February TF 1/5 Mech conducted reconnaissance in force west along Route 9 to the vicinity of Lange Vei. Other elements conducted screening operations north and south of Route 9 west of Khe Sanh.

On 2 February, a raid on a suspected enemy position was conducted some 14 km south of Khe Sanh. Units of the 101st Division have fired artillery on enemy positions in the vicinity of the A Shau valley.

On 3 February ARVN units began to deploy by airlift to the Khe Sanh area. Near the coast, Vietnamese Marine Corps element conducted an attack on enemy positions in a coastal region north of the mouth of the Cua Viet River. U.S. casualties have been three wounded up to 0810 on 4 February. Helicopters have drawn some small arms fire while operating in the vicinity of Khe Sanh, and one U.S. tank received moderate damage when it struck a mine along Route 9 in the vicinity of the Rock Pile.

The fol operational up-date was provided at 040815Z Feb 71.

In Operation Dewey Canyon II, elements of the 101st AirMobile Division observed a possible ammunition storage area approximately 15 KM south of Khe Sanh at 1235 yesterday (3 Feb). These Air Cavalry units engaged the area with on board ordnance. for the next half hour, forty-four (44) secondary explosions were observed.

Near this area, this same Air Cavalry element observed a camouflaged truck and destroyed it. Condition of the truck prior to its destruction is not known.

Near the Khe Sanh base, an infantry element early today (040600Z) found approximately 40 rounds of 105mm artillery in a bunker.

During the period there were three attacks by fire in North Central Quang Tri Province. Late in the afternoon on 3 February. Camp Carroll, some 6 KM southwest of Cam Lo, received approximately 20 rounds of 122 mm rocket fire; and at about the same time fire support base Fuller (5 km north-north west of Camp Carroll) received less than 5 rounds of 122 mm rocket fire. No casualties reported in either ABF.

The following statement and query responses on Toan Thang OI–71 in Cambodia were released in Saigon 4 February 1971.

"MACV is conducting air operations to supplement VNAF support of South Vietnamese forces in their efforts to prevent reestablishment of enemy sanctuaries in Cambodia. The objective of these air operations is to reduce the enemy threat to the Republic of Vietnam, thereby assuring the success of the Vietnamization program, facilitating the withdrawal of U.S. forces, and protecting American lives. There are no U.S. ground combat forces in Cambodia nor are there advisors with ARVN forces.

In response to queries:

Some helicopter troop lift and combat air missions have been provided to supplement the VNAF capability. Other U.S. air logistical and air combat operations will be provided from time to time to supplement South Vietnamese air assets as required.

These missions are considered air support as discussed extensively by Secretary Laird in Washington.

We will announce this support when it has been provided. We will not give specifics on troop lift, gunships or tactical air support because of its value to the enemy. We will provide data on logistical support.

Command and control helicopters with airborne coordinators will be used if U.S. helicopter gunship support is made available. Their use is to prevent inadvertent firing on friendly forces by maintaining liaison with FACs and friendly troops and civilians on the ground and controlling gunship fires.

Type of air support provided to this operation will be similar to that provided in the past which includes supplementary air combat and logistical support. Requests will be considered on a case by case basis to determine if they are beyond the capabilities of the VNAF."

MESSAGE SENT TODAY TO GENERAL ABRAMS

On behalf of Secretary Laird, I want to express our great appreciation for your successful efforts to provide accessibility by newsmen to the facts and to the on-the-scene coverage of U.S. troop movements.

The temporary news embargo obviously and most importantly saved American lives. It also made it possible for you to arrange for intelligence and operational briefings and for the movement of newsmen to various points in Military Region I.

I know that you and I share the view that, consistent with security requirements, the on-the-scene presence of professional U.S. newsmen provides the American public with the facts they need and deserve about U.S. military activities.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. JAVITS. Mr. President, I do not wish to make the Senator from Michigan the object of a debate upon this subject, which would not be fair to him, though he certainly is at liberty to respond to anything I say; but, the subject having been raised, as I have spoken about it off the Senate floor, I should just like to lay these observations before the Senate, with the permission of the Senator from Michigan:

Mr. President, this blackout has worried us a great deal. It has worried me, and I think it has worried many other Senators, because it was very hard to see why the people were not entitled to know if the Communists knew, if the enemy knew, as undoubtedly they did; and there is a certain concern quite above and beyond the Cooper-Church amendment.

I have said before, and I repeat, that I have no doubt—and I heard the Secretary of State in executive session—that the administration is complying with the letter of the Cooper-Church amendment. I have no reason to doubt that whatever. But I think the question has now gone beyond that, Mr. President. Even if one does—and I do—credit the President—and he is the man who is making these decisions—with entire good faith, in really believing that we are doing something which is entirely essential to the continuance of his policy of withdrawing our troops from South Vietnam—and let us assume he is in the utmost good faith about it, and I assume that—we may still differ with him in our own independent analysis, and that is our duty; we are a coordinate branch of government, with authority to give the authority and to vote the money for war. We may very well feel that we are blundering into a new Indochinese war.

It is for that reason, Mr. President,

that I have urged the Committee on Foreign Relations, and will continue to do so, to make an independent inquiry as to this whole situation, with the authority of the Senate regarding advice and consent, where we have a responsibility, not exactly the same as that of the President, but a material responsibility, in the field of foreign policy and the field of military affairs.

I hope very much that we can get the information from the administration—and there have been some complaints on that score; this is hardly the moment to argue whether they are justified or unjustified. Again, the good faith of Secretary Rogers and Secretary Laird I do not challenge at all. But we may have to go and check on our own sources, just as do the Appropriations Committee, the Committee on the Judiciary, and the Committee on Government Operations.

I think we owe the country an appraisal from the point of view of the Senate and the Senate committee charged with this responsibility—we have the staff responsibility for the Senate—to come to an independent judgment as to whether, quite apart from, over, above, and beyond the Cooper-Church amendment, what is happening now puts us in the posture of inviting another element, another area of combat in respect of Southeast Asia and the Indochina complex.

I urge such an inquiry on our committee. I hope very much our committee will perform its responsibility in that regard, and I hope very much—and I express this with the greatest feeling that the administration and the President will not feel that this is in any way a challenge to their credibility and good faith or their honest judgment, but that we are only doing our duty, and we have a duty and an independent one under the Constitution, as the staff committee for the Senate of the United States, to let the Senate know what is really going on, in our judgment, and where it is taking us.

I thank my colleague from Michigan, and I repeat, this is not in any way said in opposition to what he has stated—he did his duty in presenting a very proper and temperate report—but only because, the subject being before us, I thought it was useful to add these observations.

THE PRESIDENT'S REVENUE-SHARING PROPOSAL

Mr. BAKER. Mr. President, Congress has received today a message from the President of the United States describing in detail the proposed sharing of Federal revenues with the States that he first made known in his state of the Union message on January 22.

I have read the President's message, and it is no less than an extraordinary blueprint for the restoration and revitalization of our Federal form of democratic government.

There is flexibility in the President's proposals, and no one would be more surprised than he if the total program were enacted by the Congress in exactly the form in which it is to be submitted. Careful scrutiny by the Congress and by various individuals and groups throughout the country may indicate that changes should be made. But the President has provided the Congress and the American nation with a clear indication of the kind of bold steps that simply must be taken to relieve the various States and localities of increasingly unmanageable fiscal crises and to restore the capacity of State and local governments to effectively provide for the needs of their people.

There would be little point in my trying to elaborate on the need for this reform, so explicitly and comprehensively set out in the President's message. But because I do expect to be the principal sponsor of the administration's general purpose revenue-sharing proposal, which I will introduce on Tuesday of next week, I would like to take this brief opportunity to make one or two remarks about the future of this particular proposal in the 92d Congress.

The first and most important point I would like to make has to do with the President's desire and my desire that a revenue-sharing bill be enacted by this Congress and that it be a truly bipartisan accomplishment. Some have already begun to allege that, as they put it, the President wants "an issue and not a bill." This is absolutely without foundation and a gross error of political observation.

The President has not lightly proposed a major shift in the pattern of governmental growth in this country. He is, I need not say, aware of the fact that the party of which he is the head controls neither House of the National Legislature. If revenue sharing is to become a reality, its proponents, including the President, must have the help and support of many members of the Democratic Party. The President asks for that support, and I ask for that support. It is not a token solicitation. It is a sincere and earnest one. If this bill or some variation of it is enacted, there will be sufficient credit for everyone. That is not important. What is important is the concept itself, the idea of restoring some share of this massive central power to the States and to the people.

The second point I would like to make with respect to the general revenue-sharing proposal has to do with the way in which it was devised. Although the bill itself is not of great length and has a superficial appearance of considerable simplicity, its construction has taken place over many months and with the most intimate cooperation of groups representing the Nation's State, county, and municipal officials. This cooperation cannot be overemphasized. Although it is an administration bill, it is the product of the work of many minds of many different political persuasions. The bill will have the support of, we hope, a great majority of this Nation's public officials at every level of government.

Third, I would like to suggest, in soliciting the support of Senators for this bill, that each of us will want to keep options open as the Congress proceeds to consider the proposal. Cosponsorship of this bill is not a wedding to every line and comma. Although I personally feel that the bill has very special merits—its directness, its simplicity, its flexibility—it is above all else a vehicle for an idea whose time has come. As I indicated earlier, Congress in its wisdom may make changes that will improve the bill. But the bill represents a major step toward revenue sharing, and it is the result of months of work by eminent academic, fiscal, and Government experts.

I urge each of my colleagues to pay the most careful attention to the message of the President. The need for action is clear and urgent.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, the program for tomorrow will be as follows:

The Senate will convene at 12 o'clock meridian following a recess. Immediately following the prayer and the approval of the Journal, if there is no objection, and the laying before the Senate of the pending business, there will be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes. For emphasis, I call attention once again to the order entered on January 29, under which the majority leader and the minority leader, during the remainder of this session of Congress, are to be first recognized during the period for the transaction of routine morning business.

Also, under an order entered earlier today, the Senate will stand in recess, upon the close of business tomorrow, until 12 o'clock meridian on Monday next.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question before the Senate is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

RECESS

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 12 meridian tomorrow.

The motion was agreed to; and (at 4 o'clock and 56 minutes p.m.) the Senate recessed until tomorrow, Friday, February 5, 1971, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate February 4 (legislative day of January 26), 1971:

U.S. PATENT OFFICE

John Finley Witherspoon, of Maryland, to be an Examiner-in-Chief, U.S. Patent Office, vice James E. Keely, resigned.

SECURITIES AND EXCHANGE COMMISSION

William J. Casey, of New York, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1974, vice Hamer H. Budge, resigned.

NATIONAL CREDIT UNION BOARD

Richard H. Grant, of New Hampshire, to be Chairman of the National Credit Union Board; new position.

The following-named persons to be Members of the National Credit Union Board for the terms indicated; new positions.

John J. Hutchinson, of Connecticut, for a term expiring December 31, 1971.

Lorena Causey Matthews, of Tennessee, for a term expiring December 31, 1972.

DuBois McGee, of California, for a term expiring December 31, 1973.

Joseph F. Hinchey, of Pennsylvania, for a term expiring December 31, 1974.

James W. Dodd, of Texas, for a term expiring December 31, 1975.

Marion F. Gregory, of Wisconsin, for a term expiring December 31, 1976.

U.S. MARINE CORPS

The following-named officer of the Marine Corps Reserve for temporary appointment to the grade of major general: William J. Weinstein.

The following-named officer of the Marine Corps Reserve for temporary appointment to the grade of brigadier general: Harold Chase.

HOUSE OF REPRESENTATIVES—*Thursday, February 4, 1971*

The House met at 12 o'clock noon.

Rev. John S. Nichols, administrator of Fair Acres Farm, Lima, Pa., offered the following prayer:

Almighty God and our Father, we approach Thee through Jesus Christ, Thy Son, to pray. Speaking to Thee, we ask that Thou wouldst bless this House of Representatives of the 92d Congress of these United States; give them health, to live and work daily; reason, that their minds shall ever be clear and aware; strength, to be statesmen; power, that comes from Thee.

Bless, O Lord, the Senate, our President, the Supreme Court, and all others in the service of our people in Government.

Bless, our Father, too, those of us who follow. Give us grace to be good followers, to uphold our elected and appointed officials who act for us in this Republic.

And, merciful Lord, in these days let our differences be our collective wisdom and strength so that together we may better serve Thee. In the name of our Savior. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House of Mr. Geisler, one of his secretaries.

ON HOUSE ADMINISTRATION

The SPEAKER laid before the House the following resignation from a committee:

FEBRUARY 2, 1971.

Hon. CARL ALBERT,
Speaker of the House,
The Capitol, Washington, D.C.

DEAR MR. SPEAKER: I hereby tender my resignation from the Committee on House Administration.

I will appreciate your taking the action necessary to remove me from the aforementioned committee.

Best regards,

JOHN W. DAVIS.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to the provisions of 20 U.S.C. 42 and 43, the Chair appoints as members of the Board of Regents of the Smithsonian Institution the following Members on the part of the House: Mr. MAHON, of Texas; Mr. ROONEY, of New York; and Mr. BOW, of Ohio.

REVITALIZE OUR MERCHANT MARINE

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, last year the Congress passed the Merchant Marine Act of 1970. The purpose of the act is to revitalize our merchant marine by providing a ship building program of 30 ships a year for the next 10 years. I supported this measure and applauded the administration for their action.

To implement the ship construction program, money must be made available. Last year, Congress appropriated $187.5 million to begin construction of 19 ships. For fiscal year 1972, the administration is requesting $229.7 million in order to begin the construction of 22 ships.

Thus, Mr. Speaker, over a 2-year period, the administration envisions the construction of 41 ships. This is a great improvement over our commitment of earlier years, but I feel we must attempt to reach our goal of 30 ships a year.

As a result, Mr. Speaker, I call upon the Appropriations Committee to closely examine the budget proposal and to place additional funds to the shipbuilding program so as to attain our goal of 30 ships a year.

ANNOUNCEMENT OF INTENTION TO CHALLENGE TRADITION

(Mr. WALDIE asked and was given permission to address the House for 1 minute.)

Mr. WALDIE. Mr. Speaker, at the appropriate time in today's proceedings a resolution that encompasses the decisions of the majority caucus with relationship to chairmen of standing committees and the members thereof will be presented to the House for approval. It is my understanding that customarily the decision of the majority caucus in these matters has been traditionally accepted without any objection from any Member of the House of Representatives. It will be my intention at this particular moment, however, to subject that tradition to a test today, and I will ask the House to vote down the previous question when the previous question is sought in order to permit that resolution to be open to amendment.

If the previous question is voted down, and the resolution is thereupon open for amendment, it would be my intention to offer an amendment to the resolution appointing standing committee chairmen to delete the standing committee chairman of the House District of Columbia Committee. It would be my hope, if that vote is acceded to, that a majority of the House of Representatives would determine that it is not in the best interests of this institution that that committee chairman remain in his position, and that the resolution with that name deleted would then be acted upon by the House. It would then require the committee on committees of the majority to come back to the majority caucus to ask the caucus for approval of a substitute chairman of that committee to be offered to the House of Representatives.

SHALL SAIGON EXERCISE THE RIGHT TO CENSOR NEWS OF AMERICAN INVOLVEMENT IN VIETNAM?

(Mr. VANIK asked and was given permission to address the House for 1 minute.)

Mr. VANIK. Mr. Speaker, the news censorship on American military activities in Southeast Asia—which was just lifted—constitutes a most shocking assault on democracy and the right of the

American people to know what is going on.

Embargo of news is censorship by another name. Now we are told that the censorship was ordered by the Saigon government. No other government at any time can exercise the authority to shield the truth of American involvement from the American people.

Does the President's definition of Vietnamization mean that Saigon shall exercise the right to censor news of American involvement?

FULL CIVIL SERVICE ANNUITY UPON TERMINATION OF MARRIAGE

(Mr. DULSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DULSKI. Mr. Speaker, in the 91st Congress I introduced legislation which had a dual purpose: First, to restore a civil service retiree's full single-life rate of annuity upon the death of his designated spouse; and, second, to extend the survivor protection he accorded his designated spouse to the spouse of a subsequent marriage.

While the latter objective was accomplished by the enactment of Public Law 91–658, the authority for recomputation of the retiree's annuity upon termination of his marriage was not included in that legislation.

Today, I am reintroducing the proposal authorizing restoration of the full annuity upon the death or divorce of a retiree's spouse. Some of the obstacles which precluded the adoption of such a restoration provision were removed by last year's enactment.

My new bill proposes that the percentage reduction a retiree accepts to protect a spouse will be restored to him during any period or periods of nonmarriage.

The unreduced single-life rate of annuity would be paid him from the date of termination—by death or divorce—of a marriage until his subsequent remarriage or his death. Upon subsequently remarrying, his annuity would again be reduced, but restitution to the retirement fund of the amounts restored during nonmarriage periods would not be required.

CHANGING THE NUMBER OF MEMBERS TO BE ELECTED TO CERTAIN STANDING COMMITTEES DURING THE 92D CONGRESS

Mr. BOGGS. Mr. Speaker, I offer a privileged resolution (H. Res. 192) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 192

Resolved, That during the Ninety-second Congress the Committee on Agriculture shall be composed of thirty-six members;

The Committee on Appropriations shall be composed of fifty-five members;

The Committee on Armed Services shall be composed of forty-one members;

The Committee on Banking and Currency shall be composed of thirty-seven members;

The Committee on Education and Labor shall be composed of thirty-eight members;

The Committee on Foreign Affairs shall be composed of thirty-eight members;

The Committee on Government Operations shall be composed of thirty-nine members;

The Committee on Interior and Insular Affairs shall be composed of thirty-eight members;

The Committee on Interstate and Foreign Commerce shall be composed of forty-three members;

The Committee on the Judiciary shall be composed of thirty-eight members;

The Committee on Merchant Marine and Fisheries shall be composed of thirty-seven members;

The Committee on Post Office and Civil Service shall be composed of twenty-six members;

The Committee on Public Works shall be composed of thirty-seven members;

The Committee on Science and Astronautics shall be composed of thirty members; and

The Committee on Veterans' Affairs shall be composed of twenty-six Members.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. WALDIE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 12]

Abbitt
Abourezk
Alexander
Anderson, Tenn.
Arends
Ashley
Aspin
Baker
Baring
Barrett
Betts
Buchanan
Byrne, Pa.
Cabell
Caffery
Carter
Casey
Celler
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Collier
Conyers
Corbett
Daniel, Va.
de la Garza
Delaney
Dent
Dickinson
Diggs
Dingell
Donohue
Dowdy
Duncan
Edwards, La.
Eilberg
Esch
Eshleman
Foley
Frelinghuysen
Frey
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Green, Pa.
Griffin
Grover
Gubser
Hall
Halpern
Hansen, Idaho
Harsha
Hastings
Hawkins
Helstoski
Hicks, Wash.
Howard
Ichord
Jarman
Johnson, Pa.
Karth
Keith
Kluczynski
Kuykendall
Kyros
Lent
McCulloch
McDade
McDonald, Mich.
Macdonald, Mass.
Mahon
Martin
Mathias, Calif.
Metcalfe
Montgomery
Morse
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Neill
Passman
Pirnie
Podell
Price, Ill.
Pryor, Ark.
Purcell
Quie
Quillen
Reid, N.Y.
Roberts
Robison
Roe
Rooney, N.Y.
Rooney, Pa.
Roush
Runnels
St Germain
Scheuer
Schneebeli
Shipley
Sisk
Snyder
Stanton, James V.
Stokes
Stubblefield
Sullivan
Taylor
Teague, Calif.
Terry
Thompson, N.J.
Tiernan
Wampler
Whalen
Whalley
Wiggins
Wright
Wydler
Wylie
Yatron

The SPEAKER. On this rollcall 306 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RESIGNATION FROM COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER laid before the House the following resignation from a committee:

FEBRUARY 4, 1971.

Hon. CARL ALBERT,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I herewith tender my resignation as a member of the Committee on House Administration.

Respectfully yours,

JOHN KYL,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION FROM COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER laid before the House the following resignation from a committee:

FEBRUARY 4, 1971.

Hon. CARL ALBERT,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I herewith submit my resignation from the Committee on House Administration effective today.

Sincerely,

ROBERT C. MCEWEN.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION FROM COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER laid before the House the following resignation from a committee:

FEBRUARY 4, 1971.

The Honorable The SPEAKER,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby submit my resignation from the Committee on House Administration effective immediately.

Sincerely,

JOHN G. SCHMITZ,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 193) and ask for its immediate consideration.

The Clerk proceeded to read the resolution.

Mr. MILLS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the resolution and that the names of the Members assigned to various committees be printed at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. WALDIE. Mr. Speaker, reserving the right to object, and I shall not object to the unanimous-consent request to read the resolution, I do so in order to obtain time to explain to the House the procedure that I hope to follow in the consideration of this resolution.

That procedure involves a request for a no vote on the previous question, which would then permit the resolution appointing the committee chairmen and members of committees to be open for amendment. At that particular time I would submit an amendment striking from that committee list the name of the chairman of the Committee on the District of Columbia.

I do so for several reasons, one of which was not discussed at all during the debate in the Democratic majority caucus yesterday when this issue was before them for consideration.

There was great discussion as to whether or not a majority of the caucus should approve the chairman of the Committee on the District of Columbia to continue in that position. The debate involved the shortcomings of his administration of that committee, and in my view those shortcomings were considerable and were sufficient to invoke a majority vote against his continuing in that position. However, the majority of the caucus did not see the issue in that light.

I thought another issue which happens, in my view, to be more important, was studiously avoided. This involved determining whether the committee chairman should proceed in office. That was the ideology and the philosophical views of the chairman of that committee. It seems to me it is impossible to suggest the philosophical views of the committee chairman having control over any sensitive area of national importance should not be considered, given the awesome powers of the committee chairman. In this instance, although I do not suggest those philosophical views in any way represent shortcomings on the part of the individual involved, I find them inconsistent with the responsibility that is his as committee chairman to govern the District of Columbia.

I find also that the District of Columbia Committee has assumed the proportions in the public mind—and I think rightfully so—of a national scandal, not because of what they do but because of what they do not do. The condition of the Capital City of this Nation is as deplorable as that of any city in the United States. The responsibility for the deplorable condition of this city is in great measure due to the inaction of the Committee on the District of Columbia. It does seem to me that a great deal of that responsibility must fall on the shoulders of the chairman of that committee.

Then it would be my intention to request the entire House to consider this proposal. I recognize that is a departure not from the rules of the House, which are explicit that the entire House of Representatives participate in this decision, but from the custom of the House, which is that the majority party in the enclaves of their caucus make the determinations and the minority party accepts those decisions. It is my own personal conviction that this issue is of national importance and all of the legislative representatives of the Nation, of the minority and of the majority party, should participate.

I offer my colleagues on the other side, in the minority party, the opportunity, by following the rules of this House, to participate in that decision. And I suggest to them that their great concern and proper concern for the inviolability of the seniority system, which is a concern I share, can now be evidenced by this action.

It has been usually the case that the minority party has been outspoken in their concern and condemnation of the seniority system because their opportunity of implementing any change in that system would not be existent. Today, that opportunity will be afforded you and I hope you will join with those who believe that the decision to continue this committee as it has been in the past was a wrong decision which was made in the majority caucus.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. There has been the history in the House of Representatives of comity of each party to the other and, second, the courtesy of each party toward the other, the majority toward the minority and the minority toward the majority.

Under these circumstances it has been so insofar as I know since about 1868. It has been the custom that each party shall select its own people and set the seniority and that they shall select the membership of the various committees and their own officers and that the other party would do the same.

The gentleman is saying that by some sort of combination with the minority party that the minority party by a certain weight should determine whom the majority party has as chairman of one of its major committees.

I would disagree with that. Why should not the majority elect who shall be the ranking Members over on the minority side of any committee? Unless this comity is kept, unless this courtesy continues to exist between the parties; that is, that each party shall choose its own leadership and then have the responsibility of carrying out that leadership, I believe it would do a great disservice and damage to the two-party system.

Would the gentleman care to comment upon that?

Mr. WALDIE. To the extent that comity and courtesy or the lack thereof as a result of the decision which has been made, results in disadvantage to the national interest, it should be disregarded. There is a large segment of the American public which feels that this courtesy and tradition of the House of Representatives works to the disadvantage of a large segment of the American public. There is a large section of the American public which in my opinion feels that we should not be hidebound by a determination made in the 1880's that courtesy and comity requires that a major segment of the Representatives of the American people does not participate in the decisions which are made and which are vital to them.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. WALDIE. I yield to the distinguished majority leader.

Mr. BOGGS. Would the gentleman not agree that we would be establishing a precedent here that could be carried to any length and in truth and in fact, if the majority party voted unanimously, we could displace any committee member or every committee member nominated by the minority.

Mr. WALDIE. The gentleman would agree that in any instance that the rules of the House are followed that might be true but that is precisely what I am suggesting, that by following custom or precedents of the House that are contrary to those rules might not be acceptable to a great portion of the House and such a situation might very well ensue.

Mr. BOGGS. The gentleman has not answered my question.

Mr. WALDIE. I sought to answer your question. Perhaps I presupposed the answer and that is correct. I would say that in those instances where the national interest is not being properly cared for, that comity, custom, and courtesy of the House should be reconsidered and the rules of the House followed in those instances where comity, courtesy, and custom are contrary to the rules and to the interest of the American people.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield further, may I direct another question to the gentleman and I will then let the distinguished chairman of the committee on committees discuss the merits of the proposition, but is it not accurate that if a minority on the Democratic side and a majority on the minority side get together they could take over control of the entire committee system in the House? Is that not correct?

Mr. WALDIE. That is true, but if by so doing the national interest were advanced I would not find that objectionable.

Mr. BOGGS. As to the question of whether or not the national interests are involved, again I defer to the distinguished chairman, but the gentleman was here on yesterday when this matter was debated and the gentleman knows that this matter was debated fully, without any effort to limit debate, and that a vote was taken, and that a majority decision was made to adopt the committee chairman as recommended by the committee on committees.

Mr. WALDIE. I recognize, I will say to the majority leader, that the debate was fair and proper, and that the decision represented the vote of the majority, but the national interests, however, are not represented per se by the majority of the Democratic caucus, the national interests in my view are represented by the House of Representatives, and I would like to again accord under our rule the opportunity of the minority to participate in the determination as to whether the national interests have been served.

Mr. BOGGS. Mr. Speaker, I thank the gentleman for yielding, and I will take more time later.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the gentleman from California if the previous question is voted down will the gentleman from California then offer a motion to displace other senior Members of the House who are also chairmen of committees, or would the motion be limited to one individual?

Mr. WALDIE. The gentleman from California will introduce one amendment which is to replace and to eliminate from the list of committee chairmen the name of the gentleman who is the chairman of the Committee on the District of Columbia.

Mr. GROSS. I thank the gentleman.

Mr. REES. Mr. Speaker, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from California.

Mr. REES. Mr. Speaker, I support the gentleman from California in his statement.

The rule of this House is that the Members of the House of Representatives will choose their committee chairmen. That is the rule of our House which we adopted last week. I see no great tragedy if the House asserts its will, and I see no great problem. My legislative tradition is from California, and in California we have Republican chairmen and Democratic chairmen regardless of which party controls the assembly. If the Democrats are in power, for example, most of the chairmen, of course, would be Democrats, but comparable Republicans are chairmen of some committees. We have no seniority system. We try to seek out the best talent available to do the job.

In the papers this morning, that you will read, the National Conference on State Legislatures has ranked California first. I think the legislature has done a very good job. And when it comes to our own situation here and other experiences throughout the country, I believe that we do not have to go back to traditions started in 1860 because we are here now in 1971. I believe that it is our duty to vote the way that we should to work our will under the rules of the House. Therefore, I would urge a "no" vote when the motion for the previous question is before us.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from California (Mr. McCloskey).

Mr. McCLOSKEY. Mr. Speaker, I want to say that when the 92d Congress commenced, I think that the statement that rang through these Halls and impressed all of us was the need to restore the faith of the people of the United States in their Government, and particularly to restore the House of Representatives to its preeminent place as the chief representative in Government of the people of the United States.

One of the problems of reestablishing the faith of the people in the Congress of the United States is that we have not always chosen to follow our own rules, because custom has gotten in the way of following those rules. There is nothing written into our rules to say that the most senior member shall be the chairman, although custom has been that the chairmen are those with the most seniority. But this year the caucuses of the Democratic Party and the Republican Party have abandoned the custom of seniority. If we have truly abandoned the custom of seniority, then, I suggest that we should also comply with rule X of the House which calls for the election of our committee chairmen by the House of Representatives, rather than to abandon that rule by following a procedure which does not permit an election.

It seems to me that we should vote "no" on the previous question, in order that we can follow our own rules.

Rule X, which we followed for many years, says:

> At the commencement of each Congress the House shall elect as chairman of each standing committee one of the members thereof . . .

How can we fail to have an election? How can we say to the people of the United States, who have elected us, how can we say that this is the greatest democratic legislature on earth when we go back on our own rules and refuse to let the Congress determine through an election who shall be the chairmen of the standing committees, and to elect those people responsible for the caliber of the work we produce during the next 2 years?

It seems to me that, regardless of the ideology involved, regardless of the men involved, that this House should proceed to an election of the chairmen of the committees of the House, in view of the challenge that has apparently been made.

What the result of that action will be, I would not care to predict. I understand that it may be in favor of the chairman himself.

It does seem to me, however, that we cannot refrain from allowing this matter to proceed to a vote under our rules. If we do not do so, we demean the words of our Speaker when he opened this Congress with the view and the desire and the expressed goal to return this legislative body to a position of preeminence in the Halls of Government.

Mr. WALDIE. Mr. Speaker, at this time I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise with great respect for the sincerity with which I know the gentleman is taking this action.

I am one of those who spoke in favor of making a change in the chairmanship of that committee. However, at this point it seems to me we should not chew our cabbage twice or take two bites of a cherry, when we have had that bite. It seems to me the caucus has spoken and that is its decision. With deference to the gentleman's views, what the national interest is always troubles me. I think we might have 435 different views on that.

As I said, I am one of those who thought that a change should be made—and not because of any difference in philosophy, because I cannot help what your philosophy is. Because we say we have absolute seniority and people throughout the Nation criticize that, but I think I can live with that seniority if we really followed that instead of the musical chairs we often play.

The majority has made its decision and I urge the democratic side and our friends on the Republican side to support that decision.

Mr. WALDIE. Mr. Speaker, I yield to the gentleman from California (Mr. Burton).

Mr. BURTON. Mr. Speaker, I respect the concern expressed by my distinguished colleague, the gentleman from California. I suspect that this is one example of how thoughtful legislators are sometimes driven to exercise options that they otherwise might prefer not to have to seek.

Mr. Speaker, I am opposed to the gentleman's proposal and I am opposed for a number of reasons. It is a most dangerous precedent, I would think, without regard to the political point of view that any of us might hold, to in effect give the minority caucus veto power over the majority caucus deliberations as to whom they select to lead the various committees of the Congress. It would establish a precedent that I think at best would be troublesome and at the worst could very, very seriously and adversely affect the way the business of the House of Representatives is run.

Now progress does not come to the degree that we all would like to see it, as we perceive progress. We all believe, I suspect, that the winds of change are discernible throughout the land. I, for one, think the winds that have changed have also affected to a significant degree the way at least the majority party and its caucus manage their affairs. I did not support the gentleman from South Carolina. We had our chance and he had his chance to lay his case before the majority caucus. A majority of our colleagues believe that those who felt he should no longer serve had not made a sufficient case. As for me, I am willing to accept that judgment.

I would hope that those on this side of the aisle who truly believe in the need for increased reform in this House do not go down this road that many of us may well find in the not too far distant future may be a mistake of rather tragic proportions.

Mr. WALDIE. Mr. Speaker, in conclusion I want to express my appreciation to the distinguished chairman of the Committee on Ways and Means, to the Speaker, and to the majority leader for their cooperation in permitting me to devise this format through which my views might be presented to the House.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, further reserving the right to object, I should like to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Is it correct that the resolution presently before the

House is a resolution offered on behalf of the Democratic caucus? The resolution is the recommendations for committee assignment on the Democratic side.

The SPEAKER. The gentleman is correct.

Mr. GERALD R. FORD. Is it the procedure to be followed that subsequently a comparable resolution will be offered representing the views of the Republican conference?

The SPEAKER. The gentleman is correct.

Mr. GERALD R. FORD. Mr. Speaker, I think this factual situation clearly sets forth the issue that is before us. The Democratic caucus made a decision on committee chairman. Whether we on our side agree with it or not, by precedent that is a matter within the ranks and prerogatives of the majority party. The Democratic Party was chosen to be the majority party in the 92d Congress by the American people. I do not happen to think that that was necessarily the right decision, but that was the judgment of the American people last November, and if they are to carry out as they see fit the mandate given them, the Democratic Party in the House of Representatives ought to have the right in a democratic process to choose the indivdual on each of the standing committees who should serve as the chairmen of those committees. By precedent and otherwise, we on our side should not get into the procedures and prerogatives of the majority party.

I cannot help but make this observation. The gentleman from California was unable to persuade a majority of the Democrats to his point of view. I do not think that we on the Republican side ought to succumb to his arguments of this occasion. Therefore, Mr. Speaker, I would certainly hope and trust that the Republicans on this issue, on a Democratic resolution expressing the views of the Democratic Party, should not under any circumstances vote "nay" on the motion to order the previous question. As Republicans we should exercise our option to vote "yea" or "present" on the previous question, because the matter is one for the Democrats to decide and not for us.

Let me make another observation, Mr. Speaker. In 1970, the Republican Party took the initiative to make some changes in the election of our ranking Republican member, or the chairman, if we were in the majority. Under the Conable task force, a great deal of time and study resulted in a procedure which we followed yesterday. Each of our ranking Members was voted on separately and secretly. The net result was that we chose responsible members for each committee to be the ranking minority member. We have made that decision on our side, and we do not think you should come over and upset those decisions on our side. And I do not think—and I think a vast majority of our Members do not think—that we should make any decision as far as your party caucus is concerned.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the majority leader.

Mr. BOGGS. First, I wish to commend the minority leader for the statement he has made. The position he takes is sensible. It is completely in accord with the two-party system. Any other decision would greatly weaken one of the real blocks of granite that support this republic; namely, the two-party system.

Second, I want the record to show that the Democratic caucus this year first met for 3 solid days. It was the most open, the most democratic caucus that I have attended in 30 years as a Member of this body.

I would also point out that we, too, had a task force, known as the Hansen committee. That committee worked hard and diligently. It was made up of 15 Members on our side, who represented every possible philosophical point of view in the Democratic Party. They came to a unanimous resolution on their recommendations, and those recommendations in turn were adopted by the caucus.

Just as the gentleman from Michigan said that they had the right to vote on each of their ranking Members separately, so we had the same right and did so on yesterday.

I thank the gentleman.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman of Michigan (Mr. BROWN).

Mr. BROWN of Michigan. I thank the gentleman for yielding.

I will restrain myself from commenting on the merits of the proposal before us, but the quiet that has settled over this Chamber manifests, I believe, the serious hangup the House of Representatives has found itself in—a hangup which results from the application of a system with such exactitude that the House finds itself in the position it presently does.

Mr. GERALD R. FORD. Mr. Speaker, I have one further observation. I take exception to the comments of the gentleman from California when he indirectly or directly says that the Congress has not responded to the needs legislatively for the District of Columbia.

Very quickly, as he was condemning the efforts of this committee and the Congress in this regard, I thought of some rather landmark legislation which came out of the committee in the past several years.

In 1970, the House passed the District of Columbia crime bill, which is sound legislation. It should be enacted in other jurisdictions in the United States. It will help to correct the crime problem in the District of Columbia.

The Committee on the District of Columbia over the years has taken the initiative for a subway system, a multimillion-dollar subway system which, when completed, will be the best in the whole world.

This House committee has responded to the needs of education in the District of Columbia. The Congress set up the Federal City College. The problems they are having are not the fault of the Congress. The problems of the college are internal, I gather from reading the newspapers.

We can go down the list. This committee and this Congress over the past several years have responded to the legitimate needs of the District of Columbia, and I do not believe we ought to apologize when you consider the constructive structural changes in the government of the District of Columbia. We now have a more responsive school board. The old commissioner form of government has been abolished and we have a mayor and an elected Commission. Shortly we will have a nonvoting Delegate from the District.

The Congress has continued to increase the annual contribution by the Federal Government. Despite the critics, Congress has responded and will continue to do so.

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from Michigan.

Mr. O'HARA. Mr. Speaker, while I do not share the minority leader's admiration for the work of the Committee on the District of Columbia—and, indeed, I was on the losing side yesterday—I want to put myself squarely with him and with the gentleman from Michigan (Mr. BROWN) in observing that the caucus should not follow any rigid system. Indeed, we did not follow a rigid system. Each of us had an opportunity to vote on the chairman. I happened to be on the losing side, and am unhappy with the result, but that does not make any difference with respect to the basic premise stated by the majority leader and the minority leader; that is, that each party should be free to make its own decisions without hindrance from the other. I hope we do not yield on that principle today.

Mr. STEIGER of Arizona. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I should like to add one point to my colleagues on this side of the aisle.

The gentleman from California, as the minority leader pointed out, was unable to convince the Democrat caucus yesterday of the validity of his position. He is now appealing to Republicans. The only basis for this appeal, it seems to me, is one of vindictiveness on the part of Republicans in an attempt to embarrass or to upset a democratic decision.

We all know Republicans are noted for their charity, wisdom, good sense, and lack of vindictiveness, so I hope they will stay with us on this.

Mr. RIEGLE. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Michigan.

Mr. RIEGLE. I thank the gentleman for yielding.

I have the greatest respect for the minority leader and do not wish to disagree with him on the point he has tried to make. I do, however, want to congratulate the gentleman from California (Mr. WALDIE) for his courage in bringing this issue to the House, because this is where I believe it belongs.

The part of the issue not yet discussed in the House as a whole, or publicly, is the question of whether the job done by the District of Columbia Committee in the House over the years has been sufficient or not.

We all have different vantage points on this, and we might all reach different judgments. However, for the last 4 years I have served on the Subcommittee on the District of Columbia of the Committee on Appropriations. From that vantage point I would express my opinion that the work of the Committee on the District of Columbia has not been outstanding. Rather, it has been slow and I do not think it has been responsive. I believe the people of the District of Columbia, who are not self-governing and ought to be, would express the same judgment if they had the opportunity. We should express our collective judgment, but we are not doing so today. To suggest that we ought not to consider it, I believe, is wrong. We can and should consider the record of the District of Columbia Committee.

Mr. Speaker, I would conclude by saying that from the experiences I have had in private industry and other organizations outside the Federal Government, if the committees there performed with the slowness and the unresponsiveness that this Committee on the District of Columbia has over a period of time—not in all cases, but in many—where they have not responded as well as other committees of Congress have, the chairmen of those committees would have been removed in private industry or in academic institutions or other professional organizations.

This is a question that should be considered. If we are going to decide this, then let us look beyond the traditional courtesies of the House over a period of time, but look at the record of performance of the committee, and its chairman. That is the question that is before us and that is what the people of the District of Columbia care about, and their concern ought to be heard and considered here today.

Mr. GERALD R. FORD. Mr. Speaker, one of the cornerstones of the American political system should be party responsibility. We believe on our side that we have taken the initiative through a proper precedure to put individuals at the head of each committee from our side who will do a responsible job, and we will stand by those decisions. We hope and trust that those on the Democratic side will not interfere with our process. I hope and trust that we on our side do not interfere with your decisions made in your caucus. Let the Amercan people make the decision in the next election as to which political party managed its business and the public business most effectively.

Mr. Speaker, I yield back the balance of my time.

Mr. MILLS. Mr. Speaker, if this is to be prolonged, I am tempted to withdraw my request. I only made my request to dispense with the reading of the names of the Members appointed to the committees in order to attempt to expedite the matter.

Mr. Speaker, I will not withdraw the request now, I say, although I am tempted to.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. JACOBS. Mr. Speaker, further reserving the right to object, I listened to the minority leader and his description of the cornucopia poured out to this community from the committee on which I serve, the Committee on the District of Columbia, and I can only say I regret that Mr. Dickens is no longer with us.

The gentleman cited as the cornerstone of this cornucopia a crime bill and a subway system. I wonder why the gentleman did not choose to speak of hungry children of the District of Columbia who are without education. I remember the President of the United States once went to Moscow and said:

> You may have better missilery than we have, but we have better color television.

I will tell you, the basic human needs of this country have to be met. If this country will be a safe society for our little ones to grow up in, we will have to think of something more than an effective crime bill and an effective subway system. We had better start thinking about those human needs that have been neglected. Well I know they have been neglected in this community, including Junior Village and including a lack of adequate education. I will tell you why they have not done anything about it. It is because the committee has not had enough interest to go out and become acquainted with this community. As my father used to say, they are for the people as long as they do not have to get acquainted with them. I wish that the minority leader would address himself to this problem.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. CONYERS. Mr. Speaker, reserving the right to object, and I shall not object, I would like to raise a question that has come to my mind after listening to the distinguished minority leader.

The question is, do the minority Members intend to simply ratify the decisions from the majority caucus or are they entitled and obligated to make an evaluatory determination as to what they think is correct regarding who should be the chairmen of the various committees in this 92d Congress?

In other words, is this an automatic ratification process in which the minority party merely accepts the decision of the majority party or are minority Members prepared at this point to inquire into this question?

I yield to the distinguished minority leader for a response to that question.

Mr. GERALD R. FORD. I am glad the gentleman from Michigan has yielded to me for that purpose.

We do not have a unit rule on our side of the aisle. The Republican conference does not bind its Members to vote as a majority of the conference decides. As Republicans, we do not dictate to our Members.

Mr. CONYERS. Then who were you speaking for when you said that your party or your membership was going to ratify the Democratic decisions if you do not have the unit rule?

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman will yield further, our Members will have voted for our nominees for ranking Members on each of the committees and we did it in our caucus or conference by a secret ballot with a separate vote in each case. We do not think under our political system in America that you, the Democrats, should make decisions for us. We do not think we should become involved in making decisions for your party.

The American people decided last November that the Democrats shall be the majority. Democrats are in the majority and the American voters in 1972 will pass judgment on the record that is written in the Congress, including the selection of committee chairmen and the operations of those committee chairmen in the next election.

I happen to believe that party responsibility is a strong cornerstone of our system.

We should not vote against the previous question. That is your decision. We will take care of ourselves when the next resolution is offered.

Mr. CONYERS. In other words, the distinguished minority leader leaves to the discretion of every Member on the other side of the aisle the right to review in his own mind the validity of these Democratic caucus recommendations; is that correct?

Mr. GERALD R. FORD. That is correct. Each Member on our side will make up his own mind. As I said a moment ago, we have no unit rule in the Republican Party.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mrs. GREEN of Oregon. Mr. Speaker, further reserving the right to object, and I shall not object, but very briefly I would like to make two comments.

First, mention has been made of education in the District of Columbia. Any examination of the amount that is spent per capita in the District of Columbia would show that it is more than in almost any city that the rest of us represent in the United States.

Second, in terms of the tax effort, the effort index, you will find that in most of our cities in the United States that our people and our constituents are paying more in property taxes to support schools than residents in the District of Columbia are paying. So congressional effort is one matter. Local effort also needs to be talked about.

Mr. JACOBS. Mr. Speaker, will be distinguished gentlewoman yield for a response to that point?

Mrs. GREEN of Oregon. If the gentleman will let me continue, then I shall be glad to yield to the gentleman.

As to the suggestion that has been made by the gentleman from California, it seems to me it has the most potential for mischief of any suggestion I have heard since I have been a Member of Congress, and let me tell you why. The Oregon Legislature has been meeting for the last 12 or 14 days and the majority of the members in the Oregon Senate are Democrats. They have had a total of 54 ballots to decide who was going to be the president of the Oregon Senate in spite of the fact that the Democratic caucus chose their candidate for senate president. It has been suggested that the rules say that the House shall select the chairman of the committees and elect the Speaker. If we are going to follow the suggestion made by the gentleman from California, we certainly have the potential for a coalition here in any single year and a minority can really determine who the Speaker of the House shall be regardless of the fact that the American people have placed the responsibility for leadership upon the party that is the majority party. That is exactly what has happened in the Oregon Legislature.

Finally, after 54 ballots, the candidate of the majority caucus was not elected and a coalition of the minority of the majority party and part of the minority party itself elected the president. This is exactly what the gentleman from California is asking us to do today in a committee chairmanship.

I repeat that this kind of suggestion has the greatest potential for michief of anything in terms of two-party procedure that we can develop. Its long-term significance transcends the specific selection of any single chairman. The procedural policies in organizing the House must be maintained or there is going to be absolute chaos. Party responsibility will be destroyed and no one will know who to hold responsible as far as the two parties are concerned for successes or failures. Let us look at the long-range implications of such a departure as is proposed.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

Mr. **JACOBS**. Mr. Speaker, I reserve the right to object, and I do so because I want to reply to the statements made by the gentlewoman from Oregon.

Mr. **MILLS**. Regular order, Mr. Speaker.

The **SPEAKER**. Regular order has been demanded, and the regular order is, Is there objection to dispensing with the reading of the resolution?

Mr. **JACOBS**. Mr. Speaker, reserving the right to object——

The **SPEAKER**. The regular order has been demanded. The gentleman can either object or permit the request to be granted.

Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The resolution is as follows:

H. Res. 193

Resolved, That the following-named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: W. R. Poage (chairman), Texas; John L. McMillan, South Carolina; Thomas G. Abernethy, Mississippi; Watkins M. Abbitt, Virginia; Frank A. Stubblefield, Kentucky; Graham Purcell, Texas; Thomas S. Foley, Washington; Eligio de la Garza, Texas; Joseph P. Vigorito, Pennsylvania; Walter B. Jones, North Carolina; B. F. Sisk, California; Bill Alexander, Arkansas; Bill D. Burlison, Missouri; John R. Rarick, Louisiana; Ed Jones, Tennessee; John Melcher, Montana; John G. Dow, New York; Dawson Mathis, Georgia; Bob Bergland, Minnesota; Arthur A. Link, North Dakota; Frank E. Denholm, South Dakota.

Committee on Appropriations: George H. Mahon (chairman), Texas; Jamie L. Whitten, Mississippi; George W. Andrews, Alabama; John J. Rooney, New York; Robert L. F. Sikes, Florida; Otto E. Passman, Louisiana; Joe L. Evins, Tennessee; Edward P. Boland, Massachusetts; William H. Natcher, Kentucky; Daniel J. Flood, Pennsylvania; Tom Steed, Oklahoma; George E. Shipley, Illinois; John M. Slack, West Virginia; John J. Flynt, Jr., Georgia; Neal Smith, Iowa; Robert N. Giaimo, Connecticut; Julia Butler Hansen, Washington; Joseph P. Addabbo, New York; John J. McFall, California; W. R. Hull, Jr., Missouri; Edward J. Patten, New Jersey; Clarence D. Long, Maryland; Sidney R. Yates, Illinois; Bob Casey, Texas; David Pryor, Arkansas; Frank E. Evans, Colorado; David R. Obey, Wisconsin; Edward R. Roybal, California; William D. Hathaway, Maine; Nick Galifianakis, North Carolina; Louis Stokes, Ohio; J. Edward Roush, Indiana; K. Gunn McKay, Utah.

Committee on Armed Services: F. Edward Hébert (chairman), Louisiana; Melvin Price, Illinois; O. C. Fisher, Texas; Charles E. Bennett, Florida; James A. Byrne, Pennsylvania; Samuel S. Stratton, New York; Otis G. Pike, New York; Richard H. Ichord, Missouri; Lucien N. Nedzi, Michigan; Alton Lennon, North Carolina; Wm. J. Randall, Missouri; G. Elliott Hagan, Georgia; Charles H. Wilson, California; Robert L. Leggett, California; Floyd V. Hicks, Washington; Speedy O. Long, Louisiana; Richard C. White, Texas; Bill Nichols, Alabama; Jack Brinkley, Georgia; Robert H. (Bob) Mollohan, West Virginia; W. C. (Dan) Daniel, Virginia; G. V. (Sonny) Montgomery, Mississippi; Michael J. Harrington, Massachusetts; Harold Runnels, New Mexico; Les Aspin, Wisconsin.

Committee on Banking and Currency: Wright Patman (chairman), Texas; William A. Barrett, Pennsylvania; Leonor K. (Mrs. John B.) Sullivan, Missouri; Henry S. Reuss, Wisconsin; Thomas L. Ashley, Ohio; William S. Moorhead, Pennsylvania; Robert G. Stephens, Jr., Georgia; Fernand J. St Germain, Rhode Island; Henry B. Gonzalez, Texas; Joseph G. Minish, New Jersey; Richard T. Hanna, California; Tom S. Gettys, South Carolina; Frank Annunzio, Illinois; Thomas M. Rees, California; Tom Bevill, Alabama; Charles H. Griffin, Mississippi; James M. Hanley, New York; Frank J. Brasco, New York; Bill Chappell, Jr., Florida; Edward I. Koch, New York; William R. Cotter, Connecticut; Parren J. Mitchell, Maryland.

Committee on the District of Columbia: John L. McMillan (chairman), South Carolina; Thomas G. Abernethy, Mississippi; John Dowdy, Texas; Charles C. Diggs, Jr., Michigan; G. Elliott Hagan, Georgia; Donald M. Fraser, Minnesota; Andrew Jacobs, Jr., Indiana; William L. Hungate, Missouri; Earle Cabell, Texas; Ray Blanton, Tennessee; W. S. (Bill) Stuckey, Georgia; Abner J. Mikva, Illinois; Arthur A. Link, North Dakota; Ronald V. Dellums, California.

Committee on Education and Labor: Carl D. Perkins (chairman), Kentucky; Edith Green, Oregon; Frank Thompson, Jr., New Jersey; John H. Dent, Pennsylvania; Roman C. Pucinski, Illinois; Dominick V. Daniels, New Jersey; John Brademas, Indiana; James G. O'Hara, Michigan; Augustus F. Hawkins, California; William D. Ford, Michigan; Patsy T. Mink, Hawaii; James H. Scheuer, New York; Lloyd Meeds, Washington; Phillip Burton, California; Joseph M. Gaydos, Pennsylvania; William (Bill) Clay, Missouri; Shirley Chisholm, New York; Mario Biaggi, New York; Ella T. Grasso, Connecticut; Louise Day Hicks, Massachusetts; Romano L. Mazzoli, Kentucky; Herman Badillo, New York.

Committee on Foreign Affairs: Thomas E. Morgan (chairman), Pennsylvania; Clement J. Zablocki, Wisconsin; Wayne L. Hays, Ohio; L. H. Fountain, North Carolina; Dante B. Fascell, Florida; Charles C. Diggs, Jr., Michigan; Cornelius E. Gallagher, New Jersey; Robert N. C. Nix, Pennsylvania; John S. Monagan, Connecticut; Donald M. Fraser, Minnesota; Benjamin S. Rosenthal, New York; John C. Culver, Iowa; Lee H. Hamilton, Indiana; Abraham Kazen, Jr., Texas; Lester L. Wolff, New York; Jonathan B. Bingham, New York; Gus Yatron, Pennsylvania; Roy A. Taylor, North Carolina; John W. Davis, Georgia; Morgan F. Murphy, Illinois; Ronald V. Dellums, California.

Committee on Government Operations: Chet Holifield (chairman), California; Jack Brooks, Texas; L. H. Fountain, North Carolina; Robert E. Jones, Alabama; Edward A. Garmatz, Maryland; John E. Moss, California; Dante B. Fascell, Florida; Henry S. Reuss, Wisconsin; John S. Monagan, Connecticut; Torbert H. Macdonald, Massachusetts; William S. Moorhead, Pennsylvania; Cornelius E. Gallagher, New Jersey; Wm. J. Randall, Missouri; Benjamin S. Rosenthal, New York; Jim Wright, Texas; Fernand J. St Germain, Rhode Island; John C. Culver, Iowa; Floyd V. Hicks, Washington; George W. Collins, Illinois; Don Fuqua, Florida; John Conyers, Jr., Michigan; Bill Alexander, Arkansas; Bella S. Abzug, New York.

Committee on House Administration: Frank Annunzio, Illinois; Joseph M. Gaydos, Pennsylvania; Ed Jones, Tennessee.

Committee on Interior and Insular Affairs: Wayne N. Aspinall (chairman), Colorado; James A. Haley, Florida; Ed Edmondson, Oklahoma; Walter S. Baring, Nevada; Roy A. Taylor, North Carolina; Harold T. Johnson, California; Morris K. Udall, Arizona; Phillip Burton, California; Thomas S. Foley, Washington; Robert W. Kastenmeier, Wisconsin; James G. O'Hara, Michigan; William F. Ryan, New York; Patsy T. Mink, Hawaii; James Kee, West Virginia; Lloyd Meeds, Washington; Abraham Kazen, Jr., Texas; Bill D. Burlison, Missouri; Robert G. Stephens, Jr., Georgia; Joseph P. Vigorito, Pennsylvania; John Melcher, Montana; Teno Roncalio, Wyoming; N. J. (Nick) Begich, Alaska; James Abourezk, South Dakota.

Committee on Internal Security: Richard H. Ichord (chairman), Missouri; Claude Pepper, Florida; Edwin W. Edwards, Louisiana; Richardson Preyer, North Carolina; Robert F. Drinan, Massachusetts.

Committee on Interstate and Foreign Commerce: Harley O. Staggers (chairman), West Virginia; Torbert H. Macdonald, Massachusetts; John Jarman, Oklahoma; John E. Moss, California; John D. Dingell, Michigan; Paul G. Rogers, Florida; Lionel Van Deerlin, California; J. J. Pickle, Texas; Fred B. Rooney, Pennsylvania; John M. Murphy, New York; David E. Satterfield III, Virginia; Brock Adams, Washington; Ray Blanton, Tennessee; W. S. (Bill) Stuckey, Georgia; Peter N. Kyros, Maine; Bob Eckhardt, Texas; Robert O. Tiernan, Rhode Island; Richardson Preyer, North Carolina; Bertram L. Podell, New York; Henry Helstoski, New Jersey; James W. Symington, Missouri; Charles J. Carney, Ohio; Ralph H. Metcalfe, Illinois; Goodloe E. Byron, Maryland; William R. Roy, Kansas.

Committee on the Judiciary: Emanuel Celler (chairman), New York; Peter W. Rodino, Jr., New Jersey; Harold D. Donohue, Massachusetts; Jack Brooks, Texas; John Dowdy, Texas; Robert W. Kastenmeier, Wisconsin; Don Edwards, California; William L. Hungate, Missouri; John Conyers, Jr., Michigan; Andrew Jacobs, Jr., Indiana; Joshua Eilberg, Pennsylvania; William F. Ryan, New York; Jerome R. Waldie, California; Edwin W. Edwards, Louisiana; Walter Flowers, Alabama; James R. Mann, South Carolina; Abner J. Mikva, Illinois; Paul S. Sarbanes, Maryland; John F. Seiberling, Jr., Ohio; James Abourezk, South Dakota; George E. Danielson, California; Robert F. Drinan, Massachusetts.

Committee on Merchant Marine and Fisheries: Edward A. Garmatz (chairman), Maryland; Leonor K. (Mrs. John B.) Sullivan, Missouri; Frank M. Clark, Pennsylvania; Thomas L. Ashley, Ohio; John D. Dingell, Michigan; Alton Lennon, North Carolina; Thomas N. Downing, Virginia; James A. Byrne, Pennsylvania; Paul G. Rogers, Florida; Frank A. Stubblefield, Kentucky; John M. Murphy, New York; Joseph E. Karth, Minnesota; Walter B. Jones, North Carolina; Robert L. Leggett, California; Speedy O. Long, Louisiana; Mario Biaggi, New York; Charles H. Griffin, Mississippi; Glenn M. Anderson, California; Eligio de la Garza, Texas; Peter N. Kyros, Maine; Robert O. Tiernan, Rhode Island; James V. Stanton, Ohio.

Committee on Post Office and Civil Service: Thaddeus J. Dulski (chairman), New York; David N. Henderson, North Carolina; Morris K. Udall, Arizona; Dominick V. Daniels, New Jersey; Robert N. C. Nix, Pennsylvania; James M. Hanley, New York; Charles H. Wilson, California; Jerome R. Waldie, California; Richard C. White, Texas; William D. Ford, Michigan; Lee H. Hamilton, Indiana; Frank J. Brasco, New York; Graham Purcell, Texas; Tom Bevill, Alabama; Bill Chappell, Jr., Florida.

Committee on Public Works: John A. Blatnik (chairman), Minnesota; Robert E. Jones, Alabama; John C. Kluczynski, Illinois; Jim Wright, Texas; Kenneth J. Gray, Illinois; Frank M. Clark, Pennsylvania; Ed Edmondson, Oklahoma; Harold T. Johnson, California; Wm. Jennings Bryan Dorn, South Carolina; David N. Henderson, North Carolina; Ray Roberts, Texas; James Kee, West Virginia; James J. Howard, New Jersey; Glenn M. Anderson, California; Patrick T. Caffery, Louisiana; Robert A. Roe, New Jersey; George W. Collins, Illinois; Teno Roncalio, Wyoming; N.J. (Nick) Begich, Alaska; Mike McCormack, Washington; Charles B. Rangel, New York; James V. Stanton, Ohio; Bella S. Abzug, New York.

Committee on Rules: William M. Colmer (chairman), Mississippi; Ray J. Madden, Indiana; James J. Delaney, New York; Richard Bolling, Missouri; Thomas P. O'Neill, Jr., Massachusetts; B. F. Sisk, California; John Young, Texas; Claude Pepper, Florida; Spark M. Matsunaga, Hawaii; William R. Anderson, Tennessee.

Committee on Science and Astronautics: George P. Miller (chairman), California; Olin E. Teague, Texas; Joseph E. Karth, Minnesota; Ken Hechler, West Virginia; John W. Davis, Georgia; Thomas N. Downing, Virginia; Don Fuqua, Florida; Earle Cabell, Texas; James W. Symington, Missouri; Richard T. Hanna, California; Walter Flowers, Alabama; Robert A. Roe, New Jersey; John F. Seiberling, Jr., Ohio; William R. Cotter, Connecticut; Charles B. Rangel, New York; Morgan F. Murphy, Illinois; Mike McCormack, Washington.

Committee on Standards of Official Conduct: Melvin Price (chairman), Illinois; Olin E. Teague, Texas; Watkins M. Abbitt, Virginia; Wayne N. Aspinall, Colorado; F. Edward Hébert, Louisiana; Chet Holifield, California.

Committee on Veterans' Affairs: Olin E. Teague (chairman), Texas; Wm. Jennings Bryan Dorn, South Carolina; James A. Haley, Florida; Walter S. Baring, Nevada; Thaddeus J. Dulski, New York; Ray Roberts, Texas; David E. Satterfield III, Virginia; Henry Helstoski, New Jersey; Roman C. Pucinski, Illinois; Don Edwards, California; G. V. (Sonny) Montgomery, Mississippi; Shirley Chisholm, New York; Charles J. Carney, Ohio; Louise Day Hicks, Massachusetts; George E. Danielson, California; Ella T. Grasso, Connecticut.

Committee on Ways and Means: Joe D. Waggonner, Jr., Louisiana.

Mr. MILLS. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

Mr. WALDIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Speaker has already counted, and a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 259, nays 32, answered "present" 42, not voting 99, as follows:

[Roll No. 13]

YEAS—259

Abernethy
Abourezk
Addabbo
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashbrook
Aspin
Aspinall
Begich
Belcher
Bennett
Bergland
Bevill
Biaggi
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Camp
Carey
Carney
Chappell
Clark
Clawson, Del
Collins, Ill.
Collins, Tex.
Colmer
Corman
Cotter
Crane
Culver
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Dennis
Derwinski
Devine
Diggs
Dorn
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Ford, William D.
Fountain
Fraser
Fuqua
Galifianakis
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffiths
Gross
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harvey
Hays
Hébert
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Hull
Hungate
Hunt
Jacobs
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, La.
Long, Md.
McClory
McClure
McCormack
McEwen
McFall
McKay
McKevitt
McMillan
Macdonald, Mass.
Madden
Mann
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mizell
Mollohan
Monagan
Moorhead
Morgan
Moss
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Patman
Patten
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Poff
Preyer, N.C.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Reuss
Rhodes
Rodino
Rogers
Roncalio
Rosenthal
Rostenkowski
Rousselot
Roy
Roybal
Ruth
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stokes
Stratton
Stuckey
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wolff
Wyman
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—32

Abzug
Badillo
Bell
Conyers
Coughlin
Dellenback
Dellums
Dow
duPont
Edwards, Calif.
Frenzel
Gude
Halpern
Harrington
Hathaway
Hechler, W. Va.
Horton
Koch
Lujan
McCloskey
McKinney
Mitchell
Morse
Mosher
Rangel
Rees
Riegle
Ryan
Steele
Van Deerlin
Vanik
Waldie

ANSWERED "PRESENT"—42

Anderson, Ill.
Archer
Baker
Biester
Broomfield
Brown, Mich.
Buchanan
Byrnes, Wis.
Cederberg
Chamberlain
Cleveland
Conte
Denholm
Dwyer
Erlenborn
Esch
Fish
Ford, Gerald R.
Forsythe
Fulton, Pa.
Heckler, Mass.
Hosmer
Hutchinson
Keating
Kemp
McCollister
Mailliard
Minshall
Pelly
Peyser
Powell
Railsback
Robinson, Va.
Ruppe
Smith, N.Y.
Stafford
Steiger, Wis.
Thone
Vander Jagt
Wilson, Bob
Wyatt
Zwach

NOT VOTING—99

Abbitt
Adams
Alexander
Anderson, Tenn.
Arends
Ashley
Baring
Barrett
Betts
Byrne, Pa.
Cabell
Caffery
Carter
Casey
Celler
Chisholm
Clancy
Clausen, Don H.
Clay
Collier
Conable
Corbett
Daniel, Va.
Delaney
Dent
Dickinson
Dingell
Donohue
Dowdy
Drinan
Edwards, La.
Eilberg
Eshleman
Foley
Frelinghuysen
Frey
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Goldwater
Green, Pa.
Griffin
Grover
Gubser
Hall
Hanna
Hansen, Idaho
Harsha
Hastings
Hawkins
Helstoski
Hicks, Wash.
Howard
Ichord
Jarman
Johnson, Pa.
Kluczynski
Kyros
McCulloch
McDade
McDonald, Mich.
Mahon
Martin
Mathias, Calif.
Melcher
Metcalfe
Montgomery
Murphy, Ill.
Murphy, N.Y.
Nedzi
O'Neill
Passman
Pirnie
Podell
Price, Ill.
Pryor, Ark.
Reid, N.Y.
Roberts
Robison, N.Y.
Roe
Rooney, N.Y.
Rooney, Pa.
Roush
Runnels
St Germain
Scheuer
Schneebeli
Snyder
Stubblefield
Sullivan
Terry
Whalen
Whalley
Wiggins
Wright
Wydler
Wylie
Yatron

So the previous question was ordered.

Mr. LINK changed his vote from "nay" to "yea."

Mr. McKEVITT changed his vote from "present" to "yea."

Mr. VANDER JAGT changed his vote from "nay" to "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 194) and ask for its immediate consideration.

The Clerk read as follows:

H. Res. 194

Resolved, That the following-named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on Agriculture: Page Belcher, Oklahoma; Charles M. Teague, California; William C. Wampler, Virginia; George A. Goodling, Pennsylvania; Clarence E. Miller, Ohio; Robert B. Mathias, California; Wiley Mayne, Iowa; John M. Zwach, Minnesota; Robert Price, Texas; Keith G. Sebelius, Kansas; Wilmer Mizell, North Carolina; Paul Findley, Illinois; John Kyl, Iowa; J. Kenneth Robinson, Virginia.

Committee on Appropriations: Frank T. Bow, Ohio; Charles Raper Jonas, North Carolina; Elford A. Cederberg, Michigan; John J. Rhodes, Arizona; William E. Minshall, Ohio; Robert H. Michel, Illinois; Silvio O. Conte, Massachusetts; Glenn R. Davis, Wisconsin; Howard W. Robison, New York; Garner E. Shriver, Kansas; Joseph M. McDade, Pennsylvania; Mark Andrews, North Dakota; Louis C. Wyman, New Hampshire; Burt L. Talcott, California; Charlotte T. Reid, Illinois; Donald W. Riegle, Jr., Michigan; Wendall Wyatt, Oregon; Jack Edwards, Alabama; Del Clawson, California; William J. Scherle, Iowa; Robert C. McEwen, New York; John T. Myers, Indiana.

Committee on Armed Services: Leslie C. Arends, Illinois; Alvin E. O'Konski, Wisconsin; William G. Bray, Indiana; Bob Wilson, California; Charles S. Gubser, California; Alexander Pirnie, New York; Durward G. Hall, Missouri; Donald D. Clancy, Ohio; Robert T. Stafford, Vermont; Carleton J. King, New York; William L. Dickinson, Alabama; Charles W. Whalen, Jr., Ohio; John E. Hunt, New Jersey; G. William Whitehurst, Virginia; C. W. Bill Young, Florida; Floyd D. Spence, South Carolina.

Committee on Banking and Currency: William B. Widnall, New Jersey; Florence P. Dwyer, New Jersey; Albert W. Johnson, Pennsylvania; J. William Stanton, Ohio; Benjamin B. Blackburn, Georgia; Garry Brown, Michigan; Lawrence G. Williams, Pennsylvania; Chalmers P. Wylie, Ohio; Margaret M. Heckler, Massachusetts; Philip M. Crane, Illinois; John H. Rousselot, California; Stewart B. McKinney, Connecticut; Norman F. Lent, New York; Bill Archer, Texas; Bill Frenzel; Minnesota.

Committee on District of Columbia: Ancher Nelsen, Minnesota, William L. Springer, Illinois; Alvin E. O'Konski, Wisconsin; William H. Harsha, Ohio; Joel T. Broyhill, Virginia; Gilbert Gude, Maryland; Vernon W. Thomson, Wisconsin; Henry P. Smith III, New York; Earl P. Landgrebe, Indiana; Stewart B. McKinney, Connecticut.

Committee on Education and Labor: Albert H. Quie, Minnesota; John M. Ashbrook, Ohio; Alphonzo Bell, California; Ogden R. Reid, New York; John N. Erlenborn, Illinois; John Dellenback, Oregon; Marvin L. Esch, Michigan; Edwin D. Eshleman, Pennsylvania; William A. Steiger, Wisconsin; Earl F. Landgrebe, Indiana; Orval Hansen, Idaho; Earl B. Ruth, North Carolina; Edwin B. Forsythe, New Jersey; Victor V. Veysey, California; Jack F. Kemp, New York; Peter A. Peyser, New York.

Committee on Foreign Affairs: William S. Mailliard, California; Peter H. B. Frelinghuysen, New Jersey; William S. Broomfield, Michigan; J. Irving Whalley, Pennsylvania; H. R. Gross, Iowa; Edward J. Derwinski, Illinois; F. Bradford Morse, Massachusetts; Vernon W. Thomson, Wisconsin; James G. Fulton, Pennsylvania; Paul Findley, Illinois; John Buchanan, Alabama; Sherman P. Lloyd, Utah; J. Herbert Burke, Florida; Seymour Halpern, New York; Guy Vander Jagt, Michigan; Robert H. Steele, Connecticut; Pierre S. duPont IV, Delaware.

Committee on Government Operations: Florence P. Dwyer, New Jersey; Ogden R. Reid, New York; Frank Horton, New York; John N. Erlenborn, Illinois; John W. Wydler, New York; Clarence J. Brown, Ohio; Guy Vander Jagt, Michigan; Gilbert Gude, Maryland; Paul N. McCloskey, Jr., California; John Buchanan, Alabama; Sam Steiger, Arizona; Garry Brown, Michigan; Farry M. Goldwater, Jr., California; J. Kenneth Robinson, Virginia; Walter E. Powell, Ohio; Charles Thone, Nebraska.

Committee on House Administration: John H. Ware, Pennsylvania; Victor V. Veysey, California; Bill Frenzel, Minnesota.

Committee on Interior and Insular Affairs: John P. Saylor, Pennsylvania; Craig Hosmer, California; Joe Skubitz, Kansas; John Kyl, Iowa; Sam Steiger, Arizona; James A. McClure, Idaho; Don H. Clausen, California; Philip E. Ruppe, Michigan; John N. Happy Camp, Oklahoma; Manuel Lujan, Jr., New Mexico; Sherman P. Lloyd, Utah; John Dellenback, Oregon; Keith G. Sebelius, Kansas; James D. (Mike) McKevitt, Colorado; John H. Terry, New York; Jorge L. Córdova, Resident Commissioner of Puerto Rico.

Committee on Internal Security: John M. Ashbrook, Ohio; Roger H. Zion, Indiana; Fletcher Thompson, Georgia; John G. Schmitz, California.

Committee on Interstate and Foreign Commerce: William L. Springer, Illinois; Samuel L. Devine, Ohio; Ancher Nelsen, Minnesota; Hastings Keith, Massachusetts; James T. Broyhill, North Carolina; James Harvey, Michigan; Tim Lee Carter, Kentucky; Clarence J. Brown, Ohio; Dan Kuykendall, Tennessee; Joe Skubitz, Kansas; Fletcher Thompson, Georgia; James F. Hastings, New York; John G. Schmitz, California; James M. Collins, Texas; Louis Frey, Jr., Florida; John H. Ware, Pennsylvania; John Y. McCollister, Nebraska; Richard G. Shoup, Montana.

Committee on Judiciary: William M. McCulloch, Ohio; Richard H. Poff, Virginia; Edward Hutchinson, Michigan; Robert McClory, Illinois; Henry P. Smith III, New York; Charles W. Sandman, Jr., New Jersey; Tom Railsback, Illinois; Edward G. Biester, Jr., Pennsylvania; Charles E. Wiggins, California; David W. Dennis, Indiana; Hamilton Fish, Jr., New York; R. Lawrence Coughlin, Pennsylvania; Wiley Mayne, Iowa; Lawrence J. Hogan, Maryland; William J. Keating, Ohio; James D. McKevitt, Colorado.

Committee on Merchant Marine and Fisheries: Thomas M. Pelly, Washington; William S. Mailliard, California; Charles A. Mosher, Ohio; James R. Grover, Jr., New York; Hastings Keith, Massachusetts; Philip E. Ruppe, Michigan; George A. Goodling, Pennsylvania; William G. Bray, Indiana; Paul N. McCloskey, Jr., California; Jack H. McDonald, Michigan; M. G. (Gene) Snyder, Kentucky; Robert H. Steele, Connecticut; Edwin B. Forsythe, New Jersey; Pierre S. duPont IV, Delaware.

Committee on Post Office and Civil Service: Robert J. Corbett, Pennsylvania; H. R. Gross, Iowa; Edward J. Derwinski, Illinois; Albert W. Johnson, Pennsylvania; William Lloyd Scott, Virginia; James A. McClure, Idaho; Lawrence J. Hogan, Maryland; John H. Rousselot, California; Elwood H. Hillis, Indiana; Walter E. Powell, Ohio.

Committee on Public Works: William H. Harsha, Ohio, James R. Grover, Jr., New York; James C. Cleveland, New Hampshire; Don H. Clausen, California; Fred Schwengel, Iowa; M. G. (Gene) Snyder, Kentucky; Roger H. Zion Indiana; Jack H. McDonald, Michigan; John Paul Hammerschmidt, Arkansas; Clarence E. Miller, Ohio; Wilmer Mizell, North Carolina; John H. Terry, New York; Charles Thone, Nebraska; LaMar Baker, Tennessee.

Committee on Rules: H. Allen Smith, California; John B. Anderson, Illinois; Dave Martin, Nebraska; James H. Quillen, Tennessee; Delbert Latta, Ohio.

Committee on Science and Astronautics: James G. Fulton, Pennsylvania; Charles A. Mosher, Ohio; Alphonzo Bell, California; Thomas M. Pelly, Washington; John W. Wydler, New York; Larry Winn, Jr., Kansas; Robert Price, Texas; Louis Frey, Jr., Florida; Barry M. Goldwater, Jr., California; Marvin L. Esch, Michigan; R Lawrence Coughlin, Pennsylvania; John N. Happy Camp, Oklahoma.

Committee on Standards of Official Conduct: Jackson E. Betts, Ohio; Robert T. Stafford, Vermont; James H. Quillen, Tennessee; Lawrence G. Williams, Pennsylvania; Edward Hutchinson, Michigan; Charlotte T. Reid, Illinois.

Committee on Veterans' Affairs: Charles M. Teague, California; John P. Saylor, Pennsylvania; John Paul Hammerschmidt, Arkansas; William Lloyd Scott, Virginia; Margaret M. Heckler, Massachusetts; John M. Zwach, Minnesota; Chalmers P. Wylie, Ohio; Larry Winn, Jr., Kansas; Earl B. Ruth, North Carolina; Elwood Hillis Indiana.

Committee on Ways and Means: John W. Byrnes, Wisconsin; Jackson E. Betts, Ohio; Herman T. Schneebeli, Pennsylvania; Harold R. Collier, Illinois; Joel T. Broyhill, Virginia; Barber B. Conable, Jr., New York; Charles E. Chamberlain, Michigan; Jerry L. Pettis, California; John J. Duncan, Tennessee; Donald G. Brotzman, Colorado.

Mr. GERALD R. FORD (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REVENUE SHARING—A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. No. 92–44)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

One of the best things about the American Constitution, George Washington suggested shortly after it was written, was that it left so much room for change. For this meant that future generations would have a chance to continue the work which began in Philadelphia.

Future generations took full advantage of that opportunity. For nearly two turbulent centuries, they continually reshaped their government to meet changing public needs. As a result, our political institutions have grown and developed with a changing, growing nation.

Today, the winds of change are blowing more vigorously than ever across our country and the responsiveness of government is being tested once again. Whether our institutions will rise again to this challenge now depends on the readiness of *our* generation to "think anew and act anew," on *our* ability to find better ways of governing.

BETTER WAYS OF GOVERNING

Across America today, growing numbers of men and women are fed up with government as usual. For government as usual too often means government which has failed to keep pace with the times.

Government talks more and taxes more, but too often it fails to deliver. It grows bigger and costlier, but our problems only seem to get worse. A gap has opened in this country between the worlds of promise and performance—and the gap is becoming a gulf that separates hope from accomplishment. The result has been a rising frustration in America, and a mounting fear that our institutions will never again be equal to our needs.

We must fight that fear by attacking its causes. We must restore the confidence of the people in the capacities of their government. I believe the way to begin this work is by taking bold measures to strengthen State and local governments—by providing them with new sources of revenue and a new sense of responsibility.

THE POTENTIAL OF STATE AND LOCAL GOVERNMENT

Part of the genius of our American system is that we have not just one unit of government but many, not just one Chief Executive and Congress in Washington, but many chief executives and legislators in statehouses and courthouses and city halls across our land. I know these men and women well. I know that they enter office with high hopes and with sweeping aspirations. I know they have the potential to be full and effective partners in our quest for public progress.

But once they have taken office, leaders at the State and local level often encounter bitter disappointment. For then they discover that while the need for leadership is pressing, and their potential for leadership is great, the power to provide *effective* leadership is often inadequate to their responsibilities. Their dollars are not sufficient to fulfill either their dreams or their most immediate and pressing needs.

And the situation is getting worse.

A GROWING FISCAL CRISIS

Consider how State and local expenditures have been growing. In the last quarter century, State and local expenses have increased twelvefold, from a mere $11 billion in 1946 to an estimated $132 billion in 1970. In that same time, our Gross National Product, our personal spending, and even spending by the Federal government have not climbed at even one third that rate.

How have the States and localities met these growing demands? They have not met them. State and local revenues have not kept pace with rising expenditures, and today they are falling even further behind. Some authorities estimate that normal revenue growth will fall $10 billion short of outlays in the next year alone.

THE HEAVY BURDEN OF STATE AND LOCAL TAXES

The failure of State and local revenues to keep pace with demands is the inherent result of the way in which our tax system has developed. Ever since the 16th Amendment in 1913 made it possible for the Federal government to tax personal income, this source of revenue has been largely pre-empted and monopolized by Washington. Nine out of every ten personal income tax dollars are collected at the Federal level.

Income tax revenues are quick to reflect economic growth. Often, in fact, they grow much faster than the economy. As a result, budget increases at the Federal level can more readily be financed out of the "natural growth" in revenues, without raising tax rates and without levying new taxes.

State and local governments are not so fortunate. Nearly three-fourths of their tax revenues come from property and sales taxes, which are slow to reflect economic expansion. It is estimated, in fact, that the natural growth in revenues from these sources lags some 40 to 50 percent behind the growth rate for State and local expenditures. This means that budget expansion at these levels must be financed primarily through new taxes and through frequent increases in existing tax rates.

As a result, the weight of State and local taxes has constantly been getting heavier. On a per capita basis, they have climbed almost 50 percent in the last fourteen years. Property tax receipts are six times as great as they were a quarter century ago. In the past dozen years alone, States have been forced to institute new taxes or raise old ones on 450 separate occasions. Consumer and service taxes have sprung up in bewildering variety in many cities.

These rising State and local levies are becoming an almost intolerable burden to many of our taxpayers. Moreover, they often fall hardest on those least able to pay. Poor and middle income consumers, for example, must pay the same sales taxes as the wealthy. The elderly—who often own their own homes—must pay the same property taxes as younger people who are earning a regular income. As further pressures are placed on State and local taxes, the impact is felt in every part of our society. The hard-pressed taxpayer—quite understandably—is calling for relief.

The result is a bitter dilemma for State and local leaders. On the one hand, they must cut services or raise taxes to avoid bankruptcy. On the other hand, the problems they face and the public they serve demand expanded programs and lower costs. Competition between taxing jurisdictions for industry and for residents adds further pressure to keep services up and taxes down.

While political pressures push State and local leaders in one direction, financial pressures drive them in another. The result has been a rapid and demoralizing turnover in State and local officeholders. The voters keep searching for men and women who will make more effective leaders. What the State and localities really need are the resources to make leaders more effective.

THE BEST OF BOTH WORLDS

The growing fiscal crisis in our States and communities is the result in large measure of a fiscal mismatch; needs grow fastest at one level while revenues grow fastest at another. This fiscal mismatch is accompanied, in turn, by an "efficiency mismatch"; taxes are collected most efficiently by the highly centralized Federal tax system while public funds are often spent most efficiently when decisions are made by State and local authorities.

What is needed, then, is a program under which we can enjoy the best of both worlds, a program which will apply fast growing Federal revenues to fast growing State and local requirements, a program that will combine the efficiencies of a centralized tax system with the efficiencies of decentralized expenditure. What is needed, in short, is a program for sharing Federal tax revenues with State and local governments.

A WORD ABOUT PRESENT GRANTS-IN-AID

There is a sense in which the Federal Government already shares its revenues with governments at the lower levels. In fact, Federal aid to the States and localities has grown from less than one billion dollars in 1946 to over 30 billion dollars this year. Unfortunately, most of this assistance comes in the form of highly restricted programs of categorical grants-in-aid. These programs have not provided an effective answer to State and local problems; to the contrary, they provide strong additional evidence that a new program of unrestricted aid is badly needed.

The major difficulty is that States and localities are not free to spend these funds on their own needs as they see them. The money is spent instead for the things Washington wants and in the way Washington orders. Because the categories for which the money is given are often extremely narrow it is difficult to adjust spending to local requirements. And because these categories are extremely resistant to change, large sums are often spent on outdated projects. Pressing needs often go unmet, therefore, while countless dollars are wasted on low priority expenditures.

This system of categorical grants has grown up over the years in a piecemeal fashion, with little concern for how each new program would fit in with existing old ones. The result has been a great deal of overlap and very little coordination. A dozen or more manpower programs, for example, may exist side by side in the same urban neighborhood—each one separately funded and separately managed.

All of these problems are compounded by the frequent requirement that Federal dollars must be matched by State and local money. This requirement often has a major distorting effect on State and local budgets. It guarantees that many Federal errors will be reproduced at the State and local level. And it leaves hard pressed governments at the lower levels with even less money to finance their *own* priorities.

The administrative burdens associated with Federal grants can also be prohibitive. The application process alone can involve volumes of paperwork and delays of many months. There are so many of these programs that they have to be listed in large catalogs and there are so many catalogs that a special catalog of catalogs had to be published. The guidelines which are attached to these grants are so complicated that the government has had to issue special guidelines on how the guidelines should be interpreted. The result of all this has been described by the Advisory Commission on Intergovernmental Relations as "managerial apoplexy" on the State and local level.

Meanwhile, the individual human being, that single person who ultimately is what government is all about, has gotten lost in the shuffle.

State and local governments need Federal help, but what they need most is not more help of the sort they have often been receiving. They need more money to spend, but they also need greater freedom in spending it.

A NEW APPROACH

In the dark days just after the Battle of Britain, Winston Churchill said to the American people: "Give us the tools and we will finish the job."

I now propose that we give our States and our cities, our towns and our counties the tools—so that they can get on with the job.

I propose that the Federal Government make a $16 billion investment in State and local government through two far-reaching revenue sharing programs: a $5 billion program of General Revenue Sharing which I am describing in detail in this message to the Congress, and an $11 billion program of Special Revenue Sharing grants which will be spelled out in a series of subsequent messages.

GENERAL REVENUE SHARING: HOW IT WORKS

The General Revenue Sharing program I offer is similar in many respects to the program I sent to the Congress almost eighteen months ago. But there are also some major differences.

For one thing, this year's program is much bigger. Expenditures during the first full year of operation would be ten times larger than under the old plan. Secondly, a greater proportion—roughly half—of the shared funds would go to local governments under the new proposal. In addition, the 1971 legislation contains a new feature designed to encourage States and localities to work out their own tailor-made formulas for distributing revenues at the State and local level.

The specific details of this program have been worked out in close consultation with city, county and State officials from all parts of the country and in discussions with members of the Congress. Its major provisions are as follows:

1. Determining the Size of the Overall Program.

The Congress would provide a permanent appropriation for General Revenue Sharing. The size of this appropriation each year would be a designated percentage of the Nation's taxable personal income—the base on which individual Federal income taxes are levied. This arrangement would relieve the States and localities of the uncertainty which comes when a new level of support must be debated every year.

Since the fund would grow in a steady and predictable manner with our growing tax base, this arrangement would make it easier for State and local governments to plan intelligently for the future.

The specific appropriation level I am recommending is 1.3 percent of taxable personal income; this would mean a General Revenue Sharing program of approximately $5 billion during the first full year of operation, a sum which would rise automatically to almost $10 billion by 1980. All of this would be "new" money—taken from the increases in our revenues which result from a growing economy. It would not require new taxes nor would it be transferred from existing programs.

2. Dividing Total Revenues Among the States.

Two factors would be used in determining how much money should go to each State: the size of its population and the degree to which it has already mobilized its own tax resources. By using a distribution formula which takes their tax effort into account, this program would encourage the States to bear a fair share of responsibility. A State which makes a stronger effort to meet its own needs would receive more help from the Federal Government.

One other incentive has also been built into the new legislation: those States which negotiate with their local governments a mutually acceptable formula for passing money on to the local level, would receive more money than those States that rely on the Federal formula. This provision would encourage a State and its localities to work out a distribution plan which fits their particular requirements. States which develop such plans would receive a full 100 percent of the money allocated to them under the formula described above. Other States would receive only 90 percent of their allocation, with the remaining ten percent being carried over and added to the following year's overall allocation.

3. Distributing Revenues Within the States.

Those States which do *not* adopt their own plan for subdividing shared revenues would follow a formula prescribed in the Federal legislation. This formula would assign to the State government and to all units of local government combined a share of the new money equal to that portion of State and local revenues currently raised at each level. On the average, this "pass through" requirement would mean that about one-half of the revenue sharing funds would go to the States and half would go to the localities. Governmental units of all sizes would be eligible for aid—but only if they were set up for general purposes. This would exclude *special* purpose units such as sewer districts, school districts, and transit authorities. Each general purpose unit would then receive its proportionate share of revenues based on how much money it raises locally.

4. Other Procedures and Requirements.

General Revenue Sharing monies would come without program or project restrictions. The funds would be paid out at least quarterly through the Treasury Department; no massive new Federal agencies would be established. Each State would be required to pass on to local units their proper share of the Federal funds and to observe appropriate reporting and accounting procedures.

In my State of the Union message I emphasized that these revenue sharing proposals would "include the safeguards against discrimination that accompany all other Federal funds allocated to the States." The legislation I am recommending provides these safeguards. It stipulates that: "No person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with general revenue sharing funds."

The Secretary of the Treasury would be empowered to enforce this provision. If he found a violation and was unable to gain voluntary compliance, he could then call on the Attorney General to seek appropriate relief in the Federal Courts, *or* he could institute administrative proceedings under Title VI of the Civil Rights Act of 1964—leading to a cut off of Federal funds. The Federal Government has a well defined moral and constitutional obligation to ensure fairness for every citizen whenever Federal tax dollars are spent. Under this legislation, the Federal Government would continue to meet that responsibility.

ENHANCING ACCOUNTABILITY

Ironically, the central advantage of revenue sharing—the fact that it combines the advantages of Federal taxation with the advantages of State and local decision-making—is the very point at which the plan is frequently criticized. When one level of government spends money that is raised at another level, it has been argued, it will spend that money less responsibly; when those who appropriate tax revenues are no longer the same people who levy the taxes, they will no longer be as sensitive to taxpayer pressures. The best way to hold government accountable to the people, some suggest, is to be certain that taxing authority and spending authority coincide.

If we look at the practice of government in modern America, however, we find that this is simply not the case. In fact, giving States and localities the power to spend certain Federal tax monies will *increase* the influence of each citizen on how those monies are used. It will make government *more* responsive to taxpayer pressures. It will *enhance* accountability.

In the first place, there is no reason to think that the local taxpayer will be less *motivated* to exert pressure concerning the way shared revenues are spent. For one thing, the local taxpayer is usually a Federal taxpayer as well; he would know that it was his tax money that was being spent.

Even if local taxpayers were only concerned about local taxes, however, they would still have a direct stake in the spending of Federal revenues. For the way Federal money is used determines how much local money is needed. Each wise expenditure of Federal dollars would mean an equivalent release of local money for other purposes—including relief from the need to raise high local taxes even higher. And every wasted Federal dollar would represent a wasted opportunity for easing the pressure on local revenues.

Most voters seldom trace precisely which programs are supported by which levies. What they do ask is that each level of government use *all* its money—wherever it comes from—as wisely as possible.

The average taxpayer, then, will be no less *disposed* to hold public officials to account under revenue sharing. What is more, he will be *able* to hold them to account far more effectively.

The reason for this is that "accountability" really depends, in the end, on accessibility—on *how easily* a given official can be held responsible for his spending decisions. The crucial question is not where the money comes from but whether the official who spends it can be made to answer to those who are affected by the choices he makes. Can they get their views through to him? Is the prospect of their future support a significant incentive for him? Can they remove him from office if they are unhappy with his performance?

These questions are far more likely to receive an affirmative answer in a smaller jurisdiction than in a larger one.

For one thing, as the number of issues is limited, each issue becomes more important. Transportation policy, for example, is a crucial matter for millions of Americans—yet a national election is unlikely to turn on that issue when the great questions of war and peace are at stake.

In addition, each constituent has a greater influence on policy as the number of constituents declines. An angry group of commuters, for example, will have far less impact in a Senatorial or Congressional election than in an election for alderman or county executive. And it is also true that the alderman or county executive will often be able to change the local policy in question far more easily than a single Congressman or Senator can change policy at the Federal level.

Consider what happens with most Federal programs today. The Congress levies taxes and authorizes expenditures, but the crucial operating decisions are often made by anonymous bureaucrats who are directly accountable neither to elected officials nor to the public at large. When programs prove unresponsive to public needs, the fact that the same level of government both raises and spends the revenues is little comfort.

At the local level, however, the situation is often reversed. City councils, school boards and other local authorities are constantly spending revenues which are raised by State governments—in this sense, revenue sharing has been with us for some time. But the separation of taxing and spending authority does not diminish the ability of local voters to hold local officials responsible for their stewardship of *all* public funds.

In short, revenue sharing will not shield State and local officials from taxpayer pressures. It will work in just the opposite direction. Under revenue sharing, it will be harder for State and local officials to excuse their errors by pointing to empty treasuries or to pass the buck by blaming Federal bureaucrats for misdirected spending. Only leaders who have the responsibility to decide and the means to implement their decisions can *really* be held accountable when they fail.

OTHER ADVANTAGES

The nation will realize a number of additional advantages if revenue sharing is put into effect. The need for heavier property and sales taxes will be reduced. New job opportunities will be created at the State and local level. Competition between domestic programs and defense needs will be reduced as the State and local share of domestic spending increases. As the States and localities are renewed and revitalized, we can expect that even more energy and talent will be attracted into government at this level. The best way to develop greater responsibility at the State and local level is to give greater responsibility to State and local government.

In the final analysis, the purpose of General Revenue Sharing is to set our States and localities free—free to set new priorities, free to meet unmet needs, free to make their own mistakes, yes, but also free to score splendid successes which otherwise would never be realized.

For State and local officials bring many unique strengths to the challenges of public leadership. Because they live day in and day out with the results of their decisions, they can often measure costs and benefits with greater sensitivity and weigh them against one another with greater precision. Because they are closer to the people they serve, State and local officials will often have a fuller sense of appreciation of local perspectives and values. Moreover, officials at these lower levels are often more likely to remember what Washington too often forgets: that the purpose of government is not budgets and programs and guidelines, but people.

This reform will also help produce better government at the Federal level.

There is too much to be done in America today for the Federal Government to try to do it all. When we divide up decision-making, then each decision can be made at the place where it has the best chance of being decided in the best way. When we give more people the power to decide, then each decision will receive greater time and attention. This also means that Federal officials will have a greater opportunity to focus on those matters which ought to be handled at the Federal level.

LABORATORIES FOR MODERN GOVERNMENT

Strengthening the States and localities will make our system more diversified and more flexible. Once again these units will be able to serve—as they so often did in the 19th century and during the Progressive Era—as laboratories for modern government. Here ideas can be tested more easily than they can on a national scale. Here the results can be assessed, the failures repaired, the successes proven and publicized. Revitalized State and local governments will be able to tap a variety of energies and express a variety of values. Learning from one another and even competing with one another, they will help us develop better ways of governing.

The ability of every individual to feel a sense of participation in government will also increase as State and local power increases. As more decisions are made at the scene of the action, more of our citizens can have a piece of the action. As we multiply the centers of effective power in this country, we will also multiply the opportunity for every individual to make his own mark on the events of his time.

Finally, let us remember this central point: the purpose of revenue sharing is not to *prevent* action but rather to *promote* action. It is not a means of *fighting* power but a means of *focusing* power. *Our* ultimate goal must always be to locate power at that place—public or private—Federal or local—where it can be used most responsibly and most responsively, with the greatest efficiency and with the greatest effectiveness.

"THE CARDINAL QUESTION"

Throughout our history, at one critical turning point after another, the question on which the nation's future turned was the relationship between the States and the central government. Woodrow Wilson properly described it as "the cardinal question of our constitutional system."

In most cases—in the 1780's and in the 1860's and in the 1930's, for example—that question was resolved in favor of a stronger government at the Federal level. But as President Wilson went on to say, this question is one which "cannot . . . be settled by the opinion of any one generation, because it is a question of growth, and every successive stage of our political and economic development gives it a new aspect, makes it a new question."

Because America has now reached another new stage of development, we are asking that "cardinal question" again in the 1970's. As in the past, this is a matter beyond party and beyond faction. It is a matter that summons all of us to join together in a common quest, considering not our separate interests but our shared concerns and values.

To a remarkable degree, Americans are answering Wilson's cardinal question in our time by calling on the Federal Government to invest a portion of its tax revenues in stronger State and local governments. A true national consensus is emerging in support of revenue sharing. Most other nations with Federal systems already have it. Most Mayors and Governors have endorsed it. So have the campaign platforms of both major political parties. This is a truly bi-partisan effort.

Revenue sharing is an idea whose time has clearly come. It provides this Congress with an opportunity to be recorded as one that met its moment, and answered the call of history. So let us join together, and, by putting this idea into action, help revitalize our Federal system and renew our nation.

RICHARD NIXON.

THE WHITE HOUSE, *February 4, 1971.*

THE PRESIDENT'S PROPOSED REVENUE SHARING WITH STATES AND CITIES

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, the President has laid before the Congress a compelling case for general revenue sharing with the States and cities. His arguments are most cogent.

What the President is proposing is a new approach to government. In a sense, it is not new. He is asking that we return to the time when the bulk of government decisions in America were made in town meetings across the land. He is, in effect, urging that we return to government by the people.

I realize these are strange words when addressed to the representatives of the people, which is what all Members of the U.S. House of Representatives are. I am fond of calling this the people's House. But the fact remains that because the Federal Government is the all-powerful tax collector in this land we have strayed grievously away from the principle that government should be as close as possible to the people.

General revenue sharing affords the Congress an opportunity to come closer to the people—to put the money and the responsibility where the problems are.

I believe that in endorsing general revenue sharing a Member of Congress will be reaffirming his faith in the local political process—and that process is the foundation of free government, government by free men.

The alternative to general revenue sharing is the grafting of new growth onto old Federal programs.

I urge that we take to new paths—that we cut through the tangled undergrowth of the Federal bureaucracy with an approach that will usher in a new era of self-government for the American people.

LEGISLATIVE PROGRAM FOR WEEK OF FEBRUARY 8

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguishd majority leader the program for the remainder of this week, if any, and the schedule for next.

Mr. BOGGS. Will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I appreciate the distinguished minority leader yielding to me.

As all of us know, we have just completed work on the appointment of the standing committees of the House for the 92d Congress. I would hope the committees would begin meeting now so we would have a program available by the end of the recess which begins next Wednesday.

There is no program for next week.

Mr. GERALD R. FORD. Would the majority leader indicate whether there will be a session tomorrow or not? And for his information, I understand that there is no message from the President coming up.

Mr. BOGGS. It is my intention to ask that we go over.

ADJOURNMENT TO MONDAY, FEBRUARY 8

Mr. Speaker, I ask unanimous consent that when the House adourns today it adjourn to meet on Monday next.

The SPEAKER Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO SIT DURING SESSIONS OF HOUSE IN 92D CONGRESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be authorized to sit during sessions of the House in the 92d Congress.

The SPEAKER Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE SPIRIT AND THE ACTIVITIES OF THE CITIZENS OF CORTLAND, N.Y.

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. HANLEY. Mr. Speaker, I want to bring to the attention of my colleagues a recent article which appeared in the New York Times dealing with spirit and the activities of the citizens of Cortland, N.Y.

The article details the great sense of community pride which Cortland citizens share and outlines a number of the activities which this pride has generated.

A sense of belonging together and willingness to make joint efforts and common sacrifices are characteristics which breathe life into the genuine communities in this country. They are characteristics which point the way toward creating the kind of atmosphere which communities must have if they expect to deal effectively with common problems.

I am pleased to be able to represent the citizens of Cortland here in Congress and I look forward to the opportunity to work with them and their civic pride and community awareness toward the solution of the many problems we commonly share.

The Times article follows:

CORTLAND IS A PORTRAIT OF SELF-RELIANCE

(By Murray Schumach)

CORTLAND, N.Y.—There is a saying in this city that goes: "All you have to do is find a problem and an organization will be formed to deal with it."

Less than two weeks before Christmas, Mrs. Florence Fitzgerald, chairman of the Cortland County Board of Supervisors, posed a problem that seemed insuperable. Raise money to bring the 16 servicemen from this area home for Christmas.

THE TALK OF CORTLAND

More than 200 organizations went to work in this section of central New York—at luncheons, in schools and churches, canvassing door-to-door and by telephone, they spoke to union leaders, factory executives, grange officials. They coalesced under Mrs. Fitzgerald, raised more than $10,000 and the G.I.'s were home during Christmas.

The accomplishment reinforced the ingrained local pride that is as much a part of this middle-class city at its towering elm trees, clean streets, circle of hills and balanced economy.

ETERNAL FLAME AT MONUMENT

This was not the first time the people here have supported their servicemen in Vietnam. In 1965 they contributed $7,500 and donated labor to raise a black granite memorial to their war dead in Vietnam. The stone now has 17 names. The cost of maintaining the gas-fed eternal flame on the memorial, about $250 a year, is paid by the parishioners of St. Anthony's Roman Catholic Church.

Though an employee of the local division of the New York Gas and Electric Corporation installed the gas lines on his own time, without charge, the utility was unable to donate the gas. "I wish we could," said an official. "But we are forbidden to donate the gas by Public Service Commission regulations."

The spirited self-reliance of the people is evident almost everywhere in this city of slightly more than 20,000, mainly of Irish and Italian extraction. The Irish came in the last century to dig the Erie Canal and build railroads. The Italians arrived during the first two decades of this century to work in steel mills and as mechanics and builders.

FEDERAL MONEY REJECTED

When shopping plazas were built outside the city and business began to slump along Main Street, the local merchants of this city some 235 miles from New York did not vanish as they have in many other upstate cities. Cortland even spurned Federal urban-renewal money.

Under the leadership of Mayor Morris A. Noss, they yanked out the parking meters along Main Street and instituted free diagonal parking. Land was acquired near the street for additional free parking for up to three hours. Stores were renovated. Business has more than recovered its earlier losses.

"When there's a need to do something here," the Mayor said recently, "these people will do it."

About 12 years ago the city, like a number of other upstate cities, was losing industry. It founded the Cortland Development Corporation and sold stock to the public at $50 share, raising $250,000 to buy land and attract industry.

Christ-Craft, Wilson Sporting Goods, and Paul Trinity Micro Corporation, joined such resident companies Smith-Corona, Championt Sheet Metal, Monarch Machine and Tool, Chescent Corset, Brockway trucks, Wickwire Brothers (makers of wire) and companies that make about 80 per cent of the nation's fishline.

About 10 years ago the city realized that its hospital facilities were inadequate. People in this area pitched in and raised a million dollars and built Cortland Memorial Hospital.

"People live a long time here," said Dr. Kenneth I. E. MacLeod, County Commissioner of Public Health. "I would rate the hygiene of this city among the top 15 per cent of cities in the nation."

And James V. Feuss, his senior public health engineer, who spent an anguished year in New York City in the Public Health Service, added:

"The people here are not beset with the daily frustrations, the insults to the senses of big cities. You go into a store here and you don't get a 10-second shuffle. If you ask a question they answer."

TAX RATE DECLINES

Taxes in this city have gone down for the last four years, from $16 a thousand to $9.60 a thousand. Employment during the national recession has fallen off only slightly here, mainly because of a three-year layoff at Smith-Corona, which ends today.

One of the most notable examples of the cooperative atmosphere that has produced so many organizations here is the relationship between the city and Cortland College, with its student body of 4,500, most of them from Nassau and Suffolk Counties and other suburbs of New York City.

The college, part of the state university system, is one of the city's major industries. It has an annual budget of $11-million, most of it salaries spent in this area. It has a substantial construction program and 900 employes.

"We don't have the sort of town-and-gown frictions here that you find in so many places," says Richard Margison, director of business affairs for the college.

Many from the faculty and student body help in community affairs.

George H. Wiltsie Jr., whose father established the family department store on Main Street in 1902, says: "Cortland is not usual, period."

GROWING SOVIET SEAGOING STRENGTH

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to recommend the following address to the attention of all Members of this House—not just those from coastal States such as mine, but from every State in the Nation. The problem it deals with is the threat posed to the whole Nation, not just the coastal States, by growing Soviet seagoing strength, and by this is meant not only naval power, but the capabilities of the merchant marine of either nation. Trade is vital to a nation and without a merchant marine, this country is at the mercy of the fleets of other nations. Today, the world is confronted with an overall shortage of shipping tonnage. No nation and its economic interests have been as affected as ours, which is 95 percent dependent on the availability of foreign carriers.

THE RED FLAG ON THE HIGH SEAS

(An address delivered at the AFL-CIO Maritime Trades Department by Andrew A. Pettis, president of the Industrial Union of Marine and Shipbuilding Workers of America, AFL-CIO)

Back early in this century, the world was rocked by the Russian Revolution—a social upheaval whose echoes still reverberate around the globe.

The Russian Revolution did not end with the deposing of the Czarist system, nor with the adoption of the Communist system of government in a nation which stretches across the vast land mass which makes up so much of the European and Asian continents.

The Russian Revolution was designed, not only for domestic consumption, but for export, as well—and the Communist philosophy has been exported, over the years, both to many of the ancient states of Europe and Asia, but also to the emerging nations of Africa—and even to our own doorstep, here in the Western Hemisphere.

If the Russian Revolution were only philosophical, its continuing dissemination throughout the world would still be a serious threat to our way of life—to our philosophy which is based on the worth of the *man*, not the worth of the *state;* to our philosophy which concerns itself with the primacy of the individual, limited only by the needs for the individual to be a responsible, and responsive, member of society.

As I say, if the Russian Revolution that is being exported worldwide were only a philosophical one, it would be dangerous. But because it goes beyond the pholosophical—because it is a political revolution—a military revolution, a technological revolution, an economic revolution, as well—because of this, it poses a constant menace to the United States, its people, its government, it institutions.

It is to our credit that we have not sat idly by. We have been on guard against the Communist attempts to infiltrate the Middle East . . . against the Communist efforts to use Cuba as a springboard either for potential attack on the United States or as a base for subversion of our neighbors in Central and South America . . . against the Communist efforts to enlarge its sphere of influence in Southeast Asia, thus upsetting the delicate balance of power—a balance of power which is one of our best hopes for averting a worldwide military confrontation.

Yet, even after the last American troops have left that beleaguered country, there is another continuing Soviet threat which the United States must be prepared to face: The threat which the Soviets are mounting on the sea-lanes of the world.

The Soviet Navy today is second only to that of the United States—a feat undreamed of two decades ago, when you consider the fact that the Soviets have few outlets to the sea. And the modern Soviet merchant marine soon will be larger than the present American maritime fleet, which is predominantly over-age and which is declining rapidly both in numbers and tonnage.

There is a lesson of history which we must heed—that the nation which builds the ships, which carries the cargoes and which keeps the sea-lanes churning with commerce, has, to say the least, a big voice in the world.

The Russians recognize this—and so we have been witnessing a Russian revolution at sea.

The past decade has seen the Soviet Union surge to preeminence as a world maritime power. That same period has seen the United States drift toward oblivion on the high seas.

The Soviet effort to develop a Navy of first rank must be considered in the light of its potential threat to our national security. The creation of a viable Soviet merchant marine should be viewed in the same light—because a merchant marine is, by any reasonable standard of measurement, any nation's fourth arm of defense, providing the logistical support which is vital to any military effort, even in these days of modern airlift capability.

The creation of a viable Soviet merchant marine must also be viewed as an economic challenge—because the nation which controls the sea-lanes of the world has its hand on the jugular vein of trade, which is vital to any nation's economic survival, particularly ours.

And the stark fact of the matter is that a modern Soviet merchant fleet now confronts us on every sea-lane of the world. Soviet ships are now begining to call at West Coast ports, adding a menacing new dimension to our historic trade with the Orient.

The development of the Soviet merchant fleet is an astonishing one—because, until the end of World War II, the Soviet Union was essentially a land-oriented nation. In the past two decades—and particularly since 1960—the Soviets have changed all that, with a program that surpasses even our own great shipbuilding program of World War II.

Eighty percent of the Russian fleet is now less than 10 years old. It incorporates the latest technological developments in world shipbuilding, as they relate to the maritime needs of that nation.

And that's only for openers. The Russians say they intend to double their present fleet by 1980. In view of their past performance—in view of the fact that one-fourth of the ships under construction in the world today are for Communist registry—I see no reason to doubt that statement. If anything, we must consider it an understatement of Soviet intentions—and Soviet capabilities.

It would be a mistake for us to think of the Soviet Union, then, as a landlocked nation. In 1958, for example, water transportation accounted for less than 7 percent of that nation's domestic cargo movement. Ten years later, that figure had soared to 20 percent. As for its foreign commerce, the figures are even more alarming: For the past several years, the Soviet merchant fleet has carried more than half of Russia's foreign oceanborne commerce. Well over half of the goods that move to and from the Soviet Union by water, move in the holds of vessels flying the "hammer and sickle"—a flag which is now seen in virtually every major port around the world, including the Free World ports of our allies.

What has happened to the U.S. merchant fleet—and to our oceanborne trade?

At the close of World War II, the U.S. merchant fleet of nearly 3,700 ships was the largest in the world and the pride of this nation. It carried nearly half of our import and export trade.

In the years since that time, however, the U.S.-flag fleet has steadily and relentlessly declined. Today, U.S. imports and exports are of truly staggering proportions. They account for one-third of the total world trade. They are valued at about $70 billion a year. And yet American-flag vessels carry less than 5 percent of our total waterborne foreign commerce. That means that 95 percent of this trade moves in ships of other nations—and the Soviets see this as a plum ripe for the picking.

Remember, now, that the Soviet system is different from ours. Theirs is a government-controlled economy; ours is a free economy. Our system of private enterprise depends on producing profits which workers and employers share; the Soviet system demands no such condition from its efforts. Since the Soviet merchant marine is state-built, state-owned, state-operated, it can be run at a deficit any time it suits the political fancy of its masters in the Kremlin, and any time that it serves the long-range Soviet goals of world political domination.

In head-to-head competition with the citizen-built, citizen-owned and citizen-manned American merchant marine, then, the Russians could bury us at sea, taking a temporary loss in freight rates in order to drive us out of the market—and then raising freight rates to exorbitant levels, or simply denying us access to any sort of shipping, once they had accomplished their purpose of sweeping us from the oceans of the world.

This is no idle threat. The American economy depends, for its survival, on foreign trade. The United States used to be able to take care of itself in terms of basic raw materials. The United States can no longer rely exclusively on domestic sources—our demands for raw material to feed our industrial furnace far outstrip our domestic supply. Our ability to sustain our economy will become more and more dependent upon the availability of foreign raw materials.

To insure that we have these materials at hand, we must have a merchant marine in being. Otherwise, the ships of other nations—the Soviet Union or even friendly nations—will have us at their mercy.

This is not a new concept. A dozen years ago—in 1958, to be precise—when President Eisenhower spoke of an economic war facing the United States in world trade circles, the first contracts were executed under an ambitious program that would have replaced the entire subsidized liner fleet.

During the decade that followed, our planned ship-replacement program never got out of first gear. The highest performance point was reached in 1963, when contracts for 27 ships were executed. From that point forward, the program decelerated to an average level of 10 to 11 ships per year, where we have since remained.

During this period, the meager expansion of our privately-owned merchant marine was offset by a substantial decrease in the Reserve Fleet. This resulted in a net decrease of 7.5 million tons. And during this same time span, the average age of the entire U.S. merchant fleet lengthened from 14 to 27 years. Think of it: A fleet whose age averaged 27 years, when the average effective life of a vessel is only 20 years!

During the critical decade of the Sixties, the nation's maritime program drifted aimlessly in a sea of governmental neglect and confusion. The shipbuilding program was scrapped and the American merchant fleet was virtually scuttled—over the vigorous and repeated protestations of the Congress.

To correct this deficit on our maritime capabilities, President Nixon proposed the comprehensive long-range merchant shipbuilding program which was passed by Congress and signed into law.

There is an overriding need for this program. That is the only reason why—in a period when the Administration is actively engaged in cutting federal spending wherever possible—Congress approved a program calling for an investment of nearly $2.7 billion over the next ten years. In a period when we are paring other government expenditures to the bone, there has to be enormous justification for that kind of an outlay. And there is.

The purpose of the program is, first of all, to preserve our merchant fleet. Beyond that, the purpose is to modernize it, so that our ships, can, once again, compete in the world market—so that our ships can carry a substantial share of our waterborne commerce in general, and in particular the strategic raw materials upon which our industrial complex relies—so that we can meet this Soviet menace, and all of the economic and political potentials that this menace contains.

The new shipbuilding program will triple the current output of 10 ships a year, giving this industry a long-overdue assurance of continuity in our maritime commitment.

The new program will materially increase the amount of goods moving in commerce to and from our shores in the holds of American-flag vessels.

These, basically, are the goals of the program—and they form the rationale for embarking on a maritime program now, in the midst of what is otherwise a move toward greater economy in government.

I mentioned at the outset the Russian Revolution—and particularly the Russian revolution at sea. Let me remind you, however, of our own American history. For our country was born out of revolution, too—and now we, too, are embarked on a maritime revolution that will provide the foundation for a viable American-flag fleet for the next two decades.

The Russian menace is very real. It will be with us for a long time to come, for there is a relentless quality to every effort of the Soviets to gain world domination. But we are a stubborn people, too, with our feet planted in a proud history.

Our merchant marine is part of that long proud history. It has made a continuing contribution to our growth, to our defense, to our freedom.

I am confident that we can meet, and surpass, the Soviet challenge on the high seas, for I am firmly convinced that a free nation can, over the long haul, achieve more than a slave nation.

We can prove this during the 70's as we move ahead with this new program of shipping and shipbuilding.

NEGOTIATIONS WITH CANADA TO LOWER TARIFF BARRIERS

(Mr. CORMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORMAN. Mr. Speaker, the recently adjourned 91st Congress agonized interminably, and unsuccessfully, over foreign trade legislation. Now it appears that the struggle begins all over again with the introduction of H.R. 20.

I have, on yesterday, introduced a bill of my own, H.R. 3263, which amends the Trade Expansion Act of 1962, as does the foregoing bill, but in a different way, and for a different purpose.

My bill seeks to give the President of the United States a limited authority needed to negotiate with Canada for the reduction, or elimination of some of the American and Canadian import duties which cause irritations or disruptions in the otherwise smooth flow of trade between these two countries. The bill's objectives are relatively modest. They contemplate no major Kennedy round of negotiations, no sweeping away of import levies on a broad classification basis. On the contrary, the bill contemplates that negotiations be conducted on an individual product basis, for the purpose of equalizing, or eliminating the import duties in cases where different tariffs in the two countries have created, or now threaten to create, the needless irritants to which I have referred.

The authority does not require U.S. negotiators to trade concessions on the same product, although this may be very desirable in many cases. There are some products which Canada does not produce, or produces in minor quantities, and there are similar products in the case of the United States. These could be traded for each other. Moreover, there are some products which are free in one country and dutiable in the other, which could obviously not be traded against each other since there would be no reciprocity.

It should be finally added that the United States cannot, of course, dictate to Canada the products on which the latter will negotiate, but in the type of negotiation envisaged it would seem logical that Canada would want to apply criteria similar to those herein specified. Moreover, it goes without saying that no concession would be granted by us unless all conditions prescribed by our own law were satisfied.

This, then, is strictly a United States-Canadian tariff negotiation bill, and authorized negotiations with no one else. The bill provides that products subject to negotiating authority must be those which are imported into the United States primarily—which, in this case, means approximately 75 percent—from Canada. This provision specifically excludes therefore the possibility of any non-Canadian product's receiving substantial benefit, on the basis of the most-favored-nation doctrine, of any concession negotiated with Canada under the authority of the bill.

Moreover, if any products primarily supplied by Canada should subsequently cease to be so supplied, there would be at least two means available by which third parties would be prevented from taking undue advantage on any concession which might have been granted to Canada. The first would be the withdrawal by the United States of the concession itself, which privilege is specifically reserved to us under the bill, upon the giving of 3 months' notice. The second would be the use of "ex-out" procedure, under which the articles to which the concession is applicable are defined by the negotiators with such precision as to exclude all other articles but those Canadian articles specifically intended to be covered under the agreement.

Moreover, the use of these two devices would be perfectly acceptable and nondisruptive to our good relations with our other trading partners, for the simple reason that no such partner could reasonably object to our refusing to gratuitously transfer to it, without consideration, a concession for which the original beneficiary of that concession had paid a full measure of consideration.

Speaking in plain, nontechnical language, Mr. Speaker, what is this bill all about? It is about a manufacturer of poultry cages in Michigan, to give one example, who has built up a market for his product in Canada, or who desires to do so, just as his competitor-counterpart in Canada has done in the United States. Our American producer could normally be expected to meet the Canadian competition, through quality craftsmanship and volume production, but he finds that the rate of import duty collected by Canada on his poultry cages is 17½ percent, whereas the corresponding duty collected by the United States on competing poultry cages is zero. This 17½-percent differential constitutes, for our U.S. manufacturer, the difference between a healthy and a feeble Canadian market.

These rate relationships have developed, not because of inattention by our present negotiators, but because of new industries and plants and new technological processes and specializations and new demands, which have been characteristic of the postwar period.

What was said about poultry cages could be said about a great number of other products such as pipe organs, aluminum oval sleeves, cookies, plastic garden hoses, propane liquefied gas, lignin pitch, metal grain bins, diamond blades, logging equipment, store fixtures, packaging machinery, concrete products machinery, dock levelers, and so forth. I have itemized these products by name because it so happens that in each case one or more of their manufacturers has taken the initiative to complain to executive agencies about the existing tariff rate structure which adversely affects their particular product. I have reason to believe that further research will show that the total list of American industries whose exports are restricted by the aforesaid adverse effects, if compiled in its totality, would be surprisingly long.

Canada has similar complaints against our tariff, and there is a very significant area for negotiation.

Who, then, would benefit from the enactment of H.R. 3263? First of all, it would be any American manufacturer with a present or potential Canadian market, but who is confronted by Canadian import duties, and particularly those that are higher than their corresponding U.S. import duties. But the benefits to Americans are by no means limited to an increase in U.S. exports to Canada. An impressive category of benefits consists in savings to U.S. companies who have established themselves in Canada, for good and sufficient reasons, and who, upon exporting goods into the United States, are confronted by U.S. import duties which in many instances serve no salutary purpose at all. I have taken a broad approach to this problem because it affects all of our States.

I want to make it plain that in my previous references to negotiating for tariff equalization, I was not talking about tariff rates on primary products, such as steel, lead, or zinc. The bill does not contemplate that these products constitute the subject of concessions on either side, nor that concessions be granted on products subject to severe import competition, such as textiles and shoes, nor on products where there may be strong opposition to tariff concessions from U.S. producers, such as for aluminum or competitive agricultural products. The negotiating authority will not be used for products where nontariff barriers prohibit or limit access to the Canadian market, such as exists in the case of alcoholic beverages.

To those who fear that a particular tariff rate might be lowered without first giving all interested parties a hearing, let me say that my bill, being in the nature of an amendment to the Trade Expansion Act of 1962, incorporates all of the safeguards therein provided. Accordingly, all rate-reduction proposals must be first submitted to the Tariff Commission and other interested Federal agencies for investigation and recommendation, to be accompanied by full public hearings.

Moreover, it is definitely not contemplated that the negotiating authority be used for any major tariff negotiations. The authority will be used, as before indicated, to negotiate solutions to trade problems which hamper U.S. exports and are irritants in our broader relations with Canada. Concessions will be reciprocal in every case. The result of an agreement reached will be an increased flow of trade between the two countries, an expansion of foreign markets, an intensification of competition, a diversification of available products, and a general improvement in the economic health of all parties concerned, on both sides of the border.

Although the coverage of this bill is somewhat limited, I do not want to understate its basic importance. On the contrary, by any standard of measurement it is a significant bill, for, if enacted, it will constitute the only legislation moving us in the direction of a liberalization of our trade barriers since the Trade Expansion Act of 1962.

In recent years, a number of forces have been at work tending to move us in the direction of economic protectionism, and away from the freer trade advocated by every President since Franklin D. Roosevelt. The justification for the departure from the freer trade philosophy has usually been that it was temporary, and called for by special circumstances.

This is not the occasion to explore that argument. I refer to it only to better call attention to the fact that this country, ever since the historic Trade Agreements Act of 1934, has been committed to a policy of gradual reduction of tariff barriers by negotiation.

Over the past 37 years we have carried out this policy, at times with boldness and at other times with timidity; but never have its premises been seriously questioned. For example, on May 11, 1970, Ambassador Carl J. Gilbert, the President's special trade representative, in testifying before the House Committee on Ways and Means, in favor of the trade bill, quoted from President Nixon as follows:

> I reject this argument (i.e. that we should set arbitrary limits on the forces of free world competition) not only because I believe in the principle of freer trade, but also for a very simple and pragmatic reason: any reduction in our imports produced by U.S. restrictions not accepted by our trading partners would invite foreign reaction against our own exports—all quite legally. Reduced imports would thus be offset by reduced exports, and both sides would lose.

In January of 1969, the Office of Special Representative for Trade Negotiations submitted its report on trade and tariffs to the President. I quote a single pertinent sentence therefrom appearing on page 5 of the introduction.

> For the past 34 years the trading nations of the world, under U.S. leadership, have pursued a policy of trade liberalization on a reciprocal basis. That policy has, on the whole, served our country well—and it has served the world well.

In April 1969, the Department of Commerce submitted to the President a 5-year outlook on world trade, with recommendations for action. Again I quote a few sentences, including one of its recommendations.

> To prepare for the longer run, the Government should initiate studies to determine the most advantageous techniques for future major negotiations, including: . . . (b) the matching of rates on specific products where meaningful in trade terms. (Page 86.)
>
> The measures recommended in this study focus on improving U.S. export performance. They involve both actions that the United States Government can take unilaterally and those that require cooperation by other countries. . . . Inasmuch as actions that the United States can take unilaterally are likely to be insufficient, the proposed international actions should also be pursued, with vigor, patience and persistence. Measures to strengthen the negotiating ability of the United States to achieve its international trade objectives are included among the proposals (Page 73–74.)

The objectives of H.R. 3263, are, in my opinion, completely harmonious with the recommendations of the aforesaid Office of the Special Representative for Trade Negotiations, and the Department of Commerce.

If what I say is correct, then my bill, H.R. 3263, can only be viewed as a solid step toward moving progressively and rationally in the direction of a relaxation of our trade barriers.

Let me put it this way: If this Congress should be disposed to make even a small gesture in the direction of a relaxation of our trade barriers in the spirit of the Trade Expansion Act of 1962, then Canada is the logical trading partner in whose favor that gesture should be made.

I recall to your minds that despite the tariffs on both sides of the border, there is already a high degree of integration between the Canadian and United States economies. Some 20 to 25 percent of Canadian economic activity involves international trade, and almost two-thirds of this is with the United States. In 1969 our export to Canada amounted to $9.1 billion, which was considerably above our exports of $7 billion to the European community as a whole. Our imports from Canada totaled $10.4 billion, which was slightly larger than our imports of $10.3 billion from all of Europe. Canada was the recipient of 24 percent of our exports, and was the source of 29 percent of our imports. The Canadian-American Committee, sponsored by the National Planning Association of the United States and the Private Planning Association of Canada, as a result of extensive research, made the categorical statement in 1967 that the United States-Canadian trade is not only the largest bilateral trade flow in the world, but that it represents, by several times, the trade volume that has occurred between any other two nations, at present or at any time in history.

Some 70 percent of our imports from Canada entered this country duty free, and some 64 percent of our exports to Canada were similarly free of duty. No one can argue for a moment that the resulting magnitude of the interchange of commodities has not been to the mutual benefit of both parties. But there are still impediments, irritations, blockages. These can, to some extent, be removed, and my bill, I believe, will help to do so.

Let me make it clear that what H.R. 3263 calls for is not a free trade area such as exists among the seven members of the European Free Trade Area, nor a customs union like that of the six members of the European Economic Community, otherwise referred to as the European Common Market. What I am calling for is simply the creation of the machinery necessary for us to move a few steps forward toward accomplishing the task of removing United States-Canadian trade barriers. My proposal is completely harmonious with our GATT, and other treaty obligations affecting trade and commerce.

Mr. Speaker, I hope that in due time this bill may be given honest and fair consideration by my distinguished colleagues, and that it may become the means whereby individual Members may avoid the stigma of having failed to make one single gesture toward reaching the goal to which we are committed: the gradual elimination of those barriers which unreasonably restrict the free flow of trade among the friendly nations of the earth. The moment when we cast our vote on this bill, which deals with our trade with the closest foreign friend we have and our next door neighbor, will be an important one, indeed, and I hope that none of us will miss our chance to move the economy a giant step forward.

JUDGE EDWARD R. FINNEGAN

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATES. Mr. Speaker, it is with much sorrow that I announce to the House the death of Judge Edward R. Finnegan a few days ago. Edward Finnegan, who served in the House during the 87th and 88th Congresses, will be remembered by many Members of the House by his warm, friendly, likable personal qualities. They will recall, too, his great spirit of cooperation and ability in his committee work and activities on the floor.

Judge Finnegan was 65 years old at the time of his death. He attended Loyola University and Northwestern University Law School and received his law degree in 1930 from De Paul University.

It was his lifelong ambition to be a judge and he achieved that ambition in 1964. His service on the bench was marked by conscientiousness and dedication to the law.

Mrs. Yates joins me in extending our heartfelt sympathy to his widow, Marie, and his three daughters.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. YATES. I am delighted to yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, it is with deep sadness that I have learned of the passing of our former colleague, Edward R. Finnegan. A longtime friend of Ed Finnegan, I choose to recall today the man as he was in life with a broad smile and a kind word. These were characteristic of the man.

I became acquainted with our former colleague and later circuit court judge, Edward R. Finnegan, many years ago when we were both engaged in the practice of law in Chicago. Later we served together here in the House of Representatives where he had a great following from both sides of the aisle, largely because of his winning personality which attracted people naturally to him.

Mr. Speaker, although I did not practice law before him when he served later as a judge of the Circuit Court of Cook County, I have received convincing evidence that his judicial demeanor and his proclivity for administering justice with mercy gained for him the respect of both the bench and the bar.

Mr. Speaker, the loss to the State and Nation as well as the loss felt by his many close friends will not penetrate as deeply and intimately as the loss sustained by his immediate family. Accordingly, I wish on this occasion to express deepest sympathy on behalf of my wife, Doris, and myself to Ed Finnegan's widow, Marie, and to his children and other members of the family.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and service of the late Honorable Edward R. Finnegan.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE FARM CRISIS: WE NEED A NEW FARM BLOC

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, a declining agricultural economy has been of increasing concern to those of us who represent the breadbasket areas of this country. Receipts received by farmers and ranchers from sales of their products have not kept up with the climbing costs that they have to pay to produce the raw food materials.

Almost 60 years ago, Congress told the Department of Agriculture to keep track of the relationship between the cost of production and the prices received for agricultural products. The Department has done this, and they call it the parity ratio. Farm and ranch producers are basically optimistic or they would not be in the business because it has only been an unusual set of circumstances and only for temporary periods that parity has ever reflected 100 percent or anywhere near. The low point in parity came in 1933 during the depths of the great depression when making a living in any part of the economy of this Nation was a rarity rather than the rule. The low point in mid-1933 was 64 percent of parity, but by December of that year the parity ratio had inched upward to 67 percent.

Economists label the current economic difficulties with which the Nation struggles as a recession but in agriculture, it is in fact a depression, with the parity ratio at 67 in December of last year and 68 in January of this year, the last available figure.

There was a great deal more congressional concern shown in 1933 and the immediate months following than is shown in the 1970's for the plight of the farmer. The changes that have come about in the last 40 years in this country as it moved from a mixture of rural and urban life to the present dominance of urban life has been reflected in the makeup of representation in Congress. The House is predominantly urban, and what was known as the farm bloc that was once so powerful in these Halls of Congress has been diminished, decimated, and almost dissolved in the sea of urban interests that have taken the agricultural economy for granted. I fear that the large majority of Members have grown to know little, and to care little, about parity and what it means to those whose families and fortunes are involved in decline of agricultural values, probably chiefly as a result of inattention.

The times are desperate on the land where the crops are sown, the meat, the milk, and the produce are provided, and in those rural communities that service and supply the needs of those producers.

I call to each of you in the House to recognize the need for concern to improve the lot of this most basic industry, still the largest single industry of this country, to help improve its future, to strengthen its economy, and to permit its survival in the form we know it now as basically family farm and ranch operations.

I call to each of you to help revitalize and reinvigorate rural America, a very large part of the basic strength of this Nation. I call upon those of you who, like myself, have constituencies with a vital stake in agriculture to renew your efforts and to renew your faith in working toward those goals. We will put strength and stability in prices in the agricultural markets in this country.

We do not need to downgrade the parity concept as a measurement of fair prices for agricultural products. It is questionable that the Department of Agriculture's recent action that substitutes 1967 for 1910–14 as a base year to measure costs and prices for farmers is a step in the right direction. What is to be accomplished by highlighting a comparison of 1971 prices as being 91 percent of 1967 prices in Department reports? What is to be accomplished for farmers by heralding this figure as being more significant than the parity price index with a past history of some 60 years of recordkeeping during both good and bad times for agriculture?

It may not be the perfect yardstick, but is a familiar one which has far more meaning than a new metric measurement.

There is a great need to focus our attention on the agricultural economy in general and to pinpoint the very basic needs of this sick industry. For all those of the House that are interested in a discussion on a bipartisan basis of those woes of agriculture as reflected in the recent 37-year low of the parity price index, I believe there is need for a forum to give our collective thoughts and ideas an airing. Persons known to be interested in such a meeting will be contacted between now and the last week of February about participating in such a discussion. If you are not contacted, call my office immediately after the recess.

We need to reverse the trend as reflected by the declining parity ratio for agriculture prices. We need to move on a broad basis here in the House: Our rural people are counting on us.

INHUMANE TREATMENT OF AMERICAN POW'S BY NORTH VIETNAMESE

(Mr. BLANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLANTON. Mr. Speaker, I introduced a concurrent resolution Wednesday on behalf of 210 colleagues, condemning the inhumane treatment of American prisoners of war by the North Vietnamese and their allies in Southeast Asia.

I am pleased to introduce the same legislation again today on behalf of an additional 11 Members. Mr. Speaker, this means that 221 Members have sponsored this concurrent resolution—over half the membership of the House of Representatives.

I am hopeful, with this dramatic display of concern by my colleagues, that the 92d Congress will go on record, just as the 91st Congress did, in formally protesting the barbaric attitude of the North Vietnamese and their allies in their treatment of more than 1,400 young Americans held captive in Indochina.

Mr. Speaker, the additional sponsors of the resolution include: Mr. BYRNES of Wisconsin, Mr. BRASCO, Mr. EVINS of Tennessee, Mr. HALEY, Mr. MATSUNAGA, Mr. MURPHY of Illinois, Mr. PICKLE, Mr. SATTERFIELD, Mr. VANDER JAGT, Mr. SNYDER, and Mr. WYMAN.

DANGER FROM POPULATION GROWTH IS A MYTH

(Mr. SCHMITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHMITZ. Mr. Speaker, the rising antilife and antifamily campaign in America, characterized by the call for abortion on demand and by a persistent downgrading of parenthood, would not have made nearly so much headway without the massive scare propaganda in our schools, colleges, and communications media about an alleged population explosion. The success of this propaganda has created an urgent need for a clear statement of the truth about the population question.

We now have the proof that there is no population explosion threatening the world with disaster in the near future. The February issue of Triumph, a magazine published here in Washington, is almost entirely devoted to a comprehensive, well-documented, and convincing presentation of the facts about the so-called population explosion. It provides a point-by-point refutation of Paul Ehrlich's fantastic "The Population Bomb," showing that his statistics err by more than 1,000 percent. Articles by Dr. Colin Clark, of Oxford University, England, one of the world's foremost authorities on food resources and by R. J. Ederer, professor of economics at the University of Buffalo, establish unmistakably that the widely publicized prospect of imminent starvation for millions because of population growth alone has no foundation in fact.

Dr. Clark's position is fully set forth in his recently published book "Starvation or Plenty?" which I strongly recommend to my colleagues and to anyone who thinks that our world is or soon will become incapable of feeding the people who live on it. Dr. Clark shows that using only present technology, we can feed 35 billion people at American dietary standards, and many more at the lower but still adequate nutritional standards now prevailing in many other nations.

Triumph's statistical review of the actual population situation in the world and in the United States today, illustrated by four charts together with the refutation of Ehrlich's "The Population Bomb" and an editorial summarizing the contents of this special issue, appears in the Extensions of Remarks section of today's RECORD.

SUPERPROTECTION IS THE WORD

(Mr. SCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCOTT. Mr. Speaker, one of our leading citizens in Virginia sent me a copy of an editorial from the January 18 issue of Advertising Age, a national newspaper of marketing, entitled "Superprotection Is the Word."

This editorial illustrates the need for us, as Representatives, to follow the rule of reason in everything we do. My Virginia friend mentioned that he was also listening to a newscast as he was reading the editorial and heard an irate citizen urging that we stop using any automobiles whatsoever.

Consumer protection and protection of our national environment are both worthwhile undertakings, but I would again suggest that the rule of reason govern all that we do.

The editorial is set forth in full below:

SUPERPROTECTION IS THE WORD

There can be no question but that America is on a super-protection binge. Our society is currently demanding, and rapidly achieving, a degree of protection which goes far beyond the "clear and present danger" of which the United States Supreme Court once spoke.

The recognized function and purpose of legislative and regulatory agencies used to be to protect the public against fraud and deception, and products which were or could be seriously harmful. But only recently nave these functions of government been changed, so that we no longer stop at preventing fraud and deception, but we apparently expect the government to throw a total blanket of protectiveness over each citizen, protecting him against almost any possibility of damage of any kind.

Hence we have drugs proscribed from the marketplace not because they may be dangerous or harmful, but because they may not be helpful—a totally different approach. Hence we have a total ban on cyclamates, despite rather clear evidence that their use can only be harmful if unrealistically large quantities are consumed. Hence we have an upcoming investigation of saccharine—and then possibly one of sugar—until we begin to run out of things to eat, drink or otherwise consume. At the moment, mercury seems to be emerging as the real devil, contaminating all the things that come out of the sea.

Some of these precautions make sense, of course. But as is so often the case, many of them feed on each other, with every step forward inducing still another step, until an endless chain reaction drags the whole movement along almost to the point of silliness.

One example, of course, is the ecology kick, in which all of us somehow are being led to expect a highly industrialized society, involving ferocious use of energy, which is somehow at the same time as free and clean and clear and unpolluted as the forest primeval—or even a little more so.

Obviously, there is going to have to be compromise on both sides. We can and should have cleaner, purer air and water. But it should also be clear that we aren't going to be completely happy if we have to stop all industrial and commercial processes to get them.

Ah, well. So it goes. You may be interested to know that all of the above was brought about by a brief paragraph in a newsletter from Don Gussow of Magazines for Industry.

"No telling," Mr. Gussow said, "to what lengths government agencies will move to please consumers . . . Example: Battle of how much peanuts should be included in peanut butter . . . FDA insists on 90% . . . Industry ready to prove 87% more than enough . . . Irony is that consumer who loves peanut butter would find 90% (or more peanuts) unpalatable minus dextrose, hydrogenated peanut oil, other essential, additional ingredients."

Peanut butter lovers of the world, arise! The palate you are preparing to sacrifice may be your own!

PATHET LAO HOLDS AMERICAN POW'S

(Mr. KEMP asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. KEMP. Mr. Speaker, the other day I visited with a group of POW wives who had just come from a press conference held by Dr. J. A. O. Preus, president of the Missouri Synod of the Lutheran Church. He is endeavoring to organize a group of church leaders from all over the world to inspect POW camps. I commend and support Dr. Preus and wish him well in his efforts.

In my discussion with the POW wives, it was apparent that the Congress had not done enough to satisfy a number of POW wives whose husbands are believed to be captive by the Pathet Lao.

Therefore, Mr. Speaker, I am today introducing a House concurrent resolution which strongly protests the treatment of POW's being held by North Vietnam, the Vietcong, and the Pathet Lao.

Also, I insert at this point, the news release issued by Dr. Preus at his press conference:

NEWS RELEASE BY DR. J. A. O. PREUS

The Reverend Dr. J. A. O. Preus, international president of the 3-million-member Lutheran Church—Missouri Synod, today issued an appeal for other religious leaders around the world to join him in a modern "crusade"—a visit to Hanoi and to other Communist leaders to intercede on behalf of American prisoners of war being held by North Vietnam, the Viet Cong, and the Pathet Lao.

This appeal was a part of a five-point program announced by Dr. Preus at a press conference held at the ROA building, 1 Constitution Ave., N.E., in Washington, D.C., aimed at procuring humane treatment of U.S. prisoners of war. Dr. Preus was flanked at the press conference by Colonel Norris M. Overly, one of the first POW's released by North Vietnam, Major James N. Rowe, who escaped from the Viet Cong after almost six years of captivity, Mrs. Bobby G. Vinson, whose husband is missing in action, and Mrs. Kevin J. McManus, whose husband is a POW in North Vietnam.

In a prepared statement Dr. Preus acknowledged that he, like most other church leaders, had been so busy with parochial concerns that he had neglected to speak out on vital moral issues facing our nation and "humanitarian concerns all over the world." "It is for this reason that I have chosen to become involved in an effort to do what I can to help obtain humanitarian treatment for American prisoners of war in southeast Asia and ultimately to hasten their release," the Lutheran president stated.

Dr. Preus pointed out in his statement that the "Vietnamese are an old and proud people who for 2,500 years have placed great importance on the family structure and have followed religious principles which recognize human compassion and humanitarian principles." The church leader also pointed to the Declaration of Independence of the Democratic Republic of Vietnam, written in 1945 by Ho Chi Minh, which borrows the opening words of our own Declaration of Independence and states that every human being has basic rights from birth. "By any failure to grant full humane treatment to POWs the Vietnamese Communists are denying their own heritage," Dr. Preus stated.

The Lutheran church president insisted that the Geneva Convention of 1949 concerning humanitarian treatment of prisoners of war should be followed to the letter "not only because it is a recognized legal agreement between nations but because it contains the most basic provisions of humanitarian behavior that must be respected by civilized nations."

"Listing prisoners promptly," he continued, "releasing the sick and the wounded, humanitarian treatment of the prisoners (such as allowing them to correspond with loved ones at home on a regular basis) are very uncomplicated principles that could easily be followed by civilized nations."

The churchman pointed out that his concern, like his training, was pastoral rather than legal or philosophical. "I feel a compassion for any of our men who are suffering cruel and unreasonable treatment in POW camps," Dr. Preus said. "I know something of the anxiety and the heartaches experienced by the wives, the sons and the daughters, and the parents of the men who are missing in action, because they don't even know if their husband, father, or son is dead or alive."

Dr. Preus stated further that the realization that some of our men have been POWs for over six years, that evidence pointing to the conclusion that many of them have been in solitary confinement during their entire captivity, and that some men have been listed as missing in action for as long as six and one-half years are facts that are "very difficult for a compassionate nation" such as ours to accept.

Dr. Preus outlined a five-point program he intends to follow:

1. He is declaring a Day of Prayer for American POWs and MIAs on Sunday, March 14, in the 6,000 congregations under his presidency.

2. He is directing a sustaining program of education and prayer in all of the congregations of The Lutheran Church—Missouri Synod in behalf of the American POWs and MIAs for a one-year period.

3. He is inviting the heads of all major Christian denominations to undertake a similar program in their congregations and urging religious radio and TV programs to include special prayers for the POWs and MIAs.

4. He is urging all Lutheran leaders in all the countries of the world who accept the Geneva Convention of 1949 to use their influence to bring public opinion in their countries and in their governments to bear on the Communists in Indo-China in order that they may be moved to follow the humanitarian treatment of prisoners of war as stated in the Geneva Convention of 1949.

5. He is endeavoring to organize a group of church leaders from all over the world to ask the president of North Vietnam and other Communist leaders to allow them to inspect the POW camps in order to give an unbiased account to the American people and the people of the world of the conditions that exist in these camps.

Dr. Preus said that he felt that "these Communist leaders would be hard pressed to deny permission for a visit from a group of religious leaders with completely altruistic motives."

THE CASE AGAINST MAJ. GEN. SAMUEL W. KOSTER

The SPEAKER. Under a previous order of the House the gentleman from New York (Mr. STRATTON) is recognized for 1 hour.

(Mr. STRATTON asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, the Army made a very grave error last Friday when it dropped all the charges in connection with the Mylai massacre against Maj. Gen. Samuel W. Koster, the commanding general of the Americal Division in Vietnam at the time its subordinate units participated in the assault on Mylai 4 on March 16, 1968.

Dropping charges against the highest ranking officer involved, without any public trial or even discussion of the case against him, and doing so at a time when very grave charges involving the same incident against a junior officer in his command are still in the process of trial, can only result in serious damage to the reputation of the U.S. Army, to the United States, and to the effectiveness of the processes and procedures of military justice in dealing with matters which involve profound national and international concerns.

Mr. Speaker, I am afraid that this is a case where the ground rules of the mythical WPPA, the West Point Protective Association, have taken precedence over the welfare of the Nation and the fundamental right of the American people to know the facts: Never mind what happens to the Army or to the country, just make sure we keep our paid-up members out of embarrassment and hot water.

The dismissal of these charges is not only bad, but it has been carried out in a manner that purports to absolve the top military and civilian leadership of the Pentagon of all responsibility for this action by resting the decision on a single, obscure lieutenant general just a few hours away from retirement.

Mr. Speaker, if this decision to drop the Koster charges is not rescinded—by the Army, by the Department of Defense, or by the President—then I predict it will rise up to haunt the entire Military Establishment in months to come, and may very likely end up doing even more serious damage to America's military posture and prestige than did the Army's original handling of the Mylai affair.

I concern myself with this case because for some 7 months last year I served as a member of a four-man congressional subcommittee which made an in depth survey of the whole Mylai incident. Our subcommittee report was issued unanimously on July 15, 1970, was widely hailed for its decisive tone at the time, and is still the most detailed public account in existence of what happened at Mylai, and how that incident was covered up within the Army and the State Department.

The basic point, which our subcommittee was well aware of—and which the Army's action in suddenly dropping all the charges against General Koster still completely fails to understand—is that the Mylai case is not just a strictly internal Army matter. It is a case that has caught the critical eye not only of the Nation but the whole world. And the handling and disposal of the Mylai case will directly affect not only the U.S. Army and the promotional status of its West Point trained generals, but the prestige of the Nation, and the confidence and respect—or rather the lack thereof—in which the American people hold the Army and their other military services. This is not just a question of who spends how many days in the brig for going AWOL. This is a case where the American people rightly insist on knowing the truth about Mylai—what went on there, why it happened, who was responsible for it, and what is going to be done about it.

This fact seemed to have been understood by the Army hierarchy in November 1969, when Secretary Resor and General Westmoreland, the Chief of Staff, took the most unusual step of appointing the peers committee "to explore the nature and the scope of the original Army investigation of the so-called Mylai incident." They were charged with finding out how it took the top Army brass more than a year to find out what happened at Mylai, and then only as a result of a letter from a former GI long mustered out of the service. The peers group worked hard and long and came up with a detailed report which was critical of the Army's conduct in this case.

Even more critical, and far more detailed in its published sections, was the report issued by the Hébert subcommittee of the Congress, sections of which I intend to quote as they relate to the strange case of General Koster.

General Koster was the commanding general of the U.S. Americal division in Vietnam in early 1968. As a result of the peers investigation he was charged on seven counts of covering up the Mylai incident, or more specifically, of a "failure to obey lawful regulations and dereliction of duty" in failing to follow rules that require commanders to report any possible atrocities all the way up the chain of command. Following the lodging of these charges General Koster was relieved as Superintendent of West Point, and since 1969 has been serving on temporary duty at 1st Army Headquarters at Fort Meade in Maryland awaiting the disposition of his case. He testified before the peers group on several occasions and twice before our Hébert subcommittee.

The statement regarding the dropping of the charges against General Koster was released on January 29. The statement said the decision to drop the charges had been made by Lt. Gen. Jonathan O. Seaman, 1st Army commander, "in the interest of justice," and because "they were not supported by the available evidence." In the case of two of the seven charges involved, however, General Seaman did find evidence to support the charge that General Koster "did not report civilian casualties at Mylai—4," and "did not insure a proper and thorough initial investigation of the reported civilian casualties." But considering the "long and honorable career of

General Koster," the statement said, and because "the evidence did not show any intentional abrogation of responsibilities on the part of General Koster," the charges were dismissed.

Shortly after the public announcement of this decision, I issued the following statement:

> The decision of the Army to drop the charges against Major General Koster in the My Lai case is in my opinion a grave miscarriage of military justice.
>
> To drop the charges against the top officer responsible in this situation raises once again the whole question of a military whitewash.
>
> The decision to drop charges against a number of the enlisted men involved makes some sense in the light of the court martial verdicts in the Mitchell and the Hutto cases, but the crime of covering up the My Lai incident is an entirely different, and in my judgment much graver, charge. Our committee found plenty of evidence of what had taken place in this connection.
>
> If the Army system is either unwilling or unable to produce the facts and to punish the guilty in this case then I am inclined to feel that we do need some independent tribunal which will be higher and separate from the ordinary military-controlled court martial proceeding to make a final determination in this case.

The next day in the New York Times Mr. Robert MacCrate, a Wall Street lawyer who had served as special consultant to the peers group, was quoted as calling the dropping of the charges "a serious disservice to the Army," because, he said, "charges are still pending against men who were within his command" at the time of the massacre.

Then a curious thing happened. That same day, January 30, an unidentified "Army spokesman" announced—in reply to a question—that at the time General Seaman informed General Koster of the dismissal of charges against him, he had also given him a "letter of censure—for his failure to report civilian casualties and to insure that the circumstances of these casualties were investigated promptly and thoroughly." The spokesman also indicated that further "adverse administrative action" might be taken against General Koster by the Secretary of the Army "if warranted."

One cannot help wondering why this censure action was not made public at the time the original announcement was made that charges were being dropped. Why was the impression given that General Koster was being let off completely free and clear? Was the Army perhaps waiting to test the public reaction to their decision to sweep the Koster case under the rug? It is perhaps possible that if there had been no adverse reaction—from Mr. MacCrate of the peers group or from some member of the congressional investigating subcommittee—then the letter of censure, if indeed it ever existed, would have been torn up?

Actually, there is some question whether all this talk about dark administrative action lurking ahead has any meaning at all, once the really serious business, the formal court-martial charges, have been dropped. If General Koster is adjudged, through the curious processes of military justice on the opinion of one man, to be innocent of any "intentional abrogation of his responsibilities," then how can this process be meaningfully reversed by some unfavorable "administrative action" taken outside the scope of military justice?

Indeed the whole episode reveals one of the grave failings of the military judicial process. One man, in this case General Seaman, makes the crucial "grand jury" decision as to whether the evidence in a pending case in his command is or is not substantial enough to proceed to trial. Yet the man who has the power to make this decision just happens to be the commanding officer in the area in which the individual charged just happens to be currently stationed—the northeastern United States, the First Army area. He has no special expertise in military justice. And he has no special knowledge of the alleged incident—which took place in Vietnam, not in Maryland. Yet he—and he alone—is empowered to make a decision, as in this case, on which the reputation and future of the whole Defense Establishment and even the country may depend. He, and he alone, is empowered to decide whether the issues involved are to be publicly aired, so that the people can judge the evidence themselves and weigh the fairness of the ultimate verdict; or whether the matter is to be swept under the rug, the record locked, and nothing more than a meaningless slap on the wrist administered to the highest ranking officer involved.

Such powers of decision might be appropriate in the case of a soldier who gets drunk off duty and goes AWOL. They are out of place in a case that has aroused the profound national and international concern that Mylai has aroused. We ought to change this procedure and change it swiftly.

Actually, I think we have to recognize that there is some question whether General Seaman is really the culprit in this Koster dismissal action or is somebody else's fall guy. It hardly makes sense to suppose that the Army hierarchy, the Secretary and the Chief of Staff, would have been so deeply concerned about Mylai and a possible Mylai coverup in November 1969, that they would go to the unusual step of creating a special peers group to make a thorough investigation of the incident; and then, a year later allow one obscure officer—whose only claim to authority is that he happens to be in the right place at the right time—to blow the whole case on his own say so.

I just cannot honestly believe that General Seaman made the decision to drop the charges against General Koster on his own and without any reference to the Pentagon. The precise reverse is probably true. The Pentagon must have decided to let General Koster off the hook, even while subordinates were still being tried on far more serious charges, probably because they feared that a full, public airing of the charges against Koster and of his incredible mismanagement of his command would make the Army look very, very bad. They probably figured that the furor over Mylai had died down, that people were getting bored with the grisly details, and that nobody would really care very much what happened to General Koster anyway. Things would stand or fall, I suppose they reasoned, on the outcome of the Calley case. He was already building up a lot of sympathy. And as long as they went through the motions of prosecuting the coverup aspects of the case with Colonel Henderson—and rubbing off as much of the blame as possible on Lieutenant Colonel Barker, who is dead—that should take care of the matter and none of the tarnish would have to rub off on any of the general officers.

So General Seaman was instructed to let Koster go, I am inclined to believe, and sweep the Koster case under the rug. After all, General Seaman was on the verge of retiring, so he had nothing to lose himself. In fact his retirement was originally scheduled for February 1, but on January 26 orders were issued extending him to March 1 and possibly later. The action with regard to the dropping of the Koster charges was announced 3 days after the order delaying General Seaman's retirement was issued. Perhaps all this is purely coincidental. The Army claims the delay was solely because General Seaman's relief is ill and is now in Walter Reed hospital. Maybe so; but the whole situation smells, and the usual procedure, when a relief is ill, is to go ahead and designate another relief. Was the Pentagon perhaps forced to twist General Seaman's arm a little bit, before letting him go off to a comfortable retirement, to get him to perform the ultimate coverup action in an already tragic coverup case? The circumstances make such a conclusion almost inescapable.

After all, let us not forget that it is the coverup aspects of the Mylai case that have been the most damaging to the reputation of the American military high command. What happened at Mylai on March 16 could have been an aberration of men already bent under all the pressures and tensions of combat. But the failure of the facts about Mylai to surface to the Army high command for more than a whole year, either in Vietnam or in Washington, raises grave questions about the reliability, honor, and integrity of top command officers.

Otherwise, why create a peers panel in the first place? Yet having created it, and having allowed it to operate in great depth for over 7 months, the Army now suddenly throws all of its work down the drain by blocking a public trial of the commanding general of the division involved. And all on the personal opinion of one man. No report, no summary, no reasoning.

If General Koster were so blameless in the Mylai case, then why not hold the trial and let him exonerate himself publicly? The letter of censure makes it clear that he is not lily white. But what the letter of censure has accomplished—and that apparently is what was most important to the Army's top leadership—is that the general's case will at least stay out of the papers. The public and the public interest be damned.

This is, of course, exactly what the Department of Transportation did with Coast Guard Vice Admiral Ellis in the Lithuanian defector case. Do not have a public trial. Just slap the admiral on the wrist, let him retire 6 months early, but do not air any dirty linen in public. It is hardly a happy precedent.

Mr. Speaker, I do not know what witnesses General Seaman is supposed to have consulted in his "Article 32" investigation of the charges against General Koster or what documentary evidence he reviewed. But he concludes that General Koster "did not report civilian casualties at Mylai—4," and "did not insure a proper and thorough investigation of the reported civilian casualties." Well, what more does General Seaman think he needs to proceed to trial? These two counts together go to the heart of the whole coverup charge at Mylai—the failure to report, and the incredible failure even to investigate. The Hébert subcommittee concluded that the coverup was by far the most damaging aspect of the Mylai situation, since it had the practical effect of blowing up the importance of the incident and prolonging its unfavorable impact on the reputation of the Armed Forces and the country. We said this:

> Those men who stand accused for their actions at My Lai have, in the minds of many, already been "convicted" without trial. By the same token, the U.S. also stands convicted in the eyes of many around the world. These two tragic consequences might have been avoided had the My Lai incident been promptly and adequately investigated and reported by the Army. (P. 53.)

Yet General Seaman, in his published statement, having found evidence to support both charges, concludes that General Koster had a "long and honorable career," and there was no evidence of "any intentional abrogation of responsibilities on the part of General Koster." But the point at issue here is whether General Koster's career at Mylai was "honorable." And whether his actions were or were not "intentional" is something, considering the grave importance of the case, that ought to be determined by a public court martial and not on the basis of the personal opinion of one man.

What about the failures of omission, by the way, the failure to be alert, the failure to be sensitive to the requirements of his job? Are not these failures, in a case as sweeping as Mylai and especially in a combat division commander, culpable enough to warrant public examination, whether "intentional" or not?

On this score I believe it will be instructive to review the extent of General Koster's involvement in the Mylai case, especially in the coverup portion of that case, as disclosed in our subcommittee's published report:

1. *General Koster was in the air over My Lai on the day the tragedy occurred:*

"Maj. Gen. Samuel Koster, Commanding General of Americal Division at that time, testified that he probably flew over the assault area at about 0930 hours." (P. 14.)

2. *General Koster was informed at that time about noncombatant casualties at My Lai:*

"Col. Henderson stated that he had seen two different groups of bodies, in total about eight, which appeared to be noncombatants in the locality of My Lai 4. He said that he had reported his observation to Gen. Koster at about 0930 hours." (p. 14)

And again:

"Col. Henderson's oral report to Maj. Gen. Koster, Commanding General of the Americal Division, at about 0930 hours on March 16th, appears to have been the first official notification that some noncombatants had been killed in the operation. At that time Col. Henderson reported having seen six or eight civilian dead." (p. 24)

3. *General Koster specifically countermanded an order at My Lai on that same day to make a more thorough check of the number of civilians killed:*

"At about 1600 hours on March 16th, Capt. Medina received a call from the Task Force Operations officer asking for a report on the number of civilians killed in My Lai 4. He said he reported approximately 20 to 28. He was then ordered to return to the village to make a thorough check on the number of civilians killed. Medina objected to the order because of the lateness of the hour and the need to establish a night defensive position. His objections were overruled by the Operations Officer who repeated the order. At that point "Sabre-6", the radio code of Gen. Koster, who was airborne, in a helicopter, cut into the radio transmission and asked how many killed the company was reporting. When told 28, Sabre-6 said that sounded about right and countermanded the order for a return of "C" Company to the hamlet." (p. 24)

4. *General Koster specifically admitted issuing this countermanding order:*

"Gen. Koster recalled countermanding the order but could not specifically fix the event as having occurred on March 16th. Because of the number of witnesses who either overheard the transmission or had participated in it, it appears conclusively established that the transmission did, in fact, occur on March 16th rather than some later date." (p. 25)

5. *General Koster was further informed of civilian casualties at My Lai after the operation and demanded further information:*

"Col. Henderson stated that, at some time during the evening of the 16th, he received the report of 20 civilian casualties from Task Force Barker. He said he then ordered Lt. Col. Barker to determine how those people had been killed. Immediately after receiving the report from Task Force Barker, Col. Henderson said he called Gen. Koster and gave him the revised figure. Col. Henderson stated that Gen. Koster demanded a report on the manner in which those people had been killed." (p. 25)

6. *General Koster was also informed about Lt. Thompson, the helicopter pilot's report on excessive civilian casualties at My Lai and the reported "confrontation" between Lt. Thompson and a ground commander:*

"The General (Gen. Young) according to Lt. Col. Holladay, was more concerned with the confrontation between American forces than about the killing of civilians. According to Lt. Col. Holladay, later that same day, or possibly on the following day, Gen. Young told him that he had told Gen. Koster about "that business"." (p. 26)

7. *General Koster ordered an investigation of both the "confrontation" involving Lieutenant Thompson and the civilian casualties at My Lai:*

"Gen Koster testified that, about noon on March 17th, Gen. Young reported to him that a helicopter pilot had reported "indiscriminate firing". He said the pilot had landed in order to evacute some civilians who he believed were in danger because they were in the field of fire of U.S. troops who were doing some unnecessary firing. As a result of his evacuation effort, there had been a confrontation between the pilot and an individual on the ground.

Gen. Koster stated "there was absolutely nothing to the best of my recollection, about indiscriminate killing". He said there were two features to the allegations, the confrontation, and the unnecessary firing which endangered civilians. He denied that there was any mention of civilian casualties. Gen. Koster said that, as a result of the allegation, he directed Gen. Young to have the matter investigated.

Gen. Koster further testified that about that same time he received a report from Col. Henderson of approximately 20 civilian casualties during the My Lai 4 operation. He said he requested a breakdown of those casualties and a determination of what had caused them". (p. 26)

8. *General Koster subsequently received a report on the civilian casualties, which he termed "unacceptable," and then directed the reduction of that report to writing:*

"Col. Henderson stated that on March 19th, he orally reported to Gen. Young the results of his inquiries, and his belief that they failed to support the allegation of wild or indiscriminate firing. He said Gen. Young then directed him to make his report to Gen. Koster. Gen. Young testified that it was not until about March 28th that he learned the results of Col. Henderson's inquiry.

On March 20th, Col. Henderson reported the results of his inquiry to Gen. Koster. He stated that at that time, he furnished the General with a 3 x 5 card, prepared by Lt. Col. Barker, which reported how each of the 20 civilians had been killed. That report reflected that about 12 were killed by artillery and the balance by gunship fire. He recalled that Gen. Koster said the number of civilian casualties was "unacceptable". Col. Henderson said he told the General be believed that some of the civilians had been killed by small arms fire when caught in a crossfire. He told Gen. Koster that the only allegation which could be substantiated was Medina shooting the woman, but he believed that in the circumstances no further action was warranted in that case. He reported that he believed no formal investigation of the allegation was required. He said that the General told him he wished to discuss the matter further with Gen. Young.

REPORT OF INVESTIGATION

"Col Henderson stated that about two weeks later he was advised by Gen. Young that Gen. Koster wanted him to reduce his report to writing. He said that, as a result of that instruction, he prepared a four or five-page written report and submitted it to Col. Parson, the Division Chief of Staff." (P. 29)

9. *General Koster also received reports from the District Chief and the District Advisor with regard to excessive civilian casualties at My Lai and ordered an investigation made of them:*

"It appears that American Division Headquarters had also received copies of the April 11th report of the Son Tinh District Chief and of the April 14th statement of Capt. Rogriguez, the Assistant District Advisor. The 11th Brigade Intelligence Sergeant testified that he was given a letter addressed to Col. Henderson from Gen. Koster which enclosed copies of those documents. The letter directed Col. Henderson to conduct an investigation of the allegation contained therein. The sergeant further testified that he was given a longhand draft reply prepared by Col. Henderson, and instructed to have the reply typed. He identified the two-page report dated April 24th, as the reply which was typed by one of his clerks." (P. 33)

10. *The resultant report, ordered by General Koster, was deliberately concealed from the normal channels of military communications, thereby leading to the "cover-up":*

"After the report was typed, it was placed in a double envelope and addressed "For Eyes of Commanding General Only". The Sergeant was instructed to treat the report as sensitive correspondence. There is some question whether he was told to conceal the Brigade copy or whether he did so voluntarily. In any event, he kept the copy in a folder in his desk drawer rather than in the classified files of the Brigade since "I wanted to keep it out of the files where anybody could see it"

In 1969 a search of Division and Brigade files failed to disclose any copy of Col. Henderson's report. Subsequently, the only copy known to exist was found in the desk of the Brigade Intelligence Sergeant who had received it from his predecessor, under whose direction it had been typed." (P. 33)

11. *At least one prominent officer, Lt. Col. Holladay, who was close to the My Lai case, expressed the view publicly that the report prepared at the request of General Koster "did not address the allegations":*

"Gen. Koster testified that he discussed the report with Gen. Young, Col. Parson and Col. Henderson. Lt. Col. Holladay testified that the report had been shown to him by Col. Parson, Division Chief of Staff. Lt. Col. Holladay testified that, after reading it, he muttered an obscenity as an indication of his belief that the report did not address the allegations." (P. 34)

12. *General Koster, disturbed with the gnawing doubts and allegations about civilian casualties at My Lai, says he ordered still another report on this whole matter:*

"Col. Henderson stated that, about two weeks after he submitted the April 24th report, Gen. Young told him that Gen. Koster desired a formal investigation of the allegation. Henderson said that he nominated Lt. Col. Frank Barker, who at the time was Executive Officer, 11th Brigade, to conduct the investigation. He further testified that he saw a completed report of the investigation, about three or four pages in length with about 15 or 20 statements of witnesses attached.

"Gen. Koster corroborated Col. Henderson concerning the order for a formal investigation and the report of Lt. Col. Barker. His account of the size of the report and its enclosures is strikingly similar to the description furnished by Col. Henderson." (p. 34)

13. *This third report, claimed to have been ordered by General Koster, appears to be a figment of the imagination:*

"Except for the statements of Gen. Koster and Col. Henderson, there is not a shred of evidence to support the claim that an investigation was conducted by Lt. Col. Barker. Each of the witnesses identified by Koster and Henderson as having furnished signed statements, which they claimed were attached to the report, has denied that he was ever interviewed by Lt. Col. Barker or that he supplied a signed or sworn statement to any person. None of the persons who was interviewed by the Subcommittee staff, or who testified at the Subcommittee's formal hearings, ever suspected that Lt. Col. Barker had conducted an investigation. No trace of such a report could be found in the Brigade or Division files. According to Col. Henderson, an order appointing Lt. Col. Barker as investigating officer should have been issued by Division Headquarters. No such order has ever been located. On the basis of the evidence, the Barker investigation and his report appear to be a figment of the imagination of those officers. Inadequate though it might have been, the only written report of investigation, which has ever been located, was the April 24th report of Col. Henderson. Even Col. Henderson admitted that the April 24th report could not be considered as an adequate report of investigation.

"There is not even a suggestion that any further attention was given the matter after April 1968. It appears that no further action was taken until after the Department of the Army's investigation began in April 1969." (p. 34)

14. *General Koster did not report the matter of civilian casualties at My Lai to his immediate commander, General Cushman of the Third Marine Amphibious Forces or to General Westmoreland in Saigon as required:*

"Maj. Gen. Koster, the Commanding General of Americal Division, should have reported the allegation to Third Marine Amphibious Force Headquarters and to Headquarters, U.S. Army Vietnam. There is no evidence to indicate that he formally reported to either of these Headquarters. He testified, however, that he had informed Gen. Cushman, the Commanding General at III MAF, or his Deputy, or members of his staff that he had an allegation under investigation. Gen. Cushman testified that the matter had never come to his attention. When interrogated about his failure to report the incident, Gen. Koster said that he believed that, since the investigation demonstrated his troops were not at fault, he had no obligation to report the allegation to higher headquarters." (p. 35–36)

15. *The failure to report these facts to senior headquarters presents a concerted action among military and State Department officers to suvpress all evidence of the allegation and its investigation."*

"While Gen. Westmoreland might find it impossible to explain the failure of his chain of command to surface the report of the alleged atrocity, the Subcommittee believes that the explanation lies in a concerted action among military and State Department officers to suppress all evidence of the allegation and its investigation. During staff interviews of witnesses and, subsequently, during the Subcommittee hearings, several items were developed which support that theory.

"It appears that the allegation was advanced through Americal Division channels properly, albeit slowly and informally. Its informal character is reflected by the fact that no written memorandum of the allegation was ever made, and also by the apparent disinterest of officerss in obtaining a firsthand account of the incident from WO Thompson. The investigation was also characterized by the 'closehold' attitude of all persons involved. According to a witness before the Subcommittee, when Gen. Young convened the March 18th meeting, he prefaced his remarks by saying, 'Nobody knows about this except the five people in this room'. And when Lt. Col. Blackledge assigned the Henderson report for typing, he instructed that the contents were not to be discussed. The report was transmitted to Division in an enevlope addressed 'For Eyes of Commanding General Only'. The Brigade copy of the report was then filed in a desk drawer of the Intelligence Sergeant so that it would not be seen by other individuals who had access to the regular files. Troops of the units involved were cautioned not to discuss the matter, since it was being investigated.

"No documentary evidence could be located which would indicate that the report ever advanced beyond Americal Division Headquarters. Maj. Gen. Koster's testimony that he had informally advised Lt. Gen. Cushman, or some member of his Third Marine Amphibious Headquarters, that Division had the matter under inquiry was the only suggestion that the matter had ever been reported to a higher headquarters." (p. 37–38).

16. All the top Americal Division officers which included General Koster, testified "with extreme reluctance on their part to discuss the allegation and its investigation with any real specificity." (p. 38)

Could this same reluctance be the real reason why the charges against General Koster are now being dropped instead of being examined in detail in public in a court martial?

17. The subcommittee report speaks of a "conscious effort to suppress evidence" within General Koster's division.

"The most damning evidence that there was a conscious effort to suppress evidence was the disappearance of documents from the files of U.S. organizations between early 1968 and mid-1969. Army investigators were unable to find any correspondence or reports of investigations at Americal Division Headquarters. They also were unable to locate any such documents in the files of the 11th Brigade. Subsequently, however, a copy of the April 24th report of Col. Henderson was found in a drawer in the desk where it had been retained ever since the time the report had been prepared. As previously stated, testimony disclosed that the Intelligence Sergeant had been instructed to treat the report as sensitive correspondence, and keep it from files so other people wouldn't see it.

That copy of the Henderson report was the only document, relating to the allegation or its investigation, found in the files of any U.S. unit. Had it not been for the unusual place of retention of that copy, a question arises whether it would have survived. Testimony from several witnesses established that, in 1968, there were at least five other typewritten documents relating to the investigation. Those documents were: (1) a letter from Maj. Gen. Koster in which he directed Col. Henderson to investigate atrocity allegations contained in its enclosures—a report of the Son Tinh District Chief and a statement of Capt. Rodriguez; (2) a report of investigation of an alleged atrocity typed for Maj. McKnight at the Brigade Operations Office in April 1969; (3) a letter from the Province Advisory Team to the District Advisor requesting an inquiry into the allegation of the Son Tinh District Chief; (4) a reply from the District Advisor to Province Advisor transmitting Capt. Rodriguez's April 14th "Statement"; (5) copies of the Son Tinh District Chief's April 11th report which had been directed to the Province Advisor and the District Advisor. Diligent examination of the files of all U.S. units involved failed to turn up originals or copies of any of those documents. The unexplained disappearance of so many documents from the files of so many different U.S. units can hardly be attributed to coincidence." (p. 39)

18. *Finally, 8 of the 25 formal findings and conclusions of the subcommittee go directly to the culpability of General Koster.* Surely these deserve to be examined in a public court martial, not dismissed by one man with a brush of the hand and hardly a word of explanation:

"5. There is no evidence that the My Lai allegations were reported to MACV, although directives in effect at that time made such reporting mandatory on the part of all military and staff personnel having knowledge of, or receiving a report of, such an incident. Commanders and MACV staff sections had a special obligation in this respect.

"6. It could reasonably be concluded that responsible officers of the American Division and the 11th Brigade failed to make adequate, timely investigation and report of the My Lai allegations." (p. 4)

* * * * *

"10. It can reasonably be concluded that the My Lai matter was 'covered up' within the American Division and by the District and Province Advisory Teams.

"11. To keep the My Lai matter bottled up within the Americal Division and the District and Province Advisory teams required the concerted action or inaction on the part of so many individuals that it would be unreasonable to conclude that this dereliction of duty was without plan or direction.

"12. A number of witnesses testified under oath with respect to the existence of investigative reports, statements, affidavits, correspondence and other documents relative to the My Lai incident. If they ever existed, virtually all such records have now disappeared. Only one copy of the so-called 'Henderson Report' has been found. It had not been kept in the files, but was hidden in the desk drawer of the Brigade Intelligence Sergeant on instructions of his immediate superior.

"13. There is evidence that officers and en-

> listed men of the Americal Division and 11th Brigade were informed, directly or indirectly, that the My Lai operation was being investigated, and, therefore, were instructed that they should not speculate on, or discuss the matter, pending completion of that investigation. While normally this might be considered proper procedure, this warning, coupled with the failure of the Division or Brigade to conduct any meaningful investigation, tends to substantiate the charge of 'cover up.'" (p. 5)

* * * * *

> "16. There was a surprising and almost unbelievable lack of recollection on the part of many of the Subcommittee witnesses whose responsibility to investigate the original My Lai allegations should have caused a more lasting impression on their minds as to the incidents and events involved." (p. 6)

* * * * *

> "19. The units involved in the My Lai operation had minimal training with respect to the handling of civilians under the Rules of Engagement and the Geneva Conventions." (p. 6)

I think I have cited enough here, Mr. Speaker, to demonstrate that one would have to be truly blind to conclude that there was not enough evidence to warrant bringing General Koster to trial on charges of neglect and nonfeasance, if not of deliberate coverup.

It is now quite obvious, however that with the steady progression of dropped charges, the American public will never get the full answer to what went on at Mylai through military court-martial procedures. So what can we do, and what should we do, in these circumstances to bring out the full truth and to identify and punish those guilty? I have five specific suggestions to make:

First. The Department of Defense or the President should reinstate the charges against General Koster and bring him to court-martial on them, under the same rules and with the same degree of persistence that the Army has shown in prosecuting enlisted men and junior officers.

Second. Once the Mylai court-martials have been concluded, the full records of the Hébert subcommittee investigation and of the Peers investigation should be made public.

Third. If General Koster is not brought to trial then the House Armed Services Investigating Subcommittee ought to examine him in open session, and without the restraints previously imposed because he was then a possible subject of a court-martial.

Fourth. A change should be made in the Uniform Code of Military Justice to provide that in cases with a more than purely local interest charges may not be dismissed by an area commander without the written approval of the Secretary of the service concerned.

Fifth. A further amendment should also be adopted to provide, in cases where the implications of a particular event go beyond the specific guilt or innocence of particular individuals, for the convening of a broader tribunal, composed of civilian judges and operating under the rules of Federal Court procedure, which can combine the cases of several individual defendants into a larger inquiry in which the facts developed and the conclusions reached can bear on the several pending cases jointly, rather than, as with the Mylai case, individuals be tried separately in different parts of the country, before different judges and different panels, and with virtually no relationship between one action and another.

I realize, Mr. Speaker, that no set of rules or recommendations can encompass, in advance, every possible situation that might develop at some future time. But one thing is clear: These cases have been mishandled. And Congress cannot and must not allow this compounding of error on top of error to continue in the future. I hope any remarks here today may make a contribution toward that objective.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am glad to yield to the gentleman.

Mr. SCHWENGEL. Mr. Speaker, I have been listening here with avid interest and I am glad this is being explored.

But I have a special interest in this because I know General Koster and his whole family. He was appointed to West Point by a distinguished Member of this House many years ago by the name of Tom Martin. The general comes from a fine community, family, and background. He, I am sure, is basically a good man.

As a result of my having visited Vietnam, I placed in the CONGRESSIONAL RECORD a report of the first visit by the Volunteers for Vietnam, that is, a group who went to Vietnam without expense to the taxpayers and who did a lot of investigating on the scene.

In that report you will find reference to many instances of the death of innocent soldiers and innocent civilians—innocent civilians in particular. Many of those were the result of nervousness. We felt that many of them were the result of a policy called search and destroy.

In that report we recommended to the President at that time, President Johnson, that we scuttle that policy. Somehow I feel that the policy is at fault here. In this case, as in so many other cases, where innocent civilians have been killed, some deliberately.

Does the gentleman agree that maybe while we are investigating this and calling attention to this problem and this situation that we ought to investigate this whole matter of the search and destroy policy and who formulated the policy, and whether there are other innocent people we ought to be concerned about and other people who ought to be tried in the courts as well as some of those who are now getting the headlines?

Mr. STRATTON. I am glad the gentleman from Iowa has raised that question because I think it represents a certain confusion on the part of many people with respect to what this Mylai situation is all about.

This particular case is, I think, almost unique as far as our subcommittee could find. This is not a case of innocent civilians being killed in the process of a military operation, as the gentleman from Iowa suggests, pursuant to a so-called search-and-destroy policy where you walk into a village that is being used as a strong point by the Vietcong and you attack that village and conceivably there may be innocent civilians there who are killed in the attack. This is unfortunate—but it is the kind of thing that I think is perhaps almost impossible to avoid, given the kind of war that we are fighting in Vietnam.

But the Mylai situation represented a case where a unit had gone into a village and had searched the village and had not encountered any enemy resistance at all. Men, women, children, and old people were herded up and searched. I do not think they had any arms, but if they did they were disarmed. They were then herded into groups. Under normal conditions, even if they were hard core Vietcong or North Vietnam soldiers in uniform, the rule and policy of any civilized army is to take them off to the stockade or the refuge center. But instead of that, while they were standing there herded together, somebody came in with machineguns and simply shot them down—or "wasted" them—as Lieutenant Calley was quoted as saying.

Now that is an entirely different thing. I do not think any army that is any good could possibly tolerate a situation where its officers could not restrain soldiers from shooting people who were in that particular position—and that is why this Mylai case had to come to trial.

But let me say to the gentleman from Iowa, second, that not only is that point different in the case of Mylai, but the basic allegation against General Koster is not the shooting but his participation in the subsequent coverup. I do not think anybody thinks that what happened in Mylai is good, but if the facts had come out, as they should have in the normal course, in 2, 3, or 4 weeks, there probably would have been court-martials on the spot. The guilty would have been punished, and that would have been the end of the incident.

Instead of that, we have had headlines for 2 years about the massacre at Mylai. It was a massacre. But while it has been in the headlines, nobody pays any attention to the fact that the North Vietnamese massacred 3,000 Vietnamese at Hue, and I do not think there have been any streamer headlines in any newspapers about that massacre.

I do not happen to know General Koster personally, except that he appeared before our subcommittee. Let me say I was profoundly unimpressed with him as a witness. All I am doing is speaking about the public record that our subcommittee compiled, because apparently the Army has never bothered to read our report, and the lieutenant general, who happens to be over in Fort Meade trying to get out on retirement—and apparently they will not let him go yet—he too apparently never bothered to read it.

Mr. SCHWENGEL. If the gentleman will yield further, I am not defending what happened there or anyone involved. My whole point is this, and I believe I am on sound ground, that this is not the first time this kind of thing has happened in the same kind of setting. So I would like to suggest that while we are investigating, we investigate this across the board. I think you will find on examination and study that there are other examples, almost as bad as this, in similar situations. My whole point is I think this whole matter ought to be investigated and, indeed, I think the matter of who instituted the policy of search and destroy that ended up in such a disaster so many times should be investigated. That is the whole point of my remarks.

Mr. STRATTON. I certainly appreciate the gentleman's contribution. If the gentleman has any information about other incidents, I am sure our committee would be glad to get them. But, as I have said, our investigation certainly indicated that this is not a general occurrence, that Mylai was a relatively unique situation, and the type of happening that the gentleman refers to is, as I hope I have been able to explain, quite a bit different from Mylai.

Mr. DOW. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am glad to yield to my friend and colleague from New York.

Mr. DOW. I should like to commend my colleague from New York, a member of the Armed Services Committee, for the splendid analysis he has given of this sad case. He typifies very well the obligation of Congress to exert more extensive oversight on the Armed Forces. If there were more Congressmen disposed as he is I am sure this tragic, dismal, and shameful episode would never have occurred.

Mr. STRATTON. I appreciate my colleague's very generous comments.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am glad to yield to my friend from Texas.

Mr. ECKHARDT. I, too, compliment the distinguished gentleman from New York. As usual, he has engaged in incisive and comprehensive studies of the question and has raised serious questions here on this floor.

I know that this requires real digging and real work, and I certainly compliment the gentleman for his services to this body and to the Nation.

Mr. STRATTON. I appreciate the gentleman's remarks.

Let me point out that while I naturally appreciate the gentleman's very generous comments, the bulk of my remarks were taken from the report of the Hébert subcommittee. I think it would be doing a disservice not to recognize that the digging here was the result of the leadership of the gentleman from Louisiana who is now the new chairman of the Committee on Armed Services and of the other members who served on that committee and of our very fine staff, headed by Mr. Reddan.

Incidentally, this report, in order to be printed, also had to have the approval and the endorsement of the former chairman of the committee, the late gentleman from South Carolina, Mr. Rivers.

I think this does demonstrate that we on the Committee on Armed Services do recognize our responsibility, not only to provide for the defense of the country but also that where an error is committed—and this was a big booboo—to ride herd on it and to do this very strongly.

I really feel that any kudos should certainly be shared much more substantially with the chairman of that subcommittee and with the other members and the staff than myself.

Mr. ECKHARDT. Will the gentleman yield further?

Mr. STRATTON. Yes. I yield to the gentleman.

Mr. ECKHARDT. I certainly recognize what the gentleman has said but also recognize he was a member of the subcommittee and is also doing a great service in bringing to bear those investigations on the specific issue here.

Mr. STRATTON. I thank the gentleman.

I yield to the gentleman from New York (Mr. RYAN).

Mr. RYAN. If the gentleman will yield, I should like to commend the gentleman for his presentation this afternoon, for his analysis of the Mylai situation and the way it was handled by the military. I concur in the recommendations which he has made for specific action with respect to General Koster.

If I may, let me ask the gentleman a question or two.

In addition to the charges against General Koster, have charges been dismissed against other high-ranking officers who were allegedly involved in the chain of command in connection with Mylai and, if so, how many have been dismissed?

Mr. STRATTON. I am not, I will say to the gentleman, sure at the moment. I do not have the figures on my fingertips as to how many have been dismissed, but I do say that the only other charges that are pending, I believe, are those against Colonel Henderson and a Captain Jackson with regard to the cover-up aspects of the case. I believe there are just two others, Captain Medina and Captain Kotouc who have charges pending against them insofar as the massacre is concerned. Including Lieutenant Calley that would be a total of five. I believe that there were some 20 charged initially. I know that several have been dropped: General Young, the assistant division commander, for instance, Colonel Parsons, the chief of staff, and it seems to me there was one against Major Watke, a helicopter commander, whom I thought should never have been charged in the first place. I think there have been some others that have been dropped, too, but I do not have all of those figures immediately at hand.

Mr. RYAN. I thank the gentleman. It is true that the charges against most of the high-ranking officers have been dismissed. Thirteen officers and enlisted men originally were accused of crimes at Mylai. Charges have been dismissed against all but three. In addition, General Koster and 13 other officers were accused of a coverup. Now there have been dismissals of the charges against 12 of them.

Let me ask this further question. How can the Department of Defense sanction the trial of a platoon lieutenant, when the charges are dismissed against the commanding general of the division while the charges that have been lodged against the platoon lieutenant are still pending?

Mr. STRATTON. Well, I am not a lawyer, as the gentleman knows. But this is the same point that Mr. McCrate, who was the counsel of the peers committee, raised. In other words, should we not complete the charges with reference to the incident and the trials connected with the incident before deciding whether to dismiss the charges of coverup. Well, that procedure would seem to me to make very good sense. In addition to that, as I have pointed out, it opens the Army up to this whitewash charge that they should go after lieutenants and privates with vigor but when it comes to the major generals they somehow find they cannot prosecute.

Mr. RYAN. I think that is the important point. I again want to compliment the gentleman for his efforts in this case.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I shall be glad to yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Speaker, I also want to join in commending the gentleman from New York for his comments and for having brought to the attention of the House not only his own comments but the Hébert Committee report in some specificity. I agree with my colleague that it was, in fact, a first-rate report. The subcommittee that held hearings on these matters gave full measure to their task of reviewing the events.

Mr. Speaker, I share the same troubles that my colleague, the gentleman from New York (Mr. STRATTON), indicated in his remarks about the assessment of responsibility both for the coverup and for the acts themselves.

My remarks are tempered only by my concern that nothing we in Congress do should in any way either influence or suggest to be an influence upon the manner in which the courts-martials that are still pending are to be conducted or resolved. I know that the gentleman in the well particularly shares my concern that his remarks not be construed as a suggestion that those courts-martials are defective or are not defective. Whatever happens in those cases should turn on what those courts-martials do and should be covered by the Code of Military Justice.

I hope that whenever the action of the Army has been completed in all respects, that at that time the gentleman from New York will take the same kind of leadership in seeing to it that we have the kind of determination and separate investigation by Congress as to what happened and who covered up for who. I also hope we can find out what is wrong with the structure of our military law which has made it so difficult for the Army to get at the facts of Mylai, and has even put us into the position of seemingly colliding with the Army.

Mr. Speaker, I want to say that I share the sentiments which have been expressed by the gentleman from New York and I hope that when these trials are all over that the gentleman will continue with his usual and admirable zeal in the pursuit of this matter.

Mr. STRATTON. I appreciate the gentleman's remarks and this is certainly my intention.

I think the gentleman makes a good point with respect to the possible impact upon courts-martial that are now underway or that are yet to be begun. Certainly the Army would have been well advised not to have dropped the charges, as Mr. McCrate has pointed out, while these other trials were in process, because in so doing, they invite the very kind of comments being made here today or else we simply stand by mute and say nothing, which would be clearly intolerable.

The SPEAKER pro tempore (Mr. McFall). The time of the gentleman from New York has expired.

AN EXPRESSION OF VIEWS ON VIETNAM AND THE ISSUE OF OUR INVOLVEMENT IN SOUTHEAST ASIA

The SPEAKER pro tempore (Mr. McFall). Under a previous order of the House, the gentleman from New York (Mr. Dow) is recognized for 60 minutes.

Mr. DOW. Mr. Speaker, the time that I have assigned to me here is an opportunity for all views to be expressed on Vietnam and the issue of our involvement in Southeast Asia. However, this particular time has been reserved for such debate by those of us who are opposed to the U.S. involvement in Vietnam and Southeast Asia, but we would welcome criticism or debate of any sort as we proceed.

I shall not take much time, but just a little to start off the discussion in which I hope other colleagues will join.

Now, for us who oppose the involvement in Southeast Asia, the question constantly arises: How can we convince our Nation to end this war? How can we persuade our leaders to end this serious situation that is gnawing at the vitals of our country? It is a very frustrating question because there seems to be no answer on how to make our case succeed. Nobody knows the way. And I am constantly baffled in speaking to my constituents who ask me that question, because I do not know the answer.

Nevertheless, the war is still with us, and it is so shameful, so cruel, so profitless, that we must continue even though we do not see daylight at the end of the tunnel. We must continue our efforts to end it, and we must continue these efforts in every way we possibly can, by speaking, by writing, by dissenting, by watching, by studying and by demonstrating peaceably, and perhaps we will find a key in our search at some time when we least expect it.

Our presentation today is to do just that: to try again to state the case against this terrible situation in which our Nation finds itself. This presentation today is one more link in the chain of protests that must continue until our military involvement in Southeast Asia has ended. We must not lie still nor allow ourselves to be quieted by the fact that the casualties have fallen slightly, or that the war is not in the headlines. We must continue still because the matter is so monstrous.

We want to share the time equitably among all those who are interested, and give adequate time to all who would care to speak and to say what is in their hearts. So I am not going to speak at great length, but will shortly allow time to others to speak.

At the outset, I want to say this—and I know my colleagues agree—that in any criticism of American actions in Southeast Asia we want to express nothing but honor for the boys who have died there, the boys who have been wounded, and the boys who have served their country faithfully on the battlefield.

We are not speaking in criticism of them, but we are speaking in criticism of that woeful leadership in our diplomatic services and in our military services who made the choice to go to Vietnam and still continue to press on there, adding to the mistake that was made initially.

My remarks relate to the overriding political strategy, the "grand design" in this Southeast Asia situation, if I might use the words of Winston Churchill.

It is very important, I would say, to understand the background of Vietnam and to realize that after World War II there was a decline of colonialism all over the world. Western nations largely gave up their colonies at that time and set in motion a current of history leading toward the freedom of the former colonies.

The French and the British gave up colonies in Africa.

England yielded India and also Pakistan.

The Dutch gave up their hold on Indonesia.

The United States accorded independence to the Philippines.

It is very unique and rather strange that only two colonies of any considerable consequence in the world did not after World War II, secure their freedom from Western domination. They are the Portuguese colonies, and Vietnam.

Is it not peculiar—is it not significant—that in those two colonies which did not secure their freedom, the wars continue? I submit that the reason why wars continue there is that, in this age of freedom for colonies, a great desire wells up among the colonial people to realize their own identity. They do not want to see foreign flags flying on the flagpoles in their countries. They want to see their own flag flying there and when the bands march down the street, they want to see their own bands marching down the street—not foreign bands. They want their own leaders to lead the parade, not foreign leaders.

Besides national identity, these nations also are seeking a little more to eat, a few more tiles with which they can build their homes. They do not want much. This is a universal yearning throughout all of the underdeveloped portions of the world.

The basic root of the trouble of the United States in Vietnam is our failure to perceive this strong desire throughout the world, amongst most of mankind—amongst 2 billion less fortunate souls.

Instead of that, the United States—and a great deal of American opinion, and certainly our misguided leaders, have thought that the problem was communism. In this country we have a paranoia about communism that has led us into this disgraceful situation.

Now, admittedly, communism is a problem for us. Admittedly, communism is a dread. Admittedly, communism has faults and in most all respects is a very evil doctrine, indeed.

We failed to recognize that, in addition to the problem of communism, that there was this revolution of rising expectations abroad in many lands across the seas.

It was our trouble that we centered all of our attention on communism while failing to see the other problem of human need and desire for independence. We have had a policy based upon blindness. A policy based on blindness will never succeed.

So I hope we learn the lesson which has cost us 44,000 dead. It is tragic that the price is so high for the essential understanding of the world that we face. Because this same problem that exists in Vietnam exists in many other parts of the world—in Bolivia, in Chile, in Mauritania, in Pakistan. It is all over the world and it is the same problem of the revolution of rising expectations.

While we should recognize communism, we must not focus so much attention on communism that we persistently fail to perceive this other problem, this urge of the people of the world to have their own identity, to have a little more to eat and a little more to live with in the coming years. The Vietnamese have that problem, yet we have not helped them one bit with it.

That concludes my remarks. I would be glad at this time to yield to others who wish to speak on this issue.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. DOW. I yield to the gentleman from New York.

Mr. RYAN. I should like to commend the gentleman from New York for taking this time to discuss the most pressing issue before our Nation and the world. I have reserved an hour's special order which I will use later in the afternoon. But I simply want to take this time to point out that there has been introduced in the House, with some 27 cosponsors, a House concurrent resolution which calls for the immediate halt to United States offensive actions in Southeast Asia and for the withdrawal of all American forces by June 30 of this year. I feel it essential that the Congress exercise its responsibility. The administration has failed to end the war. We must continue this debate and carry it to the country.

I think the Congress must respond to the majority sentiment in the United States. The latest Gallup poll showed that 73 percent of the American people believe that we should withdraw from Southeast Asia this year. This is an objective which I hope will have the support eventually of all Members of this House who understand what this tragic war has done both at home and abroad to the United States.

Mr. DOW. I want to commend the gentleman from New York, who has been in the forefront of those who have warned our country against the evils of the Vietnam involvement. He has been in the forefront for many years, from the very beginning. He is a man of great foresight.

Mr. RYAN. Mr. Speaker, will the gentleman yield further?

Mr. DOW. I yield to the gentleman from New York.

Mr. RYAN. Let me simply say in response, if I may, that I have always been proud to be associated with the gentleman in the well in this effort to make the Congress understand the folly of Vietnam and the tragic consequences which it has brought to our country. The gentleman from New York (Mr. Dow), has demonstrated great courage in the position he has taken over the years on this issue.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. DOW. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I would like also to commend the gentleman from New York for a very courageous and a very able statement. I would like to commend the other gentleman from New York (Mr. RYAN) for the resolution which he referred to. As a freshman Member of the House, this is the first occasion I have had to address the House, and, while I am not really addressing it in a true sense, I would like to add a couple of remarks to what the gentleman has said. This issue, in my opinion, is the highest priority facing the Congress and the country today. I so stated during my political campaign, and I intend to make it my highest priority as a Member of the House.

So many efforts have been made in the House to tackle the problem of ending the war in Vietnam that I could only approach the question with a sense of profound humility, realizing my own and our collective inadequacy.

Yet despite the failure of past efforts to place a terminal date on American involvement in the war, I believe we all have a profound obligation to continue such efforts.

I commend the gentleman in the well and the other gentlemen for continuing these efforts.

Not only is the war the foremost issue facing the country, we cannot talk about eliminating poverty and hunger, saving our environment, providing quality education for our children, or any of the other problems that need to be solved, until we end our involvement in this war.

And I should like to add one other things, if I may. As American troop strength in Vietnam continues to diminish, so does the strength of the American negotiating position and the ability of the U.S. Government to bargain effectively either with the Government of North Vietnam or the Government of South Vietnam. At the present time, however, we still have a sufficiently large military force in Vietnam to make it possible to reach a cease-fire agreement with the North Vietnamese and Vietcong if we will make a commitment to withdraw our forces at a specified early date. For that reason I support the resolution of the gentleman from New York, and I urge other Members of this House to do likewise.

I thank the gentleman.

Mr. DOW. I thank the gentleman from Ohio. I will say that he is living up to his advance reputation.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. DOW. I yield to the gentleman from New York.

Mr. ROSENTHAL. I want to commend the gentleman in the well for taking this time and directing his attention to probably the most urgent problem the United States and the world faces.

Mr. Speaker, the situation in Southeast Asia, as we begin another Congress, is edged with tragedy. It it also a matter of increasing urgency, as new military moves—unknown in their extent and unauthorized by Congress—take place behind a screen of secrecy.

The folly of Vietnamization is shown by this obscure military campaign we conduct today with South Vietnamese troops, with our weapons and our planes and with an outdated and increasingly dangerous commitment.

Vietnamization was originally a device to protect our troops during withdrawal. It was a program to protect our national ego from the realization of failure. Today Vietnamization, and its assumptions, are an increasingly ominous threat to world peace.

The danger of Vietnamization is that eventually we will reach a point where our reduced combat forces attract enemy attacks which we cannot counter. A military assessment on our part may lead someone—probably a field commander—to recommend nuclear weapons to protect our forces. The President, and the country, will then face a crisis so grave that one fears to contemplate it.

Today we see that Vietnamization meant, or came to mean, something quite different from a sequenced withdrawal. Instead of winding down a war, we are involved in spreading the fighting into two other countries. We avoid committing ground troops ourselves, but that does not diminish our role.

When judging responsibility, I see little difference between waging a war and underwriting one. We are surely as responsible as the South Vietnamese for expanding the war into Laos and Cambodia.

Having recognized that our role in the tragic war in Vietnam was an error, we are faced with the responsibility of assessing how that error began and how it is related to our foreign policy in other parts of the world. My conclusion, which I want to discuss today, is that unless we are prepared to dissect our Vietnam policy with a dispassionate regard for its origins in our attitudes toward the rest of the world, we stand in even greater danger today of recommitting that same error in other countries, in other continents and under different, but parallel, circumstances to those which propelled us into Vietnam.

Our role in Vietnam, when we seek its origins, is traceable back to the end of World War II. At that time, we were allied with the French, who, having been defeated in Europe, were determined nonetheless to retain their colonial empire. Our first failure was to ignore the renewal of nationalism, which we should have known well from our own Western history, and which was sweeping through other parts of the world.

We saw, instead, an ally, France, battered from its humiliating losses in Europe, attempting to regain its prestige by resuming its position of hegemony in its prewar colonial areas. The tragedy of Vietnam began, then, with the same urge which later brought France to tragedy in Algeria. It was a fate which the same France was able to escape, through a more enlightened policy, in black Africa.

This renewed determination to retain colonial control over distant and alien areas did not affect France alone. Britain, Portugal, and Belgium each believed its prewar world would start again routinely after World War II. Each was eventually disabused of this notion. This educational process works slowly. Britain learned first, then France, and Belgium. Now Portugal remains alone in its resistance. Or rather, almost alone, for the United States still falters in Southeast Asia.

The irony of history is that the United States, which for so long abjured colonial ambitions should have become a force against popular revolutions seeking to replace colonial governments.

This pardoxical role is not limited to Vietnam. We still accept Portugal as a NATO ally which, in its African policy, resists the forces of self-determination. Our Government's role in Rhodesia, captured by a neocolonial regime, is more responsive to the subjugation of the black majority but still lacking in the fervor I would like to see in my country which, until World War II, showed such admirable impatience so often with the excuses to the colonial rulers. We seem, in Rhodesia, to be willing to make excuses for the neocolonialists or at least to listen too carefully to them.

In Latin America, where the danger of missing the Vietnam lesson is most acute, we face circumstances for which we are much more responsible. There we still have, if only in a derivative sense, a colonial mode. We are, more than any other power, the quasi-colonial power in Latin America. We still dominate much of that continent in every way except by direct control of the governmental mechanism.

We have, consequently, earned a responsibility for the present tensions in Latin America much greater than any European power. We show, in my view, no greater understanding today of those tensions than did the English in East Africa in the late 1940's and the early 1950's or the French in either Algeria or Vietnam.

We seem prepared today to prize stability in inherently unstable situations in Latin America. We also seem most likely, if we persist, in precipitating exactly those dangerous political crises and temptations which our policies are supposed to prevent.

A recent well-received book by a good friend, Jerome Levinson, titled "The Alliance That Failed," notes that Castro's Cuba, whose presence prompted the Alliance for Progress, has come closer than any of the alliance partners in reaching the goals of distributing the wealth of the country more fairly and of insuring the minimal fundaments of housing, education, and medical care from which enlightened and healthy societies grow.

Cuba, Levinson notes, is no paradise; but neither is Brazil or Paraguay where much less evident progress toward the alliance goals is found.

When we view Latin America today, I hope we look with the perspective of my country which has lost over 50,000 of its own men in a futile attempt to intercede on the wrong side in civil war in Vietnam. I hope that we never face the decision of intervening in similar wars in Latin America where our economic interests are much more direct and where our resistance to change might be expected to be even more entrenched. But unless we abandon the folly of Vietnamization we shall never begin to understand the problems of Latin America.

Today we should be reexamining the lures which took us into Southeast Asia a quarter century ago.

We should assess those aspects of our national character and temperament which convinced us we had vital interests to protect in South Vietnam in the mid-1950's.

We should ask where and how we agreed to fight this incredibly wrong war in the 1960's.

Instead of this national reexamination, we compound the folly. Instead of seeking ways of avoiding other Vietnams elsewhere in the world, we persevere in seeking victory where none is possible in Southeast Asia.

The peoples of Latin America, the Middle East, and Africa look to us for inspiration, for assistance, for reassurance. We offer, in return, a dogged concentration on a corner of the world without great meaning to our country or our national fortune.

Mrs. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. DOW. I yield to the gentlewoman from New York.

Mrs. ABZUG. I want to commend the gentleman from New York (Mr. Dow) for this effort to discuss the issue of Vietnam, because I do not believe there is anything more critical than our withdrawal. I should like to make some remarks in connection with this matter today.

Mr. Speaker, I am pleased to rise in support of the statements of my colleagues, Mr. Dow, Mr. MIKVA, and Mr. RYAN.

Americans have been fighting an unjust war in Indochina now for nearly two decades. That war is destroying our youth, sapping our energies and weakening our national purpose. Yet, at the same time it has brought forth a group of courageous young men and women—men and women who have said no to the killing, no to the draft and no to the annual expenditure of billions of dollars in support of an uncontrollable U.S. military machine.

In fact, it is the youth of our Nation who have had the greatest firsthand experience on this war. It was young boys of 18 and 19 who, acting on orders from older men, killed women and babies at Mylai, of which Congressman STRATTON spoke in his special order, scoring the dismissal of the charges against General Koster. Nor was Mylai an isolated incident. Young returning veterans have organized a series of hearings across this country to take testimony from Vietnam veterans about war crimes which they personally witnessed. The eyewitness accounts of atrocities against the people of Vietnam are piling up at a sickening rate—stories of babies murdered, of men and women tortured by having telephone wire attached to their breasts and genitals, of civilians wantonly shot down.

The testimony comes not from quote "the enemy," but from hundreds of young Americans sick in heart and in conscience at the kind of war they were drafted into—a war that is still going on.

These young men who were in Vietnam are challenging that war, and this is perhaps an even more significant development than the massive student protests that swept the college campuses in the past few years. We have been told that President Nixon has successfully defused the antiwar protest movement. We are told that he is winding down the war, and getting the ground troops out. He is, in fact, trying to anesthetize the American people against the continuing horror of the war by limiting the U.S. ground role even as he escalates our air involvement in North Vietnam, Laos, and Cambodia, and in secrecy which we in Congress cannot tolerate. The incursions into the congressional war power and now a muzzling on our free press indicate the depth to which this attempt at anesthetizing will go, and indicate at the same time the extent of the problem with which this Congress must deal. It is a perverse morality that would have us think that dropping bombs on women and children whom you do not see is somehow superior to killing them face to face. It is true that a bombardier, from his position high in the sky, is protected from seeing the burning flesh, the blood and the twisted bodies, whereas the foot soldier is not, but for the victims death is death.

On January 18 the New York Times ran a letter from a soldier in Qui Nhon, Vietnam, which I would like to read to you. It said:

> To the Editor:
>
> When I was at home I was told of the great battles of Tet 1968, Hue, Hamburger Hill and Cambodia. Now that I am here in Vietnam I am told of the glorious attempts to rescue prisoners, the fantastic success of the Vietnamization program, that troop morale is better than last year, and that we will all go home eventually.
>
> But today an old Vietnamese man was run over and killed by an American jeep. Yesterday a boy killed his friend by throwing a "disarmed" grenade at him in fun. On Christmas Eve a squad ambushed part of its own platoon by mistake. And last month heroin addiction was the second highest reportable disease here.
>
> We are no longer gloriously fighting an enemy. We are tragically destroying ourselves. The deaths of today, although fewer in number, are more tragic than before because they are inflicted by fifteen-year-old girls selling heroin at the PX, and mines set by some other GI, and "unloaded" weapons.
>
> While you are talking of "a just peace," of reduced casualty rates, and of all the magnificent plans to end this conflict, your sons are being physically and morally corrupted by your war.
>
> It saddens me to think that when I go home in August, someone else will have to take my place.

It is signed, "Capt. B. C. Ewing."

It is an outcry such as this which makes us remember that the greatest casualty of this war is our own youth.

I note that my colleague, Mr. MONTGOMERY, spoke to the House on February 1, and stated his evaluation of the Vietnam situation. That speech, and the recent speeches of many other public figures, have emphasized the importance of the plight of U.S. POW's in North Vietnam. Mr. MONTGOMERY said then, and I quote:

> The plight of American POW's . . . continues to be the thorniest problem of the entire South East Asia situation facing the American people.

We, of course, are concerned with this plight, but it must be seen in much broader terms. The POW's are a central issue—but who constitutes the bulk of U.S. POW's? Is it merely the 378 men held in camps in North Vietnam?

No, it is all 300,000 of our Armed Forces there—all of our young men fighting this war—are prisoners of war—prisoners of misguided U.S. war policy. They have been killed, they have been mutilated, both physically and psychologically, over the long years of this war. One aspect of this tragedy which cannot be underestimated is the shocking prevalence of drug use by soldiers in the field. This to me is a sad commentary on troop morale, and further evidence of the damaging effects of the war on our young men. Estimates vary on exact percentages of drug usage, but when at least 50 percent of our soldiers have used drugs and at least 30 percent have used them to the extent that they are having a personal problem with the situation then something is seriously wrong. It is in this Government's power to end this devastating situation, and to free every one of these POW's by simply ordering them home now. If this were done, most of our other most pressing problems in Southeast Asia would be alleviated, including the problem of the 378 POW's identified by Mr. MONTGOMERY.

We in the Congress have the power to end this war. The inordinate power of the President and the executive branch—power that can shroud escalation and troop concentrations in secrecy, silence our free press, and today begin to produce military rationale as justification for its extraordinary abuse of power—that power sometimes makes one forget that the makers of the Constitution set up a system of checks and balances which gave Congress the right to declare war. Congress never declared this war, it abdicated its responsibility to the White House, but it can undeclare the war and this is what must be done in this session of Congress.

Many attempts to do that have already been introduced at this early stage in the 92d Congress. My own resolution calling on the President to withdraw all troops from Indochina by July 4 of this year, the resolution to pull out by June 30 of this year sponsored by Congressman RYAN and others, Congressman BINGHAM's bill on Cambodia, the Hatfield-Church bill in the Senate—all have many cosponsors and all are attempts to undeclare this war which has been so widely repudiated at all levels of American society. I urge this body "to get it together" and to join in support of these efforts to end the war now.

Mr. DOW. I thank the gentlewoman from New York for her for very discerning remarks.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. DOW. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. Mr. Speaker, I want to join my colleagues in commending the gentleman from New York for taking this time and leading this discussion that is so needed. I have known his feelings about Vietnam especially when he was speaking out a long time ago and when it took a lot of nerve, more nerve than it does today. So, I know how deeply he feels when he is talking to us about it. We have shared the concern and interest here and I am glad to add a word of encouragement to the gentleman's objective in the hope of getting a better understanding of this total problem, not only as it relates to the people in South and North Vietnam, but as it relates to the people of Indochina and as it relates to my own country.

This morning I had the chance again to meet a distinguished lady from Vietnam Senator Pauline Van Tho who serves in the Senate of South Vietnam. She is visiting here and she was in this building. I had the opportunity to visit with her and she shares some of the concerns that we have. She is bothered because so much has been spent in so many ways by her own people and by us and there is still so much misunderstanding or lack of appreciation of the problem. One problem she put her finger on and I think all of us ought to know about it, and that is the importance of the cultures in those areas that we have been ignoring. She called again, as Colonel Bey did when we were over there with the volunteers for a program to help them reestablish, strengthen, encourage and broaden their culture and, then, as Colonel Bey said, we would be more willing to accept you and the things you stand for and then you could help us arrange for a marriage of American technology to Asian culture. This Asian culture is really their church or religion and just as our Judeo-Christian religion is important to us it is important to them. So this is reflected time and time again as we seek to do this sort of thing which you are doing here.

I am glad you have taken this leadership and I am glad you are continuing to pursue this question—I hope it will be pursued in an intelligent and fair manner.

Based upon my continuing study and growing interest, my committee the volunteers for Vietnam has made recommendations to the President. We made recommendations on the first trip which was in November 1967 and reported to President Johnson and stated then the one great need was to change the program called "search and destroy" to "clear and hold." That change is coming and I am glad. It is going to make us look better and make our job easier.

But, as I look at this total picture and as I read about the world travels and as I note our own capability and capacity to lead, I think what a shame it is that we think we can solve these kinds of problems with guns alone.

The problem in Vietnam, like so many other problems, indeed the problems of this Nation in 1776 was a political problem and a social condition, because we held certain convictions about certain basic freedoms and rights and obligations and we believed in them and were willing to fight for them. True, sometimes we made many mistakes and we are still making mistakes as we wrestle with this evolvement of these basic freedoms and the extension of those freedoms in my own country. This has led me to recall that President Johnson in the first 100 days of the Presidency when he held a press conference and said that this was a great and continuing tragedy.

In answer to a question on foreign policy he said:

> There are 120 nations in the world with which we do business, so we have 120 different foreign policies.

He spoke the truth, but it is also a tragedy. What America needs is one foreign policy. I think that Vietnam demonstrates this need of a foreign policy that is designed to established the basic freedoms—I think there are five of them—and then evolve programs for their extension. We know from history that as these freedoms are cultivated and used and extended, well-being and prosperity comes to a people. That has been our history. And if we just look at this we could see a program and a plan that could be applied in Vietnam.

Let me tell you something that is working over there, a plus, something to build on: When we went there we got involved militarily under President Kennedy, and 20 percent of the boys and girls in the grade ranges between the first and fifth grades of school were in school. Today over 80 percent of them are in school. They are learning to read and they are learning about things around them. They are growing mentally, and this policy can help solve that problem, the individual problem just as we have it in our Nation, because we are helping make people more intelligent and we should be proud of this. We have also extended and helped the high school level of the people, and we have done so with higher education, but not enough.

Here is an area where we have the ability to help and believe in.

Let us also take agriculture. Seventy percent of the 17 million people in South Vietnam are farmers. This is the great rice basin of Asia, tremendous productive land, and there we have the capacity to help them improve their ability to produce. We have been told by scientists that in many of these areas the rice production could be increased four- to 10-fold, and this would help alleviate hunger where hunger is most prevalent.

Well, we are doing something here also. We have a bunch of farmers over there, extension service people, 130 of them, and they are helping the people, and they are having a great influence.

We went into Can Tho Province there, 3 years ago, and at that time they had one tractor in the whole province, an area about the size of three counties in the State of Iowa. This time we went there they had 197 tractors, and they were using new varieties of rice. They had in many areas doubled and quadrupled their production of rice.

You see, these are programs that many can appreciate.

Let me cite you an example of one little community. They suggested that we go there because they wanted us to see how these little communities could protect themselves against Communist terrorists that were troubling things there. It was very interesting to see this, and the thing that stood out to me was a little compound which was apparently new, and I asked the elderly gentleman who was our guide, I said, "What is in there?" He said: "I must show you what is in there." And there was a Westinghouse generator furnishing electricity for the very first time in the history of that community to furnish lights, and they had 137 homes benefiting from this plant, and they were paying for this just as REA is paid for in Iowa.

Well, that community is sold on us. I asked the gentleman that was taking us around what the attitude of his people was toward America. He said "Better now." I said, "Will you explain that?" He said, "Before, you had a policy called 'search and destroy'." Now, he was talking in his own language, and we were carrying on our conversation through an interpreter, and he said, "Now, you have clear and hold. Now we believe we know which side is right."

So you see here is evidence of the power when we do the right thing.

Mr. Speaker, I am glad the gentleman in the well has taken the lead in a discussion of this problem. I think this will lead to something constructive and help make us look better, make us look like the Americans that we really are, basically good. And if we sell the world on that factor then the world will again know, as Lincoln has said, and so brilliantly in his time, and in a difficult time, too, "We can be the hope of the world."

Again I say to the gentleman that he is doing a fine thing in leading this discussion, and I hope it continues on, because out of this kind of a leading and this kind of intelligent discussion can come some answers that we must find that are better answers than we have evidenced so far in the solution of that tragedy, that tragic situation in Indochina, and especially in South Vietnam.

Mr. DOW. Mr. Speaker, I would like to say to the gentleman from Iowa that he himself has been a leader in this crucial issue for a long time. I can recall being a cosponsor with him of a film—it must have been 3 or 4 years ago—on this issue and I can say with him that this was presented at a time when it was not so popular to be in the forefront on this issue.

So I admire the gentleman from Iowa as a man of courage and as a man of great conscience and it is heart warming to have you here, sir.

Mr. DRINAN. Mr. Speaker, will the gentleman yield?

Mr. DOW. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Speaker, I wish to commend the all-too-few Members of the House who are here today on this occasion.

I am one of the first representatives of a movement for a new Congress. People sent me here to stop this war. The essence of the whole movement for a new Congress is to restore the decency and the dignity of this House—to once again assert its constitutional power to declare war, and to finance a war.

With the repeal of the Tonkin resolution, which was adopted by this House, but long since repealed by the other body—it was repealed in this chamber on December 31, 1970—no legal justification of any sort exists for the war that is now being carried on in a clandestine manner.

I recall my last day in Saigon in June 1969. The sights I saw in that tragic land, all caused by American brutality, caused me to change the whole course of my life. I did change my life to come here and to try somehow to force the Congress to face up to its duty. Now, 19 months after I saw Saigon, what is happening? The killing goes on. We hear nothing about this new war in Cambodia or Laos. My mail comes in day after day—"What are you doing, Mr. Congressman, to stop this war?"

I spoke to a constituent just a half hour ago on the telephone and I had to tell him that I, as a Congressman, know nothing new about this war. I know nothing now that I did not know before. We are blacked out—we, the Congress of the United States, are blacked out.

Therefore, I say there is no justification in any legal sense for the continuation of this war.

All of us, I think, have known for a long time that this war violates every moral principle of all those traditions of Christianity and Judaism and ethical humanism—those traditions concerning the norms of a just war.

Mr. Speaker, I urge all these people—all too few—to make a coalition, and an alliance to do three things:

First, to demand a political settlement of this war.

Second, to reassert the inherent constitutional power of this House of Representatives.

Third, to make war on war.

Mr. DOW. Mr. Speaker, I thank the distinguished gentleman from Massachusetts who came to this body with tremendous credentials for the issue to which he has addressed his remarks.

He is living up to those credentials fully, according to our expectations, and we are delighted to have his testimony here.

While I have a little more time, if any other Member would care to offer remarks at this time, I would be glad to yield.

I am troubled that there are not more Members here to participate in this discussion because it deserves much more attention than it is receiving.

Mr. Speaker, I yield back the balance of my time.

VIETNAM

The SPEAKER pro tempore (Mr. McFALL). Under previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 60 minutes.

Mr. MIKVA. Mr. Speaker, it is with a deep sense of frustration and anguish that I join my colleagues today in another attempt to get this Congress and this administration to openly deal with the problems of Southeast Asia and the war we are waging there. We continue to pretend that good things are happening which will provide a happy ending to this tragedy. It is not true.

For the past 5 years the only constant elements in our foreign policy toward Southeast Asia have been continued pursuit of a military solution, and a continued effort to keep the war out of the public's eye to the greatest extent possible. The latest manifestation of the latter is "Vietnamization," which is so commonly credited with successfully "defusing" the war issue. By definition, the administration's entire policy of Vietnamization and alleged disengagement is a cynical sham. As we withdraw a portion of our massive forces from Vietnam, we increase the firepower per man, and the level of violence inflicted on the people of Southeast Asia continues unabated. We continue to kill, but do it by proxy, using yellow men instead of white and black men to carry the instruments of death we provide them, while we "withdraw" to a politically safe distance. The administration's position may be politically safe, but it is far from being morally secure.

Over the past 10 years, our massive presence in an alien country has totally disrupted the entire economy and social fabric of the nation we say we seek to save. Indiscriminate bombing and napalm attacks have killed thousands upon thousands of civilians, tearing families apart and leaving millions of widows, orphans, and refugees. Innumerable acres of productive land have been laid waste, disrupting the ecological balance of a whole region, and upsetting the agricultural capability of South Vietnam. Our contribution to the eventual solution of the problems of Vietnam, many of which we have aggravated, is Vietnamization—which is to say that, for reasons of political expediency, we turn over our weapons of destruction to Vietnamese troops trained and equipped by us to carry on our crusade against the yellow peril from the north.

Vietnamization constitutes a reprehensible shirking of the responsibility we should bear for bringing peace to a terribly torn subcontinent. Withdrawal, as an alternative to negotiations directed toward a fundamental political solution of the underlying political problem, does not advance the prospect for lasting peace in Indochina and is little more than a cruel hoax. We must not permit the administration to "defuse" the war by these means.

The only acceptable path is to begin to deal with the underlying problems we have never faced, for all our bullets and bombs. The war must be ended, not merely our physical presence. A realistic political settlement must be reached, which will assure the people that which they have never enjoyed in all the years we have been waging war in their country: the right to live their lives in peace, governed by men of their own choosing regardless of whether they are acceptable to us. Whatever else we have done in the past 10 years of military effort, we have not advanced that goal one whit. Just as this was the only legitimate justification for our presence in Vietnam initially, it remains the only justification for our withdrawal. Vietnamization does not promote that end, and is therefore an unacceptable basis for disengagement. We cannot sit quietly by while the President, in "defusing" America's participation in the war, compromises America's conscience.

Since Vietnamization has become a part of the administration's lexicon, the war has expanded to Cambodia, and now to Laos. We have witnessed a blackout of news that is bottomed, not on security of our troops, but on efforts to keep the facts from the American people. We have witnessed a "brownout" of dialog about the war from the political leadership of the country. We have not heard any solution to the war in Southeast Asia, secret or otherwise, nor have we heard an end to the American agony that has torn us apart for so many years.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to my colleague from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. I am pleased to join the gentleman from New York (Mr. Dow) and other colleagues in their remarks today, and as one Member I would like to welcome back the gentleman from New York, and I observe with admiration that he has lost none of his zeal and quest in his opposition to this tragic war.

Mr. Speaker, once again we are confronted with the prospect of escalation of America's military involvement in Indochina—again we are told that this is necessary to secure the safety of our ground combat forces in Vietnam. We have been given assurances that this administration is committed to the withdrawal of our troops and it is repeated ad nauseam that such withdrawal is made possible by the continued presence of our troops in Vietnam and our logistic support and air strikes in Cambodia, Laos, and Thailand. We are asked who will protect our troops if we withdraw immediately or by a reasonable date certain.

As Congressmen, we are petitioned to join in demands that Hanoi respond to the plight of wives and families of our prisoners of war, but we who seek an end to America's presence in Indochina are not prolonging the misery of these unfortunate Americans. Our prisoners of war will be released when, and only when, we withdraw all of our forces from Indochina, but, meanwhile, let us understand the policy that makes prisoners of war and that continues to add to the number of Americans held prisoner in North Vietnam. It is the administration policy of bombing the North, continued in a smaller degree from the Johnson administration's similar policy. It is then our own bombing and aggression against the people of North Vietnam that creates prisoners of war. It is this administration and the last administration that put those men there. They, and they alone, are responsible. Further aggression can but add to the number.

The Nation waited until this morning for official word as to a new military initiative launched into Laos. American newsmen were under a news embargo which prevented them from learning of events already reported by foreign correspondents around the world and by the press in Saigon. Why was the American public and the Congress of the United States kept in the dark? It is reported that General Abrams ordered the embargo and it has been suggested that the President himself was not advised of this new initiative. Has the executive branch also lost control over our military high command? It is no surprise that Congress is not consulted—this body abdicated its constitutional responsibility to authorize the commitment of armed forces to foreign lands long ago. It is high time we asserted our authority again.

The framers of our Constitution specifically and deliberately gave Congress the exclusive power to commit armed forces to foreign lands with the exception of certain emergencies in which the President might act on an interim basis. In the interest of expediency Congress has allowed this power to erode in recent years. The justifications for our involvement in Korea, Lebanon in 1957, Cuba in 1962, the Dominican Republic in 1965 and Vietnam all stress theories which establish circumstances under which a President may send armed forces abroad—but the limits of such power have been ignored.

It has been suggested that the erosion of congressional power to initiate armed conflict is attributable to America's lack of experience in accommodating our constitutional system to expedients in foreign policymaking. In an atmosphere of real or imagined crises and fearful of causing irreparable harm to our security, post World War II Congresses acquiesced in the judgment of executive expertise. Confronted by the awesome complexity of post war security, Congress rubber stamped all proposals generated by the Departments of State and Defense and appropriated the funds requested. One President after another sent our forces into foreign lands giving only token recognition to the authority vested by the Constitution in the Congress.

I reject the claims that Presidential power to send troops into combat is derived from collective security treaties which were ratified by only one house of Congress. But even the terms of these treaties provide that in the event of armed attack on any member the common defense provisions shall be carried out by the parties in accordance with their respective constitutional processes.

I also reject the concept of implied authorization through subsequent appropriations and congressional inaction. The fact that Congress has been coerced into appropriating funds to protect troops already committed does not constitute ratification of executive initiatives. The Supreme Court held that explicit ratification by the Congress is necessary—ratification by appropriation is constitutionally impermissible. This principle applies with even greater force to the argument that ratification is implied from congressional acquiescence.

Given the recent history of congressional inaction relative to the war power it is no wonder that we are today treated as schoolboys incapable of understanding the complexity of the problem. The recent news embargo highlights the contempt held by the executive office for the congressional prerogative to participate in decisions to send armed forces to combat and to specifically authorize deployment to new frontiers. Having legislated a prohibition against the President sending ground troops into Cambodia or Laos we are now confronted by new military initiatives in both Cambodia and Laos using every instrumentality of violence at our disposal—including, what amounts to, mercenary South Vietnam troops.

However, it is not my purpose here to attack the merits of this recent action. My understanding of that is what I have been told: We are there because we are there and consequently must do everything within our power to protect our presence, at least until our puppet government can protect our political presence and troop withdrawal.

We should not now be asking what is going on in Laos and Cambodia—and why? We must demand that the executive ask Congress whether it will authorize such new initiatives. We will be told that secrecy must be maintained to protect our troops—that it would not be militarily expedient to divulge these plans prior to execution. And I say to the devil with expediency—the foundation of our country is being destroyed by expediency. We the elected representatives of the people must demand a voice in the formulation of our military objectives in Indochina. This Congress may approve of the present initiatives once it has been informed—but it must explicitly authorize their continued execution.

Since World War II international crisis has been chronic. In this context we have not deliberately rejected our constitutional processes but we have neglected them. The urgency of our times seemed to require a national potential for quick retaliatory action which could most logically be exercised by the executive. We allowed the concept of instant defensive retaliation by the executive to extend executive control over the use of military force in the conduct of foreign affairs.

Mr. Speaker, the role of Congress with respect to the deployment of armed forces throughout the world deserves our most thoughtful consideration at this time in our history. Must we amend the Constitution or must we merely assert the authority already conferred on us by that document? Let us direct our attention to this inquiry without delay. Let the administration be confronted with the question of why it must persist in the conduct of mass military operations in Southeast Asia. Why has it not given up the long-since discredited notion that we can, or ought to, win a military victory in Southeast Asia.

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to my colleague from California.

Mr. EDWARDS of California. I was very interested in what the gentleman from Illinois and the gentleman from Wisconsin had to say. I know and appreciate how long these two Members have presented these views, together with the other speakers who have preceded them.

I am sure we are all pleased that there is to a great extent a majority of the people in the country who now agree.

Mr. Speaker, the Greeks have given us a word, "hubris," which is defined in Webster's dictionary as "wanton insolence or arrogance resulting from excessive pride." In the Greek tragedies the hero is usually the victim of his own hubris. I would like to draw a parallel here between the Greek hubris and the attitude which has dominated U.S. foreign policy in China and the Indochina Peninsula since the end of World War II, because for most of that time we have acted on the premise that we have the right and the might to shape the destiny of Asia. It is only in recent years that the American people and their political leaders have come to question that premise, and then only in the face of bitter defeats of our Asian policy and severe domestic turmoil resulting from that policy. There are few people today who would question that our military involvement in Southeast Asia has been a major cause of domestic unrest and the major barrier to solving our domestic problems.

I was interested in what the gentleman from Illinois had to say about Vietnamization. I believe that the President was misguided in his Vietnamization policy. In committing the Nation to that policy I believe he has succeeded primarily in spreading the conflict and further undermining the stability of the entire Indochina peninsula. Vietnamization is not a new concept. It was tried by the Johnson administration, under a different code name, perhaps, and it failed, and there is no reason why we should believe it will succeed under the Nixon administration. There is very good reason to believe that it will fail again.

We cannot control, by ourselves, the fate of Asia with Vietnamization or any other measure short of genocide.

There is a consensus in America today that the war was a mistake and that we must get out as soon as possible. The question is how and when.

The gentleman from New York (Mr. RYAN) told us today of the resolution he has introduced, and I believe that it should receive wide support.

The gentlewoman from New York (Mrs. ABZUG) spoke to a special aspect of the problem which has to do with what is happening to our young men in Vietnam. This was discussed in the January 11 issue of Newsweek magazine under the title "The Troubled Army in Vietnam." It describes the tragic demoralization of our fighting men. To quote:

> The U.S. Army in Vietnam is being asked to do something that no citizen army is equipped to do: conduct a prolonged strategic retreat from a war the nation now detests.

The article goes on to state that the degree of demoralization "it not immediately dangerous," but it concludes, and I quote in full:

> The prospect that the U.S. Army will be asked to undertake another major offensive is not great. The graver danger is that the bitter seeds sown in Vietnam may well sprout elsewhere in the Army. For nearly 30 years, the American fighting man has carried war to other countries, always with the parade-ground maxim that the best defense is a good offense. Now even the rawest draftee can see that, in Vietnam, the approach has not panned out. He is assigned to an army that does not fight except in self-defense and that is led by officers and NCO's who no longer give even lip service to the reasons offered for their being in a country that largely wishes them gone.
>
> The draftee does not really care, as long as he has a reasonable hope of survival, but the career men who form the heart and soul of the Army are embittered and frustrated, and some thoughtful professionals wonder aloud whether their colleagues might not set out some day on the fateful path of political activism taken by French officers after the defeat in Algeria. Given America's traditions, that seems highly improbable. But it is perhaps a cause for concern that any U.S. military men can even give thought to such possibilities. For as Gen. William Westmoreland, the Army's Chief of Staff, remarked: "An army without discipline, morale and pride is a menace to the country that it is sworn to defend." The U.S. Army is still far from being such a menace. But for the first time in modern American history, the danger that it could become so is no longer unthinkable.

That ends the quotation.

I submit that prolongation of the war would be the best way to promote such a menace and that concealing the facts of what is going on in Indochina from the American people with this outrageous news blackout is the second best way to promote such a menace. For the past 6 days we have to get our information from foreign newspapers and Communist radio broadcasts. I do not like official secrecy in matters unless it is absolutely necessary. It seems to me this kind of secrecy we have been experiencing in the last few days is one of the easiest ways to lead our Nation further down the road to disaster.

I thank the gentleman from Illinois for taking this time today.

Now that we are at the beginning of a new Congress, let us rededicate ourselves to continuing this battle—so that perhaps before too many months have passed we will really see the end of this terrible conflict. This is something that has to come about if our country is to continue to be a world leader. It is so necessary if we are to have a peaceful and decent society here at home.

Mr. MIKVA. I thank the gentleman from California not only for his remarks but for his long dedication to the goal of seeking to change our policies in Southeast Asia and turning us around in this ugly war.

I now yield to my colleague from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I thank my colleague from Illinois for yielding and wish to recognize his services in this cause and also to thank him for taking this time.

Mr. Speaker, this Nation which proudly proclaims it is a free and open society has discovered in the past few days that people behind the Iron Curtain know more about our military operations than we do.

While the American people were told nothing of a military buildup in the northern sections of South Vietnam, the Communist press around the world and the press in other free nations told of the buildup. The Polish delegation in Saigon knew of the operation.

It appears only in this free and open society were the citizens kept from knowing the facts. I believe in secrecy when it protects the lives of American troops. But the administration cannot believe that we are so naive that we believe that their secrecy in this case was imposed as protection for the troops. The North Vietnamese had ready access to information about the buildup. All the North Vietnamese had to do was to purchase a daily paper in almost any nation in the world; the one exception was the United States. No official news was available here.

The secrecy, then, appears to have been imposed to protect the administration, not our forces in Southeast Asia.

Now the official word is out and we learn the extent of this operation. Some 20,000 South Vietnamese troops and 9,000 American troops made a sweep through the northern part of South Vietnam. As far as we know at this point, they stopped at the Laotian border. At any moment we may be told that Laos has been invaded.

The administration may keep American ground troops from taking that next step, the one across the border. But can they deny that if South Vietnam forces go into Laos that we have taken part in the invasion?

If South Vietnam does invade Laos, the support of our troops to the border means that we have supported an invasion of another nation. At what point do such invasions become acts of aggression? We constantly denounce aggressive acts by other nations, and rightfully so.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. ECKHARDT. I am glad to yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker. I want to commend the gentleman from Texas upon his statement, but it was my view that the executive branch was limited by some senatorial resolution on this question; is that not correct?

Mr. ECKHARDT. It is my understanding that they are limited by the Cooper-Church amendment.

Mr. CONYERS. My point is that we are continually found to be in a number of neighboring countries around Vietnam even though the Secretary of Defense keeps saying that we are not there and have not been there.

Mr. ECKHARDT. It seems to me, if my colleague will hear this, that we have stretched the meaning of the protection of our troops in South Vietnam to the point where it can permit almost any action in Southeast Asia.

Mr. CONYERS. Including moving into neutral neighboring nations on the basis that they are harboring our enemies or are building up supplies that will hurt our cause in South Vietnam or North Vietnam.

Mr. ECKHARDT. I think that the gentleman from Michigan is entirely right.

Mr. CONYERS. Well, I pause here to express the highest regard to my colleague from Texas. I think that the greatest tragedy of this war, now that we have gone through the question of its constitutionality, now that we have gone to the question of whether we want it ended and how we are going to end it, now that we have gone through the question of the validity of the so-called Vietnamization process, the greatest tragedy that now goes on is that the American people are not being told the truth about what we are doing in Southeast Asia and what troops are there and what is going on. It is not known by the Senate. We have tried to limit it through congressional action. Surely, the American people are even more confused than we are in the legislative branch.

I think that this is doing irreparable damage to the whole concept of democratic government.

Mr. ECKHARDT. I am inclined to agree with my colleague, the gentleman from Michigan, who I know is on the Committee on the Judiciary, and is an excellent lawyer and constitutionalist. I believe that the attempt to stretch the authority of the Chief Executive, and thus to make so flexible the question of protection of forces in South Vietnam as to give no meaning whatsoever to the constitutional limitations on the Chief Executive with respect to the war, is probably the most lasting damage that has been done to our country. It has always been recognized, although perhaps at times not respected, that the Constitution gives to Congress the sole right to declare war. The executive department has the control and direction of the military forces, but only after policy is made by Congress. This is what has been so well debated in the Senate, and so well defined by action in the Senate, that has a primary responsibility with respect to these lines of authority. It seems to me that by the stretching of the definitions of protection of troops in South Vietnam we have attempted to stretch the Constitution to the point where we have done almost irreparable damage to our constitutional concepts of division of powers between the Congress and the Presidency with respect to the protection of the Nation.

For that reason I agree wholeheartedly with the distinguished gentleman from Michigan (Mr. CONYERS) in pointing out that this is one of the major evils of the situation that exists today.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for his observations.

Mr. ECKHARDT. I thank the gentleman for bringing these matters up, because this question of creating doubt in the minds of the people as to the honesty and truthfulness of their leaders is, I think, an extremely dangerous byproduct of this war. That is why we must denounce acts of aggression by this Nation, for aggression is what is going on no matter what label the administration wants to put on an operation that sends or supports troops going into another country.

The Congress of the United States and the American people have clearly indicated they are strongly opposed to a widening of the war in Southeast Asia. But the Pentagon and the administration have clearly flaunted the will of the people and the intention of Congress.

We speak here today in support of our troops, in support of our American principles for we believe that keeping facts from the people, disguising intentions and disregarding the people and the legislative branch is against all that this country stands for.

The administration and the generals are like an inept surgeon cutting further and further into the body of Indochina in a bumbling attempt to get to the infected organ and spreading the gangrene of war as he goes.

Mr. Speaker, I thank my colleague for yielding.

Mr. MIKVA. Mr. Speaker, I thank the gentleman from Texas (Mr. ECKHARDT) for his contribution. I have pondered, as the gentleman spoke of what has taken place in this country, and realize that we will someday find out what this war has really cost us, not only in material wealth, not only in the lives of our youth who have bled and died in Vietnam. We will have to add in the tears in the fabric of government about which the gentleman has spoken, the tears in the trust between the people and their Government, the tears between generations, the tears in the relationship between the branches of Government, the tears in the prestige and professionalism of our Armed Forces, the tears in the doctrines of international law and order and justice. Whenever that day of reckoning comes we will see that whatever ephemeral goal was sought when we made that terrible first step in Southeast Asia, it could never have been worth the awful cost that we have paid in all the ways the gentleman from Texas and the gentleman from California described before.

Mr. CONYERS. Mr Speaker, will the gentleman yield?

Mr. MIKVA. I yield to my distinguished colleague, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to ask the Members of this body who are present, if we are waging a war that is unpopular with the American people—why are we in it? I think that is the question that goes to the very heart of the difference between the way this Government operates and the way the American people want it to operate. I think it should be becoming clear that we are in a war that is not sanctioned by the American people even after avalanches of propaganda to condition us to accept the inhumane consequences of this war. The American people reject this war not only because of the devastation to the poor peoples of Asia and not only because of what it does to our own American men who are sent there—but really because of what it is doing to the very fiber of this country.

So I raise this question very seriously with my colleague, the gentleman from Illinois—Why is it that we are in a war that the American people refuse to sanction?

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield at this point?

Mr. MIKVA. I am happy to yield to the gentleman.

Mr. SCHWENGEL. Mr. Speaker, since this question has been raised as to why we are there, I would like to raise one question in addition to that—as to how we got there?

I call attention to the fact that the Senate Foreign Relations Committee in 1967 wrote a report which was applauded and accepted by the so-called doves and the hawks as one of the most accurate accounts of the step-by-step procedure by which we became involved, and how we justify it, and raised for the first time the question of validity of the Tonkin resolution.

I mention this because I think everyone who really wants to get to the roots of this and make an intelligent contribution—which is being done here today—needs to understand the historical development of this war so that we never again will make these same mistakes.

Now while we are doing this, I think we ought to benefit from others who are wise observers and people with experience—people like former Ambassador Reischauer a very able representative who was our Ambassador to Japan. He has written a book which I think in summary is the best single book on that subject; it deals with our involvement and our present situation and what we ought to look forward to and some of the things we have to do. The book is called "Beyond Vietnam." I commend it to your reading because I think it is one of the most intelligent dissertations on the subject that we are wrestling with here.

I again want to commend you people who are participating in this and who are trying to bring about a better understanding of this problem so that we may find a way out. I think it is a very worthwhile exercise that you are participating in here.

Mr. MIKVA. Mr. Speaker, I thank the gentleman from Iowa.

Mr. Speaker, I agree that the Reischauer book is an excellent book and, indeed, it is a hopeful book because it suggests that there will be a time beyond Vietnam.

I think the gentleman from Michigan and the gentleman from Iowa have asked questions that are very pertinent. These questions disturb me as they do the gentleman from Michigan, about this war which nobody now defends. Indeed, the number of people who defended the war 5 years ago or 4 years ago or even 2 years ago who today say—"I agree that it was a mistake to go in," are legion.

When you ask them: Why do we stay? the answers are like ships passing in the night. The answer has nothing to do with the question. The answer is—"We cannot accept the resolution offered by the gentleman from New York (Mr. RYAN) because if we suggest that on a date certain we will get out of Vietnam, then the Paris negotiations will break down"—as if the Paris negotiations for the last 2 years have been anything but broken down. Or we are told—"Well, if you just want to cut and run, what about our prisoners of war who are being held by the North Vietnamese—have you no mercy for our own troops—for our own boys?" As if the continued fighting has freed one prisoner of war during that entire period; as if the continued fighting has not cost us more prisoners, and more missing in action, and more casualties. The only "effort" to free our prisoners was a ridiculous, almost "Keystone Comedy" kind of raid on an empty prison camp; it cannot be described as comedy, because we are dealing with the lives of our prisoners. In fact, there have been more than suggestions made that if we would ever, at Paris or elsewhere, agree to a date certain when we would remove our troops, that such an agreement could lead to a meaningful discussion about the repatriation of our prisoners of war.

I can only say to the question of the gentleman from Michigan that I do not know the answer. I wish somebody from the administration or somebody anywhere, from past administrations or future administrations would answer this question which is disturbing the American people so much: Why do we stay in a war which everyone agrees we should not have gone into, which everyone says we ought to terminate? Why do we stay?

Mr. CONYERS. May I suggest to my friend from Illinois that part of the reason we are unable to extricate ourselves from a war that nobody claims to have wanted is that we do not have on either side of the aisle leadership that has convinced me that they really want to take the steps to end the war. This body does not operate by magic. It does not operate in some mysterious way. We can see how many Members here are concerned with the subject matter of the gentleman's special order on the subject. We are encouraged that there is now a bipartisan discussion going on, even though it is constituted with only one Member from the other side of the aisle. The fact still remains that we do not have people in the legislative branch of this operation who are sufficiently concerned.

They are against the war. Everybody is against the war. I have not met one person in the last 6 months who is for the war. Yet we have a military budget whose expenditures are sought to be increased for the upcoming fiscal year.

So I am beginning, after a few years of service in this great body, to ask the hard questions that the American people are asking: If we are all against the war, why aren't we getting out? If we are all against the war, where are our leaders to develop programs that will extricate us from the horrors of Vietnam? It is not going to satisfy the American people to have a few Congressmen out of 535 articulate their objections to the war; I think something is going on in this country that is far more profound than most of our Members are ready to recognize, much less acknowledge; and that is that the war in Vietnam is having a devastating psychological effect upon the American public. They are losing faith in this entire system of Government, and if some of us do not begin to say that to our leaders, we are going to be faced with people who want to govern that do not have anyboody to govern. We are faced with young people, and now increasingly old people, of all races, of all classes in or society who are beginning to seriously question for the first time the whole validity of this system of Government. And I think that the finger can be pointed to this horror of Vietnam as being that one single factor that has contributed more to undermine the confidence of the people in this Government than any one other thing.

For those reasons I sincerely applaud those Members who would follow the leadership of our most esteemed Member from Illinois.

Mr. MIKVA. I thank the gentleman from Michigan. He has eloquently stated why we are here. I can only suggest that we all have the obligation to keep asking the question he has been asking, and asking it in important places, in uncomfortable places. We must continue to see to it that slogans and words like "Vietnamization" are not successful in "back burnering" this ugly war which, as he has pointed out so profoundly and so powerfully, threatens to destroy our country even as or even more than it is destroying Southeast Asia.

So I thank the gentleman for his comments.

Mr. DOW. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to my colleague from New York.

Mr. DOW. Pursuing the thought offered by the gentleman from Michigan and the gentleman in the well relating to the damage the war is doing to our Nation, does the gentleman not agree that one of the reasons alleged for our involvement in Vietnam was to combat and rebuff communism? Has that not been offered as a reason?

Mr. MIKVA. That was indeed offered as one of the reasons, as one of the many rationales that have been paraded across the American scene over the years.

Mr. DOW. Would not the gentleman agree that as we look at the scene today, the Communist nations, such as Russia and China, have come out of this scot-free; and yet we who were attempting to deal in some kind of a rebuff to communism find ourselves being broken down? The damage is not just in Vietnam; it is a breakdown throughout our country, in many areas and many levels of our society.

Mr. MIKVA. I certainly agree with the gentleman from New York. I cannot imagine a better result so far as the Chinese Communists are concerned than one which sees us extended in every which way in Southeast Asia, locked in a land war everyone agrees we cannot win, and with the kinds of costs and damage to our country that have been pointed out here today. It seems to me it is a masterful foreign policy for the Chinese. The problem is, what kind of a foreign policy is it for this country? As the gentleman from New York pointed out in his earlier remarks, it is one leading us to disaster.

I thank all my colleagues for their contributions. One of the newspapermen asked me earlier in the day if anything new was going to be said by me or any of my colleagues today. I have thought about that question. I am sure there has been nothing novel that has been said today. Perhaps the words have been put together in a different syntax or in different combinations, but there has been no novel thought. Indeed, some of those who are in the Chamber have been laboring in this vineyard for long before I came to the Congress, and I admire and respect your commitment.

I believe that what is new is what the gentleman from Michigan stated before; namely, that the urgency is even greater than it was last year, even greater than it was 2 years ago, even greater than it was 3 years ago; because at this point, it is not only that victory in Vietnam is unavailable and inaccessible, it is not only that we are not going to negotiate a victory in Paris, it is not only that we are not going to fight to free our prisoners of war being kept by the North Vietnamese, it is that the entire democracy we cherish is in peril.

I remember, during the debate on one of the appropriation bills in the last session of Congress, someone described the testimony of one of the generals before the Appropriations Committee, in which he stated that his wife was safer on the streets of Saigon than she was on the streets of Washington. I have never forgotten that remark, because I cannot think of a better declaration of what is wrong with our country than for people who brag about the fact that we can make our generals' wives safer on the streets of Saigon than we can on the streets of Washington. Until we turn that "topsy-turvy" around by getting out of Southeast Asia, the democracy we love will continue to be periled.

Mr. CONYERS. The question that the gentleman repeats as to whether anything new is going to be said here today is really not the point. The question is whether anything will be communicated to the American people. Will anything be understood? Will anything become more clear in this Nation, in this Congress, and indeed in the world as a result of the hours that we have spent here? I do not think it turns on whether we can come up with something novel or interesting or unsaid. We have to repeat this thousands of times more before the American people begin to connect the significance with why they cannot have a termination to this war and why we in Government continue it against the wishes of the majority of the citizens of the Nation. We will have to indulge in the gentleman's special orders from now until that time has arrived.

Mr. MIKVA. I thank the gentleman from Michigan and all of my colleagues for their contribution.

I yield back the balance of my time.

THE WAR IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 60 minutes.

GENERAL LEAVE TO EXTEND

Mr. RYAN. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, I am pleased this afternoon to be able to join with my colleagues on both sides of the aisle who are vitally concerned about the continuing and expanding war in Southeast Asia.

The President said last fall that the war was not an issue in the November elections. It is very much, in my judgment, the supreme issue before the American people. It is up to us in the Congress of the United States to make clear our determination to bring this tragic war to an end.

I commend my colleagues, Mr. Dow of New York and Mr. MIKVA, of Illinois, who joined me in taking special orders to discuss this situation. I also commend those who have spoken this afternoon during the course of the 3 hours which we have set aside to restate, and restate as often as is necessary, the proposition that the war in Vietnam is a tragic experience with tragic consequences for America and that it must be brought to a prompt conclusion. That conclusion will only come about through a political resolution; not through a continued implicit determination to pursue what has always been an elusive military victory.

Mr. Speaker, for a decade this Nation has sent her young men to die in Asia. The price for this tragic venture has been incalculably high—53,500 American lives since January 1, 1961; more than 750,000 Vietnamese. South Vietnam is now ravaged—its villages destroyed, its croplands poisoned by herbicides, its social fabric torn by the wrench of a 20th century war fought on the fields of a pastoral country.

In this, the seventh year of our agony since the Americanization of the war, peace is still a chimera. The administration speaks for peace out of one side of its mouth, and opts for military adventurism out of the other. Now, Cambodia and Laos are the pawns of the moment, and the United States is the chess master playing the game of life and death. Except, in this game, as in all of the exercises of the past 10 years, no one wins, and everyone loses.

And while the death and destruction goes on, we are at the mercy of an administration which not only changes its tune to fit its latest desire, but has imposed a news blackout concerning the U.S. forces on the Laotian border which, for all we know, may become involved in an invasion of Laos.

WHY ARE WE FIGHTING?

We have been told that we were fighting to contain China. Today, Chinese influence is certainly no less in Southeast

Asia. In fact, the North Vietnamese, historically the antagonists of China, now look to that nation as a source of materiel.

We have been told about the domino theory: if South Vietnam went Communist, the rest of Southeast Asia would topple. This theory declined in political currency for a while, but now it has been resurrected. As the President told us last July 2 in a televised interview:

> Now I know there are those that say, well, the domino theory is obsolete. They haven't talked to the dominoes. They should talk to the Thais, Malaysians, to Singapore, to Indonesia, to the Philippines, to the Japanese and the rest. And if the United States leaves Vietnam in a way that we are humiliated or defeated, not simply in what are jingoistic terms but in very practical terms, this will be immensely discouraging to the 300 million people from Japan, clear around to Thailand in free Asia. And even more important, it will be ominously encouraging to the leaders of Communist China and the Soviet Union who are supporting the North Vietnamese. It will encourage them in their expansionist policies in other areas. The world will be much safer in which to live.

Strangely, in the light of this resurrected rationalization for U.S. involvement in Southeast Asia, the "dominoes," to use the President's felicitous terminology, do not seem to hear the same bells tolling. No Malaysian troops fight in South Vietnam. Nor do Japanese soldiers or troops from Singapore. The few troops obtained from the Philippines and South Korea are paid for with American money. If the "dominoes" are running scared, their tread is a very soft one, and it is greased with American dollars, not our view of their national self-interest.

We have been told that the U.S. presence is necessary to insure freedom and self-determination for the South Vietnamese. Yet the regimes we have supported in that country have evidenced the same repressions we see in the very totalitarian states we condemn. Between 40,000 and 200,000 South Vietnamese are held as prisoners for their political beliefs. As I said last July 13 when the disclosures regarding Con Son Island prison were very much in the public eye:

> Were Con Son Island Prison an isolated aspect of South Vietnam's governmental apparatus, some might be able to dismiss it after the ritualized rhetoric of condemnation. However, the prison is, in fact, not unique. The Thieu-Ky regime is an oppressive government, countenancing no dissent. It represses those South Vietnamese who seek a negotiated settlement to the conflict which has beset their land.

We have been told that our continued presence is necessary to prevent a bloodbath. The President himself said on May 14, 1969, in an address to the Nation:

> When we assumed the burden of helping defend South Vietnam, millions of South Vietnamese men, women and children placed their trust in us. To abandon them now would risk a massacre that would shock and dismay everyone in the world who values human life.

How have we saved the helpless people of Southeast Asia from a bloodbath?

Let us look at Laos. Seven hundred thousand refugees have been produced as a result of war-related activities—one-fourth of the population. Of an estimated Meo population of 400,000 in 1960, at least 40 to 50 percent of the men and 25 percent of the women and children have fallen as war casualties. Between 1966 and 1969 Laos suffered the highest per capita casualty rate in the world, and it experienced the heaviest per square mile bombing in history. The bombing last year alone on the Plaine des Jarres has, in the words of one U.S. AID official, left "most villages and fields now almost completely ruined."

Let us look at Cambodia. It, too, has been dragged into the war. Since May 1970, the U.S. invasion has produced approximately 1 million refugees. Famine threatens because agricultural production has fallen so severely.

And let us look at South Vietnam. Over one-third of her people have become refugees since 1964. Civilian war casualties since 1965 are estimated to exceed 1 million. Dissenters are imprisoned. Inflation is rampant—30 to 50 percent per year. The culture of the Vietnamese is being destroyed in a glut of American goods and money.

In brief, the bloodbath of Southeast Asia has been going on for years. U.S. withdrawal would not be its creator, but rather the occasion for its surcease, with asylum being offered to those who might be endangered.

We have been told that we are protecting South Vietnam from aggression from the north. There is no question that the North Vietnamese have entered South Vietnam. But "aggression" is an ambiguous term at times. In fact, there is one Vietnam. The two Vietnams are the creation of international diplomacy, not a reflection of the aspirations of the Vietnamese people themselves. Ho Chi Minh, whatever our perceptions of his leadership and the methods he employed domestically and externally, was the national leader of virtually all the Vietnamese people. Thus, President Eisenhower wrote in his memoirs, "Mandate for Change, 1953–56," at page 372:

> I have never talked or corresponded with a person knowledgeable in Indochinese affairs who did not agree that had elections been held as of the time of the fighting (between the French and the Vietnamese in the 1950's), possibly 80 percent of the population would have voted for the communist Ho Chi Minh as their leader rather than Chief of State Bao Di.

Thus, the "aggression" by the North Vietnamese was premised on the nationalistic Vietnamese movement which had been in existence for years, and which was spurred by the despotism of the Diem regime in South Vietnam.

We have been told that we are defending American honor. Yet this version of defending honor has cost us more than 53,000 American lives. It has cost the South Vietnamese and the indigenous Montagnards untold lives. The President told us on May 14, 1969, that what he termed "abandoning the South Vietnamese people" could not be because "a great nation cannot renege on its pledges. A great nation must be worthy of trust." Certainly, we have exacted a mighty price to maintain this concept of greatness.

We have been told, last May 18 by the President that the United States is "the peacekeeper of the Asian world." Yet, we stand caught in the morass of Southeast Asia while our legitimate world interests—disarmament under international control, rapprochement with the Soviet Union—lag, caught in the interstices of complex global interactions.

Thus, all justifications fail. Our military involvement in South Vietnam was **a mistake—a conviction now shared by 60 percent of the American public, according to the latest Gallup poll. No interests of the United States are served by this war. Nor are the interests of the peoples of Southeast Asia—and I stress "peoples" in contradistinction to governments—in the continuation of this war.**

THE BLIGHT UPON AMERICA

Apart from the death and destruction suffered by the peoples of Southeast Asia, and apart from 53,500 American dead in Asia, what of our domestic state? The President has contended that the war was not an issue in the election last fall. I do not stop to question his political acumen. That is totally besides the point. The fact is that the war is the supreme issue for all Americans. Its taint has sullied our Nation's spirit. It has penetrated the soul of our national life.

The war has diverted more than $105 billion from our urgent domestic needs—leaving our cities to decay, our schools to deteriorate, our environment to decline. On less tangible levels—but perhaps levels with even more pernicious consequences—this war has split our Nation. It has shown us the tragedy of myopic fear of indigenous nationalist movements; and it has demonstrated that our military complex is largely a force unto itself, caught up in a momentum almost impossible to halt.

Surely, this tragic war has been a supreme blot upon our history. And it is equally sure that unless the course of our Nation is changed, that blot will remain and grow.

Moreover, the morale of our troops is declining with frightening rapidity. No soldier wants to be the last to die, or to lose a limb in a war from which even the administration claims we are withdrawing. And in conjunction with this malaise among the troops, there has been an enormous increase in drug usage—a development common among the dispirited and discouraged.

TODAY'S PLACEBO—VIETNAMIZATION

Where, now, does this Nation stand? The administration claims to have a policy, termed Vietnamization. The President has told us, in his "state of the world" statement of February 18, 1970, that Vietnamization "has two principal components"—the strengthening of the South Vietnamese forces and extension of the pacification program in South Vietnam. And he went on to say:

> In strengthening the capability of the government and people of South Vietnam to defend themselves, we provide Hanoi with authentic incentive to negotiate seriously now.

Obviously, that incentive has been minimal. Negotiations are no more productive today than they were a year ago. Nor will they be, so long as we sustain a despotic regime in Saigon. As a bartering factor, Vietnamization has failed. What I said last April 16 applies equally today:

> If 500,000 American troops did not provide such an incentive to North Vietnam, I do not see how a reduction in American forces by token withdrawals and a purported turning over of the war to the South Vietnamese is now going to be particularly persuasive to the North Vietnamese and the NFL.

What Vietnamization really constitutes is a cosmeticizing of the war. It is a vehicle to substitute Asian blood for American—that is the simple fact of it. American casualties will decline, as in fact they have. Thereby, the war becomes more palatable to a portion of the American public. But death is not going to end. Destruction is not going to halt. The misery of the South Vietnamese and the Laotians and the Cambodians will persist. The vaunted policy of Vietnamization is the outfitting of a group of client armies, injected into the field of battle as a consequence of U.S. interests, and sustained by American air and logistical support.

Let me cite the recent words of Adm. U. S. Grant Sharp, retired former commander of the Pacific theater from 1964–68. In an article, entitled "Vietnamization Plus American Forces," which appeared in the January 18, 1971, edition of the New York Times. Admiral Sharp assessed the future thusly:

> There will be a sizeable U.S. Army presence in Vietnam for some time . . . The longer range interdiction of the supply lines in Laos and Cambodia will be a task for American aircraft for the foreseeable future in my opinion. Aircraft based in South Vietnam and in Thailand as well as carrier-based planes must be available for this mission. Thai-based planes will include the B-52's and tactical fighter bombers . . .
>
> Reconnaissance flights over North Vietnam must be continued in order to detect any major buildup of forces and supplies. These flights must be flown at low level to discover material that might be under camouflage. Aircraft must be ready to attack if reconnaissance planes are fired upon. The air power should be capable of renewing the air strikes on North Vietnam if that should be required, for the mere presence of this capability has a deterrent effect on Hanoi.
>
> All of these tasks add up to a considerable amount of air power, ground and carrier based, that cannot be phased out soon . . .

In sum, Vietnamization is not a resolution of the war. It is, at best, the reduction of American casualty statistics to publicly acceptable levels. So far as the fate of the Vietnamese, and their Asian brethren goes, Vietnamization only promises more death, financed with American money, mechanized with American armament, and expedited by American air and logistical support.

CAMBODIA

It has been Cambodia's fate to be the first nation to experience the full impact of the rationales which buttress the Vietnamization policy. And it appears that a similar fate for Laos is imminent—although the news blackout imposed by the administration has limited our knowledge. In Cambodia's case, and that of Laos, the policy has been carried one step further by the South Vietnamese who, realizing that if it makes sense to substitute Asian lives for Americans, then it makes equal sense to substitute Cambodian and Laotian lives for Vietnamese. Ergo, move the battle to Cambodia, and Laos.

At the time of the invasion of Cambodia, a neutral nation, last April 30 by a combined United States-South Vietnamese force, the claim was made that the invasion was intended "to protect our men who are in Vietnam and to guarantee the continued success of our withdrawal and Vietnamization programs." With that bold claim of legitimacy by the President, the United States thrust into war a nation which hitherto had managed to walk a tenuous tightrope of neutrality.

On June 3, the President delivered an interim report on the Cambodian incursion. At that time he told the American public:

> The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that is necessary to protect the lives and security of our men in South Vietnam.

Somehow, the interests of the Cambodians became irrelevant. No matter we bombed their fields, destroyed their villages. The security of our men was the only issue, and all else subordinate.

On June 30, the President again addressed the Nation concerning Cambodia. He then told us that there would "be no United States ground personnel in Cambodia except for the regular staff of our Embassy in Cambodia." There would "be no United States advisers with Cambodian units." And:

> We (would) . . . conduct—with the approval of the Cambodian Government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to reestablish base areas relevant to the war in Vietnam. We (would) do this to protect our forces in Vietnam.

While South Vietnamese forces would remain ready to respond to appeals from the Cambodian Government, the President said:

> There will be no United States air or logistics support. There will not be United States advisers on these operations.

The theory had come around to reality. Now all the actors were to be Asian—Cambodians and Vietnamese against Cambodians and Vietnamese. We would provide the armaments and weaponry. Let the Asians shed the blood.

Events of recent days make particularly relevant the President's words of June 30, as do they make particularly pointed the barrenness of the so-called policy of Vietnamization. Asian blood is flowing. That much has been assured. But U.S. assistance is necessary in the most comprehensive forms to keep the blood flowing.

The administration now acknowledges that broadened American air support is being provided for South Vietnamese and Cambodian troops. The Secretary of Defense tells us that the President's words of June 30 had an unstated time limit, applying to withholding direct air support from the South Vietnamese as they finished their operations in Cambodian sanctuaries "prior to the rainy season." Now, the times are different, and, in the words of Secretary Laird, "We will use air power"—the term "interdiction" has been conveniently abandoned as the Secretary of Defense rejects "semantics"—"and I will recommend that we use air power to supplement the South Vietnamese forces as far as the air campaign in South Vietnam, Laos, and Cambodia" is concerned. The deployment of giant B-52 bombers and helicopter gunships, the basing of two helicopter carriers off the Cambodian coast, the ferrying of South Vietnamese forces into combat are now legitimate exercises so far as the administration is concerned.

And the January 26, 1971, issue of the New York Times reports, in a page 1 story, that American officials "have developed a program for a 'military equipment delivery team' that would send U.S. military representatives through the Cambodian countryside to check on deployment of American military equipment." A Pentagon spokesman said that these "representatives" might from time to time show the Cambodians how the equipment works.

By January 27, the Secretary of Defense had a new line. To quote him:

> Under the Nixon Doctrine, we have, we will maintain, and we will use as necessary sea and air resources to supplement the efforts and the armed forces of our friends and allies who are determined to resist aggression, as the Cambodians are valiantly trying to do.

This is an echo from the past. Let me quote Dean Rusk's words as Secretary of State, on March 1, 1962:

> United States military and economic assistance and technical advice are being extended to the Republic of Vietnam at its request to assist the Vietnamese people to maintain their independence against this aggression . . .

And on February 17, 1965, President Johnson said:

> Our purpose in Vietnam is to join in the defense and protection of a brave people who are under attack that is controlled and that is directed from outside their country.

We are hearing the same litany of disaster. The latest administration line does not even offer the spurious rationale that U.S. involvement in Cambodia is necessary to protect American lives in Vietnam and the Vietnamization program. Now, pure and simple, we have another ally—brought to its knees by a war we cast upon it—and unable to survive, according to the administration, unless we sustain it. And we are about to serve Laos the same recipe of disaster.

The claim of the Secretary of Defense that the administration is living within the guidelines enacted by Congress last year, because the Congress did not bar air support, is truly a posture out of Alice in Wonderland. It is as if the Constitution were turned upside down—rather than Congress declaring war, Congress' silence sanctions it. This despite the restrictive language enacted into law last year—language which provides, in the Supplemental Foreign Assistance Authorization Act, Public Law 91-652:

> SEC. 6 (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other act may be used to finance the introduction of United States ground combat troops into Cambodian military forces in Cambodia.
>
> (b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

In sum, the June 30 statements by the President were the emptiest of rhetoric. If a credibility gap existed in the past, it has now widened to gullibility gulch, and the American public is down at the bottom of it.

Where does this war end? When will the death cease? Certainly not so long as this administration pursues its course. Its exercises are aimed at making the war politically palatable, not at ending it. As Admiral Sharp says:

> Thus, we see that as Vietnamization proceeds, our forces do phase down, but the American presence in the Southeast Asia area is going to be large for some time to come.

LAOS

The fate of Cambodia apparently lies in store for Laos, now. Except in Laos' case, even the claimed right of invasion by invitation that existed for Cambodia is lacking. A full-scale invasion of that nation by United States-supported South Vietnamese forces appears imminent, although the news blackout imposed by the administration bars even the Congress from knowing what really is happening in the areas bordering Laos. Once again, military might is the knee-jerk response.

Yet, has not the unremitting war in South Vietnam itself been sufficient to demonstrate that the only solution is a political solution? The war continues, after years of fighting, after years of bombing North Vietnam. Can anyone really believe that it will end if Cambodia and Laos are added to the list of battlefields?

WHY WE ARE FIGHTING

Having described the offered rationales, having described the so-called policy of Vietnamization—actually a rerun of the first years of U.S. involvement in South Vietnam, when our role was to be that of adviser and supplier—we still leave undisclosed the underlying assumptions of American foreign policy which have led us into the quagmire of Southeast Asia.

The war is not just the product of bad judgment. Its roots lie deeper than the character of any one man, or one administration—although undeniably this administration and its predecessor have set their indelible stamp on the course of our affairs in a tragically mistaken way. I think the key to beginning to understand—and to learn—lies in the words of the President last May 8. He said then:

> I do know this: Now that America is there, if we do what many of our very sincere critics think we should do, if we withdraw from Vietnam and allow the enemy to come into Vietnam and massacre the civilians there by the millions, as they would, let me say that . . . America is finished insofar as the peacekeeper in the Asian world is concerned.

Mark those words "peacekeeper in the Asian world." In them is the core of the mistaken assumptions which guide our foreign policy, I believe. They reflect a long standing national attitude that America is the receptacle, the protector, and the disseminator of liberty and freedom.

In 1821, on the 45th anniversary of the signing of the Declaration of Independence, John Quincy Adms told the Nation:

> Wherever the standard of freedom and independence has been or shall be unfurled, there will be America's heart, her benedictions, and her prayers.

Of course, in 1821 ours was a weak nation, and Mr. Adams continued:

> But she goes not abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own.

Today, we have the strength to destroy monsters—and where they do not exist, we create them. We intervene in a civil conflict in Vietnam so that the South Vietnamese may have the benefit of self determination, no matter what price they pay for what we want them to have.

Under the guise of our role as protector of freedom, much of our foreign policy is justified. The difficulty is the way in which we define that freedom and the compromises we condone in the name of stability for the sake of that some time future when the democratic process will replace the dictatorships we support today.

So whatever coloration the administration chooses to cast upon its actions, it is not peacekeeping which is afflicting the peoples of Southeast Asia. It is war, pure and simple.

WHAT MUST BE DONE

In the last year, finally, significant congressional debate on the war and on the foreign policy premises and implications inherent in our involvement in Southeast Asia finally began to build up. This was debate which I am a few others first opened years ago, when the deaths were still few and optimism for a quick resolution still feasible for some. At that time, when I voted against the first supplemental appropriation bill for the war, I said, on May 5, 1965:

> The situation in South Vietnam is not simply a case of aggression from North Vietnam. There is no doubt that North Vietnam is aiding the guerillas in the South. This fight, however, is also an internal struggle which has been created in part because of the social and political conditions within South Vietnam. In short, it is a political as well as a military effort. The response to the threat in Vietnam has been overwhelmingly military, as was the response of the French in Indochina and Algeria. The population in the countryside does not support the Government of South Vietnam; and it is not a stable government. We cannot bomb people into democracy, nor can we bomb people into negotiations.

At unofficial congressional hearings on Vietnam, which I held on August 12–13, 1965, in New York City, I said:

> We are told that we are in the war. If it continues it is likely to be a long war, a frustrating war, and an increasingly cruel war. Gas and napalm have already been used and atrocities increased. Villages whose support is sought by both sides have become casualties.

There is no satisfaction for me that my prophecies then have come to reality since. But there is real hope in that the debate of a few of us has grown to become the debate of the majority of Americans.

So, first, this debate must be continued, and it must be conducted at every opportunity. This debate must occupy the Congress, and it must occupy the country. The voices of the public must be heard—and I would point out that the latest Gallup poll reveals that 73 percent of the American public now favors withdrawal at the latest by December 31, 1971. We have turned the rhetoric around from the early days, when the proponents of the war spoke of victory. Now even the administration disavows a military victory—at least in terms of its rhetoric. By increased public pressure, it can be made to forswear as well the actions which reveal that it continues to seek a military solution—its public statements notwithstanding.

Second, the Congress, buttressed by public pressure, must finally exercise its powers. One way to do so is to act upon House Concurrent Resolution 50, which 27 of us have cosponsored. These 27 are: Mrs. ABZUG, Mr. BADILLO, Mr. BURTON of California, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS.

Mr. DIGGS, Mr. DOW, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FRASER, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. KASTENMEIER, Mr. KOCH.

Mr. MIKVA, Mr. MITCHELL, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, Mr. SEIBERLING, and Mr. STOKES.

House Concurrent Resolution 50, the full text of which appears at the end of my remarks, calls for an immediate halt to all offensive actions in Southeast Asia by U.S. forces, and for their complete withdrawal by no later than June 30, 1971. We will press for passage of this resolution, as we will press for passage of legislation to curtail and end this war.

Third, we must use the procedures of the Congress to offer, whenever possible, amendments to pending legislation which will have the effect of curtailing and ending the war.

And, fourth, we must work to defeat every appropriation bill which provides money for the war.

In all these efforts, the voice of the public must be heard by those who have not yet opted for an end to the war.

Finally, the Paris negotiations must be revived. At present, they are moribund, as they have been virtually since they began. But they need not be, if the administration demonstrates flexibility. Two key issues now block progress. One is our unqualified support of the Thieu-Ky regime. So long as we adamantly maintain that regime in power, the North Vietnamese will adamantly refuse to move in Paris, because Thieu and Ky are determined to exclude all elements from the South Vietnamese Government which do not side with them. Two, a deadline for the complete withdrawal of our troops should be set. If this is done, then it may be possible to begin discussions leading to the release of American prisoners of war. The administration refuses to set a deadline. That is why House Concurrent Resolution 50, or similar legislation, must be enacted.

We must have peace. Southeast Asia must have peace. It is for the Congress and the administration to act, so that peace can become a reality.

The full text of the concurrent resolution to end the war by June 30, 1971, follows:

H. Con. Res. 50

Whereas the war in Southeast Asia has resulted in the loss of more than 50,000 American lives, and in more than 250,000 American casualties, and in more than 450 American prisoners of war, and in more than 1000 American servicemen missing in action; and in the loss of more than 130,000 South Vietnamese lives in combat, and in more than 1 million South Vietnamese military and civilian casualties;

Whereas the war in Southeast Asia has resulted in the destruction of thousands of villages and in the creation of more than 8 million refugees since 1964 in Southeast Asia;

Whereas the war in Southeast Asia has diverted more than 100 billion of American funds from urgent domestic needs and fostered deep divisions in American society;

Whereas so long as the prosecution of the war in Southeast Asia continues with any American troops, reduced in numbers as they may be, the safe return of American prisoners of war is at stake;

Whereas the loss of American lives can be halted only by establishing a clear timetable for terminating American combat operations in Southeast Asia and disengaging all American troops;

Whereas the responsibility for ending the American involvement in Southeast Asia is not the President's alone, but must be shared by the Congress under its Constitutional authority to "raise and support armies" and to "declare war;"

Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress: That all offensive actions by the United States in Southeast Asia be immediately halted; that all United States ground, air, and sea forces be withdrawn from Southeast Asia, the pace of withdrawal to be limited only by steps to ensure the safety of American forces, and to assure the asylum in friendly countries for Southeast Asian citizens who might be endangered by the United States' withdrawal; and that this withdrawal of all United States forces be completed by June 30, 1971.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I am happy to yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Speaker, I thank the gentleman from New York for yielding.

For all of the pessimism and despair and concern that so many of the speakers previous to the gentleman in the well have given about the war, I think all of us still feel that there will be a period beyond Vietnam, or else we would not be here. I want to say to the gentleman from New York (Mr. Ryan) that when that happy day comes, and we are finally out of Southeast Asia, a good deal of the credit for keeping America's feet to the fire on the issue on this ugly war will go to the gentleman from New York (Mr. Ryan), not only for his leadership today, or for his leadership on the resolution, of which he is the chief sponsor, concerning fixing a time for getting out of the war, and not only for the measures that the gentleman has suggested that all of us must take and do, and to which I certainly pledge my support to the gentleman during this coming session, but for our previous sessions when the gentleman in the well has frequently been a very lonely voice telling the American people and his colleagues that we must get out of Vietnam. For that I am proud to associate myself with the gentleman from New York.

Mr. RYAN. I thank my friend and colleague, the gentleman from Illinois. I agree that a better day is coming and the sooner the better. Its arrival will be in no small part due to the faith that the gentleman from Illinois and our other colleagues, who have spoken today, have in our capacity as a Nation to turn around and admit our mistakes and get on with the business of rebuilding our society at home.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I am happy to yield to the gentleman from Iowa.

Mr. SCHWENGEL. Mr. Speaker, I have listened to the gentleman with great interest and I am particularly interested in what the gentleman said about Vietnamization.

I recall that in both our reports on our original trip of the volunteers in 1967 and last June that we suggested a change of name and a change of program. We suggested that the name "Vietnamization" be changed to a program for "De-Americanization" and then govern the program accordingly. We saw several reasons for this when we were visiting there.

One reason is that the Vietnamese do not like to think that they need to be Vietnamized. They think they have been Americanized. We saw much evidence in what we call the rice roots of a desire to change this to a type of program that we would describe as de-Americanization.

Now as to pacification—we find again and we think that is an unfortunate name. The Vietnamese people normally—the average Vietnamese people, do not feel like they have to be pacified. and this is not a program that they need anyway.

So we suggested to the President and to the Congress that that be changed to a program for security for progress and growth that can bring stability to that community.

I want to cite that to note that there have been others who have been thinking in the same vein that you are thinking and by bringing this in at this point we can give this kind of approach serious consideration.

Mr. RYAN. Mr. Speaker, I thank the gentleman from Iowa. The gentleman has always been deeply concerned with the involvement of the United States in Southeast Asia, and he has always demonstrated his great humanitarian feeling toward the people of South Vietnam who are really the victims of the Americanization of this war.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman.

Mr. ECKHARDT. Mr. Speaker, I wish likewise to thank the gentleman in the well (Mr. Ryan), the able Member from New York, for his statement here.

But much more than that—his persistence and his courage over a great number of years, during which time, as the gentleman from Illinois has said, the gentleman from New York (Mr. Ryan) frequently was almost a lone voice in this body, although with growing support in the Nation at large.

Also I wish to recognize the gentleman's prescience with respect to the issue here and his understanding of the question and his efforts in bringing this understanding to the attention of the American people. His constituency should recognize the great service that the gentleman from New York (Mr. Ryan) has done both to his own district and to the Nation in his efforts in this regard.

Mr. RYAN. Mr. Speaker, I thank my colleague, the gentleman from Texas who has made such a valuable contribution to the House since his entrance into this body, and I particularly appreciate his willingness to stand fast for principle with respect to the war in Vietnam as well as other issues.

Mr. DOW. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I am happy to yield to the gentleman from New York, Mr. Dow.

Mr. DOW. I would like to take note of one characteristic of the comments that have been made this afternoon by the many colleagues that have spoken to this subject, and that is that almost with no exception they have called for an end to the war in Vietnam. As I travel in my district, I am constantly asked the question, "How do you get out? How do you do it?"

I respect my colleagues here this afternoon because they did not undertake to worry about how you get out and how you do it. They did not spend this time allotted to us in figuring out techniques and devices. But they all have emphasized the one point that we must get out, and once we have resolved that way and the leadership of this country is resolved to get out, the techniques of getting out, the way of doing it, will fall into place, because that is secondary. We must have a resolve of our whole country, led properly by our leaders, to get out and stay out.

I thank the gentleman for his splendid presentation.

Mr. RYAN. I thank the gentleman from New York for his great contribution to our debate today.

Mr. BINGHAM. Mr. Speaker, once again we must come to the floor of the House to decry the policies of the Nixon administration which, instead of getting us out, are getting us deeper and deeper into the Indochina quagmire. The expansion of the war in Southeast Asia in recent weeks, with increased bombing raids and air support activity over Cambodia and Laos, indicates the bankruptcy of our present policies. The theory seems to be that we get out by getting further involved.

Other speakers in this series of special orders have eloquently stressed the extent of the tragedy of our involvement in Vietnam and the horrible cost of this unwanted war, not only in terms of lives, in terms of mangled bodies, but in terms of failures to solve our desperate problems here at home for want of resources. I wish to associate myself with their remarks. It would serve no good purpose to repeat them.

The Cambodia and now Laos are an affront to the Congress and to the American people. The expanding air war over Cambodia not only violates the intent of the Congress in adopting last December the Cooper-Church amendment prohibiting the use of American ground troops and advisers in Cambodia, but it is also contrary to the President's own statement made last June that no air or logistical support for South Vietnamese troops in Cambodia would be provided.

Young people growing up in America today learn that they can have no faith in the statements of the highest officials of the land. A solemn commitment one day can be brushed off as "semantics" another day.

In response to the Cambodia outrage, I circulated on the opening day of the Congress a resolution extending the Cooper-Church prohibition to air and sea support. Within 2 hours, 63 of my Democratic colleagues had agreed to cosponsor this resolution with me.

One of the aspects of the Nixon administration record with regard to Vietnam which I find most offensive is the blatant effort to assert the administration's concern for the American prisoners in North Vietnam. I have no quarrel with the efforts that have been made, publicly and privately, to persuade the North Vietnamese to treat these prisoners in accordance with the Geneva Convention. But the administration's hypocrisy lies in the fact that its policy of continuing the war through Vietnamization makes it impossible for effectively to obtain the release of the prisoners. The only way that can be done is for us to end the war on terms which will secure the release of the prisoners, and that could, I am convinced, readily be done if we will name a date for the total withdrawal of American troops.

Several resolutions looking toward that objective have been introduced in the House. I believe the resolution which will command the widest support is the 1971 version of the Hatfield–McGovern amendment which was introduced in the Senate on January 27 by Senators McGovern, Hatfield, Cranston, Hughes, Bayh, Eagleton, Gravel, Hart, Hartke, Inouye, Javits, Kennedy, Mondale, Moss, Nelson, Proxmire, Ribicoff, Tunney, and Williams—Congressional Record, January 27, 1971, page 735.

Text of Senate Bill

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Vietnam Disengagement Act of 1971.

Sec. 2. Congress finds and declares that under the Constitution of the United States the President and the Congress share responsibility for establishing, defining the authority for and concluding foreign military commitments; that the repeal of the Gulf of Tonkin Resolution raises new uncertainties about the source of authority for American involvement in Vietnam; that both the domestic and foreign policy interests of the United States require an expeditious end to the war in Vietnam; that the conflict can best be resolved through a political settlement among the parties concerned; that in light of all considerations, the solution which offers the greatest safety, the highest measure of honor, the best likelihood for the return of United States prisoners and the most meaningful opportunity for a political settlement would be the establishment of a date certain for the orderly withdrawal of all United States armed forces from Vietnam.

Sec. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 620. (a) In accordance with public statements of policy by the President, no funds authorized to be appropriated under this or any other Act may be obligated or expended to maintain a troop level of more than two hundred and eighty-four thousand armed forces of the United States in Vietnam after May 1, 1971.

"(b) After May 1, 1971, funds authorized or appropriated under this or any other Act may be expended in connection with activities of American armed forces in and over Vietnam only to accomplish the following objectives:

"(1) To bring about the orderly termination of military operations there and the safe and systematic withdrawal of remaining American armed forces by December 31, 1971;

"(2) To insure the release of prisoners of war;

"(3) To arrange asylum or other means to assure the safety of South Vietnamese who might be physically endangered by withdrawal of American forces; and

"(4) To provide assistance to the Republic of Vietnam consistent with the foregoing objectives."

Mr. Speaker, together with colleagues from both sides of the aisle, I shall be soliciting cosponsorship for an identical bill to be introduced in the House next Wednesday.

Although Senator Muskie, of Maine, is not listed as a consponsor of the bill I refer to, he has expressed similar views on various occasions. Specifically on the prisoner-of-war issue, he made the following cogent remarks in response to a question in Hartford, Conn., on January 30, 1971:

Q. Do you agree with Rev. Duffey that the prisoner of war issue is being used by the Administration to prevent meaningful negotiations in Paris at the present time?

A. The best way and the only way to get our prisoners back is to end the war. I can't recall a war in which the prisoners have been returned to either side until the war has been ended and that question has been negotiated by both parties. So I would not expect that anything different would happen this time. There are two questions involved in the prisoner of war issue. First, their treatment while they are prisoners. I think it's only appropriate that pressure be brought upon Hanoi and to the extent that they are amenable to international pressure, the Vietcong, and to insure that the requirements of the Geneva Convention are met with respect to the treatment of prisoners. That's our first concern. But with respect to bringing them back—the way to bring them back is to end the war. That's the way we've always recovered our prisoners in the past and that's the way we're going to recover them this time. I don't believe we are going to see much of an exchange while the war is still going on.

There is no doubt that the President's program of withdrawal of combat troops from Southeast Asia has been a popular one, and that the war has receded somewhat as an issue in the forefront of the public consciousness with the reduction in weekly casualties. In recent weeks, however, I believe that the American people are coming to realize that the Nixon policies will not lead to an end to the war, but only to its prolongation, with continued American involvement. It is highly significant in this regard that the Gallup poll has now found 73 percent of the American people in favor of a withdrawal of all American forces by December 31. I insert herewith a copy of the Washington Post article of January 31 on this poll:

The Gallup Poll: 73 Percent Support Proposal to Withdraw All Troops This Year

(By George Gallup)

Princeton, N.J.—Public support for the Hatfield (D-S.D.) and Sen. George McGovern. involvement in Vietnam by the end of this year has grown dramatically—from 55 per cent last September to 73 per cent in the latest survey, conducted in mid-January.

The proposal was introduced last year in a Senate bill, sponsored by Sen. Mark Hatfield (R-Ore.) and Sen. George McGovern (D-S.D.).

Personal interviews were conducted on an 9–10 with a total of 1,502 adults in more than 300 scientifically selected localities across the nation. This question was asked:

"A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your congressman vote for or against this proposal?"

The following table compares the latest percentages saying their congressmen should vote in favor with those from September:

[In percent]

	January 1971	September 1970	Point change
National	73	55	+18
Men	67	46	+21
Women	78	64	+14
Republicans	64	48	+14
Democrats	78	61	+17
Independents	71	53	+18
College	60	47	+13
High school	75	57	+18
Grade school	80	61	+19

Mr. Speaker, I hope that all of us who believe that the Indochina war represents a tragic and costly mistake to be liquidated as quickly as possible, will keep up the pressure on the administration for setting a date for total U.S. withdrawal. Accordingly, I commend those who have arranged for these special orders, and express my appreciation to them.

Mrs. MINK. Mr. Speaker, President Nixon's consent and participation in the invasion of Laos is a clear violation of the spirit and intent of the Congress as expressed in various provisions of the law as enacted in the 91st Congress.

The policy of the Nixon administration

was to reduce our military commitment in Indochina not to extend it. Yet, by this recent series of events of accelerated bombings and covert direction of invasions into Cambodia and now Laos, we have found ourselves again party to efforts to further engage our country in extensive military involvements.

The invasion of Laos constitutes a further deterioration of our efforts to negotiate a settlement and likely dooms all possibility of achieving a peaceful solution. What it represents is verification of our policy that a military victory in this area of the world is our real goal, albeit under Vietnamization using in the main Vietnamese soldiers with our materiel and our expertise.

Whatever relief was shared by the people of this country with the withdrawal of over 100,000 of our troops that is now thoroughly dissipated. It must be made clear to all that we have again embarked upon a course of escalation, under the guise that these new intrusions into Cambodia and Laos are needed to "protect" the lives of our remaining American forces.

The only real "protection" of our American men's lives is by withdrawal, reduction of the fighting, and a return home to our own land where we belong.

Mr. KOCH. Mr. Speaker, the people of the United States and their representatives in Congress are entitled to know the full story about U.S. activities in Indochina. For the past 6 days American military maneuvers have been an object of mystery and speculation for the American public, while reports of U.S. operations have flowed freely from the Russian, South Vietnamese, French, and Japanese press. A noted Saigon newspaper reports that an assault on Laos is being made by 4,000 airborne troops, and the Soviet press is charging that United States and South Vietnamese troops are launching an "invasion" into Laos.

Other reports indicate that 10,000 South Vietnamese troops already have invaded Cambodia, with the United States providing "full air support." If these reports are true, they raise serious questions about U.S. adherence to the spirit as well as the letter of the law as embodied in the Cooper-Church amendment.

Throughout this blackout the recurring justification has been "protection of U.S. lives," on the assumption that the news embargo would prevent military operations from becoming known to the North Vietnamese. On the contrary, it appears that the North Vietnamese can learn from a wide range of news dispatches about military operations in Laos and Cambodia, while the U.S. public and their elected representatives must remain in the dark.

One does thus not have to be overly cynical to impute dark motives to the news embargo. Last spring's invasion into Cambodia prompted a public outcry and congressional inquiry. It is not unreasonable to suspect that the administration wanted to avoid this type of highly visible criticism by presenting a fait accompli in Cambodia and Laos.

Since the news embargo has been lifted, I have heard columnists report that White House insiders are saying that this is the last big push—the last offensive invasion by the United States before we leave Vietnam.

This kind of explanation in defense of the military action reminds me of a book and a movie called "All Quiet on the Western Front." Those of our citizens old enough to recall this great antiwar movie will remember the final shot and the young man portrayed by Lew Ayres peering over the trenches to grasp a butterfly and falling dead as the result of the final volley of that war. If this is the "final volley," it is folly indeed, and heartbreaking to the mothers, the fathers, the sisters and brothers, and the sweethearts of the young men who have fallen in battle in the last week and who are dying today and will die tomorrow.

Mr. Speaker, our continued involvement in the civil war in Vietnam is not only killing our young men, it is destroying the Vietnamese people. I should like at this point to append to my statement an article that appeared in the New Yorker on January 23, 1971, which describes a program of mass deportation of Vietnamese civilians being undertaken by allied forces, including our own.

As was said by Senator EDMUND MUSKIE:

> The way out of Vietnam does not lead through Cambodia.

Mr. Speaker, it surely does not lead through Laos.

The article follows:

THE TALK OF THE TOWN—NOTES AND COMMENT

It has come to light that the United States government and its South Vietnamese allies are planning a mass deportation within South Vietnam that appears virtually certain to open an entirely new and bloody chapter in the Indo-China war. A recent story in the *Times* reveals that a project to deport hundreds of thousands of people—and, in the end, perhaps millions—from the five northernmost provinces of South Vietnam to southern provinces is "now in its final planning stages." So far, the American and South Vietnamese government officials concerned have been covering up the enormity of this measure with the customary euphemisms.

In the *Times* article, a Vietnamese official says that several "village representatives" from northern provinces will be brought down to the south to look at the land where their villages are to be relocated, as though to suggest that this forced mass deportation would be nothing more than a kind of real-estate deal. In reality, if this brutal project is carried out, it will be nothing less than the first openly totalitarian act in the history of this nation's relations with other nations, and one of the few such acts in any nation's history. The closest precedent may be the Soviet Union's infamous deportation in the nineteen-thirties of Ukrainians, White Russians, Armenians, Jews, and Georgians to Siberia.

It is true, of course, that through bombing and through thousands of small-scale projects of forced deportation the American military have already uprooted something like six million Vietnamese from their homes. The obliteration of their villages was also covered up with euphemisms—words and phrases such as "pacification," "resettlement," "rural development," and "Operation County Fair." At the "county fairs," along with free buffet lunches from portable Army kitchens, piped-in music, showings of cartoons and propaganda movies, and handouts of candy to the children, there were offered such novel attractions as the torture of the customers and the machine-gunning from helicopters of anyone who didn't want to attend.

In cases where there was resistance from a village slated for "resettlement" (and who can doubt that the current project of mass "resettlement" will be met with heavy resistance?), the military very often simply bombed the village out of existence. These are the true precedents for the new plan, and they afford the best indications of what its execution will bring. Yet, terrible as the effect of these policies has been, the policies have been different in several crucial aspects from what is now being proposed. The forced emigrations and the killings of civilians that have so far taken place have occurred in a twilight zone of public confusion and half-knowledge and with official approval that has been only tacit. The new project, on the other hand, cannot take place without the full and energetic support of the entire military command and civilian administration, and without being fully and frankly announced to the American public and to the world as a major new policy of the United States government.

Ordinarily, this is the kind of plan that it is better not even to mention, since by merely discussing it one runs the risk of making it seem acceptable, of helping to raise it from the level of a wild, unthinkable scheme to the level of one of those myriad "options" that the government is "keeping open." And one wants at all costs to avoid adding one's voice to the voices of the official analysts who, for a price, will discuss, in their own weird, ambiguous, pseudo-scientific language, the "pluses" and "minuses" of any option, scenario, or game plan that is put before them, whether for building an orphanage or for carrying out mass murder. However, since the current project of mass deportation has moved beyond the option stage and got into the planning stage, one is compelled to discuss it. In fact, it is a striking demonstration of how deeply the nation is sunk in anesthesia when it comes to events in Vietnam that the press and television have failed to comment on this project since it was reported in the *Times*—a project that, if we imagined its being undertaken in the United States, by, say, the Chinese, would consist of deporting the entire population of New England to the Southwest, destroying all the cities and towns, defoliating the landscape, and shooting all the people who refused to leave or who hid in the woods.

One must remind oneself that five and a half years ago, when the Marines landed in the provinces of South Vietnam now scheduled for depopulation, the officials of the American government imagined that the job of the American military forces was to help a friendly population repel a foreign enemy. But in actuality, as the Marines soon came to realize, most of the population supported the supposed foreign invaders and regarded the Marines themselves as the real invaders. The people of these provinces had supported every insurgent force in South Vietnam since the late nineteenth century, and if in 1965 they had any doubts about the justice of the National Liberation Front's cause, these doubts were dispelled when the Marines landed.

The Marines, and the Army units that joined them in the spring of 1967, adjusted quickly to this unexpected situation and altered their strategy accordingly. And if they did not announce to the world that they were fighting a war against nearly the entire population of the provinces they were in, they did announce it to the South Vietnamese people. In leaflets titled, among other things, "Marine Ultimatum to Vietnamese People," they announced a policy or reprisal bombings against villages in South Vietnam that supported the National Liberation Front in any way. After this policy had been in effect for about two years, most of the villages in these provinces had been bombed, and about half of the population of these provinces was living in camps.

Every soldier, whatever he had been told before he arrived in South Vietnam, learned from bitter personal experience that he was engaged in a war against the South Vietnamese people. The bomber pilots who bombed villages day after day knew it; the Psychological Warfare officers who dropped leaflets knew it; the G.I.'s—who were indeed often attacked by small children and old women, as they have claimed—knew it. The highest levels of the military acknowledged this situation in many of their statements, although in other statements they denied it.

Some officers began to read the works of Mao Tse-Tung, in which it is said that guerrillas live among the people the way fish live in the sea, so a new strategy was developed in the hope of catching the fish by drying up the sea—which is to say, by tearing the entire Vietnamese society to pieces and then putting it together again according to some plan that was being worked out in the think tanks in Washington.

At that time, officials proudly announced that millions of Vietnamese had been pulled out of their homes in order to "deprive" the enemy of their support, and the official analysts spoke of "war-induced urbanization." But in adopting this strategy based on the insights of Mao Tse-tung the Americans obliterated the very purpose for which they had been sent to Vietnam. The aim had been to save the society, and counter-insurgency had been the means to that end. Now this policy was reversed; destroying the guerrillas became the aim, and destroying the society became the means. However, if the men in the field had some knowledge of what was really happening, Washington did not know, or pretended not to know, or refused to know. What all this meant was not that the military were doing things the wrong way, or that the "mix" of bombing and camp construction was unbalanced, or even that a sound policy had been corrupted by bungling or by berserk execution.

What it meant was something much harder for the officials and experts in Washington to accept; namely, that the South Vietnam they had sent the troops to protect had been a hallucination, which had little resemblance to the actual country in which the men were fighting. In the last analysis, what the men were fighting to protect, and are still fighting to protect, was not a country but this hallucination. The truth is that the job that the politicans had assigned the military, the job of protecting the people of South Vietnam from a foreign enemy, was simply not there to be done. There was no such job. If you send someone to protect a friend from a common enemy, how does that someone proceed when he discovers that the friend isn't a friend after all and doesn't want his help?

The answer is that he leaves. But this alternative was not open to our military. Having been sent to do a job that turned out not to exist, our military men, who were forced, after all, to live and work in the real Vietnam, and not in the imaginary one in the politicians' heads, began to do something else. They began to make war against the people whom they were supposed to be saving but who didn't want to be saved. To be sure, this was not a job that anyone had explicitly ordered them to do, nor was it a job that served to advance any objective ever stated by our government, but it did have the reassuring advantage of being, in a sense, real.

Now this war against the South Vietnamese people, based on willful official ignorance, and working at cross purposes with official policy, has got completely out of control. None of the scenarios are turning out as they were supposed to, particularly in the northern provinces, and all the game plans have gone haywire. Instead of producing a peaceful, prosperous, democratic society, they have produced massacres, a desolated landscape, and squalid detention camps. For six years, the "social engineers," both in and out of uniform, have been at work with their hot dogs and their napalm, their fertilizers and their crop poisons, trying to build public-relations utopias on the burned villages and the corpses of villagers, and the result has been a swamp of red tape and blood. And now, perhaps themselves dismayed and revolted by the monstrous results of their experiments, the social engineers have come up with their "final solution" to the problem of the northern provinces—the deportation project.

Like scientists whose experiments has failed, they have decided to get rid of the whole mess, so that they won't have to think about it anymore. However, the new "solution" is not really new at all. It is only the old solution writ large. The social engineers are trying to escape from the present debacle by recommitting the very errors that led to it, but on an even huger scale, by doing to whole provinces what they used to do to one village at a time—as though they thought that through the sheer grandiosity of their new plan they could escape responsibility for the chaos and suffering they had already caused. If the plan goes into effect, it will signal the full official acceptance of a way of looking at the people of South Vietnam that has dominated our policy unofficially since the beginning of the war.

In this view, the problem in South Vietnam is not the traditional village system, or flaws in the pacification program, or even the Vietcong or the North Vietnamese. The problem is the South Vietnamese themselves. Ordinarily, we regard people as *having* problems, but in Vietnam we regard them as *being* problems. Get rid of them—and you solve your problems. There will be no more starving, begging refugees, no more children throwing hand grenades, no more massacres of villagers. Get rid of the whole civilian mess, with its crying children and their crying mothers, its old people and its babies, its pigs and its chicken, and its sly but intractable spirit of resistance and defiance, and at least the Army and the Air Force will have a clear field of fire for hundreds of miles, and will be able to start fighting the war the way a war should be fought.

But fighting for what?

Mr. BADILLO. Mr. Speaker, I hope that the concern expressed by my colleagues here today is reflected throughout our Nation and noted well in the White House, the Department of State, and in the Pentagon. It is clear that the war in Indochina is about to enter a new phase—not one that will hasten the day of peace or the end of our tragic and costly involvement in that war—but rather another sorry chapter in the tale of deception and subterfuge which has characterized the administration's Vietnamization formula.

For several years now, the United States has been conducting a secret war in Laos, under cover of the Central Intelligence Agency on the ground and more overtly, through the massive use of airpower which has literally devastated this tiny nation and created a country of refugees. Even that thin veil is now stripped away and it would appear that a major ground operation into Laos, conducted by South Vietnamese troops with U.S. air and logistical support is in the offing.

This is not a move toward peace; it is a clear widening of the war. It is not a means of extricating the United States from the quagmire of Vietnam; it is irrevocably, perhaps, a step deeper into the morass. It is not a demonstration of our Government's commitment to end the war in response to the overwhelming demand of Congress and the American people; it is a flagrant violation of the outcry and spirit which resulted in passage of the Cooper-Church resolution last year.

Can the Nixon administration close its eyes to the facts?

The fact that 15,000 Americans have died and a hundred thousand more have been wounded since Mr. Nixon took office;

The fact that $40 billion more of this Nation's funds have been poured down the rathole of Indochina in the past 2 years;

The fact that American prisoners remain in North Vietnamese prison camps;

The fact that our involvement in Vietnam stands as continued support of a repressive dictatorial regime;

The fact that the continuation of the war distorts our national priorities and dislocates our economy;

The fact that the young, the poor, the blacks, the Puerto Ricans—all the forgotten minority groups of our Nation—continue to pay the most terrible price for our failures and deceptions.

The Nixon administration came into office 2 years ago with two major pledges—to end the war and to square with the American people about the nature and extent of our involvement. It has kept neither promise. It has expanded the war into Laos and Cambodia. And it has kept the essential facts of our involvement from the people, the press, and the Congress.

I say to my colleagues and to the President, it is time to revive and update the McGovern-Hatfield amendment and to pass it. It is time to broaden the prohibitions of the Church-Cooper amendment so that any American military involvement in countries such as Laos and Cambodia may be barred now. It is time to end this war.

Mr. BOLAND. Mr. Speaker, I want to again join with my colleagues in expressing my concern over the seriousness of the American position in the Southeast Asian situation.

As a Member of this House who opposed U.S. involvement in Cambodia last May, I am distressed by recent developments in Cambodia and Laos which appear to foreshadow an ever increasing widening of the Indochina war, rather than a cessation of the conflict long sought by the American people.

The events of the last few days have been disheartening. After 2 years of American troop withdrawals; after 2 years of the administration's Vietnamization policy, American ground combat forces seem to be more deeply involved than ever before in the spreading Indochina war.

For too long we have seen temporary operations turn into permanent ones.

For too long we have seen bold new escalations of the war yield nothing even remotely comparable to the military results promised.

For too long we have seen American blood spilled and American resources squandered in this never ending Southeast Asian war.

The results of over a decade of warfare can be summed up as follows: more than 44,000 American troops died as a result of hostile combat action, nearly 300,000 more were wounded and maimed, billions of dollars have been expended, and the long-sought-after peace is still only a very dim light at the end of a very long tunnel.

It seems plain, indeed conspicuous, that the only way to achieve a meaningful peace in Southeast Asia is through a negotiated political settlement.

The U.S. actions in Cambodia, and now possibly Laos, signify two more compelling reasons for removing American forces from Southeast Asia as quickly as possible.

The events of the last week have made it more clear than ever before that there is only one practical way to achieve an end to our costly Indochina involvement: namely, a congressionally mandated date for the withdrawal of American troops.

To this end, I introduced H.R. 3438 on Tuesday, February 2, a bill to amend the Foreign Assistance Act of 1961. This legislation provides for funding of a troop level in South Vietnam of 248,000 men through May 1, 1971. After that date, funds may be expended only for the safe and systematic withdrawal of the remaining American forces by December 31, 1971; for the safety of prisoners of war; for asylum for South Vietnamese who require such protection, and for further assistance to the South Vietnamese consistent with these objectives.

Mr. Speaker, my bill provides for exactly what the American people have been promised: a swift, orderly withdrawal of American involvement in the Vietnam morass. The time to begin is now.

I include with my remarks editorials from the Springfield, Mass., Daily News of January 28, 1971, and the Springfield Union of February 3, 1971, relating to the current American involvement in the Southeast Asian war:

[From the Springfield (Mass.) Daily News, Jan. 28, 1971]

Cooper-Church Controversy

When the Cooper-Church amendment was approved last year, it was generally regarded as a binding restriction imposed by Congress on the use of American combat troops in Cambodia.

Pressure for passage of the amendment coincided with the public furor over the invasion of Cambodia last spring. Even though President Nixon withdrew all combat forces from Cambodia long before the amendment passed the Senate and House, the Cooper-Church bill sounded a clear warning against any new combat involvement in Southeast Asia.

Now, the accelerated use of U.S. air power in Cambodia, in support of both South Vietnamese and Cambodian troops, has produced charges that the administration and the Pentagon are circumventing the provisions of the Cooper-Church amendment. These provisions forbid introduction by the President of ground combat troops or military advisers into Cambodia.

As originally passed by the Senate, the amendment also barred use of American air power in support of the Cambodian government. But this restriction was eliminated in the closing days of the 91st Congress.

Defense Secretary Melvin R. Laird contends the administration is observing the letter as well as the spirit of the amendment. But several congressional leaders, including Senate Majority Leader Mike Mansfield, claim that Secretary Laird's statements are contrary to fact.

What is needed now is a forthright and unequivocal statement by President Nixon on the scope of this new U.S. activity in Cambodia. This explanation should be given in Mr. Nixon's foreign policy message to Congress next month.

[From the Springfield (Mass.) Union, Feb. 3, 1971]

Facts Overdue

In rapid succession have come reports of new U.S. involvements in Indochina, first in massive air support of South Vietnamese troops in Cambodia, then in the airlifting of thousands of South Vietnamese troops into Laos. Reassurances that no U.S. ground troops as such have crossed into either Cambodia or Laos are no longer enough to quiet the misgivings of many Americans.

Last week, on top of confirmed reports that as many as 500 U.S. aircraft daily were conducting raids in Cambodia, Sen. John D. Stennis, D-Miss., chairman of the Senate Armed Services Committee, said "ground controllers" might be sent into that country to guide the air attacks. It all seemed like a replay of U.S. activity in South Vietnam in early 1965.

Now U.S. helicopters have landed in Laos to deliver more than 4000 South Vietnamese paratroops, according to a Japanese news agency. A Pentagon-Saigon news embargo obscured the facts on this and other reports, one of them indicating a buildup of allied troops including 9000 Americans, apparently for a Laotian ground offensive.

The report added, however, that the U.S. troops were to be limited to operations inside South Vietnam, with the 25,000 South Vietnamese troops expected to move into southern Laos. President Nixon, it was said, approved the plan last Wednesday.

All of this points up the urgent need for some kind of explanation to the American people from the White House as to what is going on in Indochina. For each day this nation is kept in the dark, worry and distrust of administration aims grows.

At this stage in the protracted "Vietnam war," the White House should set limits on its goals, militarily and in economic assistance, in Indochina. Suspicion is running stronger than ever that military victory, not just withdrawal through Vietnamization of the war, is the real goal of the administration. If that is not so, it is high time the administration made it clear.

SPECULATION, FRAUD AND BANKS—IV

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas, Mr. GONZALEZ, is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, this morning the Committee on Banking and Currency agreed to investigate certain banking activities in Texas—activities which have not been sound, and which have seriously harmed innocent people.

The committee also has expressed an interest in studying the growing practice of banks using stock loans in order to gain control of other banks—so-called hypothecation of bank stock.

I have introduced a bill which would prohibit this practice of hypothecation of bank stock, and the committee has agreed to seek early consideration of the bill. In that connection the committee is making the appropriate investigations, and requesting reports from the concerned executive agencies, and I expect that early hearings will take place.

The committee considered legislation against this practice some time ago, but the bill did not carry in a meeting of the full committee. I believe that the bill has a better chance of passage now.

In connection with the stock raid on the Groos National Bank of San Antonio, which I have previously reported, I have received a letter from the Comptroller of the Currency describing the situation as he understands it, and outlining the applicable laws in this case. The Comptroller assures me that the Groos Bank will continue to be soundly managed, regardless of its ownership. I make that letter a part of the RECORD, following my remarks.

This assurance of the Comptroller, comforting as it is, does not of course address itself to the question of hypothecation of bank shares. It is this that I am primarily interested in, insofar as the case of the Groos National Bank and others similarly affected by loan-financed stock raids.

As regards the case of the Sharpstown State Bank of Texas, now in liquidation, I know that the committee will look carefully at that case, and see what further Federal action might be needed to protect the public against such situations.

THE ADMINISTRATOR
OF NATIONAL BANKS,
Washington, D.C., February 2, 1971.

Hon. HENRY B. GONZALEZ,
House of Representatives,
Washington, D.C.

DEAR MR. GONZALEZ: This is in reply to your letter of January 27, 1971, concerning the apparent attempt of a group headed by Clinton Manges to buy a controlling stock interest in the Groos National Bank of San Antonio, Texas. You express concern as to the fitness of the Manges group as expressed in a letter to you dated January 22, 1971, from Ralph Langley, attorney for the present management of the Groos National Bank. Mr. Langley alleges that Mr. Manges, on a plea of guilty, has been convicted of making a false statement to the Small Business Administration.

Your letter also expresses concern about the general practice of banks financing takeovers of other banks and point out the role of Bank of the Southwest, Houston, in the Manges bid.

Under the provisions of Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829), no person may serve as a director, officer or employee of an insured bank who has been convicted of any criminal offense involving dishonesty or a breach of trust, except with the written consent of the Federal Deposit Insurance Corporation.

Also, under the provisions of the Financial Institutions Supervisory Act of 1966 (12 U.S.C. 1818(b)), the Comptroller may initiate action to stop a person from participating in the conduct of the affairs of a national bank if he has grounds for believing that such person has through personal dishonesty caused substantial financial loss to a business institution.

However, neither the above provisions, nor any other statute confer authority on this office to prevent the mere purchase of stock by any person.

Our Regional Administrator in Dallas is aware of the activities of the Manges group and has been in touch with Mr. Manges and with the top officers of the Bank of the Southwest. They have been told that Mr. Manges cannot serve as an officer, director or employee of the Groos National Bank without the consent of the FDIC and that in the event their group is successful, no deviating from sound banking practices will be permitted by this office.

At this time, we have no reason to believe that the Manges group, which is not without banking experience, would not operate the bank in a sound manner.

We hope the above will be of assistance in replying to Mr. Langley.

Sincerely,

William B. Camp,
Comptroller of the Currency.

NATIONAL CYSTIC FIBROSIS WEEK

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from New Jersey (Mrs. Dwyer), is recognized for 5 minutes.

Mrs. DWYER. Mr. Speaker, cystic fibrosis is now recognized as one of the most common chronic diseases of childhood, and certainly the most serious lung problem of children. Unfortunately, it is gradually being evidenced as a chronic disease of adolescents as well, and we may soon see it plague our adult population too.

Over 25,000 people—most of them children—are afflicted with cystic fibrosis, and an additional 4,000 babies are born each year with this disease. Particularly tragic is the fact that no one has yet succeeded in identifying the cause responsible for cystic fibrosis. Only 50 percent of cystic fibrosis patients live past the age of 10, and only 20 percent past the age of 20.

One of the most serious complications of this disease occurs when certain glands in a newborn baby do not function properly, and an abnormal amount of mucus is secreted. The presence of such mucus obstructs the organ passages and causes disorders ranging from bronchial infections to a breakdown of the pancreas and liver. Cystic fibrosis patients also have trouble with respiratory infections, and their sweat contains a high level of salt.

Treatments used to combat this disease include physical therapy, mist tents, and antibiotics. They are often extremely expensive, and place a heavy financial burden upon the cystic fibrosis patient and/or his family—as if the emotional strain is not severe enough.

Fortunately, we now have more accurate diagnostic tools which have in turn led to earlier recognition and treatment of such patients. With intensive therapy, many individuals with cystic fibrosis are able to live a relatively normal life.

However, I am convinced that much more needs to be done on behalf of cystic fibrosis patients. A parent of a child struck by this dread disease wrote:

> Taking the necessary steps to have a National Cystic Fibrosis Week proclaimed by the President would be a truly significant contribution at this time.

The White House assured me that should such legislative action be taken, a proclamation would be forthcoming. The proposal I plan to introduce today also has the support of the National Cystic Fibrosis Research Foundation. Its Director, Mr. Welch H. Boyer, recommended that the third week of September would be an appropriate time for the proclamation. Such timing would coincide with their National Campaign Month.

Mr. Speaker, I do hope that the appropriate committee will give this resolution early consideration.

HOSPITALS UNDER LEGAL ASSAULT BY THE POVERTY LAWYERS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Louisiana (Mr. Rarick) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, evidence continues to mount further confirming that the so-called war on poverty being waged by the Office of Economic Opportunity has become a war against the poor and but a ruse to use the poor.

The original thrust of the antipoverty program was to have been an intensive drive to provide employment for those indigents able to work and to give relief to those unable to help themselves.

A growing number of Americans are awakening to the realization that the gigantic hoax called the war on poverty is a facade behind which to milk funds through sympathy for distribution to the revolutionaries violently trying to tear down this Nation and overthrow the Government.

> Today the Economic Opportunity Act has already become the basis for organizing in the slums and ghetto communities and it offers the point of departure for helping to rally the rank and file millions to a mass movement.

Since the above statement was issued over 2 years ago by Communist Party official Henry Winston shortly after his return from a Kremlin briefing, numerous instances of the use of poverty funds to promote anarchy have been uncovered.

Currently, an active battle in the poverty war is raging on the legal front where the militant OEO-funded warriors of the legal services program, supported by allied troops of the always vigilant ACLU, are deploying their legal talents to destroy rather than to defend and build this great Nation.

Last year, I pointed out that a New Orleans lawyer, identified as a salaried attorney with the New Orleans Legal Aid Corporation, an OEO federally funded agency, was promoting a project whereby the National Committee to Combat Fascism—NCCF—a Black Panther spawned organization, sought to extort from welfare recipients a minimum of 10 percent of their monthly welfare checks, Congressional Record, October 5, 1970, page 34971. The money so obtained was to be used by the Black Panthers to enhance their aim to bring down the Government of the United States.

Another case, which has recently come to light in New Orleans, involves lawyers, paid with tax dollars through OEO funds, who have filed suit on behalf of eight women, whose two disabled husbands, and 54 children are not identified; and an unknown number of others "similarly situated" who depend upon the charity of the taxpayers for their every need and pleasure. Defendants in the suit are 10 hospitals in the New Orleans area, their chief administrators, and Mr. Ashton J. Mouton, director of Louisiana State Department of Hospitals.

If successful, this suit could destroy the Hill-Burton hospital program in Louisiana and thereafter be used as a precedent across our Nation. The suit alleges that the State plan prepared by the State Department of Hospitals and approved by the U.S. Department of Health, Education, and Welfare, is defective. It is ironic that a State plan, prepared and approved by HEW is likewise being attacked by lawyers funded by OEO, an agency of the executive branch. The right hand apparently does not know what the left hand is doing. But, while OEO is helping in the attack on Hill-Burton, HEW has failed to participate in the defense of the program which it has funded and approved.

The attorneys for the plaintiffs, under the emotional name of the New Orleans Legal Assistance Corporation, derive support from the Office of Economic Opportunity. One of the lawyers, Jeffrey B. Schwartz is a self-professed OEO lawyer and presently assigned in Washington, D.C., with the National Tenants Organization. Another lawyer for the plaintiffs is Marilyn G. Rose of Los Angeles, Calif. It must be considered a national attack on hospitals when an OEO-paid lawyer from a Western State and one from Washington, D.C., paid with U.S. taxpayers dollars are involved in a legal suit with the hospital system of a Southern State. Apparently the new legal theory is that it is better that no one have hospital service, than that the client does not get his way—and free.

Since Members as well as hospital administrators in their districts may find the thrust of this suit of interest, I insert it as well as the Dan Smoot report entitled "Poverty War Lawyers," following my remarks.

Summons in a Civil Action

[In the U.S. District Court for the Eastern District of Louisiana, New Orleans Division—Civil Action File No. 70-1969]

Resezella Cook, et al, Plaintiff *v.* Ochsner Foundation Hospital, Etc., et al, Defendants.

To the defendant: Ashton J. Mouton, Director, La. St. Dept. of Hospitals, P.O. Box 44215, Baton Rouge, La. 70804

You are hereby summoned and required to serve upon Jeffrey B. Schwartz, Esq., plaintiff's attorney, whose address is 605 Carondelet Building, N.O., La. 70130 an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

BENJAMIN W. REISCH,
Clerk of Court.

Date: 7–27–70.

Note: This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

[In the U.S. District Court, Eastern District of Louisiana, New Orleans Division, Civil Action No. 70–1969]

COMPLAINT

Rosezella Cook, Sallie Lee, Monica Hunter, Ora Price, Merita Moore, Mary Jones, Shirley Lampton, Wilhemenia Brown, on their own behalf, on the behalf of their minor children and on behalf of all other similarly situated, Plaintiffs *v.* Ochsner Foundation Hospital, and its Director H. E. Hamilton, Flint Goodridge Hospital and its Administrator C. C. Weil, Hotel Dieu Sisters Hospital, and its Administrator Sister Mary James, Methodist Hospital, and its Administrator Paul A. Bjork, Sara Mayo Hospital, and its Administrator Phyllis D. Eagan, Touro Infirmary, and its Executive Director Murray A. Diamond, West Jefferson General Hospital, and its Administrator David M. Smith, Mercy Hospital, and its Administrator Sister Mary Dorothy, East Jefferson General Hospital, and its Administrator Mose Ellis, Charity Hospital of Louisiana at New Orleans, and its Director Charles C. Mary, Jr. and Ashton J. Mouton, Director of the Louisiana State Department of Hospitals, Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. JURISDICTION

1. Plaintiffs invoke the jurisdiction of this Court under 28 U.S.C. 1331, 1343(3) and 1343(4); and 28 U.S.C. 2201 and 2202. The value of the rights asserted by each Plaintiff individually exceeds $10,000.

2. This is an action for declaratory and injunctive relief

(a) to enforce the provision of the Hospital Survey and Construction Act of 1946 as amended (42 U.S.C. 291 et seq.) (hereinafter sometimes referred to as the "Hill-Burton Act") and the Regulation promulgated thereunder (42 CFR, Part 53), requiring that the States participating in that program provide adequate hospitals to furnish needed services for persons unable to pay therefor and that there be made available in facilities which are recipients of Hill-Burton moneys a reasonable volume of services for persons unable to pay therefor;

(b) to enforce the contractual commitments of Ochsner Foundation Hospital, Flint Goodridge Hospital, Hotel Dieu Sisters Hospital, Methodist Hospital, Sara Mayo Hospital, Touro Infirmary, West Jefferson General Hospital, East Jefferson General Hospital, Mercy Hospital, and Charity Hospital of Louisiana at New Orleans, which have been recipients of Hill-Burton moneys, to the Louisiana State Department of Hospitals (hereinafter sometimes referred to as the "State agency" or the "Department") and to the United States to provide in their facilities constructed modernized or expanded under the Hill-Burton Act and Regulation a reasonable volume of free patient care and/or a reasonable volume of service for persons unable to pay therefor;

(c) To declare that a hospital which has received Hill-Burton money under a commitment to afford a reasonable volume of free patient care and/or a reasonable volume of service for persons unable to pay is violating that commitment and the Act and Regulation under which the commitment was promulgated by charging all persons for the full cost of all services; by requiring a deposit as a condition to admission, examination, treatment and services; by refusing to treat persons on welfare and persons on medicaid, and by charging indigent recipients of medicare $52 as a condition of admission, examination, treatment, and service;

(d) to declare the practices described in sub-paragraph (c) to be action under color of law violative of 42 U.S.C. § 1983 as a deprivation of rights under a Federal statute;

(e) to declare the practices described in sub-paragraph (c) to be action under color of law violative of the due process clauses of the 5th and 14th Amendments and the equal protection clause of the 14th Amendment of the U.S. Constitution;

(f) to declare policies, practices and customs of public hospitals and private hospitals which have been recipients of Hill-Burton moneys and which are currently recipients of Federal financial assistance by which white persons are admitted into certain hospitals and black persons are admitted into other hospitals to be action violative of the equal protection clause of the 14th Amendment Title VI of Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Regulations (45 CFR, Part 80) and guidelines promulgated thereunder, and the Civil Rights Act (42 U.S.C. § 1983); and

(g) to declare the policies, practices and customs described in subparagraph (f) to be violative of contractual commitments by Ochsner Foundation Hospital, Flint Goodridge Hospital, Hotel Dieu Sisters Hospital. Methodist Hospital, Sara Mayo Hospital, Touro Infirmary, West Jefferson General Hospital, East Jefferson General Hospital, Mercy Hospital, and Charity Hospital of Louisiana at New Orleans to the United States not to discriminate against persons because of race and to abide by Title VI of the Civil Rights Act of 1964 and the Regulations and guidelines promulgated thereunder.

3. Monetary damages are inadequate and no adequate remedy at law is available to Plaintiffs and others similarly situated who have suffered and will continue to suffer irreparable harm and the threat of irreparable harm from the policies, practices, and customs of defendants complained of herein.

II. PARTIES

1. Plaintiff Rosezella Cook is a citizen of the United States and of the State of Louisiana, and a resident of New Orleans, Orleans Parish, Louisiana. She and her six children are welfare recipients under Louisiana's Aid to Dependent Children Program. She is severely ill suffering from a heart condition, critically high blood pressure, and extreme nervousness.

2. Plaintiff Sallie Lee is a citizen of the United States and of the State of Louisiana, and a resident of New Orleans, Orleans Parish, Louisiana. She and her six children are welfare recipients under Louisiana's Aid to Dependent Children Program. She is suffering from a chronic arthritic condition and very high blood pressure.

3. Plaintiff Monica Hunter is a citizen of the United States and of the State of Louisiana, and a resident of New Orleans, Orleans Parish, Louisiana. Her four children are receiving social security survivor's benefits by reason of the death of their father. She is suffering from severe pains in her lower abdomen and severe headaches.

4. Plaintiff Ora Price is a citizen of the United States and of the State of Louisiana, and a resident of New Orleans, Orleans Parish, Louisiana. She and her disabled husband and their thirteen children are welfare recipients under Louisiana's Aid to Dependent Children Program. Her children and her disabled husband receive social security benefits. She is suffering from a severe stomach ailment which has caused painful nausea, high blood pressure, and obesity.

5. Plaintiff Merita Moore is a citizen of the United States and of the State of Louisiana, and a resident of New Orleans, Orleans Parish, Louisiana. She and her three children are welfare recipients under Louisiana's Aid to Dependent Children Program. She is severely ill suffering from a chronic heart ailment and intense stomach pains.

6. Plaintiff Mary Jones is a citizen of the United States and of the State of Louisiana, and a resident of New Orleans, Orleans Parish, Louisiana. She and her disabled husband and fourteen children are welfare recipients under Louisiana's Aid to Dependent Children Program. Her children and her disabled husband receive social security benefits. She is suffering from an acute kidney condition, high blood pressure, obesity, excess fluids and extreme nervousness.

7. Plaintiff Shirley Lampton is a citizen of the United States and of the State of Louisiana, and a resident of New Orleans, Orleans Parish, Louisiana. She and her seven children are welfare recipients under Louisiana's Aid to Dependent Children Program. She is suffering from severe stomach pains.

8. Plantiff Wilhemenia Brown is a citizen of the United States and of the State of Louisiana, and a resident of New Orleans, Orleans Parish, Louisiana. She and her two children are welfare recipients under Louisiana's Aid to Dependent Children Program. She is suffering from pains in her side—possibly a kidney infection.

9. Each Plaintiff sues on her own behalf and on behalf of all other persons similarly situated as alleged hereinafter. This is a proper class action under Rule 23(b)(2) and (3), Fed R. Civ. Procedure. The class is so numerous that joinder of all members of the class is impracticable; the claims of the named Plaintiffs are typical of the claims of the class; and the named Plaintiffs will fairly and adequately protect the interests of the class. The Defendants have acted and have refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief with respect to the class as a whole.

10. Defendant Ochsner Foundation Hospital is a private non-profit general hospital in New Orleans. Defendant H. E. Hamilton is the Director of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

11. Defendant Flint Goodridge Hospital is a private non-profit general hospital in New Orleans. Defendant C. C. Weil is the Administrator of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

12. Defendant Hotel Dieu Sisters Hospital is a private non-profit general hospital in New Orleans. Defendant Sister Mary James is the Administrator of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

13. Defendant Methodist Hospital is a private non-profit general hospital in New Orleans. Defendant Paul A. Bjork is the Administrator of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

14. Defendant Sara Mayo Hospital is a private non-profit general hospital in New Orleans. Defendant Phyllis D. Eagan is the Administrator of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

15. Defendant Touro Infirmary is a private

non-profit general hospital in New Orleans. Defendant Murray A. Diamond is the Executive Director of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

16. Defendant West Jefferson General Hospital is a publicly-owned (District) general hospital in Marrero. Defendant David N. Smith is the Administrator of said hospital and is authorized to, and carries out, and direct all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

17. Defendant Mercy Hospital is a private non-profit general hospital in New Orleans. Defendant Sister Mary Dorothy is the Administrator of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

18. Defendant East Jefferson Hospital is a new publicly-owned (District) general hospital in Metairie scheduled to be opened in November 1970. Defendant Mose Ellis is the Administrator of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital which, on information and belief, will be similar ot those of the other hospitals described below in Part III.

19. Defendant Charity Hospital is a publicly-owned (State) hospital for the indigent of New Orleans and the surrounding area in New Orleans. Defendant Charles C. Mary is the Director of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

20. Defendant Ashton J. Mouton is the Director of the Louisiana State Department of Hospitals (hereinafter sometimes referred to as the Department or the State Agency), and the chief executive officer of the State Hospital Board. The Department is charged with the management, administration and operation of the Department, LSA–R.S. 40:2005.

III. STATEMENT OF FACTS

1. Plaintiff Cook is a 33 year old black female, who suffers from a serious heart condition, high blood pressure and extrreme nervousness. On or about June 28, 1970, Plaintiff Cook's condition became very serious and she went to Defendant Methodist Hospital in an attempt to be admitted. She was denied admission at Defendant Methodist Hospital because she was unable to pay a deposit of $35 required of all emergency room patients by Defendants Paul B. Bjork and Methodist Hospital.

2. Plaintiff Sallie Lee, is a 48 year old black female who suffers from a severe case of arthritis and from high blood pressure. Being in desperate need of treatment. Plaintiff Lee on or about June 29, 1970 attempted to be examined and admitted at Defendant, Alton Ochsner Foundation Hospital. However, she was neither examined nor admitted into Defendant Alton Ochsner Foundation Hospital because she could not afford to pay $35 advance deposit.

3. Plaintiff Hunter, a black resident of New Orleans, is suffering from severe abdominal pains and serious headaches. On or about June 26, 1970, Plaintiff Hunter, being in extreme pain, went to Defendant Methodist Hospital in an attempt to receive medical treatment and possibly be admitted into that hospital. She was neither examined nor admitted into Defendant Methodist Hospital because she did not have a private physician, or a $25 deposit in order to see a staff physician, or a Bankamericard or a Master Charge card as required by Defendant Methodist Hospital. Plaintiff Hunter then went to Defendant Hotel Dieu Sisters Hospital in an attempt to receive medical treatment. She was told by a receptionist at that hospital that she could not be seen by a doctor because she did not have a private physician, and because she could not afford to pay for any medical treatment given at Defendant Hotel Dieu Sisters Hospital. She was further told that Defendants Sister Mary James and Hotel Dieu Sisters Hospital would not accept her Medicaid Program. Consequently, she left that hospital without being seen or examined.

4. Plaintiff Price is a 46 year old black female who suffers from a grave stomach ailment which has caused severe nausea, high blood pressure and obesity. On or about June 29, 1970, Plaintiff Price attempted to be treated at Defendant Touro Infirmary. She was denied treatment by Defendant Touro Infirmary because she was unable to pay the $35 needed in order for a physician to examine her, and because she was unable to pay for the necessary tests to be performed; payment for these tests being required in advance.

5. Plaintiff Moore is a 29 year old black female, who suffers from a chronic heart ailment and severe stomach pains. On or about June 29, 1970, she decided to go to Defendant Flint Goodridge Hospital to see if she could be treated. Her stomach pains had become unbearable, and she was in need of medical treatment. Plaintiff Moore was neither examined nor admitted into Defendant Flint Goodridge Hospital because she could not afford to pay the $250 deposit required of all medical patients without hospitalization insurance prior to being examined or admitted into that hospital.

6. Plaintiff Jones, is a 44 year old black female who suffers from an acute kidney condition, high blood pressure, excess fluids, obesity, and extreme nervousness. On or about June 29, 1970, Plaintiff Jones attempted to be examined and hoepfully admitted into Defendant Sara Mayo Hospital because her condition had become considerably worse. She was neither examined nor admitted into Defendant Sara Mayo Hospital because she was unable to pay for a physician to examine her, and because she was unable to pay a deposit required of all patients.

7. Plaintiff Lampton is a 29 year old black female, who suffers from severe and at times unbearable stomach pains. Plaintiff Lampton decided to go to Defendant Mercy Hospital on or about July 9, 1970 to see if she could undergo a thorough examination in order to help cure her stomach disorder. She was neither examined nor admitted into Defendant Mercy Hospital because she could not afford the payment needed to see a staff physician.

8. Plaintiff Brown is a 28 year old black female, who is suffering from severe pains on the left side of her body. On or about July 8, 1970, Plaintiff Brown went to Defendant West Jefferson General Hospital in an attempt to see a physician in order to receive medical treatment for her pains. The receptionist asked her if she had hospitalization insurance and a private physician. Plaintiff Brown told the receptionist that she qualified for the Medicaid Program but that she did not have her own physician. She was told that she could not be treated because she had neither a private physician, nor the necessary hospitalization insurance or the money to pay the initial $400 deposit as required by the hospital.

9. The Louisiana State Department of Hospitals, pursuant to the Hill-Burton Act (42 U.S.C. 921(a)(1) and the Revised Statutes of Louisiana (40 Louisiana Rev. Stat. 2017.2)) is designated as the sole agency for carrying out the purposes of the Hill-Burton Act in the State of Louisiana. Pursuant to said statutory authority the Department has annually adopted a State Plan for construction of medical facilities and fostered the development and administration of a hospital planning and construction program with the stated objective to afford, in conjunction with existing facilities, hospitals to serve the needs of all the people of the State of Louisiana.

10. The State Plan of the Department has been annually submitted to the Surgeon General, United States Department of Health, Education, and Welfare, for approval pursuant to the directive of the Hill-Burton Act and State law, cited in the previous paragraph. The Department is charged with the responsibility under said Federal Statute and Regulation with providing adequate hospitals to furnish needed services for persons unable to pay therefor and with obtaining an assurance from each applicant for a grant that a reasonable volume of service will be made available for persons unable to pay therefor or an acceptable explanation why such an assurance is not financially feasible (42 U.S.C. 291c(3); 42 CFR 53.111). The Department is also charged under said Federal Statute with providing minimum standards for the operation and maintenance of facilities providing in-patient care (42 U.S.C. 291d(a)(7)).

11. The Department is charged under State law with the function of providing for the care and treatment, in privately owned hospitals and other institutions, of indigent or destitute sick persons (40 Louisiana Rev. Stat. 2017), and to afford hospitals to serve the needs of all the people of the State (40 Louisiana Rev. Stat. 2017.2).

12. The Department is charged under State law with licensing the establishment, conduct and maintenance of hospitals in Louisiana (40 Louisiana Rev. Stat. 2103), and with promulgating rules, regulations, and minimum standards "as will insure proper case and treatment of patients as may be deemed necessary for an effective administration" of said licensing statute (40 Louisiana Rev. Stat. 2109 (5)).

13. The ten Defendant Hospitals herein have received under the Hill-Burton Act a total of approximately $18 million for the projects described immediately below.

14. Oschner Foundation Hospital is a private non-profit general hospital, with approximately 300 acute service beds. In February 1952 it was awarded a Hill-Burton grant for new construction to supply 250 beds; in November 1958 it was awarded two Hill-Burton grants, one for an addition and the other to supply 48 long term care beds; in July 1965 it was awarded a Hill-Burton grant for an addition and for remodeling a diagnostic and treatment center. For each of these grants it gave the assurance to the State Agency and to the United States that it would furnish a reasonable volume of free patient care.

15. Touro Infirmary is a private non-profit general hospital, with approximately 550 acute service beds. In March 1949 it was awarded a Hill-Burton grant for an addition to supply 106 beds and in March 1961 it was awarded a Hill-Burton grant for an addition and remodeling to supply 128 beds. For each of these grants it gave the assurance to the State Agency and to the United States that it would furnish a reasonable volume of free patient care.

16. Sara Mayo Hospital is a private non-profit general hospital, with approximately 112 acute service beds. In September 1958 it was awarded a Hill-Burton grant for an addition to supply 52 beds and in April 1967 it was awarded a Hill-Burton grant for remodeling and replacement to supply 73 beds. For the 1958 grant it gave the assurance to the State Agency and to the United States that it would furnish a reasonable volume of free patient care; for the 1967 grant it gave the assurance that it would furnish a reasonable volume of service for persons unable to pay.

17. Hotel Dieu is a private non-profit general hospital, with approximately 270 acute

service beds. In May 1967 it was awarded a Hill-Burton grant for replacement to supply 269 beds. For this grant it gave assurance to the State Agency and to the United States that it would furnish a reasonable volume of service to persons unable to pay.

18. Flint Goodridge Hospital is a private, non-profit general hospital, with approximately 136 acute service beds. In October 1958 it was awarded a Hill-Burton grant for an addition and remodeling to supply 136 beds. For this grant it gave the assurance to the State Agency and to the United States that it would furnish a reasonable volume of free patient care.

19. Methodist Hospital is a private non-profit general hospital, with approximately 164 acute service beds. In February 1966 it was awarded a Hill-Burton grant for a new facility to supply 164 beds. For this grant it gave the assurance to the State Agency and to the United States that it would furnish a reasonable volume of service for persons unable to pay.

20. West Jefferson General Hospital is a publicly-owned district hospital, with approximately 252 acute service beds. In October 1957 it was awarded a Hill-Burton grant for a new facility to provide 150 beds and in May 1965 it was awarded a Hill-Burton grant for an addition and remodeling. For these grants it gave assurance to the State Agency and to the United States that it would furnish a reasonable volume of free patient care.

21. East Jefferson General Hospital is a new publicly-owned district hospital, scheduled to be opened in November 1970, with approximately 250 acute service beds. In March 1967 it was awarded a Hill-Burton grant for new construction to supply 250 beds. For this grant it gave assurance to the State Agency and to the United States that it would furnish a reasonable volume of service to persons unable to pay.

22. Mercy Hospital is a private, non-profit general hospital, with approximately 194 acute service beds. In December 1969 it was awarded a Hill-Burton grant for modernization. For this grant it gave assurance to the State Agency and to the United States that it would furnish a reasonable volume of service to persons unable to pay.

23. Charity Hospital of Louisiana at New Orleans is a State-owned general hospital, with approximately 2100 acute service beds in use as of May 1, 1970, and 1650 acute service beds in use from May 1970 through July 16, 1970. On July 16, 1970 it announced that it would reopen 300 beds, leaving a net of some 150 beds closed. It was established by State law as a public charitable institution to serve the medical needs of impoverished persons who, under present law, reside in the parishes of Orleans, Plaquemines, Jefferson, St. John the Baptist, and St. James (Louisiana Revised Stat. 46:751–774). Its present structure was built in 1940 with a 3500 bed capacity. In December 1949 it was awarded a Hill-Burton grant for an addition and in April 1950 it was awarded a Hill-Burton grant for another addition and remodeling to supply 153 beds. For each of these grants it gave the assurance to the State Agency and to the United States that it would furnish a reasonable volume of free patient care.

24. Notwithstanding the assurances to afford a reasonable volume of free patient care and/or a reasonable volume of service to persons unable to pay, as described in paragraphs 14 through 23 of this Part, Defendants, Ochsner Foundation Hospital, Touro, West Jefferson, Hotel Dieu, Methodist, Sara Mayo, Flint Goodridge, and Mercy, their chief administrative officers, and all other officials, admissions personnel, staff and agents have followed a policy, practice and custom of charging all persons the full cost of all hospital services, not admitting any person not covered by private health insurance as a patient for out-patient or in-patient services and not examining any person to determine medical needs unless and until said person pays a deposit, refusing to provide service under Medicaid (42 U.S.C. 1396), refusing service to persons on welfare, and denying indigent Medicare recipients admission by requiring a $52 deposit. On information and belief Defendant East Jefferson will engage in similar policies, practices, and customs when opened in November 1970.

25. With reference to the allegation in paragraph 24 that said Defendants will not admit any person as a patient for out-patient or in-patient services or examine any person to determine medical needs unless and until said person pays a deposit, said Defendants specifically charge as follows:

Ochsner, in-patient, $200.00; out-patient, 19.50 minimum.

Flint Goodridge, in-patient, 250.00 medical; 375.00 surgical, 125.00 obstetrics, out-patient 6.00 (including medicaid and medicare recipients).

Sara Mayo, all 200.00, 52.00 medicare.

West Jefferson, all 400.00.

Hotel Dieu, all 200.00–350.00, 52.00 medicare.

Methodist, all 225.00–300.00 medical, 250.00–350.00 surgical, 150.00–200.00 obstetrics.

Mercy, all $200.00.

Touro, all 35.00–150.00.

26. Notwithstanding the assurances to afford a reasonable volume of free patient care, Defendant Charity Hospital of Louisiana at New Orleans and Defendant Charles E. Mary shut down 450 beds in May 1970 heretofore available under State law and under the assurances given to the State Agency and to the United States to afford needed services to indigent persons, and have announced the reopening of only 300 of the 450 beds.

27. On five occasions between October 1969 and March 23, 1970, Catherine Booker, a welfare recipient and black resident of New Orleans, suffering from congestive heart failure, obesity and its effects, and shortness of breath, attempted to be admitted to Charity Hospital but was denied admission because of inadequate beds and available services. On March 23, 1970, Mrs. Booker attempted to be admitted to lint Goodridge but was denied admission because she did not have $250.00 required by that hospital for admission. On the evening of March 23, 1970, Mrs. Booker was finally admitted to Charity Hospital where she died within the hour.

28. On five occasions between May 5, 1970 and June 8, 1970 Clifford Breaux, an indigent black resident of New Orleans suffering from congestive heart failure and obesity and its effects, attempted to be admitted to Charity Hospital but was denied admission because of inadequate beds and available services. On June 10 and 11 he attempted to be admitted to Flint Goodridge, Touro, and Ochsner but was denied admission because he lacked the money required by each of these hospitals, respectively, as a condition for admission. On June 11, 1970 his brother borrowed $200.00 and got him admitted to Ochsner where he died on June 24, 1970.

29. Defendant Ashton Mouton, as Director of the Louisiana State Department of Hospitals, has failed to provide adequate hospitals to furnish needed services for Plaintiffs and others similarly situated who cannot pay therefor, and has failed to enforce the assurances given to the Department and to the United States, which were entered into for the benefit of the named Plaintiffs and the class of poor persons they represent.

30. Defendants Hotel Dieu, Ochsner, Mercy, West Jefferson, Touro, Methodist, Sara Mayo, and Flint Goodridge, their administrators, admissions personnel, staff physicians, and other agents follow a policy, practice and custom of admitting and/or sending white patients to Hotel Dieu, Ochsner, Mercy, West Jefferson, Touro, Methodist and Sara Mayo, and black patients to Flint Goodridge and Charity and otherwise following practices which have the effect of discriminating against persons because of race. On information and belief Defendant East Jefferson will engage in a similar policy, practice and custom when opened.

31. Defendants Hotel Dieu, Ochsner, Mercy, West Jefferson, Touro, Methodist, Sara Mayo, Flint Goodridge, and East Jefferson are recipients of Federal financial assistance, to-wit: medical care for the aged (42 U.S.C. 1395) and Hill-Burton (42 U.S.C. 291), and under each program have signed assurances not to discriminate against persons because of race and to comply with Title VI of the Civil Rights Act of 1964 and the Regulations and guidelines promulgated thereunder.

IV. CAUSES OF ACTION

1. By the actions of Defendants Ashton Mouton, as Director of the Louisiana State Department of Hospitals, Ochsner Foundation Hospital, Flint Goodridge Hospital, Hotel Diesu Sisters Hospital, Methodist Hospital, Sara Mayo Hospital, Touro Infirmary, West Jefferson Hospital, Mercy Hospital, East Jefferson Hospital, and Charity Hospital of Louisiana at New Orleans, and their respective administrators named herein as Defendants, in not providing adequate hospitals and hospital beds and needed services for Plaintiffs, their minor children, and all other persons similarly situated who are unable to pay therefor in said facilities, the Defendants have violated and are violating the Hill-Burton Act and the Regulation promulgated thereunder, which respectively require that:

> . . . the State plan shall provide for . . . adequate hospitals (and such other facilities) to furnish needed services for persons unable to pay therefor. Such regulations may also require that . . . assurance shall be received by the State from the applicant that . . . there will be made available in the facility or portion thereof to be constructed or modernized a reasonable volume of services to persons unable to pay therefor. . . . 42 U.S.C. 291c(e).
>
> . . . The facility will furnish below cost or without charge a reasonable volume of services to persons unable to pay therefor. . . . 42 CFR 53.111

and their contractual commitments to the State Agency and to the United States to provide a reasonable volume of free patient care and/or a reasonable volume of services to persons unable to pay therefor.

2. By the action of Defendants Ochsner Foundation Hospital, Flint Goodridge Hospital, Hotel Dieu Sisters Hospital, Methodist Hospital, Sara Mayo Hospital, Touro Infirmary, West Jefferson Hospital, Mercy Hospital, and East Jefferson Hospital, and their respective Administrators named herein as Defendants, in charging Plaintiffs, their minor children, and all other persons similarly situated for medical services even though they are unable to pay, in denying admission to said persons unless a deposit is paid in advance, in refusing to provide service to persons on welfare and under the Medicaid program, and by requiring a deposit from indigent recipients of Medicare, the Defendants are violating the Hill-Burton Act, the Regulation promulgated thereunder, and their contractual commitments to the State Agency and to the United States to provide a reasonable volume of free patient care and/or to provide a reasonable volume of service to persons unable to pay therefor.

3. By the aforesaid acts the Defendants have deprived and are depriving under color of law Plaintiffs, their minor children, and other persons similarly situated of rights

under a Federal statute in violation of 42 U.S.C. 1983.

4. By aforesaid acts the Defendants have deprived and are depriving Plaintiffs, their minor children, and other persons similarly situated of life without due process of law, and have denied and are denying to said persons the equal protection of the laws, within the meaning of the Fifth and Fourteenth Amendments of the United States Constitution.

5. Defendants Ochsner Foundation Hospital, Flint Goodridge Hospital, Hotel Dieu Sisters Hospital, Methodist Hospital, Sara Mayo Hospital, Touro Infirmary, West Jefferson Hospital and Mercy Hospital have engaged in policies, practices and customs of admission which deny, and have the effect of denying to Plaintiffs, their minor children, and all other persons similarly situated admission and treatment, and otherwise discriminating against them, because of race in violation of the equal protection clause of the Fourteenth Amendment of the United States Constitution, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 d), and the Regulation (45 CFR Part 80) and guidelines promulgated thereunder, contractual commitments entered into as a condition of receiving Federal financial assistance under the Medicare Program (42 U.S.C. 1395) and the Hill-Burton Program (42 U.S.C. 291 *et seq.*), and the Civil Rights Act (42 U.S.C. 1983).

V. RELIEF REQUESTED

Wherefore, Plaintiffs on behalf of themselves, their minor children, and others similarly situated respectfully pray that:

1. The Court order that this action be maintained as a class action pursuant to Rule 23(b) (2) and (3), Fed. Rules of Civ. Procedure, the class for Causes of Action 1 through 4 being composed of all persons who are residents of metropolitan New Orleans who are unable to pay for medical services, and the class for Cause of Action 5 being composed of all black residents of metropolitan New Orleans.

2. The Court issue preliminary relief as follows:

(a) a mandatory injunction ordering Defendant Ashton Mouton, as Director of the Louisiana State Department of Hospitals, his agents, successors, and assigns, to develop a plan to provide adequate hospitals and hospital services to furnish needed services for persons unable to pay therefor as required by the Hospital Survey and Construction Act and the Regulation of the United States Department of Health, Education, and Welfare implementing that Act;

(b) a mandatory injunction ordering Defendant Ashton Mouton, a Director of the Louisiana State Department of Hospitals, his agents, successors, and assigns, to enforce the contractual commitments given by Defendant Ochsner Foundation Hospital, Flint Goodridge, Hotel Dieu Sisters Hospital, West Jefferson General Hospital, Sara Mayo Hospital, Methodist Hospital, Touro Infirmary, Mercy Hospital, East Jefferson Hospital, and Charity Hospital of Louisiana at New Orleans to the Louisiana State Department of Hospitals and to the United States to furnish a reasonable volume of free patient care and/or a reasonable volume of service to persons unable to pay therefor;

(c) a mandatory injunction ordering Defendant Ochsner Foundation Hospital, Flint Goodridge Hospital, Hotel Dieu Sisters Hospital, West Jefferson General Hospital, Sara Mayo Hospital, Methodist Hospital, Touro Infirmary, Mercy Hospital, East Jefferson Hospital, and Charity Hospital of Louisiana at New Orleans, their chief administrative officials named herein as Defendants, and their agents, successors, and assigns to admit to said hospitals and furnish examinations, treatment, and services where medically needed to Plaintiffs, their minor children, and to all other persons similarly situated without regard to their inability to pay for such services, without requiring a deposit as a condition for such services, without regard to their participation in the public assistance programs or other indicia of poverty, and without thereafter billing them for the cost of such care;

(d) a mandatory injunction ordering Defendants Charity Hospital of Louisiana at New Orleans and Charles C. Mary, his agents, successors, and assigns not to curtail inpatient services at said Charity Hospital, not to shut down any beds or close any other services without the permission of this Court, and to reopen all beds and services available to indigent persons which were open and available on May 1, 1970;

(e) a mandatory injunction ordering Defendants not to engage in practices, policies, and customs which have the effect of denying admission to and otherwise discriminating against persons because of race, and to engage in affirmative action necessary to correct any policies, practices and customs of their agents, staff physicians, admissions personnel and officials which have such discriminatory effect;

(f) a mandatory injunction ordering Defendant Ashton Mouton, as the Director of the Louisiana State Department of Hospitals, not to award any more grants or pay or approve the payment of funds or grants already awarded until and unless Defendants comply with the Hospital Survey and Construction Act of 1946, as amended (42 U.S.C. 291), its implementing regulation, and contractual commitments entered into thereunder, and Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), its implementing regulation, and contractual commitments entered into thereunder, and the due process clauses of the 5th and 14th Amendments and the equal protection clause of the 14th Amendment of the U.S. Constitution; and

(g) a mandatory injunction ordering the Defendants to report to this Court within 30 days as to how they have effectuated the orders described in subparagraphs (a) through (f).

3. The Court issue a permanent injunction granting the relief set forth in paragraph 2(a) through 2(g) of this Part.

4. The Court issue:

(a) a declaratory judgment that Defendant Ashton Mouton, as Director of the Louisiana State Department of Hospitals, his agents, successors, and assigns, is required to develop a plan to provide adequate hospitals and hospital service to furnish needed services to persons unable to pay therefor by the Hospital Survey and Construction Act of 1946, as amended, and the Regulation of the United States Department of Health, Education, and Welfare implementing that Act (42 U.S.C. 291 *et seq.;* 42 C.F.R. Part 53);

(b) a declaratory judgment that the Defendant Hospitals, their chief administrative officials named herein as Defendants, respectively, and their agents, successors, and assigns, are obligated under the Hospital Survey and Construction Act of 1946, as amended, the Regulation promulgated thereunder, and the contractual commitments given by each Defendant hospital to the Louisiana State Department of Hospitals and the United States, to furnish to Plaintiffs, their minor children, and to all others similarly situated adequate hospital services without regard to their inability to pay, without requiring a deposit as a condition for admission, examination, treatment and services, without regard to their status on welfare or other indicia of poverty, and without thereafter billing them for the cost of such care;

(c) a declaratory judgment that Defendants Ochsner Foundation Hospital, Flint Goodridge Hospital, West Jefferson General Hospital, Hotel Dieu Sisters Hospital, Sara Mayo Hospital, Methodist Hospital, Mercy Hospital, Touro Infirmary, East Jefferson General Hospital and Charity Hospital of Louisiana at New Orleans, their chief administrative officials named herein as Defendants, respectively, and their agents, successors, and assigns, are obligated under 42 U.S.C. 1983 and the equal protection clause of the 14th Amendment and the due process clauses of the 5th and 14th Amendments to the United States Constitution to admit and serve Plaintiffs, their minor children, and all other persons similarly situated without regard to their inability to pay, without requiring a deposit as a condition for admission, examination, treatment, and services, without regard to their status on welfare and other indicia of poverty, and without thereafter billing them for the cost of such care; and

(d) a declaratory judgment that the Defendants Ochsner Foundation Hospital, Flint Goodridge Hospital, West Jefferson Hospital, Hotel Dieu Sisters Hospital, Sara Mayo Hospital, Methodist Hospital, Mercy Hospital, Touro Infirmary, and East Jefferson General Hospital are obligated under the 14th Amendment of the United States Constitution, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the commitments entered into thereunder in exchange for which said Defendants have been and are recipients of Federal financial assistance, and the Civil Rights Act (42 U.S.C. 1983) not to engage in practices, policies, and customs which have the effect of denying admission to and otherwise discriminating against persons because of race, and to engage in affirmative action to correct any policies, practices and customs of their agents, staff physicians, admissions personnel and officials which have such discriminatory effect.

5. That the Court award Plaintiffs their costs and attorney fees and such other relief as this Court deems just and proper.

July 24, 1970.

Respectfully submitted,
JEFFREY B. SCHWARTZ,
New Orleans Legal Assistance Corp.
MARK RUDY,
People's Action Center.
CHARLES H. WHITE,
People's Action Center.
MARILYN G. ROSE,
National Legal Program on Health Problems of the Poor.

THE DAN SMOOT REPORT

POVERTY WAR LAWYERS

Throughout our history, legal services paid for out of public funds, or contributed voluntarily by attorneys, have been available in criminal cases to accused persons without means to hire a lawyer. Some communities have a public defender system to provide legal counsel for the poor. Elsewhere, lawyers take turns accepting court appointments to represent indigents accused of crimes. The Legal Aid Society (privately financed) provides legal services for the poor in noncriminal cases.

Such legal-aid services are good and proper, conforming with the letter of our laws and the spirit of our legal system.

But something new, unneeded, illegal, and evil was added in 1965 when Sargent Shriver (then the Poverty War czar) initiated the Legal Services Program (LSP) of the Office of Economic Opportunity (OEO—the Poverty War agency).

The entire Poverty War is illegal in the sense that it is unconstitutional, there being nothing in the Constitution empowering the federal government to engage in any of the activities financial by OEO. The Legal Services Program was illegal in another sense during the first 18 months of its existence: it was not even authorized by statute.

The Legal Services Program was not mentioned in the original Poverty War bill (Economic Opportunity Act of 1964), nor in any of the congressional committee hearings, conferences, or floor debates concerning the legislation.[1]

In January, 1965, however, Sargent Shriver announced that he had allocated $3.1 million to establish Neighborhood Legal Service centers "to provide free legal counsel on civil matters in the nation's slums." [2]

In October, 1966, Congress gave Legal Services statutory authority.[3] By then, the program had already been operating 18 months and had spent about $32 million of taxpayers' money.

The first congressional allocation of funds to the Poverty War's Legal Services was $22 million for the 1967 fiscal year.[3] President Nixon budgeted $63.2 million for LSP in fiscal 1971.[4]

At present, the Poverty War's Legal Services Program has 1800 full-time staff attorneys, operating through 850 offices in 265 communities in all states (except North Dakota), in the District of Columbia, and in Puerto Rico. The agency says that more than two million clients and thousands of tenant associations and other groups have received Legal Services counsel and representation since 1965.[5]

LSP is supposed to give legal aid only to the *poor* in *non-criminal* cases; but it has given counsel to people with ample means to hire their own lawyers; and it has represented many clients in a great number of criminal cases.

The Poverty War lawyers are not people eager to help the poor. They are militant leftists hungry for social disruption.

Consider, for example, the case of a poverty war lawyer and the Navajo Indians.

A Legal Services unit in Arizona spends more than $1 million a year providing "legal aid" for the 120,500 Indians on the Navajo Reservation, which is in the northwestern corner of New Mexico, along the Arizona-New Mexico border. Most of the tax money goes to 84 Legal Services employees, who get $12,000 a year each, on an average, in salary and directly allocated expenses.[6]

What do the Navajos get from these Poverty War lawyers on the federal payrolls? Coaching in how and why they should hate the United States?

Enrollment at Church Rock Elementary School in Church Rock, New Mexico, is 99% Indian children from the Navajo Reservation. On Veterans' Day in 1969, the school had a patriotic program for students. The *Independent* of Gallup, New Mexico, reported the event.

Stephen B. Elrick, a Legal Services attorney assigned to the Navajo Reservation, read the news story, and was outraged. He wrote Claude Hinman, principal of the school, "to express . . . in the strongest possible terms" his "opposition . . . to the patriotism program underway at Church Rock." [6]

The *Independent* had quoted the principal as saying:

"These kids don't know the *Star Spangled Banner*. They ought to have an awareness of the greatness of their country." [6]

Concerning this remark, Poverty War lawyer Elrick said:

"This is true, but they ought to have an awareness of the faults and errors of their country as well, of which there have been, and are, many. It is especially appalling to realize that these are Indian children who are being forced to participate in this program." [6]

The *Independent* had quoted Mrs. Stafford (Negro teacher in Church Rock Elementary School) as saying:

"We should indoctrinate every child with the idea of being loyal to his country." [6]

Concerning this remark, Poverty War lawyer Elrick said:

"I think that this is a sorry philosophy for a public school." [6]

In its story on the Veterans' Day patriotic program at Church Rock Elementary School, the Gallup *Independent* had run several pictures. The sentence "God Bless America" was prominently displayed on several drawings.

Concerning the pictures, Poverty War lawyer Elrick said, in his letter to the principal:

"It is, indeed, unfortunate that you are encouraging these children to glorify war and all its attendant inhumanity. Likewise, it is deplorable for you to stimulate the expression of what is, in effect, a prayer, in violation of the Supreme Court's ruling that public schools are to refrain from any such activities." [6]

Elrick concluded his letter to the school principal with a threat, saying:

"If you are not willing to demonstrate that your program is a balanced presentation, and to remove any hint of religious exercises from the curriculum, I shall take whatever steps I can to investigate the matter myself, and if necessary, institute legal proceedings." [6]

Hearing about this, U.S. Senator Paul Fannin (Arizona Republican) expressed dismay that such characters as Elrick are on federal payrolls, and promised to do all in his power to correct the situation. Senator Fannin tried. He may have forestalled a Legal Services lawsuit against Church Rock Elementary School officials for teaching patriotism to Indian children; but new-leftists like Stephen B. Elrick are still on the federal payrolls running the Poverty War. They completely control the Legal Service division.

Poverty War employees, especially lawyers in Legal Services, have been involved in all major revolutionary violence that has occurred in the U.S. since the Poverty War began.

In July, 1967, a 3-day Negro riot in Newark, New Jersey, left 24 people killed, more than 650 injured, more than 1000 arrested, and more than 30 million dollars' worth of property destroyed. The riot was organized, incited, and led by individuals on federal Poverty War payrolls.[7] Oliver Lofton was foremost among the Poverty Warriors who incited and led the Newark riot. Lofton (a Negro attorney who had served in the Department of Justice under Nicholas Katzenbach in 1961 and 1962) was director of the Newark Legal Services Project in 1967.

Lofton mobilized the resources of the Newark Legal Services Project to defend persons arrested for criminal conduct in connection with the riot. His Poverty War lawyers joined American Civil Liberties Union (ACLU) activists to distribute leaflets in Newark, urging all "witnesses of police brutality" to get in touch with the LSP or the ACLU.[8]

Later, the Newark Legal Services Project and the ACLU jointly filed a suit asking a federal court to seize the Newark police department and turn it over to a federal receiver.[8]

OEO in Washington gave the Newark Legal Services Project a special award for outstanding performance of duty because of its work in connection with the Newark riot.[8]

On December 9, 1967, Philadelphia police quelled a howling mob of some 3500 Negroes rioting at the Board of Education building. The Philadelphia Legal Services not only gave free legal representation to arrested rioters, but also joined the new-left law firm of Kunstler, Kunstler, and Kinoy in filing a suit demanding a federal-court take-over of the Philadelphia police department.[8]

In Chicago, Poverty War lawyers have trained students to "assert their constitutional rights" by striking against their high schools.[9]

In Indianapolis, Poverty War lawyers have distributed thousands of cards to "the poor," instructing them in "the art of non-cooperation" with police.[9]

In California, the Poverty War's Legal Services (known as California Rural Legal Assistance) has aided the dangerous, revolutionary activities of United Farm Workers, which was organized, with communist help, by Cesar Chavez.[8]

On September 15, 1970, New Orleans police raided the headquarters of the National Committee to Combat Fascism (NCCF), a pro-communist, Black Panther front specializing in advocating the murder of police officers. Robert Glass, a Legal Services lawyer, was in the headquarters when it was raided. He invoked his "client-lawyer" relationship with the NCCF, and refused to answer police questions. Later, the New Orleans Legal Services represented 12 of the NCCF militants, who were charged with attempted murder, assault, and other felonies—despite the fact, mentioned before, that Poverty War lawyers are supposed to give legal aid only to the *poor* in *non-criminal* cases.[10]

In 1970, a New Orleans Legal Services lawyer was attorney of record defending SDS demonstrators charged with crimes.[10] SDS (Students for a Democratic Society) is a communist-controlled organization which is trying to foment guerrilla warfare and violent revolution in the United States. It is composed largely of whites from prosperous families.

The New Orleans Legal Services tried to force Louisiana State University to permit circulation on campus of a pornographic underground newspaper (a recent copy of which contains, among other indecencies, a nude cartoon of President Nixon).[10]

In the fall of 1970, Richard Buckley, director of the New Orleans Legal Services, resigned. Shortly thereafter, he made a public statement that "Legal Services exist for the redistribution of wealth and power." [10]

In Tulare, California, LSP published a booklet entitled *Know Your Welfare Rights*. From the booklet:

"If you don't want to work, there is no good reason why welfare can force you to work, no matter what your [social welfare] worker says." [11]

In late 1970, it became public knowledge that Poverty War lawyers in Los Angeles had been representing state employees whose salaries ranged up to $15,000 a year.[10]

In Atlantic City, LSP filed a federal suit, on behalf of Negro militants, challenging a New Jersey narcotics law which requires narcotics addicts or users to register with the police.[8]

In Dallas, a Poverty War lawyer, Ed Polk—hired, ostensibly, to counsel the poor in Dallas—traveled 100 miles to sue a school board in Tyler, Texas, because a Negro girl had not been selected as valedictorian in a high school where most of the students were white. Polk based his suit (which was financed by federal taxpayers) on the ridiculous allegation that the school board had deliberately lowered the girl's grades to keep her from being at the head of her class.[9]

Ed Polk also represented Brent Stein, son of a prosperous Dallas merchant. Stein had been arrested and charged for publishing and distributing the vilely obscene *Underground Notes*. Frank Jones (then deputy director of the Office of Legal Services in Washington) specifically defended this use of tax money in the Poverty War, saying:

"It seems to me that's the kind of activity necessary to insure this kind of publication for the poor." [10]

Taxpayers' money should be used to insure the distribution of semi-literate, pornographic trash to poor people? What a sick mind!

People with sick minds are bent on destroying everything decent in our society; and they are doing it with our tax money, under the guise of fighting poverty. We ought to force Congress to abolish the Legal Services

---

Footnotes at end of article.

Program and the so-called Poverty War that spawned it.

FOOTNOTES

[1] *1964 Congressional Quarterly Almanac*, pp. 208–29

[2] *1965 Congressional Quarterly Almanac*, pp. 410–311

[3] *1966 Congressional Quarterly Almanac*, pp. 259, 264

[4] *Congressional Quarterly Weekly Report*, Feb. 6, 1970, p. 325

[5] *Congressional Quarterly Weekly Report*, Aug. 28, 1970, p. 2155

[6] Remarks of Senator Paul Fannin, *Congressional Record*, vol. 115, pt. 28, pp. 37329–37330.

[7] *1967 Dan Smoot Report* Bound Volume, pp. 125–128, 189–192

[8] Article by Shirley Scheibla, *Barron's*, March 4, 1968

[9] *Dallas Times Herald*, Jan. 29, 1970, pp. A1, A19

[10] Column by Rowland Evans and Robert Novak, Nov. 30, 1970

[11] Congressman H. R. Gross's report to constituents, Oct. 7, 1970

THE CONQUEST OF CANCER ACT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 10 minutes.

Mr. MINISH. Mr. Speaker, in conjunction with my distinguished colleagues HARLEY STAGGERS and CLAUDE PEPPER, and with the support of more than a hundred Members, I am today introducing the Conquest of Cancer Act.

Cancer is not only the second greatest cause of death among Americans, but is also a frightening and grim disease. It strikes people in all walks of life; children, as well as men and women in their prime. Anyone who has seen the decimating effects of this disease knows its tragic proportions. Nonetheless, although there were 615,000 new cancer cases last year as compared with 540,000 5 years ago, funds for cancer research have not appreciably increased.

Moreover, of the 204 million Americans presently living, over 51 million will develop some form of cancer. Thus, last year's funds of $200 million for cancer research amounts to roughly $4 per cancer victim. It is obvious that more support is necessary to control and cure this disease.

The Conquest of Cancer Act introduced today authorizes $400 million to begin research in this area now, and would increase the amount up to $1 billion annually as soon as possible. The rate of cure, which is now one out of every three cases, must be improved until it is three out of three.

The Conquest of Cancer Act was first recommended by a distinguished national panel of consultants. Mr. Benno C. Schmidt of New York was chairman and Dr. Sidney Farber, past president of the American Cancer Society, was cochairman. The other members of the committee were:

Mr. I. W. Abel, Mr. William McC. Blair, Jr., Mr. Elmer Bobst, Dr. Joseph Burchenal, Dr. R. Lee Clark, Dr. Paul B. Cornely.

Mr. Emerson Foote, Mr. G. Keith Funston, Dr. Solomon Garb, Mrs. Anna Rosenberg Hoffman, Dr. James F. Holland, Dr. William B. Hutchinson.

Dr. Henry S. Kaplan, Dr. Mathilde Krim, Mrs. Mary Wells Lawrence, Dr. Joshua Lederberg, Mr. Emil Mazey, Mr. Michael J. O'Neill.

Mr. Jubal R. Parten, Mr. Laurence S. Rockefeller, Dr. Jonathan E. Rhoads, Dr. Harold P. Rusch, Dr. Wendell G. Scott, Mr. Lew Wasserman.

In addition to increased funds, the bill would also establish an independent agency, the National Cancer Authority. All of the functions of the National Cancer Institute would be transferred to this authority, which would be charged with conducting research to seek a cure for cancer. The authority would also coordinate and give support to scientific projects conducted by recognized experts in the field of cancer research and would establish new cancer research centers. It would be responsible for collecting, analyzing and disseminating all current information concerning cancer treatment. The measure would also establish a National Cancer Advisory Board of 18 members, which would be responsible for submitting to the President and the Congress an annual report on the progress of the National Cancer Authority.

As one of the original House sponsors of this measure in the last Congress, I was impressed by the widespread support this measure has gained. I am hopeful that it will now receive swift and favorable action by the Congress.

THE REFUSE ACT PERMIT PROGRAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin, (Mr. REUSS), is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, I reported to the Members of this House on August 14, 1970 the "progressive step taken by the Corps" of Engineers in announcing a policy of full enforcement of the 1899 River and Harbor Act (30 Stat. 1151) and the "total abdication by the Department of Justice of its statutory duty 'to vigorously' enforce the act"—CONGRESSIONAL RECORD, volume 116, part 21, page 28935.

Today, I want to report the progress made by the executive branch in getting this program underway.

Following the corps' announcement of July 30, 1970, there began a series of discussions between the Council on Environmental Quality, the Environmental Protection Agency, the Justice Department, and the corps over the program and the implementing regulations. These discussions culminated in the issuance of Executive Order 11574 by the President on December 23, 1970 (35 F.R. 19627) and proposed regulations by the corps on December 31, 1970 (35 F.R. 20005) and January 21, 1970 (36 F.R. 983).

I commend the President for his personal interest in directing that the corps and EPA get the program underway promptly. The program is based on the recommendations in the report issued on March 18, 1970, by the Committee on Government Operations (H. Rept. 91–917) and prepared by the Subcommittee on Conservation and Natural Resources, entitled "Our Waters and Wetlands: How the Corps of Engineers Can Help Prevent Their Destruction and Pollution." Congress, in Public Law 91–665 of January 8, 1971, appropriated $2 million to the crops for this program.

When fully and properly implemented, this new program will significantly aid in reducing the pollution from industrial wastes discharged without adequate treatment into our Nation's waterways. I am concerned, however, about the adequacy of the regulations and accompanying material. I am most eager to see an effective program instituted. Our subcommittee has repeatedly urged this. We have been disappointed over its slow progress to date. We hope that in the next few weeks the corps and these other agencies will make appropriate changes in the proposed regulations and other documents consistent with existing law, that will eliminate the fears we have expressed to the Corps, EPA, and CEQ in the last few weeks.

I particularly hope that the revised Justice Department Guidelines on litigation under the 1899 Refuse Act will be revised even further to eliminate the requirement that, before a U.S. attorney files "civil complaints, criminal information and the return of indictments in Refuse Act cases," he must first call Washington. If the U.S. attorney believes that a civil or criminal action, or both, should be instituted against a polluter, what possible reason is there for him to call Washington before he initiates it, unless it is to give Washington an opportunity to stop the U.S. attorney from filing the action on political or similar grounds?

I append the text of Executive Order 11574; the corps' regulations of December 31, 1970, and January 21, 1971; a corps-EPA memorandum of understanding of January 12, 1971; and an updated draft revision of the Justice Department guidelines.

I also append my letter of December 23, 1970, to Mr. Robert E. Jordan III, General Counsel of the Army, concerning the corps' regulations:

PROPOSED RULE MAKING

(Department of Defense)

DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS

[33 CFR Part 209]

Permits for discharges or deposits into navigable waters—proposed policy, practice, and procedure

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Corps of Engineers). The proposed regulation prescribes the policy, practice, and procedure to be followed by all Corps of Engineers installations and activities in connection with applications for permits authorizing discharges or deposits into navigable waters of the United States or into any tributary from which discharged matter shall float or be washed into a navigable water (33 U.S.C. 407).

Prior to the adoption of the proposed regulation consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Washington, D.C. 20314, Attention: ENGCW–ON, within a period of 45 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: December 23, 1970.

F. P. KOISCH,
Major General, U.S. Army,
Director of Civil Works.

§ 209.131 Permits for discharges or deposits into navigable waters.

(a) *Purpose and scope.* This regulation prescribes the policy, practice, and procedure to be followed by all Corps of Engineers installations and activities in connection with applications for permits authorizing discharges or deposits into navigable waters of the United States or into any tributary from which discharged matter shall float or be washed into a navigable water.

(b) *Law and executive order authorizing permits.* (1) Section 13 of the Act approved March 3, 1899 (33 U.S.C. 407), hereafter referred to as the "Refuse Act," provides in part that it is unlawful "to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water * * * *And provided further,* That the Secretary of the Army, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is so granted the conditions thereof shall be strictly complied with, and any violation thereof shall be unlawful."

(2) Executive Order No. 11574 (dated December 23, 1970) directs the implementation of a permit program under the authority of the Refuse Act and provides for the cooperation of affected Federal agencies in the administration of the program.

(c) *Related legislation.* (1) Section 21(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.) (see particularly the Water Quality Improvement Act of 1970 (Public Law 91-224, 84 Stat. 108)), reflects the concern of the Congress with maintenance of applicable water quality standards and, subject to certain exceptions, requires any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities which may result in a discharge into the navigable waters of the United States to provide with his application an appropriate certification that there is reasonable assurance that such activity will be conducted in a manner which will not violate applicable water quality standards. Hereafter, section 21(b) will be referred to as a section of the Water Quality Improvement Act of 1970.

(2) The concern of the Congress with the need to encourage the productive and enjoyable harmony between man and his environment and the need to promote efforts which will prevent or eliminate damage to the environment was manifested in the enactment of the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347). Section 102 of that Act directs that:

"to the fullest extent possible: (1) The policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

* * * * *

"(B) Identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations * * *."

(3) The concern of the Congress with the conservation and improvement of fish and wildlife resources is indicated in the Fish and Wildlife Coordination Act (16 U.S.C. 661-666c), wherein consultation with the Department of the Interior is required regarding activities affecting the course, depth, or modification of a navigable waterway.

(d) *General policy.* (1) Except as otherwise provided in the Refuse Act (33 U.S.C. 407), all discharges or deposits into navigable waters of the United States or tributaries thereof are, in the absence of an appropriate Department of the Army permit, unlawful. The fact that official objection may not have yet been raised with respect to past or continuing discharges or deposits should not be interpreted as authority to discharge or deposit in the absence of an appropriate permit, and will not preclude the institution of legal proceedings in appropriate cases for violation of the provisions of the Refuse Act. Similarly, the mere filing of an application requesting permission to discharge or deposit into navigable waters or tributaries thereof will not preclude legal action in appropriate cases for Refuse Act violations.

(2) The decision as to whether a permit authorizing a discharge or deposit will or will not be issued under the Refuse Act will be based on an evaluation of the impact of the discharge or deposit on (i) anchorage and navigation, (ii) water quality standards, which under the provisions of the Federal Water Pollution Control Act, were established "to protect the public health or welfare, enhance the quality of water and serve the purposes" of that Act, with consideration of "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses," and (iii) in cases where the Fish and Wildlife Coordination Act is applicable (where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modified the stream or body of water into which the discharge is made), the impact of the proposed discharge or deposit on fish and wildlife resources which are not directly related to water quality standards.

(3) Although the Refuse Act vests in the Secretary of the Army authority to determine whether or not a permit should or should not issue, it is recognized that responsibility for water quality improvement lies primarily with the States and, at the Federal level, with the Environmental Protection Agency (EPA). Accordingly, EPA shall advise the Corps with respect to the meaning, content, and application of water quality standards applicable to a proposed discharge or deposit and as to the impact which the proposed discharge or deposit may or is likely to have on applicable water quality standards and related water quality considerations. Specifically, Regional Representatives of EPA will determine and advise District Engineers with respect to the following:

(i) The meaning and content of water quality standards which, under the provisions of the Federal Water Pollution Control Act, were established "to protect the public health or welfare, enhance the quality of water and serve the purposes" of that Act, with consideration of "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.";

(ii) The application of water quality standards to the proposed discharge or deposit, including the impact of the proposed discharge or deposit on such water quality standards and related water quality considerations;

(iii) The permit conditions required to comply with water quality standards;

(iv) The permit conditions required to carry out the purposes of the Federal Water Pollution Control Act where no water quality standards are applicable;

(v) The interstate water quality effect of the proposed discharge or deposit.

(4) In any case where a District Engineer of the Corps has received notice that a State or other certifying agency has denied a certification prescribed by section 21(b) of the Federal Water Pollution Control Act or, except as provided in subparagraph (6) of this paragraph, where a Regional Representative has recommended that a permit be denied because its issuance would be inconsistent with his determination or interpretation with respect to applicable water quality standards and related water quality considerations, the District Engineer, within 30 days of receipt of such notice, shall deny the permit and provide notice of such denial to the Regional Representative of EPA.

(5) In the absence of any objection by the Regional Representative to the issuance of a permit for a proposed discharge or deposit, District Engineers may take action denying a permit only if:

(i) Anchorage and navigation will be impaired; or

(ii) Where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made, and after the consultations required by the Fish and Wildlife Coordination Act, the District Engineer determines that the proposed discharge or deposit will have a significant adverse impact on fish or wildlife resources.

(6) In any case where the District Engineer believes that following the advice of the Regional Representative with respect to the issuance or denial of a permit would not be consistent with the purposes of the Refuse Act permit program, he shall, within 10 days of receiving such advice, forward the matter through channels to the Secretary of the Army to provide the Secretary with the opportunity to consult with the Administrator. Such consultation shall take place within 30 days of the date on which the Secretary receives the file from the District Engineer. Following such consultation, the Secretary shall accept the findings, determinations, and conclusions of the Administrator as to water quality standards and related water quality considerations and shall promptly forward the case to the District Engineer with instructions as to its disposition.

(7) No permit will be issued in cases where the applicant, pursuant to 21(b)(1) of the Water Quality Improvement Act of 1970, is required to obtain a State or other appropriate certification that the discharge or deposit would not violate applicable water quality standards and such certification was denied. No permit will be issued for discharges or deposits of harmful quantities of oil, as defined in section 11 of the Federal Water Pollution Control Act since primary permit and enforcement authority for all oil discharges is contained in that Act.

(e) *Authority to issue permits.* The Refuse Act provides that, "the Secretary of the Army, whenever in the judgment of the Chief of Engineers that anchorage and navigation will not be injured thereby, may permit the deposit of any material * * * in navigable waters, within the limits to be defined and under conditions to be prescribed by him * * *." The Chief of Engineers, in the exercise of his judgment under the Act, has made the general determination that anchorage and navigation will not be injured when the discharge or deposit permitted will cause no significant displacement of water or reduction in the navigable capacity of a waterway. Except as otherwise provided in this regulation, the Secretary of the Army has authorized the Chief of Engineers and his authorized representatives to issue permits allowing discharges or deposits into navigable waters or tributaries thereof, if evaluation leads to the conclusion that (1), as determined by the Chief of Engineers, anchorage and navigation will not be injured thereby, and (2) issuance of a permit will not be inconsistent with the policy guidance prescribed in paragraph (d) of this section. Accordingly, within these limitations, District Engineers are authorized, except in cases which are to be referred to higher authority for decision (see paragraphs (d) (6) and (i) (7) of this section), to issue permits or to deny permit applications for discharges or deposits covered by the Refuse Act.

(f) *Relationship to other corps permits.* (1) Operators of facilities constructed in navigable waters under a valid construction permit issued pursuant to section 10 of the Rivers and Harbors Act approved March 3, 1899 (33 U.S.C. 403) must apply for and receive a new permit under the Refuse Act (33 U.S.C. 407) in order to lawfully discharge into or place deposits in navigable waters or tributaries thereof.

(2) Any person wishing to undertake work in navigable waters which may also result in a discharge or deposit into such navigable waters or tributaries thereof must apply for a permit under section 403 for such work and for a permit under section 407 to cover any proposed discharge or deposit. However, if the work proposed to be undertaken in navigable waters is limited to the construction of a minor outfall structure from which the proposed discharge or deposit will flow, District Engineers may, in their discretion and within the guidance provided in ER 1145–2–303, require a single permit application under this regulation (ER 1145–2–321). If a single permit is issued authorizing both work in navigable waters and a discharge or deposit, the permit should cite both sections 403 and 407 as authority for its issuance.

(g) *Information required with an application.* (1) An applicant for a permit involving a discharge or deposit in navigable waters or tributaries thereof must file the required form with the District Engineer. Until the required form is printed and made available to District Offices, applicants should provide a letter requesting that the permit be issued. The letter must bear the address of the applicant and the date, identify the waterway involved and the precise location of the proposed discharge or deposit and contain a statement as to whether the facility from which the proposed discharge or deposit will originate is within the corporate limits of a municipality. The applicant must also furnish information which will fully identify the character of the discharge or deposit and monitoring devices and procedures which will be used. Such information shall include, but need not be limited to, data pertaining to chemical content, water temperature differentials, toxins, sewage, amount and frequency of discharge or deposit and the type and quantity of solids involved, if any. If the discharge or deposit will include solids of any type, applicants must (i) identify the proposed method of instrumentation to determine the effect of the disposition of solids on the waterway, and (ii) either assume responsibility for the periodic removal of such solids by dredging or agree to reimburse the United tSates for costs associated with such dredging.

(2) An application submitted by a corporation must be signed by the principal executive officer of that corporation or by an official of the rank of corporate vice president or above who reports directly to such principal executive officer and who has been designated by the principal executive officer to make such applications on behalf of the corporation. In the case of a partnership or a sole proprietorship, the application must be signed by a general partner or the proprietor. Each application must contain a certification by the person signing the application that he is familiar with the information provided and that to the best of his knowledge and belief such information is complete and accurate.

(h) *State certification.* (1) Section 21(b) (1) of the Water Quality Improvement Act of 1970 provides that "Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards * * *. No license or permit shall be granted until the certification required by this section has been obtained or has been waived" (as provided in a portion of section 21(b) (1) not quoted here). In cases where certification is required and no express notice of waiver has been received from the certifying agency, District Engineers should, as a general rule, provide the certifying agency with a full year within which to take action before determining that a waiver has occurred. If, however, special circumstances (as identified by either the District Engineer or the Regional Representative) require that action on a permit application under the Refuse Act be taken within a more limited period of time, the District Engineer shall determine a reasonable lesser period of time, advise the certifying agency of the need for action by a particular date, and that if certification is not received by the date established that it will be considered that the requirement for certification has been waived. Sections 21 (b) (7) and (b) (8) of the Act identify circumstances in which permits of limited duration may issue without the certification required by section 21(b) (1). See paragraph (n) of this section.

(2) In cases involving discharges or deposits from facilities the construction of which was not lawfully commenced prior to April 3, 1970, certification pursuant to 21 (b) (1) is required. District Engineers may accept, but not fully process, any permit application until the applicant has provided the required certification. When persons who will eventually require a Department of the Army permit seek State or other certification they shall (i) provide the appropriate certifying agency with the information on the discharge or deposit required by paragraph (g) (1) of this section, and (ii) file a copy of the certification application with the District Engineer. These steps will facilitate the processing of any formal application which may later be filed with the District Engineer and will enable the District Engineer to determine if the certification required is being waived by inaction on the part of the certifying authority.

(3) In cases involving a discharge or deposit from a facility, the actual construction of which was lawfully commenced prior to April 3, 1970, it will be the policy of the Corps of Engineers to accept but not to fully process any permit application until the applicant or the State has provided a letter from the State describing the impact of the proposed discharge or deposit and indicating the view of the State on the desirability of granting a permit. If such a letter is not provided within 1 year or within such lesser reasonable period of time as the District Engineer may have determined this requirement shall be waived.

(i) *Processing of permit applications.* (1) When an application for a permit is received, care should be taken to assure that the applicant has provided all of the information required by this regulation. Copies of applications received and all other information received relating thereto will be promptly forwarded by the District Engineer to the Regional Representative of EPA.

(2) If all of the required information has been provided but the applicant has failed to provide, as appropriate, the required certification or other letter discussed in paragraph (h) of the section, the applicant should be advised that no action will be taken on his application until the required certification or letter is provided or until a year or such lesser reasonable period of time as the District Engineer may have determined shall have expired and that his application will be processed only to the extent of sending a copy of the application to the Regional Representative of EPA.

(3) When all of the required information has been provided and the applicant has also provided, as appropriate, the required certification or letter discussed in paragraph (h) of this section, together with assurances that the character of the discharge or deposit was fully described to the State agency prior to the issuance of the certification or letter, the applicant shall be advised that his application is in order and that it will be processed as expeditiously as possible.

(4) When the application is found to be in order the District Engineer shall promptly forward a complete copy of the application or such additional information as has not already been furnished to the Regional Representative of EPA. The Regional Representative of EPA will be asked to review the application and to (i) advise the District Engineer within 30 days whether the proposed discharge or deposit may affect the quality of waters of another State (as required by section 21(b) (2) of the Water Quality Improvement Act of 1970), and (ii) provide the other information identified in paragraph (d) (3) of this section within 45 days. If, however, additional time beyond said 45 days (or any extension thereof) is required to respond, the Regional Representative shall notify the District Engineer and shall advise him as to the additional period of time which will be required to provide such information. In cases where a Regional Representative does not provide such information and advice to a District Engineer within the time period specified herein (including any extensions of time required by the Regional Representative) the advice furnished by a State or other certifying authority shall be considered by the Distrist Engineer to be the advice of the Regional Representative. In the event that the Regional Representative determines that the proposed discharge or deposit may affect the quality of the waters of any other State and so notifies the District Engineer, the matter should be reported to the Chief of Engineers, Attention: ENGGC–K. In such cases, special procedures are provided for in section 21(b) (2) of the Water Quality Improvement Act of 1970.

(5) At approximately the same time a completed copy of the permit application is furnished to the Regional Representative of EPA, a public notice, as described in paragraph (j) of this section, will be issued. Notice will also be sent to all parties known or believed to be interested in the application, including the appropriate Regional Director of the Department of the Interior, the National Oceanic and Atmospheric Administration of the Department of Commerce, navigation interests, State, county, or municipal authorities, adjacent property owners, the heads of State agencies having responsibility for water quality improvement and wildlife resources, and conservation organizations. Copies of the notice will be posted in post offices and other public places in the vicinity of the site of the proposed discharge or deposit. A copy of every notice issued will be

sent to the Chief of Engineers, Attention: ENGCW–ON.

(6) If notice of the permit application evokes substantial public interest a public hearing may be held. Policy with respect to the holding and conduct of public hearings is discussed in paragraph (k) of this section.

(7) In the absence of objection by the Regional Representative of EPA or, in the cases involving the Fish and Wildlife Coordination Act, by the Regional Director of the Department of the Interior or the National Oceanic and Atmospheric Administration of the Department of Commerce, District Engineers may, consistent with the policy guidance contained in paragraph (d) of this section and, after considering all of the information developed with respect to the permit application, including written or oral information presented in response to a public notice or at a public hearing, issue a permit, with or without conditions. In the event that the District Engineer determines that issuance of the permit with or without conditions, is appropriate but there is objection to the issuance of the proposed permit by the Regional Representative of EPA or, in cases involving the Fish and Wildlife Coordination Act, by the Regional Director of the Department of the Interior or the National Oceanic and Atmospheric Administration of the Department of Commerce, the matter must be forwarded to higher authority for decision. Every effort should be made to restore differences at the District Engineer level before referring the matter to higher authority. In the event that differences cannot be resolved, District and Division Engineers will forward the application, copies of the public notice and addressees to whom sent, the comments of State and Federal agencies, a copy of the transcript of any public hearing held, a narrative report and recommendations to the Chief of Engineers, Attention: ENGCW–ON. In any case referred to the Secretary of the Army pursuant to paragraph (d) (6) of this section, consultation with the Administrator shall take place within 30 days of the date on which the Secretary receives the file from the District Engineer. Following such consultation, the Secretary shall accept the findings, determinations, and conclusions of the Administrator as to water quality standards and related water quality considerations and shall promptly forward the case to the District Engineer with instructions as to its disposition.

(j) *Public notice.* (1) As required by paragraph (i) (5) of this section a public notice will be issued after a permit application is determined to be in proper order. In cases where the permit applied for pertains to a discharge or deposit and does not involve construction or other work in navigable waters, the notice shall (i) state the name and address of the applicant, (ii) identify the waterway involved and provide a sketch showing the location of the proposed discharge or deposit, (iii) fully identify the character of the discharge, (iv) include any other information which may assist interested parties in evaluating the likely impact of the proposed discharge or deposit, if any, (v) provide 30 days within which interested parties may express their views concerning the permit application. All public notices involving a proposed discharge or deposit shall contain the following statement:

"The decision as to whether a permit authorizing a discharge or deposit will or will not be issued under the Refuse Act will be based on an evaluation of the impact of the discharge or deposit on (1) anchorage and navigation, (2) water quality standards and related water quality considerations as determined by State authorities and the Environmental Protection Agency, and (3) in cases where the Fish and Wildlife Coordination Act is applicable (where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made), the impact of the proposed discharge or deposit on fish and wildlife resources."

(2) Comments received from interested parties within the period provided for in the public notice will be retained and will be considered in determining whether the permit applied for should be issued.

(3) When a response to a public notice has been received from a Member of Congress, either in behalf of a constituent or himself, the Division or District Engineer will inform the Member of Congress of the final action taken on the application.

(4) When objections to the issuance of a permit are received in response to a public notice, the Division or District Engineer will furnish the applicant with copies of the objections and afford him the opportunity to rebut or resolve the objections.

(k) *Public hearings.* (1) It is the policy of the Corps of Engineers to conduct the civil works program in an atmosphere of public understanding, trust, and mutual cooperation and in a manner responsive to the public interest. To this end, a public hearing may be helpful and will be held in connection with an application for a permit involving a discharge or deposit in navigable waters or tributaries thereof whenever, in the opinion of the District Engineer such a hearing is advisable. In considering whether or not a public hearing is advisable, consideration will be given to the degree of interest by the public in the permit application, requests by responsible Federal, State, or local authorities, including Members of the Congress, that a hearing be held, and the likelihood that information will be presented at the hearing that will be of assistance in determining whether the permit applied for should be issued. In this connection, a public hearing will not generally be held if there has been a prior hearing (local, State, or Federal) addressing the proposed discharge unless it clearly appears likely that the holding of a new hearing may result in the presentation of significant new information concerning the impact of the proposed discharge or deposit. The need for a hearing will be reported to the Division Engineer and his concurrence obtained. In certain circumstances a public hearing may be mandatory (see subparagraph (4) of this paragraph).

(2) The success of a public hearing depends upon the degree to which all interests are aware of the hearing and understand the issues involved. The following steps will be taken for each hearing:

(i) A public notice will be prepared and issued in clear, concise, objective style, stating the purpose of the hearing; details of time and place; description of the application involved; and identification of the proposed discharge or deposit. Care will be exercised to avoid creating any impression that the Corps is an advocate or adversary in the matter.

(ii) The Public Notice will be issued sufficiently in advance of the hearing, generally not less than 30 days, to allow time for interested persons to prepare for the hearing. It will be distributed to addressees on compiled lists and will include all known parties directly affected, all governmental entities concerned, all general public news media within the geographical area, appropriate specialized news media for reaching interested groups and organizations, and directly to the principal officers of such groups and organizations, including national offices of nationwide organizations.

(iii) As appropriate, supplementary informational matter, fact sheets, or more detailed news releases, will be distributed to the general or specialized news media, or other groups and interests involved.

(iv) Notification will be given to interested members of the Congress and Governors of the States involved.

(3) The hearing will be conducted in a manner that permits open and full advocacy on all sides of any issues involved. A transcript of the hearing, together with copies of relevant documents, will become a part of the permit application assembly.

(4) In addition to the hearings which may be required by the policy specified in the preceding paragraphs, hearings are required under sections 21(b) (2) and 21(b) (4) of the Water Quality Improvement Act of 1970 when (i) a State, other than the State of origin, objects to the issuance of a permit and requests a hearing on its objections or (ii) the Secretary of the Army proposes to suspend a Department of the Army permit upon notification by the certifying authority that applicable water quality standards will be violated. When a hearing is required pursuant to the Water Quality Improvement Act of 1970 the matter should be reported to the Chief of Engineers, Attention: ENGGC–K. The Chief of Engineers will provide additional guidance with respect to holding of such hearings.

(5) In any case, when a District Engineer intends to schedule a public hearing he shall notify the Regional Representative of EPA not less than 10 days in advance of the deadline for filing of comments by the Regional Representative upon the permit application so that the Regional Representative will be able to defer such comments until after the public hearing has been held.

(l) *Environmental impact statement.* (1) Section 102(2) (c) of the National Environmental Policy Act of 1969 requires all Federal agencies, with respect to major Federal actions significantly affecting the quality of the human environment, to submit to the Council on Environmental Quality a detailed statement on

(i) The environmental impact of the proposed action,

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) Alternatives to the proposed action,

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(2) Section 102(2) (c) statements will not be required in permit cases where it is likely that the proposed discharge will not have any significant environmental impact. Moreover, the Council on Environmental Quality has advised that such statements will not be required where the only impact of proposed discharge or deposit will be on water quality and related considerations. However, such statements may be required in connection with proposed discharges or deposits which may have a substantial environmental impact unrelated to water quality. In cases in which a section 102(2) (c) statement may be required, the report of the District Engineer accompanying any case referred to higher authority (see paragraphs (d) (3) and (i) (7) of this section) will contain a separate section addressing the environmental impact of the proposed discharge or deposit, if any, and, if issuance of a permit is recommended, a draft section 102(2) (c) statement should be attached.

(m) *Publicity.* District Engineers will, in consultation with Regional Representatives, establish and maintain a program to assure that potential applicants for permits are informed of the requirements of this regulation and of the steps required to obtain permits for discharges into navigable waters. Whenever the District Engineer becomes aware of plans being developed by either private or public entities who will require permits in order to implement the plans a letter will be sent to the potential permittee advising him of statutory requirements and the need to apply for a permit under this regulation.

(n) *Duration of permits issued.* (1) In cases where appropriate certification has been received indicating that there is reasonable assurance that the proposed discharge or deposit will not violate applicable water quality standards and issuance is otherwise proper, no permit may be issued which authorizes a discharge or deposit for more than 5 years without providing for revalidation of such permit.

(2) In cases involving a facility, the construction of which was lawfully undertaken prior to April 3, 1970, and it appears after evaluation that issuance of a permit would be appropriate although certification has not been provided, a permit may be issued provided (i) that the permit will expire on April 2, 1973, and (ii) that it is conditioned so as to require annual demonstration by the permittee that the discharge or deposit is in compliance with State water quality implementation schedules.

(i) Require compliance with applicable water quality standards, including implementing schedules adopted in connection with such standards;

(ii) Include provisions incorporating into the permit changes in water quality standards subsequent to the date of the permit, and requiring compliance with such changed standards;

(iii) Provide for possible suspension or revocation in the event that the permittee breaches any condition of the permit;

(iv) Provide for possible suspension, modification or revocation if subsequent to the issuance of a permit it is discovered that the discharge or deposit contains hazardous materials which may pose a danger to health or safety.

(2) Permits shall also be subject to conditions as determined by EPA to be necessary for purposes of insuring compliance with water quality standards or the purposes of the Federal Water Polluiton Control Act. Such conditions may include but are not necessarily limited to:

(i) Requirements for periodic demonstrations of compliance with water quality criteria, established implementation schedules or prescribed levels of treatment;

(ii) Site and sampling accessibility,

(iii) Requirements for perodic reports as to the nature and quantity of discharges or deposits.

[F.R. Doc. 70-17584; Filed, Dec. 30, 1970; 8:48 a.m.]

Proposed Rule Making

(Department of Defense)

DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS

[33 CFR Part 209]

Permits for discharges or deposits into navigable waters—proposed policy, practice and procedure

Proposed regulations prescribing the policy, practice and procedure to be followed by all Corps of Engineers' installations and activities in connection with applications for permits authorizing discharges or deposits into navigable waters of the United States or into any tributary from which discharged matter shall float or be washed into a navigable water (33 U.S.C. 407) were published in the Federalb Register of December 31, 1970 (35 F.R. 20005). Public comment on the proposed regulations was invited within a period of 45 days from December 31, 1970.

The proposed Memorandum of Understanding set forth below relates to the proposed regulations and to Executive Order 11574 which deals with the administration of the Refuse Act Permit Program (35 F.R. 19627). If executed, the proposed Memorandum of Understanding will be an additional paragraph to the proposed regulations 33 CFR 209.131(p).

Comments, suggestions, or objections to the proposed Memorandum of Understanding should be submitted in writing to the Office of Chief of Engineers, Washington, D.C. 20314, Attention: ENGCW-ON, within 30 days of publication of this notice in the Federal Register.

Dated: January 18, 1971.

F. P. Koisch,
Major General, U.S. Army,
Director of Civil Works.

§ 209.131 Permits for discharges or deposits into navigable waters.

* * * * *

(p) *Memorandum of understanding between the Administrator of the Environmental Protection Agency and the Secretary of the Army.*

"Permit Program

"MEMORANDUM OF UNDERSTANDING BETWEEN THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE SECRETARY OF THE ARMY

"In recognition of the responsibilities of the Secretary of the Army under section 13 of the Act of March 3, 1899, "the Refuse Act," (33 U.S.C. 407) relating to the control of discharges and deposits in navigable waters of the United States and tributaries thereof, and the interrelationship of those responsibilities with the responsibilities of the Administrator of the Environmental Protection Agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.) in recognition of our joint responsibilities under Executive Order No. 11574 (dated December 23, 1970) we hereby adopt the following policies and procedures:

"POLICIES

"1. It is our policy that there shall be full coordination and cooperation between our respective organizations on the above responsibilities at all organizational levels, and it is our view that maximum efforts in the discharge of those responsibilities, including the resolution of differing views, must be undertaken at the earliest practicable time and at the field organizational unit most directly concerned. Accordingly, District Engineers of the U.S. Army Corps of Engineers (hereinafter "the Corps") shall coordinate the review of applications for permits under the Refuse Act for discharges or deposits into navigable waters of the United States or tributaries thereof with Regional Representatives designated by the Environmental Protection Agency (hereinafter "EPA").

"2. EPA shall advise the Corps with respect to the meaning, content and application of water quality standards applicable to a proposed discharge or deposit and as to the impact which the proposed discharge or deposit may or is likely to have on water quality standards and related water quality considerations. The Corps shall accept such advice on matters pertaining to water quality standards and related water quality considerations as conclusive and no permit shall be issue which is inconsistent with any finding, determination or interpretation of a Regional Representative with respect to such standards or considerations.

"3. In acting upon applications for permits, the Corps shall be responsible for considering the impact which the proposed discharge or deposit may have on navigation and anchorage and, in cases where the Fish and Wildlife Coordination Act is applicable, on fish and wildlife resources.

"PROCEDURES

"1. Applicants for permits pursuant to section 13 of the Rivers and Harbors Act of 1899 shall be required by District Engineers to supply data identified by EPA and the Department of the Army. A uniform format for supplying such data will be developed by the Corps and EPA.

"2. District Engineers shall provide Regional Representatives of EPA at the earliest practicable time with copies of an applicant's request for a permit request for certification from a State pursuant to section 21(b) of the Federal Water Pollution Control Act, other requests for State approval and State or interstate agency certifications or other actions relating to such permit applications.

"3. In reaching determinations as to compliance with water quality standards, including determinations and interpretations arising from its review of State or interstate agency water quality certifications under section 21(b) of the Federal Water Pollution Control Act, Regional Representatives of EPA will determine and advise District Engineers with respect to the following:

"(i) The meaning and content of water quality standards, which under the provisions of the Federal Water Pollution Control Act, were established 'to protect the public health and welfare, enhance the quality of water and serve the purposes' of that Act, with consideration of "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.'

"(ii) The application of water quality standards to the proposed discharge or deposit, including the impact of the proposed discharge or deposit on such water quality standards and related water quality considerations;

"(iii) The permit conditions required to comply with water quality standards;

"(iv) The permit conditions required to carry out the purposes of the Federal Water Pollution Control Act where no water quality standards are applicable;

"(v) The interstate water quality effect of the proposed discharge or deposit.

"4. Regional Representatives of EPA shall provide advice as to the effect, if any, of the proposed discharge or deposit on the quality of the waters of any other State not later than 30 days after receipt of copies of both the completed permit application and the State certification or other State action from the District Engineer. The other information and advice identified above shall be provided not later than 45 days after such receipt. If, however, additional time is required to respond, the Regional Representative shall so notify the District Engineer and shall advise him as to the additional period of time which will be required to provide a report. In cases where a Regional Representative does not provide such information and advice to a District Engineer within the time periods specified herein (including any extensions of time requested by the Regional Representative), the advice furnished by a State or other certifying authority shall be considered by the District Engineer to be the advice of the Regional Representative.

"5. In any case, where a District Engineer of the Corps has received notice that a State or other certifying agency has denied a certification prescribed by section 21(b) of the Federal Water Pollution Control Act, or, except as provided in a subsection G below, where a Regional Representative has recommended that a permit be denied because its issuance would be inconsistent with his determination or interpretation with respect to applicable water quality standards and related water quality considerations the District Engineer, within 30 days of receipt of such notice, shall deny the permit and provide notice of such denial to the Regional Representative of EPA.

"6. In the absence of any objection by the Regional Representative to the issuance of a permit for a proposed discharge or deposit, District Engineers may take action denying a permit only if:

"(i) anchorage and navigation will be impaired; or

"(ii) the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made, and, after the consultations required by the Fish and Wildlife Coordination Act, the District Engineer determines that the proposed discharge or deposit will have significant adverse impact on fish or wildlife resources.

"7. In any case where the District Engineer believes that following the advice of the Regional Representative with respect to the issuance or denial of a permit would not be consistent with the purposes of the Refuge Act permit program, he shall, within 10 days of receiving such advice, forward the matter through channels to the Secretary of the Army to provide the Secretary with the opportunity to consult with the Administrator. Such consultation shall take place within 30 days of the date on which the Secretary receives the file from the District Engineer. Following such consultation, the Secretary shall accept the findings, determinations, and conclusions of the Administrator as to water quality standards and related water quality considerations and shall promptly forward the case to the District Engineer with instructions as to its disposition.

"8. No permit will be issued in cases where the applicant, pursuant to 21(b)(1) of the Water Quality Improvement Act of 1970, is required to obtain a State or other appropriate certification that the discharge or deposit would not violate applicable water quality standards and such certification was denied.

"REGULATIONS

"The Department of the Army shall consult with EPA before promulgating regulations pursuant to the Refuse Act which relate to the subject of this memorandum of understanding. In no case will such regulations be issued unless at least 30 days prior to issuance, they shall have been forwarded to EPA for comment or unless prior to that time the Department of the Army and EPA have reached agreement. EPA shall consult with the Department of the Army prior to the issuance of guidelines, policies or procedures relating to the subject of this memorandum of understanding. In no event shall such guidelines, policies or procedures be issued prior to 30 days from the date they were forwarded to the Department of the Army for comment unless prior to that time the Department of the Army and EPA have reached agreement. In no event shall regulations, guidelines, policies or procedures which are inconsistent with the provisions of this memorandum of understanding be published or issued.

"PERMIT CONDITIONS

"1. Every permit issued shall:

"(i) Require compliance with applicable water quality standards, including implementing schedule adopted in connection with such standards;

"(ii) Include provisions incorporating into the permit changes in water quality standards subsequent to the date of the permit, and requiring compliance with such changed standards;

"(iii) Provide for possible suspension or revocation in the event that the permittee breaches any condition of the permit;

"(iv) Provide for possible suspension, modification or revocation if, subsequent to the issuance of a permit, it is discovered that the discharge or deposit contains hazardous materials which may pose a danger to health or safety.

"2. Permits shall also be subject to conditions, as determined by EPA, to be necessary for purposes of insuring compliance with water quality standards or the purposes of the Federal Water Pollution Control Act. Such conditions may include, but are not necessarily limited to:

"(i) Requirements for periodic demonstrations of compliance with water quality criteria, established implementation schedules, or prescribed levels of treatment;

"(ii) Site and sampling accessibility.

"(iii) Requirements for periodic reports as to the nature and quantity of discharge or deposits.

"3. Regional Representatives of EPA may also provide District Engineers with advice as to the duration for which permits should be issued. Relevant considerations shall include the nature of the discharge, basin plans, and changing treatment technology.

"TECHNICAL DATA

"EPA, in consultation with the Department of the Army, shall develop and make available analytical procedures, methods and criteria to be employed in identifying the meaning and application of water quality standards and pursuant to which EPA's determinations and interpretations respecting water quality standards will be made.

"AMENDMENT

"If, in the course of operations within this memorandum of understanding, either party finds its terms in need of modification, he may notify the other of the nature of the desired changes. In that event, the parties shall within 90 days negotiate such amendments as are considered mutually desirable.

"(Secretary of the Army)

"Administrator of the Environmental Protection Agency)"

[FR Doc. 71-884 Filed 1-20-71; 8:49 am]

[From the FEDERAL REGISTER, Dec. 23, 1970]

PRESIDENTIAL DOCUMENTS: TITLE 3—THE PRESIDENT

(Executive Order 11574)

ADMINISTRATION OF REFUSE ACT PERMIT PROGRAM

By virtue of the authority vested in me as President of the United States, and in furtherance of the purposes and policies of section 13 of the Act of March 3, 1899, c. 425, 30 Stat. 1152 (33 U.S.C. 407), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et. seq.), the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661–666c), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347), it is hereby ordered as follows:

SECTION 1. *Refuse Act permit program.* The executive branch of the Federal Government shall implement a permit program under the aforesaid section 13 of the Act of March 3, 1899 (hereinafter referred to as "the Act") to regulate the discharge of pollutants and other refuse matter into the navigable waters of the United States or their tributaries and the placing of such matter upon their banks.

SEC. 2. *Responsibilities of Federal agencies.* (a)(1) The Secretary shall, after consultation with the Administrator respecting water quality matters, issue and amend, as appropriate, regulations, procedures, and instructions for receiving, processing, and evaluating applications for permits pursuant to the authority of the Act.

(2) The Secretary shall be responsible for granting, denying, conditioning, revoking, or suspending Refuse Act permits. In so doing:

(A) He shall accept findings, determinations, and interpretations which the Administrator shall make respecting applicable water quality standards and compliance with those standards in particular cirmumstances, including findings, determinations, and interpretations arising from the Administrator's review of State or interstate agency water quality certifications under section 21(b) of the Federal Water Pollution Control Act (84 Stat. 108). A permit shall be denied where the certification prescribed by section 21(b) of the Federal Water Pollution Control Act has been denied, or where issuance would be inconsistent with any finding, determination, or interpretation of the Administrator pertaining to applicable water quality standards and considerations.

(B) In addition, he shall consider factors, other than water quality, which are prescribed by or may be lawfully considered under the Act or other pertinent laws.

(3) The Secretary shall consult with the Secretary of the Interior, with the Secretary of Commerce, with the Administrator, and with the head of the agency exercising administration over the wildlife resources of any affected State, regarding effects on fish and wildlife which are not reflected in water quality considerations, where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made.

(4) Where appropriate for a particular permit application, the Secretary shall perform such consultations respecting environmental amenities and values, other than those specifically referred to in paragraphs (2) and (3) above, as may be required by the National Environmental Policy Act of 1969.

(b) The Attorney General shall conduct the legal proceedings necessary to enforce the Act and permits issued pursuant to it.

SEC. 3. *Coordination by Council on Environmental Quality.* (a) The Council on Environmental Quality shall coordinate the regulations, policies, and procedures of Federal agencies with respect to the Refuse Act permit program.

(b) The Council on Environmental Quality, after consultation with the Secretary, the Administrator, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, and the Attorney General, shall from time to time or as directed by the President advise the President respecting the implementation of the Refuse Act permit program, including recommendations regarding any measures which should be taken to improve its administration.

SEC. 4. *Definitions.* As used in this order, the word "Secretary" means the Secretary of the Army, and the word "Administrator" means the Administrator of the Environmental Protection Agency.

RICHARD NIXON.

THE WHITE HOUSE, *December 23, 1970.*

MEMORANDUM OF UNDERSTANDING BETWEEN THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE SECRETARY OF THE ARMY

The Administrator of the Environmental Protection Agency and the Secretary of the Army, recognizing the interrelationship between section 13, of the Act of March 3, 1899 (33 U.S.C. 407) (the "Refuse Act") administered by the Department of the Army and the statutory responsibilities of the Environmental Protection Agency under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 *et seq.*), and further recognizing their responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347), and their responsibilities under Executive Order 11574 dated December 23, 1970, which directs the Federal Government to implement a permit program under the Refuse Act to control the discharge of pollutants into navigable waters and their tributaries, have entered into this memorandum of understanding to delineate more fully the respective responsibilities of said Agency and Department for water pollution abatement and control, and to establish policies and procedures for interagency cooperation in the enforcement of the Refuse Act.

I. RESPONSIBILITIES FOR WATER POLLUTION ABATEMENT AND CONTROL

A. At the Federal level, the Environmental Protection Agency has primary responsibility, pursuant to the Federal Water Pollution Control Act, for the abatement and control of pollution of interstate and navigable waters of the United States.

B. The Department of the Army has primary responsibility for the enforcement of the Refuse Act.

C. Under Executive Order 11574, the Secretary is directed to develop regulations and procedures in consultation with the Administrator governing the issuance of discharge permits under the Refuse Act, and, in connection with the grant, denial, conditioning, revocation and suspension of such permits, to adopt determination and interpretations of the Administrator respecting water quality standards and compliance therewtih.

D. The Department of the Army and the Environmental Protection Agency have in cooperation undertaken to implement the permit authority of the Refuse Act pursuant to a Memorandum of Understanding dated January , the terms of which are incorporated herein and made a part hereof.

II. THE REFUSE ACT

A. The Refuse Act, 33 U.S.C. 407, provides that:

It shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of the navigable water from which the same shall float or be washed into such navigable water; and it shall not be lawful to deposit, or cause, suffer, or procure to be deposited material of any kind in any place on the bank of any navigable water, or on the same bank of any tributary of any navigable water, where the same shall be liable to be washed into such navigable water, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed: *Provided*, That nothing herein contained shall extend to, apply to, or prohibit the operations in connection with the improvement of navigable waters or construction of public works, considered necessary and proper by the United States officer supervising such improvement or public work: *And provided further*, That the Secretary of the Army whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such materal; and whenever any permit is so granted the conditions thereof shall be strictly complied with, and any violation thereof shall be unlawful, Mar. 3, 1899, c. 425.

B. Criminal sanctions may be imposed against persons or corporations found guilty of violating provisions of the Refuse Act. As prescribed in 33 U.S.C. 411, the penalty upon conviction is "a fine not exceeding $2,500 nor less than $500, or . . . imprisonment (in the case of a natural person) for not less than thirty days nor more than one year, or both such fine and imprisonment, in the discretion of the court, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction."

C. Civil proceedings may also be instituted to enjoin conduct which would violate provisions of the Refuse Act. *United States* v. *Republic Steel Corp.*, 362 U.S. 482 (1960) and *Wyandotte Transportation Co.* v. *United States*, 389 U.S. 191 (1967).

III. POLICY WITH RESPECT TO ENFORCEMENT OF REFUSE ACT

The policy of the Environmental Protection Agency and the Department of the Army is to utilize the Refuse Act and the authorities contained therein to the fullest extent possible and in a manner consistent with the provisions of the Federal Water Pollution Control Act to ensure compliance with applicable water quality standards and otherwise to carry out the purposes of the Federal Water Pollution Control Act. Persons wishing to discharge into or place deposits in navigable waters or tributaries thereof will be required to apply for and obtain a permit from the Department of the Army. Persons without an appropriate permit who discharge into navigable waters or tributaries thereof or who discharge into such waters in violation of the terms of a valid permit may be subjected to legal proceedings under the Refuse Act.

IV. INTER-AGENCY COOPERATION

A. In recognition of the expertise of the Department of the Army and the Corps of Engineers in matters pertaining to the navigability of a waterway, it is agreed that the Department of the Army, acting through the Corps of Engineers, has primary Federal responsibility for identifying and investigating violations of the Refuse Act which have an adverse impact on the navigable capacity of a waterway. Whenever a District Engineer has reason to believe that a discharge has or may have occurred having an adverse impact on water quality, he shall so notify the appropriate Regional Representative of the Environmental Protection Agency and shall provide him with all information, including, if the discharger is the holder of a Refuse Act permit, a copy of said permit and all of the conditions attached thereto. The said Regional Representative shall make such investigation as he deems appropriate and shall advise the District Engineer in a timely manner whether in his opinion a violation of the Refuse Act having an adverse impact on water quality has or may have occurred. If the Regional Representative is of such opinion, he shall make a report to the District Engineer as to the following:

1. The nature and seriousness of the apparent violation (including, if the discharger is the holder of a Refuse Act permit, information as to the conditions of such permit which appear to have been violated).

2. The nature and seriousness of the impact on water quality.

3. The measures, if any, taken or being taken by the discharger to comply with applicable water quality standards or the conditions of a Refuse Act permit, if any.

4. The existence and adequacy of State or local pollution abatement proceedings.

5. The applicability of the Federal Water Pollution Control Act, whether any administrative or judicial proceedings are being taken or contemplated thereunder, and the status of any such proceedings.

6. His recommendations as to the action, if any, which should be taken under the Refuse Act and his reasons therefore. If the discharger is the holder of a Refuse Act permit, such recommended action may include in addition to or more of the remedies available thereunder, the suspension or revocation of the permit. A recommendation to suspend shall include a recommendation as to the period and conditions of the suspension.

B. In recognition of the expertise of the Environmental Protection Agency in matters pertaining to water quality, it is agreed that said Agency has primary Federal responsibility for identifying and investigating cases involving discharges into interstate or navigable waters which have an adverse impact on water quality. District Engineers shall assist Regional Representatives of the Environmental Protection Agency by providing them with such information as may become available concerning known or suspected discharges which may adversely affect water quality (including, if the discharger is the holder of a Refuse Act permit, a copy of said permit and all of the conditions attached thereto), and, to the extent of available resources, shall assist in the conduct of investigations concerning such discharges. Regional Representatives shall be responsible for notifying District Engineers of known or suspected violations of the Refuse Act and for providing District Engineers with timely reports of investigations conducted. Whenever in the opinion of the Regional Representative a violation of the Refuse Act having an adverse impact on water quality has or may have occurred, such report shall include all of the same information and recommendations called for a in sub-paragraphs 1 through 6 of Paragraph A with respect to reports submitted under that paragraph.

C. In connection with any remedial action recommended or taken pursuant to this memorandum of understanding, due regard shall be given to the provisions of section 21(b) of the Federal Water Pollution Control Act, and in particular the provisions of sections 21(b)(4), 21(b)(5) and 21(b)(9)(B) relating to the revocation on suspension of permits.

D. In any case in which a Refuse Act permit is suspended, if the District Engineer has reason to believe that the permittee has or may have violated the terms of the suspension, he shall notify the appropriate Regional Representative of the Environmental Protection Agency and provide him with all available information. The Regional Representative shall make such investigation as he deems appropriate and shall make a report to the District Engineer, such report to include, to the extent relevant, the information and recommendations called for in subparagraphs 1 through 6 of paragraph A with respect to reports submitted under that paragraph.

E. If upon review of all reports and information prepared pursuant to this memorandum of understanding and any other available evidence, it is determined by the District Engineer of the Corps or the Regional Representative of EPA to request legal proceedings under the Refuse Act, such District Engineer or Regional Representative shall, in consultation with each other, forward all available evidence and information, including recommendations, if any, of both the Regional Representative and the District Engineer, to the appropriate United States Attorney. A copy of any covering letter forwarding information and evidence to the appropriate United States Attorney should be mailed, together with a brief summary of the factual background of the case, to the Assistant Attorney General for Lands and Natural Resources, Department of Justice, Washington, D.C. 20530.

Draft Guidelines for Litigation Under the Refuse Act Permit Program

In view of (a) the signing by the President of the attached Executive Order 11574 which establishes a permit program under the Refuse Act to regulate the discharges of pollutants and other refuse matter into the navigable waters of the United States or their tributaries, (b) the signing of the attached Memorandum of Understanding between the Corps of Engineers and the Environmental Protection Agency with respect to the enforcement of the Refuse Act, and (c) the consolidation within the Land and Natural Resources Division pursuant to the attached order of criminal as well as civil responsibility for the administration of the Refuse Act, the Guidelines for Litigation Under the Refuse Act transmitted to the United States

Attorneys on June 13, 1970 are hereby withdrawn and the following procedures are to be adhered to by all United States Attorneys:

1. United States Attorneys are authorized to initiate any action, either civil or criminal, referred to them for litigation by the District Engineer of the Corps of Engineers or the Regional Representative of the Environmental Protection Agency, pursuant to their Memorandum of Understanding.

2. All allegations of violations of the Refuse Act submitted to the United States Attorneys from sources other than the District Engineer of the Corps of Engineers or the Regional Representative of the Environmental Protection Agency shall be referred to the District Engineer of the Corps of Engineers and the Regional Representative of the Environmental Protection Agency for investigation and recommendations, in accordance with the procedures set forth in the Memorandum of Understanding between the Corps of Engineers and the Environmental Protection Agency, as to whether or not legal action should be initiated.

3. The provisions of paragraphs 1 and 2 above shall not apply to actions under the Refuse Act against vessels, which actions shall continue to be handled in the manner set forth in Departmental Memorandums 374 and 376, dated June 3, 1964.

4. All requests for instructions and guidance relating to the enforcement of the Refuse Act, whether of a civil or criminal nature, or whether involving vessels or shore-based sources of pollution, shall be referred to the Pollution Control Section of the Land and Natural Resources Division, Washington, D.C. 20530 (202–739–2707).

5. No criminal or civil action under the Refuse Act shall be dismissed or settled without the prior authorization of the Assistant Attorney General for the Land and Natural Resources Division.

6. Prior to the filing of civil complaints, criminal informations and the return of indictments in Refuse Act cases, the United States Attorney shall telephonically contact the Land and Natural Resources Division (202–739–2800).

7. The United States Attorneys shall supply the Pollution Control Section, Land and Natural Resources Division, copies of all pleadings, motions, memorandums, etc., filed in Refuse Act cases.

8. United States Attorneys shall, no later than the fifth day of each month, submit to the Pollution Control Section a report of Refuse Act activities for the previous month on a form to be provided by the Land and Natural Resources Division.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C. December 23, 1970.
Mr. ROBERT E. JORDAN III,
General Counsel, Department of the Army,
The Pentagon, Washington, D.C.

DEAR MR. JORDAN: Thank you for sending to us, on Monday afternoon, December 21, a copy of the proposed Corps of Engineers' regulation (ER 1145–2–321) entitled "Permits for Discharges or Deposits into Navigable Waters," to enforce section 13 of the River and Harbor Act of 1899 (33 U.S. Code 407) (the Refuse Act).

We have not yet received, and would appreciate receiving promptly, your reply to our letter of December 4, 1970, to you concerning this program.

We believe that the draft regulation is inadequate and, in some respects, inconsistent with existing law. Many of the provisions are ambiguous and appear to have been hastily written, despite the fact that the Corps has been considering this program for more than six months. We urge that this draft regulation be revised before it is published.

Our comments on some of the more significant deficiencies of the draft regulation are set forth below.

I

Section 1 of the draft states that the proposed regulation "prescribes the policy, practice, and procedure to be followed" by the Corps in carrying out the regulation. However, it does not indicate that the primary purpose of the regulation is to enforce the 1899 Refuse Act and to establish a procedure under which all refuse dischargers must apply for and obtain Corps' permits. As a matter of fact, there is no statement in the draft telling all dischargers that they must apply for a Corps permit.

II

Our Subcommittee staff had understood, from discussions with your staff, that the Corps would (1) make the regulation effective upon final publication as to those who begin to discharge refuse thereafter, and (2) require existing dischargers to file applications by July 1, 1970. The draft does not cover either of these points.

We are most eager to see this program instituted. We have repeatedly urged the Corps to initiate it. We are disappointed over the slow progress in implemetning the Corps' announcement that it would establish the program pursuant to our recommendations. We know that the Council on Environmental Quality has been attempting to "reconcile" the negative policy of the Justice Department with the more progressive policy of the Corps, both of which were announced in July of this year. Obviously, unless a date certain is established by the regulation as the deadline for violators of the 1899 Act to file permit applications with the Corps, the violators will have little incentive to comply with the law.

III

Section 3(a) of the draft restates the provisions of section 21(b) of the Federal Water Pollution Control Act concerning certification by State water pollution control agencies that the proposed discharge under the 1899 law "will be conducted in a manner which will not violate applicable water quality standards." This section of the draft also states that the applicant for a Corps permit must "provide with this application" the required certification.

This statement is not consistent with several provisions of section 8 of the draft which allow the District Engineer to process an application, at least in part, without the certification required by section 21(b) of the Federal Water Pollution Control Act.

On April 30, 1970, the Corps issued Circular 1145–2–18 which sets forth the procedures to be followed for obtaining certifications under section 21(b) in connection with permits under section 10 of the 1899 law. That circular appears to be adequate. Since the certificate provisions of section 21(b) are applicable to all permit requirements of the 1899 law, not just section 13 of that law, we know of no reason for making the procedural requirements for such certifications for section 13 permits different from those established for section 10 permits.

1. Please explain to us:

(a) Whether or not the Corps now construes Circular 1145–2–18 of April 30, 1970, as applying to applications for *all* permits under the 1899 Act.

(b) If the Corps does construe the circular as applying to all such permit applications, why wouldn't it automatically apply to applications under section 13 of that law?

(c) The circular will, by its terms, expire on June 30, 1971. If you deem it inadequate in any way, why is it being, in effect, revised just for section 13 permits?

IV

Section 3(b) of the draft states that section 102 of Public Law 90–190 requires that "all agencies of the Federal Government shall—* * * (b) *identify and develop methods and procedures in consultation with the Council on Environmental Quality established by Title II of this Act, which will* ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical consideration. * * * (Italics supplied.)

We believe that the italic portion of the above quote should be deleted. The Corps has already identified and developed the "methods and procedures in consultation with" CEQ. This draft regulation, we understand, is the product of that "consultation." The importance of the quote to the regulation is contained in that portion which is not underlined. That is the statutory directive which is meaningful and which should apply to the consideration of each permit after the "methods and procedures" are developed.

V

Section 3(c) of the draft regulation states:

c. The concern of the Congress with the conservation and improvement of fish and wildlife resources is indicated in the Fish and Wildlife Coordination Act (16 U.S.C. 661–666c), wherein consultation with the Department of the Interior is required regarding activities affecting the course, depth, or modification of a navigable waterway.

Section 4(b) of the draft also states as follows:

"b. The decision as to whether a permit authorizing a discharge or deposit will or will not be issued under the Refuse Act will be based on an evaluation of the impact of the discharge or deposit on . . . (3) in cases where the Fish and Wildlife Coordination Act is applicable (where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made), the impact of the proposed discharge or deposit on fish and wildlife resources which are not directly related to water quality standards."

These statements are inaccurate paraphrases of section 2 of the Fish and Wildlife Coordination Act (16 U.S.C. Code 662) which states, in part, as follows:

"Whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed . . ."

The letter act applies "whenever the waters . . . are to be . . . modified for any purpose whatever . . ." It is not restricted, as implied in your regulation, to cases where the activity affects only "the course depth, or modification of a navigable waterway" or where the modifying effected by the discharge is "similar" to impounding, diverting or deepening of the channel.

As in the case of the other statutes quoted in the draft, we believe that this statute should also be quoted and not paraphrased, especially when the paraphrase is inaccurate.

Furthermore, the draft regulation changes existing law by, in effect, limiting comment by the U.S. Fish and Wildlife Service (and also the National Oceanic and Atmospheric Administration) and the State fish and game agencies to "the impact of the proposed discharge or deposit on fish and wildlife resources *which are not directly related to water quality standards.*" (Italics supplied) The F & W Coordination Act contains no such limitation. Nothing in the Federal Water Pollution Control Act could be constructed to compel or authorizes such a limitation. Certainly, neither the Corps nor the CEQ is lawfully empowered to so limit those agenices' responsibilities and authority under the statute.

We requested that the above underlined quote be deleted from the draft regulation since it is contrary to law.

VI

Section 4(a) of the draft puts violators of the 1899 Refuse Act on notice that the Corps and the Justice Department may institute legal proceedings to enforce the law even though the violators may have filed an application for a permit. The section contains the following sentence:

The fact that official objection may not have yet been raised with respect to past or continuing discharges or deposits should not be interpreted as authority to discharge or deposit in the absence of an appropriate permit, and will not preclude the institution of legal proceedings in appropriate cases for violation of the provisions of the Refuse Act.

We believe the sentence should be deleted. It is unnecessary. The Justice Department has on several occasions filed actions against discharges who violate section 13 of the 1899 law even though no "official objection" had been previously raised to such discharges or deposits. The Justice Department, rightfully so, has not inserted in any complaint filed under section 13 a disclaimer that the lack of such an objection "should not be interpreted as authority" to violate the law. Such a statement in the Corps regulation merely enables the raising of questions by those who object to the Corps requiring these violators to apply for permits.

Assistant Attorney General Shiro Kashiwa, in his prepared testimony of December 21, 1970, before Chairman Dingell's subcommittee on Fisheries & Wildlife Conservation, stated the following policy of the Justice Department:

We believe that this important policy statement should be included in the draft regulation, as it goes beyond the statement in the draft which merely provides that "the mere filing" of a permit application "will not preclude legal action in appropriate cases for Refuse Act violations." Mr. Kashiwa, with the approval of the Attorney General, states flatly that he will bring such "legal action" where toxic substances are present in an industrial discharge. The draft should put the applicant on notice of this positive statement.

VII

Section 4(c) recognizes that the Refuse Act vests in the Secretary of the Army discretion to determine whether a permit should or should not issue. However, sections 4(c) and 4(e) then proceed to drastically limit the Corps' authority to deny a permit, in the "absence of any objection by the Regional Representative" of the Environmental Protective Agency to only two grounds:

(i) That anchorage and navigation will be impaired, or (ii) that fish and wildlife resources are adversely affected.

This is an unwarranted limitation on the Corps authority that is not founded in the law.

The responsibility for administering the Refuse Act, and determining whether to issue a permit under the 1899 law is vested in the Secretary of the Army. In *Zabel* v. *Tabb 430 F 2nd 199* (1970), the Court of Appeals for the 5th Circuit said:

When the House Report (H.R. Report 91–917 of March 18, 1970) and the National Environmental Policy Act of 1969 are considered together with the Fish and Wildlife Coordination Act and its interpretations, there is no doubt that the Secretary can refuse on *conservation grounds* to grant a permit under the Rivers and Harbors Act.

The term "conservation grounds" certainly is much broader than just water quality and fish and wildlife. It encompasses aesthetics, recreation, flood damage prevention, water supply, and other matters.

Furthermore, the Corps' own existing regulations (ER 1145–2–303) provide that "no permit [under section 1, 10, and 14 of the 1899 law which are remarkably similar to section 13 of the 1899 law in regard to the scope of the Corps discretionary authority] shall be issued unless, in the judgment of the person authorized to make the decision (namely Corps personnel), issuance will be in the public interest." The term "public interest" is far more encompassing than water quality or fish and wildlife. It covers any matter which affects the needs and welfare of the people. It includes, for example, the need of the military to acquire a particular site for defense purposes.

Where a permit is applied for to discharge refuse from a proposed private facility to be constructed on that site, the Act clearly authorized the Corps to deny the permit if it determines the public interest requires giving priority to the defense need.

We request that section 4 of the draft be revised to recognize the Corps duty to administer the permit system on the basis of the "public interest" rather than to be limited to a purely ministerial role except in relation to anchorage, navigation and fish and wildlife considerations. Indeed, this could be done by merely amending section 2 of the Corps' present regulation (No. 1145–2–303) to provide that it shall also apply to applications for permits under section 13 of the Refuse Act as well as to those under sections 1, 10 and 14.

VIII

Section 4(g) of the draft states:

"No permit will be issued for discharges or deposits of harmful quantities of oil, as defined in section II of the Federal Water Pollution Control Act *since primary permit and enforcement authority for all oil discharges is contained in that Act.*"

The term "harmful quantities" is defined not in section II of the FWPC Act, but in regulations issued by the Interior Department on September 11, 1970 (35 F.R. 14306).

Furthermore the above underlined quote erroneously implies that oil discharges are subject only to the FWQA Act and ignores the fact that the 1899 law also prohibits such discharges, whether in harmful quantities or not. We believe the underlined language should be deleted.

IX

Section 4(f) provides:

In any case where the District Engineer believes that following the advice of the Regional representative with respect to the issuance or denial of a permit would not be consistent with the purposes of the Refuse Act permit program, he shall . . . forward the matter . . . to the Secretary . . . (for consultation with EPA) the Secretary shall accept the findings, determinations, and conclusions of the Administrator (of EPA) as to water quality standards and related water quality considerations and shall promptly forward the case to the District Engineer with instructions as to its disposition.

There is no basis in any statute for this statement. The Corps should not be so bound by another agency's findings in a regulation where the law does not require it.

We agree that the Corps should not grant a permit where EPA objects on water quality grounds. But, at the same time, the Corps should also not be bound to issue such a permit if, on water quality grounds, the Fish and Wildlife Service, a State water pollution control agency or a fish and game agency, or even private citizens, demonstrate that EPA's evaluation of the water quality impact is inadequate. We note that the Corps' regulations do not thus limit it in the case of permits issued under Section 10 of the 1899 law.

We request that the above underlined quoted provision (i) be deleted, or (ii) be amended to provide that no permit shall be granted under any provision of the 1899 law if EPA objects on water quality grounds.

Furthermore, we think that the term "and related water quality considerations" is unduly vague and ambiguous. It should be deleted, or clarified.

X

Section 6(b) of the draft uses the term "minor outfall structure" and authorizes the District Engineer to abstain from requiring a section 13 permit in the case of such structures.

Please explain to us:

(a) What is a "minor outfall structure;" and

(b) Why discharges from such structures should be exempted.

XI

In our letter of December 4, 1970, to you, we asked:

Please state whether or not applicants for permits under this program will be required to demonstrate affirmatively that it is not feasible and prudent to dispose of their wastes into a municipal treatment system or by some method other than directly into a waterway.

Section 7 of the draft does not require the applicant to so demonstrate. We believe it should. We consider that this section is deficient unless such a requirement is added.

Furthermore, neither section 7 nor any other provision of the regulations tells the applicant how many copies of the application he must file. It says that he need file only "a form" or "a letter." Yet section 9 directs the District Engineer to send "copies of applications received" to EPA. This will mean that the Corps will have to make copies of each application with all its attachments for EPA (and others) at considerable cost in personnel time and funds, if your estimate of 40,000 dischargers is reasonably accurate. This cost should not be borne by the Government. The draft should be amended to require the applicant and attachments needed for review of his application by *all* interested agencies.

XII

Section 21(b) of the FWPC Act waives for three years a certification for a facility whose construction was "lawfully commenced" before April 3, 1970. The regulation does not define whether a facility constructed before April 3, 1970, on land (i.e., without an outfall requiring a section 10 permit) which deposits or discharges refuse material into a waterway in violation of section 13, or a facility with an outfall constructed in violation of section 10, would be a facility constructed without lawful authority and therefore subject to the certification requirements of section 21(b)(1) of the FWPC Act.

XIII

Section 9 of the draft requires the Corps to forward copies of applications to EPA promptly after receipt of them. No other agency is mentioned to receive such copies immediately. The regulation thus disregards the statutory mandate of the Fish and Wildlife Coordination Act that the Corps "first shall consult" with the Fish and Wildlife Service and the State fish and game agency when a Federal permit or license is applied for that would affect navigable waters. We believe that those agencies, particularly in view of the statutory directive which EPA lacks, should get copies of the application as soon as EPA, and the regulation should so provide.

XIV

The public notice and hearing provisions of the proposed regulation (sections 10 and 11) differ substantially from the public notice and hearing provisions of existing Corps regulations (ER 1145–2–303). We believe they should not so differ.

First, section 10 of the proposed regulation states that the notice shall contain a statement limiting the Corps' authority to grant or deny permits. We have already objected above to such limitations set forth in the regulation, and our comments apply here too.

Second, the regulation provides that, in the case of section 13 permit applications, if objections are raised the applicant will be given an "opportunity to rebut or resolve" them. * * *

a. It is the policy of the Corps of Engineers to conduct the civil works program in an atmosphere of public understanding, trust, and mutual cooperation and in a manner responsive to the public interest. To this end, a public hearing *may be helpful* and will be held in connection with an application for a permit involving a discharge or deposit in navigable waters or tributaries thereof *whenever, in the opinion of the District Engineer such a hearing is advisable.* In considering whether or not a public hearing is advisable, consideration will be given to the degree of interest by the public in the permit application, requests by responsible Federal, State or local authorities, including Members of the Congress, that a hearing be held, and the likelihood that information will be presented at the hearing that will be of assistance in determining whether the permit applied for should be issued. *In this connection, a public hearing will not generally be held if there has been a prior hearing (local, State or Federal) addressing the proposed discharge unless it clearly appears likely that the holding of a new hearing may result in the presentation of significant new information concerning the impact of the proposed discharge or deposit.* (Italic supplied.)

The present Corps' regulations provide:

b. It is the policy of the Corps of Engineers to conduct the civil works program in an atmosphere of public understanding, trust, and mutual cooperation and in a manner responsive to the public interest. To this end, public hearings *are helpful and will be held in connection with applications for permits involving navigable waters of the United States whenever there appears to be sufficient public interest to justify the holding of a public hearing or when responsible Federal, State or local authorities, including Members of the Congress, request that a hearing be held and it is likely that information will be presented at the hearing that will be of assistance in determining whether the permit applied for should be issued.*

Clearly there are significant differences between the two provisions underlined above. The present regulation which was adopted pursuant to recommendation of this committee in our report (H. Report 91–917, March 18, 1970), is far better than that in the proposed regulation. We believe the proposed provisions is not in the public interest and therefore inadequate.

We believe that section 2 of the present Corps regulation (No. 1145–2–303) be amended to make it also applicable to the issuance of permits under section 13 of the 1899 law.

XV

Section 15 governing permit conditions is inadequate. It provides that permits shall "be subject to conditions as determined by EPA to be necessary for purposes of insuring compliance with water quality standards" or the purposes of the FWPC Act. In short this provides that any water quality condition imposed by a State agency or any other Federal agency cannot be included in the permit unless included as one of those "determined by EPA to be necessary." This provision, in effect, transfers to EPA a function of the Corps under the Refuse Act, without authorization by Congress either through legislation or a Reorganization Plan, and is therefore an unlawful restriction upon the Corps' authority. We note that the 1967, Interior-Army Memorandum of Understanding, authorizing consultation with the Fish and Wildlife Service, left the final decision with the Corps. See our Committee's report entitled "The Persuit for Landfill in Hunting Creek: A Debacle in Conservation", pp. 40 et seq (H. Report 91–113, March 24, 1969). We know of no legislation since then authorizing EPA to exercise this function of the Corps. We request that it be deleted.

The proposed regulation does not require the following special condition now required by the Corps regulation 1145–2–303:

For use in connection with permits for cooling water intake and outfall structures, outfall sewers from industrial and other plants and similar work.

A. That in approving this permit reliance has been placed on information and data provided by the permittee concerning the nature of the effluent and the frequency of discharges. (Here identify the nature of the effluent or discharge approved, including, if applicable, limitations with respect to chemical content, water temperature differentials, toxin, sewage, type and quantity of solids, amount and frequency of discharge.)

Permittee may not discharge any liquids or solids other than or at levels in excess of those approved herein unless a modification of this permit is approved by the Secretary of the Army or his authorized representative.

B. The permittee shall maintain adequate records of the nature and frequency of discharges and shall from time to time furnish such additional data concerning discharges as the District Engineer may require.

We see no reason for omitting these requirements with respect to section 13 permits as well as for permits under sections 1, 10, and 14 of the 1899 law.

XVI

Section 7 of the proposed regulation does not provide that all of the information required to be filed thereunder shall be fully available to governmental agencies and the public, without limitation. Similarly, no such provision is contained in the proposed regulation in connection with records of the nature and frequency of discharges which the permittee will, as we recommend, be required to maintain and provide to the Corps. We believe that a notice, similar to the one used by EPA in its industrial wastes inventory (See our Committee report H. Rept. 91–1717, Dec. 10, 1970, pp. 24–33, copy enclosed), should be included in the regulation to make it clear to everyone that such information and records will be made available to other Federal agencies, to State, interstate, and local water pollution control agencies and to the public.

XVII

Section 12 of the proposed regulation states that CEQ "has advised that section 102(C) statements will not be required where the only impact of proposed discharge or discharges will be on water quality and related considerations." We know of no basis in Public Law 91–190 or the CEQ interim guidelines for this statement.

(a) Please explain to us (i) who will make this judgment, and (ii) will it be made before or after all comments are received and a public hearing (if any) held on the application.

(b) What is included in the term "related considerations?"

XVIII

The proposed regulation contains a heading "Memorandum of Understanding," but no such memorandum is found in the draft provided to us. Please provide to us a copy of that memorandum.

We have tried to set forth some of the more glaring deficiencies and inadequacies of the proposed regulation. There are others, which we have not had time to identify them.

We request that the proposed regulation be revised to meet these objections. Our staff will be pleased to work with yours in this matter.

We would appreciate your views on each of the foregoing objections.

Sincerely,

HENRY S. REUSS,
Chairman, Conservation and Natural Resource.

ADMINISTRATION PROPOSAL ON FISHERY PRODUCTS

The SPEAKER. Under previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 10 minutes.

Mr. STAGGERS. Mr. Speaker, I am introducing today, for myself and the gentleman from Illinois (Mr. SPRINGER), the bill requested by the administration in executive communication 82, having the short title "Wholesome Fish and Fishery Products Act of 1971."

I am enclosing as part of my remarks an analysis of this bill as submitted by the administration:

SECTION-BY-SECTION ANALYSIS OF "WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1971"

(NOTE.—Except for the above-mentioned short title of the bill, § 2 (Congressional findings), and §105 (saving provisions), this bill consists entirely of amendments to the Federal Food, Drug, and Cosmetic Act and is to be read within the framework of that Act. (That Act is referred to below as the Food and Drug Act or, simply, as "the Act").)

Section 2. Congressional Finding. This section contains a Congressional finding that all fish and fishery products regulated under this bill are either in, or substantially affect, interstate commerce and that Federal regulation and cooperation by the States and other jurisdictions as contemplated by the bill (including cooperation through federally approved State programs for control of shellfish growing areas and shellfish harvesting) are appropriate to prevent and eliminate burdens on interstate commerce in fish and fishery products and to protect the health and welfare of the consumer.

Section 101. Definitions. This section would insert a number of new definitions in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). The term "fish" is defined as any aquatic animal (including amphibians) or part thereof capable of use as human food, and a "fishery product" is defined as any product capable of use as human food[1] which is made wholly or in part from any "fish" or portion thereof, except products which contain fish only in small proportions or (in the Secretary's judgment) have historically not been considered by consumers as products of the commercial fishing industry and are excepted from the definition by the Secretary under appropriate safeguards. The term "shellfish" as used in the provisions of the bill specifically referring to shellfish, is defined as oysters, clams, or mussels, either shucked or in the shell, and either fresh or frozen or otherwise processed; this would thus include such bivalves when canned. The terms "process", "processed", and "processing" are defined as meaning harvesting, handling, storing, preparing, producing, manufacturing, preserving, packing, transporting, or holding of fish or fishery products. Also defined would be "official mark", "official certificate", "official device", "vessel", "establishment" (which includes vehicles), "owner or operator", "continuous inspection", and "inspector".

---

[1] The term "capable of use as human food" is defined as applicable to any fish or part or product thereof unless naturally inedible by humans, or unless denatured or otherwise identified (as prescribed by the Secretary) to deter its use as human food.

Section 102. Prohibited Acts. This section would add certain "prohibited acts" to those now enumerated in § 301 of the Food and Drug Act (21 U.S.C. 331). (Under the Food and Drug Act, the commission or causing of a "prohibited act" constitutes a basis for civil actions for injunctions or for criminal penalties.) The following acts and the causing thereof would be prohibited:

1. (As a new paragraph (r) of § 301 of the Act). The unauthorized making or use of an official mark, certificate, or device; forging, counterfeiting, or simulation thereof; unauthorized defacing, detaching, or destruction of an official mark, certificate, or device; the failure, contrary to regulations, to use, detach, deface, or destroy such a mark, certificate, or device; the possession (without prompt reporting) of an official device, or of a forged, counterfeit, simulated, or improperly altered official certificate, or of a device, labeling, or fish or fishery product bearing a forged, counterfeit, simulated, or improperly altered official mark; a false statement in a shipper's or other certificate provided for in regulations; and a false or misleading representation that fish or fishery products have been inspected and passed or exempted from inspection.[2]

2. (As a new paragraph (s) of § 301). The processing (as above defined) of *any* fish or fishery products in an establishment or vessel preparing any such article in violation of the requirements of the new part B added to chapter IV (the food chapter) of the Food and Drug Act by § 104 of the bill (which is summarized below and which contains special regulatory requirements for fish and fishery products). In the case of establishments or vessels processing any fish or fishery products in or for interstate commerce, this paragraph would apply also to those fish or fishery products processed for intrastate commerce.[3]

3. (As a new paragraph (t) of § 301 of the Act). The importation of fish or fishery products in violation of the import provisions in the proposed § 410(i) of the Act inserted by § 104 of the bill.

4. (As an amendment to § 301(e) of the Act). The failure to maintain or to afford official access to records, or to make reports, as required by the proposed § 411(b) of the Act inserted by § 104 of the bill.

5. (As an amendment to § 301(f) of the Act). The refusal to permit entry or inspection as authorized by §§ 410(d) and 422(d) of the Act inserted by § 104 of the bill.

Section 103. Adulteration. This section would add a new paragraph (f), consisting of two subparagraphs, to the definition of adulterated food in section 402 of the Food and Drug Act.

The first subparagraph would deem a food adulterated if it is, bears, or contains any fish or fishery product and has been processed, stored, or handled in violation of the proposed section 410 or 411 or of any regulations issued under those sections. This would, in the case of establishments subject to registration under § 410(b), apply to all fish and fishery products processed therein, including those intended for intrastate commerce.

The second paragraph would deem shellfish (as above defined), or any food derived wholly or in part from shellfish, adulterated if the shellfish (A) was not harvested in a State under an annual State plan (approved by the Secretary of HEW) for classification and control of growing areas and regulation and control of harvesting practices (or, in the case of shellfish from a foreign country, an at least equal shellfish control program, or (B) was not harvested, or was not purified after harvesting, in conformity with such State or foreign program, or (C) was harvested in a growing area declared closed by the Secretary.

Section 104. Surveillance of Fish and Fishery Products, Establishments, and Vessels. The existing provisions (sections 401 through 409, 21 U.S.C. 341–348) of chapter IV (Food) of the Food and Drug Act would be designated "Part A—General" of that chapter and a new "Part B—Fish and Fishery Products", consisting of three subparts, would be added to that chapter by this section of the bill. The new Subpart 1—Surveillance and Regulation of Products, Establishments, and Vessels, of Part B, consisting of sections 410 through 413 of the Food and Drug Act, would provide as follows:

Section 410.(a) Good processing practices. Within one year after funds are first appropriated for carrying out this part of the Act, the Secretary would be required—after consultation with the national advisory council provided for in the bill and with interested Federal agencies, and State and consumer and industry representatives, etc.—to issue regulations prescribing standards of sanitation and quality control for processing (including storage or other handling) of fish and fishery products. The initial regulations would have to be made effective no later than one year after they are issued, unless the Secretary finds it necessary to postpone the effective date of all or any part of such regulations by an additional period not in excess of one year. (The maximum time allowable before all such regulations become fully effective would thus be three years from the time funds are first appropriated.) Such regulations could from time to time be amended.

(b) Certification of establishments and vessels. Beginning 60 days after the effective date of such regulations, no establishment or vessel could process fish or fishery products in or for interstate commerce without a valid annual certificate of registration issued by the Secretary. The application for such a certificate would have to be accompanied by adequate assurance (in accordance with regulations) that the establishment or vessel is and will be maintained in compliance with applicable standards. The Secretary could not issue such a certificate for an establishment unless he had made an intensive inspection after issuance of the regulations required by subsection (a) and had determined, on the basis of the inspection and of the application, that there was satisfactory assurance that the establishment was adequately equipped, staffed, and managed to conform to the standards issued under subsection (a) and that fish and fishery products processed by the establishment, including their labeling and packaging, would in all respects comply with the requirements of the Act. Denial of a certificate would be subject to the provisions of section 412 (see below) as to hearing and judicial review.

(c) Suspension and reinstatement of certificates. Certificates of registration could be suspended for failure to comply with the requirements of subpart 1 of the new part B. Suspension could be imposed only after opportunity for hearing, except that a certificate could be suspended immediately, without a prior opportunity for hearing, for failure to permit access for inspection, or where an inspection discloses violation of any provision of the food chapter of the Act or a regulation thereunder and the Secretary determines that an undue risk of imminent harm to consumers is involved. The authority to impose summary suspension could not be delegated to a nonsupervisory officer or employee of the Department. The reinstatement of a suspended certificate would, upon application, have to be granted immediately if it were found that adequate measures to comply with the requirements of the Act and regulations have been taken. Suspension of a certificate or denial of reinstatement would be subject to the hearing and judicial review provisions of section 412, but a summary suspension would remain in effect during the administrative proceeding under that section.

(d) *Surveillance, including inspection.* For the purpose of preventing introduction or use of adulterated or misbranded fish or fishery products in interstate commerce, the Secretary would be required to establish and maintain continuous and effective surveillance of all segments of the industries involved, in accordance with the most modern public health and food production practices. As a part of such surveillance, the Secretary would be required to have inspectors make such inspections, including continuous inspection whenever deemed necessary by him, as in his judgment will reasonably assure continuing compliance with, and most effectively achieve, the purposes of the provisions of the bill and of the Food and Drug Act. In determining from time to time the appropriate degree (including continuity or frequency) of such inspections to be applied to any establishment or vessel, the Secretary would have to consider, among other things, the results of the intensive inspection required for issuance of a registration certificate and any other relevant experience or information (obtained through inspection or otherwise) relating to the establishment or vessel or to fish or fishery products processed by it. (Such experience could of course result in a determination to apply continuous inspection to an entire segment of the industry or to a particular class of processing operations.) If access to the establishment or vessel is denied to the inspector, this is specifically made a ground for suspension of the certificate or registration.

Any fish or fishery products found by an inspector to be adulterated would have to be immediately condemned and segregated and, if no administrative appeal is taken from the inspector's determination, or if upon completion of an appeal inspection the condemnation is sustained, would have to be destroyed for human food purposes under supervision of an inspector, except that such fish and fishery products are not to be condemned and destroyed if reprocessing under the supervision of an inspector can and does render them *not* adulterated. The cost of the above-mentioned administrative appeal from a determination of condemnation would have to be borne by the appellant if the Secretary determines that the appeal was frivolous.

Costs of inspection, including any continuous inspection, other than administrative appeal costs determined to be payable by the appellant as above mentioned, would be borne by the United States, except that the cost of overtime and holiday pay for inspection services performed in an establishment at the convenience of the establishment and not owing to conditions of harvesting or processing beyond the establishment's control, would be borne by the establishment

---

[2] In line with provisions of the present Act (§ 303(c)) the bill (§ 102(d)) allows, under certain safeguards, affirmative defenses in prosecutions with respect to possession of a forged certificate, etc., where the possessor had no reason to believe that there was a forgery, etc., or with respect to false or misleading statements or representations which were made in good faith reliance on like statements or representations of a supplier of fish or fishery products to the defendant.

[3] The bill, also, specifically lists as a "prohibited" act any violation of the bill's special requirements with respect to fish and fishery products not intended for human consumption. Insofar as such violations involve transportation, they are also "prohibited acts" under the first subparagraph of paragraph (s), above, since "processing" includes transportation.

(e) *Use of official mark.* The label of any fish or fishery products processed for interstate commerce in a registered establishment or vessel would be required to bear such identifying official mark as the Secretary might prescribe.

(f) Labeling and packaging. If the Secretary has reason to believe that any labeling or packaging used or proposed for use with respect to fish or fishery products would render such products misbranded, he would be authorized, subject to opportunity for hearing and judicial review in accordance with § 412, to direct that such labeling or packaging be withheld, and any otherwise required official mark not be used, unless such labeling or packaging were modified as prescribed by him to achieve full compliance with the Act. Should the user or proposed user affected by the Secretary's initial determination object and request a hearing, the Secretary could require that such labeling or packaging not be used pending hearing and final determination by the Secretary.

(g) Trade names and established packages. Established trade names or other labeling and packaging which are not false or misleading would be permitted.

(h) Storage and handling regulations. This subsection provides that the regulations prescribed pursuant to subsection (a) shall include standards governing the conditions of storage and handling of fish or fishery products (capable of use as human food) by persons engaged in the business of buying, selling, freezing, storing, or transporting such articles in or for interstate commerce, or importing them. See § 411(d)(3) for exemption of certain retail establishments.

(i) Importation of fish and fishery products. Imported fish or fishery products must comply with all provisions of the Act which are applicable to domestic products in interstate commerce, but the Secretary would be authorized to accept as compliance with the comparable requirements of this Act (for such period and on such terms as he might prescribe) certificates of a foreign country as to compliance with the requirements of its regulatory system if the Secretary determined that the particular foreign system of surveillance of fish and fishery products, including inspections and good processing practice, is at least equal to all the requirements of the system of regulation provided under this Act for domestic fish and fishery products and that such certificates are reliable. Products covered by such certificates would be marked and labeled as required by regulations for such imported articles. Determination of the Secretary with respect to foreign countries under this subsection would have to be based on such investigation (including inspection) and evaluation as he considered necessary or appropriate and would have to be reviewed at least annually.

Articles imported contrary to the provisions of this section and not reexported would have to be destroyed or, if merely misbranded, brought into compliance with the Act under supervision of representatives of the Secretary. With the approval of the Secretary of the Treasury and the Secretary of State, Secretary could designate exclusive ports for importation of fish or fishery products.

Section 411. Administrative and Auxiliary Provisions.

(a) Witholding, withdrawing, and reinstating certificates. The Secretary could refuse to issue, or could suspend or withdraw, a certificate of registration with respect to any establishment, notwithstanding compliance with the provisions of section 410, if the Secretary determined that the applicant for, or holder of, such certificate is unfit to engage in any business requiring such certificate because such person, or "anyone responsibly connected with him", has been convicted in any Federal or State court, within the previous 10 years, of any felony or more than one misdemeanor based on acquiring, handling, or distributing adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food, or of any felony involving fraud, bribery, extortion, or any other act that indicates a lack of the integrity needed for conduct of operations affecting the public health. A person shall be deemed "responsibly connected" with the business if he was a partner, officer, director, holder or owner of 10% or more of its voting stock, or employee in a managerial or executive capacity. Withholding, withdrawal, and refusal to reinstate a certificate under this section are subject to provisions of section 412 concerning hearing and judicial review.

(b) Maintenance and retention of records. Persons engaged in processing fish or fishery products for human consumption in or for interstate commerce, or holding such products after transportation in interstate commerce, could be required by regulation to maintain (for 2 years after each transaction involved) accurate records of the receipt, delivery, sale, movement, or disposition of fish or fishery products, and records relating to sanitation and quality control or labeling or otherwise bearing on whether fish or fishery products are adulterated or misbranded, and would have to permit the Secretary to have access to and copy such records. The Secretary could also require reports as to such matters, including reports as to labeling practices.

(c) Administrative detention of fish or fishery products. Whenever an authorized representative finds fish or fishery products subject to the Act on any premises and there is reason to believe that such fish or fishery products are adulterated, misbranded, or otherwise in violation of the provisions of the Act or any other Federal or State law, or have been or are intended to be distributed in violation of any such provisions, such articles could be detained by him (in a suitable manner at the owner's expense to prevent decomposition) for a period not to exceed 20 days, pending institution of court seizure proceedings under the Act or notification of other government authorities having jurisdiction thereof. This procedure is authorized for articles not subject to condemnation under section 410(d).

(d) *Inspection exemptions.* Provisions of this subpart do not apply to fish or fishery products harvested, processed, or transported by an individual exclusively for use by himself, his household, and his nonpaying guests and employees, if such individual is not engaged in the fish business. The Secretary also may upon such conditions as to sanitary standards, practices, or procedures as he may by regulation prescribe—exempt from specific provisions of this subpart retail dealers who sell fish or fishery products directly to consumers in individual retail stores, if the only processing operations performed by such dealers are conducted on the premises where such sales are made. Finally, good processing regulations under § 410(a) with respect to storage and other handling of fish or fishery products by persons engaged in buying, selling, freezing, storing, transporting, or importing the same would not apply to storage and handling at a retail store or other establishment that is subject to that section only by virtue of their purchaser in interstate commerce, if such storage and handling at such establishment are adequately regulated under State law, as determined by the Secretary after consulting with State representatives and others interested. The Secretary could suspend or terminate an exemption under this subsection with respect to any person to effectuate the purposes of the Act.

(e) *Processors of industrial fishery products and related industries.* This subsection would make it unlawful to buy, sell or offer for sale, or transport or offer or receive for transportation, in interstate commerce, or import, any fish or fishery products not intended for use as human food unless such articles are neutrally inedible by humans or are first dematured or otherwise identified as prescribed by regulation.

Section 412. Opportunity for Hearing and Judicial Review of Denial, Withholding, Suspension, or Withdrawal of Certificates, and of Withholding of Approval of Labeling or Packaging.

(a) *Opportunity for hearing.* Any person denied a certificate of registration, or with respect to whom a certificate has been suspended, denied reinstatement, or is proposed to be withdrawn, or who has under § 410(f) been refused the official mark for proposed labeling or packaging, may file objections thereto and, if such objections state reasonable grounds, shall be afforded a hearing upon request therefor. The order of the Secretary shall be based on a fair evaluation of the entire record at such hearing. Pending final decision in the case of objections to an order suspending or withdrawing a certificate, the Secretary shall grant such interim relief, if any, as he may find warranted.

(b) *Judicial review.* A final order of the Secretary on objections filed under subsection (a) may be judicially reviewed by petition filed, within 60 days, in the United States court of appeals for the circuit in which such person resides or has his principal place of business. The Secretary's findings of fact shall be sustained if based upon a fair evaluation of the entire record.

Section 413. Evidence for investigations and hearings—Subpoenas. This section would authorize the Secretary—for the purpose of any hearing, investigation, or other proceeding under the new part B which the bill would add to the food chapter (chapter IV) of the Food and Drug Act—to issue subpoenas (enforceable through court order if necessary) for the attendance and testimony of witnesses or productions of documentary or other evidence.

SUBPART 2—FEDERAL AND STATE COOPERATION

Section 421. (a) The Secretary would be authorized to cooperate with appropriate State agencies in developing and administering (1) State fish and fishery products surveillance programs—applicable to persons processing such articles solely for intrastate distribution—that are at least equal to the regulatory system established under subpart 1 for establishments processing such articles in or for interstate commerce, and (2) in the development of effective State programs (under State plans approved annually by the Secretary as meeting Federal standards) for the classification and control of shellfish growing areas and harvesting practices, including shellfish intended for introduction into interstate commerce. Such cooperation could include advisory, technical, training, and financial assistance to such State agencies. The Federal grant to any State could not exceed 50% of the estimated total cost of the cooperative program in such State. Such cooperation and payment would be contingent upon State administration being deemed adequate by the Secretary to effectuate the purpose of this section and upon agreement by the State, when requested by the Secretary, to make the services of qualified personnel of the State agency available to conduct inspections or other surveillance activities for the Department when commissioned by the Secretary under § 702 of the Food and Drug Act. Such utilization agreements could provide for Federal reimbursement of all or part of the cost to the State.

(b) The State agency with which the Secretary may cooperate would be an agency, designated by the State, with primary responsibility for coordination of the State programs having objectives similar to those under the Act, except that with respect to the above-mentioned shellfish control program it could, in the case of States in which different shellfish control program functions are vested in different State agencies, be an interdepartmental agency if found by the Secretary to be consistent with the purposes of the Act. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, that unit would be deemed a part of the State agency for purposes of this section.

Section 422. (a) If, after regulations promulgated under this Act have been in effect two years less thirty days, the Secretary believed that a State had not established or was not enforcing, for wholly intrastate establishments, inspection and sanitation requirements (for fish or fishery products processed for use as human food) at least equal to thoses established for interstate establishments under subpart 1 and under related provisions of the Food and Drug Act, he would so notify the Governor. If the Secretary, after consultation with the Governor or his representatives, determines that such State has not developed or activated such requirements, the Secretary, promptly after expiration of such two-year period, would be required to designate such State as one in which the provisions of such subpart 1 and related provisions applicable to interstate establishments will apply to operations wholly within such State; the "designation" would then have this effect upon expiration of 30 days after publication in the Federal Register. However, the Secretary would be authorized to give the State a grace period of an additional year to achieve compliance if he determines that there is reason to believe that the State is likely to do so within such additional period.

If, at any time (whether within the 2-year period or the additional grace period for the State as a whole) prior to the designation of a State as being subject to subpart 1 and related provisions relating to interstate establishments, the Secretary determines that any establishment within such State is producing adulterated fish or fishery products which clearly endanger the public health, he shall so notify the Governor. If corrective action is not taken by the State within a reasonable time thereafter, the Secretary would be authorized to designate such establishment forthwith as subject to the above-mentioned provisions relating to interstate establishments until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed by such provisions.

(b) When the Secretary determines that any State previously "designated" under this section has developed and will enforce State requirements at least equal to those under subpart 1, he would be required to terminate such designation but may thereafter redesignate the State upon 30 days' notice to the Governor and publication in the Federal Register. The Secretary also could, upon such 30 days' notice and publication, designate a State that is not effectively enforcing requirements at least equal to those imposed by the above-mentioned interstate commerce provisions of this Act, whether or not the State had theretofore been designated.

(c) The Secretary would, promptly upon enactment of this bill and at least annually thereafter, review the requirements (including enforcement thereof) of State surveillance programs of States not designated under this section.

(d) For the purpose of enabling the Secretary to make determinations required of him under this section his inspection authority under § 704 of the Food and Drug Act and under the provisions of subpart 1 contained in this bill would in all cases extend to establishments in any State processing fish or fishery products solely for distribution in the State.

Section 423. State jurisdiction. This section provides that States may not impose with respect to establishments or vessels subject to registration under subpart 1 of part B of chapter IV of the Act requirements (other than recordkeeping and other requirements within the scope of § 411(b)) that are within the scope of but are additional to or different from requirements imposed by such subpart 1, and that States may not, with respect to articles processed at any such establishment or vessel in accordance with the requirements of such subpart, impose marking, labeling, packaging, or ingredient requirements that are different from or additional to those imposed under the Food and Drug Act. States may, however, exercise (consistently with the requirements of the Act) concurrent jurisdiction with the Secretary over such articles for the purpose of preventing distribution of any such articles that are adulterated or misbranded, including the exercise of such concurrent jurisdiction in any such establishment or vessel as the Secretary (by or pursuant to regulation) determines will not conflict with or unnecessarily duplicate activities of the Secretary therein.

SUBPART 3—GENERAL

Section 431. Interdepartmental cooperation. This section requires the Secretary of Health, Education, and Welfare to consult with the Secretary of Commerce and other interested Federal agencies, and with the advisory committee (see § 434) prior to the issuance of standards under the Act applicable to fish and fishery products. The Secretary may by agreement, with or without reimbursement, utilize personnel and facilities of other Federal agencies, and is encouraged to make similar arrangements with any State, to assist the Department in carrying out its responsibilities. Personnel so utilized could be commissioned as officers of the Department of HEW under existing provisions (§ 702) of the Food and Drug Act.

Section 432. Research. This proposed new section of the Food and Drug Act would authorize the Secretary to conduct, directly or through grants or contracts, research and demonstrations for the improvement of sanitation practices in the processing of fish or fishery products and for the development of improved techniques in surveillance (including inspection) activities under the Food and Drug Act. With respect to direct or contract research, this provision is confirmatory of existing authority implied in the Act.

Section 433. Personnel—Appointment and training. This section provides for the appointment of any necessary additional qualified career personnel for carrying out the new provisions relating to fish and fishery products and directs the Secretary to provide necessary or appropriate training for such personnel. It also directs the Secretary to work with educational institutions in developing programs designed to enable persons to qualify for such positions.

Section 434. National advisory committee. This section, which concludes the bill's amendments to the Food and Drug Act, provides for the appointment, by the Secretary of a national advisory committee for the newly added program. It provides that the chairman (to be designated by the Secretary) and a majority of the committee's members shall be drawn from the public (including persons representative of consumer organizations), from the environmental and other relevant sciences, and from persons especially conversant with State programs, and shall have no economic interest in the commercial fishing industry.

Section 105 of the bill. Existing authority. Subsection (a) of this section preserves all authority under existing law, including specifically the Food and Drug Act, the Fair Packaging and Labeling Act, and the Public Health Service Act. There already exists broad regulatory and inspection authority in this field under the first two cited Acts, including standard setting authority. For example, the bill, in requiring the prescription of standards of sanitation and quality control for processing fish and fishery products, to be issued after appropriations are made for the new part, would not preempt existing authority for regulations under § 701(a) of the Act prescribing good manufacturing (or processing) standards for the food industries, including the fish and fisheries industries.

Subsection (b) provides that compliance with the requirements of the bill shall not relieve any person from any liability under common or State law.

NOT ALL POLLUTION IS BAD SAYS THE POST

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, the comic page of the Washington Post which they refer to as the editorial page, carried a story last Sunday that is truly a classic of the kind of double standards for which they are famous. It deals with the monstrous job of polluting the landscape, air, and water the Post engages in while featuring editorial after editorial against such practices when engaged in by others.

The Post, through its 49-percent owned papermill in Nova Scotia, is responsible for polluting the air with a "pungent and unpleasant" sulfur gas, discharging 22 tons of waste per day into Liverpool Bay, along with 180 tons of acid. It is, by their own admission an eyesore they are creating, but the Post then goes on to justify their mammoth contribution to the Nation's defilement by saying that, after all, it just has to be done because producing paper is a dirty business.

The story also tells of their own, undoubtedly impartial, survey of the population of Liverpool, and they report they could not find a single, solitary individual who objected to the pollution. Naively enough, the story admits that 25 percent of the residents work for the plant and the entire town is dependent on the plant for its existence. Perhaps that is the reason no one complains.

The story admits that all this pollution could be reduced or done away with, but pleads that such equipment is "expensive."

It is all quite typical of the Post to have a double standard of this kind, but it is rather unusual for them to admit it quite so openly. I would like to preserve this document here in the RECORD so we can refer to it from time to time as new editorials appear in the Post decrying in others what they themselves are so gigantically guilty of. It is a shame they cannot be as objective with the problems of others.

The document follows:

DOES THE POST'S PAPER MILL POLLUTE THE ENVIRONMENT?

(By Elsie Carper)

LIVERPOOL, NOVA SCOTIA.—The Washington Monthly magazine recently published a story in the form of an open letter calling The Washington Post to account for polluting the environment—not, mind you, the environment of Washington but of this 200-year-old town on Nova Scotia's south shore. The letter expressed shock that a newspaper that has taken such a forceful editorial stand in defense of the environment should be part owner of a papermill that dirties the air and the water. The papermill, Bowaters Mersey Company, Ltd., located two miles from Liverpool, is owned 49 percent by The Washington Post Co. and the remaining 51 percent by Bowater, Inc., a London based paper products company that operates other mills in Canada and the United States.

Dirk van Loon, the writer of the letter, is a young author of children's books, who moved with his wife to Nova Scotia seeking a quiet and pollution-free environment. Instead he found the fresh-woods scent of spruce and fir tainted with the "sharp and pervasive" odor of sulfur dioxide, a marsh and beach littered with rotting wood chips and fibers and runaway logs, and acid wastes flowing untreated from the papermill into Liverpool Bay and harbor.

Writing in The Washington Monthly, van Loon said of The Washington Post: "A candid, informative analysis of your corporation's problems in trying to cope with the devastating harm the mill inflicts on the environment, would be more of a public service than your current practice of dispensing earnest sermons on the question of ecological will power while glossing over the Bowaters Mersey mess in your own front yard."

Well, the first thing to be said about this, in the interest of "candid, informative analysis," is that producing the paper on which newspapers are printed is a dirty business and Bowaters Mersey is no exception. The basic ingredients of newsprint are trees and chemicals and the byproducts are wood wastes, gases and discarded acids. And the second thing that should be said right at the outset is that Bowaters Mersey is in fact dirtier than anything Washington Post editorials can or do condone. It is also accurate to say that by sheerest chance the pollution from Bowaters Mersey is doing no apparent harm to the environment and that the mill owners are taking steps—albeit slow ones—to reduce pollution by modernizing the 40-year-old plant.

Queen's, the county in which the Bowaters Mersey mill is situated, comprises nearly a thousand square miles of wooded lands and lakes, covered—at the moment—with heavy snow and ice. Once the area drew its livelihood from its fishing and wooden ship building industry. In a more lurid past, during prohibition, it was the center for rum running. Stories persist of crates of liquor still hidden in its Atlantic coast beaches. Today, the economy of the county is dependent upon the mill that produces 182,000 tons of newsprint a year, about half of which goes to The Washington Post.

On a winter day, Bowaters Mersey is shrouded in mist rising from its large smokestacks. This is steam from the paper dryers. A thin trail of vapor from a smaller exhaust stack carries traces of sulfur gas into the air.

Flowing from its sewers into Liverpool Bay every day are 22 tons of solid wastes—bark, wood chips and fibers, grit from grinding stones and dirt, and 180 tons of dissolved sodium lignosulfanate, a reddish-brown acid solution with a sharp but not unpleasant odor.

Despite these staggering statistics, in three days of random questioning of residents of Liverpool and the nearby communities of Brooklyn and Milton, I could find no one with a major complaint about the mill, much less anyone who had been sickened by the sulfur smell or whose lawn had turned brown from the gas as van Loon implies in his letter.

"This is a one-mill town," van Loon explains in The Washington Monthly, "and there has been an understandable lack of public clamor over local pollution." Bowaters Mersey provides jobs for 1,100 workers and has an annual payroll of $8 million. It is by far the largest employer in a county with a population of about 13,000. One reason that there is no clamor is that some people might hesitate to complain about the county's biggest employer but I saw no evidence of this.

There is a second reason for what van Loon sees as complacency. Most of the pollution goes out to sea. Liverpool Bay is wide and its waters are fed by the fast flowing Mersey River. The mill is directly on the bay three miles from the Atlantic and the prevailing wind carries emissions from the smokestacks out over the ocean.

The sulfur can be smelled when the wind turns, when there is a temperature inversion—perhaps as often as six times during a summer—or when the sulfur-burning furnace is improperly fired.

I caught an occasional tinge of sulfur in the air but only when close to the plant. Some residents of Liverpool said, though, that at times the odor can be "pungent and unpleasant." Others described the scent as "spicy and sweet" and said it was "pleasing and refreshing." Because of the chemical process used, the gas does not have the rotten-eggs smell of some papermills.

The location is a fortunate accident. When the mill was built in the late 1920s, little consideration was given to environmental damage. The site was chosen because it provided an ice-free, deep water harbor for ships to unload supplies and pick up cargoes of newsprint for East Coast and overseas markets.

The mill could not operate without doing severe environmental damage if it were located on a river or lake where the volume of solid and dissolved wastes would overload the capacity of the water to recover.

Bowaters Mersey produces two kinds of pulp, mechanical and chemical, to make newsprint. Both processes pollute. The mechanical or groundwood pulp is made by grinding 4-foot lengths of spruce and fir under a flow of water. But first the bark is removed. Most of this is burned but substantial quantities are washed into the bay. Groundwood provides 75 per cent of the pulp and the remaining 25 per cent is produced by cooking wood chips and sawdust in a solution of sodium bisulfite. Ligin, the substance that binds wood cells together is dissolved and in the process nearly half the log is washed into the bay. Sulfur and soda ash are burned to produce the cooking solution.

In a single day from the combined process, 7 tons of bark, 5½ tons of wood rejects, 4 tons of knotted fibers and 5½ tons of other materials are washed into the bay.

Waves carry much of this wood waste to Sandy Cove, a marsh and beach on the outskirts of Liverpool, where it mats with seaweed and lies rotting on the shore in piles as high as four feet.

The cove is reached in winter by walking on a railroad trestle through heavy snow. The beach would not be fit for swimming in the summer even if the debris were not there. Untreated domestic sewage from Liverpool flows from outfalls into the cove. Pulp wastes also collect on a town beach and along the shoreline and must be periodically removed.

Papermills on still bodies of water can produce untold harm by coating the bottom with sludge. Scuba divers say that the bottom of Liverpool Bay is clean and sandy except for areas where logs are stored and these areas are regularly dredged. Wood fiber, though, has been found in material dredged from the channel.

While decaying wood at Sandy Cove is an eyesore it does not upset the ecological balance of the bay. The 180 tons of dissolved solids from the chemical process could be something else. The load creates a demand for oxygen equivalent to raw sewage from a city of three quarters of a million people.

No official survey has been made of water quality in the bay but there has been no apparent effect on fish life, a good barometer of pollution. The best spot for catching pollock, cod and mackeral is the breakwater, a quarter of a mile below the mill, according to Joseph Forbes, protection officer for the Canadian Department of Fisheries and Forestry. Clam beds are undisturbed and lobsters proliferate. Salmon catches are down but this is attributed to other factors including the general decline of salmon in north Atlantic waters.

The effluent does not increase the acidity of the bay nor does it measurably raise the temperature of the water. Heated water discharged from the mill each day amounts to one quarter of one per cent of the Mersey River flow. But the volume of liquid waste going into the bay raises questions of how long industries such as Bowaters Mersey can pollute large bodies of water that empty into oceans *without* upsetting the ecology of the sea. President Nixon has called for an end to ocean dumping to "prevent pollution before it begins to destroy the waters that are so critical to all living things."

Bowaters Mersey is taking deliberate steps to abate pollution. Long ago it converted the plant from soft coal to oil and two years ago installed a new steam plant with devices in the stacks to keep smoke and soot from the atmosphere and it stopped using mercury five years ago.

Machinery has been recently installed to recover the 4 tons of knotted fibers washed daily into the bay. Another 1.5 tons of wood rejects will be kept out of the sewers by converting machinery now in use from a two shift to a three shift a day operation.

M. G. Green, president of Bowaters Mersey, expects that in the next five years the mill will reclaim 80 per cent of the 22 tons of solid wastes now entering the bay. Shortly the mill will reduce the amount of sulfur dioxide entering the atmosphere by bubbling exhaust gases through the sewer effluent. But the mill at present has no plans to treat the large volume of dissolved wastes.

There are available control systems that reduce papermill pollution but they are expensive. All solid wastes would be collected, pressed and burned. The mill could convert from the sodium to a magnesium chemical process and by evaporating the cooking liquor recover chemicals for reuse. A recovery broiler would cost about $3 million.

Green says that he must keep his mill competitive and that the expenditures cannot be justified in the absence of evidence that the mill is contaminating the environment. "We must operate an efficient and viable business," he said, "It is important to us as a business organization and to this community." He is hoping that a new joint government-industry research program will come up with less costly and more efficient techniques for dealing with papermill pollution.

"We know," he said, "that we cannot sit back and wait forever. If dead fish were rolling in on our shores and if we had an emergency situation we would do the best we could with equipment now available and get along with it."

MORE FOOD FOR THE ELDERLY

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the RECORD, and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, on January 2, the growing nutritional crisis among the elderly was the subject of the First Annual Joseph A. Despres Conference for Senior Citizens, held at the Hudson Guild-Fulton Center in New York City.

Focused on the need for meal programs for the aged, the conference brought together some 250 leaders in the field of the aging and representative senior citizens from the Metropolitan New York area.

The Hudson Guild has been one of two centers in Manhattan where low-cost meals for the elderly have been provided under a 3-year demonstration program funded by the Health, Education, and Welfare Department. Unfortunately, funds for the Hudson Guild program and a similar program at the Henry Street Settlement House, both in the 19th Congressional District, are expiring.

Participants in the conference agreed on the need for congressional enactment of the Pepper bill, which provides a federally supported nutrition program for the elderly. They also pointed up the need for a self-certification method to qualify the elderly for food stamps and urged that food stamps be accepted in lieu of direct payment for low cost meals at senior citizen centers.

Among the other proposals were an extension of medicare to cover dental bills—an essential point for the aged who cannot eat properly if their teeth are not cared for—and an increase in the base pay of social security as well as adjustments to cost of living increases.

I am adding at this point the text of my statement to the nutrition conference as well as the text of a letter I addressed to Secretary of Agriculture Hardin asking him to increase food stamp allotments to the elderly and to provide a self-certification method to qualify for food stamps.

The material follows:

CONGRESSWOMAN BELLA S. ABZUG'S STATEMENT TO NUTRITION CONFERENCE OF HUDSON GUILD-FULTON SENIOR CENTER

One out of four Americans who are age 65 or over—almost five million men and women—have incomes below the so-called poverty level. And furthermore, according to a report just issued by the U.S. Senate's Special Committee on Aging, it is only among this age group that the number of people living in poverty has risen in these past two years.

Of course, these figures do not begin to give the real picture of how elderly Americans are forced to live. The poverty line is set arbitrarily at $3,000, but this is totally unrealistic in light of today's high prices. Perhaps someone who is living in a small town in his own paid-up house and who is lucky enough to be healthy and have no other problems would not be considered poor if he had an income of $3,005 or even $4 or $5,000 a year. For most of the elderly—especially those who live in an expensive city like New York—it is another story.

The fact is that in terms of what it costs to live very, very modestly, most of America's 20 million citizens who are 65 or older are poor, and with continued inflation, with the housing shortage getting worse, with Medicare costs going up, they need help.

The solution for poverty, of course, is money, and I fully agree with those who have spoken of the need for substantial increases in social security benefits, elimination of discriminatory provisions against women, and easing of restrictions on income from work. We also urgently need amendments to Medicare to provide completely free health care and medication for the elderly, for whom long, costly illness is a constant threat and nightmare.

In reading the Senate Committee report on aging, I was particularly impressed by one piece of testimony that came from your own Patricia Carter, director of the Hudson Guild's Consumer Information Project. She told of asking a group of retired people—whose average income is $100 a month—how they manage on so little money. "What do you do?" she asked. And the reply was, "*We don't do.* We don't go out. We don't buy clothes. We don't eat in restaurants. We don't eat a lot."

The question that properly concerns this conference is one of survival, how to insure that our elderly citizens get enough to eat, not "a lot," but enough food for three nutritionally adequate meals a day.

It is shocking that the federally funded meals program, which has provided at least one solid meal a day at low cost for hundreds of elderly at the Fulton Senior Center and Henry Street Settlement, should be allowed to lapse. I will support all efforts to pass legislation, such as the Pepper bill, which would guarantee federal money on a long-range basis to maintain nutrition programs.

On an interim basis, it may be possible to keep the home delivered meal program going on under the new amendments to the Food Stamp Act of 1964. Sec. 10h of the Act provides:

"Subject to such terms and conditions as may be prescribed by the Secretary in the regulations issued pursuant to this act, members of an eligible household who are sixty years of age or over or an elderly person and his spouse may use coupons issued to them to purchase meals prepared for and delivered to them by a political subdivision or by a private non-profit organization . . . provided, that household members or elderly persons to whom meals are delivered are housebound, feeble, physically handicapped, or otherwise disabled to the extent that they are unable to adequately prepare all their meals."

Regulations have not yet been promulgated to implement this section but presumably it will allow the meals-on-wheels part of these programs to continue operation by charging the recipient the actual cost of the delivered meals, payable in food stamps. All agencies which serve hot meals to senior citizens should be actively involved in implementing this part of the program.

The Food Stamp Program legislation passed by the last session of Congress is onerous and repressive in many aspects, particularly in its work requirements, but it does provide a significant source of food for the needy. In New York City, participation by the elderly in the Food Stamp Program is far from what it should be, and I have just been informed by the head of the program that two evening centers for processing of food stamp applications are being shut down on the Lower East Side because of under-utilization.

The city has made a major effort to recruit elderly people into the program, and special recognition should be given to the work of the West Side Food Stamp Task Force, which has joined together many West Side private agencies in an effort to recruit elderly people to the program and make their facilities available for that purpose.

However, large numbers of elderly people who desperately need food will be left out unless and until an easier method of certification is used to get them into the program.

Specifically, I believe we need a self-declaration, at least for the elderly, which can be mailed to the Dept. of Social Services by individuals who are in need. The federal government has constantly turned down the city on its request for a self-declaration—this in spite of the fact that on Sept. 15, 1970 Asst. Sec. of Agriculture Richard Lynder publicly announced that the department would be issuing guidelines for a self-certification method. Those guidelines have not been forthcoming.

I will make every effort in Congress to see to it that an easier method of certification can be allowed, at least for the elderly but preferably for all who want to participate in the program. This could also be accomplished by regulation of the Dept. of Agriculture, and I am writing to Sec. of Agriculture Hardin requesting that he do so.

Secondly, the amount of money that elderly people are entitled to—$28 a month—is inadequate for their needs. Secretary Hardin has been authorized by Congress to increase the $28 a month to reflect rises in the cost of living, and that is the very least he should do.

However, I feel that the figure should be increased so that poor people can purchase at least enough food for the socalled "low cost diet" which provides $134 a month for a family of four, as opposed to the bare survival socalled nutritionally adequate diet, the present basis for the amount of stamps to which each poor family is entitled. I am making that demand on Secretary Hardin, and I urge you all to do the same.

If a major effort is made, the food stamp program—with ease of access for participation, with a sufficient number of banks selling stamps, and with all stores redeeming stamps—can help meet the nutritional needs of the elderly and the poor. I pledge my support to the West Side Food Stamp Task Force in working to get people into the program, and I pledge to work in Congress to improve nutritional programs.

WASHINGTON, D.C., *January 27, 1971.*

Hon. CLIFFORD HARDIN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Despite the desperate need for better nutrition among low income groups and the elderly, the food stamp program in New York City is seriously underutilized. Of 750,000 eligible persons, only an estimated 150,000 have applied.

According to information I have received, a major reason for this underutilization is the personal registration and complicated forms required to process applications. This creates a special problem for the elderly, not only because they regard the questions asked as an invasion of privacy and demeaning, but because many find it physically difficult to register in person, particularly during inclement weather.

The solution, I believe, is to replace this procedure with a self-declaration that can be mailed to the Dept. of Social Services in New York City, or another appropriate agency, by individuals in need.

Assistant Secretary of Agriculture Richard Lynder publicly announced on September 15, 1970 that guidelines for self-certification would be issued, but none have been forthcoming. I would urge you to avoid any further delay and to take this step which would make more food available to millions of undernourished Americans.

I also believe that the present $28 a month ceiling on food stamps for the elderly is totally inadequate. This figure should be increased so that poor people can purchase at least enough food for the socalled "low cost diet" which provides $134 a month for a family of four.

Sincerely yours,

BELLA S. ABZUG,
Member of Congress.

OUR ENVIRONMENT—OUR FORESTRY PROGRESS—OUR AMERICA IN THE YEARS AHEAD

(Mr. FUQUA asked and was given permission to extend his remarks at this point in the Record, and to include extraneous material.)

Mr. FUQUA. Mr. Speaker, during the week of January 18, 1971, the Forest Service of the U.S. Department of Agriculture held its annual R.F. & D. meeting.

During this week the Chief of the Forest Service, Edward P. Cliff, and his Washington office staff meet with the nine regional foresters, 10 forest and range experiment station directors and two State and private forestry area directors from all parts of the Nation. The meeting focused on "Where Do We Stand Today?" and "Where Do We Go From Here?" Secretary of Agriculture Hardin and Assistant Secretary Cowden addressed the group at its initial session.

On Thursday evening, January 21, the group held its annual stag dinner at the Twin Bridges, Marriott Motel. Secretary Hardin attended the reception prior to the dinner.

The dean of the Florida congressional delegation, the Honorable Robert L. F. "Bob" Sikes, was the speaker for this occasion.

Introducing the speaker, Chief Ed Cliff told of Bob's 30 years of dedicated efforts and accomplishments in the field of conservation and forestry.

Mr. Sikes, in opening his talk, mentioned the interest and cooperation of Secretary Hardin, Under Secretary Phil Campbell, Bill Galbraith, the Deputy Under Secretary, and Assistant Secretary Cowden in forest matters. Bill Galbraith, a past national commander of the American Legion, and Dr. Cowden were on the rostrum along with officials of other bureaus of the USDA.

Bob Sikes' speech to this distinguished audience representing all 50 States and Puerto Rico is worthy of the attention of every American, both for its advice and counsel on environmental and forestry problems and activities, and for its look at our America of the future.

The speech follows:

Speech of Congressman Bob Sikes

I am glad to meet with people like Ed Cliff and Milt Bryan and with all of you who have contributed so much to the present sound status of America's very important forestry program. Ed has done outstanding work as Chief of the Forest Service. Milt is, of course, your missionary to Capitol Hill, and I will be first to state there are many areas where missionaries to the Congress are needed. He has done the job so well for so long that the average newcomer thinks Milt is one of the senior Congressmen and finds it hard to understand that he isn't assigned an office and staff on Capitol Hill.

I have been very closely associated with forestry and with the development of legislation to improve forestry in America for some 30 years, and I feel at home with this group. I know enough to believe that the Forest Service should stay where it is and has been since 1905, and that it should not be shifted to another Department of government with the confusion which would attend such a change.

I know enough about forestry to feel that it is time for renewed emphasis on sound new forestry programs such as a forestry incentive program. New forestry legislation has tended to be overlooked and bypassed in the emphasis on other programs and other activities in recent years. I propose that we start now to modernize forestry legislation and in this we shall need your help and your advice. You are the experts. I volunteer my services.

There is another aspect to your work in forestry. There is new focus on environmental problems. Because of this factor alone, your responsibilities in this decade are going to be more serious than ever before and certainly among the most challenging in the country. You have an important part in the task of helping to solve what could very well be the number one task of the nation—that of maintaining and improving the quality of life for all Americans.

The Nation has awakened to the realization of the environmental problem, but not as fully to the importance of forestry generally. The question is: Can we mobilize the necessary talents, and, more important, the necessary will, to meet the material needs of a growing Nation, to solve our environmental problems, and to combine this with a stronger forestry program? A good share of the answers to this question rests with you.

It's going to take more than words and policies to do such a job. It's going to take a lot of hard work, dedication, sacrifice, and skilled leadership. It will take all this to provide Americans with clean air and water, adequate housing, improved standards of living, relief from noise pollution, plenty of open space and outdoor recreation opportunities, an abundant food supply, and all the other elements which go to make up a quality environment.

Fortunately, I don't think there's any other group more aware of the difficulties and conflicts in solving these problems. You know what is involved in trying to meet the needs of a burgeoning population from a fixed land and resource base. You know it can be done only by making the best possible use of all our resources. And that's something in which the Forest Service, the originator of the concept of multiple use management, is expert.

As a matter of fact, the Forest Service has had 65 years worth of experience in solving environmental problems. It administers 187 million acres of land which can be managed as a model for the Nation. Through its cooperative efforts with State forestry agencies and individuals it influences management of almost one-third of the Nation's land; two-thirds of the agency's research effort related directly to the environment. Who could be better qualified to lead the Nation's efforts to regain and maintain a quality environment? You men lead the Forest Service, and that puts you directly where the action is in the Seventies.

I've been particularly pleased to note in the past year the reemphasis the Forest Service has been giving its environmental quality efforts. I'm speaking, for example, of the farsighted and far-reaching objectives and policy statements issued by the Service in "Framework for the Future." These objectives set some important goals. I understand the past year has also seen a lot of thinking, research, and plain hard work go into comprehensive plans for management of the National Forests, for expanding research, and for renewed efforts to achieve better management of the large segment of our forest lands in non-industrial private ownership. All of these are needed to translate these goals into programs of action on the ground.

I've taken note of some of the innovative ideas the Forest Service is trying out to meet the challenges of the Seventies—such things as multi-functional and inter-disciplinary concepts of management planning; integrated land use plans for wide areas; refresher courses in ecosystem planning for top- and middle-level management.

But most of all, I've been pleased to note the way the Forest Service has been willing to take a hard, cold look at itself and its resource management programs—to admit that these programs have not been in proper balance and to determine to do the top quality resource management job that is needed. Chief Cliff has stressed to you his determination that the Forest Service shall achieve balance in its programs and that none of the goods or services provided by the National Forests shall be produced at the expense of future generations. I applaud his position, as I am sure you all do.

I know that Chief Cliff has asked for understanding and support from every Forest Service employee to achieve this balanced program. He has asked you all to recognize that to meet the Forest Service goals for production with better balance and higher quality will require that all of you embrace this singleness of purpose. The Forest Service has always been known for the high quality and dedication of its employees. And with the leadership qualities I see in this room tonight, I have no doubts that Ed Cliff will receive the support he needs and that the Forest Service will achieve its stated goals with a balanced resource management program for the Seventies.

Now, let's look a little further. Let's look at the far horizons. We are passing through serious and sometimes dangerous times. There have been occasions when we were perilously close to having national policy made in the streets by riots, by demonstrations, and by strikes. If this should ever occur, anarchy will have seized the reins in America and the great traditions which we have known as a nation will be gone forever.

It is time for an exercise of responsibility and this is not a job just for the government in Washington. Something essential to national preservation may be slipping away from us. It is time to rally behind the banner of America's traditions, time to stop appealing to men's weaknesses and start appealing to their strengths. Instead of excusing ourselves or blaming the government for every ill or demanding the government correct every problem, we must accept the responsibilities that rightly belong to the individual. It is time to stand up and speak out for America.

Believe me, there are nearly 200 years of history back of us which attest to the fact that America is right and that the critics are wrong; that America will endure when the critics are forgotten; that the loudmouth crowd, most of whom have nothing to offer in place of what they are trying to destroy, will also soon be forgotten. What will be remembered is that America has done more for its people and more for the people of the world than any other Nation under heaven; that America offers opportunities for those who are willing to work for them and that are greater than opportunities anywhere else in the world.

There are some who are builders, some who are wreckers, and some who are neither. It is time to be builders—and here we pride ourselves that we are—builders for tomorrow's America.

I like to feel here tonight that I am looking, not at problems which beset the Nation's Capital, but at a land of promise, a land of opportunity which stretches from coast to coast and which embraces all of the magnificent areas which constitute this land—that I am looking, not at a people who are suppliants of government, but at people who seek opportunity and who see in this land the greatest of all opportunities; a Nation where great goals can be set and achieved; a Nation where people see and appreciate the greatness of America, and a land whose citizenry will not stand idly by and see our greatness despoiled and lost—a land of builders.

WAR POWERS OF CONGRESS AND THE PRESIDENT NEED TO BE SPELLED OUT

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the Record.)

Mr. DULSKI. Mr. Speaker, I am today introducing legislation aimed at spelling out the war powers of the Congress and the President.

I have been concerned for some time about the progress of events in Indochina. I am particularly disturbed about the current heavily censored activities which appear to skirt the intent of congressional limitations on U.S. combat participation.

Congress already has restricted combat activities in Indochina, but quite apparently we did not go far enough.

To simply restrict use of ground troops in specified areas leaves a loophole and an opportunity for technically different operations which still result in comparable U.S. participation in violation of congressional intent.

Over most of the years of our Nation's history, the responsibility for putting our troops into combat has been under the control and supervision of the Congress. However, in recent years, Chief Executives have been taking the initiative, moving on their own and then belatedly letting Congress know how they have committed U.S. manpower.

CLARIFY PRESIDENTIAL POWER

It is my firm conviction that the Chief Executive should have the power to commit our troops to combat only when our Nation is under attack or in clear danger of attack.

I recognize that there can be extraordinary and emergency circumstances that could arise demanding near-instantaneous reaction on the part of the Chief Executive. However, this is not ordinarily the case because usually there are sufficient warnings and intelligence on potential dangers to our national security.

If, however, such extraordinary and emergency circumstances should arise, then the President should be required to inform the Congress immediately in detail, both as to the circumstances and to the extent of the reaction.

Our forefathers, in writing the U.S. Constitution, made it clear that the power to declare war rests with Congress. I believe that Congress needs to reaffirm this power through legislative action in spelling out in the greatest detail possible exactly the circumstances and procedures under which a Chief Executive can act.

FAILURE TO CONSULT CONGRESS

In the present circumstances in Indochina it is quite evident and greatly disturbing to me that the administration has not consulted with the Congress about the commitments that already have been made.

Indeed, the manner in which the current Far East circumstances have developed raises real doubt in my mind whether the preliminary facts even were made available to our Chief Executive before it was too late for him to reverse U.S. participation.

I am not a member of the Foreign Affairs Committee and therefore would not expect to be kept informed in continuing detail on these matters. But I do feel the integrity of the Members of Congress who properly need and are entitled to be informed is being questioned by the disturbing reluctance of the administration to inform them on essential details.

With regard to Indochina, I feel we have two prime concerns as we withdraw in orderly fashion. First, we must work for the safe return of the prisoners of war, and second, we must work for the safe return of all remaining U.S. forces.

The joint resolution which I have introduced today seeks to spell out in careful detail the war powers of the Congress and the President.

The need for this legislation is more evident today than when I began studying and analyzing the matter several weeks ago.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Born on a farm in 1869, Frank Lloyd Wright gained world fame as the architect of American cities. Wright's design of public and private buildings inspired a new awareness and appreciation of the design and functionality of structure and made the skyscraper a new and permanent symbol of urban America.

THE HOUSING RIGHTS ACT OF 1971

(Mr. BOB WILSON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BOB WILSON. Mr. Speaker, I am today introducing the Housing Rights Act of 1971 which is designed to update Federal guidelines for construction of housing backed by the dollars of taxpayers. It would extend a uniform code across the Nation, aimed at preventing antiquated building codes, or restrictive labor agreements, from blocking the use of modern construction techniques.

I am pleased that 27 of my colleagues have joined me in submitting this much-needed legislation to Congress. This is a nonpartisan effort with Members from both sides of the aisle cosponsoring the bill.

This is the same measure that 14 of our colleagues cosponsored with me when it was first introduced last year.

The United States stands today on the threshold of a great breakthrough in housing concepts. We are phasing out of the traditional house and lot concept for mass housing, and phasing into the multiple-dwelling unit, carefully designed to give maximum living space and modern conveniences. New building techniques have been developed, and this new, now-type housing can be within the financial reach of young families just getting started, families moving to new jobs, and the aged, whose finances are limited.

To build these houses we must use modern methods. Modular housing, prefabrication of sections and fixtures, and preassembly at modern plants will be needed.

My bill simply provides that no local codes or locally made labor agreements will be used to block the construction of federally financed housing. It provides recourse in the courts by the Attorney General.

The housing of the 1970's will differ in form and concept from that of decades past. We now need to bring our laws up to date to pave the way for the massive housing program our country must have during this decade if we are to meet our national needs. The Federal role in housing has been well established over the past 30 years through the public housing and loan guarantee programs. Now it is up to Uncle Sam to clear away the underbrush of complex local laws that no longer apply to today's homebuilding market.

We are aware that this legislation is far reaching and may be more than Congress may be able to accept at one time; therefore, if this should be the case, I am prepared to accept a half step, but very reluctantly, by insisting that this concept be applied to the Operation Breakthrough program which is aimed at demonstrating the use of new homebuilding technology in major areas around the country. However, I must emphasize that those of us who have sponsored this legislation are hopeful that Congress will move quickly this year to pass this bill so that the way will be cleared for providing the much needed housing in our country.

THE EMERGENCY EMPLOYMENT ACT OF 1971

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DANIELS of New Jersey. Mr. Speaker, we will begin the work of the 92d Congress at a time when nearly 5 million of our fellow Americans are jobless, and the rate of their unemployment keeps steadily climbing. Today, the seasonally adjusted rate of unemployment in this, the most highly industrialized Nation in the history of mankind, stands at 6 percent, the highest such figure in 9 years.

It is imperative that this body focus its attention on the desperate need of Americans—black and white, young and old, blue collar and white collar, professionals and the unskilled—for decent employment. A nation which turns a deaf ear to their plight should take little comfort in the landing of men on the moon.

Over the entire year just concluded, 1970, an average of more than 4 million Americans were unemployed. During 1969, in comparison, an average of 2.8 million Americans were out of work. These figures are indeed alarming—they represent a rise in the unemployment rate from 3.5 percent in 1969 to 4.9 percent for 1970.

Today I am introducing the Emergency Employment Act of 1971, a 5-year program designed to assist the millions of jobless Americans when the unemployment rate reaches a national level of 4.5 percent by providing useful and needed public service jobs.

Under my proposed legislation, after the Secretary of Labor determines the unemployment rate to be 4.5 percent or higher for 3 consecutive months, he would be authorized to enter into contracts with States, local governmental units, public and private nonprofit agencies and institutions to carry out useful public service employment programs.

The bill provides for this purpose $500 million when national unemployment averages 4.5 percent for 3 consecutive months. Additional increments of $100 million are authorized for each increase in unemployment of one-half of 1 percent for 3 consecutive months. However, these funds are not unlimited. During the first year of operation, the total funds to be allocated under the bill would be $750 million, and in any following year, the limit is one billion dollars.

In the 91st Congress, the Select Subcommittee on Labor which I chair held 2 days of hearings on comprehensive manpower bills. The Senate and House subsequently passed a broad manpower and training bill which was then vetoed by the President. Our manpower programs do need to be examined carefully by this Congress, but 5 million jobless people cannot afford to wait any longer for Congress to address their immediate problem. I intend to begin hearings shortly on emergency measures to provide public service jobs and will conduct hearings on comprehensive bills later in this session.

The National Commission on Technology, Automation, and Economic Progress reports that there are 5.3 million potential public service jobs in such fields as education, beautification, welfare and home care, public protection, medical and health services, urban renewal and sanitation.

In its study of public service job possibilities in 130 cities with a population of 100,000 or more, the W. E. Upjohn Institute reports that the mayors said there were 280,000 potential jobs which could be filled by a public service employment program. It should be noted that of this figure, 141,000 could be immediately filled by untrained or unskilled unemployed persons, while the remainder required some sort of skilled or paraprofessional workers.

The unemployment statistics in this regard revealed that it is not solely the unskilled who need jobs, but also the white-collar workers. The unemployment rate for white-collar workers, 3.7 percent, is the highest since 1958 when the Bureau of Labor Statistics began a monthly compilation of the unemployed by categories. Among these white-collar workers, the rate of professional and technical workers who are unemployed rose from 2.4 percent in November to 3 percent in December 1970.

Clearly, all categories of the workforce find unemployment increasing and could benefit from a public service job creation program. For those who say that public service jobs are merely make-work programs reminiscent of the WPA, I would remind them that our Governors and mayors are crying out for Federal assistance to help them meet the need for improving community services in such vital fields as public health and safety, welfare and child care, and conservation and preservation of dwindling natural resources. This Emergency Employment Act, therefore, will be effective in two ways: It will benefit the unemployed by providing useful jobs at decent wages and give them an opportunity to serve their community while simultaneously removing them from unemployment rolls; and it will also provide the mayors and Governors with a pool of manpower to deliver urgently needed community services.

THE DEFAMATION OF MINORITY GROUPS BY MASS MEDIA

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ANNUNZIO. Mr. Speaker, on January 22, my distinguished colleague from New Jersey, Hon. PETER W. RODINO, JR., took the lead in reintroducing House Concurrent Resolution 88 which expresses the sense of the Congress against production and distribution of films that degrade racial, religious and ethnic groups. Joining him as sponsors, besides myself, were almost 60 Members of this body who share a mutual and deep-seated concern over this intolerable situation which has been perpetuated by our mass media.

When I appeared at hearings held by the House Interstate and Foreign Commerce Committee last September to speak in favor of this resolution, I pointed out at that time that as an American and the son of Italian immigrants, I was only too well acquainted with the innuendoes, the guilt-by-association techniques, the sick jokes, and the countless other vicious, contemptible and cruel methods employed by our mass media to degrade members of ethnic and minority groups.

It is high time that a halt is called to the scurrilous portraits of ethnic Americans which the media not only allow but seem to encourage. Everyone knows that Polish-Americans are no less lacking in intelligence than other Americans, that Italian Americans are no more hoods and crooks than other Americans, just as Mexican Americans are no lazier or devious than the rest of us.

Such inexcusable slurs upon the dignity and integrity of ethnic minorities are not only an affront to the fundamental American concept of fair play but more importantly, constitute a destructive attack upon many of those very individuals who have contributed in lasting and tangible ways to the building of this Nation—a nation which by its very definition is comprised of immigrants from every corner of the globe.

Indeed, Mr. Speaker, such revered names as Christopher Columbus, the great Italian navigator who discovered America; Dr. Enrico Fermi, the Italo-American who is regarded as one of the greatest physicists of our time and the father of nuclear energy; Gen. Casimir Pulaski, the eminent Polish nobleman who first established our American cavalry and give his life for our freedom in the American Revolutionary War; Thaddeus Kosciusko, the Polish patriot who fought in our Revolutionary War and engineered the fortification of West Point; and so many others too numerous to mention without whose contributions America, the greatest democracy on earth, would perhaps never have flourished.

The most remarkable aspect of America is its diversity. That composite of cultures which has gone into the making of America has produced one of the richest, most exciting, most vital societies in history. It is from this diversity that the greatness of America springs, and it is the triumph of America that, out of such diversity, has come that mingling of traditions, temperament, and cultures which personifies the American Union.

Assimilation does not necessarily require elimination of ethnic attributes, however. Much of the ethnic flavor introduced by thousands of immigrants is of a lasting and enduring nature, and the people from faraway lands change America, even as America changes them.

It is a tragic commentary upon our times that those ethnic groups and minorities who have managed to retain a vestige of their original national identity—while at the same time assimilating the best concepts of democratic society—should be made to suffer most acutely by motion pictures and television programs which demean their identity.

Italian-Americans, Polish-Americans, Greek-Americans, Mexican-Americans, black Americans, and members of every other minority and ethnic group, who by their vigor and pride have contributed so much to America's strength and greatness—have every right to be free from the harm directed at them by thoughtless panderers of hatred and discord. Every minority group is justifiably proud of its ancestry, its accomplishments, and its contributions to the advancement of world civilization. When we destroy this pride in self—we destroy the very quality Americans possess that has made America great.

For too long the intolerable situation of defaming minority groups in mass media has been allowed to exist, and the time is long overdue for the movie and television industries to do much more than the little they have done in the past to eliminate the discord, racial strife, and hatred they are peddling, and to reunite our country and rededicate us to the spirit of brotherhood in which our Founding Fathers established our great democracy.

I want to make it clear that this resolution has not been introduced for the purpose of censuring the motion picture and television industries. We all know that they are fully protected by the Constitution and the Supreme Court of the United States which guarantee the freedoms they enjoy, but at the same time, a serious question has been raised in the minds of millions of Americans about the abuse of their privilege of informing the public and disseminating information and news.

We see today on our college campuses frustration and misunderstanding. We see racial disorder in all of the large cities of America, and we find ourselves more divided today than at any time in the history of our country. I charge that the reason this is happening is because the press, radio, and television have been derelict in their responsibility to help create a society in which people are proud to make a contribution to their country, and are proud to respect their own heritage and their institutions. In America the lack of respect that exists today for family, for the church, and for our institutions, has undermined our society and has caused a serious decline in the esprit de corps of our people as well as our confidence in the direction our Nation is taking. This situation continues to exist because we have permitted the mass media to ridicule and to stereotype our minority groups by using such repugnant words as "wop," "kike," "nigger," and "polack."

When such derogatory terminology is used, it can only encourage dissension, and as a result, today we have blacks fighting whites, and one ethnic group pitted against another. The day of reckoning is finally upon us. Mass media must evaluate its policies and honestly answer these questions: Are they causing confusion and frustration? Are they abusing their privilege and responsibility of informing the people? Are they encouraging the type of struggle that pits one human being against another simply because of their racial or ethnic origin?

The power of the press, television, and motion pictures over mass behavior and public attitudes is manifested in many ways. This "power" was recognized many decades ago, even before the advent of television and motion pictures, when Napoleon I said:

> Three hostile newspapers are more to be feared than a thousand bayonets.

And even more recently, our Vice President, SPIRO AGNEW, is quoted as saying:

> The powers of the networks (are) equal to that . . . of local, state, and federal governments all combined.

Such statements are good indications of the vast power of today's media to influence public attitudes.

With open conflict and mistrust all over the world, it is imperative that the leaders who help to mold and develop public opinion in the United States assume the responsibility for creating unity here at home so that we can become strong and united as a nation to meet our obligations abroad. We must show the world that our democracy has real meaning, that we are a nation of nations, that we revere and respect our institutions, and that we are ready to defend ourselves and our principles of democracy anywhere in the world.

I want to commend and congratulate Congressman RODINO for his insight in recognizing this serious problem and for taking the lead in offering this resolution as a means by which Congress can speak out forcibly on behalf of our ethnic groups and our minority groups which have contributed so much to the greatness of this country, and which, in return, deserve nothing less than its respect.

There is no doubt that those individuals who control the media are to a great extent abusing the protection of the first amendment, and in so doing, they are undermining the very principle of respect for individual rights which is guaranteed to every American as his birthright.

I, therefore, urge that this bill receive the immediate attention of the House Interstate and Foreign Commerce Committee, where it has been referred for consideration, to the end that House Concurrent Resolution 88 may be favorably reported, and the Congress may then go on record as vigorously opposing all defamatory activity directed against America's dedicated minority groups by the mass media in the United States.

PROTECTING THE ENVIRONMENT

(Mr. O'HARA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. O'HARA. Mr. Speaker, the Congress has taken great strides in enacting legislation to protect the environment. The Clean Air Act, the Water Quality Improvement Act, the Environmental Quality Education Act, the creation of a number of new national parks were among the measures enacted by the 91st Congress in the field of conservation of natural resources and the preservation of our environment.

Today, my distinguished colleague from Michigan (Mr. DINGELL) and I are introducing legislation which we think will be an important addition to the package of environmental protection bills which I am confident will be enacted by the 92d Congress.

This legislation is quite specific in intent. It is aimed at those manufacturers and businesses who pollute the environment while producing products for the Federal Government.

We should recognize that the Federal Government is in the position of subsidizing pollution by Federal contractors. It is time that the Federal Government instead used the full economic weight of its multibillion dollar contracts to require firms to stop polluting the environment.

The Federal Government is, undisputably, the Nation's largest purchaser of goods and services from private enterprise. The General Services Administration informs me that it enters into some 700,000 procurement contracts annually. The Defense Department reports more than 250,000 contract "actions" amounting to $10,000 or more.

I did a spot check in Michigan last year and discovered that of some 50 firms which the State water resources commission says have inadequate water pollution control, 28 were Federal contractors. Of 10 firms charged by the Federal Government with contaminating our lakes and rivers with mercury, two held Federal contracts at the time the charges were filed and three others had held contracts in the past.

There is no data on a nationwide basis, but I believe the Michigan figures are indicative of the extent of the problem.

Mr. Speaker, the legislation we introduce today uses a well established and proven principle as a useful tool in protecting our environment. The principle is the one by which the Walsh-Healey Act, the Davis-Bacon Act, and the Service Contractors Act require Federal contractors to meet certain wage and workplace standards if they wish to do business with the Government.

It seems to me that one logical and effective way of approaching the problems of pollution of the environment, of water and air, and of damage to fisheries and wildlife resources would be to simply require that those who wish to perform Federal contracts must agree, as a part of their contract undertaking, that they will abide by all existing Federal, State, and local environmental protection measures in the performance of that contract. The enforcement would be withholding of payments under the contract awards those who refuse to comply with laws and regulations for the protection of the environment.

I do not suggest that my bill will be a cureall, but it will at least avoid the intolerable situation in which illegal environmental pollution or damage to fisheries and wildlife resources is resulting from the performance of a contract let by the Government itself.

In brief the legislation provides that:

All contractors hired by the Federal Government to perform work in excess of $10,000 must pledge, as part of the contract, that they will comply with all local, State, and Federal regulations against environmental pollution and any additional standards or regulations which the Administrator of the Environmental Protection Agency may deem proper.

Any Federal contractor who breaks his pledge and pollutes must take all corrective measures necessary to clean up the pollution.

No payment will be made to the contractor until the Administrator of the Environmental Protection Agency determines that the antipollution clause has been satisfactorily met.

Contractors who do not abide by their obligations under the terms of the act would be barred from bidding for Federal work for 3 years or until the Administrator of the Environmental Protection Agency certified that the contractor has agreed—to the Administrator's satisfaction—that he will comply in the future with the terms of the contract.

The Administrator would also prepare a list of firms, whether Federal contractors or not, located either in this country or outside it, whose activities have significantly contributed to pollution of U.S. air and water. Firms on the list would be denied Federal contracts until the Administrator certifies that they have provided assurances that they will control pollution by their plants and facilities.

Persons in either of these two categories of ineligible bidders would have the protection provided by the Administrative Procedures Act to assure that they are afforded due process.

Mr. Speaker, this bill would put industrial firms interested in lucrative Federal contracts on notice that they could not pollute in performance of these contracts. It would encourage those firms who have been Federal contractors in the past to begin immediately to take corrective action against pollution. And finally, any firm who wants Federal business would be forewarned that no pollution would be tolerated.

The chance that this bill would cause any firm to go out of business is extremely remote. Walsh-Healey and Davis-Bacon were supposed to do just that, but they did not. But if it should come to pass that there is a plant somewhere that cannot do business without poisoning a stream or filling the air with pollutants—then we may just have to learn to do without the services of that business.

In conclusion, let me just repeat two main points: My preliminary evidence indicates that a number of industrial firms doing business with the Federal Government are among the Nation's major polluters.

Until our present laws catch up with them, which may be some time, they can continue to pollute while collecting money from the Federal Government.

This legislation would provide a tool for swift action against those firms, while serving notice to all firms who hope to do business with Uncle Sam that they will have to take appropriate antipollution action.

We have enacted general legislation, and we are making progress in the fight against pollution. But we would be remiss, Mr. Chairman, if we did not take every opportunity to control pollution.

At the present time, the Federal Government is in a position of passing laws against pollution while at the same time sanctioning pollution by its contractors. This legislation would put an end to that.

PRESIDENT WINDING DOWN WAR IN VIETNAM

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the supporters of surrender in Vietnam are once again attempting to stir up the Nation against President Nixon and his policy of ending our involvement in Vietnam in such a way as to insure the South Vietnamese a chance to remain free.

But despite their efforts, the American people continue to get proof that the President is indeed winding down our participation in the war. That proof comes in many ways, but one of the clearest indications aside from troop withdrawals is the weekly casualty list.

True, any casualties are too many, just as any violent deaths from any causes are too many, but the fact is that casualties continue to decline as the President's program succeeds.

Last week—the week ending January 30—we had 29 casualties. This compares to 70 for the comparable week a year ago, to 198 for the comparable week in 1969 and to 416 for the comparable week in 1968.

Who can charge that this is not major progress?

Mr. Speaker, there is going to be criticism again from the unreasoning critics about the new offensive in South Vietnam. But it is obvious to those of us who have watched the President's decisions in this area that the purpose again is to defang the enemy in order to make it possible for the American withdrawal to continue and for Vietnamization to work.

Despite the carping criticisms, I predict that the American and South Vietnamese forces will have another success and that the chances for success of Vietnamization and American withdrawal will be enhanced.

TRIBUTE OF CONGRESSMAN CLAUDE PEPPER FOR ARCHBISHOP COLEMAN F. CARROLL, ARCHBISHOP OF MIAMI, FLA.

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, all too often, in the press of our complex modern problems, we tend to neglect those heroes of our time who have silently contributed so much to helping our fellow citizens. Among the unsung heroes, few have contributed so much to the needy as Archbishop Coleman F. Carroll, the archbishop of Miami, Fla.

Assigned as the first bishop of the Catholic diocese of Miami in 1958, Archbishop Carroll has worked tirelessly for the betterment of those of all faiths and creeds. Since his installation in October 1958, Archbishop Carroll has built homes for the aged, residences for homeless teenaged boys and girls, facilities for unwed mothers, orphanages, day-care centers for the children of working mothers, centers for the rehabilitation of drug and alcohol addicts, homes for retarded children, centers to feed the hungry daily, and has provided all sorts of services to alleviate the trials of migrant workers. When the Cuban refugee exodus began, the archdiocese of Miami singlehandedly provided, for 18 months, the transportation, educational, medical, feeding and clothing, and shelter needs for these victims of Communist oppression. Today, the archdiocese continues to expend time, money, and the service of dedicated personnel to alleviate the sufferings of the oppressed who reach the safe shores of America from Cuba.

There has not been a social need to which Archbishop Carroll has not responded since he became the spiritual leader of south Florida's Catholics. Of the more than 50 social service institutions he has established in his jurisdiction, each and every one of them serves the community without regard to race, creed, or color. On February 9 of this year, Archbishop Carroll observes his 67th birthday. I could not let this occasion pass without giving public commendation to this superb humanitarian, churchman, and American citizen. May God bless and prosper his work, and may all of us continue to be inspired by his leadership and compassion for his fellow man.

CONQUEST OF CANCER ACT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it is my great pleasure to introduce today on behalf of Chairman Staggers of the Interstate and Foreign Commerce Committee, Mr. Minish of New Jersey and 109 other Members of the House the "Conquest of Cancer Act" of 1971.

As the three original House sponsors late in the last Congress of what I am convinced will be landmark legislation in the fight against cancer, we are proud to take the lead early in this Congress in mobilizing support for the final assault on this terrible malignancy.

We are heartened by the strong evidence of support for this cause in the large cosponsorship of the resolution of Mr. Gallagher of New Jersey, which he has reintroduced from the previous Congress. This concurrent resolution would express generally the sentiment of the Congress that a massive attack be organized against cancer. It has been amended in this Congress to express also the sentiment that the fight be made through a new National Cancer Authority.

The legislation we introduce today would create that National Cancer Authority. It would incorporate in the Authority the National Cancer Institute and would double immediately the level of funding for cancer research to $400 million in fiscal 1972 and raise the authorization in subsequent years to $1 billion a year.

Mr. Speaker, it was my privilege to be one of the original sponsors of the legislation which created the National Cancer Institute in 1937. I was then in the first year of the 14 years I served in the other body. Our first appropriation for cancer research was a mere $400,000 in fiscal 1938. Since that time we have raised the level of Federal funding for cancer research to $200 million.

I am extremely proud that the rate of cures of cancer has been raised from 1 in 5 in the 1930's to 1 in 3 today. This reflects great credit on the work the Cancer Institute has done in the last quarter of a century.

I feel, nevertheless, that the time has come to go beyond the National Institute of Health concept in the battle against cancer. This is a disease which kills 330,000 Americans a year and casts a shadow of dread and fear over every family in America.

Cancer is not the largest killer—this place of dishonor is held by diseases of the heart and vascular system. But cancer is the most terrifying disease in the world. It affects one-quarter of the population directly. It is estimated that of the 204 million people presently living in America, over 51 million will develop some form of cancer. Of this 51 million, more than 34 million will die of cancer unless a cure is soon discovered. These victims include persons of all ages. Among the diseases of children between the ages of 1 and 15 years, cancer is the largest killer.

The American people long for an all-out, final assault of this dreaded disease. I believe the National Cancer Authority concept developed by a distinguished panel of Americans for former Senator Yarborough's Senate subcommittee meets the needs of the time. It is fitting to propose today $400 million for the next year to fight cancer at the very time when Apollo 14 is circling the moon. It is estimated that this Apollo 14 mission is costing about $400 million.

Thus we are saying to the American people that we should attack cancer the way we attacked the problem of putting a man on the moon. And we will attack it with the same kind of massive financial backing.

We can, and we must, mount an effort to find a cure for cancer in this decade.

We owe the American people a NASA type of attack on cancer and we are proposing today a similar, single-purposed independent agency to do the job. The National Cancer Authority is the agency which can do this job which the American people so desperately want done.

Mr. Speaker, I am not new to this concept. On January 8, 1947, I introduced in the Senate S. 93, which is described in the Digest of General Public Bills as a bill:

> To authorize and request the President to undertake to mobilize at some convenient place or places in the United States an adequate number of the world's outstanding experts and coordinate and utilize their services in a supreme endeavor to discover means of curing and preventing cancer.

My bill—in 1947—would have authorized $100 million a year for this "supreme endeavor to discover means of curing and preventing cancer."

I am very pleased, therefore, that the President of the United States has indicated that he will propose the expenditure of an additional $100 million for cancer research in fiscal 1972. I wish that sum had been spent in fiscal 1948. It would have gone much further in the dollars of that era and we might already have the answer to the mystery of cancer, to its causes and its cures.

The President's budget notes that $181 million was spent in fiscal 1970 of the $201 million provided for cancer research in this year. It estimates that $232 million, the allocated sum, will be spent in the current fiscal year and a like sum, plus the $100 million additional in fiscal 1972. The entry on page 491 of the appendix to the budget for fiscal year 1972 indicates that the President will propose that the additional $100 million be expended under existing legislation and "involve all pertinent institutes and agencies."

As pleased as I am that the President has recognized the need for a larger effort in the fight against cancer, it is clear to me that the size of the additional effort he recommends is inadequate. We should commit $400 million to this effort in the next fiscal year.

It will be said, I am sure, that a $400 million commitment will strain our resources of trained personnel and facilities to undertake cancer research. The advisory group felt, however, that an investment of this size was possible under present circumstances. Moreover, I am confident that we will not develop the necessary researchers until we provide the commitment for a high level of annual financing for cancer research.

Last July 28, the Secretary of Health, Education, and Welfare, Mr. Elliot Richardson, testified before the Senate Appropriations Committee against additional funds approved by the House for training grants and fellowships in biomedical research. He said "it does not make sense to continue to increase the number of researchers" in view of the limited funds being devoted to medical research. "The funds simply do not exist to support their research once they are trained," he said, "and we are creating a vicious cycle if we continue to train researchers but not provide funds to support their research."

There is indeed a "vicious cycle," but it works in the opposite direction. We are urged not to provide significantly more money for cancer research because there is not enough trained biomedical research personnel and then urged not to train enough biomedical researchers because there is not enough cancer research money to keep them busy.

It is time to break this vicious cycle with a national commitment to provide enough money for cancer research to finance all the researchers we can train—and to train the researchers as fast as they may be needed to utilize massive amounts of cancer research funds.

The National Cancer Authority can bring together the funding of both the research and the training and whatever other aspects of the total job may be necessary to seek an answer to cancer in the decade of the 1970's.

I am happy, Mr. Speaker, that the distinguished chairman of the Interstate and Foreign Commerce Committee is a leader in this effort. His contributions to the improvement of the health of the American people are many and varied and I am pleased that he is in this key position to preside over the inauguration of this final assault of cancer. The invitation I extended with Chairman Staggers and Mr. Minish brought 109 other cosponsors. I wish at this point in the Record to list their names, and to follow the list with the text of this vital and, I believe, historic legislation:

LIST OF COSPONSORS

Mr. Abourezk, Mrs. Abzug, Mr. Adams, Mr. Addabbo, Mr. Anderson of California, Mr. Aspin, Mr. Badillo, Mr. Baring, Mr. Bennett, Mr. Biaggi, Mr. Bingham, Mr. Brademas, Mr. Brasco, Mr. Buchanan, Mr. Carney, Mr. Casey, Mrs. Chisholm, Mr. Clark, Mr. Collier, Mr. Corman, Mr. Cotter, Mr. Davis of Georgia,

Mr. Dent, Mr. Dingell, Mr. Donohue, Mr. Drinan, Mr. Dulski, Mr. Duncan, Mr. Eckhardt, Mr. Edwards of Louisiana, Mr. Eilberg, Mr. Evins, Mr. Fisher, Mr. William D. Ford, Mr. Fulton of Pennsylvania, Mr. Gaydos, Mr. Gibbons, Mr. Gonzalez, Mrs. Grasso, Mrs. Griffiths, Mr. Gubser, Mr. Halpern, Mr. Hanna, Mr. Harrington,

Mr. Hathaway, Mr. Hechler, Mr. Helstoski, Mr. Henderson, Mr. Hicks, Mrs. Hicks, Mr. Holifield, Mr. Howard, Mr. Ichord, Mr. Johnson of California, Mr. Jones of North Carolina, Mr. Kuykendall, Mr. Kyros, Mr. Link, Mr. McCloskey, Mr. McFall, Mr. Madden, Mr. Mathias, Mr. Mazzoli, Mr. Melcher, Mr. Metcalfe, Mr. Mikva,

Mr. Miller of California, Mr. Mitchell, Mr. Morgan, Mr. Moss, Mr. Murphy of Illinois, Mr. Nedzi, Mr. Nichols, Mr. O'Neill, Mr. Pickle, Mr. Poage, Mr. Podell, Mr. Preyer, Mr. Pryor, Mr. Rees, Mr. Rhodes, Mr. Roe, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Roy, Mr. Roybal, Mr. Runnels,

Mr. Ryan, Mr. St Germain, Mr. Scheuer, Mr. Shoup, Mr. Sikes, Mr. Slack, Mr. James V. Stanton, Mr. Steele, Mr. Stratton, Mr. Tiernan, Mr. Ullman, Mr. Vanik, Mr. Vigorito, Mr. Waggonner, Mr. Waldie, Mr. Ware, Mr. Watts, Mr. Charles H. Wilson, Mr. Wolff, Mr. Wright, Mr. Yates, Mr. Yatron,

Mr. Young of Florida and Mr. Zablocki.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Conquest of Cancer Act".

FINDINGS AND DECLARATIONS OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that the incidence of cancer is increasing and is the major health concern of the American people;

(2) that the attainment of better methods of prevention, diagnosis, and cure of cancer deserve the highest priority; and

(3) that a great opportunity is offered as a result of recent advances in the knowledge of this dread disease to conduct energetically a national program for the conquest of cancer.

(b) In order to carry out the policy set forth in this Act it is the purpose of this Act to establish, as an independent agency of the United States, the National Cancer Authority.

NATIONAL CANCER AUTHORITY ESTABLISHED

SEC. 3. (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the National Cancer Authority, having as its objective the conquest of cancer at the earliest possible time.

(b) The Authority shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. There shall be in the Authority a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. The Deputy Administrator shall perform such functions as the Administrator may prescribe and shall be the Acting Administrator during the absence or disability of the Administrator or in the event of a vacancy in the position of Administrator. Upon the expiration of his term, the Administrator shall continue until his successor has been appointed and has qualified.

(c) The President, by and with the advice and consent of the Senate, is authorized to appoint within the Authority not to exceed five Assistant Administrators.

TRANSFERS FROM THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 4. (a) All officers, employees, assets, liabilities, contracts, property, and resources as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the National Cancer Institute, and except as otherwise specifically provided in section 10, with any function of the National Cancer Advisory Council, are hereby transferred to the National Cancer Authority.

(b) (1) Except as provided in paragraph (2) of this subsection, personnel engaged in functions transferred under this Act shall be transferred in accordance with applications and regulations relating to transfer of functions.

(2) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

(c) The National Cancer Institute and the National Cancer Advisory Council shall lapse.

TRANSFER OF FUNCTIONS

SEC. 5. There are hereby transferred to the Administrator all functions of the Secretary of health, Education, and Welfare—

(1) with respect to and being administered by him through, or in cooperation with, the National Cancer Institute and the National Cancer Advisory Council.

(2) under title IX of the Public Health Service Act relating to education, research, training, and demonstration in the field of cancer.

FUNCTIONS OF THE AUTHORITY

SEC. 6. In order to carry out the purpose of this Act, the Authority shall—

(1) carry out all research activities previously conducted by the National Cancer Institute, together with an expanded, intensified, and coordinated cancer research program;

(2) expeditiously utilize existing research facilities and personnel for accelerated exploration of the opportunities for a cancer cure in areas of special promise;

(3) encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research;

(4) strengthen existing comprehensive cancer centers, and establish new comprehensive cancer centers as needed in order to carry out a multidisciplinary effort for clinical research and teaching, and for the development and demonstration of the best methods of treatment in cancer cases;

(5) collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer for professionals and for the general public;

(6) establish or support the large-scale production of specialized biological materials for research, including viruses, cell cultures, and animals, and set standards of safety and care for persons using such materials; and

(7) support research in the cancer field outside the United States by highly qualified foreign nationals, collaborative research involving American and foreign participants and the training of American scientists abroad and foreign scientists in the United States.

ADMINISTRATION PROVISIONS

SEC. 7. (a) The Administrator is authorized, in carrying out his functions under this Act, to—

(1) appoint and fix the compensation of personnel of the Authority in accordance with the provisions of title 5, United States Code, except that (A) to the extent the Administrator deems such action necessary to the discharge of his functions under this Act, he may appoint not more than two hundred of the scientific, professional, and administrative personnel of the Authority without regard to provisions of such title relating to appointments in the competitive service, and may fix the compensation of such personnel, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to pay rates, not in excess of the highest rate paid for GS–18 of the General Schedule under section 5332 of title 5 of such Code; (B) to the extent that the Administrator deems is necessary to recruit specially qualified scientific and professionally qualified talent he may establish the entrance grade for scientific and professional personnel without previous service in the Federal Government at a level up to two grades higher than a grade provided such personnel under the provisions of title 5 of such Code governing appointments in the Federal service, and fix their compensation accordingly;

(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in him or in the Authority and delegate authority to any officer or employee under his direction or his supervision;

(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain comprehensive cancer centers, laboratories, research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Administrator deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Authority for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(5) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act;

(6) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(8) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(9) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(10) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as he deems necessary, including funds appropriated for construction, repairs, or capital improvements; and

(11) take such actions as may be required for the accomplishment of the objectives of the Authority.

(b) Upon request made by the Administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Authority in the performance of its functions with or without reimbursement.

(c) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

SAVINGS PROVISIONS

SEC. 8. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any agency or institute, or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Administrator, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or institute, or part thereof, functions of which are transferred by this Act; but such proceedings to the extent that they relate to functions so transferred, shall be continued under the Authority. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Administrator, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act hand not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or institute, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or institute, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Authority as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any agency or institute, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such agency or institute, or any part thereof, is transferred to the Administrator, or

(B) any function of such agency, institute, or part thereof, or officer is transferred to the Administrator, then such suits shall be continued by the Administrator (except in the case of a suit not involving functions transferred to the Administrator, in which case the suit shall be continued by the agency, institute, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any agency, institute, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the Authority or officer in which such function is vested pursuant to this Act.

(e) In the exercise of the functions transferred under this Act, the Administrator shall have the same authority as that vested in the agency or institute, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or institute, or part thereof.

REPORTS

SEC. 9. (a) The Administrator shall, within one year after the date of his appointment, prepare and submit to the President for transmittal to the Congress a report containing a comprehensive plan for a national program designed to conquer cancer at the earliest possible time together with appropriate measures to be taken, time schedules for the completion of such measures, and cost estimates for the major portions of such plan.

(b) The Administrator shall, as soon as practicable after the end of each calendar year, prepare and submit to the President for transmittal to the Congress a report on the activities of the Authority during the preceding calendar year.

NATIONAL CANCER ADVISORY BOARD

Sec. 10. (a) There is hereby established in the Authority a National Cancer Advisory Board to be composed of eighteen members appointed by the President, by and with the advice and consent of the Senate. Nine of the members of the Board shall be scientists or physicians and nine shall be representative of the general public. Members shall be appointed from among persons, who by virtue of their training, experience, and background are exceptionally qualified to appraise the programs of the Authority. The Administrator shall be an ex officio member of the Board.

(b)(1) Members shall be appointed for six-year terms except that of the members first appointed six shall be appointed for a term of two years, six shall be appointed for a term of four years, and six shall be appointed for a term of six years as designated by the President at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Member shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) A vacancy in the Board shall not affect its activities and eleven members thereof shall constitute a quorum.

(c) The Board shall biannually elect one of the appointed members to serve as Chairman for a term of two years.

(d) The Board shall meet at the call of the Chairman but not less than four times a year and shall advise and assist the National Cancer Authority in the development and execution of the program.

(e) The Administrator of the Authority shall designate a member of the staff of the Authority to act as Executive Secretary of the Board.

(f) The Board may hold such hearings, take such testimony, and sit and act at such times and places as the Board deems advisable to investigate programs and activities of the Authority.

(g) The Board shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Authority toward the accomplishment of its objectives.

(h) The Board shall supersede the existing National Advisory Cancer Council, and the members of the Council serving on the effective date of this Act shall serve as additional members of the Board for the duration of their present terms, or for such shorter duration as the President may prescribe.

(i) Members of the Board who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily rate prescribed for GS-18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

(j) The Administrator shall make available to the Board such staff, information, and other assistance as it may require to carry out its activities.

COMPENSATION OF THE ADMINISTRATOR, THE DEPUTY ADMINISTRATOR, AND THE ASSISTANT ADMINISTRATORS

Sec. 11. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(20) Administrator, National Cancer Authority.".

(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(56) Deputy Administrator, National Cancer Authority.".

(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Assistant Administrators, National Cancer Authority (five).".

DEFINITIONS

Sec. 12. For the purposes of this Act—

(1) "Administrator" means the Administrator of the National Cancer Authority.

(2) "Authority" means the National Cancer Authority;

(3) "Board" means National Cancer Advisory Board;

(4) "comprehensive cancer center" means such cancer research facilities as the Administrator determines are appropriate to carry out the purposes of this Act, including laboratory and research facilities and such patient care facilities as are necessary for the development and demonstration of the best methods of treatment of patients with cancer, but does not include extensive patient care facilities not connected with the development of and demonstration of such methods;

(5) "construction" includes purchase or lease of property; design, erection, and equipping of new buildings; alteration, major repair (to the extent permitted by regulations), remodeling and renovation of existing buildings (including initial equipment thereof); and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings;

(6) "function" includes power and duty;

(7) "Federal agency" means any department, agency, or independent establishment of the executive branch of the government including any wholly owned government corporation.

AUTHORIZATION OF APPROPRIATIONS

Sec. 13. For the purpose of carrying out any of the programs, functions, or activities authorized by this Act, there are authorized to be appropriated for the fiscal year ending June 30, 1972, $400 million and for each fiscal year thereafter such funds as may be necessary [not to exceed $1 billion each fiscal year] until the provisions of the Act are accomplished.

EFFECTIVE DATE

Sec. 14. (a) This Act, other than this section, shall take effect sixty days after its date of enactment or on such prior date after the enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a), any of the officers provided for in subsections (b) and (c) of section 3 may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Authority pursuant to this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HELSTOSKI (at the request of Mr. BOGGS), for today, on account of official business.

Mr. KYROS (at the request of Mr. BOGGS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MILLS, for 15 minutes, on Monday next.

Mr. GONZALEZ, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MILLER of Ohio) to revise and extend their remarks and include extraneous matter:

Mr. RIEGLE, for 60 minutes, today.

Mr. PRICE of Texas, for 15 minutes, today.

Mrs. DWYER, for 5 minutes, today.

(The following Members (at the request of Mr. RANGEL) to revise and extend their remarks and include extraneous matter:)

Mr. RARICK, for 10 minutes, today.

Mr. MINISH, for 10 minutes, today.

Mr. REUSS, for 15 minutes, today.

Mr. STAGGERS, for 10 minutes, today.

Mr. GIAIMO, for 60 minutes, February 9.

Mr. FLOOD, for 60 minutes, February 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EDMONDSON in three instances and to include a prayer and two addresses.

Mr. ASPINALL, and to include extraneous matter.

Mr. BOB WILSON, and to include extraneous matter.

(The following Members (at the request of Mr. MILLER of Ohio) and to include extraneous matter:)

Mr. MCKINNEY.

Mr. YOUNG of Florida in five instances.

Mr. PEYSER in three instances.

Mr. PRICE of Texas in three instances.

Mr. DERWINSKI.

Mr. SCHWENGEL.

Mr. FRELINGHUYSEN in two instances.

Mr. BOB WILSON.

Mr. BRAY in three instances.

Mr. SCHERLE.

Mr. HUNT in two instances.

Mr. SHRIVER in two instances.

Mr. SCHMITZ in three instances.

Mr. WYMAN in two instances.

Mr. BURKE of Florida.

Mr. BROOMFIELD.

Mr. DUNCAN.

Mr. BAKER in two instances.

Mr. COUGHLIN.

Mr. MIZELL in two instances.

Mr. STEIGER of Wisconsin.

Mr. GERALD R. FORD.

Mr. McCulloch and Mr. McClory to follow Mr. McCulloch.

(The following Members (at the request of Mr. Schwengel) and to include extraneous matter:)

Mr. Teague of California.

Mr. Kyl.

Mr. Schwengel.

Mr. Frey.

Mr. Pettis.

Mr. Burke of Florida in five instances.

Mr. Ruth in five instances.

Mr. Don H. Clausen.

Mr. Morse.

Mr. Broyhill of Virginia in two instances.

(The following Members (at the request of Mr. Rangel) and to include extraneous matter:)

Mr. Fulton of Tennessee in four instances.

Mr. Edwards of California in two instances.

Mr. Monagan in two instances.

Mr. McFall in five instances.

Mr. Bolling in two instances.

Mr. Gonzalez in three instances.

Mr. William D. Ford in two instances.

Mr. Dingell in two instances.

Mr. Corman in two instances.

Mr. Begich.

Mr. Johnson of California in two instances.

Mr. Mathis of Georgia.

Mr. Macdonald of Massachusetts in two instances.

Mr. Scheuer in two instances.

Mr. Helstoski in two instances.

Mr. Rarick in two instances.

Mr. Pickle in two instances.

Mr. Boggs.

Mr. Hébert in two instances.

Mr. Kluczynski in two instances.

Mr. O'Hara in two instances.

Mr. Bingham in two instances.

Mr. Podell in two instances.

Mr. Mikva in six instances.

Mr. Thompson of New Jersey.

Mr. Hungate.

Mr. Koch in three instances.

Mr. Dorn in three instances.

Mr. Fraser.

Mr. Bergland in two instances.

Mr. Wolff in three instances.

ADJOURNMENT

Mr. RANGEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Monday, February 8, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

199. A letter from the Adjutant General, Veterans of Foreign Wars of the United States, transmitting a report of the proceedings of the 71st National Convention of the Veterans of Forein Wars of the United States, held in Miami Beach, Fla., August 16–21, 1970, pursuant to Public Law 88–224 (H. Doc. No. 92–45); to the Committee on Armed Services and ordered to be printed with illustrations.

200. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Agriculture for "Consumer protective, marketing, and regulatory programs," Consumer and Marketing Service, for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

201. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes; to the Committee on the District of Columbia.

202. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Minimum Wage Act to extend minimum wage and overtime compensation protection to additional employees, to raise the minimum wage, to improve standards of overtime compensation protection, to provide improved means of enforcement, and for other purposes; to the Committee on the District of Columbia.

203. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to revise and modernize procedures relating to licensing by the District of Columbia of persons engaged in certain occupations, professions, businesses, trades, and callings, and for other purposes; to the Committee on the District of Columbia.

204. A letter from the vice president and comptroller, Potomac Electric Power Co., transmitting a copy of the balance sheet of Pepco as of December 31, 1970, pursuant to 37 Stat. 979; to the Committee on the District of Columbia.

205. A letter from the Secretary of Health, Education, and Welfare, transmitting the first annual report on the health consequences of marihuana usage, pursuant to title V of Public Law 91–296; to the Committee on Interstate and Foreign Commerce.

206. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes; to the Committee on Interstate and Foreign Commerce.

207. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

208. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

209. A letter from the Librarian of Congress, transmitting a report of positions in the Library of Congress in grades GS–16, GS–17, and GS–18 during 1970, pursuant to 5 U.S.C. 5108(b)(2); to the Committee on Post Office and Civic Service.

210. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to ease the tax burdens of small businesses, and for other purposes; to the Committee on Ways and Means.

Received from the Comptroller General

211. A letter from the Comptroller General of the United States, transmitting the annual report on the activities of the General Accounting Office for fiscal year 1970, pursuant to section 312(a) of the Budget and Accounting Act of 1921; to the Committee on Government Operations.

212. A letter from the Comptroller General of the United States, transmitting a list of General Accounting Office reports issued or released in January 1971, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

213. A letter from the Comptroller General of the United States, transmitting a report on opportunities for improvement in the program for redistribution of defense materiel in Europe, Department of Defense; to the Committee on Government Operations.

214. A letter from the Comptroller General of the United States, transmitting a report on the economic advantages of using American-made trucks abroad to transport military cargo, Department of Defense, to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOMFIELD:

H.R. 3542. A bill to amend title 37, United States Code, to authorize payment of travel and transportation allowances to certain members of the uniformed services in connection with leave; to the Committee on Armed Services.

By Mr. BROYHILL of Virginia (for himself and Mr. Bob Wilson):

H.R. 3543. A bill to establish a Roll of Honor for American inventors, and for other purpose; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 3544. A bill to amend section 5710(a) (2) of the Internal Revenue Code of 1954 so as to adjust the rates of tax on cigars; to the Committee on Ways and Means.

By Mr. BURTON (for himself and Mr. Ryan):

H.R. 3545. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

By Mr. CELLER:

H.R. 3546. A bill to amend title 18 of the United States Code, section 702, relating to the unauthorized wearing of uniforms of the Armed Forces and the Public Health Service; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 3547. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to a taxpayer who is a student at a college for certain expenses incurred in obtaining a higher education; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 3548. A bill to repeal the Connally Hot Oil Act; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN:

H.R. 3549. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

By Mr. PATMAN:

H.R. 3550. A bill to establish a National Development Bank to provide loans to finance urgently needed public facilities for State and local governments, to help achieve a full employment economy both in urban and rural America by providing loans for the establishment of small and medium-size businesses and industries and the expansion and improvement of such existing businesses and industries, and for the construction of low and moderate income housing projects, and to provide job training for unskilled and semiskilled unemployed and underemployed workers; to the Committee on Banking and Currency.

By Mr. COTTER:

H.R. 3551. A bill to assure an opportunity for employment to every American seeking work; to the Committee on Education and Labor.

By Mr. DICKINSON:

H.R. 3552. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr DICKINSON (for himself, Mr. Johnson of California, Mr. Edwards of Louisiana, Mr. Halpern, Mr. Lent, Mr. Pike, Mr. Hosmer, Mr. Scott, Mr. Blackburn, Mr. Archer, Mr. Pickle, Mr. Hogan, Mr. Young of Florida, Mr. Mailliard, Mr. Donohue, Mr. Keith, Mrs. Hicks of Massachusetts, Mr. Hunt, Mr. Biaggi, Mr. Hathaway, and Mr. Harrington):

H.R. 3553. A bill to authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs; to the Committee on Merchant Marine and Fisheries.

By Mr. EDMONDSON:

H.R. 3554. A bill to establish a National Cancer Authority and to authorize international programs and joint ventures in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

H.R. 3555. A bill to amend the public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.R. 3556. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ERLENBORN (for himself, Mr. Collier, and Mr. Conable):

H.R. 3557. A bill to amend titles X and XVI of the Social Security Act to increase the amount of earned income which must be disregarded by State agencies in determining the need of blind recipients of public assistance; to the Committee on Ways and Means.

H.R. 3558. A bill to amend title XIX of the Social Security Act to provide that a State, in determining a blind or disabled individual's eligibility for medical assistance, and the extent of such assistance, shall not take into account anyone else's financial responsibility for such individual, unless he is the other person's spouse or minor child; to the Committee on Ways and Means.

By Mr. WILLIAM D. FORD (for himself, Mr. Dulski, Mr. Brasco, Mr. Udall, Mr. Waldie, and Mr. Hogan):

H.R. 3559. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

By Mr. GALLAGHER:

H.R.3560. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired policemen or firemen or their dependents, or to the widows or other survivors of deceased policemen or firemen, shall not be subject to the income tax; to the Committee on Ways and Means.

By Mrs. GRIFFITHS:

H.R. 3561. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GUBSER:

H.R. 3562. A bill to provide for the adoption of the Adjusted Gregorian Calendar; to the Committee on Foreign Affairs.

H.R. 3563. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for certain expenses of repair and maintenance of a home owned by a taxpayer who has attained the age of 65; to the Committee on Ways and Means.

H.R. 3564. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 3565. A bill to amend the Internal Revenue Code of 1954 to authorize an incentive tax credit allowable with respect to facilities to control water and air pollution, to encourage the construction of such facilities, and to permit the amortization of the cost of constructing such facilities within a period from 1 to 5 years; to the Committee on Ways and Means.

By Mr. GUBSER (for himself, Mr. Johnson of California, and Mr. Leggett):

H.R. 3566. A bill to amend title 10 of the United States Code to provide for additional nominations by Members of Congress of persons for appointment to the service academies by the Secretaries of the military departments; to the Committee on Armed Services.

By Mr. HALPERN:

H.R. 3567. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. KEITH:

H.R. 3568. A bill to assist in the effective and suitable disposal of passenger cars at the time of the discontinuance of their use on the highways by encouraging the disposal of such cars through persons licensed by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mrs. Green of Oregon, Mrs. Hicks of Massachusetts, Mr. Cotter, and Mr. Rostenkowski):

H.R. 3569. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. MEEDS:

H.R. 3570. A bill to extend coverage of the Public Works and Economic Development Act of 1965 to the Trust Territory of the Pacific Islands; to the Committee on Public Works.

By Mrs. MINK:

H.R. 3571. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit certain provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

H.R. 3572. A bill to amend sections 312, 301(b), 320(a), and 321(a) of the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 3573. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 3574. A bill to amend the Internal Revenue Code of 1954 to permit limited retail dealers of alcoholic beverages to sell distilled spirits; to the Committee on Ways and Means.

By Mr. PICKLE:

H.R. 3575. A bill to establish the Big Thicket National Park in Texas; to the Committee on Interior and Insular Affairs.

H.R. 3576. A bill to authorize the Secretary of Agriculture to establish a program to enable individuals to enter into, and engage in, the production and marketing of farm-raised fish through the extension of credit, technical assistance, marketing assistance and research, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PURCELL:

H.R. 3577. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RYAN (for himself, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Diggs, Mr. Dow, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Mikva, Mrs. Mink, Mr. Rosenthal, Mr. Scheuer, Mr. Stokes, Mr. Tiernan, and Mr. Wolff):

H.R. 3578. A bill to establish a Temporary National Security Commission; to the Committee on Armed Services.

By Mr. RYAN (for himself, Mr. Burton, Mr. Dellums, and Mr. Rangel):

H.R. 3579. A bill to limit the procurement of California and Arizona lettuce by the Department of Defense; to the Committee on Armed Services.

By Mr. RUPPE:

H.R. 3580. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. SCOTT:

H.R. 3581. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 3582. A bill to provide for the establishment of a national cemetery within the Manassas National Battlefield Park, Va.; to the Committee on Interior and Insular Affairs.

H.R. 3583. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 3584. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

H.R. 3585. A bill to revise the pay structure of the police forces of the Washington National Airport and Dulles International Airport, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3586. A bill to provide career status as rural carriers without examination to certain qualified substitute rural carriers of record in certain cases, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3587. A bill to amend title 13, United States Code, to provide certain limitations with respect to the types and number of questions which may be asked in connection with the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3588. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 3589. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 3590. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 3591. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 3592. A bill to amend title 5, United States Code, to authorize the immediate retirement without reduction in annuity of employees and Members of Congress upon completion of 30 years of service; to the Committee on Post Office and Civil Service.

H.R. 3593. A bill to exclude from gross income the first $250 of interest received on deposits in thrift institutions; to the Committee on Ways and Means.

By Mr. SCOTT (for himself, Mr. Esch, and Mr. Halpern):

H.R. 3594. A bill to provide for the establishment of a national cemetery adjacent to the Manassas Battlefield Park, Va.; to the Committee on Veterans' Affairs.

By Mr. STAGGERS (for himself, Mr. Eckhardt, and Mr. Macdonald of Massachusetts):

H.R. 3595. A bill to amend the Railway Labor Act to avoid interruptions of railroad transportation that threaten national safety and health by reason of labor disputes and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Springer) (by request):

H.R. 3596. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas:

H.R. 3597. A bill to impose certain safeguards on investigations carried out by Federal agencies; to the Committee on the Judiciary.

H.R. 3598. A bill to amend title 18 of the United States Code to prohibit certain activities in time of war or armed conflict; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.R. 3599. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. ASHBROOK:

H.R. 3600. A bill to amend title 38 of the United States Code in order to authorize guaranteed business loans for veterans of service after January 31, 1955; to the Committee on Veterans' Affairs.

By Mr. BENNETT:

H.R. 3601. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BENNETT (for himself, Mr. Fisher, Mr. Fulton of Pennsylvania, Mr. Donohue, Mr. Hays, Mr. Saylor, Mr. Frelinghuysen, Mr. Haley, Mr. Mr. Clark, Mr. Baring, Mr. Collier, Mr. Dulski, Mr. Halpern, Mr. Addabbo, Mr. Davis of Georgia, Mr. Fulton of Tennessee, Mr. Leggett, Mr. Pepper, Mr. Pickle, Mr. Dickinson, Mr. Duncan, Mr. Howard, Mr. Blackburn, Mr. Eshleman, and Mr. Kuykendall):

H.R. 3602. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hard core unemployed; to the Committee on Ways and Means.

By Mr. BENNETT (for himself, Mr. McDonald of Michigan, Mr. Tiernan, Mr. Lujan, Mr. Daniel of Virginia, Mr. Whitehurst, Mr. McKinney, and Mr. Thone):

H.R. 3603. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hard core unemployed; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 3604. A bill to provide for the construction of a Veterans' Administration hospital of 1,400 beds in the county of the Bronx, New York State; to the Committee on Veterans' Affairs.

By Mr. BRADEMAS:

H.R. 3605. A bill to promote the advancement of biological research in aging through a comprehensive and intensive 5-year program for the systematic study of the basic origins of the aging process in human beings; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Quie, Mr. Thompson of New Jersey, Mr. Bell, Mr. Dent, Mr. Reid of New York, Mr. Daniels of New Jersey, Mr. Erlenborn, Mr. Hawkins, Mr. Dellenback, Mrs. Mink, Mr. Steiger of Wisconsin, Mr. Meeds, Mr. Hansen of Idaho, Mr. Clay, Mr. Esch, Mrs. Chisholm, Mr. Roncalio, Mrs. Grasso, Mr. Mazzoli, and Mr. Badillo):

H.R. 3606. A bill to establish a National Institute of Education, and for other purposes; to the Committee on Education and Labor.

By Mr. BRINKLEY (for himself, and Mr. Stephens):

H.R. 3607. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. CORMAN (for himself, and Mrs. Griffiths):

H.R. 3608. A bill to amend the Internal Revenue Code of 1954 to extend the child care deduction to men who are not married; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. Addabbo, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Archer, Mr. Baring, Mr. Bell, Mr. Bevill, Mr. Biaggi, Mr. Biester, Mr. Blackburn, Mr. Bow, Mr. Brasco, Mr. Brown of Ohio, Mr. Byrne of Pennsylvania, Mr. Camp, Mr. Carter, Mr. Cederberg, Mr. Chappell, Mrs. Chisholm, Mr. Clark, Mr. Don H. Clausen, Mr. Cleveland, Mr. Conte, and Mr. Corbett):

H.R. 3609. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. Davis of Georgia, Mr. Dennis, Mr. Dickinson, Mr. Donohue, Mr. Dorn, Mr. Drinan, Mr. Duncan, Mrs. Dwyer, Mr. Edwards of Louisiana, Mr. Eilberg, Mr. Eshleman, Mr. Fascell, Mr. Fisher, Mr. Flood, Mr. Flowers, Mr. Forsythe, Mr. Frenzel, Mr. Fulton of Pennsylvania, Mr. Goodling, Mrs. Grasso, Mr. Gray, Mr. Gude, Mr. Halpern, and Mr. Hansen of Idaho):

H.R. 3610. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. Harrington, Mr. Hastings, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mrs. Hicks of Massachusetts, Mr. Hosmer, Mr. Hunt, Mr. Johnson of Pennsylvania, Mr. Jones of Tennessee, Mr. Keating, Mr. Kemp, Mr. Kluczynski, Mr. Kuykendall, Mr. Lent, Mr. Lujan, Mr. McClory, Mr. McKinney, Mr. Mann, Mr. Michel, Mr. Miller of Ohio, Mr. Morse, Mr. Podell, Mr. Powell, and Mr. Price of Texas):

H.R. 3611. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. Pucinski, Mr. Railsback, Mr. Riegle, Mr. Robison, Mr. Roncalio, Mr. Rostenkowski, Mr. Roybal, Mr. Schmitz, Mr. Scott, Mr. J. William Stanton, Mr. James V. Stanton, Mr. Steiger of Arizona, Mr. Terry, Mr. Thone, Mr. Tiernan, Mr. Waggonner, Mr. Wampler, Mr. Whitehurst, Mr. Williams, Mr. Wright, Mr. Yatron, and Mr. Zion):

H.R. 3612. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. Daniels of New Jersey:

H.R. 3613. A bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. DINGELL:

H.R. 3614. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. Rogers, Mr. Pelly, Mr. McCloskey, Mr. Keith, Mr. Moss, and Mr. Conte):

H.R. 3615. A bill to amend the act of August 3, 1968, relating to the protection and restoration of estuarine areas, to provide for the establishment of a national policy and comprehensive national program for the conservation, management, beneficial use, protection, and development of the land and water resources of the Nation's estuarine and coastal zone; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Pelly, Mr. McCloskey, Mr. Nedzi, Mr. Reuss, Mr. Saylor, Mr. Conte, and Mr. Moss):

H.R. 3616. A bill to amend the Endangered Species Conservation Act of 1969 to extend the provisions therein to rare species of fish and wildlife, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI:

H.R. 3617. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants; to the Committee on Post Office and Civil Service.

By Mr. ECKHARDT:

H.R. 3618. A bill to authorize the establishment of the Big Thicket National Park in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FISH:

H.R. 3619. A bill to establish the Van Buren Lindenwald Historic Site at Kinderhook, N.Y., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FISHER:

H.R. 3620. A bill to amend the Federal Corrupt Practices Act, 1925, and for other purposes; to the Committee on House Administration.

By Mr. FRASER:

H.R. 3621. A bill to amend the Social Security Act to provide that future increases in social security, railroad retirement, veterans', other Federal benefits shall be disregarded in determining an individual's eligibility or need for aid or assistance under any of the Federal-State public assistance programs; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 3622. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GAYDOS:

H.R. 3623. A bill to rescind the pay increases for Members of Congress and other Federal officials pursuant to Presidential recommendation to Congress in the budget for the 1970 fiscal year, to abolish the quadrennial Commission on Executive, Legislative, and Judicial Salaries, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.R. 3624. A bill to prohibit the use of draftees in undeclared wars without their consent; to the Committee on Armed Services.

H.R. 3625. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit certain provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

By Mrs. GRIFFITHS:

H.R. 3626. A bill to amend title 5, United States Code, to provide for equality of treatment with respect to married women Federal employees in connection with compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 3627. A bill to provide equality of treatment for married women employees of the Federal Government under the Foreign Service Act of 1946; to the Committee on Foreign Affairs.

H.R. 3628. A bill to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GUDE:

H.R. 3629. A bill to amend title II of the Social Security Act to provide a special rule for determining insured status, for purposes of entitlement to disability insurance benefits, of individuals whose disability is attributable directly or indirectly to meningioma or other brain tumor; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 3630. A bill to amend the Federal Water Pollution Control Act to establish health and welfare standards which must be met by all synthetic detergents and to ban from detergents all phosphates and those synthetics which fail to meet the standards by June 30, 1973; to the Committee on Public Works.

By Mr. HANSEN of Idaho (for himself and Mr. McClure):

H.R. 3631. A bill relating to the public lands of the United States; to the Committee on Interior and Insular Affairs.

By Mrs. HANSEN of Washington:

H.R. 3632. A bill to provide for the construction of a new Veterans' Administration hospital at Vancouver, Wash.; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON (for himself, Mr. Badillo, Mr. Bingham, Mr. Gude, Mr. McCloskey, and Mr. Riegle):

H.R. 3633. A bill to amend the Special Foreign Assistance Act of 1971 (Public Law 91–652); to the Committee on Foreign Affairs.

By Mr. LUJAN:

H.R. 3634. A bill to amend the Railroad Retirement Act of 1937 to provide that any employee not yet entitled to an annuity thereunder may obtain a refund (without interest) of the railroad retirement taxes which he has paid; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLOSKEY:

H.R. 3635. A bill to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. McFALL (for himself, Mr. Blatnik, Mr. O'Neill, Mr. Danielson, and Mr. Whitehurst):

H.R. 3636. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. MATSUNAGA:

H.R. 3637. A bill to amend title 10 of the United States Code so as to defer or exempt members of the Armed Forces from assignment to duty in a combat zone under certain conditions; to the Committee on Armed Services.

H.R. 3638. A bill to amend the Internal Revenue Code of 1954 to increase to $2,500 the aggregate amount of the two regular personal exemptions allowed a taxpayer, or a spouse, who has attained age 65; to the Committee on Ways and Means.

By Mr. MAYNE (for himself, Mr. Lloyd, Mr. Dennis, Mr. McCloskey, and Mr. Steiger of Arizona):

H.R. 3639. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MELCHER (for himself, and Mr. Roncalio):

H.R. 3640. A bill to amend title XVIII of the Social Security Act to permit, in certain instances, the State health agency of a State to waive certain requirements relating to health and safety which must be met by hospitals in such State in order for them to participate in the insurance program established by such title, and to amend title XIX of such act to eliminate the Life Safety Code of the National Fire Protection Association as the official standard for determining whether nursing homes meet health and safety standards; to the Committee on Ways and Means.

By Mr. MIKVA (for himself, Mr. Dow, Mr. Burton, Mr. Conyers, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Harrington, Mr. Helstoski, Mr. Kastenmeier, Mr. Koch, Mr. Rosenthal, and Mr. Ryan):

H.R. 3641. A bill to create an Office of Defense Review; to the Committee on Armed Services.

By Mr. MIZELL (for himself, Mr. Abernethy, Mr. Blackburn, Mr. Buchanan, Mr. Camp, Mr. Collins of Texas, Mr. Crane, Mr. Daniel of Virginia, Mr. Derwinski, Mr. Devine, Mr. Dickinson, Mr. Flowers, Mr. Landgrebe, Mr. Lennon, Mr. Lent, Mr. Minshall, Mr. Montgomery, Mr. Poage, Mr. Rhodes, Mr. Scott, Mr. Spence, Mr. Whitehurst, and Mr. Williams):

H.R. 3642. A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes; to the Committee on Education and Labor.

By Mr. MONAGAN:

H.R. 3643. A bill to amend section 2771 of title 10, United States Code, relating to final settlement of accounts of deceased members of the Armed Forces; to the Committee on Armed Services.

H.R. 3644. A bill to amend the act entitled "An Act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such department and establishments, or any bureau or office thereof," approved June 29, 1966, so as to include within its coverage the municipal government of the District of Columbia; to the Committee on Government Operations.

By Mr. MOSS (for himself and Mr. McCloskey):

H.R. 3645. A bill to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of New York:

H.R. 3646. A bill to incorporate the Junior Sea Knights of America, Inc.; to the Committee on Judiciary.

By Mr. O'HARA (for himself and Mr. Dingell):

H.R. 3647. A bill to amend the National Environmental Policy Act of 1969 to require Federal contractors, and persons contracting for federally supported activities, to observe practices which will preserve and enhance the environment and fisheries and wildlife resources and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PATMAN:

H.R. 3648. A bill to prohibit loans by the Small Business Administration to businesses deriving 50 percent or more of their revenues from the sale of alcoholic beverages; to the Committee on Banking and Currency.

H.R. 3649. A bill to amend the Communications Act of 1934 in order to prohibit the broadcasting of any advertising of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

H.R. 3650. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

H.R. 3651. A bill to amend title II of the Social Security Act to increase from 22 to 24 the age at which an individual otherwise qualified for child's insurance benefits on the basis of school attendance can no longer be entitled to such benefits; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. Addabbo, Mr. Anderson of California, Mr. Aspin, Mr. Biaggi, Mr. Brasco, Mr. Burke of Massachusetts, Mr. Carney, Mr. Carter, Mrs. Chisholm, Mr. Clark, Mr. Conyers, Mr. Dent, Mr. Donohue, Mr. Drinan, Mr. Dulski, Mr. Duncan, Mr. Edwards of California, Mr. Eilberg, Mr. William D. Ford, Mr. Forsythe, Mr. Fulton of Pennsylvania, Mr. Fulton of Tennessee, Mr. Gallagher, and Mrs. Grasso):

H.R. 3652. A bill to create a Department of Youth Affairs; to the Committee on Government Operations.

By Mr. PEPPER (for himself, Mr. Gray, Mr. Halpern, Mr. Hawkins, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Howard, Mr. Jacobs, Mr. Johnson of California, Mr. Kee, Mr. Kluczynski, Mr. Madden, Mr. Mazzoli, Mr. Mikva, Mrs. Mink, Mr. Morgan, Mr. Nix, Mr. Podell, Mr. Preyer, Mr.

North Carolina, Mr. Price of Illinois, Mr. Rosenthal, Mr. St Germain, Mr. Scheuer, Mr. Sikes, and Mr. Waldie):

H.R. 3653. A bill to create a Department of Youth Affairs; to the Committee on Government Operations.

By Mr. PEPPER (for himself and Mr. Charles H. Wilson):

H.R. 3654. A bill to create a Department of Youth Affairs; to the Committee on Government Operations.

By Mr. PEPPER (for himself, Mr. Staggers, Mr. Minish, Mr. Abourezk, Mrs. Abzug, Mr. Adams, Mr. Addabbo, Mr. Anderson of California, Mr. Aspin, Mr. Badillo, Mr. Baring, Mr. Bennett, Mr. Biaggi, Mr. Bingham, Mr. Brademas, Mr. Brasco, Mr. Buchanan, Mr. Carney, Mr. Casey of Texas, Mrs. Chisholm, Mr. Clark, Mr. Collier, Mr. Corman, Mr. Cotter, and Mr. Davis of Georgia):

H.R. 3655. A bill: Conquest of Cancer Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. Staggers, Mr. Minish, Mr. Dent, Mr. Dingell, Mr. Donohue, Mr. Drinan, Mr. Dulski, Mr. Duncan, Mr. Eckhardt, Mr. Edwards of Louisiana, Mr. Eilberg, Mr. Evins of Tennessee, Mr. Fisher, Mr. William D. Ford, Mr. Fulton of Pennsylvania, Mr. Gaydos, Mr. Gibbons, Mr. Gonzalez, Mrs. Grasso, Mrs. Griffiths, Mr. Gubser, Mr. Halpern, Mr. Hanna, and Mr. Harrington):

H.R. 3656. A bill: Conquest of Cancer Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. Staggers, Mr. Minish, Mr. Hathaway, Mr. Hechler of West Virgina, Mr. Helstoski, Mr. Henderson, Mr. Hicks of Washington, Mrs. Hicks of Massachusetts, Mr. Holifield, Mr. Howard, Mr. Ichord, Mr. Johnson of California, Mr. Jones of North Carolina, Mr. Kuykendall, Mr. Kyros, Mr. Link, Mr. McCloskey, Mr. McFall, Mr. Madden, Mr. Mathias of California, Mr. Mazzoli, Mr. Melcher, Mr. Metcalfe, Mr. Mikva):

H.R. 3657. A bill: Conquest of Cancer Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. Staggers, Mr. Minish, Mr. Miller of California, Mr. Mitchell, Mr. Morgan, Mr. Moss, Mr. Murphy of Illinois, Mr. Nedzi, Mr. Nichols, Mr. O'Neill, Mr. Pickle, Mr. Poage, Mr. Podell, Mr. Preyer of North Carolina, Mr. Pryor of Arkansas, Mr. Rees, Mr. Rhodes, Mr. Roe, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Roy, Mr. Roybal, Mr. Runnels, and Mr. Ryan):

H.R. 3658. A bill Conquest of Cancer Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. Staggers, Mr. Minish, Mr. Ryan, Mr. St Germain, Mr. Scheuer, Mr. Shoup, Mr. Sikes, Mr. Slack, Mr. James V. Stanton, Mr. Steele, Mr. Stratton, Mr. Tiernan, Mr. Ullman, Mr. Vanik, Mr. Vigorito, Mr. Waggonner, Mr. Waldie, Mr. Ware, Mr. Watts, Mr. Charles H. Wilson, Mr. Wolff, Mr. Wright, Mr. Yates, and Mr. Yatron):

H.R. 3659. A bill Conquest of Cancer Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. Staggers, Mr. Minish, Mr. Young of Florida, and Mr. Zablocki):

H.R. 3660. A bill Conquest of Cancer Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PIKE:

H.R. 3661. A bill to provide for the establishment of the Sagtikos Manor National Historic Site; to the Committee on Interior and Insular Affairs.

By Mr. ROGERS (for himself, Mr. Dingell, Mr. Pelly, Mr. McCloskey, Mr. Keith, Mr. Moss, and Mr. Conte):

H.R. 3662. A bill to amend the Fish and Wildlife Coordination Act in order to protect marine environment by regulating the dumping of wastes in the coastal and ocean waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. RONCALIO:

H.R. 3663. A bill to amend the Internal Revenue Code to encourage an increase in production of coal; to the Committee on Ways and Means.

By Mr. SNYDER:

H.R. 3664. A bill to assist the States in raising revenues by making more uniform the incidence and rate of tax imposed by States on the severance of minerals; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 3665. A bill to amend the Public Health Service Act to support research and training in diseases of the digestive tract, including the liver and pancreas, and diseases of nutrition, and aid the States in the development of community programs for the control of these diseases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 3666. A bill to regulate interstate commerce by strenthening and improving consumer protection under the Federal Food, Drug, and Cosmetic Act with respect to fish and fishery products, including provision for assistance to and cooperation with the States in the administration of their related programs and assistance by them in the carrying out of the Federal program, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3667. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3668. A bill to amend section 14 of the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

H.R. 3669. A bill to amend subsection (d) of section 2 of the War Claims Act of 1948, as amended, relating to the terms of office of the members of the Foreign Claims Settlement Commission of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. STEED:

H.R. 3670. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. SYMINGTON (for himself, Mr. Addabbo, Mr. Brasco, Mrs. Chisholm, Mr. Clark, Mr. Donohue, Mr. Halpern, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mr. Koch, Mr. Mikva, Mr. Rees, Mr. Rosenthal, and Mr. Vanik):

H.R. 3671. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas:

H.R. 3672. A bill to provide direct aid to States and territories for educational purposes only; to the Committee on Education and Labor.

H.R. 3673. A bill to amend section 138 of the Legislative Reorganization Act of 1946 so as to provide for the reduction of the public debt by at least 10 percent of the estimated overall Federal receipts for each fiscal year; to the Committee on Rules.

H.R. 3674. A bill to provide direct aid to States and territories for educational purposes only; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 3675. A bill to create one additional permanent district judgeship in Oregon; to the Committee on the Judiciary.

By Mr. WAMPLER:

H.R. 3676. A bill to amend title 38 of the United States Code so as to provide that payments of benefits pursuant to the Federal Coal Mine Health and Safety Act of 1969 and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veterans' and widow's pension; to the Committee on Veterans' Affairs.

By Mr. WHITE (for himself, and Mr. Runnels):

H.R. 3677. A bill to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable; to the Committee on Interior and Insular Affairs.

By Mr. BOB WILSON (for himself, Mr. Rhodes, Mr. Whitehurst, Mr. Morse, and Mr. Price of Texas):

H.R. 3678. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology, and for other purposes; to the Committee on Banking and Currency.

By Mr. BOB WILSON (for himself, Mr. Scott, Mr. Hosmer, Mr. Goldwater, Mr. Collier, Mr. McKinney, Mr. Eshleman, Mr. Ware, Mr. Fisher, Mr. Duncan, Mr. Hastings, Mr. Córdova, Mr. Corbett, Mr. Esch, Mr. Michel, Mr. Derwinski, Mr. Frelinghuysen, Mr. Ruth, Mr. Don H. Clausen, Mr. Hogan, Mr. Anderson of Illinois, Mr. Cleveland, Mr. McClory, Mr. Carter, and Mr. Mayne):

H.R. 3679. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology, and for other purposes; to the Committee on Banking and Currency.

By Mr. WYMAN (for himself and Mr. Horton):

H.R. 3680. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of limitations of such glassware; to the Committee on Interstate and Foreign Commerce.

By Mr. BRINKLEY:

H.R. 3681. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FRASER:

H.R. 3682. A bill to amend part B of title XVIII of the Social Security Act to include prescribed drugs among the items and services covered under the supplementary medical insurance program for the aged, and to amend such part and all the public assistance titles of such act to require that drugs provided under the programs involved must be prescribed and furnished on a nonproprietary or generic basis; to the Committee on Ways and Means.

By Mr. KARTH:

H.R. 3683. A bill to amend the Atomic Energy Act of 1954 to make it clear that, in its agreement with a State for the control of radiation hazards from nuclear byproduct materials or other nuclear materials, the Atomic Energy Commission shall permit such State to impose standards which are more restrictive than its own standards for the regulation of such materials; to the Joint Committee on Atomic Energy.

By Mr. KASTENMEIER:

H.R. 3684. A bill to amend the Internal Revenue Code of 1954 to provide that cigarette advertising is not a deductible business expense; to the Committee on Ways and Means.

By Mr. KING:

H..R 3685. A bill to establish the Vincent Thomas Lombardi National Cancer Authority in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 3686. A bill to provide for the abatement of air pollution by the control of emissions from motor vehicles; preconstruction certification of stationary sources; more stringent State standards covering vehicular emissions, fuel additives and aircraft fuels; emergency injunctive powers; and public disclosure of pollutants; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Burke of Massachusetts, Mr. Carey of New York, Mrs. Chisholm, Mr. Halpern, Mr. Mikva, Mr. O'Neill, Mr. Podell, Mr. Rangel, Mr. Rosenthal, Mr. Ryan, and Mr. Scheuer):

H.R. 3687. A bill to amend chapter 3 of title 3, United States Code, to provide for the protection of foreign diplomatic missions; to the Committee on Public Works.

By Mr. KOCH (for himself, Mrs. Chisholm, Mr. Harrington, Mr. Halpern, Mr. Podell, Mr. Rosenthal, and Mr. Scheuer):

H.R. 3688. A bill to amend the Internal Revenue Code of 1954 in relation to a credit for local income taxes; to the Committee on Ways and Means.

By Mr. LONG of Louisiana:

H.R. 3689. A bill to amend the Public Health Service Act to provide for the payment of a rehabilitation pension to certain persons released from Public Health Service hospitals after treatment for leprosy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3690. A bill to designate as the Dr. George S. Long Lock and Dam the lock and dam authorized to be constructed on the Red River between Natchitoches and Colfax, La.; to the Committee on Public Works.

By Mr. DEL CLAWSON:

H.J. Res. 272. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

H.J. Res. 273. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. de la GARZA:

H.J. Res. 274. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. DULSKI:

H.J. Res. 275. Joint resolution concerning the war powers of the Congress and the President; to the Committee on Foreign Affairs.

By Mrs. DWYER:

H.J. Res. 276. Joint resolution designating the 3d week in September of each year as "National Cystic Fibrosis Week"; to the Committee on the Judiciary.

By Mr. EILBERG:

H.J. Res. 277. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FORSYTHE (for himself, Mr. Thone, Mr. Helstoski, Mr. Duncan, Mr. Anderson of Illinois, Mrs. Hicks of Massachusetts, Mr. Sandman, Mr. Whitehurst, Mr. Howard, Mr. Biester, Mr. Halpern, Mr. Eilberg, Mr. Ware, Mr. Widnall, Mr. Rangel, and Mrs. Abzug):

H.J. Res. 278. Joint resolution authorizing the President to declare the last Saturday in April of each year as "National Collegiate Press Day"; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. Abourezk, Mr. Anderson of California, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Badillo, Mr. Baring, Mr. Begich, Mr. Bell, Mr. Boland, Mr. Brademas, Mr. Brown of Michigan, Mr. Buchanan, Mr. Burke of Massachusetts, Mr. Byrnes of Wisconsin, Mr. Carney, Mr. Cleveland, Mr. Collier, Mr. Corman, Mr. Coughlin, Mr. Davis of Georgia, Mr. Dellenback, Mr. Dellums, Mr. Dent, and Mr. Dingell):

H.J. Res. 279. Joint resolution; designation of 3d week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. Duncan, Mrs. Dwyer, Mr. Esch, Mr. Fish, Mr. William D. Ford, Mr. Forsythe, Mr. Fraser, Mr. Frelinghuysen, Mr. Frenzel, Mr. Halpern, Mr. Hamilton, Mr. Hanna, Mr. Hathaway, Mr. Hechler of West Virginia, Mr. Hogan, Mr. Hosmer, Mr. Johnson of California, Mr. Kastenmeier, Mr. Leggett, Mr. Mailliard, Mr. Matsunaga, Mr. Meeds, Mr. Mikva, Mr. Mitchell, and Mr. Morse):

H.J. Res. 280. Joint resolution; designation of 3d week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. Nichols, Mr. Obey, Mr. Pepper, Mr. Peyser, Mr. Pickle, Mr. Pike, Mr. Podell, Mr. Preyer of North Carolina, Mr. Rees, Mr. Reid of New York, Mr. Reuss, Mr. Riegle, Mr. Robison of New York, Mr. Rogers, Mr. Rostenkowski, Mr. Roybal, Mr. Ryan, Mr. Sarbanes, Mr. Scheuer, Mr. Schneebeli, Mr. Seiberling, Mr. Shriver, Mr. Steele, and Mr. Steiger of Wisconsin):

H.J. Res. 281. Joint resolution; designation of 3d week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. Teague of California, Mr. Thomson of Wisconsin, Mr. Tiernan, Mr. Whitehurst, Mr. Wolff, Mr. Yates, Mr. Yatron, Mr. Zwach, Mr. St Germain, Mr. Mann, Mr. Biester, Mr. Roncalio, Mrs. Mink, Mrs. Grasso, Mr. Eilberg, Mr. Cotter, Mr. Vander Jagt, Mr. Ashley, Mr. Gude, Mr. Pettis, Mr. Harrington, Mrs. Abzug, Mr. Vigorito, and Mr. Saylor):

H.J. Res. 282. Joint resolution; designation of third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. PATMAN:

H.J. Res. 283. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. RYAN:

H.J. Res. 284. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SCOTT:

H.J. Res. 285. Joint resolution proposing an amendment to the Constitution of the United States relating to the participation in nondenominational prayers in any building which is supported in whole or in part through the expenditure of public funds; to the Committee on the Judiciary.

H.J. Res. 286. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of judges of the Supreme Court and of inferior courts; to the Committee on the Judiciary.

By Mr. SCOTT (for himself and Mr. Ware):

H.J. Res. 287. Joint resolution proposing an amendment to the Constitution of the United States of American providing a 4-year term for Members of the House of Representatives; to the Committee on the Judiciary.

H.J. Res. 288. Joint resolution proposing an amendment to the Constitution of the United States of America providing a 4-year term for Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. SYNDER:

H.J. Res. 289. Joint resolution proposing an amendment to the Constitution of the United States to preserve and protect references to reliance upon God in governmental matters; to the Committee on the Judiciary.

By Mr. STAFFORD:

H.J. Res. 290. Joint resolution proposing an amendment to the Constitution of the United States regarding the election of the President and Vice President and the nomination of candidates for the Presidency; to the Committee on the Judiciary.

H.J. Res. 291. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.J. Res. 292. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.J. Res. 293. Joint resolution proposing an amendment to the Constitution of the United States to require the concurrence of not less than two-thirds of the Supreme Court for the purpose of deciding whether an act of Congress or an act of a State legislature is unconstitutional; to the Committee on the Judiciary.

H.J. Res. 294. Joint resolution proposing an amendment to the Constitution of the United States relating to the qualifications and tenure in office of Federal judges; to the Committee on the Judiciary.

By Mr. WAGGONNER:

H.J. Res. 295. Joint resolution proposing an amendment to the Constitution of the United States permitting Bible readings and the voluntary recitation of the Lord's Prayer and other nonsectarian prayers in public schools or other public places if participation therein is not compulsory; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.J. Res. 296. Joint resolution calling for a full scale congressional inquiry into U.S. war crimes and war crimes responsibility in Southeast Asia; to the Committee on Rules.

By Mr. PATMAN:

H.J. Res. 297. Joint resolution proposing an amendment to the Constitution of the United States to add the words "so help me God" to the Presidential oath of office; to the Committee on the Judiciary.

By Mr. McCULLOCH (for himself, Mr. McClory, and Mr. Hutchinson):

H.J. Res. 298. Joint resolution to amend title 28 of the United States Code to require the Chief Justice of the Supreme Court to provide Congress with certain information, and for other purposes; to the Committee on the Judiciary.

By Mr. BLANTON (for nimself, Mr. Byrnes of Wisconsin, Mr. Brasco, Mr. Evins of Tennessee, Mr. Haley, Mr. Murphy of Illinois, Mr. Matsunaga, Mr. Pickle, Mr. Satterfield, Mr. Vander Jagt, Mr. Wyman, Mr. Snyder, and Mr. Winn):

H. Con. Res. 122. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. DELANEY:

H. Con. Res. 123. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. EDMONDSON:

H. Con. Res. 124. Concurrent resolution declaring the sense of Congress on the use of a Great White Fleet and a Joint Task Force for Peace in support of American foreign policy; to the Committee on Armed Services.

H. Con. Res. 125. Concurrent resolution declaring the sense of Congress on the closing of Indian hospitals; to the Committee on Interior and Insular Affairs.

By Mr. HANSEN of Idaho:

H. Con. Res. 126. Concurrent resolution to provide for a project-by-project approval of Corps of Engineers projects; to the Committee on Public Works.

By Mr. KEMP:

H. Con. Res. 127. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam, the National Liberation Front, and the Pathet Lao; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland (for himself, Mr. Hagan, Mr. James V. Stanton, Mr. Byron, Mr. Fulton of Pennsylvania, Mr. Pickle, and Mr. Daniel of Virginia):

H. Con. Res. 128. Concurrent resolution expressing the sense of Congress with respect to the continued operation of Public Health Service facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. MAILLIARD (for himself, Mr. Morgan, Mr. Fascell, Mr. Gallagher, Mr. Monagan, Mr. Frelinghuysen, and Mr. Broomfield):

H. Con. Res. 129. Concurrent resolution for the control of international drug traffic; to the Committee on Foreign Affairs.

By Mr. MOSS:

H. Con. Res. 130. Concurrent resolution protesting the treatment of American servicemen held prisoner by the Government of North Vietnam; to the Committee on Foreign Affairs.

By Mr. PRICE of Texas:

H. Con. Res. 131. Concurrent resolution to express the position of Congress on the issue of humane treatment and early release of American POW's and for other purposes; to the Committee on Foreign Affairs.

By Mr. RYAN (for himself, Mr. Burton, Mr. Conyers, Mr. Dow, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Harrington, Mr. Helstoski, Mr. Kastenmeier, Mr. Koch, Mr. Mikva, and Mr. Rosenthal):

H. Con. Res. 132. Concurrent resolution expressing the sense of the Congress that all offensive actions by the United States in Southeast Asia be immediately halted and that total withdrawal of all U.S. Forces be completed by June 30, 1971; to the Committee on Foreign Affairs.

By Mr. RYAN (for himself, Mrs. Abzug, Mr. Badillo, Mrs. Chisholm, Mr. Clay, Mr. Dellums, Mr. Diggs, Mr. Hechler of West Virginia, Mr. Mitchell, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Scheuer, Mr. Seiberling, and Mr. Stokes):

H. Con. Res. 133. Concurrent resolution expressing the sense of the Congress that all offensive actions by the United States in Southeast Asia be immediately halted and that total withdrawal of all U.S. forces be completed by June 30, 1971; to the Committee on Foreign Affairs.

By Mr. YATRON (for himself, Mr. Mitchell, and Mr. Podell):

H. Con. Res. 134. Concurrent resolution expressing the sense of Congress that our NATO allies should contribute more to the cost of their own defense; to the Committee on Foreign Affairs.

By Mr. BIAGGI:

H. Res. 195. Resolution relative to Irish national self determination; to the Committee on Foreign Affairs.

By Mr. CABELL:

H. Res. 196. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. COLLINS of Illinois:

H. Res. 197. Resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

By Mr. COTTER:

H. Res. 198. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

By Mr. FULTON of Tennessee:

H. Res. 199. Resolution to provide funds for the expenses of the investigation authorized by House Resolution 155; to the Committee on House Administration.

By Mr. HALPERN:

H. Res. 200. Resolution to express the sense of the House of Representatives that the Government of the United States should maintain and protect its sovereign rights and jurisdiction over the Canal Zone and the Panama Canal; to the Committee on Foreign Affairs.

By Mr. HÉBERT:

H. Res. 201. Resolution authorizing the Committee on Armed Services to conduct a full and complete investigation and study of all matters relating to procurement by the Department of Defense, personnel of such Department, laws administered by such Department, use of funds by such Department, and scientific research in support of the armed services; to the Committee on Rules.

H. Res. 202. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Armed Services pursuant to House Resolution 201; to the Committee on House Administration.

By Mr. SATTERFIELD:

H. Res. 203. Resolution continued U.S. control of Panama Canal indispensable; to the Committee on Foreign Affairs.

By Mr. SNYDER:

H. Res. 204. Resolution to authorize the Committee on Government Operations to conduct an investigation and study with respect to competition of the Federal Government with private business; to the Committee on Rules.

By Mr. SYMINGTON (for himself, Mr. Abourezk, Mr. Anderson of California, Mr. Blackburn, Mr. Cleveland, Mr. Collier, Mr. Córdova, Mr. Daniel of Virginia, Mr. Derwinski, Mr. Dingell, Mr. Edwards of California, Mr. Halpern, Mrs. Hansen of Washington, Mr. Horton, Mr. Lujan, Mr. Mann, Mr. Matsunaga, Mr. Miller of California, Mr. Moorhead, Mr. Price of Illinois, Mr. Rees, Mr. Riegle, and Mr. Rosenthal):

H. Res. 205. Resolution expressing the sense of the House of Representatives with respect to an international compact regarding the safety of persons entitled to diplomatic immunity; to the Committee on Foreign Affairs.

By Mr. SYMINGTON (for himself, Mr. J. William Stanton, Mr. Shriver, Mr. Tiernan, Mr. Vigorito, Mr. Wolff, Mr. Wright, Mr. Yates, Mr. Hungate, Mr. McClory, Mr. Davis of Georgia, Mr. Whitehurst, Mr. Bingham, Mr. Railsback, Mr. Kyros, and Mr. Mayne):

H. Res. 206. Resolution expressing the sense of the House of Representatives with respect to an international compact regarding the safety of persons entitled to diplomatic immunity; to the Committee on Foreign Affairs.

By Mr. WAGGONNER:

H. Res. 207. Resolution to continue U.S. control of the Panama Canal; to the Committee on Foreign Affairs.

By Mr. WYMAN (for himself, Mr. Scott, Mr. Waggonner, Mr. Sikes, Mr. Steiger of Arizona, Mr. Eshleman, Mr. Archer, Mr. Duncan, Mr. Powell, Mr. Bevill, Mr. Winn, Mr. Bob Wilson, Mr. Baker, Mr. Don H. Clausen):

H. Res. 208. Resolution creating a special committee to conduct an investigation of certain activities of William Orville Douglas, Associate Justice of the U.S. Supreme Court, to determine whether impeachment proceedings are warranted; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 3691. A bill for the relief of Recto P. Luz; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 3692. A bill for the relief of Vincenzo Acierno; to the Committee on the Judiciary.

H.R. 3693. A bill for the relief of Diega Arnone; to the Committee on the Judiciary.

H.R. 3694. A bill for the relief of Gino Badolati; to the Committee on the Judiciary.

H.R. 3695. A bill for the relief of Guiseppe Birardi; to the Committee on the Judiciary.

H.R. 3696. A bill for the relief of Francesco Davi; to the Committee on the Judiciary.

H.R. 3697. A bill for the relief of Aniello DeSimone; to the Committee on the Judiciary.

H.R. 3698. A bill for the relief of Louisa DiLeonardo; to the Committee on the Judiciary.

H.R. 3699. A bill for the relief of Elizabeth DiPalo; to the Committee on the Judiciary.

H.R. 3700. A bill for the relief of Tse Chi Fong, also known as Chez Chu Fong; to the Committee on the Judiciary.

H.R. 3701. A bill for the relief of Saverio and Letizia Genna and minor child, Pietro Genna; to the Committee on the Judiciary.

H.R. 3702. A bill for the relief of Ruel Longmore; to the Committee on the Judiciary.

H.R. 3703. A bill for the relief of Aniello Napolitano; to the Committee on the Judiciary.

H.R. 3704. A bill for the relief of Antoinetta Pacchiano; to the Committee on the Judiciary.

H.R. 3705. A bill for the relief of Thomas Henry Smith; to the Committee on the Judiciary.

H.R. 3706. A bill for the relief of Marino and Antonia Stanco; to the Committee on the Judiciary.

H.R. 3707. A bill for the relief of Rocco Stanco; to the Committee on the Judiciary.

H.R. 3708. A bill for the relief of Maria Terracciano; to the Committee on the Judiciary.

H.R. 3709. A bill for the relief of Franciose Toussaint; to the Committee on the Judiciary.

H.R. 3710. A bill for the relief of Anthony Albert and Cirilla Zelaya Williams; to the Committee on the Judiciary.

H.R. 3711. A bill for the relief of Myrtle P. Williams; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H.R. 3712. A bill for the relief of Catalino Boragay Flores, his wife, Teresita, and children, Leesito and Thelee; to the Committee on the Judiciary.

H.R. 3713. A bill for the relief of Mrs.

Anna Maria Baldini Dela Rosa; to the Committee on the Judiciary.

H.R. 3714. A bill for the relief of Raymunda Ann Miguel; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 3715. A bill for the relief of certain Armed Forces personnel and U.S. civilian employees; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 3716. A bill for the relief of Pietro Ancona; to the Committee on the Judiciary.

H.R. 3717. A bill for the relief of Salvatore Caruso; to the Committee on the Judiciary.

H.R. 3718. A bill for the relief of Filippo Cerrito; to the Committee on the Judiciary.

H.R. 3719. A bill for the relief of Leonardo DiMaria; to the Committee on the Judiciary.

H.R. 3720. A bill for the relief of Francesco Di Stefano; to the Committee on the Judiciary.

H.R. 3721. A bill for the relief of Francesco Fiordilino; to the Committee on the Judiciary.

H.R. 3722. A bill for the relief of Antonio Grillo; to the Committee on the Judiciary.

H.R. 3723. A bill for the relief of Salvatore Lamendola; to the Committee on the Judiciary.

H.R. 3724. A bill for the relief of Giacomo Mangano; to the Committee on the Judiciary.

H.R. 3725. A bill for the relief of Michele Montalbano; to the Committee on the Judiciary.

H.R. 3726. A bill for the relief of Domenico Musso; to the Committee on the Judiciary.

H.R. 3727. A bill for the relief of Pietro Pepe; to the Committee on the Judiciary.

H.R. 3728. A bill for the relief of Joseph Pirrone; to the Committee on the Judiciary.

H.R. 3729. A bill for the relief of Carlo Randazzo; to the Committee on the Judiciary.

H.R. 3730. A bill for the relief of Ignacio Sutera; to the Committee on the Judiciary.

H.R. 3731. A bill for the relief of Giuseppe, Calogera, and Giovanna Turco; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 3732. A bill for the relief of William L. Wilde; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 3733. A bill for the relief of Salvadore Biasi and family; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 3734. A bill to confer jurisdiction on the U.S. Court of Claims to reopen and continue case numbered 66–55; to the Committee on the Judiciary.

By Mr. COTTER:

H.R. 3735. A bill for the relief of Antonio Capasso; to the Committee on the Judiciary.

By Mr. DEL CLAWSON:

H.R. 3736. A bill for the relief of Emmett A. And Agnes J. Rathbun; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 3737. A bill for the relief of Mrs. Jeoung Sook Choe; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 3738. A bill for the relief of Querube Arias; to the Committee on the Judiciary.

H.R. 3739. A bill for the relief of Evena Campbell; to the Committee on the Judiciary.

H.R. 3740. A bill for the relief of Clarence Cisin; to the Committee on the Judiciary.

H.R. 3741. A bill for the relief of Alfredo Giuliani; to the Committee on the Judiciary.

H.R. 3742. A bill for the relief of Ruben N. Vitullo; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 3743. A bill for the relief of Filippo Carcione; to the Committee on the Judiciary.

H.R. 3744. A bill for the relief of Timothy Wilson; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 3745. A bill for the relief of Sister Anna Maria (Deanna Tirelli) and Sister Mary Daniella (Guiseppa Fantucci); to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 3746. A bill for the relief of Jose Jesus Villalobos; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 3747. A bill for the relief of Teresa Silver-Cossio; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H.R. 3748. A bill for the relief of Sgt. John E. Bourgeois; to the Committee on the Judiciary.

H.R. 3749. A bill for the relief of Richard C. Walker; to the Committee on the Judiciary.

H.R. 3750. A bill for the relief of Jerry L. Weaver; to the Committee on the Judiciary.

By Mr. McCULLOCH:

H.R. 3751. A bill for the relief of Albert W. Reiser, Jr.; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 3752. A bill for the relief of Dr. Erdogan Y. Baysal; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 3753. A bill for the relief of Sgt. Ernie D. Bethea, U.S. Marine Corps (retired); to the Committee on the Judiciary.

H.R. 3754. A bill for the relief of Fabio Costantino; to the Committee on the Judiciary.

H.R. 3755. A bill for the relief of Angelo Luongo; to the Committee on the Judiciary.

H.R. 3756. A bill for the relief of James Tien-Husiung Tso; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 3757. A bill for the relief of Mrs. Toyo Shota Ikeuchi and Mrs. Katherine Keiko Aoki Kaneshiro; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 3758. A bill for the relief of Jiann Huang and Mrs. Irene Fu-Uen Huang; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 3759. A bill for the relief of Croce Amato; to the Committee on the Judiciary.

H.R. 3760. A bill for the relief of Gaetano Battiniello; to the Committee on the Judiciary.

H.R. 3761. A bill for the relief of Giacomo Di Maio and his wife, Maria Di Maio; to the Committee on the Judiciary.

H.R. 3762. A bill for the relief of Guiseppe Gumina; to the Committee on the Judiciary.

H.R. 3763. A bill for the relief of Konstantinos Manitatakos; to the Committee on the Judiciary.

H.R. 3764. A bill for the relief of Hazeline Editha Maughn; to the Committee on the Judiciary.

H.R. 3765. A bill for the relief of Francesco Micale; to the Committee on the Judiciary.

H.R. 3766. A bill for the relief of Chin Wing Teung; to the Committee on the Judiciary.

By Mr. PEYSER:

H.R. 3767. A bill for the relief of Miss Zenaida Carreon Alcasid; to the Committee on the Judiciary.

H.R. 3768. A bill for the relief of Giovanni Bizzarro; to the Committee on the Judiciary.

H.R. 3769. A bill for the relief of Rocco Croce; to the Committee on the Judiciary.

H.R. 3770. A bill for the relief of Antonio DiCampli; to the Committee on the Judiciary.

H.R. 3771. A bill for the relief of Francesco Frasca; to the Committee on the Judiciary.

H.R. 3772. A bill for the relief of Angela Ielo Gangemi; to the Committee on the Judiciary.

H.R. 3773. A bill for the relief of Lida Gharajeloo; to the Committee on the Judiciary.

H.R. 3774. A bill for the relief of Florence Amanda Green; to the Committee on the Judiciary.

H.R. 3775. A bill for the relief of Miss Florence Logan; to the Committee on the Judiciary.

H.R. 3776. A bill for the relief of Giuseppe Martinetti; to the Committee on the Judiciary.

H.R. 3777. A bill for the relief of Giovanni Menegazzo; to the Committee on the Judiciary.

H.R. 3778. A bill for the relief of Walter Pedro Narbaiz and his wife, Nelda DiCamelo Narbaiz; to the Committee on the Judiciary.

H.R. 3779. A bill for the relief of Angelo Noto and his wife, Maria Pluchino Noto; to the Committee on the Judiciary.

H.R. 3780. A bill for the relief of Luigi Praino and his wife, Sara Lillian Praino; to the Committee on the Judiciary.

H.R. 3781. A bill for the relief of Giuseppe Praino; to the Committee on the Judiciary.

H.R. 3782. A bill for the relief of Imeon Magdalene Soberanis; to the Committee on the Judiciary.

H.R. 3783. A bill for the relief of Aurora Sulpizi; to the Committee on the Judiciary.

H.R. 3784. A bill for the relief of Waimir Turolla; to the Committee on the Judiciary.

H.R. 3785. A bill for the relief of Enrica Undelac; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 3786. A bill to provide for the free entry of a four-octave carillon for the use of Marquette University, Milwaukee, Wis.; to the Committee on Ways and Means.

By Mr. ROBISON of New York:

H.R. 3787. A bill to fix date of citizenship of Alfred Lorman for purposes of War Claims Act of 1948; to the Committee on the Judiciary.

H.R. 3788. A bill for the relief of Kim Ai Ni; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 3789. A bill for the relief of Miss Maria Didio; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 3790. A bill for the relief of Georgina Infantino, and son, Giovanni Infantino; to the Committee on the Judiciary.

H.R. 3791. A bill for the relief of Giovanni Rampulla; to the Committee on the Judiciary.

By Mr. SATTERFIELD:

H.R. 3792. A bill for the relief of H. Dixon Smith; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 3793. A bill for the relief of Ruth T. Burkhalter; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 3794. A bill for the relief of Raymond D. James; to the Committee on the Judiciary.

By Mr. SYMINGTON:

H.R. 3795. A bill for the relief of Patrick J. Gilligan; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 3796. A bill for the relief of Pasquale Di Meglio; to the Committee on the Judiciary.

H.R. 3797. A bill for the relief of Giuseppe Ferraro; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

19. The SPEAKER presented a petition of Roland L. Morgan, Los Angeles, Calif., et al., relative to U.S. military involvement in the Middle East; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

RICHARD BREVARD RUSSELL: GREATEST OF THEM ALL

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. MATHIS of Georgia. Mr. Speaker, the death of Senator Richard Brevard Russell has brought forth tributes from Americans of all walks of life and all sections of the country.

It is well worthwhile for those who knew the Senator best to share their thoughts and impressions of this great American so that his memory will be preserved for generations yet unborn.

My good friend and constituent, Albert Riley of Thomasville, Ga., has combined his journalistic skill with his intimate recollections into a most impressive article about the late Senator. As a Washington correspondent for 10 years and as a lifelong Georgian, he followed Senator Russell's career closely.

I am pleased to share with my colleagues and all those who read the RECORD the following article which appeared in the January 22, 1971, edition of the Thomasville Times-Enterprise:

RUSSELL: SENATE HERO FROM SOUTH

(By Albert Riley)

"Richard Brevard Russell, Democrat, of Winder, Ga."

Although millions of words have been written about him, that short one line, stating his name, party affiliation and home town, is the only biography Sen. Russell would ever permit to be published in the "Congressional Directory."

Yet, this great man has to go down in history as the outstanding Senator and one of the greatest of the great leaders of our time.

It was my good fortune to spend ten exciting years in Washington, from 1956 to 1966, and to be in a position to observe at close hand the Senate leadership of Dick Russell and to know the esteem in which he was held by his colleagues and by the press.

Although he was later to assume even more power as Chairman of the Senate Appropriations Committee and the prestige of becoming the dean and President pro-tem of the Senate, by 1956 he already had achieved an unparalleled position of leadership, influence and respect.

This I know, first hand. No U.S. Senator of our time has ever been more highly respected, admired and even revered by his colleagues of the Senate and the members of the Senate press gallery than Richard Brevard Russell.

Integrity, I think, was perhaps the key word for the esteem in which he was held. As well as ability, wisdom, parliamentary skill and his unfailing courtesy.

Many so-called "liberal" Senators, like Paul Douglas of Illinois, Joe Clark of Pennsylvania, and Jacob Javits of New York, tangled often and sharply with Sen. Russell and fought him tooth and claw in bitter debates over civil rights legislation.

But he never lost their respect and seemed to command from them also a grudging admiration and even affection.

To my knowledge, he never had a personal enemy in the Senate, or anywhere else. And I never heard a newspaperman in Washington ever make a derogatory remark about Russell of Georgia.

Indeed, if Dick Russell had been from some other section of the nation outside the South, he might well have become President of the United States. Certainly, in the opinion of some of our country's top leaders, no man of our time has been better qualified to be President than Dick Russell, except for the accident of his birth having been below the Mason and Dixon Line.

Former President Lyndon Johnson, who was Russell's protege in the Senate and rose to Majority Leader of the Senate because of Russell's influence, recognized the Georgian's abilities and qualities of leadership perhaps as much as any other man.

When Johnson was Vice-President he often remarked to intimates that Russell would be the first choice for President if a majority of his colleagues were asked to name the man best equipped for the job.

Harry Truman wrote: "I believe that if Russell had been from Indiana or Missouri or Kentucky he may very well have been President."

Even Sen. Joseph Clark, the Pennsylvania "liberal" Democrat who fought Russell so bitterly on civil rights, was quoted in 1963 by "Newsweek" magazine as saying that "if Russell hadn't come from Georgia he would have had a better chance to be President than Harry Truman or John F. Kennedy. He's a political animal in the best sense of the word and a first class gentleman."

Russell was not ashamed of his birth as a Georgian but proud of it. The mantle of leadership of the Southern bloc in the Senate was thrust upon him as he became their commander in a seemingly never ending series of rear guard skirmishes with northern "liberals" over civil rights legislation that Russell genuinely believed to be wrong. It was, however, an unpopular stand nationally and a lost cause.

But Russell remained always not just a Southern hero in the Senate but a Senate hero who happened to be from the South.

In 1957, Time magazine in a cover story on Russell had this to say about the Georgian:

"With incomparable style he translates his Southern virtues and personal virtues—courage, courtesy, consistency, consideration for others, hard work and good faith, sense of history—into the equipment needed to belong to, even to dominate the Senate's influential 'Inner Club.'"

William S. White, the nationally syndicated columnist, onetime New York Timesman, author and longtime Senate observer, called Russell "the truest Senate type and most influential man on the inner life of the Senate."

As Chairman of the Senate Armed Services Committee, Russell had much to say about the defenses of this country and its foreign policy, long before he succeeded to the most powerful post of all, that of Appropriations Committee Chairman.

In both of those capabilities, Sen. Russell never forgot his home state of Georgia, nor even Thomasville in making his people the beneficiaries of his knowledge and power and influence.

But, many thousands of words are being written today about Russell of Georgia and are being moved over the wires of the Associated Press, UPI, the national TV and radio networks and other news media from their Washington bureaus.

Therefore, I will not here attempt to write Senator Russell's obituary. It would in many respects be repetitious of what the wires are carrying into this newspaper office and thousands of others all across this land.

But since I had the high honor and the rare privilege of personally knowing this great man for many years and seeing him and talking to him more often than most people ever had the opportunity, I will attempt to set forth here some personal reminiscencies.

* * * * *

The first time I ever met Dick Russell was when he was running for Governor of Georgia in 1930 and came hand-shaking through Thomasville. My daddy and I were working for Neel Brothers and running their hardware and building supply store.

This wiry, energetic, soft-spoken young man came through the back door, stuck out his hand, smiled and said, "I'm Dick Russell. I'm running for governor and I'd appreciate your vote."

Since at that time I was not quite old enough to vote, this flattered me a great deal. He was the first man to ever ask me to vote for him and it made an indelible impression on my young mind and my memory.

Years later as a political writer on The Atlanta Constitution, I was assigned to cover the Senator on a number of his trips back to Georgia. At that time he was the junior Senator from Georgia, junior to the late, great and also highly respected Walter F. George.

But even then Russell was growing in stature and had become Chairman of the Armed Services Committee. I surprised him once at his home in Winder when he had just come back home from a trip to Russia and didn't think any newspapermen knew about his arrival.

Although he was somewhat disconcerted when I showed up at his home for an interview, Sen. Russell was, as always, courteous and considerate. And I got a good story out of it. He warned then, not too many years after World War II, that Soviet Russia would be our biggest threat for many years to come.

We, of course, had developed the A-bomb and were working on the H-bomb, but Sen. Russell warned that if the Russians ever achieved superiority or even parity with us in the development of the bomb, that we would be in trouble.

When he decided to make a run for the Democratic Presidential nomination in 1952, I was there that night at the Biltmore Hotel in Atlanta when he launched his campaign with a nation-wide radio (and TV in its infancy) broadcast.

It was a great occasion for Sen. Russell, but I couldn't help feeling sorry for him when the man who was to introduce him took up so much time that the Senator had to throw out page after page of his prepared text in order to finish his speech before the network time was up.

He didn't win the nomination, of course, because he was a Southerner, but his showing at the Democratic national convention was respectable, to say the least.

Once after that, my paper sent me again from Atlanta over to Winder to write a feature story on the annual Russell family reunion. Once again, I was not expected, but once again the Senator and the entire Russell clan were unfailingly courteous and hospitable.

They invited me and my wife to join the family in an outdoor barbecue, although we were the only outsiders, and so insistent were they that we accepted and spent a wonderful day. I remember sitting on the wide front porch or veranda, talking with his mother, Mrs. Ina Dillard Russell about her famous son. And I remember how all the members of this large family loved and revered their most illustrious member.

But I saw Sen. Russell most after I went to Washington as a newspaperman. He didn't grant many newspaper interviews or hold many press conferences. But because I was a newspaperman from Georgia, a longtime friend and a man I think he believed he could trust, I got in to see him perhaps more often than any other reporter on Capitol Hill.

They were always cordial, pleasant meetings, and I used to love to sit and listen to the Senator talk, so long as he felt he could spare the time from his enormous Senate duties. He had a dry sense of humor, and I was always amazed by his command of the English language. He not only was a well educated man but an avid reader, a fact attested to by the great number of books lining the walls of his huge Senate office.

Sometimes he would talk to me "off the record," knowing that I would not violate his confidence and publish what he was saying. On other occasions, we seemed to have an unspoken understanding. He knew that I sensed just what was "on the record" and "off the record," without his specifically saying so, and he knew I would not embarrass him.

On occasions at the end of a day we would share a cab from the Senate Office Building downtown or to our respective apartments in northwest Washington.

In the Senate chamber itself, Russell sat on the aisle just behind then majority leader Lyndon Johnson, and later Mike Mansfield. And many times Johnson would lean back and confer with his old friend and mentor, Dick Russell, and get advice.

Although they remained close personal friends always, I somehow had the idea that Sen. Russell was hurt and disappointed at Johnson for bowing to political expediency and pushing civil rights legislation much further than Russell thought was necessary. Senator Russell never said this, but I always had the feeling he was a little sad about the course his protege had taken on that divisive issue.

Probably no man in the history of the Senate ever knew the rules of the Senate and parliamentary tactics as well as Dick Russell. He had no peer in this respect, and it was universally recognized.

Whenever he was to take the floor to speak, the press gallery inside the chamber always filled up with newsmen. No man could be more righteously indignant than Dick Russell whenever he felt the rules of the Senate, the provisions of the Constitution and the people of his Southland were about to be trampled upon.

"Why, Mr. President, I never heard of such a thing in my life," he would say with withering scorn. "I have never known such an attempt to violate one of the basic rules of the Senate nor the Constitution of the United States nor the rights and liberties of a free people from my section of the country, or any other section, be they white or black. This is an unprecedented attack on all the things we hold sacred!", he would add with an air of utter incomprehension and wounded dignity.

Vivid in my memory is one occasion during the civil rights debate of 1957 when then Vice President Richard Nixon was presiding over the Senate and was about to make a parliamentary ruling that Russell obviously believed was wrong and contrary to all of the rules of the Senate. Russell challenged the ruling.

I can't remember the details now, but the exchange between the Vice President and the righteously indignant Russell was something to see and hear. Nixon seemed quite disconcerted, had to consult the parliamentarian and seemed to realize that he was wrong.

President Eisenhower was in the White House then, and he had sent the civil rights bill up to Congress. But Russell spotted a key provision of the bill which he regarded as unconstitutional force legislation aimed at undercutting the whole principle of states' rights. Eisenhower was a general, not a lawyer, and he didn't realize these fine points of the law and legislation. The upshot was that Russell made such an effective attack on this particular session of the bill that Ike called him to the White House for a private conference.

Russell explained the provision of the bill to the President with the result that Ike backed down and that particular section of the bill was deleted. It was for the time being a rear guard skirmish victory for Russell and his Southern forces.

I was waiting outside the White House, with others newsmen, for the Senator to emerge. He gave me and Frank van der Linden of the Nashville Banner a ride back up to Capitol Hill, with the Senator driving his old, unpretentious looking sedan. He had a grim smile of satisfaction on his face, but he was not gloating.

Sen. Russell's relationships with Presidents Truman, Eisenhower, Kennedy, Johnson and Nixon were always good, and they all respected and admired him, as did Franklin Roosevelt before them.

He never said so publicly, but I always suspected that Sen. Russell was disappointed when then President-elect John F. Kennedy appointed his brother, Bobby, to be attorney general. The senator, I think, thought he had a commitment from Jack Kennedy not to appoint Bobby to that particular post. But I think he blamed their daddy, Joseph P. Kennedy, for forcing the appointment upon Jack.

Sen. Russell in his long career did much for Georgia and for the nation and the whole free world. And he did much for Thomasville. A great man is gone and Georgia, the nation—and Thomasville—are the poorer for this tragic loss.

As a newspaperman I covered some of the most famous and important figures of our time—Presidents Truman, Eisenhower, Kennedy and Johnson, Vice-Presidents Barkley, Nixon, Johnson and Humphrey, when he was a Senator.

I have covered or closely observed such giants of history as Konrad Adenhauer of Germany and Charles de Gaulle of France; Senate giants like Robert A. Taft and Walter George and Everett McKinley Dirksen. Visiting heads of state, like Queen Elizabeth of England; kings and potentates from all over the world. Congressional giants like Sam Rayburn of Texas.

But of all the men I have known or whose activities I have covered, Richard Brevard Russell, my friend, was the greatest of them all!

WORDS OF WISDOM FROM LEADER

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. SHRIVER. Mr. Speaker, I include the following excellent editorial from the Peabody Gazette-Herald of Peabody, Kans., which represents a candid and realistic appraisal of President Nixon's state of the Union message. The editorial follows:

[From the Peabody Gazette-Herald, Peabody, Kans.]

WORDS OF WISDOM FROM LEADER

President Nixon's "State of the Union" speech last week may be the most important public utterance by a national leader in many years—not for the accomplishments it will encourage, but for the recognition by the president of some important truths about our nation and our government.

The president put his fingers on a few of the most serious situations that bedevil the land. Moving ahead to solve the problems is something else.

In admitting that a large segment of Americans are not happy with their government, Nixon made the understatement of the decade. What he could hardly point out was that the government is in sorry repute with the public because the majority of Americans have been insisting that government undertake projects and crusades in which it has no business and in which failure is the only possible end.

One of the areas of looming failure is the national welfare program. Welfare—charity—is probably actually not a proper function of government in a free society. Thomas Jefferson, whose name is taken in vain by the Democratic party, said wisely that those the least governed are the best governed. The original American ideal was opportunity—to succeed or to fail—with the least possible interference from government. Today we are licensed, numbered, pushed about, controlled, robbed of our earnings and worse to satisfy a humanistic ideal that may well cannibalize the nations resources.

The president apparently realized this as a serious area, since he is making strong recommendations for change in the tragedy that is welfare. The most publicized change is the establishment of a "guaranteed annual income"—but more important to the future of the entire nation were his recommendations to make welfare respectable by insisting on work requirement for those who are able.

Heaven and the President knows that there is plenty to do in this land—and there are jobs which are no longer economically feasible due to minimum wages and inflation, which could be done with respect by those unable to find other employment. They would benefit in self-respect and the community and nation could benefit as well, and would be able to look at welfare costs with a bit less rancor.

The president's suggestions about reorganizing the federal government may or may not be the proper moves—but they are something. The federal bureaucracy is another of our nation scandals that needs desperately to be corrected.

One wonders, however, whether an increasingly inept congress can or will make any move to follow what could indeed be the beginning of a "New American Revolution."

THE SOCIAL PROBLEMS OF OUR DAY

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 4, 1971

Mr. SCOTT. Mr. President, recently, I had the opportunity of reading the text of an address presented at the National Conference on the Arts and the Human Environment at the Pennsylvania State University at State College, Pa.

Michael Straight, deputy chairman of the National Endowment for the Arts here in Washington made the address. It clearly defined some of the social problems in our society and at the same time offered some solutions to build a more vibrant society.

Mr. President, I ask unanimous consent to have this address printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM ADDRESS BY MICHAEL STRAIGHT

The arts today stand at the margin of society. We seek to help them, as they work their way back. Since imagination is limited, we can, it seems to me, look for models in past centuries, when, because art was central, the arts and society flourished.

One such model, for me, would be Siena, as it was six hundred years ago.

In 1308, the Chapter of the Siena Cathedral, commissioned Duccio to paint the Madonna in Maesta. The contract, a model provided the painter with all that he required, so that, as it stated, he had "only to supply his presence and the labor of his hands."

Three years later, the panels were completed. A contemporary document describes the day of celebration that was proclaimed.

"On the day, June 9, 1311, when the *Maesta* was brought to the Duomo, all shops were closed, and the Bishop ordained that there should be a great procession in which a goodly number of priests and holy brothers were to join, accompanied by the Nine, the notables of the Commune, and the people of Siena. And, sure enough, all the townsfolk flocked together to the *Maesta,* and, lining up, marched in good order around the Campo, as the custom is. The bells rang out a festal peal to welcome this more notable altarpiece, made by Duccio de Niccolo, painter, plying his trade in the house of the Muciatti . . ."

No one of course will suggest that we revert to the fourteenth century. But, there are elements in the model which serve as useful samples of the city of the future in which we might choose to live.

First, in Siena, at Duccios time, art, architecture and urban design are unified in a single concept of what a city can and should be.

Second, in the city of his creation, the artist is an accepted part of the social fabric. He is not an eccentric, kept by the state, or quarantined by society. In terms that would apply equally to a butcher, a tailor, a mason, he is identified as "Duccio, painter, plying his trade.'

Third, in the days of the Commune, the city is a true community; one in which the Nine and the notables, the priests and the poor, march together in the procession. And, lastly, the event which brings them together is the commemoration of a work of art.

Today, in contrast, our cities are formless; our artists are fragmented; our sense of community is eroded; art itself is no longer the means of conveying great truths to the great majority. If these are losses, where did we go wrong?

The idea of society as an organic unity had, of course lost its force by the time our nation was founded. The role of the arts had diminished. But if, in Puritan New England, theatre and dance were held to be wicked, style was honored, taste was emphasized; beauty and craftsmanship were valued in all small things. The quintessential New Englander, John Adams, in his letter to his wife, set forth the ultimate objectives of the revolution in cultural terms.

The conscious will which formed the United States was formed in towns which were, in every sense, communities. The belief that these towns should be harmonious in form, should themselves be works of art, was as Carl Feiss has noted, very much a part of the American tradition when this nation was founded. The French and Spanish settlers in Louisiana and Florida brought with them the convictions that had helped to shape Siena. In Savannah, General Oglethorpe established the Trustees Gardens as part of the planned settlements laid out in 1784. Virginia and Maryland selected seventy-seven sites for their prospective towns under their New Towne Acts, towns which, in turn were to be built in accordance with well prepared designs. William Penn laid out, not only the city of Philadelphia, but the roads, the villages and settlements that were to surround it. New England towns were developed in obedience to a unifying style; so were the frontier settlements which New Englanders founded.

The 19th Century, in contrast, saw the forced separation of commerce and art. The man of the enlightenment, deriving pleasure from beauty in all its forms, gives way to the entrepreneur, shorn of aesthetic concerns. The artist moves to the margin of society, painting the beautiful portrait, designing the beautiful building, but playing little or no part in shaping the emerging patterns of city life. The planned harmonious community that characterizes the new nation divides into two sterile extremes; the utopian community, made up of the exiles of the interior; and, the company town, the grim, impoverished expression of the new industrial slavery. In the hundred years that follow the Civil War, the nation is shaped by unplanned agglomeration, in what Feiss justly describes as "the continuing era of nondesign."

In this continuing era, the design which we follow dictates only that we must make both ends meet. There is no space for social cost in the equations of private enterprise, and, since the sense of community is lacking, little assertion of the general interest. In our schools, generation after generation of Americans enter the first grade and emerge from our universities without once being called upon to make an aesthetic judgment. For aesthetic appreciation is no part of the consensus as to what constitutes preparation for American life.

Faced with this rejection our artists in turn have tended to reject our society. We have bred a long line of distinguished exiles, from Henry James to James Baldwin. We have bred another line of rebels from Theodore Dreiser and William DuBois to LeRoi Jones and the artists of the New Left. Far more important, we have bred generations of poets, painters and musicians whose rejection of society is reflected not so much in content as in style. They have rejected the possibilities of communication in a nation in which art is equated with entertainment, and the entertainment of the majority is held in contempt.

The era of "nondesign" of alienation, has of course, produced enduring masterworks by a few great artists. They stand as isolated monuments in an age whose underlying premises have little to offer for the future. Those premises are summarized by T. S. Eliot in his *Notes Towards the Definition of Culture*. He argues that education cannot be a means of transmitting culture, and that the majority is incapable of appreciating or sustaining high standards of art. He concludes that culture cannot survive in an egalitarian society, and, since culture is necessary, that society itself is doomed to fail. He calls for a "healthily stratified society" in which the privileged classes guard the culture and govern the country, and the lower classes do not interfere. He concludes with a word to those of us who hold a simple, sentimental faith in equalitarianism. If the reader, Eliot writes, "finds it shocking that culture and equalitarianism should conflict, . . . I do not ask him to change his faith. I merely ask him to stop paying lip service to culture."

Eliot's essay is surely one of the most preposterous statements written in the mid-Twentieth Century by an intelligent man. And yet its underlying viewpoint—that the arts are the province of a small minority and cannot be extended to the majority—this viewpoint endures. It is held by the editors of small arts journals who swathe the simplest of opinions in the most obscure phrases.

It is shared by the editors of great newspapers who report all cultural events on the society page. It dominates the attitudes of some board members of our performing arts organizations; it dominates equally the attitudes of many union officials who control employment practices. It is held by black separatists who draw color lines across our common heritage; and by blue collar workers who take it for granted that live arts are not for them. It is held, worst of all, by the artists themselves. It stands as a barrier to those who believe that the arts have a potentially urgent role to play in transforming our total environment. And, the barrier must come down.

In place of this barren belief in a declining elite, we can, I hope, work from the central concept of a democratic culture.

It implies that, when we speak of a new sensibility in man, we mean in all men.

There are, I think, three reasons why we have no choice:

First, we are committed to an economy of mass production and mass consumption. In this economy, the mass consumer is the arbiter of style. Save perhaps in fashion, there is no substantial area in which style is set by the acquired or inherited sensibilities of an elite. Within limits, through advertising, manufacturers may mold the tastes of the public, and also its desires. But, in a competitive economy, the limits are sharply defined. The sensibility of the majority, trained or untrained, governs in the market place.

Second, we are wholly committed in politics, to government by the people. And this is decisive at a time when substantial government support is vital to the survival of museums, of symphony orchestras, of opera companies and dance companies, of resident repertory theatres, of the small, independent institutions in which our musicians, our actors, our artists are trained. I cannot conceive of a proposition more sterile, more self-defeating, than one which asserts that the taxpayers must support the arts although the arts are not for them.

A third reason why our concern is for the development of a new sensibility in all men, is that the urban environment, which threatens us, is one in which the great majority of Americans live, and choose to live.

One hundred and forty million Americans, three out of four of us, are living in cities today. They have been, they are still, centers of intellectual excitement, of cultural creativity, of ethnic tradition. But, to use the President's term, they are suffering decay. The downtown core, in most cities, is an area of aging buildings and empty spaces. Once prosperous department stores are symbols, feeding off the income generated by branches in suburban shopping centers. Once elegant homes are overcrowded with urban immigrants. Transportation is poor, streets are choked, schools are guarded. The middle class has left, the tax base is shrinking, activity halts with the onset of darkness. Movie houses, the theatre, the symphony, the restaurants, struggle against the curfew imposed by fear and the unwillingness of the suburbanite to linger, let alone to return, when the day is done. The force that created the central cities is failing; they are, in the President's words, "the most conspicuous area of failure in American life", yet for all their failings, our metropolitan areas will gain forty million residents in the next fifteen years.

Beyond the cities, lie the suburbs; the regions Lewis Mumford called "asylums for the preservation of illusion." If the blacks who migrated to the cities in the fifties suffered a loss of identity and of community, it may be that the whites who migrated to the suburbs in the sixties will undergo the same disillusionment, for if the typical central city is decaying, the typical suburb lacks all the elements of health. It contains no center; it offers no sense of community; it has few if any parks; less and less access to open space; it caters to a wide variety of commercial activities, all fighting for maximum visibility, easy access to automobiles, and minimum overhead costs. The pattern is one that leads to physical danger; economic waste, political confusion, social disintegration, and aesthetic squalor. Yet these suburban areas are the most dynamic in the nation, in terms of growth. Three quarters of the increase in our population will attach itself to our surburbs if present trends continue; one third to seven metropolitan centers which will take on three million new residents a piece in this decade.

This transformation of the face of America, which in many ways is threatening, has been shaped as the National Commission on Urban Growth Policy notes, by the uncontrolled workings of the marketplace. It corresponds to what the great majority of Americans have felt to be their needs. We cannot ignore it, hoping that the beautiful can be preserved in isolated enclaves. And, we cannot impose upon city and suburban dwellers, the patterns of land use, the styles of architecture, the means to culture enrichment which we think they need. Planners such as Edward Logue, designers such as Lawrence Halprin, have shown that the way to start in urban development is to bring urban dwellers together to determine what they want. The answers however, are rarely cohesive and clear. The tragedy of the past thirty years is that Americans have settled for so little. Only through a heightened sensibility will they seek and get more.

If we center our hopes in the heightened sensibility of the majority, how is that sensibility to be raised? Eliot asserted flatly that culture could not be transmitted through education. We can, I think, answer with equal emphasis, that he is wrong; we can say this because the evidence is in. In Evanston, in St. Louis, in Atlanta, in Providence, in many other towns and cities, our musicians, our poets, our artists, our actors, our dancers, our sculptors, have been at work in the classrooms. They have made the arts live experiences for our children, and they have shown that in each child there is a painter, a dancer, musician, a poet, an actor, imprisoned and needing only to be released. They have so far engaged only a fraction of our schools; they have not yet cracked the junior high schools in which, in the interest of a rigidly structured syllabus, imagination is stunted, and creativity curbed. But, a start has been made, and the participating artists themselves are excited about it. In *Wishes, Lies and Dreams*, an account of his experiences in working with school children in culturally deprived areas, Kenneth Koch makes two points which, I believe bear closely and hopefully on our discussions:

First: "of the children I taught, every one had the capability to write poetry well enough to enjoy it himself and usually well enough to give pleasure to others, whether it was entire poems or surprising and beautiful images, lines or combinations of words. . ." and second: "Writing poetry makes children feel happy, capable and creative. It makes them feel more open to understanding and appreciating what others have done (literature). It even makes them want to know how to spell and say things correctly (grammar). Once (the) students were excited about words, they were dying to know how to spell them. Learning becomes part of an activity they enjoy."

Towards the end of our conference, we will be considering "Citizens strategies for Strengthening the Role of the Arts in the Human Environment." So the question is raised: what is the place of government in a democratic culture; what contribution can the government make in support of the arts, and of a better environment?

In the urbanization of America, the National Commission on Urban Growth Policy notes "The marketplace determined where development would take place" the Commission reports, "public investment followed." Yet, public investment is critically important in determining land value and land use. Fifty billion dollars have gone into federal support of highways that have made commuting possible. Twenty two billion dollars are set aside in this year's federal budget for aid to the states and localities in growth-related expenditures. City, county and state authorities adopt and enforce the zoning regulations, the building codes, the tax benefits and penalties that shape urban growth; the federal government underwrote the mortgages that built the suburbs, it supports the construction of the roads, the sewer and water lines, on which private development rests.

"By and large", as Daniel Moynihan wrote, "the Federal Government set the conditions which have determined the disastrous designs of the past two decades."

The President of the United States has committed the government to improve the environment and to strengthen the arts. The government is not yet able to place all of its activities in the service of these aims. One fifth of the nation is held by the government today, but to take one example, there is in the agency of government responsible for operating its properties, no department of architecture or of design. The reason, I believe lies in all that I have said about our inheritance in which the artist finds himself on the margin of society. It seems clear to me that now, as in the Thirties, the question is not what can government do for the arts, but what can the arts do for the government? I believe that with government backing, teams of artists, sculptors, architects and landscape designers can go into our cities, and acting in accordance with the expressed desires of city dwellers, help to create within them, communities which have their physical demarcations, their cultural centers, as well as their social and ethnic characteristics. I believe that, in its current endeavor, of placing thirty million of the next one hundred million Americans in new communities, the government can, by adding to the plans of commercial developers, the vital, non-commercial aspects of life by which a community comes into being, help our artists to make an immense contribution to the shape of our nation in the future. I know, from the actions of the National Endowment for the Arts, that the government is doing what it can to bring artists into our schools. But, these activities will gain momentum only if the artists, who have learned over many generations to see democratic government as alien and democratic politics as corrupting, see in public patronage, opportunities to be grasped.

So I come, in conclusion, to the question which I raised and ducked: the demands which a receptive nation may make upon the arts.

We hold that the artist, by his nature and his calling has a heightened sensitivity, a deeper perception, a sounder sense of values than some other men. We feel that the artist should play a greater role in our national life. But, in our competitive society, nothing is given, everything is earned.

There are, in the artistic community, many men who have not touched the public in their work, but who maintain nonetheless that because of their special insights, their views on the management of the state should be given exceptional weight. They seem to me to be misguided. "Politics among artists", Harold Rosenberg has argued, "has consisted of accepting a package of ready-made issues—peace, civil rights—while renouncing the ability to contribute to an imaginative grasp of the epoch . . . The separation of art from social realities" he adds, "threatens the survival of painting as a serious activity." He concludes: "Abstract expressionism liberated painting from the social-consciousness dogma of the Thirties; it is time now to liberate it from the ban on social consciousness." To these words, I can, as a public servant, only add my silent *amen*.

We believe, I am sure, that the arts can enrich the majority. We believe also, I hope, that in reaching toward the majority the arts themselves will be enriched. Through that effort, the time will come again, when the completion of a great work of art will be an occasion for a national holiday, a time for joining in celebration, as it was in Siena six hundred years ago.

POETS HISTORICAL PERSPECTIVE OF COLORADO

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. ASPINALL. Mr. Speaker, the colorful State of Colorado has afforded many opportunities for those who are desirous to portray the beauty and grandeur of its past. I am inserting the poems of Mrs. Eula Baughman of Grand Junction, Colo. who has portrayed a part of the past in majestic poetic style, in the RECORD:

SUNSET IN THE ROCKIES

In the late afternoon, in the summer,
When the day was almost at an end,
We turned from our trail through the forest,
A zigzag path to ascend
Which led to the top of the rimrock,
Whence the view of the mountain-side
Had been a long-coveted pleasure,
And the aim of a long day's ride.

Our ponies were left as the cow-boy's,
Tethered with reins hanging down,
As with weary steps, and unsteady,
We climbed to the mountain's crown.
The loose stones often slipped in the dust
Under feet both careful and slow,
How different this from the moss-paths,
Just down in the valley below!

Far in the west, on the mountain,
A golden sun hung low
Whose soft yellow shine and sunbeams
Were all gathered by the snow
That lay on the great Uncompahgres
Distant a hundred miles or so.
While between us and that range of the Rockies
Was the great, green region below.

Far away in the depths of the valley,
Were forests of aspen and pine,
Encircling glistening lakes
Which numbered near ten and nine.
There were grasses tall, and wild flowers,
And trees both young and old.
And the glittering shimmer of silver and green
Was softened with purple and gold.

Low in the east, near the mountain,
Swung a glorious star that night,
In the deep blue of evening sky,
'Twas the first that came into sight.
In the west, the brilliant sunset
Had all darkened to purplish gray,
And the fragrance of June in the air,
Was sweet at the death of the day.

Then over the vast panorama
Our hungry eyes gazed once more.
How changed in the gathering darkness!
The forests more black than before,
But the lakes still shone through the pine trees,
Glistening, and silvery and bright.
And across on the great Uncompahgres,
Lay the snow all cold and white.

HOW PEACE CAME TO COLORADO

In early days there was a name,
A name akin to terror,
Unless you lived then in the west
You could not understand.

One winter day, a good old man,
While panning gold in Clear Creek
Was stabbed and left for friends to find
And whisper, "Espinosa!"

A summer day, two children played
Nearby their home in Como,
Their throats were cut, and all there knew
The work was Espinosa's.

Month after month the horror grew,
Hundreds of miles were threatened,
No way to know, where, when or how—
Who next for Espinosas!

Ransom notes were posted
From Blackhawk down to Rye
"A thousand dollars, dead or alive!"
Get those crazed Espinosas!

One thing was known, the Spaniards' hats,
Ornately trimmed sombreros,
They had been seen, had been described,
But none saw Espinosas.

There came a day the Governor called
Tom Tobin in and said, "Tom,
Take all the men and gear you need
But get those Espinosas!"

"Yes, sir," said Tom. "I'll take one man,
Give me Gus Bartlett—we'll do our best
To find those Espinosas."

Tedious, cautious days and nights,
They dared not light a fire,
They knew their scouting lore full well,
So did the Espinosas!

Some weeks of ceaseless hunting,
Through Rocky Mountain wilds, then,
On the east side of Mt. Blanca,
Near the old Trinchera Ranch,
A wisp of smoke revealed the two,
Two violent Espinosas.

Two shots split the silence
And two Spaniards were dead.
In silence the men were covered,
In silence, the scouts rode home,
Taking two gaudy sombreros
To attest the mission done.

Peace came to Colorado, deliverance from fear,
When two scouts did their duty
But no one dared insult them, then,
By mentioning reward.

(NOTE.—This is a true story. Gus Bartlett was my grandfather. Many other stories have been told about this, but I am certain this is true. Long afterward, Tom Tobin claimed and received $1,000 reward.)

AIRLINES IN DIRE FINANCIAL STRAITS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. BOB WILSON. Mr. Speaker, it is becoming increasingly obvious that what the Nation's airlines have been claiming—that they are in dire financial straits—is indeed the case. I think it is time that we took a realistic look at the state of the airlines today, and what needs to be done to bail them out of their economic tailspin.

Estimates vary, but it now appears that the total U.S. scheduled-airline industry will end up the year with a net loss of up to $200 million. There are many reasons for this predicament. A soft economy has halted the industry's steady growth in traffic; big new planes ordered several years ago when traffic was booming and forecast to continue booming, today are flying half empty; strikes and lack of airway capacity have extracted millions from airline revenues.

But the primary cause of the airlines' economic plight is simply that costs have far outstripped revenues.

Two items account for nearly half of airline cash operating expenses. These are labor and landing fees. Yet, in 1970, it is estimated by the Air Transport Association, that wages for the average airline employee will go up by 11 percent, and the average charge each time that a plane touches down at a U.S. airport will jump by 15 percent.

In addition to airline costs, capital expenditures have grown tremendously. Since the start of the jet age in 1959, for example, the 12 major U.S. airlines have invested more than $16 billion for new aircraft and ground facilities. With super jets like the Boeing 747 costing some $23 million each and the upcoming Lockheed 1011 and McDonnell-Douglas DC-10 about $16 million each, plus multimillion-dollar expansions underway or planned to improve terminals all over the country, the airlines are committed to billions more in capital expenditures in the years immediately ahead.

Yet, while costs have skyrocketed and prices for other modes of transportation have steadily and substantially increased air fares during the jet age have for the most part actually declined, or gone up only marginally.

For example, in 1962 the economy fare without tax for a one-way ticket between Los Angeles and New York was $145.10; today it is $142.59. With discount fares and revenue-sharing with connecting carriers, average revenue for a New York-Los Angeles passenger today is only $112.65, or $90.23 in 1962 dollars.

Obviously, the airlines are long overdue for the kind of price increases granted to other carriers and required to meet their financial requirements. A fare increase of adequate size is desperately needed now.

FORESTRY PRACTICES

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, February 4, 1971

Mr. METCALF. Mr. President, on November 18, I presented to my colleagues a report on forestry practices in the Bitterroot Valley in Montana. Inasmuch as this report dealt with customary and routine operations in a timbered western valley, it had an effect beyond the actual territory studied.

The report, prepared under the leadership of Dean Arnold Bolle of the School of Forestry of the University of Montana, has caused considerable discussion in forestry and conservation circles and is already familiarly known as the "Bolle Report." The February 1971 issue of American Forests calls it a "blockbuster."

A thoughtful editorial from the American Forests and the article from the same magazine describing the report are here printed for the convenience of my colleagues.

Mr. Neal Rahm, regional forester, discussed some of these same issues in American Forests.

An airing of these problems is helpful. Mutual understanding is necessary. It may be that complete reevaluation is necessary. In the view of the experts on the Bolle committee, some reconsideration is imperative.

I ask unanimous consent that these three articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BITTER TEA IN THE BITTERROOT

Foresters may find some solace in the fact that foresters did it—but probably not much. A select committee of professionals from the University of Montana has now decreed something the little people—the ranchers, recreationists, sportsmen, small merchants and homeowners have been saying right along—that the Forest Service is doing a poor job of managing the Bitterroot National Forest in Montana.

The findings of the select committee will not be easily dismissed backed up as they are by the common sense of many people in Montana. The specifics of the case deal only with one forest in Montana but the ramifications of it are nationwide and will shake forestry to its foundations. The explosive package is certain to wind up on the doorsteps of the Congress and of every forestry school in the nation.

It all started when citizens in Montana's "Big Sky" country started to criticize management functions on the Bitterroot and contended citizens were being ignored in decisions being made. This dissatisfaction made itself felt in Washington. As a result, Senator Lee Metcalf, of the Montana delegation, asked Dr. Arnold W. Bolle, Dean, School of Forestry, University of Montana, to head up an investigation of Bitterroot management practices. Montana's forestry department is one of the best in a good school. Bolle recruited three forestry professors, a wildlife professor, and a professor of political science. All served without pay.

Their report, released by Senator Metcalf on November 18, is a blockbuster. Multiple use on the Bitterroot is a myth, the committee reports. Multiple use management, in fact, does not exist on the Bitterroot. Consideration of recreation, watershed, wildlife and grazing appear as afterthoughts. The Forest Service management sequence of clearcutting-terracing-planting cannot be justified. A clear distinction must be made between timber *management* and timber *mining*. Thus the indictment.

To learn that multiple use on the forest is nonexistent is jolt enough. To learn that forest management practices and economics are equally suspect really cuts it. At least we thought we were good at *that*. Bolle's team contends the forest is turning out logs, yes, but it isn't practicing good forestry. The blunt truth is many physicians and lawyers and others now engaged in forest management on three or four hundred acres wouldn't be caught dead doing some of the things the Forest Service is doing on the Bitterroot, if Bolle is right. If they did they would lose their shirts. Dogma is the villain according to Bolle—the ancient dogma being that the prime goal of a forester is to cut more trees to make more money to hire more timber managers to cut trees. Any connection with other uses or needs of the forest are purely coincidental.

Indulging in a form of whimsical irony the Bolle team suggests we stop calling Bitterroot management practices "management" and honestly call it "mining", a concept that could be justified under a "whole forest" philosophy under which everything, including scraggly trees and dwarf mistletoe, is presumed to have some use and should be used. The Forest Service is aghast at that idea. "That wouldn't be multiple use," it contends, multiple use being something of which they have nothing of already on the Bitterroot, according to the Select Committee.

It is almost unbelievable. If this is a fair example of what is really going on in our national forests—and the uproar in West Virginia doesn't exactly quiet one's fears—forest conservation is heading into a crucial period. First comes the Public Land Law Review Commission, a group of very hard-nosed people, who say multiple use is an imprecise concept that means all things to all people. Now comes Dean Bolle and his committee who indicate that the Public Land Law Review Commission is imprecise itself since multiple use does not even exist in the first place. Moreover, the PLLRC's proposed "dominant use" should also be relegated to a similar state of nonexistence.

It seems increasingly clear we are immersed in a welter of meaningless professional clichés while at least some of our forest managers follow the lines of least resistance on our forests. Call it multiple use, call it balance use, call it what you will, the time has come for a very firm hand on the public forest management throttle and the hand is likely to be that of the Congress of the United States, which may be what Representative Aspinall, Chairman of the PLLRC, has had in mind all along.

We can't go on like this. For lack of a better phrase, let's admit our goal is "balanced use" with a "fair deal" for all, as one Yankee said in Boston a few weeks ago. Let's admit we are going to grow and harvest some trees as well as we know how, that we are going to manage our grazing lands as well as we can for as much as we can afford, that we will set up and maintain more recreation areas, that more wilderness will be set aside where advisable, that we will not lose sight of water needs, fish and wildlife will be given consideration in all decisions, that the public will be truly consulted on these decisions, and finally that research will be given a big boost since only that can provide us the answers we do not have.

It is the uncertainty about management functions that is raising so much havoc with us. Someone has got to decide. Managers can help. So can the courts up to a point. But the ultimate decisions will be up to Congress because its members are our representatives from all the states. Admittedly some of their decisions will make some of us very unhappy. But one thing is certain. The climate is right for some strong action. Increasingly, people are of the mind if we are going to do something with public lands, let's do it *well*—and *soon*.

MONTANA'S SELECT COMMITTEE

(By James B. Craig)

In December, 1969, Senator Lee Metcalf, of Montana, wrote a letter with enclosures to Dr. Arnold Bolle, Dean of the School of Forestry, of the University of Montana. The enclosures consisted of letters from the Senator's constituents expressing "growing concern" over Forest Service management practices within the Bitterroot National Forest, and elsewhere. Senator Metcalf said that he personally, like his constituents, was concerned "over the long-range effects of clear-cutting, and the dominant role of timber production in Forest Service policy, to the detriment of other uses of these natural resources." The Senator expressed the conviction that a study of Forest Service policy by an outside professional group would prove beneficial to the Montana Congressional delegation and to the entire Congress, especially the Senate and House Interior Committees. The Bitterroot, he said, "is a typical mountain timbered valley and the results of such a study might well be extended to recommendations national in scope." He urged that the appropriate faculty members make such a study.

The Select Committee set up by Dean Bolle consisted of: Richard W. Behan, Associate Professor of Forestry; W. Leslie Pengelly, Professor of Wildlife; Robert F. Wambach, Associate Professor of Forestry and Associate Dean; Gordon Browder, Professor of Sociology; Thomas Payne, Professor of Political Science; and Richard E. Shannon, Professor of Economics and Forestry. Dean Bolle served as Chairman. On November 18, 1970, they submitted their report to Senator Metcalf who released it to his colleagues and the public.

The report released by the Select Committee consisted of fifteen principle findings. They are:

1. Multiple use management, in fact, does not exist as the governing principle on the Bitterroot National Forest.

2. Quality timber management and harvest practices are missing. Consideration of recreation, watershed, wildlife and grazing appear as afterthoughts.

3. The management sequence of clearcutting-terracing-planting cannot be justified as an investment for producing timber on the BNF. It is doubtful that the Bitterroot National Forest can continue to produce timber at the present harvest level.

4. Clearcutting and planting is an expensive operation. Its use should bear some relationship to the capability of the site to return the cost invested.

5. The practice of terracing on the BNF should be stopped. Existing terraced areas should be dedicated for research.

6. A clear distinction must be made between timber management and timber mining. Timber management, i.e., continuous production of timber crops, is rational only on highly productive sites, where an appropriate rate of return on invested capital can be expected. All other timber cutting activities must be considered as timber mining.

7. Where timber mining, i.e., removing residual old growth timber from sites uneconomical to manage, is to be practiced, all other onsite values must be retained. Hydrologic, habitat, and esthetic values must be preserved by single-tree selection cutting, a minimum disturbance of all residual vegetation, and the use of a minimum standard, one-time temporary road.

8. The research basis for management of the BNF is too weak to support the management practices used on the forest.

9. Unless the job of total quality management is recognized by the agency leadership, the necessary financing for the complete task will not be aggressively sought.

10. Manpower and budget limitations of public resource agencies do not at present allow for essential staffing and for integrated multiple-use planning.

11. Present manpower ceilings prevent adequate staffing on the BNF. Adequate staffing requires people professionally trained and qualified through experience.

12. The quantitative shortage of staff specialists will never be resolved unless the qualitative issue with respect to such specialists is first resolved.

13. We find the bureaucratic line structure as it operates, archaic, undesirable and subject to change. The manager on the ground should be much nearer the top of the career ladder.

14. The Forest Service as an effective and efficient bureaucracy needs to be reconstructed so that substantial, responsible, local public participation in the processes of policy-formation and decision-making can naturally take place.

15. It appears inconceivable and incongruous to us that at this time, with the great emphasis upon a broad multiple-use approach to our natural resources—especially those remaining in public ownership—that any representative group or institution in our society would advocate a dominant-use philosophy with respect to our natural resources. Yet it is our judgment that this is precisely what is occurring through the federal appropriation process, via executive order and in the Public Land Law Review Commission's Report. It would appear to us that at this time any approach to public land management which would de-emphasize a broad multiple-use philosophy, a broad environmental approach, a broad open-access approach, or which would reduce the production of our public land resources in the long run is completely out of step with the interests and desires of the American people. What is needed is a fully funded program of action for quality management of all of our public lands.

In an address in the Senate on November 19, Senator Metcalf lauded the Select Committee—the members of which served without compensation—and the people of Montana, and said the report "embodies the finest example of public interest and involvement in an environmental issue." The Senator bore down on four of the astounding revelations in the report, namely; 1) that multiple use management, in fact, does not exist; 2) consideration of recreation, watershed, wildlife, and grazing appear as afterthoughts; 3) the management sequence of clearcutting-terracing-planting cannot be justified, and 4) a clear distinction must be made between timber *management* and timber *mining*.

In summing up its findings, the Select Committee also jabbed at the so-called dominant use philosophy as outlined in the earlier report of the Public Land Law Review Commission and which has been criticized in many parts of the country, most recently at a New England meeting in Boston. The Montana committee said, "It appears inconceivable and incongruous to us that at this time, with the great emphasis on a broad multiple use approach to our natural resources—especially those remaining in public ownership—that any representative group or institution in our society would advocate a dominant use philosophy with respect to our natural resources. Yet it is our judgment that this is precisely what is occurring through the federal appropriation process, via executive order and in the Public Land Law Review Commission's report. It would appear to us that at this time any approach to public land management which would deemphasize a broad open-access approach, or which would reduce the production of our public land resources in the long run is completely out of step with the interests and desires of the American people. What is needed is a fully funded program of action for quality management of all the public lands."

At a Boston PLLRC meeting sponsored by the New England Council and the New England Natural Resources Council, New Englanders had expressed sympathy for the land problems of westerners as expressed in the PLLRC Report, indicated they favored the in lieu of taxes concept of remuneration from public lands both in the east and west, scored the findings of the Commission as regards the Continental Shelf as next to useless, and expressed concern about any dominant use that would give any special interest a dominant use of or vested right in public lands.

While some stalwarts in the PLLRC are charging the public is misconstruing the dominant use language in their report, some New Englanders had gone to the trouble of looking the word up in the dictionary. Webster's International gives it 3¼ inches. It means, "ruling, governing, prevailing, controlling, predominant as the predominant party, church, spirit or power." In music, it means the "dominant chord." In forestry it means "overtopping trees—which overlap the undergrowth and arrest its development." In short, the word means power.

Dr. Maurice K. Goddard, a member of the PLLR Commission, indicated the public is placing the wrong interpretation on the word. Parks and wilderness areas have a dominant use, he said. It therefore follows that some public land, if the system is equitable, could have a forestry dominant use, or a grazing dominant use, or a recreation dominant use all withtin the framework of multiple use.

But some of the New Englanders were skeptical. Why not call it "balanced" use, some suggested. Paul Bofinger, of the Society for the Protection of New Hampshire Forests, said he was worried about special privileges to users as regards the timber corporation idea for the national forests under the dominant use approach. Director Milton Pearl, of PLLRC, retorted, "If you are going to be in business, why not use big business methods. In fact, you have to or get out. That's what we proposed. If there's a better way to do it I'm sure Congress would like to hear from you."

Some Yankees, who did not care for this answer, said that indeed Congress was going to hear from them. Bernard L. Orrell, a member of the PLLRC Advisory Committee, said that in view of all the fuss about one word he favored dropping it and discarding it from further consideration. The report is too good to be ruined by one word, he indicated. Charles H. W. Forester, Chairman of the Board of the New England Natural Resources Center, said northeast people want to see westerners get a "fair deal" but they feel the public lands belong to all the people and no one group should have a dominant role in the system. Mr. Foster served notice New Englanders will take a pragmatic approach to the PLLRC report and intend to read the fine print in all bills that propose to implement it.

New England conservationists, he said, will look to the national conservation organizations for guidance and to "What's Ahead for Our Public Lands" published by the Natural Resources Council of America.

To tie in a New England leadership meeting with the report of the Montana Select Committee might appear confusing at first glance. It is done to show what people are talking about in resource affairs. Both in the Montana Report and in Boston the word "dominant" is a source of concern. At yet another meeting at Syracuse University several weeks later, AFA Executive Vice President William E. Towell was among those who attempted to bury "dominant use" once and for all.

In any event, the timeliness of the Montana Select Committee Report can scarcely be questioned as it applies specifically to one national forest and more generally to others, in view of the national dialogue that is now shaping up. The Public Land Law Review Commission took a decidedly dim view of "multiple use" in its report and found it imprecise. But to the man on the street the whole dialogue is beginning to shake down in terms of "dominant use" versus "multiple use." And we have precious little of the latter on Bitterroot according to Montana.

Much of the Select Committee's Report consisted of an examination of a Forest Service study of Management Practices on the Bitterroot National Forest. In general, the committee believes the Forest Service did a commendable job and that errors therein were due to the methodology involved plus the committee's belief it is a psychological impossibility to evaluate one's own efforts objectively.

The Forest Service found an "implicit attitude among many people on the staff of the Bitterroot that resource production goals come first and that land management goals considerations take second place." The Select Committee stated this is not a peculiarity of the Bitterroot—that the attitude "is widespread throughout the Forest Service, especially with respect to timber production, in a sense that getting the logs out comes first." High quality, professional management of the timber resources is all too rare, the committee added. This is scarcely surprising in view of constant industry pressure for more wood plus efforts to produce timber faster by Presidential proclamation without corresponding increases in funds for reforestation and timber stand improvement. The Congress has got to do more, the Select Committee said.

But increased funds alone will not solve the problem either. In order to provide quality management the agencies concerned must be both broadly and adequately staffed. More, a reevaluation of lines of authority and career ladders of the Forest Service is essential. The position of the on-the-ground land manager should be substantially upgraded and be nearer the top of the career ladder than at present, for that is where the decisions are being made. One clause in the Forest Service report received fervent support from the Select Committee, namely, that "multiple use plans in the Bitterroot must become the controlling documents *in fact as well as in principle*." One member of the Select Committee later told a reporter that when he asked one supervisor for his multiple use plan he was told, "Yes, we have one around here somewhere if I can find it; I intend to read it some day when I have the time." Admitting the possibility the officer may have been irked by the manner in which the question was asked, it seems like a strange answer under the circumstances. As the report states, multiple use planning must precede management commitment of land to known or expected production goals. It should also involve public participation.

Highlights of the Montana Select Committee Report follows:

The problem arises from public dissatisfaction with the Bitterroot National Forest's overriding concern for sawtimber production. It is compounded by an apparent insensitivity to the related forest uses and to the local public's interest in environmental values.

In a federal agency which measures success primarily by the quantity of timber produced weekly, monthly, and annually, the staff of the Bitterroot National Forest finds itself unable to change its course, to give anything but token recognition to related values, or to involve most of the local public in any way but as antagonists.

The heavy timber orientation is built in by legislative action and control, by executive direction and by budgetary restriction. It is further reinforced by the agency's own hiring and promotion policies and it is rationalized in the doctrines of its professional expertise.

This rigid system developed during the expanded effort to meet national housing needs during the post-war boom. It continues to exist in the face of a considerable change in our value system—a rising public concern with environmental quality. While the national demand for timber has abated considerably, the major emphasis on timber production continues.

The committee found that the controversy surrounding the Bitterroot is both substantial and legitimate. While it is true that in a good many areas the conflict has been expressed in highly emotional and charged terms with many inaccuracies, still it is the opinion of the committee that the Bitterroot controversy is a very real problem situation. It is a serious local problem of the Bitterroot Valley and Western Montana, and for the United States as a society in general. The controversy contains many elements. A partial listing of these elements will help to elucidate the complexity of the controversy.

1. Over the past few years management decisions and policies have frequently resulted in situations that have disappointed virtually all the publics that make use of the Bitterroot National Forest.

2. Until relatively recently, timber management of the Bitterroot National Forest was handled entirely by nature, primarily through wild forest fires. Such management (accidentally) led to "even-aged" stands of timber particularly in the back country. Quite logically, Forest Service policy has developed to continue deliberately such even-aged timber management. Many of the practices of even-aged management are essential elements in the controversy (i.e. clearcutting, regeneration practices, road construction for such sales, clean-up methods, and logging practices).

3. Much of the Bitterroot National Forest is fairly steep to rugged terrain. As a consequence, results of timber management practices are clearly visible from areas prized for recreational and esthetic values and more recently by real estate development interests within the Bitterroot Valley.

4. An error in the calculations of the allowable cut for ponderosa pine occurred in the Bitterroot National Forest. As a result an over-cut of pine has taken place in recent years. Mills within the area attempted expansion on the basis of the anticipated cut and the change in sales patterns led to public controversy and major skepticism over Bitterroot National Forest management in general.

5. As a result of changed technology and changing markets, species not formerly salable from public lands have had markets develop. Consequently species not formerly cut, e.g. lodgepole pine, have been sold and cut. Harvesting lodgepole pine involves clearcutting and to promote regeneration serve slash burning of the entire cut and exposure of the mineral soil. The severe land treatment involved in such harvest comes under increasing public condemnation not only in the Bitterroot, but quite generally throughout the United States.

6. A decision to stop clearcutting as a cutting practice may be a decision not to cut most mature lodgepole pine on the Bitterroot National Forest. The lumber industry, together with some members of the Congress and elements of the executive branch oppose reducing the amount of merchantable timber harvested.

7. Throughout our society major changes are taking place with respect to public involvement in the decision, formulation and policymaking processes in all areas. The various groups involved locally (and across the country) in the Bitterroot controversy are a reflection of the nature of these changes. Traditional complex bureaucratic structures such as the Forest Service are only beginning to feel the tactics and devices employed by this new spirit of public involvement.

8. Local residents who are familiar with the systems of cutting used earlier are disturbed with the change, do not understand the reasons for the difference and doubt that the forest can continue to produce at the present level continuously.

9. There is a great deal of waste material left on the ground after clearcutting. People see many logs that they consider merchantable. Brush is scattered throughout the area. The soil has been sacrificed by bulldozers, there are great windows of material piled up. They protest both the ugliness of the area and the considerable waste they see in unused materials.

10. Bitterroot residents have a deepseated love for their valley. Their view of the landscape is precious to them.

11. The population has and is being rapidly augmented by new residents who are attracted by the beauty of the valley. Many of these new residents are intelligent, vocal and well-informed in ramifications of the environmental movement. They feel strongly that the social and esthetic values of the forest community are being given short shrift.

12. There is concern among some people in the logging industry and woods workers as well as other local people that the present rate of cut on the Bitterroot National Forest

is too heavy and that future employment and income are threatened.

A section in the Forest Service report on multiple use was so weak it should have been left out completely, the Select Committee said. Section on wildlife range, esthetics and recreation were found to be superficial both in terms of planning and of funding.

Under the circumstances, one might assume the timber management on the Bitterroot would be topflight and in a very favorable priority category but the Select Committee reports it is far from satisfactory and that on the basis of an investment alone the public is losing money on it. Clearcutting and terracing programs cannot be justified as an investment for producing timber on the Bitterroot, the committee said. There are better and much more economical ways to provide for the nation's timber needs. The committee strongly resented calling the clear-cut-terracing program on the forest professional forestry and said it would be far better to call it what it is, timber mining, and lump it into a "whole forest" concept in which it is admitted that everything in the forest, even dwarf mistletoe, probably has some use. This, of course, is contrary to accepted forestry dogma and the Forest Service has already opposed the timber "mining" idea but the committee contends that "dogma" is the reason the Bitterroot management is in its present precarious condition.

An admittedly explosive report, the Select Committee in effect is telling the Forest Service to reexamine its dogma in terms of today's environmental awakening, get off the exclusive forestry kick, accent research to the utmost and above all give the people a chance to participate in forest decisions. The dilemma is seen as "the need for more economic growth and development, but a strong desire to maintain or preserve a high quality natural environment. We need more wood products, but we want clean air and beautiful vistas. But, here also is an opportunity and a challenge."

There is no reason to assume that economic development and environmental quality are mutually exclusive or irreconcilable, the committee says. Trees can be cut without leaving an unsightly mess. Roads can be built so that they complement the natural beauty of the countryside. Disturbed areas can be rehabilitated. Moreover, there is still enough to leave some of it just the way it is now. The great research problem of the decade, the report concludes, is "how can we use these wildland resources without having a deleterious effect on the natural environment?"

This knowledge in the final analysis must come from research. Empirics will not suffice. Neither will experieince alone. Most certainly the final answers will not be provided by intuition. Balanced multiple use, more real authority at the ranger and supervisor level, public participation and most of all, research, are the ingredients that are most desperately needed.

A Regional Forester Bites the Bullet

(By Neal M. Rahm)

About two years ago I began to hear mounting criticism concerning land management practices in the Bitterroot National Forest. The situation came to a head when the Ravalli County Resource Conservation and Development Committee requested an investigation of those practices.

A Task Force was formed to make such an investigation. In organizing this Task Force, I chose three top men from my own administrative staff. All have demonstrated outstanding competence over the years. They are Robert H. Cron, S. C. Trotter, and William A. Worf, who served as chairman.

I asked Director Joseph F. Pechanec, of the Intermountain Forest and Range Experiment Station, to provide three men from his staff so that this review of management practices would benefit from their research positions and their counsel as scientists. He assigned three Assistant Directors from the Experiment Station—each one a top scientist, nationally recognized in his field: Otis L. Copeland, S. Blair Hutchison, and Charles A. Wellner.

My instructions to this Task Force were simple. They were to listen to the critics and study the situations being criticized. They were to take a careful look at management practices on the Bitterroot National Forest and analyze them in terms of the overall purposes of National Forest management. They were to prepare a detailed report on the situation as they saw it, presenting their conclusions and recommendations withont concern as to how critical their report might be.

The Task Force completed its report in early May 1970. I distributed it widely to the public inviting comments for guidance on which recommendations should be adopted. Copies are still available from the U.S. Forest Service, Federal Building, Missoula, Montana, 59801.

The Task Force report is 100 pages long but the main findings are indicated in the excerpts from the chapter, "Overall Observations and General Recommendations:"

"The Montana portion of the Bitterroot National Forest covers more than one million acres, encompassing a multitude of situations and problems. . . .

"As the tempo of activity has mounted on the Bitterroot National Forest in recent years, the land management issues have begun to come into sharper focus. . . . The issue of esthetics is one of them. Watershed protection is another. These constitute a particular challenge. . . ."

* * * * *

"The Task Force agrees that scenic quality has been substantially impaired in many places at the very least for a period of years. We believe, however, that it is possible to harvest the timber resource with much less impact on esthetics if the quality of land management is substantially improved.

"We have not been able to substantiate the claims of widespread watershed damage due to logging, roadbuilding, and terracing. We agree, however, that there are instances of serious local damage and that certain management practices have set up the potential for watershed damage in other places where rare and unusually severe storm conditions occur. There is no question that the requirements for logging, roadbuilding, and site preparation should be tightened for the sake of environmental quality.

"We cannot support the claim that the approved allowable cut for the Forest is too high. However, the actual cut of ponderosa pine during the past few years has been too heavy because the allowable cut calculations for that species were misinterpreted. Moreover, the total cut of all species has been slightly above the approved allowable cut. In the light of environmental concerns today, other uses were not adequately considered when allowable cut calculations were made in the past."

* * * * *

"As the agency responsible for administering the National Forests, the Forest Service must accept responsibility for past mistakes in management and exercise full leadership in bringing about desirable changes.

"The public must also recognize its responsibilities. The first of these is to express a sense of value—how much does the public desire that it is willing to pay for. The second is to provide moral and financial support for the programs it feels are desirable. Hopefully, these include the goal of quality in land management.

"Following are general observations and recommendations for reaching that goal.

"There is an implicit attitude among many people on the staff of the Bitterroot National Forest that resource production goals come first and that land management considerations take second place."

* * * * *

"Communications with the public and other interested agencies have been seriously inadequate."

* * * * *

"Multiple use planning on the Bitterroot National Forest has not advanced far enough to provide the firm management direction necessary to insure quality land management and, at the same time, to provide all segments of the public with a clear picture of long-range objectives.

". . . The principal single fault this Task Force finds with the management of the Bitterroot National Forest is that its multiple use planning is not far enough advanced. . . ."

* * * * *

"In several instances the land management has been substandard because of slips or lapses in quality control.

"The man on the ground who is assigned such specific production goals as miles of road to build or millions of board feet to cut . . . there is a consequent sacrifice of quality at times. This has been a large part of the problem on the Bitterroot National Forest."

* * * * *

"The Bitterroot National Forest has a substantial timber producing capacity that can and should be utilized to help meet the nation's growing need for wood and to help support a stable economy in western Montana.

". . . The Task Force found that much of the timberland on the Forest was very productive and that the soils and topography were fully compatible with timber growing and harvesting activities. In some instances, esthetic considerations will set limits of output from the land and the physical manipulation of it. . . . In fact, we believe that the longrun output of timber from this National Forest can be increased with intensified forestry. More care and more manpower will be required. . . ."

* * * * *

"The Forest Service [i.e. Northern Region] has been remiss in not determining how much it would cost to do a balanced job of resource management and aggressively seeking the necessary finances for the total job."

* * * * *

"Budget requests for timber management funds are based on careful analyses of the various technical jobs involved: sale-area selection, cruising, sale preparation, and sale administration. . . .

"However, the impact or potential impact of timber management and harvesting activities requires [the services of] . . . soil scientists, geologists, hydrologists, wildlife biologists, fisheries experts, and landscape architects. The necessary funds for these services have not been included in the estimated costs. . . ."

* * * * *

"Increased funds alone will not solve present problems.

"The need is for more and better long-range planning, based on more and better data about each resource and about ecological relationships. This must be followed by better supervision to insure quality in the application of these plans. These jobs require people—competent professionals and technicians. . . ."

* * * * *

"The public should not expect that new management direction will appear instantly and completely in all activities."

* * * * *

"The management of a National Forest is a dynamic long-rang process. Many activities which will take place on the ground in 1970 were actually set in motion two to five years ago. . . ."

* * * * *

"The information base for decision-making should be enlarged.

"Repeatedly, in the course of this study, the Task Force has been confronted with the fact that there is much that we don't know. In some cases, the unknowns are critically important. . . ."

* * * * *

"Of all the points touched upon in this Task Force review of management on the Bitterroot National Forest, we feel obliged to restate four with all the emphasis at our command:

"Any lingering thought that production goals hold priority over quality of environment must be erased.

"Multiple use planning must be developed into a definitive, specific, and current decisionmaking process that it is not today.

"Quality control must be emphasized and reemphasized until it becomes the byword of management.

"The public must be involved more deeply than ever before in developing goals and criteria for management.

"Following are the overall recommendations that the Task Force feels must be implemented to correct deficiencies observed. . . .

"1. The Regional Forester should emphasize that the overriding purpose of National Forest management is to maintain quality of environment under use.

"2. Multiple use plans on the Bitterroot National Forest must become the controlling management documents in fact as well as in principle. This will require strengthening these multiple use plans so they clearly establish goals and direction of management on individual areas.

"3. The Bitterroot National Forest should seek better ways to involve the public in its multiple use planning and in developing subsequent resource plans. The process of sounding out public attitudes and preferences requires not only that the public understand the direction of management proposed for an area but also the implication of each alternative of management. (For example, what loss of timber yield and community income would result from the decision to restrict cutting on an area in the interest of recreation use?)

"4. The total cost and manpower requirements for a complete and balanced program of management on the Bitterroot National Forest should be estimated and made available to the Chief of the Forest Service and to the public.

"5. The Intermountain Forest and Range Experiment Station should accelerate its efforts to develop a fully relevant research program that coordinates the efforts of a group of research skills on the ecosystem problems. Such efforts, as well as supplemental research by the universities, must be expanded to meet the critical need for information."

The Task Force report was submitted as a draft environmental statement to the Council on Environmental Quality. Comments on the report have been received from many people, and from universities and organizations with a wide range of interests from a broad geographical area. All of these comments are under consideration and will be used in preparing a final environmental statement and in preparing management direction to Bitterroot National Forest Supervisor Orville Daniels.

Although trying, the Bitterroot controversy has some very positive aspects. There has been much productive dialogue with interested publics and I believe the base has been established on which future communications can be improved.

The purpose of National Forest management is to serve the goals of our society in the best way possible. To do this we need comment, advice, and criticism from the American people. And we also need their support.

EDUCATION TAX CREDITS MAKE SENSE FOR COUNTRY

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. COUGHLIN. Mr. Speaker, I am pleased to introduce today a bill that is a prudent and reasonable effort at helping parents, especially the lower- and middle-income taxpayers, to meet the escalating costs of higher education for their children.

This measure, which would establish tax credits for higher education expenses, is cosponsored by 94 of my colleagues from 32 States. I am particularly proud of the fact that their sponsorship represents so broadscale a range of Congressmen—both parties, both sexes, cities, suburbs, rural areas, and all geographic sections of the Nation.

I think all of us as sponsors are agreed that the time long has passed when the Federal Government can pay lipservice to the cause of higher education without providing some aid for the citizens to use their own funds in educating their children.

This bill would provide a tax credit of 100 percent for the first $200 spent on higher education; 25 percent of expenses from $200 to $500, and 5 percent of expenses from $500 but not to exceed $1,500. By making this a tax credit, it would enable eligible taxpayers to apply the credit amount directly to reducing their yearly income tax. It is far more just than our present system which does not even provide for deductions of costs of higher education while providing for deductions for everything from yachts—for business purposes, of course—to champagne dinners—for business purposes, of course.

Maximum tax credits would be provided up to $325 to those taxpayers whose adjusted gross income is $18,000 a year or less. The tax credit would be reduced by an amount equal to 1 percent of the amount by which the adjusted gross income for the taxable year exceeds $18,000.

Credits provided by the bill would apply to taxable years beginning after December 31, 1971. In addition to colleges and universities, provisions would cover business, trade, technical, and vocational institutions that meet Federal and State standards.

Bills similar to this one were passed by the U.S. Senate in the past two terms of the Congress, but were killed later in House-Senate conferences. I respectfully suggest that it is time that all of us in the Congress carefully reexamine our thinking on bills such as these and recognize, not just the desires of our people, but their needs.

I fully realize that one of the first questions asked is what the revenue loss will be for the U.S. Treasury if this bill is enacted. I ask what will be the loss to the country if we do not encourage our citizens to educate their children by means of a bill such as this.

Frankly, I have not cited the alleged revenue loss under the bill, because figures have a certain way of being inflated when a case against a new proposal is being made. I will point out, however, that so-called tax aids for other purposes—tax aids being credits, special exemptions, and deductions—are costing the Federal Government almost $46 billion yearly.

If, indeed, we should weigh monetary considerations first, then I think that Department of Commerce figures for 1968 help make my case. College graduates in their lifetime earn an average of $213,000 more than high school graduates, and earn an average of $371,000 more than those with 8 years of education or less. Even on this monetary basis, I feel that the country, in the long run, will be far the better for encouraging and assisting parents to send their children to colleges and other institutions of higher learning. The impact on tax revenues and the country's economy would be profound with better-educated citizens earning higher amounts of money.

Through this bill, we also would be recognizing the desirability of promoting education through private institutions rather than pushing students to tax-supported colleges and pouring ever-increasing amounts of Government money into them as a result.

Obviously our people and our country are the better for Government tax policies that encourage, rather than discourage, private higher education. This bill, as I have stated, is a reasonable and prudent effort to make this principle a living fact rather than abstract rhetoric.

I think that most Americans, as I am, are fed up with excuses of monetary expediency that penalize the workingman and his family. There can be no doubt whatsoever that something must be done to help parents provide their children with a higher education. Soaring tuition rates on top of continuing inflation are making it unbearable and, in some cases impossible, for parents to send their children to college.

I believe that Congress must exert leadership in this field by casting aside the shibboleths of antiquated tax policy and meeting the challenge of providing the most education for the most people. My bill would help do this.

Mr. Speaker, I want to thank my colleagues who joined me in sponsoring this vital legislation and I insert a list of their names in the RECORD:

LIST OF COSPONSORS

Joseph P. Addabbo, Democrat, of New York.

John B. Anderson, Republican, of Illinois.

Mark Andrews, Republican, of North Dakota.

Bill Archer, Republican, of Texas.

Walter S. Baring, Democrat, of Nevada.

Alphonso Bell, Republican, of California.

Tom Bevill, Democrat, of Alabama.

Mario Biaggi, Democrat, of New York.

Edward G. Biester, Republican, of Pennsylvania.

Ben Blackburn, Republican, of Georgia.

Frank T. Bow, Republican, of Ohio.

Frank J. Brasco, Democrat, of New York.

Clarence J. Brown, Republican, of Ohio.

James A. Byrne, Democrat, of Pennsylvania.

John N. Happy Camp, Republican, of Oklahoma.

Tim Lee Carter, Republican, of Kentucky.

Elford A. Cederberg, Republican, of Michigan.

Bill Chappell, Democrat, of Florida.

Shirley Chisholm, Democrat, of New York.

Frank M. Clark, Democrat, of Pennsylvania.

Don H. Clausen, Republican, of California.

James C. Cleveland, Republican, of New Hampshire.

Silvio O. Conte, Republican, of Massachusetts.

Robert J. Corbett, Republican, of Pennsylvania.

John W. Davis, Democrat, of Georgia.

David W. Dennis, Republican, of Indiana.

William L. Dickinson, Republican, of Alabama.

Harold D. Donohue, Democrat, of Massachusetts.

Wm. Jennings Bryan Dorn, Democrat, of South Carolina.

Robert F. Drinan, Democrat, of Massachusetts.

John J. Duncan, Republican, of Tennessee.

Florence P. Dwyer, Republican, of New Jersey.

Edwin W. Edwards, Democrat, of Louisiana.

Joshua Eilberg, Democrat, of Pennsylvania.

Edwin D. Eshleman, Republican, of Pennsylvania.

Dante B. Fascell, Democrat, of Florida.

O. C. Fisher, Democrat, of Texas.

Daniel J. Flood, Democrat, of Pennsylvania.

Walter Flowers, Democrat, of Alabama.

Edwin B. Forsythe, Republican, of New Jersey.

Bill Frenzel, Republican, of Minnesota.

James G. Fulton, Republican, of Pennsylvania.

George A. Goodling, Republican, of Pennsylvania.

Ella T. Grasso, Democrat, of Connecticut.

Kenneth J. Gray, Democrat, of Illinois.

Gilbert Gude, Republican, of Maryland.

Seymour Halpern, Republican, of New York.

Orval Hansen, Republican, of Idaho.

Michael Harrington, Democrat, of Massachusetts.

James F. Hastings, Republican, of New York.

Ken Hechler, Democrat, of West Virginia.

Margaret M. Heckler, Republican, of Massachusetts.

Louise Day Hicks, Democrat, of Massachusetts.

Craig Hosmer, Republican, of California.

John E. Hunt, Republican, of New Jersey.

Albert W. Johnson, Republican, of Pennsylvania.

Ed Jones, Democrat, of Tennessee.

William J. Keating, Republican, of Ohio.

Jack F. Kemp, Republican, of New York.

John C. Kluczynski, Democrat, of Illinois.

Dan Kuykendall, Republican, of Tennessee.

Norman F. Lent, Republican, of New York.

Manuel Lujan, Jr., Republican, of New Mexico.

Robert McClory, Republican, of Illinois.

Stewart B. McKinney, Republican, of Connecticut.

James R. Mann, Democrat, of South Carolina.

Robert Michel, Republican, of Illinois.

Clarence E. Miller, Republican, of Ohio.

F. Bradford Morse, Republican, of Massachusetts.

Bertram L. Podell, Democrat, of New York.

Walter E. Powell, Republican, of Ohio.

Robert Price, Republican, of Texas.

Roman C. Pucinski, Democrat, of Illinois.

Tom Railsback, Republican, of Illinois.

Donald W. Riegle, Jr., Republican, of Michigan.

Howard W. Robison, Republican, of New York.

Teno Roncalio, Democrat, of Wyoming.

Dan Rostenkowski, Democrat, of Illinois.

Edward R. Roybal, Democrat, of California.

John G. Schmitz, Republican, of California.

William Lloyd Scott, Republican, of Virginia.

J. William Stanton, Republican, of Ohio.

James V. Stanton, Democrat, of Ohio.

Sam Steiger, Republican, or Arizona.

John Terry, Republican, of New York.

Charles Thone, Republican, of Nebraska.

Robert O. Tiernan, Democrat, of Rhode Island.

Joe D. Waggonner, Democrat, of Louisiana.

William C. Wampler, Republican, of Virginia.

G. William Whitehurst, Republican, of Virginia.

Lawrence G. Williams, Republican, of Pennsylvania.

Jim Wright, Democrat, of Texas.

Gus Yatron, Democrat, of Pennsylvania.

Roger H. Zion, Republican, of Indiana.

DR. LEON H. SULLIVAN: "HE IS HARDLY A YES MAN"

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, February 4, 1971

Mr. BOGGS. Mr. President, a distinguished American was recently elected to the board of directors of the General Motors Corp. This was no routine corporate action, to be mentioned briefly in the columns of the business pages of America's newspapers.

Rather, it marked a precedent for the world's largest manufacturing corporation—the election of the first black American to sit in GM's board room.

The new director is the Reverend Dr. Leon H. Sullivan, the dynamic Philadelphia minister who created the Opportunities Industralization Centers program and one of our Nation's most articulate advocates for Negro self-help programs.

Some commentators characterized Dr. Sullivan's selection as an attempt by General Motors to lessen recent criticism of the company. They do not know Dr. Sullivan. Dr. Sullivan's voice will be one that is aggressive and articulate. As an editorial in the Wilmington, Del., Evening Journal observed:

> He is hardly a yes man.

Dr. Sullivan testified last year before the Senate Subcommittee of Employment, Manpower, and Poverty. His plea was for legislation to extend Federal financial assistance to the Nation's OIC's I consider myself as fortunate indeed to have been among those to witness his stirring testimony.

To give a fuller understanding of this great American and this precedent-setting corporate vote, I ask unanimous consent that the editorial I mentioned from the Wilmington Evening Journal be printed in the Extension of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GENERAL MOTORS ELECTS TO MEET CRITICISM

When you are as big and influential and rich as General Motors, it is difficult to do anything that pleases everyone.

After a few attempts, G.M. management might be forgiven a feeling of frustration. Everyone has a gripe with General Motors and more often than not, settling one gripe gives birth to two new ones.

But before the cynics can dismiss General Motor's latest effort to please the public as nothing but a blatant exercise in tokenism, let them ask themselves what in good faith they would have General Motors do. The election of the Rev. Leon H. Sullivan, Philadelphia minister and pioneer in black training and self-help programs, to the board of directors of General Motors cannot be so lightly dismissed.

The nation's largest manufacturer is awakening to its public relations problems and making real efforts to solve them. No one can expect a company the size of General Motors to move precipitously on any matter. The consequences of any decision are too great. So while we may be impatient at the slowness with which the company reacts to complaints about customer neglect and the defensive attitude it takes when charged with pollution or manufacturing unsafe automobiles, when the company does take a positive step, it makes no sense to react by criticizing its motivation.

Were General Motors intent upon playing the tokenism game in electing the company's first black director, the firm surely could have found an equally distinguished and considerably more sympathetic representative than Mr. Sullivan. His past performance has proven Mr. Sullivan to be his own man, not easily awed by great power and quick to express his opinion when he felt it might count for something. He is hardly a yes man.

The election was a good one, and, one guesses, a step not easily taken by the board members. The results of that election may be even better. Before giving up on General Motors' ability or willingness to respond to public criticism, perhaps the public should give the company the benefit of the doubt—and maybe a little time.

A REPLY TO LIFE'S EDITORIAL ON NIXON BY SECRETARY GEORGE ROMNEY

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. GERALD R. FORD. Mr. Speaker, recently Life magazine commented editorially on the Presidency of Richard M. Nixon in a manner that was manifestly unfair. Now, to Life's credit, the editors of that magazine have published a reply by Housing and Urban Development Secretary George Romney. Secretary Romney simply cites the facts regarding Nixon administration accomplishments—and the net results is a thorough-going rebuttal of the Life editorial. I commend a reading of the Romney article to my colleagues in the House:

A REPLY TO LIFE'S EDITORIAL ON NIXON

President Lincoln once said he could not answer all the attacks against him, as it would involve him in a "perpetual flea hunt."

Two weeks ago, Life meticulously published so many "fleas" about Mr. Nixon and his Presidency—I ask this opportunity to bag the legal limit.

FOREIGN POLICY

Though conceding him high marks in foreign policy, Life skates over—in two sentences—the President's historic arms control proposals, Soviet policy, the new footing toward Communist China, the peace initiatives in the Middle East. Instead Life zeroed in on Cambodia.

Nowhere was credit conceded for the accomplishments of Cambodia: the new American troop withdrawals; the greatly improved chance freedom in South Vietnam will survive; the dramatic decline in American war dead.

Who would have predicted 24 months ago that by the spring of 1971 almost half of America's troops would be either home or on the way?

Had this President been of a different political philosophy, those dismissing his achievements with faint praise might well be alto sopranos in the Nixon choir.

ECONOMIC POLICY

Ernest Hemingway wrote that two evils inevitably brought nations "temporary prosperity . . . permanent ruin." They are inflation and war; Mr. Nixon inherited them both.

It required both political courage and statesmanship to move away from war and inflation, up onto the high road to peacetime prosperity. Almost two million defense-related jobs had to be eliminated in the transition.

But Life's gloomy assessment notwithstanding, unemployment for 1970 was lower than any peacetime year in the '60s. Last year's downturn was the mildest in 25 years. Interest rates have declined. Price rises have dropped 25% in six months. Housing starts are moving up. Food prices have stabilized. The stock market has rocketed 200 points in eight months. Public confidence is everywhere on the upswing. A business recovery is at hand.

SOCIAL POLICY

Doing its bit to "bring us together," Life notifies 22 million black Americans that, under President Nixon, you must "be content with the ongoing progress . . . under laws on the books."

Yet, largely through this President's initiatives, millions of poor, many of them black, are exempted from income taxes; the number of Americans getting food stamps has tripled to 10 million; the number getting food assistance nearly doubled to 12 million; "black capitalism" loans to minority business have shot up to $135,000,000. These tremendous gains are not even hinted at in the Life editorial.

"Nixon has fought *only* [emphasis added] for welfare reform . . ." claims Life. Only for welfare reform!

Where have Life's editors misplaced the clippings on the 37-point environmental program; the revenue-sharing bill; postal reform; the all-volunteer Army proposal; extension of unemployment insurance to five million Americans; the D.C. crime law and the billion dollars to combat crime; the proposals to stop the flow of smut to children; the higher education bill; the mass transit bill; Social Security reforms; coal mine safety; consumer proposals; the occupational health and safety law; veterans' programs; manpower training and a dozen others?

THE NIXON STYLE

Clearly, from Life's inventory, the Nixon "style" is being weighed in the balance with the style of the retinue that arrived in Washington in 1961. But let us broaden the judgment beyond comparative styles to comparative accomplishments. In my book, substance counts more than style.

The men of style who departed government in 1969 left behind a bitter legacy—a division in the country, disruption on the campuses, inflation in the economy, cost overruns in a bloated defense budget, crime in our cities, powderkegs in the ghettos, backlash in the suburbs—and two hundred coffins being ferried home each week from Southeast Asia.

What a price America paid for the overblown rhetoric of the sixties. And what did it all accomplish?

The day the men of style departed Washington—15 years after Brown *vs.* Board of Education—one in 16 Negro children in the South attended school in legally desegregated districts.

It was not they, but Richard Nixon, who presided quietly over the dismantling of the dual school system. He placed his faith, not in pompous rhetoric or federal power, but in the basic goodwill and dedication to law of the people of the South.

The President did not barnstorm the country promising an "end to poverty in 1976." But calmly, articulately, forcefully he proposed to the nation the most far-reaching program in 35 years to eliminate poverty from American life. He has gone to the people: to rally them at the time of the massive street demonstrations—to argue the case for a missile defense—to justify his decision to a nation alarmed over Cambodia—to explain the economic necessity for his veto of a popular health and education bill.

But, if the President truly seemed, in these appearances, a "calculating lawyer"—why, then, almost without exception have they enhanced the President's standing and rallied support for his causes?

If his appearances disappoint, why do networks and Democrats anguish aloud that the President's televised addresses give him too great a power over national opinion? Hopefully, in 1971 the American people are more interested in performance than theatrics.

Were the President genuinely "isolated," how could an informed critic like Eric Sevareid walk away from an hour's live television interview praising the President's mastery of the matters of government?

From my experience, Richard Nixon's severest critics are the pundits who know him least; his staunchest advocates those who know him best.

When the elite of the intellectual community, the media and the capital deserted President Johnson, his Presidency did not survive. But President Nixon can survive and endure their opposition—for never in his career has he had their support.

If the editorialist cannot fathom the nature and depth of Mr Nixon's support, perhaps it is because he does not understand the American people.

On Jan. 20, 1969, America was most deeply concerned with a tragic war in Asia, campus crises, mob violence in her cities, crime on her streets. If the day Mr. Nixon departs the Presidency, America's concerns have turned to saving the environment, making government more responsive, maintaining peaceful prosperity—then history will not dwell long on comparative styles. History, rather, will write that Richard Nixon guided America through a dark night of the American spirit into the bright calm of a new day, and was, therefore, a great President.

ACCOMPLISHMENTS OF THE ADMINISTRATION ON BEHALF OF MINORITY GROUPS

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 4, 1971

Mr. SCOTT. Mr. President, yesterday's Philadelphia Inquirer printed what I believe is an excellent, and badly needed, editorial column clearly presenting some of the accomplishments of this administration on behalf of minority groups.

First, Mr. President, before I seek consent to have the editorial printed in the Record, I want to make a few comments of my own. The Nixon administration has been doing much in the area of aiding minority groups. It is not the posture of the Nixon administration to single out any one group and ballyhoo what is being done. It is the policy of the Nixon administration to treat everyone equal and to offer the fullest opportunity in this great land to all persons who live among us.

In the Philadelphia Inquirer editorial column by Don Bacon, it is said:

> The predominantly black schools are now getting more than $130 million in aid in comparison with just a few million two years ago.
>
> Twice as many blacks are going to white schools in the South than two years ago.
>
> Low income housing has been more than doubled during the last two years.
>
> To offer more housing the Justice Department has filed suits in 22 states.

Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks this article by Don Bacon entitled, "Black Congressmen Should Study Record."

There being no objection, the article was ordered to be printed in the Record, as follows:

Black Congressmen Should Study Record

(By Don Bacon)

Washington.—For a year, President Nixon has refused to see a group of Democratic congressmen, who call themselves the "Black Caucus" and who want to come to the White House to discuss shortcomings in the administration's racial policies.

The black congressmen have made much ado over the Presidential snub. They have held press conferences in which they castigated the President. They boycotted his State of the Union speech last week and demanded equal TV time to present their own version of the "State of the Union." They have written public letters to the President.

To persons with a visceral doubt about the Nixon Administration's commitment to black equality, the President's apparent attitude in this case seemed to confirm their darkest suspicions.

Inexplicably, the White House has declined to comment on the charges of the dozen black Congressmen. Presidential Press Secretary Ronald Ziegler cuts off questions with a curt: "I'll have no comment on that subject."

And the myth that Nixon doesn't care about black problems continues to grow.

The true reason Nixon has refused to meet with the 12 Congressmen is not because of their blackness, but because they are asking him to recognize them as "black representatives" in Congress, that is, an ethnic faction separate from the whole Congress. The President feels strongly that such distinctions in Congress are wrong.

As for his being out of touch with black thinking, it is a fact that Nixon has met over the last two years with more than 30 black groups and individuals, the most recent being Whitney Young, of the Urban League.

In these meetings, Nixon has proved to be a good listener, and, in many cases, has been quick to act on their complaints and problems. After hearing a group of black college presidents tell of the financial plight of their schools, for instance, he promised to direct more Federal funds their way—and he has. The predominantly black schools are now getting more than $130 million in Federal money, compared with just a few million two years ago.

In truth the Nixon two-year record in Civil Rights, after some initial uncertainty and ineptitude, has turned out to be not bad. It might even be called impressive.

Even by the two most sensitive yardsticks of racial advancement—school desegregation and fair housing—Nixon has made a creditable showing. In 1970, after Nixon, complying with the Supreme Court, ordered a complete shutdown of the Southern dual school system, 38.1 percent of Southern blacks were going to predominantly white schools, compared with 18.4 percent in 1968.

In housing, the units available to blacks and other low income minorities more than doubled since 1968. To open up more housing to blacks, the Justice Department has filed suits under the Fair Housing Act, in no fewer than 22 states.

Stressing the need for black economic independence, Nixon has achieved major breakthroughs in getting more blacks into high-paying labor unions, setting up blacks in private business, funneling more government contracts (up 300 percent in two years) to minority business, increasing small business administration loans to blacks, and expanding the training of hard core unemployed. It is progress.

WILLIAMS BROTHERS SALUTE THE OPENING OF MUSKOGEE PORT

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. EDMONDSON. Mr. Speaker, it was a great privilege to attend the recent dedication of the Muskogee, Okla., port on the Arkansas River, and to hear the remarks of Joseph Williams, president of Williams Brothers Co., and also those of his brother, Charles Williams, vice chairman of the company's board of directors.

The Williams brothers were among the first to recognize the great development potential of Muskogee's port, and the tremendous commercial benefits to be derived from barge transportation along the river. The company has worked hand in hand with the Corps of Engineers and local civic groups in pushing for completion of the port, and they are to be commended for their part in making Muskogee the port city it is today.

The remarks of both brothers at the dedication were most timely, for they told the story of how the Muskogee Port finally became a reality.

The story is also told, graphically and eloquently, of the impressive opportunities and benefits now available at the Port of Muskogee, and all along the great new waterway on which it is located, for American industry.

I request that the remarks of both Joseph and Charles Williams be included in the RECORD at this point:

COMMENTS BY JOSEPH H. WILLIAMS, PRESIDENT, WILLIAMS BROTHERS CO., AT MUSKOGEE PORT DEDICATION, JANUARY 22, 1971

Thank you congressman Edmondson. I sincerely appreciate having this opportunity to say a few words on this occasion that is momentous for Muskogee . . . for Oklahoma . . . and for our nation.

Completion of this port opens new channels of commerce for productive wealth of a large and previously landlocked area . . . an area that is sure to benefit because of its many plusses for shippers . . . because of the enthusiasm . . . and competence of members of the port commission and in fact, all people here.

Williams Brothers Company is happy to be associated with such a vigorous group of people.

We're enthusiastic, too, and we predict a bright future for the Port of Muskogee. There's no doubt in the minds of our market researchers that this new port will influence desirable industries . . . and their accompanying prosperity . . . to locate near Muskogee. In fact, we believe in the port so strongly that one of our subsidiary companies has already initiated feasibility studies for several industries that could locate here. Whether these studies will produce quick results, I don't know. But I do know that we will keep selling the Port of Muskogee at every opportunity.

The enthusiasm of everyone connected with the port is paying off. Activity has been good to date. We intend to keep activity high here. This is evidenced by the fact that next month Williams Brothers Company will ship in 10,000 tons of pipe that will be used in the construction of one of our new pipelines. We're shipping the pipe into Muskogee by water because we can recognize a good deal—and we predict that many other shippers will also follow suit.

Thank you.

CHARLES P. WILLIAMS, VICE CHAIRMAN OF THE BOARD OF DIRECTORS, WILLIAMS BROTHERS COMPANY—PRESENTATION TO MUSKOGEE PORT DEDICATION, JANUARY 22, 1971

Thank you, Senator Bellmon, Congressman Camp, Mayor Madewell, Mrs. Madewell, distinguished guests . . . ladies and gentlemen.

Before I begin . . . I want to say . . . that when I accepted your kind invitation to speak here tonight . . . nobody told me that I would be competing with the President of the United States . . . who, at this very moment, is delivering his state of the Union Message . . . So I not only thank you for inviting me to speak to you on this momentous occasion . . . I also thank you all for being here. This is a momentous occasion for Muskogee . . . our State . . . and our Nation.

During the dedication ceremony this afternoon . . . I was reminded of an interesting article I read recently . . . it went something like this. . . "Do they let strangers see that port everyday . . . or only on Sundays? I wanted to see that port . . . even if I had to employ a detective agency to hunt it up. I knew it was concealed somewhere. The seaport is said to be of a very inconvenient size . . . not quite narrow enough to jump over . . . and a little too deep to wade through when you take off your shoes."

Does this sound familiar?

Well . . . the learned author was questioning the advisability of digging a fifty-mile channel . . . . that resulted in the third largest seaport in the U.S. . . . . Houston, Texas.

As we search for answers to our economic problems . . . . one of the strangest paradoxes is . . . . that there is never sufficient appreciation of the enormous and long-lasting influence . . . . that waterway development can have on economic growth.

What would Houston be today . . . . without the man-made channel to its port . . . through which to import and export vital goods. Not only at Houston . . . . but from the Rhine to the Mississippi . . . . the contribution of waterways to the forward thrust of a region . . . . is a matter of historical record.

It is also a matter of record . . . . that many men have always been shortsighted and skeptical about their life-giving rivers. Perhaps we are always looking for a quick profit . . . . or an immediate return on investment . . . . rather than the long-term benefits.

When farsighted and enthusiastic Muskogee citizens voted ten to one in favor of the port bond issue in 1967 . . . they were showing unusual foresight. They knew that water transportation and vitality of a city . . . go hand in hand . . . and Muskogee hasn't stopped there. Forward-looking members of the community are working for the betterment of the port. Projects . . . such as the four million dollar marina proposed by Phillips Petroleum Company . . . indicate what lies in store for this port.

Williams Brothers Company shares this enthusiasm with Muskogee. We signed a contract to operate and develop the Port of Muskogee . . . because we believe in the short- as well as the long-term benefits . . . which will accrue to Muskogee, the State of Oklahoma, and the whole surrounding area.

Look at the record!

It was anticipated that seven hundred thousand tons of commerce . . . would be transported the first year the river was opened to Little Rock. But when the figures for the first ten months were tallied . . . the total commerce moved was in excess of two point six million tons.

Can we really expect such results over the entire system?

It is estimated . . . that the Arkansas River Waterway will carry thirteen million tons annually. The Ohio River System was also built to carry thirteen million tons of commerce annually . . . but today . . . that system carries well over one hundred million tons. Will our system go higher than its projected thirteen million tons? I think so.

Just last week . . . the U.S. Army Corps of Engineers released figures indicating . . . that 1970 cargo on the Arkansas River totalled three point four million tons . . . up sharply from two point four million tons in 1969.

And use of the waterway increased every month during 1970.

Less than a million tons of commerce moved on the Tennessee River in the mid-1930's. 1969 shipments exceeded twenty-four million tons.

And since the 1930's . . . almost two billion dollars have been invested in privately-owned manufacturing plants . . . terminals . . . and distribution facilities on the Tennessee River . . . facilities that provide direct employment for thirty-seven thousand people. I can remember when wise men said flatly . . . that pioneering plans for multipurpose use of the Tennessee were a pipe dream . . . and that it was impossible to develop a major river for navigation . . . flood control . . . and power production.

Contrary to a common supposition in this jet age . . . water transportation is not outmoded . . . nor is it declining. It is growing! And commerce on waterways has increased five-fold since World War II. In the next fifty years . . . predictions are that it will increase six times. Today our nineteen thousand miles of active commercial inland waterways . . . exclusive of the Great Lakes . . . move some one hundred and fifty billion ton-miles annually . . . one-sixth of the nation's total inter-city commerce.

Waterways and economic growth . . . go hand in hand. Now that we have a navigable waterway . . . the future looks brighter. Facts bear out this prediction.

It is a fact . . . that only twenty percent of the nation's counties lie along inland waterways. And that as early as 1958 . . . this twenty percent of the counties . . . accounted for fifty-eight percent of the value . . . added to the nation's goods by manufacturing . . . fifty-five percent of its manufacturing employees . . . and fifty-seven percent of its capital investment in new facilities. These same counties in the 1960 census . . . gained twenty-one percent in population . . . while the eighty percent non-waterfront counties gained only three and one-half percent. Their median incomes were five hundred dollars higher . . . than those in non-waterfront counties.

Government policy is shifting to a more expansionary basis . . . after the inflationary clampdown of the past few months. Economists say . . . that business outlays will start slowly and accelerate later in the year. Growth is expected in private construction and investment in plant equipment. They foresee growth in almost every economic indicator . . . except unemployment. That will go down.

We are in the right place . . . at the right time . . . with the right product. So the future is unlimited.

But let's come down to earth!

Take a brief look at what Muskogee has to offer.

The port is at the hub of three great rivers . . . the Arkansas . . . the Grand . . . and the Verdigris.

There is abundant pure water . . . at the present time daily filtration is twenty-two million gallons . . . well above the present usage of nine million gallons . . . and the daily intake of water can be raised to over eighty-five million gallons.

There is ample willing and competent labor available.

There is abundant natural gas . . . reasonably-priced electric power . . . and massive quantities of petroleum . . . coal . . . minerals . . . salt . . . gypsum . . . and other raw materials. Shouldn't manufacturers locate here? There is no doubt in my mind that they will!

Excellent railway and highway connections spoke out from Muskogee . . . to markets all over the nation. Our state is in the center of the nation . . . encompassing within a six hundred mile diameter circle . . . over fifty million consumers. Shouldn't Muskogee logically become a distribution center? I predict that it will!

Why shouldn't Muskogee become a big manufacturing area . . . perhaps first producing intermediates . . . and then finished products. Couldn't the seventy-seven-mile stretch from Webbers Fall to Tulsa . . . with Muskogee as the hub . . . become an area dotted with manufacturing plants like the Houston ship channel . . . or if we look ahead . . . like the great Ruhr Valley in Germany? Neither of those areas has the variety of resources as close at hand as we do.

Of course we have raw material to ship . . . coal reserves in excess of one billion tons of recoverable product . . . beds of gypsum ten to one hundred feet thick that extend for miles and could yield twenty-five to fifty million tons per section of land . . . statewide reserves of salt estimated at about twenty trillion tons . . . and billions of tons of limestone . . . gravel . . . stone . . . and other useful raw materials. In the past . . . none of this valuable material has left Oklahoma by the most economical means of transportation . . . namely, water.

We know we can ship our volumes of raw material . . . that will give us tonnage but not the prosperity brought by manufacturing (which we are seeking for Muskogee . . . and for that matter all of Oklahoma) . . . the jobs . . . increased personal income . . . and a better standard of living for everyone. We must break the tradition that big, clumsy items go by water . . . and finished products by rail and truck.

Whether wheat . . . steel . . . and other products will move by barge . . . depends on the cost of transportation. Shippers are smart . . . they'll quickly choose the cheapest transportation . . . and right now . . . wheat can be shipped by water from Muskogee to New Orleans . . . 9.3 cents a bushel cheaper than by rail. We can bring steel from Pittsburgh to Muskogee . . . ten to fifteen dollars a ton cheaper by water than by rail. Cities Service Gas Company and Republic Steel Corporation know the value of our port. . . . They have already shipped in fourteen thousand tons of line pipe. And soon . . . Williams Brothers Company will ship in another ten thousand tons of pipe . . . to be used in construction of one of its new pipelines.

But, we must be ever alert and prepared for competition.

During the past twenty years . . . the dreams of the late Senator Robert S. Kerr . . . and perhaps the majority of the people in the State of Oklahoma . . . have been focused in part on the growth and benefits to be enjoyed . . . from the completion of the Arkansas River Navigational Program.

Many times it has been stated . . . that those within the area serviced by the port . . . will enjoy benefits almost too great . . . for our minds to comprehend. However . . . a word of caution and practical realism must be said here tonight!

The reason for the word of caution is simply this:

I have heard . . . that at the present time . . . legislation is being prepared . . . that would result in a user tax on this and other waterways. This tax would increase the cost of waterway transportation . . . and thus make railroads more competitive in price.

Statistics released by the Department of Transportation indicate . . . that within the next two years . . . railroads must greatly increase their present freight rates . . . to achieve a break-even point.

To those manufacturers shipping only by railroad . . . this increased cost could be critical, especially to those manufacturers competing with the present low cost of water transportation.

Now is the time . . . for the leadership of this area to be heard! We must not let legislation interfere with the benefits we have worked so hard to achieve.

We must also meet competition. Here in the Oklahoma-Arkansas area . . . even before its completion . . . the new waterway has led to a rail reduction of seven cents a bushel . . . on what shipments to the Gulf Coast.

(If I may digress a moment . . . this shows the value of waterways . . . with the cost of transportation down . . . the farmer gets a little more for his product; and if we want to carry on the story . . . the housewife pays a little less for the bread she buys at the corner grocery store.)

Completion of this 440-mile waterway opens new channels of commerce for productive wealth . . . of a vast . . . previously landlocked region. It provides access to the hydrocarbon-rich area of the Arkansas Valley . . . and creates a new gateway to the mineral-rich west. The door is open from Muskogee to the Gulf of Mexico . . . and ports all over the world. It is easy to conjure up mental pictures of barges . . . (bulging with grain . . . cotton . . . intermediates . . . and finished products) . . . moving out of Muskogee . . . and returning with machinery and other items for distribution . . . from this natural hub to fifty million consumers.

Waterway development historically has meant related industrial development of importance. But nobody is going to give us anything. We will all have to work hard to reach our objectives.

The challenge is ours! Here we can provide relief for manufacturers from the crowded . . . expensive . . . polluted environment of the chemical centers of the east. Here we have a chance to build the chemical industry of the future . . . with minimal contamination of our streams and air.

Here we can provide opportunity for employees to live in open lake country . . . in a vacation atmosphere . . . in a state with a stable government and a favorable tax structure.

Also a chance to help our country! Economists predict . . . that our country's population will double . . . and our personal consumption will increase five times . . . in the next fifty years. If the present trend continues . . . eighty-five percent of the nation's people will be cramped in urban areas by the end of this century. Many of them will be crowded together in gigantic clusters composed of extensions of today's already crowded metropolitan areas . . . an accumulation of homes . . . roads . . . factories . . . power lines . . . and other facilities that will make solutions to today's environmental problems seem tame by comparison. We have a lot going for us . . . so let's take advantage of our many plusses.

In closing . . . I want to take a few minutes to talk about business. Fully-loaded barges will not be streaming down the river by the hundreds . . . . now that we have declared the Port of Muskogee opened. We are going to have to work long . . . hard hours to merchandise and sell this port. Several divisions of Williams Brothers Company are doing that now.

We are running schedules of advertisements for the Port of Muskogee . . . in leading transportation magazines. At the end of this month . . . we are putting up and sponsoring an exhibit featuring the Port of Muskogee . . . at the National Waterways Conference in Chicago.

I cannot get too specific at this time . . . but will tell you, in general terms, about some other projects. In the past few months . . . our Resource Sciences Corporation subsidiary has initiated several engineering feasibility studies for multi-million dollar plants . . . that could be located in the Muskogee area. We believe in this area . . . and we feel certain that large corporations will soon realize . . . the many benefits of locating plants here. I am not at liberty to name specific companies or projects. But they are nationally known companies.

The point I want to make is . . . that we are taking the initiative. We may be successful quickly . . . and we may not. But be assured we will keep selling the Port of Muskogee.

I hope . . . that everyone here will do the same. Let's all work together to achieve our goal!

I thank you for your kind attention.

EDUCATION BY TELEPHONE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. BOLLING. Mr. Speaker, The Kansas City Regional Council for Higher Education has instituted some innovative educational techniques, including a unique telephone system to establish a communications network among colleges to share academic resources. President of the council, Herbert H. Wood, in an article in the New York Times, of January 11, describes the kinds of activities in which KCRCHE is engaged, funded under the Higher Education Act.

"Education by Telephone" published in A.T. & T. Long Lines and the article from the New York Times, follow:

EDUCATION BY TELEPHONE

Learning by telephone is an effective academic and administrative method of communication. Rapid communication allows ideas and knowledge to flow smoothly and contributes to the cooperative aspects of all educational programs. The Kansas City Regional Council for Higher Education's Telephone Communications Network is an example of how an innovative communications network allowed students and faculties of 18 schools to share each others academic resources.

The Kansas City Regional Council for Higher Education (KCRCHE) is one of the oldest educational consortiums in the country. The consortium's 18 member colleges decided they could accomplish more collectively than if they functioned independently of each other. The member colleges consist of 4-year liberal arts institutions, junior colleges and state schools in Kansas, Missouri and Iowa.

The main objective of the consortium is to upgrade the quality of education and facilitate cooperative administration within the member colleges. However, since most of the communication had been done by mail and by excessive and expensive traveling of key academic and administrative personnel, there was a lack of ideas, enthusiasm and communication.

Late in 1966, the KCRCHE staff decided something had to be done to improve communications. They contacted representatives of Long Lines and Southwestern Bell to see what they could come up with to effectively coordinate the member schools. The facility most needed was conference calling ability which would allow a fast and efficient exchange of ideas and in-depth discussion between the 18 member schools in the consortium.

To achieve this flexibility, the KCRCHE network was custom engineered by the Bell System. It provides 2-point dial access and total conferencing capability. Each member school is connected by a 4-wire private line to a 310 switching system located at KCRCHE headquarters in Kansas City. This console has a 30-position capacity and monitoring capability. The system runs manually and conference calls are set up by the representative located at headquarters. The private lines are backed by foreign exchange lines which provide an extra line to be used for transmitting written material. This is done with the use of a Data-Phone 601-A1 and an electro-writer.

The instructor writes his material on the transceiver. It is then sent over the foreign exchange line to the receiver at the other end and is projected on a screen. Instructors have found this equipment very handy for giving long distance examinations.

The audio "suitcase Tele-lectures" have been modified to work on the 4-wire system. The Bell System men have also modified some of the equipment to meet the needs of the schools. They, for instance, have moved the "push-to-talk button" from the microphone stand to the cord so the instructor does not have to remain stationary during a lecture. The cords have been designed with a clip so the microphones can be attached to the speaker's belt for easy mobility.

The communications staff, headed by Mrs. Donna Murphy, Telenet coordinator, coordinates all the services required in the transmission of educational formats such as the tele-lectures and arranging of conference calls for administrative functions.

A typical campus arrangement on the network includes two conference telephone lines. Each president's office, classroom or lecture hall is equipped with facilities for tele-lecture programs. Any number of member colleges can participate in a tele-lecture. A moderator usually presides at the transmission site of the lecture.

Each semester the campuses check their needs for speakers and advise the KCRCHE network of their choices. KCRCHE then polls all the member colleges to determine who wants to be brought in on the lecture via the tele-lecture system. If a member college participates, it is expected to share the expenses for the speaker. With this economical use of the network, the campuses can better afford distinguished lectures.

Conference arrangements are used for committee meetings among member campuses. The member campuses include 2500 faculty members and 42,000 students. According to Donna Murphy, "the combined administrative faculty and student commitments among the campuses are enormous," with a total of 17,858 participants during the fiscal year '69–'70. The Network expands "communications among faculty members on distant campuses, extends teaching and lecture resources, reduces travel time to attend meetings and speeds requests between libraries for inter-library loans," she said.

The KCRCHE network staff is made up of experienced communications specialists. Some have taught previously and are familiar with the professional needs of the faculty members. The coordinator spends a great deal of time on the campuses instructing the faculties in how to use the network effectively, and assisting them in promoting ideas of potential users.

Several notable speakers have been brought to the member campuses via the tele-lecture. Recently, Dr. Barry Commoner, an extremely well known lecturer, spoke on "Crisis in Our Environment" to over 3100 people on 15 campuses. The American Film Institute initiated the services of the KCRCHE network by monitoring a conference call arrangement about a recent film shown among the consortium members. The director of the film was on the conference circuit for an inter-campus critique.

The tele-lecture system also provided 384 students and faculty with the opportunity of hearing an overseas speaker. Dr. Hans Kung, a German theologian, spoke on the situation of the church today. The lecture was transmitted from Germany via trans-Atlantic cable to the students of the consortium. Leroy Buffon, special representative at Southwestern Bell, sat in on the conference and said, "it was as if Dr. Kung was in the same room. The lecture was a real plus for the system."

In addition to transmitting tele-lecture programs, the network sponsors and arranges inter-college debates over its conference call facilities.

Campuses, which have unequal laboratory facilities, can share the special features of each by using a series of tele-lectures and conference arrangements. This eliminates the necessity of transporting whole sections of students from one campus to another.

According to Donna Murphy, the KCRCHE network has made an impressive contribution to education. "The network is the keystone of all cooperative activities within the Regional Council, providing to each campus ready access to human resources at other campuses in the region and in the higher education community nationally. The network has helped educators consider the telephone as an additional educational vehicle as well as a basic point-to-point communications tool. The telephone has, in fact, become an educational asset."

COLLEGE "COMMON MARKETS" GROWING

(By Herbert H. Wood)

With little fanfare, substantial numbers of colleges and universities have ventured voluntarily into a systematic restructuring of higher education through the development of cooperative arrangements. Where formalized, such groups are called "consortia."

Voluntary cooperation is the factor that distinguishes these associations from statewide systems of coordination imposed by legislative statute.

Still relatively new, consortia already operate in such areas as administration, faculty development, instruction, student services and community services.

By recent count, over 550 private and public colleges and universities, from the smallest to the largest, have formally associated themselves in 61 consortia, each substantial enough to have a full-time administration, two or more academic programs requiring long term financial commitment, and including three or more institutions. Less formal cooperative arrangements, estimated to number over 1,200, also continue to emerge for special projects requiring less intensive relationships.

Growth of formal consortia is recent. Of the 61 major consortia, 12 were organized in 1970. Only nine were in existence prior to 1961. Only seven states have no institutions participating in the cooperative arrangements. There is growing evidence of similar arrangements in Canada, especially Ontario and Quebec, and in Western Europe. The gradual eroding of historically based autonomy apparently is becoming an international phenomenon.

While mounting costs of operation have been a chief stimulant for colleges adopting the consortium approach. It turns out that cutting operational expenses is neither sought nor achieved as a primary goal once a consortium is under way. Joint purchasing of goods and services provides certain economies, of course, but the resulting qualitative improvements are viewed as being of greater significance. And, as expected, cooperation has its operational costs as well.

Curiously, the activities a college in financial difficulty would choose to curtail first in a retrenchment move, receive the most attention in a consortium. Illustrations are curriculum experimentation, faculty development, curriculum revision, specialized services and resources, provision of new study opportunities and the like.

Such endeavors lend themselves particularly to the cooperative arrangement. Programs that can be pursued more advantageously on an individual basis are generally not considered appropriate for consortia.

Generally the most significant impact that consortia have had may not be found in a listing of successful projects and, too often, eludes the outside observer. If restructuring, in low key, is being achieved, it is to be found in the very processes that involve the personnel of the participating colleges in generating and managing cooperative programs.

Faculty and staff interests, so often untapped in the traditional campus setting, can be brought to bear on cooperative projects by directly facing the competition and criticism of colleagues on other cooperating campuses, a member is more apt to make better proposals and plans. New approaches are not only possible but there is also much to encourage their being done well. Indeed, faculty and staff development may have become a more significant output of a consortium than the cooperative programs themselves.

Consortia have also evolved a new breed of administrator. The full-time staff director is in a unique position in higher education. Although primarily a catalyst rather than a supervisor, he has nevertheless found an important leadership role.

He works with the big picture in mind and long-range implications. His interests lie in serving all rather than any one institution. Recruited from college and university campuses, such leaders walk the thin line that the margin of institutional consensus provides.

His daily contacts take him to faculty presidents and students. With suggestions, a working paper and a followup reminder, he encourages college representatives along the approach that they feel will most generally serve the needs of the membership.

No two consortia have the same set of programs, though much borrowing goes on. In Kansas City, there is an Urban Center for undergraduate social work, in Washington, D.C., graduate students take work at several institutions; private colleges around the Great Lakes provides study abroad; a Midwest group operates a Washington office; five colleges and universities operate a joint astronomy department; a jointly owned research vessel sails the Finger Lakes; industrial and research representatives are included in Dayton; a visiting lecturer series serves the colleges and universities in Virginia; a single admissions application expedites a student's admission to several art schools and in New York State a library group provides reference and research resources.

Student exchange is often seen as holding great potential in the consortium "common market." When graduate study specialization is concerned, where institutions are a short bus ride apart, or where a joint study opportunity is maintained, a modest number of students will travel to obtain a desired course, program or experience. The vision of a widespread movement of students from campus as their course interests require is not likely to be realized soon.

Ahead for consortia is more activity in coordinating experimental settings in the community for instruction, more attention to systematic development of higher education services, and the exploration of news possibilities for the January interterm.

In national affairs, the consortium is a strategic link between the institution and national and regional agencies, providing a focus for membership viewpoints and a clearinghouse for institutional participation. Some Government agency funding already shows certain preferences for cooperative projects, such as the Office Education's College Support programs.

Tomorrow's student still may register at a particular college, but he will find instructional and library resources, management systems and student services much beyond what one would have expected of that particular college in the past.

Each campus will still have its own distinctive environment and style. This will be by its own choice and not as a result of its distance from the mainstream of higher education. The reform and restructuring made possible by the consortium point not only toward more survival but also rather toward additional dimensions of quality.

THE REALISTIC DETERRENCE—INFERIORITY ACCEPTED—III

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. SCHMITZ. Mr. Speaker, the United States is on the defensive in the global struggle and has been since the end of World War II. This fact has important implications for our strategic force posture, especially in the nuclear age.

There are three possible force postures: superiority, parity, and inferiority, measured both qualitatively and quantitatively.

Quality can overwhelm quantity. For example, if one nation has an army of 5 million men and no tactical nuclear weapons, and another nation has an army only half that size, but equipped with these weapons of great destructive value against massed troops, then the nation with the smaller army enjoys a qualitative advantage which would probably enable it to achieve victory.

But quantity can also overwhelm quality. For example, if one nation has 1,000 ICBM missiles which are more accurate than those the other nation possesses, but the other nation has 3,000 ICBM's, by attacking on a ratio of 3 to 1 it can probably overwhelm the smaller but more accurate force.

Keeping this in mind, what do each of the three possible strategic force postures mean for the United States? Superiority means that the enemy has no chance of achieving a successful sneak attack. Our survival is assured and his destruction probable, should he launch a first strike. If deterrence fails, we are the winners.

Parity means that neither side foresees probable victory in a nuclear war. The Soviets are free to aggressively extend their operational bases and expand their empire without any real fear that the United States will dare to seriously threaten the Soviet heartland. One recent example of the results of this posture is the Soviet nuclear submarine base which has been installed in Cuba, their 900-mile-long launching platform off our south coast.

Inferiority means that a successful Soviet sneak attack become a real possibility. Because of the destructiveness of nuclear weapons, the prerequisite of nuclear attack is that the nation to be attacked must have a relatively low level of strategic nuclear power. Soviet advance has been creeping rather than blitzing for the last 20 or so years, mainly because a blitz would have resulted in their sure defeat.

When Soviet survival is not threatened the blitz is not ruled out. Czechoslovakia is a case in point. As Khrushchev pointed out, the losing side in the global struggle will certainly resort to nuclear weapons. To a Communist this means that it would, therefore, be absurd for the winning side not to use them first. They plan to win.

Being on the defensive, as we are, we have a supreme need for clear superiority in weapons systems in being, especially in advanced ABM systems to protect both our counterstrike capability and our population. The swiftness of nuclear war, coupled with the destructiveness of the weapons, means that we will not have the chance to construct the means to fight after the battle begins as we did in World War II. We must fight the entire war with the weapons available at the beginning of the war. More to the point, we must fight the entire war with those weapons remaining after the Soviet blow.

We must also understand that because we are on the defensive, the Soviets may choose the moment for attack. They can bring their forces to a point of maximum readiness prior to launch. The United States, on the other hand, has at any given time only one-third to one-half of our Polaris force on station, only a fraction of our B–52's on nuclear alert status, and a portion of our Minutemen undergoing maintenance. A surprise strike in itself, therefore, increases the relative quantity of the aggressor's forces. This increases our need for clear superiority.

The Soviets are now spending 40 to 50 percent more than we are spending on weapons research and development, which determines the quality of future weapons. They now have a deliverable megatonnage two to three times as great as ours, and recently passed us in the number of nuclear powered submarines deployed. We are slipping from uncertain parity to clear inferiority, with all that this means.

The new administration defense policy of "realistic deterrence" is not designed to reverse this situation. It is not designed to assure the United States the superiority we need to assure our survival in the nuclear age.

It might be well to write the President and advise him that you consider the first priority of Government, defense, to be identical with the first human need, survival, and request that he proceed accordingly. We cannot settle for less than a posture of superiority and assured survival.

THE WAR IN SOUTHEAST ASIA

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. HELSTOSKI. Mr. Speaker, the war in Vietnam is not and never has been a U.S. war. It is and must remain a fight to be fought and won by the people of South Vietnam themselves.

The root of the present dilemma in which the United States finds itself in South Vietnam lies in the aftermath of France's defeat at Dienbienphu on May 7, 1954. Today—after 17 years, the U.S. position resembles that of France.

I hold that neither South Vietnam nor Southeast Asia is strategically important to the United States as some observers believe. I assert that the present American commitment there is far too great in relation to the United States vital interests in that area. I suggest and have done so many times in the past that the United States disengage itself from Southeast Asia.

South Vietnam is not an area of major military and industrial importance and the United States receives little economic benefit from the resources of Southeast Asia. I am of the firm belief that any future development in Southeast Asia would have little bearing on the basic U.S. defense system in the Western Pacific which is based largely upon our air and sea power.

Our withdrawal from South Vietnam can further be based on the fact the United States has no cultural, political, or ethnic bonds to the peoples of that region.

Southeast Asia may be important to such neighboring nations as Japan, Australia, and India, but that factor has been overemphasized, as evidenced by the failure of these countries to render more support to the American effort in Vietnam.

The expense of the Vietnam war has run into untold billions of dollars and has curtailed the initiation and expansion of our domestic programs which could solve, to some degree, our urban problems such as slum clearance, unemployment, expansion of health programs, and facilities, expansion of our educational facilities and study programs, aid to our aged, improving our welfare programs, and combatting our environmental problems.

I feel that it is more essential that we do what we can to improve the lot of our people than to fight a war that is unnecessary and immoral. This war should be liquidated. We cannot keep on sending our troops there when our allies troop contributions have been minimal. Britain, France, and Pakistan have remained aloof from any military role—and France takes a very critical position to American policy. Our country is exhausting human and material resources while other nations, more vitally affected by the developments in Southeast Asia watch the conflict from the sidelines.

The time has come to reverse our policy of undertaking to defend such areas as South Vietnam, whose people are reluctant to do so themselves. If we wish to supply South Vietnam with arms to continue this war, let us do so. Let us give them the means, but not our men.

We have, time and time again, explained our policy that we are helping a free government resist Communist subversion. But South Vietnam has never been a free government. In its existence its governments have been picked for it by the United States and by our heavy doses of economic and military aid.

Our present policy in Vietnam is eroding our prestige in Asia. We are losing despite the steady increase in our aid both in military arms and our manpower.

For 17 years we have tried, and failed, to attain a military victory, thus it appears that a negotiated settlement in South Vietnam is the solution we are obliged to seek. If we fail to reach a negotiated settlement, then we should turn to the UN whose charter requires that the dispute be brought before a regional organization, such as SEATO, or one of the U.N. bodies.

For several months now there was hope in the hearts of the people of our country in that we will be withdrawing our combat troops from South Vietnam and bringing them back to their homes and their loved ones. Although this hope still remains, it appears that many of our young men will have to remain in that battle-torn area for some time. While we are assured that no ground troops will be utilized in the spreading of the conflict to Cambodia and Laos, our commitment to South Vietnam remains as the South Vietnamese troops expand the war to these two areas. While the South Vietnamese are engaged in Cambodia and Laos, our American manpower must fill in the gaps of the depleted ranks of the South Vietnamese forces.

The recent news blackout on the activities in Cambodia and Laos is a travesty upon the American public. I would think that the American public, which pays the bill for this incursion into new areas of Southeast Asia, should be totally informed of what is taking place there. I ask you why was there an American news blackout when information was available to the press of nearly every country in world and news dispatches reached the American public through the back door.

This was a shameful action taken by the administration to keep us from the information that should be given out freely. This blackout was not for military reasons I am sure, for, as I stated just a minute ago, the world's press had written it up in its own press and spread it over its own news media.

I hope that we will not be faced with this situation in the future.

I have said it many times that we should restructure our priorities and give more attention to our domestic problems and withdraw from the military field. I consider the life of one American worth more than the objectives thrust upon us by the war. The United States should not be expected to jump into every fracas in the world at the cost of our youngster's lives; to stay blindly and stubbornly when bitter experience of blood and tears has shown us that this expenditure resulted in failure.

The situation in South Vietnam and elsewhere in Southeast Asia cries out for an internation solution. The problem will not be resolved in battle, but around a conference table at which all parties to this conflict will be participants.

Our hope for Southeast Asia to live in a quiet and peaceful atmosphere lies in this operation. Let us hope that the participants avail themselves of this opportunity and use it to end this conflict.

THE CONQUEST OF CANCER

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. PODELL. Mr. Speaker, today the House of Representatives has declared war on an elusive and dangerous killer—the dread disease cancer. With the single exception of heart ailments, cancer is responsible for more deaths in this country than any other cause, and no group is immune from its terrible effects. It strikes the young as well as the old; statistics show that it is responsible for the deaths of more children between the ages of 1 and 15 than any other other cause. It is projected that over one-quarter of the 200 million Americans alive today will develop some form of cancer, and a majority of these cases will result in death.

And statistics tell only a part of the story—for with cancer comes pain, suffering and heartache to the afflicted individual and to his loved ones.

Yet, I do not believe that we must accept these statistics as inevitable. On the contrary, if we put our minds and the vast resources of this Nation to work today—and not tomorrow—I think we can prove these projections wrong. Past years have seen a rise in the rate of cure from one in five to one in three. We must do still better.

Now is the time for America to eradicate the tragedy that cancer brings by channeling all available resources toward finding a cure. Delay means more tragedy.

We have reached a level of scientific sophistication that brings such a cure within the realm of possibility. What is required now is dedication, facilities, and a large investment of funds.

I am, therefore, proud to be a cosponsor of the legislation being introduced today—the Conquest of Cancer Act which would commit the United States to a massive and systematic attack on cancer through the establishment of a National Cancer Authority as an independent agency within the Federal Government. It would have the same absolute jurisdiction over the cure and control of cancer as the National Aeronautics and Space Agency has over the conquest of space.

The Authority would carry out such work as the expansion and coordination of research, including the encouragement of research by other groups that have the proper facilities. It would collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer. At present, even so seemingly elementary a need as comprehensive statistics on the incidence and the type of cancer most prevalent in a particular area are lacking. If such statistics were made available, improved diagnosis and detection of cancer would follow.

The Authority would establish and support the large scale production of materials needed for research, and would acquire, operate, and maintain comprehensive cancer centers for research, teaching, and for the development of the best methods of treatment.

I am happy to note that the statement of purpose is accompanied by a large authorization to translate these words into a series of effective programs. The bill provides for a $400 million authorization for immediate research with increases of up to $1 billion per year.

I believe that Congress must take the initiative in improving the health of our citizens. Presidential action in the area of health has led to a series of cutbacks in money and services—the National Heart Institute, the closing of Public Health Service hospitals, vetoing of hospital construction and family medicine programs. Somehow the President seems to believe that good health is fiscally irresponsible.

I hold, on the other hand, that this Nation can ill afford not to spend more money for health. I am, therefore, calling upon this Congress to take strong and immediate action so that the challenge of this dread disease will be met, and our citizens will be the victors.

HOOVER TURNS SPOTLIGHT ON INDULGENT JUDGES

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. HUNT. Mr. Speaker, if there was ever a doubt in anyone's mind that a fair portion of the blame associated with the Nation's rising incidence of serious crimes in the past few years may be directly attributed to judges and parole boards, that doubt should be dispelled by the recent revelations of the venerable J. Edgar Hoover, FBI Director. His critics, of course, are the same ones who would threaten to shoot police who enter on a no-knock warrant, propagandize the news media with claims of police brutality, and literally bend over backward to advance the rights of individual defendants who have thumbed their noses at the police and the courts while victimizing the society that plaintively demands more protection.

In the current issue of the FBI Bulletin, Mr. Hoover documents a few of the more blatant cases of judicial softheadedness and, as a result of an FBI followup survey of some 19,000 offenders who were released in 1963, reveals a shocking record allowed by those who are entrusted with the responsibility of administering the Federal criminal justice system. Enough attention has been diverted to the faults of the system and Mr. Hoover is to be commended for putting the serious problems of criminal justice into a more proper perspective by focusing on the personnel who operate that system.

Jenkin Lloyd Jones, addressing himself to this point in his Evening Star column of January 30, 1971, writes:

HOOVER TURNS SPOTLIGHT ON INDULGENT JUDGES

Old J. Edgar Hoover, long a clay pigeon for professional libertarians, has brought one up from the floor in the current issue of the FBI Bulletin.

From the files of the bureau he has collected a few gaudy examples of soft-headedness among some judges and parole boards which help explain why once-safe cities have become jungles and why citizens who used to stroll the streets in the evenings now barricade themselves in their homes.

Most disturbing, we now have on the bench some judges who are patently hostile to police.

One such character, according to Hoover, not long ago announced that he would hand out a light sentence to any defendant claiming mistreatment by police. The judge insisted on no corroborating evidence. He appeared perfectly willing to damn the police by hearsay.

One young thug, previously convicted of car theft, assault and attempted rape of a child, was captured after a gun battle following an attempted jewelry store holdup. Three policemen were injured.

But when the captive complained that the police had roughed him up, this judge sentenced him to two years probation, conditioned on his getting treatment for drug addiction. When the narcotics institution refused to accept him on the grounds that he could not be rehabilitated, the judge let him go.

This same judge gave a five to seven-year term to another hoodlum who beat a 75-year-old woman to death in a $5 street robbery. The judge explained the light sentence on the grounds that if the woman had been young and healthy she would probably have survived the beating and that, hence, it really wasn't murder.

A man arrested after an unsuccessful attempt to hijack an airliner was ruled by another judge as insane at the time of the attempt but sane for the trial. The court ordered the jury to turn him loose.

In a western state a man with a 40-year criminal record was sentenced to life in 1959 as a habitual criminal. Released after only eight years, he was picked up for a hit-and-run accident and given 30 days. Shortly thereafter, while on bond for a new armed robbery charge, he killed a police officer. He was finally given 20 years—much less than his 1959 sentence.

An appeals court in an eastern city freed an alleged burglar because, it said, the lower court had erred in not telling the defendant his trial could proceed without him. The defendant, who had been convicted 20 times in 33 years, had ignored two summonses to show up for trial. His excuse was that he had been depressed and gotten drunk.

A 6-foot 2 inch 185-pound youth, guilty of rape at gunpoint, attempted rape, robbery and assaulting arresting officers, was remanded to juvenile court because he was 16—right along with youngsters who break windows.

The FBI has followed up 19,000 offenders released from the federal criminal justice system in the year 1963. Of those put on probation, 57 percent had been arrested for new crimes within the next six years; of those paroled, 63 percent. Of youths under 20 released from federal custody in 1963, 74 percent had been rearrested by 1969.

Much is being said these days about the inadequacy of our prisons. They surely are. They are usually overcrowded, outmoded, overgloomy, understaffed, lacking adequate schooling and job-training and short on psychiatry and counseling.

But they are vastly better, in general, than any prisons we ever had in the past. And if life is less secure in America now than it was when we had worse jails and penitentiaries, if increasing numbers of innocent citizens are preyed upon by the benficiaries of a generation of juvenile courts, hair-trigger parole boards and maudlin judges, let's not overblame the prisons. The locked-up prisoner is no menace. The unrepentant released prisoner is.

Says Hoover:

"In today's society one of the most privileged of creatures is the repeating offender, prematurely released time and again, free to abuse parole, probation and bail privileges while wreaking havoc upon law-abiding citizens.

"We have sunk into this morass through a distortion of human values. We have forgotten history's lesson that law, order and justice exist only when personal liberty is balanced with individual responsibility, that public welfare must take precedence over private privilege."

Amen!

STATE OF UNION MESSAGE: CONSTRUCTIVE, FAR REACHING

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. SHRIVER. Mr. Speaker, President Nixon in his excellent state of the Union message presented 6 great goals aimed at closing the gap between promise and performance in American Government. I include the following constructive analysis and comment regarding the President's message from the editorial opinion page of the Wichita Eagle and the Beacon, Wichita, Kans. It is a realistic appraisal deserving of attention by Members of the House. The editorial follows:

STATE OF UNION MESSAGE: CONSTRUCTIVE, FAR REACHING

The "experts" are busy dissecting the President's State of the Union message, but even the most critical cannot deny that this was Richard Nixon at his best.

Speaking to Congress and the nation Friday night, the President presented the blueprint for a reorganization of government and a reallocation of federal funds and priorities that can vastly improve the operation of the governmental process, both in Washington and in every state.

President Nixon, halfway through his first term in office, obviously is hoping to make his next two years constructive and memorable ones in the history of the United States. Neatly outlined and explained in this long text are the plans the President and his advisors have carefully built over the past months. They're beautiful.

In addition to government reorganization and reallocation of funds, Mr. Nixon proposes passage of more than 35 pieces of legislation left over from the last Congress, including reform of the welfare system by placing an income floor beneath every family with children; achieving "full prosperity in peacetime" by approving an "expansionary budget," restoring and enhancing the natural environment through a system of "strong initiatives" which he did not further explain, and improve America's health care, especially for the poor, by pumping in new funds, increasing the number of doctors, improving delivery of health services, and encouraging better preventive medicine. Included is a $100 million campaign to find a cure for cancer.

It is obvious that the executive branch in Washington needs real reform and recognition. The President proposes a startling change—to create four new departments. One, the Department of Economic Development, would combine the present Departments of Labor, Agriculture, Commerce and Transportation. The others would be Departments of Housing and Community Development, Human Resources and Natural Resources. These would be built around, respectively, the present Departments of Housing and Urban Development; Health, Education and Welfare; and Interior. In doing this he would reduce the number of cabinet posts from 12 to eight.

On paper, this looks promising. The work of the new departments could, presumably, be more clearly defined. Now, the authority of old departments sometimes laps over that granted newer ones like HEW and HUD, with resulting confusion and in-fighting. The proposed new departments emphasize the increasing interest in upgrading the environment and enhancing the quality of life for all citizens.

But it won't be easy. Anyone who remembers the bloodletting when the old military departments were combined into the big Department of Defense will concur. In our own farm belt, there will be many farmers vehemently opposed to losing the Department of Agriculture, even though farming, as a major business, probably should be considered at a cabinet level along with other facets of the economy.

Another major part of the President's address concerned revenue sharing. This was a promise made when he was campaigning for President, and he now is ready to try to keep it.

Here, too, he makes good sense. This is progress. It would reduce the flow of dollars into Washington bureaus, and let the people have some of their federal tax dollars back, some $16 billion, without strings, to spend on programs at home.

This is another change that won't be simple, however. Having our tax money spent at the discretion of state and local governments, instead of federal officials, doesn't mean that the real interests of the people will be served automatically. Local governments have often been blind and callous about real local needs, preferring to dispense tax money according to a century-old philosophy ignoring human needs and environmental needs.

Revenue-sharing is going to put a greater burden on the voter back home. He's going to have to know what good city, county and state government is, and he's going to have to vote into office the people who will provide good local and state government.

Certainly, in his six goals, the President has dealt with most of America's most pressing domestic problems—the poor, the ecology, the national health, the return of the power of money from Washington to the local level, the mushrooming federal bureaucracy, and a return to prosperity in peacetime, which as he said, this country has not enjoyed since 1957.

Moreover, they are programs that will be popular for the most part with the voting public if not in every case with officialdom, and Mr. Nixon appears in conceiving the program to have virtually assured that whatever becomes of the proposals, he will emerge strengthened in the presidential campaign.

If Congress buys most of the program many people will approve of the various new benefits. If it doesn't, there will be lots of campaign ammunition for 1972.

He mentioned no pricetag for his package, but it is plain that it will be large. If we can shed ourselves of a significant portion of the cost of the Vietnam operation, and if the federal reorganization results in any important saving, the cost may not be burdensome, and certainly what the programs will be buying will benefit Americans far more than many federal expenditures of the past have done.

STATE OF THE JUDICIARY

HON. WILLIAM M. McCULLOCH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. McCULLOCH. Mr. Speaker, in the 91st Congress, I introduced legislation along with my colleague from Illinois, Mr. McClory, requesting the Chief Justice of the U.S. Supreme Court to address a joint session of Congress on the state of the judiciary. Today, I would like to have reintroduced the same legislation for consideration by the 92d Congress.

Members of Congress are well aware of the criticism and controversy that surround the courts of our country. We have all heard or said the truism that "justice delayed is justice denied," but delay and congestion in our Federal courts continue to grow.

Delay and backlog have most undesirable effects: witnesses give up in frustration after numerous cancelled court appearances; jurors despair waiting endless hours only to go home without having fulfilled their civic duty; litigants often give up in frustration or settle for less because they cannot wait for the court to act. Too often, congestion and delay become excuses for inaction rather than focal points for reform. It is the duty of Congress not only to improve and expedite Federal justice, but also initiate innovative procedures to assist the courts in handling their problems. Our overall purpose must be to quicken the pace of justice without impairing the quality of judicial output.

For these reasons I introduced legislation requiring the Chief Justice of the United States, from time to time, to present to the Congress and the country a realistic appraisal of the state of the judiciary. This, I believe, would spotlight current and long-range problems and motivate the Congress to effective action.

I am of the opinion that the time has arrived when the problems of our judicial system should be presented to the Congress and to the country by our highest ranking judicial official. Such an address would be a dignified approach from the head of one of the coordinate branches of the Government to the branch responsible for its legislation and appropriations.

The intent and purpose of this legislation is not to demand that the Chief Justice appear before the joint session of Congress annually, but rather require the head of our judicial branch of Government, with all the prestige and wisdom of that office, to address Congress and the Nation, at his discretion, on the needs and problems of our courts. I am of the opinion that such information is of paramount importance and should come from the highest level.

I see no constitutional problem with the separation of powers between the legislative and judicial branches of Government. On the contrary, article III of the Constitution confers on Congress the authority to "ordain and establish" the lower Federal courts and each year the Appropriation Committees of Congress consider legislation to fund all the Federal courts. On June 2, 1970, our President signed into law legislation creating 61 new judgeships. On January 5, 1971, our President signed into law legislation, which I introduced, along with the distinguished chairman of the Judiciary Committee, that would establish throughout our Federal judiciary a system of court executives to assist our judges with their nonjudicial responsibilities.

The Congress has created, by statute, the Judicial Conference of the United States (28 U.S.C. 331) wherein we require the Chief Justice of the United States to summon annually certain lower court judges to a conference. In this same law we require the Chief Justice to submit to Congress an annual report of the proceedings of the judicial conference and its recommendations for legislation. No one has suggested that this section of the United States Code is in violation of the separation of power doctrine. Indeed, anyone familiar with the function of this particular body realizes its importance to the Congress and to the effective operation of our judicial system. My bill would not, in any way, change what is presently being done under title 28, United States Code, section 311, it would merely require the Chief Justice, from time to time, at his discretion, to address a joint session of Congress.

STATE OF THE JUDICIARY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. McCLORY. Mr. Speaker, it is an honor to join my distinguished colleague from Ohio, Mr. McCulloch, in reintroducing legislation which would require the Chief Justice of the United States to address a joint session of Congress from time to time on the state of the judiciary.

Together with the vast majority of my colleagues in this great body, I feel a sense of urgency with respect to the problems facing the judicial machinery of the Federal Government. Congress can not ignore these problems insofar as it possesses the authority to deal with them under the Constitution.

Mr. Speaker, during the past 30 years we have seen the jurisdiction of our Federal courts greatly expanded through legislation and through Federal court decisions. Now we hear of congestion, frustration and confusion in the halls of justice accompanied by a drastic increase in the national crime rate. As the present Chief Justice pointed out to the American Bar Association in August of 1970, our present judicial system is "cracker-barrel justice in a supermarket world."

Mr. Speaker, we can expect to receive constructive suggestions from the Chief Justice, and I believe sincerely that they should be given to the Congress firsthand.

Mr. Speaker, I urge prompt and careful consideration by the House Judiciary Committee of this proposal which the gentleman from Ohio, Mr. McCulloch, the gentleman from Michigan, Mr. Hutchinson, and I have introduced today. Thereafter, I hope that the committee and this House will express their overwhelming approval.

MAKING THE "DUST BOWL" BLOOM

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. JOHNSON of California. Mr. Speaker, Congress has long been aware of the wide range of benefits of irrigation projects and has authorized many of them throughout the country through programs of the Bureau of Reclamation, the Soil Conservation Service and the Corps of Engineers. But a recent article of Universal Science News which appeared in the Los Angeles Herald-Examiner on January 10 particularly intrigued me when it suggested that irrigation has so changed the weather in the Central United States that the conditions which brought about the terrible dust bowl of the thirties will not happen again. We can easily recognize the many tangible rewards of these projects to the local economy and social life, but we have long failed to include in our evaluation many results which improve the life of our people. If the theory suggested by Mr. Lothar Joos of the Environmental Data Service proves to be true, then the benefits of these projects may have a value beyond calculation. The article follows:

MAKING THE "DUST BOWL" BLOOM

UNIVERSAL SCIENCE NEWS 1971

KANSAS CITY, Mo.—Man is changing the weather in the central U.S., and because of what he has done Dust Bowl states will never be threatened by drought again, according to a Weather Bureau researcher here.

Lothar Joos, regional climatologist with the Environmental Data Service, says statistics show that Texas, Oklahoma, Kansas, Colorado and Nebraska are experiencing man-made climatic changes responsible for an increase in rainfall since 1955. This increase, he believes, precludes the recurrence of the devastating droughts of the middle 1930s.

Joos theorizes that the increased rainfall is due to irrigation. Water covering over 11 million acres in those five states increases the amount of water vapor that enters the atmosphere, he maintains. This vapor contains heat energy which initiates rainstorms, or adds power to those already forming.

"We're uncovering increasing statistical evidence that man actually is affecting the weather," Joos says. "But a 15-year wet spell doesn't seem to be long enough to convince most meteorologists. What I wonder is how long a spell it has to be before others will admit climatic change is taking place."

A candid, affable fellow, the climatologist began studying the Dust Bowl when he was transferred to Kansas City three years ago. As a young man, he remembered the devastating days when a three-year drought turned fertile top soil into huge black clouds of powder.

To residents of the drought area, this meant enduring sunless days when dust reduced visibility to zero, all traffic halted, the Red Cross recruited volunteers to make cotton face masks, and what physicians called "dust pneumonia" was rampant.

"I lived in Wisconsin then," Joos recalls. "The dust was so fine and remained airborne for so long it blew into our homes 500 or more miles away."

By the end of the drought, nearly 100 million acres of farmland had been denuded by daily 20 to 30-mile-an-hour winds.

When Joos moved to Kansas City he decided to take a car trip through the Dust Bowl to refresh his memory of those miserable years. He was surprised to find it had become one of the nation's largest garden and agricultural areas.

"I was genuinely puzzled," he says. "I was expecting to see miles of dust and sand and all I saw were large fields of crops."

To explain the change, Joos began collecting data on the area.

He concludes that new agricultural practices, innovations in machinery and new tilling methods have played a part in the comeback of the Dust Bowl. But something else changed too. Joos discovered that the average rainfall of the area—20 inches a year—has increased 10 to 40 per cent since 1955.

Joos also found that the precipitation increases were most prominent during June and July—usually the driest months and therefore the time of highest irrigation activity.

There were local exceptions to the increase in rainfall. Rather severe drought conditions prevailed, especially in Texas, during the late 50s and early 60s, but Joos says this period was by no means comparable to the Dust Bowl days.

Since World War II, the total acreage under irrigation in the area has increased ten fold, to 11.4 million acres, Joos estimates. When land is irrigated, the surface temperature drops. In this case, a drop of 12 degrees C. produced heavier air and reduced surface wind speeds, the climate researcher believes.

"My theory only holds true during light wind periods," he adds.

In addition, irrigation darkens soil, thus increasing its ability to soak up sunlight. Joos calculated that there is a 15 per cent increase in the amount of solar energy absorbed by wet versus dry ground, and this additional energy goes into evaporation of the irrigation water. The more water available, the quicker soil and crops release water vapor into the atmosphere.

Each grain of water vapor carries with it 580 calories of heat energy, Joos says. This heat is released when the vapor rises to higher, cooler layers of the atmosphere and condenses into rain or snow. Release of the heat increases the instability of the atmosphere and promotes rain. Joos emphasizes that it is the energy released from the water vapor, not the water vapor itself, that can either initiate a thunderstorm or add vigor to those storms already forming.

ENERGY SHORTAGE BRINGS POWER CUTBACKS

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. FULTON of Tennessee. Mr. Speaker, the current cold snap has brought a measurable curtailment in available power in the Washington, D.C. and New York City areas.

The Potomac Electric Power Co. Tuesday reduced by 5 percent its power available to customers here while New York City suffered a similar cutback for the second day.

The action comes as no surprise. It has long been predicted that an extended period of cold this winter would bring these brownouts.

The reasons given for the shortages are several.

Pepco says power is short because of a combination of planned and unplanned shutdowns, coupled with increased use of electricity brought on by the cold.

According to press reports, a spokesman for Pepco said the situation is not unique to this area. Mr. N. Eugene Otto is quoted as saying—

> The same conditions exist up and down the coast in the Northeast. This is nothing new.

Unfortunately it is not new.

Unfortunately it is the rule rather than the exception and nothing very much is being done to alleviate the threat of continued brownouts or blackouts in the future.

Tuesday's curtailment of power in New York City was the sixth voltage cutback there in the past 16 days.

The press and media also have reported very discouraging news concerning negotiations between international oil companies and the Persian Gulf producing states. Discussions on a new agreement have apparently broken down which could spell profound adversity for Western oil supplies.

Mr. Speaker, the problem of energy sources and resources in this Nation continues to grow. Today's occasional power shortages are going to become tomorrow's commonplace occurrences unless something is done to untangle this mess and launch some rational policy in regard to the production and consumption of power in America.

For this reason I have introduced House Resolution 155 to establish a Select House Committee to study the energy resources of the United States. The intent of the investigation is not to "witch hunt" or to seek some scapegoat at which to point the finger of blame. Rather, it is my belief that the study should dismantle the problem piece by piece and recommend appropriate legislation which will protect the power consumer's interest, assure an ample and dependable supply of power and provide incentive to the power industry to meet our Nation's growing power needs.

COPE TOPS CAMPAIGN DONORS' LIST

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. KYL. Mr. Speaker, we hear and read a lot of nonsense about the rich Republicans and the poor Democrats and how we outspend them 3 to 1 or 5 to 1 or 10 to 1 in election campaigns.

Even though this is nonsense, it is hard to cut through the myth and get the point across. One reason is that the Democrats use as a poverty front a bankrupt national committee, while funneling money and other aid to candidates through organized labor's COPE organizations, through special fundraising and dispensing operations like the McGovern committee, like the Committee for an Effective Congress, and like SANE and other leftwing groups that claim to represent the peace fronts, the ecology, and whatever else they may think up.

The Associated Press' James Polk disclosed at least the tip of the Democrat's financial iceberg in the attached story in the Washington Sunday Star of January 17.

The article follows:

PEACE GROUP IS CLOSE SECOND: COPE TOPS CAMPAIGN DONORS' LIST

(By James R. Polk)

Unions, peace groups, doctors, businessmen and dairy farmers top a list of special interest groups that poured $7 million into the 1970 political races—mostly to Democrats.

The biggest of the spenders was the AFL-CIO's Committee on Political Education, which put nearly $11 million into the campaigns.

Close behind among organizations filing with Congress was a new peace group, the 1970 Campaign Fund, organized by Sen. George McGovern, D—S.D., to help liberal colleagues in Senate fights.

Year-end statements show that Democrats bulwarked by money from labor unions and anti-war funds ran up a 3-to-1 edge in contributions from the big-spending groups.

This advantage for the Democrats offset the GOP bulge in traditional national party spending. The Republican national campaign committees for Senate and House races outspent their Democratic counterparts $4 million to $1 million last fall.

State party organizations are not required to report their spending to Congress.

Compiled from the campaign spending reports that national political committees must file with the clerk of the House, the top 10 special interest groups for 1970 include:

1. COPE—$967,328.

COPE's largest outlay, $31,522, went into the re-election race of Sen. Harrison A. Williams, D-N.J. When Congress comes back this week, Williams will take over as chairman of the Senate Labor Committee.

2. 1970 Campaign Fund—$853,244.

McGoverns' new peace fund was so successful in its first year that it put more money into Democratic Senate races than the party's own Senate campaign organization could raise.

CREDITS FOR 1972

More than half the candidates backed by the fund won, which may mean 1972 political IOU's for darkhorse presidential hopeful McGovern. The fund's main contributions included $70,000 for new Sen. John V. Tunney, D-Calif., and $56,000 each for Sen. Frank E. Moss, D-Utah, and defeated Sen. Albert Gore, D-Tenn.

3. Machinists—$723,010.

The Machinists Non-Partisan League put $404,000 into political races through its general fund and spent another $319,000 out of its educational fund. The main donations went to Democratic Senate candidates including Tunney, Williams, and Gore.

4. National Committee for an Effective Congress—$695,501.

Tunney, at $33,000, also topped the list of candidates helped by the NCEC, a liberal fund which gave heavily to 19 Democratic Senate races. Its candidates won 11 races.

5. American Medical—$693,412.

The American Medical Political Action Committee, a doctors' fund, channeled its spending through state affiliates and kept secret the names of the candidates who got the money. Most of them apparently were Republicans. The biggest sums went to California and Indiana.

6. Business-Industry—$539,156.

OFFSHOOT OF NAM

The Business-Industry Political Action Committee, an offshoot of the National Association of Manufacturers, backed Republicans in 16 Senate races but also shelled out money for conservative Democrat Lloyd Bentsen in Texas and independent Sen. Harry F. Byrd of Virginia. The businessmen broke even on their Senate investments, with winners in 9 of 18 contests.

7. Seafarers—$422,649.

Despite a federal indictment for illegal campaign contributions in the 1968 race, the Seafarers Political Activity Donation Committee found congressmen still accepting its money.

The Seafarers group gave to 109 House races, and backed winners—usually incumbents—in roughly 100 of them.

Included was $3,000 for Rep. Edward A. Garnatz, D-Md., the chairman of the House Merchant Marine Committee, who was unopposed for re-election. Garnatz' committee oversees the government subsidies which pay a large portion of seamen's wages.

8. Conservative Victory Fund—$376,630.

The total spent by the conservative group isn't known yet because its treasurer, Lammot Copeland Jr., the DuPont heir who recently filed in bankruptcy court, has not filed the year-end report required by law. But, in spending through October, the Senate losers backed by the fund outnumbered the winners, 2 to 1.

9. Milk Producers—$368,851.

The Trust for Agricultural Political Education, a new fund financed by milk producers, is one of the few large groups making genuine bipartisan donations—sometimes to two candidates in the same race. "We hope to have a friend no matter which one is up there in Washington," said a milk official.

Its donations included $5,000 for the unopposed chairman of the House Agriculture Committee, W. R. Poage, D-Tex.

10. Steelworkers—$307,401.

The United Steelworkers of America Voluntary Political Action Fund chose Democrats in every Senate race it entered. The top outlay of $18,000 went to Howard Metzenbaum, a close loser in Ohio.

THE COYNE ELECTRICAL SCHOOL

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. MACDONALD of Massachusetts. Mr. Speaker, I would like to call the attention of my colleagues to a letter which I have received from one of my constituents regarding the Coyne Electrical School in Boston, Mass. The Coyne School is a private trade school which has made significant contributions in the field of vocational education as detailed in the letter from Mr. Francis J. Hickey, Jr.

The letter follows:

JAN. 24, 1971.

DEAR REPRESENTATIVE MACDONALD: I am grateful for your commending me on my work in vocational education in your letter of December 17th. I am proud of the acknowledgement. The satisfaction stemming from my position as guidance counselor is, I would imagine, the same type of feeling you, Representative Macdonald, experience in your line of endeavor.

As an avid reader of the Congressional Record, the articles, speeches, etc. never fail to captivate my attention. Every year intermittently attention is focused on some very worthwhile theme such as education. Specifically, what always interests me is the support, moral and financial, for vocational education because there is a prediction now for the dire need of technicians there will be, judging from the need there is today for them.

For three quarters of a century Coyne Electrical School traditionally has taught and practically trained men exclusively for the constantly growing electrical industries and professional engineers. Just as enthused and confident as I am about the great future for the man with an electrical skill is the entire instructional staff and student body as is evident in these men who will spare no effort—on the part of the instructional staff to impart their knowledge, as on the part of the students who are eager to take advantage of the low instructor-student ratio.

The Coyne Electrical School as established in 1896 by James Coyne, widely known engineer. Mr. Coyne attained world-wide fame as an engineer and educator. His firm beliefs then, still followed today, that only by practical methods of teaching can the graduates enter into the employment markets qualified to assume responsible occupations have stood the test for three quarters of a century. This is fractually attested to by the thousands of Coyne graduates in skilled substantially paying positions with security and an opportunity to grow. Many are in a business or professional firm of their own.

While training at Coyne Electrical School takes in both theory and practice, our methods are quite different from the ordinary school where electricity is merely included as part of a technical course.

At Coyne Electrical School we teach electricity, layout, design, planning and estimating exclusively. No other unrelated subjects that have no direct bearing, take up time for homework, classroom, and examinations are given.

Concentrated instruction on the basis of a full week in class followed by a full week in shop gives the student a better understanding than a system of classroom periods of one hour each and moving from one subject to another

The course offered at Coyne Electrical School is intended for beginners without special regard for prior educational programs It also is taken by men engaged in some phase of the electrical or industrial areas where additional training is essential to the broadening of their knowledge and experience

As a consequence, motivation—a definite desire on the part of the prospective student to enter into the phenomenal growth of electrical energy in America—is vitally important.

The applicant should be inspired, eager, confident to enter into the many branches of the electrical industry from the electrician to the major utility because electric power and electronic devices constitute the heart and life line of any industrial plant, commercial building, automation, and the economy of our nation.

Opportunities are galore with new ones arriving constantly—in public construction, automation, computers, modern lighting, all phases of industrial electronic applications, shopping centers, school expansion, efficient all electric living, all electric heating for homes, industry, schools, commercial buildings, etc.

With pride we point to the achievement of one of our own graduates, Milton Eisenhauer, Coyne 1962, who directed a 15-man team working on audio configuration for the Apollo 11 moon shot.

Coyne Electrical School since its date of establishment has aggressively and closely worked with the employment market and industry and has over the years maintained an enviable record of placement. A special catalogue is available on request.

Employer interviews are made at the school and because of Coyne practical training it is not difficult for the prospective employer to evaluate the students' qualities.

I wish you, Representative Macdonald, every good measure of success in the ninety-second Congresional session. I hope that this will be another banner year for you in enhancing the cause of education, particularly for the skill-minded students, who very much desire to further their education after high school.

Sincerely,

FRANCIS J. HICKEY, Jr.,
Medford, Mass.

SOUTH FLORIDA EDITOR PRAISES MEXICAN PRESIDENT

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. BURKE of Florida. Mr. Speaker, an editorial from Diario as Americas was recently brought to my attention, which I feel points out the route Latin governments should consider following in the years ahead if we are to jointly strengthen our hemisphere against the ever-increasing danger of international communism.

Mr. Horacio Aguirre, who has been editor of this outstanding Spanish-American daily since 1953, points out in this current editorial that Mexico's new President Lic. Luis Echeverria has emphasized the necessity of strengthening the functions of democracy as a way to confront totalitarianism and dictatorships of every kind in the Americas.

The Aguirre brothers, Horacio and Francisco, have long been proponents of a free press and free governments for their Latin brethren and this editorial, which follows, depicts the continuous

crusade Diario Las Americas espouses to keep our hemisphere free of Communist domination.

Diario Las Americas, is published in south Florida, and has been for years a key spokesman for democracy. It is well recognized as a spokesman for free government, and is circulated widely throughout the Americas.

With the advent of the pro-Communist President in Chile and Fidel Castro in Cuba, there is no doubt that more and more effort must be placed on supporting the true advocates of democracy.

I compliment the Aguirre brothers on their stands to strengthen the true democratic governments and hope that their works on behalf of President Lic. Luis Echeverria will be heeded throughout the Americas. Viva, Mexico and may she be the model for free government we can all be proud of in the Western Hemisphere.

The following is Mr. Aguirre's editorial:

LUIS ECHEVERRIA AND THE DEFENSE OF DEMOCRACY IN THE AMERICAS

Mexico's President elect, Lic. Luis Echeverria, who starting on December 1st of this year will discharge the high office of Mexican Chief of State for six years, has emphasized, in statements made in Washington after his meeting with President Nixon, the necessity of strengthening the functioning of democracy as a way to confront totalitarianism and dictatorships of every kind.

Lic. Echeverria was categorical when he referred to representative democracy. He probably wanted to avoid confusions regarding what some dictators do in the Americas in the sense of filling up any public square and claiming that with a few yells, democracy has just expressed itself there in favor of this or that thesis. President elect Echeverria advocated for the strengthening of the democratic institutions with representative elections and with the three classical powers: the Executive, the Legislative and the Judicial, and he also mentioned freedom of the press, as conditions for the existence of a democratic regime.

Therefore, within this ideological conception of President elect Echeverria, there is no room for Fidel Castro's communist dictatorship nor for any other dictatorship that violates democracy and human dignity.

Let us hope that throughout the Americas there is a renovation and reiteration of the desire to strengthen the democratic institutions, so endangered now, especially by international communism. Without it being possible to say absolutely that the prevalence of democracy closes the doors to communist aggression and subversion, because experience shows that this is not so, it is clear that the functioning of the democratic system encourages the people to defend it. Furthermore, with the functioning of democracy are elminated the justified popular reactions against arbitrary political regimes and, above all, of prolonged duration through the discredit re-elections.

The absence of democratic methods in the government creates conditions of civic rebelliousness that nowadays are cleverly taken advantage of by the communists to infiltrate in the movements of a republican inspiration. That is why one of the ways to fight against communism is by strengthening democracy in the Americas.

From the Mexican presidency, through the international influence that that nation might exert, Lic. Echeverria can contribute to strengthen the functioning of representative democracy in the Americas as a way of defending the liberty and dignity of our peoples.

FADING MYTHS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. BOB WILSON. Mr. Speaker, in the past I have pointed out some of the fables and myths that have surrounded the F–111 program. "Accident prone" is a favorite stated with a frequency that is matched only by its inaccuracy. Myths do persist, but hopefully, for the good of the country, they are not immortal. To hasten the demise of this particular one, I insert in the RECORD the safety record of the F–111 at 70,000 flying hours as it compares to those of our other modern fighter bomber type aircraft:

COMPARISON OF ACCIDENTS AT 70,000 FLIGHT HOURS

	F–100	F–104	F–102	F–101	F–105	F4B	F–106	F–111
Major accidents	65	55	48	39	39	34	29	20
Destroyed aircraft	30	40	22	20	29	15	15	13

THE BIG THICKET OF TEXAS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. PICKLE. Mr. Speaker, I am introducing today a bill that would create a Big Thicket National Park in Texas. This is the same bill that was introduced by Senator Yarborough in the 91st Congress and has been reintroduced by Senator LLOYD BENTSEN in the 92d Congress.

This bill passed the Senate too late last session for House consideration, but hopefully it will be agreed to quickly by both the House and Senate early in this session.

I commend both Senators Yarborough and BENTSEN for their work on this bill. Especially Senator Yarborough for the years he has invested in this great, but vanishing wilderness. The bill calls for establishing a national park of up to 100,000 acres in five counties in southeast Texas.

The area known as the Big Thicket is one of the last great wildernesses, but it is diminishing fast. Congress must act quickly to save this area that is often referred to as an environmental laboratory, and the "Biological Crossroads of North America."

The Big Thicket is both a preserve and a recreational area. There are several waterways in the wilderness that provide opportunity for water recreation. Also it is a paradise for campers.

Mr. Speaker at one time the area known as the Big Thicket covered over 3 million acres. But now that area has diminished to 300,000 acres. Time is of the essence in passing this bill and saving this beautiful wilderness.

Our colleague JOHN DOWDY had sponsored last year another version of the Big Thicket which lies in his congressional district.

I believe his version would entail a smaller area to be reserved; the bill I have endorsed would commit an area up to 100,000 acres.

It seems to me that the area of disagreement is one which we can work out in the public interest, and I certainly will work with our colleaguess to find a suitable answer. The main thing is we preserve the Big Thicket area.

U.S. NUCLEAR ROCKET PROGRAMS—NERVA

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, I include the following:

U.S. NUCLEAR ROCKET PROGRAM—NERVA

A long range program that has demonstrated outstanding progress. The U.S. cannot afford to fall behind in any major field of technology.

Its aim is to break the basic limiting constraint on future space flight—both unmanned and manned—thus providing greater economy and range of utility.

Other high thrust chemical space propulsion systems are limited to about 460 ISP (specific impulse, which is push per pound measured in pounds of fuel burned).

Nuclear propulsion is the only known method of breaking this limitation.

NERVA engine already has demonstrated 825 ISP in experimental tests and has growth potential to about 950 ISP.

Current program leads to a reusable nuclear stage for advanced space missions in the early 1980's (unmanned or manned).

NERVA engine development in the 1970's will permit preservation of wide range of mission options—both scientific and military, unmanned and manned—in the 1980's.

Essential that we move ahead on such significant advancements at reasonable pace even in a constrained budget period. This is particularly important in a limited but balanced program where no Apollo-type mission is underway to pull advances with it.

PRIMARY NERVA ENGINE REQUIREMENTS

Thrust: 75,000 lbs.

Specific impulse: 825 seconds.

Mission duration: Reusable.

Reliability: 0.995.

Reactor size and weight: Similar to Phoebus–1 and NRX–A reactors.

Additional features: Shielding; man-rating; startup and shutdown constraints; transportability, and maintainability and storability; contingency operation.

NERVA MISSION CAPABILITY

Missions and NERVA capability

Lunar and synchronous-orbit logistics: NERVA increases delivered payload or substantially lowers cost compared to any new chemical rocket designed for this purpose.

Automated planetary surface exploration: NERVA delivers very meaningful payloads permitting large areas of exploration and returning large samples to Earth for Mars, Venus, Mercury and asteroid missions. No existing vehicle can approach such exploration.

Fast planetary orbiters: NERVA delivers a wide range of payloads in very short trip times. Even nuclear-electric systems not available would take longer time at same cost. For example, NERVA could cut trip time to Jupiter from 800–1000 days to 450 days. Similar benefits can be achieved for Mercury and Saturn.

Fast outer-planet probes: NERVA delivers large payloads in shorter trip times than can be achieved even with advanced nuclear-electric propulsion.

NUCLEAR ROCKET HISTORY AND ACCOMPLISHMENTS

Technology program started in 1955.

NERVA phase started in 1961.

Total funding 1955–1971:

	Million
NASA	554
AEC	848
Total	1,402

Fiscal year 1971 funding levels:

	Million
NASA	38.0
AEC	42.9

SUMMARY OF ACCOMPLISHMENT TO DATE

Demonstrated 825 Isp in flight type reactor system.

Demonstrated 60 minutes operation in a full power reactor test of 50,000 pounds thrust, and 10 hours of fuel operation in the laboratory.

During 60 minutes test at 50,000 pounds full thrust, there were 10 stops or shut downs and restarts as scheduled.

Demonstrated all other operational features necessary to a high performance propulsion system, including ability to start and stop at will, stability, and wide range of operating modes.

Already built up unique test facilities.

Built up a uniquely capable government-industry team to conduct the program—now in being.

Flight engine baseline design completed right on schedule.

PRINCIPAL NUCLEAR ROCKET PROGRAM CONTRACTORS AND FACILITIES

Westinghouse (largely Atomic Energy Commission (AEC) funds):

Responsibility: NERVA Reactor Development (Subcontractor to Aerojet).

Plant: Large, Pa.; Cheswick, Pa.; Waltz Mill, Pa.

Current employment: 910 (Direct and indirect).

Current annual funding level: $23.9M[1].

Aerojet General (largely NASA funds):

Responsibility: NERVA engine development.

Plant: Sacramento, Calif.

Current employment: 796 (direct and indirect).

Current annual funding level: $32.0M[1].

Nuclear rocket development station:

Function: Test station for conducting tests of nuclear rocket reactors, engines, and certain other engine components.

Investment: $120 million.

Current employment: 491[2].

Contractors: Aerojet, Westinghouse, Pan American (site and test support), EG&G (Electronics support), Catalytic Corp. (Construction management).

Los Alamos Scientific Laboratory (AEC funds):

Responsibility: Fuel element and reactor materials development in support of NERVA Advanced Nuclear Rocket Concepts.

Location: Los Alamos, New Mexico.

Current employment: 337.

Current annual funding level: $16M.

NERVA FUTURE—PROCEEDING IN FISCAL YEAR 1972 WITH PLAN UNDERWAY IN FISCAL YEAR 1971

FUNDS REQUIRED

[In millions of dollars]

	NASA	AEC
NERVA	50	38.2
Other nuclear rocket	8	13.8
Total	58	52.0

Expected accomplishments:

Proceed with integrated development of all engine and reactor components.

Initiate fabrication of first flight reactor for test in 1973 and first engine for ground development testing in 1974.

Provide efficient means of conducting development of engine for first test flight about 1978 and operational use about 1980–81.

1972 employment (approximate) (direct plus indirect):

Westinghouse	1,075
Aerojet	935
Los Alamos	284
Other	375
Total	2,669

WITH FISCAL YEAR 1972 FUNDS AS SUBMITTED TO CONGRESS

FISCAL YEAR 1972 FUNDS PROVIDED

[In millions of dollars]

	NASA	AEC
NERVA	10	7.5
Other nuclear rocket	5	7.5
Total	15	15.0

Impact:

Work can proceed on only a few critical components.

Defer first reactor and engine tests and engine availability for flight indefinitely.

Nevada nuclear rocket development station placed on caretaker basis.

The major part of experienced and successful team will be dissipated.

Lose program momentum and make difficult the retention of best people.

1972 employment (approximate reduction figure)—

(Direct plus indirect):

	Employees
Westinghouse	180
Aerojet	300
Los Alamos	170
Other	75
Total	725

---

[1] These figures include NERVA activities supporting the major contractors so that not all of these funds go to the contractors.

[2] Aerojet and Westinghouse employment of 148 at nuclear rocket development station included in this figure and also included above.

COURT ATTACKS CONGRESS

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. SCHERLE. Mr. Speaker, last year the Internal Security Committee, of which I was then a member, undertook a survey of honoraria paid to speakers on the Nation's college and university campuses.

We sought to determine how much, if any, money Communists and other radicals are earning from speaking engagements before our young people.

The results were interesting, even if the survey was not sufficiently complete to reveal the revolutionaries' entire earnings while instructing our children to kill their parents and burn down their institutions of higher learning.

It was reported that speakers like Jerry Rubin, Mark Rudd, and Bobby Seale picked up more than $102,000 in campus visits to less than 4 percent of the schools in this country.

Few people could see the harm in publicizing this fact to Congress and the American people. But, predictably, the American Civil Liberties Union and some members of the radical-liberal press raised a great howl that this would interfere with the rights of Communists, Black Panthers, and others.

A Federal judge issued first a temporary and then a permanent restraining order against publication of the report as a Government document. But this honorable body, by an overwhelming vote, forbade interference with publication of the honoraria survey, and published it was.

A great deal of rhetoric, pro and con, was heard and read on the matter. A recent editorial in the Passaic, N.J., Herald-News is one of the most reasonable and thoughtful I have read since the controversy erupted.

The last paragraph sums it up particularly well: Suppression of the document by the court was an "attempt by the courts to grab more power" and "has been resisted by the House of Representatives, as it must be. It was never intended that the Federal Courts, staffed with men with life tenure and appointed, not chosen by the people, should rule the country." I doubt that many Members of this body would disagree with that statement.

If there is no objection I will enter the editorial in the RECORD:

COURT ATTACK ON CONGRESS

Back in October, a heroic or presumptuous (depending on your point of view) United States judge took on the House of Representatives.

Judge Gerhard A. Gesell prohibited by permanent injunction the publication or distribution of a report by the House Internal Security Committee on radical campus speakers. The judge said the report was "without any proper legislative purpose and infringes on the rights of the individuals named therein."

The judicial command was hailed as "a landmark decision limiting congressional power." It was that indeed. The decision meant that the courts had the power to censor the reports of the Congress of the United States. The decision thereby confirmed the worst fears of the saint of liberals, Thomas Jefferson, about the federal courts.

One journal thought the Gesell decision so important that it devoted 30 inches of type to it. At this point the decision apparently vanished from the news.

However, the decision certainly did kick up a storm. The House of Representatives did not take kindly at all to Judge Gesell's prohibition. The House passed a resolution, by a vote of 302-54, ordering the report to be published and distributed. Interested citizens may obtain it for 30 cents from the U.S. Government Printing Office in Washington. The title is "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities."

The House went further. It said for the benefit of judges:

"All persons, whether or not acting under color of office, are hereby advised, ordered and enjoined to refrain from doing any act, or causing any act to be done, which restrains, delays, interferes with, obstructs, or prevents the performance of the work ordered (publication and distribution of the report) . . . and all such persons are further advised, ordered and enjoined to refrain from molesting, intimidating, damaging, arresting, imprisoning, or punishing any person because of his participation in, or performance of, such work."

Before rushing off 30 cents for a copy of a report which a United States judge deems too wicked for the citizen to see, be advised that it is unexciting. All the names which the judge did not want the public to know have appeared time beyond counting in the newspapers.

What the committee did report that is news concerns those honoraria—the amounts the speakers received for their appearances. And this information is interesting.

Before going into it, however, it should be explained how the House Internal Security Committee obtained its information. It sent inquiries to 169 institutions in the 50 states and the District of Columbia requesting information. The colleges in this sample did not have to answer. Two of four New Jersey colleges queried—Fairleigh Dickinson and Glassboro State—did not reply. A total of 99 did reply, including institutions like Harvard, Columbia, Johns Hopkins.

The survey turned up some amazing information. Dr Spock made 12 appearances between October 1968 and April 1970 at institutions in the group of 99 and pocketed fees of $21,600. There are 2,500 institutions of higher learning in this country. Dr. Spock's speechmaking was not confined to the 99. Assuming the 99 are a fairly representative sample, Dr. Spock made more than $500,000 from college appearances during that period.

William Kunstler, the lawyer for dissidents, is listed as making seven speeches. His fees for two appearances is not known. For the other five he received $7,000. His estimated income from all his college appearances in this period is $175,000 plus.

Even smaller fry like Mark Rudd did handsomely on the college lecture circuit. Rudd is listed for five speeches, for which he collected $1,068.95. On a national scale, an estimate of his earnings is better than $25,000.

At the 99 colleges, 1,414 speeches were delivered and $911,835 collected for them—and these colleges represent 1/25 the of the total number of institutions of higher learning in the country.

The House Internal Security Committee, which is headed by Rep. Richard H. Ichord of Missouri, has done a service by its study of the troublemakers whose speechmaking contributed to the recent turmoil in colleges. The committee deserves the nation's thanks and support.

The American Civil Liberties Union was responsible for the request which Judge Gesell granted so handsomely. This attempt by the courts to grab more power has been resisted by the House of Representatives, as it must be. It was never intended that the federal courts, staffed with men with life tenure and appointed, not chosen by the people, should rule the country.

END THE DRAFT BY REFORMING THE MILITARY COMPENSATION SYSTEM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, a recent editorial in the Air Force Times noted a DOD report:

> Most younger servicemen have only a sketchy understanding of retirement pay, survivor's benefits, family medical care, and related programs. In addition, they probably undervalue the savings in the benefits they do understand.

The editorial went on to add:

> The big thing with new people in service, and those not yet in, is the immediate compensation and benefits, and the expectations for the very near future, not what they might receive two decades away.

In concluding, the Times stated:

> The administration and Congress should hammer out a bountiful, point-by-point compensation improvement program for the lower ranking people. After all, they would be the backbone of all all-vol force.

The lesson of the editorial is clear: so long as we have the draft to compel our young men to serve regardless of the military wage rate, the compensation system will ignore the first-termer. While we need to maintain a comprehensive benefits program to retain the careerists, we cannot shortchange the junior enlisted man if we wish to make the President's goal of an all-volunteer force a reality.

The President's Commission on an All-Volunteer Force—the Gates Commission—has found that we can end the draft, and maintain our national security, by paying our young men in service a reasonable wage. Let us enact the recommendations of the Gates Commission and end the discriminatory treatment of first-term military personnel. I commend this item to your attention:

> PAY: A BIRD IN THE HAND . . .
>
> A recent report from the Defense Department on military "entitlements" has shattered some old illusions about the holding-power on people of fringe benefits. The findings are especially timely since they appear while Defense Secretary Melvin Laird is discussing benefits and their relationship to ending the draft and creating an all-volunteer force.
>
> As Defense officials told a recent congressional probe (last week's AFTimes), most younger servicemen have only a sketchy understanding of retirement pay, survivors' benefits, family medical care, and related programs. In addition, they probably undervalue the savings in the benefits they do understand.
>
> Since the government pours hundreds of millions of dollars into various "incentives" annually, the findings are quite upsetting to some officials. The big question boils down to this: Are these really inducements if most men the services want to attract either don't know about them or attach little value to them?
>
> The first reaction of some government leaders is to call for a massive information program to tout the benefits. That's a logical reaction, but we doubt that it will work. In fact, there already has been a great deal of publicity about these benefits.
>
> We suspect the younger troops are saying they know something about them but they just don't attach that much importance to them at the moment. For example, neither first-term airmen nor a brand new lieutenant is impressed with retirement pay 20–25 years later.
>
> The big thing with new people in service, and those not yet in, is the immediate compensation and benefits and the expectations for the very near future, not what they might receive two decades away.
>
> So what is the government planning to do about it? Mr. Laird keeps booming his long-proposed 20 percent basic pay increase for servicemen with less than two years service (which Congress has ignored completely).
>
> Now this would be a good deal for new lieutenants, boosting their present $417.60 monthly basic pay by $83.52. But it wouldn't do much for lower ranking enlisteds, such as under-two E-2s, who now get $138.30 monthly in basic pay; their raise would be $27.60, way insufficient to help attain an all-volunteer force.
>
> Mr. Laird also talks about putting more money into "other pays" and improving service housing. Fine, but these things have been talked about for years, followed by insufficient actions. We'll be surprised to see real improvements in such areas soon that will benefit potential volunteers.
>
> Flat, across-the-board percentage pay raises that give high ranking people huge raises, and people at the other end of the scale tiny ones, is the wrong approach entirely. The Administration and Congress should hammer out a bountiful, point-by-point compensation improvement program for the lower-ranking people. After all, they would be the backbone of the all-vol force. This should be done without delay.

CIGARETTE ADVERTISING SHOULD NOT BE A TAX DEDUCTIBLE BUSINESS EXPENSE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. KASTENMEIER. Mr. Speaker, cigarette smoking today is one of the major contributors to death and disease in this country. Medical evidence showing a link between cigarette smoking and cancer, heart disease and emphysema is overwhelming, and can no longer be disputed.

Several steps have been taken in an effort to limit the powerful appeal of cigarette advertising and smoking. First, Congress passed the Federal Cigarette Labeling and Advertising Act. Then, since January 2, 1971, cigarette commercials on radio and television have been banned. Despite this progress, however, it still will be difficult to combat cigarette advertising which, incidentally, does not give a hint of the dangers of smoking. Because of the ban on television and radio, the cigarette companies already are adding much of the $250 million previously earmarked for the electronic media to the approximately $50 million budgeted for newspaper, magazine and other promotional ads.

American ingenuity and salesmanship have the reputation of being able to sell anything, but the cigarette industry should not be left totally free to sell ill health and early death to the American people. While the advertising dollar tax exemption is extended to all businesses in this country, I feel the harmful effects of the product which cigarette manufacturers market should prevent them from enjoying this otherwise universal privilege.

Mr. Speaker, the time has come for our society to place a high priority on the health of the public. In order to minimize the promotion of hazards to the health of the American people, particularly young people, I am introducing legislation today to amend the Internal Revenue Code of 1954 by declaring that cigarette advertising is not a deductible business expense.

CREATION OF JOINT COMMITTEE ON THE ENVIRONMENT PROPOSED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. DINGELL. Mr. Speaker, the February 6, 1971, issue of the Saturday Review carried an editorial urging Congress to give speedy approval to legislation to create a Joint Committee on the Environment.

In that editorial, science editor John Lear states:

> The White House is now completing the weaving together of its many diverse responsibilities for restoration and preservation of the environment. The Council on Environmental Quality is established as a shaper of policy; the Environmental Protection Agency is firmly in charge of integrating enforcement of antipollution laws; and the National Oceanic and Atmospheric Administration is committed to exploration of future dangers and opportunities through scientific research. Only a data-collecting center and an intellectual frontier post assigned to blue-sky speculation about alternative directions for American society remain to be set in place before the grant design is finished.
>
> Although President Richard M. Nixon did not originate all or even most of this reorganizational pattern for the executive branch of the government, he did carry out the plan and deserves applause for doing so. Indeed, were he so inclined he could properly claim more credit than his critics in Congress have earned, for they have failed in their obligation to keep our system of government in balance.
>
> A Joint Congressional Committee on the Environment is obviously the most effective mechanism for achieving and maintaining legislative parity with the executive. A resolution authorizing creation of such a committee was passed in slightly variant forms by the House and the Senate last year. The resolution said the committee would have no legislative authority but would receive the annual reports of the White House Council on Environmental Quality, conduct hearings on those reports, initiate hearings on matters of the committees' own choosing, and funnel executive agency recommendations and advice to the appropriate operating committees of the Congress.
>
> Passage of the resolution was uneventual in both the House and the Senate. Those Democratic majority leaders who were not pushing it did not oppose it. But the resolution went to conference during the frayed-nerve ending of the 91st Congress in late December and foundered on the picayune question of whether a Senator or a Congressman would be the first to fill the alternating chairmanship of the joint committee. The traditional way of making such a decision was to toss a coin. But tempers were too far gone to discern the simplicity and eminently non-partisan character of that ancient device.

Mr. Lear also said:

> A certain amount of impatience under the trying conditions of late December 1970 may be excused. But its continuance in 1971 cannot be condoned. What the country needs more than anything else in this opening year of the eighth decade of the twentieth century is a set of priorities that commands common respect, a summary statement of what it really means to be American. Do we want to be known as a peaceful people or a savagely violent people, devotees of spectacle and speed or of patient determination and a quiet and profound regard for our fellow humans? Is an SST as important to us as decent housing for the poor? Should railroads be exclusively freight handlers while people suffocate on stalled highways? Should we spend millions for medical care while spreading virus diseases through misconceived sewage systems that cost still more millions? Should geothermal power underground be neglected while the wild beauty of Alaska is disfigured by a pipeline to carry oil?
>
> Immediately upon its appointment a Joint Congressional Committee on the Environment would be in position to undertake assembly of a priority list that the legislators and the President would have to accept, improve upon, or be judged by at the polls for rejecting.

THE APPALACHIA PROGRAM

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. DORN. Mr. Speaker, the Appalachia program is one of the most successful Federal aid programs of all time, and I am disturbed by reports that this great program may be terminated after fiscal year 1972.

From its inception in 1965, the Appalachia program has been a splendid example of Federal-State cooperation aimed at sections of the Appalachia region whose economic potential was particularly untapped.

This has been truly a grassroots, States' rights concept, in which no program can be funded unless it springs from local initiative.

Mr. Speaker, I have long advocated the concept of meaningful revenue sharing with the States; but there is no incompatibility between the proposed revenue sharing and the Appalachia program, for both are based on the principle of local planning of how Federal funds will be spent. To curtail the Appalachia program now, while some of its long-range objectives are just now approaching fulfillment, would be wasteful and untimely.

Mr. Speaker, this program has had both tangible and intangible benefits for the affected areas. The tangible benefits include grants for technical and higher education, medical treatment facilities, sewage treatment facilities, and airport facilities. One of the most outstanding of these projects is South Carolina Highway No. 11, partially funded by the Appalachia program, which will provide scenic access to the new nuclear power development by Duke Power Co. at Keeoway Toxaway.

On the intangible side is the new sense of optimism and opportunity that the program has brought to some sections of the Nation, always with healthy emphasis on local initiative and local planning.

I hope this program will be maintained.

FRED M. THROWER RECEIVES CRYSTAL AWARD

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. WOLFF. Mr. Speaker, I was delighted to learn last week that Mr. Fred M. Thrower, president and general manager of WPIX, channel 11 in New York, was honored on January 20 with the Crystal Award of the National Hemophilia Foundation. The award was presented by Ambassador Robert F. Wagner, former mayor of New York City, at the annual winter wonderland ball at the Plaza Hotel.

Those of us who claim Fred Thrower as a friend have long been aware of his station's and his outstanding record of service, and are pleased that their important contribution has been recognized. In speaking about the reasons for the choice of Mr. Thrower and WPIX to receive the award, Bernard Segal, executive vice president of the metropolitan chapter of the National Hemophilian Foundation, pointed to the fact that WPIX "has contributed in an unusual degree in initiative and in the amount of time devoted to public service and material in WPIX news programs publicizing the problems of hemophiliacs, and the larger problem of the need for increased blood donations."

I bring this award to the attention of my colleagues because, in a period when the news media are so often accused of irresponsibility—either because of inaction or ill-advised actions on their part—it is encouraging to know that some members of the media do fulfill their public service function. I am sure that Fred Thrower has led the way in making WPIX conscious of its public responsibilities, and I am proud to have him as my friend.

YOUTH SETS RECORD HIKING 2,500 MILES THROUGH THE ROCKIES

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to call my colleagues' attention to a fantastic undertaking last summer by a young high school senior in my congressional district. Eric Ryback, after his graduation in June from Belleville High School, set off on a 2,500-mile hike through the Rocky Mountains from Canada to the Mexican border. He completed the trek in 132 days, the first person to accomplish this remarkable feat.

During the previous summer, young Eric had made a similar hike on the east coast—trudging the 2,000-mile Appalachian Trail, from Maine to Georgia, in 78 days.

Eric's hazard-filled 1970 walk through the Rockies was featured in an excellent article by Judith Frutig in the January 17, 1971, edition of Detroit, weekly publication of the Detroit Free Press. It is such a fascinating and inspiring story that I include it at this point in the RECORD.

Back in Belleville, Mich., the graduating class of 1970 was comparing presents, stringing tassles on car mirrors, dunking in neighborhood pools, and celebrating their first day of post-graduate freedom.

But 2,500 miles away and 12,000 feet up, Eric Ryback, a member of the Belleville class of '70, was sliding, sliding, inexorably skidding down an icy mountain slope toward the edge of a 3,000-foot cliff. Flat on his back, turtle-helpless atop his bulky back pack, he was about to die, and it was only his first day out.

They had warned him. Sitting in the park supervisor's office outside Vancouver, B.C., he had listened—and essentially ignored—what older, wiser heads thought of his plans for a 2,500-mile hike down the backbone of the Rocky Mountains from Canada to the Mexican border.

The supervisor lectured and itemized: "One, we don't have any responsibility for you. We'll go into the mountains and pull you out if you break a leg or something, but you're on your own. Two, the trip is impossible. And Three . . . good luck."

It was the day after Eric Ryback would have graduated from Belleville High, if he hadn't skipped the ceremonies to get on with a ritual much more important to him, one he had been planning for two years.

He wanted to walk the Pacific Crest Trail, a twisting red line on the map, drawn by Congress in 1968 and designated a National Scenic Trail. It's marked only on the maps. There aren't any convenient signs and arrows along the way saying things like: "Picnic Tables Ahead," or "Comfort Station This Way," or "Shifting Snow Fields Ahead," or "You Shouldn't Be Here." For no one—not even the men of the U.S. Forest Service—had ever walked all of the Pacific Crest Trail. Eric was to be the first.

Eighteen years old, five-feet-six, 120 pounds, Eric had already walked the east coast version, the Appalachian Trail, from Maine to Georgia. That one was easy, no valleys filled with snow, no high winds, well-marked trails. He made those 2,000 miles in 78 days of summer, 1969.

But the Pacific route was different, and on the morning of June 10, he learned that fact in a way no amount of planning and map reading could have suggested.

At 5 a.m., Eric started walking up the Canadian slopes of the Cascade range. He had never been in these mountains before, and the view out and down from 12,000 feet nearly overwhelmed him.

"I saw the snow caps on those mountains and I could hardly wait to get up into that snow and start walking. I've always wanted to do that," he said.

Arriving at the top of the first pass, he took pictures of his first mountain snow. Snow peaks. Snow surrounding him. Snow on the trees below. The sky. "It was ridiculous," he said later. "But I was so excited."

He walked farther and the snow got deeper and deeper. A hard crust kept him from sinking, but he could tell it was deeper because the trees were getting shorter. The ground was crisp white and the air, biting. Eric crunched over the tops of drifts ranging from 30 to 60 feet.

In 12 miles, he came to the wilderness border between Canada and the United States. The wind shifted and uncovered a small bronze monument, the only separation between the two countries. He stood over it and realized how far away he was from everything. It was 12 miles to the nearest road on the Canadian side, and 60 miles from an American road.

The crests around him stood like whipped-cream peaks above vast sloping bowls of valley snow, broken by sharp drops and ledges.

To hike from peak to peak and through the passes between them, the winter climber has two choices. He can cross those deep bowls or walk around their sloping sides. But in June, the bottom snow is melting, the streams have swollen to rivers, and crossing is only possible by circling around the walls of the valleys.

That isn't easy. The snow is sloping and crusty, and a climber must chop out foot holds before each step. Below him, always, wait the cliffs. Under the snow lie hidden rocks. One bad step can send him sliding toward the valley and virtually certain injury if not death.

As Eric made his way around the bowl leading to the Cascades' Hopkins Pass, the snow seemed flat and safe. But late in the day, when he was only 40 feet from the pass between two peaks, the angle of the slope changed abruptly.

"The snow was too hard packed and I couldn't get good footholds," he said. But I knew I had to get across it or I wouldn't get any sleep that night. I was exhausted. I had gone 25 miles that first day, and I knew I shouldn't have.

"You know how sometimes you know something's going to go wrong? I had that feeling. My eyes were pinned on the point I had to get to. Now it was 20 feet away. I could have jumped to it almost.

"I said to myself, 'On the next step you're going to fall.' It just registered in my mind over and over. 'You're going to fall.' So I looked out and below at how far I was going to fall, and I stood there for a second. It was one of the most beautiful places to stand. I could see for 100 miles. It was a whole series of snowcapped peaks, with snow all through the valley. I said to myself, 'There's no one out there for 100 miles. You're all alone.'

"I put my foot down on this icy patch. I thought, 'It's secure enough, I'll quickly pick my up my left foot again and swing my right foot down.' "

He slipped.

"I fell on my back. I was sliding down the snow bank like a big toboggan, except I was falling 45 degrees. My pack was on my back. I couldn't do anything.

"I couldn't turn sideways and grab on or anything. My fingers were trying to dig into the snow but they couldn't. They were frozen.

"I couldn't yell. I couldn't scream. I thought, 'There's no one there and you know it!'

"I kept falling and falling. I was trying to stick my heels into the snow to get a hold but it just didn't work. I felt so helpless I couldn't even feel scared. There was nothing I could do. I was just falling."

It was his pack that saved him. Two poles, each the length of an index finger, stick out the bottom on either side of the metal frame.

"This one side I was leaning into started sticking to the snow. Every once in a while it would grab.

"So I put all my weight on one side and finally it dug into the ice and scraped on the snow and stopped me right before the ledge."

He was 20 feet short of disaster.

"So I lay there. I remember my hands were so cold I wanted to put them in my pockets, but I was afraid that if I moved I'd lose my hold and fall again.

"I was pinned there against the snow. The wind was howling, and I started scraping my heels against the snow to build a platform I could stand on."

Finally he stood up, turned around and slowly, slowly, began cutting footsteps back up the sides.

If there had been any value in the endless walking he had done for months before, the weightlifting, the exercising, it all had been tested on that first day out. And though he would make other mistakes, other miscalculations, the next 132 days would end the way that first one had—safely, but just barely.

The son of a Belleville attorney, Ernest Ryback, and eventually aiming for an anthropology degree from the University of Denver, Eric doesn't look reckless, but he is. He explains. "There's this drive inside me, and I have to do it.

"The only time I feel good is when I push myself to the limit. Like when I've climbed a mountain, and I'm sitting on a ledge and the sun comes up. It's the greatest feeling in the world."

His parents understand and encourage him. "He's got one life," his mother says. "He's got to lead it the way he thinks is best."

Eric had been thinking about the Pacific hike since he was 16, and had made detailed plans. He was to start out bearing a cumbersome, 85-pound pack, decorated with flags of the U.S., Canada and Mexico. Inside were a cold-weather sleeping bag, clothes, a 22-day supply of dehydrated food, a tent, rain gear, maps, cooking utensils, camera, diary and a first aid kit.

Along the way he was to pass five food pick-up points where Forest Service men would leave 33-pound boxes of food packed by his family before he left.

Each box carried a stipulation: If Eric didn't pick it up within three days of the date marked, the Forest Service men should call his parents and then send out a search party.

During the first 400 miles, Eric got to know snow very well. During the days, it crunched under his feet, and at night it formed a six-inch cover on his sleeping bag. At mealtimes, it seasoned his food.

And he nearly froze. "I never saw the sun for the first week and a half," he said. "I was beginning to think it didn't come out in that part of the country."

Temperatures ranged from zero to 10 degrees below. He cooked his dinner and climbed into his sleeping bag at sundown merely to survive. "If I hadn't been in my bag when the sun set every night, I would have frozen to death. I had a sleeping bag good for 20 below and even when I went to bed fully clothed—sweater, pants and everything—I'd shake all night."

Finally the sun came out. It warmed the air, and Eric could move around better, but it made his trip rougher.

It melted away the crust, and by midafternoon he began to slip and slide in the slush.

The first road he reached was at Stephens Pass in Washington, 250 miles along the way. He was tempted to just forget his plans and take that road out of the snow and the cold.

"I hated it," he said. "I wanted to go home."

What made it worse was that on that road he saw the first person he had encountered since he started his hike—just a man walking down a road, but it was an important moment, for he didn't see another soul for the next 200 miles. All summer, he guessed, he only saw 50 other people.

"I enjoyed it the first few days," he said. "But after that it wasn't a challenge. Day after day, over and over, it was snow, snow, snow. It's beautiful country, but it was all under snow and the challenge was gone."

He was 375 miles along the trail before he touched dry ground.

"What I really wanted to do was get out of the state of Washington, but I was afraid to get to the Columbia River. I was afraid there would be snow in Oregon and I just couldn't take that.

"If that happened, I was going to pack up and go home.

"All through that first stretch I was about 125 miles from the nearest road in any direction, and in all that snow. My compass and maps were all I had, but the maps were topographical. What good did that do? The snow was laid in so deep it filled in the cracks and rocks. You couldn't tell which mountain was which with all the contours."

Through most of the first stretch he walked blindly. "I'd go five miles one way and end up standing on the edge of a cliff. And all that snow. It kept hitting my ankles because I was dragging my feet. And at five miles an hour it hurts.

"Every day I'd come to a ledge and have to backtrack maybe a mile and a half, and go up another ridge. Sometimes I'd come back to a spot three times and start in another circle."

And he needed to be with people.

"I was really lonely. That was probably the biggest thing. Psychologically, those were bad times. I kept thinking, 'there's no one else here.'

"I was only through Washington, but that was 450 miles."

So he tracked and backtracked through Washington until he passed his first food drop and came to the Columbia River, and the end of the snow.

It was the beginning of July as he crossed over the Bridge of the Gods.

The climate changed and he was happy again. The days were warm, and Eric found himself in hiking weather.

In Oregon he followed old existing paths along mountain ridges and deer trails and stayed on the crest as much as he could. The elevation in that area was between 8,000 and 9,000 feet.

"By this time I was glad I was on the trip," said Eric. "When I look back on that section now, I can see I wasn't able to comprehend most of what I went through. It was too much, and probably a good thing. I could have gotten out then but it was good times."

Until he came to the mosquitos.

In the Minks Lake Crater Basin, the map shows a 50 mile stretch of countless lakes.

"I thought it was going to be the most beautiful place in the world. I could hardly wait to get there. Well, it isn't. You can't see a thousand lakes because of the mountains. You walk from one shoreline to another. And besides it was July and nice for mosquitoes. For 50 miles I was covered with mosquitoes."

Crater Lake was his second food drop, and it was there he came upon an unexpected crisis.

"I thought Oregon and Northern California would be perfect. The terrain would be rocky and rough, but I'd be able to get over it.

"The first part was beautiful. Beautiful hiking weather and good times.

"But when I reached the Klamath River it was 113 degrees. I was walking between 7,000 and 9,000 feet. There were lots of snakes—rattle snakes especially—and those hot temperatures."

He was being beaten down by the heat. He'd start walking in the early morning and by afternoon he would get the first of a series of headaches. "All my energy was drained. I had to keep stopping and then walk until late at night. For 10 days I had to keep stopping to rest.

"Every day seemed to get worse. Physically I couldn't carry the pack, so I started throwing things out. Even before I got to Oregon, I had gotten rid of my sweaters. Now I was going through my pack and throwing out food I didn't like.

"I had oatmeal for 132 mornings. And I alternated two lunches and two dinners. I threw out dehydrated carrots and that. I knew it was a waste of food but I wasn't going to carry it. By this time, I hated everything—chili, spaghetti, escalloped macaroni, beef stew, and everything had noodles in it. I hate noodles.

"Just as I started to break, the weather changed."

But he could enjoy that only briefly, for as he moved on, he miscalculated the route he should take to his third food drop. He walked an extra 200 miles and arrived six days late and weak from lack of food.

"I was carrying very poor maps for this section. The last survey was done in 1955. Some areas were never even surveyed. I only had sketches of the mountains in this area and it covered 500 miles—bigger than the state of Washington.

"I was in trouble," he said. "I had thrown out all that food, and for the last four days, I was starving. When I was three days late, the Forest Service started looking. But they were looking on the trail I was supposed to be following, so of course I wasn't there. When they found me, they were mad, really mad. My parents had kept calling. Nobody had heard anything from me for 28 days.

"I was pulling open my food box when a ranger spotted me. He said: 'You've got a lot of people looking for you. We thought you were gone.'

"He made me walk 15 miles down the mountain to call my parents. The rangers were really disturbed at first, but not me, man. I was really happy to get my food."

Well-fed, he moved on into what he considered the most rugged part of the trip, a primitive, wild river area where he had to climb up and down the walls of deep river valleys—sometimes traveling 12 miles up and down to make two or three miles across.

The rivers he crossed were the Feather, the Yuba, the Rubicon and one fork of the American.

"They were all the same thing. Four thousand feet down, across the river, and 4,000 back up." Those 4,000 feet usually took him about six miles in actual climbing.

"It was just like this, down, up, down, up. That's rough going."

Exhausted from the river crossings, he climbed on toward Donner Pass and Lake Tahoe. As he went higher, he left trees behind him, not because he was above timberline but because the wind blew too hard for trees to stand against it.

In that barren country, he changed plans again, just to get a good look at Lake Tahoe, and it caused him the second serious mishap of his trip.

"I didn't want to pass up Lake Tahoe. I could see portions of it through gaps in the mountains. So I looked at my topographical map to find the highest point on my side of the lake, and I climbed to the top of Dick's Peak.

"I wanted to camp and see the sun set and rise.

"I climbed up to the peak. There were no trees. I went hand over hand on the rock. The winds were strong, and as I climbed they got stronger and stronger. By the time I got to the top, I was hanging on jagged rocks so I wouldn't be blown off the mountain.

"I got there early. But to block the wind I had to build a rock wall three feet high just to stay up there. I couldn't even sleep because the wind was so strong. I didn't even cook breakfast. I got the sunrise and packed my gear and got ready to climb back down.

"Well, the wind had calmed a bit but it was really gusty, and the shadows fooled me. The sun was low and the shadows were sideways, and I couldn't tell rocks from indentations."

He mistook an indentation for a rock, stepped into a hole and fell.

"Luckily, my pack hit first and then I bounced off my head. I was knocked unconscious for nearly six hours."

When he came to, he was scared. "I thought I was bleeding internally, I couldn't walk straight and my head was throbbing. I took aspirin and it didn't do any good."

Even more dangerous was the fact that he was back in an area where the snow again filled the mountain gaps and he had difficulty getting proper footing. He went slowly, resting frequently for several days.

The temperatures began to fluctuate. One day it would be warm and breezy; that night, below freezing.

He was 40 miles short of his fourth food drop, where he would pick up another sweater, and all he had with him was his cotton shirt and long pants.

Finally he arrived at Tuomulme Meadows at Yosemite National Park where food and sweaters were waiting.

After the fourth stop he stepped onto the John Muir Trail, a popular hiking trail in the Sierras.

"It was like a highway," said Eric. "I walked 214 miles in 7½ days."

He passed Mt. Whitney, the highest peak in North America, standing at 14,496 feet. But he was heading downhill—to the heat of the desert.

As he entered the Mojave Desert, the temperatures shot up to above 100 degrees and he hiked across sand dunes.

"When he entered the lowlands of the desert, hard ground with dry bushes and rocks, he could no longer find water.

But the Forest Service once again backed him up and left him gallons of water at predetermined water caches.

The heat during the day, and the cold at nights, drained his strength; he dragged the last 300 miles.

"It was very depressing," he said. "I would have hated it any other way, but every footstep was bringing me closer to the border."

He walked the desert in 16 days of October—115 degrees by day, freezing temperatures at night. And, again, loneliness.

"Some days, I didn't get water, and it really dried me up and drained me. I got nauseated and sick. I had to stop a lot during the day."

The last two days, the forest service sent a man to walk with him because the entire section ahead of him had been burned black by fire. "It was 35 miles of burned desolation," said Eric. "Deer herds had burned, and rabbits, snakes and even field mice. Everything was ugly and depressing." The gentlemen of the Forest Service figured—and rightly—that across that tortured landscape, he could use some company.

That last day they walked 12 miles. Eric could see the border from two miles out. Reporters and photographers were waiting for him, and his guide wondered why he wasn't excited.

"It would have been fake," Eric answered. "I just wanted to walk to the end and touch the border."

He couldn't even cross it—the border was blocked off with a heavy barbed wire fence. So he poked his toe through an opening and kicked up a bit of Mexican sand.

Two months later, rested and refreshed after long hours of sleep in his own bed and his mother's overfeeding, Eric was ready to go again.

"It wasn't always a good time, I'll admit to that. But I want to go again. Not to the same place, but I want to keep growing.

"I know a lot more about myself than I did before. With the long hours by myself I could think and understand myself better. The big difference is I know I can do anything now."

RURAL JOB DEVELOPMENT ACT OF 1971

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. PRICE of Texas. Mr. Speaker, this afternoon I am introducing the Rural Job Development Act of 1971, a proposal designed to create new rural job opportunities for young people as well as for older persons interested in bettering themselves. If enacted, the act will also enable small communities to make more effective use of their human and natural resources, thus slowing the urban migration and reducing the mounting population and economic pressures on urban centers.

Creating new and meaningful job opportunities for rural Americans and fostering a more healthy population balance are goals of prime importance. For in a very fundamental sense perhaps the chief reason why an estimated 600,000 farmers and young people leave rural communities each year is because they think their life styles and prospects for the future are neither enriching nor rewarding. Their frustrations are, unfortunately, well grounded in dismal facts. Nonmetropolitan America has one-third of the Nation's population, but it has one-half of its poverty stricken. This means that almost 14 million poor people live in rural areas. In terms of living conditions, over half the Nation's substandard housing, more than 4 million dwellings in all, is located in rural America. On a community basis, nearly 30,000 rural townships do not have water systems, and another 45,000 lack adequate ones.

Finally, in addition to water and sewage problems, thousands of small communities lack medical centers, public libraries, good schools, and public recreation programs.

Despite these deficiencies, however, rural America is struggling to stem the tides of poverty, underemployment, and urban migration. And these struggles are paying dividends. For example, during the last decade almost 50 percent of the Nation's new manufacturing jobs were created in the countryside, although it should be noted these areas accounted for only about one-fourth of the total jobs created during the sixties. Moreover, in the 5-year period between 1962 and 1967, nonfarm employment in nonmetropolitan counties rose 5 percent a year compared to 4 percent for urban counties.

Mr. Speaker, these facts and circumstances taken together provide ample documentation of the need for increasing rural development. But with the need clearly established, a central question still unresolved concerns the best way to affect rural development. In my mind, the interests of progress would be best served by the Federal Government encouraging private enterprise to take the lead in attacking rural problems at their roots. The achievement of this goal could be facilitated if private enterprises were given tax and other incentives to relocate in rural areas and to work with individuals and groups interested in improving the quality of life in their communities. In this regard, I should point out that although public revenues would be diminished to the extent tax credits and other incentives were utilized by commercial interests, the losses would be more than offset by the increases in payrolls, increases in the consumption of goods and services, and the decreases in public welfare costs that would accompany successful rural development programs.

In conclusion, Mr. Speaker, the bill I have introduced today constitutes a first step toward drawing together the vast capabilities of free enterprise, focusing them upon the needs of rural America, and providing them with an incentive for action. I urge my colleagues to give these proposals their full attention and consideration because, as was concluded by the President's task force on rural development:

> It is in the rural countryside areas that we can find generous resources of clean air, clean water, living space, recreation, scenic beauty, tranquillity and inspiration for tomorrow's people. And it is there that we can most readily and economically develop and preserve these natural resources in living harmony with man . . . in the generations ahead.

THANKS TO THE USO

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. EDWARDS of California. Mr. Speaker, I want to take this opportunity to take note of and express appreciation for the great job the United Service Organization has been doing for our men in the Armed Forces on this day, the 30th anniversary of the USO. Founded on February 4, 1941, the USO has helped to make life away from home a little more cheerful for our servicemen all over the world. This voluntary organization, which receives no Government funds, has ensured for 30 long years that our servicemen need not be alone in a strange country, city, or town, whether it is Christmas day or any day. The thousands of volunteers who have made the USO a continuing reality deserve the heartfelt thanks of all Americans on this 30th anniversary.

WETA INTERVIEW WITH DR. JOHN HANNAH

HON. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. FRELINGHUYSEN. Mr. Speaker, on January 11, while Congress was in recess, Dr. John Hannah, Director of the Agency for International Development, was interviewed by WETA-TV newscaster, Warren Unna.

Dr. Hannah's responses to a number of probing questions about the future of the U.S. aid program will, I believe, be of interest to Members of this body. The interview focuses upon congressional and public reaction to foreign aid in general and in so doing provides a preview of the annual debate on this subject which will soon commence.

Mr. Speaker, I insert in the RECORD a transcript of the WETA interview with Dr. Hannah. The interview follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT: AN INTERVIEW WITH DR. JOHN HANNAH

The reporter conducting the interview—Warren Unna:

REPORTER. This country since World War II has been in what we call the foreign aid business. The Marshall Plan was the first, and that was for a leveled Europe; but basically it was sophisticated and industrialized. And so restoring that was one kind of a problem.

Since then the United States has been faced with the developing world—Latin America, Africa and Asia—where you don't have the sophisticated society. You have much greater poverty. And you don't have any industrial base to deal with. So this has been a bigger challenge and often more discouraging.

And Congress has been discouraged. Administrations have been discouraged. There have been lots of changes in the names of the programs. There have been smaller and smaller requests for money, and Congress, on the whole, has begrudged everything it approved.

However, the program does go on. And it goes on worldwide. For instance, the Agency for International Development builds dams in India. It provides the funds of some of the engineering, and India provides the manual labor and materials. And in Colombia, they've developed what's called a mini-tractor, with the aid of the University of Nebraska, for small plots of ground.

In Tunisia, bigger tractors, bulldozers are used for building irrigation systems. And in Iran, you have tent schools to educate the children of the nomadic tribes. And in Ethiopia, you have small planes being used by AID for crop dusting. And in Pakistan, you've got mobile medical teams where mother and child and doctors get together for inoculations and so on.

And you have also in Pakistan agricultural advisers with things like miracle seeds to improve the crop production. And then with the recent disaster in East Pakistan, AID and others have stepped in with emergency shelters to save lives by housing people, and also with dropping emergency rice for the refugees to keep them from starving.

So the program, on the whole, has still got lots of customers, lots of needs. But there's also lots of misunderstanding about it.

And one of these occurred last week when the congressional committee—the joint Economic Committee looked into the fact that there seemed to be anywhere from five billion dollars to seven billion dollars for what we all call aid. But this is actually military aid, and not economic development aid at all. And it's been all sort of diffused; no one really apparently kept track of it. And it even included some Food for Peace money, which is being used to convert it into local currency to buy uniforms and small arms.

We have as our guest tonight the number one authority on foreign aid in the United States, John Hannah. He's the former president of Michigan State University. During President Eisenhower's Administration, he was an assistant secretary of Defense for manpower and personnel. He was the first chairman of the Federal Commission on Civil Rights. And he's been in more activities than "Who's Who's" pages can hold.

Dr. Hannah, I'd like to ask you one thing. At a press conference this weekend, you indicated that even though the administration planned to ask Congress for some increase over last year's record low request for foreign aid money, and particularly economic aid money, the Bureau of Management and Budget had already cut you way down.

Why is it that there's a low priority in actual action for something that every administration in recent times has always said it holds in such high regard?

Dr. John Hannah. Well, I don't think I can answer your question in a minute. But as you indicated in your very fine introduction, aid under aid or some other name has been in business now for twenty years. It started out as a very simple concept, that it was appropriate for the United States to make available American know-how, scientific knowledge, education, and so on, to help people in the poor countries to help themselves. It was reorganized several times, the last time eight or nine years ago when it became AID.

At one time, of course, we were the only aid giving country in the world. Now, we're eleventh on the basis of our capacity to give, on the basis of per capita income or per capita GNP. Most of the countries of Western Europe and Canada and Japan do relatively better.

Reporter. Well, we're eleventh out of the sixteen industrialized nations of the world . . .

Dr. Hannah. That's right.

Reporter. . . . pretty near the bottom.

Dr. Hannah. That's right.

Reporter. Well, why are we that low?

Dr. Hannah. Well, you asked the question "why." Well, of course, as you know, the agency has been under almost continual criticism because there have always been many people that doubt whether the United States should be interested in trying to help people in the poor countries.

In recent years, due to the unpopularity of the Vietnamese war and the fact that the AID agency was given an assignment back in 1962 through the import program of trying to control inflation and do something about providing schools where there hadn't been any or where the schools had been destroyed, and be concerned with feeding the refugees, and all the rest of it (sic). And we've had much wash-off from the unpopularity of the Vietnamese war.

So each year it's been more difficult to get dollars for—and I like to separate, of course, economic, or assistance designed to improve the economic status or the social situation of people in the poor countries from military or short-range political objectives.

Well, it was against that kind of a background that President Nixon came into the White House. And he appointed the Peterson Task Force to take a look at the world, and take a look at the world from the standpoint of what it is that the government of the United States should do in this whole area of foreign assistance and suggest that they not waste time looking at aid; but that they could write their own definition of foreign assistance and give him their recommendation.

Well, their recommendations came in back last March, and this has been a matter of discussion since.

Reporter. Well, that's why I asked you about this priority. It's been a matter of six months before the President actually sent any aid message to Congress after he had this task force report. He still hasn't sent any legislative request. And that's coming, I suppose, this year. But there is no real new aid program after all this time.

Dr. Hannah. But, of course, the reason you know without my telling you, that with all of the discussion in the Congress of antiballistic missiles and Cooper-Church and Cambodia that those of us who are concerned about this economic assistance program couldn't see much gain in injecting a new aid program in the unfriendly climate towards all matters that had to do with overseas assistance.

And the President's message was delayed until September.

Your beginning question was, "Why am I unhappy because the President's budget may not ask as much money as I'd like?" Well, you might as well ask me the question, "Are they asking more money than you're likely to get?", and I'd have to answer, yes. And so it's kind of an academic exercise. The request is considerably better than we're getting now. And I'll just leave it there.

Reporter. Let me put it a different way then, Dr. Hannah. You served under President Eisenhower. I'm aware that he used to get on the telephone to individual congressmen and say, "Please vote for the foreign aid bill and please keep it up high." Has this been the practice of President Nixon?

Dr. Hannah. Well, there's been some White House pressure where we had to have it. Of course, I watched the aid program during the Kennedy and Johnson administrations where it was in continuing trouble. Trouble is not new. It's been getting worse and worse.

And the intention of the President has been to reorganize it, give it a new name, separate military and short-range political objectives from the kind of aid that I'm interested in, and see if we can't get a new commitment from the American people.

I'm much more interested in tomorrow and the next day than I am in what happened last year and the year before. A great many people have a notion that we're sort of dying by degreees.

As a matter of fact, when I talk about aid, I'm talking about economic aid, nonmilitary aid. When I came in almost two years ago, we had an annual appropriation for '69 of about a billion three hundred and eighty million dollars in economic aid. For fiscal seventy, it was increased to about a billion four hundred and sixty million. For fiscal '71, the appropriation has just finally been completed. It's up to about a billion seven hundred and fifty-one million.

Now, admittedly, in aid in each of those years there is the supportive assistance of what we're doing in Vietnam, Cambodia and Laos. And under the reorganization, if the Congress approves what the President has already recommended in principle, the military assistance and political programs will be handled by State and Defense and we'll be back in the business of trying to help people help themselves.

Reporter. Dr. Hannah, may I ask you a question. You said you're trying to get a new commitment out of the American people. Have Americans lost their traditional charitable feeling towards the rest of the world?

Dr. Hannah. I don't think they have.

Reporter. Are you in a program that's on its way out is what I'm asking you here.

Dr. Hannah. No, I don't think so.

Reporter. Do you see any evidence of this country getting into a new form of isolationism?

Dr. Hannah. Well, I'm worried about it sometimes. I think that that has been the tendency in the last year or two, triggered largely by the disenchantment with the Vietnamese war. I find, though, in talking to young people or old people, or people that are unfriendly about the whole idea of foreign assistance, when you put it in this frame, the only thing that's really important to the United States or any other country in the world is its people.

And to most people they're more interested in their children and their grandchildren than any other people. And they're always interested in improving a situation in the United States so that their community, their state, the nation as a whole will be better than it has been.

Turn it around. When you ask a question, "What's the United States going to be like thirty years from now or fifty years from now, or seventy-five years from now?", of course it's a futile question, unless you first ask the question, "What's the world going to be like?" Because those of us who have lived in the last several decades can't certainly help but realize that what the rest of the world is like is going to be determined pretty largely by what the United States is like. And we really haven't any alternative but to cooperate with the other developed countries. There're sixteen countries now in the aid giving business. We're eleventh in the line in our contribution to the kind of aid I'm talking about when measured either by per capita GNP or per capita income. That isn't good enough.

Ben Gilbert. Dr. Hannah, if I may interrupt. If the American people feel that they ought to be doing their share, if they get what you're talking about, why is it that year after year—and it's not only a matter of the last two years but as long as I can remember—that the annual aid appropriation is a sitting duck for the budget cutters, for the people who have other programs who say we've got to cut aid. And aid goes through a life and death struggle. And, as Warren recalled, during the Eisenhower years, you never knew for sure until all the telephone calls were made whether the appropriation was going to go through.

Why is it that aid has got that kind of a bad name in Congress, if the American people are really behind the idea?

Dr. Hannah. Well, when I say they're behind it, I believe they're behind it when they understand it.

If you were to ask the average taxpayer of this country if he is for having his taxes used to help people in Chad or the Central African Republic or Bolivia help themselves, he is not going to say that he's very favorable to it.

But for the reasons I've already mentioned—and we can't get into all of this this evening—I'm convinced that most Americans recognize that there is really no alternative but that we do our fair share along with the rest of the free world in making it possible for poor peoples in poor countries to help themselves.

Now, the other side of this, what a great many people forget is in this shrinking world the people in the underdeveloped countries, in the very poor countries, no longer believe that it was ordained by God that children have to go hungry or die because there isn't any food; that they have to be deprived of vaccine and these simple steps that can be taken to control epidemic diseases; that it's reasonable that there be no schools, no teachers, no books for their kids. You can put it on the basis of the Christian-Judaic ethic that we ought to be interested in unfortunate people. You can put it on the most selfish possible basis—what's good for the United States and our children and our grandchildren—and you come up at the same place.

I don't believe what people have been telling me that it can't be sold. And I use as evidence the fact that in two years without being on the front pages, with very little organized help, we've actually turned the situation around so that we have better than three hundred million dollars more for economic assistance in this fiscal year. We have. . . .

Reporter. Dr. Hannah, could I just follow through on something. I know you feel that economic aid should be separated from military. But there're people like Congressman Morgan, the chairman of the House Foreign Affairs Committee, that feel that the military requests carries the economic; that if you separate them, as I think you and the administration intend to do, nobody's going to pay any attention to the real guts, the economic part.

You don't have this fear?

Dr. Hannah. Well, I don't—I have the fear. Of course, I'm always concerned. But when I came in I asked this question two years ago. And I was told that it was the vote for the military assistance that made the difference between our getting it through or not.

I watched in two consecutive sessions where the votes that we lost because of squadrons of planes for Vietnam or something for Korea far outnumbered those that we gained as a result of being tied together.

And there isn't any question in my mind that we're going to be better off if we go to the American people for the kind of economic aid that we're talking about that helps them build schools and improve health and control population growth and increase food supplies.

Gilbert. Well, our time has run out. I want to thank you for joining us. And I take it from your remarks that you're going to try to take this story to the American people in the next few months. And we appreciate your coming on our program to tell the story.

Dr. Hannah. I appreciate your inviting me. Thank you very much.

Gilbert. Thank you.

SOCIAL SECURITY BENEFIT INCREASE NEEDED NOW

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. SCHWENGEL. Mr. Speaker, today I insert in the Record, part III of the article entitled: "Private and Public Retirement Pensions: Findings From the 1968 Survey of the Aged" by Walter W. Kolodrubetz:

Social Security Benefits

The levels of social security benefits are affected by several key factors that enter into calculation of the primary insurance amount (PIA): the amount based on past earnings that would be payable to a worker receiving benefits no earlier than age 65. The minimum benefit amount for a worker with a low or irregular earnings history is specified in the law. (In 1967 the minimum unreduced benefit was $44 for a nonmarried person and $66 for a worker with a spouse over age 65.) A worker whose average monthly earnings qualify him for a benefit higher than the minimum receives a benefit graduated according to his earnings, but the benefit formula is weighted in favor of the lower paid. Differentials in benefits are minimized and the benefit distributions compressed because of both the minimum benefit provision and the statutory maximum limit on earnings creditable for benefit computation purposes.

Table 3 shows the distribution of OASDHI benefits for couples and nonmarried persons in 1967. Almost two-thirds of the aged units received less than $1,250 in OASDHI payments for the year, and the median payment was $1,090. Only 10 percent of the aged units received payments that amounted to $2,000 or more, and most of this group were married couples.

Reflecting, in part, the influence of spouses benefits, married couples received more in OASDHI payments than did nonmarried persons; the medians were $1,555 and $905, respectively. Furthermore, benefits were distributed over a much wider range for married couples. Almost 30 percent of the married couples had $2,000 or more in OASDHI benefits, and 20 percent had less than $1,000.

Among the nonmarried, benefits were higher for men than for women, averaging $1,080 and $860, respectively. This difference reflects, for the most part, differing employment histories and earnings levels, as well as the benefit reductions associated with survivor benefits. Benefits for almost 40 percent of the women were less than $750 (with many close to or at the minimum); for men, the corresponding proportion was 25 percent. More than a third of the men had payments ranging from $1,250 to $1,750; only about one-tenth of the women had payments at that level.

BANNING UNSOLICITED CIGARETTES FROM THE MAILS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, today I am introducing a bill to prohibit the mailing of unsolicited samples of cigarettes. As you are well aware, the U.S. Surgeon General has determined that cigarettes are dangerous to one's health. Furthermore, only yesterday the Federal Trade Commission requested Congress to require an even stiffer health warning in all cigarette advertisements and on the front of every package of cigarettes. The proposed new warning would state:

> Warning: Cigarette smoking is dangerous to health and may cause death from cancer, coronary disease, chronic bronchitis, pulmonary emphysema and other diseases.

Yet, presently the U.S. mail is being used at reduced rates for the distribution of unsolicited complimentary packages of cigarettes. This, in effect, amounts to a Government subsidy for the distribution of a product determined by the Government as being dangerous to its citizens' health.

It would seem both logical and reasonable that if Congress can prevent the mail from being used to distribute sexually oriented advertisements, pandering advertisements, and unsolicited advertising of matter designed to prevent contraception, Congress can prevent the mail from being used to distribute unsolicited dangerous matter such as cigarettes.

GILBERT GUDE DECLARES NIMH STUDY REINFORCES NEED FOR FURTHER MARIHUANA INVESTIGATION

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. GUDE. Mr. Speaker, I want to call to the attention of my colleagues the National Institute of Mental Health's annual report on cannabis sativa, more commonly known as "pot" or "grass." The Institute's findings reinforce my opinion that further study of marihuana's effects are necessary and that those who have proposed legalization of the weed are making a dreadful mistake; at least until more is known about the results from its usage.

I am certainly familiar with the standard argument that if alcohol is legal, then why not marihuana? My reply to such logic is that alcoholism, the abuse of alcohol, is now considered by many doctors to be the No. 1 health problem in America. Do we need another? Legalization of marihuana today could well mean that within a few years we would be compelled to establish another program, such as the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970," only this time to treat victims of marihuana usage rather than alcoholics.

I feel the NIMH report is so important that I am mailing it to all the principals of the secondary schools in my congressional district.

The NIMH report is discussed in the following Washington Post article dated February 2, 1971:

United States Cites Marijuana's Ill Effects but Foresees Some Medical Use

(By William Greider)

A potent dose of marijuana can induce acute psychosis in some people, yet it is a mild drug that may some day be used to ease the pain of cancer victims or relax the convulsions of epileptics.

Between those extremes of positive and negative qualities, the National Institute of Mental Health reported yesterday that there are still too many unanswered questions remaining to render a final verdict now on *cannabis sativa,* better known as pot or grass.

In the meantime, NIMH presented Congress its first annual report on the weed, a comprehensive summary of all that science knows or suspects about the drug's effect on people.

For the short term, said Dr. Bertram S. Brown, a NIMH director, "general deleterious effects are minimal" for most casual users.

"But, we do not yet have firm scientific knowledge about the effects of long-term chronic users," Brown said "Until we know more about the drug, we certainly cannot give it a clean bill of health."

Marijuana smoking is still spreading in popularity according to surveys cited by the NIMH report.

But Dr. Brown speculated that a decline may lie ahead, based on recent studies showing decreased usage in some California high schools, often the leader in trends.

In terms of marijuana's effect, the report's description of a typical "high" by a moderate social smoker notes:

"The acute mental effects of the intoxication, including a variety of perceptual alterations, short-term memory loss, time disorientation, and depersonalization, considered toxic reactions by many, are frequently desired by the user."

In a limited number of unpredictable cases, however, these desired results "sometimes progress to acute anxiety attacks and even acute psychoses in some cases," the study said.

On the positive side of pot, the NIMH scientists said drug companies are already at work developing therapeutic uses for ingredients extracted from cannabis. Dr. Brown foresees its application to reduce pain for cancer patients, to treat high blood pressure, and to relax the central nervous system in epilepsy.

The NIMH report notes that marijuana has been used to treat various ailments since ancient times and only passed out of general medical use at the end of the 19th Century, when new synthetic drugs with more easily controlled potency became available.

Regarding the long-term health consequences from smoking it, the report noted that there is no scientific evidence available linking marijuana to cancer or birth defects. But it warned that pot smokers should not take too much comfort from that statement.

Research on animals has produced conflicting results—with deformed offspring in some animals. And it was only after decades of heavy tobacco consumption by the general public that scientists could establish a statistical link between cigarette smoking and cancer the report said.

The report also summarizes scientific data on the old debate between alcohol and marijuana but NIMH declines to draw any conclusion about which is worse—only that they are similar when taken in moderate doses.

The NIMH summary discards the long-held notion that marijuana is addictive or that it leads progressively to other stronger drugs. On the other hand it notes that a moderate-to-heavy user of marijuana is more likely to be taking something stronger as well.

Much more research is needed to explore the long-term effects Brown said. About $3 million in the NIMH budget this year is earmarked for cannabis.

A NEW DECK OF CARDS—A NEW "GAME PLAN"—WAGE AND PRICE CONTROLS

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. McFALL. Mr. Speaker, on December 21 I introduced House Concurrent Resolution 794, designed to express the sense of Congress on inflation and recession. There was little cause to believe the resolution would receive committee consideration during the closing days of the 91st Congress. However, I wished to declare, in a public way, my fears concerning the economic crisis and the need for Congress to act. These fears have since proved well-founded. It has been reported that in December—for the first time since the 1958 recession—the Nation's gross national product decreased a net decrease of 0.3 percent, signaling a full-scale recession for the 1970's. This was coupled with a national unemployment level of 6 percent for the month of December.

To come to grips with inflation and recession, more positive action is called for in the Congress, and I have therefore joined with my colleague, Mr. MONAGAN, in introducing legislation on January 29, designed to establish a temporary emergency guidance board.

When introducing my resolution on December 21, I stated it is necessary to break out a new deck of cards and develop rules for a new "game plan" for we can no longer tolerate a policy with a record of failure which threatens the future stability of our national economy. We must change the present course which has brought on inflation and runaway wages and prices. We must admit that an emergency does, in fact, exist; we must admit the present rate of unemployment is intolerable; we must admit the economic decline of 1970 has brought on a halt in growth of total output; and we must admit there is no prospect of increased economic activity in the immediate future unless new policies and programs are developed relating to wages, prices, interest rates, and productivity.

Mr. Speaker, at that time I made a commitment to offer new legislation in the 92d Congress to carry out the intent of the House concurrent resolution. H.R. 2502 serves this purpose and I call on the chairman of the House Banking and Currency Committee to schedule early hearings and report the bill to the floor for a vote.

The bill establishes an Emergency Guidance Board composed of five members appointed by the President and subject to confirmation by the Senate. One member with extensive Federal administrative service is to be appointed by the President to be chairman and the other members are to represent a fair balance between business, labor, and consumer leaders. The life of the Board is limited to 18 months, except that its life may be extended by a concurrent resolution of Congress.

As soon as is feasible after taking office, and after consulting with business, labor and consumer leaders, the Board will publish a set of basic guidelines for price and wage changes. After the guidelines are published, corporations and labor organizations subject to the mandatory provisions of the act will be required to file an economic justification with the Board indicating how a proposed price increase or wage settlement complies with or departs from the published price and wage guidelines. The act will apply to corporations having capital assets in excess of $500 million or supplying more than 30 percent of any market of substantial volume, and to any labor organization bargaining with such a corporation. In addition, the Board will have discretionary power to require an economic justification from any corporation having capital assets in excess of $100 million or more than 10 percent of any market of substantial volume if the Board determines that an economic justification is necessary to carry out the purposes of the act. A similar grant of discretionary power is granted to the Board over labor unions, which, in the Board's determination, obtain wage increases that the Board determines to have a substantial inflationary impact on the economy.

Under terms of the bill the Board may publish economic justifications filed with it, negotiate with corporations where the guidelines appear likely to be breached, hold hearings, administer oaths to witnesses appearing before it, subpoena witnesses and records, and announce findings and recommendations with respect to inflationary departures from the guidelines. Where a corporation or union refuses to cooperate with the Board by failing to supply documents or neglecting to appear or by refusing to file an economic justification, the Board may apply to a District Court of the United States for an order requiring the production of documents, personal appearance or the filing of an economic justification.

Hopefully, business and labor will cooperate with the Emergency Guidance Board, recognizing its merit as a bulwark against inflation, will cooperate with it in its task, and will voluntarily adhere to any published guidelines.

Administration spokesmen more and more are beginning to acknowledge the need for direct actions to check inflationary pressures. Newly appointed Secretary of the Treasury, John B. Connally, Jr., has expressed such thoughts. In addition, Dr. Arthur Burns, Chairman of the Federal Reserve Board, forecast recently that the administration will develop a vigorous price and wage policy to combat inflation.

Earlier, President Nixon personally intervened to forestall a threatened increase in the price of some steel products reaching 12.5 percent, that could have become the pattern for the entire industry. As a result, the increase was cut approximately one-half.

It is encouraging also that the President has altered his previous budgetary concept that helped to swell the ranks of the unemployed and brought economic growth in the Nation to a standstill. The fiscal 1972 budget, labeled a "full employment" or "expansionary" budget, may help get the economy moving again by injection of needed funds in programs which earlier had been severely reduced. If this occurs, it will be especially important to have an established mechanism available to provide full information on proposed price and wage increases in order to turn the spotlight of public opinion on them. This proposal would accomplish this goal.

ELECTORAL COLLEGE REFORM

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. BROOMFIELD. Mr. Speaker, last year I introduced legislation to abolish the electoral college system and substitute for it a direct, popular election of the President and Vice President. I felt, then, that the mandate of the people and the need of the Nation's political institutions coincided for the first time, demanding immediate congressional action on electoral reform. The overwhelming support in the House for that measure seemed a vindication of my feeling.

Apparently, our counterparts in the Senate felt otherwise. A filibuster against the resolution once again thwarted the will of the people and once again frustrated the development of our institutions. Now, we must begin again.

Accordingly, I am reintroducing my resolution to create a direct and popular system of electing our highest executive officers, confident, after all, that the coincidence of national will and national need remains as strong as ever. I trust my colleagues will not argue that point.

The Harris and Gallup polls have shown, for example, that close to 80 percent of the American people favor direct popular election. Such widely varied groups as the AFL–CIO, the Chamber of Commerce, the National Small Business Association, the American Bar Association, and the League of Women Voters, among many others, all favor direct popular election of the President and Vice President. Most important, more than 60 percent of our State legislators support direct popular election. The will of the people for reform simply cannot be questioned.

Nor can the need for reform be doubted. Consider the havoc that could have followed an electoral impasse in 1968. With a shift of only 42,000 popular votes in three States or 1½ percent of the vote in California, no one would have had an electoral majority. This would have given Governor Wallace with his 46 electoral votes, the balance of power—or, better, the balance of electors, which he could have released to either party's advantage.

As long ago as 1862 a Senate report pointed out that:

> The free and independent electors had degenerated into mere agents in a case which requires no agency and where the agent must be useless if he is faithful and dangerous if he is not.

Experience has not qualified that opinion. In 1824, 1876, and 1888 this system left us with Presidents who did not receive a majority of the votes. In 1948 a shift of less than 30,000 votes in three States would have given Governor Dewey an electoral vote majority—despite President Truman's 2 million vote margin. At the present time a candidate could win an electoral majority by capturing slim statewide pluralities in the 11 largest States—even if he did not receive a single popular vote in the remaining 39 States. In other words, 25 percent of the popular vote can elect a President in 1972, if our laws are not reformed.

The dangers of rule by a President elected without the majority of popular support should be obvious: he would have no mandate from the people nor would he be responsible to the people. What legislation he tried to pursue would be frustrated by the Congress; what actions the people demanded, he could easily dismiss. It would be an exceedingly difficult situation.

Moreover, the electoral system tends to discourage minority parties and, therefore, voting in traditionally one-party States. If the victory of one candidate is a foregone conclusion, then people are not going to waste their time voting for his opponent. Nor are they going to vote for the rest of the opposition ticket. It is no wonder our turnouts for presidential elections are so small, and no wonder we find so many one-party States throughout our Nation.

Some have argued that the electoral system works to the advantage of the larger urban States; others, that it benefits the more rural areas. Of course, this will vary from election to election: the vote of a citizen from Arizona may count more than that of a citizen from New York, if Arizona is involved in a particularly tight race. But the opposite can be just as true.

Whatever the case, the entire controversy presents even greater evidence of the fundamental problem underlying the electoral college system; that one American's vote can count more than another's. The President is elected by all Americans, not merely by Americans from New York or South Carolina or California. Citizens from all areas must be fairly represented; all should have an equal vote. One man, one vote requires more than redistricting, Mr. Speaker; it requires, it demands, a complete reform of our electoral system. No less will do.

EXPLODING THE MYTH OF A POPULATION EXPLOSION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. SCHMITZ. Mr. Speaker, at this point I would like to insert, for the consideration of my colleagues, the material from the February 1971 special issue of Triumph magazine exploding the myth of a population explosion. This consists of a statistical review of the actual population situation in the world and in the United States today, illustrated by four charts, together with the refutation of Paul Ehrlich's "The Population Bomb" and an editorial summarizing the contents of this special issue.

The article follows:

TABLING THE POPULATION QUESTION

In 1930 the world's developed countries—those parts of the world enjoying relatively advanced industrialism and high standards of living—made up approximately a third of the world's population. By 1970, with the "underdeveloped" countries' substantially higher growth rates, that percentage had shrunk to 26.5 and by the year 2000, according to U.N. projections, the presently "underdeveloped" world—which means, for all practical purposes, Africa, Latin America and Asia (minus the U.S.S.R.)—will form about 80% of the world's population.

The figures in Chart 1 are based on the Population Reference Bureau's Data Sheet for 1969, and on the United Nations' "Medium Estimate" of world population growth by the year 2000. The most obvious revelation of the graph is the expanding portion of the earth's population in the "Third World." The graph also has its political significance, of course. Economic development often depends heavily on population growth (see, e.g., Dr. Clark's article elsewhere in this issue) and inasmuch as the underdeveloped countries, with their relatively low populations, have in the past served as "client states" to the developed countries, it is by no means surprising that expanding economic potential in the Third World should be greeted in the developed countries by alarm over a "population explosion."

CHART 1. *Percent of world population by region, 1970–2000*

North America:	
1970	6.4
2000	5.8
Latin America:	
1970	7.8
2000	10.4
Europe:	
1970	12.8
2000	8.6
U.S.S.R.:	
1970	6.7
2000	5.7
Asia:	
1970	56.1
2000	56.4
Africa:	
1970	9.6
2000	12.5
Oceania:	
1970	.6
2000	.6

The absurdity of the population alarm, whether applied to developed or underdeveloped regions of the world, is illustrated by Chart 2. The most densely populated part of the world is now and has been for some time Europe; yet even in the year 2000, when the average population density in Europe will be 276.6 persons per square mile (according to the U.N.'s Medium Estimate of growth), the continent as a whole will be less than half as densely populated as, for example, West Germany is today. And West Germany, of course, is one of the most prosperous countries in the world. There can obviously be no clear equation of population density with poverty.

But sparsity of population does not go hand in hand with poverty, either. North America (which in Chart 2 includes only the United States and Canada) is virtually empty today and will still be so at the end of the century; yet American and Canadian stomachs are the fullest in the world.

In sum: there is no necessary proportion, either direct or inverse, between population density and prosperity. The most that can be said with any degree of accuracy is that growing countries tend to be growing in more ways than one: they tend to be vigorous, economically expanding—rising nations on the world scene; while countries that are static or declining in population tend also to be in decline in other ways.

Of course there is political meaning in that fact, too.

CHART 2.—POPULATION DENSITY BY REGION 1969–2000

	Population, 1969 (millions)	Density, 1969 (persons per square mile)	Population, 2000 (millions)	Density, 2000 (persons per square mile)
North America	225	26.6	354	41.9
Europe	456	239.3	527	276.6
U.S.S.R	241	28.0	353	41.0
Oceania	19	5.7	32	9.7
Latin America	276	36.1	638	83.5
Asia	1,990	191.2	3,458	361.1
Africa	344	29.4	768	65.7

Is the United States threatened with a population explosion? That was one of the questions President Nixon's National Goals Research Staff set out to answer. In its report, presented to Mr. Nixon last July, the NGRS summarized both sides of the argument in "scientific" fashion, but left little doubt as to its own conclusion: "We have before us a set of decisions. One which appears not to be urgent is that of overall size of the population—even after the effects of a considerable amount of immigration are taken into account."

Chart 3 (not printed in Record) illustrates an important datum leading to the Committee's judgment. The "fertility rate" is the number of births per woman of childbearing age—15 to 44 years. In 1957 that rate began a sharp decline (more precisely, renewed a decline that had been going on since the beginning of the twentieth century, with only a brief reversal after World War II) which persists to this day; according to projections of the National Goals Research Staff itself, the decline will continue at least until 1990.

Thus whatever temporary fluctuations there may be in the birth rate—the number of births per thousand of population per year—it is clear that American women are wanting fewer and fewer children, and that preference will be the controlling factor in American population growth for decades to come. So pronounced has the decline in fertility been in recent years that from 1961 to 1968 the actual number of births in the United States dropped each year! It is evident that underpopulated America is not in the foreseeable future going to experience any precipitate population growth. That the American population will at any time within reasonable sight of 1970 strain the limits of the country's resources is simply a preposterous proposition.

But the motivation for population alarmism in the United States is not totally mysterious. Chart 4 (not printed in Record) suggests what may be animating some of those who fear that the "quality of life" in America is endangered.

With a fertility rate that consistently outpaces that of whites (even when, as they have been recently, both are in decline), America's blacks, though numbering only about ten per cent of the population, have been producing about 15 per cent of all the births in the United States. This disproportion in fertility rates is likely to expand as rising black consciousness runs counter to the increasing tendency of whites to embrace the contraceptive mentality as a mark of social grace.

Interpreting the disproportionate growth of the black population, Professor Andrew Hacker of Cornell predicted last year that "in the process of creation right now are rioters and rapists, murderers and marauders who will despoil society's landscape before the century has run its course." Commenting on Hacker's prophecy, columnist and sometime Nixon adviser Kevin Philips benignly envisioned that "the last three decades of this century could see the United States turn in the direction of a police state" to cope with the burgeoning black "under class."

It is well to know what it is that the phrase "quality of life" is a euphemism for.

Paul Ehrlich: Bombardier

(By Michael Lawrence)

"While you are reading these words four people will have died from starvation, most of them children."

This disturbing announcement graces the cover of a widely read paperback book entitled *The Population Bomb*, by Dr. Paul R. Ehrlich. This little volume (A Sierra Club-Ballantine Book, 95¢) has gone through nineteen printings since May 1968; it is not too much to say that it has been the single most important factor in making the "population explosion" a clear and present danger in the American psyche. Whether it is also a clear and present danger in reality is a question that may be answered in large part by a close reading of Dr. Ehrlich's book.

The reading may as well start with the cover. Let's see: the sort of person who moves his lips as he reads and runs his finger along the line of type would read the blurb above in four seconds, tops. That's one person dead of starvation per second—31,536,000 in a year. In 1969, according to Population Reference Bureau figures on population and death rates, 52,265,000 people died. If Ehrlich is correct, 60% of them died of starvation. Do you believe it?

The United Nations doesn't. Worldwide causes of death are not easy to identify but probably the most nearly accurate source is the UN's annual Demographic Yearbook. The 1969 Yearbook enumerates deaths according to causes for over seventy countries representing about 57% of the world's population. (The data are for the latest available year for each country; there is considerable variation.) The UN's categories do not include starvation, but to give Dr. Ehrlich the widest possible benefit of the doubt I have counted as a death by starvation every death by a cause that might be associated, however remotely, with nutritional deficiency (e.g., diphtheria, dysentery, typhus, all parasitic diseases, cirrhosis of the liver, etc.). The UN's list includes 541,735 deaths by such causes. There are two ways to project this figure into worldwide terms: (1) assuming that the proportion of deaths by such causes to total number of deaths would remain roughly the same if the entire world had been counted, about 5½% of the world's deaths would have been by causes possibly associated in some way with malnutrition or undernutrition; (2) assuming, alternatively, that the UN list's figures were expanded proportionately to take into account the 43% of the world not counted, deaths by causes possibly associated with malnutrition or undernutrition would amount to about 949,000. Dr. Ehrlich's error then, may be expressed in two ways: it is the difference between 5.5% and 60%; or it is the difference between 949,000 and 31,536,000. To put this still another way, his *factor* of error is somewhere between 10.9 and 33.2; that is, Dr. Ehrlich's figure is somewhere between 10.9 times and 33.2 times the true figure.

Is the wildly erroneous blurb on the cover characteristic of *The Population Bomb?* Or is it a piece of hyperbole that may be forgiven in an otherwise accurate and sober book? Move inside. Here are the very first words Dr. Ehrlich has to say in *The Population Bomb*—the first sentence of his Prologue: "The battle to feed all of humanity is over. In the 1970's the world will undergo famines—hundreds of millions of people are going to starve to death in spite of any crash programs embarked upon now."

Well, we have just seen how fantastically wrong any such judgment would be if based on an extrapolation from present rates of starvation; and we know—if from nowhere else, then from Dr. Colin Clark (see p.)—that the present state of agricultural science equips us to feed many times the present population of the earth; moreover, we know, if we read the papers, that we are in fact using our equipment—we *are* feeding the world. The New York *Times* is an outspoken editorial advocate of worldwide population control, but last October a *Times* news story began: "Until recently the world's food experts were wondering how to drive off the specter of hunger and frustrate the predictions of Malthus, who warned in 1798 that population was outrunning food supply. Today many experts are concerned about the specter of feast rather than famine and a single phrase—'the green revolution'—signals the new attitude and the growing vogue." On what grounds does Dr. Ehrlich contradict this hopeful view?

The answer, very simply, is: on no grounds at all. Dr. Ehrlich *asserts*, he does not argue. Nowhere in *The Population Bomb* does he even attempt to justify his prophecy of mass starvation. Instead, having made the prophecy, and leaving us to take its accuracy for granted, he moves on to propose the most flagrantly totalitarian measures to assure that the prophesied famines will not be repeated. Along the way he demonstrates to the point of tedium how utterly foolish is the alarm over the "population explosion." For example:

"Each year food production in undeveloped countries falls a bit further behind burgeoning population growth." The fact is that in virtually every country of the world agricultural production is advancing more rapidly than population. Dr. Clark, again, has made the demonstration, but on this point he is only citing statistics that are known to every competent student of world population.

"[M]ost of [the developed countries] are overpopulated. They are overpopulated by the simple criterion that they are not able to produce enough food to feed their populations." See Chart 2, page 24.

"In the United States the current low birth rates will soon be replaced by higher birth rates as more post World War II 'baby boom' children move into their reproductive years." See Chart 3, page 25.

"How did we get into this bind? It all happened a long time ago, and the story involves the process of natural selection . . . [N]atural selection is simply defined as differential reproduction of genetic types. That is, if people with blue eyes have more children on the average than those with brown eyes, natural selection is occurring. More genes for blue eyes will be passed on to the next generation than will genes for brown eyes. Should this continue, the population will have progressively larger and larger proportions of blue-eyed people. This differential reproduction of genetic types is the driving force of evolution; it has been driving evolution for billions of years." This may be Ehrlich's most creative contribution to science: a theory of evolution that gets around the problem of the origin of species by posting, implicitly, that *all* species *always* existed—some have just got more numerous than others.

"Everyone agrees that at least half of the people of the world are under-nourished . . . or malnourished. . ." This is Ehrlich's way of avoiding the problem that no one has ever been able to show that this fact with which "everyone agrees" is even remotely connected with the truth—once again, cf. Colin Clark.

"True, there are hopeful signs, especially in the form of new wheat and rice varieties. But we're not even in a position to evaluate the true potential of these developments, let alone assign to them the panacea role so devoutly wished for by many." Panaceas, by definition, are illusory; but the new wheat and rice varieties to which Ehrlich referes are the stuff of the "green revolution," and the fact that, thanks to the new strains, *Pakistan* in 1969 became an *exporter* of rice ought to be sufficient evidence of the "true potential of these developments."

"Our vast agricultural surpluses [in the U.S.] are gone." That is largely correct; but is it not relevant that the reason they are gone is that, as a matter of national policy, we have both limited cultivation so as to avoid surpluses and destroyed them when they have materialized?

"Biologists must . . . point out the biological absurdity of equating a zygote (the cell created by joining of sperm and egg) or fetus (unborn child) with a human being. . . . People are people because of the interaction of genetic information (stored in a chemical language) with an environment. . . . When conception is prevented or a fetus destroyed, the *potential* for another human being is lost, but that is all." Oh . . . Ehrlich is a theologian, too.

But enough. It is one thing to run through *The Population Bomb*, as I have been doing, and show by selection of almost any of Dr. Ehrlich's assertions of fact that his argument is an edifice of mistaken premises supporting still more mistaken conclusions; but it is another thing to *explain* Ehrlich. How, for one thing, account for the impact his book has had, despite its callous disregard for the most elementary principles of logic?

I think the fundamental reason for the success of *The Population Bomb* lies in the appeal for the modern mind of apocalypse in the abstract. Ehrlich has resurrected the mathematical horrors of Malthus, and our age cannot resist them.

The Rev. Thomas Robert Malthus was an English clergyman whose *Essay on Population* (first edition, 1798) first lit the fuse of the "population bomb." Malthus's thesis was simple: since population tends to increase in geometrical ratio while food production can only increase arithmetically, "the power of population is indefinitely greater than the power in the earth to produce subsistence for man."

Now, even so stated—stated, that is, as a mathematical proposition—the Malthusian insight was not exactly a truism. He was simply wrong, for one thing, about the earth's capacity to produce "subsistence"—food. We know today that agricultural production has increased almost geometrically, in fact, since his day. But given the state of the art in Malthus' own time, his equation had an apparent abstract validity; and so men listened when he predicted that, as a consequence of the "misery and vice" attendant upon overpopulation, the iron law of death control would begin to operate, and "the deaths will shortly exceed the births." But as this specter failed to materialize in the nineteenth century, Malthus's reputation suffered, finally reaching its perigee in the first half of the twentieth century when the real danger was felt to be *under*population—thus Gunnar Myrdal in *Population* (1940), for example, worried that the "slow but steady development of birth control has become a truly serious peril for the reproduction of people. . ."

What Paul Ehrlich has done is to revive the Malthusian specter. In calling attention to the rapid population growth rates that have been achieved in some parts of the world in this century, Ehrlich is merely re-emphasizing the first half of Malthus' equation—the potential of population to increase geometrically. Press Ehrlich hard enough—I am told this has been accomplished—and he will concede that the world may be able to feed itself indefinitely. *Nevertheless*, he will say, the population bomb keeps ticking: if nothing else we will eventually run out of space! That is apocalypse in the abstract, and it is what accounts for the credulity accorded to the incredible Dr. Ehrlich.

All right, then: how soon may we expect the apocalypse?

Before attempting an answer, it must be remembered that, as a mathematical proposition, the Malthusian equation as revived by Ehrlich is still not a truism. Population growth is dependent on a disproportion between birth rates and death rates: when the former exceed the latter, population grows. The relatively rapid growth rates in this century which it has been Ehrlich's crusade to slow down have been the result of remarkable advances in medical science which have worked dramatic reduction in death rates. But observe: a reduction in the death rate traceable to any particular cause is of its nature temporary: after that cause has had its effect—and the effect is, quite simply, an increase in life expectancies—the people who have been affected by it still die. The death rate can remain low only if there is a continuing series of medical advances to keep driving life expectancy higher and higher; once life expectancies level off, the death rate will fall back into equilibrium with the birth rate. This being the case, it is impossible to predict with any certainty what population growth rates will be over a long period of time. More specifically, it is impossible to say what growth rates will be like in the twenty-first century without knowing whether the medical miracles of the twentieth are about used up, or are only the beginning of a continuing age of miracles.

With that caveat in mind, then, let us measure Ehrlich's apocalyptic vision. How much, on his showing, have we got to fear?

Well, if we apply the standard dictionary definition of apocalypse as an imminent cosmic cataclysm, Ehrlich's nightmares tend to fail one of the tests: they tend not to be imminent. "In a book about population," Ehrlich announces in the first chapter of *The Population Bomb*, "there is a temptation to stun the reader with an avalanche of statistics. I'll spare you most, but not all, of that." Instead he offers several variations on the theme that the world's population may now be expected to double every 37 years. That being the case (though of course—remember our caveat—neither Ehrlich nor anyone else knows that it is the case), "what might happen?" Ehrlich proposes several possibilities:

"If growth continued at that rate for about 900 years, there would be some 60,000,000,000,000,000 people on the face of the earth. . . . This is about 100 persons for each square yard of the Earth's surface, land and sea." There is only one way a rational man can respond to a horror destined to materialize in 900 years, and that is to ask: Gee, couldn't we start worrying about it in, say, 600 years?

"But, you say, surely Science (with a capital 'S') will find a way for us to occupy the other planets of our solar system and eventually of other stars . . . But it would take only about 50 years to populate Venus, Mercury, Mars, the moon, and the moons of Jupiter and Saturn to the same population density as Earth. [Even] if the fantastic problems of reaching and colonizing the other planets of the solar system . . . [could] be solved [it] would take only about 200 years to fill them 'Earth-full.' So we could perhaps gain 250 years of time . . ." Somehow even 250 years seems awfully far away—especially since, as we have seen, there is no particular reason to accept Ehrlich's premise that growth rates will remain constant during those two and a half centuries.

"Enough of fantasy. . . . If you still want to hope for the stars, just remember that, at the current growth rate, in a few thousand years everything in the visible universe would be converted into people, and the ball of people would be expanding with the speed of light!" OK, I'll remember that; I'll keep it in mind for the next thousand years or so.

Enough of fantasy, indeed. Dr. Paul Ehrlich is a scientist by reputation, but he is a fantasist of the first order by vocation, and it takes no scientist, certainly I am not one, to see his fantasies for what they are; it is required only that one take him seriously, read him carefully, to understand that his "population bomb" is an utter dud. But to understand Ehrlich, the man, is more difficult. The imbecilities of his book were perhaps explained by *Playboy* magazine's unwitting revelation that, on the urging of the head of the Sierra Club, "Ehrlich worked every night for three weeks and produced *'The Population Bomb.'*" Given the patient superficiality of the book, the only mildly surprising thing about that disclosure is that the work took so long. But again: how explain the man? What moved him to record his superficialities so indelibly for posterity?

Dr. Ehrlich provides a clue. Chapter 1 of *The Population Bomb* is entitled "The Problem." It begins as follows:

I have understood the population explosion intellectually for a long time. I came to understand it emotionally one stinking hot night in Delhi a couple of years ago. My wife and daughter and I were returning to our hotel in an ancient taxi. The seats were hopping with fleas. The only functional gear was third. As we crawled through the city, we entered a crowded slum area. The temperature was well over 100, and the air was a haze of dust and smoke. The streets seemed alive with people. People eating, people washing, people sleeping. People visiting, arguing, and screaming. People thrusting their hands through the taxi window, begging. People defecating and urinating. People clinging to buses. People herding animals. People, people, people, people. As we moved slowly through the mob, heat, and cooking fires gave the scene a hellish aspect. Would we ever get to our hotel? All three of us were, frankly, frightened. It seemed that anything could happen—but, of course, nothing did. Old India hands will laugh at our reaction. We were just some overprivileged tourists, unaccustomed to the sights and sounds of India. Perhaps, but since that night I've known the *feel* of overpopulation.

Simple scrutiny easily penetrates the errors, the distortions, the wild exaggerations of *The Population Bomb*. But Paul R. Ehrlich, the man, is in need of something more profound than scrutiny. How do you understand a man who fears and despises. . . . *people?* And how do you help him?

THE MYTH EXPLODED

Some scientific facts about population are known to everyone in the field. They are collected in this issue of Triumph by way of demonstrating that the "population explosion" is a myth.

Chief pillar of the myth is the popularized Malthusian notion of a geometrically expanding population inevitably outstripping resources. Modern demography knows by experience that Malthus's thesis has been proved false by history. Not only has population *not* grown at a constant, invariable rate, but quantum advances in agricultural technology and food science have pushed production far beyond expected limits. Colin Clark pioneered in demonstrating that food production is simply not a "population problem"; his researches, sketched in this issue, are now accepted by virtually all students of population resources. More than a year ago, United Nation demographer Jean Mayer, for example, declared that providing the world's population with adequate food was "no problem" for the foreseeable future.

But when the scarcity-of-food myth is refuted, the myth of "not enough living space" inevitably surfaces. Someone usually points to New York City and remarks that with a population density like *that*, life is something less than humane. What is overlooked, however, is that the rest of the world does not share this atypical density—and even in regions that do approach it (parts of Northern Europe, say), the life of society does not seem to fall so inevitably into barbarism.

In any case, as the graphs on page 24 show, the world is characterized by nothing if not by large habitable regions with little or no population, both in the Third World (even India has a population density 200 people per square mile *less* than England) and also in highly developed countries like the United States, where most of the people are crowded into less than one-tenth the available, habitable land area.

Framing the issue in Malthusian terms falsifies it. For the birth rate is *not* responsible for the century's growth of population. Indeed, birth rates in the industrial nations have declined, while they have largely remained constant in the Third World. Nor is the world's population approaching the limit of its resources; in fact, it was precisely the development of technology and capital resources, as F. A. Hayek has shown, which historically permitted greater numbers of people to sustain life. It can be plausibly argued, moreover, that "surplus" population creates the impetus for technological progress.

The truly central demographic fact of the modern era, as Michael Lawrence explains, is that population growth has resulted principally from declining *death* rates and increased average life spans due to advancing technical sophistication in medicine, sanitation and public health. More people live after birth now, and for a longer time.

But medical technology can only extend the human life span so far. The UN Population Commission, in fact, has lately pointed out that man's life expectancy seems now to be reaching its outer limits. If you worry about such things, what that means is that population growth may peak in the near future at a point well within the world's capacity to provide a decent existence, *without* any resort to worldwide repression in the form of coercive programs of contraception, sterilization and abortion.

What is true of the world is even more true of the United States. Morning mouth is more nearly a national peril than population, and some such truth is not lost even on those most avid to build "the contraceptive society"—like Mr. Nixon. The President's own National Goals Research Staff reported last July: "Now it is thought that . . . fertility might drop to a level that would stabilize the population in a decade . . . This possibility plainly is incompatible with the idea of a current or impending U.S. population 'explosion.' . . . No population analyst or policymaker has developed any objective criteria for arriving at an 'optimum population' for a given area at a given time."

If a "population problem" exists, the NGRS said, it comes a) from crowding 70% of Americans into twelve metro areas occupying one-tenth of the nation's total land area—and 50% into three "urban corridors" (Boston-Washington, Chicago-Pittsburgh, San Francisco-San Diego)—and b) from pollution caused by careless patterns of industrial and individual consumption. Much the same conclusion was put forward last month by Conrad F. Taeuber, the Census Bureau's chief demographer, who pointed out, as does Fred Domville in these pages, that much of the nation (three-fourths of its counties) is in fact *losing* population, and that "pollution, high crime rates, transportation problems and other social ills are not primarily a result of our rate of population growth." The last census, moreover, reduced the number of future people expected by 100 million; *and* confirmed that the present birth rate is the lowest in our history.

The "population explosion," we repeat, is a myth. But it is no less perverse for that. So many millions have been spent over the last decade to advance the myth—the national government spent $88.9 million last year alone—that most men seem convinced of its truth, and seek rescue in a veritable sea of estrogen and vaginal foam. The myth is everywhere, as Dr. R.J. Ederer says, "like Goebbels' loudspeakers." Yet it is myth.

What is more, the myth-makers know it. The population explosion orthodoxy is rarely challenged in the popular media, but in their technical literature the doomsday demographers will concede that the myth is also the "royal lie."

For example: The doctor editors of *California Medicine,* who want abortion as a population control measure, which is understood to be a necessary step to a new social order, recently stated that to increase its public appeal, "it has been necessary to separate the idea of abortion from the idea of killing . . . The result has been a curious avoidance of the scientific fact, which everyone really knows, that human life begins at conception and is continuous whether intra- or extra-uterine until death. The very considerable semantic gymnastics required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forward under socially impeccable auspices . . . [Yet] this schizophrenic sort of subterfuge is necessary."

And what of the nation's political leaders? Mr. Nixon's own research staff is not lying to *him.* He knows the population explosion is a myth. He knows the nation's social and ecological problems are not caused by too many people, and will not be resolved by contracepting them—that's stuff for the rubes. Why then has he made, as his chief health officer stated he has, "massive" population reduction his "highest national priority"?

Much of the population control enthusiasm, political and otherwise, can be explained in terms of self-interest. Mr. Nixon, for example, is not unaware of the considerable political influence the "populationists" exert within industry, the professions, the state and national bureaucracies; his support of the movement lends a certain respectability to his Administration where its credentials are weakest—among the technocratic and intellectual elites. Self-interest of an even baser sort motivates other elements of the "contraceptive society." The Washington *Post* recently reported, for example, that in New York one abortion referral service alone had grossed over $150,000 in five months of operation and that some enterprising doctors were making as much as $3,000 in an afternoon of abortions.

There is also a cultural and economic imperialism involved in our export of the contraceptive society to the Third World, which has always been a client-region in the past but whose increasing population (and wealth) threatens that relationship. Happily, the Third World knows what's up. Juan Bosch is a Dominican Marxist, but he may as well have been speaking for Christian Latin America when he charged not long ago that "the idea of family-planning in Latin America . . . is North American imperialism."

Yet, more profound than such political and economic motives, there is a contempt for sexuality and new life at the spiritual sources of the population control movement. The nation's Calvinist and Social Darwinist traditions seem to have coalesced in a Manichean synthesis. Dr. Mary Calderone, who was for eleven years medical director of the Planned Parenthood Federation, typified it with the comment that contraception is a "polio vaccine" for today's "dangerous epidemic of babies."

But Manicheans, old and new, have a way of desiring the elimination of someone else's life, not their own. Among contemporary population controllers this tendency is increasingly taking a racist form. Historically, U.S. immigration policy has discriminated against colored, Catholic and Latin peoples in favor of Northern European and Anglo-Saxon Protestants; that same bias can be found in population policy. HEW touched on it once when weighing voluntary versus coercive contraception: "Elite reactions to the higher fertility of the poor [and ethnics] have always simplicitly subsumed the compulsion idea as the 'realistic' solution for people who are regarded as irresponsible, immature, and animal-like." Now (see p. 25) Ivy League professors have nightmares of a new barbarian invasion from runaway reproduction of the "under class"; and presidential advisers care less and less to conceal the totalitarian implications of their advice on how to ensure that the nightmares not come true.

The population explosion is a myth—yes. But it threatens to be as destructive as that earlier "myth of the twentieth century" that was thought to have died in a Berlin bunker a quarter of a century ago.

PRAYER AND BIBLE READINGS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. YOUNG of Florida. Mr. Speaker, it is with great humility that I introduce House Joint Resolution 193, a resolution which would amend the Constitution so as to permit the offering of, reading from, and listening to nondenominational prayers or Biblical Scriptures in any governmental institution or place, including our public schools.

There is little need for me to elaborate on why such legislation must be introduced. The U.S. Supreme Court's decisions in Engel against Vitale and Abington School District against Schempp has, for all intents and purposes, prohibited the reading of the Scriptures and the recitation of prayers as a part of the school day. Consequently, this legislation which I have introduced qualifies the freedom of religion clause in the first amendment, so that we might have His infinite love revealed, for in learning to love Him, we learn to love one another.

It was 24 years ago, Mr. Speaker, when, at the opening of the 80th Congress, the Reverend Peter Marshall led the U.S. Senate in the following prayer:

> O Lord our God, if ever we needed Thy wisdom and Thy guidance, it is now—as the new Congress begins a new session, standing upon the threshold of a new year, fraught with so many dangerous opportunities. We pray that Thou wilt bless these men chosen by the people of this Nation, for Thou knowest them, their needs, their motives, their hopes, and their fears. Lord Jesus, put Thine arm around them to give them strength, and speak to them to give them wisdom greater than their own. May they hear Thy voice, and seek Thy guidance. May they remember that Thou are concerned about what is said and done here, and may they have clear conscience before Thee, that they need fear no man. Bless each of us according to our deepest need, and use us for Thy glory, we humbly pray in Jesus' name. Amen.

And, at the start of each daily session, this House, as well as the Senate, our State legislatures, and our courts, still seek the wisdom and guidance of the Almighty God. Each of us, during this moment of prayer, asks that He make us courageous in our convictions, wise in our decisions, and faithful to our responsibilities.

Through prayer, one opens himself to the Almighty God, and through Him to the entire community. Only then does man identify himself with the community of men, and only then can he develop a community of common interests, the community of mutual concern, while still preserving the freedom of the individual. Through prayer, man gains a new feeling in life and he recognizes a new meaning in life. Or, as the poet Samuel Taylor Coleridge wrote:

> He prayeth well who loveth well
> Both man and bird and beast.
> He prayeth best who loveth best
> All things both great and small.

This country, Mr. Speaker, was founded because of the religious convictions of the persecuted worshippers of the Old World. We have been, and we still are, a country which prides itself in its spiritual heritage. Yet today, the courts have abridged that privilege of worship to our schoolchildren. In the process of forbidding the reading of prayers in our schools, we have lost sight of that tenet common to all religions:

BUDDHISM

Hurt not others with that which pains yourself. *Udanauarga*

CHRISTIANITY

All things whatsoever ye would that men should do to you, do ye even so to them. *Bible*

CONFUCIANISM

Do not unto others what you would not they should do unto you. *Analects*

HEBRAISM

What is hurtful to yourself do not to your fellow man. *Talmud*

HINDUISM

Do naught to others which if done to thee, would cause thee pain. *Mahabharata*

ISLAM

No one of you is a believer until he loves for his brother what he loves for himself. *Traditions*

SIKHISM

As thou deemest thyself, so deem others. *Kabir*

TAOISM

Regard your neighbor's gain as your gain; and regard your neighbor's loss as your own loss. *T'ai Shang Kan Ying P'ien*

ZOROASTRIANISM

That nature only is good when it shall not do unto another whatever is not good for its own self. *Dadistan-i-dinik*

Today I ask that we make ourselves aware that He is concerned with all that is said and done within these hallowed walls; today I ask that we make ourselves aware that our children, as well as ourselves, are in need of recognizing His love and grace and understanding; and today, Mr. Speaker, as astronauts Shepard, Roosa, and Mitchell explore another part of His realm, I ask that, we, who now petition for the privilege of praying in our public schools and in our other governmental institutions, recall that first prayer from space:

> Give us, O God, the vision which can see Thy love in the world in spite of human failure. Give us the faith to trust Thy goodness in spite of our ignorance and weakness. Give us the knowledge that we may continue to pray with understanding hearts, and show us what each one of us can do to set forward the coming of the day of universal peace. Amen.

WHO WILL CARRY THE FLAG?

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. DUNCAN. Mr. Speaker, I include in the RECORD an inspiring poem by a constituent, Maj. Billie B. Boyd, Jr., USAF, retired. This great expression of respect for our flag has already received wide acclaim in our home State of Tennessee, and it is worthy of national attention:

WHO WILL CARRY THE FLAG?

(By Billie B. Boyd, Jr.)

In troubled days such as these, a moving thought comes to mind,
And words to express its meaning really aren't too hard to find;

There are those around us who say they will,
And there are those who say they won't—
Along with those who have the courage of their forefathers,
Coupled with those who wish they did, but won't admit they don't;

Some people join crowds because of outright fear,
While others stand fast for the things they hold so dear;
Look around my friend and see what I mean,
Those who would dishonor our Emblem, proud and clean—
The very Flag our forefathers stood up for and demanded that they be named,
Yet, some weak and gutless parasites would have it insulted and defamed;

It boils down to the simple decision,
On which side of the street you choose to stand—
While Old Glory, our National Banner,
Marches proudly by, escorted by honor guard and band;

And if the Flag could speak,
From the day of first being held in George Washington's steady hand,
Through its long, proud history of blood honor and tears—
Up to this very day, waving proudly for nearly 200 years,
Over our democratic, free and unshackled land,
It would speak out in a clear voice, long and loud,
"I've seen it all, and forever I shall remain proud,
As long as I am carried by a freedom-loving American,
Who is not afraid to face a crowd;
So, I ask *you* in the name of those who have died for freedom's cause,
If at anytime I am abused or dropped,
Who will snatch me up and carry me to the front,
Who will carry the Flag, so proud and true,
Who will carry Old Glory, your own Red, White and Blue?"

MILITARY JUSTICE?

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. MIKVA. Mr. Speaker, I want at the outset to express my gratitude to my distinguished colleague from Maryland, Mr. MITCHELL, for bringing to our attention this latest incident. The United States Army belongs to all the people of this country; it is not the private province of professional career officers. As United States citizens and as Members of Congress, we have a responsibility to insure that the men to whom we give administrative power to run the daily affairs of our Army do not abuse that power by taking arbitrary action against men under their command whom they dislike or disagree with.

Also because it is our Army, we have the right and the duty to criticize existing military policies which we feel are wrongly conceived, and to do whatever is in our power to see that such policies are reviewed and changed. Louis Font, as a citizen of the United States, shares these rights and duties. He did not give them up when he applied for and was granted appointment to West Point, nor when he was commissioned as an officer in our Army. Nor did he yield those rights and duties when his deepest beliefs caused him to speak out in opposition to the Army's activities in Southeast Asia. He did not waive his belief in the Constitution just because he took an oath to defend it.

On January 12, 1971 Lieutenant Font cosigned a letter to Secretary of the Army Stanley Resor requesting that a Board of Inquiry be convened under Article 135 of the Uniform Code of Military Justice to review whether certain activities and policies of our Army—such as free-fires zones, search and destroy, defoliation, massive air strikes in populated areas—violate the principles of international warfare. In that letter, Lieutenant Font also requested that the inquiry consider the responsibility of command officers who have implemented those policies.

All of this has made Lieutenant Font an unpopular man among his superiors. It is no secret that career officers do not look kindly on criticism of Army policy and practices, particularly when it reflects on them personally. Lieutenant Font has been subjected to various forms of petty harassment. As part of their effort to muffle his outspokenness, authorities at Fort Meade changed Lieutenant Font's duty assignment, making him a barracks inspector. What they thought would be an innocuous, anonymous position turned out quite to the contrary, for Lieutenant Font refused to be silent about the uninhabitable condition of the barracks he toured, just as he had refused to be silent about what he considered to be improper conduct by commanding officers in Vietnam. The public response which followed Lieutenant Font's disclosure was apparently the last straw. Lieutenant Font's superior officers have turned from petty harassment to much more serious means of silencing this man who dares to criticize their Army.

This may sound like an extreme construction to place on the court martial charges brought against Lieutenant Font by the men he has criticized, but when you examine the substance of the charges it is difficult to construe them any other way.

We cannot permit our Army to treat its critics in such an arrogant and arbitrary fashion. I do not want my Army trumping up charges to stifle criticism from within any more than I want it spying on private citizens to stifle criticism from without. I join Congressman MITCHELL in calling for an immediate investigation by Secretary Resor of the circumstances surrounding the charges against Lieutenant Font, and urge my colleagues to do the same.

If Lieutenant Font is a gadfly, then the Army needs more of them. In any event, American needs an army that can take criticism, may even dissent, from its citizen-soldiers.

CLEAN AIR AMENDMENTS OF 1971

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1971

Mr. KOCH. Mr. Speaker, last year the Congress passed a series of amendments to the Clean Air Act designed to update and strengthen the existing law. In spite of the wide publicity given to these changes, a substantial number of gaping loopholes still exist, and it is for this reason that I am introducing today the Clean Air Amendments of 1971.

I am proposing a number of important provisions which will help the public cut through the labyrinthine procedures which too often stall effective action against pollution. A citizen's eyes and nose tell him when he is assaulted by pollution, but he frequently finds it impossible to translate this knowledge into the specific data and procedures required to get the pollution halted.

My Clean Air Amendments of 1971 provide for the following:

First, Government financed research into the availability of low polluting fuels.

Second, certification of new stationary sources of pollution, preconstruction review of the sources and performance tests after commencement of operation.

Third, public disclosure by polluters of the pollutants they are discharging into the air.

Fourth, Government sponsored testing of alternatives to the internal combustion engine and setting of new emission standards based on this testing.

Fifth, exemption from the national standards on auto emissions, fuels, fuel additives and aircraft emissions for those States desiring to establish standards that are more restrictive than the national standards.

Sixth, granting authority to the Administrator to immediately enjoin sources of severe air pollution.

We all partake in a common ownership of the air, and the public has the right to know who is polluting the air we breathe and to what extent. I propose that both individual and corporate polluters be required to file with the Federal Government reports on the substance and quantity of their pollution; these reports would be available to the public and would be verified by the Government through monitoring.

To prevent pollution before it begins, I propose a system of certification for new stationary sources of pollution—factories, mills, incinerators, etc. This certification would include a preconstruction review of a proposed building as well as performance tests after the facility began operation. The certificates would be reviewed, and suspended if the facility fell below pollution standards. Operation in violation of the certification procedures would cost the polluter $5,000 per day.

Under present law the Administrator cannot act quickly in an air pollution emergency. Cumbersome delays occur while the air becomes more and more deadly. Pollution officials have already developed a term to describe fatalities caused by extreme air pollution occurrences: "excess deaths." To prevent "excess deaths" and to divert a developing pollution emergency, by mill would allow the Administrator to immediately shut down sources of severe air pollution.

The automobile is our country's single largest polluter of the air, accounting for 60 percent of the Nation's total air pollution, and contributing up to 75 or 80 percent of the pollution in such cities as New York and Los Angeles. The cities of our country cannot continue to function much longer under these conditions.

Essentially two things need to be done. First, States must be allowed to establish auto emission standards that are more restrictive than the national standards. Under existing law, California is the only State which is specifically exempted and can adopt tighter motor vehicle emission standards than the Federal ones. Auto pollution in States such as New York is surely as critical as in California, and any State which desires stricter emission standards should be allowed to set them.

Second, an alternative to the internal combustion engine must be developed. An important step was taken last year requiring a 90 percent reduction in motor vehicle emissions by 1976. However, propulsion systems other than the internal combustion engine, including the steam and electric engines, promise to provide even further reductions in emissions. Unfortunately, the auto makers and the oil companies have a vested interest in retaining the internal combustion engine. I therefore propose that the Environmental Protection Agency begin the testing of all types of propulsion systems for motor vehicles to determine which has the most satisfactory emission characteristics and performance. If, based upon these tests, the Administrator determines that another propulsion system has superior emission characteristics, he shall set standards based upon such characteristics.

Although the automobile is our major polluter, pollution from sulfur fuels—oil and coal—whose combustion produces noxious sulfur oxides should not escape our attention. The largest users of these pollution-producing fuels are the electric utility companies. The national demand for electricity has doubled every decade since 1940, and this increase will accelerate rather than decline. Today over 85 percent of the electricity to meet this demand is generated by coal- and oil-burning plants. Electrical generating plants alone account for 50 percent of the sulfur oxide emissions in the Nation.

The most feasible alternative to increased sulfur oxide pollution that will accompany the growing demand for electricity is the use of low polluting fuels.

To date, most research on low-polluting fuels has been done by those who have a vested interest in the status quo: the oil and coal industries, the natural gas suppliers, the atomic energy industry and the electric utilities. These interests have erected a smokescreen of excuses: that low-polluting fuels are not available in sufficient quantity, that their location makes the cost prohibitive, that a changeover would require new and expensive equipment. My bill would provide for Government-sponsored research to break through this resistance and provide unbiased information on low-polluting fuels.

Last year's widely heralded clean air amendments were a major step forward in the field of air pollution abatement. However, we cannot afford to bask in the warmth of self-congratulation while our cities strangle from dealy air. Loopholes in the existing law which allow pollutants to pour into our atmosphere must be closed, and we must act before our limited time runs out.

H.R. 3686

A bill to provide for the abatement of air pollution by the control of emissions from motor vehicles; preconstruction certification of stationary sources; more stringent state standards covering vehicular emissions, fuel additives and aircraft fuels; emergency injunctive powers; and public disclosure of pollutants

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Air Amendments of 1971."

SEC. 2. Section 104(c) of the Clean Air Act is redesignated Section 104(d) with a new section 104(c) inserted in lieu thereof as follows:

"SEC. 104(c) (1). The Administrator shall commence an immediate inquiry into the availability of low-polluting fuels used for non-automotive industrial and domestic purposes. The Administrator shall report the results of his inquiry to Congress by June 30, 1972. The report shall contain accurate and detailed information regarding—

(A) the location and ownership of low polluting fuels, both foreign and domestic, which are or might be available for consumption in the United States,

(B) the costs of transporting these fuels,

(C) the factors which may inhibit the exploitation and availability of these fuels, including but not limited to such factors as the effects of federal, state and local tax structures; the impact of federal, state and local regulations; the Mandatory Oil Import Program; and merger and concentration trends affecting the fuels industry,

(D) the sums of money which have been expended since January 1, 1960, by persons in the fuels industry and persons using large quantities of fuels to reduce air contaminants in fuels and to develop pollution control devices for facilities using fuels, together with an analysis of the results which have been achieved as a result of the efforts of such persons,

(E) any additional information which the Administrator determines should be brought before the Congress in connection with its legislative oversight of this Act, and

(F) the Administrator's recommendations regarding the legislative, administrative and executive steps necessary to achieve a coordinated national fuels policy consistent with environmental protection and the general welfare.

(2) For the purposes of this subsection, there are authorized to be appropriated for the fiscal year ending June 30, 1972, $5,000,000.

SEC. 3. The Clean Air Act is amended by striking section 111 and inserting in lieu thereof the following:

"NEW SOURCE STANDARDS OF PERFORMANCE

"SEC. 111. (a) For the purpose of this section, the term—

"(1) 'stationary source' means any building, structure, facility, or installation which emits or may emit any substantial amount of any air pollution agent or combination of such agents so as to cause or contribute to the endangerment of the public health or welfare;

"(2) 'new source' means any stationary source, the construction or modification of which is begun on or after the effective date of any standard of performance applicable to such source;

"(3) 'construction' means any placement, assembly, or installation of facilities or equipment at the premises where such equipment will be used, including preparatory work at such premises;

"(4) 'modification' means any construction (other than pollution abatement facilities as determined by the Administrator or appropriate State agency) which alters the nature or increases the amounts of air pollution agents or combination of such agents emited by a stationary source; and

"(5) 'owner or operator' means any person who owns, leases, operates, control, or supervises a new source.

"(b)(1) The Administrator shall, within sixty days after the enactment of the Clean Air Amendments of 1971 and from time to time thereafter, publish in the Federal Register a list of categories of stationary sources which shall be subject to standards of performance established under this section.

"(2) Within one hundred and twenty days after the publication of such a list or revision thereof, the Administrator shall publish in the Federal Register proposed regulations, in accordance with section 553 of title 5 of the United States Code, establishing Federal standards of performance for new sources. Such standards shall be based on the greatest degree of emission control which the Administrator determines to be achievable through application of the latest available control technology, processes, operating methods, or other alternatives. The Administrator shall afford interested persons an opportunity for written comment on such proposed regulations. After considering such comments, he shall promulgate, within ninety days after such publication, such standards with such modifications as he deems appropriate and shall notify the States of such promulgation. The Administrator may from time to time revise such standards following the procedure required by this subsection for such standards.

"(3) Standards of performance shall become effective upon promulgation.

"(4) The Administrator may distinguish among classes, types, and sizes within categories of new sources for the purpose of establishing such standards.

"(c) The provisions of this section and the standards of performance promulgated thereunder shall apply to any new source owned and operated by the United States, unless a more stringent emission requirement is required for such source to implement any applicable air quality standard.

"(d)(1) The Administrator shall, within ninety days after enactment of the Clean Air Amendments of 1971, promulgate regulations, in accordance with section 553 of title 5 of the United States Code, establishing a procedure for certification of compliance with any standard of performance promulgated pursuant to this section. Such procedure shall include—

"(A) provisions for preconstruction review of the locations and design of any new source;

"(B) provisions for performance tests after commencement of operation of any new source;

"(C) methods to identify and abate violations of such standards of performance; and

"(D) methods to insure that any certified new source shall not prevent implementation of national ambient air quality standards or national ambient air quality goals promulgated under this title.

"(2) Except as provided in subsection (e) of this section, upon application by any owner or operator of any new source the Administrator shall certify such source if he determines, in accordance with the provisions of this section, that such source complies with the applicable standards of performance promulgated under this section.

"(e)(1) Each State within one hundred and eighty days after promulgation of regulations pursuant to subsection (d) of this section, or at any time thereafter, may develop and submit to the Administrator a procedure for certification of compliance with any standard of performance for any new source located in such State. If the Administrator finds the State procedure is at least equal to the requirements established by subsection (d) of this section, he may delegate certification authority provided in this section to such State.

"(2) Nothing in this section shall prohibit the Administrator from (A) reviewing and suspending any State certification to assure compliance with any applicable standard of performance promulgated pursuant to this section, or (B) acting to enforce any applicable performance standard promulgated pursuant to this section.

"(f) Every owner or operator of a new source shall (1) establish and maintain such records, make such reports, install, use, and maintain monitoring equipment or methods, and provide such information as the Administrator may reasonably require to enable him to determine whether such source is in compliance with this section and regulations established thereunder, and (2) upon request of an officer or employee duly designated by the Administrator permit such officer or employee at reasonable times to have access to and copy such records, reports, or information. Except for emission data, upon a showing satisfactory to the Administrator by such owner or operator that such records, reports, or information or particular part thereof, if made public would divulge trade secrets or secret processes of such owner or operator, the Administrator shall consider such record, report, or information or particular portion thereof confidential for the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers or employees of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

"(g)(1) After the effective date of standards of performance promulgated under this section, it shall be unlawful—

"(A) for any owner or operator to operate any new source without certification issued under this section; or

"(B) for any owner or operator of any certified new source to operate such source in violation of any standard of performance applicable to such source; or

"(C) for any owner or operator to fail or refuse to permit access to, or copying of, records or to fail to make reports, or to fail to install monitoring equipment or methods, or provide information required under this section.

"(2) The district courts of the United States shall have jurisdiction to restrain violations of paragraph (1)(A) or paragraph (1)(C) of this subsection. In any action to restrain violations, subpenas for witnesses who are required to attend a district court in any district may run into any other district.

"(3) Any owner or operator who violates paragraph (1)(A) or paragraph (1)(C) of this subsection shall be liable to a civil penalty of not more than $5,000 for each offense which shall be assessed by the Administrator after an opportunity for a public hearing. Each day of violation shall be a separate offense.

"(4) Any violation of paragraph (1)(B) of this subsection shall be subject to abatement pursuant to section 113 of this Act. If any owner or operator of a certified new source does not act within seventy-two hours as provided in any order issued pursuant to section 113(a)(1) of this Act to abate such violation, the Administrator shall suspend any applicable Federal or State certification. Failure to suspend operation of such source after such suspension shall, upon conviction, subject the owner or operator to a fine of at least $5,000 for each day of operation after such suspension. Penalties provided in this subsection shall be in addition to any penalties provided in section 113 of this Act."

SEC. 4. Section 114 of the Clean Air Act is amended as follows:

(1) Strike out subsection (a) and insert in lieu thereof:

"SEC. 114(a). Pursuant to any function vested in the Administrator under this Act—

"(1) the Administrator shall require the owner or operator of any emission source to (A) establish and maintain such records, (B) make such reports, (C) install, use and maintain such monitoring equipment or methods, (D) sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (E) file with the Administrator any and all information regarding such emission, including, but not limited to, the sources, composition, amount, duration, and any other information regarding the emission that the Administrator deems necessary to the discharge of his responsibilities pursuant to this section."

"(2) the Administrator shall, within ninety days after enactment of this section, issue a reporting form to persons operating facilities deemed by the Administrator to be significant sources of air pollution. The reporting forms shall require the recipient to disclose the type and amount of pollutants emitted from all facilities operated by the recipient. The reporting forms may also require the disclosure of such other data as the Administrator might reasonably require. Chapter 35 of Title 44 of the United States Code shall not apply to reporting forms issued under this subparagraph.

(2) Strike out subsection (c) and insert in lieu thereof:

"(c) Any records, reports or information obtained under subsection (a) shall be available to the public, without regard to any other restriction or limitation in law."

SEC. 5. Section 202 of the Clean Air Act is amended by adding the following subsection (C) to section 202(b)(1) after subsections (A) and (B).

"(C) The Administrator shall immediately commence the testing of all types of propulsion systems for motor vehicles other than the internal combustion engine to determine which has the most satisfactory emission characteristics and performance. If, based upon the analysis of data derived from such tests, the Administrator determines that a propulsion system other than the internal combustion engine has emission characteristics superior to the internal combustion engine, he shall set standards based upon such characteristics. These standards shall be at least as stringent as those required by section 202(b)(1)(A) and (B). These standards shall be published in the Federal Register as soon as practicable but no later than December 1, 1972, and shall be applicable to all new motor vehicle engines produced beginning with the 1976 model year."

SEC. 6. (a) Section 209 of the Clean Air Act is amended to read as follows:

"STATE STANDARDS

"SEC. 209. (a) Nothing in this part shall preclude any State or political subdivision thereof from enforcing emission standards for motor vehicles or motor vehicle engines that are more restrictive than the standards set forth by the Administrator and nothing in this part shall preclude, deny, or limit in any manner, the power of any State or political subdivision thereof to control, regulate, or restrict the use, operation, or movement of motor vehicles conforming to the terms of this part.

"(b) Nothing in this part shall preclude any State, or political subdivision thereof, from prescribing or enforcing any control or prohibition respecting the use of a fuel, or a fuel additive, or an aircraft fuel that is more restrictive than any control or prohibition imposed by the Administrator, and nothing in this part shall preclude, deny or limit in any manner, the power of any State, or political subdivision thereof, to control, regulate, or restrict the use of any fuel, fuel additive or aircraft fuel which otherwise conforms to the requirements of this part.

(b) Paragraph (4) of subsection (c) of section 211 of the Clean Air Act is hereby repealed.

SEC. 7. The Clean Air Act is amended by striking out section 233 and inserting in lieu thereof the following:

"SEC. 233. Nothing in this part shall preclude any State or subdivision thereof from enforcing aircraft emission standards more restrictive than the standards set forth by the Secretary."

SEC. 8. The Clean Air Act is amended by redesignating section 303 as section 303(a) and by adding subsection (b) as follows:

"(b) Notwithstanding any other provision of this Act, whenever the Administrator finds that a pollution source or combination of sources (including moving sources) create a severe air pollution problem which will not otherwise be abated quickly, he shall bring a suit on behalf of the United States in the appropriate United States Court to immediately restrain the persons causing or contributing to the alleged pollution. As part of his suit the Administrator shall submit to the court a plan for the abatement of the air pollution which, if found by the court to be reasonable in view of the purposes of this Act and the declared national goal of environmental protection, shall become part of the court's order. Violations of any provisions of such plans shall be punishable by a civil penalty of $10,000 per day.

LAWRENCE S. FANNING

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. BEGICH. Mr. Speaker, I was saddened by the news of the death of a good friend, an outstanding journalist and one of Alaska's most imaginative citizens. Lawrence S. Fanning, editor and publisher of the Anchorage, Alaska, Daily News died suddenly at the age of 56.

Mr. Fanning had the vision and sensitivity to initiate progress and lead men to better things. He was never satisfied with things as they were, but he envisioned for Alaska things she herself could not conceive.

Larry was a giant among journalists and his reputation spread from coast to coast. Journalists from across the country knew Larry to be strong, indefatigable, and imaginative.

Alaska owes much to Mr. Fanning. When he came to Alaska in 1967, he came with the hope and drive to help solve some of Alaska's most pressing problems. He soon became friends with all parts of Alaska's population. It was Larry Fanning who brought the problems of the Bush to the people in the cities of Alaska and to the urban areas of our country. Similarly, Larry was able to bring to the Bush a fair and accurate account of how things were across the country, and all over the world. He was able to mesh the best of two different worlds by opening and supporting communication links between vastly different people.

Larry was the first publisher and editor to bring the issues of the native land claims to the attention of a broad spectrum of the population. He was a good friend of our native citizens and understood their problems well. Mr. Fanning was in the forefront of the fight for a just solution to Alaska's most important social and economic issue.

Last year, the Anchorage Daily News under his superb leadership was awarded the Scripps-Howard award for his paper's reporting of conservation issues. He was keenly aware of the problems of not only Alaska, but of the Nation as well.

He was a responsible liberal voice in the great land. He spoke out forthrightly against the U.S. involvement in Vietnam, for a deeper understanding of the social issues of the day, and in general, gave a national voice to his Alaskan community.

Larry's career in journalism is marked by his close association with many noted reporters. He hired the first native columnist and gave support to many other highly qualified and talented people.

When a man like Lawrence Fanning dies, he takes a bit from us all. More importantly, though, he leaves something with us that we never had before.

FISH FARMING ACT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. PICKLE. Mr. Speaker, I am reintroducing a bill today that both my colleague from Mississippi, H. CHARLES GRIFFIN, and I introduced toward the end of the 91st Congress. The bill is the Fish Farming Assistance Act of 1971. This bill combines two basic approaches. First, it would place all responsibility for marketing and research, for technical assistance and equipment development under the jurisdiction of the Department of Agriculture. The Bureau of Sports Fisheries of the Department of the Interior and the Department of Commerce through the National Marine Fisheries Service are presently doing a capable and efficient job.

However, because of a great amount of growth and interest we should start considering fish farming in its rightful place—a genuine livestock industry.

I believe that by working through USDA and Merchant Marine and Fisheries, we have the opportunity to avoid costly duplication of Government interests and operations.

The second portion of this legislation would authorize the Federal Government to make various forms of financial assistance available to fish farmers throughout the Nation. Under this bill the Government would participate to the extent of 90 percent of the cost of a proposed venture, but would limit the direct loans to 50 percent. The balance of the governmental assistance would come in the form of guarantees.

Mr. Speaker, fish farming is no joking matter, it is a relatively new industry with high profit potential. Many farm producers are entering this field to bolster their sagging farm income.

In a few days, CHARLES GRIFFIN and I are going to reintroduce this bill and we would be pleased for any our colleagues to join us as cosponsors.

CURE FOR CURRENT ILLS?

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. MONAGAN. Mr. Speaker, in this time of inflation, when the States and cities are suffering from high unemployment and complain of insufficient funds to continue many community programs, the administration has proposed a plan for Federal revenue sharing. While all share a desire to see municipal budgets adequately funded, this problem is complex and its results far reaching, and the arguments which either support or criticize the plan must be carefully examined before the Congress decides whether or not the plan offers a substantial measure of a cure for the current ills of the Nation's cities. In particular, we must consider possible discriminatory effects upon our own States and also the capacity of the Federal Government to finance this problem on top of existing commitments.

I should like to submit for the RECORD an editorial which appeared in the Naugatuck Daily News for January 18, 1971, and which offers considerations which must figure prominently in our final decision.

The editorial follows:

NO REVENUE TO SHARE

Revenue-Sharing is a spending gimmick whose time has come, in the thinking of White House officials.

The idea behind revenue-sharing is that the federal government should raise the revenue and then share it with the states and cities. What the Nixon administration hopes to gain from revenue-sharing it is hard to understand since it would have the unpopular task of taxation while the states and cities would have the pleasure of expending funds they don't have to bother collecting.

Mayors and governors, led by big-spender Nelson Rockefeller, who has managed to bring New York State to the point of bankruptcy, quite naturally are pushing revenue-sharing. Many are afraid to ask for any higher state or local taxes from a public already fed up with increased spending and decreased services.

Proponents of revenue-sharing often forget that it can be financed in only three ways: by reducing expenditures in some other federal programs, by increasing the federal debt or by increasing federal taxes. The first would irritate the bureaucrats and any recipients of federal aid, in many cases the very cities and states that think revenue-sharing is their panacea. The second would heat up the inflation which proved damaging to the GOP in the 1970 election. The third would hurt the Republicans in the 1972 election, for which the President already is gearing up.

Further, only the politically naive could think that Congress would raise funds and then allow them to be spent for programs of which it disapproved. And, too, should the federal government find itself in a financial pinch, it well could end the program on short notice which could prove disastrous to the recipients.

There also is the more immediate fact, as pointed out by Rep. John Byrnes, ranking Republican on the House Ways and Means Committee, that there is no revenue to share. Uncle Sam is worse than broke. He's in debt.

LEST WE FORGET

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. BAKER. Mr. Speaker, one of the most important aspects of our efforts to secure better treatment for an early release of our prisoners of war is to let the men who have suffered this fate know we have not forgotten them. This was why so many of my colleagues and I have joined in the introduction of the resolution to designate a National Week of Concern, March 21–27, for American prisoners of war and those missing in action.

Long before I was able to get behind this effort in such a concrete way, the Honorable Bill Brock, now junior Senator from Tennessee, was providing leadership in this humanitarian endeavor as Representative of Tennessee's Third District. He is a cosponsor of the resolution in the Senate this year. I am pleased to join hands with Senator Brock as we strive to get the message across to the leaders in Hanoi about the necessity to observe universally accepted standards of decency and human concern.

The importance of what we are doing was cited in an editorial in the Chattanooga, Tenn., News-Free Press on January 25. Under leave to extend my remarks, I ask that this editorial, "Lest We Forget" appear in the Extensions of Remarks of the Record. The editorial follows:

Lest We Forget

Rep. LaMar Baker of Chattanooga has chosen a worthy subject for his first measure introduced in Congress. Sen. Bill Brock of Chattanooga has chosen well in joining in Senate sponsorship. The two local men have called on Congress and the nation to give special attention to the plight of American prisoners of war in Southeast Asia by designating the week of March 21–27 as a "national week of concern for American prisoners of war and missing in action."

It was on March 26, 1964, that the first American was captured by the North Vietnamese. He is one of some 1,500 Americans known to be in Red hands or simply listed as missing. The Communists say they hold only a little more than one-fifth of those we suspect they have. The Reds violate the Geneva Convention for proper treatment of prisoners and will not even give a full accounting or allow international inspection of prison camps.

The doves and their allies in this country, some eagerly and some reluctantly, are supporting a phasing out of American military action that might leave those American prisoners still in Red hands.

Let us not forget them. Rep. Baker and Sen. Brock are joining a nationwide effort to keep them in our minds. Let us all join.

THE ART OF GIVING

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. McKINNEY. Mr. Speaker, from time to time, our attention is drawn, and perhaps too infrequently, to singular examples of the true meaning of humanity—man's kindness to his fellow man in the art of giving. One such example has recently come to light in the area which I represent, Connecticut's Fourth District. I would hasten to point out, Mr. Speaker, that the doer in this sense did not seek the publicity he has received nor has he ever sought the thanks of anyone for the kindnesses he has performed. Credit, for bringing this matter to our attention, must go to Mr. Peter Prichard, an enterprising reporter for the Greenwich, Conn., Time and Mrs. Helen Anderson, a volunteer worker for the Greenwich Red Cross who suggested the story to Pete.

And that, Mr. Speaker, brings me to the person involved, a man I know the Members of this House would like to join me in saluting, Mr. Philip Westerman, of Byram, Conn.

Mr. Speaker, Mr. Westerman knows and lives the true spirit of human fellowship. I could tell you of Mr. Westerman but his story is best told by Mr. Prichard whose account appeared in January 28, 1971, editions of the Greenwich Time and the Stamford, Conn., Advocate. Mr. Speaker, that account follows:

Byram Man Aids 21—Little Money, Big Heart

(By Peter Prichard)

Byram.—Philip Westerman doesn't have the biggest pocketbook around, but he does have a big heart.

With his pension and what he receives from Social Security, the 66-year-old Westerman supports 21 persons in four foreign countries under the Foster Parents Plan.

For 40 years, the Byram resident was a "cutoff man" for Con Edison in Westchester County. He turned the electricity off when people failed to pay their bills. Sometimes, if he found a particularly destitute family, he would pay the bill himself.

MADE DECISION

"But I couldn't do that when my wife was alive," he says. Westerman's wife, who had a bad heart, died in his arms when he came come from work one day in 1963. "I decided then when I wasn't paying off the doctors, I would help the poor," he said.

In January 1968, Westerman adopted his first child under the plan, Kim Wae Soon, who lives in Korea. Wae Soon was fatherless, and her mother earned 49 cents a day selling vegetables. One child in the family was mentally retarded, and another could not attend school because of the family's poverty.

Westerman intended to pay the standard $16 per month each Foster Parent pays under the plan by using what he saved when he stopped smoking. But he soon found that his adopted family took more and more of his time, and he adopted another child. By mid-summer of 1968, he was supporting the Korean family, and families in Greece, the Philippines and Colombia as well.

In each of the families, the father was unable to serve as the breadwinner. The father of the Greek family was in a mental institution, and the mother made 88 cents a day as a charwoman. The Filipino father had tuberculosis. The mother in Colombia supported a blind father and several children in a hut that kept falling down.

Westerman soon found he was spending more than the required $16 per month for each family. In all, he sent $163 a month to "his families"—to help pay for food, clothing, housing, and the cost of educating the children. He spends his entire Social Security check and a good part of his pension each month on his families.

Last year, Westerman had a strange, troubling dream, he said. In the dream he was in the Philippines.

"I was trying to get to my family," he said, "but I couldn't make it. You know how those things are in dreams. There was destruction all around me. My heart began to hurt—I have a bad heart—and I woke up."

The next day he called the Foster Parents office in New York and learned that a typhoon had struck the Philippines, and the family's home had been destroyed.

Westerman reached into his savings and bought the family a new home, for $1,000. It has a concrete foundation and mahogany walls. When the next typhoon hit the Philippines, the neighbors came to stay in the new house because it was strong and safe.

To get the Filipino family on their feet economically, Westerman sent the mother to fashion school and bought her a new sewing machine. She sews at home to supplement her income. He sent the oldest daughter, Elenita, $400 for all four years of high school. He sent it all at once, "so if something happens to me, she'll get an education."

For his Korean family, Westerman also bought a new house, for $1,000. Then he bought an entire vegetable business for the mother, for another $1,000. The mother's income rose from $33 per month to $70. Wae Soon is attending school and taking "hard piano lessons." Westerman has paid for the lessons through 1972.

After the Colombian family's shack fell down again, this time while the blind grandfather was in it, Westerman spent $1,500 for a new home and land. He recently sent $106 for the mother's operation for a double hernia, but the mother is superstitious and reluctant to enter the hospital. But besides generous financial aid, Westerman has given 21 people hope in the midst of poverty. "There's nothing more in this than giving a scrap of food to the poor," he says. "I get into it so deeply, they become like my own flesh and blood. And it's the hope you give them. That's the main thing."

To those who would say we should help our own impoverished children first, Mr. Westerman says: "A child is a child. It doesn't matter which side of the ocean the child was born on."

His children know the nature of this man's help. Wae Soon wrote: "Our living is so much richer and easier than we used to know, and we owe all these to your help to us. We thank our God for sending his loving hand to us through your lovefilled heart."

Westerman's goal is to make each family self-supporting. "If the older children get good educations, they can help the younger ones," he says. "I won't be here that long. When I'm gone, perhaps they'll give the child to a Foster Parent who won't do as much, and then they'll be back where they started."

"I don't expect to go to heaven because I help the poor," the retired bill collector says. "You're supposed to do these things—you're supposed to feed the poor."

Westerman may not think there is much unusual about being generous—but his children do. The Filipino girl, Elenita, wrote him, "We pray to God to give you a longer and fuller life to finish our studies in school."

He is happy with the improvement his families have made. "There's no more suffering for them now," he says.

JOBLESS NEED—COOPERATION

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. MORSE. Mr. Speaker, for the past several months I have been working closely with a group of scientists and engineers in my district in an attempt to develop new ideas and approaches to the critical problem of unemployment which has affected so many of their colleagues in Massachusetts. This group, known as the "Lexington Seven," has performed diligent and extremely effective service, and I am most pleased to note that its labors have now received public recognition in an article published by the Boston Globe on February 1. Because I believe that this group can serve as an inspiration for other citizens to increase their participation in the process of Government in expectation of attaining meaningful results, I wish to share the article with my colleagues.

The text of the article follows:

JOBLESS NEED—COOPERATION

(By Donald White)

When MIT physicist, Brian Schwartz, talks about manpower problems and the plight of jobless scientists and engineers, he is apt to use the "Tragedy of the Commons" as an analogy.

The commons in question were grazing grounds for British cattle.

"There would be," Schwartz explains, "perhaps 100 farmers with 10 cows each using the common as grazing grounds and everything would be fine.

"But then one farmer would consider adding a cow which, from his point of view, was reasonable because it would increase his production by 10 percent.

"However, other farmers felt justified in doing the same so eventually there were no longer 1000 cows on the common but 1100 and the grazing could no longer support them and—for a variety of reasons—they all died."

The point of his analogy is that an operation can suceed through cooperation but fail through self interest. That is one of the major problems afflicting Greater Boston's technological manpower, he claims.

He note, for example, that:

Universities are more concerned with being production centers of students than providing "relevant education."

Industry hires and fires specialists rather than educating technological types in other disciplines.

Technologists job-hop without qualms in good times.

Professional societies stick too rigidly to technical disciplines and fail to acknowledge that today's problems cut through all disciplines.

Government compounds the whole mess with its stop-go funding.

Schwartz contends that the technological manpower crunch will never be solved unless approached on a cooperative basis by all factions involved.

That is what he, an employed scientist, is trying to accomplish—has been for the past three years, in fact. "I saw the problem coming."

He has stepped-up his efforts recently as one of a group that calls itself the Lexington Seven, an organization that has established working rapport with Republican Congressman F. Bradford Morse.

Other members of the Seven are: Herb Sherman, an engineer with Lincoln Laboratories and Beth Israel Hospital; John Sampson, Raytheon physicist; Wayne Lees, an unemployed physicist; Harold Goldberg, engineer with Analogic Corp.; Eric Clarke, a vice-president at Technical Operations, Inc., and Ephraimm Weiss, a Raytheon physicist.

The Seven came into being after Morse had suggested he would welcome suggestions about the manpower problem. One result was that Morse himself commissioned a jobless technologist to undertake a month-long study of where such unemployed might be used on the problems of the City of Lowell.

One short-term remedy for the jobless problem being studied by the Seven is direct government agency funding for engineers and scientists who submit individual proposals relating to specific technological problems.

Such funding, which would provide short-term work almost on a consulting basis, would permit those out of work to "hold the line and live a life of dignity," Schwartz said.

One of the agencies Schwartz has approached with the suggestion is the Department of Transportation's research center in Cambridge. The response was less positive than he had hoped because such funding, it was explained would require legislative changes.

Nevertheless, a DOT spokesman will be on hand in Lexington's Town Hall at 8 p.m. Wednesday when the Seven will hold a meeting with other groups from surrounding communities to discuss the economic crisis facing the technological jobless.

Says Schwartz, who is concerned about the psychological effect upon the unemployed: "We must try to give them hope."

THE ENERGY CRISIS

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. COTTER. Mr. Speaker, today I am introducing a bill to establish a select committee to study and investigate all energy resources in the United States. Citizens in the Northeast corner of the United States have endured power shortages and extremely high power rates.

For example, the town of Newington in my district has experienced a number of total electrical blackouts. From currently available information there seems to be little concrete planning for meeting present and future power needs. Thus, it is imperative that all levels of government be concerned with this issue. In the Northeast, the problems of oil and electrical power are well known by resident and public officials. Something must be done. It is my feeling that a committee responsible to the people and not to one governmental figure will effect solutions that will minimize this continuing power crisis.

This select committee to study power resources would report on these topics: First, the availability of all sources of power; second, identify the ownership of these power sources, the reasons for delays in new starts; third, effect of pricing practices by owners; fourth, effect of import of low sulfur fuels; fifth, equipment needed for more efficacious transfer of fuels; sixth, measures to eliminate electrical energy crises; and seventh, detailed study of the ecological effects of electricity industry.

I hope this measure will receive prompt consideration.

HELP OUR SENIOR CITIZENS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. PEYSER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

The problems of the more than 26 million senior citizens in this country who are on social security requires both immediate and long range action.

It is with this in mind that I have sent the following letter to the distinguished chairman of the Ways and Means Committee.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 4, 1971.

Hon. WILBUR MILLS,
Chairman, House Ways and Means Committee, Washington, D.C.

DEAR MR. CHAIRMAN: I was pleased to learn that your committee intends to take action on Social Security funding increases early this session.

A significant rise in benefits to the more than 26 million Social Security recipients who are so particularly hard hit by inflation is badly needed. But, at the same time, any rise in Social Security benefits voted by Congress this year should be considered only an interim step toward a totally revised Social Security System, a system more realistic and more responsive to the needs of our Senior Citizen.

More specifically, I would urge that you and your committee consider Social Security benefits which will vary as the cost of living varies. This would avoid the almost annual Congressional battle on this matter and would at the same time, avoid the necessity of making our Senior Citizens suffer under their fixed incomes each year.

Furthermore, Mr. Chairman, I urge you and your committee to give continued support to raising the maximum allowable income from $1680.00 to a figure which more realistically approaches the necessities of today's living. It makes no sense to penalize a Senior Citizen because he or she goes out and gets a job and earns more than previously authorized.

The recent findings of the Senate Select Committee on Aging, that one in every four Senior Citizens in America is living in poverty, is one that must weigh heavily on the minds of all Americans. Senior Citizens have worked too hard and too long in making this country great for us to forget them. As matters stand now, Senior Citizens are indeed "forgotten Americans."

Thank you for your consideration of this matter.

With kindest regards,
Sincerely,

PETER A. PEYSER,
Member of Congress.

THE RELEVANCE OF SPACE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. TEAGUE of Texas. Mr. Speaker, in October 1970, the American Institute of Aeronautics and Astronautics held its seventh annual meeting. Dr. Arthur Kantrowitz, director of the Avco Corp. Research Laboratory and vice president of Avco Corp., presented a paper discussing our unlimited opportunities to improve the quality of life through the utilization of space. Dr. Kantrowitz, a practical visionary, points to the major contributions to be made by our national space program for the betterment of life for this Nation and the people of the world. I recommend this important commentary to all my colleagues and to the public:

THE RELEVANCE OF SPACE

(By Dr. Arthur Kantrowitz)

A generation ago people growing up in America were imbued with the idea of progress, that mankind could continuously improve not only the material conditions of life, but mankind itself. One of the important elements of that belief is that there are no visible limits that we could not surpass. I was shocked when in a college philosophy course I first discovered that many philosophers called this view of life "naive optimism." Today we hear a great deal about the limitations to mankind's capabilities. It is very fashionable to make facile predictions of imminent disasters resulting from technological advances and such predictions have received wide currency even though they are frequently based on a very superficial look at the potentialities of a creative approach to our problems. I would like to call this view of mankind's future naive pessimism. It is perfectly clear that, just as naive optimism has had an enormous impact as a self-fulfilling prophecy, the same would be true for naive pessimism with deadening consequences.

The pessimism that most affects the space program is the limited vision of the utility of space to mankind. It is my purpose today to exhibit as clearly as I can that present fixing of any such limits can be nothing but naive. Consider, for example, the extreme proposition that the real answer to the dilemma set by the population explosion might be that a substantial and increasing fraction of mankind will find living in space attractive and that there will be a mass emigration into space. Years ago there was considerable discussion of the possibilities of large manned space stations with many people living not on other astronomical objects but in space itself. However, in recent times mentioning such far fetched propositions is distinctly unfashionable. I would like to see if there is a solid reason why this hope cannot be seriously put forth. Is there something that has been discovered that indicates the possibilities for such a migration are fanciful or that it requires completely new scientific discoveries or great new inventions? I would like to divide this question into three parts:

1st, is there anything we know that indicates that space cannot be made an attractive place to live?

2nd, has it been established that great decreases in launching costs cannot be achieved with presently foreseeable technology?

3rd, is there any information to indicate that even large "cities" in space could not be made economically viable?

Notice that all these questions are put negatively. I will not, of course, be able to demonstrate that we can do these things. I will simply maintain that there are no demonstrations that we cannot, and that the lack of discussion of this possibility is a consequence of our currently fashionable naive pessimism.

It is not yet clear that space is any more than an attractive place to visit, but maybe nobody would ever want to live there—something like New York City. I would submit, however, that if technology is allowed to continue advancing we can first assure that long duration living in space will not impair health, and later work toward making it comfortable and enjoyable. The environment that we now live in is so far removed from the state that evolution prepared us to live in, that it seems the further changes brought on by living in space, perhaps in a weightless situation, would be small compared to the changes in man's environment that we have already made. Certainly the success we have had thus far with people living in space for many days would lead us to approach the next steps with considerable enthusiasm. The Skylab Project will give us the opportunity to extend this period to at least 56 days. It is certainly much too early at the present time to be pessimistic about the attractiveness of space as a place to live so that defects with the extreme proposition must be found in other areas.

It might well be argued that even if it were desirable to live in space we could not afford to send more than a very small, select group of people to live there. Indeed, if the cost of launching a pound into an appropriate orbit is like $1,000 or a substantial fraction thereof, then this would be true. However, it is worth looking at where the real limits are to the cost of putting a pound in space. If we consider the energy necessary to place one pound in a low orbit, that energy can be expressed as kilowatt hours, and the number is about 4.5 which costs about two cents at wholesale rates. If we can learn to put mass in orbit for 50 or even 500 times this cost, a dollar or ten dollars a pound, it becomes clear that we can supply a mass of say 10,000 pounds per person which ought to be enough to making living in space healthy, comfortable and attractive. Present launching techniques with reusable vehicles give promise of cost reduction of one or even two orders of magnitude. However, to approach the fantastically small costs quoted for ground power, it may be necessary to devise techniques in which energy is transmitted from the ground to the launch vehicle. This might require power transmission of the order of 1,000 MW to launch even a relatively small space shuttle. And if we consider beaming powers of this order of magnitude over hundreds of miles, this clearly is not yet here. On the other hand, the power available from lasers has been going up rapidly since their invention, but we still have five or six orders of magnitude increases required. It seems to me, however, that it is likely that the coming decade will see this appear as an important possibility. I would maintain that nothing we now know rules out this potentiality.

Perhaps even if it is attractive for people to live in space and we could economically put them into orbit, we might ask whether such orbiting villages or cities could be economically self-supporting. First, it would be necessary for them to have nearly closed ecosystems so that they will not rely on importation for all their needs. The real question is what can they return to the earth which will compensate for the remaining necessary importations. We have heard something about the unique possibilities for manufacturing processes in space, but the suggestions that have been made refer to processes whose economic value is not clearly comparable to the costs of space operations. I would like to submit, however, that there is one activity which could be carried out in space and which is a significant part of the gross national product, like ⅓, and most rapidly growing. I refer to the generation, processing and transmission of knowledge. In parts of this great segment of our economic activity space groups would not find themselves at any economic disadvantage compared to their earth bound competitors. They might, in fact, have a slight advantage in the easy transmission of enormous amounts of information through space. I would submit, therefore, that here also it is naive to assert that space cities could not be economically viable.

Naive pessimism about the role that space can play in exhibiting the possibilities for unlimited progress is in my view one of the important bases for the present move to restrict space activity. I think it is important that we emphasize that any limits that people can now set are naive. The opportunity for the growth of new worlds in space with all of the advantages that people have gained from fresh starts in creating new societies, is among the potentials of space. I submit that a space program directed toward exhibiting that there are no visible limits to man's future in the universe could be a most important help in reviving faith in the idea of progress. I can imagine nothing more relevant to our current problems.

ESTABLISH A ROLL OF HONOR FOR AMERICAN INVENTORS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, I am today reintroducing legislation, in which I am proud to be joined by our esteemed colleague the Honorable BOB WILSON of California, to establish a roll of honor for American inventors.

Throughout the course of our almost 200 years of history, the U.S. Government has given little recognition to our great inventors, save for the grant of the letters of patent themselves. It is hard to conceive what sort of people we would be today without the ingenuity and toil of these many great Americans. It could almost be said that our industrial might and advanced technology exists today because of these unsung heroes.

It is estimated that since the Patent Office began issuing patents in 1790, more than 500,000 persons have received patents. Of these, about one of every thousand, or about 500, have received 25 or more patents.

We have all heard of Thomas A. Edison who had 1,093 patents, and most American schoolchildren have heard of Eli Whitney, the Wright Brothers, Cyrus McCormick, Alexander Graham Bell, and Goodyear. But many great inventors are unknown to most of us.

Many who have made major contributions to the greatness of this Nation have never been properly recognized by what should be a grateful Nation. I consider it appropriate, therefore, that these individuals, known and unknown, be afforded a permanent place of honor in recognition of their contribution to our technological advancement.

My bill provides that the Commissioner of Patents shall establish a roll of honor for American inventors, and include thereon each American inventor whose name appears as the patentee in 25 or more U.S. Patents; or whose name is selected by unanimous vote of an honor roll board and that those so honored may file sole applications for patents without payment of fees otherwise required.

EXPERT CHRISTMAS FREELOADER SAM PRATT TALKS TO R. G. G. PRICE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. HUNGATE. Mr. Speaker, the following article from Punch on a slightly different subject nevertheless contains much advice that would be useful to new Members of Congress:

EXPERT CHRISTMAS FREELOADER SAM PRATT TALKS TO R. G. G. PRICE

I have never failed to live without working, at any time of the year. Indeed, I once ate three chef-cooked meals on a Good Friday. But it is during the run-up to Christmas that I really show my expertise. In December, it's not just a matter of whether you eat and drink—but where. Let me give you a practical exercise in discrimination.

Within easy reach there are a combined Independence Day and Christmas Party at the Legation of some smallish, newish State, a Reception at the Embassy of a Big Power, the Annual Dinner of the Geological Survey and the executive-level Banquet of a vast engineering group. Which do you pick?

FREE FOOD

Certainly not the Big Power. They don't need to make friends to influence people, legislative pressure back home may have made the building dry and the security staff is too large and bored and tends to confuse gate-crashers with spies. Don't turn down the Geologists out of hand; they may include keen gastronomes. *But* they will easily spot the non-geologist, not just when he tries to break the ice by commenting on the marble walls of the restaurant, but at sight. You simply won't be able to counterfeit that look of a learned tortoise combined with an outdoor man, especially if you've come on from a winetasting.

My bet would be the *arriviste* nation. They might easily be only too anxious to impress with the splendour of their hospitality. (Trying to make the guest-list by planting articles praising their Head of State in obscure magazines means working for your refreshment and I consider this amateurish.) They will be too glad to see the party filling up to fuss over invitation-cards, though it is always a good idea to walk in with an MP if you coincide with one. Afraid of cutting a constituent, he will take your arm. Be prepared, just in case there should be a check, with a document in some obscure language. If it is rejected, apologise for confusing them with a state they obviously dislike. Terrified of a diplomatic incident, they will rush you to the buffet.

Firms' dinners are generally nourishing and often lavishly alcoholic. All you need to do is shift round a few place-cards. Nobody is going to miss anything that's going on by checking with the table-plan. The odd man out will be fitted in. Head waiters worry over serving schedules far more than over the occasional extra portion. Conversational danger can be met with a merry cry of, "No shop! Where are you spending your holidays?" Leave before the Chairman's speech gets under way.

FREE DRINK

One useful type of accessible hospitality is the film press show. Generally, though far from always, security is lax. During the drinks afterwards, the public relations staff circulate to edge opinion tactfully the right way. A heated condemnation of the film can lead to above-average refills.

Christmas is not only guzzling. Firms give away all kinds of things, from ashtrays praising the donor in obtrusive lettering to real loot at the end of the scale where you would be operating. In his piece last week about the gifts that sweeten the toiler in the communications world, William Hardcastle surprised me by the modesty of the handouts his colleagues cheerfully accept. A few bottles of hard liquor from a theatrical manager makes a paltry offering in a world where you can get a service of gold plate from an oil company by having grazing rights over a hopeful stretch of desert, a world in which companies of the kind I deal with hire Glyndebourne to give their retailers a night out and are always ready to buy the Chairman a grouse moor so that he can return hospitality.

FREE EVERYTHING

Don't, by the way, hope to get a clerical job and add your name to the mailing-list during the lunch break: you would lose cast in the profession by working and, anyway, the better its presents, the more likely a company is to be proud of its personnel-selection techniques. It is much more effective to send them a present yourself, hoping this will programme some computer in your favour. Operate from somewhere rural and inaccessible, as more and more firms do these days. There's no need to form a company of register under the Business Names Act. All you want is notepaper headed, in deprecating type, with your surname followed by the word "Associates."

Your present should be frankly cheap but look as though it had been lovingly tracked down. Any much-riveted plate will do, perhaps accompanied by a slip in a scholarly hand saying that it is, just possibly, an early copy, without saying an early copy of what. This ought to be good for anything from an *Epicure's Hamper* (Non-economy size) upwards.

By early in the New Year, you should not merely have put on weight pleasurably, but be well stocked with usable, better still saleable gifts. You might even be able to throw a small party yourself.

J. EDGAR HOOVER

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. FREY. Mr. Speaker, to many the name of J. Edgar Hoover is synonymous with the Federal Bureau of Investigation. At the age of 76 he is one of America's most respected law enforcement officers and perhaps one of the most controversial. Hoover has served under eight separate Presidents. He has withstood pressures from many people, groups, and government officials and has still managed to keep the FBI in the highest public regard.

In recent years, Mr. Hoover has come under vicious attacks from many sides. Last year, for example, former Attorney General Ramsey Clark questioned his power stating that Hoover was a man with an ego problem. I view any attack on the Director's character, loyalty, or ability as extremely unfortunate. He has proven to be a strong leader; one who, in the last 47 years, has seen our country through the gangland era of the 1920's and 1930's; one who has had a hand in limiting the internal spread of communism and subversive activities, and one who has now taken up the fight against organized crime. Mr. Hoover is an expert in the field of crime and crime prevention. America today has a drastic need for the type of professionalism displayed by both Mr. Hoover and the Bureau.

My personal admiration for J. Edgar Hoover is shared by others. As stated in the Orlando Evening Star:

> Mr. Hoover is admired by millions of grateful Americans . . . The Evening Star has long been a strong supporter of Director Hoover and has said so many times in editorials.

In closing let me say Director Hoover has done an outstanding job and deserves the support of all Americans.

THE NEW SOUTH

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. DORN. Mr. Speaker, Henry Grady, editor of the Atlanta Constitution, once delivered perhaps the greatest address of any southerner when he stood before the New England Society in New York City and delivered the now-famous oration entitled "The New South." Many years later a President of the United States stood in an area not far from Grady's Atlanta and referred to the South as the Nation's No. 1 economic problem. Today, however, the South of Henry Grady is coming to being and the South is the No. 1 area of economic opportunity.

Mr. Speaker, the Anderson, S.C., Daily Mail, one of the most outstanding and progressive newspapers in the Southeast, annually publishes an outstanding review of our area's industrial, civic, and cultural progress entitled "The New South." This year's edition of "The New South" is a splendid record of the continuing progress of our area. It details the past record of achievement and points the way to future growth. I am proud to commend to my colleagues' attention the following Daily Mail editorial which appeared in the 21st annual edition of "The New South."

The editorial follows:

THE SOUTH'S NEW IMAGE

There's no better teacher than nature, and one of her most universal and convincing lessons is that most things function best when periods of dynamic growth and expansion are followed by intermittent seasons of relative inactivity and rest.

That's been true with the nation's economy following the soaring '60s.

Most of the nation has undergone a mild recession.

Here in the South, and more especially in the Southeast, it has been more of a "mini-recession" if the dip can be called a recession at all.

South Carolina's economic expansion, as shown by the Machovia Bank and Trust Company, indicates a five-year growth (1964–'69) of over 68 per cent.

The decline from late 1969 through 1970 has been 2.5 per cent—a ripple perhaps, but certainly no tidal wave in the economy.

At the beginning of 1971 every indication is that the great New South simply underwent a needed period of somewhat reduced activity, a year for consolidating gains, a year for allowing new industries to become well rooted, and a time for planning ahead for a new surge of dynamic growth.

That is not to say industrial growth has been halted in the past year.

On the contrary, South Carolina likely outstripped many other states in the nation, but it did not reach the annual half-billion dollar mark in industrial growth that marked the late '60s.

What was true in South Carolina applies generally to the entire region.

And so the advent of 1971 finds the area in readiness as industries resume construction of new plants or start making plans for new branches, or the expansion of existing facilities.

This twenty-first annual edition of The Daily Mail is published for the single purpose of summarizing past progress, and outlining opportunities for the future.

We hope that tens of thousands in our area and perhaps a multiplied number of thousands of business, industrial and financial leaders across the country will set aside several hours, at least, to read, to inspect, to evaluate progress and opportunities described within its pages.

South Carolina is approaching the period of growth ahead with a capable, alert, imaginative and thoroughly progressive State Development Board. It is headed by a new executive director, Bonner Manly, a product of Clemson University and a man who has already had a successful career in industry.

He is, therefore, keenly aware of the needs and requirements for a successful industrial operation. Even before joining the state board, he had indirectly participated in assisting large corporations find good locations and establish profitable operations in the state.

When the position of director became vacant he was a natural choice because of his wide background of experience, and his intimate knowledge of what industry needs and of what the state has to offer.

Leaders in business and industry will find in Mr. Manly an individual upon whose judgment they can rely, and from whose knowledge and experience they can benefit.

Now, what of the Anderson area?

Industrialists who may formerly have looked at this immediate vicinity as a possible location for a plant site should, perhaps, make a new check.

The area's water problem has been largely solved.

Many suburban and other county areas that formerly had only limited industrial potential because of a lack of an adequate water supply now have that basic necessity in an abundance.

Most of this water comes from Lake Hartwell, which is fed by streams flowing out of the Blue Ridge foothills—water of the finest quality to be found in any location.

The great Duke Power Company's gigantic nuclear-powered plant, situated in a vast area of parks, lakes and hunting preserves, is being completed in adjacent Oconee and Pickens Counties—within a 45-minute drive of Anderson.

It will add to the Carolina Piedmont's already enormous electrical energy potential, making this area even more secure from power failures and "brown-outs" that have plagued many parts of the nation.

The area has no air pollution problem, and any minor pollution in streams is rapidly being eliminated.

The great Lake Hartwell is a veritable sleeping giant awaiting future development.

The reservoir, one of the largest inland bodies of water in the Southeast, last year had over 5 million visitors (twice the state's population) yet much of its shore line is unsettled area, ready for development as one of the great recreational and residential sections in the Southeast.

The area's tourism potential is still largely untouched.

Yet, from a base at Lake Hartwell, the tourist and vacationer is within a few minute's drive of Pendleton with its anti-bellum residences, its quaint square, its historic churches, its ancient halls and graveyards.

An hour and the visitor can be in the midst of the scenic grandeur of the Blue Ridge with its towering peaks, its waterfalls, its colorful mountain villages and other scenic and cultural attractions.

Industrially, Anderson has much to offer corporations looking for expansion sites.

It is, as we have said, rich is its water supply; it has available natural gas from Texas or from the Gulf Coast; it boasts excellent highways, including one of the Southeast's great traffic arteries, Interstate 85, Washington to Atlanta and beyond, and it is an area as free of labor troubles and unionism problems as any to be found.

The new South?

It is that and more.

The South is a section of the nation, once poverty-stricken, once blighted by ignorance, once held back by discriminatory laws and practices, but which has now broken these shackles.

Read the story told in current statistics—a per capita gain in income, a per capital wealth increase that is in excess of the nation at large.

Look at its modern, gleaming cities—among the most beautiful and thriving in the nation.

Travel its fine highways, sample its accommodations, talk with its people.

Add it all together and you find not merely the "New South" of two decades ago but a section that now stands on its two feet, that grows and prospers ahead of most of the nation—a true land of today and of tomorrow in this great America!

MRS. HENRY "KAY" PETERSON

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. BERGLAND. Mr. Speaker, it is with regret and sorrow that I inform this House of the passing, on January 16, of Mrs. Kay Peterson.

During her seven terms as chairwoman of the Seventh District Democratic-Farmer-Labor Party she provided strength in time of defeat and spirit in time of victory. She was a truly great lady, a truly great leader. She was loved by all who knew her and she will be sadly missed:

Her mirth the world required;
  She bathed it in smiles of glee.
But her heart was tired, tired,
  And now they let her be.

Her life was turning, turning,
  In mazes of heat and sound.
But for peace her soul was yearning,
  And peace now laps her round.

Her cabined, ample spirit,
  It fluttered and failed for breath.
Tonight it doth inherit
  The vastly hall of death.

U.S. POLICY TOWARD CHINA: STATEMENT BY ASSISTANT SECRETARY OF STATE MARSHALL GREEN

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. FRELINGHUYSEN. Mr. Speaker, in his testimony last October before the House Foreign Affairs Subcommittee on Asian and Pacific Affairs, U.S. Assistant Secretary of State Marshall Green discussed the evolution of U.S. policy toward Communist China during the past 21 years of Maoist rule.

In particular, Mr. Green called attention to some of the "altered circumstances of 1970" with which our China policymakers must deal. He summarized the specific, unilateral measures initiated by President Nixon to provide for an eventual normalization of relations between our two countries when circumstances permit. It is to be hoped that the hearings on this subject will serve to broaden public understanding of our policy and the complex issues involved.

Mr. Speaker, I insert in the Record Mr. Green's statement on U.S. policy toward China. I commend it to the attention of this body. The statement follows:

Statement by Assistant Secretary Green Before the Subcommittee on Asian and Pacific Affairs, Committee on Foreign Affairs, House of Representatives

Mr. Chairman and members of the Committee, I welcome the opportunity to appear before this distinguished Committee to review United States policy toward China. I am sure that the hearings on this very important subject will serve to broaden understanding of our policy and of the complex issues with which it must deal. These hearings indeed may well prove helpful in the further refinement of our policy as it evolves in the light of a changing Asian context.

October 1 marked the twenty-first anniversary of the establishment of the People's Republic of China. During these 21 years the whole Asian scene has undergone changes of a kind and degree which could not have been predicted two decades ago. Mainland China itself has methodically, and at times frenetically, gone about destroying the vestiges of its two thousand year-old Confucian social order, attempting to replace it with Chairman Mao's brand of communism—a brand designed to rest on nothing less than basically reconstituted human nature. The convulsions resulting from this attempt have presented one of the most remarkable spectacles of modern history. In fact Peking's preoccupation throughout this period with a long series of overlapping campaigns to insure political purity on the part of 800 million Chinese undoubtedly has slowed progress toward the modernity so deeply desired by both government and people. That progress has been spotty, and out of step with promising developments in much of the rest of Asia.

On the People's Republic's twenty-first birthday it is emerging from the four-year Great Cultural Revolution which encompassed, among other things, a bitter power struggle, a serious and at times venomous policy debate, an attempt in many fields to destroy the old and adopt the new, and in general to refashion the very character of the Chinese people, in order that the continuation of revolutionary fervor might be assured in the younger generation. The eminent scholars who have preceded me in these hearings have depicted these developments in some detail insofar as they can be viewed by the outside world, and I shall not elaborate on them here. In any event, I am sure there is general agreement that it is too early to offer a satisfactory appraisal of the results of the Cultural Revolution. The important factor from the standpoint of policy considerations is that policy differences evidently still persist in Communist China even after the ouster of former Chief of State Liu Shao-ch'i, the purge of vast numbers of lesser officials and the consequent apparent reconsolidation of Maoist control.

Over the past 21 years there have been fundamental changes not only in China but throughout the Asian setting, and indeed in the world as a whole, which have affected the way in which we have viewed the "China problem." Policies adopted during the first few years after the inception of the Communist regime, particularly in connection with the Korean aggression, have clearly not all been suited to a greatly altered circumstance today. Beginning in the early 60's, however, those policies began to evolve, in line with changed Chinese, regional and world conditions. The evolution of our policies has accelerated over the past year or two, but the pace, for a variety of reasons, is still a measured one. Some believe the pace to be too slow, some believe it to be too fast. It appears that virtually no one, however, would have it remain static in the face of a rapidly changing world.

CIRCUMSTANCES OF PAST MORE RIGID POLICIES

Let us take a brief look at the circumstances under which our more rigid policies of the past took form, before we examine the reasons for both the direction and the pace of the changes in that policy which have come about more recently.

In the early 50's:

Our postwar hopes for a constructive relationship with our wartime Soviet ally had been destroyed by the Communist occupation of Eastern Europe, leaving the two main centers of the world power in opposing, antagonistic camps bidding for the allegiance of those attempting to remain neutral.

Soviet power was augmented by close collusion with the new Communist China, and both appeared determined to enlarge Communist spheres of control or influence by force of arms if necessary.

Communist China was heady with the success of its unexpectedly rapid takeover of the mainland, and was a largely unknown quantity. There were scant data on which to assess its intentions with respect to its neighbors.

Most of the rest of East and Southeast Asia had suffered widespread devastation from the most destructive war in history, and this weakness was compounded by the emergence of a dozen newly independent states inexperienced in governing, lacking in measures of self-defense, and most of them with growing problems of insurgency which seemed to invite outside exploitation. The Chinese colossus appeared to cast a long dark shadow.

Peking was threatening imminent "liberation" of Taiwan.

There was massive Chinese intervention in the Korean war in which we suffered over 33,000 fatalities.

Throughout the 50's Communist China was making remarkable progress in industrial development, with increasing emphasis upon military preparedness.

At the same time, Peking's hostility to the United States became progressively more blatant, from the proclamation of "leaning to one side" in 1949 and the announcement in 1957 that the "east wind is prevailing over the west" to the renewed calls for global revolution against the "imperialist" powers headed by the United States.

As with the postwar Soviet Union, we originally had hopes of a constructive relationship with the new regime in Peking. We left a large number of our official diplomatic and consular personnel on the mainland for several months after the Communist regime came to power, until the authorities made their position untenable. The Korean war then made impossible any regularization of our relations with Peking for the foreseeable future.

I realize that the above list of conditions in the 50's is well known to this Committee. I have presumed to reiterate these points, however, as a reminder not only of the context in which our more rigid policy of that time arose, but also of the reasons why that policy persisted as long as it did. I understand that a number of the China experts who have preceded me in these hearings have questioned whether the measured changes in our policy have not come later than they should have, and some consider that those changes should have been greater in degree. Judgment in these matters is of course moot.

THE ALTERED CIRCUMSTANCES OF 1970

Let us take a brief look at the altered circumstances in 1970 with which our policies must deal:

World power today is polycentric, and becoming more so. The deep schism between the two Communist giants has had a profound effect upon the Asian balance of power. They have found such serious points of difference that each is viewed even as a potential military threat to the other, though large-scale warfare between them does not appear likely. At the same time Japan is emerging as a fourth major power in Asia and the Pacific, along with the Soviet Union, Communist China and ourselves.

Today we have a better basis on which to judge Peking's military doctrine and probable intentions. Peking will abet so-called "people's wars" and furnish limited material assistance, but it claims that its policy is to have no troops stationed outside its own borders.

It is not today considered to pose a "juggernaut" type threat to its neighbors and has been prudent in facing United States power in the area. Of course U.S. power undoubtedly has deterred China and helped to produce the prudence to which I have referred.

Much of the rest of Asia meanwhile has made remarkable progress in stability and prosperity, as well as in self-defense. In Japan, South Korea and Taiwan progress has been dramatic. Indeed with the exception of the tragic conflict in Viet-Nam, Laos and Cambodia, where we are striving for an honorable settlement leading to a dependable peace, the prosperity and relative stability of the rest of Asia is in marked contrast to the demoralization, fear and hopelessness of the early 50's. Furthermore, in recent years growing regional cooperation in many fields among the non-Communist nations of Asia seems to portend an acceleration in the evolving stability of the region.

Despite earlier prognostications, China has by no means fulfilled the developmental promise of its first decade, and has therefore not become the model for developing countries to the degree which earlier seemed possible.

Peking has nevertheless given high priority to acquiring strategic weapons as a deterrent against attack as well as for the political leverage they afford. Achieving a nuclear capability will not necessarily make the Chinese more aggressive; I believe they will continue to be deterred by overwhelming U.S. and Soviet power. Nor is there evidence that the Chinese would consider their interests served by attempting crude nuclear "blackmail" in East Asia. But the fact is that the world is now faced with a nuclear China which is determined that its voice be heard.

EVOLUTION OF U.S. PERCEPTIONS OF CHINA

The above considerations, plus lesser ones which I have not enumerated, have caused some evolution in our perception of the intentions of the People's Republic of China with regard to Asia and the rest of the world. There is no question that Communist China continues to pose a potential threat to non-communist nations wherever its power to undermine their governments can be effectively applied. There is still genuine fear of the Chinese collosus on the part of the smaller Asian nations on its periphery. They are troubled by China's possession of nuclear power as well as by Peking's advocacy, and in some instances current support, of so-called "peoples wars." Furthermore, in most of these countries there is a sizeable, economically powerful overseas Chinese element in the population. While the business acumen and entrepreneural skills of these Chinese are valued, there is continued uneasiness about their political loyalties, however unjustified that concern may be. Nevertheless the nature of the threat on China's periphery is less direct than many supposed it earlier to be, and the capacity of others to deal with the threat, especially among China's non-communist neighbors, is generally greater than in the 50's.

PEKING'S MOUNTING DIPLOMATIC OFFENSIVE

With the denouement of the Cultural Revolution we have also witnessed a mounting diplomatic offensive by Peking, during which some 28 ambassadors have been sent abroad, as contrasted with only one at post during much of the Cultural Revolution. Peking has received a parade of visiting delegations, many of whom have returned home with trade or aid agreements, and the Chinese have reciprocated a number of these visits. Premier Chou En-lai, who has played the leading role in China's diplomacy, is expected to make an extended tour late this year and early next year, during which he may officiate at the inauguration of China's most ambitious of numerous aid projects in Asia and Africa, construction of an 1100-mile railroad in Tanzania and Zambia. Peking for the first time in many years has shown interest in becoming a member of the United Nations, but it retains, of course, as a condition for its entry the ouster of the Government of the Republic of China, which we and many other U.N. members find unacceptable. Peking's diplomatic initiatives are meeting with some success. Much of this response can probably be attributed to sheer relief that this quarter of mankind has apparently put aside the seeming near-madness that many saw in the Cultural Revolution. More basic, however, may be the concern that some of the world's most urgent problems cannot achieve definitive solution without the active participation and cooperation of the People's Republic of China.

These trends, if they continue—and there is reason to suppose that they will—obviously have a substantial effect upon the thorny issue of Chinese representation in the United Nations. The Chinese return to more normal diplomatic conduct probably has been too recent for changing sentiment on the issue to be accurately reflected in the voting at this General Assembly. Many commitments have already been made. Peking has repeatedly denounced the authority of the United Nations and insisted upon the ouster of the Government of the Republic of China as one of its conditions of entry. While we have recognized the importance of Peking's participation in the international community, we have consistently opposed its entry into the U.N. if it were to be at the expense of the seat of a responsible present member. The Republic of China has lived by its charter obligations, and the population of Taiwan, I might point out, is larger than some two-thirds of the existing members of the U.N.

Changing circumstances in China and in East Asia have increased concern throughout the world, including our own country, at the length of time nearly a quarter of mankind has been isolated from most of the mainstream of international intercourse. The Administration shares that concern—although we and the outside world have but little leverage on the course of developments in Communist China.

IMPROVING RELATIONS WITH COMMUNIST CHINA

Moreover, the very real security concerns of other Asian nations and our security commitments to a number of them, as well as other U.S. interests in the area, are factors that we must take into account in shaping our China policy. We consider it in everyone's interest, nevertheless, that China become more closely associated with attempts to solve many of the pressing problems of global concern. At the same time we would also welcome improvement in our bilateral relations with Peking.

Over the past 15 years we have met with the Chinese 136 times, first in Geneva and then in Warsaw, in bilateral talks at the Ambassadorial level. While fundamental improvement in our relationship has not been achieved, these talks have been very useful in a number of ways, including clarification of our positions and intentions and in handling certain practical problems at issue between us. Owing chiefly to their isolation from the mainstream of world affairs, the Chinese have been deeply suspicious of the intent of others. Through these talks, as well as the care with which we have exercised our military power in the area, we believe we have been reasonably successful in convincing the Chinese that most of their suspicions, at least those related to our intentions, are unfounded.

In the past few months we have noted tentative signs of a somewhat less fanatically ideological approach in Peking's domestic and foreign policies.

It is partly with this in mind that we resumed the talks with the Chinese at Warsaw in January 1970 and stand ready to continue them. Looking further ahead we want to keep the talks going as a vehicle for more constructive negotiation which we hope may become possible.

Sometimes we hear the accusation that, while we have gradually changed our posture toward Peking, we have not commensurately changed our policy. To a certain extent this is true inasmuch as it takes two to change a relationship so far as effective implementation of policy is concerned.

UNILATERAL STEPS ON CHINA TRADE AND TRAVEL

As an earnest of our desire to induce a constructive relationship we have taken a series of small unilateral steps on trade and travel:

In July 1969 we permitted noncommercial tourist purchases of up to $100 of Chinese goods.

At the same time we relaxed restrictions relating to travel to permit almost anyone with a legitimate purpose to travel to mainland China on an American passport. (We have validated over 900 passports for this purpose.)

In December 1969 we permitted unlimited tourist purchases of Chinese goods, enabling tourists, collectors, museums, and universities to import Chinese products for their own account.

In the same month we permitted American controlled subsidiaries abroad to conduct trade in non-strategic goods with mainland China.

In April 1970 we announced selective licensing of American-made components and related spare parts for nonstrategic foreign goods exported to China.

In August 1970 we lifted the restriction on American oil companies abroad bunkering Free World ships bearing nonstrategic cargoes to Chinese ports.

We have other steps under consideration, all of them in the general area of contacts and trade.

So far we have noted very little tangible indication of response from Peking to these moves. Peking finds high utility in the so-called "devil's rôle" in which it has attempted to cast the United States. Our assuming the "devil's role" has utility to Peking for purposes of maintaining domestic cohesion in the face of an alleged foreign threat, as well as in the very vital global context of communism's "anti-imperialist" struggle.

It is possible in fact that when, in its view, we act "undevilish" we present real problems to Peking. Although its controversy with the Soviet Union may cause Peking to seek some lessening of tensions with the U.S. as an expedient, we must face the possibility that we must indeed await some resolution of the Taiwan question before our relations with Peking can improve appreciably. In other words, such improvement may have to await the time when Peking sees greater value in a fundamental reconciliation with the United States than it now derives from our highly valued devil's role. As one scholar has aptly put it, Peking may be reluctant to release the United States from its "inimical embrace."

RELATIONS WITH THE GRC ON TAIWAN

Admittedly there are anomalies in our present attitude toward the immensely complex China question, and these will remain for some time. In international dealings, where other sovereign nations are involved, it is not always possible to resolve anomalies except with the passage of time and the changes brought about by maturation of some of the inherent problems. It is obvious that we cannot be fully responsive to satisfying some of our interests—in this case improvement in our relations with the People's Republic of China—when we recognize the compelling demands of other interests such as our military commitment to our ally, the Republic of China on Taiwan. As repeatedly stated by our leaders, we stand by our commitments and obligations.

One cannot realistically consider our policy toward the People's Republic of China in isolation from our policy toward and relations with the Government of the Republic of China. Under the terms of the Mutual Defense Treaty of 1954, we are committed to assist in the defense of Taiwan and the Pescadores. We are not, I might add parenthetically, committed to the defense of other territory now controlled by the Republic of China although the 1955 joint resolution authorizes the President to act in defense of such territories if he considers this "required or appropriate in assuring the defense of Formosa and the Pescadores" or to assist the Government of the Republic of China in returning to the mainland. We have provided substantial material assistance designed to maintain and strengthen the defensive capabilities of the Republic of China's armed forces. For its part, the Republic of China has cooperated with us in making available bases and facilities on Taiwan in support of our military forces in Viet-Nam.

As important as our military relations are and notwithstanding the strategic importance of Taiwan to ourselves and our allies, our policy toward the Republic of China involves other and, in longer-range terms, perhaps even more important considerations.

During the period from 1951 to 1965, we extended substantial economic assistance to the Republic of China. In no country has such assistance been used more effectively, as attested by the uninterrupted and remarkable economic growth of Taiwan even after our economic aid was terminated. It is fair to say that among the countries of East Asia, the Republic of China stands in the front rank of those which have met successfully the challenge of rising economic expectations among their people for a better life. The combination of imaginative and effective government economic planners and administrators, combined with the considerable talents of a hard-working people, create a potential for the further economic and social development of Taiwan to the stage of a modern industrial society.

As admirable as such an achievement is in itself, perhaps more important is the fact that the accumulated experience of Taiwan with the problems of development now constitutes a valuable resource for the Asian community as a whole, a circumstance which has added a new dimension to our relationship with the Republic of China. Over the past five years, we have worked closely with the government as it has expanded its active cooperation in developmental programs not only with the countries of East Asia but in Africa as well. In addition to contributing to our own foreign policy interests, such cooperation has earned the Republic of China new respect as a constructive and contributing member of the international community.

THE ISSUE OF TAIWAN

Our association with the accomplishments of the Government of the Republic of China and its people over the past twenty years and our shared interest in strengthening the security and progressive development of the East Asian region as a whole, together with our treaty commitment to the defense of Taiwan and the Pescadores, are the bedrock of our relationship with the Republic of China today. These considerations are also the basis for our continued support for the Government of the Republic of China internationally. However one may view the Government of the Republic of China's claim to be the only legitimate government of China, the record of accomplishment on Taiwan and the constructive role which that government and the people on Taiwan are playing internationally merit, we believe, a rightful place for the Republic of China in the community of nations.

On this point, of course, we are in basic disagreement with Peking. The People's Republic of China continues to insist that it will "liberate" Taiwan and in the past at least has refused to renounce the use of force in achieving that goal since it regards this as an "internal" matter. Peking also has insisted that there can be no improvement in U.S.-P.R.C. relations until the United States ends what is customarily described as our "occupation" of Taiwan.

It is not clear precisely what Peking seeks in making this demand. In all probability, it seeks the removal of our military presence from Taiwan and the Taiwan Strait area, although it must know that our forces on Taiwan are small. Our limited military presence is related to Viet-Nam war needs and constitutes no threat to Peking. While we may be able to ease this particular point of tension with Peking, we will not want to do so in a manner which would weaken our commitment to the defense of Taiwan and the Pescadores or rupture our close relationship with the Republic of China.

The United States cannot hope to resolve the dispute between these two rival governments. We do strongly believe, however, that these issues should be resolved without resort to the use of force.

Both our word and our national interest require that we stand by our treaty commitment to the Republic of China and continue to be associated with that government in pursuit of those goals we hold in common. We hope Peking can be persuaded, on this basis, to set aside the issue of Taiwan so that we can explore the possibilities for removing other sources of tension and improving relations between us.

WILLING TO REMAIN RESPONSIVE TO PEKING

For our part, we will continue to reiterate our willingness to remain responsive to any indications of reduced hostility from Peking, to cooperate in removing tensions and to enter into a constructive dialogue eventually leading to more normal relations. We will attempt to convince Peking that we are not seeking to "contain and isolate" China and that we favor China's emergence from isolation.

Meanwhile we shall weigh carefully and deliberately any additional steps which will result in net advantage to the overall United States interest. One area, for instance, in which we must constantly weigh the advantages against the disadvantages is in the matter of trade in nonstrategic goods. It is no secret that a number of friendly nations, notably Japan, Great Britain, West Germany, France, Australia and Canada derive considerable comfort from the fact that they do not have to contend with United States competition in China's growing trade with non-Communist countries.

Some of the steps we have taken, or may take in the future, with a view to improving relations arise from our recognition of changed circumstances since the time of the Korean war. Some of the restrictions relating to travel and trade, for instance, today result in little or no restraint on the Chinese and constitute disadvantages to us. Others are designed simply to untie our hands, so that we may be in position better to bargain with the Chinese on a basis of reciprocity. Finally, some of our courses of action may stem from the increasing quadrilateral nature of Sino-Soviet-Japanese-U.S. relationships.

We do not, for example, seek to exploit the hostility between the Soviet Union and the People's Republic of China. Each is highly sensitive about our efforts to improve relations with the other, but we cannot allow these apprehensions to deter us from seeking agreements with either of them where those agreements are in our interest. Moreover, emerging relationships in the area will require careful balancing if misunderstandings are to be avoided and tensions minimized. The fact that the United States and Japan have an intimate security relation and many other objectives in common causes concern to the other two major powers in the area, however unfounded that concern may be. Under these circumstances it is all the more important that we maintain a constant and effective dialogue with Peking as well as with Moscow. Increased trade and travel could contribute to the better understanding which we seek, but today more than ever before the powers of this world also require closer, clearer and speedier communication amongst themselves.

A CHANGE IN OUTLOOK ON COMMUNIST CHINA

I did want to add just one point about policy and that is that in the course of the last five or six years there has been a change in our outlook toward Peking. When I was Consul General in Hongkong back in 1962 and 1963 there was a considerably more rigid attitude toward mainland China, but even at that time we professionals believed strongly that we should be moving in the direction that, under President Nixon, we have begun to move in; namely, to open up more contact, more dialog, to start relaxations on trade and travel.

I am very glad to see at long last the changes that have been made within the past year or so. More changes, of course, we can consider, but we stand at a point in time in history where I think we do understand more about mainland China and its motivations.

Some of the misunderstandings we have had in the past become relatively clarified with time. As we peer into the future, I think we do have a more flexible base on which to operate.

TIMOTHY BLECK—REMEMBERED

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. CLAY. Mr. Speaker, a few months ago, Tim Bleck who was a reporter with the St. Louis Post Dispatch died at the age of 30. I said of Tim at that time:

> He demonstrated integrity and honesty, but more than that, he sought not just facts, but to understand what made them so. He was sensitive to the human condition, to justice and to truth.

Recently, an article appeared in the St. Louis Journalism Review capturing the thoughts of many who knew Tim. The black and the poor knew him well since he spent a year and a half covering poverty and race relations in St. Louis. Those who are quoted in this article have summed up just how we felt about Tim. His qualities of courage and compassion brought him close to those he wrote about. The blacks looked upon him not as a reporter who just observed them but as one who really understood their problems and wanted to right the wrongs which existed.

I find it fitting at this time to bring this article to my colleagues' attention. The article follows:

TIMOTHY BLECK—REMEMBERED

When Timothy Bleck of the *Post-Dispatch* Washington Bureau died at the age of 30 last month, there was shock and sadness among newsmen and public figures who knew him. Those sending condolences to the family included President Nixon.

But there were other expressions of sorrow that Tim would probably have prized even more. And these came not from editors or national leaders but from the Black and the poor in St. Louis.

Tim Bleck had come to the *Post-Dispatch* in 1966. Before going to Washington he spent a hectic year and a half in 1967–68 covering poverty and race relations. It was already getting rough, at the time, for a white reporter to cover the ghetto. It was to become rougher still. Black people were—and are—tired of pencil-pushing dudes who look and leave.

But Tim wasn't an ordinary white man—or an ordinary reporter. One of his gifts was writing with a human touch. Another was relating to people. Despite the tensions of the time and without being paternalistic, he won the trust and respect of St. Louis' black community. And in the streets he walked and wrote about, they remember Timothy Bleck.

"The thing about Tim was, he *cared*," says Macler Shepard, who heads a group called Jeff-Vander-Lou in one of the city's worst poverty areas. "Some of the others—well, they wrote what they thought people wanted to hear. They'd pad it. Or dress it up. But Tim had to see for himself.

"Somehow the city never seemed to hear our community's deepest cry. But Tim Bleck heard. And made others hear it, too."

Percy Green, chairman of ACTION, says "Man, I was shocked. I really thought something of him. When you talked to him, you felt he understood what you were trying to say."

Andy J. Brown, the city's human relations commissioner, remembers: "Many times I'd walk into a black militants' meeting and there would be Tim in his topcoat, working away at his notepad and being accepted as no other reporter would have been. I don't know anybody—from the NAACP to the Black Liberators—who didn't like him."

Tim Bleck had other qualities, too. One such quality was courage.

Not many know that Tim's predecessor, Richard Jacobs, had quit the race relations beat in a fury over what he felt was the paper's rigidity and insensitivity—and lack of aggressiveness—on racial matters under then managing editor Arthur Bertelson. Tim, of course, was aware of that. But to his credit he went ahead anyway and told it like it was—objectively, but with no punches pulled:

> The place is two stories tall and 87 years old and 14 persons live in the four rooms downstairs. The roof leaks, the windows are falling out, the back stairs are rotted, there has never been any hot water or even a bathtub. Two little white dogs compete with eight Negro children for scraps of food. . . .

Thus began a 1967 story about poverty on Thomas Street. A story in 1968 further showed the combination of a novelist's sense of place and a journalist's sense of outrage:

> There are no fancy motels with revolving restaurants there. No glittering high-rise apartments with swimming pools on top. No new office buildings with wrap-around balconies. No stadium. No Arch.
>
> In the blocks just west of the Pruitt-Igoe housing project in north St. Louis there are alleys occupied by junked cars and winos and immense piles of litter. There are decaying brick structures filled with rats and babies and building code violations. There are rotted apartments and rutted streets—the broken pavement and broken promises of years of downtown neglect.

Or a story about the 1967 Detroit riot, which he compared to an earlier riot in 1943:

> . . . A quarter of a century later Detroiters saw black faces in the restaurants and in the government and corporate business offices downtown and thought things were better. They were different, but they were not better. . . .

I think Tim always cared about the average guy—the guy who didn't get the breaks," says Dr. James H. Erickson, an old friend and fraternity brother of Tim's at Bradley University, Peoria, and now an assistant to Bradley's president.

"Everybody remembers him at Bradley, too. He was editor of the school paper, and it got an all-America rating. He was a leader in our fraternity and helped it triple in size. He was president of SDX, president of the English Club, and made Who's Who in American Colleges and Universities."

For one so young, Bleck was a big success. In Washington he had written, at various times, about Richard Nixon and the space program and Vietnam and dozens of other national issues. Richard Dudman, chief of the *Post-Dispatch* Washington Bureau, said in a statement quoted by the *Washington Post*: "Tim Bleck's death is a loss to journalism. He had the combination of curiosity, compassion, and energy, together with the habit of fairness and painstaking accuracy, that makes a great reporter. He was just beginning what I am sure would have been a brilliant newspaper career."

And St. Louis's first black Congressman, U.S. Representative William L. Clay, paid a personal tribute in the Congressional Record. "Tim Bleck had brought distinction to himself and to his profession in his 30 years. But I cannot refrain from saying that he was destined to give so much more," Clay said.

"He demonstrated integrity and honesty, but more than that, he sought not just facts, but to understand what made them so. Tim was sensitive to the human condition, to justice and to truth."

Long before he went to Washington, however, Tim's abilities were recognized. Other reporters used to study his examples. "I learned more from reading his copy than from anything else," comments Dana Spitzer, who now covers education for the *Post-Dis-*

patch. There were awards—an AP prize in 1965 in Ohio for his coverage of the Selma march, the Con Lee Kelliher award in 1967 after Detroit. And there were wry features about people like Wood Lineback, parachutist; Tim Grimm, world hitchhiker; and James (Big Town) Gorman, who rode the rails.

But what lingers longest is his sense of social commitment. One of his most powerful pieces came out of Memphis in 1968 after Martin Luther King, the civil rights leader he admired, had been murdered by a sniper's bullet. His story, sad and low-key and deeply moving, pointed out the mixture of hate and love, heroism and hypocrisy in that city. It ended with the Rev. Ralph Abernathy's description of the final moments:

. . . "I rushed out of the room and there was Martin lying there," said the Rev. Mr. Abernathy. "For an instant I thought he was just ducking and then I saw the blood.

"I caught up his face and I said, 'Martin, Martin, it's me, Ralph.' He couldn't speak, but he gave me a good strong look. He wasn't afraid."'

Neither was Timothy Bleck.

AN OPEN LETTER TO CONGRESS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. LONG of Maryland. Mr. Speaker, one of my constituents, Mrs. Eileen Markowski, of Abingdon, Md., suffered a great disappointment over the Christmas holidays this year when her brother's leave from Vietnam was canceled at the last minute. Mrs. Markowski has written the following "open letter to Congress" to express her feelings about this matter and has asked that I convey her message through the RECORD:

DECEMBER 28, 1970.

AN OPEN LETTER TO CONGRESS

With the reconvening of Congress, I should like to bring to your attention a situation which occurred on December 20, 1970, that being specifically, the cancellation of the 14 day leave to the United States of some of the G.I.'s in Vietnam. I am not speaking of the refusal of the South Vietnamese to allow the landing of the 747; but of the South Vietnamese government's refusal to clear a plane for landing in Chu Lai to pick up the boys of the Americal Division who had acquired this leave.

After 7 long days and nights of anxiety and worry, of running down blind alleys from Pan Am to our congressman's office, to Army installations, to the Red Cross, to the news media and to the Pentagon for a confirmation of this story, we were told that the Pentagon had nothing to substantiate the same and to assume that these boys were in transit. On Sunday, December 27, by a telephone call from the Pentagon to my home, it was disclosed that the story was correct and leave had been cancelled and therefore could expect none of these servicemen home for the holidays.

I don't understand why this was allowed to happen. How many times must we take the form of a jackass before we stop talking of humiliation and realize that we've already been humiliated from the shape of the Paris peace table to the POW situation to the simple clearance of a plane. We have sacrificed thousands of lives and spent billions of dollars in aid only to be told that this is a backward country, unable to cope with the internal problems of their own nation. To the contrary, 'tis a smart man who can get another to do his job, finance it, and he call all the shots. I don't see any other nation contending with the United States in sending in more manpower, arms or dollars in order to swing South Vietnam in their direction.

With all the talk of protecting the G.I. and preserving his morale, you certainly afforded them some Christmas gift! It really is strange that with shipping 20,000 or more a week over there, we had such a tough time getting 6,000 home in a month.

I don't expect many of you to agree with me, after all, I'm looking at this from the opposite side of the fence. Not one of you happen to be sitting in the boonies.

History is made up of the past tense and whether we like it or not, someday it will be recorded. What is right today may have been wrong ten years from now; and what may seem like a wrong decision today may be adjudged right ten years from now. Time alone can be the determining factor.

Perhaps this last session of Congress has been termed as a "Lame Duck Session" not because of the November elections but because some members of Congress have been sitting on their hands too long! For the sake of the American people, stand up and do something about it.

What justification do I have to voice an opinion of this nature? I can only paraphrase it by saying that I am one of the thousands of American people "who have cared the most because we sent our very best". As far as I'm concerned, that's all the justification I need.

Very truly yours,

EILEEN M. MARKOWSKI.

ABINGDON, MD.

HOMOSEXUALITY—THE HOLY BIBLE VERSUS THE WASHINGTON POST

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. RARICK. Mr. Speaker, immorality in our country continues to constitute the gravest threat to our society.

Perversion in our permissive society is sought to be advanced as if it has suddenly become respectable and tolerable.

A local newspaper carried an editorial urging fairness for homosexuals. This is what the Washington Post in its February 2, 1971, editorial had to say:

FAIRNESS FOR HOMOSEXUALS

When the private lives of men or women embrace associations or activities of which they are ashamed—or the exposure of which would be profoundly embarrassing to them—they become vulnerable to blackmailers who may discover their secret. It makes sense, therefore, to exclude such persons from public employment involving access to classified information. This has commonly been cited as a justification for barring homosexuals from jobs which are sensitive from a security point of view. Often, however, this justification has been a mere pretext for denying employment to homosexuals.

The American Civil Liberties Union has served the cause of decency as well as fairness by going to court in behalf of a man denied industrial security clearance solely because he is a homosexual. The man cannot conceivably be considered more subject to blackmail than other men for the simple reason that he has made no attempt to conceal his homosexuality. For more than 10 years he has been an avowed homosexual, a member of the Washington Mattachine Society; he acknowledged all this quite candidly in filling out a security questionnaire, balking only at what he deemed prurient, intrusive questions about his private sexual habits bearing no relation whatever to his trustworthiness in handling classified material.

Persecution of homosexuals is as senseless as it is unjust. They may have valuable gifts and insights to bring to public service. If they are qualified for a job in terms of intelligence, experience and skill, if they conduct themselves, like other employees, with reasonable circumspection and decorum, their private sexual behavior is their own business; it is none of the government's business so long as it does not affect their independence and reliability. Like anyone else, they have a right to privacy, a right to opportunity and a right to serve their country.

This is what the word of God, from the Holy Bible, when the Lord spoke unto Moses, says about homosexuals:

Leviticus 18:

Verse 22: Thou shalt not lie with mankind, as with womankind: it is abomination.

Verse 26: Ye shall therefore keep my statutes and my judgments, and shall not commit any of these abominations; neither any of your own nation, nor any stranger that sojourneth among you.

Verse 27: (for all these abominations have the men of the land done, which were before you, and the land is defiled;)

Verse 28: that the land spew not you out also, when ye defile it, as it spewed out the nations that were before you.

Verse 29: For whosoever shall commit any of these abominations, even the souls that commit them shall be cut off from among their people.

And what did the Lord tell Moses was the penalty for acts of immorality?

Leviticus 20:

Verse 13: If a man also lie with mankind, as he lieth with a woman, both of them have committed an abomination: they shall surely be put to death: their blood shall be upon them.

What has happened because the people have not obeyed the word of God, but rather have gone the way of the immorality of the Washington Post and other similar opinion influences?

The Mattachine Society of Washington, a national organization of sexual perverts who strive for full equality as a matter of law now announce that they have organized a political party in Washington, D.C., and are fielding a candidate for the District of Columbia Delegate election.

The candidate estimates that 10 percent of the people of our Nation's Capital are homosexuals—he does not indicate whether or not he has included State Department employees in his count.

In nearby Maryland, a law has been introduced to abolish the centuries-old Maryland law prohibiting unnatural sex acts between consenting adults.

It is little wonder that normal God-fearing people suffer from the greatest threat of immorality and violence ever experienced in the history of our Nation. Too many do not know and obey the teachings of our Lord.

There will be no return to morality in our land until our people learn the truths of God's word by reading the Holy Bible—instead of founding their opinions on newspapers and pornographic promotions. This may help explain why sex indoctrination has replaced prayer in our schools. Many have forgotten that one of the principal purposes of education and the main reason for the founding of our early schools was to teach our children to read so they could read the Holy Bible.

I include several newspaper clippings:

[From the Washington Post, Feb. 4, 1971]

MATTACHINE FIGURE RUNS FOR DELEGATE

Frank Kameny, founder of the Mattachine Society of Washington, announced yesterday that he was running as an independent candidate for D.C. delegate.

Kameny, 45, said his campaign would "provide a forum for the first-hand presentation to the public of the feelings, problems and concerns of the sexually oppressed."

He estimated that 10 per cent of the District's population is homosexual and urged the board of elections to include "gay" registrars to register homosexuals for the March 23 general election.

Kameny joins a field of about 20 independents who have announced. The independents must file the signatures of 5,000 registered voters on nominating petitions by Feb. 22.

[From the Washington Evening Star, Feb. 4, 1971]

ASSEMBLY BILL WOULD MODIFY SEX LAWS

ANNAPOLIS.—A bill that would abolish Maryland laws that prohibit unnatural sex acts between consenting adults was scheduled to be introduced today in the House of Delegates.

The measure is sponsored by Del. Arthur A. King, D-Prince Georges, who already has introduced legislation that would liberalize divorce laws and would repeal the criminal adultery statute.

In his latest bill, King says that persons over 18 who consent to engage in sodomy or other "unnatural or perverted" sex acts shall not be guilty of a crime.

The laws now carry penalties of a minimum of one year in jail or $1,000 fine and a maximum of 10 years in jail. Consenting adults would be exempted, under the King bill.

The pending divorce legislation would permit divorce on grounds of incompatibility and reduce the residency requirement from one year to six months. The adultery bill would simply do away with adultery as a crime. It is now legally punishable with a $10 fine.

NIXON'S LEVEE FUND CUTBACKS UNWISE

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. BOGGS. Mr. Speaker, the administration's budget for fiscal year 1972 is deficient in many ways, but nowhere is it more grievously deficient than in the area of hurricane protection and flood control.

The people of southern Louisiana live in close proximity to large bodies of water, including Lake Pontchartrain, the Mississippi River, and the seasonal source of vicious storms, the Gulf of Mexico. It is no exaggeration to say that hurricane protection and flood control are matters of life and death for our people.

The Congress has recognized the urgency of our situation, for it has consistently authorized and funded public works projects to protect our lives and property. The administration, in contrast, has callously hampered the progress of these vital projects by budget freezes, the imposition of budget reserves, and now, the final indication of their attitude, budget requests, reduced by about 50 percent.

This was the topic of a recent editorial in the New Orleans Times Picayune which articulately voices the concern of our people. I am inserting it in the RECORD and calling it to the attention of my colleagues:

NIXON'S LEVEE FUND CUTBACKS UNWISE

After Hurricane Camille's devastation in Plaquemines Parish and the Mississippi Gulf Coast, Vice President Agnew flew down to assure that President Nixon's budgetary freezes did not apply to disaster relief.

He added that he felt the same was true about preventive measures like hurricane protection projects.

But time and the imposition of "budgetary reserves"—holding back on appropriated funds—have proved Mr. Agnew was mistaken.

In fiscal 1970 President Nixon would not permit the United States Army Corps of Engineers to spend the $2.5 million which Congress allocated above his budget recommendation of $6 million for the vital Lake Pontchartrain and Vicinity Hurricane Protection Project.

In fiscal 1971, which ends in June, the President favored using $8.25 million in addition to the carryover, while lawmakers ordered $12 million more. Thus, of a total $14.5 million available, he had his way and "reserved" $3 million.

The spending restraints, it was claimed, would not delay the late-1978 completion date of the $216 million undertaking because contracts could be let on the double once engineering was done.

But now comes President Nixon's fiscal 1972 budget recommendation of $4.6 million for the project—less than half of the corps' maximum capability of $11 million for next year. Or, including the reserved $3 million, it's slightly more than half of $14 million.

Either way, the President is making a tragic mistake by skimping on this metropolis-guarding, life-saving work.

As members of Louisiana's powerful Washington delegation declared, they are going to work—as they successfully have in past years—to have Congress increase the President's budget figure to the full amount the engineers can use.

That will not prevent Mr. Nixon from holding back on a few million dollars again, of course, but the federal responsibility for courting disaster with the New Orleans area will at least be thrown squarely on the President's shoulders.

However, there's a local responsibility too which the people of Louisiana, even those directly affected by the hurricane safeguards, did not meet when they categorically rejected the 53 constitutional amendments last year in a fit of frustration, perhaps, over state government.

Among the propositions were authorizations for 2½ mills of property tax to raise the 30 per cent local cost-sharing in the federal construction. So those ready to rail against Mr. Nixon should remember our own financial delinquency.

Nevertheless, it seems astonishing that the President does not see both the human and political wisdom of differentiating between traditionally designated "pork barrel" public work—which can readily be stalled or cancelled with little harm done—and those like the Lake Pontchartrain works which must be completed at the earliest possible date.

CEYLON INDEPENDENCE: 23D ANNIVERSARY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. BINGHAM. Mr. Speaker, the 23d anniversary of Ceylon's independence is today, February 4, 1971.

At the Commonwealth Prime Minister's Conference in Singapore a few days ago, the Prime Minister of Ceylon stated:

> We in Ceylon in some respects are proud that we have established for ourselves a strong democratic tradition which has flourished since independence for over 22 years. In this decade we have shown that it is quite possible for the concept of parliamentary democracy to take root and thrive effectively in Asia. We have changed governments five times by means of peaceful elections within these 22 years.

Mr. Speaker, there are few countries in the world that can make the same claim. Ceylon is one of the most stable parliamentary democracies in the world, especially in Asia. Her record in maintaining democratic freedoms compares favorably with those countries who have been independent for longer periods of time. It was perhaps partly in recognition of this that His Holiness Pope Paul VI during his brief visit to Ceylon in December 1970 stated:

> Lanka must be a beacon of peace throughout Asia, in all the lands bound by the Indian Ocean and throughout the World.

Parliamentary elections in Ceylon have been based on universal adult suffrage dating as far back as 1931, and a few years ago the age for voting rights was lowered to 18. This has been possible because of the considerable progress Ceylon has made in curbing illiteracy and, in fact, the literacy rate is the highest in the countries of the region with the exception of Japan. This in turn is the result of education being brought within the reach of everyone by making it free from the kindergarten through the university.

The rule of law is firmly entrenched in the country. An active parliamentary opposition and a free press is further testimony of the vitality of the democratic process in Ceylon.

The present government which came into office after a general election in May 1970 under the leadership of Prime Minister, Mrs. Sirimavo Bandaranaike, has given the highest priority to economic development. While it favors a socialist economy, it is committed to preserving democratic traditions.

Ceylon has had to face a difficult balance-of-payments situation owing to the decline of her foreign exchange earnings. In the last 4 years there has been a steady decline in the export price of tea—which is the country's largest export. The export price of natural rubber—which is the second largest export—has also declined due to competition from synthetics.

In the past 5 years Ceylon has received economic assistance from an aid-to-Ceylon group of friendly countries that had been convened annually by the World

Bank. The United States has been one of the foremost supporters of this aid group. The International Monetary Fund and the World Bank have also given assistance to Ceylon by extending standby credit and by making soft loans for development projects. The Government of Ceylon has expressed its appreciation to the I.M.F., the World Bank, the United States and other countries in the aid group that have continued to have confidence in Ceylon, and has expressed the hope that with the help of these friendly countries Ceylon will be able, in a few years, to develop her economy without reliance on external assistance.

I insert in the RECORD herewith the text of remarks made by the Ambassador of Ceylon, Neville Kanakaratne, upon the occasion of the presentation of his credentials to President Nixon on September 21, 1970, and the text of the President's response:

MR. PRESIDENT: I have the honour to present to you my Letter of Credence by which Her Majesty, Queen Elizabeth The Second, Queen of Ceylon, accedits me as Ambassador Extraordinary and Plenipotentiary of Ceylon to your Government, and also the Letter of Recall of my predecessor, His Excellency Mr. Oliver Weerasinghe.

It would not be inappropriate, Mr. President, to recall on this occasion the traditional friendship that has characterized relations between our two countries in the past. We, in Ceylon, have held in high regard the great and many achievements of your country and its people and at the same time have genuinely appreciated the friendship and cooperation that your country and its people have extended to Ceylon.

Mr. President, since 1948 we have sought to build in Ceylon a society in which freedom, liberty and justice will prevail for all the people. We have been, and remain, dedicated to the ideals of democracy and freedom and to the realization of these ideals in practical life. It was only recently that with a unanimous voice the House of Representatives of Ceylon voted to function as a Constituent Assembly to draft and adopt a new Constitution which will declare Ceylon to be a free, sovereign and independent Republic pledged to realize the objectives of a socialist democracy, including the securing of the fundamental rights and freedoms of all its citizens.

With a deep awareness of the fact that political independence without economic progress and social advance does not meet the aspirations of our people, we have been in the past seeking to strengthen our national economy. It is our hope that in the years ahead we shall be able to develop all branches of the national economy to lay the foundation for a society which provides for the maximum happiness and welfare of all its citizens. In our past efforts at economic development we have received the support and assistance of the United States and its people. We are grateful for this past assistance. We look forward to a continuation of this cooperation between our two countries in the future.

We have, Mr. President, in the field of foreign relations followed a policy of non-alignment. The Government of Ceylon will continue to pursue an independent foreign policy guided by Ceylon's national interests based on the principles of nonalignment with any military or power blocs, and of the maintenance of free and mutually beneficial relations with all States that respect Ceylon's independence.

Relations between our two countries have been characterized by cordiality, friendship and goodwill. We have no reason, Mr. President, to believe that in the future too these attributes will not prevail in the relations between our two countries.

In assuming the high responsibility of this office I am deeply aware of the wish of the Government of Ceylon that good relations between the United States and Ceylon will be further strengthened. I shall spare no pains in discharging the responsibility that has been placed upon me and I feel convinced that I can count on the sympathy and support of your Government and of yourself personally during the tenure of my office as Ambassador of Ceylon to the United States of America.

I thank you, Mr. President, for receiving me with so much courtesy and kindness.

PRESIDENT'S REPLY TO NEWLY APPOINTED AMBASSADOR OF CEYLON

MR. AMBASSADOR: It is my great pleasure to receive from Her Majesty, Queen Elizabeth the Second, Queen of Ceylon, her Letter of Credence accrediting you as Ceylon's Ambassador Extraordinary and Plenipotentiary to the United States.

The tradition of friendly relations between our two countries is based on our common dedication to the principle of obtaining liberty, justice and a better life for our peoples through the operation of free, democratic institutions. The people of Ceylon have, during this past year, again reaffirmed their trust in the democratic system by electing a new government in accordance with the finest traditions of free elections. The American people join me in expressing our respect for this commitment to peaceful change and the democratic process.

A goal common to both our countries is that of working to provide for the needs of our peoples and attempting to fulfill their expectations and aspirations. I have followed with great interest the strenuous efforts of the government and people of Ceylon for economic development. This desire to develop the national economy in an attempt to fulfill the desire of the Ceylonese people for happiness, freedom and social justice is laudable. I am gratified that the United States has been able to assist in these developmental efforts in the past. I am hopeful that the American government and people can continue to assist Ceylon in its attempts to attain this difficult but necessary goal.

As I stated in my report to the Congress on United States Foreign Policy for the Seventies, the foreign policy of the United States is based on our conviction that the pursuit of peace depends on creating a structure of stability within which the rights of each nation are respected. I believe Ceylon, which has derived so much inspiration from the peaceful way of the Buddha, shares with us the desire for the establishment of a just peace throughout the world. I hope that we can work closely together toward that goal during your tenure as Ambassador in Washington.

I welcome the wish of the Government of Ceylon that the good relations between our countries be further strengthened and your personal commitment to achieving this result. I hope that your stay in this country will be personally rewarding and will advance our mutual desire for further development of our relations.

Although it has been several years since I visited Ceylon, I still carry with me warm memories of its great beauty and its gracious and charming people. I hope you will convey my personal greeting and best wishes to your government and through it to the people of Ceylon.

FRAGMENTATION IS THE BANE OF OUR LAND

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. MANN. Mr. Speaker, I think my colleagues on both sides of the aisle and of both liberal and conservative persuasions might find some food for thought in the following incisive editorial from the Spartanburg, S.C., Journal of January 4, 1971. One would think, at this moment in our national progress, that we would all have but one identical desire: to pull together at the oars of our ship of state, but apparently it is not to be so. I have even noticed that here in the House, especially in our organizational days, we have shown a tendency to proportionalize and to fragment and to divide in our choice of decisionmakers on the several great issues, rather than to unify, to gather one and all together, to represent the great country as a whole.

The editorial follows:

WORLD FRAGMENTATION COMPLICATES PROBLEM

The fragmentation of most parts of the world into smaller and smaller groups along ethnic, tribal, racial, religious etc. lines continues while experience teaches that larger groups lead to greater prosperity.

Latin America's common market efforts have helped that region while the outstanding example has been Europe's six-nation Common Market (France, Italy, West Germany, Luxemburg, Belgium and the Netherlands). But even in this highly successful economic Western European organization leaders (the late Charles de Gaulle being the outstanding example) have held to strong nationalistic views and have resisted union other than on an economic basis.

The steady unfurling of new flags in the underdeveloped world after World War II heralded a new age of nationalism, of the forging of nation-states out of formerly subject peoples.

That process continues, but already we seem to have gone beyond it into an age of micronationalism, of fragmentation of existing nations into even smaller units.

Place a finger at random on the map of the world. The chances are good that the country touched, whether it is an old, established one or a newly created one, contains some kind of minority group struggling either for independence or autonomy or "a piece of the action."

These groups exist in the tiniest of nations as well as the largest. They range from the racial, as in the United States and other areas, to the linguistic and ethnic, as in Canada for example, to tribal as in Nigeria, to the religious as in the Soviet Union and elsewhere.

The internal struggle runs the gamut from terrorism, as in the actions of Quebec's extremists; to periodic riots as between French-speaking and Flemish-speaking Belgians, or Catholics and Protestants in Ireland; to official repression as practiced in some areas of Spain; to attempts of minorities just to build power bases from which to obtain greater concessions.

An example to the latter is the formation of a political movement by Eskimos in Canada's Yukon and Northwest Territories. The "Committee for Original Peoples Entitlement" demands a bigger share of the Arctic's mineral wealth for the region's inhabitants.

Example could be piled upon example. However, there is strong evidence that the direction most of these groups are taking is the wrong one.

The closer the world is brought together by advances in communications and travel, the more crowded and interdependent mankind becomes.

The forces of technology and the growing awareness that we all share a very small spaceship call for better understanding and cooperation. Yet, the world seems to be headed in just the opposite direction.

NATIONAL SERVICE ACT EXPLAINED

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. THOMPSON of New Jersey. Mr. Speaker, in the 91st Congress, I joined with 24 of my colleagues in cosponsoring the National Service Act introduced by Congressman JONATHAN B. BINGHAM. This proposal, which would replace the Selective Service System with a limited National Service System, was reintroduced on the first day of the new Congress—H.R. 1000—by Mr. BINGHAM, and I am proud to once again be a cosponsor of this important piece of legislation.

Mr. Speaker, the January 16, 1971, issue of the New Republic carried an article by Congressman BINGHAM in which he discusses the need to replace the current selective service law, the background and principal features of the National Service Act, and the outlook for comprehensive draft reform in the 92d Congress. Since many of my constituents have expressed an interest in and raised questions about the National Service Act, I would like to include the full text of this article in the RECORD at this point:

A LIMITED NATIONAL SERVICE SYSTEM: REPLACING THE DRAFT

(By Jonathan B. Bingham)

(NOTE.—JONATHAN B. BINGHAM, a Democrat, has represented the 23rd District of New York since 1965 and is the co-author, with Alfred Bingham, of Violence and Democracy (World Publishing Co.).)

Before the present draft law expires next June 30, the Congress seems virtually certain to extend it. That is what the Administration wants, while hoping eventually to reduce draft calls to zero. Even the Gates Commission on an All-Volunteer Armed Force favors leaving a selective-service system in being on a standby basis. But if the draft is to be extended in one form or another, the system could be made far more workable as well as equitable. The way to do it is to give young men the option of choosing civilian service instead of possible service in the military and thus also provide manpower to meet acute public needs.

The draft today is patently unjust and widely hated; at the same time, it is performing badly the task it is assigned. Four years ago, former President Eisenhower was dismayed by "the rising tide of rancor engendered by our draft system." Today, a high proportion of America's young men are unwilling to go along with Selective Service regulations. Last April, for example, over 12,000 men failed to report for their pre-induction physicals, and nearly 2000 failed to comply with notices for induction. The draft call issued for that month by the Department of Defense was for only 19,000 men. To produce that number of draftees, the Selective Service System had to send out over 36,500 induction notices. Although quotas for 1970 have been running about 50 percent below those for 1969, the proportion of failures to report has gone up. A few of these failures are accounted for by men who will go to jail rather than serve in the military; many more leave the country or simply disappear. In fairness, it must be pointed out that approximately half of those who fail to report for a physical or for induction do so for reasons other than resistance to the draft; perhaps they didn't receive the notice or forgot the appointment. But this leaves half of those who fail to show up, willful violators or persons whose no-show status is unexplained.

A more important reason so many men must be called to meet even low draft quotas is that a large number don't pass their physicals. The national failure rate for the pre-induction examination is 45.2 percent. A surprising number who pass the pre-induction exam fail the test given at the time of induction—17.8 percent in the first half of 1970.

Of course, these statistics are a sad commentary on the health of our young men, but they are also a commentary on the unwillingness—no doubt in many cases an eagerness—to obtain medical disqualification from military service. Last October, *The New York Times* reported that more and more potential draftees, especially college students, were using letters from their personal physicians to get disqualification on real, exaggerated, or, in some instances, fictitious grounds. One New York psychiatrist was said to write about 75 letters a week at a reported fee of $250 "cash in advance," diagnosing young men as "manic depressive." While Selective Service doctors may suspect the validity of such letters, they are inclined to accept them, not only because of the short time available for each examination, but because they are hesitant to dispute a qualified physician (if a draftee is later discharged for a condition that is found to have existed prior to induction, the Selective Service doctor may have to explain why he failed to detect it).

Only five percent of those found physically unfit in New York are thought to have used such fraudulent evidence. Nevertheless, young men are increasingly willing to seek and use any condition, however slight, that might mean a 4–F or 1–Y deferment.

This has produced a skyrocketing failure rate—double and triple what it was in World War II. And in every state the failure rate for whites is higher than for blacks, whereas in World War II the percentage of blacks who failed their physicals was twice as high as whites! When young men are eager to fail, there is a distinct advantage in having been regularly under a doctor's care and in being articulate about any possible defect. One physician boasted that he could find a legitimate disqualifying condition in any young man sent to him.

Clearly this situation compounds existing inequities under the Selective Service system, favoring the advantaged over the disadvantaged. While deferments have been ended for work in such occupations as teaching, and for most graduate-level education, college deferments continue. And the possibility of establishing conscientious-objector status, which has always been greater for the well educated than for the poorly educated, will be even more so after the Supreme Court decision of July 15, 1970, in *Welsh vs. United States*. In that case, the Court ruled that in claiming CO status, a young man need not prove that his opposition to war is based on religious belief, but merely that it is "sincere" and "deeply held."

In an attempt to help local draft boards make such subjective and extraordinarily difficult decisions, National Headquarters o the Selective Service System has sent ou guidelines to local boards. Curtis Tarr, th new Director, said that a young man's beliefs must be more than a personal moral code and must involve the thoughts of wise men He further stated that a man must show evidence of activity comparable in rigor and dedication to traditional religious training When asked whether or not these guidelines would work to the advantage of youths who have had a college education and could thus more easily demonstrate a knowledge of the thoughts of wise men learned in a course of rigorous training, Dr. Tarr responded that there "always has been an advantage to the intelligent man and I think neither you nor I would want to change that." Many of us would indeed "want to change that."

The Supreme Court decision in the *Welsh* case, however logical, has made the already hard job of Selective Service just about impossible. A drastic change in the law is needed. The task of the Congress, as well as of the Executive Branch, is to try to find an equitable and workable way of meeting our military manpower requirements, while allowing the individual young man the maximum amount of choice. So long as the draft exists, the most practical course seems to be to abandon the subjective "conscientious objector" test altogether; indeed, let our young men decide for themselves that their opposition to military service is so strong that they would be willing to do what COs now do; that is, undertake a civilian assignment in lieu of possible military service.

In mid-1969, during hearings before the House Foreign Affairs Committee on the Peace Corps, I was struck by the fact that under the law Peace Corps service is expressly not to be regarded as an alternative to military service. It seemed to me that a term in the Peace Corps or as a VISTA volunteer was a very real service to the country and should be accepted as fulfillment of a man's obligation. From this conclusion emerged the thought that, when he reaches draft age, a young man should be given three options; sign up for military service, sign up for some form of acceptable civilian service, or take his chances on being drafted under the lottery.

There were many problems raised by this idea: What form would such civilian service take? What would be the effect on labor standards? Would the needs of the military be met? How would any such program be administered?

To probe these and other questions and to assist me in drafting a detailed bill, my son Timothy volunteered to call on some of his fellow students at the Yale Law School. Eight third-year law students and two second-year students were recruited. Professor Daniel Freed agreed to serve as a faculty adviser. They were given course credit for their work. Also assisting the group was Alfred Fitt, a former Assistant Secretary of Defense for Manpower and Reserve Affairs, then serving as an aide to President Kingman Brewster. For a full half-year, the seminar worked on the project. I met with them on November 8, 1969, but essentially they were on their own. Although a majority never became sold on the idea, a complete, detailed bill and accompanying explanatory statements were prepared.

In March, 1970, an open meeting was arranged in Washington for members of the Yale seminar to meet with congressmen, staff, and interested groups. Timothy and William Heckman outlined the proposal and answered questions about it. Thereafter, my staff and I, assisted by the Legislative Counsel, made a few, mostly minor changes in the bill that had been suggested at the meeting and in subsequent discussions, and on June 10, the "National Service Act of 1970" (H.R. 18025) was introduced with the support of nine Representatives.

The response was surprising. Letters started coming in from Alaska to Florida. The mail ran about ten to one in favor of the proposal, and a number of other congressional offices began to ask for information. Gallup conducted a special national survey of opinion on the basic idea—a three-way choice. The results, released last July 4, 1970, showed that 71 percent liked it, 20 percent were opposed and nine percent had no opinion. (In the 21 to 29 age bracket, the youngest age group polled, 80 percent were in favor, 18 percent opposed and two percent had no opinion.) In contrast, a Harris Poll showed only 52 percent favoring the all-volunteer army plan. On July 13, *The New York Times* editorialized:

"The merit of the Bingham plan is that in most cases it would relieve the draft boards of the need to judge the sincerity of a young man's beliefs. The CO could demonstrate his sincerity by foregoing the chance of escaping national service altogether and opting to undertake some useful civilian task, usually for a period longer than ordinary military service. The burden of proof would fall directly on the potential draftee, not on his board. This should not be too much to ask of young men of sincere conviction."

I thereupon reintroduced the National Service Act last July 21 with 16 new cosponsors. Altogether the 26 sponsors are by no means agreed on all aspects of the military manpower problem. Some favor the all-volunteer approach; others have misgivings about it. But all of us agree that our National Service Act would be a great improvement over the present draft law.

In spite of its perhaps too imposing title, our bill calls for a distinctly limited national service system. In drafting it, we never gave serious consideration to the idea of universal National Service, although we drew heavily on the studies made by Donald J. Eberly, the Executive Director of the National Service Secretariat. Some highly idealistic students of the problem believe that all young Americans, female, as well as male, should be required to put in a term of service to their country, as is the case in Israel today. There is much to be said for this view, both in terms of manpower, needs and in terms of a valuable experience. But there are two overwhelming counter-arguments: (1) the expense and the bureaucracy required to administer such a vast program would be enormous, and (2) compulsory national service for all would run afoul of the constitutional prohibition of "involuntary servitude" contained in the 13th Amendment. (Since the Supreme Court has held that a draft for defense purposes does not contravene the "involuntary servitude" provision, our legal experts concluded that a limited national service program would not be held unconstitutional.)

When the idea is first broached of allowing young men to opt for civilian service as an alternative to being drafted, many people ask whether almost all young men would not choose this course?

This would be a very serious problem if the potential draftee were allowed to opt for civilian service after being selected for induction. But that is not what we propose. Under our three-way choice scheme, the temptation for most young men will be very strong not to sign up for either military or civilian service, in the hope that they will not be caught in the lottery for the draft. Most young men are naturally optimistic enough to elect this course, especially during a period when, as now, draft calls are low and going lower, so that the chance of any given individual being inducted are not very great. (Under the bill, deferments for extreme family hardship as well as for physical or mental disability would, necessarily, be continued.) Moreover, the term and conditions for civilian service would not be especially attractive. Volunteers would receive a living allowance and pay comparable to that now received by Peace Corps and VISTA volunteers. The Director of the National Service Agency would be given the authority to set terms of service appropriate to the different varieties of civilian work, but in general these terms would be longer that the two years required of a draftee. Thus it is our expectation that only those who have strong objections to serving in the military or are idealistic about performing some useful civilian service would opt for that course.

The first, and most obvious, category of civilian service under the program would be in highly selective government programs such as Peace Corps and VISTA. These would continue to operate much as they do now, except that those young men who applied and were accepted, and who satisfactorily complete their term of service, would not be subject to the draft. The high standards for admission would be maintained. I asked the Director of the Peace Corps, Joseph H. Blatchford, whether in his judgment the idealistic spirit of the Corps would be adversely affected by the element of compulsion implicit in the National Service Act. He replied in the negative, pointing out that many applicants for the Peace Corps are already subject to a similar compulsion, in that they feel they are not as a practical matter likely to be drafted if they serve in the Peace Corps. (Statistically, they are correct, though the Peace Corps Act specifically provides the contrary.) Mr. Blatchford told me he would welcome the National Service approach on the ground that it would strengthen Peace Corps recruitment.

Most of the civilian-service enlistees would work in approved jobs for public and private employers, as is now done by conscientious objectors.

At an early stage of their deliberations, the Yale Law School seminar concluded that every effort should be made to avoid setting up a huge bureaucracy to operate the Civilian Service program and that, accordingly, the federal government should not be the sole, or even the principle, employer. On the contrary, the objective should be to have as many as possible of the civilian enlistees working for private or public employers engaged in on-going constructive activities, such as hospital and health services, education, child and geriatric day care, public safety, and environmental protection. Employers in such fields who were eager for more manpower would apply to the National Service Agency to qualify specified jobs for participation in the program. The National Service Act proposal sets forth certain criteria for approval of such jobs, such as that they be of substantial social benefit and that employment of Civilian Service registrants would not interfere with the labor market or job standards.

In order to avoid any temptation for employers to hire such registrants as "cheap labor," the bill also specifies that the employer will pay the going rate for the services rendered, with the registrant receiving only his subsistence level pay, and the balance being retained by the federal government as a partial offset to the cost of the program. (This is an ingenious provision worked out by the Yale law group. While perhaps difficult to administer, some such device would appear to be necessary if those in civilian service are to be paid only a subsistence wage. It can be argued that they should be paid the going rate, as conscientious objectors are now performing similar service.)

The bill also lists several categories of employers that would be specifically excluded from the program, including political-party organizations, labor unions, religious organizations (to avoid a church-state question), domestic or personal-service companies, and commercial enterprises. (If the National Service concept were to catch on and continue for some years, the exclusion of all commercial enterprises might eventually have to be reexamined; many jobs which are necessary may become increasingly hard to fill if the affluent society is extended to more and more Americans. For instance, how many coal miners will we have in 20 years if the young men in mining areas are given real opportunities for alternative employment, which in justice they ought to have?)

A third category of civilian service would be in a specially created Civilian Service Corps. Many kinds of useful work could be done by young men organized along the lines of Franklin Roosevelt's CCC, including forest management, soil conservation, and short-range assignments such as city clean-up campaigns. Former Interior Secretary Hickel has suggested formation of just such a Youth Conservation Corps.

The Civilian Service Corps program would have an important training component, designed to improve the future employment opportunities of the registrants, as well as to meet manpower needs in scarce skills. After six months or a year in the corps, many young men might then be able to complete their civilian-service term by transferring to an approved job on the outside.

The question of whether or not to grant deferments to enlistees for college or other training is difficult. The bill provides that volunteers for military or civilian service would be permitted to defer their term of service pending four years of college education or approved training. This was the one major question on which I differed with the Yale law students who, after long debate and several reversals of position, had finally decided to recommend against deferments. They were concerned that deferments would tend to discriminate against the disadvantaged, who might not be able to use the opportunity. However, it seemed to me that the injustice to the disadvantaged could be minimized by providing that approved training programs, including apprenticeship and on-the-job training, could also be grounds for deferment.

Some of the law students objected to the deferment idea because it might stimulate an undue rush to sign up for civilian service by smart operators, who would figure they could choose a time of low to zero draft calls later on to drop out of the program and take their chances on being drafted. This argument has some merit. On the other hand, the possibility of abandoning the civilian service option at any time reduces considerably the element of compulsion in the proposed National Service Act—the very element which the law school group found most troublesome.

In any case, the really compelling reason for allowing such deferments is that the service performed, whether military or civilian, would be so much more valuable after education and/or training. Many more types of employment could be brought into the program in this way. Indeed it is difficult to see how such enterprises as Peace Corps and VISTA could be included if educational deferments were not provided for. Not only would the country benefit from this greater flexibility, but the registrants would get much more out of their term of service and make a greater contribution.

While declarations of war have gone out of fashion since World War II, the possibility has to be faced that the United States might someday again be involved in a war duly declared by the Congress. The bill makes provision for that contingency: young men who had escaped the lottery during their year of eligibility would be again subject to call, and likewise men engaged in approved civilian service (those with the least service being called first). Military service could be avoided absolutely only by the young men who could establish their conscientious objection to all war.

This provision, incidentally, furnishes an additional safeguard against an overwhelming sign-up for the civilian service option, since it would be made clear to registrants that such enlistment would not provide a firm guarantee against being drafted at some time.

The National Service Act would replace the present Selective Service System, including draft boards, with a National Service Agency. Three divisions within the Agency would be concerned, respectively, with the military aspects, including the lottery, with registration and placement of civilian enlistees, and with the operation of the civilian service program, especially the Civilian Service Corps. The Registration and Placement Division would be geared to counsel young men of 17 in making their choices at age 18 and to assist civilian enlistees in finding employment in approved jobs. Disciplinary procedures are provided: the main sanction for a civilian enlistee who failed to perform would be released from the program, so that he would be subject to the draft lottery for one year. Procedural safeguards are also incorporated, including rights to hearings and appeals for those adversely affected by administrative decisions.

As drawn, the National Service Act proposal is based on the assumption that a lottery draft would be needed and would remain in effect, though actual draft calls might go way down. The bill could be modified without great difficulty to fit the Gates Commission proposals for an all-volunteer recruitment program, based on improved pay and other benefits, with a stand-by draft. In this situation, those young men who performed approved civilian service would be credited with having performed their obligation if the draft were reinstituted. As a practical matter, the number of volunteers for civilian service at subsistence pay levels would probably drop very low, except for programs such as the Peace Corps and Vista with a high intrinsic appeal, but the opportunity would be there. If the purely volunteer system proved inadequate to meet defense manpower needs and selective services were reinstated, the civilian service option would be available for those young men being subjected to draft liability for the first time.

Unfortunately the outlook is not bright for major changes in the selective-service law to be enacted by the 92nd Congress, or for its being given careful study. The House Armed Services Committee, which has been the dominant congressional voice on draft policy, has been inclined to resist basic reforms. The last extension of the selective-service law occurred in mid-1967, after hearings in both houses of Congress. *Congressional Quarterly* summarized that year's action: "Public pressure for change in the draft system resulted in a major Administration push for draft reform in 1967, but most of [President Johnson's] program foundered in Congress, largely as a result of action by the House Armed Services Committee."

When that committee brought its own bill to the floor of the House on May 25, 1967, the then Chairman, Mendel Rivers, made full use of his extraordinary powers as manager to put the bill through just as he wanted it. By motions to limit debate, discussion of important proposed changes was choked off.

In 1969 the House Armed Services Committee reversed itself on allowing the President to institute a lottery system (which the 1967 bill had prohibited), but it was determined not to allow the House to consider any other change. This decision was met by a storm of criticism on the floor of the House from members who had important amendments to propose. After discussion of the fact that the Armed Services Committee had held no hearings (Rivers said there had been no time to do so), the Chairman promised that in 1970 "the committee will undertake a complete review of this subject. The Members of the House have indicated that they want it, and I am perfectly willing to undertake it. . . . I give you my word that we will have a review next year." So reassured, the House passed the abbreviated bill unchanged. At the time, no one supposed that a "complete review" could be accomplished without open hearings at which proponents of draft reform could appear and testify.

But when 1970 rolled around, that was not the Chairman's interpretation of his commitment. In July he directed his Special Subcommittee on the Draft, chaired by Rep. Hebert (D, La.), to conduct a closed-door review of the "administration and operation" of the present law, with Executive Branch witnesses only. Believing that this was not in accord with the prior commitment, as understood by the Members, Rep. Robert L. Leggett, a member of the Armed Services Committee, and I initiated a joint letter to Chairman Rivers, pointing out that a "review" could not be "completed" without consideration of alternatives to the present draft, and urging that congressmen and others be given "the opportunity to present their views in open session. . . ."

The letter went forward on August 4, signed by 55 Members of Congress. A prompt reply was received, but it was largely negative: the hearings would continue closed and concerned only with "administration and operation" and no outsiders would be heard; only Members were invited to testify. Some Members did testify, but the two Members of the Special Committee who attended displayed scant interest and asked almost no questions. In appointing this Special Committee, it seemed to us Mr. Rivers did not try to select members who would represent various points of view in the House, or even on the committee. Members of the committee who were known to favor draft reforms were left off the subcommittee.

Presumably the new chairman of the House Armed Services Committee (in all probability Mr. Hebert) and Senator Stennis, chairman of the Senate Armed Services Committee, will arrange full-scale, open hearings on the draft and alternatives in the late winter or spring of 1971. But it seems unlikely that a drastic reform such as our National Service Act will be given serious consideration in either House or that the kind of Executive Branch studies needed to evaluate the proposal will be requested, unless at least one of the Armed Services Committees can be galvanized into action by pressure from the media and the public.

The difficulty of overcoming the naturally conservative bent of most Armed Services Committee members, and their suspicion of social programs, is compounded by the inflexible manner in which bills are referred to particular standing committees. A proposal such as the National Service Act presents many questions of civilian manpower needs and of the operation of civilian programs by the federal government, questions which ought to be considered by interested members of committees other than Armed Services. Ideally, it seems to me, a bill like ours ought to be referred to an ad hoc committee composed of members with expertise in the various fields affected (this was the procedure in the early days of the Congress). But under present rules, with strict jurisdictional lines frozen into the structure, there is no way to accomplish such a result. Occasionally a Special Committee is set up for the consideration of a particular problem, but such Special Committees are normally not given the essential power to report out legislation. The drive to secure thorough and objective consideration of the proposed National Service Act and other alternatives to the draft can and ought to be part of a broader drive to make the congressional committee structure more representative, more responsive and more responsible.

FARM LABOR LEGISLATION

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. GONZALEZ. Mr. Speaker, I have today reintroduced a bill that would extend the National Labor Relations Act to cover agricultural workers.

I have sponsored this bill for many years, and believe that it is just as needed now—probably more needed—than at any time.

The plight of farmworkers in general and migrant workers in particular has long been known to the people of this country, and I need not recite here the long list of ills and injustices these patient, hard-working people have undergone for years on end.

As a member of the Texas State Senate, I had the honor to be the first member of that body to introduce a package of legislation to protect and benefit farmworkers. I ask Texas to enact laws requiring crew leader registration, setting up a minimum wage, setting standards for transportation and for housing, and establishing safety standards.

These bills met with the most vigorous kind of opposition, and I had very little success with them.

Therefore, when I came to Congress, one of my earliest interests was in Federal legislation to protect farmworkers, and it remains so today.

I joined with Senator Harrison Williams and others in sponsoring and obtaining the enactment of the Federal statutes that have at least begun to make the promise of hope for farmworker justice. As a result of these statutes, we do have some minimal help for farmworkers in the way of crew leader registration; but more important than that there is a substantial amount of money in the Office of Economic Opportunity to pay for programs especially designed for migrants; there are others as well—health and educational programs, and through extension of some OEO activities, even a little legal help.

But one of the basic problems of farmworkers has always been that they have never had a body of law under which to organize.

The National Labor Relations Act does not extend to agricultural workers, so anyone who attempts to organize these workers does so in a legal vacuum. There is no way to assure the uniform elections are carried out, that the rules which may apply in one place also apply in another—or even that there are any rules at all. So the farmworker is at the mercy of those who would strongarm him, either to join or not to join a union, and at the mercy of those who would deny him his rights as a free citizen.

The chief farmworker organization, the United Farm Workers Organizing Committee, strongly supported legislation to bring farmworkers under the National Labor Relations Act when I first introduced the measure some years ago. Reports have reached me indicating that this may no longer be the case. If it is, then I would be most surprised at the turn of events, and would welcome a full explanation of the change.

Whatever the position of the United Farm Workers Organizing Committee, or of any other organization on this bill, it seems to me at this moment that the only way to protect the rights of farmworkers is to spell those rights out in law, and to create the authority to see that those rights are protected.

Mr. Speaker, I have asked for a long time that this bill be enacted. I ask it again, and I seek early action, so that the sides can be known and Congress can decide the issue.

NEW TOWNS IN MINNESOTA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. FRASER. Mr. Speaker, many of us are coming to realize that the development of new towns must be encouraged if we are to relieve the pressures on our overcrowded, problem-ridden central cities.

In Minnesota, work has begun on three types of new towns:

The Minnesota Experimental City, now in the planning stages at the University of Minnesota, will be a freestanding new town located between 100 and 150 miles from Minneapolis.

Jonathan, a satellite new town, is already under development on the outskirts of the Twin Cities metropolitan area. This project received the first federally guaranteed loan under the new communities section of the 1968 Housing Act.

Cedar-Riverside, a Minneapolis inner-city development, hopes to be the first "in-town new town" to receive assistance under title 1 of the 1970 Housing Act.

The following article from today's New York Times provides a progress report on these latter two projects:

NEAR MINNEAPOLIS, TWO NEW TOWNS BORDER ON SUCCESS

(By John Herbers)

CHASKA, MINN.—Clyde Ryberg skidded his utility wagon to a halt on a snow-covered meadow and pointed to a cluster of buildings under construction—houses up to $50,000 and apartments for low-income and moderate-income families.

"We believe people of different backgrounds who will live here will get to know each other," said Mr. Ryberg, an outdoorsman who is project coordinator for the new community of Jonathan. "And when they get to know each other, we think they will support each other."

Twenty-five miles to the northeast in the heart of Minneapolis, an ambitious effort is underway to rebuild a rundown section of the city into a diverse community of 60,000 people without chasing out the present residents.

"We want to keep the winos and the school dropouts," said Mrs. Gloria M. Segal, one of the principals in the Cedar-Riverside development adjacent to the University of Minnesota.

NEW TOWN PROJECTS

These two "new town" projects in the Minneapolis-St. Paul area show some promise, in the opinion of national urban authorities, of reversing trends that have brought agony to metropolitan centers across the nation—the mass movement of whites and wealth into suburban compounds and the concentration of minorities, poverty and social problems in the central cities. And they point up how recent Federal legislation on new communities is intended to work.

Jonathan, which is being built on rolling farmland just outside the suburban ring, seeks to avoid the sprawl and sterile homogenization that marks most suburbs built since World War II. Designed to become a self-contained city of 50,000 on 5,000 acres, it was the first project approved for Federal assistance under the New Communities Section of the Housing Act of 1968.

Cedar-Riverside, which will offer high-density living on a 59-acre triangle of blighted land bordered by the Mississippi River and two interstate highways, is employing private and public resources to make the central city livable and attractive for all ages, races and economic status.

The first stage of 1,260 dwelling units, from public housing to luxury apartments, has been approved for construction, and the sponsors are hopeful that Cedar-Riverside will become the first "in-town new town" to be approved under the expanded new communities law enacted in late 1970.

The law, sponsored by Congressional Democrats was passed over the opposition of the Nixon Administration, which sought to delay it for budgetary reasons. President Nixon, however, signed it Jan. 2 and George Romney, Secretary of Housing and Development, embraced it because it embodied ideas favored by the Administration.

New communities, which blossomed in Europe in recent years, have hardly begun in this country. The 1968 Housing Act contained a section designed to spur their development by making long-term loan guarantees to private developers.

But the Nixon Administration declared it insufficient. In addition to Jonathan, only the following projects have been certified for new community assistance: Park Forest South, Ill., near Chicago; St. Charles Communities, Md., near Washington; Flower Mound New Town, Tex., between Dallas and Fort Worth, and Maumelle, Ark., near Little Rock.

Better known new cities such as Reston, Va., and Columbia, Md., were begun several years ago with private financing and the older Federal aid programs.

The new law continues the loan guarantees and adds several new categories, including direct long-term loans of up to $20 million for each community and grants for planning the project.

Extra money is authorized for community services such as water and sewer systems and parks. A community development corporation, to be set up in the Department of Housing and Urban Development, will have authority to build new communities on surplus Federal land and to help both private and public developers acquire land for new communities.

U.S. APPROVAL EXPECTED

The Administration has not indicated how fast it will move under the new law, but a substantial number of planned projects are expected to win Federal Housing approval for one form of assistance or another during the next few months.

Both Jonathan and Cedar-Riverside, in the opinion of Federal officials, embrace the kind of planning and commitment sought in the Federal guidelines. Developed separately, both are now headed by Henry T. McKnight, a former State Senator who is a conservationist, a real estate developer and a Republican with considerable political and financial connections.

In the mid-nineteen-sixties, Mr. McKnight quietly began buying land around a farm he owns near the town of Chaska, population 4,000, which lies in the path of metropolitan growth. In 1967, he announced plans for Jonathan, which would be incorporated into Chaska and thus take advantage of an existing government and its services.

PASSION FOR CONSERVATION

Construction got under way but bogged down a couple of years later when interest rates rose and money became scarce. Mr. McKnight turned to the Federal Government, won certification under the 1968 act, and last October sold $8 million in guaranteed debentures for land development. The project is now moving briskly.

"We were fortunate in that our planning fit perfectly with the H.U.D. guidelines," said Robert J. Dahlin, general manager of the Jonathan Development Corporation. "For example, the plans from the beginning were to try to have the same economic and racial breakdown as the metropolitan area."

Mr. McKnight, who comes from a pioneering real estate family, has a passion for conserving the Minnesota countryside. He named the project for Jonathan Carver, an early explorer of the area.

The lakes and woods were left in their natural state and the community of Jonathan was planned between them. The park system has fingers extending to every back door.

"We will connect with the state park system," said Mr. Ryberg, "so that a boy who lives in Jonathan could step out his back door and go all the way to South Dakota without leaving the parks."

Jonathan has several industrial plants, ranging from a computer center to a grain research facility, a few hundred families living in wide variety of housing built by a number of companies, and cultural centers.

Experimental housing is being built by different companies. One project called the "tree loft" features a vertical apartment that has a bedroom as a balcony over the living room and a rental price of about $130 a month. Several variations of federally subsidized housing for families with low incomes are under way.

Another project features modules that can be added or deleted as the family grows or shrinks.

The town center is to be a giant megastructure, which, it is hoped, will provide rapid transit to downtown Minneapolis and St. Paul.

"The important thing," Mr. McKnight said, "is for people to have a choice."

BARS AND TENEMENTS

While Mr. McKnight was developing Jonathan, the Cedar-Riverside project was evolving under Mrs. Segal and Keith R. Heller, a former faculty member of the University of Minnesota Business School.

The university, which now has 45,000 students, spills over the Mississippi River from St. Paul into the Cedar-Riverside neighborhood, once the home of European immigrants and now a conglomeration of bars, tenements, experimental theaters, high-rise buildings for the aging and rundown houses occupied by students, dropouts, vagrants and poor families.

No one is quite sure how the Heller-Segal partnership managed to buy all the private land in the area. It started one evening several years ago when Mrs. Segal, a housewife and mother of four, drove to the symphony at the university and could not find a place to park. With Mr. Heller's advice, she bought a lot for parking.

Thereafter they bought several lots with the idea of putting up one new apartment building and the new-community concept grew from there. In the process, they found themselves landlords of several hundred people.

While planning the new community, Cedar-Riverside Associates, Inc., operating out of an old ice cream factory, hired social workers and a platoon of maintenance men to help the tenants who will be gradually relocated into the new buildings.

RICHNESS OF THE OLD CITY

"We want to retain the richness and diversity of the old city," said Mr. Heller. Old landmarks will be retained.

Mr. McKnight was brought in and made chairman to coordinate the necessary financing and an application has been made for assistance under the 1970 act. Some $200,000 already had gone into planning.

The plans call for conglomerations of buildings of various shapes and sizes, underground parking, plazas on various levels and shops and theaters.

Coordinating all this with the various state, local and Federal governments is a constant juggling act, especially because Cedar-Riverside is in an urban renewal area. A chart of all the government clearances required for Stage One is a complicated maze.

But Donald A. Jacobson, the chief planner, thinks this complex mesh of private and public efforts may in the end be able to accomplish what neither has done alone in most cities.

The Minneapolis-St. Paul area is more conducive to this kind of development than most cities. It has a Metropolitan Council with power to make regionwide decisions. It has only a 3 per cent black population and not much poverty.

A Federal housing official pointed out that both projects would take 10 to 20 years to complete and that there was no way to know whether they would accomplish what they were expected to.

"We believe that these kinds of developments get to the root of our urban problems," he said. "And it is high time we had some successes."

ANNIVERSARY OF THE 1863 POLISH INSURRECTION

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. ROONEY of New York. Mr. Speaker, it would be most unfortunate if, in the rush of organization business during these opening days of Congress, we were to overlook the significance of the anniversary of the 1863 Polish Insurrection which our Polish American friends and free Poles everywhere have been recently observing.

In these days when all too many people seem to feel the urge to deprecate freedom and devalue patriotism and valor, all of us can benefit by recalling the events which took place in Poland a little over a hundred years ago. One would have to search minutely the pages of history to find examples of heroism and gallantry equal to that of the Polish patriots who sought to throw off the shackles of serfdom imposed by Czar Alexander II and his Russian henchmen. But such a search would produce the startling evidence of a duplication of contemporary Russian political oppression and economic strangulation equal to that imposed by the czar.

Even more startling is the similarity of the mass revolt of the Polish patriots just weeks ago in the port cities of Gydnia, Gdansk, and Szczecin which not only shook Poland and the Kremlin but sent a tidal wave of hope and sympathy throughout the world.

A century ago the Polish patriots decided to rise up and fight against the increasing political and economic repressions being forced upon them by the czar. They took this action knowing full well that the odds were overwhelmingly against them. Through a clever use of the then little-known guerrilla tactics, they waged a telling blow against the czar's forces.

Just before Christmas today's Polish patriots launched a similar revolt against the Red Communist bosses whose increased acts of oppression became unbearable. Polish people, suffering from hunger and want of the necessities of life, rose up in defiance of Gomulka and their Kremlin slave-masters in protest to the Communist demands that food and other critically needed items be sold at fixed prices of less than cost to feed the hungry and greedy Russian bear. The time had come when they had to voice vigorous protests at being denied the chance to buy essentials even at the exorbitant increase in prices fixed by Gomulka and the men in the Kremlin. Polish workers reached the limit of their endurance in having to succumb to virtual slavery controls imposed on their jobs and their job earnings.

Mr. Speaker, every American should realize that today Poland is as much of an enslaved Russian colony as it was under czarist domination a hundred years ago. Let us not forget that today Poland as well as all the other captive nations, suffers from the same ruthless domination and exploitation as was true in those terrible days in 1863.

The superior strength of the czar suppressed the insurrection and eliminated the secret national government set up in Warsaw. Now the superior strength of the Communists ruling Poland has similarly halted the revolts but not until a drastic shakeup in the Russian imposed government hierarchy had been made.

In 1863 the Russian tactics employed to subdue the insurgents were replete with torture and wholesale slaughter. In the period following the quelling of the uprising there took place a reign of terror and inhuman treatment of those who had dared the czar. Recently the Communist forces were equally ruthless against the Polish strikers, using machineguns, tanks, helicopters, and every modern killing device to disband the unarmed protesters. Yet in spite of the mad chattering of machine guns from armored cars, from rooftops, and from helicopters, Polish patriots tore down a door and laid on it the body of a boy who had been killed on his way to school. Disregarding a virtual rain of bullets they dipped a Polish flag in the slain boy's blood and set off toward the townhall. Along the route they were joined by hundreds of others. They stormed the townhall seven times, seeking an explanation of the shooting of unarmed people. This demonstration ended in a massacre of a score of innocent people. Since that day further bestial acts on the part of the Red police and militia have been reported—acts resulting in the death and injury of hundreds of Polish people.

Mr. Speaker, I called this tense situation in Poland to our attention. I asked then as I ask now that all of us be fully alert with regard to what is happening to the people of Poland. We must give utmost support to our loyal Polish American organizations which are doing their utmost in behalf of their friends and relatives in Poland. We should fully endorse the resolution transmitted to the Secretary General of the United Nations by the Polish American Congress in condemning Soviet military terror in Poland and asking that the human rights of the Polish people, brutally violated by the Warsaw regime, be protected and the matter be brought before the Security Council for appropriate action.

We who are privileged to enjoy freedom and for whom liberty is accepted as an inalienable right must keep reminding ourselves that there are millions of people who love liberty as much as do we but are deprived of it. We must constantly remember that the fetters of slavery still bind our Polish friends and that their freedom today is as limited by the Communists and Kremlin bosses as it was under the czar.

Mr. Speaker, we cannot escape the responsibility nor should we seek to avoid it for doing our utmost to restore to these captive people the freedom which is their just right. Let us not be wooed by compromise or the smooth words of psuedostatesmen who would seek to convince us that Poland is now free. We know this is not true, just as the people of Poland, particularly those in the port cities who so recently voiced their protests, know it is not so.

Even though these current demonstrations in Poland show the complete collapse of the Communist system imposed by the USSR upon the Polish people, we must renew our determination to pursue vigorously the task of restoring independence to the descendants of the Polish patriots who a century ago so bravely fought for it. Until Poland becomes truly free, we must keep faith with the brave men and women who asserted themselves so gallantly in Poznan in 1956 and again throughout Poland so recently. May all of us do our utmost to make a reality of the historic Polish battle cry "Poland is not lost—as long as we are alive."

INDUSTRIALIZED HOUSING

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. PETTIS. Mr. Speaker, I would like to take this opportunity to tell you a success story.

Last week I visited George Air Force Base, which I am proud to say is in my district, and inspected a prototype, industrialized, housing project, and saw a variety of attractive, well-built homes that anyone would be proud to live in.

It began nearly 4 years ago when the Department of Defense, as part of an overall plan to make a military career more attractive to young family men, set out to find new and better ways to provide quality housing, good solid homes at reasonable costs, for the families of our military men.

The DoD decision to explore industrialized housing was brought on by the continuing increase in the cost of residential construction and the accelerated demand for housing which had reached crisis proportions. The Department of Defense issued requests for proposals to a broad cross section of private industry—architects, aerospace companies, the general construction industry, educational institutions, and traditional homebuilders. Participation by aerospace firms was specifically sought in order to tap the reservoir of experience in their systems methods that have been so successfully applied to other extremely large and complex construction and engineering projects.

After a series of design competitions and in-depth studies of different technical approaches, a contract for the design and development of a prototype industrialized housing system was awarded to the General Electric Co. in a joint venture with the architectural firm of Hugh Gibbs, FAIA and Donald Gibbs, AIA.

The objectives of this research and development program were clearly defined from the outset, going well beyond simply the erection of housing units. These objectives were:

Develop housing that could be bought and maintained at substantially less than present cost. Economies were expected to be achieved through the introduction of new materials, fabrication technology innovations, industrialization of the fabrication process, and the introduction of proven, advanced management systems such as those routinely used by government aerospace and defense contractors. Achieve cost reductions at no sacrifice whatever in quality, livability, or attractiveness of the dwelling units.

Successful attainment of these goals would prove not only beneficial to the Department of Defense but could also be of great significance in solving the acute national shortage of civilian housing by developing new volume production techniques.

In June of 1970 the Air Force competitively awarded General Electric Co. and the Del E. Webb Corp. a contract to build and erect a family housing project at George Air Force Base consisting of 16 two-bedroom units contained in two-story flats; 90 each of three- and four-bedroom units in two-story townhouses; and four one-story, four-bedroom houses. Basic to the project was the development and operation of a prototype housing factory to test the key production processes and equipment which would be the basis for a full scale production facility for the fabrication of future military housing. In this factory, located about 15 miles from the base, General Electric is building the modules which are then transported to the site and erected.

I toured this unique facility and watched the raw materials and hardware being combined into modules which provide an amazing degree of design flexibility. A family of these basic modules would provide a variety of residential configurations as well as a multiplicity of exterior and interior finishes.

Some of the innovative features being used in constructing the modules are cast-in-place plaster walls and ceilings, a plaster wall 8 feet high and 35 feet long cast in one piece. The floors are made of stressed-skin panels filled with sound-deadening sand, and a utility chase which contains all the plumbing, heating, and air-conditioning ducting finished in the factory and just plugged in at the site.

Actual assembling at the site is being done by Del E. Webb Corp., who are also responsible for landscaping, roads, and site preparation. The time required to erect an entire house—less than 4 hours. They are substantial houses which present no evidence of factory prefabrication.

Another exciting breakthrough resulting from the industrialized concept is that it makes it possible to factory produce the modules with unskilled labor. The factory environment provides classroom atmosphere which enables management to train hard-core unemployed so that they can make a meaningful contribution to solving this Nation's housing problem. It was proven at Apple Valley that the factory does not have to be on the site, but can be located for example, in the inner city—where the majority of the unskilled workers live—and serve more than one site.

I was also impressed with the cooperation displayed by the various unions on the job. Both site and factory are unionized. Conventional construction trades are represented on the site while in the factory a tri-trades agreement to permit cross discipline utilization of personnel was signed with the United Brotherhood of Carpenters and Joiners of America, the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, and the International Brotherhood of Electrical Workers.

Because of the enlightened policies of the Department of Defense, enlisted men's families will soon be moving into good homes at George Air Force Base. Furthermore, I understand that the experience gained by General Electric is helping our Nation's Department of Housing and Urban Development with its Operation Breakthrough program.

It became obvious to me from my tour of the demonstration site and factory that the successful application of industrialized techniques will result in lower costs through the application of high volume production. The economies are maximized as the total number of units increases.

I have seen the results of a businesslike approach applied to the housing at George Air Force Base, and know that the military can, given the necessary freedom, raise housing standards, motivate private industry to use and develop new materials and techniques, and help develop and perfect industrialization of housing with its many benefits.

The big question is just how far can this Nation's housing costs be reduced in the future and its critical housing shortage eased with the aid of lessons learned here.

CONSERVATION—FOR WHOM?

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. DON H. CLAUSEN. Mr. Speaker, my native State, California, abounds in both people and natural resources. As the most populous State in the Nation we are deeply conscious of the need to achieve an accommodation among the material needs, the recreational opportunities, and the spiritual and esthetic desires of our people. We are strong conservationists in California.

The rationale of our approach to realistic conservation and the absolute need to differentiate between public interest and public enthusiasms has been clearly stated by the distinguished dean of the School of Natural Resources and Conservation at the University of California at Berkley. Dr. John A. Zivnuska presented this case admirably in an address January 22 before the annual meeting of the Redwood Region Conservation Council at Eureka, Calif., in my district.

His message, entitled "Conservation—For Whom?" deserves the careful attention of every Member of the Congress and of all Americans. I include the message in the RECORD following these brief remarks:

CONSERVATION—FOR WHOM?

(John A. Zivnuska)

As many of you will recall, Clifford Pinchot was the first native-born American to be educated in forestry. With the warm support of President Theodore Roosevelt, he was the leader of the movement which by 1910 had firmly established the profession of forestry in the United States, had established the basic structure of the U.S. Forest Service which has made it one of the finest public agencies in the nation, and had identified "conservation" with the wise use of resources and made it a household word.

Pinchot was a militant crusader, who saw issues in the strongest tones of black and white. He can be faulted for having failed to perceive the value of National Parks and the aesthetic significance of the forest. I have no doubt he was an easy man with whom to disagree on many issues. However, he was wholly clear that the purpose of forestry was service to people, not to trees. As he himself wrote:

"The rightful use and purpose of our natural resources is to make the people strong and well, able and wise, well-taught, well-fed, well-clothed, well-housed, full of knowledge and initiative, with equal opportunity for all and special privilege for none."

It was a magnificent vision, and he did as much as one man could to move toward it. This strong stream of the conservation movement was clearly humanitarian and concerned with social reform and improvement, yet today in the literature of conservation it is commonly referred to as "utilitarian conservation," often with a somewhat derogatory twist to the term "utilitarian."

There is, I think, some strange aberration or form of tunnel vision involved. Much the same aberration is apparent in the current debate on the allocation of the resources of wildlands. There are certain values of these resources which are normally captured and made available through the operation of the market economy, and there are other values which are characteristically made available outside the market system, either through public ownership of resources or as externalities of private ownership (that is, as benefits from the private lands which are not internalized through capture and sale by the private owner). In current discussions one repeatedly hears the first group referred to as economic values and the second group as social values.

This is absurd in conception and unfortunate in effect, since it tends to impute a higher value to the second group than to the first. I submit that there are important social values to having lumber and plywood for housing and to having low-cost wood-based printing papers to undergird mass literacy, just as there are social values to an attractive landscape and the opportunity to escape our metropolitan areas. Further, there are important economic values and economic issues in the values obtained outside the market system.

Much the same aberration is evident in the flood of mail which most of us receive from well-intentioned nature preservation organizations exhorting us to save our environment before it is too late. The environment involved is usually illustrated with spectacular photographs of the Florida everglades, the redwoods of Bull Creek flat, or the high Sierra. Now I am quite sympathetic to such causes. Indeed, it was such a concern which led me to a career in foresty. However, the simple fact is that this is not our environment, but only a small fraction of it. The main environment in which we spend our lives is that of our homes, offices, and factories; the cities and suburban areas in which they are concentrated; the immediately surrounding landscape; and the air and water available to them. In these terms it immediately becomes evident that, far from saving our environment, we need to change it and to change it rapidly, on a massive scale, and in a direction opposite to the way in which we are now moving.

A specific example of the issues involved is the current debate over the rate of cutting on our forest lands. This debate has taken its most specific form over the proposed National Timber Supply Act of 1969, which was subsequently revised and redesignated as National Forest Timber Conservation and Management Act of 1969. This bill, which was not enacted, provided for a major intensification in timber management on the National Forests, which in turn would have permitted a major increase in the allowable cut from these lands.

Opposition to the bill was spearheaded by a small number of preservationist groups which, while showing increasingly broad environmental concerns, have been primarily dedicated to the preservation of wilderness, national parks, and similar natural areas. In this instance their primary concern seems to have been that such a program would speed up the roading of areas now in a wilderness condition but not designated for wilderness purposes, thus reducing the period of time available to work for the incorporation of these lands into the wilderness system.

Now I have no wish to make a case for a specific bill, but the issue of obtaining increased timber supplies for the 1970's and 1980's is an immediate and important topic. The impetus comes from the nation's need to improve its environment through improving its housing. This need was given specific expression in the Housing and Urban Development Act of 1968, which established a goal of 26 million new housing units by 1978. While this goal may be too precise and too constrained, what is involved is an immediate need for improved housing for one-quarter to one-third of the total population of the nation.

Every serious study has shown that the one good opportunity to increase timber supplies in the immediate future is on the public lands. This has been documented both in the report of the Task Force on Softwood Lumber and Plywood appointed by President Nixon and in the report of the Public Land Review Commission established under a Democratic administration. Opponents of increased cutting have, of course, promptly attempted to discredit both groups as tools of the lumber interests—a charge which strikes me as being overly-generous in attributing political muscle to the lumber industry.

In the resulting battle of words, the charge is frequently made that timber cutting on the National Forests is for the benefit of a few selfish lumber companies, while wilderness and recreation are for all the people. This is such arrant nonsense that it is appalling that the charge persists and has received some credence. Obviously every resident of the United States makes daily use of structures, products, and services based on such forest products as lumber, plywood, and paper. If these services could be obtained without the intermediate step of industrial processing, I am confident this would be done and the lumber companies would disappear. And the charge can not be made that the demand is artificially created by Madison Avenue techniques. There is surely no major industry in the nation which devotes less of its resources and energies to promoting its product than the lumber industry. Lumber is used simply because it is remarkably useful.

In contrast to this universal use of forest products, an unhappily low percentage of the public ever has the opportunity to enjoy the wilderness, while large numbers never enjoy recreation on the national forests. Particularly telling, it is those very groups which need improved housing the most who share in wilderness and forest recreation the least. Let me quote Walter Washington, Mayor of the District of Columbia, one of the most sorely troubled urban areas of the nation:

"It is possible that many of our poor and needy families that may never be able to get to the scenic beauty of our great trees would be able, rather, to get the exposure by looking at cabinets and walls of wood in a decent home in a decent environment in the cities of America. It appears to me, Mr. Chairman, that this is part of our American dream . . ."

Opponents of timber cutting also argue that the needed housing can be built of materials other than wood. Undoubtedly this is correct and other materials can and will be used on a greatly increased scale. This, however, begs the entire environmental question. Realistically, there is no way in which we can hope to improve our urban environment and provide better housing for a quarter to a third of our people without major impacts on natural resources and the non-urban environment. If we do not use wood, then we must turn to plastics from petroleum reserves, steel with its requirements for iron ore and coal, concrete with its quarries and cement plants, and so on. It is one world, and we don't change the environment in one place without changing it in other areas as well.

Our real problem is to provide the required building materials in ways in which the adverse effects on other elements of the total environment will be minimized and, if possible, limited in duration. Now forest products are both renewable and biodegradable—two major assets from the environmental standpoint which are not shared in full, if at all, by any of the alternate materials. We have some hard choices to make, and we have an immediate need for a careful analysis of the environmental consequences to be expected from the production of the various building materials which could be used in meeting our urban needs. We cannot come home free, but we can reduce the environmental costs by making an inteligent and informed choice among alternatives.

It is interesting to note that the same groups which oppose increased timber cutting, arguing for use of other materials, also oppose increased power generation. Available evidence indicates that lumber and plywood production are the lowest in power requirements of all of building materials. While these groups like to pretend that power demands arise from the efforts of power companies to promote air conditioners and electrical appliances, the fact is that the real pressure comes from the needs of industries whose expansion they advocate while opposing timber cutting. The new breed of self-appointed ecologists likes to point out that every one thing is connected to every other thing, but they seem wholly unable to realize that this also applies to their own recommendations.

Now it is perfectly true that expanded timber cutting will in itself do little or nothing to solve the nation's urban and low income problems. If the lumber goes into vacation homes for those already well-housed, the resident of the District of Columbia will not be benefited. We cannot achieve a redistribution of income through resource policy, but we can have a resource policy which will facilitate rather than conflict with a total program designed to meet our national needs.

In looking at serious issues of this kind, satire can often be illuminating. Many of us who live in the Bay Area regularly enjoy Art Hoppe's comments on the passing scene. In a recent column he pictured the political suicide of a conservation group. After much hard work, the group had developed arguments which were completely compelling in convincing a man who had two cars that he did not need another car. The fatal mistake was then they used the same argument with men who had no cars.

To look at a more local issue in a similar vein, I would like to suggest that a man who owns a redwood house will prefer a redwood park to a second redwood house—unless, of course, he owns a vacation homesite on the Mendocino Coast. However, the priorities of the man who has neither a home nor the opportunity to visit a redwood park may be very different.

In fact, of course, this region never really faced such absolutes as a final choice between redwood parks or redwood homes, despite extravagant statements from both sides during the heat of the debate. We are dealing with the lasting redwoods, not the last redwoods. At the same time there was never any real prospect of a park so large as to endanger the total redwood industry. We continue to have the industry and we also now have a Redwood National Park which is a significant addition to the very much larger area already reserved in the State Parks.

While the boundaries of the park were gerrymandered to provide a basis for arguing for increases in the park area rather than being set to provide an efficient management unit, the park nonetheless has the potential for permanent existence as a meaningful ecological unit if an effective management program can be funded and administered in the park and needed accommodations worked out concerning the management of the adjacent private lands. One could wish that the groups which pushed for the park would show equal vigor and understanding in pushing for such funding and management. Unhappily any realistic assessment of the costs of management seems to be considered as adverse to their priority goal of acquisition.

In much the same way, we do not face absolute alternatives in the choices among timber, wilderness, recreation, aesthetic values, and other potential resource uses. All can be obtained in some degree. The question is always that of how much more or how much less of each. Through intensive management more of all uses can be provided, but the question of balance will always remain. Here we need to recognize the existence of distinct ethnic, income, age, and geographic strata in what we blithely term the general public. We need to learn the needs and aspirations of each such stratum and to determine the extent to which this group participates in these various resource values. Only through such knowledge can we determine to whom our conservation is directed.

While I have placed particular stress on the importance of improved housing and a better urban environment for the low income groups, I also recognize the very great importance of uses of the forest other than timber production to large and growing segments of our society. The demand exists, and it is growing rapidly. Our great problem here is to make the demand effective—that is, to provide an effective means of paying for the management of the land resource for these purposes.

It seems to me that those who consider these other values as more important than timber should be provided with the opportunity now available to timber users—to pay for what they use, rather than having to persuade other groups in our society to share the major part of the cost. I have long advocated that private owners charge for the recreational use of their lands and I have also supported a meaningful charge schedule on public lands.

A limited but important step in this direction was taken with the passage of the Land and Water Conservation Fund Act of 1964. Despite the totally misleading name, the Act is actually designed to establish a system of admission and user fees for recreationists on federal lands, with the receipts to be used to acquire additional recreational lands. When the receipts turned out to be disappointingly low as compared to the many statements of high public demand for outdoor recreation, the fund was supplemented by a portion of the receipts obtained from other resource uses, including the revenues from offshore oil—a small but perhaps significant step on the pathway to the Santa Barbara oil slick.

I believe that such recreational use charges should be increased to cover the costs of effective management of these recreational areas and of providing the services required by the users. This would serve both to provide financing now sadly lacking and to put the main weight of the costs on those who receive the main benefits.

A common argument against this is that it would discriminate against the low income groups of our society. I find this is a shabby argument indeed. Free use of wilderness, national parks, and national forests is a totally ineffective approach to income redistribution. It is wholly obvious that the compelling recreational need for the low income urban groups is for parks within and immediately adjacent to such areas. Anyone who is seriously concerned with the outdoor recreation needs of low income groups could only have opposed the Redwood National Park legislation, since it diverted Land and Water Conservation funds from their intended purpose of meeting these close-in recreational area needs.

Another argument often raised is typified by a recent letter in the Sunday Examiner, in which the writer violently protested the increased charges in our State Parks, contending that equal and better facilities were available at lower cost on private lands. The only possible response to such statements is to urge those who make them to concentrate their use on the private facilities, thus helping both private enterprise and the taxpayer.

There are some important ramifications to this argument that those who receive the benefits should pay the costs, with income redistribution to be achieved by other means. It must be recognized that the users of forest products and most other products of our industrialized economy also do not pay the full costs involved, nor do the producers of these goods. As a nation we have persisted in a frontier attitude toward the environment long after the frontier has passed. We continue to avoid direct payment for some of the real costs of production by dumping the refuse of the operations in the air, in the water, and on the landscape and by following practices which are destructive to the soil, to the landscape, and to our need for quiet. Neither producer nor consumer pays these costs, but instead all society bears them through environmental deterioration, adverse effects on health, and a steady upward pressure on direct production costs for all goods and services.

There are now encouraging signs that as a nation we are moving toward a readiness to pay these costs directly rather than through the degradation of the environment in which we live. Over the long term there is hope that more complete utilization can lead to lower unit costs, but the immediate short-term effect is almost sure to be a substantial increase in the costs of production. And it is equally likely that the major part of such increased costs must be passed forward to the consumer.

Here there can be a problem, for one company going it alone will bear increased costs relative to its competitors, yet cannot expect an equivalent price differential. Thus there appears to be a growing acceptance within industrial groups that there is a need for strong federal standards of pollution control if competitive relationships are not to be disrupted in the process of making the necessary response to a growing and legitimate public demand that the environment be protected.

The recreational users of land should be brought to the same standard. Although the situation is less publicized, here too we have been passing off an appreciable part of the true costs through environmental degradation. Vacation home owners at Lake Tahoe are being made to face some of the realities of these costs as they now must pay thousands of dollars per homesite for connecting into improved sewerage systems. It would be interesting to determine the cost per user which would be involved if equivalent standards of sewage disposal were imposed on our heavily used wilderness area.

In preparing these remarks I became aware that I was achieving neither a breadth nor a depth appropriate to the topic, but time is far more limited than either the concepts or examples I would like to review. We are dealing with highly complex and interrelated phenomena, the outcomes of which have widely varying impacts on various groups within our total society. Our pressure group system of politics seems to lead us to behave as polemicists, yet the very nature of conservation and the environment requires us to muster up all the honesty we can in scrutinizing all of the alternatives open to us and their probable consequences.

Every one thing *is* connected to every other thing, and we never come home free. Which benefit should be sought, and who will get it? Which cost must be borne, and who will bear it? Among all of the questions at which we must look in dealing with conservation issues, I submit that one of the most important is that in this title I have chosen for these remarks: Conservation—for whom?

U.S. LEGISLATURES—HOW THEY RATE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. PUCINSKI. Mr. Speaker, the Christian Science Monitor has performed a notable public service in reporting the results of a study recently conducted on the Nation's State legislatures, and I am pleased to place the article in the RECORD today.

State legislatures are the heartbeat of our Republic.

It is in the State legislature that we find the vigor and vitality of a free people.

I am particularly proud to report to my colleagues that the Illinois Legislature was ranked third in the Nation in overall standing by the study.

The Members of my own State legislature can take pride in the fact that they have provided a legislative structure which gives them the third highest rating in the Nation. Members of the Illinois State Legislature should find this report by the Citizens Conference on State Legislatures a source of great satisfaction.

I am particularly proud that Illinois ranks so high, because there is a tendency—too frequent—to malign and short-change State legislatures.

I am sure the Citizens Conference Report on State Legislatures will be carefully studied by political scientists and the legislators themselves to make continuing improvements in the operation of our State legislatures.

Overall, the report is reassuring because it does show that State legislative bodies do indeed reflect both the will and the needs of the people in their respective States.

I believe the Commission's recommendations are particularly significant and should prove helpful to the State legislators in bringing about even greater reforms.

I wish to take this opportunity to congratulate the Members of the Illinois Legislature for bringing to Illinois this high distinction of being rated third best in the Nation's 50 State legislatures.

This distinction honors us all as citizens of Illinois.

The Christian Science Monitor article follows:

U.S. LEGISLATURES—HOW THEY RATE

(By George B. Merry)

BOSTON.—Rank California's Legislature No. 1.

In terms of size, staffing, procedures, and decisionmaking capability, it is without a peer among state lawmaking branches across the nation.

This is the conclusion of a comprehensive 14-month study, the first of its kind, made public Feb. 3 in Washington. State by state and on the scene, it rates New York second, Illinois third, and Florida fourth among the 50 legislatures. Wyoming and Alabama are tabbed the poorest.

The study was conducted at a cost of some $200,000 by the Citizens Conference on State Legislatures. Lawmaking bodies were measured according to their procedures, rules, and operations to determine how capable they are to perform their deliberative functions.

"It was the study's intent to show the people in the states how effective their legislatures can be," explains Larry Margolis, executive director of the conference, which is supported by several national foundations.

INSUFFICIENT TOOLS

The legislatures, even those scoring highest, can be better, and the citizens can make them so, he asserts.

"Most of the shortcomings of a legislature are the result of the citizens not giving it the tools with which to work and the legislature's fear of trying to ask for anything because of low public opinion or public apathy," he says. "If the citizens of a state tolerate—

even compel—the legislature to be mediocre, they should not then blame the legislators."

Rankings were based on five principal qualities considered requisite for an effective legislature. These categories are: "functional, accountable, independent, informed, and representative."

The legislative evaluation study dealt entirely with procedures and operations and did not attempt to measure the product of the state legislatures on the worth of individual legislators. Thus, because a state scored high should not be construed to mean it passes the best laws, it is explained.

INADEQUATE STAFFING HURTS

Mr. Margolis points out that "procedures have a profound effect on the decisions a legislature makes.

"If a legislature is operating only minimally, without adequate staff resources, without adequate facilities, and without a great number of systems which allow it to respond to the modern needs of a state, then it would be difficult to expect that legislature to produce creative, or even adequate, legislation," he emphasizes.

The five criteria on which the legislatures are scored were derived from nine sets of factors regarding the quality of legislative operations. These included time, staffing, compensation, committee structure, physical facilities, leadership, rules and procedures, overall legislative structure, and ethics.

MEAGER COMMENTS

While suggesting specific improvements that might be made by each state to enhance its legislative potential, the report also spotlights things it considers right concerning each lawmaking branch.

In some of the lower ranking states, however, such positive comments were meager.

With few exceptions—notably Florida and New York—the highest scoring legislatures are generally in the Midwest and Far West.

And those rated poorest are largely in the Northeast and South.

Although coming out on top in comparison with other lawmaking bodies, the California Legislature is deemed far from perfect.

Its main weakness cited include too many committees and too many committee assignments for members, lack of published committee procedures, limited participation of the minority party in the decisionmaking process, and inadequate public access to various reports.

QUALITIES CITED

Overshadowing these in the evaluation study was the California Legislature's "outstanding" rating in other respects such as the amount and quality of staffing, adequate physical facilities for each lawmaker and his aides, ample hearing-room accommodations, and high quality prompt production of records and documents.

It was also commended for its level of compensation—$19,200 a year per member—and freedom from time limitations of legislative sessions.

The second-ranking New York Legislature was praised for its powerful resources and staffing, unlimited sessions, authority to determine for itself when to meet and for how long, uniform published rules and committee procedures, frequent recorded roll calls.

To improve its lawmaking capability, the Empire State is urged to reduce its 150-member assembly from the present 150 to 100; cut the number of committees, institute a system of deadlines, improve the work flow, especially near the end of the session, and increase compensation from the current $15,000 to the $20,000-to-$30,000 range.

RECOMMENDATIONS TALLIED

Specific recommendations for most states generally involve:

Smaller legislatures.

Professional staffing of committees as well as individual lawmakers.

Higher salaries.

Improved committee procedures including published roll calls.

Annual legislative sessions unlimited in length and scope.

Better physical accommodations for lawmakers and spectators.

Improved press facilities.

Better bill-drafting procedures including a printed summary at the beginning, setting forth intent.

Elimination of multiple-member legislative districts where present and provision of all single-member districts.

Improved legislative rules and operating procedures.

Tighter restrictions on possible conflicts of interest and lobbying activities.

In scoring top spot in the overall ranking the California Legislature was rated first in only one of the four categories—functional. But it placed second or third in the other four measurement scales.

Second-ranking New York, on the other hand, placed first in two categories—informed and representative—but was fourth on functional, eighth on independent, and 13th on accountable.

Illinois, although third overall, rated from second to 17th in various categories of comparison.

ACCOUNTABILITY CITED

Behind California as the best function is Hawaii. Deemed the most accountable is Nebraska, followed by Kentucky and California in that order.

Behind New York and California on the most-informed list are Wisconsin, Florida, and Iowa.

Florida, Illinois, California, and Wisconsin rated one to four in terms of most independent.

New York, California, and Michigan are ranked in the top three spots on the most-representative list.

In ranking lowest overall, Alabama is 50th in both accountability and independence, 49th in terms of most informed, and 48th most functional. Its highest rating was 41st in the representative category.

Wyoming, a state where there is no legislative staffing, was ranked lowest on the informed scale. Arizona was found to be least representative. And South Carolina is rated least functional.

FUNCTIONING MEASURED

Taken into consideration in determining how functional a legislature is were such factors as:

Time and its utilization, availability of staff assistance, physical facilities, size of the lawmaking body, organization and procedures, continuity and powers of the leadership, order and decorum in both houses.

Under the accountable category the important criteria used include: districting, adequacy of information and public access to it, and diffusion and restraints on the leadership.

Criteria used to measure how informed a legislature could be considered are: time spent both during session and presession; number of standing committees, methods of handling testimony, facilities; interim activities, including structure and staffing, reporting and recording; form and character of bills; professional staff resources; fiscal-review capabilities.

The level of a legislature's independence is measured by: independence from executive branch, legislative oversight and audit capabilities; legislative procedures; interest groups and lobbyists; and conflicts of interest.

OTHER FACTORS NOTED

Factors considered in representativeness were: identification of members and constituents, qualifications, compensation, and voting requirements, member effectiveness, size, and complexity of the legislative body.

States which have an unrestricted annual session such as Wisconsin, New York, and California are cited as having "a clear advantage over those whose sessions are straitjacketed into 60 or 90 days every two years," the report emphasizes.

"To be fully effective, the members of a legislature need the support of competent aides who can help them with the many duties of office, including those that are not strictly legislative," is another point accented. Hawaii, Florida, and California are cited as especially outstanding in terms of providing all lawmakers this support.

Separate office space for individual legislators is urged, with Texas, North Carolina, Hawaii, Florida, and California praised for accomplishments in this direction.

WHAT IS YOUR STATE'S RANK?

Major factors considered under the five categories:

Functional—time and its utilization, availability of staffing physical facilities such as office space, size of the legislature, number of committees, organization, and procedures.

Accountable—districting, method of leadership selection, adequacy of information necessary for lawmaking, public access to voting records and actual deliberations, character and quality of bill drafting, leadership constraints, and treatment of minority party.

Informed—amount of time devoted to legislative process, number of standing committees, handling of testimony, staffing between sessions, reports filing, form and character of bills, and professional staff resources.

Independent—independence of legislative from state's executive branch, frequency and duration of sessions, compensation of members, regulating of special-interest groups and lobbyists, control of conflicts of interest.

Representative—qualification, compensation, and voting requirements of legislators; size and complexity of each legislative body; diffusion and restraints on the leadership; relationship of members and constituents.

Overall rank and State	Functional	Accountable	Informed	Independent	Representative
1. California	1	3	2	3	2
2. New York	4	13	1	8	1
3. Illinois	17	4	6	2	13
4. Florida	5	8	4	1	30
5. Wisconsin	7	21	3	4	10
6. Iowa	6	6	5	11	25
7. Hawaii	2	11	20	7	16
8. Michigan	15	22	9	12	3
9. Nebraska	35	1	16	30	18
10. Minnesota	27	7	13	23	12
11. New Mexico	3	16	28	39	4
12. Alaska	8	29	12	6	40
13. Nevada	13	10	19	14	32
14. Oklahoma	9	27	24	22	8
15. Utah	38	5	8	29	24
16. Ohio	18	24	7	40	9
17. South Dakota	23	12	15	16	37
18. Idaho	20	9	29	27	21
19. Washington	12	17	25	19	39
20. Maryland	16	31	10	15	45
21. Pennsylvania	37	23	23	5	36
22. North Dakota	22	18	17	37	31
23. Kansas	31	15	14	32	34
24. Connecticut	39	26	26	25	6
25. West Virginia	10	32	37	24	15
26. Tennessee	30	44	11	9	26
27. Oregon	28	14	35	35	19
28. Colorado	21	25	21	28	27
29. Massachusetts	32	35	22	21	23
30. Maine	29	34	32	18	22
31. Kentucky	49	2	48	44	7
32. New Jersey	14	42	18	31	35
33. Louisiana	47	39	33	13	14
34. Virginia	25	19	27	26	48
35. Missouri	36	30	40	49	5
36. Rhode Island	33	46	30	41	11
37. Vermont	19	20	34	42	47
38. Texas	45	36	43	45	17
39. New Hampshire	34	33	42	36	43
40. Indiana	44	38	41	43	20
41. Montana	26	28	31	46	49
42. Mississippi	46	43	45	20	28
43. Arizona	11	47	38	17	50
44. South Carolina	50	45	39	10	46
45. Georgia	40	49	36	33	38
46. Arkansas	41	40	46	34	33
47. North Carolina	24	37	44	47	44
48. Delaware	43	48	47	38	29
49. Wyoming	42	41	50	58	42
50. Alabama	48	50	49	50	41

SUPPLEMENTAL FUNDING NEEDED TO HELP PROVIDE ADEQUATE MIDDLE- AND LOW-INCOME HOUSING

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. BIAGGI. Mr. Speaker, a shortage of adequate housing for middle- and low-income Americans continues to be a serious problem despite the promises of two administrations to solve the crisis.

In 1968 the Federal Government announced that 26 million new housing units would be needed by 1978. However, despite this knowledge and the glowing public statements about new programs, a massive housing gap has resulted in the last few years. However, two programs, the section 235 and 236 provisions of the National Housing Act, have been successful, but suffer from a lack of adequate funding.

Last December, this body authorized an increase in appropriations for these programs for the current fiscal year. I have joined with several of my colleagues in introducing a supplemental appropriations measure to provide $25 million for each program among other things. This will bring the funding up to the authorized level of $200 million.

Even at that level, Mr. Speaker, the funding is inadequate. An example of the impact of this legislation if properly funded, is the effect of reduced debt servicing costs on the rent payment. Rent on a two-bedroom apartment can be lowered by about $16 a month for every 1 percent of interest reduction. For some developments in my district this would mean up to $80 a month lower in payments—a tremendous savings to the middle-income city dweller.

To bring about such dramatic reductions, however, substantial appropriations would have to be made. This year when the housing bill again comes up for consideration, I intend to propose that funding for these programs be increased to at least $1 billion annually for fiscal 1972 and substantial increases beyond that for fiscal years 1973 and 1974. At these levels we may begin to make progress in eliminating the housing gap.

Among the most attractive features of this legislation is that unlike public housing aid, it stimulates the private sector to enter the housing market to a degree far in excess of the actual dollar figures appropriated.

Most public housing projects require substantial investments by Government agencies and involve all the inherent risks of management of properties. By providing the margin necessary to keep final rents low through mortgage interest payment subsidies, section 235 and 236 programs allow the limited-profit and nonprofit builder to enter the lucrative middle- and lower-income housing market. The results are adequate housing within the reach of almost all Americans.

I sincerely hope that my colleagues on the Banking and Currency Committee will hold early hearings on the new legislation and report out a bill that greatly expands the programs. Of particular need, are expansion of the section 236 programs that aid limited profit, cooperative development.

Unless we can provide for one of the basic elements of man's existence—shelter—all other efforts are wasted. What good is a space program or an SST or a strong Defense Establishment if man does not have a home to live in, to fly from or to defend?

FLORIDA LEGISLATURE CITED AS OUTSTANDING

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. FASCELL. Mr. Speaker, in a report just issued by the Citizens Conference on State Legislatures, the Legislature of the State of Florida ranked fourth nationally in terms of size, staffing, procedures, and decisionmaking capability.

This is a great honor for the Sunshine State and a genuine tribute to the members of the Florida Senate and House of Representatives.

States were judged by the citizens conference as part of a $200,000 study supported by several national foundations. Criteria used in the ranking included functionality, accountability, independence, and information. In all these categories, Florida's Legislature was cited as particularly outstanding.

Among all States, Florida ranked first in the category of independence on the basis of the independence of the legislature from the State's executive branch, frequency and duration of sessions, compensation of members, regulation of special interest groups, and control of conflicts of interest.

In addition, Florida was singled out for special praise for the support services and personnel which are provided for its legislators.

Mr. Speaker, as a former member of the Florida House of Representatives, I am very proud of my State and its legislature for achieving this level of excellence. The problems which confront State governments today require the attention which only effective State legislatures can provide.

I commend the attention of our colleagues to the text of an article from the Christian Science Monitor concerning the report:

U.S. LEGISLATURES—HOW THEY RATE

(By George B. Merry)

BOSTON.—Rank California's Legislature No. 1.

In terms of size, staffing, procedures, and decisionmaking capability, it is without a peer among state lawmaking branches across the nation.

This is the conclusion of a comprehensive 14-month study, the first of its kind, made public Feb. 3 in Washington. State by state and on the scene, it rates New York second, Illinois third, and Florida fourth among the 50 legislatures. Wyoming and Alabama are tabbed the poorest.

The study was conducted at a cost of some $200,000 by the Citizens Conference on State Legislatures. Lawmaking bodies were measured according to their procedures, rules, and operations to determine how capable they are to perform their deliberative functions.

"It was the study's intent to show the people in the states how effective their legislatures can be," explains Larry Margolis, executive director of the conference, which is supported by several national foundations.

INSUFFICIENT TOOLS

The legislatures, even those scoring highest, can be better, and the citizens can make them so, he asserts.

"Most of the shortcomings of a legislature are the results of the citizens not giving it the tools with which to work and the legislature's fear of trying to ask for anything because of low public opinion or public apathy," he says. "If the citizens of a state tolerate—even compel—the legislature to be mediocre, they should not then blame the legislators."

Rankings were based on five principal qualities considered requisite for an effective legislature. These categories are: "functional, accountable, independent, informed, and representative."

The legislative evaluation study dealt entirely with procedures and operations and did not attempt to measure the product of the state legislatures on the worth of individual legislators. Thus, because a state scored high should not be construed to mean it passes the best laws, it is explained.

INADEQUATE STAFFING HURTS

Mr. Margolis points out that "procedures have a profound effect on the decisions a legislature makes.

"If a legislature is operating only minimally, without adequate staff resources, without adequate facilities, and without a great number of systems which allow it to respond to the modern needs of a state, then it would be difficult to expect that legislature to produce creative, or even adequate, legislation," he emphasizes.

The five criteria on which the legislatures are scored were derived from nine sets of factors regarding the quality of legislative operations. These included time, staffing, compensation, committee structure, physical facilities, leadership, rules and procedures, overall legislative structure, and ethics.

MEAGER COMMENTS

While suggesting specific improvements that might be made by each state to enhance its legislative potential, the report also spotlights things it considers right concerning each lawmaking branch.

In some of the lower ranking states, however, such positive comments were meager.

With few exceptions—notably Florida and New York—the highest scoring legislatures are generally in the Midwest and Far West.

And those rated poorest are largely in the Northeast and South.

Although coming out on top in comparison with other lawmaking bodies, the California Legislature is deemed far from perfect.

Its main weakness cited include too many committees and too many committee assignments for members, lack of published committee procedures, limited participation of the minority party in the decisionmaking process, and inadequate public access to various reports.

QUALITIES CITED

Overshadowing these in the evaluation study was the California Legislature's "outstanding" rating in other respects such as the amount and quality of staffing, adequate physical facilities for each lawmaker and his aides, ample hearing-room accommodations, and high quality prompt production of records and documents.

It was also commended for its level of

compensation—$19,200 a year per member—and freedom from time limitations of legislative sessions.

The second-ranking New York Legislature was praised for its powerful resources and staffing, unlimited sessions, authority to determine for itself when to meet and for how long, uniform published rules and committee procedures, frequent recorded roll calls.

To improve its lawmaking capability, the Empire State is urged to reduce its 150-member assembly from the present 150 to 100; cut the number of committees, institute a system of deadlines, improve the work flow, especially near the end of the session, and increase compensation from the current $15,000 to the $20,000-to-$30,000 range.

RECOMMENDATIONS TALLIED

Specific recommendations for most states generally involve:

Smaller legislatures.

Professional staffing of committees as well as individual lawmakers.

Higher salaries.

Improved committee procedures including published roll calls.

Annual legislative sessions unlimited in length and scope.

Better physical accommodations for lawmakers and spectators.

Improved press facilities.

Better bill-drafting procedures including printed summary at the beginning, setting forth intent.

Elimination of multiple-member legislative districts where present and provision of all single-member districts.

Improved legislative rules and operating procedures.

Tighter restrictions on possible conflicts of interest and lobbying activities.

In scoring top spot in the overall ranking the California Legislature was rated first in only one of the four categories—functional. But it placed second or third in the other four measurement scales.

Second-ranking New York, on the other hand, placed first in two categories—informed and representative—but was fourth on functional, eighth on independent, and 13th on accountable.

Illinois, although third overall, rated from second to 17th in various categories of comparison.

ACCOUNTABILITY CITED

Behind California as the best function is Hawaii. Deemed the most accountable is Nebraska, followed by Kentucky and California in that order.

Behind New York and California on the most-informed list are Wisconsin, Florida, and Iowa.

Florida, Illinois, California, and Wisconsin rated one to four in terms of most independent.

New York, California, and Michigan are ranked in the top three spots on the most-representative list.

In ranking lowest overall, Alabama is 50th in both accountability and independence, 49th in terms of most informed, and 48th most functional. Its highest rating was 41st in the representative category.

Wyoming, a state where there is no legislative staffing, was ranked lowest on the informed scale. Arizona was found to be least representative. And South Carolina is rated least functional.

FUNCTIONING MEASURED

Taken into consideration in determining how functional a legislature is were such factors as:

Time and its utilization, availability of staff assistance, physical facilities, size of the lawmaking body, organization and procedures, continuity and powers of the leadership, order and decorum in both houses.

Under the accountable category the important criteria used include: districting, adequacy of information and public access to it, and diffusion and restraints on the leadership.

Criteria used to measure how informed a legislature could be considered are: time spent both during session and presession; number of standing committees, methods of handling testimony, facilities; interim activities, including structure and staffing, reporting and recording; form and character of bills; professional staff resources; fiscal-review capabilities.

The level of a legislature's independence is measured by: independence from executive branch, legislative oversight and audit capabilities; legislative procedures; interest groups and lobbyists; and conflicts of interest.

OTHER FACTORS NOTED

Factors considered in representativeness were: identification of members and constituents, qualifications, compensation, and voting requirements, member effectiveness, size, and complexity of the legislative body.

States which have an unrestricted annual session such as Wisconsin, New York, and California are cited as having "a clear advantage over those whose sessions are strait-jacketed into 60 or 90 days every two years," the report emphasizes.

"To be fully effective, the members of a legislature need the support of competent aides who can help them with the many duties of office, including those that are not strictly legislative," is another point accented. Hawaii, Florida, and California are cited as especially outstanding in terms of providing all lawmakers this support.

Separate office space for individual legislators is urged, with Texas, North Carolina, Hawaii, Florida, and California praised for accomplishments in this direction.

ARMED FORCES JOURNAL TRIBUTE TO L. MENDEL RIVERS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. HÉBERT. Mr. Speaker, the issue of the Armed Forces Journal for January 18, 1971, contains a very special and unique tribute to the late chairman of the Armed Services Committee, the Honorable L. Mendel Rivers.

The journal presents a picture of Chairman Rivers by selected quotations by many Members of Congress who knew him and worked with him—occasionally worked against him. The sum total is to give a very singular picture of a very singular man.

The article follows:

Let Me Tell You About Mendel

"On December 7, the anniversary of Pearl Harbor, Mendel Rivers handled what was to be his last piece of legislation, the resolution in support [of] efforts to rescue American Prisoners of War in North Vietnam. . . . [He] said, among other things:

"'I want the world to know I would tell that crowd in Hanoi, you will either treat them with dignity or some of you will not be here tomorrow . . . So far as I am concerned, . . . if I were the President of the United States, I would deliver an ultimatum to this crowd and let them guess where the next blow is coming from.'

"That was the kind of man he was. He believed in determining what was the right thing, and then standing up firmly for it." Representative John L. McMillan (D–SC), Chairman, District Committee, Vice-Chairman, Agriculture Committee.

"He was a finished student of the subject matter with which his committee dealt. Few Members have ever known their area of operations in the House as he knew his. . . . [He] was peerless in debate, eloquent, fluent, witty, intelligent, and always in command. . . ." Representative Carl B. Albert (D-Okla), Majority Leader, 91st Congress.

"He believed in his country, its heritage, and its destiny. Every minute of his life was dedicated to the preservation of those concepts.

"I have never known a more energetic person. Every minute of his life was put to useful purposes So far as I know he eschewed many of the pastimes, the card games, the fishing, and other time-consuming activities, in order to devote those moments to his goals—always overshadowed by his love of country and the maintenance of its security. . . . [His] foresight was uncanny." Representative O. Clark Fisher (D-Tex), Armed Services Committee.

"The American G.I. has lost his all-time favorite and generous champion; his enemies a determined and honorable opponent; his friends, a loyal and powerful ally; his family, a loving, kind, dedicated husband and father," Representative Richard Ichord (D-Mo) Chairman, Internal Security Committee.

"Holding a position of tremendous power in this House, he never abused that power. Yet, he was tough . . . But he was always fair." Representative Thomas G. Abernethy (D-Miss) Agriculture, District Committees.

"One does not have to be a so-called hawk to mourn the death of Mendel Rivers. . . . I knew [him] as courageous, good humored, fair, and characterized by a total lack of vindictiveness." Representative Clarence D. Long (D-Md) Armed Services Committee.

". . . Mendel came here 30 years ago . . . and we stood in this House and took the oath of office. The ranks have thinned since then, and today . . . we find only nine names of that roster of 435 who were on the list at the time we took the oath. . . .

"He never complained. . . . On that day [7 December] when he was here exposing himself to this turmoil and to those turbulent arguments, he should have been in the hospital in Birmingham being operated on, and yet he was six months late getting there. If Mendel Rivers had listened to the advice of his doctors he would have been in the hospital six months ago, and his chances of recovery would have been 80 percent. But yet he saw in his work here the call to a duty that he could not reject. Yes, he did stay on the firing line. . . .

"I must tell you and share this with you: that I think I am the only Member who saw him in the hospital. . . . [The] Mendel Rivers I talked to in that hospital bed was the same Mendel Rivers that you know . . . passionately dedicated to that in which he believed, and barking instructions to me on what to do from that hospital bed." Representative F. Edward Hébert (D-La.) Armed Services Committee.

". . . [One] of the outstanding attributes . . . was his deep concern for the men in uniform. Their well-being was first and foremost in his mind. He wanted them to be well paid. . . . He wanted them to have the best of health care. . . . He wanted them to have the finest equipment possible. . . . He loved his nation dearly and feared for her well-being." Representative Durward G. Hall (R-Mo.) Armed Services Committee.

"He fought for all the military, from private to general. . . ." Representative Ed Foreman (R-NM) Armed Services Committee.

"From buck private to five-star general, from the Air Force to the Coast Guard, the Chairman saw to it that the American military man never had to take a back seat to any other individual in our society or any other. . . .

"I also know that Chairman Rivers was a devoted father and a conscientious family man who cared very deeply about his wife and children. Being the father of four myself, we discussed from time to time some of the different situations that arise in a busy and active family. I learned firsthand of the love and respect which he always gave to those closest to him." Representative Charles H. Wilson (D-Calif), Armed Services Committee, Chairman, Post Office and Civil Service, Subcommittee on Postal Facilities and Modernization.

". . . [Can] greater honor be paid to anyone than to have been regarded by so many as 'protector' and 'compatriot'?" Representative Frank A. Stubblefield (D-Ky), Merchant Marine and Fisheries Committee.

"He knew what he was talking about. For about two decades, for 20 years, I sat with him there on that committee, and in this period of time I do not remember ever hearing a military man who came before that committee—for instance, in the field of airpower, types of airplanes or things of that kind—who knew anywhere near as much as the chairman. . . .

"Mendel did not get this information by just listening to other people who knew less than he. He got it by studying, by working, by burning the midnight oil. . . .

"I do not believe I ever saw Mendel, when he was in a relaxed mood, when he did not ask me about my children. I was a bachelor for a long time, and have a young family for my years, and he particularly encouraged me to take time off and to share interests with my children, and he said that I should do these things, because 'They will go before you know it.'" Representative Charles Bennett (D-Fla) Chairman, Armed Services Seapower and Real Estate Subcommittees.

"The American serviceman has lost his most persuasive and effective proponent. From the enlisted men to the highest ranking officers, servicemen knew that they had no better friend. . . . The forceful Congressman withstood constant attacks of the most vitriolic kind on his personal and professional competence. Yet, he was unscarred by these attackers, for he was bigger than such petty prejudices." Representative W. C. Daniel (D-Va) Armed Services Committee.

"Although he never wore the uniform of his country, he was second to none in his love for it. . . . The American in uniform never had a better friend. . . ." Representative William G. Bray (R-Ind) Armed Services, Merchant Marine and Fisheries Committees.

"Remember the words of Ovid: 'It is not wealth, nor ancestry, but honorable conduct and a noble disposition that make men great.' By this measure, L. Mendel Rivers was a great American." Representative Robert N. Giaimo (D-Conn), Appropriations Committee.

"I knew him well, better than most. He and I came to Congress together in 1941, a long time ago. . . . We have lost a champion among Congressmen. America has lost a great son." Representative Robert L. F. Sikes (D-Fla), Appropriations Committee.

"Eloquent in oratory, vigorous convictions powerfully expressed, and deep, passionate loyalty. A man with cherished roots, loving his home, his State and its people, he was able to extend that concern to the whole Nation. We shall not soon see another of his stature." Representative Edward P. Boland (D-Mass), Appropriations Committee.

"He was a man of deep, spiritual faith and when I traveled with him on various occasions, I noted that on Sundays he always attended church without fail, even in instances when he might have to go far out of his way to do so. . . .

"At times he was maligned and many lies were circulated about him that were without foundation. In public life, he was often the victim of gross misrepresentation, but it never shook his faith in his public calling, and it never caused him to lose faith in the people whom he loved with all his heart. He was a great and good man." Representative Philip J. Philbin (D-Mass), Second ranking majority member, House Armed Services Committee, 91st Congress—thus, the man who likely would have succeeded L. Mendel Rivers as Chairman. Defeated for re-election to 92d Congress.

"Mendel Rivers was no stranger to poverty or to hard work. . . . The elder Rivers died when Mendel was quite young, forcing him to take on more of the farm chores. Later, while a high school student, he would arise at 4 a.m., milk cows, deliver newspapers, and then catch the trolley into Charleston. . . . (His) voting record in the House of Representatives was among the most progressive of all his colleagues from the Deep South. He supported much legislation to help the underprivileged, to help them up the ladder of life. . . . (He) believed that weakness invites disaster and invites war, and that strength promotes peace. . . .

"I would like to tell you something else about Mendel Rivers, about the personal problems which he courageously overcame. For many years he vanquished the heart trouble that only some . . . knew about. We are aware of another personal problem over which he had been totally and courageously victorious. He was successful over this personal problem through the same tenacity and perseverance with which he led his great committee. His victorious battle over this problem is an inspiration to all of us." Representative William J. B. Dorn (D-SC) Veterans' Affairs Committee.

"Although others have suggested a hardness and insensitivity about him, those who knew him knew also of his warmth and his interest in human beings in all segments of society." Representative John S. Monagan (D-Conn.) Government Operations Committee.

"I always regarded Mendel Rivers as a sincere patriot who was interested primarily in the security of his country. He worked hard at his job, he knew what was going on and felt that he had an obligation to take the initiative. . . ." Representative Thomas E. Morgan (D-Pa.) Chairman, Foreign Affairs Committee and Special Subcommittee for Review of Foreign Aid Programs.

"Mendel Rivers was a man of his word. . . . He was a hard worker. My office happens to be just one or two doors from the office which he occupied.

"Frankly, I can state that I never arrived earlier at my office than did Mendel Rivers. . . . Just before he left I had a long talk with him about some of our problems and at no time had I ever heard him complain in any way. But on that day he said to me that he had been having a little trouble with his heart . . . little did I realize how serious it was." Representative Hale Boggs (D-La) Vice Chairman, National Democratic Committee, Democratic Whip, 91st Congress, Joint Committee on Reduction of Federal Expenditures, Joint Economic Committee.

"I read in the newspapers that Mendel Rivers was considered autocratic. . . . On the contrary, he was never autocratic. . . . I remember an incident some years ago . . . when we were getting ready to leave for one of the meetings [of the Military Committee of the North Atlantic Assembly]. . . . When I came on board the big jet, the military aide introduced me to the crew and said, 'This is the chairman.' And the colonel who was the pilot of the plane said, 'The chairman is already on board.' Well, obviously to any military man the chairman was Mendel Rivers and I did not abuse the colonel. Mendel Rivers straightened him out. He said. 'I am the chairman most of the time, but on this trip and on this mission, Mr. Hays is the chairman and I am just one of the soldiers in the ranks.'

"We did not have to agree with him to say that this is a great American. . . ." Representative Wayne L. Hays (D-Ohio) Foreign Affairs Committee Chairman, U.S. Delegation to the NATO Atlantic Assembly.

"He had a magnificent sense of humor, and while he could use it devastatingly in debate, and frequently used it against me, he could also laugh at himself. . . .

"He loved nature, flowers in particular. . . .

"His judgments were not always my judgments, and his priorities were not always mine. I frequently questioned his judgments and his priorities. But I have never ever questioned his motives." Representative Otis G. Pike (D-N.Y.), Chairman, Armed Services Special Subcommittee on Survivor Benefits.

"Here was a man with whom one could have honest differences, as he and I certainly did; and yet maintain mutual respect. . . ." Representative Lester L. Wolff (D-N.Y.), Foreign Affairs Committee.

"Mendel Rivers was the best whether he was with you or against you. . . . He never ducked an issue.

"It was a shock to me . . . several weeks ago when I learned that he had a medical problem that eventually led to his passing. But I think the fact that he never told many that he had this illness was typical of Mendel Rivers." Representative Gerald R. Ford (R-Mich) Minority Leader, 91st Congress.

"He was not arbitrary. He never made a decision without consulting the minority.

"He is said to have been controversial, but not insofar as I am concerned. He was controversial because he stood firm on what he believed. He stood firm on making certain that our country had a national defense second to none." Representative Leslie C. Arends (R-Ill) Republican Whip Armed Services Committee.

"He was always tolerant in his dealings with his fellow committee chairman. . . ." Representative George D. Mahon (D-Tex) Chairman, Appropriations Committee.

"There are many who did not agree with Mendel Rivers, but no one ever accused him of avarice. No one ever had any doubt about where he stood. He believed passionately in the things he defended, and his faith was not doubted by any man, even his most ardent enemies." Representative Henry B. Gonzalez (D-Tex) Banking and Currency Committee.

"He had his strong opinions, but he never shunned inquiry into controversy." Representative Morris K. Udall (D-Ariz.) Post Office and Civil Service Committee.

"While we did not necessarily agree upon all matters, I found the chairman considerate, gracious, and always a true gentleman in every sense." Representative Peter N. Kyros (D-Me.) Interstate and Foreign Commerce Committee.

"He told me on our first day that the Armed Services Committee had no place for politics. He was as true as his word, never manifesting the slightest degree of partisanship. . . . His single concern was our national security. Individual members might have taken issue with him on specific points, but at no time did this influence his personal relationship with them. This is a mark of manliness, and I have never seen it displayed by anyone else in such a grand manner." Representative G. William Whitehurst (R-Va.) Armed Services Committee.

". . . [There] probably has never been a man in the Congress who was more severely attacked by outsiders, most of whom did not really understand him. . . .

"For one thing, you never had any doubt where he stood. There was never any equivocation, never any trying to straddle or duck an issue. . . . And although there were Members with whom he differed—and upon occasion I was included in that number—he still made it possible for committee members with whom he did not agree to assume responsibility in the committee, nevertheless, and he made a special point of recognizing the contributions . . . they made." Representative Samuel S. Stratton (D-NY) Chairman, Armed Services Antisubmarine Warfare Committee.

"While he admitted that he could not always understand their actions he placed the greatest charity upon his enemies. Only a few weeks before his death I heard him comment that he just could not understand why so many reporters seemed to delight in condemning him, even though he was giving his all to his country." Representative Earl F. Landgrebe (R-Ind).

"While our political philosophy on domestic matters was in conflict, he respected my views and I respected his. . . . Many [Members] . . . have frequently expressed to me their personal fondness for Mendel Rivers—despite conflicting views." Representative Melvin Price (D-Ill) Chairman, Armed Services Special Subcommittee on Airlift, Joint Committee on Atomic Energy.

"He was a man who did not care a little—he cared a lot. . . . I participated as strongly as any of his House colleagues in challenging some of his conclusions. . . . In spite of those differences, I cannot recall any favor or request of mine that he ever denied unless it was for more time in cross examination." Representative Robert T. Leggett (D-Calif) Armed Services, Merchant Marine and Fisheries Committees.

"He was kind to junior Members, gracious to his adversaries and extraordinarily vigilant for his country. . . . [He] recognized that this Nation cannot make social progress if we do not first retain the basic freedom to pursue it." Representative Louis C. Wyman (R-NH) Appropriations Committee.

This year was to mark his 30th anniversary in Congress. And this issue of the Journal was to be his issue.

It's not easy to describe a man who fought so hard over so many years for millions of constituents in uniform—most of whom couldn't vote for him however much they might have wanted to. It's even more difficult to write about him when, suddenly, he has died—because you remember him so full of life.

People in his district will tell you that Mendel Rivers never changed. There was nothing of the stuffed shirt about him. Contrary to some impressions, he was a humble man. But it's hard to describe him as humble, because he was such a colorful figure, and such a very big man in so many ways. He was a *particularly* big man in all that he did for Servicemen and their families—the many fights he won on their behalf which gained him little or no benefit.

When we talked with Mendel Rivers on December 3, in what turned out to be his last press interview, he named two officers whom he held in "highest regard": VAdm H. G. Rickover and former Marine Corps Commandant General Wallace M. Greene, Jr.

HOW DO YOU JUDGE AN EAGLE?

Just two days earlier, Rickover had introduced the Chairman and his wife at ceremonies in Newport News for the keel-laying of the nuclear-powered guided missile frigate *South Carolina*. Rivers was especially pleased when Rickover introduced Mrs. Rivers in these words: "Only those women who have the misfortune to be married to politicians can have any conception of the patience, understanding, and fortitude she possesses." And the Chairman kidded us for interviewing the wrong person—he said we should have asked to visit with his wife instead.

His Chief Counsel John R. (Russ) Blandford, will tell you, "It's not easy to describe Mendel Rivers." Admiral Rickover put it another way at the *South Carolina* keel-laying: "There is no use trying to explain him by reducing a versatile man to one or two main talents. He cannot be judged in the way some people judge an eagle by noting how he walks on the ground."

Rickover tried to describe the real Mendel Rivers: "He has had to fight every mile of his road through life; nothing comes easily to him, not even oratory in which he excels. . . . He does not believe that being serious means going about with a long face. He has always held calmness to be a form of virtue; it is in many cases an extremely difficult form of courage.

"He is one of the most unintimidable men in the United States. He knows that a good leader is doing his job when half the people are following him and half are chasing him.

"He understands the chasm between men with knowledge who lack power and men with power who lack knowledge."

IMPORTANT OMISSIONS

Rivers was an enigma to the press, and often maligned by it. Drew Pearson was one who wrote particularly bitter columns which conveyed, in the early and mid-sixties, a distorted picture of Rivers as an alcoholic. What Pearson never pointed out was that the problem—which Pearson grossly overstated—existed in the early and mid-*fifties*, and Mendel Rivers *knew* he had a problem and fought it and conquered it, that the problem *never* interfered with Mr. Rivers' work on the Armed Services Committee, and that it *never* involved, as Pearson alleged, "security risks." (One senior officer who knew Mendel Rivers especially well called Pearson to tell him, "You're wrong about this man," but Pearson kept on writing.) And as one of his close associates told us, "Mendel fought the problem harder than any man I ever knew. And he licked it, on his own."

One of the most perceptive articles ever written about Mendel Rivers appeared in, of all places, *Women's Wear Daily* (3 June 1969). It said, "Even though Rivers is portrayed too often as a captive of the Pentagon, the truth is that he is his own boss. So much so he gives military men fits when he decides they are playing cute with the taxpayers' money." From our own experience, we know this was an accurate description. On a number of occasions when The Journal printed articles with which Rivers disagreed, he told us (in polite, but convincingly strong and often colorful language) what he disagreed with—and why—but only after he had first taken time to check out all the facts thoroughly. And, as he told us candidly in that last interview, "I've had a lot of *unpleasant* experiences with the military. I've opposed them on many issues, and I've had so much grief over officers coming before my committee with a bunch of bum dope that I've had to develop a basic skepticism about the testimony we get."

The press often portrayed him as a chairman who used his power blatantly for his own political benefit.

But the press forgot that Mendel Rivers got very few votes from his district in South Carolina over his fights for military Medicare and Denticare and for a better survivor benefits program. As one of his closest associates told us, "The military personnel budget doesn't get much copy in the daily press—and that's where Mendel fought hardest for the Serviceman."

Columnists often commented on the number of military installations in Charleston, Rivers' home district, but they failed to note that, while Rivers *was* effective (as every Congressman should be in working for his constituents), the military itself has wanted to move more facilities south, for many reasons. Labor is cheaper, land is cheaper, and the weather is temperate enough to permit year-'round training. For the Navy especially, moving some of its forces and facilities to Charleston has paid substantial benefits: Ships stationed in Charleston (or in Mayport, Fla., for that matter) get to training areas in the Caribbean a full day quicker than do ships berthed in Norfolk or further north in Newport or Boston. They also have fewer training exercises cancelled because of poor weather; and the ships suffer less wear and tear from winter weather.

Russ Blandford will tell you that Mendel Rivers was genuinely amused by all the credit he was given for building up the First Congressional District of South Carolina. (The press always cited, for instance, the Marine Corps recruit training depot at Parris Island. It failed to mention that the post was established in 1891, 14 years before Mendel Rivers was *born*. And the press talked about the Charleston Navy Yard, established *four* years before he was born.)

As Blandford puts it, "The people who were doing their best to defeat him, by giving him credit for all these installations, were probably his greatest boosters—without even knowing it."

Russ Blandford (who is probably as close to F. Edward Hébert as he was to L. Mendel Rivers) describes his former boss this way: "He was the most versatile man, and he had the best sense of timing. And I'm convinced he had extrasensory perception, as well.

"He had the gruffest outside, and the softest heart, of any man I've ever known. He could put a chill into any witness just by looking at him—but he was an extremely kind man. I know many people he helped over rough roads. He was generous, much more so than ever showed.

"His greatest competence was his unfailing memory. If you told him something once, he never forgot it. This can be pretty frightening to a chief counsel or to a member of the staff, because you had to be right the first time. But he was forgiving when you erred, and he didn't make a big deal about it.

"He was non-political and non-partisan—he ran this Committee as non-partisanly as it is humanly possible to do. He never asked a prospective member of the staff about his political affiliation.

"I remember when we looked for the first time at the new Committee hearing room—now called the Carl Vinson Room—here in the Rayburn building. He asked me, 'What are the two waiting rooms to either side all about?' And I told him, 'One is for the majority, one is for the minority.' And he looked at me with fire in his eyes and said, 'We have no majority or minority. All members of this committee are Americans, interested in national security.' There wasn't any audience around; it wasn't a publicity stunt; he was just talking to me. That's why we don't have Democrats and Republicans going out to caucus over coffee—he sealed off one of those rooms and now they go out together."

Blandford, who knew him well, admits that criticism from the press hurt Rivers very deeply. "They twisted his words, they hurt him badly," he says. But he adds, "He lived and breathed the American Serviceman; more than that, he lived this nation. 'The Star Spangled Banner' and 'America the Beautiful' still brought tears to his eyes."

And Blandford described Mendel Rivers' dilemma with the press, as he reminded us of something Mendel said in that 3 December interview: "You can disagree with a man without being disagreeable."

Some of those who started out to be his greatest detractors ended up paying Mendel Rivers his greatest tributes. An October 1970 *Esquire* profile started off with: "No doubt you have seen him in front of the tall doors of the House Armed Services Committee. He is swollen with secrets; all his shadows are washed out by the television lights. He defends the innocence of the troopers of My Lai, suggests the atomization of the North Vietnamese, points out that General Lewis B. Hershey is a loving sort of man."

The article ended with this paragraph: "And he knows that he is not the last who will have this vision. 'Some old boy' Rivers told me, 'wrote that I said I have a *sense of greatness*. God damn it, that's just what I don't have! I'm just an ordinary Committee Chairman. I'm just an American. And when I'm gone, there'll be another one coming after me.'"

It's hard to tell what Mendel Rivers really was like, or all about. So we've decided, on these pages, to picture him in the words of those who knew him best—his colleagues in the House. As one of them said to us, "Let me tell you about Mendel. . . ."

And *one* way to tell what Mendel Rivers *really* was like is to ask you to read another of his favorite poems—written by an Air Force officer in combat about one month before he gave his life for the nation that Mendel Rivers believed in.

REPRESENTATIVE MOORHEAD CALLS FOR BLOCK GRANTS TIED TO PERFORMANCE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. MOORHEAD. Mr. Speaker, Mr. Joseph Alsop, writing in Wednesday's Washington Post, makes a very strong point on the issue of revenue sharing. And his point is that there are ways to relieve the financial burden of the States and localities other than merely giving them, unencumbered, millions of dollars to spend as they see fit.

As the learned and very able chairman of the House Ways and Means Committee said last week, in his very succinct floor statement which analyzed the real issues involved in revenue sharing, the Congress could easily convert the many categorical grants now offered into several block programs. This would serve to get the money to the States and the localities and relieve them of the present tight Federal spending guidelines.

But let me add a new wrinkle to the plan.

I support the block grant concept but I feel that money should only be released from the Federal Government to the States and cities on the basis of performance.

The plan would work something like this. A locality would submit to Congress a comprehensive plan which might include goals for education, housing, urban beautification, mass transportation and water and sewer lines.

The Congress, on the basis of the plan submitted, would provide initial funds for the project but would release additional funds only on the basis of adequate performance.

We would say to a big city mayor that, we will buy your plan for improvement and provide funds. We will not restrict your use of these funds, but we will not buy a pig in a poke. We want to see some regular measure of performance, or else no more money.

Thus we would shift to the block grant concept, with its inherent savings for the localities, but we could rescind these grants if local officials proved incapable of producing results with their new resources.

I think only on this basis can the Federal Government fulfill its obligation to the taxpayers to see that their money is being spent in the most efficient and productive way possible.

I would like to introduce Mr. Alsop's excellent column into the RECORD for the information of my colleagues:

MILLS IS MISUNDERSTOOD

(By Joseph Alsop)

It is always dangerous to misunderstand Rep. Wilbur Mills on a really major issue, since the immensely able and powerful chairman of the House Ways and Means Committee has a knack of getting his own way. And it is very clear indeed that Mills' approach to the President's revenue-sharing plan is now being widely misunderstood.

Everyone says that Mills is "against revenue-sharing" and means to kill the plan in his committee, which must incidentally handle about three quarters of the President's strongly innovating proposals. Indeed he is "against revenue-sharing" if this is strictly defined as handing over chunks of federal revenue to the states and local governments with no strings of any kind attached.

But Mills is by no means against converting the huge "categorical grants" to the state and local governments, which are now strictly administered by huge numbers of federal bureaucrats, into "block grants" which would need very few federal bureaucrats to ride herd on them. We shall therefore be hearing a lot about "block grants" in the coming months, and it is well to understand what this conversion my mean.

It will mean, first, that the money will be handed out for specified purposes, such as aid to primary and secondary education. It will mean, second, that there will be a few essential strings attached to the money, such as an obviously necessary provision that illegally segregated schools will get no aid.

But it will mean, third, that after compliance with such minimal provisions, the state and local governments will be free to spend their block grants in the best way they can think up, for the purposes the grants are provided. It can be seen, then, why the block grants system would abolish the functions of vast sectors of the federal bureaucracy if the job is rightly done.

"I have no trouble, none at all, with block grants." Chairman Mills has recently said. "I wouldn't mind making the whole $16 billion the President has labeled for 'revenue-sharing' into block grants."

The President's budgeted $16 billion is in fact composed of $10 billion worth of converted "categorical grants" plus another $1 billion for the same purposes as the converted "categorical grants" plus $5 billion to sweeten the pot. As of now, the $5 billion is labeled for "free" revenue-sharing to the states, without any strings at all.

It is the "free" $5 billion that Mills balks at. But he is against the way the money is being offered, instead of the act of offering it. His present thinking, in fact, is that it will probably be best to re-label the $5 billion as money to aid the states and local governments in carrying the ever-increasing burden of welfare costs.

Over-all, always assuming the job is rightly done, the new approach that Mills advocates ought to constitute an immense improvement. To see why, consider our hideous national problem of the schools that fail to educate both black people and very poor people.

The Federal government's dire and enormous educational bureaucracy is effectively dedicated to the proposition that this great national problem cannot be solved. They say that you must first change white people, or black people, or both—which is impossible. And they also say that you cannot improve the schools sufficiently so that the problem is solved inside the schools.

But suppose the federal educational bureaucracy loses its deadweight of authority. Suppose that the money is passed out to the school districts, to do the best they can with. Suppose, further, that more money is provided for school-aid (as is certainly required) than the Nixon Budget now offers. And suppose, finally, that a sensible system is found for giving the lion's share of the money to the school districts with the most acute problem.

Let us say that a thousand school districts would then have funds to try to improve their schools very radically, so that they truly began to educate ghetto children and other very poor children. In that event, one could predict that 200 school districts would waste the money; and another 750 school districts would spend the money soundly but unimaginatively.

But there would still be 50 school districts that would try to spend the money creatively. Of the 50, two or three would surely succeed. And so, at long last, we would know how to do what we are utterly failing to do at present.

PETER MACDONALD INAUGURATED AS THE CHAIRMAN OF THE NAVAHO TRIBE

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. STEIGER of Arizona. Mr. Speaker, on the 5th of January a good friend of mine and a great American was inaugurated as the chairman of the Navaho Tribe.

Peter MacDonald, marine, graduate engineer, and successful political leader, is held in great esteem by those who know him. Perhaps the most eloquent testimony to this esteem and affection was the over 7,500 people who assembled for this outdoor event in 22-degrees-below-zero weather. I am pleased to be able to read his sincere and eloquent pledge because I was so cold when sitting there I found I missed a great deal.

The address follows:

INAUGURAL ADDRESS BY PETER MACDONALD, JANUARY 5, 1971

Chief Justice Kirk, fellow Navajos, members of the Navajo Tribal Council, Governors, Members of Congress, Members of the Armed Forces, other distinguished guests: Today we observe a change of leadership in accordance with our Tribal laws and our traditions.

I humbly accept the honor you have bestowed on me as your new Chairman. I accept the responsibilities and the burdens of this office with which you have entrusted me. I do so with a deep sense of humility, commitment and dedication!

Today, many eyes are upon us, for we are a people of destiny, and we have reached one of the great turning points in the history of our people, and the history of all Indian people.

What we do now, this year and over the next years, will be watched not only on this Reservation but by others; by our neighbors, by Indians throughout this country, by Congress and by the White House.

In his historic message of last July 8th, President Nixon said, "The time has come to break decisively with the past and to create the conditions for a new era in which the Indians' future is determined by Indian acts and Indian decisions". So President

Nixon entrusted to an Indian, Louis Bruce, the job of changing fundamentally the direction of the Bureau of Indian Affairs, and Commissioner Bruce has been faithful to that mission. At long last the Bureau has been reorganized from top to bottom, and this new Bureau has now moved to offer every Indian Nation the opportunity to determine its own future. It is in keeping with the spirit of that declaration that the President sends Mr. Bruce to be with us today—not just in his capacity as Commissioner, but as the President's own personal emissary.

The President has defined the challenge. Today, I pledge that the Navajo Nation will take up that challenge and lead the way to self-sufficiency.

Today I have taken this oath of office, not to separate myself from you, but to swear that I am and ever will be a part of you—one among equals, a brother among brothers. The old divisions must pass away. There is no place for them.

The ways of distrust, of recrimination, of acting in the dark, of taking counsel only with oneself—these too must pass. There is no place for them. The old distance between those who vote and those who are elected, between the young and the old, between the people and their spokesmen—this distance too must pass. There is no place for it!

We must close ranks. We must be one. We must speak openly and with a free spirit. There is no place for any way but the way of truth.

Today, I would speak to you of three things; for these will be the goals of my administration:

First, what is rightfully ours, we must protect; what is rightfully due us, we must claim.

Second, what we depend on from others, we must replace with the labor of our own hands and the skills of our own people.

Third, what we do not have, we must bring into being. We must create for ourselves.

These are not dreams. They are a blueprint for action. They are concrete steps, which we must develop together and set in motion together; these are some of the places where we must begin.

I

There is much that is ours by right that has been withheld from us. This must be stopped. Land claim monies are owed to us. We must set about at once to claim them. We are owed special federal funds for education, manpower, highway construction, economic development, vocational education, and for other purposes. We are due a share of these as Navajos and as citizens. In some cases, the statutes give the money to state government expressly for our benefit. These federal funds are ours by right and by law. We must claim them. Here, too, we should mention the Navajo Indian Irrigation Project. That was to be finished in 1970. It is now 1971, and the waters from the San Juan River which we gave up in return for the irrigation of our land have long been flowing to our neighbors. We cannot wait until 1980 for the irrigation project to be completed. We struck a bargain and we are entitled to have it kept promptly.

It is time to lay claim to all that is rightfully ours. This administration shall make no private deals, shall settle for no half payments. We shall not barter away the Navajo birthright for quick profit that will cheat our children, and their children after them.

II

Right now we depend on much from others that we must begin to provide for ourselves. We are forced to depend on others to run our schools, build our roads, administer our health program, construct our houses, manage our industries, sell us cars, cash our checks and operate our trading posts. This must cease.

The Administration has said that the time has come for Indians to contract for the control or operation of federal programs.

For the Navajo Nation, this means we now have the opportunity to control and administer over 100 million dollars in programs.

My past years with the Office of Navajo Economic Opportunity have convinced me that almost all the things we have depended upon non-Indian administrators to do can be done as well or in some instances better by our own people and for our own people.

We have begun to lead the way by contracting to run specific schools. We started with Rough Rock. Now we are pioneering with Ramah School. A further step was taken with the establishment of the Navajo Community College. But that is just the beginning. I hope we can count on the accreditation agencies to understand our very special needs and the courageous effort which our people are now making. We cannot fail any more completely than did the non-Indian experts who had been paid to educate our children.

Our housing is almost universally inadequate. We must accelerate and enlarge our housing program. Water is scarce; many families are still hauling water for miles to their homes. We must bring water to every community.

We have 65% unemployment and two thousand more Navajos enter the job market each year. We must create our own employment service and generate new jobs.

Our infant mortality rate, our life expectancy rate, our state of malnutrition are among the worst in the Nation. We ourselves must improve the system for delivering health services to our own people.

We must throw off the bonds of forced dependency, we must begin to do for ourselves what others have been paid to do for us. We must do it better. We must do it in our own way. And we must start now!

III

Finally, there is much we do not have which we must create for ourselves. We are fortunate in many respects for we have the three classic sources of wealth: We have land in abundance. We have sources of capital (not enough, but some); and we have labor, vast numbers of unemployed Navajos. Yet we live in poverty. Why? What do we lack? Above all we lack privately owned businesses—a Navajo-owned private sector. We lack jobs, good jobs that will keep our finest young people on the reservation. We lack trained specialists and professionals of our own; and we lack credit.

We must move from a wage and welfare economy to an ownership economy. The industries that have been brought to the Reservation have been owned and managed by non-Navajos, and provide only a handful of jobs for us. We must develop more Navajo-owned businesses on the Reservation and devise ways to make this practical for the Navajo people. We must also make sure that Navajos are trained in executive and middle management positions to run those industries now on the Reservation, or those which may come in the future. This takes money. It also takes imagination and creativity, and the courage to innovate on the part of those who are responsible for training. Training should not be limited to manual skills. Everytime someone says how good we Navajos are with our hands, I want to ask: "Why not give us a chance to show what we can do with our minds?"

We lack credit. We own no banks. The Bureau has never provided the loan or grant for economic development on the scale needed by Navajos. The new Indian Business Development Fund is a major step forward. But it is only a drop in the bucket. We must develop our own private sector. We must challenge the Congress, the Bureau and other lending agencies of the Federal Government to do a better job in providing adequate and flexible capital for our needs.

We need two kinds of privately-owned businesses on the Reservation: those that produce goods and services which we now buy from others (such as food stores, appliance shops, barber shops, and dry cleaning shops), and we also need plants owned by individual Navajos or by the Tribe that will produce goods for export, to be sold off the Reservation to bring a profit back to our people. Our economy must have a private sector.

If we can do these three things: protect and claim what is rightfully ours, reduce our own dependency on others, and create a private economy of Navajo ownership, then we will truly be able to fulfill our destiny as a PEOPLE.

I certainly cannot do this alone. I can only share my vision with you. Together we must work and plan and dream. We hope that our neighbors will share those dreams and assist us in achieving them. We need the help of government and business leaders with vision beyond tomorrow. Most especially I will need the help of you, the Navajo Tribal Council delegates, for we cannot be divided any longer.

To be divided is not the Navajo Way. We are a people with hope in our future, confidence in ourselves, and compassion for one another.

We are a proud people, because we are sustained by our heritage, which teaches us great lessons.

Essentially it tells us that planning and innovating without our Creator will lead to unhappiness, for the spiritual aspect of man gives substance and purpose to life. As we strive to achieve a better tomorrow, no person, no home, no community is beyond its call of duty to unite, for our strength lies in our unity. Therefore, let us transform our unity of interest into a unity of purpose.

One Hundred and Three years ago we returned from the Long Walk, 15,000 of us, to claim this reservation as our land. We have multiplied tenfold. We have endured hardship, discouragement and despair. We are destiny's children and we have endured as one People.

We must listen to the many voices of our people—the young and the old, those elected and those not elected, the medicinemen and the elders, the impatient and the militant; for we are all one family. We must walk together as we did long ago.

Our past gave us the present, but the future is ours to forge.

Today we enter upon a second century and we shall realize an even greater destiny, not just to survive—not just to multiply, but to flourish, create, and lead the way so that other people may follow.

For we are the people who walk in the Beauty Way.

And today in Beauty, it shall begin.

FIRST VIOLIN OR SECOND FIDDLE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. TEAGUE of Texas. Mr. Speaker, the vice president and group executive, Mr. Mark Morton, of the General Electric Co., addressed the Greater Philadelphia Chamber of Commerce on April 8, 1969. Mr. Morton's remarks were directed to not only what is right in America, but also to the contributions our aerospace industry has made to world technological leadership and to the quality of life in this Nation and the world.

Because of the importance of Mr. Morton's remarks, I am including them in the RECORD:

FIRST VIOLIN OR SECOND FIDDLE?

(Address by Mark Morton)

We sometimes concentrate a great deal in America on the things that are wrong—the crime, racial discord, poverty—and certainly these need our urgent attention, but we shouldn't get so immersed in the negative that we forget that there's much that is right about our country and its people.

For example, in this year alone:

Some 30 million teenagers will not be hauled into court as juvenile delinquents.

Over 85 million people will work at paying jobs and 70 million of these would work even if they didn't have to.

Nearly three-quarters of a million freshmen preparing to enter college will not drop out before they graduate.

Consumers who buy cars, appliances, and other goods on time will pay off over 50 billion dollars worth of installment credit.

700 million acres of beautiful forest land will not go up in flames.

And, 70 million automobile drivers will not get traffic tickets.

So, we can find much to be encouraged about, and we all address ourselves to the problems of our country, let's not overlook those things which are turning out well.

From a personal view, representing General Electric, I find much to be proud of, particularly in the talent and dedication of our people working in nationally and in many foreign countries on an ambitious range of worldwide programs. We have had a major or key supporting part in nearly 50 percent of all space flight missions that this nation has undertaken. You don't accomplish this without having outstanding individuals who understand problems and then do something about them.

Historically, we came to Philadelphia not by accident but by intent. We looked at two dozen locations, then decided on this area; because of its skilled manpower market, its educational excellence particularly suited to our business, its air transportation facilities to the West Coast, as well as its proximity to Washington and our New York Corporate offices, and because we thought this city was receptive to the science and technology business. Over the past decade, we've found no reason to regret our choice.

There is no need to belabor the seriousness of the problems in our great urban-suburban centers or the plight of the disadvantaged who live in them. It seems quite clear now—as perhaps it has not been up to now—that the challenge of eliminating these problems is going to be with all of us for some time.

Our responsibilities in these areas are going to be part of—not in addition to—our lives and our jobs, whether these jobs are in industry, government or education. No rapid or temporary infusion of money, legislation or programs will be enough to effect the kind of permanent solution our society demands. And, of course, no single agency or institution can be impressively effective without the support and participation of other community units.

Four-fifths of our population is sharing in the growth and progress of our country and looking back over its shoulder at the one-fifth who have been left out. That one-fifth can never become good customers—nor full citizens—until they are brought into the mainstream as self-reliant, self-respecting and productive members of society. Progress today cannot be measured by taking pride in our present standards, but rather it's measured in how well we can make the success of this life available to the less fortunate around us.

The private sector of our economy can do many things in this situation. But more than anything else, the "something" that the businessman can provide is the opportunity to earn a living—a job for a man or woman who is not now employed or even employable. Also, it must be a job that is productive for the businessman who offers it and self-respecting and productive for the man who takes it.

Last year at the Missile and Space Division, we were fortunate to have a share in setting up Progress Aerospace Enterprises (PAE), a black-owned, black-managed, but integrated aerospace firm here in Philadelphia—and one of the newest economic ventures of the very remarkable Reverend Leon Sullivan. We participated in the PAE project because we felt that the constructive demonstration by minority people, that they could handle this most sophisticated type of business, would illustrate their ability to enter all phases of our economic system.

We think it's a pretty good example of what the aerospace community has to offer—and must offer—in providing new ideas and new approaches to our urban and social problems. In fact, history may show that the great legacy of the space program was that it showed us that we as a nation could solve large, complex problems. And America's urban centers now represent a series of large, complex problems.

Which brings me to my second concern—the alarming decline in America's commitment to maintaining technological leadership in the world.

When I was invited to speak on the space program here today, it was a temptation to break out a full set of words and multi-colored slides detailing aerospace progress and impact in the past decade. And then another set of dazzling artistic concepts of space exploration in the future.

There are, of course, some very impressive words and photographs illustrating the truly remarkable achievements of the aerospace program. And there are even more creative words and pieces of art work about the future.

But there will be no such eulogizing with visual aids in my presentation today. Nor do I want to take all my time to present a glowing account of the impact the business has on the greater Philadelphia area. Instead, I want to concentrate on a plea and on some plain talk—talk which should concern all of us who have a professional and personal interest in the future of this nation.

For those of us who know what the advancement of science and technology can do for a nation's prosperity and well-being, we can only view with grave concern, any decline or de-emphasis on research funding. The space program, for example, is periodically subjected to the budget-cutting actions of the Congress. This is an unfortunate trend, not only because the space effort is setting the pace of progress in science and technology, but also because this kind of attitude may well lead to a falling behind in other critical areas of research and development.

If we listen to the lessons of history, we will learn that nations that paced the world remained at the top only so long as they had the vision to develop their contemporary technologies and resources, and not abandon them for solely social improvement—which by its very nature can only be ultimately reached by the very technology advance which was excluded.

What we require is a balanced approach in this nation—an aggressive attack on our social and urban problems, and a parallel emphasis on being number one in science and technology.

Now America stands at the peak of world technological leadership, and I think it's time to ask ourselves: Have we learned anything? Can we stay there? Are we smart enough to handle our domestic and international problems—and also allocate sufficient resources to the advance of our technology to avoid the mistakes of history?

This nation needs a strong, versatile aerospace program in the next decade—a program that not only includes lunar landings and continuing development of earth-orbiting application satellites, but also an active interplanetary exploration program.

There are those who will say that I encourage a great national aerospace effort because I am in that business. Let me correct that thought quickly. I am speaking not as a businessman, but as a concerned citizen—and as an engineer who has seen what aerospace technology can do for a nation.

I for one am not willing to see our technological leadership in the world disappear because we in the business community kept quiet. I do not want to be a part of a generation that built that leadership through creative minds and then allowed it to dissipate through lack of courage and willingness to speak out on the plain fact that today's science is tomorrow's technology and the day after tomorrow's world trade position.

The great concentration of talent, in government, industry, and the universities, now in the space program, is currently working together to apply an abundance of new technology to the problems of our age.

Here in the Delaware Valley the economic impact of aerospace is translatable in terms of a billion dollars in this area, a hundred thousand jobs, tens of thousands of small businesses that are subcontractors and suppliers to firms such as ours, RCA, Boeing, Burroughs, and others.

But beyond the obvious economic value of the space industry as an employer, there are an impressive number of specific areas of space technology application.

In the everyday practice of medicine here on earth, techniques which were developed to permit man to exist in a space environment are having a profound impact. Research discoveries and engineering innovations from the nation's space program have had direct application in the medical field. For example, small precision valves developed for booster rockets have been successfully adapted to replace heart valves damaged by disease. Electronic sensors can now monitor the heartbeat, temperature, respiration, and overall condition of critically ill patients, so that medical experts at a central control point can be informed about the progress of many patients at the same time, in post-operative and recuperative periods.

Systems technology now is helping major blood banks cut down sharply on the waste of their vital commodity. All of these things—and more—have resulted from space technology. So have special pressure suits, ultra fast drills for dental work, transmitters to relay intestinal data, and so on. As we study to prepare man to survive in space, we greatly enhance the state of his health on earth.

Another major area is education. Of course, there are many direct relationships between space explorations and education that can be cited. Science and mathematics curricula, from kindergarten through graduate school, have been modernized. Teacher education has been strengthened. In turn, many of the new educational technologies have been largely a spinoff of space science industries. Among these, information storage and retrieval techniques, computerized learning and educational television have established themselves. Great educational networks that will utilize communications satellites and eventually bring learning to people everywhere are considered an inevitable development within the next decade or so.

Everybody talks about the weather. They always have and probably always will. But today's space engineers are not just talking about it. They're doing something about it. Much of the action has been made possible by the revolutionary weather satellite. The famed Nimbus satellite, designed and built at our own Valley Forge Space Center and integrating the work of dozens of other Delaware Valley firms, gave new dimensions to weather reporting and predicting, and helped pave the way for the day when meteorologists can predict with accuracy, weather for two or three weeks. Such capabilities would be of obvious value to weather bureaus, airlines, power companies, farmers, fishermen, construction industries, and others; but more importantly, this is the first faltering step to an approach toward ultimate weather control. By understanding the forces that make our weather, we can perhaps develop controls of these forces while they are still incipient.

We speak so much of the urban problems. And now urban leaders are looking more and more to the so-called systems approach developed in the aerospace industry as an effective method of approaching their problems of crime, air and water pollution, transportation, and low cost housing.

Moreover, the entire development of data processing has revolutionized our capability for handling information. Aerospace requirements have forced the rapid arrival into the sophisticated computer age which allows us to assemble, analyze, and disseminate information faster than ever before in history, and this fantastic capability will affect positively just about every facet of man's life.

One week from now, near St. Thomas Island, aquanauts will leave their underwater home, where they have spent two months in Tektite . . . an underwater laboratory designed and built by GE right here in the Philadelphia area. The Tektite project will bring us a great deal of information on the oceans, and help start us on the way toward realizing some of the food, mineral, and other potentials of the sea. Again, it is space-developed technology that is the basis of this effort.

The point of all this is that although Apollo and the moon mission may be the currently publicized and glamourized space program, and rightly so, there is also a great deal of vital effort underway—with less publicity—in communications, in transportation, in education, in medicine, in materials—materials, for example, that may give us breakthroughs in producing a massive amount of low-cost housing. And I'm talking only about the present—the future promise is so great in benefiting mankind, that it would take hours to outline it.

We in the business community should logically be in the forefront of those telling the story of the benefits of space research. And it's a story that must be told to laymen, to business leaders, to educators, to the press, to housewives, to Congress and other government leaders who must face the turbulence of being elected every two or four years, and to those people who are deeply committed to solving the problems of poverty, the cities, pollution, transportation, and disease. Previously, our technological improvement came from wars. The technology boost from World War II is common knowledge—advances in medicine, electronics, materials, jet aircraft, and so on. Now we can have a national objective, other than war, about which we can wrap our advance of technology—the Space Program. We have a rare opportunity—really one of the few times in history—to advance technology forward, around a national goal that doesn't happen to be a war.

Space exploration has given us vast amounts of information. Centuries of beliefs about the universe have been turned around in a matter of a few years. There is a whole new, increasing inventory of knowledge about chemistry, electronics, geophysics, and the biosciences that will materialize in increasingly greater benefit to man.

All of this will flow to mankind from the country pursuing such advancement of science and technology.

When one ponders the history of man on earth, it is sometimes difficult to see how man has come so far, and advanced his civilization, to its present status. It's odd but true that new ideas, new techniques and the advances of technology have always been fought by the majority of people regardless of the century. They seem to feel that if the money involved were spent on themselves instead, they'd be better off. This condition lasts for a very short time, then that country's money has disappeared because its lapsing technology lost trade position or defense posture, and its people end up far worse off than before.

Galileo was ridiculed and imprisoned for suggesting that the earth moved around the sun. The Wright Brothers were laughed at in their early attempts to build an airplane. Everybody knew it was ridiculous to think that anything heavier than air could fly.

People loudly proclaimed the disadvantages and hazards of the new fangled steam propulsion. Automobile pioneers were met with cries of "get a horse." Early television sets were thought to be a nice gimmick but would always be far too expensive for use by the general public.

When Congress was asked to appropriate funds for the exploration and eventual settlement of the Western part of the United States, Daniel Webster voted against the idea saying that it would be a waste of the taxpayer's money because that territory, as everybody knew, had nothing but barren scrub cactus, deserts, high mountains, and uncivilized savages. But, when Congress was forevisioned enough to open up the old Western frontier nevertheless, it spent 10 percent of the gross national product to build railroads through the West. The percentage of today's gross national product devoted to opening up the space frontier is less than one percent, and it is still declining.

But because we have, at least so far, vigorously pursued our technological advance, it's easy for us at this point to look at history and pity the poor, unlightened people who scoffed at the Galileos and the Wright Brothers; but how might future historians view us if we fail to continue to pursue vigorously our scientific and technological research and development—and during the last quarter of this century, we go the way of those countries before us, who embarked on such a course of action, and gave up their world leadership positions in wealth, trade, and standard of living.

In the business sense, the future world trade position of that country today with strong technology advance should be obvious, let alone the defense posture of that country.

We must get across the urgency of the situation, to gain the widespread understanding and support of the public. Otherwise, we certainly will no longer be the most powerful nation in history with the highest standard of living, but we will live by whatever generosity and by whatever grace may be allowed us by the nation, who by its vigorous program of science and technological advancement, takes our position.

Yet, in spite of the lessons of history, there are those who say we should first solve our immediate social problems to the exclusion of the advancement of technology which is a waste of money. Let me read from a commission report on the evaluation of a proposal. The report says:

"The committee judged the promises and offers of this mission to be impossible, vain, and worthy of rejection; that it was not proper to favor an affair that rested on such weak foundations and which appeared uncertain and impossible to any educated person, however little learning he might have."

Now, what I have just read to you was the report of the Talavera Commission in Spain considering a proposal in 1491 by some guy named Columbus, who wanted some financing for some kind of exploration he had in mind. Fortunately, for the world, perhaps, Isabella was a little more forevisioned. Unfortunately, for Spain, however, its subsequent governments were not so forevisioned and used their wherewithal for purposes other than advancement of their contemporary research, exploration, and technology, and by the 16th Century, Spain was headed for a secondary world position with a commensurate standard of living.

But forevision is what we must continue to have in this nation—forevisioned people who understand that we must make room in our minds and in our moneys for the vital things of tomorrow—in addition to the pressing needs of the moment.

What's really on the line for us in America to decide which we want to be in the world—first violin or second fiddle?

BOB McALLISTER AND "WONDERAMA"

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. KOCH. Mr. Speaker, I would like to commend Bob McAllister, host of WNEW-TV's children's program "Wonderama" who, for the past 8 years, has promoted Carnivals Against Dystrophy on his show. In that time, Carnivals has raised much-needed funds in New York—$57,000 of which was contributed last year alone—to help advance the research and patient service programs of MDAA.

Wholeheartedly endorsed by parents, educators, and members of the clergy, Carnivals is a unique project whereby the hosts of popular TV shows invite their young viewers to write for free Carnival kits which explain how funds can be raised to help children afflicted with muscular dystrophy. The kits contain all elements needed to produce a fun-filled Carnival—which the youngsters run in their own backyards. There are many benefits to the children who participate: They learn how to organize and set up a relatively complex project, how to cope with responsibilities and needs outside their own daily lives, and how to meet the challenge of managing a small business of their own. Their approach to these projects brings with it all the energy and enthusiasm of childhood.

Perhaps the greatest benefit these children derive is their intense identification with those for whom the Carnivals are conducted—children who, because their bodies have been weakened by dystrophy, cannot take an active part in such projects. In 1970, youngsters across the Nation held 22,383 backyard Carnivals, raising more than $500,000 for victims of muscular dystrophy.

For many years, Bob McAllister has dedicated himself to the world of children, bringing them laughter and joy while instilling in them a sense of compassion for the less fortunate. I thought our colleagues would like to know how he is contributing to the education of his young viewers and how they, in turn, are helping to better the lives of dystrophy patients.

FINDING JOBS FOR VETERANS

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. TEAGUE of California. Mr. Speaker, a short time ago the President announced the inauguration of a Jobs for Veterans program.

At that time, President Nixon said:

> This year over one million servicemen and women will complete their military service in the Armed Forces and return to civilian life. Almost four million Vietnam era veterans have already returned to civilian life. These servicemen and women deserve every opportunity that a grateful nation can provide.

The President went on to say:

> Jobs for Veterans is a nationwide effort to highlight the quality of the American Veteran whose blend of skills and self-discipline make him an ideal candidate for employment. He has proved himself in the military—all he needs is the opportunity to demonstrate that he can contribute as much in civilian employment. I want this program to increase the national awareness of the veteran's potential as an employee, and I am confident that public and private employers will meet the challenge by providing veterans with widened job and training opportunities.

The Jobs for Veterans campaign is a national effort to improve job opportunities for returning service men and women. It seeks to accomplish this in two principal ways: By serving as a focal point for existing programs and as a catalyst for new action programs at the local level designed to help veterans find prompt and meaningful employment. The President has asked management, labor, veterans, and private organizations, as well as Federal, State, and local government agencies, to join forces in this undertaking.

I am pleased to note that the news media is lending impetus to this program by editorial comment such as that appearing in the Washington Daily News, a Scripps-Howard newspaper, on February 3, 1971. The editorial entitled "Finding Jobs for Veterans" is cited below:

> FINDING JOBS FOR VETERANS
>
> Appointment of a 100-member "advisory committee" to help find jobs for ex-GIs is a new indication of the growing national concern over the plight of Vietnam veterans.
>
> One of the more valuable members of the committee could be a relatively unheralded young man named Rocky Bleier, a former Notre Dame football captain who somehow managed to reclaim his job with the Pittsburgh Steelers despite a severe leg wound suffered in Vietnam.
>
> Unfortunately, many of the nearly two million GIs who have returned from Vietnam in the last 10 years haven't done so well.
>
> Too often they've come home to a cold reception. Not only is the unemployment rate among veterans running higher than the national average, but some of the returnees are made to feel like strangers in their own country.
>
> This is a shabby way to treat young men whose lives have been disrupted by a thankless war while the rest of us have conducted our business as usual.
>
> The current economic squeeze is particularly tough on ex-GIs because a high percentage of them come from poor families and lack the education and training to compete in a tight job market.
>
> With more than a million servicemen expected to be mustered out within the next year, the situation is likely to get worse before it gets better.
>
> That's why a private group, Jobs for Veterans headed by James F. Oates, recently was organized—to go after businesses, public and private agencies, unions and anybody else who can put people to work.
>
> There once was a time—after World War II, for example—when the nation was eager to do all it could for its veterans. Recently, we've been content to do less.
>
> Yet, one way or another, each of us owes a debt to these men. And making a success of the new job-finding program is the least we can do to show it.

IN MEMORY OF SAL MASO

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. HUNT. Mr. Speaker, it is little solace for me to honor in the pages of the CONGRESSIONAL RECORD the memory of a man for whom I had the greatest respect and admiration, but it is nontheless a fitting tribute to a man who gave everything of himself for the benefit of others. Sal Maso, well known in north Jersey as a labor leader associated with the building trades, respected for his good citizenship in his community, was a man small in stature but big in heart. He exemplified an understanding of and responsiveness to those with whom he associated. Whatever the cause, Sal Maso's conduct embodied the spirit of humanity and his enthusiasm generated inspiration in the task at hand.

Speaking for the community, the Paterson News wrote of Sal Maso:

> For the thousands of people who knew him around the country but especially in this North Jersey area, it will be difficult to believe that the strong, vigorous Sal Maso has passed away. Here was indeed a human dynamo, hard hitting, free-swinging in any cause in which he was enlisted. One never had to conjecture on where Mr. Maso stood—his identification was undeniable.
>
> The diminutive labor leader had been ailing for some time, undergoing surgery several months ago from which he seemed to be recovering. Thus long absent from the local scene, he made his first public appearance little more than a week ago, when, accompanied by his labor-active son Kenneth, he attended his first meeting in two years of Forward Paterson. Caught once again in the enthusiasm of the group's plans, he announced that he was "nearly ready" to get back into the fight to rebuild Paterson.
>
> Reference to Sal Maso as a self-made man was accurate and appropriate. From his early days in Paterson, whence he came from his native New York City, he envisioned his life work as dedicated to labor, and despite the fact he carried no portfolios in education, he soon made himself felt in the field. The lathers union was his forte, and from local leadership, he went to state and then to national, always winding up as state, national and international president. When there was a convention, the centerpiece was Sal Maso, whose powerful voice rallied around him older and younger men who respected his judgment and his leadership ability.
>
> In spite of preoccupation with important labor obligations, Mr. Maso kept his burning zeal for good citizenship in his home city. The school board, the housing authority, Forward Paterson—all these had his earnest attention, not as a member on the rolls but as a vigorous participant in civic affairs. He had a warm devotion for his home city.
>
> In the past few years, Mr. Maso's time was taken up with his national presidency of the lathers union and his opportunity for service at home and in the city was sorely proscribed. In recent months, he had made known his desire to give up his residence in Maryland, which he yielded to Paterson and his family only on weekends. Now he is home for good, taken by the Lord to his permanent resting place. He was a good man.

PRAYER EXPRESSES OKLAHOMAN'S GRATITUDE AND HOPE

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. EDMONDSON. Mr. Speaker, January 22, 1971, was a long-awaited day which marked the beginning of a new era for my hometown of Muskogee, Okla. On that day the Port of Musokgee, which will link Muskogee with the great commercial centers of the world, was dedicated.

The opening of this port, with the opening of the McClellan-Kerr Arkansas River navigation system a few days earlier, was the result of many years of dreams and work by the people of Muskogee and all of northeastern Oklahoma.

The dedication was a splendid occasion with addresses, speeches, and remarks by some of Oklahoma's leading citizens, including the Governor of our great State.

The shortest talk of all, a communication with Our Lord delivered as the invocation for the dedication banquet, reflects with great feeling the attitude of gratefulness and hope for the future present that day.

This innvocation, given by the pastor of my family's church, Rev. Mr. Henry Churchill of Muskogee's First Presbyterian Church, was an inspiration to all who heard it. I would like to have it appear in the RECORD for my colleagues to share.

> INVOCATION, PORT DEDICATION BANQUET
>
> Almighty God, just as you promised by your prophet, you have opened rivers on the bare heights, fountains in the midst of the valleys, and made the wilderness a pool of water! (Isa. 41:18)
>
> Thank you, Lord, thank you!
>
> For the vision of men who could see barges where there were only sandbars;
>
> For the skills of men who have brought discipline and purpose to this capricious stream;
>
> For men of industry and dedication who will make it a blessing for many;
>
> For the investment of the rest of our nation:
>
> Thank you, Lord!
>
> With our thanks, we must admit an old fascination with cross currents and eddies. Forgive us when we secretly prefer the stagnant pools and treacherous shallows.
>
> Teach us to seek the main channels of life today.

Then, Lord, let our spirits flow as far as these waters, for we long to buy and sell in the great markets of our world-neighborhood, and bring even the great prize of Life to our city and our state.

Thank you, Lord, through Jesus Christ, for this food, this day and night together, and the fresh promise of this great river road. Amen.

HENRY CHURCHILL,
Minister, First Presbyterian Church, Muskogee, Okla.

DRUG PROBLEM

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. BURKE of Florida. Mr. Speaker, apologists for marihuana—those who say it is nonaddictive and that it does not lead to the use of other drugs—should read a letter I recently received from a young constituent in which she relates her experience with drugs.

This 19-year-old girl, who is now "straight," started drug use at the age of 15 and apparently used most of the drugs known to our young people, with the exception of heroin. Fright led her to a rehabilitation center in Broward County called "The Seed" which, at the time of her letter, had kept her off drugs for a month.

Her letter, Mr. Speaker, serves a dual purpose. It points up the dangers inherent in the use of marihuana, and also the fact there are organizations effectively dedicated to the rehabilitation of those who are on drugs and who earnestly desire to be freed from their habits, be they addictive or compulsive.

My constituent's letter follows and I urge all who are interested in the drug problem to read it carefully and take to heart its message:

NOVEMBER 30, 1970.

DEAR CONGRESSMAN BURKE: I am 19 years old and have been involved in drugs since the age of 15. I have covered the whole drug spectrum from alcohol, glue, marihuana, ups and downs to psychedelic drugs. Everything but heroin (only because I never had the opportunity). It has been only in the last month I haven't done any drugs at all. One month may not seem like a very long time, but considering I am used to getting stoned at least once a day, one month is like three years. I just begun to think straight; and be honest with my people and myself. I've started a brand new life and the reason for this is a rehabilitation center, "The Seed".

I have approximately 60 friends at the Seed, a lot of them were once strung out on heroin. They are now straight and the most beautiful part of it all is that they don't want to have anything to do with drugs. A lot of them were taken out of the jails and put in the program. It has a been a 89% success.

My whole involved story of how I got to the Seed and what I've learned in the last month isn't really important for you to know except for one small thing; I did'nt get strung out on heroin. I also know a few that stayed pretty much with pot. And if anyone believes pot is harmless I've got news for them. I used to work all week and when the weekend came if I didn't get so loaded I could hardly move, it was a bum weekend. That is definitely an addiction.

The point I'm trying to get across is that we have found an answer to the drug epidemic at least in Brevard County. Jail, police enforcement, cutting off the supply doesn't work. Rehabilitation centers like the Seed does. I never would have stayed if there would have been a few straight adults trying to give me facts about how bad drugs were, because if they never tripped in acid how could I relate to them?

I'm happy now! I used to be miserable.

Thank you for listening,

——— ———.

ROBERT E. McNAIR

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. DORN. Mr. Speaker, Robert E. McNair recently completed 6 years' service as Governor of South Carolina. Governor McNair led our State during a difficult period. In time of crisis and in the day-to-day work of State administration he provided for our people a responsible and progressive leadership which won for him great respect and affection in South Carolina and throughout the Nation. In fact he became a world figure through his travels abroad to promote our State's development. No South Carolina Governor of modern times has served with greater distinction or more favorable national recognition.

Mr. Speaker, Bob McNair is well known here in Washington as a chief executive who is a keen student of Federal-State relations and as a political leader who recognizes that the South can and must retain a strong role in the Democratic Party. He is a man for whom we predict a bright future in public service. I am pleased to commend to my colleagues' attention the following splendid editorial from the Columbia, S.C., State which describes the pride South Carolinians have for the courage, character, and devotion of Gov. Robert E. McNair:

McNAIR'S ADMINISTRATION WAS CREDIT TO THE STATE

Robert Evander McNair has been an uncommon Southern governor—different in style, demeanor, appearance, and approach from the stereotype of regional politicians.

And he has been an uncommonly good governor for South Carolina during a period when imaginative, determined leadership was required to meet the challenges (and circumstances) of the Sixties.

When, as a 41-year-old lieutenant governor, McNair was thrust unexpectedly into the governorship upon the resignation of Gov. Donald S. Russell, some doubts were expressed as to whether the quiet-spoken country lawyer could cope with the ever-expanding problems of state government.

As he began wrestling with the reins of government, he was called bland and ineffective. Much of such criticism was due to his propensity for working behind the scenes and out of the headlines—coordinating, cajoling, consolidating, getting people to develop a "togetherness of spirit and effort." He came to be known as a champion of the "interagency approach" to problem solving.

But this mild fellow, as it turned out, had a great deal of steel in his makeup. Once a course of action was set, he proved he could pursue it with tenacity. In addition, he proved to be a fine student of government, able to detect structural flaws that caused waste and duplication of effort, or which otherwise impeded progress. His long legislative experience led him to operate in what he has called "the realm of the possible."

He did make mistakes; he did suffer defeats. But he had a far better grasp of the problems than most of his enemies, and he was able to use this superior knowledge to accomplish quite a bit of what he set out to do.

Under McNair, South Carolina moved forward in education, health, wealth, governmental administration, and, despite Orangeburg, Voohees, Lamar and Greenville, in race relations. The state has embraced the concept of regionalism—cooperative efforts with other states as well as within South Carolina.

As an individual, McNair won, during his term of office, more positions of regional and national leadership and influence than any other Palmetto governor.

As a politician, he has fought vigorously at the national level to keep the left-leaning Democratic Party from abandoning its conservative Southern base. At the state level, his efforts have helped keep his party in power at a time when it was under powerful attack from all sides and at a time when it could not sell its presidential candidates to the people.

During a period of transition, often accompanied by hand-wringing and resistance to change, McNair helped restore South Carolina to a position of regional leadership. And, as he said in his final address to the General Assembly, "the price of leadership is responsibility, and the price of responsibility is the willingness to adapt ourselves to changing times and new demands."

Searching back over the record, one can find quite a few things to criticize. His time in office was a difficult time that tested the man and demanded tough decisions. He was not always right, but on balance, he measured up; he was equal to the responsibilities that fell on him.

He avoided appeals to emotion—the cop-out tactic employed by so many old-line political leaders who have little respect for the voters' capacity for logic. He was generally able to fend off pressure groups and maintain the state's reputation for fiscal responsibility.

In short, Bob McNair has been a modern-minded governor who has guided his state through six arduous years filled with as many pitfalls as opportunities. As he leaves office, both he and the state enjoy an improved image, greater pride of accomplishment, and firmer confidence in the ability of South Carolinians to cope with the nagging problems which remain at hand.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

CALLING GOVERNMENT TO ACCOUNT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. SCHMITZ. Mr. Speaker, our system of government is based on the right, the duty, and the power of the American people to call their Government to account for the way it collects and spends their money and exercises its authority in their name.

But it is becoming more and more difficult today for the people to call their Government to account; and more and more often, when they do so, Government refuses to accept their verdict and spends the people's money in new ways designed to get around their objections.

Probably the most striking example is to be found in spending for schools. In many school districts throughout the country, and especially in California, the voters have made it known in no uncertain terms that they have "had it" with schools, the costs of which keep on rising, while the quality of the education they provide keeps on dropping, and immorality, drug abuse, and even violent crime become more and more common on their premises.

Instead of taking steps to meet these widespread concerns and objections on the part of the public by changing their educational policies and methods, the first response of the education establishment in California was to sneak through legislation depriving the people of their right to vote on school tax increases—legislation which, after a fierce struggle, I was instrumental in repealing in the 1969 legislative session in California.

Now, as the people continue to vote down school tax increases, we find increasing pressure for huge increases in school funding from the State and Federal levels of government, where the voters do not have a chance to express their will on the specific issue of whether their own schools should get this much more of their tax money.

This example shows how important it is to make sure that, to the greatest possible extent, each unit and level of government raises the money it spends by its own taxes. But under the "revenue sharing" program now being hailed with such fanfare, the Federal Government would turn over tax money to State and local government without specifying its use, completely separating taxation from spending. Most of the voters would not even know that their State and local governments were receiving this money, and so would not even attempt to call them to account for it. And even when they did know, obviously it would be much harder to vote a man out of office for accepting Federal funds than for raising local taxes.

There is a real need, as President Nixon has said, to transfer more responsibility to local government and away from Washington. But this should be done, and easily could be done, by Federal tax reductions or credits leaving more taxable resources available to State and local government, which could then obtain additional revenue without increasing the overall burden on the taxpayer, provided the taxpayers could be convinced of the need for it.

But the revenue-sharing proposal outlined in the President's state of the Union address January 22, would simply add $5 billion for State and local governments on top of all existing expenditures, thereby increasing the Federal deficit, forcing up the debt limit, making inflation worse, and depriving the people of that much more of their direct control over local government.

The only way to keep the size and cost of government at all levels within reasonable bounds is for those who spend public money to have to raise it in taxes as well.

SUPPORT YOUR LOCAL POLICE—AND KEEP THEM INDEPENDENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. RARICK. Mr. Speaker, local law enforcement officers are the first and last line of defense against crime, anarchy, and insurrection. A strong, armed, and independent local police force is an impassable barrier to the advance of communism.

For these reasons Communists, their dupes, and allies seek to make ineffective, if not to destroy local police forces. They use several means of attack. One way calls for the establishment of civilian police review boards so as to intimidate the individual police officer by making him afraid to do his duty for fear of punishment. Another method is to use policemen to play the role of social worker or tour director instead of law enforcer and require policemen to undergo human relations or sensitivity training so as to make them oversensitive to and lenient toward criminals.

Yet another method is to centralize control over police from the State, regional, and eventually national level. Such a federally controlled plan will establish the National Police Force—the antithesis of the American peace officer.

In connection with the latter method for removing control of local police from the hands of local officials, I insert an American Opinion article by Gary Allen entitled "FEDCOP—Washington Grabs for Police Power," in the RECORD at this point:

FEDCOP—WASHINGTON GRABS FOR POLICE POWER

(By Gary Allen)

It was during the quadrennial madness of 1968 that Conservative political candidates began thundering against criminals and radicals and calling for "law and order." Apparently the cry was popularized by the tough little governor of Alabama who calls a spade a spade. But when his charges were found to have mass political appeal, the demand for "law and order" was Spiroed away by the Republican wing of the Establishment. During the ensuing two years crime in the streets continued to proliferate like Mrs. Hansenpfeffer on Welfare.

By the time of the recently concluded plebiscite, even candidates of the Establishment's Democratic wing were trooping about calling for "law and order." Which seemed very odd, indeed, since as late as August of 1970, they had been characterizing "law and order" as code words for "racism." Pragmatism had drowned ideology when the polls indicated that millions of Americans feel themselves threatened by a continuing mugathon in our streets, and revealed that many more millions have simply *had it* with the campus terrorists. As *Time* magazine indicated in its issue for July 13, 1970:

"Millions of Americans in 1970 are gripped by an anxiety that is not caused by war, inflation or recession—important as those issues are. Across the U.S., the universal fear of violent crime and vicious strangers . . . is a constant companion of the populace. It is the cold fear of dying at random in a brief spasm of senseless violence—for a few pennies, for nothing."

The statistics tell the story. Serious crime rose by 148 percent in the turbulent Sixties while the population increased only thirteen percent. This means that crime is increasing eleven times as fast as population. Robberies are up 180 percent over the past nine years. While crimes of plunder and passion continue to increase, a new dimension has been added in the form of crimes of political terrorism aimed by revolutionaries at the police. "Kill the pigs" has become their battle cry. In its issue for October 26, 1970, *U.S. News & World Report* provides a statistical box score:

"The cold statistics are in themselves frightening. The F.B.I. reports that in 1969 a record high of 86 law-enforcement officers were killed by felonious criminal action. This is a 34 percent increase over the previous year, when 64 . . . officers were murdered . . . ."

And 1970 proved even more terrible than 1969. By the end of July, some sixty-seven policemen had been killed in the line of duty—sixteen of these murdered from ambush by revolutionaries. And the killings are escalating seriously. Recently United Press International quoted an F.B.I. spokesman commenting on revolutionary racism:

"Since January 1, 1970, there have been 190 reported instances of racially motivated attacks against policemen, including 17 ambushes. As a result, 21 police officers have been killed and 159 others have been injured [in attacks by black militants]. During August alone, there were 23 attacks by black extremists against police. These caused the death of five officers and injuries to 56 others."

F.B.I. reports show a total of 35,202 assaults on police in 1969, or 16.9 attacks per hundred officers. In 1960, the F.B.I. said, there had been only 9,621 such assaults, or 6.3 per hundred officers. In September an Associated Press survey indicated that this year policemen had already been victims of fatal, apparently unprovoked, attacks in Philadelphia, San Francisco, Berkeley, New York, Chicago, Detroit, Baltimore, Montgomery, St. Paul, San Jose, and Omaha.

California has been particularly hard hit. Chief deputy attorney general of California, Mr. Charles A. O'Brien, testified before the Senate Internal Security Subcommittee in October of 1970:

"It is patently clear that law officers have become a special target for the terrorists and anarchists in our society. . . . Murders of California police officers have increased 100 per cent in 1970. During the past 10 years, from 1960 through 1969, an average of one peace officer was killed every two months—a rate more than 4 times that of the general population. In 1970, an average of two peace officers have been killed every month—15 in the first seven and a half months of this year."

The Los Angeles Times for October 7, 1970, quotes Mr. O'Brien as informing the

Subcommittee that assaults on police are up 350 percent in the last three years. (As of October twenty-fourth, seven policemen had been slain in the San Francisco-Oakland-Berkeley area, alone, four of them clearly terror killings.) Charles O'Brien continued:

"Since January, 1970, there have been 12 bombing incidents against police buildings in California and 16 bombing incidents involving police automobiles. Twenty-six persons have been injured as a result of these bombings. . . . We should also not ignore the fact that other public officials and agencies are now being singled out as targets for violence. The terrible incident on August 7 at the Marin County Courthouse in San Rafael which resulted in the murder of Judge Harold Haley—his head was blown off—plainly revealed that black terrorists had turned their attention to the courts."

In Berkeley there were fifty-eight assaults on policemen in 1968 and eighty in 1969. In the *first eight months* of 1970 there have been eighty-eight such assaults. In Detroit, there were 412 assaults on police officers last year, 230 of them in the first eight months. In the first eight months of 1970, there were 410 such assaults on police officers there. Twelve Detroit officers were shot last year; in the first eight months of 1970, fifteen have been shot.

Police officials in New York City reported that in the first eight months of 1970 some 985 policemen had been so badly assaulted they required medical attention, compared to 591 in the same period in 1969—a sixty-seven percent increase. Thirty-four City policemen were shot in the first eight months of 1970; eleven in the first eight months of 1969. Four New York City policemen, including a transit patrolman, had been killed this year by the end of August.

Within the last few months the killing of police officers has reached a nearly fantastic level. According to Quinn Tamm of the International Association of Chiefs of Police, 26 policemen were killed in the United States and 650 injured in the *three month* period ending October 23, 1970. Authorities are convinced that this is more than coincidental. In its issue for October 19, 1970, *U.S. News & World Report* asks:

"Is there a national conspiracy to kill policemen? Congress dug into this question in early October. One witness after another told the Senate Internal Security Subcommittee that a pattern of attacks on police indicates a plot.

"Eighteen police officers have been slain in unprovoked assaults this year—twice as many as last year—the Subcommittee was told by John J. Harrington, head of the 120-000-member Fraternal Order of Police.

"Capt. Joel Honey, of the sheriff's department in Santa Barbara, Calif., told of confiscating pamphlets giving detailed instructions on manufacture and use of weapons to kill police. He said wires have been strung across California highways to decapitate motorcycle policemen. A police undercover agent told of being 'trained to kill police' by student revolutionaries in Buffalo, N.Y."

As Carl Parsell, director of the Detroit Police Officers Association, observed in October: "Public officials keep saying it's just the hazards of the job, but we should face it for what it is: a conspiracy to kill policemen . . . the men feel people with political causes are zeroing in on them to highlight their causes."

Edward Kiernan, president of the New York Patrolmen's Benevolent Association, says the shootings of policemen are "part of a cold, logical, hard-eyed revolutionary strategy." Philadelphia Police Commissioner Frank Rizzo is of the same opinion. In September he blamed assaults on police in his city on hard-core radicals. As Commissioner Rizzo put it: "This is a national conspiracy. It's treason . . . It must be stopped even if we have to change some laws to do it."

On October 8, 1970, the International Association of Chiefs of Police adopted a resolution calling for a federal investigation of the conspiracy to assassinate police officers, declaring: "The members of this conference actually do believe that a number of these attacks are planned and executed by those traveling in interstate commerce."

California's deputy attorney general O'Brien made a second trip to Washington in October to charge before a Congressional Committee that the Black Panthers and the Weatherman faction of the Students for a Democratic Society have instigated many of these attacks through speeches and published materials. Both groups have distributed manuals which advocate attacks on police and provide instructions for making bombs to assasinate law enforcement personnel. Mr. O'Brien also testified that it would not be long before the revolutionaries outgun the police. As he told a newspaperman: "Soon it will be machineguns and high-powered rifles against police carrying only shotguns and pistols. It'll be like sending police out to protect us with peashooters."

Militants are staging their own arms race, O'Brien said. Thousands of automatic weapons, bombs, and explosives are being stockpiled. Many are powerful modern weapons and grenades stolen from military bases and from shipments to Vietnam. The extent of thefts from Army bases, he observed, "is beginning to frighten" even the military. For example, police recovered ninety-four pounds of C-4 military explosives and thirty-nine hand-grenades during the recent student riots near Santa Barbara, California. Mr. O'Brien reports in detail:

"The seriousness of the problem first hit us about two years when we arrested one character selling unstable C-2 plastic explosives stolen from Army bases. Through him, we tracked down 40 Army .45s, which had been stolen from military bases in Colorado. From this investigation we learned of a regular traffic in stolen military materials.

"We also found out about supplies headed for Vietnam being stolen in shipment, including guns, grenade launchers, grenades, explosives and ammunition. . . ."

In September, Senator John McClellan gave a large audience in Akron, Ohio, an idea of how this stolen equipment is being used:

"Some 5,000 bombings have occurred in the United States during the past 18 months. More than 1,200 of these were with high explosives bombs; the others were with incendiary devices. These bombings caused the deaths of at least 45 persons, injured more than 400 others, and resulted in property damage in excess of $25 million.

"In addition to these actual bombings, some 35,000 bomb threats have been made. . . . (CONGRESSIONAL RECORD, vol. 116, pt. 23, p. 31488)."

As one must imagine, our police officers are very concerned. John J. Harrington, national president of the Fraternal Order of Police, was quoted by Associated Press on October 15, 1970, as having told a Washington rally that our "police are fed up with being treated like fish in a barrel." He continued:

"The thin line between civilization and the jungle—which is us policemen—is being shot to hell and something has to be done about it.

It's time the people of this country face up to it—there is a revolution taking place."

Is it any wonder then that almost everyone—Democrat and Republican, "Liberal" and Conservative—is calling for "law and order"? The cry of the hour is: Do something! And most Americans are now willing to go along with almost anything that promises to relieve the situation.

In America, law enforcement has traditionally been a function of local government, but in the wake of the disastrous Watts riots of August 1965, Washington began coming to the "aid" of local governments. Within a week of the Watts holocaust the Office of Law Enforcement Assistance, now known as the Law Enforcement Assistance Administration (L.E.A.A.), was set up in the Justice Department to provide federal funds and helpful guidelines to "upgrade" local police departments.

Then, as crime continued to rise and riots proliferated, Congress passed the Omnibus Crime Control and Safe Streets Act of 1968. As in other such programs, expenditures began modestly. The budget for fiscal 1969 was $63 million. But now the outlays are being expanded enormously. On June 30, 1970, the House authorized $650 million for L.E.A.A. in fiscal 1971, $1 billion for fiscal 1972, and $1.5 billion for fiscal 1973. Our federal, state, and local governments will spend $5 billion on law enforcement this year. Which suggests that within two years nearly one-third of everything spent in this area will be routed through Washington to be returned with federal controls.

How is such federal money to be spent? According to *U.S. News & World Report:*

"That Act [Omnibus Crime Control and Safe Streets] requires that most of the money be given, initially, to States in block grants. The States are then required to redistribute 75 percent of their grants to local and county law-enforcement agencies. But first, plans must be drawn up—and approved—for ways to spend money."

It would certainly *seem* that the "law and order" men in Washington are on the right track. Surely we shall soon see a sharp drop in crime and the jailing of the revolutionary terrorists now bombing, burning, and killing in our streets.

If you think that, you are being played for a fool. What is wrong with the federal government coming to the aid of our local police is all too obvious. But let us take a hard look.

First we must recognize that the problems which all of this new federal anticrime legislation is supposed to solve have been artificially created—and by many of those who now pose as friends of "law and order" to offer federal "solutions." The strategy is known as "pressure from below and pressure from above." It is the technique used by the Communists to take control of Czecho-Slovakia, and it is described in detail by Communist theoretician Jan Kozak in a Communist Party textbook now available in an English translation as a Report of the House Committee on Un-American Activities.[1]

The strategy is to produce "pressure from below," by supporting crime in the streets with a cadre of revolutionaries organized to lead bands of looters, marchers, misguided peaceniks, and the like. These are to create a demand from the "silent majority" for the placing of more power and control in the hands of the central government. The "pressure from above" comes when "the Parliament" (Kozak refers to Czecho-Slovakia) or the Congress (in the case of the United States) responds by surrendering to the demands of the radicals in the streets in order to prevent further violence, while at the same time centralizing police authority on the ground that it is necessary to maintain "law and order."

This highly sophisticated strategy creates a pincers movement directed against the great middle-class, which is the target of Establishment conspirators seeking total control in America just as in Czecho-Slovakia.

---

[1] Committee on Un-American Activities, House of Representatives, 87th Congress, first session, The New Role Of National Legislative Bodies In The Communist Conspiracy, reprint of "How Parliament Can Play A Revolutionary Part In The Transition To Socialism" and "The Role Of The Popular Masses," by Jan Kozak, historian of the Communist Party Of Czechoslovakia, U.S. Government Printing Office, Washington, D.C., 1962.

I do not mean to infer that any but a few of those actually applying either the pressure from above or below understand the scheme in which they are being used. Most of the street revolutionaries are in deadly earnest, and most "Liberal" Congressmen and Senators actually believe they are helping to solve America's problems through increased federal controls and the centralization of law enforcement. But the *Insiders* who manipulate the Establishment know the game *very* well. And it is they who are calling the signals.

Consider the stimulation of crime in the streets which has resulted from the radicalism of the Supreme Court, an arm of the same government which now claims it wants to help "improve" law enforcement. Thanks to the High Court a law officer today has to speak softly and carry a big law library. The Court has handcuffed the police and given the clever criminal virtual carte blanche to pursue his trade. It is pressure from above complementing pressure from below.

You have doubtless noted that the enormous growth in our crime rate followed hard on a trail blazed by the Supreme Court. After a series of rulings striking down our laws against internal subversion, its first major "be kind to criminals" decision was the Mallory rape case of 1957, which threw out use of confessions obtained before arraignment. Crimes against property showed a major increase in 1958 and the escalation was on! Decisions in 1963 required free lawyers and appeals for convicted indigents. In that year the rate of violent crime had been 166 per 100,000. In 1964, it increased thirteen percent. Crimes against property increased eleven percent.

The *Escobedo* decision in 1964 required the taxpayers to provide a free lawyer for all suspects. The next year crime rates jumped again. The *Miranda* decision, throwing out confessions secured while in police custody without an attorney, was handed down in mid-1966. It was followed by an enormous fifteen percent rise both in crimes of violence and crimes against property. The 1967 *Wade* decision, requiring defense counsel even at a police lineup, was followed in 1968 by an astronomical increase of eighteen percent in the rate of crimes of violence, and sixteen percent in crimes against property. The next year saw jumps of ten percent in both categories. As statistician Louis H. Bean has observed:

"The fact that the Supreme Court decisions of the 1960s were each followed by similar increases in both categories of crime is clear evidence that the decisions created an atmosphere of leniency in law enforcement, lowering the probability of apprehension and conviction."

Of course, other factors were present. To blame the crime explosion of the Sixties entirely on the Supreme Court would be an over-simplification, but few will deny that it was a major factor. The Court has *contrived* "new Constitutional rights" for the accused which have gravely altered evidentiary rules and law enforcement procedures. Many of these changes have served to make the job of our police officers not only more dangerous but increasingly difficult. While the overall rate of crime rose by 148 percent over the last ten years, the rate of crime clearances—that is, crimes solved by our handcuffed police—actually declined by thirty-two percent.

The permissiveness of "Liberal" judges has also been an important factor in the growing crime wave, with upward of seventy-five percent of those arrested today being repeaters. So hamstrung is American justice that, according to *Time* magazine, "Of all reported major offenses, the experts say, only 12 percent lead to arrests, only 6 percent to convictions and only 1 percent to prison." You can bet the criminal knows the odds are in his favor.

Police Chief James D. Wright of Sausalito, California, complains that he often hears young burglars say: "Why should I work? I can make more with burglaries." Thanks to the Supreme Court and its "Liberal" courtiers, crime does pay better than ever. One estimate is that it now costs Americans $51 billion annually.

Naturally the public is appalled, and looks to our local police for a crackdown. But the judiciary tied the hands of the police at the same time it untied those of the criminal. Until this process is reversed, a showering of federal funds on law enforcement agencies can hardly help the situation.

The answer to the problem is not centralized police power, but a reversal of those decisions of the Supreme Court which have created the problem. If the Justice Department were serious about reducing the growth of crime it would re-submit those cases in which the Warren Court overstepped the bounds of sanity. If the Court were then to refuse to reverse itself, Congress could limit jurisdiction or institute impeachment proceedings (both wholly legal procedures provided for in our Constitution) until such decisions as those of *Miranda* and *Escobedo* are reversed and our local police are again given an even chance with the criminal.

Our police cannot do their job unless they can arrest criminals and get convictions. But, like the rest of us, they are caught in the pincers movement between the Supreme Court "above" and the criminal element "below."

A second area in which the strategy of "pressure from below and pressure from above" is being used is that of general insurrection in the streets. In the last six years no fewer than 114 American cities have suffered serious conflagration and riot. It was these insurrections which did so much to build the myth that local law enforcement is ineffective in dealing with mobs. When riots were quelled by efficient police work, the ventriloquists of the Left shouted through a thousand dummies that the police were brutal. Heads I win, tails you lost. That's the name of the game when you control the media.

Yet, in every case where riots have gotten out of control and had to be quelled by Army or National Guard personnel, it was because the police were *not allowed* to take firm action before things got out of hand. During the kickoff riot at Harlem in 1964, for instance, the "Liberal" Mayor of New York kept policemen out of the area for many hours until the rioters had built up a sufficient head of steam to do real damage. He later asked for federal support.

In the Watts riot of 1965, Chief William Parker was convinced by "community leaders" that order would be restored if "provocative" uniformed policemen were kept out of the area. Parker later publicly admitted his mistakke, but the power brokers in the federal government used the Watts insurrection as an excuse to set up a special bureau in the Justice Department to "improve" our local police.

During the early hours of the Detroit riot of 1967, "Liberal" Mayor Jerome Cavanagh ordered police to do nothing about looters. Finally, troops from as far away as Kentucky had to be brought in to stop the terror. As the fires flickered out, Mayor Cavanagh offered a plan for the handling of future riots. On July 31, 1967, United Press International reported the Mayor's proposal:

"Mayor Jerome P. Cavanagh called Sunday for a special 1,000-man federal police force in each major city to fight riots like the one which left 40 dead in Detroit.

Cavanagh said the riot policemen should be trained and paid by the federal government and be ready to converge on cities torn by racial strife. He said they should be specially trained in riot control and could be used instead of the National Guard."

America was on the road to a federal police force.

Since the Revolution has shifted gears into an urban guerrilla war against police, the Black Panthers have replaced the roaming mobs in the streets. An avowedly Maoist group, the Panthers have declared war on the police, but they and their friends the "Liberals" would have you believe it is the other way around. As J. Edgar Hoover has observed:

"The claim of the BPP that it is an innocent victim of police persecution and genocide is rendered absurd by the fact that since 1967 at least five police officers have been killed by BPP members and 42 officers wounded. One of the officers was killed by a Panther with a shotgun blast at point-blank range as the officer lay wounded and helpless on the ground. . . .

"The intelligence data being developed reveal that the continuing activity of agitators and revolutionaries affiliated with black extremist groups plays a large part in the unprovoked attacks against police. . . ."

The Panthers openly admit that they are Communists, and declare that they mean to have a revolution here and now. On October 10, 1970, United Press International reported:

"A California police official charged today the Black Panthers are being "used" by Communists in a conspiracy to overthrow the government by force. Chief E. M. Davis of the Los Angeles Police Department said attacks on police throughout the nation were part of the Communist-inspired conspiracy."

The day before, Chief Davis testified before a Congressional Committee that what we are facing "is revolution on the installment plan. . . . The Panthers [are] shock troops that are willing to go in and get themselves killed. The Black Panther winds up being an Uncle Tom to a white Communist."

Chief Davis provided evidence that the Panthers are being heavily supported by "white Marxists" in "silk stocking districts." Without such support the Black Panthers would be just another gang of criminals. But Establishment newspapers give them space and sympathy; fund-raising parties are thrown for them by wealthy actors, composers, and businessmen; Establishment publishers like Dell and Random House publish and promote the books of their chief propagandists; and, the Establishment magazines treat them like ebony heroes of a Brave New World.

But the "pressure from above" extends even higher. As the Associated Press reported on October 15, 1970:

"Testifying before the House subcommittee investigating the Black Panthers, [President of the Fraternal Order of Police John] Harrington said when he wrote Atty. Gen. John N. Mitchell about alleged Panther violations. "I got a mild reply from somebody down the line, saying that an investigation was being held."

Harrington added: "This is disgusting to myself and most other police officers. Here we have an administration supposedly dedicated to the bringing about of law and order. But no recommendations to put a stop to the nationwide conspiracy aimed at the police by the Black Panthers and others like them have come from the White House and the Department of Justice."

Attorney General Mitchell, who poses as Mr. Law and Order, has to date refused to name the Black Panthers, self-proclaimed Marxist-Leninists, to the Attorney General's list of subversive organizations, or to so much as approve hearings on the Panthers by the Subversive Activities Control Board. Yet the terrorism of the Black Panthers is cited as a prime reason why we must have more federal aid to law enforcement. This when it is the federal government which is already the roadblock. What we need is not federal aid but for the federal judiciary and the Justice Department to permit enforcement of the laws already on the books!

A third area in which local law enforcement has not been allowed to do its job is in the prevention of the continuing campus revolution. Again, we are dealing with a textbook case of "pressure from below and pressure from above."

The nation's college presidents have allowed the campuses to be used as sanctuaries for revolutionary organizing. Many have refused to allow police even to enter the campus unless a riot is totally out of hand. Some not even then. Campus agitators have been coddled in the name of academic freedom instead of being expelled. Literally hundreds of our student Lenins are on federal scholarships, but the Nixon Administration has done nothing to revoke the subsidies of such revolutionaries despite the fact that Congress has passed legislation requiring it. Instead, President Nixon proposes adding one thousand F.B.I. men to control campus rioting and bombing.

Meanwhile the leaders of the student revolutionaries make no secret of the fact that it is their *purpose* to provoke a federal takeover of local law enforcement, the abolition of civil liberties, and the creation of a Police State. The line was laid down by Ted Gold of the S.D.S. Weatherman Faction, who was killed last spring while making bombs in New York City. He is quoted by the Liberation News Service of January 8, 1970, as proclaiming: "If it will take Fascism we will have to have Fascism." Jerry Rubin emphasizes the same theme in his book *Do It!*

Such revolutionary leaders tell their cannon fodder that a Police State is a first step in driving the middle-class to rebellion. What they do not mention is that there has never been any such thing as a successful rebellion against a modern, well-equipped Police State.

The name of the game is alienation. Jerry Rubin, Abbie Hoffman, and their cohorts readily admit that their goal is to alienate youth from their parents. This is, quite naturally, a two-edged sword. The more outlandish the youthful revolutionaries become in their appearance, rhetoric, and agitation, the more violently the "silent majority" reacts.[2] As Saul Alinsky, a self-described "professional revolutionary," puts it: "The action is in the reaction."

The whole idea behind the Communist terror on the campuses and in the streets is to bait the middle-class into throwing Br'er Rabbit into the briar patch of a Police State. If the leaders of the youthful radicals were really trying to get them to persuade their elders of the merit of their ideas, would they urge them intentionally to look and to act repulsively? Obviously not. This business is a setup. It is a con game in which thousands of young people who have never heard of the theme "pressure from below and pressure from above" are being used as cannon fodder for a phony revolution designed to so strengthen the federal government that a takeover by the *Insiders* **of the Establishment will be possible.**

Of course you, Mr. and Mrs. John Q. Brownshoes, are just as important in the strategy as the shaggy hippies. The ultimate strategists of this revolution are counting upon you to become so angry and frustrated and embittered by growing crime and insurrection that you will first demand federal aid for the local police—producing federal guidelines and control, as with your schools. And when even the "guidelines" do not solve the problem you will be expected to accept a national police force to restore "law and order."

It is expected that you will remain ignorant of the fact that this threat would not even exist if the Supreme Court had not emasculated our internal security laws; if college faculties and administrations were not permitted to promote or condone revolutionary activity on the campus; if the Department of Health, Education and Welfare and the Ford Foundation did not provide revolutionary students and organizations with the funds to operate; and, if the Justice Department would just *use* the evidence already provided it by the F.B.I. to prosecute the cadre of radicals, young and old, who are now in the streets preaching sedition.

Only those who brag about their crimes seem to get on the wanted list these days. We have had only a token crackdown on revolutionaries from the Justice Department—just enough to avoid being accused of doing nothing. Those of the Chicago 7 who were convicted are now being allowed to cross state lines to give speeches inciting to riot—the very crime for which they were convicted. Why is bail not revoked? Why are they not again indicted? Why has a score of revolutionaries wanted by the Justice Department found it so easy to skip the country to Canada, Algeria, and elsewhere?

None of this is the fault of the local police, and it is certainly no justification for a federal police force. The street revolutionaries "below" are being protected by the Establishment *Insiders* "above," so they can be used to create the sort of climate necessary for a takeover. The revolutionaries have no more chance of bringing down our government by themselves than Slippery Rock has of going to the Rose Bowl. Their function is to promote a reaction enabling *a takeover from the top.* The revolutionary movement in this country could be destroyed almost overnight without adding one new law if that was what the Establishment wanted. It isn't.

Imagine that you wanted to be a dictator in this country. How would you go about it when there are in the United States 40,000 separate police departments and sheriffs' offices, and an average of more than one gun **per household? Obviously, you must figure out a way to confiscate those weapons and to centralize control of the police. Like all would-be dictators, the masters of the International Communist Conspiracy under**stand this principle. That is why the Com**munists have for years pushed anti-gun legislation while carrying on an attack against the independence of our local police. As J. Edgar Hoover has testified:**

"Law enforcement has long been a target of communist attack. . . . Lenin taught that it was essential for every 'real people's revolution' to destroy the 'ready-made state machinery.' Wherever communists have been able to exercise any measure of control, their first step has been to hamstring and incapacitate law enforcement. . . ."

W. Cleon Skousen is a former assistant to F.B.I. Director J. Edgar Hoover. In his authoritative book, *The Communist Attack On U.S. Police,* Skousen observes:

"The official Communist Party hate campaign against the police of the United States is now reaching a full crescendo in many parts of the country. . . . **It is a concerted, well-organized broadside of unmitigated venom against those who have the respon**sibility of protecting life and property and **preserving the peace."**

Such defectors from the leadership of the Communist Party as Joseph Kornfedder, Manning Johnson, Dr. Bella Dodd, and Leonard Patterson have all told how they were taught by the Communists to give top priority not to just discrediting the local police, but to discrediting the very concept of local police. One of the major attempts by the Communists to discredit and neutralize our local police forces has been their agitation for establishment of civilian review boards. Mr. Skousen recalls a conversation with former Communist Bella Dodd about such boards:

"I spoke at length with Dr. Bella Dodd, former member of the National Committee of the Communist Party who defected in 1948. During this conversation I brought up the subject of police review boards and she stated that she was appalled at the success of the Communist Party and its cadre of fellow travelers in persuading New York politicians to accept the idea of a civilian police review board.

I asked her how the idea originated and she said it was invented by the Communist Party in the 1930's when it was felt that the country was ripe for revolution. The idea was to somehow get the police out from under the control of elected officials and subject the police to the discipline of a "civilian" group which the Party could infiltrate and control. She stated that by this means they intended to mete out harsh and arbitrary punishment against the police until they were intimidated into a benumbed, neutralized, impotent and non-functioning agency."

The Communists and those traveling a parallel course ran into heavy resistance against the establishment of the civilian review boards. Cities which had them paid a high price. According to an F.B.I. report for September 18, 1964:

"The investigations also revealed that where there is an outside civilian review board the restraint of police was so great that effective action against the rioters appeared to be impossible. This restraint was well known in the community and the rioters were thereby emboldened to resist and completely defy the efforts of the police to restore order. In short the police were so careful to avoid accusations of improper conduct that they were virtually paralyzed."

Director Hoover opposed civilian review boards as a threat to the independence of local police, and spoke of their "inherent political overtones." But, the coup de grace was delivered when the voters of New York City, following an all-out campaign by the Support Your Local Police Committees and others advocating efficient local law enforcement, overwhelmingly rejected Mayor Lindsay's attempts to establish a civilian review board. This contest attracted so much nationwide publicity that it effectively buried other such attempts. Despite all the propaganda about "police brutality," the major rationalization for such boards, the public bought neither the brutality pitch nor the civilian review boards.

The *Insiders* changed tactics. Neutralization and control over our local police is now to be accomplished through a maze of federal "guidelines" attached to federal aid. The conspirators "above" are fully aware that the Supreme Court has ruled in *Wickard vs. Filburn* that "It is hardly lack of due process for the Federal Government to regulate that which it subsidizes." Subsidy and control are two fingers in the same glove.

Cleon Skousen is now editor of *Law and Order,* a professional journal for law enforcement personnel. He warned in that magazine for April 1969:

"I am old enough to remember all the protestations of innocence of intent which poured out of Washington when the early bills for Federal aid to education were being considered. Yet on October 6, 1966, *U.S. News and World Report* stated that the U.S. Department of Justice, through acting Attorney General Ramsey Clark, had notified the House Rules Committee that the federal government felt it had complete power to order the reassignment of teachers, professors or members of the staffs of any educational institution receiving federal assistance if it did not follow the guidelines issued out of Washington.

---

[2] During the recent campaign, Richard Nixon always allowed a few radicals to attend his rallies and bait him. Then Mr. Nixon, who had the microphone, would delight his audiences by verbally cutting them to pieces. This was carried to the extent that enough radicals were allowed to form for the purpose of stoning and egging a Presidential motorcade. Mr. Nixon did not come to town on a wagonload of pumpkins with hay in his hair. He arranged a nationally televised speech to speak out against his "assailants," and the next day the front page of the *New York Times* announced: "Mr. Nixon is . . . expected to approve plans for a new intelligence apparatus by which Federal and local officials will exchange information on extremist groups." Big Brother would be delighted.

"Note, of course, that not at any time did the Federal government pretend it had taken over the local schools. It had simply acquired the admitted power to control them because of the massive aid on which the schools had gradually become dependent.

"In the breakdown of national law and order the police became the most harassed, maligned and neglected profession in the entire American culture. But gradually Americans became angry and the politicians knew they were angry. They knew there had to be some kind of program to make it look as though *something* was being done to clean up the mess. So they came up with the same formula they have used on everybody else. Money.

"Well that was something law enforcement desperately needed. Just like the schools. And exactly like the schools we began to get the 'local control' treatment. It was not only promised verbally but written right into the fabric of the bill. Just as it was in the school bills.

"All of which we wish were a reality. But it never was and never can be. There is not one single, isolated case where massive Federal aid was not followed by massive Federal control.

"It is immoral to pretend otherwise. When a government spends the people's money it is responsible for those expenditures. That is as it should be. Eventually, that government, no matter how sincere its intentions to remain aloof from the local use of those funds, is compelled to move in, to supervise, to lay down rules, to control. It happened with the farms; it happened with the schools; it happened with government-contract industries. What makes us think law enforcement will be an exception?"

Of course, such controls are seldom introduced at the inception of a federal program. During the first few years an army of federal bureaucrats beats the bushes to sell its scheme to local officials. The controls come only after the local government has become financially dependent upon the federal program. But once the federal camel gets his nose in the local tent it's over. Writing in *Law And Order*, Chief Skousen explains:

"All of us recall that Federal aid to local law enforcement started out in a most modest and humble fashion. Hardly enough to frighten anyone. But that is not the case today. Federal aid is no longer merely for planning and experimenting. It has moved over into the fields of paying for facilities, paying salaries on broad and comprehensive programs, providing essential equipment. This is the same old well-worn path to Federal aid in every other field. . . .

". . . this generation is likely to see the creation of a Federalized police system whether we intended it or not."

As a matter of fact this is exactly how Sweden was saddled with a federal police force. The September 1964 issue of *Public Management*, published in Chicago by the Rockefeller-financed International City Managers, reports:

"Local Police in Sweden on January 1, 1965, were transferred to the central government in accord with action taken in 1962 by Parliament. Smaller towns and rural districts have for many years received national grants for the maintenance of police service and since 1954 local police personnel salaries have been regulated by the national government. The National Police Service will be administered by the central board, large police districts will be established and better technical equipment will be provided."

J. Edgar Hoover is among those who have warned against such a takeover in the United States. Writing in the F.B.I. *Law Enforcement Bulletin* for February 1968, Director Hoover declared:

"America has no place for, nor does it need, a national police force. It should be abundantly clear by now that . . . effective law enforcement is basically a local responsibility. In the great area of self-government reserved for States, counties, and cities, the enforcement of the laws is not only their duty but also their right. Law-abiding citizens and local officials should vigorously oppose concerted attacks against law enforcement and the devious moves to negate local authority and replace it with Federal police power."

Hoover was quoted earlier, in *U.S. News* for December 21, 1964, as observing: ". . . I am inclined toward being a States' righter in matters involving law enforcement. That is, I fully respect the sovereignty of State and local authorities. I consider the local police officer to be our first line of defense against crime, and I am opposed to a national police force. . . . The need is for effective local action, and this should begin with wholehearted support of honest, efficient, local law enforcement."

The cry of the federal bureaucrat is always neutralize, federalize, and centralize. The ize have it, so to speak. Which is exactly what the Communists have been advocating for years. Those local officials who think the police will be more effective with the help of federal funds, *despite* the controls, should remember that the "war on crime" will be directed by the same federal government that has run the wars in Korea and Vietnam. In those "no-win" wars the hands of the commanders in the fields were and are tied—just as those of our police chiefs will be if Fedcop becomes a reality.

Among the major steps toward centralization that L.E.A.A. is already promoting is the consolidation of local police departments on a "regional" basis—crossing city, county, and sometimes even state lines. These regional departments, now springing up like toadstools after a rain, are no longer responsible to, and controllable by, local voters. They are under the thumb of state and federal bureaucrats, funded by the federal government and obedient to its guidelines. To regionalize *your* local police the federal government will now pay ninety percent of the planning costs and an average of sixty percent of the costs of implementing the regional scheme—a very juicy carrot indeed.

The federal dollars for law enforcement are dispensed from Washington through state planning commissions which must first submit suitable plans to L.E.A.A. for approval. The man selected to approve such grants was Patrick V. Murphy, described by nationally syndicated columnist Edith Roosevelt as one who "epitomizes the so-called 'sociological' or 'permissive' approach to crime." Doling out of federal funds for the regional law enforcement groups already looks like the old War on Poverty game all over again, with radicals in control of the purse strings.

The *Oakland Tribune* of June 6, 1969, reveals that the Bay Area's regional police units are the prototype of this federally supported operation, noting that "the 24-member committee that will administer the ABAG [*Associated Bay Area Governments*] is headed by San Francisco Supervisor Terry Francois."

Who is he? Mr. Francois is a longtime radical activist who is so committed to the revolution that he listed the Communist W.E.B. DuBois Clubs as one of his endorsers in a newspaper advertisement. He has been connected with S.N.C.C., C.O.R.E., the National Lawyers Guild (cited by the House Committee on Un-American Activities as a top Communist Front), and the A.C.L.U. He has participated in radical sit-ins (for which he was jailed twice), regularly marches in Vietnik anti-war rallies, and even signed a petition supporting the notorious Berkeley Free Speech Movement. An advocate of violence, Francois was elected in 1966 to the board of directors of the Fabian Socialists' Americans for Democratic Action. *This* is the man who controls federal funds to "help" law enforcement in the San Francisco, Oakland, Berkeley, and San Jose area.[3]

But regionalization under local radicals is just a beginning. Bigger and better plans are in store. The American Telephone & Telegraph Company has prepared a law enforcement study for the federal government recommending a system under which all intelligence and communications for our local police would be handled through a dozen regional centers. Wouldn't Big Brother like to get his hands on *that* kind of a setup! Coincidentally, perhaps the *Oakland Tribune* revealed on May 6, 1969, that President Nixon has already selected a dozen cities to serve as federal "sub-capitals." As the *Tribune* notes: "The reorganization and decentralization [*sic*] was started under a little-noted executive order signed by President Nixon on March 27." Big Brother cometh on little cat feet.

The big-domes of Washington have many such clever ideas for shackling the local constabulary. For instance, L.E.A.A. is very big on establishing "human relations commissions" which turn out to be civilian review boards under a different guise. "Sensitivity training" is also being pushed under some two dozen different names. Another program which makes the boys at L.E.A.A. all soft inside is for police to improve their education by taking college courses. Which sounds commendable, except that the courses recommended are in sociology rather than police techniques.

If a police-control program is yet too radical for L.E.A.A., funding can be obtained from the Ford Foundation, which has recently allotted $30 million for the purpose of "helping" law enforcement. For the Ford Foundation, a cornucopia of funds for every conceivable radical project, to want to help our local police is as plausible as W. C. Fields bankrolling the W.C.T.U. Running the "pressure from above" for the Ford Foundation is Charles Rogovin, who until this spring was the lord high pooh-bah at L.E.A.A. On October 1, 1969, Rogovin told the International Association of Chiefs of Police: "If local law enforcement fails, then something else will replace it." And as you might suspect, he quickly added, "local law enforcement has failed to do its job." The Ford Foundation has another Redder Idea.

And Washington's interference in local law enforcement is already a matter for serious concern. The *Oakland Tribune* of July 31, 1970, reported that three California police chiefs have complained to Attorney General

The federal government could not get a requirement for regionalization through Congress as part of the Omnibus Crime bill, but the bureaucrats administering it in the states have let it be known that they are more likely to provide such funds if the states include regionalization in their plans.

---

[3] California requires regional (metro) government before releasing any federal funds for law enforcement. Butte County Supervisor Donald Maxon told your reporter: "Governor Reagan claims to be against metro government, but then creates the California Council on Criminal Justice which in turn required a regional setup to get federal funds. The Governor is either very naive or he is just not on our side."

John Mitchell about the intrusion of federal investigators before local police have even had time to complete preliminary investigations. One of these investigations concerned the handling by police of a riot in Berkeley. The *Berkeley Daily Gazette* for August 4, 1970, noted that the Berkeley Chief of Police had written to Attorney General Mitchell:

"These investigations"—in this case civil rights violations—"bring incredible complications to local issues. They put a police department and its officers in an impossible situation . . . this precipitous intrusion by the federal government is incredible to me—almost unbelievable."

Berkeley has endured attacks by revolutionaries on troop trains, riots, bombings, burnings, and large-scale destruction of property on and off the campus of the University of California, but it took a hippie minister who claimed his civil rights had been violated during a riot to get the Justice Department to do something—and even then it came in on the side of the hippie Left!

Doubtless many local police officials are accepting federal funds against their better judgment because they are desperate. An average of only 4.5 percent of local budgets is now spent on police protection, while Welfare, which is not even a legitimate function of government, is in most cases gobbling up over half of local tax revenues. According to *Time*, "local police forces now cost the average citizen only a bargain-basement $14.48 per year." (Take a look at your propperty-tax bill and see how that compares with the total you are paying!)

If Fedcop is to be stopped, Americans must prove to their local police that they support them and want them to remain independent. We must be willing to pay the tariff for doing so. After all, this thin blue line of police officers is all that stands between us and the armies of criminals and revolutionaries in the streets. Already they are wavering from the assault on the one side, and the lack of support on the other. If that line ever breaks, our country will be so irretrievably lost that no army will ever be able to restore the freedoms we now have. We *must* see to it that our local police have the *local* funds they need to do their job!

All Americans must be brought to understand that L.E.A.A. is treating the symptoms rather than the causes of growing crime and insurrection. We must expose the fact that those most active in promoting the federal takeover of our local police are the politicians and bureaucrats who have long supported the radicalism of the Supreme Court and backed legislation which puts the blame for crime on "society" and not on the criminals and revolutionaries behind its escalation. The answer to our problem is to take the handcuffs off our local police and put them back on the criminals where they belong.

But keep in mind that the issue at hand is not law and order. All Communist nations, every dictatorship, has *law* and *order*—enforced by a national police force. No, the question is *who* is going to enforce law and order, our local police or the federal government. Fedcop must be stopped. As Dan Smoot has reminded us: "At the end of that road is the instrument for total control that all dictatorships require: a national police force. Then, the character of American law enforcement will undergo another, and this time a rather abrupt, change. When a national police force becomes a recognized, accepted, operating reality, it will no longer be ineffective and permissive. It will be ruthlessly efficient and repressive. Its mission, however, will not be to protect the public, but to protect entrenched political power against the public."

Now, more than ever before, it is vital that we support our *local* police, and keep them independent.

POET LAUREATE OF UKRAINE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. RHODES. Mr. Speaker, at the intersection of 22d and P Streets NW., here in Washington, there stands a statue which is all too often unnoticed by passersby. It is the impressive form of Taras Shevchenko, the poet laureate of Ukraine.

If the figure had been of this man as he appeared near the end of his 47-year-life, it would have been weary, crooked, and sad. Taras Shevchenko, a champion of individual liberty, was a prisoner of tyranny, tortured by ruthless czarist Russia.

In prison he secretly wrote powerful poems of faith—faith that the Ukrainian destiny was to live in freedom.

Years after Shevchenko died, and two centuries after Peter the First "crucified" Ukraine, czarist oppression crumbled. It was 1917, a year of prayers answered, a year of joy, and a year of dignity for Ukraine. Quickly an independent state was established incorporating the ideas of liberty long confined to the dreams of a strong-willed people. The Ukrainian Assembly provided progressive guarantees for the rights of minorities. Thoughtfully the assembly issued currency in three languages to accommodate the different tongues in Ukraine.

The new nation was hard at work providing what Shevchenko had called the new and righteous law when freedom was snatched away.

In 1922, the Bolsheviks disregarded boundaries and seized Ukraine, clamping despotism over this nation of vast natural resources, great seaports, and 50 million valiant people.

Although the Ukrainian independence was short and precarious it remains a symbol, a hope for a better future. Two million Americans of Ukrainian ancestry celebrated the 53d anniversary of the independence of Ukraine on January 22. Sadly, they had to face the fact that the nation where they were born, or where their parents were born, is again a captive. They know that they who fled tyranny are the only Ukrainians who were allowed to celebrate their anniversary of freedom.

Millions of Ukrainians, composing the largest non-Russian nation in the U.S.S.R., languish in repression. Yet the flames of national identity are still alive. Fifty-three years of Communist rule has not adulterated the determination of a people who resisted two continuous centuries of Russian czars.

Ukraine lives as a symbol to all those who cherish freedom.

The statue of Taras Shevchenko is a monument to a nation's ideas and hopes that have not been blessed by fulfillment, like similar ideas of Jefferson and our other forefathers here in the United States.

Next time you pass the intersection of 22d and P, stop and think of the millions of captive Ukrainians still carrying the hope that someday, they too, shall share in the freedom we enjoy.

LONG BEACH CITY COUNCIL MEMORIAL RESOLUTION FOR HON. L. MENDEL RIVERS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. HÉBERT. Mr. Speaker, a singular tribute has been paid to our late chairman, Hon. L. Mendel Rivers, by the City Council of Long Beach, Calif, which has passed a beautifully worded memorial resolution in his honor.

Coming as it does from a city 3,000 miles across the country from Mr. Rivers' home district in South Carolina, it is a unique example of the national reputation that he achieved and of the esteem in which he is held by outstanding citizens everywhere.

I am inserting the resolution in the RECORD at this point as I am sure all Members of Congress will want to read it:

CITY COUNCIL OF THE CITY OF LONG BEACH MEMORIAL RESOLUTION—HON. L. MENDEL RIVERS

Be it remembered: That the members of the City Council of the City of Long Beach, by means of this resolution, wish to honor the memory of Rep. L. Mendel Rivers, head of the House Armed Services Committee, who passed away December 28, 1970, at the age of 65;

That Mr. Rivers, who was recently elected to his 16th term, was a widely known member of the Congress because of his dynamic personality, who, throughout his career, held unswervingly to the belief that the freedom that exists in the modern world is inextricably tied to the military strength of the United States;

That Mendel Rivers, was buried near his parents in a moss-hung colonial cemetery in St. Stephens, South Carolina, with a five-man military honor guard accompaning the casket, and as taps were blown for the white-maned congressman, a dozen jet fighters and the lumbering C5A, the world's largest plane and the result of one of Mr. Rivers' most controversial battles, flew over St. Stephen Episcopal Church Cemetery;

That it is altogether fitting and proper that the members of the City Council of the City of Long Beach adopt this memorial to Rep. L. Mendel Rivers as a tribute to an outstanding legislator in our nation and to his full life of accomplishments for the good of the citizens of our country;

That a copy of this resolution be forwarded to such individual or individuals as the Mayor of Long Beach may deem appropriate, as a token of the esteem and regard held for L. Mendel Rivers by the citizens of the City of Long Beach.

Let the Great Seal of the City of Long Beach be affixed hereto.

Adopted this 12th day of January, 1971.

——— ———,
Mayor of the City of Long Beach.

Attest:

——— ———,
City Clerk.

SOVIET TRIAL IS WARNING TO ALL OPPONENTS OF THE REGIME

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. PODELL. Mr. Speaker, the plight of the Soviet Jews was brought home most vividly by the dramatic sequence of events surrounding the recent Leningrad trials. Jews in Russia have been subject to overt persecution and yet have not been granted the right to emigrate by Soviet officials.

The injustices that have been committed against the Jews have now become public knowledge. One article that documents the seriousness of the problem is one by Murray Zuckoff, editor of the Jewish Telegraphic Agency. I place it in the CONGRESSIONAL RECORD to demonstrate that their plight has grown more serious.

The article follows:

SOVIET TRIAL IS WARNING TO ALL OPPONENTS OF THE REGIME

(By Murray Zuckoff)

The trial of the 11 Soviet citizens—seven of whom have been identified as Jews—and three more trials scheduled to be conducted early next year in Leningrad, Kishinev and Riga, is in effect a warning to all those in the Soviet Union and its east European satellites that any opposition to the regime will be unmercifully crushed. The trial is not a "show trial" but a secret trial. It is closed to the foreign press, unreported by Soviet news agencies, and lawyers from abroad are not permitted to come to the Soviet Union to defend the prisoners in the dock and to assure impartial and objective proceedings. This makes the trial all the more ominous and significant than previously imagined. What is at stake is not merely the right of Jews to emigrate to Israel or any other country of their choice or the right of Jews to live as Jews with the same guarantees that other minority groups have under the Soviet constitution. The trial is not merely an attempt to discourage Jews from emigrating. At stake in this trial and the others scheduled is a concerted effort by the Kremlin rulers to crush all opposition to the regime by those who are dissatisfied with current conditions.

The trial reveals that Jews are in the dock as scapegoats because they are in the forefront of the struggle against the criminal rule of the Russian oligarchs. The Soviet authorities know better than anyone else that the form of Jewish resistance, which currently is expressed as a struggle for the right to emigrate, has far greater ramifications. The Jews in the Soviet Union, in fact, are inspiring others to open resistance. Unlike the image of Jews in many western countries where they are linked to the status quo, the Soviet Jews are in the forefront of an anti-establishment movement. This does not mean that they are organizing open rebellion but it does mean that their actions are giving heart and courage to others to do so. The sixteen Soviet republics are seething with unrest and discontent. Artists, intellectuals, scientists and writers are in ferment against the stranglehold the ruling elite is exercising on free intellectual expressions. But these elements are isolated, atomized and fragmented by the very nature of their profession and generally impotent as a community to exert any far-reaching pressure on the regime. By contrast, the Jews in the Soviet Union, despite their dispersal throughout the country, are a cohesive and integrated community in its tradition, ideals and objectives. They are also, as a national minority, subject throughout the country to the same abuse and chafe under the same repressive mechanism which deprives them of the right—in practice—to pursue their Jewishness.

SOVIET RULERS AFRAID OF JEWS WILL INSPIRE OTHERS TO REBELLION

What undoubtedly concerns the Brezhnevs and Kosygins is not the desire of Jews to leave the Soviet Union, but the prospect that their demand, which can be summarized, as "Let us leave or let us live," could open a Pandora's Box and pave the way for the restructuring of the entire social fabric as a more democratic and equitable society. It seems unlikely that a mere wish to emigrate would have required such an elaborate frameup as attempted hijacking. Evidently, what is of greater concern to the Soviet authorities is that the defiance of the Jews against repression, their insistence that they be allowed freedom of expression and movement as provided under what Soviet leaders contend is the "most democratic constitution in the world," will provide the spark and flame for more widespread opposition. One has only to recall how 1,000 Soviet Jews recently defied Soviet police to conduct a memorial observance at the mass grave of 30,000 Jews slaughtered by the Nazis in 1942 in Rumboli Forest on the outskirts of Riga. One need only recall the outpourings of thousands of Jews—young and old—on the streets of Leningrad to celebrate Simchat Torah.

One needs also to recall that during the 1930's, the infamous Moscow Trials against the "Old Bolsheviks"—many of whom were Jewish—was sparked by the assassination of Kirov, a Communist Party hack in Leningrad. His assassination, which many Sovietologists contend was ordered by Stalin to serve as a pretext to crush opposition to his rule, was developed as a "plot" against the "workers' republic" by "renegades" and "traitors" working with, if not for, Hitler. But the actual reason for those trials, which lasted three years and which led to the death of dozens of Bolshevik leaders and the incarceration of thousands of people, was to find a scapegoat for the economic failures of the then Five-Year plan. The refusal of the Soviet authorities to permit the foreign press and lawyers to attend the current trial, is also extremely significant and revealing. During the Moscow trials this permission was not only granted but encouraged. At that time, Stalin felt he had the sympathy of the world on his side and an airtight case against the victims. Now, apparently, the Kremlin leaders fell they have neither. The secret trial now being conducted will be recorded as an infamy in the annals of world history. But the heroism of the Jews to confront their oppressors and to speak out, even at the knowledge that they face imprisonment and possible death, will be recorded as a monumental contribution toward ending the Soviet system of despotism. In the last analysis, the struggle to free the Soviet people from the shackles of enslavement—mental and physical—will be attributed to the heroism of those who dared to defy.

SENATE—*Friday, February 5, 1971*

(Legislative day of Tuesday, January 26, 1971)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose Word declares that "out of the heart are the issues of life," grant to Thy servants who serve Thee here strong hearts, brave hearts, and hearts firmly fixed to do Thy will. Help them to fulfill in daily life and private practice the words of the Master: "Blessed are the pure in heart for they shall see God." Make and keep them wise and good and strong men, filled with Thy spirit and guided by the ideals of the Founding Fathers. May they walk and work with faith in that coming day when the kingdoms of this world live under Thy divine sovereignty in justice and lasting peace, and to Thee we ascribe all honor and glory. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, February 4, 1971, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 602—INTRODUCTION OF A BILL RELATING TO THE CONFEDERATED SALISH AND KOOTENAI TRIBES, MONTANA

Mr. MANSFIELD. Mr. President, on behalf of my distinguished colleague (Mr. METCALF) and myself I send to the desk a bill to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket No. 50233, U.S. Court of Claims, and for other purposes.

Mr. President, I ask unanimous consent that the bill be appropriately referred.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, the bill will be received and appropriately referred.

The bill (S. 602) to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket No. 50233, U.S. Court of Claims, and for other purposes, introduced by Mr. MANSFIELD (for himself and Mr. METCALF), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MONTOYA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the pending business which the clerk will report.

The assistant legislative clerk read as follows:

> A motion to proceed to the consideration of Senate Resolution 9, amending rule XXII of the Standing Rules of the Senate with respect to limitation of debate.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9 to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the period for the transaction of routine morning business for not more than 30 minutes, with a time limitation of 3 minutes therein, is now in effect.

The Senator from New Mexico (Mr. MONTOYA) is recognized.

ECONOMIC DEVELOPMENT—FIELD HEARINGS TO EXAMINE THE PROPER DIRECTION AND FORM OF AN EFFECTIVE PROGRAM

Mr. MONTOYA. Mr. President, I rise to apprise the Senate of field hearings which will be held during the course of the next few weeks with respect to Appalachia and the other regional commissions.

The concept of creative federalism ennunciated by Lyndon Johnson early in his Presidency, and the statement of awareness that we must "help State and local governments develop greater capacity to plan and manage their own affairs" which was contained in the state of the Union address by President Nixon, are both clear characterizations of the direction that government must take. If we start from the premise that the responsibility of government is to serve the people, then I believe it is our duty to achieve the best level of understanding of the kinds of public services that the people of the United States need to maintain proper growth and development.

The lasting effect of the great depression of the 1930's was not the catastrophic economic losses suffered, as terrible as they were, rather, it was the loss of the initiative and ability to render services to the public suffered by local and State governments. We now fully appreciate the result of the continuous movement of power to the National Government.

In and of itself, this centralization was not bad. It enabled us to frame the recovery from the depression, to mobilize for and conduct our national defense during World War II and to make the changeover from a wartime economy to an economy directed toward peaceful pursuits. The centralization of power served its purpose and like all other political responses, it has run its course.

We are now faced with a new set of imperatives, a new set of needs, a new set of national directions. In order to carry them forward we must decentralize government activities and the responsibilities for decisionmaking. This is not to say that there is no longer a need for a strong, active, and concerned Federal Government. What it means is that along with that kind of Federal Government, we must reestablish strong, active, and committed State and local governments. We have all been engaged in politics—the art of government—long enough to realize that there is no single answer, that the art of government is the art of change without violent upset. We must be in a position to evaluate and reevaluate what will work and under what circumstances it will work best.

The President, in his state of the Union message, put great emphasis on revenue sharing. Whether his recommendations will be enacted and whether they will work are questions which we will consider during the 92d Congress. But revenue sharing alone is not the answer. Our experiences over the past 25 years with a series of different approaches to long-term unemployment problems, short-term economic responses, natural catastrophe mechanisms, and the need for intelligent, well-reasoned assessments of priorities has given us a fund of experience and knowledge on which to draw.

As a result of President Johnson's concept of creative federalism, the Congress in 1965 enacted the Appalachian Regional Development Act and the Public Works and Economic Development Act. These programs, which have been in operation for 6 years, provide us with an excellent base from which to examine and recommend legislation in response to the broad range of the problems of the decade of the 1970's.

As we at the Federal level have been working with the programs to which I have referred, a number of States have developed responses of their own. During the months of February, March, and April, we shall inquire in depth as to how these programs have worked, what has been learned from them and how the lessons can be used to shape a new program of State-Federal action to achieve the goal of economic prosperity in a framework of healthy social, cultural, and environmental development.

In the literature of political science and economics, and in the recommendations of Government agencies are a number of worthy proposals. At this time we are not in a position to choose a particular approach to pursue. What the Subcommittee on Economic Development intends to do during these next 3 months is examine many of those ideas in a general framework. We are looking to the creation of legislation to establish a national economic development program, a public works and public facilities investment plan to determine how priorities for public works should be established, to create an inventory of what is needed, and to equip State and local governments to assume the major role in these determinations.

We will concern ourselves with such questions as what constitutes proper development, how to determine the development goals and objectives of State and local governments, and how the Federal Government should be structured to assist the State and local governments in meeting these responsibilities.

As I have said, there are many suggestions. There have been many experiments, the most notable of which are the Appalachian regional development program and the approaches of the Public Works and Economic Development Act.

On February 8, 9, and 10, the Subcommittee on Economic Development will consider S. 575, a bill to extend and revise the Appalachian Act introduced by Senator RANDOLPH, the chairman of the Committee on Public Works, and Senator JOHN SHERMAN COOPER, the ranking minority member. Through these hearings, we will determine what has worked and why it has worked.

As Senator RANDOLPH said in his introductory remarks in this Chamber on February 3:

> I am proud that the Appalachian Development Program has been a leader and an innovater in the areas of government organization and revenue sharing. The Committee on Public Works recognizes the significance of the bold new steps that have been taken in Appalachia, and we are studying the Appalachian program as a possible pattern for economic development and other programs elsewhere.

I concur in his observation and agree with his further statement:

> Based on what we have learned in the past six years and what we expect to learn this year, I am sure that the Appalachian program will be modified and refined. We will, however, want to preserve the momentum and the spirit of cooperation and Federal-State partnership generated under the Appalachian program.

Senator RANDOLPH and Senator COOPER have done much to bring to the attention of the Senate, the Congress, and the Nation, the need for this Appalachian program and the important purposes which it serves. Following these hearings, the subcommittee will begin a series of field hearings which will take us to Raleigh, N.C., February 18, 19, and 20; Memphis, Tenn., March 5 and 6; Los Angeles, Calif., April 1, 2, and 3; Albuquerque and Santa Fe, N. Mex., April 5 and 6; Seattle, Wash., April 14 and 15; Anchorage and Fairbanks, Alaska, April 16, 17, and 18. The sites of these hearings were chosen because in each place we expect to examine a different aspect of the major problems associated with economic development:

Raleigh, N.C., because of the knowledge and experience of the Governors, other members of State governments, local officials, and private citizens in that area of the South in working with the Appalachian program and the regional economic development program under title V of the Public Works and Economic Development Act.

Memphis, Tenn., because of the strong desire of the leaders of the States of the Midsouth to create a regional economic development program and because of the depth of experience with economic development districts established under title III of the Public Works and Economic Development Act which has been gained in that area.

We will hold hearings in Los Angeles to examine in some detail the long-term development problems of a major metropolitan area which has large minority populations not benefiting from the general prosperity of the area. The current technological unemployment in Los Angeles also should provide us with some interesting testimony.

In New Mexico we can concentrate on the alternatives of the regional commission and State development approach. We will be able to examine the issue with Governors, other State officials, and private individuals who have been working within the regional concept for the last 5 years. During these hearings we can also discuss the specific needs of Indians for separate treatment in order to help them defeat their long-term depression situation.

In Seattle, we will be able to discuss with the Governors of the Northwest their great concern for a regional development commission and to look into the question of pervasive unemployment which that general area has experienced.

In Alaska, we will be able to take full advantage of the knowledge gained by that State in its efforts to achieve economic revitalization following the disastrous earthquake in 1964. In Alaska we will be able to test the one-State approach as compared with the multistate approach.

It is our intention wherever we go to also raise the question of how best to describe the form of the Federal response to those situations where plant closings, loss of vital natural resources, and elimination of Government facilities create economic catastrophes. In this regard, I will join with Senator RANDOLPH and other Members of the Senate in the introduction of a bill to revitalize the accelerated public works program. We shall use this legislation which will be introduced next week as a vehicle for discussion on how best to do this job.

All of the witnesses will be asked to testify on the following outline of questions. We hope that they will respond to as many of the areas as they believe their experience and professional capability allow them.

First. What are the objectives of economic development?

In terms of these goals, what specifically has been the impact of the following on the economic development of your area:

Titles I, II, III, and IV of the Public Works and Development Act as administered by the Economic Development Administration: Its impact on immediate economic development and its impact on continuing economic development.

The regional commissions as created by title V of the Public Works and Economic Development Act.

Any other private, local, State, or Federal programs and agencies which you believe have the task of fostering economic development.

Would you comment on the following proposed local-State-Federal structure for implementing these economic development goals or, if you have other suggestions, please present them to the committee:

Should the entire State be divided into multicounty development areas, and if so—

Who would authorize and designate the districts: The State, Federal legislation, the local communities or some combination of these?

What criteria would be used to delineate these districts?

Should these districts be limited to areas of economic distress or would they be organized around areas of potential economic growth—for example, growth centers?

Would these districts focus in nonmetropolitan areas or should they include metropolitan areas?

What would be the authority and responsibilities of the districts?

What would be the relation of these districts to the State? To Federal agencies? To local governmental authorities? To other multicounty districts which might already operate in the area?

Should the State establish a State-level economic development agency within the office of the Governor? If so—

What responsibilities and authority should this agency need to be effective?

What would be the relation of the agency to local governmental units and locally initiated plans and projects? Local development districts?

What would be the relation of this State-level agency to other State line agencies?

What would be the relation of this State agency to Federal Departments?

Would such an agency and a State development plan be a prerequisite to further Federal assistance?

Should the Federal Government be organized on a multistate regional basis or should we proceed on a State-by-State basis?

What would be the advantage of multistate regional commissions, such as the Appalachia Regional Commission and the title V commissions?

What criteria would be used to designate these regional groupings?

What responsibilities and authority should these regional commissions have to be effective?

Would the commissions include the entire State or only that area meeting the designation criteria? Why?

Should the regional commissions be represented at the Federal level as part of the Department of Commerce or within the executive offices by a Federal coordinator for economic development for example? What would be the role of the Federal side of the regional commission?

What would be the advantage of proceeding on a State-by-State basis?

Would the States be represented at the Federal level through a line agency or within the executive office by a Federal coordinator for economic development for example?

What would be the function of the Federal coordinator?

What would be the relation of the Federal coordinator to local development districts? The States? To other Federal Departments?

Should there be a regional counterpart in the Federal administrative regions to assist the Federal coordinator and the States?

What would be the relation of the private sector to such a structure?

What programs and devices do you recommend to accomplish these goals of economic development? For example, the use of supplemental grants and development corporations.

Second. What should be the role of the Federal and State governments in short-term economic readjustments in rural and urban areas which suffer abrupt and severe unemployment and loss of income due to setbacks in economic activity?

What programs and devices would be necessary to carry out such assistance?

What structure could best accomplish this assistance effort? For example, the use of a Federal coordinating field committee.

Following these hearings and an examination of the record, we shall draft legislation. We shall then hold hearings in Washington, D.C., with a wide range of witnesses who can give us their critical comments and their best suggestions on how to develop a workable procedure to achieve our goals.

Preparation for this program evaluation has been proceeding for some weeks. Members of the subcommittee have indicated their intense interest in the subject. I look to their support and participation in this undertaking. I know that we can develop a good bill in the tradition of the Committee on Public Works. I look forward to working with Senator HOWARD BAKER, the ranking minority member of the subcommittee, and all of his colleagues together with my Democratic colleagues. In this spirit of cooperation, we can approach this large and difficult task with reasonable hope for success to the benefit of the people of this country.

READING OF WASHINGTON'S FAREWELL ADDRESS—APPOINTMENT BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. On behalf of the Vice President and pursuant to the order of the Senate of January 24, 1901, the Chair appoints the Senator from Maryland (Mr. BEALL) to read Washington's Farewell Address on February 22, 1971.

ORDER OF BUSINESS

Mr. MONTOYA. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL SPENDING AT HOME AND ABROAD

Mr. ALLEN. Mr. President, on January 22, 1971, President Richard M. Nixon delivered his state of the Union message before a joint session of the Congress. It is not my purpose to criticize his message. Instead, I want to elaborate on one portion of his speech in which he recognized that States and cities are confronted with a financial crisis. Figuratively speaking, States and municipalities have just about milked the local tax sources dry. Yet, Federal program has been piled on top of Federal program in recent years and almost all of them require local governments to come up with additional tax revenues. This has gone on to the point that State and local governments are rapidly reaching the point of no return. Essential local services must be cut back or else Federal revenues are necessary to maintain the most fundamental local services. Consequently, I support the principle of revenue sharing. However, I am not certain that revenues for sharing cannot be obtained by means more desirable than deficit financing.

Mr. President, let me elaborate on this point. An editorial printed in the Mobile Press of December 8, 1970 refers to—

> The crazy pattern by which the United States spends money to help Communist causes.

The editorial refers, for example, to the action by President Nixon in freezing an appropriation of $1 million to begin work on the long delayed Tennessee-Tombigbee Waterway, which is of such tremendous importance to the economy of the 23 States of the Nation and the port city, Mobile, Ala., in particular—since released. The editorial then questions why the U.S. State Department advocates spending $600,000 of our tax revenues to survey a road from Zambia, where Communists are in the saddle into the brush country of Botswana. The editorial states in part:

> Part of the all-weather road would cross through Rhodesian and South African territories. The intent of this whole project is to give Zambian Communists military and guerrilla access to Rhodesia and South Africa.

Mr. President, it is a matter of common knowledge that foreign aid of this type flows in a continuous stream to aid, abet, and promote the military and economic welfare of Communist dominated nations throughout the world.

Mr. President, we hear so much of priorities. By what manner of reasoning is this military access road through sparsely popuated bush country of Africa given a higher priority than completion of the Tennessee-Tombigbee Waterway system of transportation which is of inestimable economic benefit to this Nation?

More specific details of this $600,000 giveaway to countries allied with international communism are printed in a letter to the editor to which reference is made in the editorial previously mentioned. Mr. President, I ask unanimous consent that the editorial and the letter be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

At this point, Mr. President, let me call attention to a series of double standards applied by the United States in its dealings with independent nations of Rhodesia and South Africa and Communist satellite nations. More importantly, let us examine some of the causes and some of the paradoxes which result from these double standards.

First, the citizens of our Nation as were governments of all nations told by the President that the political forms of government and economic systems adopted by other nations were not of vital interest to our Nation. On the other hand, when the President of the United States and the State Department address their remarks to African nations, precisely opposite statements are made as they relate to Rhodesia and South Africa.

An explanation for this doubletalk is not hard to find. For one thing, our policies with respect to Rhodesia and South Africa are dictated by the United Nations, while our policies with respect to Communist nations in Africa and Communist-dominated nations in other areas of the world are dictated by Alice in Wonderland rhetoric from the State Department. Such rhetoric is supposed to perpetuate the "bridge-building" processes with Communist Russia, her satellites, and other Communist-dominated nations of the world.

With respect to Rhodesia, for example, we are told that the United States is bound by terms of the United Nations Treaty. Consequently, we are bound to accept United Nations Security Council determinations respecting a finding of a threat to international peace and security. Sure enough, article 30 of the United Nations Charter authorizes the Security Council to make such determinations. In the case of Rhodesia, such a determination was made by the Security Council. Accordingly, we are told the United States is bound to accept further dictates of the United Nations Security Council and impose economic sanctions against the independent nation of Rhodesia.

Of course, such a determination requires a ridiculous and unbelievable assumption that the United Nations has jurisdiction over the nation and over the question of its political form of government. In view of the fact that the United Nations Charter is supposed to exclude jurisdiction over internal affairs of member nations, and all nations for that matter, it has been necessary to create two mythical legal fictions.

Fiction No. 1—contrary to international law, the fiction is advanced by argument that Rhodesia is not an independent nation. By some unexplained reason, Rhodesia is supposed to remain a ward of Great Britain. If one accepts this fiction, which even England no longer persists in, the Security Council, it is argued, has acquired jurisdiction over internal affairs of Rhodesia because Great Britain requested the United Nations to intervene and deny the fact of Rhodesian independence as established by International law.

Fiction No. 2—this fiction requires a determination by the United Nations Security Council that Rhodesia is a threat to international peace and security.

Mr. President, the fabrication used by the United Nations Security Council to argue that Rhodesia is a threat to international peace is preposterous. The argument is that if Rhodesia fails to voluntarily relinquish its sovereign right to adopt its own constitution and create its own government and distribute its powers in a manner it deems fit, then such refusal to relinquish its sovereignty will create dissatisfactions among Rhodesia's tribal neighbors and present a possibility that Rhodesia's tribal neighbors will resort to war and violence against Rhodesia. The argument is so astounding as to suggest that it derives from "Alice in Wonderland" as most recently revised and edited by the State Department.

One concluding point. Many of my colleagues have distinguished themselves for their tenacity in upholding the proposition that the Commander in Chief of the Armed Forces of the United States has no power to commit the forces of this Nation in furtherance of treaty commitments in the Far East without consent of Congress.

We have heard time and again of the dangers of delegating to the President powers to entangle our Nation in dangerous adventures abroad. Yet, Mr. President, I have heard no objection in the Senate to provisions of articles 39 and 41 of the United Nations Charter, which delegates to the Security Council of the United Nations the power to determine threats to international peace or the power delegated to that agency to commit the Armed Forces of our Nation to acts of war in foreign lands. Why?

Article 39 clearly authorizes the Security Council to determine threats to the peace and to take such actions as provided in articles 40 and 41.

Article 40 delegates to the Security Council power to take actions such as needed to effect economic strangulation and other actions short of actual warfare.

But article 42 delegates power to the Security Council to "take such action by air, sea, or land, forces as may be necessary" to win a war and restore international peace and security.

Furthermore, article 48 provides that

the Security Council shall carry out its decisions with troops of the United States or other nations as the Security Council shall determine.

So we hear talk about the power in Congress to commit Armed Forces in defense of our Nation—we hear incessant complaints about actions of the President to defend our troops in South Vietnam despite the fact that such actions are directed toward disengagement and physical protection of our troops. But where is the complaint about the power of the Security Council to make determinations and to commit our troops in acts of warfare under direction of the United Nations Security Council? Why the silence on this delegation of power?

Here we are authorizing expenditures of billions of dollars in foreign aid which is desperately needed to strengthen the economy of our nation. Who gave a higher priority to projects of Communist dominated nations—funds to build a military access road to threaten the peace and security of independent Rhodesia, while the economic welfare of this nation represented by the Tennessee-Tombigbee river system is left empty-handed? And we talk about priorities. And we talk about funding meager revenue sharing with state and local governments by authorizing deficits, which necessarily entail inflationary deficit financing. And, while on this subject let me ask this question. How much money could we save the taxpayers if we ceased to import from Communist Russia an inferior grade chrome ore which mineral is so essential to our national defense and to our economy? How much would be saved if we simply imported American owned inventories of superior grade chrome ore from Rhodesia at less than one half the price demanded by Russia? This poorly camouflaged program of economic aid to Communist Russia must stop. The money saved could well be spent for revenue sharing with state and local governments.

Mr. President, I say that no President of the United States, and no candidate for President of the United States, will be permitted to evade these questions and the issues involved. They are vital to the safety and welfare of our nation and while we may duck them for a while we cannot successfully evade them.

Mr. President, I am confident that Congress will give the President's revenue sharing proposal careful consideration. I trust the American people will learn from congressional hearings just how much revenue could be made availabel for sharing with local governments by cutting out hostile economic sanctions imposed against our former allies and by putting an end to giveaway programs to Communist dominated nations.

I ask unanimous consent that the editorial to which I have referred be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Mobile (Ala.) Press, Dec. 8, 1970]

WHO DOES U.S. DIPLOMACY REPRESENT?

An editorial in last Friday's Mobile Register and a letter to the editor on the same page, when taken together show the crazy pattern by which the United States spends money to help Communist causes.

The editorial justifiably deplored President Nixon's freezing of an appropriation of $1 million to begin work on the long-delayed Tennessee-Tombigbee waterway. The letter from A. Theron, Box 353, Umtali, Rhodesia, raises questions as to why the U.S. State Department wants $600,000 merely to survey (just the foot-in-the-door for more taxpayers money) a road from Zambia, where Communists hold power, into the sparsely populated brush country of Botswana.

Part of the all-weather road would cross through Rhodesian and South African territory. The intent of this whole project is to give Zambian Communist military and guerrilla access to Rhodesia and South Africa. Meanwhile, Botswana would become another staging ground for Red forces and offer them position from which to encircle the two white states.

Congress has considered passage of the wasteful and damaging appropriation in line with our silly restrictions on trade with Rhodesia, and it still has a chance of approval.

As everyone can see, the State Department is being led around by its nose by Russians and their allies, while the Tenn-Tom waterway, which would peacefully benefit 23 states of America is left empty handed.

The Soviets already dominate the Indian Ocean, and once the strictly military road is built into Botswana, Rhodesia and South Africa will be in deep jeopardy.

Upon what manner of reasoning does this make sense as a policy of the U.S. government?

The five southern states directly affected by the Tenn-Tom proposal should vigorously protest this discrimination, and the remainder of the 23 states should join in the effort.

ROAD PROJECT

The EDITOR.

DEAR SIR: What is the U.S. government up to in ths part of Southern Africa?

On Nov. 20, in the capital of Botswana, Mr. David Newsom, United States under-secretary of state, signed an agreement whereby the United States government is to provide $600,000 for the survey of an all-weather road from the Botswana capital, Gaborone, to the bank of the Zambesi River, opposite Zambia. The area through which it is to run is almost completely uninhabited, undeveloped bush country.

This sounds innocent enough unless you are aware of the fact that Botswana does not have access to the bank of the Zambesi River, although both black governments claim that they do. Therefore, to reach the river bank, the road will have to intrude upon either Rhodesian territory or into the Caprivi Strip which is governed by South Africa. Is it in the least likely that either Rhodesian or South African governments will allow such an unnecessary road to pass through their territory? And it is entirely unnecessary since Zambia is already served by three crossing points over the Zambesi River from Rhodesia, over which such imports as coal, farming machinery, foodstuffs and new vehicles are freely allowed to pass.

A high percentage of Zambia's copper exports leave the country by the same routes. It must therefore be obvious to all but the deliberately blind that the concealed purpose of this new road is to facilitate terrorist entry into Rhodesia by the back door, i.e., across the Botswana-Rhodesia border which, being an ill-defined line through wild bush-country will be infinitely more difficult to defend than is the Zambesi Valley.

Zambian terrorists are Communist-trained and equipped. It can hardly be a coincidence that the Communist Russian ambassador from Zambia and the under-secretary for state of the United States of America happened to visit his obscure black capital at the same time. Yet this seems so, for the Russian ambassador has chosen this exact time to present his credentials to the president of Botswana.

So what do we find? The Russian Navy has trebled its strength in the Indian Ocean. The Russian government is doing all in its power to prevent Britain from supplying arms to South Africa for the defense of the Cape sea routes, and now we have the United States financing an unnecessary road from the Zambian border to the South African border to provide easy access for the destruction of Rhodesia and attack on the Republic of South Africa. A road which is the answer to the terrorists' prayers. And the U.S.A. has provided the answer!

It's a great pity that once again the American taxpayers' money is being wasted on yet another dangerous venture of interference in an area which is no concern of the U.S.A.

Mr. David Newsom is said to be on a tour of Southern Africa to assess the present situation here. One wonders why Rhodesia is not on his itinerary. Surely we are entitled to a reassessment of our situation after more than five years of successfully repulsing terrorist attacks, as well as the iniquitous United Nations sanctions which the United States supports. But then we are used to the incompetent judgments of the ignorant politicians from abroad, so another one will make no difference. But what if it puts America into another Vietnam-type predicament here?

A. THERON.

UMTALI, RHODESIA.

COAL MINE HEALTH AND SAFETY INSTITUTE FOR WEST VIRGINIA

Mr. BYRD of West Virginia. Mr. President, I was extremely pleased a few days ago when the Bureau of Mines selected a site for the new Coal Mine Health and Safety Institute. The site chosen is on a 250-acre tract of land near the Raleigh County Airport in Beckley, W. Va., which was donated by the Raleigh Count Airport Authority as a testament to the storng local support for locating the Institute in Beckley.

I am familiar with the site, not only because I consider Beckley to be my hometown, but also because I was able to accompany Bureau of Mines' officials on inspection tours of the two Beckley sites that were considered for construction of this much-needed facility.

There is a great need to provide an education and training center to expand and upgrade the health and safety expertise of mine management and mine workers, as well as the Federal and State agencies responsible for mine health and safety. The United States has never had enough of this expertise; and, now that the coal industry is moving to close the gaps in our Nation's energy supply picture, the need is particularly urgent and acute.

In 1969, as chairman of the Senate Appropriations Subcommittee on Deficiencies and Supplementals, I was able to add $300,000 to the supplemental appropriations bill, to initiate the planning of the Institute. I felt strongly then, as I do now, that new efforts should be made to improve the health and safety of America's coal miners.

Mr. President, coal miners in West Virginia and elsewhere have long suffered the hazards and ill-health that, for centuries, have been associated with their occupation. Yet, remedies for many of these critical problems have still to be found. Though work in the areas of mine health and safety has gone forward for some time, only recently has national attention focused on the largely forgotten miner and his working condition. The 1968 tragedy at Mannington, W. Va., and this year 's tragedy at Hyden, Ky., brought the plight of the coal miner home to every American.

The task of improving health and safety standards in the mines involves a coordinated effort among the State and Federal governments, operators, and miners themselves. But to do an effective job of eliminating the hazards of coal mining, we need qualified, highly skilled, specialized personnel to conduct inspections; and we need highly trained mining engineers and laboratory technicians of superior caliber. These are the people who will lead the way toward solving the health and safety problems plaguing miners today; and these are the people who will be trained at the Institute.

West Virginia is the ideal location for the facility, Mr. President, since it is both the principal coal-producing State and one in which all the typical coal mining operations and the attendant hazards are found. In addition to having one of the Nation's outstanding mining schools within its own boundaries, West Virginia is also centrally located with respect to other fine mining schools in Virginia, Kentucky, and Pennsylvania.

At the Institute in Beckley, comprehensive training will be provided for about 400 Bureau of Mines inspectors and inspector-trainees, as well as for about 400 students from State mine health and safety agencies and from mine management and labor. It will also provide seminars and other short courses dealing with particular problems. These short courses will be offered both on campus and through home-study programs.

The Mine Health and Safety Institute will supplement—not supplant—the mining schools at West Virginia University and elsewhere, which are needed to supply more and better mining engineers. However, it is possible that these university-trained engineers may wish to attend the Institute for specific courses.

Mr. President, specific design of the Institute is still in the making; but, in general, it will consist of classrooms, laboratories, shops, dormitories, cafeteria, library, gymnasium, and supporting utility and maintenance facilities. An underground "classroom mine" is planned to provide the students with actual experience with the equipment and the environment that they will encounter in their work. The General Services Administration will supervise the construction of the Institute and will soon select an architect-engineer contractor for the project.

Mr. President, I was very pleased to offer my help in securing this most necessary facility for West Virginia. Three West Virginians, among others, should be commended for their outstanding efforts in helping to bring the Academy to their county. Mr. Walter James, president of the Raleigh County Court; Mr. Paul Hutchinson, assistant prosecuting attorney for Raleigh County; and Mr. Charles Lewis, president of the Raleigh County Airport Authority were instrumental in acquiring the necessary land for the Academy.

This new Mine Health and Safety Academy is a facility of which all West Virginians and the Nation can be extremely proud. It is a new beginning to better the quality of life for our Nation's coal miners.

Mr. President, the steps leading up to the establishment of a Mine Health and Safety Institute date back to 1967; but the real groundwork was laid in 1969, when the planning funds were added to the supplemental appropriations bill.

I ask unanimous consent to include two letters in the Record, with respect to this subject.

There being no objection, the letters were ordered to be printed, in the Record, as follows:

U.S. Department of the Interior,
Bureau of Mines,
Washington, D.C., September 8, 1969.

Hon. Robert C. Byrd,
U.S. Senate,
Washington, D.C.

Dear Senator Byrd: Thank you for the convincing argument in your letter of August 11, 1969, for establishing the proposed Mine Health and Safety Academy somewhere in West Virginia. We can assure you that your State is being considered in this regard.

Your special effort to secure funds to begin the initial planning of this Academy is appreciated very much. We join you in hoping that action will be taken to bring this much needed institute into existence at an early date.

Sincerely yours,
John F. O'Leary, *Director.*

U.S. Department of the Interior,
Washington, D.C., January 26, 1971.

Hon. Robert C. Byrd,
U.S. Senate,
Washington, D.C.

Dear Senator Byrd:

Thank you for your letter dated January 7, 1971, regarding the Mine Safety Institute.

The site selection committee considered the Pinecrest Sanitarium site to be the best location for the Institute, but because of several problems connected with vestment of title to the Federal Government, the alternate site has been selected. This is the airport site, and, although it was the alternate selection, we believe that it will be quite satisfactory for the Institute.

The General Services Administration is performing all contractual services for us in this matter, and a contract for the development of an architectural program will be awarded in the near future. GSA's design staff will prepare estimates of construction costs and will submit them to us for use in preparation of our budget request.

Again, thank you for your interest in this matter.

Sincerely yours,
Hollis M. Dole,
Assistant Secretary of the Interior.

A WIDER WAR FOR WHAT?

Mr. CHURCH. Mr. President, although the present censorship of news from Indochina prevents the American people from knowing the facts of what is happening there, it appears that U.S. participation in the air war has expanded. Tom Wicker, in a piercing column, wonders about the purpose of current military operations in and over both Cambodia and Laos. Wicker observes:

> **In the guise of winding down the war the Nixon Administration is widening the war in the most destructive way.**

In considering the results of America's air warfare—"it will perpetuate a thousand Mylais throughout the region" and "napalm and bombs do not make distinctions or respect the innocent"—Mr. Wicker asks, "a wider war for what?" a question he and the American people are unable to answer.

If the top officials of this Nation really believe that by "a wider war, more indiscriminate slaughter from the air, the continuing erosion of American society, the mounting destruction of Southeast Asia," that is "by such costly means a generation of peace can be achieved," then, Mr. Wicker concludes, the administration "owes it to humanity to explain how."

I ask unanimous consent that Tom Wicker's column from the New York Times of January 31, 1971 be inserted here in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

A Wider War for What?

(By Tom Wicker)

Washington.—The way Secretaries Laird and Rogers tell it, any air strike for any purpose anywhere in Southeast Asia serves the Administration's ultimate goal of protecting the withdrawal of American troops from South Vietnam, and is therefore justified. That means that in the guise of winding down the war, the Nixon Administration is widening the war in the most destructive way.

The first and most terrible facts of this policy is that it will perpetrate a thousand Mylais throughout the region. Air warfare is indiscriminate; villages are burned, children and women killed, the countryside blasted. Napalm and bombs do not make distinctions or respect the innocent.

But considerations of elementary humanity rarely move statesmen. They are practical men. They must make large decisions, ponder global questions, gauge the national interest. Even on that rarefied level, the statesmen of this Administration seem singularly immune to the most compelling truths.

The nation was told last spring that the invasion of Cambodia was the greatest success of the war, a vertiable Marengo—that it had bought amounts of time ranging up to two years to bring off the American withdrawal, that it would not involve American forces in another limitless war, that it had proved the capacity of the South Vietnamese army.

Now, just as critics said would be the case, the invasion can be seen to have moved, not destroyed, the so-called sanctuaries. They have been shifted out of Cambodia, it seems, into the Laotian panhandle. So still another country must be invaded if the sanctuaries are to be wiped out, and the withdrawal to proceed. American air power, which Mr. Nixon himself said would not be needed in Cambodia, now is needed throughout Southeast Asia. Some success!

In fact, the Administration's achievement in Southeast Asia is reminiscent of the financier who boasted: "Last year I was broke, but today I owe millions." The situation, of course, could be much worse, and no doubt it would be if the Administration had not been saved, over its own objections, from even greater folly.

Mr. Nixon and his men fought hard against the so-called Cooper-Church amendment. It invaded the President's prerogative, they said, as if that were original sin; it tied his hands in protecting the lives of American troops, and it wasn't needed anyway because Mr. Nixon had no intention of doing any of the things it sought to prevent him from doing. Some assurance!

But the most important matter today is not whether the Administration has violated either the letter or the spirit of the amendment, or both, by using air power. What matters is that, if the amendment were not part of the law, American troops might well be going into the Laotian panhandle or down Cambodia's Route 4 with the South Vietnamese.

It matters also that the Cooper-Church amendment imposes at least some Congressional limitations upon the escalation now going on, and that its mere existence means that both Congressional and public scrutiny of Mr. Nixon's war policy will be more searching than anything applied in the early years of the war in Vietnam—a classic case, perhaps, of locking the barn after the horse has been stolen.

Congress, as Senator Fulbright has conceded, can do little to make the President desist from his Southeast Asian air war. It is important to remember, therefore, that this air war is not some dreadful natural catastrophe, like a typhoon, and that Mr. Nixon cannot ask, as Lyndon Johnson used to ask, "What else could I do?"

The fact is that the widened air war is a direct consequence of the president's policy of Vietnamization, as even Mr. Rogers made plain. As withdrawal proceeds, there is a growing danger of strong attack on the remaining troops, and Mr. Nixon must take steps to protect them.

It ought to be asked how the million-man South Vietnamese army can be expected to protect the whole country, once the Americans have left, if it cannot now protect even the American withdrawal. But above all, it has to be asked why the policy of Vietnamization, requiring an expanded air war, further invasions of other countries by the South Vietnamese, and all the wanton destruction and indiscriminate killing that will result—why is Vietnamization to be preferred to a negotiated settlement of the war?

How does Vietnamization, rather than negotiation, lead to what Mr. Nixon repeatedly refers to as "a generation of peace"? What is the logic of a policy that requires the bombing of three countries and the invasion of two in order to evacuate one? And to the extent that protecting the troop withdrawals requires the bombing of North Vietnam itself, how can that be a step toward peace when it shatters the only real achievement of the Paris talks, the so-called "understanding" by which the bombing was stopped in 1968?

It is true that to make or allow a negotiated settlement in Southeast Asia would require large concessions by Mr. Nixon and probably would result in political arrangements for the region that he does not desire. But there is no guarantee whatever that Vietnamization will not ultimately bring equally undesirable or worse conditions; the chances are that it will. A wide war, more indiscriminate slaughter from the air, the continuing corrosion of American society, the mounting destruction of Southeast Asia—if Mr. Nixon really believes that by such costly means a generation of peace can be achieved, he owes it to humanity to explain how.

A WAR WITHOUT END

Mr. CHURCH. Mr. President, the Indochina War has disabled our society in many ways, one being the debasement of the language as a vehicle for double-talk. It is reassuring, then, when a commentary, dealing with America's part in the war, speaks so directly to the point. Mr. Frank Getlein has written such a lucid analysis. I ask unanimous consent that his column from the Washington Evening Star of February 3, 1971, be inserted here in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Feb. 3, 1971]

NO END IN SIGHT TO INDOCHINA WAR

(By Frank Getlein)

As the extent of our air support for the Cambodian regime became known in the last couple of weeks, some Senators began to mutter that this new, massive commitment was a violation of the President's pledge not to use military force in Cambodia in support of that regime and also a direct defiance of the Senate of the United States.

Sen. John Stennis, D-Miss., in contrast, fresh from beating back the dread threat of democratic procedures in the Senate, announced that American troops on the ground well may be necessary very soon in Cambodia, troops, to be sure, to be titled "air controllers," but authentic, American fighting men on the ground.

Stennis' predictions about military futures usually come true because, under the geriatric system of government employed in both houses of Congress, he is, now and forever, chairman of the Armed Services Committee. As such he is the willing tool of the Pentagon and is therefore let in on information withheld from the government at large.

The Defense Department has already revealed that while the Cooper-Church amendment forbids the use of American "advisers" in Cambodia, the department is standing by ready to send "instructors" instead.

Presumably, should the Senate attempt once more to regain some vestige of its old constitutional powers in regard to war and forbid the sending of instructors, Secretary Laird is capable of saying, "Yes, we certainly won't send instructors if the Senate doesn't want us to, but we do have an obligation to send in these 50,000 teachers, so please stand clear."

Meanwhile, back with "controllers on the ground" of Sen. Stennis. If anything at all about our expanding involvement in Cambodia is clear, it is that when the controllers are on the ground, directing our air fire against the enemy, the enemy is going to start shooting the controllers. At that point, naturally, all bets are off, including the pledged word of the President and the specific injunction of the Senate. American boys will be under attack and American boys will be defended—by more American boys.

We will be in Cambodia for the same basic reason we have been in Vietnam for the last five years or more: We have to have soldiers in both countries to defend our soldiers in both countries.

One thing that all this adds up to is that the Pentagon lies. This is hardly new. The Defense Department doctrine that it has a right—perhaps even a duty—to tell lies was first enunciated by Arthur Sylvester. At the time it was thought to mean that the Pentagon had the right to lie to the press, a right routinely exercised by most government departments at one time or another.

It is now clear that the Sylvester doctrine really means that the Pentagon has the right to lie to the press, to the people, to the President and Congress, and, in all probability, to itself. No military establishment anywhere near sanity could create the permanent fiasco the Pentagon has constructed in Southeast Asia except by believing its own lies.

But the automatic lying and similar word games played by military apparatchiks in uniform and in Congress and Cabinet is not the worst meaning of the Cambodian re-incursion, as it will doubtless be called when we move to protect our controllers on the ground. The worst is that the permawar has already begun.

There have been three permawars in European history. The first raged throughout the five-century life of the Roman Empire and finally destroyed the empire. The second was the Hundred Years War, and the third the Thirty Years War, which established freedom of religion for princes.

The permawar in Indochina has just about hit the 30-year mark itself, if you count the beginning as the Japanese military occupation of World War II. But it isn't the length that makes it an authentic example of permawar. It's the style of rationalization, the shifting structure of reasons why we are there.

We will be on the ground in force in Cambodia to protect our ground controllers who will be guiding our gunships and bombers which will be fighting the Communists both to support the regime and to protect our boys in Vietnam who are basically fighting because they keep getting attacked by the Viet Cong and North Vietnamese. For these reasons we will destroy Cambodia as we have destroyed South Vietnam and large parts of North Vietnam.

Meanwhile, should peace somehow threaten to break out, we still have Laos, relatively undamaged so far, as the next place to enlarge operations.

The war has taken on a life of its own, independent of the Pentagon as well as of the other branches of government the Pentagon deceives. There is no reason to believe it cannot go on forever.

ORDER OF BUSINESS

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The "EXPANSIONARY BUDGET" MEANS CUTBACKS FOR THE ELDERLY

Mr. CHURCH. Mr. President, a so-called full employment budget has been presented by President Nixon to the Congress and to the American public. It has been described as "expansionary;" it is based upon the hope that the economy can soon grow by about $20 billion more than most economists think possible; and it is described as a potent force for reducing unemployment and inflation at one and the same time.

This kind of Presidential optimism may buoy up hopes for some, but to older Americans the program promises only belt-tightening rather than anything "expansionary" at all. My views are based on the following evidence:

One. The February 3 Washington Post reported that:

> Health, Education, and Welfare Secretary Richardson urged that Social Security bene-

fit increases be held at six per cent, rather than the 10 per cent proposed by House Ways and Means Committee Chairman Wilbur Mills. The Secretary said that a 6 per cent increase would "cover" the 5.5 per cent increase in the cost of living for 1970. But the Secretary ignores the fact that some of the sharpest living cost rises occurred in medical costs (And Medicare covers less than 50 per cent of health care expenses of the elderly), in rentals and real property taxes, and in transportation—all of which are high-cost items for the elderly.

In addition, the Secretary is unwilling to face up to the likelihood that living costs probably will continue to rise during the coming year. He is apparently willing to let the elderly continue to finish a poor second in the race with rising prices.

Second. The February 3 New York Times carried additional information about Secretary Richardson's comments before a closed meeting of the Ways and Means Committee. That newspaper reported that the Secretary is proposing reductions in medicare coverage while calling for an increase in the $60-a-year deductible feature. In addition, some medicaid patients would be required to pay a fee for services based upon a broader means test than now exists.

Additional details are not now available, but it is easy to understand why William Hutton of the National Council of Senior Citizens charges the administration with "trying to balance the budget on the backs of sick old people."

Third. Sharp cutbacks are proposed in the President's budget for the Administration on Aging. This 5-year-old agency, established under the Older Americans Act, has already suffered downgrading under recent reorganizational changes. But in the new budget, the following additional slashes are proposed:

A budget request of $29.5 million for programs under the Older Americans Act, representing only 28 percent of the $105 million funding authorization for fiscal 1972 under the law;

Slashing the community programs on aging—title III—to the bone by proposing a $3.65 million cutback in funding;

A $1 million reduction for vitally needed research and demonstration;

Less $1.15 million for title V training, at a time when there is a great demand for competent personnel to serve the aged; and

A $3 million reduction in funding for the highly successful foster grandparent program.

Yet, this is the year of the White House Conference on Aging. This is the time when we should be moving toward a national action policy for older Americans.

But without adequate funding, the hard-won legislative achievements of the past will be of little benefit for those struggling on limited, fixed incomes.

As chairman of the Senate Special Committee on Aging, I intend to take a close look at the President's budget in order to search out other reductions which have a direct relationship to the well-being of older Americans. In addition, I will write to directors of programs threatened by cutbacks based more upon bookkeeping than upon genuine understanding of older Americans and their needs.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

In transmitting this Fifth Annual Report of the National Endowment for the Humanities, I commend to your attention the work supported by the Endowment during fiscal year 1970 in increasing the cultural resources of our nation and in providing insight into and understanding of the complexities of contemporary problems.

The National Endowment for the Humanities, which is one of the two Endowments comprising the National Foundation on the Arts and the Humanities, has been able in its short existence to implement a wide variety of programs designed to promote progress and scholarship in the humanities through studies in history, language, literature, jurisprudence, philosophy, and related fields. In addition a major emphasis has been a heightened concern with human values as they bear on social conditions underlying the most difficult and far-reaching of the nation's domestic problems, such as divisions between races and generations.

With its positive response to my proposal of last year to increase funding for the National Foundation on the Arts and the Humanities, the Congress enabled the Endowment to make a significantly greater contribution to the quality of life for all Americans. The role of government in this area, as I emphasized last year, should be one of stimulating private giving and encouraging private initiative. I am therefore happy to report that the work of the National Endowment for the Humanities attracted 125 gifts from private sources totalling over $2 million during fiscal year 1970, more than matching Federal funds available for that purpose.

It is my hope that the 92nd Congress will recognize the innovative and vital role of the National Endowment for the Humanities as described in this Fifth Annual Report.

RICHARD NIXON.

THE WHITE HOUSE, *February 5, 1971.*

S. 609—INTRODUCTION OF THE URBAN LAND IMPROVEMENTS AND HOUSING ASSISTANCE ACT OF 1971

Mr. JAVITS. Mr. President, I introduce a bill entitled "The Urban Land Improvement and Housing Assistance Act of 1971."

This bill would authorize Federal incentive grants to State and local governments to strengthen their capacity to utilize land more productively and, thereby, to increase housing opportunities for all income groups within their jurisdictions.

In the Housing Act of 1968, Congress established a national housing goal of 26 million new or rehabilitated housing units within 10 years. In the past several years, we have enacted numerous housing and urban development programs. Yet, we seem to be further and further away from our objective of providing every American family with a safe, sanitary, and decent place in which to live.

The housing crisis is particularly serious in the central cities where the available land is most limited and most expensive. The poor can be effectively locked in this way into a decaying inner city housing stock through fragmented, outmoded, and restrictive suburban zoning ordinances. These conditions impose ever-increasing burdens on urban services and make it increasingly difficult for the cities to meet necessary demands with ever-shrinking financial resources.

Under these circumstances, it is crucial that States and localities be encouraged to reform their laws and be assisted in overcoming the obsolescence and fragmentation in zoning, taxing, and building standards which have effectively inhibited full utilization of land in metropolitan areas, have contributed to the contrasting picture of decaying urban slums and sprawling suburbs, and have prevented the establishment of a true housing market and freedom of choice within a metropolitan area.

The bill I introduce today would not inhibit the States and localities in the implementation of their land use and taxing powers. Rather, it would utilize Federal supplementary and incentive grants to strengthen local will and capacity to modernize those laws and practices which have such an enormous effect on land use and development.

Section 101 of the bill would establish supplementary Federal grants—to pay 50 percent of the local share—of those assisted local programs and services which would be affected by more intensive land utilization and expanded housing. To be eligible for such supplementary assistance, a locality would have to reform its zoning or tax laws, or undertake a program to develop new construction systems and materials in order to increase the supply of low-cost housing. A locality would also be eligible for such an incentive grant if it were to adopt and enforce a building code comparable to nationally accepted standards. Under these circumstances, supplementary Federal grants would be available for such impacted local services as transportation, education, water and sewers. This section also would permit Federal grants, in addition to supplements, for up to 50 percent of the amount of local tax abatement for low- and moderate-income housing. Such tax abatement would permit substantial reductions in per unit costs and rental rates for such housing.

Section 102 would deny Federal assistance under HUD programs to those localities which exclude publicly assisted housing for low- and moderate-income persons through restrictive land use practices. Federal support would thus not be available to subsidize land development in localities with overly restrictive, unreasonable, and discriminatory patterns of land use control.

The total funds authorized to be appropriated for the programs established by title I are $10 million for the present fiscal year, $50 million for the fiscal year 1972, and $100 million for the fiscal years thereafter. It is the objective of these programs, to stimulate the expenditure of far more at the State and local level. Thus, the amounts authorized could have a considerable multiplier effect.

Finally, in recognition of the fact that the direct activities of the Federal Government cause and affect urban growth, this bill would require two reports to the Congress. The first, by the President, with respect to the establishment of a national policy on the location of Federal buildings and offices which shall give consideration to social and community priorities; and the second, by the Secretary of Housing and Urban Development, after consultation with the Secretary of Defense, on the possible use of military installations located in urban areas for housing and related community facilities.

Under present law, decisions on the location of Federal agencies are made on cost grounds alone. However, in many cases, a move by a Federal agency to a particular urban area can contribute to its future stability, renewal, and growth. It can create new opportunities for minority enterprise and for jobs for the unemployed and the underemployed.

Recent proposals to permit the use of Federal property for housing and related facilities are quite appropriate. However, such recommendations do not deal with the status and possible use of military installations located in or near urban areas which have not yet been declared surplus by the Federal Government. In New York City alone, there are hundreds of acres of land owned by the Federal Government and supposedly used for national security reasons. Given the very great shortage of land in our cities, I believe it crucial that the Federal Government be certain that it must maintain the military status of such land and that such facilities could not be relocated without impairing the national security. Just as we must establish priorities for the use of funds, so we should establish priorities for the use of that most scarce resource, vacant urban land.

Accordingly, section 202 of this bill would require the Secretary of Housing and Urban Development to report to the Congress as to the status of military installations located in or near urban areas and the possible usefulness of any installation determined to be no longer necessary for national defense purposes as sites for housing and related facilities.

In conclusion, Mr. President, Congress has repeatedly established goals and objectives for the provision of housing and the renewal of our cities. We must recognize, however, that even if the funding were adequate—and it has not been—the achievement of these objectives has been and will be frustrated by significant institutional obstacles. The Federal Government must be more sensitive and farsighted in judging the impact of its own construction programs on the pattern of urban growth and of the effect of the use—and misuse—of the land that it owns. More importantly, local zoning ordinances, building codes and taxing powers need to be significantly revised, so as to promote maximum housing opportunity and proper land utilization.

The ACTING PRESIDENT pro tempor (Mr. METCALF). The bill will be received and appropriately referred.

The bill (S. 609) to assist the States and their localities in utilizing land resources more effectively and in providing housing to meet present and future needs, and for other purposes, introduced by Mr. JAVITS, was received, read twice by its title and referred to the Committee on Banking, Housing and Urban Affairs.

OPTIONAL PROCEDURE FOR ADDING COSPONSORS

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. JAVITS. I understand that the existing practice of adding the names of Senators to bills does not require an oral request, but only that the request be proffered in writing at the desk. Is that correct?

The ACTING PRESIDENT pro tempore. It requires a signed request left at the desk.

PRESIDENTIAL DICTATORSHIP

Mr. CHURCH. Mr. President, my friend and colleague, the distinguished chairman of the Senate Foreign Relations Committee, J. WILLIAM FULBRIGHT, spoke last night at South Florida University on a subject of utmost importance to this Congress and to the future of our Republic—the effect of the Indochina war on our democracy. Senator FULBRIGHT described the dilemma we now face:

> Out of a well-intentioned but misconceived notion of what patriotism and responsibility require in a time of world crisis, Congress has permitted the President to take over the two vital foreign policy powers which the Constitution vested in Congress: the power to initiate war and the Senate's power to consent or withhold consent from significant foreign commitments. So completely have these two powers been taken over by the President that it is no exaggeration to say that, as far as foreign policy is concerned, the United States has joined the global mainstream; we have become, for purposes of foreign policy—especially for purposes of making war—a Presidential dictatorship.

To overcome this predicament, the chairman urged that Congress defend its independence. He concluded:

> We are prepared to defend and use the established procedures of Congressional democracy, in the hope that, by so doing, we may help to save our country from the disasters of continuing war and eventual dictatorship.

I ask unanimous consent that this excellent speech be inserted here in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE LEGISLATOR: CONGRESS AND THE WAR

Twenty-five years ago this month, as a junior member of the Senate, I made a speech which I called "The Legislator." Since that winter a quarter century ago, I have had to change my opinions about a lot of things. But looking back at that statement about Congress and its role, it occurred to me that here was one area in which I have had cause to feel confirmed in a judgment formed long ago. The theme of that statement, which will also serve as my theme today, was expressed as follows:

"The legislator may not often give us the inspired leadership which is necessary in the crises of human affairs, but he does institutionalize, in the form of law, those measures which mark the slow lifting of mankind up from the rule of the tooth and the claw. Like the stop on a jack, the legislator may not elevate our civilization, but he does prevent our slipping back into the tyranny of rule by brute force. Many Americans are impatient at the lack of vision and initiative of the Congress, but they should not forget that it is the Congress that stands between their liberties and the voracious instinct for power of the executive bureaucracy."[1]

Whatever may be said against Congress—that it is slow, obstreperous, inefficient or behind the times—there is one thing to be said for it: it poses no threat to the liberties of the American people. The size and diversity of legislative bodies in general prevent them from working their unchecked will; indeed they have no single will to enforce. To the best of my knowledge, no elected legislative body has ever been known to establish its *own* dictatorship over a population.

The same cannot be said for executives, elective and otherwise, which *have* been known to impose authoritarian rule. Men with responsibility for running things naturally want to eliminate obstacles to efficient and speedy action. Sometimes they are motivated by a simple appetite for power; more commonly, at least in democracies like the United States, executives try to maximize their authority so as to be able to carry out policies which they sincerely believe to be in the best interests of the population. I do not believe, for example, that President Roosevelt tried to "pack" the Supreme Court out of a desire to destroy the independence of the judiciary, or that Presidents Johnson and Nixon took over the constitutional war powers of the Congress out of a desire to eliminate Congressional authority in foreign relations. Each of these Presidents was acting on his own best conception of the national interest, to which the Supreme Court in the one instance and the Senate in the other had become exasperating obstacles. All that these Presidents had in common with simple power seekers was a supreme confidence in their own judgment as against the judgment of others, and a willingness to run over constitutional obstacles to the working of their will.

There is no great mystery in the inclination of executives to override obstreperous legislatures whenever they can get away with it. The real puzzle is the frequency with which legislative bodies acquiesce tamely in the loss of their own authority. All over the world constitutional government is in decline. Experiments in democratic government have been abandoned in much of Asia, Africa and Latin America, and even in Europe. Dictatorship is now the dominant form of government in the world, not only in Communist countries but in a very large part of what we call the "free world." In most of these countries parliamentary bodies of one kind or another have been retained for decorative and ceremonial purposes, but they are without power or real influence; their function is to "cooperate." In many cases, their loss of authority came about with their own cooperation, enlisted as a seeming necessity in time of national emergency.

---

[1] University of Chicago, Feb. 19, 1946.

The genius of the American Constitution is that it does not compel us to rely on the conscience and principles of our Presidents to protect us from dictatorship. Through the separation of powers and the federal system our Constitution provided countervailing institutions with countervailing powers to protect us against the danger of executive usurpation. If our Presidents are men of conscience and principle, as most of them have been, that is all to the good, but it is not something you can count on; as one of our prominent officials has pointed out—in a different context—every barrel is bound to contain a "rotten apple" or two. Under our Constitution we do not have to rely on such good fortune for the protection of our liberties—*as long as* the countervailing institutions, which is to say, Congress, the courts and the state governments, exercise their countervailing powers. The contingency that the Founding Fathers could not have foreseen—and could not have done anything about if they had—was that one or more of the other institutions of government would cease to exercise and cease to defend their own authority against executive incursions.

That, however, is exactly what Congress has let happen in the field of foreign relations. Out of a well-intentioned but misconceived notion of what patriotism and responsibility require in a time of world crisis, Congress has permitted the President to take over the two vital foreign policy powers which the Constitution vested in Congress: the power to initiate war and the Senate's power to consent or withhold consent from significant foreign commitments. So completely have these two powers been taken over by the President that it is no exaggeration to say that, as far as foreign policy is concerned, the United States has joined the global mainstream; we have become, for purposes of foreign policy—especially for purposes of making war—a Presidential dictatorship.

I. THE WAR

One of the most unheralded events of American constitutional history occurred on January 12, 1971, when President Nixon signed into law a bill which, among other things, repealed the Gulf of Tonkin resolution. With that tarnished, contested and thoroughly unlamented act of Congress went the last of compliance with pretense that clear provision of the Constitution which says that the power to initiate war belongs to Congress, not the President. The event of its repeal was the more significant for the fact that it caused so little stir. It passed unnoticed because it was thought to make no difference. The President believes, and has said, that he has full authority to conduct the war in Indochina without Congressional authorization, and the Congress now agrees.

The near unanimity with which Congress and the Administration finally agreed to repeal the Gulf of Tonkin resolution masks a disagreement of vastly greater significance than the superficial agreement on repeal. To the Administration and its Congressional supporters in the repeal of the Tonkin resolution was unobjectionable because, in their view, the President has full authority to make war under his powers as Commander-in-Chief, with or without Congressional approval. To those of us, on the other hand, who are "strict constructionists" of the Constitution, repeal of the Tonkin resolution represented a withdrawal of Congressional sanction from the one legislative instrument which, though fraudulently obtained, nonetheless provided some facade of constitutional legitimacy to the war in Indochina. The President signed the repealer because he thought it did not matter, because he thought he could conduct the war without it. I voted for repeal because I thought it *did* matter, because I want this disastrous and unnecessary war ended and I believe that Congress has the authority to end it.

And so it does, under any fair reading of our Constitution, but *authority* is one thing and *power* is something else. The President after all is the one who commands the troops; if he chooses to ignore the constitutional authority of Congress, all that the Congress can do is to complain, withhold funds or write specific restrictions into the law about what may or may not be done with the armed forces.

None of these approaches is a satisfactory substitute for the opportunity to decide, in *advance*, whether or not American forces will be committed to battle in some specific place for some specific purpose. Complaining is a lung exercise; it may have some impact on public opinion, but a determined Executive can easily dismiss the dissenters as "mavericks" or "cranks."

Withholding funds is a far more meaningful and, in my opinion, a perfectly legitimate and appropriate means of restraining the Executive from initiating, continuing or extending an unauthorized war, or from taking steps which might lead to war. For reasons with which I sympathize, however, many of my colleagues find it extremely difficult to cast their votes against military appropriations, even though, had then been given the chance, they would have opposed the initial involvement. A few Senators believe that, even though it may have been a mistake to get into a war, and even though the President may have done it without constitutional authority, once you are in it is your duty to go all out and win. A large number find themselves confronted with a Hobson's choice in the matter of appropriations for a war: it becomes a question not of whether you approve or disapprove of the war, but of whether you wish to support or abandon our boy out there on the firing line.

The last two Administrations have contended that the Congress has shown its approval of the Indochina war by continuing to provide funds for it. The "approval" they have given is like the "approval" Congress gave to President Theodore Roosevelt's action in sending the fleet halfway around the world by providing the funds he then demanded to bring the fleet home.

Two months ago, during the hectic closing days of the 91st Congress, the Administration sent up to Congress a hurried supplementary aid request, including $255 million for Cambodia. The Administration assured us that the funds did not constitute an American military commitment to Cambodia and that there would be no greater American involvement. Secretary Rogers said: ". . . if I thought for a moment that the request we are making was going to risk further involvement by American forces I wouldn't be making this request."[2]

My own view, then and now, was that providing money to finance the war in Cambodia was in fact a *commitment*, whether we called it that or not. It was also clear that the need was not urgent, since the Administration was already borrowing funds for Cambodia from other programs and could continue to do so for another month or two while the request was given careful consideration by Congress. Most important of all, it seemed obvious, in light of our Vietnam experience, that, even though the Administration might say in all sincerity it had no intention of becoming directly involved with American ground forces in Cambodia, events, once set in motion, have a way of forcing people into actions they never intended.

I have never been taken with the notion that history, by some force of predestiny, is bound to repeat itself, but I would not carry that to the point of turning our backs on experience. As we stand poised on the brink of deep military involvement in Cambodia, it seems worth recalling that, six years ago, when we began making air strikes in support of a faltering South Vietnamese regime, the Johnson Administration's confidence in a limited American involvement was strikingly similar to that of the Nixon Administration now with respect to Cambodia. In January 1965, the United States Government ordered air strikes to interdict Communist supply routes through Laos. On February 7, 1965, American carrier-based aircraft bombed a Vietcong base in North Vietnam in retaliation for an attack on the American helicopter base at Pleiku in South Vietnam; it was explained at the time that the United States did not seek "a wider war." Later the same month it became known that American planes and helicopters were providing direct fire support for South Vietnamese ground forces. On March 8, 1965, 3,500 United States Marines landed at Danang their mission, said the Pentagon, was limited to defending American bases; our Ambassador in Saigon said that there had been no "fundamental change" in American policy. By the summer of 1965 American forces were engaged in a full-scale land war in South Vietnam, but the White House still asserted, in June, that "There has been no change in the mission of United States ground combat units in Vietnam."

With this experience in mind, it seemed to a few of us in the Senate this past December that it would be prudent to delay the supplementary funds for Cambodia for a month or two so that Congress could consider what we might be getting ourselves into in Cambodia. The majority of my colleagues did not share this view, however, and they went ahead and provided the funds requested by the Administration. Senator Gravel of Alaska kept this extremely serious matter under discussion in the Senate for two days; for that he was accused of "filibustering."

At the initiative of Senators Church and Cooper, Congress attached an amendment to the supplemental aid bill prohibiting the use of funds for the introduction of either American ground combat forces or military advisers into Cambodia. It was further specified that American aid "shall not be construed as a commitment by the United States to Cambodia for its defense." Having failed to persuade my colleagues to delay the authorization, I supported the Cooper-Church amendment as the next-best restriction on American involvement in Cambodia.

I was nonetheless disturbed by the Cooper-Church amendment in a number of respects. First of all, I questioned the meaning of the assertion that our aid "shall not be construed as a commitment;" the money *was* a commitment, it seemed to me, and the proviso seemed to say in effect: "This commitment shall not be construed as a commitment."

Secondly, the Cooper-Church amendment left open the possibility of unlimited American air action in Cambodia—although President Nixon had said last June 30 that there would be "no United States air or logistics support" for continuing South Vietnamese operations in Cambodia and, on that same day, a White House official added that American aircraft were "not assigned the task of close air support" in Cambodia. Still, this was not a matter of law and Presidents have been known to change their minds—as President Nixon now has.

---

[2] *Supplemental Foreign Assistance Authorization, 1970,* Hearings before the Committee on Foreign Relations, U.S. Senate, 91st Cong., 2d Sess., on S. 2542 and S. 2543 (Washington: U.S. Government Printing Office, 1970), p. 24.

Finally—and, in the long run, most important—the enactment by Congress of *restrictions* on the use of the armed forces, unaccompanied by any form of *authorization* for their use, seems to acknowledge that, in the absence of restrictions, the President can do whatever he pleases—anything goes, that is, unless it is explicitly prohibited. Recent Presidents have claimed this unlimited right to use the armed forces under an inflated interpretation of their powers as Commander-in-Chief. But under the Constitution, on the other hand, as written and as interpreted by the framers, Congress alone has the authority to initiate military action for any purpose beyond repelling a sudden attack. This being the case, it should not be necessary to pass a law to stop the President from doing something he does not have legal authority to do anyway, except insofar as he is authorized to do it by Congress. It should not be necessary, but after years of usurpation, it obviously is. As far as the President's use of the armed forces is concerned, the logic of the Constitution is that nothing goes unless it is authorized by Congress; the logic of the Cooper-Church amendment—and of practice over the last three decades—is that anything goes unless it is prohibited.

The difficulties of this approach have become apparent in recent weeks. Regarding itself as being at liberty to do anything in Cambodia that is not specifically forbidden by law, the Administration has only to re-define its successive steps toward deeper involvement in Cambodia in terms that fit the letter—as sharply distinguished from the spirit—of the law. The result has been a further enrichment of that murky language known as "Pentagonese." Instead of "advisers," for example, who are forbidden by the law, we now have a "military equipment delivery team" to travel around the Cambodian countryside checking on the deployment of American military equipment. A Pentagon spokesman acknowledged that the "team" members might just possibly drop some hints to Cambodians on how the American equipment works—showing them, for example, where the on-and-off buttons are—but under no circumstances are they to give the Cambodians any "advice." I must confess that I have a little trouble grasping the distinction, but it may just be that it takes a finer legal mind than I possess.

Another fine distinction has to do with close air support of Cambodian forces and South Vietnamese forces operating in Cambodia. The Cooper-Church amendment prohibits "ground combat troops" but it says nothing about American soldiers hovering a few feet off the ground in helicopter gun ships—and these were present in force during the recent battle to open the road from Phnom Penh to the sea. There has even been at least one instance in which a helicopter retrieval team jumped briefly into civilian clothes for a quick foray into Phnom Penh airport, thereby converting themselves, for the moment, from the "combat troops" prohibited by the Cooper-Church amendment into "tourists" or "sightseers" or some other such innocent category. I am reminded of an old story, probably apocryphal, about the invention of the mace, which was said to have been devised for the convenience of warlike medieval clerics, who were forbidden by ecclesiastical law to shed blood but found it quite satisfactory to deal with their enemies in inflicting fatal—but bloodless—concussions.

As far as the President's own disavowal last June of close air support, that, it is now explained, pertained only to the specific South Vietnamese military operation against enemy sanctuaries which were *then* in progress and not to later operations. The President's words were not understood in that restrictive sense at the time, but Secretary Laird has since explained that the difference between interdiction of supplies for the war in Vietnam and close air support for battles fought in Cambodia is a trifling matter of "semantics" which people ought not to work themselves into such a lather about. In any case, the Secretary now explains, "We will use air power, and as long as I am serving in this job, I will recommend that we use air power to supplement the South Vietnamese forces as far as the air campaign in South Vietnam, Laos, and Cambodia."[3] By ways of epilogue in this evolving exercise in semantics, Secretary of State Rogers suggested last week that it isn't "close air support" anyway "in the exact definition of that term" unless you have "coordinators and communicators on the ground in Cambodia."[4]

Underlying this unedifying controversy over semantics and law is a fundamental difference of view about American policy in Indochina. It is this difference which led the Congress to enact the Cooper-Church amendment and which drives the Administration to evade its spirit and intent, if not its exact letter. The Administration contends that its air strikes in Cambodia and Laos, including now the close air support provided by helicopter gun ships, are an essential part of the Vietnamization program designed to hasten the departure of American troops from Indochina. Some of us in the Senate are convinced, on the other hand, that, the Administration's policy will lead at best to the indefinite perpetuation of a war scaled-down to a level considered tolerable to a majority of the American people. At worst—and it is by no means a remote possibility—our reduced forces may be confronted with a full-scale enemy offensive compelling us either to withdraw in disorder or to re-escalate the war with an all-out attack on North Vietnam.

If the Administration is correct in its prognosis, then its double-talk and evasions to get around the law make perfectly good sense—militarily if not legally. If the critics are right, as I believe, then the current restraints imposed by Congress are utterly insufficient to the task. All they really do is to provide the Administration with an excuse for doing anything and everything that is not explicitly forbidden—and, as we have seen, all it takes to transfer some contemplated military action from the prohibited category to the permissible is a certain agility in semantics and an extraordinary contempt for the constitutional authority of Congress. The present Administration has shown itself to be richly endowed with both of these attributes.

The Administration casts every new military venture in terms of advancing Vietnamization, saving American lives and hastening American withdrawal; a more candid prognosis is provided by one of the Administration's strong supporters, retired Admiral U. S. Grant Sharp, who served as Commander-in-Chief of the Pacific Theater, including Vietnam, from 1964 to 1968. In a recent article the Admiral says that, although the Vietnamization program is succeeding, "Less well known and given little emphasis is the continued need for other combat forces in Southeast Asia, even after the Vietnamese take over the ground combat function." The United States Army, writes Admiral Sharp, will still have to provide helicopters, artillery, logistics support, and security forces to protect the remaining American units. The United States Air Force, the Admiral goes on, will have to continue its interdiction of enemy supply lines in Laos and Cambodia "for the foreseeable future," and low-level reconnaissance flights over North Vietnam will have to be continued to detect force and supply buildups. In the event that these reconnaissance planes are fired upon—and why would the North Vietnamese not fire upon them?—We must of course—in Admiral Sharp's view—have planes ready to fire back. We must in any case be ready to renew air strikes on North Vietnam at any time, Admiral Sharp believes, this capacity has a useful "deterrent" effect on North Vietnam. The Admiral does not say what exactly it deters them from, but he concludes—quite accurately, in my opinion—that, even though Vietnamization progresses and American forces are scaled down, "the American presence in the Southeast Asia area is going to be large for some time."[5]

The Admiral has provided a capsule summary of what can be expected from Vietnamization—assuming of course that it lives up to the Administration's highest hopes. Admiral Sharp is now retired of course and no longer responsible for American policy, but Secretary of State Rogers gave evidence of the accuracy of the Admiral's expectations with his assertion on January 29 that American air power might well be available to support a South Vietnamese expedition into Laos as well as Cambodia.[6] That operation is now apparently underway, shrouded in secrecy from the American people, though not from the enemy.

Our present course, as Admiral Sharp recognizes, is patently not one of "ending the war," as the Administration contends, but one of perpetuating the war in an altered form. The distinction between *ending* the war and *perpetuating* it may yet be dismissed by Mr. Laird as a fuss over "semantics," but some of us in the Senate think the matter is more than one of philology. We think it is a basic question of whether our country is to be at war or at peace, and we are not disposed to paper over basic disagreements with artful and evasive language.

The hard choices have yet to be made regarding Indochina. The Administration, I readily concede, has had some success in delaying and obscuring these choices. They have gotten a great many Americans convinced, as they seem to be, that we can withdraw from the war—part way—and at the same time win it. Sooner or later the futility and danger of our present course will become apparent and we will have to choose between a political settlement based on the actual strength of indigenous forces in Indochina and the indefinite continuation of a war which has reduced Indochina to a charnel house and divided the American people as they have not been divided since their own Civil War.

II. CONGRESS AND ITS RESPONSIBILITIES

The violations of trust, and indeed of the Constitution, which currently agitate the Congress are reflections of the deep division in our country and in our Government over the war in Indochina. I do not think these differences between the Executive and some of us in Congress can be eliminated by briefing sessions, Congressional hearings, or even by generally worded legislative prohibitions. If we as legislators are to have any effect in bringing our own best judgment to bear in those areas where the Constitution has given us definite responsibilities, we are going to have to make full use of the legislative instrumentalities which are properly at our disposal; the power to pass or reject legislation, including military appropriations bills; the power to consent or withhold consent from proposed foreign commitments; and, above all, the power to authorize, or refuse to authorize, the initiation of war.

---

[3] Quoted by George C. Wilson, in "Laird Says United States Will Make Full Use of Air Power," *Washington Post*, January 21, 1971, pp. A1, A5.

[4] Quoted by John W. Finney, in "Rogers Assures Senators on Role in Cambodia War," *New York Times*, January 29, 1971, pp. 1, 2.

[5] Admiral U. S. Grant Sharp, "Vietnamization *Plus* American Forces," *New York Times*, January 18, 1969, p. 39.

[6] Reported by Terence Smith, in "Rogers Says United States Might Aid a Drive by Saigon in Laos," *New York Times*, January 30, 1971, pp. 1 ,4.

Congress has not only to start using these powers again; it also has to reestablish its right to use them. That should not be necessary, but after three decades of atrophy due to Congressional passivity, people in general—and Presidents in particular—have forgotten that it is Congress which is supposed to initiate wars, if wars are to be initiated, and the Senate which is supposed to approve treaties, if commitments are to be made at all. Congress has the job not only of reasserting its powers but of reestablishing its good name.

There is no denying that the institution has fallen into disrepute. Ridiculing Congress is quite respectable, like shouting catcalls in a vaudeville house, while words of irreverence for the Presidency are severely frowned upon, like cutting up in church. Even some of our college generation—who, according to reports, have not been excessively reverent in recent years—nonetheless seem to direct their criticisms toward Congress as an *institution* but only toward *individual* Presidents. The office of the Presidency is inexplicably immune.

I noted with interest Mr. John Gardner's recent widely publicized appeal for public support for his new organization "Common Cause." "We must shake up and renew outworn institutions," Mr. Gardner wrote. ". . . One of our aims will be to revitalize politics and government." The appeal then went on to cite the need for reform of state and city governments, political parties and, above all, Congress—all of which, I readily agree are in need of improvement. But what struck me as most interesting, and symptomatic, was the absence of any reference to the Presidency.

Does this mean that thoughtful and public-spirited people such as John Gardner and most university students are satisfied with the Presidency as an institution, whatever objections they may have to specific Presidents and specific policies? I would find that hard to believe, especially since my own view of the matter—which I hope to spell out in other speeches in the near future—is that the Presidency has become an ominously powerful office, more urgently in need of reform than any other institution of American government. I further strongly suspect that the cause—or at least one cause—of our reluctance to subject the Presidency to the same critical analysis that we readily—and rightly—apply to other institutions of government is a habit of mind so deeply rooted as to elude our own awareness of it.

Without quite acknowledging it to ourselves, we perceive the Presidency with something of the awe and reverence accorded to monarchs of an earlier age. Even in the American republic, there seem to be atavistic longings for a king who can "do no wrong." When we are most dissatisfied with a President, it is not for essentially human failings, like a lack of competence or foresight; more commonly it is for superhuman failings, for a lack of "charisma," for his failure as a "father figure," for a failure to measure up as a suitable object of worship. In constitutional monarchies people can get the instinct for emperor worship out of their systems by lavishing affection upon a powerless king or queen. In Presidential republics, all the inflated esteem is directed toward the most powerful man in the country giving rise to a permanent, residual danger of dictatorship—a danger which becomes concrete in time of emergency, and acute when the emergency is of long duration.

That is the condition of America today, and it is precisely for this reason that now, more even than in ordinary times, the Congress must defend its independence. The conventional view holds that, in time of emergency, patriotism demands that we set aside our differences and unite behind out President. And so, I agree, we should, in those uncommon instances such as the Japanese attack on Pearl Harbor, when the emergency is overwhelming and immediate. But when the emergency has abated, or when, as in the years since World War II, it is chronic and recurrent but less than overwhelming, when the country is in a condition of permanent, low-grade emergency—then it is the legislator's duty to do everything he can to defend the authority of the legislature against executive incursion.

At best it is a holding action, because a condition of permanent crisis must almost certainly lead any society to eventual dictatorship. In the long run, I have little doubt, the preservation of democracy in America will turn on questions of the kind of country we want America to be and of the kind of role we want it to play in the world. Until those questions are resolved, however, and with a view toward resolving them in a manner consistent with the preservation of our liberties, the most important service a legislator can perform is to let nothing of consequence go unquestioned or unexamined. The legislator's job is to analyze, scrutinize and criticize, responsibly and lawfully, but vigorously, candidly and publicly. He may in certain instances be mistaken, or inadvertently unfair—legislators after all are no more immune from error than executives—but, from the standpoint of preserving our liberties, an occasional excess of criticism is less harmful than a habit of undeserved praise.

The major virtue of legislatures, as I mentioned at the start of my talk, is neither wisdom nor prescience—and certainly not "charisma"—but a basic inability to threaten the liberties of the people. The ancient Egyptians spent themselves into penury to give their mummified Pharaohs glorious sendoffs to heaven; humble folk were rewarded by vicarious participation in the ascent. We in turn build great monuments to revered departed Presidents, perhaps for similar reasons. But who would dream of mummifying or deifying a legislature? The plodding, workaday character of Congress, its lack of dash and mystery, its closeness to ordinary people with ordinary problems, even its much reviled "parochialism," make of our national legislature an object entirely unsuitable for deification. That is why Congress is incapable of threatening our democratic liberties; that too is why an assertive, independent Congress is the first line of defense against an expanding Executive, which can and does threaten our liberties.

Many years ago a Senate colleague of mine said that we have laws enough to last 10,000 years and what was now required was the wisdom that comes from deliberation. Something of the same might now be said about our foreign military commitments; we suffer from no lack of them, and what is now required is the wisdom to sort them out and determine which are in our interests and which are not.

As far as the war in Indochina is concerned, a great many of us in the Senate—and, according to the Gallup Poll, a sizable majority of the American people—are now convinced that our involvement in that conflict has been a disastrous mistake. Some of us are no less convinced that our present course leads not to an end of the war but to its indefinite perpetuation in an altered form. Feeling as we do about the matter, we are prepared to defend and use the established procedures of Congressional democracy, in the hope that, by so doing, we may help to save our country from the disasters of continuing war and eventual dictatorship.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation for the Procurement of Military Equipment

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on reports issued or released by the General Accounting Office of the previous month, January 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunities to economize on the purchases of dairy and bakery products for U.S. Forces in Southeast Asia, Department of Defense, Department of State, dated February 4, 1971 (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation To Amend the Revised Organic Act of the Virgin Islands

A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to amend the Revised Organic Act of the Virgin Islands (with an accompanying paper); to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 33. Resolution authorizing the printing of additional copies of Senate Report 91–1496, entitled "TFX Contract Investigation" (Rept. No. 92–1).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD (for himself and Mr. Metcalf):

S. 602. A bill to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservations, Montana, in Paragraphs 7 and 10, Docket No. 50233, United States Court of Claims, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Mansfield when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. MONTOYA:

S. 603. A bill for the relief of George F. Scott and his wife, Margaret Ann Scott; to the Committee on the Judiciary.

S. 604. A bill to increase annuities payable under the provisions of title 5, United States Code, relating to civil service retirement; to the Committee on Post Office and Civil Service.

S. 605. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; to the Committee on Finance.

S. 606. A bill to amend the Civil Service Retirement Act, as amended, to provide minimum annuities for employee annuitants and spouse survivor annuitants; to the Committee on Post Office and Civil Service.

(The remarks of Mr. MONTOYA, when he introduced S. 604, S. 605, and S. 606, appear below under the appropriate heading.)

By Mr. METCALF:

S. 607. A bill to establish an independent agency to be known as the United States Office of Utility Consumers' Counsel to represent the consumers of the Nation before Federal and State regulatory agencies with respect to matters pertaining to certain electric, gas, telephone, and telegraph utilities; to provide grants and other Federal assistance to State and local governments for the establishment and operation of utility consumers' counsels; to improve methods for obtaining and disseminating information with respect to the operations of utility companies of interest to the Federal Government and other consumers; and for other purposes; to the Committee on Government Operations.

S. 608. A bill to establish an independent agency to be known as the United States Office of Transportation Consumers' Counsel to represent the consumers of the Nation before Federal regulatory agencies and courts with respect to transportation matters; to improve methods for obtaining and disseminating information with respect to the operations of transportation companies and other matters of interest to consumers, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. METCALF when he introduced the bills appear below under the appropriate heading.)

By Mr. JAVITS:

S. 609. A bill to assist the States and their localities in utilizing land resources more effectively and in providing housing to meet present and future needs, and for other purposes; to the Commitee on Banking, Housing and Urban Affairs.

S. 610. A bill for the relief of Anthony A. Baptiste;

S. 611. A bill for the relief of Giovanni and Elena Giatto;

S. 612. A bill for the relief of Peter Chung Ren Huang;

S. 613. A bill for the relief of Michael Davis;

S. 614. A bill for the relief of Sister Mary Sylvana (Maria Mattozi);

S. 615. A bill for the relief of Michele Palazzolo;

S. 616. A bill for the relief of George Hecter;

S. 617. A bill for the relief of Siu-Kei-Fong;

S. 618. A bill for the relief of Antonia Berardi;

S. 619. A bill for the relief of Piedad V. Montesdeoca;

S. 620. A bill for the relief of Patricia C. LiBassi; and

S. 621. A bill for the relief of Lucio Martella; to the Committee on the Judiciary.

(The remarks of Mr. JAVITS, when he introduced S. 609, appear earlier in the RECORD under the appropriate heading.)

By Mr. DOMINICK:

S. 622. A bill for the relief of Raimondo Pasquarelli;

S. 623. A bill for the relief of Manuel Aranguena Ortuondo;

S. 624. A bill for the relief of Fung Yut Ma (Mar);

S. 625. A bill for the relief of Lugarda Losoya Damian-Ruiz; and

S. 626. A bill for the relief of Werner Alfred Thanner; to the Committee on the Judiciary.

By Mr. METCALF:

S. 627. A bill to repeal the provisions of the Federal Power Act which exempt from Federal Power Commission regulation the issuance of securities by public utilities subject to certain State regulation; to the Committee on Commerce.

By Mr. EASTLAND:

S. 628. A bill for the relief of Anthony Glorioso; and

S. 629. A bill for the relief of Chen-Pai Miao; to the Committee on the Judiciary.

By Mr. JACKSON:

S. 630. A bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the future regulation of surface mining operations, and for other purposes; and

S. 631. A bill declaring a public interest in the open beaches of the Nation, providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON, when he introduced the bills, appear below under the appropriate headings.)

By Mr. JACKSON (for himself, Mr. ALLOTT, Mr. CHURCH, Mr. GRAVEL, Mr. JORDAN of Idaho, Mr. MOSS and Mr. STEVENS):

S. 632. A bill to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the bill appear below under the appropriate heading.)

By Mr. ALLOTT (for himself and Mr. DOMINICK):

S. 633. A bill for the relief of James E. Fry, Junior, and Margaret E. Fry; to the Committee on the Judiciary.

By Mr. ALLOTT:

S. 634. A bill for the relief of Michael D. Manemann; to the Committee on the Judiciary.

By Mr. ALLOTT (for himself, Mr. BIBLE, Mr. JACKSON, Mr. DOMINICK, Mr. BENNETT, and Mr. MOSS):

S. 635. A bill to amend the Mining and Minerals Policy Act of 1970; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. ALLOTT when he introduced the bill appear below under the appropriate heading.)

By Mr. CASE (for himself and Mr. MONTOYA):

S. 636. A bill to permit immediate retirement of certain Federal employees; to the Committee on Post Office and Civil Service.

(The remarks of Mr. CASE when he introduced the bill appear below under the appropriate heading.)

S. 604, S. 605, AND S. 606—INTRODUCTION OF BILLS TO CORRECT THE INEQUITIES AFFECTING RETIRED CIVIL SERVICE EMPLOYEES

Mr. MONTOYA. Mr. President, I am introducing legislation to provide an increase in the annuities of civil service retirees and their survivors. We are all aware of the many studies done in recent years on the problems facing this country's senior citizens. It is interesting to note that the common conclusion of all these studies and investigations show that the major problem encountered by the elderly is inadequate income. All of us in this Chamber are aware of the many hours of discussion given in the final days of the 91st Congress to increasing benefits under social security. I feel that it should be pointed out that the majority of civil service annuitants are not covered by social security, but rely solely on their civil service annuities for retirement income. The financial needs of these retirees are no different than those of social security recipients, and it is only fair that similar attention and action be given to increasing civil service annuities.

Of an approximate 997,000 retired Federal employees and survivors, some 276,000 receive annuities of less than $100 per month, and about 515,000 receive less than $200 per month. Using a poverty level income of $3,000 per annum, there are presently 619,000 or more than 60 percent of these former Government workers and survivors living in poverty.

No one needs to be reminded of the ever increasing cost of living, which steadily reduces the purchasing power of everyone, but especially those on fixed retirement incomes, often to the point of putting them in dire financial need. My bill would provide some assistance by granting the greatest percentage increases to those with the present lowest annuities, putting the money where it is most desperately needed. Many of these people retired a number of years ago when salaries were much lower and the retirement computation formula was much less liberal than it is today. The small annuities their years of service produced are not adequate to maintain an acceptable standard of living in today's economy.

S. 605, the second bill I introduce excludes the first $5,000 of civil service retirement annuity from gross income under Internal Revenue Code of 1954. Under present law, social security pensions and railroad retirement benefits are exempted from income tax payment.

The same treatment should be accorded at least a portion of civil service anuities.

S. 606, the third bill I introduce provides minimum annuities under the civil service retirement law. My bill would guarantee a monthly annuity to a single person of $100 per month, and $200 per month for annuitants with a spouse or dependents. If such guarantees are awarded social security beneficiaries, like treatment should be granted civil service annuitants.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bills will be received and appropriately referred.

The bills, introduced by Mr. MONTOYA, were severally read twice by their titles and referred as follows:

S. 604. A bill to increase annuities payable under the provisions of title 5, United States Code, relating to civil service retirement; to the Committee on Post Office and Civil Service.

S. 605. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; to the Committee on Finance.

S. 606. A bill to amend the Civil Service Retirement Act, as amended, to provide minimum annuities for employee annuitants and spouse survivor annuitants; to the Committee on Post Office and Civil Service.

S. 607 AND S. 608—INTRODUCTION OF BILLS ENTITLED "UTILITY CONSUMERS' COUNSEL AND INFORMATION ACT OF 1971" AND "INTERGOVERNMENTAL TRANSPORTATION CONSUMERS' COUNSEL AND INFORMATION ACT OF 1971," RESPECTIVELY

Mr. METCALF. Mr. President, I introduce for appropriate reference two bills designed to provide information and counsel which the public and regulators need in their dealings with large public service corporations. They are: The Utility Consumers' Counsel and Information Act of 1971, and the Transportation Consumers' Counsel and Information Act of 1971.

The first bill was the subject of 21 days of hearings before the Senate Subcommittee on Intergovernmental Relations in 1969. Title 1 of the bill, which deals with counsel, includes all the changes made by the subcommittee during its five markup sessions on the bill (S. 607) during the 91st Congress. Title 1, as now introduced, was both improved and approved by the subcommittee.

Title 2 of the bill is identical to the markup version presented to the subcommittee by staff, following the hearings and consultation between majority and minority staff. The addition and deletion of reporting requirements reflect the recommendations made by witnesses. Their testimony, in the seven volumes of hearings on S. 607, is a useful reference for those who wish to familiarize themselves with the legislation, as is the summary of the hearings by the subcommittee chairman (Mr. Muskie) which appears in the Congressional Record, volume 116, part 4, page 5014.

The second bill I am introducing today, the Transportation Consumers' Counsel and Information Act of 1971, is identical to S. 4588, which I introduced on December 16, 1970. This bill is similar in concept to the utility consumers' bill. The need for the transportation consumers' bill, especially as regards the railroad industry and the Interstate Commerce Commission—or its successor—is elaborated in the Congressional Record, volume 116, part 31, page 41880.

Mr. President, these two bills are designed to give meaning to two of the consumer rights enunciated or endorsed by Presidents Kennedy, Johnson, and Nixon. They are the right to be informed and the right to be heard.

At present it is difficult and in some cases impossible for users or regulators of utility and transportation services to obtain detailed basic information about electric, gas, telephone, rail, and airline companies. By basic information I mean: Who owns the company? Who works for it? Where does its money go? What are its policies? Law enforcement, in antitrust as well as rate and service matters, depend on timely and full answers to such questions.

The public has as much difficulty being heard as it does becoming informed. Our peculiar regulatory system permits a regulated corporation to pass on to consumers the costly presentations to the commission and the elaborate advertising and public relations efforts that accompany them. But the public is not provided, through either the tax or rate structure, funds for its own presentations, its own experts to counter the claims made by the corporation.

Indeed, a prospective party to a rate case may have to spend hundreds or even thousands of dollars, before obtaining counsel, simply to purchase the transcript of the other side's testimony to the commission. Administrative procedures designed to discourage public participation permeate commissions.

The Interstate Commerce Commission, for example, contracts with a private reporting firm to make one public copy of transcripts. The ICC permits that reporting company to charge more than a dollar a page for transcripts, according to information reported by the ICC staff this month.

The ICC recently announced the great freight rate and rate base investigation of 1971. The ICC says its investigations and hearings will include participation by shippers, farmers, stockmen, merchants, the public generally. I believe, Mr. Chairman, that those of us who want our constituents to have a voice in regulatory matters such as freight rates had better pay attention, very soon, to the procedures used by the commissions for providing necessary information and public counsel.

Friday night we heard the President discuss governmental power. The actual power structure among regulatory commissions and the industries they were created to regulate is quite unlike the examples used by the President.

Regulatory responsibility for energy and transportation corporations is not centralized in Washington. It is diffused among more than 50 commissions, most of them at the State level. Most of these commissions are dominated by the industry groups they are supposed to regulate. Reorganization and shuffling of responsibilities between Federal and State and local commissions will not provide power for the people in their dealings with energy and transportation corporations which have government-like characteristics, power, and influence.

The public needs entry into the regulatory system, through easy access to full information and its own independent counsel. That is the way to achieve the adversary proceedings from which fair decisions ensue. That, I submit, is a revolutionary concept, in the finest American sense. That is the goal of these two bills which I today introduce.

Mr. President, I ask unanimous consent to have the text of the bills printed at this point in the Record.

The PRESIDING OFFICER (Mr. Chiles). The bills will be received and appropriately referred; and, without objection, the bills will be printed in the Record.

The bills, introduced by Mr. Metcalf, were received, read twice by their titles, and ordered to be printed in the Record, as follows:

S. 607. A bill to establish an independent agency to be known as the U.S. Office of Utility Consumers' Counsel to represent the consumers of the Nation before Federal and State regulatory agencies with respect to matters pertaining to certain electric, gas, telephone, and telegraph utilities; to provide grants and other Federal assistance to State and local governments for the establishment and operation of utility consumers' counsels; to improve methods for obtaining and disseminating information with respect to the operations of utility companies of interest to the Federal Government and other consumers; and for other purposes; to the Committee on Government Operations:

S. 607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Utility Consumers' Counsel and Information Act of 1971.

DEFINITIONS

Sec. 2. As used in this Act—

(a) The term "Federal agency" means any department, agency, or instrumentality, including any wholly owned Government corporation, of the executive branch of Government.

(b) The term "State" means any State of the United States, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or political subdivision, department, agency, or instrumentality of any of them, but does not include the Panama Canal Zone.

(c) The term "utility" means:

(1) any company which owns or operates facilities used for the generation, transmission or distribution of electric energy for sale, other than sale to tenants or the employees of the company operating such facilities for their own use and not for resale:

(2) any company which owns or operates facilities used in the production, generation or distribution of natural or manufactured gas for heat, light and power (other than distribution only in enclosed portable containers or distribution to tenants or employers of the company operating such facilities for their own use and not for resale); and

(3) any company which is a common carrier as defined in the Communications Act of 1934, as amended.

(d) The term "company" means a corporation, a partnership, an association, a joint-stock company, a business trust or an organized group of persons, whether incorporated or not; or any receiver, trustee or other liquidating agent of any of the foregoing in his capacity as such; having an annual gross operating revenue in excess of $1 million; but not including any cooperatively, federally, municipally, or other publicly owned person, company or organization.

(e) The term "utility service" means any service provided for the public by a utility.

(f) The term "interests of consumers of utility services" means any matter relating to rates, charges, methods of service, adequacy of service and safety measures which directly affect the consumer of utility services.

TITLE I—UTILITY CONSUMERS' COUNSEL

ESTABLISHMENT OF OFFICE

Sec. 101. (a) There is hereby established within the executive branch of the Government an independent agency to be known as the United States Office of Utility Consumers' Counsel (referred to hereinafter as the "Office"). The Office shall be headed by a Consumers' Counsel (referred to hereinafter as the "Counsel"), who shall be appointed for a term of five years by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate provided for level 2 of the Executive Schedule.

(b) The Counsel may—

(1) promulgate such rules and regulations as may be required to carry out the functions of the Office; and

(2) delegate to any other officer or employee of the Office authority for the performance of any duty imposed, or the exercise of any power conferred, upon the Counsel by this Act, and any reference herein to the Counsel shall include his duly authorized delegate or delegates.

PERSONNEL AND POWERS OF THE OFFICE

SEC. 102. (a) The Counsel shall, subject to civil service laws and the Hatch Act, appoint and fix the compensation of such personnel as he determines to be required for the performance of the functions of the Office.

(b) In the performance of the functions of the Office, the Counsel is authorized—

(1) to obtain the service of experts and consultants in accordance with section 3109 of title 5 of the United States Code;

(2) to appoint such advisory committees as the Counsel may determine to be necessary or desirable for the effective performance of the functions of the Office;

(3) to designate representatives to serve on such committees as the Counsel may determine to be necessary or desirable to maintain effective liaison with Federal agencies and with departments, agencies, and instrumentalities of the States which are engaged in activities related to the functions of the Office; and

(4) to use the services, personnel, and facilities of Federal and State agencies, with their consent, with or without reimbursement therefor as determined by them.

(c) Upon request made by the Counsel, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available to the greatest practicable extent to the Office in the performance of its functions; and

(2) subject to provisions of law and regulations relating to the classification of information in the interest of national defense, to furnish to the Office such information, suggestions, estimates, and statistics as the Counsel may determine to be necessary or desirable for the performance of the functions of the Office.

REPRESENTATION OF PUBLIC INTEREST

SEC. 103. (a) Notwithstanding any other provision of law, the Counsel is authorized to petition for, initiate, appear, or intervene in, any investigation, complaint, action, appeal, or other proceeding, except a criminal proceeding, before any Federal, State, or local agency, Federal or State court, in accordance with the rules of practice and procedure of such agency or court, where in the opinion of the Counsel, there is a matter or controversy affecting substantially the interests of consumers of utility services within the United States: *Provided*, That such action by Counsel before any State or local agency or State court shall be authorized only when:

(1) it is requested by the Governor of a State or any official designated by him for such purpose; or

(2) it is requested by an agency or official duly authorized by a State to represent the interests of utility consumers before any State or local agency or court; or

(3) it is requested by a local government serving a population of fifty thousand persons or more, or a combination of local governments covering ten percent of the population of the service area of a utility within any State; or

(4) it is requested by a duly certified petition signed by the consumers of services of a utility within any State as follows: if the total of such consumers equals one thousand or less, petition must be signed by 20 percent of such consumers; if the total of such consumers equals an amount over one thousand but less than ten thousand, petition must be signed by ten percent of such consumers; or if total of such consumers equals ten thousand or more, petition must be signed by five percent of such consumers.

(b) With respect to any such proceeding, the Counsel shall present to the agency or court, subject to the rules of practice and procedure thereof, such evidence, briefs, and arguments as he shall determine to be necessary for the effective representation of the interests of such consumers. The Counsel or any other officer or employee of the Office designated by the Counsel for such purpose, shall be entitled to enter an appearance before any Federal agency or Federal court without other compliance with any requirement for admission to practice before such agency for the purpose of representing the Office in any proceeding.

(c) Notwithstanding any other provision of law, Counsel is entitled as a matter of right to appear as a party before any Federal agency or Federal court, but not including the Supreme Court of the United States, with respect to any matter or proceeding described in subsection (a), and coming within the jurisdiction of such Federal agency or court.

PUBLIC INFORMATION AND REPORTS

SEC. 104. (a) The Counsel from time to time shall compile and disseminate to the public, through such publications and other means as he determines to be appropriate, such information as he considers to be necessary or desirable for the protection of the interests of consumers of utility services.

(b) In January of each year, the Counsel shall transmit to the Congress a report containing (1) a full and complete description of the activities of the Office during the preceding calendar year, (2) a discussion of matters currently affecting the interests of such consumers, and (3) his recommendations for the solution of any problems adversely affecting those interests.

(c) The Counsel shall transmit to the President from time to time such recommendations for proposed legislation as the Counsel may consider to be necesasry or desirable for the adequate protection of the interests of such consumers.

GRANTS TO STATE AND LOCAL GOVERNMENTS

SEC. 105. (a) (1) The Counsel is authorized to make grants to any State or local government, or combination of such governments, that serve a population of one hundred thousand or more persons, for up to 75 per centum of the cost of performing any of the following functions:

"(i) representing the interests of consumers of utility services before Federal, State or local agencies and Federal or State courts, including but not limited to the initiation, appearance or intervention, with respect to any investigation, complaint, action, appeal, or other proceeding and the preparation and presentation of evidence, briefs, and arguments in connection therewith;

(ii) compiling and making available to the public information which is necessary or desirable for the protection of the interests of consumers of utility services;

(iii) making available, to the extent possible technical assistance, statistics, information and personnel for consultation and assistance to Federal, State and local governments and agencies, and to nongovernmental organizations having a special interest in matters affecting the interest of consumers of utility services.

"(2) No grant under this subsection shall be made to any State or local agency authorized by law to regulate one or more of the utilities defined under this Act."

"SEC. 105(b) (1) The Counsel is authorized to make grants to any State or local agency authorized by law to regulate one or more of the utilities defined under this Act for the following purposes:

"(i) increasing the number and quality of professional staff personnel assigned to matters affecting the interests of consumers of utility services;

"(ii) developing personnel, systems and facilities, including automatic data processing equipment, for obtaining essential information, making studies and other evaluation of data, and assisting in the making of decisions with respect to matters affecting the interests of consumers of utility services; or

"(iii) providing for training and education programs, including internship, work-study, fellowship and similar programs for professional staff positions relating to matters affecting the interests of consumers of utility services.

(c) A grant authorized by this section may be made on application to the Counsel at such time or times and containing such information as the Counsel may prescribe.

(d) The non-Federal contribution may be in cash or in kind, including but not limited to plant, equipment, and services, or as otherwise determined by the Counsel. If, in any fiscal year, a recipient under this section provides non-Federal contributions exceeding its requirements, such excess may be used to meet its non-Federal requirements for the next fiscal year.

(e) The Counsel shall allocate grants under this Act in such manner as will most nearly provide an equitable distribution of grants among States and local governments, taking into consideration such facts as size of population, extent of utility services, the urgency of programs or projects, and the need for funds to carry out the purposes of this Act.

TECHNICAL ASSISTANCE TO STATE AND LOCAL GOVERNMENT

SEC. 106. The Counsel may furnish technical advice and assistance, including information, on request to any State or local regulatory agency for the purpose of establishing and carrying out any program of utility consumer interest within the general purposes of this Act. The Counsel may accept payments, in whole or in part, for the costs of furnishing such assistance. All such payments shall be credited to the appropriation made for the purposes of this section.

REPORTING REQUIREMENTS

SEC. 107. A State or local government office receiving a grant under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Counsel may require, and shall keep and make available such records as may be required by the Counsel for the verification of such reports and evaluations.

REVIEW AND AUDIT

SEC. 108. The Counsel and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

TERMINATION OF GRANTS

SEC. 109. (a) Whenever the Counsel, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or project for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is failure to comply substantially with any such provision;

the Counsel shall notify such recipient of his findings and no further payments may be made to such recipient by the Counsel until he is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Counsel may authorize the continuance of payments with respect to any projects pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

(b)(1) If the recipient of a grant under section 106 is dissatisfied with the Counsel's final action under subsection (a), such recipient may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such recipient is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Counsel. The Counsel thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Counsel, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Counsel to take further evidence, and the Counsel may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Counsel or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

MODEL LAWS

SEC. 110. The Counsel shall make a full and complete investigation and study for the purpose of—

(1) preparing a comparison and analysis of State and Federal laws regulating utilities; and

(2) preparing model laws and recommendations for regulation of such utilities.

The results of such investigation and study shall be reported to the President, the Congress, and the Governor of each State as soon as practicable.

APPROPRIATIONS AUTHORIZED

SEC. 111. There are authorized to be appropriated annually for the purposes of this title an amount equal to "three-tenths of one per centum of the aggregate annual net operating revenues of all utilities."

SAVING PROVISION

SEC. 112. Nothing contained in the Act shall be construed to alter, modify, or impair any other provision of law, or to prevent or impair the administration or enforcement of any other provision of law, except as specifically amended or to the extent that it is inconsistent with this Act.

TITLE II—PUBLIC INFORMATION WITH RESPECT TO CERTAIN UTILITIES

SEC. 201. (a) The Federal Power Commission with respect to electric companies and gas companies and the Federal Communications Commission with respect to common carriers as defined in section 2(c)(3) of this Act, shall obtain the information required pursuant to subsection (b) with respect to each such utility and shall publish such information at least annually in reports prepared for and made readily available to the public, especially in the service area of each such utility.

(b) The information to be made available pursuant to this section with respect to each such utility shall include insofar as practicable, comparable data for previous years and national averages and shall include—

(1) annual earnings stated as a rate of return on a depreciated average original cost rate base and pursuant to other accounting principles and practices of the relevant Federal commission;

(2) annual earnings in dollars as determined pursuant to clause (1);

(3) capital structure stated as percentage of capitalization obtained from long-term debit, preferred stock, common stock, and earned surplus;

(4) average rate of interest on long-term debit;

(5) rate of return on average common stock equity;

(6) yearend yield on common stock (annual common dividend divided by earned market price);

(7) dividend on preferred stock;

(8) yearend preferred dividend yield (annual preferred dividend divided by yearend market price of preferred stock);

(9) yearend earnings price ratio (earnings per share divided by yearend price per share);

(10) the names and addresses of the one hundred principal stockholders including, in those cases where voting stock is held by a party other than the beneficial owner, the name and address of each beneficial owner of 1 per centum or more of the voting stock in the company;

(11) the name and address of each officer and director and his annual income from the utility and its parent or subsidiary companies, if any;

(12) the names and addresses of other companies of which such officers and directors are also officers or directors;

(13) the names of directors, if any, who were not nominated by the management of the utility;

(14) terms of restricted stock option plans available to officers, directors, and employees (not to include plans available to all employees on equal terms) and including name, title, salary, and retirement benefits of each person to whom stock options have been granted, number of options each has exercised, date on which options were exercised, option price of the stock and market price of the stock when option was exercised;

(15) all payments included in any account for rate, management, construction, engineering, research, financial, valuation, legal, accounting, purchasing, advertising, labor relations, public relations, professional and other consultative services rendered under written or oral arrangements by any corporation, partnership, individual (other than for services as an employee), or organization of any kind, including legislative services;

(16) all payments included in any account for the purpose of supplying free goods and services or goods and services supplied below the usual charge for the purpose of securing additional customers;

(17) all payments included in any account for contributions, gifts, donations, dues, honorariums, and any other gratuities;

(18) policy with respect to deposits of customers and service connection charges, if required;

(19) rate of interest charged customers by the utility, stated as simple annual interest;

(20) rate base valuation and components of the utility's rate base, as determined by the State commission having jurisdiction, expressed in dollar amounts, and including amount permitted in rate base in each of the following categories: accumulated tax deferrals, allowance for working capital, construction work in progress, customers' advances, materials and supplies, plant acquisition adjustment, and plant held for future use;

(21) rate base valuation and components of the utility's rate base, as determined by the Federal commission having jurisdiction, expressed in dollar amounts;

(22) dollar difference in each category and in sum, between the rate base as computed pursuant to clauses (20) and (21);

(23) summaries of franchises or certificates of convenience and necessity;

(24) with respect to such purchase of fuel, whether coal, oil, gas or nuclear, including all cost components, the following information: supplier from whom purchased; producing company; location of mine or mines, well or field from which fuel is extracted; summary of terms of fuel purchase contract, including length of contract—long term or spot sale, and price provisions—fixed price, price escalation clauses; quantity purchased, stated in tons, barrels, cubic feet or pounds as appropriate for type of fuel; price of fuel per ton, barrel, cubic feet or pound, as well as stated in cents per million BTU where specified, at the originating source; cost of transportation per ton, barrel, cubic foot or pound of fuel, as well as stated in cents per million BTU where available; total cost of fuel as delivered to each powerplant per ton, barrel, cubic foot or pound, as well as stated in cents per million BTU; cost of fuel as burned stated in cents per million BTU at each powerplant; and average cost per kilowatt-hour of energy generated at each plant attributable to fuel, exclusive of cost associated with investment. Where more than one fuel is burned in a plant, composite heat rate for all fuels used at plant must be shown;

(25) a summary of terms of pooling, interconnection and exchange agreements;

(26) a description of expenses incurred, whether in payment of money, performance of services, use of officers, agents or employees on company time or any other things of value, with respect to (1) the candidacy, nomination, election or appointment of any person for any Federal, State or local office; (2) any referendum or other issue for which an official vote of the people has been authorized, or (3) any lobbying with respect to Federal, State or local legislative or administrative bodies;

(27) the names and addresses of the holders of 1 per centum or more of any issue of long-term debt including, in those cases where the debt is held by a party other than the beneficial owner, the name and address of each beneficial owner of 1 per centum or more of any issue of debt of the company;

(28) the names and addresses of any party who holds or held more than 10 per centum of the short-term debt (such figure to be derived on the basis of the short-term debt outstanding as of January 1 of the reporting year) at any time during the calendar (or repeating) year; including, in those cases where the liability is held by a party other than the beneficial owner, the name and address of each beneficial owner of 10 per centum or more of the short-term debt in the company;

(29) brief descriptions of rate schedules currently in effect for all classes of retail service and facilities, including but not limited to residential, rural, commercial or industrial service for general or limited use, which will inform the public accurately in clear, non-technical language of the rates, terms of purchase, character and conditions of each class of service; and

(30) such other information as the appropriate Federal commission determines to be in the public interest.

Such information shall be determined on a fiscal or calendar year basis as may be appropriate and shall be reported as soon as practicable after the termination of such year.

(c) The Federal Power Commission, the Federal Communications Commission, and the Securities Exchange Commission are hereby authorized and directed to coordinate and assist in carrying out the provisions of this Act and to conduct investigations and promulgate such regulations as are necessary to implement this Act each in accordance with its own rules of procedure. It shall be a violation of this Act to fail to provide information required by this Act or to give false information. Any person so violating the Act shall also be deemed to have violated the Federal Power Act, the Natural Gas Act, the Public Utility Holding Act or the Federal Communications Act, and the civil and criminal penalties and procedures for enforcement provided in each of said Acts shall apply, whichever is most appropriate.

AUTOMATIC DATA PROCESSING

SEC. 202. The Federal Power Commission, the Federal Communications Commission, and the Securities and Exchange Commission are hereby authorized and directed to make full use of automatic data processing in preparing the information required under this Act and other Acts to which they are subject, to the end that Federal and State regulatory bodies, the Congress, the United States Office of Utility Consumers' Counsel, such State and local offices of consumers' counsel as may be established with assistance under this Act, and the public shall receive in a timely and understandable manner information upon which the interests of utility consumers may be assisted and protected. Such Federal commissions are hereby directed to include in their annual reports account of their progress toward full use of automatic data processing.

APPROPRIATIONS AUTHORIZED

SEC. 203. There are authorized to be appropriated such amounts as may be necessary for the purposes of this title.

S. 608. A bill to establish an independent agency to be known as the U.S. Office of Transportation Consumers' Counsel to represent the consumers of the Nation before Federal regulatory agencies and courts with respect to transportation matters; to improve methods for obtaining and disseminating information with respect to the operations of transportation companies and other matters of interest to consumers, and for other purposes; to the Committee on Commerce:

S. 608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Transportation Consumers' Counsel and Information Act of 1971."

DEFINITIONS

SEC. 2. As used in this Act—

(a) An "affiliate" of a company means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, such company, or that has one or more directors or officers in common with such company.

(b) The terms "company" and "person" mean any individual, firm, corporation, partnership, association, joint stock company, business trust, foundation, unincorporated organization, body politic, or any similiar entity or combination of the foregoing, and include any trustee, receiver, assignee, or other similar representative thereof.

(c) The term "control" means possession of the power to direct or cause the direction of or to substantially influence the management and policies of a company, whether through ownership of voting or nonvoting securities, ownership of debt issues, by contract, or otherwise, unless such power is the result of an official position with the company. Control is presumed to exist if any person or company directly or indirectly owns, controls, holds with the power to vote, or holds proxies representing 10 per centum or more of the voting securities of any company. The Counsel may, after furnishing all persons in interest notice of opportunity to be heard, determine that control in fact exists notwithstanding the absence of a presumption to that effect.

(d) The term "Federal agency" means any independent Federal agency, or any department, agency, or instrumentality of the executive branch of the Government, including, but not limited to the Interstate Commerce Commission, Civil Aeronautics Board, Federal Maritime Commission, National Mediation Board, National Transportation Safety Board, the Department of Transportation and its constituent agencies, and any successors thereto.

(e) The term "long-term debt" means any indebtedness of a company having a maturity of one year or more from the date of issuance. The term "short-term debt" means any indebtness of a company other than long-term debt.

(f) The term "regulatory proceeding" means any formal or informal proceeding, meeting, or session before any Federal agency or Federal court relating to rulemaking, enforcement, management, mergers, reorganization, financing, certification, rates, routes, service, safety, bankruptcy, accounting, recordkeeping, environmental impact, or other matters concerning transportation companies or transportation services.

(g) "Transportation company" means any company subject to regulation by the Interstate Commerce Commission, the Civil Aeronautics Board, or the Federal Maritime Commission.

(h) "Transportation consumer" means any person who purchases, uses, or is in any way affected by transportation or the operations of transportation companies.

(i) "Transportation holding company system" means two or more affiliated companies, one or more of which is a transportation company.

(j) "Transportation" means the conveyance or the means of conveyance of persons or property between any two points, rail, air, pipeline, highway, or water.

TITLE I—TRANSPORTATION CONSUMERS' COUNSEL

ESTABLISHMENT OF OFFICE

SEC. 101. (a) There is hereby established within the executive branch of the Government an independent agency to be known as the United States Office of Transportation Consumers' Counsel (referred to hereinafter as the "Office"). The Office shall be headed by a Transportation Consumers' Counsel (referred to hereinafter as the "Counsel"), who shall be appointed for a term of five years by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate provided for level 2 of the Executive Schedule. In appointing the Counsel, the President shall solicit the views and recommendations of consumer organizations and groups representing consumer interests in transportation matters, including State and local bodies.

(b) The Counsel is authorized, subject to the civil service and classification laws, to select, employ, appoint, and fix the compensation of such personnel as he determines to be required for the performance of the functions of the Office, and to define their authority and duties.

(c) No person appointed as Counsel or employed by the Counsel shall at any time during his tenure, have any financial interest, direct or indirect, in any transportation company or affiliate; nor shall any such person be employed or retained by or accept employment with a transportation company or an affiliate of a transportation company for a period of three years following termination of his employment in the Office of Counsel.

POWERS OF THE OFFICE

SEC. 102. In the performance of the functions of the Office, the Counsel is authorized—

(a) to promulgate such rules and regulations as may be required to carry out the functions of the Office, including the establishment of uniform rules of accounting for any class or classes of companies as to which information is required to be obtained pursuant to this Act;

(b) to exercise the powers set forth in sections 12, 304(a) (7), 904(b), 1003(e), and 1377 of title 49 of the United States Code, and section 820 of title 46 of the United States Code, but the exercise of such powers and the performance of the functions of the Office shall not be subject to the provisions of sections 3501–3511 of title 44 of the United States Code.

(c) to delegate to any other officer or employee of the Office authority for the performance of any duty imposed, or the exercise of any power conferred upon the Counsel by this Act, and any reference herein to the Counsel shall include his duly authorized delegate or delegates;

(d) to obtain the service of experts and consultants in accordance with section 3109 of title 5 of the United States Code;

(e) to use the services, equipment, personnel, and facilities of other Federal agencies, with their consent, with or without reimbursement therefor as determined mutually by the Counsel and such other agencies.

COOPERATION OF OTHER FEDERAL AGENCIES

SEC. 103. Upon request made by the Counsel, each Federal agency is authorized and directed—

(a) to make its services, equipment, personnel, and facilities available to the greatest extent practicable to the Office in the performance of its functions; and

(b) to furnish to the Office such information and assistance as the Counsel may determine to be necessary or desirable for the performance of the functions of the Office.

REPRESENTATION OF PUBLIC INTEREST

SEC. 104. (a) Notwithstanding any other provision of law, the Counsel is authorized to petition for, initiate, appear, intervene, or otherwise participate in, any regulatory proceeding which, in the opinion of the Counsel, involves a matter of controversy affecting substantially the interests of transportation consumers.

(b) With respect to any such proceeding, the Counsel shall present to the agency or court, subject to the rules of practice and procedure thereof, such evidence, briefs, and arguments as he shall determine to be necessary for the effective representation of the interests of such consumers. The Counsel or any other officer or employee of the Office designated by the Counsel for such purpose, shall be entitled to enter an appearance before any Federal agency or Federal court without other compliance with any requirement for admission to practice before such agency for the purpose of representing the Office in any proceeding.

(c) Notwithstanding any other provision of law, Counsel is entitled as a matter of right to appear as a party before any Federal agency or Federal court, with respect to any matter or proceeding described in subsection (a), and coming within the jurisdiction of such Federal agency or court.

(d) This Act shall not operate to exclude any other individual, consumer organization, or group representing the public interest from intervening or otherwise participating in such proceedings, nor shall it affect the decision of any Federal agency to assign its own staff personnel to intercede or assist in developing any part of the record of proceedings in which the Counsel or other groups shall appear; nor shall the participation by Counsel affect the right of any person to appear in such proceedings in forma pauperis.

(e) The Counsel is authorized to attend and represent the interests of transportation consumers at any meeting of any advisory committee or other private or public organization with any Federal agency.

TITLE II—PUBLIC INFORMATION AND REPORTS

INFORMATION WITH RESPECT TO TRANSPORTATION COMPANIES

SEC. 201. The Counsel shall obtain detailed corporate and financial information, determined in accordance with uniform accounting rules, prescribed by the Counsel, with respect to each transportation company and each affiliate of a transportation company or a transportation holding company system which shall include, but not be limited to, the following information:

(a) As to the capitalization and control—

(1) the name, address, and description of the business of each parent, subsidiary, or affiliate company, including a full description of the relationship between such companies;

(2) a description of all classes of common stock, preferred stock, long-term debt, bonds, and debentures, including information as to voting rights, redemption and conversion features, dividends, premiums, and interest payable, maturity dates, provision for security, and any other terms and conditions that are material or that may confer control or management powers upon the holder of the security or the debt;

(3) percentages of capitalization obtained from common stock, preferred stock, long-term debt, and earned surplus, respectively;

(4) the amount of dividends and interest paid on each class of stock and debt, and—

(i) yearend preferred dividend yield (annual preferred dividend payments divided by yearend aggregate market price of preferred stock);

(ii) yearend yield on common stock (annual common dividend payments divided by yearend aggregate market price of common stock);

(iii) average rate of interest on long-term debt;

(iv) average rate of interest of short-term debt;

(v) rate of return on average common stock equity.

(5) the name and address of:

(i) each holder of record and each beneficial owner of 1 per centum or more of any class or series of common or preferred stock in the company;

(ii) each holder of record and each beneficial owner of 1 per centum or more of any issue of long-term debt of the company.

(iii) any person beneficially owning 5 per centum or more of the outstanding short-term debt of the company at any time during the reporting year;

(iv) any person controlling, directly or indirectly, 5 per centum or more in the aggregate of the voting rights of the company.

(b) As to management—

(1) the name and address of each officer and director and his compensation from the company, including pension and retirement plans and the amounts paid, accrued, or reserved for such plans, stock options, deferred compensation plans, indemnification, and insurance, together with a complete description of the duties of such director or officer and the approximate amount of time, stated in hours per week, spent in the performance of such duties;

(2) the names and addresses of all other companies which such officers and directors also serve as officers or directors, and a description of any position which such officer or director holds or has held in any Federal agency at any time within the preceding fifteen years;

(3) the names of directors, if any, who were not nominated by the management of the company;

(4) terms of restricted stock option plans available to officers, directors, and employees and, except for plans available to all employees on equal terms, including name, title, salary, and retirement benefits of each person to whom stock options have been granted, number of options each has exercised, date on which options were exercised, option price of the stock and market price of the stock when option was exercised.

(c) As to operations—

(1) summaries of all certificates of convenience and necessity issued to or applied for by the company, if any, and the amount expended for and in procuring each such certificate;

(2) a summary of the terms of any rate bureau, pooling or mutual aid agreements or arrangements, including a complete breakdown of joint rates attendant thereto;

(3) assets and liabilities of the company, including a description of each asset subject to a mortgage, lien, or other claim, indicating the terms thereof;

(4) net annual earnings after taxes and after subsidy, if any, stated:

(i) in dollars;

(ii) as percentage of depreciated average original cost;

(iii) as a percentage of operating revenues;

(5) sources and application of all funds, including all revenues, income, borrowings, and sale of equity.

(6) information as to all direct or indirect expenditures, whether in payment of money, provision of goods or services, use of officers or employees on company time or otherwise, including specific details of the exact amounts, purposes, and tax treatment of each item, included in any account for:

(i) dues, expenses, or assessments of trade associations or rate bureaus of any kind;

(ii) any legal, professional, or consultant services;

(iii) advertising, public relations, and promotion of any kind;

(iv) contributions, gifts, donations, honorariums, and gratuities, including travel, entertainment, or other personal expenses of individuals paid for, in whole or in part, by the company;

(v) protesting the granting of any certificate, franchise, or authority of any other party, or intervening in any proceeding in which such certificate, franchise, or rights are at issue;

(vi) promoting or opposing the candidacy, nomination, election, or appointment of any person for any Federal, State, or local office, or any lobbying with respect to Federal, State, or local legislative or administrative bodies; and a list of each contribution or expenditure of any director or officer of the company for such purposes;

(7) a list of all goods, services, rights, or privileges extended free, below cost, or below normal charges, to any actual or potential customer or class of customers including credit extension, concessions, and rebates of any kind, and the extent to which such goods, services, rights, or privileges are paid for by charges to such customers or class of customers;

(8) amounts, terms, and conditions, including simple annual interest rates, of all loans and extension of credit to directors, officers, affiliates, customers, and others, and the total amounts of interest collected on each class of such loans or credit during the year;

(9) details of any transactions with affiliates, banks, finance companies, holders of any class of stock or long-term debt, and customers concerning the purchase, sale, or lease of any real or personal property, indicating as to each the identity of the other party, terms of the purchase, sale, or lease contract, including any provision for security, the assessed value of the property and the method by which such transaction was negotiated, including a description of any opportunity given to other parties to enter competitive bids and details of any such bids received.

(d) Such other information as the Counsel may deem appropriate to obtain, compile, publish, and disseminate to inform transportation consumers.

REPORTS

SEC. 202. (a) The information to be obtained by the Counsel pursuant to section 201 of this title shall, at least annually and at such other times as the Counsel may deem appropriate, be published in reports prepared for and made readily available to the public. Such reports shall be issued as soon as possible after the end of the annual accounting period. Supplementary reports may be issued at any time to reflect any changes that materially affect the ownership, financial condition, or operation of transportation companies or affiliates. To the degree practicable, the reports provided for in this section shall be presented in readily comprehensible style and format and shall contain pertinent national averages and comparative historical data.

(b) The Counsel from time to time shall compile and disseminate to the public, through such publications and other means as he determines to be appropriate, such information as he considers to be necessary or desirable for the protection of the interests of transportation consumers. To the greatest extent possible, such information shall be made conveniently available to the public and in time to be of use in regulatory proceedings. The Counsel shall consult with consumer organizations, including State and local bodies, regarding the information to be compiled and disseminated and the most effective manner of dissemination thereof.

(c) In January of each year, the Counsel shall transmit to the Congress a report containing (1) a full and complete description of the activities of the Office during the preceding calendar year, (2) a discussion of matters currently affecting the interests of transportation consumers, and (3) his recommendations for the solution of any problems adversely affecting those interests.

(d) The Counsel shall transmit to the President from time to time such recommendations for proposed legislation as the Counsel may consider to be necessary or desirable for the adequate protection of the interests of transportation consumers, accompanied by an explanation of why the desired objective cannot be achieved under existing legislation.

AUTOMATIC DATA PROCESSING

SEC. 203. Federal agencies are hereby authorized and directed to make full use of automatic data processing in preparing the information required under this Act and other Acts to which they are subject, to the end that the Counsel, the Congress, and the public shall receive information in a timely and understandable manner. Federal agencies are hereby directed to include, in their annual reports, accounts of their progress toward full use of automatic data processing.

PENALTIES

SEC. 204. (a) Any person who violates this Act or any rule, regulation, or order issued by the Counsel hereunder, or who fails or refuses to provide any information or report required by this title, shall be subject to a civil penalty not greater than $1,000 for each violation. Any person who knowingly and willfully violates this section or any rule, regulation, or order issued by the Secretary hereunder shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not greater than $2,500 for the first offense and not greater than $5,000 for each subsequent offense. If any such violation is a continuing one, each day of such violation shall constitute a separate offense.

(b) If any person owning or controlling securities or debt of any transportation company, required to be disclosed under this Act or any regulation issued under this Act, shall withhold or fail to disclose the fact of such ownership or control to the Counsel, title to such securities or debt, after notice and hearing before the Counsel, shall be forfeited and shall vest in the United States government.

APPROPRIATIONS

Sec. 205. There are authorized to be appropriated annually for the purposes of this Act an amount equal to one-tenth of 1 per centum of the aggregate annual gross operating revenues of all transportation companies.

S. 630—INTRODUCTION OF THE SURFACE MINING RECLAMATION ACT OF 1971

Mr. JACKSON. Mr. President, I introduce for appropriate reference the "Surface Mining Reclamation Act of 1971." This measure is identical to S. 3132 which I introduced in the 90th Congress and S. 524 which I introduced in the 91st Congress. I ask unanimous consent that the text of the bill and a brief explanation of its principal provisions be printed in the Record at the conclusion of my remarks.

The purpose of this measure is to implement recommendations made by the Department of the Interior in a 1967 report entitled "Surface Mining and the Environment." The study on which that report was based revealed:

First, that 3.2 million acres of land have been affected by surface mining;

Second, that approximately 20,000 active surface mining operations are disturbing our land at a rate estimated to exceed 150,000 acres annually; and

Third, that it was estimated that by 1980 more than 5 million acres will have been affected by these operations.

In the 3½ years since that report was transmitted to Congress the trend toward surface mining has increased. The Nation's demand for coal and other minerals has far outstripped anyone's expectations, and in spite of efforts on the part of some of the States to regulate strip mine activities and to require the reclamation of these lands our Nation's inventory of wasted lands continues to grow larger.

It is my belief that there is a national interest in the development of a program to encourage and assist State government to remedy past mistakes wherever possible and, more important, to take affirmative action to prevent future instances of unnecessary degradation of the environment through erosion, landslides, air and water pollution, loss of fish and wildlife habitat, and the creation of hazards to public health and safety.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The bill will be received and appropriately referred; and, without objection, the bill and explanation will be printed in the Record.

The bill (S. 630) to provide for the cooperation between the Secretary of the Interior and the States with respect to the future regulation of surface mining operations, and for other purposes, introduced by Mr. Jackson, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs and ordered to be printed in the Record, as follows:

S. 630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Mining Reclamation Act of 1971".

DEFINITIONS

Sec. 2. For the purpose of this Act, the term—

(a) "Secretary" means the Secretary of the Interior;

(b) "reclamation" means the reconditioning or restoration of an area of land or water, or both, that has been adversely affected by surface mining operations;

(c) "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between a State and any other place outside thereof, or within the District of Columbia, or a possession of the United States, or between points in the same State but through a point outside thereof;

(d) "surface mine" means (1) an area of land from which minerals are extracted by surface mining methods, including auger mining, (2) private ways and roads appurtenant to such area, (3) land, excavations, workings, refuse banks, dumps, spoil banks, structures, facilities, equipment, machines, tools, or other property on the surface, resulting from, or used in, extracting minerals from their natural deposits by surface mining methods or the onsite processing of such minerals;

(e) "surface mined areas" means any area on which the operations of a surface mine are concluded after the effective date of a State plan or the regulations issued under section 8 of this Act, whichever is applicable;

(f) "person" means an individual, partnership, association, corporation, or other business organization;

(g) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam; and

(h) "State plan" or "plan" means the whole or any portion or segment thereof.

CONGRESSIONAL FINDING

Sec. 3. The Congress finds and declares—

(a) That extraction of minerals by surface mining is a significant and essential industrial activity and contributes to the economic potential of the Nation;

(b) That there are surface mining operations in the Nation that burden and adversely affect commerce by destroying or diminishing the availability of land for commercial, industrial, recreational, agricultural, and forestry purposes, by causing erosion and landslides, by contributing to floods and the pollution of waters, by destroying fish and wildlife habitat and impairing natural beauty, by counteracting efforts to conserve soil, water, and other natural resources, by destroying or impairing the property of citizens, and by creating hazards dangerous to life and property;

(c) That regulation by the Secretary and cooperation by the States as contemplated by this Act are appropriate to prevent and eliminate such burdens and adverse effects;

(d) That, because of the diversity of terrain, climate, biologic, chemical, and other physical conditions in mining areas, the establishment on a nationwide basis of uniform regulations for surface mining operations and for the reclamation of surface mined areas is not feasible;

(e) That the initial responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining operations and for the reclamation of surface mined areas should rest with the States; and

(f) That it is the purpose of this Act to provide a nationwide program to prevent or substantially reduce the adverse effects to the environment from surface mining, to assure that adequate measures will be taken to reclaim surface mined areas after operations are completed, and to assist the States in carrying out such a program.

MINES SUBJECT TO ACT

Sec. 4. After the effective date of this Act, each surface mine, the products of which enter commerce or the operations of which affect commerce, and the surface mined area thereof shall be subject to this Act.

FEDERAL AND STATE COOPERATION

Sec. 5. (a) In furtherance of the policy of this Act, the Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and administering State plans for the regulation of surface mines and the reclamation of surface mined areas, consistent with the provisions of section 7 of this Act, and to cooperate and consult with other Federal agencies in carrying out the provisions of this Act.

(b) In cooperating with appropriate State agencies under this Act, the Secretary may provide such agency (1) technical and financial assistance in planning and otherwise developing an adequate State plan for the regulation of surface mines and the reclamation of surface mined areas, (2) technical assistance and training, including necessary curricular and instructional materials, and financial and other aid for administration and enforcement of such a plan; and (3) assistance in preparing and maintaining a continuing inventory of surface mined areas and active mining operations within the State for the evaluation of current and future needs and the effectiveness of mining and reclamation regulatory measures.

(c) The amount of any grant the Secretary may make to any State to assist them in meeting the total cost of the cooperative program in each State shall not exceed 50 per centum of such cost: *Provided,* That such payment shall not be made for more than three years unless a State plan has been submitted and approved by the Secretary and thereafter such payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary deems adequate to effectuate the purposes of this Act.

(d) The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency designated by the State to have responsibility for the administration and enforcement of a State plan approved under this Act: *Provided,* That the Secretary may, upon request of the Governor or other appropriate executive or legislative authority of the State, waive the single State agency provision hereof and approve another State administrative structure or arrangement if the Secretary determines that the objectives of this Act will be enhanced by the use of such other State structure or arrangement.

ADVISORY COMMITTEES

Sec. 6. (a) The Secretary may appoint advisory committees which shall include, among others, State representatives, persons qualified by experience or affiliation to present the viewpoint of operators of surface mines, and persons qualified by experience or affiliation to present the viewpoint of conservation and other interested groups, to advise him in carrying out the provisions of this Act. The Secretary shall designate the chairman of each committee.

(b) Advisory committee members, other than employees of Federal, State, or local governments, while performing committee business, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime. While so serving away from their homes or regular places of business, members may by paid travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons intermittently employed.

STATE PLAN

SEC. 7. (a) A State may, after public hearings, submit to the Secretary at any time a State plan or a proposal for a revision in a plan previously approved by the Secretary for the regulation of surface mines and the reclamation of surface mined areas located within the State. The Secretary shall, after giving appropriate Federal agencies a reasonable opportunity to review and comment thereon, approve a State plan or revision thereof if—

(1) He determines that, in his judgment, the plan includes laws and regulations which—

(A) promote an appropriate relationship between the extent of regulation and reclamation that is required and the need to preserve and protect the environment;

(B) provide that an adequate mining plan be filed with, and approved by, the State agency and a permit be obtained to insure, before surface mining operations are commenced or continued, that they will be conducted in a manner consistent with said mining plan;

(C) contain, in connection with surface mines and surface mined areas, criteria relating specifically to (i) the control of erosion, flooding, and pollution of water, (ii) the isolation of toxic materials, (iii) the prevention of air pollution by dust or burning refuse piles or otherwise, (iv) the reclamation of surface mined areas by revegetation, replacement of soil, or other means, (v) the maintenance of access through mined areas, (vi) the prevention of land or rockslides, (vii) the protection of fish and wildlife and their habitat, and (viii) the prevention of hazards to public health and safety;

(D) promote the reclamation of surface mined areas by requiring that reclamation work be planned in advance and completed within reasonably prescribed time limits;

(E) provide for evaluation of environmental changes in surface mined areas and in areas in which surface mines are operating in order to accumulate data for assessing the effectiveness of the requirements established;

(F) provide adequate measures for enforcement, including criminal and civil penalties for failure to comply with applicable State laws and regulations; periodic inspections of surface mines and reclamation work; periodic reports by mining operators on the methods and results of reclamation work; the posting of performance bonds adequate to insure the land is reclaimed; and the revocation of permits for failure to comply with the terms of the permits or of the provisions of the regulations or laws under which permits are issued; and

(2) The Secretary determines that, in his judgment, the plan includes—

(A) adequate provision for State funds and personnel to assure the effective administration and enforcement of the plan and, if needed, the establishment of training programs for operators, supervisors, and reclamation and enforcement officials in mining and reclamation practices and techniques;

(B) provision for the making of such reports to the Secretary as he may require; and

(C) authorization by State law and that it will be put into effect not later than sixty days after its approval by the Secretary.

(b) After approval of a plan, the Secretary, on the basis of such inspections, investigations, or examinations as he deems appropriate and reports submitted by the State, shall make a continuing evaluation of the effectiveness of the approved plan and the enforcement thereof. Whenever he determines, after notice to the State agency referred to in subsection (d) of section 5, and opportunity for a hearing:

(1) that the State, in administering the plan, has failed to comply substantially with it or to enforce it adequately, he shall notify the State thereof and if within a reasonable time the State has not taken adequate measures, in his judgment, to correct the situation, he may withdraw his approval of the plan and issue regulations for such State under section 8 of this Act; and

(2) that a revision of an approved plan is appropriate to effectuate the purposes of this Act, he shall notify the State thereof and if within a reasonable time the State has not revised said plan and obtained the approval of the Secretary thereon, he may withdraw his approval of the plan and issue regulations for such State under section 8 of this Act.

FEDERAL REGULATION OF SURFACE MINES

SEC. 8. (a) If, at the expiration of two years after the effective date of this Act, a State fails to submit a State plan, or a State has submitted a plan which has been disapproved and has within such period failed to submit a revised plan for approval, the Secretary, in consultation with an advisory committee appointed pursuant to this Act, shall issue promptly regulations for the operation of surface mines and for the reclamation of surface mined areas in such State: *Provided*, That if the Secretary has reason to believe that a State will submit an acceptable plan within one additional year after the expiration of the two-year period, he may delay the issuance of Federal regulations for such one-year period of time. If a State has within two years after the effective date of this Act submitted a plan for approval and the two-year period provided in the first sentence of this section has expired before the Secretary has approved or disapproved the plan, the Secretary shall delay the issuance of Federal regulations pending the approval or disapproval of the plan. The Federal regulations issued by the Secretary for a particular State shall be consistent with the principles set forth in subsection (a)(1) of section 7 of this Act.

(b) The Secretary shall publish in the Federal Register the regulations which he proposes to issue for a particular State. Interested persons shall be afforded a period of not less than sixty days after the publication of such regulations within which to submit written data, views, or arguments. Except as provided in subsection (c) of this section, the Secretary may, after the expiration of such period and after consideration of all relevant matter presented, issue the regulations with such modifications, if any, as he deems appropriate.

(c) On or before the last day of a period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by the regulations which the Secretary proposes to issue may file with the Secretary written objections thereto stating the grounds therefor and requesting a public hearing on such objections. The Secretary shall not issue regulations respecting which such objections have been filed until he has taken final action upon them as provided in subsection (d) of this section. As soon as practicable after the period of filing such objections has expired the Secretary shall publish in the Federal Register a notice specifying the provisions of the regulations to which such objections have been filed.

(d) If such objections requesting a public hearing are filed, the Secretary, after notice, shall hold a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. At the hearing any interested person may be heard. As soon as practicable after the completion of the hearing, the Secretary shall act upon such objections and make public his decision.

(e) The Secretary may from time to time revise such regulations in accordance with the procedures prescribed in subsections (a) through (d) of this section.

TERMINATION

SEC. 9. If a State submits a proposed State plan to the Secretary after Federal regulations have been issued pursuant to section 8 of this Act, and if the Secretary approves the plan, such Federal regulations shall cease to be effective within the State sixty days after the approval of the State plan by the Secretary. Such Federal regulations shall again become effective if the Secretary subsequently withdraws his approval of the plan pursuant to subsection (b) of section 7 of this Act.

INSPECTIONS AND INVESTIGATIONS

SEC. 10. (a) The Secretary is authorized to cause to be made such inspections and investigations of surface mines and surface mined areas as he shall deem appropriate to evaluate the administration of State plans, or to develop or enforce Federal regulations, and for such purposes authorized representatives of the Secretary shall have the right of entry to any surface mine or upon any surface mined area.

(b) The head of each Federal agency shall permit by agreement authorized representatives of the State or the Secretary to have the right of entry to any surface mine or upon any surface mined area located on lands under his jurisdiction, unless the Secretary of Defense finds that such entry would not be in the interest of the national security.

REGULATIONS

SEC. 11. The Secretary may issue such regulations as are deemed necessary to carry out the purposes of this Act.

INJUNCTIONS

SEC. 12. At the request of the Secretary, the Attorney General may institute a civil action in a district court of the United States for a restraining order or injunction or other appropriate remedy (a) to prevent a person from engaging in surface mining operations without a permit from the Secretary required under section 8 of this Act, or in violation of the terms and conditions of such permit or the Federal regulations issued under section 8 of the Act; (b) to prevent a person from placing in commerce the products of a surface mine produced in violation of an approved State plan; or (c) to enforce the right of entry under section 10 of this Act. The district courts of the United States in which such person resides or is doing business or is licensed or incorporated to do business shall have jurisdiction to issue such order or injunction or to provide other appropriate remedy.

PENALTIES

SEC. 13. (a) If any person shall fail to comply with any regulation issued under section 8 of this Act for a period of fifteen days after notice of such failure, such person shall be liable for a civil penalty of not more than $100 for each and every day of the continuance of such failure. The Secretary may assess and collect any such penalty, and upon application therefor may remit or mitigate any such penalty imposed.

(b) Any person who knowingly violates any regulation issued pursuant to section 8 of this Act shall, upon conviction, be punished by a fine not exceeding $2,500, or by imprisonment not exceeding one year, or by both.

(c) The penalties prescribed in this section shall be available to the Secretary in addition to any other remedies afforded to him under this Act in enforcing the regulations issued under section 8 of this Act.

RESEARCH

SEC. 14. The Secretary is authorized to conduct and promote the coordination and acceleration of research, studies, surveys, experiments, demonstrations, and training in carrying out the provisions of this Act. In carrying out the activities authorized by this section, the Secretary may enter into contracts with, and make grants to, institutions, agencies, organizations, and individuals, and collect and make available information thereon.

APPROPRIATIONS

SEC. 15. (a) There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this Act.

(b) All appropriations and donations made pursuant to this Act, and all permit fees or other charges paid pursuant to section 8 of this Act shall be credited to a special fund in the Treasury to be known as the Mined Lands Reclamation Fund. Such sums shall be available, without fiscal year limitation, for carrying out the provisions of this Act.

OTHER FEDERAL LAWS

SEC. 16. Nothing in this Act shall affect in any way the authority of the Secretary or heads of other Federal agencies under other provisions of law to include in any lease, license, permit, contract, or other instrument such conditions as may be appropriate to regulate surface mining operations and to reclaim surface mined areas on lands under their jurisdiction: *Provided*, That such conditions shall be at least equal to any law and regulation established under an approved State plan or to any regulation issued under section 8 of this Act for the State in which such lands are located. Each Federal agency shall cooperate with the Secretary and the States, to the greatest extent practicable, in carrying out the provisions of this Act.

The explanation presented by Mr. JACKSON is as follows:

BRIEF EXPLANATION OF PRINCIPAL PROVISIONS

1. The proposal would establish a State-Federal program for the regulation of surface mining operations in the Nation. The purpose of the program is to prevent in the future the needless degradation to the environment and destruction of land values which have occurred in the past, and to assure that reasonable steps will be taken to reclaim mined areas after surface mining is completed.

The National Surface Mine Study authorized by Congress under the Appalachian Regional Development Act of 1965 found that surface mining throughout the Nation produces significant detrimental effects upon the land.

2. The proposal would apply to surface mines operating on the date of its enactment and thereafter and to areas on which surface mining operations cease after the date of enactment. It would apply to such operations wherever found in a State, including those conducted on Federal and Indian trust lands.

3. The proposal recognizes that because of the diversity of terrain, climate, and other factors from State and even within a single State, a uniform system of regulations is both impracticable and undesirable. It gives the States the initial opportunity to control the problem now.

4. The proposal would authorize the Secretary of the Interior to provide both technical and financial assistance to the States in developing and enforcing adequate State plans for the regulation of surface mines and the reclamation of surface mined areas. The financial assistance would be in the form of up to 50 percent grants to cover the Federal share of the State program.

5. The proposal would authorize the Secremittees, possibly on a regional basis, to assist tary to establish a series of advisory comhim in carrying out his responsibilities under this legislation. The membership of the committees would include appropriate State and Federal people and various people from industry, conservation, or other organizations and individuals.

6. The proposal would encourage each State to submit for the approval of the Secretary an adequate and complete State plan for the regulation of surface mines and the reclamation of surface mined areas located in the State. While the plan may be submitted at any time, it must be submitted within 2 years after enactment if a State wants to forestall Federal regulation. The Secretary, however, may extend this time another year, if he believes that a State will submit an approvable plan by then. In the process of adopting a State plan, the State must initiate public hearings to give interested persons and organizations an opportunity to comment thereon.

An approvable plan must—

(a) Promote an appropriate relationship between the extent of regulation and reclamation that is required and the need to preserve and protect the environment;

(b) Provide a system of permits and the filing of mining plans to enable the State to know how and what kind of operations will be commenced or continued;

(c) Provide means and measures for preventing or controlling the adverse effects of mining operations, such as air and water pollution, erosion, the prevention of slides, and the protection of fish and wildlife areas;

(d) Provide for the reclamation of surface mined areas, including the posting of an adequate performance ordinance bond which will insure that the entire cost of the reclamation will be covered; and

(e) Provide adequate measures of enforcement, funds, and personnel.

Before approving a plan, the Secretary must be satisfied that it can be carried out under State law within 60 days after his approval. Also, the Secretary must submit it to other Federal agencies having affected land holdings within the State which the plan covers or having some other direct interest in surface mining operations therein for their review and comment. We expect that their review and comment would not delay approval for any appreciable time.

7. Once approved, the Secretary would, based on State reports and field investigations, etc., continue to evaluate its effectiveness and, most particularly, the adequacy of the State's enforcement. The latter is probably the "key" to assuring that the objectives of this legislation will be met. If he determines, after an opportunity for a hearing, that the State plan has not been adequately enforced, the Secretary will notify the State of the problem and make recommendations on how enforcement can be improved. If the State fails to take corrective steps, the Secretary is authorized to withdraw his approval of the plan and issue Federal regulations.

8. Technology and conditions will change. Also, it is possible that experience will show that all or a part of the plan is defective or difficult to administer adequately. The proposal recognizes these possibilities and provides a system for instituting revisions by each State and by the Secretary.

9. Two years after enactment of this proposal, the Secretary shall issue promptly Federal regulations for the operation of surface mines and the reclamation of surface mined areas for any State or portion thereof which has not submitted a plan, unless the Secretary gives a 1 year extension to submit it, or which has had a plan disapproved.

As of early 1969, only 14 States had laws regulating surface mining operations. Some existing State laws do not cover surface mining of all minerals. Thus, most State governments will need to enact State legislation to authorize such regulation or to amend existing regulation. Moreover, the development of State plans will necessitate time consuming study and consultation by State officials with mining industry representatives and other interested persons. Review of proposed State plans by the Federal Government will also be time consuming. It is anticipated, however, that in the case of some of the States which already have laws governing surface mining State plans might be submitted very soon after enactment.

10. In establishing Federal regulations for surface mining in a State, the Secretary is required to consult with an appropriate advisory committee. The regulations must be consistent with the appropriate criteria set forth for the State plan in his proposed legislation.

11. The proposal would provide for the publication of proposed Federal regulations in the Federal Register and for a public hearing on request of interested parties.

12. The proposal would authorize a Mined Lands Reclamation Fund to carry out the provisions of this Act.

13. The proposal would make the State plan applicable to Federal lands and to Indian trust lands. It, however, would not repeal, modify, or otherwise affect present or future Federal statutes or regulations relating to surface mining operations, except that, where there is an approved State plan or regulation issued under this legislation, the Federal lease, permit, etc., conditions must be at least equal to them.

14. The proposal would authorize the Secretary to carry out an accelerated program of research, studies, surveys, experiments, demonstrations, and training in aid of this legislation.

S. 631—INTRODUCTION OF THE NATIONAL OPEN BEACHES ACT OF 1971

Mr. JACKSON. Mr. President, I introduce for appropriate reference the National Open Beaches Act of 1971.

The Nation's ocean shoreline is a resource which, as was reported by the Outdoor Recreation Resources Review Commission—ORRRC—in 1962 in a report entitled "Shoreline Recreation Resources," has been neglected by the Nation as a recreational resource. It has "largely been left for acquisition and exploitation by whatever public or private agencies desired to undertake its ownership, control and management."

Mr. President, it is my view that the ocean beaches of the United States are a part of the common heritage of all of the people, that they are impressed with a public interest, and that new means must be found to protect this great resource and, to the maximum extent possible, make it available for public use and enjoyment.

In May of 1969, Congressman ECKHARDT of Texas introduced a National Open Beaches Act which proposes some innovation approaches towards enlarging public access and public rights to the use of the Nation's beaches. The bill I introduce today is patterned after that measure.

This bill is designed to establish a simple legal presumption: namely, that the public has a basic right of access to and over the open seacoast beaches of the United States. This right is based on the recognition that the ocean beaches of this Nation have traditionally served as thoroughfares and havens for persons pursuing all types of travel, commerce and recreation. The bill recognizes that the concept of the beach as a common resource of all citizens is threatened by shorelines being fenced or enclosed upon assumptions which in many cases and in many States are not founded on clear legality.

The purpose of this legislation is best described by quoting from sections 102 and 103 which provide that:

> Congress declares and affirms that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common to the full extent that such public right may be extended consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution. It is the declared intention of Congress to exercise the full reach of its constitutional power over the subject.
>
> No person shall create, erect, maintain or construct any observation, barrier, or restraint of any nature which interferes with the free and unrestricted right of the public, individually and collectively, to enter, leave, cross or use as a common the public beaches.

This measure, if enacted, would in no way affect the rights of littoral property owners. These rights are fully protected. The bill would establish procedures whereby easements for access to the beaches could, where necessary, be purchased or condemned for public use. Funds necessary for this purpose would come from the land and water conservation fund on a 25-percent State and 75-percent Federal matching basis.

Mr. President, it has been estimated that our population will grow from 200 to 300 million in the next 30 years. The extent of the total American shoreline will, however, be exactly the same in the year 2000 as it is now. If action is not taken to preserve a portion of this valuable resource for public use, America's recreational shoreline may vanish under the onslaught of other demands—industrial, commercial, residential.

Many beaches which were open to the public only a few years ago are now marked with signs reading "Private Property—Keep Out," "No Trespassing—Private Beach," "Subdivision: Lots for Sale." Unfortunately, these are the signs of the times in our Nation's waterways, and seashores, and they make it increasingly difficult for the public to gain access to them. Inasmuch as the majority of outdoor recreation is centered around water, whether it be streams, lakes, or seashore, steps must be taken to provide greater access to these national assets.

The total detailed shoreline of the United States, excluding both Alaska and Hawaii, is 59,157 statute miles. Of this total, 21,724 miles has been classified as recreation shoreline by the ORRRC study report. Of this total detailed shoreline only 1,209 miles—just barely 2 percent—is in public ownership and available, or potentially available, for recreational use. Of the area classified as recreational shoreline only 5.7 percent is available for recreational use. Table 4 from the ORRRC report breaks these figures down by major coastlines. Mr. President, I ask unanimous consent that this table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 4.—MILEAGE OF DETAILED SHORELINE, RECREATION SHORELINE,[1] PUBLIC RECREATION SHORELINE, AND RESTRICTED SHORELINE, BY MAJOR COASTLINES

[In statute miles]

Shoreline location	Detailed shoreline	Recreation shoreline	Public recreation shoreline	Restricted shoreline
Atlantic Ocean	28,377	9,961	336	263
Gulf of Mexico	17,437	4,319	121	134
Pacific Ocean	7,863	3,175	296	127
Great Lakes	5,480	4,269	456	57
U.S. total	59,157	21,724	1,209	581

[1] Recreation shoreline is measured by the same methods used by the Coast and Geodetic Survey. The total in this table and the State totals found elsewhere in the study are the result of including all such measured shoreline that meets the criteria for recreation shoreline as noted above. These figures will undoubtedly be different than data published by many States. While some difference in the totals may be attributed to the inability of this study to identify all public shoreline areas, a major reason for the difference is in the different criteria used by this study and by the various States in their reports.

Mr. JACKSON. Mr. President, the fourth column of the table, "Restricted Shoreline," refers to areas of "restricted military use." These areas amount to 581 miles, or almost one-half of the total Nation's shoreline which is presently dedicated to public recreational use. If, after the military use of this shoreline is completed, these areas could be dedicated to public recreational use, the amount of shoreline available to the public would be increased by a full 50 percent without any further expenditure of Federal or State funds.

On October 22 of last year, the President signed my bill, S. 1708, the Federal Lands for Parks and Recreation Act of 1969. This measure makes surplus Federal lands which are suitable for park and recreational use available to State and local government at little or no cost. The Federal Lands for Parks Act provides a means by which surplus military shoreline may be dedicated to public use.

Table 5 from the ORRRC study report shows the status of the Nation's recreational shoreline by State, mileage, type, ownership, and development status. Mr. President, I ask unanimous consent that this table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 5.—ESTIMATED MILEAGE, BY STATE, OF THE U.S. RECREATION SHORELINE, BY TYPE, OWNERSHIP, AND DEVELOPMENT STATUS

State	Total (miles)	Type			Ownership			Development status
					Public			
		Beach (miles)	Bluff (miles)	Marsh (miles)	Recreation areas (miles)	Restricted areas (miles)	Privately owned (miles)	
Alabama	204	115		89	3	1	200	Low.
California	1,272	283	883	106	149	100	1,023	Moderate.
Connecticut	162	72	61	29	9		153	High.
Delaware	97	41		56	9	9	79	Moderate.
Florida	2,655	1,078	406	1,171	161	122	2,372	Low-moderate.
Georgia	385	92		293	5		380	Moderate.
Illinois	45	13	32		24	4	17	High.
Indiana	33	33			3		30	Do.
Lousiiana	1,076	257		819	2		1,074	Low.
Maine	2,612	23	2,520	69	34		2,578	Do.
Maryland	1,368	40	912	416	3	113	1,252	Do.
Massachusetts	649	240	288	121	12	6	631	High,
Michigan	2,469	292	1,959	218	357		2,112	Low.
Minnesota	264	22	175	67	19		245	Do.
Mississippi	203	134		69		25	178	High.
New Hampshire	25	7	9	9	3		22	Very high.
New Jersey	366	101	33	232	18	15	333	Do.
New York	1,071	231	590	250	47		1,024	Moderate.
North Carolina	1,326	285	260	781	139	42	1,145	Low.
Ohio	275	20	195	60	9	5	261	High.
Oregon	332	133	181	18	101		231	Moderate.
Pennsylvania	57	9	44	4	19		38	Do.
Rhode Island	188	39	145	4	8	10	170	High.
South Carolina	522	162		360	9	10	503	Moderate.
Texas	1,081	301	421	359	5	18	1,058	Very low.
Virginia	692	160	118	414	2	26	664	Low.
Washington	1,571	121	1,294	156	46	27	1,498	Moderate.
Wisconsin	724	46	634	44	13	[1] 48	663	Do.
Total	21,724	4,350	11,160	6,214	1,209	581	19,934	

[1] Includes some Indian lands held in trust.

Mr. JACKSON. Mr. President, the ORRRC report presented some additional statistics which place the demand upon our public-owned beaches in perspective. Using their criteria that each person requires 150 square feet of beach space, the 1,209 miles of public recreational shoreline could only accommodate 2.1 million persons at any one time. This calculation is based upon the assumption that all of these 1,209 miles are prime beach shoreline, when in fact a significant portion consists of marshes, bluffs, and rocky beaches. In addition, many of the beaches best adapted for outdoor recreation are not readily accessible to urban areas where the need is greatest.

Recognition of the attraction of people to water is exemplified by the public pressures on the 22 national parks, seashores, lakeshores, and monuments managed by the National Park Service on our seashores or on the Great Lakes. These Federal marine areas have been heavily used, and the growing demand for quality recreation will continue to challenge efforts to maintain their esthetic values. Recent visitor-use projections by the National Park Service indicate that between 1969 and 1978, visitation will increase an average of 110 percent at Assateague Island, Cape Cod, Cape Hatteras, Fire Island, and Point Reyes National Seashores. It is reasonable to expect that the 82 National Wildlife Refuges operated by the Bureau of Sport Fisheries and Wildlife along our country's coastline will also realize significant increases in recreational usage.

It is apparent that more must be done to make our beaches more available to the public. In 1967, the Bureau of Outdoor Recreation published a report entitled "Outdoor Recreation Trends" which categorized the various outdoor recreation activities and projected the demands for each. The report concluded that the greatest increases would come in activities which were water based or water related. It was estimated that by 1980 swimming would be the number one outdoor recreation activity, increasing 72 percent between 1965 and 1980. In these same 15 years, it was estimated water-skiing would increase 121 percent, boating 76 percent, hiking 78 percent, and camping 78 percent.

These statistics make it abundantly clear that there is nearly insatiable demand for water-based outdoor recreation experiences. Maintaining the quality of the already overburdened public seashores will be a nearly impossible future task unless additional areas are set aside and opened to all Americans.

This is no new revelation. The National Park Service published a booklet in 1955 entitled "Our Vanishing Shorelines" which stated that—

> Present facilities are already inadequate and will be smothered by increased attendance unless additional recreation areas are provided.

Fortunately, many new areas have been established over the past decade. In the future, however, seashore suitable for recreation cannot be expected to be acquired in large quantities, primarily because of escalating land prices. Other approaches must be taken.

Mr. President, the need for additional public recreational opportunities on our waterfront areas was further elaborated upon in a 1969 report entitled "Our Nation and the Sea," prepared by the Commission on Marine Science, Engineering, and Resources. The report indicated that the existing publicly held marine recreation properties can never accommodate the pressures imposed upon them.

This is certainly evident when it is considered that the 71.2 million visitors of our coastal areas in 1964 will grow to 121.0 by the year 1975. As a result, the Marine Sciences Commission recommended that—

> Federal, State, and local governments should give primary emphasis to acquiring access to the shores for purposes of recreation, especially near urban populations. Steps short of acquisition should be used to the extent feasible but, when necessary to control coastal use, land should be acquired.

The report also concluded that all levels of government should take action to insure that provisions are made for public access to waterfront in many of the private development projects along the shore. The Commission felt that because many private developments involving landfills may adversely affect a resource that belongs to everyone, then the developer should compensate for filling in these acres by providing access to the public for the use of adjacent waters.

Mr. President, the predominance of private control and ownership of the Nation's beaches and the lack of public access raises some very important questions of law, of public policy, and of the responsibilities of State and Federal Government. One of the major questions posed in the ORRRC study was as follows:

> What is the right of the public in this limited resource, and is it superior to that of the private owner who has held domain for scores of years while public agencies ignored the resource?

The ORRRC study report went on to say that:

> This report is based on the assumption that the total physical shoreline of the Nation can and should be considered available for public development and use. No attempt has been made to evaluate the legal, political, financial, and policy difficulties that would accompany attempts to place more of the national shoreline under public control and management. The report does not imply that it is feasible or desirable to espouse public ownership of the entire shoreline. However, it does recognize the public interest in the shoreline as a national boundary and the necessity to consider the entire shoreline when policies of shoreline recreation are being formulated.

The "National Open Beaches Act of 1970" raises these and other important questions discussed in the ORRRC report. Hearings on this measure and preliminary legal studies will provide a basis on which Congress can address itself to a determination of what the Federal role should be in making the Nation's beaches accessible to the public.

Mr. President, I ask unanimous consent that articles from the New York Times and the Christian Science Monitor be printed in the Record together with the text of the bill at the conclusion of my remarks.

Mr. President, I further ask unanimous consent that the text of an excellent speech by Mr. Louis E. Reid, Jr., of the Bureau of Outdoor Recreation on the subject of open beaches be placed in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The bill will be received and appropriately referred; and, without objection, the bill and material will be printed in the Record.

The bill (S. 631) declaring a public interest in the open beaches of the Nation, providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof, introduced by Mr. Jackson, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the presence and accessibility of the sea, being a very substantial factor in the value and kind of interstate travel, and the beach being a marine resource created by the action of the sea, it is necessary and proper and promotes the public welfare to provide orderly protection of the public interest in the beaches.

TITLE I

Sec. 101. Congress finds that the sea beaches of the United States are of such character as to use and potential development as to require separate consideration from other lands with respect to the elements and consequences of title in littoral owners. Such land has been treated by and large over most of its extent and during most of the time that it has been controlled by European and Anglo-American law, as a common. It has been of little use for farming, grazing, timber production, mining or residency—the traditional uses of land—but has served as a thoroughfare and haven for fishermen and sea venturers and a place of recreation for the citizenry. The elements and consequences of title in littoral owners are thus colored by these traditional uses but are not fully formulated nor precisely drawn in the laws of the several States to meet the exigencies of the present day. Congress finds that the traditional concept of the beach as a common is now being threatened by shorelines being fenced or enclosed upon assumptions not founded on clear legality.

Sec. 102. Congress declares and affirms that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common to the full extent that such public right may be extended consistent with such property rights of littoral landowners as may be protected by the Constitution. It is the declared intention of Congress to exercise the full reach of its constitutional power over the subject.

Sec. 103. No person shall create, erect, maintain, or construct any obstruction, barrier, or restraint of any nature which interferes with the free and unrestricted right of the public, individually and collectively, to enter, leave, cross, or use as a common the public beaches.

Sec. 104. (a) An action shall be cognizable in the district courts of the United States without reference to jurisdictional amount, at the instance of the Attorney General or a United States district attorney to:

(1) establish and protect the public right to beaches,

(2) determine the existing status of title, ownership, and control, and

(3) condemn such easements as may reasonably be necessary to accomplish the purposes of this Act.

(b) Actions brought under the authority of this section may be for injunctive, declaratory, or other suitable relief.

Sec. 105. The following rules applicable to considering the evidence shall be applicable in all cases brought under section 104 hereof:

(1) a showing that the area is a beach shall be prima facie evidence that the title of the littoral owner does not include the right to prevent the public from using the area as a common;

(2) a showing that the area is a beach shall be prima facie evidence that there has been imposed upon the beach a prescriptive right to use it as a common.

Sec. 106. (a) Nothing in this Act shall be held to impair, interfere, or prevent the States—

(1) ownership of its lands and domains,

(2) control of the public beaches in behalf of the public for the protection of the common usage or incidental to the enjoyment thereof, or

(3) authority to perform State public services, including enactment of reasonable zones for wildlife, marine, and estuarine protection.

(b) All interests in land recovered under authority of this Act shall be treated as subject to the ownership, control and authority of the State in the same measure as if the State itself had acted to recover such interests. In order that such interest be recovered through condemnation, the State must participate in acquiring such interest by providing matching funds of not less than 25 per centum of the value of the land condemned.

TITLE II

Sec. 201. In order further to carry out the purposes stated in title I, section 101, it is desirable that the States and the Federal Government act in a joint partnership to protect the rights and interests of the people in the use of the beaches. The Secretary of the Interior shall administer the terms and provisions of this Act and shall determine what actions shall be brought under section 104 hereof.

Sec. 202. The Secretary of the Interior shall place at the disposal of the States such research facilities as may be reasonably available from the Federal Government, and, in cooperation with the other Federal agencies, such historical, geological, geodetic, and other information and facilities as may be reasonably available for assisting the States in such protection of public rights. The President may promulgate regulations governing the work of such interagency cooperation.

Sec. 203. Section 5(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4608) is amended by adding immediately after the first sentence, the following new sentence: "Any State shall be entitled to 75 per centum of the cost of planning, acquisition, or development of projects designed to secure the right of the public to beaches where the State has complied with the requirement of the Open Beaches Act of 1969 and where adequate State laws are established, in the judgment of the Secretary of the Interior, to protect the public's right in the beaches."

Sec. 204. The Secretary of Transportation is authorized to provide financial assistance to any State, and to its political subdivisions for the development and maintenance of transportation facilities necessary in connection with the use of public beaches in such State if, in the judgment of the Secretary of the Interior, such State has defined and sufficiently protected public beaches within its boundaries by State law. Such financial assistance shall be for projects which shall include, but not be limited to construction of necessary highways and roads to give access to the shoreline area, the construction of parking lots and adjacent park areas, as well as related transportation facilities. All sums appropriated to carry out title 23 of the United States Code are authorized to be made available in an appropriations Act to carry out this section.

TITLE III

Sec. 301. The following terms as used in this Act shall have the following meanings:

(a) "Sea" includes the Atlantic, Pacific, and Arctic Oceans, the Gulf of Mexico, and the Caribbean and Bering Seas.

(b) "Beach" is the area along the shore of the sea affected by wave action directly from the open sea. It is more precisely defined in the situations and under the conditions hereinafter set forth as follows:

(1) In the case of typically sandy or shell beach with a discernible vegetation line which is constant or intermittent, it is that area which lies seaward from the line of vegetation to the sea.

(2) In the case of a beach having no discernible vegetation line, the beach shall include all area formed by wave action not to exceed two hundred feet in width (measured inland from the point of mean higher high tide).

(c) The "line of vegetation" is the extreme seaward boundary of natural vegetation which typically spreads continuously inland. It includes the line of vegetation on the seaward side of dunes or mounds of sand typically formed along the line of highest wave action, and, where such a line is clearly defined, the same shall constitute the "line of vegetation." In any area where there is no clearly marked vegetation line, recourse shall be had to the nearest clearly marked line of vegetation on east side of such area to determine the elevation reached by the highest waves. The "line of vegetation" for the unmarked area shall be the line of constant elevation connecting the two clearly marked lines of vegetation on each side. In the event the elevation of the two points on each side of the area are not the same, then the extension defining the line reached by the highest wave shall be the average elevation between the two points. Such line shall be connected at each of its termini at the point where it begins to parallel the true vegetation line by a line connecting it with the true vegetation line at its farthest extent. Such line shall not be affected by occasional sprigs of grass seaward from the dunes and shall not be affected by artificial fill, the addition or removal of turf, or by other artificial changes in the natural vegetation of the area. Where such changes have been made, and thus the vegetation line has been obliterated or has been created artificially, the line of vegetation shall be reconstructed as it originally existed, if such is practicable; otherwise, it shall be determined in the same manner as in other areas where there is no clearly marked "line of vegetation," as in (2), above.

(d) "Area caused by wave action" in subsection (b)(2) above means the area to the point affected by the highest wave of the sea not a storm wave. It may include scattered stones washed by the sea.

(e) "Public beaches" are those which, under the provisions of this Act, may be protected for use as a common.

(f) "Matching funds," as provided by a State, include funds or things of value which may be made available to the State for the purpose of matching the funds provided by the Federal Government for purchasing beach easements as, for instance, areas adjacent to beaches donated by individuals or associations for the purpose of parking. The value of such lands or other things used for matching Federal funds shall be determined by the Secretary of the Department of the Interior. State matching funds shall not include any moneys which have been supplied through Federal grants.

Sec. 302. The short title of this Act shall be the "Open Beaches Act of 1971".

The material presented by Mr. Jackson is as follows:

[From the New York Times, Mar. 29, 1970]

Few Seaside Beaches Left Open to Public in Developers' Rush

(By Bayard Webster)

The shoreline of the United States has been so built up, industrialized and polluted during the last decade that there are relatively few beaches left for the family in search of a free, solitary hour by the sea.

From Maine to Florida and on around to Texas, from Southern California up to Washington State, the nation's seashores have become cluttered with hotels, motels, sprawling development, military complexes and industries of every kind.

Miles of tranquil beaches where hundreds of seaside retreats were once open to everyone for swimming or fishing have been fouled by oil spills, industrial effluents, farm pesticides and city sewage.

"It's a kind of urban-industrial ooze that's infected the whole coastline," says Derekson W. Bennett, conservation director of the American Littoral Society at Sandy Hook, N.J., a national organization interested in coastal marine problems.

What remains—shore land that is not dirty, crowded or closed to the public—amounts to a tiny fraction of the country's total coast zone, about 1,200 miles or 5 per cent of the shore areas considered suitable for recreation or human habitation.

The prospect of continuing encroachment, together with the intensified natural erosion often caused by heedless development (even in normal weather, winds and waves can eat away or shift up to 20 feet of beach a year), has alarmed many marine biologists and conservationists.

"A lot of us familiar with the coast are terribly concerned that if the present development and pollution continues unchecked there just won't be any useable coast left in a few years," says Dr. Arthur W. Cooper, head of the department of botany at North Carolina State University in Raleigh.

Although he and other conservationists have been encouraged by indications that some states and bureaus of the Federal Government are becoming interested in protecting the nation's coastline as a separate natural resource, they fear that it may already be too late to reverse the trend.

Close to the heart of the problem are two factors largely beyond the control of governmental authorities. One is the sharp increase in recent years in the nation's population. The other is the rush to the large coastal cities by millions of people from inland rural areas.

The result is that popular demand for open recreational space near the water is rising just as private and industrial developers are fencing off the best of it—if not the last of it in any given area—and land prices are spiraling far beyond the means of most urban dwellers.

IMPACT IS OUTLINED

Reports from most of the 21 coastal states show that tremendous pressures from expanding population and industrial needs have had these effects on the nation's coastal areas:

Land values have skyrocketed. In South Carolina, frontfoot prices have soared from $75 to $1,600. In Massachusetts, an acre of shore land now sells for around $50,000, up five-fold since 1965.

The craving for vacation space by the sea has led to the development in such places as Virginia Beach, Va., and Ocean City, Md., of coastal sections in which houses, motels and hotels are built as close as six feet apart for many miles along the beach.

The search for coastal sites by companies that need substantial water supplies has resulted in the loss of many miles of scenic coastline. In California, for example, power companies are taking over large stretches of the coast for nuclear power plants.

Pollution by many of these industries has wiped out untold square miles of fish and shellfish producing areas. In Georgia, for instance, pollution in the Savannah River has eliminated a multi-million dollar coastal shellfish industry.

The "dredge-and-fill" operations of developers in such tidal areas as Miami have covered up thousands of square miles of salt marshes regarded as invaluable sources of seafood and as nursing and feeding grounds for finfish and waterfowl.

Shore erosion, always a danger, has greatly accelerated because of improper land use that stems from a lack of knowledge of the dynamics of beach erosion.

LACK OF COORDINATION SEEN

Underlying these problems there is a lack of coordination among industries and local, state and Federal agencies.

In a study of coastal problems made recently for the National Council on Marine Resources and Engineering Development, Harold F. Wise & Associates, a Washington firm specializing in coastal planning, discovered that most states and communities "are not cognizant of the coast zone as an environment apart from other regions of the state."

The study urged that the Federal Government, acting through Congress, "declare a national policy on the resources of the Coastal Zone."

There is no absolute measurement of the length and area of the nation's coastline, which changes with tides and storms, and there are few available statistics showing the varied land use of the shore areas. Thus it has been difficult for conservationists to find specific data to buttress their arguments.

Scientific studies of land use along the coasts are currently being made for the American Geographical Society by George P. Spinner, a marine scientist from Princeton, N.J., and by the Association of Coastal States, an organization just formed in Atlanta to promote preservation of the shores.

The United States Coast and Geodetic Survey has estimated, however, that there are approximately 53,000 miles of coastline bracketing the continental United States. This includes shore areas along major bays and inlets.

Of these miles of beaches, bluffs and marshes, fewer than half are regarded as suitable for recreation or human habitat. And of these 26,000 miles, only some 1,200 miles are publicly owned and therefore easily available to everyone.

In recent years, the decline in the amount of shore land open to the public has come mostly through changing patterns of land use: Owners who had always allowed friends and passersby to use their beaches sold out to industries or developers, who then promptly put up "No Trespassing" signs.

The rapid rate at which habitable land by the sea is being taken over by commercial interests can be seen on the coast of North Carolina.

For decades, visitors to the Outer Banks and Cape Hatteras had occasionally ventured north by boat or beach buggy to fish or just to explore the wild, unspoiled stretch of beach that runs for 35 miles along the Currituck Banks from Kitty Hawk to the Virginia border.

Gulls and shore birds wheel over the rolling dunes and virgin beach in all seasons. There are no roads, except for the makeshift one at the southern end. In summer the area is a fishing and swimming paradise.

But in the last year, despite the lack of transportation facilities, real estate developers have been gobbling up the land on speculation for a price of about $1-million a mile or about $190 a front foot. The future price to private lot buyers will be much higher.

DEVELOPER IS CONCERNED

Not far away there is a large development of individually styled houses placed in widely separated areas whose principal owner, David Stack, the North Carolina historian, is concerned about the deterioration of the shore.

"I'm proud of my development, which we started 20 years ago," he said. "But if I knew then what I know now about ecology, I'm not sure I would have developed that land or changed it in any way—I might have just left it alone."

"One of the main problems with the seashore is that no one understands how it should be preserved," he said. "The main thing is to leave it alone. The closer you build to it the more you harm its natural dynamics, the things that hold it together—the dunes, the dune grasses and the beach. When you disturb these natural aspects and build on them, the shore only erodes faster."

The disappearance of natural beaches is most apparent near the country's most populous areas. From Massachusetts to North Carolina, in Florida, in California near Los Angeles and San Francisco and along the Gulf Coast, a sprawling confusion of buildings crowd the shore

SPRAWL IN OCEAN CITY

Perhaps the best example of such conditions is Ocean City, on Maryland's eastern shore. Not long ago a visitor watched as a bulldozer pushed around mounds of sand in an effort to repair damage inflicted by winter storms. To the north, almost as far as the eye could see, wall-to-wall houses, motels, bowling halls, pizza parlors and recreation centers—all empty—stretched out in the pale winter sun.

A few decades ago, Ocean City was less than half its present size. But several years ago, as land values rose, the City expanded its boundaries to take in more than twice as much shoreline.

As a result, crowded development accelerated with the aid and encouragement of the city, and additional real estate taxes rolled into the city treasury.

And there is Miami Beach. "The only thing Miami Beach is good for is a horrible example," says Joseph B. Browder, the 31-year-old southeastern field representative for the Audubon Society.

He cited erosion caused by hotels built almost right in the surf, housing projects built on thousands of once-wild acres of tidal marshes, thermal pollution in Biscayne Bay, and pollution by sewage in both ocean and bay.

Although all of the country's coastal areas are plagued by pollution, the main ones tend to have different specific problems stemming from industralization and housing development.

In New England, the large number of glacier-formed, deep-water inlets are greatly admired by industries requiring multi-fathom harbors such as tanker-oriented oil companies and chemical plants.

In the New York metropolitan area, every conceivable problem is found: oil spills, agricultural (fertilizer and pesticide) run-off into bays and estuaries, sewage pollution, thermal pollution and the loss of tidal marsh areas. Connecticut alone has lost almost 80 per cent of its salt marshes.

The South Atlantic coast, with its combination of deep and shallow water ports as well as its vast collection of salt marshes and bay areas, feels the impact of most of the spectrum of recreational and industrial pressures.

On the Pacific side of the nation, the narrow green coastal plain slopes down to the bluffs that make up much of the California and Oregon coast. Most of the problems there are concentrated near the cities. Elsewhere, the rugged and often inaccessible coastline makes shore acreage less desirable and more expensive to build on.

A few weeks ago, several thousand feet above the coast, C. Martin Litton, pilot, nature photographer and a director of the Sierra Club, relaxed at the controls of a four-seater Cessna and pointed to an area below him. Huge gashes, piles of earth and cleared areas marked the place where one of the coast's last unspoiled arroyos, Diablo Canyon, was being cut and filled to make way for a nuclear power plant.

The canyon, lying a few miles west of San Luis Obispo, is a green wilderness of glen and forest. "This was the last wild, unspoiled canyon on the coast," Mr. Litton said. "Now look at it."

Although there is no Federal law regarding access to, or use of, beach areas, some of the states are showing interest in preserving their shores.

The Oregon Supreme Court has ruled that the state's entire beach area must be kept free for use of the public and that property owners must permit the public to use it.

In Hawaii, the Legislature has been asked to declare an area 100 feet deep around all the islands open for public use.

In Washington, members of Congress are seeking ways to write laws that would allow the public free and unrestricted access to all seashore areas but not encroach on state prerogatives or the rights of individual owners.

But conservationists say that even though the problems are beginning to be recognized, their very magnitude will make solutions difficult. For even if the urban growth rate slows down or stabilizes, they say, pressures for more coastal vacation areas by the sea are sure to go on building.

Results of these pressures are graphically shown in the view from an airliner. As the aircraft nears the shore a passenger can see the traditional checkerboard of communities spreading out in an ever-widening pattern.

But if he looks closely he will also see that as the checkerboard becomes larger and the shoreline comes nearer, the number of squares—homesites—grows larger and the size of each square decreases.

[From the Christian Science Monitor,
Jan. 2, 1970]

A PRECEDENT FOR OTHER STATES? NO MORE "KEEP OFF" SIGNS ON OREGON BEACHES

(By Malcolm Bauer)

SALEM, OREG.—Oregonians and their visitors received a big Christmas present from Oregon state officials: the more than 300 miles of the state's Pacific Ocean beaches.

The Oregon Supreme Court ruled unanimously that all of the dry-sand areas of the oceanfront, including those under private ownership, are reserved for public use.

Soon afterward the Oregon State Highway Commission closed all beaches to motor vehicles, proclaiming: "Beaches are for people."

The two official actions underwrite the dedication of the state's shoreline to public recreation. The tens of thousands of tourists who visit Oregon each year will be among the beneficiaries.

Gov. Tom McCall hailed the Supreme Court decision as a reason for thanksgiving in the holiday season. He called it "a most significant act in the continuing story of the efforts of thousands of Oregonians in their determination that the sands of the ocean shore are for public use in perpetuity."

The Governor said the ruling had set a precedent for similar establishment of public rights on the beaches of other states.

The court based its decision on the historical record of public use of the beaches below the vegetation line, affirming that such customary use had established a right by preemption prevailing over private ownership.

COURT ACTION

For more than a half-century, Oregon law has designated the ocean shore below mean high tide—the wet sands—as public property. The effect of the court's ruling is to extend the claim of the public landward over the dry sands to the line of vegetation.

The court test of public vs. private property rights along the beaches was precipitated by the rush of development along the Oregon coast, particularly that area within 100 miles or less of metropolitan Portland.

The particular case on which the court acted grew out of a Cannon Beach motel owner's staking off the dry sand in front of his property. This raised public protests. Both 1967 and 1969 Oregon Legislatures passed bills with the purpose of asserting the public right to the dry sands. The court, in effect, upheld the 1969 law, ending several years of controversy on the beach-property rights issue.

Explaining the State Highway Commission's action in closing the beaches to motor vehicles, Glenn Jackson, commission chairman, said: "I think that closing the beaches to vehicular traffic will be carrying out the wishes of a majority of the people."

SENTIMENT ASSESSED

There has been ample evidence over the past several years of a majority sentiment for public use of the beaches. Citizens' committees have been formed to advocate the public's right to such use. A 1968 initiative measure promoted by such organizations asserted this right. However, it was rejected, probably because it included a one-cent-a-gallon tax on gasoline to provide a fund for purchase of private property along the shore.

It is not yet certain whether or not such funds will be required now that the State Supreme Court has upheld the right of public use by preemption. But the eventual effect is expected to be that the more than 300 miles of sands—wet and dry—will be reserved for public recreation without restriction by waterfront property owners or hazard from racing vehicles.

There will be some exceptions to the prohibition of vehicles on the beaches. Permits will be issued for the aged, crippled, and others who cannot walk onto the beach, and for woodcutters salvaging driftwood.

But there will be, officials say, no fences, no gates, no "no trespassing" signs on Oregon's Pacific sands, from the Columbia River on the north to the California line on the south. That cannot be said of the coastline of any other state in the Union.

REMARKS OF LOUIS E. REED, JR.

The opportunity to meet with the Sixth National Access to Recreational Waters Conference here in Traverse City, Michigan, is one I appreciate very much. The subject matter I am to discuss is of unquestioned importance to those who are concerned with recreation and conservation.

One of the most interesting cartoons I have seen recently shows a painter hard at work on a waterfront sunset scene. All appears tranquil except for the onslaught of a frenzied property owner. He is shown charging past a sign reading "Private Beach" and yelling, "That's my sunset you are painting."

And therein lies a problem. Someone needs to determine whether it was indeed his sunset.

The "Private Beach" sign is a standard manifestation of an overpopulated Twentieth Century America. It's normal to desire a little piece of land of your own. It's fine, but just imagine what would happen if Columbus came sailing up to America today. He would find the shores fenced and "Private Beach" signs galore. Would he have to return to Europe, leaving us undiscovered? Would Henry Hudson and Ponce de Leon and Juan Rodrequez Cabrillo and Samuel de Champlain be unknown to history if they had faced "Private Beach" signs such as are common today?

Well, the questions are fanciful. The seacoast beaches were open when those gentlemen came to the New World. And when a lot of our other forebears arrived as well. But for the most part the coasts bristle with access restrictions today. Possibly less than five percent of our beaches are open to the general public, and that amount is steadily decreasing. And that is why I am here. I'll warn you now that a Great Lakes shore location may be the worst possible place to make these remarks. You will see why as I go along.

I was invited to discuss a particular bill that is before Congress, a highly imaginative approach to one of our most serious recreation and conservation problems. The measure I am talking about is H.R. 11016, introduced by Congressman Bob Eckhardt of Houston, Texas, and eight co-sponsors, and styled a "National Open Beaches" bill. The co-sponsors are Mr. Button of New York, Mr. Dingell of Michigan, Mr. Edwards of California, Mr. Halpern of New York, Mr. Mann of South Carolina, Mr. Mikva of Illinois, Mr. Podell of New York, and Mr. Udall of Arizona.

I am not here to advocate the bill or to promote its defeat. The Administration has not yet taken an official position on the measure. Until it does, as a career professional employee in the Executive Branch of the Government, it would be improper for me to take a position on the proposal.

Fundamentally, this bill sets forth and, if passed, would establish one simple legal presumption. It says the public has a basic right of access to and over the open seacoast beaches of the Nation. This right is based on a declaration of a public interest in the beaches.

I can sense immediately that some of you, even those with the greatest stake in making as much water available to access as possible, are experiencing a violent reaction. What about property rights, you are thinking. Does the Federal government propose to preempt property rights, an area traditionally reserved to the States?

Let me set your minds at rest on that point at once. H.R. 11016 would in no way affect property rights, not any property right, whether possessed by individual or corporation.

The National Open Beaches bill justifies its main presumption in this way. It says that the margins of the sea from time immemorial have been used for recreational purposes and for fishing. It cites the public right to interstate travel. This includes the right to travel on and across the open beaches.

The key language in the measure is this: I quote. "Congress declares and affirms that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common to the full extent that such public right may be extended consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution. It is the declared intention of Congress to exercise the full reach of its constitutional power over the subject. No person shall create, erect, maintain, or construct any obstruction, barrier, or restraint of any nature which interferes with the free and unrestricted right of the public, individually and collectively, to enter, leave, cross, or use as a common the public beaches." That's the end of the quotation.

The bill establishes a prima facie determination that the right to exclusive use of the beaches has never been granted by the sovereign to littoral land holders, with certain exceptions. It says that an individual may own seacoast land, lock, stock, and barrel, but that he does not have legal basis for excluding you or anyone else from access to and across the beach unless he can prove that his particular title grants him that right.

Of major significance here is this fact: in nearly all States ownership up to either the vegetation or to the mean high tide line resides in the State. Almost without exception, when ownership of an individual extends seaward beyond that point, there is a specific provision in the land grant which says so. In other words, the State normally owns what is called the wet sand.

The fact that the State almost always owns the seacoast to the vegetation or mean high tide line means that the rights of the public to such areas are almost without meaning unless the public also possesses the right of access to and use of the immediately adjacent seacoast.

If the public has this right, the recreation seeker for once occupies the unique position of not having to prove that he has a right to go on a beach. The littoral owner would have to prove that the public doesn't have an access right, if this bill were to become law.

So we are left with this situation: the National Open Beaches bill declares the legal presumption that the seacoast beaches of the Nation are a common, and therefore open to access. Property owners' rights would not be affected by its passage. Let me stress that point in two ways. On the one hand, rights of property owners whose titles provided the right to restrict or deny access to the beach would not be affected. On the other hand, property owners whose titles did not provide that right would be left with all the property rights they ever possessed.

If Congressman Eckhardt's Open Beaches bill passed, you would see a lot of "Private Beach" signs come down. But not, remember, because any portion of the property rights would be extinguished. The fences and signs would come down because the beaches wouldn't be restricted to the private use of the beach owner and those he invited to come swimming.

Property owners would not have the right to erect or maintain structures which would restrict the right of access.

All of this is based on more than just theory or expectations. Texas has passed an Open Beaches bill quite similar to H.R. 11016. As a result, the fences that long had kept the public off part of Galveston Beach have come down. You can go down there and get to the water now. The littoral owners still own all the rights they ever owned, but now Texas law asserts the public's traditional and historic right of access to those beaches. The law says that the littoral owners never possessed the right to limit access and use.

Congressman Eckhardt was a member of the Texas Legislature and a sponsor of the legislation at the time it passed. The Texas bill did three things. It authorized and directed the Attorney General to protect the people's interest in beaches. It established a prima facie determination that the right to use the beaches had never been granted by the sovereign to littoral land holders. It established a prima facie determination that the public had obtained a prescriptive right to the use of the beach.

This law has been tested in the Texas courts. The strongest case to date determined that by long use the public had gained a prescriptive right to use of Galveston Beach. No determination has been made to date on the basis of the presumption of retention by the sovereign of the easement right.

In some circumstances, the courts might hold that fences running into the sea are legal. Take the big cattle ranching area along

Matagorda Peninsula in Texas. These grazing lands are bounded by fences running into the sea and in effect are partially fenced by the sea on one side. The finding of a court there, if a legal case were joined, might be that the public has not enjoyed a continuing use and that the littoral owner had gained a right to limit public access.

Congressman Eckhardt's H.R. 11016 proposes Federal law, of course. The proposition has been attracting increasing attention. This summer the Izaak Walton League of America, for example enacted a resolution at its annual convention endorsing the proposition.

There is no reason that individual states could not consider passing the same kind of open beach laws which Texas has passed. Of course, State constitutions and State property laws vary greatly. In some States a presumptive Open Beaches bill could be enacted and effective, possibly not in others. State beach access law is usually fuzzy and frequently untested and undefined by the courts. Congressman Eckhardt's office has done considerable work on a model State law which is available upon request.

I have dwelt at length with the presumptions of the bill which is before the House. It has other features which I wish to mention.

The National Open Beaches bill faces up to the prospect that the public needs access to some seacoast beaches where it would lack the right of access, even under the presumptions of H.R. 11016. The measure therefore provides machinery with which access easements or even full title to beaches could be purchased. These purchases would involve the States, their political subdivisions, and the Federal government, with the former two acquiring the easements or titles. They could use matching Federal grant money from the Land and Water Conservation Fund. H.R. 11016 proposes that this be available on a 75–25 basis.

I have purposely delayed comments on a couple of items until this point. H.R. 11016, if enacted, would apply to the seacoast beaches of the Atlantic, Pacific, and Arctic Oceans, the Gulf of Mexico, and the Caribbean and Bering Seas. That purposely does not include the Great Lakes, other lakes, or river shorelines. There is good reason. Use of such inland shorelines as commons traditionally open to the public is much less well defined than are the uses of the sea beaches as commons.

I also have not told you how the measure defines a beach. It says that a beach is the area along the shore of the sea affected by wave action directly from the open sea. This area is more precisely defined in the case of typically sandy or shell beaches. There, it is the area seaward from the discernible vegetation line. When no vegetation line exists, it is the area not to exceed 200 feet in width measured inland from the point of mean higher high tide. Mean higher high tide is a precise term to the U.S. Coast and Geodetic Survey, as those of you familiar with its lexicon know. For the rest of us, it seems sufficient to say that it doesn't mean flood tides.

Hearings on this measure have not to date been scheduled. Whether they will be this session or next will depend on the amount of public interest shown, if tradition prevails. There seems to be a certain incubation period for conservation legislation. I don't know how long it might take for H.R. 11016 to hatch, or even if it will hatch. I do know that it is an interesting and arresting idea. It could simplify a number of recreation problems by eliminating much of the need to buy easements or titles to seacoast beaches. We will need more of such thinking if we are to provide adequate access to our recreational waters for the people of the Nation.

S. 632—INTRODUCTION OF NATIONAL LAND USE POLICY ACT OF 1971

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, the National Land Use Policy Act of 1971. This measure was first introduced in January of 1970. During the 91st Congress the bill was the subject of extensive hearings and was favorably reported to the Senate by the Committee on Interior and Insular Affairs on December 14, 1970. The text of the measure introduced today is the same as amended and ordered reported by the Interior Committee in the last Congress.

When this measure was first introduced 1 year ago land use planning and management on a national and statewide basis was not viewed as an important tool in dealing with environmental problems and in taking positive steps to improve the quality of life. Fortunately, over the past year this situation has changed. The administration, the Nation's Governors, members of State legislatures, conservationists, and representatives of industry are now all coming to recognize that the key institutional mechanism and the most important body of law available for dealing with the problems posed by future growth and development are our land use planning institutions at the State and local level coupled with the creative and purposeful use of land laws.

Regulation and control of the land in the larger public interest is essential if real progress is to be made in achieving a quality life in quality surroundings for all Americans. It is essential because control of the land is the key to insuring that all future development is in harmony with sound ecological principles. The land use and environmental problems of the present, serious as they are, look relatively insignificant when they are compared with the problems we will have in 10, 20, 30 years if we fail to develop the institutional and legal capacity to deal with the demands that future requirements are making on our limited land and resource base.

For example:

By 1975 our park and recreation areas, many of which are already overcrowded, will receive twice as many visits as today, perhaps 10 times as many by the year 2000;

By 1978 we must construct 26 million new housing units. This is equivalent to building 2.5 cities the size of the San Francisco-Oakland metropolitan area every year;

Each decade, new urban growth will absorb 5 million acres, an area equivalent to the State of New Jersey;

Demands for electrical energy double every 10 years; by 1990 demands will increase by 284 percent.

In the face of these and similar projections for highways and new industrial plants State and Federal Governments have done little to plan for and deal with the problem of accommodating future growth in a manner that is compatible with a quality environment. We have instead created conditions which encourage haphazard growth and compound environmental problems. Too much of our effort is devoted to reclaiming a small portion of what is being lost in the growing tides of environmental change. Too little is devoted to preventing the loss of irreplaceable resources.

The pressures upon our finite land resource cannot be accommodated without better planning and more effective control. Our land resources must be inventoried and classified. The Nation's needs must be cataloged, and the alternatives must be evaluated in a systematic manner. These and other concerns can only be met if governmental institutions have the power, the resources and the will to enter into effective land use planning, if plans at all levels of government are coordinated, and if public decisions on land use are backed up with effective controls in the form of zoning and taxing policies.

One of the recurring and most complex problems of land use decisionmaking today is that existing legal and institutional arrangements are in many respects archaic. They were not designed to deal with contemporary problems. Industry, for example, is unable to get effective decisions on plant siting and location without, in some cases, running an interminable gauntlet of local zoning hearings injunctions, and legal appeals. In other cases, industry is welcomed into areas which should be dedicated to other uses under the banner of broadening the tax base. Often this really means higher taxes, fewer amenities and more problems.

While the institutions for land use planning and management at the local, State and Federal level are not at present adequate to the task which lies ahead, they can, if revised and reformed, provide more effective institutional structures which can go far to meet the challenge of the land. With appropriate modification, with Federal monetary assistance, with increased staffing and with the Federal and State governments exercising a more vigorous role of coordination and oversight these institutions can provide the American people with national land use planning and decisionmaking which can go far toward eliminating conflict, maximizing public participation, and providing for land use patterns that will enhance environmental values and the quality of life while, at the same time, meeting the Nation's growing demands for raw materials, goods, and services.

By the same token, the Federal and State constitutional principles on which our traditional concepts of land use law are based—the police powers, general welfare clauses, and the power of taxation—have a tremendous capacity to be utilized more effectively and more creatively to encourage better land use planning and management.

The tools for improving local, State, and Federal administration of our land resource are available. What is lacking is an agreed upon national statement of goals toward which we should be working together with effective policies at all levels of government which will permit and encourage attainment of the goals we seek to achieve.

It is my view, and it is the view of the many witnesses who testified before the

Interior Committee on S. 3354 last year, that the National Land Use Policy Act will provide the necessary Federal structure and policy initiatives to proceed with the development of a rational and coherent set of land use management policies at all levels of government.

Further hearings on this measure and on any legislative proposals that the President may be making in his environmental message next week will be scheduled in late February or March.

Mr. President, I ask unanimous consent that the text of the bill, my introductory statement from the 91st Congress, excerpts from the committee report from the 91st Congress and a newspaper article on the administration's proposed land use bill be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill, statement, and article will be printed in the RECORD.

The bill (S. 632) to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning, introduced by Mr. JACKSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Water Resources Planning Act (79 Stat. 244), as amended (82 Stat. 935), is further amended by this Act to read as follows:

"SECTION 1. This Act may be cited as the 'Land and Water Resources Planning Act of 1971.'

"SEC. 2. In order to insure that the Nation's limited land resource base is properly planned and managed and in order to meet the Nation's rapidly expanding demands for water, it is hereby declared to be the policy of the Congress to encourage the conservation, development, and utilization of the land and water resources of the United States on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprise with the cooperation of all affected Federal agencies, States, local governments, individuals, corporations, business enterprises, and others concerned.

"TITLE I—LAND AND WATER RESOURCES COUNCIL

"SEC. 101. (a) There is hereby established a Land and Water Resources Council (hereinafter referred to as the 'Council').

"(b) The Council shall be composed of the Vice President; the Secretaries of Agriculture; Commerce; Health, Education, and Welfare; Housing and Urban Development; the Interior; Transportation; and the Army; the Chairmen of the Council on Environmental Quality and the Federal Power Commission; and the Administrator of the Environmental Protection Agency.

"(c) The Vice President shall be the Chairman of the Council.

"(d) The Chairman of the Council shall request the heads of Federal agencies who are not members of the Council to participate with the Council when matters affecting their responsibilities are considered by the Council.

"(e) The Council shall have a Director, who shall be appointed by the President by and with the consent of the Senate. He shall serve at the pleasure of the President and shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Director shall have such duties and responsibilities as the Chairman, after consultation with the members of the Council, may assign.

"(f) Each member of the Council shall designate a member of his staff to work with the Director in formulating policies for the approval of the Council. These designees shall meet at the call of the Director.

"(g) In addition to the designee appointed pursuant to subsection (f), each member of the Council shall appoint one member of his staff as a permanent liaison officer between the Council and the department, counsel, or commission represented by the member.

"SEC. 102. The Council shall—

"(a) prepare an inventory and maintain a continuing study of the land resources of the United States, and report biennially to the President and the Congress on land resources and uses, projections of development and uses of land, and analyses of current and emerging problems of land use;

"(b) maintain a continuing study of the adequacy of administrative and statutory means for the coordination of Federal programs which have an impact upon land use and of compatibility of such programs with State and local land-use planning and management activities; it shall appraise the adequacy of existing and proposed Federal policies and programs which affect land use; and it shall make recommendations to the President with respect to such policies and programs;

"(c) maintain a continuing study and issue biennially or at such less frequent intervals as the Council may determine, an assessment of the adequacy of supplies of water necessary to meet the water requirements in each water resource region in the United States and the national interest therein; and

"(d) maintain a continuing study of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation and of the adequacy of administrative and statutory means for the coordination of the water and related land resources policies and programs of the several Federal agencies; it shall appraise the adequacy of existing and proposed policies and programs to meet such requirements; and it shall make recommendations to the President with respect to Federal policies and programs.

"SEC. 103. The Council shall establish, after such consultation with other interested entities, both Federal and non-Federal as the Council may find appropriate, and with the approval of the President, principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects. Such procedures may include provision for Council revision of plans for Federal projects intended to be proposed in any plan or revision thereof being prepared by a river basin planning commission.

"SEC. 104. Upon receipt of a plan or revision thereof from any river basin commission under the provisions of section 204(c) of this Act, the Council shall review the plan or revision with special regard to—

"(a) the efficacy of such plan or revision in achieving optimum use of the land and water resources in the area involved;

"(b) the effect of the plan on the achievement of other programs for the development of agricultural, urban, energy, industrial, recreational, fish and wildlife, and other resources of the entire Nation; and

"(c) the contributions which such plan or revision will make in obtaining the Nation's economic, social, and environmental goals.

Based on such review the Council shall—

"(1) formulate such recommendations as it deems desirable in the national interest; and

"(2) transmit its recommendations, together with the plan or revision of the river basin commission and the views, comments, and recommendations with respect to such plan or revision submitted by any Federal agency, Governor, interstate commission, or United States section of an international commission, to the President for his review and transmittal to the Congress with his recommendations in regard to authorization of Federal projects.

"SEC. 105. The Council shall—

"(a) consult with other officials of the Federal Government responsible for the administration of Federal land use planning assistance programs to States, their political subdivisions, and other eligible agencies in order to enhance coordination; and

"(b) periodically review (1) provisions of the statewide land use plans, (2) State water resources planning programs, and (3) interstate agency studies and plans, to the extent necessary or desirable for the proper administration of this Act.

"FEDERAL PLANNING INFORMATION CENTER

"SEC. 106. (a) The Council shall develop and maintain an information and data center, with such regional branches as the Council may deem appropriate, which has on file—

"(1) copies of all approved statewide land use plans, including approved modifications and variances;

"(2) copies of all federally initiated and federally assisted plans for activities which directly affect or involve land use;

"(3) to the extent practicable and appropriate, the plans of local government and private enterprise which have more than local significance for land use planning;

"(4) statistical data and information on past, present, and projected land use patterns which are of national significance;

"(5) studies pertaining to techniques and methods for the procurement, analysis, and evaluation of information relating to land use planning and management;

"(6) such other information pertaining to land-use planning and management as the Council deems appropriate.

"(b) All Federal agencies are required, as a part of their planning procedures on projects involving a major land-use activity, to consult with the Council for the purpose of determining whether the proposed activity would conflict in any way with the plans of other Federal, State, or local agencies. In the event a conflict is discovered, the matter shall be reported to the Council. If the conflict is not resolved by the agencies involved within a reasonable period of time, the Council shall investigate the conflict and report its findings, along with its recommendation concerning the proper resolution of the issue, to the Congress, the President, the State agency or agencies responsible for land-use planning and enforcement of any approved statewide land use plan in the State concerned, and any other State or local agency involved.

"(c) The Council shall make the information maintained at the center available to Federal, State, and local agencies involved in land use planning and to members of the public, to the extent practicable. The Council may charge reasonable fees to defray the expenses incident to making such information available.

"TITLE II—RIVER BASIN COMMISSIONS

"CREATION OF COMMISSIONS

"SEC. 201. (a) The President is authorized to declare the establishment of a river basin land and water resources commission upon request therefor by the Council, or request addressed to the Council by a State within which all or part of the basin or basins concerned are located if the request by the Council or by a State (1) defines the area, river basin, or group of related river basins for which a commission is requested, (2) is made in writing by the Governor or in such manner as State law may provide, or by the Council, and (3) is concurred in by the Council and by not less than one-half of the States within which portions of the basin or basins concerned are located and, in the event the Upper Colorado River Basin is involved, by at least three of the four States of Colorado, New Mexico, Utah, and Wyoming or, in the event the Columbia River Basin is involved, by at least three of the four States of Idaho, Montana, Oregon, and Washington. Such concurrences shall be in writing.

"(b) Each such commission for an area, river basin, or group of river basins shall, to the extent consistent with section 401 of this Act

"(1) serve as the principal agency for the coordination of Federal, State, interstate, local and nongovernmental plans for the development of land and water resources in its area, river basin, or group of river basins;

"(2) upon written request of the Council and of the Governors of not less than one-half of the participating States, prepare and keep up to date, to the extent practicable, a comprehensive, coordinated joint plan of Federal, regional, State, local, and nongovernmental plans which significantly involve land use or have significant impacts upon land-use patterns; of zoning and other land-use regulations. The comprehensive plan shall specifically indicate the relation of planned or proposed Federal projects to land-use development in the region.

"(3) prepare and keep up to date, to the extent practicable, a comprehensive coordinated joint plan for Federal, regional, State, local, and nongovernmental development of water and related resources. The plan shall include an evaluation of all reasonable alternative means of achieving optimum development of water and related land resources of the area, basin or basins, and it may be prepared in stages, including recommendations with respect to individual projects;

"(4) recommend long range schedule of priorities for the collection and analysis of basic data and for investigation, planning, and construction of projects; and

"(5) foster and undertake such studies of land-use and water resources problems in its area, river basin, or group of river basins as are necessary in the preparation of the plans described in clauses (2) and (3) of this subsection.

"(c) River basin commissions established pursuant to the Water Resources Planning Act (79 Stat. 244) prior to the date of enactment of this amendment shall continue to function after its enactment, and shall be governed by its terms.

"MEMBERSHIP OF COMMISSIONS

"SEC. 202. Each river basin commission shall be composed of members appointed as follows:

"(a) A chairman appointed by the President who shall also serve as chairman and coordinating officer of the Federal members of the commission and who shall represent the Federal Government in Federal-State relations on the commission and who shall not, during the period of his service on the commission, hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the Federal Government.

"(b) One member from each Federal department or independent agency determined by the President to have a substantial interest in the work to be undertaken by the commission, such member to be appointed by the head of such department or independent agency and to serve as the representative of such department or independent agency.

"(c) One member from each State which lies wholly or partially within the area, river basin, or group of river basins for which the commission is established, and the appointment of each such member shall be made in accordance with the laws of the State which he represents. In the absence of governing provisions of State law, such State member shall be appointed and serve at the pleasure of the Governor.

"(d) One member appointed by any interstate agency created by an interstate compact to which the consent of Congress has been given, and whose jurisdiction extends to the lands or waters of the area, river basin, or group of river basins for which the river basin commission is created.

"(e) When deemed appropriate by the President, one member, who shall be appointed by the President, from the United States section of any international commission created by a treaty to which the consent of the Senate has been given, and whose jurisdiction extends to the waters of the area, river basin, or group of river basins for which the river basin commission is established.

"ORGANIZATION OF COMMISSIONS

"SEC. 203. (a) Each river basin commission shall organize for the performance of its functions within ninety days after the President shall have declared the establishment of such commission, subject to the availability of funds for carrying on its work. A commission shall terminate upon decision of the Council or agreement of a majority of the States composing the commission. Upon such termination, all property, assets, and records of the commission shall thereafter be turned over to such agencies of the United States and the participating States as shall be appropriate in the circumstances: *Provided,* That studies, data, and other materials useful in land and water resources planning to any of the participants shall be kept freely available to all such participants.

"(b) State members of each commission shall elect a vice chairman, who shall serve also as chairman and coordinating officer of the State members of the commission and who shall represent the State governments in Federal-State relations on the commission.

"(c) Vacancies in a commission shall not affect its powers but shall be filled in the same manner in which the original appointments were made: *Provided,* That the chairman and vice chairman may designate alternates to act for them during temporary absences.

"(d) In the work of the commission every reasonable endeavor shall be made to arrive at a consensus of all members on all issues; but failing this, full opportunity shall be afforded each member for the presentation and report of individual views: *Provided,* That at any time the commission fails to act by reason of absence of consensus, the position of the chairman, acting in behalf of the Federal members, and the vice chairman, acting upon instructions of the State members, shall be set forth in the record: *Provided further,* That the chairman, in consultation with the vice chairman, shall have the final authority, in the absence of an applicable bylaw adopted by the commission or in the absence of a consensus, to fix the times and places for meetings, to set deadlines for the submission of annual and other reports, to establish subcommittees, and to decide such other procedural questions as may be necessary for the commission to perform its functions.

"DUTIES OF THE COMMISSIONS

"SEC. 204. Each river basin commission shall—

"(a) engage in such activities and make such studies and investigations as are necessary and desirable in carrying out the policy set forth in section 2 of this Act and in accomplishing the purposes set forth in section 201(b) of this Act;

"(b) submit to the Council and the Governor of each participating State a report on its work at least once each year. Such report shall be transmitted through the President to the Congress. After such transmission, copies of any such report shall be sent to the heads of such Federal, State, interstate, and international agencies as the President or the Governors of the participating States may direct;

"(c) submit to the Council for transmission to the President and by him to the Congress and the Governors and the legislatures of the participating States a comprehensive, coordinated, joint plan, or any major portion thereof or necessary revisions thereof, for water and related land resources development in the area, river basin, or group of river basins for which such commission was established. Before the commission submits such a plan or major portion thereof or revision thereof to the Council, it shall transmit the proposed plan or revision to the head of each Federal department or agency, the Governor of each State, and each interstate agency, from which a member of the commission has been appointed, and to the head of the United States section of any international commission if the plan, portion or revision deals with a boundary water or a river crossing a boundary, or any tributary flowing into such boundary water or river, over which the international commission has jurisdiction or for which it has responsibility. Each such department and agency head, Governor, interstate agency, and United States section of an international commission shall have ninety days from the date of the receipt of the proposed plan, portion, or revision to report its views comments, and recommendations to the commission. The commission may modify the plan, portion, or revision after considering the reports so submitted. The views, comments, and recommendations submitted by each Federal department or agency head, Governor, interstate agency, and United States section of an international commission shall be transmitted to the Council with the plan, portion, or revision;

"(d) undertake such studies of regional land use conditions, patterns, and projections as may be requested by the Council and concurred in by the Governors of at least one-half of the States included within the commission's jurisdiction; and

"(e) submit to the Council at the time of submitting the plans and studies required by subsections (c) and (d) of this section any recommendations it may have for continuing the functions of the commission and for implementing the plans or study recommendations, including means of keeping the plans up to date."

"POWERS AND ADMINISTRATIVE PROVISIONS OF THE COMMISSIONS

"SEC. 205. (a) For the purpose of carrying out the provisions of this title, each river basin commission may—

"(1) hold such hearings, site and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable;

"(2) acquire, furnish, and equip such office space as is necessary;

"(3) use the United States mails in the same manner and upon the same conditions as departments and agencies of the United States;

"(4) employ and compensate such personnel as it deems advisable, including consultants, at rates not to exceed $100 per diem, and retain and compensate such professional or technical service firms as it deems advisable on a contract basis;

"(5) arrange for the services of personnel from any State or the United States, or any subdivision or agency thereof, or any intergovernmental agency;

"(6) make arrangements, including contracts, with any participating government, except the United States or the District of Columbia for inclusion in a suitable retirement and employee benefit system of such of its personnel as may not be eligible for or continuing in another governmental retirement or employee benefit system or otherwise provide for such coverage of its personnel;

"(7) purchase, hire, operate, and maintain passenger motor vehicles; and

"(8) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this Act.

"(b) The chairman of a river basin commission, or any member of such commission designated by the chairman thereof for the purpose, is authorized to administer oaths when it is determined by a majority of the commission that testimony shall be taken or evidence received under oath.

"(c) To the extent permitted by law, all appropriate records and papers of each river basin commission shall be made available for public inspection during ordinary office hours.

"(d) Upon request of the chairman of any river basin commission, or any member or employee of such commission designated by the chairman thereof for the purpose, the head of any Federal department or agency is authorized (1) to furnish to such commission such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and (2) to detail to temporary duty with such commission on a reimbursable basis such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

"(e) The chairman of each river basin commission shall, with the concurrence of the vice chairman, appoint the personnel employed by such commission, and the chairman shall, in accordance with the general policies of such commission with respect to the work to be accomplished by it and the timing thereof, be responsible for (1) the supervision of personnel employed by such commission, (2) the assignment of duties and responsibilities among such personnel, and (3) the use and expenditure of funds available to such commission.

"COMPENSATION OF COMMISSION MEMBERS

"Sec. 206. (a) Any member of a river basin commission appointed pursuant to section 202 (b) and (e) of this Act shall receive no additional compensation by virtue of his membership on the commission, but shall continue to receive, from appropriations made for the agency from which he is appointed, the salary of his regular position when engaged in the performance of the duties vested in the commission.

"(b) Members of a commission, appointed pursuant to section 202 (c) and (d) of this Act, shall each receive such compensation as may be provided by the State or the interstate agency, respectively, which they represent.

"(c) The per annum compensation of the chairman of each river basin commission shall be determined by the President, but when employed on a full-time annual basis shall not exceed the maximum scheduled rate for grade GS-18 of the Classification Act of 1949, as amended; or when engaged in the performance of the commission's duties on an intermittent basis such compensation shall be not more than $100 per day and shall not exceed $12,000 in any year.

"Sec. 207. (a) Each commission shall recommend what share of its expenses shall be borne by the Federal Government, but such share shall be subject to approval by the Council. The remainder of the commission's expenses shall be otherwise apportioned as the commission may determine. Each commission shall prepare a budget annually and transmit it to the Council and the States. Estimates of proposed appropriations from the Federal Government shall be included in the budget estimates submitted by the Council under the Budgeting and Accounting Act of 1921, as amended, and may include an amount for advance to a commission against State appropriations for which delay is anticipated by reason of later legislative sessions. All sums appropriated to or otherwise received by a commission shall be credited to the commission's account in the Treasury of the United States.

"(b) A commission may accept for any of its purposes and functions, appropriations, donations, and grants of money, equipment, supplies, materials, and services from any State or the United States or any subdivision or agency thereof, or intergovernmental agency, and may receive, utilize, and dispose of the same.

"(c) The commission shall keep accurate accounts of all receipts and disbursements. The accounts shall be audited at least annually in accordance with generally accepted auditing standards by independent certified or licensed public accountants, certified or licensed by a regulatory authority of a State, and the report of the audit shall be included in and become a part of the annual report of the commission.

"(d) The accounts of the commission shall be open at all reasonable times for inspection by representatives of the jurisdictions and agencies which make appropriations, donations, or grants to the commission.

"TITLE III—A NATIONAL LAND USE POLICY AND PROGRAM OF ASSISTANCE TO THE STATES

"Part 1—Findings, Policy, and Purpose

"FINDINGS

"Sec. 301. (a) The Congress hereby finds that there is a national interest in a more efficient and comprehensive system of national, regional, statewide, and local land use planning and decisionmaking and that the rapid and continued growth of the Nation's population, expanding urban development, proliferating transportation systems, large scale industrial and economic growth, conflicts in emerging patterns of land use, the fragmentation of governmental entities exercising land-use planning powers, and the increased size, scale, and impact of private actions, have created a situation in which land-use management decisions of national, regional, and statewide concern are often being made on the basis of expediency, tradition, short-term economic considerations, and other factors which are often unrelated to the real concerns of a sound national land-use policy.

"(b) The Congress further finds that a failure to conduct competent, ecologically sound land use planning has, on occasion, required public and private enterprise to delay, litigate, and cancel proposed public utility and industrial and commercial developments because of unresolved land use questions, thereby causing an unnecessary waste of human and economic resources and a threat to public services and often resulting activites in the area of least public and political resistance, but without regard to relevant ecological and environmental land use considerations.

"(c) The Congress further finds that many Federal agencies are deeply involved in national, regional, State, and local land-use planning and management activities which because of the lack of a consistent policy often result in needless, undersirable, and costly conflicts between agencies of Federal, State, and local government; that existing Federal land-use planning programs have a significant effect upon the location of population, economic growth, and on the character of industrial, urban, and rural development; that the purposes of such programs are frequently in conflict, thereby subsidizing undesirable and costly patterns of land-use development; and that a concerted effort is necessary to interrelate and coordinate existing and future Federal, State, local, and private decisionmaking within a system of planned development and established priorities that is in accordance with a national land-use policy.

"(d) The Congress further finds that while the primary responsibility and constitutional authority for land-use planning and management of non-Federal lands rests with State and local government under our system of government, it is increasingly evident that the manner in which this responsibility is exercised has a tremendous influence upon the utility, the value, and the future of the public domain, the national parks, forests, seashores, lakeshores, recreation, and wilderness areas and other Federal lands; that the interest of the public in State and local decisions affecting these areas extends to the citizens of all States; and that the failure to plan and, in some cases, poor land-use planning at the State and local level, pose serious problems of broad national, regional, and public concern and often result in irreparable damage to commonly owned assets of great national importance such as estuaries, ocean beaches, and other areas in public ownership.

"(e) The Congress further finds that the land use decisions of the Federal Government often have a tremendous impact upon the ecology, the environment and the patterns of development in local communities; that the substance and the nature of a national land use policy ought to take into consideration the needs and interests of State, regional, and local government as well as those of the Federal Government, private groups and individuals; and that Federal land use decisions require greater participation by State and local government to insure that they are in accord with the highest and best standards of land use management and the desires and aspirations of State and local government.

"DECLARATION OF POLICY

"Sec. 302. (a) In order to promote the general welfare and to provide full and wise application of the resources of the Federal Government in strengthening the environmental, recreational, economic and social well-being of the people of the United States, the Congress declares that it is a continuing responsibility of the Federal Government, consistent with the responsibility of State and local government for land-use planning and management, to undertake the development of a national policy, to be known as the national land-use policy, which shall incorporate ecological, environmental, esthetic, economic, social and other appropriate factors. Such policy shall serve as a guide in making specific decisions at the national level which affect the pattern of environmental, recreational and industrial growth and development on the Federal lands, and shall provide a framework for development of regional, State, and local land-use policy.

"(b) The Congress further declares that it is the national land-use policy to—

"(1) favor patterns of land-use planning, management and development which are in accord with sound ecological principles and which encourage the wise and balanced use of the Nation's land and water resources;

"(2) foster beneficial economic activity and development in all States and regions of the United States.

"(3) favorably influence patterns of population distribution in a manner such that a wide range of scenic, environmental, and cultural amenities are available to the American people;

"(4) contribute to the revitalization of existing rural communities and encourage, where appropriate, new communities;

"(5) assist State government to assume land-use planning responsibility for activities within their boundaries;

"(6) facilitate increased coordination in the administration of Federal programs so as to encourage desirable patterns of land-use planning; and

"(7) systematize methods for the exchange of land use, environmental and ecological information in order to assist all levels of government in the development and implementation of the national land-use policy.

"(c) The Congress further declares that intelligent land-use planning and management provides the single most important institutional device for preserving and enhancing the environment, for ecologically sound development, and for maintaining conditions capable of supporting a quality life and providing the material means necessary to improve the national standard of living.

"PURPOSE

"SEC. 303. It is the purpose of this title—

"(a) to establish a national policy to encourage and assist the several States to more effectively exercise their constitutional responsibilities for the planning, management, and administration of the Nation's land resources through the development and implementation of comprehensive statewide land use plans and management programs designed to achieve an ecologically and environmentally sound use of the Nation's land resources;

"(b) to establish a grant-in-aid program to assist State and local governments to hire and train the personnel, and establish the procedures necessary to develop, implement, and administer a statewide land use plan which meets Federal guidelines and which will be responsive and effective in dealing with the growing pressure of conflicting demands on a finite land resource base;

"(c) to establish reasonable and flexible Federal guidelines and requirements to give individual States guidance in the development of statewide land use plans and to condition the distribution of certain Federal funds on the establishment of an adequate statewide land use plan;

"(d) establish the authority and responsibility of the Land and Water Resources Council (formerly the Water Resources Council) to administer the Federal grant-in-aid program, to receive the statewide use plans and State water resources programs for conformity to the provisions of this title, and to assist in the coordination of Federal agency activities with statewide land use plans;

"(e) to develop and maintain a national policy with respect to federally conducted and federally supported projects having land use implications; and

"(f) to coordinate planning and management relating to Federal lands with planning and management relating to non-Federal lands.

"PART 2—

"STATEWIDE AND INTERSTATE LAND USE PLANNING GRANTS

"SEC. 304. (a) In order to carry out purposes of this title the Council is authorized to make land use planning grants to—

"(1) an appropriate single State agency, designated by the Governor of the State or established by law, which has statewide land use planning responsibilities and which meets the guidelines and requirements set out in section 305 of this title; and

"(2) any interstate agency which is authorized by Federal law or interstate compact plan for land use.

"(b) The Council is authorized to make land use planning grants in accordance with the provisions of this title to assist and enable eligible State and interstate regional agencies—

"(1) to prepare an inventory of the State's or region's land and related resources;

"(2) to compile and analyze information and data related to—

"(A) population densities and trends;

"(B) economic characteristics and projections;

"(C) directions and extent of urban and rural growth and changes;

"(D) public works, public capital improvements, land acquisitions, and economic development programs, projects, and associated activities;

"(E) ecological, environmental, geological, and physical conditions which are of relevance to decisions concerning the location of new communities, commercial development, heavy industries, transportation and utility facilities, and other land uses;

"(F) the projected land use requirements within the State or region for agriculture, recreation, urban growth, commerce, transportation, the generation and transmission of energy, and other important uses for at least fifty years in advance;

"(G) governmental organization and financial resources available for land use planning and management within the State and the political subdivisions thereof or within the region; and

"(H) other information necessary to conduct statewide land use planning in accord with the provisions of this title.

"(3) to provide technical assistance and training programs for appropriate interstate, State, and local agency personnel on the development, implementation and management of statewide land use planning programs;

"(4) to arrange with Federal agencies for the cooperative planning of Federal lands located within and near the State's or region's boundaries;

"(5) to develop, use, and encourage common information and data bases for Federal, regional, State, and local land use planning;

"(6) to establish arrangements for the exchange of land use planning information among State agencies; and among the various governments within each State and their agencies; between the governments and agencies of different States; and among States and interstate compact agencies, river basin commissions, and regional commissions;

"(7) to establish arrangements for the exchange of information with the Federal Government for use by the Council and the State and interstate agencies in discharging their responsibilities under this Act;

"(8) to conduct hearings, prepare reports, and solicit comments on reports concerning specific portions of the plans and the plans in their entirety; and

"(9) to conduct such other related planning and coordination functions as may be approved by the Council.

"FEDERAL GUIDELINES AND REQUIREMENTS FOR STATEWIDE LAND USE PLANS

"SEC. 305. (a) A State agency specified in section 304(a) must meet or give assurances that it will meet the following requirements in the development of a statewide land use plan to be eligible for statewide land use planing grants under this title—

"(1) a single State agency, designated by the Governor or established by law, shall have primary authority and responsibility for the development and administration of the statewide land use plan;

"(2) a competent and adequate interdisciplinary professional and technical staff, as well as special consultants, will be available to the State agency to develop the statewide land use plan;

"(3) to the maximum extent feasible, pertinent local, State, and Federal plans, studies, information, and data on land use planning already available shall be utilized in order to avoid unnecessary repetition of effort and expense.

"(b) During the five complete fiscal year period following the initial publication of regulations by the Council implementing the provisions of this title, the State agency must, as a condition of continued grant eligibility, develop a statewide land use plan which—

"(1) identifies the portions of the State subject to enforcement of the statewide land use plan, which shall include all lands within the boundaries of the State except—

"(A) lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents; and

"(B) at the discretion of the State agency, lands located within the boundaries of any incorporated city having a population in excess of two hundred and fifty thousand or in excess of 20 per centum of the State's total population, which has land use planning and regulation authority;

"(2) identifies those areas (within the State, except where otherwise indicated)—

"(A) where ecological, environmental, geological, and physical conditions dictate that certain types of land use activities are undesirable;

"(B) where the highest and best use, based upon projected local, State, and National needs, on the Statewide Outdoor Recreation Plan required under the Land and Water Conservation Fund Act, and upon other studies, is recreational-oriented use;

"(C) which are best suited for agricultural, mineral, industrial and commercial development;

"(D) where transportation and utility facilities are or it appears should, in the future, be located;

"(E) which furnish the amenities and the basic essentials to the development of new towns and the revitalization of existing communities;

"(F) which, notwithstanding Federal ownership or jurisdiction, are important to the State for industrial, commercial, mineral, agricultural, recreational, ecological, or other purposes;

"(G) which although located outside the State, have substantial actual or potential impact upon land use patterns within the State; and

"(H) which are of unusual national significance and value.

"(3) includes appropriate provisions designed to insure that projected requirements for material goods, natural resources, energy, housing, recreation and environmental amenities have been given consideration;

"(4) includes provisions designed to insure that the plan is consistent with applicable local, State, regional, and Federal standards relating to the maintenance and enhancement of the quality of the environment and the conservation of public resources;

"(5) provides for assuring orderly patterns of land use and development;

"(6) includes provisions to insure that transportation and utility facilities do not interfere with Congressional policies relating to the status and use of Federal lands, and are established in compliance with regional and State needs, State policies, and policies and goals set forth in other Federal legislation;

"(7) provides for measures such as buffer zones, scenic easements, prohibitions against nonconforming uses, and other means of assuring the preservation of esthetic qualities, to insure that federally designated, financed, and owned areas, including but not limited to elements of the national park system, wilderness areas, and game and wildlife refuges are not damaged or degraded as a result of inconsistent or incompatible land use patterns in the same immediate geographical region;

"(8) provides for flood plain identification and management;

"(9) provides for other appropriate factors having significant land use implications.

"(c) To retain eligibility for statewide land use planning grants after the end of five complete fiscal years from the beginning of the first fiscal year after the initial publication of regulations by the Council implementing the provisions of this title, the statewide land use plan developed in accordance with subsection (b) of this section and the State land use planning agency must meet the following Federal guidelines and requirements—

"(1) the statewide land use plan must be approved by the Council in accordance with section 306;

"(2) the agency must have authority to implement the approved plan and enforce its provisions;

"(3) the agency's authority may include the power to acquire interests in real property;

"(4) the agency's authority must include the power to prohibit, under State police powers, the use of any lands in a manner which is inconsistent with the provisions of the plan;

"(5) the agency must have authority to conduct public hearings, allowing full public participation and granting the right of appeal to aggrieved parties, in connection with the dedication of any area of the State as an area subject to restricted or special use under the statewide land use plan; and

"(6) the agency must have established reasonable procedures for periodic review of the plan for purposes of granting variances from and making modifications of the plan, including public notice and hearings, in order to meet changed future conditions and requirements.

"(d) Nothing in this section shall be deemed to preclude a State from planning for land use or from implementing a statewide land use plan in stages, with respect to either (1) particular geographical areas including but not limited to coastal zones, or (2) particular kinds of uses, as long as the other requirements of this Act are met.

"(e) Nothing in this Act shall be deemed to preclude the delegation by the State agency to local governmental entities of authority to plan for land use and enforce land use restrictions adopted pursuant to the statewide land use plan, including the assignment of funds authorized by this Act, to the extent available, except that—

"(1) the State agency shall have ultimate responsibility for approval and coordination of local plans and enforcement procedures;

"(2) only the plan submitted by the State agency will be considered by the Council;

"(3) the statewide land use plan submitted by the State agency must be consistent with the guidelines established by this Act; and

"(4) the State agency shall be responsible to the Council for the management and control of any Federal funds assigned or delegated to any agency of local government within the State concerned.

"REVIEW OF STATEWIDE LAND USE PLANS

"SEC. 306. (a) Upon completion of each statewide land use plan—

"(1) The State agency responsible for the development of the plan shall submit it to the Council.

"(2) The Council shall submit the plan for review and comments to those Federal agencies the Council considers to have significant interest in or impact upon land use within the State concerned. A period of ninety days shall be provided for the review.

"(3) Upon completion of the review period established by paragraph (2) of this subsection, the Council shall review the plan along with the agency comments and approve the plan if it—

"(A) conforms with the policy, guidelines, and requirements declared in this title;

"(B) is compatible with the plans and proposed plans of other States, so that regional and national land use considerations are accommodated; and

"(C) does not conflict with the objectives of Federal programs authorized by the Congress.

"(b) A State may at any time make modifications of or grant variances from its statewide land use plan: *Provided*, That such modification or variance does not render the statewide land use plan inconsistent with the policies, guidelines, and requirements declared in this Act: *And provided further*, That such modification or variance is reported to the Council on or before its effective date. The Council shall approve the modification or variance unless it causes the plan to no longer meet the criteria set forth in subsection (a).

"(c)(1) In the event the Council determines that grounds exist for disapproval of a statewide land use plan or, having approved such a plan, subsequently determines that grounds exist for withdrawal of such approval pursuant to section 314, it shall notify the President, who shall order the establishment of an ad hoc hearing board, the membership of which shall consist of:

"(A) The Governor of a State other than that which submitted the plan, whose State does not have a particular interest in the approval or disapproval of the plan, selected by the President, or such alternate person as the Governor selected by the President may designate;

"(B) One knowledgeable, impartial Federal official, selected by the President, who is not a member of or responsible to a member of the Council;

"(C) One knowledgeable, impartial private citizen, selected by the other two members: *Provided*, That if the other two members cannot agree upon a third member within twenty days after the appointment of the second member to be appointed, the third member shall be selected by the President.

"(2) The hearing board shall meet as soon as practicable after all three members have been appointed. The Council shall specify in detail to the hearing board its reasons for considering disapproval or withdrawal of approval of the plan. The hearing board shall hold such hearings and receive such evidence as it deems necessary. The hearing board shall then determine whether disapproval or withdrawal of approval would be reasonable, and set forth in detail the reasons for its determination. If the hearing board determines that disapproval would be unreasonable, the Council shall approve the plan.

"(3) Members of hearing boards who are not regular full-time officers or employees of the United States shall, while carrying out their duties as members, be entitled to receive compensation at a rate fixed by the President, but not exceeding $150 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law for persons in Government service employed intermittently. Expenses shall be charged to the account of the Executive Office of the President.

"(4) Administrative support for hearing boards shall be provided by the Executive Office of the President.

"(5) The President may issue such regulations as may be necessary to carry out the provisions of this subsection.

"COORDINATION OF FEDERAL PROGRAMS

"SEC. 307. (a) All Federal agencies conducting or supporting activities involving land use in an area subject to an approved statewide land use plan shall operate in accordance with the plan. In the event that a departure from the plan appears necessary in the national interest, the agency shall submit the matter to the Council. The Council may approve a federally conducted or supported project a portion or portions of which may be inconsistent with the plan if it finds that (1) the project is essential to the national interest and (2) there is no reasonable and prudent alternative which would not be inconsistent with an approved statewide land use plan. In the event that the Council fails to approve the project, the project may be undertaken only upon the express approval of the President. The President may approve projects inconsistent with a statewide land use plan only when overriding considerations of national policy require such approval.

"(b) State and local governments submitting applications for Federal assistance for activities having significant land use implications in an area subject to an approved statewide land use plan shall indicate the views of the State land use planning agency as to the consistency of such activities with the plan. Federal agencies shall not approve proposed projects that are inconsistent with the plan.

"(c) All Federal agencies responsible for administering grant, loan, or guarantee programs for activities that have a tendency to influence patterns of land use and development, including but not limited to home mortgage and interest subsidy programs and water and sewer facility construction programs, shall take cognizance of approved statewide land use plans and shall administer such programs so as to enable them to support controlled development, rather than administering them so as merely to respond to uncontrolled growth and change.

"(d) Federal agencies conducting or supporting public works activities in areas not subject to an approved statewide land use plan shall, to the extent practicable, conduct those activities in such a manner as to minimize any adverse impact on the environment resulting from decisions concerning land use.

"(e) Officials of the Federal Government charged with responsibility for the management of federally owned lands shall take cognizance of the planning efforts of State land use planning agencies of States within which and near the boundaries of which such Federal lands are located, and shall coordinate Federal land use planning for those lands with State land use planning to the extent such coordination is practicable and not inconsistent with paramount national policies, programs, and interests.

"PART 3—STATE WATER RESOURCES PLANNING GRANTS

"SEC. 308. In recognition of the need for increased participation by the States in water resources planning, and to carry out the purposes of this title, the Council is authorized to make water resources planning grants to an appropriate single State agency designated by the Governor of the State or established by law to carry out a program which meets the criteria set forth in section 309. The agency may be the same as the one designated pursuant to section 305(a)(1) for administration of the statewide land use plan.

"SEC. 309. The Council shall approve any program for comprehensive water and related land resources planning which is submitted by a State, if such program—

"(a) provides for comprehensive planning with respect to intrastate or interstate water resources, or both, in such State to meet the needs for water and water-related activities, taking into account prospective demands for all purposes served through or affected by water and related land resources development, with adequate provision for coordination with all Federal, State, and local agencies, and nongovernmental entities having responsibilities in affected fields;

"(b) provides, where comprehensive statewide development planning is being carried on with or without assistance under section

701 of the Housing Act of 1954, or under the Land and Water Conservation Fund Act of 1965, for full coordination between comprehensive water resources planning and other statewide planning programs and for assurances that such water resources planning will be in conformity with the general development policy in such State;

"(c) designates a State agency to administer the program;

"(d) provides that the State agency will make such reports in such form and containing such information as the Council from time to time reasonably requires to carry out its functions under this title;

"(e) sets forth the procedure to be followed in carrying out the State program and in administering such program;

"(f) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for keeping appropriate accountability of the funds and for the proper and efficient administration of the program; and

"(g) includes adequate provision for consolidation or coordination with the statewide land use plan. The Council shall not disapprove any State water resources program without first giving reasonable notice and an opportunity for hearing to the State agency administering such program.

"PART 4—ADMINISTRATION OF LAND USE AND WATER RESOURCES PLANNING GRANTS

"ALLOTMENTS

"Sec. 310. (a) From the sum appropriated pursuant to section 404 the Council is authorized to make State land use planning grants to agencies the proposals of which are approved in any amount not to exceed ninety per centum of the estimated cost of the planning for the five full fiscal years after the initial publication by the Council of regulations implementing the provisions of this title. Thereafter, grants may be made in an amount not to exceed two-thirds of the State agency's planning and operating costs.

"(b) Land use planning grants shall be allocated to the States with approved programs based on regulations of the Council, which shall take into account the amount and nature of the State's land resource base, population, pressures resulting from growth, financial need, and other relevant factors.

"(c) Any land use planning grant made for the purpose of this title shall increase, and not replace State funds presently available for State land use planning activities. Any grant made pursuant to this title shall be in addition to, and may be used jointly with, grants or other funds available for land use planning surveys, or investigations under other federally assisted programs.

"(d) No funds granted pursuant to this Act may be expended for acquisition of any interest in real property.

"Sec. 311. (a) From the sums appropriated pursuant to section 404 of this Act for any fiscal year the Council shall from time to time make allotments to the States for water resources planning, in accordance with its regulations and the provisions of this Act, on the basis of (1) the population, (2) the land area, (3) the need for comprehensive water and related land resources planning programs, and (4) the financial need of the respective States. For the purposes of this section the population of the States shall be determined on the basis of the latest estimates available from the Department of Commerce, and the land area of the States shall be determined on the basis of the official records of the United States Geological Survey.

"(b) From each State's allotment under this section for any fiscal year the Council shall pay to such State an amount which is not more than 50 per centum of the cost of carrying out its State program approved under section 309, including the cost of training personnel for carrying out such program and the cost of administering such program.

"PAYMENTS

"Sec. 312. The method of computing and paying amounts pursuant to this title shall be as follows:

"(1) The Council shall, prior to the beginning of each calendar quarter or other period prescribed by it, estimate the amounts to be paid to each State under the provisions of this title for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Council may find necessary.

"(2) The Council shall pay to the State, from the allotments available therefor, the amount so estimated by it for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which it finds that its estimate of the amount to be paid such State for any prior period under this title was greater or less than the amount which should have been paid to such State for such prior period under this title. Such payments shall be made through the disbursing facilities of the Treasury Department, at such times and in such installments as the Council may determine.

"FINANCIAL RECORDS

"Sec. 313. (a) Each recipient of a grant under this Act shall keep such records as the Director of the Council shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, and the total cost of the project or undertaking in connection with which the grant was made and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) Such other records shall be kept and made available and such reports and evaluations shall be made as the Director may require regarding the status and application of Federal funds made available under the provisions of this title.

"(c) The Director of the Council and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this Act.

"SANCTIONS FOR NONCOMPLIANCE

"Sec. 314. (a) The Council shall have authority to terminate any financial assistance extended to a State agency for land use planning under this title and withdraw its approval of a statewide land use plan, whenever, after the State concerned has been given notice of a proposed termination and an opportunity for hearing, the Council finds that—

"(1) the designated State land use planning agency has failed to adhere to the guidelines and requirements of this title in the development of the land use plan;

"(2) the State has not enacted legislation which allows the State agency to meet the requirements of subsection (c) of section 305; or

"(3) the plan submitted by such State and approved under section 306 has been so changed or so administered that it no longer complies with a requirement of such section.

"(b) Whenever the Council after reasonable notice and opportunity for hearing to a State agency finds that—

"(1) the program submitted by such State and approved under section 309 has been so changed that it no longer complies with a requirement of such section; or

"(2) in the administration of the program there is a failure to comply substantially with such a requirement,

the Council shall notify such agency that no further payments will be made to the State under this title until it is satisfied that there will no longer be any such failure. Until the Council is so satisfied, it shall make no further payments to such State for water resources planning under this title.

"Sec. 315. (a) After the end of five fiscal years from the beginning of the first fiscal year after the initial issuance of regulations by the Council implementing the provisions of this title, no Federal agency shall, except with respect to Federal lands, propose or undertake any new action or financially support any new State-administered action which may have a substantial adverse environmental impact or which would or would tend to irreversibly or irretrievably commit substantial land or water resources in any States which has not prepared and submitted a statewide land use plan in accordance with this Act.

"(b) Upon application by the Governor of the State or head of the Federal agency concerned, the President may temporarily suspend the operation of paragraph (a) with respect to any particular action, if he deems such suspension necessary for the public health, safety, or welfare: *Provided*, That no such suspension shall be granted unless the State concerned submits a schedule, acceptable to the Council, for submission of a statewide land use plan: *And provided further*, That no subsequent suspension shall be granted unless the State concerned has exercised due diligence to comply with the terms of that schedule.

"TITLE IV—GENERAL

"EFFECT ON EXISTING LAWS

"Sec. 401. Nothing in this Act shall be construed—

"(a) to expand or diminish either Federal or State jurisdiction, responsibility, or rights in the field of land and water resources planning, development, or control; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

"(b) to change or otherwise affect the authority or responsibility of any Federal official in the discharge of the duties of his office except as required to carry out the provisions of this Act;

"(c) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of land and water resources or to exercise licensing or regulatory functions in relation thereto, except as required to carry out the provisions of this Act; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington January 17, 1961, or the International Boundary and Water Commission, United States and Mexico;

"(d) as authorizing any entity established or acting under the provisions hereof to study, plan, or recommend the transfer of waters between areas under the jurisdiction of more than one river basin commission or entity performing the function of a river basin commission.

"DEFINITIONS

"Sec. 402. For the purposes of this Act—

"(a) the term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

"(b) the term 'interstate agency' means any river basin commission or interstate compact agency established in accordance with Federal law;

"(c) the terms 'basin' and 'river basin' are descriptive of geographical areas and have identical meaning; and

"(d) the term 'new action,' as used in section 315, means any action which has not been previously authorized by the Congress.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 403. There are authorized to be appropriated not more than $16,000,000 annually for the administration of this Act, no more than $10,000,000 of which may be used for contract studies.

"SEC. 404. There are hereby authorized to be appropriated to the Council for grants to States, river basin commissions, and interstate agencies not more than $100,000,000 annually to carry out the purposes of this Act.

"ADMINISTRATIVE PROVISIONS

"SEC. 405. (a) For the purpose of carrying out the provisions of this Act, the Director with the concurrence of the Council may: (1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as he may deem advisable; (2) acquire, furnish, and equip such office space as is necessary; (3) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States; (4) employ and fix the compensation of such personnel as it deems advisable, in accordance with the civil service laws and Classification Act of 1949, as amended; (5) procure services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $100 per diem for individuals; (6) purchase, hire, operate, and maintain passenger motor vehicles; and (7) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required for the performance of its functions under this Act.

"(b) Any member of the Council is authorized to administer oaths when it is determined by a majority of the Council that testimony shall be taken or evidence received under oath.

"(c) To the extent permitted by law, all appropriate records and papers of the Council may be made available for public inspection during ordinary office hours.

"(d) The Council shall be responsible for (1) the appointment and supervision of its personnel, (2) the assignment of duties and responsibilities among such personnel, and (3) the use and expenditures of funds.

"DELEGATION OF FUNCTIONS

"SEC. 406. (a) The Council is authorized to delegate to the Director of the Council its administrative functions, including the detailed administration of the grant programs under title III.

"(b) The Council may not delegate the responsibilities of a policy nature vested in it by this Act. This restriction applies specifically to, but is not necessarily limited to, the following responsibilities of the Council—

"(1) the recommendation function set forth in subsection (b) of section 106;

"(2) the approval and disapproval functions set forth in section 306;

"(3) the approval and disapproval functions set forth in section 309;

"(4) the approval functions set forth in subsection (b) of section 315; and

"(5) the functions set forth in section 410.

"UTILIZATION OF PERSONNEL

"SEC. 407. (a) The Council may, with the consent of the head of any other department or agency of the United States, utilize such officers and employees of such agency on a reimbursable basis as are necessary to carry out the provisions of this Act.

"(b) Upon request of the Council, the head of any Federal department or agency is authorized (1) to furnish to the Council such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and (2) to detail to temporary duty with the Council on a reimbursable basis such personnel within his administrative jurisdiction as the Council may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay or other employee status.

"TECHNICAL ASSISTANCE

"SEC. 408. The Council may provide technical assistance to any eligible State, river basin commission, or interstate agency to assist it in the performance of its functions under this Act.

"STUDIES

"SEC. 409. The Council may, by contract or otherwise, make studies and publish information on subjects related to State, regional, and national land use planning and water resources use.

"RULES AND REGULATIONS

"SEC. 410. The Council, except with respect to subsection (c) of section 306—

"(a) shall promulgate rules and regulations for the administration of title III, including the detailed terms and conditions under which grants may be made, and

"(b) with the approval of the President, shall prescribe such rules, establish such procedures, and make such arrangements and provisions relating to the performance of its functions under title III and the use of funds available therefor, as may be necessary in order to assure (1) coordination of the program authorized by this Act with related Federal planning assistance programs, including the program authorized under section 701 of the Housing Act of 1954 and (2) appropriate utilization of other Federal agencies administering programs which may contribute to achieving the purposes of this Act.

"(c) shall make such other rules and regulations as it may deem necessary or appropriate for carrying out its duties and responsibilities under the provisions of this Act."

The statement and article, presented by Mr. JACKSON, are as follows:

S. 3354—INTRODUCTION OF THE NATIONAL LAND USE POLICY ACT OF 1970

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, the National Land Use Policy Act of 1970.

The National Environmental Policy Act of 1969 which the Congress enacted in December and which the President signed into law on January 1 goes far toward providing a congressional declaration of national goals and policies to guide Federal actions which have an impact on the quality of man's environment. That act makes a concern for environmental values and amenities a part of the charter of every agency of the Federal Government. It provides a model for State government. It enhances coordination and better planning by establishing new decisionmaking procedures and by creating an overview agency—a Council on Environmental Quality in the Office of the President.

A national land-use policy is, in my judgment, the next logical step in our national effort to provide a quality life in a quality environment for present and future generations of Americans. Intelligent land-use planning and management provides the single most important institutional device for preserving and enhancing the environment, for ecologically sound development, and for maintaining conditions capable of supporting a quality life and providing the material means necessary to improve the national standard of living.

To be effective in giving direction to the shape of future events, a national land-use policy must recognize the potential and the limits of Federal control. It must encourage State government to assume a position of leadership in developing plans and implementing land-use management powers over matters which are of multicounty, regional, State, and National concern.

The measure I introduce today, the National Land Use Policy Act of 1970, proposes a specific plan of Federal and State action for meeting the challenge of the land, the competing demands which are made upon it, and the needs and aspirations of present and future generations.

Meeting the challenge of the land promises to be a difficult task. It will not be resolved by one act in one legislative session. It will require experimentation and the refinement of many programs over a long period of time. It will cost money. It will require hard decisions about what is to be conserved and what is to be lost in the tides of social and technological change which sweep this country. And most important, it will require a national effort based upon a high level of State and Federal cooperation.

The National Land Use Policy Act of 1970 as introduced today does not purport to be a final product or to provide final answers to all of the relevant questions which may be raised. It does, however, provide a starting point for review and for analysis. It furnishes a working draft which Federal, State, and local officials, planners, and representatives of industry, business, and public interest groups may comment upon.

This measure recognizes the direct responsibility which the Federal Government has with respect to the development and administration of national land use policies governing the public lands and federally acquired lands. It also recognizes that at the present time neither the Nation nor the respective States have established a consistent policy with respect to the management of the Nation's land resource base or with respect to the many grant-in-aid programs designed to assist and, often, influence various aspects of land-use planning and management activities at the State, regional, and local levels.

I am hopeful that hearings on this measure will bring to bear the recommendations of the Nation's best experts on national land-use policies. Fortunately, the excellent studies and the final recommendations of the Public Land Law Review Commission will also soon be available to provide data and guidance. I am also hopeful that hearings and additional staff studies will result in useful legislative recommendations for consolidating and avoiding inconsistent requirements between existing Federal grant-in-aid programs in the area of State and local land-use planning and management.

At the Federal level we are already beginning to see and to reap the results of our past failure to have developed a consistent national land-use policy. Increasingly we are finding instances where Federal funds which have been expended to preserve a part of our natural heritage or to create new recreational opportunities are coming into serious and, often, totally unnecessary conflicts with other federally funded programs such as highway and airport construction, communications, national defense facilities, and water resource development.

I am not too concerned that there is occasional conflict between these different Federal programs. The wide range of goals and objectives which the National Government seeks to achieve will, of necessity, involve some competition and conflict over priorities, over funding, and over the use of specific land resources. Our political system was designed to resolve conflicts of this nature. I am confident that it is capable of doing so in an intelligent manner.

I am, however, very concerned that many of these conflicts which have centered around incompatible uses of the same land resource have been totally unanticipated and unintended. These conflicts have simply been the result of poor planning procedures. They have not placed at issue important questions of national priorities, goals, and objectives. These conflicts have resulted from a lack of coordination; a failure to relate national programs to local aspirations, and an institutional inability to factor in the full range of national and local values as a part of the planning process for specific Federal projects.

It is my view that the need for a more orderly systematic program of National, State, and local land use planning is clear. The need may be seen in the extensive hearing records the Senate Interior Committee compiled earlier this year on the proposed 800-mile trans-Alaska oil pipeline system and on the Everglades National Park superjet airport and water shortage controversy.

The Nation's land-use planning and management problems may also be seen in the committee's hearing records on virtually every one of the four new national parks; the eight new national recreation areas; the nine new national seashore and lakeshore; and the almost 100 new wilderness areas, national monuments, and historic sites that have been enacted into law sine 1960.

Each time a major decision is made concerning the utilization of scarce and valuable lands, competition among uses must be recognized, conflicts resolved, and priorities established. It is time that we faced these issues nationwide. It is time that we establish some basic goals and requirements to improve present planning and, therefore, the world of future generations.

The dramatic land-use conflicts we have faced in recent years—the Grand Canyon Dam controversy, the Everglades situation, the proposed trans-Alaska pipeline, the confrontation between highway builders and parks, the issue of reservoirs versus wild and scenic rivers, open beaches versus private and commercial development, industry versus scenic preservation, and commerce versus wilderness—should not have become public cause celebres.

Individual cases should not have occupied so much of the limited available time of the Congress, of the President, and of Cabinet officers. Questions of National and State land-use policy can be, and should be resolved by prior planning based upon national goals, values, and aspirations. They should not be resolved on an expedient, after the fact, case-by-case basis which requires undoing prior decisions and which result in a waste of money and manpower.

Let me cite one example. In 1934, the Congress established the Everglades National Park. This represented a national land-use decision that the Everglades should be preserved for all time for the enjoyment of all future generations. In 1948, the State of Florida and the Corps of Engineers, pursuant to a congressional authorization, initiated construction of a flood control project. Today this flood control project imposes artificial controls upon the historic flow of water to the park and, to a major extent, threatens the park's very life and existence. In 1968, the Dade County Port Authority, with Department of Transportation funding and assistance, initiated construction of a super jet airport within 6 miles of the park. This jet airport also threatens the life of the park and all of the values for which it was preserved in 1934 by the Congress. If the jet airport were to be constructed as planned it would create a serious noise problem, it would cause grave water pollution problems and, finally, it would encourage and greatly accelerate residential, commercial, and industrial developments which are in direct conflict and totally incompatible with maintenance of the park as a great national recreation and scientific asset.

There were no villains in this conflict and controversy. There were different groups of public officials, representing different constituencies, seeking to attain and maximize different public goals which had been institutionalized and given legitimacy in a series of authorization and appropriation acts of Federal, State, and local governments.

The Congress and the Park Service sought to preserve the Everglades. The Corps of Engineers sought to enhance flood control, to conserve and to make available for municipal, commercial, and recreational uses the water which the wildlife and the ecology the Everglades had for years depended upon. The Dade County Port Authority sought to relieve pressure on the existing Miami International Airport and to develop a transportation facility which would be adequate for local needs for the foreseeable future. The Department of Transportation sought to and did fund a transportation demonstration project involving rapid transit systems and a new concept in airport design—away from the cities, but covenient and accessible. The position of the State of Florida, like that of many States today in the face of Federal programs which bypass State government and treat directly with agencies of local government, was, at best, ambivalent.

The Everglades jet airport controversy is a classic study in the deficiencies of present land use policy at the State and National levels. The extensive hearings by the Senate Interior Committee on this situation revealed the following:

Three Departments of the Federal Government pursuing programs which are in direct conflict.

Three counties of the State of Florida seeking to conduct planning and make decisions which are of statewide and national significance.

A State whose greatest industry is tourism, but which has not exercised the land use planning and management powers to protect one of its greatest tourist attractions:

Important conflicts and breakdowns in communication between State and local government and between the Federal Government and agencies of State government.

One of the most important lessons to be gained from the Everglades controversy, and one of the reasons it is a classic case, is that millions of dollars were authorized by different Committees of the Congress, and spent by different agencies of the Federal Government, and by State and local agencies in the pursuit of separate goals and objectives, totally without any recognition that success, that attainment of the goals sought at the same point in time and place by these different groups would involve serious and, in many cases, irreconcilable land-use conflicts.

In this case a satisfactory resolution has apparently been achieved if the recently announced intentions of Federal, State, and local government are affectuated. But the victory is a minor one when it is considered against the magnitude, the depth, and the pervasiveness of the Nation's pending and future land use problems.

Look at these other examples of State and national land use planning problems:

Transportation and utility systems which are planned and constructed on a single purpose basis without considering other public values.

The inability of private enterprise to get decisions from State and local government within a reasonable time for the siting and location of heavy industrial activities such as refineries, thermal powerplants, utilities, and factories.

Damage caused to commonly owned assets—estuaries, beaches, and public parks, forest and recreation areas—by unregulated and incompatible developments on the boundaries of these areas.

These are only a few of the problems we presently face. It is clear that these problems will become more serious in the future. Look at these growth projections:

Our population will grow by 100 million people in the next 30 years.

Our gross national product, barring a recession, will double in the next 10 years, going from $942 billion to $1.8 trillion.

Both of these factors, population and economic growth, will bring unprecedented pressures to bear on our Nation's finite land resource base. If a consistent, future oriented national land-use policy is not established conflicts will multiply, unbalanced development will take place, and irreversible decisions will have been made without proper consideration of alternatives.

Here are some of the problems I see at the Federal level.

At the present time a whole host of agencies are deeply involved in land-use planning. For example, the Bureau of Outdoor Recreation, in conjunction with State government, is currently preparing a nationwide recreation plan. Other agencies of the Federal Government are preparing highway plans, airport plans, water resources plans, and navigation plans. The Department of Housing and Urban Development is deeply involved in urban planning. Other departments are actively engaged in various aspects of land-use planning related to their areas of program responsibility.

Most of these plans are necessary and desirable. The problem is this however: To date, no one in the Federal Government has ever put these plans together to see if they are consistent, to see if they make sense, and to see if they are compatible with local goals and aspirations.

As a result there are needless and costly conflicts between agencies and departments of the Federal Government, between State and Federal Government, and between State and local government.

One of the basic problems at the Federal level is that many agencies and departments of the Federal Government are pursuing separate, single-purpose missions—highway building, dam construction, urban redevelopment, and others—without adequate land-use information, without coordination, without considering alternatives, and without proper environmental and land-use guidelines.

At the State level a different, and in my view, a more difficult set of land-use problems are faced. Under our system of government the States have the basic constitutional authority for land-use management. Federal powers in this area are very circumscribed and, in a real sense, limited to federally owned lands.

Historically the States have delegated their land-use management authority to units of local government—to counties, to cities, to port authorities and to other special purpose units of government. My State, the State of Washington alone, has more than 1,600 local governmental entities of which nearly 1,400 have property taxing powers. All of these, and many private groups as well, directly and indirectly, influence land-use decisions.

This broad delegation of power to local government is in keeping with the sound philosophy of control by the people at the local level. But, it has also created some very important problems.

For example, the proposed superjet airport which, if constructed, would have threatened the existency of the Everglades National Park as planned, financed, and scheduled for construction by a unit of local government, the Dade County Port Authority. This raises the following question: Should decisions such as this which clearly involve the life or death of a great national park owned by all of the 200 million people of this country be left to the decision of the commissioners of a local port authority?

In virtually every community and certainly in every major city, every State, and every region of the country, similar, if less dramatic, land-use conflicts are being faced daily. The continued growth of the Nation in terms of population; expanding urban areas; proliferating transportation systems; a dynamic economy; the growing number of governmental entities; and the increased size, scale, and impact of private actions, have created a situation in which many, if not most, land-use management decisions are not being rationally made. Instead, land-use planning and management decisions are being made at all levels of government on the basis of expediency, tradition, archaic legal principles, short-term economic considerations, and other factors which are often unrelated to what the real concerns of National, State and local land-use managment should be.

Many small cities or counties all across the Nation do not have land use management plans. They have not inventoried their land resources or taken action to protect them. When major industries move into these areas, they locate where it is cheapest and most convenient. And often, this means they locate in areas which, with the benefit of planning and foresight, should have been reserved for other uses such as recreation, parks, or low-density housing.

Industrial development is not, of course, the only problem. A similar situation exists with respect to residential land development, the location of utility and transportation corridors, commercial development, and the siting of public facilities such as thermal power plants.

Most local instances of poor land-use management and planning do not present critical national, regional, or state-wide problems. But sometimes, as in the Everglades, they do. It then becomes a problem of broad public concern when a lack of planning or poor planning causes irreparable damage to assets of statewide, regional, or national importance.

The Nation's ocean beaches for example, are such an asset. The American public has a valid interest in how they are developed and managed. The management of areas adjoining and on the periphery of our national parks, forests, and recreation areas greatly affects the value of large national investments in unique natural assets. Should such areas be developed according to the unilateral decisions of private developers or the lack of decisions of State and local jurisdictions? Or should these decisions be shared with the State?

By the same token, there are many land use decisions made by the Federal Government which require greater participation by State and local government. Often the Federal Government is seeking the use of a local community's most valuable asset: its land and environment. We must guarantee not only that the use of this asset is necessary, but that it is made in accord with the highest and best standards of land use and environmental management.

Mr. President, the National Land Use Policy Act of 1970 is designed to deal with many of the problems to which I have referred.

As introduced today, this measure has three major aspects. First, it would establish a grant-in-aid program to assist State and local government in hiring and training the personnel, and developing the competence necessary to improve land-use planning and management at the State level.

Second, action forcing provisions are included which are designed to encourage every State through an agency to be designated by the State's Governor, to inventory their land resources and develop a statewide environmental, recreational, and industrial land-use plan within 3 years. The States would be encouraged to assume appropriate land-use management powers over those assets and land resources which are of regional, statewide, or national significance. These might include undeveloped ocean beaches; portions of major river systems and lakes; buffer zones around existing State and National parks and recreation areas; areas involving multi-county and interstate environmental problems such as air, water, and noise pollution; transportation and utility corridors; and areas which are compatible for heavy industries such as refineries, major metal processing plants, and thermal powerplants. The legislation would not affect areas located within incorporated cities which have exercised land-use planning and management authority.

Development and implementation of a statewide land-use plan may require the creation of a new governmental agency in some States, and a restructuring of existing institutions in other States. The legislation sets forth certain minimal standards on environmental, recreational, and industrial land-use planning which the statewide land-use plan will have to meet to qualify for continued grant-in-aid eligibility.

Within 4 years of the date of enactment of the act, the statewide land-use planning agency must have the authority to implement the statewide environmental, recreational, and industrial land-use plan. This would include the authority to acquire land; to control the types of development which may take place in areas subject to the plan; to conduct hearings allowing for full public participation; and to make changes in the statewide plan when required by changed conditions.

The legislation provides that if a State should fail to adopt an acceptable land-use plan within 4 years, the State's entitlement to certain additional Federal assistance programs, which shall be designated by the President, may be reduced at the rate of 30 percent per year until the State has complied with the act. Programs to be designated by the President would be those which tend to create land-use problems unless they are properly planned. These might include Federal highway construction trust funds and other public work programs.

Third, the act will assign to the Land and Water Resources Planning Council—formerly the Water Resources Council—the responsibility of administering the grant-in-aid program, working with State and local government, and reviewing State land-use plans.

In addition, the Council would have important responsibilities for coordinating Federal-State relations in this area, and for maintaining a data and information center on all Federal and federally assisted activities which have land-use planning and management ramifications.

Because the Water Resources Council already administers similar programs concerning the water and related land resources of the Nation, the National Land Use Policy Act of 1970 has been drafted as an amendment to the Water Resources Planning Act of 1965. The experience, the established communications network, the river basin commission system, and staff organization of the Council will provide an excellent base for the development of this broader function.

Mr. President, the hour is late and much has already been lost, but I believe we still have time to meet the challenge of the land. We still have a choice about the shape of America's future. We have a land worthy and capable of preservation and proper development.

Excerpts from Report No. 91–1435 on S. 3354, the National Land Use Policy Act in the 91st Congress

INTRODUCTION

The United States is blessed with vast, productive, and hospitable land resources. Lush valleys, sandy beaches, majestic mountains, fertile plains, and dense forests have been abundant enough during most of American history to support our energetic population and free enterprise with relatively few conflicts arising out of the many uses to which we have dedicated our lands. If a neighbor was seriously inconvenienced, he could resort to the judicial process and the common-law remedies of nuisance and trespass for redress of economic injuries and invasions of recognized property interests.

The pressures of industrialization technological advancement, population growth, and urbanization early in the twentieth century, however, brought increased land use conflicts and resulting social problems. Populations became more dense, properties within urban areas became more scarce and expensive. Citizens in heavily populated areas found that the common law remedies were inadequate to protect property interests, assure quality living conditions, and provide optimum use of land resources. They turned to government, which adopted the concept of zoning to regulate the permissible uses of private property.

Today the nation as a whole is beginning to experience the pressures once felt only by population centers. In all parts of the country coflicting desires concerning the use of specific lands are becoming apparent. The electric power industry, the timber industry, and the chemical products industry are waging numerous battles with conservationists and anti-pollution leagues. Farmers' groups are opposing real estate developers, ecologists are battling highway construction interests. Governmental agencies are frequently involved on one side or the other of these controversies, more often on both.

Present methods, procedures, and institutions for land use decisionmaking are inadequate to meet the nation's needs. Present practices have resulted in uncoordinated, haphazard land use patterns, which do not reflect in proper proportion the legitimate interests of various constituencies. They too often fail to take adequate account of non-economic factors and long-range environmental effects. Very often they trigger additional similar decisions, with the result that chain reactions are begun which are virtually impossible to stop. They have permitted unnecessary waste of valuable natural resources and have contributed to undesirable disruption of ecological systems. This pattern was summarized for the Committee at the hearings on S. 3354 by Governor Francis Sargent of Massachusetts:

"For decades we have been dealing with our environmental problems on a piecemeal basis. Haphazard development—an almost reckless pursuit of the goal of meeting present needs—has brought us serious trouble. We should have been thinking about the whole system, about the total environment, and about the problems created in one aspect of our surroundings by stopgap solutions in another.

"We have used up available land in chunks, without thinking through the best possible method of insuring that the land would serve us properly. We should have realized that high-density housing and industry over wide areas would cause acute air pollution, that unlimited development along our riverbanks would bring water pollution, that if we failed to plan in a coordinated fashion we would find it difficult, and prohibitively expensive, to put things right (*Hearing Record*, p. 14.)"

These effects have in turn contributed to polarization of community sentiment, expensive litigations, and a measure of economic instability. Projections into the future suggest that these adverse consequences will be severely aggravated in the coming years unless our land use decision-making processes are vastly improved.

The Committee believes that it will be in the interest of the United States and of her citizens for the Congress to establish mechanisms that will encourage State governmental initiative in land use planning and regulation of land use decision-making to the extent necessary to protect vital public interests. The Committee recognizes the importance of land use patterns to the welfare of local communities, and acknowledges the right of States to delegate land use planning and regulation authority. The Committee also recognizes the Constitutional power of the States to regulate land use, and endorses the principle that States and their delegates should regulate use of lands within their boundaries, as long as such use does not conflict with Constitutionally recognized national interests. The Committee believes that all levels of government, including the Federal Government, have a responsibility to exercise their legitimate powers with the objective of securing desirable land use patterns within their jurisdictions.

The Committee further believes that the various levels of government should coordinate their initiatives and efforts in the field of land use planning and management. The proper interests of the various levels of government should be evaluated in view of their duties to their constituents and their powers to plan for and regulate land use, and their decision-making processes should be integrated into a coherent nationwide mechanism. This would allow a unified national approach, taking into account the comparative interest of and degrees of impact on the various government constituencies. The mechanism should be flexible enough to respond to changing conditions and priorities.

The Committee finds a need for a national consensus upon priorities for land use. The ever-increasing mobility of the American people has increased national interest in conservation and resource issues that once were merely of local or regional concern. Political interdependence has caused national coalitions to form around land use decisions the direct impact of which is purely regional, and the growing economic interdependence of various regions and localities gives communities an interest in the economic stability that is likely to result from sound land use planning in other areas.

The most important point on which the Committee feels the Congress should define a national consensus is the urgency of the situation. With our expanding technology and population imposing new pressures upon a finite land resource base, the number and seriousness of land use conflicts will increase if solutions are delayed. It is essential that we inventory and evaluate our land resources and establish priorities before very many more irreversible land use commitments are made. As Governor Sargent noted:

"Given the predicted pressures of population growth and subsequent development expansion, land use planning both public and private must be tempered with an urgency of purpose. If we do not act now, the opportunities which are currently available will not exist come the end of this decade." (*Hearing Record*, p. 15.)

SUMMARY OF THE LEGISLATION

S. 3354. would amend the Water Resources Planning Act (79 Stat. 244, as amended, 82 Stat. 935), to provide for development of a national land use policy, to establish a grant-in-aid program to assist the States to formulate and implement comprehensive statewide land use plans, and to improve Federal land use practices. It would upgrade the interdepartmental Water Resources Council into an enlarged and strengthened Land and Water Resources Council and assign it comprehensive authority for administration of the national land use policy and the program of land use planning and management assistance to the States. It would establish under the Council's jurisdiction a Federal Planning Information Center as a clearninghouse for Federal projects involving land use implications and as a general data bank for land use planning and management information.

The bill authorizes the Land and Water Resources Council to make grants to State agencies to engage in comprehensive statewide land use planning. States are permitted to set priorities and delegate certain planning functions to units of local government. Grants to interstate agencies are also authorized, to supplement and help coordinate State planning efforts.

Certain general criteria designed to protect national interests must be met in order for a State planning agency to receive continued Federal funding and ultimate Council approval of its statewide land use plan. Particularly, approval may be withheld or withdrawn unless the plan is implemented and its provisions enforced. However, approval of a statewide land use plan may not be withheld or withdrawn without the consent of an impartial hearing board consisting of State as well as Federal representation.

If a State fails to submit a land use plan at all within five years after the beginning of the grant program, Federal agencies are required to suspend projects and proposals for projects within that State which would tend to have substantial adverse environmental impact or which would tend to irreversibly or irretrievally commit substantial land or water resources within that State. On the other hand, Federal agencies are required to coordinate their activities having land use consequences and their Federal land management efforts with approved statewide land use plans.

The Council would be authorized to fund State land use planning to the extent of ninety percent of planning costs during the first five years of the program, and two-thirds of planning and operating costs after that. No grant funds could be used for the acquisition of interests in real property. Appropriations of up to $100 million per year are authorized for State and interstate agency grants, and $16 million per year are authorized for administration, including contract studies.

PURPOSE

S. 3354 expresses a national commitment to comprehensive land use planning and management and would establish a national framework for land use planning and regulation. The framework is designed to afford maximum discretion to State and local governments consistent with Constitutionally and Congressionally recognized national interests. The bill aims at close coordination of Federal, State, and local planning efforts to avoid overlaps and conflicts. The need for flexibility to meet changing conditions and desires is acknowledged and accommodated.

The Committee is aware of many of the pitfalls associated with planning, some of which were noted by the Council on Environmental Quality in its first annual report: (1) inflexibility, (2) aloofness from community sentiment, (3) failure to implement, and (4) compartmentalization. S. 3354 attempts to overcome each of these problems. Procedures for modifying plans would be required to be established; funds are made available for hearings; substantial incentives are provided for implementation; comprehensive guidelines must be followed; and interdisciplinary staffs must be employed in the planning process. The Committee believes that the involvement of the Federal Government, with its comprehensive, national responsibilities and its substantial resources, may be able to overcome many of the problems that State and local agencies by themselves cannot solve.

While flexibility to changing conditions and responsiveness to community sentiment are integral concepts in S. 3354, the stress on implementation and comprehensiveness are perhaps the most distinctive features of the bill. Strong incentives are provided to encourage implementation of the fruits of the planning efforts. The competitive forces at work in our private economy are sufficiently strong that relatively short-term economic incentives are likely to continue to determine land use patterns unless the provisions of the land use plans developed pursuant to this legislation are given the force of law. S. 3354 provides financial assistance for implementation and directs Federal agencies to coordinate their activities with implemented plans. The bill also requires that the planning and regulation functions be combined and integrated into a single agency, a departure from customary practices which is designed to aid in effective implementation.

The comprehensiveness of the plans envisioned by S. 3354 is a response to the wide variety of land use conflicts we presently see in the United States and the obvious need to compare the demands for various kinds of uses with each other in light of available resources and community values. Thus, while the Committee encourages efforts at land use planning which are geographically or functionally focused, it believes that the long-range needs of the United States will be best served by the estabishemnt of a single mechanism capable of evaluating all kinds of resources and all kinds of potential uses.

The primary focus of S. 3354 is on State government. This accords with the States' Constitutional authority to control the uses to which lands within their boundaries may be put. The States have well-established political institutions capable of responding to citizen wishes and are the most clearly defined mechanisms capable of handling a majority of land use problems on a comprehensive basis.

Considerable concern has been expressed that State governments (1) may not be adequately attuned to the subtleties of local intrastate problems and (2) may not be able to cope effectively with interstate regional problems. It has been suggested that local governments and regional councils should be chosen for the primary focus of attention. Recognizing the factors that give rise to these suggestions, the Committee nevertheless believes that any mechanism runs the risk of being either overly narrow or insufficiently direct in outlook and capability. In choosing State government as the most appropriate institution on Constitutional, cultural, political, and institutional grounds, the Committee does not mean to exclude other mechanisms from playing an important role in the planning and regulation processes. The bill specifically allows States to delegate planning and regulation authority to units of local government; it also permits grants to be made for advisory planning to interstate agencies. In addition, it provides for Federal administration and coordination to protect and promote national interests in land use patterns.

It is intended that the establishment of a framework from which land use policy decisions may evolve in a systematic manner will contribute to both steady economic growth and environmental quality. S. 3354 is designed to provide a system of forums for the resolution of conflicts and establishment of consensuses. The Committee believes this apparatus will contribute to our orderly development as a nation both economically and environmentally, at the same time helping to draw together diverse interest groups into a stronger, more unified social fabric.

Because of the national scope of land use planning problems and the many specific activities of the Federal Government which are affected by or which have implications for land use patterns and their environmental and economic effects, the Committee believes it is appropriate not only to establish a national framework for land use decisionmaking, but also to promote (1) national consensuses as to goals to be sought and values to be maintained and (2) improvement of the methods and techniques associated with land use planning and management. S. 3354 outlines the objectives and parameters of national policy concerning land use in the form of incentives, guidelines, and requirements for Federal financing of and cooperation with State, local, and regional planning efforts. In general, these goals are aimed at achieving (*a*) environmental quality, (*b*) economic growth, and (*c*) conservation of natural resources. Also in furtherance of these objectives the bill provides for training, research, and land use planning information centers.

Some Federally-financed land use planning has been done pursuant to section 701 of the Housing Act of 1954. While the Committee commends these efforts and encourages their continuation, it recognizes a need for a more comprehensive, systematic national approach to the question of wise and balanced use of the country's land resources than section 701 planning is able to provide. The very strength of section 701 land use planning lies in its integration with other kinds of planning to achieve social goals in developed and developing areas. S. 3354, on the other hand, regards the nation's finite land resources as sufficiently important to warrant independent comprehensive treatment. Section 701 planning, although not expressly confined to urban areas, inevitably tends to focus on these. In this respect it responds to already recognized, comparatively immediate needs. S. 3354 on the other hand, would include planning for needs barely visible on the horizon and attempt to accommodate uses of land resources expected to arise, in the distant, as well as in the near future.

It is anticipated that section 701 land use planning will continue to serve an important function as an integral part of social and economic development within communities. S. 3354 would help to systematize such planning efforts and at the same time look to the macrocosm of national needs and priorities within the framework of Congressionally established criteria. It would establish politically responsible, independent on-going mechanisms designed to assure intelligent land use decision-making in the United States for the indefinite future. Its aim is more to establish governmental initiative and control than to promote particular goals. It would assure that forums are made available to carry out community desires concerning land use, whatever they might be. The Committee believes the program that would be established by S. 3354 to be different in both concept and scope from planning under setcion 701 of the Housing Act of 1954, and believes that the two programs will complement rather than conflict with each other.

BACKGROUND

Senator Jackson introduced S. 3354 on January 29, 1970. He was soon thereafter joined by Senators Church, Cranston, Curtis, Gravel, Harris, Hart, Hartke, Mansfield, McGovern, Metcalf, Moss, Nelson, Packwood, Ribicoff, Stevens, Williams of New Jersey, Yarborough, and Young of Ohio as co-sponsors. Since the Committee on Interior and Insular Affairs agreed on October 7, 1970, to report the bill, Senators Allott, Anderson, Bible, Hatfield, and Jordan of Idaho have also joined as co-sponsors of the Committee bill, at the same time reserving their rights to raise questions and to consider alternatives with respect to particular issues that may be raised in connection with it. Identical bills which have been introduced into the House of Representatives are H.R. 16670 (Morton), 16989 (Meeds), and 19525 (McCarthy). All three of the House bills are pending before the House Committee on Interior and Insular Affairs.

Hearings on S. 3354 were held before the full Committee on March 24, April 28, April 29, and July 8, 1970. Testimony was received from the following persons: The Honorable Rogers Morton, Representative from Maryland; the Honorable Russell Train, Chairman of the Council on Environmental Quality; the Honorable John Nassikas, Chairman of the Federal Power Commission; the Honorable John Carver, member of the Federal Power Commission (testifying on his own behalf only); the Honorable John Love, Governor of Colorado; the Honorable Francis Sargent, Governor of Massachusetts; Margaret Seeley, Robert Zapsic, Thomas Haga, Douglas Powell, and Joseph Pollard, representing the National Association of Counties; Harry Woodbury, Vice-President of the Consolidated Edison Company of New York; James Turnbull, Executive Vice President of the American Forest Products Association; Kenneth Davis, President of the Society of American Foresters; William Towell, Executive Vice President of The American Forestry Association; Thomas Kimball, Executive Director of the National Wildlife Federation; Gordon Zimmerman, Executive Secretary of the National Association of Soil and Water Conservation Districts; Peter Borrelli, Eastern Representative of the Sierra Club; Herman Ruth, representing the American Society of Consulting Planners; Rex Allen, President, William Slayton, Executive Vice President, and Carl Feiss, representing the American Institute of Architects; Walter Monasch, President, and Thomas Roberts, Executive Director, representing the American Institute of Planners; Campbell E. Miller, President and Richard Wilkinson, representing the American Society of Landscape Architects; Allison Dunham and Fred Bosselman of the American Law Institute (testifying on their own behalves only); and Lynton Caldwell, of the University of Indiana, a consultant to the Committee. In addition, numerous written communications were received and inserted in the record, including twenty-eight solicited letters from State Governors.

COMMITTEE AMENDMENTS

When Senator Jackson introduced the bill, he described it as a "working draft" and as "a starting point for review and for analysis," thereby anticipating a significant number of changes before the bill would be reported. As a result of the hearings, executive communications, and informal recommendations, the Committee has adopted many suggestions for amendments.

The principal innovations in the reported version of the bill which distinguish it from the bill as introduced are provisions designed to increase the administrative and political effectiveness of the Land and Water Resources Council; allowance of five years rather than three years for the States to develop statewide land use plans; authorization for inclusion of cities within State land use planning programs financed pursuant to the bill; specific allowance for States to set planning priorities with respect to geographical areas and functional uses; express permission for States to delegate certain land use planning and management functions; adoption and use of restrictions upon the Council's authority to disapprove statewide plans considered for disapproval; provisions designed to coordinate Federal land management efforts with State land use planning and management; authorization for funding of up to ninety percent of State and interstate agency planning costs during the first five years of the program and up to two-thirds of the planning and operating costs after that, instead of up to two-thirds of the planning costs during the first three years and up to one-fourth of the planning and operating costs after that; prohibition on use of Federal funds to finance acquisition of interests in real property; provision for suspension of new Federal projects having substantial adverse environmental impact or a tendency to irreversibly or irretrievably commit substantial land or water resources if a State fails to submit a plan, in place of reduction of a State's grant-in-aid funds and denial of right-of-way permits across Federal lands within the State if the Council fails to approve its land use plan; and establishment of a $116,000,000 ceiling on annual appropriations.

As introduced, S. 3354 proposed to amend the Water Resources Planning Act (79 Stat. 244), as amended (82 Stat. 935), by inserting a new title pertaining to land use planning and amending the remaining titles by deletions and insertions. However, because of the complexity of the measure and the number of amendments to the bill as introduced that were adopted by the Committee, the format has been changed to provide for repeal of the Water Resources Planning Act and substitution of the Committee bill.

NEED FOR THE LEGISLATION

Present methods of land use regulation

The power to control land use in the United States is vested principally in private owners. This power is tempered by licensing and zoning regulations, which are exercises of governmental police powers. Though Constitutionally vested in State governments these powers have typically been delegated to agencies of local government. Comprehensive zoning authority has been retained at the State level only in Hawaii. Retention by the State governments of licensing powers is more common, but in these instances the functional jurisdiction of the State agencies is normally quite limited. Power to control land use is also vested in governmental entities with respect to governmentally-owned lands and lands they are authorized to condemn pursuant to valid exercises of the power of eminent domain.

Zoning by an agency of local government is of course most effective with respect to land use patterns within the geographical jurisdiction of the agency. An industrial facility, for example, may be desired in one jurisdiction, but may have undesirable environmental impact upon the lives of residents of an adjoining jurisdiction. The latter may have no effective means of expressing their dissatisfaction. The problems are increased if there are numerous governmental agencies within a geographical area with power to affect the environment outside the particular areas of their jurisdiction.

Licensing of particular kinds of activities by either State or local agencies may involve a larger geographic constituency, but the citizenry is usually faced with a narrow either-or decision on a case-by-case basis. Because the agency regulates only one kind of activity, only the need for facilities of the kind regulated by that agency are under consideration at a single time. Long-term alternative uses of the land are frequently not considered. Activities licensed by agencies of the Federal Government are similarly proposed and approved on a single-discipline basis. the result is that economic growth of a particular region or expansion of a particular regulated industry is accorded priority over less immediate, less tangible needs and interests of the people at large. With respect to county and city governments, this tendency is aggravated by their dependence for revenues on property taxation, which is based upon a valuation system scaled according to the economically most productive possible use to which the property could be put by its owners. Local governmental officials thus have an interest in permitting owners to use their property in whatever way will produce the greatest revenue, regardless of environmental values.

In addition, in many areas there is no significant effort even by local government to control land use patterns. In these areas the decisions are left entirely to forces of the marketplace. Even in those areas where there is some governmental regulation, the initiative is frequently in the hands of private interests, who can develop and schedule proposals according to prevailing political winds.

The problems inherent in fragmented control over land use patterns and well-known illustrations of conflict were pointed out by

Senator Jackson in his remarks when he introduced S. 3354:

"Historically the States have delegated their land-use management authority to units of local government—to counties, to cities, to port authorities and to other special purpose units of government. My State, the State of Washington alone has more than 1,600 local governmental entities of which nearly 1,400 have property taxing powers. All of these, and many private groups as well, directly and indirectly, influence land-use doctrine.

"This broad delegation of power in local government is in keeping with the sound philosophy of control by the people at the local level. But, it has also created some very important problems.

"For example, the proposed superjet airport which, if constructed, would have threatened the existency of the Everglades National Park as planned, financed, and scheduled for construction by a unit of local government, the Dade County Port Authority. This raises the following question: Should decisions such as this which clearly involve the life or death of a great national park owned by all of the 200 million people of this country be left to the decision of the commissioners of a local port authority? * * *

"In virtually every community and certainly in every major city, every State, and every region of the country, similar, if less dramatic, land-use conflicts are being faced daily. The continued growth of the Nation in terms of population, expanding urban areas, proliferating transportation systems, a dynamic economy; the growing number of size, scale, and impact of private actions, have created a situation in which many, if not most, land-use management decisions are not being rationally made. Instead, land-use planning and management decisions are being made at all levels of government on the basis of expediency, tradition, archaic legal principles, short-term economic considerations, and other factors which are often unrelated to what the real concerns of National, State and local land-use management should be.

"Many small cities or counties all across the Nation do not have land use management plans. They have not inventoried their land resources or taken action to protect them. When major industries move into these areas, they locate where it is cheapest and most convenient. And often, this means they locate in areas which, with the benefit of planning and foresight, should have been reserved for other uses such as recreation, parks, or low-density housing.

"Industrial development is not, of course, the only problem. A similar situation exists with respect to residential land development, the location of utility and transportation corridors, commercial development, and the siting of public facilities such as thermal power plants.

"Most local instances of poor land-use management and planning do not present critical national, regional, or statewide problems. But sometimes, as in the Everglades, they do. It then becomes a problem of broad public concern when a lack of planning or poor planning causes irreparable damage to assets of statewide, regional, or national importance.

"The Nation's ocean beaches, for example, are such an asset. The American public has a valid interest in how they are developed and managed. The management of areas adjoining and on the periphery of our national parks, forests, and recreation areas greatly affects the value of large national investments in unique natural assets. Should areas be developed according to the unilateral decisions of private developers or the lack of decisions of State and local jurisdictions? Or should these decisions be shared with the State?" (CONGRESSIONAL RECORD, vol. 116, pt. 2, pp. 1759–1760.)

Impact of Federal activities

The land use problems of the States and localities are aggravated by the impact of Federal activities and the lack of institutional means to control and regulate that impact. Senator Jackson, in his statement introducing the bill, commented:

"* * * There are many land use decisions made by the Federal Government which require greater participation by State and local government. Often the Federal Government is seeking the use of a local community's most valuable asset; its land and environment. We must guarantee not only that the use of this asset is necessary, but that it is made in accord with the highest and best standards of land use and environmental management." (CONGRESSIONAL RECORD, vol. 116, pt. 2, p. 1760.)

Senator Jackson's comments were echoed in the June 1970 report of the Public Land Law Review Commission and in the testimony of Russell Train, Chairman of the Council on Environmental Quality on S. 3354. A list of major Federal programs having land use impact which were catalogued in the first annual report of the Council on Environmental Quality is attached to this report as appendix I.

There is a need and a responsibility for improvement in controlling the impact of Federal activities on local land use patterns. There is also a very great need for coordinating the activities of Federal agencies having land use impact with each other. Senator Jackson also discussed this subject at some length in his statement introducing the bill:

"At the Federal level we are already beginning to see and to reap the results of our past failure to have developed a consistent national land-use policy. Increasingly we are finding instances where Federal funds which have been expended to preserve a part of our natural heritage or to create new recreational opportunities are coming into serious and, often, totally unnecessary conflicts with other federally funded programs such as highway and airport construction, communications, national defense facilities, and water resource development.

"I am not too concerned that there is occasional conflict between these different Federal programs. The wide range of goals and objectives which the National Government seeks to achieve will, of necessity, involve some competition and conflict over priorities, over funding, and over the use of a specific land resurces. Our political system was designed to resolve conflicts of this nature. I am confident that it is capable of doing so in an intelligent manner.

"I am, however, very concerned that many of these conflicts which have centered around incompatible uses of the same land resource have been totally unanticipated and unintended. These conflicts have simply been the result of poor planning procedures. They have not placed at issue important questions of national priorities, goals, and objectives. These conflicts have resulted from a lack of coordination; a failure to relate national programs to local aspirations; and an institutional inability to factor in the full range of national and local values as a part of the planning process for specific Federal projects.

The dramatic land-use conflicts we have faced in recent years—the Grand Canyon Dam controversy, the Everglades situation, the proposed trans-Alaska pipeline, the confrontation between highway builders and parks, the issue of reservoirs versus wild and scenic rivers, open beaches versus private and commercial development, industry versus scenic preservation, and commerce versus wilderness—should not have become public *cause célèbres.*

Individual cases should not have occupied so much of the limited available time of the Congress, of the President, and of Cabinet officers. Questions of National and State land-use policy can be, and should be resolved by prior planning based upon national goals, values, and aspirations. They should not be resolved on an expedient, after the fact, case-by-case basis which requires undoing prior decisions and which result in a waste of money and manpower. * * *

"Here are some of the problems seen at the Federal level.

"At the present time a whole host of agencies are deeply involved in land-use planning. For example, the Bureau of Outdoor Recreation, in conjunction with State government, is currently preparing a nationwide recreation plan. Other agencies of the Federal Government are preparing highway plans, airport plans, water resource plans, and navigation plans. The Department of Housing and Urban Development is deeply involved in urban planning. The Department of Commerce is involved in regional planning. Other departments are actively engaged in various aspects of land-use planning related to their areas of program responsibility.

"Most of these plans are necessary and desirable. The problem is this however: To date, no one in the Federal Government has ever put these plans together to see if they are consistent, to see if they make sense, and to see if they are compatible with local goals and aspirations.

"As a result, there are needless and costly conflicts between agencies and departments of the Federal Government, between State and Federal Government, and between State and local government.

"One of the basic problems at the Federal level is that many agencies and departments of the Federal Government are pursuing separate single-purpose missions—highway building, dam construction, urban redevelopment, and others—without adequate land use information, without coordination, without considering alternatives, and without proper environmental and land-use guidelines." (CONGRESSIONAL RECORD, vol. 116, pt. 2, pp. 1757–1759.

Pressing land use conflicts

Some of the most urgent current land use conflicts are those involving facilities for the generation and transmission of electric power. These conflicts and some of the problems associated with them were addressed in the August 1970 report of the Energy Policy Staff of the Office of Science and Technology, Electric Power and the Environment:

"The confrontation between the electric utility industry and those opposing the construction of electric power facilities is perhaps a leading example of the general issue of further development versus preserving the natural environment which in some areas is already approaching crisis proportions. * * *

"Planned utility construction is increasingly being delayed by controversy and litigation over environmental concerns. Such delays combined with shortages of skilled labor, equipment delays and malperformance, and fuel shortages could prevent the industry from meeting the immediate demands for power. Localized "brownouts" have already occurred and are expected to continue in the future. These power shortages seriously reduce the reliability of the nation's power supply. In order to alleviate the effects of these delays, the industry is forced to expedients which may be costly and not in the long-range interests of our economy or of protecting the environment." (Pp. 12.)

In his testimony before the Committee, John Nassikas, Chairman of the Federal Power Commission, discussed how great future demands for electric power are expected to be and the implications of these demands for future land needs:

"The present projected growth of the electric utility industry during the next two decades may require the construction of about 40 new hydroelectric installations of

100 megawatts or more, approximately 50 new pumped storage hydroelectric installations of 300 megawatts or more and about 90 fossil and 156 nuclear steam-electric plants on new sites. * * *

"Regardless of the source of this needed additional generation, vast new areas of land will necessarily be committed to generating, transmitting, and distributing the power produced. To cite an example, the December 27, 1968 report of the Working Committee on Utilities estimated that the new transmission construction between now and 1990 will utilize more than 7,100,000 acres of land for rights-of-way, compared with 4,000,000 acres now used by existing transmission" (*Hearing Record,* pp. 170, 171–173).

S. 3354 as reported by the Committee does not purport to deal with many of the problems posed by powerplant siting conflicts. It does not, for example, deal with the questions of electric power reliability, regional planning, interconnected transmisison grids, the relationship of public and private power or of State and Federal government on the power question, and many other important issues. S. 3354 does, however, deal with one of the most basic and troublesome problems involved in connection with the siting of powerplants or of any other large scale industrial activity: that problem is how to set up functioning democratic institutions of government at the State level which can draw upon the State's basic Constitutional authority to plan and to make land use decisions which will enable society to meet its growing material needs without causing damage to public resources and without flaunting the accumulated lessons which we have gained from the emerging science of ecology. Setting the stage for the creation of new institutions and rechanneling of State powers over land use decisionmaking is needed now, because the demands which Americans are making on their once ample land resources are growing at an ever-increasing rate.

Another of the current groups of conflicts over land use relates to the country's costal zones. The conflict associated with these intensively developed and densely populated areas and the need for improved siting approaches and more rational institutional arrangements are summarized in the report of the Council on Environmental Quality:

"* * * Competition for the use of the limited coastal zone is intense. Shipping activities are increasing, with larger vessels needing deeper channels. Mining and oil drilling in coastal waters grows daily. Urban areas expanding throughout the coastal zone continue to enlarge their influence over these waters. Industrial and residential developments compete to fill wetlands for building sites. Airport and highway construction follows and further directs growth patterns in the coastal zone. Recreation—from enjoyment of the surf and beaches to fishing, hunting, and pleasure boating—becomes more congested as available areas diminish. Since over 90 percent of U.S. fishery yields come from coastal waters, the dependence of the commercial fisheries industry on a stable estuarine system is obvious.

"Although some uses of coastal areas and undoubtedly necessary, many are not. Much industry, housing, and transportation could be sited elsewhere. . . .

"Ownership of the wetlands in many States is a confusing tangle of State, local, and private claims, and in some coastal States valuable State-owned wetlands have been transferred to private interests for the specific purpose of development. Likewise, restrictions on development of the contiguous lands and wetlands are, with some exceptions, inadequate. Only a few States, notably Massachusetts, Connecticut, and North Carolina, have wetlands protection laws which require permits or other controls before alterations can be made to private coastal lands. Even fewer States have exercised any statewide powers over the contiguous dry lands. Hawaii, Wisconsin, and to some extent, Oregon, are among the exceptions (at pp. 540–542).

These and similar conflicts are the result of the population growth and concentration, of the rapidly expanding technology, and of the high standard of living which characterize our nation in the 1970's. While population has been increasing rapidly, social, economic, and cultural pressures have resulted in large urban complexes in a few geographical areas. At the same time, the advanced tecnnology that has accompanied and sustained urbanization has come to produce undesirable by-products in such quantity as to detract significantly from the attractiveness of urban life. Moreover, while transportation, power generation and transmission, mining, and recreation are needed to support a large, technologically and culturally sophisticated society, such developments require extensive commitments of land resources in rural as well as urban areas. No less important is the growing concern for the life support system intimately tied to the land and upon which man's existence is ultimately dependent. Many who have pondered the haphazard and wasteful ways in which man has used nature's resources, point out that unless society provides adequate opportunity for natural ecosystems to maintain themselves, all life on earth may eventually be destroyed.

Needed: A new framework for decisionmaking

The President in his August 1970 message forwarding the report of the Council on Environmental Quality to the Congress underscored the critical need for cooperative development of a national land use policy:

"I believe that the problems of urbanization, . . . of resource management, and of land and water use generally can only be met by comprehensive approaches which take into account the widest range of social, economic, and ecological concerns. I believe we must work toward development of a National Land Use Policy to be carried out by an effective partnership of Federal, State and local governments together, and, where appropriate, with new regional institutional arrangements."

In August 1970 the National Governors' Conference adopted a policy position calling for a national land use policy and outlined a seven-point approach:

"There should be undertaken the development of a national policy, to be known as the National Land-Use Policy, which shall incorporate environmental, economic, social and other appropriate factors. Such policy shall serve as a guide in making specific decisions at the national level which affect the pattern of environmental and industrial growth and development on the federal lands, and shall provide a framework for development of interstate, state and local land use policy.

"The National Land Use Policy should:

"1. Foster the continued economic growth of all States and regions of the United States;

"2. Favor patterns of land use planning, management and development which are in accord with sound environmental principles and which offer a range of alternative locations for specific activities and encourage the wise and balanced use of the Nation's land and water resources;

"3. Favorably influence patterns of population distribution in a manner such that a wide range of scenic, environmental and cultural amenities are available to the American people.

"4. Contribute to carrying out the federal responsibility for revitalizing existing rural communities and encourage, where appropriate, new communities which offer diverse opportunities and diversity of living styles;

"5. Assist State Government to assume responsibility for major land use planning and management decisions which are of regional, interstate, and national concern;

"6. Facilitate increased coordination in the administration of federal programs so as to encourage desirable patterns of environmental, recreational, and industrial land use planning; and

"7. Systematize methods for the exchange of land use, environmental and economic information in order to assist all levels of government in the development and implementation of the National Land Use Policy.

"Intelligent land use planning and management provides the single most important institutional device for preserving and enhancing the environment and for maintaining conditions capable of supporting a quality life while providing the material means necessary to improve the national standard of living."

Attention in Congress and elsewhere has also been directed to the need for a national land use policy. Much of this attention has been focused on population control and distribution, encouragement of new towns and cities, electric power plant siting, coastal zone management, and other areas. It has been pointed out that the immediate need for resolution of conflicts on a comprehensive scale is much greater in some regions of the country than in others. However, even though the urgency may vary, the forces at work in our society and economy suggest that the need for land use planning is national and comprehensive. While the Committee recognizes the importance of solving particular problems, it stresses the importance of a comprehensive national land use policy not only to relate the needs in critical areas to other land use needs, but also to forestall other kinds of land use problems from reaching urgent proportions in the future.

In addition to critical areas of national concern, there are many other problems currently of concern to Congress which are related directly or indirectly to land use management. The Committee believes that the proper resolution of many of these issues could also be effected within the context of a national land use policy. A selected list of bills introduced in the Ninety-First Congress which are germane to the broad subject of land use planning and management is appended to this report as Appendix II to show the extent of Congressional interest in matters pertaining to land use.

DISCUSSION OF PRINCIPAL NEW PROVISIONS

S. 3354 is an amendment in the form of a substitute to the Water Resources Planning Act of 1965 (79 Stat. 244), as amended (82 Stat. 935). That Act is chosen as a vehicle for legislation to establish a national land use policy for several reasons. First, the mutual interaction and impact of land and water resources on each other, as well as their joint importance for the nation's economy and environment, suggest that they be treated together. Second, the Water Resources Planning Act is administered by an interdepartmental Council. Because of the impact that a national land use policy would have on the activities of several departments and agencies of the Federal Government the Committee considers it desirable that it be administered by such a body. Third, an apparatus for regional planning to supplement State land use planning is needed, as land use problems and patterns often do not follow political boundaries. The river basin commissions which have already been established pursuant to the Water Resources Planning Act (the New England River Basins Commission, the Pacific Northwest River Basins Commissions, the Great Lakes Basin Commission, and the Souris-Red-Rainy River Basin Commission), along with the interagency bodies which are acting in the capacity of river basin commissions in each of the other major basins, by bringing together Federal and State officials in a comprehensive, cooperative planning effort, would provide an excellent nucleus for such a regional land use planning apparatus.

In his remarks introducing the bill, Senator Jackson noted that "the experience, the esttablished communications network, the river basin commission system, and staff organization of the Council will provide an excellent base for the development of this broader function." (CONGRESSIONAL RECORD, vol. 116, pt. 2, p. 1760. Chairman Nassikas of the Federal Power Commission in his prepared testimony on the bill commented, "not only has the Water Resources Council been concerned about land use, but the various river basin commissions established pursuant to title II of the Water Resources Planning Act (42 USC 1962b, *et al.*) have also been actively considering land use problems in their areas." (*Hearing Record*, p. 182). Governor Deane C. Davis of Vermont expressed his view of the Council as the administering agency for a national land use policy in the following terms:

"First, the interagency nature of the Council should encourage meaningful cooperation between Federal agencies, In contrast to this arrangement we have in mind the insular position of a Federal line agency which can develop when it is assigned lead in interdepartmental coordination. For example, the convening authority of the Secretary of the U.S. Department of Housing and Urban Development (HUD) with regard to the Model Cities program seems to have resulted less in interdepartmental cooperation than in assuring that the role of HUD in the Model Cities program is a dominant one and that the role of other Federal agencies is confused.

"Second, the fact of building upon an agency concerned with water is good since the natural environment is composed primarily of water, land, and air. And where air quality is primarily a function of our economic technology, water quality and wise land management are dependent variables of the same ecological phenomena" (*Hearing Record*, pp. 501–502).

While recognizing the advantages of using the concepts and administrative structures established by the Water Resources Planning Act, the Committee acknowledges the administrative shortcomings that have characterized the Water Resources Council. Its duties in the past, while important, have not been sufficiantly important to command the consistent attention of its Cabinet-level members. In addition, the Council has tended to become too closely associated with the agency headed by its Chairman, who nevertheless has not been able to devote sufficient time to the job to serve as a dynamic spokesman for the Council. Finally, the Executive Director of the Council has not had sufficient rank or prestige to speak independently for the Council at the policy-making level of the Federal Government. The bill would make certain changes in the Council's structure designed to eliminate these problems, while retaining the valuable features of the Council as an established interdepartmental administrative body.

[From the Wall Street Journal]

NIXON TO ASK "NATIONAL LAND USE POLICY" GIVING STATES WIDE CONTROL UNDER HUD

(By Monroe W. Karmin)

WASHINGTON.—President Nixon will propose to the new Congress a "national land use policy" that would give the states broad powers to control the use of, and conserve, land within their borders. The best planners would be rewarded financially; laggards would be penalized.

Mr. Nixon may preview the policy in his State of the Union address Friday night. The President's Council on Environmental Quality, headed by Russell E. Train, designed the land-use strategy, but the major responsibility for carrying it out would go to Secretary Romney's Department of Housing and Urban Development.

The President promised in his State of the Union address a year ago, a "national growth policy," which is still being worked out. This policy, according to some sources, will attempt to use Federal resources to induce part of the population growth of the future to settle in areas that are now lagging economically.

Mr. Train's council argued that the land-use and growth policies should be kept separate to help the environmental proposal's chances of winning acceptance in Congress. "A land-use policy is designed to deal first with the populated areas where major growth is projected to take place," a confidential report to the White House declares, "possibly offering greater attractiveness at this time than a policy which involves favoring the growth of some areas over others."

JULY 1, 1974 DEADLINE

Under the proposed land-use legislation the 50 states would be asked to develop "state land planning and conservation programs" by July 1, 1974. These would consist of methods and processes for:

—Inventorying, designating and exercising control over land within areas of critical environmental concern (such as coastal zones, shorelands and river floodplains) and within areas impacted by key facilities (such as airports, highway interchanges and recreational areas).

—Assuring that local regulations don't restrict development and land use of regional benefit.

—Controlling large-scale development.

And assuring appropriate controls over the use of land around new communities.

Beginning Jan. 1, 1975, those states with certified programs would be permitted to share in the Federal aid highway, airport and land and water conservation funds that are diverted from states lacking the land planning and conservation programs.

The amount of money to be withheld from laggard states would be equal to 7% of the highway aid to which a state would otherwise be entitled, 7% of the funds apportioned to a state for airport development and 7% of land and water conservation funds apportioned to a State. Fund withholdings would be increased in each category 7% for each additional year a state failed to produce a planning and conservation program, up to a maximum of 35%.

PROGRAM OF MATCHING GRANTS

Certification of the state programs would be by HUD, which would have primary responsibility for administering the new land-use policy. The department also would manage a new program of matching grants in the amounts of $20 million in fiscal 1972, which begins next July 1, $35 million in fiscal 1973, $40 million in fiscal 1974 and $45 million in fiscal 1975—to help the states meet their new planning responsibilities. The Interior Department would have authority to approve or disapprove that portion of a state's program dealing with areas of critical environmental concern.

The proposal carves out wide territory for state control by defining "areas of critical environmental concern" as coastal zones and estuaries; shorelands and floodplains of rivers, lakes and streams of statewide importance; lands of special importance for particular agricultural uses near or in the path of new urban development; rare or especially valuable ecosystems; scenic and historic areas, and any other area that a state deems to be of critical environmental concern.

The land around "key facilities," also subject to state control under the new policy, is defined as the area surrounding any major airport; interchanges of interstate highways and limited-access highways; major recreational facilities, and any other facilities deemed by a state to be of public value.

Such broad powers are sure to stir up major controversy, both because much of the property that would come under state control is considered prime commercial property by private developers and because local political jurisdictions will fight any diminution of their powers over the same property.

BROADER VIEW ADVOCATED

But the confidential report to the White House meets these anticipated objections by urging a broader view in the public interest. A major concern of land-use policy, the report declares, should be to "overcome restrictive or exclusionary land-use policies of some local jurisdictions in favor of land use and development needed by the larger region, that is, nonresident public access to municipally owned beaches, multi-family dwellings, publicly assisted housing, educational institutions and hospitals and so forth."

"Institutionally," the report continues, "many of the small units of government which exercise land-use planning and regulation in the states are no longer capable of taking the large perspective or of acting in the regional interest, either to conserve critical environmental areas, or to insure that regionally needed development is accommodated. The perspective of a locality generally is no larger than its jurisdiction, although most serious land-use problems are larger than the jurisdiction of any one city or town."

In choosing the states to exercise the proposed new land-use controls, the Nixon Administration rejected other possibilities, such as regional commissions, counties and metropolitan council of governments agencies. The confidential report notes that the states already have full Constitutional powers to control land use and that over the past few years there has been a movement to exercise these powers to deal with major problems.

For example, the report notes that Vermont has created district environmental commissions with concurrent regulatory authority over large-scale development; Minnesota has regional planning and shoreland zoning agencies; Wisconsin has shoreland zoning; New York has a state development corporation with zoning override powers; Massachusetts has enacted an "antisnob" zoning law for the Boston metropolitan area; New Jersey has assumed planning and regulatory powers over key areas of the Meadowlands; Maine regulates new commercial and industrial development; Colorado has a state land inventorying and planning commission, and Hawaii plans and zone statewide.

S. 635—INTRODUCTION OF A BILL TO AMEND THE NATIONAL MINING AND MINERALS POLICY ACT BY PROVIDING FOR MINERAL RESOURCE RESEARCH

Mr. ALLOTT. Mr. President, I introduce for appropriate reference a bill to amend the Mining and Minerals Policy Act of 1970.

As I stated when my bill to establish a national mining and minerals policy was reported from the Senate Interior Committee:

> The declaration of a national minerals policy would not be a panacea to all our minerals problems. It would, however, be an important first step. Such a declaration of policy can serve as a springboard from which solutions to the myriad of minerals problems could unfold. It would serve as a beacon for both legislative and administrative

> efforts to deal with these problems, and it would put the world on notice as to what our intentions are.

I have always viewed the national mining and minerals policy, as established by Public Law 91–631, as the cornerstone upon which can be built a rational program through which this Nation can develop and sustain the necessary capability to provide for our enormous mineral requirements.

Virtually all great civilizations have developed around or near natural resources, and the United States is no exception. In the past, the uneven distribution of natural resources has been the cause of international conflict and still remains a major factor in international relations today. The current negotiations in London with the Organization of Petroleum Exporting Countries is mute evidence of this fact. It has always been difficult for any country to raise itself above the subsistence level without the means to provide tools, raw materials, and natural energy to extend the scope of human and even animal muscle energy. As societies become more industrialized their dependence upon natural resources accelerate. In time, nearly all industrialized societies have had to look to sources outside their geographic boundaries to supply their needs.

As other societies or nations become more affluent the competition for raw materials increases, and with this increased competition come problems of economics. The industrialized nation either pays the price, engages in extensive searches for suitable substitutes, or may be forced to succumb to competitive economic pressures forcing it to rely on imports of the manufactured product, unless that nation is lucky enough to discover or develop a new domestic source of a needed raw material. Minerals are, of course, a basic raw material of industry.

As the Assistant Secretary of the Interior, Hollis Dole, pointed out during the hearings on S. 719, this country is now producing about $25 billion worth of primary minerals annually, but it is consuming approximately $32 billion worth. By the end of the century, our production may increase to about $66 billion worth annually, but our consumption will increase to approximately $135 billion annually. As Assistant Secretary Dole put it:

> In other words, the present annual deficit of 7 billion dollars will increase to 69 billion dollars by the year 2000. Our current production deficit is about 22 percent of consumption requirements. It was only 9 percent in 1950, and if present trends continue it will rise to more than 50 percent in the next 30 years.

The trend is clear, we are becoming more and more dependent upon foreign sources for minerals important to our industry and security. This increase dependence tends to encumber our foreign policy and limit our freedom of movement within the family of nations. While it may not be possible for us to be totally self-sufficient and it may not be even desirable with respect to certain mineral commodities, it is in the long-term national interest that our ability to domestically produce important mineral commodities be improved and maintained.

It is almost axiomatic that as we become more dependent upon foreign sources, we not only loose the physical plans for production and beneficiation of minerals, but we also loose our reservoir of skilled personnel essential to a stable mining industry. Virtually no mineral deposits will economically yield all of their values, and many will give up only 50 percent of their values with present technology. The wise use of our natural resources requires that we improve our technology in these fields, and future demands for these resources require that every aspect of finding, mining, processing, and recycling be improved.

In addition, new and more restrictive requirements with respect to environmental protection will impose upon the operator not only new costs but also the need for new technology. We have been wasteful in the past and we have mined our nonrenewable resources with little regard for future needs and have done much violence to our environment. Many of our mining regions are plagued with ground subsidence, stream pollution, and fires in waste materials and abandoned mines. We have disasters and teams of experts rush in to find out what happened and even congressional committees may hold field hearings. Everyone is very sorry about the disaster and some are intent upon fixing blame, but seldom does this produce the technology and new equipment essential to prevent or at least lessen the chances of a future similar disaster. Unless there is long-range research and training conducted on continuing basis to deal with these many problems, disasters will not only be inevitable but will probably grow worse.

The best hope for achieving all of these objectives is through technological advancement and the training of scientists, engineers, and technicians. Radically new approaches may be necessary, and research is the logical path to such new technology. Our continued progress as a society depends upon it. As the former Director of the Office of Science and Technology, Dr. Lee A. DuBridge, pointed out in his report to the committee on the minerals policy legislation:

> I believe that the minerals industries can also expect to participate in an improved standard of living, but we must devote a great effort to the need for better technology in order to meet our future needs.

The purpose of the bill I introduce today is to support, enhance and stimulate research necessary to achieve the new technology required by our increased demands for minerals and by new environmental requirements associated with the production of minerals. But new technology cannot be developed nor utilized without trained personnel. Therefore, it is the intent of the bill that I introduce to not only support, enhance, and stimulate research in these areas, but also, to train an adequate supply of qualified personnel to conduct the research and also to implement the results of such research. Section 3 sets forth this policy.

Under the provisions of section 4 each State could establish an institute or research center in one of its tax-supported colleges, preferably its school of mines or its college or university having a department of mining and minerals. The grants would be on a matching basis requiring at least half of the support to come from non-Federal funds. Each State is eligible provided it meets the requirements of the act.

As was pointed out by Dr. Osborn, who is now the Director of the Bureau of Mines, during the hearings on the minerals policy legislation:

> Every State has important, essential mineral resources—sand, gravel, building stone, industrial minerals, etc., and in addition may have one or more metallic ores, petroleum, natural gas, or coal.

Section 5 authorizes special mineral resource research projects to be conducted under the direction of the Secretary of the Interior. These projects would be of high priority to meet certain urgent needs, and would normally be conducted by the institutes established under section 4 of the act.

In order to assist the States in establishing a research institute, section 6 provides for grants of up to 75 percent of the cost of purchasing equipment, facilities, and library materials. None of this money can be used for providing buildings or land.

Section 7 provides for an annual report to the Secretary and other housekeeping measures.

Section 8 requires that the results of all research conducted under this act and financed by grants under this act shall be promptly available to the general public. It also provides for the publishing and printing of research results. The purpose here is to insure that new technology and improved methods are made available to the mineral industry at the earliest possible date, and that where applicable they may be employed as widely as possible.

Section 9 places the Secretary of the Interior in charge of the program and gives him the responsibility for coordinating research and maintaining cooperation between the institutes, Federal research organizations, and other research establishments. He shall also act as a central clearinghouse for the results of such research.

Section 10 provides for an annual report to the Congress by the Secretary.

Section 11 prevents the act from impairing or modifying the legal relationship between the situs college and university and the State.

Section 12 includes Puerto Rico within the definition of "State."

Mr. President, the maximum appropriation authorized under this bill would be $23,750,000 after the fifth year, but that small investment can yield benefits many times as great to the Nation. I am convinced that a long-term research program as envisioned by this legislation is essential to the resolution of our mineral resource problems and the environmental problems associated with them. I urge that the Congress, in its wisdom, act favorably on this legislation at an early date.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 635) to amend the Mining and Minerals Policy Act of 1970, introduced by Mr. Allott (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 636—INTRODUCTION OF A BILL TO PERMIT EARLY RETIREMENT OF FEDERAL EMPLOYEES

Mr. CASE. Mr. President, last December I introduced legislation (S. 4584) to permit the early retirement of Federal employees during major reductions in force by a Federal department or agency. Since time did not permit the 91st Congress to act on the measure prior to adjournment, I am reintroducing the bill today. Senator Montoya is joining in as a cosponsor.

Last year more than 120,000 civilian employees of the Department of Defense were involuntarily released from service as the result of reductions authorized by Congress and personnel reductions ordered by the administration. The Civil Service Commission estimates that reductions will continue to occur in Federal agencies through at least fiscal year 1972, with the major impact being felt in defense and space programs.

The continuing nature of these reductions makes the need for congressional action urgent. Legislation should be passed before the next round of layoffs in order to ease the impact of job loss upon individuals who are separated and on the operations of the agency undergoing the reduction.

Some employees are young enough to relocate and find new employment. For many others, the hardship of finding another job after years of Federal service can be severe. The latter situation becomes particularly acute when these employees face the prospect of seeking employment in today's depressed labor market.

Reductions in force also take their toll on agency management. The "bumping effect," that is, the displacement of employees with lower retention rights by those with higher retention rights, frequently results in the permanent loss to Federal service of capable younger employees. These include those whose jobs are abolished as well as those who see no opportunity for advancement because middle- and upper-level positions are retained by persons with longevity rights.

In view of the need to ease as much as possible the personnel dislocation caused by changing Federal priorities, our bill would permit Federal employees who are at least age 50 and have 20 years service, or who have 25 years service regardless of age, to retire early during major reductions in force, even though their specific jobs are not abolished by the cutback.

The bill requires the Civil Service Commission to determine when a reduction in force is major and to fix the time within which employees could exercise the option to retire.

While the Civil Service Commission permitted early retirements at some defense installations last year, this was done administratively on a limited basis. Our bill would write the authority into the Civil Service Retirement Act and would make it applicable governmentwide.

I would point out, too, that the bill in no way diminishes the responsibility of the Civil Service Commission or the agency to insure that an early optional retirement is the result of the employee's voluntary action. In other words, it is not to be used by an agency to get rid of certain employees. Also, the bill does not change the agency's responsibility to help employees involuntarily separated to try to find other Federal employment if they wish to continue to work.

The prospect of reductions in force during a period of high unemployment makes the need for action on this bill imperative. Accordingly, I intend to request the chairman of the Senate Post Office and Civil Service Committee to hold hearings as soon as possible.

The bill has been endorsed by the Civil Service Commission, the Department of Defense, and the White House. In light of the gravity of the current unemployment situation, I hope the Senate and House will give prompt attention to the measure.

I ask unanimous consent that the text of our bill be printed at this point in the Record.

I also ask that there be printed in the Record two articles from the Washington Post pointing out the need for early retirement legislation.

The PRESIDING OFFICER (Mr. Chiles). The bill will be received and appropriately referred; and, without objection, the bill and articles will be printed in the Record.

The bill (S. 636) to permit immediate retirement of certain Federal employees, introduced by Mr. Case (for himself and Mr. Montoya), was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the Record, as follows:

S. 636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8366(d) of title 5, United States Code, is amended to read as follows:

"(d) An employee who is separated from the service—

"(1) involuntarily, except by removal for cause on charges of misconduct or delinquency; or

"(2) while his agency is undergoing a major reduction in force, as determined by the Commission;

after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to a reduced annuity.".

The articles, presented by Mr. Case, are as follows:

Pentagon Is Plagued by Old Age

(By Mike Causey)

Old age is catching up with the Pentagon, which is anticipating a decade-long shortage of middle- and top-level management people.

At the same time, Defense Department economizers, worried about short-range money problems, are preparing layoff lists that could hit as many as 200,000 civilan jobs. That announcement from Secretary Melvin Laird is expected by mid-month.

The split personality problems of the world's largest business point up the administrative nightmare of trying to see into the future and dealing with it through annual appropriations.

Worldwide, Defense has a million-plus civilians, and is the biggest employer here. About 40,000 area people get their paychecks from Navy; 32,000 work for the Army, nearly 10,000 for Air Force and about 9,000 are lumped into the Office of the Secretary of Defense.

An anticipated exodus of "old-timers," those 55 and older, is expected to reach its peak during the mid-1970s. That is because the bulk of the middle- and top-grade civilians now in the department came in during the big buildup that started with World War II.

In 1930, the entire Department of Defense had only 103,000 employees. That's about the number of Army, Navy and Air Force civilians in the Washington area today.

By 1940, Defense's civilian population had grown to almost 260,000 and at its war peak, 1945, the number of civilians was up to 2.6 million. Now it stands at around 1.3 million, with big layoffs on the way.

The upcoming reduction in force isn't expected to hit too many of the old-timers, because of its last-hired, first-fired regulations. So the RIF will have the effect of cleaning out thousands of younger workers in the lower and middle grades.

The forced departure of the younger workers will be followed by ever-increasing voluntary retirements (and deaths) in the older brackets.

What Defense will be doing, in effect, is eliminating much of its potential management talent at a time when age is catching up with its present crop of bosses. Added to this, most Pentagon agencies have either cut back or eliminated major college recruiting efforts for money reasons.

Even if the Pentagon continues to scale down the size of its work force, it will still come up with a shortage of management talent in the next few years. That will, at some point, force it into a crash recruiting drive much like the Vietnam buildup period. When that happens, Defense will be looking for many of the younger people it fired in 1971. The question is whether the young people, who will probably be rather disillusioned by the firing ordeal, will want to start out in a second career.

United States Seeks Jobs for Laid-Off Workers

(By Mike Causey)

Hampered by the depressed job market and upcoming Defense manpower cuts, the government is still at the difficult chore of finding jobs for 6,500 hard-to-help "displaced employees."

The workers are all victims of economy cuts made last year by Army, Navy and Air Force. They range from blue-collar workers at the low end of the salary scale to scientists and engineers who now find themselves surplus in both the government and private industry.

Through mid-December 17,000 had registered for jobs under the so-called Displaced Employee Program run by the Civil Service Commission. The DEP is supposed to help workers who got the ax through no fault of their own.

A pre-Christmas check showed that 4,254 of the DEP's got other jobs, mostly in government, and another 6,700 dropped out either because they declined "legitimate" job offers, lost interest or became disillusioned with the runaround some agencies have been giving DEPs.

The low water mark of 6,500 will be swelled, when the Pentagon announces new cutbacks in February.

If the cuts are severe enough, hiring and promotions in most agencies will be frozen until all the present and proposed DE's got a crack at jobs.

The track records of agencies have been spotty in making openings available to the Defense cut victims. CSC is now evaluating their performance and that recheck could lead to the job freeze, either by selected agencies or government-wide.

Of the 6,500 job hunters in the DEP pool, about 40 percent are blue-collar people. They are especially hard to place because many of them have specialized skills. About 11 percent of the pool is made up of professionals in the $10,470 to $24,000 pay range—most of them scientists and engineers.

Many federal officials have privately asked for an overhaul of the Reduction-force (RIF) rules. They say the present system gives ousted workers little more than a "hunting license" to find another job. They argue that the government has a moral obligation to help find work for people fired solely for economy reasons.

A number of bills that would have liberalized retirement rules for workers facing RIFs died in the last Congress. This Congress could ease the impact of the upcoming RIFs a great deal, if it would authorize a one-shot retirement bonus that would be generous enough to persuade eligible "old-timers" it would be worthwhile to quit, easing layoffs which hit short-service people hardest.

ADDITIONAL COSPONSOR OF A BILL

At the request of the Senator from New York (Mr. JAVITS), the Senator from Ohio (Mr. SAXBE) was added as a cosponsor of S. 558, the Motor Vehicle Disposal Act.

ADDITIONAL COSPONSORS OF JOINT RESOLUTIONS

SENATE JOINT RESOLUTIONS 2 AND 3

At the request of the Senator from North Carolina (Mr. ERVIN), the Senator from Alabama (Mr. SPARKMAN), and the Senator from North Carolina (Mr. JORDAN) were added as cosponsors of Senate Joint Resolutions 2 and 3, proposed constitutional amendments to reform the electoral college.

SENATE RESOLUTION 46—SUBMISSION OF A RESOLUTION TO REFER SENATE BILL 634 TO THE CHIEF COMMISSIONER OF THE COURT OF CLAIMS FOR A REPORT THEREON

Mr. ALLOTT submitted the following resolution (S. Res. 46); which was referred to the Committee on the Judiciary:

S. RES. 46

Resolved, That the bill (S. 634) entitled "A bill for the relief of Michael D. Manemann", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims, and the Chief Commissioner of the Court of Claims shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

SENATE RESOLUTION 47—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO ALLIE B. VANCE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 47); which was placed on the calendar:

S. RES. 47

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Allie B. Vance, widow of Joe Vance, Sr., an employee of the Senate at the time of his death, a sum equal to six and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 48—ORIGINAL RESOLUTION REPORTED AUTHORIZING THE REVISION AND PRINTING OF THE SENATE MANUAL FOR USE DURING THE 92D CONGRESS

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 48); which was placed on the calendar:

S. RES. 48

Resolved, That the Committee on Rules and Administration be, and it is hereby, directed to prepare a revised edition of the Senate Rules and Manual for the use of the Ninety-second Congress, that said Rules and Manual shall be printed as a Senate document, and that two thousand additional copies shall be printed and bound, of which one thousand copies shall be for the use of the Senate, five hundred and fifty copies shall be for the use of the Committee on Rules and Administration, and the remaining four hundred and fifty copies shall be bound in full morocco and tagged as to contents and delivered as may be directed by the Committee.

ORDER FOR EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business, with statements therein limited to 3 minutes, be extended for an additional 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE—NOTICE OF INTENTION TO SEEK CLOTURE

Mr. CHURCH. Mr. President, on January 25, 10 session days ago, the distinguished Senator from Kansas (Mr. PEARSON) and I, on behalf of a total of 51 Senators whose names were affixed as cosponsors, introduced Senate Resolution 9, to modify the cloture rule of the U.S. Senate by reducing the present two-thirds voting requirement to three-fifths.

Each day since, proponents of the change and, to a far greater degree, opponents of the change have stood on the floor of the Senate and discussed the matter. The history of restraints on debate since the first day of the first sitting of the First Congress have been reviewed and analyzed. The history of rule XXII itself, which established the present two-thirds formula, has been reviewed and discussed. Opponents of change have spoken for many hours in order to present their views.

This is certainly visible and audible proof that the Senate is a truly deliberative body—a unique distinction among legislative assemblies of the world. I take pride in this distinction, as do all Senators.

Additional days will be devoted to this matter, so that every Senator wishing to speak may have ample opportunity to do so. Accordingly, I wish to announce at this time that the filing of a cloture motion will be delayed until Thursday, February 11. That is the last business session before the Lincoln-Washington recess. By so doing, the cloture motion will be voted upon 1 hour after the Senate convenes on Thursday, February 18.

ORDER OF BUSINESS

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER TO PERMIT THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, following recognition of the majority leader or the minority leader or their designees under the order of January 29, there be a period for the transaction of routine morning business, not exceeding 30 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL STATEMENTS BY SENATORS

A STUDY BY THE CITIZENS CONFERENCE ON STATE LEGISLATURES

Mr. CHILES. Mr. President, I have just received a copy of the report of the Citizens Conference on State Legislatures based on an exhaustive study of 50 State legislatures' organization, staffing, pay, and effectiveness. Having come directly to this body from 12 years' involvement with the workings and problems of the Florida Legislature, I find this to be a meaningful study containing information and guidelines which can be of great benefit to our States.

Only in the last few years have State

governments awakened to the need to make more meaningful strides in strengthening their State and local governmental structure. In a time when sincere efforts are being made to bring government closer to the people and allow them more say-so in control of their affairs, reports such as this go a long way in providing a measuring tool for State legislatures to better judge themselves. In addition, studies such as this provide incentives for our citizens to be aware of pressing governmental needs and serve as a basis from which constructive action can be taken.

The State legislatures were rated in five different categories: First, on their functional capabilities; second, on their level of pay to legislators to attract men of ability; third, on how well they account for their performance to the public; fourth, on their degree of independence of the executive branch and of lobbyists, together with safeguards against conflict of interest; and, fifth, on the quality of actual representivity of the people of the State.

With great pleasure and pride I noted that in the overall ranking my home State of Florida was fourth behind California, New York, and Illinois, in that order, and that in the category of independence of the legislature from the executive branch, of autonomy over its activities and of safeguards against conflict of interest, Florida was rated No. 1. I would hope that this study would be given serious consideration by the legislatures of all our States.

Mr. President, I ask unanimous consent that the study be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT ON AN EVALUATION OF THE 50 STATE LEGISLATURES

(This is a summary report on the Legislative Evaluation Study conducted by the Citizens Conference on State Legislatures)

FOREWARD

As citizens of the United States, we share in a precious inheritance—the legislative form of government. We have a virtual patent on this system of self-rule, but we do not fully understand it, nor do we use it well.

A powerful and independent, creative and competent legislature distinguishes a democratic system from more authoritarian forms of government. Although elected assemblies exist in some totalitarian societies, they are devoid of power and influence, and they exist merely to provide the appearance of popular participation in government—but not the substance.

The legislative form of government would offer advantages even in a homogeneous society; in a large, complex and disparate society like that of the United States it is essential.

As arenas for the orderly resolution of conflict, legislatures offer the only real hope of reversing the trend toward social disintegration in this country. Our problems are not so much the result of technical difficulties as they are the product of deficiencies in our policy-making system. We lack the ability to make authoritative decisions because our principal instruments of decision-making—our fifty state legislatures—are in disarray.

It is the conviction of those of us who comprise the Citizens Conference on State Legislatures that the fifty state legislatures are the heart of the governmental system of the United States. After four years of working with legislators, citizens groups, the media and the academic community in an intensive program aimed at the strengthening and modernization of the state legislatures, we confronted in 1969 the fact that although progress was being made two main barriers stood in the way of rapid progress toward legislative reform. Not enough was known about individual state legislatures—often even by their own members—and information comparing one legislature to another or to all of the others was totally nonexistent. In addition, the terminology used by legislators, the press and academics when they attempt to compare legislative procedures is entirely misleading. A public hearing on a bill in California bears no resemblance to an activity called by the name of "public hearing" in Massachusetts.

The void of reliable information, the absence of standards and the disparity of terminology has hampered the effort of all who are concerned with legislative reform, including legislators themselves.

A legislator attending a conference hears his colleagues from other states describe some procedure and concludes that his own legislature's method of handling that matter is better. He says to himself, "Well, if that's the way they do it, we must have a pretty good little ol' legislature." What he does not realize is that he is comparing his system to abject failure!

In the absence of standards, the average becomes the norm; and, as we know, the average is far too low.

In response to this need, the Citizens Conference on State Legislatures set out to develop a yardstick by which to measure the fifty state legislatures. Since legislatures are pre-eminently decision-making bodies, the yardstick would have to be able to measure their decision-making capabilities as governed by their structure, organization, rules, procedures and practices. The Legislative Evaluation Study is the result.

Before we undertook this task, we were aware of many of the potential difficulties. To say that the project turned out to be more difficult and more complex than our most skeptical estimation would constitute gross understatement.

It should be clearly understood we did not intend the study to be an exercise in social science research. It is entirely normative, and depends heavily upon judgments and preferences.

In carrying out this study we have tried to use the most sophisticated tools available to make it reasonable, accurate and honest, and to connect it with the real problems of the structure, processes and operations of the state legislatures as institutions.

This project has been fourteen months in the making at a total cost exceeding $175,000. During the past year it has drained the resources of the Citizens Conference and tested the talents and energies of our staff, but we believe the result has been worth it. There now exists, for the first time, a massive body of valuable information concerning the systems and operations of the fifty state legislatures. This information is on record and is organized in a manner that is useful for comparison and analysis. It exists as a benchmark from which to measure more sophisticated and refined studies following after it.

A book based on this project and made available to the American public will be published and distributed by Bantam Books late this Spring.

Most of the literature commenting on state legislatures in recent years has been in the form of polemics designed to ridicule the institution and its members. The magazine articles and books in this category are notably weak in their factual content and offer no identification of specific weaknesses, strengths, or remedies. These wholesale indictments are usually based upon a parade of anecdotes and horror stories designed to play upon the public's natural distrust of anything governmental and its abysmal ignorance of the workings of our political system. This style of reporting and the attitudes to which it appeals has been likened to the rage of Caliban on seeing his own reflection in the water.

State legislatures, more than any institution in our society, truly reflect ourselves. They exhibit our strengths and weaknesses in all too familiar a fashion. The image is not a pretty one, and it is well that it makes us angry. It should, but we must be clear about where we direct that anger.

In a project as large as this one, there are certain acknowledgements which must be made, not out of duty, but because so many people helped so valuably in what is a groundbreaking effort.

Without the support of the Ford Foundation, this study would not have been possible. A grant from that institution for basic research in this subject area enabled us to undertake the massive collection of information and analysis which comprise the bulk of the project.

Serving as technical consultants to the project, the firm of Baxter, McDonald and Company rendered invaluable assistance. The contribution of Alfred W. Baxter, Jr., was most notable in this regard.

CCSL staff members who contributed most directly and diligently to the project with their seemingly endless labors and remarkable talent include Karsten Vieg, the CCSL's Director of Research and Program Development; Donald Glickman, Deputy Director of Research and Program Development and Project Director of the Legislative Evaluation Study; Zale Glauberman, Associate in Research and Program Development; Albert de Zutter, CCSL Publications Editor, who wrote this summary report; and other members of the CCSL staff whose dedication and skills provided invaluable support.

In any recitation of acknowledgements, credit must be accorded the impressive cooperation given to the project by leading members of many state legislatures. Legislative leaders, rank and file legislators, and legislative staff members gave us hours of time and wealth of experience, knowledge, review, verification and assessment of the data. Without their help the project would have suffered. In a similar way we have had the sound advice and counsel of many expert observers of the legislative process. Here I refer to the many political scientists, journalists, leaders of civic organizations and the membership of the Citizens Conference Board of Directors and our Program Development Committee. Their interest and concern has assisted the staff in the completion of this work.

The reader will find no juicy anecdotes—no monkey stories—in the Technical Report on the Legislative Evaluation Study. Nor will he find any in the Bantam book based on the Study's findings. He will find, instead, a clear identification of what, in our best judgment, is wrong; where it exists and in what measure; and, most importantly, what should and can be done to correct it.

The Legislative Evaluation Study is a detailed description of the conditions which the citizens of our states have imposed upon their legislatures and the difficulties under which their lawmakers are compelled to try to work. It is also a detailed prescription of remedies available to improve these conditions—a means for channeling our anger into constructive action. (Larry Margolis, Executive Director, Citizens Conference on State Legislatures.

INTRODUCTION

America today is beset by crisis after crisis. The list is familiar. The crisis of authority.

The education crisis. The urban crisis. The racial crisis. The environmental crisis. The generation gap. The communications gap. Dissent. Drugs. The blue-collar revolt. The student revolt. The radical movement of the left and right. Organized crime. Crime in the streets. The intellectual revolt. The dropout. The growing gap between affluence and poverty.

Underlying each crisis and feeding it like oxygen feeds fire is the biggest crisis of them all: the crisis in confidence. Americans in alarming numbers are losing confidence in the ability of their institutions to deal with the problems that they perceive with growing clarity.

State legislatures stand high on the list of institutions that need reform. Because of their central role in the American system, reform efforts among state legislatures also hold the promise of high returns.

The Citizens Conference on State Legislatures has completed a study showing the need for legislative reform and suggesting what can be done about it. The study provides the first systematic evaluation of the organization and procedure of all 50 state legislatures.

This summary report describes how the study was done. It discusses the judgments and criteria that were used in making the evaluations. And it provides the final rankings of all fifty state legislatures based on these judgments and criteria.

I. WHY A STUDY WAS NEEDED

The state legislature is the keystone of the American federal system. The state has life and death powers over its cities. Only the state can coordinate urban and rural interests. The problem of central cities versus suburbs is largely attributable to the policies (or lack of them) of the state. Federal policies succeed or fail largely on the basis of state action or inaction. In fact, there is hardly an issue of public life that is not affected by what the states do or don't do.

State legislatures are heavily involved in making state policy. It seems fairly obvious that, by and large, they have not been doing their job satisfactorily. The evidence is in the many "crises" that beset American society. The fact that few people think of the state as a real source of answers to their problems presents further evidence. The state government is a gray area in the minds of most Americans. Citizens generally know more about their federal and local governments than they know about their state government.

Supreme Court decisions beginning in 1962 have sparked a counter trend. The "one man, one vote" doctrine has highlighted the importance of state legislatures. The makeup of state legislatures is becoming more representative of the people. In the midst of the 1970 "off-year" elections, several press and media observers took note of the importance of the races for state legislatures. The political parties paid more attention to these races than ever before in recent times. Control of state legislatures, they realized, could substantially affect the future makeup of the United States Senate and House.

The one man, one vote rulings, the resulting "new blood" in state legislatures, the growing awareness of the general failure of the states on the one hand, and of the importance of the states on the other hand, gave rise to the state legislative reform movement.

In the few years of its existence the movement has scored some notable and some moderate successes. But it has been hampered by a lack of hard knowledge about the actual condition of the 50 state legislatures. Two state legislators getting together to compare notes could come to the conclusion that "we've got a pretty good little legislature compared with 'so-and-so.'"

Without hard facts and with no way of knowing whether the words they used meant the same thing in another state, they had no real basis for comparison. "Staff" in one state may be poorly educated, nepotistic and partisan. In another state it could be well trained, professional and issue-oriented. One state's committees may exist merely to permit a leader to reward members with chairmanships of "paper" committees. Another state's committees may be powerful elements of the decision-making process, led by experts and supported by professional staff.

Some studies have already concluded that legislatures need more and better staff, better pay, more time and better facilities. But because there has been no information which was applicable across-the-board, there was no way of knowing which of these improvements, or in what combination, would do the most good in a particular state.

More than any other single factor, the lack of public concern has acted as a brake on legislative reform. Not enough people are aware of the crucial effect of the legislature on the quality of life in their state. The better informed, whether they were members of the general public or specialized groups or directly involved with the legislature itself, didn't know what, if anything, they could do. The end result is that the movement has been unable to mount a strong drive for reform.

In 1969, the Citizens Conference on State Legislatures set about to remedy that situation. With a grant from the Ford Foundation the Citizens Conference began to gather information which would reveal for the first time how well each of the 50 state legislatures was set up to do its job.

The Citizens Conference proceeded as follows:

1. It decided what kind of information would show how well state legislatures were doing.
2. It then collected that information for each of the 50 states.
3. Finally, it is ranking the states from 1 to 50, from best to worst, according to how they measure up on the questions or criteria.

The Citizens Conference had four goals in mind:

1. To attract the attention of legislators and the public to the plight of the legislatures.
2. To show the strong and weak points of every state legislature as a basis for practical improvment programs.
3. To provide a base point and yardstick to measure future progress.
4. To stimulate further discussion of how a legislature should be organized and how it should conduct its business.

II. WHAT THE STUDY DOES AND DOES NOT DO

The Legislative Evaluation Study (LES) sets up a valid formula for measuring or "predicting" how well a legislature can do its job. The formula can be used in the same way that an automotive engineer can predict the potential performance of a race car. Combining information on engine displacement, gear ratio, compression ratio, overall weight and body design, he can tell within a few percentage points what the top speed of the car will be.

The study applies the formula to all 50 states. The result is a clear indication of the ability of each state legislature to perform in a functional accountable, informed, independent and representative manner.

On the basis of how well each state is set up to function effectively, to account to the public for its actions, to gather and use information, to avoid undue influence and to represent the interests of its people, the study ranks the states from 1 to 50. The Citizens Conference makes no claim that every possible factor has been taken into account in evaluating the operational capability of the states. The ranking, therefore, must be applied cautiously. While it would be safe, for example, to conclude that the state legislatures ranked sixth through tenth are "better" than those ranked thirty-sixth through fortieth, it would be risky to say that the seventh-ranked is "better" than the ninth, or that the fortieth is "worse" than the thirty-seventh.

Taken in groups, however, the rankings do clearly indicate the stronger and weaker legislatures across the nation. In addition, they show the strong and weak points of each legislature's operational set-up.

The rankings measure state legislatures on a curve. The "best" state does not receive a grade of 100 per cent, nor does the study establish that the "worst" is 40 per cent below the "best."

No doubt many other ways could be devised to evaluate state legislatures. One way might be to list a number of issues in the order of their importance, set up standards of "good" and "bad" legislative response to those issues and then grade the legislatures on how well they dealt with them. The resulting ranking might be very different from those produced by the CCSL study. But it would in no way invalidate the CCSL ranking.

The American system of democracy lays heavy stress on due process. The "best possible" legislation is desirable. But structures and procedures which safeguard the rights and freedoms of the people are *necessary*. Although some other governmental approach might yield short-term gains in efficiency, the American people have placed their trust in the democratic wager: that due process will result in better legislation over the long run for more people.

The CCSL study, while not measuring output, does evaluate each legislature's ability to operate with due process. The forms, organizational structure and procedures which the study measures are vital to the quality of legislative performance. Poorly organized, inadequately staffed and underpaid legislatures may come up with enlightened laws and competent reviews of executive programs and public expenditures. But the odds are against that possibility.

III. HOW THE STUDY WAS DONE

Analysis of state legislatures revealed that their ability to do their jobs hinged on nine components: time, staffing, compensation, committee structure, facilities, leadership, rules and procedures, overall legislative structure and ethics.

The Citizens Conference prepared a questionnaire seeking detailed information on these nine components These proposed questions and nine criteria they were intended to support, were submitted to a nation-wide panel of expert advisors—legislators, including leaders, senior staff members, journalists and political scientists.

Taking their advice into account, the study group prepared a questionnaire comprising 156 questions, many with several parts. CCSL staff members and representatives then interviewed legislative leaders. members and senior staff members in each of the 50 states. The information gathered in those interviews was supplemented from published documents. Completed questionnaires were then sent to at least five legislative leaders and senior legislative staff members in each state for verification.

After the information was collected and verified, the Citizens Conference saw that it could go a step beyond scoring the state legislatures on the nine component parts of its operational mechanism. We decided the information provided a basis for making relevant value judgments about each legislature.

The following question was posed: Given the prevalent understanding of the American system, what major characteristics can the citizenry reasonably expect their legislatures to display?

The conclusion was that legislatures must be *functional, accountable, informed, independent* and *representative* as necessary conditions of fulfilling their responsibilities.

These characteristics, then, become the five major criteria for evaluating state legislatures. (They are explained in more detail in the next section.) The 156 questions were further broken down into 196 question units and reordered under five conceptual schemes corresponding to the five major characteristics or criteria. Groups of questions were formed into 73 "sub-criteria" which, when used in various combinations, would show how well each legislature was set up to achieve each of the five major objectives.

A high score on the major objectives does not mean that a legislature approaches the ideal. It means that a legislature fulfills the *minimum* requirements to act in a responsible, democratic manner. Nor does a high score guarantee a high level of quality output. All it means is that a legislature has the necessary operational equipment to do its job.

The final step in setting up the evaluation process was to decide how important each question was in scoring a legislature on each of the five major objectives. Again, the advice of outside experts was taken into account in setting up the preference rules.

One of the questions regarding time, for example, asks if there are limitations on session length. The "preferred" answer is "No." If there are limitations, however, the following order of preference is applied: (1) limitations by rules; (2) limitations by statute; (3) limitations set in the state constitution.

Another step in setting up the evaluation was to decide the relative importance of each piece of information for each of the five major objectives. A question asking whether a legislature is made up of single-member or multiple-member districts is more important in determining how *representative* a legislature is than the question of whether or not each member has a private office. The same question about districts is also a factor in determining how *accountable* a legislature can be, but it carries more "weight" when used as evidence of representativeness.

Each question, therefore, was given a numerical "weight" according to its relative importance in scoring a legislature on each of the five major objectives.

The final step in setting up the evaluation process was to test the sensitivity of the system. The goal was to make sure that minor changes in the facts, weights or preference rules would not make a major change in the overall standing of a state legislature.

IV. THE "F.A.I.I.R." SYSTEM

In a government of, for and by the people, a citizen may expect his legislature to be Functional, Accountable, Informed, Independent and Representative. The first letters of these major desirable characteristics of a legislature form the acronym "F.A.I.I.R." A legislature which is clearly deficient in any of these major characteristics can hardly be expected to operate fairly and effectively.

The information that is used as evidence of a legislature's ability to achieve each of these objectives is examined in the following paragraphs.

A. The functional legislature

Certain activities are basic to legislative performance. They are suggested by questions like these:

How well equipped is a legislature to deliberate? To design programs and draft them into bills? To review and evaluate programs and administrative proposals? To settle differences effectively? To formulate public education policies?

Evidence of a legislature's functionality includes the availability of time and the freedom to use it as needed; adequate staff support; adequate facilities; manageable structures; workable rules and procedures; effective management, and observance of appropriate order and decorum.

1. Time and its Utilization

Enough time and the ability to use it efficiently are critical to the functional capability of a legislature. States like Wisconsin, New York and California which have unrestricted annual sessions have a clear advantage in this respect over those whose sessions are straightjacketed into 60 or 90 days every two years.

But time can be wasted. So it is important to know what tools are available to promote the efficient use of time. States which authorize the use of pre-session time for bill drafting, filing, and printing, and for assignment of bills, members and work to committees, are in a better position to get their work done during the session than those which make no use of pre-session time. Michigan and New Mexico are among the former, while Tennessee, South Carolina and Louisiana are among the latter.

The amount of work that gets done is affected by deadline demands. Illinois and Massachusetts are among those states which tend to improve their efficiency by requiring that certain things be done by specified times, while New Jersey, Georgia and Alabama make few demands.

2. Multi-Purpose Staff Support

To be fully effective, the members of a legislature need the support of competent aides who can help them with the many duties of office, including those that are not strictly legislative. Staff support for speech writing, constituent relations and agency liaison can substantially improve a legislator's performance. This is recognized in such states as Hawaii, Florida and California where not only leaders, but *all* members of the legislature are given staff support. Many states have yet to recognize the value of staff support for individual legislators. These include Indiana, Colorado, North Dakota and Virginia.

3. Facilities

If legislators have to meet their constituents in the hall or lobby, there can be little doubt that the functional capability of the legislature as a whole suffers.

Industry has recognized that decision-makers by and large perform better if they have an office of their own in which to work. A number of state legislatures have also taken that into account, including Texas, North Carolina, Hawaii, Florida and California.

Several others, including New York, Michigan and New Mexico, at least provide their legislators with office space shared with other legislators. Some states, among them Iowa, Ohio, Utah and Indiana, offer their legislators no office space at all.

Size, heating, cooling, lighting, furnishings in house and senate chambers all have a bearing on how well a legislative body can do its work. It may not be necessary for all legislatures to match the new or remodeled chambers of Arizona, Nevada, North Carolina or New Mexico, but the chambers provided in Vermont, Connecticut, New Hampshire, Kansas and Kentucky have to be rated low in most respects.

Other factors which add to a legislature's functionality are committee and hearing rooms and accessories like public address systems.

4. Structural Characteristics Related to Manageability

The size of legislative houses, the number of committees and the number of committee assignments per member are all indicators of how well a legislature can function. There can be little doubt that the Pennsylvania house, with 203 members, and the New Hampshire house with 400 members, have problems not experienced by houses of 100 members. Once the number of legislators is high enough to insure equitable representation, any increase in membership can only make it harder to make sound decisions.

Competent committees are necessary to the function of a legislature. The "right" number of committees is hard to pin down, but a reasonable number might be 12 to 15 in each house, with parallel jurisdictions. Some states clearly have too many. Texas, for example, has 45 in the house and 27 in the senate. Missouri has 40 in the house and 31 in the senate. Mississippi has 48 in the house and 42 in the senate.

5. Organizational and Procedural Features To Expedite Work Flow

Where bills may come from and what happens to them, how committee reports are treated, how joint committees are used and what can be done in an emergency are questions which help answer whether a legislature can operate effectively.

Committees can provide the setting for creative action. But committees in Colorado, Texas and Wyoming do not propose legislation. They can only react.

Joint senate-house committees eliminate duplication and speed the legislative process. But no joint joint committees are used in Hawaii, Texas, Oklahoma, Indiana or South Carolina. Connecticut is on the other end of the spectrum: its legislature has nothing but going committees. The desirable standard falls somewhere in between.

Maine, Maryland and Washington are among those states which conserve their legislators' valuable time and spare them the tedium of hearing bills read aloud. But legislators in Kansas, Arizona and Nebraska are legally required to sit in session while bills are read in their entirety.

Electronic voting devices, used in Florida, Utah and Maryland, are also time savers. So is the consent calendar which allows non-controversial bills to pass automatically unless an objection is raised. Some states, however, and they include Michigan, Ohio and Vermont, don't use that device.

Deliberation and debate are essential conditions of responsible law-making. The process is thwarted if bills can be relegated to a silent death. That is less likely to happen where legislative rules say that bills will be taken up automatically. Among the legislatures which use that practice are those of California, Iowa and New Mexico. States which don't have such "anti-limbo" rules include New Jersey, Ohio and Texas.

Sometimes, however, bills can be caught in the squeeze of time even in those states where they are automatically put on the calendar. Florida, Hawaii and Iowa allow a bill to be carried over to the next session, but California does not.

6. Management and Coordination

Dispersal of power is an essential part of the American system of checks and balances. It is generally desirable within the legislature, as it is between branches of government. Yet legislative effectiveness depends upon responsible leadership exercised with due authority. Provision for continuity in leadership encourages good management. Bipartisan participation in scheduling, space assignment, inter-house coordination and personnel management also adds to the smooth functioning of a legislature.

Leadership continuity is denied in those states which, like Florida, North Dakota and Wyoming, do not permit the presiding officer to serve a second term.

In addition, a legislature derives functional benefits from joint senate-house rules like those in effect in Wisconsin, Georgia and Massachusetts, as well as from minority participation in inter-house coordination.

7. Order, Decorum, Dignity of Office

Salary is, in all probability, the clearest practical indicator of how highly the legislative function is regarded in a given state. The salary of $200 a session which prevails in New Hampshire certainly adds little to the "dignity of office." Given the heavy responsibilities of a legislator, his compensation should match that of a professional in his area.

Other questions relevant to order and decorum bear on the respect displayed for the legislative process and whether the house leader may succeed to the governor's chair.

The following shows the criteria and subcriteria used in evaluating state legislatures' potential for meeting their responsibilities under the American system of government. The lettered headings (A, B, C, D, etc.) are the criteria, and the numbered headings are the sub-criteria. The 10 sub-criteria under Representativeness, for example, make up the three criteria of "Identification," "Diversity," and "Member Effectiveness." Information supplied by state legislators and staff members on the basis of a questionnaire was used in determining the content of the numbered sub-criteria. The sub-criteria, in turn, were used to determine a score for a state on each of the criteria. Combined and weighted scores on the criteria then yielded a state's score on a major characteristic. A final, overall ranking for a state relative to the other 49 was derived from its combined scores on all five major characteristics. The result is a clear indication of how well each legislature is equipped to be functional, accountable, informed independent and representative.

General structure of the evaluative apparatus

Functionality

A. Time and its Utilization:
1. Restrictions on the Frequency, Length and Agendas of Sessions, and Interim Periods.
2. Techniques for the Management of Time Resources.
3. Uses of presession Time.
B. General Purpose Staff:
4. Personal Aides and Assistants to Leaders and Members.
C. Facilities:
5. Chambers.
6. Leader's Offices.
7. Committee Facilities.
8. Facilities for Service Agencies.
9. Member's Offices.
D. Structural Characteristics Related to Manageability:
10. Size of Houses.
11. Standing Committee Structure.
E. Organization and Procedures to Expedite Flow of Work:
12. Origination and Sponsorship of Bills.
13. Joint Committee Usage.
14. Treatment of Committee Reports.
15. Anti-Limbo Provisions.
16. Emergency Procedures.
17. Bill Carry-over.
F. Provisions for Management and Coordination:
18. Continuity and Powers of Leadership.
19. Inter-House Coordination.
G. Order and Dignity of Office:
20. Order and Decorum.

Accountability

A. Comprehensibility in Principle:
1. Districting.
2. Selection of Leaders.
3. General Complexity.
4. Explicit Rules and Procedures.
5. Anti-Limbo Provisions.
6. Planning, Scheduling, Coordination and Budgeting.
B. Adequacy of Information and Public Access to it (Comprehensibility in Practice):
7. Public Access to Legislative Activities.
8. Records of Voting and Deliberation.
9. Character and Quality of Bill Documents.
10. Conditions of Access by Press and Media.
11. Information on Legislators' Interests.
12. Information on Lobbyists.
C. Internal Accountability:
13. Diffusion and Constraints on Leadership.
14. Treatment of Minority.

Information handling capability

A. Enough Time:
1. Session Time.
2. Presession Activities.
B. Standing Committees (as Information Processing and Applying Units):
3. Number of Committees.
4. Testimony.
5. Facilities.
C. Interim Activities:
6. Interim Activities.
7. Structure and Staffing.
8. Reporting and Records.
D. Form and Character of Bills:
9. Bill Status and History.
10. Bill Content and Summaries.
11. Quantity and Distribution.
12. Timeliness and Quality.
E. Professional Staff Resources:
13. General Research Coverage.
14. Legal.
F. Fiscal Review Capabilities:
15. Fiscal Responsibility.
16. Staff Support for Fiscal Analysis and Review.
17. Fiscal Notes.

Independence

A. Legislative Autonomy Regarding Legislative Procedures:
1. Frequency and Duration of Sessions.
2. Expenditure Control and Compensation-Reimbursement Powers.
3. Reapportionment.
B. Legislative Independence of Executive Branch:
4. Access to Information and Analysis.
5. Veto Relationships.
6. Lieutenant Governor Problem.
7. Budget Powers.
8. Miscellaneous.
C. Capability for Effective Oversight of Executive Operations:
9. Oversight Capabilities.
10. Audit Capability.
D. Interest Groups:
11. Lobbyists.
E. Conflicts and Dilution of Interest:
12. Dilution of Interest.

Representatives

A. Identification of Members and Constituents:
1. Identification.
B. Diversity:
2. Qualifications.
3. Compensation.
4. Voting Requirements.
C. Member Effectiveness:
5. Size and Complexity of Legislative Body.
6. Diffusion and Constraints on Leadership.
7. Access to Resources.
8. Treatment of Minority.
9. Known Rules.
10. Bill Reading.

B. The accountable legislature

In the American system, the government exercises power which is entrusted to it by the people. A legislature, therefore, is not fulfilling its duties unless it accounts to the people for its actions.

The CCSL's evaluation looks for evidence of a legislature's ability to fulfill the duty of accountability.

Accountability is examined under the three main headings of comprehensibility, adequacy of information and public access to it, and internal accountability.

1. Comprehensible Forms

The organizational structure, forms and procedures of the legislature must be understandable. If they are too complex for the public to understand, or even too complex for a new legislator to grasp, a legislature is less likely to be accountable.

A fundamental consideration is whether a member of the public can know clearly who his legislator is. The optimum of one legislator per district for each house is achieved by New York, Iowa and Nebraska, among other states. Florida, Hawaii, South Carolina and Arizona permit the confusion of multimember districts.

Once elected, it is important for the constituent to know how much influence his legislator will have. Specifically, he must be able to understand how leaders are chosen. The preferred answer would be by election of the entire house or, at a minimum, by the majority caucus.

The general complexity of the legislature's structure is another factor of accountability. The size of the houses of the legislature and the number of committees are again considered here as they were in scoring functionality.

A legislature is likely to be less accountable if the rules are known to, or can be changed by, only a select few. States which score high on uniformity of committee rules, for example, include Colorado, Illinois and Ohio, while Nevada and New Jersey have no published committee rules. Also considered for this purpose are joint rules like those prevailing in Connecticut, Indiana and New Hampshire.

"Anti-limbo" provisions for bills are again considered here as they were in functionality.

Provisions for regulating the work flow, deadlines, use of interim time and interhouse coordination all play a part in the information capability of a legislature as they do in functionality. States like Maine, New York and Ohio, which practice extensive inter-house coordination, for example, are at a advantage over states which do not, like Delaware, South Carolina and Wyoming.

2. Public Access to Information

Understandable forms and procedures are a start. But they can do little good unless information about them is available to the public. There must be advance notice of meetings and advance agendas. Meetings must be open to the public and rooms must be big enough and equipped properly for the smooth conduct of meetings.

Accountability is encouraged in states where a week's notice or more is given on public meetings, as is done in Connecticut and Idaho, but not in Louisiana or Delaware.

Other important considerations include working space and facilities for the press and media and whether the media is allowed in the legislative chamber; regular publication of records of discussion, debate and voting; timely publication of enough bill documents to supply all interested persons, and availability of information about legislators' private interests and about the activities of lobbyists.

3. Internal Influence of Individual Members

Internal factors are crucial in judging the accountability of a legislature. If power is so concentrated in a few hands that an individual legislator has little influence on what happens to bills, it makes little sense to talk about his accountability.

Questions of internal accountability focus on how much influence members have on leadership decisions. It is important to know how leaders are selected as well as the rules and traditions which set the powers of members in relation to committee chairmen, minority leadership and management agencies.

C. The informed legislature

State legislatures are policy-making institutions whose success depends upon their ability to collect analyze and use information. A legislature which can get information only from interest groups or executive agencies has compromised its independence as a separate branch of government.

Many of the same factors used in determining functional and accountable characteristics of a legislature are applicable in evaluating how well it can deal with information. These include how much time is available, how it is used, the number of committees and committee assignments per member, advance notice of meetings and agendas, advance written testimony from organized groups and, again, the size and character and availability of meeting rooms and offices.

A specific test of a legislature's ability to get information is whether committees have subpoena power. In some legislatures, and those of New York, Ohio and Arizona are examples, that power is available to all committees. Committees in other legislatures can get subpoenas by special action of their house. Others don't have the power at all.

Standing committees can be powerful instruments for gathering and handling difficult information, especially if they have year-round status, as such committees do have in California, Florida and New York.

Many states, including Michigan, Arizona and Georgia, require reports of interim activities, which is a positive factor in gauging information capability.

Electronic data processing showing bill status and history is becoming more widespread, but states like Texas, New Jersey and Idaho still do without it.

Intelligent handling of complex legislation is supported by the publication and wide distribution of well-printed bill summaries incorporating statements of the legislator's intent. Negative effects result from situations like those in Ohio, Alabama and Montana where bills are not printed in quantity; or in Nebraska, South Dakota and Utah where amendments are not published; or in South Carolina where there is no central distribution point for printed bills.

Specialized staffs, including legal, fiscal and research experts who are encouraged by pay and other factors to develop in their jobs, add greatly to a legislature's competence.

D. The independent legislature

The main criteria of a legislature's independence are its control over its own activities, its independence of the executive branch, its review and oversight powers, control of lobbyists and safeguards against conflicts of interest.

1. Autonomy over legislative activities

A legislature should decide how often and how long it will meet. It should decide what subjects it will consider. It should make its own plans for districting and apportionment. It should have a lot to say about the budget for legislative activities.

At least 33 of the 50 state legislatures must be faulted on the question of independence because they lack the power to call a special session. Of those that have the power, the highest score is given to legislatures which can do so by a simple majority, like those of Connecticut, Hawaii and West Virginia.

The ability to expand the agenda set by the governor for a special session which he called is also a strong indicator of legislative autonomy as a separate branch of government. North Dakota and Wisconsin are among the states that can do so. Mississippi and Wyoming cannot.

Constitutional limitations over salary and expense allowances are considered more harmful to a legislature's independence than salaries set by statute, as they are in Kansas, Colorado and Washington.

2. Independence from the executive branch

Access to information, professional staff, budget powers and subpoena powers are crucial considerations in a legislature's independence. But the issue of independence can perhaps be best spotlighted by the question of veto relationships. The availability to a governor of a "pocket veto" which gives the legislature no chance to override it, clearly short-circuits the legislative process. Legislatures in Illinois, Nevada and Missouri have no recourse from such vetoes. It is best if sessions to consider vetoes are provided by law but, at the very least, a legislature should have the power to convene a veto session.

A real legislative role for the lieutenant governor is also viewed as detracting from legislative independence from the executive branch. The lieutenant governor plays a legislative role in Colorado, Alabama and Georgia, but not in Hawaii, Utah or Massachusetts.

Other considerations of independence are whether a legislature takes part in budget development and analysis before a budget is submitted, as it does in New York, Iowa and New Mexico, and whether anyone but a legislator may introduce bills.

A legislature with powers and the ability to review programs and audit expenditures is also adding to its independence.

3. Lobbyists and Conflicts of Interest

A legislature's ability to shield itself from undue external influence is enhanced when information about lobbyists is made available to legislators, the public and the press. Ability to avoid conflict of interest is indicated by rules covering such things as the employment of relatives, holding multiple public offices and the possibility of a legislator's doing paid work for state and local agencies or non-governmental clients.

E. The representative legislature

The voters' opportunity to elect the man of their choice to a legislature is an obvious and important step in achieving a representative body. But election is only one of the steps involved in the process.

Before it can be concluded that the voters elected the man of their choice several other questions must be asked. Two of these questions are: Who was allowed to run? Who was financially able to run?

After the election the voters may or may not be represented in the legislature depending on how effective the legislative system allows their man to be.

Clear identification and good lines of communication between legislators and their constituents are primary factors in the development of a representative legislature.

Voters are more likely to know who their legislator is and vice versa when senators and representatives are elected from "single-member districts." Identification (and the legislator's responsibility) tends to become confused if voters in each district must elect more than one representative to each house.

An office for the legislator within his district also encourages identification, communication and accountability between the people and their representative.

Restrictions on age and residency, to the extent that they limit the number of possible candidates, generally tend to discourage representativeness. Another factor with similar effects is compensation. Unrealistically candidates to those who can support themselves from other sources, and may encourage conflicts of interest.

An adequately diverse and therefore representative legislature will have young, old and middle-aged members who reflect a variety of commitments to social, economic or ethnic groups, and who come from a variety of backgrounds.

Strong identity between legislators and constituents and accurate reflection of the diversity of the state's population are a good start toward a representative legislature. But representation can approach its full potential only to the extent that every legislator has the opportunity to do his job effectively.

The remainder of the CCSL's evaluation of a legislature's ability to be representative, therefore, is drawn from a long list of questions on whether a legislator can be truly effective. In many instances they are the same questions that were asked in considering other major objectives, especially functionality, accountability and information capability.

Evaluation of a representative legislature must include consideration of the size of house and senate; number of standing committees; selection of leadership; whether a majority of the members of various committees have the power to act without the chairman; the provision of staff; office space; minority membership on various committees; powers of minority leaders; published rules, and clearly defined committee jurisdictions.

V. HOW THE STATES RANKED

The following table shows the results of the first systematic analysis of how the fifty state legislatures measure up to minimum standards of legislative capability.

The overall rankings arrived at in the Legislative Evaluation Study come from a combination of factors considered under the five major castegory groupings of functional, accountable, informed, independent and representative. The chart also how how each legislature fared on each of the five major criteria which made up its final standing.

Reading the rankings

Both the overall ranking and the rankings in each of the five categories are general in nature. They show that one legislature is "better" or "worse" than another, but not how much better or worse. The differences between adjoining states—say between the tenth and eleventh ranked, and the twenty-fifth and twenty-sixth ranked—are sometimes very small.

It must also be emphasized that these rankings do not portray the sometimes dramatic changes that have taken place, and are taking place, in a number of state legislatures. They are like a "stop-action" photograph: they show only where states stand at a particular moment (mid-1970), and not where they are going or how far they have come.

The table shows the rank order of the states by the five F.A.I.I.R. criteria and the overall ranking. From this the variously ranked states can be "profiled" across the F.A.I.I.R. system to see how they ranked within each of the individual criteria categories. So, the first-ranked California shows up as having ranked first in functional, third in accountable, second in informed, third in independent, and second in representative. This kind of a profile is not surprising just as the case of the lowest ranked state, Alabama, shows a consistency across the F.A.I.I.R. system. Alabama ranks fiftieth overall, forty-eighth in functional, fiftieth in accountable, forty-ninth in informed, fiftieth in independent, and forty-first in representative.

Finally, the rankings—both overall and in each category—show where states stand in relation to minimum rather than ideal standards of legislative capability. The state that ranks first according to our minimum standards would rank much lower—somewhere perhaps, in the bottom half or third—on any ideal or objective scale. There is no "perfect" state. Even the best needs improvement.

RANK ORDER OF STATES BY OVERALL RANK AND F.A.I.I.R. CRITERIA

Overall rank	State	Functional	Accountable	Informed	Independent	Representative
1	California	1	3	2	3	2
2	New York	4	13	1	8	1
3	Illinois	17	4	6	2	13
4	Florida	5	8	4	1	30
5	Wisconsin	7	21	3	4	10
6	Iowa	6	6	5	11	25
7	Hawaii	2	11	20	7	16
8	Michigan	15	22	9	12	3
9	Nebraska	35	1	16	30	18
10	Minnesota	27	7	13	23	12
11	New Mexico	3	16	28	39	4
12	Alaska	8	29	12	6	40
13	Nevada	13	10	19	14	32
14	Oklahoma	9	27	24	22	8
15	Utah	38	5	8	29	24
16	Ohio	18	24	7	40	9
17	South Dakota	23	12	15	16	37
18	Idaho	20	9	29	27	21
19	Washington	12	17	25	19	39
20	Maryland	16	31	10	15	45
21	Pennsylvania	37	23	23	5	36
22	North Dakota	22	18	17	37	31
23	Kansas	31	15	14	32	34
24	Connecticut	39	26	26	25	6
25	West Virginia	10	32	37	24	15
26	Tennessee	30	44	11	9	26
27	Oregon	28	14	35	35	19
28	Colorado	21	25	21	28	27
29	Massachusetts	32	35	22	21	23
30	Maine	29	34	32	18	22
31	Kentucky	49	2	48	44	7
32	New Jersey	14	42	18	31	35
33	Louisiana	47	39	33	13	14
34	Virginia	25	19	27	26	48
35	Missouri	36	30	40	49	5
36	Rhode Island	33	46	30	41	11
37	Vermont	19	20	34	42	47
38	Texas	45	36	43	45	17
39	New Hampshire	34	33	42	36	43
40	Indiana	44	38	41	43	20
41	Montana	26	28	31	46	49
42	Mississippi	46	43	45	20	28
43	Arizona	11	47	38	17	50
44	South Carolina	50	45	39	10	46
45	Georgia	40	49	36	33	38
46	Arkansas	41	40	46	34	33
47	North Carolina	24	37	44	47	44
48	Delaware	43	48	47	38	29
49	Wyoming	42	41	50	48	42
50	Alabama	48	50	49	50	41

VI. THE IMPLICATIONS FOR THE FUTURE

Reform is possible and within reach. That much, we feel, is an evident and fair conclusion to be drawn from the CCSL evaluation study.

A second conclusion that seems valid is that any competent and sincere effort at reform that meets with some success holds promise of a high return. The reason is that many of the reformable factors involved in the operation of a state legislature have widespread effects.

Strengthening the staff, for example, holds the promise of improving an under-staffed legislature in all five of the major objectives delineated in this report: functionality, accountability, capacity for information, independence and representativeness.

Providing enough time to deal with the legislature's business would have similar multiplying effects. Improving rules and procedures for bill handling would tend to make a legislature more functional, better informed and more representative.

Bringing committee structure and leadership requirements up to the minimum standards has clear implications for functionality, accountability and representativeness.

Further examination reveals that some improvements are attainable by a legislature which has the will to pursue them. Other reforms will require, in addition, a commitment to spend more money on the legislative process. A third group will require constitutional amendments.

Improvements which, in most cases, are subject primarily to legislative action include those on committee structure, leadership, bill handling and ethics. Their yield will be in terms of functionality, accountability, information capability, independence and representativeness—all five of the "major objectives."

Improvements which will require the expenditure of money include better staffing, more realistic levels of salaries and expenses for legislators, and better facilities. The yield, again, is in terms of all five major objectives.

Reforms which will require action on constitutions in many cases would address time, size of legislative bodies and, in some instances compensation.

Improvements that fall under all three classifications are happening now but slowly—too slowly in terms of the multiplying numbers of issues that require creative planning and action.

Many of these issues must be dealt with at the state level if they are to be dealt with effectively. Reform does carry a price tag in terms of time effort money skill and political risk. But the return in terms of more responsive government effective handling of issues and a sounder social and political climate, is far greater than the cost.

THE TEACHER CORPS

Mr. HARRIS. Mr. President, a bureaucratic struggle is developing within the administration over the fate of the Teacher Corps. If the Congress says nothing, I fear we may see yet another example of an administration making decisions which greatly affect youth but which give adequate consideration neither to their views nor their interests.

The Teacher Corps is now part of the Office of Education. Reportedly the Office is resisting efforts to include the Corps in the new youth agency which the President proposed in his January 14 speech at the University of Nebraska. Leading those who believe the Teacher Corps must play a major role in the new youth agency is Peace Corps Director Joseph Blatchford. A January 29 article in the New York Times reports that "literally at the last minute" the White House deleted from the President's speech any reference to the Teacher Corps as one of the programs to be included in the new agency.

In my view there is an overriding reason why the Teacher Corps should be part of the new agency. If the President's proposal to American youth is to succeed, it must appeal to all American youth—white and nonwhite. In this area the Teacher Corps has the place of pride—more than 50 percent of those in the Corps are from minority groups. By contrast, only 3.1 percent of Peace Corps volunteers are nonwhite. It would be a great mistake to exclude from the new youth agency the one Federal youth program that has demonstrated great attractiveness among minority groups.

Other reasons for the merger can be cited, however. The Peace Corps and the Teacher Corps already are attempting to work together. The Peace Corps has wanted experienced teachers and could use more minority participation. With this in mind, the Peace Corps and the Teacher Corps recently signed a joint agreement to assist locally developed plans for educational innovation in the United States and overseas. This is the first time the Peace Corps has integrated its operational programs with the operational programs of a domestic agency.

In light of this existing cooperation, I urge the administration to give favorable consideration to the merits of including the Teacher Corps in the new youth agency.

Mr. President, the January 29 New York Times article raises another issue of great importance. According to his report, the administration's Office of Management and Budget is proposing that the total budget of the new youth agency be set at a figure $30 million less than the combined budgets of the various youth programs to be merged.

This would be a major error. The President has made an eloquent promise. If the administration proceeds to group all youth programs under one umbrella and then to cut the total youth budget, I predict the response of young people will be one of immense skepticism, and rightly so.

Another issue is involved in the funding decision. The Times article reports that the administration is considering favorably the adoption of a proposal which, in fact, I have made repeatedly in the past—the creation of a National Foundation on Youth Participation. A foundation could stimulate institutions throughout the country to give more attention to youth's needs. But the success of such a foundation will depend upon the amount of money placed at its disposal.

In the near future I plan to reintroduce legislation for the establishment of a National Foundation on Youth Participation. In the meantime I urge the admintration in its own planning to provide adequate financial support for the foundation in any proposal it sends to the Congress.

Mr. President, I ask unanimous consent that the New York Times article of January 29, 1971, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Service Corps Struggle: In Fight Over Proposed Agency's Role a Press Release Constitutes Bold Salvo

(By Jack Rosenthal)

Washington, January 28.—In a seemingly routine press release issued late yesterday, the Office of Education announced the appointment of an acting director of the Teacher Corps, which sends 3,000 young teachers to help out in schools in poor communities across the country. In fact, the announcement contituted a bold salvo in a high-level, three-cornered internal struggle over the shape and direction of the new national service corps, which President Nixon proposed two weeks ago. Coupled with other recent developments, the press release offers a rare look at how bureaucracies wage war.

ADVERSARIES IN STRUGGLE

The adversaries in this particular struggle are Joseph H. Blatchford, Peace Corps director, who the President said would head the new agency; Sidney P. Marland Jr., the new Commissioner of Education; and officials of the Office of Management and Budget.

At issue are whether the new agency will, as officials of the Peace Corps and Vista have hoped, jump off to a quick start, whether it will in fact encompass volunteer services now scattered through the Federal branch, and whether it will be adequately funded.

Another issue, in the minds of outside critics, is whether the whole idea of a new agency is part of a "hidden" Nixon agenda of nibbling to death programs acclaimed as innovations of the Kennedy and Johnson Administrations.

The issues will probably take weeks to resolve and even then, they may have to be resolved personally by the President. But in the meantime, the parties to the debate appear to be marshaling all the classic bureaucratic weapons in an effort to force the outcomes they desire.

This particular struggle went on quietly for weeks, focused on an interagency task force. But then the President disclosed—with surprising suddenness, in the view of some senior officials—his national service corps proposal.

REFERENCE ELIMINATED

In a speech Jan. 14 at the University of Nebraska, he said he would ask Congress to merge the Peace Corps, VISTA—a Peace Corps-like domestic agency—and a number of other volunteer service agencies now scattered through the executive branch.

His aim, he said, was to "give young Americans an expanded opportunity for the service they want to give," with freedom to serve both at home and abroad.

The battle escalated immediately on the first of two fronts—the Office of Education vs. partisans of the new combined service corps.

The President, officials say, had intended to identify the Teacher Corps in his speech as one of the agencies to be merged. But this specific reference was eliminated "literally at the last minute," says one official, because there had been insufficient notice given to Commissioner Marland.

Mr. Marland had, it is said, already decided to fight to keep the Teacher Corps in the Office of Education. Elimination of the specific reference allowed him to keep this fight alive.

REASON FOR OUSTER

Immediately, also on Jan. 14, he dismissed the director of the Teacher Corps, Richard A. Graham. Mr. Graham had headed the agency almost since its beginning in 1965, having been one of the Peace Corps' early officials.

Both Mr. Graham and Office of Education officials are known to agree on the reason for the ouster. Mr. Graham was a known advocate of moving the Teacher Corps to the new agency, in the belief that it would be more likely to attract spirited, reform-minded young people.

The next step came yesterday, with Mr. Marland's press release announcing the appointment of William L. Smith, a black educator, as acting director of the Teacher Corps.

"It was a splendid bureaucratic ploy," one Federal officials said today. "The location of the Teacher Corps is still up for decision. Three months from now it may all belong to Blatchford [as head of the new joint agency]. But here goes Marland, creating his own momentum for keeping it right where it is."

The official also professed admiration for Mr. Marland's ability to imply Presidential support for leaving the Teacher Corps within the Office of Education. In his press release, Mr. Marland said the work of the Teacher Corps "is essential if we are to fulfill our mandate from the President to reform American education."

A SECOND FRONT

The second front in the in-fighting has developed between partisans of the new merged agency and officials of the Office of Management and Budget.

One issue is how quickly the new agency should be established. Its partisans argue that speed is essential, lest it lose the momentum generated by the President's announcement and by the approving comment his Nebraska speech produced.

Consequently, they favor establishing the agency by a formal reorganization plan, which would take effect in 60 days unless Congress disapproves. To proceed by regular legislation, they say could take months. And in the interim, the morale and "non-bureaucratic spirit" of agencies like the Peace Corps would degenerate.

Officials of O.M.B., however, are said to be insistent that the agency be established by affirmative legislation. Advocates of this point of view believe this to be a necessarily more cautious approach.

"If this approach to voluntarisms turns out to be another house of cards," one said today, "there won't be another house. So we should go slow."

A second issue that has generated considerable heat, officials say, is the proposed funding for the agency. Mr. Blatchford reportedly has proposed nearly $200,-million, about $40-million more than the combined 1971 budgets of the Peace Corp Vista and the Teacher Corps.

But it has been reported that the peace corps budget for 1972 has been sharply reduced and that O.M.B.'s counterproposal for the new agency is only $130-million.

The funding level is regarded as additionally important because of one proposed feature of the new agency that all sides appear to favor. This is the authority to make grants to worthwhile private voluntary undertakings.

But the amount of money for grants would be small, possibly not more than $20-million. And all sides agree that guidelines for its use would have to be drawn with exacting care, for fear of inspiring false hopes among thousands of worthwhile private organizations.

To overcome what he has called the "cookies and rummage sale image of voluntarism," Mr. Blatchford is contemplating possible sabbaticals for service for Federal employees, a deliberate effort to enlist returning veterans, and a possible "environment corps," a prospect raised by the President in his Jan. 14 speech.

EMERGENCY STRIKE LEGISLATION

Mr. GRIFFIN. Mr. President, an editorial in today's Washington Daily News comments most favorably on President Nixon's proposed emergency strike legislation. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Nixon's Strike Deterrent

President Nixon again has asked Congress for a permanent, overall law to deal with labor disputes which threaten the country with emergencies. The law would apply to railroads, airlines, shipping and trucking.

His plan, or something similar, is perfectly logical. It would give unions and management ample time to come to their own terms. But if, after several alternatives had been tried they could reach no settlement, the President could arrange one.

The crux of the plan is called the "last resort" provision.

All else failing, every means of negotiating, a settlement having been exhausted, each side would be required to submit a "final offer." Then an impartial panel would choose one or the other offer. Or, as Mr. Nixon stated it:

"This panel would select, without alternation, the most reasonable of these offers as the final and binding contract to settle the dispute."

The President thinks this would "facilitate" a settlement before this stage was reached, in most cases. And he thinks it is better than compulsory arbitration, which unions violently oppose and most managements disavow. Arbitration, as he says, usually just splits the difference between what the union wants and the management offers. Knowing that probability in advance both sides "persist in unreasonable positions."

Mr. Nixon's proposal is the best formula for avoiding disastrous nationwide strikes that has come along. Its workability can only be proven by trying it but there is no way to try it until Congress passes such a law.

Just last December, a nationwide rail strike was averted only because Congress passed a last-minute, stopgap, temporary law giving the unions a pay raise through February, requiring them to stay on the job meanwhile, and to keep negotiating. That measure expires in March.

Two of the unions since have reached a tentative agreement with the railroads, but three others have not settled.

It is too late for Mr. Nixon's plan to affect this dispute, and Congress may have to push the panic button again next month. But the business of having Congress intervene in every individual dispute could be avoided if the lawmakers would pass the law Mr. Nixon asks.

RULES OF PROCEDURE OF THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. JORDAN of North Carolina. Mr. President, pursuant to section 133B of the Legislative Reorganization Act of 1946, as amended, the Committee on Rules and Administration, at its organizational meeting held this date, adopted rules governing the committee's procedure.

I send a copy of the committee's rules as adopted to the desk and ask that they be reproduced in the Record as required.

There being no objection, the rules were ordered to be printed in the Record, as follows:

Rules Governing the Procedure of the Senate Committee on Rules and Administration Adopted Pursuant to Section 133b of the Legislative Reorganization Act of 1946, as Amended

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the second and fourth

Wednesdays of each month, at 10:00 a.m., in Room 301, Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of Section 133(a) of the Legislative Reorganization Act of 1946, as amended.

2. Meetings of the Committee shall be open to the public except during executive sessions for marking up bills or for voting or when the Committee by majority vote orders an executive session. (Section 133(b) of the Legislative Reorganization Act of 1946, as amended.)

3. Written notices of Committee meetings will normally be sent by the Committee's staff director to all members of the Committee at least three days in advance. In addition, the Committee staff will telephone reminders of Committee meetings to all members of the Committee or to the appropriate staff assistants in their offices.

4. A copy of the Committee's intended agenda enumerating separate items of legislative business, committee business, and referrals will normally be sent to all members of the Committee by the staff director at least one day in advance of all meetings. This does not preclude any member of the Committee from raising appropriate nonagenda topics.

TITLE II—QUORUMS

1. Pursuant to Section 133(d) five members of the Committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to Rule XXV, Section 5(a) of the Standing Rules of the Senate three members shall constitute a quorum for the transaction of routine business.

3. Pursuant to Rule XXV, Section 5(b) three members of the Committee shall constitute a quorum for the purpose of taking testimony under oath; provided, however, that once a quorum is established, any one member can continue to take such testimony.

4. Subject to the provisions of Rule XXV, Section 5(a) and Section 5(b), the subcommittees of this Committee are authorized to fix their own quorums for the transaction of business and the taking of sworn testimony.

5. Under no circumstances, may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the Committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by roll call.

3. The results of roll call votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the Committee report on that measure unless previously announced by the Committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the Committee. (Section 133 (b) and (d) of the Legislative Reorganization Act of 1946, as amended.)

4. Proxy voting shall be allowed on all measures and matters before the Committee. However, the vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee Committee member has been informed on the question and has affirmatively requested that he be recorded. (Section 133(d) of the Legislative Reorganization Act of 1946, as amended.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the Committee's approval is required and to decide in the Committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of Committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the Committee, regulations normally promulgated by the Committee at the beginning of each session, including the senatorial long-distance telephone regulations and the senatorial telegram regulations.

TITLE V—HEARINGS

All hearings of the Committee shall be conducted in conformity with the provisions of Section 133A of the Legislative Reorganization Act of 1946, as amended. Since the Committee is normally not engaged in typical investigatory proceedings involving significant factual controversies, additional implementory rules for hearing procedures are not presently promulgated.

TITLE VI—SUBCOMMITTEES

1. There shall be seven, three-member subcommittees of the Committee as follows:

Standing Rules of the Senate.
Privileges and Elections.
Printing.
Library.
Smithsonian Institution.
Restaurant.
Computer Services.

2. After consultation with the ranking minority member of the Committee, the chairman will announce selections among the members of the Committee to the various subcommittees (and to the Joint Committee on Printing and the Joint Committee on the Library) subject to Committee confirmation.

3. Each subcommittee of the Committee is authorized to establish meeting dates, fix quorums, and adopt rules not inconsistent with these rules.

4. Referrals of legislative measures and other items to subcommittees will be made by the chairman subject to approval by the Committee members.

THE USO

Mr. HARRIS. Mr. President, 30 years ago, on February 4, 1941, the USO was born. The organization came into being as an outgrowth of long standing American tradition of community and citizen concern for the welfare and morale of our servicemen. Welfare work with servicemen during World War I was mostly entrusted to loosely coordinated agencies. Following that war, the "off post" religious and social welfare needs of the greatly reduced military force were served by some of the present USO members and community centers operated by local religious and civilian groups. "On post," the military chaplains ministered to the servicemen.

World War II, and the advent of universal military service, created a rapid and massive buildup of Armed Forces and the establishment of many military installations both in the United States and overseas. With a growing military body of men and women dislocated from their homes, families, and communities, a positive plan for "off post" welfare, morale, and recreational services became a necessity. Social service agencies, citizens, and Government officials, including President Franklin D. Roosevelt, met to devise a coordinated and noncompetitive program for meeting the "off post" needs of military personnel. The plan called for the creation of a new organization by five voluntary groups—YMCA, YWCA, National Catholic Community Service, National Jewish Welfare Board, and the Salvation Army, later joined by the Travelers Aid Association of America.

This was the birth of the USO—a combined partnership representing the three major faiths. Through their diversity, the member groups could bring to the new organization their distinctive religious and spiritual commitments, their experience, their philosophy, and their historic and traditional reputation for service. The total program and operation of USO was to be wholly supported with funds to be contributed by the public, to carry out its charter purpose "to assist in serving the religious, spiritual, social welfare, educational, and entertainment needs of members of the Armed Forces." The record of the USO throughout World War II stands as a lasting tribute to the efficacy of interfaith action and cooperative social service.

Following World War II, a survey by President Harry S. Truman found an even greater need for USO-type service to combat the isolation and boredom of servicemen in peace time. Today, with many of our young men again in uniform, the USO is continuing its tradition of service. More than 125 facilities in the United States and 62 points of service overseas provide a wide range of services. Assistance in securing housing facilities for military families, help with accommodations for visiting servicemen, airport lounges, personal care facilities—these are only a few of the USO programs. The public support—both financial and in provision of volunteer services—has provided a strong witness to the concern of our Nation for its young servicemen.

Thus, on this 30th anniversary, the United States salutes the USO for its job well done of keeping faith with our military youth, I commend the millions of volunteers and staff for their untiring and effective service to our country.

COUNCIL ON ENVIRONMENTAL QUALITY

Mr. JACKSON. Mr. President, on January 28–31 the American Law Institute, the American Bar Association, and the Smithsonian Institution sponsored an intensive course on environmental law. A great deal of the conference proceedings were devoted to a discussion of various aspects of the operation and administration of the National Environmental Policy Act. Russell E. Train, Chairman of the Council on Environmental Quality, and I were among those who had the honor of addressing the conference. Mr. President, I ask unanimous consent that the text of our remarks be printed in the RECORD.

The Council on Environmental Quality, in its first year of existence, has fulfilled many of the major hopes and expectations of Members of Congress and the public when the Council was established a little over a year ago. The proposed new guidelines which the Council issued last week are welcome directions to all the Federal agencies which take actions affecting the environment. I also ask unanimous consent that the guidelines be printed in the Record.

I am pleased that draft as well as final environmental statements on administrative actions will, under these guidelines, be made available to the public. The requirement that a minimum of 30 days elapse between the release of a final environmental statement and the taking of the proposed action means that there will be time for Congress and the public to look closely at all comments which have been made on a particular proposal, and to review in depth an agency's final decision while there is still time to do something about it. The requirement that draft statements on programs or projects where public hearings are required be made available 15 days prior to the hearing will mean that members of the public can be informed participants in shaping public decisions.

The members and staff of the Interior and Insular Affairs Committee were briefed this week by Mr. Train on the President's 1971 program for the environment and we were pleased to see the leading role which the Council has taken in developing that program. It is fair to say that as a consequence of the establishment of the Council by the National Environmental Policy Act, the environment is receiving much more attention at the highest level of the executive branch. This, of course, is what was intended when the Council was established in the Office of the President. At the conclusion of the Council's first year of existence, I would like to take this opportunity to commend Chairman Train, Mr. Cahn, Dr. MacDonald, and the Council staff for having made an important contribution to the national effort to improve the quality of environment.

The Interior and Insular Affairs Committee will be holding oversight hearings in the near future on the administration of the act, the Council's overall performance, and on the need for any amendments to the act.

There being no objection, the material was ordered to be printed in the Record, as follows:

Law, Lawyers and the Environment

(Address of Senator Henry M. Jackson, to the Course on Environmental Law, Sponsored by the American Law Institute, the American Bar Association and the Smithsonian Institution)

I am delighted to be here. A captive audience of lawyers is hard to find these days. I am particularly glad to have an audience of lawyers involved in the deepening struggle to preserve a liveable environment. There is no more worthy cause, and no group that can do more to advance its ends.

Any objective assessment of our progress in developing a strategy to protect and enhance our environment would have to conclude that we are moving slowly—far too slowly to keep pace with, to stop, and to reverse the relentless degradation of our environment. We are finally beginning to shape programs, to allocate resources and sound the alarm. But the visible results of this effort are, quite frankly, not overwhelming.

One bright spot in this picture is the emergence of law—and lawyers—as a major force for preserving the environment. As public attention and political interest has increasingly centered on environmental issues, lawyers have discovered new ways to use their legal talents in improving the quality of our life and the quality of our surroundings. The early returns from their efforts have been encouraging to all of us who care about our legacy to future generations. Among other things, these lawyer-conservationists have:

Required government officials to consider the environmental implications of their decisions;

They have forced industry to give new weight to the environmental aspects of their operations;

They have effectively forestalled development in both public and private sectors which seriously threatened the environment; and

They have given private citizens new weapons and new opportunities to protect the environment.

The impact of this activity extends far beyond the small number of cases involved. I know from conversations with business executives and government officials that they are conscious, as never before, that they may be held accountable for the environmental consequences of their decisions. Some of them don't like it, but they are learning to live with it. Even the Commissioner of Internal Revenue has learned, the hard way, that public interest litigation to protect the environment is here to stay.

As sponsor of the National Environmental Policy Act, I have watched with interest the growing use of its provisions in suits involving environmental issues. The simple assertion, for the first time in our history, of a national policy toward the environment, has provided lawyers with a potent weapon. As many of you know, the Act was designed with the intent of forcing Federal agencies to consider the impact of their programs on the environment. With this in mind, the Act included such action-forcing provisions as the requirement of the environmental impact statement. While compliance with this requirement during the Act's first year has been less than satisfactory, the picture is improving. One significant factor behind this improvement is the proliferation of private actions to force compliance.

I am convinced that the National Environmental Policy Act can be strengthened by the 92nd Congress. I have already arranged for the Senate Interior Committee to hold hearings on this subject early next month. We will review in detail the operation of the Act in its first year, with special emphasis on the performance of Federal agencies in preparing timely environmental impact statements. The recently published regulations proposing new requirements for early public disclosure of impact statements is a step in the right direction. There are, however, many other areas where improvement is needed.

I would welcome your help in this effort to refine and strengthen the National Environmental Policy Act. Those of us who are confined on Capitol Hill need the help of those at large in the real world. The practical experience of environmental lawyers, both in the courts and before Federal agencies, will be invaluable to the Committee when it considers changes in the Act.

Among other changes, I intend to press for inclusion of a provision recognizing that every American has a fundamental and inalienable right to a healthful environment. Those of you who have studied the history of the Act may recall that such a statement was included in the original bill I introduced. Because of opposition to this language, the final version simply recognizes that everyone "should enjoy a healthful environment." In my view, there is a big difference between the statutory recognition of a basic right and the expression of a pious hope. I believe that we do have the legal right to a healthful environment and that statutory recognition of this right is both necessary and desirable at this point in our history.

I am well aware that broad legislative enactments like the National Environmental Policy Act cannot by themselves resolve our complex environmental problems. For this reason, we must rely heavily on the efforts of lawyers in the private sector to refine and use a new law of environmental protection. It seems clear that the development of common-law rights to clean, healthy and aesthetically pleasing surroundings has lagged behind both public aspirations and public needs. There are valid reasons for the slow development of case law in this area. Not the least of these is the reluctance of judges to usurp the legislative function. The fact remains that legislatures cannot possibly legislate on all matters that are essential to environmental quality. Concerned lawyers and the organizations they represent must move in to protect the public interest in situations where statutory law does not exist.

Recognizing the limitations of legislative action, it is nonetheless true that the judiciary will be more willing to act in specific cases if the legislature has made broad policy decisions. It is also true that only the legislative branch can provide the comprehensive approach required to deal with our most basic environmental problems. The shortcomings of the case-by-case approach and the need for broad leisglative solutions is dramatically apparent in the field of land use planning.

Most of the leading environmental cases of the past five years relate significantly to land use. From the first Storm King case to the Alaska pipeline case, courts throughout the country have been asked to prevent uses of the land which were deemed to be inconsistent with the preservation of the best in our environment. As a result of this litigation, highways have been stopped, power plants halted and industrial developments stalled. Without minimizing in any way the contribution made by these cases, the fact remains that they have not developed a broad, positive approach to land use. They have saved precious fragments of our environment, but they have not forged long-term solutions to our land use problems.

While lawyers have been fighting rear-guard actions in the courts, government has abdicated its responsibility to provide for the orderly development of our most precious natural resource, the land. This is a classic case for the exercise of the legislative power. That is why I have been urging Congress to enact a National Land Use Policy to encourage the development of statewide land use plans. Such plans would include ground rules for the location of power plants, industrial development and the protection of such special resources as parks, lakes and shorelines. They would permit economic development consistent with environmental quality.

Some are suggesting today that we have worshipped economic growth at the expense of our environment. It is undeniably true that our Gross National Product represents an intolerable amount of environmental degradation. It is equally true that the technological explosion of the past quarter century has threatened our environment as never before. With this in mind, some of our evangelical environmentalists are urging a "no growth" policy to protect the environment. In my view, this approach ignores the political and economic facts of life.

It is all very well to advocate that we adopt a new national life style which rejects our materialistic consumptive traditions. But there is little evidence that most Americans are ready and willing to pay this price, on a personal level, to achieve environmental goals. This is particularly true of the 26 million Americans officially classified as living below the poverty line. They aspire to the material goods and comforts enjoyed as a matter of course by others. Understandably, they don't want to be the first to suffer under some State-backed program of spartan rigor.

I don't mean to suggest that environmental concern is solely a middle-class phenomenon. It is not. What I do want to suggest is that the confrontation strategies which characterize most reform movements and which tend to polarize public opinion around competing goals are, in my view, of only short-range value in dealing with environmental problems. This is because the problems, the challenges and the choices faced are tremendously complicated. They will not yield to simple-minded "demon" theories of culpability.

Let me emphasize that the legal, institutional and social changes required cannot be achieved simply by dramatic confrontations between "good guys" and "bad guys." The issues posed are far too complex. They will instead involve difficult value choices; questions of who pays and who benefits; and agonizing trade-offs between equally valid national goals and objectives.

One element of the "no growth" approach is the disturbing tendency to blame our environmental ills on science and technology. Undoubtedly they constitute an appealing scapegoat. But let us remember that it is our use of science and technology that has created such a threat to the environment. And it is equally possible to use them in different ways to achieve the goals of environmental quality and economic growth. Indeed, we must rely heavily on our scientific and technological talents to solve environmental problems—to generate power more efficiently, to devise pollution-free manufacturing processes, to develop new techniques of recycling and reuse. It would be, in my opinion, a tragic mistake to downgrade science and technology at a time when they must assume a greater role in shaping a better environment.

There is in my view no inherent inconsistency between environmental quality and economic growth. The real issue is—what kind of growth? We need not be committed to the kind of growth that fouls our air, pollutes our water and spoils our land. We can develop new laws and new institutions to guide our growth with new respect for the environment.

In conclusion, I want to invite you, as lawyers and therefore as advocates for particular points of views, to pause from time to time and take a philosophic overview of the important public values which you represent and the directions in which environmental law is moving. In an emerging area of public policy significance, especially one that is charged with righteous indignation generated by past neglect, there is a natural temptation to see things in terms of black and white; to let idealistic concern drift into impractical and sublime answers.

The lawyer's skill, in my view, is first and foremost, the skill of analysis. It is identification of the real issues, the trade-offs and the alternatives in a conflict situation.

The lawyer's responsibility is to resolve conflict, to contribute to social change and to right past injustices.

In carrying out this responsibility the humanist-lawyer operates within the existing social structure and legal order. He seeks to effectuate change in the existing structure in a manner which strengthens institutions and leads to a wider sharing of the freedoms, the amenities and the wealth this nation enjoys.

The lawyer's responsibility cannot be carried out unless he views the problems he faces as they are.

The skills of the humanist-lawyer, the man who sees the problems as they are and who can chart a realistic course toward a better society, are the skills which America needs. The problems generated by years of corporate greed, selfish capitalism, and the misguided use of technology reflect fundamental flaws in our governmental institutions and in the laws and procedures by which we sort out the rights and duties of organizations and individuals in our society. Resolving these problems for human ends—to improve the quality of our life—is the task and the challenge of the humanist-lawyer.

REMARKS OF THE HONORABLE RUSSELL E. TRAIN, CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY, BEFORE THE AMERICAN LAW INSTITUTE—SMITHSONIAN INSTITUTION, CONFERENCE ON ENVIRONMENTAL LAW, WASHINGTON, D.C., JANUARY 29, 1971

THE NATIONAL ENVIRONMENTAL POLICY ACT AND THE ROLE OF THE COUNCIL ON ENVIRONMENTAL QUALITY

President Nixon has asked that I thank you for your invitation to him to address this meeting. As many of you are aware, the President is in the midst of a very heavy schedule of briefings. Many of these briefings, in fact, concern this year's new environmental legislative program. The President assigned to the Council on Environmental Quality the role of pulling together the President's 1971 legislative program for the environment and we have taken a leading role not only in developing new proposals but in drafting the legislation as well.

While my mind is very much on the new programs, I would nevertheless like to address myself to what had happened to last year's legislative program. More specifically, I would like to speak on the National Environmental Policy Act, and the role the Council on Environmental Quality has played in its implementation.

Being handed the National Environmental Policy Act, and being told to make it a part of the nation's life, was not unlike the situation when God handed Moses the Ten Commandments. Both of us encountered less than total enthusiasm from the people that we passed the word along to.

It is my perception that the Ten Commandments still fall short of total acceptance. We can't afford such patience in making the Policy Act a reality.

Yesterday you heard from Senator Jackson, one of the statute's authors. All of us who are interested in a stronger assertion of environmental values in our national life owe a debt to Senators Jackson and Allott of the Senate Interior Committee, and also to Congressmen Dingell and Pelly of the House Merchant Marine and Fisheries Committee for their effective, bipartisan teamwork in putting through this extraordinary piece of legislation.

In one short year, the National Environmental Policy Act has come to play an important and often decisive role in numerous government decisions. It promises to have an even more far-reaching effect on the decision-making process this year under our revised guidelines.

The Act has had an impact outside of government as well. It has given hope to the conservation movement by serving as a tool with which ecology groups have been able to translate swelling public interest in the environment into effective action. It was not until the passage of the Act, for example, that conservation groups made any substantial impact on the rising destruction of wilderness and ecological values involved in the Cross Florida Barge Canal project.

The canal project had been off and on and off and on for almost 30 years. Then, early in 1970, President Nixon signed the National Environmental Policy Act. Within six months an environmental group had brought suit, under Title I of the Act, to enjoin the project pending filing of an environmental impact statement. On another front our Council, which was created by Title II of the Act, recommended to the President that the project be terminated. Last week both developments came to a head. A court granted a preliminary injunction pending the filing of an environmental statement and the President announced his decision to halt the project for good.

In his announcement the President summarized what is the essence of Section 102 of the Act. In the President's own words: "We must assure that in the future we take not only full but also timely account of the environmental impact of such projects, so that instead of merely halting the damage we prevent it."

I know you have given considerable thought to the legal applications of the environmental impact statement procedure in the Act, and I can assure you that we also have. Like any law, the Policy Act is a living, changing thing. It is still a long way from attaining its ultimate effectiveness. I would like to illustrate the role the Council has played in helping to make the Act a reality in the governmental decision-making process by running through twelve actions we have taken in the past twelve months. Our professional staff has been greatly assisted in this effort by our Legal Advisory Committee.

1. At our suggestion, the President issued Executive Order 11514 last March, supplementing the Act by giving our Council authority to issue guidelines on agency compliance with the environmental impact statement requirement and directing all agencies to "develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties."

2. After consulting with over 20 agencies and with the Committees which authored Section 103 (2) (C), we promptly issued interim guidelines on the environmental impact procedure. These interim guidelines are broad. Their inclusion of existing projects, for example, was important in the Cross Florida Barge Canal litigation.

3. Our guidelines called for the agencies to issue implementing procedures and this task has now been largely completed for the major programs. We are in the process of tightening these procedures up. Those of you who are interested will note the very great improvement between the initial and revised procedures adopted by the Corps of Engineers and AEC.

4. We have now started a flow of Section "102" statements, the total of which is now approaching 400. They vary greatly in quality but there are a number of recent examples where we have congratulated the responsible agency for doing a first class job.

5. We accelerated by ten months the requirement in Section 102 of the Act that agencies state what deficiencies or inconsistencies in their authority would prevent their full compliance with the Act. These 103 statements are available to the public and may estop agencies from later pleading legal impediments to compliance with the Act.

6. We undertook the task of identifying the environmentally expert agencies in the Federal Government who might be called upon to comment on various aspects of the environmental impact of an action and they are now handling a growing flow of 102 statements. They will need more staff with more ecological expertise for this purpose, and we have stressed this need to the Office of Management and Budget.

7. We have worked with many of the agencies to improve their response to the National Environmental Policy Act, and in every case, we met with a desire to comply with the Act. As you know, two Departments have now assigned Assistant Secretaries responsibility for the environmental aspects of their operations and a number of other

departments and agencies are considering comparable moves. In December we held hearings with each of the major agencies involved to review their performance.

8. We have made oral or written comments on environmental statements from time to time to various agencies designed to help improve the quality of their procedures and environmental impact statements. Our small staff, by working around the clock and with great dedication, has attempted to review the most significant of the statements we have received but any systematic review must await an increase in our staffing. As you may know, our staff size was essentially frozen during the last six months pending Congressional action on our budget. I am glad to report that action is now completed and we will be getting a number of additional staff (going from a full staff complement of about 43 to 65) who will strengthen our capacity to oversee agency compliance with the Act.

9. We have taken the initiative to keep the public informed on implementation of the Act. By periodic mailings now going to over 600 conservation and environmental groups and others, we have put out information on our guidelines, on agency procedures and on the draft and final environmental impact statements that were available to the public.

10. We have interpreted our mandate broadly in order to give the National Environmental Policy Act maximum effect. Those of you connected with public interest law firms know we played a leading part in persuading the Internal Revenue Service that your role in litigating environmental issues was in the public interest and entitled to charitable status.

11. At the beginning of this week, after having solicited the comments of the agencies, of the public, and of environmental groups, we published proposed revisions of our guidelines on environmental impact statements (copies of which are available to you). We announced last April in our interim guidelines that we would be conducting a full review of their effectiveness and issuing new guidelines early this year. These revisions apply important new rules on public availability of both draft and final environmental impact statements; require distribution to relevant State, regional and municipal clearing houses; and introduce waiting periods after the availability of environmental statements and comments thereon before agencies can take administrative action. In essence, in these cases the public is given access to the draft statements, to the expert agency comments thereon and the final statements at the same time our Council is. After the great interest that has been expressed in public availability of these documents, we look for a round of specific comment on those proposed projects that need a careful look.

12. My twelfth and last point about our efforts to activate the environmental impact statement requirement is the Council's plans to explore with public and private groups with environmental expertise their interest in commenting on the environmental aspects of Federal agency action in areas of concern to them. The Council is charged with this responsibility under Section 205(2) of the National Environmental Policy Act. Thus, for example, the Ecological Society might ask to be given a chance to comment on all 102 statements on stream channelization projects.

Both as a lawyer and as a conservationist, I have a great deal of faith in the National Environmental Policy Act. In the hands of individuals like yourselves, it is one of the strongest tools citizens have for better environmental decision-making.

I do not believe, of course, that laws alone are going to be enough to stop pollution and otherwise protect our environment. Laws, in fact, have been often part of the problem: poor tax laws, for example, that make it more profitable to tear down old buildings rather than restore them. Or zoning laws that allow and encourage industrialization of flood plains.

Like any tools, laws can be no better than the skill of the craftsman that works with them. I am very encouraged by the extremely large number of law schools that have begun environmental programs. And by the extremely large number of young people who have expressed an interest in entering these programs.

Perhaps we are finally learning that in spite of all our cleverness the laws of man will serve to better the human condition only so long as they harmonize with the laws of nature. The National Environmental Policy Act has taken a major step in this direction. It is up to all of us—in and out of government—to insure that this progress continues. We are trying to bring about nothing less than a revolution in the government planning and decision-making process, and, indeed in the way our society looks at problems. Such a change cannot be brought about overnight. It will require the sustained commitment and patient effort of all segments of our society. The law and lawyers has a major role in this task.

I would like to close by reading an early English poetic commentary on the failure of our laws to impose penalties upon those who are responsible for burdening us all with social costs.

The law locks up both man and woman
Who steals the goose from us the common,
But lets the greater felon loose
Who steals the common from the goose

Anonymous English Poem.

Council on Environmental Quality

Revision of Guidelines on Statements on Proposed Federal Actions Affecting the Environment.

Notice is hereby given that the Council on Environmental Quality proposes, as provided in the interim guidelines issued April 30, 1970, to revise its guidelines on the preparation of detailed statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment required by Section 102 (2) (C) of the National Environmental Policy Act (42 U.S.C. 4322(2) (c)). The proposed revisions appear in the following text with new language in italics and deletions in brackets.

Prior to the adoption of the proposed revisions consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Council on Environmental Quality (722 Jackson Place, N.W., Washington, D.C. 20006), attention General Counsel, within a period of 45 days from the date of publication of this notice in the Federal Register.

Dated: January 22, 1971.

Russell E. Train,
Chairman.

Council on Environmental Quality

Statements on Proposed Federal Actions Affecting the Environment.

[Interim] Guidelines

[April 30, 1970].

1. Purpose. This memorandum provides [interim] guidelines to Federal departments, agencies and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by section 102(2) (C) of the National Environmental Policy Act (Public Law 91–190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 F.R. 4247) of March 5, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals. *The objective of Section 102(2) (c) of the Act and of these guidelines is to build into the agency decision making process an appropriate and careful consideration of the environmental aspects of proposed action and to assist agencies in implementing not only the letter, but the spirit of the Act.*

2. Policy. *As early as possible and in all cases prior to agency decision concerning* [Before undertaking] major action or [recommending or making] *a recommendation or* a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse *e*[*a*]ffects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. Agency and *OMB* [BOB] procedures. (a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2) (C) of the Act. Consequently, each agency will establish, *in consultation with the Council on Environmental Quality,* no later than June 1, 1970 (*and, with respect to requirements imposed by revisions in these guidelines, by May 1, 1971*) its own formal procedures for (1) identifying those agency actions requiring environmental statements, *the appropriate time prior to decision for the consultations required by Section 102(2) (C), and the agency review processes for which environmental impact statements are to be available,* (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State, and local agencies, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact *including procedures responsive to section 12 of the guidelines.* These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality *and the Office of Management and Budget* if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The *Office of Management and* [*Bureau of the*] Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary material, new policies and procedures, water resource and other projects, etc.).

4. Federal agencies included. Section 102 (2) (C) applies to all agencies of the Federal Government with respect to recommendations or reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the hu-

man environment. The phrase "to the fullest extent possible" in section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. Actions included. The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) Recommendations or reports relating to legislation and appropriations;

(ii) Projects and continuing activities;

Directly undertaken by Federal agencies;

Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance;

Involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) Policy—and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions the environmental impact of which is likely to be highly controversial should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from the Federal action.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment or serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, the regulatory activities of Federal environmental protection agencies (e.g., the *Water Quality Office* [Federal Water Quality Administration of the Department of the Interior] and the [National Air Pollution Control Administration of the Department of Health, Education, and Welfare] *Air Pollution Control Office of the Environmental Protection Agency*) are not deemed actions which require the preparation of an environmental statement under section 102(2)(C) of the Act.

6. Recommendations or reports on proposals for legislation. The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The *Office of Management and* [Bureau of the] *Budget* will supplement these general guidelines with specific instructions relating to the way in which the section 102(2)(C) procedure fits into its legislative clearance process.

7. Content of environmental statement. (a) The following points are to be covered:

(i) The probable impact of the proposed action on the environment, including impact on ecological systems such as wild life, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made to the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(ii) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of [Public Law 91–190).] *the Act.*)

(iii) Alternatives to the proposed action (section 102(2)(D) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vi) Where appropriate, a discussion of Federal agencies and State and local entities in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, *the comment of the Environmental Protection Agency will also be required.* [Mere reference to the previous certification is sufficient.]

(c) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

8. Federal agencies to be consulted in connection with preparation of environmental statement. *At the earliest point at which possible action requiring an environmental statement has been identified but prior to agency decision as to that action, the Federal agency considering the action, on the basis of information for which it takes responsibility, should consult with, and obtain the comment on the environmental impact of the action of, Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved.* [The Federal agencies to be consulted in connection with preparation of environmental statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards".] These Federal agencies include components of (depending on the aspect or aspects of the environment involved):

Department of Agriculture
Department of Commerce
Department of Defense
Department of Health, Education, and Welfare.
Department of Housing and Urban Development
Department of the Interior
Department of State
Department of Transportation
Atomic Energy Commission
Federal Power Commission
Environmental Protection Agency
Office of Economic Opportunity

For actions specially affecting the environment of their [regional] *geographic* jurisdictions, the following Federal agencies are also to be consulted:

Tennessee Valley Authority
Appalachian Regional Commission
National Capital Planning Commission

Agencies obtaining comment should determine which one or more of the above listed agencies are appropriate to consult *on the basis of the areas of expertise identified in the Appendix to these guidelines.* It is recommended that the above listed departments and agencies establish contact points for providing comments *on the environmental impact of proposed actions described in draft environmental statements* and that departments from which comment is solicited coordinate and consolidate the comments of their component entities. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than thirty days for reply, after which it may be presumed, *unless the agency consulted requests a specified extension of time,* that the agency consulted has no comment to make.

[9.] *10.* State and local review. Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the *Office of Management and* [Bureau of the] Budget Circular No. A–95, review by State and local governments will be through procedures set forth under Part 1 of Circular No. A–95.

(b) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by *Office of Management and* [Bureau of the] Budget Circular No. A–85.

(c) Where these procedures are not appropriate and where the proposed action affects matters within their jurisdiction, review of the proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the [draft environmental statement] *environmental impact of the* proposed action may be obtained directly or by [publication of a summary notice in the Federal Register (with a copy of the environmental statement and comments of Federal agencies thereon to be supplied on request). The notice in the Federal Register may specify that comments of the relevant State and local agencies must be submitted within 60 days of publication of the notice.] *distributing it to the appropriate State, regional and metropolitan clearinghouses.*

[10.] *9.* Use of statements in agency review processes; distribution to Council on Environmental Quality.

(a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects, the view of Federal, State and local agencies in the legislative, and possibly appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed an environmental statement should be provided.

(b) [Seven (7)] *Ten (10)* copies of draft environmental statements (when prepared), [seven (7)] *ten (10)* copies of all comments received thereon (when received), and [seven (7)] *ten (10)* copies of the final text of environmental statements should be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President).

It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved. *To the fullest extent possible, no administrative action subject to Section 102(2)(C) is to be taken sooner than ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council and made available to the public pursuant to Section 12 of these guidelines, or sooner than thirty (30) days after the final text of a statement (together with comments) has been made available to the Council and the public. With respect to recommendations or reports on proposals for legislation to which Section 102(2)(C) applies, the final text of the environmental statement should be available to the Congress and the public in advance of any relevant Congressional hearings.*

11. Application of section 102(2)(C) procedure to existing projects and programs. To the fullest extent possible the section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of [Public Law 91–190] *the Act* on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. Availability of environmental statements and comments to public.

(a) *In accord with the policy of the National Environmental Policy Act and Executive Order 11514 agencies have a responsibility to develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action.*

(*b*) The agency which prepared the environmental statement is responsible for making such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. sec. 552) *Without regard to the exclusion of inter-agency memoranda therefrom. With respect to recommendations or reports on proposals for legislation, the environmental statement and comments should be made available to the public at the same time they are furnished to the Congress. With respect to administrative actions, except where advance public disclosure will result in significantly increased costs of procurement to the government, the draft environmental statement should be made available to the public at the same time it is circulated for comment and furnished to the Council, and the final text of the statement and comments received should be made available to the public when furnished to the Council. Agencies which hold hearings on proposed administrative actions or legislation should make the draft environmental statements available to the public fifteen (15) days prior to the time of the relevant hearings. Agencies shall institute appropriate procedures to implement those requirements for public availability of environmental statements and comments thereon. These shall include arrangements for availability of the draft and final texts of environmental statements and comments at the head and appropriate regional offices of the responsible agency and at appropriate State, regional and metropolitan clearinghouses.*

[13. Review of existing authority, policies and procedures in light of National Environmental Policy Act. Pursuant to section 103 of the Act and section 2(d) of Executive Order 11514, all agencies, as soon as possible, shall review their present statutory authority, administrative regulations, and current policies and procedures, including those relating to loans, grants, contracts, leases, licenses, certificates and permits, for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of the Act. After such review each agency shall report to the Council on Environmental Quality not later than September 1, 1970, the results of such review and their proposals to bring their authority and policies into conformity with the intent, purposes and procedures set forth in the Act.] [14] *13.* Supplementary guidelines, evaluation of procedures. (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will *continue to* assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, [1970] *1971*, such reports should include an identification of problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

RUSSELL E. TRAIN,
Chairman.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that morning business be closed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The time for morning business has expired.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The ACTING PRESIDENT pro tempore. The Chair states that the pending question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that I may speak on the pending measure at this time, notwithstanding the provisions of rule XIX.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Alabama is recognized.

Mr. ALLEN. I thank the Chair.

Mr. President, it was necessary that I ask unanimous consent that I be allowed to speak at this time, notwithstanding the provisions of rule XIX, because the junior Senator from Alabama has already spoken twice on this subject during the present legislative day. This legislative day has been in existence since Tuesday of last week, possibly since Monday of last week. At the end of each session of the Senate, at the close of the day, instead of the motion being made that the Senate adjourn to the next day, we have recessed until the next day, thereby continuing the same legislative day in force and effect. So, while the junior Senator from Alabama spoke on this question yesterday and on two occasions before that, all these speeches have been in the same legislative day.

So it was necessary that he ask permission to proceed, notwithstanding the fact that he already has had the allotted number of speeches on this subject.

Mr. JAVITS. Mr. President, is that a unanimous-consent request?

The ACTING PRESIDENT pro tempore. The unanimous-consent request was asked and already has been granted for the Senator from Alabama to be recognized, despite the provisions of rule XIX.

Mr. JAVITS. Mr. President, will the Senator yield to me very briefly?

Mr. ALLEN. For what purpose?

Mr. JAVITS. Simply to make a comment—without losing his right to the floor.

Mr. ALLEN. A germane comment?

Mr. JAVITS. Yes.

Mr. ALLEN. Mr. President, I yield, provided I do not lose my right to the floor and that the resumption of my remarks will not be considered a second speech.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. The Senator from New York gathered that the unanimous consent was to be made. He did not gather that it had been made. But the Senator from New York had no intention to object, except to remind the Senator from Alabama that on a previous occasion he had, quite properly, invoked the rule to put into his seat and take off the floor the Senator from Arkansas (Mr. FULBRIGHT) by the invocation of this rule. I just hope that we have a credit of at least one from the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from New York for his remarks. It was the very incident that the Senator referred to that caused the junior Senator from Alabama to make this request, so that he would be allowed to make his speech. He might state, however, that if unanimous consent had not been granted, it was his intention to withdraw the current motion which he made and substitute a different motion, on which he would be entitled to speak for two additional times. I appreciate the remarks of the distinguished Senator from New York.

Mr. President, I believe the distinguished Senator from Idaho (Mr. CHURCH) said a few moments ago, during the period for the transaction of routine morning business, that on January 25, Senate Resolution 9 was introduced by him and by the distinguished Senator from Kansas (Mr. PEARSON), and it was on the following day that the distinguished Senator from Kansas (Mr. PEARSON) made his motion that the Senate proceed to the consideration of Senate Resolution 9. It was at that time that the junior Senator from Alabama made his motion to postpone consideration of the motion of the distinguished Senator from Kansas (Mr. PEARSON) to the next legislative day.

If we would ever adjourn the Senate, the motion that the junior Senator from Alabama has made would lapse by efflux of time, because the next legislative day would already have arrived. Since we are confined in the same legislative day, even though it has been underway for some 10 or 11 days, it is necessary that we address our remarks to the pending motion.

Mr. President, what is the issue involved in this discussion? Senate Resolution 9 seeks to change rule XXII, to change the requirement that the vote of two-thirds of the Senators present is necessary to stop debate or to invoke cloture, as it is called, to a provision that debate can be cut off and cloture applied by the vote of three-fifths of the Senators present.

Now, Mr. President, make no mistake about it, if three-fifths cloture is adopted by the Senate, then majority cloture is not far behind. Already the Senator from New York (Mr. JAVITS) has sent up to the desk a resolution, printed and placed on the desk of each Senator, proposing an amendment to Senate Resolution 9 which would change the three-fifths cloture requirement to what might be called a constitutional majority of Senators, that being 51 Senators. So the entering wedge in getting majority cloture in the Senate is the passage of Senate Resolution 9 providing cloture by three-fifths of Senators.

Once they get three-fifths, then they will move to the constitutional majority.

Once they get a constitutional majority of 51 as the requirement, then they will move to a simple majority.

Mr. President, the right to extended debate in the Senate is the one attribute of the Senate that sets it apart from other legislative bodies and gives the Senate the claim to the distinction of being the greatest deliberative body in the world.

Mr. President, it is possible for Congress to act most rapidly. Under certain circumstances, it is possible for legislation to be passed in Congress in 1 day and sent on to the President. If a bill is introduced in the House and by unanimous consent brought up for immediate consideration, it could be passed in the matter of minutes and sent over by messenger to the Senate and, by unanimous consent, passed that very same day.

Now, Mr. President, possibly that works well in instances when some phase of the Government of the United States is about to come to a halt by reason of the lapse of appropriation bills. It is possible to pass a continuing resolution on the last day of the fiscal year, or the last day to which the appropriation has been extended by a continuing resolution and thereby continue the appropriation.

The fiscal year of the U.S. Government runs from July 1 through the following June 30. I do not recall that many, if any, appropriation bills in either session of the 91st Congress for the ensuing fiscal year had been passed at the time of the close of the Government's fiscal year for which the appropriations had been made. So, in almost every instance, if not every instance, it was necessary to pass a continuing resolution. That was done in a matter of hours, if not done in a matter of minutes. So it is possible for the Congress to act quickly.

It is possible for bills which are strongly opposed and strongly contested in the other body to be rammed through that body without the membership having an opportunity to vote, or to offer amendments to the pending legislation if the membership votes on themselves a gag rule forbidding the offering of amendments to the pending legislation.

The customary time allowed a Member of the other body to speak is 5 minutes. So on some of these matters of legislation that come before the House, sometimes thicker than this book of Senate rules which I hold in my hand, the Senate manual, an inch and a half thick, they are expected in that body to pass on that legislation without any meaningful debate.

When a measure comes to the Senate, a slowdown is often in the interest of the people of this country, because it gives Senators an opportunity to examine the proposed legislation, an opportunity to study that legislation, and an opportunity to seek modification, compromise, improvements, in that proposed legislation.

Mr. President, as long as the Senate retains unto itself, and the individual Members of the Senate, the right to extended debate limited only by rule XXII, we will have better legislation enacted into law and we will have more careful consideration given to legislation.

Mr. President, I am told that the U.S. Senate actually passes more pieces of legislation even though we have extended debate in the Senate than does the other body, even though they have no right to meaningful debate in the House.

Once a measure comes before the Senate, if there is a substantial minority that takes a different view from the proponents of the legislation, they should have the right, and they do have the right as provided by rule XXII, of discussing that measure at length, and of seeking to convince a sufficient number of the Members of the majority that the views of the minority with respect to that legislation are the proper views so that thereby the minority becomes the majority.

Mr. President, does the present cloture requirement of two-thirds impose an unattainable requirement, an unattainable goal or standard for proponents of legislation? There have been few pieces of legislation killed in the Senate by extended debate that were important to the welfare of this country or that were not subsequently adopted in improved form. At one time under the Senate rule XXII in order to apply cloture and cut off debate, a constitutional two-thirds of the Members of the Senate was required so that in this day it would take, if we had kept that rule, 67 Senators to cut off debate.

And if there were only 66 Senators present at the time of the cloture vote and all 66 of them voted to cut off debate, debate would not have been cut off by the application of cloture because the rule formerly provided that it took a constitutional two-thirds. Of course, with 100 Senators, a constitutional two-thirds, meaning of all Members elected and qualified, would require 67 Senators under that state of affairs.

That rule was amended by the Senate in the exercise of its considered judgment and was cut down to the point that it took only a two-thirds majority of the Senators present. That changed it a whole lot. It just about cut the theoretical necessity for the number of Senators almost in half because we can now have a vote on a cloture motion if we have a quorum of Senators present. A quorum, of course, of a 100-Member body would mean 51 Senators would be present. So, with 51 Senators present, what is a two-thirds majority? According to my arithmetic, if 34 of those 51 voted to apply cloture and 17 voted against it, cloture would be applied. That is under the existing rule.

Mr. President, 34 Senators, with a bare quorum present, can apply cloture in the Senate under the existing rules. Yet they are not satisfied with such a liberal rule as this. They want to change it to three-fifths of those Members present. They would then want to change it again, and I believe they probably would leapfrog the 51 constitutional majority and just move in the next session of the Congress to a bare majority of the Senators which would permit, in this same hypothetical case of a 51-Senator quorum being present, 26 Senators to invoke cloture.

Mr. President, they say that no other parliamentary body has this right to extended debate. That is the very feature and the very attribute that does set the Senate apart from other bodies and gives it distinction.

Are we going to rob this Senate of this distinction? Are we going to put it on a level with other parliamentary bodies, or are we going to retain some checks and balances against the possibility of hastily considered legislation?

Mr. President, it is the judgment of the junior Senator from Alabama that the question of whether or not this rule should be changed in the manner sought by Senate Resolution 9 is the most important question that is going to come before the Senate in the 92d Congress. It was the most important question that came before the 91st Congress.

Two years ago this same question came up for a vote and 51 Senators voted to apply cloture and 47 Senators voted against it. That is the high water mark of Senators voting in favor of a change in the cloture rule. I believe from what the distinguished Senator from Idaho said earlier this week, the question of cloture will come up Thursday week.

It has been stated that he is going to file the cloture motion on Thursday of next week, and under the rules it must be voted on on the second calendar day thereafter, and I will add parenthetically that that has been interpreted to mean that the Senate is in session. We are going to come back to the Senate following the Washington-Lincoln Birthday recess, and then the vote will be taken on the cloture motion on Thursday, which I believe is the 18th of February.

So we are going to have a cloture vote on the 18th of February as promised by the distinguished Senator from Idaho (Mr. CHURCH). That is going to be the question to be decided, and not this little motion that we have before us now.

Mr. President, it has been stated here, and certainly it is correct because their names appear on the resolution, that 51 Senators are sponsors or cosponsors of Senate Resolution No. 9, that is, the resolution making the change in the Senate rules from two-thirds to three-fifths, or 60 percent. I wish to point out this fact to some of the distinguished Senators who, somewhat to my surprise, have joined as cosponsors of the resolution. That is not the question which will be before the Senate. The resolution itself will not be before the Senate. We will have the question of whether debate on the motion to bring up this resolution shall be cut off.

It would not be inconsistent at all for a cosponsor of the resolution to vote against cutting off debate. Yes, let Senators take the position that if we get to the point where the rules are subject to amendment they favor the amendment, but do not resort to the practice of applying cloture and cutting off the right of any Senator to discuss this question. I would hope that one, two, three, and possibly more of the 51 Senators who have joined in the resolution will not carry their advocacy of the resolution to the point of voting to apply cloture.

Why is extended debate important? Rule XXII does not give the right of extended debate or unlimited debate. It provides a limit to debate, so these people that we hear being critical of rule XXII as providing for extended debate or unlimited debate are certainly incorrect in that feeling because without rule XXII we could have unlimited debate and prior to adoption of rule XXII back in 1917 there was no limit on debate. Those who wanted to limit debate were the ones who put in rule XXII. It was not put in by those who wanted unlimited debate or extended debate; it was put in by those who wanted to limit debate.

Any legislation that can command the support of a two-thirds majority in the Senate can be limited in debate; and if one more than a third want to continue that debate, they should be allowed to do so. Rule XXII has not prevented civil rights measures from being adopted by the Senate; cloture has been applied. I appeal to the Senate to go ahead under the rules if Senators feel that a given piece of legislation should be considered by the Senate and voted on. Go ahead and apply cloture on the specific piece of legislation, but do not apply cloture in an effort to reduce from two-thirds to three-fifths the number of Senators required to apply cloture. Let us have the rule as it is, even though in many instances Senators may want to apply cloture. This does not mean that by voting against applying cloture on the rules change that under certain circumstances a Senator would not be in favor of applying cloture to a specific piece of legislation. But continue the two-thirds requirement, because that is absolutely essential for the balance of powers in our Government.

So why have extended debate? Well, it protects the Senate from a complete takeover by the executive department—and when I speak of the executive department, I am not referring to any particular President or any particular administration, either present or past—but if it is made easier to stop debate in the U.S. Senate, we are going to see the power of the executive, the power of the administration, to influence legislation in this body increased in direct proportion to the degree of modification in the cloture requirement of rule XXII.

Mr. President, we have seen the Congress, the legislative branch of this Government, give up so many of its powers to the executive. We have seen the executive and the Supreme Court just about take over the functions of the three departments of Government.

The Supreme Court and the executive branch will reach out and take hold of any power and authority that they can. They are always seeking to build up their power and authority. Only the legislative branch is willing to see its power and authority eroded, delegated to the executive, interpreted by the Supreme Court contrary to the will of the Congress, and nothing is done about it. Here we are presented another opportunity to further erode the power and authority of the U.S. Senate. That is what we would be doing if we changed the rules of the Senate, making it easier to cut off debate in this body.

Mr. President, it has been suggested that the discussion going on at this time is a southern filibuster. Let us look at the record of the 91st Congress and some of the events that took place at that time in the closing days of Congress, and see who was using the right of extended debate. One of the main discussions was the discussion by the distinguished Senator from Wisconsin (Mr. PROXMIRE), who was debating the conference report on the SST appropriation, which put back the SST appropriation in a slightly reduced amount after the Senate had voted to eliminate it altogether. I joined the distinguished Senator from Wisconsin (Mr. PROXMIRE) in voting against the SST appropriation when he called up his amendment to the Department of Transportation appropriation eliminating the SST appropriation. I did not join him in that discussion, the extended debate. Rarely is an extended debate engaged in by a Senator outside of the South referred to as a filibuster; but this extended debate that the distinguished Senator from Wisconsin was engaged in with regard to the SST conference report was effective, and it has been promised that not later than some time in March an opportunity will be given to the Senate to vote again on the SST appropriation as a separate item.

The reason why the distinguished Senator from Wisconsin did not want the matter to come up was that he could not get a separate vote on the SST. We had to vote on the conference report, take it or leave it, and the report had the appropriation back in there. So the distinguished Senator from Wisconsin could hardly be referred to as a southern conservative. Yet he used this extended discussion, and the junior Senator from Alabama was not willing to support any effort to cut off his right to debate that question, because it was an important question. It deserved full discussion.

We recall, too, that part of the so-called logjam in the late days of the 91st Congress was occasioned by the adding to the social security increase in benefits legislation the President's family assistance plan and the import quota legislation, also referred to as the trade bill. Mr. President, I do not recall that the distinguished Senator from New York (Mr. JAVITS) or the distinguished Senator from Minnesota (Mr. MONDALE) actually participated in any debate against the import quota legislation, but they served notice that they were going to enage in extensive debate, in an effort to seek to block passage of that legislation in the Senate.

Mr. President, who is going to be the beneficiary of extended debate? Is it going to be Senators from my section of the country or is it going to be Senators from other sections of the country who actually used extended debate in the 91st Congress as much as or more than Senators from my section of the country used it?

Mr. President, I believe that a substantial majority of Senators favor some sort of import quota legislation. And if we ever get 60 percent cloture here in the Senate, there is a good likelihood that that type of legislation can pass, because debate could probably be cut off on it.

All of the civil rights legislation on which in the past, debate has been cut off, as far as I know, has been passed eventually. There has been no difficulty getting cloture on civil rights legislation. What is the use of extended debate today? The public generally thinks that the filibuster is used to block civil rights legislation. That is not correct, because that legislation has already been passed.

What is there left? Mr. President, the use of extended debate in the U.S. Senate is the best protection that a minority in the Senate and in the country have against the tyranny of a ruthless and arrogant majority. And, Mr. President, those who may today be the minority may, next decade or even next year be the majority, and the majority today may be a minority next year or next decade.

The right to extended debate is the best protection we have against a takeover of the Senate by the executive branch of Government. It is the best protection that we have against big government, to keep big government from getting bigger, to at least slow down the mushrooming of the Federal bureaucracy.

Mr. President, the filibuster dates way back to the days of the Roman empire—at least that far, and likely even farther, though, it was not called by that name. Julius Caesar, in the Roman senate, used the filibuster. I guess ancient Rome had its greatest glory in the days of its senate. I remember, as a high-school boy, studying Latin. We had these pictures of the Roman legions, and on one of the banners, I remember they had the letters SPQR—Senatus Populusque Romanus, "The Senate and the People of Rome." That was the heyday of the Roman empire, when the Senate was a free and independent body, before it was taken over by the Caesars.

Julius Caesar used the filibuster, but, when he took over as ruler of Rome, he did not like its use, because it cut down on his power and authority; and I believe it was the younger Cato that he silenced in the senate when Cato was using the filibuster to keep Caesar from taking over the Roman senate.

Mr. ERVIN. Mr. President, will the able and distinguished Senator from Alabama yield to the Senator from North Carolina so that the Senator from North Carolina may propound to him a few questions?

The PRESIDING OFFICER (Mr. CHILES). Does the Senator yield?

Mr. ALLEN. Mr. President, I ask unanimous consent that I may yield for this purpose without losing my right to the floor, and without my subsequent remarks being considered an additional speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. The Senator from North Carolina would like to ask the Senator from Alabama if, in the ultimate analysis, the demand for an alteration of rule XXII is not based upon the assertion that we need more speed and more efficiency in the Senate.

Mr. ALLEN. I believe that is one of the arguments that they give. I would like to suggest, at that point, that, if the proponents of this resolution have any arguments in its favor, I would like for them to come in and state them to the Senate.

Mr. ERVIN. I ask the Senator from Alabama if he does not agree that there might be some wisdom in the only change that the Senator from North Carolina thinks ought to be made in rule XXII, and that is that no Senator should be allowed to vote for cloture under rule XXII unless he has been willing to listen to some of the speeches made by those of us who believe that rule XXII ought not to be changed.

Mr. ALLEN. That sounds to the junior Senator from Alabama as though it might be a constructive change.

Mr. ERVIN. I ask the Senator from Alabama if William S. White, who has been a commentator on the Washington scene for many years, cannot be rightly numbered among those who understand the real place of the Senate as an institution in our scheme of government.

Mr. ALLEN. Yes, indeed. He is an outstanding authority on the Senate, and of course he wrote "The Citadel" about the U.S. Senate.

Mr. ERVIN. I ask the Senator from Alabama if he does not agree with the Senator from North Carolina that this great commentator, who loves and appreciates the Senate and understands fully its place as an institution in our scheme of government, did not put the position of the Senator from Alabama and the Senator from North Carolina in proper perspective when he said, on pages 18, 19, and 20 of his book "The Citadel":

> The Senate, therefore, may be seen as a uniquely *Constitutional* place in that it is here, and here alone, outside the courts—to which access is not always easy—that the minority will again and again be defended against the majority's most passionate will.
>
> This is a large part of the whole meaning of the Institution. Deliberately it puts Rhode Island, in terms of power, on equal footing with Illinois. Deliberately, by its tradition and practice of substantially unlimited debate, it rarely closes the door to any idea, however wrong, until all that can possibly be said has been said, and said again. The price, sometimes, is high. The time killing, sometimes, seems intolerable and dangerous. The license, sometimes, seems endless; but he who silences the cruel and irresponsible man today must first recall that the brave and lonely man may in the same way be silenced tomorrow.
>
> And those who mock the Institution, and demand of it "speed" and yet more speed and "efficiency" and yet more efficiency, might remember that there is altogether a good deal of both at present in American life. For illustration, those who denounce the filibuster against, say, the compulsory civil rights program, might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority. They might recall, too, that the techniques of communication, and with them the drenching power of propaganda, have vastly risen in our time when the gaunt aerials thrust upward all across the land. They might recall that the public is not *always* right all at once and that it is perhaps not too bad to have *one* place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged.

Does not the Senator from Alabama agree with the Senator from North Carolina that that is a conclusive argument for the retention of rule XXII in its present form?

Mr. ALLEN. Yes, I definitely think so. I think that Mr. White has stated his views in language much more forceful than the junior Senator from Alabama could use, but certainly no more forceful than the senior Senator from North Carolina can use and does use on many occasions. I would say that any man who can expound a philosophy of that sort would be an outstanding addition to the U.S. Senate, and I wish he were here to help us in person on the floor of the Senate to advance the outstanding argument he has made.

Mr. ERVIN. And does not the Senator from Alabama agree that Mr. White makes a conclusive case for the retention of rule XXII in its present form when he says, in substance, that any rule that the Senate might devise by which it can silence today a troublesome demagog can be used with equal facility tomorrow to silence a brave man fighting for a righteous cause upon which the survival of America might depend?

Mr. ALLEN. Yes. I certainly agree, and I think that is a fine statement.

Mr. ERVIN. Does not the Senator from Alabama recall from the history of the recent past that every time, for years, that a new Congress is assembled in Washington, those who desire to change rule XXII to secure speed—what they call speed and efficiency—have presented such proposed changes to the Senate?

Mr. ALLEN. Yes. It has been happening for a number of years.

Mr. ERVIN. Does not the Senator from Alabama recognize, as does the Senator from North Carolina, that every time a new Congress meets, those fine, but impatient, Senators who want to change rule XXII require the Senate to lay aside its legislative work and waste anywhere from a month to six weeks of the Senate's time seeking the change?

Mr. ALLEN. Yes, indeed. I think it is a waste of time, and I wish that very soon the majority leader will lay this whole matter aside and let us get to some of the much needed legislation we have before us.

Mr. ERVIN. Does not the Senator from Alabama realize that we could have been dealing with matters of legislation during the past 2 weeks, except for this insistence upon a rule change, which the Senate has refused to make time, time, and time again?

Mr. ALLEN. Yes. That is true.

The Senator will recall that in the closing days of the 91st Congress, we had a great logjam of legislation. These matters had been through the Senate committees—at least, had been considered by the committees. I do not know why they are not able to get those measures out on the floor and get them in the position they were in in the 91st Congress, and let us go ahead and vote on them, rather than to be considering again the matter of amending the Senate rules.

Mr. ERVIN. Will the Senator from Alabama accept the assurance of the Senator from North Carolina that during the 16 or 17 years that the Senator from North Carolina has been a Member of this body, the proponents of change in rule XXII have taken action which resulted in the use of a year of the Senate's time in those 16 or 17 years; whereas, all the filibusters so-called and all the educational debates so-called which have occurred during that time have consumed a very small portion of the Senate's time, as contrasted with the waste of time brought about by a demand for the change in rule XXII?

Mr. ALLEN. I do not know just what the proportion would be, but I do know that we have consumed many months arguing about the change in rule XXII, which seems needless to the Senator from Alabama.

Mr. ERVIN. I ask the Senator from Alabama whether far more of the time of the Senate has not been used in an effort to change rule XXII since the Senator from Alabama came to the Senate than has been consumed by all the alleged filibusters and pseudofilibusters and educational debates against which the proponents of this change inveigh?

Mr. ALLEN. I will have to be frank with the distinguished Senator from North Carolina and state that I do not know the proportion and the relative comparison between the debate on the rules change and the other debates, but certainly we have consumed many months in discussing the rules change.

Mr. ERVIN. Does the Senator from Alabama really know any organizations or individuals, who demand a change in rule XXII except those who are somewhat impatient?

Mr. ALLEN. I know of no others that are demanding it. I do not recall receiving any letters—few, if any, letters have I received urging me to be for the change in rule XXII.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that there never was anything truer than what William S. White said on pages 18 and 19 of his book, "The Citadel," when he said:

> The Senate, therefore, may be seen as a uniquely *Constitutional* place in that it is here, and here alone, outside the courts—to which access is not always easy—that the minority will again and again be defended against the majority's most passionate will.

Mr. ALLEN. Yes, indeed. I agree with that statement.

Mr. ERVIN. Considering the way the courts operate, will the Senator from Alabama agree with the Senator from North Carolina that the Senate is the only place in the United States—indeed, the only place in the world—where a substantial majority can engage in reasonable debate and in a reasonable effort to convert itself from a minority into a majority?

Mr. ALLEN. It is the only body with which the junior Senator from Alabama is familiar, and it is one of the great features of this body, and I want to continue that feature.

Mr. ERVIN. I thank the Senator.

Mr. ALLEN. I thank the distinguished senior Senator from North Carolina (Mr. Ervin) for his most helpful comments and participation in this discussion.

Mr. President, when the distinguished Senator from North Carolina (Mr. Ervin) engaged me in colloquy, I was discussing the matter of the extended debate which took place in the Roman senate, and the fact that Julius Caesar while a member of the senate engaged in filibustering, but after he became ruler of Rome, while it still had a senate, before they put the senate out of business, was able to silence and did silence the younger Cato, who participated in extended debate in the Roman senate.

Mr. President, I have hardly started my remarks on this subject. I am hopeful that at a later hour, either today or next week, I shall be able to continue my discussions. I never got down to some of the remarks I planned to make.

The distinguished senior Senator from Arkansas (Mr. McClellan) is present in the Chamber, wishing to discuss this matter, and since I have no prepared remarks and am discussing this issue extemporaneously, I am able to stop at any stage of my remarks.

So, at this time, Mr. President, in order that the distinguished Senator from Arkansas (Mr. McClellan) may have an opportunity to discuss this matter, I do, at this time, yield the floor.

The PRESIDING OFFICER (Mr. Fannin). The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, I deeply regret that during the past few days my committee duties and responsibilities, together with other pressing matters involving my State and my constituents, have prevented me from being present on the floor to listen to many of my distinguished colleagues who have preceded me in the discussion of this very important issue. I am sure that I cannot match the words of wisdom already spoken by them. I did want, however, to deliver in part this afternoon some remarks that I have prepared on this subject.

Anticipating the probable time of adjournment this afternoon, I shall not have adequate time to complete all that I wish to say in opposition to the change in rule XXII and, therefore, I now ask unanimous consent that my remarks this afternoon be considered only the beginning, or a part of what I anticipate I shall say before this debate shall end, and that my remarks today, and those subsequent thereto the next time I take the floor, all be regarded as one speech.

Mr. President, I ask unanimous consent for that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

Mr. McCLELLAN. Mr. President, once again, as on numerous occasions in the past, we have before us a proposed change in rule XXII. I heard part of the colloquy a few minutes ago between the distinguished Senator from North Carolina (Mr. Ervin) and the distinguished Senator from Alabama (Mr. Allen) regarding the tremendous waste of time that has occurred in this effort over the past several years.

I think it would be of interest, and I think the Record should reflect—I notice the distinguished Senator from North Carolina (Mr. Ervin) has returned to the Chamber—that a survey should be made of the time that has been wasted on this proposal during the past quarter of a century. It is this kind of waste of time that often brings criticism upon this distinguished body, criticism which is often intended and calculated to impair its image as the great institution to which it has often been referred—the greatest lawmaking body in the world.

I would hope that when we finally vote on the issue now before us, that this matter will be settled. I would hope that it be determined that an insufficient number of this body want this rule changed, and that a sufficient number of the Members of this body will continue to oppose this abortive effort and, hereafter, we can proceed with other business in this body without the long interruptions which have been caused by this issue, the proposed change of rule XXII.

I would go further, Mr. President, in saying that if this proposal is adopted, to where 60 percent of 60 Members of the Senate can invoke cloture, that will not end the issue or the argument. Such a change will only inspire, stimulate, and encourage further efforts toward the ultimate goal of the proponents, which is to reduce this body to the subservience of the will of a temporary majority any time that majority expresses itself.

If that ever happens, Mr. President, then it can never again be said, as it has so often been said, that this is the greatest deliberative legislative body in the world.

I think that, as long as that description of the Senate remains true, the Senate will be clothed in the luster of honor, dignity, and character, that not only every Member of the Senate should be proud of, but that every citizen of this Nation should acclaim with pride.

Mr. President, I rise to oppose unequivocally the pending resolution which seeks to amend rule XXII of the Standing Rules of the Senate. This amendment is designed to further liberalize procedures in the U.S. Senate so as to enable slightly more than a bare majority of the membership of this body to compel—not persuade, Mr. President, but to compel—in some instances, hasty, ill-advised action on any pending matter before the Senate, no matter how grave the issue, no matter how serious the consequences or ill-advised action may be. Such an amendment would serve to enforce further the will and purpose of a bare majority not only on the Senate, but also on the people of this Nation. This would be done without affording adequate opportunity for the due deliberations of which this body is so capable and which are needed and should be exercised for the people to be sufficiently informed—and they should at all times, Mr. President—be sufficiently informed—on vital issues so as to enable them to formulate their views and in turn make them known to their chosen representatives in this body.

This pending proposal, Mr. President, under a set of circumstances which could reasonably occur would enable as few as 31 Members of the Senate, less than one-third of the elected representatives serving here, by invoking a cloture rule, to cut off debate and silence the remaining 69 Members.

It would enable as few as 31 Members to cut off debate and silence the remaining 69.

Just about 4 years ago, I rose in this Chamber to lend my voice in protest against the same nature of assault on the rights of the American people that is involved here in this debate today. At that time, I called attention to the comments attributed to one of the wisest Americans who ever lived, Thomas Jefferson, relative to debate in the U.S. Senate.

Mr. President, those comments of Jefferson are just as much in point today, and even more persuasive possibly than they were then, if we just listen to them. So, I would like to refer to them and quote them again.

Mr. Jefferson said:

> The rules of the Senate which allow full freedom of debate are designed for the protection of the minority, and this design is part of the warp and woof of the Constitution. You cannot remove it without damaging the whole fabric. Therefore, before tampering with this right, we should assure ourselves that what is lost will not be greater than what is gained.

Mr. President, just as those immortal words illuminated the pathway and gave guidance to our predecessors during that time and since then, so they serve us today.

There are those who insist there are—as they have repeatedly pointed out on the floor in the course of this debate for years while this has been a live issue in the Senate—the alleged advantages that are to be gained by this so-called gag rule. The force of the rule change that is proposed here and the ultimate goal of those who seek a change will be to finally seek a bare majority. Those gains, Mr. President, as Jefferson indicated, are more than offset by the loss to be sustained.

Mr. President, it is generally agreed that Thomas Jefferson was a man of many talents and certainly he was a man of great experience in government. Not only did he understand the true meaning of democracy, and the role of the legislative process in safeguarding individual rights but I believe he had a better understanding of that process than any other man of his time and, perhaps, since then.

During the period of the formation of our Government, in its very infancy, he had a better understanding of the processes then than any other man living. Although much of interest and value has been written and said about him, I do not recall ever having read any reference to this great man as either a "Southern reactionary" or a "conservative" or a "racist" or a 'bigot" or any other derisive or critical terms that are sometimes now applied to those who stand here in this body today and continue to defend the principles that Jefferson espoused, and he was truly a progressive of his time. If he espoused them then and they have served this Nation well for nearly two centuries, and no harm has come to the country because of them, why is it that now those of us who defend the same ideals, the same principles, and the same processes that were designed to protect the minorities and designed to make certain that the American people could be informed on the issues on which their representatives were voting are treated with derision? If they were valid then and if they had the virtue then to command the respect of men like Jefferson who advocated them, what has happened to warrant the change now of condemnation and derision of those of us who stand here to defend the same ideals and principles.

I can tell you, Mr. President. Our Founding Fathers had the depth of wisdom to reject it. I will tell you, Mr. President, what is behind it. It is political expediency. "We can get the power to ram legislation through and once we get a slight majority we can do it."

Mr. President, that is not the way to preserve America and that is not the way to preserve the liberties, the freedom, and the rights, the civil rights, that the liberals profess so much to idolize and serve. Ultimately they will be overridden by some small majority at a given time.

They are taking more risks in this matter than are those of us who are defending and protecting this country from arbitrary decisions and oppressions. Some of them will have an awakening too late, if they happen to get this through at any time. It will be too late then. As we used to try to tell them about some of the proposals that have been before this body, ultimately we told them that they will suffer more ill consequences from it than those sections of the Nation they thought they were chastizing. That is coming true every day—every day. It is happening across the Nation. The very sections of the country they thought they were chastizing are rising above it and the ill consequences of it are visiting them today in their own front yards. There is not a Senator in this body who when he reads these remarks that will not know exactly what I am talking about. Some of them will wince when they read it because it is true.

Yet, those of us who have stood our ground these many years and have fought off nine assault waves in 18 years on one of the most vital institutions possessed by the American people, have been opprobriously referred to in those derisive terms for expressing exactly the same sentiments, and for the very same reasons—love of country and concern for its preservation as the greatest democracy on this earth.

Mr. President, it is, in my judgment, most unfortunate that in 1959, this body, ignoring the wise counsel of that great statesman, Jefferson, saw fit to "tamper with this right" by amending rule XXII so as to permit a two-thirds majority of those present and voting—as few as 34 Senators—to invoke cloture, rather than a two-thirds majority of the full Senate membership—67 Senators, as was provided by the 1949 amendment.

Well, Mr. President, what is happening here today confirms what I said a few moments ago. The adoption of a change to a proposed 60 Senators is not going to satisfy the proponents. This is a whittling away process. We shaved off a little a few years ago; now we will whittle away more. If the Senate agrees to 60 percent, we will shave off some more, and the next round will probably be for 55 percent. That will not satisfy them. They will be back here for 51 percent; and then 26 Senators, if there were only 51 Senators present, would have the power to silence debate because they did not agree with other Senators on a particular issue.

Mr. President, in some fields and in some areas, there is a process of degeneration that applies sometimes by the normal course of nature. Here we are beginning to practice it. We are asked to do these things that would bring about a further stimulation of the processes of deterioration of the strength, the dignity, and the power of the Senate to protect the citizens of this country against the possibly ill-advised, hasty, and rash action of a mere majority of Senators at some given time. It is not a wise course; it is a foolish course. I hope there is yet enough collective wisdom in this body to reject this proposal.

This protective rule of 1949 was further weakened seriously in 1959, and now, in keeping with a steady trend, we are witnessing still another assault on the "full freedom of debate" which, in Jefferson's words, were designed "for the protection of the minority."

It is a strange concidence that those who are here today insisting upon a change in this rule often profess to be the greatest champions of the minority; and when they go out to speak in campaigns they refer to Jefferson, the great Jefferson, father of democracy. And yet they stand here and repudiate him—not only repudiate him but also denounce those of us who defend him by the opprobrious terms to which I have already referred.

Mr. President, from 1806 to 1917, there was free and unlimited debate in the

Senate of the United States. Was our Government destroyed? Did our Nation cease to prosper? The answer is obvious.

The truth is that that was the period of our growth and strength, the strength that gave us the impetus to become the greatest Nation on earth, when men were free. That is what we want to keep.

We grew and prospered and became the greatest Nation on this earth.

Between 1917, when the first cloture rule was adopted, under the pressures of a great war and a national emergency, cloture motions were limited to pending measures and required a two-thirds majority vote of those present and voting. In 1949, rule XXII was amended so as to restore this bulwark of democracy against the oppression and tyranny of the majority, by authorizing cloture only by a two-thirds majority of the entire Senate, but debate could not be limited on any proposal to amend the standing rules of the Senate. However, at that time, the rule was extended to cover, in addition to the pending business, all motions and other matters and unfinished business.

This again bears testimony to and is evidence of what I asserted a few minutes ago—that we are witnessing in this period of time the whittling process, the whittling away a little this year and a little the next session and a little the next year, until ultimately there will be no bulwark against the tyranny of a mere majority.

Then in 1959, the number required to invoke cloture was reduced to two-thirds of those present and voting. The 1959 amendment was simply used as a vehicle to enable a majority to try to appease minority groups for political expediency, without regard to the constitutional rights of the majority of the American people.

Prior to the 1959 amendment, rule XXII was an imposing bulwark of true democracy. Through the years, it served to safeguard the liberties of our people and afforded them the right of thorough and full expression through the medium of their chosen representatives in the U.S. Senate. Although seriously weakened in 1959, rule XXII, in its present form, still stands as a vital safeguard of liberty. Weaken it further—and that is what the proposal will do—and you will strike down and destroy this fortress, this last bastion of free and unlimited debate in the most profound legislative body in the world.

Mr. President, once this rule is destroyed, once this rule is whittled down to where a simple majority can impose its will arbitrarily, this body will no longer be able to boast that it is the greatest deliberative body in the world. I hope we never surrender that great distinction.

Contention is made, with great emphasis, that the present rule XXII permits abuses. It does. Abuses have occurred.

There is hardly a rule of the Senate that does not permit abuses, and we witness them day after day and time after time. One can probably abuse anything he wants to abuse, and I have seen that abuse. I have seen what I thought was an abuse by some of those who now condemn the rule. I have seen measures here that I would like to have voted on. I would like to have seen them disposed of. I was anxious and ready to vote, but I saw a minority of those who stand here and plead to destroy that right exercising that very right on the floor of the Senate, to keep a majority of us from voting on something they did not like. I did not complain. I would like to have seen a vote. But, having a vote on that issue at that time, the gain that would have been made would never have outweighed the loss that would be sustained by a rule that would permit a bare majority to invoke its will and impose its will hastily and arbitrarily on a minority in this body.

I have witnessed some of them since I have been a Member of the Senate, and I have noticed that, in some instances, these abuses have been perpetrated by the very persons who are now clamoring for a change.

However, Mr. President, although free and unlimited debate may have resulted in temporary delay and may, on occasion, have served to inconvenience other Members of the Senate, any harm that may have resulted was infinitesimal in comparison with unwise and unsound legislation that might have been enacted had the rules been different.

The things works both ways, Mr. President. You may be able to impose the will of a bare majority and get some legislation through hastily. That is all right. But there are many times when that kind of operation, that kind of rule, that manner of enacting laws, would be an abuse, because then we would enact legislation without knowing what the consequences of it would be.

We have enacted legislation without understanding its provisions. We have enacted legislation that was not wise, not proved. What do we want, expediency at the cost of wisdom? That is the way to get it. Get you an arbitrary process, where you can force your will, for the sake of expediency, and wisdom is relegated to oblivion.

Mr. ERVIN. Mr. President, I ask the Senator from Arkansas if he will yield solely for a question.

Mr. McCLELLAN. I yield for a question, without relinquishing my right to the floor.

Mr. ERVIN. I ask the Senator from Arkansas if, under rule XXII in its present form, a cloture motion cannot be filed immediately after the Senate takes up a bill for consideration.

Mr. McCLELLAN. The Senator is correct; of course every Senator knows, and those who inveigh against rule XXII know, that the minute a bill is brought up on this floor and made the pending business, if they want to do it, they can file a cloture motion right then, and within—what is it, 48 hours?—two legislative days thereafter, we have to vote on it.

Mr. ERVIN. Yes; it could be less than 48 hours, because a bill might be called up just before midnight. We have had sessions here at midnight.

Mr. McCLELLAN. I seem to recall a few of them, Mr. President, yes.

Mr. ERVIN. Anyway, as soon as a bill is called up, is it not true that a cloture motion could be filed, and then Senators are allowed to debate that bill only for the rest of that day, the next day, and 1 hour on the following day, before cloture is voted on?

Mr. McCLELLAN. That is right. It can be less than 48 hours. We usually think of it in terms of 48 hours, but it could be less.

Mr ERVIN. I ask the Senator from Arkansas if it has not been his experience and observation in the Senate that in those instances where cloture has been voted, although the rule says Senators may each speak for 1 hour after that time, the majority of Senators who have voted for cloture do not come to the Senate Chamber and listen to those Senators who undertake to use an hour, or part of it.

Mr. McCLELLAN. Of course, the Senator is correct. The cloture rule is nothing but a gag rule. That is its true purpose. It is not to serve—to enlighten. If it can have any effect in the world, the cloture rule is to prevent debate and to force a vote for expediency's sake at the time; and there have been times when I know it has been expedient for me and for my cause, because a majority of Senators had the same viewpoint I did with respect to the pending issue, but a minority was able to prevent it. I did not complain about that; they had that right under the rule, and it is that rule they want to destroy and that rule I want to preserve.

Mr. ERVIN. Will the Senator from Arkansas accept the assurance of the Senator from North Carolina that the Senator from North Carolina devoted much time and attention to trying to improve the civil rights bill of 1964 and to make it a more just and workable law, although the Senator from North Carolina was opposed to the bill; that in so doing, the Senator from North Carolina prepared several amendments, such as, for example, an amendment to make the question of whether discrimination existed in federal programs determinable as they should be in judicial tribunals rather than in executive agencies having no rightful judicial power under the Constitution; that after cloture was voted, the Senator from North Carolina used the hour allotted to him to present and explain his just and workable amendments; and that virtually all of the Senators who had voted to impose cloture absented themselves from the Senate where the Senator from North Carolina was explaining his just and workable amendments, and merely came to the floor to vote against such amendments without listening to a single word spoken by the Senator from North Carolina to explain the meaning and wisdom of the amendments proposed by him.

Mr. McCLELLAN. I am sure the Senator had that experience; he observed it, possibly, more keenly than some of us. I observed it; I know that is true, notwithstanding the fact that the Senator was in good faith with those amendments, and they would have insured the democratic processes where they do not exist now, so that the accused, or the ones charged, would have had a chance to present their case and be heard, whereas they do not have it now; and the very Senators who profess to want the democratic processes and to preserve liberty and protect the minority are the ones who, by that expediency, preferred and by that attitude toward the Senator's amendments prevented those rights from being enacted into law.

Mr. ERVIN. Can it not be reasonably inferred that some Senators vote to impose cloture and thus gag other Senators because they do not want to listen to them and afford them an opportunity to present their views?

Mr. McCLELLAN. That may well be a part of their reason. They also profess to have other reasons.

Mr. ERVIN. The present discussion illustrates this point very well. As the Senator from North Carolina recalls, 51 Senators have joined in a proposal to lower the vote by which cloture can be obtained from two-thirds of the Senators present and voting to 60 percent of them. I am constrained to say that I have strained my eyesight trying to see if any of those Senators who cosponsored this proposal have been here to listen to the arguments against it. They have been conspicuous by their absence.

Mr. McCLELLAN. I do not think they have an open mind. I do not think they are too well informed. They already have fixed opinions.

Mr. ERVIN. And they want to make sure their fixed opinions are not changed by further light on the subject.

Mr. McCLELLAN. They do not want to get confused, let us say, so they avoid being exposed to any logic or wisdom which might inform them and confuse them.

Mr. ERVIN. Does the Senator see any similarity between that situation and that of the North Carolina justice of the peace, who, after the plaintiff had presented his case in justice court, told the defendant, "I would appreciate it very much if you would not offer any evidence, because when I hear only one side of a case I do not have any trouble reaching a conclusion, but when I hear both sides, I get confused, and therefore I would appreciate it very much if the defendant would not offer any testimony."

Mr. McCLELLAN. I think the Senator's story is very apropos to the statement I just made, that they do not want to get enlightened and confused.

Mr. President, we are told that the purpose of the pending amendment to rule XXII is to terminate successful filibustering; to enable the U.S. Senate to discharge its responsibility to the American people in a more democratic and expeditious manner—again I go back to what Mr. Jefferson said about democracy, that this protection of the minority is indispensable to true democracy—and to end the undue power which the rule places in the hands of a minority. In fact, advocates of the proposed change allege that the Senate, because of its tradition of free and unlimited debate, is unable to transact the Nation's business and is derelict in its obligations.

Mr. President, I have only to refer back to the closing days of the last session of this body to point out that the very things that are complained about here were then practiced by the ones who are doing the complaining. But it was expedient for them, from their viewpoint at that time, to do it. Though they condemn it in others, they practice it and take every advantage of the right to do when their ox is being gored.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may describe a cartoon I saw, without the Senator from Arkansas losing his right to the floor or having any subsequent remarks counted as a second speech or it being otherwise prejudicial to his position.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. One of our good friends, a very distinguished Member of the Senate, who filibustered against the SST in the closing days of the last Congress, was depicted in this cartoon as coming into the Senate Chamber with a great, big blunderbuss gun called "The Filibuster." In the cartoon, someone said, "Don't you consider this a dangerous weapon?" Our distinguished friend, as depicted in the cartoon, said, "No, except in the hands of southerners."

Mr. McCLELLAN. Except in the hands of southerners.

I do not know whether the Senator was in the Chamber a few minutes ago, when I said for the record—and I hope that some of our good colleagues read it—that we tried to warn them a few years ago, when they were trying to impose some legislation on a certain section of this country, when they were trying to chastise—and I will use the term "South" now—when they were trying to chastise the South, that there was going to be a backlash from it and that they would feel that backlash. Today, they have it in their own front yard, all across this Nation. And I believe they are asking for more of it.

Again, Mr. President, it is not the South—I can say that—that is going to suffer the most serious consequences from what I regard as these rash proposals if they should be adopted. In time, ultimately, it is going to boomerang, and the one who will get injured is the one who threw it, not the target at which it was thrown.

Mr. President, an examination of the record reveals clearly that there is very little, if any, validity to these contentions.

First, we find that rule XXII, in any of its various forms, has never been completely effective in terminating extended debate. Since 1917, when the first cloture rule was adopted, cloture has been invoked 49 times and was successful on only eight occasions, four of which occurred when the rule required only two-thirds of those present and voting to close debate. Now, this fact may be cited as proof that further liberalization of the rule is necessary. However, when Members of this body are ready and willing to cut off debate and resort to "gag rule" on only eight occasions in 53 years, what it really proves is that a substantial number of Senators were not ready and willing to act upon these measures in the form in which they were pending. This is clearly indicated by the fact that on 25 of the 49 occasions, those seeking to invoke cloture not only failed to muster the required two-thirds support for their motion, but also failed to receive the support of even a majority of the authorized membership of the Senate; and of this number, on 15 occasions, they were unable to obtain even a simple majority—a majority of those present and voting.

Those of us who are familiar with the workings of this body know that failure to invoke cloture on 41 occasions over a period of 53 years cannot be attributed to the requirements of the rule alone. It is obvious that Members opposing cloture on those occasions voted against it either because of a deep-seated conviction that "gag-rule" is an affront to our democratic institutions, or because of a similarly deep-seated conviction that further debate was essential and in the best interests of the Nation. I emphasize again the fact that experience has demonstrated beyond any question that when the U.S. Senate is ready to act on a pending measure, it can act, does act, and will act.

The allegation that the Senate, because of its tradition of unlimited debate, is unable to transact the Nation's business and is derelict in its obligations to the American people is clearly refuted by the record. First, despite the provisions of rule XXII, during the past 53 years, Congress has enacted an enormous quantity of legislation. A substantial proportion was transmitted to Congress by the President with a request for action. The product that ultimately emerged in the form of legislative enactments has often been quite different from the original submission—quite different from what the President recommended, from what the administration tried to have enacted. Experience has demonstrated that the ultimate product in those instances was often far better, in form and substance, than the original submission.

That does not apply only to the administration in power. It applies to the administrations over more than a half century. Presidents are no more infallible than Members of Congress.

I hope I will not be taken to task about that statement, because many who have served as President were Members of Congress. I am not sure that always the ablest Member of Congress became President of the United States. I have some reservations about that, though I make no challenge or charge.

So, Mr. President, I think that all deference should be shown to the President's proposals when he sends them down here.

If the President of the United States, regardless of party, is in power, every deference should be shown him. We have a constitutional responsibility. We should weigh the matter, and resolve the doubts with that in mind. Often, maybe, resolve the doubts in deference to his wishes. But, he is not infallible. After all, what the President sends down here most of the time, if not all the time, is prepared by a staff of experts who are never elected to anything. I think their proposals should be meticulously examined. In my judgment that is the better process of democracy.

Mr. ERVIN. Mr. President, will the Senator from Arkansas yield for a question?

Mr. McCLELLAN. I yield gladly to the Senator from North Carolina.

Mr. ERVIN. Is it not a fact that every President we have had since Franklin Delano Roosevelt, except President Eisenhower, went from the Senate to the White House?

Mr. McCLELLAN. I have not counted it, but I will take the Senator's word without making a hasty calculation.

Mr. ERVIN. President Truman had served in the Senate first, had he not?

Mr. McCLELLAN. That is correct.

Mr. ERVIN. President John F. Kennedy had served in the Senate first, had he not?

Mr. McCLELLAN. That is correct.

Mr. ERVIN. And President Johnson had served in the Senate first, had he not?

Mr. McCLELLAN. That is correct.

Mr. ERVIN. And President Nixon had served in the Senate first, had he not?

Mr. McCLELLAN. That is correct. The Senator is correct about that. As I pointed out, we have shown great deference to them, to their ability, their character, to their noble intentions and purposes as well as to their qualities of statesmanship. But again, I point out, all those President who went from the Senate to the White House had around them a staff of so-called experts as their counselors and advisers.

I certainly would not concede that all of them towered in intellect and judgment above the level of the stature of the Members of the Senate. I think it is our duty, an inescapable duty, where legislative proposals come to us, even from the President of the United States, to discharge our duty and carefully examine, assess, evaluate, and make judgments, and correct by amendment by elimination and by additions to those proposals, if necessary, in order to serve the Nation's best interests.

Some Presidential proposals have much merit; others have some merit; and still others have little or no merit at all. So it is in the legislative process that these proposals that come from the President prepared by his advisers should be carefully considered and analyzed. When both Houses of the Congress have considered and acted upon such proposals, they may, and often do, emerge in a form quite different from the original submission, or, in some instances, they may not be acted upon at all. Or they may be acted upon and rejected by affirmative vote of either House or both Houses of Congress. Action in the other body is relatively rapid due, in part, to strict limitations on debate and the party machinery through which it functions. The Senate, however, with its tradition of full and free debate, is in a position to devote more time to legislative proposals, and to keep the American people fully informed with respect to vital pending issues.

Without any reflection upon the other body—and I had the honor to serve in the other body—this is no reflection, Mr. President, they just do not have the time over there to give full debate to any issue.

From which body is it that the country keeps best informed on the issues of our time? It is the Senate. Not because those in the House are not just as able, patriotic, or as dedicated as we are, but because their numbers are so great and time is of the essence so that they can and must often act hastily and without adequate debate. Whereas, Mr. President, this is the only place where there can be adequate debate and where that debate can be carried through the news media to the people of this Nation. The people have the right to know, they are the ultimate judges, who should be informed, so as to weigh and make the judgments upon which they will exercise their franchise at the next election.

Do we want to stop that?

I do not count the gains or count the losses. I have a minus column and a plus column as to evaluating this issue and as to passing judgment on it. For that is the way we often determine the course we should pursue. There is some good and some bad in most legislation that comes before us. I have voted—as does every other Member of this body sometimes—for a bill that has something in it I do not like and I wish it were not in the bill, but I vote for it because I evaluate and strike a balance between that which is good and that which is bad. I balance it all out, and that which outweighs the other is the course that I pursue in voting for legislation.

I think that course is imperative. There is no other way. So why, Mr. President, shall we not be able here to evaluate this proposal on the basis of what we are going to lose and the potential evil consequences if we change the rule, as against what we know the record is now with the experience we have already had? We know. We do not have to guess. We have had 50-odd years of experience with it.

Only eight times has cloture been successful out of 49 times it has been invoked by the Senate. Well, there has not been much lost by that, as in most instances the proponents did not even get a majority. On 15 occasions, they were incapable of finding a simple majority of those present and voting to vote for cloture.

Mr. President, I wish to commend the Senator from North Carolina for calling to the attention of the Senate a while ago, in his colloquy with the distinguished Senator from Alabama (Mr. ALLEN), the great waste of time that has occurred in this body by this whittling away process of trying to reduce the power, the strength, the dignity, and the stature of the U.S. Senate down to the level of political expediency.

I hope that this proposal will not prevail.

Now, Mr. President, the clock indicates 10 minutes past 3. So, with the unanimous-consent request that was agreed to at the beginning of my remarks that this would be considered only the beginning of one speech, that I propose to make on this issue, I am ready to yield the floor.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, the program for Monday will be as follows:

The Senate will convene at 12 o'clock meridian following a recess. Following the prayer and the approval of the Journal, if there is no objection, and the laying before the Senate of the pending business, the able majority leader and minority leader will be recognized under the order entered on January 29. On the conclusion of their remarks, Mr. President, and the call of any unobjected-to items on the legislative calendar, there will be a period for the transaction of routine morning business which will not exceed 30 minutes, with the statements therein limited to 3 minutes.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question before the Senate is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Presiding Officer for his courtesy.

RECESS TO MONDAY, FEBRUARY 8, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order of yesterday, that the Senate stand in recess until 12 o'clock meridian on Monday next.

The motion was agreed to; and (at 3 o'clock and 11 minutes p.m.) the Senate took a recess until Monday, February 8, 1971, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

RURAL BIAS FOUND IN U.S. SCHOOL AID

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. PUCINSKI. Mr. Speaker, the following article from the New York Times of January 31, 1971, should be of interest to all Members of Congress:

RURAL BIAS FOUND IN U.S. SCHOOL AID

(By Leonard Buder)

A Ford Foundation-supported study of Federal aid to education has found that rural areas get "far more" aid per pupil than do urban areas, where the financial, educational and social problems are generally regarded as greater.

The 18-month study, made by the Policy Institute of the Syracuse University Research Corporation under a $338,625 Ford grant, also held that "funds flows so uneven, both within fiscal years and from year to year, that harried school planners often end up shunting Federal aid funds to the least pressing, least important of their priorities."

A report of the study, which is being submitted today to foundation officials, said that there was a severe crisis in educational finances in the nation's most urbanized areas, caused by a general fiscal deterioration combined with higher demands and costs for all services than in neighboring smaller communities.

INEQUITY CHARGED

It declared that the amount of Federal aid now provided was "patently insufficient to overcome the fiscal crisis of urban education" and that such aid was often distributed inequitably.

"Many individual aid programs give more help to rich districts than they do to poorer ones," the report said.

"The real impact of inadequate and discriminatory funding levels," the report asserted, "is evidenced in high dropout rates, student performance below grade level, difficulties in attracting and holding qualified teachers and overcrowded classes held in aged and dilapidated school buildings.

"The costs of these conditions are varied and immense. They are reflected in higher welfare, law enforcement and job training expenses of the cities, in the flight of the middle class to the suburbs, and in the human tragedy and properly destruction of urban unrest."

The research project, said to be the first comprehensive study of where and how Federal funds were being allocated, was suggested two years ago by John W. Gardner, who was then chairman of the National Urban Coalition and is a former Secretary of Health, Education and Welfare.

DISTRIBUTION TRACED

The first phase of the study, which led to the present report on "Federal Aid to Education: Who Benefits?", examined the fiscal situation of large urban school systems and traced the distribution of Federal aid.

A second phase, nearing completion, is examining the decision-making processes that account for the pattern of allocations. The third and final phase, scheduled to be completed in June, will develop recommendations for improving legislative formulas and administrative regulations relating to Federal aid for urban schools.

The research findings are based on an examination of 573 school districts in five states—New York, Massachusetts, Michigan, Texas and California—and on an analysis of eight major Federal aid programs that represented the bulk of Federal appropriations going to local districts for elementary and secondary education during the 1965, 1966, 1967, and 1968 fiscal years.

The authors of the report and the senior researchers for the study were Joel S. Berke, director of educational finance studies at the Policy Institute; Stephen K. Bailey, chairman of the Policy Institute and member of the State Board of Regents; Alan K. Campbell, dean of the Maxwell Graduate School of Citizenship and Public Affairs at Syracuse University, and Seymour Sacks, professor of economics at the Maxwell School.

"One of the most consistent patterns of impact that emerges from our data," the report said, "is that school districts in nonmetropolitan areas—largely rural and small town in character—get more Federal aid per pupil than do metropolitan areas."

"In California, Texas and Michigan," it noted, "nonmetropolitan areas received an average of 50 per cent more aid per pupil than did the metropolitan areas."

New York State proved an exception to this finding "because of the immense impact of New York City with its high concentration of families receiving welfare payments and thus qualifying for large amounts of ESEA Title I funds."

Title I of the Elementary and Secondary Education Act of 1965 specifically earmarks funds for disadvantaged children.

Dr. Berke, who directed the study, said in a telephone interview that the states had a great deal of discretion in the allocation of Federal funds, with the exception of Title I and certain smaller programs, and that this often accounted for the favored treatment of rural areas.

He noted that state aid formulas were generally developed many decades ago when the cities were relatively wealthy and the outlying disticts were poor.

Within metropolitan areas, the study found that "while core cities receive more aid than their suburbs, the amounts of Federal aid are insufficient to overcome the suburban advantage in locally raised revenues and state aid."

FEDERAL AID AND TOTAL REVENUE RECEIVED PER PUPIL, 1967

State	Federal aid	Total revenue	Percent Federal aid
California:			
Central city	$39	$684	5.8
Outside central city	40	817	4.8
Nonmetropolitan	54	641	8.4
New York:			
Central city	68	876	7.7
Outside central city	31	1,037	3.0
Nonmetropolitan	31	923	3.4
Texas:			
Central city	38	479	7.9
Outside central city	36	485	7.4
Nonmetropolitan	63	535	11.8
Michigan:			
Central city	29	683	4.2
Outside central city	17	666	2.5
Nonmetropolitan	30	629	4.8
Massachusetts:			
Central city	69	675	10.2
Outside central city	38	779	4.8
Nonmetropolitan	(1)	(1)	(1)

[1] Not available.

Source: Policy Institute, Syracuse University Research Corp.

TOTAL REVENUE RECEIVED FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS

School year	Total	Federal sources (percent)	State sources (percent)	Local sources (percent)
1957-58	$12,181,513,000	4.0	39.4	56.6
1959-60	14,746,618,000	4.4	39.1	56.5
1961-62	17,527,707,000	4.3	38.7	56.9
1963-64	20,544,182,000	4.4	39.3	56.4
1965-66	25,356,858,000	7.9	39.1	53.0
1966-67	27,256,043,000	7.9	39.1	53.0
1967-68	31,092,400,000	8.0	39.3	52.7
1968-69	33,743,748,000	7.3	40.7	52.0
1969-70	38,192,011,000	7.2	40.9	51.8
1970-71	41,936,556,000	6.9	41.1	52.0

Source: National Education Association.

MONTANA'S NEED FOR ADEQUATE RAIL PASSENGER SERVICE

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, February 5, 1971

Mr. METCALF. Mr. President, a resolution has been forwarded to me from the Montana State House of Representatives, concerning Montana's overwhelming need for the continuance of adequate rail passenger service.

Try to conceive of an area of nearly 150,000 square miles of mountains and prairies, inhabited by about 700,000 people. Such a vast area obviously must have a complete, reliable system of transportation. Yet, Mr. President, the recent preliminary report on the national rail passenger service contemplates the possibility of greatly reduced rail passenger service within the entire State of Montana.

As the resolution states so well, about 200 communities, now completely dependent on rail service because no air service to them exists, will be left with very serious transportation problems. Surely this situation cannot be allowed to arise.

I hope Secretary Volpe, who has been forwarded a copy of this resolution, will note it carefully. Hundreds of thousands of Montanans will be left with totally inadequate passenger transportation service unless these east-west and north-south passenger lines are maintained in the Railpax proposals.

Mr. President, I ask unanimous consent that the resolution be printed in the Extensions of Remarks of the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THAT EXISTING PASSENGER TRAIN SERVICE THROUGH THE STATE OF MONTANA IN AN EAST-WEST DIRECTION AND DAILY PASSENGER TRAIN SERVICE TO THE STATE OF MONTANA IN A NORTH-SOUTH DIRECTION BE INCLUDED IN THE BASIC NATIONAL RAIL PASSENGER SYSTEM

Whereas, the Congress of the United States by Public Law 91-518 has proposed a complete revamping of the National Rail Passenger System and by such law has instructed the Secretary of Transportation to issue a preliminary report outlining future rail passenger routes and such preliminary report having been published outlining, among other things, as "End Points" the municipalities of Chicago, Illinois and Seattle, Washington, and proposing that all rail passenger service within the state of Montana be discontinued in its entirety and further proposing that such traffic between the respective points proceed via Omaha, Nebraska and Green River, Wyoming; and

Whereas, at the present time, the state of Montana enjoys the service of eight (8) east-west passenger trains passing through the state daily; four (4) in an easterly direction and four (4) in a westerly direction, and north-south passenger train service three (3) times a week; and

Whereas, the state of Montana is six hundred (600) miles in length in an east-west direction and approximately four hundred (400) miles in length in a north-south direction; and

Whereas, at the present time, the state of Montana has passenger train service to thirty (30) counties with a population of over four hundred forty-two thousand (442,000), with nearly two hundred (200) smaller communities completely dependent upon rail transportation because no air service, bus service or other public transportation exists; and the present routing provides through rail connections with entrances to Glacier National Park and constitutes the fastest, most direct route between Chicago and Seattle; and

Whereas, at the present time, both the northern portion and the southern portion of the state have passenger train service.

Now, therefore, be it resolved by the House of Representatives of the State of Montana:

That the house of representatives of the state of Montana recognizes that the public interest and convenience of the citizens of this state requires that existing passenger train service be maintained through the state of Montana in an east-west direction and daily passenger train service be provided to the state of Montana in a north-south direction.

Be it further resolved, that the house of representatives of the state of Montana urges the Department of Transportation to continue existing passenger train service through the state of Montana in an east-west direction and to provide daily passenger train service to the state of Montana in a north-south direction in the Basic National Rail Passenger System.

Be it further resolved, that the chief clerk of the House of Representatives be instructed to send copies of this resolution to the Department of Transportation, John Volpe, Secretary of Transportation, The Honorable Warren G. Magnuson, Chairman of the Senate Interstate and Foreign Affairs Committee, The Honorable Harley O. Staggers, Chairman of the House Interstate and Foreign Commerce Committee, The Honorable Mike Mansfield and The Honorable Lee Metcalf, Senators from the state of Montana, The Honorable John Melcher and The Honorable Richard Shoup, Congressmen from the state of Montana, and to each officer of the corporation formed to administer the Basic National Rail Passenger System after such corporation is formed.

CORNHUSKERS—"NO. 1"

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. GAYDOS. Mr. Speaker, at the close of every collegiate football season the Nation's sportswriters gaze through crystal balls and select from the crop of outstanding teams the "No. 1" in the Nation. This past year the title was bestowed upon the Cornhuskers from the University of Nebraska.

I know my colleagues from that great State are elated at the choice. I am glad for them, notwithstanding the fact I am an alumnus of Notre Dame. I bear no malice toward the writers. Admittedly, I am disappointed they could not see the Fighting Irish because of the Jolly Green Giants, but I am not bitter. Sportswriters are human, I think, and subject, therefore, to human errors, including oversight. There is not a kernel of truth in reports I feel they gave the Cornhuskers the pick and the Irish the can.

Actually, I am glad for the University of Nebraska because a fellow Pennsylvanian and a constituent played a major role in their achievements. In fact, Pennsylvanians have a reputation of helping college athletic teams achieve prominence. The young man who helped Nebraska is Dave Morock, 21, a son of Mrs. Rose Morock, of 703 Waddell Avenue of Clairton, Pa., in my 20th Congressional District. He is typical of the type of football player Pennsylvania produces. As a fullback for Clairton High School, he racked up more than 100 yards per game; as a defensive linebacker for Nebraska, a "Monster Man," he racked up opposing fullbacks.

Recently, Dave was the principal speaker and recipient of a special award at a banquet honoring the 1970 Clairton High School football team and its coach. The Bears are cochampions of the Western Pennsylvania Interscholastic Athletic League's Big 10 Conference; their coach, Mr. William "Bub" Chontos, who led them to the title and a 7–2 record in his first year, is the WPIAL Coach of the Year.

Mr. Speaker, I would like to commend the members of the 1970 Bear squad on their achievement. They include Ken Barna, Vernal Booker, Willie Gainey, Thomas Cochenour, Charles Braswell, Rodney Osborne, Charles Minford, Aaron Ellis, Ray Marshall, Stewart Schley, Greg Williams, Dean Julian, Dom Piscione, Dom Curinga, Jeru Reddick, Greg Gumbar, Larry Sporio, Dan Julian, Larry Kushner, Joe Mitchko, Dave Tollivar, Leonard Jones, Tim Hudson, Larry Combs, Ed Ogletree, Harry Minford, Lee Nanni, Jerry Campolongo, Mark Corbin, Pete Williams, Cleophus Hudson, Terry Julian, William Porter, John Perticone, Raymond Lee, Van Wiggins, Leonard Lee, Keith Warfield, Barrett Schley, Gregg Stewart, Kenny Hamlin, Gary Helman, Conrad Pholar, Archie Nichols, Dennis Viscusi, and Joel Hodinko.

Mr. Chontos and his staff also merit commendation for the time and effort spent in teaching these young men to work as a team for a common goal. The coaching staff included Phil Clifford, George Guba, Dom Pastore, Jim Julian, Del Peterson, Michael Berchok, Donald Morris, Dom Paluti, Mike Warcola, and Dr. G. Demedio, the team physician.

The awards banquet was sponsored by the Daniel Keffer Post 75 American Legion, a Clairton organization which takes great pride in recognizing the accomplishments of their community and its citizens. The presentation of awards on behalf of the post were made by Michael W. Mihalov, post commander, and Gerard D. Pasquerell, post adjutant.

Mr. Speaker, I insert these names in the Record for the benefit of my colleagues. Nebraska and other colleges and universities have long reaped the harvest of Pennsylvania football talent. I thought my colleagues, particularly those from Nebraska, might be interested in knowing about the upcoming collegiate crop. Who knows? There might be another Joe Theisman or Dave Morock among them.

PLEASE—BRING HIM HOME

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. SCHERLE. Mr. Speaker, frequently overlooked in the headline stories of the suffering endured and the bravery displayed by our fighting men in Southeast Asia is the anguish stoically borne by their families at home. Perhaps the greatest burden of sorrow falls to those whose husbands, fathers, sons, and brothers have been captured by the enemy. The uncertainty and anxiety about the fate of their loved ones stretches over the years to an agonizing purgatory.

The poet Milton once reminded us that "they also serve who only stand and wait." A more contemporary and deeply personal restatement of the same message comes from a young girl in Utah whose father has been "missing in action" for almost 5 years. In the lines following, 16-year-old Debi Wood's own experience of the war is unforgettably etched. I enter her plea for her father's return in the Record, Mr. Speaker, lest any of us forget:

Please—Bring Him Home

(By Debi Wood)

I don't know what he suffers there,
I cannot feel his grief, despair—
His agony is only known
To men who have been caged—alone

I only feel a selfish pain,
A fear that I might pray in vain
And never see again his face
or feel again his strong embrace.

I need his love while I am young
With many fears to walk among.
I need his help to guide me through—
To him, the dangers are not new.

For how long must I wonder when
My father will be mine again?
How many years can he survive?
Is he, even now, alive?

Before it is too late to try,
Before my life must pass him by,
Please, bring him home, and I'll be then
My father's little girl again.

Provo, Utah.

Provo, Utah,
December 24, 1970.

Dear Congressman Scherle: Not long ago I read a UPI story of your efforts in behalf of the POW's in SEA. May I thank you for your efforts. As a military man I have become quite dis-enchanted by those who do not aid "their own" but prefer to be vocal, especially those in the hallowed halls of Congress. It is refreshing to see a man such as yourself who will stand up for what is good and correct. The above poem was written by a young girl whose family is quite close to me. Her father has been MIA for five years next month. If you see fit, I personally believe that this poem may have a place in the Congressional Record next to your daily reminder. My most sincere thanks.

Capt. Jim Moss,
Assistant Professor of Aerospace Studies, Brigham Young University.

GREAT NECK, N.Y., VIGILANT ENGINE AND HOOK AND LADDER COMPANY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. WOLFF. Mr. Speaker, at a time when the cost of local public services is rising sharply, it is reassuring to know that there are volunteer fire departments throughout this country that perform a most valuable public service. These volunteers are part of a great American tradition and their worth to their neighbors can never be fully measured.

There are many fine volunteer fire companies in my congressional district and one such company, the Vigilant Engine and Hook and Ladder Company of my home community of Great Neck, N.Y., recently held its 66th annual dinner and dance. Yes, Mr. Speaker, this company has such a great history of service that this was their 66th annual function.

It was my privilege to be a guest at this dinner and to join with other community leaders in extending a sincere "Thank You" to the men of the Vigilant company for their high standard of community service. In order to bring due recognition to these men I include listings of the officials and members of this fine organization in the Record:

VIGILANT ENGINE AND HOOK AND LADDER CO.
GREAT NECK, N.Y.

FIRE OFFICERS FOR 1971

Chief, Michael Okon.
First Assistant Chief, James Dunn.
Second Assistant Chief, Frank Gilliar, Jr.
Captain, Robert Lincoln, Jr.
Captain, Edward Canfield.
First Lieutenant, Leo Flook.
Second Lieutenant, Thomas Kelly.

ADMINISTRATIVE OFFICERS FOR 1971

President, Ralph Fliedner, Jr.
Vice President, Marc Gillman.
Treasurer, Robert Lincoln, Sr.
Financial Secretary, Peter Hyman.
Recording Secretary, Thomas Mansfield.
Sergeant at Arms, Edward Jackson.

CHAPLAINS

Rev. Michael Heenan.
Rev. John Fischbach.

COMPANY SURGEONS

Dr. Warren H. Hecht.
Dr. Donald Margouleff.
Dr. Alfred E. Ruesch.
Dr. Martin Schulman.
Dr. Malcolm G. Smilay.

BOARD OF TRUSTEES

William Sloat, Chairman.
Leo Miscio.
Eugene Tesoriero.
John Kelly.
Jules Santagata.
Angelo Di Molfetta.

MEMBERS

Atwell, William, M.D.; Barnes, George; Bartlett, Jesse; Bieber, Harvey; Blane, Michael; Bloomgarten, David; Boorstein, Richard; Boyden, Arthur; Brooks, John, Sr.; Brooks, John, Jr.; Brooks, Tom, Jr.; Callister, Robert; Canfield, Edward, and Canfield, Richard.

Carlson, Edward A.; Carlson, Michael; Clark, Russell; Currivan, Edward; Currivan, Roger; Dennelly, John H.; DiMolfetta, Angelo; Dunn, James; Edwards, Paul; Eriksen, Kjeld; Erskine, William; Etter, William; Finberg, Gerald, and Fischer, Clarence.

Fliedner, Ralph, Sr.; Fliedner, Ralph, Jr.; Flook, Leo; Freiberg, Edward; Gilliar, Frank, Jr.; Gilman, Marc; Gordon, Sam; Guskowski, Richard G.; Haber, Edward; Hadjuk, John; Hansen, William; Heaphy, John, Sr.; Hecht, Warren H., M.D., and Hecq, Roger.

Heenan, Michael (Rev.); Holic, Edwin; Hunt, John; Hunt, Michael; Hyman, Peter; Ielpi, Lee; Jackson, Edwin; Johnson, Herbert; Jorgensen, Peter; Kane, Leon; Keevan, Thomas; Kelly, John; Kelly, Mike, and Kelly Tom.

Kushner, Lester; Lincoln, Robert, Jr.; Lincoln, Robert, Sr.; LoPresti, Charles; LoPresti, Sam; LoPresti, William; Mansfield, Thomas; Manzino, Louis; Margouleff, D., M.D.; McGirr, Charles; Miscio, Leo, and Newman, Hugh.

Nikkels, Albert; Nikkels, Peter; Ninesling, William; O'Halpin, Kevin; Okon, Michael; O'Neil, James H.; O'Rourke, John; Power, David; Pritchett, Fred, and Pritchett, William.

Rangs, Andrew; Reed, Bert; Riordan, David; Roth, Barry; Ruesch, Alfred, M.D.; Sahm, Clifford; Salute, Paul; Santagata, Jules; Schulman, Martin, M.D.; Seh, Robert; Shanahan, Edward, and Sloat, Jack.

Sloat, William; Sloat, William, Jr.; Smilay, Malcolm, M.D.; Stanchio, Chester; Sturgis, Robert; Tesoriero, Eugene; Turrill, James; Vasseur, Alfred; Williams, Fred, and Wright, Joseph.

ENGINEERS

Hadjuk, John, Foreman; Aikman, Robert; Boyden, Arthur; Hansen, William; Idol, John, and Otis, Bradley.

RICKETTS MEMORIAL MUSEUM

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, February 5, 1971

Mr. METCALF. Mr. President, the work of the Rocky Mountain Laboratory at Hamilton, Mont., has long been recognized as outstanding in the field of health. Originally established as a research laboratory for Rocky Mountain spotted fever, the Hamilton facility has long ago come up with a vaccine for spotted fever and has gone into other areas of research. Scientists of national renown are laboring over other killing diseases.

A museum telling the story of the achievements of the laboratory in combating the ticks has been established. This is the Ricketts Memorial Museum honoring the conquerors of spotted fever.

Recently the fifth and sixth grade Sunday School classes of the Methodist-Baptist Federated Church of Hamilton visited the museum and after returning to the church composed this touching psalm.

I ask unanimous conesent that the lyrics of the "Ricketts Psalm" be inserted in the Extensions of Remarks of the Record.

There being no objection, the lyrics were ordered to be printed in the Record, as follows:

RICKETTS PSALM

Thanks be to God for our Scientists
For making vaccines, and taking care of Spotted Fever so no one else gets it,
Thanks be to God for our Scientists
For studying fungus, and working on other diseases,
Thanks be to God for our Scientists.

For making the valley safer and for giving their lives to make the world we live in safer,
Thanks be to God for our Scientists.

For fixing up the Ricketts Museum,
so we can visit and learn from it,
Thanks be to God for our Scientists.

CASSIUS CLAY FIGHT: CRISIS IN NATIONAL INDIGNATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. RARICK. Mr. Speaker, veterans who have fought our Nation's wars feel that any man unwilling to fight for his country is unworthy of making profit or receiving public acclaim in it. Cassius Clay is a convicted draft dodger sentenced to a 5-year prison term which he is not serving. What right has he to claim the privilege of appearing in a boxing match to be nationally televised? Until and unless Clay satisfies the penalty inflicted for his disloyalty, his every action but aggravates his show of contempt for his country.

The action and inaction of the public officials responsible for allowing this mockery of our courts and system of justice warrant removing them from their office of public trust.

The Clay affair approaches a crisis in national indignation.

The Veterans of Foreign Wars of Zachary Taylor Post No. 3784 in Baton Rouge, La., have adopted a written resolution urging all veterans' organizations and other military groups to take action to prevent this fight. The resolution follows:

To Whom it May Concern:

Be it resolved that We, the Veterans of Foreign Wars of Zachary Taylor Post No. 3784, do agree to protest and boycott the boxing match between Cassius Clay and an opponent in Madison Square Garden on March 8, 1971.

We further believe that when Cassius Clay refused military service, he disobeyed a lawful order of a Judicial Body, thereby denying himself the right and privilege to box for a monetary gain in the United States of America, and its territories. Especially in this country that has been so good to him while he is under sentence from this court.

Furthermore, Cassius Clay was tried, convicted, and sentenced by a Federal Tribunal to five (5) years in prison of the United States for refusing to enter the military service, thereby losing all rights that are granted to a citizen. He has appealed time after time, and has utilized all judicial processes that are available to him. He is still not serving his sentence. We all believe that Clay should pay his just debt to society before he is allowed to box in this nation.

We want to be perfectly clear who this man is, Cassius Clay, or as he wants to be known today, Priest Mohammed Ali of the Black Muslim Religion, whose members have constantly advocated the violent overthrow of their great nation. Clay was the champion of the world in boxing from 1964 to 1967. The World Boxing Association stripped him of all titles in 1967 after he refused military service and defied the order of a duly constituted Judicial Body, and furthermore, several States have refused to issue him a license to box.

A report from the United States Attorney General was made recently that more men are evading the military since 1967. They will have to be apprehended and punished. This cost is our tax dollars. Cassius Clay is getting away with it; consequently, many more will take the same avenue to escape the military service; that is, a direct defiance of a court order.

At present date, this boxing match will be televised on closed circuit to all parts of this country and other countries. This is to be televised to theatres, auditoriums, convention halls and any buildings that are suitable for a large audience.

We are now asking and pleading all Veterans of Foreign Wars, and all organizations that are derived from the military to help in preventing, protesting, or boycotting this boxing match. Also, we are asking all other organizations and individuals to join us in this endeavor. We all agree this is just and fair, for the love of our country.

We are not forgetting those who have fought and died, nor those that are fighting now to protect us and this great nation.

Baton Rouge, La.

THE RETIREMENT OF JUSTICE ERNEST W. McFARLAND

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. UDALL. Mr. Speaker, the recent retirement of Ernest W. McFarland was a bittersweet occasion. As a friend of "Mac," I was delighted that after 35 years of selfless public service, this great public servant was returning to private law practice, something he often expressed a longing for.

But as a citizen of Arizona, I join my constituents in lamenting the retirement of a great public servant.

"Mac" can return to private life with a sense of fulfillment: He has held the three most important positions that his constituents could bestow upon him.

And yet to say that Ernest McFarland—former U.S. Senator, Arizona Governor, and justice of the Arizona Supreme Court—has received the highest honors the people of Arizona can bestow upon a man is to say not nearly enough.

For "Mac" has also earned the greatest professional tributes from his colleagues. In 1951, for instance, his fellow Democrats in the U.S. Senate elected him majority leader. And in 1968 his colleagues on the bench of the Arizona Supreme Court elected him chief justice.

He has also received a Presidential appointment, having been a member of President Johnson's National Commission on the Causes and Prevention of Violence.

"Mac" stepped down from the bench of the Arizona Supreme Court last month. In Florence, Ariz., where he built his law practice—and where he first took elected office in 1935 as Pinal County attorney—the Florence Reminder had this to say when "Mac" announced he would not seek reelection:

Justice McFarland Retiring

We know of six good reasons why Justice Ernest W. McFarland and Mrs. McFarland should forsake Phoenix and return to their former home in Florence—a daughter, son-in-law and four grandchildren.

But such is not likely to be the case when the Justice steps down from the Arizona Supreme Court at the end of his present term to retire from political life. Both he and Mrs. McFarland have deep roots in Phoenix and it is understandable that a couple involved for years in a city's political, professional and social life simply cannot readily depart from familiar surroundings and friends.

No matter where Justice McFarland and Mrs. McFarland spend their retirement years, we like to think of them as "our Mac and Edna" and a part of our community and "one of us."

In a political career that stretched all the way from the Pinal County Attorney's office, to a Superior Court judgeship, the governor's office, the United States Senate and to the office of the Democratic Majority Leader in Washington. Mr. McFarland never failed to serve the interest of the people of Arizona.

The retiring Justice has let it be known that he will continue to practice law in Phoenix which could mean he will be in our midst more frequently than he has in recent years. His interests in cotton and vineyards in partnership with his son-in-law undoubtedly will give him an opportunity to spend more time in Florence.

Florence has a soft spot in its heart for the McFarlands, of that we are certain. We know that many of their acquaintances are anxious to renew friendships and we hope they find opportunities to come "home" and "sit a spell" for old times sake.

And the Arizona Daily Star editorialized:

McFarland Steps Down

Arizona Supreme Court Justice Ernest W. McFarland, a powerful figure in the state's judicial and political life, set a good example when he stated that he will not seek reelection this year.

At 74, Justice McFarland is by no means washed up. He does recognize though, that there comes a time when a man should give some consideration to his personal affairs and have a little more freedom. He certainly has earned it.

It is unfortunate that more of the country's public officials do not thus step aside. Such action would be fair both to themselves and the public.

Ernest McFarland holds an enviable record in Arizona's history. He entered public life as county attorney and later became judge of the Pinal County Superior Court. In 1940 he won the first of two terms in the U.S. Senate, becoming majority leader, with Lyndon B. Johnson as his assistant. He served two terms as governor, and in 1964 was elected to the supreme court.

He also is a successful businessman and farmer.

Incidentally, few people know that when governor he personally checked all important legislative bills, to see that they were constitutional and in proper form, before signing them. Most governors rely entirely on the attorney general for this service.

A power in the Democratic Party before going on the supreme court, Justice McFarland attended Democratic National Conventions over several decades. Who knows, he may go to the next one!

This warm and friendly citizen deserves the best on his return to private life.

The Phoenix Gazette also praised "Mac":

Leaving Office, Not Retiring

After an adult lifetime of devoted service to Arizona, Ernest W. McFarland, one of the state's most remarkable sons, is retiring from public office—but not, fortunately for the people, from public affairs.

In announcing that he will not seek another term on the Arizona Supreme Court, Justice McFarland said that he will practice law and "retain my interest in our courts." That statement is typical of Justice McFarland's charming modesty and flair for understatement.

With his vast experience in government, ranging from the old Pinal County courthouse to the highest circles in Washington, McFarland will continue to exert a beneficial influence not only on the courts but in the whole spectrum of public affairs for years to come.

Even if he would have it some other way—and he wouldn't—Justice McFarland couldn't leave public life. Men may retire, but institutions cannot and he is in every sense an institution in Arizona politics.

Few men in Arizona or elsewhere have served so well in so many offices as McFarland has. Starting as Pinal County attorney and later serving as a superior court judge, McFarland in 1940 challenged the eloquent Sen. Henry Fountain Ashurst, considered unbeatable at the time, and won election to the Senate.

In 1951 he became the Democratic majority leader, at the time just about the toughest job in the United States Capitol. In his gentle manner, he managed to forget a remarkable measure of cohesiveness into a majority sharply divided over President Harry Truman's "Fair Deal." Even during the roughest times, however, he never forgot that he was in Washington primarily to serve Arizona's interests. Later he served as governor, guiding the state through the early, difficult days of the postwar boom, and finally as justice and chief justice of the Arizona Supreme Court.

Justice McFarland says he appreciates all Arizona has done for him. So, too, do Arizonans appreciate what he has done for them.

UAW CHIEF SUGGESTS WAGE-PRICE REVIEW BOARD TO HELP SOLVE PROBLEM OF INFLATION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. WOLFF. Mr. Speaker, despite congressional action that gave the administration power to act to bring the wage-price spiral under control, there has been a distinct lack of action downtown with the resultant continuation of serious inflation.

Recently, Leonard Woodcock, United Auto Workers president, made an interesting suggestion worthy of serious consideration as we ponder solutions to the problem of inflation. Mr. Woodcock suggested the creation of a wage-price review board to focus public attention on the problem and to require explanation from companies and unions on inflationary pricing or wage settlements.

Mr. Woodcock's suggestion was reported last week in the New York Times and I request permission to include that relevant article in the Record at this point so that all the Members may consider this important idea:

A Wage-Price Review Board Is Recommended by Woodcock

(By Philip Shabecoff)

Washington.—Leonard Woodcock, the president of the United Automobile Workers, suggested today the creation of a wage-price review board to cope with inflation.

Mr. Woodcock said that companies and

unions with "dominant" positions in their industry should be required to appear before such a board to justify inflationary increases in wages.

However, this board would not have legal power to enforce wage and price rollbacks but would bring the "weight of public opinion to bear," Mr. Woodcock said.

At a breakfast meeting with reporters, the union leader said he was opposed to regulated wages and prices, "whether by jawboning or by guidelines."

He said that wage regulations would be easy to impose but that it would be hard to administer price controls.

He said he was "unimpressed by the little tableau of Bethlehem Steel and United States Steel" and implied that the recent large steel increase announced by Bethlehem Steel that was cut in half to match United States Steel's lower increase was not spontaneous.

Mr. Woodcock also asserted that "there is no question that the wage increases in the construction industry are excessive."

He said that outside electricians called in to work on construction projects in U.A.W. plants sometimes made $2 to $3 an hour more than electricians who were members of the U.A.W. "and sometimes our workers are more skilled than the others."

In testimony before the Joint Economic Committee of Congress later in the day, he said that earnings of unionized blue collar workers had grown less than any other segments of the working force during the Nixon Administration.

The Nixon Administration, he said, is "aiming at the wrong targets" when it points to contract settlements by big unions as the cause of inflation.

As part of a thick report on problems caused by what he described as the Administration's eratic economic policy," Mr. Woodcock detailed the U.A.W. plan for a price-wage review board.

A consumer council would be empowered to initiate hearings before the board aimed at reducing excessive price increases in industries that administer prices, such as the automobile industry. Unions would be required to participate in the hearings if wage increases were a factor, but the focus of the plan would be on price increases.

NIXON'S NEW AMERICAN REVOLUTIONARY WELFARE PROGRAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. RARICK. Mr. Speaker, by continuing his drive to have Congress enact the controversial family assistance plan, President Nixon is forgetting another of his campaign promises to the American people.

As a candidate for the Presidency in 1968, Mr. Nixon promised to reduce the number of persons receiving welfare handouts. His present pushing for the family assistance plan is at odds with his statement when as a candidate he said on April 25, 1968:

> We must make welfare payments a temporary expedient, not a permanent way of life.

By renouncing his campaign promise and placing the family assistance plan as his foremost domestic goal, the President has divorced many voters who supported him in 1968 thinking he would make changes for the better—not for the worse.

Many knowledgeable persons are of the opinion that the family assistance plan would expand the welfare state by assuring additional millions of Americans a permanent status on the welfare rolls.

In his column "Public Affairs," Gen. Thomas A. Lane contends that straightening out Nixon's welfare "mess" requires no new laws nor additional funds—only Executive leadership in the efficient administration of present welfare laws. General Lane's article follows my remarks:

IT'S NIXON'S WELFARE MESS

(By Gen. Thomas A. Lane)

WASHINGTON.—As the 92nd Congress faces the formidable legacy of unfinished business bequeathed to it by its predecessor, it will have no problem more pressing than welfare. The costs of welfare are rising so rapidly in both federal and state governments that Congress must give priority attention to the subject. But before they act, Members of Congress should understand what they are doing.

President Nixon has condemned the present welfare mess and has asked Congress for new legislation to establish a minimum income for all families. His proposal would add 12 million persons to the 10 million now receiving welfare. His standards have been roundly condemned as inadequate, so the real prospect is that his program cannot be contained within the numbers or the funds of his plan. The President asserts that the work incentive features of his plan would in time reduce welfare rolls. We have substantial reason to reject that judgment.

The pregnant fact about welfare is that the "mess" is caused not by law but by federal regulation. That regulation is conducted by the federal bureaucracy which President Nixon heads. Straightening out the welfare mess does not require a new program, nor more money, nor new federal legislation. It just requires the exercise by the President of the executive leadership which he was elected to give to the country.

The law provides for assistance to the families of dependent children. That is a reasonable law which reflects the desire of the American people that children should not suffer, whatever the shortcomings of their parents may be.

It is not the law which encourages the break-up of families so that fraudulent AFDC claims may be made. It is the administration of the law by the federal bureaucracy which does this. The Department of Health, Education, and Welfare has so encumbered the law with paralyzing regulations that the states are effectively prevented from achieving the law's purpose. Federal regulations encourage fraud and the diversion of welfare funds to crooks and chiselers.

For example, federal regulations require that applicants be placed on welfare rolls on their own unsupported statements of eligibility. One indignant Californian proving the inadequacy of the system to her county supervisors signed up for welfare payments four times in one day—and at the same office!

Although federal regulations prohibit challenge to an applicant's statement of eligibility, the State of Nevada frequently completed a check of all persons on its welfare rolls. It found that 22% of the state welfare recipients, 889 families representing about 3000 persons and drawing about $1,000,000 per year in welfare payments, were actually ineligible under the law. About 70% of these chiseling families had been added to the rolls after the federal declaration system was promulgated by Secretary Finch of the Nixon cabinet in June, 1969.

The evidence indicates that federal maladministration of the law has mushroomed under President Nixon. He has tried to run welfare with politicians who are incompetent administrators. These men become dupes of the bureaucracy. If the President really wants to clean up the welfare mess, he should withdraw his family assistance plan and put a capable administrator like Winton Blount into the office of Secretary for Health, Education, and Welfare.

Those hard decisions about which Vice President Agnew spoke must begin right in President Nixon's office. Congress should tell him so.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Monday, February 8, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Jesus said, I am the Way, the Truth, and the Life.—John 14: 6.

Almighty God, in whose hands are all our days and all our ways, we thank Thee that in Thy mercy we have come to the beginning of another week. Help us to show our gratitude by serving Thee more faithfully and by being more fruitful in our endeavors on behalf of our beloved country.

Give to each of us a concern for the rights and the needs of others. Stimulate our minds until our thoughts are Thy thoughts. Strengthen our wills until our purposes become Thy purposes—steady our hearts until our love is quickened by Thy love. Thus may we reflect in some little way the spirit of Him who is the Way, the Truth, and the Life. In His name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

DESIGNATION AS MEMBERS OF JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on Ways and Means:

FEBRUARY 1, 1971.

Hon. CARL ALBERT,
Speaker, U.S. House of Representatives.

DEAR MR. SPEAKER: Pursuant to section 8002 of the Internal Revenue Code of 1954, the following Members of the Committee on Ways and Means have been designated as members of the Joint Committee on Internal Revenue Taxation: Hon. Wilbur D. Mills, Hon. John C. Watts, Hon. Al Ullman, Hon. John W. Byrnes, and Hon. Jackson E. Betts.

Sincerely,
WILBUR D. MILLS,
Chairman.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

FEBRUARY 5, 1971.

The Honorable the Speaker,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:45 p.m. on Friday, February 5, 1971, said to contain a Message from the President transmitting the Fifth Annual Report of the National Endowment for the Humanities.

With kind regards, I am
Sincerely,
W. PAT JENNINGS, *Clerk,*
House of Representatives.

FIFTH ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

In transmitting this Fifth Annual Report of the National Endowment for the Humanities, I commend to your attention the work supported by the Endowment during fiscal year 1970 in increasing the cultural resources of our nation and in providing insight into and understanding of the complexities of contemporary problems.

The National Endowment for the Humanities, which is one of the two Endowments comprising the National Foundation on the Arts and the Humanities, has been able in its short existence to implement a wide variety of programs designed to promote progress and scholarship in the humanities through studies in history, language, literature, jurisprudence, philosophy, and related fields. In addition a major emphasis has been a heightened concern with human values as they bear on social conditions underlying the most difficult and far-reaching of the nation's domestic problems, such as divisions between races and generations.

With its positive response to my proposal of last year to increase funding for the National Foundation on the Arts and the Humanities, the Congress enabled the Endowment to make a significantly greater contribution to the quality of life for all Americans. The role of government in this area, as I emphasized last year, should be one of stimulating private giving and encouraging private initiative. I am therefore happy to report that the work of the National Endowment for the Humanities attracted 125 gifts from private sources totalling over $2 million during fiscal year 1970, more than matching Federal funds available for that purpose.

It is my hope that the 92nd Congress will recognize the innovative and vital role of the National Endowment for the Humanities as described in this Fifth Annual Report.

RICHARD NIXON.

THE WHITE HOUSE, *February 5, 1971.*

FIRST ANNUAL REPORT ON THE STATE OF THE NATION'S ENVIRONMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-46)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union, and ordered to be printed:

To the Congress of the United States:

Last August I sent to the Congress the first annual report on the state of the nation's environment. In my message of transmittal, I declared that the report "describes the principal problems we face now and can expect to face in the future, and it provides us with perceptive guidelines for meeting them. . . . They point the directions in which we must move as rapidly as circumstances permit."

The comprehensive and wide-ranging action program I propose today builds upon the 37-point program I submitted to the Congress a year ago. It builds upon the progress made in the past year, and draws upon the experience gained in the past year. It gives us the means to ensure that, as a nation, we maintain the initiative so vigorously begun in our shared campaign to save and enhance our surroundings. This program includes:

MEASURES TO STRENGTHEN POLLUTION CONTROL PROGRAMS

—Charges on sulfur oxides and a tax on lead in gasoline to supplement regulatory controls on air pollution

—More effective control of water pollution through a $12 billion national program and strengthened standard-setting and enforcement authorities

—Comprehensive improvement in pesticide control authority

—A Federal procurement program to encourage recycling of paper

MEASURES TO CONTROL EMERGING PROBLEMS

—Regulation of toxic substances

—Regulation of noise pollution

—Controls on ocean dumping

MEASURES TO PROMOTE ENVIRONMENTAL QUALITY IN LAND USE DECISIONS

—A national land use policy

—A new and greatly expanded open space and recreation program, bringing parks to the people in urban areas

—Preservation of historic buildings through tax policy and other incentives

—Substantial expansion of the wilderness areas preservation system

—Advance public agency approval of power plant sites and transmission line routes

—Regulation of environmental effects of surface and underground mining

FURTHER INSTITUTIONAL IMPROVEMENT

—Establishment of an Environmental Institute to conduct studies and recommend policy alternatives

TOWARD A BETTER WORLD ENVIRONMENT

—Expanded international cooperation

—A World Heritage Trust to preserve parks and areas of unique cultural value through the world.

1970—A YEAR OF PROGRESS

The course of events in 1970 has intensified awareness of and concern about environmental problems. The news of more widespread mercury pollution, late summer smog alerts over much of the East Coast, repeated episodes of ocean dumping and oil spills, and unresolved controversy about important land use questions have dramatized with disturbing regularity the reality and extent of these problems. No part of the United States has been free from them, and all levels of government—Federal, State and local—have joined in the search for solutions. Indeed, there is a growing trend in other countries to view the severity and complexity of environmental problems much as we do.

There can be no doubt about our growing national commitment to find solutions. Last November voters approved several billion dollars in State and local bond issues for environmental purposes, and Federal funds for these purposes are at an all time high.

The program I am proposing today will require some adjustments by governments at all levels, by our industrial and business community, and by the public in order to meet this national commitment. But as we strive to expand our national effort, we must also keep in mind the greater cost of *not* pressing ahead. The battle for a better environment can be won, and we are winning it. With the program I am outlining in this message we can obtain new victories and prevent problems from reaching the crisis stage.

During 1970, two new organizations were established to provide Federal leadership for the Nation's campaign to improve the environment. The Council on Environmental Quality in the Executive Office of the President has provided essential policy analysis and advice on a broad range of environmental problems, developing many of our environmental initiatives and furnishing guidance in carrying out the National Environmental Policy Act, which requires all Federal agencies to devote specific attention to the environmental impact of their actions and proposals. Federal pollution control programs have been consolidated in the new Environmental Protection Agency. This new agency is already taking strong action to combat pollution in air and water and on land.

—I have requested in my 1972 budget $2.45 billion for the programs of the Environmental Protection Agency—nearly double the funds appropriated for these programs in 1971. These funds will provide for the expansion of air and water pollution, solid waste, radiation and pesticide control programs and for carrying out new programs.

In my special message on the Environment last February, I set forth a comprehensive program to improve existing laws on air and water pollution, to encourage recycling of materials and to provide greater recreational opportunities for our people. We have been able to institute some of these measures by executive branch action. While unfortunately there was no action on my water quality proposals, we moved ahead to make effective use of existing authorities through the Refuse Act water quality permit program announced in December. New air pollution control legislation, which I signed on the last day of 1970, embodies all of my recommendations and reflects strong bipartisan teamwork between the administration and the Congress—teamwork which will be needed again this year to permit action on the urgent environmental problems discussed in this message.

We must have action to meet the needs of today if we would have the kind of environment the nation demands for tomorrow.

I. STRENGHTHENING POLLUTION CONTROL PROGRAMS

The Clean Air Amendments of 1970 have greatly strengthened the Federal-State air quality program. We shall vigorously administer the new program, but propose to supplement it with measures designed to provide a strong economic stimulus to achieve the pollution reduction sought by the program.

AIR POLLUTION

SULFUR OXIDES EMISSIONS CHARGE

Sulfur oxides are among the most damaging air pollutants. High levels of sulfur oxides have been linked to increased incidence of diseases such as bronchitis and lung cancer. In terms of damage to human health, vegetation and property, sulfur oxide emissions cost society billions of dollars annually.

Last year in my State of the Union message I urged that the price of goods "should be made to include the cost of producing and disposing of them without damage to the environment." A charge on sulfur emitted into the atmosphere would be a major step in applying the principle that the costs of pollution should be included in the price of the product. A staff study underway indicates the feasibility of such a charge system.

Accordingly, I have asked the Chairman of the Council on Environmental Quality and the Secretary of the Treasury to develop a Clean Air Emissions Charge on emissions of sulfur oxides. Legislation will be submitted to the Congress upon completion of the studies currently underway.

The funds generated by this charge would enable the Federal Government to expand programs to improve the quality of the environment. Special emphasis would be given to developing and demonstrating technology to reduce sulfur oxides emissions and programs to develop adequate clean energy supplies. My 1972 budget provides increased funds for these activities. They will continue to be emphasized in subsequent years.

These two measures—the sulfur oxides emissions charge and expanded environmental programs—provide both the incentive for improving the quality of our environment and the means of doing so.

LEADED GASOLINE

Leaded gasolines interfere with effective emission control. Moreover, the lead particles are, themselves, a source of potentially harmful lead concentrations in the environment. The new air quality legislation provides authority, which I requested, to regulate fuel additives, and I have recently initiated a policy of using unleaded or low-lead gasoline in Federal vehicles whenever possible. But further incentives are needed. In 1970, I recommended a tax on lead used in gasoline to bring about a gradual transition to the use of unleaded gasoline. This transition is essential if the automobile emission control standards scheduled to come into effect for the 1975 model automobiles are to be met at reasonable cost.

—I shall again propose a special tax to make the price of unleaded gasoline lower than the price of leaded gasoline. Legislation will be submitted to the Congress upon completion of studies currently underway.

WATER QUALITY

We have the technology now to deal with most forms of water pollution. We must make sure that it is used.

In my February 1970 special message to the Congress on the Environment, I discussed our most important needs in the effort to control water pollution: adequate funds to ensure construction of municipal waste treatment facilities needed to meet water quality standards; more explicit standards, applicable to all navigable waters; more effective Federal enforcement authority to back up State efforts; and funds to help States build the necessary capability to participate in this joint endeavor.

MUNICIPAL WASTES

Adequate treatment of the large volume of commercial, industrial and domestic wastes that are discharged through municipal systems requires a great expenditure of funds for construction of necessary facilities. A thorough study by the Environmental Protection Agency completed in December 1970 revealed that $12 billion will be required by 1974 to correct the national waste treatment backlog. The urgency of this need, and the severe financial problems that face many communities, require that construction of waste treatment facilities be jointly funded by Federal, State, and local governments. We must also assure that adequate Federal funds are available to reimburse States that advanced the Federal share of project costs.

—I propose that $6 billion in Federal funds be authorized and appropriated over the next three years to provide the full Federal share of a $12 billion program of waste treatment facilities.

Some municipalities need help in overcoming the difficulties they face in selling bonds on reasonable terms to finance their share of construction costs. The availability of funds to finance a community's pollution control facilities should depend not on its credit rating or the vagaries of the municipal bond market, but on its waste disposal needs.

—I again propose the creation of an Environmental Financing Authority so that every municipality has an opportunity to sell its waste treatment plant construction bonds.

A number of administrative reforms which I announced last year to ensure that Federal construction grant funds are well invested have been initiated. To further this objective:

—I again propose that the present, rigid allocation formula be revised, so that special emphasis can be given to those areas where facilities are most needed and where the greatest improvements in water quality would result.

—I propose that provisions be added to the present law to induce communities to provide for expansion and replacement of treatment facilities on a reasonably self-sufficient basis.

—I propose that municipalities receiving Federal assistance in constructing treatment facilities be required to recover from industrial users the portion of project costs allocable to treatment of their wastes.

STANDARDS AND ENFORCEMENT

While no action was taken in the 91st Congress on my proposals to strengthen water pollution standard setting and enforcement, I initiated a program under the Refuse Act of 1899 to require permits for all industrial discharges into navigable waters, making maximum use of present authorities to secure compliance with water quality standards. However, the reforms I proposed in our water quality laws last year are still urgently needed.

Water quality standards now are often imprecise and unrelated to specific water quality needs. Even more important, they provide a poor basis for enforcement: without a precise effluent standard, it is often difficult to prove violations in court. Also, Federal-State water quality standards presently do not apply to many important waters.

—*I again propose that the Federal-State water quality program be extended to cover all navigable waters and their tributaries, ground waters and waters of the contiguous zone.*

—*I again propose that Federal-State water quality standards be revised to impose precise effluent limitations on both industrial and municipal sources.*

—*I also propose Federal standards to regulate the discharge of hazardous substances similar to those which I proposed and the Congress adopted in the Clean Air Amendments of 1970.*

—*I propose that standards require that the best practicable technology be used in new industrial facilities to ensure that water quality is preserved or enhanced.*

—*I propose that the Administrator of the Environmental Protection Agency be empowered to require prompt revision of standards when necessary.*

We should strengthen and streamline Federal enforcement authority, to permit swift action against municipal as well as industrial and other violators of water quality standards. Existing authority under the Refuse Act generally does not apply to municipalities.

—*I propose that the Administrator of EPA be authorized to issue abatement orders swiftly and to impose administrative fines of up to $25,000 per day for violation of water quality standards.*

—*I propose that violations of standards and abatement orders be made subject to court-imposed fines of up to $25,000 per day and up to $50,000 per day for repeated violations.*

—*I again propose that the Administrator be authorized to seek immediate injunctive relief in emergency situations in which severe water pollution constitutes an imminent danger to health, or threatens irreversible damage to water quality.*

—*I propose that the cumbersome and time-consuming enforcement conference and hearing mechanism in the current law be replaced by a provision for swift public hearings as a prelude to issuance of abatement orders or requiring a revision of standards.*

—*I propose an authorization for legal actions against violations of standards by private citizens, as in the new air quality legislation, in order to bolster State and Federal enforcement efforts.*

—*I propose that the Administrator be empowered to require reports by any person responsible for discharging effluents covered by water quality standards.*

—*I again propose that Federal grants to State pollution control enforcement agencies be tripled over the next four years—from $10 million to $30 million—to assist these agencies in meeting their expanded pollution control responsibilities.*

CONTROL OF OIL SPILLS

Last May I outlined to the Congress a number of measures that should be taken to reduce the risks of pollution from oil spills. Recent events have underlined the urgency of action on these proposals. At the outset of this present Congress I resubmitted the Ports and Waterways Safety Act and the legislation requiring the use of bridge-to-bridge radiotelephones for safety of navigation. Such legislation would have decreased the chances of the oil spill which occurred as a result of a tanker collision in San Francisco Bay.

—*I have provided $25 million in next year's budget for development of better techniques to prevent and clean up oil spills and to provide more effective surveillance. I am asking the Council on Environmental Quality in conjunction with the Department of Transportation and the Environmental Protection Agency to review what further measures can be developed to deal with the problem.*

—*I also am renewing my request that the Senate give its advice and consent on the two new international conventions on oil spills and the pending amendments to the 1954 Oil Spills Convention for the Prevention of Pollution of the Sea by Oil.*

The Intergovernmental Maritime Consultative Organization (IMCO) is presently preparing a convention to establish an International Compensation Fund to supplement the 1969 Civil Liability Convention. Our ratification of the 1969 convention will be withheld until this supplementary convention can also be brought into force because both conventions are part of a comprehensive plan to provide compensation for damages caused by oil spills. In addition, we have taken the initiative in NATO's Committee on the Challenges of Modern Society and achieved wide international support for terminating all intentional discharges of oil and oily wastes from ships into the oceans by 1975, if possible, and no later than the end of this decade. We will continue to work on this matter to establish through IMCO an international convention on this subject.

PESTICIDES

Pesticides have provided important benefits by protecting man from disease and increasing his ability to produce food and fiber. However, the use and misuse of pesticides has become one of the major concerns of all who are interested in a better environment. The decline in numbers of several of our bird species is a signal of the potential hazards of pesticides to the environment. We are continuing a major research effort to develop nonchemical methods of pest control, but we must continue to rely on pesticides for the foreseeable future. The challenge is to institute the necessary mechanisms to prevent pesticides from harming human health and the environment.

Currently, Federal controls over pesticides consist of the registration and labeling requirements in the Federal Insecticide, Fungicide, and Rodenticide Act. The administrative processes contained in the law are inordinately cumbersome and time-consuming, and there is no authority to deal with the actual *use* of pesticides. The labels approved under the act specify the uses to which a pesticide may be put, but there is no way to insure that the label will be read or obeyed. A comprehensive strengthening of our pesticide control laws is needed.

—*I propose that the use of pesticides be subject to control in appropriate circumstances, through a registration procedure which provides for designation of a pesticide for "general use," "restricted use," or "use by permit only." Pesticides designated for restricted use would be applied only by an approved pest control applicator. Pesticides designated for "use by permit only" would be made available only with the approval of an approved pest control consultant. This will help to ensure that pesticides which are safe when properly used will not be misused or applied in excessive quantities.*

—*I propose that the Administrator of the Environmental Protection Agency be authorized to permit the experimental use of pesticides under strict controls, when he needs additional information concerning a pesticide before deciding whether it should be registered.*

—*I propose that the procedures for cancellation of a registration be streamlined to permit more expeditious action.*

—*I propose that the Administrator be authorized to stop the sale or use of, and to seize, pesticides being distributed or held in violation of Federal law*

RECYCLING OF WASTES

The Nation's solid waste problem is both costly and damaging to the environment. Paper, which accounts for about one-half of all municipal solid waste, can be reprocessed to produce a high quality product. Yet the percentage the Nation recycles has been declining steadily.

To reverse this trend, the General Services Administration, working with the Council on Environmental Quality, has reviewed the Federal Government's purchasing policies. It found a substantial number of prohibitions against using paper with recycled content. Such prohibitions are no longer reasonable in light of the need to encourage recycling.

As a result of this review, the GSA has already changed its specifications to require a minimum of 3 to 50 percent recycled content, depending on the product, in over $35 million per year of paper purchases. GSA is currently revising other specifications to require recycled content in an additional $25 million of annual paper purchases. In total, this will amount to more than one-half of GSA's total paper products purchases. All remaining specifications will be reviewed to require recycled content in as many other paper products as possible. The regulations will be reviewed continually to increase the percentage of recycled paper required in each.

I have directed that the Chairman of the Council on Environmental Quality, suggest to the Governors that they review State purchasing policies and where possible revise them to require recycled paper. To assist them, I have directed the Administrator of GSA to set up a technical liaison to provide States with the federally revised specifications as well as other important information on this new Federal program, which represents a significant first step toward a much broader use of Federal procurement policies to encourage recycling.

II. CONTROLLING EMERGING PROBLEMS

Environmental control efforts too often have been limited to cleaning up problems that have accumulated in the past. We must concentrate more on preventing the creation of new environmental problems and on dealing with emerging problems. We must, for example, prevent the harmful dumping of wastes into the ocean and the buildup of toxic materials throughout our environment. We must roll back increasingly annoying and hazardous levels of noise in our environment, particularly in the urban environment. Our goal in dealing with emerging environmental problems must be to ward them off before they become acute, not merely to undo the damage after it is done.

TOXIC SUBSTANCES

As we have become increasingly dependent on many chemicals and metals, we have become acutely aware of the potential toxicity of the materials entering our environment. Each year hundreds of new chemicals are commercially marketed and some of these chemicals may pose serious potential threats. Many existing chemicals and metals, such as PCB's (polychlorinated biphenyls) and mercury, also represent a hazard.

It is essential that we take steps to prevent chemical substances from becoming environmental hazards. Unless we develop better methods to assure adequate testing of chemicals, we will be inviting the environmental crises of the future.

—I propose that the Administrator of EPA be empowered to restrict the use or distribution of any substance which he finds is a hazard to human health or the environment.

—I propose that the Administrator be authorized to stop the sale or use of any substance that violates the provisions of the legislation and to seek immediate injunctive relief when use or distribution of a substance presents an imminent hazard to health or the environment.

—I propose that the Administrator be authorized to prescribe minimum standard tests to be performed on substances.

This legislation, coupled with the proposal on pesticides and other existing laws, will provide greater protection to humans and wildlife from introduction of toxic substances into the environment. What I propose is not to ban beneficial uses of chemicals, but rather to control the use of those that may be harmful.

OCEAN DUMPING

Last year, at my direction, the Council on Environmental Quality extensively examined the problem of ocean dumping. Its study indicated that ocean dumping is not a critical problem now, but it predicted that as municipalities and industries increasingly turned to the oceans as a convenient dumping ground, a vast new influx of wastes would occur. Once this happened, it would be difficult and costly to shift to land-based disposal.

Wastes dumped in the oceans have a number of harmful effects. Many are toxic to marine life, reduce populations of fish and other economic resources, jeopardize marine ecosystems, and impair esthetic values. In most cases, feasible, economic, and more beneficial methods of disposal are available. Our national policy should be to ban unregulated ocean dumping of all wastes and to place strict limits on ocean disposal of harmful materials. Legislation is needed to assure that our oceans do not suffer the fate of so many of our inland waters, and to provide the authority needed to protect our coastal waters, beaches, and estuaries.

—I recommend a national policy banning unregulated ocean dumping of all materials and placing strict limits on ocean disposal of any materials harmful to the environment.

—I recommend legislation that will require a permit from the Administrator of the Environmental Protection Agency for any materials to be dumped into the oceans, estuaries, or Great Lakes and that will authorize the Administrator to ban dumping of wastes which are dangerous to the marine ecosystem.

The legislation would permit the Administrator to begin phasing out ocean dumping of harmful materials. It would provide the controls necessary to prevent further degradation of the oceans.

This would go far toward remedying this problem off our own shores. However, protection of the total marine environment from such pollution can only be assured if other nations adopt simliar measures and enforce them.

—I am instructing the Secretary of State, in coordination with the Council on Environmental Quality, to develop and pursue international initiatives directed toward this objective.

NOISE

The American people have rightly become increasingly annoyed by the growing level of noise that assails them. Airplanes, trucks, construction equipment, and many other sources of noise interrupt sleep, disturb communication, create stress, and can produce deafness and other adverse health effects. The urban environment in particular is being degraded by steadily rising noise levels. The Federal Government has set and enforces standards for noise from aircraft, but it is now time that our efforts to deal with many other sources of noise be strengthened and expanded.

The primary responsibility for dealing with levels of noise in the general environment rests upon local governments. However, the products which produce the noise are usually marketed nationally, and it is by regulating the noise-generation characteristics of such products that the Federal Government can best assist the State and local governments in achieving a quieter environment.

—I propose comprehensive noise pollution control legislation that will authorize the Administrator of EPA to set noise standards on transportation, construction and other equipment and require labeling of noise characteristics of certain products.

Before establishing standards the Administrator would be required to publish a report on the effects of noise on man, the major sources, and the control techniques available. The legislation would provide a method for measurably reducing major noise sources, while preserving to State and local governments the authority to deal with their particular noise problems.

III. PROMOTING ENVIRONMENTAL QUALITY IN OUR LAND USE DECISIONS

The use of our land not only affects the natural environment but shapes the pattern of our daily lives. Unfortunately, the sensible use of our land is often thwarted by the inability of the many competing and overlapping local units of government to control land use decisions which have regional significance.

While most land use decisions will continue to be made at the local level, we must draw upon the basic authority of State government to deal with land use issues which spill over local jurisdictional boundaries. The States are uniquely qualified to effect the institutional reform that is so badly needed, for they are closer to the local problems than is the Federal Government and yet removed enough from local tax and other pressures to represent the broader regional interests of the public. Federal programs which influence major land use decisions can thereby fit into a coherent pattern. In addition, we must begin to restructure economic incentives bearing upon land use to encourage wise and orderly decisions for preservation and development of the land.

I am calling upon the Congress to adopt a national land use policy. In addition, I am proposing other major initiatives on land use to bring "parks to the people," to expand our wilderness system, to restore and preserve historic and older buildings, to provide an orderly system for power plant siting, and to prevent environmental degradation from mining.

A NATIONAL LAND USE POLICY

We must reform the institutional framework in which land use decisions are made.

—*I propose legislation to establish a National Land Use Policy which will encourage the States, in cooperation with local government, to plan for and regulate major developments affecting growth and the use of critical land areas. This should be done by establishing methods for protecting lands of critical environmental concern, methods for controlling large-scale development, and improving use of lands around key facilities and new communities.*

One hundred million dollars in new funds would be authorized to assist the States in this effort—$20 million in each of the next five years—with priority given to the States of the coastal zone. Accordingly, this proposal will replace and expand my proposal submitted to the last Congress for coastal zone management, while still giving priority attention to this area of the country which is especially sensitive to development pressures. Steps will be taken to assure that federally-assisted programs are consistent with the approved State land use programs.

PUBLIC LANDS MANAGEMENT

The Federal public lands comprise approximately one-third of the Nation's land area. This vast domain contains land with spectacular scenery, mineral and timber resources, major wildlife habitat, ecological significance, and tremendous recreational importance. In a sense, it is the "breathing space" of the Nation.

The public lands belong to all Americans. They are part of the heritage and the birthright of every citizen. It is important, therefore, that these lands be managed wisely, that their environmental values be carefully safeguarded, and that we deal with these lands as trustees for the future. They have an important place in national land use considerations.

The Public Land Law Review Commission recently completed a study and report on Federal public land policy. This Administration will work closely with the Congress in evaluating the Commission's recommendations and in developing legislative and administrative programs to improve public land management.

The largest single block of Federal public land lies in the State of Alaska. Recent major oil discoveries suggest that the State is on the threshold of a major economic development. Such development can bring great benefits both to the State and to the Nation. It could also—if unplanned and unguided—despoil the last and greatest American wilderness.

We should act now, in close cooperation with the State of Alaska, to develop a comprehensive land use plan for the Federal lands in Alaska, giving priority to those north of the Yukon River. Such a plan should take account of the needs and aspirations of the native peoples, the importance of balanced economic development, and the special need for maintaining and protecting the unique natural heritage of Alaska. This can be accomplished through a system of parks, wilderness, recreation, and wildlife areas and through wise management of the Federal lands generally. I am asking the Secretary of the Interior to take the lead in this task, calling upon other Federal agencies as appropriate.

PRESERVING OUR NATURAL ENVIRONMENT

The demand for urban open space, recreation, wilderness and other natural areas continues to accelerate. In the face of rapid urban development, the acquisition and development of open space, recreation lands and natural areas accessible to urban centers is often thwarted by escalating land values and development pressures. I am submitting to the Congress several bills that will be part of a comprehensive effort to preserve our natural environment and to provide more open spaces and parks in urban areas where today they are often so scarce. In addition, I will be taking steps within the executive branch to assure that all agencies are using fully their existing legislative authority to these ends.

"LEGACY OF PARKS"

Merely acquiring land for open space and recreation is not enough. We must bring parks to where the people are so that everyone has access to nearby recreational areas. In my budget for 1972, I have proposed a new "Legacy of Parks" program which will help States and local governments provide parks and recreation areas, not just for today's Americans but for tomorrow's as well. Only if we set aside and develop such recreation areas now can we ensure that they will be available for future generations.

As part of this legacy, I have requested a $200 million appropriation to begin a new program for the acquisition and development of additional park lands in urban areas. To be administered by the Department of Housing and Urban Development, this would include provision for facilities such as swimming pools to add to the use and enjoyment of these parks.

Also, I have recommended in my 1972 budget that the appropriation for the Land and Water Conservation Fund be increased to $380 million, permitting the continued acquisition of Federal parks and recreation areas as well as an expanded State grant program. However, because of the way in which these State grant funds were allocated over the past five years, a relatively small percentage has been used for the purchase and development of recreational facilities in and near urban areas. The allocation formula should be changed to ensure that more parks will be developed in and near our urban areas.

—*I am submitting legislation to reform the State grant program so that Federal grants for the purchase and development of recreation lands bear a closer relationship to the population distribution.*

—*I am also proposing amendments to the Internal Revenue Code which should greatly expand the use of charitable land transfers for conservation purposes and thereby enlarge the role of private citizens in preserving the best of America's landscape.*

Additional public parks will be created as a result of my program for examining the need for retention of real property owned by the Government. The Property Review Board, which I established last year, is continuing its review of individual properties as well as its evaluation of the Government's overall Federal real property program. Properties identified as suitable for park use and determined to be surplus can be conveyed to States and political subdivisions for park purposes without cost. The State or other political subdivision must prepare an acceptable park use plan and must agree to use the property as a park in perpetuity. More than 40 properties with high potential for park use have already been identified.

Five such properties are now available for conversion to public park use. One, Border Field, California, will be developed as a recreation area with the assistance of the Department of the Interior. The other four will be conveyed to States or local units of government as soon as adequate guarantees can be obtained for their proper maintenance and operation. These four are: (1) part of the former Naval Training Devices Center on Long Island Sound, New York; (2) land at a Clinical Research Center in Fort Worth, Texas; (3) about ten miles of sand dunes and beach along the Atlantic Coast and Sandy Hook Bay, a part of Fort Hancock, New Jersey; and (4) a portion of Fort Lawton, Washington, a wooded, hilly area near the heart of Seattle. In addition, efforts are underway to open a significant stretch of Pacific Ocean Beach Front and Coastal Bluffs at Camp Pendleton, California.

Many parcels of federal real property are currently underutilized because of the budgetary and procedural difficulties that are involved in transferring a Federal operation from the current site to a more suitable location.

—*I am again proposing legislation to simplify relocation of federal installations that occupy properties that could better be used for other purposes.*

This will allow conversion of many additional Federal real properties to a more beneficial public use. Lands now used for Federal operations but more suited to park and recreational uses will be given priority consideration for relocation procedures. The program will be self-financing and will provide new opportunities for improving the utilization of Federal lands.

WILDERNESS AREAS

While there is clearly a need for greater efforts to provide neighborhood parks and other public recreation areas, there must still be places where nature thrives and man enters only as a visitor. These wilderness areas are an important part of a comprehensive open space system. We must continue to expand our wilderness preservation system, in order to save for all time those magnificent areas of America where nature still predominates. Accordingly, in August last year I expressed my intention to improve our performance in the study and presentation of recommendations for new wilderness areas.

—*I will soon be recommending to the Congress a number of specific proposals for a major enlargement of our wilderness preservation system by the addition of a wide spectrum of natural areas spread across the entire continent.*

NATIONAL PARKS

While placing much greater emphasis on parks in urban areas and the designation of new wilderness areas, we must continue to expand our national park system. We are currently obligating substantial sums to acquire the privately owned lands in units of the National Park System which have already been authorized by the Congress.

Last year, joint efforts of the administration and the Congress resulted in authorization of ten areas in the National Park System, including such outstanding sites as Voyageurs National Park in Minnesota, Apostle Islands National Lakeshore in Wisconsin, Sleeping Bear Dunes National Lakeshore in Michigan, Gulf Islands National Seashore in Mississippi and Florida, and the Chesapeake and Ohio Canal National Historical Park in the District of Columbia, Maryland and West Virginia.

However, the job of filling out the National Park System is not complete. Other unique areas must still be preserved. Despite all our wealth and scientific knowledge, we cannot recreate these unspoiled areas once they are lost to the onrush of development. I am directing the Secretary of the Interior to review the outstanding opportunities for setting aside nationally significant natural and historic areas, and to develop priorities for their possible addition to the National Park System.

POWER PLANT SITING

The power shortage last summer and continuing disputes across the country over the siting of power plants and the routing of transmission lines highlight the need for longer-range planning by the producers of electric power to project their future needs and identify environmental concerns well in advance of construction deadlines. The growing number of confrontations also suggest the need for the establishment of public agencies to assure public discussion of plans, proper resolution of environmental issues, and timely construction of facilities. Last fall, the Office of Science and Technology sponsored a study entitled "Electric Power and the Environment," which identified many of these issues. Only through involving the environmental protection agencies early in the planning of future power facilities can we avoid disputes which delay construction timetables. I believe that these two goals of adequacy of power supply and environmental protection are compatible if the proper framework is available.

—*I propose a power plant siting law to provide for establishment within each State or region of a single agency with responsibility for assuring that environmental concerns are properly considered in the certification of specific power plant sites and transmission line routes.*

Under this law, utilities would be required to identify needed power supply facilities ten years prior to construction of the required facilities. They would be required to identify the power plant sites and general transmission routes under consideration five years before construction and apply for certification for specific sites, facilities, and routes two years in advance of construction. Public hearings at which all interested parties could be heard without delaying construction timetables would be required.

MINED AREA PROTECTION

Surface and underground mining have scarred millions of acres of land and have caused environmental damages such as air and water pollution. Burning coal fires, subsidence, acid mine drainage which pollutes our streams and rivers and the destruction of aesthetic and recreational values frequently but unnecessarily accompany mining activities. These problems will worsen as the demand for fossil fuels and other raw materials continues to grow, unless such mining is subject to regulation requiring both preventive and restorative measures.

—*I propose a Mined Area Protection Act to establish Federal requirements and guidelines for State programs to regulate the environmental consequences of surface and underground mining. In any State which does not enact the necessary regulations or enforce them properly, the Federal Government would be authorized to do so.*

PRESERVING OUR ARCHITECTURAL AND HISTORIC HERITAGE

Too often we think of environment only as our natural surroundings. But for most of us, the urban environment is the one in which we spend our daily lives. America's cities, from Boston and Washington to Charleston, New Orleans, San Antonio, Denver, and San Francisco, reflect in the architecture of their buildings a uniqueness and character that is too rapidly disappearing under the bulldozer. Unfortunately, present Federal income tax policies provide much stronger incentives for demolition of older buildings than for their rehabilitation.

Particularly acute is the continued loss of many buildings of historic value. Since 1933 an estimated one-quarter of the buildings recorded by the Historic American Building Survey have been destroyed. Most lending institutions are unwilling to loan funds for the restoration and rehabilitation of historic buildings because of the age and often the location of such buildings. Finally, there are many historic buildings under Federal ownership for which inadequate provision has been made for restoration and preservation.

—*I shall propose tax measures designed to overcome these present distortions and particularly to encourage the restoration of historic buildings.*

—*I shall propose new legislation to permit Federal insurance of home improvement loans for historic residential properties to a maximum of $15,000 per dwelling unit.*

—*I am recommending legislation to permit State and local governments more easily to maintain transferred Federal historic sites by allowing their use for revenue purposes and I am taking action to insure that no federally-owned property is demolished until its historic significance has first been reviewed.*

IV. TOWARD A BETTER WORLD ENVIRONMENT

Environmental problems have a unique global dimension, for they affect every nation, irrespective of its political institutions, economic system, or state of development. The United States stands ready to work and cooperate with all nations, individually or through international institutions, in the great task of building a better environment for man. A number of the proposals which I am submitting to Congress today have important international aspects, as in the case of ocean dumping. I hope that other nations will see the merit of the environmental goals which we have set for ourselves and will choose to share them with us.

At the same time, we need to develop more effective environmental efforts through appropriate regional and global organizations. The United States is participating closely in the initiatives of the Organization for Economic Cooperation and Development (OECD), with its emphasis on the complex economic aspects of environmental controls, and of the Economic Commission for Europe (ECE), a U.N. regional organization which is the major forum for East-West cooperation on environmental problems.

Following a United States initiative in 1969, the North Atlantic Treaty Organization has added a new dimension to its cooperative activities through its Committee on the Challenges of Modern Society. CCMS has served to stimulate national and international action on many problems common to a modern technological society. For example, an important agreement was reached in Brussels recently to eliminate international discharges of oil and oily wastes by ships into the oceans by 1975 if possible or, at the latest, by the end of the decade. CCMS is functioning as an effective forum for reaching agreements on the development of pollution-free and safe automobiles. Work on mitigating the effects of floods and earthquakes is in progress. These innovative and specific actions are good examples of how efforts of many nations can be focused and coordinated in addressing serious environmental problems facing all nations.

The United Nations, whose specialized agencies have long done valuable work on many aspects of the environment, is sponsoring a landmark Conference on the Human Environment to be held in Stockholm in June 1972. This will, for the first time, bring together all member nations of the world community to discuss those environmental issues of most pressing common concern and to agree on a world-wide strategy and the basis for a cooperative program to reverse the fearful trend toward environmental degradation. I have pledged full support for this Conference, and the United States is actively participating in the preparatory work.

Direct bilateral consultations in this field are also most useful in jointly meeting the challenges of environmental problems. Thus, the United States and Canada have been working closely together preparing plans for action directed to the urgent task of cleaning up the Great Lakes, that priceless resource our two nations share. Over the past few months, ministerial level discussions with Japan have laid the basis for an expanded program of cooperation and technological exchange from which both nations will benefit.

It is my intention that we will develop a firm and effective fabric of cooperation among the nations of the world on these environmental issues.

WORLD HERITAGE TRUST

As the United States approaches the centennial celebration in 1972 of the establishment of Yellowstone National Park, it would be appropriate to mark this historic event by a new international initiative in the general field of parks. Yellowstone is the first national park to have been created in the modern world, and the national park concept has represented a major contribution to world culture. Similar systems have now been established throughout the world. The United Nations lists over 1,200 parks in 93 nations.

The national park concept is based upon the recognition that certain areas of natural, historical, or cultural significance have such unique and outstanding characteristics that they must be treated as belonging to the nation as a whole, as part of the nation's heritage.

It would be fitting by 1972 for the nations of the world to agree to the principle that there are certain areas of such unique worldwide value that they should be treated as part of the heritage of all mankind and accorded special recognition as part of a World Heritage Trust. Such an arrangement would impose no limitations on the sovereignty of those nations which choose to participate, but would extend special international recognition to the areas which qualify and would make available technical and other assistance where appropriate to assist in their protection and management. I believe that such an initiative can add a new dimension to international cooperation.

—*I am directing the Secretary of the Interior, in coordination with the Council on Environmental Quality, and under the foreign policy guidance of the Secretary of State, to develop initiatives for presentation in appropriate international forums to further the objective of a World Heritage Trust.*

Confronted with the pressures of population and development, and with the world's tremendously increased capacity for environmental modification, we must act together now to save for future generations the most outstanding natural areas as well as places of unique historical, archeological, architectural, and cultural value to mankind.

V. FURTHER INSTITUTIONAL IMPROVEMENT

The solutions to environmental and ecological problems are often complex and costly. If we are to develop sound policies and programs in the future and receive early warning on problems, we need to refine our analytical techniques and use the best intellectual talent that is available.

After thorough discussions with a number of private foundations, the Federal Government through the National Science Foundation and the Council on Environmental Quality will support the establishment of an Environmental Institute. I hope that this nonprofit institute will be supported not only by the Federal Government but also by private foundations. The Institute would conduct policy studies and analyses drawing upon the capabilities of our universities and experts in other sectors. It would provide new and alternative strategies for dealing with the whole spectrum of environmental problems.

VI. TOWARD A BETTER LIFE

Adoption of the proposals in this message will help us to clean up the problems of the past, to reduce the amount of waste which is disposed, and to deal creatively with problems of the future before they become critical. But action by government alone can never achieve the high quality environment we are seeking.

We must better understand how economic forces induce some forms of environmental degradation, and how we can create and change economic incentives to improve rather than degrade environmental quality. Economic incentives, such as the sulfur oxides charge and the lead tax, can create a strong impetus to reduce pollution levels. We must experiment with other economic incentives as a supplement to our regulatory efforts. Our goal must be to harness the powerful mechanisms of the marketplace, with its automatic incentives and restraints, to encourage improvement in the quality of life.

We must also recognize that the technological, regulatory and economic measures we adopt to solve our environmental problems cannot succeed unless we enlist the active participation of the American people. Far beyond any legislative or administrative programs that may be suggested, the direct involvement of our citizens will be the critical test of whether we can indeed have the kind of environment we want for ourselves and for our children.

All across the country, our people are concerned about the environment—the quality of the air, of the water, of the open spaces that their children need. The question I hear everywhere is "What can *I* do?

Fortunately, there is a great deal that each of us can do. The businessman in his every day decisions can take into account the effects on the environment of his alternatives and act in an environmentally responsible way. The housewife can make choices in the marketplace that will help discourage pollution. Young people can undertake projects in their schools and through other organizations to help build a better environment for their communities. Parents can work with the schools to help develop sound environmental teaching throughout our education system. Every community in the Nation can encourage and promote concerned and responsible citizen involvement in environmental issues, an involvement which should be broadly representative of the life-styles and leadership of the community. Each of us can resolve to help keep his own neighborhood clean and attractive and to avoid careless, needless littering and polluting of his surroundings. These are examples of effective citizen participation; there are many others.

The building of a better environment will require in the long term a citizenry that is both deeply concerned and fully informed. Thus, I believe that our educational system, at all levels, has a critical role to play.

As our Nation comes to grips with our environmental problems, we will find that difficult choices have to be made, that substantial costs have to be met, and that sacrifices have to be made. Environmental quality cannot be achieved cheaply or easily. But, I believe the American people are ready to do what is necessary.

This Nation has met great challenges before. I believe we shall meet this challenge. I call upon all Americans to dedicate themselves during the decade of the seventies to the goal of restoring the environment and reclaiming the earth for ourselves and our posterity. And I invite all peoples everywhere to join us in this great endeavor. Together, we hold this good earth in trust. We must—and together we can—prove ourselves worthy of that trust.

RICHARD NIXON.

THE WHITE HOUSE, *February 8, 1971.*

NEED FOR A SINGLE ENVIRONMENTAL PROTECTION POLLUTION CONTROL PROGRAM

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, the President said on January 1 last year that the time had come to give priority to our concerns about our environment. Together last year we made some important steps forward—setting up a strong Council on Environmental Quality in the Executive Office to coordinate our environmental programs and prepare new initiatives, reorganizing our pollution control programs into a single Environmental Protection Agency under dynamic leadership, enacting comprehensive legislation on air quality and solid wastes, establishing much needed new national parks, and initiating a potentially very effective enforcement of water quality under the permit authority of the Refuse Act.

In today's message on the environment the President has made crystal clear that concern about the environment is no fad and that it is our national policy to systematically defend our environment from all assaults. Rather than describe the 15 or so legislative measures, the treaties and the many executive actions involved, I will only sketch the main categories of action proposed.

Measures to strengthen pollution control programs:

Charges on sulfur oxides and lead to supplement regulatory controls on air pollution;

More effective control of water pollution through a $12 billion financing program and strengthened standard-setting and enforcement authorities;

Comprehensive improvement in pesticide control authority; and

A Federal procurement program to encourage recycling of paper.

Measures to control emerging problems:

Regulation of toxic substances;

Regulation of noise, pollution; and

Controls on ocean dumping.

Measures to promote environmental quality in land use decisions:

A new and greatly expanded open space and recreation program, bringing parks to the people in urban areas;

A national land use policy;

Adjustments in our tax policy to foster our land use goals;

Substantial expansion of the wilderness areas preservation system;

Advance clearance of powerplant sites; and

Regulation of strip mining.

Further institutional improvement:

Establishment of an Environmental Institute to conduct studies and recommend policy alternatives. Steps toward a better world environment:

Expanded international cooperation; and

A World Heritage Trust to preserve parks and areas of unique cultural value throughout the world.

At a time when there are many issues that divide us, I welcome so clear and strong a call to a cause that finds broad support in both parties, all generations and all parts of the country. I know that in my own State of Michigan, which has been a leader in this field, the President's environment message will be greeted and supported. I believe my colleagues here will find that the President's proposals respond to deep-felt needs across the country.

With so extensive an agenda it is fortunate that this message was placed before us early in this Congress. There have been extensive advance briefings of many of the committees concerned so I anticipate we can get off to a fast start.

I also anticipate that we will have our own constructive contributions to make to this program and that we will have broad support from both sides of the aisle for the President's initiatives. I believe that this will be true not only of the familiar antipollution programs included but also of such innovations as using market forces to abate pollution—by taxes on sulfur oxides in fuel and lead in gasoline—using Government contract policy to promote recycling, strengthening State powers over land use to protect the environment and guide development, and programs to head off such emerging environmental problems as noise, pollution from toxic substances such as mercury, and ocean dumping.

Mr. Speaker, I congratulate the President and his colleagues on his environment message. They have done their work with vision, vigor, and a sensitivity to the country's needs. I know my colleagues in this House will respond in kind.

THE EMPLOYMENT SECURITY AMENDMENTS OF 1970

(Mr. MILLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. MILLS. Mr. Speaker, the Employment Security Amendments of 1970—Public Law 91–373—comprised the most significant set of amendments to the unemployment compensation laws since Congress approved the law establishing the Federal-State unemployment compensation system in 1935. Members of the House will recall that the principal changes contained in the new law provide for: First, the extension of coverage of the unemployment compensation program to additional jobs; second, the establishment of a permanent program of extended benefits for persons who exhaust their regular State benefits during periods of high unemployment; third, certain limited requirements for State unemployment programs which are designed to protect the integrity of the program; fourth, the establishment of procedures for States to obtain judicial review of certain adverse determinations by the Secretary of Labor; and, fifth, changes in the financing of the program.

Mr. Speaker, I have been advised that the General Assembly of the State of Arkansas has now taken action to implement the provisions of the 1970 Employment Security Amendments. Not only did the general assembly, in act 35, take such action, Mr. Speaker, but it has also provided for numerous other improvements in the Arkansas statute. I, therefore, include at this point a letter of February 3 from Mr. Cecil L. Malone, unemployment insurance director, Arkansas Employment Security Division, together with a summary explaining this recent action by the Arkansas Legislature:

ARKANSAS EMPLOYMENT
SECURITY DIVISION,
Little Rock, Ark., February 3, 1971.

Hon. WILBUR D. MILLS,
House of Representatives,
Washington, D.C.

DEAR MR. MILLS: As discussed with you by phone we are very pleased that the Arkansas General Assembly took such prompt action on our Unemployment Insurance bill.

Act 35 of the Arkansas General Assembly includes all mandatory provisions required by Public Law 91–373 of the 91st Congress.

Beyond these requirements the new amendments include improvements in our Law which we call to your attention.

1. Defines a week of unemployment to be a week in which earnings do not exceed 140% of a claimant's weekly benefit amount.
2. Deductible earnings changed from a flat $5.00 to an amount in excess of 40% of a claimant's weekly benefit amount.
3. Raises maximum weekly benefit amount to 60% of State average weekly wage effective July 1, 1971 through June 30, 1973 and 66⅔% of State average weekly wage beginning July 1, 1973.
4. Exempts military retirement pay and disability retirement pay from disqualifying remuneration.
5. Adds a stabilization tax of 0.1 percent on all employers, except reimbursable employers, when assets of the Trust Fund are less than 2.5% of total payrolls. Reduces rated employer tax by 0.1 percent when assets of the Fund reach 5.0% of total payrolls.
6. Adds an Extended Benefit Tax of 0.1% on all employers, except reimbursable employers. This Tax is to be identified in the Trust Fund as a separate account. This tax is to be suspended for any rate year when the assets in the Extended Benefit Account are more than 0.2% of total payrolls during preceding calendar year.

Attached is a rather comprehensive summary of the contents of Act 35.

Sincerely,

J. MERLE LEMLEY,
Administrator.

SUMMARY OF ARKANSAS EMPLOYMENT SECURITY BILL

A bill to revise the Arkansas Employment Security Law must be passed by the 1971 Legislature to bring this Law into conformity with the Federal Unemployment Tax Act as amended in 1970 so that employers may retain Federal tax offset credit. The Employment Security Advisory Council, made up of 21 representatives from Management, Labor, Education Agriculture, and the General Public, following six months of study and deliberation, recommends by unanimous vote the changes outlined below which accomplish the following results:

1. Satisfies all the mandatory requirements of the new Federal Amendments, including new taxable wage base of $4,200.
2. Substantially improves the Arkansas Law with provisions for 13 weeks extended benefits and higher maximum benefits.
3. Removes two current stabilization tax rates totaling 0.4% from Arkansas employers, replaced with a stabilization rate of 0.1% on the higher taxable wage base.

Provision	Effective date	Mandatory	Improvement
Definitions:			
Employer—Expands "employer" to include religious, charitable, and educational institutions, and State hospitals and institutions of higher learning.	Jan. 1, 1972	×	
Employment and exclusions from coverage—Expands "employment" and "exclusions" from coverage. Adds as employment: Services for religious, charitable, and educational institutions; services for State hospitals and institutions of higher learning; services by a citizen outside the United States for an American employer and services on an American vessel. Excludes from coverage: Churches; ministers, beneficiaries of sheltered workshops; schools other than institutions of higher learning; patients in hospitals; students in institutions of higher learning; students in work-study programs; and beneficiaries in Government work-relief or work-training programs.	do	×	
Week of unemployment—Defines a week of unemployment as a week of less than full-time work if earnings do not exceed 140 percent of his weekly benefit amount. (This change required by change in deductible earnings from $5 to 40 percent of weekly benefit amount.)	July 1, 1971		×
Taxable wages—Increases "taxable wages" to $4,200 rather than $3,000.	Jan. 1, 1972	×	
Weekly benefit amount—Weekly benefit amount shall remain 50 percent of individual's average weekly wage. Raises maximum weekly benefit amount to 60 percent of State average weekly wage for insured employment effective July 1, 1971, through June 30, 1973, and to 66⅔ percent of State average weekly wage for insured employment effective July 1, 1973.	July 1, 1971		×
Deductible earnings—Earnings deductible from weekly benefit amount. Changes deductible earnings from "in excess of $5" to "in excess of 40 percent of weekly benefit amount."	do		×
Requalifying wage requirement—Adds requirement of insured wages subsequent to filing date of previous benefit year claim in order to requalify for benefits on a transitional claim.	do	×	
Retirement pay—Exempts military retirement pay and disability retirement pay from disqualifying remuneration.	do		×
Extended benefit payments—Provides that extended benefits paid are not to be charged to employer's separate account but shall be charged against the "extended benefit account" in the trust fund.	do		×
Experience rate—Excludes from an employer's experience rate record a stabilization tax or an extended benefit taxpayment and restiricts experience rates to employers with 3 years or more of benefit risk experience.	Jan. 1, 1972		×
Stabilization tax—Effective for the 9-month period of Apr. 1 through Dec. 31, 1971, the stabilization tax rate for employers with 3 or more years of benefit risk experience shall be reduced by 0.2 percent. The stabilization tax rate for all other employers effective Jan. 1, 1971, shall remain unchanged through Dec. 31, 1971. (Provided, however, if this bill becomes an act after May 1, 1971, the effective period will be July 1 through Dec. 31, 1971.)	Apr. 1, 1971		×
The other current stabilization factor of 0.2 is removed	Dec. 31, 1971		×
Adds a 0.1 percent stabilization tax on all employers, except reimbursable employers, when the assets of the fund are less than 2.5 percent of total payrolls. This tax is not to be credited to the separate account of each employer. Provides that basic tax shall be reduced when assets of fund exceed 5 percent of total payrolls.	Jan. 1, 1972		×
Financing benefits paid to nonprofit organizations and State hospitals and institutions of higher education—Provides financing of benefits paid to employees of nonprofit organizations, State hospitals, and institutions of higher education. These organizations and institutions may elect to reimburse the fund for all regular and ½ extended benefits paid to their workers.	do	×	
Transition provision—If a nonprofit organization or a State hospital or institution had elected coverage under the Arkansas law prior to Jan. 1, 1969, and elects now to reimburse the fund in lieu of paying contributions, it will not be required to make payment into the fund until this total amount of benefits paid equals his balance of contributions in his account.	do	×	
Elective coverage for political subdivisions—Permits a political subdivision (county or city) an election to cover or not cover its workers in hospitals and institutions of higher learning. If a political subdivision elects to cover any of such workers it must cover all such workers and will be required to reimburse the fund for all regular and ½ extended benefits paid in lieu of the payment of contributions.	do	×	
Wage combining—Provides for a single wage combining plan rather than the 3 plans now in operation.	do	×	
Extended benefits—Basic provisions	July 1, 1971	×	
Trigger points.			
National—when national unemployment reaches 4.5 percent.			
State—when State unemployment rate reaches 4 percent and this rate equals or exceeds 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding 2 calendar years.			
Extended benefit amounts.			
Weekly—same as regular weekly benefit amount.			
Maximum—lesser of—			
a. 50 percent of regular maximum benefit amount, or			
b. 13 times regular weekly benefit amount.			
Financing.			
State bears ½ and United States bears ½ cost			
State cost to be paid for by a 0.1 percent tax on all employers, except reimbursable employers under sec. 7(h). This tax to be in a new extended benefit account within the trust fund			
Tax not to be credited to the separate accounts of employers for experience rate purposes			
Extended benefits paid not to be charged to separate accounts of employers for experience rate purposes			
Extended benefit tax suspended for any rate year when assets of this account are more than 0.2 percent of total payrolls during the preceding calendar year			

SHOULD OUR MILITARY BE FORCED TO FIGHT TWO WARS—ONE IN VIETNAM AND ONE IN WASHINGTON

(Mr. FISHER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FISHER. Mr. Speaker, the attitude of a good many people, including some in high places, regarding the conduct of the war in Vietnam, has become most disturbing. These people arrogate to themselves the right to overrule the military judgment of those who should know what they are doing. If our military leaders do not qualify, then we should abolish the Military, Naval and Air Force Academies.

This is serious business. Many lives are involved. We are committed to combat troop withdrawal, and it is proceeding in an orderly manner. What more do the critics want? All reports indicate the Vietnamization program is proceeding exceedingly well. One would think the war protestors, if in good faith, would be elated over what is happening.

In carrying out this mission, protecting lives, and interdicting enemy supply lines, vital military decisions must be made. Yet it seems that every time a troop commitment is revealed, or a bomber attack is ordered, military leaders are hauled before committees and asked to publicize plans and explain in great detail why our military should interfere with the movement of Communist troops and supplies down the long and tortuous Ho Chi Minh Trail—directed to the south where American and South Vietnamese troops are on guard and even now under constant attack.

All accounts indicate the interdiction strategy has thus far been a great success. Thousands of vehicles have been destroyed, hundreds of enemy have been killed, and the enemy supply movement has been disrupted. Such timely interference should be acclaimed, not criticized.

One would think these irresponsible critics would draw in their horns after their gross misjudgment on our triumphant move last year into Cambodia. Following the destruction of the vast storehouses of enemy armament in that sanctuary, our casualties dropped by 37 percent. And there is no way of knowing how many lives were saved as a result.

MILITARY ENTITLED TO PRAISE

How would it be for these same committees, for a change, to say something nice about what is being done over there? Why not summon the Secretary of Defense and the Joint Chiefs of Staff, and publicly commend them for their good judgment and their achievements? That gesture would bespeak unity at home and solidarity of support behind American combat troops who are fighting in the jungles of Southeast Asia—under the American flag.

On Sunday I listened to three Members of the other body berate our Government—our Government—for providing some air support for our hard pressed allies who are fighting Communist aggressors in Laos and Cambodia. One of those "experts" expressed uncertainty and insisted, in any event, before such support is undertaken the President should come to Congress, lay out his plans, and seek guidance and authority.

How absurd can they get? Do they not recall that after our troops were sent into enemy sanctuaries in Cambodia last year the U.S. Senate required 7 weeks to debate an amendment to a bill which would require withdrawal? It is of interest to note that final vote on that issue came after all troops had already been withdrawn—in accordance with the President's prior announcement. Seven weeks.

How many weeks would it take for those Senators to reach a decision on air support? One month? Two months? And by that time how much good would air support be?

Why, Mr. Speaker, should our military be constantly harassed when they are using what they evidently think constitutes sound military judgment? Is it in the public interest that their strategy and their decisions be publicized? Who, I ask, can be expected to get the most benefit from such exposure?

WE MUST TRUST THE MILITARY

Mr. Speaker, I do not profess to know about the need or the prudence of providing for air support, although on the face of it the strategy appears to make a lot of sense. As a layman, however, I would think the less said about such decisions the better off we are, and the better off our troops in Vietnam are—and the worse off is the enemy.

For myself, I am willing to trust the judgment of those in positions of responsibility who are calling the shots. Those people have their hands full fighting a war without being exposed to the glare of committees and forced to fight another war here in Washington.

The war in Vietnam has been a major tragedy. The military should long ago have been allowed to win that war. There are, at the same time, many knowledgeable people who feel very strongly that the war has, in effect, been won; that the grand design of Communist aggressors for the conquest of Southeast Asia has been blocked, and world war III may have been prevented—or at least delayed or made less likely.

In any event, let us exploit the plus factors, and not dissipate our advantages by constant bickering and harassment during this critical withdrawal period. This is no time for panic, and it is no time to jeopardize our withdrawal plans.

Moreover, what about the plight of our unfortunate prisoners of war, held incommunicado by a ruthless and savage enemy? Their release must be related to withdrawal plans. And any interference with withdrawal plans can do them a terrible injustice.

Those who advocate a specific cutoff date, irrespective of the disposition of the prisoners, are turning their backs on those POW's and their release from Communist prisons. The soft treatment of the enemy, as advocated by some, during this period, may very well affect chances for a peaceful settlement and the timetable for bringing our troops home.

Let us salvage the most out of the great sacrifices that have been made, and let us make the most of the opportunities that arise. Above all, let us trust the judgment of our military leaders. They have been interfered with far too much in the past.

H.R. 3620, TO LIMIT CAMPAIGN SPENDING BY CANDIDATES FOR CONGRESS

(Mr. FISHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISHER. Mr. Speaker, I have introduced H.R. 3620 which is designed to put an effective and enforceable limit on the amount of money that can be spent by or for a candidate for the House of Representatives.

Major features of the bill are as follows:

First. It limits such expenditures for each contested primary or general election campaign to $50,000.

Second. It requires any who spend money in behalf of the campaign of a candidate to first obtain that candidate's written permission, and the amount expended would be added to and included in the $50,000 ceiling.

Violation of any of these requirements would be a felony and subject the guilty to fines and prison sentences.

EXCESSIVE CAMPAIGN SPENDING IS A NATIONAL SCANDAL

Mr. Speaker, the vast amounts of money expended by and on behalf of candidates for office in recent years has become a national scandal. By sheer influence of unlimited spending, making maximum use of radio and television, wealthy candidates strive to literally buy public offices. Is the Congress to eventually become a rich man's club?

James Reston, the columnist, referring to the Madison Avenue technique, had this to say:

> A pleasant smile, a big bankroll and 20 commercials a day look good like a candidate should . . . but there must be some way to protect the public from this political huckstering.

The San Antonio Light put it this way:

> The success of a candidate is too often determined by the number of times he can appeal to the public eye and ear through television and radio.
>
> In recent years we've seen too many examples of candidates literally buying nominations by outspending their poorly financed opponents in advertising media.

Another columnist, Marquis Childs, commented:

> Big money, television, a hard-boiled commercial producer—that is the formula in a new kind of politics. It is savage, totally irrelevant to the issues, devised to cut down an opponent no matter what the means used.

PRESENT CONTROLS ARE USELESS

This spending trend has created a crisis which affects the American system of government. Efforts to control the evil has been feeble and nonenforceable. Hence, spending has gone completely out of control. An indicator of the magnitude of this trend is contained in a United Press International survey which reported, citing the Ethics Commitee finding:

> The cost of all elective offices in the United States has risen from $140 million in 1952 to a projected $400 million in 1972

Referring to vast sums spent in campaigns as a "crisis," a Washington Post article commented:

> Formal campaign reports offer no evidence of that crisis. They give no indication of the actual cost of running for major office in America. Nor do they show fully who spent what, or where he got his money, or to whom he might become beholden.

That same article continued:

> Two years ago the entire reported amount spent on all congressional races in the 1968 campaign came to less than $9 million. Conservative estimates indicate at least $50 million actually was spent.

This evil which has developed in our political system is intolerable. It begets corruption, unethical tactics, deceit, and deliberate distortion of facts and issues. The public is fed up with it and is demanding relief. A recent Gallup poll showed 78 percent of the public favor a meaningful limitation on campaign spending. Now is the time for the Congress to act.

Mr. Speaker, my bill deals only with the House of Representatives. I did not choose to encumber it with others. Our immediate responsibility is in this body. I have used the $50,000 figure as a fair and liberal ceiling. Used prudently this amount should be ample to develop issues and express views to constituents. The important thing is to make the limitation meaningful. Reporting must be full, and conformance must be rigidly enforced. Not just ethics committees but grand juries must require compliance.

SOUTH VIETNAMESE OPERATIONS IN LAOS

(Mr. STRATTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I only know what I have read in the papers or heard over the radio, but as one Member of Congress I am delighted to learn that South Vietnamese forces have moved into Laos to cut off the Ho Chi Minh infiltration route into Cambodia and South Vietnam. This is an operation that should have been undertaken long ago.

Those who talk about this as a widening of the Vietnam war are talking through their hats. Ever since the Vietnam war started the Ho Chi Minh Trail has been the central supply line, and—except for aerial attack—the principal enemy sanctuary.

If we are going to withdraw our forces safely and on schedule, as I certainly hope we will, and leave South Vietnam in a position to have a reasonable chance of running their own affairs when our forces leave, then they have got to cut this major supply line.

Frankly, Mr. Speaker, the most eloquent testimony to the wisdom of this strategy is the new high decibel level from Hanoi in protest—and even 2 weeks before the operation actually began. Now they are really being squeezed, and at long last the South Vietnamese are removing the sanctuaries that for so long have sustained and prolonged the North Vietnamese aggression

Finally, Mr. Speaker, the very fact that this new operation has been launched shows the dramatic improvement that has been made in the South Vietnamese Armed Forces in 2 short years in the Vietnamization policy of President Nixon. It is proving to be an effective way of winding down the war and our involvement in it.

PLIGHT OF AMERICAN SERVICEMEN MISSING IN ACTION OR PRISONERS OF WAR IN SOUTHEAST ASIA

(Mr. MORGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MORGAN. Mr. Speaker, one of the critical issues of our time is the plight of American servicemen missing in action or prisoners of war in Southeast Asia. Too few Americans are aware of, or are concerned about, the problem. Consequently, it appears to Hanoi and others elsewhere that America simply does not care about the 1,600 members of its Armed Forces listed as MIA or POW.

The American Legion is one organization that is attempting to do something about this problem at the State and local level.

Following his election last September, National Commander Alfred P. Chamie appointed a special committee to develop a program to convince Hanoi that the American people are united in their demand that the North Vietnamese comply fully with the provisions of the 1949 Geneva Convention on treatment of prisoners of war. The committee is headed by Past National Commander William R. Burke of California. As one of the first steps to implement this program, Governors, mayors, and other elected officials were requested to issue an order proclaiming a "Prisoners of War Day" and urging all citizens to demonstrate their concern for these brave young men and pray for their welfare and release.

The American Legion is to be commended for the positive action it has taken to bring the problems of these servicemen and their families to the attention and conscience of the American people. As it has so many times in the past, the Legion is acting in the finest traditions of humanitarianism and patriotism. I believe the proclamations of the Governors deserve the attention of all Members of the Congress and it is my privilege to place them in the CONGRESSIONAL RECORD. Following the proclamations of the Governors is an alphabetical list of the counties, cities, and townships that have also issued "Prisoners of War Day" proclamations.

The proclamations and list follows:

PROCLAMATION

PRISONER OF WAR DAY

Whereas, nearly 1,600 members of the Armed Forces of the United States are officially listed either as missing in action or as prisoners of war in Southeast Asia; and

Whereas, these men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish which is the unique lot of the prisoner of war; and

Whereas, their wives, children, parents, and other relatives in the United States suffer with them the agony of separation and of loneliness; and

Whereas, these men have carried out and continue to carry out their duties to their country in accordance with their principles and pursuant to directions of the American people whom they are defending; and

Whereas, it is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and their speedy return to their homes and families:

Now, therefore, I, Keith H. Miller, Governor of the State of Alaska, do hereby proclaim November 11, 1970, as "Prisoner of War Day" in Alaska, and I urge all citizens to show their respect and concern for these servicemen and, further, to join me in praying for their release.

In witness whereof, I have hereunto set my hand and caused the Seal of the State of Alaska to be affixed this second day of November in the year of our Lord nineteen hundred and seventy.

KEITH H. MILLER,
Governor.

PROCLAMATION

PRISONER OF WAR DAY, 1970

Whereas, nearly 1,600 members of the Armed Forces of the United States are officially listed either as missing in action or as prisoners-of-war in Southeast Asia; and

Whereas, these men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish which is the unique lot of the prisoner of war; and

Whereas, their wives, children, parents and relatives in the United States suffer with them the agony of separation and of loneliness; and

Whereas, these men have carried out, and continue to carry out their duties to their country in accordance with their principles and pursuant to directions of the American people whom they are defending; and

Whereas, it is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and their speedy return to their homes and families;

Now, therefore, I, Jack Williams, Governor of the State of Arizona do hereby proclaim November 11, to be "Prisoner of War Day, 1970" and do urge all Arizonans to show their respect and concern for these servicemen and to join me in praying for their release.

In witness whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Done at the Capitol in Phoenix this 5th day of November in the year of Our Lord One Thousand Nine Hundred and Seventy and of the Independence of the United States the One Hundred and Ninety-fifth.

JACK WILLIAMS,
Governor.

PROCLAMATION

Whereas, nearly 1,600 members of the Armed Forces of the United States are officially listed either as missing in action or as prisoners-of-war in Southeast Asia; and

Whereas, These men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish which is the unique lot of the prisoner-of-war; and

Whereas, Their wives, children, parents and other relatives in the United States suffer with them the agony of separation and of loneliness; and

Whereas, These men have carried out, and continue to carry out their duties to their country in accordance with their principles and pursuant to directions of the American people whom they are defending; and

Whereas, It is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and their speedy return to their homes and families,

Now therefore, I, Ronald Reagan, Governor of California, do hereby proclaim November 11, 1970, as "Prisoner of War Day" in California, and I urge all citizens to show their respect and concern for these servicemen and to join me in praying for their release.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 6th day of November, One Thousand Nine Hundred Seventy.

RONALD REAGAN,
Governor.

PROCLAMATION

WRITE HANOI MONTH

Whereas: There are more than 1600 American military men who have been classified by the United States Government as prisoners of war or missing in action in the geographical area of Southeast Asia, particularly North Viet Nam; and

Whereas: Since 1964 approximately 600 letters have been received by the families of persons who are classified as prisoners of war or missing in action; and

Whereas: The physical condition of the prisoners of war who have been released to date by the Hanoi Government has been far below normal standards; and

Whereas: Prisoners of war have been subjected to treatment contrary to that usually afforded prisoners of war during military conflicts; and

Whereas: Notwithstanding the endorsement of the Geneva Convention by the Government of North Viet Nam, the Hanoi Government leaders have not implemented the following provisions of the Geneva Convention:

(a) Release of names of prisoners held;

(b) Immediate release of prisoners who are sick or wounded;

(c) Impartial inspections of facilities used for prisoner detention;

(d) Assure that all prisoners receive proper medical care and adequate food;

(e) Prisoners shall not be paraded or photographed for purposes of political propaganda;

(f) Belligerents must not use false information about prisoners which would be harmful to the mental health of the prisoners or their families at home;

(g) Provide frequent exchange of mail between prisoners and their families;

Now therefore: I, Lester Maddox, Governor of the State of Georgia, do hereby proclaim the month of November, 1970, as "WRITE HANOI MONTH" in Georgia, and call upon all the citizens of our State to remember those persons classified as prisoners of war or missing in action in their prayers during this month; and

Further: All citizens of the State of Georgia are requested to communicate in writing with the Hanoi Government leaders requesting that prompt information relative to all Americans classified as prisoners of war or missing in action be released and that said leaders implement immediate steps to comply with the provisions of the Geneva Convention; and

Further: The news media throughout the

State of Georgia is hereby respectfully requested to take cognizance of the observances during this month and to take note of the refusal of the Government of North Viet Nam to abide by the provisions of the Geneva Convention relative to military personnel classified as prisoners of war or missing in action.

PROCLAMATION

Whereas, nearly 1,600 members of the Armed Forces of the United States are officially listed either as missing in action or as prisoners-of-war in Southeast Asia; and

Whereas, these men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and peculiar mental and physical anguish which is the unique lot of the prisoner-of-war; and

Whereas, their wives, children, parents and other relatives in the United States suffer with them the agony of separation and of loneliness; and

Whereas, these man have carried out, and continue to carry out their duties to their country in accordance with their principles and pursuant to directions of the American people whom they are defending; and

Whereas, it is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and their speedy return to their homes and families;

Now, therefore, I, John A. Burns, Governor of the State of Hawaii, do hereby proclaim November 22–28, 1970, as "Prisoner of War Week" in the State of Hawaii, and I urge all citizens to show their respect and concern for these servicemen and to join me in praying for their release.

Done at the State Capitol, Honolulu, State of Hawaii, this 23rd day of November, 1970.

JOHN A. BURNS.

PROCLAMATION

Whereas, Nearly 1,600 members of the Armed Forces of the United States are officially listed either as missing in action or as prisoners-of-war in Southeast Asia; and

Whereas, These men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish which is the unique lot of the prisoner-of-war; and

Whereas, Their wives, children, parents and other relatives in the United States suffer with them the agony of separation and of loneliness; and

Whereas, These men have carried out, and continue to carry out their duties to their country in accordance with their principles and pursuant to directions of the American people whom they are defending; and

Whereas, It is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and their speedy return to their homes and families;

Now, therefore, I, Edgar D. Whitcomb, Governor of the State of Indiana do hereby proclaim the 11th Day of November 1970, as "Prisoner of War Day" in Indiana, and I urge all citizens to show their respect and concern for these servicemen and to join me in praying for their release.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the State of Indiana, at the Capitol, in the city of Indianapolis, this 21st day of October 1970.

EDGAR D. WHITCOMB,
Governor of Indiana.

PROCLAMATION

Whereas, the State of Iowa and all Iowa citizens are proud of our American servicemen in Southeast Asia and concerned for our men who are being held as prisoners of war; and

Whereas, the Iowa District of the National League of Families of American Prisoners and Missing in Action in Southeast Asia needs the support of all Iowans in its efforts to keep these men ever in the thoughts and prayers of our citizens and to work for their safety and speedy release:

Now, therefore, I, Robert D. Ray, Governor of the State of Iowa, do hereby proclaim the week November 9–15, 1970, as "Concern for Prisoners of War Week" in Iowa, and Sunday, November 15, 1970, a "Day of Prayer and Concern" as the culmination of this week of prayerful concern and remembrance of these courageous American servicemen.

In testimony whereof, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 22nd day of October in the year of our Lord one thousand nine hundred seventy.

ROBERT D. RAY,
Governor.

PROCLAMATION

Whereas, nearly 1,600 members of the Armed Forces of the United States are officially listed either as missing in action or as prisoners-of-war in Southeast Asia; and

Whereas, these men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish which is the unique lot of the prisoner-of-war; and

Whereas, their wives, children, parents and other relatives in the United States suffer with them the agony of separation and of loneliness; and

Whereas, these men have carried out, and continue to carry out their duties to their country in accordance with their principles and pursuant to directions of the American people whom they are defending; and

Whereas, it is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and their speedy return to their homes and families;

Now, therefore, I, Louie B. Nunn, Governor of the Commonwealth of Kentucky, do hereby proclaim Veteran's Day on November 11, 1970, as "Prisoner of War Day" in Kentucky, and urge all the citizens of our Commonwealth to show their respect and concern for these servicemen and to join me in praying for their release.

Done at the Capitol in the city of Frankfort this 2nd day of November in the year of Our Lord one thousand nine hundred seventy and of the Commonwealth of Kentucky the one hundred seventy-ninth.

LOUIE B. NUNN,
Governor.

PROCLAMATION

Whereas, More than 1500 American men were listed as missing in action as of the first of last year, with 450 of these men believed to be prisoners of war; and

Whereas, Hanoi has never officially confirmed that there are any P.O.W.'s; and

Whereas, The Geneva Convention provides that the identity of all prisoners held be made available; that neutral inspection of prison camps be permitted; that mail and packages be allowed to flow between prisoners and families; that sick and wounded be released; and that prisoners be protected from public abuse; and

Whereas, both Hanoi and the United States signed the terms of the Geneva Convention; and

Whereas, North Vietnam has violated the provisions of the Geneva Convention by not confirming that Americans are held as P.O.W.'s, and accordingly violating all the other provisions of the Geneva Convention; and

Whereas, such gross violations subject our American men held as P.O.W.'s to inhumane treatment and impose immeasurable suffering and mental cruelty on the families of these men missing in action and/or held as P.O.W.'s, as well as all Americans concerned with the welfare of our American men and women engaged in the struggle to defend the principles of freedom;

Now, therefore, I, John J. McKeithen, Governor of the State of Louisiana, do hereby proclaim the week of November 1–7, 1970 as "Operation P.O.W. Week" and call upon all freedom-loving Americans to join in the letter-writing crusade to Hanoi, and to the President, senators, representatives, and others urging Hanoi to accord humane treatment of prisoners and their families.

PROCLAMATION

Whereas, More than 1,600 American military personnel are prisoners of the enemy or missing in action as a result of the Indo-China conflict; and

Whereas, These men are not being accorded their rights under the Geneva Convention in regard to identification, humane treatment, freedom of communication and repatriation of the sick and wounded; and

Whereas, All previous attempts to assist the prisoners and determine the whereabouts of the missing in action have failed.

Now, therefore, I Forrest H. Anderson, Governor of the State of Montana, do hereby proclaim the week of November 9 through 15, 1970, as "Concern for Prisoners of war week" in Montana, and specifically, Sunday, November 15, 1970 a "Day of Prayer and Concern" as a means of calling attention to the unfortunate fate of Americans held captive or missing in action as a result of the Indochina conflict.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Montana to be affixed. Done at the City of Helena, the Capital, this second day of November, in the year of our Lord, one thousand nine hundred and seventy.

FORREST H. ANDERSON,
Governor of Montana.

PROCLAMATION

Whereas, nearly 1,600 members of the Armed Forces of the United States are officially listed either as missing in action or as prisoners-of-war in Southeast Asia; and

Whereas, these men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish which is the unique lot of the prisoner-of-war; and

Whereas, their wives, children, parents and other relatives in the United States suffer with them the agony of separation and of loneliness; and

Whereas, these men have carried out, and continue to carry out their duties to their country in accordance with their principles and pursuant to directions of the American people whom they are defending; and

Whereas, it is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and their speedy return to their homes and families;

Now, therefore, I, Raymond H. Bateman, Acting Governor of the State of New Jersey, do hereby proclaim the month of November 1970 as "Prisoner of War Month" in the State of New Jersey, and I urge all citizens to show their respect and concern for these servicemen and to join me in praying for their release.

Given, under my hand and the Great Seal of the State of New Jersey this 30th day of October, in the year of Our Lord one thousand nine hundred and seventy and in the Independence of the United States the one hundred and ninety-fifth.

Raymond H. Bateman,
Acting Governor.

Proclamation

Whereas, nearly 1,600 members of the Armed Forces of the United States are officially listed either as missing in action or as prisoners-of-war in Southeast Asia; and

Whereas, these men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish which is the unique lot of the prisoner-of-war; and

Whereas, their wives, children, parents and other relatives in the United States suffer with them the agony of separation and of loneliness; and

Whereas, these men have carried out, and continue to carry out their duties to their country in accordance with their principles and pursuant to directions of the American people whom they are defending; and

Whereas, it is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and their speedy return to their homes and families;

Now, therefore, I, David F. Cargo, Governor of the State of New Mexico, do hereby proclaim the week of November 9 through 14, 1970, as Prisoner of War and Missing in Action Week in New Mexico and I urge all citizens of New Mexico to show their respect and concern for these servicemen and join me in praying for their release.

Done at the Executive Office this 4th day of November, 1970.

Witness my hand and the great seal of the State of New Mexico.

David F. Cargo,
Governor.

Proclamation

Whereas, During the course of the conflict in Vietnam, there have been more than 1,355 United States Servicemen listed as either Missing in Action or as Prisoners of War; and of these, more than 200 United States Servicemen have been listed as either Missing in Action or as Prisoners of War for three or more years; and

Whereas, As American citizens we urge support of the joint resolution before Congress relative to the Geneva Convention; in that, all Prisoners of War receive humane treatment, and such resolution (S. Res. 245) found in the Congressional Record and referred to the Committee on Foreign Relations reads as follows:

"Whereas the Government of North Vietnam, the National Liberation Front of South Vietnam, and the Pathet Lao—

(1) have consistently refused to release the names of prisoners of war;

(2) have declined to release immediately sick and wounded prisoners;

(3) have refused to permit impartial inspection of their prisoner of war camps;

(4) have not guaranteed the proper treatment of all prisoners; and

(5) have not permitted a regular flow of mail between prisoners and their families; all such actions being in violation of the Geneva Convention and basic standards of human decency;"

Whereas, the League of Families of American Prisoners or Missing in Action in Southeast Asia has suggested a special week of remembrance and a National Day of Prayer for those Missing in Action or Prisoners of War;

Now, therefore, I, William L. Guy, Governor of the State of North Dakota, do hereby proclaim the week of November 9–15, as "Prisoners of War-Missing in Action Week" and Sunday, November 15, as "Day of Prayer" in North Dakota, and request that every church in North Dakota hold a day of prayer on that date in remembrance of those who have given their lives for our country, and in remembrance of those who are listed as either Missing in Action or Prisoners of War held captive by the North Vietnamese or their allies; and further request that every citizen of North Dakota support his church in recognizing this Day of Prayer.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of North Dakota to be affixed this 8th day of October, 1970.

William L. Guy,
Governor.

GOVERNOR MILIKEN HAS PROCLAIMED MAY 24–30, 1970, AS PRISONER OF WAR WEEK IN MICHIGAN

The proclamation reads:

The conflict in Vietnam has brought sorrow to countless people in recent years and continues today to be one of this nation's most vexing and complex dilemmas. But beneath the more obvious tragedies of that war in terms of lives and material is a most agonizing situation for hundreds of families throughout the United States.

To those people whose relatives and friends are prisoners of war in North Vietnam, the Vietnam conflict daily brings deep personal torment.

Much of the tragedy and torment are found in the fact that many do not know whether indeed the men are prisoners or even if they are alive and it is this anguish of not knowing that causes such deep concern for so many in this state and in this nation.

It is known that many prisoners have been subjected to extreme abuse and public ridicule, but one of the primary causes for concern is that so little is known about loved ones who may be extremely ill or seriously wounded, sometimes for a period of many months or years.

We in Michigan ask that North Vietnam officials adhere to the Geneva Convention regarding treatment of prisoners and that as soon as possible these officials open lines of communication between those prisoners and deeply anxious relatives and friends in America.

Therefore, I, William G. Milliken, Governor of the State of Michigan, do hereby proclaim May 24–30, 1970, as "Prisoner of War Week" in Michigan, and urge all Michigan residents to make themselves aware and concerned about the plight of American prisoners and that those citizens make their awareness and concern known through prayers and appropriate ceremonies which will be held during the week.

Proclamation

Whereas, nearly 1,600 members of the Armed Forces of the United States are officially listed as either missing in action or as prisoners-of-war in Southeast Asia; and

Whereas, these men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish which is the unique lot of the prisoner-of-war; and

Whereas, their wives and children, parents and other relatives in the United States suffer with them the agony of separation and of loneliness; and

Whereas, these men have carried out, and continue to carry out their duties to their country in accordance with their principles and pursuant to directions of the American people whom they are defending; and

Whereas, it is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and speedy return to their homes and families;

Now, therefore, I, Frank L. Farrar, Governor of the State of South Dakota, do hereby proclaim the week of November 9 through 16, and the day of November 16, 1970, as "Prisoner of War Week and a Day of Prayer" respectively, in the State of South Dakota, and I urge all citizens to show their respect and concern for these servicemen and to join me in praying for their release.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of South Dakota to be affixed this 9th day of November in the Year of Our Lord, Nineteen Hundred and Seventy.

Frank L. Farrar,
Governor.

Proclamation

Whereas, Nearly 1,600 members of the Armed Forces of the United States are officially listed either as missing in action or as prisoners-of-war in Southeast Asia, and

Whereas, These men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish which is the unique lot of the prisoner-of-war, and

Whereas, Their wives, children, parents and other relatives in the United States suffer with them the agony of separation and of loneliness, and

Whereas, These men have carried out, and continue to carry out their duties to their country in accordance with their principles and pursuant to directions of the American people whom they are defending, and

Whereas, It is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and their speedy return to their homes and families:

Now, therefore, I Buford Ellington, as Governor of the State of Tennessee, do hereby proclaim November 11, 1970 as "Prisoner of War Day" in the State of Tennessee and I urge all citizens to show their respect and concern for these servicemen and to join me in praying for their release.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Tennessee to be affixed this the 5th day of November, 1970.

Buford Ellington,
Governor.

Proclamation

Whereas, nearly 1,600 members of the Armed Forces of the United States are officially listed either as missing in action or as prisoners-of-war in Southeast Asia; and

Whereas, these men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish. which is the unique lot of the prisoner-of-war; and

Whereas, their wives, children, parents and other relatives in the United States suffer with them the agony of separation and of loneliness; and

Whereas, these men have carried out, and continue to carry out their duties to their country in accordance with their principles and pursuant to directions of the American people whom they are defending; and

Whereas, it is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and their speedy return to their homes and families:

Now, therefore, I, Deane C. Davis, Governor of the State of Vermont, do hereby proclaim the week of November 9–15, 1970, as "Prisoner of War Week" in Vermont and urge all citizens to show their respect and concern for these servicemen and join me in praying for their release.

Given under my hand and the Great Seal of the State of Vermont, this 6th day of November, A.D. 1970.

DEANE C. DAVIS,
Governor.

A STATEMENT BY THE GOVERNOR

The citizens of the great State of Washington believe that man's inhumanity to man in all its manifold guises must be eradicated and that the world councils must assume their proper role in assuring strict observance of all existing conventions and resolutions directed toward that end.

The Republic of North Vietnam refuses to abide by its commitments ratified under the Geneva Conventions of 1949 concerning the treatment of prisoners of war.

The Prisoners of War in Southeast Asia and their families, many of whom are citizens of the State of Washington and are suffering undue anguish and continued and unnecessarily prolonged cruelities.

The citizens of the State of Washington desire to have their concern added to the mounting weight of world opinion as it relates to the unfair treatment of the Prisoners of War in Southeast Asia.

Now, therefore, I, Daniel J. Evans, Governor of the State of Washington, do hereby designate the week of November 8–14, 1970 as "A Week of Concern for Prisoners of War."

Let it be resolved that the citizens of the State of Washington shall join concerned citizens of the world in recording their concern; that each citizen be encouraged to join the current statewide petition campaign and express this concern in writing; that all men of good will join together to find a swift and human cessation of hostilities and release of prisoners.

DANIEL J. EVANS,
Governor.

LISTS OF COUNTIES, CITIES, AND TOWNSHIPS THAT HAVE ISSUED "PRISONER OF WAR DAY" PROCLAMATIONS

Aldan, Pa.; Allendale, N.J.; Alliance, Nebr.; Alpha, Ill.; Amarillo, Tex.; Anita, Iowa; Ansonia, Conn.; Arroyo Grande, Calif.; Atchison, Kans.

Athens, N.Y.; Athens, Pa.; Augusta, Kans.; Austin, Tex.; Avoca, Pa.; Avondale Estates, Ga.; Basile, La.; Batavia, N.Y.; Batesville, Ark.

Bath, N.Y.; Bellingham, Wash.; Bergenfield, N.J.; Berthoud, Colo.; Billings, Mont.; Blue Earth, Minn.; Boise, Idaho; Bolivar, N.Y.; Bordentown, N.J.

Bradley, Ill.; Brookneal, Va.; Brunswick, Ga.; Buffalo, N.Y.; Caledonia, Ohio; California, Pa.; Callaway, Nebr.; Calvert, Md.; Canaan, Vt.; Canton, Ga.

Carlin, Nev.; Carrollton, Ga.; Cascade, Iowa; Chambersburg, Pa.; Charleroi, Pa.; Chesapeake Beach, Md.; Chewelah, Wash.

Chicago, Ill.; Chino, Calif.; Chippewa Falls, Wis.; Clarkston, Ga.; Clayton, N.J.; Clayton, N. Mex.; Clearwater Beach, Fla.; College Park, Ga.

College Park, Md.; Colona, Ill.; Columbus, Kans.; Columbus, Nebr.; Colome, S. Dak.; Congerville, Ill.; Conyers, Ga.; Corning, Ark.; Corning, N.Y.

Cottonwood, Ariz.; Coushatta, La.; Covington, Ga.; Craigmont, Idaho; Crawford, Kans.; Creighton, Nebr.; Crooksville, Ohio; Crystal City, Miss.

Cumberland, Wis.; Cunningham, Kans.; Daingerfield, Tex.; Dalton, Mass.; Decatur, Ga.; Deer Creek, Ill.; Dekalb, Ga.; Del Rio, Tex.; Delano, Calif.

Denton, Md.; Deposit, N.Y.; Detroit, Mich.; Dobbs Ferry, N.Y.; Dolgeville, N.Y.; Donalsonville, Ga.; Donovan, Ill.; Doraville, Ga.

Dubuque, Iowa; East Brunswick, N.J.; East Point, Ga.; Eatonton, Ga.; Eden, Idaho; Edinburg, N. Dak.; Edinburg, Tex.; El Paso, Tex.; El Paso de Robles, Calif.

Elberton, Ga.; Escanaba, Mich.; Exeter, N.H.; Fessenden, N. Dak.; Filer, Idaho; Fitzgerald, Ga.; Florence, Ky.; Foley, Ala.; Follansbee, W. Va.

Fontanelle, Iowa; Fox Lake, Ill.; Framingham, Mass.; Frederick, Md.; Fredericksburg, Va.; Fremont, Mich.; Gainesville, Ga.; Geneva, Ill.; Geneseo, N. Dak.; Geneva, Ill.

Gering, Nebr.; Giddings, Tex.; Goldendale, Wash.; Gonzales, Calif.; Goodfield, Ill.; Grafton, Wis.; Graham, Tex.; Grand Island, Nebr.; Grand Isle, La.

Grannis, Ark.; Green Bay, Wis.; Groton, N.Y.; Groveland, Fla.; Guayanilla, P.R.; Hamtramck, Mich.; Hanover, Pa.; Harriman, N.Y.; Hartford, Conn.

Hartington, Nebr.; Hartwell, Ga.; Harvey, N. Dak.; Hazelton, Idaho; Healdsburg, Calif.; Hellertown, Pa.; Hettinger, N. Dak.; Hogansville, Ga.; Hollywood, Fla.; Homestead, Fla.

Hopkinton, Mass.; Houstonic, Mo.; Hughesville, Mo.; Huntington, Md.; Huntingtown,, N.Y.; Huron, Ohio; Hyde Park, N.Y.; Ionia, Mich.; Jackson, Ga.; Jackson, Tenn..

Jasper, Mo.; Jim Thorpe, Pa.; Joplin, Mo.; Kent. Wash.; Kettle, Wash.; Kindred, N. Dak.; King, Wash.; Lake Linden, Mich.; Lakewood, N.Y.; Lambertville, N.J.

Leesburg, Ga.; Leesburg, Va.; Levelland, Tex.; Lidgerwood, N. Dak.; Lighthouse Point, Fla.; Lind, Wash.; Lithonia, Ga.; Little Chute, Wis.; Livingston, Mont.; Lodi, Calif.

Lonaconing, Md.; Los Angeles, Calif.; Macon, Ga.; Maiden, N.C.; Manchester, Ga.; Manteca, Calif.; Maple Plains, Minn.; Methuan Mass.; Millbrook, N.Y.; Milltown, N.J.

Miramar, Fla.; Montclair, N.J.; Montebello, Calif.; Moorpark, Calif.; Moose Lake, Minn.; Moravia, N.Y.; Morris, N.Y.; Morro Bay, Calif.; Mott, N. Dak.; Mountain, N. Dak.

Narrow, Va.; Nauvoo, Ill.; Neilsville, Wis.; New Berlin, N.Y.; New Lisbon, Wis.; New Lexington, Ohio; Newark, N.J.; Newark, N.Y.

Newton, Pa.; Niagara Falls, N.Y.; Norfolk, Va.; North Beach Md.; North English, Iowa; North Platte, Nebr.; North Wales, Pa.; Norwalk, Calif.; Norwick, N.Y.; Nutley, N.J.

Oakland, Md.; Ocilla, Ga.; Ogdenburg, N.Y.; Olney, Ill.; Olympia, Wash.; Omak, Wash.; O'Neill, Nebr.; Orange, N.J.; Palestine, Tex.

Palmyra, N.Y.; Paris, Mo.; Pavillion, Wyo.; Pawling, N.Y.; Penfield, N.Y.; Penn Yan, N.Y.; Perkasie, Pa.; Perryton, Tex.; Perryville, Mo.

Pesotum, Ill.; Pine Lake, Ga.; Pineville, Ky.; Pittston, Pa.; Placersville, Calif.; Plainsview, Tex.; Pleasant Plains, Ill.; Pompano Beach, Fla.; Pontiac, Ill.

Port Orchard, Wash.; Port Washington, Wis.; Portage, Ind.; Potter, Nebr.; Provincetown, Mass.; Puyallup, Wash.; Queen Anne's, Md.; Regent, N. Dak.; Rensselaer, N.Y.

Rockland, Maine; Rockland, N.Y.; Rockmart, Ga.; Roosevelt, Utah; Sanderville, Ga.; San Leandro, Calif.; Santa Barbara, Calif.; Santa Cruz, Calif.; Sardis, Ga.

Sauk Rapids, Minn.; Savannah, Ga.; Schuyler, Nebr.; Scotts Valley, Calif.; Scranton, Pa.; Seattle, Wash.; Sedalia, Mo.; Selma, Ala.

Seneca Falls, N.Y.; Shawnee, Kans., Shreveport, La.; Sikeston, Mo.; Silver City, N. Mex.

Soper, Okla.; South Boston, Va.; Southampton, Mass.; Spokane, Wash.; Springfield, Vt.; Springwater, N.Y.; Staceyville, Ia.; Stanley, N. Dak.; Statham, Ga.

Stewardson, Ill.; Stone Mountain, Ga.; Story City, Ia.; Stronghurst, Ill.; Stryker, O.; Success, Ark.; Sweetwater, Tenn.; Taft, Calif.; Tahlequah, Okla.

Thomasville, Ga.; Tifton, Ga.; Tobias, Neb.; Toledo, O.; Topton, Pa.; Trenton, N.J.; Truth or Consequences, N. Mex.; Tyrone, Pa.

Valdosta, Ga.; Villa Rica, Ga.; Walhalla, N. Dak.; Wall Lake, Ia.; Warner Robins, Ga.; Warwick, N.Y.; Washington, Kans.; Washingtonville, N.Y.; Waterville, Me.

Watsonville, Calif.; Waverly, Kans.; Wecker, Ark.; Wells, Minn.; Wellston, Okla.; West Bend, Ia.; West Bend, Wis.; West Salem, Ill.; Wheaton, Minn.

Whiteface, Tex.; Wilkes-Barre, Penn.; Williston Park, N.Y.; Winchester, Va.; Woodburn, Ore.; Woodland, Ga.; Worcester, Mass.; Wymore, Nebr.; Yelm, Wash.; Yonkers, N.Y., and York, Pa.

VACANT APARTMENT TAX WOULD HELP MEET NEW YORK CITY'S HOUSING SHORTAGE

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, the single, most pressing crisis in New York City is the housing shortage. This affects to the greatest degree the low- and middle-income families and those on welfare. Low- and middle-income families cannot find apartments that they can afford. We have seen the bizarre situation where, for emergency housing, welfare families have been placed in hotels with weekly rents ranging from $200 to $800. The taxpayer has every right to be angry and embittered, not against the welfare recipient living in an often dilapidated and filthy and sometimes dangerous hotel, but at the mismanagement on the part of city officials which permitted this situation to occur.

Mayor John V. Lindsay recognizes the great need for housing and is now seeking permission from the State of New York to create a city housing finance agency which would float $700 million in bonds to finance the building of 25,000 new and rehabilitated units over the next 2 years. I am for the construction of those units and more.

But there are thousands of vacant and habitable apartments immediately available, already built but withheld from the rental market by landlords. These apartments are not rented by landlords who wish to sell or demolish their property and by landlords who wish to co-op their buildings and who prefer to deal with as few tenants as possible in reaching the 35-percent statutory tenant approval now required for co-oping.

New York City has had housing crises before—indeed, one existed when Peter Stuyvesant governed New Amsterdam. In 1658, an ordinance was passed requiring an inventory of all vacant lots in New Amsterdam which were then subjected to a special vacant lot tax. I propose taking a leaf from Peter Stuyvesant's book, and I have suggested to Mayor Lindsay that the city of New York do the following: Require landlords to register all vacant apartments with a central city apartment registration office, and to impose a special vacant apartment tax on those landlords that fail or refuse to register their apartments and make them available for rental.

What my vacant apartment tax will do is to bring onto the market thousands of apartments for low- and middle-income families at reasonable and controlled rents as well as providing the emergency shelters needed for the welfare families now quartered in expensive hotels.

I believe that the city, State, and Federal governments have been delinquent in failing to build new housing and that every level of government must do more. But in addition to the construction of new housing, which unfortunately takes 2 years and often longer, we should use this enormous and available housing resource of vacant and habitable apartments. The vacant apartment tax would achieve this objective.

THE 1899 REFUSE ACT SHOULD BE ADMINISTERED BY ENVIRONMENTAL PROTECTION AGENCY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today I am introducing legislation to amend the Refuse Act of 1899 which requires industries to obtain a Federal permit for the discharge of any waste materials into our country's navigable waters. Under the original law which has rarely been used, the Army Corps of Engineers is empowered to issue these permits. My bill would take this authority away from the Army Corps of Engineers and give it to the newly formed Environmental Protection Agency.

This is a logical and necessary amendment. The Refuse Act no longer is interpreted solely as a navigation safeguard. Rather it recently has been recognized as a most effective Federal law to combat water pollution of any sort. The Refuse Act today is considered a law to protect a part of our environment, not simply a law to insure navigational access.

Consequently, we should expect more active use of this law. On June 29, 1970, I filed affidavits with the U.S. attorneys in the southern — Manhattan — and Eastern—Brooklyn—districts of New York requesting prompt and vigorous prosecution of 10 industries which have been listed as water polluters of major importance in New York City by the New York State Department of Health. Similar affidavits were filed by our distinguished colleagues from Wisconsin (Mr. Reuss) and Massachusetts (Mr. Harrington) against major polluters in their respective States. And in December 1970 the Nixon administration announced that it would require all industries discharging wastes into our waterways to apply for Federal permits under the provisions of the Refuse Act.

Given the consensus that the 1899 Refuse Act is an effective environmental safeguard it makes little sense to entrust the issuing of permits to the Army Corps of Engineers whose history reveals little concern for our natural resources. In fact to quote a recent New York Times editorial:

> Too many of its projects, conceived . . . by private business interests, promoted by logrolling politicians in Congress, and rationalized by the Corps' economically meaningless cost-benefit ratios have an adverse environmental impact.

The Nixon administration's intention to use the Refuse Act by requiring all industries to apply for Federal discharge permits is a start in the right direction, but it must not be allowed to degenerate into a policy of granting licenses to pollute our waters. With the Army Corps of Engineers issuing permits it might do just that.

I propose that the responsibility of granting discharge permits be vested in an agency whose mandate is to protect the environment; namely, the Environmental Protection Agency. Under the Refuse Act, as it presently reads, there are no limitations on the Corps of Engineers' determination of what constitutes an allowable discharge.

Unfortunately, the Nixon administration's announced policy for procedures in granting permits will effectively dilute the powers of the Refuse Act by requiring the corps to work within the limitations of the water quality standards established by the States.

My bill would restore the independent authority granted by the Refuse Act in determining what is an allowable discharge, and transfer this responsibility to the Environmental Protection Agency, the Federal agency whose concern is for the environment. The Refuse Act's original broad authority would be transferred without change to the EPA, effectively giving the EPA the discretion to establish water quality standards independently of the States' standards.

BANK PROFITS UP WHILE OTHER CORPORATIONS' EARNINGS DROP

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, today, the big commercial banks are reaping lots of favorable headlines about prime interest rate reductions, and they are hopeful that the publicity will somehow hide the enormous profits rolled up in 1970.

Most of the profit figures are in and they plainly reflect that the large money center banks had plenty of room to lower interest rates. The profit figures raise serious questions about the failure of the banks to give the public a break by reducing interest rates earlier in the year. The figures indicate that some old-fashioned gouging went on throughout 1970.

The bank profit figures are even more startling when compared with general corporate profits last year. Most corporate profits went down in 1970, some industries recording average drops of as much as 10 percent.

But the top 10 commercial banks reported increases in net income per share averaging more than 17 percent. The top 50 commercial banks had net income increases of at least 15 percent.

Chase Manhattan National Bank, which spent a great part of the year buying national advertising to convince the public that it could not reduce interest rates, came in with an increase of 25.6 percent in net income per share. Morgan Guaranty Trust of New York recorded a 24-percent increase and Bankers Trust, a 36-percent increase.

Forbes magazine, in its January issue, talks about the bank earnings:

> The bankers are riding tall in the saddle largely because money has been tight and interest rates have been at all-time highs. The big "money center" banks—those in New York, and also in Chicago—did especially well as interest rates tumbled and margins widened.

Forbes went on to analyze the long-range trend in bank stocks and found that the commercial banks have been doing extremely well over the past 5 years. Forbes states:

> The banks have been increasing their per-share earnings at an annual rate of 9% over the last five years, faster than any of the 27 other industry groups surveyed in this issue. In revenue growth the banks' 16.6%-a-year gain ranks second only to that of the conglomerates, who owe most of their growth to acquisitions.

The Associated Press, in a survey conducted last month, came up with this conclusion about the bank earnings.

> Don't worry too much about the banks. Through tight money, interest rate problems, recession, declining corporate income and consumer and business gloom, they're coming in with their usual report: Profits.

Mr. Speaker, I place in the Record a listing of major U.S. banks and their 1969 and 1970 earnings per share and the percentage increases. I also place in the Record an article written by John Cunniff of the Associated Press which appeared in the January 13, 1971, issue of the Washington Evening Star:

Deposit rank	Name of bank	Net income per share 1970	Net income per share 1969	Percent change
1	Bank of America	4.77	4.43	17.7
2	Chase Manhattan	3.68	2.93	25.6
3	1st National City (New York)	5.13	4.41	16.3
4	Manufacturers Hanover Trust	5.54	4.93	12.4
5	Morgan Guaranty	4.73	3.81	24.1
6	Chemical Bank	5.06	4.47	13.2
7	Bankers Trust	5.43	3.99	36.1
8	Continental Illinois	3.37	2.77	21.7
9	Second Pacific National Bank (Los Angeles)	3.24	3.09	4.9
10	1st National Bank—Chicago	[1]6.01	[1]5.26	14.3
11	Wells Fargo	3.55	3.50	1.4
12	Crocker Citizens	3.27	3.03	7.9
13	Mellon National Bank	4.55	4.34	4.8
14	Irving Trust (New York)	3.59	3.31	8.5
15	United California Bank	[1]5.18	[1]4.85	6.8
16	National Bank (Detroit)	6.07	5.60	8.4
17	1st National Bank (Boston)	6.93	5.75	20.5
18	Marine[2] Midland Banks	5.69	6.19	[1]8.1
19	Franklin National	4.31	3.89	10.8
20	1st Pennsylvania Bank & Trust	2.46	2.15	14.4
21	Cleveland Trust	10.40	10.07	3.3
22	Union Bank (Los Angeles)	4.14	3.55	16.6
23	Girard Trust	6.27	6.21	1.0
24	Philadelphia National Bank	3.90	3.28	18.9
25	Detroit Bank & Trust	7.72	7.53	2.5
26	Seattle 1st National Bank	4.27	4.24	0.7
27	Northern Trust	9.53	6.65	43.3
28	Manufacturers Bank (Detroit)	6.33	5.71	10.9
29	Bank of California	2.37	2.28	3.9
30	1st National Bank (Oregon)	2.66	2.59	2.7
31	Bank of New York	4.03	3.53	14.2
32	National Bank of Northern Arizona	3.71	3.16	17.4
33	Harris Trust	7.47	6.03	23.9
34	Valley National Bank (Arizona)	[1]1.65	[1]1.57	5.16
35	Pittsburgh National Bank	6.85	5.93	15.5
36	U.S. National Bank (Oregon)	3.15	2.67	18.1
37	1st National Bank of Dallas	3.64	2.60	40.0
38	Citizens & Southern	1.65	1.14	44.7
39	Wachovia Bank & Trust	3.68	3.13	17.6
40	(2)			
41	Republic National Bank (Dallas)	2.90	[3]1.07	35.5
42	Fidelity Bank of Philadelphia	3.80	2.57	47.9
43	(2)			
44	National City Bank (Cleveland)	5.05	4.16	21.3
45	1st Wisconsin National Bank	3.94	3.53	11.6
46	North Carolina National Bank	2.04	1.63	25.2
47	Bank of Commonwealth (Detroit)	(4)	2.48	
48	Central National Bank (Cleveland)	2.17	2.88	[1]24.7
49	Michigan National Bank (Lansing)			
50	1st City National Bank (Houston)			

[1] Before security transactions.
[2] Not supplied.
[3] Adjusted for a 2 for 1 stock split.
[4] Not given for 1970.

No Tears for the Banks: Nationwide Sample Shows Average Profits Gain of 9 Percent

(By John Cunniff)

New York.—Don't worry too much about the banks. Through tight money, interest rate problems, recession, declining corporate income and consumer and business gloom, they're coming in with their usual report: Profits.

Somehow, a popular misconception spread throughout the land, perhaps fostered by the knowledge that even some very good customers couldn't beg a loan during 1970, that the banks were hurting. Not so.

It is true that they were crimped in their style of lending and that they couldn't lend as much money as they would have liked, but as in any other business, a short supply and big demand means you get your price.

CHANGES IN PROFITS

A sampling of banks that reported last week shows these percentage advances in profits for the year:

J. P. Morgan & Co. 21.9, Hartford National Corp. 10.9, First Chicago Corp. 14.3, First National Bank in Dallas 19.2, Valley National Bank of Arizona 5.1, Crocker National Corp., Calif. 9.2.

Averaged out, bank profits for 1970 are likely to be about 9 percent higher than a year earlier, based on an index maintained by Keefe, Bruyette & Woods, one of the nation's leading dealers in bank stocks.

As a spokesman for the company puts it: "It was a very, very good year for the banks no matter how you slice it, no matter where the profits came from." Many banks profited not only on loans, but from their trust departments and investments.

"Undoubtedly," he continued, "there was more prosperity last year among banks than other types of businesses. Corporate earnings headed downward, and utility earnings were under pressure. But the banks came through."

There was hardly anything unusual about the performance except in contrast to the declining fortunes of other businesses. In years past, many banks have done even better.

Going back through the years, the KBW figures show that profits rose 11 percent in 1969, 13 percent in 1968, 8 percent in 1967, and 11.8 percent, 7.9 percent and 10.8 percent for 1966 through 1964.

EXPLANATION OFFERED

One explanation for the fine performance last year lies in the spread, or the difference in the prices banks pay for the money they raise compared with that at which they lend.

The rates at which banks borrowed fell with unusual sharpness late in the year, but declines in the rates at which they lent came somewhat more slowly. The spread was widely in favor of the banks, although it may be narrowing again.

Curiously, the strong performance at the teller's cage was almost ignored by the stock market, at least in part, it seems, because of the same general attitude as held by the public in general, that things were bad in banking.

Some observers blame the prevalence of this attitude on the bankers themselves, who somewhat reluctantly feel compelled to warn, caution or criticize, and who seldom erupt in enthusiasm.

Whatever the reason, from year end 1969 to year end 1970, the price of bank stocks, as measured by the Keefe Banks Index, rose 3.6 percent. But in the same period, the Dow Jones Industrial Average rose 4.8 percent and the utility average 10.7 percent.

Now that the earnings figures are being released for the year, however, the stock market situation may be changing. Bank stocks through last Friday showed an increase for 1971 of 2.6 percent.

During this same period the industrial average fell slightly and the utility average showed only a small gain.

SECRETARY ROMNEY AND THE LOW-INCOME HOUSING ABUSES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Banking and Currency Committee has been actively investigating for the past 9 months the abuses which have become apparent in the operation of various low-income housing programs administered by the Department of Housing and Urban Development.

When the committee's report was released in January, it was immediately and bitterly attacked by the Secretary of Housing and Urban Development, George Romney. Mr. Romney, I am happy to report, has now changed his mind and is making an effort to investigate the abuses and, hopefully, to bring about the necessary corrections. Needless to say, the Banking and Currency Committee plans to pursue this issue actively and to insist that Secretary Romney put the program back on the track quickly without the abuses and the fraud.

Mr. Speaker, a number of newspapers have commented on the housing investigation and Mr. Romney's statements. I place a sampling of these newspaper comments in the Record:

Patman Wins Action To Curb Housing Program Swindlers

Rep. Wright Patman (D., Tex.), chairman of the House Banking Committee, has won a victory in his fight for elimination of alleged gross abuses in low and moderate income housing programs, aided by Federal subsidies.

His committee had investigated a program under which the Federal Housing Administration subsidizes loans on homes bought with as little as $200 down payments. The report charged widespread abuses by slum "real estate operators out for a fast buck." These speculators, the report said, raked in huge profits selling patched-up dwellings to poor people while federal appraisers look the other way.

"It is common practice in the inner city (for these operators)," the report declared, "to pick up houses for minimal amounts, perform a so-called 'paste-up' or 'cosmetic' rehabilitation which, in many cases, amounts to a few hundred dollars and then resell the property . . . for a profit of thousands of dollars." Countless buyers of such property, it asserted, are victims of "sheer fraud."

WHERE ABUSES OCCURRED

The abuses occurred, the committee said, in a trail-blazing program authorized by Section 235 of the Omnibus Housing Act of 1968. Under that program, the government subsidizes most of the interest charges on mortgages for new or old homes, bought by families in low income brackets.

The report cited these specific cases, among others:

A house in Paterson, N.J., was sold to a speculator for $1,800. He did electrical repairs estimated to cost about $450, then sold the house for $20,000. The city subsequently condemned the house as unfit for human habitation and ordered it vacated.

Some 100 building code violations were discovered in 10 properties of the same speculator, which he had sold and at markups ranging from $7,650 to $18,000.

"INSTANT SLUMS"

New housing built under the program in Elmswood, Mo., and Everett, Wash., became "instant slums" because the construction was so poor. Some of the homes began falling apart almost immediately.

In many areas, poor people who paid slum speculators premium prices for their homes had to desert them because they were uninhabitable.

In numerous cases investigators found "faulty plumbing, leaky basements, cracked plaster, faulty or inadequate wiring, rotten wood, lack of insulation, faulty heating units" and other defects in property that had been approved by FHA for sale to the poor.

REVERSAL BY ROMNEY

Touched to the quick, the Administration's Secretary of Housing and Urban Development, George Romney, at a press conference, accused Patman of releasing an "inaccurate, misleading and very incomplete report."

Later, Romney backwatered. After a meeting with 250 key FHA field personnel, he conceded the abuses are "more prevalent and widespread than previously evident." He ordered a suspension of the program, as applied to older houses, until the abuses are cleaned up and adequate safeguards are instituted.

Also, he said the new housing segment of the program is being checked "to determine what improvements may be necessary." Further, he promised action to root out fraudulent practices and to assist home buyers who were victimized. He blamed the situation in part on failure of Congress to provide adequate funds for an inspection staff.

Patman, who had earlier blasted Romney's attitude, hailed the HUD chief's newest move as doing "much to restore confidence" in housing programs administered by the agency. Patman urged speedy action to correct the deficiencies so that the suspension can be kept short.

A STRONG SMELL OF SCANDAL

When Rep. Wright Patman's House Banking Committee charged recently that a federal program to aid low and moderate-income families to purchase used homes had been badly abused by profiteers, Housing Secretary George Romney shrugged it off.

Mr. Romney said the report of the committee was "misleading, irresponsible and incomplete" and dismissed the suggestion of the committee that a national scandal might be in the making.

On Thursday of last week, Mr. Romney, after a hurriedly-called conference of the department's field personnel, held a press conference and announced the housing aid program was suspended.

"It is apparent that abuses in the program are more prevalent and widespread than had previously been evident," Mr. Romney said. He added that he didn't believe a national scandal existed, but said problems were of such magnitude to warrant a suspension of the used-housing portion of the aid program.

Mr. Romney's actions have raised more questions than they have provided answers, but hopefully the Secretary doesn't intend to let the matter rest there. If there had been fraud against the government of the United States and its citizens, Mr. Romney should leave no stone unturned to bring the guilty ones to justice and to force redress for victimized home buyers.

CAT OUT OF THE BAG MUCH TOO SOON

Housing Secretary Romney has admitted his agency found some "shocking" cases of shoddy building having been foisted on his department by contractors engaged in federal "low cost" housing for the poor.

At the same time Mr. Romney flayed Rep. Patman, of Texas, for having made the scandal public before Mr. Romney's office had an "opportunity to investigate the abuses."

And, one suspects, also had a chance to sweep the whole mess out of sight under the carpet.

THE HOUSING PROFITEERS

Confronted publicly the other day with a Congressional report charging "sheer fraud" by real estate speculators in a key housing subsidy program, Secretary of Housing and Urban Development Romney raised the roof. Regrettably, he did not look very carefully underneath it.

Instead, the Secretary angrily assailed the staff of the House Banking and Currency Committee for producing an "inaccurate, misleading and very incomplete" report and went on to protest that he was "shocked" by the conduct of Chairman Patman (D-Tex.).

Now Romney has conceded that the instances of wholesale profiteering by realty operators—on quickie sales of cheaply "renovated" houses to moderate and low-income families—"are more prevalent and widespread than had previously been evident." He has suspended operation of the home ownership-subsidy program pending investigation and reform.

There is an opportunity, as a result, for a fresh, cooperative start by HUD and Congress on remodeling the program. More federal manpower seems to be needed; some assistance and training in elementary home maintenance may also be required. A joint effort instead of the split-level feud of recent days would be a real home improvement.

GOVERNMENT-SPONSORED SWINDLE

The FHA 235 program, by which the federal government has tried to assist the poor to become homeowners, was best summed up by Rep. Wright Patman of Texas, chairman of the House Banking and Currency Committee. "It lends itself to corruption," he said.

It does indeed. The story of the Gurley family of Paterson, which was "helped" by FHA 235 to buy for $20,000 a house which had been purchased in 1969 for $1,800 by a New Yorker, makes that clear. Now the family faces eviction from the house because it was unlawfully converted from a saloon to a dwelling by the former owner.

And the Gurley family is only one of many which have been victimized in this state and in other parts of the country under FHA 235. Obviously the sharpies couldn't do it all by themselves. They had to have help from representatives of the federal government.

Federal law enforcement authorities have been looking into the activities under FHA 235 in North Jersey for several months. A federal grand jury sitting in Newark has been hearing testimony. We will have to wait until the inquiry is finished to find out what the government intends to do.

The charge made by Housing Secretary George Romney that Rep. Patman acted irresponsibly in releasing the study of FHA shenanigans is shocking. There is nothing healthier for FHA 235 and Mr. Romney's bureaucracy than publicity about shortcomings like permitting a building which cost $1,800 to be resold to a poor family for $20,000. Mr. Romney damages his credibility and usefulness as an official when he rants about the irresponsibility of informing the public about that.

FHA 235 may have justification, although it is difficult to understand why the taxpayers should pay to help poor families buy homes when the same taxpayers are being forced to give up their own homes because of taxes. If poor people are to be helped to acquire homes, the federal government—to be specific, Mr. Romney's department—ought to see to it that they are not suckered into buying homes in municipalities where real estate values are falling and real estate taxes are rising out of sight. The government is not helping a poor family by saddling it with a burden like that.

FHA 235 is another example of governmen do-good efforts which have been boons to those individuals in our society who are willing to enrich themselves on the misfortunes of others. Welfare is another example. It has made slumlording an extremely profitable enterprise.

QUESTIONABLE INSURANCE POLICY TO PROTECT CORPORATE OFFICERS AND DIRECTORS AGAINST WRONGDOING

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, last month, the Associated Press revealed that the Penn Central Transportation Co. had purchased a $10 million insurance policy to protect the officers and directors of that company from charges of wrongdoing.

Such insurance, in my opinion, is against the public interest. The board of directors have a fiduciary responsibility to represent the stockholders honestly and fairly, and now it appears that the company paid for an insurance policy which effectively relieved the directors of their sworn duties.

After learning of this $10 million policy for the Penn Central officers and directors, I asked the Chairman of the Interstate Commerce Commission, Mr. George Stafford, to investigate the matter. He has sent me an initial reply stating that Penn Central violated ICC rules in listing the insurance premiums as a business expense.

Mr. Speaker, I place in the RECORD a copy of the exchange of correspondence with Mr. Stafford:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 25, 1971.

Hon. GEORGE M. STAFFORD,
Chairman, Interstate Commerce Commission,
Washington, D.C.

DEAR MR. STAFFORD: You have undoubtedly read the news stories in today's newspapers concerning the purchase of a $10 million Lloyd's of London policy to protect the director's and officers of Penn Central from charges of wrongdoing. I strongly question the propriety of Penn Central paying out huge premiums on this insurance which was apparently designed to set up a wall of protection for the officers and directors against their stockholders and the public.

I urge that the Interstate Commerce Commission move immediately to investigate the circumstances behind this insurance and to determine its legality. It is also important that ICC discover who actually paid the premiums and whether it was charged off as a business expense or listed in some other fashion on the company's books.

In my opinion the existence of such an insurance policy would greatly reduce the incentive for the officers and directors to perform their duties in the public interest and in the interests of the stockholders. I would be most interested to learn whether ICC has any policy position on insuring officers and directors against charges of wrongdoing.

If you do not feel that existing legislation is sufficient to control this problem, I hope that you will forward without delay your suggestions for legislative remedies. I am sure that the Congress would look favorably on anything which would prevent such activity in the future.

I hope I can have a full report from you on the issues raised by this Lloyd's of London policy.

Sincerely,

WRIGHT PATMAN.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., February 1, 1971.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR CHAIRMAN PATMAN: This is in reply to your letter of January 25, 1971, wherein you requested information with respect to insurance purchased by Penn Central to protect their officers and directors from charges of wrongdoing.

During the course of the current investigation of Penn Central, our staff has developed information concerning the policies referred to in your letter. We will be pleased to make our file available to a member of your staff at your convenience.

The premium was paid from Penn Central Transportation Company's funds and charged off as a business expense. This is in violation of our accounting rules. Although we do not have a regulation forbidding carriers from purchasing this type of insurance, it is our policy to require premium payments to be charged off as a nonoperating expense not chargeable to the consumer. Insofar as the legality of the insurance is concerned, the State of Pennsylvania recently passed legislation permitting companies incorporated in the state to pay the full premiums on directors' and officers' insurance.

Insurance of this kind is not uncommon in the transportation industry and generally protects officers and directors for wrongful acts, neglect, or breach of duty. Wrongful acts entered into for personal gain or resulting from dishonesty are not covered. This matter will be carefully evaluated during the course of the present investigation of Penn Central. Any recommended legislative remedies will be promptly submitted to the Congress.

Sincerely yours,

GEORGE M. STAFFORD,
Chairman.

Mr. Speaker, apparently a number of States are considering an amendment to the Model Business Corporation Act which would permit corporations to buy insurance to protect their officers and directors against all types of criminal and and civil wrongdoing. I have written Missouri Governor Warren Hearnes, Chairman of the National Governor's Conference, to let him know that there is a movement to push this law through various legislatures.

This new provision of the corporation law, in my opinion, is contrary to public policy and contrary to the best interests of stockholders and consumers. When Congress provided in Federal law for fines and liability for unlawful conduct, it did not intend that corporate officers and directors should defeat these laws through insurance. The fact that the insurance may be paid for by the corporation and thus its stockholders and ratepayers, compounds the evil. The proposed amendment, which has been urged by a group of corporate lawyers whose primary concern is protecting the officers and directors of large corporations, would sweep away at least 30 years of court decisions and State legislation prohibiting unlimited indemnification of corporate officers and directors against wrongdoing.

The only situations in which such officers' and directors' insurance may be proper is where the officer or director has been vindicated by a court or is guilty only of an honest business error not involving a violation of a statute.

As stated by the New York Supreme Court 30 years ago:

> Liability to suits is considered a risk attendant on directorships, to be assumed, together with the more compensatory features of that office.

Mr. Speaker, I place in the RECORD a copy of my letter to Governor Hearnes:

FEBRUARY 8, 1971.

Hon. WARREN E. HEARNES,
Chairman, National Governors' Conference, Washington, D.C.

DEAR GOVERNOR HEARNES: I am writing to alert you and your fellow governors to a problem which has arisen under many state corporation laws.

As you know, the Model Business Corporation Act is sponsored by the Committee on Corporate Laws, Section of Corporation, Banking and Business Law of the American Bar Association. The Act has been adopted in whole or in part in many states. My alert to you is with respect to only one provision, Section 5(g) of the 1969 revision, which I believe undermines essential safeguards of federal and state law by authorizing a corporation to furnish its directors and officers with insurance against their own wrongful conduct.

The Committee on Banking and Currency learned of this problem through disclosure that the directors and officers of the Penn Central Transportation Company caused the corporation to purchase a $10 million policy from Lloyd's of London indemnifying them personally against charges of wrongdoing.

Such insurance is authorized by Section 5(g), which apparently has been adopted in Delaware, Nevada, Oregon, Washington, Alabama, Georgia, Iowa, Pennsylvania, New Jersey, Utah and Louisiana and proposed in many other states. The section provides:

A corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against him and incurred by him in any such capacity, or arising out of his status as such, *whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section.* (Emphasis added.)

Thus, Section 5(g) permits the purchase by a corporation, out of funds belonging to stockholders, of insurance against all types of wrongdoing by the directors and officers. Included might be fines, penalties, judgments, settlements, court costs and expenses in defense of both civil and criminal actions against the directors and officers for violation of their duty to the stockholders and the public. Some of the federal statutes which would be undermined by such insurance are the Securities Act of 1933, the Securities Exchange Act of 1934, the Sherman Act, the Internal Revenue Code and various federal safety statutes imposing civil liabilities on responsible corporate officials.

I believe that the policy underlying comparable state statutes would also be impaired. In addition, state laws limiting direct indemnification by the corporation to its officers and directors to situations where the defendant has acted reasonably and in good faith, or where he has prevailed in litigation would be completely circumvented. Such safeguards are, in fact found in other subsections of Section 5 of the Model Business Corporation Act itself.

I am calling this matter to your attention so that in the event the above provision of the Model Business Corporation Act is in force or proposed in your state, you will be able to evaluate its propriety from a public policy point of view.

I am sending a copy of this letter to the Chairman of the Committee on Corporate Laws, Section of Corporation, Banking and Business Law of the American Bar Association.

With kindest regards and best wishes, I am

Sincerely yours,

WRIGHT PATMAN.

PRESIDENT'S PLAN TO CREATE FEDERAL EXECUTIVE OFFICE

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DULSKI. Mr. Speaker, on February 2, President Nixon sent a special message to the Congress in which he recommended the enactment of legislation to establish a new Federal executive service in the executive branch.

On the same day, the specific legislative proposal was transmitted by letter from Chairman Robert E. Hampton of the Civil Service Commission to the Speaker of the House.

Accompanying the proposal were rather extensive documents explaining the proposal and including a section analysis of the bill. The proposal was referred to my Committee on Post Office and Civil Service.

Today, the ranking minority member of our committee, Mr. CORBETT, and myself are joining in introducing the President's recommended bill.

BILL IS INTRODUCED

We have taken the initiative in introducing this bill as a matter of courtesy to the President to see that his recommendation is properly entered into the legislative process.

I have not had the proper opportunity to become as familiar as I would like with this extensive proposal. However, it is obvious that it represents a radical new concept in executive personnel management and quite likely will prove to be controversial in many aspects.

Nevertheless, I am confident that my committee will give the proposal careful consideration, and if the need can be established for what the President describes as "landmark" legislation, my committee will be up to the challenge.

We are certainly no strangers in this field as witness our "landmark postal reform legislation" and our "landmark Federal pay comparability legislation," both enacted in the last Congress.

I am including for the information of the Members the explanatory documents which accompanied the President's legislative proposal:

CIVIL SERVICE COMMISSION,
Washington, D.C., February 2, 1971.

Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: President Nixon, in his message today to Congress, recommended enactment of a legislative proposal to establish a new Federal Executive Service in the executive branch.

Accordingly, we are forwarding for consideration by the Congress this request to establish such a new personnel "Service." In addition to the draft bill to amend Title 5, United States Code, to establish and govern the Federal Executive Service, we are enclosing a section analysis and a detailed explanatory document entitled "The Federal Executive Service."

There is a growing recognition that the success of Government programs depends on the effectiveness of men and women who manage them. There is increasing concern voiced by responsible leadership in and out of Government that the way in which the Federal Government manages its executive manpower, particularly its career executives, is not adequate. The calls for change have come from many quarters: Administration spokesmen, Members of Congress, political managers, career executives, Federal personnel managers, and the academic community.

The Civil Service Commission recognized the need for, and has now completed, a thorough review and analysis of the current executive manpower program. We have concluded that basic changes requiring new legislation are needed.

The proposed bill establishes in the executive branch a Federal Executive Service covering all positions previously established at grades GS–16, 17 and 18, and most of the other executives falling within the same pay range under other pay authorities (about 7,000 current executives). The coverage of the service is based on level of duties and on salary levels, not on individually classified jobs.

The coverage will be extremely broad in order to correct, as far as possible, the existing fragmentation of present appointment authorities and personnel systems. It includes all present and future groups of civilian executives in the executive branch, *except* those specifically excluded in the statute, and those subsequently excluded by the President. It establishes similar programs in non-executive branch agencies, except that there would be a direct relationship between those agencies and the Congress.

The personnel management system called for in the proposal is especially designed to meet the unique problems of executive level employment. It is characterized by a greater degree of managerial freedom than now prevails and a special concern for the employment and utilization of career officials.

One of the most important benefits anticipated from the Federal Executive Service is the elimination of many restrictions which have inhibited the flexible assignment and utilization of personnel as needed within their agencies. We expect that the removal of these constraints will bring about a significant increase in the mobility of executives within their departments and agencies. This new program should serve to erode narrow perspectives and parochial loyalties, and to foster broader experiences and outlooks on the part of executives. We believe such intraagency mobility is a necessary first step toward increasing the mobility of executives across agency lines.

The Federal Executive Service also includes special features addressing the concerns expressed recently by the Congress that the number of upper level spaces have increased without regard to program priorities and budget allocations. Agency heads share that concern and the additional concern of the Congress that the authorizations of positions are becoming increasingly fragmented. The bill does away with the many special authorities and special quota provisions of the present system. The new system will be far more understandable to all and more easily managed.

A new and comprehensive reporting system will provide the President and the Congress with detailed information about executive manpower management which, heretofore, was not readily available, thereby facilitating the Administration's overview of this vital resource. Furthermore, the interest in and responsibility of the Congress for monitoring executive employment and utilization and providing legislative oversight is fully recognized in the provisions for this stewardship report.

A detailed discussion of the provisions in the bill is contained in the accompanying documents. The general features of the proposal have been discussed at length with many interested groups in and outside the Government.

A similar letter is being sent to the President of the Senate.

The Office of Management and Budget advises that the proposed legislation is in accord with the program of the President.

By direction of the Commission.

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

A PROPOSAL FOR IMPROVING FEDERAL EXECUTIVE MANPOWER MANAGEMENT

SECTION I.—SUMMARY OF KEY FEATURES OF THE PROPOSED FEDERAL EXECUTIVE SERVICE

I. *Coverage.*—The Federal Executive Service will include the approximately 7,000 civilian executives, with certain exceptions, now in grades GS–16, –17, and –18 and their equivalents in the executive branch. (The Appendix describes the size and make-up of the current civilian executive workforce.)

II. *Size:*

Centralized position classification by the Civil Service Commission will be eliminated and each agency will apply a position management approach best suited to its own agency needs;

Agencies will annually review their executive manpower needs and request a specific number of executives;

The Civil Service Commission will review agency requests in collaboration with the Office of Management and Budget and authorize the number of executives for each agency; and

The authorizations will be reported annually to Congress and become effective in 90 days.

III. *Career and Noncareer Categories of Executives:*

Appointments to the Federal Executive Service will be in two categories: Career and noncareer.

Noncareer appointments will be for executives whose employment will likely be of a temporary nature.

Career appointments will be for executives whose general employment outlook and expectations will be oriented toward Federal service.

Each category will have a different type of appointment with different conditions of employment.

Noncareer executives will be appointed and removed at the pleasure of the agency head.

Career appointments must have prior approval of a Qualifications Board.

IV. *Establishing and Controlling Career and Noncareer Relationships:*

The Civil Service Commission after collaboration with the Office of Management and Budget will authorize a career/noncareer ratio for each agency based on individual agency requirements.

The aggregate Government-wide number of noncareer executives will be limited to no more than 25% of the total Federal Executive Service.

V. *Compensation Arrangements:*

Agency heads will have authority to set and adjust salaries of career and noncareer appointments within a range corresponding generally to that encompassed by GS–16 through GS–18 positions. Salaries may be raised but not reduced.

The Civil Service Commission will establish a government-wide executive salary dollar figure which may not be exceeded by the average executive salaries of individual agencies.

VI. *Assignments:*

Agencies may assign and reassign executives to any duties within the scope of the Service.

There will be no externally administered position classification system.

Career and noncareer executives may be used interchangeably.

VII. *Qualifications Boards:*

Qualifications Boards operating as agents of the Civil Service Commission must approve the qualifications of *career* executives prior to their initial appointment.

Members of Boards will be appointed from within and outside the Federal service.

VIII. *Employment Agreements for Career Executives:*

Employment of career executives will be governed by employment agreements;

Initial agreements will be for a period of three years. Agreements will be renewable for three-year periods;

When an employment agreement expires and an agency does not offer the executive a renewal, or makes such an offer and it is declined by the executive, the agency may involuntarily separate the executive from the service if he has completed 30 years of service and is otherwise eligible for an annuity;

If an agreement is not renewed and the executive is not separated under the "30 years of service" provision described above, the executive must be offered a GS–15 appointment in the competitive service with salary saving for two years. Thereafter, he will receive appropriate GS–15 salary with time in grade credit for his service at GS–15 and above;

In addition, if the agency does not offer an agreement renewal, the executive will be eligible for discontinued service retirement, if he meets the criteria or for severance pay;

During the period of an employment agreement the agency agrees to assign the executive to appropriate duties, to provide training and development opportunities, not to reduce his salary, and not to retire or remove him except for offenses calling for adverse action procedures;

The executive agrees to serve where needed and to participate in training and development activities. He may resign at any time.

He may appeal assignments to duties or locations which he believes were made for reasons other than the efficiency of the Government.

If a geographical move would result in undue hardships, the executive may decline and has the following options: GS–15 employment with 2 year salary savings; discontinued service retirement if eligible; or severance pay.

The executive may transfer to another agency to complete the period of an existing employment agreement.

IX. *Appeals.*—Career executives may appeal inappropriate assignments, violations of conditions of employment, and removal on charges to the Civil Service Commission which has authority to direct corrective action.

X. *Reports.*—The Civil Service Commission will submit an annual Stewardship Report to the Congress with current executive authorizations and projections for the coming year. As a minimum, the Report will contain for each agency and government-wide the number authorized for the Federal Executive Service and the career/noncareer ratio.

XI. *Effective Date:* The Service will become operative no later than one year after enactment of legislation.

During this period, operating procedures and regulations will be developed.

XII. *Transition:*

Executives with career appointments will be offered initial employment agreements without the requirement of qualifications approval.

Career executives who do not accept initial employment agreements may continue in their current appointments.

Some executives now serve under noncareer executive assignment (NEA) appointments. They will be given noncareer appointments in the Federal Executive Service.

Other executives now serve in positions which are excepted from the competitive service for a variety of reasons. Examples are: Attorneys in Schedule A positions; scientists and administrators in positions excepted by law.

At their option, agencies may offer employment agreements to these executives without the requirement of qualifications approval. If the individual accepts an employment agreement, he will receive a career appointment in the Federal Executive Service.

If the agency does not offer an agreement or if the executive does not accept the agreement, he may remain in his present appointment, retaining his current rights and privileges.

XIII. *Excluded Groups of Executives:*

Agencies within the executive branch having excluded groups will be encouraged to review and adopt appropriate features of the Federal Executive Service.

Agencies outside the executive branch having excluded groups will be required to establish their own executive services.

SECTION II.—BACKGROUND

In 1966, the executive branch took an important first step to establish a modern executive manpower program for the Government. This effort, the Executive Assignment System, established by Executive Order 11315, November 17, 1966, was designed to meet the need for personnel of the highest attainable qualifications to staff General Schedule positions at grades 16, 17, and 18 in the executive branch.

The Executive Assignment System was introduced to bring about improvements as rapidly as possible within the legal authorities already available to the President and the Civil Service Commission. In addition, as charged under the Executive order, the Commission initiated a study of operations under this System with a view to recommending basic changes for its improvement, including changes in legislation if necessary.

The objectives of the Executive Assignment System emphasized the responsibility of top agency management for hiring, assigning, and developing Government executives. Within this policy, the program was designed to assure a systematic approach to:

Agency and government-wide planning to meet present and future executive manpower requirements;

Providing the means whereby agency heads could select the most capable candidates available from the entire Federal service or from outside Government;

Giving incumbent executives and rising professionals greater opportunity to achieve their full potential for contributing to our Nation's progress and for career advancement, personal recognition, and success; and

Encouraging the development of executives committed to the overall purposes of Government as a whole as well as to those of a single agency or program.

These were sound objectives. The joint efforts of agencies and the Civil Service Commission to find executive talent and expand development opportunities have produced results beneficial to both management and the executives themselves.

One critical need was an ability to find and compare high quality people quickly to fill executive vacancies or to staff new programs.

This capability now exists through the Federal Executive Inventory. It is an automated government-wide inventory containing background information on more than 30,000 executives in grades GS–15 through –18 and their equivalents in other salary systems. Since it was established in November 1967, over 4.400 individuals have been referred to agencies for their consideration in filling about 1,200 positions.

The Executive Inventory also provides a unique source of information for understanding the composition and characteristics of the Federal executive workforce. It makes possible a variety of analyses as a basis for planning to meet the Government's future executive staffing needs.

While these results are a good beginning, many problems remain and new challenges are emerging. The increasing complexities and rapid changes facing society bring new responsibilities to Government executives.

There is a growing recognition that one way to insure the success of public programs is to enhance the effectiveness of the men and women who manage them; and there is increasing concern that more should be done to improve the authorities under which the Federal Government manages its executive manpower. The calls for review come from many quarters: Administration spokesmen, members of Congress, political executives, career executives, Federal personnel managers and the academic community.

In response to this concern, and drawing on 3 years of operating experience with the Executive Assignment System, the Civil Service Commission conducted a comprehensive study of current executive manpower practices and results. The study was conducted with the assistance of an advisory committee of agency personnel directors. The results of the study are:

A restatement of objectives for a modern executive manpower program.

An analysis of the problems to be overcome in meeting these objectives.

A proposal for a new approach to the management of executive resources requiring legislative change.

SECTION III.—OBJECTIVES

The goal of Federal executive manpower management must continue to be to provide the right number of executives with the right skills and attitudes, in the right places, at the right time, motivated to perform in the most effective way. Operating experience with the current program and recommendations of interested publics demonstrate the need for a redefinition of objectives within this broad goal.

To meet the Government's leadership needs in today's world, an effective executive manpower program must:

Require that top agency executives carry out their responsibility for executive manpower management and assist them in doing so;

Insure that executives who have responsibility for Government programs have commensurate authority over their executive resources in proper balance with the needs of the Government as a whole and the long-run needs for a career workforce;

Provide the quantity and quality of talent required by: forecasting needs; recruiting and developing potential talent at all levels; maintaining a pool of talent; and keeping it motivated;

Insure that the executives in the Federal Government are responsive to public policy as enunciated by the President and the Congress and responsive to the top political management of the Government, at all times;

Provide individual executives with opportunities to achieve their full potential for contributing to the Nation's progress and for personal growth, recognition, and work satisfaction;

Assure that high quality employees at entry level and at the midmanagement level perceive that they can rise to the top and get important and influential jobs with reasonable security; and

Provide a central source to review, analyze, and make recommendations on all aspects of executive manpower management, including a means for the President to hold agency heads accountable for the management of their executive manpower resources.

Major problems

The study highlighted several problems as barriers to effective executive manpower management. Not all agencies face all these problems, nor do they exist in the same degree in the agencies which do have them.

If it is agreed that these are the major executive manpower problems facing the Government as a whole, then it is essential that action be taken to correct them. Any changes in the ways in which executive manpower is managed must address itself to these problems.

The problems are:

1. Government executives (both career and noncareer) must cope with a variety of constraints on their decisions to organize programs and on hiring, assigning, and removing their key subordinates (both career and noncareer). While such restrictions may have served a purpose in the past, today they frequently inhibit the executive from accomplishing his objectives. New systems are required which remove the unneeded constraints and let executives operate more effectively, recognizing that the Congress will continue to serve as an "overseer."

Over a dozen personnel programs govern the selection, pay, assignment, and tenure of executives. Many agency heads must deal with several of these personnel programs. They may receive manpower authorizations under a number of different laws and regulations. They may pay executives under different pay systems. They often must consider a variety of career rights when they want to take any actions affecting their key subordinates. The results are:

Opportunities for friction among members of different programs;

Difficulties in assigning people into and out of different programs;

Unnecessary administrative loads; and

Continuing frustrations for new executives who try to understand and use these systems.

Another problem is that each personnel program carries a number of prescriptive and restrictive requirements that greatly reduce the executives' staffing and unnecessarily restrict his authority to decide how programs will be administered. These requirements affect every aspect of personnel management: position authorizations, position classification, qualifications of nominees, pay, promotions, assignments, and retirement. Many of these rules no longer serve the best interests of the public. The results are:

Difficult distinctions among grade levels at GS–16, –17, and –18;

Undue emphasis on prestige and status factors in determining grade levels;

Meaningless distinctions among *positions* designated as career or noncareer;

As unwillingness of agency heads to fill important executive posts labeled as "career" with individuals whom they don't know well and whom they fear will become "locked in";

An appeals system for reduction-in-force actions unsuited to the executive workforce; and

Inflexible authorities for paying executives that lead to inequities in individual situations within an agency or across agency lines.

Finally, agency heads are faced with severe limitations on the numbers of executives they may hire because of the various quotas limiting the number of executive positions. These ceilings do not allow the Civil Service Commission or the agencies to assign executive resources to changing program needs on a timely and rational basis.

2. Executive manpower planning is grossly inadequate. There is almost a complete lack of planning to identify and meet future executive manpower needs and to explore and develop sources of supply. Both short-range and long-range planning are needed at the agency level and for the Government as a whole.

This lack of planning hampers executive recruitment and executive development efforts. With only a few exceptions, agencies are not forecasting executive needs—either to replace the executives they now have, or to meet changing demands resulting from modifications in program size or emphasis. For example:

Agencies have only general ideas of the number and kinds of executives to be replaced over the next five years because of retirement, death, transfer, or resignation;

The sources of supply to meet future executive needs on either a short- or long-range basis have not been identified. Legislation for new programs is typically proposed and approved with no analysis of the sources of the necessary management talent; and

Executive manpower resource planning is not incorporated into program planning. Program and financial plans are not supported by the appropriate analyses of executive manpower requirements.

3. Political executives, Congress, the general public, and academics express concern that the bureaucracy (both the system and the people) is not responsive to new political and program direction.

The issue is "how to insure that the bureaucracy reflects public policy expressed through the political process."

Unnecessary friction between career and political executives frequently accompanies changes in Administrations or administrators.

The new agency head is confronted by complicated and constraining personnel systems. He finds it difficult to look immediately to the career "bureaucracy" to help him with these problems because rightfully or not, he sometimes perceives them as part of the problem.

New agency heads perceive that many of their key subordinates are "locked in," and that they have no control over who does what work. Moreover, they feel they cannot appoint new men because they cannot easily establish new positions.

Past staffing actions tend to undermine the confidence of new agency heads, especially where career employees have been placed into political jobs and political "types" into career jobs.

Present personnel systems do not adequately recognize the value of providing to agency heads a reasonable number of "their own men" to serve as advocates. This is not necessarily a partisan issue, but it is essential to building a unified and harmonious management team.

4. Agency heads must confront a great variety of pressures concerning whom they choose for their executive positions.

The growing trend to the greater professionalization of top mangement continues to have an increasing impact on manpower management at the executive level. Alliances develop among professionals in and out of Government to:

Influence program direction and size; and

Maintain professional credentials in the staffs of agencies.

Other staffing pressures come from such sources as:

Interest groups, for their advocates;

Partisan sources, to reward party faithful; and

Congress, for constituent representation.

While on the one hand these pressures are designed to influence staffing so that programs will be conducted in ways that agree with the desires of the groups exercising the pressures, on the other hand, the success of programs frequently depends upon the support of the pressure groups. Therefore, the agency head needs some way to accommodate to these pressures.

5. The Government has no assurance that the best available executive talent is being identified, developed, and utilized. It is generally agreed that the demand for high quality leadership talent in the society as a whole is already greater than the supply. Some leaders feel that important public programs frequently do not meet their objectives partly because some of the executives in those programs lack sufficient managerial skill. The Government must be prepared to develop the talent it needs now and will need in the future.

This problem has several important dimensions:

Many career executives feel frustrated because they cannot look ahead confidently to progression and career growth in the programs or organizations that interest them and to which they believe they can make their best contributions. Neither can they or their agencies assess their opportunities or plan their development and training;

Closely related to the above is the lack of clearly identified career fields, promotion ladders, or career development programs. Thus, clear career goals are not available as a basis to recruit, develop and train executives;

A meaningful way has not been found to assess and communicate the quality of an executive's performance or to predict future performance. Thus, agency heads who are trying to fill executive vacancies frequently cannot identify potentially high quality talent and systematically develop this potential; and

In most agencies systematic training and development of executives has not been made an integral part of the total management process. Thus, executive development frequently lacks institutionalized continuity and adequate attention by top agency executives.

6. Currently, there is inadequate centralized leadership and responsibility for management of executive resources. Under present arrangements, the President undoubtedly finds it difficult to hold his appointees accountable for this. The Government as a whole lacks a system to insure effective, integrated, and coordinated management of executive manpower resources across agency lines. The causes underlying this problem are:

Manpower resources, particularly executive resources, do not receive the degree and level of management attention that is devoted to financial resources. No single agency has responsibility for monitoring the total results of executive manpower management. The Civil Service Commission's responsibilities do not encompass several important personnel program areas; moreover, the Commission has only limited responsibility for other programs; and

There is no systematic review and analysis to determine the government-wide effectiveness of the management of executive manpower. The President does not receive periodic reports of the stewardship of this resource, nor does he receive systematic recommendations for needed improvements.

SECTION IV.—A PROPOSAL FOR A NEW FEDERAL EXECUTIVE SERVICE WITH PURPOSES AND JUSTIFICATION

To respond to the deeply felt needs for major improvements in the use of the Government's executive manpower resources, it is proposed to establish a Federal Executive Service with the features described below.

Coverage

The Federal Executive Service will include all civilian executives now in the range of the General Schedule grades 16, 17, and 18 and certain other executives falling within the same range under other pay authorities. This coverage will include about 7,000 current executives. (The Appendix describes the size and make-up of the current civilian executive work-force.) From this base, future adjustments of the size of the Service will be made and justified.

The coverage of the Service will be based individually classified jobs. It will include on level of duties and on salary levels, not on all present and future groups of civilian executives in the executive branch, *except* those specifically excluded in the statute establishing the Service and those subsequently excluded by the President.

The coverage will be extremely broad in order to correct, as far as possible, the existing fragmentation of present appointment authorities and personnel systems.

This broad coverage and elimination of duplication will:

Allow new executives to understand easily and quickly the personnel management system governing their executive manpower;

Simplify and reduce the variety of redundant administrative procedures which now accompany executive staffing;

Eliminate differences in rules governing pay, rights, fringe benefits, and recruiting which often cause misunderstandings among executives in the same organization;

Eliminate the preferential treatment previously given to some programs in requests for executive manpower resources when needs no longer exist;

Foster a government-wide career outlook on the part of executives and potential executives;

Increase opportunities for executive mobility among agencies and programs; and

Permit the Administration and the Congress to exercise a more comprehensive and systematic overview of executive manpower management.

Many of the personnel systems which now operate under special authorities will be included in the new Federal Executive Service. These special authorities were originally established to give particular agencies flexibilities for special purposes at specific points in time. The new Federal Executive Service will contain enough flexibilities to make it appropriate to encompass these separate systems.

Exclusions within the executive branch

Seventeen groups of executives within the executive branch will be excluded from the Federal Executive Service, because they have unique problems or needs that make their inclusion under a general Federal Executive Service infeasible at this time. The groups are:

Executive Levels I–V.

The Foreign Service of the United States.

The Foreign Information Service.

The Peace Corps.

The Postal Field Service.

United States Attorneys, and the Federal Bureau of Investigation, Department of Justice.

Hearing Examiners.

Atomic Energy Commission.

Central Intelligence Agency.

Tennessee Valley Authority.

The National Science Foundation.

The Council of Economic Advisers.

The Department of Medicine & Surgery, Veterans Administration.

Federal Deposit Insurance Corporation.

Federal Reserve Board.

Panama Canal Company.

Canal Zone Government.

The Office of the Comptroller of the Currency, and the Office of the Assistant Secretary (International Affairs), Treasury Department.

Agencies outside the executive branch

In addition, executives in agencies outside the executive branch will be excluded. They are:

General Accounting Office.

Library of Congress.

Government Printing Office.

Architect of the Capitol.

Botanic Garden.

Tax Court of the United States.

Administrative Office of the United States Courts.

District of Columbia Government.

These will be excluded because the Federal Executive Service:

Will be established to provide a more unified, capable and harmonious management team for the President in his role as head of the executive branch; and

Assumes the need for a total coordination of executive resource management with the management of other resources in relation to the programs being managed—a task the President cannot perform for the agencies outside the executive branch.

In addition, for positions now subject to Civil Service Commission purview in agencies outside the executive branch, the proposal contemplates establishing an Executive Service in each agency to be administered by that agency.

This will permit flexible interchange of executives among all branches of the Government even though the executive branch does not have operational responsibilities for the other systems.

Size of the Federal Executive Service

The Federal Executive Service will initially consist of approximately 7,000 individuals. The size of this group will change from time to time because of changes in program requirements. No changes will result solely from establishing the new Service.

Centralized position classification by the Civil Service Commission will no longer be used as a basis for authorizing executive resources, establishing pay grades for individuals, controlling assignments, or establishing qualifications of individuals. This will:

Eliminate the existence, in practice, of two personnel systems, one for positions and one for people, which frequently are not in harmony with each other;

Permit an agency and the Administration to consider the overall leadership needs of the agency or program rather than individual position requirements;

Allow more equitable distribution of executive resources among agencies;

Permit the utilization of executives on the basis of broad career qualifications rather than on the basis of narrow professional specialization;

Eliminate grade as a status factor and substitute the prestige of membership in the Federal Executive Service; and

Permit each agency to assign individuals flexibly to whatever duties are required and appropriate.

In lieu of centralized position classification, the agencies and the Civil Service Commission in collaboration with the Office of Management and Budget will have the responsibility to plan for and relate executive manpower requirements to overall program needs and priorities.

Agencies will annually review their executive manpower needs and request an authorized number of executives. The Civil Service Commission will review these requests in collaboration with the Office of Management and Budget and authorize a number for each agency.

These reviews will consider each agency's total requirements, not just changes. There will be no assumption that the same needs continue from year to year.

The annual request of the agencies; the joint review of the Civil Service Commission and the Office of Management and Budget; and the Civil Service Commission's final authorizations will be based on such factors as:

The current level of program and budget.

The current level of executive staffing.

Anticipated program and budget requests.

Pending legislation.

The level of work to be done.

The Commission will annually report the authorizations to the Congress. The authorizations will become effective 90 days after the report.

The purpose of this arrangement of request, justification, and review will be to:

Require that the Civil Service Commission, in conjunction with the agencies, relate executive manpower requirements to expanding or contracting needs;

Require that all program changes and legislation be accompanied by plans for meeting executive manpower requirements;

Assure that agency executive manpower planning is in consonance with the agency's program and financial plan as approved by Office of Management and Budget in the program review and budget process; and

Assure that both within the agencies and government-wide, executive manpower is more effectively allocated in accordance with the program priorities established by the President and the Congress.

The new and comprehensive reporting system to the Congress will be provided to:

Permit the current Administration to improve and make more meaningful the overview of executive manpower management; and

Allow the appropriate Committees of the Congress to offer guidance to the agencies and the Administration through the legislative oversight process.

The Civil Service Commission after collaboration with the Office of Management and Budget will also have authority to adjust the size of the Service authorized any agency for one year for emergency purposes. This authority will be subject to the following controls:

Changes may be made only for special circumstances clearly unanticipated at the time of the annual authorization;

The Commission must notify the Congress of its use of this authority and give its reasons; and

The Commission may not increase the authorization in any one year by more than 1% of the total authorization.

Career and noncareer categories of executives

The members of the Federal Executive Service will be in two appointment categories: career and noncareer.

Each category will have a different type of appointment with different conditions of employment.

Noncareer

A noncareer category will be established in the Service to accommodate the agency's need for three different kinds of executives whose employment will likely be of a temporary nature as described below:

Executives whose relationships to the agency head require an interdependence based on such factors as program philosophy, political agreement or personal confidence;

Executives who work on relatively short-term projects; and

Executives whose employment is more oriented toward their professions or occupations than to particular employers. These are the highly mobile people who move freely in and out of private employment, universities, private practice, and government in pursuit of their specialized interests (the so-called "in and outers").

Noncareer appointments will be made at the discretion of the agency head and serve at his pleasure.

Such appointments will not be subject to prior approval or review by a qualifications review board (see later discussion).

Agency heads will be given the authority to approve the qualifications of noncareer executives so that they will have the flexibilities they need to:

Accommodate to a reasonable degree the many staffing pressures they face; and

Hire a limited number of assistants with political or personal relationships or who agree on program philosophy.

Career

The career category will be composed of executives whose general employment outlook and expectations are oriented toward Federal service generally.

The majority will probably come from lower levels of Federal career employment through the promotion process.

A small number will enter laterally from outside the Federal career service expecting to make Federal employment a career in the future.

To make long-term Government service attractive and highly prestigious, considerable emphasis will be given to strengthening career appointments and to establishing an open and public review process for entry into the Service.

Career appointments will be made strictly on the basis of merit and fitness.

Provision will be made for merit entry into the career category from all sources; i.e., from the ranks of the General Schedule, from other Federal Government personnel systems, from the noncareer category, and from outside the Federal service.

All career appointments will be reviewed and approved by a Qualifications Board prior to appointment (see later discussion).

Assignments will not be designated as career or noncareer. This will overcome the following difficulties:

It is very difficult to make realistic distinctions between career and noncareer assignments.

Drawing clear lines between policy development and administration of policy on an individual position basis frequently cannot be done realistically.

There are tremendous pressures to exempt positions from the career service despite the real content of the jobs, especially when new positions in new programs are established on a projected basis.

Designation of positions as noncareer has restricted job opportunities for career executives.

In many agencies, noncareer positions have been grouped at the top of the executive structure with the career positions grouped at the lower levels.

Many competent career executives consider assignments to noncareer positions undesirable because of the complete loss of security that goes with such assignments.

Designation of positions as career and noncareer curtails the use of a flexible management structure and the flexible use of people within that structure.

Establishing and controlling career and noncareer relationships

In lieu of designating an authorized position or list of duties as career or noncareer, each agency will be authorized a ratio of career/noncareer executives.

This will be done to allow an agency to build a management team that includes:

Executives to provide the continuity and experience needed by modern Government programs;

Executives in whom management has special confidence because of a personal or political relationship, or because of the executive's program philosophy; and

Executives with specialized skills for short-term public projects or with only a temporary interest in a Government assignment or program.

The use of the career/noncareer ratio will accommodate a wide variety of problems now faced by agency heads. It will provide:

A mix of the skills of career professionals and appointed officials;

An opportunity for agency heads to make reasonable accommodations to requests for appointment of political party constituents, interest group advocates, academics, and professional group members; and

A means for the Congress and the Administration to ensure that the executive staffs of the agencies can be made responsive to the public will expressed through the political mandate.

The Civil Service Commission after collaboration with the Office of Management and Budget will authorize a career/noncareer ratio for each agency based on individual agency requirements.

The aggregate government-wide number of noncareer executives will be limited to no more than 25% of the total Federal Executive Service.

Agencies will annually review their current ratios and justify continuing or changing them.

After a review of the requests and justifications, the Commission will authorize specific agency ratios.

The Commission will not apply a uniform or set ratio to all agencies.

The ratios of individual agencies will vary greatly depending on the type of program involved, the characteristics of the executive workforce, and the degree of involvement in controversial and sensitive public programs.

As with size authorizations, the ratios will become effective 90 days following the Commission's annual report to Congress.

The present ratio of career to noncareer executives in the General Schedule is approximately 76% to 24%. Experience indicates that limiting the percentage of noncareer appointments to not more than 25% of the executive workforce will provide a very satisfactory and realistic arrangement to meet executive staffing requirements on a government-wide basis.

It will permit a wide variation of the ratio from agency to agency in recognition of program needs.

It will provide a mix of career and noncareer executives throughout the top organizational structures of agencies rather than a bunching of the career group at the bottom of the executive levels as it is now in many agencies.

Compensation arrangements

Agency heads will have authority to set and adjust the salaries of career and noncareer appointments to the Federal Executive Service according to their judgement of the value of the individual to the organization and the responsibilities and duties he carries.

This will allow the Government to be competitive in attracting and keeping high talent.

It will remove the restriction on entry pay rates.

It will allow the career executive appointed from a lower level within Government to be paid on a comparable basis with those appointed from outside the Government.

It will allow salaries to be set within broad limits in accordance with the estimate of a person's worth and how the agency intends to use him.

It will allow pay increases to reward outstanding performance.

It will recognize the need at the executive level for a different pay concept than the present automatic, periodic pay increases.

It will eliminate the disparities in compensation systems and requirements affecting similar types of executives in the same agency.

Agency heads may increase salaries. However, as an inducement to potential career executives inside and outside of the Government to accept the conditions applicable to the Federal Executive Service, the salaries may not be reduced.

This pay protection will be part of the compensation for the obligation to serve wherever assigned either organizationally or geographically.

It will provide a stability of income to make the Service more attractive.

It recognizes that in those salary systems where agencies can presently reduce salaries, they practically never do so.

Agency authorities will be limited to an authorized salary range for the Federal Executive Service.

The Civil Service Commission after collaboration with the Office of Management and Budget will recommend the range as part of its overall salary recommendation.

This range will approximate that which has been encompassed by General Schedule positions in grades GS–16/18 in the past.

In addition, agencies will be required to manage their executive salaries so that an average salary will be maintained within the limits designated by the Civil Service Commission after collaboration with the Office of Management and Budget.

The Civil Service Commission after collaboration with the Office of Management and Budget will establish a dollar figure within the executive salary range for application to all agencies. Without specific authorization this dollar figure may not be exceeded by the average salary levels within individual agencies.

The Commission after collaboration with the Office of Management and Budget may authorize exceptions to this requirement for particular agencies which have special executive staffing circumstances, such as:

Agencies with only a few executives so that an average becomes meaningless; and

Agencies which have unique responsibilities that have resulted in average executive salaries near the top of the present GS–16/18 range.

This salary device:

Will prevent escalation of all salaries to the top of the range; and

Will achieve reasonable equity and uniformity throughout the Government.

To provide equity for the Federal Executive Service, executives will automatically receive comparability pay increases and other fringe benefits when they are authorized for other Federal employees.

Assignments

Agency heads may assign and reassign career and noncareer executives to any duties anywhere (organizationally or geographically) which properly fall within the scope of the Service (duties higher than those classifiable at GS–15 or the equivalent).

The Federal Executive Service will not provide for a government-wide system of position classification. Agencies will devise and operate their own organization and position management systems.

Duties to which executives are assigned will not be designated "career" or "noncareer." Career and noncareer executives will be used interchangeably.

Executives may appeal, to the Civil Service Commission, reassignments to duties or locations which the executives believe were made for reasons other than the program efficiency of the Service.

In this way agencies will have the flexibility to use people based on where they are most qualified to serve or most needed, rather than on salary structure, position structure, tenure rules, or classification distinctions.

It will allow a mix of career and noncareer executives above the GS–15 level throughout the organizational structure of agencies.

Executives may be used on the basis of broad career qualifications rather than on the basis of narrow professional specialization or political background. Thus, agency heads will be able to accommodate to shifting personal relationships in accordance with individual talents and qualifications.

Agencies will be able to organize and structure executive relationships to accommodate to the needs of particular agency programs.

Qualifications boards

The Federal Executive Service will give particular attention to the needs for special arrangements to insure high quality appointments to the career service.

Agency heads will continue to select their career executives, but their appointments will be subject to the prior approval of a Qualifications Board.

This feature will insure that the Federal executive manpower management program:

Recognizes the long-run implications of career appointments for carrying out public programs;

Maintains the confidence of the public that decisions on career executive appointments will be based only on objective consideration of the needs of the Government and not to favor special groups or individuals;

Encourages agency heads to select on the basis of the best qualified;

Gives agency heads a means to resist unreasonable interest-group pressures on staffing;

Assures high quality membership in the Federal Executive Service by screening out weaker nominees; and

Makes appointment to the Federal Executive Service a matter of high prestige.

The Civil Service Commission will establish the Qualifications Boards. These Boards, acting as agents of the Commission, must give prior approval to agency selections for initial career appointment in the Federal Executive Service.

The approval of a Board will *not* be required for:

Noncareer appointments.

Renewals of employment agreements (discussed later).

Assignment or reassignment to duties within the agency.

Transfers to the Federal Executive Service in another agency.

Incorporation into the Federal Executive Service of present career executives upon implementation of this proposal.

The Boards will be established as agents of the Civil Service Commission in order that they may be appointed and serve as objectively as possible.

Members will be highly qualified experts in their own occupations and generally known and accepted as such.

Members will be appointed from within and outside the Federal service so that varying points of view will be represented and so that the decisions of the Boards will not be unduly influenced by any particular groups. Outside members will be paid for their services.

A number of separate Boards based on broad career programs or occupational areas will be established so that each Board will be composed of adequate program and professional expertise.

Board members will provide a high degree of personal knowledge of the kinds of people needed, who should be considered for career appointments in the Federal Executive Service, and where they are located.

The Qualifications Boards will be charged with the responsibility for insuring that initial career appointments are made with a view to the long-run needs of the Service. They will take into account:

The potential of the individual for long-term contributions in broad career areas: Short-term staffing pressures will not be allowed unduly to influence career selections; these should be met through appointments to the noncareer category; Such broad and thorough career consideration at the time of appointment will make it unnecessary for the Qualifications Boards to review subsequent reassignments of members of the Federal Executive Service.

The nominee's past and present performance to insure that he has as great a likelihood of being successful in the Federal Executive Service as possible.

Employment agreements for career executives

The employment of a career executive in the Federal Executive Service will be governed by an employment agreement between the executive and the agency.

This agreement will recognize the special nature of career appointments and the need to provide attractive and stable career opportunities for the career service as viewed by entry-level and mid-level employees.

The agreement will be founded upon mutually understood conditions of service agreed to by the agency in offering employment and by the career executive in accepting the employment.

A fixed-term employment agreement will be provided to:

Avoid the perception on the part of agencies and executives that incumbents are "locked in" to particular jobs or levels;

Assure that retention of executives is based on merit rather than tenure and longevity by providing periodic reviews of incumbents at the termination of their employment agreements;

Establish a clear obligation on the part of the Government to use executives productively during the period of their agreements regardless of the types of sensitive or controversial programs with which they have been or are involved;

Give executives realistic and practical employment and salary protection for fixed periods of time and to avoid: The perception that reduction-in-force actions can be and are designed to get around the legalistic procedures now used to provide security; Unrealistic situations where executives must appeal against the management team of which they are a part.

Give agencies a greater means of assuring that executives are responsive to public policy; and

Assure that high-quality employees at entry level and at the mid-management level perceive that they can rise to the top and get important and influential jobs with reasonable security.

The initial employment agreement will be for a period of 3 years.

Initial agreements will be made without regard to the person's age or eligibility for optional retirement (age 62 with 5 years of service; age 60 with 20 years of service; age 55 with 30 years of service).

Unless three years would carry the executive past the time of mandatory retirement (age 70 with 15 years of service), in which case the initial agreement would terminate on that date.

A period of three years will be provided:

To insure that the initial agreement will be long enough to attract high quality people and long enough to allow reasonable productivity on the part of the incumbent; and

To provide a reasonable time for management to observe the performance of incumbents and reach a judgement as to whether their employment should be continued.

During the period of an employment agreement the agency will agree:

To assign the career executive for the whole period to duties properly falling within the scope of the Service;

Not to reduce the career executive's salary;

Not to remove the career executive except for offenses calling for adverse action procedures. A career executive may not be removed in consequence of a reduction-in-force or reorganization;

To provide training and career development opportunities based on individual and organizational needs, the program of the President, and congressional concern and interest; and

This provision recognizes the need for the continuing, long-term development of executives to meet the Government's needs and helps overcome the short-term perspective of many agencies faced with immediate pressures for program success.

The career executive who accepts appointment into the Federal Executive Service will be governed by a number of features designed to encourage positive executive manpower management.

To allow mobility, and preclude unnecessary restrictions on personal employment choices, the career executive may:

Resign from the Federal Executive Service at any time;

Transfer to any agency or employment group excluded from the coverage of the Federal Executive Service;

Transfer to the Federal Executive Service in another agency. In this case, to insure periodic review of all Federal Executive Service appointees, his new agreement may only be for a period of time equal to the remaining time of his old agreement. Thereafter, his employment agreement may be renewed by the new agency;

Retire or be retired for medical disability; and

Retire if eligible.

The executive recognizes that he will be required to serve in whatever capacity he will be needed in the organization and wherever he will be needed geographically.

He will be protected by a requirement that any duties he is given must fall properly within the scope of the Federal Executive Service.

He may appeal assignments to duties or locations which he believes were made for reasons other than the efficiency of the Government.

If the acceptance of a geographical move results in undue hardship, an executive will be able to decline the move and choose one of the following options:

GS-15 employment with 2 years salary saving;

Discontinued service retirement if eligible; and

If not eligible for retirement benefits, he may resign and receive severance pay.

If an employment agreement is not renewed after a geographical move, the executive will be able to move back at the expense of the Government to his location at the time he entered into his initial employment agreement.

By his entry into the Federal Executive Service, the executive will accept the responsibility to continue his development both as an executive and as a professional within his field. At the time of his consideration for an employment agreement renewal, the agency will take into account the effort and progress the executive has made in his own continuing development.

Agencies will be encouraged to strengthen their executive manpower management program by establishing boards within the agencies to assist them in reviewing nominees for initial executive appointments or renewal of agreements.

Renewal of employment agreements

A number of specific arrangements will be provided to give the agency flexibility in continuing the employment of a career executive upon the expiration of an employment agreement and for protecting the individual should he or the agency not wish to renew the agreement.

To give the agency as much flexibility as possible, it may offer an employment agreement renewal for three-year periods until the executive becomes eligible for mandatory retirement.

The agency may offer renewal, and the executive may decline. In that case:

If the executive has completed 30 years of service and is otherwise eligible for an annuity, the agency may involuntarily separate the executive from the service;

If the executive is not separated from the service under the "30 years of service" provision described above, the agency must offer the executive a bona fide continuing position for which he is qualified at the GS-15 level in the competitive service. This offer may not cause adverse actions to any employee already serving in a GS-15 appointment; and

The agency must (as under present statutes) continue paying the employee for two years at the rate of his last salary in the Federal Executive Service.

The agency may choose not to renew an agreement. In that case:

If the executive has completed 30 years of service and is otherwise eligible for an annuity, the agency may involuntarily separate the executive from the service;

If the executive is not separated from the service under the "30 years of service" provision described above, the agency must offer the executive a bona fide continuing position for which he is qualified at the GS-15 level in the competitive service with two years of salary saving; and

If the executive does not accept the GS-15 appointment, he will be separated by the expiration of his agreement. This will be considered an involuntary separation.

If he will be eligible for discontinued service retirement, he will be entitled to those benefits (age 50 with 20 years of service, any age with 25 years of service).

Otherwise, he will be eligible for "severance pay" benefits.

If the executive accepts GS-15 employment:

He will have two years of saved salary;

When the saved salary period expires he will continue in his GS-15 employment at whatever salary step would be appropriate on the basis of total time served at grade GS-15 or above: and

While serving at GS-15, he will be subject to all protections and conditioning of employment applicable to all other GS-15's serving in the competitive service.

Appeals

As with all personnel systems, the Federal Executive Service will have a means, independent of management, for its members to appeal and seek relief if they feel the agency has not met its obligations or is acting contrary to official requirements.

The present rights to appeal adverse actions and involuntary disability retirement will be included;

In addition, for those rare cases when an executive feels that the agency has not met its obligations under the employment agreement regarding assignments, utilization or conditions of employment, the executive may, as a last resort, seek adjudication and redress; and

To assure an independent and objective hearing the appeals will be made to the Civil Service Commission which will be given final administrative authority to take corrective action if it finds the appeals should be sustained.

Stewardship report to the Congress

A provision for a stewardship report to Congress and a congressional review will be made in recognition of the historical and appropriate interest of the Congress in the authorization and allocation of executive resources and in the general management of the Government's executive manpower.

An annual report of agency and government-wide authorizations including career and noncareer ratios will provide the Congress with periodic opportunities to review and influence the Government's executive manpower program.

This report will also be the means by which the general public will be periodically informed of the actions its Government is taking in the management of executive resources. The report will provide the openness of information that is the foundation of an effective merit system.

The Civil Service Commission will make this detailed report showing the following information *for each agency and government-wide.*

The current and projected size of the Federal Executive Service.

The current and projected ratios of career to noncareer appointments within the Service.

The current and projected salary cost of the Service.

The current and projected distribution of salaries and the average salaries.

The Civil Service Commission's actions and supporting justifications in authorizing appointments for emergency needs.

Information on the overall program for management of the Government's executive manpower resources which might be helpful to the Congress in exercising its general oversight.

Career development activities.

Training activities and plans.

Analytical studies.

After 90 days following the submission of the report to Congress and in the absence of contrary action decided upon through the legislative oversight process, the agency size and ratio authorizations may be implemented.

System responsibility placed in the central personnel agency

The administration of the Federal Executive Service will be placed in the Civil Service Commission for the following reasons:

To fix leadership responsibility for the development and operation of a positive personnel program for the upper levels that will:

Interrelate manpower management throughout all levels from professional entry to the executive levels by defining career fields and patterns of progression and insuring that developmental and training opportunities required for career progression will be provided.

Insure that manpower resources, particularly executive resources, will receive comparable top management attention to that given other resources so that:

Manpower requirements will be related to program plans, priorities, and pending legislation; and

Staffing needs will be projected and sources of supply will be developed.

To enlarge the overview of the central personnel agency and give it more responsibility for stewardship and responsiveness to Congress and the Administration. This will:

Establish a single focal point for the President to manage and control the utilization of the great majority of the Government's executive resources.

Provide a unified source that will:

Be a single authority accountable for executive resource stewardship; and

Assure government-wide consistency in the application of the various regulations of the Federal Executive Service.

To encourage a government-wide outlook on the part of agency management so that there will be:

A government-wide approach to executive manpower management; and

Increased opportunity for mobility of executives and potential executives among agencies and programs.

Effective date

The Federal Executive Service will come into being and the operating provisions will become effective no later than one year after enactment of the proposed legislation. During this period, operating procedures and regulations will be developed.

The Civil Service Commission will be authorized to issue such regulations as will be necessary to carry out the legislation.

Transition to the Federal Executive Service

Executives with career appointments

To give present career executives maximum opportunity to participate in the Federal Executive Service, all present career executives will be offered employment agreements:

All career executives may take 3-year agreements if that does not carry them beyond mandatory retirement. If they are subject to mandatory retirement before three years, they may take agreements for periods up to mandatory retirement; and

Career executives accepting employment agreements will be exempt from the requirement of qualifications approval provided the agreement offer is accepted within a reasonable time to be established by implementing regulations.

To insure that any rights or protections presently enjoyed by career executives will be preserved, executives:

May choose not to take an employment agreement, but to continue under their current appointments with all of their rights and privileges;

Thus, incumbents will not be forced to make a change; and

In the event of reduction in force, there will be no competition between executives in the Federal Executive Service and those holding other types of appointments.

To avoid inequities and hardship, the Civil Service Commission will have authority to regulate the details of the transition and to correct administrative errors and oversights in complying with its regulations.

Executives With Excepted Appointments

The status of executives now serving under noncareer executive assignment (NEA) appointments will not change. They will be given noncareer appointments in the Federal Executive Service.

All of the protections of other executives serving in positions which are excepted from the competitive service will be preserved:

Because some of these appointments are actually career types of appointments (e.g., some attorneys in Schedule A), the agency, at its option, may offer individual executives career appointments with employment agreements without the requirement of qualifications approval; and

Those other executives who may not be offered an employment agreement and those who do not accept an agreement, will be protected by being allowed to remain under their present appointments. They will retain all of the rights and privileges of those appointments.

Application to excluded groups

Because the features of the Federal Executive Service merit consideration for executive manpower management programs throughout the Federal Government, executive branch agencies with excluded groups will be encouraged to consider the adoption of appropriate features.

Because the Civil Service Commission now has responsibilities for certain personnel functions for executives in agencies outside of the executive branch, provision will be made for those agencies to establish their own executive services, with the agency head as the regulatory, administrative, and reporting authority.

This will be done because:

Executive manpower management should be integrated with the management of other resources in relation to the programs being managed. Since, outside of the executive branch, the agency head will determine his program plans and receive his resource authorizations in a direct relationship with Congress, it is more appropriate for that agency head to deal directly with the Congress on the administration of his executive service;

Similar executive services in the executive, judicial, and legislative branches will facilitate the exchange of executives throughout the Government; and

There no longer will be new positions at GS–16, –17, or –18 established anywhere in the Federal service, in or out of the executive branch.

Appeals will continue to be heard and finally adjudicated by the Civil Service Commission.

So that any Federal agency will be able to have the benefit of the best executive manpower management services available, the services to be provided by the Civil Service Commission, such as the Executive Inventory, will be made available to any agency.

SECTION V.—OPERATION OF THE FEDERAL EXECUTIVE SERVICE

Determining the size of the FES would begin within individual agencies, where reviews of executive manpower needs would be conducted annually. To make their request for executives consistent with the relative importance and priority of agency programs, agency reviews would be based on such factors as:

Current level of program and budget;

Current level and nature of executive staff;

Anticipated program and budget requests;

Pending legislation; and

Nature and level of the work to be performed.

Agencies would submit to the CSC on or about February 1 their requests for:

Number of executives required;

Career/noncareer ratio; and

Proposed average salary.

The CSC, after collaboration with OMB, would authorize a maximum number of executives, a career/noncareer ratio and an average salary ceiling for each agency.

The ratio of noncareer could not exceed 25 percent of the authorized FES total government-wide, but it would vary from agency to agency.

Except as specifically authorized, the average salary for an individual agency could not exceed the government-wide figure.

The CSC would report its authorizations to Congress on April 1. The authorizations would become effective in 90 days, unless Congress acted to the contrary.

Agencies could appoint (hire) executives from inside or outside of Government up to the numbers authorized and in accordance with the career/noncareer ratio.

Agencies would not have to justify appointment of individual executives based on centrally approved position classifications—instead, agencies would develop tailored position management systems.

Individual executives could be paid salaries anywhere within the salary range for the Federal Executive Service—but the agency would have to stay within its authorized average salary ceiling.

Agencies would have complete authority to hire and remove *noncareer* executives.

Agencies would appoint *career* executives according to the following procedures:

Following an intensive search based on merit principles, the agency would make a selection subject to approval by the CSC.

Agencies would be encouraged to establish and utilize internal boards for recruiting and qualifications review.

Candidates from both inside and outside Government could be selected.

Within the CSC, selections would be presented to the appropriate qualifications board for approval prior to formal appointment by the agency head.

There would be 15-20 qualifications boards, based on occupations.

As agents of the CSC, each board would operate government-wide for the occupations within its cognizance, and be composed of recognized leaders in the Government, academic and private sectors.

The boards would review the agency's selectee in terms of:

How the agency identified likely candidates;

The selectee's potential for long-term contributions to the Federal service;

The appropriateness of his qualifications compared to the qualifications needed to carry out the agency's programs (and the qualifications on which recruiting was based); and

His professional qualifications and stature in the occupation.

Qualifications boards would not review assignments following appointment, or renewal appointments.

Agencies would have maximum flexibility in the assignment of executives.

Career and noncareer executives could be assigned to duties interchangeably—positions or duties would not be designated as career or noncareer.

All executives could be assigned wherever needed, regardless of the nature of the duties, or their organizational or geographic location, provided the duties were of executive calibre, and assignments were not made arbitrarily or capriciously. There would be a procedure whereby executives could appeal if they felt these latter provisions were not met.

Career appointments would be made on the basis of 3 year, renewable employment agreements, which would obligate the agency:

Not to reduce the executive's salary for the three-year period (although increases would be allowed at the agency's discretion);

Not to separate the executive except for cause, or to demote him from executive status by reduction-in-force or assignment of inappropriate duties; and

(The executive would agree to serve wherever needed, as described above and could resign or retire (if eligible) at any time.)

When the agreement expired, the agency would have the option of offering the executive a renewal—for 3 years. The number of renewals would be limited only by the executive's reaching the mandatory retirement age.

Each agency would administer the renewal process in the manner most appropriate to its needs.

A formal review would not be mandatory; renewals could be handled informally.

Agencies would be encouraged to set up advisory boards to advise and assist the agency head as to the renewal of individual employment agreements.

If the agency chose not to offer a renewal, or if such an offer were made and declined by the executive, the agency may involuntarily separate the executive from the service if he has completed 30 years of service and is otherwise eligible for an annuity. In all other cases, the agency would have to offer the executive a continuing GS-15 position in the career service (without displacing any other employees). He would then be paid for two years at the rate of his last FES salary, before reverting to the appropriate rate of the GS-15 schedule.

Executives who chose not to continue employment as an executive or as a GS-15 and are not separated by the agency under the "30 years of service" provision, could elect optional or discontinued service retirement, if eligible, or separation with severance pay.

NOTE.—This proposal presupposes maximum emphasis on the use of talent files within the agency and on a government-wide basis; on a greatly increased attention to managerial and professional development of executives; and on a much improved system of effective executive appraisal. These program approaches are not detailed as part of the FES proposal since their accomplishment does not depend on legislative system changes.

THE FEDERAL EXECUTIVE.—(UNDER CURRENT PERSONNEL SYSTEMS)

There is always some confusion about who is a Federal executive. No adequate definitions exist, but salary level is a frequently used criterion. Thus, "Federal executives" could mean all of the full-time employees of the executive branch who earn as much as the beginning salary ($26,547) of a General Schedule grade 16. The table below shows the numbers of civilian executives for various personnel programs who would meet that criterion.

TABLE 1

(As of Oct. 1, 1970)

Personnel program	Number	Percent
Executive level (levels I-V)	580	5
General schedule (GS 16-18)[1]	5,679	52
Public Law type[1,2]	1,244	12
Foreign Service (FSO and FSR levels 1 and 2)	2,117	19
Other[3]	1,265	12
Total	10,903	100

[1] The focus of attention of the existing Federal executive manpower program and the executive assignment system is on the 6,941 General Schedule and Public Law type positions which comprise 64 percent of the total.

The nature of this universe of 6,941 positions is better understood when they are broken down by type of authorization (Government-wide quota, nonquota, etc.) and by career/noncareer. Of the 1,244 Public Law type positions, 814 are in the competitive career service. The distribution of the 5,697 positions in the General Schedule is shown in table 2.

[2] Certain limited scientific and professional positions involved in research and development activities requiring the services of specially qualified persons and paid at special salary rates not less than GS-16 or more than GS-18.

[3] Consists primarily of positions in TVA, AEC, Department of Medicine, and Surgery of VA, and the Postal Field Service.

TABLE 2.—GENERAL SCHEDULE POSITIONS IN GRADES 16-18[1]

(As of Oct. 1, 1970)

Authorities	Total		Competitive career	Excepted/Noncareer				
	Number	Percent		NEA	Schedule A	Schedule B	Other	Total
Government-wide quota	2,734	48	1,839	491	339	3	62	895
Defense quota	407	7	320	34	48	5		87
Nonquota	1,953	34	1,831	35	44	11	32	122
Special authorities	603	11	344	1	11		247	259
Total	5,697	100	4,334	561	442	19	341	1,363

[1] GS-16=4,054 (71 percent), GS-17=1,175 (21 percent), GS-18=468 (8 percent).

Explanation of Terms:

Competitive/Career: The "competitive service" refers to those positions where the rules of the Civil Service Act regarding entry into service must be followed. The "career service" is a generic term used to refer to those positions and incumbents governed by Civil Service Commission rules and regulations concerning recruitment, development, promotion, and tenure. This narrow definition does not take into account many career type personnel systems or positions which are excluded from the Civil Service Act. All positions are considered to be "Competitive/Career" unless specifically exempted under the various procedures for doing so.

Excepted/Noncareer: Those positions and incumbents specifically exempted from the competitive service by law or regulation.

Government-wide Quota: The number of positions authorized by the Congress and allocated to agencies by the Civil Service Commission. It is a ceiling on the number of positions which may be established.

Defense Quota: A special allocation of positions for exclusive use by the Defense Department.

Nonquota: Congress has authorized certain types of positions that may be established outside the government-wide quota. These nonquota positions may be authorized for professional engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine.

Special Authorities: These are positions specifically earmarked by legislation for particular programs or organizations.

SECTION ANALYSIS

To accompany the draft bill to amend title 5, United States Code, to establish and govern the Federal Executive Service, and for other purposes

The bill is divided into six sections. Section 1, which is divided into ten paragraphs, amends title 5, United States Code, to establish and govern the Federal Executive Service. Sections 2 through 6 are not amendments of title 5, but contain provisions needed for the transition from the Executive Assigment System to the Federal Executive Service. The separate sections, paragraphs, and subparagraphs of the bill are discussed hereinafter.

Section 1

Paragraph (1) adds a reference to 5 U.S.C. 3143(c) in 5 U.S.C. 1305 so that the Civil Service Commission is authorized to perform all actions regarding hearing examiners paid under the newly added section 3143(c) that it has been performing with respect to hearing examiners paid under the General Schedule.

Paragraph (2) adds a new subsection (f) to 5 U.S.C. 1308, "Annual reports," which requires an annual stewardship report by the Civil Service Commission to Congress on the Federal Executive Service. This annual stewardship report serves three important purposes. First, it will fully inform Congress on the operation of the Federal Executive Service for the previous fiscal year. Second, it will fully inform Congress as to the proposed scope and operation of the Federal Executive Service for the coming fiscal year. This will enable Congress to maintain an informed and positive legislative oversight over the Federal Executive Service. Third, the detailed and comprehensive nature of the stewardship report required by the new subsection will serve to inform the general public of the actions that its Government is taking, and proposes to take, with respect to the management of its executive resources.

The stewardship report is required to be submitted before April 1 of each year in order that Congress will have a full 90-day period to review it before the end of the fiscal year in which it is submitted and the start of the next fiscal year during which the newly proposed number of executive appointments, ratios, and executive pay average are to be applicable.

Under the new section 1308(f)(2), the Civil Service Commission allocations of the number of proposed executive appointments, the ratios of career to noncareer appointments, and the executive pay average are effective 90 days after the submission of the report.

Paragraph (3) is the "heart" of the bill. It makes several amendments to chapter 31 of title 5, United States Code, which establish and govern the Federal Executive Service. Paragraph (3) is divided into five subparagraphs, two of which are technical (subparagraphs (A) and (B) and three of which are substantive (subparagraphs (C), (D), and (E). They are explained separately as follows:

Subparagraph (A)

Subparagraph (A) will amend the chapter analysis of chapter 31 (some refer to it as the "table of contents") so that it will properly reflect the content of the chapter after the bill is enacted. As shown in the amended chapter analysis, a new subchapter has been added to chapter 31 of title 5, United States Code, which contains all permanent statutory provisions concerning the Federal Executive Service.

Subparagraph (B)

Subparagaph (B) will insert a new subchapter designation for the present provisions of chapter 31. This is a technical necessity caused by the new division of the present chapter into two subchapters creating a need for a new subchapter designation covering the provisions that were in the chapter before its amendment by the bill.

Subparagraph (C)

Subparagraph (C) would repeal 5 U.S.C. 3104 concerning the employment of specially qualified scientific and professional personnel. Section 3104 is a special employment authority which (together with 5 U.S.C. 5361) authorizes the filling of the positions described therein at GS–16, 17, and 18 of the General Schedule. As the General Schedule will no longer contain GS–16, 17, or 18, and as all such positions are now authorized by and paid under the provisions of this bill, the section is no longer necessary.

Subparagraph (D)

Subparagraph (D) would delete from 5 U.S.C. 3109, "Employment of experts and consultants; temporary or intermittent", the reference therein to 5 U.S.C. 5332, "The General Schedule", and in lieu thereof include a reference to 5 U.S.C. 3139 which is the new statutory pay authority for executives. This amendment means that the rate of pay for experts and consultants may not exceed the daily equivalent of the highest rate payable to a member of the Federal Executive Service.

Under 43 Comp. Gen. 509 it was held that experts and consultants in the fields of physical and natural sciences, engineering, and medicine could be paid at the rate of GS–16, 17, or 18 as there was no numerical limitation on positions of those types or those grades; whereas all other experts and consultants were limited to the equivalent of the highest rate for GS–15. Under the new subchapter II of chapter 31 of title 5 there will be no distinctions between the types of executives who may be appointed in the Federal Executive Service. Also, 5 U.S.C. 5108 which contained the language that distinguished positions in the fields of physical and natural sciences, engineering, and medicine from other positions will be repealed by this bill. Because of the absence of these distinctions, and in recognition of the need to adequately pay all experts and consultants, the pay maximum has been made the same for all experts and consultants. Agencies will, of course, still decide the correct pay rate on the basis of the individual expert's or consultant's qualifications.

Subparagraph (E)

Subparagraph (E) will add a new subchapter II to chapter 31 of title 5, United States Code. The new subchapter establishes and provides for the administration of the Federal Executive Service. The new subchapter contains thirteen sections which are discussed separately hereinafter.

§ *3131. Purpose.* This section states the purpose of the subchapter and, in addition, the purposes of the Federal Executive Service.

§ *3132. Definitions.* Paragraph (1) of § 3132 defines "agency." The definition covers each executive agency as defined in 5 U.S.C. 105 (except the General Accounting Office which is excluded by § 3132(1)(i) and each military department as defined in 5 U.S.C. 102. The military departments are mentioned specifically so that they may make executive appointments independently of the Department of Defense just as they may now do with regard to positions in GS–16, 17 and 18. The General Accounting Office is specifically excluded as it is the only non-executive agency included in the defined term "executive agency" in 5 U.S.C. 105 (by reason of 5 U.S.C. 104(2)). The paragraph excludes the twelve agencies named in clauses (i) through (xii), the two offices in the Treasury Department named in clause (xiii), and the Federal Bureau of Investigation named in clause (xiv), as one (the General Accounting Office) is outside the executive branch and the others have separate personnel systems for their executive-level employees which, by reason of the unique nature of their missions, are not suited for coverage under the Federal Executive Service and (with the exception of the United States Postal Service and the Federal Bureau of Investigation) presently have no positions allocated in GS–16, 17, or 18.

Paragraph (2) of § 3132 adds a definition of the term "executive" for convenient usage and for the purpose of limiting the use of the term in subchapter II of chapter 31 of title 5, United States Code, to executives paid at a rate that is not less than the sixth rate of GS–15 of the General Schedule and not more than the rate for level V of the Executive Schedule. These are essentially the same dollar amounts that now are fixed for GS–16 through GS–18 of the General Schedule. The definition serves as a means of excluding from the subchapter and from the Federal Executive Service the incumbents of the positions specified in subparagraphs (A) through (H) of § 3132(2).

Subparagraphs (A) through (G) are self-explanatory. Subparagraph (H) authorizes the President to issue regulations which exclude an employee or a group of employees from the Federal Executive Service on any one of three bases. An exclusion may be based on national security interests, foreign relations, or a finding that an employee or group of employees perform unique functions that cannot be readily adapted to the Federal Executive Service programs.

§ *3133. The Federal Executive Service.* This section describes the make-up of the Federal Executive Service. The Service is made up of the executives (both career and noncareer) whose appointments are authorized under 5 U.S.C. 3134. There are no "positions" centrally established or authorized, as that term is commonly used, in the Federal Executive Service. After an executive is appointed in the Service he is given an assignment by the agency and is subject to the organization management system of the agency in which he is appointed.

§ *3134. Authorization of executive appointments and ratios.* Subsection (a) of § 3134 requires that each agency examine its executive manpower needs and submit a written request to the Civil Service Commission, in accordance with regulations prescribed by the Office of Management and Budget and the Civil Service Commission, for authority to appoint a specific number of executives in the agency within the Federal Executive Service. This request is required to be based on the following factors:

(1) the current level of budget and program activity in the agency;

(2) the current level of executive staffing in the agency;

(3) the anticipated agency program activity and agency budget requests;

(4) pending legislation;

(5) the level of work to be done in the agency; and

(6) such other factors as may be prescribed from time to time by the Office of Management and Budget and the Civil Service Commission.

When this examination by an agency of its manpower needs is made, the Commission under its regulatory authority in § 3142, will require that the examination expressly cover the need to continue the number of executive appointments heretofore authorized.

Subsection (b) of § 3134 requires that each agency shall include in the request for executive appointment authority referred to in § 3134(a), the number of appointments requested that it proposes to fill by career appointment and the number it proposes to fill by noncareer appointment. Subsection (b) fixes the total percentage of noncareer appointments throughout the entire Federal Executive Service at a maximum of 25%, but expressly authorizes the Civil Service Commission to vary the ratios of career to noncareer appointments within separate agencies as the differing needs of the agencies require. This means, for example, that Agency A may have need for only a relatively few noncareer appointees and, accordingly, within that agency the Commission would authorize a ratio of 90% career executives to 10% noncareer executives. On the other hand, Agency B may have a legitimate need for relatively more noncareer executives in which case the Commission would authorize a ratio for Agency B of 60% career executives to 40% noncareer executives. At the same time that individual agency ratios are being authorized by the Commission, the Commission has the responsibility to ensure that the total number of noncareer executives throughout the Federal Executive Service does not exceed 25%.

Subsection (c) empowers the Civil Service Commission to determine when, within each year, the agency request for executive appointments and the ratios will be submitted and in what form that submission will be made. As 1308(f) of title 5, United States Code, requires the Commission to submit its annual stewardship report before April 1 of each year, the date by which the Commission will require each agency to submit its request will be fixed at a reasonable point before that April 1 date to allow for the preparation of the annual stewardship report. The Commission may, if it considers it appropriate and beneficial, require different agencies to report at different times.

Subsection (d) requires that the Commission, after its receipt of each agency's request for a specific number of executive appointments and a ratio, review the request and determine whether the request is justified and appropriate. In reaching its determination, the Commission will collaborate with the Office of Management and Budget in the Executive Office of the President. This collaboration recognizes the fact that executive manpower needs flow from approved programs and budgets.

Subsection (e) provides the Civil Service Commission with a limited authority to adjust, after collaboration with the Office of Management and Budget, the number of executive appointments and ratios in the Federal Executive Service when required by emergency circumstances and needs that were not foreseen when the annual stewardship report was submitted to Congress. The statutory limitation on this emergency authority is that the Service may not be enlarged more than 1 percent in a single fiscal year. As it is contemplated that the initial size of the Federal Executive Service will be 7,000 (approximately the current number of GS–16, 17, and 18 and Public Law 313-type employees), the maximum number of additional executive appointments that the Commission could include in the Service in one fiscal year in an unforeseeable emergency would be approximately 70. Whenever any adjustment of either the number of executive appointments or the ratios is made under this subsection, the Commission is required to include full information conconcerning the adjustment in its next annual stewardship report to Congress.

§ *3135. General authority to appoint executives; characteristics of career and noncareer appointments.* The first subsection of § 3135 specifies that the head of the agency in which an executive is to be appointed has authority to determine whether the executive will receive a career or a noncareer appointment. The placing of this exclusive authority with agency heads is one of the paramount new features of the Federal Executive Service. If a career appointment is to be made, the appropriate review and approval procedures of a Qualifications Board, as contained in section 3136, must be followed.

Paragraphs (1) and (2) of § 3135(a) state the considerations that an agency head uses to decide whether a particular appointment is to be career or noncareer. This decision does not necessarily determine the nature of the assignment into which the executive is placed. The decision relates solely to the type of appointment to be made. Career appointments are for executives who are expected to make a career in Government; they are generally equivalent to the incumbents of positions that were in the competitive service in GS–16, 17, and 18 of the General Schedule before the establishment of the Federal Executive Service. Noncareer appointments are for executives in whom management has special confidence because of a personal or political relationship or because of the executive's program philosophy. This group also includes executives with specialized skills for short-term public projects or with only a temporary interest in a Government assignment or program. The noncareer executives are generally equivalent to the incumbents of positions that were in the excepted service in Schedule C and noncareer executive assignment positions in GS–16, 17, and 18 of the General Schedule before the establishment of the Federal Executive Service.

Subsection (b) sets forth the characteristics of the career executive appointee. Such an appointee is not required to serve a probationary or trial period as the recruitment and selection procedures required for such an appointment serve to guarantee that these appointees are exceptionally well qualified, making the principle of the probationary or trial period inapplicable to them. Also, it is expected that the vast majority of career appointments will be given to individuals who have served considerable periods of time in lower grade levels in the competitive service. The career executive is, from the first day of his appointment, in the competitive service and has a competitive status. This means that he is immediately covered by the adverse action procedures set out in 5 U.S.C. 7501 and 5 CFR Part 752 by reason of the fact that those procedures apply to an individual "in the competitive service" (see 5 U.S.C. 7501). Paragraph (3) of subsection (b) of § 3135 is included so there will be no doubt that a career executive who is a veteran (i.e., a preference eligible as defined in § 2108(3) of title 5 of the United States Code) is covered by the job protection provisions of section 14 of the former Veterans' Preference Act (now subchapter II of chapter 75 and § 7701 of title 5, United States Code) from the first day of his career appointment in the Federal Executive Service.

Subsection (c) of § 3135 contains the characteristics of the noncareer executive. Such a noncareer appointment does not place the appointee in the competitive service nor does it entitle him to a competitive status. The noncareer executive has no fixed tenure and he "serves at the will of the appointing authority". The quoted words are identical to those which appear in 5 U.S.C. 3323(b) relative to a reemployed annuitant. By reason of the inclusion of these words in § 3135(c), a preference eligible executive serving under a noncareer appointment is not entitled to the job protection benefits of section 14 of the former Veterans' Preference Act (now principally in 5 U.S.C. 7512 and 7701) regardless of how long he has served in such an appointment. By the same token, a nonveteran noncareer executive has no job-protection benefits. The decision to effect the separation of a noncareer executive (veteran or nonveteran) is exclusively that of the agency head. The reasons or bases for the agency head's decision are not reviewable by the Civil Service Commission or any other administrative authority, except when the separated noncareer executive contends that the separation was based on discrimination because of his "race, color, religion, sex, or national origin" in violation of the policy of the United States expressed in 5 U.S.C. 7151, or his "marital status" or "physical handicap" as referred to in 5 U.S.C. 7151 and 7153. An allegation of political discrimination, e.g., that the separation of the noncareer executive was based on political reasons, does not afford a basis for the Commission or any administrative authority to review the separation action taken by the head of the agency.

The noncareer executive does not serve under an employment agreement of any type and he has no continued employment guarantee. This means that the head of the agency in which the noncareer executive is employed may increase or decrease the noncareer executive's pay at will and without advancing any reason so long as the pay remains within the limits set out in 5 U.S.C. 3139. In addition, the absence of a continued employment guarantee means that regardless of how long a noncareer executive serves in such an appointment, or series of them, he is not entitled, when separated, to placement elsewhere in the agency or in the Government service, and he is not entitled to severance pay under 5 U.S.C. 5595. (The incumbents or these positions will be excluded from severance pay entitlement by the Civil Service regulations issued under 5595 just as those regulations now exclude positions filled by noncareer executive assignment and positions in Schedule C, see 5 CFR 550.701(b) (8) revised as of January 1, 1970.) It should also be noted that regardless of how long an executive serves under a noncareer appointment, or series of them, he is not entitled, if reduced in pay, to saved pay under 5 U.S.C. 5337 as he is not (as required by § 5337(a) (1)) "reduced in grade from a grade of the General Schedule."

§ *3136. Career appointments.* Subsection (a) of § 3136 governs the recruitment and selection of candidates for career appointments in the Federal Executive Service. The high caliber of these candidates is assured by the dual requirements in paragraphs (1) and (2) of § 3136(a). The recruiting program is required to reach all sectors (private as well as governmental) and must evidence that the best talent available was considered. For the purpose of section 3136 the term "outside the civil service" includes, in addition to the private sector, State and territorial governments, any political subdivision of either a State or territorial government, and the government of the District of Columbia. Subsection (a) of § 3136 requires the Civil Service Commission to assist every agency in its recruiting and selecting activities. The Commission's assistance is to assure that the agency has before it for its consideration and selection the best talent available after a broad-base recruitment effort. The Commission will make full use of its Executive Inventory and all other Commission resources in aiding agencies under subsection (a) of § 3136.

Subsection (b) of § 3136 requires each agency which selects a candidate for career executive appointment to submit documentation that establishes his qualifications, and which shows the nature of the recruitment effort made, to a Qualifications Board. Except as provided in subsection (d) of § 3136, which is discussed subsequently herein, an agency may not make a career appointment to a position in the Federal Executive Service without the prior approval of a Qualifications Board.

Subsection (c) of § 3136 requires that an employment agreement be entered into between the employing agency and the candidate approved by a Qualifications Board before a career appointment to a position in the Federal Executive Service may be effected.

Subsection (d) of § 3136 authorizes career appointments in the Federal Executive Service without the approval of a Qualifications Board under two conditions. The first condition is when the appointment is by transfer from one career appointment in the Federal Executive Service to another career appointment in the Service. The second condition is when the appointment is by a renewal employment agreement entered into not later than 1 year after the executive's separation from, or the expiration of, a previous employment agreement. The 1 year limitation is to assure that the former executive's qualifications are current. If he is out of the Federal Executive Service for more than 1 year, his current qualifications must be evaluated again by a Qualifications Board.

§ *3137. Employment agreements.* Subsection (a) provides for two types of employment agreements. The first employment agreement entered into by an executive is the initial employment agreement and each employment agreement entered into thereafter by that executive is a renewal employment agreement.

Subsection (b) of § 3137 fixes the employment period for an initial employment agreement at 3 years, except when the executive covered under the agreement is required to be separated sooner than 3 years by operation of the mandatory separation provision of the retirement statute. That statute, 5 U.S.C. 8335, requires the separation of an employee who becomes 70 years of age and who has completed 15 years of service, provided he served under the retirement system for at least 1 year within the 2 years immediately preceding his separation (5 U.S.C. 8331(b)). An executive separated because of age may be reappointed under a renewal employment agreement, but if this is done he serves at the will of the appointing authority by reason of 5 U.S.C. 3323(b).

Subsection (c) of § 3137 fixes the employment period for a renewal employment agreement at 3 years unless his separation in less than 3 years is required by operation of 5 U.S.C. 8335. However, when a renewal employment agreement is made by reason of a transfer from an initial employment agreement, the employment period may run only to the date the initial employment agreement would have ended.

Subsection (d) of § 3137 sets out 6 specific provisions obligating an agency with respect to every employment agreement (initial or renewal). Paragraph (1) requires that an agency shall not assign an executive to duties and responsibilities that are not truly of an executive caliber. For example, an agency could not assign an executive to duties properly classifiable at grade GS–15 or below of the General Schedule.

Paragraph (2) obligates the agency to provide the executive with training and career development opportunities. These have the dual purpose of enhancing the individual professional and managerial development of the executive and promoting the program needs of the agency.

Paragraph (3) bars an agency from reducing the pay of a career executive during a period of continuous service in the Federal Executive Service. This means that a career executive's initial rate of pay may not be decreased during his continuous service in the Federal Executive Service, and if an agency increases an executive's pay during his employment period he must continue to be paid at that higher rate of pay for the remainder of his continuous service in the Federal Executive Service.

Paragraph (4) prevents an agency from separating an executive during an employment period except for "cause" or when the Civil Service Commission finds that because of physical disability he is not able to perform useful and efficient service in the executive position. A separation for "cause" is, generally, a separation due to delinquency or misconduct. The term used, "for such cause as will promote the efficiency of the service" comes from 5 U.S.C. 7501 and 7512 which relate to adverse actions taken against employees in the competitive service and preference eligible employees (veterans for example). No other separations of executives during the employment period are permitted.

Paragraph (5) specifies that an executive is free to leave his current executive appointment at any time by resignation, transfer to other employment either within or outside the Federal Executive Service, or by retirement either for disability or by optional retirement.

Paragraph (6) obligates the agency, when the employment agreement for an executive expires, to either continue him in the Federal Executive Service under a renewal employment agreement, place him in a GS–15 position in the competitive service with saved pay for 2 years as required by 5 U.S.C. 3140 (b) and (c), or (when he has completed 30 years of service) separate him for retirement purposes under 5 U.S.C. 3140(a).

Subsection (e) of § 3137 requires that each employment agreement shall require the executive to agree that he will accept any assignment of duties that is a bona fide executive assignment. Such an assignment may be at any geographical location selected by the agency and the executive must agree to go to whatever location the agency selects. An agency's failure to give an executive a proper executive assignment is cause for an appeal to the Civil Service Commission under the newly created 5 U.S.C. 7702. An executive's failure to accept a valid executive assignment at a different geographical location is cause for the agency to separate the executive. However, in the event that a geographical move would entail undue hardship, by mutual agreement the executive may be placed in a position at grade GS–15 or below with 2 years salary saving, or he may be separated and receive severance pay or discontinued service annuity. If the executive and the agency cannot agree that a hardship exists, the executive may appeal to the Civil Service Commission whose decision will be binding. Regulations will be issued by the Civil Service Commission to carry out this provision. In the absence of a hardship situation, if the agency separates an executive for failing to move geographically, such a separation would not entitle the separated executive to either severance pay under 5 U.S.C. 5595 or a discontinued service annuity under 5 U.S.C. 8336(d). Subsection (e) also requires the executive to agree to participate in those training and career development activities which his agency decides will enhance his individual proficiency as an executive and will promote the agency's program needs.

§ 3138. *Qualifications Boards.* Subsection (a) of § 3138 requires the Civil Service Commission to establish Qualifications Boards as the agents of the Commission which will review the qualifications of candidates for career appointments in the Federal Executive Service, to determine that the candidate an agency has selected for appointment is among the most highly qualified of the candidates considered. The Board, in each case, in addition to reviewing the qualifications of the candidates, will review the agency's recruitment effort to make certain that it encompassed the full, broad-base coverage required by the newly added § 3136(a) of title 5, United States Code. If a Qualifications Board finds that the recruitment effort was not sufficient, or that the candidate is not among the most highly qualified, it will not approve the selection made by the agency and the agency will have to extend its recruiting effort, select another candidate, or present additional evidence to the Board supporting its selection.

Under subsection (b) of § 3138 the Commission may establish different Qualifications Boards for different programs, professions, and executive occupations. For example, a Board made up of managers or executives from both Government and the private sector, while qualified to pass on the qualifications for a candidate for a career executive appointment whose experience and background is in management, would not have the necessary expertise to pass on the qualifications of a candidate whose experience and background is in one of the sciences (e.g., medicine, physics, mathematics). Separate Boards—composed of specialists in separate fields—are essential to assure a truly informed review of each candidate's qualifications.

The Commission is responsible for appointing as members of each Qualifications Board individuals who are established to be experts in their field and are recognized as such by their colleagues. Board members who are employees of executive agencies (other than the Civil Service Commission) may serve on a reimbursable detail under 31 U.S.C. 686. Board members employed by the government of the District of Columbia may also serve on a reimbursable detail with subsection (b) of § 3138 constituting the specific authority for that reimbursement. All other Board members are appointed as experts or consultants under 5 U.S.C. 3109 and their pay is fixed by the Civil Service Commission at a daily equivalent that does not exceed the maximum payable to an executive under newly established 5 U.S.C. 3139.

§ 3139. *Pay.* There are no "positions" in the Federal Executive Service and, accordingly, no "class" or "class of positions" as those terms are used with regard to positions covered by the General Schedule. The pay of a member of the Federal Executive Service is fixed by the agency in which is he employed. The agency has the authority to fix an executive's pay at any rate it selects within the minimum and maximum rates established by § 3139(a) so long as the pay of all executives in the agency does not exceed the executive pay average explained hereinafter. An executive's pay is based on such factors as his value to the agency, his duties and responsibilities in the assignment given him by the agency, and his job performance. The only restriction on the agency's general authority to fix the pay of the individual executives it employs is the statutory prohibition which prevents the average pay of all executives within the agency exceeding the executive pay average established by the Civil Service Commission after collaboration with the Office of Management and Budget. The executive pay average cannot be exceeded by an agency except when the Civil Service Commision determines that special executive staffing circumstances within a particular agency justify a higher average pay for that particular agency. Provision is made for automatic pay increases for executives whenever there is an increase in the sixth rate of GS–15 as long as the increase does not exceed the executive-pay ceiling set out in the section.

§ 3140 Continued employment guarantees; separation benefits. Each subsection of § 3140 spells out the particular employment guarantees and separation benefits applicable to the different situations that may arise when a career executive's employment agreement (either an initial employment agreement or a renewal employment agreement) expires.

Subsection (a) covers the situation in which an executive has 30 years of service creditable for retirement purposes under 5 U.S.C. 8332 at the time of the expiration of his employment agreement. In that situation the agency may, at its election, separate the executive from the service without making him an offer of a continuing position in GS–15 as explained in the comment relative to subsection (b) of this § 3140. Such a separation is an involuntary separation for the purposes of 5 U.S.C. 8336(d) and the executive so separated is entitled to an annuity under that subsection or any other subsection of 5 U.S.C. 8336 is otherwise eligible.

Subsection (b) covers the situation in which the employment agreement expires and the agency either does not offer the career executive a renewal employment agreement or makes such an offer but the executive elects not to enter into the renewal employment agreement and (in the case of an executive with 30 years of service) the executive is not separated under subsection (a) of this § 3140. In this situation, the agency is obligated to offer the career executive continued employment in a GS–15 position in the competitive service in the agency. The offer must be to a continuing position which means one that there is reasonable cause to believe will last indefinitely. An offer to place the executive in what is known to be a temporary job or one that is known to have but a limited duration will not meet the statutory requirement in § 3140(b). In addition, as will be spelled out in the regulations of the Civil Service Commission authorized by § 3142, the Commission will require that the offer of the GS–15 position be made at such a time in advance of the expiration of the employment agreement that the executive has a reasonable opportunity to consider the offer (e.g., the nature of the position offered, the work surroundings including the geographical location, and all other facets one takes into consideration in deciding whether to accept an offer of permanent employment) and so that he may enter on duty in the GS–15 position without a break in service.

Note that the offer of the GS–15 position to the executive must not cause the displacement or reduction in grade of any agency employee already serving in GS–15.

Subsection (c) of § 3140 deals with the placement of the executive in the proper rate and step of GS–15 when he accepts the offer of such a position made under subsection (b). Paragraph (1) assures that the executive will, at the minimum, have his Federal Executive Service pay rate saved for 2 years from the date he enters on duty in the GS–15 position. He may, however, by reason of the required-service-credit benefit in paragraph (1) be entitled to a higher rate of pay in the GS–15 position than he was receiving immediately before his career executive employment agreement expired. For example, assume that before the executive entered the Federal Executive Service he was in the 5th step of GS–15 being paid $27,483 per annum and he had been in that step for 52 calendar weeks. Under 5 U.S.C. 5335 (a) (2) and (3) the waiting period for a step increase from steps 5 and 6 is 104 calendar weeks and from step 7 it is 156 calendar weeks. The executive accepts an appointment in the Federal Executive Service at $29,000 and he remains in the Service for 6 years with the same pay throughout his career in the Service. When his employment agreement expires he is entitled to count both his previous service in GS–15 not previously used for step increase purposes (which means the 52 calendar weeks he had to his credit when he left that grade) and his 6 years' service (312 calendar weeks) in the Federal Executive Service toward the waiting period in GS–15. Therefore, the returned, former executive would be credited, first, with the 104 calendar weeks to take him from step 5 to step 6; then with the 104 calendar weeks to take him from step 6 to step 7; and then with the remaining 156 weeks which would take him from step 7 to step 8. Thus, he would return to grade GS–15 at step 8 with a pay rate of $29,907 which is higher than his rate in the Federal Executive Service immediately before his employment agreement expired.

The former executive will be entitled under § 3140(c) (1) to the saved pay for 2 years so long as he meets the conditions in subparagraphs (A) and (B), and (C) of paragraph (1) of that subsection which are identical to those in the regular pay saving section, 5 U.S.C. 5337.

Under § 3140(c) (2), when the period of saved pay ends the former executive has the right to be placed in the step of GS–15 that he would have been in had his service in the Federal Executive Service been in that grade, plus full credit for any previous service he may have had in that grade which he has not already used for step increase purposes. This provision is needed for those former executives who, under § 3140(c) (1), retained their last executive pay rate during the two-year period of saved pay.

Subparagraph (3) of § 3140(c) is needed by reason of the fact that members of the Federal Executive Service are not rated on acceptable level of competence but such a determination is needed for normal step increase purposes when the former executive enters the GS–15 position. Also, in order to prevent any misunderstanding over the effect in a pay increase the executive may have received in the Federal Executive Service, such an increase is deemed not to have been "an equivalent increase" for periodic step increase purposes (5 U.S.C. 5335(a) (A)). These are technical provisions needed to prevent any delay in the former executive's attaining the step in GS–15 to which § 3140 is intended to entitle him.

Subsection (d) of § 3140 covers the situation in which an agency does not offer an executive a renewal employment agreement and the executive declines the agency's offer of a position in GS–15. When that occurs, the executive is entitled to either a discontinued service annuity or severance pay provided he meets the regular requirements for either of those benefits. In order to make this entitlement clear, paragraphs (1) and (2) specify that the separation of an executive in this situation is "involuntary".

Subsection (e) of § 3140 applies to the situation in which the agency offers the executive a renewal employment agreement which he declines; then the agency offers him a competitive service continuing position at GS–15 which he declines. In such a case, subsection (e) makes clear that the executive is not entitled to either a discontinued service annuity or to severance pay.

§ 3141. Report to Congress. § 3141 supplements the new 5 U.S.C. 1308(f) which requires an annual stewardship report to Congress on the Federal Executive Service. As expressly provided in the last sentence of this section—and as specified in 5 U.S.C. 1308(f) (2)—the authorized number of appointments, ratios and executive pay average become effective 90 days after the stewardship report to Congress.

§3142. Regulations. This section authorizes the Civil Service Commission to prescribe regulations necessary to carry out the purposes of subchapter II of chapter 31 of title 5, United States Code, except § 3143. Section 3143 is excepted from the general regulatory authority of the Commission as portions of that section cover agencies in the judicial and legislative branches as well as agencies in the executive branch. It is not considered appropriate for a personnel-system regulatory provision, such as this section is, to extend to judicial and legislative agencies when it is evident that with regard to the subject matter here covered the full control of such nonexecutive agencies properly belongs outside the executive branch.

§ 3143. Executive management outside the Federal Executive Service. The government of the District of Columbia and each agency in the judicial or legislative branch in which there are positions the basic pay for which is at an annual rate that is not less than the sixth rate of GS–15 nor more than the rate for level V of the Executive Schedule and which are not paid under either the General Schedule nor under the Executive Schedule but, instead, under a regulatory counterpart to the new section 3139 which would be in effect by reason of section 6(b) of the Act (the approximate pay range of GS–16 through GS–18 of the General Schedule in effect immediately before the enactment of this bill) are required, by subsection (a) of § 3143, to issue regulations which, to the maximum extent possible, adopt for that government and those agencies a program for executive recruitment, selection, employment, and subsequent placement that is like the statutory Federal Executive Service program. Under this requirement the government of the District of Columbia and each agency would make a recruitment effort for career executive candidates like that required for candidates for career appointment in the Federal Executive Service. The government and the agency would fix an authorized number of executive appointments, the ratio of career to noncareer appointments, the pay for executives, and the continued employment guarantees and separation benefits all in a like manner to that required by the statute for the Federal Executive Service. The government or an agency could not pay one of its executives more or less than the pay rate specified in the new 5 U.S.C. 3139; and the ratio of career to noncareer executive appointments could not be less than a ratio authorized in or under 5 U.S.C. 3134(b).

The government of the District of Columbia and each judicial and legislative agency (including the General Accounting Office) having a regulatory program under § 3143(a) would be required under this section to submit a stewardship report to Congress (like that required of the Civil Service Commission by the new 5 U.S.C. 1308(f) (2)) for the purpose of authorizing the number of executive appointments, the ratios of career to noncareer appointments, and the executive pay average for the coming fiscal year.

Subsection (b) of § 3143 requires the Civil Service Commission, at the request of the government of the District of Columbia or a judicial or legislative branch agency having a regulatory program of executive management under § 3143(a), to give that government or the agency advice and assistance which may include the use of one or more of the Commission's Qualifications Boards and the Executive Inventory maintained by the Commission. As some nonexecutive branch agencies have only a small number of executives, the use of the Qualifications Boards established by the Civil Service Commission is intended to provide a prompt and economical means of assuring that high quality executive candidates are selected for appointment under the regulatory program.

Subsection (c) will constitute the pay authority for hearing examiners appointed under § 3105 of title 5, United States Code, who are not paid under the General Schedule. Hearing examiners will continue to be paid under this subsection just as they are paid at the present time but as there will no longer be any GS–16 or GS–17 grade in the General Schedule this subsection is necessary to provide a pay authority.

Paragraph (1) of subsection (c) is essentially the same as 5 U.S.C. 5362, the authority under which the Civil Service Commission fixes the pay of hearing examiners who are paid under the General Schedule. Under paragraph (1) the Commission, rather than the agency employing the hearing examiner, will continue to fix the pay of hearing examiners "independently of agency recommendations or ratings".

Paragraph (2) of subsection (c) places the same minimum and maximum limits on the Commission's pay authority in paragraph (1) of subsection (c) as are placed on members of the Federal Executive Service by the new § 3139. At present under the General Schedule, no hearing examiner is in GS–18 but it is possible that the duties and responsibilities of a hearing examiner could at some future time justify the Commission in fixing the pay of a hearing examiner as high as the present GS–18 rate. The new paragraph (2) would permit pay at that rate if warranted.

Paragraph (3) of subsection (c) supplies the Civil Service Commission with the authority necessary to enable it to create a regulatory pay system for hearing examiners that is like the one in existence today under the General Schedule.

Subparagraph (A) of paragraph (3) will require the Commission to establish the grades of difficulty for hearing examiner positions. This means that the Commission, following the principles in 5 U.S.C. 5101 (equal pay for substantially equal work; pay variations in proportion to substantial differences in work responsibility, qualification, requirements, and the hearing examiner's contribution to the efficiency and economy of the service) will prepare and publish in its regulations the bases for grading hearing examiner positions. These are needed since the bases for grading GS–16, 17, and 18 of the General Schedule (5 U.S.C. 5104(16), (17), and (18) will be repealed by the enactment of the bill. The bases for the hearing examiner pay rates will be like the present bases for GS–16, 17, and 18 modified as appropriate for the duties and responsibilities of hearing examiners. No hearing examiner will be increased or decreased in pay by reason of the bases which the Commission will prescribe under this subparagraph.

Subparagraph (B) of paragraph (3) requires the Civil Service Commission to include in the regulations that control the pay of hearing examiners not paid under the General Schedule provisions that will govern the rate for new appointments, the rate on change in position or type of appointment, periodic increases in pay, and pay saving. As required by the subparagraph, these regulatory provisions must be consistent with the present provisions in the sections of title 5 of the United States Code cited in the subparagraph. This will assure that even though those statutory provisions are no longer applicable to hearing examiners paid under this § 3143(c), they will continue to have all the benefits of those statutory job classification and pay-rate-fixing provisions.

Subsection (d) of § 3143—while not mandatory—urges or encourages the agencies exempted from subchapter II of chapter 31 of title 5, United States Code, to adopt as many features of the Federal Executive Service program as can be used by such an exempted agency. In addition, under this subsection, if an exempted agency needs assistance from the Civil Service Commission (such as the use of a Qualifications Board or the Commission's Executive Inventory), the agency is entitled to request and receive that assistance.

This subsection (d) of section 3143 is the last provision in the newly added subchapter II of chapter 31 of title 5, United States Code.

Paragraph (4) makes necessary amendments to chapter 33 of title 5, United States Code, to enable the Federal Executive Service program to operate.

Subparagraph (A) makes a significant amendment to § 3302 which will enable the President to include in the Civil Service Rules (Title 5, Code of Federal Regulations, Chapter I, Subchapter A) exceptions from several specified sections of title 5, United States Code, necessary for the operation of the Federal Executive Service. The need for the excepting authority for each section of title 5 referred to in the newly added § 3302 (3) is explained as follows:

§ 2951. The Federal Executive Service program has its own specific reporting requirement (5 U.S.C. 1308(f)), hence, there is no need for 5 U.S.C. 2951 to apply to it;

§§ 3304 and 3305. The Federal Executive Service Program has a review-of-qualifications procedure designed specifically for executive procurement and selection. Therefore, the competitive-examination requirements in these sections would not be applicable to the program;

§ 3306. Apportionment is not applicable to promotion actions. Since the majority of appointees to the career executives group will come from employees already in the competitive service to whom apportionment does not apply in a consideration for promotion, it would not be appropriate to apply it to the small number of persons selected from outside;

§ 3308. The prohibition against minimum educational requirements would not be appropriate to the professional types of assignments given members of the Federal Executive Service and, hence, 5 U.S.C. 3308 should not be applicable;

§ 3309. Candidates for the Federal Executive Service are not "graded" in the usual sense of competitive civil service examinations, accordingly, it is not possible to give additional "points" for veteran's preference in the selection and review process established for the Federal Executive Service program. This is especially so since the majority of appointees to the career executive group will come from those already in the competitive service and who presently do not receive veterans' preference points for promotion consideration.

§ 3311. All experience that a candidate has which relates to his qualifications for appointment as an executive will be reviewed, including any military or nonpaid experience, and used to determine if he is one of the most highly qualified candidates considered. Thus there is no need for 5 U.S.C. 3311.

§ 3313–3315a. Since the usual type of civil service competitive examinations are not used to determine the qualifications for candidates for the Federal Executive Service there are no "registers" or "employment lists" for such candidates and therefore these sections of title 5 would not be applicable to the Federal Executive Service program.

§ 3316. The only means of entry into the Federal Executive Service are those specified in subchapter II of chapter 31 of title 5, United States Code. This means that "reinstatement", as that term is used with respect to other competitive service appointments, is not applicable to the Federal Executive Service.

§§ 3317 and 3318. Since these sections apply to the certification and selection for competitive appointment from registers, and since no registers are established under the Federal Executive Service qualification-review process, these sections would not be appropriate for the Federal Executive Service program.

§ 3320. The Federal Executive Service does not include the government of the District of Columbia and, accordingly, 5 U.S.C. 3320 has no applicabiilty to the Service.

§3321. As explained hereinbefore, there is no probationary period for executives selected for appointment in the Federal Executive Service. Because of that fact, this section (5 U.S.C. 3321) would have no applicability to the Federal Executive Service.

§ 3322. Career appointments in the Federal Executive Service are made under employment agreements of 3 years' duration. As the concept of temporary, indefinite, or permanent employment in a particular position is inconsistent with the use of employment agreements under the Federal Executive Service program, 5 U.S.C. 3322 has no proper applicability to the Service.

§ 3341. This section which controls "details" within an Executive department, or a military department would not be applicable to members of the Federal Executive Service for two reasons. First, members of the Federal Executive Service do not occupy "positions" as that term is used for other civil service purposes and a detail is made between different positions. Second, members of the Federal Executive Service are required to agree to accept any proper assignment of duties and responsibilities which would make 5 U.S.C. 3341 meaningless to those executives.

§ 3361. "Promotion", to which 5 U.S.C. 3361 relates, is a change of an employee from a lower graded position to a higher graded position (see 5 CFR 210.102(b)(11)). As members of the Federal Executive Service do not occupy positions, 5 U.S.C. 3361 would be inapplicable to them. Moreover, as provided in 5 U.S.C. 3139, the pay of an executive is not based on "position" but on other statutory factors which make the promotion-examination concept in 5 U.S.C. 3361 not relevant to the Service.

Subparagraphs (B) and (C) will repeal sections 3324 and 3325 of title 5, United States Code (and amend the analysis of chapter 33 of that title to evidence their repeal). These sections are repealed as there will no longer be any positions in GS–16, 17, or 18 by reason of the amendment of the General Schedule by this bill, and because 5 U.S.C. 3104 (to which § 3325 refers) will be repealed by this bill as explained hereinbefore. The repeal of these two sections, which have been referred to as special "supergrade" authorities, is part of the statutory plan, which will be accomplished by this bill, to abolish all special authorities to fill these executive-type positions and concentrate the authorities and the controls under this legislation. The accomplishment of this plan will significantly simplify executive management control within government.

Paragraph (5) amends the definition section of chapter 42 of title 5, United States Code, relative to "Performance Rating" to exclude from that chapter members of the Federal Executive Service and employees under an agency program of executive management (a regulatory program under 5 U.S.C. 3143(a)). This amendment will exclude these executives from the performance rating provisions of chapter 42. This exclusion is based on the fact that a uniform performance rating system for executives would not be in keeping with the basic concepts of the Federal Executive Service program. Each agency will have to establish effective and tailor-made processes to determine the quality of the performance of its executives. If an executive's job performance is poor he will be removed for inefficiency. If his performance is adequate but not up to the high level expected his employment agreement will not be renewed. If his performance is of a high quality his pay may be raised. An executive cannot be involved in a reduction in force, therefore, there is no need to rate him for the purposes of 5 U.S.C. 3502(a)(4) which refers to the use of "efficiency or performance ratings" as a reduction-in-force retention factor.

Paragraph (*6*) makes amendments to chapter 51 ("Classification") of title 5, United States Code, to accommodate the new Federal Executive Service program.

Subparagraph (*A*) of paragraph (6) will amend 5 U.S.C. 5102(c)(25) to delete the reference to GS–18 (as that grade is deleted from the General Schedule by this bill) and to insert in lieu thereof a reference to grade GS–15 (the new maximum grade in the General Schedule). The words "by a statute other than this chapter" are used instead of "by other statute" for better precision and clarity.

Subparagraph (*B*)(*i*) of paragraph (6) will amend 5 U.S.C. 5104 by deleting the reference to GS–18 (as there will be no GS–18 in the General Schedule after the enactment of this Act) and, in lieu thereof, inserting a reference to GS–15 which will—after enactment—be the top grade in the General Schedule.

Subparagraph (*B*)(*ii*) of paragraph (6) will repeal paragraphs (16), (17), and (18) of 5 U.S.C. 5104. These three paragraphs describe the classes of positions the duties of which warranted placement of a position in GS–16, 17, or 18. As there will be no General Schedule grades at GS–16, 17, and 18, these statutory position-description provisions are no longer necessary.

Subparagraph (*C*) of paragraph (6) will repeal 5 U.S.C. 5108, the basic statutory provision governing the classification of positions at GS–16, 17, and 18. Section 5108 is no longer necessary because there will be no General Schedule grades GS–16, 17, and 18 after the bill is enacted, and there will be no need to fix and distribute numbers of positions at grades GS–16, 17, and 18 as the Federal Executive Service program will supply a better and more efficient basis for creating executive-level appointment authorities.

Subparagraph (*D*) of paragraph (6) will repeal that part of 5 U.S.C. 5109 which was a statutory pay fixing authority for the GS–18 position of the Director of the Bureau of Retirement, Insurance, and Occupational Health of the Civil Service Commission. That position will be covered under the Federal Executive Service.

Subparagraph (*E*) of paragraph (6) will repeal 5 U.S.C. 5114 which required the Civil Service Commission and other agency authorities to make reports to Congress on positions in grades GS–16, 17, and 18. The section is unnecessary both by reason of the fact that the General Schedule will no longer include GS–16, 17, and 18, but also by reason of the fact that Congress will be fully informed as to the operation of the Federal Executive Service under 5 U.S.C. 1308(f) and under 5 U.S.C. 3143(a) by the new provisions in subchapter II of chapter 31 of the United States Code.

Subparagraph (*F*) of paragraph (6) will amend the analysis of chapter 51 of title 5, United States Code, to show that sections

5108 and 5109 of that chapter have been repealed.

Subparagraph (*G*) of paragraph (6) will amend section 5115 by deleting the reference therein to section 5114 of title 5, United States Code, which will be repealed by section 1(6)(E) of the bill.

Paragraph (7) makes several amendments to chapter 53 ("Pay Rates and Systems") of title 5, United States Code, needed by reason of the creation of the Federal Executive Service.

Subparagraph (*A*) of paragraph (7) will amend 5 U.S.C. 5304 ("Presidential policies and regulations") to include therein a reference to subchapter II of chapter 31 of title 5 of the United States Code (the subchapter governing the Federal Executive Service). This amendment will include the Federal Executive Service among the pay authorities which the President considers in fixing policies and regulations relating to such matters as pay comparability with private enterprise, the adequacy of Federal statutory pay structures, and the relationship of Federal statutory pay rates and private enterprise pay rates.

Subparagraph (*B*) of paragraph (7) will amend the General Schedule set out in 5 U.S.C. 5332 by repealing all references therein to GS–16, 17, and 18 and the annual rates for those grades. By reason of the creation of the Federal Executive Service by this Act—and the other statutory pay fixing provisions of this Act—there is no need for grades GS–16, 17, and 18 in the General Schedule.

Subparagraph (*C*) of paragraph (7) will repeal 5 U.S.C. 5361 which was a special pay fixing authority for the scientific and professional positions established under 5 U.S.C. 3104 (5 U.S.C. 3104 will also be repealed by this bill as explained hereinbefore). Because of the new Federal Executive Service program there is no need for special pay fixing provisions such as 5 U.S.C. 5361 as the positions covered by that section will either be in the Federal Executive Service or under an agency program of executive management after the enactment of the bill.

Subparagraph (*D*) of paragraph (7) will amend 5 U.S.C. 5362 so that it applies only to hearing examiner positions that are paid under the General Schedule. The majority of hearing examiners appointed under 5 U.S.C. 3105 are in grades higher than GS–15 and, after the enactment of this bill, those higher paid hearing examiners will have their pay fixed by the Civil Service Commission under newly added 5 U.S.C. 3143(c) making 5 U.S.C. 5362 applicable only to hearing examiners in General Schedule positions.

Subparagraph (*E*) of paragraph (7) will amend 5 U.S.C. 5363 by deleting the reference therein to GS–18 and inserting in lieu thereof a reference to the maximum rate payable under newly added 5 U.S.C. 3139. This is a technical amendment needed by reason of the repeal of the GS–18 grade and pay rate.

Subparagraph (*F*) of paragraph (7) will amend 5 U.S.C. 5364 to include therein a reference to the maximum rate of pay payable under the Federal Executive Service program. This amendment is required because of the repeal of those provisions in the General Schedule that related to GS–16, 17, and 18. That repeal would leave this section incomplete which makes it essential to supplement it by the inclusion therein of the reference to the maximum Federal Executive Service pay rate.

Subparagraph (*G*) of paragraph (7) will amend the analysis of chapter 53 of title 5, United States Code, to show the repeal of 5 U.S.C. 5361.

Paragraph (*8*) will amend 5 U.S.C. 5595(a)(2) relative to serverance pay to delete an obsolete reference to GS–18 and, in lieu thereof, include a reference to the maximum rate payable under newly added 5 U.S.C. 3139; and by including a reference to members of the Federal Executive Service in 5 U.S.C. 5595(a)(ii). The latter insertion is needed because members of the Federal Executive Service have a definite limitation on their appointment (3 years) and if they are not excepted from 5 U.S.C. 5595(a)(2)(ii) none of them could receive severance pay as is intended under the newly added 5 U.S.C. 3140. The first amendment is a technical one made necessary by the repeal of the General Schedule reference to GS–18.

Paragraph (*9*) would amend 5 U.S.C. 7154 (which prohibits discrimination because of race, color, creed, sex, or national origin in classification and pay fixing) to include a reference to the Federal Executive Service and other pay fixing authorities in subchapter II of chapter 31 of title 5, United States Code. This amendment is essential as the incumbents of the positions formerly in GS–16, 17, and 18, who were governed by this section 7154, are now in the Federal Executive Service and, of course, are still fully deserving of this type of statutory protection. The section is also amended to delete a reference to 5 U.S.C. 3324 which this bill would repeal.

Paragraph (*10*) would amend chapter 77 ("Appeals") of title 5, United States Code, by adding a new section 7702 to provide for appeals to the Civil Service Commission by members of the Federal Executive Service and employees under a regulatory program of executive management established under the newly added 5 U.S.C. 3143(a) who have the equivalent of career tenure, who feel their employing agency has violated the employment agreement (either initial or renewal) under which they are serving. The appeals that may be filed under this added section 7702 could relate to such things as an assignment of duties alleged to be of a nonexecutive character or separation from employment during an employment agreement.

The section is patterned after 5 U.S.C. 7701 which has, since 1944 served as the statutory basis for the appeals of preference eligibles. Paragraph (10) also amends the analysis of chapter 77 of title 5, United States Code, to show the newly added 5 U.S.C. 7702.

Section 2

Section 2 is a transition section which will enable the present incumbents of positions in GS–16, 17, and 18, or in the GS–16, 17, or 18 pay range, to either enter the Federal Executive Service or an agency program for executive management or continue under the appointment held immediately before the effective date of the bill. Any needed transition provisions for an agency program for executive management will be issued under the regulatory authority in new section 3143(a) and will provide the same rights as set out below.

Subsection (*a*)(*1*) is applicable to career and career-conditional employees who were in GS–16, 17, and 18, or in the GS–16, 17, or 18 pay range, immediately before the effective date and who are not excluded from coverage under the new subchapter 11 of chapter 31 of title 5, United States Code. These career and career-conditional employees have a choice between remaining in the employ of the agency under the same appointment they held before the Federal Executive Service was created or entering the Federal Executive Service in their employing agency. If such an employee elects to enter the Federal Executive Service he will be given an initial employment agreement for 3 years as specified in the new § 3137 of title 5, United States Code, without having his qualifications reviewed or approved by a Qualification Board. The entry into the Federal Executive Service of such an employee will have no effect on any of his Federal employment rights or benefits such as leave, retirement, life insurance, and health benefits. If the employee elects to remain in the agency under the appointment he held before the Federal Executive Service was created, he is entitled to retain that appointment (with the same rights and benefits) until such time as he leaves it by transfer, retirement, resignation, death or whatever.

Subsection (*a*)(*2*) of section 2 applies to employees who were in the excepted service immediately before the effective date of the bill. It distinguishes between two types of excepted employees paid in the GS–16, 17, or 18 pay range.

The first type is the excepted employee who, prior to the effective date, was in no sense a "career" employee, i.e., an employee in Schedule C or serving under a noncareer executive assignment. This type of noncareer, excepted employee had no true tenure before the effective date and, under this subsection (a)(2), he would be entitled to the same type of appointment, a noncareer appointment.

The second type includes all other excepted employees regardless of whether they were excepted by statute or under Schedule A or B. Any of this second type of excepted employees may, at the election of his employing agency, be offered a career appointment. It is to be emphasized that this is an option of the employing agency, not a right of the excepted employee. The employee who accepts the agency's offer becomes a career appointee without having his qualifications reviewed or approved by a Qualification Board. If the former excepted employee accepts a career appointment, he has all the rights of any other career appointee. If such an excepted employee accepts a career appointment it will have no effect on his rights or benefits such as leave, retirement, life insurance, and health benefits.

If an agency does not elect to offer this second type of excepted employee a career appointment or if the employee does not wish to accept such an appointment, the agency is required to allow him to remain in its employ in the same excepted appointment he held immediately before the effective date of the bill with no change in his tenure and no loss of any employment-protection benefits he had immediately before that effective date. This means that if this excepted employee had protection under 5 U.S.C. 7512 and 7701, he retains that protection. In addition, if he was paid under the General Schedule, he will be paid in the future in the same manner under section 2(b) of the bill rather than under the new 5 U.S.C. 3139 applicable to members of the Federal Executive Service.

Subsection (*a*)(*3*) of section 2 authorizes the Civil Service Commission to prescribe regulations to carry out the purposes of section 2. The subsection expressly requires that the regulations include an appellate procedure so that an employee who believes his agency has not given him a right to which he believes he was entitled under the section will be able to have an outside authority review the matter and, when warranted, direct that appropriate corrective action be made. Agencies are required, by section 2(a)(3), to take whatever corrective action the Commission recommends in an appeal under the section.

Subsection (*b*) of section 2 (except the provision concerning the Federal Bureau of Investigation) establishes a temporary pay-fixing authority for incumbents of positions that were in, or paid at a rate of, GS–16, 17, 18, and P.L. 313-type positions immediately before the effective date of the bill, but who choose not to enter the Federal Executive Service or an agency program of executive management or who are occupying positions in the excepted service which were not brought under the FES or an agency program by the agency. The subsection is required because after the effective date there will be no General Schedule grades above GS–15.

Paragraph (1) of subsection (b) defines the coverage of the subsection and paragraph (2) constitutes the necessary express authority to allow agencies with administrative pay-fixing authority to continue that authority after the bill is enacted for the positions covered.

Subsection (b)(2)(B) is a special pay-fixing authority for the Federal Bureau of Investigation which allows the Director of that Bureau to fix the pay of 140 positions in the Bureau by administrative determination without regard to the other provisions of the Act but within the same rate limits.

In lieu of GS–16, 17, and 18, paragraph (3) of subsection (b) creates three new grades (Grade 16, Grade 17, and Grade 18) which have identical annual rates and steps to those in the present GS–16, 17, and 18. It is essential to keep in mind that this provision (indeed all of section 2 and section 3 of the bill except those provisions referring to the Federal Bureau of Investigation) is temporary legislation—not part of title 5, United States Code, which contains only permanent legislation—which will remain in effect only so long as positions of the type referred to in paragraph (1) of subsection (a) exist.

The remainder of paragraph (3) of subsection (b) of section 2 is designed to continue the pay-fixing system for the former GS–16, 17, and 18 positions so long as they exist and are filled. These positions require the Civil Service Commission to issue regulations establishing a pay-fixing system so that employees who occupy positions in Grades 16, 17, and 18 after the effective date will continue to be paid in the same manner as they were before that effective date. These regulations will have the full weight and effect of statute and pay determinations made in accordance with the regulations will be binding on all administrative, certifying, payroll, disbursing, and accounting officials. In the regulations, the Commission will include provisions that will govern employees in Grades 16, 17, and 18 with respect to the rate of pay on change of position or change in type of appointment, periodic and additional step increases, and pay saving. Each of these regulatory provisions will give to the Grade 16, 17, or 18 employee the same rights and benefits he had when he was paid under the General Schedule. It is the legislative purpose in including section 2(b) to ensure that the employees who are placed in Grades 16, 17, and 18 by the enactment of this bill will continue to be paid on the same basis and under an identical pay-fixing system as they were being paid under the General Schedule immediately before the effective date of the bill.

Section 3

Section 3(a) repeals all statutes and other authorities which authorized positions in, or paid at a rate of GS–16, 17, and 18, and positions of a P.L. 313-type, immediately before the effective date of the Act, and, concurrently, authorizes each such position to be continued under the authority of this subsection (a). These positions are to be continued under the authority of section 3 (a) until they are brought into the Federal Executive Service or under an agency program of executive management. Most of the positions to which this section refers are positions held by employees immediately before the effective date in GS–16, 17, and 18, or in the GS–16, 17, or 18 pay range, who, under authority of section 2 of the bill, elect not to enter the Federal Executive Service but, instead, retained their position in the new Grade 16, 17, or 18. When those employees leave these positions, the duties of these positions will be performed by members of the Federal Executive Service or employees under an agency program of executive management, but until that occurs this section 3(a) serves as the legal authority to continue the position at whatever grade it was in (but without the "GS" title) immediately before the effective date of the Act. As expressly provided in section 3(a)(2), subsection (a) does not apply to the administrative pay-fixing authority provided the Federal Bureau of Investigation in section 2(b)(2)(B) of the bill.

Subsection (b) of section 3 is an "accounting" provision which requires a report on the positions continued under section 3(a). This report will disclose to the Civil Service Commission the exact number of these positions—and the former authority under which they existed before the effective date of the bill—so that control can be maintained over them in the fuutre. By the use of this subsection the Commission will be able to determine just when all these positions are eliminated.

Section 4

Section 4 is included to make positive that the enactment of the bill will not decrease the pay, allowances, compensation, or annuity of any person.

Section 5

Section 5 is the usual severability provision.

Section 6

Section 6(a) sets the general effective date of the Act at the start of the first fiscal year that begins 270 days following the date of enactment. This period of time is needed to allow the Civil Service Commission and the agencies time to prepare for the changes that will be brought about in the area of executive management by the enactment of the bill. During this period the Commission will establish Qualifications Boards required by the new 5 U.S.C. 3138. Also, during this period the Commission will prepare the regulations authorized by section 2(b) which will govern pay fixing for the newly created Grades 16, 17, and 18 and do such other things as are necessary to make the bill operational.

Section 6(b) sets the effective date of the stewardship reporting provisions 90 days earlier than the general effective date of the Act. This earlier effective date for those provisions will enable the Civil Service Commission and the agencies having regulatory programs of executive management to prepare and submit the required report prior to the general effective date so that on that general effective date the necessary number of executive appointments, ratios, and executive pay averages will be authorized.

FASCELL PROPOSES AMENDMENT FOR DIRECT ELECTIONS

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, I am today again introducing legislation designed to avert the kind of constitutional crisis which threatened our Nation in the last presidential election. The amendment to the Constitution which I am proposing would provide for the direct election of the President and the Vice President of the United States.

Our colleagues will recall that this measure was approved in the House by a significant margin of 339 to 70 in the last session of Congress. In fact, few issues have commanded the widespread support which the direct election amendment has enjoyed, and yet not been enacted.

Polls show that over 80 percent of the American people favor this reform. The President of the United States has said that he supports direct election and would urge the States to ratify an amendment to that end if the bill won congressional approval. And even such diverse interests as the U.S. Chamber of Commerce and the AFL–CIO have joined in backing this legislation.

There is good reason for the unity of feeling.

In 1968, the shift of just a few thousand votes in selected areas of the country, out of a total of more than 68 million cast, would have thrown the presidential election into the House of Representatives. We could again have had a President who did not receive the greatest number of votes cast. Or we could have a President who was the winner in popular votes, but still indebted to a third candidate for his victory in the electoral college.

Fortunately these possibilities did not become realities, but there could be no more graphic demonstration of the degree to which the electoral college has outlived its usefulness and, indeed, mutated into a potentially antidemocratic institution.

Mr. Speaker, let me congratulate our colleagues for their wisdom in approving this proposal by an overwhelming margin in the 91st Congress.

For those who have opposed this amendment in the past for whatever reasons, let me offer the observation that we have flirted with disaster and been spared.

For everyone concerned with making government more democratic and responsive to the will of the people, let us join in the support of this necessary and overdue reform.

SYRACUSE CHINA—CENTENNIAL

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, one of the interesting habits of people from the central New York and Syracuse areas, especially when traveling, is the quick inspection of the bottom of their dinner plates. Actually, this small gesture has become the trademark of people looking for a trademark. It is a matter of considerable pride to these central New Yorkers that Syracuse china has become the hallmark of fine dinner service throughout the Nation.

This year Syracuse china, the first and finest in true American chinaware, celebrates its centennial year. The story of its development dates from very modest beginnings over 100 years ago, long before true, vitrified china was produced in America.

Back in 1841, W. H. Farrar started a small pottery on what is now called West Genesee Street, in Syracuse. By using local clays, Mr. Farrar produced whisky jugs, butter crocks and mixing bowls in stoneware, along with clay animals in brown glazed pottery. Withing a few years the Empire Pottery Co. was organized to take over the Farrar Pottery, and "white ware" for table use was added to the line.

But it was not until 1871 that the Onondaga Pottery Co. was organized to take over the Empire Pottery Co. This was the company that was destined to become the Syracuse China Corp., and gain international fame within the century.

The new company started by producing a heavy duty earthenware called ironstone in a small factory on Fayette Street. As acceptance of its product grew, the company found it necessary to improve and enlarge its manufacturing facilities. In 1880, a new plant was built on the site of the old. This was enlarged on three successive occasions, trebling the factory's capacity.

Things really began to happen in the 1880's. In 1885, semiporcelain ware was produced which guaranteed no crackle or craze—the first such china made in the United States. And, by 1891, Onondaga Pottery went into full production of thin translucent dinnerware—marketed for the first time as Syracuse china. As America's first true vitrified china, the new Syracuse china was heralded throughout the country. At the World Columbian Exposition in 1893 it received the High Award Medal and 11 years later the Grand Prize Medal was awarded to Syracuse china at the Louisiana Purchase Exposition in St. Louis.

As the business pace picked up the company branched out further and built its third and final addition at the Fayette Street site. In 1921, construction of a new plant, on Court Street, was begun. Here china was produced for commercial use, in restaurants, hotels, hospitals, colleges, and universities.

In 1928, an ivory body dinner and hotelware was perfected and the company's commercialware division was on the way to its present standing as leader in the industry. "Econo-Rim" production and the Syratone process of decorating followed in 1933.

From this point on, a never-ending program of research and experimentation yielded scores of new techniques in designing, making, and decorating both household and commercial chinaware. Such research even made possible a unique wartime product. During World War II the company developed a completely nondetectable landmine and fuse, using Syracuse chine as one of its basic components. The first of its kind to be perfected, this outstanding contribution to the defense effort was recognized by a special citation from the War Department.

The defense effort did not retard research or production of goods for the consumer, however. By 1945, the company came out with Airlite china, the first ever used on passenger airlines. Since that time the company has continued to be a major supplier and innovator to the airline food service.

Since World War II, major innovations in the industry have come from the top-notch ceramic engineers and research personnel at Syracuse China. Principal among these was the introduction of the Winthrop shape, a completely new concept for the industry. The Winthrop shape, introduced in 1950, marked the first time any manufacturer produced the interrupted edge to the commercial market, a design feature that up to then was limited to the production of household ware.

By this time Syracuse China was the recognized leader in the industry. In fact, the product name had become so well known and widely accepted, that the company's name was officially changed to Syracuse China Corp. in 1966, and the longstanding name of Onondaga Pottery Co., became a matter of historical record.

One hundred years after the founding of the Onondaga Pottery Co., Syracuse China covers some 21 acres and holds the uncontested first place in the commercial chinaware industry. As the largest manufacturer of commercial chinaware in the United States, its quality products can be seen throughout the United States and Canada—in the finest restaurants, well-known colleges and universities, and various health care centers. Its famous ceramic engineers and research personnel continually test products and formulas and investigate product development, stresses and strains on products and the design of new shapes. According to President William R. Salisbury, the Syracuse China Corp. looks on 1971, not only as a year for centennial celebration, but, as the "beginning of further growth and leadership in quality products, customer service, product design, innovations, and technical know-how."

THE BUDGET OF THE UNITED STATES

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, if someone were to tell me that the budget of the United States would make interesting reading—indeed exciting reading—then I think I would be understandably skeptical. Even more so if someone were to argue that the budget made interesting bedtime reading. I have always thought I was safe in assuming that there was quite a difference between hard facts and cold figures and a work of fiction. Most people would agree that a budget should be more a matter of hard facts and cold figures than a work of fiction. Now, however, after reading the President's economic message and going over his budget, I am forced to reexamine these traditional and supposedly safe assumptions. Apparently what was universally true a week ago, can no longer be taken for granted. The truth is that in all likelihood, Mr. Nixon's budget will go down in history more as a work of fiction than anything else—albeit not a work of first rank and definitely not to be confused with a work of art.

Already the book reviews are describing the budget as being more Alice in Wonderland than a realistic projection of likely income and blueprint of reasonable expenditures. While at first hearing such a combination as Lewis Carroll and a Republican administration budget might seem incongruous, closer examination reveals the budget is clearly a mixture of relatively few hard figures and many soft dreams—to borrow from another review. Another way of putting it is that the budget is long on promises and short on concrete and realistic assumptions.

Now, lest this get a little forced, let me admit at the outset that much of this discussion would be unnecessary if the President had been willing to describe and admit the budget to be what it was—a plan of deficit spending for an economy in deep trouble—instead of trying to resort to the elaborate disguise of referring to it as a self-fulfilling budget. When the President goes so far as to deny that his budget will create the $11.6 billion deficit that it is clearly creating, if followed, the President invites upon himself this kind of treatment. The President creates a new credibility gap each time he argues that the budget will spend itself so silly that it will end up in the black instead of the red.

Oh, I know it must be difficult for a Republican President, presiding once again in this century over a serious economic situation, to admit that he is resorting to nothing more than old-fashioned New Deal pump priming and relying on—horror of horrors—such a subversive and un-American device as neo-Keynesian, post-Galbraithian deficit spending. Even if important party contributors were to accept this revolutionary situation for what it is worth, the President is still understandably embarrassed about having to make such a complete turnabout from his slavish devotion a short 12 months ago to a rigidly balanced budget to his crusading zeal for a deliberately unbalanced budget. Thus, this elaborate attempt to cover up what has taken place—nothing more than a refusal to admit defeat. Instead of confessing that by spending the way the budget recommends, the Nation runs the serious risk of adding to its already sizable debt burden, the President prefers to confuse his pious hopes with reasonable expectations. Instead of being honest and admitting that by spending money the Government does not have—and worse, the Government will not have in the foreseeable future based on the economic facts of life—he is hopeful of turning things around economically and sparking off a much-needed economic upturn, the President tries to perform a sleight of hand, substituting a 4-percent unemployment figure for the existing 6-percent-plus figure of the moment.

After deliberately conducting his economic policy for 2 years in such a way as to insure a higher level of unemployment in this country than when he took office, the President is now wishing away his hard-won unemployment figures with the drop of a few billion dollars into the economy. Just wishing for a full employment surplus does not bring it about. Just pulling a $1.065 trillion figure for the gross national product out of the air does not mean there is any real likelihood that it can be achieved this coming fiscal year. The consensus outside the rarified atmosphere of close administration circles tends to settle on a more realistic figure, in the neighborhood of $1.045 or $1.050 trillion. Similarly, pulling a $229.3 billion revenue figure out of a hat will not necessarily make it come true. Such a hothouse figure is the outgrowth of some pretty unbelievable vitamin-like assumptions, such as: A 22-percent hike in corporate income taxes to $37 billion; 17.5-percent rise in payroll taxes to $58 billion; 6-percent increase in individual income taxes to $94 billion; 4-percent growth in excise taxes to $17.5 billion; 43-percent increment in estate and gift taxes to $5 billion; and 8-percent addition to miscellaneous Government income to $7 billion. As a matter of fact, outside opinion seems to hover around a deficit prediction of from $18 to $19 billion. Since when has this country enjoyed a 9-percent growth in its GNP? Does the President think he is in Japan?

When challenged on these figures in recent days administration spokesmen skilled in the art of self-defense, are quick to retort that outside economists have no monopoly on wisdom. I think it is clear from past performance that there is more wisdom outside than inside the present administration. Remarks like this and figures like these are difficult to accept from an administration which by its own admission has been proven horribly wrong in the past. These figures are being produced by the same men who produced last year's figures, do not forget. Whatever happened to the $1.3 billion surplus that was planned for the coming fiscal year?

Now ordinarily none of this, serious as it is, would lead me to get up and make a speech on the subject of the budget were it not for the fact that all this gimmickry is serving as the basis for an even greater hoax, if possible, the concept of revenue sharing as preached by the present administration. This budget is supposed to contain within its entrails some $16 billion worth of funds which loosely—very loosely—are referred to as revenue sharing by the administration.

When this magical figure is broken out and we find that $10 billion of it is really old programs made more liberal and partly funded by funds appropriated last year by Congress and never spent by an administration dedicated to balancing its budget, we are still left with some $6 billion of new funds, $5 billion of which will be distributed to the States in an as yet unexplained manner, with no strings attached. Every time the question is asked about where the $5 billion is coming from, the answer invariably is "the expansionary budget." So, this budget that was presented last week becomes a very important prop behind a very controversial concept. In questioning the administration figures and projections contained in that budget, I am questioning whether there is, in fact, going to be enough money to fund this redistribution, this bonus blank check to States and cities and towns next year in a manner far from clear. It takes no courage for anybody to promise the earth, especially when those that it is promised to are in desperate need of help. The problem comes when it is realized that all we have done is promise them something we cannot deliver—not at least without adding to the national debt and accepting an increased financing cost.

The American people are being asked to buy a concept, swear allegiance to an idea, which is vague to say the least. I have yet to hear a spokesman for either the administration or the various Governors and mayors get down to details and specifics about just what revenue sharing will entail. If it is going to add to the debt, then the American people ought to know. If it is going to ultimately require increased taxes, then the American people ought to be told. Right now they are being lulled into thinking there is behind the budget income sufficient to cover this largesse.

At the very heart of the controversy over revenue sharing is the sad fact that it separates the tax raising function from the tax-spending privilege. If all that was being proposed was a redistribution of income through a sharing plan, then that would be one thing. For the fact is, I am not opposed to responsible revenue sharing. The Federal Government in recent years has been sharing quite a bit of its revenue with the States, cties, and towns around the country. Every time the Government votes an increase in social security benefits, this relieves the burden on the States, cities, and towns old-age assistance programs. If the Federal Government tackles the crucial issue of welfare reform and takes it over lock, stock, and barrel, it will relieve a tremendous burden from the shoulders of the States, cities, and towns around the country. I am for this kind of responsible revenue sharing. What I am opposed to is irresponsible revenue-sharing schemes. If what is being proposed is the distribution of funds we do not have—and this means either borrowing or raising the money through taxes—then the concept becomes unpalatable and hard to take. What I would like is some honest truth from the administration, not pie in the sky, not a budget which is more appropriately described as "wish-fulfillment" than "self-fulfillment." The administration is trying to finance revenue sharing through a hoped-for tax windfall when all it has to show for its efforts to date is a tax shortfall of historic proportions.

I am convinced that if the American people could cut through this verbiage, these promises, these slogans, they would see exposed a carefully hidden built-in tax increase. As I have said many times before, what will it profit a man to save $100 on his real estate taxes if in the end he has to pay $300 extra in the near future in his Federal income taxes? What I am refusing to agree to today is it is not the sharing of Federal funds, but the sharing of Federal funds that do not exist. Those of us who dare to question the administration's motives in all of this, those of us who insist on boring into and through the web of mystery which completely envelops the hazy concept of revenue sharing, are inevitably going to be subjected to one of the most well-organized, well-financed, and concerted publicity and promotional drives of recent memory. But I think the public will see through the campaign of Madison Avenue, circus hucksters, and carnival barkers and the campaign will backfire. At least I will have good company on the firing line. The leaders of organized labor and various minority groups around the country have joined together to ward off any attempt to water down adherence across the country to minimum national standards which have only been instituted after decades of hard work. Already, too, many mayors and local officials around the country are expressing doubt about the program as some of the details are being leaked out and it appears that some of the existing grants-in-aid may be cut back to fund the new program.

There is not a Member of Congress here today who is not a taxpayer in some other town, some other place, some other State, and who has not got the same aspirations and desires as countless citizens across the land to do something to solve the crisis which confronts local government at every level. If it could be done without any pain and without any sacrifice by simply wishing it away, I would be the first to go along. But it will take more than sleight-of-hand tricks. It will take more than false promises to solve the problems facing the cities and States. It is time we stopped living in a dream world, woke up from illusions and accepted reality for what it is. Magic formulas are always dangerous and should be highly suspect when trooped out by an administration of tired magicians who have mismanaged the economy to date badly. This is no time for hat tricks or stories of the goose that laid the golden egg.

LAOTIAN OPERATIONS MAKE SENSE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, from a purely military standpoint, the movement of units of the South Vietnamese Army into Laos to disrupt the supply and infiltration network of North Vietnam should be viewed as a very wise tactic.

This ploy, which most assuredly will keep the enemy off balance, will be of immense benefit in saving American lives as we continue to decrease the level of American involvement in South Vietnam.

The Cambodian sanctuary operations 7 months ago, plus the closing of the Port of Kompong Som—Sihanoukville—by the Lon Nol government, virtually eliminated all the supplies the enemy needed to mount any type of offensive operation in the III and IV Corps areas of South Vietnam. About 90 percent of the Communist supplies now reaching South Vietnam must come down the Ho Chi Minh Trail. The supplies are then routed from sanctuary areas in Laos to South Vietnam, as well as Cambodia. For this reason, these staging areas in Laos are very important to the current and future operations of the North Vietnamese.

I do not really expect the current operations by the South Vietnamese to result in the destruction of much North Vietnamese equipment being stored in

Laos. The important point is for these operations to dominate the North Vietnamese staging areas and prevent new supplies from moving down the Ho Chi Minh Trail. If this can be accomplished, then we will have more breathing room to withdraw our combat troops in safety and provide the South Vietnamese with more time to prepare for the day they must defend their country by themselves.

There is no doubt that the operations in Laos will be hard on the South Vietnamese ground troops, as well as those Americans providing air support. We could expect nothing less under conditions of military conflict. But I still go back to my original point that the Laotian operations do make sense.

TO ESTABLISH A NATIONAL CEMETERY AT VANDENBERG AIR FORCE BASE

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TEAGUE of California. Mr. Speaker, I am concerned about the shortage of national cemetery facilities. Statistics made available to the Committee on Veterans' Affairs reveal that the Department of the Army now operates 46 national cemeteries that are still open and available for the interment of deceased veterans. Additionally, there are six open national cemeteries operated by the Department of the Interior. In the next 10 years 14 of these 52 national cemeteries will be closed. In the next 30 years, 36 of these 60 national cemeteries will be closed. On the other hand, approximately 750,000 servicemen are being separated annually from the Armed Forces. All of these veterans are eligible for burial in a national cemetery. Despite these rather alarming statistics, there has been no expansion of the national cemetery system for many years.

The situation is even more acute in the State of California than it is across the Nation generally. There are more than 2,900,000 veterans residing in the State of California, all eligible for burial in a national cemetery. The three national cemeteries located in California, Fort Rosecrans, San Diego; Golden Gate National Cemetery at San Bruno; and San Francisco National Cemetery at the Presidio in San Francisco, are all closed to future veteran burials because of the unavailability of space.

On the entire west coast of the United States there is only one national cemetery with space available for future burials. This is the Willamette National Cemetery at Portland, Oreg. In an effort to alleviate the problem as it relates to veterans in my own State of California, I have introduced a bill to provide for the establishment of a national cemetery within the boundaries of Vandenberg Air Force Base, Calif.

The proposed site is located between San Francisco and Los Angeles and is readily accessible to both northern and southern California residents. I am informed that there are three areas of Vandenberg Air Force Base controlled land that could be utilized for this worthy purpose with no acquisition cost to the Government. The land is unencumbered and has natural features that would eliminate the need for excessive development costs. This Government-owned land meets all the established criteria for national cemeteries as set forth by the Chief of Support Services, Department of the Army. I am hopeful that the committee will act promptly upon this legislation so that veterans in the State of California may be entitled to burial in a national cemetery within reasonable proximity of their hometown.

CONCERNING REVENUE SHARING

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, we have been hearing with increasing frequency the suggestion that the Federal Government assume the entire cost of the Nation's welfare programs as an alternative to the President's Federal revenue-sharing plan. I suppose we New Yorkers should be grateful for this suggestion since our State and California expend almost 40 percent of the Nation's annual $11.5 billion welfare budget.

Unfortunately, I cannot bring myself to feel that the proponents of this alternative really want to be so generous to New York and California, or really want to nationalize our welfare programs. Instead I must view this welfare proposal as a political diversion to counter the tremendous appeal and basic fairness of the President's revenue-sharing proposal.

Welfare reform is one thing, and I support it; revenue sharing is another matter, however, and the two should not be confused. It is a cruel hoax on the people of New York and California to imply that nationalization of their welfare burdens will be seriously considered as an alternative to revenue sharing. I urge that those who recognize the serious need for new financial aid to our State and local governments not be misled by this diversionary tactic. Revenue sharing is what is needed, and I invite all my colleagues to join in sponsoring this legislation when it is introduced tomorrow.

RURAL DEVELOPMENT ACT OF 1971

(Mr. THOMSON of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMSON of Wisconsin. Mr. Speaker, the decline of rural America is not only an historical fact, it is a national tragedy. The present, and growing, imbalance between our urban concentrations and the countryside has diminished the quality of life in both and caused undue stress on the environment. A policy of balanced development is clearly required.

The first step toward redressing the present imbalance is to revitalize our rural areas, making it possible for more of our citizens to live there. This means more jobs, more housing, better community services. But the key element among these, the one that can do more than any other to turn around the declining rural economy, is the creation of more new jobs.

Today, I am introducing the Rural Job Development Act of 1971 to provide tax incentives to businesses locating or expanding their employment opportunities in declining rural areas. Rural areas that are "making it" economically would not qualify. The bill would direct development to those counties and Indian reservations where population has been in steady decline and where more than 15 percent of the families earn less than $3,000 annually. Thus, this bill will be a true aid to needy areas and restore vitality to underdeveloped regions making them attractive alternatives to congested urban living.

A BILL TO AMEND SECTION 236 OF THE NATIONAL HOUSING ACT, TO REQUIRE LOCAL GOVERNMENTAL APPROVAL OF ANY PROJECT AS A CONDITION OF INTEREST REDUCTION PAYMENTS—OR MORTGAGE INSURANCE—WITH RESPECT TO SUCH PROJECT

(Mr. ARCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCHER. Mr. Speaker, today I am introducing a bill which would amend the National Housing Act, section 236, thereby eliminating a deficiency now existing in the law. This amendment will require local government approval of the location of any federally subsidized public housing projects under section 236. As it now stands, sites are subject to the approval of the Department of Housing and Urban Development. Local officials do not have to be consulted.

It seems to me that the location of these project sites could best be determined by the locality, not by Washington. Projects of large size clearly have a significant impact on a city's growth. For this reason, local participation in these important decisions is essential for proper planning of the city's development and expansion. It is important as well for harmonious achievement of our goals of better housing and a higher quality of life for all. These projects have a serious impact on the city of Houston where we have the largest city in America without zoning.

I strongly support President Nixon's policy which calls for returning to the local level power which has been flowing far too long toward Washington. My bill, which is cosponsored by nine other Members of the House, will place final say concerning the sites of section 236 projects where it belongs—in the hands of the people.

CONSUMER PROTECTION ACT OF 1971

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ERLENBORN. Mr. Speaker, the lack of effective protection and representation of consumer interests has troubled Congress in recent years.

Today, the gentleman from Ohio (Mr. BROWN) and I are introducing a bill which will fill this gap. It has an additional advantage. Having both cosponsored and played active roles in the development of H.R. 18214, the proposed Consumer Protection Act which stirred considerable controversy—during the 91st Congress, we believe our bill provides the new approach that is necessary.

A brief summary and a section-by-section analysis of the proposal follow:

SUMMARY OF CONSUMER PROTECTION ACT OF 1971

OFFICE OF CONSUMER AFFAIRS

The Consumer Protection Act of 1971 upgrades the Office of Consumer Affairs in the Executive Office of the President to statutory responsibilities. The Office, headed by a Director appointed by the President with the advice and consent of the Senate has the primary responsibility for the oversight, coordination, and direction of consumer policy and operations among Federal agencies.

BUREAU OF CONSUMER PROTECTION AND REPRESENTATION OF CONSUMER INTERESTS

In addition, there is established by law within the Federal Trade Commission a Bureau of Consumer Protection, headed by a Consumer Counsel appointed by the President with the advice and consent of the Senate. The primary responsibility of the Bureau is to represent the interests of consumers before other Federal agencies and courts.

PRODUCT TESTING

In support of its representational functions, the Bureau shall have the right to contract with other Federal agencies and non-Federal sources to conduct product testing. Other than for this purpose, however, the Act does not authorize the Bureau or the Office directly or indirectly to engage in or support product testing.

CONSUMER COMPLAINTS

Additionally, the Bureau is authorized to receive, evaluate, develop, and act upon complaints from consumers. This authority includes transmission by the Bureau of such complaints to other Federal agencies and non-Federal sources for investigation and action.

As part of its responsibility in this area, the Bureau shall maintain a public document room where complaints may be made available to the public for inspection and copying. To safeguard against abuse, these complaints shall not be available to the public until three conditions have been met:

1. The complainant has given permission for his complaint to be made public.

2. The party complained against has been given at least 60 days in which to comment.

3. The governmental agency to which the complaint has been referred has indicated how it intends to handle the complaint.

CONSUMER INFORMATION

Both the Bureau and the Office are authorized to gather and disseminate to the public information of interest to consumers, including information concerning items purchased by the Federal Government for its own use.

As part of the consumer information authority, the Office is authorized to publish and distribute a Consumer Register designed to make available to consumers information which may be of interest to them, including that relating to government activities.

Under the Act, interested persons are given the right to comment before the release of such information pertaining to brand names, and Federal agencies are prohibited from declaring one product to be superior to another.

OTHER FEDERAL ACTION

The Act provides that every Federal agency, in taking action that substantially affects the interests of consumers, shall provide notice of such action to the Office and the Bureau and shall give due consideration to the valid interests of consumers.

THREE-YEAR AUTHORIZATION

The authorization for both the Bureau and the Office is limited to three years.

DEFINITION OF CONSUMER

A consumer is defined in the Act as "any person who is offered goods or services for personal, family, or household purposes."

SECTION-BY-SECTION ANALYSIS OF CONSUMER PROTECTION ACT

I. OFFICE OF CONSUMER AFFAIRS

1. The Office is to be established in the Executive Office of the President, to be headed by a Director who is to be appointed by the President and confirmed by the Senate for an indefinite term.

2. The Director is authorized to:

(a) appoint personnel

(b) employ experts and consultants

(c) promulgate rules

(d) utilize, with their consent, the services, personnel and facilities of Federal, State and private agencies with or without reimbursement

(e) enter into contracts, leases and agreements with Federal, State and local government agencies and private instrumentalities or individuals

(f) accept voluntary and uncompensated services.

3. Upon request of the Director, each Federal agency is authorized and directed to (a) make its services, personnel and facilities available to the Office with or without compensation; and (b) to furnish such information, data, estimates and statistics to the Office as the Director may determine necessary, except where prohibited by law.

4. The President is directed to submit an annual report to Congress reviewing Federal consumer activities and appraising the adequacy and effectiveness of Federal consumer operations.

5. The functions of the Office are to:

(a) coordinate Federal consumer programs and activities

(b) resolve conflicts among Federal agencies involving consumer programs

(c) encourage and assist in the development and implementation of Federal consumer programs and activities

(d) assure that the interests of consumers are adequately considered by Federal consumer agencies in formulating policy and operating programs

(e) cooperate with and provide assistance to the Consumer Counsel in the Bureau of Consumer Protection in the FTC.

(f) advise and make recommendations to Federal consumer agencies with respect to policy matters and program operations

(g) conduct conferences, surveys and investigations

(h) encourage, initiate, coordinate, and participate in consumer education programs

(i) encourage, support and coordinate consumer research

(j) cooperate with and give technical assistance to State and local governments

(k) cooperate with and assist private enterprise

(l) publish and distribute a Consumer Register

(m) keep Congress fully and currently informed.

6. Authorizations for appropriations are provided for three years to operate the Office.

II. BUREAU OF CONSUMER PROTECTION

1. A Bureau is established within the Federal Trade Commission to be headed by a Consumer Counsel who is to be appointed by the President and confirmed by the Senate for an indefinite term.

2. The Consumer Counsel shall, subject to the direction of the Commission, be responsible for the operations of the Bureau.

3. The Consumer Counsel shall have the same general administrative authority to employ personnel, promulgate rules, etc., as that conferred upon the Director of the Office, as described in paragraph 2 of part I above. Similarly, other Federal agencies are required to make personnel, services, facilities and information available to the Consumer Counsel under the same terms, conditions and restrictions as are applicable to the Director, as described in paragraph 3 of part I above.

4. The Consumer Counsel is directed to submit an annual report to the Congress reviewing the Bureau's activities and appraising the adequacy and effectiveness of Federal consumer operations.

5. The Bureau is authorized to represent the interests of consumers before Federal agencies and courts.

At such times as the Bureau intervenes in a Federal agency proceeding, it shall be required to issue a written public statement indicating (1) the manner in which the proceeding may substantially affect the interests of consumers, (2) the reasons why the interests of consumers will not be protected otherwise, and (3) the concise interests to be protected by the Bureau in the course of intervention.

In case of intervention in a Federal agency proceeding, the Bureau shall not be entitled to exercise the existing subpena authority of the Federal Trade Commission, but instead shall only be authorized to obtain information which every other party to the proceeding is entitled to receive.

6. The additional functions of the Bureau are to:

(a) encourage and support research and studies leading to a better understanding of consumer products, services and information.

(b) make recommendations to other Federal agencies with respect to research, studies, analyses, and other information within their authority which would benefit consumers.

(c) conduct conferences, surveys, and investigations, including economic surveys.

(d) keep Congress fully and currently informed.

(e) cooperate with and assist the Director of the Office of Consumer Affairs.

7. The Bureau is also authorized to receive, evaluate, develop, act on, and transmit any complaints received by it to appropriate Federal agencies and non-Federal sources concerning actions or practices that may be detrimental to consumers. The Bureau shall follow-up any complaints referred to other sources to determine the nature and extent of action taken. Producers, distributors, retailers or suppliers of goods and services shall be promptly notified by the Bureau of any complaints received or developed by it.

The Bureau shall maintain a public document room for the public inspection and copying of an up-to-date listing of consumer complaints received by it, but a complaint may only be made public if permission is granted by the complainant, if the party complained against has had at least 60 days to comment upon the complaint, and if the source to which the complaint was referred has indicated how it intends to handle the complaint. All comments, required above, shall accompany the release of a complaint.

8. Authorizations for appropriations are provided for three years to operate the Bureau.

III. INFORMATION, TESTING AND ADMINISTRATIVE PROCEEDINGS

1. Consumer information

(a) The Bureau and the Office shall develop, gather, and disseminate to the public information, statistics and other data which will be of interest to consumers, except that no information shall be released which falls within one of the privileged categories under the Freedom of Information Act.

(b) Neither the Bureau nor the Office shall directly or indirectly engage in or support the testing of products or services offered for sale to the public, except to the extent authorized under the testing provisions outlined in paragraph 2 below.

(c) If any information concerning test results is released bearing product names, it shall be made clear, if such is the case, that not all products of a competitive nature have been tested and that there is no intent or purpose to rate products tested over those not tested or to imply that those tested are superior or preferable in quality.

(d) No Federal agency shall declare one product to be better or a better buy over another product.

(e) The Bureau and the Office shall avoid duplicating the consumer information services of each other or other Federal agencies.

(f) If inaccurate information is disclosed publicly, the agency responsible shall issue a full retraction together with a statement of accurate information.

(g) The Bureau and Office shall issue regulations, after notice and opportunity for comment by interested persons, assuring fairness to all affected parties on information released and shall also provide interested persons with a reasonable opportunity to comment upon the proposed release of product test data, containing product names, prior to release.

2. Testing

In representing the interests of consumers before Federal agencies and courts, the Consumer Counsel is authorized to have products tested by a Federal agency or non-Federal source as to performance, durability, content, purity, safety, and other characteristics. Those conducting such tests shall be compensated and the results of such tests may be used or published only in connection with representational proceedings.

3. Every Federal agency in taking action that substantially affects the interests of consumers shall (1) provide notice of such action to the Office and Bureau and (2) give due consideration to the valid interests of consumers.

4. The term "consumer" is defined to mean any person who is offered or supplied goods or services for personal, family or household purposes.

OVERWHELMING MAJORITY OF AMERICAN ADULTS SUPPORT REVENUE SHARING

(Mr. WHALEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHALEN. Mr. Speaker, the latest Gallup poll which showed that an overwhelming majority—77 percent—of American adults support revenue sharing is strong evidence for the plan which President Nixon proposed to the Congress in his state of the Union message.

The President proposed a sound revenue-sharing program which is designed to give the average American a larger measure of control over his own problems.

It is hard to see how any Member of Congress can fail to support this long-needed reform. It is interesting to note that, as the poll pointed out, support for revenue sharing cuts across party lines. The concept was supported by 77 percent of rank-and-file Democrats, 81 percent of Republicans, and 73 percent of Independents.

Clearly, revenue sharing is an idea whose time has come. The President's plan deserves prompt and favorable action by the Congress. To do less would be to default on our bond of trust with the American people.

AMERICA'S FISHING INDUSTRY NEEDS HELP

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, a few years ago there was a nationwide scare concerning the possibility that certain insecticides used on cranberries cause cancer. This virtually wiped out the cranberry sauce market right at the holiday season.

Though the scare could have been disastrous, the cranberry industry rebounded vigorously and through ingenuous promotion the industry is doing better today than it ever did. I recall this situation because it is so very similar to the problem currently facing the fishing industry, particularly in the Southeastern States.

The current scare about the high level of mercury being found in certain species of fish, such as swordfish and tuna, is causing great economic damage to the industry and, unless the Federal Government steps in to help, could well destroy it. We must remember that 65 percent of our current national seafood consumption is imported seafood. Yet, the newsstories raise no questions about the mercury content in foreign-grown seafood and the public is led to believe that only fish and seafood harvested in American waters contains dangerous levels of mercury.

The Federal Government has a hand in this problem because Government agencies, in their zeal to alert the public about contamination of water supplies and foodstuffs, have helped the scare along and are helping to virtually destroy dozens of small businessmen in the fishing industry. The problem is further complicated by the fact that we do not know at this time whether the mercury content that is being cited as possibly dangerous now is any higher today than it ever was, or whether it has been there all the time and we just did not have the technology to discover its presence.

In any event, Mr. Speaker, the fishing industry—especially in the Southeastern States—needs help. A number of Federal laws exist today that, properly construed, could be of tremendous help to the American fishing industry, among them Public Law 88–309.

Under these laws, the National Marine Fisheries Service could, under a more liberal interpretation, provide marketing research assistance that could give the fishing industry the same stimulus that the cranberry industry has received. The immediate question is, "Why can't the fishing industry do it themselves without Federal help?" The answer is that the Federal Government has so regulated the industry and has played such a part in promoting the very thing that is now destroying the industry economically, that the Federal Government owes it to the fishing industry under existing laws to help out now and save this once-vital but still-thriving industry from extinction.

A HIGHLY REPUTABLE COLUMNIST POINTS OUT DOUBTFUL VALIDITY OF "SMOKING DOGS" REPORT

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HENDERSON. Mr. Speaker, I represent a North Carolina tobacco producing congressional district and this automatically makes suspect anything I might say on the subject of smoking and health.

But James J. Kilpatrick, the columnist, is under no such cloud and while his opinions may or may not be in accordance with those who read his column, few will question the factual accuracy of his statements.

For the RECORD, I am hereby inserting his column which appeared in the Evening Star on Thursday, February 4:

THE CASE OF THE CHANGING REPORT ON SMOKING

(By James J. Kilpatrick)

A year has passed since the American Cancer Society called a press conference at the Waldorf-Astoria, turned on the floodlights, and trumpeted the long-awaited findings of Dr. Oscar Auerbach and Dr. E. Cuyler Hammond on the effects of cigarette smoking on dogs. It is an appropriate time to take an anniversary look.

In the field of lung cancer research, the Auerbach-Hammond paper probably ranked as the most important paper of the year. Surely it was the most publicized. The two investigators had devoted three years to their work; their study had cost some $750,000, half of it in federal funds; this was understood to be the breakthrough moment the tobacco industry, the consuming public, and the medical profession had been waiting for.

In its press release of Feb. 5, 1970, the Cancer Society said:

"For the first time, scientists have produced lung cancer in a significantly large experimental animal"—and note this next phrase carefully—"as a result of heavy cigarette smoking. The lung cancer was produced in a group of pure-bred beagle dogs by having them smoke non-filter cigarettes . . . "Invasive" tumors (cancer) was found in 12 of the heavy-smoker dogs. . . ."

This flat assertion of causality was front-page news around the world. The attendant publicity contributed to the action of Congress, in March, requiring a more stringent warning on cigarette packages and banning all cigarette advertising from TV and radio. Efforts of the tobacco industry to obtain an independent scientific review of the Auerbach-Hammond findings were rejected by the Cancer Society. After a while the story passed out of the news.

Some curious things have happened. This milestone paper first was offered to the prestigious New England Journal of Medicine, where it was rejected by reason of the Waldorf publicity. Then it was offered to the Journal of the American Medical Association, where it was again rejected, this time on the judgment of a reviewing panel that the paper did not meet the Journal's standards. On June 24, the authors read their papers before a session of the AMA in Chicago. Finally a much revised version of their report made it to publication in the December issue of "Archives of Environmental Medicine."

The circumstances of publication were in themselves curious. Dr. Auerbach is a member of the magazine's editorial board.

The final published version is most curious of all. The Waldorf causality has vanished. The two authors make no claim whatever that they "produced lung cancer as a result of heavy cigarette smoking." They no longer say—as they said in June—that such a purpose was even a goal of their research. The 12 "cancerous" dogs of the February press release have gone through a sea change. Early squamous cell bronchial carcinomas of microscopic size were detected in two dogs only.

In February, a group of eight non-smoking dogs had been described as "controls." By December, these had become merely "Group N." Remarkably, two of the eight—or 25 percent of those who never smoked at all—developed microscropic non-invasive tumors. The authors acknowledged they were "surprised" at this finding.

A close comparison of the Waldorf version, the Chicago version and the final version discloses dozens of textual changes. The net effect is that of a soft pedal descending on a muffled cadenza. Competent medical critics say that the published paper, while persuasive, simply is not of landmark dimensions. It offers no basis for the extravagant claims of a year ago.

If President Nixon has his way, Congress will earmark $100 million in the next few years for cancer research. A substantial sum doubtless would be invested in efforts by other investigators to replicate the Auerbach-Hammond study with adequate controls and meticulous animal profiles. In a nation of 45 million smokers, proof of causality is the indispensable first step toward finding the specific carcinogen, if it exists, in the cigarette. Forget the fanfare. We are not at that point yet.

While he is at it, I hope Mr. Kilpatrick will turn his attention to the new Surgeon General's report on smoking. This is the first such "report" actually issued under the name of and as the act of the Surgeon General.

It contains some 500 pages and a brief scanning of it does not indicate to me much new or different from previous broad statistical inferences.

In the meantime, antismoking ads on TV blatantly and flatly state causal relationship between cigarette smoking and ill health and longevity.

Give us a few more open-minded journalists like Mr. Kilpatrick.

ADJOURNMENT FROM WEDNESDAY, FEBRUARY 10 TO WEDNESDAY, FEBRUARY 17

Mr. BOGGS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 135) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 135

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, February 10, 1971, it stand adjourned until 12 o'clock meridian, Wednesday, February 17, 1971.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE READING OF GEORGE WASHINGTON'S FAREWELL ADDRESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that on Monday, February 22, 1971, George Washington's Farewell Address may be read by a Member to be designated by the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN REPORTS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE PRESIDENT'S BUDGET

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I have gathered together data on the President's budget as it affects programs administered by the U.S. Office of Education and request that following my remarks the tables containing this information be placed in the RECORD.

The budget figures disclose that the President's "Expansionary Budget" does not mean any expansion when it comes to Federal dollars for education. It can be more properly called a contraction budget for education. While seeming to call for more funds for financial assistance to enable greater numbers of disadvantaged students to attend college, it recommends no funds to build the facilities to handle the increased number of students who will be wishing to enroll. In the field of elementary and secondary education this expansion budget can better be described as belt-tightening of the most austere variety. Specifically, it should be noted that the President is:

Reducing Public Law 874 impact aid funds by $111,000,000 over the amount appropriated by the Congress for the current fiscal year.

Cutting out entirely the $50,000,000 provided during the current fiscal year for equipment under title III of the National Defense Education Act.

Reducing funding for basic grants to State vocational education programs by $25,534,255.

Cutting out entirely vocational work-study programs funded at $5,500,000 during the current fiscal year.

Eliminating the $18,500,000 provided for cooperative vocational education during the current fiscal year.

Reducing research and innovation in vocational education by $20,000,000.

Eliminating any funds for students with special vocational education needs for which $20,000,000 was appropriated for the current fiscal year.

It should be noted that the President's budget ignores the authorizing legislation and would call for the appropriation of vocational education funds for a variety of education purposes to the States in a "block grant" amount, the result of which is to give the States approximately $49,408,000 less than they got in the previous year for these programs and for State vocational research activities.

With respect to vocational education research activities, the President's budget calls for funding the vocational education research activities out of the Cooperative Research Act in the amount of $36,000,000 rather than out of the research authority in the Vocational Education Act of 1968. Last year $55,749,000 was provided for vocational education research under the authority of the Vocational Education Act which meant that 50 percent of these research funds were shared with the States for the States own research in vocational education. None of the $36,000,000 recommended in the President's budget for vocational research is required to go to the States.

Mr. Speaker, these cuts in appropriations for programs do not complete the picture of the austere nature of the President's budget for education.

In recommendations for funding of other education programs, the President has recommended the same amount as appropriated for the current fiscal year. This certainly cannot be described as expansionary. It cannot be described as even a standstill operation. Education programs are presently funded considerably below the authorization levels and below the levels necessary to effectively reach all of the children for which the programs are designed. A standstill appropriation level in these programs means a step backward. School costs are rising—so are school enrollments. The task of education has become far more difficult as our techniques of production and distribution have become more complex.

In the following programs the President has recommended a stand-pat budget which is a step-backward budget in view of the increasing enrollments and needs:

The title I ESEA program of grants to local educational agencies remains the same as appropriated by Congress in the last appropriation measure, at only 36 percent of the authorized level.

Guidance and counseling, supplemental educational centers and services programs under title III of the Elementary and Secondary Education Act remains the same as appropriated by the Congress in the appropriation bill for fiscal year 1971, at only 25 percent of its authorized level.

No additional funds are sought to strengthen our school library, textbooks and instructional materials programs which are funded at only 38 percent of the authorized level.

No additional funds are sought for the dropout prevention program which is funded at only one-third of the authorized level.

Mr. Speaker, may I next turn to the budget for higher education which at first glance appears to represent an increase in funds. A careful review, however, of the request reveals clearly that the recommendations fall far short of meeting what is needed as a bare minimum by students and the colleges who must provide the instructors, equipment, and facilities to accommodate them.

Turning first to student assistance, I am pleased that the pending budget proposes an increase in funding for college work-study and educational opportunity grants. I must add that even with the increase, we will not meet the anticipated demand. Institutions of higher education have shown a need for over $645,000,000 in college work-study and Educational Opportunity Grant Funds. Under the budget, only $575,000,000 would be available.

Most distressing to me, Mr. Speaker, and I am confident that this feeling is shared by a great majority of this House, is the failure of the President to request funds for the NDEA student loan program. A sum of $389,000,000 has been requested by colleges and universities for the student loan program in the academic year 1971–72. Only $5,000,000 is requested in the budget, and these funds are to be used exclusively for teacher cancellation benefits which have already accrued.

Now I understand that the administration will propose an alternative student loan program. My colleagues recall that we have considered such proposals almost on a yearly basis, and they will also recall that they have been rejected time and time again.

Each year we are asked to substitute a concern for immediate budgetary problems for our concern for the needs of students and parents and for our concern over the long-range costs to the Federal Government. And each year the Congress has said "No." It has seen fit to continue the tried and tested national defense student loan program.

I am confident that again this year we will resolve this issue on educational grounds, rather than on budgetary considerations, and thus not only restore but increase the level of funding for the student loan program.

As equally alarming as the failure to fund NDEA loans is the administration's position that funds not be appropriated for the grant and direct-loan programs to assist in the construction of academic facilities. The President has said:

> No qualified student who wants to go to college should be barred by a lack of money.

I quite agree with that statement, but I hasten to point out that there are other barriers to a college education. The American Council on Education estimates current space deficiency at institutions of higher education at 20 percent of existing facilities. This is a deficiency which is an immovable barrier when it prevents already crowded institutions from serving new clienteles.

Witness after witness before the Committee on Education and Labor has requested a balanced program of support for higher education. They question as I do, a Federal policy which encourages increasing numbers of students to enroll in higher education, but which fails to recognize that without substantial support to expand facilities and services, our colleges and universities are unable to adequately accommodate the students.

It is well documented that we should be spending over a billion dollars a year in loans and grants at the Federal level in the facilities program, and we have authorized spending at this level. This is in sharp contrast to the pending budget request which in effect terminates the program of Federal loans and grants for construction.

As one continues to view the budget for higher education in terms of what is needed, what is authorized and what is requested, it becomes clear that in every area of need the budget promises very little.

For college library resources, it is estimated that for fiscal year 1972, applications amounting to $92,000,000 will be filed for assistance under part A of title II of the Higher Education Act. Only $5,000,000 is requested.

The pending budget proposes virtual elimination of payments to land-grant colleges for broad instructional purposes.

There is an abandonment of many authorized programs which hold great promise for strengthening the entire system of higher education. These include:

The law school clinical program;

The program of grants to improve graduate education;

And the program of grants to encourage institutions to share their resources.

Included in this category of programs for which no appropriation is requested is a program which I suspect every Member of this House views as necessary and desirable. Our colleagues will recall that in the closing days of the 91st Congress, the Congress overwhelmingly approved the Intergovernmental Personnel Act which is designed to strengthen and expand inservice training opportunities for public servants. This legislation was warmly endorsed and received by the present administration. Yet, not one dollar is requested for the Public Service Education Act which is designed to strengthen and expand preservice education for persons intending to follow careers in the public service.

There is no request for appropriations for programs authorized in the International Education Act and there is no request for funds to assist institutions in the acquisition of instructional equipment.

An increase of $5,000,000 is requested for the program to assist in strengthening developing institutions—particularly black institutions—but this increase seems insignificant when we consider that only $38,800,000 is being requested to fund applications which will total an estimate in excess of $110,000,000.

For upward bound, talent search, and the program of grants for special and remedial services for disadvantaged students, it is estimated that over $200,000,000 will be requested by participating institutions. Only $50,100,000 is requested in the budget.

My colleagues will recall also the President's comment of last March that "not nearly enough attention is being focused on the 2-year community colleges so important to the careers of so many young people." In my view, Mr. Speaker, that statement characterizes the 1972 budget. The program of support for community services and continuing education is a program which relies quite heavily on the community colleges. That program has been authorized at the $60,000,000 level for the last few years, but funded at the $9,500,000 level. The budget recommends a continuation of the program at this totally inadequate level.

As I have mentioned earlier, the budget proposes no direct assistance for the construction of facilities, and this omission will be felt most severely by community colleges, which are experiencing the most rapid increases in enrollment.

Last year, Mr. Speaker, the administration proposed a program to strengthen and expand career development programs which are for the most part carried on by community colleges. In fact, Mr. Speaker, a $100,000,000 authorization was requested to carry out the proposed new program. I find no request for career education programs in the present budget.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION, FISCAL YEAR 1972 BUDGET

Appropriation	Fiscal year 1971		Fiscal year 1972	
	Authorization[1]	Appropriation	Authorization[1]	President's budget
Elementary and secondary education:				
Aid to school districts:				
Educationally deprived children (ESEA I)	$3,457,396,213	$1,500,000,000	$3,642,834,886	$1,500,000,000
Local educational agencies	2,869,181,800	1,339,738,748		
Handicapped children	46,129,772	46,129,772		
Juvenile delinquents in institutions	16,429,824	16,429,824		
Dependent and neglected children in institutions	1,758,458	1,758,458		

Footnotes at end of table.

Appropriation	Fiscal year 1971		Fiscal year 1972	
	Authorization [1]	Appropriation	Authorization [1]	President's budget
Migratory children	$57,608,680	$57,608,680		
State administration	31,026,326	16,579,312		
Incentive grants	126,198,171	7,530,469	$126,198,171	
Grants for high concentration of poor	309,063,182	14,224,737	309,063,182	
Supplementary services (ESEA III)	566,500,000	143,393,000	592,250,000	$143,393,000
Library resources (ESEA II)	206,000,000	80,000,000	216,300,000	80,000,000
Equipment and minor remodeling (NDEA III)	140,500,000	50,000,000		
Grants to States	114,840,000	47,500,000		
Loans to nonprofit private schools	15,660,000	500,000		
State administration	10,000,000	2,000,000		
Dropout prevention (ESEA VIII)	30,000,000	10,000,000	31,500,000	10,000,000
Bilingual education (ESEA VII)	80,000,000	25,000,000	100,000,000	25,000,000
Follow through (Economic Opportunity Act, sec. 222(a)(2))	(2)	69,000,000	(2)	60,000,000
Program	(2)	67,981,000	(2)	58,700,000
Administration	(2)	1,019,000	(2)	1,300,000
Strengthening State departments of education (ESEA V)	110,000,000	29,750,000	130,000,000	33,000,000
Grants to States (part A)	76,000,000	28,262,500	80,750,000	31,350,000
Grants for special projects (part A)	4,000,000	1,487,500	4,250,000	1,650,000
Local educational agencies (part B)	20,000,000		30,000,000	
Comprehensive educational planning and evaluation (part C)	10,000,000		15,000,000	
Planning and evaluation (General Education Provision Act, sec 402)	(3)	8,825,000	(4)	3,825,000
Total	4,590,396,213	1,915,968,000	4,712,884,886	1,855,218,000
School assistance in federally affected areas:				
Maintenance and operations (Public Law 874)	935,295,000	536,068,000	1,038,440,000	425,000,000
Payments to local educational agencies	632,422,000	501,518,000	700,740,000	387,300,000
Payments to other Federal agencies	34,500,000	34,505,000	37,700,000	37,700,000
Low-income housing	268,323,000		300,000,000	
Elementary and secondary education	4,590,396,213	1,915,968,000	4,712,884,886	1,855,218,000
School assistance in Federally affected areas	1,018,295,000	550,657,000	1,129,690,000	440,000,000
Emergency school assistance	(2)	74,853,000		
Proposed legislation	500,000,000	[4] 425,000,000	1,000,000,000	1,000,000,000
Education for the handicapped	371,500,000	105,000,000	436,300,000	110,000,000
Vocational and adult education	1,152,311,455	501,357,455	1,238,561,455	476,073,455
Higher education	3,390,220,000	970,239,000	1,027,720,000	1,816,711,000
Proposed legislation			(2)	100,000,000
Education professions development	550,000,000	135,800,000	45,000,000	135,800,000
Libraries and educational communications	346,100,000	85,280,000	222,000,000	29,400,000
Research and development	15,000,000	98,077,000	35,000,000	105,000,000
Proposed legislation			(2)	3,000,000
Educational activities overseas (special foreign currency program)	(2)	3,000,000	(2)	3,000,000
Salaries and expenses	(2)	44,800,000	(2)	48,979,000
Civil rights education	(2)	19,151,000	(2)	
Student Loan Insurance Fund	Indefinite	18,000,000	Indefinite	
Higher Education Facilities Loan Fund	Indefinite	4,685,000	Indefinite	4,610,000
Total, Office of Education	11,933,822,668	4,951,867,455	9,847,156,341	6,127,791,455
Less: Permanent appropriations and civil rights education	−9,761,455	−30,645,455	−9,761,455	−11,410,455
Total, Labor-HEW Appropriations Committee	11,924,061,213	4,921,222,000	9,837,394,886	6,116,381,000
Construction (Public Law 815)	83,000,000	14,589,000	91,250,000	15,000,000
Assistance to local educational agencies	65,000,000	3,000,000	73,250,000	9,300,000
Assistance for school construction on Federal property	18,000,000	10,900,000	18,000,000	5,000,000
Technical services	(2)	[5] 689,000	(2)	700,000
Total	1,018,295,000	550,657,000	1,129,690,000	440,000,000
Emergency school assistance:				
Special educational personnel and programs	(2)	57,500,000	1,000,000,000	1,000,000,000
Community participation programs	(2)	7,500,000		
Equipment and minor remodeling	(2)	7,900,000		
Federal administration and technical assistance	(2)	[6] 1,953,000	(2)	
Total	(2)	74,853,000		
Proposed legislation	500,000,000	[4] 425,000,000	1,000,000,000	1,000,000,000
Education for the handicapped:				
State grant programs (EHA pt. B)	206,000,000	34,000,000	216,300,000	35,000,000
Early childhood projects (EHA pt. C, sec. 623)	(7)	7,000,000	(7)	7,500,000
Teacher education and recruitment	69,500,000	33,100,000	87,000,000	35,145,000
Teacher education (EHA pt. D, sec. 631 and 632)	69,500,000	31,900,000	87,000,000	33,945,000
Physical education and recreation (EHA pt. D, sec. 634)		700,000		700,000
Recruitment and information (EHA pt. D, sec. 633)		500,000		500,000
Research and innovation	96,000,000	30,350,000	133,000,000	31,805,000
Research and demonstration (EHA pt. E, sec. 641)	27,000,000	15,000,000	35,500,000	15,455,000
Physical education and recreation (EHA pt. E, sec. 642)		300,000		300,000
Regional resource centers (EHA pt. C, sec. 621)	36,500,000	3,550,000	51,500,000	3,550,000
Innovation programs (Deaf-blind centers) (EHA pt. C, sec. 622)		4,500,000		5,000,000
Media services and captioned films (EHA pt. F)	12,500,000	6,000,000	15,000,000	6,000,000
Special learning disabilities (EHA pt. G)	20,000,000	1,000,000	31,000,000	1,500,000
Planning and evaluation (General Education Provision Act, sec. 402)	(3)	550,000	(3)	550,000
Total	371,500,000	105,000,000	436,300,000	110,000,000
Vocational and Adult Education:				
Grants to States for vocational education	789,595,310	389,707,710	849,595,310	384,173,455
Basic vocational education programs	609,595,310	322,077,710	609,595,310	381,793,455
Annual (VEA pt. B)	(603,000,000)	(315,302,400)	(603,000,000)	(374,302,000)
Permanent (Smith-Hughes Act)	(6,445,310)	(6,445,310)	[8] (6,445,310)	[8] (7,161,455)
National advisory council (VEA pt. A)	[9] (150,000)	(330,000)	[9] (150,000)	(330,000)

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION, FISCAL YEAR 1972 BUDGET—Continued

Appropriation	Fiscal year 1971		Fiscal year 1972	
	Authorization [1]	Appropriation	Authorization [1]	President's budget
Vocational and Adult Education—Continued				
Programs for students with special needs (VEA pt. B)	$50,000,000	$20,000,000	$60,000,000	(10)
Consumer and homemaking education (VEA pt. F)	35,000,000	21,250,000	50,000,000	(10)
Work-study (VEA pt. H)	45,000,000	4,500,000	55,000,000	(10)
Cooperative education (VEA pt. G)	50,000,000	18,500,000	75,000,000	(10)
State advisory councils (VEA pt. A)	Indefinite	2,380,000	Indefinite	$2,380,000
Vocational research	152,716,145	55,749,745	152,716,145	36,000,000
Innovation (VEA pt. D)	75,000,000	16,000,000	75,000,000	(10)
Curriculum development (VEA pt. I)	10,000,000	4,000,000	10,000,000	
Research	67,716,145	35,749,745	67,716,145	36,000,000
Annual (VEA pt. C)	(67,000,000)	(35,033,600)	[11](67,000,000)	[11] (36,000,000)
Permanent (Smith-Hughes Act)	(716,145)	(716,145)	(716,145)	
Adult education (Adult Education Act)	210,000,000	55,000,000	236,250,000	55,000,000
Grants to States		45,000,000		45,000,000
Special projects	210,000,000	7,000,000	236,250,000	7,000,000
Teacher education		3,000,000		3,000,000
Planning and evaluation (General Educational Provision Act, Sec. 402)	(3)	900,000	(3)	900,000
Total	1,152,311,455	501,357,455	1,238,561,455	476,073,455
Higher Education:				
Student assistance:				
Grants and work-study payments	500,750,000	327,700,000	Indefinite	971,300,000
Educational opportunity grants (HEA IV–A)	170,000,000	167,700,000	(2)	
1st-year awards	(170,000,000)	(65,496,000)	(2, 12)	
Continuations and administration	Indefinite	(102,204,000)	(2)	
Work-Study	330,750,000	160,000,000	(2, 12)	971,300,000
Work-study program (HEA IV–C)	(320,000,000)	(158,400,000)	(2, 12)	
Cooperative education (HEA IV–D)	(10,750,000)	(1,600,000)	(2, 12)	
Subsidized insured loans	40,000,000	147,800,000	Indefinite	651,800,000
Interest on basic NDEA-type loans (proposed legislation)			(2 12)	[13] 65,000,000
Interest on special NDEA-type cost-of-education loans (proposed legislation)			(2 12)	[13] 20,000,000
Purchases of loan paper (including advances) (proposed legislation)			(2 12)	[13] 400,000,000
Proceeds of sales of loan paper (proposed legislation)			(2 12)	[13] (—400,000,000)
Interest on prior year loans (HEA IV–B)	[13] 40,000,000	143,200,000	(2)	[13] 160,000,000
Program administration	(2)	4,600,000	(2)	6,800,000
Administration	(2)	(2,400,000)	(2)	(3,400,000)
Computer services	(2)	(2,200,000)	(2)	(3,400,000)
Direct loans (NDEA II)	375,000,000	243,000,000	(2 12)	5,000,000
Contributions to funds	375,000,000	236,500,000	(12)	(12)
Loans to institutions	(14)	2,000,000	(12)	(12)
Teacher cancellations	(2)	4,500,000	(2)	5,000,000
Special programs for disadvantaged students (HEA sec. 408)	96,000,000	50,035,000	(2)	50,100,000
Talent search		5,000,000		5,000,000
Special services in college	96,000,000	15,000,000	(2 12)	15,000,000
Upward bound		30,035,000		30,100,000
Program		(28,500,000)		(28,500,000)
Administration	(2)	[15] (1,535,000)	(2)	(1,600,000)
Institutional assistance:				
Strengthening developing institutions (HEA III)	91,000,000	33,850,000	(2 12)	38,850,000
Construction	2,068,250,000	72,424,000	1,013,000,000	34,407,000
Subsidized loans (HEFA III)	25,250,000	21,000,000	(2 12)	29,010,000
Grants	2,036,000,000	43,000,000	1,013,000,000	
Public community colleges and technical institutes (HEFA I)	[16] (431,040,000)	(43,000,000)	[17] (214,320,000)	
Other undergraduate facilities (HEFA I)	[18] (1,364,960,000)		[17] (678,680,000)	
Graduate facilities (HEFA II)	[19] (240,000,000)		[17] (120,000,000)	
State administration and planning (HEFA I)	7,000,000	6,000,000	(2 12)	3,000,000
State administration	(3,000,000)	(3,000,000)	(2 12)	(3,000,000)
State planning	(4,000,000)	(3,000,000)	(2 12)	
Federal administration	(2)	[20] 2,424,000	(2)	2,397,000
Language training and area studies	38,500,000	8,000,000	(2)	15,300,000
Centers, fellowships, and research (NDEA VI)	38,500,000	6,930,000	(2 12)	14,470,000
Training grants (Fulbright-Hays Act)	(2)	1,070,000	(2)	830,000
University community services (HEA I)	60,000,000	9,500,000	(2 12)	9,500,000
Aid to land-grant colleges	14,720,000	12,680,000	14,720,000	2,600,000
Annual (Bankhead-Jones Act)	12,120,000	10,080,000	12,120,000	
Permanent (Second Morrill Act)	2,600,000	2,600,000	2,600,000	2,600,000
Undergraduate instructional equipment (HEA VI)	70,000,000	7,000,000	(12)	
Television equipment	10,000,000	1,000,000	(12)	
Other equipment	60,000,000	6,000,000	(12)	
College personnel development	36,000,000	57,350,000	(2 21)	36,954,000
College teacher fellowships (NDEA IV)	Indefinite	47,350,000	(21)	26,910,000
Training programs (EPDA, pt. E)	36,000,000	10,000,000	(2 21)	10,044,000
Planning and evaluation (General Education Provisions Act, sec. 402)	(3)	900,000	(3)	900,000
Total	3,390,220,000	970,239,000	1,027,720,000	1,816,711,000
Proposed legislation (National Foundation for Higher Education)			(2 12)	100,000,000
Education professions development:				
Personnel training and development	450,000,000	67,900,000	45,000,000	59,700,000
Training of teacher trainers (EPDA, pt. D)	[22] 340,000,000	12,200,000	(2 12)	12,200,000
Meeting critical qualitative and quantitative shortages of school personnel	110,000,000	52,100,000	45,000,000	44,500,000
Vocational education (EPDA, pt. F)	(40,000,000)	(6,900,000)	(45,000,000)	(7,400,000)
State grants for attracting and qualifying teachers (EPDA, pt. B–2)	(65,000,000)	(15,000,000)	(2 12)	(7,000,000)
Attracting qualified persons (EPDA, sec. 504)	(5,000,000)	(500,000)	(2 12)	(300,000)
Other (EPDA. pt. D)	(22)	(29,700,000)	(2 12)	(29,800,000)
Meeting special needs for educational personnel (EPDA, pt. D)	(22)	3,600,000	(2 12)	3,000,000
Special programs serving schools in low income areas	100,000,000	65,900,000	(2 12)	74,100,000
Teacher Corps (EPDA, pt. B–1)	100,000,000	30,800,000	(2 12)	37,435,000
Career opportunities and urban/rural school programs (EPDA, pt. D)	(22)	35,100,000	(2 12)	36,665,000
Planning and evaluation	Indefinite	2,000,000	(2)	2,000,000
Manpower data collection (EPDA, sec. 503)	Indefinite	1,000,000	(2 12)	1,000,000
Planning and evaluation (General Education Provisions Act, sec. 402)	(3)	1,000,000	(3)	1,000,000
Total	550,000,000	135,800,000	45,000,000	135,800,000
Libraries and Educational Communications:				
Public libraries:				
Services	112,000,000	40,709,000	127,000,000	1,000,000
Grants for public libraries (LSCA I)	75,000,000	35,000,000	112,000,000	15,719,000
Interlibrary cooperation (LSCA III)	15,000,000	2,281,000	15,000,000	2,281,000

Footnotes at end of table.

Appropriation	Fiscal year 1971		Fiscal year 1972	
	Authorization [1]	Appropriation	Authorization [1]	President's budget
State institutional library services (LSCA IV–A)	$15,000,000	$2,094,000	(23)	(23)
Library services to physically handicapped (LSCA IV–B)	7,000,000	1,334,000	(23)	(23)
Construction (LSCA II)	80,000,000	7,092,500	$80,000,000	----------
College library resources (HEA II–A)	90,000,000	15,325,000	(2 12)	$5,000,000
Librarian training (HEA II–B)	38,000,000	3,900,000	(24)	2,000,000
Cataloging by the Library of Congress (HEA II–C)	11,100,000	[25] 6,853,500	(2 12)	----------
Educational broadcasting facilities (Communication Act of 1934, title III)	15,000,000	11,000,000	15,000,000	4,000,000
Planning and evaluation (General Education Provisions Act, sec. 402)	(3)	400,000	(3)	400,000
Total	346,100,000	85,280,000	222,000,000	29,400,000
Research and Development:				
Educational research and development	15,000,000	60,577,000	35,000,000	62,000,000
Early childhood (Cooperative Research Act)	(2)	21,500,000	(2)	21,500,000
(Sesame Street) (Cooperative Research Act)	(2)	(2,000,000)	(2)	(5,000,000)
Reading (Cooperative Research Act)	(2)	5,800,000	(2)	7,500,000
Organization and administration (Cooperative Research Act)	(2)	6,600,000	(2)	7,500,000
Higher education (Cooperative Research Act)	(2)	2,500,000	(2)	3,000,000
Drug abuse education (Drug Abuse Education Act)	10,000,000	6,000,000	20,000,000	6,000,000
Program	(10,000,000)	(5,500,000)	(20,000,000)	(5,268,000)
Program administration	(2)	(500,000)	(2)	(732,000)
Environmental education	5,000,000	[26] 2,500,000	15,000,000	2,000,000
Program	(5,000,000)	[26](2,250,000)	(15,000,000)	(1,680,000)
Program administration	[2]	(250,000)	[2]	(320,000)
Libraries and educational technology (Cooperative Research Act)	[2]	2,171,000	[2]	3,000,000
Nutrition and health (Cooperative Research Act)	[2]	2,000,000	[2]	500,000
Other educational R&D (Cooperative Research Act)	[2]	11,506,000	[2]	11,000,000
Experimental schools (Cooperative Research Act)	[2]	12,000,000	[2]	15,000,000
National achievement study (Cooperative Research Act)	[2]	4,500,000	[2]	6,000,000
Demonstrations (Cooperative Research Act)	[2]	2,250,000	[2]	2,250,000
Evaluations (General Education Provisions Act, sec. 402)	[3]	4,000,000	[3]	4,000,000
Dissemination (General Education Provisions Act, sec. 412)	[2]	8,500,000	[2]	8,500,000
Spread of exemplary practices	[2]	2,200,000	[2]	2,200,000
Strengthening State and local dissemination capabilities	[2]	650,000	[2]	650,000
Educational resources information centers	[2]	4,000,000	[2]	4,000,000
Interpretive summaries	[2]	600,000	[2]	600,000
Applied R&D in improving dissemination	[2]	550,000	[2]	550,000
General program dissemination	[2]	500,000	[2]	500.000
Training (Cooperative Research Act)	[2]	3,250,000	[2]	4,000,000
Statistics (Cooperative Research Act)	[2]	3,000,000	[2]	3,250,000
Total	15,000,000	98,077,000	35,000,000	105,000,000
Proposed legislation (National Institute of Education)	----------	----------	(2 12)	3,000,000
Educational Activities Overseas (Special Foreign Currency Program) (Public Law 480):				
Grants to American institutions	(2)	3,000,000	(2)	3,000,000
Salaries and Expenses	(2)	[27] 44,800,000	(2)	48,979,000
Civil Rights Education (title IV, Civil Rights Act of 1964):				
Training for school personnel and grants to school boards	(2)	16,000,000	(2)	----------
Technical services and administration	(2)	[28] 3,151,000	(2)	----------
Total	(2)	19,151,000	(2)	----------
Student Loan Insurance Fund (HEA IV–B)	(2)	18,000,000	(2)	----------
Higher Education Facilities Loan Fund (HEFA III):				
Participation sales insufficiencies	(2)	4,685,000	(2)	4,610,000
Annual	(2)	2,952 000	(2)	2,961,000
Permanent	(2)	1,733,000	(2)	1,649,000
Total	(2)	4,685,000	(2)	4,610,000

---

[1] Amounts include specific authorizations only.

[2] Indefinite.

[3] Total of $25,000,000 authorized for planning and evaluation of programs for which the commissioner of education has responsibility for administration.

[4] Proposed supplemental.

[5] Excludes $447,000 transferred to Office of Secretary for Facilities Engineering and Construction Agency; and includes $36,000 unobligated balance transferred from other accounts for pay raise.

[6] Excludes $147,000 transferred to General Services Administration for rental of space.

[7] Included in authorization for regional resource centers and innovation programs.

[8] Authorization sets aside 10 percent of State grants for pt. C research; President's budget provides no funding for research under pt. C.

[9] Specific authorization represents amounts only for technical assistance to carry out functions of National Advisory Council.

[10] States would be permitted to use funds under pt. B for purposes previously funded under this activity.

[11] Funds requested under authority of Cooperative Research Act, for which authorization is indefinite.

[12] Based on proposed legislation.

[13] Amount represents specific authorization for incentive payments; indefinite amount authorized for interest payments.

[14] Total of $25,000,000 authorized from fiscal year 1959 through duration of act.

[15] Includes $35,000 unobligated balance transferred from other accounts for pay raise.

[16] Includes $206,400,000 unappropriated authorization from 1970 and $224,640,000 authorized for 1971.

[17] Represents unappropriated authorization from 1971; proposed legislation would provide indefinite authorization for 1972.

[18] Includes $653,600,000 unappropriated authorization from 1970 and $711,360,000 authorized for 1971.

[19] Includes $120,000,000 unappropriated authorization from 1970 and $120,000,000 authorized for 1971.

[20] Excludes $2,792,000 transferred to Office of Secretary for Facilities Engineering and Construction Agency; and includes $116,000 unobligated balance transferred from other accounts for pay raise.

[21] Proposed legislation would consolidate authorization for fellowships (NDEA IV) with training programs (EPDA, pt. E).

[22] Included in $340,000,000 total authorization for EPDA, pts. C and D.

[23] Activity has been consolidated into public library services (LSCA I).

[24] Proposed legislation would consolidate authorization for librarian training (HEA II–B) with training programs under EPDA, pt. D.

[25] Includes $240,000 unobligated balance transferred from other accounts for pay raise.

[26] Includes $500,000 under authority of Cooperative Research Act.

[27] Includes transfers of $2,007,000 unobligated balance from other accounts for pay raise, and $65,000 from Office of Citizen Participation, excludes transfers of $2,400,000 to Higher Education Insured Loan Program for administrative costs, $15,000 to Secretary's Advisory Committee, and $21,000 to Career Service Board.

[28] Includes $151,000 unobligated balance transferred from other accounts for pay raise.

CAMPAIGN FINANCING MUST BE TIGHTLY REGULATED

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 30 minutes.

Mr. HAMILTON. Mr. Speaker, a comprehensive bill to regulate political campaign spending should be one of the highest priority items on the agenda of this Congress.

THE PROBLEM

The most important facts about campaign financing today are that political campaigns are frightfully expensive and that most of the expenditures go unreported. From the public record we cannot tell where the money comes from or how it is spent.

The democratic process requires a system that is open and honest. The present system is neither.

The bill I introduce today, the Election Reform Act of 1971, seeks to open the system of financing campaigns to public view, to provide broader participation in the political process, and to make the electoral process fair and more competitive.

The urgent need to achieve these goals is apparent.

The costs of campaigning have reached the stage where they threaten the lifeblood of the democratic system. They simply must be gotten under control.

In 1846, friends of Abraham Lincoln gave him $200 with which to run for Congress. He used only 75 cents of it to purchase a barrel of cider and returned $199.25.

The days of a 75-cent campaign for Congress are gone forever. In the 1968 congressional campaigns only 50 percent of the candidates spent less than $30,000, and many spent more than $100,000.

Total spending for political candidates at all levels in 1952 amounted to $140 million. The costs for 1972 are projected at $400 million—a 285-percent increase in only two decades.

Moreover, of the millions of dollars spent on a campaign in a major election year in the United States only a very small fraction—perhaps 10 to 20 percent—is reported.

The present law which governs our election processes is the Corrupt Practices Act of 1925. The gaps in this law make a slice of Swiss cheese look like a brick wall. For example:

It does not require reports of contributions or expenditures in presidential or congressional primary campaigns, even though these efforts involve millions of dollars of expenses and in many areas of the country are more important than the general election.

The law requires Senate and House candidates to report all spending made with their "knowledge or consent." But most candidates interpret this to cover only their personal campaign expenditures. Many candidates report that they had no expenditures. They take refuge in the legal fiction that the committees working in their behalf did so without their knowledge or consent. The committees are not required to file under the law because it specifically excludes political committees which work within a single State.

National political committees hide their transactions by simply reporting transfers of gross sums to State committees. The State committees in turn transfer the money to individual candidates, but the names of the recipients usually do not appear in the reports.

Political committees hide the purposes of their expenditures by listing the purpose, for example, as "payment for professional services," a meaningless phrase.

The identity of contributors is often hidden by failing to give complete names and addresses, so as to make positive identification impossible.

This law has never been enforced against congressional candidates and only rarely, and not recently, against Senatorial candidates. In 1927, two Senators-elect were barred from taking their seats because of reports of excessive spending.

The law limits personal spending by candidates to $5,000 in House elections and $25,000 in senatorial campaigns. But major items of expense—travel, stationery, postage, television costs—are excluded from the limitations.

The result is that the Corrupt Practices Act of 1925 is more loophole than law. It allows current practices like these:

A political arm for a well-known national professional organization poured nearly $700,000 into the 1970 campaigns without telling Congress or the public which candidates got the money.

A December survey by the Washington Post showed that about 50 candidates of both parties who won election or reelection did not meet the preelection filing deadline of October 24.

Total reported spending in the 1968 congressional campaigns totaled about $8.4 million. Actual spending was estimated at more than $50 million.

In 1968, 182 candidates for Congress filed reports stating that they had no personal campaign income or expenditures and no committee expenditures that had to be reported at the Federal level. Five days after the reporting deadline in 1970, an unofficial account found that the Clerk's office had not received postelection reports required by law from as many as 150 congressional candidates, including many of the winners.

Ceilings on individual gifts—$5,000—are circumvented by donations through brothers, sisters, cousins, and infant children.

Ceilings on the expenditures of any political committee operating in two or more States—$3 million—are evaded merely by increasing the number of committees. In 1968, for example, the Democratic organization divided itself into 97 committees receiving and spending money, and the Republican committees numbered 46.

One 1970 senatorial contender, and a successful one, set up more than 50 false front committees in order to hide the names of donors.

The acceptance of these practices under present laws is a sham. The Corrupt Practices Act is honored chiefly in the breach.

This law, and the system it supports, make lawbreakers of public officials; enthrone hypocrisy as the normal way of doing business; breed disrespect for law; make the public cynical about the political process; undermine confidence in public leadership; work to the advantage of the special interest group; increase the possibility of corruption; keep many good people from running for public office; give the rich man an enormous advantage; force those who are not rich to accept large contributions from special individuals and interest groups making them more susceptible to the influence of the donors; and permit reporting so unsystematic, incomplete, and decentralized that the public cannot have the facts about the costs of campaigning, even if they want it, and make effective enforcement impossible.

The result, as John Gardner has observed, is "virtually a national scandal," where the raising and spending of huge sums for candidates in disregard for existing law has brought the Nation "perilously close" to the time when only the rich or those beholden to the rich could run for office.

REFORM

Reforming the present system will not be easy. The present law is exceedingly complex and fragmented. State governments are jealous of their right to govern local campaigns and they resent interference.

Incumbents in public office at all levels of government have a vested interest in the system which, after all, elected them, and they are most reluctant to make any changes. Special interest groups also have a vested interest in the system because it permits them disproportionate political influence.

Fortunately, the American people perceive the disadvantages of the present system of financing campaigns and they want some changes made. According to a Gallup poll, published soon after the 1970 elections, 78 percent of those interviewed favored a law limiting the total amount of money a candidate can spend in his campaign for public office.

Few steps taken by the Congress would go further in reestablishing the confidence of the people in the integrity of their political process than would the placing of campaign spending firmly under control.

GOALS

Before legislating, we should have the goals of campaigning in a democratic system firmly in mind:

A fair, competitive election for all public offices: Contested political races make a candidate more honest and more accountable. It is important to encourage more equal access to the political arena. A nation as enchanted by competition as America should need no persuasion that a heavy dose of competition into our political processes would be healthy. Too many offices in the Nation today are uncontested. It is very much in the national interest that there be fair competition among the best people available for any given office.

An open and honest political system: The public has the right to know how campaign money is raised and spent and to know if unethical or illegal practices occur in the course of a campaign.

Public respect for the political process: If the public does not respect the process by which officials are chosen, it will not respect the officials or the Government, and it will not participate in the process.

In a 1967 Harris poll, more than 60 percent of those interviewed expressed the belief that politicians take graft. It is small wonder, then, that voter participation in congressional elections during the period of 1930 to 1960 did not exceed 60 percent even once.

A high degree of public participation in the political processes of the Nation cannot be achieved unless there is a high degree of respect and confidence in the system.

In brief, the Nation deserves a political process that is fair, open, and honest, that encourages competition for public office by the best qualified people, and that encourages participation by an informed electorate.

TOWARD ACCOMPLISHING THE GOALS

There are several steps that could be taken to attain these goals:

Disclosure: The best assurance of making campaigns honest and fair is full public disclosure of all campaign contributions and expenditures. This view is echoed by many persons and groups that have studied campaign financing.

A candidate should have one official committee for financial purposes and that committee should be required to file both income and expense accounts.

Major contributors—perhaps anyone contributing more than $100 to a candidate or political party—should also be required to report the recipients, amounts, and dates of the contribution.

Preliminary reports should be filed prior to each primary and general election and a complete report should be filed after the election. The reports should be carefully audited, published, made available to the public, and filed at a central reporting office in each State and with the Federal Government.

Limitation on contributions: Realistic limits should be developed for contributions. There are various proposals for contribution limits to candidates, but the amount of the limitation is not as important as the ability to administer the limit and to enforce it. Political leaders have long deplored reliance on large private contributions because, too often, undue political influence accompanies them.

Tax incentives: Tax incentives in the form of tax credits or deductions may result in increased small contributions to campaigns and encourage more participation in the political process, especially among the small contributors. They may also increase the respectability of contributions and reduce the widespread feeling that all politicians take graft.

Tax incentives will help broaden the base of adult participation in political campaigns, which, since 1956, has ranged from 6 to 12 percent of the eligible voters. One poll indicated that only a quarter of those adults polled had been asked to contribute, but that almost 40 percent of those solicited did make a contribution. This suggests that the 6-to-12-percent rate of contribution could be expanded if voters were provided simple and dignified means for participating in campaigns for public office.

In addition, if these incentives generate sufficient money, reliance on large private contributions would be reduced. Another advantage of incentives is that they treat political parties equally, and do not favor the party in power.

Obviously, a tax credit is preferable to a tax deduction since it is more advantageous to the low- and moderate-income giver. The tax deduction works more to the advantage of an upper income contributor.

Indirect subsidies: Indirect subsidies may help achieve competitive and open elections.

Truly competitive elections require that candidates have access to adequate resources, and indirect subsidies could help provide these resources. Indirect subsidies also reduce the importance of private wealth.

Two primary types of indirect subsidies are:

Reduced or free media costs. Only if legitimate candidates have fair and equal access to broadcast time will the public have the opportunity to be informed about a candidate and his position on the issues.

One approach would require broadcasters to provide either free time or time at the lowest commercial rate to the candidates. Careful study, however, is needed of any approach and I am not at all certain that it is possible to formulate a consistent policy involving political candidates and the broadcast media because of the great differences in cost and coverage in different market areas.

Free mailings: The U.S. mail should be accessible to all candidates for Federal office. Each candidate could be allowed at least one, and perhaps more, pieces of free mail to every resident in the constituency. As it is today, an incumbent Congressman has an enormous advantage over his or her opponent by his use of the franking privilege. Fair competition will be served if this privilege is extended to the opponent.

Direct subsidies: Some people have proposed that payments from the U.S. Treasury should be made to candidates, parties, or vendors of services. Although the approach deserves further study, I am not now persuaded that this should be done, for several reasons:

If the subsidies are too low, the evasion that now plaques the present law is apt to reappear.

If they are too high, nothing will be done about removing the dollar sign from political campaigns.

Payments to candidates may undermine party cohesion since their key fundraising function will have been usurped.

Payments to parties might leave the candidates dependent upon the large financial contributions from the parties.

Payments to vendors mean in effect payments to broadcasters, but this is not consistent with the accepted approach that the airways belong to the people and are merely used, rather than owned, by the broadcasters.

Absolute expenditure ceilings. The proposal to establish an effective and enforcible campaign ceiling has been rejected by a number of respected groups studying campaign financing, among them the New York Bar Association's Special Committee on Congressional Ethics, and the 20th Century Fund.

The New York bar group noted:

> Since costs continue to rise, any limit, however generous, must soon become obsolete and invite circumvention. In the heat of the campaign, candidates are likely to spend whatever sums they think are necessary if they are able to raise such amounts.

Limits are difficult to administer; they tend to be unenforcible; and the temptation to cover up campaign expenditures is strong.

Moreover, this is a big country and the costs of campaigning vary tremendously in different districts. A great deal more study is needed on this question of campaign expenditure ceilings before legislation is enacted. The study must examine the problems inherent in it, including the determination of the limit, the means of control and enforcement, and the extent of necessary exclusions, such as filing fees.

There are, then, four general approaches to control campaign financing: First, a ceiling on expenditures; second, limitation on contributions to campaigning; third, subsidization of media exposure; and fourth, full disclosure of the source of campaign funds and the expenditures. Of these, disclosure is probably the most powerful. If we could fully enforce disclosure of where the money comes from and what it is spent for, our problems would be a long way toward solution.

KEY PROVISIONS OF THE ELECTION REFORM ACT OF 1971

The bill I introduce today uses disclosure, limitations on contributions, and tax incentives to achieve the goals of a campaign in a democratic system. An explanation of the key provisions of the bill follows:

First. Federal reporting and disclosure requirements are extended to cover all primary campaigns and conventions for selection of congressional and presidential candidates.

Second. All political committees are required both to register and to report whether they operate within the borders of only one state or not. The reports require considerably more detail than the present law, including full names and addresses of all contributors of $100 or more.

Third. All fundraising activities are to be reported.

Four. Candidates and committees are required to file detailed contribution and spending reports three times a year and also on the 15th and fifth days preceding an election and by the 31st of January. Any person, other than a political committee or candidate, whose political expenditures in a year exceed $100 must file a similar report.

Fifth. Present statutory ceilings on total spending by individual candidates and political committees are repealed. The bill, however, retains and tightens the $5,000 limit on contributions by individuals to any Federal candidate or political committee. This limit is an aggregate amount for each calendar year, and applies to any candidate or to all political committees substantially supporting him. A contribution made by a person's spouse or minor child shall be deemed to be made by him.

Sixth. A Federal Elections Commission is created to register and publicize facts about political committees, receiving and publicizing reports of campaign contributions and expenditures of candidates and committees, and to conduct appropriate audits. The Commission would absorb the campaign spending duties of the Secretary of the Senate and the Clerk of the House. These two offices currently handle spending reports, but they do not have the authority or the staff to do anything but accept the reports that are filed. Under present law there is no office that keeps records and provides information about political contributions and expenditures of committees seeking to influence Federal elections. Nor is there a Federal agency that regularly investigates serious charges of illegal conduct during a campaign. These critical functions would be performed by the Federal Elections Commission.

Seventh. Tax incentives are provided in the form of a tax credit of up to $20 and a tax deduction not to exceed $100, only one of which may be chosen by the taxpayer.

CONCLUSION

I urge Congress to give a prompt hearing to the proposals contained in the Election Reform Act of 1971. Our democratic system is threatened by unregulated campaign financing practices. We ignore the practices that arise from our present law at our peril. The democratic process cannot continue to survive laws that promote disobedience and disrespect. Unless immediate attention is given to revising our campaign financing laws we will create, contrary to what Lincoln envisioned, a government of the people, by the rich, and for the few.

A detailed comparison of the Corrupt Practices Act and key provisions of the Election Reform Act of 1971 follows:

FEDERAL CORRUPT PRACTICES ACT (2 U.S. Code, 241-256; 18 U.S. Code, 591-613)	ELECTION REFORM ACT OF 1971
DEFINITIONS	DEFINITIONS
Election	*Election*
General or special; not primary or convention.	General, special, or primary; party convention or caucus; primary to select delegates to national nominating convention; presidential nominating primary.
Candidate	*Candidate*
Individual whose name is presented for election. (302)	One who seeks nomination to federal office and is shown to be seeking nomination by (1) taking action under state law to qualify himself for nomination or (2) receiving contributions or making expenditures or giving consent for another person to do same, for purposes of campaign.
Political committee	*Political committee*
Group which accepts contributions or makes expenditures to influence elections of candidates or electors, (1) in 2 or more states or (2) whether or not in more than 1 state if such group is a branch of a national committee, association or organization.	Any individual or group which accepts contributions or makes expenditures in an aggregate amount exceeding $1,000 in one year.
Contribution	*Contribution*
Gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement to make a contribution.	Gift, donation, loan (except from licensed loan inst.) etc., and includes contract, promise, etc. to make a contribution, and includes transfer of funds between political committees.
Expenditure	*Expenditure*
Payment, contribution, loan, etc, and includes a contract, promise, ect. to make an expenditure.	Purchase, payment, distribution, etc. and includes a contract, etc. to make an expenditure, and includes a transfer of funds between political committees.
REPORTS	REPORTS
Who makes reports and to whom	*Who makes reports and to whom*
Treasurers of political committees file with Clerk of House. House candidates file with Clerk of House. Senate candidates file with Secretary of Senate. Individuals contributing $50 or more, not through a committee, file with Clerk.	Repository of reports is 5-man, bipartisan Federal Elections Commission apptd. by President for 10-yr. terms. Copy of each report must be filed with Clerk of U.S. District Court in which committee or candidate is headquartered. Political committees spending or receiving $1,000 or more in 1 year; candidates; and persons contributing or spending more than $100 not through committee; must all file reports.
Content of reports	*Content of reports*
Itemized account of contributions and expenditures. Names and address of contributors of $100 or more. Personal expenses (travel, personal, postage, printing, telephone, circulars, etc.) of candidates do not have to be itemized; total must be reported. Total from other contributors (less than $100 each). Statement of every promise made in regard to appointment to public or private office.	List of contributors of $100 or more (including purchasers of tickets to fund-raising events). Total from other contributors. List of candidates and political committees making or receiving transfers of funds. List of loans of $100 or more. Total of proceeds from fund-raising events and campaign paraphernalia. Total of all receipts. List of persons receiving expends. of $100 or more, and purpose of expenditure. List of persons receiving expenditures for personal services and salaries of $100 or more. Total of expenditures. Amount of debts owed by or to committee.
Filing dates	*Filing dates*
Committees: between 1st and 10th of March, June, and Sept. each year; btn. 10th and 15th, and on 5th day preceding general election; and on Jan. 1st for preceding year. Candidates: btn. 10 and 15 days before, and within 30 days after, general election.	10th of March, June and Sept., 15th and 5th days preceding elections, and by Jan. 31. Convention committees must file financial report within 60 days after convention, not later than 20 days before elector selection.
Other accounting requirements for political committees	*Other accounting requirements for political committees*
Must keep itemized accounts of contributions and expenditures, with name and address and date. Must keep receipted bill of each expenditure over $10. All contributions made to committee must be reported to treasurer.	Must have receipted bills for all expenditures over $100 and for lesser expends. if total in one year to same person is more than $100. All contributions must be reported to treasurer of committee.
PUBLIC INSPECTION	PUBLIC INSPECTION
Reports must be open to public inspection.	Commission must: Make reports available for public inspection and copying. Publish annual report. Make audits and field investigations if indicated. Report violations to law enforcement officials.
PENALTIES	PENALTIES
	Penalties of fines and/or imprisonment for violations.
EFFECT ON STATE LAWS	EFFECT ON STATE LAWS
	State laws are not affected by provisions of this bill.
REGISTRATION	REGISTRATION
	Political committees must register with Commission if will make or spend $1,000 or more in 1 year.

LIMITS ON EXPENDITURES BY CANDIDATES	LIMITS ON EXPENDITURES BY CANDIDATES
1. $10,000 for Senate; $2,500 for Represent. 2. or: 3¢ times votes cast for all candidates for that office in preceding election, not to exceed $25,000 for Sen., or $5,000 for Rep. 3. Exempt from limitation: Personal, traveling, subsistence, stationery, postage, circulars, posters, telephone.	Repealed.
LIMITS ON COMMITTEE EXPENDITURES	LIMITS ON COMMITTEE EXPENDITURES
$3 million.	Repealed.
PROHIBITIONS ON CONTRIBUTORS	PROHIBITIONS ON CONTRIBUTORS
1. Soliciting U.S. employees for contributions prohibited. 2. Corporations, labor unions, natl. banks prohibited from making contributions to federal campaigns. 3. Federal contractors prohibited from making contributions to any campaign.	Same.
LIMITS ON INDIVIDUAL CONTRIBUTIONS	LIMITS ON INDIVIDUAL CONTRIBUTIONS
$5,000 per individual.	$5,000 in *aggregate* to all committees for same candidate.

Source: Adapted from "Electing Congress," by the Twentieth Century Fund.

THE PRESIDENT'S CONFRONTATION WITH THE FEDERAL RESERVE BANKERS

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, on February 1, and again on February 3, I commented on the President's "new American revolution" being directed to the Federal Reserve Banking System rather than to the Members of Congress.

Now even local financial writers acknowledge an upcoming confrontation between the President of the United States and the Federal Reserve Banking System as to who runs the country—and the Fed folks have a 14-year term without ever going to the people for a vote.

The success or failure of the President's "new American revolution" depends not on laws but on money—not the people's money, nor gold or silver, but on credit created by the Federal Reserve Banking System as only they can do it with the flourish of a pen—printing press money.

A Sunday column in the local paper carries an interesting report of the upcoming confrontation. I include it as follows:

[From the Washington Post, Feb. 7, 1971]

BURNS-SHULTZ CLASH AHEAD

(By Joseph R. Slevin)

A head-to-head collision is in the making between George Shultz, the director of President Nixon's Office of Management and Budget, and Federal Reserve Board Chairman Arthur Burns.

Shultz is the author of Nixon's bitterly controversial forecast that national production will soar to $1,065 billion this year. Burns is letting it be known that he considers the ambitious Shultz target to be both bad economics and bad Republican politics.

Mr. Nixon shifted Shultz to the OMB post from his job as secretary of labor last June, and the heavy-set University of Chicago business school dean has become the strong man of the President's economic advisory team. He powered through the $1,065 billion forecast against the advice of Burns, Treasury Secretary David Kennedy and Council of Economic Advisers Chairman Paul McCracken.

A Shultz-Burns confrontation will come as a clash between the man who now is Nixon's dominant economic aide and the man who filled that slot as counselor to the President until Nixon named him to the Federal Reserve chairmanship last winter.

Nixon originally chose Shultz as his Labor secretary on Burns' recommendation. While the brilliant, pipe-smoking Federal Reserve chief takes a dim view of Shultz' performances as an economic analyst and forecaster, he thought highly of Shultz' work as a labor mediator.

Burns did not participate in the final Administration decision to set the big $1,065 billion target but he had separately advised both Shultz and the President against it.

Most economists believe that national output will total between $1,045 billion and $1,050 billion this year. Burns recommended to Nixon that he set his sights higher, that he choose a target in the $1,055 billion range, and that he tell the country that it could achieve a $1,055 billion economy, or more, if the government holds to sound policies and if the people confidently work to attain greater prosperity.

The former presidential counselor reasoned that exceeding the $1.045 to $1.050 trillion standard forecast could rebound to Nixon's credit but that establishing and not reaching Shultz' excessively ambitious $1,065 billion target would seriously damage Nixon's prestige.

Burns fears that rocketing the economy ahead at Shultz' 12 per cent-a-year clip would generate fresh inflationary pressures and could trigger a new recession before the 1972 elections.

A Shultz-Burns clash is expected to materialize if the economy does not climb at the swift Shultz pace. White House officials are passing the word that they then will expect the Federal Reserve to try to boom the economy and fulfill the Shultz prophecy by printing large, additional amounts of money.

But Burns believes that the central bank has been creating adequate quantities of new money and that ample funds are available to support a vigorous business upturn. He contends that the great need is not to pump out money at an even faster rate but to bolster national confidence so that people will spend and will borrow.

The very real danger is that a Shultz-Burns confrontation will quickly escalate into a showdown between Nixon on the one side and Burns and the Federal Reserve on the other. Burns believes deeply in maintaining the independence of the Federal Reserve and is convinced that it must not be at the mercy of politicians in either the White House or Congress.

Nixon once said that Arthur Burns "is the most independent man I know." The Federal Reserve chairmanship is the pinnacle of the distinguished 66-year-old economist's career and it is an odds-on bet that Nixon will find new dimension's of independence in his erstwhile counselor if he tries to force the Federal Reserve to pump out money at a rate that Burns and his colleagues deem inflationary.

PANAMA SEA-LEVEL PROJECT: MORE ABOUT PACIFIC SEA SNAKES

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 20 minutes.

Mr. FLOOD. Mr. Speaker, on December 1, 1970, the Atlantic-Pacific Interoceanic Canal Study Commission, of which the Honorable Robert B. Anderson was chairman, submitted its final report under Public Law 88–609 to the President. This report recommended the construction in Panamanian territory about 10 miles west of the existing Panama Canal of a new canal of so-called sea-level design. In an address to this body in the CONGRESSIONAL RECORD of January 21, 1971, I discussed the danger of Pacific sea snakes infesting the Atlantic Ocean as the result of such construction and quoted scientific writings by Dr. Anthony T. Tu, professor of biochemistry of Colorado State University and Dr. Tsuchih Tu, professor of pharmocology at the University of Alberta. The public response to that address has been gratifying and included a popular type of news story in the Evening Star of January 27 by John McKelway, the well-known Washington columnist.

The most recent scientific reports on the sea snake question are two illuminating articles: one by Richard H. Gilluly on the "Consequences of a Sea Level Canal" in the January 16, 1971, issue of Science News, published by the Science Service Institution; and a second by Philip M. Boffey on "Sea-Level Canal: How the Academy's Voice Was Muted" in the January 29, 1971, edition of Science, published by the American Association for the Advancement of Science.

In the first article, author Gilluly summarizes the results of studies by the Smithsonian Tropical Research Institute of Balboa, C.Z., and emphasizes the possible proliferation of the venomous sea reptiles in the Caribbean in the event of a salt-water channel connecting the oceans.

In the second article, author Boffey mentions recent ecological studies under the National Academy of Sciences conducted by Prof. Ernest Mayr, of Harvard University, states that these findings disagree completely with the views expressed in the Anderson report, and charges that the National Academy of Sciences was "mousetrapped into a restricted role in which its voice was inevitably muted." No wonder author Boffey asks why were the Academy group's views largely ignored by the sea level canal study panel?

The main report of the Anderson panel to which these two scientific papers refer, consists of 109 pages of which four deal with environmental considerations. Although this report admits that the "potential for transfer of harmful biota and hybridization or displacement of species in both oceans exists," it expresses the view that the "risks involved appear to be acceptable."

An examination of the records of experience of the members of the Anderson panel who signed the sea level canal report, does not disclose anyone with the professional background required for the expression of valid opinions in the field of marine biology.

As one who has followed canal matters closely for many years and is familiar with the legislative history of Public Law 88–609, the hearings for which were never published despite my efforts to secure their publication, I do not find the obvious conflict between the advocates of the sea level proposal and the scientists surprising. It is rooted in the statute itself, which provided for an inquiry that was aimed at justifying a recommendation for the long predetermined objective of a small industrial and professional group for a vast construction project at Panama, and regardless of the costs or consequences.

The canal study panel, in the process of supporting its objectives, has not sought to solve the specific problems involved in the safe and convenient transit of vessels at least cost and, consequently, has run into a series of difficulties—economic, engineering, operational, diplomatic, legal, and ecological, all incapable of solution by the plan proposed by the panel. Their studies consumed more than 5 years and more than $21,000,000 of our taxpayers' money. Without adequate background or experience for their studies, the members ignored many powerful objections to the sea-level proposal and swept most of the issues thus presented under the carpet, apparently with the hope of hoodwinking the executive and legislative branches of our Government. The concrete proposal of the panel that the United States construct another canal through Panamanian territory near the present canal at an initially estimated cost of $2.8 billion, which does not include the cost of the right-of-way or of an inevitable indemnity to Panama, is a most outrageous recommendation and an insult to the intelligence and welfare of our people.

The schemes advocated in the Anderson report would divert the United States of its indispensable sovereign control not only of the proposed new canal but also of the existing Panama Canal and thus invite a Soviet takeover of the isthmus should our sovereignty at Panama be extinguished. The absorption of Cuba, Peru, Bolivia, and Chile in the Soviet orbit evidently meant nothing to the panel and shows how utterly incompetent and unrealistic were those who formulated the report.

In an address to the House in the Congressional Record of April 1, 1965, on the "Interoceanic Canal Problem: Inquiry or Coverup?" I discussed important angles of the canal question at length, emphasizing that Public Law 88–609 placed the recent canal inquiry in the hands of officials committed in advance to one type of canal that is opposed by many independent and experienced engineers and other canal and scientific experts.

Although I did not discuss the ecological problems in 1965, it is a fact that the plan for the major modernization of the existing Panama Canal supported by many independent canal experts and for which proposed legislation is now pending would retain Gatun Lake, which has long served as a fresh-water barrier protecting the Atlantic Ocean against poisonous sea snake infestation and other biological consequences. As will be seen from a reading of my volume on "Isthmian Canal Policy Questions"—House Document No. 474, 89th Congress—the problem of the Panama Canal is a highly complicated one involving treaty relationships with Great Britain and Colombia as well as Panama and the security of the entire Western Hemisphere. The ecological angle is only one of the questions involved but an important one with possible international implications of considerable magnitude. Two examples of biological imbalance cited in the Boffey article are the sea lamprey that virtually destroyed lake trout in Lake Huron and Lake Michigan and the crown of thorns starfish that is now threatening to destroy coral reefs in the Pacific.

In order that the Congress, the Executive, and the Nation at large may have the benefit of the latest information in the premises, I quote both scientific articles along with the indicated column by John McKelway as part of my remarks:

[From the Science magazine, Jan. 29, 1971]

SEA-LEVEL CANAL: HOW THE ACADEMY'S VOICE WAS MUTED

(By Philip M. Boffey)

Last fall a special presidential commission recommended that a sea-level canal be built across the Isthmus of Panama not far from the site of the present Panama Canal. The Canal Study Commission—officially known as the Atlantic-Pacific Interoceanic Canal Study Commission—argued that the potential military, economic, and foreign policy benefits justified spending some $2.88 billion to build a sea-level passage that would supplement and supersede the existing lock passage. The commission gave scant credence to assertions that a sea-level canal might pose serious ecological hazards. Indeed, it devoted only 4 pages of its 109-page cover report to environmental considerations, and the thrust of its conclusions was that whatever ecological risk might exist is "acceptable."

But this was not quite the view, it turns out, of a National Academy of Sciences committee which studied the ecological implication of the proposed canal at the request of the commission. Ernst Mayr, professor of zoology at Harvard University and chairman of the Academy's Committee on Ecological Research for the Interoceanic Canal,[1] told *Science* that canal commission has "minimized" the potential dangers cited by his group and has "talked about other things" rather than confront the issues raised by the Academy group. "We said that great danger would result from building a sea-level canal, though we can't prove it," Mayr said. "But they turned it around and said that, since we can't prove it, the danger is minimal."

The canal study—the latest in a series that have been conducted since World War II—was authorized by Congress on 22 September 1964. The members of the commission were subsequently appointed by then President Lyndon B. Johnson and they were reappointed by President Richard Nixon when he took office. The commission was headed by Robert B. Anderson, former Secretary of the Treasury during the Eisenhower Administration. Its other members included Robert G. Storey, former dean of the law school at Southern Methodist University, who served as vice-chairman; Milton S. Eisenhower, former president of Johns Hopkins University; Kenneth E. Fields, retired Army brigadier general and former general manager of the Atomic Energy Commission; and Raymond A. Hill, a San Francisco consulting engineer. The staff director was John P. Sheffey, a retired Army colonel with considerable experience in Panama. With the submission of its report on 30 November 1970, the commission went out of business.

MILITARY AND ECONOMIC RATIONALE

The commission's chief conclusions were that there are no insuperable technical obstacles to the construction and operation of a sea-level canal, and that such a canal would be highly desirable for a number of reasons. From a military standpoint, the commission concluded that a sea-level canal would be superior to the present lock canal because it would be less vulnerable to destruction and because it would be able to transit large aircraft carriers which can't fit through the existing locks. From an economic standpoint, the commission concluded that the present canal will reach its traffic capacity toward the end of this century, thus cramping U.S. and world trade, and that it will be unable to handle the increasing numbers of huge tankers and bulk carriers which are already beginning to appear on the world's oceans. The commission consequently urged that a sea-level canal be built along what is known as Route 10 in Panama, about 10 miles west of the existing canal, provided that suitable treaty arrangements can be worked out. The commission recommended that conventional excavation techniques be used because "neither the technical feasibility nor the international acceptability" of nuclear excavation have been established.

In assessing the ecological implications of a sea-level canal, the commission relied heavily on a report prepared by the Battelle Memorial Institute with some help from the Institute of Marine Sciences at the University of Miami. The commission said that certain forms of marine life have been passing through the existing canal for 50 years on the hulls of ships and in ballast water yet "no harmful results have been identified." The commission also noted that marine biologists have offered divergent predictions that a sea-level canal might cause anything "from disaster to possible beneficial results." In order to clear up the confusion, the commission said, it asked Battelle to conduct a study—admittedly limited in time and money—which involved a literature survey, mathematical modeling, and a study of marine species collected from the general canal area.

---

[1] Other members of the committee included Maximo J. Cerame-Vivas, University of Puerto Rico; David Challinor, Smithsonian Institution; Daniel M. Cohen, Bureau of Commercial Fisheries; Joseph H. Connell, University of California, Santa Barbara; Ivan M. Goodbody, University of the West Indies, Kingston; William A. Newman, Scripps Institution of Oceanography; C. Ladd Prosser, University of Illinois; Howard L. Sanders, Woods Hole Oceanographic Institute; Edward O. Wilson, Harvard; and Donald E. Wohlschlag, University of Texas, Port Aransas. The staff officer was Gerald J. Bakus, University of Southern California.

The Battelle report, which was prepared by William E. Martin, James A. Duke, Sanford G. Bloom, and John T. McGinnis of Battelle's Columbus, Ohio, laboratories, acknowledged that "present knowledge of the marine ecology of the Isthmian region is not sufficient to permit anyone to predict, with certainty, either the short-term or the long-term ecological consequences of sea-level canal construction." But the Battelle team went on to say that it had found "no firm evidence to support the prediction of massive migrations from one ocean to another followed by widespread competition and extinction of thousands of species" (a prediction that had been made by others but not by the Academy group). The Battelle group said that barriers could be arranged to block the migration of species from one ocean to another, and it argued that differences in environmental conditions on the two sides of the isthmus coupled with the prior occupancy of similar ecological niches by analogous species would constitute "significant deterrents" to the establishment of any species which might manage to get through the canal. In particular, the Battelle group found it "highly improbable that blue-water species like the sea snake and the crown-of-thorns starfish could get through the canal except under the most unusual circumstances." The Battelle group also said it had found "no evidence for predicting ecological changes that would be economically deleterious to commercial, sport or subsistence fisheries."

However, the Academy group seems to have been much less sanguine about the likely ecological impact of a new canal. The Academy report stresses that "available information is altogether insufficient to allow reliable predictions of particular events resulting from the excavation of a sea-level canal in Panama." But its report goes on to note that previous canal projects have sometimes led to "economic disaster" for certain fishing industries and have made it necessary to launch costly programs to repair the damage. Though it acknowledges that no predictions can be made with certainty, the Academy group warns that a sea-level Panamanian canal might produce major adverse consequences.

One previous instance in which a new canal caused great damage, according to the Academy group, involved the invasion of the Great Lakes by the sea lamprey, a predatory fishlike creature found in the North Atlantic. For thousands of years the sea lamprey was barred from the inner great lakes by Niagara Falls, but a system of manmade canals then allowed the lamprey to penetrate the inner lakes where it fed ravenously on valuable lake trout and other fish. In only 10 years the annual catch of lake trout in Lake Huron and Lake Michigan fell from 8.6 million pounds to 26,000 pounds. "This was an economic disaster for the fishing industry, one that has since been repaired only by years of research that finally led to an effective control of the invader through a costly management program," the Academy group said.

Another previous instance of major impact cited by the Academy group was the Suez Canal, where studies have shown that transmigration and colonization of marine plants and animals occur; that mobile, active organisms and fouling organisms are generally first to make the transit; that large-scale population changes occur; and that "significant economic impact sometimes results." Mayr, the head of the Academy group, told *Science* that a certain valuable species of sardine found in the eastern Mediterranean seems to have been "considerably affected" by competition from a less desirable species that invaded through the Suez Canal from the Red Sea. Mayr visited Israel last year to review work done on Suez Canal effects by a group of scientists at the University of Jerusalem. He said the Israelis reported that the "most remarkable thing" they had found was that it was nearly impossible to predict just what marine life would manage to get through the canal.

POINTS OF DISAGREEMENT

In assessing the possible impact of a sea-level canal through Panama, the Academy group disagrees completely with some of the conclusions of the Canal Study Commission and of Battelle. Whereas Battelle found it "highly improbable" that the sea snake would get through the canal, the Academy group said the poisonous snake—a potential menace to predatory fish and to the tourist trade—"should have no real difficulty moving through a sea-level canal." The Academy report also concludes that the canal itself would provide "a nearly optimal habitat" for certain large Pacific sharks and that these sharks "could become rapidly established on the Atlantic coast Central America, unless an effective barrier is employed." And whereas Battelle said it found no evidence that commercial or sport fisheries would be affected, the Academy report warned that some species, including certain shrimp, could be replaced by economically less valuable species. Mayr told *Science* it is "an indefensible statement" to say there will be no adverse effects on fisheries since no one really knows what will happen. The Academy group also warned that a sea-level canal might allow passage of parasites and pathogens from one ocean to another where they might cause serious destruction of organisms that lacked natural resistance to them.

Mayr's general impression of the canal commission's report is that it has made a number of "casual" and "misleading" statements, and that it has set up some straw men and then knocked them down while ignoring the most important fears expressed about a sea-level canal.

In order to lessen the potentially adverse impact of a new canal, the Academy report stressed that it is "essential" to install a barrier of warm fresh water in the canal to block the transit of as many species from the colder salt oceans as possible. But the canal commission was not persuaded that such a barrier is necessary. It simply said that if "future research" indicates the need for a biotic barrier (in addition to the tidal gates which will be installed to control currents), then "it would be possible to install a temperature or salinity barrier." However, the commission did not include plans for such a barrier in its designs indeed, it noted that the cost of a thermal barrier would be "high" and that the supply of fresh water available for a freshwater barrier is "limited." About the only point on which the commission and the Academy group seem firmly agreed is that an agency should be designated to support and coordinate research that could shed light on the potential environmental effects of a sea-level canal. Mayr professed himself "delighted" that the commission has recommended such a research effort.

Why were the Academy group's views largely ignored by the commission? Mayr and some other members of the Academy committee complain that the commission and its staff were more concerned about the economics of world shipping and about military defense than about possible ecological hazards—a charge which certainly seems to be true based on emphases given in the commission's report. But if the Academy group is right in asserting that the proposed canal could cause major damage, then the Academy itself must bear part of the responsibility for failing to make its voice heard.

Like all too many Academy committees, this one seems to have been given an overly restricted role. The canal commission report states that Battelle was asked to make "a study" of potential ecological effects whereas the Academy was merely asked "to recommend a program of long-term studies to be undertaken if the decision is made to build a sea-level canal." Mayr insists that his committee and the Battelle group did essentially the same thing, yet the fact that Batelle was the organization officially designated to do the "study" enabled the commission to emphasize Battelle's upbeat report while minimizing the Academy group's warnings.

The Academy study was further restricted in that it did not grapple with the question of whether a canal *should* be built, but only with the question of *how* it should be built. As the Academy report states in its preface: "Evaluation of the need for a canal and the wisdom of constructing it were explicity excluded from the committee's task—deliberations were carried on under the assumption that a canal would be built." Asked why the Academy group had made that assumption, Mayr said the canal commission had in effect, told the group: "Look here boys. That canal is going to be built no matter what you say." Consequently, Mayr said, "We decided the best thing to do was to make the canal as harmless as possible."

A further factor that limited the Academy group's effectiveness was its failure to speak out clearly. The Academy report does not use very forceful language in describing the potential hazards of a new canal. ("Scientists don't like to make loud statements—they like to understate things," Mayr says.) Moreover, the Academy group was unable to proclaim its apprehensions at the time the canal commission's cover report was made public last November. Neither Mayr nor the Academy itself would release copies of the Academy report until they had been officially published by the canal commission, and that did not happen until weeks later—long after public and press interest had dissipated.

No one can seriously contend that a group of scientists, who are by no means expert on the economic and military issues involved, should make final judgments as to whether a canal should be built. But the scientists are in a particularly good position to make judgments as to the ecological costs involved and to insist that these costs be considered before deciding whether to go ahead with a canal. As it now stands, the canal commission does not seem to have given much weight to the possible ecological costs, and its failure to do so must be blamed not only on the commission, but also on the Academy, which allowed itself to be mouse-trapped into a restricted role in which its voice was inevitably muted.

[From Science News, January 16, 1971]

Consequences of a Sea-Level Canal—A New Study of Sea Snakes Reinforces Ecologists' Concerns About the Proposed Canal

(By Richard H. Gilluly)

Little is known of the possible ecological consequences of a sea-level canal across the isthmus connecting North and South America, and engineers tend to believe that because there is no evidence of possible ecological harm, none would ensue. The recent report of the Atlantic-Pacific Interoceanic Canal Study Commission (SN: 12/12, p. 445) devotes four pages to environmental questions and tends to pooh-pooh any possible dangers.

Ecologists are not nearly so sanguine. They point out the reason there is no evidence of possible harm is that studies have not been done. Dr. Howard L. Sanders of the Woods Hole Oceanographic Institution, Woods Hole, Mass., is disturbed about "apparent discrepancies in emphasis" between the commission report and findings of a National Academy of Sciences committee on the canal (SN: 4/11, p. 364). "There are thousands of possibilities of mixing of similar species from Atlantic and Pacific sides," he says. The results, he adds, are unpredictable and could be serious. Dr. Sanders and others, therefore, urge that if a canal is to be dug a foolproof-as-possible biological lock—preferably of heated fresh water—be incorporated and that the most thorough studies possible be done prior to construction.

Although there has been little research to date on the ecological effects of the proposed canal, Drs. Ira Rubinoff and Chaim N. Kropach of the Smithsonian Tropical Research Institute in Balboa, Canal Zone, recently completed a study of *Pelamis platurus*, the highly venomous black and yellow sea snake that now inhabits the eastern Pacific (SN: 12/5/68, p. 579). They conclude that if the sea snake got into the Atlantic, it would at first be attacked by Atlantic predators. But then these predators would evolve avoidance mechanisms and the snake would spread throughout the Caribbean.

Such an event could be disastrous to the tourist industry, says Dr. Sanders. Even if the sluggish and fairly nonaggressive snake did not attack humans—it generally does not in the Pacific—its psychological effect could be formidable.

Drs. Rubinoff and Kropach reported on their work in the Dec. 26 Nature. The two researchers used tanks to expose the snakes to predators from the Atlantic and Pacific sides. The Pacific predators served as controls to measure how the behavior of the Atlantic predators, even though sometimes of the same species as the Pacific ones, differed.

The Pacific predators almost universally refused to prey on the sea snakes, even to the extent of starving if no other food was available. "On one occasion," the researchers report, "a snapper which had become conditioned to seize live food thrown from the surface ingested a snake as it hit the water, before it could have seen or smelt the snake below the surface. It immediately spat out the snake and paid no further attention to it."

Such avoidance mechanisms apparently evolved, they say, in the 2 million or 3 million years since the rise of the Panamanian Isthmus, at about which time the sea snake arrived in the eastern Pacific from the west Pacific. The reasons for the evolution of the mechanism become clear when the unadapted Atlantic predators were exposed to the snake.

The Atlantic predators approached the snakes without hesitation, and the more aggressive ones attacked. A snapper swallowed one of the snakes tail first, and just before it was completely swallowed, the snake bit the fish under the eye. The fish died 20 minutes later. One fish ate two snakes with apparent impunity, but died an hour later—apparently the victim of an internal bite. The snakes were regurgitated, and they survived. The researchers suggest that the extreme toxicity of the snake's venom may have evolved just so this would happen—to the predators, in their death throes, would regurgitate the snakes quickly before the snakes had been seriously hurt.

Predators often are encouraged to attack by observing other predators. But, say the two researchers, the avoidance mechanism in the Pacific predators is so strong that when sea snakes were offered to Atlantic and Pacific predators together, attacks by the Atlantic predators left the Pacific ones as indifferent as ever.

There are apparently visual, olfactory and gustatory aspects to the avoidance of the snakes by the Pacific predators. There are variations in the black, yellow and brown patterns of the sea snakes, but whether or not the variations are great enough to confuse predators, olfactory and gustatory clues seem to serve just as well. Pacific nurse sharks, for example, refused to have anything to do with *Pelamis platurus*, even when the snakes were wrapped inside the mantles of squid. Other predators refused the snakes skinned, or with its markings greatly altered with marking pens.

Of 35 attacks by Atlantic predators on the sea snakes in the trials by Drs. Rubinoff and Kropach, there were three predator deaths. The two researchers say that just one fatality of 22 ingestions of sea snakes would be a very high selection rate, and avoidance reactions would develop quickly in the Atlantic predators. Then, because other conditions in the Caribbean are similar to those in the Pacific, there would be no obstacle to the spreading of the snake.

Dr. Sanders says the findings of the Smithsonian researchers appear to be valid. He adds that the snake is sluggish and generally stays well off shore in the Pacific, feeding from windrows, lines of biological activity in oceans. But storms sometimes blow the snakes ashore. There is no reason why they would not also be blown to the shores of the numerous Caribbean islands, he says. Many of these islands rely almost entirely on the tourist industry.

Dr. Sanders emphasizes that the possible proliferation of the venomous sea snakes in the Caribbean is only a single adverse possibility among many in the building of a sea-level canal. Studies of these numerous other possibilities should be made before the canal is built, he emphasizes.

[From the Washington Evening Star, Jan. 27, 1971]

AGAINST SNAKES

(By John McKelway)

And so what else do we have to worry about?

Well, the Rambler was trying to mind his own business. He was extremely happy that Congress was back in town—to give him meaning to life—when all of a sudden he came across some remarks the distinguished Rep. Daniel J. Flood, D. Pa., made to the House of Representatives.

A great many people probably are unaware that on Dec. 1, 1970, the Atlantic-Pacific Interoceanic Canal Study Commission report was filed with the President. It recommended, whether you like it or not, the construction of a second canal of sea level design about 10 miles west of the existing canal, or what most of us usually term the "Old Panama Canal."

What Flood pointed out—and the Rambler also assumes this was missed by many people—was that the new canal, if it is ever built, may mean the introduction of sea snakes into the Atlantic Ocean.

This, it seems, was the word brought to the National Science Foundation, back in December by one Dr. Anthony T. Tu, professor of biochemistry at Colorado State University. Dr. Tu is worried, as we all should be, about these sea snakes getting into the Atlantic Ocean. So is Flood. So is the Rambler.

Flood can handle this better than the Rambler and after reading Dr. Tu's address he told the House:

"First. That sea snakes abound in the Indian and Pacific Oceans, including the east coast of Africa and the coastal waters of Baja, Calif., and the west coasts of New Mexico, Central America, Panama, and South America.

"Second. That about 60 species are found in the Far East and the Southwest Pacific but only one in the Eastern Pacific.

Third. That sea snakes, which are related to the cobra and far more numerous than land snakes, are more deadly than rattlesnakes and that a bite can cause death within hours.

"Fourth. That sea snakes cannot survive cold water and probably choose to avoid low-salinity estuarine waters.

"Fifth. That the Atlantic Ocean is protected against the sea snake infestation by low temperature barriers in the vicinity of Cape Horn and the Cape of Good Hope and the freshwater barrier of Gatun Lake in the Panama Canal.

"Sixth. That in addition to the hazards to human swimming at our beaches a sea snake invasion of the Atlantic might upset the ecological balance with unknown consequences."

Whew!

Now we have to face, if the new canal is built, sea snakes along with sharks and nettles. Or so it seems.

One of the odd things about this whole business is that Dr. Tu's research was supported by the Office of Naval Research of the Navy Department.

And, as usual, the government, once again, might be working at cross purposes.

Flood told his colleagues he is in favor of modernizing the existing canal which, apparently, would protect the Caribbean Sea and Atlantic from poisonous sea snake infestation.

So what to do?

Maybe this is worse, really, than the SST. The Rambler means he could take a few cracks in his ceiling or an awful shock after a boom from a passing SST but he is not about to go along with a lot of the snakes coming into his beloved Chesapeake Bay—which they undoubtedly will—after cutting a new canal without another Gatun Lake.

We have enough trouble.

St. Patrick, where are you?

SUPPORT FOR THE SOUTH VIETNAMESE

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, I take this time to indicate my strong support for the American Government's position in supporting the South Vietnamese in their efforts to interdict supplies coming down the Ho Chi Minh Trail. This trail has been for many years a lifeline for supplies which had allowed the North Vietnamese to flank the positions of the Americans and the South Vietnamese in South Vietnam and to occupy large areas of Laos and Cambodia. It is high time that this route and its supply complex, along with the sanctuaries which are in Cambodia, be destroyed so that the invaders from North Vietnam would be set back, and be required to make war, if they desired to do so, using their own country and their own facilities as bases.

Some people are not talking too much about the fact that the North Vietnamese are invaders. If they were not, there would not be any battles in Laos or in Cambodia. Our allies, the South Vietnamese, are engaged in a temporary incursion to drive out an invader who was previously in Laos. Since the North Vietnamese invaders have used Laos as a base from which to attack South Vietnam, the juridical and moral position of the South Vietnamese is clear.

Since no American ground troops are being used the administration has obviously not violated the spirit or the letter of any act of Congress. I hope all Members will support the President in this latest effort to assure that American combat troops can continue to withdraw from Southeast Asia quickly and safely.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gonzalez for 30 minutes, today.

Mr. Smith of Iowa, for 60 minutes, on March 1, 1971; to revise and extend his remarks and to include extraneous matter.

Mr. Melcher, for 1 hour, on March 1, 1971; to revise and extend his remarks and to include extraneous matter.

Mr. Price of Texas (at the request of Mr. Archer), for 15 minutes today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mrs. Hicks of Massachusetts) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Hamilton, for 30 minutes, today.

Mr. Rarick, for 15 minutes, today.

Mr. Fisher, for 10 minutes, today.

Mr. Flood, for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Dulski to revise and extend his remarks and include extraneous matter.

Mr. Bennett to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Archer) and to include extraneous matter:)

Mr. Winn.

Mr. Broomfield in two instances.

Mr. Blackburn in two instances.

Mr. Scherle in 11 instances.

Mr. Schwengel.

Mr. Hall.

Mr. Forsythe.

Mr. Price of Texas in four instances.

Mr. Rhodes.

Mr. Myers.

Mr. Gross.

Mr. Schmitz in two instances.

Mr. Broyhill of Virginia in two instances.

Mr. Shoup.

Mr. Hosmer in two instances.

Mr. Johnson of Pennsylvania.

(The following Members (at the request of Mrs. Hicks of Massachusetts) and to include extraneous matter:)

Mr. Rarick in three instances.

Mr. Boggs.

Mr. Hathaway in two instances.

Mr. Thompson of New Jersey in three instances.

Mr. Brademas in six instances.

Mr. Fraser in two instances.

Mr. Obey in six instances.

Mr. Bolling.

Mr. Fuqua.

Mr. Waldie in six instances.

Mr. Gonzalez in two instances.

Mr. Rostenkowski.

Mr. Dulski in three instances.

Mr. Anderson of California in two instances.

Mr. Preyer of North Carolina in two instances.

ADJOURNMENT

Mrs. HICKS of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 9, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

215. A letter from the Deputy Secretary of Defense, transmitting a report covering 1970 on the sale or other transfer of Government-owned communications facilities in Alaska, together with a report on the January 10, 1971, transfer of the Alaska communication system to RCA Global Communications, Inc. and its wholly owned subsidiary, RCA Alaska Communications, Inc., both reports pursuant to section 206 of the Alaska Communications Disposal Act; to the Committee on Armed Services.

216. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting a report on design, construction, supervision, and overhead charged for military construction completed in fiscal year 1970, pursuant to section 704 of Public Law 91–142; to the Committee on Armed Services.

217. A letter from the Secretary of the Army, transmitting a report of progress in the Army Reserve Officers' Training Corps flight instruction program during calendar year 1970, pursuant to 10 U.S.C. 2110; to the Committee on Armed Services.

218. A letter from the Deputy Under Secretary of the Army (International Affairs), transmitting the 1970 index of the legislation enacted by the Government of the Ryukyu Island; to the Committee on Armed Services.

219. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; to the Committee on Armed Services.

220. A letter from the Director, Selective Service System, transmitting his semiannual report covering the period January 1 through June 30, 1970, pursuant to section 10(g) of the Military Selective Service Act of 1967; to the Committee on Armed Services.

221. A letter from the Secretary of State, transmitting the 10th annual report of the Center for Cultural and Technical Exchange Between East and West, covering fiscal year 1970, pursuant to chapter VII of the Mutual Security Act of 1960; to the Committee on Foreign Affairs.

222. A letter from the Director, U.S. Information Agency, transmitting the semiannual report of the Agency for the period from January 1 through June 30, 1970, pursuant to section 1008 of Public Law 402, 80th Congress; to the Committee on Foreign Affairs.

223. A letter from the Deputy Administrator of Veterans' Affairs, transmitting a report on disposal of foreign excess property by the Veterans' Administration during calendar year 1970, pursuant to 40 U.S.C. 514(d); to the Committee on Government Operations.

224. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting the 12th annual report of the Commission, pursuant to Public Law 86-380; to the Committee on Government Operations.

225. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize appropriations for the saline water conversion program for fiscal year 1972, and for other purposes; to the Committee on Interior and Insular Affairs.

226. A letter from the Assistant Secretary of the Interior, transmitting notice of the receipt of an application for a loan from the Yolo County Flood Control and Water Conservation District of Woodland, Calif., pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

227. A letter from the Chairman, National Water Commission, transmitting the second interim report of the Commission, covering its progress during calendar year 1970; to the Committee on Interior and Insular Affairs.

228. A letter from the Chairman, Water Resources Council, transmitting the views of the Council on the National Water Commission's interim Report No. 2, pusuant to the National Water Commission Act; to the Committee on Interior and Insular Affairs.

229. A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Revised Organic Act of the Virgin Islands; to the Committee on the Judiciary.

230. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began on March 18, 1970; to the Committee on the Judiciary.

231. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

232. A letter from the Postmaster General, transmitting the revenue and cost analysis report of the Post Office Department for fiscal year 1970, pursuant to 39 U.S.C. 2331; to the Committee on Post Office and Civil Service.

233. A letter from the Federal Cochairman, Appalachian Regional Commission, transmitting a draft of proposed legislation to extend, and to authorize funds to carry out the purposes of, the Appalachian Regional Development Act of 1965, as amended; to the Committee on Public Works.

234. A letter from the Federal Cochairman, Four Corners Regional Commission, transmitting the third annual report of the Commission, pursuant to section 509 of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

235. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program

management, and for other purposes; to the Committee on Science and Astronautics.

236. A letter from the Deputy General Manager, U.S. Atomic Energy Commission, transmitting a further statement on the previously submitted draft of proposed legislation to authorize the Commission to charge Federal agencies fees for the licensing of nuclear power reactors; to the Joint Committee on Atomic Energy.

Received From the Comptroller General

237. A letter from the Comptroller General of the United States, transmitting a report on control needed over excessive use of physician services provided under the medicaid program in Kentucky, Social and Rehabilitation Service, Department of Health, Education, and Welfare; to the Committee on Government Operations.

238. A letter from the Comptroller General of the United States, transmitting a report on opportunities to economize on purchases of dairy and bakery products for U.S. forces in Southeast Asia, Department of Defense and Department of State; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLMER: Committee on Rules. House Resolution 23. Resolution relating to the creation of a select committee in the House of Representatives; without amendment (Rept. No. 92–6). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 24. Resolution to create a select committee to regulate parking on the House side of the Capitol; without amendment (Rept. No. 92–7). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 3798. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing-rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. Archer (for himself, Mr. Lennon, Mr. Kuykendall, Mr. Wyman, Mr. Duncan, Mr. Schmitz, Mr. Scott, Mr. Shoup, Mr. Derwinski, and Mr. Buchanan):

H.R. 3799. A bill to amend section 236 of the National Housing Act to require local governmental approval of any project as a condition of interest-reduction payments (or mortgage insurance) with respect to such project; to the Committee on Banking and Currency.

By Mr. BENNETT:

H.R. 3800. A bill to further amend the Federal Civil Defense Act of 1950, as amended, to provide that Federal buildings shall be designed and constructed to maximize fallout protection and that non-Federal construction financed in whole or in part with Federal funds may be designed to maximize fallout protection; to the Committee on Armed Services.

H.R. 3801. A bill to amend titles II and XVIII of the Social Security Act to permit benefit payments to a widower, parent, or child despite his or her marriage if such marriage is annulled, to allow an individual to have military service excluded in the computation of his benefits in order to use such service for a civil service retirement annuity, to permit State agreements for hospital insurance coverage, and to provide supplementary medical insurance coverage for certain services furnished an individual at his home by a medical technician or registered nurse; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 3802. A bill to amend the act of March 3, 1931, relating to the furnishing of books and other materials to the blind and to other handicapped persons to authorize the furnishing of musical recordings and tapes to such persons; to the Committee on House Administration.

H.R. 3803. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

H.R. 3804. A bill to amend chapter 153 of title 28, United States Code, to provide for the granting of writs of habeas corpus in certain additional instances; to the Committee on the Judiciary.

H.R. 3805. A bill to eliminate the requirement of a three-judge district court in cases seeking to restrain the enforcement of State or Federal statutes for repugnance to the Constitution, and to provide for direct appeal to the Supreme Court in certain cases, and for other purposes; to the Committee on the Judiciary.

H.R. 3806. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

By Mr. DULSKI (for himself and Mr. Corbett):

H.R. 3807. A bill to amend title 5, United States Code, to establish and govern the Federal Executive Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DULSKI (for himself, Mr. Corbett, Mr. Henderson, Mr. Udall, Mr. Daniels of New Jersey, Mr. Nix, Mr. Hanley, Mr. Charles H. Wilson, Mr. Waldie, Mr. White, Mr. William D. Ford, Mr. Hamilton, Mr. Brasco, Mr. Purcell, Mr. Bevill, Mr. Chappell, Mr. Gross, Mr. Derwinski, Mr. Johnson of Pennsylvania, Mr. Scott, Mr. McClure, Mr. Hogan, Mr. Hillis, and Mr. Powell):

H.R. 3808. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ERLENBORN (for himself and Mr. Brown of Ohio):

H.R. 3809. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Bureau of Consumer Protection in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. GALLAGHER:

H.R. 3810. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

H.R. 3811. A bill to amend title II of the Social Security Act to provide that an individual's old-age insurance benefits or disability insurance benefits shall continue to be paid, after his death, to his surviving spouse; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 3812. A bill to raise the Veterans' Administration to the status of an executive department of the Government to be known as the Department of Veterans' Affairs; to the Committee on Government Operations.

H.R. 3813. A bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN (for himself, Mr. Addabbo, Mr. Delaney, Mr. Rosenthal, Mr. Wolff, Mr. Badillo, and Mr. Brasco):

H.R. 3814. A bill to provide for the construction of a Veterans' Administration hospital of 1,000 beds in the county of Queens, New York State; to the Committee on Veterans' Affairs.

By Mr. HAMILTON:

H.R. 3815. A bill to revise the Federal election laws, and for other purposes; to the Committee on Ways and Means.

By Mr. HAMILTON (for himself and Mrs. Mink):

H.R. 3816. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing-rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HÉBERT:

H.R. 3817. A bill to amend titles 10 and 32, United States Code, to authorize the establishment of a National Guard for the Virgin Islands; to the Committee on Armed Services.

By Mr. HÉBERT (for himself, and Mr. Arends):

H.R. 3818. A bill to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. HECHLER of West Virginia:

H.R. 3819. A bill to assist the States in raising revenues by making more uniform the incidence and rate of tax imposed by States on the severance of minerals; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 3820. A bill to establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department; to the Committee on Government Operations.

H.R. 3821. A bill to amend section 203 of the Federal Property and Administrative Service Act of 1949 to permit the disposal of surplus personal property to State and local governments, Indian groups under Federal supervision, and volunteer firefighting and rescue organizations at 50 percent of the estimated fair market value; to the Committee on Government Operations.

H.R. 3822. A bill to amend part I of the Interstate Commerce Act, as amended, to authorize railroads to publish rates for use by common carriers; to the Committee on Interstate and Foreign Commerce.

H.R. 3823. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation to the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 3824. A bill to amend the act of March 3, 1899, commonly referred to as the Refuse Act, relating to the issuance of certain permits; to the Committee on Public Works.

By Mr. KUYKENDALL:

H.R. 3825. A bill to amend certain provisions of the Federal Food, Drug, and Cosmetic Act; to the Committee on Interstate and Foreign Commerce.

By Mr. KYROS:

H.R. 3826. A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of Commerce to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LANDGREBE (for himself, Mr. Baring, Mr. Camp, Mr. Donohue, Mr. Hutchinson, Mr. King, Mr. Latta, Mr. Lennon, Mr. Miller of California, Mr. Schwengel, Mr. Ware, and Mr. Williams):

H.R. 3827. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part or imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

By Mr. McCLURE:

H.R. 3828. A bill to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 3829. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 3830. A bill to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket No. 50233, U.S. Court of Claims, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MINISH:

H.R. 3831. A bill to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MINSHALL:

H.R. 3832. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 3833. A bill to provide for a coordinated national boating safety program; to the Committee on Merchant Marine and Fisheries.

By Mr. MORSE:

H.R. 3834. A bill to promote private U.S. participation in international organizations and movements, to provide for the establishment of an Institute of International Affairs, and for other purposes; to the Committee on Foreign Affairs.

H.R. 3835. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research and institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 3836. A bill to incorporate the Army and Navy Union of the United States of America; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 3837. A bill to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MOSS (for himself, Mr. Helstoski, Mr. Koch, Mr. Miller of California, Mr. Moorhead, Mr. Nedzi, Mr. O'Neill, Mr. Podell, Mr. Rees, Mr. Reid of New York, Mr. Rodino, Mr. Rosenthal, Mr. Scheuer, Mr. St Germain, Mr. Thompson of New Jersey, and Mr. Van Deerlin):

H.R. 3838. A bill to amend the Federal Power Act to further promote the reliability, abundance, economy, and efficiency of bulk electric power supplies through regional and interregional coordination; to encourage the installation and use of improved extra-high-voltage facilities; to preserve the environment and conserve natural resources; to establish the Electric Power Environmental Council; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS (for himself, Mrs. Hansen of Washington, Mr. Miller of California, and Mr. Dingell):

H.R. 3839. A bill to provide for the protection of persons and property aboard United States air carrier aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS (for himself, Mr. Rodino, Mr. Udall, Mr. Donohue, Mr. Conyers, and Mr. Ryan):

H.R. 3840. A bill designating certain election days as legal public holidays; to the Committee on Judiciary.

By Mr. PELLY (for himself, Mrs. Dwyer, Mr. McCormack, Mr. Sisk, and Mr. St Germain):

H.R. 3841. A bill to amend the act of August 27, 1954 (commonly known as the Fishermen's Protective Act) to conserve and protect Atlantic salmon of North American origin; to the Committee on Merchant Marine and Fisheries.

By Mr. PETTIS:

H.R. 3842. A bill to provide Civilian Conservation Corps enrollees who are suffering from paraplegia incurred during service in such corps with benefits substantially comparable to those provided veterans who are similarly disabled; to the Committee on Education and Labor.

H.R. 3843. A bill to establish the Federal Medical Evaluations Board to carry out the functions, powers, and duties of the Secretary of Health, Education, and Welfare relating to the regulation of biological products, medical devices, and drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL (for himself and Mr. McCloskey):

H.R. 3844. A bill to implement the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354); amend Public Law 89-669 (October 15, 1966); and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. TEAGUE of California:

H.R. 3845. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 3846. A bill to provide for the establishment of a national cemetery within the boundaries of Vandenberg Air Force Base, Calif.; to the Committee on Veterans' Affairs.

H.R. 3847. A bill to assure to all Americans adequate protection against the costs of health care, through Federal-State programs covering all costs incurred by those who are unable to provide such protection for themselves and a Federal program covering catastrophic costs incurred by those who are normally able to provide such protection; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 3848. A bill to amend section 620 of title 38 of the United States Code to authorize the transfer for nursing home care of servicemen who have received care in Armed Forces hospitals and who upon discharge therefrom will become veterans; to the Committee on Veterans' Affairs.

By Mr. THOMSON of Wisconsin:

H.R. 3849. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 3850. A bill to amend section 5042(a)(2) of the Internal Revenue Code of 1954 to permit individuals who are not heads of families to produce wine for personal consumption; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 3851. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 3852. A bill to amend the Dependents Assistance Act of 1950 in order to make members of the Reserve and National Guard ordered to active duty for training for periods of 30 days or more eligible for quarters allowances and to make allotments; to the Committee on Armed Services.

H.R. 3853. A bill to authorize pay and benefits for members and survivors of members of the Philippine Scouts on the same basis as such pay and benefits are authorized for other members of the Armed Forces and their survivors; to the Committee on Armed Services.

H.R. 3854. A bill to amend title II of the National Housing Act to establish a new program of mortgage insurance to assist in financing the construction or rehabilitation of housing facilities for the mentally retarded; to the Committee on Banking and Currency.

H.R. 3855. A bill to prohibit Federal financial assistance for State or local educational agencies which permit primary or secondary students within their jurisdiction to conduct experiments with live animals; to the Committee on Education and Labor.

H.R. 3856. A bill to amend section 8128 of title 5, United States Code, to provide judicial review of decisions of the Secretary of Labor relating to compensation for work injuries suffered by Federal employees; to the Committee on Education and Labor.

H.R. 3857. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

H.R. 3858. A bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950); to the Committee on Internal Security.

H.R. 3859. A bill to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3860. A bill to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to provide grants for costs of initiating services in community mental retardation facilities; to the Committee on Interstate and Foreign Commerce.

H.R. 3861. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3862. A bill to amend the Public Health Service Act to provide special assistance for the improvement of laboratory animal research facilities; to establish standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States and by recipients of grants, awards, and contracts from the United States; to encourage the study and improvement of the care, handling, and treatment and the development of methods for minimizing pain and discomfort of laboratory animals used in biomedical activities; and to otherwise assure humane care, handling, and treatment of laboratory animals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3863. A bill to supplement the antitrust laws of the United States by providing for fair competitive practices in the termination of franchise agreements; to the Committee on the Judiciary.

H.R. 3864. A bill to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the California tule elk; to the Committee on Merchant Marine and Fisheries.

H.R. 3865. A bill to amend title 5, United States Code, to provide for the establishment of minimum- and maximum-age limits governing new appointments of firefighters in the competitive service; to the Committee on Post Office and Civil Service.

H.R. 3866. A bill to prohibit the furnishing of mailing lists and other lists of names or addresses by Government agencies to the public in connection with the use of the U.S. mails, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3867. A bill to amend section 4005 of title 39, United States Code, to restore to such section the provisions requiring proof of intent to deceive in connection with the use of the mails to obtain money or property by false pretenses, representations, or promises; to the Committee on Post Office and Civil Service.

H.R. 3868. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3869. A bill to amend the Tariff Schedules of the United States to permit the duty free entry of certain personal effects of servicemen assigned to combat areas; to the Committee on Ways and Means.

H.R. 3870. A bill to amend the Revenue and Expenditure Control Act of 1968, to provide for the continuation of the exemption for employment of economically or educationally disadvantaged persons from the employee ceilings of section 201 of that act; to the Committee on Ways and Means.

H.R. 3871. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

H.R. 3872. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

H.R. 3873. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for legal and other expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

H.R. 3874. A bill to amend the Internal Revenue Code 1954 to provide that civil service retirement annuities shall not be subject to the income tax; to the Committee on Ways and Means.

H.R. 3875. A bill to amend title XVIII of the Social Scurity Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 3876. A bill to amend title XIV (and title XVI) of the Social Scurity Act to permit aid to the permanently and totally disabled to be paid, under approved State plans with Federal matching, to individuals in institutions for the mentally retarded; to the Committee on Ways and Means.

H.R. 3877. A bill to amend title II of the Social Security Act to permit a woman to become entitled to full wife's insurance benefits after attaining age 65 even though she became entitled to reduced old-age insurance benefits (or disability insurance benefits) before attaining that age; to the Committee on Ways and Means.

H.R. 3878. A bill to promote public confidence in the integrity of Congress by providing for public disclosure of Federal income tax returns by Members of Congress and candidates for that office; to the Committee on Standards of Official Conduct.

By Mr. WHALLEY:

H.R. 3879. A bill establishing under the Secretary of Agriculture a 5 year research program seeking to control the gypsy moth, and for other purposes to the Committee on Agriculture.

By Mr. BENNETT:

H.J. Res. 299. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations; to the Committee on the Judiciary.

My Mr. BOGGS:

H.J. Res. 300. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971 as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. BROWN of Ohio:

H.J. Res. 301. Joint resolution to establish the Cedar Swamp National Monument; to the Committee on Interior and Insular Affairs.

By Mr. FASCELL:

H.J. Res. 302. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. HANLEY:

H.J. Res. 303. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.J. Res. 304. Joint resolution proposing an amendment to the Constitution of the United States relative to equal righs for men and women; to the Committee on the Judiciary.

By Mr. PETTIS:

H.J. Res. 305. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.J. Res. 306. Joint resolution designating the 14th of February, Saint Valentine's Day, each year, to be known also as National Postman's Day; to the Committee on the Judiciary.

By Mr. WALDIE:

H.J. Res. 307. Joint resolution to declare the policy of the United States with respect to its territorial sea; to the Committee on Foreign Affairs.

H.J. Res. 308. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

H.J. Res. 309. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 310. Joint resolution to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 21, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks"; to the Committee on the Judiciary.

By Mr. ABBITT (for himself and Mr. DANIEL of Virginia):

H. Con. Res. 136. Concurrent resolution expressing the sense of the Congress with respect to the participation by the United States in loans made by any international agency or bank to underdeveloped countries, for the purpose of increasing the production of an agricultural commodity determined to be a surplus agricultural commodity within the United States; to the Committee on Foreign Affairs.

By Mr. CABELL:

H. Con. Res. 137. Concurrent resolution designating October 6 of each year as German-American Day; to the Committee on the Judiciary.

By Mr. GALLAGHER (for himself, Mr. ASPIN, Mr. BERGLAND, Mr. BROOMFIELD, Mr. BURKE of Massachusetts, Mr. COLLINS of Illinois, Mr. DANIELSON, Mr. DENHOLM, Mr. DIGGS, Mr. DORN, Mr. DOWNING, Mr. EVINS of Tennessee, Mr. FASCELL, Mr. FLOWERS, Mr. GALIFIANAKIS, Mr. GARMATZ, Mr. HAGAN, Mr. HAYS, Mrs. HICKS of Massachusetts, Mr. HUNGATE, Mr. MEEDS, Mr. RANGEL, Mr. RODINO, Mr. SIKES, and Mr. STRATTON):

H. Con. Res. 138. Concurrent resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER (for himself and Mr. THOMSON of Wisconsin):

H. Con. Res. 139. Concurrent resolution calling for a national commitment to cure and control cancer with this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. PETTIS:

H. Con. Res. 140. Concurrent resolution to obtain humane treatment and release of American prisoners of war; to the Committee on Foreign Affairs.

By Mr. WALDIE:

H. Con. Res. 141. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H. Res. 209. Resolution relating to the creation of a world environmental institute to aid all the nations of the world in solving common environmental problems of both national and international scope; to the Committee on Foreign Affairs.

By Mr. COLMER:

H. Res. 210. Resolution providing funds for the Committee on Rules; to the Committee on House Administration.

By Mr. HELSTOSKI:

H. Res. 211 Resolution relative to the Federal telecommunications system service; to the Committee on Veterans' Affairs.

By Mr. MORSE:

H. Res. 212. Resolution authorizing a Representative in Congress who is a member of a certain committee to designate one of his employees to be cleared for access to classified information available to the Representative in his capacity as a member of such committee; to the Committee on Rules.

By Mr. PERKINS (for himself, Mrs. GREEN of Oregon, Mr. THOMPSON of New Jersey, Mr. DENT, Mr. PUCINSKI, Mr. DANIELS of New Jersey, Mr. BRADEMAS, Mr. O'HARA, Mr. HAWKINS, Mr. WILLIAM D. FORD, Mrs. MINK, Mr. SCHEUER, Mr. MEEDS, Mr. BURTON, Mr. GAYDOS, Mr. CLAY, Mrs. CHISHOLM, Mr. BIAGGI, Mrs. GRASSO, Mrs. HICKS of Massachusetts, Mr. MAZZOLI, and Mr. BADILLO):

H. Res. 213. Resolution authorizing the Committee on Education and Labor to conduct certain studies and investigations; to the Committee on Rules.

By Mr. SCHMITZ:

H. Res. 214. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 3880. A bill for the relief of Ionie I. Lino; to the Committee on the Judiciary.

H.R. 3881. A bill for the relief of Paulino Guim Lopez; to the Committee on the Judiciary.

By Mrs. ADDABBO:

H.R. 3882. A bill for the relief of Jesusa Bacalan; to the Committee on the Judiciary.

H.R. 3883. A bill for the relief of Giovanni Badalamenti; to the Committee on the Judiciary.

H.R. 3884. A bill for the relief of Luigi Caruso; to the Committee on the Judiciary.

H.R. 3885. A bill for the relief of Salvatore Cinelli; to the Committee on the Judiciary.

H.R. 3886. A bill for the relief of Antonio Costante; to the Committee on the Judiciary.

H.R. 3887. A bill for the relief of Giuseppe Costanza; to the Committee on the Judiciary.

H.R. 3888. A bill for the relief of Domenico DiPalo; to the Committee on the Judiciary.

H.R. 3889. A bill for the relief of Adriana Ferrante; to the Committee on the Judiciary.

H.R. 3890. A bill for the relief of Giuseppe and Nunzia Gatusso; to the Committee on the Judiciary.

H.R. 3891. A bill for the relief of Anna Rosa, Luigi, and Amelia Guistino; to the Committee on the Judiciary.

H.R. 3892. A bill for the relief of Natalina Miceli; to the Committee on the Judiciary.

H.R. 3893. A bill for the relief of Donato Minerva; to the Committee on the Judiciary.

H.R. 3894. A bill for the relief of Winston Nurse; to the Committee on the Judiciary.

H.R. 3895. A bill for the relief of Benedetto Patti; to the Committee on the Judiciary.

H.R. 3896. A bill for the relief of Roslyn Piper; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 3897. A bill for the relief of Vittorino Brunelli; to the Committee on the Judiciary.

H.R. 3898. A bill for the relief of Annibale Cuozzo; to the Committee on the Judiciary.

H.R. 3899. A bill for the relief of Maria Camilla Giuliani Niro; to the Committee on the Judiciary.

H.R. 3900. A bill for the relief of Benedetto Pietrangelo; to the Committee on the Judiciary.

H.R. 3901. A bill for the relief of Luis Maria Quinteros; to the Committee on the Judiciary.

H.R. 3902. A bill for the relief of Antonio F. Savini; to the Committee on the Judiciary.

H.R. 3903. A bill for the relief of John Veneziale; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 3904. A bill for the relief of Antonio Corapi; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 3905. A bill for the relief of Jose Costa Marques and Almerinda de Matos Sao Marcos Bom and their minor child; to the Committee on the Judiciary.

H.R. 3906. A bill for the relief of Mario da Silva Costa; to the Committee on the Judiciary.

H.R. 3907. A bill for the relief of Joao Crespo; to the Committee on the Judiciary.

H.R. 3908. A bill for the relief of Manuel Dias da Cunha; to the Committee on the Judiciary.

H.R. 3909. A bill for the relief of Reinaldo Tristao da Cunha; to the Committee on the Judiciary.

H.R. 3910. A bill for the relief of Jose de Mendonca da Silva and Florentina Correia da Conceicao da Silva; to the Committee on the Judiciary.

H.R. 3911. A bill for the relief of Firminio Antonio De Borba; to the Committee on the Judiciary.

H.R. 3912. A bill for the relief of Manuel Correia de Mendonca; to the Committee on the Judiciary.

H.R. 3913. A bill for the relief of Domingos Silverio Ferro; to the Committee on the Judiciary.

H.R. 3914. A bill for the relief of Manuel Lima; to the Committee on the Judiciary.

H.R. 3915. A bill for the relief of Maria Espinola Ramos Lobao; to the Committee on the Judiciary.

H.R. 3916. A bill for the relief of Solomon Erick Newman Martinez; to the Committee on the Judiciary.

H.R. 3917. A bill for the relief of Samuel N. Newman; to the Committee on the Judiciary.

H.R. 3918. A bill for the relief of Adelta da Luz Bettencourt (Ortins) and Joao dos Santos Ortins; to the Committee on the Judiciary.

H.R. 3919. A bill for the relief of Carlos S. Adolfo Pavon; to the Committee on the Judiciary.

H.R. 3920. A bill for the relief of Joao Gil Ramos and Aldora Maria Moreira Ramos; to the Committee on the Judiciary.

H.R. 3921. A bill for the relief of Jose Pinto Repas; to the Committee on the Judiciary.

H.R. 3922. A bill for the relief of Manuel da Cunha Santos; to the Committee on the Judiciary.

By Mr. ROGERS (by request):

H.R. 3923. A bill for the relief of Jesus Garza Venegas, Jr.; to the Committee on the Judiciary.

By Mr. SANDMAN:

H.R. 3924. A bill for the relief of Luella M. Freeman; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 3925. A bill for the relief of Klaudiusz Blaszak; to the Committee on the Judiciary.

H.R. 3926. A bill for the relief of Francisco Moreno-Santa Cruz; to the Committee on the Judiciary.

H.R. 3927. A bill for the relief of Jose Luis Dunn-Marin; to the Committee on the Judiciary.

H.R. 3928. A bill for the relief of Kwong Yum Foo; to the Committee on the Judiciary.

H.R. 3929. A bill for the relief of Gheorghe Jucu and Aurelia Jucu; to the Committee on the Judiciary.

H.R. 3930. A bill for the relief of Masakatsu Kawano; to the Committee on the Judiciary.

H.R. 3931. A bill for the relief of the heirs at law of Jiro Kunisaki and Ellen Kishiyama, his daughter; to the Committee on the Judiciary.

H.R. 3932. A bill for the relief of Adelajda Komarnicka-Smieja; to the Committee on the Judiciary.

H.R. 3933. A bill for the relief of Vincent Shau Lee; to the Committee on the Judiciary.

H.R. 3934. A bill for the relief of Fumihiro Morikawa; to the Committee on the Judiciary.

H.R. 3935. A bill for the relief of Honorata Anita Organo; to the Committee on the Judiciary.

H.R. 3936. A bill for the relief of Robert W. Patterson; to the Committee on the Judiciary.

H.R. 3937. A bill for the relief of Atanasio Perez; to the Committee on the Judiciary.

H.R. 3938. A bill for the relief of Jose De Jesus Robles; to the Committee on the Judiciary.

H.R. 3939. A bill for the relief of Teofila Pardo Ruiz; to the Committee on the Judiciary.

H.R. 3940. A bill for the relief of Perla Janolino Ty; to the Committee on the Judiciary.

H.R. 3941. A bill for the relief of Paul A. Vieira; to the Committee on the Judiciary.

H.R. 3942. A bill for the relief of Adelio F. Villaruel; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 3943. A bill for the relief of Indarjit Ramnarine; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 3944. A bill for the relief of Mrs. Librada Guzman Liggayu; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

11. Mr. STEED presented a memorial of the Oklahoma Senate commending Hon. Carl Albert for his personal achievements in service of Government; to the Committee on House Administration.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

20. By the SPEAKER: Petition of the City Assembly, Nago, Okinawa, relative to the removal of poison gas weapons from Okinawa; to the Committee on Armed Services.

21. Also petition of the City Assembly, Nago, Okinawa, relative to the trial of a U.S. serviceman for the death of an Okinawan; to the Committee on Armed Services.

22. Also, petition of the Board of Supervisors, Goochland County, Va., relative to Federal-State revenue sharing; to the Committee on Ways and Means.

SENATE—*Monday, February 8, 1971*

Legislative day of Tuesday, January 26, 1971

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

The Reverend James David Ford, Chaplain, U.S. Military Academy, West Point, N.Y., offered the following prayer:

O God, our Father, Creator of all mankind, we give Thee thanks for the gift of life that we have today and for the promise of hope for tomorrow.

May we experience honesty and integrity in our thought and action, and may Thy power sustain us in the works of reconciliation.

We ask Thy blessing on this assembly, upon our President, and those in authority.

We pray Thy special blessing on the men of the armed services, that the duty and honor of serving Thee and our country may ever enable them to take pride in their calling and make them faithful in Thy service. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, February 5, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Phillip Victor Sanchez, of California, to be an Assistant Director of the Office of Economic Opportunity, which was referred to the Committee on Labor and Public Welfare.

ORDER FOR RECESS TO 11:45 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:45 a.m. tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(Later in the day, this order was modified to provide for the Senate to convene at 11 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR BELLMON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on tomorrow, immediately following the prayer, the distinguished Senator from Oklahoma (Mr. BELLMON) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

DEPARTMENT OF THE TREASURY

The assistant legislative clerk read the nomination of John B. Connally, of Texas, to be Secretary of the Treasury.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LONG. Mr. President, it is a great pleasure for me to commend to the Senate the nomination of John B. Connally to the office of Secretary of the Treasury.

The Committee on Finance, by a vote of 13 to 0, with two abstentions, has approved this nomination.

Mr. Connally is ideally qualified for the post of Secretary of the Treasury; he is a lawyer, a successful businessman, a former Governor, and a former Secretary of the Navy. He is an immensely popular man in his own State of Texas. His reputation for sound judgment, for great administrative abilities, and for the highest degree of personal integrity has won him nationwide recognition as a leader of men.

Mr. Connally has made tremendous personal sacrifices in accepting the President's nomination and serving as his chief financial adviser.

Governor Connally will bring to this office a broad knowledge of the Nation's economic problems and goals, together with a sound policy orientation and a strong will which I feel will be crucial for the difficult and complex tasks which await him. Mr. Connally was unusually frank in expressing his viewpoints on many of the policy issues facing the Nation. I think his general approach should appeal to every Member of this body, whether he is a Republican, Democrat, liberal, or conservative.

First of all, he is a man who indicated that he does not believe the crude approach of tight money and high interest is a proper remedy for today's economic ills. I think he will fight for lower interest rates to restore the vitality to the economy.

He is also a tough negotiator. I have great confidence in his ability to negotiate fair and reciprocal agreements with foreign countries dealing with the complex and difficult areas of international finance and balance-of-payments matters. They will respect John B. Connally. He said:

> I assure you in all the negotiations that we have, I shall do the utmost, and everyone of the staff at the Treasury will do his utmost to be sure that we are not taken advantage of in any of our negotiations whether they are bilateral or multilateral.

On fiscal matters, Mr. Connally is a realist. He understands that in times such as this, when you have high unemployment and no growth in the economy, deficit spending can be justified. But he also is a responsible man who, as a matter of general principle, believes that we ought to pay our way and not "engage in continued deficit spending and expect future generations to pay for either services, or wishes, or wants of ours."

Further, with respect to tax policy, Governor Connally stated his basic belief that taxes are to be levied on those most able to pay, but that almost everybody except the very destitute, ought to pay some tax. He stated his belief that it is wrong to have a democracy where some people do not contribute to the preservation of that democracy.

On the question of inflation, he was quite candid with the committee in saying that the Government has a role to play in assuring that management and labor will live up to their national responsibilities in making wage-price decisions. He is an activist who will use whatever power he has to assure that those responsibilities are exercised in the public interest.

Other policy matters on which Mr. Connally commented during the hearings are in the committee print, and everyone is free to look at them.

With respect to the allegations that have been raised about Mr. Connally's financial affairs, I want to say that our committee explored every issue that has been raised in the press, and some that had not been raised, and found no conflict of interest—potential or actual—no wrongdoing whatsoever on the part of Mr. Connally. He passed every test we put to him with flying colors. In fact, after a particularly misleading and scandalous newspaper article, Mr. Connally himself asked for a further public hearing in addition to the one we held to lay his financial position open for all to see. Again, he candidly answered all questions and satisfied with his responses, the committee met in executive session and reported the nomination without a dissent.

Now, the Committee on Finance has since been criticized in the Washington Post of Thursday, February 4, for acting hastily on Governor Connally's nomination. The Post editorial suggested that in deference to the Governor, we should not have acted until later. Frankly, Mr. President, we had just completed a public hearing in which allegations against the Governor were explored and found to be baseless. Our vote in the executive session which followed the public hearing was a vote of confidence in the Governor's integrity. Far from doing him an injustice, the committee did him a service—and an honor—in publicly acknowledging what we found to be a fact: That the Governor had been badly maligned in the press and his integrity questioned. In my judgment, we would have done him an injustice if we had let that sort of innuendo and suspicion linger over his nomination.

Public figures can and should expect to be scrutinized by the press. This is as it should be, and it is quite proper in our kind of democracy. However, where the press deliberately twists or distorts a man's character for its own unknown reasons, it is not only doing that man irreparable damage, but it is doing the country a great disservice, because that man must serve under a cloud of suspicion raised by one or two irresponsible journalists who are read by millions and millions of people. The sad aspect of this nomination is the failure of certain journalists to uphold the dignity and trust of their position to seek and publish the truth, not innuendoes of falsehood and slander. If they had sought the truth with respect to Governor Connally's affairs, they would have found it, and there would be no controversy over this nomination. Although we explored in committee every conceivable aspect of his record, not a scintilla of wrongdoing on his part can be found.

In sum, this man is well qualified; he manifested before the committee a broad knowledge of a wide variety of subjects which he will be dealing with, and if confirmed, he will make a magnificent Secretary of the Treasury.

I urge that the nomination be confirmed.

Mr. BENNETT. Mr. President, as the ranking Republican member of the Senate Finance Committee, I agree with the chairman of the committee in recommending the approval of the nomination of John B. Connally to be Secretary of the Treasury. Mr. Connally will bring to that office the savvy of a Texan, and a highly successful record as a businessman, Cabinet officer, and Governor.

He will be replacing a man whom I greatly admire and esteem, Hon. David Kennedy. Fortunately, Mr. Kennedy's talents with fiscal affairs will not be lost to the country for he will remain as ambassador at large handling a broad range of international financial problems and always ready with his tremendous background and experience as economist and banker to render advice to his successor on important financial matters. Together, Mr. Connally and Mr. Kennedy should make a great team.

Mr. President, while I am sorry to see David Kennedy leave this office. I am happy he is being replaced by a man as uniquely qualified for the position as Governor Connally. I say this even though John B. Connally, a Democrat, campaigned against my President in 1960 and 1968. Despite that, Richard Nixon, a man who perhaps he helped defeat in 1960, recognized his talents and sought him out to sit at the President's right hand and be his key financial adviser. John Connally responded to this call, accepting the position even though it meant considerable financial sacrifice. I have no doubt whatsoever that Mr. Connally's main interest is to serve his country, and whether he is a Democrat or Republican, I admire that kind of man.

Mr. President, there have been many allegations made in the past several weeks with respect to Mr. Connally's character and integrity. Along with other members of the Committee on Finance, I have examined them all, and found that Mr. Connally committed no impropriety in any of the situations which have been raised. To the contrary, he has been maliciously slandered by those who, for reasons unknown, appear to want to discredit him for this office or to embarrass the President.

The chairman of the committee referred to these allegations—there is nothing to them. I could find no wrongdoing—and neither could anyone else on the committee—in Mr. Connally's conduct, either with respect to the so-called deferred compensation he received as coexecutor to Mr. Sid Richardson's estate or his conduct with respect to the Buffalo Astrodome. The fact that his law firm, with 155 lawyers intermittently, represented some Jesuit fathers who are involved with an SEC dispute is patently irrelevant and inconsequential, since Mr. Connally was not even aware that his law firm represented the Jesuit fathers and has had no dealings whatsoever with any of the parties involved in the dispute.

In short, Mr. Connally passed the tests imposed upon him with flying colors. Like the chairman, however, I feel an injustice has been done to this man by certain members of the press corps. I could not describe the injustice in a more eloquent way than did my distinguished colleague, Senator GRIFFIN, who is new to the Committee on Finance and who is himself a very fine lawyer and a man of great integrity. The distinguished Republican minority whip and junior Senator from Michigan said at the hearing:

> I think that if there is a problem of ethics here, at least as far as these facts disclose, the problem of ethics lies with professional journalism particularly as far as one of its members is concerned. It would be very difficult to straighten this out in the minds of many people who were misled by the headline yesterday . . . I do not know, Governer, whether there is any more to this or not but if this is all there is to it I think the New York Times owes you an apology.

Perhaps the only defect in Governor Connally's makeup is that he had the misfortune to be branded as an oilman. When we inquired into this matter during the committee hearings, Governor Connally testified that his only oil interest—which he had already disposed of—was an oil royalty of "the magnificent sum of $7,240." As I have said, this interest has already been sold by the Governor, and he will enter his Government service with no financial investment in any oil or gas property.

Mr. President, I support the nomination of John B. Connally to the office of Secretary of the Treasury.

Mr. BENTSEN. Mr. President, while I know full well that a freshman Senator at this early stage of the session is more often seen than heard, I feel that the particular occasion demands that I address this body. Because of my personal feelings for John B. Connally, whom I claim proudly as a friend, because of my personal knowledge of this man's unquestioned integrity, enormous ability, and vast energy, and because of my quarter century of association with him, I want to personally address this body on the nomination of this uniquely qualified man to the cabinet post of Secretary of the Treasury.

Mr. President, my remarks today concern the President's nominee for Secretary of the Treasury, my distinguished fellow Texan, John B. Connally.

My intent is twofold:

First, to commend the President for his appointment.

And second, to discuss the extremely broad qualifications of his nominee for this vital Cabinet position.

I wish to make it clear at the outset that I speak as a Democrat, one who has been repeatedly critical of the economic policies of this Republican administration.

Yet I do not believe that the economic strengths and weaknesses of this Nation are purely a matter of partisan politics.

I do believe that the task of overcoming our present problems must be shared by the administration and the Congress, and by Democrats as well as Republicans.

The most compelling challenge we face is to put our fiscal house in order, because this is basic to everything we seek to do as a nation.

Without stability, our national priorities are meaningless.

Without a sound dollar, our people are cheated of their earnings and their savings.

Without fiscal responsibility, there is little reason to trust the aims of government and those who formulate its programs.

And I think most of us will agree that a major ingredient of effective government is the confidence of the people. Few would deny that confidence in the economy under this administration has been in short supply.

To maintain confidence in our system, we need in government men and women of exceptional talent, regardless of their political parties and persuasions.

Such a man is John B. Connally.

I have been interested, fascinated, sometimes baffled and often amused by the numerous interpretive stories on the so-called real reason behind the appointment of Governor Connally.

Most of these articles and commentaries dwell upon the political impact—whether the appointment has helped the Republicans and hurt the Democrats—whether it has secured the 26 electoral votes of Texas, whether it has affected this or that power base.

I submit, Mr. President, that the important consideration we have here is not the effect on someone's political fortunes, but the effect on our country.

That effect, I am convinced, is positive.

For in appointing John Connally, President Nixon has placed a uniquely qualified man in the office of Secretary of the Treasury.

He is a man of diverse vocations and avocations: The law, business, finance, agriculture, government.

And in all of these he has excelled.

Because he understands these various facets of our economic life, he will bring balanced judgment to bear on the problems we confront in maintaining our national growth and security.

As a naval officer in World War II and Secretary of the Navy under President Kennedy, he gained valuable understanding of our defense system—its capabilities and its shortcomings.

As a private citizen deeply involved in the business and financial world, he has learned firsthand the relationships between the public and private sectors.

As a lifelong farmer and rancher, he comprehends the importance of agriculture to the national and international economic and trade policies of the United States.

And as an outstanding Governor of an industrial-agricultural State, he became well schooled in the proper relationships between Washington and the State capitals, their interdependence on each other and their common problems.

Certainly no one expects Governor Connally alone to lead us out of the wilderness of economic stagnation.

The responsibility for our economic policies is shared by many people, with the President himself at the top. The ultimate responsibility is the President's, and this means he must surround himself with men he trusts and in whom he has confidence to give him sound advice.

Governor Connally will have no magic solutions, but I for one have no doubt at all that the advice he offers within the high councils of this administration will be sound advice.

It has been my good fortune to know John Connally for a number of years. I supported him wholeheartedly when he sought public office and he supported me wholeheartedly in my campaign of 1970. We are personal friends.

Governor Connally is a man of strong views, and he is well able to communicate those views, forcefully and clearly.

Accordingly, he has never been a noncontroversial man and he certainly has not shunned controversy when his principles and viewpoints were at issue.

Yet he is one of the few public officials in modern times who departed elective office more popular than he entered office. Survey after survey during this past election year showed him to be one of the two or three most respected men in Texas.

And I might note that this admiration spans every economic, cultural, and racial group in my State.

How does a man serve as Governor of a large State for 6 years, facing problem after problem and controversy after controversy, and emerge with three out of four people hailing him as a great Governor?

In John Connally's case, the reasons were those qualities we wish for in every official and find in some—the qualities of effectiveness, forthrightness, integrity, compassion.

To sum it up, he knows the meaning of leadership. And I assure you that there was never any doubt about that during his three terms as Governor. He followed no one. He led Texas.

Let me point out a few of the ways he demonstrated this leadership.

During his administration, State support for higher education increased 168 percent.

When he took office, faculty salaries at State colleges and universities were more than $1,100 below the national average.

During his administration the number of faculty members doubled and their average pay rose nearly $400 above the national average.

Under his leadership, Texas launched an intensified educational program for children of migrant workers. The State began a serious program to curb school drop-outs. It began its first program to educate adult illiterates. It expanded its special education programs for emotionally disturbed children, and for the mentally retarded. It places new emphasis on vocational education and training.

Under his leadership the legislature created the first independent agencies in Texas to deal with air and water pollution. Governor Connally initiated a comprehensive outdoor recreation plan and advocated expansion of the State park system from 60,000 acres to 150,000 acres. To accomplish this goal, he obtained public approval of a multi-million-dollar bond program to purchase park lands.

When the Congress enacted the Office of Economic Opportunity, Texas under John Connally's leadership moved quickly to organize the largest Job Corps Center in the Nation—one that was soon hailed by OEO officials as the best.

In Project Headstart, Texas obtained the largest number of grants and the greatest number of enrollees, conducted the program at the lowest cost per child, and had the highest percentage in the Nation of local contribution to the program.

I have told only part of the story, but it will suffice to show the nature of Governor Connally's leadership, and his willingness to face problems and find solutions.

He left office in early 1969 to become a partner in a highly successful Houston law firm and accept directorship of some of our most distinguished corporations.

And a few weeks ago he accepted the challenge presented to him by the President of the United States.

His overriding reason for entering public service again hinges on that one word: "challenge."

The simple truth is that John Connally is a man who accepts great challenges, especially when they involve the welfare of this Nation.

He, a Democrat, has been challenged to help the President, a Republican, work for the common interests of the American people.

I have every confidence that this unique American leader will perform his new task with insight, wisdom, and strength.

In my judgment, he is greatly needed, and will greatly serve.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of John B. Connally, of Texas, to be Secretary of the Treasury?

The nomination was confirmed.

Mr. LONG. Mr. President, I move that the vote by which the nomination was confirmed be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion was agreed to.

Mr. LONG. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

POLLUTION CONTROL—REFERRAL OF MESSAGE FROM THE PRESIDENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the message at the desk from the President of the United States on the subject of pollution control, inasmuch as it involves the jurisdiction of several committees, be jointly referred to the following committees: Public Works, Commerce, Agriculture and Forestry, and Interior and Insular Affairs.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

Last August I sent to the Congress the first annual report on the state of the Nation's environment. In my message of transmittal, I declared that the report "describes the principal problems we face now and can expect to face in the future, and it provides us with perceptive guidelines for meeting them. . . . They point the directions in which we must move as rapidly as circumstances permit."

The comprehensive and wide-ranging action program I propose today builds upon the 37-point program I submitted to the Congress a year ago. It builds upon the progress made in the past year, and draws upon the experience gained in the past year. It gives us the means to ensure that, as a nation, we maintain the initiative so vigorously begun in our shared campaign to save and enhance our surroundings. This program includes:

MEASURES TO STRENGTHEN POLLUTION CONTROL PROGRAMS

- —Charges on sulfur oxides and a tax on lead in gasoline to supplement regulatory controls on air pollution
- —More effective control of water pollution through a $12 billion national program and strengthened standard-setting and enforcement authorities
- —Comprehensive improvement in pesticide control authority
- —A Federal procurement program to encourage recycling of paper

MEASURES TO CONTROL EMERGING PROBLEMS

- —Regulation of toxic substances
- —Regulation of noise pollution
- —Controls on ocean dumping

MEASURES TO PROMOTE ENVIRONMENTAL QUALITY IN LAND USE DECISIONS

- —A national land use policy
- —A new and greatly expanded open space and recreation program, bringing parks to the people in urban areas
- —Preservation of historic buildings through tax policy and other incentives
- —Substantial expansion of the wilderness areas preservation system
- —Advance public agency approval of powerplant sites and transmission line routes
- —Regulation of environmental effects of surface and underground mining

FURTHER INSTITUTIONAL IMPROVEMENT

—Establishment of an Environmental Institute to conduct studies and recommend policy alternatives

TOWARD A BETTER WORLD ENVIRONMENT

—Expanded international cooperation

—A World Heritage Trust to preserve parks and areas of unique cultural value throughout the world

1970—A YEAR OF PROGRESS

The course of events in 1970 has intensified awareness of and concern about environmental problems. The news of more widespread mercury pollution, late summer smog alerts over much of the East Coast, repeated episodes of ocean dumping, and oil spills, and unresolved controversy about important land use questions have dramatized with disturbing regularity the reality and extent of these problems. No part of the United States has been free from them, and all levels of government—Federal, State and local—have joined in the search for solutions. Indeed, there is a growing trend in other countries to view the severity and complexity of environmental problems much as we do.

There can be no doubt about our growing national commitment to find solutions. Last November voters approved several billion dollars in State and local bond issues for environmental purposes, and Federal funds for these purposes are at an alltime high.

The program I am proposing today will require some adjustments by governments at all levels, by our industrial and business community, and by the public in order to meet this national commitment. But as we strive to expand our national effort, we must also keep in mind the greater cost of *not* pressing ahead. The battle for a better environment can be won, and we are winning it. With the program I am outlining in this message we can obtain new victories and prevent problems from reaching the crisis stage.

During 1970, two new organizations were established to provide Federal leadership for the Nation's campaign to improve the environment. The Council on Environmental Quality in the Executive Office of the President has provided essential policy analysis and advice on a broad range of environmental problems, developing many of our environmental initiatives and furnishing guidance in carrying out the National Environmental Policy Act, which requires all Federal agencies to devote specific attention to the environmental impact of their actions and proposals. Federal pollution control programs have been consolidated in the new Environmental Protection Agency. This new agency is already taking strong action to combat pollution in air and water and on land.

—I have requested in my 1972 budget $2.45 billion for the programs of the Environmental Protection Agency—nearly double the funds appropriated for these programs in 1971. These funds will provide for the expansion of air and water pollution, solid waste, radiation and pesticide control programs and for carrying out new programs.

In my special message on the Environment last February, I set forth a comprehensive program to improve existing laws on air and water pollution, to encourage recycling of materials and to provide greater recreational opportunities for our people. We have been able to institute some of these measures by executive branch action. While unfortunately there was no action on my water quality proposals, we moved ahead to make effective use of existing authorities through the Refuse Act water quality permit program announced in December. New air pollution control legislation, which I signed on the last day of 1970, embodies all of my recommendations and reflects strong bipartisan teamwork between the administration and the Congress—teamwork which will be needed again this year to permit action on the urgent environmental problems discussed in this message.

We must have action to meet the needs of today if we would have the kind of environment the nation demands for tomorrow.

I. STRENGTHENING POLLUTION CONTROL PROGRAMS

The Clean Air Amendments of 1970 have greatly strengthened the Federal-State air quality program. We shall vigorously administer the new program, but propose to supplement it with measures designed to provide a strong economic stimulus to achieve the pollution reduction sought by the program.

AIR POLLUTION

SULFUR OXIDES EMISSIONS CHARGE

Sulfur oxides are among the most damaging air pollutants. High levels of sulfur oxides have been linked to increased incidence of diseases such as bronchitis and lung cancer. In terms of damage to human health, vegetation and property, sulfur oxide emissions cost society billions of dollars annually.

Last year in my State of the Union message I urged that the price of goods "should be made to include the cost of producing and disposing of them without damage to the environment." A charge on sulfur emitted into the atmosphere would be a major step in applying the principle that the costs of pollution should be included in the price of the product. A staff study underway indicates the feasibility of such a charge system.

—Accordingly, I have asked the Chairman of the Council on Environmental Quality and the Secretary of the Treasury to develop a Clean Air Emissions Charge on emissions of sulfur oxides. Legislation will be submitted to the Congress upon completion of the studies currently underway.

The funds generated by this charge would enable the Federal Government to expand programs to improve the quality of the environment. Special emphasis would be given to developing and demonstrating technology to reduce sulfur oxides emissions and programs to develop adequate clean energy supplies. My 1972 budget provides increased funds for these activities. They will continue to be emphasized in subsequent years.

These two measures—the sulfur oxides emissions charge and expanded environmental programs—provide both the incentive for improving the quality of our environment and the means of doing so.

LEADED GASOLINE

Leaded gasolines interfere with effective emission control. Moreover, the lead particles are, themselves, a source of potentially harmful lead concentrations in the environment. The new air quality legislation provides authority, which I requested, to regulate fuel additives, and I have recently initiated a policy of using unleaded or low-lead gasoline in Federal vehicles whenever possible. But further incentives are needed. In 1970, I recommended a tax on lead used in gasoline to bring about a gradual transition to the use of unleaded gasoline. This transition is essential if the automobile emission control standards scheduled to come into effect for the 1975 model automobiles are to be met at reasonable cost.

—*I shall again propose a special tax to make the price of unleaded gasoline lower than the price of leaded gasoline. Legislation will be submitted to the Congress upon completion of studies currently underway.*

WATER QUALITY

We have the technology now to deal with most forms of water pollution. We must make sure that it is used.

In my February 1970 special message to the Congress on the Environment, I discussed our most important needs in the effort to control water pollution: adequate funds to ensure construction of municipal waste treatment facilities needed to meet water quality standards; more explicit standards, applicable to all navigable waters; more effective Federal enforcement authority to back up State efforts; and funds to help States build the necessary capability to participate in this joint endeavor.

MUNICIPAL WASTES

Adequate treatment of the large volume of commercial, industrial and domestic wastes that are discharged through municipal systems requires a great expenditure of funds for construction of necessary facilities. A thorough study by the Environmental Protection Agency completed in December 1970 revealed that $12 billion will be required by 1974 to correct the national waste treatment backlog. The urgency of this need, and the severe financial problems that face many communities, require that construction of waste treatment facilities be jointly funded by Federal, State and local governments. We must also assure that adequate Federal funds are available to reimburse States that advanced the Federal share of project costs.

—*I propose that $6 billion in Federal funds be authorized and appropriated over the next three years to provide the full Federal share of a $12 billion program of waste treatment facilities.*

Some municipalities need help in overcoming the difficulties they face in selling bonds on reasonable terms to finance their share of construction costs. The availability of funds to finance a community's pollution control facilities should depend not on its credit rating or the vagaries of the municipal bond market, but on its waste disposal needs.

—*I again propose the creation of an Environmental Financing Authority so that every municipality has an opportunity to sell its waste treatment plant construction bonds.*

A number of administrative reforms which I announced last year to ensure that Federal construction grant funds are well invested have been initiated. To further this objective:

—*I again propose that the present, rigid allocation formula be revised, so that special emphasis can be given to those areas where facilities are most needed and where the greatest improvements in water quality would result.*

—*I propose that provisions be added to the present law to induce communities to provide for expansion and replacement of treatment facilities on a reasonably self-sufficient basis.*

—*I propose that municipalities receiving Federal assistance in constructing treatment facilities be required to recover from industrial users the portion of project costs allocable to treatment of their wastes.*

STANDARDS AND ENFORCEMENT

While no action was taken in the 91st Congress on my proposals to strengthen water pollution standard setting and enforcement, I initiated a program under the Refuse Act of 1899 to require permits for all industrial discharges into navigable waters, making maximum use of present authorities to secure compliance with water quality standards. However, the reforms I proposed in our water quality laws last year are still urgently needed.

Water quality standards now are often imprecise and unrelated to specific water quality needs. Even more important, they provide a poor basis for enforcement: without a precise effluent standard, it is often difficult to prove violations in court. Also, Federal-State water quality standards presently do not apply to many important waters.

—*I again propose that the Federal-State water quality program be extended to cover all navigable waters and their tributaries, ground waters and waters of the contiguous zone.*

—*I again propose that Federal-State water quality standards be revised to impose precise effluent limitations on both industrial and municipal sources.*

—*I also propose Federal standards to regulate the discharge of hazardous substances similar to those which I proposed and the Congress adopted in the Clean Air Amendments of 1970.*

—*I propose that standards require that the best practicable technology be used in new industrial facilities to ensure that water quality is preserved or enhanced.*

—*I propose that the Administrator of the Environmental Protection Agency be empowered to require prompt revision of standards when necessary.*

We should strengthen and streamline Federal enforcement authority, to permit swift action against municipal as well as industrial and other violators of water quality standards. Existing authority under the Refuse Act generally does not apply to municipalities.

—*I propose that the Administrator of EPA be authorized to issue abatement orders swiftly and to impose administrative fines of up to $25,000 per day for violation of water quality standards.*

—*I propose that violations of standards and abatement orders be made subject to court-imposed fines of up to $25,000 per day and up to $50,000 per day for repeated violations.*

—*I again propose that the Administrator be authorized to seek immediate injunctive relief in emergency situations in which severe water pollution constitutes an imminent danger to health, or threatens irreversible damage to water quality.*

—*I propose that the cumbersome and time-consuming enforcement conference and hearing mechanism in the current law be replaced by a provision for swift public hearings as a prelude to issuance of abatement orders or requiring a revision of standards.*

—*I propose an authorization for legal actions against violations of standards by private citizens, as in the new air quality legislation, in order to bolster State and Federal enforcement efforts.*

—*I propose that the Administrator be empowered to require reports by any person responsible for discharging effluents covered by water quality standards.*

—*I again propose that Federal grants to State pollution control enforcement agencies be tripled over the next four years—from $10 million to $30 million—to assist these agencies in meeting their expanded pollution control responsibilities.*

CONTROL OF OIL SPILLS

Last May I outlined to the Congress a number of measures that should be taken to reduce the risks of pollution from oil spills. Recent events have underlined the urgency of action on these proposals. At the outset of this present Congress I resubmitted the Ports and Waterways Safety Act and the legislation requiring the use of bridge-to-bridge radiotelephones for safety of navigation. Such legislation would have decreased the chances of the oil spill which occurred as a result of a tanker collision in San Francisco Bay.

—*I have provided $25 million in next year's budget for development of better techniques to prevent and clean up oil spills and to provide more effective surveillance. I am asking the Council on Environmental Quality in conjunction with the Department of Transportation and the Environmental Protection Agency to review what further measures can be developed to deal with the problem.*

—*I also am renewing my request that the Senate give its advice and consent on the two new international conventions on oil spills and the pending amendments to the 1954 Oil Spills Convention for the Prevention of Pollution of the Sea by Oil.*

The Intergovernmental Maritime Consultative Organization (IMCO) is presently preparing a convention to establish an International Compensation Fund to supplement the 1969 Civil Liability Convention. Our ratification of the 1969 convention will be withheld until this supplementary convention can also be brought into force because both conventions are part of a comprehensive plan to provide compensation for damages caused by oil spills. In addition, we have taken the initiative in NATO's Committee on the Challenges of Modern Society and achieved wide international support for terminating all intentional discharges of oil and oily wastes from ships into the oceans by 1975, if possible, and no later than the end of this decade. We will continue to work on this matter to establish through IMCO an international convention on this subject.

PESTICIDES

Pesticides have provided important benefits by protecting man from disease and increasing his ability to produce food and fiber. However, the use and misuse of pesticides has become one of the major concerns of all who are interested in a better environment. The decline in numbers of several of our bird species is a signal of the potential hazards of pesticides to the environment. We are continuing a major research effort to develop nonchemical methods of pest control, but we must continue to rely on pesticides for the foreseeable future. The challenge is to institute the necessary mechanisms to prevent pesticides from harming human health and the environment.

Currently, Federal controls over pesticides consist of the registration and labeling requirements in the Federal Insecticide, Fungicide, and Rodenticide Act. The Administrative processes contained in the law are inordinately cumbersome and time-consuming, and there is no authority to deal with the actual *use* of pesticides. The labels approved under the Act specify the uses to which a pesticide may be put, but there is no way to insure that the label will be read or obeyed. A comprehensive strengthening of our pesticide control laws is needed.

—*I propose that the use of pesticides be subject to control in appropriate circumstances, through a registration procedure which provides for designation of a pesticide for "general use," "restricted use," or "use by permit only." Pesticides designated for restricted use would be applied only by an approved pest control applicator. Pesticides designated for "use by permit only" would be made available only with the approval of an approved pest control consultant. This will help to ensure that pesticides which are safe when properly used will not be misused or applied in excessive quantities.*

—I propose that the Administrator of the Environmental Protection Agency be authorized to permit the experimental use of pesticides under strict controls, when he needs additional information concerning a pesticide before deciding whether it should be registered.

—I propose that the procedures for cancellation of a registration be streamlined to permit more expeditious action.

—I propose that the Administrator be authorized to stop the sale or use of, and to seize, pesticides being distributed or held in violation of Federal law.

RECYCLING OF WASTES

The Nation's solid waste problem is both costly and damaging to the environment. Paper, which accounts for about one-half of all municipal solid waste, can be reprocessed to produce a high quality product. Yet the percentage the Nation recycles has been declining steadily.

To reverse this trend, the General Services Administration, working with the Council on Environmental Quality, has reviewed the Federal Government's purchasing policies. It found a substantial number of prohibitions against using paper with recycled content. Such prohibitions are no longer reasonable in light of the need to encourage recycling.

As a result of this review, the GSA has already changed its specifications to require a minimum of 3 to 50 percent recycled content, depending on the product, in over $35 million per year of paper purchases. GSA is currently revising other specifications to require recycled content in an additional $25 million of annual paper purchases. In total, this will amount to more than one-half of GSA's total paper products purchases. All remaining specifications will be reviewed to require recycled content in as many other paper products as possible. The regulations will be reviewed continually to increase the percentage of recycled paper required in each.

I have directed that the Chairman of the Council on Environmental Quality suggest to the Governors that they review State purchasing policies and where possible revise them to require recycled paper. To assist them, I have directed the Administrator of GSA to set up a technical liaison to provide States with the federally revised specifications as well as other important information on this new Federal program, which represents a significant first step toward a much broader use of Federal procurement policies to encourage recycling.

II. CONTROLLING EMERGING PROBLEMS

Environmental control efforts too often have been limited to cleaning up problems that have accumulated in the past. We must concentrate more on preventing the creation of new environmental problems and on dealing with emerging problems. We must, for example, prevent the harmful dumping of wastes into the ocean and the buildup of toxic materials throughout our environment. We must roll back increasingly annoying and hazardous levels of noise in our environment, particularly in the urban environment. Our goal in dealing with emerging environmental problems must be to ward them off before they become acute, not merely to undo the damage after it is done.

TOXIC SUBSTANCES

As we have become increasingly dependent on many chemicals and metals, we have become acutely aware of the potential toxicity of the materials entering our environment. Each year hundreds of new chemicals are commercially marketed and some of these chemicals may pose serious potential threats. Many existing chemicals and metals, such as PCB's (polychlorinated biphenyls) and mercury, also represent a hazard.

It is essential that we take steps to prevent chemical substances from becoming environmental hazards. Unless we develop better methods to assure adequate testing of chemicals, we will be inviting the environmental crises of the future.

—I propose that the Administrator of EPA be empowered to restrict the use or distribution of any substance which he finds is a hazard to human health or the environment.

—I propose that the Administrator be authorized to stop the sale or use of any substance that violates the provisions of the legislation and to seek immediate injunctive relief when use or distribution of a substance presents an imminent hazard to health or the environment.

—I propose that the Administrator be authorized to prescribe minimum standard tests to be performed on substances.

This legislation, coupled with the proposal on pesticides and other existing laws, will provide greater protection to humans and wildlife from introduction of toxic substances into the environment. What I propose is not to ban beneficial uses of chemicals, but rather to control the use of those that may be harmful.

OCEAN DUMPING

Last year, at my direction, the Council on Environmental Quality extensively examined the problem of ocean dumping. Its study indicated that ocean dumping is not a critical problem now, but it predicted that as municipalities and industries increasingly turned to the oceans as a convenient dumping ground, a vast new influx of wastes would occur. Once this happened, it would be difficult and costly to shift to land-based disposal.

Wastes dumped in the oceans have a number of harmful effects. Many are toxic to marine life, reduce populations of fish and other economic resources, jeopardize marine ecosystems, and impair esthetic values. In most cases, feasible, economic, and more beneficial methods of disposal are available. Our national policy should be to ban unregulated ocean dumping of all wastes and to place strict limits on ocean disposal of harmful materials. Legislation is needed to assure that our oceans do not suffer the fate of so many of our inland waters, and to provide the authority needed to protect our coastal waters, beaches, and estuaries.

—I recommend a national policy banning unregulated ocean dumping of all materials and placing strict limits on ocean disposal of any materials harmful to the environment.

—I recommend legislation that will require a permit from the Administrator of the Environmental Protection Agency for any materials to be dumped into the oceans, estuaries, or Great Lakes and that will authorize the Administrator to ban dumping of wastes which are dangerous to the marine ecosystem.

The legislation would permit the Administrator to begin phasing out ocean dumping of harmful materials. It would provide the controls necessary to prevent further degradation of the oceans.

This would go far toward remedying this problem off our own shores. However, protection of the total marine environment from such pollution can only be assured if other nations adopt similar measures and enforce them.

—I am instructing the Secretary of State, in coordination with the Council on Environmental Quality, to develop and pursue international initiatives directed toward this objective.

NOISE

The American people have rightly become increasingly annoyed by the growing level of noise that assails them. Airplanes, trucks, construction equipment, and many other sources of noise interrupt sleep, disturb communication, create stress, and can produce deafness and other adverse health effects. The urban environment in particular is being degraded by steadily rising noise levels. The Federal Government has set and enforces standards for noise from aircraft, but it is now time that our efforts to deal with many other sources of noise be strengthened and expanded.

The primary responsibility for dealing with levels of noise in the general environment rests upon local governments. However, the products which produce the noise are usually marketed nationally, and it is by regulating the noise-generating characteristics of such products that the Federal Government can best assist the State and local governments in achieving a quieter environment.

—I propose comprehensive noise pollution control legislation that will authorize the Administrator of EPA to set noise standards on transportation, construction and other equipment and require labeling of noise characteristics of certain products.

Before establishing standards, the Administrator would be required to publish a report on the effects of noise on man, the major sources, and the control techniques available. The legislation would provide a method for measurably reducing major noise sources, while preserving to State and local governments the authority to deal with their particular noise problems.

III. PROMOTING ENVIRONMENTAL QUALITY IN OUR LAND USE DECISIONS

The use of our land not only affects the natural environment but shapes the pattern of our daily lives. Unfortunately, the sensible use of our land is often thwarted by the inability of the many competing and overlapping local units of government to control land use decisions which have regional significance.

While most land use decisions will continue to be made at the local level, we must draw upon the basic authority of State government to deal with land use issues which spill over local jurisdictional boundaries. The States are uniquely qualified to effect the institutional reform that is so badly needed, for they are closer to the local problems than is the Federal Government and yet removed enough from local tax and other pressures to represent the broader regional interests of the public. Federal programs which influence major land use decisions can thereby fit into a coherent pattern. In addition, we must begin to restructure economic incentives bearing upon land use to encourage wise and orderly decisions for preservation and development of the land.

I am calling upon the Congress to adopt a national land use policy. In addition, I am proposing other major initiatives on land use to bring "parks to the people," to expand our wilderness system, to restore and preserve historic and older buildings, to provide an orderly system for power plant siting, and to prevent environmental degradation from mining.

A NATIONAL LAND USE POLICY

We must reform the institutional framework in which land use decisions are made.

—I propose legislation to establish a National Land Use Policy which will encourage the States, in cooperation with local government, to plan for and regulate major developments affecting growth and the use of critical land areas. This should be done by establishing methods for protecting lands of critical environmental concern, methods for controlling large-scale development, and improving use of lands around key facilities and new communities.

One hundred million dollars in new funds would be authorized to assist the States in this effort—$20 million in each of the next five years—with priority given to the States of the coastal zone. Accordingly, this proposal will replace and expand my proposal submitted to the last Congress for coastal zone management, while still giving priority attention to this area of the country which is especially sensitive to development pressures. Steps will be taken to assure that federally-assisted programs are consistent with the approved State land use programs.

PUBLIC LANDS MANAGEMENT

The Federal public lands comprise approximately one-third of the Nation's land area. This vast domain contains land with spectacular scenery, mineral and timber resources, major wildlife habitat, ecological significance, and tremendous recreational importance. In a sense, it is the "breathing space" of the Nation.

The public lands belong to all Americans. They are part of the heritage and the birthright of every citizen. It is important, therefore, that these lands be managed wisely, that their environmental values be carefully safeguarded, and that we deal with these lands as trustees for the future. They have an important place in national land use considerations.

The Public Land Law Review Commission recently completed a study and report on Federal public land policy. This Administration will work closely with the Congress in evaluating the Commission's recommendations and in developing legislative and administrative programs to improve public land management.

The largest single block of Federal public land lies in the State of Alaska. Recent major oil discoveries suggest that the State is on the threshold of a major economic development. Such development can bring great benefits both to the State and to the Nation. It could also—if unplanned and unguided—despoil the last and greatest American wilderness.

We should act now, in close cooperation with the State of Alaska, to develop a comprehensive land use plan for the Federal lands in Alaska, giving priority to those north of the Yukon River. Such a plan should take account of the needs and aspirations of the native peoples, the importance of balanced economic development, and the special need for maintaining and protecting the unique natural heritage of Alaska. This can be accomplished through a system of parks, wilderness, recreation, and wildlife areas and through wise management of the Federal lands generally. I am asking the Secretary of the Interior to take the lead in this task, calling upon other Federal agencies as appropriate.

PRESERVING OUR NATURAL ENVIRONMENT

The demand for urban open space, recreation, wilderness and other natural areas continues to accelerate. In the face of rapid urban development, the acquisition and development of open space, recreation lands and natural areas accessible to urban centers is often thwarted by escalating land values and development pressures. I am submitting to the Congress several bills that will be part of a comprehensive effort to preserve our natural environment and to provide more open spaces and parks in urban areas where today they are often so scarce. In addition, I will be taking steps within the executive branch to assure that all agencies are using fully their existing legislative authority to these ends.

"LEGACY OF PARKS"

Merely acquiring land for open space and recreation is not enough. We must bring parks to where the people are so that everyone has access to nearby recreational areas. In my budget for 1972, I have proposed a new "Legacy of Parks" program which will help States and local governments provide parks and recreation areas, not just for today's Americans but for tomorrow's as well. Only if we set aside and develop such recreation areas now can we ensure that they will be available for future generations.

As part of this legacy, I have requested a $200 million appropriation to begin a new program for the acquisition and development of additional park lands in urban areas. To be administered by the Department of Housing and Urban Development, this would include provision for facilities such as swimming pools to add to the use and enjoyment of these parks.

Also, I have recommended in my 1972 budget that the appropriation for the Land and Water Conservation Fund be increased to $380 million, permitting the continued acquisition of Federal parks and recreation areas as well as an expanded State grant program. However, because of the way in which these State grant funds were allocated over the past five years, a relatively small percentage has been used for the purchase and development of recreational facilities in and near urban areas. The allocation formula should be changed to ensure that more parks will be developed in and near our urban areas.

—I am submitting legislation to reform the State grant program so that Federal grants for the purchase and development of recreation lands bear a closer relationship to the population distribution.

—I am also proposing amendments to the Internal Revenue Code which should greatly expand the use of charitable land transfers for conservation purposes and thereby enlarge the role of private citizens in preserving the best of America's landscape.

Additional public parks will be created as a result of my program for examining the need for retention of real property owned by the Government. The Property Review Board, which I established last year, is continuing its review of individual properties as well as its evaluation of the Government's overall Federal real property program. Properties identified as suitable for park use and determined to be surplus can be conveyed to States and political subdivisions for park purposes without cost. The State or other political subdivision must prepare an acceptable park use plan and must agree to use the property as a park in perpetuity. More than 40 properties with high potential for park use have already been identified.

Five such properties are now available for conversion to public park use. One, Border Field, California, will be developed as a recreation area with the assistance of the Department of the Interior. The other four will be conveyed to States or local units of government as soon as adequate guarantees can be obtained for their proper maintenance and operation. These four are: (1) part of the former Naval Training Devices Center on Long Island Sound, New York; (2) land at a Clinical Research Center in Fort Worth, Tex.; (3) about ten miles of sand dunes and beach along the Atlantic Coast and Sandy Hook Bay, a part of Fort Hancock, New Jersey; and (4) a portion of Fort Lawton, Washington, a wooded, hilly area near the heart of Seattle. In addition, efforts are underway to open a significant stretch of Pacific Ocean Beach Front and Coastal Bluffs at Camp Pendleton, California.

Many parcels of federal real property are currently underutilized because of the budgetary and procedural difficulties that are involved in transferring a Federal operation from the current site to a more suitable location.

—*I am again proposing legislation to simplify relocation of federal installations that occupy properties that could better be used for other purposes.*

This will allow conversion of many additional Federal real properties to a more beneficial public use. Lands now used for Federal operations but more suited to park and recreational uses will be given priority consideration for relocation procedures. The program will be self-financing and will provide new opportunities for improving the utilization of Federal lands.

WILDERNESS AREAS

While there is clearly a need for greater efforts to provide neighborhood parks and other public recreation areas, there must still be places where nature thrives and man enters only as a visitor. These wilderness areas are an important part of a comprehensive open space system. We must continue to expand our wilderness preservation system, in order to save for all time those magnificent areas of America where nature still predominates. Accordingly, in August last year I expressed my intention to improve our performance in the study and presentation of recommendations for new wilderness areas.

—*I will soon be recommending to the Congress a number of specific proposals for a major enlargment of our wilderness preservation system by the addition of a wide spectrum of natural areas spread across the entire continent.*

NATIONAL PARKS

While placing much greater emphasis on parks in urban areas and the designation of new wilderness areas, we must continue to expand our national park system. We are currently obligating substantial sums to acquire the privately owned lands in units of the National Park System which have already been authorized by the Congress.

Last year, joint efforts of the administration and the Congress resulted in authorization of ten areas in the National Park System, including such outstanding sites as Voyageurs National Park in Minnesota, Apostle Islands National Lakeshore in Wisconsin, Sleeping Bear Dunes National Lakeshore in Michigan, Gulf Islands National Seashore in Mississippi and Florida, and the Chesapeake and Ohio Canal National Historical Park in the District of Columbia, Maryland and West Virginia.

However, the job of filling out the National Park System is not complete. Other unique areas must still be preserved. Despite all our wealth and scientific knowledge, we cannot recreate these unspoiled areas once they are lost to the onrush of development. I am directing the Secretary of the Interior to review the outstanding opportunities for setting aside nationally significant natural and historic areas, and to develop priorities for their possible addition to the National Park System.

POWER PLANT SITING

The power shortage last summer and continuing disputes across the country over the siting of power plants and the routing of transmission lines highlight the need for longer-range planning by the producers of electric power to project their future needs and identify environmental concerns well in advance of construction deadlines. The growing number of confrontations also suggest the need for the establishment of public agencies to assure public discussion of plans, proper resolution of environmental issues, and timely construction of facilities. Last fall, the Office of Science and Technology sponsored a study entitled "Electric Power and the Environment," which identified many of these issues. Only through involving the environmental protection agencies early in the planning of future power facilities can we avoid disputes which delay construction timetables. I believe that these two goals of adequacy of power supply and environmental protection are compatible if the proper framework is available.

—*I propose a power plant siting law to provide for establishment within each State or region of a single agency with responsibility for assuring that environmental concerns are properly considered in the certification of specific power plant sites and transmission line routes.*

Under this law, utilities would be required to identify needed power supply facilities 10 years prior to construction of the required facilities. They would be required to identify the powerplant sites and general transmission routes under consideration 5 years before construction and apply for certification for specific sites, facilities, and routes 2 years in advance of construction. Public hearings at which all interested parties could be heard without delaying construction timetables would be required.

MINED AREA PROTECTION

Surface and underground mining have scarred millions of acres of land and have caused environmental damages such as air and water pollution. Burning coal fires, subsidence, acid mine drainage which pollutes our streams and rivers and the destruction of aesthetic and recreational values frequently but unnecessarily accompanying mining activities. These problems will worsen as the demand for fossil fuels and other raw materials continues to grow, unless such mining is subject to regulation requiring both preventive and restorative measures.

—*I propose a Mined Area Protection Act to establish Federal requirements and guidelines for State programs to regulate the environmental consequences of surface and underground mining. In any State which does not enact the necessary regulations or enforce them properly, the Federal Government would be authorized to do so.*

PRESERVING OUR ARCHITECTURAL AND HISTORIC HERITAGE

Too often we think of environment only as our natural surroundings. But for most of us, the urban environment is the one in which we spend our daily lives. America's cities, from Boston and Washington to Charleston, New Orleans, San Antonio, Denver, and San Francisco, reflect in the architecture of their buildings a uniqueness and character that is too rapidly disappearing under the bulldozer. Unfortunately, present Federal income tax policies provide much stronger incentives for demolition of older buildings than for their rehabilitation.

Particularly acute is the continued loss of many buildings of historic value. Since 1933 an estimated one-quarter of the buildings recorded by the Historic American Building Survey have been destroyed. Most lending institutions are unwilling to loan funds for the restoration and rehabilitation of historic buildings because of the age and often the location of such buildings. Finally, there are many historic buildings under Federal ownership for which inadequate provision has been made for restoration and preservation.

—*I shall propose tax measures designed to overcome these present distortions and particularly to encourage the restoration of historic buildings.*

—*I shall propose new legislation to permit Federal insurance of home improvement loans for historic residential properties to a maximum of $15,000 per dwelling unit.*

—*I am recommending legislation to permit State and local governments more easily to maintain transferred Federal historic sites by allowing their use for revenue purposes and I am taking action to insure that no federally owned property is demolished until its historic significance has first been reviewed.*

IV. TOWARD A BETTER WORLD ENVIRONMENT

Environmental problems have a unique global dimension, for they afflict every nation, irrespective of its political institutions, economic system, or state of development. The United States stands ready to work and cooperate with all nations, individually or through international institutions, in the great task of building a better environment for man. A number of the proposals which I am submitting to Congress today have important international aspects, as in the case of ocean dumping. I hope that other nations will see the merit of the environmental goals which we have set for ourselves and will choose to share them with us.

At the same time, we need to develop more effective environmental efforts through appropriate regional and global organizations. The United States is participating closely in the initiatives of the Organization for Economic Cooperation and Development (OECD), with its emphasis on the complex economic aspects of environmental controls, and of the Economic Commission for Europe (ECE), a U.N. regional organization which is the major forum for East-West cooperation on environmental problems.

Following a United States initiative in 1969, the North Atlantic Treaty Organization has added a new dimension to its cooperative activities through its Committee on the Challenges of Modern Society. CCMS has served to stimulate national and international action on many problems common to a modern technological society. For example, an important agreement was reached in Brussels recently to eliminate intentional discharges of oil and oily wastes by ships into the oceans by 1975 if possible or, at the latest, by the end of the decade. CCMS is functioning as an effective forum for reaching agreements on the development of pollution-free and safe automobiles. Work on mitigating the effects of floods and earthquakes is in progress. These innovative and specific actions are good examples of how efforts of many nations can be focused and coordinated in addressing serious environmental problems facing all nations.

The United Nations, whose specialized agencies have long done valuable work on many aspects of the environment, is sponsoring a landmark Conference on the Human Environment to be held in Stockholm in June 1972. This will, for the first time, bring together all member nations of the world community to discuss those environmental issues of most pressing common concern and to agree on a world-wide strategy and the basis for a cooperative program to reverse the fearful trend toward environmental degradation. I have pledged full support for this Conference, and the United States is actively participating in the preparatory work.

Direct bilateral consultations in this field are also most useful in jointly meeting the challenges of environmental problems. Thus, the United States and Canada have been working closely together preparing plans for action directed to the urgent task of cleaning up the Great Lakes, that priceless resource our two nations share. Over the past few months, ministerial level discussions with Japan have laid the basis for an expanded program of cooperation and technological exchange from which both nations will benefit.

It is my intention that we will develop a firm and effective fabric of cooperation among the nations of the world on these environmental issues.

WORLD HERITAGE TRUST

As the United States approaches the centennial celebration in 1972 of the establishment of Yellowstone National Park, it would be appropriate to mark this historic event by a new international initiative in the general field of parks. Yellowstone is the first national park to have been created in the modern world, and the national park concept has represented a major contribution to world culture. Similar systems have now been established throughout the world. The United Nations lists over 1,200 parks in 93 nations.

The national park concept is based upon the recognition that certain areas of natural, historical, or cultural significance have such unique and outstanding characteristics that they must be treated as belonging to the nation as a whole, as part of the nation's heritage.

It would be fitting by 1972 for the nations of the world to agree to the principle that there are certain areas of such unique worldwide value that they should be treated as part of the heritage of all mankind and accorded special recognition as part of a World Heritage Trust. Such an arrangement would impose no limitations on the sovereignty of those nations which choose to participate, but would extend special international recognition to the areas which qualify and would make available technical and other assistance where appropriate to assist in their protection and management. I believe that such an initiative can add a new dimension to international cooperation.

—*I am directing the Secretary of the Interior, in coordination with the Council of Environmental Quality, and under the foreign policy guidance of the Secretary of State, to develop initiatives for presentation in appropriate international forums to further the objective of a World Heritage Trust.*

Confronted with the pressures of population and development, and with the world's tremendously increased capacity for environmental modification, we must act together now to save for future generations the most outstanding natural areas as well as places of unique historical, archeological, architectural, and cultural value to mankind.

V. FURTHER INSTITUTIONAL IMPROVEMENT

The solutions to environmental and ecological problems are often complex and costly. If we are to develop sound policies and programs in the future and receive early warning on problems, we need to refine our analytical techniques and use the best intellectual talent that is available.

After thorough discussions with a number of private foundations, the Federal Government through the National Science Foundation and the Council on Environmental Quality will support the establishment of an Environmental Institute. I hope that this nonprofit institute will be supported not only by the Federal Government but also by private foundations. The Institute would conduct policy studies and analyses drawing upon the capabilities of our universities and experts in other sectors. It would provide new and alternative strategies for dealing with the whole spectrum of environmental problems.

VI. TOWARD A BETTER LIFE

Adoption of the proposals in this message will help us to clean up the problems of the past, to reduce the amount of waste which is disposed, and to deal creatively with problems of the future before they become critical. But action by government alone can never achieve the high quality environment we are seeking.

We must better understand how economic forces induce some forms of environmental degradation, and how we can create and change economic incentives to improve rather than degrade environmental quality. Economic incentives, such as the sulfur oxides charge and the lead tax, can create a strong impetus to reduce pollution levels. We must experiment with other economic incentives as a supplement to our regulatory efforts. Our goal must be to harness the powerful mechanisms of the marketplace, with its automatic incentives and restraints, to encourage improvement in the quality of life.

We must also recognize that the technological, regulatory, and economic measures we adopt to solve our environmental problems cannot succeed unless we enlist the active participation of the American people. Far beyond any legislative or administrative programs that may be suggested, the direct involvement of our citizens will be the critical test of whether we can indeed have the kind of environment we want for ourselves and for our children.

All across the country, our people are concerned about the environment—the quality of the air, of the water, of the open spaces that their children need. The question I hear everywhere is, "What can I do?"

Fortunately, there is a great deal that each of us can do. The businessman in his every day decisions can take into account the effects on the environment of his alternatives and act in an environmentally responsible way. The housewife can make choices in the marketplace that will help discourage pollution. Young people can undertake projects in their schools and through other organizations to help build a better environment for their communities. Parents can work with the schools to help develop sound environmental teaching throughout our education system. Every community in the nation can encourage and promote concerned and responsible citizen involvement in environmental issues, an involvement which should be broadly representative of the life-styles and leadership of the community. Each of us can resolve to help keep his own neighborhood clean and attractive and to avoid careless, needless littering and polluting of his surroundings. These are examples of effective citizen participation; there are many others.

The building of a better environment will require in the long term a citizenry that is both deeply concerned and fully informed. Thus, I believe that our educational system, at all levels, has a critical role to play.

As our nation comes to grips with our environmental problems, we will find that difficult choices have to be made, that substantial costs have to be met, and that sacrifices have to be made. Environmental quality cannot be achieved cheaply or easily. But, I believe the American people are ready to do what is necessary.

This nation has met great challenges before. I believe we shall meet this challenge. I call upon all Americans to dedicate themselves during the decade of the seventies to the goal of restoring the environment and reclaiming the earth for ourselves and our posterity. And I invite all peoples everywhere to join us in this great endeavor. Together, we hold this good earth in trust. We must—and together we can—prove ourselves worthy of that trust.

RICHARD NIXON.

THE WHITE HOUSE, *February 8, 1971.*

Mr. BOGGS. Mr. President, President Nixon has sent to the Congress today the most comprehensive set of proposals for environmental excellence that the Congress has ever considered. He has suggested a broad range of proposals, to be implemented with legislation that will be forwarded shortly, that will place our Nation firmly on the path toward environmental excellence.

The proposals and challenges outlined by President Nixon in his environmental message today will serve to build effectively upon his 37-point program of 1 year ago, as well as the foundation of pollution-control legislation adopted in recent years. As the President stated so effectively in discussing his latest environmental program:

> It gives us the means to ensure that, as a nation, we maintain the initiative so vigorously begun in our shared campaign to save and enhance our surroundings.

The specific provisions offered by the President comprise what can truly be proclaimed as one of his six great goals for our Nation. The proposals range from an acceleration of existing water pollution control programs to creation of a world heritage trust that would assist other nations in the preservation of parks and areas of unique cultural value.

President Nixon's call for a $12 billion 3-year national effort to construct sewage treatment facilities should, if enacted, enable our Nation to cleanse our rivers and lakes to levels of purity that we have not had for many years. The President's suggestions for strengthening and broadening various procedures for setting and enforcing water quality standards are timely and will create a more effective program.

I am very pleased that the President has begun a program to encourage the recycling of wastepaper. This will prove a means for reducing the volume of solid wastes our nation generates, and would serve as a model for developing recycling programs for other types of trash.

The proposed tax on sulfur oxide pollution is an imaginative adjunct to requirements adopted last year in the amendments to the Clean Air Act. This tax should accelerate the effort to control this very dangerous and omnipresent pollutant.

President Nixon has also suggested procedures to implement the proposals made last year in the study of ocean dumping prepared by the Council on Environmental Quality. Ocean dumping controls are a very necessary component of any environmental enhancement program. The world's oceans too often are utilized today as sewers for our industrial and municipal wastes. This must be regulated and reduced as much as possible.

Regulation of noise pollution through proposed establishment of noise standards and labeling of noise characteristics of some manufactured products represents a significant addition to the Noise Pollution and Abatement Act of 1970.

Regulation of toxic substances, as suggested by President Nixon, should enable our nation to prevent environmental dangers, rather than reacting to these dangers once they have spread into the environment. Such preventative testing will save dollars and reduce health damage.

Programs for national land use are also very important, and I believe that President Nixon's message offers several significant proposals. The urban parks program should greatly improve the environment of our cities. In addition, I fully support expansion of our wilderness areas. Such areas must be set aside to benefit our generation and the many generations to come.

There are many other significant proposals incorporated within the President's assessment of our national environment. Each of these merits our attention and close consideration.

In conclusion, Mr. President, may I offer this thought: President Nixon has prepared a package of proposals that we will be considering for many months to come before many of them are written into the laws of our land. But they are proposals that, when enacted, will bring to our Nation years, and even decades, of progress toward environmental enhancement and thus a better life for every American.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Appropriations for the National Aeronautics and Space Administration

A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes (with accompanying papers); to the Committee on Aeronautical and Space Sciences.

Report on Reapportionment of an Appropriation

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the General Services Administration for "Allowances and office staff for former Presidents" for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON CHARGES RELATED TO MILITARY CONSTRUCTION

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, reports of the Military Departments and the applicable Defense agencies for design, construction, supervision and overhead fees charged by the several agents for Military Construction completed in fiscal year 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT OF OFFICE OF CIVIL DEFENSE

A letter from the Director of Civil Defense, Office of the Secretary of the Army, reporting, pursuant to law on Federal Contributions Program Equipment and Facilities for the quarter ended December 31, 1970; to the Committee on Armed Services.

REPORT OF PROGRESS OF ARMY RESERVE OFFICERS' TRAINING CORPS FLIGHT INSTRUCTION PROGRAM

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of progress of the Army Reserve Officers' Training Corps Flight Instruction Program for the calendar year ended December 1970 (with accompanying papers); to the Committee on Armed Services.

Report of Export-Import Bank of the United States

A letter from the Secretary, Export-Import Bank of the United States, reporting, pursuant to law, the amount of Bank loans, insurance, and guarantees, issued in connection with exports to Yugoslavia, for the period June through December 1970; to the Committee on Banking, Housing and Urban Affairs.

Proposed Legislation To Designate Legal Public Holidays in the District of Columbia

A letter from the Assistant to the Commissioner, the District of Columbia, transmitting a draft of proposed legislation to designate the legal public holidays to be observed in the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

Reports and Financial Statements of the District of Columbia Armory Board

A letter from the Chairman, District of Columbia Armory Board, transmitting, pursuant to law, the report and financial statements of the Board's operation of the District of Columbia National Guard Armory and the report and financial statements of the Board's operation of the Robert F. Kennedy Memorial Stadium, for the fiscal year ended June 30, 1970 (with accompanying reports); to the Committee on the District of Columbia.

Report of National Water Commission

A letter from the Chairman, National Water Commission, transmitting, pursuant to law, the second interim report of the Commission describing its progress during calendar year 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Views of Water Resources Council on National Water Commission's Interim Report No. 2

A letter from the Chairman, Water Resources Council, transmitting, pursuant to law, the views of the Council on the National Water Commission's Interim Report No. 2 covering the Commission's activities during 1970; to the Committee on Interior and Insular Affairs.

Report on Application From the Yolo County Flood Control and Water Conservation District, Woodland, California

A letter from the Assistant Secretary of the Treasury, reporting, pursuant to law, on the receipt of a project proposal from the Yolo County Flood Control and Water Conservation District of Woodland, California; to the Committee on Interior and Insular Affairs.

Report of Agricultural Hall of Fame

A letter from Peat, Marwick, Mitchell & Company, Certified Public Accountants, transmitting, pursuant to law, an accountants' report and financial statements of the Agricultural Hall of Fame, dated August 31, 1970 (with an accompanying report); to the Committee on the Judiciary.

Proposed Legislation To Authorize Funds for Use Under the Appalachian Regional Development Act

A letter from the Federal Cochairman, The Appalachian Regional Commission, transmitting a draft of proposed legislation to extend, and to authorize funds to carry out the purposes of, the Appalachian Regional Development Act of 1965, as amended; to the Committee on Public Works.

PROPOSED LEGISLATION OF THE ATOMIC ENERGY COMMISSION

A letter from the Deputy General Manager, Atomic Energy Commission, transmitting, for the information of the Senate, in relation to their letter of January 26, 1971, transmitting proposed legislation, that "The Office of Management and Budget has advised that there is no objection to the presentation of the draft legislation to the Congress and that its enactment would be in accord with the program of the President"; to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. Res. 34. Resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations; referred to the Committee on Rules and Administration.

By Mr. ELLENDER, from the Committee on Appropriations, without amendment:

S. Res. 11. Resolution to provide additional funds for the Committee on Appropriations; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MANSFIELD, from the Committee on Foreign Relations:

John B. Connally, of Texas, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund; U.S. Governor of the International Bank for Reconstruction and Development; Governor of the Inter-American Development Bank; and U.S. Governor of the Asian Development Bank.

David M. Kennedy, of Illinois, to be Ambassador at Large.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TOWER (for himself, Mr. Bellmon, Mr. Hansen, and Mr. Pearson):

S. 637. A bill to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to new sales of natural gas in interstate commerce for resale by persons engaged solely in the production, gathering, and sale of natural gas; to the Committee on Commerce.

(The remarks of Mr. Tower when he introduced the bill appear below under the appropriate heading.)

By Mr. TOWER:

S. 638. A bill to assist the States in establishing coastal zone management plans and programs; to the Committee on Commerce.

S. 639. A bill to amend title II of the Social Security Act to increase the amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Finance.

S. 640. A bill for the relief of Edgar Frederico Estrada;

S. 641. A bill for the relief of Luis C. Guerrero, Guadelupe Guerrero, and Alfredo Guerrero; and

S. 642. A bill for the relief of Col. Howell T. Walker, U.S. Air Force, retired; to the Committee on the Judiciary.

(The remarks of Mr. Tower when he introduced S. 638 and S. 639 appear below under the appropriate heading.)

By Mr. McCLELLAN:

S. 643. A bill for the general revision of the Patent Laws, title 35 of the United States Code, and for other purposes; and

S. 644. A bill for the general revision of the Copyright Law, title 17 of the United States Code, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. McClellan when he introduced the bills appear below under the appropriate headings.)

By Mr. McCLELLAN (by request):

S. 645. A bill to provide relief in patent and trademark cases affected by the emergency situation in the United States Postal Service which began on March 18, 1970; to the Committee on the Judiciary.

(The remarks of Mr. McClellan when he introduced the bill appear below under the appropriate heading.)

By Mr. McCLELLAN (for himself and Mr. Scott):

S. 646. A bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings, and for other purposes; and

S. 647. A bill to amend the Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. McClellan when he introduced the bills appear below under the appropriate headings.)

By Mr. MANSFIELD:

S. 648. A bill to amend section 1372 (e) (5) of the Internal Revenue Code of 1954 so as to exclude certain interest from the definition of passive investment income; to the Committee on Finance.

By Mr. MANSFIELD (for himself, Mr. Aiken, Mr. Church, Mr. Fulbright, Mr. Goldwater, Mr. Metcalf, Mr. Montoya, Mr. Proxmire, and Mr. Taft):

S. 649. A bill to abolish the Interstate Commerce Commission at a future date and to establish a commission to make recommendations with respect to carrying out the functions of the Interstate Commerce Commission after such date; to the Committee on Commerce.

(The remarks of Mr. Mansfield when he introduced the bill appear below under the appropriate heading.)

By Mr. SPARKMAN:

S. 650. A bill for the relief of Doctor Benjamin Quejas Puzon; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 651. A bill for the relief of Donald W. Rundquist; to the Committee on the Judiciary.

By Mr. PROXMIRE (for himself and Mr. Brooke):

S. 652. A bill to amend the Truth in Lending Act to protect consumers against careless and unfair billing practices, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

(The remarks of Mr. Proxmire when he introduced the bill appear below under the appropriate heading.)

By Mr. SPARKMAN:

S. 653. A bill for the relief of Cecil A. Donaldson and Liselotte Donaldson; to the Committee on the Judiciary.

By Mr. PACKWOOD:

S. 654. A bill for the relief of Frederick E. Keehn; to the Committee on the Judiciary.

By Mr. STEVENSON:

S. 655. A bill for the relief of certain postal employees at the Elmhurst, Ill., Post Office; and

S. 656. A bill for the relief of Sjourjan Awal; wife, Sofie Awal; and son, Leksin Awal; to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 657. A bill for the relief of Louis Afonso; and

S. 658. A bill for the relief of Joao Resendes Silva; to the Committee on the Judiciary.

By Mr. PELL (for himself, Mr. Williams, Mr. Randolph, Mr. Kennedy, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Hughes, and Mr. Stevenson):

S. 659. A bill to amend the Higher Education Act of 1965, the Vocational Educational Act of 1963, (and related Acts, and for other purposes; to the Committee on Labor and Public Welfare.)

(The remarks of Mr. Pell when he introduced the bill appear below under the appropriate heading.)

By Mr. NELSON (for himself and Mr. Humphrey):

S. 660. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Nelson when he introduced the bill appear below under the appropriate heading.)

By Mr. BELLMON:

S. 661. A bill to establish the Department of Human Resource Development; to the Committee on Government Operations.

S. 662. A bill authorizing grants to be made to certain States and Federal institutions to assist such States and institutions in improving their penal and post-adjudicatory programs; to the Committee on the Judiciary.

(The remarks of Mr. Bellmon when he introduced the bills appear below under the appropriate headings.)

By Mr. CURTIS:

S. 663. A bill to amend the Communications Act of 1934 in order to provide that licenses for the operation of a broadcasting station shall be issued for a term of 5 years; to the Committee on Commerce.

(The remarks of Mr. Curtis when he introduced the bill appear below under the appropriation heading.)

By Mr. COOK:

S. 664. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time be used from Memorial Day to Labor Day; to the Committee on Commerce.

(The remarks of Mr. Cook when he introduced the bill appear below under the appropriate heading.)

By Mr. HUMPHREY:

S. 665. A bill for the relief of Mr. Michele Giampaolo, A18979895; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 666. A bill to designate certain lands in the Lava Beds National Monument in California as wilderness;

S. 667. A bill to designate certain lands in the Lassen Volcanic National Park in California as wilderness; and

S. 668. A bill to designate certain lands in the Pinnacles National Monument in California as wilderness; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Cranston when he introduced the bills appear below under the appropriate heading.)

By Mr. SPARKMAN (for himself, Mr. Tower, and Mr. Bennett) (by request):

S. 669. A bill to amend and extend the Defense Production Act of 1950, as amended;

to the Committee on Banking, Housing and Urban Affairs.

By Mr. SPARKMAN (for himself, Mr. Tower, and Mr. Bennett):

S. 670. A bill to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

By Mr. METCALF (for himself and Mr. Mansfield):

S. 671. A bill to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket numbered 279–A, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STENNIS:

S. 672. A bill for the relief of Nicholaos Demitrios Apostolakis; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 673. A bill to amend the Internal Revenue Code of 1954 to provide for an increase in the amount of the personal exemptions for taxable years beginning after December 31, 1973; to the Committee on Finance.

(The remarks of Mr. Hartke when he introduced the bill appear below under the appropriate heading.)

By Mr. EAGLETON (for himself, Mr. McIntyre, Mr. Bayh, Mr. Bible, Mr. Church, Mr. Cranston, Mr. Ervin, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Hollings, Mr. Hughes, Mr. Inouye, Mr. Humphrey, Mr. Kennedy, Mr. Magnuson, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. Miller, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Pastore, Mr. Pell, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Spong, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Williams, and Mr. Tunney):

S. 674. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such Act to schedule II; to the Committee on the Judiciary.

(The remarks of Mr. Eagleton when he introduced the bill appear below under the appropriate heading.)

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 675. A bill to provide that State laws or regulations with respect to certain environmental matters shall not be pre-empted or nullified by Federal law until such time as regulations in lieu of such State laws or regulations are put into effect by or pursuant to Federal law; to the Committee on Public Works.

(The remarks of Mr. Cranston when he introduced the bill appear below under the appropriate heading.)

By Mr. STEVENS:

S. 676. A bill to amend the Food Stamp Act of 1964 in order to permit eligible households living in remote areas of Alaska to use food stamp coupons for the purchase of ammunition; to the Committee on Agriculture and Forestry.

S. 677. A bill to confer jurisdiction on the U.S. District Court for the District of Alaska to hear and determine the claim of the State of Alaska for a refund of a sum paid to the United States for firefighting services; to the Committee on the Judiciary.

S. 678. A bill to amend title 5, United States Code, to restrict contracts for services relating to the positions of guards, elevator operators, messengers, and custodians; to the Committee on Post Office and Civil Service.

S. 679. A bill to amend the Act of March 3, 1899, relating to penalties for wrongful deposit of certain refuse, injury to harbor improvements, and obstruction of navigable waters; to the Committee on Public Works.

(The remarks of Mr. Stevens when he introduced S. 676, S. 677, and S. 679 appear below under the appropriate headings.)

By Mr. SCOTT (for himself and Mr. Mansfield):

S.J. Res. 29. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week," and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. Scott when he introduced the joint resolution appear below under the appropriate heading.)

S. 637—INTRODUCTION OF A BILL TO AMEND THE NATURAL GAS ACT

Mr. TOWER. Mr. President, I have repeatedly warned that this Nation faces an energy crisis of large and increasing proportions. All four of our basic energy resources are involved. Today, I would like to discuss the problems relating to natural gas and to introduce legislation which I believe will partially correct this problem.

The problem is a simple one to state: We are consuming our reserves of natural gas at a faster rate than we are finding gas. Let me explain the dimensions of the problem.

Natural gas provides approximately 32 percent of our total energy requirements. At the present time, we consume about 21 trillion cubic feet of gas per year. But in 1969 we located only about 13 trillion cubic feet of gas. Thus, a deficit was created, and it will surely increase if present pricing policies are followed. The Chase Manhattan Bank predicted that by 1980 potential demand could increase to 93 billion cubic feet of gas per day. They estimate that by 1980, however, there will only be available about 63 billion cubic feet of gas per day. So we have a large problem involving a basic and important energy resource.

A logical question to ask is whether we have adequate undiscovered reserves to meet our needs. The answer is that we do. The National Petroleum Council has recently estimated that the United States may harbor as much as 1,543 trillion cubic feet of natural gas. So, we do have adequate undiscovered reserves to meet our requirements.

The primary cause of our production deficiency is that during the past 17 years the Federal Power Commission has kept the price of nautral gas so low that exploration for new reserves has been discouraged. This regulation was imposed by the Supreme Court in 1954. Until that time, the price of natural gas paid to those who explore for and produce natural gas was regulated only by the free market system.

Pursuant to this Supreme Court decision, the Federal Power Commission has set the price. The avowed goals of the Commission's pricing policies were to assure consumers of adequate supplies at reasonable prices. The results of the past 17 years' efforts to achieve these goals reveal that the FPC has failed miserably. As noted earlier, our reserves are now dangerously low and worsening each year. The price paid by the consumer was not a reasonable price. Cheap, yes. But too low in comparison to other fuels.

For a comparison of relative prices, in 1968 the cost of gas in the Brooklyn, N.Y. area was exceeded by 35 percent for fuel oil, 47 percent for coal, and 168 percent for electricity.

Similar disparities in price exist at the present time there and in other areas of the United States.

So the best interests of the consumer have not been met. In some areas of the United States, new houses and apartments are not being built because of a lack of available supplies of natural gas to heat these buildings.

This situation is especially distressing in view of the fact that natural gas is the ideal fuel. It does not pollute the environment. The consumer is now having to pay for the past short-sightedness of FPC pricing policies. The consumer is being deprived of this most valuable energy resource. The mere pennies per thousand cubic feet of gas allegedly saved by the consumer over the past 17 years is costing the consumer today in brownouts, blackouts, and may even mean cold and dark homes, offices, and hospitals before the situation is corrected.

There is a solution to this problem. We must remove the pricing of natural gas from the Federal Power Commission and return it to the free market system.

This solution was endorsed in principle by the President's council of economic advisors in their 1971 annual Economic Report of the President. I would like to quote from this report:

> There appears to be a shortage of one major energy fuel, natural gas; that is, its production is clearly falling short of desired consumption at current prices. Current prices for interstate sales have been kept low by the Federal Power Commission, which sets these prices under law, not only have prices been too low for desired consumption to be met, but they appear also to have retarded development of new gas supplies. The only satisfactory solution of this problem is to allow the price, at least of new gas not previously committed, to approach the market-clearing level.

In a White House press conference on January 30, 1971, concerning this report, a member of the press asked if the report calls for the deregulation of natural gas. Dr. Hendrick S. Houthakker, a member of the council, responded as follows, and I quote:

> We come out here in support of de-regulation of gas on new contracts.

To accomplish this deregulation, I am introducing today a bill designed to deregulate the price at the wellhead of newly discovered natural gas.

I anticipate and hope that the price of gas will increase if the price is deregulated. This is as it should be.

We must provide the necessary incentives to encourage exploration for new reserves of gas. We now know for a certainty that the present system does not work. We must provide this industry with a real and substantial stimulus. Not only do we have a tremendous present- and future-producing deficiency to overcome, but we need also to provide some cushion—some excess producing capacity.

There is an urgent need to act upon this legislation quickly.

It takes from 4 to 10 years to develop new reserves of natural gas.

It is easy to see that if we are presently in trouble, and if this time lag exists, we can waste no time in correcting this situation.

I am convinced that the passage of this bill will substantially eliminate the cause of the present shortages of natural gas by providing the economic incentives necessary to produce increased exploration.

Mr. President, on behalf of myself and Senators Bellmon, Hansen, and Pearson, I herewith offer my bill to deregulate the wellhead price of natural gas and ask that it be printed at this point in the Record.

Mr. President, the Senator from Wyoming (Mr. Hansen) is necessarily absent but has asked me to have placed in the Record his prepared remarks in cosponsorship of this bill. I ask unanimous consent that the remarks of Senator Hansen be printed at this point in the Record.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the Record.

The bill (S. 637) to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to new sales of natural gas in interstate commerce for resale by persons engaged solely in the production, gathering, and sale of natural gas, introduced by Mr. Tower (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce and ordered to be printed in the Record, as follows:

S. 637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Natural Gas Act, as amended (52 Stat. 821, 56 Stat. 83, 61 Stat. 459, 68 Stat. 36, 72 Stat. 941, 947 and 76 Stat. 72; 15 U.S.C. 717–717w), is amended as follows:

Sec. 101. Section 2 of the Natural Gas Act, as amended, is amended by adding at the end thereof the following new subsections:

"(10) 'Independent producer' means a natural gas company solely engaged in the production, gathering, processing, or sale of natural gas in interstate commerce for resale but not engaged in the distribution thereof for ultimate public consumption nor classified by the Commission as an interstate pipeline company.

"(11) 'Indefinite escalation provision' means a provision in a contract covering a sale of natural gas by an independent producer in interstate commerce for resale that provides for any change in price other than to a definite amount on a specific date or other than to reimburse the seller for all or any part of the changes in production, severance, or gathering taxes levied upon the seller."

Sec. 102. The Natural Gas Act, as amended, is amended by adding at the end thereof the following new section:

"Sec. 24. Notwithstanding any other provision of the Natural Gas Act, as amended, the price, rate or charge demanded or made for the sale, between nonaffiliates, of natural gas in interstate commerce for resale shall not be subject to Commission consideration or approval when evaluating the present or future public convenience and necessity pursuant to section 7(e) of the Act: *Provided, however,* That the sale of natural gas in interstate commerce for resale is made by an independent producer, as hereinbefore defined, from acreage dedicated to the interstate market for the first time on or after the effective date of this amendment; the amounts to be charged or demanded for said sale, either initially or pursuant to a subsequent escalation, shall be expressly set forth in the contract of sale in terms of a definite price per unit; any indefinite escalation provision, as hereinbefore defined, contained in contracts executed on or after the effective date of this amendment shall be inoperative and of no effect at law; the contract of sale shall expressly provide that, after acceptance by an independent producer of a certificate of public convenience and necessity issued by the Commission authorizing said sale pursuant to section 7 of the Act, the definite unit prices specified therein shall not be increased by subsequent amendment to the contract; nothing contained in this section should be construed as relieving the Commission of the obligation to consider and approve all of the other contract provisions, terms, requirements, and conditions or any type of arrangement regardless of the effect they may have, either directly or indirectly, upon the definite unit prices specified in the contract: Furthermore, sections 4, 5, 6, and 9 of the Act shall not be applicable to said sale if, with respect thereto, a certificate of public convenience and necessity has been issued by the Commission pursuant to section 7 of the Act."

The statement submitted by Mr. Tower for Mr. Hansen is as follows:

Statement of Mr. Hansen

Mr. Hansen. Mr. President, last October I was happy to join the able and distinguished Senator from Texas (Mr. Tower) in introducing legislation which I believe is essential if this nation is to continue enjoying the abundance and dependability of one of its most vital energy sources.

As former Federal Power Commissioner Carl E. Bagge pointed out in his remarks on the bill he drafted at the request of the Senator from Texas, the Commission has recognized the need of the interstate market for new supplies by its authorization of the importation of much higher priced Canadian gas and has also certified imports of even higher priced gas in liquid form to the east coast and New England.

The producers of that gas in Canada or Algeria, or wherever it comes from, are probably getting the same price for their gas whether it is old or new gas, and I believe that is one of our problems in the regulation process, and in this bill. Mr. Bagge, in fact, said in his letter to Senator Tower that this bill should not be considered as the only effective approach for accomplishing this objective.

Rather, he said the draft bill will serve as a constructive basis for further discussion and analysis.

Such analysis should, I believe, include a determination of the true economic value of natural gas as a fuel as compared with other fuels in terms of the energy or BTU content.

Presently, the petroleum industry sells more energy—BTU's—in the form of natural gas than in oil. But natural gas now returns to the industry only about one-fourth of industry revenues.

This gross imbalance must be corrected if the industry is to generate the capital needed for a domestic exploration-development program adequate for the reserves of oil and gas we must have for the future—and the very immediate future.

This imbalance must be corrected and to do this, all old—presently flowing—gas must also be freed from depressed prices established under FPC control.

I hope, therefore, that the further discussion and analysis of this legislation will include the price of old as well as new gas and some realistic pricing formula for presently committed gas.

Mr. President, the unrealistic price of natural gas is a key element in the energy crisis now facing this nation and it is a problem that needs to be resolved and resolved quickly.

Chairman John N. Nassikas warned more than a year ago that we were facing a very real and imminent shortage of natural gas. He also conducted an investigation and audit of all available natural gas supplies and ordered hearings in all major gas producing areas.

According to the FPC, the most important evidence collected during the nationwide investigation shows prices are higher in the unregulated intrastate market, which is drawing gas from the interstate markets. The staff reported that intrastate prices range as high as 30 cents.

This compares with an average wellhead price of about 16 cents and emphasizes the need for unregulated wellhead prices.

When contracts have been signed for Canadian gas at rates even higher than intrastate rates and liquified natural gas from Algeria and Venezuela that would cost more than twice as much as domestic gas delivered to the east coast, it is long past time that we acted, Mr. President, and acted quickly if we are to avert a further energy crisis.

Assistant Secretary of Interior for Natural Resources, Hollis M. Dole, pointed out the urgent need for a concerted effort by both the government and industry toward solution of the energy crisis in a recent speech at Stanford University. He warned:

"But the relatively comfortable balance we now happen to enjoy between energy supply and demand is, I submit, both ephemeral and illusory, and my concern is that having warned the public of an energy crisis that has not yet materialized, those who did so may now be accused of crying wolf. The wolf indeed at the door earlier this winter; he has merely gone away for a time. But he will surely be back, and he may well bring the whole pack with him. For beyond this winter loom the peak load demands for electricity of next summer; the steadily diminishing capability of the gas industry to meet the demands made on it the ever-increasing dependency upon foreign oil, particularly along the East Coast; the tenuous supply of fission fuels available at reasonable cost for burner reactors; and the mounting constraints upon the use of coal in metropolitan areas."

So, Mr. President, I urge the Senators to consider the proposal the distinguished Senator from Texas and I offer here today as an urgent first step in the solution of this crisis and an effort to keep the wolfpack from the door.

S. 638—INTRODUCTION OF A BILL TO ASSIST STATES IN ESTABLISHING COASTAL ZONE MANAGEMENT PLANS AND PROGRAMS

Mr. TOWER. Mr. President, I introduce today a measure designed to meet one of the most pressing problems facing the Nation: The steady deterioration through pollution, erosion, and other types of abuse and misuse of our coastal zones. I am defining the coastal zone, for the purpose of legislation, as the area extending inland approximately 50 miles from the coast and extending seaward to the limits of the territorial sea for water rights and, initially, to the depth of 200 meters for the sea-bed rights. This concept of the coastal zone will allow us to include all of the areas that the sovereignty of our Nation comprises and should be the minimum of anything that we consider in such a measure.

Mr. President, there is an increasing need for a coastal zone management concept. Each year, even each day, there is accelerated human activity, both on and off-shore, in the coastal zone. The longer we wait, the worse the situation becomes. We all hear graphically reported each day the pollution of our coastal areas. Likewise, poor use and even misuse of these dwindling land and water resources—which we must recognize are strictly limited—are actually diminishing the area and usefulness of our coastal zone. There are still more threats to this area, which in most cases are just as ominous as the man-made ones; these threats are the storms that constantly plague us: hurricanes, cyclones, water spouts, et cetera. We must have adequate planning and protective facilities in this area, so as to safe-guard the lives of our citizens and to prevent calamitous damage to our coastal zone land area.

Mr. President, currently more than 53 percent of our Nation's population inhabits the coastal zone. In addition, with the great fishing and shrimping industries, oil production, and other ocean related industries, not to mention the wildlife breeding grounds located there, everyone in the United States is vitally affected by what happens in this area.

The basic thrust of my bill, as is stated in the title itself, is to assist the States in developing and carrying out plans and programs for and in the coastal zone. This is consistent with the President's stated policy of reversing the flow of power from Washington and channeling it back to the States. The Federal Government can give a great deal of financial and planning assistance in this area; but, in the long run, the burden is on the States to identify, meet, and solve, their own problems. It is here, in the interface of the State and its people and its needs, that the real action must take place. The great diversity of local problems and situations, as well as our American philosophy of Government from preempting this field. It is all too easy to attempt problems by simply setting up another Federal agency. This is the old solution; this is the tired solution, we must now turn from it and seek an American solution.

In this coastal zone regimes, the genius of the American free enterprise system must be given every possible freedom to develop, consistent with our broad policy statements. Government cannot succeed where the American system has failed; Government may in some instances be a partner with industry and with the men and women who daily toil in the Nation, but it must never be relied on as the sole, or in most instances even the primary problem solver. Inflexible guidelines must give way to commonsense approaches; only in this way can a living solution be found.

Specifically, Mr. President, my bill calls for the Federal Government to assist the States in planning for their coastal zone program by providing expertise and up to 50 percent of the cost of implementing the plan and program. I have made specific provisions that all coastal States shall receive at least some of the funds appropriated under this authorization; there must not be a gap in our program.

There shall be one agency in each coastal State to coordinate the plans and programs for the coastal zone. The Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration and other appropriate agencies, shall assist the States where required and where asked. In such a partnership, we should be able to create the atmosphere wherein a living solution may be found to this problem.

Some will note that this legislation carries with it a somewhat novel approach that limits the life of this authorization to 10 years. This does not mean, Mr. President, that I believe we will solve the coastal zone problems for all time within 10 years. What it does mean, however, is that as a general principle, we in the legislative branch of Government should review our general legislative approach to problems at a regular period to see that they still meet the demands of the time. I shall have more to say on this subject at a later date and am including it here as part of my overall philosophy concerning the oversight which we ought to give all of our legislation.

Mr. President, I realize that most legislative proposals when drawn on new and complex subjects are likely to have some features that upon close scrutiny may need to be altered somewhat. I have attempted to anticipate most of the usual pitfalls in my draft; but there can always be unforeseen problems. For this reason, I think that it is important that we have full hearings before the appropriate subcommittee and committee on this and similar pieces of legislation. In this way, all interested parties will have a full opportunity to study and comment upon this important problem. We will have a full opportunity to view the wide range of proposals that will be before us, including the interesting and good set of proposals that the administration will soon be forwarding to us. Sometimes in the past we have acted in a too hasty manner; let us, in this instance, take care to give our committee system the chance to work at its best.

I thank the Senators for their attention.

I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

The **PRESIDENT** pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 638) to assist the States in establishing coastal zone management plans and programs introduced by Mr. TOWER, was received, read twice by its title, referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

S. 638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved October 15, 1966, as amended (16 U.S.C. 1121 et seq.), is amended by adding at the end thereof the following new titles:

"TITLE III—PLANNING AND MANAGEMENT OF THE COASTAL ZONE

"SHORT TITLE

"SEC. 301. This title may be cited as the 'National Coastal Zone Management Act of 1971'.

"CONGRESSIONAL FINDINGS

"SEC. 302. The Congress finds—

"(a) That the well-being of American society now demands that manmade laws be extended to regulate the impact of man on the biophysical environment.

"(b) That there is a national interest in the effective management, beneficial use, protection, and development of the Nation's coastal zone.

"(c) That the coastal one is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of our Nation.

"(d) That the increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion.

"(c) That the coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations.

"(f) That present land and water uses in the more populated coastal areas do not adequately accommodate the diverse requirements of the coastal zone.

"(g) That in light of competing demands and the urgent need to protect our coastal zone, the institutional framework responsible is currently diffuse in focus, neglected in importance, and inadequate in regulatory authority.

"(h) That the key to more effective use of the coastal zone is the introduction of a management system permitting conscious and informed choices among alternative uses.

"(i) That the absence of a national policy and an integrated management and planning mechanism for the coastal zone resource has contributed to the impairment of the Nation's environmental quality.

"DECLARATION OF POLICY

"SEC. 303. Congress finds and declares that it is the policy of Congress to preserve, protect, develop, and where possible to restore, the resources of the Nation's coastal zone for this and succeeding generations. The Congress declares that it is necessary to encourage and assist the coastal States to exercise effectively their responsibilities over the Nation's coastal zone through the preparation and implementation of management plans and programs to achieve wise use of the coastal zone through a balance between development and protection of the natural environment. Congress declares that it is the duty and responsibility of all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate in the purposes of this Act. Further, it is the policy of Congress to encourage the participation of the public and Federal, State, and local governments in the development of coastal zone management plans and programs.

"DEFINITIONS

"SEC. 304. For the purposes of this title—

"(a) 'Estuary' means that part of a river or stream or other body of water having unimpaired natural connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage, or with the Great Lakes.

"(b) 'Coastal zone' means the land, waters, and lands beneath the waters near the coastline (including the Great Lakes) and estuaries. For purposes of identifying the objects of planning, management, and regulatory programs the coastal zone extends seaward to the outer limit of the United States territorial sea for water rights and to the depth of 200 meters for sea-bed rights, or to a greater depth as the Secretary may from time to time declare, and to the international boundary between the United States and Canada in the Great Lakes. Within the coastal zone as defined herein are included areas and lands influenced or affected by water such as, but no limited to, beaches, salt marshes, coastal and intertidal areas, sounds, embayments, harbors, lagoons, inshore waters, rivers, and channels.

"(c) 'Coastal State' means any State of the United States in or bordering on the Atlantic, Pacific, and Arctic Oceans, Gulf of Mexico, Long Island Sound, or the Great Lakes, and includes Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"(d) 'Secretary' means the Secretary of Commerce.

"MANAGEMENT PLAN AND PROGRAM DEVELOPMENT GRANTS

"SEC. 305. (a) The Secretary is authorized to make annual grants to any coastal State for the purpose of assisting in the development of a management plan and program for the land and water resources of the coastal zone. Such grants shall not exceed 50 per centum of the costs of such program development in any one year. Other federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this subsection, the coastal State must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management plan and program consistent with the requirements set forth in section 306 (c) of this title. Successive grants may be made annually for a period not to exceed two years: *Provided*, That no such grant shall be made under this subsection until the Secretary finds that the coastal State is adequately and expeditiously developing such management plan and program.

"(b) Upon completion of the development of the coastal State's management plan and program, the coastal State shall submit such plan and program to the Secretary for review, approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such plan and program by the Secretary, the coastal State's eligibility for further grants under this section shall terminate, and the coastal State shall be eligible for grants under section 306 of this title.

"(c) No annual grant to a single coastal State shall be made under this section in excess of $200,000.

"(d) With the approval of the Secretary, the coastal States may allocate to an interstate agency a portion of the grant under this section for the purpose of carrying out the provisions of this section.

"ADMINISTRATIVE GRANTS

"SEC. 306. (a) The Secretary is authorized to make annual grants to any coastal State for not more than 50 per centum of the costs of administering the coastal State's management plan and program, if he approves such plan and program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the coastal State's share of costs.

"(b) Such grants shall be allotted to the States with approved plans and programs based on regulations of the Secretary taking into account the amount and nature of the coastline and area covered by the plan, population and other relevant factors.

"(c) Prior to granting approval of a comprehensive management plan and program submitted by a coastal State, the Secretary shall find that:

"(1) The coastal State has developed and adopted a management plan and program for its coastal zone adequate to carry out the purposes of this title, in accordance with regulations published by the Secretary, and with the opportunity of full participation by relevant Federal agencies, State agencies, local governments, regional organizations, and other interested parties, public and private.

"(2) The coastal State has made provision for public notice and held public hearings in the development of the management plan and program. All required public hearings under this title must be announced at least thirty days before they take place, and all relevant materials, documents, and studies must be made readily available for the public for study at least thirty days in advance of the actual hearing or hearings.

"(3) The management plan and program and changes thereto have been reviewed and approved by the Governor.

"(4) The Governor of the coastal State has designated a single agency to receive and administer the grants for implementing the management plan and program set forth in paragraph (1) of this subsection.

"(5) The coastal State is organized to implement the management plan set forth in paragraph (1) of this subsection.

"(6) The coastal State has the regulatory authorities necessary to implement the plan and program, including the authority set forth in subsection (g) of this section.

"(d) With the approval of the Secretary, a coastal State may allocate to an interstate agency a portion of the grant under this section for the purpose of carrying out the provisions of this section, provided such interstate agency has the authority otherwise required of the coastal State under subsection (c) of this section, if delegated by the coastal State for purposes of carrying out specific projects under this section.

"(e) The coastal State shall be authorized to amend the management plan and program at any time that it determines the conditions which existed or were foreseen at the time of the formulation of the management plan and program have changed so as to justify modification of the plan and program. Such modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the coastal State's management plan and program may be reviewed by the Secretary before additional administrative grants are made to the coastal State under the plan and program as amended.

"(f) Prior to granting approval of the management plan and program, the Secretary shall find that the coastal State, acting through its chosen agency or agencies (including local governments), has authority for the management of the coastal zone in accordance with the management plan and program and such authority shall include power—

"(1) to administer land and water use regulations, coordinate and plan for public and private development of the coastal zone in order to assure compliance with the management plan and program, and to mediate conflicts among competing uses;

"(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property within the coastal zone through condemnation or other means when necessary to achieve conformance with the management plan and program;

"(3) to control and develop land and facilities as may be deemed necessary to carry out the management plan and program; and

"(4) to borrow money and issue bonds for the purpose of land acquisition or land and water development and restoration projects.

"(h) No annual administrative grant to a coastal State shall be made under this section in excess of 15 per centum of the total amount appropriated to carry out the purposes of this section, nor shall any coastal State having in effect a plan approved by the Secretary receive less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

"BOND AND LOAN GUARANTIES

"SEC. 307. In addition to grants-in-aid, the Secretary is authorized under such terms and conditions as may be prescribed by the Secretary of the Treasury, to enter into agreements with coastal States to underwrite by guaranty thereof bond issues or loans for the purposes of land acquisition, or land and water development nad restoration projects: *Provided*, That the aggregate principal amount of guaranteed bonds and loans outstanding at any time may not exceed $140,000,000.

"REGULATIONS

"SEC. 308. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after appropriate consultation with other interested parties, both public and private, such rules and regulations as may be reasonably necessary to carry out the provisions of this title.

"REVIEW AND PERFORMANCE

"SEC. 309. (a) The Secretary shall conduct a continuing review of the comprehensive management plans and programs of the coastal States and of the performance of each coastal State.

"(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he reasonably determines that the coastal State is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the coastal State has been given notice of proposed termination and withdrawal and an opportunity to present evidence of adherence or justification for altering its program: *Provided*, That such determination shall be made only after there has been a full opportunity for hearing.

"RECORDS

"SEC. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall reasonably prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, and the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

"ADVISORY COMMITTEE

"SEC. 311. (a) The Secretary is authorized and directed to establish a coastal and estuarine zone management advisory committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal and estuarine zones of the coastal States of the United States on a regular basis. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct.

"(b) Members of said advisory committee who are not regular full-time employees of the United States, while serving on the business of the committee, including travel time, may receive compensation at rates not exceeding the daily rate for GS–18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"INTERAGENCY COORDINATION AND COOPERATION

'Sec. 312. (a) The Secretary shall not approve the management plan and program submitted by the State pursuant to section 306 unless the views of Federal agencies principally affected by such plan and program have been adequately considered. In case of serious disagreement between any Federal agency and the State in the development of the plan the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

"(b) (1) All Federal agencies conducting or supporting activities in the coastal and estuarine zone shall seek to make such activities consistent with the approved State management plan and program for the area.

"(2) Federal agencies shall not undertake any development project in a coastal zone which, in the opinion of the coastal State, is inconsistent with the management plan of such coastal State unless the Secretary, after receiving detailed comments from both the Federal agency and the coastal State, finds that such project is consistent with the objectives of this title, or is informed by the Secretary of Defense and finds that the project is necessary in the interest of national security.

"(3) Any applicant for a Federal license or permit to conduct any activity in the coastal zone subject to such license or permit, shall provide in the application to the licensing or permitting agency a certification from the appropriate State agency that the proposed activity complies with the State coastal zone management plan and program, and that there is reasonable assurance, as determined by the State, that such activity will be conducted in a manner consistent with the State's coastal zone management plan and program. The State shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. If the State agency fails or refuses to act on a request for certification within six months after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence, unless, after receipt of detailed comments from the relevant Federal and State agencies, and the provision of an opportunity for a public hearing, the activity is found by the Secretary to be consistent with the objectives of this title or necessary in the interest of national security. Upon receipt of such application and certification, the licensing or permitting agency shall immediately notify the Secretary of such application and certification.

"(c) State and local governments submitting applications for Federal assistance in coastal areas shall indicate the views of the appropriate State or local agency as to the relationship of such activities to the approved management plan and program for the coastal zone. Such applications shall be submitted in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968. Federal agencies shall not approve proposed projects that are inconsistent with the coastal State's management plan and program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

"(d) Nothing in this section shall be construed—

"(1) to diminish either Federal or State jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources and navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

"(2) to change or otherwise affect the authority or responsibility of any Federal official in the discharge of the duties of his office except as required to carry out the provisions of this title;

"(3) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies, except as required to carry out the provisions of this title; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States Operating Entity or Entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

"ANNUAL REPORT

"Sec. 313. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than January 1 of each year a report on the administration of this title for the preceding Federal fiscal year. Such report shall include but not be restricted to (1) an identification of the State programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the States participating in the provisions of this title and a description of the status of each State's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allotment of funds to the various coastal States and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any State programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of the Federal development project which the Secretary has reviewed under section 313 of this title and a summary of the final action taken by the Secretary with respect to each such project; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, State, and local responsibilities and functions thereof; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be required under the National Environmental Policy Act of 1969.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

"APPROPRIATIONS

"Sec. 314. (a) There are authorized to be appropriated—

"(1) the sum of $2,000,000 for fiscal year 1972 and such sums as may be necessary not to exceed $7,000,000 annually, for each of the fiscal years thereafter prior to June 30, 1976, for grants under section 305;

"(2) such sums, not to exceed $7,000,000 as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year thereafter for grants under section 306;

"(b) There are also authorized to be appropriated to the Secretary such sums, not to exceed $1,000,000 annually, as may be necessary for administrative expenses incident to the administration of this title."

"LENGTH OF AUTHORIZATION

"Sec. 315. (a) This authorization for exercise of authority and expenditure of funds shall expire ten years from the date that this Act shall finally become effective; and

"(b) The expiration of all authority under the Act shall not, of itself, affect adversely any State agency operating under the Act.

"SPECIAL EXCEPTION

"Sec. 316. For the purpose of excluding Federal funds from matching requirements, under this Act, any funds appropriated pursuant to a Federal revenue sharing authorization or a consolidation of existing Federal grant programs into not more than ten general purpose grant programs shall not be considered as 'other Federal revenue from other sources' as mentioned in sec. 305 (a) of this Act and other places in this Act."

Amend the title so as to read: "A bill to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones."

S. 639—INTRODUCTION OF A BILL TO INCREASE THE SOCIAL SECURITY EARNINGS TEST

Mr. TOWER. Mr. President, today I am introducing a bill which would increase the social security earnings test from $1,680 a year to $3,000 a year. The need to increase the amount that a person can earn and still get all of his social security benefits is obvious. Last year the social security bill, H.R. 17550, sent to the Senate by the House of Representatives and the bill that was reported by the Committee of Finance contained provisions increasing this amount to $2,000 a year and the amount was further increased to $2,400 under a floor amendment presented by the senior Senator from Illinois.

In addition to increasing the amount that a person can earn, my bill would change the way that benefits are reduced when a person earns more than the exempt amount. Under present law, benefits are reduced by $1 for each $2 of the first $1,200 of earnings above the exempt amount and by $1 for each $1 of earnings above that amount—above $2,800 under present law. My bill would change this procedure so that the $1 reduction in benefit for each $2 of earnings would apply to all earnings above the exempt amount—above $3,000. Thus, under my bill not only would social security beneficiaries be able to earn more and still get all of their benefits but, if they did earn more than the exempt amount, they would be able to keep more of their earnings.

As a result, a significant number of beneficiaries would be able to take meaningful part-time work which would make a real contribution to their standards of living.

Mr. President, the need for periodic increases in the social security earnings test is well known to this body. The need for change has been demonstrated so often that the arguments in favor of the change are almost trite. In the past, the Congress has recognized the need for change and has acted from time to time to increase the amount that beneficiaries are permitted to earn. In general the question has not been should the amount be increased, rather it has been by how much can we afford to increase it? Quite honestly, I believe that if each Senator were to be asked what he favored doing about the social security earnings test, his first reaction would be to abolish it. A more reasoned approach, however, seems called for in view of the high cost of doing away with the test. If we were to do away with the test, it would cost somewhat more than $2½ billion in the first year compared to about $930 million for the change I propose. In the long run this would amount to about 0.32 percent of taxable payroll.

The social security bill that we passed last year is coming back to us again this year. I would hope that the Committee on Finance would report a bill with the earnings test changed as it would be in my bill. If the committee recommends a lesser change, I would urge Senators to support my measure in the bill the Senate sends to conference.

Mr. President, I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 639) to amend title II of the Social Security Act to increase the amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title, introduced by Mr. TOWER was received, read twice by its title, referred to the Committe on Finance and ordered to be printed in the RECORD, as follows:

S. 639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraphs (1) and (4)(B) of section 203 (f) of the Social Security Act are each amended by striking out "$140" and inserting in lieu thereof "$250".

(b) Paragraphs (1)(A) of section 203(h) of such Act is amended by striking out "$140" and inserting in lieu thereof "$250".

(c) The first sentence of section 203(f) (3) of such Act is amended to read as follows: "For purposes of paragraph (1) and subsection (h), an individual's excess earnings for a taxable year shall be 50 per centum of his earnings for such year in excess of the product of $250 multiplied by the number of months in such year.".

SEC. 2. The amendments made by this Act shall apply with respect to taxable years ending after December 1970.

S. 643—INTRODUCTION OF A BILL RELATING TO GENERAL REVISION OF THE PATENT LAWS

Mr. McCLELLAN. Mr. President, as chairman of the Senate Subcommittee on Patents, Trademarks, and Copyrights, I introduce, for appropriate reference, a bill for the general revision of the patent laws, title 35 of the United States Code, and for other purposes.

Other than for the addition of one section to the transitional and supplementary provisions to reflect action taken by the 91st Congress, the bill which I am introducing today is identical to S. 2756 of the 91st Congress. Following the conclusion of the subcommittee hearings on the report of the President's Commission on the Patent System and of the various patent revision bills that were subsequently introduced, I directed the subcommittee staff to meet with the representatives of the Patent Office, the organized bar, industry, and other interested parties in an effort to devise compromise legislation. S. 2756 was the result of that undertaking.

Although the studies and hearings of the subcommittee on patent law revision had been concluded before the commencement of the current administration, I deferred action on this legislation so as to permit the administration to make any recommendations it thought useful. I met with the Commissioner of Patents, and the Committee on the Judiciary requested reports from the appropriate departments of the executive branch. Since the introduction of S. 2756 I have received numerous comments and suggested amendments from the legal profession, trade associations, and other interested individuals.

On February 28, 1969, I requested the views of the Department of Commerce concerning the patent fee schedule provided in title 35. On April 17, 1969, I received a letter from the General Counsel of the Department of Commerce indicating that the administration had undertaken a review of its position on patent fees and it was hoped that before the end of 1969 the views of the administration could be communicated to the subcommittee. The subcommittee has yet to receive the recommendations of the administration.

On August 15, 1969, the Judiciary Committee requested a report from the Department of Justice on S. 2756. The Department has yet to respond to the committee's request. On August 27, 1969, the committee requested a report on the same bill from the Department of Commerce. The Department of Commerce has yet to respond.

On April 8, 1970, the distinguished minority leader introduced two important amendments which he intended to propose to S. 2756. On April 13, 1970, reports on Senator SCOTT's proposed amendments were requested from the Department of Justice and the Department of Commerce. The committee has yet to receive the views of either Department.

The subcommittee delayed reporting patent legislation in 1969 as an accommodation to a new administration. The issues presented by S. 2756 have been debated for several years. The President in recent weeks has spoken frequently of delays in the processing of legislation by the Congress and has expressed concern at the unfinished business of the 91st Congress. The President in the state of the Union address urged the Congress to open the way to "a new American revolution . . . in which government at all levels was refreshed and renewed." I shall give careful consideration to the recommendations of the President for reorganization and reform of the executive branch. I suggest, however, that it would not be inappropriate to first complete the unfinished business of reform, such as the reform of the patent system, to which so much time and effort has already been devoted.

It is my understanding that the Commissioner of Patents timely prepared his recommendations concerning reform of the patent system but that the transmission to the Congress of the administration's position has been delayed because of unresolved conflicts within the executive branch. It is now 17 months since the committee requested the views of this administration. I urge the President to take the necessary action to secure the prompt transmission to the Congress of the requested reports.

It is, of course, possible—and may be necessary—for the subcommittee to act without the counsel of the executive branch. It is much preferable, however, especially in which a complex area as patent law, for the Congress to act with the cooperation of those who have the responsibility for the administration of the patent system.

Late in the 2d session of the 91st Congress the Committee on Public Works, without public notice or hearings, added to the clean air amendments bill a sweeping provision providing for the compulsory licensing of patents, trade secrets and other forms of industrial property. A modified version of this provision is contained in section 308 of the Clean Air Amendments Act of 1970. This section which is of great significance to the patent system was not considered by the Committee on the Judiciary which has exclusive jurisdiction over the subject matter. Because of my desire not to delay the progress of the clean air bill I did not seek to have the bill referred to the Judiciary Committee. During the consideration of the conference report on this legislation the junior Senator from Virginia (Mr. SPONG), who was one of the conferees, stated:

> After reflecting upon the implications of the section, I would have preferred that the issues involved be reviewed by the Judiciary Subcommittee on Patents, Trademarks, and Copyrights. However, the conference report language on the matter is an improvement over the provisions in the Senate-passed bill. The section will not become generally operative for at least two years, and in the interim I would hope that the issues involved will be the subject of hearings and review.

The Secretary of Health, Education, and Welfare in indicating the administration position on the Senate bill said of the patent provision:

> We are not convinced of the need for such a basic change in policy in light of its potential adverse effects and in the absence of known abuses.

In order that the committee having jurisdiction in patent matters may conduct hearings and review this subject I have included in the patent revision bill, as a new section 6 of the transitional and supplementary provisions, language deleting section 308 of the Clean Air Amendments Act and inserting substitute language. The new provision directs the Administrator of the Environmental Protection Agency if he determines that the purposes and intent of the Clean Air Amendments Act are being retarded by any provision of the patent law to recommend to the Congress such modification of the patent law as may be necessary.

I anticipate that the subcommittee will find it necessary to reopen the patent revision hearings solely for the purpose of considering several issues which have arisen since the conclusion of the original hearings, noticeably the amendments introduced by the minority leader. It is my intention that these hearings also consider the relationship of the patent system to the efforts to improve the environment. If these hearings demonstrate a current necessity for modification of the patent system, I believe the subcommittee would have no difficulty in adopting appropriate amendments of the patent code.

The attention of the subcommittee has been recently directed to the contribution of patent litigation to the backlog of civil cases in the Federal courts. The Chief Justice prior to assuming his current office said that:

> One thing an appellate judge learns very quickly is that a large part of all the litigation in the courts is an exercise in futility and frustration. The anomaly is that there are better ways of resolving private disputes, and we must in the public interest move toward taking a large volume of private conflicts out of the courts and into the channels of arbitration.

It has been recommended that the subcommittee should include in the patent revision legislation provisions providing for the arbitration of cases relating to patent validity and the infringement of patents. I have no current opinion concerning the desirability or feasibility of such procedures, and no provisions of this nature are included in this bill. I am, however, requesting the Judicial Conference and the appropriate committees of the organized patent bar to submit their views to the subcommittee.

The **PRESIDENT** pro tempore. The bill will be received and appropriately referred.

The bill (S. 643) for the general revision of the Patent Laws, title 35 of the United States Code, introduced by Mr. McClellan, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 644—INTRODUCTION OF A BILL RELATING TO GENERAL REVISION OF THE COPYRIGHT LAW

Mr. **McCLELLAN**. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights, I introduce, for appropriate reference, a bill for the general revision of the copyright law, title 17 of the United States Code, and for other purposes. Title I of this legislation provides for the general revision of the copyright law, title II establishes the National Commission on New Technological Uses of Copyrighted Works, and title III provides for the protection of ornamental designs of useful articles.

Other than for necessary technical and perfecting amendments, the text of the bill which I am introducing today is identical to that reported favorably by the subcommittee during the 91st Congress. No further action on that bill was taken because of circumstances beyond the control of the subcommittee.

A principal factor delaying further Senate action on the copyright revision bill was the unresolved cable television issue. Section 111 of S. 543 of the 91st Congress, the copyright revision bill, included provisions relating to secondary transmissions by cable systems and provided a coordinated resolution of necessarily related copyright and communication questions. Senate action on the subcommittee bill was not feasible because of the pendency of proceedings before the Federal Communications Commission concerning proposed CATV rules. The subcommittee was assured last summer by the Chairman of the Federal Communications Commission that prior to the convening of the 92d Congress the Commission would adopt appropriate CATV rules. The Commission did not act, partly due to the lack of a full membership of the Commission. The Chairman of the Commission has now again assured me that the Commission will proceed expeditiously to reach some determination concerning those aspects of the cable television question coming within its jurisdiction.

After the Commission has determined its CATV rules, the subcommittee will review section 111 to determine what modifications may be necessary and desirable. There is no justification for any further delay in the resolution of this question by the Congress and the Commission. If it should develop that the Commission is not prepared to bring its rulemaking proceedings to a reasonably prompt definitive conclusion it will be my intention to seek Senate passage of the CATV provisions approved by the subcommittee.

Action by the Federal Communications Commission on the CATV question will be a major contribution to the enactment by this Congress of the long overdue modernization of the copyright statute. Authors, composers, performing artists, and other creators are entitled to expect this Congress to pass a progressive and equitable copyright law.

Most of the technical amendments incorporated in the bill which I am introducing today consist of necessary changes in the effective dates of various provisions. The other perfecting amendments are:

First. The addition of a subsection to section 112 clarifying the right of nonprofit organizations to make under certain conditions copies of programs embodying copyrighted works of a religious nature.

Second. Clarification of section 114 to make clear that the section prohibits the unauthorized dubbing of the sound record of a motion picture sound track.

Third. The addition of a clause in section 601 to clarify with respect to the restrictions on the importation of foreign manufactured works the application of the foreign national exemption to "works made for hire."

Fourth. The addition to chapter 8, Copyright Royalty Tribunal, of sections 808 and 809 fixing the effective date for the distribution of copyright royalties and specifying the scope of judicial review of final decisions by the Copyright Royalty Tribunal.

The **PRESIDENT** pro tempore. The bill will be received and appropriately referred.

The bill (S. 644) for the general revision of the copyright law, title 17 of the United States Code, and for other purposes, introduced by Mr. McCLELLAN, was received, read twice by its title, and referred to the Committe on the Judiciary.

S. 645—INTRODUCTION OF A BILL RELATING TO THE POSTAL SERVICE EMERGENCY

Mr. **McCLELLAN**. Mr. President, as Chairman of the Senate Subcommittee on Patents, Trademarks and Copyrights, I introduce, by request of the Department of Commerce, for appropriate reference, a bill to provide relief in patent and trademark cases affected by the emergency situation in the U.S. postal service which began on March 18, 1970.

The regular operations of the postal service were disrupted in March 1970 by an illegal work stoppage by certain employees of the postal service. Mail delays of several days occurred and the President on March 23, 1970, declared a national emergency.

The patent and trademark statutes contain numerous time periods during which specified actions must be taken by patent and trademark applicants and owners. Failure to take a required action within the statutory time period generally results in a forfeiture of some or all of the rights involved. Although certain provisions of the statutes provide for the excusing of unavoidable delay, other provisions leave the applicant without recourse when he is unable to take action within the statutory period. The only remedy for an applicant in such a case is to seek the enactment of private legislation by the Congress making a special exception to the general law.

The filing dates of patent and trademark applications may be critically important in determining patent and trademark rights. The purpose of this legislation is to give patent and trademark applicants an opportunity to make a claim for a filing date earlier than the date on which the application was received by the Patent Office. The application would be entitled to the filing date which it would normally have received except for the disruption of postal service.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 645) to provide relief in patent and trademark cases affected by the emergency situation in the U.S. postal service which began on March 18, 1970, introduced by Mr. McClellan, by request, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 646—INTRODUCTION OF A BILL TO PROTECT AGAINST PIRACY OF SOUND RECORDINGS

Mr. McCLELLAN. Mr. President, as chairman of the Senate Subcommittee on Patents, Trademarks, and Copyrights, I introduce, for appropriate reference, on behalf of myself and Mr. Scott, a bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings, and for other purposes.

The bill which I am introducing today is identical to S. 4592 which I introduced on December 18, 1970. Information supplied to the Copyrights Subcommittee indicates a rapid increase in the unauthorized duplication and piracy of sound recordings. It has been estimated that as many as 18,000 illegal tapes are being produced each day depriving the record industry, its distributors and performing artists of an estimated $100 million annually in tape sales.

The Committee on the Judiciary has been advised that the Library of Congress and the Copyright Office are "fully and unqualifiedly in favor of the purpose the bill is intended to fulfill." The report of the Librarian of Congress on the predecessor bill states in part:

> The recent and very large increase in unauthorized duplication of commercial records has become a matter of public concern in this country and abroad. With the growing availability and use of inexpensive cassette and cartridge tape players, this trend seems certain to continue unless effective legal means of combatting it can be found. Neither the present Federal Copyright Statute nor the common law or statutes of the various states are adequate for this purpose.

The Library of Congress and the Copyright Office have indicated that "the national and international problem of record piracy is too urgent to await comprehensive action on copyright law revision." The substance of the bill I am introducing has already been approved by the Copyrights Subcommittee as part of the legislation for general revision of the copyright law.

Anyone having comments on this subject, or proposed amendments, should now submit them to the subcommittee.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 646) to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes, introduced by Mr. McClellan (for himself and Mr. Scott), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 647—INTRODUCTION OF THE "UNFAIR COMPETITION ACT OF 1971"

Mr. McCLELLAN. Mr. President, I introduce, for appropriate reference, on behalf of myself and Mr. Scott, the Unfair Competition Act of 1971.

The bill would establish a uniform body of Federal unfair competition law by creating a Federal statutory tort of unfair competition affecting interstate commerce, and by establishing Federal jurisdiction over such tort claims within the framework of the Trademark Act of 1946. The crux of the bill proposes a new section 43(a) of the Trademark Act including in three subsections those torts generally acknowledged to give rise to the major part of the law of unfair competition. In a fourth subsection, provision is made for the Federal courts to deal with other acts which constitute unfair competition because of misrepresentation or misappropriation of goods or services.

The bill provides that all the remedies set forth in the Trademark Act for infringement of trademarks would be available in respect to acts of unfair competition. However, the bill would not affect remedies which are otherwise available or preempt the jurisdiction of any State in cases of unfair competition.

The need for legislation in this area has been widely recognized. A national coordinating committee, composed of leading business and legal organizations, was established for the purpose of fostering such legislation. Other than for technical amendments the bill which Senator Scott and I are introducing today is identical to S. 766 of the 91st Congress. No action was taken on this legislation in the previous Congress, but it is anticipated that hearings will be scheduled on this bill during the current session.

Anyone interested in this legislation should address his comments to the Subcommittee on Patents, Trademarks and Copyrights of the Committee on the Judiciary.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 647) to amend the act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, introduced by Mr. McClellan (for himself and Mr. Scott), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 649—INTRODUCTION OF BILL RELATING TO THE INTERSTATE COMMERCE COMMISSION

Mr. MANSFIELD. Mr. President, late in the 91st Congress the Senior Senator from Idaho (Mr. Church) and I introduced legislation which would abolish the Interstate Commerce Commission. Today, I have sent to the desk an identical proposal which, if enacted, would abolish the Interstate Commerce Commission after a 2-year period during which a special committee would be given an opportunity to consider phasing out the Commission and the appropriate transfer of its duties to one or more existing Federal authorities. This legislation is being cosponsored by Senators Aiken, Church, Fulbright, Goldwater, Metcalf, Montoya, Proxmire, and Taft.

This proposal is not offered lightly by me nor my colleagues. In my own case, it has been only after much thought and consideration of what has become one of the most serious crises in our domestic economy. Surface transportation is badly in need of some new guidance. If the ICC had more forcefully advocated and implemented their existing authority over the past several decades, I am convinced that we would not be in the position we are today. The Commission has been far too willing, in my opinion, to acquiesce in the demands of industry and has not given enough attention to the needs of the shippers and the general public. It is conceivable that the Commission could correct a number of the problems and set our policies in a different direction and avoid abolition. I hope so. Quite frankly, I would like to see the Commission take such steps. I never have, and I do not now, believe that doing away with something is always the answer. But, in this case, if the ICC cannot achieve the necessary reforms, we are going to have to find a better means of promoting sound surface transportation policy in this country.

The complaints I have registered against the Commission fall, generally, into four categories—boxcar shortages, freight rates, passenger train service, and small shipments.

During the 28 years that I have been in the Congress, the one problem that has always seemed to plague the people of Montana and elsewhere is the West, year after year, has been the shortage of freight cars.

In the beginning, the problem arose only during the harvest season or in the very active timber cutting season. Now, it can be almost anytime of the year. A State like Montana, with its large agricultural and lumber resources, is very dependent on the railroads for shipping products to the processing and shipping points in the East and West. The Interstate Commerce Commission has not been able to get the cars moving in the proper direction. I recall periods when certain areas of Montana were requesting as many as 1,000 cars at one time. The western railroads have done a reasonably good job of keeping their rolling stock up to date, but they have found it extremely difficult to get these cars back from the eastern lines. After much discussion and pressure, the ICC has adopted additional regulations imposing stiffer penalties and fees for the holding of boxcars on nonowner lines. The situation is better than it was, but I do think the ICC was remiss in giving too little attention to this problem many years ago.

Freight rates are a very serious matter in Montana, where we have suffered under high rates as established by the present structure. One of the problems that concerns many of us in the Congress is the Interstate Commerce Commission's attitude on discriminatory rates.

In the past several years, the ICC seems to have given every freight rate request almost automatic approval. Three major increases within 1 year seems to be sufficient evidence. I am delighted, however, that the Commission has now embarked upon an extensive study of the freight rate structure. I hope that this will be of value and expedited.

My next complaint concerns a rapid deterioration of the Nation's passenger train service. I have said on many occasions that I believe that the majority of the Nation's railroads have a very negative attitude about this service. It is in this area that I think the Commission could have been of great help in encouraging and counseling the railroad industry to maintain passenger service. Here again, services have deteriorated in equipment and personnel. The railroads are flagrantly discouraging passenger traffic.

The ICC has approved many discontinuances and mergers which seem to be more in the interest of the carrier's extracurricular financial activities rather than to its railroad responsibilities. In the West, the railroads were given large land grants in the late 1800's as an incentive to extend passenger and freight service to the people of the West. Now, they want to limit these services to freight and a concentration on their "other than" railroad investments. Perhaps the railroads might like to return some of their land grants whenever they abandon their railroad activities. Again, I wish to say that I think the ICC should have played the role of a wise counselor and firm advocate of adequate passenger train service. The Interstate Commerce Commission seems to have been the willing servant of the railroads.

We now are entering upon the era of the Railpax which may or may not be the answer to our passenger train difficulties. I have always been a believer in an efficiently operated network of passenger trains. I think we will see a return to a greater use of the railroads for surface transportation despite the railroads themselves. Improved equipment and roadbeds have proven that this can be done. Our airports are becoming entirely too congested while access to the airports is becoming more difficult and time consuming each year. It would be natural to return to the railroads.

The last major criticism I have is one which has not been with us very long but which I now believe to be quite serious and it is likely to get much worse. This is the deterioration in the handling of small shipments. In a nation of our size, small shipments are very important to the small businessman and to the individual. What we are now witnessing is overregulation and very poor service. The small shipment problem concerns all surface transportation—railroads, the trucking industry, buslines and the new U.S. Postal Service. It is this area that I think the ICC can, if it desires to, take some steps to improve. The length of shipments time is almost three or four times what it used to be. Several years ago a parcel could be shipped from Montana to the east coast by expedited freight carrier or parcel post in 6 or 7 days. Now, there is no guarantee that it can be done in 3 or 4 weeks.

Incidents of damaged parsels are far greater than they have ever been and the industry is making it more difficult to process claims. It would seem that the general public is at the mercy of the freight carriers. Rates go up and services go down. How long can this last before we find ourselves in an unbelievable mess? I urge that the ICC take the lead in attempting to do something about this.

Before concluding my comments, Mr. President, I wish to say in all candor that I think part of the problem the ICC now faces is that they are no longer, in realistic terms, a regulatory arm of the Congress. Their existence and activities are too dependent upon the budget arm of the executive branch. The Interstate Commerce Commission must have sufficient funds to carry out their responsibilities. In addition to the funding problems, the ICC is also, in my opinion, archaic in some attitudes and procedures. This is 1971 and the problems we face are far more complex and must be faced in these terms.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD at this point in my remarks and to be followed by a letter sent to the Commission on November 30, 1970, and cosigned by many of my colleagues in the Senate.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 649) to abolish the Interstate Commerce Commission at a future date and to establish a commission to make recommendations with respect to carrying out the functions of the Interstate Commerce Commission after such date, introduced by Mr. MANSFIELD (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

ABOLISHMENT OF INTERSTATE COMMERCE COMMISSION

SECTION 1. Effective eighteen months after the date of enactment of this Act the Interstate Commerce Commission is abolished.

ESTABLISHMENT OF COMMISSION TO MAKE RECOMMENDATIONS

SEC. 2. (a) There is hereby established a National Commission on Transportation Regulation (hereinafter referred to as the "Commission") which shall be composed of fifteen members appointed as follows:

(1) six appointed by the President of the Senate, three from the membership of the Senate, two from the majority party and one from the minority party, and one each to represent carriers subject to regulation pursuant to the Interstate Commerce Act, shippers regularly using such carriers, and consumers generally;

(2) six appointed by the Speaker of the House, three from the membership of the House of Representatives, two from the majority party and one from the minority party, and one each to represent carriers subject to regulation pursuant to the Interstate Commerce Act, shippers regularly using such carriers, and consumers generally; and

(3) three appointed by the President to represent the executive branch of the Government.

(b) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment. The Commission shall elect a Chairman and a Vice Chairman from among its members. Eight members of the Commission shall constitute a quorum.

(c) The Commission shall make a full and complete investigation and study for the purpose of determining and making recommendations with respect to (1) what should be done with the functions of the Interstate Commerce Commission after the abolishment of such Commission pursuant to section 1 of this Act, and (2) what other actions should be taken to best carry out the national transportation policy as set forth in the Interstate Commerce Act.

(d) The Commission shall submit to the President and to the Congress a report with respect to its findings and recommendations not later than one year after the Commission has been fully organized.

(e) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section hold such hearings, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(f) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this section.

(g) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5. United States Code, but at rates not to exceed $100 a day for individuals.

(h)(1) Any member of the Commission who is appointed from the executive or legislative branch of the Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the Commission.

(2) Members of the Commission, other than those referred to in paragraph (1), shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(i) There are authorized to be appropriated out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

(j) The Commission shall cease to exist ninety days after the submission of its report.

The letter, ordered to be printed in the Record, is as follows:

U.S. Senate,
Office of the Majority Leader,
Washington, D.C., November 30. 1970.

Hon. George M. Stafford,
Chairman, Interstate Commerce Commission, Washington, D.C.

Dear Mr. Stafford: The gravity of the present surface transportation situation in the United States cannot be overstated. It is past time for the Interstate Commerce Commission to review its decisions with respect to transportation matters under its jurisdiction and to assess its position. We ask that you consider the long list of decisions which have reduced service, increased costs and permitted the draining of assets so seriously as to imperil the future of rail transportation in the United States.

Two once great railroads, after merger, are bankrupt; another newly merged giant is short of cash; passenger trains have been discontinued, one after the other. In little more than three years, there have been freight rate increases totaling 30 percent, with another increment of 7 percent threatened. Only lately and only partially has the ICC demonstrated its concern with carrier diversification and the consequences of it for rail service. In addition, the box-car shortages on the Western lines are not sporadic anymore; it appears to be a permanent liability.

It would be curious, indeed, if the agency that was established to regulate surface transportation were to be the instrument for the collapse of a vital sector of that industry. The most recent order to permit an 8 percent increase of rail freight rates suggests to us that, despite clear warnings, the Commission remains unaware that to all appearances it has ceased to be a regulatory agency.

Indications at this time lead us to believe that merger considerations, diversifications and increasing labor demands may well result in a transportation crisis of unprecedented magnitude within the next two years. The related effect of this crisis is presently measurable in its effects upon both the rural and urban economic base, regionally and nationally.

Repeated Congressional expressions of concern, not only for rail transportation but for other facets of the economy dependent upon rails, have gone virtually unheeded by the Interstate Commerce Commission.

A review of hearings before the Senate Subcommittee on Surface Transportation clearly indicates by the Commission's own figures that the railroads have been given "substantially everything they have asked for." The Commission's granting of rail requests has had virtually no effect on the decline of rail service.

The Nation is falling into a transportation morass from which certain segments of the economy may never recover. The time has come for a facing of the realities of this situation and for the concerted action necessary to reverse the present course of events.

Sincerely yours,

Senator Lee Metcalf, Senator Stuart Symington, Senator John Sparkman, Senator Len B. Jordan, Senator Jennings Randolph and Senator Clinton P. Anderson.

Senator Mike Mansfield, Senator George D. Aiken, Senator Stephen M. Young, Senator Quentin N. Burdick, Senator Harold E. Hughes and Senator Abraham Ribicoff.

Senator William Proxmire, Senator Albert Gore, Senator Clifford P. Hansen, Senator Frank Church, Senator Alan Bible, Senator Edward J. Gurney, and Senator B. Everett Jordan.

Senator Thomas F. Eagleton, Senator Howard W. Cannon, Senator Barry Goldwater, Senator Mike Gravel, Senator Edward M. Kennedy, Senator Gaylord Nelson, and Senator Spessard L. Holland.

Senator Strom Thurmond, Senator Birch Bayh, Senator John Sherman Cooper, Senator Gale W. McGee, and Senator Edmund S. Muskie.

S. 652—INTRODUCTION OF THE FAIR CREDIT BILLING ACT

Mr. PROXMIRE. Mr. President, I introduce a bill to be known as the Fair Credit Billing Act, and ask that it be appropriately referred.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 652) to amend the Truth in Lending Act to protect consumers against careless and unfair billing practices, and for other purposes, introduced by Mr. Proxmire, was received, read twice by its title, and referred to the Committee on Banking, Housing and Urban Affairs.

Mr. PROXMIRE. Mr. President, following the passage of the Truth in Lending Act in 1968, the Congress has made great strides in consumer protection legislation. Last year, for example, the President signed into law legislation I introduced to control the unsolicited mailing of credit cards and protect consumers from inaccurate or misleading credit reports. These legislative victories indicate that at long last the voice of the consumer is beginning to be heard in the halls of Congress.

In order to build upon the achievements of past Congresses, I am today introducing on behalf of myself and Senator Brooke, a Fair Credit Billing Act to protect consumers from unfair or careless billing practices. The legislation is introduced in the form of an amendment to the Truth in Lending Act and would be administered by the Federal Reserve Board which has done such an outstanding job in consumer credit regulation. The bill addresses itself to numerous complaints I have received about billing practices and the use of credit cards. Many of these complaints are undoubtedly a reflection of the rapid growth of credit cards and revolving credit plans used by major creditors across the country.

THE CREDIT CARD REVOLUTION

The use of credit cards has been truly phenomenal. It has been estimated that there are well over 300 million credit cards in circulation today. The Federal Reserve Board reports that the total amount of credit owned by consumers on their credit cards as of June 30, 1970, was $14.7 billion, up $2 billion from the year before. Of this amount, $3 billion was owed to commercial bank credit card plans, $1.6 billion to oil companies, $9.8 billion to retail stores, and $300 million on other credit card plans. Commercial bank penetration into the credit card field has been particularly impressive. Commercial banks more than tripled their outstanding credit volume on bank credit cards from 1968 to 1970. During 1970, more than $5.3 billion in sales were made on bank credit cards alone. It is clear that credit cards are playing an increasingly important role in the consumer's family budget.

The credit card revolution has been a mixed blessing for the consumer. It is perhaps inevitable that our consumer protection laws have lagged behind the rapidly changing developments in the use of credit. The consumer has been harrassed and intimidated by computer written dunning letters; he has been shortchanged by tricky billing practices which result in interest rates far above the legal usury ceilings; he is being given less and less time to pay his bills before incurring a finance charge; and he is forced to subsidize the credit card system whenever he pays cash instead of using a credit card.

TWELVE POINT CONSUMER PROGRAM

Mr. President, in order to redress these and other abuses, I have prepared a 12-point program to strengthen the rights of the consumer in credit card and billing transactions. These provisions constitute a bill of rights for the consumer when he deals in credit. They insure that the consumer will be dealt with fairly and equitably by the credit grantor.

Here are the 12 provisions:

One, creditors are required to investigate and answer inquiries about billing errors within 30 days, or otherwise forfeit the amount in dispute;

Two, creditors cannot threaten a consumer with an adverse credit rating while a billing dispute is being investigated. Whenever a consumer disputes a bill, the creditor must also send him a copy of any adverse report made to a credit reporting agency and must inform the agency that the amount in question is disputed by the consumer;

Three, creditors who operate revolving credit plans must mail out their monthly statements at least 21 days prior to the time the consumer must make a payment in order to avoid a finance charge;

Four, creditors are prohibited from using the so-called previous balance system on their revolving charge accounts. Under this system, consumers do not receive credit for any partial payments they might make during the month;

Five, creditors are prohibited from imposing a minimum charge on their revolving charge accounts;

Six, banks are prohibited from using the funds in their customer's checking account in order to satisfy a credit card debt;

Seven, creditors must credit payments on revolving charge accounts on the date the payment is received;

Eight, creditors must promptly credit consumers with any excess payments they might make on their revolving charge account, and refund any excess payments if requested;

Nine, consumers are given the same legal rights and defenses against the issuer of a credit card that they would have against the merchant honoring the card in the event of any dispute;

Ten, merchants and other retailers are permitted to offer a cash discount to consumers who pay cash in lieu of using a credit card notwithstanding any agreement to the contrary between the merchant and the issuer of the credit card;

Eleven, creditors are required to disclose on their monthly bills a brief description of all of the items purchased during the month together with the merchant or store involved;

Twelve, creditors must disclose on their monthly billing statements an address and telephone number to be used by consumers in the event they have any questions concerning the accuracy of the bill.

Mr. President, these protections do not by any manner of means exhaust the areas of concern in the consumer credit field. No attempt has been made to regulate the maximum rates which creditors can charge; nor does the bill attempt to prohibit deceptive or harrassing collection practices; finally, there is no attempt to alter the general pattern of legal remedies available to creditors with respect to consumer credit transactions. Nonetheless, these provisions do cover most of the complaints which consumers have voiced about current billing practices. These complaints have been made to Members of Congress, to the Federal Trade Commission, to the National Commission on Consumer Finance, and to the President's Special Assistant for Consumer Affairs. I am hopeful that the Fair Credit Billing Act will go a long way toward relieving the consumer's legitimate grievances with respect to creditor billing practices.

CORRECTION OF BILLING ERRORS

Mr. President, the main provisions of the legislation are to be found in a new chapter IV which would be added to the Truth in Lending Act. Section 161 of this chapter deals with the correction of billing errors. Under this section, creditors are required to acknowledge consumer inquiries about billing errors within 10 days and to respond affirmatively to the inquiry within 30 days. By the end of the 30-day period, the creditor must either correct the consumer's account, or explain to him why the original bill was correct, after having conducted an investigation. If the creditor does not meet these requirements, he forfeits the amount in dispute. Moreover, if the consumer can prove that the amount in dispute actually is an error of the creditors, the consumer can collect three times the amount of the error plus attorney's fees and any actual damages sustained by the consumer.

This provision is designed as a remedy for a situation which is becoming all too familiar. By now, almost everyone has had the frustrating and often degrading experience of attempting to resolve a billing error. It often takes months and even years to break through the chain of computers which are seemingly oblivious of consumer complaints. The penalty provisions of this section are designed to provide creditors with an incentive to respond promptly and affirmatively to consumer billing inquiries.

Certainly it should not be beyond the ingenuity of the American business system to respond to billing inquiries within 30 days. If computers can be programed to write dunning letters, they can also be programed to contain their rhetoric until a human being has investigated a customer's specific complaint. Struggling to resolve a billing error is perhaps not the most important problem faced by consumers. Nevertheless, a protracted battle over a billing error can be extremely annoying and burdensome. Many consumers simply give up rather than subject themselves to further harassment. This provision is designed to restore the consumer's faith that he can indeed change the system if he makes an effort to do so.

CREDIT REPORTS

In a related provision, the bill also regulates communications between a creditor and a credit reporting agency whenever a billing dispute is involved. First of all, whenever a consumer makes a written inquiry challenging an item on his bill, the creditor is prohibited from threatening his credit rating until he actually conducts an investigation and explains to the consumer why he believes the bill to be correct. This will prevent creditors from intimidating consumers into paying an unjust bill simply to avoid the possibility of an adverse credit rating.

Second, whenever a bill is in dispute, a creditor cannot communicate any adverse information about the nonpayment of the bill unless he also sends a copy of the report to the consumer. This provision is designed to let the consumer know that the creditor is placing adverse information in his credit file. The consumer then has the right under the Fair Credit Reporting Act to contact his credit reporting agency, and to correct any inaccurate or misleading information. If the dispute still cannot be resolved, the credit reporting agency must then enter the consumer's version of the dispute in its file and report the consumer's side of the story to all subsequent users of the information.

Third, a creditor cannot report a disputed account as delinquent unless he also informs the credit reporting agency that the account is in dispute and furnishes the agency with a brief version of the consumer's contentions. Moreover, he must report any subsequent change in the status of the account to the credit reporting agency. For example, if the creditor subsequently discovers that he is in error, he must communicate this fact to the credit reporting agency.

These provisions are designed to protect not only consumers but other creditors from the consequences of inaccurate or misleading credit information. Certainly everyone has a stake in an accurate credit reporting system. My objective is not to disrupt the free flow of legitimate credit information, but rather to insure that the information is as accurate as possible.

A creditor should certainly not be permitted to secretly blackball a consumer over a disputed bill. Why should consumers have to spend sleepless nights worrying that their credit rating may be adversely affected because of a dispute they are having with a recalcitrant merchant?

THE SHRINKING BILLING PERIOD

A third provision of the legislation regulation regulates the so-called shrinking billing period. It requires that creditors mail out their bills at least 21 days before payment is due in order to avoid the imposition of a finance charge.

While most creditors theoretically give the consumer 30 days to pay his bills in order to avoid a finance charge, in actual practice, the consumer is given much less time. Some creditors take as much as a week or even 2 weeks before mailing out their monthly bills. When this delay is added to the time required by the mails, the consumer often has only a few days to pay a bill before being socked with a finance charge. Since many consumers are in the habit of paying their bills on a monthly basis rather than weekly or daily, they have often been lulled into incurring a finance charge.

Other creditors have deliberately chosen to contract the payment period to 25 days even though they are on a monthly billing cycle. The effect of this is to give the consumer far fewer days to pay his bill before incurring a finance charge. While the so-called shrinking billing period might provide more revenue to the creditor, it is basically unfair to the consumer. If the consumer is given an option to avoid a finance charge by paying cash within a specified period of time, it should be a meaningful option and one which he can exercise with ordinary standards of due care. I believe the 21-day rule strikes a reasonable balance between the creditor and the consumer. For those creditors on a monthly billing cycle, it gives them approximately 9 full days to close their books and mail out their monthly statements. At the same time, the consumer is given a reasonable period of time to exercise his option.

BILLING SYSTEMS

A fourth provision of the legislation would prohibit the so-called previous balance system on revolving charge accounts and require the use of the so-called adjusted balance system. Under the previous balance system, consumers are given no credit for any partial payments they might make during the current payment period. For example, if a consumer had an opening balance of $100 and made a partial payment of $90, a creditor using the previous balance system would charge the consumer 1½ percent of the $100 balance, or $1.50. When the $1.50 finance charge is compared to the $10 actually owing, the annual interest rate works out to 180 percent. In effect, the consumer is paying interest on the money he has already paid back to the creditor. I estimate that consumers are paying an extra $200 million a year in finance charges because of the previous balance system.

On the other hand, a store using the adjusted balance method would give the consumer credit for the partial payment and charge him only on the remaining balance. This system is far more equitable since it gives the consumer credit for the payments he has made. Moreover, it gives the consumer a positive incentive for paying back his bills since his finance charge is reduced accordingly. By way of contrast, a consumer would have no incentive for making a partial payment under the opening balance system, since he would pay the same finance charge anyway. Thus the opening balance system can encourage excessive consumer indebtedness.

Congress was well aware of the differences between the adjusted balance system and the previous balance system when it passed the truth-in-lending law. Although both systems disclose the same annual percentage rate, it is obvious that the adjusted balance method results in a far lower finance charge to consumers. Nevertheless, it proved to be impossible to come up with a method for reflecting the differences in the various billing systems in the disclosure of an annual percentage rate. Congress therefore required that creditors disclose their monthly rates and their annual equivalents while at the same time disclosing their methods for arriving at the balance upon which the finance charge is assessed. These disclosures have made many consumers aware of the basic inequity of the previous balance system. No doubt many members of the Senate have received letters from their constituents protesting that the previous balance system is illegal or usurious.

While the Truth in Lending Act adopted a disclosure approach, it is obvious that full justice cannot be done unless the various billing systems are subject to some form of regulation. The fair Credit Billing Act therefore requires that creditors must use the adjusted balance method on their revolving charge accounts whenever the consumer is given an option to avoid a finance charge by paying his account in full within a specified period of time. In other words, if he is given an option, it must be a meaningful option and one not hedged with tricky restrictions. A creditor would not be prevented however from basing his finance charge on the average daily amount of credit actually used by the consumer computed from the time of each extension of credit to each payment. Under this system the consumer would, of course, have no option to avoid a finance charge. He would be charged in exact proportion to the number of days of credit actually used. In effect, there would be no free period.

MINIMUM FINANCE CHARGES OUTLAWED

A fifth provision of the legislation would prohibit the imposition of minimum finance charges on revolving credit plans. Under the Truth in Lending Act, any minimum finance charge in excess of $0.50 must be reflected in the annual percentage rate. This has made it possible for creditors to impose a minimum finance charge of $0.50 or less without reflecting it in the annual percentage rate. While it certainly is not the intent of the Truth-in-Lending Act to authorize the imposition of such charges, some creditors have used the law as an excuse to institute a minimum finance charge.

The use of minimum finance charges is unfair to the consumer because it subjects them to astronomical interest rates. For example, if a consumer has a balance of $10 in his revolving charge account, he could be subjected to a minimum finance charge of $0.50. This comes to 5 percent a month, or 60 percent a year. If he had a $5 balance, the annual percentage rate would come to 120 percent.

Creditors have attempted to justify the minimum finance charge by arguing that they have certain fixed costs in connection with the mailing of a bill, and that they are entitled to recover these costs in the finance charge. If this argument is valid, then one wonders why creditors do not impose the same $0.50 minimum finance charge on those customers who pay their bills within the specified period of time, since the same fixed costs are involved on all monthly bills.

The practical effect of the minimum finance charge is to single out a particular group of customers for the payment of a fixed charge supposedly connected with the mailing of a monthly statement. These consumers are those who have low credit balances and cannot afford to pay them in full. They are the very ones who live the closest to poverty and who can least afford to pay interest rates of 120 percent or higher. As presently operated, the minimum finance charge is thus basically unfair and discriminatory. It hits only the poor and not the rich or affluent.

PROTECTION OF CHECKING ACCOUNTS

A sixth provision of the legislation would prohibit creditors from using funds on deposit as an offset against a credit card debt. For example, the terms of a bank credit card plan often permit the bank issuing the credit card to use any funds which the cardholder might have on deposit with that bank as an offset against the consumer's indebtness. This permits the bank to obtain payment without any recourse to the courts. It permits the bank to collect a debt even though the consumer may have a legally valid reason for not paying. It nullifies whatever bargaining power the consumer might have by threatening to withhold payment in order to obtain satisfaction on a merchandise dispute.

The use of offsets are quite similar to wage assignments which have been prohibited by most of the 50 States. A wage assignment permits a creditor to attach a debtor's wages without any legal recourse to the courts. It has proved to be abusive and overly harsh on consumers and has been properly outlawed by most of the States. There is no reason why offsets should not be similarly prohibited.

Nothing in the legislation would prohibit a bank from attaching the funds in its customer's account under the general garnishment law of the State, provided that such remedies were available to creditors generally.

CREDITING PAYMENTS WHEN RECEIVED

A seventh provision of the legislation would require creditors to credit consumers with making payment on their revolving charge accounts on the date the payment is actually received by the creditor. Some creditors apparently delay the posting of a customer's payment until several days after the actual receipt thereof. Under these circumstances, it is possible for a consumer to incur a finance charge, even though he has sent his payment within the specified period of time. This is not fair to the consumer and should be prohibited. If the consumer makes a payment, he ought to get credit for it on the date the funds are actually received by the creditor. The consumer has no control over how long it takes the creditor to post the payment to his books.

CREDITING EXCESS PAYMENTS

An eighth provision of the legislation governs the treatment of excess payments. Whenever a consumer makes an excess payment on his revolving charge account, he must be credited promptly with that amount.

If he has other bills outstanding, the excess payment must be used to offset the amount of those bills. If at the end of the month he has an outstanding credit balance, the creditor must disclose the balance to him and indicate that he has an option to request a cash refund of part or all of the outstanding credit balance.

While I believe that most legitimate creditors already follow these procedures, consumers do need to be protected from the few unscrupulous creditors who might seek to appropriate excess payments for their own uses.

LEGAL RIGHTS OF CREDIT CARD USERS

A ninth provision of the legislation would give credit card customers the same rights and defenses against the issuer of a credit card that they would have against a merchant or other seller in any transaction arising out of the use of that credit card. For example, if a consumer buys a TV set directly from a merchant on credit and the TV set does not work, the consumer can withhold payment until the merchant honors his warranty. Should the merchant sue to enforce payment, the consumer can defend against such a suit by claiming a breach of warranty.

On the other hand, should the same consumer purchase the same TV set from the same merchant by using a bank credit card, the bank can legally require the consumer to pay notwithstanding his legitimate dispute with the merchant. This is because the bank is either a holder in due course or a cash lender. Under the former theory, a holder in due course is entitled to enforce payment on any installment note purchased by him, notwithstanding any dispute the consumer may have with the seller of the note. While this doctrine would be nullified by a proposed FTC regulation, there is some doubt that it would extend to transactions covering banks.

Under the second theory, a bank can be held to be a cash lender with respect to any purchases made by a consumer through the use of a bank credit card. The courts have generally given cash lenders the right to collect on their loans, even though the borrower may have a legitimate dispute with a merchant from whom goods were purchased with the proceeds of the loan. The rights of cash lenders would not be effected by the proposed FTC regulation although they would be circumscribed by the proposed legislation if the loan was pursuant to a credit card plan.

This provision will provide an incentive to commercial banks to be more selective in choosing the merchants authorized to honor bank credit cards. It will also prevent a gradual erosion of a consumer's basic legal rights as the use of bank credit cards begins to replace direct credit arrangements between the merchant and the consumer. The inclusion of a third party such as a bank or a credit card company should not be permitted to weaken the traditional rights and defenses which a consumer might have in any retail transaction entered into directly with a merchant.

CASH DISCOUNT PERMITTED

A 10th provision of the legislation would enable merchants to offer a cash discount of up to 5 percent to those buyers who like to pay cash rather than use a credit card. The discount may be offered notwithstanding any agreement to the contrary with a bank or other credit card company which prohibits the offering of such a discount. Such discounts would also be exempted from the disclosure requirements of the Truth in Lending Act, thereby facilitating their use.

Many banks have sought to promote the widespread use of their credit card by prohibiting merchants from offering a cash discount. This prohibition is basically unfair both to merchants and to cash buyers, and should be nullified by public policy. Since the bank charges the merchant a discount of 3 or 4 percent in connection with credit card transactions, the merchant has an obvious incentive to avoid the payment of such a discount by offering the consumer a similar discount in return for prompt payment by cash. The cash buyer likewise benefits from such a discount since he is charged a lower price.

There has been much dispute as to whether the payment of a discount to a bank or a credit card company causes merchants to raise their retail prices. Regardless of whether prices are raised directly because of discounts paid by the merchant, there is no denying that these discounts are an element of cost and must ultimately be reflected in the prices charged. Thus those consumers who pay cash are in effect helping to subsidize those who buy on credit. I hope that the incentives offered by this legislation will induce more merchants into offering the cash buyer a discount, thereby removing this source of inequity.

Should a merchant offer a cash discount, he must offer it to all prospective buyers whether or not they have credit cards, and must clearly and conspicuously disclose its availability pursuant to regulations of the Federal Reserve Board. This is to insure that all cash buyers receive the benefit of the discount, and not just those who happen to have a credit card or are inclined to request such a discount.

DISCLOSURES ON MONTHLY STATEMENTS

An 11th provision of the legislation strengthens the Truth in Lending Act by requiring creditors to include on their monthly billing statements a brief description of all of the items purchased during the billing period together with an identification of the merchant or vendor involved. The existing Truth in Lending Act does not require the disclosure of the merchant or vendor. Moreover, the act waives the requirement for a brief description of the items purchased if a copy of such transaction were previously furnished to the consumer. Most credit card plans give the consumer a copy of the sales draft at the point of the transaction. By so doing, the credit card issuer is not required to provide a brief description of such items on his monthly bill. Thus, unless the consumer saves all of the sales drafts during the month, and makes a laborious comparison of the amounts with the amounts listed on the bill, he would have no way of checking the accuracy of the bill.

By requiring a fuller description of each credit transaction on the monthly statement, the consumer is thus given more information about his transactions. Hopefully, such disclosures will help detect billing errors and reduce fraud losses.

TELEPHONE CONTACT

A 12th provision of the legislation require creditors to list on their monthly billing statements an address and telephone number which the consumer can use if he has any questions about an item appearing on his bill. This provision is designed to facilitate communications between a consumer and a creditor over an alleged billing error. I also believe the Congress should give serious consideration to requiring that creditors list the name of a real person whose job it is to receive consumer complaints about billing errors. While this requirement may prove to be infeasible, it certainly would go a long way towards humanizing the billing system and reducing the level of consumer frustration.

Mr. President, many provisions of the proposed legislation are contained in a proposed FTC trade regulation. The FTC had originally planned to hold hearings on this trade regulation in late January. However, at my request the FTC has decided to postpone the hearings in order that Congress might consider a legislative approach to the problem.

I believe that a legislative solution is desirable for two reasons: one, legislation passed by Congress would clearly extend to commercial banks whereas there is some doubt that banks can be included under the FTC regulations since they are specifically exempt from the FTC Act; and two, a legislative solution can avoid the narrow and restrictive definition of interstate commerce which has limited the jurisdiction of the Federal Trade Commission. Moreover, since the Truth in Lending Act and amendments thereto are founded in part upon the general monetary powers of the Congress, a case can be made for extending the provisions of the act to credit transactions which are purely intrastate in character.

In addition, the proposed legislation goes considerably beyond the FTC regulation in a number of respects including regulation of billing systems, the authorization of treble damage suits against nonresponsive creditors, the incentives provided for cash discounts, and the subjecting of credit card issuers to the rights and defenses of credit card holders.

Mr. President, I am hopeful that the Committee on Banking, Housing and Urban Affairs to which this legislation will be referred can hold prompt and thorough hearings on this important legislation. Undoubtedly, some of the provisions may need to refined as the committee gains additional information during the course of the hearings. I am hopeful that representatives of the credit industry and consumer advocates will come forward with their ideas for a sound and workable statute.

S. 659—INTRODUCTION OF THE EDUCATION AMENDMENTS OF 1971

Mr. PELL. Mr. President, I introduce for myself and for Senators WILLIAMS, RANDOLPH, KENNEDY, NELSON, MONDALE, EAGLETON, CRANSTON, HUGHES, and STEVENSON, a bill to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes, with the short title "the Education Amendments of 1971."

This bill has been developed on the basis of the extensive review of higher education legislation conducted by the Subcommittee on Education of the Senate Committee on Labor and Public Welfare during the second session of the 91st Congress.

The bill contains an extensive revision of higher education legislation; an extension for 3 years of existing vocational education legislation; and incorporates two administration proposals: The National Institute for Education and the National Foundation for Higher Education. It also contains amendments arising out of our continuing oversight over the operation of the Office of Education.

Since passage of the National Defense Education Act of 1958, the Congress has enacted legislation dealing with higher education in 1960, 1961, 1963, 1964, 1965, 1966, 1968, and 1969. Two major acts, the Higher Education Facilities Act of 1965 were enacted. What began as a very narrow, but significant program in 1958, when, among other things, the Federal Government authorized loans to students in institutions of higher education, has now become a body of legislation covering the full range of higher education concerns, from grants to students, to program support, to construction of academic facilities.

The bill I now submit is landmark in nature in that it is, to my mind, the first attempt to treat the subject of Federal support to higher education as a unified whole. We have attempted to winnow out programs and to codify duplicative functions. But what is more important, the package of Federal aid contained in this bill seeks to treat as a cohesive whole the many problems faced by the higher education community from all standpoints. Student assistance is coupled with institutional aid; specialized study areas are treated as one. Unity has been achieved so that the total commitment of the Federal Government to higher education can be fully realized and understood—understood as to the philosophy motivating the Congress to choose this approach rather than others.

Title I of the bill is a revision and extension of the existing complete Federal aid to higher education package. Eleven days of hearings in 1970, comprising four printed volumes, developed a body of information which clearly calls for this type of revision and extension.

At the outset, let me say that it is my philosophical belief that the Federal Government must play a major and ever-increasing role in support of higher education. This role must not only be financial in nature, but must also indicate to students and institutions a commitment to fostering excellence in education over a long period of time. We are at a point in time when fundamental decisions regarding the future of higher education must be made: these decisions include the questions of what Federal aid will consist in the years to come; to whom it will be made available; and how it will be made available.

In the 91st Congress, administration proposals, tailored to specific budgetary limitations, sought to shift the burdens of financing higher education to the students, basically through a system of loans on the open market. This proposal engendered much negative response, from the point of view of both its philosophical base and, practically speaking, of its ultimate cost to the Federal Government. For we cannot view a program only in terms of apparent savings to a current budget; what must also be considered is the long-range cost over a period of years.

The student assistance structure in this bill is modified to contain what could be called a radical approach to Federal aid to education, in that it provides, as a matter of right, a basic educational opportunity grant of $1,200 to every student pursuing a postsecondary education at an institution of higher education. From this grant of $1,200, there is deducted the amount of income tax paid by each student or by the person on whom he is dependent. For example, if a student's family paid an income tax of $500, the student would receive a grant of $700. Coupled with this basic educational opportunity grant is a cost-of-instruction allowance to the institution which the student attends. The basic educational opportunity grant is designed not only to aid the student from a low-income family, but to provide some assistance to the middle income family as well. The cost-of-instruction allowance will provide immense relief to the institutions of higher education which are suffering impending financial disaster.

In addition to enacting the basic educational opportunity grant program, the bill extends the present student loan structure; that is, the National Defense Education Act 3 percent loans to low-income students, and the 7 percent guaranteed student loans to all others wishing to participate in a loan program.

Last year the administration proposed the establishment of a National Student Loan Association to handle what was then called a "liquidity crisis." Even though this proposal was advanced to take care of an emergency situation, its enactment would have constituted a long-range commitment to loans as the prime Federal approach to financing higher education. As can be seen from my discussion of the basic educational opportunity grant, I have come to the conclusion that the Congress should not adopt loans as the major Federal method of financing higher education, and therefore I am opposed to the establishment of a permanent student loan association. If there is still a liquidity crisis with respect to student loans, I am suggesting in this billl that we establish an account in the Department of the Treasury which will serve as a warehousing agent to assist lenders in obtaining funds for student loans.

The bill also contains a consolidation of the National Defense Student Loan Program into the Higher Education Act of 1965, as part E of title IV. If enacted, this proposal would result in a single body of Federal student assistance legislation.

Title II of the bill is a simple extension of authorization of appropriations for vocational education programs for 3 years through fiscal year 1975.

Title III of the bill contains proposals for the establishment of a National Foundation for Higher Education and a National Institute for Education.

The National Foundation for Higher Education would be authorized to provide a rather broad range of support for programs and projects designed to improve the administration of institutions of higher education, encourage curriculum reform, and promote innovation in higher education.

The National Institute for Education would replace the present educational research program authorized by the Cooperative Research Act. The Institute would be the center for Federal activities related to educational research and development.

When these two proposals were submitted by the administration last year, there was some controversy with respect to the relationship between these two new organizations and the Office of Education by creating within the Department of Health, Education, and Welfare an Education Division, headed by an upgraded Commissioner of Education. The Education Division would be comprised of the present Office of Education, the National Foundation for Higher Education.

Title IV contains some oversight amendments.

Mr. President, this bill is wide-ranging and, if enacted in its proposed form, will indicate to the Nation a strong Federal commitment to support of higher education. It will convince students presently enrolled in elementary and secondary schools that Federal support receives more than mere lipservice, by providing a long-term structure within which those students can plan their futures with certainty.

It is my intent, as chairman of the Education Subcommittee of the Committee on Labor and Public Welfare, to act swiftly on the subject of higher education, for present programs expire with the end of this fiscal year. I fully recognize that this bill will provoke controversy. However, I think it necessary, indeed imperative, that Federal support of higher education be broadened to include the concept of outright grants.

There is no greater investment this country can make than in the education of its youth. Our young people, who are simultaneously our responsibility, our legacy, and our key to problem-solving in the future, must be enabled to pass easily into the realm of postsecondary education, and our institutions of higher education must be equipped to accommodate and train them.

Mr. President, I ask unanimous consent that at this point a section-by-section description of the bill be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the section-by-section description will be printed in the RECORD.

The bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Educational Act of 1963, and related Acts, and for other purposes, introduced by Mr. PELL (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The section-by-section description, presented by Mr. PELL, is as follows:

SECTION-BY-SECTION DESCRIPTION OF THE "EDUCATION AMENDMENTS OF 1971"

TITLE I—HIGHER EDUCATION

This title extends and revises present law relating to higher education assistance.

Part A contains amendments to title I of the Higher Education Act of 1965, which authorizes grants to the States to support community service and continuing education programs.

Section 101 extends title I for five years, through fiscal year 1976.

Section 102 would reserve 10 percent of the appropriations for title I for national and regional programs to solve community problems.

Section 103 authorizes an additional $5 million for special grants to deal with metropolitan area problems.

Section 104 requires the Office of Education to conduct a special study and evaluation of title I, and report recommendations to the Congress.

Part B amends title II of the Higher Education Act of 1965, which authorizes grants to institutions of higher education for the acquisition of library resources, training of librarians, and research in the library and information sciences; and it authorizes a transfer of funds to the Library of Congress for college and research library cooperation.

Section 121 creates a single authorization of appropriations for five years for grants to institutions of higher education, with a division among the programs on a percentage basis.

Section 122 amends the maintenance of effort clause to create an exception in hardship cases. This exception is intended especially to help new colleges which have an initial expenditure for stocking a new library which cannot be maintained.

Section 123 increases the maximum amount of a supplemental grant from $10 per student to $20 per student.

Section 124 extends the authorization of appropriations for part C of title II, which authorizes a transfer of funds to the Library of Congress for the acquisition of materials and the cataloging of materials to assist college and research libraries. The authorization would be increased from $11.1 million to $15 million.

Part C amends title III of the Higher Education Act of 1965, which authorizes grants to assist in strengthening developing institutions.

Section 131 extends the authorization of appropriations for one year.

Section 132 revises title III by—

(1) insuring that one-half the funds go to institutions serving high percentages of students from low-income families; and

(2) providing for the establishment of a roster of developing institutions which will enable such institutions to receive waivers of matching funds and more favorable consideration when competing for Federal funds under other programs.

Part D amends title IV of the Higher Education Act of 1965, the basic statutory authority for Federal student financial aid.

Section 141 extends the Educational Opportunity Grant Program for five years.

Section 142 amends the Educational Opportunity Grant Program to establish a Basic Educational Opportunity Grant Program under which each student receives $1,200 minus the amount of Federal income tax imposed, and institutions receive cost-of-instruction allowances.

Section 143 extends for five years the program of identifying qualified low-income students, preparing them for postsecondary education, and special services for such students.

Section 144 extends the Insured Student Loan Program for five years.

Section 145 amends part B of title IV to establish an account in Treasury for, and authorize the Commissioner to make, Education Warehouse Loans to enable lenders to increase the supply of money available for insured student loans.

Section 146 extends for two years the program of special allowances to lenders under the Emergency Insured Student Loan Act. Since this program may require a special study, its extension has been limited to two years.

Section 147 extends the authorization of appropriations for the College Work-Study Program for five years.

Section 148 extends the authorization of appropriations for the Cooperative Education Program for five years.

Section 149 transfers the Federal Student Loan Program now authorized by title II of the National Defense Education Act to title IV of the Higher Education Act of 1965, as part E thereof.

Section 150 transfers section 504 of the Higher Education Amendments of 1968 relating to student conduct to "General Provisions Relating to Student Assistance Programs".

Part E amends title V of the Higher Education Act of 1965 (the Education Professions Development Act), which authorizes the Teachers Corps and assistance for the improvement of teacher training opportunities.

Section 151 authorizes appropriations for the Education Professions Development Act for five fiscal years, and apportions the appropriations among the various purposes of that Act.

Section 152 increases the level of compensation for the Director of the Teacher Corps and clarifies the functions of the Director.

Part F extends for five years the authorization of appropriations for title VI of the Higher Education Act of 1965, which authorizes assistance to institutions of higher education for the acquisition of instructional equipment.

Part G relates to higher education facilities.

Section 161 incorporates the provisions of the Higher Education Facilities Act into title VII of the Higher Education Act of 1965.

Section 162 extends the authorizations of appropriations for the Higher Education Facilities Act for one year.

Section 163 creates, and authorizes funds for, State Higher Education commissions, which will enable them to make comprehensive inventories of, and studies regarding, the postsecondary educational resources in the States, and to conduct comprehensive planning for the most effective utilization of those resources to broaden and insure educational opportunity.

Part H extends for five years the authorization of appropriations for title VIII of the Higher Education Act of 1965, which authorizes the Networks for Knowledge Program.

Part I relates to graduate programs.

Section 181 replaces the present titles IX and X (Education for the Public Service and Improvement of Graduate Programs) with a graduate school program and a fellowship program which are consolidations of title IX and X of the Higher Education Act of 1965, titles IV and VI of the National Defense Education Act of 1958 (Graduate Fellowships and Language and Area Centers), and the International Education Act.

Section 182 extends for one year the authorizations of appropriations for titles IV and VI of the National Defense Education Act, and for the International Education Act.

Part J extends for five years the authorization of appropriations for Law School Clinical Experience Programs.

TITLE II—VOCATIONAL EDUCATION

This title extends for three years the authorizations of appropriations for the various vocational education programs which expire June 30, 1972.

TITLE III—ESTABLISHMENT OF A NATIONAL FOUNDATION FOR HIGHER EDUCATION AND A NATIONAL INSTITUTE FOR EDUCATION

This title establishes an Education Division in the Department of Health, Education, and Welfare, headed by the Commissioner who is raised from grade Executive V to grade Executive III. This Division is to be composed of the present Office of Education and the two new agencies: the National Foundation for Higher Education and the National Institute for Education.

Mr. KENNEDY. Mr. President, I take pleasure in cosponsoring this legislation along with distinguished colleagues on the Senate Subcommittee on Education which encompasses a comprehensive revision of postsecondary education assistance.

Perhaps the key element in this package is the concept of the basic right of every qualified high school graduate to have access to advanced education, whether in accredited community colleges, 4-year universities, or vocational institutions. The denial of such access today because of financial need is a disgrace to our Nation.

In April 1969, I introduced a higher education bill of rights along with several of my colleagues which incorporated the recommendations of the Carnegie Commission on Higher Education. Those recommendations called for basic opportunity grants, institutional grants for cost of instruction, and supplementary assistance to those with greatest financial need.

The bill which the Senator from Rhode Island, the distinguished chairman of the Subcommittee on Education, has introduced today carriers these elements of the Commission's report to much greater refinement. In addition, the bill extends vital assistance to vocational and community colleges and establishes the structure for a coordinated national education program through establishment of a new Division of Education in the Department of Health, Education, and Welfare.

Essentially, the bill establishes the right to higher education by providing a basic educational opportunity grant of up to $1200 to each student enrolled in an accredited postsecondary school. The exact amount available depends on the student's financial need and through the unique formula contained in the bill, this educational entitlement would assist students from both low-income and working class families. Together with grants to institutions for cost of instruction and the continuation of supplementary assistance to economically disadvantaged students, I believe this educational entitlement will achieve its goal of equal opportunity to higher education to all young Americans.

Mr. President, this measure represents a joining of the suggestions for reform contained in the Carnegie Commission report and other studies concluded in the past several years. I am sure that further refinements will take place as we receive additional comments during the course of future hearings. But I want to congratulate the distinguished chairman of the education subcommittee for providing us with this progressive document from which to begin our discussions.

S. 660—INTRODUCTION OF THE NATIONAL PESTICIDE CONTROL AND PROTECTION ACT

Mr. NELSON. Mr. President, it has been more than 20 years since Congress passed the Federal Insecticide, Fungicide and Rodenticide Act, governing the manufacture, sale, and use of pesticides in the United States.

And it has been more than 6 years since any amendments to that statute have been considered.

In the brief span of those 6 years, respected scientists and distinguished environmentalists have compiled chapter after chapter of devastating evidence documenting chemical pesticides as environmental contaminants and health hazards to humans.

During that same short period, several independent reports reviewing the U.S. Department of Agriculture's administration of the Insecticide Act have revealed shocking shortcomings in the law and tragic laxity on the part of the Department in regulating pesticides.

Much has happened to sharpen public concern about pesticides.

We now know that pesticides have contaminated the environment on a worldwide basis—from the Adelie penguin in isolated regions of Antarctica to dust high above the Indian Ocean.

We now know that Americans carry in their bodies an average of 12 parts per million of pesticide residues, nearly twice the level allowed for most foods in interstate commerce.

We now know that DDT, and a dozen other common pesticides still used widely, cause cancer in animals.

We now know that only brief exposure of an organophosphate pesticide, such as parathion, can result in serious injury or death to humans.

We now know that the present pesticide law is hopelessly impotent in dealing with the misuses or overuse of any pesticide.

We now know that the present system of banning a pesticide is an outrageous sham that allows a "banned" pesticide to continue to be marketed without restriction for as long as 390 days before final action can be taken.

The time for reform is now.

The establishment of the new Environmental Protection Agency offers an opportune occasion for the adoption of an entirely new approach to the regulation of pesticides and pest control devices in the United States.

Today I am introducing, for appropriate reference, legislation to amend the Federal Insecticide, Fungicide, and Rodenticide Act of 1947, and to change its title to the National Pesticide Control and Protection Act.

Briefly, this legislation would do these things:

It would transfer authority for pesticide regulation from the Department of Agriculture to the new Environmental Protection Agency—in accordance with the President's reorganization plan—with close coordination by the Department of Health, Education, and Welfare.

It would revise the existing programs for testing, registering, canceling and suspending pesticides and pest control devices, and provide adequate emphasis on environmental and public health safeguards.

It would authorize the Administrator of the Environmental Protection Agency to require that potential users of certain hazardous pesticides obtain—prior to purchase—a certificate justifying the use. And some pesticides could be applied only by qualified and approved pest control operators.

It would require that all pesticides and pest control devices be thoroughly tested prior to sale by the Environmental Protection Agency and the Department of Health, Education, and Welfare to disqualify potentially hazardous products before they are placed on the market.

It would establish a national pesticide research and control trust fund, a fund which would be financed by assessments on pesticide sales, and which would be used for covering the expense of the regulation program as well as the extensive research program.

It would allow individual citizens to bring court suits against persons, companies, or governmental agencies for violations of the act or failure to enforce its provisions.

It would enable interested parties to obtain access to Government-held information on pesticide regulation and research except for data on formulas and formulations.

It would establish control over all pesticides and pest control devices produced in the United States, regardless of whether they are shipped in intrastate, interstate, or foreign commerce.

It would place emphasis on the review of biological and nonchemical means of pest control as alternatives to the use of chemical pesticides.

The changes made by this legislation reflect the concern of several environmental lawyers closely involved with recent court actions on pesticides as well as the proposed amendment to the present statute outlined by the Agriculture Department last year at a Senate hearing.

Most authority for pesticide regulation under the President's reorganization plan is transferred to the new Environmental Protection Agency from the Agriculture Department. The bill that has been offered accomplishes basically the same goal.

This transfer is a wise action that is long overdue. In the past 3 years, the Agriculture Department has suffered a serious loss of credibility in the field of pesticide regulation and enforcement.

In September of 1968, the U.S. General Accounting Office—GAO—in a report to Congress, cited the failure of the Agriculture Department to adequately enforce provisions of the Federal Insecticide, Fungicide, and Rodenticide Act.

The report indicated that the Department was following the procedure of only seizing unsafe or ineffective pesticides from the initial site where they were discovered without any further action to remove the same product from other locations.

GAO said the Department not only failed to initiate a single criminal prosecution for 13 years despite evidence of repeated violations, but that it did not even have any procedures for determining the basis for action.

Moreover, the Department did not, according to GAO, publish notices of judgments obtained in actions—mainly seizures—contrary to the requirements of the act.

Less than 6 months later, GAO issued a second report which said the Department has continued to register products containing the toxic pesticide, lindane, for use in vaporizers in restaurants and other establishments, ignoring the repeated objections to this practice by the Department of Health, Education, and Welfare and other health organizations.

Then, later in 1969, the House Government Operations Committee issued a discomforting report on the "Deficiencies in Administration of Federal Insecticide, Fungicide, and Rodenticide Act," based on hearings and investigations by its Intergovernmental Relations Subcommittee, under the chairmanship of Congressman L. H. FOUNTAIN.

The 71-page report represented a thorough indictment of the Agriculture Department's continuing failure to administer its responsibilities under the law in accordance with the intent of Congress.

I would like to highlight some of the findings:

First. Until mid-1967, the Agriculture Department's Pesticide Regulation Division failed almost completely to carry out its responsibility to enforce provisions of the Federal Insecticide, Fungicide, and Rodenticide Act intended to protect the public from hazardous and ineffective pesticide products being marketed in violation of the act.

Second. Numerous pesticide products have been approved for registration over objections of the Department of Health, Education, and Welfare as to their safety without compliance with required procedures for resolving such safety questions.

Third. The Pesticide Regulation Division has approved pesticide products for uses which it knew, or should have known, were almost certain to result in illegal adulteration of food.

Fourth. The Pesticides Regulations Division has failed to take adequate precautions to insure that pesticide product labels approved for registration clearly warn users against possible hazards associated with such products.

Fifth. Information available to Federal agencies concerning pesticide poisonings is inadequate and incomplete. The Pesticide Regulation Division has failed to make effective use of even the limited data available.

Sixth. The Pesticide Regulation Division did not take prompt or effective cancellation action in cases where it has reason to believe a registered product might be ineffective or potentially hazardous.

Seventh. The Pesticides Regulation Division has consistently failed to take action to remove potentially hazardous products from marketing channels after cancellation of a pesticide registration or through suspension of a registration.

Eighth. The Pesticide Regulation Division has no procedures for warning purchasers of potentially hazardous pesticide products.

Ninth. The Agriculture Research Service failed to take appropriate precautions against appointment of consultants to positions in which their duties might conflict with the financial interests of their private employer. Facts disclosed by the subcommittee investigation raised a number of serious conflict of interest questions.

The transfer of authority to the new Environmental Protection Agency is a necessary step to correct the documented shortcomings in present policy. But it will be futile to expect any significant improvement in pesticide control until there is an accompanying significant improvement of the law governing their sale and use.

Pesticide use in the United States has reached gigantic proportions. Today, more than a billion pounds of pesticides—including insecticides, herbicides, fungicides, rodenticides, and fumigants—are produced annually in the United States. This is about 5 pounds for every man, woman, and child in the country. The latest figures show the sales of pesticides increasing more than 13 percent annually; and by 1985 it is estimated that they will increase another sixfold.

In this age of rigid reliance on manmade solutions, pesticides have been heralded and accepted as a panacea for a wide range of health and agricultural problems.

But the rising voices of concern by scientists and the public, the growing evidence about the dangerous side effects of these compounds, have become impossible to ignore.

DDT and other pesticides have spread the world over, building up in the flesh of Antarctic penguins that are thousands of miles from the closest area of pesticide use. Species of fisheating birds and birds of prey over vast portions of the earth have been pushed near extinction in areas of their ranges, with compelling evidence that pesticide buildups are a major factor.

In addition to documented evidence of dangers to wildlife, there are mounting indications that the hard pesticides pose threats to man himself.

Dr. Charles Wurster, an organic chemist and nationally known pesticide expert assisting the environmental defense fund, likens the pesticide spread to mass use of biocides, agents which are known by scientists as "active against life."

"In general, if an organism has nerves, DDT or Dieldrin can kill it," Wurster has said. And he says that such chlorinated hydrocarbons as Aldrin, Endrin, Heptachlor and Toxaphene have similarly toxic effect. Thus, Wurster says, these compounds "are toxic to almost the entire animal world."

Evidence presented during a recent conference on pesticides in Stockholm, Sweden, showed that even very small quantities of DDT could affect human metabolism. One study, by a Russian researcher, indicated that workers whose jobs bring them in contact with DDT and other organochlorine pesticides suffered from liver changes which slowed the elimination of wastes from the body.

A major study published last summer by the National Cancer Institute found that of 123 pesticide compounds tested, 11 induced a significantly increased incidence of tumors in laboratory animals. The 11 included five insecticides p.p'-DDT, Mirex, bis(2-chlorenthyl)-ether, chlorobenzilate, and strobane; five fungicides PCNB, Avadex, ethyl selenac, ethylene thiourea, and bis(2-hydroxyethyl) dithiocarbamic acid potassium salt; and one herbicide N-(hydroxethyl) hydrazine.

Another report by the Health, Education, and Welfare Secretary's Commission on Pesticides and Their Relationship to Environmental Health—the Mrak Commission—confirmed the incidence of tumors in laboratory animals caused by several pesticides not mentioned in the Institute study. They included aldrin, aramite, dieldrin, heptachlor and amitrole.

The Mrak Commission Report concluded:

> There is a serious lack of information available on pesticide use patterns.
>
> Much contamination and damage results from the indiscriminate, uncontrolled, unmonitored and excessive use of pesticides.
>
> Pesticides are now affecting individuals, populations, and communities of natural organisms. Some, especially the persistent insecticide chemicals such as DDT, have reduced the reproduction and survival of nontarget species.
>
> Within the organochlorine group of pesticides, there is a wide range of potential for actue toxicity for man.
>
> The organophosphate pesticides, particularly parathion, phosdrin, and TEPP, are health hazards because of their high toxicity and ease of absorption by ingestion and the dermal or respiratory routes.

In the face of the tremendous threat of the often uncontrollable hazards of pesticides, it is obvious that our present pesticide law is simply not adequate to prevent potentially catastrophic environmental damage and to protect the public from potentially deadly chemical poisoning.

At present, the Agriculture Department, in determining whether a pesticide should be initially registered, relies almost entirely on the manufacturer applying for registration. These data include research results on both the safety and efficacy of the pesticide. During pesticide hearings in Wisconsin last year, the chief pesticide official for the Department admitted that the agency rarely, if ever, doublechecks the laboratory results furnished by the industry. This prompted a charge that companies can select only favorable research findings and withhold unfavorable information for Department review.

There is no clear criteria in the existing statute regarding the basis for approval or rejection of a registration application. Current regulations are especially lacking in providing safeguards against environmental and chronic health hazards.

The legislation that has been presented would require the Administrator of the Environmental Protection Agency and the Secretary of Health, Education, and Welfare to determine that benefits from the use of any pesticide would be substantially greater than potential detriments to the public health, safety, and welfare and the environment before a pesticide registration would be approved.

In making that determination, the two officials would be compelled to consider the following criteria:

The specificity of the pesticide and the nature and extent of harm done to nontarget organisms;

The persistence and mobility of the pesticide or its byproducts and their incorporation into nontarget organisms;

The toxic, carcinogenic, mutagenic, teratogenic, and other health effects of the pesticide or its byproducts;

The adequacy of the knowledge of its effects on the public health, safety, and welfare or the environment; and

The availability of safe and effective biological and nonchemical alternative means of pest control to control the pests specified in the registration or registration application.

Instead of relying on the present procedure of reviewing research data supplied by industry, the Administrator of the Environmental Protection Agency and the Secretary of Health, Education, and Welfare would be authorized to conduct or contract for independent research on those pesticides desired to be registered.

The bill would streamline the present cancellation procedure by greatly reducing the period of time for administrative hearings and review of a proposed cancellation from upwards of 400 days under existing law down to 150 days under the new measure.

The current cancellation procedure is a tragic sham. In November of 1969 the Agriculture Department announced a partial ban of DDT, and the widely publicized notice misled many people into believing that the agency's action actually had stopped the manufacture and use of the persistent pesticide.

Few at the time realized that a simple appeal by the manufacturers had blocked cancellation from taking effect. The Department selected an advisory committee to review the ban and the appeal, but the agency did not make the committee operational until 6 months later. In this case the pesticide could have been immediately suspended by the Department at the start, and this action would have stopped the sale of the chemical. The suspension proceeding was not used then, and it was not used recently by the Administrator of the Environmental Protection Agency when he announced an intent to ban the existing uses of DDT. In the recent action, which was prompted by a favorable ruling on a court case initiated by the environmental defense fund, and joined by several other environmental organizations, the Administrator of EPA merely filed an intent to cancel remaining uses of the pesticide—nothing has been stopped. Right now EPA is reviewing the whole matter to determine whether present uses should be stopped. The cancellation will take effect in 30 days, but only if there is no appeal filed. If there is an appeal, the whole delay mechanism goes into effect.

The suspension system itself is in need of revision. Under existing law, the Department has to determine that there exists an "imminent hazard to the public" before suspension can be ordered. This condition has been an obstacle to the immediate suspension of a number of questionable pesticides. Under the proposed legislation, suspension would be allowed when the Administrator of EPA or the Secretary of Health, Education, and Welfare determines that the use of a pesticide presents a serious actual hazard to man or the environment, or that it presents a serious potential hazard which may become a serious actual hazard before cancellation proceedings can be carried out.

The bill also provides a new authority for pesticide control—preliminary suspension. Under it, the Administrator of EPA or the Secretary of Health, Education, and Welfare could suspend use of a pesticide for up to 90 days if there is reason to believe that the pesticide may constitute a serious actual or serious potential hazard. The suspension period would allow time for obtaining information to support a firm determination.

If either the Administrator of EPA or the Secretary of Health, Education, and Welfare determine that use of a particular pesticide would endanger the environment or public health, safety, and welfare, the purchase and use of that pesticide can be restricted to persons who have obtained a certificate for such purchase and use from an authorized agent of the Administrator. In as many instances as possible, this agent will be the local county agent or his representative. The certificate will indicate the specific pesticide authorized for purchase, the maximum amount that may be purchased and the manner in which the pesticide is to be used.

In addition, the use of any pesticide

can be limited to approved pest control operators if either the Administrator of EPA or the Secretary of Health, Education, and Welfare determine that use otherwise would constitute a serious actual or serious potential hazard to man or the environment.

In order to finance the expanded regulatory functions of the proposed legislation along with the new research responsibilities, a national pesticide research and control trust fund is established. Assessments will be made on the sale of domestic pesticides and the importation of foreign products to provide revenue for the trust fund.

Under the present statute, it is not clear what the rights of individuals are for involvement in court actions with violators of the law or agencies not carrying out the law.

In fact, during a recent attempt by the environmental defense fund to accelerate Agriculture Department action against DDT, Government attorneys argued that only Government and industry had standing in court on matters related to the Federal Insecticide, Fungicide, and Rodenticide Act and the public was excluded. The judge overruled the Government position and allowed the case to continue.

This bill would enable a person or group of persons who alleges injury or alleges substantial harm to the environment, or who alleges irreparable injury or harm will occur as a result of a violation of the act to file a civil suit for damages or for injunctive relief in the district court of the United States.

In addition, an individual or group may file for injunctive relief against the Administrator or the Secretary of Health, Education, and Welfare if either official takes action inconsistent with the act or fails to take action required by the act.

The Agriculture Department has interpreted the existing act as forbidding the public release of virtually all information obtained by the agency in its regulatory function. For example, there is no present way for an individual citizen or an interested scientist to review the safety data submitted by a manufacturer to the Department either before or after a pesticide is approved for marketing.

The Administrator of EPA is required by this legislation to make available upon request by any interested party all records maintained in the administration of the act except the formulas and formulations or pesticides that he determines to be a trade secret and not protected by a patent or other safeguard.

Present law does not provide regulation for pesticides manufactured, sold and used within a single State and specifically excludes pesticides produced in the United States for foreign export from the provisions of the act.

The simple geographic boundaries of a State cannot assure that a pesticide used in one State will not move through the soil, air, or water and present a distinct environmental or health hazard in another State. The persistency and mobility of pesticides is too great to be contained by invisible barriers.

A program to regulate pesticides will not be successful if those produced and used within a single State go unregulated while those shipped in interstate commerce are restricted. All pesticides should be subject to the same requirements and the same regulations.

For that reason, this bill covers every pesticide and pest control device which is distributed, sold, or offered for sale in any State, or which is shipped in any State, or which is received from or sent to any foreign country.

While it is essential that the present pesticide regulatory system be substantially improved, the main goal should be a greatly decreased level of use of chemical pesticides in the United States.

Fortunately, new and improved methods of biological and nonchemical pest control are being developed by the Agriculture Department and college scientists across the Nation. Cotton, citrus fruits, apples, pears, tomatoes, potatoes, avacadoes, olives, grapes, corn, eggplant, lettuce, and strawberries are among the many agricultural crops for which biological control programs have been successfully conducted.

This legislation requires that before the Administrator can register a pesticide he must consider the availability of safe and effective alternative biological and nonchemical alternative means of pest control to deal with the pests to be eliminated by the pesticide. It also requires the authorized agent issuing the certificate for purchase and use of certain pesticides to review the possibility of areawide control of pests by biological and nonchemical means of pest control before issuing the certificate.

Reform of our pesticide law is justified now. The need for reform is now. In my judgment, this legislation can provide the foundation for reform.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 660) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, introduced by Mr. NELSON (for himself and Mr. HUMPHREY), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 661—INTRODUCTION OF A BILL TO ESTABLISH THE DEPARTMENT OF HUMAN RESOURCE DEVELOPMENT

Mr. BELLMON. Mr. President, the scope of human needs requiring services of the Federal Government encompasses a broad range, including education, nutrition, manpower training, employment, rehabilitation, social services, and economic development.

These needs have reached such a serious stage in the development of our Nation, as evidenced by the crisis in the cities and the declining economy of rural areas, that solving these problems can only be accomplished through the full efforts of a department devoted solely to this mission. This problem has not been solved nor will it be solved so long as it is relegated to a minor function in each of several departments.

This is one reason why the Bureau of Indian Affairs has been unsuccessful in dealing with the problems of the American Indian, because at present this agency is lodged in the lower strata of the Department of the Interior along with the land management functions of the Department. That is why I have introduced legislation to place the responsibility for Indian affairs in the hands of an assistant secretary.

Coordination of the various services required by people at the Federal level, and through appropriate arrangements with State and local units of government, is essential to success in relieving the tensions and eliminating the nonproductivity which exists in our society.

The development of human resources and the reduction of racial and ethnic barriers and discrimination should be the principal function of a department of the Federal Government concerned totally with the problems of human rights and resources.

Therefore, I am today introducing a bill to establish a Department of Human Resource Development. Within this department would be seven divisions, each headed by an assistant secretary: education, social and rehabilitative services, economic development, manpower training, Indian affairs, human rights, and administration.

Creation of the new department would involve the transfer of the Office of Economic Opportunity, the Office of Education, the Manpower Administration, the Bureau of Indian Affairs, the food stamp program, the Economic Development Administration, and civil rights and equal opportunity functions from existing departments.

President Nixon has recognized the need for reorganizing the structure of our Federal Government and has recommended some bold changes in his state of the Union address. The President's message represents a clarion call to the Congress and the Nation to leave the costly frustration and confusion of overdrawn bureaucracy behind and make our representative government work for the people of this Nation as it was initially designed to do.

Since the 1930's the Federal Government has grown ever larger, ever farther from the people, ever less responsible and responsive, and ever more costly.

The President's message is a challenge to the Congress to stop looking backward by attempting to annually resuscitate an unworkable Federal mechanism and replace it with a new model structured to serve the 21st century.

I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 661) to establish the Department of Human Resource Development, introduced by Mr. BELLMON, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act may be cited as the "Department of Human Resource Development Act."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds that—

(1) the unfulfilled needs of the Nation present a crisis as evidenced by decay and crime in the cities and by a declining economy in rural areas;

(2) solving the problems inherent in such a crisis can only be accomplished through the establishment of an executive department devoted solely to that objective;

(3) the coordination of services at the Federal, State, and local level essential to a successful solution of these problems in our society, can best be accomplished by the establishment of an executive department;

(4) the development of human resources and the reduction of racial and ethnic discrimination—a principal national goal—should be located in an executive department concerned exclusively with the problems associated with human rights and resource development.

(b) The Congress declares that it is the policy of the United States to provide disadvantaged citizens with an opportunity to lead useful and productive lives and thereby eliminate the paradox of poverty in the midst of plenty in the Nation, through the establishment of a Department of Human Resource Development.

DEPARTMENT OF HUMAN RESOURCE DEVELOPMENT ESTABLISHED

SEC. 3. There is hereby established as an executive department of the Government the Department of Human Resource Development.

OFFICERS AND PERSONNEL OF THE DEPARTMENT

SEC. 4. (a) The Department shall be administered by a Secretary of Human Resource Development who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department an Under Secretary of Human Resource Development (hereinafter referred to as the "Under Secretary") who shall be appointed by the President by and with the advice of the Senate, the Under Secretary shall perform such duties and exercise such powers as the Secretary shall prescribe during the absence or disability of the Secretary or in the event of a vacancy in the office of the Secretary the Under Secretary and the Secretary.

(c) There shall be in the Department seven Assistant Secretaries of Human Resource Development (hereinafter referred to as "Assistant Secretary"). Each of the Assistant Secretaries shall be appointed by the President, by and with the advice and consent of the Senate. There shall be an Assistant Secretary for Education, an Assistant Secretary for Social and Rehabilitative Services, an Assistant Secretary for Economic Development, an Assistant Secretary for Manpower Training, an Assistant Secretary for Indian Affairs, an Assistant Secretary for Human Rights, and an Assistant Secretary for Administration. Each Assistant Secretary shall perform such duties and exercise such powers as the Secretary shall prescribe during the absence or disability, or in the event of vacancies in the offices, of the Secretary and Under Secretary, the Assistant Secretaries shall act as Secretary in the order of their seniority of office.

(d) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions, as may be necessary to carry out the purposes and function of this Act.

(e) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(f) There shall be in the Department a General Counsel (hereinafter referred to as the "General Counsel") who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be the chief legal officer of the Department and shall perform such duties as the Secretary shall prescribe during the absence or disability or in the event of a vacancy in the office of the Secretary, the Under Secretary, and all Assistant Secretaries, the General Counsel shall act as Secretary.

TRANSFER OF AGENCIES

SEC. 5. (a) All officers, employees, assets, liabilities, contracts, property, and records as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function of the following agencies, offices or parts of agencies or offices, are hereby transferred to the Department:

(1) the Office of Economic Opportunity;

(2) the Office of Education of the Department of Health, Education, and Welfare;

(3) the Manpower Administration (including the Bureau of Employment Security, the Bureau of Apprenticeship Training, the Bureau of Work-Training Programs), and the office of the Assistant Secretary for Manpower, Department of Labor;

(4) the Bureau of Indian Affairs of the Department of the Interior;

(5) that portion of the Marketing and Consumer Services of the Department of Agriculture which is charged with the administration of the program for the direct commodity distribution for needy persons under section 416 of the Agricultural Act of 1949, the Food Stamp Act of 1964, and the National School Lunch Act;

(6) the office of the Assistant Secretary for Economic Development and the Economic Development Administration of the Department of Commerce;

(7) The Community Relations Service in the Department of Justice;

(8) the Commission on Civil Rights;

(9) the Equal Employment Opportunity Commission.

(b)(1) Except as provided in paragraph (2) of this subsection, personnel engaged in functions transferred under this title shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions.

(2) the transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

(c) In any case where all of the functions of any agency or office are transferred pursuant to this title, such agency or office shall lapse.

TRANSFER OF FUNCTIONS

SEC. 6. (a) There are hereby transferred to the Secretary all functions of the Director of Economic Opportunity under the Economic Opportunity Act of 1964.

(b) (1) There are hereby transferred to the Secretary all functions of the Secretary of Health, Education, and Welfare—

(A) with respect to and being administered by him through the Office of Education;

(B) under the Vocational Rehabilitation Act;

(C) under part C of title 4 of the Social Security Act; and

(D) under the Manpower Development and Training Act of 1962.

(2) There are hereby transferred to the Secretary all functions of the Commissioner of Education with respect to and being administered by him through the Office of Education.

(c) There are hereby transferred to the Secretary all functions of the Secretary of the Interior with respect to and being administered by him through the Bureau of Indian Affairs.

(d) There are hereby transferred to the Secretary all functions of the Secretary of labor with respect to and being administered by him through the Manpower Administration.

(e) There are hereby transferred to the Secretary all functions of the Secretary of Agriculture under—

(1) the direct commodity distribution program for needy persons under section 416 of the Agricultural Act of 1949;

(2) the National School Lunch Act; and

(3) the Food Stamp Act of 1964.

(f) There are hereby transferred to the Secretary all functions of the Secretary of Commerce under—

(1) the Public Works and Economic Development Act of 1965; and

(2) any other function of the Secretary of Commerce with respect to and being administered by him through the Economic Development Administration.

(g) There are hereby transferred to the Secretary all functions of the Commission on Civil Rights under—

(1) the Civil Rights Act of 1957; and

(2) the Civil Rights Act of 1964.

(h) There are hereby transferred to the Secretary all functions of the Equal Employment Opportunity Commission under the Civil Rights Act of 1964.

(i) There are hereby transferred to the Secretary all functions of the Community Relations Service of the Department of Justice, under the Civil Rights Act of 1964.

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) The Secretary may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the function transferring to the Secretary by this Act, delegate any of his functions to such officers and employees of the Department as he may designate, may authorize such successive redelegations of such functions as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions.

(b) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he determines to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central passenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such fund shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund.

(d) The Secretary may approve a seal of

office for the Department, and Judicial notice shall be taken of such seal.

(d) (1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury of the United States in a separate fund and shall be disbursed upon order of the Secretary.

(2) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States and moneys contained in the fund provided for in paragraph (1). Income accruing from such securities, and from any other property held by the Secretary pursuant to paragraph (1), shall be deposited to the credit of the fund, and shall be disbursed upon order of the Secretary.

(e) The Secretary is authorized to appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service such advisory committees as may be appropriate for the purpose of consultation with and advice to the Department in the performance of its functions. Members of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under section 4(d), and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) (1) The Secretary is authorized to enter into contracts with educational institutions, public or private agencies or organizations, or individuals for the conduct of research relevant to the programs of the Department which are authorized by statute.

(2) The Secretary may from time to time disseminate in the form of reports of publications to public or private agencies or organizations, or individuals such information as he deems pertinent to the research carried out pursuant to this subsection.

(3) Nothing contained in this subsection is intended to amend, modify or repeal any provisions of law administered by the Department which authorize the making of contracts for research.

TECHNICAL AMENDMENTS

SEC. 8. (a) Section 19(d) (1) of title 3, United States Code, is hereby amended by inserting before the period at the end thereof a comma and the following: "Secretary of Human Resource Development."

(b) Section 101 of title 5, United States Code; is amended by inserting at the end thereof the following:

"The Department of Human Resource Development".

(c) Subchapter II of chapter 53 of title 5, United States Code (relating to executive schedule pay rate), is amended as follows:

(1) Section 5312 is amended by adding at the end thereof the following:

"(13) Secretary of Human Resource Development,".

(2) Section 5314 is amended by adding at the end thereof the following:

"(54) Under Secretary of Human Resource Development."

(3) Section 5315 is amended by adding at the end thereof the following:

"(92) General Counsel, Department of Human Resource Development."

"(93) Assistant Secretaries of Human Resource Development (7)."

(4) Section 5317 is amended by striking out "34" and inserting in lieu thereof "36".

ANNUAL REPORT

SEC. 9. The Secretary shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President for submission to the Congress on the activities of the Department during the preceding fiscal year.

SAVING PROVISIONS

SEC. 10. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this title, by (A) any agency or office, or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the agency or office, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded or repealed by the Secretary, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or office, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or office, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any agency or office, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such agency or office, or any part thereof, is transferred to the Secretary, or

(B) any function of such agency, office, or part thereof, or officer is transferred to the Secretary,

then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the agency, office, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any agency, office, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the department or officer in which such function is vested pursuant to this Act.

(e) Orders and actions of the Secretary in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Secretary.

(f) In the exercise of the functions transferred under this Act, the Secretary shall have the same authority as that vested in the agency or office, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or office, or part thereof.

CODIFICATION

SEC. 11. The Secretary is directed to submit to the Congress within two years from the effective date of this Act, a proposed codification of all laws which contain functions transferred to the Secretary by this Act.

DEFINITIONS

SEC. 12. For the purpose of this Act—

(1) "Department" means the Department of Human Resource Development;

(2) "function" includes power and duty; and

(3) "Secretary" means the Secretary of the Department of Human Resource Development.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 13. (a) This Act, other than this section, shall take effect ninety days after the enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a), any of the officers provided for in subsections (a), (b), and (c) of section 4 may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their office shall be paid from funds available for the functions to be transferred to the Department pursuant to this Act.

S. 662—INTRODUCTION OF A BILL TO PROMOTE THE DEVELOPMENT AND REFORM OF PENAL AND CORRECTIONAL SYSTEMS

Mr. BELLMON. Mr. President, although Americans have exhibited a most profound concern over the crime problem in this country, we have seriously neglected a very vital aspect of the criminal justice system—the correction of the offender, so that he is able to become a useful, productive law-abiding citizen. Chief Justice Berger has said:

> In part, the terrible price we are paying in crime is because we have tended—once

> the drama of the trial is over—to regard all criminals as human rubbish.

Indeed, even though penal authorities espouse the theory of rehabilitation of the criminal, extensive or effective programs aimed at integrating the offender into society are in fact few and far between. Commonly, correctional programs simply "warehouse" the offender until his release. The President's Commission on Law Enforcement and the Administration of Justice reporting in 1967 on its extensive study of the national crime problem, described life in many correctional institutions as—

> At best barren and futile, at worst unspeakably brutal and degrading. To be sure, the offenders in such institutions are incapacitated from committing further crimes while serving their sentences, but the conditions in which they live are the poorest possible preparation for their successful reentry into society, and often merely reinforce in them a pattern of manipulation or destructiveness.

The consequence of this situation is our high rate of recidivism among offenders. Although statistics vary from area to area, from program to program, it is believed that an average of over 40 percent of the persons who have served time in our correctional institutions return to a life of crime upon release. It is also accepted that repeaters commit more serious crimes—one estimate is that four out of five felonies are committed by persons who have previously been convicted.

Mr. President, the Uniform Crime Reports of the FBI released August 13, 1970, includes on page 39 a chart showing that in the age group under 20, 74 percent of prisoners become repaters. In the 20-to-24 age group, the percentage of repeaters is 72 percent, and in the 25-to-29 age group, the percentage is 69 percent. A total for all ages is 65 percent.

The obvious implication of these statistics is that a reduction in the recidivism rate of offenders will result in a reduction of our crime rate. Such a reduction in recidivism will be achieved only with comprehensive reforms in our correctional programs.

At this time, corrections authorities are responsible for 1.3 million offenders per day; they handle some 2.5 million admissions per year. About 90 percent of those offenders who are incarcerated will one day return to the community. When viewing these numbers one can see the serious threat posed to society if the current state of correction practice is allowed to continue, and the current rate of recidivism is maintained.

Certainly there is no dearth of ideas for making our corrections systems more effective. The reports of the Johnson Crime Commission, the Joint Commission on Correctional Manpower and Training, and President Nixon's Task Force on Prison Rehabilitation are all full of recommendations proposed by leading authorities in the field.

It is generally conceded by these expert groups that we should base corrections in small facilities, designed for individualized treatment of different types of offenders. For the most part, this would mean a complete reconstruction program. Many of our present institutions are Bastille-like fortresses, housing thousands of inmates in an impersonal atmosphere, generally detrimental to rehabilitation.

The truth is no one knows for sure what works and what does not work in making good citizens out of lawbreakers. Therefore, before we begin massive investments in rebuilding prisons or in restaffing the system we need proven results to guide us toward an effective conclusion.

The Commissions also urged prerelease and aftercare programs to ease the transition of the offender from the institution back to the community, such as work release, halfway houses, and at the very least, parole. Currently, work-release and halfway house programs are available on a very limited basis in only a few areas. Even parole, the oldest form of prerelease program, is not available to 35 percent of the inmates released from the institutions. Again these are largely unproven theories. What is missing is demonstrated results.

The problem, Mr. President, is that we are dealing with theories. No coordinated nationwide effort has ever been made to find out what works and what fails in rehabilitating lawbreakers. Only through careful research and the development of an effective prison and postadjudicatory system can we begin to find our way to a workable approach. Further, although the operation of a correctional system is a responsibility of government at all levels, local, State, and Federal, over 90 percent of prisoners are housed in State correctional systems. Therefore, no matter how good a job the Federal Government may do in improving the treatment of prisoners in its own system, we will miss the mark unless a means is found to apply proven techniques at State and local level.

As a former Governor, I am painfully aware of the difficulty State government faces in appropriating funds to upgrade a State prison system. In all honesty, there is probably good reason for this reluctance, since up to now, no one has definitely been able to demonstrate what works and what does not work in dealing with prisoners. Since we have no proven guidelines, legislators tend to feel that money spent on prisoners is largely unproductive and, therefore, the less spent the better. Here, again, there is a great need to demonstrate means of achieving beneficial results.

Mr. President, I am today introducing a bill aimed at developing the basic knowledge of successful prison operation which is presently missing.

The bill is also intended to involve prison systems of all levels in the development of this information and in establishing a system of evaluating the results and disseminating the information throughout the government.

The bill establishes a Commission on Penal and Corrections Systems Development and Reform, composed of 17 Presidential appointees. The appointees would be experts in the field, and may include ex-offenders.

A State or States would submit a plan to the Commission for comprehensive correctional reform which would include provisions for the discipline, treatment, care, rehabilitation, education, training and motivation of inmates in innovative State or Federal prison systems. The plan provides research programs for the evaluation of efforts and for the determination of new ways to break the recidivist cycle. It provides that Federal funds granted to implement the plan would in no way supplant present funding by States or local governments for existing corrections programs.

After the period allowed for acceptance of plans, the Commission would select programs which appear most likely to succeed and would grant for implementation up to $15 million annually for each for a 5-year period.

The bill contemplates participation by Federal institutions. Any one facility would submit a plan for its own improvement to the Attorney General, He, in consultation with the Commission and the Director of the Federal Bureau of Prisons, would select five exemplary plans and make additional grants for up to 5 years. These grants would be over and above the general appropriation for the Prisons Bureau.

The advantage of this proposal is that it would promote the development of model systems. The provision requiring research programs to be a part of this development should advance our understanding and promotion of the most effective programs to treat the offender. All areas of the country would benefit from these models which they could emulate.

Until leaders of our Government and citizens of this country can be shown that effective prison reform is possible, it is extremely unlikely that the resources of this Nation will be adequately committed to the problem to achieve desired results. In fact, it would be a great mistake to expend additional sums of money on the problem until we have at least reasonable expectations of success.

This legislation is a necessary step toward nationwide reform of our prison system. Effective reform of our prison system is a necessary and major part of the national war against crime which this Congress launched last year.

The public is increasingly aware of this need, as demonstrated by an article entitled "The Shame of Our Prisons" in the January 18, 1971, issue of Time magazine. The article states in part:

> After decades of ignoring their prisons, Americans are slowly awakening to the failure that long neglect has wrought.

I ask unanimous consent that the article be printed in full in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Shame of the Prisons

It is with the unfortunate, above all, that humane conduct is necessary.—Dostoevsky.

President Nixon calls them "universities of crime." Chief Justice Burger has become a crusader for their reform. Legislators have taken to investigating them—and citizens have finally begun to listen. After decades of ignoring their prisons. Americans are slowly awakening to the failure that long neglect has wrought."

It is not just the riots, the angry cries of 426,000 invisible inmates from the Tombs to Walla Walla, that have made prisons a national issue. Public concern is rooted in the paradox that Americans have never been so fearful of rising crime, yet never so ready to challenge the institutions that try to cope with it. More sensitive to human rights than ever, more liberated in their own lives and outlooks, a growing number of citizens view prisons as a new symbol of unreason, another sign that too much in America has gone wrong.

It is a time when people have discovered with a sense of shock that the blacks who fill prisons (52% in Illinois) see themselves as "political victims" of a racist society. It is a time when many middle-class whites are forced to confront prisons for the first time, there to visit their own children, locked up for possession of pot or draft resistance. A time when many judges have finally begun to make personal—and traumatic—inspections. After a single night at the Nevada State Prison, for example, 23 judges from all over the U.S. emerged "appalled at the homosexuality," shaken by the inmates' "soul-shattering bitterness" and upset by "men raving, screaming and pounding on the walls." Kansas Judge E. Newton Vickers summed up: "I felt like an animal in a cage. Ten years in there must be like 100 or maybe 200." Vickers urged Nevada to "send two bulldozers out there and tear the damn thing to the ground."

THE BIG HOUSE

It will not be easy to raze, much less reform, the misnamed U.S. "corrections" system, which has responsibility for more than 1.2 million offenders each day and handles perhaps twice as many each year. Since 1967, four presidential commissions, dozens of legislative reports and more than 500 books and articles have pleaded for prison reforms. But the system remains as immutable as prison concrete, largely because life behind the walls is still a mystery to the public. Most Americans think of prisons only in terms of the old "big house" movies starring James Cagney and more recently Burt Lancaster.

In fact, the corrections system is not a system at all. It is a hodgepodge of uncoordinated institutions run independently by almost every governmental unit in the U.S. Pacesetting federal institutions (20,000 prisoners) range from maximum-security bastilles like Atlanta Penitentiary to a no-walls unit for tame young offenders in Seagoville, Texas. The states offer anything from Alabama's archaic road gangs to California's Men's Colony West, one of the nation's two prisons for oldsters. There are forestry camps for promising men and assorted detention centers for 14,000 women. Some juvenile institutions are the best of the lot because reformers get the most political support at that level. But many areas are still so lacking in juvenile facilities that 100,000 children a year wind up in adult pens.

THE JAIL MESS

Two-thirds of all U.S. offenders technically serving time are actually outside the walls on parole or probation, but most offenders have at some point encountered the worst correctional evil: county jails and similar local lockups. Such institutions number 4,037—a fact not even known until last week, when the federal Law Enforcement Assistance Administration published the first national jail census. Jails usually hold misdemeanants serving sentences of a year or less. More important, they detain defendants awaiting trial: 52% of all people in jails have not yet been convicted of any crime. Of those, four out of five are eligible for bail but cannot raise the cash. Because courts are overloaded, unconvicted defendants may linger in crowded cells for months or even years.

To be sure, jails vary widely from two-cell rural hovels to modern urban skyscrapers. But the vast majority treat minor offenders—and the merely accused—more harshly than prisons do felons, who commit graver crimes. The jail mess is typified by New Orleans' Parish Prison, a putrid pen built in 1929 to hold 400 prisoners. It now contains 850—75% of them unsentenced. Money and guards are so short that violent inmates prey on the weak; many four-bunk cells hold seven inmates, mattresses smell of filth and toilets are clogged. Prisoners slap at cockroaches "so big you can almost ride them."

Jail conditions frequently breed hardened criminals who then go on to the prisons themselves, the second anomaly in a pattern that stands as a monument to irrationality. The typical U.S. felon is sentenced by a judge who may have never seen a prison and has no idea whether x years will suffice. Leaving the courtroom, where his rights were scrupulously respected, the felon has a good chance of being banished to one of 187 escape-proof fortresses, 61 of them built before 1900. Now stripped of most rights, he often arrives in chains and becomes a number. His head sheared, he is led to a bare cage dominated by a toilet. In many states his cellmate may represent any kind of human misbehavior—a docile forger, a vicious killer, an aggressive homosexual.

In this perverse climate, he is expected to become socially responsible but is given no chance to do so. He is told when to wake up, eat and sleep; his letters are censored, his visitors sharply limited. His days are spent either in crushing idleness or at jobs that do not exist in the "free world," such as making license plates for a few cents' pay an hour. In some states, he cannot vote (even after his release), own property or keep his wife from divorcing him. He rarely gets adequate medical care or sees a woman. Everything is a privilege, including food, that can be taken away by his keepers.

If he is accused of violating one of scores of petty rules, he is haled before the "adjustment council" without right to counsel. If he denies guilt, he can be punished for implying that his accuser guard lied; if he admits it, he may lose "good time" (eligibility for parole) and perhaps land in solitary. The lesson is clear: truth does not pay.

If he happens to be a rich criminal, a Mafia type, life in some prisons can be easy. Ill-paid "hacks" (guards) may sell him anything from smuggled heroin to a girlish cellmate. More often he is a complete loser; for him, prison is synonymous with poorhouse. Already angry at life's winners, he becomes even more insensitive to others in a doomed universe whose motto is "Do your own time": trust no one, freeze your mind, be indifferent. Unequipped for normal society, he may well be headed back to prison as soon as he leaves. In fact, he may come to prefer it: Why struggle in a world that hates ex-convicts?

Everyone knows what prisons are supposed to do: cure criminals. Way back in 1870, the nation's leading prison officials met in Cincinnati and carved 22 principles that became the bible of their craft. "Reformation," they declared, "not vindictive suffering, should be the purpose of the penal treatment of prisoners." Today, every warden in the U.S. endorses the ideal of rehabilitation. Every penologist extols "individualized treatment" to cure each inmate's hangups and return society's misfits to crime-free lives. But the rhetoric is so far from reality that perhaps 40% of all released inmates (75% in some areas) are reimprisoned within five years, often for worse crimes. Says Rod Beaty, 33, who began with a $65 forged check, became an armed robber, and is now a four-time loser in San Quentin: "Here you lose all sense of values. A human life is worth 35¢, the price of a pack of cigarettes. After five years on the inside, how can you expect me to care about somebody when I get outside?"

SLAVERY IN ARKANSAS

Without question, the U.S. boasts some prisons that look like college campuses—humane places that lack walls and shun official brutality. Guards chat amiably with inmates; men are classified in graded groups, promoted for good conduct and sped toward parole.

And yet, rehabilitation is rare. By and large, mere aging is the main cause of going straight. For inmates between the ages of 16 and 30—the vast majority—neither the type of prison nor the length of sentence makes any significant difference. The repeater rate, in fact, is rising. Something is clearly wrong with a system that spends $1 billion a year to produce a failure record that would sink any business in a month. Consider a random sample of prisons from the worst to the best:

Arkansas.—Whether in 110° F. summer heat or winter cold, 16,000 acres of rich southeastern Arkansas land will always be tilled. This is the Cummins Prison Farm, where 200 convicts stoop in the vast cotton fields twelve hours a day, 5½ days a week—for zero pay. Such are the wages of sin in what may be the nation's most Calvinistic state.

A virtual slave plantation in the 20th century, Cummins takes all kinds of errants and turns them into white-clad "rankers" who work or perish. Toiling from dawn to dusk, they move in a long line across the fields, supervised by a horseman in khaki and five unmounted "shotguns" (guards) who "push" the serfs along. At each corner of the field stands another guard, armed with a high-powered rifle. All the guards are convicts, the toughest at Cummins. Hated by rankers, the trustees are picked for meanness in order to keep them alive off duty. They are killers, armed robbers, rapists—ready to gun down the first ranker who strays across an imaginary line in the fields.

After three skeletons were dug up on the farm in 1968, national publicity moved the state to do a little fixing. Gun-toting trusties lost some power, 60 more free-world staffers arrived, $450,000 was allotted to replace some men and mules with farm machinery. Robert Sarver, head of the Arkansas penal system, is pushing hard for improvement against stiff odds. But Cummins still lacks any schooling, counseling or job training. For a college-trained social worker, the state pays only $593 a month; Cummins can barely attract civilian guards ($330). Says Sarver: "We can't guarantee a man's safety."

Last year U.S. District Judge J. Smith Henley ruled that imprisonment in Arkansas amounts to unconstitutional "banishment from civilized society to a dark and evil world." He ordered the state to reform Cummins by the fall of 1971 or face an order to close the place. But the evil world persists. With no pay, Cummins prisoners survive by selling their blood or bodies. To blot out the place, they sniff glue and gobble smuggled pills. Some mornings, 200 men are too stoned to work. Since gambling is pervasive, loan sharks top the prison pecking order. They charge 50¢ per dollar a week and swiftly punish defaulters. In a single month last summer, Cummns recorded 19 stabbings, assaults and attempted rapes. The worst of it is the privacy-robbing barracks, where 100-bunk rooms house all types, from harmless chicken thieves to homicidal sadists, and the young spend all night repelling "creepers" (rapists). "You're all there in the open," shudders a recently released car thief named Frank. "Someone's stinking feet in your face, radios going, guys gambling. You never really get to sleep. What's worse is the fear. There's no protection for your life. I kept thinking 'if' I get out—not 'when.' "

Indiana.—With its 40-ft. walls, the gray castle in Michigan City looks its part: a maximum-security pen for 1,800 felons, including teen-age lifers. Inside, the walls flake, the wiring sputters and the place is falling apart. Indiana spends only 1.5% of its state budget on all forms of correction.

Like many legislatures, Indiana's insists that prisons make a profit. Last year Indiana State Prison turned out 3.5 million license plates, among other things, and netted the taxpayers $600,000—no problem when inmates get 20¢ an hour. Inmates also provided the prison's few amenities. Many cells are jammed with books, pictures, record players and tropical fish in elaborate tanks. There are two baseball diamonds, three miniature golf courses, tennis, basketball and handball courts—all equipment paid for by the inmates' recreation fund.

The prison needs far more than play. It teems with bitter men, one-third of them black. Some of the toughest are young militants transferred from Indiana State Reformatory at Pendleton, where 225 blacks staged a sitdown last year to protest the prolonged solitary confinement of their leaders. Instead of using tear gas or other nonlethal weapons, Pendleton guards fired shotguns pointblank into the unarmed crowd, killing two blacks and seriously wounding 45. One official gasped: "They slaughtered them like pigs."

At Indiana State, Pendleton survivors and other young blacks grate against 245 guards, most of them middle-aged whites and some close to 70. This is a U.S. pattern: only 26% of all prison guards are younger than 34; only 8% are black. To compound Indiana State's age and racial tensions, only a third of the inmates actually work. Boredom is chronic. The prison has only 27 rehabilitation workers; job training is absurd. Since the state provides few tools, vocational classes make do with donated equipment: archiac sewing machines, obsolete typewriters, TV sets dating to Milton Berle.

Why not send some promising Indiana inmates to work or school outside? "Their victims would disagree," says Warden Russell Lash, a former FBI agent. Lash, only 29, is a good man hampered by his budget and the voters' fears. His first duty, he says, is "custody."

California.—Though it leads all states in systematic penology, California has the nation's highest crime rate. Critics also claim that the system is characterized by a kind of penal paternalism that becomes psychological torment. In a much touted reform, California judges give indeterminate sentences; corrections officials then determine each offender's fate according to his presumably well-tested behavior. Thus 66% of all convicted offenders get probation, 6% work in 20-man forestry crews, and only 13.5% of felons go to prison. Despite rising crime, California's prison population (26,500) has actually dropped by 2,000 in the past two years.

All this saves millions in unneeded prison construction. But it fills prisons with a higher ratio of hard-core inmates who disrupt the rest. And because of indeterminate sentences, California "corrects" offenders longer than any other state by a seemingly endless process (median prison stay; 36 months) that stirs anger against the not always skilled correctors. Says one San Quentin official: 'It's like going to school, and never knowing when you'll graduate."

Something is not quite right even at the state's cushiest "correctional facilities" (bureaucratese for prisons), some of which could pass for prep schools. At no-walls Tehachapi, near Bakersfield, inmates can keep pianos in their unbarred rooms, get weekend passes and join their wives at "motels" on the lush green premises. Yet Tehachapi is full of repeaters, prison-dependent men who soon violate their paroles and return.

These days, California's black prisoners are rebelling at places like Soledad, a seeming garden spot in the Salinas Valley that looks like a university campus. Soledad's 960 acres throb with activity: tennis, basketball, weight lifting, a dairy, a hog farm. Inmates earn up to $24 a month turning out toilet paper and handsome furniture for the judges and prosecutors who got them the jobs. But for 180 rebels confined in Soledad's "X" and "O" wings, there is no play or work. Because they scorn prison rules, they are locked up tighter than lions in a zoo.

Many are blacks who see themselves as political victims; others whites who hate the blacks. Racial tension is so bad that some prisoners wear thick magazines strapped to their backs to ward off knife blades. In January 1969, the prisoners were allowed to exercise together in a small yard. Before long, a guard shot and killed three blacks. According to the guard's testimony before a Monterey County grand jury, the blacks were beating a white inmate. The guard said that he fired a warning shot, then killed the attackers. Though black witnesses insisted that there was no warning shot, the grand jury ruled justifiable homicide. At Soledad not long after that ruling, a white guard was thrown off a balcony to his death.

The accused killers are three unrelated blacks who call themselves the Soledad Brothers. They include George Jackson, one of the angriest black men. In one of his many despairing letters to Angela Davis, the black Communist, Jackson wrote: "They've created in me one irate, resentful nigger—and it's building."

COSTLY CAGES

The idea that imprisonment "corrects" criminals is a U.S. invention. Before the 18th century, prisons mainly detained debtors and the accused. Punishment itself was swift and to the point. Europeans castrated rapists and cut off thieves' hands; the Puritans put crooks in stocks and whipped blasphemers—then forgave them.

In 1790, Philadelphia's Quakers started a humane alternative to corporal punishment: they locked errants in solitary cells until death or penitence (source of penitentiary). Soon the U.S. was dotted with huge, costly, isolated cages that deepened public fear of those inside and reinforced a U.S. spirit of vengeance against prison inmates.

Caging has crippled the entire system. Burdened with vast forts that refuse to crumble (25 prisons are more than 100 years old), wardens cope with as many as 4,000 inmates, compared with the 100 that many penologists recommend. Archaic buildings make it difficult to separate tractable from intractable men, a key step toward rehabilitation. The big numbers pit a minority against a majority, the guards against the prisoners. Obsessed with "control," guards try to keep inmates divided, often by using the strong to cow the weak. The result is an inmate culture, enforced by fist or knife, that spurs passivity and destroys character.

Even though two-thirds of all offenders are on parole or probation, they get the least attention: 80% of the U.S. correctional budget goes to jails and prisons; most of the nation's 121,000 correctional employees simply guard inmates and worry about security. Only 20% of the country's correctors work at rehabilitation and only 2% of all inmates are exposed to any innovative treatment.

Federal prisons lead most of the U.S. in job training; yet few released federal inmates find jobs related to their prison work. With notable exceptions, like California, most states provide no usable training, partly because unions and business have lobbied for laws blocking competition by prison industries. At least one-third of all inmates simply keep the prison clean or do nothing. Most of them need psychiatric help. Despite this, there are only 50 full-time psychiatrists for all American prisons, 15 of them in federal institutions, which hold only 4% of all prisoners.

The failure of American prisons, humane or inhumane, to change criminal behavior is hardly their fault alone. The entire American criminal justice system shares the blame. It is perfectly human, if somewhat bizarre, for a criminal to see himself as a victim. The U.S. reinforces that defense: most crimes are committed for economic reasons by the poor, the blacks and other have-nots of a society that stresses material gain. In fact, only 20% of reported U.S. crimes are solved; half the crimes are never even reported. Since justice is neither swift nor certain, the caught criminal often sees his problem as mere bad luck in a country where "everyone else" gets away with it.

He has a point. Americans widely ignore laws they dislike, whether against gambling or mirijuana. The nicest people steal: roughly 75% of insurance claims are partly fraudulent. Uncaught employees pocket $1 billion a year from their employers. To poor offenders who go to jail without bail the system is unfair, and the legal process strengthens that opinion. If a man cannot afford a good lawyer, he is pressured to plead guilty without a trial, as do 90% of all criminal defendants. He then discovers that for the same crime, different judges hand out wildly disparate sentences, from which 31 states and the federal courts allow no appeal.

So the prison gets a man who sees little reason to respect state-upheld values. Even if he actually leaves prison as a reformed character, he faces hazards for which no prison can be blamed. In a Harris poll, 72% of Americans endorsed rehabilitation as the prison goal. But when it came to hiring an ex-armed robber who had shot someone, for example, 43% would hesitate to employ him as janitor, much less as a salesman (54%) or a clerk handling money (71%). This is obviously understandable; it also teaches ex-cons that crime pays because nothing else does.

Even parole supervision is often cursory and capricious. Many parole agents handle more than 100 cases; one 15-minute interview per month per man is typical. The agents can also rule a parolee's entire life, even forbid him to see or marry his girl, all on pain of reimprisonment—a usually unappealable decision made by parole agents, who thus have a rarely examined effect on the repeater rate. To test their judgment, Criminologists James Robison and Paul Takagi once submitted ten hypothetical parole-violator cases to 316 agents in California. Only five voted to reimprison all ten men; half wanted to return some men but disagreed on which ones.

GROPING FOR CHANGE

Can prisons be abolished? Not yet. Perhaps 15% or 20% of inmates are dangerous or unreformable. Still, countless experts agree that at least half of today's inmates would do far better outside prison. President Johnson's crime commission advocated a far greater shift to "community-based corrections" in which prisons would be a last resort, preceded by many interim options designed to keep a man as close as possible to his family, job and normal life—not caged and losing all self-reliance.

Sweden provides a fascinating model. Each year, 80% of its convicted offenders get a suspended sentence or probation, but forfeit one-third of their daily pay for a period determined by the seriousness of their offenses. The fine can be a tidy sum. After Film Maker Ingmar Bergman angrily cuffed a critic two years ago, he was convicted of disturbing the peace and fined for a 20-day period. Total: $1,000.

Swedes who actually enter prison mostly work in attached factories, earning nominal wages to make products for the state. Some promising long-term inmates attend daytime classes at nearby schools and colleges. All live in comfortable private rooms, furnished with desks and curtains, and are eligible for short, regular furloughs to visit their families. For several summers, groups of ten or so lifetermers have been given three-week vacations, accompanied by only two guards.

Most of Sweden's 90 prisons contain no more than 120 inmates; one-third of all inmates live in open institutions without bars or walls. Guns are unheard of, some wardens are women, and inmates often carry keys to their own rooms. The escape rate is high (8%), but fugitives are rapidly caught, and Swedes are more interested in the statistic that really counts: in a country where the average prison sentence is only five months, the repeater rate is a mere 15%.

With its small, homogeneous population, Sweden has advantages that cannot be duplicated in urban, congested, racially tense America. Even so, the U.S. is groping in the Swedish direction—slowly:

In New York City, a pioneering program started by the Vera Foundation waives money bail for offenders who can show job stability or family ties pending trial. Results suggest that perhaps 50% of jail inmates could be freed in this way, cutting the U.S. jail bill ($324 million per year) by half.

Kansas has heeded Psychiatrist Karl Menninger, a searing prison critic (*The Crime of Punishment*), and set up a felon's "diagnostic center" near the Menninger Clinic in Topeka. The state now sends all prison-bound felons to the center for exhaustive tests by four fulltime psychiatrists and numerous other experts. Result: half these men get probation. Among all such Kansas probationers, the failure rate has dropped to 25%, much less than in other states. Congress has approved a similar $15 million center in New York City to screen federal defendants after arrest.

North Carolina's innovating "work-release" program (also common in federal prisons) sends 1,000 promising inmates into the free world each day to function normally as factory workers, hospital attendants, truck drivers. Another 45 prisoners are day students at nearby colleges; one did so well that he got a faculty job offer.

Senator Mike Mansfield has introduced a bill that would pay up to $25,000 a piece to victims of federal crimes, then empower the Justice Department to sue convicted offenders to recover the money. States would get federal grants to copy the plan. Of all U.S. offenses, 87% are property crimes, and restitution as the entire punishment makes sense in many cases unless violence is involved. Variations include Sociologist Charles Tittle's idea: the state would repay victims immediately, then confine and employ property offenders at union wages, keeping half their pay and putting the rest in trust for their use upon release.

The big trouble is that penology (from the Latin *poena*, meaning penalty) is still an infant art given to fads and guesswork, like the 1920s reformers who yanked tens of thousands of teeth from hapless inmates on the theory that bad teeth induced criminality. Even now, penology has not begun to exploit the findings of behavioral scientists who believe that criminal behavior is learned, and can be unlearned with the proper scientific methods.

They know that misbehavior can be changed by "punishment" if a reward for good behavior follows very swiftly. If a reward (like parole) is delayed too long, they say, the subject forgets what he is being punished for, becomes aggressive and may go insane. In this sense, the Puritan use of stocks followed by forgiveness worked far better than U.S. prison terms, some of them as incredibly long as 500 or even 1,500 years. For many U.S. offenders, especially first-timers the mere shame of arrest and conviction is quite enough to prevent repetition.

Applying the principle of "response cost," some psychologists also say that a punishment must be in the same terms as the crime. Instead of fining a speeder, for example, they would immediately impound his car or license and make him walk home. Conversely, a cash theft might be dealt with not by jail but by a stiff fine equivalent to reparation. Another possibility for changing criminal behavior is "aversion therapy," which is used, for example, to cure bed wetting in children. Instead of chiding or coddling the child, the therapist has him sleep on a low-voltage electric blanket linked to a battery and a bell. Urine, which is electrolytic, then activates the bell, the child awakes and goes to the bathroom. A cure usually follows soon.

Since crime is often emotionally satisfying, a major problem is how to banish its thrills. One way is suggested by the work of Psychologist Ivar Lovaas with certain disturbed children who consistently try to mutilate themselves. He noticed that when the children went on a rampage, nurses warmly cuddled them and thus unconsciously rewarded their destructiveness. Instead Lovaas now jolts the kids with an electric cattle prod, often stopping the behavior pattern in hours or minutes. In his book *Crime and Personality*, Psychologist H. J. Eysenck offers a fascinating discussion of how certain depressant or stimulant drugs can be used to make a patient feel sick whenever he commits a specific antisocial act. "Given the time and resources," adds Psychologist Barry F. Singer, "a behavior-therapy program could make a bank robber want to vomit every time he saw a bank, could make an armed robber shudder every time he saw a gun."

Unhappily, all this seems remote. Only a fraction of 1% of the nation's entire crime-control budget is even spent on research. Beyond that, the system is mired in bureaucratic inertia and fiddle-faddle. Many exciting ideas are never institutionalized, the same problem that impedes school reform. In 1965, Psychologist J. Douglas Grant and his wife put 18 hardened California inmates (half of them armed robbers) to work studying how to salvage their peers. They blossomed into impressive researchers, skilled at statistics, interviews, proposal writing and the rest. Today, 13 of Grant's men are doing the same work outside. One former illiterate is getting a doctorate, one man heads a poverty-research company, two are federal poverty officials. Only one is back in prison. To Grant, this shows that criminals can be cured by trying their best to cure other criminals—an idea confirmed by many other experiments and self-help groups like Synanon and Alcoholics Anonymous.

But prison officials rebuffed Grant's idea, just as they do the work of other ex-convict groups seeking the same result. Instead of self-help, they favor trained officials working with fewer prisoners or parolees, a costly process that may well have little or no effect on the repeater rate. Thus skeptics wonder about efforts like the Federal Government's new $10.2 million Robert F. Kennedy Youth Center in Morgantown, W. Va., where 180 staffers work on a mere 200 teen-age offenders, two-thirds of them car thieves. After detailed classification (from "inadequate-immature" to "socialized-subcultural"), the kids are plunged into quasi-capitalism: an incentive system that pays each boy points and pennies for doing his chores and studies well. The pennies are used for room rent and other needs, the points for earning privileges. The idea is intriguing, but the yearly cost per boy is huge ($9,000 *v.* $6,000 in an average juvenile home), and the results are not yet clear.

25 CENTS ON THE DOLLAR

Criminologist James Robison, who does research for the California legislature, is among those who question the accuracy of many penal statistics. He even disputes the much-vaunted results of the California Youth Authority's Community Treatment Project, a famous experiment in which convicted juvenile delinquents were not confined but given intensive tutoring and psychotherapy. After five years, only 28% had their paroles revoked, compared with 52% of another group that was locked up after conviction. As a result, the state expanded the project and cut back on new reformatories, saving millions. Robison, though, has proved, at least to his satisfaction, that the experimenters stacked the deck by ignoring many of the kids' parole violations. He argues that most penal-reform funds are wasted on salaries for bureaucrats, who mainly worry about pleasing their bosses. "For every dollar spent on the criminal justice system," he insists, "we get back about a quarter's worth of crime control."

Given the facts of penal bureaucracy and sheer ignorance, critics like Robison sometimes wonder whether the only rational solution is simply to unlock all jails and prisons, which clearly breed crime and hold only 5% of the nation's criminal population while costing far more to run than all the crimes committed by their inmates. Pessimism is well founded, but the encouraging sign is that few if any Americans defend the system as it is. From the President to the lowliest felon, the nation wants a humane system that truly curbs crime. This is the year of the prisons, the year when Congress may double Federal spending (to $300 million) to spur local reform, the year when something may finally get done and Americans may well heed Dostoevsky's goading words.

Mr. BELLMON. Mr. President, Americans are not yet fully awake to the crisis and the desperate need and the opportunity for improvement of our prison system. As they become fully aware of the problem, demand for action will be overwhelming. The passage of this legislation will enable our Government to begin immediately to gather the basic practical knowledge and experience government at all levels must have to effectively cope with this problem, which is responsible for a large portion of crime in our Nation today.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 662) authorizing grants to be made to certain States and Federal institutions to assist such States and institutions in improving their penal and postadjudicatory programs, introduced by Mr. BELLMON, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 663—INTRODUCTION OF A BILL TO PROVIDE THAT LICENSES FOR BROADCASTING STATIONS BE ISSUED FOR A 5-YEAR TERM

Mr. CURTIS. Mr. President, I am today introducing a bill which would provide that a broadcaster's license would run for 5 years instead of the present 3 years. I believe this is in the public interest and it is my hope that the Committee on Commerce can give this proposal early and favorable action.

Mr. President, the regulations, paper work, surveys and other details which are required make the renewal of a license very burdensome upon the local broadcasters. At the present time the local broadcaster is required to make a complete survey of his area to ascertain what listeners want. All of this has to be set down on forms and sent in to the Federal Communications Commission. It is time consuming. It is a financial burden, and it has placed an unreasonable load upon the managers of many small broadcasting stations.

Mr. President, the Congress and the entire Government, including the Federal Communications Commission, must realize that the local broadcaster is a public benefactor, not a public enemy. It is the local broadcaster who goes all out to serve his community in time of disaster. It is the local broadcaster who supports the many worthwhile causes in our various communities, by channeling the information to the public. It is the local broadcaster who tells us what streets or roads are impassible and when schools are to be closed. He renders a great service to the area.

The Members of Congress should have a special appreciation of the need to extend the period of the license of a broadcaster from 3 to 5 years because there are many of us who know what it means to run for office every 2 or 3 years. I believe that to free the licensee from this mountain of paper work at such short intervals will result in better broadcasting. Hours spent in filling out printed forms for the Federal Communications Commission are hours that are not spent in tending to the business of improving broadcasting. Government redtape does not improve any business.

We must also be mindful that there are still some in the Federal Communications Commission who are zealots and who want to regulate, censor, and direct because they think they know best. I happen to believe that the Federal Communications Commission should be a good traffic cop for our airways and not a censor or program director.

The requiring of the renewal of a broadcaster's license every 3 years places heavy burdens on the Federal Communications Commission. If this were spread to 5 years, the Commission would have time to do a better job both in determining what should be required of the broadcaster as well as in its consideration of the material submitted by a broadcaster.

Mr. President, I again express the hope that this proposal might have favorable action in the near future.

The PRESIDING OFFICER (Mr. Roth). The bill will be received and appropriately referred.

The bill (S. 663). A bill to amend the Communications Act of 1934 in order to provide that licenses for the operation of a broadcasting station shall be issued for a term of 5 years, introduced by Mr. Curtis, was received, read twice by its title and referred to the Committee on Commerce.

S. 664—INTRODUCTION OF A BILL TO AMEND THE UNIFORM TIME ACT OF 1966

Mr. COOK. Mr. President, on April 23, 1970, I introduced a bill which sought to amend the Uniform Time Act of 1966 to provide that daylight saving time be used from Memorial Day to Labor Day rather than from the last Sunday of April to the last Sunday of October. An identical bill had been introduced in the House by Congressman Tim Lee Carter of Kentucky. Neither bill was acted upon.

The reasons for the proposed amendment have not changed. School children, both suburban and rural, are forced to walk dark streets and highways in order to catch school buses, thereby exposing themselves to potentially hazardous situations.

Farmers also are hindered in their work by being forced to work in darkness, since the functions of nature do not conform to the mechanics of a timepiece. The widespread support from residents of many areas throughout this region has indicated to me that such an amendment would be of great benefit to thousands of citizens, while creating inconvenience for very few.

Therefore, because of the great need and the widespread support for such a change, I am reintroducing the amendment to the Uniform Time Act of 1966 to reduce the period of daylight saving time from Memorial Day to Labor Day, and I urge the Senate to act on this extremely necessary proposal.

I ask unanimous consent that my introductory remarks of April 23, 1970, be included in the Record.

The PRESIDING OFFICER (Mr. Roth). The bill will be received and appropriately referred; and, without objection, the statement will be printed in the Record.

The bill (S. 664) to amend the Uniform Time Act of 1966 to provide that daylight saving time be used from Memorial Day to Labor Day, introduced by Mr. Cook, was received, read twice by its title and referred to the Committee on Commerce.

The remarks presented by Mr. Cook are as follows:

S. 3750—Introduction of a Bill To Amend the Uniform Time Act of 1966

Mr. Cook. Mr. President, the 89th Congress enacted the Federal Uniform Time Act of 1966. The legislation divided the United States into eight standard time zones. It further provided that on the last Sunday in April the time is advanced 1 hour until the last Sunday in October. In effect, Congress has given us 6 months of daylight saving time.

The issue of uniform time and daylight saving time has been debated many times in the past. I have no quarrel with the general principle of a uniform time in this commercial and industrial era. However, there are equally important needs in this country which must also be considered.

For example, my own State of Kentucky is geographically located at the far western end of the eastern time zone. Further compounding this problem, a portion of Kentucky quite logically belongs in the central time zone. This situation causes peculiar hardships and difficulties, especially during the months of May and October.

In both suburban and rural sections of Kentucky, our young children have to walk on dangerous streets and highways to catch school buses in the early darkness of the fall months. There is no reason to expose them to this hazard the entire school year.

The forgotten man in our country, the farmer, also suffers under the hardships of these black mornings. Many a farmers has wryly stated that "chickens and cows don't observe daylight saving time." Unfortunately, the farmer has to start working when the needs of his livestock and crops require it—rather than by the artificial time on his clock.

Mr. President, I do not propose a repeal of the Federal Uniform Time Act because it does have some merit. What I propose is to amend the 1966 act so that daylight saving time prevails only in that period from Memorial Day to Labor Day. My bill would not repeal uniform time, but merely make it more sensible. It would reduce daylight saving time from the present 6 months to little more than 3 months. It would protect our school children who must now travel the highways during the dark, fall mornings. If passed, it would also provide the farmer an additional 3 months to farm according to nature.

Mr. President, on December 16, 1969, the distinguished Congressman from Kentucky's Fifth Congressional District, the Honorable Tim Lee Carter, introduced H.R. 15276 in the House. Because of both the need for such change in the law and the favorable reception it received, I am offering it for consideration in the Senate.

S. 666, S. 667, AND S. 668—INTRODUCTION OF CALIFORNIA WILDERNESS BILLS

Mr. CRANSTON. Mr. President, I have the privilege today to introduce bills to designate three new additions to America's wilderness system. All three areas lie within the State of California and all are part of our national park system.

These bills were first introduced in the 90th Congress by my distinguished predecessor, Senator Thomas H. Kuchel, whose bill which created the San Rafael Wilderness in California was the first legislation to add lands to America's wilderness system under the 1964 Wilderness Act.

The approval of these three bills by the 92d Congress will complete congressional action on all of Senator Kuchel's wilderness proposals for California. Thus, I hope they pass not only because they will set aside for posterity some magnificent stretches of unspoiled wilderness but also as a tribute to an exceptional Californian who served his State and Nation with honor and distinction in the U.S. Senate.

In the 91st Congress the bills were introduced by the distinguished chairman of the Senate Interior Committee, Senator Jackson. Senator George Murphy and I were cosponsors.

Our national wilderness system is an encouraging indication of our society's growing environmental awareness. The designation of certain lands for public use, enjoyment, and recreation dates back into the 19th century when Yellowstone was made our first national park in 1872.

But the idea that it is important to keep lands in their native state, without changing or modifying them to ease human access or to fit camping or other recreation needs has been widely accepted only recently.

The reasons for this changing social attitude obviously can be found in the polluted air of our cities and in the esthetic denigration of our countryside. America needs places where the air and water are clear and pure, where the sounds of nature are not muffled by the clamor of auto engines, where forests are not defiled by billboards or powerlines.

But a deeper reason for preserving wilderness areas is that such areas are the true face of nature. In this age when wise men begin to fear that manmade changes in the environment may have unleashed forces which will make the planet uninhabitable even by man himself, we all sense the need to keep at least some space, some land, the way it was before human consumption of power and other resources began to modify the biosphere. How fanciful is it to suggest that these forests and granite peaks may someday be the laboratories where scientists of some advanced ecology and genetics will wage the struggle for human survival? I do not know.

But I do know that I want to see our wilderness system expanded.

The three bills I introduce today are the specific National Park Service proposals. I am well aware that there is objection to the boundaries proposed by the National Park Service. The Sierra Club and other wilderness and conservation groups advocate that each of these proposed wildernesses be expanded substantially.

I am introducing the National Park Service proposals simply because I believe that this is the best way to bring the questions to hearing before the Senate Interior Committee. I know that the Interior Committee will give adequate consideration to all of the testimony in behalf of various boundary proposals and that the committee will make a fair and honest decision about what boundaries are best. I, myself, want to hear the matter debated at committee hearings before I make up my mind about which boundaries are preferable. Thus, I expect that there will be some modifications in the bills I introduce today. Boundaries aside, I believe everyone will agree these wildernesses should be designated, and I am pleased to place them on the agenda for congressional action.

S. 666—LAVA BEDS WILDERNESS AREA

Mr. President, I introduce, for appropriate reference, a bill to designate certain lands within the Lava Beds National Monument as wilderness.

Lava Beds is located in the northeastern corner of California adjacent to the Tule Lake National Wildlife Refuge, one of the seasonal stops for migratory birds along the Pacific flyway. The volcanic formations and lava flows are of relatively recent origin, with the most unique feature being the cinder cones rising 100 to 500 feet and several ice caves.

Historically, it is important as the site of one of the last clashes in the Far West between the Indians and the U.S. Army. In 1872–73, the Modoc Indians engaged in a desperate and futile struggle to regain their homeland, fighting their final battles from a stronghold created out of the natural lava formations.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. ROTH). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 666) to designate certain lands in the Lava Beds National Monument in California as wilderness, introduced by Mr. CRANSTON, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132(c)), certain lands in the Lava Beds National Monument, which comprise about nine thousand one hundred and ninety-seven acres and which are depicted on a map entitled "Recommended Wilderness, Lava Beds National Monument, California", numbered NM–LB–3227E and dated August 1967, are hereby designated as wilderness. The map and a description of the boundary of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. The area designated by this Act as wilderness shall be administered by the Secretary of the Interior pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented and the applicable provisions of the Wilderness Act.

S. 667—LASSEN WILDERNESS AREA

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to designate certain lands within the Lassen National Park in California as wilderness.

Lying at the southern end of the Cascade Range and along the northeast corner of the Sacramento Valley, Lassen Park contains the most recently active volcano in the United States. Rising to 10,457 feet, Lassen Peak's last period of activity began in 1914 and continued periodically for 7 years. Stark, devastated areas filled with volcanic debris exist side by side with lush coniferous forests, untouched by volcanic activity. In addition, the park contains mud pots, hot springs, and fumeroles, evidence of continuing subterranean activity.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 667) to designate certain lands in the Lassen Volcanic National Park in California as wilderness, introduced by Mr. CRANSTON, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 667

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132(c)), certain lands in the Lassen Volcanic National Park, which comprise about seventy-three thousand three hundred and thirty-three acres and which are depicted on a map entitled "Recommended Wilderness, Lassen Volcanic National Park, California", numbered NP–LV–9013 and dated August 1967, are hereby designated as wilderness. The map and a description of the boundary of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. The area designated by this Act as wilderness shall be administered by the Secretary of the Interior pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the applicable provisions of the Wilderness Act.

S. 668—PINNACLES WILDERNESS AREA

Mr. CRANSTON. Mr. President, I introduce for appropriate reference, a bill to designate certain lands within the Pinnacles National Monument in California as wilderness.

Pinnacles National Monument lies 125 miles south of the San Francisco Bay area in one of the coastal mountain ranges, the Gabilan Mountains. Noted for its tall pinnacle rock structures, the monument was once the site of an ancient volcano which rose to the height of 8,000 feet. Wind and water erosion, combined with the movements of two large faults, carved the unique spires and created the narrow canyons which contain two talus caves. The semiarid land is covered primarily by the dry, leathery chaparral which has been relatively untouched. Within the monument exist the habitats of many species of wildlife, including the endangered peregrine falcon and the golden eagle.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 668) to designate certain lands in the Pinnacles National Monument in California as wilderness, introduced by Mr. CRANSTON, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132 (c)), certain lands in the Pinnacles National Monument, which comprise about five thousand three hundred and thirty acres and which are depicted on a map entitled "Recommended Wilderness, Pinnacles National Monument, California", numbered NM–PIN–9014 and dated September 1967, are hereby designated as wilderness. The map and a description of the boundary of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. The area designated by this Act as wilderness shall be administered by the Secretary of the Interior pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the applicable provisions of the Wilderness Act.

S. 673—INTRODUCTION OF A BILL TO INCREASE THE PERSONAL EXEMPTION FROM $750 TO $1,000

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of

1954. This bill will increase the exemption presently allowed individuals for themselves and their dependents from $750 to $1,000 after 1973. The current $750 exemption, that is, the figure the exemption will reach in 1973, was provided by the Tax Reform Act of 1969. In the 23 years since the exemption was set at $600 by the Revenue Act of 1948, the cost of living has risen by 65.9 percent—based on the average level of consumer price indexes in 1948 when compared to the 1971 figures. Thus, the $600 figure must be raised to $995 if it is to match the purchasing power of the $600 exemption had in 1948.

The years since the enactment of the income tax law have seen a number of adjustments made in the amount of exemption allowed. During the 1942–47 period, the exemption was $500 per person. It was admittedly inadequate, but the demands of a wartime budget upon a strained Federal Treasury necessitated its continuance until 1948. It was my feeling that the $600 figure may have been more realistic when it was instituted in 1948 than it is today, but the probability is that it was not adequate even then. Today, it is grossly inadequate. Thus, for a family of four, the personal exemption would have to be raised to $3,980—$995 times four—to provide the same purchasing power as the $2,400 figure—$600 times four—provided in 1948.

The Bureau of Labor Statistics recently published a research study in which it indicated what it cost an urban family of four to live in 1970. The study shows that for the middle-income family the urban average family cost was $10,664. The most for the lower income family was $6,960 and the higher income family budget amounted to $15,511. Certainly these figures indicate, on their face, the basic inadequacy of the $2,500 exemption for a family of four in view of the ever-increasing cost of living.

It is generally accepted that the property line for a nonfarm family of four is slightly less than $3,800. Yet, it is today possible for such a family to fall just below that line and still have to pay Federal income tax on as much as $1,200 of income. My proposal would have the effect of exempting a family of four from Federal income taxation until their adjusted gross income exceeded $4,000.

The most frequently heard objection to the bill that I submit today is not that it is not needed, but that it would decrease Federal revenue out of proportion to the social gain to be achieved. But the resultant increase in purchasing power will, in fact, have the effect of increasing tax revenues. It has been estimated that personal expenditures represent over 60 percent of the gross national product. Thus, it can be expected that when these additional funds are put in the hands of consumers the incomes and profits of the grocer, clother, appliance dealer, and other small businessmen will be increased, thereby allowing the Treasury to recoup its initial loss.

The economic well-being of the family unit should be of vital concern, not only to the breadwinner of the family but also to the entire Nation. The average family is today beset by increases, not only in Federal taxes, but also State and local levies. Moreover, inflation is rapidly eating into the fixed incomes of all families. The purpose of my proposal is to increase the economic stability of the all-important family unit by permitting it a realistic level of tax-free income.

The PRESIDING OFFICER (Mr. PACKWOOD). The bill will be received and appropriately referred.

The bill (S. 673) to amend the Internal Revenue Code of 1954 to provide for an increase in the amount of the personal exemptions for taxable years beginning after December 31, 1973, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

S. 674—INTRODUCTION OF A BILL TO AMEND THE CONTROLLED SUBSTANCES ACT

EIGHT BILLION AMPHETAMINES ARE FAR TOO MANY

Mr. EAGLETON. Mr. President, today I introduce for myself, Senator MCINTYRE, and 33 cosponsors a bill to tighten control over the manufacture and distribution of amphetamines and amphetamine-like substances. My proposal would move these dangerous substances—the so-called "pep pills" and, in high dosages, "speed"—from schedule III to schedule II of the new Comprehensive Drug Abuse Prevention and Control Act.

Last October, when the Senate considered this new drug law, I introduced an identical measure as an amendment to the drug bill. The Senate approved it by a 2½ to 1 margin, with only 16 dissenting votes. Regretfully, despite strong Senate sentiment in its favor, the amendment failed to survive the conference. The conference did agree to move liquid injectable methamphetamines to the stricter schedule II. But tightening control over liquid injectable methamphetamines sidesteps the problem almost entirely. Nearly all amphetamine and methamphetamine pills and powder can be easily diluted and injected. Young people still get the pills and powder, and they can still dilute and inject them.

At the heart of the "speed" problem is the fact that these dangerous amphetamine drugs are vastly overproduced in relation to the legitimate medical needs—and the four drug companies that produce the basic ingredients show no inclination toward curbing their production voluntarily.

Let us take a closer look at the production and availability situation. Each year 5 to 8 billion dosage units of these substances are produced in this country, although the House Select Committee on Crime received testimony to the effect that legitimate medical needs are in the thousands of dosage units annually.

The American Medical Association recognizes only two "noncontroversial" uses for amphetamines—the treatment of a rare sleeping sickness, narcolepsy, and the treatment of hyperkinetic children. And even the treatment of hyperkinetic children with amphetamine drugs has come under fire, prompting the Nixon administration to convene a panel to investigate this practice.

It is true that amphetamines are also prescribed for diet control and for the relief of mild depression and fatigue. But these uses are subject to serious controversy within the medical profession—and over-prescription has led to a situation in which medicine chests across the Nation are stocked with a variety of "ups" and "pep pills" to be self-administered by family members.

More disturbing than over-prescription, however, is the fact that half of the legally produced amphetamine drugs in this country are diverted into illegal channels. That means 4 billion dosage units of admittedly dangerous drugs get out of the regulated stream each year. Certainly we delude ourselves if we claim that the way we do it now is "regulation" of dangerous drugs.

We have known for awhile about some of the debilitating effects of high dosage amphetamine use. We have known that each injection causes euphoria and hyperactivity. We have known that as the user "comes down" he may suffer a paranoid reaction or other personality disorder. We have known that "speed" users subject themselves to successive "ups," over a period of several days, resulting in such harmful side effects as hepatitis, malnutrition, brain damage, damage to unborn children, and even death.

But even as we were considering the new drug law, new and disturbing returns were coming in. Consider these late developments:

A team of doctors in Los Angeles has found that "speed" use is tied to a potentially fatal disease of the arteries—periarteritis nodosa. Untreated, nearly 90 percent of the victims of this disease die within 5 years.

Dr. David E. Smith, director of the Haight-Ashbury Clinic in San Francisco, reports that young people are turning to heroin—a depressant—as an antidote to the "strung out" effects of "speed."

Clearly, the "speed" problem is worth worrying about.

First of all, we have to face the fact that as long as vast quantities of these drugs are available to virtually anyone for virtually any purpose, they will be abused. My proposal would change this situation, cutting back on the vast oversupply of amphetamine drugs while insuring that adequate supplies are available for legitimate needs.

Under the new drug law, the Attorney General is directed to set manufacturing quotas for substances in schedules I and II. These quotas are to reflect the legitimate medical, scientific, research, and reserve needs of the country. My proposal, by placing amphetamines and amphetamine-like substances in schedule II, would allow the Attorney General to set critically needed quotas for these "speed drugs."

In addition to requiring manufacturing quotas for amphetamines, this proposal would have other effects as well—all designed to more strictly control the manufacture and distribution of these drugs.

First, moving amphetamine-like substances up to schedule II would make it illegal for any person to distribute these drugs without a written order issued by the Attorney General. These written orders are already required for all narcotic drugs distributed in this country. And this procedure has reduced the diversion of legally produced narcotics into illegal channels to an irreducible minimum.

Second, amphetamines could only be dispensed by a physician with a written prescription—and a doctor's permission would be required for a refill of the prescription.

Finally, my proposal would tighten the import and export restrictions on amphetamine-like substances. It would become illegal to import amphetamines unless the Attorney General found it necessary to provide for the medical, scientific, or other legitimate needs of the country.

With regard to the exporting of amphetamines, my proposal would permit exporting only when a permit has been issued by the Attorney General. This would prevent, for example, the continuation of the current practice whereby vast quantities of "speed" pills are being shipped to Mexican border towns—and smuggled back across the border to be sold on the streets of our western cities.

I want to point out that this proposal is not intended to protect only the so-called "speed freak." This bill, along with the voluntary self-restraint of prescribing physicians, will also cut back on abuse by the weight-conscious housewife, the weary long-haul driver, and the young student trying to study all night for his exams.

This bill has the support of the American Psychiatric Association, the American Public Health Association, and the National Association of Secondary School Principals. The Senate itself is already on record against these "speed" drugs. We have another opportunity in this session to let our constituents know that we are aware of the "speed" problem and that we are committed to doing something about it.

The PRESIDING OFFICER (Mr. Packwood). The bill will be received and appropriately referred.

The bill (S. 674) to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II, introduced by Mr. Eagleton (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 675—INTRODUCTION OF A BILL TO PROTECT ALL STATE POLLUTION CONTROL LAWS FROM PREEMPTION UNTIL SUBSTITUTE FEDERAL STANDARDS ARE ADOPTED AND ENFORCED

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill which would protect all State pollution control laws from preemption until substitute Federal standards are actually adopted and enforced.

I feel strongly that every effort must be made to insure a clean environment. The smog that fills our air and the filth that pollutes our waters must be removed as soon as possible. State antipollution laws have grown out of citizen demands for a clean environment. Congressional action should foster, not frustrate, these State laws.

The need for the bill I am introducing was made clear by the effect of the recently enacted Clean Air Act on California's laws governing emissions from airplanes. In 1969, after extended legislative consideration, California enacted a law governing aircraft emissions. On January 1, 1971, the effective date of the California law, the Los Angeles Air Pollution Control District cited over 100 violations of the aircraft emissions law. California was, however, prevented from prosecuting these violations because the Clean Air Act which also went into effect on January 1 wiped out California's law. It may be a year or longer—possibly 2 or 3 years—before Federal aircraft emission standards are adopted and enforced. Meanwhile California must wait. This is a deplorable situation.

Federal preemption has also wiped out a noise pollution ordinance enacted by Burbank, Calif. Burbank adopted an ordinance prohibiting jets from taking off from the Hollywood–Burbank Airport between the hours of 11 p.m. and 7 a.m. The law was struck down by the Federal courts on the ground that the Congress had implicitly preempted regulation of all aircraft noise by granting the FAA authority to set noise regulations for aircraft. The FAA, however, has never regulated the total amount of noise generated by an airport.

Federal laws must not wipe out State antipollution laws without providing adequate substitutes. California and other States where the problems of environmental pollution are greatest cannot afford to delay their fight against pollution while the Federal Government determines what standards it desires to enforce. Particularly in States like California the growing problems of pollution do not permit such delays, which endanger the health and safety of its citizens. When State pollution control laws are abolished before the adoption and enforcement of Federal regulations, the effort to clean up our environment suffers an unwarranted and unjustifiable setback.

All of our States must be permitted to adopt and enforce laws to protect the health and safety of their citizens. Congressional control of interstate commerce must not be used to preempt State health and safety laws unless the Congress provides the citizens of those States with adequate Federal protection against the hazards which prompted those laws. While the Congress and executive take time to establish Federal antipollution standards, the carefully established State standards should remain in force.

Where State antipollution standards are more stringent than Federal standards, they should remain in force. Once the Federal Government has acted, however, the continued enforcement of State antipollution laws may be unconstitutional in some cases. If, for instance, California was permitted to enforce more stringent aircraft emission standards once a Federal standard was adopted, it could in effect be setting a national standard due to the interstate character of airplane travel. Where more stringent State standards can be constitutionally enforced, I will urge the Congress to include provisions in potentially preemptive legislation to permit the continued enforcement of those standards.

Last year, the Congress adopted my amendment which permitted California to adopt more stringent fuel content standards than the standards adopted by the Federal Government. Earlier, in 1967, the Congress adopted the Murphy amendment which permitted California to enact stricter auto emission standards than the standards established by the Federal Government.

State-Federal cooperation is essential to clean up our air and clean up our water. When Federal action leads to the abolition of State antipollution laws, the health and safety of all citizens is impaired. We cannot afford to waste precious time fighting our jurisdiction. The State and Federal governments must work together for a clean environment.

The PRESIDING OFFICER (Mr. Roth). The bill will be received and appropriately referred.

The bill (S. 675) to provide that State laws or regulations with respect to certain environmental matters shall not be preempted or nullified by Federal law until such time as regulations in lieu of such State laws or regulations are put into effect by or pursuant to Federal law, introduced by Mr. Cranston (for himself and Mr. Tunney), was received, read twice by its title and referred to the Committee on Public Works.

Mr. TUNNEY. Mr. President, I join in introducing a bill to fill an unfortunate gap in the enforcement of laws against pollution of our environment—the gap which results when State regulations are preempted by Federal statutes without comprehensive Federal regulations.

The need for this bill is particularly acute in California where the public outcry against pollution has resulted in State laws against pollution in many forms. Polluters must not be allowed to escape the enforcement of these laws simply because there is a timelag between the enactment of Federal laws and the adoption of enforceable standards under those laws. For example, we must not let the history of laws regulating aircraft emissions be repeated with other types of pollution. In 1969, California took the lead in enacting a law governing emissions from airplanes, yet could not enforce it because the Federal Clean Air Act preempted California's law even though there are as yet no Federal standards under the Federal law which can be enforced.

We must no longer permit the irony which exists when cities and States which take the lead against pollution are penalized instead of supported by Federal action. I am particularly concerned when strict State regulation ends up replaced by no regulation as has happened in California. The courage of State and local officials in enacting tough antipollution laws and ordinances must not be rendered fruitless by Federal action. Coordination of efforts against pollution at all levels—Federal, State, and local—is an absolute necessity if we are to save and preserve our environment.

This bill is only a stopgap measure, however, made necessary by the delays which inevitably accompany new Federal action in this field. The more important task, and one that cannot be avoided, is the enactment of laws which will permit States and local governments to work together with the Federal Government to adopt the most stringent controls against pollution.

As a member of the Air and Water Pollution Subcommittee of the Public Works Committee, I intend to give particular attention to the problem of securing an effective partnership by all levels of government against pollution.

S. 676—INTRODUCTION OF A BILL TO AMEND THE FOOD STAMP ACT OF 1964

Mr. STEVENS. Mr. President, I introduce for appropriate reference a bill that will amend the Food Stamp Act of 1964 to allow certain eligible households in my home State of Alaska to use food stamp coupons for the purchase of ammunition.

The purpose of the bill is to allow those Alaskans in the remote parts of the State who rely on subsistence hunting for the bulk of their diet to purchase rifle and shotgun ammunition for this purpose. In these areas where the cost of living can be 50 to 100 percent higher than Anchorage—and Anchorage has a cost of living 25 to 50 percent higher than Washington, D.C.—it is imperative that we do everything possible to assist these people to obtain an adequate diet.

Mr. President, when a person pays 30 cents for a small can of milk, 50 cents for a box of salt, or $11 for 50 pounds of flour from a village store and must still pay a high freight rate to have the staples delivered to his homesite, something must be done. My bill will help relieve this tremendous economic burden by allowing the purchase of ammunition with food stamp coupons. It is obvious that by allowing these Alaskans to purchase ammunition to shoot game for subsistence they will be able to supplement their basic diet to assure an adequate food intake.

The IRS in an administrative order has recognized the unique Alaskan problem by allowing Alaskans in remote areas to purchase rifle and shotgun ammunition through the mail. It would seem that we should carry this one step further and allow them to purchase the needed ammunition for subsistence hunting with food stamp coupons.

My bill would allow this.

Mr. President, I ask unanimous consent that the bill be printed in the Record immediately following my remarks.

The PRESIDING OFFICER (Mr. Baker). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 676) to amend the Food Stamp Act of 1964 in order to permit eligible households living in remote areas of Alaska to use food stamp coupons for the purchase of ammunition, introduced by Mr. Stevens, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Food Stamp Act of 1964 is amended by adding at the end thereof a new section as follows:

"AUTHORITY OF CERTAIN ELIGIBLE HOUSEHOLDS IN ALASKA TO USE COUPONS FOR THE PURCHASE OF AMMUNITION

"Sec. 17. Notwithstanding any other provision of this Act, members of eligible households living in the State of Alaska shall be permitted, in accordance with such rules and regulations as the Secretary may prescribe, to purchase ammunition with coupons issued under this Act if the Secretary determines that (1) such households are located in an area of the State which makes it extremely difficult for members of such households to reach retail food stores, and (2) such households depend to a substantial extent on the use of firearms to kill game for food. As used in this section, the term 'ammunition' means ammunition for rifles and shotguns."

S. 677—INTRODUCTION OF A BILL RELATING TO JURISDICTION FOR ALASKA RAILROAD SUIT

Mr. STEVENS. Mr. President, I introduce for appropriate reference a bill that will authorize the U.S. District Court for the district of Alaska to hear, determine, and render judgment on the claim of the State of Alaska that the Goldstream forest fire near Fairbanks, Alaska, which occurred in August 1966, was approximately caused by the negligent operation of the Alaska Railroad. The State seeks to collect for damages done to the land which was burned and for the cost in controlling and extinguishing the fire.

Upon discovery of the fire in August 1966, men and materials were rushed to the fire. The cost to the State of Alaska as billed by the United States was $266,225.23. However, because the State claims that the fire was proximately caused by the negligent operation of the railroad, an instrumentality of the United States, the U.S. District Court for Alaska seeks the authority to hear and determine the claim of the State.

The PRESIDING OFFICER (Mr. Baker). The bill will be received and appropriately referred.

The bill (S. 677) to confer jurisdiction on the United States District Court for the District of Alaska to hear and determine the claim of the State of Alaska for a refund of a sum paid to the United States for firefighting services; introduced by Mr. Stevens, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 679—INTRODUCTION OF A BILL RELATING TO PENALTIES FOR OBSTRUCTION OF NAVIGABLE WATERS

Mr. STEVENS. Mr. President, I am introducing legislation today which will increase the penalties for violations of the Refuse Act of 1899. This venerable law is an important part of the effort to halt abuse of the Nation's waterways.

Alaskans have witnessed the ineffectiveness of laws whose penalties are less than the value of the violation. Foreign fishermen have repeatedly penetrated American waters secure in the knowledge that fines imposed on them will be far less than the profits of their expeditions.

The Refuse Act of 1899 penalizes a different abuse of our waterways—chemical abuse. With a maximum penalty of $2,500, the act is ineffective against large-scale violators who find it profitable to break the law when the penalties are small.

About 27,000 Alaskans participate in the commercial fishing industry. Thousands more enjoy Alaska's coastline and inland waterways. Every Alaskan feels a strong commitment to keeping the Nation's waters clean. With this bill the maximum penalty will be raised to $100,000, and repeated infractions will be treated as separate violations each day they continue. For those who carelessly contaminate our waters, we must up the ante.

The PRESIDING OFFICER (Mr. Baker). The bill will be received and appropriately referred.

The bill (S. 679) to amend the act of March 3, 1899, relating to penalties for wrongful deposit of certain refuse, injury to harbor improvements, and obstruction of navigable waters, introduced by Mr. Stevens, was received, read twice by its title, and referred to the Committee on Public Works.

SENATE JOINT RESOLUTION 29—INTRODUCTION OF A JOINT RESOLUTION DESIGNATING NATIONAL PEACE CORPS WEEK

Mr. SCOTT. Mr. President, the Peace Corps is 10 years old this year. In recognition of this decade of achievement, I am today introducing a joint resolution authorizing the President to proclaim and designate the week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week." I am pleased to have the distinguished majority Leader (Mr. Mansfield) joining me as a cosponsor in this effort.

Mr. President, the Peace Corps is in keeping with the best American tradition of helping others to help themselves. Over 45,000 of our fellow citizens have responded to the challenge of service and sacrifice, At this moment, nearly 9,000 volunteers of all ages, backgrounds and aptitudes are continuing this work of helping people in other countries lead fuller lives and build a more promising future.

As Federal agencies go, the Peace Corps is neither old nor large, but it has inspired and given hope far beyond its size and experience. As it has worked, the Peace Corps has learned. In response to the changing needs of a changing world, the Peace Corps has chartered new directions to meet these needs.

While continuing to rely upon the ideal of voluntary service, the Peace Corps has sought to provide host countries with the specific skills needed for their development. It has sought to work in closer partnership with these countries so that they can play a major role in the development and implementation of Peace Corps programs.

Today, Peace Corps volunteers in 60 countries contribute almost 400 different skills, improving crops, building schools, establishing small businesses, vaccinating children, teaching, farming, designing, plumbing, welding—and just plain helping, helping and hoping that they are making a difference in the lives of their new neighbors.

This help has, perhaps, been best recognized by the host countries themselves. Requests from the host countries for volunteers are on the upswing. At the same time, Americans are coming forward to meet this challenge with renewed vigor. Applications for volunteer service overseas are once again increasing.

Now, the President has recognized the contribution of the Peace Corps and the eagerness of Americans to participate in a broader spectrum of similar programs at home as well as overseas. Regardless of what form this broadened opportunity for voluntary service will assume, the Peace Corps volunteers will continue to be identified with the best America has to offer. I would hope that the Peace Corps would continue to be a viable entity within the framework of the new agency which President Nixon has proposed. In this spirit, I urge prompt and favorable consideration of my joint resolution recognizing the Peace Corps' first 10 years.

The PRESIDING OFFICER (Mr. Roth). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 29) to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week," and for other purposes, introduced by Mr. Scott for himself and Mr. Mansfield, was received read twice by its title and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

S. 385

At the request of Mr. Griffin, on behalf of the Senator from Florida (Mr. Gurney), the Senator from North Carolina (Mr. Ervin) was added as a cosponsor of S. 385, to preserve the concept of the neighborhood school in American public elementary and secondary education.

S. 555

At the request of the Senator from Massachusetts (Mr. Kennedy), the Senator from Michigan (Mr. Hart), the Senator from Oklahoma (Mr. Harris), and the Senator from North Dakota (Mr. Burdick) were added as cosponsors of S. 555, the Older American Community Service Act.

S. 564

At the request of the Senator from Oregon (Mr. Packwood), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), and the Senator from Wyoming (Mr. Hansen) were added as cosponsors of S. 564, to promote the exploration and development of geothermal resources through cooperation between Federal Government and private enterprise.

S. 575

Mr. COOK. Mr. President, I have today decided to cosponsor the bill S. 575, introduced by Senator Randolph of West Virginia, which would extend the Appalachian Regional Commission program.

I have been informed by the White House staff that the President's revenue sharing proposal, as I now understand it, would in no way alter the structure of the ARC, but simply reroute the funds for the program through the State governments. Thus there is no conflict between this bill and President Nixon's revenue sharing proposal.

Thus I am happy to join with Senator Randolph in support of this bill to extend the ARC program, which has been of immeasurable value to the people of the Appalachian region.

At the request of the Senator from West Virginia (Mr. Randolph), the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 575, the Appalachian Regional Development Act Amendments of 1971.

ANNOUNCEMENT OF HEARINGS ON COMPUTERS, DATA BANKS, AND THE BILL OF RIGHTS

Mr. ERVIN. Mr. President, I am pleased to announce that the Subcommittee on Constitutional Rights has now rescheduled hearings on Computers, Data Banks, and the Bill of Rights. These will commence on Tuesday, February 23 at 10 a.m., and will continue on February 24 and 25, March 2, 3, and 4 and March 9, 10, and 11. They will be held in room 318 of the Old Senate Office Building every day except March 2 when they will be in room 1202 of the New Senate Office Building.

The subcommittee had planned to conduct hearings last October to consider the effect on individual rights of Government data banks and computer information techniques. I outlined for the Senate the purpose and scope of the subcommittee's study on September 8, 1970.

Unfortunately, the pressure of the Senate business made it impossible for the subcommittee to conduct the hearings with the full attention this vital subject requires. For that reason they were postponed until this time.

It has become increasingly clear that unless we take command now of the new technology with all that it means in terms of substantive due process for the individual who is computerized, we may well discover some day that the machines stand above the laws. By then, it will make no difference who mans the systems or what political party makes use of them, for the pattern of mechanized surveillance will have become so institutionalized throughout our land that it may defeat the ingenuity of the God-given powers of man to alter our national course. "Liberty" will then sound only as a word in our history books, the lamented dream of our Founding Fathers.

It was with these concerns in mind that the subcommittee initiated its Government-wide survey and investigation of computers and data banks. The overall goal of our hearings and studies therefore is fourfold: To learn, first what Government data banks have been developed; second, how far they are already computerized or automated; third, what constitutional rights, if any, are affected by them; and fourth, what overall legislative controls, if any, are required.

We shall hear experts in computer technology discuss for us the development and application of computer systems as they affect the constitutional rights of individuals and the use of political power in the United States

Leadoff witnesses on February 23 will be Prof. Arthur R. Miller of the University of Michigan Law School and author of "The Assault on Privacy," a comprehensive analysis of this problem just published this week. Others in the field of computer technology will include invited representatives of the computer industry, including on March 3, Robert Henderson, vice president of Honeywell Corp. and on February 23, an official of the International Business Machines Corp. Robert Bigelow, attorney and chairman of the Committee on Computers and Society of the Association of Computing Machinery, and professor of computer science Caxton C. Foster will testify on March 10.

A major State computerized information system will be discussed on March 10 by Dr. Robert Gallati, director of the New York State Identification and Intelligence System. Furthermore, in his capacity as chairman of the Project Search Privacy Committee, he will discuss a major and singular report on a proposed national Federal-State computerized information system under the auspices of the Department of Justice.

While much of the current controversy revolves around computerization of law-enforcement information systems and data banks on special groups, there are other data-banking devices which concern every American, for they are essential to the lives of millions. Two of these are the social security number and the driver's license. The complaints received by the subcommittee indicate that these are two major problem areas of privacy and confidentiality.

It is becoming all too clear that these are common means of computerizing individuals and thereby locating them, investigating them, monitoring their activities for many purposes, and possibly invading their privacy and violating the confidentiality of the personal records stored in government and private computers.

The Secretary of Health, Education, and Welfare, Elliot Richardson, has recently expressed his concern about this and reported that he is studying the possibility that the social security number may be too broadly used. In a letter to me on September 15, 1970, he states:

> Social Security numbers are currently being used throughout industry and government as a means of clearly identifying individuals and avoiding the confusion and mistakes which can arise when a number of individuals have common or similar names. These numbers provide a unique means of identification applicable to most individuals in the United States . . .: Despite . . . restrictions, the Department is concerned that if the Social Security number were used too

broadly, such widespread use and dependence upon the number might lend itself to abuses of individual privacy. Because of this concern, the Social Security Administration is currently reviewing the policies governing the issuance, maintenance, and usage of the Social Security number.

The subcommittee has invited Secretary Richardson to discuss this study of the uses of the social security number on March 11, as well as the various data banks used or sponsored by his Department. An invitation has also been extended to Secretary of Transportation John Volpe to appear on March 11 and discuss the Department's computerized national data bank of driver's license holders. This system contains information on all Americans whose licenses have ever been revoked; denied, withdrawn or suspended for any purpose.

As a data program established and expanded by Congress, one of concern to all Americans, and one developed and used cooperatively by Federal, State, local, and private agencies, this system should provide a useful example of the benefits and problems created by computer technology within the federal system.

Mr. President, beyond the constitutional and legal issues presented by the impact and uses of computer technology, there is a more profound question confronting the country. This is the extent to which the new computer science and information management techniques equip politicians with rapid and efficient tools for programs which have political ramifications for our entire society. Instant blacklisting, rapid cross-country exchange of dossiers, million-name master indexes, and scientific surveillance can easily become the order of the political day in this era of systems analysis and applied scientific management techniques.

These are practices suggested by the scope of some present Federal programs and they go to the heart of the constitutional exercise of first-amendment freedoms for every person in our society.

Since the issues here are of momentous concern, I believe they merit the careful scrutiny of this subcommittee and the Senate. The hearings, therefore, have significance in several ways, for they look to the way the power of government will be exercised over the individual in decades to come—they look even to the fate of our liberty in this century.

The subcommittee's concern has been particularly prompted by increasing public interest and complaints about unwarranted governmental invasion of personal privacy through official surveillance and note taking on the political and personal activities of citizens who have broken no laws.

I am reluctant to attribute unsavory political motives to these programs, but there is no doubt that they were human responses to political forces at work in our society and in our Government. These official monitoring actions have been undertaken in the pursuit of a number of high sounding Federal programs, worthy in their inception. But, because of their scope, they threaten in operation to become, and in some cases actually have grown to be, monsters of the laws, stalking the privacy and trampling the first-amendment rights of individual citizens.

For example, there are the so-called civil disturbance prevention programs of the Army and other military services which were believed to require surveillance over lawful political activities of civilians. There are all the other "counterintelligence" programs which, justified or not, the armed services believe require surveillance and compiling of dossiers on civilians. These military activities have been discussed at length as each new revelation is made by agents who conducted the surveillance.

To get to the bottom of these complaints and learn how widespread the practices are, who authorized them and why; whether or not they continue today and under what restrictions, the subcommittee will hear a number of former military intelligence employees and agents describe their surveillance of citizens. We have invited Mr. Christopher Pyle to testify on February 24. Mr. Pyle is a lawyer and political scientist who has written widely on his experiences and observations while serving in the Army Intelligence Command.

Other agents will include Ralph Stein, who served in the civil disturbance analysis division in the Counter-Intelligence Command at Fort Holabird.

John M. O'Brien, who reported his monitoring of law-abiding citizens including political figures in Illinois, will appear on February 24, 1971, and will be accompanied by Alexander Polikoff, attorney for the plaintiffs in the suit against the Army for unwarranted surveillance of citizens in Chicago.

On February 25, Prof. Morris Janowitz, chairman of the Sociology Department, University of Chicago, will discuss such issues as the impact on the military services of their involvement in activities beyond their jurisdiction.

A number of organizations and private citizens will also testify on February 25 about their experiences and reactions to such Government programs.

On March 2, 3, and 4 we shall hear representatives of the Secretary of Defense describe the programs of each of the armed services and component agencies of the Defense Department with respect to note taking and record keeping of the activities of civilians who have no dealings with the Department of Defense. In addition, they will report to us on the contents, purpose and maintenance of the Army Investigative Records Repository, a basically manual system which contains dossiers and reports on over 7 million Americans who have had reason to deal with the Department of Defense for personnel, counterintelligence, criminal, or other purposes. Since this is another major information system which is significant for many Federal programs, I believe a study of the transfer, exchange, retention and use of records in it will guide the subcommittee in its analysis of other programs.

I hope the Defense Department witnesses will enlighten Congress in considerable detail on the reasons for the unprecedented reports of spying and surveillance on political figures and on politically-active citizens. I hope that they will describe in considerable detail the administrative actions they have taken—

First. To prevent unconstitutional excesses of power in the future;

Second. To purge completely each of their information systems of any reports they may have improperly compiled on civilians, at least over the past 20 years;

Third. To rescind in each of the services the vaguely-worded directives and memoranda issued at all levels and the regulations purporting to authorize excessive grants of surveillance powers in matters beyond the proper interests of the military.

We hope also to discover from these witnesses who else in the Federal Government received and data-banked the information compiled by the Army and other services, and what has been done to review and—where necessary, to purge—the files of those agencies.

In this aspect of the subcommittee study, the basic question at issue is the power of the executive branch to monitor the activities of individuals when there is no probable cause to believe they have committed a crime. The largest segment of such persons will be the political dissidents of all shades of political opinion who disagree intellectually and actively with Government policies or who associate with those who do. This is not a new problem in Government. We have known political blacklists before. The efficiency with which it is done now makes it a vital constitutional problem as never before.

While I find myself at loggerheads with many of these Americans, both with respect to their ideas and with respect to the means used to express those ideas, the vitality of our political system and the first amendment rights of all of us now and in the future depend on the extent to which their rights are protected.

For this reason, the subcommittee has extended an invitation to the Attorney General, as chief legal officer of the Government, to discuss for the Congress what constitutional power rests in the executive branch and its respective department heads to conduct surveillance over such persons and to enter them in Federal data banks of the Justice Department and other agencies of government.

I believe these hearings will better enable the public, the press, the Congress and executive branch officials to understand the needs and purposes of government and the constitutional limits in our society to uses of the power of that government. It is my hope that the hearings will help Members of Congress respond quickly and effectively to complaints of invasion of privacy and to propose and act upon any remedial legislation which is found necessary.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter inviting the Attorney General to appear before the subcommittee.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

February 2, 1971.

Hon. John N. Mitchell,
The Attorney General,
Washington, D.C.

Dear Mr. Attorney General: The Constitutional Rights Subcommittee, in continuation of its study of unwarranted invasion of privacy, has now scheduled hearings to study the impact on the Bill of Rights of federal data banks on citizens. The hearings will focus on two aspects of this subject which are of urgent concern to Congress and the public. One is the extent to which the constitutional rights of citizens may be violated by executive department programs requiring intelligence data banks for monitoring the political attitudes, beliefs, and personal behavior of law-abiding Americans. The second, and broader problem, is the extent to which the requisites of due process are being observed in the increasing governmental use of computers to run nationwide information systems on individuals.

As chief legal officer of the Federal Government, your opinion on these constitutional issues would be both vital and invaluable to the Congress as it seeks to determine the need for legislation in this area of the law. Therefore, the Subcommittee hereby extends to you an invitation to present your views on this subject on Tuesday, March 9 at 10:30 a.m. in Room 318 of the Old Senate Office Building.

The Subcommittee would like to know what constitutional authority executive branch officials possess to order or conduct surveillance and to acquire information on lawful political activities, personal beliefs, and private lives of citizens where no probable cause exists to believe they are guilty of any crimes. Your opinion as Attorney General on this issue is especially important since the Subcommittee's government-wide survey of such federal programs has elicited varied interpretations of authority by officials who cite in turn the Constitution, Presidential directives, statutes, or other rationale. So far, these responses have been conflicting, confusing, at times highly dubious, and in several instances, downright implausible. I believe your testimony on the power of the executive branch departments, including that exercised by the Justice Department, will clarify the constitutional and legal issues immeasurably.

One program of major concern has been the Army's collection, analysis and maintenance of information on civilians in its so-called civil disturbance prevention program. During our investigation of charges of violation of First Amendent rights, Congress has been informed that the Army has cut back its efforts and will henceforth depend on the Justice Department for certain information on individuals and events in this program and for cooperation in covert surveillance. It would be most helpful to learn from you the degree to which the Justice Department has indeed assumed responsibility for this program and for others of concern to the military, as well as for the surveillance of law-abiding citizens which the Army heretofore has deemed necessary.

Secondly, we should appreciate a description of the interdepartmental Delimitation Agreements governing the respective roles of the Armed Services and the Justice Department in investigation of civilians and in retention of dossiers in non-criminal cases. It is hoped that your discussion will include the basis for these agreements and the reason for them.

In the Subcommittee's study of the problems raised by computerized government files on individuals, it would be most helpful if you or your representatives would elaborate on the Department's October 1, 1970 reply to my letter of June 9, 1970. We should like to know what, if any, due process guarantees surround computerization of your major systems, including the National Crime Information Center and Project SEARCH.

In this connection, I believe the recent report by the Law Enforcement Assistance Administration indicates a highly commendable initiative and concern by your Department for the right to privacy in computerized data systems. Issued at a time when computerized dossiers are causing increased public alarm, this report on privacy considerations in Project SEARCH provides valuable insight and offers worthwhile recommendations which should be studied by every Congressional committee and by all federal and state officials contemplating data systems.

The Subcommittee will therefore welcome for the hearing record a description of the Project SEARCH report together with an account of the future plans for the nationwide computer law-enforcement program envisioned by Project SEARCH.

Your testimony, by defining the constitutional scope of the executive power, should guide and enlighten both the Executive Branch and the Congress. Only if all of the facts are candidly set forth by government will any excesses in these programs be limited and will the current public fears be allayed about unwarranted surveillance and official invasion of personal privacy.

I believe you will agree that the interest of the Administration can only be served and the preservation of liberty enhanced by a better public understanding of the needs of government and their relation to the constitutional rights of citizens. I hope you will find it possible to accept this invitation to appear before the Subcommittee and assist us in our investigation.

With kindest wishes,

Sincerely yours,

Sam J. Ervin, Jr.,
Chairman.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate again go into executive session to consider two nominations, both of which were reported earlier today by the Finance Committee, I believe, unanimously.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none and it is so ordered.

AMBASSADOR AT LARGE

The assistant legislative clerk read the nomination of David M. Kennedy, of Illinois, to be Ambassador at Large.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. GOVERNOR OF THE INTERNATIONAL MONETARY FUND, U.S. GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK, AND U.S. GOVERNOR OF THE ASIAN DEVELOPMENT BANK

The assistant legislative clerk read the nomination of John B. Connally, of Texas, to be U.S. Governor of the International Monetary Fund for a term of 5 years; U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years; Governor of the Inter-American Development Bank for a term of 5 years; and U.S. Governor of the Asian Development Bank.

Mr. MANSFIELD. Mr. President, these offices are usually held, to the best of my knowledge, by the Secretary of the Treasury. It is for that reason that the nominations were brought up at this time.

The PRESIDENT pro tempore. Without objection, these nominations are confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

LEGISLATIVE SESSION

On request of Mr. Mansfield, and by unanimous consent, the Senate resumed the consideration of legislative business.

VAS YOU EVER IN ZINZINNATI?

Mr. PROXMIRE. Mr. President, the other day the distinguished Senator from Ohio (Mr. Taft) had printed in the Record, page 1606, a sprightly column from the Cincinnati Enquirer. The burden of the piece was that since I want to get the U.S. Government out of the supersonic transport business the rest of the country should boycott Wisconsin dairy products because, as the columnist put it, "Wisconsin cows are dirty animals."

My first reaction was to come to the defense of the noble Wisconsin dairy animals, which were slurred by columnist Bob Brumfield.

But that would make as much sense as defending Beethoven as a composer, Babe Ruth as a ballplayer, or the distinguished junior Senator from Ohio as a solid citizen and promising new Senator.

My next reaction was to question the beauty of the Ohio River, the prowess of Woody Hayes or the usefulness of the buckeye.

But, alas, upon final reflection I have decided that my best recourse is to permit the good citizens of the Queen City to enjoy the humor of their morning newspaper jester without interference. To err, after all, really is human.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE ROLLS-ROYCE FINANCIAL CRISIS VERSUS THE LOCKHEED AIRCRAFT FINANCIAL CRISIS

Mr. PROXMIRE. Mr. President, Saturday's New York Times contained an article by Anthony Lewis, the Times correspondent in London. Mr. Lewis commented on the fact that while most capitalistic nations are now cushioning their defense industries from the consequences of competition, the British Government under Prime Minister Heath was refusing to do so in the case of the Rolls-Royce financial crisis.

Several ironies concerning this situation occur to me.

The United States Government, in the home of free enterprise and rigorous competition proposes to spend at least $800 million over and above any contractual obligation the Government has, to bail out the Lockheed Aircraft Co. This is being done here by an alleged conservative administration which constantly uses the language of free enterprise, private initiative, and competition in describing its policies.

The British Government, albeit under a Conservative Prime Minister, which has nationalized its major basic industries—transportation, power, coal, and others—and which vigorously supports a national health service, family allowances, and the abolition of poverty—is unwilling to bail out Rolls-Royce, its most prestigious private industry.

Prime Minister Heath is willing to see the forces of competition work. He takes the position that private enterprise should be rewarded for its successes and suffer the penalties of its failures.

How ironic to have an American administration follow the practices of bail-out and subsidy while a British Government holds firm for competition and free enterprise.

But the ultimate irony may just be around the corner. Rolls-Royce is in trouble over failure to meet both time and cost commitments on its engine for the Lockheed commercial aircraft.

This Rolls-Royce failure may confront Lockheed Aircraft with yet another crisis. As Pentagon officials reported to me only a few months ago, Lockheed's basic problems in 1970 were over her commercial aircraft business.

The ultimate irony will be another plea from Lockheed for Federal and Pentagon sustenance. This time there will be no hiding the fact that another Pentagon bailout of Lockheed with public funds and taxpayers dollars is nothing more and nothing less than a public subsidy to a private concern for failures in its commercial business.

We would not only be bailing them out over their defense failures but over their private failures as well.

The defense of this country, the procurement of weapons systems, and the efficiency of our industrial system would all be far better served if the Pentagon would let the private competitive enterprise system function.

There should be arm's-length, competitive bargaining. Success should be rewarded. Failures should suffer. Bailouts should stop.

We might then finally get a weapons system which was produced on time, according to its specifications, and at the original price for which it was negotiated.

I ask unanimous consent that the article by Mr. Lewis concerning how competitive breezes are blowing in Great Britain, be printed at this point in the RECORD.

There being no obection, the article was ordered to be printed in the RECORD, as follows:

THE USES OF FAILURE

(By Anthony Lewis)

LONDON, FEB. 5.—A perceptive American lawyer remarked here recently on how the governments of supposedly capitalist nations cushion key industries nowadays—protect big companies, when they are though vital to the economy, from the consequences of their own inefficiency. "In those areas" he said, "failure is not allowed."

That can no longer be said of Edward Heath's Britain. The Conservative Government's decision to let Rolls-Royce die means that no management in this country can now count on public money to save it.

The message is a rough one, not difficult for other troubled giants of British industry to understand. More well-known company names may be on the bankruptcy lists before long. Overnight, the business climate has become less comfortable. That is just the way Prime Minister Heath wants it, for unlike most big businessmen he really believes in ruthless competitive enterprise.

But the message is not for management only. It is just as much a warning to greedy or ambitious union leaders. The Rolls-Royce drama will affect the whole British strategy against rising wages and prices. And it might suggest a thought or two to American economists and politicians worrying about inflation.

A fundamental reason for the inflation raging in most Western economies, it is now widely agreed, is that the balance of bargaining power between unions and management has somehow gone askew. Even with unemployment at high levels in the United States and Britain, companies are giving way to wage demands that would have been dismissed as fantastic a few years ago.

Why? Sir Fred Catherwood, a businessman who directs the National Economic Development Council, suggests one reason: industry in developed countries has become much more capital-intensive.

When a factory had large numbers of workers toiling away on simple machines, the employer could wait out a strike because it saved his biggest expense the payroll. But now he may have millions sunk into an automated production line, and more into a sophisticated distribution system. The capital cost is so high that it really hurts to stop production. He will pay a great deal to avoid a strike.

Whatever its origin, the evident imbalance in bargaining power has led more and more people to favor some form of governmental fixing process. Jawboning, incomes policy, formal controls—all these have support now among businessmen and economists who not long ago shuddered at such restraints on market forces. They simply see no other realistic way to prevent dangerously destabilizing inflation.

Mr. Heath, a committed opponent of Government intervention and controls, has been trying to work out an alternative anti-inflation policy. It consists of exhortation in the private sector and firmness in the public, applied in an ad hoc way to push the level of wage settlements gradually down.

That was the logic behind the Government's touch stand against workers in the nationalized electrical industry before Christmas, and it is the reason for the continuing refusal to offer more than 8 per cent to the postal workers who have been on strike for nearly three weeks. It is the basis of appeals that officials have been making to private employers to stand firm against big wage claims.

A few months ago no serious economic analyst thought Mr. Heath's strategy could work. Now many would concede that it does have some chance of lowering the level of settlements and thus reducing the rate of inflation. There is a distinct sense of company backbones stiffening against union demands.

The reason for the Heath policy's chance of success is not only, or mostly, rhetoric. It is the growing awareness of union members that British companies with excessive wage bills may very easily go under. That was why employes of British European Airways rejected their leaders' war cries and called off a long dispute without victory. They were afraid of mass layoffs.

International competition provides a much sharper spur here than in the United States. The British airline or manufacturer of washing machines knows that it can be beaten in its home market by someone just across the channel. President Nixon's threat to lift quotas in the Bethlehem Steel price dispute showed a shrewd awareness of the value of foreign competition. But American industry is more safely dominant in the home market, and Wilbur Mills is trying to increase its protection.

Most of the experts still doubt that Mr. Heath's ad hoc inspiration and occasional fact-finding boards will do the trick on inflation. They think he will have to have general guidelines and some formal incomes apparatus before long. But the sudden death of Rolls-Royce could add a new factor, chilling the unions' wage zeal along with the business climate. Political toughness may pay—and not only in Britain.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PROTECTION OF AMERICAN FORCES IN SOUTH VIETNAM

Mr. GRIFFIN. Mr. President, between now and May 1, 50,000 more U.S. troops will be withdrawn from South Vietnam under a schedule already announced by President Nixon.

It has been indicated that an announcement concerning additional troop withdrawals can be expected in April.

As we continue to wind down U.S. involvement in that unpopular war in Southeast Asia, it becomes even more important that the flanks of a dwindling number of U.S. troops remaining there, be protected.

In that context, Mr. President, special significance attaches to the announcement last evening by the South Vietnamese Government of an important military undertaking on its part aimed at Communist sanctuaries and certain enemy concentrations in Laos.

If, as planned, this limited military operation succeeds in thwarting an enemy buildup—if it frustrates plans for a major enemy offensive during the months ahead, then it will contribute mightily to a swifter rate of U.S. troop withdrawals from Southeast Asia. And I am convinced, Mr. President, that most

Americans and most U.S. Senators support that objective, regardless of their politics and regardless of their individual positions in the past concerning the war.

Earlier today, Robert J. McCloskey, spokesman for the Department of State, issued a statement concerning the military movement into Laos. I ask unanimous consent that the text of his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY ROBERT J. MCCLOSKEY

Last evening the Government of the Republic of Viet-Nam announced in Saigon that elements of its armed forces have crossed into enemy occupied territory of Laos to attack North Vietnamese forces and military supplies which have been assembled in sanctuaries close to the border of South Viet-Nam. These sanctuaries lie between the 16th and 17th parallels and comprise concentrations which are an important part of the Ho Chi Minh Trail system. Our Military Command in Viet-Nam has announced the limits of the U.S. military participation.

The decision of the United States to assist is based on the following policy considerations:

1. No American ground combat forces or advisors will cross into Laos.

2. The operation will be a limited one both as to time and area. The Vietnamese Government has made it clear that its objective will be to disrupt those forces which have been concentrated in this region for use against South Vietnamese and United States forces located in the northern military regions of South Viet-Nam, and to intercept or choke off the flow of supplies and men during the dry season which are designed for use further south on the Ho Chi Minh Trail in South Viet-Nam and Cambodia.

3. The operation will promote the security and safety of American and allied forces in South Viet-Nam and is consistent with statutory requirements. It will make the enemy less able to mount offensives and strengthen South Viet-Nam's ability to defend itself as U.S. forces are withdrawn from South Viet-Nam. It will protect American lives.

4. This ground operation by the South Vietnamese against the sanctuaries thus will aid in the Vietnamization program. The withdrawal of American forces from Viet-Nam will continue. During the month of April President Nixon will announce further withdrawals.

5. The measures of self-defense being taken by the Republic of Viet-Nam are fully consistent with international law. A report to this effect is being made by the Republic of Viet-Nam to the President of the Security Council of the United Nations, to the Geneva Co-Chairmen, and to the government which comprise the International Control Commission.

6. This limited operation is not an enlargement of the war. The territory involved has been the scene of combat since 1965. The principal new factor is that South Viet-Nam forces will move against the enemy on the ground to deny him the sanctuaries and disrupt the main artery of supplies which he has been able to use so effectively against American and South Vietnamese forces in the past.

7. The United States has consistently sought to end the conflict in Indochina through negotiations. President Nixon specifically proposed last October that there be (a) a cease-fire throughout Indochina, (b) a negotiated timetable for the withdrawal of all forces, (c) immediate release of all prisoners of war, (d) an international peace conference for all of Indochina, and (e) a political settlement. This continues to be the policy of the United States.

8. The Royal Lao Government has issued a statement, which, while critical of the current military action points out that the "primary responsibility for this development rests on the Democratic Republic of Viet-Nam which has violated international law and the 1962 Geneva Agreements. The Democratic Republic of Viet-Nam has violated and is continuing to violate the neutrality and territorial integrity of the Kingdom of Laos." The United States Government continues to favor the neutrality of Laos and the restoration of the situation contemplated by the 1962 Geneva Accords in which all foreign forces would be withdrawn from Lao territory. A new Indochina conference as proposed by President Nixon could accomplish this objective.

Mr. GRIFFIN. Mr. President, two veteran commentators on international affairs, David Lawrence of U.S. News & World Report and Joseph Alsop of the Los Angeles Times syndicate, have caught the drama and the ironies of the situation in Southeast Asia in recent articles. I ask unanimous consent that their commentaries be printed in the RECORD at this point.

There being no objection, the commentaries were ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Feb. 8, 1971]

FIGHTING TWO WARS

(By David Lawrence)

For the last five years, the executive branch of our Government has been fighting two wars—one in Vietnam, and the other at home in both houses of Congress, where certain members have lined themselves up in a manner that has unwittingly given the enemy aid and comfort.

The United States has demonstrated over the years its deep interest in assisting other peoples. In World War I, we sent our men and armament to help defend countries which were attacked by totalitarian governments. We did the same in World War II. We then signed the North Atlantic Treaty pledging aid to the free nations of Europe against aggression. We joined the forces of the United Nations to repel the invasion of South Korea by North Korea. We ratified the Southeast Asia Treaty and undertook to defend countries in that area.

We met the test again when South Vietnam was the victim of an aggression by North Vietnam. Red China and the Soviet Union backed the Hanoi Government and provided North Vietnam with the munitions, military supplies and advisers to carry on the conflict.

America has shown the world that it does keep its pledges and that it is still interested in helping small nations defend themselves. But after years of fighting in Vietnam, somehow there has arisen inside this country not just a new isolationism but a complete indifference to the humanitarian principles which have actuated American policy. The feeling has developed that the United States should stay at home and selfishly confine itself to its own borders just as it did prior to World War I.

If a debate on this question occurred when there was no war in progress, it could be regarded as an academic discussion. But when, in the middle of a war, resolutions are introduced in the Congress of the United States calling for withdrawal of American forces on a certain date—while speeches are made criticizing American operations abroad—the enemy derives encouragement and brushes aside all suggestions for a peaceful settlement. North Vietnam refuses to make any concessions because it feels that inside America there is no disposition to continue the war. By insisting on bringing home all troops by a fixed time, several members of Congress are saying, in effect, that the United States is surrendering and giving up its objectives and soon will be pulling out of Asia altogether.

President Nixon is pursuing a schedule of gradual withdrawal of American forces coincident with the "Vietnamization" program. An army of at least a million men is being built up in South Vietnam in the expectation that the people there will be strong enough to defend their own country against further attacks. But even though it has been decided that practically all American troops will be taken out of Vietnam within the next two years, there are members of Congress who demand that this be done in a few months. Thus, more stimulus is given to the enemy.

When, for instance, the United States Army sent some servicemen in civilian clothes into Cambodia to recover two damaged helicopters, the Defense Department was promptly accused of violating a pledge that "combat" troops would not be ordered into that country. Some members of Congress persisted in charging that the Administration was breaking its promise and was "expanding the war."

The President of the United States is Commander-in-Chief of our armed services. He has announced that our troops will be withdrawn and that any measures necessary to protect them while they remain in South Vietnam will be taken.

Under the Constitution, the President has the right to direct the operation of the armed forces. Congress, on the other hand, has passed a law banning the use of funds for the maintenance of combat troops and advisers in Cambodia. But when recent incidents in Cambodia are examined in detail, it becomes evident that the law was not violated and that the exigencies of military tactics prompted the action.

It is most unfortunate that military strategy during a war should be criticized by members of Congress and the enemy be given the impression that the public is not supporting the armed services. The idea is conveyed that the United States is getting ready for a virtual surrender and will take no further interest in Southeast Asia.

President Nixon, however, intends to keep a residuary force in South Vietnam—just as the United States has done in South Korea—and it may remain there several years. Its presence will be a warning to North Vietnam not to commit further acts of aggression.

Meantime, the policies of the United States abroad have been hurt by those Senators and Representatives who have openly denounced their own Government. For five years, the executive branch has really been fighting two wars and, despite opposition at home, has won the admiration of thoughtful people in the free nations throughout the world.

[From the Washington Post, Feb. 8, 1971]

COURAGE OF A PRESIDENT

(By Joseph Alsop)

Anyone with on-the-spot knowledge of the long cherished aspirations of the Allied high commands in Saigon, can figure out the cause of all the recent commotion. If all goes well, the South Vietnamese are going to do what the Americans and South Vietnamese ought to have done four years and more ago.

In other words, South Vietnamese troops are going to try to cut the Laos trails near their point of origin, in the area of mountains and deep valleys across the Laos border from the Khe Sanh plateau. An air bridgehead will obviously have to be established inside Eastern Laos, to insure supply and local air support. This will also be needed as an anchor position, from which to conduct operations against the Laos trails themselves.

The American role will be precisely what it has been in Cambodia since our ground troops withdrew from the sanctuaries. In other words, primarily because we have not given the South Vietnamese enough "assets" of their own, U.S. tactical aircraft, certain numbers of helicopters, and probably some transport aircraft, will be used to support the South Vietnamese forces on the ground.

If this is what in fact has been under preparation, it speaks volumes about the cool courage of President Nixon. To begin with, there is always an inherent risk in any such military operation. In recent months, to be sure, the North Vietnamese have regularly run away, or have been heavily defeated, whenever the South Vietnamese forces have taken the offensive. Yet the risk is still there, and it is real.

To go on with, a good many members of the President's own administration are more worried about upsetting Senator J. W. Fulbright, than they are concerned about the great interests of the United States. And Senator Fulbright and many of his colleagues, in turn, are downright eager to be proved right by an American defeat in war, and will loath being proved wrong by U.S. success in Southeast Asia.

The President's decision has been a lonely one, then. If we had given the South Vietnamese enough "assets", they could have done the job entirely on their own. But we failed to do so, so the President has had to decide.

As to the stakes in the game, they can only be described as beyond exact calculation. If the operation has been correctly described, in fact, and above all, if the operation succeeds, the effect on Hanoi's policy and warmaking potential can very easily be decisive.

The reasons for this should be obvious to anyone but some U.S. senators and the members of their claques. Last spring, please remember, the President's brilliant Cambodian gamble cut Hanoi's seaborne supply line, through Sihanoukville, which had long nourished all the enemy forces in the lower two-thirds of South Vietnam.

Now the obvious intent is to cut the other remaining supply line, from North Vietnam down over the Laos trails, and furthermore, to keep this line permanently cut. If this is done, the disaster for Hanoi can be measured by the frenzied efforts Hanoi has been making to build up and to expand the Laos trails' carrying capacity, ever since the Cambodian supply line was lost.

In January, for instance, Hanoi moved 8,000 tons of supplies into the Laos trail-pipeline. This was exactly twice the comparable supply movement of January a year ago. Again, this year's manpower movement down the Laos trails is estimated at 50,000 North Vietnamese troops of various types. And this, again, is twice the manpower movement of last year.

The result has been a very large concentration of North Vietnamese in Southern Laos and Cambodia. Every one of them is dependent for survival on the Laos trails. The enemy four divisions in Cambodia find food enough in the rich countryside. But they cannot really survive as military units without military supplies and replacements.

The 70,000-plus North Vietnamese soldiers, engineer troops and trail-maintaining coolies in South Laos, even need trucked-in food for survival. That is why 60 per cent of January's 8,000-ton supply movement was composed of truckloads of rice.

In sum, somewhere between 120,000 and 130,000 North Vietnamese are now threatened with the loss of their unique and irreplaceable lifeline. Every one of them is an invader and occupier. Every one of them is where he is today, in flagrant violations of Hanoi's most solemn treaty obligations. If those simple facts had been properly responded to four years ago, the war would have been over long since.

SENATORS COOPER AND CHURCH ON "FACE THE NATION"

Mr. CHURCH. Mr. President, Senator Cooper and I were privileged to appear yesterday on the CBS television and radio network program, "Face the Nation." The questioning focused on the continuing American role in the Indochina war. Among other things, we discussed a proposal to declare it our national purpose to achieve a full and complete withdrawal of all American Armed Forces—land, air, and naval—from Indochina, including all American prisoners of war.

I ask unanimous consent that the full transcript of the CBS program, "Face the Nation," be inserted here in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Face the Nation

(As broadcast over the CBS Television Network and the CBS Radio Network, Feb. 7, 1971)

Guests: Senator John Sherman Cooper, Republican of Kentucky; Senator Frank Church, Democrat of Idaho.

Reporters: George Herman, CBS News; Peter Lisagor, Chicago Daily News; Marvin Kalb, CBS News.

George Herman. Senator Cooper, Senator Church, you are coauthors of an amendment designed to keep the war confined to South Viet Nam. South Vietnamese troops, with American air support, are now fighting in Cambodia, and according to this morning's dispatches possibly in Laos now, as well. Does either one of you now propose new Congressional action such as setting a final timetable for full American withdrawal from Indochina? Senator Cooper, first.

Sen. Cooper. No, I am not at this time.

Herman. Senator Church.

Sen. Church. I think that these are options that we may come to, but the first thing I want to find out is what's going on out there.

Announcer. From CBS Washington, Face the Nation, a spontaneous and unrehearsed news interview with two members of the Senate Foreign Relations Committee. Senator John Sherman Cooper, Republican of Kentucky, and Senator Frank Church, Democrat of Idaho, co-sponsors of last year's Cooper-Church Amendment, limiting American military involvement in Cambodia. The Senators will be questioned by CBS News Diplomatic Correspondent Marvin Kalb, Peter Lisagor, Washington Bureau Chief of the Chicago Daily News, and CBS News Correspondent George Herman.

Herman. I think I will come back first once again to Senator Cooper, because I am interested in your sort of flat idea that you do not propose anything. Is it that you are not disturbed by what is going on, or is it that you think there is no rightful place for the Senate at this moment?

Sen. Cooper. Well, of course I'm disturbed, but—and I do not say that I will not yet propose some amendment and perhaps with Senator Church, but at the moment I think that we've gone about as far as we can, legislatively. Our chief influence will be in our debate and in our expressed opinions toward whatever is to happen in Cambodia, Laos and Viet Nam.

Lisagor. Either one of you or both of you—your amendment, as well as everything else on the Hill, says that the President can do almost anything to protect American forces in Indochina. Under that umbrella, doesn't that invalidate every restriction that Congress may put upon the President?

Sen. Church. No, Peter, I don't think so at all, because our Amendment, as it is written into law, simply says that no funds shall be available for the purpose of introducing American ground combat troops into Laos or into Cambodia, or for using American military advisers in Cambodia. There is no qualifying language; it's true that constitutionally the President may have some power as Commander-in-Chief to protect American forces against an immediate threat, or to undertake a rescue mission, or to make a probe, a quick probe, or something of that kind. But there is nothing in the law, nothing in the Cooper-Church Amendment, which would permit the sending of an American army into Cambodia again, as one was sent in last April and last May.

Kalb. Senator Church, you mentioned a moment ago you wanted to find out what's going on. Well, you are both members of the Foreign Relations Committee. A little over a week ago you were briefed by the Secretary of State, you have access to the Administration—is this all being done in secrecy—shouldn't you know what is going on?

Sen. Church. Well, yes, of course we should. John, you're first.

Sen. Cooper. Yes, I think——

Sen. Church. John speaks for the administration.

Sen. Cooper. Well, I don't know, but I'll be glad to. I think that one of the problems now and will be the problem from now on with respect to Viet Nam is the attitude of trust between the Congress, particularly the Senate because of our special responsibilities, and the Administration. I think that is more important than anything else, and so I believe it is a duty of the President, the duty of the Secretary of State, to advise the Foreign Relations Committee, the leadership, and the Armed Services Committee. I think if we do that there will be greater confidence and trust in the purpose of the Administration to withdraw troops.

Kalb. They haven't been doing that?

Sen. Cooper. Yes, in some degree, but we have not been advised about Laos or before about Cambodia.

Sen. Church. I would say that we have been briefed but we are always one briefing behind. We get a description of everything that has gone on until the latest operation, and then we learn about the latest operation in the paper. Now, Secretary Rogers was in to brief the Committee just a week ago, yet he said nothing about the mass movement of troops up onto the Laotian frontier.

Kalb. Why not?

Sen. Church. Well, I just assume that he either chose not to as Secretary of State, or that he was under instructions not to make the disclosure.

Lisagor. Senator Church, on this question of trust, the President has said repeatedly that he is getting out of Viet Nam, he is withdrawing troops, he has announced withdrawals, he's kept those promises. Why don't you trust him that he is getting out altogether? Why are you exercised about actions that appear designed in his language, and in the Defense Secretary's language, to facilitate the withdrawal of those troops?

Sen. Church. Peter, I have never said that the President does not mean to come out of Southeast Asia. If he does really intend to do what he seems to be saying, namely, that he is going to turn the war back to the Vietnamese, through the orderly withdrawal of all American forces from Southeast Asia, and if he sticks with that, come what may, then I think that an opportunity is developing for ending this long and acrimonious debate over the war. I think that perhaps an opportunity is emerging for joining hawks and doves, Democrat and Republican, Congress and the President together, in a declaration of national purpose to bring us out of this war united.

LISAGOR. What shakes your belief in that, then?

Sen. CHURCH. Well, the problem that many of the war critics have, the difficulty they have, is that so many believe that Vietnamization is simply a method for changing the modality of the war. In other words, many feel that while the President may be winding the ground war down, he's increasing and extending the air war, he's simply changing the form of American participation in a war that will go on indefinitely, and, indeed, in a war that is now extended to new fronts, in Cambodia and possibly in Laos.

LISAGOR. But the Congress eliminated the inhibitions against the air war in Cambodia. You had it in your original amendment, as I understand it, but in the conference it was eliminated. Why, Senator Cooper, was it taken out?

Sen. COOPER. It was taken out simply because the Congress wouldn't accept it, the House wouldn't accept it. I may—Frank, if I may, I'd like to say this, that I do believe the President intends the withdrawal of our forces, I believe that. I've talked to him, and I believe him, but beyond that I believe the facts show it; 165,000 troops have been withdrawn, and by May first it will be approximately, I think, 265,000 troops withdrawn, nearly half the troops. I believe also that—what—any kind of withdrawal, whether it's the one proposed fixing a date or the President's method, you'd have to use some operations to defend the withdrawal, such as going on now. Now, it seems to me the real problem is—I believe him—the real problem is—is whether, because of failure to consult, that others do not believe him, and so I think that's a question of trust. And I would hope that once—that the President would say I intend to withdraw all the troops, not just simply the ones that I promised, but I intend to keep up an orderly withdrawal, I'll withdraw all troops——

HERMAN. Including Air Force units?

Sen. COOPER. Yes, and I think that would clarify the situation and will be very helpful.

Sen. CHURCH. I not only agree with Senator Cooper in that regard but I feel that it would greatly strengthen the proposition to make it a joint declaration on the part of Congress and the President so that we could all understand what the end objective is. You see, you, Peter, mentioned what's the trouble—why the continued distrust and the continued debate over the war. I think the trouble is that there are so many similarities in our present involvement in Cambodia, with earlier phases of our involvement in Viet Nam. It's kind of like stepping out into a quagmire. Of course, no one questions the good intentions or sincerity of the President—I certainly do not—but I didn't question the good intentions and sincerity of previous Presidents. Now you can step out into a quagmire and say you are only going to sink to your ankles, and then when you sink to your knees you can say you are only going to sink to your hips, but when you get up close to your chin, then you get worried about losing face, and pretty soon you're saying that we can't afford a setback in Cambodia, and the next thing you know we're in Cambodia and it has become another Viet Nam.

HERMAN. I think that is the prime question which I'm not sure we have yet tackled all the way, and that is—is this withdrawal, is this pullout, to be unconditional? Will we withdraw all forces from Viet Nam if Cambodia goes communist, if Laos goes communist, if Vietnamization does not seem to be working? In other words, I think this was implicit in—when you said if the President continues. The question is, will he, and will you, accept a pullout which amounts to—whether disguised or not—a defeat?

Sen. COOPER. May I respond to that? First, I see somewhat—I see a distinction between the operations under President Johnson's administration and this administration. And I do not say this because of any partisanship, but it was continually an escalation under President Johnson's administration, except the stopping of bombing. Now on one hand, we are having military operations in Cambodia, and I believe—I believe the facts show that there'll probably be operations in Laos.

But on the other hand, troops are being withdrawn. So I think that is the distinction. Let me say this, and I'll be very brief. My belief about the President's authority under these circumstances is this. The Tonkin Bay Resolution was repealed by the Congress. I do not consider he has any authority to fight for Cambodia, or for Laos, unless the Congress gives him that authority. He does have authority to use military operations to continue to withdraw our forces.

And that's the reason I say I believe with Senator Church, if we have a declaration that he will continue without any—any—any cause that would restrict him, to withdraw our forces, simply protect them as we withdraw. If he'd come to Congress if it became necessary to do anything else, I think it would clear the air; I think it would be immensely helpful.

HERMAN. Senator, I'm not sure I understand you. You would be in favor of pulling out, as I gather it, even if there were a defeat in store for United States aims?

Sen. COOPER. Yes, if the President feels that we should do more than that, then he can come to the Congress. That's—that's what we've been saying. That's what Senator Church and I——

HERMAN. I think we just have to give Senator Church a chance to——

Sen. CHURCH. Let me say that my answer to that is, it has always been, clear. I think there's nothing more we can do for them out there. We've been there five years; we've substituted our army for theirs to defend South Viet Nam. We've armed a million men and trained them. They're five times as numerous and five times as strong as the enemy in the field against them. There comes a time when this force has got to take over, and if there isn't the spirit there with such a numerical and military advantage, then there's nothing we can do. We can't stay there indefinitely and protect that country with our soldiers.

KALB. Do you—do you really believe, Senator, that this administration, or any—GOP, Democratic—could accept a visible American defeat in Indochina after having invested this much blood and treasure—these many years?

Sen. CHURCH. Marvin, if we're going to undertake to maintain an empire in the world, and to fight wars in distant countries way out on the periphery, then we've got to learn what the British learned long ago, that there are some reversals that are necessary to take. When a war becomes irrational, when the costs of war go out of all proportion to any benefits that can occur, then you've got to face up to the reality of the situation and make your adjustment.

LISAGOR. Well, Senator, it seems to me you're talking about an unreality, not a reality, because President Nixon has said repeatedly that he does not plan to preside over a defeat in South Viet Nam. And in that connection, have you discussed with the administration at all this joint declaration that you've been talking about here?

Sen. CHURCH. Well, I don't think that this declaration Senator Cooper and I have discussed has been formalized to that degree. But regardless of how the President may phrase it, he has said that we are coming out of the war. That means that there will come a time, Peter, sooner or later, when it's going to be up to the Vietnamese to defend their country, when it no longer will be an American responsibility.

I think the American people are ready, and have long since been ready, to accept that fact. And so if we can be clear that the overriding objective is the orderly withdrawal of our troops and the transfer of the war back to the Vietnamese, then I think the American people would be prepared to say they are willing to live with the consequences. We'll not leave them naked in front of the enemy, but immensely strong. And if they have the spirit to fight for their country, they can defend their country, and they can save their country.

KALB. Well, in this connection Senator, do you feel that the United States should now be providing air support to South Vietnamese units, even in small numbers at this stage, in Laos?

Sen. COOPER. I have no problems at all with it, if it's—if it's meant to protect—interdict supplies and men coming down the Ho Chi Minh Trail to supply the enemy. That's a perfectly good operation militarily, and I don't see anything in the law that prohibits it. I do say that there's a great danger in it. If you move troops in there and stay there, and as Senator Mansfield said, perhaps influence Thailand to get in there, it poses a great danger. That's the reason I say that I hope the President—I believe he will carry out that principle—and know that I believe the only authority he has is to protect our troops. Nothing else.

KALB. But about a month ago—about a month ago you said yourself that when similar American air operations for South Vietnamese units in Cambodia were taking place, that that was a violation of the spirit of the law—your own amendment. Now if this happens in Laos, what's the difference?

Sen. COOPER. Well, let me say—I did say that and I said it on the basis of the reports I'd read in the newspaper. I was later briefed on what had happened, and it was an interdiction of supplies from the seaport. Upon that basis I had to say that I'd been wrong in what I said. But I'm still insisting that that is the only right that we do have—is to interdict supplies and men coming down these trails. If it goes beyond that, and to the support of either Cambodia or Laos, it's gone beyond not only the purpose of our amendment; it's gone beyond, I believe, the constitutional powers of the President. And I'd be happy to say so.

Sen. CHURCH. Marvin, didn't you see in the paper just yesterday a big sign that was apparently on the border of Laos saying American personnel goes no further—or go no further——

KALB. On the ground.

Sen. CHURCH. On the ground. Well, that is a result of the Cooper-Church Amendment. I'm glad it's in the law. The law now prohibits the extension of our involvement on the ground in Indochina into either Laos or Cambodia or Thailand. I'm glad the law stands that way. But there is no prohibition written into the law relating to air operations. I have to confess that. It's the truth.

KALB. And Senator Cooper acknowledges that——

Sen. COOPER. But the whole scope of the debate in our amendment was to keep saying we shall not get engaged in a war in Cambodia or Laos, and that spirit still persists.

LISAGOR. So you—both of you senators accept the idea that an immaculate war can be fought in Cambodia and Laos through the use of air power. And in connection with my question, I'd like to remind you that the prisoners-of-war in North Viet Nam are basically fliers who had been flying over North Viet Nam. Do you believe, as the administration seems to be, that you can reduce this to an air power operation?

Sen. CHURCH. I don't think either one of us has said that here.

Lisagor. But you've——

Sen. Church. No, I think what we've said is that the law, as it now stands, does not prohibit the use of air power, and as I understood Senator Cooper, he said he thought air power could be used properly, under the present circumstances, only in connection with the interdiction of supplies that feed into South Viet Nam. Now that's quite a different thing from saying that we have testified in favor of the immaculate use of air power in Cambodia and Laos.

Lisagor. But the administration, Senator, is using the argument that they are protecting American forces; if you'll forgive me, that's the argument they constantly use. It isn't so much interdiction as protecting American forces. Senator Cooper, in the debate you said we have forces in Japan, in Germany, in Thailand, in Formosa and other places; so the President could, in the name of protecting forces, involve us in all kinds of little piecemeal wars, could he not?

Sen. Cooper. Of course he could, and I've never approved that, and I've never said it. And I haven't said it here today. I've simply said that the President, in my view, not only by any amendments but constitutionally, is limited to the withdrawal of our troops. And he cannot—he can use air operations for limited purposes, to interdict men and supplies, but in my view not all over Cambodia and Laos, and not put troops in there.

And there is a distinction; it's terribly hard to make it, because anything you do in those countries is bound to have some influence to protect them. But as long as the President adheres to his purpose, that's the reason I think he ought to say so. I think that he could stay on valid grounds.

Herman. Do you believe still, in the light of all the evidence, in the light of what Senator Stennis said after his briefing by Secretary Laird, that it might be—you remember, he said it might be necessary to relax Cooper-Church to allow in some ground controllers into Cambodia. Do you still believe that our planes in Cambodia are doing only interdiction and no close support work of the Cambodian forces?

Sen. Cooper. I agree with it on the briefing I had about the movement up Route Four—they were certainly doing some close support, but again it was the interdiction of this single route. Now, I know it's difficult to make a difference. It really depends upon what faith we have in the President, it depends upon his adherence to not only the letter of the law but the spirit of the law, and I think we have to give it a chance, at least until May first when he's going to withdraw troops, to see what actually happens.

Kalb. Senator, the administration makes no secret of the fact that it is providing close-in air support. The Secretary of State said at his last news conference the United States will provide to the fullest extent possible air support.

Sen. Church. Marvin——

Kalb. This seems to be an artificial distinction.

Sen. Church. Marvin, this is the reason for the continuing concern about the war. It's not the question of whether the law restricts the use of air power—I think clearly it does not—now that's clear. But the question is how far can you go with the use of air power without committing American prestige in such a way that, despite all the good intentions, we don't sink in that quagmire I spoke of a few minutes ago, that we don't end up sinking in it. Now that's a very grave risk, and that's why those who have opposed the war, those who have thought, as I have thought for years, that the war was a mistake, are terribly concerned when the boundaries of the war keep being extended further and further into Indochina. But this could be—our doubts could be set to rest, I think. An opportunity is present in this year, in this 92d Congress, to lay the doubts, if the President is willing, on the one hand, and the Congress is willing, on the other, to join in a declaration that our overriding purpose is to come out of this war, to withdraw our forces, all of them, and I think if that is the end purpose and we are clear on that, we might come out of this war together instead of a bitterly divided country, and we might avoid a period of recrimination of the kind that took place in the aftermath of the war in Korea. We might avoid a new period of Joe McCarthyism in this country, if we could find a way to come out together.

Lisagor. Would you put a date on it, Senator?

Herman. I was just going to say—I'll join my question to yours, Peter—that's a lot of mights—will you put a date on it and do you see it in prospect or any movement towards that?

Sen. Church. Of course, it's a lot of mights, but it is a very big thing to hope for and to work for; nothing comes easy that's worthwhile; and I just see an opportunity for doing this. Now, if it's there, then let's see if we can't find the way to put hawk and dove together again on one perch and unite the country on a common policy for coming out of this war.

Lisagor. But we didn't——

Sen. Church. What could serve the country better than that?

Lisagor. But on the question of dates, Senator, would you put a date on this?

Sen. Church. I don't think the Congress will legislate a date. In the first place, the President has refused to give his consent to that kind of legislated date. In the second place, it really doesn't matter that much. If you took all of the bills that came to Congress setting dates last year and put them in a sack and jumbled them up together and threw them out on a table, the average date you would have come up with would not have differed very much from the actual pace of withdrawal, 3,000 men a week, that has been going on for the past 18 months. So I think that the most important thing is to be clear on the end objective, and then as long as the President makes reasonable progress, at the same rate as the last 18 months, let's say, I think the American people would be willing to accept it as long as they know that the end purpose is to bring us out of this war.

Kalb. Senator Cooper, I'd like to direct your attention to another foreign policy problem in the Middle East.

Sen. Cooper. Yes.

Kalb. The State Department has just said that this Friday, this coming Friday, the Big Four in New York will begin discussions of supplementary guarantees to a possible peace in the Middle East, and that obviously means a peace-keeping force. Would you favor American troop participation in a Big Four peace-keeping force in the Middle East?

Sen. Cooper. I would say if we could reach some agreement in the Middle East which would show promise of a settlement and avoid the confrontation that might occur between the U.S. and the Soviet Union, yes, I would.

Herman. But if that wasn't—does not seem just a temporary, better than nothing, but not really promising final solution, would you agree to it as a temporary expedient?

Sen. Cooper. Yes, because if war breaks out again, and with the expansion of aid that's been given to Egypt, and the change that's been made, I think it would be a very deadly war, not only for the countries involved, Israel, but for the countries—the possibility of the United States and the Soviet Union coming into conflict.

Lisagor. Senator Cooper, do you see no inconsistency in wanting to withdraw American troops from Indochina, all of them, and get them out as soon as possible, and being willing to support a possible involvement of American troops on the ground in the Middle East?

Sen. Cooper. That's for peaceful purposes in the Middle East. We're in a situation where we might become involved anywhere in the Middle East. I don't want us to be involved.

Lisagor. All of our involvement is in the interest of peace, Senator, I've never heard one yet that hasn't been.

Sen. Cooper. This would be a peace-keeping mission, and I certainly want to make a difference between that and—I hope—for a moment I'll go back to Viet Nam. I know you've raised questions about contradictions and all that. I can simply say that I believe that we are withdrawing, the rate of the casualties has gone down, the cost has gone down. It's a hopeful sign. On the other side, if the Congress and myself, as a member of the Senate, and Senator Church, we intend to speak out against anything beyond the immediate defense of troops and to withdraw. I do.

Herman. We have about 40 seconds left. What I'd like to know is do you see Congress and the President drawing closer together or getting more entangled in loopholes and arguments?

Sen. Church. That depends upon the course that both sides are willing to take. I see a possibility for our coming together and coming out of this war united, and a possibility of negotiating an end date for doing it that would accomplish the release of our prisoners of war.

Herman. I'd like more a prophecy than a possibility. Do you think it's going to happen?

Sen. Church. I live with hope.

Herman. You live with hope. Senator Cooper, do you think that Congress and the United States are coming—and the President are coming closer together?

Sen. Cooper. I think it can if we believe each other, and if each side acts toward each other with openness and faith and trust.

Herman. Thank you very much, Senator Cooper and Senator Church, for being with us here today on Face the Nation.

Announcer. Today on Face the Nation, Senator John Sherman Cooper, Republican of Kentucky, and Senator Frank Church, Democrat of Idaho, were interviewed by CBS News Diplomatic Correspondent Marvin Kalb, Peter Lisagor, Washington Bureau Chief of the Chicago Daily News, and CBS News Correspondent George Herman.

DEFOLIANTS IN VIETNAM

Mr. CHURCH. Mr. President, in recent weeks two disturbing articles have appeared in the American press on the possibility that military defoliants widely used in Vietnam by American military forces have contributed to the deaths of innocent Vietnamese.

On December 31, 1970, an account appeared in the Los Angeles Times which indicated that "90 infants and young children reportedly died in a 4-month period in a Montagnard refugee hamlet in South Vietnam that had been sprayed with a defoliant."

On January 28, 1971, a more comprehensive article on the same incident appeared in the Village Voice of New York City.

Both accounts were written by Los Angeles Times' Correspondent Bryce Nelson and are based on information stemming from the Herbicide Assessment Commission of the American Association for the Advancement of Science.

Mr. President, the articles give a shocking account of a grisly harvest in human life that may well have resulted from our reckless use of defoliants.

The articles deserve a reading by every Senator. Accordingly, I ask unanimous consent that they be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Los Angeles Times, Dec. 31, 1970]

Deaths of 90 Viet Children After Use of Defoliant Told

(By Bryce Nelson)

Chicago.—Ninety infants and young children reportedly died in a four-month period in a Montagnard refugee hamlet in South Vietnam that had been sprayed with a defoliant, it was learned Wednesday at the American Assn. for the Advancement of Science meeting here.

The group's herbicide assessment commission, which visited the hamlet in August, 1970, is trying to determine if there is a link between the deaths and spraying in 1969.

The commission is now examining hair samples of mothers from the hamlet and others near the scene of the spraying. It has not yet made any determination about whether the spraying of herbicide near that hamlet actually caused the deaths of the 90 children.

The hamlet, the name of which is not available, originally had a population of about 350. It is located in Quang Ngai province.

DEATHS NOT MENTIONED

The commission issued a report on the effects of the military use of herbicides in South Vietnam on Wednesday, but made no mention of its investigation of whether herbicides were causing the deaths of humans.

The spraying, which was believed to have been done with the herbicide "Blue" which contains arsenic, was designed to kill crops being grown on nearby hillsides. But some apparently reached a nearby pond from which villagers take their water.

The Army spraying program in South Vietnam has gone on intensively for the last five years to eliminate forest cover and to destroy crops believed to be used to feed the Viet Cong or Viet Cong sympathizers.

The U.S. government has consistently maintained that these defoliants affect plants only.

In a not-yet released commission document on interviews prepared with those in Vietnam who believe themselves affected by spraying, the following notation is found: "Ninety people (20% of the population) have died here in four months, most of them in the period of last September to last December from exposure to spraying and drinking water contaminated with herbicide after spraying operations last September and October. Airplanes flew over here spraying directly in this village. People were affected even though they carefully boiled the water . . . but the fact that proved that these people died due to herbicides is that the deaths did not continue long after the planes no longer sprayed. Personnel of the Provincial Health Service also believe that people died here due to herbicides."

One of the reasons that the commission did not make any judgment on this case is that the group also received reports from Vietnamese who were not adversely affected by direct applications of herbicides.

Wednesday the 530-man AAAS council with six dissenting votes, passed a resolution calling for the immediate discontinuation of all herbicides in Vietnam.

Tu My's Children: Death by Defoliation?

(By Bryce Nelson)

Ninety infants and children in the South Vietnamese hamlet of Tu My are reported to have died in the autumn of 1969 after U.S. aerial spraying of the herbicide "Blue" on the hamlet and the pond from which the villagers drew their water supply.

The Herbicide Assessment Commission for the American Association for the Advancement of Science (AAAS) visited the hamlet in August of 1970 and ascertained that children had died in the hamlet. The Commission is currently conducting scientific studies of hair from mothers in the hamlet to determine if arsenic (the main active ingredient of "Blue") is present. The U.S. military continues extensive use of the herbicides "Blue" and "White" in South Vietnam and Laos.

Since the Commission has made no scientific determination yet whether the herbicide spraying actually caused these deaths, it did not mention this incident in its widely publicized report on the military use of herbicides which it presented at the AAAS meeting in Chicago in late December. But the facts that the Commission is conducting such an investigation and that a large group of children may have been killed by U.S.-applied herbicides are largely unreported by the press.

Tu My is a Montagnard refugee camp located a few miles from Quang Ngai in an area controlled by the South Vietnamese government in Quang Ngai province (the same unfortunate province which contains My Lai). The spraying is believed to have been ordered to kill crops grown on adjacent hillsides.

The Army has sprayed intensively in South Vietnam for the past half dozen years to eliminate forest cover and to destroy crops which are believed to be used by the Vietcong or Vietcong sympathizers. The U.S. government has long asserted that the defoliants affected only plants, not humans, and has not given credence to NLF claims that 200 South Vietnamese are killed annually by herbicides.

A not yet released Commission document containing interview material with Vietnamese contains the following notation: "Ninety people (20 per cent of the population) have died here in four months, most of them in the period of last September to last December, from exposure to spraying and drinking water contaminated with herbicide after spraying operations last September and October. Airplanes flew over here spraying directly in this village. People were affected even though they carefully boiled the water. . . . But the fact that proved that these people died due to herbicides is that the deaths did not continue long after the planes no longer sprayed. Personnel of the Provincial Health Service also believe that people died here due to herbicides."

One of the Commission members who visited the affected hamlet, Harvard Medical School Professor John Constable, points out that "from a political point of view, it is of great importance that people in Vietnam think their friends and relatives have been killed by herbicides, even if it is not scientifically provable."

The Quang Ngai hospital ordinarily admits only a couple of persons a month from the Tu My area, Constable said, but in November and December of 1969 it admitted 36 children; at least 10 of these are believed to have died. Constable rules out the possibility that the children were suffering from dengue. The children were admitted to the hospital with such diagnoses as gastric disorders, pneumonia, infection, malaria, diarrhea, and anemia. Tu My residents told the Commission that people and animals drinking the water and animals eating grass (such as water buffalo) were affected after the spraying. Constable said the Commission was not able to find other evidence of large group epidemics which might be related to herbicides, although the Commission did receive reports of adverse effects on small numbers of individuals in other locations. One of the reasons the Commission did not make any judgment on the Tu My deaths is that it also received reports that applications of herbicides had not affected humans in some other locations. Constable noted that the Commission had tried to be "very cautious" in stating its scientific conclusions. (Reactions to herbicide spraying could depend on a variety of factors, including the agent used, the size of the dosage, the method of ingestion, and individual tolerance to the chemical.)

In the Commission document, prepared from interview material, are several comments from Vietnamese who believed that spraying caused deaths in their villages. One mother stated "Two of my children died after eating manioc exposed to herbicide, which went gradually into their livers and blood." Another said, "My son was three years old and died in November. He seemed drunk because of the medicine sprayed by an airplane." In another location, a Vietnamese stated: "Two people died here from drinking water contaminated by a herbicide two years ago."

The Commission was hampered in assessing the actual damage done because the areas most affected by herbicides are under Vietcong influence and thus unsafe to visit. In the Commission's report, Dr. Constable pointed out that the rate of stillbirths among humans in Tay Ninh province (which the Commission did visit) was much higher than that reported elsewhere in Vietnam. Tay Ninh province has been heavily sprayed with Agent "Orange," one component of which is 2,4,5-T. The U.S. government banned use of "Orange" in Vietnam in April, six months after it was publicly revealed that large doses of 2,4,5-T caused much higher incidences of birth defects in mice and rats. The Commission report noted that the highest rate of stillbirths in Vietnam was in 1967, the year of maximum herbicide spraying.

The Commission report pointed to an unusual increase in two birth defects—cleft palate and spina bifida (incompletely enclosed spinal cord)—recorded at a Saigon hospital. The Commission said there was no scientific proof that herbicides had caused such defects but urged further study of possible causal connections including a "careful autopsy of monsters and other stillborns" and of those with congenital abnormalities who died.

Without being informed by the Commission of the possibility that herbicides may be connected to the deaths of humans in Vietnam, the 530-member Association for the Advancement of Science Council still passed, with only six dissenting votes, a resolution recommending immediate discontinuation of the use of all herbicides in Indochina. It would have been unthinkable for the AAAS Council, a cautious and conservative body, to have passed such a resolution a couple of years ago. The resolution stated that "there is now strong evidence that the anti-plant chemicals used for defoliation and crop destruction in Vietnam have seriously damaged the ecology of that country and may be a serious threat to the health of the Vietnamese people and particularly to the health, livelihood, and social structure of Vietnam's hill tribes (Montagnards)."

It now seems clear that the U.S. military began large-scale defoliation in Vietnam without knowing much (or perhaps caring) about the effect of massive applications of herbicides on humans, on other animals, or even on forests and crops. There has been some indication that the White House will order a halt to spraying in Vietnam when existing stocks are depleted, but this is hardly soon enough for the Vietnamese civilian who feels his family's health will be ruined by continued spraying.

The only way the United States can escape the repeated charges that its use of herbicides is killing Vietnamese children and is doing catastrophic harm to the ecology of Vietnam is to stop spraying *now*.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business, with statements therein limited to 3 minutes, be extended for not to exceed an additional 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately upon the conclusion of the remarks of the able Senator from Oklahoma (Mr. BELLMON), there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM CLOSE OF BUSINESS TOMORROW UNTIL 11:45 A.M. WEDNESDAY, FEBRUARY 10, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in recess until 11:45 a.m. on Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR AIKEN ON WEDNESDAY

Mr. BYRD of West Virginia. I ask unanimous consent that upon approval of the Journal on Wednesday morning next, if there is no objection, and following the recognition of the majority and minority leaders, the able Senator from Vermont (Mr. AIKEN) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM WEDNESDAY TO THURSDAY, FEBRUARY 11, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Wednesday next, it stand in recess until 12 o'clock meridian on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ADOPTION OF RULES BY COMMITTEE ON APPROPRIATIONS

Mr. ELLENDER. Mr. President, pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the Committee on Appropriations, at its organizational meeting held today, adopted rules governing the committee's procedures.

I ask unanimous consent that the text of the committee rules, as adopted, be printed in the RECORD, as required.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES GOVERNING THE PROCEDURE OF THE SENATE COMMITTEE ON APPROPRIATIONS, ADOPTED PURSUANT TO SECTION 133(b) OF THE LEGISLATIVE REORGANIZATION ACT OF 1946, AS AMENDED

1. MEETINGS

The Committee will meet at the call of the Chairman.

2. QUORUM

a. *Reporting a bill.* A majority of the members must be present for the reporting of a bill.

b. *Other business.* For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

c. *Taking testimony.* For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee one member shall constitute a quorum.

d. *Ex officio members.* In determining if a quorum is present ex officio members appointed pursuant to paragraph 5 of Rule XVI of the Standing Rules of the Senate shall not be considered.

3. PROXIES

Votes may be cast by proxy when any member so requests.

4. ATTENDANCE OF STAFF MEMBERS AT EXECUTIVE SESSIONS

Attendance of Staff Members at Executive Sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

5. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARINGS

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio.

6. AVAILABILITY OF SUBCOMMITTEE REPORTS

When the bill and report of any subcommittee is available, they shall be furnished to each member of the Committee twenty-four hours prior to the Committee's consideration of said bill and report.

7. POINTS OF ORDER

Any member or ex officio member of the Committee who has in charge an appropriation bill, is hereby authorized and directed to make points of order against any amendment offered in violation of the Senate rules on the floor of the Senate to such appropriation bill.

THE PRESIDENT'S ENVIRONMENT MESSAGE

Mr. SCOTT. Mr. President, today we received from the President the most comprehensive set of proposals for the protection and enhancement of the Nation's environment ever made to the Congress. There was a forecast of this in the state of the Union message when the President listed restoration and enhancement of our natural environment as the third of his six great goals. But nothing said previously does justice to the broad sweep of the measures placed before us today.

Rather than describe these proposals, I draw attention to just the main categories of initiatives in the message:

MEASURES TO STRENGTHEN POLLUTION CONTROL PROGRAMS

Charges on sulfur oxides and lead to supplement regulatory controls on air pollution;

More effective control of water pollution through a $12 billion financing program and strengthened standard-setting and enforcement authorities;

Comprehensive improvement in pesticide control authority; and

A Federal procurement program to encourage recycling of paper.

MEASURES TO CONTROL EMERGING PROBLEMS

Regulation of toxic substances;

Regulation of noise pollution; and

Controls on ocean dumping.

MEASURES TO PROMOTE ENVIRONMENTAL QUALITY IN LAND USE DECISIONS

A new and greatly expanded open space and recreation program, bringing parks to the people in urban areas;

A national land use policy;

Adjustments in our tax policy to foster our land use goals:

Substantial expansion of the wilderness areas preservation system;

Advance clearance of power plant sites; and

Regulation of strip mining.

FURTHER INSTITUTIONAL IMPROVEMENT

Establishment of an environmental institute to conduct studies and recommend policy alternatives.

STEPS TOWARD A BETTER WORLD ENVIRONMENT

Expanded international cooperation; and

A World Heritage Trust to preserve parks and areas of unique cultural value throughout the world.

This strong and far-reaching message demonstrates the wisdom of the strengthened arrangements in the environment area the administration has made in the last 12 months. The President used the Council on Environmental Quality effectively to draw together this legislative program and the new Environmental Protection Agency gives us the base we need for the new and expanded programs proposed for the control of pollution in many forms.

I have personally been delighted with the excellent appointments made by the President to head these agencies—Mr. Russell Train as Chairman of the Council on Environmental Quality and Mr. William Ruckelshaus as Administrator of the Environmental Protection Agency—and I will do everything I can to help give them the support they will need in their assignments.

The 15 or more legislative items listed in the President's message will call for careful consideration and recommendations by six or more of our committees, including Public Works, Commerce, Interior, Agriculture, Finance, and Foreign Relations, again illustrating the broad sweep of the recommendations. I invite Senators to give early attention to the issues involved for there is ample evidence that the country will expect decisive action this year in this area. I anticipate both that we will have constructive contributions to make and that these contributions will come from both sides of the aisle.

But what is important for us all and for the Nation is that the President in today's environment message has set before us an agenda that is on the same scale as the problems, that has some very important innovations, and that gives hope of turning the corner on the pressing problems of pollution and degradation of the environment. I am most interested in the proposals to use market forces to abate pollution—as with the taxes on sulfur oxides and lead in gasoline—to use Government contract policy to promote recycling, to strengthen State powers over land use to protect the environment and guide development, and toxic substances such as mercury, and ocean dumping.

to head off emerging environmental problems such as noise, pollution from

I congratulate the President and his associates on the broad vision of this message and commend it to the Senate, to the country, and to a world that is increasingly coming to view the problems involved as we view them.

SENATOR ROBERT C. BYRD COMMENDED FOR AID TO YOUTH

Mr. RANDOLPH. Mr. President, many of the columnists commenting on the recent election of my colleague, Senator Byrd, Democrat, of West Virginia, to the post of Senate majority whip resorted to stereotypes. They depicted him as a coldly efficient, totally dedicated worker, and devoid of warmth and humor. We in the Senate will agree with the former descriptions, but those of us who know Senator Byrd will take issue with the latter. It is, therefore, gratifying to see that the Washington Post, in its Sunday, February 7 edition, published an article which displays another facet of the West Virginia Senator's makeup. It is a human story involving an American University student, Miss Scarlet Cheng, who with the help and encouragement of Senator Byrd is assured of the opportunity for a college education. I commend Dorothy McCardle for seeking out such human interest material. Mr. President, I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Senator's Student

Sen. Robert C. Byrd (D.-W. Va.) was called off the floor of the Senate a few days ago to get a first-hand report from an 18-year-old Chinese girl on her marks at American University.

"I received three A's and two B's for the first semester of my freshman year," Scarlet Cheng told the newly elected majority whip of the Senate.

Sen. Byrd patted her shoulder as approvingly as if she were one of his own daughters. Actually, he is the parental figure in her life today and is keeping a promise he made to Scarlet's late mother to send the young girl through college.

Sen. and Mrs. Byrd first met Scarlet and her mother several years ago when they visited Chinese restaurants in Shirlington and then in Vienna Later they saw more of Scarlet when she was a straight A student at the Vienna, Va., public school.

Four years ago Scarlet's mother was told she had terminal cancer and decided to go home to Taiwan to die.

As she and Scarlet boarded their plane, they received a letter from Sen. Byrd. In it, he pledged to send Scarlet to college if she did well in the American high school in Taipei and if she agreed to go to American University here.

Sen. Byrd has a special feeling for American University. He got his law degree with honors there in 1963.

After Scarlet's mother died, she notified Sen. Byrd and he established a scholarship fund for her as he had pledged to her mother. He used fees which he received for conducting seminars on the legislative process at American University and also from lectures he gave around the country.

The scholarship established by Sen. Byrd is for tuition of $2,000 a year for four years.

Two years ago when a pay raise went into effect for all U.S. senators—Byrd voted against the raise—the Senator established another philanthropy. He sent word to public and parochial high schools in West Virginia that he would use his pay raise to give every high school valedictorian in his state a $25 U.S. Savings Bond annually.

PRESERVATION OF WETLANDS RESOURCES

Mr. SPONG. Mr. President, competition among the many, often incompatible uses of our coastal lands, poses a growing threat to our basic ecology. Thousands of acres of tidal wetlands already have been lost to the advance of housing and industrial developments, dredging operations, and garbage and trash dumps. I believe there is a strong national interest in safeguarding the wetland resources that remain; for that reason, I recently submitted testimony against a proposal to fill marshlands near Big Point Marsh on the Chickahominy River in James City, Va.

Mr. President, I ask unanimous consent to have printed in the Record my statement at a hearing before the Corps of Engineers on this project.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator William B. Spong, Jr.

Mr. Chairman, I regret that another commitment prevents me from being present for your hearing today on an application to dredge two channels and three canals, and fill marshlands near Big Point Marsh in the Chickahominy River in James City County. While I cannot attend the hearing, I have expressed concern on several occasions over the rapid destruction of the nation's wetlands, and believe that the issuance of a permit for the project in question would amount to a refutation of the national commitment to preserve these valuable resources.

Competition among the many, often incompatible uses of the coastal region poses a serious threat to our basic ecology. Thousands of acres of tidal wetlands already have been lost to the advance of housing and industrial developments, dredging operations, and garbage and trash dumps. It is in the public interest to safeguard our remaining wetland resources from the kind of environmental devastation that accompanied the exploitation of our land resources.

There is ample precedent for denying the pending application. Only eleven months ago, the Department of the Army directed the Chief of Engineers to revoke a permit issued for a landfill project at the mouth of Hunting Creek in Northern Virginia. That decision was based on a judgment that continuance of the permit—and the subsequent construction of high-rise structures—would change the characteristics of the environment, adversely affect fish and wildlife of the Potomac estuary, and make it difficult if not impossible to restore the area to a more natural condition.

Conflicting testimony was submitted to the Corps of Engineers on the impact of the Hunting Creek landfill on aesthetic, and fish and wildlife values. There is no such conflict in the pending application. Both the Bureau of Sport Fisheries (Fish and Wildlife Service), and the Department of the Interior, have concluded that the loss of 48 acres of Chickahominy wetlands would be detrimental to the natural reproduction of shellfish, finfish, bird, and animal populations in the area. It is my understanding that the Virginia Institute of Marine Science is in accord with that finding.

The Corps of Engineers, prior to issuing a permit, is required by the Fish and Wildlife Coordination Act to consult with the U.S. Fish and Wildlife Service with a view to the conservation of wildlife resources. However, in my judgment, the Corps' responsibility extends beyond such consultation. The factors to be considered by the Corps in applications of this type are ably set forth by Mr. Robert E. Jordan, III, Special Assistant to the Secretary of the Army for Civil Functions, in a letter dated April 2, 1970, to Senator Jennings Randolph, Chairman of the Senate Public Works Committee. Mr. Jordan said:

"Presently our permit regulations include requirements for specific evaluation of the effects of proposed non-federal works not only on navigation, but fish and wildlife, water quality, conservation, pollution, aesthetics, ecology and other environmental factors; in other words, all relevant factors pertaining to the public interest in environmental quality."

The policies set forth by Mr. Jordan in his letter to Senator Randolph recently have been confirmed by the United States Fifth Circuit Court of Appeals (*Zabel* v. *Tabb*, 430 F 2d 199 (5th Cir. 1970).

In deciding that the Corps of Engineers should not limit its consideration of permit applications to possible interference with navigation, the Court cited the National Environmental Policy Act of 1969 and a March, 1970, report of the House Government Operations Committee, in addition to the Fish and Wildlife Coordination Act. The Court held there is no doubt that a permit can be denied on the grounds of conservation, even absent any effect on navigation.

Subsequent to the decision in *Zabel* v. *Tabb*, the Senate Public Works Committee expressed an intent to review early in the 92nd Session of Congress the basic statutory authority of the Corps of Engineers. A primary purpose of the review is to determine whether the Corps' authority should be revised to give greater emphasis and a more adequate formula for incorporating environmental values into decisionmaking.

In view of the important role of wetlands to the food chain for marine life, it is imperative that Virginia develop procedures to cope with the impending confrontation between economic development and the need to preserve its coastal resources. Efforts are in progress to develop both state and federal legislation which would establish the machinery necessary to manage state wetlands.

Meanwhile, there is ample justification and precedent for the Corps of Engineers to deny the permit at stake in this hearing. I urge the Corps, in the name of conservation and wise environmental management, to act accordingly.

OCEANS

Mr. MONDALE. Mr. President, the grim story of the methodical pollution of the oceans continues to unfold. In just recent weeks and months, we have seen a massive oil well fire in the Gulf of Mexico—and the wells are still ablaze; a tanker collision off the Golden Gate Bridge that blackened San Francisco waters with a vast oil spill; a tanker wreck in Long Island Sound that spewed 386,000 gallons of oil.

Meanwhile, the U.S. Navy is trying to get permission to dump some 50,000 tons of outmoded explosives, rockets, propellant-type boosters, projectiles, and scrap into the Atlantic and Pacific Oceans.

In the most dramatic statement to date of the dangers from this accelerated pollution of the sea, the February issue of Reader's Digest carries an article entitled "Stop Killing Our Oceans," written by the Senator from Wisconsin (Mr. NELSON).

Last year, Senator NELSON introduced two bills to put a halt to the ravaging of the ocean environment. One would require ecological studies and permits on all proposed ocean dumping and would ultimately ban all such dumping. The second bill would declare a moratorium on the drilling of new oil wells in the ocean, putting all untapped oil into a national trust to be held until we develop the technology to avoid further Santa Barbara-scale disasters from offshore oil drilling. Last September, the President endorsed the concept of Senator NELSON's ocean dumping control bill.

Tuesday, Senator NELSON reintroduced both the ocean dumping control bill and the new oil well drilling moratorium bill. It is hoped that the administration will support and work for these important measures and that Congress will now put the matter of stopping ocean pollution at the top of its agenda and act on the proposed legislation.

I ask unanimous consent that Senator NELSON's excellent article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Reader's Digest February 1971]

STOP KILLING OUR OCEANS

(BY SEN. GAYLORD NELSON)

In the Atlantic Ocean, about 7000 feet off the sunshine-and-salt-spray wonderland of Miami Beach, there is a man-made phenomenon mockingly known as the "Rose Bowl." The Rose Bowl is a large, bubbling splotch of ugly brown that sprawls over those blue-green waves. It is raw sewage piped out from Miami Beach and three other nearby communities. As yet, only rarely do wind and tide combine to wash the debris back onto the beaches. Meanwhile, for those who can stand the stench, fishing around the Bowl is reported to be excellent.

Ordered 11 years ago by Florida's health department to treat its sewage, Miami Beach is now considering its first step—extending the discharge pipe one mile farther out to sea. But will this do any good? In fact, Durbin Tabb, marine biologist at the University of Miami, says that because of prevailing winds, extending the pipe means the sewage is just going to be blown back inshore on somebody else's beach.

Southeast Florida is booming, with a megalopolis of ten million people predicted within 20 years. But the Rose Bowl is an ominous sign of big trouble ahead for that supposedly limitless resource on which the Florida economy is built—the sea and the beaches.

Fishermen, divers and others whose lives are entwined with the sea report similar situations all along America's coastlines. Examples:

Filter-cigarette butts, bandages and bubble gum have been found in stomachs of fish caught near New York City's sewage-sludge dumping ground, as close as eight miles out in the Atlantic. Meanwhile, some beaches in northern New Jersey, near the Atlantic shipping lane into New York harbor, have been turned into a nightmarish scene of plastic bottles, broken dolls, tar from oil slicks, even dead animals.

On Galveston Bay in Texas, people are sometimes driven from their waterfront homes by the stench from thousands of decaying fish, dead from pollution.

Around Panacea, Fla., on the Gulf Coast, crab fishermen are coming in with only a tenth of their catch of five years ago. Meanwhile, land developers fill in and destroy hundreds of acres of fertile marsh areas, the Army Corps of Engineers plans to cut new waterways, and not far away industry pours poisonous wastes down once-wild rivers into the Gulf.

Rimmon C. Fay is a marine biologist who has been diving in the Pacific off Los Angeles for years Now he finds the area a wasteland, and when he turns over rocks "it's foul and putrid underneath."

Batches of mackerel caught off central California last year contained so much DDT that they were impounded by federal health officials as unfit for human consumption.

The Vital Shallows. Throughout history, man has believed that at the sea's edge his power to destroy stopped and nature's invincibility began. Even Rachel Carson, in her 1951 book *The Sea Around Us*, saw the oceans as one last haven, safe forever. How could it be otherwise when the oceans are so vast that continents are mere islands in their midst, so deep that a Mount Everest could be lost beneath their surface? How does one pollute a volume of 328 million cubic miles? How poison an environment so rich that it harbors 200,000 species of life?

Yet some marine biologists now say grimly that, unless we act, the current accelerating pace of ocean pollution will put an end to significant life in the sea in 50 years or less. This would be a catastrophe, posing grave consequences to a world dependent on these vital resources for food, raw materials, recreation and, in the near future, probably even living space.

The vulnerability of the marine environment becomes dramatically clear when we stop to realize that even though the oceans blanket three fourths of the earth, their productivity is limited mostly to the rich waters over the continental shelves, narrow bands of undersea land extending from coastlines. Eighty percent of the world's saltwater-fish catch is taken from these shallow coastal waters, which make up only a tiny fraction of the total sea area. In addition, almost 70 percent of all usable fish and shellfish spend a crucial part of their lives in the estuaries—the coastal bays, wetlands and river mouths that are 20 times more fertile than the open sea, seven times more fertile than a wheatfield. Cut the chain of life in these areas, destroy the myriad bottom organisms, pollute the continental-shelf waters and you also eliminate the vital ocean fisheries.

Already pollution or overfishing, and sometimes both, have gouged fisheries around the world. The once-mammoth sardine fishery off California is now gone. The croaker, a popular food fish, has virtually disappeared from a large portion of its native East Coast waters.

Meanwhile, in our greedy rush to create more land, the vital U.S. coastal wetlands are being dredged and filled for highways, industry, bridges, waterfront homes—to the tune of almost 900 square miles in 20 years. In spite of scientists' warnings, this continues at an accelerating pace from Galveston to Chesapeake Bay. At the same time, what estuaries remain are fed 30 billion gallons of sewage and industrial wastes every day. These poison fish, choke out oyster and clam beds, render the bays and wetlands unfit for anything.

Dumping Grounds. While the vise tightens on the critical inshore areas that lace our coastlines, pressure builds also on the ocean beyond. In 1968 alone, some 48 million tons of solid wastes were taken out by barge and ship, and dumped in ocean waters off the United States—some 470 pounds for every person in the country. These wastes include garbage, waste oil, dredging spoils, industrial acids, caustics, cleaners and sludges, airplane parts, junked automobiles, spoiled food, even radioactive materials. During his two papyrus-boat trips across the Atlantic recently, author-explorer Thor Heyerdahl sighted plastic bottles, squeeze tubes, oil and other trash that had somehow been swept on the currents to mid-ocean. On some days, the crew hesitated to wash because of the amount of pollution.

One big new proposal calls for piping the concentrated wastes of up to 50 industries in the Delaware River Valley 80 miles out to sea. But marine biologist Howard Sanders, of the Woods Hole Oceanographic Institute in Massachusetts, says that wastes could wreak even more havoc on low-tolerance life in the almost unvarying environment of the deep sea than in a backyard stream.

Regulations are very loose. The "letters of permission" handed out by a chief regulator, the U.S. Army Corps of Engineers, for dumping more than three miles off our coasts are, the Corps admits, "really an acknowledgment that the permittees can do what they please when they get outside our jurisdiction." As yet, no one really knows who has what rights and responsibilities in the ocean environment. State, federal and international jurisdictions remain in their historically chaotic tangle.

Perhaps more than any other problem, the dramatic oil-well blowouts in the sea and the oil-tanker breakups have begun to awaken us to the total inadequacy of our present ocean policies. The list of places where oil has blackened beaches, killed thousands of birds and posed lingering threats to marine life is already long: Florida, the Gulf Coast, New England, New Jersey, Puerto Rico, southern California, southern England. We do not possess the technology to contain the oil from ocean disasters. Yet oil-carrying tankers are being built to gigantic scale, increasing the risks of monumental spills. And by 1980, if present trends continue, we shall be drilling 3000 to 5000 new undersea oil wells each year. According to a report issued by the President's Panel on Oil Spills, we can then expect a Santa Barbara-scale disaster every year.

Radioactivity from the fallout of early nuclear tests can still be found in any 50-gallon sample of water taken anywhere in the sea. Investigators of a massive die-off of sea birds near Britain recently found unusually high counts of toxic industrial chemicals used in making paints and plastics. The worldwide use of toxic, persistent pesticides is having serious adverse effects on many species of fish-eating birds and birds of prey over vast portions of the earth, and there is evidence that these poisons can also attack marine phytoplankton, a food fundamental in the chain of ocean life.

The conclusion is unavoidable. If tough, intelligent action is not taken now, we will make of the oceans the same mess we have made of the land. And the greatest losers of all will be the people—of America and the world.

NEW HORIZONS?

Although the day is tragically late, there is still hope. But make no mistake. Turning back the massive assault on the sea will be a tremendous task, involving dramatic, expensive modifications in our policies and priorities and requiring nothing less than the declaration of a national policy to protect the oceans. The first three steps:

1. By 1975 we must end all dumping of wastes into the sea, the Great Lakes and the coastal areas of our rivers and bays—except for liquid wastes treated at least to levels equal to the natural quality of the ocean waters.

As Athelstan Spilhaus, president of the American Association for the Advancement of Science, has said, "We are running out of an 'away' to throw things away." Our only choice now is to put our technology to work at finding ways to recycle wastes back into the economy.

2. We must prohibit any new activity—such as building offshore jetports or cities—until we have set tough controls to avoid the kind of chaos and destruction now apparent on land. For once the public must be fully informed and consulted at every step, in deciding, for example, whether to allow marine industry, with all its paraphernalia, to create a new sea horizon, or whether the huge new supertankers will be permitted in our waters.

As for offshore oil wells, we should halt all drilling in ecologically sensitive areas, such as the Santa Barbara Channel. And we should prohibit new drilling anywhere until there is convincing evidence that it will not harm the marine environment, and until we have the technology to contain oil spills. Up to that point, all untapped oil and mineral deposits under federal jurisdiction in the sea should be held unexploited. But this must be done by setting up a National Marine Resources Trust, which I have proposed.

3. We must halt the reckless dredging and filling of priceless wetlands, and the carving up of oceanfront in the name of "progress." We must provide funds to set aside more of our coastline for public recreation.

Faced with a crisis, Massachusetts, Maryland and the San Francisco Bay area, among others, have taken first steps toward outlawing the "right to destroy," which has, in effect, been claimed by private-interest lobbies, and have set new standards to protect remaining wetlands.

The question is: Will action be taken in this session of Congress? Fortunately, Administration officials and legislators of both parties have become increasingly aware of the urgent need. Under the provisions of the Marine Environment and Pollution Control Act, which I am re-introducing this year, the federal government would take on major new responsibilities to protect the ocean environment under U.S. jurisdiction. A national standard would be set which the states could follow in their own parts of the seabed. This kind of legislation would be only a beginning in saving our oceans. "Environmental quality" policies will be adopted only when Americans demand them, and make their demand crystal-clear to the land developers, the oil interests, Congress, and government at every level.

Finally, all nations together must establish an International Policy on the Sea that sacrifices narrow self-interest for the protection of this vast domain that is a common heritage of all mankind. It is a task that, for the future of man, must be of the highest priority; a challenge that will test our intelligence as a species, our decency as human beings, our sense of moral responsibility to generations yet unborn.

EDUCATION RESEARCH VITAL

Mr. PACKWOOD. Mr. President, a significant and vital segment of President Nixon's message on educational reform last year called for the establishment of a National Institute of Education. I am pleased to join with the distinguished Senator from Vermont (Mr. PROUTY) in sponsoring S. 434 to accomplish this important objective.

In creating a National Institute of Education in the Department of Health, Education, and Welfare, S. 434 would provide a mechanism whereby systematic research and experimentation can be conducted to allow us to better understand the nature of the learning process and the most effective methods of encouraging learning. It will also lead us to a closer examination of what we expect of our educational institutions, and what it is that we commonly call a good education.

Americans have always been proud of their educational system, and rightly so. But during the decade of the sixties Americans have come to realize that we do not really have equal educational opportunity in America. It had been assumed until the late sixties that a good education is inevitable so long as the pupil-teacher ratio is low, the school buildings and facilities are adequate, the teachers are college educated, and a certain amount of innovation is permitted in curriculum and instructional techniques. But apparently there are many other aspects of the learning process that we have failed to recognize, aspects of cognitive development which may be the missing links in our efforts to provide our children with a good education. The President's message cited results from the 1966 Equal Educational Opportunity Survey—the Coleman study—to demonstrate that the relationship between school characteristics and levels of learning is not very significant.

A great deal more research is needed in such areas as motivation, achievement, and cognitive development. In spite of the billions of dollars we've poured into educational improvements in the last decade, we still do not know how children learn, what works best in helping children to comprehend and to think, and what produces or encourages a desire to learn.

In Oregon, we have 356 school districts and 38 institutions of higher learning. I want every student at every level in my home State to have the opportunity to reach the optimum in achievement. This cannot be done unless we better know the needs of the students and the most effective way to communicate with them. One key element in bridging this gap is to invest more dollars in research. I am appalled that less than 1 cent of every Federal dollar spent for education is earmarked for research. By contrast, 5 cents of every dollar spent for national health care goes for research and 10 cents of every dollar spent for national defense goes to research.

The proposed National Institute of Education would conduct, support, and coordinate education research, collect and disseminate education research findings, provide training in education research, and construct education research facilities. Creation of this Institute would recognize and spearhead our efforts to first, determine what a good education is, and second, see that every American child receives a good education that will enable him to realize his full potential. In short, we must reorder our priorities to give education and educational research the priority which they properly deserve.

ST. ANSELM'S COLLEGE CONTRIBUTES TO LAW ENFORCEMENT EDUCATION

Mr. McINTYRE. Mr. President, I have just received from St. Anselm's College, in Manchester, N.H., a letter outlining an important effort on their part to upgrade law enforcement in New Hampshire through education.

Mr. Robert J. Collins, vice president of the college as well as director of law enforcement programs, has informed me that St. Anselm's will offer this spring more than half a dozen courses dealing directly with the problems of law enforcement. These classes will range from a study of modern history to general psychology and urban geography. Also included will be courses in evidence, sociology of the family, criminal investigation, and case preparation and police interrogation.

Mr. Collins also informs me that beginning in the fall of this year, St. Anselm's College will increase significantly its offerings in the law enforcement education field by introducing a 4-year program leading to the bachelor of science degree. Courses will be open to qualified police officers and laymen interested in law enforcement careers.

Mr. President, St. Anselm's College is no "johnny-come-lately" to the field of law enforcement education. As early as 1958 this small New England college was assisting the police of the city of Manchester by providing classrooms and other facilities for training purposes.

In recognition of the expanded and vital role policemen play in our society today, St. Anselm's in 1962 began offering as a part of its college program courses on the various aspects of law enforcement.

In line with this pressing need for more law-enforcement education, I am heartened to note that the Law Enforcement Assistance Administration of the Department of Justice has awarded the Governor's commission on crime and delinquency a grant of $1,331 retroactive to August 1970.

This grant, designed to enable comprehensive upgrading of police and criminal enforcement facilities throughout the State, will help fund the training of police personnel in new and specialized crime control methods, the equipping and establishment of a statewide integrated communications system, and a comprehensive juvenile delinquency program.

The Governor's commission also has made proposals which include plans for upgrading personnel and facilities in the State and county prison systems, programs for reform of the criminal law and procedure, and new approaches—including the establishment of halfway houses—to the State's probation, parole, and rehabilitation systems.

Mr. President, in a speech nearly a year ago to the Knights of Columbus in Exeter, N.H., I emphasized that all across the Nation we need to increase the size of our police forces, but that escalation of police strength must be qualitative as well as quantitative.

I said at that time:

> We must train them better. After all, we expect our policemen to know the law, be first aid experts, family counselors and sociologists. We expect them to have the wisdom of Solomon, the patience of Job, the strength and agility of Jim Brown.

With the work in the private sector exemplified by the excellent law-enforcement education concept advanced by St. Anselm's College, and with increased governmental efforts to improve our law-enforcement apparatus, we can begin to make meaningful progress in our common fight against crime.

I congratulate St. Anselm's for the contributions they have already made to the city of Manchester and the State of New Hampshire, and I wish them the best of luck as they embark on this new program leading to a degree in law enforcement.

THE ADVANCEMENT OF HUMAN RIGHTS

Mr. **PROXMIRE**. Mr. President, for the past 4 years I have urged the United States not merely to celebrate human rights but to advance them by ratifying the Genocide Convention.

In 1945 the allied powers of the Second World War took the first steps in laying the foundations for a better world order. They adopted the Charter of the United Nations, and in the preamble reaffirmed their faith "in the equal rights of men and women." Three years later in the Universal Declaration of Human Rights these same countries again affirmed their commitment to human rights:

> All human beings are born free and equal in dignity and rights.

At the same time they declared that—

> Recognition of the equal and inalienable rights of all . . . is the foundation of freedom, justice and peace in the world.

It was a testament to the inherent worth of man that those United Nations had joined together to uproot totalitarianism and restore liberty. They had founded a new order on the principle of the equality of man.

How far have we come in developing this international law of human rights? Over 20 major human rights conventions have been adopted by the United Nations, the International Labor Organization, and UNESCO. A few of them are in force among the parties which have acceded to them. Unfortunately, sadly, and puzzling, the United States is a party to only two of them and this has been activated only in the last couple of years. We are still not a party to such major conventions as the Convention on the Abolition of Forced Labor, the Convention on the Political Rights of Women, the Convention on the Elimination of Racial Discrimination or the Convention on the Prevention and Punishment of Genocide. Nor have we as yet signed, no less ratified, the two international covenants on civil and political rights and economic, social, and cultural rights.

Our failure to advise and consent to the Genocide Convention is a failure we must now correct. We cannot afford to delay any longer. The United States must accept the opportunity and obligation to lead the great struggle for human rights. I urge the Senate to delay no longer in acting on the Convention on the Prevention and Punishment of Genocide.

MOUNTAIN STATES TELEPHONE IN WYOMING

Mr. **HANSEN**. Mr. President, because of Wyoming's wild west image which carries over from the old days, and of which we are very proud, to talk of communications in our State often conjures up in the minds of strangers—the Pony Express, Indian smoke signals, cavalry semaphore flags, or the Wells Fargo stage lines.

However, Wyoming over the past 15 years has been a leader in new and modern innovations for personal and business communications—in large part through the progress of Mountain Bell's Wyoming operations.

For instance, Universal Emergency Calling—911—came to Wyoming before any other area west of the Mississippi River. The 911 conversion in Gillette, Wyo., was the first of 10 in the State. At present, Wyoming has two-thirds of the 911 installations in the Rocky Mountain area.

Also, the "Dial Tone First," a revolutionary coin telephone service, was put into service in Cheyenne in 1970. Cheyenne was the first telephone exchange west of the Mississippi to offer the service at that time. Cheyenne still has the only telephone exchange in the Rocky Mountain area to provide it.

At the end of 1955, there were only 93,000 telephones in service in Wyoming. That number has almost doubled today, with more than 182,000 in service; and although only 59 percent of the Wyoming telephones in 1955 had dial service, we now have 100 percent dial service.

Mountain States Telephone in 1955 handled less than 4 million long distance calls for Wyoming people. The number increased to almost 13 million last year.

The cost to Mountain States of the upgraded service to our State has been significant. In 1955, the company paid, in Wyoming, about $5.1 million in wages and salaries, and in 1970, paid out about $10.1 million in wages and salaries. Back in 1955, Mountain States spent $4.6 million on construction, in 1960, $7.2 million, in 1965, $9 million, and $14.8 million in 1970. This totals about $124.5 million since 1955.

Mountain States in 1970 paid $6.2 million in operating taxes, or about $35 per telephone. This is substantially up from the $1.8 million total, or $21 per telephone, paid in 1955 for the company's Wyoming operation in operating taxes.

Dial telephone service became available to 100 percent of Mountain Bell's Wyoming customers in January 1966. Since 1955, the company has added 42 additional central offices in our State.

Improved Mobile Telephone Service began in Wyoming in August 1966. The IMTS provides dial telephone service in vehicles in place of manual service requiring operator assistance.

Touchtone was unavailable in 1955, but is now available to eight Wyoming exchanges.

Wyoming is a land of beautiful wide-open spaces. We are grateful that Mountain Bell operates in our State to shorten the distance for communications with loved ones and business associates.

THE SILVER CO.—A GOLDEN ANNIVERSARY

Mr. **McINTYRE**. Mr. President, in these days when our front pages are often filled with economic hardships, business recession, high unemployment, and concern for the future we sometimes forget that dedication, hard work, and involvement in the community still can bring success.

The Silver Co., of Manchester, N.H., has just celebrated its 50th anniversary. This company was started in Manchester in 1920 by two young men, Henry R. and Morris Silver, who had arrived in this country only a few years earlier with their family from Russia.

Silver Bros. Co., Inc., originally a wholesale produce and grocery business, now engaged exclusively in beverage distribution. In 1947 Henry and Morris established a bottling plant in Manchester for Cott Beverages. Eventually the Cott beverage business expanded to the formation of Cott Corp. with several plants in the eastern section of the country. The Silvers sold their interest in Cott Corp. in 1967 but have retained ownership of Cott Beverages, Ltd., in Montreal, Canada.

Both men have several other business interests, each being owners and directors of seven corporations. Both men have devoted and continue to devote their efforts in many civic, fraternal, educational, religious, and philanthropic enterprises.

Morris Silver is president and Henry Silver a director of the 100 Club of New Hampshire, an organization which provides money for widows and children of policemen and firemen killed in the performance of their duties.

This type of activity is almost routine for the Silvers. Morris, who is chairman of Manchester's Planning Board, a member of the New Hampshire State Prison Board of Trustees and Parole Board, has a distinguished record of interest in and support of public servants. Henry R. Silver, a member of Manchester's Industrial Council, the board of trustees of Spaulding Youth Center, chairman of the Boy Scouts special funds committee, and assistant treasurer of the Pine Haven Youth Center, has an enviable reputation of devotion to formation of the young. And both men have received many honors for these and other civic-minded and philanthropic activities.

The list of organizations to which Morris volunteers his time and money are almost too numerous to mention. He is a director of Manchester's United Fund, Sacred Hospital, American Red Cross, National Muscular Dystrophy Associations, United Cerebral Palsy, Goodwill Industries of America, Crotched Mountain Rehabilitation Center, Spaulding Youth Center, and he is executive vice president of the Merrimack Valley Navy League. Moreover, he is a member of the Board of Directors, Bentley College, Boston, and of the President's Advisory Council, Brandeis University. He was named a fellow of Brandeis at the 1970 commencement. He and Henry are co-donors of the Silver Wing of Brandeis' Science Building. At a special testimonial Morris was named 1970 Man of the Year by Temple Adath Yeshurun, Manchester.

Henry R. Silver received the 1967 Brotherhood Award from the New Hampshire Chapter, National Conference of Christians and Jews, in recognition of his work in the development of interfaith understanding and his involvement in civic, fraternal, religious, and philanthropic endeavors. More recently the Boy Scouts honored him by naming a New Hampshire campsite after him. Henry is a member of the National Board of Trustees, National Jewish Hospital at Denver, past chairman of New Hampshire Bonds for Israel, for both of which causes he raised the highest amount of money in the history of the State. His dedication to higher education is as distinguished as his brother's. He is a member of the President's Advisory Council, Brandeis University, and the College of Business Administration, Suffolk University. He is national chairman of the $2 million fund raising campaign for the new Library and Resource Center, Nathaniel Hawthorne College. A close friend of the late Richard Cardinal Cushing, Henry worked diligently for one of the cardinal's greatest interests, handicapped and retarded children, giving, among other things, a party every year for 15 years for the children at Kennedy, Memorial Hospital.

Mr. President, this is a distinguished career the Silver Brothers have written. It has meant much to the growth of New Hampshire and New England. It is the kind of dedicated contribution to our well-being that I wanted to bring to the attention of the Senate.

THE BILL RIORDAN SUCCESS STORY

Mr. MATHIAS. Mr. President, the first time Bill Riordan arrived in Salisbury, Md., to open a retail dress shop, there were four tennis courts—all with cracked cement and grass growing about. The tennis-playing community numbered not more than a dozen.

Today, there are more than 40 tennis courts, a Michael R. Riordan Outdoor Tennis Center, a civic center built for tennis which houses 3,500 fans; and when most people around the world mention indoor tennis they immediately think of Salisbury, Md.

On February 21, from noon to 4, the TV airwaves across the Nation will transmit the U.S. indoor tennis championship from Salisbury. Representatives from 18 nations of the world—from both the free world and the Communist countries—will compete for the world indoor title and for more than $220,000 in prize money.

The great historic and sports event owes its popularity and success to a man, and to a city. The city of Salisbury; the man—Bill Riordan.

There are few small towns like Salisbury that have the charm of a southern community and the metropolitan culture of a big city. It is the county seat of Wicomico County and has a population of about 19,000. It is a city of great civic pride, industrial progress, and enlightened government.

Until its recent celebrity—the new winter capital of American tennis—Salisbury was well known for its many local specialties. It is, for example, the headquarters of the Delmarva Peninsula's thriving poultry industry—the Del Mar-Valous chickens—the metropolis of the Eastern Shore, and a center of American history.

Sports events on the peninsula have always been famous and have included gunning and sailing as well as the annual Soft Crab Derby at Crisfield; but, since 1964, tennis has joined the list as a favorite.

Few towns of this type could be host to an international tournament. But ask the many international players who have played there—as they stayed with the families in the area—of the warmth, hospitality, and charm of Salisbury. It is a city which every American interested in our culture, tradition, and countryside beauty must visit.

Salisbury and Maryland owe a great deal to Bill Riordan—for that matter, the entire Nation owes him its gratitude—for it is he who brought Salisbury into the tennis limelight and into the hearts and memory of many.

It all started back in 1964 when the 7th Regiment Armory in New York City, where indoor championships had been held for 60 years, was in need of repair. It was then when the U.S. Lawn Tennis Association—USLTA—asked Bill, who sponsored successful tournaments—including one in Salisbury—to take on the indoor tourney for just that 1 year. Bill accepted. Eight years and eight tournaments later, Salisbury is still playing host to the Indoor World Tennis Championship under the constant aggressive and devoted leadership of Bill Riordan.

It took an unusual man—a man who had a love of tennis, the love of a city, and the belief in an only in America success story. Bill Riordan was all this—and more. He has followed tennis since the age of 10. He played for the Georgetown University tennis team No. 2. His role as a tennis builder has given him numerous honors: Sports Magazine Annual Service Award; Maryland Salesman of the Year; and a berth on the USLTA Executive Committee, among others.

This year tennis fans will again see the two finalists of last year—Cliff Richey and Illie Nastose. It will surely be a great tournament. We wish Mr. Riordan well. Marylanders and tennis fans are proud of Bill Riordan and its charming city, Salisbury.

A New Yorker article of March 12, 1966, has become a classic source of information on this subject. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SPORTING SCENE

Down through the years, the Seventh Regiment Armory, the red brick Victorian fortress that guards the middle reaches of Park Avenue, has connoted, for sports followers, the United States Indoor Tennis Championships. In 1898, their first year, they played at Bray's Hall, in West Newton, Massachusetts, but when they were resumed, in 1900, they were awarded to the Seventh Regiment Tennis Club of New York, and the Armory became their permanent residence. Only once in the next sixty-three years were the championships held elsewhere—in 1941, in Oklahoma City, the home town of Don McNeill, the National Indoor champion of 1938 and one of the tournament's regular contenders. A rather large number of people, I gather, are under the impression that the "Indoors," as the championships are called, are still held at the Armory, but the fact is that their venue is now Salisbury, Maryland, and has been since 1964. That winter, because the Armory was undergoing a thorough renovation, the tournament was shifted to Salisbury for a year, on a stopgap basis, but the Salisbury people did such an altogether remarkable job, infusing new life into what had become a rather arid event, that the Lawn Tennis Association simply could not take it away.

The new winter capital of American tennis is an old, semi-Southern town of eighteen thousand inhabitants on the Eastern Shore of Maryland, on the Delmarva Peninsula. Until its recent celebrity, Salisbury was known chiefly as the headquarters of the peninsula's thriving poultry industry. (The local breed, naturally, is called Del-Mar-Valous chicken.) Wilmington, Delaware, the nearest large city, is a hundred miles north, and Baltimore is a hundred and ten miles northwest. Allegheny Airlines, however, operates a puddle-jumper service to Salisbury en route to Washington, and last month when I went down the morning before the 1966 championships began. I took the flight that leaves at seven forty-five and reaches Salisbury just before nine. Only one other passenger got off there—a tall good-looking young fellow with a slight European accent.

Since there was but one taxi and we were both heading for the Wicomico County Youth and Civic Center, where the tournament is held, we quickly got to meet each other. He turned out to be Dmitri Sturdza, the No. 1 ranked player in Switzerland, who had flown to New York from Paris the evening before. For the international tennis player, he was outfitted in the height of modesty; he carried no rackets and only two were tucked in his luggage. In the lobby of the Civic Center, a big, new, curved-roofed structure, we stopped to study the board on which the draw for the singles had been painted. I knew that an extremely strong field was entered, but not until then did I appreciate just how strong it was. The draw went as follows (the parenthical interpolations are mine):

Arthur Ashe, Jr. (U.S.A.), Jaidip Mukerjea (India).

Stan Smith (U.S.A.), Ian Crookenden (New Zealand).

Tom Edlefsen (U.S.A.), Juan Gisbert (Spain).

David Power (U.S.A.), Cliff Drysdale (South Africa).

Ronald Holmberg (U.S.A.), Dmitri Sturdza (Switzerland).

John Pickens (U.S.A.), Ronald Barnes (Brazil).

Eugene Scott (U.S.A.), François Jauffret (France).

Richard Dell (U.S.A.), Manolo Santana (Spain).

Dennis Ralston (U.S.A.), Boro Jovanovic (Yugoslavia).

Mike Green (U.S.A.), Tomaz Koch (Brazil).

Frank Froehling III (U.S.A.), Luis Arilla (Spain).

Bitsy Harrison (U.S.A.), Rafael Osuna (Mexico).

Charles Pasarell (U.S.A.), Joaquin Loyo-Mayo (Mexico).

Winner of Roger Taylor (G.B.) vs. Lenny Schloss (U.S.A.), Torben Ulrich (Denmark).

Robert Lutz (U.S.A.), Nikola Pilic (Yugoslavia).

Wiliam Tym (U.S.A.), Jan-Erik Lundquist (Sweden).

I was a third of the way down the list when I began to realize that each match in the opening round was bringing together an American player and a foreign player. (Taylor, though, defeated Schloss in their elimination match, and so two foreign players met in the first round in that bracket.) I couldn't remember anything like this before in an American competition, and I was musing that it constituted one of the greatest draws I had ever seen when Sturdza said that very thing. "At Wimbledon," he added, "you will find players from all over the world, of course. But to have players representing thirteen different countries in a tournament with only thirty-two places, and an indoor tournament at that—this is really amazing. Everyone is here except the Australians, and look where we are! In a little country town most of us had never heard of."

As it happened, two foreign players, Koch and Drysdale, and two Americans, Pasarell and Holmberg, reached the semifinals. (Sturdza, incidentally, gave Holmberg a very good match in the first round before going down 6-3, 6-4.) In the semis, Pasarell defeated Koch in four sets and Holmberg defeated Drysdale in five, and so we had an all-American final, which Pasarell won in three extended sets. There was a lot of excellent tennis during the championship, but, looking back, I would say that the star of the show was Salisbury. To begin with, as a place to play and watch tennis the Wicomico Civic Center is far superior to the Armory, on whose dark wood floor the matches had a sort of phantom quality, for it was almost impossible for a spectator to follow the ball as he peered down from the balcony through the dim lighting and the fog of cigarette smoke, and not much easier for the contestants. The Civic Center provides not only a much better surface—an emerald-green canvas, like the one the touring pros use, is stretched over the wooden floor—but infinitely better visibility as well, partly because of the canvas and partly because of the up-to-date illumination and the enforcement of the prohibition against smoking. Furthermore, on this, my first visit to Salisbury, it struck me that the tournament had much more of a championship flavor there than it ever had in its metropolitan days. For tennis, the Civic Center accommodates thirty-five hundred people, and on the last three days, when the buffs came in from Richmond, Norfolk, Washington, and Baltimore, there wasn't an empty seat. They were wonderful galleries, too, full of knowledge and appreciation. Finally, I cannot remember attending a more capably organized tennis championship in some time. Until the Indoors, the biggest sports event on the Delmarva Peninsula was the annual Soft Crab Derby at Crisfield, and it is clear from the tender, loving care Delmarvans have lavished on the championships that they prize them properly. Myself, I would not want the Indoors to be played any other place.

A closeup study of Salisbury's development into what might be called the Green Bay of tennis brings to mind those patly formula success stories in the business sections of the news magazines. "For years James Crawley, a partner in a small South Bend printing company, was convinced that the most antiquated instrument in the modern automobile was the windshield wiper," such an account will begin. "In 1964, after all the major automobile manufacturers had expressed complete disinterest in his electronically operated, faster-than-the-eye device, Crawley set up a four-man plant in his garage to produce his Hyper Wyper." And so on *ad astra*. These accounts annoy me because, for one thing, they make me feel like a sluggard, and, for another, everything the hero does works out with an ease and dispatch that little resemble reality as I know it. The trouble is that every now and then things *do* happen this way, and Salisbury's rise in tennis is such a case. The hero of the story is William F. Riordan, a crisp gregarious Main Street merchant in his mid-forties. Ideally, Riordan should be a native Salisburian, but the fact is that he is a transplant who grew up in Forest Hills and New Rochelle, the son of a retail merchandising man who was president of Stern's. After the last war, Riordan, a graduate of Georgetown, went into retail merchandising himself in New York. "I was moving along well," he told me in one of his infrequent breathing spells during the Indoors, "but the pace was killing me. My wife and I had a lovely home in Essex Fells—where I never got to. I was stuck in town just about every night entertaining this account or that account." In 1952, Riordan made the break and went to Denver; then, in the summer of 1954, after searching nine months for a small store in a small town, he bought the Fashion Shop, a three-story women's-apparel store, in Salisbury.

The only thing about the town that disappointed him was the almost complete absence of tennis. There were four asphalt courts in the main park, but they were badly cracked. A few grownups used them, but no boys or girls ever did—an intolerable situation for Riordan, who had bumped into tennis in Forest Hills at an early age, had played on his college team, and had continued to make the game a large part of his life. After three under-tennised years in Salisbury, he decided to start a program to develop junior players. Five boys answered the call. He took the class the first day, and when the two men who had volunteered to split the teaching with him did not appear for their classes, he ended up by running the entire program himself. Later that summer, he inaugurated the Wicomico County Junior Championships, but it was all he could do to round up sixteen boys and sixteen girls. A year later, however, the boys' championship required a draw for thirty-two places and the girls' championship a draw for sixty-four. Next spring, the park courts were resurfaced and lights were installed, and two more asphalt courts were built to help take care of all the youngsters who now wanted to play. "That summer—the summer of '59," Riordan recalls, "the Pony League, the baseball league for boys of thirteen and fourteen, put a clause in each kid's agreement to the effect that if he played baseball he couldn't play tennis, Right on top of that, our program gained a more positive recognition. Plans were then in progress for building the Civic Center, and the county commissioners asked me to serve as a director. I told them I would only if provision were made for indoor tennis courts, and they all answered, 'Of course,' 'Naturally,' 'What else?' Then I knew I was home. Schopenhauer, you know, said that all great ideas have to go through three stages. First, ridicule; then, violent opposition; and, third, acceptance—as if the idea had been a self-evident truth in the first place. That fitted our experience perfectly."

Riordan inevitably became involved in the Maryland Tennis Association and the Middle Atlantic Lawn Tennis Association. When he became chairman of the Middle Atlantic's Junior Development Committee, in 1960, there was no money in the treasury, and he concluded that the best way to raise some was to put on a compact indoor tournament, limited to a field of eight, at the Civic Center. He scheduled his tournament—the Middle Atlantic Indoor Championship—for the week before the 1961 National Indoor Championships, at the Seventh Regiment Armory. Looking around for a name player to lend his event a touch of prestige, Riordan remembered that Dick Savitt, the former Wimbledon champion, had two legs on the Indoors trophy and would be trying hard to gain permanent possession of it by winning the tournament a third time. The idea of tuning up for his quest in an uncomplicated but formal competition was put to Savitt, and he came to Salisbury, won the tournament, and then returned to New York and retired the championship trophy by defeating Whitney Reed in the final. The Middle Atlantic's Junior Development Committee cleared fifty-five dollars from that first promotion. Next winter, when Jon Douglas was the winner, the tournament made twenty-six hundred dollars, and in 1963, when Chuck McKinley beat Gene Scott in the final, thirty-one hundred dollars. That year Riordan persuaded John Sharpe, an Australian residing in New York, to compete, and promptly renamed the event the Salisbury International. By issuing three free tickets to all junior and senior high-school students in Salisbury—one ticket for each student and two for his parents—Riordan assured the tournament of large audiences on the Saturday, two thousand students turning out for the afternoon matches and three thousand adults in the evening. Indoor tennis, even in major cities, seldom draws crowds of that size, paid or free, and the town's obvious enthusiasm was the principal reason the chairman of the National Indoor Championships approached Riordan at the grass-court championships at Forest Hills that summer and asked him if Salisbury would be interested in putting on the Indoors the coming winter, while the Armory was under repair. Riordan's first reaction was bearish. To stage the tournament would require twenty thousand dollars, he calculated, and he was not certain that Wicomico County was geared for that kind of operation, but in the end the challenge of merchandising a big-time tournament overrode this consideration. Riordan entered a bid for the 1964 Indoors, and Salisbury won out, it is reported, over St. Louis, Chicago, and Jackson, Mississippi.

After the town's first excitement at landing an authentic national championship had worn off, Riordan found that raising the necessary funds was every bit as difficult as he had anticipated. "When we tried to sell boxes for a minimum of a hundred dollars," he remembers, "everybody kind of yawned. The doctors were an exception. They're the country's best sports fans, and they were with us all the way." Riordan at length got support from the business community. The Salisbury *Times*, the Wayne Pump Company, and the Eastern Shore Public Service Company each bought a five-hundred-dollar box, and on the eve of the championship, when he was still two thousand dollars short, he sold the advertising space on the scoreboard for that amount to Delmarva Poultry Industry, Inc. That first year, however, Riordan scored a really tremendous coup. For the first time ever, the Indoors (to be explicit, the singles final) was nationally televised. Sports Network paid only five hundred dollars for the rights, but the important thing, to tennis people, was that a hundred and sixty-five stations carried the match. (McKinley defeated Ralston in five sets.) In this moment of triumph, the late James Dickey, then the president of the U.S.L.T.A., declared that the 1964 Indoors were the greatest boost tennis had received in a decade, and he forthwith again awarded the tournament to Salisbury. In 1965, Sports Network paid five thousand dollars to televise the final, a brilliant match in which Lundquist defeated Ralston in four sets. Their duel ran an hour and twenty-five minutes over its scheduled airtime, but Sports Network carried it all, and the last hour of the match was watched by around fourteen million people, the largest audience in history to view a tennis match in this country. Unfortunately, this proved to be a sort of Pyrrhic victory. The extra airtime, which was unsponsored, cost Sports Network approximately a hundred thousand dollars, and it was not inclined to take on the telecast in 1966. Riordan approached the other networks, but the C.B.S. sports division was involved in arranging a new contract with the National Football League, and A.B.C. and N.B.C. were interested in televising the Indoors only under their own conditions. (A.B.C. wanted the final to be pushed up to Saturday, and N.B.C. indicated that it might not show a taped version until a month later.) These Riordan was not prepared to accept. As a result the 1966 Indoors were televised only on the Eastern Shore, though edited tapes were subsequently shown in a few large cities. In a day when most of the overlords of sport will do anything to please the overlords of broadcasting, Riordan is to be admired for refusing to distort a distinguished event simply to accommodate television.

The most surprising feature of the championship was the early elimination of four of the players most heavily favored—Santana of Spain, the victor at Forest Hills last September and, at Salisbury, the top-seeded foreign entrant; Lundquist of Sweden, who was the defending champion; Ashe, our most promising young player, who had returned in late January from Australia, where he had been the sensation of the tournament season; and Ralston, our first-ranked player and the top-seeded American at Salisbury. Santana went out in the second round, losing in straight sets, 6—4, 6—3, to Scott, who played an almost perfect match. This upset had hardly been digested when first Lundquist and then Ralston were also beaten in the second round—Ralston in three hard-fought sets by Koch, and Lundquist in straight sets by Lutz, a substantial eighteen-year-old freshman from the University of Southern California, who is our current National Junior champion. (Until the semifinals, all matches were best of three sets.) Ashe lasted only a round longer before being put out by Drysdale, 6—3, 8—6. In a way, Ashe's showing was not entirely unexpected, for, after six months of practically uninterrupted competition, he is patently over-tennised. Moreover, Ashe, who is nearsighted, was wearing glasses—an experiment he had started only a week before, at an indoor tournament in Philadelphia; it was evident from the way he was hitting the ball all over the racket face that it will take him a while yet to get used to glasses. (He does not intend to wear them for outdoor play.) While upsets are far more common in indoor than in outdoor tennis—service counts so very much on the fast indoor surface that a man riding a hot serving streak can often beat a superior opponent—it is difficult to remember an indoor championship in recent years in which so many players of international rank were dispatched so swiftly.

After the elimination of the big guns, the role of favorite shifted to Pasarell, a sturdy six-footer from Santurce, in Puerto Rico, who—to use a golf phrase—plays out of the University of California at Los Angeles. In winning that Philadelphia tourney just before the championship, Pasarell had defeated both Ashe and Lundquist, and in breezing through his first three matches at Salisbury without even being carried to a deuced set he looked solid indeed. He was serving marvelously well, but since he generally does—only Ashe among our amateur players has a more powerful serve—this attracted less attention than the high quality of the rest of his game, his return of service in particular. He was pounding it back as aggressively as he did last summer in defeating both Emerson and Stolle at Merion, and Stolle once again at Forest Hills. Pasarell's main shortcoming has been his inconsistency. His game climbs peaks and stumbles into valleys from week to week, sometimes from day to day, and when he gets into a tight corner against an opponent he is not certain he can beat, his confidence frequently deserts him.

In the semifinal in the bottom half of the draw, he came up against Koch, the twenty-year-old Brazilian left-hander from Rio Grande do Sul, the state adjacent to Uruguay, where most of the German immigrants to Brazil settled. In describing Koch, a tall, pleasant young man who looks like a concert pianist, the word tennis people customarily use is "gentle." In the past two years he has several times been on the verge of breaking through in a big tournament, and old tennis hands, when they discuss why he hasn't managed it, blame his gentleness. As one Hemingwayesque commentator expressed it, "There comes a time in every match when you've got to slam the ball at your opponent's head to win a big point, and this Koch kid just won't do it." While he is not a power hitter, like Ashe and Pasarell, Koch is severe enough, and in making his way to the semifinals by defeating Ralston and Osuna in two of the most interesting matches of the tournament, he played exceedingly sound stuff, volleying low returns especially well and winning the pivotal points by passing up the theatrical shot in favor of the intelligent one. The big question in his match with Pasarell was whether he would be able to handle the Puerto Rican's service—a considerable assignment indoors since, apart from its speed, it carries a heavy spin, which, accentuated on a canvas surface, causes the ball to break with extreme sharpness. At the start, Koch could not cope with it at all. In dropping the first set, 6–3, he did not even succeed in putting the ball in play until Pasarell's fourth service game. In the second set he began to adjust to the big, jumping service. Indeed, in the twelfth game he got to game point—and set point—against it. Pasarell, however, pulled out of the jam with two huge aces, and went on to take the set, 8–6. In the third set, Pasarell was leading, 4–3, in games, with his own service coming up, when suddenly the prospect of victory appeared to unnerve him. His service started to wobble, and, playing a succession of weak, hurried ground strokes, he lost the game at love. Koch, heartened by this turn of events, broke through Pasarell again in the twelfth game and took the set, 7–5. The fourth set was a serving duel all the way, each man holding without much trouble until Pasarell broke Koch in the seventeenth game. During this protracted set, Pasarell's return of service had been much too passive, but in this game he at long last went on the attack, and at 30–30 hit two superb returns—a raking forehand that Koch barely got his racket on and volleyed into the net, and an acutely angled cross-court backhand that went for a clean placement. Pasarell now led, 9–8, and had only to hold service for the match. Here he was all resolution, and went out in a most convincing style.

Holmberg, Pasarell's opponent in the final, has long been one of the ranking enigmas of tennis. No contemporary amateur possesses more natural ability than this portly young man out of Brooklyn, who gained a place among our top ten players nine years ago, when he was only nineteen. Great things were expected of him, and at one time or another he *has* beaten all the champions, but on the important occasion—and to a much greater degree than Pasarell—he generally has a woeful time holding his confidence and his concentration. Holmberg is frequently the Wodehouse golfer who is thrown off his game by the roaring of the butterflies in a nearby meadow. In the third set of his match with Drysdale, for instance, he was bothered by the movement of the ball boys, concerned about the height of the net (he twice had the net-cord judge check it), and completely nonplussed when a woman in the stands could not find her seat. It was typical of him that, in an excellent position to wrap up the fourth set and the match, he suffered a lapse very much like Pasarell's against Koch, dropped his serve by netting three volleys in a row, and then lost the set. However, it should be noted that in winning the fifth set, 6–4, he displayed a coolness and a basic assurance I had never before seen him exhibit against an opponent of world class after losing his grip on a match. As a result, Holmberg reached the final of a major championship for the first time in his fairly extensive career. As I watched him warm up with Pasarell, the thought went through my mind—as it must have gone through the mind of many other spectators—that if sheer talent were the only requisite in competitive tennis, Holmberg would by now be as familiar a finalist as Roy Emerson, his almost exact contemporary. No one has a better eye for the ball, a surer sense of the racket head, or more facile reflexes. Blast the ball at him as he comes in to net, and, with an effortlessness that borders on indolence, he simply flips his racket to the angle he wants and dispatches the perfect-plus volley. His ground strokes are pretty and his service, though less graceful, is fast and effective. Maybe all he has ever needed is someone like Harry Hopman to drive him hard, make him run, polish his thinking, and shore up his determination.

Since Pasarell is also an attractive strokes player, there was a chance we would be treated to an exceptionally good final, but we were not that lucky. The meaningfulness of the occasion for both men seemed to have the effect of constricting their moves and their shotmaking. Neither played nearly as well as he had earlier in the week, and there ensued a very dull match in which service bulked much too large, even though both Pasarell and Holmberg were serving much less explosively than they usually do. Pasarell won out, 12–10, 10–8, 8–6, mainly because he returned service a shade less tentatively than Holmberg in the critical passages. There was a sameness about all three sets. Early in the first one, service breaks were exchanged, and then games followed service until Pasarell broke Holmberg in the twenty-first game. He then served out shakily for the set. In the second set, both men held service—quite easily, most of the time—until the seventeenth game, which Holmberg dropped at love; on all four points he failed to get his first ball in, and Pasarell jumped on his second serve. Again, Pasarell, even after holding triple set point, had trouble going out on his service, but eventually he did. The third set offered a slight change in format, both men moving in from the base line, and returning service more assertively. Pasarell twice lost his service immediately after winning Holmberg's, but after breaking through once again, in the thirteenth game, to lead, 7–6, he fought back from 0–40 and, ripping off five fine points in a row, was finally home. One of my reasons for recounting the progress of this match in such a lapidary manner is to underline the difficulty Pasarell so often encounters in controlling his serve when a set is his for the taking. He produces the stroke so correctly and so easily that he should be all aplomb in such situations, and perhaps now that he has at length won a major championship he will gain the confidence he needs. It is really *all* he needs to be a truly first-class player and one who, in this important Davis Cup year, could be a tremendous asset to the American team.

As I have remarked, the most impressive aspect of the championships was the beautiful way Salisbury put them on. There were always large crowds at the daytime sessions, for this year, as in the past two years, junior high and senior high-school classes from all over Wicomico County, instead of attending their usual gym class, were bussed to the Civic Center to watch the matches. Each group saw about an hour's tennis before making way for another group. With this exposure to summit tennis, the Salisbury area has become a real hotbed of the game. This past summer, eight years after Riordan's first call for volunteers drew a mere five boys to his original program, seven hundred and eleven boys and girls registered for the instruction classes. The biggest problem today is finding qualified instructors, and Riordan must depend mostly on former students. This still gives him quite a competent staff, for nine of the top twenty players in the current Maryland state rankings are from Salisbury. Incidentally, two state boys' champions are local products—Jack Stevenson, the sixteen-and-under champion, and Riordan's son Billy, the twelve-and-under champion. Salisburians play not only good tennis but mannerly tennis. If you throw your racket, you are suspended for a day, and when a youngster does this, he simply walks off the court without being told to.

At the moment, there are nineteen outdoor courts in Salisbury. There will soon be twenty, for Riordan has just moved into a new house and will be building a court. The house fronts on the Wicomico River, and when I called on him there, I deduced that the lovely view of the river had dictated his choice. I should have known better. "A tennis court should properly run north and south, you know," he told me as he walked me out into his expansive back yard. "I can, you see, put a court in here very nicely, but, boy, it took lots of looking to find this place! You'd be surprised how few houses in Salisbury are built on lots that run north and south."

COASTAL ZONE AND ESTUARINE MANAGEMENT ACT

Mr. McINTYRE. Mr. President, during the past 2 years, the United States has taken great strides in recognizing the need for protecting and enhancing our natural environment. The implications of this recognition are immense. Even with all that remains to be done, we are among the first major nations in the industrialized world to face up to the fact that man's activity can mean the end of life as we know it.

America is the first to undertake the development of a national policy to correct environmental damage and to commence a reevaluation of national priorities in order to improve it. Much, of course, still remains unrealized, and our commitment must still be strengthened. But our progressive recognition of the nature of environmental quality bespeaks what is best in America. For it bespeaks a sensitivity to natural beauty and life that has characterized our Nation through most of its history. Perhaps it best indicates our hopes for the future.

Much has been done in practical terms. If we have not yet achieved final solutions, we have recognized that our methods of consumption are wasteful at best and fatalistic at worst. And we have embarked, however haltingly, on a course that will permit the reorientation of our consumption to bring it closer in line with our realization of the limited nature of our resources.

This is manifest in our current effort to recycle wastes and recover lost resources. Technological feasibility is no longer a question; it is a matter of time. This realization is also apparent in our unfinished effort to identify and eliminate environmental toxins from our pattern of consumption. The only question here is our individual willingness to share in the commitment.

Yet I must repeat that we have only scratched the surface. Both our scientific knowledge and our technological base are currently inadequate to insure a final solution. So we continue, halting yet exuberant, toward a goal of which we are increasingly certain.

We passed in the last session a broad new law to control air pollution and I am confident that we will pass this year a comprehensive program for water pollution control in our Nation's navigable waterways. A little farther off in my opinion, but nevertheless in process, is long-awaited legislation to control and reduce the waste of our natural resources through refinement of our solid-waste handling systems.

There is one area, however, that has had too little attention. Our coastal areas are in great danger. It is here that most of our other environmental problems come to a focus. Into these coastal zones come the concentrated waterborne wastes of thousands of inland cities. And it is along these coastal zones that our largest metropolitan areas are concentrated with a consequent concentration of air and water pollution problems. Here also we find the greatest pressures of population pressing for more and more land development.

Yet it is precisely in our coastal zones that our recognized jurisdictional lines break down drastically to prevent the comprehensive planning and regulation that is necessary to protect these areas from utter despoilation. We must act; and we must act now.

A quotation from the recent National Estuarine Study indicates the magnitude of our present crisis:

> Except for a few in Alaska, every one of the nation's estuaries has been modified by man. Twenty-three percent have been severely modified, fifty percent have been moderately modified, and twenty-seven percent slightly modified.
>
> We conclude that it is in the National interest . . . to initiate *now* a positive approach to protection, restoration, and sound use of the natural resources of estuaries.

Due to the nature of the estuarine ecology, it is now beyond doubt that we must initiate an aggressive campaign to implement this suggestion. Another excerpt from the Study points out the uniqueness of this fragile and threatened ecosystem:

> Estuaries contain a combination of fresh water and sea water nourished by nutrients from the land and from the sea. They are richer than either by itself. Their diversity supports an enormous wealth and variety of fish, birds, mammals, and other living organisms.
>
> Estuaries have a form of natural beauty found nowhere else. They constitute the only open, wilderness-type areas in the vicinity of the largest metropolitan areas of our nation. Thus, preservation of estuaries would help fulfill one of our major goals—the provision of places for getting out of doors to enjoy nature near the concentrations of our people.

To allow the further deterioration of our estuarine areas would amount to no less than a repudiation of our national heritage and a scandalous loss of a national treasure.

It is for these reasons that I join with the distinguished Senator from South Carolina (Mr. HOLLINGS) in introducing a bill which I sponsored with Senator Tydings during the last Congress, the Coastal Zones and Estuarine Management Act of 1971. The bill will provide the basic framework for a comprehensive plan to protect, preserve, and restore our Nation's estuarine environment. It is designed to counteract what I consider the major stumbling block to a national coastal zones policy: the lack of cooperation and comprehensive planning among the various levels of government having jurisdiction in these areas.

The bill establishes a program to assist the State and local governments in forming coastal zone management agencies and for framing a master plan for their coastal areas. These plans, of course, will be required to meet specific standards and to incorporate the areas of Federal law which are designed to eliminate the various pollutants which threaten these areas.

Another feature of this plan will create a national advisory commission to review the activity of coastal management agencies and evaluate the master plans which they submit. The commission will also report periodically on new trends, problems, and possible solutions affecting our estuarine and coastal areas.

A third and highly significant feature of the bill will authorize grants for up to 66 percent of cost to States that acquire coastal lands for recreational or other public purposes. With over 50 million people a year presently using the coasts for recreational purposes, it is essential that lands be set aside to guarantee a legacy of useful shoreline to the general public.

Lastly, the bill calls for appropriations for planning grants to States of 12 million for fiscal year 1972 and for grants to cover the costs of implementing State master plans at a level of 50 million for fiscal year 1973. Also provided for are appropriations of 6 million a year for fiscal year 1972–76 for grants to States to cover the costs of purchasing and operating estuarine sanctuaries as field laboratories.

The bill, I believe, provides the basis for a sound beginning in our effort to preserve, restore, and enhance our Nation's estuarine resources. I do not contend that this is the complete answer; but I do feel that it meets a critical need and will be flexible enough to encompass such further Federal legislation as may be necessary.

I urge Senators to join with me in pressing for enactment of this vital program. We must act now.

HUMPHREY CALLS FOR GREATER YOUTH ROLE IN POLITICS

Mr. HUMPHREY. Mr. President, when I was Vice President and sat as President of the Senate, I helped start the Senate youth program, and I served it as honorary chairman.

Two elected high school student body officers from each of our 50 States and the District of Columbia are selected by their chief State school officers to come to Washington as delegates to the Senate youth program. Each delegate receives a $1,000 scholarship.

Young people such as these are our hope for a better tomorrow. We must do our best to get them involved in the political processes, take advantage of their ideas, their imagination, their social conscience and, yes, their dreams.

We must demonstrate to them that the system can work. Convince them by example that if you want to see government made more responsive to your wishes, you have got to get involved.

You cannot build a better society by dropping out . . . by standing on the outside shouting epithets and throwing rocks. You have got to come in and work at it.

Democracy is a living thing that must be constantly nurtured. You cannot expect it to survive if all you are willing to do is go to the polls in November.

These young people visiting us this past week with the Senate youth program are more than sunshine patriots. They are the fabric from which a better America will be woven.

Mr. President, I ask unanimous consent that my remarks to these young leaders be printed in the Record. I was privileged to address the participants in the Senate youth program at the luncheon meeting in the Franklin room of the State Department on Friday, February 5, 1971.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

REMARKS OF SENATOR HUBERT H. HUMPHREY, UNITED STATES SENATE YOUTH PROGRAM, FEBRUARY 5, 1971, WASHINGTON, D.C.

The election of 1972 will have within it the unpredictable, unknown and unmeasurable element of the newest of the new voters—the 18-year-olds, the 19-year-olds, and the 20-year-olds.

And the politician who assumes these young people will vote as their parents tell them to are in for a rude awakening.

The politician who ignores them is in for defeat.

The politician who hopes to win their support must speak to the future and a vision of a better tomorrow.

The election of 1972 has as many unpredictables as the election of 1948.

Young voters are not going to be satisfied with the old politics of carping criticism and partisan attack.

They are going to want in their candidates people who speak to the ideals of young America.

Men and women who give young people a chance to participate in the building of the America of tomorrow which will be theirs.

The founders of our nation were not afraid of the young voter—many were young themselves—and they wanted young people involved in government. That's why our constitution provides a person can be a congressman at the age of 25, a Senator at 30 and President of the United States at 35.

I was only 32 myself when I made my first try for public office. I was a political science instructor at Macalester College and thought I knew a lot about politics. So I ran for mayor of Minneapolis. I lost . . . but I learned a lot. And two years later, I ran again. This time I won.

When I quit my teaching job at Macalester to become mayor, I looked at it much the same as you might view the Senate youth program that brought you here today.

I did not plan to be away from the campus very long.

I wanted to help my home city and in the process get some practical experience and insight into American government.

I didn't get back to the classroom as quickly as I had expected. From being mayor of Minneapolis I went to being a U.S. Senator and then Vice President.

When I found myself out of public office two years ago, I did the natural thing and went back to school. I taught at Macalester and the University of Minnesota until last year.

The campus changed a lot in those years. And so has politics.

But student power in politics is nothing new, although it is more extensive and explosive than ever before.

When I ran for Mayor of Minneapolis, the backbone of my support came from people of college age.

They called us Humphrey's diaper brigade.

And we went on to build a progressive, liberal party in Minnesota.

In the past few years, the American people have suddenly been awakened to the very real force which young people in politics can represent.

This irresistible urge to participate is fired by the refusal of the youth of our country to accept the flaws in our society, and I think it is fundamentally healthy.

I say to the political leaders of either party who find this development troublesome, and who are alarmed because this generation can neither be bought nor ignored—get with it, or get out of the way.

I say to the young people—if you are to be true to your own self, listen to your conscience, and then wade in and seek a meaningful experience in practical, real politics.

You can't change things by standing on the outside yelling about it and throwing rocks. You've got to get involved.

I think it's time we brought students directly into our political life. Not just stuffing envelopes or running mimeograph machines in campaigns, but helping to shape policy.

We already have a limited program of congressional fellowships and internships, but we've got to do more, and not just in the Congress but on all levels of Government.

What I am talking about is a greatly expanded program of practical political education and participation.

This would be a program to place college juniors and seniors in the offices of local councilmen, legislators and Members of Congress.

They will serve as key aides to these officials, participating in the legislative and political activities, including behind-the-scenes, and generally sharing the good and the bad things of public life.

This is for the student who takes seriously the responsibility of being a citizen in a free society and wants to do something about it.

I want you to start at the proverbial grass roots and work and learn your way up.

Learn how day-to-day politics works, starting in the precincts and wards, moving on up to city hall and the county courthouse and the statehouse.

Just as you're a better United States Senator if you've first been a city councilman or mayor or legislator, so you, too, can do a better job if you've had experience at other levels of government.

You've got to know the system before you can do anything about it.

I want you to work with a ward leader, a mayor, a legislator, a governor.

I want you to learn how the Senate works, how the House of Representatives works, how the State Department and the Federal Communications Commission and the other executive agencies work.

I want you to learn statecraft—but I want you to learn the nitty-gritty, too—the plodding day-by-day grinding away that spells political action and public policy.

I would hope that, as a result of this training, more of you would make politics and government your career.

A similar plan—based on a proposal I made during my 1968 presidential campaign—is being tried on an experimental basis on a local level by eight colleges. It started last month and is foundation supported. I plan to introduce legislation in Congress soon for a national pilot program for youth in politics.

What I have in mind would be an elitist program, attracting only the best qualified, most dedicated students.

I'll leave the exact qualifications to the experts—but I'll tell you one thing: If I were the admissions director, I'd pay a lot less attention to the test scores than I paid to commitment.

I'd leave the S.A.T. scores to the computers.

I'd be looking for fresh ideas . . . Imagination . . . social conscience . . . Yes, and dreams—and the determination to make impossible dreams come true.

I think both our political parties would benefit from this program. I think the country would benefit.

American politics can't live on pablum or geritol. It needs the continuing nourishment of ideas, dissent, debate, commitment and participation.

To the serious student, our political system today obviously is not broadly based enough . . . not attracting the best talent and not responsive enough to this nation's deeply felt needs.

Your generation has articulated and brought to the forefront of the American conscience what many of us have felt for many years.

Our present political structure need not be destroyed to build a better one. But it must be reformed and modernized.

For too many people of both your generation and mine, politics is a dirty word.

Maybe that's what's wrong with our country.

Let me tell you something: Politics is just as dirty and just as clean, just as good and just as bad, just as honorable and just as mean, as you—as we—the people, make it.

If you want to make it better, get into it.

To put it another way, "If you're not part of the solution, you're part of the problem."

With passage last year of the 18-year-old vote for national elections, and the Congress and several state legislatures trying to extend that to all other elections as well, the motivation and opportunity for young people to get involved has never been greater.

But not everyone in government welcomes this new involvement of youth in politics.

The Internal Revenue Service has threatened already hard-pressed colleges and universities to strip them of their tax exemptions if they give their recently enfranchised students a chance to learn to work "within the system."

To do so could have the effect of placing a tax on the exercise of fundamental constitutional rights.

The time has come for the Congress to take a fresh look at the ban on political activity by charitable organizations under the Internal Revenue Code.

We are witnessing a new phenomenon, the public interest law firms. Historically, the lawyer's client was a private individual or a company; but now we have a new, young breed of lawyers who want to represent not some private interest, but the greater public interest.

Probably the best known of these public interest lawyers is Ralph Nader.

Along with this is another hopeful development—the recent mushrooming of grassroots citizens groups concerned with civil rights, conservation, consumer, poverty, and other problems afflicting our society.

The corporations they confront can deduct the costs of litigation, "government relations" (meaning lobbying) and public relations (institutional advertising) as "ordinary and necessary" business expenses.

And if it is government that these citizen groups challenge, taxpayers' money is used to hire lawyers and public relations men to fight them.

But the citizen groups would stand to lose their tax exemption—as has already happened in at least one case—if they, for example, launch an advertising campaign to point out the ecological hazards of some corporate or governmental venture.

To deny them tax exemption is to strip David of his slingshot while leaving the corporate-government Goliath armed to the teeth.

It is easy enough to say government must become more responsive to all citizens and more inviting for the young, but we already in government cannot do it alone.

We need your help.

That means pointing out the problems for us, telling us what must be done and then keeping after us until it gets done... and done right.

And it means taking a hand in doing the job.

It means you'll have to get involved. Today, more than ever before, your country needs you.

It needs new ideas and your vigor, your energy and your heart. You have it within your power to build a brave new world—if only you will work at it.

REPUBLICAN NATIONAL CHAIRMAN

Mr. BELLMON. Mr. President, one of our colleagues, the junior Senator from Kansas (Mr. Dole), was recently elected chairman of the Republican National Committee. As we in the Senate know so well, the Senator from Kansas will bring an abundance of energy, enthusiasm, and dedication to his new position. His voice will be heard in the highest councils of our Government, throughout the Nation, and of course, in this Chamber. Kansas and the Republican Party will greatly benefit from his new role.

A newspaper published in my home State, the Pryor, Okla., Daily Times, recognized in December that the Senator from Kansas was destined to provide leadership for his party. I ask unanimous consent that an editorial published in the Daily Times be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Editorial: Dole Rising Power

Senator Bob Dole of Kansas is a rising power in the Republican ranks in Washington. He has earned the gratitude of the Nixon Administration by his aggressive support of Presidential policies at times when the Senate leadership of the Grand Old Party, who are supposed to be the chief spokesmen and defenders of the Administration, deserted Nixon.

As a consequence of his loyal support, he has an excellent relationship with the Nixon Administration that will be beneficial to Dole as a Senator and to Kansas, the state he represents.

While The Times does not necessarily agree with Senator Dole on many issues, being of Democratic persuasion, we admire him for his loyalty to the President, his outstanding ability and his keen insight into the political situation. He realizes that the best way to serve his home state is to help those who are in a position to help Kansas. This should remind Oklahomans of another Senator who was so fond of saying and proving "I'm against any combine Oklahoma ain't in on."

Dole is on the Senate Public Works Committee and has evidenced considerable interest in the development of the Arkansas River.

At one time the late Senator Robert S. Kerr and the late Senator Andrew Schoeppel of Kansas were working together to take navigation to Wichita, Kansas. If this could be done it would increase the water freight traffic and Oklahoma would benefit accordingly.

We are hopeful that Senator Dole can convince the Corps of Engineers of the feasibility of this project. He has shown he is against any combine Kansas "ain't in on."

U.S. INVOLVEMENT IN LAOS

Mr. HART. Mr. President, the South Vietnamese Government has sent troops, supported by U.S. air personnel, into Laos.

As this is being written, I have no information to indicate the extent of this newest incursion.

Whether or not the "incursion" becomes an "invasion," only those who grasp at fine lines of distinction will argue that because no American foot soldiers crossed the border the U.S. is not involved in the effort.

Whether or not the incursion is severely limited in time and scope, the expansion of the war at a time we are reportedly attempting to withdraw from the conflict is both appalling and depressing.

It is appalling because in the name of deescalation we are increasing the violence. It is depressing because it appears that we have learned little from past history.

The problem goes beyond the stepped-up bombing in Cambodia and Laos to the basic concept of Vietnamization of the war.

That concept is based on equipping the South Vietnamese for war rather than pressing for a negotiated peace.

Under such a policy, there should be little surprise that efforts to negotiate an end to the fighting and a return of our men held prisoners have met with no apparent success.

Under such a policy we can withdraw "with honor" only if our assigned agents are able to continue the war after our departure.

More disturbing, under such a policy it apparently is justifiable to spread the war in order to buy time for what can only be an apparent "honorable withdrawal."

Perhaps that is too harsh an implication to direct toward the policy of Vietnamization, but pushing the war from South Vietnam into Cambodia and Laos will not end the conflict, but only move it from one area of action to another.

While such a move may buy time to permit the appearance of a withdrawal which allows the Thieu-Ky government to continue in power, it does not insure a permanent "honorable" solution.

And if honor is a part of the goal, I suspect world opinion, however one may define that elusive concept, will not be fooled by a strategy which spreads the pain of war in return for a withdrawal which is "honorable" only in appearance.

World opinion will not be fooled by a strategy which buys time for the sake of appearance but in reality threatens the future of Cambodia and Laos. And, for the very same reason, as pointed out in a column by Stanley Karnow in today's Washington Post, our responsibility in widening the war increases pressure for a continued U.S. presence in Southeast Asia.

If we are so concerned about honor, we might better ask ourselves what honor there is for an affluent Nation which cannot feed all its people?

What honor is there in having a large number of persons unemployed?

Where is the honor in a nation of decaying cities?

What honor will the world give a nation which has been warned but does nothing to reverse the trend toward a divided society, toward a future of armed suburbs and a no-man's land in the city?

We may all be honorable men, but honor is in the eye of the beholder, whether the person be a refugee from a bombed Cambodian town, a resident of a U.S. ghetto or a hungry child.

In my eye, honor demands we set a date certain for withdrawal of all troops from Southeast Asia, negotiate return of our POW's and get about correcting those inequities at home with which no affluent Nation can exist—with or without honor.

Mr. President, I ask unanimous consent that Mr. Karnow's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MAN IN THE MIDDLE

(By Stanley Karnow)

One of the major casualties of the expanding Indochina War may well be Prince Souvanna Phouma, the tenacious Prime Minister of Laos. And his downfall, like the collapse of Cambodia's Prince Sihanouk last year, could have significant consequences for all of Southeast Asia.

The current expansion of the Indochina conflict into Laos has put Souvanna Phouma on the spot. For it is serving to reinforce the right wing Laotian army officers who, with the encouragement of their counterparts in Saigon and Bangkok have been striving for years to oust him in order to set themselves up as direct clients of the United States.

The potential rise of these officers not only jeopardizes the fragile equilibrium that has thus far kept the war inside Laos relatively limited. But their takeover would torpedo the 1962 Geneva agreement that established the convenient fiction of Laotian neutrality and, as a result, it could conceivably touch off a whole new chain of reactions in the area.

In the first place, the creation of a right wing regime in Vientiane is bound to tempt the Chinese Communists to strengthen the forces they already deploy in northwestern Laos. Peking is estimated to have more than 14,000 men engaged in building roads in that corner of the country at present.

The breakdown of the Geneva accords might also prompt the Russians, who have been trying to walk a tight rope in Laos, to adopt a tougher line as a way of competing with their Chinese adversaries.

More important, an end to the myth of Laotian neutrality would be a signal for the North Vietnamese, who currently have about 100,000 troops in Laos, to drop the pretense of observing the cease-fire line they have generally honored until now and push on towards the Mekong River Valley.

Such a move on Hanoi's part would pose an obvious threat to the American air bases on or near the Thai border. Moreover, it would spur the ties to deepen their involvement in Laos, presumably with U.S. assistance.

To a large extent, therefore, the fate of Laos at the moment may be the key to whether the war is going to spread beyond the Indochinese peninsula to other parts of Southeast Asia—and whether, in that event, President Nixon can effectively stick to his promise to reduce the American commitment to the region.

So, as it has periodically in the past, the quaint and charming little kingdom of Laos is again playing a decisive role in international affairs as a result of its unfortunate geographical location.

It was precisely to transform Laos into a neutral buffer rather than let it become a battlefield that the 14 Geneva signatories, among them the United States, the Soviet Union, Red China and North Vietnam, agreed to a Laotian coalition government with Souvanna Phouma as the man in the middle of of the muddle.

The coalition was never much more than an ambiguous contrivance that mainly existed on paper. Yet it was respected by the world powers because the alternative, a polarization of the rival factions inside Laos, would have ignited a more explosive situation.

Consequently, both the North Vietnamese and their indigenous Pathet Lao satellites have been careful to avoid breaking relations with Souvanna Phouma and even go through the motions of negotiating with him, thereby indicating that they at least recognize his government.

By the same token, both the United States and the Soviet Union have acted jointly to discourage the right wing Laotian army officers from toppling Souvanna Phouma. In April 1964, the American and Russian ambassadors in Vientiane even restored the Prince to office after his ouster by Gen. Kouprasith Adhay, the local army commander.

But Kouprasith and his associates, who dream of receiving massive doses of American aid like the generals in Saigon and Bangkok, have never ceased gunning for Souvanna Phouma. Only international support for the prince has prevented them from achieving their objective.

Now, according to reliable reports, the Laotian officers are delighted by the South Vietnamese thrust into Laos in the hope that it will wreck the Geneva Accords, undermine Souvanna Phouma and lift them into power.

Since the South Vietnamese foray is being made with U.S. backing, President Nixon is ultimately responsible for tilting the balance in Laos and extending the war further than it has already gone—which is much too far.

THE CURIOUS LIBERAL VIEW OF SOUTHEAST ASIA

Mr. MILLER. Mr. President, the Washington Sunday Star of February 7 contains a most perceptive column by Crosby S. Noyes. His analysis of the current debate on the Southeast Asia operations should be required reading for those who wish a true perspective of the viewpoints. I ask unanimous consent that the column, entitled "The Curious Liberal View of Southeast Asia," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CURIOUS LIBERAL VIEW OF SOUTHEAST ASIA

(By Crosby S. Noyes)

The anger of the liberals over recent developments in Southeast Asia defies rational analysis.

What is it that they want? What do they really feel? What would they do if they were making the decisions about our policy in Asia?

The answers, I submit, are not nearly as simple as they seem. The fatal weakness of the liberal position at this point is that it is inherently a minority position, not because the government or the majority of the country is reactionary and warlike, but because what the liberals recommend could not be adopted by any American government.

The one consistent characteristic of liberal thinking today is that of dissent—not from any particular policy, but from any policy that has the slightest chance of success. When it comes to Southeast Asia, the failure of American policy has become a primary article of faith to practicing liberals.

The anger at the present course of events is real enough. There is little that happens in this country or abroad that does not fuel their sense of exasperation and dismay. Their capacity for dire prediction is limitless.

The liberals are even angry at each other. The peace movement, they complain, is dead, killed off by the machinations of a devious administration. Even the peace bloc in the Senate seems to be showing new signs of indecision and impotence.

And meanwhile, of course, everything is going to hell in a handbasket.

The Cambodians, despite all the predictions, are showing signs of determination in resisting the invasion of their country by North Vietnam. The South Vietnamese are said to be invading Laos with the object—just imagine it—of breaking up Communist supply lines into their country. And worst of all, the Americans are helping them, even while claiming that they intend to withdraw the bulk of their forces in Vietnam as quickly as possible.

Small wonder the liberals feel betrayed. This is hardly the scenario they had in mind when the Senate doves pushed through the Cooper-Church amendment last summer. And if, in the end, they were unable to limit the use of American air power in supporting actions in Laos and Cambodia, why surely the administration should have understood what they meant to do.

But what is it exactly that they did intend? The liberal lexicon is a bit murky when it comes to practical policy, but a few solid points show through the rhetoric.

They would, presumably, prohibit all help for Cambodia and Laos and for the South Vietnamese operating in these countries. They also would set a firm date for the end of the American involvement in Vietnam—including the withdrawal of all American troops and support for the Vietnamese army. And finally, they would pull the rug out from under the "unrepresentative and repressive" government in Saigon and set up in its place a coalition willing to come to terms with Hanoi.

Or would they?

The curious thing about the Senate liberals is that while they readily make ruinous suggestions about what others might do, they show little zest for putting such suggestions into effect. The chances, for instance, of extending the Cooper-Church amendment to cover the use of American air power in Cambodia and Laos are rated at practically zero.

If you ask them, furthermore, whether they really would prefer to see a Communist government in control in Cambodia or Laos, they will say of course not. If you ask them who would be served by a public timetable for an American departure from Vietnam, they change the subject. If you ask them whether they consider the government in Hanoi more representative and less repressive than the one in Saigon, they say it is beside the point.

More than anything else, one feels, there is an apprehension that it may all work out—that the disaster they have been predicting so relentlessly over the years may not actually come about. It is, quite obviously, a luxury which only the opposition can afford. And the liberals at this point seem devoutly attached to their opposition role.

NEWS BLACKOUT ON SOUTHEAST ASIA MILITARY ACTIVITIES

Mr. PELL. Mr. President, I have been deeply disturbed, as have many other Senators, over the prolonged news blackout imposed by the administration on our major military activities in Southeast Asia.

Indeed, the distinguished assistant majority leader, the junior Senator from West Virginia, expressed the concern of many when he raised questions here in the Senate last week regarding the news blackout.

Neither I nor any other American, I am sure, would ask that any information be made public that would in any way endanger the lives of our servicemen in Southeast Asia. In fact, concern for the safety of our servicemen has been cited by the Department of Defense as the reason for the extraordinary news blackout.

I cannot but remark, however, on the contrast between the administration's news policy during the Cambodian incursion of April 30, last year, and during the current military campaigns. Senators will recall that on April 30 last year, the President on national television informed the American people that even as he spoke United States and South Vietnamese forces were moving across the international boundary into the territory of Cambodia. He subsequently announced on national television, to the American people and the world, precisely how far into Cambodia those troops would penetrate and the deadline for their complete withdrawal.

Did those early, open announcements of U.S. military activities last year pose any threat to the safety and security of our servicemen? To the contrary, the administration has proclaimed the entire operation to have been a complete and unmitigated success.

I find it difficult indeed to understand why it was possible in 1970 to give the American people full and timely information on a major military operation, while in 1971 such full and timely information is considered a threat to the security of our servicemen.

Perhaps there are reasons for the difference; there may well be circumstances that fully justify such a dramatic change in information policy. If there are, those reasons should be presented without further delay to the American people, whose sons are fighting this war and whose dollars are paying for it.

TRIBUTE TO HAROLD A. SYMES BY SENATOR JENNINGS RANDOLPH

Mr. RANDOLPH. Mr. President, on Friday, February 5, 1971, Harold A. Symes, professional staff member of the Committee on Public Works, retired. This one-sentence statement really expresses much. Hal, as we know him, has spent 18 years as a printer with the Government Printing Office, 6 years with other congressional committees, and has served the Public Works Committee as its printing editor for the past 7 years.

During his years with the committee, he has assisted the Members and his professional staff colleagues in the handling of the Air Quality Act of 1963, the Motor Vehicle Air Pollution Control Act of 1965, the Air Quality Act of 1967, the Clean Air Act Amendments of 1970, the Solid Waste Disposal Act of 1965, the Resource Recovery Act of 1970, all of the biennial authorizations for rivers and harbors-flood control, and the Federal-Aid Highway Acts of 1964, 1966, 1968 and 1970, the Highway Beautification Act of 1965, the Highway Safety Act of 1966, the Appalachian Regional Development Act of 1965, and the Public Works and Economic Act of 1965 and their 1967 and 1969 amendments.

There is no way of accurately determining the number of volumes, pages, and words which it has been his duty to shepherd through the legislative process. Without him, the committee would have functioned, but with him, it functioned so much better. His ability and diligence, his dedication to his assigned tasks facilitated the important work of the Committee on Public Works. But more than his commitment to his assigned job, he shall be most remembered for the manner in which he carried out his responsibility, always with pleasantness, with kind words, and with great understanding for the needs of others. No matter how complex the particular job, no matter how short the time limit and how impossible the working conditions, he always delivered and with a smile.

While it is true that no man is indispensable, he will be missed by the members of the committee and his colleagues. We wish him a happy, healthy, and rewarding retirement. I know from having worked with this man that this will not be a period of unproductiveness and idleness. He is too active and too involved to sit. Following a brief vacation, we will again see Hal Symes doing something for people because that is the way he lives.

All of us who have been involved in the life of the Congress, are aware of the professional camaraderie of the printers on the Hill, and Hal Symes has been a printer's printer.

ANALYSIS OF AIRPORT USE PROBLEMS

Mr. BAKER. Mr. President, I invite the attention of Senators to an article entitled, "Will You Lose Your Right To Fly?" which was published in the October 1970 issue of Popular Mechanics magazine. I found it to be a very interesting analysis of the airport use problems facing general and private aviation. The author, Mr. Frank A. Tinker, suggests several alternative steps which might be taken to alleviate the problem while safeguarding the right of a large number of Americans to own and fly their own aircraft. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILL YOU LOSE YOUR RIGHT TO FLY?

(By Frank A. Tinker)

(NOTE.—The author has been flying for 30 years—combat in World War II and Korea, airlines, charters and freight ferries to Alaska. A former director of the Airline Pilots Assn., he says: "Most airline pilots are looking for constructive answers rather than banishment of private flyers. After all most are weekenders themselves.")

We had been cleared for final approach to the single runway available at this major, supposedly modern, airport. Several small private aircraft were also in the pattern for the same runway as we reported our heavy cargo craft three miles out. One was almost ready to turn on final, a turn that would put him squarely in our path. Surely he would be told to go around the pattern.

But he was not.

"Piper three six Foxtrot, you are cleared to land," came the instruction from the tower. Cautiously, sensing the error that had been made, the Piper acknowledged and began his turn.

There was no time for further tower talk. The aircraft were already in dangerous proximity. I gave our bird climb power, asked the copilot to bring up the gear, and turned abruptly to avoid the light plane.

At that point we could have filed a report of a near miss, as all pilots were invited to do by the Federal Aviation Agency in 1969, without fear of retribution. However, like many other pilots concerned over the public hysteria about mid-air collisions, we decided against it. It seemed to us that any such report, instead of being used to correct the real cause of aerial traffic jams—in this case, inadequate airport facilities—now merely adds to a misunderstanding which threatens to eliminate private aviation as we have known it here in America.

Such an unfortunate ban can be effected in several ways: by restrictive order or by requiring such expensive equipment that the ordinary light-plane owner cannot afford it. Recent "scare stories" about congestion and mid-air accidents, many woefully inaccurate, have created the emotional climate for such unreasonable actions. It would be unfortunate if hysteria were to govern our aviation policies now since the only real cure for aviation's growing pains—an advanced technology within reach of all—seems well on its way.

Last year, despite the clear language of a federal statute that ". . . there shall be no exclusive right for the use of any landing area or air navigation facility upon which Federal funds have been expended," the main airports in New York (La Guardia, Kennedy and Newark) and Washington National were virtually closed to all aviation but airlines. This was done by requiring reservations before landing, with so many slots being awarded to airlines beforehand that few spaces were left for the private or business pilot. In addition, the Port of New York Authority levied a landing fee—to apply only to nonairline craft—five times its previous level.

Senator Long of Louisiana has called for the relegation of private aviation to "pastures." Recently, stringent controls have been proposed by the FAA for 22 high-density terminal areas around the country, with another 98 apparently on a list to follow. These controls would require expensive electronic equipment on even the smallest aircraft operating in these areas, commit all aircraft to complete ground control regardless of weather, and compress their flights into shallow layers of airspace. These proposed rules, according to Sen. John Tower of Texas, "would result in the death of general aviation."

But these proposals only continue a long trend, that of transferring control of flights from cockpit to ground, from pilot to government employees.

The public thinks the reason is congestion—and its link with mid-air collisions. Last year FAA towers handled nearly 60 million aircraft movements, a large percentage at a relatively few main terminals. This congestion is anything but new.

PM and this writer called attention in 1960 to the situation at Chicago's Midway Airport. Causes of crowdinig then were much the same as now—overscheduling of flights, inadequate airports, marginal technical and radio facilities. One factor not a large cause was small private aircraft. Even then private planes were almost never caught in the maelstrom of a major airport.

Obviously, overworked air controllers agree: The "sick-strikes" which they called in 1969 and 1970 to protest crowed and inadequate facilities at major airports occurred *after* private craft were eliminated from those ports. As for safety, the FAA itself has stated that limitations on private craft using the ports "were intended to provide relief from excessive delays at certain major terminals. They were not, as some persons concluded, intended to correct a safety problem."

Crowding, however, has been made synonymous with the mid-air collision. Certainly there is a problem aloft. More than

1000 "near-misses" were reported in 1968—although no concrete definition of a near-miss exists. In that year there were two collisions between airliners and private craft and in 1969 there were three, with 132 fatalities. These made headlines—although the number of deaths is less than the average *every day* on our highways.

Most near-misses and collisions did not involve airlines. Some occurred while applying agricultural chemicals, hearding horses, or spotting fish. Twenty private craft collided in 1968 while in poorly defined traffic patterns, usually on final approach. Most of these happened at small airports. Probably none could have been prevented by the restrictions now proposed.

The current attack on private aviation has been the first to recommend the virtual grounding of any part of our civilian fleet. How well qualified are the critics? Even large newspapers seldom have an aviation specialist. Much of the information they print about accidents is highly speculative, obtained mainly from airline sources. When a DC–9 and a Piper Cherokee collided near Indianapolis last September, a typical headline was "Small Plane Rams Jet." Even the *New York Times* said the small plane "struck" the DC–9's tail. The jet, however, was traveling at a speed several times that of the Cherokee, which would make it difficult, for the latter to "ram" or "strike" the DC–9. In a similar collision between a Cessna 150 and a DC–9 near St. Louis in 1968 the CAB found that the airline pilots "could have sighted the Cessna in time to avoid the collision. The Cessna crew could not have been expected to see and avoid the DC–9."

More important, the probable cause of this accident was found to be a combination of inadequate VFR separation standards and the absence of an orderly traffic pattern.

A widely quoted newspaper supplement story (*Parade*, Jack Anderson) claimed that in the Indianapolis collision the private plane was making a landing pass at the airport. The National Aviation Trades Assn. indignantly pointed out that the light plane was 20 miles from the airport at the time of collision.

Even the terms "private" or "general" aviation may be misleading. General aviation includes not only the weekend flyer in a light plane—who may hold either a student permit or an airline transport rating—but aerial applicators, air taxis and 6600 multiengined company-owned planes. About 1000 private jets and 1200 turboprops fly in this nonairline fleet which numbers about 133,000 aircraft. There are 10,000 airports in the United States, only one in 20 served by a major airline, and almost as many people move between cities by private aircraft as by airline. Thus the question might easily be posed—which is "private" and which "public"?

Controls are overrated as accident preventives. The same rules that provide altitude separation between planes also *confine* them to specific levels and create whatever crowding results there. Having to follow airways from one navigational aid to the next compresses traffic into narrow bands of airspace. The first serious mid-air collision was due in part to the precise navigation of the two airliners involved, which came together in an uncrowded airway over the Grand Canyon.

In busy terminal areas all flights are under radar surveillance and ground control. Yet during 1968 there were 58 near misses between planes which were both under "positive control." The worst mid-air accident in history occurred when two airliners collided over New York while being directed by controllers. Last year two jets nearly collided in positive control airspace 22,000 feet over Pennsylvania.

The FAA has recently proposed that in terminal areas all flights above a very low level be under ground control. Both private and airline pilots have turned thumbs down on the FAA scheme, saying it is too complicated, compresses traffic at low levels, clogs radar screens with transponder blips and imposes an additional burden on already overworked controllers.

The main crisis arises in terminal areas and at lower levels of flight when different classes of aircraft are operating there simultaneously. The solution is to get high-performance craft into and out of airports, passing safely through the levels where this "mix" occurs. To do this, "flight corridors" have been suggested by both private and airline pilot associations. Similar corridors, long used by military planes, permit traffic to pass through such areas, yet do not close them to other craft. Positive control is required only for planes using the corridors.

This would reduce the outlay for sophisticated equipment which today threatens to ground many private planes. A transponder with the many channels required by air traffic control now retails for nearly $1000, installed. Many-channeled communications equipment is already mandatory for planes using airports with towers. Anticollision devices could add astronomical costs.

If general aviation's uphill battle is won it probably will be with technological advances.

Airports have been modernized in many places, with equal and separate facilities for both airlines and general aviation. Traffic patterns are separated, different terminals are provided and conflict between the two classes of planes is rare. In terminal areas, where the crush of traffic makes parallel facilities inadvisable, "reliever" airports have helped—and more are scheduled—to take pressure off main terminals and still provide convenient locations for business and private pilots.

Aloft, the need for transponders may be alleviated by the improvement of ground radar sets capable of discerning *all* targets more clearly. Most important is the development of height-finding radar. Today's sets provide only the direction and distance of the target, but others soon on the market will indicate the plane's altitude. Such tools, unlike restrictions will greatly improve the safety factor of aviation.

Along the airways, congestion is already being relieved by another advanced aid, the "area-navigation" system. Using on-board computers aircraft can navigate almost directly to their destination instead of following crowded air lanes.

The ultimate anticollision tool, an airborne system which will warn pilots against dangerously close aircraft, is also well along in its development. An elaborate electronic collision-avoidance system is favored by the airlines, but this would work only when all aircraft were similarly equipped and the present cost is about $50,000.

General aviation favors a cheaper, simpler pilot warning indicator. The Electronic Research Center of NASA in Boston recently showed such a device. It operates from lights aboard the planes, the flashing of which is picked up by grids on the windshields of other craft. Position of the lights on these grids indicates the other craft's direction. Highly visible stroboscopic lights, whether or not a part of a warning system, have been recommended by all parties and are being widely installed.

Several long-standing weaknesses remain to be improved, however. One is cockpit visibility—even in new jets. Near Milwaukee, in 1968, the pilots of a Convair 580 were advised three times by controllers that they were overtaking another target but, because of insects on the windshield they could not see a Cessna 150 until they plowed into it.

There is also the increased attention airline pilots must pay to items within the cockpit during descent and takeoff.

"That controller had better get everybody out of the way when we come in," confessed a friend who flies a DC–8. "I'm not looking outside 10 percent of the time during an approach."

Finally, airline scheduling during peak demand hours still creates much terminal congestion. Airlines cater to passenger's normal desire to fly during daylight. Some major terminals are thus almost deserted after mid-evening. If airline flights could be spread more evenly over the day and night, crowding and hazard could be reduced immediately.

All these are realistic solutions, well on their way into practice. Barring general aviation from public airspace, regimenting all flights, and hiking the cost of flying needlessly are shortsighted answers at best. Over the long run, they would indeed return private aviation to the pastures—but is that where we want it?

THE CRISIS OF HEALTH CARE

Mr. PACKWOOD. Mr. President, the so-called crisis of health care will be a much debated issue during this Congress. It is hoped that any legislation which may be forthcoming will stand on its own merits and not the emotional backlash which too often prevails.

Several months ago, the senior Senator from Iowa (Mr. Miller) warned against Congress being stampeded into rash action, action which we would come to reject.

Because the speech is as timely now as it was then. I ask unanimous consent that Senator Miller's remarks of May 27 at a Dental Honors Convocation in Iowa City be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by U.S. Senator Jack Miller (Iowa)

It is a privilege to have been invited to address this Dental Honors Convocation.

This College of Dentistry, which has been such a big part of your life for the past several years, is one of the foremost in the nation, offering courses undreamed of when the first dental school in the United States was organized in 1840. At that time and until 1870, physicians practicing some dentistry and apprentice training remained the chief source of supply of dental care in the nation.

As you stand on the threshhold of a dental career, you can take pride in the realization that you are among the best equipped to meet the duties and responsibilities of your chosen profession our nation has ever produced.

Since our society today is becoming increasingly concerned about health care and services, it was suggested that I address my remarks to one or more aspects of the health field, rather than to the future of football or ROTC at UI. Accordingly, I plan to take a broad brush approach to the subject and also to delve into some areas of special interest to your profession.

"SICKNESS" IN THE HEALTH CARE INDUSTRY

America's $60 billion-a-year health care industry has been described as our "fastest-growing failing business." And there is more than a degree of truth in that assessment.

Last July 10, President Nixon declared: "We face a massive crisis in this area and unless action is taken both administratively and legislatively to meet that crisis within the next two to three years, we will have a breakdown in our medical care system which could have consequences affecting millions of people throughout the country."

The President said he knew when he took office that health care was a serious national problem but found the problem was much worse that he had realized.

The decade of the '70s began this year with three major congressional committees, including the Senate Finance Committee on which I serve, examining into this industry's sickness.

Some are predicting that the end result of the investigations by these committees will be some form of a national health insurance plan to cover all Americans by the end of the 1970s. And there are predictions that this will come about as early as 1975.

If such a scheme is adopted, it will have widespread repercussions in the health field. It would amount to what could be considered a nationalization of the industry—with all its attendant controls, regulations, and, of course, paper work.

THE DENTAL SERVICE CORPORATION

The speed at which this concept has been developing was at the heart of the Iowa Dental Association's action earlier this month in establishing a dental service corporation—really a dental insurance company.

This corporation, as you may know, will come into existence within 90 to 100 days and offers you, the dentists, an opportunity to control your own destinies and to avoid having to deal directly with the government or other carriers.

This corporation is a dental care version of the medical Blue Shield-Blue Cross groups serving as the intermediary between doctors and government in Medicaid and Medicare programs. The IDA action appears to be recognition that some kind of dental insurance seems inevitable.

Dr. Robert E. Glenn of Burlington, the Iowa Dental Assocation's president, has said that the dental service corporation "may be our last hope for control of our own profession."

Dr. John Goodrich of the State Health Department has added a comment which bears repeating:

"With the increasing activity in the prepaid dental care area, from union-management contract negotiations now and very likely with some form of national health insurance in the future, the profession can no longer wait."

I will have a few additional remarks later relating to the national health insurance proposal, although you have among you one of the experts in this area, Dr. Galagan, the dean of this College of Dentistry, who is a member of the American Dental Association's special Task Force on National Health Programs.

On that point, I can assure Dr. Galagan that I will be vitally interested in the recommendations relating not only to the areas of national health insurance but those involving the Association's policy and programs. I am also extremely interested in the recommendations of the Task Force on modifications of future dental practice that are foreseeable from the current discussion on national health insurance.

INCREASED DEMAND FOR SERVICES

Our so-called "affluent society" today is more demanding than was ever visualized back at the turn of the century. Health care service is being strained to the breaking point by the population explosion. Because people are better educated and enjoy a higher standard of living, they understandably are making greater use of health services and facilities. Many have come to regard health care as more of a right than a privilege. As Charles B. Womer, director of the Yale-New Haven Hospital in New Haven, Conn., has observed, in looking at the changing attitude in America toward health in recent years:

"We have grown from the point at which medical care is a privilege to where it is a right. We've made it a human right, but we've not quite made it an economic right. It's as if the fire victim were being made to pay the fire company for its services."

INCREASING COSTS

One out of seven Americans is admitted to a hospital each year. The total bill annually for the nation has jumped to $22.5 billion, double what it was seven years ago. The basic charge for a hospital room is up 82 percent in five years, and in some recent years, it has been climbing five times as fast as the cost of living.

The costs are traceable to higher wages for health personnel, the growing number of personnel needed, the price of progress in health care, the increasing cost of equipment and supplies, some degree of inefficiency and duplication of services resulting from unforeseen demand, and, of course, inflation.

The Federal Government itself has aggravated these problems. Indeed, it is primarily responsible for inflation.

For one thing, the cost of hospital services has risen more than four times as fast as the increase in the cost of living since Medicare and Medicaid went into operation in 1966. The two programs will cost about $13 billion this year, some $5 billion more than was forecast when they were enacted. The cost overrun is now projected at $36 billion for the 10 years of this decade alone.

With Medicare and Medicaid, the Federal Government assumed a major responsibility to help pay the hospital and medical bills of all over 65 years of age, regardless of their ability to pay, and all of the poor regardless of age. The impact of this new federal role can be seen by contrasting public and private expenditures for personal health care in fiscal years 1960 and 1969:

Total public and private outlays grew from $23.2 billion to $52.6 billion, while the federal portion rose from $2.4 billion to $12.4 billion. Thus, the federal share of total outlays increased from 9 to 24 percent; the share met by state and local governments remained at about 12 percent; and private outlays dropped from 79 to 64 percent. Projections indicate that these trends will continue.

The rapid growth in demand for medical services generated by the new federal programs and rising population has not been matched by the quantity of health resources and the efficiency of the nation's health system. The result: a sharp upward spiral in the price of medical care, imbalances in the availability of health resources, a growing awareness of the limited capability of the present health system to deliver services effectively, and deep concern that there will be a deterioration in the quality of health services.

SHORTAGES OF HEALTH CARE PERSONNEL

That the demand for services has far outstripped the steadily increasing supply can be seen in the shortages which exist in the health personnel field:

It is estimated that there are 100,000 professionally active dentists in the nation at this time—with 96,500 engaged in practice and 3,500 involved in research, teaching or administration. Of the 96,500 practitioners, approximately 92,500 are self-employed, private practitioners. The current shortage of dentists is estimated at 17,000 to 20,000.

Estimated shortages in other health professions fields: physicians, 50,000; registered nurses, 150,000; optometrists, pharmacists, podiatrists, veterinarians, 26,000; allied health occupations (medical, dental and environmental), 253,000.

As in the case of medical schools, colleges of dentistry are not turning out nearly enough graduates to meet the needs; nor, for that matter, are there enough students enrolled at the present time: 16,008 in the nation's 53 dental schools, with graduates this year in the area of 3,400.

What is worsening the situation even more is that dental and medical schools are undergoing a financial crisis. Part of this, but only a part, is attributable to the tight budget of the Federal Government resulting from excessive tax relief demanded by a majority of the Congress in exchange for tax reform under the Tax Reform Act of 1969.

THE FEDERAL GOVERNMENT AND DENTAL CARE

The Health Manpower Act of 1968, the successor to the Health Professions Educational Assistance Act of 1963, brought together the various sources of federal support for the construction of new health professions schools, rehabilitation of existing school basic institutional grants distributed on a formula basis of all eligible schools and used for operating purposes, special project grants that are competitively distributed and used for particular purposes specified in the law, and a loan-scholarship program for students enrolled in health professions schools.

Appropriations for institutional grants under the Health Manpower Act totaled $66 million in fiscal 1969, $105 million in fiscal 1970, and $113.6 million has been requested for fiscal 1971.

Some 235 schools, including the dental colleges, are in competition for these grants.

I am well aware that the American Dental Association has gone on record in support of funding of this section to the level of authorization in fiscal 1970 ($117 million) and will probably do the same for the coming fiscal year ($168 million).

This is understandable, because this section of the authorization act is, in many ways and in the opinion of the professional, the the key to federal participation in assisting health professions schools weather the financial crisis from which they now suffer. Because the number of schools eligible for the grants is steadily growing, the increased appropriations have not had the impact on individual schools which might have been expected. In fact, individual dental schools generally received about the same level of grants in fiscal year 1970 for operational support ($24 million, Iowa $257,500) as in fiscal 1969 ($22 million, Iowa $242,500) with only a little increase expected for fiscal 1971. During this period, two of the nation's dental schools—St. Louis University and Loyola University of New Orleans—have closed their doors. The American Dental Association says it knows of at least five more schools that are actively considering also closing down.

One of the problem areas for the next year or so is student loans and scholarships, with indications that the health professions will receive lesser amounts. Total appropriations in the loan areas for fiscal year 1969 were $15 million; this was stepped up to $15.9 million in fiscal 1970, but only $12 million has been requested for fiscal year 1971. Congress may up this amount, however.

The decrease of these funds is tied to the announced intention of the Administration to consolidate existing loan funds into the Office of Education guaranteed loan program which, it is hoped, will result in an expansion of student loans.

The inclusion of loan funds within the Health Manpower Act recognizes that professional health education is not only expensive in itself, but these costs come on top of those of four years of undergraduate education, during which time a student has often already made use of NDEA grants or Office of Education guaranteed loans. If substantial assistance is not available during the professions school years, as you well know, the tendency is to close off the health professions to all except those from well-to-do families—an undesirable result, both for the professions and the nation.

I realize there is some doubt in the professional schools that the substitution of Office of Education guaranteed loans for the direct Health Manpower loan fund will work. You are concerned, as we all are, with the fluctuations of the money market and the prevailing high interest rates which combine to make many banks reluctant to grant loans of this kind, and may continue to cause this reaction even with the additional incentives the Administration has agreed to provide. Also there is the feeling that the banking industry should not be the one deciding how many young people, and from what income levels, will be afforded the financial support necessary to seek doctorates in dentistry or medicine. However, I am hopeful the guaranteed loan program will work the way it is planned.

In fiscal 1969, some 6,400 dental students obtained funds from the direct loan program. It is estimated that, in fiscal 1971, only some 2,200 will be able to do so. Actuarial indications are that if the Congress would fully fund the loan section for the next several years, it would then be all but self-sustaining because of the re-payments that would be flowing back. The trouble is that the money isn't there, because of the excessive tax relief to which I earlier referred.

The situation with respect to the scholarship funds is similar to that of direct loans. It is estimated that the fiscal 1971 budgetary requests would reduce the number of scholarships available to dental students from 3,700 in fiscal 1970 to 3,400 in fiscal 1971.

Construction funds appropriated under the Health Manpower Act came to $75 million for fiscal 1969, $118 million for fiscal 1970, and the same amount has been requested for fiscal 1971. Since the law's inception in 1963, dental schools have been annually allocated about 20 percent of the appropriated funds for all of the health professions. However, during this period, nine new schools have been established. In addition, a number of existing schools have undertaken extensive rehabilitation and expansion programs. I note that our own College of Dentistry, in fiscal 1969, received $7 million under this construction section for a new clinical sciences building, the largest single grant ever received from any source by Iowa University.

One component of the National Institute of Health is the National Institute of Dental Research. It is, in terms of the fiscal base, by far the smallest of the NIH institutes. Funds earmarked for NIDR came to $30 million in fiscal 1968, $40 million in fiscal 1969, and $28 million in fiscal 1970.

These tight budget figures are being duplicated in most other programs in all the federal agencies, and I understand the concern many feel over them. However, when those in control of the Congress make number one priority the granting of tax relief ranging from 2 percent for the $50,000–$100,000 income bracket to 70 percent in the lowest bracket, these are the results.

The usually non-fatal character of dental disease, and its consequent lack of "drama", traditionally places dental research in an unfavorable position with private philanthropic agencies compared with such illnesses as heart disease, cancer, muscular distrophy, and the like. NIDR, consequently, plays a more significant role in supporting the totality of national dental research than some of its sister institutes do within their own fields. It is estimated that as much as $8 of every $10 available for dental research in the United States comes from NIDR grants.

For fiscal 1971, the Administration is requesting $34.5 million for NIDR, up from $28 million for this year. This is the largest percentage increase for any institute. The bulk of the increase, however, will not be for grants but for direct contracts and is identified as being for the program of the National Caires Task Force, which is dedicated to the elimination of tooth decay.

Another program affecting the dental profession is the Allied Health Professions Personnel Training Act, which begin operation in 1967. This is directed toward supporting federal participation in the effort to increase the number of auxiliary health personnel such as medical technologists, dental hygienists, dental assistants, occupational therapists, X-ray technicians and the like. The range of coverage of the law is such that some 330 schools are considered eligible for grants.

The appropriations—$14 million in fiscal 1970—are used for construction of teaching facilities, basic and special improvement grants to schools, traineeship grants for teachers, and grants designed to stimulate experimentation in the creation of new types of health technologists.

This program expires on June 30, but the Administration has asked for an extension and broader coverage which will add hundreds of additional schools to the 330 already eligible.

The need for dental auxiliaries is pressing. Currently, there are approximately 17 hygienists and 101 assistants for every 100 practicing dentists, and I know professional opinion is unanimous that the number should be doubled.

MEDICARE AND MEDICAID

As you know, there is little dental participation under Medicare. Some oral surgery is covered, but most dental services are specifically excluded, and the total amount of money spent under Medicare for dental care has thus far been too small for the Social Security Administration to measure.

The recent Social Security bill passed by the House does include one minor revision of current regulations that will affect dentistry to a small degree. The revision, if accepted by the Senate, will permit coverage of the hospital expenses of a dental patient who, in the opinion of the attending dentist, must be placed in a hospital while receiving the necessary care because of the patient's advanced age, general disability or other condition that would make office treatment inadvisable. The revision would not cover the charges for the dental services rendered—only the hospital charges.

Some 35 states have some provision for dental services within their Medicaid law. Most are quite limited, however, although costs are estimated to run around $120 million annually. Overall, about five percent of all Medicaid funds, both federal and state, go for dental services.

PREVENTIVE PROGRAMS

Because most kinds of dental problems are readily preventable, the dental profession has long attempted to persuade the public sectors to adopt preventive programs, especially those aimed at children.

And the American Dental Association believes that a provision should be included in the Medicaid law to encourage states to spend the dental portion of the money primarily on preventive services for children. Such an amendment was approved by the Senate Finance Committee in 1965 and accepted by the Senate as a whole; however, it was subsequently eliminated by the Conference Committee between the two houses.

The American Dental Association was the prime mover in the enactment, in 1967, of the Pilot Dental Care Projects program for needy children. The purpose was two-fold: to assist in giving badly needed care, and to experiment with various ways of providing these services most efficiently. Unfortunately, the program has never been funded with the necessary $5 to $7 million, and I regret this Congressional short-sightedness at a time when the federal government is paying out twenty times more money for services to repair the preventable damage done by oral disease.

THE FUTURE

Coming back again to the nation's health care crisis, there is a lot of talk about creation of a tax-paid system of free medical care for all Americans—the so-called national health insurance scheme.

If the health industry doesn't do a better job of controlling costs and offering better service to a discontented public, this talk could take the form of action—unwise though I think it would be. Congress can be stampeded into very rash and unfortunate action—just as happened when Medicare and Medicaid were rushed through on the basis of terribly inadequate cost estimates and equally inadequate legislative research. Now we are trying to pick up the pieces.

Before Congress takes on anything more, it should clean up the mess it has made and take a hard look at the problems arising from the nationalization of health care in other countries. I am thinking particularly of Sweden, which nationalized its health services in 1955, where experts have warned that its health bills could consume the country's entire budget in 20 years.

I am reminded of a remark made by Dr. Roger O. Egeberg, assistant secretary of the Department of Health, Education and Welfare:

"If we can't handle Medicaid and Medicare, how are we going to handle a national health financing system?"

And the remark of William H. Flanagan, a Roanoke, Va., hospital director: "The government has never run anything and controlled costs. Why should they take this over?"

The proponents of national health insurance are unusually silent about the cost, but the price tag for the plan seemingly receiving the most support—and an organization has now being set up to lobby for it in Washington—has a minimum price tag of $40 billion. Many feel it is much too low.

They are also silent on how much it would take in higher taxes. However, if a $40 billion plan was based on Social Security taxes, it would cost at least double the present tax load.

These are not pleasant thoughts, but it sometimes is well to think the unthinkable in order to prevent doing the undoable.

In conclusion, I would leave this thought with you. The increased role of the federal government in the health care field has been very dramatic—perhaps too dramatic. And the federal government will have a very big role to play in the future. Nevertheless, if our society is going to continue, and, with all its defects, it is still the best in the world, most of the nation's needs for manpower, services, and facilities in this field will continue to be borne by the states, local communities, and non-governmental institutions and organizations. This is in the best traditions of our country, and I am most confident that the members of the dental profession will carry their share of the burden capably and compassionately.

SECOND ANNUAL ENVIRONMENTAL MESSAGE

Mr. DOLE. Mr. President, today President Nixon has proposed a far-reaching and comprehensive program for improving our environment. In his second annual message to the Congress on the environment, President Nixon has recommended action to strengthen existing pollution control programs, such as our water quality and pesticide programs, and to provide controls for other environmental concerns such as noise, ocean dumping, and toxic substances. His program also calls for much greater weight to be given to environmental factors in decisions affecting land use. He has proposed that major emphasis be placed on urban area "parks for the people," and to the preservation of open space and wilderness areas. His proposals also provide for greater protection of historic buildings, assurance that the location of powerplants are consistent with environmental protection, and control on the surface and underground effects of mining.

President Nixon's proposals are responsive to the heightened concern of our Nation for cleaning up pollution and for halting further degradation of the environment. In 1970, the administration and the Congress together made meaningful progress, and in 1971 we must press forward even more vigorously on a bipartisan basis to address the problems identified in the President's message.

The President's Council on Environmental Quality has taken the lead in identifying major environmental problems and in developing proposals to deal with them effectively. Leadership in implementation of the National Environmental Policy Act by Federal agencies has been provided by the Council through issuance of regulations requiring careful consideration of environmental factors in all activities of the Federal Government.

The new Environmental Protection Agency, created by the President to administer Federal pollution control programs, is becoming a major force in the Nation's campaign against pollution. It was directly involved in the establishment of a nationwide water quality permit system under the Refuse Act of 1899, one of the administration's major environmental initiatives of 1970.

Last year, the Congress passed a bold and sweeping antipollution measure, the Clean Air Amendments of 1970. This law, incorporating both recommendations of the President and features added by the Senate Public Works Committee, of which I am a member, should serve in many respects as a model for the type of legislation we will need to deal with other environmental problems. For example, the Federal Water Pollution Control Act needs the same type of across-the-board updating given to the Clean Air Act.

The President's program includes comprehensive proposals for improving our water quality program and proposals in many other areas—in some cases, areas in which the Congress has never before acted. President Nixon's bold and thoughtful program warrants careful congressional consideration. The Congress shares his concern for protecting the environment from man and protecting man from environmental threats. The President's message is a valuable contribution to this cause and to Congress deliberations.

As President Nixon stated, we must have a national decade of dedication to "restoring the environment and reclaiming the earth for ourselves and our posterity." His first message last year marked the beginning of this dedication, and this year's message points the way to further progress and achievement of our goal.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time set aside under the previous order for the transaction of routine morning business having now expired, morning business is concluded.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. ALLEN). The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9 to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, so far, I have not spoken on the pending motion, which is a motion made by my colleague from Alabama who is now the present occupant of the chair. I have exchanged views with different speakers in the Chamber regarding it and have participated in that way; but so far as making a statement of my own, I have not done so.

This matter has been coming up over the years. It is with us again. I believe there are some good and cogent reasons why this so-called cloture rule should not be further modified. It has been modified many times over the years. As a matter of fact, I am sure it is well known that until World War I there was no cloture rule.

A great many people in this country, when they think of rule XXII, have the idea that it gives the right to Senators to debate at length and to be cut off from debate only by a two-thirds vote.

That rule does not give that right. It is a limitation on the right which has existed ever since this Republic was founded. As a matter of fact, with the exception of a very short time in the early days of the Republic when, I believe, as I recall it, the "previous question" was tried out a few times. With the exception of that experience, which was found to be unfavorable, there never was any limitation upon debate in the Senate until rule XXII was amended back in 1917. At that time there was a long, drawn-out debate on the question of arming our merchant ships before we got into World War I.

If I remember it correctly, that debate was led by the Senator from Wisconsin, Mr. LaFollette. An outstanding liberal, he was joined by others. They debated that bill. There was no provision for cutting them off by cloture. It was after that experience that the movement started in the Senate to provide for cloture.

I may say, with reference to the amendment of rule XXII back in 1917, in connection with arming our merchant ships before we got into the war, one of the leaders of that movement for cloture was the Senator from Alabama, Mr. Underwood, and he was joined by others, which provided for a cutoff provision. Even that applied only to the bill or resolution that was pending and did not apply on the motion to bring up a bill.

The cloture motion has been amended materially on two subsequent occasions, once in 1949 and again in 1959. I was in the Senate when those two debates came up and when the rule was amended. I think I am correct in saying that in both instances they were worked out by agreement and not by imposing cloture.

But attempts have been made from time to time to change the cloture rule. Most of the efforts have been to make it a simple majority.

In one of the later amendments, in 1959, we changed it from a constitutional two-thirds majority to two-thirds of Senators present and voting. In other words, it had to be two-thirds of the entire membership of the Senate previous to the above change in order to invoke cloture.

We tightened that provision in order to change the rule and make it apply to motions to take up, as well as to bills and resolutions that have been introduced. Most of the efforts, as I say, have been to make it a simple majority but it has never been lowered below the two-thirds majority level.

The effort now is, as I understand the proposal, to make it 60 percent, or if all Members are present and voting it would require 60 affirmative votes to invoke cloture.

This question has often come up at the beginning of a new Congress. That is usually done because of the contention by some that we start anew; but every time that question has come to a final determination in the Senate, it has been decided that the Senate is a continuing body and that the rules from the previous term of Congress come over to the new term so far as the Senate is concerned.

Nevertheless, we continue to have these proposals and now we are confronted with one that would make it easier to control discussion in a nation that owes its very existence to free speech and the other liberties which have been cherished and safeguarded since we became a sovereign people.

Again the expression "filibuster" is being hurled about. It always has ugly implications.

In the last century it was used to designate a buccaneer or armed adventurer, or anyone on land or sea who waged a private or irregular war. This connotation is somewhat overdrawn in a legislative chamber where it has come to mean obstruction. Yet, it remains with us as part of the language.

In a filibuster, as we have come to

know it, a Senator keeps talking and talking to prevent a bill from coming to a vote.

But the opposite word, or antonym of filibuster, which is cloture, must have a distasteful sound also sometimes to Americans devoted to constitutional freedoms. Let me say that I am not always opposed to cloture, when it is invoked for just and reasonable cause under the rules of the Senate as they permit at the present time.

A prolonged, nonsensical obstruction of Senate business, which opens the Senate to ridicule, should never be tolerated.

Cloture was made part of the Senate rules about the time of World War I. Senator Oscar Underwood, of Alabama, was one of those who led the fight for it.

In fact, it was southerners primarily who put in the rule to make it possible to curb a filibuster. But very wisely they said it should not be done by a simple majority vote. The requirement that cloture be approved by two-thirds of the Members present and voting has been in effect for some time now, with the changes that have been made, as I mentioned.

I think that rule XXII is a very good rule as it stands now and should be left alone.

Mr. President, I imagine that had I been a Member of the Senate in 1917, I would have joined with those other southern Senators who sought a reasonable way to cut off an unreasonable debate. That is what rule XXII is aimed at. I think they worked out a very good rule in rule XXII. I think the amendments that have been made to it in subsequent years have been good. And I think that rule XXII as it stands today is a good rule and should remain in effect.

However, cloture has not always been regarded in a charitable way by Members of this body who believed in strict adherence to the Constitution. The elder Senator Henry Cabot Lodge, of Massachusetts, who served in this Chamber with distinction from 1893 to 1924, once had something to say on this subject.

Mr. President, Henry Cabot Lodge was known as a solid Representative with solid views. He was not from the South. He was from New England. However, he had a national viewpoint. On the subject of cloture, he once said:

> Cloture is a gag rule. It shuts off debate. It forces all free and open discussion to come to an end. Such a practice destroys the deliberative function which is the very foundation for the existence of the Senate. It was the intent of the framers of the federal Constitution to obtain from this chamber of Congress a different point of view from that secured in the House of Representatives.

Let me say that I have some reservations about this and am not unalterably opposed to stopping or limiting debate in all cases.

However, Senator Lodge and many others before and since have felt that careful and thorough consideration of legislation is more often needed than is the limitation of debate. It is no wonder, therefore, that the Senate of the United States has become known and revered as the last bastion of free and untrammeled debate.

Let me inject another comment here, which may help to clear up some doubts in the minds of many people about the operations of the Senate.

Though southerners are considered the foremost advocates of the filibuster, as we know it, history shows that it is not the special province of legislators from any one section of the country, or either political party.

Some of my colleagues who wish to reform the cloture rule so as to limit debate engaged in filibusters as recently as the last session of Congress when it suited their purpose to do so.

I believe in the session of Congress before the last session, as I recall, we had a filibuster led by Senators whom a great many people referred to as liberals. I do not like to use the term "liberal" or "conservative" because I believe every Member of the Senate votes his convictions without regard to the label that is attached to him. Filibusters were led by Senators who vigorously opposed filibustering according to their own statements.

I called attention in a short colloquy with the Senator from Louisiana (Mr. LONG) the other day to the time when former Senator Morse, who sat right over there, broke the record as of that time for filibustering. I believe that the Senator from South Carolina (Mr. THURMOND) exceeded the time used by former Senator Morse following that time.

Former Senator Morse was one of the Members of the Senate who most bitterly opposed filibustering when he did not need to use it himself. He stood in the Chamber and broke the record. And I think he was rather proud of that record. I do not remember whether he accomplished all that he wanted to or not. Anyhow, he did it more or less on a dare. I think there was a little difference between the former Senator from Oregon and the majority leader, or perhaps it was the minority leader at that time. I do not recall the year. However, the leader on the Republican side asked the then Senator from Oregon how long he was going to speak.

My recollection is that Senator Morse said: "I will speak as long as I want to. That is my own business. Of course, I do not assume it will be very long."

Former Senator Knowland said: "What do you mean by that?"

The former Senator from Oregon said: "I am not going to tell anyone how long I am going to speak. Perhaps I do not know how long I am going to speak, but I am going to speak as long as I want to."

He then proceeded to speak for, if I remember correctly, 24 hours without stopping.

I could go on and give many instances in which those who most strongly urge a change of the rules of debate so that cloture would be easier, and changing the rules so that a simple majority can cut off debate, utilize debate whenever they see fit. I do not question their right to do so.

There is another matter we have often heard about. We hear about legislation being destroyed by reason of the filibuster. I have never made any exhaustive search of bills that were killed by reason of a filibuster or bills that were passed by reason of cloture being voted, but I have heard it said on the floor of the Senate many times by Senators in whom I have complete reliance that never was a good bill killed in filibuster nor was a bad law ever stopped by reason of cloture or the utilization of rule XXII, one way or another. I do not say that is true but I have heard that statement.

Mr. LONG. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Louisiana for a question.

Mr. LONG. I ask the Senator if it is not correct that controversial bills which do contain merit and are stalled by rather lengthy debate are often far better bills when they come back to us, in that many undesirable features have been removed and better features have been provided. Is it not true that a great number of times a bill which carried a particular name was a far better bill when it became law than when it was first passed by the House of Representatives, for example?

Mr. SPARKMAN. Yes; the Senator is correct. I wish to relate an example and I do not think I have had this experience in the Senate. I recall one time when I was a Member of the House of Representatives there was an able Representative from Atlanta, Ga., named Bob Ramspeck. I am sure the Senator from Louisiana remembers him. He was the chairman of the Committee on Civil Service and Post Office in the House of Representatives at that time. I was a member of that committee when I first entered the House. My friend from West Virginia, Jennings Randolph, was there at the same time. Bob Ramspeck had a very important bill relating to civil service and matters of that kind. He brought the bill out of committee and to the floor of the House of Representatives. Amendments were added, eventually the previous question was ordered, and debate was brought to an end; but the bill had been so rewritten that Representative Ramspeck voted against his own bill, and he was the chairman of the committee that had brought it to the floor of the House. It is true that bills are often changed and changed materially.

Furthermore, I have noticed that many times a bill may be brought out one year and not passed. Maybe it will run into extended debate, and weaknesses in the bill are pointed out. Perhaps next year they will try again, and a good bill is worked out as a result of the bill having been gone over the year before and because of debate on the floor of the Senate.

Certainly, it cannot be said that because a bill is offered we have to accept it. We have a right to insist on bills being improved. I know the Senator has several bills in his committee or will have very shortly that he had there last year and which were pending when the last Congress adjourned sine die on January 2. I simply offer the prediction that the Senator from Louisiana will be bringing back to the floor of the Senate some of those same measures, which undoubtedly will be greatly improved.

Mr. LONG. Mr. President, if the Senator will yield further, I might say to him that we talked last year about the so-called family assistance plan that was passed by the House of Representatives and upon which we did not have time to legislate in the Senate in the closing days of Congress. I am led to believe that the House has now seen a number of defects in that bill, and that they hope to send us a much better bill this year than the bill they sent us last year. Many of the problems that developed could not have been anticipated in the House-passed bill last year and answers could not be found for some of those problems in the previous session. This year, having given the matter better consideration, we can see the problems better and provide better answers and refinements than we could have before. So it may be that we will have a better bill because we had the opportunity to work with it.

In connection with the medicare bill, people talk about medicare and they say they were for it long before it became law. However, if one will look at the bill as it came to us on the floor of the Senate and what we recommended in committee, it will be observed that when it finally became law it had only certain basic features that were identical. For instance, I might refer to the idea that there should be a new tax and that the program should provide a certain amount of care for aged people. But the way in which it was to be provided, the way the fund was to be administered, and the way that the services were to be provided were modified drastically. In many respects one could say that the same care would never have been there if one had looked at the two bills in the same fashion, because they were so far apart.

Mr. SPARKMAN. I am sure that is correct. Proceeding further in connection with what the Senator has said, it could well have been the case with the end of the session near and feeling so strong that we should have a bill, that had a simple majority provided for cloture, cloture might have been invoked to put through that bill.

Mr. LONG. So often a Senator will say, "We have to do something. Let us vote for this or let us vote for that." They may not want to hear any more debate, but in many cases it would be better if we had more consideration of bills.

Mr. SPARKMAN. The Senator is correct. That is what the Senate was intended to do. The Senate was a body that was added against the wishes of many people who were active in connection with the Constitutional Convention and the setting up of a Federal Government. Thomas Jefferson and those who followed his thinking felt that there should be just one body and that that one body should be the body that was elected by the people, a body that was close to the people, and a body that should have full power.

The discussions that went on in connection with the adoption of our Federal Constitution constitute one of the great occurrences of all history. I refer to the attention that was given to the Constitution by the leaders of the Government and those in the States. In the drafting of the Constitution they gave the matter great consideration and, after all, they were following more or less an unchartered course. They had no pattern by which to go, such as our Constitution has given many other nations since that time. They had to hammer it out of their own experiences with the British Government and with their own logic and safeguards for freedom which they developed in that discussion. Stark discussions took place in the Constitutional Convention among the leaders and they came back with a suggested Constitution, and in developing the first 10 amendments, the Bill of Rights, and working up a gentlemen's agreement to the effect that if the States would adopt that Federal Constitution in the very first session of Congress, the amendments would be taken up and submitted to the States for approval.

We know that was done, and so when we think of the Constitution, we think of it and the Bill of Rights as being one and the same. It did actually become that, but it had to come in two parts, very much, as the Senator has said, the way a bill is developed on the floor of the Senate. Among those leaders were what we call the Democratic group, I suppose. Actually, they thought of themselves as being Republicans, because they wanted a republic set up. Many of them felt there ought not be a second body. But the second body was established as a check on the hasty action of the first body.

The House of Representatives has always had the previous question—that is, the right of a Member at any time to move the previous question. When the motion was made for the previous question, the motion had to be acted on, and if a majority voted in favor of it, that cut off debate right then and there. A vote would have to be taken on it.

As I said a few minutes ago, the only time we have ever had anything like that was, I believe, in the very early days of the Government under the Constitution. They tried it out for a few years. They tried out the system of having the previous question. But it did not work satisfactorily. They did away with it and they left this Chamber with the right of unfettered debate, until the cloture rule, rule XXII, was agreed to in 1917.

Mr. LONG. Mr. President, will the Senator yield further for a question?

Mr. SPARKMAN. I yield.

Mr. LONG. Is it not true that every citizen, in one respect or another, is a part of a majority, and that every citizen, in many respects, is a part of a minority? This can be illustrated a thousand different ways. The Senator from Louisiana speaks here as a Senator from a State. In that respect, one might say, I am here as a minority of two. We have two Members of this body to represent the State of Louisiana, and 98 others to represent the other States. Thank the Merciful Lord that the Constitution provides a State cannot be deprived of its territory without the consent of that State. So we are protected from the other 98 Senators in that respect. Of course, that is true of every other State. The two Senators from that State are protected and the State is protected because the property of that State cannot be denied that State.

When one speaks here as part of the majority party, he often finds himself in a minority in that he comes from a certain section of the country where people tend to look at an issue in a certain way, where they might have certain interests in common. Whereas, the majority may have conflicting interests. The same thing is true in many other respects. If one believes in a power beyond himself, if he is a religious person and believes in a Supreme Being, then he is in the majority. But then if one looks at the particular religion to which he might subscribe, he finds himself in a minority, because he is in a group that feels one way about it, while another group feels a different way about the same question.

So one has rights as a majority and minority Member. One can feel secure in those rights he regards as part of a majority, but is it not right that all of the rights he may possess as a part of a minority are every bit as precious as those rights he holds as part of a majority?

Mr. SPARKMAN. Of course, those rights are. I think that is something people overlook when they look at the right of unlimited debate. We do not have the right of unlimited debate unless it is limited by cloture. In other words, there is a way of limiting debate in the Senate, and it is set primarily for the purpose of protecting the minority.

Of course, it has been said, all down the course of history, that the majority can be the most tyrannical power in the world, and it can run roughshod over anybody who stands in its way. I was reviewing recently some English history that was most interesting. In fact, in the days of Charles I and Oliver Cromwell, Charles I, of course, tried, through his strength, to rule things the way he wanted them. All the Members of the Parliament did not want it that way, and so it turned out that he came to the forefront as a leader. He was not a particular leader up to that time, but he became one, and he became one more powerful when he learned how he could use a majority to carry out things in the way he wanted them, absolutely but regardless of the rights of the minority. Through different methods he controlled the Parliament as long as he found it satisfactory to work with it. Then he dissolved the Parliament and he ran things the way he wanted to, because he learned how he could get control of the majority. That has happened all down through history.

Our forefathers who wrote the Constitution wrote it in such a way that they felt the minority would be protected. They knew the minority needed protection from a tyrannical majority, as any majority can be.

Mr. LONG. Mr. President, I will ask the Senator if he will further yield?

Mr. SPARKMAN. Yes.

Mr. LONG. Is it not inherent in our way of doing business and our way of government that a citizen should be protected from laws that adversely affect him by at least three standards? One is that a law has to be approved by one House of the Congress in which the Members were elected by popular vote. Then it has to go through a second House in which each Member has at least two representatives from that State. Then it must be approved by a President, who is elected by the people in a nationwide election.

It was thought that many bills could meet the test of one of two of those standards, but it was required that they would have to meet the test of all three. Even so, from time to time we have been confronted with some very bad laws.

Can the Senator really think of a law that did more damage or harm to our Republic, at more cost, and to look with more discouragement upon the kind of government that we hold so dear, as the Reconstruction Act which was passed shortly after the Civil War? I will ask the Senator if that was not described by the President who vetoed that unhappy legislation as a bill of attainder directed at the people of an entire section of this Nation.

Mr. SPARKMAN. I think the Senator is correct. I think historians generally have come to accept that view—that it was an effort of the majority, what had become a majority by the rule of war, using that power to crush down a minority. Of course, the Senator and I both know how it did crush down a great part of the country, and how it remained more or less a crushed colony, we may say, for a long, long time.

Thank goodness, there came a time when we were able to start getting back on top, and I think we have done very well. But our forefathers had to go through those dreadful days, and then the time came when we were able to fight our way back to the top.

Mr. LONG. But was it not true that the entire Nation suffered because the majority was able to work its will without compromise, and because the minority, who realized the Reconstruction Act was unwise legislation, did not have the power or the tools available to them to defeat that nefarious piece of legislation?

Mr. SPARKMAN. I fully agree with the Senator's statement.

Mr. LONG. Then would it not be well to point out that where those who have done violence to our form of government by denying adequate consideration of legislation and have had their way in the heat of passion, the Nation has tended to suffer for it?

Mr. SPARKMAN. Yes, certainly it has. And, by the way, as I said a few minutes ago, most people think of southerners as being those who stand against weakening the so-called antifilibuster rule. We do it because we know what it means for the minority to be pushed down and crushed by a ruthless majority; is that not correct?

Mr. LONG I thank the Senator. I quite agree with him.

Mr. SPARKMAN. Mr. President, Franklin L. Burdette, an educator and an authority on this subject who has been critical of filibustering, admitted that legislative obstruction—or prolonged debate, as some might term it—might well be justified in certain cases. In an article, entitled, "Filibustering in the Senate," which he wrote for the Princeton University Press in 1940, Dr. Burdette declared:

> To the politician interested in practical use of the doctrine of inalienable rights, obstruction is a recourse of more than passing value. It is an effective if incalculable defense against oppression and overbearing authority. It may lie unused for years and then, in a moment of emergency, serve to good purpose in the cause of freedom.
>
> It may defeat the hand of greed of the ambition of irresponsible officials without resort to more violent means.
>
> Such are the schools of thought which in America have provided a century and a half of argument about the merits and the evils of filibustering. Obstruction is a weapon, and like all weapons it is dangerous. Yet in the lives of nations as of men there are times when weapons are a safeguard, and it is indeed a high degree of civilization in which they are useless.

Opponents of the two-thirds rule may say it is undemocratic. But should we be governed solely by majority rule? The framers of the Constitution did not think so. If we lived in a democracy subject always to the rule of 51 percent, or even of three-fifths, dangerous consequences might result.

The Constitution prohibits majority rule in certain instances. For example, it requires a two-thirds vote of the Senate to ratify a treaty, two-thirds vote of both Houses to override a veto, two-thirds vote of both Houses to pass Constitutional amendments, two-thirds vote of the Senate for impeachment, and two-thirds vote for each House to expel a Member.

It is especially significant to us here today that two-thirds is the prevailing fraction in the Constitution—not three-fifths.

The two-thirds requirement for cloture is in keeping with the great tradition of our country that minorities should always be protected. If two-thirds of the Senate is truly determined, it can break a filibuster under the present cloture rule.

Any modification of the two-thirds vote necessary for cloture would deprive the smaller and less-populous States of a precious instrument their Senators now have available to prevent the passage of legislation that might be dangerous to the interests of their constituents.

I can think of several cases in which a so-called filibuster might not only be justified but worthwhile. For example, if the President tried to impose his will upon the Senate so as to undermine seriously our traditional system of checks and balances.

Or the Senate might be confronted with a vital question of constitutional right, such as a bill of doubtful constitutionality which would endanger the rights of the States or individuals.

A ruthless majority is just about the worst thing that could happen to this country. That is why there are so many safeguards in the Constitution to protect minorities, including a wide system of checks and balances.

But it can best be done under the two-thirds formula in the Senate. There is a great deal of misunderstanding about our XXII. Many people think that it permits filibustering. That, of course, is not true.

Rule XXII was adopted, as I mentioned a few minutes ago, to make it possible to stop filibusters by limiting debate. It does not permit filibustering, but it does set up a method for limiting debate when two-thirds of the Senators vote in favor of such a motion. I can see no reason to weaken it now. It is fair; it is reasonable.

Under our system of government, the majority should and does rule. But minority rights are sacrosanct under the Constitution, which contains many restraints upon majority rule.

The majority may not take my property without due process of law, or quarter troops in my house without my consent. The Constitution also holds that the right of trial by jury may not be taken away by the majority.

Let us see this issue before us in its true light.

We are not dealing with a simple change in the procedural rules of the Senate. It is much more than that.

We are dealing with the fundamental principle of the rights of the States as defined by the Constitution.

We are undercutting the carefully wrought system of checks and balances, which is all-important to our freedom as a Nation.

We are threatening—or would be—to compromise the effectiveness of the greatest refuge of oppressed minorities, the U.S. Senate, the last remaining forum where unpopular views may find full and free expression.

Yes, we are being asked to downgrade the Senate itself as an institution; to cripple the deliberative purpose the Constitution meant that it should serve; to make it subject to the whims of a temporary majority; and to surrender a part of our dignity and power as lawmakers.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. STENNIS. Mr. President, I say to the Senator that I have not had a chance to hear all his argument, but as I entered the Chamber I heard him talk about the checks and balances in our Government. It is a matter that not ordinarily is written about in the newspapers and is not in the new books on the subject. Does not the Senator think, from his long years of experience, that the principle of checks and balances is the heart of and one of the finest, strongest, and most wholesome aspects of our constitutional system of government?

Mr. SPARKMAN. I think the Senator is absolutely correct.

Before the Senator entered the Chamber, I pointed out that when our forefathers were trying to write a charter for a new and free government, they had no pattern to go by. They had only their experiences under British rule and the cold logic they had learned as a result of at times good rule and other times tyrannical rule; at times a benevolent governmental attitude, and at other times a tyranny; and they were trying to guard against it.

Of course, when the Constitution was written, it was something new, not just to us but to the whole world as well. I believe it was Gladstone who said it was the greatest work of man. Many believed that it was divinely inspired.

As a matter of fact, I may say to the Senator from Mississippi that when I was in law school, studying constitutional law, the dean of the law school, an old, gray-haired man who had loved the law all his life, taught us constitutional law. He genuinely believed that the men who wrote the Constitution were inspired from on high. Certainly, they did have inspiration, much of it coming from their own experience, much of it from their own thinking.

It is really marvelous to think about the great minds that our country fortunately had at that time, people who would work seriously, sincerely, and devotedly in trying to set up a government that would best serve the people of this country. They devised this system of checks and balances, and the Senator from Mississippi and I, as well as all the other Members of the Senate, know how well those checks and balances have worked. And we would not disturb them.

As a matter of fact, some of the heaviest debates on the floor of the Senate sometimes arise from the fact that perhaps we in the legislative body decide that the Executive is trying to push something over on us, or that the Judiciary is trying to write law that we are supposed to write. I suppose they sometimes think—particularly, I am sure, the Executive thinks—that Congress is trying to do things that ought to belong to the Executive.

We have many differences here; but, nevertheless, by and large, the system of checks and balances works remarkably well; and it is a system that is designed to protect, we might say, the minority from the tyranny of the majority.

Mr. STENNIS. I heartily agree on that point.

The Senator mentioned the executive power. I am not referring to a particular president, much less the present President, but under our system, the Chief Executive can block Congress by vetoing a bill; and it takes two-thirds of each House to overcome the one-veto vote that he cast. However, in turn, if we did not have rule XXII, the Executive, through his influence and power—and you have to give him a great deal of power—could run a bill through here, through his influence over both Houses, any particular day, on successive days, and that would be the end of that issue and question, except for rule XXII. Is that not correct?

Mr. SPARKMAN. The Senator is correct.

Mr. STENNIS. And more than 200 million people could be committed then to the hard, written law of a policy that had been aired and discussed very, very little if it were not for the minority power on this floor which is brought about by rule XXII. No one here is more familiar with that than is the Senator. But many people have not studied the subject enough; and, with all deference, Senators coming here, not having served, do not have a chance to fully appreciate just what rule XXII does. Is that correct?

Mr. SPARKMAN. The Senator is correct.

I know that I have been most fortunate, and sometimes I think I may have had an advantage in that I served first in the House of Representatives. I know how business is done there—and I am not being critical of it. It was designed to operate that way.

I am not going to mention the bill, but I recall an instance in which the President asked for a bill, and it was in extreme times. The House debated that bill probably a few hours. When a bill comes up in the House, the general way for it to come up is under a rule. A rule is granted by the Rules Committee, and it goes to the House. If it is adopted by the House, the debate, time, amendments, and so forth, are all controlled by the terms of that rule. So whenever an important bill comes up, there may be a rule providing for 4 hours of debate among 435 Members, and at the end of the 4 hours, a motion could be made for the previous question.

If the majority vote in favor of the previous question, debate is cut off, it is over with, and the House has acted.

I recall a bill that came here from the House under such a procedure. Senator Taft of Ohio, as I recall, was sitting right across the aisle from the Senator from Mississippi. Senator Taft did not like that bill, and he stood on the Senate floor and spoke against it, and spoke cogently. A few other Senators rallied to his support, and they were able to stop the enactment of that bill. I have often thought what the effect would have been had we passed that bill.

I see no reason why I should not identify the bill. When the railroad employees went out on strike, it was a bill to induct them into the armed services, put them into uniform, and make them run the railroads. We hated to see the railroads stopped. We wanted something done. I have often thought of the stand former Senator Taft made on the floor of the Senate with a few colleagues. I see my good friend BOB GRIFFIN from Michigan in the Chamber. He served in the House. I am not sure that he was there at that time but he served later and he knows the procedures in the House. He knows the difference in the procedure there and the procedure here. It was intended to be that way. The House was supposed to have the procedures it has. The Senate was supposed to have the procedures it has in order to be the deliberative body.

Mr. STENNIS. If I may ask a question there, the bill to which the Senator refers was an incident which happened before I had the privilege of being a Member of the Senate.

Mr. SPARKMAN. It was in 1945 or 1946.

Mr. STENNIS. It was before I came here, or shortly thereafter. As I understand it, in that bill, it was to conscript the railroad workers and put them in the Army and make them run the trains under orders. It was not what we would call a formal filibuster but just an uprising on the floor of the Senate that was so determined, coupled with the power that they could extend that debate on and on that generated the opposition without extended debate; is that not correct?

Mr. SPARKMAN. That is correct. May I say in that connection, that while the debate was pending, the President came up to speak to a joint session of Congress and while he was speaking a message came to him that the strike had ended and the men had gone back to work. It was an unusual circumstance, but, nevertheless, it illustrates what can be done by a minority who feel so strongly about a matter.

Mr. STENNIS. It illustrates further the fact that the rule existed and did not have to be invoked.

Mr. SPARKMAN. That is correct.

Mr. STENNIS. It met the situation in such a forceful manner that the bill was not only defeated but the strike was broken; was that not true? That really led to the breaking of the strike.

Mr. SPARKMAN. Yes, that is right.

Mr. STENNIS. I do not know how the Senator could give a better illustration, but in the 25 years which have elapsed since that time and the growing power of the Executive, and he does not, I know, refer to any one specific President or any other; but the enormous power now that the executive branch has, once these many billions of dollars have been appropriated, is it not all the more necessary to have these checks and balances which is not a check without rule XXII; and is it not all the more important that we have it here for use, if necessary, just as a check on the power of the executive branch of the Government?

Mr. SPARKMAN. Well, the Senator is right——

Mr. STENNIS. Far more than usual.

Mr. SPARKMAN. That is right. By the way, I had something to say a little earlier about people thinking that the southerners are the typical filibusters but that it has been done by many others. The Senator from Louisiana (Mr. LONG) brought in a subject that I think probably accounts for the fact that southerners are so jealous of having this right of the minority protected as it was constitutionally designed, because at one time we were the defeated part of the country. He brought up the well-known reconstruction acts and those other things back there. We became a minority and felt that we had been badly treated; is that not true?

Mr. STENNIS. That is very true. That is a great part of the picture.

Mr. SPARKMAN. We are nationalists today but, nevertheless, we cannot, if we wanted to, get rid of some of that feeling in our hearts in favor of protecting the minorities.

By the way, way back in 1890, 1892, 1894—somewhere along there—there was brought up in Congress what was called the force bill. Does not the Senator remember them?

Mr. STENNIS. The force bill, yes.

Mr. SPARKMAN. There was a terrific debate on that. The senior Senator from my State, John T. Morgan, who has the longest period of service of anyone from Alabama except our recent colleague, Senator Lister Hill, stood on this floor and fought that day and night and day and night.

Of course, back in those days, a filibuster was not the same as it is today. Today, when a Senator speaks, he can be compelled under the rules to stand at his desk and to remain on his feet. If I should sit down now, I would lose the floor. I cannot yield to anyone else for another speech. But, back in those days, a Senator could yield to anyone he wanted to and let them make a separate speech. He could also send a whole book up to the desk and ask the Secretary to read it. He could even leave the Chamber. He could take all kinds of privileges. So it was not too difficult to conduct a rather vigorous filibuster in those days.

But, anyhow, I have heard all my life about the great debate that Senator John T. Morgan carried on. The principal protagonist for the force bill was Senator Henry Cabot Lodge. By the way, I quoted him a few minutes ago. He came out strongly for no restrictions whatsoever on the Senate and no limitations on debate. He said that was the way freedom was protected.

Mr. STENNIS. Well, as a matter of fact, the Senator illustrates many good things which have gone by over the years but we do have restrictions here on debate with one group to indefinitely hold up things here.

Would the Senator give his main objections now to the difference between the rule as it exists now, requiring two-thirds of those present and voting, and the so-called three-fifths? That is something that is not fully understood. The Senator from West Virginia has proposed a modification to that three-fifths rule to require three-fifths of all those constitutionally elected. I would like to have the Senator comment for the RECORD here, so that whoever reads the RECORD will get the full explanation of the present rule and the proposed rule.

Mr. SPARKMAN. I did discuss that to some extent earlier, in which I pointed out that prior to 1917 there was no limitation on debate and no way to cut it off. The House has the "previous question" rule, whereby debate would be cut off by a majority vote of the House if someone makes the motion. I do not remember clearly but I think the same thing was true—I think I am correct in saying back in the very early days of our operation under the Constitution, that the Senate tried out the "previous question," just for, maybe, a couple of years. It did away with it. It would not work. It was not what they wanted. Until 1917, there was no way to limit debate. There was no such thing as a cloture rule. In 1917, the Senator will remember, President Wilson had requested Congress to give him the right to arm the merchant marine, the ships that were carrying freight to Europe and passengers, and so forth; and there was a filibuster which was led by Senator LaFollette and joined in by others. President Wilson referred to them as a little band of willful men.

Former Senator Underwood of Alabama proposed on the floor of the Senate—and he was one of the leaders in that endeavor—that we adopt some kind of rule that would make it possible to limit debate. That rule was written primarily by southerners who felt that the minorities could be amply protected and we still have a way of cutting off debate.

The rule was later modified a couple of times. When the rule was first adopted, it did not apply to a motion to take up. I think I am correct in saying that the rule could not be applied so as to invoke cloture on a matter such as we are discussing at this time if the original rule were still in effect.

In 1949 and again in 1959 the rule was amended. The Senator from Mississippi was a Member of the Senate at that time. He and I remember both occasions. We remember that the rule did not apply to motions, but only to bills and resolutions. The Senator remembers that we gave in on that in exchange for a change in the number of Senators to be required from a constitutional two-thirds—that, is two-thirds of those Members elected to the Senate—to a mere two-thirds of those present and voting. We dropped that constitutional two-thirds majority. It is now a simple two-thirds of Senators present and voting.

Both of those changes were worked out by agreement in the Senate. Of course, there was a good long period of speechmaking. Nevertheless, we worked those changes out and they were agreed to in the Senate.

The proposal contained in the pending Senate resolution would cut the requirement from two-thirds of those Senators present and voting to 60 percent.

In other words, if all 100 Senators were present and voting, it would require 67 to cut off debate. However, if the pending proposal should be adopted, it would require only 60 to cut off debate. This is an easing up on the protection that the Constitution gives to Congress.

Mr. STENNIS. Mr. President, rule XXII is still in effect, and it offers protection to the minority. However, is it not true that by and large the most vigorous attacks on rule XXII have been made by Senators who want to permit just a majority to cut off debate, which would be the equivalent of the previous question that the Senator mentioned a moment ago?

Mr. SPARKMAN. The Senator is correct. One thing that strikes me as rather strange—and I count every Senator as my good friend and I do not mean to be critical of any of them—is that I often think that the group that is generally in the minority in the Senate with respect to their views on legislative matters are those who fight the very rule that protects the minority. We have protection here. We have the checks and balances and the other protections given to us in the Constitution.

We do not agree to a treaty by a simple majority. It takes a two-thirds vote.

We do not submit constitutional amendments to the States by a majority vote. It take a two-thirds vote of each House.

The Senate is given the power to impeach. However, that cannot be done by a majority vote in the Senate. It takes a two-thirds vote of the Senate to do it. There are also other things that require a two-thirds vote.

We are trying to protect the minority. The able Senator from Mississippi was a judge in his State. I do not know whether the State laws in his State are completely in accord with the State laws in Alabama. However, I venture the assertion that the Senator from Mississippi, when he was a judge, did not have the right to tell a majority of the jury that they could convict a person accused of crime.

In my State, we have to have a totality. In other words, there cannot be one doubt on the part of the jurors.

Mr. STENNIS. Mr. President, that is considered a check and a balance, a protection, and a safeguard of the rights of the people in the administration of justice and the application of the law. There must be a unanimous verdict.

Mr. SPARKMAN. Absolutely.

Mr. STENNIS. Mr. President, returning to this matter concerning which the Senator gave an illustration about the debate over the arming of the ships, Woodrow Wilson was President of the United States at the time. The Senator from Alabama and I were boys at that time. However, we remember something about that debate.

The then Senator from Alabama, former Senator Underwood, debated that matter. I remember hearing him make a speech in favor of rule XXII. I did not know much about what he was talking about. However, I listened very closely.

I suppose now that the President of the United States can arm ships without stopping for congressional approval, because times have changed so much. The President would assume that he had implied consent.

Mr. SPARKMAN. Mr. President, times have changed. In those days, wars were started by formal declarations of war.

I was a Member of the House of Representatives on December 8, 1941, the day after the day that the late President Roosevelt said will live forever in infamy. I was there when President Roosevelt came to Congress and solemnly asked Congress to declare a state of war. Congress voted to declare war on Japan. It voted to declare war on Germany. In the course of the next few days, Congress voted to declare war on several other countries. We declared a formal declaration of war.

It was certainly that way in Woodrow Wilson's time. However, we know that today war can break out and we would have to move in a hurry.

Mr. STENNIS. Mr. President, referring to rule XXII and the protection of the minority, I remember that in the very last part of last year's session of Congress, we had up for consideration the appropriation bill that included the SST. The Senator from Wisconsin, within his rights under rule XXII as now written, and with some support, extended the debate and fought that bill on the floor. He conducted a filibuster.

When the Senate tried to break that filibuster and apply the two-thirds vote, is it not true that the vote of those Senators who oppose the application of rule XXII and are in favor of extended debate, even though they were in favor of the SST, enabled the Senator from Wisconsin to continue?

Mr. SPARKMAN. I am sure that is true. I was on the same side as the Senator from Mississippi. I was supporting the SST program. The Senator from Wisconsin was speaking against it. If there had been no other consideration, of course, it would have seemed natural for me to vote against the position of the Senator from Wisconsin.

But I just do not believe in disregarding the rights of minorities and running over them in that way.

Mr. STENNIS. In other words, the Senator from Alabama, the Senator from Mississippi, and other Senators voted as we did in connection with that bill in order to sustain the right of the Senator from Wisconsin.

Mr. SPARKMAN. The Senator is correct. We voted to sustain his right to continue to resist.

Mr. STENNIS. As a matter of fact, after two efforts to cut him off, he was able to get an adjustment in part of his position that did not do injury to the Department of Transportation, and the matter was temporarily settled on that basis. That is the most recent application of the wisdom of rule XXII.

Mr. SPARKMAN. The Senator is correct.

Mr. STENNIS. That shows that the rule works in wartime, it works in connection with railroad strikes, and it works in many other ways.

Mr. SPARKMAN. It is a safety valve.

Mr. STENNIS. It is a safeguard.

Mr. SPARKMAN. I used to work in a sawmill. I do not know whether the Senator from Mississippi has ever been in a sawmill or not.

Mr. STENNIS. Many times.

Mr. SPARKMAN. In a sawmill, there is a boiler and they get the steam up to a certain pressure. After reaching a certain degree, if the pressure were to go much higher, there would be a danger of explosion, and to prevent that there is a safety valve.

Mr. STENNIS. I also have helped to fire the engine, and it had a governor on it to keep it from running away. This rule keeps the Senate from running away.

Mr. SPARKMAN. While the Senator is here I wish to refer to a man in history that I know the Senator admires greatly. He was the founder of that great university where the Senator attended law school, the University of Virginia.

Mr. STENNIS. That is correct.

Mr. SPARKMAN. I am talking about Thomas Jefferson. Thomas Jefferson took a very firm stand on this question. Thomas Jefferson did not want a Senate; he wanted everything done in the House of Representatives by Representatives who were elected by the people. He made a statement, and what he said indicates he would oppose limiting debate in the Senate were he alive today. I am sure he would be in the vanguard of those of us who are fighting for full freedom of debate, that is, against relaxing rule XXII.

In his famous Manual of Parliamentary Procedure, Thomas Jefferson said:

> The rules of the Senate which allow full freedom of debate are designed for the protection of the minority, and this design is part of the warp and woof of the Constitution. You cannot remove it without damaging the whole fabric.

Does the Senator agree that that is a very strong statement?

Mr. STENNIS. Yes, and it is a very fine statement. I appreciate the Senator presenting that statement at this time. It is a quotation from a man who was not given to the use of idle words.

Mr. SPARKMAN. That is correct.

Mr. STENNIS. I think Thomas Jefferson was the greatest political philosopher this country has ever produced. I favor lighting his monument. As a tribute to him there are those who want to light up the Jefferson Memorial at night.

Mr. SPARKMAN. Yes, indeed.

Mr. STENNIS. Time has proven that he hewed to the line in his political thinking and in his political philosophy.

The Senator has pointed out that Thomas Jefferson objected to the Senate being composed of nonelected Members. Time has swung around to where Senators are now elected by the people as Jefferson advocated in the beginning.

Mr. SPARKMAN. Yes. Thomas Jefferson was not in this country during the Constitutional Convention. I believe he was in France representing us there.

Mr. STENNIS. Yes.

Mr. SPARKMAN. Those who believed in a very strong central government instead of a federalized government were in favor of that, but, of course, Jefferson was against anything like that.

The Senator knows this old story. I have related it before but it might be well to relate it again in connection with Jefferson's position here. The quotation may have had something to do with Jefferson's quote in his book on parliamentary procedure.

Mr. Jefferson came back to this country in the period between the drafting of the Constitution and the time when the various States were to vote on it.

Mr. STENNIS. That was a most critical period in our history.

Mr. SPARKMAN. The Senator will recall the debate, or perhaps I should say discussion, that went on among some of our best minds of that day, Hamilton, Madison, Monroe, and a great many others. They were patriots and great mental giants. They worked out a statement as a result of that.

Mr. STENNIS. Yes.

Mr. SPARKMAN. There were those who objected to the Constitution not including the guarantee of rights corresponding with those set out in the Declaration of Independence, or at least against those things about which they were complaining with respect to George III. They were complaining that these matters were not set out in the Constitution, thereby guaranteeing perpetuity of those rights to the people of this country. They worked out an agreement whereby those 10 items which we call the Bill of Rights were to be submitted in the form of 10 amendments just as soon as the Government was organized and Congress met. As the Senator knows, in the first session of Congress the Bill of Rights, or the first 10 amendments of the Constitution were agreed to and they became a part of the Constitution, just as if they had been written into the Constitution.

Mr. STENNIS. That was attributed directly to Thomas Jefferson.

Mr. SPARKMAN. And Edward Randolph and George Mason.

Mr. STENNIS. They were able to get that reservation and that understanding.

Mr. SPARKMAN. That is correct.

Mr. STENNIS. The Bill of Rights has become one of the main cornerstones of the entire framework of our constitutional government, and to it is attributed the longevity and the workability of our Government.

Mr. SPARKMAN. The Senator is absolutely correct.

I was going to relate the old story that took place between the drafting of the Constitution and its submission to the States. Mr. Jefferson came back to this country. He was a friend of George Washington. The story is that they were drinking tea and visiting one another. Jefferson asked George Washington, "Why in the world did you set up a Senate?"

Jefferson had just poured tea into his saucer. Mr. Washington asked, "Why did you pour that tea in your saucer?"

Mr. Jefferson said he had done so to cool the tea.

Mr. Washington said, "That is the reason we set up the Senate, to cool off things that come over from the heated up House."

Apparently he came to believe in that and wrote the words I just read from his book on parliamentary procedures.

Mr. STENNIS. Again, if the Senator will yield, that illustrates, too, the foresight, basic wisdom, and soundness of the political thinking of Thomas Jefferson. I am glad the Senator related the story.

Mr. SPARKMAN. I was just going to add this comment before yielding the floor. This is more or less a comment about Jefferson.

Mr. STENNIS. Mr. President, I wish to thank the Senator for yielding to me. If the Senator will excuse me for just a few minutes, I have to leave the Chamber, but I will be back shortly.

Mr. SPARKMAN. I thank the Senator for the contribution that he has made. I am not as nearly through my speech as I thought I was. I see I still have some more.

Mr. STENNIS. I thank the Senator.

Mr. SPARKMAN. I referred to what President Jefferson said. I want to quote it again:

> The rules of the Senate which allow full freedom of debate are designed for the protection of minority, and this design is part of the warp and woof of the Constitution. You cannot remove it without damaging the whole fabric.

Can we give this up without irreparable injury to the cause of free speech? Should we dare risk the consequences of tampering with the Constitution at this fountainhead of free speech—the U.S. Senate?

I do not think we can. I do not think we should.

Now, Mr. President, I wish to be more explicit as to the thoughts that I have summarized in the foregoing remarks.

For more than a half century now our Nation has had exposure to, and experience under, rule XXII limiting debate in the Senate. We must never lose sight of the fact that prior to 1917 there was unlimited debate in the Senate and our Nation passed through perhaps its greatest periods of tension, emergency, growth, and expansion in that time.

Public reaction to the cloture rules of the last 52 years may be difficult to ascertain or evaluate on a nationwide basis. It has been my experience, however, that when the true assets and constitutional aspects of the rule are explained to the people there is an understanding of the reasons for maintenance of the rule. I am not saying in this statement that the word "filibustering" carries a popular connotation per se or in common parlance. The wisdom of the rule, however, is a different thing. One justification is in the Constitution itself, where the two-thirds formula applies to the ratification of treaties, impeachment proceedings, overriding a Presidential veto, and in other instances in that great document. The two-thirds requirement is merely reflected again in rule XXII in the truly serious matter of cutting off debate in the Senate. As a matter of fact the Constitution mentions three-fourths rather than two-thirds respecting the States necessary to ratify an amendment to the Constitution.

There they give the smallest minority of any, or, I should say, the largest requirement of any in order to protect a minority. One-fourth of the States plus one can prevent the adding of an amendment to the Constitution of the United States, even though it has gone out of the Senate by a two-thirds vote and has gone out of the House by a two-thirds vote. Two-thirds of both Houses of Congress can act to promulgate the amendment, and yet one-fourth of the States plus one can knock down that amendment. So the Constitution, I think, shows that its great regard is for the protection of a minority against what could be a tyrannical majority.

A proposal for cloture by majority rule which may be applicable in the House of Representatives in view of its nature under the Constitution and in view of its preference for the previous question rule, is completely out of place for use in the Senate. The Senate should not resolve itself into a simple majority-dominated body when under the Constitution and by all its traditions and precedents it is a deliberative and continuing body, less susceptible to the emotions of sudden and perhaps arbitrary, majority rule.

Let me say at this point I do not want to be understood as saying that the proposal which seeks to submit itself to us does provide for a simple majority. Let me say, in all fairness, the proposal is to cut down the vote from a two-thirds majority to a three-fifths majority, or, from the makeup of the Senate at the present time, if all Senators were present and voting, it would cut down the vote from the required 67 Senators to 60 Senators in order to cut off debate.

By the same token, if the Senate is not disposed to proceed under the principle of unlimited debate, under which it operated and functioned well for 111 years from 1806 to 1917, then it should use the two-thirds formula which is a generally accepted standard for evidencing determined or strong feeling to cast aside something which in our American way of thinking is of vital importance. Three-fifths or 60 percent may sound rather close to two-thirds, yet the difference in votes could be important and the formula is not in keeping with the historical and better standard of two-thirds for such important action.

When I hear complaints about extended debate or a filibuster preventing certain legislation from passing, and people who lose an issue are prone to criticize anything that was a major factor in their loss, I think of all the benefits that have come to the country through extended debate. This question is not centered in civil rights legislation alone.

As the Senator from Louisiana knows, not too many years ago, practically all of the filibustering centered around various so-called civil rights measures that the majority sought to then impose. But one who thinks the majority of occasions for extended debate arose from civil rights legislation is bound to be wrong. There have been many, many other causes that have come up in the Senate. I have known some of our most liberal Senators to stand here and debate at length on matters that they believed in, and never once did I vote to cut them off, because I do not believe they should have been cut off. I thought they had the right to speak.

I remember one time standing here, I think on the question of the sand dunes in Indiana, and this was before all the present talk about ecology and environment, and so forth. We had some dedicated Senators here, among them Senator Paul Douglas of Illinois, who wanted to preserve those sand dunes. Without knowing too much about it, I felt rather sympathetic about it.

I like to see nature preserved where it can be. I think it is good for mankind. But Senator Douglas, though he was always against filibusters, as I recall—his seat was right back here—he stood right there and conducted a filibuster right to the very closing hours of that Congress, and we went home with unfinished legislation because of that filibuster.

I could go on and name occasion after occasion involving similar matters.

Mr. LONG. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. LONG. Is it not true that in the previous Congress, the issues that took the largest period of time were the debates over the defense of the country and the construction of an antiballistic missile defense system?

Mr. SPARKMAN. Yes.

Mr. LONG. That is an enormously important question. There is a good deal to be said for both sides. I do not know whether or not anyone described that as filibustering, but it was an issue that well deserved the lengthy discussion that was directed to it, and it was appropriate that it should have been debated at length.

The other issue that took the greatest period of time, if I recall correctly, was the right of the President to put troops into Cambodia.

Mr. SPARKMAN. That went on 7 weeks.

Mr. LONG. Yes.

Mr. SPARKMAN. I never did vote to stop them, and I am sure the Senator from Louisiana did not vote to cut off debate.

Mr. LONG. Of course, from the point of view of some of us, it was a simple issue of whether the President was the Commander in Chief; if he was, it seemed to some of us that he had the right to send the troops over there.

Mr. SPARKMAN. Yes.

Mr. LONG. But that matter was debated for 7 long weeks in the Senate, and those Senators had a right, if they wanted to, to debate that very important issue and explain their views with regard to it. So they debated for that long period of time.

No one is arguing now that those two prolonged debates should have been cut off with a cloture motion requiring an immediate vote. But the best argument I could make for it, if I were trying to make my case on the need for changing the Senate rules to rush the business before the Senate through to a vote, I suppose would have to be on the two proposed constitutional amendments that were considered.

As a practical matter, if the Senators who favor those two constitutional amendments had cared to join together and vote to demand that we shut off debate, assuming they had ever had a two-thirds majority to pass that measure, the same two-thirds could have cut off debate. The Senate cannot be blamed, nor can the opponents of the measure be blamed, if those favoring the measure could never agree on a time when they wanted to join to shut off the debate. If they did not have a two-thirds majority, they could not have passed that measure anyway.

Mr. SPARKMAN. That is right.

Mr. LONG. The Constitution would not have let them pass it.

Mr. SPARKMAN. The Senator is correct. The same two-thirds required to pass those amendments could have exercised the power they had to shut off debate.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. SPARKMAN. I yield.

Mr. LONG. Is it not true that during the time the Senator has been here, we have changed these rules regarding debate in the Senate several times?

Mr. SPARKMAN. Yes.

Mr. LONG. We changed them in 1949 to say that you could apply a cloture motion to anything. Prior to that time, it could not be applied to a number of things, like a motion to proceed to consider, or to the reading of the Journal and things of that sort. Then it was changed to permit a mere two-thirds rather than a constitutional two-thirds to shut off debate. Then the rule was changed to require that all debate must be germane. It was changed with regard to the requirement of making a Senator take his seat in the event someone thought he was proceeding out of order. There have been several changes of this rule about debate in section XXII.

Mr. SPARKMAN. That is, not necessarily on rule XXII itself, but bearing upon it through another rule.

Mr. LONG. Yes. The rules of debate in the Senate.

Mr. SPARKMAN. That is right.

Mr. LONG. Including the way in which debate could be brought to a close.

Mr. SPARKMAN. That is correct.

Mr. LONG. It has been changed several times. But those changes have come about by the orderly, thoughtful procedure of referring the matter to the Rules Committee, permitting it to be studied, and bringing out a suggestion, or referring the matter in a reorganization act to some other committee, and, after thoughtful consideration, bringing it before the Senate and the Senate proceeding to approve the kind of suggestions that were worked out which could meet with acquiescence in this Chamber.

This approach of trying to deny the committee the right to consider changes in the rules of the Congress, trying to run roughshod over someone, has been going on for many years. Someone has contended it was the late Walter Reuther who fathered this movement in its incipiency, and that at that time it had civil rights as its objective. I do not know if that is true or not, but I do know that this thing has been going on for a decade now.

It has occupied about the first month of every session for the last 10 years, and nothing has been accomplished. So far as I can see, it has been the greatest waste of time, a measure to try to use the bum's rush approach to try to pass something that could not meet the test of the thoughtful processes of the Senate rules, requiring that a measure be referred to the committee and reported back, and that the Senate proceed with it in an orderly fashion.

I ask the Senator if he can think of anything that has entailed more waste of time than debating this poorly drawn, ill-considered approach, where one would do violence to the orderly processes spelled out in the rules for Senate action.

Mr. SPARKMAN. I think the Senator is absolutely correct. Every 2 years, when the Senate organizes, we start hearings, say, a month or 2 months before we come back up here, about rule XXII changes. Sure enough, on the opening day, action is taken to hold up proceedings and offer to change the rules, and particularly rule XXII; and that is the procedure we are going through now. The Senator is correct; it is lost motion.

Mr. LONG. I thank the distinguished Senator. As a matter of fact, is it not correct that back when HUBERT HUMPHREY was the majority whip in the Senate, the argument was made that we had to change the rules by doing violence to Senate procedure, and that that had to be done in order to pass a civil rights law? And is it not correct that notwithstanding the failure of the effort to change the Senate rules, the Civil Rights Act of 1964 was enacted, and everything that could meet with a majority vote in the Senate was accomplished in that Civil iRghts Act of 1964, so that the argument that you have to change the rules in order to pass a bill is completely erroneous, and has no merit?

Mr. SPARKMAN. The Senator is correct. I am not certain, but I believe back in 1957 the Senate passed some kind of a civil rights bill without cloture. In 1964, they passed the voting rights bill, I believe; was it not?

Mr. LONG. 1964 was the big civil rights bill. That was what I would call the omnibus civil rights bill.

Mr. SPARKMAN. That was the Civil Rights Act of 1964.

Mr. LONG. Then a year later, in 1965, the voting rights bill was brought before us.

Mr. SPARKMAN. That is right.

Mr. LONG. Again at the beginning of that session it was argued that the rules needed to be changed in order to pass a voting rights bill.

Mr. SPARKMAN. That is right.

Mr. LONG. I, for one, strongly maintained at that time that the Senate could act on a voting rights bill without changing the rules. By invoking cloture under the existing rules the Senate did pass the voting rights bill. So I ask the Senator, Is it not true that those who have contended that you must change the rules or, otherwise, you cannot pass a particular bill, have been proved wrong?

Mr. SPARKMAN. The Senator is absolutely correct. Furthermore, I think it disproves something else, and that is that the southern Senators are concerned about this because of civil rights. A few minutes ago when the Senator from Mississippi was in the Chamber, I made reference to an exchange that the Senator from Louisiana and I had had earlier, stressing that southerners are in favor of checks and balances in our Government. Southern Senators are in favor of observing the various provisions of the Constitution to protect the minorities. Incidentally, most of them are two-thirds provisions. We mentioned them earlier: Two-thirds to ratify a treaty, two-thirds of each House to give to the States a constitutional amendment; that is, to propose to the States and let them pass on it. I pointed out that when it goes to the States, three-fourths of them have to ratify in order to make it part of the Constitution. In other words, whereas, in all these other things one-third plus one can control the situation, can protect the minority, in the case of States, one-fourth plus one can protect the minority.

We believe in the checks and balances of government, and we believe in the checks that have been written into the Constitution—two-thirds this, two-thirds that, two-thirds something else. We think the two-thirds rule evolved pretty much in the same way, that it is a good rule, that it has worked well, and that it should be left alone.

Mr. LONG. I ask the Senator whether or not it is correct that history will demonstrate that a majority, on the spur of the moment, is capable of doing some very foolish things?

Mr. SPARKMAN. I mentioned to the Senator from Mississippi an incident that once occurred here. I was in the House of Representatives at the time. It was just about the time I came to the Senate or just before. President Truman had been greatly provoked by a railroad strike, and he could not get any satisfaction from the parties to it. He was a strong-minded man—and still is. He believed in things running right, and he was terribly provoked, and I suppose he lost patience. He asked Congress to pass a law conscripting the striking railroad workers into the armed services, putting them in uniform, and making them run the trains.

The House passed the bill quickly. It came to the Senate. A great conservative, Robert Taft of Ohio, stood right over there and led the fight on that measure because he felt that it was running over the minority, that it was not the way things were supposed to be done under the Constitution of the United States. I will never forget the fight he waged. Others joined him. He stopped it cold in the Senate.

I know of other measures that have been stopped here. Of course, the House acts quickly. It is supposed to. It is built that way. They have the previous question method of proceeding. They have a Rules Committee that can set absolutely the extent of time that can be devoted to debating a measure.

If the Rules Committee comes out with a rule that provides 4 hours of debate, after which a motion may be made for the previous question, they go in and debate 4 hours, and a motion for the previous question is made, and that closes it out. There is nothing more to it. Some of the most important and heaviest bills that have been passed by Congress have come from the House under a rule that may have given 6, 8, 10, or 12 hours of debate—not often more than that—and have come over to the Senate, where it is supposed to go through the cooling process. That is part of our setup. That is part of the setup our Government has, as our forefathers designed it. I think it has been a good thing, and I am in favor of it and am in favor of continuing it.

Mr. LONG. I thank the distinguished Senator.

Mr. SPARKMAN. Mr. President, when I hear complaints about extended debate or a filibuster preventing certain proposed legislation from being passed, and people who lose an issue are prone to criticize anything that was a major factor in their loss, I think of all the benefits that have come to the country through extended debate. This question is not centered in civil rights legislation alone. In fact, we have gotten away from civil rights legislation. I suppose that practically all the civil rights legislation has been passed. Certainly, it has been passed with a two-thirds cloture rule in effect. It goes much further than civil rights legislation. It goes deeply to the long-range principles of sound government.

Irrespective of whether one is a liberal or a conservative, a Democrat or a Republican, instances can be shown in which extended Senate debate, and the education of the people of the Nation in the issues involved, contributed to the long-range good of the Nation.

Let us take the matter, for example, from the standpoint of liberals. George Norris, a great liberal, ably utilized extended and exhaustive debate to prevent the passage of proposed legislation that he did not want. I remember quite well his conducting a filibuster involving something right near my own home—Muscle Shoals. A proposal was made several years after the end of World War I, when the Muscle Shoals development really began, to sell that development, which was built for national defense, to private enterprise.

One of the bidders was Henry Ford. Many of the people there very badly wanted it sold to Henry Ford. I recall when he said that if he got hold of it, there would be a city 45 miles long up and down that river. Naturally, the people looked forward to that kind of development. But Senator Norris felt that it was something that belonged to the people of this country and should be used for the benefit of the people of the entire Nation, and he stood on this floor and conducted a filibuster to prevent the Government from selling Muscle Shoals.

Extended debate also enabled Senators Robert Taft and Claude Pepper to prevent President Truman from drafting striking railway workers into the Army as I mentioned earlier. Senators who opposed the two-thirds requirement of rule XXII nevertheless utilized the rule fully in the filibuster against the communication satellite bill in 1962. A filibuster back in 1876, when there was no provision for cutting off debate, killed a bill that would have suspended existing election laws. That was in the case of the famous Hayes-Tilden presidential election. Other instances could be cited easily to show that filibusters do not deserve to be referred to by liberals as an evil in themselves. Many instances can be given to show that filibusters have been used by liberals to protect liberal causes.

But more than that, the truth is that extended debate is an invaluable protection for every minortiy group in the Nation whether a political, economic, racial, religious, or other minority.

So much in the history of the Senate is back of, or in support of, the principle of full and extended debate, that any threat to suspend the rules or to make more liberal the cloture rule should be viewed with concern and in full appreciation of the long history of this subject before action is taken.

Mr. President, I have given considerable study to the history of the rules of the Senate. This study has led me to the firm conviction that from the very start of the First Congress in 1789, it was the fundamental intent of the Senate that there be unlimited debate of substantive issues. No cloture rule was adopted until 1917. The 17-year period, from 1789 to 1806, is also excluded in our assessment of the long period of unlimited debate in the Senate because in that period, the Senate did recognize the "previous question" rule. As I have mentioned before, for all intents and purposes, these 17 years were also a period of unlimited debate of substantive issues because the "previous question" rule at that time was by no means as broad as it is in the House of Representatives today. When it was put into the Senate rules in 1789, it went in in its then normal concept, which was not as a device to close debate but to avoid or suppress an undesired decision or to avoid an embarrassing or delicate discussion.

Shortly after the First Senate met, the Committee on Rules was appointed. It is interesting to note that in the very first report, they suggested that provision be made for Chaplains and that the Chaplains of the House and Senate be of different denominations and interchange their positions on a weekly basis. This resolution was adopted. Accordingly, it is appropriate to note that the resolution providing for the Senate Chaplain preceded the adoption of the Standing Rules of the Senate.

As a matter of fact, it is most interesting to read the history of the Senate in its beginnings. Remember, there was no precedent, there was no procedure that had gone before. There was nothing to go by. They simply had to cut their way through as they went. It was during those first early years that there developed the division, if I may use that term, between the Senate and the Vice President. We had a Vice President—Vice President John Adams—and there was nothing to define the relationship between the Vice President and the Senate. They simply had to feel their way along. Of course, we know something about the relationship of the President with the Senate. President George Washington came up to the Senate one time to see if he could not help along a treaty of some kind. Apparently the meeting did not go too well, because President George Washington went back to the White House and vowed that he would never come up here again on any Presidential matter, and he did not.

So our early forefathers, in the constitutional republic which they had set up, had to feel their way along quite carefully. There were no committees. For several years there were virtually no committees. They did set up one or two of the most important—maybe primarily for housekeeping—but the general practice was that when some matter came up that required committee attention, a committee would be appointed to attend to it, more or less an ad hoc committee.

Shortly after the First Senate met, a Committee on Rules was appointed. I believe I have discussed that already, about the elected chaplains of the House and Senate.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Alabama yield at that point?

Mr. SPARKMAN. I yield.

Mr. BYRD of West Virginia. The Senate met on April 6, 1789.

Mr. SPARKMAN. Yes.

Mr. BYRD of West Virginia. It immediately appointed a committee of five to formulate rules under which the Senate could operate.

Mr. SPARKMAN. That is correct.

Mr. BYRD of West Virginia. That committee of five was made up of lawyers entirely.

Mr. SPARKMAN. That is right.

Mr. BYRD of West Virginia. That committee of five reported back on April 16, did it not, with 19 rules?

Mr. SPARKMAN. Nineteen standing rules; yes.

Mr. BYRD of West Virginia. Those 19 rules were, as I recall it, not only adopted, but the words "be observed" were specificated—to the effect that the rules would "be observed."

Mr. SPARKMAN. Yes.

Mr. BYRD of West Virginia. Is it not correct that, with the exception of about three of the first 19 rules, the rules are retained to this day pretty much in their original verbiage?

Mr. SPARKMAN. Yes; they are largely a part of our standing rules.

Mr. BYRD of West Virginia. As I understand it, there have been only about six codifications and revisions of the rules since 1789.

Mr. SPARKMAN. I do not know that. I should think that would be right.

Mr. BYRD of West Virginia. I think, depending upon just what is meant, there have been between four and six readoptions and revisions of the rules since April 16, 1789. However, of those original 19 rules, 16 are among the 44 Standing Senate Rules we have today and quite like the original verbiage in which they appeared in 1789. Is that correct?

Mr. SPARKMAN. The Senator is right. By the way, two of those rules, I believe rules VIII and IX, dealt with this "previous question" that I mentioned, that they did try out for a short period of time, but not in the same way as it operates in the House. It was more or less a protective matter, whereby they could cut down on anything, cut out anything, or they could stop anything that was going on they did not think was right.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for yielding. May I say that I have listened and I shall continue to listen to his very learned statement with great interest.

Mr. SPARKMAN. Mr. President, I thank the distinguished Senator from West Virginia.

Rules VIII and IX reorganized the previous question as a motion and limited the motions that may be made when a question was before the Senate by the following language:

> When a question is before the Senate, the only motions that are in order are for amendment, the previous question, postponement, to commit, or to adjourn.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield further, is it not true that the last revision of the Senate rules occurred in 1884?

Mr. SPARKMAN. Mr. President, I am not certain. I would certainly take the Senator's statement on that. I know that he has studied it.

Mr. BYRD of West Virginia. Mr. President, the previous major revisions were in 1868, 1820, and 1806, from the standpoint of reverse chronology.

Mr. SPARKMAN. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, does this not indicate that the Senate has, over the years, been very reluctant to make sweeping changes in the Senate rules?

Mr. SPARKMAN. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, does it not also indicate that these standing rules have evolved over a period of time and are based on experience and are worthy of the deep veneration which is shown by all Senators?

Mr. SPARKMAN. The Senator is correct.

I pointed out awhile ago that in developing our Constitution and in getting the new legislative system started—after all, there never had before been a government set up such as our Government—the three executive departments were provided with adequate checks and balances between them. The framers of our Constitution simply had to hammer the thing out as they went along.

I think the best testimonial to the soundness of this procedure is the point the Senator brought out that there have been so few fundamental changes in that regard.

I have referred to the previous question. The question that next follows is just what did the use of the previous question as it was defined and interpreted at that time mean? The best answer to this is found on page 454 of the Senate manual which is on every Senator's desk and which sets forth section 734.5 of Jefferson's Manual. It reads:

> The proper occasion for the previous question is when a subject is brought forward of a delicate nature as to high personages, etc., or the discussion of which may call forth observations which might be of injurious consequences. Then the previous question is proposed; and in the modern usage, the discussion of the main question is suspended, and the debate confined to the previous question. The use of it has been extended abusively to other cases; but in these it has been an embarrassing procedure; its uses would be as well answered by other more simple parliamentary forms, and therefore it should not be favored, but restricted within as narrow limits as possible.

Jefferson compiled his celebrated manual during the time he served as Vice President and President of the Senate, 1797 to 1801. It is obvious to anyone reading the above quotation that he, the sage of Monticello and the Presiding Officer of the Senate, interpreted the previous question as limited to a very narrow field.

Jefferson's expressed fears about the expansion of the previous question rule and the bad consequences to which it could lead if it were applied in other fields such as substantive legislation, no doubt reflected the sentiment which caused the Senate in 1806 to abandon the rule entirely. This abandonment has lasted now for 160 years.

The late senior Senator from Georgia in the rules debate on January 31, 1963, placed in the CONGRESSIONAL RECORD a scholarly document prepared by Dr. Joseph Cooper, a professor of political science, which traced all of the uses and attempted uses of the previous question in the Senate during its 17 years of authorization under the rules the author, whose accuracy has not been contested, concluded:

> The previous question was not understood functionally as a cloture mechanism—was not designed to operate as a cloture mechanism—was not in practice used as a cloture mechanism.

I commend the late Senator from Georgia for his forethought in placing this important and scholarly work in the RECORD for future reference. To my mind that document together with the statement of Thomas Jefferson which is on page 454 of the Senate manual and is at the reach of every Senator every day, should dispel beyond any shadow of a doubt any thought or any suggestion even that a cloture rule existed in the Senate prior to the year 1917.

THE 1917 ERA

What happened in the Senate in 1917 has been taken more or less for granted merely on the basis of the result; namely, rule XXII. I think that the circumstances surrounding the original adoption of our cloture rule are important and should be borne in mind for a better balanced perspective in considering the present issues. Let us examine these circumstances briefly.

As war developments with Germany became intense in 1917, President Wilson advised Congress in personal appearance on February 3 of the severance of diplomatic relations with that nation. This, of course, caused general anxiety concerning the lives as well as the property of Americans on the high seas.

Congress was in a congested state near the end of a session and there were charges that Republicans had purposely delayed supply bills by filibustering to force the President to call a special session. Among the bills introduced in this congestion was a bill authorizing the President to arm merchant vessels and to protect American citizens in their peaceful pursuits on the high seas. This bill passed the House of Representatives quickly under a rule recommended by the Rules Committee allowing but 3 hours of debate. The vote was 403 to 14.

When this popular war period measure came to the Senate, it met the determined opposition of 11 Senators.

The second session of the 64th Congress was rapidly coming to a close and speed in the Senate would be required to enact the measure into law. Instead the Foreign Relations Committee did not report the bill until dangerously near the end of the session and the vigorous opposition of these Senators with their right of unlimited debate, made it obvious that the bill could not pass. On the morning of the last day of the session, 75 Senators joined in a statement that they favored passage of the bill, but the net result was that they could not vote for it due to the filibuster by the opposition.

President Wilson immediately issued a statement that was widely circulated in the press, bitterly condemning the fact that a handful of 11 Senators could nullify the obvious desire of more than 500 Members of a Congress that numbered 531. He added that a little handful of men "have rendered the great Government of the United States helpless and contemptible."

The leaders of this filibuster were Senators William J. Stone of Missouri, James A. O'Gorman of New York, Moses E. Clapp of Minnesota, and Robert M. LaFollette of Wisconsin.

President Wilson called a special session of the Senate which convened on March 5, 1917, and stayed in session until March 16th. The first session of the 65th Congress started April 2, 1917. One of the first things that the Senate turned to in the special session was the adoption of a cloture rule. A committee of 33 Senators, on the same day of President Wilson's statement, had already made public a signed pledge to support a cloture rule. This committee was headed by several well-known men, namely, Senators Joseph T. Robinson of Arkansas, Henry Cabot Lodge of Massachusetts, William E. Borah of Idaho, and Furnifold McL. Simmons of North Carolina.

Senator Thomas S. Martin of Charlottesville, Va., was the Democratic leader. Three days after the special session started, March 8, he presented a resolution as formulated by a committee of five Democrats and five Republicans which became rule XXII, the cloture rule.

Senator LaFollette vigorously opposed the rule, and his speech has been quoted on numerous debates in the Senate in recent years on liberalizing the rule thereby placing greater restrictions on unlimited debate in the Senate. One quotation that I like especially is as follows:

> Sir, the moment that the majority imposes the restriction contained in the pending rule, that moment you will have dealt a blow to liberty. You will have broken down one of the greatest weapons against wrong and oppression that the members of this body possess.

The Senate passed the Martin resolution on March 8, 1917, after 6 hours of debate by a vote of 76 to 3. This was a very overwhelming vote. Needless to say the statement of President Wilson and the intensity of feeling over the armed ship bill filibuster had much to do with both the numerical nature of this vote and with a cloture rule having been brought up at all.

As adopted in 1917, rule XXII was as it is today—cloture by two-thirds of those Senators present and voting. On March 17, 1949, the Senate changed the requirement to a constitutional two-thirds, that is to say two-thirds of those Senators duly elected and seated. On January 12, 1959, however, in a movement led by the then majority leader and former President of the United States, Lyndon B. Johnson, the Senate went back to the original two-thirds of those present and voting standard adopted in 1917. Under the rule, 16 or more Senators may file a petition for cloture and it lies over 1 full day. Thereafter, 1 hour after the Senate meets on the following day but one, a vote is taken and, if passed by two-thirds, cloture is invoked. Thereafter each Senator is limited to 1 hour.

It is a bit ironic, but true, to observe that had the cloture rule been in effect in the Senate when the armed shipping bill filibuster was in progress, it could not have been used to save the bill because the following day but one would have thrown the vote beyond the expiration of the 64th Congress and the bill would have died.

It is also ironic that the cloture rule was adopted under pressure of a war emergency in the administration of Woodrow Wilson when it was thought that this radical step was needed to provide the authorization to arm ships and later it was determined that the President had this authority without resort to legislation. Thus the tampering with the Senate rules was a useless gesture. Wilson himself in his quiet and scholarly moments of writing in his book on constitutional government stated:

> The informing functions of Congress should be preferred even to its legislative function. The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but more than that, that the only really self-governing people is that people which discusses and interrogates its administration. The talk on the part of Congress which we sometimes justly condemn is the profitless squabble of words over frivolous bills or selfish party issues. It would be hard to conceive of their being too much talk about the practical concerns and processes of government. Such talk it is which, when earnestly and purposefully conducted, clears the public mind and shapes the demands of public opinion.

The significant thing, in our consideration of an alleged need to change the Senate rules governing debate, is not whether there have been occasions when some time has been wasted by what Woodrow Wilson called "profitless squabble of words," but whether the ultimate effects of these incidents have been harmful.

The record will show that many bills against which extended debate was directed ultimately were passed, and I believe careful study would reveal that in most instances the legislation was improved by the cooling off period.

In the entire history of the Senate no great host of bills has been completely blocked by filibuster. These include the force bill of 1890, which would have provided for Federal supervision of elections; the armed ship bill of 1917 which, as I have indicated, turned out not to be needed after we declared war on Germany and several civil rights bills including the omnibus and extremely far-reaching bill of 1966.

Four poll tax bills were talked down and it later developed that this was more properly a judicial field than a legislative one. Three antilynching bills were defeated. They obviously infringed on the police powers of the States, entering the area which Alexander Hamilton said would be so troublesome that he could not conceive of Federal officials attempting it. Two fair employment practices were defeated but finally passed.

Defeat of these and a few other bills is the net cost of past filibusters. And what is the threat of future losses which makes a rules change at this time seem so urgent to some of its advocates? All that we hear basically is "majority rule" and it is just that kind of majority rule which can cram through Congress legislation which actually threatens the broader rights of all the people to which Patrick Henry referred as the "precious jewel—public liberty."

Debate can be ended now by a vote of two-thirds of the Members of the Senate present and voting. If a national emergency, such as that which Woodrow Wilson thought existed in 1917, should demand prompt action on some legislation, I am confident that more than two-thirds of the Members of this body would cooperate in silencing obstructionists. Enough votes also would be obtainable to stop a filibuster even in peacetime against obstruction of any truly vital legislation.

Therefore, Mr. President, I see no need to change the present two-thirds cloture rule. I am opposed to the resolution which would require only a three-fifths vote to invoke cloture and I am by the stronger reasoning opposed to Senate Resolution 7 which would invoke cloture by a majority vote.

The more we tamper with rule XXII the more we endanger the stability and balance which the Senate gives to our form of government.

In my opinion there exists no emergency situation requiring consideration of this question other than a feeling among several Senators that there should be a liberalization of the rule. For a half a century rule XXII has stood the test of time for the good of the Nation both as a protection for minorities and as a means of slowing down hasty and sometimes emotional legislation. It is my firm position that the rule should remain intact.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able and distinguished Senator from Alabama for the fine presentation he has made here today. If the Senator would yield so that I may ask a few questions, I would be grateful.

Mr. SPARKMAN. I am glad to yield to the Senator from South Carolina for that purpose.

Mr. THURMOND. Is it not true that the Senate is really the last forum that allows unlimited debate in our entire process of government?

Mr. SPARKMAN. That, Senator, is correct.

Mr. THURMOND. Is it not true that in the House of Representatives debate is limited and there is hardly time for a full discussion in depth of many intricate and important matters that deserve to be penetrated and brought to the attention of the American people?

Mr. SPARKMAN. Did the Senator say in the House of Representatives?

Mr. THURMOND. Yes, in the House of Representatives.

Mr. SPARKMAN. That is true. In fact, in the bill I just referred to, which was the bill under which President Wilson sought to arm the merchant vessels before the beginning of World War I, that recommendation was made to Congress in person by President Wilson. The House took it up almost immediately and passed it with only 14 dissenting votes. It was debated for 3 hours in the House because over there, as I explained a while ago, time is controlled by a rule which comes out of the Rules Committee that sets the time of debate. On that occasion, the matter was debated for 3 hours in the House of Representatives.

Mr. THURMOND. And because of the great number of Members in the House of Representatives—it is now 435 Members—is it not true that there would not be time for them to express themselves, and that the only real debate to bring issues properly before the American public is in the Senate?

Mr. SPARKMAN. That is correct.

Mr. THURMOND. Legislation moves through the House of Representatives under tight restrictions on debate. Is it not true we cannot overlook the fact that there have been occasions when partisan politics and dictatorial control allowed significant legislation to be gaveled through the House with little expression of Senate views?

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. Does the Senator know of any real reason why these rules should be changed? Does the Senator know of any important piece of legislation in the history of this country that has not been passed because of rule XXII?

Mr. SPARKMAN. No; I do not. I do not know of any important good legislation that has ever failed to pass because of rule XXII. A while ago in an exchange with the junior Senator from Louisiana, it was brought out that it used to be said that southern Senators were interested in rule XXII because of civil rights legislation. Well, all the civil rights legislation has been passed in recent years with rule XXII in existence.

I have contended that we, in our section of the country, are interested in this rule because we know what it is to be subjected to conditions that required minority protection, and we are in favor of protecting minorities.

Mr. THURMOND. Is it not true that no one can contend that when any southerner participates in debate it is for the purpose of stopping civil rights, because, as the Senator has just stated, civil rights legislation on just about every conceivable subject has already been passed; and does not this prove further that southern Senators who opposed limiting debate during civil rights legislation were doing it on a principle and not necessarily to stop civil rights legislation?

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. Is it not true that when we have extended debate on this subject it tends to focus national attention on the subject under debate and creates debate, for instance, in various communities, States, and in various universities, colleges, and high schools, and it gets people to thinking on important issues and vital matters and it serves to concentrate the attention of the American public on those issues?

Mr. SPARKMAN. It certainly invites public participation.

Mr. THURMOND. Do not thousands of people become aware of issues facing the country and frequently write their Senators as a result of debates going on here, and as a result of debate that takes place back there, which is a reaction to the debate here, it brings expression from voters, constituents and people back home, which is very helpful to Senators? So on crucial issues this is really one way a Senator has to consult his constituency during the course of debate and it is a privilege which would be denied to him if legislation were rushed through the Senate, legislation which could be of paramount importance to the country.

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. Is it not true that if the Senate really wishes to end debate it could do so with a two-thirds vote, and there is no reason, why if legislation is that important to the Nation, we should not have a two-thirds vote?

Mr. SPARKMAN. The Senator is correct. It is one of the protections which is given several times in the Constitution.

Mr. THURMOND. Is it not true that this rule has been in effect for a great number of years?

Mr. SPARKMAN. Ever since 1917.

Mr. THURMOND. Is it not true that we have gone through World War I, World War II, the Korean war, and now the war in Vietnam, and we have gone through many emergencies and periods of depression and we have gone through prosperity, and during all those periods the Senate has not found it necessary to change rule XXII to meet the exigencies of any occasion?

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. Some opponents of rule XXII have argued it is too difficult to get two-thirds of the Senate to rule on debate and they propose the change to three-fifths. That is what is now pending, but this is nothing but the technique, hoping to weaken the rule bit by bit; for if this rule is changed to three-fifths, does not the Senator feel the next move would be to change it to an even lower figure and finally get to a majority, as they have in the House?

Mr. SPARKMAN. Yes. Of course, we know that a great many legislative bodies do that right now.

Mr. THURMOND. If that day comes, is not the Senate practically on the same basis as the House? It will not be the great forum for debate to inform the country on vital and important matters, and will not the country be the loser if such a step takes place?

Mr. SPARKMAN. That is right.

Mr. THURMOND. Is it not true that extended debate, under our present rules, conforms really not with the wording but with the spirit of the American Constitution, and that it is one of the very strongest practical guarantees we have for preserving the rights which are guaranteed to us in the Constitution?

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. Is it not true that in this Chamber alone, as Adlai Stevenson expressed it:

> Are preserved, without restraint, two essentials of wise legislation and of good government—the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured by words.

Those are the words of Adlai E. Stevenson, Vice President of the United States, the grandfather of the present distinguished Senator from Illinois; and do not those words seem to make good sense today?

Mr. SPARKMAN. They certainly do.

Mr. THURMOND. Prof. Lindsay Rodgers said this:

> As the much vaunted separation of powers now exists, unrestricted debate in the Senate is the only check upon presidential and party autocracy. The devices that the framers of the Constitution so meticulously set up would be ineffective without the safeguard of senatorial minority action. . . . Abolish cloture and the Senate will gradually sink to the level of the House of Representatives where there is less deliberation and debate than in any other legislative assembly.

Does not that statement make sound sense and does it not embody the very heart of what rule XXII has stood for all down through the ages?

Mr. SPARKMAN. I agree with the Senator.

Mr. THURMOND. I believe a few moments ago the Senator quoted Woodrow Wilson, or at least referred to him.

Mr. SPARKMAN. That is right.

Mr. THURMOND. Is it not true that in his doctoral thesis called "Congressional Government," written impartially before he was stricken by Presidential ambitions, he made a statement which I think is of great significance to the Senate. He said:

> The Senate's opportunity for open and unrestricted discussion and its simple, comparatively unencumbered forms of procedure, unquestionably enable it to fulfill with very considerable success its high functions as a chamber of revision.

There is a man who later became President of the United States, who made this statement when he had no Presidential aspirations, when he had no Presidential ambitions. He made it because he was a deep student of history and he was an astute scholar and he felt it was important to keep freedom of debate in the very essence stated by him as being of importance to this country.

It seems to me that Senators should hearken back to that great President, Woodrow Wilson, when they vote on this important matter. Is not that true?

Mr. SPARKMAN. The Senator is right.

Mr. THURMOND. Mr. William S. White, in the "Citadel," made a very important statement, which I think should go in this RECORD, when he said:

> And those who mock the Institution . . . might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged. Those who denounce the filibuster . . . might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority.

I believe the Senator brought out that point in his discussion.

Mr. SPARKMAN. That is right.

Mr. THURMOND. That some of those who are pressing today to limit this debate and have taken the position that they are interested in minorities really handicap themselves in the future when they try to stand by minorities, because what they feel will be accomplished by many in this debate will fly in their face and give less protection to minorities in the years ahead.

Mr. SPARKMAN. The Senator is right.

Mr. THURMOND. I was interested in a statement made here by Senator HUMPHREY. Senator HUMPHREY was one of the great leaders of civil rights here in the Senate when he said:

> If I were to teach again a course in government, I would say if you really want to know the kind of manners and rules of conduct that you ought to have to assure the meaning of the First Amendment, particularly, as it comes to free speech, and the rights to redress for your grievances, the freedom of the press, the freedom to assemble . . . the Senate of the United States represents that in its fullest measure. And in that alone, it's worthwhile. If nothing else, that would make it a very worthwhile American institution.

I would like to ask the Senator, is it possible to really have complete freedom of speech here, it is really possible to properly inform the American people, if this great forum, the only forum in the whole process of government, is going to be handicapped now and be restricted to a three-fifths instead of a two-thirds vote to amend the rules? Would we not be placing a great handicap on freedom of speech in this country if that action were taken?

Mr. SPARKMAN. I think so.

Mr. THURMOND. I wish to thank the able and distinguished Senator for his answers to the questions I have just propounded.

Mr. SPARKMAN. I thank the Senator from South Carolina, and I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is ordered.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

THE PRESIDENTIAL STRATEGY IN INDOCHINA

Mr. TUNNEY. Mr. President, Laos has now become the latest burying ground for both American troops and President Nixon's "Vietnamization plan."

The President is making a colossal error of judgment and misleading the country if he believes that this expedition into Laos by the South Vietnamese

Army will result in a shortening of the war in South Vietnam. He should have learned by now that there is no such thing in Indochina as a military operation that is "limited in time and space." When we first became involved in the quagmire of South Vietnam, it was with the thought that this involvement would also be limited in both time and numbers. That was more than 10 years and 45,000 American lives ago.

The President has again bypassed the Congress and the American people in placing the United States on the path to an ever expanding war throughout Southeast Asia. The next step will, no doubt, be Thailand, and the rationale for expansion will, no doubt, be the same as it was for Cambodia and for Laos.

Our movement of South Vietnamese troops in Laos merely amounts to another widening of an already hopeless war; a war that is killing our youth, draining our treasure, and dividing our country.

It is clear from the blackout that surrounded this operation that the President intends to ignore both the expressed sentiment of the Congress and the hopes of the people of America by further escalating our involvement in Indochina.

We cannot afford a further widening of this war. We cannot afford one more death in Southeast Asia, and we can certainly not afford the President's lack of candor in dealing with the Congress and the country.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **PACKWOOD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **PACKWOOD**. Mr. President, the Senator from California has just touched upon our policy in Vietnam. I do not intend to quarrel with the statement of the Senator from California. I do support the President's position in Vietnam, but I think it is quite obvious that whether or not we support or do not support our President in Vietnam at the moment, we shall soon be out of the war in Indochina, and we should look forward to the problems we are going to face in this Nation and in this world over a longer period of time.

To that end, I ask unanimous consent to have printed in the RECORD an address by Richard Gardner, who is the Henry L. Moses professor of law and international organizations at Columbia University School of Law. Professor Gardner was formerly in the Department of State with the Johnson administration, and last October 8, at Arlie House, made a very thoughtful and very provocative speech relating to the peaceful solution of international conflicts.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE LONG ROAD TO WORLD ORDER—FIVE PROBLEMS AND TEN TASKS

(By Richard N. Gardner)

Let me begin with five problems we need to think about as we plan for world order over the next quarter century.

First, how do we relate our proposals to the post-Vietnam mood of the American people. Those of us who want to involve the United States in a network of international agencies now find ourselves confronted with demands to reduce U.S. foreign commitments. If we are to rebuild support for practical steps toward world order, we will have to distinguish internationalism from interventionism. We will have to do a better job of explaining that the best way to reduce excessive U.S. commitments may often be not through unilateral disengagement but rather through the sharing of responsibility with other countries in regional and global institutions. Internationalism of this kind is not interventionism. It is a substitute for interventionism.

Second, how do we relate our proposals to U.S. national interests? Concern with national sovereignty is still with us. Many people are worried that as we move into these international institutions, we're giving up something. We have to explain much more persuasively than heretofore that the so-called sovereign state in today's world is no longer sovereign in any meaningful sense; even a superpower like the United States no longer has the power to protect the security of its citizens or assure their prosperity in isolation. Therefore, we really gain control over our destiny as we pool our sovereignty with other nations in these international institutions. It is not a question of giving something up unilaterally. It is a matter of getting back the capacity to manage our affairs by means of mutual restraints and reciprocal concessions worked out with other countries under multilateral auspices.

Third, how do we make our proposals seem possible? One of the things I find most distressing about the mood of our country today, and this is particularly true among young people, is the pervasive sense that things are hopelessly out of control. We have so many people running around as prophets of doom. Heaven knows, there's enough to be alarmed about, whether it's the environmental problem or the arms race or the income gap between rich and poor, but I do not agree with the doomsayers that there is no hope. It is tragic that anyone who gets up these days to make bold proposals of the kind this group has been making for years risks the danger of being ruled out of court as "utopian." So it is more than ever essential that we come up with not just grand designs, but with realistic methods of implementing them. A good approach in these matters is a big target, a rather distinct target date, and a timetable for getting there, (e.g., 20 years to abolish tariffs in stages of five percent a year). Many of our national and international problems will seem manageable if we give ourselves time but use the time to move steadily and inexorably in the right direction.

Fourth, how do we make ourselves politically effective in our own country? I cannot think of a time in recent years when the commitment of the United States Government to building durable institutions of world order was at a lower ebb. You see it in the absence of major U.S. initiatives at the U.N., in Congressional actions on the trade bill and the I.L.O. budget, and in the Administration's appointments to General Assembly delegations. Perhaps it's time for the world order and U.N. groups in this country to raise their voices a little—almost every other special interest group is doing so. Moreover, we ought to focus more on the nuts and bolts question of how to become more politically effective in Congress, the State Department and the White House.

Fifth, what does the U.S. do if other countries aren't playing? I'm reminded of the story of the mother who is watching her little son on a see-saw in Central Park. He's with a playmate on the see-saw and all of a sudden this four-year-old, not thinking of the consequences, suddenly decides to get off the see-saw. The see-saw comes up and hits his arm, the playmate goes tumbling down on the ground, and the mother rushes up and says: "Johnny, I've told you a hundred times not to get off a see-saw unilaterally!" The question I'm posing is: Can we get off the see-saw unilaterally if some of the other players are not playing the world order game? If so, how? We have to face the fact that the attitudes of some countries toward strengthening the U.N. in peacekeeping and development are not exactly encouraging. What do we do if their opposition effectively blocks progress?

Having raised five general problems about planning and policy-making for world order, let me suggest ten major tasks of international institution-building which might be the focus of your discussions in this conference:

1. DISARMAMENT

In the McCloy-Zorin Agreement, the United States committed itself to General and Complete Disarmament. Do we really mean it? Is "GCD" a "serious subject"? One has the impression that most people in the U.S. Government today don't think so. It's obvious that GCD is not something possible in this decade, but would it not be useful to resume serious research and international discussion on the subject—particularly on the kinds of international institutions that would have to go with it? This could be done at the official level in Geneva or in informal, non-official study groups like Pugwash. Moreover, more thought needs to be given to the international machinery appropriate for various partial measures, such as a SALT agreement or seabed disarmament.

2. PEACEKEEPING AND PEACEMAKING

I offered some suggestions in Foreign Affairs recently ("Can We Revive the U.N.?," July, 1970) on how the United Nations might be made more effective as a peacekeeping and peacemaking agency. We need to consider as a matter of urgency how to bring mainland China into the U.N. while still assuring self-determination for the people of Taiwan, and how to bring the divided states into the organization. We need fresh thinking on how far one can really build up the U.N.'s peacekeeping and peacemaking capacity by institutional innovations as contrasted with an essentially *ad hoc* approach. We need new attention to measures to rationalize the procedures of the Security Council and General Assembly and improve the effectiveness of the Secretariat.

3. OUTER SPACE

So far our institution-building with the Russians in this area has been very modest. We have participated with them in the World Weather Watch and we have had some modest bilateral cooperation in information exchange, but nothing you would really call a joint venture. Perhaps the time has come when both countries would see significant budgetary savings and political advantages in a pooling of effort. To preserve the security of the launch sites, could the two countries launch elements of a space station separately and then assemble them in outer space? Is this technically sound? Is it politically sound? And should it be U.N.-ized?

4. THE SEABED

The Nixon Administration's proposals in this area have been most constructive. They envisage an important new international agency for the regulation of activities on the deep ocean floor. But the international approach here faces formidable political opposition. Many Latin American countries seem reluctant to give up their more extensive claims both in the ocean floor and territorial waters and the Soviet Union remains adamantly opposed to any international regime and any international organization that would engage in licensing and rule-making in ocean space. How can we bring these countries around? What are the compromises that might be offered? If we can't bring them around, can we go forward with something like the Nixon Treaty on a less than universal basis? What happens if you have a Nixon-type treaty without the Russians and they find a nice little submerged mountain in deep ocean space and start drilling on it?

5. THE INTERNATIONAL MONETARY SYSTEM

Many people now urge that the International Monetary Fund should gradually develop into a world central bank. Have we really thought through all the implications of this for the management of our domestic economy and foreign policy? The corollary of giving up our role as world banker and substituting the IMF is that we accept a commitment that increments to world liquidity will be exclusively from internationally-issued money (SDRs) and not from the perpetuation of U.S. payments deficits. Are we really prepared to play the game by those rules? Would we get enough liquidity that way, given the conservatism of some of the Europeans and other people who wield important decision-making authority in the IMF? Would not the IMF also need authority to influence the exchange rates, the domestic economic management, and the foreign expenditures of surplus and deficit countries? Will we—and other countries—be ready for this in the foreseeable future?

6. WORLD DEVELOPMENT

Considering all the obstacles, we have created an impressive array of international agencies in this field. We have begun to develop international performance standards for the rich and for the poor. We enforce them on the poor—or try to—by granting or withholding credit, but how do we enforce them on the rich? How do you build really effective sanctions on the rich countries to give the one per cent of GNP the Pearson Commission says they ought to give. And how do you get the recipient countries to take more effective measures in such matters as food production, birth control, and broader sharing of the benefits of development? Bilateral aid has generally failed to solve these problems. Can multilateral institutions be more successful?

7. INTERNATIONAL TRADE

The strong revival of protectionist sentiment in the United States threatens now to plunge the world into, if not a trade war, at least a new cycle of trade restrictions. There is a widespread feeling on the part of American labor and American business that international institutions such as GATT and OECD have not adequately protected U.S. trade interests. The traditional principle of non-discrimination has been seriously eroded by the European Economic Community and its association agreements with European, Middle Eastern, and African countries. It will be further eroded by the EEC's enlargement. If we are to avoid slipping back to protectionism, if we are to restore momentum toward free trade, we will need to consider ways of making GATT and OECD more effective than they have been in the past. GATT in particular needs to review its ground rules and strengthen its sanctions against non-complying members. Obviously, the political obstacles to such reforms will be formidable.

8. ENVIRONMENT AND POPULATION

Rather belatedly, the U.N. system is now developing action programs in these vital areas. But the system's effectiveness is diminished by the historic pattern of specialization among the different agencies and by the lack of strong central leadership. In the years ahead, we will need to strengthen the authority of the central executive in dealing with the Specialized Agencies, perhaps by a formal constitutional charge, perhaps by using the U.N. Development Program as the source of funding for population and environment activities. In addition, we might consider the creation of new U.N. policy-making bodies more in accordance with contemporary needs—an International Development Council in place of ECOSOC and a new Council on Science, the Environment and Social Problems. The latter would include population and urban problems within its mandate. It would deal with problems as important for developed as well as developing countries, and would thus help remedy the almost total preoccupation of ECOSOC and the Specialized Agencies with the developing countries. This reform could have important political benefits by demonstrating to the people of the developed countries that the U.N.'s economic and social work can be directly helpful to them. Incidentally, everything I know of Soviet attitudes suggests that they would look with sympathetic interest on such a reform.

9. HUMAN RIGHTS

Our agenda here is clear enough. We need to build political support for U.S. adherence to U.N. Human Rights Conventions, like the Genocide Convention, from which we have so far remained aloof. Still more important, we need to create more effective measures of human rights implementation at the international level. A most promising first step could be the proposed High Commissioner for Human Rights. The hard question here is whether to create this kind of universal system of human rights implementation in the face of strong opposition from the Communist countries, or whether to concentrate for the time being on regional approaches, using the Latin American and European institutions for human rights protection.

10. COMMUNICATIONS

This is a much neglected area. If we are serious about building effective institutions for the management of global problems, we need new ways to build understanding between nations, races and ideologies. We have all this exciting new technology, such as communication satellites, but I don't see any exciting proposals coming out of Washington or anywhere else on how to use the technology to advance us toward world order. As a modest first step, the U.N. should be given free use of the INTELSAT facilities for its operational and informational requirements. U.N. members should be encouraged to carry a minimum amount of U.N. and foreign programs on their national television and radio networks.

The greatest obstacle to progress in international cooperation, as Lester Pearson has reminded us, is "faintness of heart and narrowness of vision." It is up to groups like this to point the way for government leaders who still suffer from these all-too-common disabilities.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. STENNIS. I thank the Chair.

Mr. President, it seems that the sponsors of this resolution have—I would not say abandoned it, but, still, they have left it here on the floor. I am in opposition to this change in rule XXII, because I think that time and experience over the decades have proved that rule XXII is needed and is sound in operation. It has withstood one assault after another on this floor for the last 25 to 30 years without being emasculated, as some would wish, and without being drastically changed, even though there has been some change. During that period of time we have gone through some of the most far-reaching changes in the history of the world. Not only our nation but the entire civilized world as well has gone through some of the most revolutionary changes—politically, economically, and scientifically—that the world has ever known. In fact, no other period of recorded history begins to compare in magnitude with the changes, the new problems, and the new developments that we have had since World War II ended, for example.

The assaults on rule XXII to repeal it, in effect, have had the backing of very powerful organizations, political, economic, and otherwise. It has been debated through many elections, over and over, for the last 30 years, and has been debated on this floor repeatedly. Still, it has withstood all major assaults and has not been substantially changed in this period. I think that in itself proves that the second thought of the American people is that we need some kind of safeguard, some kind of check and balance, that is effective but still does not totally block legislation or block change. If it had not been for the background of the strength of rule XXII which I have described briefly, it would long since have been swept away or would have been modified greatly.

Mr. President, I am speaking on this matter because of its importance, not because I have to speak. The sponsors of this rule change are not here. They are not making any fight for it. Frankly, I think that when the matter went over until after the forthcoming recess, without any real attempt to get a vote, it was an admission right there of lack of strength, and I detect a growing disinterest in this proposal to change the rule.

I do not believe there is a feeling in this Chamber or in the country that there is any need for a change. But, on the other hand, the second thought of the people tells them that there must be some kind of restriction, a road block, upon the swift and emotional passage of legislation, however good its proponents may think it is and its purposes may be.

I think the people understand a great deal about filibusters of the various types we had here in December.

I was opposed to those who were trying to block the bill's passage. I was one of the floor managers of the bill. It contained appropriations for the Department of Transportation.

However, much as I wanted the bill to pass, I did not vote to cut off debate, because I thought it would be an abuse of rule XXII. The need was not great enough. As I said earlier today, in respect to Senator SPARKMAN's remarks, there was an adjustment of that matter that served a practical purpose. It was carried over until the interim time, and the subject matter will be taken up again.

I use this as a most recent illustration of the practical operation of rule XXII as now written, and that time it was used by so-called liberals. They were in the minority, but it was used by the so-called liberals in their fight. I make no unkind reference to them in these remarks. I made none during the prolonged speeches here on that bill.

Rule XXII is a part of the Senate and, more than any one bill or any policy and more than any other year or anything else, it is the basic principle of passing legislation that differentiates the Senate of the United States from the House of Representatives. No one has more respect than I for the House of Representatives and its Members and the principles it represents—fresh from the people; elections every 2 years; high-minded, earnest, energetic people; hard-working; reflecting, as they should, primarily the most recent mood of the country and the most recent policies that are jelling as they come from the sentiments of the people. But we know by long experience that there need be a check, that there need be a second look, that there need be time for commonsense to operate and for facts and conclusions to percolate and get through a broader base of thought in the American people, and that is what the Senate is if it has a rule that permits such procedures. There are 100 Members of the Senate, and on a close vote, just about almost the same as flipping a coin, that is when there can be immature consideration of a subject with not enough deliberation. I do not think that the people want to take that chance.

One of the reasons I had aspirations to come to the Senate was that it seemed to be organized groups—and I speak with all deference to their motives if they are good—but organized groups were going to take over this country, well organized, well financed, and intelligently led, recommending their segment of the economy, or the populace, or the movement, or whatever it was, and pounding away, often in unison, at the elected representatives of the people.

I still think that is the greatest challenge to our system of government that exists today. I frankly think it is gradually getting stronger, and that their pressures are getting greater. Even though opinion of all kinds has its place, and expression has its place, they are getting to be more and more effective, and are naturally becoming more effective in putting the pressure on those men who are elected every 2 years and those men who are elected every 6 years.

But, apart from that, there must be a body somewhere in this country—and the logical place is in the Senate—where there will be a chance for a second look. I believe strongly in the commonsense of the ordinary people of this country, but, at the same time, very often they have to take a second look or a second thought in order to be at their best to use their commonsense, as I term it. So I think that the Senate is the fundamental basis of our Government. The Senate is the bedrock upon which the Government rests, the idea of a chance for more extended debate. We do not have unlimited debate. We do have a rule that will cut off debate and force a vote. But the Senate does stand upon the principles I have already enumerated.

Unfortunately, rule XXII has become associated with civil rights battles. In past years it has become such a symbol, of being in opposition to civil rights bills. Well, certainly that is not the issue now. All those bills have been passed and most any kind of amendment that anyone could think of was put on and they became law, and we have moved on beyond that.

Rule XXII has fallen in with the term filibuster which, in the first place, is not understood and carries a bad connotation in the minds of many who have not looked into it carefully enough.

So, taking this second look at what is in rule XXII and what is in a filibuster, I am reminded of the words of a leading columnist who wrote for a good long while, way out in front of everyone else, Mr. Walter Lippmann, who is now in retirement but is known as a forward-looking man, one of tremendous capacity, and a very fluent writer.

He said:

> The filibuster under the present Rules of the Senate, conforms with the essential spirit of the American Constitution.

That is a very significant statement. He said further:

> It is one of the very strongest practical guarantees that we have for preserving the rights which are in the Constitution.

Mr. President, I was not a friend of Mr. Lippmann. I knew him, but only in passing. I am not espousing his causes. He does not need anyone to espouse them for him. But he was up front in his knowledge of public opinion, of legislation, and the soundness of government. He is of unquestioned integrity and has a very fine talent.

He said that it conforms with the essential spirit of the Constitution and then as a practical matter that it is one of the very strongest practical guarantees we have for—for what, now?—for preserving the rights which are in the Constitution. That pertains to the rights of all the people. I do not believe I have ever found such a fine and quick summary in one part of a sentence in such a sweeping way which sums up rule XXII as being a confirmation of the essential spirit of the American Constitution and also a practical guarantee for preserving the rights which are in the Constitution.

Mr. President, this is no idle matter. This debate has droned on. It has been unspirited, perhaps, without much immediate interest. The proposal seems to have fallen by the wayside. But I think the time is well spent—and I mean every word of this—the time is well spent, indeed, to take the time to examine the fundamentals of our constitutional government and the principles upon which it is built and to see if we really have to make this drastic change in the rule after all. I do not believe that we do.

Mr. President, I feel strongly obligated to take every opportunity afforded me to try to convince the Members of this body of the great dangers of amending Senate rule XXII on the limitation of debate beyond what its terms now provide. I have heard it said, it is two-thirds now, so why not make it three-fifths, as that would be a better way and more workable to those forces who have been through all this many times.

We know that the main proponents of taking down rule XXII—the limitation of taking it down to reduce the vote required—are those who are working for a majority vote which means that the majority can, in effect, impose the "previous question." That is their goal. That is their object. We will not be relieved one 2-year term of their efforts to destroy entirely this provision for ample and extended debate. They will not rest until that matter is totally changed and there will be nothing left of the rule requiring more than a majority.

It is so clear and so plain that that is their purpose and their goal that we might as well meet it head on now and stand on this reasonable provision in the rule that has served us so well.

I am firmly convinced of the merit of the point of view I advocate, and have been seeking means of presenting it in such a manner as to more clearly set it forth as entirely a matter of principle, separate and distinct from any associated ideas that deal with expediency in the mechanics of legislative procedures.

Mr. President, I want to separate it entirely from any stigma that might have been attached through a misunderstanding of the word "filibuster" and disassociate rule XXII from any particular subject matter concerning what was loosely called civil rights bills. I am sure in my mind that if we could strip the matter of all extraneous aspects, and let the principle itself stand forth alone to be judged, then this body will leave rule XXII unchanged, to remain as the very keystone which prevents the Senate from failing in its true and historic mission.

So I have been asking myself what those extraneous matters may be, and how to remove them from the discussion.

All of us except the few new Members have been involved in a number of recent cases of extended debate. In each, of course, there has been a side that prevailed and one that did not. Each Senator has shared both victory and defeat, and the debate at times has been forceful and heavy. Some scars may have been left by these events, and perhaps some impatience or frustration for the time being. It would be human to blame a frustration on rule XXII rather than to accept the premise that the issue being advocated was not flawless. These feelings should not influence the considered judgment of this body as to rule XXII, but perhaps they are present as extraneous factors, and need to be identified and consciously swept aside.

If there is any emotional aspect of any kind that contributes at all to clouding the issue, then it must be cast aside. I believe, and many of my colleagues share the belief, that civil rights is an emotional aspect that is clouding this issue even though it is no longer logical that it should.

Mr. President, I cannot believe that just because we were tied up here for a few days and parts of some nights in December and because some naturally wanted to go home or had plans that were interfered with and they were unable to do what they had planned to do, or even lost an opportunity to spend a longer interval at the end of the session at home, that that should be a basis for changing the basic framework of the U.S. Senate.

I do not believe that the people, even though they get a little impatient with us at times, would let an incident which, after all, was a very small incident interfere with and change the basic framework of their institution, the U.S. Senate, and allow it to be so drastically altered—not just changed, but really altered—and basically destroyed, I think, as the forum that does have a last chance to take a second look.

I would like very much to have the merits of a two-thirds vote on cloture to simply stand and be judged on their validity, divested of any bias or bitterness that might consciously or unconsciously exist. I believe that the merits of the rule as now written are overwhelmingly persuasive.

It occurred to me that we might take the discussion out of its modern time frame and context, and look at it for a few minutes as our predecessors of 50 or more years ago looked at it.

I think this will be a contribution to the debate. I would like to quote from comments made on the floor of the Senate in June 1918, some by Senators whose membership dated back into the previous century. No doubt they had a few frustrations of their own in those days. One must assume so. It was, however, long before there was any connection between civil rights legislation and extended debate, for it preceded by many years the series of civil rights bills of our times.

In order that we might see the subject as our distinguished predecessors of that day saw it, I shall quote some from the debate of June 1918, as it was discussed in the report of the Committee on Rules and Administration in 1947, 80th Congress, Report No. 87.

Mr. President, we like to refer to things that were new when we first came to the Senate. That was the first year I was a Member of this fine body. This battle was being debated then. This fine collection of thought over the previous years is from that time.

The occasion of the debate was the first attempt to change rule XXII, which had been adopted in 1917, the previous year, and which required two-thirds vote for cloture. The change would have imposed more severe limitations on debate. The comments of the Senators of that day are pertinent and revealing, and for us, at least, are unencumbered by the kinds of extraneous matter that today might be distracting in making a judgment on merit alone.

Mr. President, I emphasize that this is not the debate in which rule XXII was originally adopted in response to the situation that has already been discussed here concerning the shipping bill. That occurred in 1916, I believe. In 1917 for the first time rule XXII was passed. The very next year there was an attempt made to amend it. The quotations I have are taken from the debate that ensued at that time.

Many of the basic problems of Government are the same. However, this was a time far removed from the more immediate considerations of the so-called civil rights bills or the so-called evil name of filibuster.

The Honorable William Alden Smith, a Senator from the State of Michigan during the period in 1907 to 1919 said in that debate:

> The proposed new rule is intended to curtail the individual right and power of Senators. How can a Senator represent his State appropriately in a crisis if a few Senators may decree in caucus and then absent themselves, leaving the State to its fate, shorn of the power to be effective?
>
> I have never seen the present rule abused. I have been impatient at times with Senators, but good has come to the country in most instances as a result of our liberal latitude in debate.
>
> Much good and no harm has come from unlimited discussion here; and, to curtail it and deprive ourselves of this power and privilege, it seems to me, is not called for by any situation now existing.
>
> The instances where this rule of unlimited debate has been abused and has worked to the disadvantage of the Government are very rare indeed and the cases where it has been of tremendous advantage to the Government and to the people of the United States can be counted by hundreds and hundreds.

The Honorable James K. Vardaman, a Senator from Mississippi during the time 1913 to 1919, said:

> In the instances used by the Senator, unlimited debate was simply a means of killing time, and defeating the rule of the majority, which is contrary to the very genius of our Government.

The Honorable Mr. Smith of Michigan then said:

> No; unlimited debate, as I define it, was such a protracted and prolonged discussion as to bring acutely to the minds of Senators the necessity of composing that particular situation.
>
> The longer I stay here the less I speak. Some of the best men who ever served in this body have grown to dislike verbal controversy.
>
> Men get over the fascination of their own speech; but if the occasion should require, or if some injustice was sought to be done, unlimited debate would be a very desirable and potential weapon to reside in the senatorship.
>
> It is not that a Senator wishes to be heard at great length; it is the power to defend his State, which you are attempting to curtail.
>
> Take away the right of unlimited debate and you take away the one great distinguishing characteristic of senatorial procedure.

The previous quotation was from the Senator from Michigan.

The Honorable Jacob H. Gallinger, a Senator from New Hampshire during the period 1891 through 1921, said:

> A great deal of agitation had been heard at varying times concerning the necessity for having some rule that would limit debate. There were those of us who did not think any rule at all was necessary. There were others who thought a somewhat drastic rule necessary. I speak now advisedly, as a member of the Committee on Rules, when I say that that rule was adopted as a compromise rule, and assurances were given that if it should be agreed to—as it was, without any controversy—it would end this matter of so-called cloture legislation. It has answered its purpose.
>
> During my somewhat protracted membership of this body a few filibusters have been engaged in. I was the victim of one of those filibusters, Mr. President. A bill in which I was deeply interested, which had been debated for weeks in this body, as I remember it, was at the end of a session defeated by filibuster.
>
> At that time, I felt very keenly on the subject but, when I came to look it all over, I was led to the conclusion that the evils that grew out of our present system were insignificant compared to the benefits that grew out of it.
>
> I think I have myself participated in two filibusters during the time I have been a Member of this body, and I have never had occasion to regret it. I believed that they were justified. I believe that great good came to the country because of those protracted discussions.

Now, Mr. President, I turn to the great State of Massachusetts and the late famed then Senator, Henry Cabot Lodge, who served in this body from 1893 to 1924:

> This is a general rule to limit all debate, indiscriminately, on every measure, whether trifling or of the gravest importance, affecting the Constitution, the welfare of the entire country, or the interests of a section of the country, or what may be the vital interests of a single State. Mr. President, I believe that a rule of that kind is thoroughly unsound in principle, and I think we ought to retain in the Senate the general debate and the latitude of debate which we now have.
>
> The case for free debate in the Senate has never been better stated than in a paragraph I am about to read from a well-known book. It is there said:
>
> "It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the Government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct.
>
> "The informing function of Congress should be preferred even to its legislative function. The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but more than that, that the only really self-governing people is that people which dis-

> cusses and interrogates its administration. The talk on the part of Congress which we sometimes justly condemn is the profitless squabble of words over frivolous bills or selfish party issues. It would be hard to conceive of there being too much talk about the practical concerns and processes of government. Such talk it is which, when earnestly and purposefully conducted, clears the public mind and shapes the demands of public opinion."
>
> That, Mr. President, is taken from Congressional Government, pages 303 and 304, written by the present President of the United States [Woodrow Wilson], and I think it would not be easy to find a more powerful exposition of that necessity for debate which, I think, is infringed on by this proposed rule.

That was the late Henry Cabot Lodge, a Senator from the State of Massachusetts, who served as a Member of this body for 31 years. He was speaking then in opposition to a proposed change in what is now rule XXII that had been enacted the year before.

Now, I refer to a Senator from another State and what he had to say in that same debate. This is a man who was not from the South, the late former Senator and later President of the United States, Warren G. Harding. He was a Senator from 1915 to 1920. He was elected President while he was a Member of this body. He said:

> I have been hearing about the reformation of the Senate since I first entered politics; and it was rather an ironical thing the other day that one of the most emphatic speeches made in favor of adoption of this rule was uttered by the very latest arrival in this body.
>
> I have been observing the Senate at close range now for 3 years. I came with the notion that the Senate "fiddled" away a great deal of valuable time in debate, and I am still of that opinion; but the debate that needlessly consumes the time of the Senate is not reached by the proposed rule.
>
> I want to feel that the Senate still controls its destinies. Moreover, the new cloture rule is ample. I am opposed to the so-called reformation of the Senate in the name of a war measure.
>
> But the reformation of the Senate has long been a fad. I came here myself under the impression that there ought to be cloture and limitations on debate; and the longer I sit in this body, the more convinced do I become that the freedom of debate in the United States Senate is one of the highest guaranties we have of our American institutions.

Mr. President, that is very significant. Here is this new Senator from Ohio telling exactly what his experiences were. He said that after he came here and saw the operation he changed his mind. He was a man of no small caliber. He became the leader of his party and was elected President of the United States.

I have seen men—and I am not referring to names—come here and want to change the rule and vote to change it. The unhappy part was that they had made promises that that would be their position. They would come here and look at the situation differently but they were already committed, they were already bound, and they had to carry out their word.

I can think of one man who came to the Senate pledged to vote to make it a majority or at least much more different than two-thirds for cutting off debate under rule XXII. When the time came for the vote, he so voted. But he announced to the people of his State that he had carried out his promise, that he would be a candidate for reelection when the time came, but he had changed his mind about rule XXII and he wanted to tell them in advance that instead of running on a platform to change rule XXII, he would have in his platform the next time a promise not to change it. That gentleman was later elected and became floor leader of this body, and he was the acting floor leader when I came here.

I continue to read the quotation from Warren G. Harding:

> Mr. President, before I take my seat I wish to say that the length of a speech is not the measure of its merit.
>
> While the Senate may not listen, because the Senate does not listen very attentively to anybody, I discover, though Congress may not be apparently concerned and though the galleries of this body may not be filled to add their inspiring attention, I charge you now, Mr. President, that the people of the United States of America will be listening. This is the one central point, the one open forum, the one place in America where there is freedom of debate, which is essential to an enlightened and dependable public sentiment, the guide of the American Republic.

Mr. President, someone might say that that was a long time ago and that time has changed so much and that the guidelines of his thinking should not have weight. Just a few moments ago I read a quotation from a man who wrote a column and who was regarded as a great thinker in his day. For many years he was considered to be No. 1. I refer to Mr. Lippmann. I read a quotation by Mr. Lippmann just a few moments ago.

For a comparison of what he said and what the previous quotation from the Senator said, I shall read again what Mr. Lippmann said:

> The filibuster under the present rules of the Senate conforms with the essential spirit of the American Constitution, and it is one of the very strongest practical guarantees we have for preserving the rights which are in the Constitution.

Another great American mind brings forward the same thought 50 years later.

From that debate I quote another famed Senator of his time, Hiram W. Johnson a Senator from California, 1917–45:

> But in this day, Mr. President, there is something else that I see as well. I see that we have transmuted in the past 14 months our Republic; I see that upon which we have prided ourselves in the past, that of which we have boasted in the past, that which we have taken unto ourselves and loved during all of the years that this Nation has been a nation—has been transmuted under the exigency and the emergency of war, and rightly so, into an autocracy as powerful as any autocracy upon the face of the earth.
>
> But, Mr. President, there is another day coming as well, and in transmuting our Government temporarily in the fashion that we have done, there is no reason why any man of wisdom, of foresight, with an atom of statesmanship, should not prepare against that day when it will be his duty and his obligation as great as is the obligation today to win this war, to bring back this Republic into its own, and make this Government as it has been in all the years of the past.
>
> It is that day when we must finally face the ultimate issue and restore this Government to its pristine purity and its pristine glory and to its original character—it is this day I guard against now by permitting not the entering wedge in this body and with its Members, so that they could not do fully freely, wholly, absolutely, and successfully their duty when the day shall come.
>
> The last place in all this world where freedom obtains, the place where freedom of speech may be abused, abused, abused, and abused again, but the last free forum in that day will then have been destroyed, and we here this day will have commenced and made easy that destruction.

Mr. President, I have here a quotation from the late Charles E. Townsend, a Senator from the State of Michigan, 1911 to 1923, in that same debate:

> It will be a sad day for our Republic when the Senate ceases to be a free and open forum.
>
> Not cloture but intelligent deliberation is the present need. This is an insidious attempt, as it seems to me, to limit debate and confine it according to the wishes of people not connected directly with the Senate.
>
> Mr. President, since I have been a Member of the Senate I have never seen, except during the last days of a Congress, any bill defeated, by a filibuster, or otherwise, which a majority of the Senate earnestly desired to pass. It has never been done, and it cannot be done. The will of the majority properly determined can always be exercised, not on the minute, not a given hour possibly, but at some time during the session, and it always will be so.
>
> Public sentiment! Senators seem to be fearful of public sentiment. The only sentiment that I have to face is that of my constituents. I object, Mr. President, to having any Senator or number of Senators place any restriction upon me in the exercise of my duties as a representative from my State.
>
> When I was a Member of the other House, to me one of the attractive features of service in the Senate was that there was an opportunity for debate and full consideration. I did not expect to abuse that privilege, and I never have done so.
>
> Most new Senators are instinctively for reforming the rules.
>
> We have been in the habit of condemning long speeches sometimes, and I confess that at times I have criticized them, too; but I have recalled that subsequent events have shown that many Senators were right in appealing to the Senate to consider the question under discussion, and it was their duty to make those appeals to the Senate if by doing so they had any hope of changing the sentiments of the Senators.

James E. Watson, a Senator from Indiana, 1916–33:

> If this had been the rule of the United States Senate after the adoption of the Constitution and the formation of the Union many of the great orations that challenged the attention of mankind and fashioned the policy of the Republic would have been but partially delivered.
>
> If this had been the rule of the United States Senate for the first 50 years of its existence John C. Calhoun would not have been able to thunder forth the doctrines in which he believed; Hayne could not have announced on the floor the ideas which he so eloquently espoused; Henry Clay would have been unable to deliver in full any one of the score of speeches that accomplished so much for his country; and Daniel Webster, imperious orator of American history, could not have blazed the pathway of the future in that historic utterance in which he announced the essential policies of the Republic if its institutions are to endure, for on the floor of the United States Senate and in the

open forum of debate he in a sense shaped the destiny of the Republic and molded the future of the Nation.

Mr. GALLINGER. Speaking for 8 hours.

Mr. WATSON. And 8 hours, the Senator from New Hampshire informs me, he spent in delivering that masterful oration.

If this had been the rule of the Senate even in our day, the great debates that have occurred upon the financial and economic problems which have engaged the thought and attention of the Republic could not have taken place to the full.

Why, Senators, we are not children; we are men. We are not engaged in some sport in which a man is limited to a certain number of strikes; we are Senators, chosen because of supposed ability, fitness, and character to measure up to the great demands of statesmanship, to grapple with the eternal verities that underlie all progress and all enduring government, and why should it be thought that we must place a limitation upon ourselves else we shall trample upon the rights of the people by too great speech?

Asle J. Gronna, a Senator from North Dakota, 1911–21:

In my judgment this rule is an insidious effort to throttle free speech in the Senate. It is an effort to shackle the membership of this body; it is the forerunner of boss rule; it is the keystone to the foundation of a political machine. It matters not what time is alloted to any Member, the rule in itself is autocratic; it is despotic; it is contrary to democratic principles of a free government.

Reed Smoot, a Senator from Utah, 1903–33:

The passage of this resolution means that running debate will be closed in the future, and I say now that there has been more information given to Senators, actual information, information that affected the votes of Senators, more real information gained, in a running debate where questions are freely asked, than there is in all the set speeches that were ever made in this body.

James D. Phelan, a Senator from California, 1915–21:

It is the history of this body that there are empty beaches occasionally when a Senator exceeds what, in the judgment of the absentees, may be a reasonable time limit. I believe it was held in the House of Commons that, whereas a man had a right to speak, he had no right to be heard.

The Senate rules serve by arresting hasty action. Members of the House have appealed to me to save the power of the Senate on which the Members of the House themselves so often rely. On it the country relies to have time to deliberate and if necessary protest.

Men are carried away by passion, heat, and rancor, and they enact laws thoughtlessly; again they enact laws ignorantly. Debate restrains passion; debate restrains heat; debate restrains rancor, and at the same time debate commands deliberation. Therefore I oppose the arbitrary rule and stand for the power and dignity of the Senate which has served the country so well in this war.

Frank B. Brandegee, a Senator from Connecticut, 1905–24:

Mr. President. I look at this right of debate not as a right, much less a privilege, which we are conferring upon ourselves as a matter of favor. I look upon it as a right which attaches to the sovereign States of this Union, each of which is represented here by two Senators, and whose sole method of putting its case before the people of the United States and before this body is through the voice of its two Senators.

So I say that this is the forum of the States. This is a federated Government, in which the States reserved the right of equal suffrage in the Senate of the United States, and made that the only provision of the Constitution which never should be subject to amendment.

Those Senators from all those areas of the country outside the South represented essentially the same thought. It is supposed to be the South that is against a change in rule XXII. These Senators all presented their wise counsel and judgment in those days.

Seven years later, in March of 1925, Charles G. Dawes, who had on that day taken the oath as Vice President, addressed a special session of the Senate. With reference to Senate rule XXII, he advocated a change, saying:

That rule which at times enable Senators to consume in oratory those last precious minutes of a session needed for momentous decisions, places in the hands of one or of a minority of Senators a greater power than the veto power of the President of the United States, which is limited in its effectiveness by the necessity of an affirmative two-thirds vote. Who would dare to contend that under the spirit of democratic government the power to kill legislation providing the revenues to pay the expenses of government should, during the last few days of a session, ever be in the hands of a minority or perhaps one Senaator? * * * Who would dare maintain that in the last analysis the right of the Senate itself to act should ever be subordinated to the right of one Sentaor to make a speech?

I personally remember when Vice President Dawes was sworn in. I remember when he made that speech, and I remember something of the reaction, at least, of the press throughout the country. My point today is that even though he was earnest and sincere and thought that he had impressed the Senate and impressed the country, on close examination it was decided by the Senate and by the people. There have been many elections in the last 50 years. It was decided by the people as a whole that they wanted to keep this safeguard. They wanted this body to be a forum where minorities would be protected, when a majority, acting sometimes under emotion and sometimes under presure, would have a checkrein on it. In other words, they wanted to keep the main mudsill of this body, which makes it different from all other legislative bodies.

So here we are, 50 years later, after the momentous changes to which I referred a minute ago. No 50 years in all of recorded history begin to compare with those years. Here we are. We still have this rule on the books, in substantially the same form in which it was when it was discussed here by Mr. Dawes, the late honored Vice President of the United States.

It could not have been here if there had not been a need for it, if it had not operated for what was thought to be in the best interests of the country, not for individual Senators—it is not a personal matter. It could not have been here if it had not been, or thought to have been, in the best interests of our country, essential for sound policymaking and for the passage of the wiser kind of legislation.

The editor of a monthly publication called "The Searchlight of Congress" wrote to each Member of the Senate, asking for a statement of opinion on Vice President Dawes' proposal, and printed the replies, from which the following quotes are taken:

William E. Borah, a Senator from Idaho, 1907–40:

I do not know what changes Vice President Dawes proposes with reference to the Senate Rules. In a general way it seems that he would adopt strict cloture. I am opposed to cloture in any form.

I have never known a good measure killed by a filibuster or a debate. I have known of a vast number of bad measures, unrighteous measures, which could not have been killed in any other way except through long discussion and debate.

There is nothing in which sinister and crooked interests, seeking favorable legislation, are more interested right now than in cutting off discussion in Washington.

James Couzens, a Senator from Michigan, 1922–36.

While I am a comparatively new member and not a good parliamentarian, it seems to me that rule XXII, as amended March 8, 1917, is sufficient cloture.

When the importance of the occasion seems to demand it, all that has to be done is: Sixteen Senators making such a motion, same being approved by two-thirds of the Senate, they can prevent a filibuster. Two-thirds of the Senate should be required, otherwise the majority might ride roughshod over the minority at any time.

Mr. Dawes has not pointed out any real inquiry that has occurred to the country because of the rules he complains about. I would be interested in specific information of the damage that has been done.

Smith W. Brookhart, a Senator from Iowa, 1922–33.

I do not think the Senate rule of unlimited debate will be materially changed. It is this rule that makes the United States Senate that one great open legislative forum in all the world.

The rule sometimes delays good legislation, but never kills it. Good legislation always comes back, and finally wins. The rule kills a great deal of bad legislation. That class of legislation which cannot stand the light of publicity will always be killed by unlimited debate.

Furnifold McL. Simmons, a Senator from North Carolina, 1901–31.

I am utterly opposed to Mr. Dawes' views on this subject. After 24 years in the Senate, I am satisfied that the rules which prevent arbitrary cloture of debate have been a great protection against ill-advised legislation and have brought about that thoroughness of discussion which is impossible under the rules of procedure obtaining in the House of Representatives.

Under the present rules of the Senate two-thirds of the Senate can at any time restrict debate within reasonable limits, When Mr. Dawes becomes familiar with the rules of the Senate I think he will become less radical in his views.

Royal S. Copeland, a Senator from New York, 1923–38.

I can quite understand why a citizen of Nevada might want to have the rules changed. Nevada has 77,000 population, and yet it sends 2 Members to the United States Senate. If New York were represented in the same proportion, it would have 144 Members in the United States Senate instead of 2.

Here is another thing to think about: The States of New York, Pennsylvania, Illinois, and Michigan pay 60 percent of the Federal taxes. The combined representation of these

States in the Senate is one-twelfth of the total. Therefore, these States are totally submerged so far as voting power is concerned.

New York State has as great a population as 18 other States combined. It exceeds the combined population of Arizona, Colorado, Delaware, Florida, Idaho, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Wyoming, Maine and Nebraska.

Add to these 18 States 7 other States—Arkansas, Louisiana, West Virginia, Washington, South Carolina, Maryland and Connecticut, and it will be found that these 25 States, controlling 50 of the 96 votes, have a majority vote in the Senate. These States represent less than 20 percent of the total population of the country and they pay not more than 10 percent of the Federal taxes. Mr. Dawes' cloture rule would give this minority in population and financial standing absolute control of the Senate.

In 1926, a resolution was again submitted to further limit debate. It was not brought to a vote, and the following are telling arguments against it, which are extracted from the debate:

Joseph T. Robinson, a Senator from Arkansas, 1913–37:

The filibuster has been invoked comparatively few times in the history of the country, and every time it has been invoked and proved successful it has been justified in the judgment and in the conviction of the public. If it had not been for the filibuster that the Senator from Alabama himself waged, which he led and of which he boasted, we would not have been able to defeat a bill which authorized the Federal Government to permit judgments in damages against counties and municipalities for no alleged wrongful act, a bill which took away from the local governmental institutions the few remaining powers which they are permitted to exercise.

The force bill would have become a law but for the organized and persistent opposition of Senators who saw in its provisions dangers to the fundamental institutions of this Republic. They defeated it by fighting and falling back and fighting again uitil the hosts which were assaulting them realized that the attack had failed. Never since has a Congressman or a Senator said that armed forces of the United States shall be planted about ballot boxes and men and women who exercise the power to vote shall be under the coercion and intimidation of men with bayonets in their hands. The force bill and all that was associated with it went by for all time and a filibuster in the United States Senate accomplished it.

Mr. Reed of Missouri:

The late Senator Lodge, sponsor for what is called the force bill, years afterward, indeed, only a year or two before his lamentable death, stated to me upon the floor of the Senate that he was convinced that the force bill was wrong and that the result of the filibuster had been a great blessing to the country.

Mr. Robinson:

Of course, the rules could be amended and improved, but that, Mr. President, is not the question. The proposition is, Shall the voice of the people through their Senators be stifled and suppressed? I care not whether Senators come from New England or from the South, whether they come from the West or from the East the proposition is that here is one forum which, under traditions and precedents, affords an opportunity for the public to have expression of its views through the representatives of the people.

Should we adopt the rules that apply in the House of Representatives as advocated by the Senator from Alabama, instead of correcting whatever evils may be found in the Senate rules insofar as the public interest may be concerned, we would give impetus, momentum, and power to forces that do not want open expression of opinion or free discussion anywhere.

It is far better, sir, for that flag and all it typifies, far better for the Constitution of the United States, far better for this body and the body at the other end of the Capitol, far better for the millions who are the victims or the beneficiaries of our wise or improvident action in legislating that legislation should proceed slowly and under safeguards, rather than hastily and in darkness.

When I recall the fact that under the rules of the House of Representatives one man on one side and another man on the other side, frequently both of them, really agreeing as to the proposition in dispute, actually control all the time that is allotted; that no Member may speak except by permission of someone else, and that his only remedy is to print in the Record a speech which frequently he himself does not comprehend and which nobody on God's earth will ever read, I am willing to vindicate this forum of open debate where fools may be arrogant, but where men who have studied problems still have a chance to speak.

James A. Reed, a Senator from Missouri, 1911–29:

Cloture means the granting of a power. Whenever you grant a power you must assume that the power will be exercised. So, when we discuss this proposed rule, we must do so in the light, not of how it may be exercised so as to do no harm, but we must consider how it may be exercised to do harm.

I need not pause to add to the argument already made, that when it is proposed to bring in a great measure involving the expenditure of vast sums of money, if it be a bill for the appropriation of money, or a bill for the collection of taxes from the entire country, affecting intimately the industries of the country, an hour's debate upon such a bill is utterly insufficient, utterly inadequate, and that a rule limiting debate to one hour would mean the end of debate. The truth is that this measure, if adopted, will empower a majority to throttle freedom of speech upon this floor and enable sinister and wicked measures to be carried to consummation without the country being advised of the inequities they bear.

Gag rule is the last resort of the legislative scoundrel. Gag rule is the surest device of the rascal who presides over a political convention and proposes to accomplish something which will not bear discussion. Gag rule is the thing that men inexperienced in legislative proceedings always advocate at first, and if they have any sense, nearly always retire from as gracefully as possible after they have seen it in operation.

There is justification for unlimited debate in this body. I am getting a little tired of hearing about the sacred rights of the majority; that this is a country ruled by the majority; and that the majority has the right to have its way. This is not a country ruled by the majority. This is not a country of majority rule. The Constitution of the United States was written in large part, to prevent majority rule. The Declaration of Independence was an announcement that there are limitations upon majority rule.

The rights to life, liberty, and the pursuit of happiness were declared in the Declaration to be inalienable rights. They could not be given away by the citizen himself. Much less could they be taken away by temporary agents, sitting in legislative bodies, holding a limited authority of brief duration.

THE CONSTITUTION

The Constitution itself is a direct limitation upon the majority rule. "You shall not take property without due process of law," says the Constitution, and before we can take that safeguard away what must we do? We must obtain not a majority by this body, not a majority of the House of Representatives, but a two-thirds majority in each House concurring in a resolution, and that resolution must be approved by three-fourths of the States. What about majority rule in connection with that proposition?

The right to trial by jury cannot be taken away by majority rule. The right for the habitation of the citizen to be free from unreasonable searches and seizures cannot be taken away by majority rule. If it could have been so taken away Volstead and his like would have invaded every home in America and fanaticism would have thrust its ugly face into every home of the land long ago. Before you can trample upon certain rights of the American people you must have more than a majority, sir, and I believe it to be true that there are certain rights which, even by amending the Constitution of the United States, we cannot take away from the citizens of the United States.

Majority rule! Where is the logic or the reason to be found back of majority rule except in the mere necessity to dispatch business? The fact that a majority of 1 or 10 vote for a bill in the Senate is not a certification that the action is right. The majority has been wrong oftener than it has been right in all the course of time. The majority crucified Jesus Christ. The majority burned the Christians at the stake. The majority drove the Jews into exile and the ghetto. The majority established slavery. The majority set up innumerable gibbets. The majority chained to stakes and surrounded with circles of flame martyrs through all the ages of the world's history.

Majority rule without any limitation or curb upon the particular set of fools who happen to be placed for the moment in charge of the machinery of a government! The majority grinned and jeered when Columbus said the world was round. The majority threw him into a dungeon for having discovered a new world. The majority said that Galileo must recant or that Galileo must go to prison. The majority cut off the ears of John Pym because he dared advocate the liberty of the press. The majority to the south of the Mason and Dixon's line established the terrible thing called slavery, and the majority north of it did likewise and only turned reformer when slavery ceased to be profitable to them.

THE PUBLIC BUSINESS

Oh, but somebody says—and we have heard it ad nauseam, indeed, until the gorge would rise in the gizzard of an ostrich at the sheer idiocy of the statement—'we must speed up the public business. We must enact more laws.' We must not consider them. We must not analyze them. We must not talk about them. Of course, if we cannot talk about them we ought not to think about them. There are a good many men who do a good deal of talking in favor of stopping talking who never stop long enough talking themselves to do any thinking themselves.

What we need to do is to stop passing laws. We have enough laws now to govern the world for the next 10,000 years. Every crank who has a foolish notion that he would like to impose upon everybody else hastens to some legislative body and demands that it be graven upon the statutes. Every fanatic who wants to control his neighbor's conduct is here or at some other legislative body demanding that a law be passed to regulate that neighbor's conduct.

FREEDOM

What is it that has made this race great? It has not been the proud blood of any illustrious ancestry; it has not been because we could trace our lineage back to kings and a royal household; it has not been because of the peculiar graces or abilities of those immigrants who came to our shores and from whose loins we are sprung. It is simply because for once in the history of the world the chains were taken from the arms, the shackles from the brain, the shadows of fear were dissipated by the sunlight of libererty and freedom, and every brain of every human being, great or small, was at liberty to function, every arm and every limb was at liberty to move. So we unleashed the latent powers of a race of people; and from the cottage of poverty there came forth the genius, and from the house of the man of humble estate there emerged the child who could turn the dull and inexpressive canvas into pictured harmony of color, light, and shade, and paint the rainbow's mingling hues and marvelous tints.

From the cottages of the impoverished, from the homes of ancestors who had been enslaved and enthralled, there came forth children who in the full liberty of our civilization were able to attack every problem and to undertake every great vocation of life; so that within one generation of time we produced here orators whose words of flame could fire the hearts of all the people of this land; poets whose words will be read so long as men shall love the music of our tongue, and a citizenry who have defended our soil and our flag with unexampled valor in every contest of this Republic. All these triumphs of intellect, all these great advances in the arts and in the sciences, all our wondrous advance in wealth are due to one great fact; that we have allowed the individual in this land the opportunity to develop, the opportunity to express himself.

FREE DEBATE

Mr. President, what has this to do with the question I am discussing? Everything, sir. Before any law to bind 110,000,000 people could be passed it should somewhere be subjected to free debate; somewhere it should encounter opposition; somewhere the fires of keen intellects should burn their heat about it and test it for its metal; somewhere and somehow it should be determined by all that the intellect can do and all that the tongue can express whether the particular law which is proposed is fit to be fastened upon 110,000,000 people who think they are free and who once were free. That one forum reserved of all the places in the world is the Senate of the United States. Here a man can stand and express his views until exhaustion comes. And what of it? Some rules of common sense and decency and gentlemanly conduct have their effect. Not in all the nearly 16 years I have sat in this body have I ever seen but two or three instances of what might be really called a filibuster.

Time and time again I have seen the opportunity under the rules for the minority to have stood and obstructed legislation, but as soon as debate was fairly over they have invariably given way and the vote has come. In the two or three instances which I remember a very simple expedient was adopted. Freedom of speech was not denied, but continuance of speech was demanded. It was insisted that the bill was before the Senate and that the opponents or advocates of the bill should speak for or against it and that no other business should intervene.

We have been told here of two or three bills—one of them the force bill. The force bill, if it had been enacted, would have kept alive the fires of hatred between the North and the South almost as bright and as keen and as hot as they were at the close of the great civil strife.

NEW MEXICO AND ARIZONA

Another example: It was sought here to admit New Mexico to statehood as a partisan measure and under a constitution that had been written by the corporations of New Mexico. It was insisted upon the other hand that New Mexico should not come into the Union except under a fairly adopted constitution, and that at the same time Arizona should be received. What happened? One or two men stood here and held their ground; and a short space of time, a few months, rolling by, both States were received into the Union with proper constitutions.

Sir, I know it is popular to attack the Senate. So many an ass has stood and brayed at the lions. He who would claim for this body perfection would prove himself a fool. But the more imperfect we are, the more we need to counsel and to take advice. The less we know, the more we ought to strive to know. There may be some men of such supernatural power of intellect that they can gain nothing by the discussions their fellows may produce; but I have never seen an important bill upon the floor of the Senate, unless there was some political organization in control determined to pass it without the dotting of an "i" or the crossing of a "t," that has not been amended and amended to its benefit.

A FREE FORUM

As long as we can keep this forum free, as long as a vigorous and determined minority can prevent the passage of a statute, so long this country will be safe, reasonably safe, at least, for no great act of treachery can ever be consummated where there are not some brave souls to stand in its resistance and to stand to the end.

But strike down this safeguard of public discussion, apply the gag, and imagine, if you please, that it is to be applied only to pass good measures, only to accomplish the virtuous and the wise and the holy, only to bring the thing of rectitude; imagine that, if you please. He is a fool, he is every kind of a fool, that has ever cursed this earth or cursed himself, who thinks that any power will always be used wisely and justly. Power is almost invariably abused.

Has there ever been one of those important measures discussed on the floor of the Senate when it was not found that many changes were necessary, when the proponents of the measure have not been willing to accept amendment after amendment? Why should there not be some place in this country where the virtues or the iniquities of proposed legislation could be exposed without gag, without rule, without limit; some place where every public act must come under the surveillance of men who have complete freedom of speech, so that the good that is in it may be properly exemplified and the evil that exists may be properly exposed?

Mr. President, when one is attempting to chart a path to follow in the future, it is always helpful to look into the past, to see how the path led us to where we are today.

We have looked back at the views of our predecessors of some 50 years ago. They are revealing and persuasive. They show us that then, as now, the principle of freedom of debate stood out like a beacon showing the way—the way toward wisdom and justice in legislation, and sound and mature thinking reflected in policy.

Then, as now, there were efforts to turn the path toward restricting debate, in the name of progress, or more accurately, expediency. Those efforts were strenuously resisted by wise and farseeing men from all parts of our country. Mr. President, again the Senate must reaffirm today and tomorrow what was recognized in the past, and reject modification of rule XXII. The future will again show, as it has shown in the past, that we were wise in protecting freedom of debate—not unlimited debate, but a reasonable restriction of debate in the Senate.

LAOTIAN STRATEGY

Mr. DOLE. Mr. President, the critics of the President, as usual, have been unable to wait for the facts or the results before taking to television, radio, and the press to denounce the South Vietnamese sweep into Laos.

Unfortunately, the media have again given them credibility they do not deserve.

For instance, even though no American ground troops or advisers are participating in the Laotion operations, we hear charges of a widened war.

Even though North Vietnam invaded Laos years ago, and even though Laos is a vital part of their supply line, we hear demands for an immediate pullout.

Mr. President, in the last 6 years the North Vietnamese have used the Ho Chi Minh trail to move into South Vietnam the fantastic total of 630,000 men; 100,000 tons of food; 400,000 weapons; and 50,000 tons of ammunition.

Can anyone say why this should be allowed to continue? Can anyone say why the North Vietnamese should always be allowed to pick the time and place and size of the attack?

Mr. President, there is no doubt but that this South Vietnamese offensive will knock the North Vietnamese off balance—in fact, it may well make it impossible for them to launch any sort of major attack within the next year.

It is not a generally known fact, but the North Vietnamese usually take from 3 to 6 months to plan a major offensive. This South Vietnamese offensive can easily throw any North Vietnamese timetable for future attacks completely out of kilter.

Mr. President, with a full understanding of the circumstances in mind, can anyone deny the worth of this operation? Can anyone deny that it will not hasten the progress of the Vietnamization program and thereby hasten the withdrawal of troops from Vietnam?

To sum up, there are no American ground forces involved in this action. It is limited in time and in scope. It will strengthen the security of South Vietnam and hasten American withdrawal.

Those—who have demanded immediate withdrawal from Laos and who have again sought to divide and polarize our Nation on an issue that affects all Americans—should think again.

The President is withdrawing our Nation—with courage and with honor—from the morass of Southeast Asia, into which the McNamaras and Cliffords and O'Briens of another administration led us.

Those who supported them and the policies of that administration then should exercise some restraint and some understanding now.

Mr. President, let me repeat that as of May 1, under the leadership and direction of President Nixon, some 265,000 Americans will have been withdrawn from Southeast Asia. I suggest, as I have many times on this floor, that this is a change in direction. This is a change for the better. This is a deescalation of the war.

I certainly recognize the right of Americans to differ and question the motives of no one in this body who may have a different view. But from time to time I question the judgment of those who feel that before any military move is made in Southeast Asia it should be cleared by this or that Senator or this or that committee.

This is a military operation. The operation is in accord with the so-called Church-Cooper resolution adopted by this Congress late last session. It is in accordance with a previous directive of the President himself that there shall be no American ground forces in Cambodia or in Laos. And I need not remind those present that the President has announced six troop withdrawals, and has kept his word on each of the six. In fact, he is ahead of schedule insofar as withdrawing Americans from South Vietnam is concerned. He has said he would, and he will, in April of this year announce further troop withdrawals. As I indicated, on May 1 some 265,000 Americans out of a high of more than 540,000 will have been withdrawn from South Vietnam. This will include, for the most part, a great majority of the combat troops.

There are those who criticize this action into Laos involving only South Vietnamese ground troops, and there were those who criticized and second-guessed the action into Cambodia last year. There in Cambodia, President Nixon kept his word, and as a result of that action in Cambodia, American casualties have been reduced, not by 10 percent and not by 20 percent, but by between 60 and 70 percent, because the sanctuaries in that area were cleaned out.

I know of no one in this body who wants the war to continue for 1 day or 1 hour longer than necessary, and I would hope everyone in this Chamber wants the war to end, if possible, at an earlier date than anyone may anticipate. But I can foresee the resumption, particularly in the Senate, of the debate on whether or not the President should have this power and Congress that power, who has this power and who has that power, and how we can circumscribe the powers of the President.

We have a grave responsibility in Congress. We have a grave constitutional responsibility as Members of Congress and as Members of this body in the conduct of foreign affairs. The President also has a grave responsibility as Commander in Chief and as the Chief Executive of this Nation. He has grave responsibilities, including the overwhelming and probably the sole responsibility for the protection of American lives and property, whether in uniform or civilian, anywhere in the world. It is a responsibility and a power that no President can exercise lightly.

I would only suggest, Mr. President, that before we rise in quick condemnation of this administration or this President, we should look at the record: I would suggest that the President is entitled to this much and would also suggest that those who criticize the President today should look at the record.

Yes, look at the record in Cambodia. Look at the record of troop withdrawals. Look at the record of the scaling down of American bombing in Southeast Asia. And then look at the record in the 1960's—in 1963, 1964, 1965, 1966, 1967, and 1968—when we had a real escalation of the war in Southeast Asia, not by President Nixon but by Presidents Kennedy and Johnson.

As a Member of the House of Representatives at that time, I supported those Presidents, as I support this President. The junior Senator from Kansas also recognizes that we are on the threshold of a 1972 political campaign. I recognize that there are those who seek the office of President who feel it necessary to take issue with President Nixon, whether it be on the war or the domestic front. But I do suggest to those who are so quick to condemn that they review their own records and review their own votes, and then look at the facts and make a judgment. But, let me repeat, there are no American ground combat forces or advisers in Laos now, and none will be in Laos. The operation will be a limited one, both as to time and area.

The operation will promote the security and safety of American and allied forces in South Vietnam and is consistent with all statutory requirements. The ground operation by the South Vietnamese forces will aid our Vietnamization program, and American troop withdrawals will continue.

So far as the Senator from Kansas knows, that is what everyone seems to want. No one has suggested that we send more American forces to Southeast Asia, and I have not heard many suggest that we have a unilateral withdrawal or some fixed timetable determined by Congress. There are some who may suggest that approach; but, as I recall the debate on the so-called amendment to end the war, from the time the original amendment was offered until it was finally defeated by this body, the date of withdrawal was changed five times. As I said then to the sponsors of that amendment, if the Senators themselves cannot make up their minds on a day for withdrawing troops from Southeast Asia, if the sponsors of the amendment find it necessary to change that date four or five times, why should we rob the President—any President, Democrat or Republican—of that option, of the right to change his mind, of the right to make the determination?

I would say again that there comes a time when we cannot and should not give the enemy license to determine where the attack will be made, when it will be made, and what the response will be from the other side.

The Senator from Kansas believes that when the facts are in, this operation will have been successful, and the success of this operation will mean an earlier withdrawal of American forces.

It has been suggested that some would like President Nixon to accept defeat in Vietnam. Perhaps this generates some of the criticism. The Senator from Kansas believes that the President has a positive program; that the President has been successful; that the President has kept his word to the American people and to Congress; that the President has followed the dictates of the so-called Cooper-Church resolution and, more important, his own directive, which preceded the Cooper-Church resolution by several months, and that the President will continue to do so.

So I support the incursion or the invasion or the action or the sweep into Laos by the South Vietnamese forces. I support the American air participation, perhaps for the same reasons some oppose it, for the same reasons some criticize it, but, I believe, I support it with more validity, because I happen to believe that this will bring about a quicker end to the war in Southeast Asia and that it will bring about a quicker withdrawal.

To those who seem concerned about the plight of North Vietnam, I would only ask, "What has North Vietnam ever done to indicate a willingness to negotiate?" It was hinted, first, that if we would announce a troop withdrawal, they would go to the table. We have been at the table now for a long, long time. It has been suggested that perhaps if we would withdraw a larger number of troops, they might discuss the prisoners of war and the Americans missing in action in North Vietnam, South Vietnam, Laos, and Cambodia. This they have failed to do. They have failed to give our American prisoners humane treatment in accordance with the Geneva accords. Frankly, I can think of nothing they have done to help reach a negotiated settlement of the war.

Last October 7, the President, in speaking to the American people, suggested a cease-fire. In that proposal, and as a part of that proposal, the President suggested the return of American prisoners of war and Americans missing in action. The President also endorsed the concept of total withdrawal, withdrawal of all American forces—ground forces, support forces, all American forces—as part of an overall settlement.

The President did the same in September of 1969, in New York, when he spoke before the United Nations. Again he endorsed the concept of total withdrawal of ground forces and of support forces.

Perhaps it is time for the President to ask—or for someone on the President's behalf to ask—the critics of the President: "What do you propose to do? How do you propose to disengage from Southeast Asia?"

It is easy, of course, to criticize the President's policy, but the Senator from Kansas is convinced that, while there has been a deescalation of the war, there has been an escalation of the criticism and an escalation of the rhetoric. It also seems to the Senator from Kansas that those who criticize the President's policy are given much more credibility than they deserve by the media.

Is it wrong to support the President, whether he be Democrat or Republican—Kennedy, Johnson, or Nixon? Is it wrong to support President Nixon when he is disengaging in Southeast Asia? Or is it only right to criticize the President? Are the American people entitled to hear both views or only the criticism and only the escalated rhetoric? The facts are on the side of the President, and the facts will remain on the side of the President, because he is committed to peace in Southeast Asia. There will be further troop withdrawals.

I regret not being here earlier, when statements were made by the junior Senator from California, and when he said that Laos has now become the latest burying ground for both American troops and President Nixon's Vietnamization plan.

I would only suggest that the record be reviewed, that President Nixon's record be reviewed, compared, contrasted with the record of previous Presidents in Southeast Asia.

Let there be no mistake about it: Every Senator, every Member of the other body, wants peace. No one party or no one Senator has a corner on that market.

Perhaps it might be well if hearings on the Southeast Asia policy were held in South Vietnam, where a firsthand review of some of the problems in South Vietnam and some of the difficulties faced by American troops could be obtained.

Mr. President, in closing, let me again say that if this sweep into Laos is successful, perhaps those who today so roundly criticize the President will stand to applaud him at the appropriate time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRANSTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

PRESIDENT NIXON'S ENVIRONMENTAL QUALITY MESSAGE

Mr. COOPER. Mr. President, in transmitting to Congress today a second environmental message the President has established an historic pattern of great importance. The submission of a Presidential environmental quality message containing so many innovative legislative proposals for congressional action represents clearly, not only the commitment of this administration to the protection and enhancement of the environment, but a response to the public concern we have all seen expressed so strongly in the past several years. The President's actions will be recorded in history as initiating the substantive redirection of our country toward the salvation of our natural environment. This may be recorded as the most significant historical fact of the 1970's.

The proposals taken together represent the broadest sweep of environmental legislation ever submitted to Congress from any source. They are innovative and, if enacted, will have tremendous consequences for good. The list alone is evidence of the comprehensiveness and innovative thinking supporting these proposals:

First. National land use policy act;

Second. Powerplant Siting Act of 1971;

Third. Mined Areas Protection Act of 1971;

Fourth. Land and water conservation fund amendments;

Fifth. National Housing Act amendments;

Sixth. Amendments to Surplus Property Act of 1944;

Seventh. Tax reforms for better land use;

Eighth. Water quality control—four bills;

Ninth. Federal Environmental Pesticides Control Act of 1971;

Tenth. Noise Control Act of 1971;

Eleventh. Environmental financing authority;

Twelfth. Sulfur oxides charge;

Thirteenth. Tax on lead and gasoline;

Fourteenth. Marine Protection Act of 1971; and

Fifteenth. Toxic Substance Control Act of 1971.

In the reception of this message the Congress undertakes its large responsibility which will be met.

I am sure that the Committee on Public Works, on which I serve as ranking minority member, will give those elements of the President's proposals before the committee the fullest consideration and expenditions attention. Historically, our committee, under the chairmanship of Senator RANDOLPH and Senator MUSKIE, the chairman of the Subcommittee on Air and Water Pollution, has taken the lead in efforts to control the pollution of our environment. I am sure that the committee will give the public full opportunity to comment in hearings on all proposals and the committee will bring back to the Senate legislation of great significance.

As recently organized, the committee has added five new members; Senator BEALL, of Maryland, Senator BUCKLEY, of New York, and Senator WEICKER, of Connecticut, have been added to the minority. Senator TUNNEY, of California, and Senator BENTSEN of Texas, have been added to the majority. These new members will bring to the committee new spirit and fresh insight, as well as continue the bipartisan spirits of cooperation for which the committee has been noted, and which is absolutely essential if we are to respond adequately in the public interest.

I express again our appreciation for the leadership of the President in sending his comprehensive message on his environmental program to the Congress, and in the commitment he has made to the Nation on this subject, vital to the life and well-being of the people.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement on the administration's 1970 environmental program.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE ADMINISTRATION'S 1970 ENVIRONMENTAL PROGRAM

The Nixon administration has made environmental quality a major objective right from the beginning. Early in 1969 the President established a cabinet committee on the Environment. He chose as his first official act of the decade his signing into law of the National Environmental Policy Act. This Act in Title I declares our national environmental policy and sets up an "action force" procedure in Section 102 designed to bring all Federal Agencies into line with this policy. Title II of the Act established the Council on Environmental Quality in the Executive Office of the President to act, as the President has said, as "the nation's conscience on the environment."

Just one short year ago, President Nixon, in his 1970 State of the Union Message, declared "the goal of the seventies to be a new quality of life in America." He went on to say "the great question of the seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land, and our water?"

"Restoring nature to its natural state is a cause beyond party and beyond factions. It has become a common cause of all the people of America."

And these things were said by the President at a time that America was still not "that" concerned about the environment. Polls did not show it as one of the top ten major issues.

On August 29, 1970, however, a Gallup Poll was released which indicated that public concern over air and water pollution had moved between June 1 and August 1 of last year, from tenth place to fifth place as the most important problem facing the nation—and was perceived even at that time by the American public as more important than racial problems, crime and teenage problems.

Just before the election a poll in Ohio showed that on statewide issues air and water pollution were of primary concern to the people. And this was borne out in the November 3 election. Voters approved over seventy-five percent of the proposed environmental bond issues of State and local governments.

On December 26, 1970, a nation-wide poll released by Louis Harris and Associates showed that Americans now rate pollution as "the most serious problem" facing their communities today. And TIME magazine named the environment as "the Issue of the Year."

It was fitting, too, that the President chose the Clean Air Act of 1970 as his final bill to sign on the last day of the year 1970. President Nixon appropriately said: "I think that 1970 will be known as the year of the beginning in which we really began to move on the problems of clean air and clean water and open spaces for the future generations of America."

"I think 1971 will be known as the year of action."

The administration significantly altered its organizational structure during the year to handle the problems of the environment. We have, as the President described it, "first, the Environmental Quality Council under the chairmanship of Russell Train. The Council advises the President on the poliicies which should be recommended to the Congress and to the nation."

"And there is the Environmental Protection Agency, established by Congress late in 1970, where Mr. Ruckelshaus is Administrator. This is the enforcement agency of our Administration." In essence, new proposals are recommended by the Council, submitted by the President to the Congress, enacted by the Congress and enforced by the Environmental Protection Agency.

The days of the western frontier where resources could be wasted and our wastes discharged irresponsibly are gone forever. We are now developing a new awareness and a new attitude—not those of endless abundance and endless waste, but those of a mature, responsible society.

PRESIDENT NIXON'S RECORD ON THE ENVIRONMENT

February 11, 1969: The President directed his Science Advisor, Dr. Lee DuBridge, to convene a panel of scientists and engineers to recommend ways of restoring the beaches and water around Santa Barbara and to study the geological engineering aspects related to the Santa Barbara oil spill.

May 29, 1969: Established the Cabinet-level Environmental Quality Council and the Citizens' Advisory Committee on Environmental Quality.

November 20, 1969: Announced restrictions on the use of DDT and certain other hard pesticides. Later, on April 15, 1970, the Department of Agriculture announced the suspension of almost all registered uses of liquid formulations of the weed killer pesticides 2,4,5-T. On June 18, 1970, Secretary Hickel flatly banned the use of 16 pesticides on any Interior Department lands (about 70% of all publicly owned lands).

November 20, 1969: At a Cabinet-level meeting, the President discussed with the Presidents of the automobile industry, his plans for tougher auto pollution standards and a Federal Government program to develop a pollution-free unconventional automobile.

January 1, 1970: The President picked the first day of the decade to sign into law the National Environmental Policy Act, establishing the three-man advisory group, the Council on Environmental Quality.

January 15, 1970: Announced agreement between the Federal Government and the Dade County Port Authority to search for a new South Florida jetport location to save the Florida Everglades from environmental damage.

January 20, 1970: Announced through the Departments of Health, Education, and Welfare and Transportation a program to sharply reduce smoke emissions from aircraft jet engines. Representatives of all the Nation's airlines hope the program will be substantially completed by late 1972.

January 22, 1970: The President made the environment the center-piece of his State of the Union message, including a $10 billion clean waters program, stiff air pollution regulations and new financing methods to purchase open spaces and park lands. (Specific points are outlined in the President's 37-point environmental program to Congress of February 10, 1970).

January 29, 1970: Announced the appointment of Russell Train as Chairman, Robert Cahn and Dr. Gordon MacDonald as members of the three-man Council on Environmental Quality.

February 4, 1970: Issued an Executive Order to eliminate air and water pollution caused by Federal facilities, a $359 million program to be completed by the end of 1972. The order also required that all new Federal facilities built in the future must be pollution free. The President said, "As the Federal Government considers and institutes further pollution abatement measures in the future, it can do so with the confidence that it has first moved to sweep its own doorstep clean."

February 10, 1970: The President sent a most comprehensive 37-point environmental program to Congress. Highlights included a $10 billion clean water program with Environmental Financing Authority, stiff regulations and fines for air and water polluters, tight auto emmission deadlines to be met, regulation of gasoline compositions and addtives, and a $327 million program for funding expansion of our national park system ($127 million more than has even been proposed).

March 5, 1970: Published an Executive Order placing specific authorities and responsibilities to comply with the Environmental Policy Act for protection and enhancement of environmental quality.

March 26, 1970: The President met with Laurence Rockefeller, Chairman of the President's Citizen's Advisory Committee on Environmental Quality to review the Committee's new publication giving the man on the street practical tips to fight pollution and improve the environment.

April 15, 1970: The President proposed to Congress, legislation to prohibit dumping of polluted dredge spoils in the open waters of the Great Lakes and to initiate a $70 million program to build sludge disposal pens beginning with the 35 most polluted harbors of the Great Lakes.

April 15, 1970: The President directed the Chairman of the Council on Environmental Quality to study and report back to him, methods of phasing out ocean dumping of sewage and toxic materials.

April 25, 1970: The President's staff spent this sunny Saturday afternoon cleaning up the debris along a section of the Potomac River shoreline to set an example of volunteer efforts to improve the environment.

May 19, 1970: The President proposed to Congress a special tax on lead additives in gasoline to encourage industry to provide low or non-leaded gasoline.

May 20, 1970: The President sent to Congress legislation and to the Senate internatitonal treaties, all aimed at stopping marine pollution from oil spills.

June 11, 1970: The President sent legislation to Congress cancelling oil leases in the Santa Barbara channel granted by the previous Administration, creating a marine sanctuary in the area damaged by oil drilling where the oil blowout occurred in January 1969.

July 9, 1970: The President sent reorganization plans to Congress to form a new Environmental Protection Agency for the first time properly organizing the Government to fight pollution on an integrated basis and a National Oceanic and Atmospheric Administration.

August 10, 1970: The President transmitted to Congress the First Annual Report of the Council on Environmental Quality. This comprehensive report, assessing the state of the environment, represents the first time in the history of nations that a people had paused, consciously and systematically, to take comprehensive stock of the quality of its surroundings.

October 4, 1970: Through the office of Science and Technology, the Administration released a report entitled "Electric Power and the Environment" recommending a program to resolve environmental problems in meeting electric power needs.

October 6, 1970: The President issued an Executive Order transferring certain functions within the Department of Commerce to further implement Reorganization Plan No. 4 which established the National Oceanic and Atmospheric Administration.

October 7, 1970: The President transmitted to Congress the Ocean Dumping Report prepared by the Council on Environmental Quality. The study recommends legislation to ban the unregulated dumping of materials in the oceans.

October 16, 1970: Following up on his May 20, 1970, message to Congress concerning oil spills, the President asked Secretary Volpe to head a U.S. Delegation to NATO's Committee on the Challenges of Modern Society Oil Spills Conference to be held November 2–6 in Brussels.

October 26, 1970: Through the General Services Administration, the President requested regulations be issued requiring all federally-owned vehicles to use low-lead or unleaded gasoline. Also suggested to the Governors of the 50 states to take similar steps.

October 26, 1970: The President signed H.R. 11833, the Resource Recovery Act of 1970. This bill amends the Solid Waste Disposal Act to provide financial assistance for planning, construction and operation of resource recovery and solid waste disposal systems.

November 6, 1970: The President announced his intention to nominate Mr. William D. Ruckelshaus as the first Administrator of the Environmental Protection Agency. This new Agency won Congressional concurrence on October 2, 1970, and became effective by law on December 2, 1970. (Mr. Ruckelshaus was unanimously confirmed by the Senate and later sworn in by Chief Justice Burger on December 4, 1970).

December 23, 1970: The President issued an Executive Order requiring every industry discharging effluents into the nation's water to receive a permit to be granted by the Environmental Protection Agency certifying that their effluent meets high state and federal water quality standards. It is estimated that 40,000 industries are affected by this action through the United States. Fines up to $2,500 per day per violation are applicable under the existing Refuse Act.

December 31, 1970: As his last official act of 1970, the President signed the clean Air Act of 1970, calling 1970 the year of the beginning in which we really began to move on the problem of clean air and clean water and open spaces for the future generations of America. In signing the bill which calls for a 90% reduction of emission from automobiles, the President called for 1971 to be the "year of Action."

January 19, 1971: The President cancels construction of the Cross-Florida Barge Canal.

January 22, 1970: The President lists Environment as one of the major programs in his State of the Union Message and specifically mentions land use and parks to the people program.

Environment Excerpts From the State of the Union Message

Tonight I shall present to the Congress six great goals. I shall ask not simply for more new programs in the old framework. I shall ask to change the framework of government itself—to reform the entire structure of American Government so we can make it gainfully responsive to the needs and the wishes of the American people.

If we can act boldly—if we seize this moment and achieve these goals—we can close the gap between promise and performance in American government. We can bring together the resources of this nation and the spirit of the American people.

In discussing these great goals, I shall deal tonight only with matters on the domestic side of the nation's agenda. I shall make a separate report to the Congress and the nation next month on developments in foreign policy.

The third great goal is to continue the effort so dramatically begun last year: to restore and enhance our natural environment.

Building on the foundation laid up in the 37-point program that I submitted to Congress last year, I will propose a strong new set of initiatives to clean up our air and water, to combat noise, and to preserve and restore our surroundings.

I will propose programs to make better use of our land, to encourage a balanced national growth—growth that will revitalize our rural heartland and enhance the quality of life in America.

And not only to meet today's needs but to anticipate those of tomorrow, I will put forward the most extensive program ever proposed by a President of the United States to expand the nation's parks, recreation areas and open spaces in a way that truly brings parks to the people where the people are. For only if we leave a legacy of parks will the next generation have parks to enjoy.

The 1971 Environmental Package

The Administration is committed to a vigorous program of cleaning up air and water pollution, preventing new environmental problems, and improving our ability to deal with land use problems. To control water pollution, the Administration is proposing a 3-

year $6 billion financing program and greatly strengthened and streamlined enforcement procedures. To control harmful emissions of sulfur oxide pollution, the Administration is proposing a tax on sulfur emissions. The proceeds from this tax will be used in an Environmental Trust Fund, providing money for new environmental and conservation programs. The Administration is also proposing a comprehensive pesticide control bill and new authority to control noise.

It is not enough to clean up existing pollution. It is also important to prevent problems from becoming serious in the future. Legislation will be proposed to provide controls over new toxic substances being introduced into the environment. Also legislation, based on the recommendations of the Council on Environmental Quality's report on ocean dumping, will be submitted to control disposal of wastes in the marine environment.

Of special importance will be a proposed land use policy to encourage States to plan for development in key areas. To supplement this national policy, a number of tax incentives to use our land more wisely and to preserve buildings of historical significance will be submitted. This, coupled with increased funds for open spaces and parks and new legislation to provide advanced clearance for power plant siting and to control strip mining, will provide Government with the tools to deal effectively with land use problems.

NATIONAL LAND USE POLICY

Land use is currently influenced by a welter of competing, overlapping government institutions and programs, private and public attitudes and biases, and distorted economic incentives. The National Land Use Policy proposal will call upon the States to bring some order to land use by identifying and developing methods for exercising State control over (1) areas of critical environmental concern (e.g., the coastal lands, lands fronting on rivers and lakes of Statewide importance); (2) large scale development and areas impacted by major growth-inducing facilities (e.g., major airports and highway interchanges, major recreational facilities); and (3) development needed in the regional interest which local regulations may otherwise exclude or unreasonably restrict (e.g., charitable institutions such as hospitals and universities, waste treatment facilities, multi-family housing). Much discretion will be left to the States to evolve their own methods for implementing it. The program would begin at about $20 million and rise to $45 million in Federal grants over four years.

COASTAL WETLANDS

Coastal wetlands are being lost at an alarming rate due to dredging, draining, and filling activities. Wetlands serve as sources of food and breeding grounds for over two-thirds of all marine species in the waters surrounding the United States. They provide needed habitat for migratory waterfowl, shore birds, and other wildlife. Proposed tax code changes will tend to shift the burden of full costs to the developer by limiting depreciation deductions, deductability of carrying charges and related tax benefits. By removing tax benefits, an incentive would be created to divert construction away from the ecologically valuable wetlands to other sites.

OPEN SPACES AND PARKS

The major thrust of the President's open space program is to bring parks to the people. The open space grant program of HUD is being completely redesigned to give special emphasis to center city acquisitions and to neighborhood-sized parks. Funding will be at the $200 million level, compared with $75 million under the old program. Additional changes are being proposed for the open space grant programs of the Land and Water Conservation Fund. These, too, will require States to give more careful consideration to the location of recreation facilities nearer to or within urban areas. Full funding for programs under the Fund will result in an appropriation of $380 million for acquisition and development of recreation lands, the largest amount in history for parks.

POWERPLANT SITING

The power shortage in late summer highlighted the need for power producers to project needs and plan for facilities further in advance and to get clearance of the environmental aspects of these facilities. Under the proposal, a single agency with responsibility for the certification of specific power plant sites and transmission line routes would be established in each State or region. Utilities would be required to identify for the appropriate agency needed electric energy generation and transmission needs ten years in advance of the commencement of construction of required facilities. These requirements would be reported annually with rolling projection figures. Utilities would identify the range of sites under consideration for power plants five years before construction is planned to begin. And they would need to apply for certification for specific sites, facilities, and transmission line routes two years in advance.

HISTORIC PRESERVATION AND REHABILITATION

Changes in the tax code are proposed to minimize the difference in tax settlement between demolition and rehabilitation of buildings. Present preferred treatment for demolition results in the destruction of many older buildings of architectural character that could have been renovated and saved. By providing accelerated depreciation benefits to owners who substantially rehabilitate their structures, it is hoped that a wider variety and appeal in urban structures will result. Additional new provisions are being proposed to benefit the owners of buildings on the National Register of historic buildings. These would allow 5 year write-off of renovation expenditures and would invoke tax penalties for the demolition and substantial alteration of such historic structures.

WATER POLLUTION LEGISLATION

The 1970 proposal to authorize $4 billion in Federal grants for construction of waste treatment facilities over a 4-year period (a $10 billion program when other funding sources are counted in) has been expanded. The Administration will now propose a $6 billion Federal grant program over the next three years (in all, a $12 billion program). The Congressional appropriation of $1 billion for FY 1971 in effect adopted the President's 1970 proposal on a one-year basis.

The President will resubmit his proposal to create in the Federal Government an Environmental Financing Authority to purchase waste treatment plant construction bonds from any municipality otherwise unable to see them on reasonable terms.

The legislation will again provide for extension of the Federal-State water quality program to all navigable waters. (At present it covers only interstate waters.) It will also provide again that water quality standards should include specific effluent standards for each individual source and that Federal enforcement authority be streamlined and expanded to include both intrastate and interstate violations. It will provide statutory deadlines for achievement of water quality standards, Federal standards for hazardous substances, special standards for new industrial facilities to insure that available technology is fully utilized to protect water quality, authorization for legal actions by private citizens against violators of standards, and authority for the Administrator of EPA to require periodic reports on the nature and amount of effluent from those discharging into waterways.

PESTICIDES

A comprehensive revision of our laws on pesticides has been developed. Use of the more dangerous pesticides will be controlled by requiring that they be applied only by qualified personnel and in some cases that written permission be obtained for each application of the pesticide. The bill will also provide for experimental registration and temporary suspension of pesticides and will allow tolerance levels to be set for the amount of particular pesticides in the environment.

NOISE REGULATION

Excessive noise from airplanes, vehicles, construction equipment, and machines is at the threshold of becoming a major environmental problem. Noise produces annoyance and stress and can damage hearing and cause other adverse health effects. We propose that basic noise control authority be given to the Environmental Protection Agency. That proposal would authorize EPA to establish noise generation standards for vehicles, machinery, and other products; to approve noise standards set by the Federal Aviation Administration for aircraft; to approve the noise configuration of federally aided ariports; and to require the labeling of noise characteristics of certain products. The Environmental Protection Agency will also perform noise research and provide assistance to other Federal and State agencies.

OCEAN DUMPING

A report by the Council on Environmental Quality last year indicated the potential adverse impacts from ocean dumping. The President endorsed the Council's recommendations for a national policy to protect our oceans. In particular he endorsed the recommendations to phase out harmful practices and encourage land-based recycling and reuse of waste materials. The report called for, and the President is now submitting, legislation that would ban unregulated dumping of materials in the oceans and strictly limit or prohibit the dumping of harmful substances. A permit from the Environmental Protection Agency would be required before dumping could proceed and issuance of the permit would be based upon the materials involved, their potential damage and the area of proposed dumping.

QUESTIONS AND ANSWERS ON NATIONAL LAND USE POLICY

Q. How can the Administration purport to tell States what to do with their lands when in other areas programs are being decentralized and decision-making is being returned from Washington to the States?

A. Under the Administration proposal the Federal Government will ask the States to identify certain limited areas where the problems of land use regulations are most critical, e.g. the coastal lands and lands around major airports. Our proposed policy will direct States to take some responsibility for exercise of land use control in these areas, recognizing that the problems tend to be too big for any one local government. Just as in air and water quality legislation, States are to be asked to bear major new responsibilities for problems which have outgrown the small units of government which traditionally deal with them. If anything, we are asking the States in this proposal to take back and exercise powers which they have under the Constitution but for the most part don't exercise.

Q. Isn't the land use proposal a watered-down version of the Jackson Bill, involving less land?

A. The Jackson Bill would require States to develop plans covering most of their land areas, and including industrial, commercial, residential and other development. If a State considers that it has the capacity and desire to go beyond the requirements of our proposed policy without dissipating its efforts it is, of course, free to do so. But we are most concerned with protecting the very critical ecological areas, and controlling development where development pressures tend to get out of hand.

Q. Isn't this an anti-city proposal which would have States telling cities how to zone?

A. The proposed law will require coordination with plans developed for metropolitan areas. The proposal will attempt to strike a balance between problems of local concern (which probably include 99 percent of all zoning and other development decisions) and the legitimate needs of larger areas to have important scenic and historic areas preserved, to have coastal wetlands protected, or to have a new hospital or university sited, etc.

Q. Isn't the control of land a local, rather than a Federal problem under the Constitution?

A. Under the Constitution, power to control land use is reserved to the States. But we must recognize that there is a national concern for many areas, e.g. the Everglades, our coastal lands and waters, lands along our major lakes and rivers. Federal programs have a great deal of impact upon land use in these and other areas. For their efficient administration many Federal public works programs require that development be better controlled and planned, not by the Federal Government, but by the States, and we are proposing that States, not the Federal Government, accept the responsibility for doing this job.

QUESTIONS AND ANSWERS ON COASTAL WETLANDS PROTECTION

Q. Why is the coastal zone legislation of last year not being resubmitted?

A. The Coastal Zone Management Bill was an early attempt to deal with problems of land use policy in one of our most critically important environment areas—the coast and surrounding waters. The National Land Use Policy Act announced today encompasses the intent and approach of that Act and extends the responsibility for proper land use planning and regulation given to States beyond the coastal areas to include all environmentally important land types and categories.

Q. Won't these proposals discourage beneficial development of coastal wetlands with recreation facilities, boat marinas, shellfish culture, etc?

A. The proposals will not prohibit any such development, but rather will require that the developer pay the full costs to society of the alteration of wetlands, including the loss of inhabitat for important species. Many of the facilities now being placed in wetlands are located there because land costs are low and to not reflect the full cost to society; most of these can be readily located in nearby areas.

QUESTIONS AND ANSWERS ON OPEN SPACE AND WILDERNESS

Q. Is the HUD program really anything more than an increased funding level for the old program?

A. Yes. The open space program has been completely redesigned to provide additional benefits and incentives to those urban areas which are presently suffering most from the shortage of open space. Administrative changes, in conjunction with new flexibility under the New Communities Act will place in HUD the opportunity to make an important new initiative to get parks to where people live, work, and relax.

Q. Why did the President increase the HUD program substantially rather than give it all to the Land and Water Conservation fund?

A. The annual authorization level for the fund was recently increased from $200 to $300 million and states need time to gear up to this new level. The President believes that the most urgent need for open space is in our cities, where HUD has been active with their program for a number of years. Finally, the New Communities Act signed into law recently by the President gives to HUD a considerable degree of flexibility in its programming that it did not have before.

QUESTIONS AND ANSWERS ON POWER PLANT SITING

Q. What effect do you believe the proposed Act will have on "brown-outs" and other shortages of electric power recently experienced?

A. This Act will establish the institutional framework necessary to properly resolve on a timely basis questions of energy need and environmental quality as they arise in connection with the nearly 300 major new facilities that will be needed to meet projected demands. The 10-year advance planning requirement, when added to an average construction period of seven years, means that we will be planning our national needs up to 17 years in advance of energy production. This long-range understanding, combined with the required certification of facilities, sites, and routes under the Act, will provide the needed environmental safeguards without jeopardizing energy supply.

Q. How will the Act resolve bitter disputes between environmental groups and electric utilities?

A. At the present time, environmental concerns have delayed numerous power generation and transmission facilities from being constructed. As the need for more reliable electric power increases and the threat of shortages becomes real, many of these situations will become "build or brown-out" alternatives where the choice is between environmental degradation or inadequate electricity. This Act would prevent such situations by providing for the timely resolution of environmental questions well in advance of the necessary date for power generation.

Q. Will this bill provide the "one-step" resolution of all issues for the public utilities?

A. The bill goes further in this direction than any other proposal that has been considered by the Congress. The certifying agency is to have power to determine all issues except those, which, by Federal law, require the approval of specialized agencies. These include air and water quality and radiation safeguards, which will continue to require decisions by the empowered agencies. However, even in those areas where due to needed expertise the decision of the certifying agency cannot be final, that agency is empowered to expedite the decisions made by other agencies and may act on behalf of the utility to assure prompt decision.

QUESTIONS AND ANSWERS ON HISTORIC PRESERVATION AND REHABILITATION

Q. Won't these changes result in old decaying buildings in our cities?

A. The result will be quite the opposite. Where older buildings are now left to deteriorate until a decision is made to demolish, these new provisions would encourage the owners to renovate and rehabilitate. Structures that are unsound or otherwise undesirable will still be removed and replaced with new construction. Also, the destruction of old buildings to make large unattractive parking areas in downtown areas will be less attractive because rehabilitation benefits will be available. The condition of rental residential structures should also improve.

Q. Don't your historic preservation provisions really favor the wealthy?

A. No. Many historic buildings are within the price range of moderate income families, but problems of financing and loan guarantees have prevented many of them from being able to own such a residence. These provisions would provide new benefits for such people. Historic buildings often have high maintenance costs and are expensive to renovate. Taxpayers should be given incentives to meet these costs and preserve our historic buildings in good condition. Some of the suggested tax changes would not act as benefits to the owner at all, but would penalize destruction or substantial alteration of a structure that he owns.

QUESTIONS AND ANSWERS ON WATER POLLUTION LEGISLATION

Q. Isn't the proposal for $6 billion in Federal grants over three years proof that the President's proposal for last year for $4 billion over four years was inadequate as many claimed?

A. No. In both cases, the amounts proposed have been based upon the best available estimates of what is needed to enable communities to meet water quality standards. Since the time of the 1970 proposal, some standards have been tightened and others are expected to be tightened; some estimates have been revised; and costs have increased. The important point is that the President wants to provide the money that communities need to meet water quality standards. We need to act now to prevent further delays in meeting standards and further increases in costs.

Q. Isn't your proposal for construction grants still less than Senator Muskie's proposal?

A. (Muskie proposed $2.5 billion per year over five years, a total of $12.5 billion Federal money.) The new proposal is very close to the Senator's proposal, i.e., $2.5 billion rather than $2.0 billion a year, but it does not extend over as many years. Instead, the President's proposal provides for a reevaluation in 1973 of needs for 1975 and subsequent years. Of course, the true test will be the willingness of Congress to appropriate the full amounts authorized.

Q. Wasn't the Environmental Financing Authority proposal rejected and criticized by the Investment Banker's Association, the National League of Cities, and the U.S. Conference of Mayors last year?

A. In the brief Senate hearings last year on the EFA proposal, these organizations did raise some questions and concerns with respect to the EFA proposal. Responses by the Treasury Department to their questions and criticisms indicated that they were based on misunderstanding either of the proposal or of the effects which would follow from its adoption. We are still convinced it is a sound and important proposal, and we believe we can demonstrate this to the Congress and the public. The EFA approach is clearly less costly to Federal, State and local governments than the alternative of Federal guarantees or interest subsidies on tax exempt bonds.

Q. How do the enforcement provisions relate to the Refuse Act permit program announced last December?

A. The Refuse Act, which prohibits discharges into navigable waters without a permit from the Corps of Engineers, will be used as a supplement to the Federal enforcement authority currently contained in the Federal Water Pollution Control Act. However, use of the Refuse Act does not eliminate the need to strengthen and streamline Federal enforcement authorities in the Federal Water Pollution Control Act itself. A swift administrative mechanism, coupled with much more substantial fines than are allowed under the Refuse Act, are needed to maximize our effectiveness in backing up State enforcement efforts.

Q. Aren't effluent standards a license to pollute?

A. Definitely not. There is a wide agreement that more precision is needed in our water quality standards. Without precise standards applicable to each individual discharger, it is often difficult to prove violations of water quality standards. In addition, it is often difficult for industries and municipalities to determine precisely what is required in order to achieve compliance with the standards. Effluent standards will help to minimize individual discharges and to insure that the collective discharges of various facilities along a particular waterway will be kept within the limits needed to protect water quality.

Q. What are your proposed deadlines for achievement of water quality standards?

A. Roughly the same as the deadlines in the new Clean Air law—a maximum of about four years from the time that effluent requirements are established. This time is based on available technology and feasible construction schedules.

QUESTIONS AND ANSWERS ON PESTICIDES

Q. Will the new bill, if passed, make it easier to ban particular pesticides, such as DDT?

A. The bill does provide for a less cumbersome procedure of suspension and cancellation than is in the present law. It also provides for a temporary suspension when the Administrator of EPA has reason to believe a pesticide is harmful, providing him a chance to make a careful determination of hazard.

Q. Will the new bill solve some of the problems raised by the recent court decisions on DDT and 2,4,5–T?

A. Yes. The bill contains new provisions relating to public hearings and comments which will answer most of the criticisms raised by the recent court decisions.

Q. What is the most important difference between the President's bill and the existing law?

A. The most important difference is that the new bill provides a mechanism for ensuring that the actual application of pesticides will be done wisely and safely. The existing law relies almost entirely on label, but it is clear that many people ignore the labels.

Q. Will the new bill restrict the freedom of farmers to use pesticides?

A. It will not restrict their freedom, but it does provide that in order to use the more dangerous pesticides they must either know how to use them safely or hire someone who has this knowledge. In the case of highly dangerous pesticides it requires that written permission be received from an approved pest control consultant before the pesticide can be applied.

Q. Will the bill, if passed, discourage the development of new pesticides?

A. The bill should not have this effect, since it provides for a pesticide to be registered for the same length of time as is permitted under existing law. It also allows for experimental registration of a pesticide which should be a significant safeguard for both industry and the public.

HEARINGS SCHEDULED FOR FEBRUARY 17, 1971, ON ALASKA NATIVE LAND CLAIMS SETTLEMENT LEGISLATION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record a statement prepared by the distinguished Senator from Washington (Mr. Jackson) on hearings to be scheduled for February 17, 1971, on Alaska native land claims settlement legislation.

There being no objection, the statement by Senator Jackson was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR JACKSON

Mr. President, hearings have been scheduled for February 17, 1971, before the Senate Interior and Insular Affairs Committee on legislation relating to the settlement of the Alaska Native land claims. The hearings will begin at 10:00 A.M. in Room 3110 of the New Senate Office Building.

Witnesses testifying before the Committee will include—Governor William Egan of Alaska, Secretary Rogers C. B. Morton of the Department of the Interior, and representatives of the Alaska Federation of Natives. The Committee will receive and print as a part of the hearing record statements which other persons or organizations may care to make.

ORDER FOR RECESS TO 11 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BAKER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following approval of the Journal, if there is no objection, and after any remarks by the majority and minority leaders, and any transaction of unobjected to items on the Consent Calendar, the able Senator from Tennessee (Mr. Baker) be recognized for not to exceed 30 minutes to introduce a bill and to conduct a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARTKE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon expiration of the time utilized by the able Senator from Tennessee (Mr. Baker) on tomorrow, the able Senator from Indiana (Mr. Hartke) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow will be as follows:

The Senate will convene at 11 a.m., following a recess.

Following approval of the Journal, if there is no objection and the recognition of the majority and minority leaders under the order of January 29, and following the disposition of any unobjected-to items on the consent calendar, the able Senator from Tennessee (Mr. Baker) will be recognized for not to exceed 30 minutes to introduce a bill and conduct a colloquy.

The Senator from Tennessee (Mr. Baker) will be followed by the able Senator from Indiana (Mr. Hartke) who will be recognized for not to exceed 15 minutes.

The able Senator from Indiana (Mr. Hartke) will be followed by the able Senator from Oklahoma (Mr. Bellmon), who will be recognized for not to exceed 15 minutes.

Following these orders for recognition of Senators, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with a time limitation of 3 minutes on statements by Senators.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11 a.m. tomorrow.

There being no objection (at 5 o'clock and 8 minutes p.m.) the Senate recessed until tomorrow, February 9, 1971, at 11 a.m.

NOMINATION

Executive nomination received by the Senate February 8 (legislative day of January 26), 1971:

OFFICE OF ECONOMIC OPPORTUNITY

Phillip Victor Sanchez, of California, to be an Assistant Director of the Office of Economic Opportunity, vice Frank Charles Carlucci III.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 8 (legislative day of January 26), 1971:

DEPARTMENT OF THE TREASURY

John B. Connally, of Texas, to be Secretary of the Treasury.

INTERNATIONAL MONETARY FUND; INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT; INTER-AMERICAN DEVELOPMENT BANK, AND ASIAN DEVELOPMENT BANK

John B. Connally, of Texas, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years; a Governor of the Inter-American Development Bank for a term of 5 years; and U.S. Governor of the Asian Development Bank.

DIPLOMATIC AND FOREIGN SERVICE

David M. Kennedy, of Illinois, to be Ambassador at Large.

EXTENSIONS OF REMARKS

ICC URGED TO CONTINUE RAIL FERRY SERVICE

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, February 8, 1971

Mr. GRIFFIN. Mr. President, last week in Cheboygan, Mich., an Interstate Commerce Commission hearing examiner conducted a hearing to consider the proposed abandonment of rail car ferry service across the Straits of Mackinac.

An application to abandon this service had been filed by the operator, the Mackinac Transportation Co., which is owned jointly by the Soo Line and Penn Central railroads.

Mr. President, I ask unanimous consent that a statement which I presented for the hearing record, together with certain wire dispatches and newspaper articles, be printed in the Extensions of Remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY U.S. SENATOR ROBERT P. GRIFFIN

JANUARY 28, 1971.

Mr. Examiner, I wish to register my strong objection to the proposed discontinuance of operations by the Mackinac Transportation Co. of rail car ferry service across the Straits of Mackinac.

The abandonment of such service would result in:

1. An overall negative impact on the economic growth and development of the surrounding area;

2. The loss of jobs of some 200 railroad employees;

3. The loss of jobs of the 25 employees of the Mackinac Transportation Co.;

4. The loss to shippers and the State of Michigan of the Mackinac Gateway, considered a most efficient route for rail traffic originating or terminating in the Northwestern U.S. and areas in southern Michigan, Ohio and the Eastern U.S.

The loss of the Chief Wawatam would mean the abandonment of some 400 miles of trackage, which translates into the loss of some 200 railroad jobs, and the 25 jobs provided by the Mackinac Transportation Co.

It would blunt determined efforts by many of us who have been working to improve economic conditions in the northern part of Michigan.

There is much promise for enhanced development of the area, when one considers the potential of converting the Kincheloe Air Force Base into a tax revenue-producing industrial park. Additionally, efforts are underway for a feasibility study of a deep-water port at Saulte Ste. Marie. Abandonment of the Chief Wawatam works against these important efforts.

I would suggest that the ICC consider more than the immediate economic impact of a discontinuance. The Commission must consider as well the loss of rail service in terms of how it would thwart future economic growth of a large segment of Michigan.

Therefore, I urge that the application of the Mackinac Transportation Co. be denied.

[From the Detroit News, Jan. 28, 1971]

GRIFFIN, RUPPE CITE FERRY'S IMPORTANCE

CHEBOYGAN.—Two Republican members of Congress from northern Michigan say they oppose abandonment of railroad ferry service across the Straits of Mackinac.

Senator Robert Griffin, of Traverse City, announced his opposition today in a statement prepared for an Interstate Commerce Commission (ICC) hearing here.

Yesterday Congressman Philip Ruppe, of Houghton, filed a statement with ICC examiner George Morin saying abandonment of the only rail link between Upper and Lower Michigan would fatally damage northern Michigan's economic development.

The petition for abandonment was filed with the ICC by the Mackinac Transportation Co., which operates the ferry Chief Wawatam. The firm is jointly owned by the Penn Central and Soo Line railroads.

Griffin in his statement said the ICC should consider more than the immediate economic impact. He noted that U.P. residents are planning now for conversion of Kincheloe Air Force Base, near Sault Ste. Marie, into an industrial park, as well as development of a deep-water port near the Soo.

Loss of the Chief Wawatam, Griffin said, "would blunt determined efforts by many of us who have been working to improve economic conditions in the northern part of Michigan."

ASSOCIATED PRESS DISPATCH

JANUARY 28, 1971.

CHEBOYGAN.—U.S. Senator Robert P. Griffin (R-Mich) Wednesday registered his "strong objection" to abandoning rail car ferry service across the Straits of Mackinac.

Griffin told an Interstate Commerce Commission hearing at Cheboygan that ending ferry service by the Mackinac Transportation Co., owned by the Penn Central and Soo Line railroads, would cause an economic loss to the region in both the long and short terms.

He said some 225 jobs would be lost by abandonment of the service and efforts to improve northern Michigan's economic condition would be "blunted."

He said loss of the Chief Wawatam ferry "would mean the abandonment of some 400 miles of trackage, which translates into the loss of some 200 railroad jobs and the 25 jobs provided by the Mackinac Transportation Co."

Such a decision, he said, would have "an overall negative impact" on economic growth and development in the surrounding area.

He said abandonment of the Chief Wawatam would "work against" conversion of Kincheloe Air Force Base into a tax revenue-producing industrial park, as well as against development of a deep-water port at Sault Ste. Marie.

[United Press International Dispatch, Jan. 28, 1971]

GRIFFIN OPPOSES DROPPING RAIL CAR FERRY

CHEBOYGAN.—Sen. Robert P. Griffin says he strongly opposes the proposed abandonment of rail car ferry service across the Straits of Mackinac because it would result in both immediate and long-term economic losses for the surrounding region.

Mackinac Transportation Co., which is jointly owned by the Penn Central and Soo Line Railroads, applied to the Interstate Commerce Commission (ICC) last August for permission to discontinue operations of the service.

At an ICC hearing on the matter here Wednesday, Griffin suggested that the commission "consider more than the immediate impact of a discontinuance. The commission must consider as well the loss of rail service in terms of how it would thwart future economic growth of a large segment of Michigan."

Griffin testified that the immediate effects of the abandonment of service would be the loss of jobs for 200 railroad employes and 25 employes of the Mackinac Transportation Co. and "the loss to shippers and the state of Michigan of the Mackinac Gateway, considered a most efficient route for rail traffic originating or terminating in the northwestern U.S. and areas in southern Michigan, Ohio and the eastern U.S."

The loss of the Chief Wawatam, Griffin said, "would blunt determined efforts by many of us who have been working to improve economic conditions in the northern part of Michigan."

THE PERIPHERAL CANAL AND THE CANALS OF MARS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. WALDIE. Mr. Speaker, the eminent marine biologist, Dr. Joel Hedgpeth of Oregon State University's Marine Science Center, is noted for his outstanding scholarship in marine biology and his talent for not mincing words when speaking on the threats posed by man to his own environment.

In a recent speech before the American Geophyisical Union in San Francisco, Dr. Hedgpeth commented on the California State water project, the peripheral canal unit of that project, and the proposed San Luis project's agricultural waste drain.

His comments were characteristically, as reported in the San Francisco Chronicle, on target and direct.

I include them in the RECORD for the enlightenment of my colleagues:

MARINE BIOLOGIST ASSAILS WATER PLAN

(By David Perlman)

A feisty marine biologist, who has been fighting for 20 years against the forces that dirty the oceans, yesterday took out after the California Water Plan, its mighty engineering works and its political proponents.

The whole project, he said, "is its own can of worms—and its supporters in Sacramento are ignoring scientific evidence in their zeal to push the multi-billion-dollar project to completion.

The condemnation came from Dr. Joel W. Hedgpeth, professor of oceanography at Oregon State University and former director of the University of the Pacific's marine station at Dillon Beach in Marin county.

PANEL

Hedgpeth joined a panel of scientists and engineers discussing the "degradation of the coastal environment" at a meeting of the American Geophysical Union at the Jack Tar Hotel.

The fragile nature of seacoasts is particularly alarming because they encompass only

8 per cent of the earth's area, yet they carry two-thirds of the world's population.

As the scientists agreed, every dislocation of the coasts—sediments dammed upstream on rivers; pollutants dumped untreated from sewers; heat poured out from power plants; high-rise buildings on the shore—can damage beaches and estuaries irreparably.

DANGER

The dangers are particularly great from the California Water Plan's peripheral canal, Hedgpeth told his audience of earth scientists. That huge canal would divert Sacramento river water around the Delta and into the aqueducts leading to Southern California.

The canal, Hedgpeth said, must inevitably damage the ecology of San Francisco Bay and the delta region—altering the area's chemical balance, its marine life, its salinity.

State officials persist in arguing that tidal action will flush out the Bay's pollutants, but the fact is that only unimpeded river flow will do that job, Hedgpeth said.

"SATRAP"

Hedgpeth referred to William Gianelli, State Director of Water Resources, as "that staunch satrap of the Los Angeles water establishment" who "lacks the necessary background to understand the hydrographic phenomena he has been given the power to tamper with."

The biologist also chided Gianelli for dismissing conservationist arguments against the peripheral canal as emotionalism.

"The point is ill taken by our little water Caesar," said Hedgpeth, "because it's not a matter of emotion but the inexorable action of natural processes that concerns us. San Francisco Bay is in mortal danger at the hands of well-intentioned, misguided meddlers."

The Water Plan is enmeshed with problems of waste disposal from the delta region, and Hedgpeth assailed the San Luis drain as "the ultimate sewer, the plumber's Apocalypse."

The $2 billion San Luis drain project would collect used irrigation water from the west side of the San Joaquin Valley and dump it into the ocean, either through the Bay itself, or through a tunnel under the San Mateo county coast.

Hedgpeth scoffed at such proposals. They are based on inadequate knowledge of the mixing rate of the nearshore ocean, on ignoring the hazards of the San Andreas fault, and on "amateurish" studies recommending a plumbing system to rival the "canals of Mars," Hedgpeth said.

OPEN DATING NEEDED TO INSURE FOOD FRESHNESS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BROOMFIELD. Mr. Speaker, a recent survey of supermarket chains in the Washington area revealed that large quantities of stale foods are being sold to our consumers without their knowledge. One store, alone, had over $300 worth of stale produce, including 3-month-old bologna. While the majority of these abuses occur in low-income sections, a substantial amount continue to be found in middle-income areas as well. Evidence suggests further that these abuses are not limited geographically to the Washington area, but extend to all parts of the country.

The practice continues for one reason: consumers have no way of knowing how long a product has been on the shelf and how long it may be expected to remain fresh. At the present time, most foods are stamped with a code containing the date after which they should not be sold. Unfortunately, the code is not meant for the use of the customer, and can be understood by the seller alone. As a result, there is no one to police the supermarkets, to guarantee the freshness of their merchandise. We rely completely on their own judgment, while our surveys tell us that this reliance is clearly unjustified.

The solution to this problem is found in a bill I introduced in the 91st Congress, requiring open dating on all supermarket foods. Since this measure was not acted upon last year, I am reintroducing it in this session, confident that it will receive the full support of my colleagues.

It has been argued that there are no objective standards to determine the freshness of foods; that there can be no sure way of telling when a food must be removed from the shelf. This is simply not true. There is general agreement between Government and industry as to how long the "shelf lives" of specific foods are. My bill would authorize the Secretary of Health, Education, and Welfare, in conjunction with the Secretary of Agriculture, to set dates after which specific foods cannot be sold by the supermarkets.

These dates will then be stamped clearly on the merchandise, so that all customers can know how fresh the product actually is. Open dating gives the consumer personal policing power over the sale of stale food by their local supermarkets. If the product is too old, he simply refuses to purchase it. No Government action, beyond the setting of standards, is needed. It is, in effect, self-enforcing.

The soundness of this bill seems to me self-evident; our need for it well established. I see no more reason for delay by the Congress. Our consumers deserve better treatment.

EYE BANK

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. PREYER of North Carolina. Mr. Speaker, a constituent of mine has by example reminded me of the selflessness which still emerges in our too often cynical world. Last year Mrs. Edwin Clinard passed away. She had provided in her will for her eyes to be given to someone at her death. The following letter was written recently by her husband and I believe it worth sharing as inspiring proof of the triumph of the human spirit:

> DEAR FRIENDS: Recently some friends and I were discussing the fact that Merelene had willed her eyes at death to the North Carolina Eye Bank in Winston Salem. As a result of her concern someone today is able to see. This proves to be a source of joy and satisfaction to me.
>
> Through the Oak View Lions Club and the Union Hill Lions Club, I have secured forms that can be used in willing eyes at death. There are only a very few diseases that would render the eye useless for transplants, thus most people could give their eyes at death for this purpose. I have found that many have considered doing this but just neglect to follow through with the proper forms and signatures.
>
> From these forms I have found that it is possible to will other parts or all of the body for medical research purposes. I have decided that by willing my body to be used for this purpose at my death, I can make a contribution in this area of medical science and have taken the proper steps to do this. Also I have been given permission to solicit other wills through the Myrtle Desk employees. If others are interested in making a will of the eyes or body at death to be used for transplants, research, etc., they may do so by contacting any Lions Club member or myself.
>
> One other fact that many people are not aware of: Old or discarded glasses can be used. These should be sent directly to the Eye Bank or to: New Eyes for Needy, Short Hills, N.J. 07078.
>
> Near this anniversary date of Merlene's death, I felt I would like to share these words about the Eye Bank and the new and expanded program of body wills. Some of you may be interested in completing a will or seeking one from a friend.
>
> Sincerely,
>
> EDWIN.

THE MERITS OF REVENUE SHARING

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. SHOUP. Mr. Speaker, President Nixon has proposed a plan of revenue sharing for States and localities—a plan based on an old American assumption that the people are fit to govern themselves, and that they know best what their needs are and in what order they should be met.

That assumption has largely fallen by the wayside in the last 40 years, but unfortunately, its substitutes—Federal controls and programs—have been something less than a resounding success.

Therefore, I am a little nonplussed when we begin again to hear the old refrain that the Federal Government still always knows best.

We also hear that this plan will be inflationary. That is a debatable assumption, but what is not debatable is that the spending plans of the 1960's were inflationary.

We hear that money is not available.

Even if this is true—and the President says it is not—I have not seen a lack of available money halt any of the inflationary programs of the "New Frontier" or the "Great Society."

We also hear that the President's proposal would not redistribute funds equitably according to the amount a State pays into the Federal Treasury. The question arises, What Federal program ever has? And the answer is, "None."

Mr. Speaker, I would hope that opponents of revenue sharing would not muddy the waters with spurious arguments but would debate it on its merits.

IOWA RANKS NO. 6 IN COMPARISON STUDY OF STATE LEGISLATURES

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. SCHERLE. Mr. Speaker, in a recent study conducted by the nonprofit, nonpartisan Citizens' Conference on State Legislatures, Iowa ranked sixth overall in the Nation and first among the smaller States. The 50 State legislatures were comparatively evaluated on how well their operations reflect minimum standards of democracy and efficiency.

The sterling qualities of the Iowa State Legislature are well known to me as a former member of that body, and it is my belief that the enviable record which this legislature has compiled is due in no small measure to the distinguished leadership of my good friend, Bill Harbor, speaker of the Iowa House of Representatives.

It gives me great pride to report that my personal experience of the integrity and effectiveness of the legislature has been verified and confirmed by this objective survey. With your permission, Mr. Speaker, I will enter the results of the study by the Citizens' Conference on State Legislatures in the RECORD:

IOWA RANKS NO. 6 IN COMPARISON STUDY OF STATE LEGISLATURES

WASHINGTON, D.C., February 3.—Iowa ranked 6th in the first systematic evaluation of the capability of the 50 state legislatures.

The study, conducted by the non-profit, non-partisan Citizens' Conference on State Legislatures, ranked the legislatures on the basis of how well their operation reflect minimum standards of democracy and efficiency. Results of the study were announced today (Feb. 3, 1971) in Washington, D.C.

California ranked at the top of the list. Other top-rated legislatures (in descending order) are New York (2), Illinois (3), Florida (4), Wisconsin (5), Hawaii (7), Michigan (8), Nebraska (9), and Minnesota (10).

Neighboring states of Iowa, not in the top ten were Missouri, ranked 35th, South Dakota, 17th, and Kansas, 23rd.

The $200,000 Legislative Evaluation Study (LES) provides the first major index of the operational capability of the 50 state legislatures. The states are ranked in relation to one another on each of five major criteria.

Each legislature's operating capability is judged on the basis of evidence showing the degree to which it is Functional, Accountable, Informed, Independent, and Representative. The first letters of these criteria form the acronym, "FAIIR." A major premise of the study is that these five characteristics make up the minimum standards of legislative capability within the American system of representative democracy.

Margolis said that an expected result from the Legislative Evaluation Study will be the implementation of improvements in many of the 50 states. He said one of the reasons his organization undertook the massive project is to "give the citizen of every state an agenda for action so that they can help work toward a legislature that is a fully responsive, deliberative body."

The summary report of the study issued by the Citizens Conference stresses that the rankings reflect where states stand in relation to one another on minimum, rather than ideal, standards of legislative capability. Even the top ranked states are in need of improvement, according to the Citizens Conference interpretation of the results.

The study does not measure actual legislative output. It concentrates, instead, on the organization, structure and procedures as indicators of a legislature's overall capacity for quality output.

Iowa garnered the highest overall ranking of the nation's smaller states, with its legislature placing among the top ten in three of the five major categories evaluated in the study. It ranked 6th in "Functional," 5th in "Informed," 6th in "Accountable," 11th in "Independent," and 25th in "Representative."

The study results show Iowa to have taken the lead among legislatures in many respects. It was credited with having a considerably smaller number of standing committees (18) than most state legislatures, uniform rules of procedure, an unlimited annual session, giving the legislature as much time as it needed to accomplish work, single member districts that contribute to a focused relationship between legislators and constituents, and for the availability of a public record on committee deliberations and actions.

The Citizens Conference pointed out, however, a number of significant weaknesses. Majority and minority leaders do not have professional assistants. Current salaries for Iowa legislators ($5,500 a year) are considerably lower than the national average of $6,628. It would require a doubling of salaries merely to equal those paid by other states ranking in the survey's top ten list.

The study report notes that legislators do not have adequate physical facilities to do their work, and calls for creation of an Iowa Legislative Office in Washington, D.C. to enhance coordination and action on federal programs affecting the state.

Other study recommendations include the consistent assignment of bills to the committee with proper jurisdiction, and initiation of conferences to provide legislative members an opportunity to examine large policy areas apart from the pressures of day to day responsibilities.

The Citizens Conference, which did the study, is headquartered in Kansas City Missouri. It was founded in 1965, and funded by several major foundations, has pursued the objective of providing the information, expertise and impetus needed to improve and modernize state legislatures. In addition to doing research of the type represented in the Legislative Evaluation Study, the Citizens Conference works with citizens groups on efforts to reform legislative systems, and with media to improve public understanding and interest in the legislative process.

The five main "FAIIR" characteristics measured in the Legislative Evaluation Study embrace many factors of a legislature's operation. They include, under each main criteria, these:

Functional—This category examines activities basic to legislative performance. How well equipped is a legislature to deliberate? To design programs and draft them into bills? To review and evaluate programs and administrative proposals? To settle differences effectively? To formulate public education policies?

Evidence of a legislature's functionality includes the availability of time and the freedom to use it as needed; adequate staff support; adequate facilities; managable structures; workable rules and procedures; effective management, and observance of appropriate order and decorum.

Accountable—In the American system, the government exercises power which it is entrusted to by the people. A legislature therefore, must account to the people for its actions.

The Legislative Evaluation Study looks for evidence that a legislature can, in fact fulfill this duty. The two major factors involved are whether the forms and procedures of the legislature are understandable and stable, and whether or not the public has access to full information on the actions and procedures of the legislature.

Informed—Evidence of a legislature's ability to gather and use information is the determining factor in this category. Factors involved include the time available, how it is used, the number of committees, the number of committee assignments for each legislator, advance notice of meetings, adequate staff, and physical facilities.

Independent—Determining factors in this criterion are a legislature's control over its own activities, its independence of the executive branch, its review and oversight powers, its control of lobbyists and safeguards against conflicts of interest.

Representative—A representative legislature is one that reflects the diversity of the population it represents. Single member districts—one house member and one senate member representing each district—are also considered necessary for representativeness. Once elected, the ability of a legislator to be representative depends on rules and procedures within the legislature which determine how effective his vote, and therefore his constituents' interests, will be.

A book written for a general audience will be published in a paperback edition by Bantam Books, New York, in the spring. It will contain a major section with state-by-state recommendations for change in the state legislatures. The recommendations section of the book will highlight the most positive and negative features of a state legislature and tells what can be done to correct the situation.

Margolis called the Bantam publication a "book for the citizen and for citizen action. It will spell out what the problems are in each state legislature. Where a problem exists, the book will relate where it is, and what can be done about it."

CURIOUS IRONY

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1791

Mr. HATHAWAY. Mr. Speaker, I insert the following editorial from the February 3 edition of the Bath-Brunswick, Maine-Times Record in the CONGRESSIONAL RECORD:

A curious irony has surrounded the Dickey-Lincoln project the last couple of times it has turned up in the news. During the last session of Congress, the Capitol Hill lights were dimmed during one of those periodic "brownouts" just as the Congressmen voted once again to take out of the national budget any funds to continue planning for the public power project.

Last week, just a day before it was learned that President Nixon's new budget contained no funds at all for the Dickey-Lincoln project, New England was in the midst of a power crisis caused by equipment shutdowns and extraordinary use of electricity during a cold snap. The New England Power Exchange (NPEX) reduced voltage everywhere by five percent, and only power rushed in from Michigan averted selective "load shedding" (cutting off electricity to certain areas).

Yet we are told time and time again that the extra power that could be generated by the Dickey-Lincoln project is not needed—and as we wrote those words it wouldn't have surprised us if the lights went dim.

And, may I say to my colleagues: as you read those words, it would not surprise me at all if the lights went dim.

DIZZY DENTISTS—MERCURY MAY BE THE CAUSE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. OBEY. Mr. Speaker, most of us are aware by now of the threat posed by mercury to our rivers and oceans, and to the food we harvest from those waters. Less is known, I am sure, about the threat which mercury poses to those who use it in their daily work.

The phrase "Mad Hatter," for example, came about from the physical effects of mercury on workers who years ago used mercury to make felt hats. Today, thousands of workers are involved in the refining, production, or use of mercury.

One such well-known worker is the dentist. For years dentists have been using mercury, in combination with other substances like silver, to form the amalgam used to fill teeth. Now, at least according to one study published in the Journal of the American Dental Association, the use of mercury has physically affected a large number of dentists and dental technicians.

According to the JADA, one of every seven dental offices surveyed was found to be contaminated "to the extent that the dentist and his assistant are exposed to hygienically significant amounts of mercury vapor throughout the workday."

The article points out that the method of handling the amalgam appeared to be the predominant factor in the degree of contamination in any office. It calls for "remedial action . . . to reduce exposure" to lessen the threat of mercury contamination.

Mr. Speaker, with the knowledge, now substantiated, that the use of mercury is adversely affecting medical personnel who deal with it, it would certainly be advisable to thoroughly examine its use by dentists, by hospitals and by laboratories. In every case, efforts should be made to find alternatives to its use.

I ask that the article from JADA be printed below, along with an article from the Washington Post on the same subject:

MERCURY VAPOR EXPOSURES IN DENTAL OFFICES

The exposure of dentists and dental assistants to mercury vapor was studied. Findings suggest that one in seven dental offices is contaminated to the extent that the dentist and his assistant are exposed to hygienically significant amounts of mercury vapor throughout the workday. Exposures ranged to 0.18 mg mercury vapor per cubic meter of air (mg/meter^3). Urine mercury levels ranged to 0.33 mg mercury per liter urine (mg/liter) and were correlated with exposure. The modes of contamination and decontamination are discussed.

Silver, copper, tin, and zinc in proper proportions combine with mercury to form the amalgam used by dentists to make dental restorations. When excess mercury is used in the amalgam, the hardening time is prolonged. Generally, dentists in this study added excess mercury. After amalgamation occurs, the amalgam is placed on a cloth filter and twisted or squeezed between the thumb and palm of the hand to express excess mercury. Spillage or deliberate throwing of this excess mercury to the floor or toward a container is common. Therefore, the dental office is contaminated with mercury metal which vaporizes readily at room temperature.

Mercury vapor concentrations were determined in 59 dental offices to evaluate the exposure of dentists and their assistants, a total of 98 persons. Mayer[1] in a similar study had reported mercury vapor-particulate concentrations ranging to 0.4 mg per cubic meter of air (mg/meter^3) while mercury amalgam restorations were being milled.

The threshold limit value (TLV) for mercury it 0.1 mg/meter^3, based on an eight-hour daily exposure, as established by the American Conference of Governmental Industrial Hygienists.[2] Because the TLV is based on an eight-hour daily exposure and since milling of restorations was thought to be of short duration, we chose to disregard the contribution of particulates containing mercury in overall exposure. Joselow and coworkers[3] concluded that approximately 14% of the dentists and their assistants are exposed to hygienically significant amounts of mercury and that particulates contributed approximately 0.025 mg/meter^3 to the average exposure. Our data also indicate that one in every seven dentists and their assistants are exposed to mercury vapor about or in excess of the TLV based on an eight-hour daily exposure.

PROPERTIES OF MERCURY

Mercury is a silver-white metal that is liquid and volatile at room temperature. As temperature increases, the amount of mercury vaporized increases. Steere[4] reviewed the vapor pressure of mercury at various temperatures and calculated the equilibrium mercury vapor concentration in a room 77 F to be 20 mg/meter.^{3}

Occupational illness caused by mercury is chiefly due to inhalation of vapor, fumes, or dust. Illness is usually gradual, then becomes chronic. The most common symptons of poisoning are: excitability, especially when criticized; inability to concentrate; fearfulness; depression; headache; fatigue; weakness; loss of memory; drowsiness or insomnia; symptoms of kidney disease; and tremors of the hands, head, lips, tongue, or jaw. The tremors may affect handwriting and, as poisoning progresses, the writing becomes illegible.

Sensitization to mercury occurs but is rare. A Pennsylvania dentist developed this type of sensitivity and had to discontinue his practice.[5]

Mercury is excreted in the urine, feces, and saliva. A level of 0.25 mg mercury per liter urine has been suggested as a threshold indication of significant exposure.[6]

METHODS

A Kruger Model 23 mercury vapor meter was used to measure concentrations of mercury vapor in dental offices. The instrument operates on the principle that mercury vapor will absorb ultraviolet light of 2,536 Angstrom units. The lamp in this instrument produces 98% of its light at this wavelength. The performance of the instrument used in this study was calibrated against a wet chemical method of collection and analysis.[7] Before and during each survey the instrument was standardized outdoors in a mercury vapor-free atmosphere. Concentrations of mercury vapor were measured at pertinent locations and the approximate breathing zones of dentists and their assistants.

Random early morning urine samples were collected from 23 dentists and assistants and analyzed by the dithizone-chloroform extraction method.[8] A minimum of 100 ml urine was collected. Two mil of 37% formaldehyde solution were added as a preservative. Samples were refrigerated as quickly as possible for stability until analysis was completed.

FINDINGS

Mercury vapor was found in all 59 dental offices and exposures ranged to 0.18 mg/meter^3. Six dentists and four assistants were exposed in excess of the TLV. Three dentists and one assistant had exposures approaching the TLV. Three dentists and three assistants had exposure greater than half the TLV. The remainder had exposures less than half the TLV.

The number of pounds of mercury used each year was estimated by the dentists. Exposure versus usage in Table 1 corroborates the opinion of other investigators that the more mercury used, the more the likelihood of excessive exposure.

Urine samples for mercury determinations showed excretions ranging to 0.33 mg per liter urine and paralleled mercury vapor exposure.

Findings on exposure versus excretion in Table 2 appear similar to those in Table 3—another indication that the more mercury used the more the likelihood of excessive exposure. Urine-mercury levels of dentists and their assistants were in most instances identical. Where they differed it was learned that the assistant did most of the amalgam preparation.

Footnotes at end of article.

TABLE 1.—POUNDS OF MERCURY PER YEAR VERSUS EXPOSURE

	Exposures in mg./meter^3							
	0.005 to 0.009		0.01 to 0.045		0.05 to 0.95		0.1 and greater	
Mercury used, pounds per year	D[1]	A[2]	D	A	D	A	D	A
1 to 3	6	2	4	1				
3 to 5	2	2	8	4	2	1		
5 to 10	5	5	13	10	1	1	1	
10 to 20	1	1	8	6	3	2	5	4
Total	14	10	33	21	6	4	6	4

[1] D=Dentists.
[2] A=Assistants.

TABLE 2.—EXPOSURES VERSUS EXCRETION

	Mercury in urine in mg./liter									
	0.01 to 0.45		0.05 to 0.095		0.1		0.2		0.3	
Exposure range mg./meter^3	D[1]	A[2]	D	A	D	A	D	A	D	A
0.005 to 0.009	3		3	2						
0.010 to 0.045	3	2								
0.050 to 0.095	1		1	1	1					
0.1 and greater			1	1			2	1	1	

[1] D=Dentist.
[2] A=Assistant.

TABLE 3.—POUNDS OF MERCURY USED PER YEAR VERSUS EXCRETION

Pounds per year	Mercury in urine in mg./liter									
	0.01 to 0.45		0.05 to 0.095		0.1		0.2		0.3	
	D[1]	A[2]	D	A	D	A	D	A	D	A
3	2	2	1							
3 to 5	1	1								
5 to 10	3		2	3	1		2			1
10 to 15			1						1	
15 to 20			1	1						

[1] D=Dentist.
[2] A=Assistant.

DISCUSSION

The method of handling the amalgam appears to be the predominant factor in a slightly or grossly contaminated office. Should the dentist or his assistant be careless in the preparation of the amalgam and spill mercury on the floor or throw excess mercury squeezed from the amalgam to the floor, or do both, there is definitely excessive exposure. Second in importance is the method used in cleaning the dental office. Spilled mercury develops an oxidized coating or becomes coated with dirt thereby reducing vaporization. Frequent wet or dry mopping, or both, disturbs these coatings and disperses localized spillage, significantly increasing mercury surface area. It is this multitude of small, even microscopic, mercury particles that causes higher vapor concentrations.

Cleaning a contaminated dental office requires special cleaning methods and compounds. Ridding the dental office of visible spillage can be done by attaching a tube with a small bore diameter to rubber tubing and attaching it to a good vacuum source. A water trap should be installed in the line and the pump discharge extended to the outside. If the floor is not of crack-free construction a new impervious crack-free covering extending up the wall a few inches should be installed. Contaminated floors and equipment should be cleaned with a mercury vapor suppressant used as directed by the manufacturer. Because suppressants only coat mercury to reduce vaporization and do not remove it, they should be used routinely. Walls and ceilings should be paneled or painted. When offices are known to be contaminated, all rugs, mats, and carpets should be removed and destroyed so that they cannot be used by persons unaware of the contamination. Decontamination of carpeting is difficult and is not recommended. It is suggested that carpeting be avoided when new facilities are planned or existing facilities renovated.

Cleaning equipment should be changed frequently and should be confined to the dental office. Dentists who use wet mopping to clean their operatories can easily see the results of poor amalgam handling techniques, especially if galvanized pails are used. The mop will have tiny mercury droplets dispersed throughout and the galvanized bucket will be amalgamated. Contaminated cleaning equipment disperses mercury to other areas of the building.

Air-conditioner filters tend to condense mercury vapor and reevaporate it. We have found that about 63% of air conditioners return air to the room that is approximately 20% higher in mercury vapor content than the general room air. Consequently, filters should be replaced often.

Some dentists maintain offices in their homes. Air containing hygienically significant amounts of mercury vapor from the dental office will contaminate the home. Mercury metal is also carried into the home by contaminated shoes. We have found concentrations of 0.03 mg/meter[3] mercury vapor throughout an entire household and suspect that many dentists' homes have high levels of mercury contamination.

Threshold limit values are established for healthy, adult male workmen for exposure during an 8-hour day and not for the general population, especially young children, for 24 hours. The TLV for mercury appears to have a small safety factor. The American Conference of Governmental Industrial Hygienists has suggested a limit of 0.05 mg/meter[3] in a notice of intended changes.

SUMMARY

Dentists and dental assistants who handle mercury amalgams improperly are likely to be exposed to mercury vapor in excess of the established TLV. One of seven dentists and their assistants are likely to be overexposed.

Decontamination of offices is difficult but essential. Mercury vapor suppressants should be used routinely by all dentists. Cleaning equipment should be confined to the dental office and should be replaced often. Air-conditioner filters should be replaced often. Observation of spillage and contaminated cleaning equipment is a sign of significant exposure. Remedial action should be taken to reduce exposure. Medical assistance, including urinalysis for mercury, should be obtained.

The role of particulates containing mercury in contributing to overall exposure should be thoroughly investigated.

FOOTNOTES

[1] Meyer, A. Mercury poisoning: a potential hazard to dental personnel. D Progress 2:190 April 1962.

[2] Threshold limit values for 1968, American Conference of Governmental Industrial Hygienists, Cincinnati.

[3] Joselow, M. M., and others. Absorption and excretion of mercury in man. XV. Occupational exposure among dentists. Arch Environ Health 17:39 July 1968.

[4] Steere, N. V. Mercury vapor hazards and control measures. J Chem Edu 42:A529 July 1965.

[5] Confidential report of investigation (April 1964). Pennsylvania Department of Health, Harrisburg, Pa.

[6] Elkins, H. B. Execretory and biologic threshold limits. Amer. Industr Hyg Assn J 28:305 July–Aug 1967.

[7] Nelson, G. O.; Van Sandt, W.; and Barry, P. E. A dynamic method for mercury vapor detector calibration. Amer Industr Hyg Assn J 26:388 July–Aug 1965.

[8] Standard procedure for collection and analysis of mercury, revised October 1967. Pennsylvania Dept of Health, Harrisburg, Pa.

WARNING ABOUT MERCURY

(By Irston R. Barnes)

A recent release from the Rachel Carson Trust for the Living Environment (8840 Jones Mill Road, Washington, D.C. 20015) warns of an unrecognized source of mercury contamination from medical, dental and laboratory uses of mercury materials. The release has received little public attention although its specific warning is of urgent importance.

It is truly terrifying that the more attention we give to environmental contaminants the more we learn of previously unknown hazards. The prevalence and dangers of mercury contamination are a case in point.

The first awareness that most of us had were the warnings to hunters and fishermen not to eat game birds and fish. The former were found to have dangerous levels of mercury through eating treated seeds on farm lands, and the latter had become contaminated from mercury in streams and lakes.

Government suits against various industrial companies alerted the public to the fact that, both in this country and Canada, large quantities of mercury wastes were being dumped into waterways. However, there are more widespread dangers.

Dr. Clarence Tarzwell, director of the National Marine Water Control Laboratory, at West Kingston, R.I., writing in reply to a request for information, pointed out to Rep. David R. Obey (D-Wis.) (and to the Rachel Carson Trust, of which he is a director) that a hitherto unnoted source of mercury contamination is in the wastes from hospitals and laboratories which use mercury salts and compounds in their pathological, histopathological, cytological and other analyses. Other laboratories may also be sources of similar wastes.

The seriousness of such contamination may be judged from the fact that 17 per cent of the mercury used reportedly goes for hospital, laboratory and dental uses. Until recently mercury compounds have also been used in therapy and as disinfectants. A medium sized hospital may use as much as 150 pounds of mercury a year.

Mercury contamination from these sources is unnecessary. It is technically possible to recover mercury from such uses. However, mercury is not essential for any of these laboratory procedures, since suitable substitutes are available. Every community should act vigorously to identify such sources of pollution and bring them under control.

Dentists and medical laboratory technicians are among the professions listed as especially liable to mercury poisoning. Industrial processes and agricultural uses may also expose workers to mercury poisoning. And as some well publicized tragedies have shown, individuals remote from both laboratory and industry may suffer serious poisoning, with resultant permanent damage to the brain.

Mercury wastes that the discharged from industrial plants or through the waste disposal systems of hospitals, laboratories and dental offices get into streams, lakes and coastal waters. Mercury is a very permanent type of contamination. Collecting in the bottoms of waterways, the mercury remains for a hundred years to poison aquatic life. Less toxic forms released into the environment may change into the highly toxic methyl mercury.

In the environment, mercury enters into biological food chains. Absorbed by lower forms of life, it is passed up the chain, building up higher concentrations in higher forms of life.

In *Silent Spring*, Rachel Carson emphasized the folly and stupidity of allowing the use of chemical pesticides without having determined in advance the ultimate effects of such chemicals on human life, other forms of life, and the environment. The same stupidity is repeated throughout the economy. There is only one intelligent policy to follow: Nothing should be released into the environment until the ultimate consequences of the material or product have been determined.

Every sewage plant and every industrial establishment should be required to treat all of its wastes, liquid, solid and gaseous, to the point where what is returned to the water, soil and air is as pure as the water and air with which the process started.

SOVIET SUBMARINES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. SCHMITZ. Mr. Speaker, at this point I would like to insert two very important articles. Both of these pieces dealing with Soviet submarines should be of real interest to all those who are concerned with assuring the survival of the United States in the face of an increasing threat.

The first statement is a short speech of the late Honorable L. Mendel Rivers delivered on the floor of the House October 8, 1970. The second appeared in the Armed Forces Journal of January 18, 1971, and was written by Mr. Norman C. Polmar, the editor of the U.S. section of Jane's Fighting Ships.

Those who would discount the direct threat posed to the United States by the strategic forces of the Soviet Union and advocate further reductions in an already too low defense budget are jeopardizing the safety of the Nation. The politics of surrender can no longer be tolerated as a legitimate means of self-aggrandizement. The situation is too grave.

The articles follow:

SOVIET SUBMARINES

Mr. Chairman, I want to thank the distinguished chairman of the Appropriations Committee for giving me this opportunity to further expand on something which I said on this floor on the 28th of September.

I also want to thank the distinguished gentleman for the response he gave to the request I made before his committee, when I asked him to add additional money for one submarine, long leadtime items for another, plus two tenders and other craft at that time. He gave me almost everything I asked for.

On the 28th of September, I spoke at considerable length on the floor of the House on the Sovet threat, especially the naval threat.

Today, I shall be very brief. And I shall speak about one thing: submarines.

Soviet submarines.

One newspaper said of my speech on the 28th that my rhetoric was rather appalling but the facts were hard to challenge.

Today, there will be no rhetoric, only facts. But the facts will be as appalling as any you could hear.

I want to show the House today as quickly, as simply, and as plainly as I can the true facts of the Soviet submarine challenge.

I used a lot of statistics on the 28th. I could throw a lot of numbers at you now. But only a few should get the message across to a thinking citizen.

I talked desperately in the House-Senate conference on the authorization bill, as I am talking desperately now—and for what? To get your support to add two additional submarines to our shipbuilding program. Just two. That will mean four new nuclear subs in this bill and advanced procurement for three more.

If I had the rhetoric of Edmund Burke, the passionate voice of Daniel Webster, the ringing logic and orderly thought process of John C. Calhoun, perhaps I could talk you into supporting as many submarines as all of the shipyards in all of the United States could build. And if I did, how many would that be?

Ten to twelve.

Twelve submarines in 1 year is the most that we could realistically build under present conditions.

The Soviets have one yard that can produce more than that in a year.

The Soviets can build 20 a year on the day shift. Working several shifts, they could probably produce 35.

What does that mean?

It means that the present Soviet drive to overtake us in all categories of submarines is irreversible—irreversible.

The Soviets are ahead of us in total submarines—they have about 360 to our 147. They are ahead of us in most categories of submarines, and they are moving to be ahead in all categories by 1975—and there is nothing, nothing, nothing we can do about it.

Let me tick off the numbers for you:

The Soviets have 220 nonnuclear attack submarines to 59 for the United States.

They have 50 or slightly more ballistic-missile submarines to 41 for the United States. But all 41 of the United States submarines are nuclear, and about 20 to 23 of the Soviet submarines are nuclear.

They have about 65 submarines that fire the cruise missile, about 35 of which are nuclear powered. The United States has no submarines that fire cruise missiles. The cruise missile will go 400 miles. We have nothing like it.

Supposedly, the Russian numerical superiority is offset by our lead in nuclear submarines. But the Russian buildup in nuclear submarine construction capability means that our lead is rapidly disappearing. At present, in total nuclear submarines we have 88 and the Soviets about 80. In all probability, they will be ahead of us by the end of the year. What the relative building capability means is this: Even if we decided now—not tomorrow but now, today, in the House—to try to reverse the trend, it would be at least 5 years before we could begin to do so. And before we could start catching up, the Soviet lead would grow substantially.

The submarine is the best strategic weapon in the world.

That statement should not surprise anybody. We have long referred to the Polaris as our most invulnerable deterrent.

For the Soviets, their attack submarines provide a capability in nonnuclear warfare which promises the best possibility of strategically outflanking us and cutting us off from our allies. By simple numbers alone their submarine force gives them the threat to interdict our sealanes and deny us free use of the seas.

It is impossible for the United States to exercise influence on any continent in the world except the North American Continent without free use of the seas.

But the Soviet ballistic-missile and cruise-missile submarines provide the capability of bringing nuclear warfare to our shores.

The latest Russian Polaris-type submarine, the *Yankee* class, has the ability to fire from a submerged position a ballistic missile with a range of 1,300 miles.

I would like to illustrate to the House the threat that a Soviet submarine with a 1,300-mile-range missile poses to the United States.

If such a submarine is in the Gulf of Mexico, this is the range its missiles would have.

(Mr. RIVERS referred to map in the well of the House.)

Mr. RIVERS. It could lay a missile on Chicago, Detroit, New York, St. Louis, and any city within this range.

But the Soviets are testing a new submarine ballistic missile with estimated range of 3,000 miles. This missile may be backfitted into the *Yankee* class or put into a new class of submarines being specifically designed for the missile.

The Soviets in the last 2 years have introduced more new submarine designs than have ever been put to sea in all of naval history during a comparable period. They continue to strive for improvement in sub design. The United States in the last 10 years has introduced only one new design submarine.

My authority for those two statements, in case you question them, is Hyman Rickover.

If those Russian submarine missiles have a range of 3,000 miles, you can see on the map here what it means in terms of the threat to the United States.

But a new and dangerous development has come upon the scene to double—yes, I said double—the threat.

Today the Russian *Yankee* class ballistic-missile-firing submarines operate from bases in the Soviet Union. They travel through the Norwegian Sea and across the Atlantic Ocean—a distance of over 4,000 miles—until they get in a position to where they can fire their missiles on our east coast cities. To return home for repairs and crew rest they must again travel over 4,000 miles. It is estimated that half of a 60-day patrol will be spent by a *Yankee* submarine going to and from its patrol station, and during its transit time it will not be within striking range of our cities. But now the Soviets are building a nuclear submarine base in Cuba—at Cienfuegos.

Let us not beat around the bush with conjectures. I tell you the Russians are building a sub base in Cuba.

And I challenge any official of the executive branch to issue an outright denial of that statement.

No one will do so.

Now let me show you where this base is. Here is a map of the Caribbean. They sail submarines into this place here. It becomes their lake.

Now, let me show you photographs of Russian ships that have gone into this harbor—including a submarine tender which is there right now. They have this tender right here, right now, not yesterday.

That submarine tender is not down there on vacation. You can look at this and the other photographs.

Imagine that you had an automobile in Washington that you operated almost continuously, like a day and night taxicab, but that the nearest garage was in Boston. So that every time you needed repairs or an oil change or a little rest away from the automobile for the driver, you had to go to Boston. You would spend half your time going and coming to Boston. But if somebody built a new garage for you in Washington, you could double the time of your taxicab on the streets of Washington.

It would mean the same sort of thing for the Russians to have a submarine base in Cuba.

The submarines could operate within the range of more than half of the United States during their entire patrol period, including the time they are going to and from their base in Cienfuegos. Even when in that port for upkeep, they could maintain their missiles in a state of readiness easily within range of many major U.S. targets.

And they can also blackmail all of South America. They are sure we will back down as the gentleman from Texas (Mr. MAHON) said a while ago.

Cuba as a *Yankee* class submarine base would enable the Russians to about double the time "on target" for their underwater-launched ballistic missiles.

To put it another way, by using Cuba, the Soviets reduce by approximately one-half the number of missile-firing submarines they need to maintain the same coverage.

I am including as a part of my remarks a chart which illustrates the great advantage of a base in Cuba by showing the comparative transit time and days on station for submarines operating out of the Soviet North Fleet area and operating out of Cuba. It will be seen that in a 2-month patrol the en-station time for a ballistic missile submarine in the middle Atlantic is 32 days when operating from the North Fleet and 50 days when operating from Cuba. For a Gulf of Mexico station, it is 20 days on station when operating from the North Fleet and 56 days when operating from Cuba. In addition, as I mentioned, during transit time the subs based in Cuba are within range of targets in the United States. The chart also shows that for attack submarines the days on station are at least doubled if the subs can operate out of Cuba.

The chart follows:

DEPLOYMENT COMPARISON: NORTH FLEET VERSUS CUBA

Station	Transit Time [1] (days)		Days on station	
	North Fleet	Cuba	North Fleet	Cuba
SSBN:				
Middle Atlantic	14	5	32	50
Vicinity Bermuda	15	4	30	52
Gulf of Mexico	20	2	20	56
SSN:				
Panama Canal	19	2	22	56
Florida Str	18	2	24	56
Windward Pass	16	2	28	56
Mona Pass	16	3	28	56

[1] Assumes 12 kt.

This great increase in the military effectiveness of this strategic force must certainly be appealing to Soviet leaders.

In closing, I want to read you a paragraph:

"The peace of the world and the security of the United States and of all American States are endangered by reason of the establishment by the Sino-Soviet powers of an offensive military capability in Cuba, including bases for ballistic missiles with a potential range covering most of North and South America."

This is the first paragraph of the proclamation issued by President John F. Kennedy in 1962 ordering the interdiction of ships carrying offensive weapons to Cuba. That sentence describes the development that was the basis for President Kennedy taking the action that he did in the Cuban missile crisis of 1962.

I ask you to reflect on what the difference is between that development and the development taking place in Cuba today.

Regardless of what is done on this bill today, the Congress has got to be ready to support the buildup of our submarine force.

In the next Congress I intend to introduce legislation calling for a program—maybe a crash program—at least to start us on our way.

I intend to introduce legislation to force whatever reorganization is necessary in the command structure of the Navy to assure the success of a revitalized submarine program, which the distinguished chairman so eloquently referred to.

But the country must be ready now to face the threat posed by the Soviets.

No one has more sympathy than I have—and you will not see me getting up and criticizing Richard Nixon—for the President of the United States. He has a terrible job, an awesome job. The Constitution puts the responsibility for the conduct of foreign affairs on the shoulders of the President whoever he may be. He has to make the decision. As Truman said:

"The buck stops at 1600 Pennsylvania Avenue."

Whatever decision he makes, I know you, like I, will back him up because he has to make a decision—and it is as simple as that.

The Nuclear Submarine Race: Neck-and-Neck Today, United States in Second Place by 1976?

(By Norman C. Polmar)

The Soviet nuclear submarine force will number about 150 ships by the end of 1976 if current building rates continue. In sharp contrast, United States nuclear-powered sub fleet will be running a poor second by that date, with 112 ships. when presently programmed building is completed. Compounding the disparity, the Soviet underseas fleet also will include more and newer conventional diesel-powered boats than will the U.S. submarine fleet.

Fewer nuclear-powered submarines will be built in the United States during the next five years than in any period since the 1950s. Soviet shipyards, in contrast, will deliver three to four times the number of nuclear submarines added to our forces in the five years which lie ahead.

Numbers, of course, don't tell the whole story. The Soviets also are increasing the *quality* of their undersea craft, according to Navy and civilian experts in the field. VAdm H. G. Rickover, head of the U.S. Navy's nuclear propulsion program, recently declared, "from what we have been able to learn during the past year, the Soviets have attained equality in a number of . . . characteristics [e.g., weapons, speed, depth, sonar, crew performance] and superiority in some." Of particular concern to the U.S. Navy: the high speed of Soviet nuclear submarines—higher than what intelligence officials had previously estimated for Soviet undersea craft. The *only* major criticism of Soviet submarine quality voiced recently by U.S. officials: Soviet submarines continue to be noisier than their American counterparts.

Soviet shipyards are now completing 10 to 14 nuclear-powered submarines each year, with eight or possibly ten of them being ballistic missile submarines of the so-called Yankee class (the NATO code name). The other A-subs now being produced in Soviet shipyards are the Victor-class attack submarines and the Charlie-class guided missile submarines. All three classes, plus a few diesel-powered Bravo-class submarines and a fifth class (with an as-yet-undetermined propulsion system) are *all* new designs.

Under current planning U.S. nuclear shipbuilders will complete four attack submarines in 1971, six in 1972, two in 1973, four in 1974, two in 1975, and three in 1976. With the Soviets having overtaken the U.S. Navy in number of nuclear submarines during the winter of 1970–1971, the advantage is now clearly with the Soviets in this important sphere of naval endeavor.

U.S. YARDS FOLDED

While the number of Soviet shipyards that could produce nuclear submarines has increased in the past few years from two to four or five, the number of U.S. shipyards with a nuclear building capability has dropped. The four or five Soviet yards that now are turning out 10 to 14 nuclear subs a year have the capability of producing 20 a year on a single-shift basis, according to Admiral Rickover; if they went to three shifts, they probably could turn out 35 a year.

In marked contrast to the record year 1964 when American shipyards turned out 17 nuclear submarines (four attack and 13 Polaris), the United States is losing its nuclear shipbuilding capability: out of the A-sub building business are the now-defunct New York Shipbuilding Corp., the General Dynamics yard at Quincy, Mass., and the problem-plagued Portsmouth Naval Shipyard. This leaves the Ingalls (Litton) yard at Pascagoula, Miss., the Newport News Shipbuilding firm in Virginia, the General Dynamics Electric Boat yard in Groton, Conn., and the Naval Shipyard at Mare Island, Calif.

These four yards have the capability of building only five or six A-subs a year, even if they work around the clock. This low production capability will continue into the late 1970s because of the 31-submarine Polaris/Poseidon conversion program.

U.S. SUB PROGRAM

Actual U.S. production during the next few years will not even reach the existing capability, but will average only 3½ boats a year through 1976 at least. The FY 71 shipbuilding program long debated and recently passed by the Congress has pushed this up slightly, but the arguments were between building three or four submarines with FY 72 funds! The fourth—not requested by the Administration—was added at the insistence of the late Chairman of the House Armed Services Committee, L. Mendel Rivers. (These submarines will be completed about 1977.)

The nuclear submarines now being built in U.S. shipyards are all *Sturgeon* (SSN–637) class attack submarines. They are advanced undersea craft fitted with the BQQ–2 sonar suite and the SUBROC anti-submarine torpedo/missile system. However, these submarines probably are slower than their Russian contemporaries because of their power plant limitations. The new U.S. submarines have the S5W reactor, which first went to sea in the A-sub *Skipjack* in 1959. Although the reactor plant has remained the same (and the same 15,000 horsepower is assumed), the size of submarines has increased considerably: *Skipjack* is 251½ feet in length and displaces 3,500 tons submerged; *Sturgeon* is 292 feet long and displaces 4,630 tons, an increase of more than 32% in displacement.

Two long-delayed U.S. submarine designs are in the offing: the SSN–685 "quiet" submarine and the SSN–688 "high-speed" submarine. The lone SSN–685 will have a turbine-electric drive propulsion system vice the steam turbine system in all previous U.S. nuclear submarines except *Tullibee*. This is expected to reduce the submarine's self-generated noise level considerably. She will be slightly larger than the *Sturgeon* class and somewhat slower. Although primarily an operational test platform for the turbine-electric plant and other quieting features, the SSN–685 will be fully outfitted with sonar, SUBROC, and ASW torpedoes, making her a combatant submarine. Construction of the SSN–685 has been delayed several times by Department of Defense studies and reviews, but hopefully her keel will be laid down at the Electric Boat yard in Groton in June 1971 under a $77.9-million contract issued in October. She should be completed in early 1974.

The SSN–688 class is intended as the follow-on to the *Sturgeon* class as the U.S. Navy's basic attack submarine design. These submarines will be considerably larger than their predecessors (360 feet and 6,900 tons), in part to accommodate a larger reactor plant to give them higher underwater speeds. Reportedly difficulties in producing a suitable high-horsepower submarine power plant are believed to have resulted in Admiral Rickover's adopting the D2G-type reactor used in the surface warships *Bainbridge and Truxtun*. According to unofficial and possibly optimistic reports, the SSN–688 class submarines will have an underwater speed of approximately 40 knots.

Newport News Shipbuilding will construct the SSN–688, laying the keel in 1971 and completing her about 1974 or 1975. Five other SSN–688 class submarines already authorized would be completed in 1975–1976. It is anticipated that the Navy will build 25 to 30 of this class at private yards during the 1970s and early 1980s at an estimated total program cost that could go as high as $5-billion. They would then be replaced on the building ways by a later SSN design that is still being developed.

Recent congressional action on the FY 71 budget approved $430.5-million for three of the SSN–688s and $166-million for an additional SSN–688 not included in the budget request. This plus $67.5-million from prior years' budgets for advanced procurement works out to $166-million per SSN–688, although if five were built per year the estimated cost would be $130-million each.

Congress also approved $45-million for advanced procurement for FY 72 and an additional $22.5-million for advanced procurement for one other SSN–688 not included in the budget request. There is another $42.5-

million from FY 70 funds available for advanced procurement in FY 72.

Even with Soviet progress and the U.S. slowdown in the nuclear submarine efforts, there is no sense of urgency within the Nixon Administration to push nuclear submarine development. Admiral Rickover has related this saga of SSN-688 priorities:

"Over a year ago [in 1969], in view of the serious situation we face relative to the Russians, I asked for what is known as a BRICKBAT priority for these submarines.

"The BRICKBAT priority automatically makes a project eligible for the highest industrial rating. It must go to the President for final approval.

"In January 1969, the then Assistant Secretary of the Navy [Barry Shillito] recommended to the Assistant Secretary of Defense that BRICKBAT priority be approved for the entire SSN-686 class program. Later, when he became Assistant Secretary of Defense, he turned down his own Navy recommendation. Apparently the Russians had become nicer people by that time.

"In March 1970, after more than a year of fooling around within the lower echelons of the Department of Defense, The Deputy Secretary of Defense finally recommended that the President approve BRICKBAT priority for only one ship, the lead ship SSN-688, and even then for only a part of that ship."

Congress expressed its diapprobation at the lack of a BRICKBAT priority and noted in a hearing report that in February 1970 during a DSARC review of the SSN-688 program, Navy told DoD that the lack of BRICKBAT priority and the impact of the General Electric strike had already resulted in an irrecoverable 11-month delay for each ship in the program and that dollar impact of the delay could not be determined. The hearing report went on to state that "any delay in these urgently needed submarines postpones the Navy's ability to counter effectively and fully the rapidly expanding Soviet submarine threat."

On the missile submarine front, the Navy is striving for Department of Defense approval of the ULMS—Underwater Long-range Missile System—that would replace the Polaris/Poseidon submarines during the 1980s. The 41 ballistic missile subs now in U.S. service were completed from 1960 to 1966, and the oldest will be 25 years old by the time the first ULMS craft could be fully operational. The ULMS concept provides for an advanced submarine especially designed for quiet operation (lessening the possibility of detection), high crew habitability, and a low in-port-to-at-sea ratio (to increase the time spent on station). Further, this submarine would be armed with missiles capable of traveling some 6,000 miles, increasing the Soviet ASW requirements by several orders of magnitude should an attempt be made to counter the ULMS submarines. But again, budget restrictions and opposition to the ULMS concept—in the Congress and by the Air Force—could considerably delay the program or result in only a marginal improvement over the existing Polaris/Poseidon submarines, which have a 2,700-to 3,000-mile missile.

The total ULMS program could run up to $10-billion, in the opinion of some naval observers. The figure is very tentative because characteristics of the ship—numbers of missiles carried, size, and speed—and of the missiles themselves, and the total number of ULMS subs, have not yet been decided, even by the Navy. Numbers of missiles proposed for each ULMS sub vary between 12 and 24, and 25 ships for the ULMS force has been mentioned.

Funding for ULMS has been in the research, development, test, and evaluation (RDT&E) account to date—$5.4-million through FY 69, $10-million in FY 70, $44-million in FY 71, and for FY 72 informed sources say about $110-million will be requested.

But if we are to look forward to advanced U.S. nuclear submarines such as the SSN-688 and ULMS, what of the Soviet efforts during the 1970s? The Yankee-class missile submarines may have two nuclear reactors capable of 60,000 horsepower, according to some estimates. This means the Soviets could already have a single-reactor, 30,000 hp plant (50% more than the U.S. S5W reactor) that would give Soviet submarines a speed advantage over U.S. undersea craft until the SSN-688s enter service.

Building on this technology, the Soviets could lead in nuclear submarine plants in the coming decade. The Yankee is armed with 16 SS-N-6 missiles credited with a range of 1,300 to 1,500 miles. The even newer "Sawfly" missile, with a range of at least 2,700 to 3,000 miles, already exists and may be back-fitted in older Soviet ballistic missile submarines or may be for the next generation of Soviet missile submarines that could already be on the building ways.

Program continuity is the secret to keeping a complex technological effort alive and growing at a steady pace. The United States may have forfeited continuity and steady growth to the Soviets. The U.S. nuclear submarine design and construction capability—which was able to deliver 17 nuclear submarines in 1964—already has been dispersed to an alarming degree. When the Polaris-to-Poseidon conversion work is done and unless ULMS construction and design of an SSN-688 follow-on are begun, the United States' parity in this field may be irretrievably lost.

Meanwhile, since the Yankee-Charlie-Victor family of missile and attack nuclear submarines first went to sea in the late 1960s, the Soviets, if past performance is any guide, already have the next class (or classes) of A-subs on the drawing boards or possibly building ways. The Soviets have built up too great a nuclear submarine design and construction capability and perceive too great a strategic requirement for them to stand idle. If they continue to surge ahead, by 1976 it may be too late for the U.S. to catch up—not merely in numbers but in quality and capability to meet the threat.

UNITED STATES AND SOVIET SUBMARINE STRENGTHS

(Estimated January 1971)

Submarine type	United States	Soviet Union
Ballistic missile, nuclear (SSBN).	[1] 41	16[2] with 16 tubes. 9 with 3 tubes.
Ballistic missile, diesel (SSB)	0	25[2] with 3 tubes.
Guided missile, nuclear (SSGN)	0	35[2].
Guided missile, diesel (SSG)	0	30.
Attack, nuclear (SSN)	50	20[2].
Attack, diesel, post-WWII (SS)	12	215[2].
Attack, diesel, war-built (SS-AGSS).	37	0.
Coastal-experimental (SS-AGSS).	6	Several.
Total subs	146	350[2].
Ballistic missiles	656	357[2].

[1] With 16 tubes.

[2] Approximate.

[3] Does not include C. 400 anti/ship cruise missiles.

KANSAS DOCTORS

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. WINN. Mr. Speaker, recently a rather severe indictment of Kansas physicians by a study group sponsored by Ralph Nader was carried by the Associated Press wire service. Mr. Nader's group cited a study by the National Advisory Commission on Health Manpower supporting their contentions.

As a result of the wire service report, I instituted an inquiry with the Public Health Service of the Department of Health, Education, and Welfare. Today, I would like to share with my colleagues the result of my inquiry which is far different than the study group's findings.

The acting director of the Division of Physician and Health Professions Education of the Public Health Service responded to me by writing:

> We believe the statement made in the article to the effect that 48% of the State's doctors took no further education in a ten year period studied is grossly in error.

He went on to add:

> This (the article) obviously does not consider peer-to-peer consultations, hospital-oriented continuing education experiences, journal article reading or a host of other methods whereby a physician does obtain education.

As a result of the Public Health Services' disagreement with Mr. Nader's study group, I have become concerned about the possible effects of such erroneous statements. To quell any possible misgivings anyone might have about the quality of Kansas physicians, I also contacted a person that I feel to be an expert in such matters, particularly as they relate to Kansas.

The man is Jesse D. Rising, M.D., chairman of postgraduate medical education at the University of Kansas Medical Center. I asked Dr. Rising if he would care to comment on the wire service report. Today, I am pleased to be able to share his comments with you, as follows:

COMMENT ON RALPH NADER'S INDICTMENT OF CONTINUING EDUCATION FOR DOCTORS

(By: Jesse D. Rising, M.D.)

The Associated Press wire service carried under a Washington dateline an article that was printed in the Kansas City Times for November 9 under the headline, "Poor Health Care Assailed." In this article there were several indictments of physicians and the health care system in the United States. The validity of these criticisms was put in doubt because of the final paragraph of the article which was:

"The report said a Kansas study showed that 48 percent of the state's doctors took no education in the 10-year period studied, even though the State provided "circuit rider" courses which went to the doctors."

This statement occasioned surprise and disbelief in Kansas because it seemed to imply that the State's doctors are especially lax in continuing education whereas they are, in fact, in the forefront in this regard. Upon looking into the situation it developed that no "Kansas study" of the total continuing education activities of physicians in the state had ever been done. There had, however, been a study of the participation of Kansas doctors in courses offered by one institution in the State: the Department of Postgraduate Medical Education of the University of Kansas School of Medicine. In this study the total number of doctors "at risk" included many who were not in active, private practice, e.g. retired physicians, many physicians in State hospitals (often as part of their training), and physicians at military posts who had licenses to do some "moonlighting" practice in the State.

The University of Kansas Medical School's Department of Postgraduate Medical Education is one of the Nation's outstanding institutions for continuing medical education, and has a reputation for attracting a higher percentage of practicing physicians from its area of responsibility than perhaps any other such department. In addition to that it has had enrollees from every other State in the Union annually for over ten years. In spite of this, however, it furnishes only a minority of the continuing education experiences that keep doctors up-to-date. There are numerous other formal continuing education activities for doctors, and, as pointed out in a recent article in the Journal of the Kansas Medical Society—attached—even more important and more numerous informal ones.

It should be obvious to anyone who has seriously studied the matter that it is almost impossible for a physician not to have significant continuing education. It is unfortunate that hastily drawn conclusions based on incomplete understanding and inadequate information are presented to the public with an air of authority because it not only casts doubt on an entire profession but also because it discredits those who expound those conclusions, albeit in a good cause.

23 JOIN CHAIRMAN DULSKI ON FREE MAIL SERVICE FOR GI'S

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. DULSKI. Mr. Speaker, I am today introducing legislation to extend the authority for airlifting parcels to servicemen stationed abroad, as well as to extend free letter mail service to all U.S. servicemen stationed outside the 48 contiguous States.

Cosponsoring the measure with me are most of the members of the Post Office and Civil Service Committee, including Representatives Corbett, Henderson, Udall, Daniels, Nix, Hanley, Wilson, Waldie, White, Ford, Hamilton, Brasco, Purcell, Bevill, Chappell, Gross, Derwinski, Johnson, Scott, McClure, Hogan, Hillis, and Powell.

The present law involving parcel airlift—PAL—expires on July 1, 1971, and no provision was made for its extension in the Postal Reform Act last year. Airlift of PAL mail is on a space available basis.

On my several visits to the Far East and to Europe since joining the committee, I have become well aware of the importance of prompt delivery of mail to our servicemen.

NO PROVISION IN REFORM LAW

In rewriting the postal laws as a part of postal reform legislation last year, the Congress overlooked the forthcoming expiration of the PAL mail provision. Present law provides a maximum of 30 pounds weight and size of 1 cubic foot—60 inches, girth and length combined.

In proposing an extension of this law, I am also proposing that the size limitation be increased to 72 inches. Experience has proven that the present limit of 60 inches is inadequate with relation to the weight limitation.

In the same legislation I am proposing that free letter mail service be provided for U.S. servicemen on overseas assignments. Present law permits free letter mail service only for servicemen assigned to combat areas.

This mailing privilege would extend not only to letters, but also to sound-recorder communications—a currently popular method for servicemen to communicate with their families.

NEED FOR SERVICE IS CLEAR

I sponsored similar legislation 2 years ago and it was approved by the House, but no action was taken by the Senate committee, nor was any provision made in the postal reform legislation.

I consider the need for this extension of the free letter mail service for our troops overseas to be fully as important today as it was 2 years ago when it was approved by the House.

It seems to me that our servicemen, wherever they are assigned outside the 48 contiguous States, are entitled to priority mail service. Servicemen have no choice on their assignments.

My bill also is proposing airlift for second-class news publications for all servicemen on overseas assignment. These publications are worthless on receipt if they must depend upon routine mail transportation.

NIXON INTENDS TO CONTINUE THE FIGHT AGAINST POLLUTION

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. RHODES. Mr. Speaker, we have learned to expect dramatic leadership on the environment from President Nixon and during his state of the Union message the President renewed his commitment to insure that every citizen will have a clean and livable environment.

During the first 2 years of his administration, President Nixon took unprecedented steps to clean up our natural surroundings. His 37-point program addressed itself to a broad spectrum of environmental problems. The creation of the Environmental Protection Agency was a long-needed reorganizational move to bring all of the Government's environmental protection activities under one roof. Under the leadership of a dynamic administrator, this one agency has already shown promise of having a profound impact upon our environment.

Nevertheless, as the President indicated in his address to the Congress, he intends to pursue environmental protection with even greater vigor. He has promised strong new initiatives for cleaning up our air and water, for combating noise pollution, and for expanding our national parks system.

The condition of our environment is still critical and President Nixon has served notice that he intends to continue the fight against pollution until the job is done. It is a message that must be welcomed by all Americans.

THE HEROIN EPIDEMIC IN WASHINGTON, D.C.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. ANDERSON of California. Mr. Speaker, we are aware of the drug problem in the United States, but I am not sure we are aware of the magnitude of the problem. In our Nation's Capital, it is estimated that in certain areas more than one out of three people between the ages of 20 and 24 are addicted to heroin.

The 91st Congress enacted the Drug Abuse Prevention and Control Act of 1970. This law authorizes the Department of Health, Education, and Welfare to increase treatment, prevention, and rehabilitation programs for drug abuse. In addition, the Drug Abuse Act increases the penalties for the professional drug offenders.

In addition, Congress enacted the Drug Abuse Education Act to introduce drug education courses in our schools and churches in order to enlighten our youth on the perils of drugs.

While this legislation has not been in effect long enough to show results in curbing the drug menace, I feel that these laws are effective steps toward eliminating this hazard to the health of our Nation.

Mr. Speaker, I would like to include in the Congressional Record an article that appeared in the Washington Post on February 5, 1971. This article calls the heroin problem in Washington an "epidemic," and I feel that its statistics will help the Congress in evaluating the current laws and, if necessary, in drafting new legislation.

The article follows:

CITY HEROIN EPIDEMIC CITED

(By William L. Claiborne)

Heroin addiction runs as high as 36 per cent among all young men between 20 and 24 years of age who live in a three-square-mile area beginning six blocks north of the White House, the city's Narcotics Treatment Administration estimated yesterday.

A study by the NTA, based on residency of addicts treated by the city, says the District is engulfed in an "alarming heroin epidemic."

If the study's figures are accurate, nearly half the city's estimated 16,800 addicts live in a 7.7 square mile section of the inner city that encompasses the most densely populated portion of Washington.

The dimensions of recent increases in the estimate of heroin use here are so great, according to the head of the city's Narcotics Treatment Administration (NTA), that a nearly 10-fold increase in the $3.5 million-a-year antidrug program is needed.

Describing the recent increases in the estimated number of addicts—from 1,162 to 16,800 in 18 months—as "ominous," Dr. Robert L. DuPont said his own program is only "skimming the surface."

He conceded that part of the increase in the addict population estimate can be attributed to vastly improved reporting methods, but said that the 16,800 figure could even be low. The estimate is based on annual heroin overdose deaths, with one death representing an estimated 200 addicts.

Even as it treats 20 per cent of the estimated addicts here, a larger portion than any other major city, the NTA program remains "grossly inadequate," DuPont said.

The comprehensive profile of heroin addiction, which DuPont released at a District Building press conference yesterday, contained the NTA's first attempt to locate the addict population by neighborhoods.

Using the city's nine service areas as a geographical base, DuPont's staff distributed the 16,800 estimated addicts according to the percentage of NTA patients living in each service area.

The inner-city sectors showed the highest concentrations of heroin use—ranging to 40 addicts per 1,000 population—and the areas west of Rock Creek Park showed the least concentrations.

The extent of heroin use measured in percentages of certain age groupings surprised even the NTA officials.

The survey concludes that in service area 6, the model cities neighborhood that begins north of the White House and extends eastward toward the Capital, 24 per cent of youths between ages 15 and 19 and 36 per cent of those between 20 and 24 are addicted to heroin.

The area has a total indicated addict population of 4,066, which is 24 per cent of the city's estimated addict population, a ratio of 40.2 addicts per 1,000 residents.

The model cities area has the highest population density per square mile (30.917), the highest number of welfare cases (3,990) and the highest number of poor families, based on 1966 Census Bureau figures.

Service area 7, another inner-city sector just to the north of the model cities sector, also had a disproportionately large estimated share of the addict population.

The area also has an estimated 24 per cent of the addict population, but because total population is higher, the ratio per 1,000 is 30.8.

That 4½-square-mile area is second to the model cities section in density, welfare load and poverty, according to DuPont's study.

LEAST ADDICTION

The lowest rate of heroin addiction, according to the NTA extrapolation, is in service area 8, which includes everything west of Rock Creek Park.

That area has only an estimated 67 heroin addicts, for a per thousand ratio of only 0.8. The area has the lowest population density, the lowest welfare caseload and the fewest poor families.

The number of addicts undergoing treatment by private physicians is not known, but presumably inclusion of them would increase the proportion of addicts in higher income areas.

Third in the highest concentration of addicts per 1,000 population, according to the study, is area 5 (near Northeast and Southeast). This was followed by area 3 (east of the Anacostia River and north of Pennsylvania) and area 4 (lower Anacostia).

Those areas had 27.7, 19.9 and 18 heroin addicts per 1,000 population, respectively.

A study of the NTA's 2,759 patients showed that 95 per cent were black, 80 per cent were male, 30 per cent were between the ages of 16 and 20 and 29 per cent were between 21 and 25 years old. Only 8 per cent were over 41.

Fifty-eight per cent were single and the average last year of school completed was the 10th grade. The average number of arrests before treatment was 4.7 and the average number of convictions was 1.7.

MARIJUANA USE

Forty-nine per cent of the patients said marijuana was the first drug they used, while only 9 per cent said they started on heroin. Other hard drugs, including barbiturates and amphetamines, were listed as the first drug used by 35 per cent of the NTA patients.

DuPont released another report yesterday that showed the results of a six-month followup study of 625 addicts selected randomly from five NTA treatment centers. The study, DuPont said, shows that addicts in the NTA program are less likely to be arrested than those who quit it.

Of the 475 adult patients in the group, 55 per cent remained in treatment programs and only 19 per cent of the 475 were arrested during the six months. The highest retention rate (86 per cent) was in a group of adults receiving high doses of methadone, a synthetic narcotic that blocks the craving for heroin.

The younger addicts in the program, most of whom were on abstinence treatment, did not fare so well. Forty-two per cent of the youths surveyed were arrested during the six months, and only 40 per cent remained in the program.

SOCIAL SECURITY BENEFIT INCREASE NEEDED NOW

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. SCHWENGEL. Mr. Speaker, today I insert in the RECORD, part IV of the article entitled "Private and Public Retirement Pensions: Findings From the 1968 Survey of the Aged" by Walter W. Kolodrubetz.

PRIVATE PENSIONS

The levels of private pension benefits for the aged population are the result of a vast number of interrelated influences stemming primarily from the wide diversity and nature of private pension formulas.[1] Unlike OASDHI benefits, private pensions are generally directly related both to length of service and past earnings or to length of service alone, and there are innumerable differences in the factors entering into the computation of actual benefit amounts in individual cases. As a result, a much wider benefit range is found for private pension than for OASDHI benefits. The median private pension, however, was lower in 1967 than the OASDHI median. The most striking feature of private pension levels was the concentration of one third of all private pension payments in the range of $500–$999; two-thirds were between $300 and $1,499 (table 4).

This concentration of payments in the $500–$999 range was found for both married couples and nonmarried persons. The distributions of private pension income for the couples and for nonmarried men were similar, but that for nonmarried women was at a somewhat lower level. Although OASDHI benefits for nonmarried men were substantially lower than those received by the couples, such a wide difference did not exist for private pensions, because of the lack of provision in these plans for benefits for the spouse. As a result, the median annual private pension was not very different for couples and nonmarried men ($970 and $865, respectively) but the median for nonmarried women ($665) was considerably less than the median for the couples.

TABLE 4.—SIZE OF PRIVATE PENSION INCOME FOR OASDHI BENEFICIARIES:[1] PERCENTAGE DISTRIBUTION OF AGED UNITS BY SIZE OF PRIVATE PENSION INCOME, 1967

Private pension income	All units	Married couples	Nonmarried persons		
			Total	Men	Women
Number (in thousands):					
Total with private pension income	1,614	1,009	605	287	317
Reporting on private pension income	1,450	912	538	265	273
Percent of units	100	100	100	100	100
$1 to $149	2	2	3	2	4
$150 to $299	6	5	10	5	14
$300 to $499	13	10	17	18	16
$500 to $999	33	34	33	29	36
$1,000 to $1,499	19	18	21	21	21
$1,500 to $1,999	11	13	8	11	6
$2,000 to $2,499	6	7	4	6	2
$2,500 to $2,999	3	3	2	4	
$3,000 to $3,499	2	2	1	2	
$3,500 to $3,999	2	2	1	1	2
$4,000 to $4,999	2	2	(2)	1	
$5,000 to $7,499	1	1			
$7,500 to $9,999	(2)	(2)			
$10,000 or more	(2)	(2)	(3)	1	
Median private pension income	$900	$972	$779	$864	$664

[1] Excludes beneficiaries who received their 1st benefit in Februray 1967 or later, the transitionally insured, and special "age 72" beneficiaries; also excludes a small number of units reporting private pensions but no OASDHI benefits.

[2] 0.5 percent or less.

CAPITAL PUNISHMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. RARICK. Mr. Speaker, capital punishment of convicted traitors, murderers, and rapists continues to be discussed by the moralists and antis. Seldom is there even comment that there is no capital punishment in 14 of the 50 States, and in the other 36 States there have been no executions because of legal poppy-cock for over 10 years. See my remarks, CONGRESSIONAL RECORD, volume 116, part 29, page 39900.

Serious and violent crimes continue to increase, yet the people hear only the sociological and ethical jargon that capital punishment does not serve as a deterrent to murder or other heinous crimes There are no statistics, because there have been no executions. One indisputable fact is that execution of the murderer does serve as a deterrent to crime—at least to the murderer who is not around to kill again.

---

[1] Bureau of Labor Statistics, *Private Pension Plan Benefits* (Bulletin No. 1485), 1966; Bureau of Labor Statistics, *Digest of 100 Selected Pension Plans Under Collective Bargaining, Spring 1968* (Bulletin No. 1597), 1969; and Walter W. Kolodrubetz, "Employee Benefit Plans in 1966," *Social Security Bulletin*, April 1968.

Our people are told time and time again, from Exodus 20:13 that the Bible says:

> Thou shalt not kill.

The following verse, so often ignored, reads:

> Thou shalt not commit adultery.

But those legal scholars so intent in denying the death penalty for the benefit of society overlook the adultery commandment as being out of touch with the times. The new liberal approach seems to approve of selecting the commandments which best serve their purpose.

Likewise overlooked is the 21st chapter of Exodus wherein God set forth the judgments to govern a moral society.

Exodus 21:12 reads:

> He that smiteth a man so that he died, shall be surely put to death.

A most interesting article on the death penalty, by the noted journalist, Jenkin Lloyd Jones, appeared in the local newspaper entitled, "The Killer Who Is Executed Never Kills Again." Admittedly, this is a deterrent.

I include Mr. Jones' article as follows:

[From the Washington Evening Star, Feb. 6, 1971]

The Killer Who Is Executed Never Kills Again

(By Jenkin Lloyd Jones)

After an incredible and idiotic seven months, in which the jury was sentenced to a cumulative total of seven years in the box, Charles Manson and his three female disciples are pronounced murderers. This was not only one of the cruelest and most coldly sadistic murders in the history of American crime, but the case was so overwhelming that the defense didn't even field a witness.

Now the arguments over the sentences are under way.

Although only 14 states outlaw capital punishment, no one has been executed in the United States for four years.

This is the result of a drum-fire of propaganda over the past quarter-century, emanating chiefly from "social scientists" and the clergy, to the effect that death sentences constitute cruel and unusual punishment and perform no good.

The opponents of execution state one truth and then they state three theories dressed up like truth.

The truth is that if an innocent man were to be executed the error is irreversible. There is also a corollary truth which they don't mention: Namely, that the executed killer never kills again.

The theories are these:

Capital punishment deters no one.

The state has no right to take a life, for, as the Lord is quoted in Deuteronomy 32: 35, "To me belongeth vengeance and recompense."

The overwhelming majority of the American people have "grown beyond" capital punishment and want it abolished.

Let's look at them.

Since capital punishment virtually disappeared in America about 10 years ago the rates of murder and rape, the two most common capital crimes, have skyrocketed.

In 1959, 8,580 persons were murdered in the United States. In 1969 (the last year for which full figures are in), 14,587 were murdered. This is an increase of 69 percent. Over the same 10-year period the population of the country went up 12 percent.

In 1959, there were 14,830 rape complaints in America. In 1969 there were 36,470, an increase of 146 percent.

It used to be generally understood in this country that the killer of a lawman was hanged or electrocuted. But no more. And in the past 10 years, 561 officers have been killed while trying to perform their duties.

To maintain that the threat of a death sentence is no deterrent is to say that people are unafraid of the possibility of dying. If so, "Slow Down," "Bridge Out" and 'Danger—40,000 volts" signs are futile. But, of course, they are not.

The argument that vengeance is exclusively the Lord's business would require us, logically, to eliminate punishment of human beings by human beings altogether. On this theory, if we put a thief in jail we double-punish him.

Finally, the much-cherished idea that the American people are appalled by death sentences got a rude jolt December 15, when, in a constitutional referendum, Illinoisians rejected the elimination of executions by a vote of 1.139 million to 627,522. What Illinois seems to want is a little safer living for the innocent.

Much has been made of the many years which condemned prisoners spend on death row while the appeals courts delay, fiddle and fumble. There's a point here. Caryl Chessman was 12 years in a condemned cell before he was finally led to California's gas chamber. This is cruel and unusual punishment without a doubt.

But the way to cure it is to write into the law that any prisoner under death sentence who is not executed within nine months gets an automatic commutation to life. This is plenty of time to review the proceedings and consider new evidence, if any. It will force appellate courts to put an expedite tag on cases that should certainly be heard expeditiously.

Bernard L. Cohen, a distinguished Montreal lawyer and long a leader of Canadian Zionists, last fall published a book, "Law Without Order."

One of the chief reasons for the fierce conditions in our prisons, Cohen asserts, is because the most vicious killers continue to roam the yards, terrorizing other prisoners and plotting kidnaping of wardens and guards. In other times these mad dogs would have long since been hanged.

Cohen quotes a 23-centuries-old argument over capital punishment from the Mishnah. One rabbi said death sentences should not be imposed oftener than once every seven years, another said every 70, and two more said they should not be imposed at all.

"Whereupon, Rabban Simon, the son of Gamaliel, retorts, 'The men who talk in this way multiply the shedders of blood in Israel.' "

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE CROSS-FLORIDA BARGE CANAL SHOULD BE COMPLETED IN AN AMENDED ROUTE WHICH, AT SMALL EXPENSE, WILL ENHANCE GREATLY, NOT DIMINISH, THE ECOLOGY OF THE AREA

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BENNETT. Mr. Speaker, until the President issued his recent statement on the canal I was not allowed by the Corps of Engineers to know the recommendations of the corps for an alternate route that would bypass the Oklawaha River at an expense of perhaps less than $5 million. The alternate should be accepted; and there also should be established a National Park in the area, as I outlined to the Council on Environmental Quality on February 1, and include in my remarks herewith.

At the end of the presentation made by me and others before the Council on February 1, I was told by the Chairman of the Council that we would not be allowed to see any information presented to the President in this matter and that nothing that we would have to say in the matter on the merits of the President's order could be considered by the Council because the White House had already acted.

I gained the impression that the Council had not in fact made any independent study of the canal and had only passed on to the President distorted, negative information such as has been appearing in the press, particularly the railroad-owned press of Jacksonville, Fla. That is obviously not a very objective position for the executive branch of our government to be in.

I am still attempting to have a chance to have this matter considered on its merits, with both sides having an opportunity to be heard. Such opportunity has still been denied my constituents, who feel that when legislation had provided for a project such as this, they should be given a chance to be heard before the laws are repealed.

The statement follows:

Statement by Congressman Charles E. Bennett of Florida, February 1, 1971

THE CROSS-FLORIDA BARGE CANAL AND ITS ENVIRONS—A PRESENTATION TO THE COUNCIL ON ENVIRONMENTAL QUALITY

On January 19, 1971 President Nixon ordered "a halt" to further construction of the Cross-Florida Barge Canal "to prevent serious environmental damages". Specifically, the President said he did this on advice of the Council on Environmental Quality to protect the "Oklawaha River—a uniquely beautiful, semi-tropical stream, one of a very few of its kind in the United States". He said "The Council has pointed out to me that this project could endanger the unique wildlife of the area and destroy this region of unusual and unique natural beauty."

I have repeatedly over a period of many months tried to speak with the President, the Secretary of the Interior and the Secretary of the Army on the subject of the Canal and to be furnished with adverse information, to which I and others favoring the Canal could respond. Even to date no such opportunity has been afforded; and even now

I do not have the information and data upon which the President's decision was rendered. I still seek the information requested and all I can do now is make some observations based upon the President's statement.

The President speaks of two things adverse to the Canal route: endangering unique wildlife and destroying a region of beauty. Even a cursory glance at the map, and certainly any in-depth study, would show that the area involved in acres of land and water habitat is so tiny when compared with the adjacent national forest of 430,349 acres, that certainly no animal or other living thing is going to be made extinct or seriously reduced in population by even the most extensive area considered for the Canal.

So, we should look then at what the President says would be the "destruction of a region of unusual and unique natural beauty", to wit: the Oklawaha River Valley. I grant and concede all the beauty he attributes to it. In fact the stream, could be a very significant part of an important larger National Park; and as such it would be a real treasure for the country and mankind. But stopping the Canal, or just narrowly preserving the present banks of the river from higher waters will not really protect anything; because the stream would be doomed to private exploitations, and there would be little of wild beauty protected and virtually no wildlife protected by such a course of action.

There is a great need in our country today to have enough living space where wild animals can live and grow and be protected. We need "environmental banks" which would freeze large areas of open space, green acres, and wilderness to allow these animals room to breathe: wild turkeys which need 2 to 4 miles to cruise in; black bear—which need a roaming distance of 15 square wild miles; bobcats and deer which require a 4 to 5 mile range and sometimes more; and panthers with a 25 square miles of wild land requirement. I could go on and on with data on eagles, osprey, etc.

I recommend that the Canal not be stopped but that it be constructed to by-pass the Oklawaha River Valley as is proposed in the alternate route suggested by the Corps of Engineers and that there be established an Oklawaha National Park to include not only this river valley but also the present Ocala National Forest in its entirety.

Only in this way will there be a significant protection of the beauty and the wildlife sought to be preserved.

There are 6,000 deer in the Ocala National Forest and these endangered species: less than 10 panthers, 50 sandhill cranes and 30 eagles; also 200 to 500 alligators which seem to be on the increase because of recent laws passed to protect them; 15 bears; 100 turkeys; and 200 to 300 ospreys.

There are other things of historic and geological interest in this proposed park area.

Under the current authorized Cross-Florida Barge Canal project, Mud Lake which is near the Eureka Lock and Dam would be flooded. I have been told that this lake is one of only 4 such lakes in the world, and that it has great archaeological, historical, and scientific values. It is in its final stages before turning to oil and it is millions of years old.

There are 32 known prehistoric Indian Middens in the area, mostly formed at least 3,000 years before the birth of Christ. Some of the earliest pottery in the United States has been discovered in these mounds. The burial place of King Utina, a contemporary and friend of the European explorers of 400 years ago has been identified on the shores of Lake Kerr, which would be in this park. Also included would be the site of the Panton-Leslie Indian Trading Post of the late 1700's. Marjorie Kinnan Rawlings wrote beautifully of this area in the "Yearling". Frederich Delius wrote some of his most beautiful music about this area when he lived nearby on the St. Johns River.

There are 4 publicly owned springs in the Ocala National Forest: Alexander Springs, the 13th largest spring in the world; Juniper Springs; Fern Hammock Springs and Pine Springs, which has recently been discovered. Also there is an unusual but privately owned salt spring on the edge of the proposed park land. The park land would stretch for miles on the banks of the St. Johns River and along Lake George, which like is 70 square miles in surface, one of the largest in the United States.

In addition to Lake George which would not, of course, be entirely included in any such park there are three other large lakes in the forest—Lake Dorr, Lake Bryant and Lake Kerr, and there are over 600 lakes of lesser size in the area. There are within or immediately adjacent to these lands 58,340 acres of lake surface.

In conclusion, I very much hope that your council will: First reverse its objection to the completion of the canal providing it follows the proposed alternate route. And, secondly, but equally important, that you also recommend that all of the Oklawaha River Valley, both sides of it, be put into a new national park to embrace not only this but also all of the present Ocala National Forest.

O. K. ARMSTRONG—STILL GOING STRONG

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. HALL. Mr. Speaker, former Congressman O. K. Armstrong served from a portion of the congressional district that I now have the privilege of representing. Although having left congressional service, he has never "let down" and still continues his writing and lecturing activities.

His vigorous life is superbly described in an article that appeared in the Springfield, Mo., News & Leader issue of January 17, 1971, written by Frank Farmer. I submit it for the RECORD in order that it may be shared by my colleagues.

The article follows:

ORLAND KAY ARMSTRONG—HIS VITALITY IS AMAZING

(By Frank Farmer)

Perhaps the most amazing thing about Orland Kay Armstrong—aside from the fact he has written seven books and several thousand magazine articles—is his vitality.

At age 77, he strides off in the same uncompromising manner he has approached numerous controversial subjects in his lifetime. His mind whips ahead to projects planned while grudgingly completing those started.

"And I expect to keep it up," he said stoutly.

Perhaps the answer to his physical and mental prowess lies in discipline: "A writer has to discipline himself," Armstrong said. "If he doesn't, the day can go by with nothing done."

Thus, this writer's day begins about 8:30 a.m. He reads his mail, eats breakfast and researches until about 10:30. He writes until lunch at 12:30, resumes writing at 1:30 and writes or researches until 4:30.

Then, fatigued from physical inactivity, he puts on hat, coat and gloves and assaults the area surrounding his home—called The Highlands—on Route 2, Republic. An amateur brick mason, he may lay brick for an hour or two, if the weather is fitting, or work in the garden or plant and prune fruit trees. In fall and winter, a chain saw and his energy turn dead trees into fireplace fuel.

Not all of his time, of course, is spent at home; much travel is required for researching articles for Reader's Digest. For example, a series of stories for the Digest on obscenity carried him more than 10,000 miles. He and his wife, Marjorie (they often co-author articles or books), traveled 5190 miles by auto and another 3000 miles by plane researching an article.

And while the traveling is tiring and the writing often boresome, Armstrong does not regret either; besides the satisfaction he receives form turning out a good piece which he thinks may move man somewhat, he likes to meet people. "That is the most pleasant part," he said, "meeting so many wonderful and important people who are always interested in what you are doing."

"The most unpleasant part? That is, for me, eliminating a lot of material that simply cannot go into the writing of a Digest article, because of limitations of length.

"The hardest part, of course, in writing for the Digest, is in trying to make each article one of lasting interest, one that will be readable not only now, but years from now."

The easiest man he ever interviewed for a Digest article was Herbert Hoover, "He was eager to discuss his ideals and his work," Armstrong said.

The hardest person to interview was Huey P. Long. "He was so wrapped up in politics he didn't want to talk about anything else."

The most gracious? "Mrs. Douglas MacArthur. I did her story during the war years. She was very cooperative in getting the facts. And very pleasant."

And the funniest? "That would be the story I wrote for the October, 1956, issue, a story entitled 'The Funniest Football Game Ever Played.'

"While I was in Congress, I became acquainted with George Allen, who was President Truman's appointee from D.C. He had been captain of the Cumberland University football team when the team played Georgia Tech in October, 1916. When he told me about the game, I decided it was a classic.

"I hunted up 10 Georgia Tech men and six from the Cumberland team, and pieced the story together. It is the only football game on record where neither team made a first down. Every time Georgia Tech got the ball they made a touchdown. Every time Cumberland got the ball, they lost it. The scone was 222 to nothing."

Armstrong laughed until tears appeared in the corners of his eyes while relating to the story of the game. It is a side of this staunch conservative and Baptist that few people see. He is considered by many, who know him in passing only, to be devoid of humor, dogmatic, obstinate.

Be that as it may, he is not known to compromise his convictions. Alone at times, he has faced hostile crowds to present his issues, aware they might not be popular but firmly believing he was right. The battles have been primarily in the areas of obscenity and liberal-conservative issues in Springfield.

"After the publication of my first Digest article on obscenity, which told how Coral Gables, Fla., cleaned up its news stands," Armstrong said, "I decided that Springfield needed an organization to fight obscenity.

"I called together about a score of church leaders who represented most denominations, and we organized the Springfield Citizens Council for Decency. It has been in existence ever since, meeting occasionally to discuss problems and progress.

"We have protested several publications and several motion pictures, with only partial success on the latter. We think that Springfield news stands are fairly free of obscenity, but the X-rated motion pictures are now our major concern. We are formulating a proposal to lay before the city council. It would outlaw the X-rated movies in Springfield."

How does he feel about the jibes of persons who ridicule his efforts and beliefs?

"I feel those who oppose our efforts simply do not realize the erosion of morality, the increase in juvenile delinquency and crime that results from a steady diet of obscene publications and entertainment," he said.

"In this regard, I was in close touch with the minority of the President's commission on obscenity and gave them what suggestions they requested for the report that was filed."

Another controversy which Armstrong entered some years back was the matter of tax-free status of churches and religious organizations. In a Digest article entitled "Should the Churches Pay Business Taxes?" Armstrong presented information that may have had influence on subsequent court decisions.

"The article was re-printed and sent to every major denomination and religious leader in America," he recalls, "and it was put into the Congressional Record. It was quoted in a decision by the Supreme Court of Tennessee in a ruling case in that state.

"In the article, I proposed that no level of government should tax a church sanctuary or any other facility devoted to religious purposes. On the other hand, if any church gets into competitive profit-making business enterprises, they should be taxed.

"That has become the official policy of many church groups and I would say made the greatest impact of any of my articles. Next, I think, was the obscenity series, which was assigned directly to me by Mr. DeWitt Wallace, the publisher of the Digest."

Armstrong was born in Willow Springs, the son of the Rev. W. C. and Mrs. Armstrong, and was one of nine children. The father was later organizer and pastor of the East Avenue Baptist Church in Springfield in 1889. His maternal grandfather, the Rev. D. P. Brockus, was organizer of Southwest Baptist College in Bolivar.

Armstrong was graduated from Carterville High School in 1912, and from Drury College, summa cum laude, in 1916 and taught a year at Southwest Baptist College. He entered the Army in 1917 and in 1920, after discharge, served a year as educational secretary to the YMCA in Europe. "They shunted me down into France where 3000 Russian prisoners of war were held," he said. "I learned to speak French and German. It was one of the most interesting years of my life."

He obtained a law degree from Cumberland University, Tenn., passed the Missouri Bar—but decided to enter the University of Missouri School of Journalism. After obtaining his master's degree, he was an assistant to the late Dean Walter Williams.

He taught three years at the University of Florida, served one year as secretary of the Drury Alumni Association and decided to begin free lance writing. He served three terms in the Missouri General Assembly, one term in Congress, being elected on the Republican ticket.

His first magazine article was "sent in cold" in 1927 and it was accepted, Editor Merle Thorpe wrote back, "We like the piece. Please keep writing for us." His articles went to Nation's Business (his first market for a story at a rate of $75), Country Gentleman, Saturday Evening Post, Harpers, Christian Herald, American Legion Magazine and This Week.

In 1944 the Digest named him a member of the editorial staff and he has held the position ever since. A lawsuit charging plagiarism threatened his career in 1950.

"I was doing a story on the School of the Ozarks," he recalled, "and titled it, 'The School that Faith Built.' At the same time another writer was doing an article on the school and he asked me to read his article and give him any suggestions.

"I did so, but of course did not copy one single statement from his piece. I was quite surprised when the suit was filed against me. However, I won the suit because the court ruled that no writer can preempt a subject."

Armstrong also was to become involved in other litigation—a 15-year running battle with the U.S. Department of Revenue. The matter was finally settled in 1965 when the U.S. Court of Claims handed down a decision in which Armstrong and his wife were allowed to recover an undetermined amount of taxes paid in deficiencies, penalties and interest to the government, and that he did not engage in any fraud in income tax statements.

A federal jury had returned a guilty verdict on tax evasion charges earlier in 1955 and Armstrong was later fined $500 on each of three counts. Later, it was reported at the time by the Springfield Leader and Press, "three members of the jury signed statements that they did not believe he was guilty." The statements did not, however, change the verdict.

"Seven members of the jury of 12 told me that they did not consider that I was guilty of any fraud," Armstrong recalled.

"Three signed affidavits to that effect, and the three declared that the verdict was a compromise whereby several who declared I was not guilty would vote guilty if the others would ask for leniency. This is the only case of this kind where such a verdict has been allowed to stand. Of course, I was gratified to be vindicated by the Court of Claims."

During the mid-40s, Armstrong developed strong interest in "human welfare and government," and these were to become the primary subjects of his future writing. Following the death of his first wife, the former Louise McCool, of Waycross, Ga., in 1947, he was married to Marjorie Moore, daughter of Mr. and Mrs. Henry W. Moore, of Spartanburg, S.C. in 1949. She and her brother, Joseph H. Moore, now a lieutenant general in the Air Force, were schoolmates of William Westmoreland, currently chief of staff of the Army. A journalism graduate, writer and editor in her own right, she currently does about 20 assignments a year for Baptist publications.

There are five Armstrong children: Milton McCool Armstrong, Orlando, Fla., O. K. Armstrong, Jr., Savannah, Ga., Mrs. Louise Cattan, Greenwich, Conn., Stanley Armstrong, Washington, and Charles Lindbergh Armstrong, of Sacramento, Calif.

Milton is in real estate, O. K., Jr., director of city and county planning, Mrs. Cattan, wife of E. W. Cattan, vice president of Singer Company, Stanley with congressional liaison, General Services Administration, and Charles recently returned from medical duty in Viet Nam.

Armstrong's books include "The Indomitable Baptists," written with his wife, Marjorie, "The Fifteen Decisive Battles of the United States" and (one of his first) "Old Massa's People, The Old Slaves Tell Their Story."

"I wish," he said, "that Bobbs-Merrill Company would reprint the latter book. I think it has a place right now."

Currently, Armstrong is working on two books: "The Road to World Peace," and the editing of the autobiography of President Chiang Kai-shek.

"My idea in regard to the first book," he said, "is that world peace can be built only by establishing order under law. This is not a one-world type of thing, but is based on the idea that there must be recognized international law and enforcement agency which we do not have in the United Nations. This law and agency would have the power to prevent aggression on any nation.

"In regard to the other book, I have twice visited Taiwan and been a guest of President Chiang and Madame Chiang. I have had the assistance of numerous officers of the Chiang government and am awaiting only the word from President Chiang, which I hope will come this spring, to finish the book."

Current Digest articles in the works include one on the "faith healers," which he hopes will be a debunking of certain racketeers preying on the misery of human ailments to make millions, and on "The Industrialization of the (Indian) Reservations."

And what's next?

It could be anything—from a battle to remove a pornographic magazine from a Springfield news stand to a resolve to find a solution to the Middle East crisis.

But what ever it is, O.K. Armstrong will throw implacable energy—and a liberal dose of obstinance—into the project. "I come from a long-lived family," he asserts, much as John Paul Jones must have said. "I have just begun to fight."

THE NIXON PLAN MAKES SENSE

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. MYERS. Mr. Speaker, since the establishment of our Government, new departments and agencies have been created over the years to meet our growing national needs. As was inevitable, responsibilities were overlapped and work was duplicated.

In his state of the Union address, President Nixon said that now is the time not to add new agencies but to restructure our Government. He proposed consolidating eight of the existing 12 departments into four departments: Human Resources, Community Development, Natural Resources, and Economic Development.

Mr. Joseph Califano, former special assistant for domestic affairs to President Johnson, has written an article for the New York Times in which he explains why the Nixon reorganization plan should receive the support of both liberals and conservatives alike. In addition to Mr. Califano's article, which I would particularly like to call to the attention of my Democrat colleagues, I also include in the Record the January 23 Washington Evening Star editorial on Government reorganization:

[From the New York Times, Jan. 29, 1971]

The Nixon Plan Makes Sense

(By Joseph A. Califano, Jr.)

Washington.—The President's proposal to reorganize eight of the Cabinet departments into four departments—human resources, community development, natural resources, and economic development—will raise the hackles of virtually every special interest group in Washington.

But the plan should make abundant good sense to conservatives and liberals alike. It should be particularly appealing to those of us who believe in a strong Presidency and who have struggled with the problems of conducting coherent domestic policies in the present organizational framework.

For conservatives, the four new departments offer opportunities to eliminate overlapping programs and for more efficient operation and cost reduction. For liberals the proposed organizational changes could be a long step forward in our ability to convince the

American taxpayer that we are providing government machinery capable of giving them something for the taxes they are paying.

Twentieth-century problems will not be solved with nineteenth-century organizations. The Federal Government cannot hope efficiently to administer over 400 major domestic programs with an organization that was set up to handle forty.

The time is long overdue to rearrange the old-line agencies. As anyone who has worked in the Federal Government discovers, coordination is no substitute for getting the boxes in the right place, for giving to the President one man with enough authority to be held responsible for natural resource development, human resources, or community development.

Smaller agencies respond to Presidential leadership only in the minds of the most naive students of government administration. Under the myth of reporting directly to the President, these agencies operate as independent fiefdoms.

The Nixon proposals come out of the work of task forces that have studied this problem in both the Johnson and Nixon Administrations. Anyone who looks at the present organization of our domestic departments begins to ask the same questions. For example:

Where does education end and job training begin? Where does health end and nutrition begin? Should all education and skill-giving programs, as well as nutrition and health programs, be in one department of human resources?

What are the distinctions that require one Cabinet department to handle parklands and another forest lands? What are the distinctions that require one department to handle wilderness areas and another recreational areas? Should all these functions be combined in one department of natural resources?

The answers are likely to be just about those that the Administration has reached. But institutional change must not stop at the last page of the Federal Government organizational manual.

The problems of our society are increasingly multijurisdictional. To plan and execute economic development programs in terms of a state boundary is as arbitrary as the line the Pilgrims drew some three hundred years ago. The resources and conditions that affect prosperity and poverty extend over entire regions—New England, the Great Lakes, Appalachia.

The problems of pollution, water and power supplies and transportation span huge areas. New levels of cooperation in which resources can be pooled and shared must replace egocentric and bureaucratic lines.

The responsibility of states must not be clouded by archaic notions of sovereignty. Economic development is much more effective on a regional basis; water and air pollution problems cannot be solved without cleaning the whole river basin or the entire airshed.

The web of government extends into the county commissioner's office, city hall and the local neighborhood. Here the confrontation between the citizen and his government can become a most horrendous maze.

Bureaucratic problems between mayors and other metropolitan officials must be submerged. New taxing jurisdictions must be devised. The parasitical relationship of suburbanites with the large tax base to inner city residents with the decreasing tax base must be re-examined. Suburban workers and visitors in the central city must bear a fair share of the services they use. Moreover, scarce human and physical resources must be pooled.

Within the cities themselves, lines of authority and control must be established with clarity, fairness and firmness. Mayors must be given more power vis-à-vis city councils, city departments and county officials. James Reston put it as well as anyone in his column calling New York's Mayor "a goat called scape." If we are going to hold our mayors responsible for so much, we should give them the authority to fulfill that responsibility.

Institutional and organization problems tend to be considered dull and superficial. At this time in the development of our government—at every level—this is far from the case. Indeed, man's technology and aspirations have changed so much faster than his institutions that we face a major crisis if these institutions cannot be adapted to serve him. President Nixon appears to have proposed a good start at the Federal level. Let's hope it will inspire similar efforts throughout the states, cities and counties of our nation.

[From the Evening Star, Jan. 23, 1971]

STATE OF THE EXECUTIVE

President Nixon, in his annual audit of the Union, has taken a close look at the executive branch and found it wanting. The result is a proposal for the most sweeping reform of the federal organization in the history of the United States.

The President's blueprint for reform is by no means the only important proposal contained in last night's State of the Union message. We shall be dealing with other aspects of the message in due course. But the proposed departmental shuffle appears to be Mr. Nixon's own legislative favorite, and it is certain to stir up some heated debate on Capitol Hill. So it seems the logical place to begin.

It is true that a blueprint does not necessarily mean that a structure will be built. A great deal remains to be done before the concept of a streamlined executive branch is translated into reality. And yet, even the planning of such massive overhaul marks an abrupt departure from the previous Nixon doctrine of benign disinterest in domestic details.

The President, however, is not a totally changed man. He has retained his characteristic caution and political acumen. That is demonstrated in his decision to make Congress his partner in the venture by deciding that the change should be accomplished through legislation rather than executive order. If Congress agrees, and the change proves successful, it will be Mr. Nixon's baby. If the big shakeup turns out to be a big flop—well, Congress approved the move and backed it with positive legislation. If Congress should refuse to go along, it will carry an obstructionist label into the 1972 election. It is, in short, a heads-I-win, tails-we-both-lose proposition.

It is entirely possible that Congress will find the pill too bitter to swallow. The proposed reduction in the number of executive departments from 12 to eight would cut deeply into the established divisions of power. The congressmen who will be asked to preside over the dissolution of the specialized committee kingdoms will be the chairmen of those committees, and they will have the power to block the legislation.

But despite the resistance that can be expected in Congress and from some powerful lobbying groups, the change should be made. The structure of the executive has been expanded haphazardly through the years to cope with society's growing complexities. The result is a Rube Goldberg contraption, ungainly, inordinately complex and occasionally working feverishly at cross purposes with itself.

Mr. Nixon's plan would not solve the problems of the federal government. Nothing would. But there is the possibility that, properly implemented, the redistribution would reduce the complexity and much of the wasteful duplication, and provide a rational framework within which the government could operate.

It should be given a chance.

DEAN ACHESON, FORMER SECRETARY OF STATE, DENOUNCES U.S. INVOLVEMENT IN SOUTH WEST AFRICA

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. GROSS. Mr. Speaker, it was more than a half century ago, in 1915, that the sovereign nation of South Africa assumed the administration of the then German colony of South West Africa.

Immediately following World War I, the League of Nations mandated South Africa to continue governing that territory as an extension of its own domain and it has done so in a highly creditable manner in view of the violent upheavals, massacres, and programs that have beset most of the continent of Africa.

In more recent years, efforts were made by certain African governments to use the International Court of Justice to break South Africa's administration of South West Africa. That failed, and on the trouble-making scene came the Tower of Babel, otherwise known as the United Nations. Repeatedly has that assemblage of polyglots attempted to undermine South Africa and, inexplicably, those moves in the United Nations have had the cringing, craven support of the United States but not the support of Britain and France.

In the following article, former Secretary of State Dean Acheson presents a studious, factual, and detailed review of the events leading up to the present South West-South African situation and concludes with a blistering denunciation of the incredible role the U.S. Government is playing in it—a role that can only lead, if pursued to its ultimate conclusion, to hostility and bloodshed.

Mr. Acheson says:

> If the United States does intend eventually to try to coerce South Africa out of South West Africa, it is following a path of huge and gratuitous folly.
>
> If the United States has no such intention, it is helping make mischief of a most reprehensible sort both by deliberately encouraging other states to mistake our intentions and by making frivolous use of international institutions.

The former Secretary of State says:

> In any event the United States has put itself in a position where, to justify its course, it must employ legal arguments that are dubious in basis and dangerous in implication.

As for the United Nations, in another recent statement Mr. Acheson described it as "the silliest organization in the world." He said:

> We should treat it with intelligent neglect.

Mr. Speaker, I hope that Members of Congress will read carefully the following excellent article by Mr. Acheson:

THIS GOVERNMENT'S FOLLY

(By Dean Acheson)

Thanks to a recent report from Senator Henry Jackson's Subcommittee on National Security and International Operations, I have learned of Francesco Guicciardini's excellent admonition: "Take heed how you involve yourself in new enterprises or engagements;

for once in, you are forced to go on. Whence it results that men are often found laboring through tasks which being embarked in they cannot withdraw from, though had they foreseen a tenth part of their difficulty they would have gone a thousand miles to avoid them. This rule holds most of all in feuds, factions, and wars, before taking part in which, or anything of a like nature, no amount of careful and cautious consideration will be excessive."

No wiser precept could guide the conduct of foreign policy, particularly respecting southern Africa. Forces active in world affairs are trying to hustle up conflict there and, along with some assistance in the United States, aim to enveigle this government into hostilities. Unless the nation takes leave of its senses, it will stay clear of that boobytrap. Surely this administration has no intention of being drawn into such folly. The danger is that the administration, like the two proceding ones, will permit itself to be pressed, especially at the United Nations, into forensic positions that tend toward that baleful consequence. Some day, unless it mends its ways, the government will get to the crux of put up or shut up.

If there is no intention ultimately to play cat's paw in a southern African war, then the government should avoid gestures that can only lead to eventual embarrassment. Someone high in the administration's councils should keep a wary eye on initiatives from certain parts of the State Department—particularly the United Nations Bureau, African Affairs, and the Legal Adviser's Office—where zeal all too often exceeds judgment. It would be presumptuous to make a nomination.

The foregoing is prelude to some specific observations about the United States' relation to issues over South West Africa. The pertinent background is complex. A few details will indicate the basis of concern.

South West Africa is a sparse land twice the size of California. It lies on the Atlantic southward of Angola and Zambia, west of Botswana, and north and west of South Africa. About a sixth of its population of 650,000 consists of whites. Small fractions are Bushmen, Hottentots, and mixed breeds. The main aggregate engrosses diverse tribes of blacks.

In the latter nineteenth-century, while restrained by Gladstone's stringent policies, Great Britain forewent annexing South West to South Africa, except for a small coastal enclave embracing the sole deep-water harbor. Germany, rising to the opportunity presented by Britain's forbearance, then organized the region as a colony. German authority held on until overturned in 1915 by South African forces invading at Great Britain's behest.

Germany formally ceded the territory to the principal victor powers in the Versailles Treaty in 1919. These powers at the same time ratified South Africa's occupation by assigning the territory to South Africa subject to a mandate to be issued by the League of Nations Council. The mandate, issued in 1920, authorized South Africa to govern the territory as if an extension of its own domain. The terms included standards of conduct to which South African authority was obligated in regard to the welfare of indigenous peoples. Periodic reports to the League's Permanent Mandates Commission were required. The arrangements were operative during the League's tenure.

Eventually the League subsided into history, and the United Nations came on stage. The charter mentioned principles pertinent to the institutionalizing of trusteeships over subordinate territories but was silent as to the status of League mandates. Thereby an enduring quarrel was kindled. It has sputtered along ever since.

In an early phase the U.N. General Assembly's aim was to make South Africa submit its administration in South West Africa to supervision by the Trusteeship Council. South Africa persistently refused. The attendant issues were referred to the International Court of Justice. Here I sum up the court's views given in a series of advisory opinions. The mandate was viewed as having survived the League and as susceptible of dissolution only by concurrence of South Africa and the pertinent international authority. The U.N. was viewed as the League's successor and surrogate with respect to the mandate. The General Assembly was viewed as an appropriate body for the pertinent role. The General Assembly's ordinary rules of procedure, in place of the League's requirement of unanimity, were viewer as appropriate for pertinent deliberations. The General Assembly's pertinent functions were viewed as limited to those specified in the charter. For the General Assembly to receive petitions and complaints from indigenous peoples of South West Africa was viewed as permissible. A trusteeship for South West Africa was viewed as appropriate, but South Africa was viewed as not obligated to submit to one.

The advisory opinions explored but did not resolve the issues. Subsequently, following the proliferation of African independencies in the late 1950s and early 1960s South Africa's adversaries have shifted aim—striving to get the mandate dissolved rather than perpetuated and South Africa's authority in South West Africa displaced rather than merely made subservient to a trusteeship arrangement. A high point in this prase was marked by litigation before the International Court of Justice launched by Liberia and Ethiopia acting on behalf of the Organization of African Unity. The court assumed jurisdiction in a close vote. The petitioners at first importuned the court to set aside the mandate on grounds of South Africa's malperformance on specifics pertinent to the welfare of indigenous peoples. After South Africa successfully countered the allegations, petitioners changed their approach and asked the court to invalidate the mandate by finding that it had been rendered obsolete by new international law alleged to be inferrable from General Assembly resolutions and other expressions by the so-called international community. In the upshot, the court, faced with a choice either to take a reckless leap from the established premises of international law or to find for South Africa on the merits, prudently vacated jurisdiction, again by a close vote, in the summer of 1966.

This government's folly in relation to the problem became pronounced from that time on. Our official spokesmen, from the then Secretary of State on down, criticized the court's ruling without showing even slight familiarity with the sound reasoning on which it was based. Thenceforward, despite occasional spells of prudent reluctance, this government has repeatedly colluded with the advocates of trouble both in getting the General Assembly to attempt actions manifestly beyond its powers under the charter and in aligning the Security Council as a seconder and presumable enforcer of the General Assembly's actions.

In the autumn of 1966 the General Assembly—notwithstanding that the charter restricts it to nondeterminative deliberations such as discussing, considering, recommending, and calling attention—undertook to cancel the mandate, to abolish South Africa's authority there, and to put the place under U.N. control. The United States delegation joined the charade. I take at face value reports in the press to the effect that the delegation decided to do so on its own without clearing with higher authority. I can only assure you that no such thing would have occurred when I was head of the foreign office.

Subsequently the General Assembly has elaborated the fantasy—periodically reaffirming its declaratory actions, renaming the place "Namibia," designating a commission to supervise and a bureaucrat to govern it, and performing other officious gestures without concrete effect. Two years ago this month the General Assembly importuned the Security Council to press the projected expulsion. On March 20, 1969, the Council—by a 13–to–0 vote with only France and the United Kingdom showing the good sense to abstain—passed a resolution taking note of the General Assembly's previous actions and summoning South Africa to withdraw its administration immediately. I can only comment that this government and any government of good will would have been utterly horrified if South Africa, likewise abandoning practical reason, had undertaken to comply, for the U.N. lacked resources, in material or talent, for taking over South Africa's responsibilities. This year there were other pro forma actions by the Security Council calling for irritative commercial restrictions, setting a specific deadline, and so on.

A particular action in the Security Council deserves more elaborate notice. In July of this year that body resolved to elicit from the International Court of Justice an advisory opinion as to the legal consequences for states of the continued presence of South Africa in "Namibia," notwithstanding a previous action by the Security Council setting a deadline for South Africa to withdraw its authority and operations.

If the court has not been demoralized by the unfounded criticism leveled against it for the 1966 dismissal of the Liberian-Ethiopian petition, it might conceivably return the question with an admonition for the Security Council to confine such requests to answerable propositions. Such an exercise in good sense is probably more than one is entitled to expect in the realm of international organization in these times.

Two circumstances attending debate over the question in the Security Council are interesting. The representatives of third-world states participating articulated an ultimatum of sorts to the court: this occasion would constitute a last opportunity for the court to atone for its offense in having overruled the Liberian-Ethiopian petition. The same representatives stressed the importance of phrasing the question so as to circumvent the court's considering the United Nations' authority to rescind the mandate—hence the awkward phraseology.

The United States, which concurred on this resolution (unlike Great Britain, the Soviet Union, and Poland, which had abstained), has filed a brief. It is held by the court in confidence; hence I do not know its contents. I hope our advocates have disassociated themselves from other states' attempts to intimidate the court and that the U.S. brief does not uphold the effort to foreclose the court from examining the United Nations' authority in the premises. One can only speculate about the line of reasoning necessary to support the United States' pertinent votes.

For the life of me, I cannot see how it is possible to make any case at all without resorting to some equivalent, pertinent to international law, of the doctrine of implied powers familiar in our domestic constitutional tradition. I say this because how else can one try to uphold the purported recision of the mandate; firstly, to infer a provision for termination in the mandate even though none is expressed, secondly to infer pertinent determinative power in the Assembly even though the charter does not grant it, and thirdly, to perceive an authorization for the Security Council to give such a corroboratory order even though no language of the charter warrants it.

This approach is essential to any justification of the United States' recent attitude on the South West Africa problem. The rub is that the approach is quite at odds with our long-run and general interests. If such a line of reasoning should prevail in the court, I, for one, believe the United States would perforce eventually have to cancel its adherence to the court's statute and dissociate itself entirely from the court's work. It is difficult enough to get sovereign states to submit disputes with respect to express provisions of treaties. If the court is going to embark on the practice of inferring, interpreting, and applying language beyond the plain meaning of the texts of treaties—with all the hazards in such a practice—then states in their senses will simply have to desist from recourse to the institution.

As you see, my objections to the government's present course settle down to three points. If the United States does intend eventually to try to coerce South Africa out of South West Africa, it is following a path to huge and gratuitous folly. If the United States has no such intention, it is helping make mischief of a most reprehensible sort both by deliberately encouraging other states to mistake our intentions and by making frivolous use of international institutions. In any event, the United States has put itself in a position, where, to justify its course, it must employ legal arguments that are dubious in basis and dangerous in implication. So I return to Guicciardini's precept with which I began.

SHRIMPING INDUSTRY

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BOGGS. Mr. Speaker, the State of Louisiana is the home of many great industries, but few are as closely tied to the lives and culture of our people as is our shrimping industry.

The estuaries of south Louisiana form what is probably the greatest shrimp breeding area in the world. The waters off our coast annually produce huge catches of this important seafood. In 1969, Louisiana became the first State in history to produce more than 1 billion pounds of fisheries products.

Louisiana's fisheries have reached this level of production with a bare minimum of guidance or aid from the National Government. The industry today is in need of biological research, technical assistance, and professional advice in areas ranging from fishery management to exploratory fishing.

Recently, Mr. James C. Farrelly, president of the Louisiana Shrimp Association, presented the industry's case to the Secretary of Commerce, Maurice H. Stans. I am inserting Mr. Farrelly's statement in the RECORD, and calling it to the attention of my colleagues:

STATEMENT BY JAMES C. FARRELLY

To the Hon. Maurice H. Stans, Secretary of Commerce, Washington, D.C., February 5, 1971:

Thank you, Mr. Secretary, for allowing me to express a few words in behalf of the Louisiana Shrimp industry. My name is James C. Farrelly. I am from New Orleans, Louisiana. I am president of the Louisiana Shrimp Association.

Louisiana feels like a neglected child in this country's family of fisheries. We are growing steadily strong without much aid or guidance from the federal government. We have matured into a strong segment of the American fisheries without much governmental support.

Today, we are now reaching a stage where the Department of Commerce must recognize our fisheries production capability and must furnish ample assistance in the fields of biological research, fishery management, technology, consumer education and exploratory fishing. One is equally necessary as the other.

Mr. Secretary, the state of Louisiana in 1969 became the first state in the history of this country to pass the *billion* pound mark in the production of fisheries products. The dockside value of this historic catch was in excess of $54,000,000. The catch was comprised of shrimp, industrial fish, oysters, crabs, and edible fin fish.

Industrial fish, processed for valuable nutritional additives for livestock and poultry feeds, accounted for 856,000,000 pounds of the total Louisiana production.

Louisiana, for the past two years, has led the nation in the production of shrimp. In 1969, we caught more than 82,000,000 pounds of heads-on shrimp. In 1970, our shrimp fishermen produced 90,000,000 pounds of heads-on shrimp.

The value of the 1969 shrimp catch was estimated at $33,000,000 while the dockside value of the 1970 production was listed at $36,000,000.

Today, the Gulf of Mexico offers the greatest potential for fisheries resources than any other area in the country. Fishing grounds elsewhere along the American continent are suffering in production because of various problems, mostly by over-fishing.

The nation must look towards the immensely rich potential of the Gulf of Mexico, in the none too distant future, in order to help feed the American people. And to provide the highly nutritious protein additives for livestock and poultry feeds for American agriculture.

The talented fishermen of Louisiana, if given the necessary monetary, technical and research support, could help immensely in reaping the vast fisheries resources of the Gulf of Mexico.

Money spent by the federal government for aiding the shrimp industry in Louisiana has not been sufficient in view of its high productivity. Under the statutes of Public Law 88309, Louisiana receives approximately 250,000 dollars per year for biological research. This is a matching funds project.

In order for the industry to become more secure, the shrimp fishery is in desperate need for more research and careful management. Little is known about shrimp and its habits excepting for a few basic facts.

We cannot relax with the supposition that the Louisiana shrimp fishery is on the upswing. And, that it can replenish itself, naturally.

Providence have given to Louisiana an expansive marshland for the propagation of shrimp and other marine species. It must be kept under constant surveillance that the life of shrimp is not jeopardized.

Shrimp is a migratory animal. After reaching maturity, it fans out from the marshes into the saltier waters, off shore Louisiana, where shrimp boats from Texas, Mississippi, Alabama, Florida and Louisiana trawl for this much-sought-after crustacean.

Out-of-state shrimpers also have a stake in the nursing grounds of the Louisiana marshes. If the nursery grounds of Louisiana can be kept productive, it also would benefit the shrimpers from adjoining Gulf states.

The government cannot convince the Louisiana shrimp fishery that the money allotted by the National Marine Fisheries Service to the Gulf and South Atlantic region is ample to carry out the necessary fishery projects. The total budget for the National Marine Fisheries Service is $48,000,000. Out of this total, only $7,500,000 is earmarked for the South Atlantic and Gulf region.

We do not consider this equitable. Our area is allotted less money than the New England and Middle Atlantic region and the Washington and Oregon region, areas that produce less fishery products than ours. We cannot understand this reasoning, under a democratic system.

Recently, we have been informed that the Louisiana industry must "carry its own weight" in the fields of consumer education, technology, biological research, exploratory fishing and other fishery projects. The Louisiana industry, composed of mostly small individuals with limited capitalization, does not have the necessary funds, the experience, the knowledge, and the aptitude for carrying out the assignments that the National Marine Fisheries Service contemplates to throw back on the people of the fisheries.

The Department of Agriculture provides more than ample assistance to the American farmers. The American fishing industry expects the same cooperation from the Department of Commerce.

The Louisiana Shrimp Association, respectively requests, Mr. Secretary, the following proposals be considered and adopted:

1. More emphasis be placed on the shrimp fishery in the Gulf of Mexico in relation to biological research, fishery management, technology, consumer education, and exploratory fishing. These requirements are necessary for the healthy being of the shrimp fishery.

2. More funds be made available to the National Marine Fisheries Service, particularly in the Gulf of Mexico area, to successfully implement these specific projects.

3. Constant monitoring by the National Marine Fisheries Service the waters of our fishing grounds in the Gulf of Mexico for all types of pollutants, including those of a metallic origin.

Thank you, Mr,. Secretary, for allowing me to make these expressions of the Louisiana Shrimp Association.

A CALL FOR YOUR VIEWS

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. JOHNSON of Pennsylvania. Mr. Speaker, in accordance with my usual custom, I am pleased to present for the information of the Members a copy of my questionnaire sent to the people of the 23d District of Pennsylvania. With a new session coming on, and with many new questions to be decided, it will be noted that many of the questions are very timely and, when answered, will greatly help me in responding to the issues in the days ahead. The questionnaire has on its face a picture of myself at the telephone wherein I state that the questionnaire is "A Call For Your Views." The remainder of the questionnaire is as follows:

FEBRUARY 1971.

DEAR FRIENDS IN THE 23D CONGRESSIONAL DISTRICT: The 92nd Congress is now in session. A new Speaker has been elected, the committees are being formed and soon we will be called on to vote on the issues of the day.

As in former years, I have again prepared a questionnaire wherein I seek your views on some of the controversial matters that will come before the Congress. Here is an opportunity for you to express your own opinions on the subjects selected, and thus join with your Congressman in helping to solve many of the problems of today.

As usual, the results will be tabulated and make known to you, the Congress, and the President in a special Newsletter.

You do not need an envelope to return this questionnaire. Just refold it and attach a 6 cent stamp.

Thanking you in advance, I remain,

Sincerely yours,

ALBERT W. JOHNSON,
Member of Congress.

CONGRESSIONAL QUESTIONNAIRE

In answering the multiple questions, indicate your opinion by inserting a, b, or c in the space provided. Other questions answer "yes" or "no." Your answers will be held to be confidential.

1. To assure an adequate petroleum supply for the United States, do you favor the construction of the 789 mile pipe line to transport oil from Alaska's north slope southward to the Gulf of Alaska?

2. Do you favor continuing our space program on the conclusion of the three remaining space flights?

3. Do you favor the continuation of the Poverty Program beyond its present expiration date of June 30, 1971?

4. In the event railroad unions and management cannot agree, do you favor:

(a) governmental operation in case of a strike, with profits and dividends impounded until the dispute is settled; or

(b) a binding settlement by government appointed neutrals, using the final management offer and the union counter offer as a basis for the settlement?

5. Do you favor a complete reform of the Federal Government by reducing twelve cabinet departments to eight?

6. Do you believe the need to strengthen the national economy and gain full employment justifies resorting to Federal Budget deficits?

7. Would you be willing to pay substantially more for products (i.e., automobiles and gasoline) and utilities (i.e., electricity) if they were made virtually pollution free?

8. Do you favor:

(a) a new program extending medical care to indigents only regardless of age, coupled with insurance to everybody against catastrophic illness; or

(b) a Federal Health Insurance program for everybody, financed from Federal revenues and by increased social security taxes; or

(c) no new Federal Health Insurance program at all?

9. Now that 18 year olds can vote in Federal elections, do you favor an amendment to the Pennsylvania State Constitution to permit them to vote in state and local elections as well?

10. Do you favor the imposition of trade quotas on certain goods entering the United States?

11. Would you vote to bar food stamps to strikers?

12. Do you favor the Administration's "Family Assistance Plan" with its provision for a guaranteed minimum income and which also requires work incentives and work requirements?

13. Do you favor the continuation of the Peace Corps Program?

14. Should the United States sell enough jet aircraft and military supplies to Israel to replace combat losses and maintain military balance in the Middle East?

15. Some women's organizations claim women are denied full equality. Should the Constitution be amended to guarantee equal rights for women?

16. It is estimated wage and price controls will require 250,000 employees and $1.5 billion a year to administer. Despite this cost, do you feel Congress should impose mandatory wage and price controls now?

17. Should Congress appropriate $2 billion to provide 200,000 Federal, state and local government jobs for the unemployed?

18. Do you think our present Vietnam policy will be successful in ending United States involvement in that conflict?

Comments:

Name.

Address.

DON'T CUT SPACE BUDGET FURTHER

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. MILLER of California. Mr. Speaker, the Los Angeles Times on Sunday, January 31, 1971, published an editorial entitled "Don't Cut Space Budget Further," which is included below.

I commend the reading of this editorial to my colleagues:

DON'T CUT SPACE BUDGET FURTHER

One eminent scientist, pondering what this country's program for space exploration should be in the decade ahead, likened our situation to that of the Pilgrims standing on Plymouth Rock, trying to decide what to do next:

"Should we strike inland and determine the outline of a new continent? Reboard ship and go to some other distant and unknown place? Or go home?"

In theory, the fog of uncertainty should have been largely dispelled last autumn when the national space agency came up with a revised program of space launchings—manned and unmanned—for the 1970s.

Unfortunately, however, uncertainty persists because a lot of Americans—too many, we think—have decided that having beaten the Russians to the moon, the United States should climb down off Plymouth Rock, go home and forget the whole thing.

As a result, there is serious danger that this country is going to pursue penny-wise and pound-foolish policies that will in fact be wasteful of money and scientific resources.

Even as the countdown for the Apollo 14 moon launch was proceeding this past week at Cape Kennedy, congressional critics were sharpening their knives for an assault on the space budget submitted by President Nixon—a budget which is itself austere.

The Times does not believe that any further cutbacks in space spending would be in the national interest.

In this era of heightened concern over national priorities, it would of course be ludicrous to argue that space spending should have been kept at the $5.9 billion level of two years ago. And we make no such argument.

What needs to be recognized by the congressional economizers, however, is that massive cuts have already been made. The space budget is not $5.9 billion; it is $3.3 billion this year and will be a little lower next year, even if no further cuts are made by Congress.

Expensive proposals for a man-on-Mars program have been rejected. The Apollo moon landing program itself has been rather drastically cut back. In fact, after three more Apollos this year and next, there will no more manned exploration of the moon until the 1980s.

The space agency's schedule calls for the launching in 1972 and 1973 of three-man "Skylab" vehicles which will orbit the earth for 28 to 56 days. In the mid-1970s there will be no manned space missions at all; in 1977 or 1978, however, the United States hopes to begin test flights of a reuseable space shuttle designed to transport personnel to and from a large, earth-orbital space laboratory.

Plans for unmanned space shots have been cut way back, too. But the space agency's austerity schedule still calls for landing scientific packages on Mars, putting earth resource satellites and an astronomical observatory into orbit, and, perhaps most exciting of all, taking a so-called Grand Tour of the planets late in this decade.

The Grand Tour involves dispatching unmanned, heavily instrumented spacecraft on eight-year-long voyages for the study of Jupiter, Uranus, Neptune, Saturn and Pluto. The planets will be in a rare alignment in the 1977–80 time period; if they are not studied then, the chance will not recur for well over a century.

This is a bare-bones program. If we are to make anything like the most productive use of our scientific resources.

Mr. Nixon's space budget of $3.1 billion skates on the thin edge of sufficiency. It involves a slippage in the schedule for the space shuttle, and there is some nervousness in scientific circles about the Grand Tour.

If Congress wants to be truly responsible about our national priorities, it will avoid making further cuts which would damage the space program out of proportion to the savings involved.

The space program promises, too, to vociferous critics may say, does not represent money just fired off into the air. In addition to advancing the frontiers of knowledge about the origins of the earth and the nature of the universe, it promises to pay off in much more concrete ways.

We already are reaping huge benefits from weather and communications satellites, as well as from the development of compact, high-speed computers, new metals and fabrics, microminiature circuits and many other technological advances.

The space program also promises to make posible far more efficient use of the earth's resources, and to help in the planning of global attacks on environmental pollution. There is also believed to be a good chance that spaceborn instruments will make possible the prediction of earthquakes. There is even hope that ingredients found in lunar soil may make agriculture on earth more productive.

The line between true and false economy is hard to draw. But the space program is one area where the time has come to draw it.

VIETNAM: THE COMMUNICATIONS BREAKDOWN

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. THOMPSON of New Jersey. Mr. Speaker, it seems only yesterday that critics were making mention of a credibility gap in commenting upon the manner in which the prior administration informed the public with respect to our policy in Southeast Asia. If the prior administration's information policy could be accurately described as constituting a credibility gap, I submit that we have now reached the age of the Grand Canyon. If there is any doubt whatever as to the accuracy of such an assessment, I place before my colleagues the following transcript of the meeting of the Pentagon's Press Corps with Mr. Jerry W. Friedheim, Deputy Assistant Secretary of Defense for Public Affairs, and an editorial commentary which the Washington Post has made of that occasion. It would appear that 1984 is not really as far distant as we thought.

The materials follow:

Vietnam: The Communications Breakdown

When reporters and government officials come to the point of haggling over an "embargo" on the fact that there is an "embargo" on the existence of an "embargo" on a "background press conference," they are talking to themselves, as far as the public is concerned, and this is always a bad sign. When the subject at hand is what the United States government is up to in Vietnam and the result is very nearly a total breakdown of the power to communicate—both ways—it is worse than a bad sign; it begins to approach a crisis in the capacity to govern in a free society. This, we submit, is what is indicated by the small fragment of an exchange between press and government which is printed, for the Record, elsewhere on this page. We do not print it for your edification—we do not find it intelligible ourselves—but rather because it is unintelligible, and therefore richly illustrative of just where we have gotten to in this business of communicating intelligently about the war.

Without reciting the full history of the famous "embargo on the embargo," it is enough to note that it began with a relatively routine "background" press conference by General Abrams in Saigon last week, in which he outlined to newsmen the details of a very large prospective joint operation by American and South Vietnamese troops aimed at enemy infiltration routes through Laos and into the northern provinces of South Vietnam. The information was to be held for release, presumably until the military felt its publication would not endanger the operation, which is also fairly standard procedure; an embargo, which is to say news blackout, was also placed upon the fact that the backgrounder had even taken place. Naturally, bits and pieces of the news leaked out, as they always do (usually to reporters who were not there and therefore were not bound by the embargo's terms). And so the newspapers and networks who were represented were confronted with rumors and speculations which they could not print themselves, but which they also could not ignore. So they did their own speculating, on the basis of what was being published elsewhere, and at this point things began to get rough. In Saigon and in Washington, officials tried to nail down the news lid by threatening to take away the Vietnam press credentials of at least three newspapers, including this one; White House Press Secretary Ronald Ziegler joined in the game, with a warning of deep trouble for one offender. There were ugly insinuations about "endangering the lives of American troops"—another familiar feature of these affairs which conveniently ignores the chronic inability to maintain security in an undeclared and unconventional war in which the conventional instrument of censorship cannot be employed. For reasons not readily explicable, this embargo dragged on far longer than most; it was extended twice, by which time its existence, and much of the information it sought to conceal, was common knowledge to anybody who was interested.

The question is why, and to be perfectly frank about it, we don't know. But it does not seem to us that the answer—or any fault—lies with the military, or with the Pentagon information officers; the beleaguered Mr. Friedheim was obviously encumbered by strict instructions from on high. Somebody presumably saw some virtue in sticking stoutly to a blackout on information about this operation long after the secrecy could do anything but harm. And this is precisely the point that we would make—there does not seem to be any realization among the powers that be in this administration of the sensitivity of the public mood to secrecy and obfuscations—to the same old shell game that has concealed almost every new twist and turn in the Vietnam war for so long. It is all very well to talk about the need for surprise and the security of our troops; almost anybody can appreciate these concerns. And it is only fair to say that if you read the public pronouncements of administration spokesmen with great care, and are disposed to believe what they say, there are logical enough explanations for what is going on now. Even Secretary Laird has been quite explicit about the limitations on our intentions at times and Secretary Rogers has talked in even plainer terms; we are getting out—"we couldn't change that under any conditions"; we are not committed to Cambodia's defense; we will not use American ground troops in Cambodia or Laos; we are bombing in Cambodia and helping the South Vietnamese sweep into Cambodia and Laos because that buys time for Vietnamization and for our withdrawal from the war. It may not be the best answer, but it is rational. Except that Mr. Rogers also is capable of saying that "we do not rule out the use of air power to support Asians in any effort that they make to fight a common enemy," and it was his equivocation over the possibility of some new incursion into Laos that, rightly or wrongly, gave rise to a good part of the speculation during the time the embargo was supposedly in force.

So it comes down to communicating, in an atmosphere of extreme mistrust, with a public and with politicians who are ready to suspect the worst because that, by and large, is what in the past years they have come to expect. This is what makes it so difficult to understand why the administration kept its starchy silence for almost a week while speculation mounted steadily about "new invasions" and "expanded war" and "changes in policy" of which there is, at least so far, no evidence.

The Embargo on the Embargo

(Note.—The following is a partial transcript of a meeting with the Pentagon press corps conducted last Monday morning by Mr. Jerry W. Friedheim, Deputy Assistant Secretary of Defense for Public Affairs. The subject was the "embargo" imposed by military authorities in Vietnam and the Defense Department here on information given out at a "background" news conference in Saigon last week—and on just about anything related even remotely to that event.)

Friedheim: I have no comment certainly on anything that has been embargoed by General Abrams and his people for troops safety and security reasons. Secretary Henkin and I are certainly pleased that the vast majority of the media have responded to that troop safety and security emargo in the professional manner that we would expect. We've been disappointed that a few have not, but I certainly will not be saying anything here until General Abrams determines it is safe for him to allow discussions of—under the emargo he has imposed.

I would not be saying anything here on anything that General Abrams had embargoed. I would like to point out that General Abrams feels that he made it very clear that the fact that he had an embargo was embargoed and the announcement that he was withholding some information was embargoed and he felt that there was good safety reason to do that. And most of you, I think, know that he responded with an advisory to the media in MACV which we tried to get to all of you for information purposes over the weekend that he had embargoed some things and embargoed the fact that he had announced that embargo situation to the media. And, as that advisory indicated, he felt he had done that to deny intelligence information to the enemy which could be detrimental to the safety of his troops. We also here considered it that the fact there is an embargo—is embargoed.

Question. Well, what you just said, is that embargoed?

(Laughter)

Friedheim: Yes it is.

Question. Wait a minute. What's this?

Friedheim: I want you all to understand here what General Abrams' arrangement was with the correspondents. All of you have correspondents who represent you there, and we are following exactly and precisely the arrangements laid down by General Abrams. And I certainly wouldn't do anything else here. I would like to point out that this is not an embargo established as embargoes are established on budgets, so that everything will be fair to all the media on X hour on X day. This is an embargo which General Abrams established, and did so, I might point out, so that he could work very frankly and very candidly with the press there for the safety and security of U.S. forces. We certainly will not budge an inch here from what he feels is necessary for security of his personnel.

Question. Why can't we report what you said just now? Everybody knows there is an embargo on.

Friedheim: I can't prevent any of you from doing whatever you wish to do. I simply point out the situation. We can't accredit and disaccredit people here.

Question. I don't mean to be rude, but as I understood the ground rules at these briefings here, we walk in here and whatever you say is for attribution. Now we've come in here and we've asked for comment and you've given it and then after you've given the comment you're saying it's off the record. I just want to understand what the ground rules are.

Friedheim: I would hope that we could discuss here this particular situation that involves an embargo placed in MACV for troop safety reasons and that you would have a full understanding here that Secretary Henkin and I regard these matters as embargoed in precisely the same way that General Abrams did so, and I realize that you will all make your own professional and ethical judgments on this matter, and I can't do any more than that . . .

Question. The public generally knows that something is under way or something is being talked about. In view of what's been said over the weekend, what can the Pentagon say today about all this . . . on the record?

Friedheim: No comment.

Question. In other words, your comment is no comment . . .

Question. Would you say that the people who have broken the embargo, if there is one, have endangered the security of our troops?

Friedheim: I think I would refer you to what I believe you've already seen which was the advisory that MACV put out over the weekend which indicated that they were disappointed that some had breached the embargo in their words. And that the embargo had been established to protect the safety and security of U.S. troops and I think the words of that advisory would have to stand.

Question. But I understand that advisory is not for broadcast or for publication.

Friedheim: They did present that as a not for broadcast or publication advisory.

Question. Mr. Friedheim, sir, I find the monkey very difficult on my back and I suspect everybody else does.

Question. Amen.

Friedheim: You know I'm sorry if safety and security of U.S. troops is an uncomfortable monkey.

Question. Well, that's a debating point but that's all it is. You were asked a question, Jerry, can you shed any light on what's going on in Southeast Asia; you replied, no I can't. Now up to that point we are on the record.

Friedheim: Yes. You may put that on the record if that helps you, yes.

Question. Then the next thing you said is that I have no comment on anything certainly that has been embargoed by General Abrams for troops' safety and security. Is that on or off the record?

Friedheim: You may put that on the record if that helps you.

Question. Then you said something about people—you had been disappointed that a few people had not done something or other. Is that off the record or on?

Freidheim: That's on the record . . . if that does you any good.

Question. You're acknowledging publicly then that an embargo exists?

Friedheim: I said I wouldn't comment on anything at any time, today, yesterday, tomorrow.

Question. Charlie (Charles W. Corddry Jr. of The Baltimore Sun) read that back.

Corddry: "I have no comment on anything certainly that's been embargoed by General Abrams for troop safety and security . . ."

Question. That's on the record?

Friedheim: All right. At any time he embargoed anything I would not have any comment on it here. If that would help you on the record, say it that way.

Question. Well, you see the difficulty is that we're going along swimmingly and then somebody said is this embargoed too and he thought he was making a joke and then you said yes, and that leaves a whole bunch of notes here where we don't know where we stand on, I think.

IS MERCURY A MENACE?

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. OBEY. Mr. Speaker, several weeks ago there appeared on CBS News a special record entitled "Is Mercury A Menace?" The general conclusion reached was that, without a doubt, mercury is a menace to both our environment and to human health.

During the program the problems of the very highly toxic methyl mercury were discussed. So was the very difficult but important job we have in neutralizing the mercury which is now lying at the bottom of rivers and streams.

Overall, the tone of the program was serious. One researcher at the University of Rochester observed:

> The one thing that makes mercury unique . . . is that mercury has killed people.

Those in our Federal agencies showed they were concerned, at last. Researchers who have been dealing with mercury made it clear that action is needed now in dealing with this substance in our environment.

"I'm convinced that unless we set out in a very determined fashion to examine all of the biological effects of methylmercury," said:

> We're going to find ourselves faced with potential for tragedy.

Mr. Speaker, if nothing else, this program grimly reminds us that past sins committed against the environment can return to haunt us. I think the program makes clear that we can ignore the potential dangers of mercury only at our own risk.

I include the full transcript below:

CBS News Special "Is Mercury a Menace?"

(As broadcast over the CBS Television Network, Tuesday, January 12, 1971)

Produced by CBS News.

Reporter: Daniel Schorr.

Produced by: Bernard Birnbaum.

Executive producer: Burton Benjamin.

Daniel Schorr. Sweden provided the first warning. In the early 1950s birds were found dying of poison, traced to eating mercury-treated seeds. Then mercury was found in fresh-water fish, traced to discharges from industrial plants. Sweden cracked down on the use of mercury in agriculture and restricted these waterways for fishing.

Japan provided a more dramatic warning. In the villages around Minamata Bay, starting in 1953, birds took sick, cats dove off cliffs. And, in the next seven years, 111 persons were stricken with the mysterious "Minamata Disease" that killed 41 and left others blind, dumb, crippled. There was fierce indignation when it was finally established that "Minamata Disease" was not a virus, but a poison that came from eating fish, fish from a bay polluted with mercury discharged from a chemical plant.

On this continent, Canada awoke late to the mercury problem. Last spring a young Norwegian chemist, who knew the Swedish experience, found high levels in fish from Lake St. Clair, into which chemical plants have dumped tons of the metal. Canada also found high concentrations in fish from other waters. On Lake St. Clair, the Canadian government banned fish as inedible and announced a suit against Dow Chemical Company. And because this lake is shared with the United States, Washington was alerted. Late—very late—the U.S. Government moved.

Dr. Albert Kolbye. Deputy Director, Bureau of Foods and Pesticides.

Dr. Kolbye. The Canadians immediately alerted us and then we immediately took action to investigate whether or not we had a problem in this country. And I was responsible for requesting that a very broad survey be taken to identify known sources of mercury pollution and then to attempt to very quickly estimate whether or not there was a methylmercury problem in fish. And since then, approximately 33 of our states have been found to have some problem with methylmercury residues in fish. Many states are alert to the problem and have taken preventive action by restricting these waterways to fishing.

Schorr. Dr. Thomas Clarkson, director of the research team at the University of Rochester Medical Center, has been investigating the poisonous effects of mercury for a quarter century.

Dr. Clarkson. The one thing that makes mercury unique in many of the compounds and chemicals that we've been looking at in the last few years, such as the cyclamates, such as lead in air from automobile exhausts, is that mercury has killed people, methylmercury has killed people in Japan, has produced other effects on the unborn child at very high concentrations. And this contrasts, for example, with DDT, which to the best of my knowledge has killed no one.

Schorr. The United States now knows that it has a mercury problem—the latest of its environmental dangers. But the extent and the imminence of the problem are still under debate. And that is what we are investigating tonight: Is mercury a menace?

Announcer. This is a CBS News Special: "Is Mercury a Menace?" With CBS News Correspondent Daniel Schorr.

Announcer. Here again is Daniel Schorr.

Schorr. Cinnebar and other ores, the encyclopedia will tell you, are the sources of mercury. Mercury has been known since ancient times, popularly as quicksilver. It is the only common metal that's liquid at room temperatures—and has long served as a valued friend to medicine, industry and agriculture. The United States uses almost six million pounds of it a year, for everything from making chlorine to filling teeth, from fungicides to thermometers, for fighting mildew in paint and slime in wood pulp. And, in the process, about a quarter of it gets dumped—supposedly sinking harmlessly to the bottom.

By far the largest known source of industrial mercury pollution has been electrolysis of brine to make chlorine, a process involving 100 tons of mercury in a huge battery of cells at a single plant.

It's long been known that direct contact can be dangerous, like the Mad Hatter depicted in "Alice in Wonderland," sick because hat-makers used mercury in their work. Or, more recently, the Huckleby family of Alamogordo, New Mexico, who made the mistake of feeding their hogs mercury-treated grain intended only for seed, and ended up poisoned by the pork. But these were isolated problems and they did not explain how mercury turned into a general environmental concern.

For the chemical and wood-pulp plants, routinely pouring mercury metal into rivers and lakes, there seemed no reason to believe that what they were casting upon the waters should come back as poison in fish. Yet, last spring, after the alert from Canada, abnormal amounts of mercury were found in fresh-water fish and wild life in 33 states. And then, more perplexingly, harmful concentrations of mercury were found in deep-sea fish—in swordfish and some batches of canned tuna.

First to make the discovery was a chemistry professor at the State University of New York at Binghamton, Bruce McDuffie.

Dr. McDuffie. When the graduate student from Norway who did the analysis up around Detroit last spring revealed that there were many parts per million of mercury in some of those Lake St. Clair fish, this made a big impression on me.

I practiced on some Lake Ontario fish and got onto Susquehanna River fish, which turned out to have significant amounts of mercury in them. Then one of my students said the only fish he ate was tuna fish and how about checking some of that. My wife also wanted it done. And so we tacked a sample on the end of some fresh water fish and there it was, well over half a part per million of mercury.

Bill Plante. How did you happen to go on to swordfish?

Dr. McDuffie. Well, I couldn't get any fresh tuna from a local wholesaler, but he did offer to supply me a swordfish steak and a halibut steak. So I analyzed it and the students helping me were just kind of horrified at how high the thing went on the chart paper. And it had 1.3 part per million of mercury in it. And the halibut didn't have—it had some, but only about .2.

Schorr. Though no American case of mercury poisoning from fish had been reported, grim memories of the Minamata disaster spurred a crash testing program in principal American ports. In laboratories of the Food and Drug Administration, starting last month, tuna was put through a test called atomic absorption—considered by some scientists as inadequate—to find fish with more than one-half parts per million of mercury, the official safety standard. It included fish caught by American fleets in both oceans, and by foreign fleets as far away as the Canary Islands and Japan. A million pounds of tuna of seven well-known brands were impounded or recalled, with the cooperation of the National Canners' Association.

Robert Nordstrom. Well, if the Food and Drug Administration finds some tuna over the guideline, or if in our testing program we find it, it is recalled. In the testing program it is not even allowed to be shipped beforehand, before it's tested.

Schorr. Is this a serious problem for canners now, economically?

Nordstrom. Yes, I think it has the potential to be a serious problem. At the moment I don't think it has economically turned into one, but it could be, it could be.

Schorr. Further FDA testing indicated that tainting of tuna is highest among big fish—about 23 percent—and lowest among the small variety—less than two percent. The overall percentage is about ten per cent but, more important, the dangerous big tuna can be kept out of our canneries. Swordfish was found to be a more serious offender. But the FDA now tried to allay the alarm about tuna. Commissioner Charles Edwards:

Edwards. I think that anyone who thinks that they're in deadly danger because they eat tuna, it's nonsense. They certainly are not. I think that sometimes the press tends to overplay the problem and there is an emotionalism that surrounds something like this that perhaps is out of proportion to the real problem.

Dr. Clarkson. From the Japanese studies, and from some Swedish studies as well, the figure that is generally recognized as producing toxic effects is an intake of about a milligram a day and it has to be taken for a year. Now single doses don't mean anything; it has to be taken for a year. This would mean that at a level of .5 parts per million in fish, that it would require an intake of four pounds of fish per day for a year to produce these effects in humans, to produce the initial effects. On these figures, the risk to the general population is very small.

Schorr. Dr. Leonard Goldwater of Duke University, a mercury specialist.

How safe do you think tuna is on the whole?

Dr. Goldwater. I would not stop eating tuna nor recommend anybody else to stop eating tuna. In fact, if I were a tuna, I would be suing somebody for defamation of character.

Schorr. Testing continues in the FDA labs, but the tuna scare has abated. The tuna scare, however, raised a larger mystery and a potentially more sweeping problem: What does the inactive metal mercury poured into the waters have to do with the poisonous mercury that is now starting to show up?

Schorr. A discovery made in this University of Illinois laboratory in 1968, little noted at the time, helped to explain mercury poison disasters abroad and points to potentially worse trouble ahead for the United States. It is that this silvery, innocent metal, familiar to everybody, called mercury can be turned by the action of microorganisms in bodies of water into this deadly substance called methylmercury.

Metal mercury, heavier than water, flows into our lakes, rivers and streams as an industrial waste, chiefly from chlorine, paper, plastic and electronic plants. For years it was thought that these inorganic mercury metals and salts would simply sink to the bottom and stay there, causing no harm.

Then scientists discovered that the poisonous substance called methylmercury is formed when bacteria act on the metallic mercury. This methylmercury dissolves in the water and is absorbed by small marine animals such as plankton. Small fish feed on the plankton, and in doing so take on the mercury and concentrate it. Large fish swallow the small fish and the mercury is further concentrated. The big fish, tainted with mercury, is now at the end of the food chain. And it may be caught as food for man.

Dr. John Wood, of Illinois University, whose research team made this discovery, said the conversion of the mercury is encouraged by garbage and other organic pollution dumped into our waters, so that the creation of poisonous mercury is increasing.

Dr. Wood. I don't think people in this country fully realize the extent of the problem yet. I don't think they appreciate that we have all that material, all that mercury, inorganic mercury, sitting in sediments waiting to be metholated by microorganisms. And I don't think they fully realize that we're only at the beginning of the problem, that thirty years from now, the problem can be twice as bad. Sixty years from now it can be four times as bad.

We not only have to consider a serious pollution problem in the aquatic environment, we have an atmospheric problem coming up too. There is the possibility of the widespread distribution of dimethylmercury, which is a product of these microorganisms doing this reaction, and its widespread distribution in the atmosphere.

Schorr. What does methylmercury do to man? About that less is known than about the effects of metallic mercury. At the University of Rochester Medical Center, where mercury poisoning research started with the World War II atomic bomb project, scientists are now working to fill that gap. CBS News Correspondent Bill Plante asked them about their findings.

Dr. Weiss. All we know now is that the short-term chronic effects, such as those that occurred in the Minamata disaster, seem to represent a whole spectrum of disorders involving central nervous system of the brain. But what happens to individuals who are exposed over a lifetime to methylmercury, from the fetal stage, before birth, to old age? Now it's possible that chronic exposure over many, many years can produce subtle damage in the brain that you couldn't detect by conventional techniques and yet leave you at the end of a lifetime with less residual capacity than would normally be the case. It might, in a sense, accelerate the way in which the brain ages. And the brain does age.

I'm convinced that unless we set out in a very determined fashion to examine all of the biological effects of methylmercury, we're going to find ourselves faced with potential for tragedy.

Dr. Goldblatt. Methylmercury can be extraordinarily damaging to the nervous system, or it can frequently kill in exposures that are really very small. And if, as was the case with the first laboratory workers who used it, who synthesized it, there's an unusual exposure because of not understanding the lethality of the compound or the deadliness and of course it can kill very quickly. But what we're really concerned about is mercury poisoning that develops from methylmercury over a long period of time because of exposure to small amounts of the compound. And there isn't very much information.

Dr. Clarkson. A very important aspect of methylmercury is that we must discover cases of poisoning as quickly as possible so that they can be taken off exposure and treated before the effects become irreversible.

We're all looking for evidence for long-term subtle effects. Obviously, it's very difficult to study, we're not always sure what to look for. It's the most difficult problem in toxicology and public health today.

Schorr. There are differences on how urgent the need for action on mercury. I talked to authorities in and out of Government, among them William Ruckelshaus, Administrator of the new Environmental Protection Agency. I asked where he would rate mercury on his list of environmental problems.

Ruckelshaus. Well, I would have to rate it very high on the scale because of the hazardous nature of the mercury itself when it gets into the environment. People have often asked me, "What are your priorities in the environment?" We have, as a single priority, the total environment. But obviously, when we have a hazardous substance as mercury being introduced into the enviroment with evidence that if it is introduced in great enough quantity it can cause a serious health problem, we must put this very high on the list of priorities.

David Dominick. (Federal Water Quality Administration) I rate the mercury question as a very serious environmental problem. I think that it is something that was recognized too late. I think that it is something that needs to be remedied as rapidly as possible. And I think the reasons for this are fairly clear. The damage to fish and wildlife and the potential—and I stress the word potential because we have no evidence at the present time that we do have any human beings in immediate danger, but the potential danger to human health from methylmercury is such that we should take every step to control all controllable man made sources.

Kolbye. The mercury problem is one that creates concern. I don't think it is an emergency. The levels encountered in fish, in this country, and in fish that is being or has been imported into this country, are not nearly as high as those levels that were encountered in the Bay of Minamata, where in conjunction with the Japanese high dietary intake of fish, caused human disease problems.

Goldwater. I think that anybody who has studied this question at all, realizes that there is a problem about mercury in food in general, and particularly about mercury in fish. But I think the potential threat from this is of not such a great magnitude that the degree of uptightness or apprehension is really justified. All analyses that have ever been made on fish, and these go back to the early 1930's or before, have shown mercury present in fish. It's always been there. Yes, some forms of mercury are dangerous, particularly methylmercury. Yes, people have been made sick by various kinds of mercury, but this cannot be equated to the fact that all kinds of mercury, and all forms, under all circumstances constitute a threat.

Dr. Wood. Well, if nothing is done, the human race will face a series of Minamata disasters. You see, if you look at the concentrations of mercury—methylmercury which cause neurological disorders, they're very, very small. And so we can anticipate as methylmercury concentrations get higher and higher in food stuffs, a series of Minamata incidents, until eventually large numbers of people undergo this neurological damage.

Schorr. Are you saying that we exist with some enormous time bomb?

Dr. Wood. What I'm pointing out here is it's not good enough to say that we should stop putting mercury in the environment. It's too late now. There's so much of this material that's been deposited. What we have to do is come up with good methods for removing it from the environment. If we don't come up with these good methods, then you can anticipate, for example, in the St. Clair system, that it would be thousands of years before people would be able to eat fish from that particular area. If it's possible to remove 95 per cent of the mercury from that system, it will still be hundreds of years, before people can eat fish out of that system. And the reaction is a slow reaction but it's continuing to progress and we'll see higher levels of mercury entering food chains in the future.

Schorr. Under Federal and State prodding, most industries have reduced mercury discharge to a minimum. And the Justice Department has taken ten resisting companies to court. But if the millions of pounds of metal mercury already dumped into our waterways represent the raw material for poison, a tough question is: What to do about it?

William Ruckelshaus. It may be that we decide the best thing to do is leave it alone. If you stir it up through dredging or some other means, what you may do is just move it around in the environment and get it concentrated in places where it now is not concentrated. We're studying the possibility of putting a layer over the top of mercury that we know is on the bottom of some of the lakes. We're studying ways of binding it biologically so that it—or chemically, so that it deosn't become biologically active. But we don't know at this stage just exactly what we do to get it out of the environment.

Dr. Wood. I think this is ultimately going to be one of the worst problems that the human race is going to have to face and it is going to be necessary to get involved in huge engineering projects. And every particular system, every lake or waterway, has to be looked at to come up with the ideal solution for that particular environment.

Schorr. Is the taxpayer going to have to pay to clean mercury out, or is it the position of their Administration that the polluter has to pay?

David Dominick. The position of this Administration is that pollution control should be a cost of doing business.

Schorr. The Administration is still far from a decision on whether to try to recover the mercury dumped over the generations, and if so how. But it is determined to avoid future hazards.

Ruckelshaus. I think we have to control the use of a hazardous substance like mercury, to see that it does not get into the environment through man-operated methods to the extent that it amounts to a health hazard.

With the Council on Environmental Quality we have been giving some serious study to the possibility of introducing legislation relating to hazardous substances. The problem now is, we try and deal with it after it's in the environment, which is a very cumbersome way of dealing with it. A much more intelligent and rational way to go about it would be to attempt to keep from getting it in the environment in the first place through registration or licensing or some sort of use control over substances like mercury to insure that we don't arrive at a crisis situation. Well, I don't think we've reached that yet, but we don't really know. People are going to have to be more aware, and by people, I mean everybody, including the government, the industry and private individuals, of what effect on their government, their world, their every action might be. And if a particular industry, for instance, wants to use a new chemical, because they believe this will facilitate whatever industrial process they have, and that chemical will get into the environment, it seems to me that we should have adequate tests to insure that the introduction of that chemical into the environment will not be deleterious to either human health or to the ecology or the environment itself. And I think we need to devise means of insuring this, and we don't have them now.

Schorr. Government officials find no reason for immediate alarm about mercury. They say our drinking water is safe, farm products are safe, and the tainting of fish is very limited.

But this reporter has learned that the findings of a government commission, not yet released, will be anything but complacent. The report is sponsored by the same commission that investigated DDT. It warns that the mercury problem is "potentially grave" and that control is both "urgent and difficult."

The commission recommends sharp restrictions on the use of mercury in pesticides and seeds, requirements that industry reduce its discharge to minimal amounts and the identification and control of all other mercury sources.

But even if no more mercury were released into the environment, the commission says, existing deposits will continue being turned into poison. And so it stresses that it is of "the utmost urgency" that a major effort be started immediately to remove or decontaminate the mercury now lying on the beds of our waterways.

There have been enough doomsday prophecies so that no new one is needed tonight. But it seems no exaggeration to say that we are living with a grave, if not immediate, peril. And mercury may help to drive home, once and for all, if it still needs driving home, that whatever we cast into our environment may come back to haunt us.

This is Daniel Schorr, CBS News. Good night.

AN EDITORIAL BY JOSEPH JAMES AKSTON, PRESIDENT AND EDITOR, ARTS MAGAZINE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BRADEMAS. Mr. Speaker, one of the most eloquent statements on the importance of the arts in American life is an editorial published in the December 1970 to January 1971 issue of Arts magazine by its president and editor, Joseph James Akston.

I insert this thoughtful statement at this point in the Record:

Editorial

The results of the November elections scarcely justify President Nixon's claim to "ideological victory." On the other hand they give us no reason to hope for anything different in the next two years from what we have had in the past two. Already Secretary of Defense Laird has announced that defense spending must be increased so that more money will be spent on death and less on life's essentials: food, housing, medical care, transportation, education and the arts.

The picture in the U.S. could not be bleaker; the modest U.S. pavilion at the Venice Biennale last summer had no electricity! The Museum of Modern Art has had to lay off staff members; the Metropolitan is planning to charge admission as of next year; and orchestral societies around the country are threatened with bankruptcy. In a new twist the sciences fare as poorly as the arts—Ph. D.'s who looked forward to careers in teaching and research find that universities have fewer and fewer openings. Yale was recently forced to put a freeze on the number of its employees.

It would be hard to exaggerate the shortsightedness of the policy that has led to this state of affairs. By skimping on scientific research we deprive future generations of the technological advances (so badly needed in the area of pollution control for example). The bill for the current administration's "economy" measures will be steep, and our children will pay it.

By skimping on the arts, we impoverish a milieu where new ways of seeing, hearing and feeling are discovered that can be directed towards valuable social ends. The arts, alone, offer the emotional outlet that is so basic to the human psyche. Art, far from being a luxury, is essential to a society that hopes to maintain its emotional balance, avoid violence and, at the same time, develop its capacity for social criticism and change.

The power of art to support policy has been historically demonstrated ever since the days of the Pharaohs. Today this power should be used to reshape the environment for a better life. Governments all over the world recognize the influence of the arts and are infusing them with new life through monetary support. Ireland and Morocco offer income tax exemptions and housing to artists to encourage them to settle there. In Canada, Prime Minister Trudeau is a close friend of many avant-garde artists and declares that they have "changed his life." Percentagewise, Canada allots more money to the arts than we do. Germany spends millions of marks on shows like Documenta.

Our own government must increase its support of the arts, not merely to keep up with the times, but to transform social stress and tension into the joy and enthusiasm of creating a new society which will profit fully from rapidly increasing gains in science and technology. The arts are not only part of the kind of world we want to live in—they help to bring it about.

RECENT DEVELOPMENTS

At present, the contribution of the visual arts to the spiritual life of the U.S. is marginal. What would it take to change that? A few new ideas with some money behind them. The money may take a while catching up with the ideas, but we find some cause for hope in several recent developments:

1. The New Art Association, a group of art historians, museum curators, professors and artists, have a platform which states in part, "We want art and its study to exist in the center of life and not in its margins. We want art to reveal the value of human imagination and its role in reality." Plans were made for the group's participation in the College Art Association's next convention scheduled for January in Chicago. They plan an open discussion of the political and economic structure of art and reports on the influence of the market on artists, dealers, collectors, museum directors, critics and art historians.

2. Despite all financal difficulities, interesting things are happening in museums throughout the country. There is a growing movement toward grouping museums with other cultural organizations such as libraries, concert halls, movie theaters, restaurants and children's playgrounds.

3. Television may become the decisive factor in the shaping of our civilization. Countries like Germany have already understood this possibility and have opened widely their broadcasting time to interviews with artists and documentaries on art. The attitude in the U.S. is to justify the lack of strong programs on art by the low percentage of the public interested. Actually, good programs would have generated this interest. *Seasame Street* has taugh pre-schoolers their ABC's—a serious effort must now be made to teach them visual rudiments. Several citizens' groups have recently formed to try to improve the quality of television.

It is difficult for us to conceive, but the future is upon us in the present, and very few people except artists have the courage to live in the present. Today's political and economic restlessness is caused by the merciless bambardment of continual environmental change—and change is what we fear the most. By physically molding forms according to a new image of man, stressing his magnificent potential for successful adaptation, art can make a new way of life not only palatable but promising.

Joseph James Akston,
President and Editor.

STATE DEPARTMENT RESPONDS TO CRITICISM OF MINORITY HIRING PRACTICES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include an exchange of letters between the State Department and myself on the topic of minority recruitment and hiring within that Department:

JANUARY 18, 1971.

Hon. WILLIAM P. ROGERS,
The Secretary of State,
Department of State,
Washington, D.C.

MY DEAR MR. SECRETARY: I recently read, and was disturbed by, an article in the *Saturday Review*, a copy of which is enclosed.

If the situation is as described by this article, what steps are being taken to correct it?

I look forward to hearing from you.

Sincerely,

LEE H. HAMILTON,
Member of Congress.

IS THE STATE DEPARTMENT COLOR-BLIND?

(By R. Peter Straus)

"There are lots of farmers in the world who can't read. But I've never met one who couldn't count." That was Orville Freeman's response to the sophisticate who doubted that a simple agricultural worker could understand the intricate web of motivation for increasing food production. A black American may not feel close to U.S. foreign policy. But he can count. He can make some judgments—by the numbers. And if he—indeed if anyone—counts the number of black Americans who hold important foreign policy posts in our government, the conclusion is as obvious as it is brutal. There might as well be a sign outside the State Department reading NO BLACKS NEED APPLY.

Ambassadors form the summit of the iceberg that is the foreign service. They represent the President (and the people) of the United States in more than 100 capitals around the globe. But if you are black you don't get to represent the President and the people of the United States very often. In fact, the odds are better than 100 to 1 against you. Since we normally change ambassadors about every four years, there have been a couple of thousand such chiefs of mission sent abroad to represent us over the last 100 years. Yet in that time (other than for Haiti and the African countries that have been token exceptions) only five of our ambassadors have been black. Five in the past century. At the moment there is one—Jerome Holland in Sweden. It is hardly the kind of arithmetic to substantiate public declarations about progress toward equal opportunity. Nor is the progress all that much more evident among foreign service officers in the Department of State, the next most prestigious and significant job category in U.S. foreign affairs. Of the more than 3,300 officials over the past year in that service just thirty-seven were black (1.03 per cent). As a basis for comparison: 66⅔ per cent of world population is non-white, and 12.5 per cent of the U.S. population is black.

In other words, while major American corporations, police departments, universities, foundations, and churches scramble to reverse the tradition that excludes black Americans, our foreign affairs establishment has not moved.

The virtual bar against top-level black participation in our foreign policy is not widely known. Historically, figures about white and non-white employment are designed to conceal more than they reveal. By lumping together job categories from floor sweeper to ambassador and ethnic categories from Indian to Spanish-American, the statistics can be made to look more respectable. The arguments crafted over the years provide a rationale to suit every level of intellectual discrimination. If one were to rank them in ascending order of sophistication, the list might be:

(1) Qualified blacks are not available. They just don't exist, beyond those very few already employed in foreign service.

(2) Government cannot compete with private industry and the attractive salaries and rapid progress that the private sector now offers competent blacks.

(3) Blacks aren't really interested in or drawn by the challenge of foreign affairs work. In this era of urban turmoil and campus unrest their attention is riveted on domestic problems.

(4) Afro-Americans in college, observing the absence of blacks in foreign affairs posts, believe there's little chance of advancement and choose other careers.

(5) It will take time. Senior foreign service officials have had long years of training and experience. So we must wait until the black students now in universities move along through exams and onto the bottom of the job ladder up which they may progress over the years toward more senior jobs.

(6) The United States cannot have unseasoned types representing it abroad. It's all right for IBM or General Motors to take on some blacks from "outside." But foreign affairs responsibilities are too grave to take such a risk.

(7) No U.S. administration can chance an affront to countries, such as our white European NATO allies, that might resist a black U.S. ambassador.

(8) Even countries in Black Africa could resent black U.S. ambassadors as being a kind of second-class representation.

(9) We shouldn't have too many Afro-American senior officials representing us in Africa alone because then the continent would appear to be a professional ghetto.

(10) We certainly can't have senior Afro-American officials in the Middle East or Asia when we don't have them in Europe or Africa.

(11) Foreign leaders want, above all, to know that the U.S. ambassador accredited to their country is close to the President of the U.S. and "wired-in" to the Washington power structure. Obviously, black ambassadors will not be that well connected until there is a black in the White House.

At some point, regrettably, one must conclude that the absence of top-level blacks in our foreign affairs hierarchy is no accident. It is the result of a purposeful discrimination—which is no more forgiveable because it is subtle and even sometimes unconscious. The case might be hard to prove in court. One could not point to a single scapegoat. Nor could one adduce the underlying malaise that permeates any bureaucracy as it fights to prevent change.

Outside the "club," there is a similar malaise—often differently expressed. Many responsible Americans worry that changing the rules and introducing a significant number of blacks high up in our foreign service will result in a deterioration of that service. They fret about "lowering the bars" in grading entrance exams and diminishing the effectiveness of this elite corps. Such fears are totally unfounded. We will not reduce the caliber of our foreign service effort by involving more black Americans near the top. Senior-level diplomacy has little—or nothing—to do with the consular skills and protocol techniques toward which the regular foreign service examinations are skewed. It has long been accepted, moreover, that other abilities or experiences can make up for—and even outweigh—specific professional knowledge in qualifying a ranking U.S. diplomat. There are countless examples of individuals whose qualifications relate only to business experience or a university career or, not infrequently, a significant party contribution.

Outright, outspoken bigotry is rare these days. Rather, one has to deal with shortsightedness, snobbism, narrow vision, uneasiness, and—above all—lack of time. Administrators—and Cabinet secretaries, personnel directors, and Presidents—all have too little time to think through the ramifications of policies that could be discriminatory. To those who have thought much about questions of discrimination, the most dismaying discovery is to learn that hackneyed clichés and even fabrications are accepted as truth.

For example, one of the underlying "demonstrations" that blacks are not welcome as U.S. representatives abroad is the oft-repeated canard that even Black African countries would prefer white U.S. diplomats. In its most pious expression this view is bolstered with a quotation that, depending on the teller, is variously attributed to the Chief of State of Malawi, or Guinea, or Zambia, or Ghana, or Liberia. And it is reported to have emanated from a highly private discussion between that Chief of State and President Kennedy or President Eisenhower (or, very occasionally, President Truman). The exact words of this apocryphal exchange, made in unaccompanied conversation, are always quoted in virtually identical text: "Don't send me a son of your slaves as ambassador to my country."

If they are to be useful, all lies must have a kernel of truth. And so does this one. When, in 1957, Ghana became the first of the new independent Black African countries, former President Kwame Nkrumah allegedly "let it be known" in Washington that he preferred not to have a black as the first ambassador from the United States. Whether he did not at that time make himself sufficiently explicit or whether his thought was distorted by numerous retransmissions, it is crystal clear today (though still a delicate matter) that he was pleading with us to treat Ghana differently—not as, he felt, we had traditionally treated Liberia. Ghana was exuberant and newly independent. He wanted a fresh and different relationship with the United States. Nkrumah was not the only African who considered our attitude toward Liberia to be that of a "neo-colonialist" toward a "second-class" state. And the epitome of this belief, widely held in Africa, was the unique arrangement by which the senior U.S. representative to Liberia was invariably black (some twenty times over since J. Millor Turner went as minister-resident in 1871)—while all other U.S. ambassadors were invariably white.

The sequel of this absurd yet persistent tale about African leaders who would discriminate against Afro-Americans is that Nkrumah accepted—indeed, warmly welcomed—Franklin Williams as ambassador to Ghana after other black Americans had first been sent as ambassadors to non-African posts.

It is hardly unreasonable to assume that a black American might find easier and quicker acceptance in a non-white capital than his white colleague. This, then, could be the first positive reason for selecting black Americans for responsible posts abroad. It is logical and fits nicely with the conventional wisdom that one has to be like his counterpart in order to fully understand his thinking. But even here there is a rejoinder—and one not devoid of humor. It is that governments of non-white nations—particularly African countries—suspect that most (or, if the position is being argued strenuously, read 'all'') black Americans abroad work for the Central Intelligence Agency. The case has but one wobbly support: a black U.S. official "invited out" of an East African country amid charges that he was a CIA agent.

But the cynical recognition that black "salesmen" can better sell America in a non-white world perhaps is not the best rationale for increasing the number of ranking blacks in our foreign service. There are more compelling as well as more moral reasons. Our views about South Africa and apartheid might be more credible to foreigners if more than 1 per cent of our ranking foreign service officials were black, as would our protestations about progress on race in the United States, especially when our casualties in Vietnam are around 13 per cent black across the board.

President Nixon has yet to seize his opportunity to bring our foreign affairs establishment into the twentieth century on matters of race and employment. He has named a total of five black ambassadors: Jerome Holland to Sweden; Clinton Knox to Haiti, and three to Africa: Terence Todman to Chad; C. Clyde Ferguson, Jr., to Uganda; Samuel Westerfield, Jr., to Liberia. It would be a simple matter over the next year to pick five more black Americans among the ambassadors he will have to assign and to see that another half-dozen top posts elsewhere in the foreign affairs establishment—U.S. Information Agency, Agency for International Development (AID), CIA, etc.—are filled by blacks.

Recently, I spent two years as head of AID's African bureau. During my tenure we made a deliberate effort to find and recruit appropriately qualified blacks for higher-level jobs in the bureau. In that time we tripled the number of blacks (from 3.6 per cent to 11 per cent) in critical posts. The test began when we rejected the standard argument that it wouldn't work. First it was alleged that qualified specialists weren't available. But once we established a stern rule that no applicants would be considered unless the group of candidates included at least one Afro-American, there appeared a sudden and dramatic increase in the number of qualified black candidacies. More importantly, reports from the field that are just beginning to accumulate bear impressive testimony to the remarkable things a U.S. official can achieve if his color is working for him, not against him, with foreigners.

Of course, the appointment of another five or ten blacks to important government posts in foreign affairs is no panacea for anything. But if one recognizes that imagery is not an unimportant part of diplomacy, then such a handful of appointments can be seen as a highly visible and bright sign of leadership. For us in America, it would demonstrate the vigor of movement at a time when lethargy is less and less an acceptable response in our commitment on questions of race relations. And to the world it would give a new gleam to American sincerity and realism at a time when those qualities—perhaps as never before—could use the burnishing.

DEPARTMENT OF STATE,
Washington, D.C., February 4, 1971.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: The Secretary has asked me to reply to your letter of January 18 concerning an article in the Saturday Review by R. Peter Straus "Is the State Department Color-blind?".

I can assure you that it is the policy of the Department of State to provide equal employment opportunities for citizens from minority backgrounds. We have been keenly aware for some time that we do not have a representative number of blacks and other minorities in our professional ranks. To correct this shortcoming, we have undertaken a number of special programs designed to attract members of minority groups into the Department and the Foreign Service. The emphasis in these programs in the Career-Service is recruitment of members of minority groups in the junior and middle grades. These programs are relatively new, but as officers who are recruited through them are promoted to the upper ranks of the Service, we would expect to see a more representative number of minority officers appointed as Ambassadors and to other executive-level positions from the ranks of the Career Foreign Service.

You might be interested in the enclosed statement of the progress made to date by this Department in its efforts to bring members of the minority groups into the Career Service of the Department and Foreign Service.

If I may be of any further assistance in this matter, please do not hesitate to let me know.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

NEGRO OFFICER EMPLOYMENT IN THE FOREIGN SERVICE

The declared policy of the Department of State for many years has been to provide equal opportunity for employment, assignment, and promotion to all persons irrespective of race, color, religion, sex or national origin.

While there has been no evidence of conscious discrimination, it was recognized several years ago that the normal recruitment and employment procedures of the Department were not providing a representative number of Negroes and other minorities in the Foreign Service.

In October 1963, the "Foreign Affairs Scholars Program" was inaugurated, funded by a $600,000 grant from the Ford Foundation to Howard University. During the four years of this program (1964–'67), 154 minority students, mainly juniors in college were selected for summer internships in Washington. Approximately half of these students served in State, and the balance in USIA and AID. Seminars during the summer were intended to help the Scholars in preparing for the Foreign Service Officer written examination. During their senior year in college up to 25 students a year could be selected for fellowships of approximateley $4,000 a year for one year of graduate study to prepare for careers in foreign affairs. In 4 years only 17 Foreign Affair Scholars passed the written examination. Six of these Scholars entered on duty in the Foreign Service of the Department.

While the Foreign Affairs Scholars Program had many intangible salutary results, it was not providing a significant increase in the number of Negroes in the Foreign Service. By the spring of 1967 there were still only 19 Negro Foreign Service Officers. Furthermore, in spite of intensive recruiting efforts, only 157 Negroes out of some 3,900 candidates had taken the written examination in December 1966 and only five had passed.

In October 1967, the Department inaugurated its current Foreign Service Reserve Junior Officer Program (FSR/JO) to facilitate the recruitment and employment of qualified minority group members who are appointed annually as Foreign Service Reserve Officers at the junior officer level (Class 7–8). These young college graduates are not required to pass the written FSO examination; they have passed an oral examination conducted by the Board of Examiners (BEX). They meet all other standards (medical, security, etc.) for entry into the Foreign Service. The successful candidates receive the same pay, training, counseling, types of assignment and performance evaluation as their regular Junior Officer classmates. These FSR Junior Officers may become Foreign Service Officers through the "lateral entry" provisions of the Foreign Service Act, after 3–4 years of satisfactory performance. The first of the FSR Junior Officers will be eligible for lateral entry in 1971. They may also qualify through the written FSO examination.

From the start of the FSR/JO Program in October 1967, to date fifty-eight minority group members have entered on duty as Foreign Service Reserve Junior Officers: 42 Negroes; 11 Spanish-surnamed Americans; and 5 Oriental Americans. An additional 11 Negroes, 2 Spanish-surnamed Americans, and 3 Oriental Americans were appointed as regular Foreign Service Officers as a result of passing the written and oral Foreign Service Officer examinations. Of the 365 Junior Officers (FSO and FSR) entering on duty since October 1967, 74 (20.3%) have been minority group members, including 53 Negroes (14.5%).

In late 1968 a similar program was inaugurated for "Mid-Career Officers" (FSR 6–3). Qualified minority candidates undergo an oral examination by the Board of Examiners only after the Central Personnel Office determines that there is a need for the candidate's skills in the foreseeable future. Successful candidates receive the standard security and medical examinations before entering on duty.

Due to the Department's budget situation which drastically reduced the hiring of all Mid-Career officers, only ten minority group members were hired under the Mid-Career Program: 9 Negroes and 1 Spanish-surnamed American.

At least ten minority candidates are hired each year to participate in the Summer Intern Program. In addition to identifying and training college students who are potential Foreign Service Officers, this program is also valuable as a public relations program with the colleges and minority community.

The November 30, 1970 survey of minority employment in the Department shows a total of 40 Negro career Foreign Service Officers (FSO) and 72 Negro Foreign Service Reserve Officers (FSR). Three of the five Negro Ambassadors are career Foreign Service Officers.

While the number of Negro Foreign Service Officers has more than doubled since 1967, the number of non-minority Foreign Service Officers has been substantially reduced due to budgetary limitations. As a result, the percentage of Negro Officers in the Foreign Service Officer Corps has increased, but is admittedly still too low. Negroes still comprise only 1.3% of the Foreign Service Officer Corps and 5.5% of the Foreign Service Reserve Officers. Significant improvements are expected in 1971 as the first group of Foreign Service Reserve Junior Officers become eligible for lateral entry into the Foreign Service Officer Corps. Continued intensive recruiting for minorities through both the regular and FSR Junior Officer Programs should increase the representation of Negroes and other minorities in the Foreign Service.

Minority officers are given equal opportunities in promotion and assignments. In 1970, six of the forty Negro Foreign Service Officers and twenty-three of the seventy-two Negro Foreign Service Reserve Officers received promotions. For both groups, the rate of promotions was higher for Negroes than for non-minority officers.

Equality of assignment opportunities is almost impossible to quantify, pending as it does on a large number of factors including an officer's own beliefs about the desirability of a given assignment. It is generally recognized, however, that the pinnacle in the career Foreign Service is to reach the position of Ambassador. For the first time, three Negro career officers are serving as Ambassador (in total, approximately 77 career officers are currently assigned as Ambassadors). A preliminary survey of assignment patterns below the ambassadorial level does not reveal any pattern of discrimination. The relatively large percentage of Negro officers serving in Africa is largely to be attributed to personal interest. The Department has no conscious policy of assigning Negro officers to Africa.

REQUEST FOR NEW DISTRICT POLICE FACILITIES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, last week I was visited by representatives of the District of Columbia Police Wives Association, Inc., and presented with a letter asking support for their effort to obtain badly needed new district buildings for the expanded Metropolitan Police Department.

They told me that many of the buildings are aged, and are dangerously overcrowded; that even the newer buildings were built to house less than half the number of officers who are now using them.

I intend to make a personal visit in the near future to some of the police facilities and if the conditions I find are even one-half as bad as described to me by these good ladies, I will lead a fight in the Congress for emergency legislation to bring them up to acceptable standards without delay.

As I believe all our colleagues would like to know what the police wives have found in their survey, I insert a letter they presented to me, in full, at this point in the RECORD:

DISTRICT OF COLUMBIA POLICE
WIVES ASSOCIATION, INC.,
Washington, D.C., February 2, 1971.

Hon. JOEL T. BROYHILL,
District of Columbia Committee,
House of Representatives,
Washington, D.C.:

Our Association is seeking your support to help secure much needed new district buildings for the Metropolitan Police Department. Of the 13 buildings in use today, 10 were built before 1951—two of those in the early 1900's—and they were built to accommodate the manpower then. Since those days, the force has more than doubled.

Technology and an expanded role requires more space, more modern facilities, streamlining to increase efficient service to the community. Present buildings are overcrowded crumbling fire hazards. Safety and health hazards, poor or no parking facilities and shabby interiors conspire to discourage incentive.

We urge you to take a random tour of some of these buildings and judge first hand the existing facilities. We then ask you to consider the possibilities for improvement of service, efficiency, safety and morale with new district buildings. One such building blueprint calls for a three-story structure, adequate parking facilities, spacious roll call rooms also available for community uses, much greater security in prisoner lockup and elimination of citizens and prisoners handled at the same desk.

We ask your help and would like to hear of any assistance you can give.

Sincerely,

ANN CORNELL,
President.

SUPPORT THE EXPANDING ROLE OF YOUR LOCAL POLICE

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. MANN. Mr. Speaker, I would like to call special attention to the following article from the Spartanburg Journal of July 8, 1970. It concerns the expanding role of one of America's most progressive and socially responsive police departments, that in Spartanburg, S.C. In a time when many of us, both of the left and of the right, deplore the current "Big Brother" threat of some future Federal police force, it is both refreshing and reassuring to take note of the impressive efforts of one local police force to meet the demands of local law maintenance. I will be privileged to speak before the membership of the Spartanburg City Police Department this Thursday night. I would like to pay tribute to them in advance and have this article about their great achievement on behalf of the people of Spartanburg printed in toto.

The article follows:

POLICE: BACKBONE OF LAW

(By Glen W. Naves)

The City of Spartanburg Police Department, like most of its prototypes dating back to the early 1880s, continues to expand and modernize its facilities and serves in numerous important areas additional to the chief chore of enforcing ordinances and laws.

Arrests by city bluecoats and plainclothes detectives total up to an enormous encounter with law violators via approximately 15,000 arrests annually but this is not the summit of their stewardship as salaried employes of the taxpayers.

Their numerous other activities concern thousands of people not charged with committing crimes. These include providing home and business security for property owners; bicycle, school, pedestrian and traffic safety; widespread public relations and participation in civic, church, P-TA and other programs designed to promote good citizenship and public-police cooperation.

Many of these services are extracurricular or "beyond line of duty" performances. Additional to specialized manpower, they employ films, the distribution of literature, the department's especially equipped crime prevention demonstration bus and police personnel talks on the evils of narcotics and traffic safety.

New facilities at City Hall include the Police-Firemen Communication Center, rated the most up-to-date in the Southeast.

Widely acclaimed throughout the Carolinas and the South as the "Awards-Winning Police Department", the facility and its members have annexed so many cups, plaques and other trophies in recent years that their displaying fills three large trophy sections in the municipal building.

Law enforcement strength of the department is 88 men, including 53 uniformed patrolmen who make traffic and criminal cases, working in three 'round-the-clock shifts; 11 in traffic control, and seven in the detectives and services departments.

William T. Ivey, director of law enforcement, is in overall charge of the department's operations. Working under him are these police officials: major, C. H. Fleming; captains, W. C. Hayes, investigation, and a 20-plus years veteran, and M. F. McMillan, services; lieutenants, R. W. Hayes, D. E. Blackwell, E. L. Lewis and E. L. Turner, platoon; B. H. Brockman, traffic, and Roy B. Kelly, identification; Sgt. J. L. Wood, Jr., administrative assistant, J. D. Cudd, juvenile (division). . . .

Sergeants are J. M. Davis, C. E. Greene, F. D. Stephens and W. C. Bain Jr., records; R. D. Lee, W. L. Eaton, G. E. Kennedy, and A. L. Greene Jr., platoon; Lewis E. Jett and C. P. Sawyer, investigation; J. L. Worthy and J. N. Keeler, traffic; Larry Bogan, safety; R. K. Hines, maintenance, and J. V. Belch, inspection.

Additional to patrol, traffic, investigation and records departments, City Police Station operates full time inspection and narcotic traffic investigation and control squads, employs five jailors and has a full time radio engineer, Milton Boazman.

Motorized equipment totals 28 vehicles for city-wide patrol and traffic control work.

The department's huge identification and records department houses 15,000 sets of fingerprints, 20,000 photographs and 45,000 individual detailed records, all of persons with criminal backgrounds.

Twenty-eight school guards serve thousands of students and teachers in all the city's elementary and high schools.

Detectives Capt. Hayes and other police frequently serve in Spartanburg's county and circuit criminal courts to which many of the City Police Department cases are directed because of their capital, felony and other offense classifications above the jurisdiction of Municipal Court.

The Spartanburg Police Department is the only one in the state operating under an organizational chart which has its 31 directive, narcotics, administrative, maintenance, humane, uniformed, platoons, parking meter, investigation, services, records, communications custody and other divisions and sections graphed and posted throughout the station and its offices.

American Automobile Association has just honored the department with the only Citation for Pedestrian Program Activities awarded in the Carolinas. Other awards, additional to the pistol teams' state championship and numerous other trophies, repeated in several instances, include recognitions for these outstanding achievements: Spartanburg was one of 22 cities in the entire country to win the Award for Excellence in the 1966 Pedestrian Safety Inventory of the American Automobile Association and the Carolina Motor Club. Director Ivey has received national and other recognition for traffic control, police training, law enforcement and other activities. . . . The City of Spartanburg was awarded the Award for Excellence among cities in the 50,000–100,000 population group by the AAA in 1968.

In the same year the department was selected by the International Association of Police Chiefs as the model police department in the country for cities under 100,000 population. Last year, the department received the Top Individual Award for Law Enforcement Public Relations in South Carolina and was awarded first place national distinction by the National Association for the Prevention of Delinquency and Civil Disorder.

Police and other municipal officials in more than 500 towns and cities have requested copies of the department's public education and police organization publications.

THEY DIED AT HURRICANE CREEK

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. HECHLER of West Virginia. Mr. Speaker, not long after 12 noon on December 30, 1970, a blast tore through the suspended coal dust of the Finley Coal Co.'s interconnected mines Nos. 15 and 16, located on Hurricane Creek near Hyden, Leslie County, Ky. There were 39 men in the mine; 38 lost their lives.

Thomas N. Bethell recently prepared a 25,000-word report and analysis of the Hurricane Creek disaster. There are many lessons to be learned from the story of Hurricane Creek. If this Nation ever hopes to mine coal without continuing to kill and maim miners, then the highest officials in this land ought to read and digest the Bethell report and act accordingly to enforce the Federal Coal Mine Health and Safety Act of 1969.

There follows the complete text of Mr. Bethell's report entitled "The Hurricane Creek Massacre":

THE HURRICANE CREEK MASSACRE

(NOTE.—A report on the circumstances surrounding the deaths of 38 men in a coal mine explosion in Eastern Kentucky, December 30, 1970.)

COAL MINERS LEGAL DEFENSE FUND,
Charleston, W. Va., January 26, 1971.

Dr. ELBURT F. OSBORN,
Director, Bureau of Mines,
Department of the Interior,
Washington, D.C.

DEAR DR. OSBORN: We are submitting herewith an investigative research report on the December 30 mine explosion at Finley Coal Company Mines No. 16 and 15 in Leslie County, Ky. We ask that this report be included in the record of the Bureau's investigation, because we believe that it provides a perspective on the disaster that is necessary if the causes are to be identified and dealt with.

It is our opinion that the 38 men who died in the explosion were victims not only of a company which operated in persistent violation of the Federal Coal Mine Health and Safety Act of 1969, but also of a complacent, negligent bureaucracy which extends to the highest offices of the federal government and refuses to serve in the public interest. The miners were victims of institutional manslaughter, and we believe that the investigation of this case cannot be closed until those responsible are identified and brought to justice.

Sincerely,

THOMAS N. BETHELL,
Research/Information.

COAL MINE SAFETY: 9 COMMENTS

1. *"As long as we mine coal, there is always this inherent danger of explosion . . . this is one of the better companies as far as cooperation and safety are concerned."—W. A. Boyle, president, United Mine Workers of America, after 78 men died in the explosion of Consolidation Coal Company's Consol No. 9 mine, November, 1968. The company had a record of more than 50 federal safety violations.*

2. *"Unfortunately, we don't understand why these things happen, but they do happen . . ."—J. Cordell Moore, then Undersecretary of the Interior, after the Consol No. 9 disaster.*

3. *"We must recognize that this is a hazardous business, and what has occurred here is one of the hazards of being a miner."—Hulett C. Smith, then Governor of West Virginia, after the Consol No. 9 disaster.*

4. *"At every level of responsibility . . . we have looked with horror on the specters of death and disease that haunt our mines. Then we have shrugged our shoulders and said to ourselves, 'Well, coal mining is an inherently hazardous business,' or 'It's too bad, of course, but as long as coal is mined men will inevitably die underground.' These easy rationalizations are no longer acceptable."—Stewart Udall, then Secretary of the Interior, December, 1968.*

5. *"The possibility of death in the mines has become almost as much a part of the job as the tools and the tunnels. The time has come to replace this fatalism with hope by substituting action for words."*—Richard M. Nixon, President, introducing the administration's mine health and safety bill, March 3, 1969.

6. *"The nation's coal mines are healthier and safer now than they have ever been before."*—Hollis M. Dole, Assistant Secretary of the Interior, testifying before the Senate Labor Subcommittee, August, 1970.

7. *"This disaster was not unexpected. We've had two good years since Farmington, and I think we can almost expect one of these a year."*—Elbwert F. Osborn, Director, Bureau of Mines, after 38 miners died in Leslie County, Kentucky, December 30, 1970.

8. *"The entire attitude in the Bureau of Mines must change to give the benefit of the doubt to the protection of the health and safety of human beings, instead of the traditional bowing and scraping whenever a coal operator puts the heat on to protect high production and high profits at the expense of the coal miners."*—Rep. Ken Hechler (D., W.Va.,), commenting on the apopintment of Dr. Osborn as Bureau director, October 8, 1970.

9. *"I'll bet may mines have just as bad records as the Finley mines. Don't criticize the Finleys."*—Elburt F. Osborn, Director, Bureau of Mines, January 20, 1971.

INTRODUCTION

Once every three or four days, a man dies in a coal mine, somewhere in the United States. It may be a piece of rock that kills him, falling without warning from the roof of the mine above his head; or it may be an old piece of machinery that short-circuits and electrocutes him; or it may be that two coal cars come together and trap him in between.

They bring his body out of the mine and send it away to the funeral home, and his family comes and pays for an elaborate casket; they will be making time payments on the casket for years to come. The miner is buried, and his wife and children go on welfare, at least until the workmen's compensation payments begin, and then they can look forward to the check every week—$48, in a state like Kentucky—and at night when they hear the diesel horns coming up the valley, and watch the C&O or the L&N or the N&W or the Clinchfield Railroad carrying the coal away to American Electric Power's plants or to TVA or Detroit Edison, they can remember what it was like before he died, when he came home at night tired and black with coal; they can remember him as a coal miner, and mainly they can remember him as a human being.

In Washington there is a tendency to see human beings as statistics, which is one of the troubles with Washington. North Vietnamese are body counts. Babies born are census counts. Men out of work are 5.6 unemployment percentages. And miners dying in preventable accidents—they are statistics too, printed-out from time to time by government computers.

Fatalities in coal mine accidents

1967	220
1968	311
1969	203
1970	255

Killing goes on

The figures are bad. But they are just figures, and the killing goes on. Miners die because mines are unsafe, and mines are allowed to remain unsafe because we need the coal; we need it in record tonnages, and we want to make a profit from it; so miners die. And because they die in ones and twos, no one seems to mind too much.

But once in awhile they die in wholesale lots. That happened on the morning of November 20, 1968, in a Consolidation Coal Company mine in West Virginia; when 78 men died all at once, there was a national uproar, and the momentum was built for the enactment of a new Federal Mine Health and Safety Law, a law that would protect men when they went into the mines. The preamble of the law said, very clearly,

"Congress declares that the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner."

The law was built on that premise, and it was a strong law. When it went into effect in 1970—after nearly a year of argument, deliberation, and compromise in the House and Senate—there was reason to hope that it might save lives and make the mines of the United States more tolerable places to work.

One year to the day after the 1969 Federal Coal Mine Health and Safety Act became law, in the early afternoon of December 30, 1970, 38 miners died in an explosion at Finley Coal Company's Mines No. 15 and 16 on Hurricane Creek, Leslie County, Kentucky. Again there was national concern, and again the evidence was overwhelming that the men were working in a dangerous mine operated by a company whose first priority was not men but coal. But this time, there was overwhelming evidence as well that the men were victims of a government which regards itself as the political wing of industry, and which—through political expediency or deliberate intent—has consistently and successfully nullified the effectiveness of the Federal Coal Mine Health and Safety Act of 1969. This government, and the men who direct it, bear the principal responsibility for the deaths of the miners in Kentucky. The men who died on the first anniversary of the law designed to protect them were killed by a ponderous, foot-dragging bureaucracy that could not reform itself even if it wanted to. And the evidence is that it does *not* want to—that it continues to see its mission (to the extent that it has one) purely in terms of production of coal, and not protection of men.

In a civilized society, the Bureau of Mines and its parent agency, the Department of the Interior, would be dragged into court and prosecuted for manslaughter. The evidence is overwhelming that they must take primary responsibility for the Hurricane Creek disaster, because they were given the tools to prevent it. They chose not to use the tools. On the contrary, they refused outright to use them, as we believe this report will show. The inevitable result was tragedy. And the cruel fact is that there are more tragedies to come.

COAL AND LESLIE COUNTY

Leslie County, Kentucky, is one of the four or five poorest counties in the United States. More than three-fourths of the county's expenses are paid by federal and state agencies; the county pays less than 10 per cent of its school budget. Most Leslie County adults never got beyond the sixth grade, and more Leslie Countians are on welfare than working. Average annual family income is less than $3,000, and housing surveys show that only one house in ten is fit for habitation by national standards. National standards are a luxury in Leslie County.

The county has only one industry of importance: coal. Timbering was once important, too, but the great trees have long since been cut and the best topsoil has long since washed away, leaving scrubby second growth to cover the hills. Coal is the only remaining resource, and mining is the only available work, except for a scattering of service jobs.

The county is in the middle of Appalachia, but at the edge of the recoverable coal reserves. The coal is high-quality but difficult to mine because it lies in narrow seams, sometimes less than three feet thick. To work in seams like that, a man must lie on his side and travel in a crawl. Mechanization came late to Leslie County mines because of the difficulty of developing heavy-duty, battery-operated, rubber-tired machines less than three feet high. Most of the mines in the county are primitive operations in which the work is still largely done by hand.

Ford fiefdom

Partly because of the narrow coalbeds, Leslie County traditionally has been last to feel the benefits of a boom and first to feel the effects of recession. There is a second reason. Decades back, coal prospectors working for Henry Ford bought up more than two-thirds of the county's reserves. The idea was that they would be held in reserve until Ford needed them to make steel for his cars. Both the coal and the county were kept in reserve—a private colony, a little feudal fiefdom—until the great day when the call would come from Detroit. It never came. The company bought coal from other, more convenient sources, and the colony was left undeveloped. Until the 1930's there were no paved roads, and still today there is no railroad line into or out of the county—which means that the cost of mining is increased by having to truck the coal over the county's miserable roads to railroad loading points in neighboring counties. Along with a few other baronial operations, Ford Motor Company still holds onto its coal—exactly how much, no one knows, because the county tax assessor has no system for determining holdings, and accepts whatever figures Ford happens to give him. He does not believe they are accurate, but once when he tried to increase the assessment, Ford went to court and beat him. Meanwhile Ford leases its coal to small truck-mine operators. Federal figures indicate that Leslie County produces about 1.8 million tons of coal per year, worth about $6.5 million. Ford pays the county about $1,700 per year in taxes . . .

Once, when coal was king, it was possible to make a decent living in Leslie County (although the hourly wages there for miners always seemed to run about a dollar behind the neighboring counties, where the United Mine Workers succeeded in organizing the mines in the late 1930's). But after 1947, when national production surpassed 600 million tons, the industry declined as other fuels made inroads and as the largest of the coal companies began to concentrate their power. The Eastern Kentucky coal industry as a whole was composed of smaller companies; for the past 25 years they have fought a losing battle to compete for markets against corporate giants like Consolidation Coal, which produces more coal per year than all the companies of Eastern Kentucky combined. The recession which hit the country in 1958 never left the Kentucky coalfields; it is still there today.

Faced with a skidding economy and a baronial landlord, Leslie Countians did the only thing they could do. They left. From 1950 to 1960, the county lost more than 30 per cent of its population. During the past decade the population loss has slacked and, finally, held about steady at 10,000. From time to time it fluctuates wildly; in 1970 the population increased by several hundred, as Leslie Countians who had left to work in Dayton or Cincinnati or Detroit were laid off at Frigidaire and National Cash Register and Ford—and came home.

Coal Boom

Some of them went on welfare. Some got jobs driving the big 60-ton coal trucks that move the coal to Manchester, in Clay County where the Finley brothers live. Others went underground to work. The past couple of years have been booming for the coal industry: the electric utilities are gobbling coal as fast as it can be produced, and national production for 1970 ended at 590 million tons, the best year ever since 1947. Leslie County was the last to feel the boom, but the boom came, and some of the men who couldn't find work in the cities could find it at home.

If they were young, like Lee Mitchell, they couldn't remember a time when so much coal had been run in Leslie County. You could go ask for a job, and there was a reasonable chance of getting it. In fact there was enough work so that men were coming over from Clay, the next county to the west, to work in Leslie County's mines. It was miserable work, worse even than assembly lines, but for a young man it was better than sitting at home, rocking on the porch, waiting for the welfare check.

Lee Mitchell went to the Finley brothers to look for a job, and they gave him one over on Hurricane Creek, in the No. 16 and 15 mines. He went to work there on December 30, 1970. It was his first day on the job. And his last.

THE MINES ON HURRICANE CREEK

Charles and Stanley Finley have been in the coal mining business together for 20 years, operating more than a dozen different mines during that time in coal leased from owners in both Leslie and Clay counties. Technically they own more than one company; in Leslie County they use the name Finley Coal Company, in Clay they call themselves the New Big Creek Mining Company. Their most stable operation has been a Clay County deep mine that operates in 56-inch coal and produces anywhere from 65,000 to 300,000 tons of coal a year, which makes it a small mine by national standards but big for Eastern Kentucky. That mine is more than a decade old and has reportedly been working out—coming to the end of its leased reserves—in recent years.

The Finleys' more recent operations have not had that kind of life expectancy. Generally they have followed the pattern of most small Eastern Kentucky truck mines: lease the rights to a few hundred thousand tons, bulldoze a road to the mine-site, blast and burrow a few entries deep into the hillside, install a conveyor belt and some rebuilt coal-cutting and loading machinery, get the coal out as quickly and cheaply as possible, and move on. Mines like these are sometimes worked out in a year or less; at the other end of the scale, they may be workable for three or four years. If the market is good, the operators work them two or three shifts a day, five or six days a week, and go through the coal pretty quickly. When hard times hit, the mines go down to a single shift, four or five or even three days a week, and the crews shrink to half-size. The variables in Eastern Kentucky mining are many, and truck mines feel them all.

Strip-mine damage

Lately the Finleys have followed another Eastern Kentucky pattern and gone into strip-mining. This is the cheapest kind of mining, but it does the most damage. Reduced to essentials, it consists of blasting and bulldozing the top off a mountain, or string of mountains, to expose the coal seam that lies beneath, and then loading the coal into trucks and carting it away. The relocated mountain-top winds up, by force of gravity, in the valleys below. After a rain, it becomes mud, and moves like lava until it reaches the bottom of the valley, where it slides into streams, becomes silt and is washed through the tributaries of Eastern Kentucky into the Kentucky River, and then the Ohio, and the Mississippi, and finally into the Gulf of Mexico. Strip-mining was unknown in Eastern Kentucky until after World War II, but now it makes up about 20 per cent of the region's 60 million ton annual production, and the percentage is climbing. Conservationists attack the strippers regularly, and from time to time Kentucky passes a reclamation law, but the damage continues and grows worse each year. The Finleys are strip-mining partners with a man named Phil Young, who is unpopular with many people in Kentucky because mud and dirt from his mines have been filling up Buckhorn Lake—the central attraction of a new state park in the area—and turning its color from blue to sewer-brown; water skiers and conservationists object. The strip-miners, recognizing the possibility that they will be regulated out of Eastern Kentucky one of these days, have been stepping up production.

On December 19, 1969, the Finley brothers applied to the Kentucky Department of Mines and Minerals for a license to operate two adjoining deep mines to be designated No. 15 and No. 16. They were to be driven into a tract of coal under a steep hillside along the middle fork of Hurricane Creek about five miles from Hyden—a town of 600 people which is both the largest community and the seat of government in Leslie County.

The Department issued licenses for both mines on December 29, and the Finleys went ahead with developing their operations. According to Charles Finley, he employed 85 men "more or less" at the two operations, most of them working underground. The two mines were driven parallel to each other into the hillside, in a seam of coal that ranged from 30 to 36 inches high. The Finleys employed an engineer from Harlan County to plan the mine, but he served only as a consultant and most of the actual planning they did themselves. According to one engineer this is a fairly generalized custom among small mine operators: "After 20 years they know enough to get by, so they do it themselves. They need someone with a sharp pencil and a T-square to make up a map, but the rest they can do from experience, or memory, or whatever. Generally they get by all right."

By March 1, 1970, the No. 15 mine was producing coal. No. 16 went into production a few weeks later, in late April or early May. Soon after getting No. 16 into production, the Finleys decided that it would make sense to connect the two mines so that coal could be loaded on a single main conveyor belt, and breakthroughs were driven into the wall of the coal that divided the two mines. By late spring, 39 were working underground in No. 15 and 48 in No. 16. No. 15 was producing about 600 tons of coal per day and No. 16 was producing 800 tons; both were working three shifts—two shifts for production, one for maintenance and clean-up—and both mines were working five days a week. The combined tonnage for the year would run between 300,000 and 350,000 tons, and the two mines, taken together, would account for about a sixth of all the coal produced in Leslie County. Depending on the state of the market, the coal would be worth $1.2 to $1.8 million, and the profit for the Finley brothers might come to $250,000—maybe twice that if the boom in coal kept going.

Among the men who worked for them, the Finleys seem to have had a good reputation, mostly. "They done all right by me," one of their men said later, and in Eastern Kentucky that's close to high praise. The men grossed about $24 a day, sometimes more; that worked out to between $7,000 and $8,000 a year, which is low by union scale but good for Leslie County—which has never been union territory.

FARMINGTON NO. 9

Kentucky's Department of Mines and Minerals employs about 25 inspectors who are responsible, under state law, for visiting each of the 1,800 licensed Kentucky mines once every three months and inspecting them thoroughly for conditions which could lead to accidents or explosions. Most of Eastern Kentucky's mines are above the water table, which means they do not have the kind of trouble with methane gas that mines in other areas have—notably West Virginia, where methane apparently triggered the massive explosion that destroyed Consolidation Coal Company's No. 9 mine, a mine as big in square footage as the island of Manhattan, in November, 1968.

The blast killed 78 miners, of whom 69 are still entombed in the wreckage; it was the kind of explosion that inspectors have nightmares about—all the worse because it was the second time that mine had blown up—but the state inspectors in Eastern Kentucky slumber more peacefully because their mines are smaller and less gassy, and that means that if they blow up, not so many men will generally get killed. The worst disaster in Kentucky history killed 62 men on the morning of August 4, 1917 in a mine in western Kentucky where gas was present but "little regard was given to the danger of an ignition," in the dry words of an investigation afterward. In the less gassy Eastern Kentucky mines, the worst disaster prior to 1970 took place the day after Christmas, 1945, when a mine in Bell County exploded in the middle of the morning shift and killed 25 miners. The inspectors found that there had been gas in the mine, and that someone had lit a cigarette. The mine was dry and full of explosive coal dust—the gas burst into flame, and the flame flashed through the dust, and the dust exploded like dynamite, and that was that.

The Kentucky Department of Mines and Minerals is generally thought to be pro-industry, an attitude that seems to be borne out by listening to its commissioner, Harreld N. Kirkpatrick, who is a mine owner himself—or was, before being appointed to his post by Governor Louie Nunn; there is some conflict about the current state of Mr. Kirkpatrick's coal holdings. In conversation about coal mine health and safety, Mr. Kirkpatrick seems to take a quickly defensive stance, pointing out that coal is a $400,000,000 "cash crop" in Kentucky, one of the state's three big income-producers (the others being tobacco and bourbon), and that it is unwise to do anything "economically destructive."

After the November, 1968, explosion in West Virginia, at a time when a growing chorus of critics was crying out for new regulatory legislation, Mr. Kirkpatrick said he thought that existing laws were "basically sound" and not much in need of change. Doubters asked how that could be so, if 60 men on the average were dying every year in Kentucky mines; the commissioner characterized that as "a very good record, we think." Mine explosions, in his view, were basically a product of human carelessness: "perhaps someone lighting a cigarette when he shouldn't have. How do you regulate human carelessness?"

Miners have mixed feelings about the state inspectors, but for the most part they are critical, and suggest often that inspectors can be bought. The price might be a new pair of snow tires, they say, or a weekend trip to Louisville or Roanoke with someone picking up the tab. Operators and inspectors meet regularly together in the small towns of Eastern Kentucky, know each other well, see each other socially. Inspectors see nothing wrong in that. "Well, what would you like for us to do?" one of them asked recently. "You want us to close all those mines? You want everyone in Eastern Kentucky on the dole?"

Serious violations

No state inspectors visited the Finley mines while they were being developed, and the first inspection after they were producing coal came on April 16, 1970, when inspector Paul Sexton visited the No. 15 mine. He found seven violations of the state law "of a serious nature" and reported them to Commissioner Kirkpatrick, who wrote to Charles Finley on April 22, asking him to correct the violations. Timbers, used to hold up the roof of the mine, had become dislodged and were left lying by the main roadway; rock dust (powdered limestone) was not being applied as required to the walls, roof, and floor of the mine close to the working areas, with the result that too much potentially explosive dust was being allowed to circulate in the air; the mine exhaust fan was not housed properly to protect it from damage in an explosion; there was insufficient fresh air circulating through work areas; explosives were being improperly handled and stored; the roof-bolting machine wasn't grounded and someone had wired around the safety fuse so that it wouldn't automatically disconnect the machine in case of trouble; and no protective covering had been built over the mine entry to protect men against rock-slides from the hill above.

"In the interest of safety," wrote the commissioner, "we expect you to carry out these recommendations immediately and notify this Department when you have complied."

Nothing in the Department's records indicate that Finley did so, nor is there any indication that the Department contemplated any disciplinary action against the Finley Coal Company (under the Kentucky Mining Law, for example, Commissioner Kirkpatrick could have revoked the mine's permit until the violations were corrected).

Conditions worse

No state inspector was seen on Hurricane Creek for four months, until August 20, when inspector Albert Alexander visited both the No. 16 and No. 15 mines. From his report—which is limited in detail—it appears that the "recommendations" of April 22 were being ignored, that conditions in No. 15 were in fact worse than they had been earlier, and that No. 16 was no better. In No. 16 the inspector found these dangers "of a serious nature":

Roof bolts, required by law to hold loose slate in place above the miners and prevent it from dropping unexpectedly on them (the primary cause of mine fatalities in Kentucky), were being placed at intervals wider than the law allows;

Safety jacks were not being used to hold the roof up in the working sections, as required by law;

Dangerous accumulations of loose highly explosive dust were being allowed to remain on walls and in roadways;

Explosives were being improperly handled (the inspector did not elaborate);

The mine supervisors were not keeping daily records;

Miners were not being required to wear safety shoes.

No. 16 mine, of course, had not been previously inspected by the state. No. 15 had, and conditions there were even worse:

Roof bolts were improperly spaced, as in No. 16;

Loose dust was accumulating;

Rock-dusting was haphazard and insufficient;

Ventilation was insufficient;

Explosives were being improperly handled;

Electric switch-boxes were not protected against shock;

Cutting and loading machines were improperly wired and were not grounded;

Worn-out, temporarily spliced electric cables were being used to connect machines to the power supply;

The roof-bolting crew was not wearing respirators (required to protect them from dust released as bolts are drilled);

A sprocket chain on a loading machine was left exposed—a potential danger to an arm, leg, or life;

There was no protective canopy over the mine entryway.

Despite the combined total of 17 violations of law found at the Finley operations on this inspection, Commissioner Kirkpatrick dispatched the same mild message. In this case it seemed even more polite, in view of the fact that eight days previously No. 15 mine had suffered a serious accident which the state unaccountably chose not to investigate [the accident is described in the next section of this report], despite the fact that management apparently was responsible for it.

Regardless of the circumstances, the message to the Finleys was the same. There was the same reply: none. There was the same follow-up by the state: none.

From then until December 30, there were no further state inspections of the Finley mines. From then on, the only time a state inspector visited Hurricane Creek was after someone had been killed.

THE FEDERALS

"If there was any real danger," Charles Finley said, a couple of days after his mines had exploded, "the federals would have closed my mines down instantly."

"The federals" he was referring to are the mine inspectors of the Bureau of Mines, Department of the Interior. Under the terms of the 1969 Federal Coal Mine Health and Safety Act, they are charged with inspecting each working mine in the nation four times per year. The same law gives them—in theory—broad power to close mines which operate in violation of the law.

The Bureau operates out of district and subdistrict offices throughout the coalfields. The Finley mines came within the purview of the subdistrict office at Barbourville, Kentucky. The office has responsibility for inspecting 300 mines, more or less (the exact number fluctuates constantly as new mines open and old ones close); it has a staff of 27, some of whom work out of so-called "satellite" offices in Harlan and Hazard. At the Barbourville office there are four inspectors, according to the subdistrict manager, T. R. Mark. At any given time, they are checking up on 70 to 90 mines.

Theoretically, the Bureau inspectors keep track of every mine that operates in the state. In actuality they may or may not. No law requires an operator to notify the Bureau when he is about to open a mine; instead the Bureau relies on lists of licensed mines received periodically from the state Department of Mines and Minerals. The inspectors check through the list, when they have time, looking for mines that are unfamiliar to them. When they find one, they make a note to inspect it, next time they have a chance. There is no special system for guaranteeing that each mine will be inspected at such-and-such a time or with any special frequency—despite the federal law requiring four full inspections for each mine every year. Would it be possible—Mr. Mark was asked—for a man to open a mine and run it, say, a year, without ever seeing a federal inspector? "The way things are now," he said, "it would be possible. I'd say so, yes."

Charles Finley, however, saw federal inspectors with some frequency during the year. They made six inspections and investigated two accidents, one of which resulted in the death of a miner. During the entire course of the year, however, they did not make a single comprehensive inspection of either No. 15 or No. 16—which, since they were interconnected and ran coal on a single conveyor belt, might reasonably have been considered one mine, and inspected as such. That way, an inspector would not have had to drive all the way out to Hurricane Creek to look at one mine, only to have to drive out again sometime soon to look at the other. The Bureau records showed the Finley operation as two mines, however, and that was how they were treated.

Inspector C. E. Hyde visited the No. 15 mine for the first time on June 19, 1970, and conducted a so-called PBR investigation. The letters stand for "Partial But Representative" and are used to describe an inspection in which the inspector thoroughly checks one part of a mine but does not visit the rest. The idea is that the inspector gets enough of a feel of the mine to evaluate its safety, but has adequate time left to check out other mines that he would miss if he spent the time in each mine necessary to check out every square foot. That's the idea; it was a concept that was not included in the new federal law by Congress, and many critics of the Bureau, including several inspectors, believe that there is no such thing as "partial but representative" in a mine.

One of the inspectors who reports to Mr. Mark explained it this way: "If you go in on a PBR they know right off which section of the mine you're going to check. They can move things to other sections, they can hide stuff from you, they can stay ahead of you and make sure everything's pretty where you're going to be, because they know you aren't going to be running all around. What you see is what they want you to see. And all the inspectors I know, they have to think sometimes about what's going to happen if a mine blows after he's been there, and it was in a section he never looked at. How could you call that partial but representative?"

Federal violations

If the Finleys or their employees were hiding things on the day Inspector Hyde visited No. 15, they overlooked a number of items. He found 14 violations, ranging from minor to major to potentially disastrous. On the minor side, there was no drinking water underground and there were no toilet facilities either above ground or below. The mine map was insufficiently detailed and no map of the mine's electrical system was available. In the medium-serious range, there were no daily examinations being made of the fan; no weekly inspection for hazardous conditions; no weekly ventilation examinations. Power connection points were improperly located. There was no evidence that qualified people were maintaining the electrical equipment. In the danger range, there was electrical equipment being operated without grounding; and management had provided only nine self-rescue devices for the 39 men underground.

Self-rescuers, as they are commonly called, are small gas masks designed to help a miner survive the "afterdamp" of an explosion—the period afterward when oxygen is low (because of being consumed in the blast and fire) and carbon monoxide is high (because it replaces oxygen in such a situation). The older models provided 30 minutes of breathing time. Newer models provide 60 minutes.

The most serious violation that Hyde found was what he reported as "dangerous accumulations of loose coal and coal dust" along the roadways. Along with that, rock dust had been insufficiently applied, so that the dust wsa present in explosive quantities in the air. To make matters worse, Hyde found that "trailing cables were run over unnecessarily"—i.e., machine operators were driving back and forth over their power cables, running the risk that the cables would snap and start a fire in the loose dust. "Evidence of smoking was present," Hyde noted; that made matters even worse. He found further that there was no short-circuit protection on the equipment in the working areas, and that trailing cables on the mining machine and mobile drill contained three uninsulated splices apiece—an invitation to trouble. Beyond that, no one was testing for gas—a fundamental precaution even in a supposedly gas-free mine. Citing Section 104(a) of the mine law, which permits an inspector to close a mine if there is an "imminent danger" of explosion or fire, Hyde ordered the men out of the mine and issued a penalty notice to the Finleys.

Theoretically the closing of a mine under such circumstances can have serious economic consequences for an operator. The Finleys' mine was closed for two days; at 600 tons of production per day, that meant a tonnage loss of 1200, which could amount to about $5,000 worth of coal. Theoretically an operator who had just lost $5,000 because of a sloppy mine operation would be greatly motivated to clean it up, and to keep it clean. In this case, however, theory and fact got in each other's way, because Inspector Hyde closed the mine over a weekend, when it would not have been producing coal anyway. The clean-up crews did their work, and on Monday, June 23, Hyde permitted the Finleys to open mine No. 15 again.

Blast injures two

A little less than two months later, early in the evening of August 12, Inspector Gordon Couch got a call from Charles Finley, who reported that there had been an explosion in mine No. 15, and two men were injured. Couch and another inspector, H. A. Jarvis, went to the mine two days later and conducted an investigatigation that was completed August 19. On the afternoon shift of August 12, they reported, a mobile-drill operator named Rufus Whitehead and his assistant, Mack Collins, were moving their drill from one location to another when it became caught on a high place in the floor of the mine. Wrestling with the machine, they snagged it on its trailing cable, and the cable short-circuited. The arc "ignited coal dust, lubricants, and other combustible materials" on the drill. Collins and Whitehead went to one of the mine entries and asked to have the power shut off. Then they went back to the drill and put out the fire, using rock dust, which they poured over a burning container made out of an inner-tube. When the container stopped smoking, they settled down to wait for a repairman to come and fix the cable.

Suddenly there was a blast, and "metallic fragments and other materials were blown into the face, chest, and right arm of Whitehead," according to the report. Collins was luckier, suffering only a ruptured eardrum and a few cuts; he went for help for Whitehead, who was blinded and had been badly injured in the chest and right arm.

Miners came for Whitehead and got him out to an ambulance that took him first to the Frontier Nursing Service hospital at Hyden, where a doctor found that his injuries were too serious to deal with there; he was taken over the grim mountain roads on an agonizing two-hour ride to the University of Kentucky Medical Center at Lexington, where doctors found that he had suffered serious damage to both eyes—nearly total and probably permanent blindness—and had a compound fracture of the arm serious enough to make amputation likely. Later the arm was saved; the eyes were not.

Hyde and Jarvis could not find the rubber inner-tube and no one seemed to know where it was or what had been in it. But Charles Finley told them that "in the past he had observed detonators in prepared explosive charges being transported on the drill" and had told the crews that it was a dangerous business. He "believed this practice had been discontinued," according to the inspectors' report. The inspectors assumed that the container had been on the drill and that even after being rock-dusted by Whitehead and Collins had remained hot enough to set off the explosives. The blast severed hydraulic hoses connected to the drill, and sent pieces of hose and drill smashing into Whitehead.

In the opinion of the inspectors, the principal cause of the explosion was "improper handling and transportation of explosives" and "failure to protect the trailing cable." But they also noted a "lack of proper supervision in the mine." In their recommendations they warned against letting coal dust accumulate on electric equipment.

More violations

Couch visited Hurricane Creek again on October 19 to make a "Partial But Representative" inspection of No. 16 mine. This one produced a long list of violations—20 in all.

No one was taking dust samples to determine if the mine was conforming with the new law's requirement that dust be kept below 3.0 milligrams per cubic meter; Couch ordered this violation to be corrected by October 26.

Roof bolts were too far apart;

Ventilation was so poor in some parts of the mine that air currents could not be measured; Couch told Charles Finley to correct this violation by the next day, and it was corrected;

Coal dust was being allowed to accumulate along the conveyor belt; Couch ordered it cleaned up and rock-dusted, and a week later it was;

Water was not being used to wet down the coal dust as required, in working sections; Couch ordered this to be corrected by November 17;

No one was rock-dusting within 200 feet of the work areas in one entry; Couch ordered that done, and it was;

No qualified people were maintaining the electrical equipment; Couch ordered that corrected by November 17;

Trailing cables were held together by temporary, uninsulated splices; Couch ordered them fixed, and they were, according to his report;

Explosives were being improperly handled—carried underground in their shipping cartons—and Couch ordered that corrected; it was;

Charles Finley was not providing training for his miners; Couch ordered him to begin doing so by November 17.

There were other less serious violations, many involving deadlines for ventilation plans and similar items required by the new law. Couch spelled them out and ordered them corrected on a variety of dates. He checked back at the mine on October 26, made a spot inspection, found some of the earlier violations corrected and others not, and cited the mine for an additional violation: there was no plan for emergency medical assistance, an item considered important by Congressmen who knew that mines are often remote from towns and hospitals. Couch ordered Finley to put together a plan by November 17, and went back to Barbourville.

About 8 o'clock on the evening of November 9, the Barbourville office got another telephone call from Charles Finley. It was about another accident. This time a miner was dead.

Miner killed

Inspectors Hyde and Couch took down the details and went out to the mine the next day. Joined by Everett Bartlett, district supervisor of the state Department of Mines and Minerals, they conducted an investigation which they completed November 13 and submitted to their supervisor, T. R. Mark.

The dead miner was Charlie Wagers, who had been working for Finley in the No. 15 mine for three months. The evening he died, he was operating a battery-powered tractor used to tow a trailer with coal from the work areas to the conveyor belt. He was 24; he had been mining coal about three years; he was married, no children.

There was nothing very complicated about the accident, as Hyde, Couch and Bartlett soon found. The tractor that Charlie Wagers was using was operating defectively and giving him trouble: when he put it into forward, it went backward. (The inspectors looked at the machine and found accumulated coal dust in the electrical contacts, indicating that the machine had not been properly maintained; they found also that it had been re-wired and the safety fuses removed, and there was no protection against short-circuits. Checking other tractors, they found several without safety fuses and two with defective brakes. Citing the tractors as an imminent danger, they ordered them taken out of the mine. Again, it might seem that this would serve as a spur to the operator to train his men and keep the mine in shape, since the loss of the tractors meant that coal could not be moved to the conveyor belt. But the order was written on a Friday; the mines were not working over the weekend, while the tractors were repaired; and they went back into use on Monday, so there was no loss of production.)

Wagers had trouble with his tractor three separate times on the shift. The first two times, a repairman came and tried to fix the machine, but it kept acting up. The third time, Wagers was trying to negotiate a corner with his trailer coming behind, and got stuck. He tried to maneuver out. After backing and filling a couple of times, he was about free of the obstruction—the coal wall—and put the tractor into forward gear. It lurched backward, catching his head between the end of the tractor and the coal wall, and crushing his skull and killing him.

Accident reports differ

The federal inspectors minced no words in defining the cause of the accident: "Management's failure to take the defective tractor from service for repairs, and to assure that the battery-powered equipment was in good mechanical condition before being placed in service." They ordered Finley to institute a maintenance program and stressed that "mine officials shall use closer and more strict supervision at all times in this mine." Other than ordering the tractors out of the mine for repairs, however, they took no other action against the mine operator.

Bartlett, the state inspector, wrote a separate report which he sent to Commissioner Kirkpatrick. It was quite different. There was no suggestion that the operator was at fault. Instead, Bartlett simply observed that the tractors had been removed from service, and wrote out in long-hand, as his solitary recommendation:

"Operators of mobile equipment must face the direction of travel."

Presumably Inspector Couch was due back at mine No. 16 on November 17, since he had set the day as the deadline for several important safety measures designed to protect the men in the mine against disaster. But he didn't get there. Two days later, however, he stopped off at the No. 15 mine and made a spot inspection of two sections. This time he found five violations, and some of them had a terribly familiar ring:

In one section, dust-sampling revealed that there were 33.9 milligrams of respirable dust per meter in the air—11 times the permissible limit. Couch ordered this corrected by December 22, but Charles Finley decided instead simply to stop working in that section.

There were no qualified people maintaining electrical equipment. Couch ordered this corrected by December 22.

Electrical equipment was not grounded. This, too, Couch ordered corrected by December 22.

There were no toilet facilities; Couch ordered them installed by December 22.

There were no self-rescue devices provided for the miners underground. Finley told Couch they were on order but hadn't come yet. Couch ordered Finley to have them in the mine by December 22.

December 21—the day before Finley was to meet Couch's deadline, if in fact he intended to meet it—Inspector Hyde dropped in at the No. 15 mine, apparently only to check and see if Finley had prepared a dust-control and ventilation plan, as required some months previously. Hyde found that he had not; wrote out a notice of violation, requiring that Finley submit a plan by January 4, 1971; and left.

The next day, neither Couch nor Hyde visited either of the mines, so there was no check to see whether Finley had met his deadline at No. 16 on all or any of the violations.

In fact, there were no more visits from federal inspectors until the afternoon of December 30. Then, they came hurrying to the mine because their office had received a telephone call from Charles Finley. There had been an accident, he said, and this time—this time it was not going to be one man blinded, or one man with a crushed skull. This time there had been some kind of explosion, and 38 men were inside the mine, and he was pretty sure that all of them were dead.

When Inspector Couch arrived at Hurricane Creek he joined the rescue effort, and later in the afternoon he was among the men who found the bodies. The first miner he found was his uncle.

Three days after the explosion, Charles Finley was talking about it with a friendly reporter.

"If all this enforcement continues," he said, "I don't know if *I* can continue . . . I'll bet we've spent $60,000 on equipment already . . .

"And we've had more inspections than ever."

DISASTER

On the morning of December 30, 1970, 39 men went underground in Finley Coal Company's mines No. 15 and 16. It was cold that day; there was a prediction of snow. The men had been shivering as they waited in the early morning gloom to be shuttled into the mine. They went in at about 7 a.m. and divided up according to the work they were doing that day· some of the miners were cutting and shooting coal—undercutting it with a machine, then blasting it loose with explosives—and others were loading it, via an electric loading machine, into shuttle cars which took the coal to the main conveyor belt and sent it on out of the mine.

Far inside mine No. 16, foreman Walter Hibbard and explosives man Walter Bentley were at work on a different job. Charles Finley had decided to build a conveyor belt to connect the working sections of No. 16 with the main belt in No. 15, and it was Bentley's job to blow a hole—actually, a recession—in the roof of the mine so that the conveyor belt could be installed. Otherwise, without such a hole, there was not enough height in the narrow seam of coal to allow room for loading coal on the belt. The hole, called a "boom hole" by miners not because of the noise made by the blasting but because of the fact that it was designed to accommodate the loading boom on the end of the conveyor belt, would raise the roof two or three feet. Blasting it was not a particularly difficult job for a man familiar with explosives, and Walter Bentley had something of a reputation locally for that kind of expertise. He had blasted boom holes before for Charles Finley, in No. 15 and in earlier Finley mines, and he had done blasting on the strip-mine jobs, which were under the direction of Charles Finley's brother, Stanley.

Over in mine No. 15, A. T. Collins, a sad-eyed wiry man who looks very much like his English coal-mining forebears, had responsibility for seeing that the conveyor belt operated properly, which meant that on each shift he had to crawl along in the cramped space alongside the belt to check the rollers under it, keep them in place, remove loose coal from the workings, and generally watch for trouble.

Sometime around 11:30, A. T. Collins worked his way along the belt until he came out of the mine, not far from the mobile trailer that Charles Finley used as an office. Collins recalled later that he needed some supplies; while he was out, he decided he might as well have lunch before he went back in. In the trailer, Finley was having lunch, too, as were many of the men underground. It was muddy around the entry to the mine, and the air was cold and dry and the sky was grey, and the prediction of snow seemed likely to come true.

The explosion

It was between 12:15 and 12:20, as nearly as he can remember, that A. T. Collins started to go back into the mine. He was standing next to the belt, 10 or 20 feet from the entrance to the mine. Suddenly—it happened too fast for him to remember it all that precisely now—there was a sound from the inside the mine like nothing he had ever heard before: "maybe like what a tornado would sound like, you know?" And then out of the entry came a great blast of hot air and smoke and flying coal and coal dust and scraps of wood; and the steel rollers from the conveyor belt tore loose with the rest of the debris and came flying out too, catching A. T. Collins in the back and sending terrible pain through his body; he was picked up by the force and flung through the air until he "hung up" on something—he is not sure what—and the windstorm tore his watch loose, right off his wrist, and then tore him loose too, and threw him still further, into the roadway some fifty or sixty feet from the mine. He lay there, stunned, half-conscious.

Finley remembers that he heard nothing and felt no tremors, but then suddenly there was the ungodly roar—"I heard something like a windstorm"—and when he looked toward the mines he saw debris coming out of all the entries. He went out of the trailer and found one of the surface workmen and sent him to check the fans—two of them, located at opposite ends of the mine entries, one each for mine No. 16 and No. 15. The man reported that both fans were still operating. Dense smoke was being pulled through them, and all around there was the smell of burning.

Finley went back into the trailer, to call "the federals" at Barbourville. He tried to call the state inspectors, too, but no one answered the telephone.

Rescue effort

By mid-afternoon the rescue effort was under way, technically under the direction of Commissioner Kirkpatrick, since he was the senior state or federal official at the scene; actually his safety director, Jed Mosgrove, was in command. There were a couple of dozen men involved.

In Washington, Rep. Ken Hechler of West Virginia was speaking in the House of Representatives, calling the attention of Congress to the fact that the 1969 Federal Coal Mine Health and Safety Act was one year old that day. The law—which Hechler, more than anyone else in Congress, had made a personal crusade—was, he believed, the best and toughest legislation of its kind, but he also believed that the Nixon administration was not interested in enforcing it; he believed, in fact, that the law was being ignored by the White House, the Department of Interior, and the Bureau of Mines. He called on the House to demand responsibility. Sometime during the afternoon, someone brought him the word about the men trapped in the mines on Hurricane Creek, and Hechler was stunned.

It was getting dark when the first bodies were recovered, and snow was falling; the state police had to barricade the main highway, a mile or two from the mine, because so many people were coming. Among the earlier arrivals had been some of the men who worked the second shift at the mine; they knew what had happened when they drove down the dirt road, and saw the state jeeps and the ambulances. James Collins first heard about the disaster that way—coming to work, and discovering with awful shock that there was no work to come to. He had not been a Finley employee very long—two or three months. Before that, he had been up in Dayton, working for General Motors in its giant Frigidaire plant, but the plant had felt the recession; new men were laid off by the hundreds, James Collins among them, and he came home to Leslie County and found a job in the mines. He arrived that afternoon and saw what had happened and thought he was going to collapse, not because he was out of a job, but because his brother Lonnie was part of the first-shift crew, and was inside the mines.

Death from carbon monoxide

Dr. William B. R. Beasley, medical director of the Frontier Nursing Service, heard about the explosion within a few minutes after it had happened, and arrived at the Finley mines before the first bodies were brought out. He looked at them when they were pulled out of the mines, towed in a trailer behind a tractor, and he accompanied the bodies as they were removed to a temporary morgue in the Hyden Elementary School. By that time—toward 6 o'clock, as he remembers it—nobody believed that anyone was alive in the mines. The rescue crews had encountered heavy concentrations of carbon monoxide; they had had to come back out for gas masks, and could not go back in until brattices—heavy cloths hung across openings in mines to control ventilation—had been arranged to suck the gas out. Even if any of the men had survived the first blast, they could not have lived more than a few seconds in the poisoned atmosphere unless they were able to put on self-rescuers; and even if they were able to wear self-rescuers, the little breathing devices would long since have ceased to filter the air for them. Widows wept in the glare of television lights, and Dr. Beasley went with the bodies to the morgue, staying there overnight and long into the next day, until the last of the bodies had been brought in.

He gave each miner what he later described as a "superficial" examination in order to determine the cause of death—since there was no one else at the scene who was medically qualified to do so. He was quite sure that 31 or 32 of the men had died from the blast; the shock wave it generated would have traveled through the narrow coal seam like bullets through a gun barrel, and death was instant. One man he was not sure about; the man was soaking wet when he was brought in, and when Dr. Beasley pressed on his chest, water came out of his mouth and nose. It was gruesome to see, and perplexing; it appeared to Dr. Beasley that the man must have drowned, somehow—as though he had been able to find water to take refuge in from the heat, but then, trying to breathe, had taken in only carbon monoxide and had fallen back, still trying to breathe, and his lungs had filled with water.

There were five men who Dr. Beasley was quite sure had *not* died from the concussion. They were among the last to be brought in, and Dr. Beasley believes they had been some distance from the explosion. Their skin was red, a distinctive red that Dr. Beasley recognized as the color that human beings turn after being poisoned by carbon monoxide. That meant to Dr. Beasley that five men, at least, had survived the blast long enough to try to breathe. The discovery was a shock, because Dr. Beasley knew that the state inspector, Everett Bartlett, and commissioner Kirkpatrick were already telling reporters that everyone had been killed in the blast. Dr. Beasley could see that this was not true. He was not sure what the significance of this was; he was concerned at the time—as he still is—with the greater question of what, if anything, could be done by anyone to try to prevent more disasters in the future. But he did know that five men had been alive after the blast. Not for more than a few seconds, perhaps, or a few minutes at the most; but they had been alive.

Like everyone else who stood outside the mines and watched, the reporters shivered in the cold falling snow, feeling their feet turn to blocks of ice as they talked to widows and miners and tried to understand the terminology of mining, as explained to them by Commissioner Kirkpatrick and the others. The Finley brothers were helpful and friendly, seemed not to be especially upset, and said they had plenty of insurance, and were covered by Workmen's Compensation; the widows would not be left without support. Other miners—sometimes within earshot of the Finleys, sometimes not—told reporters that Charles was all right to work for. George Wooten, the Leslie County Judge, said the county would dig the graves and save the widows that expense, and wondered aloud: "Why did it have to happen here?"

Next day the reporters were beginning to ask Charles Finley about the mine—how it worked, what kind of explosives they used, details like that. And also, whether he knew of any violations of the federal law that his mines might have had. "Minor violations, yes," Charles Finley said.

AFTERMATH

On December 31, President Nixon encountered Senator John Sherman Cooper of Kentucky at a bill-signing ceremony in the White House. They spoke briefly together about what had happened the day before in Leslie County. "That was a terrible thing," the President said, shaking his head. He told Senator Cooper that he had planned to go personally to the mine, but couldn't because all the airports were closed by the snowstorm. The President said he was going to do everything he could for the widows and children.

A check of the nearby metropolitan airports—Bristol, Tenn., Roanoke, Va., Huntington, W. Va., and Lexington, Ky.—indicates that all of them were open and functioning at the time the President said they were closed. But that was just the first of many confusing questions that would be stirred up, in Washington and in Eastern Kentucky, as the men were being buried and the agencies involved were cranking up their bureaucratic machinery, to help the survivors or to investigate the tragedy.

There were reports from the White House that a "Presidential Task Force" headed by Robert Finch, former secretary of Health, Education, and Welfare, would go to Kentucky to supervise the government's involvement. It was then reported that George Schultz, former Secretary of Labor and present director of the Bureau of the Budget and Management, had been placed in charge of a program to insure "all possible federal aid," as Rep. Tim Lee Carter, who represents Leslie County in Congress, put it to reporters. Finally, it developed that the White House was dispatching a relatively unknown member of Schultz's staff, William Boleyn, as its on-the-scene representative, and he left for Kentucky within a day or two after the disaster.

No central plan

Similar confusion developed at the Bureau of Mines. There, Dr. Elburt F. Osborn, who had been Bureau director only since October, discovered to his dismay that the Bureau had no central plan for what to do after a mining disaster. It was not that inspectors at the scene did not know what to do—they did; but in Washington, the highest officials of the Bureau were not sure what they were supposed to do. "Secretaries were phoning around, trying to find out what airlines fly to Kentucky," a Bureau official said later. "It was as though it were some foreign country. People had road maps out, trying to find Hyden. Other people were arguing about who should go. When they got that settled, the question came up of who was in charge of purchasing airplane tickets." The tickets were, perhaps, a minor problem, but as Dr. Osborn discovered, there was something almost beyond belief about the fact that there was no blueprint on hand for how to investigate a disaster, how to coordinate rescue, how to do anything constructive. A reporter later put it succinctly: "They've had 61 years over there to toss the ball around," he said. "You would think they'd have come up with something by now." Dr. Osborn made it very clear to his staff that he wanted a disaster plan developed, and wanted it soon. Then he turned his attention to the situation in Kentucky.

Congress concerned

If there was any question in his mind that the disaster would be troublesome for the Bureau, it must have been dispelled promptly by the arrival of three telegrams from members of Congress. Sen. Henry Jackson, chairman of the Senate Committee on Interior and Insular Affairs, and Sen. Harrison A. Williams, chairman of the Senate Committee on Labor and Public Welfare, jointly asked Acting Secretary of the Interior Fred J. Russell to convene—"immediately"—a public hearing in which the Bureau of Mines would take testimony from mine officials, miners, and widows. The cause of the explosion must be fully explored, they said: "The public has a right to know."

Rep. Ken Hechler, better versed than anyone else in Congress on the problems of mine safety and the sources of mine information, had already demanded copies of the Bureau's inspection reports on the Finley mines and was dismayed at what he read. Noting the relentlessly persistent pattern of violations from the time the mines opened until the day of the tragedy, Hechler, too, demanded a hearing, but stressed that it "must not be limited to just the cause of this accident. It must cover all aspects of the operator's actions since the mines were opened, and the degree to which the operator failed to comply with the law."

In Kentucky, meanwhile, Osborn's assistant director for mine health and safety, James Westfield, was at the scene and the Bureau's investigation was beginning, in cooperation with the state. "We will start without previous thoughts or prejudices," Westfield said, "but the cause of the explosion will be so apparent that even a child can see it." (Earlier, the state inspector, Everett Bartlett, had been more explicit: "Either they were shooting coal in there, or it was a blown cable." On both possibilities he would turn out to be wrong.)

Dynamite illegal

Within hours after the disaster, rumors had been going around that there was something unusual going on in the mine that day—a bigger-than-average explosion of some sort that had been planned. It was quickly revealed that the force of two dozen state and federal inspectors were concentrating their attention on the vicinity of the boom hole in No. 16. That was where Walter Bentley, the explosives expert, and Walter Hibbard, the foreman, had been working when the explosion occurred. There were other rumors: that Walter Bentley was "a great dynamite shooter" who knew how to blow one hell of a hole in a mine roof and was thus considered invaluable by mine operators.

The problem with blowing one hell of a hole in a mine roof is that it involves the use of large quantities of dynamite and is thus illegal on two counts; first, because dynamite is forbidden by law in underground mines, and second, because the detonation of large quanities of *any* explosive underground is also forbidden by law. Explosives are used in thousands of mines, but the restrictions on their use are explicit. They are also widely ignored, in the informed view of many mine operators, inspectors, and salesmen of explosives.

On January 2, after completing their first tour through the mine, the inspectors said they had not found any evidence of dynamite, but they were going to keep looking. Most of them were, at any rate; Commissioner Kirkpatrick spent only an hour in the mine, and told reporters after he emerged that he didn't need to stay in longer because "I've seen everything I need to see." For the being, he would not elaborate further. The next day, however, Kirkpatrick and Westfield released a joint statement:

"We have examined all areas of the No. 15 and 16 mines following the explosion, and we believe the explosion was initiated by blasting at a boomhole in the No. 1 entry of First Left off the main entries in the No. 16 mine. The explosion was propagated by coal dust. Our investigation is continuing."

The announcement was deceptively low-key. It told nothing about the nature of the blast, but it told much about the condition of the mine. The verb "propagated" is traditionally used by the Bureau in its reports to describe the means by which an explosion that might otherwise be localized becomes general and widespread when it ignites loose coal dust—dust either circulating in the air, or accumulated on the walls and floor of the mine. An explosion that had not been propagated by coal dust would almost certainly not have killed 38 men. It would probably have killed Bentley and Hibbard, and it might have killed men nearby. But the majority of the men in the mine (who should not have been there in the first place, since it is a requirement of both federal and state law that they be removed before a blast of that sort is set off) would have been spared.

Insufficient rock-dusting

"Propagated," in this context, became an important word. It meant, in effect, that the mine was not properly rock-dusted—an offense for which Charles Finley had already received numerous violations and warnings from both state and federal inspectors.

It may have been pure coincidence, but at this point in time Charles Finley began to volunteer to reporters a version of the disaster that was his and his alone. "I'm just wondering," he said. "Was there too much ventilation? From my viewpoint the requirement that we have more air in the mine maybe stirred up the dust more."

Finley was referring to a regulation in the new federal law that requires operators to keep a certain volume of air moving past the coal face (work area) at all times. The idea behind the regulation is that the air must move at considerable speed and in considerable volume in order to get the dust level down to the point considered tolerable by U.S. Public Health Service studies—which is 3.0 milligrams per cubic meter. There is, in the view of some operators and inspectors, a small germ of plausibility to Finley's suggestion; in winter, they point out, the fans draw cold, dry air through the mine, dehumidifying it and increasing the volatility of coal dust. But the answer is to increase the application of powdered limestone (rock dust) to suppress the coal dust, and to increase efforts to make sure that machinery is free of spark-producing defects, and to step up the training of miners—especially inexperienced miners, like so many of the men in the Finley mines—in safety practices. Nothing in the state or federal records indicates that the Finleys did any of these things, but there is much in the records to indicate that they did not.

(The likelihood that the mine was not properly rock-dusted in the vicinity of the boomhole—which was within 100 feet of the face, and the mines had been cited for not being rockdusted as far back as 200 feet from the face—was confirmed on January 22 by the superintendent of the Bureau's Barbourville office, T. R. Mark, in a telephone conversation in connection with this report. He was asked if the nature of the explosion meant that the area of the boomhole had not been properly dusted, and he said, "That's right." Asked to comment on whether the explosion would have been more confined—to the point where most of the miners would have survived—if the mine had been properly maintained, he said he thought it would.)

Primacord found

On January 4 reporters learned that investigators had found in the No. 15 mine a large quantity of Primacord—a trade name for an explosive that comes in rope form, on 1,000-foot spools. It is an explosive widely used in building roads, and sometimes on strip mines. "Say you have a rock you want to bust up," a highway engineer explained. "You can take a few sticks of dynamite, tie them to the rock with Primacord, and set the whole mess off. The cord explodes and detonates the dynamite, and off goes your rock." The only problem with Primacord is that, like dynamite, it throws a considerable flame when it detonates, and for that reason its use is banned underground. The fact that a supply of it was found in No. 15 suggested something to the investigators, and no one was surprised when they found pieces of Primacord near the boomhole.

At first there was speculation that perhaps the boomhole itself had been blasted successfully but that the size of it—it was about 25 feet across and 30 feet long—had knocked a gigantic section of roof down into the mine where Bentley and Hibbard would have had to break it up. The idea of lying on their sides smashing away at the rock with sledges would not have appealed to them, so this theory went, and they might have tried to break the rock with Primacord alone or with Primacord and dynamite. Either way the results could have been fatal.

But investigators moved away from this theory as they discovered more and more about the boomhole. It appeared that something like 100 sticks of dynamite had been placed in holes bored in the roof, and then set off simultaneously by connecting the holes with Primacord. Possibly Bentley had done that kind of blasting before, without bad results. But it was a terrible risk. Mine experts like to point out that mine explosions take place because the right (or wrong) combination of circumstances are present. One of the investigators at the mine site explained it: "Most any of these small mines are potential killers. You know that game, Russian Roulette? Well, it's a lot like that. You get the right combination, you get killed." On his fingers, black with coal dust, he ticked off some of the elements of the combination: dry air . . . loose dust . . . an electric spark, or a flame . . . too little rock dust . . . a drop in barometric pressure, which liberates dust or (in gassy mines) methane—and which invariably occurs when a cold front moves into an area, as it did in Leslie County on December 30, just before the snow began to fall.

"My guess," he said, smiling, "is that they'll pin this whole thing on Walter Bentley."

The Bureau of Mines scheduled a hearing for January 6 in Hyden, and while federal and state investigators were preparing for it, the much-publicized drive to provide "all possible aid" for the widows and children got under way under the direction of Mr. Boleyn.

On January 4, many of the miners' dependents were assembled at the VFW Hall in Manchester to hear condolences and suggestions from Mr. Boleyn and from representatives of the insurance companies who served Finley Coal Company; officials of the Social Security Administration, the state Department of Workmen's Compensation, the state welfare department, and various other individuals who wanted to make themselves known, including a young man who said that Senator Cooper would be there if he could, and Judge Wooten, who said that the women and children were going to be looked after. He tried to smile at them, sitting ranged in front of him in slatback folding chairs beneath the merciless gleam of four television quartz lights, and they stared back, expressionless for the most part. When one of the women began to sob quietly into a handerkerchief, a young ABC-TV cameraman was there in an instant, zooming in on her from three feet; she would fill the screen that night behind Howard K. Smith. Judge Wooten, too, looked strained and old. He is a handsome man, normally cheerful in the universal way of back-country politicians, but on January 4 his face was drawn, and one of his hands was bandaged; the day before, provoked by a coal operator who had taunted him about the stupid federal mine law and the outside agitators who were coming in to stir up trouble, the Judge had punched the operator in the face.

LOW WIDOWS' BENEFITS

Ranged at tables in the back of the hall, bureaucrats from the various agencies sat, poised, with stacks of application forms in front of them. The idea, as William Boleyn explained it, was that they would "cut through miles of red tape" by processing the widows' welfare benefits right there. For his part, the insurance company representative was eager to help, too; he had brought checks already made out, and all the widows had to do was sign a form and they could have them.

The actual dimensions of the all-out aid effort began to emerge fairly quickly. Reporters soon learned, for example, that Kentucky has a rather unusual workmen's compensation law that allows coal operators to insure themsleves for damages up to $25,000; in situations where damages exceed that amount, the companies can join a "pool" of companies whose liability is spread among many insurance companies. The state maintains a minimal surveillance over the whole operation, and the insurance companies undertake a rather minimal liability. The only drawback is that the compensation payments are somewhat low, as many people discovered on January 4. It had been estimated that there were 33 widows left behind by the disaster, and 97 children; five of the miners were bachelors, and officials simply assumed that they had no dependents—ignoring the common habit among young miners of living with parents and paying part of each paycheck toward their support (and the support of younger brothers, sisters, and cousins).

The Workmen's Compensation Fund paid each widow a lump-sum of $500 for burial expenses, and guaranteed a weekly death-benefit payment of $48 for a period of 400 weeks, after which there would be no further payment. Thus, in the eyes of the Workmen's Compensation Fund at least, each miner was worth $19,700—about what he would have earned in three years of mining. In the case of a young miner in his twenties, who might have lived and worked twenty-five years if he had lived and would have earned more than $200,000 during that time (if times were reasonably good), the financial discrepancy was fairly blatant. Most of the widows, however, were not in a mood to quarrel over dollars; they were not mourning their husbands' wallets. Later, trying to get by, they might have to.

Social Security, it appeared, would also pay a burial benefit of $225. The survivors' benefits, according to a Social Security official, would range from $200 a month to $375, depending on the wages and work record of the individual miner. The payments would continue as long as there was a child in the home under 18 (22 if the child was a full-time student, of whom there are few in Leslie or Clay counties); after that, the miner's wife could apply for retirement benefits if she was 60—or at 50 if she was disabled.

No explanation of legal rights

No one, including Mr. Boleyn, explained to the widows anything about their legal rights, and nothing was said to them about what they might be signing away. No one seemed concerned about that, except for a few old Eastern Kentucky hands who remembered that the state had gone through several Workmen's Compensation scandals in recent years. But it was learned later that the women had, by signing for compensation payments without the aid or assistance of a lawyer, waived their right to apply for a 15 per cent increase in payments under a clause covering situations in which negligence is proved on the part of the employer. Since neither the state nor the federal government had yet issued a report on the mine explosion, the question of negligence could not yet be answered—not officially, anyhow—and there might have been an argument for waiting a few days on the payments; in the interim, perhaps, the White House could have developed a short-term disaster-relief plan that would have provided support for the survivors. The argument was not made (the government's all-inclusive aid plan apparently did not include inviting participation by OEO Legal Services lawyers who were working in Barbourville).

On January 12, the Social Security administration announced that it had honored Mr. Boleyn's mandate to cut through red tape and was making its first payments. There were 34 checks in all. Most were to young or middle-age widows with children, but there were some snags—a result of regulations. Thus there was one widow under 60 with no children who received only $225, for the burial of her husband, and no regular payments thereafter. Two payments went directly to funeral homes, because there were no dependents—so the agency said. Two claims were denied, because the miners involved, one of whom was 20 and the other 19, had not been working long enough to qualify.

This, it seemed, was the sum of the Presidential promise to do everything possible for the survivors. Not long afterward, it developed that some of the men—perhaps as many as 10—had filed claims for pneumoconiosis (black lung) compensation, for which they might have been eligible under the health provisions of the 1969 Federal Coal Mine Act. For the time being, however, they were not, because they had been buried without autopsies and there was no way to know the condition of their lungs. That meant that their widows could not receive benefits (up to $270 per month) that might have been available. Perhaps it would all be straightened out in time. Meanwhile, the undertakers were submitting their bills. Some were as high as $2,200. Privately they were telephoning widows and threatening court action to get payment; publically, they looked and sounded much like undertakers everywhere. "I *tried* to keep them from buying the most expensive caskets," one of them said, "but you can't reason with people at a time like this. They came in, in their grief, and they said they wanted the best."

Public hearing a shambles

On the morning of January 6, the Bureau of Mines and the Kentucky Department of Mines and Minerals jointly convened their hearing in the circuit courtroom of the Leslie County Courthouse in Hyden. It was widely expected to be the climax of the investigation. Some people, including at least two federal mine inspectors, believed the Bureau would accuse the Finleys of criminal negligence. Others, remembering the telegrams sent to the Bureau and the Interior Department by Rep. Hechler and Sens. Williams and Jackson, assumed that the scope of the hearing would be broad, and that a close look would be taken at the operations of the Finley mines since the time they first began to run coal. Still others attended the hearing out of sheer curiosity and expected nothing in particular.

Only the last group was not disappointed.

Despite the presence of Bureau director Osborn and a covey of Interior Department attorneys, the hearing was, in its way, a direct parallel to the less-than-total aid effort two days previously at the VFW hall in Manchester. Much was expected; little if anything was delivered.

The courthouse—a bleak brick-and-concrete structure that was painted pale green inside, once long ago—was jammed with spectators: reporters, television crews, widows, miners, local politicians, students, lawyers. Several visitors had also arrived from Washington to oversee the Bureau in its work. They included Rep. Carl D. Perkins of Kentucky, chairman of the House Education and Labor Committee; Rep. John Dent of Pennsylvania, chairman of Perkins' Subcommittee on Labor, which had shepherded the 1969 mine law through the House; Rep. Tim Lee Carter, whose 5th Congressional District includes Leslie and Clay counties; and the ubiquitous Rep. Ken Hechler of West Virginia.

The witness list, distributed as the hearing convened, gave some indication of the narrowness of the inquiry to come. Despite the specific Congressional requests for a broad hearing, there were no widows on the list; the names of Inspectors Couch, Hyde, Sexton, and Alexander were not there; nor was the name of Dr. Beasley, the physician who had examined the miners' bodies and could have given expert testimony on the cause of death.

Dr. Osborn opened the meeting and set an ugly tone immediately by rudely silencing an attorney from the Appalachian Research and Defense Fund who attempted to inquire politely about the scope of the hearing. After a short exchange, the lawyer began to ask: "Then, do I understand that—" "You don't understand anything from me," Dr. Osborn snapped. "Sit down."

Once the hearing was underway, Dr. Osborn took the role of an observer, leaving the questioning to his assistant director, James Westfield, who had also directed the Bureau's efforts at the mine site. Commissioner Kirkpatrick took a similar role, leaving the questioning to Jed Mosgrove, a veteran Eastern Kentucky miner who serves as safety specialist for the state.

Ponderous questions

Westfield has a reputation for considerable expertise in technical areas of coal mining, but as a hearing examiner his credentials were notable by their absence. Through the day he led the witnesses through a totally unimaginative list of ponderous questions which seemed almost calculated to reveal as little as possible about the Finley mine. And despite the presence of the Interior Department lawyers, who hovered solicitously behind Westfield's shoulders, he could not seem to remember basic legal procedure, with the result that Charles Finley was the only witness of the day who was advised of his rights—including the right to remain silent. The other witnesses, most of whom had been or still were employees of Finley's, were not so favored, and there were indications later in the month that some of them might have walked into possible perjury charges.

Finley, who was the first witness, described the operation of his mines in highly generalized terms, and then got into trouble whenever there was a need to be specific. It was hard for him to remember how often he actually went underground to supervise the operation. He could not remember what instructions he had given to the shot-firer, Walter Bentley, about the use of explosives, although he did recall giving him instructions. He said he purchased only permissible explosives for use in the mines, but did not remember the name of one of the dealers who had sold them to him. He said he had bought Primacord for use outside the mine—mainly for building a roadway—but couldn't remember how much he had bought. He said he had hidden it in the mobile trailer, under a bench (thus contradicting an earlier recollection, when he replied, in answer to a reporter's question about whether he kept explosives in the trailer: "Not to my knowledge").

Finley said he didn't know that investigators had found Primacord inside the mine, and was surprised. Then he was asked if the shooting of 50 to 100 shots simultaneously would be permissible. For anyone who knew the law—which imposes a limit of 20 shots—there could only be one answer: No. But Finley's answer was: "Depends on conditions." Westfield did not pursue him further on that point.

Finley told the investigators he owned two rock-dusting machines but had had mechanical trouble with both of them, and had decided to keep one operating and the other for parts. He was not asked whether it was possible for one machine to dust both mines adequately, especially since it operated only on the third shift each day.

And—more importantly—he was not asked any questions about the previous operations of No. 16 and No. 15; nor about the 38 violations for which he had been cited by federal inspectors; nor about the previous accidents which the mines had suffered.

The Leslie County coroner, Dwayne Walker, followed Finley to the witness stand, and was asked only to give the cause of death, which he identified as: "Blast, causing suffocation and carbon monoxide poisoning." The statement, though cryptic, was in itself revealing, since up until the day of the hearing Kirkpatrick and his aides were still telling reporters that all of the men were killed instantly. This could not have been the case if some of the men died of suffocation or carbon monoxide poisoning; to do so, they had to have been breathing after the explosion—even though they might not have breathed for more than a few seconds before they were overcome, either by a shortage of oxygen or by an excess of carbon monoxide. No amplifying questions were asked of the coroner, however; nor was he asked about his credentials as a medical expert. If he had been, he would have had to explain that he is a funeral home operator with no medical training and that he could not have told one symptom of death from another. That, in turn, might have produced the revelation that Dr. Beasley had examined the bodies and had concluded that some of the men lived. But this fact did not come to light until, a week later, *The Mountain Eagle,* a weekly newspaper in Letcher County, interviewed Dr. Beasley.

There was considerable significance to the discovery, since it raised another question which Westfield did not see fit to explore at the hearing. Finley had been cited in November by federal inspectors for failing to provide "self-rescuers" in the mine; he said they were on order. After the explosion, investigators found a steel box in No. 16 containing 21 self-rescuers—which were not enough to go around, and would have been useless in any case, since the men would not have had time to reach the box. Some critics of the Finley Coal Company felt that this in itself was demonstrable negligence, especially if it was the case that some men lived and might have lived longer had they been supplied with the devices as required by law. A reporter from *The Mountain Eagle* went out to the mines during the afternoon of January 6, while the hearing was still in progress, and took a look inside the mobile trailer; he discovered several self-rescuers, still in their packing boxes and covered with dust. From the standpoint of anyone contemplating criminal action against the Finley Coal Company, it would have been useful to hear Charles Finley explain what the self-rescuers were doing there—even more so, since the very next week he told another reporter that he had not put *any* self-rescuers in the mine (apparently forgetting the 21 that had been found there) because there weren't enough for all of the men, and he was afraid that if there were trouble, men might fight over them. "They might even kill to get them," he said. He did not have to add that if he had complied with the law in the first place, that wouldn't have been necessary.

Finleys Stare at Witnesses

Throughout the day, Charles Finley and his brother Stanley (who, though partner in the company, said he had never been in either No. 16 or No. 15, and was thus spared any questioning of importance by either the state or federal investigators) were permitted to sit at a small table next to the witness stand, where they watched each witness. Stanley in particular seemed eager to communicate with his employees; not only did he stare at them as they answered Westfield's questions, but from time to time he went into the jury room where the next witnesses were waiting and talked with them. Some spectators reported that he was threatening them, and others said he was buying them off; neither report was confirmed, but the fact that Finley was even being permitted to go talk privately with witnesses before and after they testified was enough to cause concern among many members of the audience. It did not seem to bother anyone from the Bureau, however; when a representative of the Kentucky AFL–CIO got up and complained privately to Dr. Osborn, Osborn simply looked over in the direction of Stanley Finley—who was talking with Ernest Hoskins, foreman on the second shift and a key witness—and frowned slightly. Finley's back was turned, he missed the frown, and Osborn took no other action.

Illegal explosives

Despite the possibility of intimidation, however, a number of Finley employees testified that explosives had been used illegally before the December 30 disaster. A. T. Collins, the sole survivor of the underground first-shift crew, said that he had found some pieces of Primacord in the mine just before Christmas and had asked Walter Hibbard, the foreman, about them. "Ain't that a little dangerous?" Collins said he asked, but Hibbard simply told him to hide the Primacord behind a coal rib. Collins also recalled that on the morning of the fatal explosion, Hibbard told him there would be a couple of explosions—just light ones; but there was something about the way Hibbard said it, nudging Collins with his elbow and winking at him, that made Collins suspect the explosion was going to be big.

The allegation that Primacord had been seen in the mine just before Christmas was interesting, because an earlier boom hole had been blasted on December 22, at the point where No. 16 and No. 15 met [see map, Appendix] and there was at least a possibility that Charles Finley had personally supervised that operation. It took place at a time when the mine was not producing coal—for a couple of days before and after Christmas, work supposedly consisted mainly of maintenance and extending the conveyor belt—and Charles Finley had already told his questioners that he had spent some time in the mine at that point. If he had, he might have known about the Primacord, might even have authorized its use; but no one asked, and no one asked A. T. Collins if he had seen Finley or talked with him about the Primacord.

James Collins—whose brother Lonnie had been killed in No. 16—testified that he had seen something unfamiliar in the mine about two weeks previously (i.e., about December 22) and had asked Ernest Hoskins, the second shift foreman, what it was. He said Hoskins told him it was Primacord. Later, "I helped out wiring with it," Collins said, adding that he had seen 50 holes detonated at a time with Primacord. Hoskins, who had already testified that he had never seen anything other than permissible explosives used in the mine, was recalled to the witness stand after James Collins' testimony, and not surprisingly repeated his previous statement. But Hoskins, like Charles Finley, had trouble recollecting details—for example, he was not sure whether there were self-rescuers supplied to his shift—and expert questioning might have shed some helpful light on the question of who was telling the truth. Expert questioning, however, was a commodity that all of the witnesses were spared.

Inspectors not questioned

Since there was no questioning of federal mine inspectors, there was no information obtained obout their personal views of the Finley mines. (A state inspector, Albert Alexander, said later that the mines were "about average," and a federal inspector said that "all these damned truck mines are death traps—but I guess we aren't supposed to say that in public." Apparently not, since neither he nor Alexander was asked to testify.) Nor were any questions asked about why the federal inspectors had not returned to the Finley mines on December 28 as they were scheduled to do. In the January 6 edition of the Louisville *Courier-Journal,* staff writer Ward Sinclair was reporting that inspectors had received a memo from Washington on December 9 directing them to give priority to ventilation and dust-control plans, which, according to Rep. Hechler, effectively barred them from making inspections for other hazards. It would have been helpful to hear the inspectors' own views on this matter—but either Westfield et al. hadn't read the *Courier-Journal* that morning, or else they were not interested in probing the questions raised by Sinclair's story (a possibility, since the memo in question had apparently been written by Westfield).

One witness, Mack Collins, failed to appear when he was asked to testify, and a search of the courthouse revealed that he had disappeared. He was located during the following week (friends said he was in a state of rage as one employee after another testified that they had never seen Primacord in the mine and wouldn't recognize it if they did), and in testimony given in a sheriff's office he said he saw Primacord being used several days before the December 30 explosion; he said also that he had seen dynamite, tamped with paper, used for underground blasting—a double violation of law, since the use of a combustible material to tamp an explosive is illegal. Another witness who had not been asked to appear at the hearing corroborated Collins's story and said he had used dynamite to shoot boomholes at an earlier Finley mine, No. 12. Thus there was the possibility that the use of illegal explosives was a commonplace part of the Finley operations—but the questioning on January 6 did nothing to substantiate the possibility, or, for that matter, to disprove it.

WIDOWS NOT CALLED

To some reporters, it was a matter of great mystery that no widows were asked to testify. (After the Farmington disaster that killed 78 men in 1968, the widows could recall in detail their husbands' fear of the mine—a justified fear, since it had had five fires and explosions already, and taken the lives of 39 men—but then, too, they were not questioned by Bureau investigators). Two or three days later, Commissioner Kirkpatrick explained it: "In that kind of hearing," he said seriously, "what workmen tell their wives when they come home just doesn't stand up."

But if Kirkpatrick had been able to accept the notion that a widow might know something, he might have been willing to hear testimony from—for example—Mrs. Betty Lee Wagers, whose husband had told her generally that "the mine was dangerous, and he wanted to quit," and had also told her about an accident that took place in the mine some weeks prior to the fatal explosion.

The accident that he described to her involved a miner named Sam Henson, and as mine accidents go, it was nothing spectacular. According to Mrs. Wager's husband, a temporarily spliced trailing cable ruptured next to the machine that Henson was operating, ignited coal dust, and caused a brief, fierce fire that burned Henson's legs badly. Mrs. Wagers remembers that her husband was upset, because the accident wouldn't have happened if the cable had been properly spliced and correctly insulated—but it wasn't, he said, because the company didn't want him taking the time to do the job right, not if it would mean losing production. That kind of thing was what bothered him about the Finley mines: cutting corners, letting the loose dust build up, letting the maintenance wait.

If Sam Henson was a victim of company negligence, there was no way that the Bureau could have found out about it at the hearing. The investigators had not only decided not to call any widows, but had also called fewer than half of the men who worked for the Finleys. Sam Henson was not among those called. Without calling him—or Mrs. Wagers—the Bureau could not have found out the details of his accident, one of which was that it was never reported to the Bureau by the company. In fact the accident would not have become public at all if Mrs. Wagers had not happened to talk about it to a Coal Miners Legal Defense Fund attorney working on an investigation for this report. The attorney checked further and found that Sam Henson is still disabled by his injury and drawing workmen's compensation. Like so many others, he might have had something to tell James Westfield at the hearing; but like so many others, he was not asked.

Two weeks later, back in Washington, Bureau of Mines director Osborn admitted (to the Louisville *Courier-Journal's* Sinclair) that January 6 hearing in Hyden had not been all it could have been. "About all we had to go on was tradition," Osborn said, explaining that among the other things missing at the Bureau is any plan for conducting a hearing. "We learned a lot from this experience," Osborn said. "Some of us who were there learned there has to be a plan for the Bureau to follow . . . we will develop a better system, although we're not sure what it will be."

But Osborn did not feel that the scope of the hearing should have been broadened to include questioning federal inspectors and others about the past record of the Finley mines. He seemed to feel that that would have been like having a trial, and that, he said, was not the purpose of the hearing. "We were after explosion information. And our explosion findings will lead to further regulations. But it is not our job to levy criminal penalties against the mine operators."

From critics, there was speedy reaction to both comments. One of Osborn's inspectors asked what good new regulations would do "until they let us enforce the ones we've got now." And one of the lawyers who helped draft the 1969 Federal Coal Mine Health and Safety Act pointed out that Section 109(b) provides a fine of $25,000 and imprisonment of up to one year for any operator "who willfully violates a mandatory health or safety standard." He suggested that it *is* the Bureau's job to make sure operators take Section 109(b) seriously—and then added, with considerable gloom: "On the other hand, Dr. Osborn's only been there three months. Maybe he hasn't had a chance to read the law yet."

The January 6 hearing came to an end with a reminder that the record would remain open for 20 days to receive additional testimony and comments, and that the Bureau of Mines would make known its findings and conclusions before February 1. Soon it appeared that the hearing had in fact been the climax of the investigation, in a bizarre way. Afterward, the investigation continued, but without melodrama. In the Finley mines, federal and state inspectors concluded their work and left the mines to clean-up crews; there was speculation about when, if ever, the mines would open again. In Lexington, Commissioner Kirkpatrick and his staff went to work on the state's report. Those who remembered the commissioner's comment after a single hour in the mine—"I've seen all I need to see"—and his previous public statements on mine safety assumed that they could predict what the state report would say.

Sketchy State report

They were right. On Thursday, January 21, Kirkpatrick released the official report and answered questions from the press. The report was brief, sketchy, and unmistakable in its conclusion that the sole responsibility for the death of 38 men in mines No. 15 and 16 lay with Walter Bentley, the explosives expert, and Walter Hibbard, the foreman. There was no suggestion that part of the responsibility might lie with the coal operator. Furthermore, Kirkpatrick seemed to attach little importance to the question of whether Finley had known, or approved, of the technique by which Bentley and Hibbard planned to blast the boom hole. "I don't know whether the owner was cognizant or not," Kirkpatrick said. "The main thing is that the mine foreman has the responsibility under the law, and the superintendent, and they were both killed."

In fact, Kirkpatrick was quite possibly wrong. First of all, it was not true that both the mine foreman and the superintendent were killed. The foreman, according to Finley, was Walter Hibbard, and he is indeed dead. But the superintendent of No. 16 mine, according to the state's own records, is Dill Finley, first cousin to Charles and Stanley Finley, and he is very much alive. The superintendent of mine No. 15 is also alive, if state records are correct: he is a man named Monroe Mitchel, who reportedly has been ill for some weeks and living at home near Barbourville; he was not asked to testify. He testified at the January 6 hearing but was not asked about his responsibilities as mine superintendent, perhaps because he allowed himself to be identified as "general foreman on the second shift." If, as the state records show, he is actually the mine superintendent, then it might have been assumed that he discussed explosives and other matters with his cousins, and the hearing should have included questions to this effect. It did not, and Kirkpatrick's apparently inaccurate remark further clouded the subject.

Second, when Kirkpatrick said that "the main thing is that the mine foreman has the responsibility under the law," it was not clear—and is not clear yet—what law he was talking about. Under the federal law, the operator of a mine has responsibility for its safe operation. And in order to receive a permit, under the Kentucky law, to operate a mine within the state, the operator must swear that he "will be responsible for the safe operation of this mine." Charles Finley was so sworn—with his signature duly witnessed—on separate applications for licenses for each of his mines, both in 1969 and 1970: a total of four declarations of responsibility. Just as it is possible that Elburt Osborn has not had time to read the federal law, it may be that Harreld Kirkpatrick has not kept up with Kentucky's, either.

Hearing reopened quietly

It was widely reported that the Interior Department attorneys went back to Washington filled with concern. Throughout the hearing they had been well aware that Congressmen Perkins, Dent, and Hechler were watching them with more than routine interest. Perkins had already announced that his House Committee on Education and Labor would hold hearings on the disaster in February, soon after the 92nd Congress convened. Although the Congressman had said only that he would bring the committee to Kentucky for "a day or two," the Interior attorneys were afraid that he would probe into areas where their hearings hadn't gone (this meant practically any area that Perkins could think of), and they took steps to remedy the situation. Waiting until the television crews were gone and the Findley Mine Disaster Story was no longer front-page news, they returned quietly to Leslie County and "re-opened" the hearing. This time, however, there was no audience; if the public was not exactly excluded, it was not informed that the hearing was continuing. When a *Courier-Journal* reporter finally cornered one of the attorneys, he said that they were "building a case"—a remark he later denied having made.

Whatever they were doing, it was expected to become clear when the Bureau released its report. Meanwhile, however, their confidential approach to their work seemed to conflict with the language of the federal mine law, which calls for public hearings when coal mine accidents are investigated. Perhaps the lawyers felt that, having held one disastrously amateurish public hearing, there was no need to humiliate themselves with another. It was possible to sympathize—briefly—with such a view, but by cloaking themselves in secrecy the attorneys left themselves no defense against charges that they were attempting to arrange facts so that the federal report, too, could be as kind as possible to two brothers who just happened to have a mine blow up through no fault of their own. Already that seemed to be the attitude of Bureau director Osborn, who refused to criticize the long record of federal violations at the Finley mines, and said in fact:

"I'll bet many mines have just as bad records as the Finley mines. Don't criticize the Finleys."

THE SCENE OF THE CRIME

Monongah, W. Va., 1907: 362 dead. The worst explosion in American coal mining history was followed, in short order, by a series of other major mine disasters that left hundreds of miners dead and slowly aroused national concern. State inspectors refused to consider the possibility of operator responsibility, and the operators refused to deal with the United Mine Workers, echoing the famous statement by George Baer, president of the Philadelphia & Reading Railroad, during the 1902 coal strike: "The rights and interests of the laboring man will be protected and cared for, not by the labor agitators but by the Christian men to whom God in his infinite wisdom has given control of the property interests of the country." God gave the same men control of Congress, and when the Bureau of Mines was created in 1910 it was given no authority whatsoever—except to spend federal money for research into safer mining methods which could then be adopted by industry, if industry so chose to do.

The immediate task of the Bureau was to test various kinds of explosives to determine which ones were relatively safe to use in coal. Those that passed were classified "permissible," and their use was encouraged. From time to time the Bureau also offered suggestions to coal operators, as in 1912: ". . . Mines should be kept as free as possible from coal dust . . . the dust should should be kept continually wet. . ." The Bureau had no power to enforce its recommendations, and they were generally ignored.

Major explosions took the lives of nearly 6,000 miners between 1910 and 1940; this was of interest to the Congress, but not enough to produce any legislative action. In 1940 and 1941, however, after two relatively quiet years, a series of blasts killed 379 men, and God relinquished control of a couple of committees, which succeeded in drafting legislation which passed Congress and became the Coal Mine Inspection and Investigation Act of 1941. This law gave federal inspectors the right to enter mines and inspect them, but no power to enforce their recommendations. It was nevertheless branded as sheer Communism by many mine operators. The Bureau of Mines became, in the years that followed, very professional at investigating disasters caused by practices it had recommended against.

Other mine disasters

West Frankfort, Ill., 1951: 119 dead. A series of explosions in 1951 resulted in the introduction in Congress of various bills designed to give regulatory power to the Bureau of Mines. They were blocked by coal industry lobbyists until the Orient No. 2 mine of Freeman Coal Company (now a General Dynamics division) blew up four days before Christmas and killed 119 men. John L. Lewis pointed out that the same number of men had been dying every 17 days in coal mines since 1910. In the Congressional hue and cry that followed, the Federal Coal Mine Safety Act of 1952 was passed, giving limited enforcement powers to the federal inspectors—but leaving so many loopholes that President Truman found it necessary to call attention to them as he signed the bill into law.

Robena No. 3, Ill., 1962: 37 dead. The explosion of a U.S. Steel mine created a mild stir in Congress and some suggestions for new legislation by the Kennedy administration. There was no action.

A series of fires and explosions in small mines in 1964 and 1965 spurred the Congress to amend the 1952 law so that federal inspectors were given enforcement power in small mines employing 15 men or less. The Bureau of Mines was also directed to study the problem of mine health and safety and produce recommendations by 1967 for further action. Indications are that the Bureau was exceedingly reluctant to recommend anything, and had to be goaded by members of the Johnson administration's White House staff.

River Queen, Ky., 1968: 9 dead. An explosion in Peabody Coal Company's River Queen mine in western Kentucky resulted in a handful of Congressmen and safety crusader Ralph Nader demanding new federal mine legislation. Their campaign appeared to be doomed . . .

Farmington, W. Va., 1968: 78 dead. Less than three months after the River Queen disaster, the No. 9 mine of Consolidation Coal Company blew up in Farmington, West Virginia, on November 20, killing 78 miners. For the first time, television crews filmed a mine disaster and the public was treated to such spectacles as watching United Mine Workers president Tony Boyle praising Consol just before it was learned that the mine had been found in violation of safety regulations 25 times since 1966, and had been cited for failure to rock-dust in every federal inspection since 1963. For most people in the country, it was the beginning of a realization: that there were actually people running around who still mined coal, and that they were being killed at their jobs by profit-hungry operators, a corrupt union, and a government that couldn't care less. The reaction was swift and nationwide.

But it was not unanimous. While Lyndon Johnson's Interior Secretary, Stewart Udall, was scheduling a national coal-safety conference and finding out that 5,500 miners had died since the 1952 law was passed (not to mention some 220,000 who had been maimed or seriously injured), the principal spokesman for the industry, George Judy of the Bituminous Coal Operators Association, was warning: "I don't think you can legislate safety." With the kind of logic familiar to many businessmen, he said: "I'm horrified at the disaster, but let's not go off half-cocked. Are you going to take airplanes out of the sky because they crash and kill 78 people?" When the Johnson administration introduced a new safety bill, Judy was asked what parts of it he could accept. "I don't know as I like any of it," he said. "We've got adequate laws."

West Virginia "black lung" strike

Large numbers of people disagreed—principally miners. In West Virginia, the leading coal state and one of the most backward politically, 43,000 miners went out on an unauthorized strike in February, 1969, hoping to force the state legislature to pass a bill providing compensation for Coal Workers Pneumoconiosis—"Black Lung." They had been learning about the disease from a trio of West Virginia physicians who stumped the state and defied not only the operators and the legislators but the union leaders as well, who red-baited them and, when that failed, tried to take credit for the health-and-safety crusade—despite the fact that, although Black Lung was recognized as an occupational disease in 1813 and had been compensable in England since 1934, the United Mine Workers had never acknowledged its existence until 1968. When the West Virginia miners struck, it was over the fierce opposition of their own so-called leadership. UMW vice president George Titler reassured the West Virginia Coal Association: "The boys'll be back tomorrow." The boys, infuriated, stayed out for weeks, and on the last day of the legislative session, a compensation bill cleared the lobby-dominated legislature.

It was probably the closest thing to grass-roots populism that West Virginia has ever witnessed. But Charleston is surrounded by coal-mining counties and Washington, D.C., is not; and there was evidence that Washington would not yield without a fight. The Bureau of Mines was part of the Interior Department, and the Interior Department had been staffed by men whose first allegiance was to the oil industry, and the oil industry had moved in recent years to take over the coal industry—and, by absorbing the half-dozen largest coal companies, had taken control of more than half the coal produced in the United States. The oil lobby put out the word that it would accept some sort of mine health and safety legislation; how much was unclear.

The opposition

A small band of Congressmen, backed up by the growing militance of miners who knew that they had the power—if they had to use it—to shut off every electric light in the country, went into the first session of the 91st Congress heavily armed with the strongest health and safety legislation ever drafted in the United States. They faced a wide variety of opposition:

The giant oil-coal complexes, represented principally by Consol's president, John Corcoran, who served as chairman of the National Coal Association. The NCA operated on the familiar theory that by supporting limited reform it could avoid having major reform forced upon it by the combined weight of Congress, coal miners, and public opinion.

The medium-size coal companies, represented in Washington by the Bituminous Coal Operators Association. The BCOA's technical staff provided pro-industry Congressmen with facts and figures to refute the safety crusaders, but as an organization BCOA was outranked by NCA and was of limited lobbying effectiveness because its membership was not unified on goals.

The small coal operators, whose Washington lobbyist, John Kilcullen, was in bad odor among many Congressmen but was still able to operate an impressive holding action on behalf of his clients, most of whom belong to the National Independent Coal Operators Association.

The United Mine Workers, whose lobbyists could barely find their way to Capitol Hill without help. The UMW plumped for separate health and safety bills, assuming one or the other might pass if the wind was right. Meanwhile the organization concentrated on its internal struggle as reformers led by Jock Yablonski challenged the machine of President W. A. Boyle. Boyle allegedly used millions of dollars of union funds to beat Yablonski; his vice president, George Titler, demonstrated support for safety crusaders by calling Rep. Ken Hechler "the small end of nothing, shaved down to a point." (That was his mildest epithet.)

The Nixon administration, which gave lip-service support to a mine health-and-safety bill but gradually shifted over to opposition as it became clear that the bill might actually become law. In the White House, the staff man responsible for holding the line on progress was Richard Burress, a former FBI agent. He lobbied hard among pro-industry Congressmen and Senators, and was aided from time to time by cabinet members like Labor Secretary George Schultz, who opposed black-lung compensation at the federal level because, in his view, it rode roughshod over states' rights.

Fighting against passage of the feeble Coal Mine Act in 1941, the National Coal Association fulminated that it would mean nothing but "more red tape, more reports, a higher cost of doing business, less tonnage produced, less work for all unconcerned . . . more relief funds . . . more unemployment . . . The coal industry needs help from the government rather than a law . . ." By 1969 the lyrics had changed a little but the melody was familiar; NCA president Stephen Dunn said that "everybody, including the coal industry, wants a good bill" but stressed that if the bill failed to meet his definition of good, it would undoubtedly "close thousands of coal mines and threaten a power blackout which would be devastating not only to the economy but to the public safety." This kind of thing had its effect, as did dire warnings from John Kilcullen, lobbyist for the small operators, that a new law would cost 100,000 jobs. Kilcullen could give precise (if undocumented) figures for any part of the country—Eastern Kentucky, for example, would suffer the loss of 15,480 mining jobs—and Congressmen from already depressed areas listened and fretted.

Strengthening the mine safety bill

The administration's bill, introduced in March, might have been watered down beyond recognition if a small group of Congressmen—Hechler, Dent, Phillip Burton of California—had not fought to strengthen it in the House, while Sen. Williams fought for it in the Senate. It was notable that neither Williams nor Burton were from coal-mining states. For the most part, coal-state legislators either stayed out of the fight or weighed in with the operators. A few months after the UMW and Consolidation Coal had been convicted of an anti-trust conspiracy in Kentucky, for example, the UMW pushed its separate-health-and-safety-bill idea via Sen. Jennings Randolph of West Virginia; some months later, it developed that Consol lobbyists had written Randolph's proposals, presumably with UMW cooperation. The administration supported the idea of retaining the Coal Mine Health and Safety Board of Review, which had always been operator-dominated and had built a record of non-enforcement of penalties under the 1952 act; in 1969 the Board was headed by Dennis McElroy, a Consolidation vice president. In March, 1969, the administration lobbied to relax coal dust standards which had been proposed by the U.S. Public Health Service after an exceedingly cautious 16-year study. In April, Sen. Marlow Cook of Kentucky introduced a health-and-safety bill which turned out to have been written jointly by Kilcullen and a group of state mine inspectors; it would have permitted indefinite continued use of obsolete electrical equipment and would have left the regulatory power in the hands of Congress, where it would almost certainly have been left unused.

Although some key provisions of the bill were lost en route to a vote—for example, a section giving miners the right to sue operators in cases of negligence—the bill went through House and Senate hearings, floor arguments, and a conference committee without being gutted, thanks primarily to the fact that the key Congressmen stayed with it and were supported by the kind of staff legal and technical expertise that is rare enough at any time but espcially when occupational bills are being enacted. The House cleared the bill late in October by a vote of 389–4; the Senate had already approved it, 73–27; it emerged from a conference committee in mid-December. Meanwhile the administration, having struggled unsuccessfully to gut the bill, remained sullenly silent, but on December 17, after the Congress had culminated nearly a year of debate by accepting the bill, the White House sent over word that the President might veto it. Secretary of Labor Shultz (who had recently refused on three occasions to intervene in the bitter UMW election) sent letters to all Congressmen arguing that the Black Lung compensation section of the bill constituted "an undue invasion of the states' traditional prerogatives in conducting workmen's compensation programs" and suggested that it would cost more than it was worth. One of the bill's principal sponsors, Sen. Harrison Williams, charging the White House with "a callous disregard for human suffering," said that "the administration has once again tried to delay and defeat the legislative process while publically proclaiming that Congress is doing nothing." For two weeks the mine law remained in uncertainty on the President's desk. When a delegation of widows from the Farmington disaster came to see him, the President refused to see them. Finally, on December 30, 1969, the President signed the bill—foregoing the traditional bill-signing ceremony—and when the White House announced the fact he was already in mid-air en route to a vacation in San Clemente. Thus the Federal Coal Mine Health and Safety Act became law.

New mine law

For the first time, coal operators were required by law to protect the health as well as the safety of their employees. The mine law provided tough requirements for the reduction of respirable dust in mines and set up a full-scale Black Lung benefits program that put the federal government into workmen's compensation for the first time.

The law also spelled out in great detail the increased enforcement powers of federal inspectors and provided a schedule of fines up to $25,000 for operators who failed to comply. The law required that particularly dangerous mines must be inspected every five working days, and spelled out mandatory safety standards that the operators would be required to meet.

But unquestionably the most important feature of the law lay in its administrative language, particularly in the use of the verb, "shall." Administration of the bill—and enforcement of its stringent safety provisions—was the province of the Secretary of the Interior, but Congress was explicit in outlining his functions. Most bills leave much to a Secretary's discretion, through language which states that "the Secretary may authorize . . ." "the Secretary may appoint . . ." and so on. In the federal mine law, in section after section, Congress specified that "the Secretary shall appoint . . ." "the Secretary shall promulgate . . ." and went still further, giving him exact deadlines—31 in all—within which he was required to implement this or that feature of the act. No one from the Interior Department had suggested to Congress that this could not be done, and the Congressmen most responsible for the bill assumed that their instructions would be followed.

It was an unsafe assumption, as they were soon to discover.

Coal miners who believe in omens knew that 1970 would be a bleak year as soon as the word reached them from Pennsylvania: Jock Yablonski, his wife and daughter Charlotte had been found shot to death. "You guys just wouldn't believe how corrupt this union was," Yablonski's son Chip told reporters; now, belatedly, reporters and government investigators began overturning the rocks in union district offices and headquarters, and watching the bugs scuttle away from the daylight. There was abundant evidence that the Boyle machine had simply bought its way to re-election in 1969 and might have squandered as much as $20 million in funds from union dues in the process—as well as potentially bankrupting the miners' Welfare and Retirement Fund. And as the arrests of Yablonski's alleged assassins were made, there loomed the further possibility that someone high up in the union had ordered him killed. A year later the case would still be waiting to go to trial, and union reformers who could watch the speed with which the government moved against an Angela Davis or a Daniel Berrigan could only wonder what it would take to stir up a similar interest in their leadership. (Meanwhile, as their leadership sank deeper and deeper into a quagmire of self-congratulation and shady deals with coal companies, they found that any organizing in the coalfields would have to come from them. In West Virginia—already well organized—this was possible, but in Eastern Kentucky, where the union had quietly pulled up stakes half a generation ago, there was no one looking out for the rights of men working in nearly a thousand small mines—like Finley Coal Company No. 16 and 15.)

Throughout 1968 and 1969, critics of the Bureau of Mines—watching its sluggish performance before the Farmington disaster, and its seeming inability to make constructive suggestions—wondered whether it should be moved to the Department of Labor, or reorganized from the roots up, or done away with altogether. But the Bureau's director, John O'Leary, a Johnson appointee who had been in office only four weeks when the Farmington disaster happened, seemed to be the first man to hold the job who understood that the Bureau was supposed to be a regulatory agency and not just the Washington office of the coal industry. There was hope that he could make the new law work—and O'Leary, for his part, seemed to believe that the administration would support him; In January 1970 he told reporters that "there is every indication that the administration will forcefully enforce this law. There is no effort of any kind to hold back." So saying, he settled down to draft the complex new safety regulations required by the law—regulations due to go into effect at the end of March.

Oil lobbyists

But like many other people, O'Leary may not have fully appreciated the extent to which the Interior Department had become the captive of men who saw its function in life largely as a support for major industries—principally the oil industry. The Secretary, Walter Hickel, had been chosen for the job of an oilman (Robert Anderson, president of Atlantic-Richfield) and could do no wrong for the oil industry until it began to coat the oceans and beaches with sludge. The undersecretary, Fred J. Russell—who would become acting secretary after Cambodia had cost Hickel his job—was a real estate tycoon and Chamber of Commerce booster whose only known qualification for his job was his alleged status as leading fundraiser for Nixon during the 1968 campaign. Russell's deputy Hollis Dole, was an Oregon state geologist whose fondness for the oil industry deepened when he became co-chairman of a long-range energy-planning "advisory" committee with John McLean, chairman of Continental Oil—which owns Consolidation Coal, largest company in the coal industry. Dole's principal aides, in turn, are Gene Morrell, an oil lobbyist before entering the nation's service, and Harry Moffitt, who went to the government from a lobbying job with the American Mining Congress.

To critics of the Nixon administration it seemed that the Interior Department simply was a branch of industry. And faced with a Bureau of Mines that had just been empowered by Congress to regulate industry, the Interior leadership seemed to know exactly what to do. Their text might well have been taken from Richard Olney, a railroad lawyer who became attorney general under President Grover Cleveland. Olney's old friends approached him in 1892 to ask what to do about the newly created Interstate Commerce Commission—they wanted to attack it, but Olney, with a wisdom appreciated ever since by generations of lobbyists, suggested another tack:

"The attempt [to attack the ICC] would not be likely to succeed," he said. "If it did not succeed, and were made on the ground of the inefficiency and uselessness of the Commission, the result would very probably be to give it the power it now lacks. The Commission, as its functions have now been limited by the courts, is—or can be made—of great use to the railroads. It satisfies the popular clamor for government supervision at the same time that that supervision is almost entirely nominal. Further, the older such a commission gets to be, the more inclined it will be to take the business and railroad view of things. It thus becomes a sort of barrier between the railroad corporations and the people, and a sort of protection against hasty and crude legislation hostile to railroad interests . . . *The part of wisdom is not to destroy the Commission but to utilize it.*"

If you went back through the above paragraph, substituting "Bureau of Mines" for "Commission" and "oil-coal industry" for "railroads," you couldn't ask for a more precise definition of what happened to the Bureau of Mines in 1970. Accordingly, you might be close to knowing why it was that 38 men died in a clearly avoidable mine disaster one year to the day after the 1969 Federal Coal Mine Health and Safety Act was signed into law.

Like all Democratic appointees, O'Leary had submitted a pro forma resignation on January 20, 1969, as the government changed hands. The resignation had never been acknowledged. Throughout 1969, there had been rumors that he would be fired as soon as the new bill became law. But in January and February of 1970 there was no sound of an axe falling from the White House. On February 28 O'Leary was working in his office, drafting safety regulations scheduled to go into effect the following month, when a messenger arrived from the White House with a letter accepting his resignation. He was given 24 hours to clear out.

In short order, key O'Leary aides found themselves frozen out of office—rarely fired outright, since it was only necessary to deprive them of staff, or funds, in order to get rid of them. Henry Doyle, assistant director for health, found himself squeezed out for the high crime of having pushed Public Health Service studies on dust control. David B. Brooks, O'Leary's chief economist, found himself without a staff after he ran studies on the actual vs. propagandized costs of mine safety; Brooks was promised jobs in both the Bureau of the Budget and the Appalachian Regional Commission, but both offers fell through under White House pressure, and Brooks ultimately went to Ottawa to become chief economist for Canada's department of mines. In all, some 31 Bureau of Mines jobs were in midshuffle by mid-April—exactly when the Bureau needed to be able to assume its heaviest load of administrative and regulatory responsibilities under the new law. (There was, perhaps, an omen of things to come in a Bureau reorganization manual which described the agency's objective as "a close and confidential relationship between the Bureau of Mines and all levels of industry.")

Foot-dragging bureau

Those who remained at the Bureau began to demonstrate the kind of foot-shuffling approach to mine safety that Congress had so recently tried to legislate out of existence. In March, for example, Henry P. Wheeler, Bureau deputy director for health and safety, went before the House Appropriations Committee and lamented the new law because it made demands on industry that could not be fulfilled because the technology was not available; he noted that the law required automatic brakes on mining cars when no such brakes were being manufactured, and protective covers above the heads of machine operators. This kind of thing, of course, was grist for the mills of the small operators, who were still using equipment that had been classified nonpermissible 20 years previously (they had been able to get away with it thanks to one of the countless loopholes in the 1952 law) and were not interested in newfangled ideas like automatic brakes and protective canopies. It was helpful to them to have allies like Wheeler; of course, if Wheeler had thought hard about the new law before he went running to Capitol Hill to complain about it, he might have discovered that its language was drafted carefully to allow the development of equipment regulations that would become binding on coal operators only when technology made the new safety features available.

Technology was not the biggest problem facing the Bureau. March was the month when the new inspection schedule was supposed to go into effect (four full inspections of every U.S. mine per year), and when the Bureau was supposed to publish a penalty schedule coordinated with the different types of violations that inspectors might impose. There were countless indications that the Bureau would miss its legal deadlines; it had already done so in the areas of dust-control and other regulations, and there was maximum confusion among the Bureau's inspectors. O'Leary had been bringing them together in cram courses on the new law when he was fired; the cram courses were cancelled, and the inspectors waited for instructions that didn't come.

They may have been prepared to inspect every mine four times a year, but the Bureau was not going to authorize them to do so. Late in March Wheeler devised a system of "Partial But Representative" inspections

(PBR), under which, as he described it, "we would inspect enough, but only enough, of a mine to be representative of the entire mine insofar as health and safety are concerned." What that meant was anyone's guess; within two weeks after the PBR system went into effect (directly contradicting the Congressional mandate), one man was killed and three others injured in an explosion at a Pennsylvania mine that had been PBR'd two days perviously.

Wheeler and other Bureau officials claimed that the agency had not nearly enough inspectors to meet the requirements of Congress. (The actual number that the Bureau *does* have is something of a mystery. According to figures supplied by John O'Leary, the Bureau had 248 inspectors on the job in 1967 and 1968. That number seems to have declined, although it is hard to know: at various times in 1970, Bureau spokesmen said there were 230 inspectors, "less than 500," 425, and so on. In a letter to Ken Hechler written last August, Interior deputy secretary Dole said there were 220 working inspectors and 54 trainees. On January 1, 1971, the Bureau said it had 231 men inspecting, and 151 in training, for a total of 382. The Bureau's budget authorizes 506 inspectors—and apparently has for some time. Dole said the Bureau needs 440 inspectors to make four full inspections per year of each mine as required by law. The new director, Elburt Osborn, said shortly after his appointment that the Bureau needs 1,000 inspectors; and so on . . . In any case, if the Bureau currently has 231 inspectors, that is only 124 more than it had in 1940, which must certainly qualify the Bureau for some sort of award as the most slowly expanding bureaucracy in Washington.)

Court suit to force compliance

Late in March, angered at the inability of Interior and the Bureau to meet the time schedules passed by Congress, Reps. Hechler, Dent, and O'Hara (Democrat, of Michigan) joined a tough UMW reformer named John Mendez and went to court to try to force compliance with the law. The suit became bogged down in details (nine months later, when a federal judge got around to ruling on it, he concluded that the plaintiffs did not have standing to sue, and denied the suit) and the health-and-safety situation continued to deteriorate. While the Bureau went into its second month without a director, Interior undersecretary Russell put into effect an arbitrary penalty schedule which flatly ignored the law (which required that penalties be worked out case-by-case, using several criteria) and was declared effective as soon as it was published in the Federal Register: that was on a Saturday, and inspectors were told to collect fines the following Monday, even though not a single coal operator had been given copies of the penalty schedule or provided an opportunity to comment on it. The operators had not, in fact, even received copies of the law.

In mid-April, representatives of the small operators from the National Independent Coal Operators Association went to Washington and met quietly with Senators Cook and Cooper of Kentucky. They were predicting "economic ruin" if the new law were enforced; they said they were considering testing the law's constitutionality. Over at the Interior Department, they met with an attorney named William Gershuny, who had drafted the penalty schedule. Gershuny—who later told a member of Hechler's staff that he knew the schedule was "illegal" when he drafted it, but needed to get something in writing—apparently encouraged the idea of testing the law. With no need for further encouragement, the operators filed suit in a federal district court in Abingdon, Va., charging Interior with "arbitrary and capricious" enforcement of the law and asking for a restraining order against many of the safety regulations—and the penalty schedule.

The federal government's performance in its own defense in the courthouse at Abingdon was remarkable. The Justice Department lawyer who handled the case was either unfamiliar with the mine law or uninterested in it. He ignored Section 513, which states that ". . . no justice, judge, or court of the United States shall issue any temporary restraining order or preliminary injunction restraining the enforcement of [any mandatory health or safety] standard pending a determination of such issue on its merits."

No such determination was made—and it could hardly have been made, because back in Washington, undersecretary Russell expressly prohibited any Bureau of Mines technical or legal experts from attending the Abingdon hearing (in at least one case, an airplane reservation that had already been made was cancelled at Russell's order). Thus the government offered no defense against the NICOA operators, and the judge granted a 10-day temporary restraining order. Although the Bureau still had the authority to make inspections and close mines in cases of imminent danger, all Federal inspectors were ordered back to their offices over the following weekend to await "instructions" from Washington. The next week, the government waived its right to a hearing on a permanent injunction. The injunction was issued, and trial was set for November. Included in the injunction was Interior's penalty schedule—and, in Interior's view, this meant that no fines would be collected for at least the next seven months. The collective sigh of relief among small operators was audible all across the coalfields.

Petty-cash fines

(Actually, Interior undersecretary Russell did—under some Congressional pressure—issue a new penalty schedule in May, but to most people, inspectors and operators alike, it was too ludicrous to believe. Russell's schedule stipulated that as long as the operator paid $4 for each penalty within 30 days after receiving a notice of violation, he could not be assessed more at some future date when and if Interior got a new schedule past the courts. As Congressman Hechler pointed out, this completely ignored the question of operator negligence, which, if determined, carries fines up to $10,000 under the law. Russell's petty-cash schedule remained in effect until September 30; Bureau records indicate that no money was collected while it was in force.)

All through the summer, inspectors—feeling like federal yo-yo's as they were hauled up and down by the Bureau, Interior, and the courts—visited mines and issued notices of violation which they knew would be ignored since no penalties were being collected (although other federal judges suggested that the Abingdon injunction was valid only in that district, Interior chose to apply it everywhere, arguing rather incredibly that to enforce the law against some operators, while others enjoyed immunity under the injunction, would be "unfair"). Other violations they were forced to issue "for information only," since they pertained to health or safety standards barred from enforcement by the court action.

At Finley Coal Company's Mines No. 16 and 15, all 38 of the violations issued by federal inspectors during 1970 were thus nullified.

Meanwhile, despite the concern for coal miners expressed by the President when the mine law was introduced in 1969 (attacking fatalism, he said, "The time has come to replace this fatalism with hope, by substituting action for words"), the office of Director of the Bureau of Mines continued to remain vacant. Here again, the NICOA and its lobbyist, John Kilcullen, saw an opportunity. They persuaded Gov. Linwood Holton of Virginia to suggest to the President the name of J. Richard Lucas, director of mineral engineering at Virginia Polytechnic Institute.

Lucas unqualified

Lucas was duly nominated in May, and immediately he became something of a poor man's Carswell for the administration. No sooner had his name been offered to the Senate for confirmation than Rep. John Saylor of Pennsylvania attacked him as "totally unqualified." This was embarrassing not only for Lucas but for Boyle and the United Mine Workers leadership, which had promptly endorced Lucas in the UMW Journal. Saylor broadened his attack with charges that Lucas had been "moonlighting on the side" as a highly paid industry consultant, an accusation that gained credibility when it was learned that Lucas had a portfolio of more than $200,000 in stocks, many of them in mining companies. The FBI, conducting an apparently routine check on Lucas, reported that he had plagiarized part of his 1965 doctoral thesis. For all of these reasons, said Saylor, Lucas lacked "the objectivity, training, and desire to protect the public interest." As it did later with Carswell, the administration staunchly supported Lucas, but in July, after he realized that the Senate was not about to confirm him, Lucas "voluntarily" withdrew his name from nomination. It was perhaps the only victory that the critics of the Interior and Bureau could chalk up all year.

After the Abingdon decision, inspectors had retained the power to close mines for "imminent danger," under Section 104 of the act, and there was evidence as the summer wore on that they were using Section 104 to discipline flagrantly unsafe mines that could not be penalized any other way—at least not until Russell's attitude changed. Word got back to Washington that the inspectors were cracking down, and word went back to the inspectors—from Russell and his deputy, Henry Wheeler—that no mine was to be closed until the inspector had telephoned Washington for approval. No one in Congress was notified of this policy, and when it was discovered nine weeks later, Wheeler said they had kept it secret because that was the only way it could be "effective." What he meant was not totally clear, but the policy was abandoned when it became public. Inspectors knew, however, that any mine closings for "imminent danger" would be closely reviewed in Washington, and that if too many came in with a particular inspector's name attached, he might find his territory shifted or his workload doubled.

Law ignored

The law required every mine in the country to begin dust-sampling programs in June; none of them complied. After prodding from Congress, the Bureau finally sent out orders in October requiring that they comply before November. By then, however, only 43 mines out of more than 3,000 in the United States were in full compliance, and only 159 mines had even begun their sampling program. No action was taken against them, however, even though dust sampling is crucial as a means of determining both how much coal dust the miners are breathing, and how much volatile dust is in circulation, waiting to be exploded by a spark or a flame. Wheeler seemed unconcerned but perplexed; in what must have been one of the great understatements of the year, he said: "Many of the small mines adopted a wait-and-see attitude. I guess they just couldn't believe it [the law] was really going to hit them."

For three critical months the President suggested no new name for Bureau director to replace Lucas's. Then, in early October, he proposed Dr. Elburt Osborn, vice president for research at Pennsylvania State University. Dr. Osborn had been offered the job twice before, in 1966 and 1968, but had declined both times, reportedly because the Bureau was such an "impossible can of worms," as another nominee put it. This time, however, Interior deputy secretary Dole told Osborn that he would not have to spend all day every day worrying about health and safety; that would be handled by Wheeler, and Osborn could devote himself to research in areas that interest him, such as gasification of coal—a technique which also interests the oil companies and was one of the principal motivations for their wholesale absorption of major coal companies in the late 1960's. No sooner had Dr. Osborn been confirmed by a battle-weary Senate than he began talking about the need for more federally-financed research in such areas, to the apparent pleasure of oil industry leaders who look forward to marketing products whose development has been paid for by the taxpayers.

But Dr. Osborn was, of course, spokesman for the Bureau in the field of health and safety, and here, too, he seemed pleasing to the coal operators. After an inspection tour of the coalfields, Osborn told reporters that some of the regulations of the new law did not need such "rigid" enforcement, a remark which puzzled mine inspectors. The NICOA's lobbyist, John Kilcullen, "seemed pleased," according to *Business Week*, and said: "We definitely made some points." The magazine reported with approval that Dr. Osborn had shown "a flexibility that contrasts sharply with the unyielding, anti-industry stance of his predecessor, John O'Leary."

A few days later, the Abindon suit was dropped by the NICOA, five days before it was scheduled to come to trial. The executive secretary of the NICOA said that relations between the small operators and the Bureau of Mines were characterized by "an atmosphere of cooperation," but said the suit would be re-instituted if the new law became "a burden on the small operator in any way."

Penalties withheld

There is evidence that the Bureau did not intend to impose any unnecessary burdens on anyone—except possibly on their inspectors, and on the 96,000 men who mine coal underground in the United States. On November 10, the day before the NICOA dropped its suit, Bureau assistant director James Westfield wired his district managers advising them that the suit would be dropped, and telling them not to impose any penalties for violations; inspectors were to inform operators "orally" that the penalty, if any, would be imposed later, "when the Bureau announces its policy for assessment of penalties."

A few days later, Westfield wired the field offices again and ordered inspectors to give priority to studying roof control plans and getting them approved by February, 1971. Since the law had required such plans to be submitted by July 1, 1970, and since hardly any mines had complied, it was reasonable—if unusual—for the Bureau to be concerned. But Congressional critics have contended that the order effectively sidetracked inspectors and prevented them from checking mines they had been planning to re-visit after Christmas. In effect, this seemed to be what happened on Hurricane Creek in Leslie County. The federal inspector who was due to check the Finley mines on December 28 did not appear. Two days later, on December 30, the mines were shattered by the worst disaster since Farmington, and it was James Westfield who left his desk in Washington to go to Kentucky and see what, if anything, had gone amiss with the 1969 Federal Coal Mine Health and Safety Act.

While Bureau investigators were in Kentucky, sifting through the wreckage of the Finley mines and questioning survivors, Interior Acting Secretary Russell went to work drafting a new penalty schedule. (Russell, who had become Acting Secretary after the firing of Walter Hickel, was reportedly going to resign when the new Interior Secretary, Rep. Rogers Morton, took office, and this was to be one of his last executive acts.) The previous year, Russell had drafted the penalty schedule more than 30 days late and had put it into effect over a weekend, without first notifying the operators or giving them time to comment. Promptly they had gone to court and persuaded a judge that Russell's schedule had been promulgated arbitrarily and capriciously, with the result that it was enjoined from enforcement.

It came, therefore, as something of a surprise to Bureau and Interior critics when Russell released his new set of penalties. They were more stringent (the first set imposed a $500 fine for a first violation resulting in "imminent danger;" the new set raised the ante to $5,000), and this in itself guaranteed a reaction from the NICOA or other coal operator groups. But the fines themselves were well within the limits of the law. What startled Congressman Hechler and others was the fact that the new regulations were put into effect over a weekend, without first notifying the operators or giving them time to comment.

THE "ENFORCER"

Although reports from Kentucky and Virginia indicated that operators were meeting with lawyers to discuss the attractions of another court action, there were also reports that this time they might wait and see. They were curious about a newly-created position in the Bureau (part of Russell's new plan) which was tentatively entitled Assessment Official ("enforcer" became the more common word). The assessment official would determine the size of the fine, and if he determined that the operator was not at fault—i.e., didn't know about the violation—there would be no fine at all. Clearly, this position, which carries a $30,000 salary, not far below Dr. Osborn's, would be the most sensitive politically in the Bureau. There was a mixture of surprise and outright fatigue when the man named to fill it turned out to be a Republican fund-raiser and lobbyist named Edward Failor. He had never been near a mine.

EPILOGUE

In April, 1970, reflecting on the reasons why he was being forced out of his post as Chief of Mineral Economics for the Bureau of Mines, David Brooks thought he knew the answer.

"The downfall of the Bureau, sad to say, was simply analytic thinking," Brooks said. "It wasn't anything radical by any means—no sudden thrust to introduce human values, or put people above industry; what really came in under O'Leary was simply rational thinking. Rational thinking demolishes many of the coal industry and oil industry arguments. You don't have to step outside the framework of conventional economic theory. You need only two things: analytic thinking, and some kind of notion that the Bureau of Mines is there to serve the public interest.

"One of the most graphic memories I have," Brooks said, "is of going to staff meetings when I first joined the Bureau and sitting there bored to death while the director talked about how our goal was to serve the public interest. To me, that was a simply a truism, and it took me a long time to realize that *he was enunciating a new policy*.

"Rocking the boat was encouraged for a year or two, and very slowly and timidly people began to think in those terms. People out in the field had never gotten any support from Washington—then they began to get it, they could close the dangerous mines and make it stick. Now we're moving toward a policy where you spot a violation and say to the operator, 'Gee, you really ought to fix this up.'

"The Bureau of Mines still doesn't know it's a regulatory agency," Brooks said. "We came very close, for a while. We almost made it."

FINDINGS AND RECOMMENDATIONS

1. The fatal explosion was caused by the use of illegal explosives to blast a boom-hole in mine No. 16. Since the explosives were purchased by the mine operator, and since the operator made no attempt to keep them under lock and key, he is responsible for the fact that they were used, and must be prosecuted under Section 109(b) of the Federal Coal Mine Health & Safety Act, which provides for a maximum fine of $25,000 and imprisonment for up to one year for "willful violation" of any mandatory health or safety standard.

2. The state report, which blames the disaster on employees of the Finley Coal Company and absolves the operator of any responsibility is wholly inadequate, inaccurate, and deceptive.

(a) The state report completely ignores the responsibility of the mine operator to train employees, prepare a dust and ventilation-control plan, maintain records, and correct violations of law found by both state and federal inspectors in every inspection of the Finley mines. The Finley brothers are open to prosecution under Section 109(b) of the federal law for refusal to comply with orders issued by the inspectors under Section 104. Under the terms of the Kentucky Mining Law, the Commissioner has the power to revoke their mining permits for the uncorrected violations of the state law (6, 7). His failure to do so is inexcusable and a clear abdication of responsibility.

(b) The state report, in assigning blame to Finley's employees, completely ignores the state's own mine-permit regulations, which require the operator to assume personal responsibility for the safe operation of the mine.

(c) In statements to the press throughout the investigation, Commissioner Kirkpatrick misrepresented the cause of death for at least five of the miners (17, 27) in an apparent attempt to gloss over the fact that the operator had not supplied his miners with rescue equipment required by law.

3. With respect to the use of self-rescue devices in mines No. 16 and 15, Charles Finley may have contributed directly to the death of 5 men. He was cited by a federal inspector in June for placing only 9 self-rescuers in mine No. 15 for an underground work force of 39. Five months later a federal inspection of the same mine indicated that there were *no* self-rescuers underground. Finley said they were on order and was told to have them in the mine by December 22. After the explosion, a box of 21 self-rescuers was found in Mine No. 16 (situated where they could not have saved any miners) but there were none in No. 15, indicating that Finley had not complied with the federal order. However, some of the men who died in No. 15 were found to have lived for some time after the explosion and the state report later indicated that some of them had crawled some distance—probably less than a hundred feet. Although Commissioner Kirkpatrick discounted the importance of this discovery, to crawl 100 feet in a 30" seam of coal under conditions of extreme emergency indicates the possibility that some men were capable after the blast of attempting to escape the "afterdamp" (carbon monoxide) that followed. They had to have breathed many times in the course of crawling 100 feet (or even 50), which indicates that there was at least some oxygen in the mine atmosphere—a probability, since the fans were still operating—and the possibility exists, even though it might be remote, that they might have survived longer if self-rescue units had been supplied to them as required by law. A week after the disaster a reporter found a supply of self-rescue units in a trailer outside the mine; meanwhile, Finley had explained that he had not put any self-rescuers into the mine because there weren't

enough, and in an emergency "they might even kill to get them." This decision by Finley to play God indicates not only his refusal to abide by the regulations of the Federal Mine Health and Safety Act but may be grounds for prosecution for criminal negligence. However, neither the federal nor the state investigations dealt with the question of the self-rescuers, and the only individual who could have provided expert testimony on the cause of death, Dr. William Beasley, was not summoned to the joint federal-state hearing on January 6. He was not questioned until Interior Department lawyers visited him two weeks later and questioned him privately, and his opinions, as provided to them, have not been made public prior to the publication of this report.

4. The state failed entirely to investigate one serious accident at the Finley mines and later fixed responsibility for a fatal accident on the operator of a defective machine who could not possibly have prevented his death by following the state inspector's ludicrous "recommendation." These failures on the part of the state suggest gross incompetence so fundamental that state inspections may be of no practical value to either operators or miners, and should be discontinued when and if adequate numbers of federal inspectors are trained by the Bureau of Mines.

5. A serious accident took place in the Finley mines some weeks prior to the December 30 disaster, *and they did not report it to the Bureau of Mines,* despite the fact that the accident disabled a miner and was caused by an illegal electrical splice for which the mines had been previously cited. A similar electrical failure had resulted in the blinding of a miner, and when this later accident occurred the mines could have been closed for "imminent danger" under Section 104 of the federal law—*if* the Bureau of Mines had known about it. However, the Bureau did not know of the accident, and as of the filing date of this report, still did not know about it, although the injured miner could have been questioned at the January 6 hearing.

6. Despite a federal requirement that each mine in the country must be thoroughly inspected four times a year, it is possible for an operator to open a mine and run it indefinitely *without being inspected at all.* While the probability of this happening may be small, the mere possibility raises doubts about the Bureau's ability to administer an adequate inspection program even when and if it develops an adequately large inspection force.

7. Although the Finley mines were *visited* eight times in 1970 by federal inspectors, two of those visits were to investigate accidents, and the remaining six were either spot inspections or so-called "Partial But Representative" inspections. (The federal report indicates that the inspection of October 19 was a full inspection, but Bureau personnel in Barbourville classified it as PBR at the time, according to information supplied for this report.) Thus the Finley mines were *never* completely inspected in 1970, although, since the two mines were classified as separate (though connected), they should have had *eight* full inspections, one of which might have detected the illegal blasting practices which were apparently in use before the December 30 explosion. The PBR policy which was made in Washington undercut both the language of the law and the effectiveness of the inspectors working out of Barbourville, and those responsible for the PBR policy must also accept partial responsibility for the disaster.

8. Although federal inspectors found 38 violations of law in their visits to the Finley mines, on the single occasion when either mine was ordered closed for "imminent danger," the closure was scheduled over a weekend when the mine would not have been producing coal anyway. Thus it had absolutely no adverse economic effect on the operator. This practice completely negated the value of the "imminent danger" section of the federal law and contributed to the operator's obvious belief that the law could be ignored.

9. Despite the presence of Bureau of Mines director Osborn and a supporting staff of Interior Department attorneys, the January 6 hearing constituted an astonishing display of downright incompetence that casts doubt on the ability of the Bureau to investigate any matter relating to mine safety. Moreover, the hearing violated fundamental rules of legal procedure, which may have invalidated the use of testimony for subsequent court proceedings. Furthermore:

(a) Although Section 103(d) of the federal law provides for public hearings during the investigation of an accident, the Bureau of Mines ignored the law. After thoroughly botching the public hearing on January 6, Bureau personnel and Interior lawyers went back to Kentucky two weeks later with no public announcement to take additional testimony from witnesses who had been overlooked before. This unusual action was prompted by criticism in the press, but the press was not advised when the lawyers returned and was not permitted to hear the additional testimony, which covered such fundamental areas as Dr. Beasley's examinations of the miners and Charles Finley's alleged failure to maintain required records. Thus the Bureau in effect compensated for its first display of incompetence by concealing what might have been its second. This unquestionably violates the spirit if not the letter of the federal mine law.

(b) The hearing completely overlooked key Finley personnel who might have provided an insight on the operation of the mines. Rufus Whitehead, the miner who was blinded in a previous accident was not asked to testify, despite the fact that he had recently been discharged from the University of Kentucky Medical Center, and despite the fact that he had lost a brother, Decker, in the December 30 explosion and might have wanted to talk candidly about the operator's policies. Perhaps more importantly, the Bureau did not summon the superintendent of mine No. 15, who had been recently laid off and it allowed Dill Finley, first cousin to Charles and Stanley Finley and a man who presumably knew what the operators' policies were, to represent himself merely as second-shift foreman, although *state records clearly show him as superintendent of mine No. 16,* which was where the blast occurred. (This information, which appears here for the first time in public, was of course available to the Bureau through the Commissioner of Mines and Minerals, Mr. Kirkpatrick.)

(c) Throughout the hearing, and despite protests, the presiding officer, Bureau director Osborn, permitted Charles and Stanley Finley to converse with witnesses in the supposed privacy of the witness room both before and after their testimony despite the obvious possibility that the witnesses might thereby be intimidated; but Dr. Osborn rudely silenced an attorney who attempted to question him about the scope of the hearing. This blatant display of bias completely destroyed any credibility that Dr. Osborn might have had as an impartial hearing officer and further corrupted the hearing as a legal procedure.

10. The administration's widely publicized plan to provide "all possible federal aid" to the wives and children of the disaster victims has thus far been completely inadequate. Although a White House aide went to Kentucky to preside over the federal effort, he failed to advise the widows of their legal rights and left them at the mercy of the medieval state workmen's compensation law. The amounts paid to the widows by both state and federal agencies were ridiculously low and guaranteed that the victims' families will be kept in poverty—with the apparent approval of the White House. The federal aid performance served only to vindicate those who have abandoned all hope for the incumbent administration in Washington.

11. Throughout the year, the overworked, understaffed force of federal mine inspectors was brutally sabotaged by the policies of the Department of the Interior. If the blame for the clearly avoidable Hurricane Creek Massacre can be laid at any single door, it must be that of Fred J. Russell, Acting Secretary of the Interior. Mr. Russell's refusal to allow the Bureau of Mines to defend itself in court last April constitutes an obvious, deliberate and willful obstruction of the law which he was constitutionally obligated to administer, and his subsequent acts built a record of such demonstrable dereliction that he should, in our opinion, be sued for massive damages by the widows and dependents—not only of this disaster, but of any accident in which Bureau records indicate that a miner died because of a failure by the operator to abide by the law. Mr. Russell could hardly have been more explicit (unless he had rented billboards) in letting coal operators know that the Interior Department would not try to enforce the law. Mr. Russell did a disservice to all of the Bureau's inspectors, who were reduced to ineffectuality by the Interior Department's failure to provide them with the enforcement tools specifically created by Congres, but far more importantly he effectively nullified one of the most significant laws pased by the 91st Congress. There is, in our opinion, a direct cause-and-effect relationship between his actions and the death of the miners in Kentucky on December 30. We believe that the survivors should seek a court order directing immediate compliance by the Interior Department with the law, and a judgment that Interior has not in fact abided by the law at any time since it went into effect. They should proceed from that point to sue Interior for damages, with the amount based on the estimated earning power of the men who have been killed while the law was administratively sidetracked.

12. We call upon the Senate Labor Subcommittee and the House Education and Labor Committee to conduct thorough, wide-ranging investigations of the Leslie County disaster, not limited to the immediate causes of the explosion but encompassing the behavior of the Interior Department during the past year, and probing the extent to which former oil and coal industry lobbyists have succeeded in making Interior a Washington headquarters for their industries. As a bare minimum, both committees should seek to determine the credentials, if any, that Interior officials Hollis Dole, Lewis Helm, Gene Morrell, and Harry Moffett have brought to their jobs, and ask them to explain in what ways, if any, they have served the public interest.

13. We call upon Edward Failor to resign immediately as Bureau of Mines "Assessment Official," and request Congress to ask for his resignation if it is not offered voluntarily. No one without considerable experience in mine safety could serve adequately in a position which requires the ability to differentiate between violations that might look identical on paper but could be relatively harmless in one instance and potentially disastrous in another (since conditions vary from mine to mine and from one coal seam to another). As a former lobbyist and party fund-raiser, Mr. Failor cannot be expected to deal firmly with corporations from whom he may have solicited money, and any effort on his part to put on a brave show of force will be seen by miners with the utmost cynicism. The Bureau of Mines has already forfeited their trust and is ill-served by this political appointment.

14. Presumably the President of the United States is beyond prosecution; but, by ap-

pointing lobbyists and party fundraisers to high-ranking Interior offices, and by leaving the Bureau of Mines leaderless through most of 1970, he bears a large share of the responsibility for the disaster of December 30. There is blood on his hands; it will not go away, and it will not be forgotten.

15. The disaster in Leslie County is, finally further proof (if any was needed) that the system under which coal is mined in this country is beyond justification and must be radically altered. There is no excuse any more for a 19th century attitude which allows men in the boardrooms of giant corporations to continue to profit from the labor of other men whom they never see and for whom they feel no sense of responsibility while those men risk their lives in mines which the corporate dignitaries never even visit. This is bad enough with those corporations which mine their own coal, but it is even worse in the case of those who simply own vast blocks of coal and derive revenue from it while the people who live above the coal are mired in utter poverty. It would be one thing if, in return for collecting vast royalties from the coal he owns in Leslie County [p. 1], Henry Ford had to stand outside the Finley mines and watch as the broken bodies were brought out. It would be one thing if he had to keep vigil while other miners cough themselves to death from the dust in the coal that makes the steel that makes Ford cars. It is quite another thing for him to go free while they die, and it is not tolerable.

Mr. Speaker, the following letter appeared in the Mountain Eagle, Whitesburg, Ky., January 14, 1971. It is included in this report because it expresses the view of a Kentucky coal miner with nearly 40 years of experience—who has also spent nearly 6 years working with Federal efforts in antipoverty in eastern Kentucky.

To the EDITOR:

I have worked in the coal mines for some thirty odd years. I hold a first class certificate from the State of Kentucky and I have several safety awards from the U.S. Bureau of Mines.

Before federal inspection, every mine in Perry County was a potential disaster area. After federal and state inspection, every mine appears to remain a disaster area.

There was no mystery surrounding the Finley mine explosion. The potential was there for everyone to see. A man-made condition created by gross and criminal negligence.

The U.S. Bureau of Mines and the Kentucky Department of Mines and Minerals failure to abate known violations is primarily responsible. The hunt for clues to establish responsibility is not necessary unless those seeking clues are ignorant of the history of coal mining.

The political farce of setting aside provisions of our state constitution which forbids restrictions on recovery for injury or death, so that coal operators can maim, cripple, drown, smother to death, electrocute and slaughter their employees is part of the history of coal mining.

Industry as a whole values human life in the hundreds of thousands of dollars, while the mining industry through its well-heeled lobbies, places the value of a human life, in their created disaster areas, at a measly $19,000 minus $2,000 for burial.

In general practice a contract in violation of law is nonenforceable but an agreement to violate the constitution for a special interest group will be enforced.

The question of certified supervision has not been cleared up. Evidence uncovered by the committee leaves a reasonable doubt that the mine was legally operated.

The implication of a 100-hole detonation for clearance of a loader conveyor denotes the lack of legal and adequate supervision.

The rush to obliterate as much of the evidence as possible, and the rush to sign up the widows and orphans is almost too much for humanity to bear.

Nothing but a federal grand jury investigation of all phases of this disaster, including the constitutionality of the inhuman Workman's Compensation Act, will soothe the nation's conscience.

The Nixon and Nunn policy of non-enforcement of the laws negates the use of enacting such laws.

The principle of Congress loopholing laws to death must be stopped.

The selection of administrators partial to privileged classes is detrimental to the administration of just laws.

The policy of permitting the coal operators to make themselves the beneficiaries of miners insurance policies should not be tolerated in a civilized country, as it encourages instead of abates accidents.

A state mining law that gives an uncertified superintendent the right to veto the purchase of supplies by a certified mine foreman promotes rather than deters accidents.

We will continue to bury the dead as long as those responsible for law enforcement cater to the whim of those who are dedicated to the proposition that they have the God given right to destroy the earth and all that's within it. The laws of nature dictate the preservation of life; the laws of man dictate his destruction.

EVERETT THARP.

HAZARD, KY.

[From the Charleston (W. Va.) Gazette, Jan. 9, 1971]

MINERS DEFENSE FUND IS FORMED

(By Mary Walton)

Twenty lawyers have banded together in a "Coal Miners Legal Defense Fund" to render free legal assistance in selected cases to miners who are unable to pay.

The group includes Joseph and Kenneth Yablonski, sons of the slain challenger to Tony Boyle in the 1969 United Mine Workers of America election. Other lawyers are from West Virginia, Kentucky and Washington, D.C.

The fund's purpose, explained Richard M. Bank of Charleston, its director, is "to institute a bank of legal talent available when issues emerge in the coal fields that involve the rights of miners on the grass roots level, whether these rights be in conflict with companies or their own union."

Bank emphasized that the fund is "not a legal services program for disabled miners." Rather, the nonprofit association will attempt to counter "the ability of large companies to amass legal talent" on a moment's notice, he said.

Bank is counsel for the Disabled Miners of Southern West Virginia, against whom temporary injunctions were issued during wildcat strikes last summer. The coal companies "always had four or five lawyers in the courtroom every day and obviously had a lot more out in the field taking depositions and doing research," he observed.

So far the group's only funds are a $1,500 pledge from John D. Rockefeller IV and a commitment to match another $1,500 if they can raise it. They plan to file incorporation papers shortly.

While the defense fund is still a fledgling organization which has undertaken no specific litigation, several cases are under consideration, Bank continued.

One involves a "conspiracy on the part of a coal company and the UMW to discharge an employe who has been active in the miners' involvement," he said.

Another, which has "fantastic ramifications," is a coal company's refusal to rehire a miner whom x-rays show to have the early stages of pneumoconiosis or "black lung," thus avoiding disability compensation.

A third possible case is a U.S. Bureau of Mines' training program which will recruit Spanish-speaking migrant workers, Cuban refugees and American Indians.

The training for both coal and metal miners will begin early in 1971 at centers in Richland, Va., Butte, Mont., and Leadville, Colo. According to the bureau, it is aimed at mines which employ fewer than 15 men because large companies have their own training facilities.

Appalachia already has a tremendous amount of unemployment, Banks pointed out. "Why don't they train people who are out of work here?"

Further, small nonunion mines are unsafe and pay low wages, he said. "It's not reasonable they should be subsidized by the federal government."

Besides Bank and the Yablonski brothers, other fund lawyers are Harvey and Naomi Cohen, Michael B. Glomb, James Haviland, Davitt McAteer, John Boettner Jr., and Ray Ratliff, Jr., all of Charleston; John McOwen, Huntington; Joseph Martorella, Barboursville; Donald Pitts, Beckley.

Joseph F. Flynn, Chuck Gillette, Steve Clark and Steve Cawood, all of Barboursville, Ky.; Thomas M. Place and David H. Wilderman of Prestonsburg, Ky.; Clarice R. Feldman, Washington, D.C.

INFLATION AND THE RESIDENTS OF PARKCHESTER

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. SCHEUER. Mr. Speaker, every Member of Congress is intimately familiar with the many harsh pressures caused by the current state of the economy. We all see their effects on our constituents when we return to our districts. Recently, I have learned of one particularly unfair pressure that has been brought to bear on a group of my constituents. I am including in the RECORD the text of my press release of January 28, describing this development:

Congressman James H. Scheuer (Dem-Liberal, NY) today accused the Parkchester Management Corporation of a concerted and planned attempt to force long-term residents of the development to move by seeking to increase rents far beyond their ability to pay. "It would be unconscionable to raise again the rents for a community made up of many retired senior citizens and working people living on fixed incomes," he said. He indicated that his vigorous opposition to new rent increases was based on the fact that "developments like Parkchester were established to provide reasonably priced housing. The new management of Parkchester has callously disregarded this fact by continually applying for rent increases. This is the second increase that has been applied for by the corporation since the property was sold by the Metropolitan Life Insurance Co. in December, 1968, and follows right on top of a rent increase which was granted in July, 1970." Representative Scheuer went on to point out that the Parkchester Management had submitted a set of figures to the Rent Control Office that did not reflect the recently granted increases and were confusing to the tenants. He promised the tenants his full cooperation in their fight to prevent this additional and unjustified rent increase.

QUALITIES OF LEADERSHIP

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BLACKBURN. Mr. Speaker, an intriguing question was raised, and I think answered, on the Wall Street Journal's editorial page on Thursday, January 21. Referring to the qualities of leadership in government, the article states:

> The real question, though, is whether our best people have been taught to cherish the wrong virtues.

For the information of my colleagues, I am hereby inserting that editorial. Following that is another article which appeared the same day entitled "Politics: Image Over Performance"—is this not a perfect example?

The material follows:

CAMELOT REAPPRAISED

Ten years after the dawn of Camelot, a number of liberal commentators have been looking back on the Kennedy Administration and discovered they do not like what they see. Gerald Clarke in the New Republic and Anthony Lewis in the New York Times both recall President Kennedy's "jingoistic" inaugural address, and see him making the initial mistakes that led to Vietnam and subsequent agonies.

Yet both Mr. Clarke and Mr. Lewis cling to the belief that had President Kennedy lived he would have found some way or other to lead us out of that agony. For was he not so amply endowed with vigor, grace, eloquence, idealism, flexibility, and brilliance—all of the virtues which our best people cherish?

The real question, though, is whether our best people have been taught to cherish the wrong virtues. The most fateful mistakes of the Kennedy years were made not despite that Administration's virtues but because of them. They were the mistakes of too much vigor and too little restraint, too much grace and too little earthiness, too much eloquence and too little thoughtfulness, too much idealism and too little realism, too much flexibility and too little patience, too much brilliance and too little common sense.

The virtues of the Kennedy Administration were the virtues of the intellectual as opposed to those of the common man, the virtues of a high civilization rather than a democratic one. Now, we happen to much admire intellectual virtues, and to sympathize with the thirst for a higher level of taste and culture. But we fear that the nation's "best people," having achieved a level of education and intellectualization that is high but not profound, have come to overlook the value of more pedestrian virtues and to ignore the dangers of the higher ones.

Intriguingly, this question is recognized by one liberal looking back, columnist Joseph Kraft. He recalls the influx of intellectuals into Washington during and after the Kennedy inaugural, how brainy academics replaced businessmen, generals and bureaucrats. He records the results:

"The academic economists nudged demand ahead of production to the point of severe inflation. The defense intellectuals, working under the illusion they could calibrate the application of force in precise doses, got their comeuppance in the Vietnam war. And the efforts of the sociologists to make minority groups stand up for their rights yielded the riots of 1966 and 1967 and the reaction that set in thereafter.

"Off that record the Kennedy intellectuals now shape up as chief candidates for the role of heavy in the 1960s. Much of what passes for thought in both conservative and radical circles these days is merely a snappy putdown of their errors."

Mr. Kraft thinks in time history will be kind to this group of intellectuals. In economics, he argues, they left legacies that will lead to scientific management. In defense, their concepts pointed toward arms agreements with the Soviets. In domestic affairs, they identified the impact of Federal policy on the racial question.

What passes for a defense of the intellectuals leaves us unimpressed. Mr. Kraft seems to agree that the agony of Vietnam, the racial riots and the subsequent domestic discord can be laid at the door of the Kennedy intellectuals. If that is so it was a high price to pay for such unexceptional lessons as that Government deficits can heat up an economy, that disarmament is a good ideal and that this nation has a racial problem.

But let it pass; we can pick up those arguments with Mr. Kraft some other day. For the moment the main thing is that he recognizes the issue in a coming debate over the lessons of the 1960s. And it is a far more important debate than merely one about the reputation of the Kennedy Administration and its ideological successors. For in a significant sense Mr. Kraft is right; as we face the problems of a modern world we will be forced to do what the Kennedy intellectuals tried to do—lean heavily on the power of rationality.

Precisely because we have no other choice, we must understand that rationality can mislead, that elegant logic can be fragile, that brilliance of mind is no real substitute for wisdom of experience. If we can learn that much from what we have gone through, then the torments of the '60s will not have been entirely in vain.

POLITICS: IMAGE OVER PERFORMANCE

(By Amitai Etzioni)

A recent Gallup poll provides incontrovertible evidence that the American people do not take their politics seriously. How else can one explain that a national sampling conducted last November placed New York Mayor John Lindsay not only as a Presidential front-runner but also as a more attractive candidate than any other person except Senator Edmund Muskie?

Americans, of course, have often been quite willing to give the Presidential nod to a Congressman, Senator or other politician whose executive ability is largely untested and therefore largely unknown. Mr. Lindsay's position as a prime contender for Chief Executive is surprising because he does have an administrative record, in the job he characterizes as the *second* toughest in America, and because it is a record that might charitably be called less than brilliant.

While the rest of the country may have forgotten, New Yorkers remember only too well that Mr. Lindsay opened his tenure in City Hall on Jan. 1, 1966, with the first strike in the history of New York City to encompass all public transportation (except the ferries). The strike was long and bitter. When it was over, most experts in labor relations concur, the city had to pay more than if the settlement had been reached much earlier. Most observers of the New York scene agree that a major cause of the transportation strike was Mr. Lindsay's distaste for bargaining and his dislike of traditional labor leaders and other politicos.

The stage was set for other employes to extract high settlements from the city over the next several years, with one union using the other's increases as the basis for its demands, in an escalation that is still spiraling.

By the end of 1970 the accumulative effects of labor's demands were such that the city simply could no longer respond to them. The unions, conditioned to fantastic raises, could hardly slow down without a fight. Whatever the result of the negotiations, New Yorkers have already paid the price of a severe curtailment (or "job action") of services by firemen and policemen, of several work stoppages by taxi drivers, and are facing threats of similar disservice by others, especially the sanitation men.

When normal work is finally resumed New Yorkers will pay the city employes substantially more, with little assurance that the productivity, quality or honesty of the services will be improved.

THE LINDSAY YEARS

In the Lindsay years welfare rolls in New York City have grown more rapidly than the city's population, the census of children or the number of unemployed. The city has been overwhelmed by a rising, soaring, multiplying deficit, which reached $300 million a year by 1970; a police department whose corruption is largely unchecked; a bureaucracy that is demoralized both despite and because of several regroupings into supra-agencies; and a school system fraught with strikes and parent-teacher conflicts over control.

It would be senseless to blame the mayor for all this. Many American metropolitan areas have similar problems; New York is simply bigger than any of these, and, hence, is in more of a mess. It is unclear whether city governments can improve unless larger amounts of tax revenue, in large part Federally collected, are made available to them, and unless the inhibitive effects of crime and rent control are overcome. But one thing is clear: Mr. Lindsay's executive record will not embarrass the mayors of other large cities.

It is often rather difficult to predict a political leader's success at the White House on the basis of his previous career. But if one can project the New York experience on the nation, under President Lindsay, one must expect rising taxes and a swelling national debt, a greater welfare snarl, administrative reshuffling instead of reforms, an uneasy and tense relationship with the Pentagon (a situation that now prevails in the mayor's relations with the New York Police Department, and—God forbid—a reluctance to deal with anyone, from the Russians to Congress).

The majority of New Yorkers, of course, did not vote for Mr. Lindsay during the 1969 election. In what is considered the most liberal part of the country, he squeaked in with about 40% of the votes cast, while his unskilled, barely known, unimaginative conservative opponents conveniently—for the mayor—divided the anti-Lindsay votes between them. But still, about 40% of the New York voters, and many others across the nation, favor the mayor.

Most of the reasons given by his supporters reflect Mr. Lindsay's image. He has an excellent television presence; he looks clean-cut and handsome. (London's Daily Sketch ranked John V. Lindsay as the sexiest man in the world, ahead of Tom Jones and Paul Newman, and characterized him as "the sexiest politician since Clark Gable turned down an offer to play George Washington.") He gives the appearance of being too rich to be corruptible and too much of a WASP to lose his "cool" in most situations.

Beyond that, the main appeal of the Mayor's political image is well-meaning liberalism. Mr. Lindsay and Sen. Fred Harris were among the architects of the Kerner Commission Report (in retrospect, a fine piece of rhetoric that contains few durable programs). He is active in the Urban Coalition, a civic group in support of liberal causes. Mr. Lindsay has also called for an immediate, unilateral cease-fire in Vietnam and has "walked the streets of Harlem" to ward off potential riots. The fact that he nominated Spiro Agnew to be Vice President is usually overlooked in liberal circles, while his support for Arthur Goldberg and Sen. Charles Goodell is remembered.

The mayor's image is comparable to that of John F. Kennedy. While his speech writers are not as potent, and his delivery is less convincing, there is a great similarity in the political posture of the two men, and in the groups that find it appealing—black and Spanish Americans, reform Jews, intellectuals, ladies, and those under 30. And, like President Kennedy, who in the more than three years in the White House produced many more memorable speeches than programs, the mayor has compiled much more applause for intent than for performance.

Whatever one's political leanings, one admires the mayor's willingness to go out on a limb for a moral or philosophical principle. Mr. Lindsay risked censure in Albany by earnestly seeking state support in balancing the city's budget in line with Republican doctrine. Having lost his battle and having alienated Governor Nelson Rockefeller and upstate politicians in the process by his persistence, Mayor Lindsay went on to fight for a Civilian Police Review Board. To him, opposition to the Board was a sign of bigotry, although the evidence available suggests that the establishment of such a board makes little difference. The fact that the mayor lost the battle and much in the battling does not detract from one's admiration for a politician who is willing to go that far for his beliefs. But this is not necessarily the quality one seeks in a potential head of state.

THE CURSE OF THE AGE

The curse of this age of mass communication is the politicians' tendency to deal in images instead of issues, with the politics of the situation rather than with the situation. Political leaders, who get almost as many kudos for announcing a program as for implementing it, rapidly learn the short cut of replacing worn-out slogans with new ones, huffing and puffing while the government machinery remains mired. Before we can seriously begin to handle our grave problems, we must learn to face them, training ourselves as citizens to discount speeches, declarations and plans, and to look at actual achievements and the financial and human costs involved.

Our problems are not all administrative; there is a need for leadership in building morale, confidence and unity instead of a sense of crisis and division. But even these are best served by a responsible rhetoric, related to actual, concrete programs.

Between the wars, as long as industrialization was the main national effort, most decisions were made locally by the captains of industry, community leaders and later, by union leaders; the Presidency was relatively unimportant. The damage or good the White House could do was small, at least incomparison to the potentialities of our present age. Nuclear weapons, the guidance of the economy, and the availability of national mass media all give the Presidency unprecedented capabilities. Thus, the President's personal qualities and integrity are of unprecedented importance.

If the top political leaders of the '70s are carefully selected, first of all according to the reality of their vision and the responsibility of their projections, the image-maker from New York City may be left behind. But imagine where such criteria would leave most other contenders.

NATIONAL URBAN COALITION'S STATEMENT OF NATIONAL PRIORITIES

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. GREEN of Pennsylvania. The national debate over the direction of our country, where the United States places its emphasis in terms of programs and policies, and over the utilization of our resources continues to grow and intensify. This debate is most welcome for it is useful to question, to demand justification of our expenditures, and to make decisions that reflect the needs of our population.

The Urban Coalition's summary sheet provides the outlines of an interesting and thoughtful statement of problems and possible proposals to affect those problems.

I commend to my colleagues this statement on national priorities:

STATEMENT ON NATIONAL PRIORITIES

INTRODUCTION

Almost a year ago, the National Urban Coalition embarked upon a project that no other private organization had ever attempted. We decided to explore in some detail the reordering of national priorities that is so widely felt to be an imperative for America. We decided to do this for two reasons: first, because we shared the conviction that a shift in priorities is needed; and second, because the National Urban Coalition encompasses, perhaps uniquely, many of the disparate and often competing elements of American leadership that must ultimately be drawn together if an altered agenda is ever to be achieved. If a consensus on national priorities could be reached within this microcosm, it was thought, then perhaps a real reordering would be possible in the larger world outside.

The past two years have witnessed a tremendous amount of talk about reordering national priorities, most of it vague and undisciplined. Nevertheless, the message from all of that talk cannot be denied: the American people want to change emphases. It is now time to take a careful look at how that could be done, for without precise analysis there is little chance of really achieving a desirable reordering of priorities.

The idea is not new. Both the Johnson and Nixon Administration have emphasized the need for explicit consideration of where we wish to go as a nation. Last July 20th, President Nixon's Committee on National Goals called for "constructive public discussion of alternative goals, priorities, and policies, with all groups of people participating." The fruits of such discussion, the committee said, "should be incorporated into policies aimed at alleviating the problems or enhancing the opportunities." Three years earlier, President Johnson's Commission on Budget Concepts (whose chairman, David Kennedy, President Nixon's first Secretary of the Treasury) recommended that a private organization attempt to project national needs over a five-year period, basing its revenue assumptions on a high-employment economy.

Both of these recommendations are consistent with the approach taken here. When the staff of the Coalition's National Priorities Project first addressed this task, they decided to use the federal budget for their analytical framework in devising a five-year projection of program and dollar requirements to meet national needs. Unread as it may be, the federal budget is the single most important instrument for the setting of national priorities.

The budget's importance cannot be overstated. Federal outlays will probably exceed $210 billion in this fiscal year. The choices made within it reflect our national values. In addition, the budget helps to determine national economic policy.

But there are deficiencies in the way that the budget is shaped—deficiencies which, in the absence of reform, reduce the prospects for achieving significant change in our arrangement of priorities. One of the flaws is that budget allocations all too often determined through what might be called the let's-see-what-we-gave-them-last-year- and-give-them-a-little-more-this-year approach. This practice militates against new ideas and tends to preserve programs which may no longer serve their original purposes.

Another flaw is the lack of openness from beginning to end of the budget process. Secrecy reigns. There is little public participation. The annual federal budget is issued each January after months of internal debate and negotiation at every level of government. At no time along the path is the budget open to public scrutiny. It continues in Congress, where the substantive committees and the appropriations committees examine individual segments of the budget, often behind closed doors. At no time does any one body in the Congress consciously and deliberately scrutinize the budget as a whole, with an eye toward setting overall priorities.

We suggest that the budget process be opened to broad public participation and that the executive and legislative branches of government create mechanisms through which the choices facing America can be consciously and regularly examined.

In using the federal budget as a framework, the National Priorities Project staff evolved a draft National Priorities paper. It took the form of an alternative budget covering the fiscal years 1972 through 1976. It circulated widely. The staff convened meeting after meeting to review and revise it.

They discussed it at length with leaders representing business, labor, local government, Blacks, Mexican-Americans, American Indians, white ethnics, religion, education, youth, women, local Urban Coalitions, and social-welfare organizations.

The statement which follows—developed from that draft paper—has the general support of the members of the National Urban Coalition's Executive Committee. Like other Americans, each of us has his own ideas of what is right and what is wrong with the nation's current set of priorities. On a subject as complex as this, not all members will agree with every statement made. The choices are difficult.

We do not pretend that we have solved the country's problems or even designed a blueprint for doing so. But it is our hope that this modest beginning will generate discussion and debate throughout the country and lead to precise and disciplined thinking about what "more of this" and "less of that" really implies. That is what we have attempted to do in the program of action which follows.

II. GOALS AND RECOMMENDATIONS

America's malaise—which all of us feel in one way or another—has its roots in the distance between national ideal and national reality.

Our ideal is a country where every American gets an equal chance to perform, where a job exists for everyone who wants one, where health care and personal safety are assured, where we live in harmony with each other and have a decent place to live.

Our reality needs no full recital here. We know that cities are in trouble, that poverty continues in the midst of wealth, that unemployment is high, that malnutrition is widespread, that injustice exists, that tensions endure. In sum, we know that our society is not functioning the way it is supposed to.

But if we solve the greatest of our ills—our paralysis of spirit and will—we can narrow the distance between what we have and what we want. Indeed, we *must* marshal our good sense and our good will—there is no sensible alternative.

In our view, America must pursue six major goals between now and 1976. It must try to:

Achieve full employment with a high level of economic growth and reasonable price stability—all of our other policy goals depend upon it.

Provide all citizens with an equal opportunity to participate in American society and in the shaping of governmental decisions affecting their lives.

Guarantee that no American will go without the basic necessities: food, shelter, health care, a healthy environment, personal safety, and an adequate income.

Rectify the imbalance in revenues between the federal government and state-and-local government.

Assure adequate national security against military threats from abroad.

Meet our obligations to assist in the economic development of the world's lesser developed nations.

These are the goals. We can move a long way toward them by 1976. We recognize that they cannot be reached without three basic requirements: a reordering of budget priorities, increased revenues through a more equitable system of taxation, and a reshaping of government to assure a more responsive and effective delivery of programs and services. But they can and must be achieved.

Let us briefly examine the validity of each of our goals and explore how they can be met.

GOAL ONE: FULL EMPLOYMENT

The budget should direct the nation back to full employment and a healthy rate of growth and economic activity. The immediate goal should be to reduce unemployment from its present level of approximately six percent. Ultimately, the rate of unemployment should be reduced steadily and carefully until work opportunities exist for all who desire them. A real growth rate exceeding four percent annually will be needed to accomplish this.

With the economy once again operating at full capacity, resources will become available to meet crucial public needs that are not now being met. A strongly growing economy will automatically produce a fiscal dividend in the form of greater revenues, which, in turn, will enable the federal government to provide a reasonable level of performance in essential programs and services now pinched for funds. The additional state and local revenues generated by such an economy will help save some of our cities and states from the bankruptcy they are fast approaching. Moreover, the single most effective program to eliminate poverty is an economy growing fast enough to provide jobs for the unemployed and for new recruits to the work force.

Full employment should be accomplished through stimulative fiscal policy directed by the Administration and supported by the Congress. This should be accompanied by a monetary policy that will assure sufficient liquidity to support the expansion.

To control inflation, the Administration should take effective action to prevent excessive price and wage increases and to remove employment barriers that are both inflationary and unfair.

Even with full employment improved manpower training programs will be necessary, particularly to upgrade the skills of workers now on the bottom of the job ladder.

GOAL TWO: EQUAL OPPORTUNITY

We believe that the *sine qua non* of full participation in American life is the opportunity for a quality education. For many Americans, our educational system falls far short of providing that opportunity.

A part of the reason for this is that education begins—or fails to begin—before children reach school age. Research studies have concluded that about 50 percent of one's intellectual development occurs between birth and the age of five and that such development is heavily influenced by environment. More recently, television's "Sesame Street" has impressively demonstrated the degree to which pre-school children can learn when new knowledge is imaginatively and entertainingly presented.

For these and other reasons, the need for new programs in pre-school education is clear. But since state and local governments lack the funds for such programs, the federal government must provide subsidies in this area so that the opportunity for pre-school education will be available to all children.

At the elementary and secondary education levels, we believe that the federal government should be more zealous in seeing to it that the results of federally funded education programs reflect a minimum standard of performance. For example, Title I "compensatory education" programs should be focused on reading and mathematics because Americans who cannot read and calculate live perpetually on the margin of society. So it is also with those who cannot speak English. Bilingual education should also be expanded and improved.

As for higher education, the federal government must expand the availability of financial aid for students so that no American is denied the opportunity to continue his studies because of insufficient funds.

Other aspects of equal opportunity do not require legislation. They require enforcement. Although the last decade produced progressive laws against discrimination in public facilities, employment, housing, and voting, the achievement was too largely a legislative triumph. The triumph will be empty so long as we lack effective implementation of those landmark laws. To be sure, enforcement agencies need more funds and more staff. But these alone will not suffice. What is needed, above all, is a commitment to enforcement by the national leadership. Without it, these laws will lose much of their meaning.

Finally, if equal opportunity is to be fully achieved, citizens of all races, classes, and income groups must have the chance to help shape the governmental programs and services that affect them. Government, moreover, must be held accountable to the citizens it serves. Here, too, it is a matter of will.

GOAL THREE: THE BASIC NECESSITIES

The United States has the richest, most productive economy in the world. But many Americans nonetheless lack the basic necessities for a tolerable life: food, shelter, health care, a healthy environment, personal safety, and an adequate income.

This need not be so. We can see to it that no Americans are deprived of these necessities.

It almost goes without saying that the most vital of these is an adequate income. A reasonable income allows individuals to purchase most of the other basic necessities with dignity and free choice.

The majority of the income of most Americans comes from productive employment. As mentioned earlier, the federal government must shape its policies so that the economy will provide maximum opportunities for jobs at a living wage. We favor the following measures to accomplish this:

The use of fiscal and monetary policy to achieve sustained economic growth and high employment. Although effective action should be taken to keep wage and price increases within reasonable limits, we may have to be prepared to accept a somewhat higher degree of inflation than we have been willing to accept in the past.

Increase the minimum wage to an adequate level, and broaden the law to include coverage of more workers.

Creation of a program for public-service employment that would generate jobs at all levels of government as well as in non-profit, public service organizations. These jobs would fill a clear need that cannot now be met because of insufficient revenues. Among them would be such positions a health aide, police and pre-school teacher, and pollution-control worker. All of these jobs should have the opportunity for career advancement built in. The federal government should provide subsidies to cover training costs, as well as a large portion of the workers' salaries. One million of these jobs should be created by 1976.

For some Americans, wages and jobs will not suffice. Employment income must be supplemented by broader and better social insurance and income support programs. Both Social Security and Unemployment Compensation should be changed to provide greater benefits and wider coverage. Unemployment Compensation should become a federally administered program like Social Security, with uniform standards.

In addition, the present public-assistance program, acknowledged to be a failure by virtually every element of American society, should give way to the new initiative for a cash assistance program.

To be more specific:

The federal government should scrap the present Aid to Families with Dependent Children (AFDC) welfare program. In its place it should establish a program which, by 1976, would assure every household an adequate income, whether or not the head of the household is employed. The amount of the allowance would vary according to the number of people in the household. Work incentives would be built into the program; families would be allowed to keep a significant share of each dollar earned. Equally important, the program should be financed and administered entirely by the federal government. This would serve two purposes: it would relieve the financial pressure on states and localities, and it would assure greater equity for the recipients.

Assuring an adequate income would equip all households with the ability to meet the expenses of food, clothing, and transportation. It would not necessarily be enough to enable them to purchase adequate health care and housing—two categories which require further discussion.

Many Americans now lack decent health care because of these major deficiencies:

Inadequate supply and poor distribution of medical manpower and health facilities, with inner-city and rural areas particularly shortchanged.

An incentive system that tends to produce a far greater emphasis on high-cost curative care administered in expensive settings (hospitals) than on low-cost preventive care.

As a consequence of these two deficiencies, the cost of health care is very high for *all* elements of the population. To those in the low and lower-middle income groups, it is often prohibitive.

We feel that any workable remedy must be composed of two essential parts. The federal government must institute a National Health Insurance program—paid for partly out of new taxes—to assure every American that there at least is no economic barrier to adequate health care. And to make sure that adequate care is really available, it must increase the supply of medical manpower—especially nurses and paramedical personnel—through expanded federal education and manpower-training grants. At the same time, the distribution of health facilities should be widened through a significant expansion of community health centers—staffed in part by members of a Domestic Health Service Corps. As in other fields, community residents should be given a major voice in determining the nature of local health programs.

Housing is similarly flawed. Like health, it suffers from inadequate supply. Thus, even an "adequate" income is no guarantee that a family will be able to find decent shelter at a reasonable price.

In 1968, the Congress set a 10 year national goal of 26 million new and rehabilitated dwelling units—enough to bring substantial assistance to families now living in substandard housing. Six million of these are to be low-and-moderate income units, subsidized by the federal government. After two years, we have hardly begun. Public and private housing starts in 1969 and 1970 fell 650,000 units short of the original 3,675,000 unit goal for those years, as high interest rates pulled money out of the mortgage market. Housing available to low-and-moderate income families ultimately depends upon the condition of the economy. Thus, if private housing starts continue to lag, more federally subsidized units will be the only way to assure all Americans of adequate shelter.

In 1949, Congress and the President declared the goal of a decent home and a suitable living environment for every American. If that goal is to be met, the federal government must:

Assure that substantially increased funds will be channeled into the mortgage market, thereby increasing the total supply of housing.

Appropriate enough funds with sufficient "lead time" to finance effectively the federally subsidized portion of the 10 year goal, as well as additional units if private starts continue to fall short.

Reshape the federal housing programs to meet the social needs of their beneficiaries. This involves increased tenant services, greater provisions for home ownership, preservation of functioning neighborhoods, and assurance that federally subsidized housing will be of high quality.

Broaden the eligibility criteria for participation in federally subsidized programs. Currently the *most* needy families are not eligible. Neither do families with incomes just above the poverty line qualify for all these programs, even though housing on the private market is unavailable to them at reasonable cost. At the same time we should ensure that families residing in federally subsidized rental housing represent a wider spectrum of income classes.

Simplify (and reduce the number of) housing regulations now strangling federal housing programs.

Another requirement for national and individual well-being is adequate personal safety. Large numbers of Americans at all income levels do not now feel safe. The number of serious crimes reported has increased 148 per cent since 1960. Most of the increase has threatened city dwellers—particularly residents of low-income areas.

Illusory demands for "law and order" have not provided solutions. What we need, instead, is reconstruction of our system of criminal justice—action that will reduce crime without jeopardizing civil liberties. The most effective way to reduce crime is to treat its social, psychological, and economic causes; indeed, many of the programs and approaches discussed elsewhere in this statement will help to accomplish that. In addition, however, the federal government should take the following action in the field of law enforcement and criminal justice:

Improve the woefully underfunded corrections system. The percentage of "repeaters" is remarkably high; if substantial numbers of offenders were rehabilitated, the crime rate could be cut significantly. Facilities for rehabilitation of drug addicts and alcoholics convicted of crimes should be vastly increased. So should research into better methods of treating these problems. The social costs of our past failure to provide such remedial programs is immense.

Provide funds for modernization of the court system at all levels.

Expand federal aid to local police, but require that the emphasis be on police recruitment, training, research, and salaries, rather than on equipment.

Undertake a concerted effort to diminish organized crime—particularly the dealers in hard drugs.

GOAL FOUR: RECTIFY THE REVENUE IMBALANCE

State and local governments face a steadily worsening financial crisis. Their revenues are falling further and further behind their expenditures, and an increase in state and local tax rates is usually political suicide. By 1976, the gap between expenditures and revenues at the local and state level is expected to be in the area of $60 billion.

The federal government must respond to this crisis. A revenue-sharing program alone is unlikely to close the gap, since the program most widely discussed thus far would provide states and localities with only $5 billion per year by 1976. The most important single contribution the federal government can make is to ensure a growing economy that will automatically enhance state and local tax revenues. (Economic growth alone accounted for more than 55 per cent of increased state revenue between 1966 and 1968.)

In addition, the federal government should assume the state and local costs of certain functions which have to do with national problems. We have already recommended a cash-assistance scheme and national health insurance, which would replace the current public-assistance and Medicaid programs. respectively. When our recommended proposals become fully effective, the cost now imposed by these latter programs—$5.6 billion to states and localities in FY 1970—would be borne entirely by the federal government.

Beyond that, state and local government must place greater reliance on their own tax base and on more equitable tax systems. To encourage this, federal programs should be designed to stimulate greater tax effort, tax reform, and structural change at the state and local levels. With the prospect of additional funds, these governments will be more likely to undertake politically difficult reforms than they would be in the absence of such incentives.

To achieve these goals, we urge:

A revenue-sharing program for states and localities. The program's payment formula should (a) take into account need as well as population, (b) ensure that a substantial portion of the funds will be passed through to the cities, and (c) reward states which make a relatively greater tax effort and which raise a relatively higher proportion of their revenues through a progressive income tax.

A program of general aid to elementary and secondary education, available only to states which assume at least 55 per cent of the costs of such education (in the average state today, the state pays 44 per cent of these costs; local government pays the rest). States paying a higher percentage of these costs would receive relatively more federal money. By providing an incentive for states to assume a greater portion of the costs of public education, this program would greatly relieve the pressure on overburdened local property taxes, which now provide the revenues to pay the lion's share of these expenses. The funds should be allocated to eligible states primarily on the basis of need.

A revised Model Cities program, adequately funded, which should be changed to focus on entire cities rather than on single neighborhoods. As an incentive for wider metropolitan planning, a single, coordinated application from two or more contiguous communities should, if accepted, be rewarded with funds that would exceed the amount they would have received through separate applications. Also, grants should be awarded only on condition that a specified percentage of funds would be spent in low-income neighborhoods and that citizen participation in decision-making would be assured.

GOAL FIVE: PROVIDE FOR MILITARY SECURITY

America needs sufficient forces and technology to deter foreign attack. However, the advent of the nuclear age has rendered every country vulnerable to military attack, regardless of how much or how little it spends for national security. Any level of spending requires accepting risks. In this setting, the following are needed to meet our national security requirements:

A credible "second strike" strategic capability which will deter military attacks by making it clear to potential attackers that they will themselves suffer unacceptable levels of damage if they should initiate an attack on the United States.

Adequate general-purpose forces to support our commitments to allied nations whose own security is important to American interests.

Sufficient research and development activity to ensure that our military technology does not become outmoded.

These needs will continue to require multi-billion-dollar expenditures, even with prudent reductions from current expenditure levels.

GOAL SIX: MEET FOREIGN ECONOMIC ASSISTANCE OBLIGATIONS

Modern industrialized nations, among which America stands preeminent cannot abandon their responsibility to the developing countries. In recent years, our financial commitment has slackened while the lesser developed nations have grown in their ability to use development assistance funds in a productive way. The first requirement for rapid international development is continued vigorous expansion of world trade. This will be possible only if advanced countries remove many obstacles to the growth of export earnings for less developed economies and encourage the flow of private capital to these nations.

Foreign economic assistance, when granted to help create self-reliance among nations, can also contribute directly to an expanded world economy and to improved prospects for world peace. To be effective, however, our assistance programs must be restructured and redirected. Most fundamentally, the entire program must be based on a less visible U.S. role, and on far more realistic and modest expectations about what our assistance can accomplish. Three specific changes are needed:

The amount of official U.S. development assistance funds should rise from its present level of 0.28 percent of gross national product toward a goal of 0.70 percent of GNP by 1975, as recommended by the Pearson Commission of the World Bank.

The proportion of funds channeled through multilateral institutions such as the World Bank should be substantially increased.

The form of economic assistance should be shifted to greater utilization of grants and soft loans, less of hard loans.

III. REQUIREMENTS FOR ACHIEVING THE SIX GOALS

At the beginning of this discussion, we mentioned three requirements for achieving our goals. These requirements—to repeat—are:

Reordering budget priorities—that is, cutting spending in areas of lower priority and applying those funds to areas of higher priority.

Increasing tax revenues—first through achieving a more equitable tax system, then through higher tax rates.

Reorganizing government structures to bring about more responsive and effective delivery of programs and services.

Perhaps it would be useful to discuss briefly what might be done in each of these areas.

Our analysis of present budget priorities suggests several categories where cuts can be made:

Agricultural subsidy programs could wisely be cut by $1.2 billion between now and 1976. In its place, however, farm residents should be provided with expanded non-farm job opportunities, backed up by income assurances through the cash assistance program described on page 11.

Federal highway subsidies could be reduced by about $1 billion by 1976, with these funds applied to the more urgent need for mass transit.

Still more could be saved by reducing expenditures for Army Corps of Engineers public works projects (currently $1.4 billion), merchant marine subsidies ($330 million), and the SST ($275 million).

Dwarfing all of the above, however, is a potential reduction in military spending by 1976 of about $20 billion, most of which should occur during the next two years. Such a reduction could be achieved through the following actions:

A substantial further reduction from current U.S. military spending in Vietnam, which now accounts for $13 billion of the $73 billion defense budget.

Persuading our allies in Europe and Asia to assume a larger share of defense costs in those areas.

Elimination of wastefully duplicative strategic deterrent forces and a cessation of attempts to build unnecessary strategic defense systems, such as Safeguard.

Elimination (without replacement) of systems rendered impotent, and therefore obsolete, by changing technology.

Improved management and operating efficiencies.

All of these reductions can be accomplished without threatening the goal of providing for adequate national security against military threats.

Reduction in defense expenditures should be accompanied by a planned program of reconversion which would provide income assistance, relocation allowances, training and jobs at similar skill levels for workers laid off because of cutbacks in defense spending.

Even assuming that all of these proposed budget cuts can be effected, however, more funds will be needed if we are to move far towards meeting our goals. This brings us to our second requirement—increasing tax revenues. We estimate that a rise of about 10 per cent in individual and corporate income taxes will be needed, *assuming that the expenditure cuts suggested above (pages 20 and 21) are made.* For every recommended dollar reduction not achieved, taxes will have to be increased correspondingly. These tax increases should not be undertaken immediately because they might interfere with restoration of full employment. But they will be required by the middle of the coming five-year period. Tax increases will become more feasible politically if the public becomes convinced that the tax system is equitable. Thus, reform of the tax structure—to eliminate the inequities—must become a first line of attack.

As for our third requirement—reorganization of governmental structures—let us first review some of the major reforms already mentioned in our discussion of goals. They call for the federal government to:

Rationalize the process by which the federal budget is assembled and open that process to broader public scrutiny.

Provide financial incentives (a) for states to rely on graduated state income taxes, and (b) for individual communities to join together for area-wide planning.

Place all of the responsibility for administration and financing of the proposed income-maintenance program in the hands of the federal government.

Take measures that would help to achieve a better and more widely available delivery of health services.

Effect changes that would bring more investment funds into the mortgage market and streamline the federally subsidized housing programs.

Other reforms—many of them involving no expenditure at all—must also be sought if the government is to become more effective. Among them would be:

A requirement that municipalities provide housing for low- and moderate-income residents as a condition of their receiving federal aid.

Provisions to allow citizens to participate meaningfully in the design of programs that directly affect them.

Assignment of a higher priority to consumer affairs in the federal government, as well as stronger enforcement of regulations and laws in this area.

Stricter federal legislation against environmental pollution, along with stronger enforcement of existing laws.

A restructuring of the family planning assistance program to ensure that these services can be obtained by all who desire them.

The reforms listed here are meant to be suggestive, not comprehensive. They are intended to demonstrate directions that the federal government should take. Their purpose, in each case, is to assure that programs and laws serve the ends for which they were devised.

Without such reforms, we risk simply throwing money away, or worse, achieving undesirable results. Governmental bureaucracy must be made as efficient and responsive as possible. Most of the major new program initiatives we have recommended which will cost large sums of money—National Health Insurance, a cash assistance program, revenue sharing, including general aid to education—require very simple administrative mechanisms. The federal government role in these programs is almost completely that of collecting and dispensing monies.

Perhaps the most important reform, however, is a change in our attitude towards the future. America must begin to plan consciously for the future needs of its population; muddling through is no longer good enough. Such an emphasis on looking ahead permeates this entire document; this is why we adopted a five year rather than the traditional one year budget framework.

But even five years is a short time. We must embrace the future with a freshness of imagination, a national consciousness open to new ideas and concepts. We must be willing to readjust preconceived ideas to meet changes the remainder of this century will surely bring. Adjusting to these changes, the nature of which can now only dimly be perceived, will require thinking on a new scale—and a greater willingness to commit our vast resources to public purposes.

THE WILL TO ACT

There is little room for doubt about our ability to reach the goals we have outlined. The economy can supply the resources, while preserving the freedom of enterprise that has made it the envy of the world. The government, properly reformed, can deliver the services. The programs we have suggested are not revolutionary or, in most cases, even new. Most have been discussed in this country for years, and many have long been public policy in Western European nations.

The one remaining question concerns our national will. Whenever there has been the prospect of a budget surplus, Americans have traditionally chosen the fruits of tax reductions in preference to the support of domestic needs with public funds. Will we soon be ready to make the sacrifices—particularly in the form of higher taxes—that will be needed to reach our goals? If not, we may later lament it. We must forge the national commitment and see it through.

REVENUE SHARING

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. PEYSER. Mr. Speaker, the States and cities of this country are desperately in need of financial assistance to meet their needs. The State legislature of my home State of New York is calling upon the Federal Government to make funds available to meet some of its urgent problems. I support that effort and bring to the attention of the House a resolution passed by the New York State Legislature requesting tax-sharing moneys be made available:

JOINT RESOLUTION NO. 2

Joint resolution of the Legislature of the State of New York calling upon the Congress of the United States and the federal government to take prompt action to implement proposals for a system of direct federal tax-sharing payments to states

Whereas, In recent years the challenges of modern-day America have required state and local governments to increase their expenditures at a rate greater than federal spending for domestic purposes; and

Whereas, The growth in state and local taxation per capita has out paced the growth in federal taxation per capita in recent years; and

Whereas, State and local governments are better equipped to determine how their needs can best be met and what formulas should be used in the distribution of available funds; and

Whereas, the federal government is currently taking such a large share of the productive wealth of this nation through federal taxation that state and local governments are increasingly unable to find equitable and non-confiscatory revenue measures to produce the funds necessary to finance programs under their own control; and

Whereas, The burden for innovation in domestic programs, under our federal system, rests with the states rather than with the federal government; now, therefore, be it

Resolved, That the Legislature of the state of New York calls upon the Congress of the United States and the federal government to take prompt action to implement proposals for a system of direct federal tax-sharing payments to the states, so that the state governments will be able to provide vital domestic programs which are now beyond their financial means and so that the states may assist local governments to exercise their proper responsibilities, particularly in the fields of education, transportation, environmental protection and social services; and be it further

Resolved, That any such shared revenues that are provided to the states and local governments not be earmarked for specific purposes and functions; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Majority Leader, Minoriy Leader and Secretary of the Senate and the Speaker, Minority Leader and Clerk of the House of Representatives of the Congress of the United States, and to each member of the Congress from the state of New York.

REPRESENTATIVE MOORHEAD SAYS BRITISH DEALT WITH ROLLS-ROYCE BETTER THAN UNITED STATES HANDLED LOCKHEED

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. MOORHEAD. Mr. Speaker, the news of the weekend brought us face to face, once again, with a business failure and the name of Lockheed Aircraft Corp.

This time it was the prestigious Rolls-Royce, Ltd., that found itself in receivership, mainly because of its inability to produce engines for the Lockheed Tri-Star airliner.

Rolls had bid for the Lockheed contract and won on the basis of an unusually low bid. Parenthetically, it should be remembered that Lockheed got the C-5A contract on the basis of a very low bid for the mammoth plane.

But the interesting facet of this whole adventure is how the British government of Prime Minister Heath reacted to the financial failure of its largest defense supplier and a firm whose stability and prestige is a cornerstone of the British economy.

Heath moved quickly to take over the operation of the firm. There was no haggling over how much money should be paid to Rolls-Royce to "bail it out" of its problems.

It appears to me as if the British reaction to their dilemma was far more responsible than a similar American response when Lockheed, blending incompetency with greed, proved incapable of fulfilling the C-5A contract and faced bankruptcy.

We are making plans to give money to Lockheed when we should be assuming their assets on the basis of default.

We now own the plants that produce the C-5. I know of defense contractors who would rush to assume the C-5 contract and who would probably do a much better job.

The lesson here is plain, and that is no pun. The British decisive takeover of a failing Rolls-Royce is a much more enlightened, pragmatic, and well-reasoned decision than the Defense Department's scheme to bully Congress into giving Lockheed unknown millions in reward for their failure. We should mirror our English cousins in this regard and not shilly-shally with propping up defense contractors.

THE CHANGING SMOKING REPORT

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. FUQUA. Mr. Speaker, the column written by Mr. James J. Kilpatrick that appeared in the Evening Star of Washington, D.C., on Thursday, February 4, 1971, is a follow-up to the publicity given a news conference over a year ago regarding the findings of a cigarette research program.

As you know, Mr. Kilpatrick is a highly respected reporter and columnist.

I have long felt that only one side of this question is presented and that much of the statistical data has been misleading, and sometimes of doubtful validity.

Too often we react with haste on the basis of very limited information. I feel that every question relating to basic laws should be carefully evaluated as to their validity. I think the article by Mr. Kilpatrick speaks for itself on this point.

The article follows:

THE CASE OF THE CHANGING REPORT ON SMOKING

(By James J. Kilpatrick)

A year has passed since the American Cancer Society called a press conference at the Waldorf-Astoria, turned on the floodlights, and trumpeted the long-awaited findings of Dr. Oscar Auerbach and Dr. E. Cuyler Hammond on the effects of cigarette smoking on dogs. It is an appropriate time to take an anniversary look.

In the field of lung cancer research, the Auerbach-Hammond paper probably ranked as the most important paper of the year. Surely it was the most publicized. The two investigators had devoted three years to their work; their study had cost some $750,000, half of it in federal funds; this was understood to be the breakthrough moment the tobacco industry, the consuming public, and the medical profession had been waiting for.

In its press release of Feb. 5, 1970, the Cancer Society said:

"For the first time, scientists have produced lung cancer in a significantly large experimental animal"—and note this next phrase carefully—"as a result of heavy cigarette smoking. The lung cancer was produced in a group of pure-bred beagle dogs by having them smoke non-filtered cigarettes . . . 'Invasive' tumors (cancer) was found in 12 of the heavy-smoker dogs. . . ."

This flat assertion of causality was front-page news around the world. The attendant publicity contributed to the action of Congress, in March, requiring a more stringent warning on cigarette packages and banning all cigarette advertising from TV and radio. Efforts of the tobacco industry to obtain an independent scientific review of the Auerbach-Hammond findings were rejected by the Cancer Society. After a while the story passed out of the news.

Some curious things have happened. This milestone paper first was offered to the prestigious New England Journal of Medicine, where it was rejected by reason of the Waldorf publicity. Then it was offered to the Journal of the American Medical Association, where it was again rejected, this time, on the judgment of a reviewing panel that the paper did not meet the Journal's standards. On June 24, the authors read their papers before a session of the AMA in Chicago. Finally a much revised version of their report made it to publication in the December issue of "Archives of Environmental Medicine."

The circumstances of publication were in themselves curious. Dr. Auerbach is a member of the magazine's editorial board.

The final published version is most curious of all. The Waldorf causality has vanished. The two authors make no claim whatever that they "produced lung cancer as a result of heavy cigarette smoking." They no longer say—as they said in June—that such a purpose was even a goal of their research. The 12 "cancerous" dogs of the February press release have gone through a sea change. Early squamous cell bronchial carcinomas of microscopie size were detected in two dogs only.

In February, a group of eight non-smoking dogs had been described as "controls." By December, these had become merely "Group N." Remarkably, two of the eight—or 25 percent of those who never smoked at all—developed microscopic non-invasive tumors. The authors acknowledge they were "surprised" at this finding.

A close comparison of the Waldorf version, the Chicago version and the final version discloses dozens of textual changes. The net effect is that of a soft pedal descending on a muffled cadenza. Competent medical critics say that the published paper, while persuasive, simply is not of landmark dimensions. It offers no basis for the extravagant claims of a year ago.

If President Nixon has his way, Congress will earmark $100 million in the next few years for cancer research. A substantial sum doubtless would be invested in efforts by other investigators to replicate the Auerbach-Hammond study with adequate controls and meticulous animal profiles. In a nation of 45 million smokers, proof of causality is the indispensable first step toward finding the specific carcinogen, if it exists, in the cigarette. Forget the fanfare. We are not at that point yet.

ABDICATION OF POVERTY BY THE MODERN CHURCH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. RARICK. Mr. Speaker, in many instances spokesmen of the welfare activists—the self-appointed poverty leaders and advocates of social justice by force of law, bear titles or identification associating themselves with churches or religious bodies.

The fervor of some of the tax-free religionists to induce higher taxes and enlarge the poverty base by blaming the Government or the working people must be accepted by the people as an admission by the organized church of its inadequacies and capitulation of its charitable responsibilities.

What more pronounced moral role can there be for the church than to minister to the hungry and thirsty? Where should charity begin? Should not all gratitude for gifts go to God and not to Caesar?

If the organized church with its billions of tax-free enterprises were to channel its efforts to aid the poor, the distressed, the sick and needy, there might well be fewer captives in the welfare mire and there would be more popular support for the organized church retaining tax-free status.

For the church and its spokesmen to blame poverty on the people and Government is like the priest washing his hands as a symbol of self-purification and abolition of responsibility.

In lieu of helping to feed the masses, the organized church pursues political action, lobbying, and gigantic building programs which set the stage for nationalization of the faith by acceptance of Federal funds. Some churches now actively engage in name calling and finger pointing to cover up their inadequacies, yet would claim a right to compete with taxpaying free enterprising businesses.

Thus far, to escape Federal controls, the same churches invoke separation of church and state—but for how long, when they allow themselves to be used as political agencies.

Church-supported, tax-exempt schools would accept taxpayers' money for education segregated by faith. Yet, they support legal attacks against independent schools in Southern States to deny tax exemption for education segregated by race. Segregation in one instance is scught to be justified to perpetuate a faith in the other race and custom.

In another example, the tax-exempt status of a religious affiliate is under attack for being under the control of and used as a propaganda pawn of a foreign government.

As some religious organizations and their oligarchic spokesmen turn their backs on the teachings of God, the poor suffer severalfold by the failings of the modern church: inflation induced by the tax-exempt church spendings, and higher taxes.

Where is there a church that can long endure without making its contribution to society by fulfilling its mission to the poor?

The impoverished cry out for help but are told to go see Caesar. Charity is unknown in an ungodly nation.

> Though I speak with the tongues of men and angels and have not charity, I am become as sounding brass, or a tinkling cymbal.—1 Corinthians 13: 1.
>
> And now abideth faith, hope, charity, these three; but the greatest of these is charity.—1 Corinthians 13: 13.

The apostate church has revised the Scriptures by concluding that it is more blessed to receive than to give.

Is charity the duty of Caesar or the work of God through His church? See Matthew 22: 21.

I include several related news clippings which follow:

[From the Washington Post, Feb. 7, 1971]

THE WELFARE TIDE—A HUMAN CRISIS

(By Nick Kotz)

Bertha Hernandez supported her family in the slums of Houston, Tex., for 18 years on the strength of her back and her ability to turn out spotless laundry for the ladies in the suburbs. The tiny Mexican-American woman raised three sons by working seven days a week, earning $30 to $45 when business was good.

She never went near a welfare office until 1968, for a number of reasons: Under Texas welfare regulations, she made too much money. She knew the state seldom helped "her people." The presence of a husband further disqualified her for public welfare, even though he drifted in and out of the household and only occasionally contributed a few dollars earned by moving furniture or digging ditches. And she was proud.

But in 1968, a national tide reached Bertha Hernandez.

The tide was a phenomenon of the '60s. The civil rights movement began to show that in many cases poverty was the result of discrimination and therefore not a personal sin. The war against poverty further dramatized the problems. Federal court decisions challenged welfare agencies to justify why they arbitrarily excluded poor families from payments. The easy entry, low-skilled jobs in the central cities began to shrink with automation and the growth of suburbs. Inflation began to make it impossible to raise an urban family of four on $45 a week. Television convinced the poor that the nation really might care about them.

For Mrs. Hernandez, personal circumstances helped make the decision: her age, a final breakup of her 18-year marriage, the accumulated wear and tear of scrubbing and ironing seven days a week.

"I was too proud before," Mrs. Hernandez says, "but the migraine headaches got just too bad."

She went to the Texas State Welfare Department office that October and signed up for $38.50 a week under the Aid for Dependent Children (AFDC) program.

Thus the four members of the Hernandez family became a statistic in what President Nixon has called a national scandal—the crisis in welfare.

In Texas, AFDC rolls have doubled in the two years since Mrs. Hernandez's family became recipients. Nationally, in the same two-year period, AFDC rolls have gone from six million to nine million recipients. Today, almost 10 per cent of the nation's children are being supported by welfare. In 1968, AFDC welfare payments cost taxpayers $2.5 billion. Today, the cost is $5.3 billion annually, with the federal government paying $2.9 billion and state and local government footing the balance.

Some state and local officials, unprepared for the new tide or unwilling to appropriate funds to meet it, say the program is pushing them toward bankruptcy.

Similar welfare programs operate for the aged, the disabled and the blind, but the AFDC program, with accompanying Medicaid benefits, accounts for most of the rising cost and numbers.

IN MASS CONFUSION

"Our welfare funding is in mass confusion, our recipient rolls are growing by 10,000 monthly," Texas Gov. Preston Smith told his state legislature last month. His answer: fund the state's share of Mrs. Hernandez's AFDC check for only 10 more months, meanwhile beseeching the federal government to take over the entire program.

The present AFDC program has "degraded the poor and defrauded the taxpayer," said President Nixon. His solution: the proposed Family Assistance Program, "the most comprehensive and far-reaching effort to reform social welfare in nearly four decades."

Mr. Nixon's plan, now before Congress, would provide more federal funds to reduce the state's share (22 per cent in Texas) of Mrs. Hernandez's $154 monthly welfare check, on which she is supporting Rudy, 17, Philip, 13, and Robert, 10. But the President's proposal would not add a penny to her check, since Mrs. Hernandez's payment already exceeds the $1,600 annual ($133 monthly federal guarantee of the program for a four-member family.

In fact, payments to those now on AFDC would rise in only the seven Southern states that now pay less than $1,600 annually, while 36 other states, including Texas, would continue providing support at less than the official federal poverty line and less than their own established standards of need.

Since all the Hernandez children are of school age the Family Assistance Plan would require Mrs. Hernandez to accept either job training or jobs offered her at a minimum wage of at least $1.20 an hour. If she found a job, she could still keep part of her welfare check "as a work incentive," but not necessarily as much as present welfare regulations would permit her to keep if she were working now.

$3,920 MAXIMUM

The Nixon plan also would provide, for the first time, federal income supplements to 12 million persons in families of "the working poor," permitting up to $1,600 in federal aid to boost their total incomes to a maximum of $3,920.

In the eyes of many angry taxpayers and politicians, Mrs. Hernandez and people like her are lazy, cheaters, breeders of illegitimate children and riders in welfare Cadillacs. To sympathetic liberals, she is the product of a culture of poverty that has trapped 25 million Americans at the bottom of this most affluent society.

Mrs. Hernandez's life does not fit traditional welfare myths, but her attitudes and recent actions are indicative of the new aspirations of the welfare poor.

Growing up in the generations-rooted poverty of the Southwest's Mexican-Americans, she never finished the sixth grade in school. Of her $154 monthly welfare check, $30 goes for rent in overcrowded public housing and $37 for food stamps "that don't stretch a whole month." When the children need shoes, she bakes and sells pies; when Rudy wanted to study the clarinet, she traded out $40 worth of laundry work for a used one. She states forcefully that "my middle-class concerns include group therapy," which she believes is helping Philip with emotional difficulties.

And she is no longer ashamed of welfare. Although she doesn't look the part, she is even blossoming as a community leader "to help people get the right to a decent life." Less than five feet tall, a dumpy little woman with long brown hair, she appears older than her 43 years. She wore an apron when timidly attending her first welfare rights meeting. Now she sits on three community boards, is determined that other poor people get on welfare, that benefits be raised, and that the poor be permitted full access to education and all the benefits of an affluent society.

Bertha Hernandez, welfare statistic, symbolizes a new movement in this country—a movement regarded both by critics and advocates as a welfare revolution.

Strangely enough knowledgeable critics of the spiralling welfare rolls and advocates of expanded government aid for the poor agree closely about most of the long-term and short-term causes of the welfare revolution.

Conservative welfare commissioners such as Burton Hackney of Texas and William Sterret of Indiana agree, for example, with much of the analysis given by Richard Cloward, a professor at the Columbia University School of Social Work and resident philosopher for the national welfare rights movement:

A 25-year migration of unskilled black, brown and white poor from rural areas to the cities created a vast pool of eligible poor people who originally came to cities seeking work and a better life. Most worked at menial jobs, survived off the charity of relatives or lived by their own wits, hustling in the swelling ghettoes. Their economic plight worsened as unskilled and semi-skilled grew fewer and industry moved out of the central cities into the suburbs.

At this point, unemployed men began deserting their growing families in record numbers and the scene was set for a welfare explosion. And then the political climate forced open the welfare system, which had been tightly guarded until this point by an ingenious set of federal, state and local restrictive practices.

"The 50's were a period of calm in the cities, so there was no pressure to open the rolls," say Prof. Cloward, "but the riot-torn 60's were a different matter. The federal government responded through its intervention to try to deal with the turbulence in the cities. The political response and the overwhelmingly important force was the antipoverty program—the Vistas, legal services, community action agencies—that's what spawned the welfare rights movement.

"The recent rise in the rolls is chiefly a political phenomenon, not an economic one. The urban blacks couldn't gain housing, education or jobs, but they now had political power, particularly with the National Democratic administrations, and they did gain welfare. Finally, the present recession came at a time when restrictive (welfare) practices had collapsed all over the country."

The "welfare crisis" today comes in large part because in the past most families technically eligible for welfare were, in fact, arbitrarily excluded for a variety of reasons. In the past few years, court decisions and new federal regulations have taken the position that if a family meets the standard that its children are needy and there is no fraud, it has to be granted welfare status if it wants it.

For the first time, welfare clients had lawyers representing their cause, and restrictive welfare department regulations and practices came tumbling down in a torrent of Supreme Court and lower federal court decisions.

The Supreme Court knocked out the so-called "man in the house" rule, by which welfare departments summarily cut off AFDC families whenever welfare investigators found a man living with or visiting an AFDC mother.

Next, the Supreme Court ruled unconstitutional the one-year residency requirement by which states and counties kept newly arrived migrants from benefits.

The Supreme Court then invalidated the vague "unsuitable home" device by which Southern states had purged thousands of welfare families from the rolls on grounds that mothers were not caring properly for their children and home.

Lower federal courts eliminated the "stepfather responsibility rule," under which a stepfather was required to assume financial responsibility for his wife's AFDC-supported children from an earlier marriage.

New HEW regulations, backed up by the federal courts, required welfare departments to act on applications within 30 days, rather than the frequent indefinite delays. The new regulations prohibited cutting persons off the rolls arbitrarily, without first giving them an opportunity for a fair hearing.

Congress, in a little-noticed amendment to the 1967 Social Security Act, required states to update their cost-of-living standards, though not necessarily the actual benefits. Washington, D.C., for example, until last year paid AFDC recipients on the basis of 1953 housing costs and 1957 food and clothing costs.

The District and many states responded by raising the standard, but then paying only 75 per cent of it in benefits. Nevertheless, the higher payment standard made far more families eligible for benefits.

Another provision of the same law for the first time provided a positive "work incentive," permitting families to keep part of their earnings. Previously, all earned income was deducted from welfare payments.

Vista volunteers, Legal Service attorneys, community action agency workers and the emerging National Welfare Rights Organization helped steer the poor through the still formidable bureaucratic welfare jungle. Many of the poor learned for the first time about their legal rights.

Finally, the stigma that had kept many eligible poor away from the welfare office began to lessen as the poor and their allies openly lobbied for welfare benefits as a right, not "charity." And as welfare became more respectable, many of the urban poor began to view it as an acceptable alternative to their traditional dead-end jobs as maids, janitors and kitchen helpers—jobs that often paid less or only slightly more than rising welfare benefits in northern industrial states.

Welfare advocates and welfare critics, in accord as to those root causes, stop agreeing at this point. They differ markedly in assessing the implications of the welfare crisis for American society.

From Columbia Prof. Cloward's viewpoint, "the crisis is really the reform—namely that poor people are finally getting some money. The normal state of the system is that the poor get nothing."

National Welfare Rights Organization Director George Wiley adds: "If this is a crisis, there ought to be a bigger one. My question is not why so *many* people are getting benefits, but why so few. In a law-and-order society, these people have been denied their legal rights."

Government officials, on the other hand, define the "crisis" as a burden to the taxpayer and to government budgets and as a disruption to the economy.

"The crisis is basically fiscal," said HEW Under Secretary John Veneman in an interview. "State and local governments can't handle it. And the whole [welfare] system is posing a challenge to the wage structure in the country. Seven and one-half million people are working for less than the minimum wage. It's a fundamental challenge to low-wage, marginal employment. It creates an alternative, seriously undermining these jobs."

Within the general public and the government, there has always been angry disagreement over the real characteristics of the welfare poor. Myth blends with fact in efforts to analyze family structure, divorce, desertion, illegitimacy, racial composition, work ethics, welfare fraud, economic and geographic mobility, and living standards of AFDC recipients.

Several facts are clear. Widening access to welfare benefits did not occur simultaneously throughout the country. Numerous states still prevent the vast majority of potentially eligible poor from obtaining benefits, and access to welfare in even the highest-benefit states has not necessarily produced economic security for the recipients.

New York City is the welfare capital of the nation with more than 800,000 women and children receiving the highest AFDC benefits (nearly $4,000 annually for a family of four). But a critical shortage of low-cost housing, and absence of jobs, and the highest cost of living nationally makes women swear about "welfare hell" in this supposed welfare paradise.

The city's AFDC rolls have risen from 195,000 in 1960 to 809,000 today. The city's share of welfare costs has grown from $89 million 10 years ago to $500 million last year, including $182 million for AFDC alone.

Judith Irby, an attractive 31-year-old black mother of six, would like to know, "Where has all that money gone?" She knows it has not gone for public housing, for which she has been on the waiting list for 10 years, or for adequate child day care facilities, the absence of which forced her to quit work.

Home for Mrs. Irby and her children was a rat-infested apartment with gaping holes in the walls, until the building was condemned. The New York City welfare department moved her family to the Hamilton Hotel, until it also was condemned last month as unfit for human habitation. She's still on a welfare tour of the city's fleabag hotels and says of her recent homes: "I've never lived in hell but I can imagine what it's like. Believe me, we don't want to raise our kids in filthy slums. This is killing them."

Leaving rural poverty and her husband in Georgia, Sarah Glover came to New York in 1956 with a job as a sleep-in maid. Then she supported her children by caring for invalids. She always considered welfare a last resort, and that came when she had an eviction notice in her hand and only bus fare in her purse. "I went with my children to the welfare department and told them, 'I'm moving in somewhere, if I have to move in with you.'"

A 30-week manpower training course in bookkeeping "gave me hope," says Mrs. Glover. "Then the only job I was offered was $71 a week as a cashier clerk. I would have lost my Social Security, and with five kids to support, I couldn't take it. So I went back on welfare."

Indeed, a New York AFDC mother receiving an average $278 welfare check is better off than she would be working at the typical $274 monthly salary level for which AFDC recipients can qualify. And with Medicaid benefits, she is far better off than many of the city's working poor.

The willingness of women to regard welfare as an acceptable alternative to work appears related directly to welfare benefit levels, HEW studies show. In high-benefit states like New York, only 8 per cent of AFDC women work, but in states like Mississippi, Georgia and Florida where payments are near the bare survival level, more than a third of recipients supplement their welfare checks with low-paid jobs.

In New York City, the question of work is fast becoming academic, particularly for poor men. New York welfare officials estimate the city has lost several hundred thousand unskilled and semi-skilled jobs in the last few years.

"This has become a city of the very rich and the very poor," explains William Johnson, who has just completed a welfare study for New York's Rand Institute. "The jobs and the middle-income people are leaving for the suburbs, and what's left is the trapped migrant, who can't find housing or transportation to follow the jobs. The jobless husband deserts and the family goes on welfare."

"Desertion, sure," says Beulah Sanders, leader of the New York Welfare Rights Organization. "Do you think a man is going to sit there and see his family starve?"

Life may or may not be worse for the welfare poor in Indiana, which, in contrast to New York, pays the lowest welfare benefits of any Northern state ($150 a month for a family of four) and has the smallest proportion, of its poor receiving AFDC benefits—2 per cent.

"The entire philosophy of welfarism is alien and foreign to the people of Indiana," explains State Rep. Robert Bales, chairman of the House Health and Welfare Committee. "We run a very tight ship."

FIFTY-THREE PERCENT IN A YEAR

But the rolls are rising even in Indiana. The number of people receiving AFDC payments went up 53 per cent last year.

And in contrast to New York, where virtually all AFDC recipients are black or Puerto Rican, 55 per cent of the new welfare poor are native, white Hoosiers who grew up in rural poverty and now are moving to the cities and towns.

Marilyn Schwab, for example, grew up on a farm and moved to Richmond, Ind., where her husband worked in a tire factory. After her husband deserted her last year, Mrs. Schwab says she tried supporting her three sons working at two jobs—a tavern until 2 a.m. and then in a radio parts factory starting at 7 a.m. "I ended up in the hospital with nervous exhaustion," she says, "and for the next six months we lived on a $12 weekly grocery order, until they finally accepted me on welfare."

Of her $150 monthly welfare check, Mrs. Schwab says $58 goes as rent for an unfurnished apartment. "We make our own clothes or pick up used ones at a church," she said. "I had to call the school to say I didn't have shoes for two boys. This is not right. Children should have new clothes.

Mrs. Schwab's bare living is now endangered by a government and taxpayers revolt. For the politicians in Indiana, New York and Texas are now debating whether to cut the welfare payments of Mrs. Schwab in Richmond, Mrs. Glover in New York and Mrs. Hernandez in Houston.

[From the Washington Star, Feb. 6, 1971]

KEEPING CHURCH, STATE SEPARATE PROVES DIFFICULT JOB

(By William Willoughby)

Church-state separatists this week showed considerable elation over victories they have won recently in thwarting or at least bringing into question laws which would give public money for church-run schools, but they didn't allow themselves to become carried away with the spirit of triumph.

Instead, delegates to the 23rd national conference of Americans United for Separation of Church and State pondered the long road of battle ahead against increasing pressures to "knock down" or "undermine" the "wall of separation" of church and state called for in the national Constitution.

In a speech at the Silver Spring convention, Dr. Glenn L. Archer, longtime executive director of the organization, said "Every church with a real commitment can maintain whatever institutions it deems necessary to the advancement of its spiritual mission."

"It is true that some church institutions have closed," he said, "but in most instances they have not closed for want of money. The basic cause has been a collapse of support from their own constituency and a crisis of confidence about the church's future."

PRESSURE IS ON

Archer advanced the theory that "two churches" might be emerging on the American scene—one primarily politically motivated and the other spiritually motivated.

"When one contemplates the enormous amount of money, time and energy that is being expended by churches in some 40 states and before the Congress to obtain public taxes, it raises the presumption that we may be developing two churches—the one powerful and political, the other a living church serving the spiritual needs of the people."

The largely Protestant organization received a somewhat unexpected boost from a Catholic laymen's group headed by the Rev. Joseph O' Donoghue, a priest who was disciplined by Patrick Cardinal O'Boyle in 1968 during the dispute centering on interpretation of the birth control encyclical from the Vatican.

O'Donoghue, national director of the National Association of Laymen, which has headquarters in New York City, told the conference his group will oppose any diocesan effort to obtain state and national funds if its schools are not run by lay boards and if the bishops do not make full disclosure of the dioceses' finances.

The NAL is not against state aid per se, O'Donoguhe said—at least not for the present. "But we are unalterably opposed to lobbying efforts for tax dollars from bishops who refuse to reveal their own assets."

Much of the thrust of NAL's objective is to know the assets of the church so the degree of its commitment to the goals of social justice can be determined. To date, only a small number of the dioceses have printed financial reports.

CONFIDENCE IS UP

Behind Americans United's elation are referenda decided in November by voters in Michigan and Nebraska which ruled out the use of public funds in those states to aid in financing parochial and other private schools. Local chapters of the organization played important roles in the final outcome of the votes.

Americans United has entered friends of the court briefs on a number of other cases. The United States Supreme Court for instance, this month is scheduled to hear oral arguments on the "purchase of service" plans which are being advocated in several states.

The theory maintains that the state actually is not violating the Constitution in providing funds through the purchase of services which are made available to children in parochial schools. The argument follows that the funds are buying education for children "who otherwise would attend public schools."

Americans United, opposed to this line of reasoning, thinks the balance of strength is on the side of the argument it takes—partially because seven of the nine federal judges who have sat on purchase of service cases have ruled that the practice violates the Constitution.

Archer told the conference that President Nixon is "a great imponderable" on the church-state issue as it pertains to schools because of "the ultimate position he may take on the issue."

He said that when his organization started blowing the whistle on what it felt were violations of the church-state arrangement, it was as "a voice in the wilderness."

He is more optimistic now, even though the battle has thickened. "There has emerged during the last six years growing evidence that the rank and file of American citizens is awakening to the church/state problem."

[From the Washington Evening Star, Feb. 6, 1971]

GOVERNMENT SEEN AS COST BOOSTER IN CARE FOR AGED

American taxpayers are getting less for the money government agencies put into homes for the aged than the same amount of money would derive in services in most church-operated homes, an American Lutheran Church official charged.

Rev. John Mason, who supervises the big ALC system, told representatives of 13 national church bodies, members of the Senate Special Committee on Aging, the Senate Committee on Banking and Currency, the House Ways and Means Committee and the House Committee on Education and Labor, that allegations of exploitation of America's aged by privately operated nursing homes for the most part do not fit conditions at church-operated homes.

Also present in the meeting were representatives of the Departments of Health, Education and Welfare and Housing and Urban Development, the American Association of Homes for the Aging, the National Council on Aging, and the Geronotological Society.

Mason said that reducing or eliminating tax deductibility for gifts to non-profit homes would be "a real blow at the philanthropy program of our country." There has been talk of such action.

Present policies, he said, discriminate against the funding of church-sponsored homes in that profit-making homes are allowed a percentage of profit. Removing tax exemption from church homes would deny church-operated homes a financial return.

"Is the benevolent dollar contributed by a person with no thought of return or interest earnings less deserving of includability as a cost than the dollar invested by a person who expects not only to get his dollar back but to receive an investment return on that dollar as well?" he asked.

"Somehow it appears difficult, even for legislators, to understand that you can't tax a non-profit home—you can only tax the person who lives in that home."

Mason showed statistics which indicate costs in homes operated by ALC—almost 14,000 residents in 125 homes—are about half what they are in federally assisted (HUD) homes. Further, he feels the Lutheran homes offer a more realistic treatment plan.

Costs in 1968 in the church homes, he said, were nearly $24 million less than they would have been in HUD homes.

The Lutheran official said the government's "separate and distinct" requirement for care under Medicare increases costs while at the same time giving less satisfying results. Providing medical care in the homes, Mason said, rather than in separate institutions would lower costs.

He cited as an example two stroke victims, who, while requiring different levels of care, were nonetheless confined to a medical care facility. "Cost controls are out," he said, in such a situation, "needlessly increasing" the costs for private care patients.

He explained that under the separate care regulation in force, every patient must be charged the same rate regardless of the level of care, putting a burden on the private-care patient.

Mason suggested that FHA regulations for nursing homes could be changed to "solve that whole problem of providing housing and health care for elderly people at a higher quality of service and at a lower cost to both the private patient and the public treasury."

[From the Washington Post, Feb. 7, 1971]

A CHALLENGE TO THE "ZIONISM" OF B'NAI B'RITH

(By Paul W. Valentine)

A series of obscure lawsuits here involving what appears to be a humdrum employe-employer dispute over back pay has rekindled long-smoldering questions about the relationship of American Jewish organizations to Israel.

Beneath the mass of dry and technical documents in U.S. District Court lies an accusation that B'nai B'rith, the nation's largest Jewish service organization, has been quietly converted into a tool of political Zionism and a pawn of the Israeli government.

The accusation—normally heard only from the extreme political right wing and vigorously denied by B'nai B'rith—is made by a former high-ranking B'nai B'rith employee, Saul E. Joftes, 56, a quiet widower who lives in Falls Church, worked in the B'nai B'rith International Council for 22 years and was director general of its office of international affairs when he was fired Jan. 5, 1968.

He maintains that B'nai B'rith should not be allowed to enjoy its present tax-exempt status as a charitable, religious and fraternal organization but should be required to register as an active agent of Israel under the Foreign Agents Registration Act.

AN ISRAELI POLICY

At the root of the issue is the traditional Zionist concept of *aliyah*, a Hebrew term meaning the "ingathering" or return of Diaspora (dispersed) Jews to the Palestine homeland. Since the creation of the state of Israel in 1948, aliyah has become a basic imperative of Israeli government policy.

Joftes and his attorney, former California Rep. Byron N. Scott, contend through court papers that B'nai B'rith is now organizationally commited to aliyah and is undertaking activities and financial obligations which are either directly or indirectly guided by the Israeli government through a labyrinthine apparatus of Zionist organizations and interlocking Zionist and non-Zionist coalitions.

The accusations—now as in the past—raise a semantical windstorm, blurring definitions, obscuring basic concepts and stirring emotions in both Jewish and gentile thinking. When does organizational support, for example, become political activism on behalf of another country?

What is the practical meaning of aliyah in the first place? Is it permanent physical migration to Palestine, or simply a life-sharing visit of a few months? Is it a political or religious concept? Jews in Washington argue it both ways.

What is Zionism? Jews defined it variously as anything from permanent migration to financial and spiritual support of Israel from afar.

Israeli leaders, such as former Prime Minister David Ben-Gurion, have said that Zionism without a "return to Zion" is phony. Yet few American Jews migrate permanently to Israel. Philip M. Klutznick, a former president of B'nai B'rith, explains it this way in his 1961 book "No Easy Answer":

"American Jewry, now deeply and happily rooted, (has) imperceptibly converted its Zionism from a political doctrine to a romantic ideal. The guiding principle of migration to Zion, the heartbeat of the doctrine, was stilled by the hospitality of an American society that gave Jews the freedom to adapt. to be themselves."

Some say that all Jews, by definition, are Zionists. Others say that a Jew is not a Zionist unless he is a dues-paying member of an actively Zionist organization. Definitions have been battered and shifted especially since May, 1948, when the theory of a Jewish homeland suddenly became a concrete reality with the creation of the state of Israel.

"These days, I don't know whether I'm a Zionist or not," says Klutznick in his book. "The dilemma is semantics, not ideology.

"My convictions in the matter have been reasonably consistent since the day, about 30 years ago, when I surrendered my membership card in the American Zionist movement. But that was long before 1948 . . . There is now an abundance of rotating theories on the nature of poststatehood Zionism, what it is, where it leads to. As an exercise in semantics, it generally leads into a philosophical cul-de-sac."

A REGISTERED "LINK"

It is into this sea of imprecision and argumentation that Saul Joftes has launched his four lawsuits against B'nai B'rith over the last three years. As he sees it, the key organization linking American and Israel interests is the Jewish Agency/American Section, Inc.; which is registered with the Justice Department as the official agent of what is called the Executive of the Jewish Agency for Israel, Jerusalem.

The Jewish Agency/American Section is ultimately connected to and receives its instructions from the Israeli government through a network of organizations established under the Status Law of Israel in 1952, Joftes contends. The Status Law designates the World Zionist Organization (WZO) as Israel's "authorized agency" for development of the country and absorption of immigrants * * *

The Jewish Agency/American Section, in turn, is the U.S.-based operation of the Jewish Agency for Israel in Jerusalem. It is through these channels and an intertwined group of ancillary funding organizations that money, propaganda and political policies are transmitted back and forth between America and Israel, Joftes says.

A portion of annual donations by American citizens to the United Jewish Appeal (UJA), for example, is channeled to Israel through the Jewish Agency/American Section. Some of the money, according to court papers, also has passed through other intermediate "linkages," such as the United Israel Appeal (UIA), the Synagogue Council of America and an entity called the Jewish Agency for Israel, Inc. (a New York corporation not to be confused with the Jewish Agency for Israel in Jerusalem; the New York organization is now merged with UIA).

THE "TIE-INS"

Millions of tax-exempt American dollars go to Israel each year. Some directly subsidize the Israeli treasury for noncharitable purposes, Joftes says, and some are returned to the United States to be spent on Zionist propaganda efforts here. B'nai B'rith is politically and financially tied to this complex apparatus, Joftes contends, in a number of specific ways:

Its hierarchy is honeycombed with executives who serve or have served as officers of the Jewish Agency/American Section, the Jewish Agency for Israel, Inc., the Zionist Organization of America and the Synagogue Council of America. (The last-named was cited as a conduit for funds from the Jewish Agency for Israel by the Senate Foreign Relations Committee in May, 1963.)

B'nai B'rith is a constituent member of the Conference of Jewish Organizations (COJO) along with the Jewish Agency/American Section and the World Jewish Congress, both of which are funded mainly through the Keren Hayesod (Hebrew nomenclature for the United Jewish Appeal), a funding arm of the Jewish Agency. COJO is described as a "consultative" body by B'nai B'rith officials.

B'nai B'rith is a constituent member of the Conference of Presidents of Major American Jewish Organizations, another umbrella grouping which is supported in part by Jewish Agency/American Section funds.

The B'nai B'rith board of governors has endorsed the basic concept of aliyah, according to summary minutes of a report by B'nai B'rith president William A. Wexler at the ninth plenary sessions of the B'nai B'rith International Council (BBIC) here in January, 1969.

Fifteen months earlier, at its annual meeting in Caracas, the BBIC also called on its constituent members throughout the world to promote aliyah.

Court papers filed by Joftes note that there is no reference to Zionism or aliyah in the statement of purpose of the B'nai B'rith constitution. It says in general terms that the organization's purpose is to unite "persons of the Jewish faith in the work of promoting their highest interest and those of humanity . . . of inculcating the purest principles of philanthropy, honor and patriotism . . . alleviating the wants of the poor and needy . . . coming to the rescue of victims of persecution . . . (and) protecting and assisting the aged, the widow and orphan on the broadest principles of humanity."

"MISCONDUCT" CHARGED

Joftes says he was fired because he criticized and resisted what he considered to be a shift from these purposes into Zionist activism. B'nai B'rith officials say he was fired for "gross personal misconduct."

A mass of letters memorandums and depositions filed in U.S. District Court here show that B'nai B'rith officials were dissatisfied with Joftes' work in the international council for several years. Rabbi Jay Kaufman, B'nai B'rith executive vice president, said in one deposition that B'nai B'rith's overseas lodges "did not always stay alive or thrive because of the manner in which he organized them."

During 1967, in the course of two letters and one memorandum, Rabbi Kaufman charged Joftes with "incompetence," "incapacity" and "malfeasance, misfeasance and nonfeasance." He urged Joftes to resign to avoid dismissal.

Joftes refused. He also sued Kaufman for libel (because of the 'incomplete" letters) and thus commenced the first of four tangled legal actions to bring Rabbi Kaufman and B'nai B'rith into court.

In January, 1968, B'nai B'rith president Wexler wrote Joftes formally firing him for "gross personal misconduct" and citing the libel suit against Rabbi Kaufman as the specific reason. Joftes then asked for some $24,400 in severance pay. Before any action was taken, Wexler issued a second letter to Joftes reiterating the dismissal but this time specifying "malfeasance, misfeasance and nonfeasance" as the reasons.

The language was significant, because under a written agreement with B'nai B'rith headquarters here, employees are entitled to severance pay when fired for "gross personal misconduct" but not when fired on the more serious charge of "malfeasance and nonfeasance."

Joftes then sued B'nai B'rith for the severance pay. He also sued Wexler and the organization for libel (the "malfeasance" letter) and Rabbi Kaufman for malicious interference with his contract rights.

U.S. District Court Judge Oliver Gasch upheld the severance pay claim, ruling that only the first letter of dismissal was valid. B'nai B'rith appealed the ruling. It lost in the U.S. Court of Appeals, and the Supreme Court refused to review the case last Dec. 21, thus leaving Gasch's original ruling intact.

On Jan. 15, another District Court judge, Gerhard Gesell, ruled against Joftes in the two libel cases, holding that the two letters criticizing Joftes had circulated among only a few entitled persons at B'nai B'rith and were therefore not actionable in court. Joftes is considereding an appeal of both cases. There has been no ruling yet in the malicious interference case.

INTERNATIONAL POLITICS

Joftes asserts that as a Jew he is unopposed to and in fact lauds Zionist activity aimed at relieving bona fide problems of Jews, but he says he feels that B'nai B'rith has overstepped the law and its own constitution in its current pursuits.

As director general of the B'nai B'rith International Council's office of international affairs, he says he helped fashion it resurrected post-World War II overseas lodges into units to improve Jewish welfare and encourage Jews to remain in each foreign community—just the opposite of the Zionist precept of migration. Slowly over the years, however, the B'nai B'rith leadership became dominated by pro-Zionists, he says, and began trying to limit his work.

B'nai B'rith now "engages in international politics and more often than not does the bidding of the government of Israel," he says in a court affidavit. "Its leaders make frequent trips to Israel for indoctrination and instructions. I had tried to prevent this change. That is why Rabbi Kaufman tried to fire me."

B'nai B'rith officials will not discuss details of the Joftes litigation because it is still tied up in the courts. In terms of general B'nai B'rith policy, however, Bernard Simon, B'nai B'rith press officer, says, "Sure, we've made statements encouraging aliyah, but does that imply that the whole Jewish community should get up and move to Israel? It's ridiculous."

Says David A. Brody, an attorney and director of B'nai B'rith's Anti-Defamation League (ADL) office in Washington: "Any aliyah action by B'nai B'rith is not at the request or through the control of the government of Israel. Therefore, it doesn't come within the reach of the Foreign Agents Registration Act."

Simon said the Justice Department has never questioned B'nai B'rith about its relationship to the registration act. The Justice Department acknowledged that it has never asked the organization to register but would not say whether it ever made a preliminary inquiry into the issue.

CONCENTRATED DOMESTICALLY

Simon says that the B'nai B'rith budget is "overwhelmingly, crushingly domestic," with funds going to such constituent activities as ADL, B'nai B'rith Youth Organization, Hillel Foundations, B'nai B'rith Vocational Service, Adult Jewish Education Program and Community and Veterans Affairs Program. B'nai B'rith claims about 500,000 dues-paying members.

"Today," says Simon, "we're a mirror of the Jewish community. We take in the mass moderate middle class."

Many members "have an affinity for Israel," he says, "but take me; I could never call myself a Zionist. I don't belong to any Zionist organizations, and I don't plan to emigrate."

He noted that Jewish emigration to Israel from the United States since 1948 has been small (about 25,000). "B'nai B'rith is just not physically geared up for aliyah," he says.

Simon acknowledged that several B'nai B'rith officials belong to Zionist organizations or coalitions embracing Zionist members, "but that doesn't necessarily mean they're in league with the Israeli government . . . Many of them often disagree with what the Israeli government is doing, in fact."

The 1965 edition of Who's Who in World Jewry says that B'nai B'rith executive vice president Kaufman is a member of the Labor Zionist Organization of America. He is also a former member of the executive board of the Synagogue Council of America.

The Who's Who says that former B'nai B'rith presidents Label A. Katz and Philip Klutznick are members of the Jewish Agency for Israel. Klutznick is also a former president of the Southwest region of the Zionist Organization of America, and Katz is a member of the UJA national cabinet.

Current B'nai B'rith president Wexler is a life member of the Zionist Organization of America, a cochairman of COJO and chairman of the Conference of Presidents of Major American Jewish Organizations.

POLICYMAKING CITED

Joftes contends that through these various connections, B'nai B'rith, along with other organizations, is intimately involved in the shaping of Israeli policy here. He cites these examples as evidence in court papers:

Rabbi Kaufman said in a memo to Joftes in late 1966: "BB (B'nai B'rith) is now playing a greater role in the fate and future of Diaspora Jewry, assuming tasks which the State of Israel cannot legitimately undertake because it is a sovereign state and cannot intrude on the affairs of other nations."

In a Dec. 3, 1967, report to the B'nai B'rith board of governors, Rabbi Kaufman wrote: "I am personally convinced after the long session that Dr. Wexler and I had with Mr. (Levi) Eshol (former Israeli prime minister) in Jerusalem this summer and with what I have seen and learned subsequently that *there must be aliyah!*" (emphasis original).

"If we are to be serious about aliyah, we will have to enter into a working relationship with the agencies who are undertaking the presently highly intensified effort at winning aliyah. This relationship as I envisage it would have us stimulate the thinking of the vast B'nai B'rith membership toward consideration of regular and extended visits or total life in Israel."

A Feb. 8, 1968, letter from B'nai B'rith International Council director Herman Edelsberg to Sidney Muller, president of the Australian B'nai B'rith lodge, included an $850 check with instructions to transmit it to the India-Israel Friendship League in Bombay. The league, administered largely by the women's auxiliary of the B'nai B'rith lodge of India, was formed in 1967 to push Israeli causes, combat pro-Arab feelings and seek diplomatic relations between India and Israel.

The $850, it is argued in court papers, is thus a B'nai B'rith subsidy of promotional and propaganda efforts in a foreign country on behalf of a third country, in violation of the Foreign Agents Registration Act. Rabbi Kaufman countered in a related court deposition that the money was for "powdered milk, among other matters."

B'nai B'rith, according to several memorandums circulated among B'nai B'rith officials, has implemented a "summertime professional leadership training course" in Israel for selected staff members with seminar lectures on Israeli political and social thought by Jewish Agency, Israeli government and Israeli university speakers. In 1967, "all costs were subsidized by the Merkaz," according to a Jan. 23, 1968, memo by Rabbi Kaufman. The Merkaz is an entity set up to administer the program and funded by the Jewish Agency.

In the April 11, 1969, issue of the Reconstructionist, a magazine of contemporary Judaic thought, Rabbi Oscar Groner, associate director of B'nai B'rith's Hillel Foundations, disclosed that Hillel has been subsidizing a series of lectures on American campuses by Israeli government representatives since 1960.

CONSUL GENERAL INVOLVED

One B'nai B'rith memorandum not included in the court record relates a meeting in December, 1960, between a number of B'nai B'rith executives and Benjamin Eliav, then Israeli consul general in New York. Eliav, it says, outlined Israeli demands to broaden Jewish rights in the Soviet Union and was "particularly anxious that literature on the subject be disseminated to the grass roots of B'nai B'rith."

"It was resolved," says the memo, "that this could be done" by the issuance of B'nai B'rith press releases, distribution of information to Hillel directors, a newsletter to B'nai B'rith "leadership lists" and a program for B'nai B'rith's adult Jewish education department.

Joftes' lawsuits repeatedly return to this theme of B'nai B'rith's relationship with Israel and possible legal implications under the Foreign Agents Registration Act, which requires the registration and public disclosure of records of any agent "engaging in propaganda activities and other activities for or on behalf of foreign governments, foreign political parties and other foreign principals."

The 1938 act defines an agent of a foreign principal as a person or organization who acts at "the order, request or under the direction or control of a foreign principal" or who is "directly or indirectly" supervised, controlled or financed "in whole or in major part" by a foreign principal. Activities coming under its restrictions include public relations counseling, political consulting and fund collecting.

Do any B'nai B'rith activities come within these definitions? How and where are the lines drawn between domestic and international involvement? Questions of this sort are certain to befog and slow any neat resolution of Joftes' already three-year-old court joust with B'nai B'rith.

TAKE PRIDE IN AMERICA

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith in ourselves as individuals and as a nation. In 1790, Samuel Slater built and operated the first factory in the United States. With ambition, persistence, and a good memory, Slater struggled to build the intricate Arkwright spinning frame which enabled him to turn out spindles of cotton yarn.

THE VERY REVEREND GONVILLE AUBIE FFRENCH-BEYTAGH

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. FRASER. Mr. Speaker, following my brief remarks, I shall place in the RECORD a statement circulated by the gentleman from New York (Mr. REID) and myself. Fifty-five Members of this Congress have subscribed to this statement concerning the arrest and detention of the Very Reverend Gonville Aubie ffrench-Beytagh, dean, the Cathedral of St. Mary the Virgin, Johannesburg, South Africa.

The statement speaks for itself.

Most of us assume that the dean has done nothing that would be judged criminal if done in a democratic multiracial society. Previous Government treatment of other South African foes of apartheid entitles us to this assumption.

But regardless of the dean's guilt or innocence in this case, he is simply one more victim of institutional racism. The viciousness of the apartheid system is self-evident. The terrorism inflicted upon the black citizens of South Africa and Namibia is monumental.

We protest. Apartheid should be in the dock—not opponents of it.

The statement follows:

CONGRESSIONAL STATEMENT CONCERNING THE ARREST AND DETENTION OF THE VERY REVEREND GONVILLE AUBIE FFRENCH-BEYTAGH

The recent arrest of the Anglican Dean of Johannesburg, South Africa, the Very Rev. Gonville A. ffrench-Beytagh, is a cause for anguish to men everywhere who believe in liberty, justice, and due process of law.

The Dean, an outspoken foe of apartheid, was arrested on January 20th under the Terrorism Act and held in solitary confinement, without being charged, for more than a week. On January 28th, he was brought to court and charged under the Suppression of Communism Act with assisting banned organizations and with possession and distribution of literature of banned organizations, as well as other charges. The state indicated that its case was not yet completed and that additional charges may be lodged against the Dean. He was remanded on bond and ordered to reappear in court on February 26th.

Apartheid is repugnant to all men of conscience. Dean ffrench-Beytagh's real crime is to decry openly institutionalized racial separation; to deny a man of the church the right to speak the teachings of his church is an equally reprehensible denial of basic human rights.

Our concern, however, extends also to the manner of the Dean's arrest and detention. The Terrorism Act of 1967 permits persons suspected of subversive activities to be held incommunicado and without charges for an indefinite period. Some detained under the Terrorism Act have simply vanished, with no information on their fate available to friends and relatives.

The Terrorism Act is a totalitarian measure, abhorrent to any concept of justice accepted by civilized nations. Whether involved against those who seek self-determination for South-West Africa or against an ordained minister who seeks justice for the black majority, the Act flouts the Rule of Law.

The efforts of the South African government to silence one of the church's most outspoken officials is one more sign that Pretoria is isolating itself from the currents of freedom, self-determination, and justice abroad throughout the world.

Only through the courageous efforts of a few South Africans—often at great personal sacrifice—will the hope of liberty remain alive in that country. We earnestly hope that those who are still able to speak out will not be terrorized into silence by the repressive arrest of the Anglican Dean of Johannesburg.

LIST OF SIGNATORIES

Congressmen:
Bella S. Abzug—New York.
Herman Badillo—New York.
Nick Begich—Alaska.
Jonathan B. Bingham—New York.
Edward P. Boland—Massachusetts.
John Brademas—Indiana.
Emanuel Celler—New York.
Shirley Chisholm—New York.
William (Bill) Clay—Missouri.
George W. Collins—Illinois.
John Conyers, Jr.—Michigan.
James C. Corman—California.
Ronald V. Dellums—California.
Charles C. Diggs, Jr.—Michigan.
John G. Dow—New York.
Bob Eckhardt—Texas.
Don Edwards—California.
Donald M. Fraser—Minnesota.
Peter H. B. Frelinghuysen—New Jersey.
Gilbert Gude—Maryland.
Seymour Halpern—New York.
Michael Harrington—Massachusetts.
Augustus F. Hawkins—California.
Henry Helstoski—New Jersey.
Robert W. Kastenmeier—Wisconsin.
Edward I. Koch—New York.
Ralph H. Metcalfe—Illinois.
Abner J. Mikva—Illinois.
Patsy T. Mink—Hawaii.
Parren J. Mitchell—Maryland.
William S. Moorhead—Pennsylvania.
F. Bradford Morse—Massachusetts.
Charles A. Mosher—Ohio.
John E. Moss—California.
Robert N. C. Nix—Pennsylvania.
David R. Obey—Wisconsin.
Thomas P. O'Neill, Jr.—Massachusetts.
Bertram L. Podell—New York.
Charles B. Rangel—New York.
Thomas M. Rees—California.
Ogden R. Reid—New York.
Benjamin S. Rosenthal—New York.
William F. Ryan—New York.
James H. Scheuer—New York.
John F. Seiberling, Jr.—Ohio.
Louis Stokes—Ohio.
Frank Thompson, Jr.—New Jersey.

Senators:
Birch Bayh—Indiana.
Edward W. Brooke—Massachusetts.
Walter F. Mondale—Minnesota.
Frank E. Moss—Utah.
Edmund S. Muskie—Maine.
William Proxmire—Wisconsin.
John V. Tunney—California.
Harrison A. Williams, Jr.—New Jersey.

AMERICA WANTS JOBS—NOT RELIEF

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. COLLINS of Texas. Mr. Speaker, as we make the transition from a Vietnam war economy to a stable peace economy, we have disruptions in the employment pattern. The only sound answer is to concentrate on providing job opportunities.

Instead, our Nation is drifting down the road of welfareism. Welfare is growing until it becomes a way of life. Where welfare increases so does the crime rate, drug use, family desertion. But the most unfortunate aspect is that folks lose their self-respect.

The cities are overcrowded and yet we encourage more people to move to the cities and enjoy broadened welfare benefits.

The U.S. News & World Report is always interesting reading. I hope you all read the February 8 article, "Welfare Out of Control." Here are some of the sections that summarize the welfare crisis. From the February 8, U.S. News:

> There is little evidence that heavy spending of the past has served to raise the educational level of the poor people in the central cities or to lift the underprivileged out of a dependency status and bring them into the mainstream of the economic system where they can contribute to the productivity and wealth of the nation.
>
> On the contrary, experience of the recent past indicates that there is a stampede to get on a government aid as a matter of "legal right." Second, third and even fourth generations of welfare families in this country are living on relief as a permanent way of life.
>
> In New York City—financial center of the nation—Mayor John V. Lindsay is facing a deficit of 300 million dollars in this year's 7.7 billion dollar operating budget, with a billion dollar shortage in sight for next year. One out of every six persons in New York City is now on relief. Mr. Lindsay is proposing to sue the federal and State governments to strike down spending mandates in social-welfare programs.
>
> And Mayor Kenneth A. Gibson of Newark, N.J., told Congress on January 22 his city has 11 per cent of its population unemployed and 30 per cent on relief. It also has one of the nation's highest real estate tax rates, and an anticipated deficit of 43 per cent of its operating budget.
>
> At the start of the Nixon Presidency in 1969, Milton Friedman, University of Chicago economist, observed:
>
> "The Johnson Administration left a heritage of entering wedges—programs that were started small, but with large increases in spending already legislated for the future."
>
> Now the mounting costs of welfare programs are raising the hackles of the working class—the home owners and wage earners who carry the main burden of property and sales and income taxes at every level of government. Many middle-class workers complain that their standard of living is being whittled away by rising taxes and consumer prices. They blame much of this on government spending on the welfare class, and on the creation of large governmental bureaucracies serving a growing number of special interests.
>
> The number of persons on welfare has increased far more rapidly than the growth in population. The Census Bureau found a nationwide population growth of 13 per cent in the last decade. In the same 10 years, welfare rolls went up 94 per cent, and the number of recipients of Aid to Families With Dependent Children (AFDC) more than doubled. The trend has accelerated during the recent business slump.
>
> The cost of supporting welfare clients has risen more sharply than the rise in the cost of living. Since 1960, the amount of payments to relief recipients has jumped more than 240 per cent. In 1960, the total relief benefits amounted to 3.7 billion dollars. By 1970, they had grown to $12.8 billion.
>
> The big controversy—in Congress and among the public—is focused on Aid to Families With Dependent Children.
>
> AFDC has mushroomed into a monster program that accounts for more than two thirds of all people receiving public assistance. In mid-1960 there were 3 million AFDC recipients. Today there are more than 9 million. And costs have skyrocketed from 621 million dollars in 1955 to $4.1 billion in 1970.
>
> The proportion of children in fatherless homes—where the father has deserted or the children were born out of wedlock—has jumped from 60 to 80 per cent of all AFDC children in the last few years. Few States make much of an effort to trace missing fathers or to hold them legally responsible for child support. Critics claim this amounts to a "baby bonus," which encourages illegitimacy among those who are least equipped to bring up children.
>
> A "U.S. News & World Report" survey shows examples of what is happening around the country—and why so many people are irritated about welfare.
>
> In New York City, the number of welfare recipients has tripled in 10 years. The cost of welfare and social services has gone up 700 per cent. The total of persons on welfare is 1.4 million. The number on AFDC has quadrupled. Costs are going up at a rate of 20 per cent a year.
>
> A big factor in New York's welfare spiral is "desertion"—either the husband leaves home or his wife claims that he does. Another big factor is illegitimacy. A recent study showed that 60 per cent of all out-of-wedlock births in New York are taking place among women on welfare.
>
> "Desertion" and illegitimacy together account for 7 out of every 10 applicants for relief in New York. Social workers call this "fiscal abandonment," for the purpose of getting more welfare money.
>
> "The fact is," said one authority, "in many cases, the father never really deserts. He just stays out of sight so the woman can get on AFDC rolls. In slum areas, everyone knows this goes on. It is widespread in New York City."
>
> The Census Bureau reports that per capita income in Washington, D.C., is higher than in any State of the nation. Yet 1 of every 10 Washington residents is on relief. In the last fiscal year, the monthly welfare bill in Washington went up more than 71 per cent.
>
> Cheating by welfare recipients has been charged in many areas.
>
> The State of Nevada, at the end of 1970, conducted a door-to-door check on welfare cases. On January 8, about 22 per cent of the recipients—3,000 people—were stricken from the relief rolls. State Welfare Director George Miller reported they had been cheating taxpayers out of a million dollars a year through failure to report income from other sources, including unemployment benefits. Mr. Miller blamed the frauds on a federal regulation

that permits welfare applicants to obtain aid simply by stating that they meet all qualifications.

In his message to the legislature, Governor Reagan pointed out:

"The same government that requires a taxpaying citizen to document every statement on his tax return decrees that questioning a welfare applicant demeans and humiliates him." Mr. Reagan blamed the excesses of the welfare system on lax federal regulations.

A spot check of welfare rolls in New York City by the General Accounting Office, reported in September, 1969, showed that 10.7 per cent of all families on relief there did not meet the eligibility requirements, and that 34.1 per cent of those who were eligible were being overpaid.

New York taxpayers recently were angered by disclosures that the city's welfare agency had provided rooms for a welfare mother and her four children in the Waldorf-Astoria, one of New York's most elegant hotels, at a cost of $152.64 for two days.

The food-stamp plan is yet another welfare program that has grown rapidly in recent years. Now the food-stamp plan is providing food at discount prices to nearly 9 million Americans. The cost of the program has grown from 115 million dollars in 1967 to an estimated 1.4 billion this year, with more than 2 billion authorized for 1972.

Recently, an audit by the Agriculture Department uncovered "irregularities" in one fourth of the welfare cases receiving food stamps in the District of Columbia. Some involved welfare clients "shopping around" among 12 food-stamp offices in the city to get extra food-stamp cards, using false names and addresses and falsifying the number of persons in their families.

Now the Government has discovered that food stamps are being obtained by college students, young people living in "hippie communes," military personnel and workers who are out on strike.

Critics claim that virtually all of the Government programs to deal with poverty, and the welfare program in recent years, have come from the academic community, or special-interest lobbies in Washington—that there has been little visible input from business-management experts.

Soon we will face in Congress the guaranteed income proposal. Originally estimates said that it would increase persons on relief from 10 to 24 million people. And the funds requested by the National Welfare Rights Organization would cost $40 billion a year. Let us not jump off of the cliff—the answer is to take the road of hard work and more jobs.

The time has come for America to move forward with more job opportunities. Let us send them to the mountains to build fire protection in the forests. Let us clean up the highways. Let us build more water reserve lakes. But let us work.

"CHANGE" IS AN INCH IN 10,000 YEARS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BOLLING. Mr. Speaker, "Change Is an Inch in 10,000 Years" is an interesting description of one of our country's most serious problems of understanding. The column by Coleman McCarthy, Washington Post staff writer, appeared in the Post of February 7. It follows:

"CHANGE" IS AN INCH IN 10,000 YEARS

(By Colman McCarthy)

Not long ago, I addressed the students of a private high school. They were mostly middle- or upper-class, bright, concerned about grades and aware that their parents were spending $1,500 a year tuition for them to get something out of high school besides themselves.

I talked for half an hour on the need to change the system from within, describing that system as one in which the government often serves private rather than public interests and noting how business often commits antisocial acts, how the schools and churches have lost imagination.

For examples, I pointed out some dirty contradictions: the government pays more than $2 billion a year to farmers not to grow food while elsewhere in the world 10,000 people die daily of malnutrition; a President who pledged in 1968 to "bring us together" campaigned in 1970 with an apparent plan of trying to divide us; the military—and the politicians who fund it—claim to be protecting Vietnam from Communist assault while destroying one-seventh of the countryside with bombs, napalm and defoliants.

That's the system awaiting you, I said. But no matter how crammed it is with horror and cruelty, the way to change it for the better is to strike out with one's mind and heart, not with more violence. Robert Coles, I. F. Stone, Ralph Nader, Shirley Chisholm and Harry Caudill were among those cited as proof that the work-from-within philosophy works.

The question-answer period began. "You don't understand," said a student, standing awkwardly but sure of his thoughts. "I just read a book by a scientist that said humanity has only 30 years to go before we will all be annihilated. We've destroyed the environment, we're overpopulating and life will be insupportable. How can you tell us to work within the system when shortly there won't even be a system?"

This doom question is not a new one. This generation of American students, or at least a large part of it whose motors of awareness are not stalled on American overcomfort, is observed with despair. The belief of the questioning student that we have 30 years left may be half-mad, but it is full-sincere.

It need not be this grim. That it is for so many of the young may be traceable to a combination of ignorance and arrogance. The ignorance is the unawareness that positive social change, at its best, means moving humanity an inch forward every 10,000 years.

It was only a few thousand years ago that recorded history began, though the planet had been floating in the heavens for an estimated 30 billion years. Six thousand years ago, men in caves began carving symbols on walls, either to please their own sensibilities or to get over a message to the neighbors. This simple act of literacy extended from a simple notion of communication.

Yet 6,000 years later, this supposed simplicity is still so complex that well over half the world is still illiterate. This is astounding to think about, whether one sees man as a little lower than the angels or a little higher than the animals. If it has taken us this long to get only this far with so basic an idea as literacy—reading a series of symbols—how long will it take for deep and profound concepts to spread universally—sharing the wealth, reverence for nature, love among nations?

If we are speedy and put in overtime, 10 million years is a fair guess, although that might be asking too much. No one who works for positive social change—from the public Savers of Man who keep calling for "moral leadership" to the chanting crowds who demand "peace now"—is able to escape carrying this cross of slowness. Albert Camus, tempted all his life to hopelessness but never yielding wrote: "The important thing . . . is not to be cured, but to live with one's ailments."

There is still the death row fact, however, that in 30 years we may be walking the last mile. As the student said the scientist said, too much pollution and too many people. Isn't it arrogant, though, to transform so easily this possibility of doom into an excuse for despair?

In doing so, one separates himself from the countless millions of the world's poor and victimized, whether in Southwest Washington or Southeast Asia. These wretched of the earth have far better reasons to despair—often no food, no money, no houses, no peace—than a young American in Northwest Washington whose life in most ways has been a study in comfort.

To despair because ones time may be up in 30 years is to cut oneself off from the striving of the man whose time may—with grimmer reasons—be up in 30 days or 30 minutes. If the surviving but still starving people in East Pakistan—Pakistan today, Biafra yesterday, somewhere else tomorrow—are not yielding, who has a right to yield in America?

The 30 years doom argument is in many cases an excuse from action, a self-invitation to the sideline pleasures of classical laziness. This is often true even among the so-called committed young. Dorothy Day, the soul of the peace movement, said once that she receives innumerable letters from students wanting to come to her Bowery headquarters to help her work for peace. Miss Day remarked: "Sometimes it seems that the more volunteers there are around the place, the less gets done. . . . Their interest in peace keeps them from the clothes room, or from the paperwork connected with running an office. . . . These things too are the work of peace, and often seem like a very little way."

At the outset, every generation likes to consider itself "the chosen ones." But when the older generation asks them what they are chosen to do, the chosen ones often don't know. "Poverty, crime and war are matters which the great novelists have treated with due respect for their complexity," writes Edward D. Sullivan in a recent Virginia Quarterly Review. "And their basic assumption is that these are problems which cannot be dealt with simply or quickly, although youthful readers like to believe that such matters can be solved by a relatively simple approach."

By the time many of the young find this out, there is often a spouse and family, and the whole ideal of making a better world is lost in favor of making a better rumpus room in the cellar. What a way for chosen ones to end up! Chosen to go down to the lumber yard on Saturday morning for knotty-pine paneling and coping saws.

Yet there is something good and constructive in that, too, not at all divorced in spirit from the striving of a Third World person who is building a better roof on his hovel. D. H. Lawrence wrote about this union of striving in a poem, "We Are Transmitters":

"Give, and it shall be given unto you
Is still the truth about life.
But giving life . . . means kindling the life quality
Where it was not,
Even if it's only in the whiteness of a washed pocket handkerchief."

One hopes that all of us can do better than a handkerchief. But if not, that is all right, too. It is part of the inch.

STUDENTS VITALLY CONCERNED IN FUTURE OF OUR COUNTRY

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. RUTH. Mr. Speaker, Mr. Bill J. Briggs, executive secretary of the Southern Universities Student Government Association recently called my attention to an address given by Roger M. Gramling, President of SUSGA, to the Rotary Club in Albemarle, N.C.

The remarks of President Gramling suggest that the majority of the student population in the country today is vitally concerned in the future of this Nation and dedicated to constructive efforts to direct that future. I include the address given by President Gramling in the RECORD:

STUDENTS VITALLY CONCERNED IN FUTURE OF OUR COUNTRY

(Delivered to the Albemarle-Stanly County Rotary Club, July 16, 1970, at Albemarle, North Carolina)

I welcome this opportunity to appear before you today because I come to speak on a subject which for me has become a cause in itself—a subject, not by its nature a crusade, but one which may well sound as such before I finish this afternoon.

I call to your attention an excerpt from the report of Tennessee Congressman W. E. Brock's Campus Tour conducted in 1969 by Mr. Brock and 22 of his congressional colleagues:

"There is in the campus today a new awareness of potential student power and the emergence of a large group, probably the vast majority of student leaders and a substantial number of intelligent, concerned and perplexed young people, which has genuine concern over what it feels is the difference between the promise and performance of America. While these students have no monolithic leadership or single set of goals, they are fairly united in questioning many of the values of our system. The revolutionaries on campus who desire to destroy our system are few in number. The vast majority of students are not poised on the edge of revolution and have not lost faith in our system."

Yes, there is a majority in our land today—a majority deserving of praise, though often unsung....

An intelligent majority, their appeals to reason listened to, but unheeded . . .

A sensitive majority, their cries of injustice heard, but unfelt . . .

An idealistic majority, who challenge in terms of hypocrisy the concept of "the American Ideal" with the single hope that it might come true.

There is a majority in our land today the childhoods of whom were subconsciously scarred by radio broadcasts of screaming jets piercing paths of death within miles of the Yalu River—

A majority conceived in a period of prosperity and hope . . . today facing crisis and, for some, despair.

There is a majority in our land today who do not believe it necessary to wave a flag to be patriotic nor to accept without question everything they are told for the sake of being informed.

This majority is a proud group—independent in spirit, sometimes stubborn in belief but dedicated to that constitutional proposition that all men have equal access to opportunity under the law.

In this vast majority rests, not only your hope, but the hope of the world.

Out of a sincere and deep rooted love of country, this majority rejects those flagrant generalities and barber shop cliches which we have heard too long as excuses for patriotism: "My country right or wrong, but my country," "If you don't like it, leave it."

You will find this majority calling a black man, a "black man," and a white man, a "white man."

And this majority cannot understand why it is necessary for our nation to stockpile enough explosives to destroy the world three times over when once would finish us all.

On every front this majority is met by the age old message to work change through our democratic processes. And so, for fifteen years they have struggled to obtain the right to vote in order that they might do just that.

They followed John Kennedy to Dallas, and when in 1968, another Kennedy listened and fought, someone with a personal grudge killed him in a California hotel. They followed Eugene McCarthy until he threw in the towel and their hearts walked behind that mule-drawn wagon which carried the body of a black man whom we need now more than we needed then.

This majority is a majority disillusioned with that system which values glory above human life, the prestige of a nation above the fate of her sons.

To them the pages of history recount in solemn order the failures of man to build a world of peace and justice—a world in which all men may live out their own birthright, a world which respects the potential of every human mind and the eternity of every human soul.

They are students of history to whom the starved faces of Dachau, Auschwitz, and Buchenwald still bear witness to the inescapable truth, that in the Twentieth century and in the civilized world six million Jews died—simply because they were Jews.

But more than students of history, they realize as perhaps no other generation has, that they are makers of a history yet to be written.

Senator Robert Kennedy wrote in preparation for an address at Fordham University in June of 1967:

"Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

Is it no wonder that they deem themselves pioneers of a new frontier, caught in the midst of much they see as wrong, still hoping that much can be better.

For the most part, this majority is critical of existing institutions which perpetuate racism and inequality. They believe that much can be done to initiate understanding; and yet, they are frustrated because they find few outside of their own generation who are willing to serve as initiators.

This majority is seriously concerned over our presence in Southeast Asia. To them it is a question of life or death. And justly so, because it is those in this generation who are fighting and dying. Forty thousand of their brothers are gone in a war which to this majority of Americans has been illegitimate from its beginning, undeclared and unauthorized by the Congress of the United States.

Unlike any previous generation of Americans, this generation has seriously questioned and will continue to question the priorities which determine the course of our federal government.

They cannot understand a federal government which in a period of one fiscal year spent billions of dollars to fight another country's war half way around the world and only two hundred sixteen million dollars to fight the water and air pollution which daily threatens the future health of our own United States.

And this generation does not welcome those in our nation who judge a man by the length of his hair or the style of his dress. They teach a lesson which we must all relearn: A man is judged by what is in his heart and in his mind.

I do not speak today of that small minority of self-styled Americans who care little for our past and even less for our future—who advocate violence as the only means to change.

But there are some in our land today who would lead you to believe that this minority is representative of the majority—that violence is the instrument of all who advocate change. Nothing could be further from the truth. I stand before you today because I think the time has come for someone to speak for the majority of students in our land—

A majority which is critical, yes . . .

A majority which is questioning, yes . . .

An outspoken majority, yes . . .

An idealistic majority, yes . . .

But a violent, criminal majority, no!

Is it not somewhat ironic that while we read of the thirty-one who were arrested at the University of South Carolina, no one ever writes of the fourteen thousand who were not. I am here for the sake of the fourteen thousand.

I am aware as you may be that during the recent Cambodia-Kent State Crisis, one out of every five colleges in this country was closed. But, as President of the second largest student association in the United States, I am here to remind you that four out of every five stayed open. And in my book, 80% is a majority any day of the week.

But there are some in our land who have succeeded in scandalizing the majority for the sake of the minority

I think the time has come to call a spade, a spade

I think the time has come to lay outside our flagrant generalities—

Generalities that identify every kid as a bad kid . . .

Every kid with long hair as a hippie . . .

Every student who carries a sign as a communist . . .

Every student who marches as a destroyer of our nation.

You will not find this generation an easy generation of Americans with which to get along. They are impatient. They are frustrated. They will ask questions which have never been asked before—questions politicians purposely side step. And they will march and they will sing and they will stand silent vigils exercising their constitutional right to protest.

Their questions will prick the consciences of Americans who have accepted without question the generality that everything in our land is good. They will tell you and they will show you that everything is not—that much needs to be changed. And they will change it because they believe that this land can be a better land. And I believe that they have the faith and the courage and the knowledge to do it.

They were the first ones to show us we could fight City Hall.

I call this majority the "New Americans"—"new" because theirs is the strength that can make things better, Americans because their patriotism is unquestioned in my mind, Americans because they believe more deeply than we have yet to realize in the principles and ideals of this land.

And if you look, you will find them already at work.

Today, around you and around the world the New Americans are already at work studying and learning what needs to be done and how to do it.

In the summer you will find them in the cities of our land teaching Ghetto children how to read, Ghetto mothers proper food preparation. And you will find them in the fields of this world teaching farmers agricultural techniques, how to build dams and dig ditches for irrigation. And you will find them in your communities working with mentally retarded children, and in your churches trying to build a youth program pleasing unto God, desperately trying to bring their own generation to the ultimate source of all truth in a world which constantly seems to pull them away.

And you will find them in some cities marching; but, they will not be marching without a cause and that cause will be a cause, not for one minority, but for all people and all Americans who love freedom.

And you will find them teaching. And you will find them in the backwoods of our land because they have a dream that the backwoods of men's minds and the backwoods of men's souls can become the bright pastures of a new world.

And you will find them in the Peace Corps and in Head Start. Some will have long hair. Some will dress differently. But they ask you to judge them as individuals who believe in something that can be and must be and will be—who believe that every child who is born in our land has the inalienable right to grow up healthy and strong—with a mind that is as healthy as his body. And they believe that there is a place for the displaced—that there is a place of dignity in our land for every man, be he black or red or yellow, be he Jew or Gentile. But most of all, they believe in America— its potential and its opportunities. But they believe that that potential must be realized by all people and those opportunities must be made available to all. As one poet has written:

"Thank God our time is now when wrong
Comes up to face us everywhere,
Never to leave until we take
The longest stride of soul man ever took."

In closing, may I leave you with this thought. You will not find this majority burning buildings and throwing molotov cocktails. And yet, this doesn't make them part of a silent majority. In my book it makes them part of a "smart majority." And nothing could do me greater honor than to be called one of them.

Thank you.

PRESIDENT RICHARD M. NIXON—A CONCERNED AND DEDICATED CITIZEN

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. WYMAN. Mr. Speaker, for some strange reason there is a tendency in the media not to tell it as it is in reporting progress for this country under the present Republican administration. President Nixon is acting forthrightly to wind us down and out of the tragic war in Southeast Asia that he inherited from the prior administration of L. B. J.

No citizen is more concerned, more articulate, more dedicated to meaningful social progress for America as well as the end of the involvement in Vietnam than President Richard Nixon. It is shameful that some of those responsible for reporting the facts to our people fail to present our President for the man of constructive action that he is. We are fortunate, in these days of enormous stress, that such a man as Richard Nixon is President of the United States.

In this connection I urge thoughtful consideration of a significant editorial on the Presidency by the distinguished editorialist Hugh Sidney of Life magazine.

I include as follows:

DON'T THEY KNOW WE'RE GETTING OUT?

(By Hugh Sidney)

A few days ago 11 college editors filed silently and politely into the Oval Office and ringed the President's desk, expecting only a perfunctory handshake.

Nixon greeted them one by one and for each he had a word or two. Colgate: the Secretary of State went there. Indiana: a fine school for radio and TV. Tulane: ah, the "Green Wave."

A few of them thought back on the night less than a year ago when Nixon had visited the Lincoln Memorial at dawn, talking about football after sending the troops into Cambodia. The President introduced Aide John Ehrlichman, his expert on revenue sharing. One of the young men thought Ehrlichman reminded him of his gym teacher. Then Nixon launched into a discussion of revenue sharing. All of them listened politely, but restlessly. Suddenly Carl Nelson, of the College Press Service, raised his pencil for recognition. Was not the activity in Cambodia a violation of the congressional prohibition against using American troops? Ehrlichman answered quickly with a forceful "No." But the young editors would not be turned off. Princeton's Luther Munford asked again, and the President proceeded to talk for 15 minutes.

He had, he said, "no intention of placing ground troops in Cambodia," and "air support will be used only as I determine." His intention to wind down the war was clearly demonstrated, he continued. He had stated his position no fewer than eight times. "The previous administration was continuously making decisions that were getting us in. We are continuously making decisions that are getting us out."

Nixon stood there, intent and serious, once again reiterating his course of retreat in that unfortunate war. "Of the more than 200,000 troops in Vietnam in May, only 40,000 will be ground combat troops," he said flatly. It was another commitment in a long series which Nixon has made—and has kept.

Then the young people filed out. They had heard the pledge, but they seemed undecided whether to believe it or to be skeptical. As a young man left, he muttered his hope that the withdrawal would be complete by the time he was drafted and through basic training.

It is symptomatic of the country's attitude toward Richard Nixon that despite his pledges and despite his performance so far, almost every maneuver made to cover the Vietnam withdrawal touches off in Congress the bizarre argument that Nixon somehow wants to spread massive land war all over Southeast Asia and come home with that "coon skin" which Lyndon Johnson desired. It is palpable nonsense. Richard Nixon is conducting a steady march to the boats, using every device he can—verbal, diplomatic and military—to stave off disaster until the troops are off the beaches. One can argue the tactical value of each separate action, but the strategy is clear.

There are two levels of awareness in this city. One has to do with what is really on the President's mind. Anyone who watches closely knows the President seriously intends to get out of the war. The other involves rhetoric, so superficial and misleading, and all those day-to-day battlefield errors which, while deeply unfortunate, are a part of any war. Thus, grown men who know better argue for days that a few men sent across a border to bring home damaged helicopters constitute some kind of invasion, or that Defense Secretary Melvin Laird's tortured syntax hints at a profound change in policy.

"Don't they know we are getting out?" asks an anguished Secretary of State William Rogers in private. His energy is given to the futile oral sparring, as if, having exhausted every other argument, he wonders why the critics don't understand "the political imperatives" are such that the Administration has to get out. He thinks ahead to 1972 as Nixon does.

Some of the pundits write about how the military juggernaut only wants to be loosed. Maybe in a time gone by. Not now. In the Pentagon, General William Westmoreland, who designed that war, long ago, shrugged and admitted to himself and to those around him that with the restrictions now imposed on us, there was only one place to go; home. From the Joint Chiefs' staff came the voice of one expert: "Get your dinghy out of there now with as few holes as possible." It is part of current military lore that Admiral Elmo Zumwalt, the Navy chief who earlier commanded the naval forces in Vietnam, said way back in 1968, "Let's get this over. . . . Vietnam has taken great amounts of our treasures." Zumwalt urged his men to turn to the job of building up the U.S. Navy for that greater threat—Russia.

The men who are conducting our withdrawal use B–52's and tanks and paratroopers, but there isn't much difference between their tactics and those of Jeb Stuart back in the Civil War when the fight went bad. The "cavalry" jabs and feints and blusters and fakes, and all the time the Army is drifting back.

When Nixon looked back on the Cambodian incursion, he decided about the only mistake was having publicly built up the operation to be something like D-Day of World War II, thus alarming a great many people. For the operation last week in Laos he was sequestered in the Virgin Islands, the battlefield news blanked out. There was still domestic outcry, the price that must be paid in these nervous days. But the operation was at least kept in perspective.

Nixon's critics would do better to argue about whether or not he should set an early deadline for total withdrawal and met it. There's where Nixon still flirts with danger, believing that his "cavalry" will somehow protect him from the enemy, that the Vietnamese will fill the American boots in time. The notion that retreat need not be defeat is rooted in him. While he was in the Virgin Islands, he summoned his valet Manolo Sanchez and asked him to serve up the books he had brought along, including a biography of Queen Victoria's great Prime Minister Benjamin Disraeli. It was Disraeli who implanted in modern diplomacy the phrase "peace with honor," a watchword that Nixon has never discarded in his inexorable march toward the boats.

OREGON METAL RECYCLING HELPS ENVIRONMENTAL CLEANUP

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. ULLMAN. Mr. Speaker, three of the world's largest manufacturers of metal cans have announced the establishment of metal can recycling centers in Oregon. The opening of these recycling facilities represents a big step toward solid cooperation between consumers and corporations on environmental problems.

The Resource Recovery Act that was passed by the Congress last year recognized the need for a cooperative national program of waste management. The United States is currently generating approximately 360 million tons of industrial, municipal, and commercial solid waste. Experts predict that this figure will double by 1980. At the present time, we spend over $4.5 billion annually just to manage this waste. While these expenditures continue to grow, we seem to be doing a decreasingly satisfactory job of handling our waste.

The biggest percentage of the money spent on waste goes for collection of solid waste and transportation of it for dumping or burning. While the most prevalent method for disposing of solid waste is open dumping, it has been reported that 95 percent of the open dumping facilities used are indaquate. The dumped waste either is not covered daily with dirt as it properly should, is being burned and contributing to our air pollution problems, or is openly creating significant water pollution problems. Incineration is the second most frequently employed method. Yet, 75 percent of all municipal incinerators are inadequate because they are either inefficient in reducing solid wastes or create air pollutions problems, or both. Present collection methods are going too have to be improved and new technologies have to be developed for reclaiming and recycling usable materials and energy from such solid waste.

Regardless of all of the legislation written and the new waste technology developed, little progress can be made without the cooperative concern for our future of every individual and corporation. The promotion of greater initiative and concern on the part of individuals and corporations in assuming increasing responsibilities for waste disposal problems is a key problem.

The establishment of the Oregon metal can recycling centers is a good example of how industry can show responsible concern. The companies, Continental Can Co., American Can Co., and National Can Corp., announced that the four new centers would collect steel, tin plate, aluminum, and bimetal cans. All types of these metal cans will be accepted at the centers, including food, soup, beer, soft drink, pet food, and paint cans. The scrap cans will be separated, processed, and then shipped to various locations for recycling by the primary metals industries.

These three Oregon can companies are to be commended for turning the potential litter of metal cans into usable goods.

MANY AGING FACE AN ECONOMIC NIGHTMARE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. OBEY. Mr. Speaker, the New York Times published a report Saturday on the economic plight of many hundreds of older men and women who live in South Beach, Fla., a community on a tip of land between Biscayne Bay and the Atlantic Ocean.

One woman was quoted as saying:

> Everytime you go to the store the prices are still higher. But your income doesn't get any higher. You buy less. Then, the President comes on the television and says everything is all right. The next day you go shopping and the prices are higher again.

That some 500 residents of South Beach receive State welfare aid may seem surprising, because the community is only 3 miles from Miami Beach. Yet the evidence of increasing poverty among elderly Americans generally was recently verified by the Senate Special Committee on Aging, which has found that both the number and proportion of aged poor increased between 1968 and 1969.

I would like to insert the article—headed "Many Aging Face an Economic Nightmare"—in the RECORD:

MANY AGING FACE AN ECONOMIC NIGHTMARE

(By Robert Lindsey)

MIAMI BEACH.—Not far from Miami Beach's opulent strip of ocean-front hotels, where a room for the night costs upward of $50, the 69-year-old widow of a Bronx tailer was recently caught trying to steal a 25-cent can of soup in a supermarket.

Shoplifting food occasionally, she explained later, is one method she uses to make ends meet on her fixed income of $114 a month.

The woman lives in a community called South Beach, where, for many hundreds of older men and women, visions of a warm and graceful old age in the Florida sun have turned into a continuous economic nightmare.

AN INCOME CRISIS

This nightmare is growing worse each month, as Government statistics just released showed. Consumer prices rose by 0.5 per cent in the nation last month to 138.5 per cent of the 1957–59 average, and 5.5 percent above a year ago. Nowhere is the impact of such inflation more severe than on the aged people, such as those here, who are living on fixed retirement incomes.

The Senate Special Committee on Aging said earlier this month that the retirement income problem in the nation "has become a retirement income crisis." The report, based on a two-year study, painted a bleak picture of millions of older Americans living in poverty and poor health. It predicted a worsening future unless immediate action on a broad scale was taken.

Poverty among Americans over 65, the Senate report said, increased by 200,000 between 1968 and 1969, while it decreased by 1.2 million for all other age groups.

As Mrs. Rose Langmann, another resident of South Beach, walked toward a supermarket with her husband, she expressed the frustrations of many here.

"Every time you go to the store," she said, "the prices are still higher. But your income doesn't get any higher. You buy less. Then, the President comes on the television and says everything is all right. The next day you go shopping and the prices are higher again."

NINE THOUSAND RESIDENTS

About 9,000 persons live in South Beach, a tightly-packed, 40-square-block community of apartments, duplexes and small hotels on a tip of land between Biscayne Bay and the Atlantic Ocean.

Miami Beach is only three miles to the north, but, except for the narrow strip of sand they share, South Beach could hardly be more different.

More than half of South Beach's residents are 68 or older; at least two-thirds are Jewish; almost half were born in Europe, emigrated to America early in this century and retired to a predominantly Jewish community here after a lifetime of work in the big cities of the Northeast or Middle West.

Each day, usually about 1 P.M., hundreds of the older men and women leave their small, sometimes shabby dwellings and, with lawn chairs and umbrellas, head for a nearby stretch of public beach.

On the beach and a strip of lawn beside it, they play cards, talk in groups, read Yiddish-language newspapers, hold Yiddish talent shows, or simply bake under the sun.

"What you have here are some of the last immigrants you'll find in this country," said Bernard Baron, a Miami Beach social worker who assists the senior citizens from a small office at the edge of the beach.

"It's their ghetto," he continued, "and despite the financial problems a lot of them are having, it's one ghetto nobody wants to leave."

Mrs. Fannie Sanrowitz, a widow who emigrated to New York from Austria in 1910, sat in the kitchen of her small home, part of which has been converted into three small rental units. On a wall hung a picture of Mayor Lindsay of New York and another smiling man. Both wore tuxedoes. "That's my grandson, he's a lawyer," she said proudly. Then Mrs. Sanrowitz, who is 79, discussed other matters.

HARDER AND HARDER

"I bought this place in 1954," she said, "with the rentals to help support me. I've made a go of it all of these years. It hasn't been easy. But I have. Now it's getting harder and harder.

"My taxes just went up over 30 per cent—$175 at one time. People complain when you charge more rent, and this year because of the recession, I guess, I got vacancies."

"The electrician costs more, the plumber, the painter . . . I can't take in enough. I get $74 a month Social Security but that's not enough. I scrimp and my children help me. But I can only sponge on them so much. I ought to be able to afford a trip to New York once in a while, but I can't."

Mr. Baron said that many South Beach residents had enough income from investments, pensions or periodic checks from their children to absorb the rising cost of living without serious hardships, but he said that many do not.

Two years ago, a survey indicated that half of South Beach's residents who lived alone had monthly incomes of less than $176, while among all of the households, half had incomes of $231 or less.

About 500 South Beach residents currently receive state welfare aid. They can receive a maximum of $114 monthly. But the amount is decreased proportionately by each dollar of Social Security benefits or other income they have.

"The effects of the inflation started to get serious about three years ago, especially rents," Mr. Baron said. "Three years ago, a one-bedroom apartment rented for $70 or $75. Now it's $115 if you can find one that cheap."

"Lately, more people seem to be having a tough time making ends meet, and we're starting to get some new [needy] cases. I think there are a lot of doctors up North referring patients to Miami Beach as a cure, a panacea, and some of them can't afford it."

SAVE OUR SENIORS

Some of the more affluent residents of Miami Beach became aroused about the problems of poverty among the senior citizens late in 1968, after a local newspaper and a television station reported that some South Beach residents were regularly rummaging in garbage cans for food.

A group of Jewish residents in the burgeoning high-rise condominium apartments north of South Beach established a group called "Save Our Seniors," which currently helps stamp packages and kosher food, clothing, and, in some cases, money. Mrs. Melvyne Sommers, director of Save Our Seniors, said:

"We know there are a lot more people who can use our help, but many of them are too proud to admit it."

LETTER TO THE PEOPLE OF NORTH VIETNAM

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BLACKBURN. Mr. Speaker, as one deeply concerned about our men who are prisoners of war in Southeast Asia, I was particularly interested in the sincere note sent to me by Gail Livingston of Atlanta in which she requests that her letter to the people of the Communist Republic of North Vietnam be published in the CONGRESSIONAL RECORD.

Often discouraged by the lack of responsibility for the affairs of government which is displayed by so many, I find it heartening to find one who bravely acknowledges this responsibility and does her best to right the wrongs for which so many are suffering.

For the information of my colleagues, I am hereby inserting Miss Livingston's letter:

ATLANTA, GA., *December 14, 1970.*

To the people of the Communist Republic of North Vietnam

I greet you:

Your government is holding certain of my fellow countrymen; and certain of my compatriots, prisoner, as intruders in the affairs of your country; and as alien supporters of a regime you seek to overthrow by force of arms.

The welfare, names and number of these, my countrymen; and these my compatriots, are my concern. This concern is caused not only by our shared common birth place and history; but also by our shared common responsibility in the ordering of the affairs of our country.

Those you hold prisoner fall into five categories, according to my limited knowledge. They are as follows:

First, those who are serving, under duress, a cause they do not believe in; but have decided to serve it nonetheless, rather than be imprisoned by those who govern them.

Secondly, those who have decided to serve in the Military for a limited period of time, because it is required of them by law.

Thirdly, those who have decided to use the educational and training services of the Military to prepare themselves for employment as civilians.

Fourthly, those who have chosen to make the Military their career.

Those persons who fall into these categories are my countrymen and my responsibility. Their welfare, names and number are my concern.

Fifthly, there are those among your prisoners who are self-consciously committed to the ideals of the Republic of the United States of America, as stated in the American Bill of Rights; and to her laws as put forth in the Constitution of the United States of America. Among these are those who have chosen to serve these ideals and these laws within the context of Military Service; some as paid volunters for a limited period of time, others as paid volunteers for as long as their nation shall require their services.

These last are my compatriots. Their welfare, names and number are my concern.

As a private citizen of the United States of America, I call you into accountability before the nations of the world for your Government's refusal to submit to my Government the names and numbers of these men, thereby withholding them from me.

On behalf of my government and the families of these men, I demand you release their names and their number to me.

I am sending this letter to your Embassy in Paris. I am sending copies of this letter to my President and my representative in Congress, to inform my Government of my action. I am also sending a copy to the Pentagon to inform them that I as a private citizen support their efforts to obtain the release of these prisoners by any method they deem necessary.

I am further sending a copy of this letter to the Secretary General of the United Nations to inform that Body that I, a private citizen of the United States of America, call you, the people of the Communist Republic of North Viet Nam, into accountability before the world for the welfare of my countrymen; and my compatriots. And that I further call your Government into accountability, before the world for the names and numbers of my countrymen; and my compatriots.

I greet you as a private citizen of my country by birth and decision; and as a fellow citizen of the world.

GAIL FRANCES LIVINGSTON.

CALIFORNIA ENDORSES WATER RECYCLING

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. WALDIE. Mr. Speaker, at a recent hearing held under the auspices of the California State Water Resources Control Board in San Jose, State water officials endorsed, for the first time, the recycling and reuse of waste water to meet the anticipated needs of the future.

Previously, Mr. Speaker, State officials have been reluctant to give more than faint acknowledgment to this process and reusage of a precious natural resource. Instead, they have steadily plodded on maintaining that high dams, reservoirs, and interbasin transfer systems are the only means of augmenting the water supply of a growing metropolitan area.

Those officials, principally within the State of California's Department of Water Resources, have declined to give more than passing notice to water recycling, despite the efforts of many interested conservationists and scientists. In short, Mr. Speaker, the technology of the 1970's has been abandoned in favor of water storage facilities conceived 50 years ago when environmental and ecological considerations were nil.

I think it important that the State of California has finally recognized the merits of water recycling. I would like at this time to submit in the CONGRESSIONAL RECORD a newspaper article that appeared in the Palo Alto Times on this matter.

It should be noted, however, that only northern California is mentioned in this article. I would hope that the omission of southern California in the comments of State officials was not intentional. After all, Mr. Speaker, the water crisis is not in the northern part of California, but in the south. If massive water recycling is to take place—it must be there.

I, also, have included for the RECORD a copy of a statement by Frank P. Sebastian, senior vice president, of the Envirotech Corp., one of the leading firms involved in the water reclamation process, given to the State water resources control board.

I feel that Mr. Sebastian's comments should be duly noted and that new, intense, consideration be given to his suggestions.

The article and statement follow:

[From the Palo Alto (Calif.) Times, Dec. 12, 1970]

STATE OFFICIALS ENDORSE WATER RECYCLING FOR FIRST TIME

(By John Stanton)

SAN JOSE.—State water and health officials Friday "for the first time" endorsed recycling waste water as a major method of meeting the state's need for fresh water.

A day-long public hearing on the reuse of waste water was held here by the State Water Resources Control Board. Among the more than 20 speakers who endorsed the recycling method were John Teerink, deputy director of the State Department of Water Resources, and Dr. Henry Ongerth, chief of sanitary engineers, State Department of Public Health.

After they spoke, Kerry W. Mulligan, chairman of the State Water Resources Control Board, said he was delighted at an apparent change of position taken by the state.

Mulligan said Teerink's statements were "a complete reversal" of the position previously taken by the State Department of Water Resources. In the past the department has promoted use of dams to obtain fresh water.

"For the first time," the department is now interested in reclamation of waste water as another method, Mulligan said.

Mulligan also said he was "delighted" at the "philosophical change of view of the position of the Public Health Department."

Ongerth indicated the Public Health Department was interested in use of reclaimed water, although there must be "time to study the health effect," he said.

Teerink said that "reclamation and reuse of waste waters are essential" if the Bay Area is to meet its water needs in the future.

"Presently," Teerink said, "more than half of the Bay Area's annual water needs of 1.2 million acre-feet are met by imported supplies. By 1990, annual water needs are expected to increase to 1.8 million acre-feet. All of the increased need must be met by imported, desalted, or reclaimed water."

Teerink said studies by his department "indicate that the costs of reclamation of a reasonable quality water for agricultural or industrial purposes where distribution on problems are not abnormal is generally compatible with development of additional alternative supplies in areas of higher water cost. In fact, it may even be economical enough to replace some existing water uses."

In Santa Clara County, recharging ground water to alleviate subsidence and sea water intrusion "is a promising reuse potential," Teerink said. Santa Clara County officials are planning "major recharge efforts," he added.

"With the excellent quality of current water supplies available to the Bay Area, it is inconceivable under today's conditions, that the technological, institutional, and financial means cannot be found to implement major water reclamation activities."

The Department of Water Resources recommends "that extensive analysis be made of the possibilities of waste water reclamation as a major source of new water and as a means to enhance the environment not only in and adjacent to the Bay Area, but possibly more distant areas," Teerink said. "A major waste management system for the Bay Area offers unique advantages for large-scale operations."

Some of the speakers acknowledged the psychological resistance some people might have towards drinking recycled waste water, but Peter Zars, chairman of the Water Resources Committee of the Sierra Club, said modern technology could recycle the water as clean as nature.

"It is a fact of nature that our planet's water supply is a fixed quantity and has been so essentially for millions of years," Zars said.

"When you consider the eons life has flourished here before the advent of man you have to accept the fact that the water we drink has passed through billions of mouths and kidneys before ours and that nature has always recycled it clean.

"If people are not ready yet to accept an astronaut recycle loop, perhaps modern technology can resolve their fear of viruses by use of the gamma box, or pure oxygen, or even ozone in the final 'polishing' of a reclaimed domestic supply."

SEWAGE AS A RESOURCE

Submitted to: State Water Resources Control Board Public Hearing on Requirements and Opportunities for Reuse of Wastewaters in San Francisco Bay Area, December 11, 1970, San Jose, California, by Frank P. Sebastian, Senior Vice President, Envirotech Corporation, December 11, 1970.

(NOTE.—Figures mentioned not reproduced in RECORD.)

The decade of the 70's may well mark the era when America realized that only wastewater fit to drink is fit to throw away. If that criterion should indeed be adopted by our society, we can feel confident that the proven technology and hardware exist to do the job at a cost of only a few pennies per person per day.

Two sewage treatment plants spaced half way around the earth from each other vividly illustrate that the technology does exist to do this job, i.e., meet the newly espoused stringent environmental quality standards. In fact, wastewater treatment know-how stands out as one of the few areas of environmental concern where the nation's proven abilities exceed new environmental standards—and by a large margin. And the costs are far more reasonable than is generally realized.

The Tahoe Water Reclamation Plant has pumped over two billion gallons of purified wastewater into a new reservoir for water sports and irrigation. The Windhoek (South West Africa) sewage purification plant, using a different system, has supplied nearly one-third of the drinking water for a city of 36,000 population for two years. Yes, aesthetically acceptable drinking water from sewage!

TAHOE

The existing plant at Tahoe consisted of a conventional activated sludge plant which was upgraded by addition of a tertiary system (Figures 1 and 2). The significant process and hardware developments at Tahoe are:

1. Proven upgradability of conventional primary, secondary treatment plants.

2. Development of activated carbon columns capable of the removal of taste, color, trace organics and inorganics, including those pesky pesticides and detergents from the effluent.

3. The development of processes by which treatment chemicals—lime and granular carbon—can be reclaimed. The carbon reuse step is particularly dramatic from a conservation viewpoint. The plant has 8 columns, each containing 22 tons of granular carbon similar to that used in cigarette filters. Each column has the equivalent surface area of approximately 4 million acres, or a total of 32 million acres. This is equivalent to ⅓ of the area of the state of California. The furnace has the capability of reclaiming the equivalent surface of 5 million acres per day at a loss of only 5% of the total cost of this polishing and reclamation operation, ⅕ of a cent per person.

4. Development of air cleaning devices so that there is extremely low measurable pollution in the flue gases of thermal reclamation and disposal steps, and normally the CO_2 from the combustion gases is recycled in the process to utilize the carbon dioxide.

5. The only waste product is a sterile, odorless ash from sludge incineration that can be used safely as fill and is experimentally being used for concrete blocks and bricks. The ash contains about 7% phosphate which was removed from the water but it is in an insoluble form and even then is potentially available as fertilizer.

6. The advanced processes are easier to operate and control than widely used biological secondary treatment processes.

7. The reliability of the process is demonstrated by the plant's having never failed to meet standards.

8. The incremental cost of the tertiary step is quite reasonable, 14¢/1000 gal. operating cost 23¢/1000 gal. combined operating and capital amortization cost—less than 1½¢/person/day based on normal household usage.

TAHOE PROCESS

The tertiary (chemical-physical) process commences with flash mixing of 3.4 lbs. of lime (as calcium hydroxide) per 1000 gal. into the secondary effluent (dosage of about 400 parts per million) of calcium hydroxide. From the flash mixing basins the effluent passes into the 100 foot diameter chemical clarifier. Sweeper arms rotate in the bottom of the tank, which can be seen from above the chemical clarifier through 12 feet of clarified effluent. The calcium hydroxide precipitates phosphates and raises the pH to 11.5. Following chemical clarification, the effluent is pumped to the nitrogen stripping tower where air at the rate of 700,000 cfm draws nitrogen in the form of ammonia into the air. The ammonia concentration is so dilute that it is not noticeable at the site.

According to one authority, Tebbens, most emission surveys neglect ammonia because, except in breakdown situations and unless an odor is apparent, there is no known harmful effect. Because of the atmosphere's ability to neutralize and transform vast quantities (estimated 1200 million tons annually) of ammonia in short periods of time, there need be no concerns over atmospheric pollution at Tahoe.

Following the nitrogen stripping, partially treated tertiary effluent is neutralized to a pH of about 7 with the exhaust gases from the thermal recalcination steps that will be shown later.

The next step is the pressure filters or separation beds which provide additional phosphate removal and clarification. The filters are of the mixed media design with the lightest coarsest materials in the top and smallest and heaviest materials on the bottom—coarse coal, medium sized sand and fine garnet. Polyelectrolyte or alum is added to the filter influent. There are three pairs of filters operating in parallel. From the mixed media filters the effluent enters the bottom of the granular carbon columns and exits from the top. Carbon enters from the top and exits from the bottom, resulting in the cleanest effluent in contact with the freshest carbon. Each of eight carbon columns contains 22 tons of granular carbon having the equivalent surface area of about 4 million acres. The carbon removes taste, odor, color, trace organics, and detergents and DDT. The carbon column effluent is of sparkling clarity. The spent carbon is gravity dewatered and transported by screw conveyor to a multiple hearth furnace for regeneration. The furnace control and materials handling are such that losses are held to about 5% each cycle and the remaining 95% are reused.

Lime sludges from the chemical clarification step are also recovered for reuse. Lime mud is pumped to a conventional thickener, to centrifuges and belt conveyed to a multiple hearth furnace where it is recalcined at temperatures up to 1800° F. The calcium oxide exiting from the furnace is cooled in a disc cooler and conveyed to bins for reuse. Lime is recycled three to four times and the wasted lime is combined with the sludges from the primary and secondary clarifiers and incinerated. The ash contains about 7% phosphate and is currently stored on the property. The potential for reuse exists for the ash. While in the U.S. such ash has been used for land and road fill, similar material—without any phosphate content—from the Odai secondary sewage treatment plant in Tokyo, Japan is sold for $1.35/ton to a fertilizer manufacturer. In Osaka, bricks and concrete blocks have been made experimentally. In the U.S., research indicates that the waste lime content would aid the freeze-thaw characteristics for road fill. Also, experiments of FWQA, Cincinnati, indicate the insoluble phosphate in the Tahoe ash is beneficial as a plant fertilizer.

A significant step forward in compatibility of thermal reclamation processes used at Tahoe was the development of exhaust gas cleaning devices that cool and clean the gases so effectively that particulate matter is hardly measurable. No visible plume has been reported, and it is well within the most stringent air pollution codes. Normally, however, the exhaust gases are returned to the system to utilize the carbon dioxide to neutralize the highly-limed effluent following ammonia stripping. Incineration in the normal sense has been supplanted by thermal reclamation processes. As mentioned, the lime is recalcined for three to four reuses. The carbon is regenerated for some twenty reuses and the residual sludge is thermally oxidized to a sterile ash but even here the exhaust gases are reused for the CO_2 content. The ash contains 7% to 10% phosphate and has been demonstrated in the government laboratories as being a fertilizer material. The final product water is of high quality and meets the U.S. Public Health Standards for potable water. It would be superior to the public water supply in 30% of over thirty-five hundred locations tested recently by HEW, including New York City, Westchester County and Long Island.

In a first full year of operation, the affluent was even better than the standards set. The median BOD concentration has been 0.98 mg/l. The median chemical oxygen demand was 10.83 mg/l. The median suspended solids concentration was 0.53 mg/l, mostly carbon fines; the turbidity, Jackson units, median 0.59; phosphorous as P, median 0.42 mg/l.

The economics of the tertiary process are as remarkable as the quality of the effluent. The total operating cost, based on 7.5 mgd, is 14¢/1000 gallons and the amortization cost is 8.75¢/1000 gallons, for a combined total of about 23¢/1000 gallons. The total conventional plus tertiary amounts to 38¢/1000 gallons total operating and capital amortization.

Based on the normal household usage of 70 gallons of water per person per day, the incremental cost above secondary treatment—the new national standard—is less than 1½¢ per person per day.

The Tahoe effluent is pumped over Luther Pass to Indian Creek Reservoir 27 miles south. One billion gallons of the repurified effluent was stocked with 40,000 rainbow trout and became California's newest trout lake when the season opened May 2, 1970.

The balance of the two billion gallons has been used by ranchers for irrigation of grazing corps.

WINDHOEK

The normal view that comes to mind when one mentions "Africa" is not usually one of advanced technology. However, we must recall that the first human heart transplant in the world was conducted by a now famous South African doctor, Christian Barnard, in December 1967. Another great technological achievement of South Africa has taken place at Windhoek, a town of 36,000 population between the Kalahari and Namib deserts. On the basis of tests that began under the National Institute for Water Research in 1962, this town has drawn approximately 27% of its drinking water supply from purified sewage; since October 1968—over one million gallons per day. It was in anticipation of the water shortage problem that Windhoek commenced its research on water purification, when projections showed that sewage could be purified at a lower cost than for alternate sources.

The town has been treating its sewage by a conventional secondary system—biological filters and humus settling tanks. Effluent from bio-filters is held about 14 days in algae maturation ponds and recirculated to foster algal growth. To produce drinking quality water, a new stage of advanced treatment was added.

WINDHOEK PROCESS

This process begins when the algae laden effluent is pumped to a tertiary water purification plant of 1.2 million gallons per day capacity. The pH of the effluent is reduced by recarbonation to approximately 7.2 pH through the addition of carbon dioxide by submerged combustion, using propane gas as fuel.

At the next step, approximately 90% of the algae is floated off by means of an algae flotation process. This process is considered as one of the most significant breakthroughs of the work at Windhoek. Researchers from National Institute for Water Research found that by adding approximately 150 PPM of alum, followed by a quick six minute mix, 90% of the algae could be quickly removed. The algae flotation process can be demonstrated by putting the equivalent of 150 PPM of alum in the bottom of a beaker and pouring algae laden, oxygen rich effluent from a height about two feet, causing rapid mixing. The algae rise rapidly to the top and the concentration is quite visible. A similar amount of alum, with effluent poured from a height of two feet, followed by extensive stirring, results in the algae dispersing throughout the liquid solution and no separation.

In the demonstration, an approximately ½" layer of algae floats on the top of a relatively clear liquid. Since the purpose of the Windhoek project is to reclaim water, no efforts have been made to salvage the algae which are merely pumped to a holding basin below the Goreangab purification plant where they will ultimately be flushed down the river bed when the rains come.

Following algae removal, the effluent goes to a detergent removal step followed by rapid sand filters and then to the activated granular carbon columns. The granular carbon polishes from the effluent any traces of taste, odor, color, ABS; and any traces of insecticides or pesticides (both chlorinated hydrocarbons and phenols) would be removed. The Windhoek development work, borne out by the first two years' operating experience, shows that there is no threat to health from viruses, even after the algae removal stage. However, work done at Cal Tech indicates that a further safety factor exists at the carbon filtration stage, as viruses would be adsorbed on the carbon as well. The spent granular carbon is currently being accumulated on the site, but consideration is being given to on-site regeneration such as at Tahoe. In addition, breakpoint chlorination is used for ammonia reduction.

Economies could be effected by thermal regeneration of the carbon and by ducting the off-gases from a carbon regeneration furnace back to the pH adjustment step. This would eliminate or reduce the cost for propane generated CO_2. The present cost of the purification process following the algae ponds is approximately 28c U.S. per 1000 gallons (vs. 14c at the six times larger Tahoe plant.) This cost is lower, as mentioned, than the cost for bringing in additional water from surface sources.

During the trial runs undertaken to study the overall performance of the plant, test work included a determination of the fate of polio viruses, bacteria and parasites. The tests used substantially higher levels of polio virus than the maximum level of virus found in the monitoring of the sewage works. The tests showed that in the whole plant there was little or no virus present prior to the chlorination stage and therfore the tests give no indication as to the effectiveness of the levels of chlorine used. In the pilot tests the coli and pathogenic organisms were completely eliminated. The sewage innoculated effluent entering the plant showed the presence of various organisms—salmonella, Porteus, Providencia, Pseudomonas, AlkacescensDispar group—but the effluent was free of pathogenic organisms including Mycobacterium tuberculosis.

Ova of Ascaris lumbricoides were present in the inflow to the algae ponds but the inflow to the treatment plant was free of them. Both the influent to and effluent from the plant were free of parasites.

As a result of all these tests, it was shown that completely acceptable water could be produced from purified sewage effluents. The appearance, taste and other characteristics of the water were preferable to those of the water in the normal water distribution system at Windhoek from boreholes and surface sources. Hygienically it was also proved to be safe. The public and the health authorities have approved the full scale water reclamation plant. The author satisfied himself that the final water is a very agreeable product.

At the dedication in January 1969, the Prime Minister of South Africa ranked the Windhoek sewage purification plant as one of the three great scientific achievements of that country for 1968 along with the Dr. Barnard famous heart transplant and the rescuing of a flooded gold mine. With regard to the significance of the Windhoek plant, which wasn't but might appropriately have been granted "equal time" to transplant news, he commented that it opened an alternative to building high dams and spreading water over wide land areas. This is an aspect about which we have certainly heard increasing comments from the conservationist groups in recent months.

South Africa plans some 500 million gallons a day of water reclamation in the next five years and is experimenting with chemical systems to attain the same high quality water. At the Daspoort sewage works in Pretoria, a million gallon per day demonstration plant was completed in May, 1970. This plant uses lime flotation, followed again by nitrogen stripping of high pH effluent and activated carbon. The research work here indicated that the high pH values of 11 or so resulting from the excess lime treatment are a further safeguard in the killing of viruses.

The point is always raised about salt buildup when recycling of domestic effluent is proposed. The work of Dr. Gerald Stander (the Director of the National Institute for Water Research) shows that, based on a 35% reuse of effluent at Windhoek where the other sources have a high salts content, they achieve a maximum of 180 ppm buildup of salts; and the same formula at 50% reuse would give a maximum of about 300 ppm building up with the ability to use the other 50% of the effluent for applications outside the reuse cycle (e.g., irrigation) and for sending quality water back to our rivers and streams, thus reversing the degradation that has been allowed to take place in some areas.

More tertiary plants are starting up in various parts of the country. In Nassau County, New York, a system has been installed to protect ground water from sea water intrusion. A tertiary system is under construction in Colorado Springs. This effluent will be used for irrigation water and cooling tower makeup water.

To date, the most ambitious U.S. project yet announced for water reuse is in Denver. That city plans to build a 100 mgd facility, and its effluent will be used initially for industrial processing. Eventually, it is planned that it will get full reuse in the municipal supply. This project has been initially delayed, however, by a suit filed in the Federal Courts by a downstream user who challenges Denver's right to recycle its sewage.

A recent trade mission lead by the author visited European facilities including Rye Meads Works outside London which has the highest effluent standards in Britain, set in 1955.

The high standards (99% removal of BOD and suspended solids and 75% removal of ammonia) were established to permit the withdrawal of the water from the River Lee, 10 miles down stream, for normal municipal purposes. The River Lee, which supplies 19% of the London water supply, has been a source of water for 400 years, but in the past 150 years pollution has become a factor and was aggravated by formation of three new towns in the Lee Valley. In very dry periods, the flow of the River Lee approaches 100% effluent, but this has not occurred in the past 14 years. According to reports of the London Metropolitan Water Board, the quality of the water of the River Lee has steadily improved over the past decade so that it is now once again a good and reliable source of supply and the water from that source is reportedly as desirable for supply purposes as of that of any of the surface sources.

At Rye Meads, 25% of plant flow is industrial effluent along with the municipal sewage. As a result of a toxic material spill (one gallon in 15 million gallons) which shut down the biological process in 1961 and as a signal of any future incidence, goldfish have been placed in the stream to serve as monitors. It might be noted that physical chemical processes would continue to function under such conditions.

The trade mission also visited a municipal water supply plant, Compagnie General des Eaux, in Paris which draws its water directly from the Seine. The plant has a capacity of 178 million gallons per day and uses a flocculation/sedimentation system followed by ozone treatment.

Windhoek, Tahoe and Daspoort are proof that the technology and hardware exist to purify wastewater to any degree of treatment at a reasonable cost, and possibly even at a saving, when compared to the cost of alternate sources, plus the damage often done to our ecology by the discharging of less than pure effluent.

With the increasing concern over water degradation and the projected water shortages by the end of the coming decade, it seems logical that the technology demonstrated at Tahoe and Windhoek will be put to wider use in the 70's.

How To Take Out of Water Some of What People Put In

Advanced techniques that remove more subtle pollutants are in use only in a few places in the U.S., and most such plants are still experimental. The operation of one advanced facility, a 7,500,000-gallon-a-day plant at Lake Tahoe in California, is schematically shown above. The waste water passes through three stages, the first two of which generally correspond to the forms of treatment commonly used in the U.S.

Metal screens stop large objects such as sticks and rags from entering the plant. The sewage then passes into a grit chamber where sand and small stones settle to the bottom. Next stop is the sedimentation tank, where speed of flow is reduced and suspended particles sink to the bottom, forming sludge. By itself, this primary treatment removes only about 30 percent of oxygen-consuming organic matter in sewage. In secondary treatment, most of the remaining organic matter is consumed by bacteria. Aeration speeds up, or "activates," the process. Advanced treatment at Lake Tahoe removes both phosphate and nitrogen, undesirable nutrients that cause proliferation of algae. Phosphate is removed with the help of lime ("flash mix" refers to the rapidity of mixing). Nitrogen, which occurs in sewage mostly as ammonia, is more difficult to eliminate. At Tahoe, the effluent is passed through a stripping tower where ammonia is extracted in a process that involves blowing large amounts of air through the sewage. The effluent then undergoes additional cleansing in passing through separation beds (where chemicals remove more phosphate) and finally through activated carbon. The result is water that's almost good enough to drink.

UNDERDOG STRATEGY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. SCHMITZ. Mr. Speaker, at this point I would like to insert in the RECORD a thoughtful and cogent evaluation of several strategic force postures. It is doubly interesting for, not only is the reasoning excellent, but also because it was written in 1962 by our current Secretary of Defense, Hon. Melvin R. Laird. The article which follows is chapter 5 of Mr. Laird's stimulating book published by Henry Regnery, entitled "A House Divided."

The difference between 1962 and 1971, as far as force relationships are concerned, is that the Soviets have achieved nuclear parity with the United States in practically all areas and in several crucial aspects of defense preparedness enjoy a position of relative superiority. Several outstanding and respected strategists speculate that the Soviets may be as far as 3 years ahead of the United States in the field of space weaponry.

The question to be settled today is not whether we will do the things necessary to maintain superiority, we failed to do so and it vanished, but whether we will attempt to assure our survival by establishing an equilibrium which can only be maintained by a position of sure U.S. superiority in strategic weaponry.

The article follows:

If Deterrence Fails

(By Hon. Melvin R. Laird)

If deterrence fails, we must have the capability both to fight and win a war. Wars are waged with military forces. The most effective strategy aims at the defeat of the enemy's armed might. As Chief of Staff of the Air Force, General Curtis Le May has written, "Only defeat of *military* forces can win a war and only a force that is clearly able to defeat an aggressor's military force is likely to deter war. We believe that we can deter armed aggression by being able to fight and win any war that is forced upon us—including a general war."[1]

Our strategic policies and all our research and development must aim at the capability, not of fighting to a stalemate, but of defeating the aggressor. It greatly weakens our strategic posture each time we talk about devising a nuclear strategy aiming simply at negotiation or bargaining. All warfare is based upon deception, said the ancient Chinese sage, Sun Tzu. It would be an invitation to disaster if either China or Russia believed that we might pause to negotiate after a nuclear strike.

There was discussion some years ago of a strategy of minimum deterrence which would aim at deterring war merely by the destruction of certain Russian cities. The strategy did not present a concept of victory, but merely of punishment. Even if such strategy might have seemed applicable at a time when Russia had little if any real nuclear capability, it is no longer possible when she possesses a range of effective nuclear weapons. We must have the will and the capacity to fight and win decisively. At the same time, civil defense becomes important. The eventuality of nuclear war must not leave us so prostrate that our republic cannot continue.

All strategic requisites must be coordinated by the aim of preserving our way of life. We will not possess a rational strategy if it leads into duplicating the irrational mistakes of World War I and World War II, where we had no long-range goals. In each case, our soldiers won the war and our leaders lost the peace, and our lack of coherent, long-range, abiding strategy prepared the next conflict.

Since World War II, we have been involved in a series of swiftly changing strategy phases. The first, or the monopoly phase, was one where we alone possessed nuclear power; the Soviets had none. With our nuclear monopoly, we had punishment capacity in our nuclear weapons, and this was a period when the strategy of the minimum deterrent was actually applicable. We deterred Soviet invasion of Europe by the threat of selective atomic retaliation at times and places of our own choosing. For lesser Soviet threats we had more limited measures at hand, both nuclear and conventional. Not all punishments would be nuclear, but would fit the crime. Meanwhile, the Soviet Union could not retaliate. Of the effectiveness of this imbalance and the developments it prevented, there can be little doubt. As Winston Churchill said on March 31, 1949, in summarizing the nature of the monopoly phase, "It is certain that Europe would have been communized and London under bombardment some time ago but for the deterrent of the atomic bomb in the hands of the United States."

However, the deterrent which was adequate for the monopoly phase was not at all adequate in the period that followed. This second phase may be called the phase of our "European continental superiority." In this time of transition, the United States still had, in any action in Western Europe, a vast nuclear preponderance. Despite Soviet Russia's acquisition of the atomic secret, she did not have long-range bombers capable of carrying the bomb to the United States, while we had the aircraft and the rings of bases needed to reach her territory. But even during this second phase, a minimum deterrent strategy was still adequate. In any all-out war, the United States would still have nuclear superiority, and practically speaking, nuclear war as an instrument in the advance of Communism was impossible in the cold hard light of Soviet realism as to means. Escalation was to her disadvantage for, at the top of the stairway of violence, we retained our devastating superiority. The twilight of Phase Two came sometime in 1957 or 1958 when the Soviets developed their large numbers of intermediate range missiles to meet our nuclear capability in Western Europe.

The next phase, or Phase Three, could be called the phase of "heartland superiority" of the United States over Soviet Russia. Conceivably, the Soviet Union might devise a strategy whereby she would strike with nuclear weapons at Western Europe, present the United States with a fait accompli, and then offer a chance for a negotiated settlement which it would be presumed the United States would accept to avoid all-out nuclear war. Such a stroke was unlikely, but no longer totally unrealistic. But still unrealistic, in the face of the cool clearheadedness typical of Soviet military thinking, was initiation of nuclear war in which it was certain that the United States would retaliate in our superior kind.

During the latter part of this phase, however, the Soviet Union obtained a capability to attack the continental United States; the American heartland itself became vulnerable to atom bombs and intercontinental ballistic missiles. The Soviets had advanced from the capability of holding Western Europe hostage, to a capability of holding, not our whole country, but a sizable number of key cities similarly as "hostages." These conditions, however—threatening though they soon became—were still not those of nuclear parity because the United States continued to possess a strong margin of nuclear dominance even in a second strike, and an overwhelming dominance in a first strike. We are currently still in Phase Three. Our goal now must be to prohibit development of the subsequent phase aimed at by the Soviets—actual nuclear parity, or worse yet, Soviet nuclear superiority.

As already noted, beginning in 1958, many persons were saying that the Soviets already possessed nuclear parity. In a Senate speech on August 14, 1958, then Senator Kennedy expressed his alarm about the missile gap, and called upon the United States to follow an "underdog strategy." Similarly, in June 1960, Governor Rockefeller released a statement in which he indicated his alarm over Soviet missile superiority. The very able writer-professor, Henry Kissinger, likewise based many of his observations in his excellent book, *Nuclear Weapons and Foreign Policy*, on the assumption that we were caught in a missile gap. Each of these observers mistakenly assumed that we had moved into the fourth strategic stage, that our nuclear preponderance was lost, and that deterrence by nuclear power was only a frail hope. These assumptions led then Senator Kennedy to advocate his "underdog" strategy. It was thus that we entered the full swing of our extremely damaging "underdog" strategy.

The strategy was baseless—a fact difficult to find a hearing for at first, but now almost universally acknowledged. One of the most outspoken men on the subject of our present superiority is Deputy Defense Secretary Roswell Gilpatric. Speaking in Hot Springs, Virginia, on October 21, 1961, Gilpatric said, "The United States has today hundreds of manned intercontinental bombers capable of reaching the Soviet Union, including six hundred heavy bombers and many more medium bombers equally capable of intercontinental operations . . . (the United States) also has six Polaris submarines at sea carrying a total of ninety-six missiles, and dozens of intercontinental ballistic missiles. Our carrier strike forces and land based . . . forces could deliver additional hundreds of megatons. The total number of our nuclear delivery vehicles, tactical as well as strategic, is in the tens of thousands; and of course, we have more than one warhead for each vehicle . . . Therefore, we are confident that the Soviets will not provoke a major nuclear conflict." Gilpatric said that such a move "would be an act of self-destruction on his part." Yet, it does us little good to have this superiority if we actually follow what looks like an "underdog" strategy.

---

[1] See *Army Reservist Magazine*, Jan., 1962.

At present the new and fourth phase *will* occur if the United States and the Soviet Union begin to approach *real nuclear parity*. Even though one side still had a slight edge over the other, there would then exist two invulnerable retaliatory forces, and each nation would have, after being hit first by the other, enough strikeback to deliver massive and unacceptable damage. It is in this final development of Phase Four that we would actually lose our nuclear advantage. In its closing period it would be a stage which for the West would make nuclear war realistically impossible. The final portions of Phase Four would create a situation in which we would become incapable of winning *militarily*, since both sides would have hardened, invulnerable missile systems and an "overkill" capacity as well. But *politically*, there would arise a deadly modification of so called parity. We could not win but, conceivably, the Communists could. Even if Russia were destroyed, or Red China lost, Communism still could advance from its other bases.

Many options would then be open to the Communists. Suppose the end of Phase Four did come into actual being some years hence. Red China, backed by its own ICBM's could launch a massive land attack into South Korea, South Vietnam, Cambodia, Burma, and Thailand, while at the same time Soviet Russia, poised with nuclear weapons, would do nothing. What could be our counterstroke? Should we go all-out in nuclear retaliation? If so, what sort of targets would Red China offer? And how would we react if, after some limited American nuclear strikes, the Soviet Union announced she would become the mediator in the war between Red China and the United States and that, in the face of this mediation, neither nation that continued to resort to any use of nuclear weapons might suffer additional nuclear consequences from "peace-loving" Soviet Russia? As we went to the conference table, ostensibly designed to preserve restraint from nuclear weapons in our time, the Red Chinese conquest could be consolidated with conventional forces, and Red China would dominate all Southeast Asia. World Communism would then have the Free World surrounded indeed, and Stalin's prediction of our encirclement would have found its fatal fulfillment.

Or take another example. Suppose the Soviet Union developed a space platform and, with the usual massive exploitation characteristic of its propaganda, announced its position in relation to the United States—rotating in space over us, and loaded with a super bomb of more than one hundred megatons? Then suppose there had developed in West Germany a pro-Communist minority demanding unification. Finally, suppose Khrushchev or his successor announced that NATO now threatened not only the peaceful unification of Germany, but the peace of the world; that West Germany must lay down its arms and abandon NATO; that if this was not done within two weeks, Soviet Russia would have no recourse but to conduct a "disarming attack"; that surely the United States would not want to interfere with those Soviet peace measures and cause the Soviet Union to bring into play its weapon on the space platform?

In estimating such dread eventualities, the average citizen is apt to think that the Pentagon has some sort of magic that can select the appropriate counter-strategies—using mechanical computers, mathematicians, or some other scientific approach developed by the engineers of our complex society. It is true that these means are important. The Pentagon's use of statistics and its mechanical devices for war-gaming are indispensable. But we create conditions for disaster when mechanical means are allowed to determine future strategy.[2] In the Vinson-McNamara RS-70 controversy, overvalution of the computers as strategists became the issue, the occasion for alarm, rather than the realistic programming of the RS-70 itself. It was said that the RS-70 had been "computed out of existence." Computers can work only with the information they are fed, and supplying us with credible misinformation is a Russian specialty. The Communists can throw the computers off—as easily as they threw off our intelligence reports on bomber production after 1955—as easily as they fooled us about missile production after 1958. The Chinese sage, Sun Tzu, was right when he said that warfare is based on deception, and nothing is more vulnerable to deception than the unimaginative computer. In the dozen years ahead, the Communists will maximize deception. At the very time when we think they are going all out on building surface-to-surface missiles, they in fact may be going all out in research on weapons for outer space—where the decisive battles may well be fought. Surprise is not the exception in war; it is the rule. The building of the Berlin wall caught our government totally by surprise, as did the resumption of Soviet nuclear testing.

Computer-mindedness is intensely dangerous. It can not give us all the answers about future military uses of space. What is more, in actuality, key decisions are made in an atmosphere of swiftly changing crisis. If we have not developed steady policy or coherent over-all goals as guides, crisis will catch us without any policy at all, and inevitably we will fall into lethal errors. There was a swiftly changing crisis when the air support of the Cuban invasion was called off, and the Communists—instructed by observing our confusion—will create future crises in which our leaders will be forced to make sudden decisions. Very worrying is a recent statement by Defense Secretary McNamara, who declared, "Our new policy gives us the flexibility to choose among several operational plans, but does not require that we make any advance commitment with respect to *doctrine or targets.*" (Emphasis supplied.) Is it really conceivable that we make no commitment to doctrine or targets? Earlier in this statement, the Defense Secretary had said, "We may seek to terminate a war on favorable terms by using our forces as a bargaining weapon—by threatening further attack." Is there not implication here of the fatal concept of the "pause to negotiate," applied this time to all-out nuclear world war?

Limited use of nuclear weapons will have a very important role to play in the future, but let us not endanger our perilous but still tenable Phase Three by acting without doctrine and without strategy! Our doctrine and our strategy must provide for the Communist nature, for maximum surprise, and for the unexpected. The most dangerous situation conceivable would be to leave all questions to the hour of crisis, when a group of Presidential advisers, perhaps beguiled by a Communist trap, would hover around the President, and seek to influence him. Only doctrine—firm and carefully reasoned in advance—can prevent such an eventuality.

The objective of our present strategy must be to prohibit Phase Four in its entirety. We must retain and *increase* our superiority, not lose it. We must have the ability to *win*, not merely to punish. And in moving toward this goal, we must have a steadily accurate estimation of which stage we are currently in. Such estimates become the proper foundation of doctrine, as doctrine is the proper foundation of diplomacy. Since we have superiority and have not incorporated it into our diplomacy, we are losing an essential advantage in our contest with Communism.

The Soviet Union is currently waging a war throughout the entire spectrum of power. An essential key to their strategy is nuclear blackmail. The only way we can defeat its effectiveness is by incorporating in our diplomacy our own superior nuclear capability. In other words, their nuclear blackmail is a bluff. We must call their bluff, now, while we can—or deterrence will indeed fail and so will the West.

The Soviet strategy of nuclear blackmail is geared to maintaining pressure just short of all-out war. It is based upon a willingness to go a little closer to the brink of war than we will. Actually, the Soviet Union is unwilling to take a real risk of war, as long as we hold our nuclear lead. But they maintain the advantage when, in Phase Three, although we still hold an edge in nuclear power, we succumb to the underdog strategy and behave as if we were in Phase Four, when the Soviets are assumed to have parity, or even—as some hysterical statements held in 1960-61—an actual superiority. The so-called "underdog strategy" was not only false, but everything stemming from it has tended to national suicide. While there is still time to correct the tragic error, the underdog strategy must give way to a strategy of initiative.

REPORT TO NINTH DISTRICT RESIDENTS—FEBRUARY 8, 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following commentary on the time issue in Indiana:

WASHINGTON REPORT

(By Congressman LEE HAMILTON, Ninth District, Indiana, Feb. 8, 1971)

The "time turmoil" is still with us in Indiana.

The question of time observance in Indiana has plagued Hoosiers for years. Much of the problem stems from the fact that Indiana is a midwestern state with strong business and commercial ties with eastern states.

About the time that Indiana had resolved the problem through state-wide observance of Eastern Standard Time the year-around, the 1966 Uniform Time Act declared that practice in violation of the law. Since that time, Hoosiers have been involved in several unsuccessful attempts to resolve the issue, and a review of those events is in order.

In 1961, the boundary line separating the Eastern and Central time zones was established roughly through the middle of Indiana by the Interstate Commerce Commission, putting 43 eastern Indiana counties in the Eastern time zone, and 49 western counties in the Central time zone. The eastern counties elected to stay on year-around Eastern

---

[2] Although, as a member of the Defense Appropriation Subcommittee I sided with McNamara on funding the RS-50 in fiscal 1963, my decision was based on entirely different premises.

Standard Time, and gradually all but 12 of the western counties joined in the practice. The time zone line was generally ignored.

In 1966, however, Congress passed the Uniform Time Act, which took a tougher stance on the observance of the proper time within the established time zones. It required the states within each of the Nation's four time zones to observe daylight saving time from the last Sunday in April to the last Sunday in October.

The Act does permit, however, states to exempt themselves from observing daylight savings time by vote of the state legislature. But the Act requires that the whole state, regardless of any division by time lines, either conform to, or exempt itself from, the observance of daylight savings time.

I might add here that I voted against the Act, believing that, in the case of Indiana, it would disrupt an accepted time pattern which the state had finally achieved. Further, the Act made no provisions for a state divided by a time zone line to allow those parts of the state in different time zones to adopt a time pattern based on their particular needs.

When it became apparent that a time zone line through the center of Indiana would cause insurmountable problems, the Department of Transportation, in 1968, moved the line to the Indiana-Illinois border. Two pocket areas, at the northwest and southwest corners of the state were put into the standard time zone to permit them to keep in step with Chicago, to the north, and with western Kentucky and southern Illinois, to the south.

In 1969, the Indiana General Assembly voted to exempt the state from the observance of daylight savings time during the summer months. The Governor vetoed the bill, however, saying that it would put Indiana out of step with its neighboring state to the east.

This year, Indiana legislators over-rode the Governor's veto, exempting all of Indiana from the observance of daylight savings time. This exemption includes the pocket areas which have expressed a desire to change to daylight savings time in order to keep pace with their neighbors across the state line.

In an attempt to allow these pocket areas to observe the time of their choice, I have introduced an amendment to the Uniform Time Act. It would give those areas within a state which is divided by a time line the option of either adopting or not adopting daylight savings time. Such an amendment would not detract from the basic principle of uniformity which the Uniform Time Act seeks to establish.

The Department of Transportation has endorsed this legislation, as it had similar attempts to amend the Uniform Time Act over the last four years. Still, the prospects of its passage are doubtful. Both the House and Senate committee chairmen who would handle the legislation have expressed strong reservations.

Hopefully, there may be enough pressure from the Congressional delegations of the 12 states now divided by time lines to bring the matter to a vote.

SUPERTANKERS—BICYCLES AND THE SST

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. OBEY. Mr. Speaker, the United States now uses just over half its petroleum consumption each year for transportation. By 1985 the amount needed for transport may have more than doubled from the 42.5 billion gallons used in the early 1960's.

Jet aircraft and automobiles would account for most of the increase, and they are both inefficient users of fuel in terms of the transportation they produce.

Prof. Richard A. Rice of the Transportation Research Institute at Carnegie-Mellon University prepared an interesting summary of transport efficiency for the American Society of Mechanical Engineers' 1970 annual meeting. He found that man's most efficient form of bulk transportation is the 100,000-ton supertanker, and that one of the least efficient forms for moving people would be the SST.

In terms of passenger-miles per gallon of fuel, the SST would be less efficient than automobiles, jet aircraft like the 707 and 747, and intercity pullman trains. According to an item in the Trend of Affairs section in the February issue of Technology Review, edited at the Massachusetts Institute of Technology, a single SST will consume 80 million gallons of fuel per year and provide a low 13.6 passenger-miles per gallon.

This is the item on Professor Rice's calculations:

TRANSPORT EFFICIENCY

After a literature search (including publications of the Sierra Club) and some personal experiments, Professor Richard A. Rice of the Carnegie-Mellon University Transportation Research Center concludes that a man walking at 4 m.p.h. uses about 0.1 horsepower and the same man riding a bicycle at 10 mi./h. uses something less than 0.15 h.p. Scaling these figures up through a long chain of energy units, Professor Rice figures that a man with a bicycle, given the energy in one gallon of gasoline, would eventually obtain some 75 gross ton miles of transportation. A two-ton automobile averaging 20 m.p.g. is doing only half as well.

This comparison of transport efficiency is only one of several score in Professor Rice's summary for the American Society of Mechanical Engineers' 1970 annual meeting. He shows, for example, that on a gross-ton-miles-per-gallon basis, the 100,000-ton supertanker is by far man's most efficient form of bulk transportation, at 1,330 ton miles per gallon. Next is a 200-car freight train, averaging 625.

When it comes to moving people, a 10-car double-decker suburban train wins the sweepstakes, providing 200 passenger-miles per gallon of fuel. Nearly as efficient (150 p.m.p.g.) is the old-style Hudson River paddlewheel steamboat—which is in many respects, including efficiency, a far cry from the *Queen Elizabeth II* whose figure is only 7.5 p.m.p.g. The self-contained "Buddiners" rate high (133 p.m.p.g.); so do buses (over 120 p.m.p.g., depending on design). At the bottom end of the scale are automobiles (around 30 p.m.p.g.), jet aircraft (the 707 at 21 p.m.p.g., the 747 at 22 p.m.p.g.), and intercity Pullman trains (18 p.m.p.g.). All of these last are excelled by a proposed helium-filled dirigible (44 p.m.p.g.).

Still lower: the S.S.T., according to its present specifications, at 13.6 p.m.p.g. When fully scheduled, according to present planning, a single S.S.T. aircraft will consume 80 million gallons of fuel a year. The result, says Professor Rice, can only be trouble: "Continued quantum enlargement of air travel systems yielding only 20 to 30 p.m.p.g. (let alone the S.S.T. at 10 to 15 p.m.p.g.) will so increase total petroleum use . . . as to certainly cause early review of this present trend."

The U.S. now uses just over half its petroleum consumption each year for transportation. By 1980 the amount needed for transport will have more than doubled from the 42.5 billion gallons used in the early 1960's. Jet aircraft and automobiles will account for most of the increase, and they are both inefficient users of fuel in terms of the transportation they produce. "Future petroleum commitments begin to look alarmingly sizeable," Professor Richard A. Rice of the Transportation Research institute at Carnegie-Mellon University told the American Society of Mechanical Engineers early this winter.

MORE PERIPHERAL CANAL OPPOSITION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. WALDIE. Mr. Speaker, the controversial proposed peripheral canal project, a joint State of California and U.S. Bureau of Reclamation facility, has been dealt a heavy blow by the recent passage of a resolution by the Delta Water Agency unequivocally opposing the construction of the canal.

The agency was established in 1968 by the State legislature to protect and study the water resources of the Sacramento-San Joaquin River Delta.

The agency's resolution condemned the proposed water diversion canal in no uncertain terms by stating:

> Be it resolved by the Directors of the Delta Water Agency that this Agency is unequivocally opposed to the proposed Peripheral Canal.

This is a striking victory for those who have been fighting for the preservation of the bay-delta's environment. Of all the numerous agencies and entities that are concerned with the delta water resources, none is more directly representative of the delta itself than the Delta Water Agency.

Mr. Speaker, it is no secret that the Delta Water Agency was originally conceived and formed with the blessing of the state department of water resources. The department expected that the agency would meet whatever demand the department considered necessary in order to facilitate delivery of the water to customers to the south of the State.

However, and to the great credit of the directors of this agency, it has shown that it would not be a "rubber stamp" organization serving the special interests of Mr. William Gianelli, Director of the department of water resources. As the results and findings from water studies on the damaging impact upon the delta came in, the Board of Directors of the Delta Water Agency have shown their independence and their willingness to recognize the many threats to the bay-delta system posed by the State water project.

Mr. Speaker, the residents of the counties represented by the Delta Water Agency can be proud of the strong and independent stand against the proposed peripheral canal taken by their representatives in the agency.

SENATE—*Tuesday, February 9, 1971*

(Legislative day of Tuesday, January 26, 1971)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Breathe upon us, O Lord, a sense of Thy presence.

Come upon us as the God of history. Come upon us as a mighty rushing wind. Disturb our apathy. Recharge us with Thy spiritual power. Come upon us as a still small voice, whose whisper we hear amid the tumult and storms of life.

Sweep out our fears. Cleanse us of all evil. Light up the dark places. Lead us in paths of righteousness, and make us captive to Thy love. Grant to us the gentleness, kindness, tenderness, and grace which were the marks of Thy Son, in whose name we make our prayer. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to section 8002 of the Internal Revenue Code of 1954, the following members of the Committee on Ways and Means have been designated as members of the Joint Committee on Internal Revenue Taxation: Mr. MILLS, Mr. WATTS, Mr. ULLMAN, Mr. BYRNES of Wisconsin, and Mr. BETTS.

The message announced that the House had agreed to a concurrent resolution (H. Con. Res. 135) providing for an adjournment of the House from the close of business on Wednesday, February 10, 1971, until noon on Wednesday, February 17, 1971, in which it requested the concurrence of the Senate.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, February 8, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11:30 a.m. tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR FANNIN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of prayer on tomorrow, the distinguished Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from Vermont (Mr. AIKEN), who already has a 15-minute allocation of time granted to him.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 3, 4, and 5.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ALLIE B. VANCE

The resolution (S. Res. 47) to pay a gratuity to Allie B. Vance was considered and agreed to, as follows:

S. RES. 47

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Allie B. Vance, widow of Joe Vance, Sr., an employee of the Senate at the time of his death, a sum equal to six and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

PRINTING OF SENATE MANUAL

The resolution (S. Res. 48) authorizing the revision and printing of the Senate Manual for use during the 92d Congress was considered and agreed to, as follows:

S. RES. 48

Resolved, That the Committee on Rules and Administration be, and it is hereby, directed to prepare a revised edition of the Senate Rules and Manual for the use of the Ninety-second Congress, that said Rules and Manual shall be printed as a Senate document, and that two thousand additional copies shall be printed and bound, of which one thousand copies shall be for the use of the Senate, five hundred and fifty copies shall be for the use of the Committee on Rules and Administration, and the remaining four hundred and fifty copies shall be bound in full morocco and tagged as to contents and delivered as may be directed by the Committee.

TFX CONTRACT INVESTIGATION

The resolution (S. Res. 33) authorizing the printing of additional copies of Senate Report 91-1496, entitled "TFX Contract Investigation" was considered and agreed to, as follows:

S. RES. 33

Resolved, That there be printed for the use of the Committee on Government Operations two thousand additional copies of a report by its Permanent Subcommittee on Investigations entitled "TFX Contract Investigation" (S. Rept. 91-1496).

CBS AND ELECTION REFORM

Mr. MANSFIELD. Mr. President, election reform has been discussed from time to time for a number of years, but I believe that we are now approaching the point where such changes in our election campaign laws will be seriously discussed and considered. Campaign expenditures are getting completely out of hand and it seems like we are campaigning all of the time.

We have major proposals being introduced in this new 92d Congress, and it is my hope that the appropriate committees will be able to address themselves to these problems at an early date.

One of the most active proponents of campaign reform is Frank Stanton, vice president of Columbia Broadcasting System, Inc. In mid-January he made available to many of us here in Congress a "Five Point Program for Election Reform." I think that this is something that would be of interest to all Members of the House and Senate.

Mr. President, I ask unanimous consent to have the five point program prepared by Frank Stanton printed at this point in the RECORD.

There being no objection, the program was ordered to be printed in the RECORD, as follows:

A FIVE POINT PROGRAM FOR ELECTION REFORM

I. *Impose whatever conditions on campaign expenditures Congress deems wise and feasible.*

The responsibility for a political campaign, as to its scope, its funding and its vehicles of communication, rests in the last analysis on the candidate. It is the candidate who is required to file a report of his expenditures and a list of the contributors to his campaign. Thus if Congress in its wisdom chooses to impose conditions on campaign expenditures, the responsibility for abiding by such conditions should be placed on the candidate. To do otherwise would create an administrative nightmare.

Equally important, Congress should not attempt to prescribe how candidates will allocate their expenditures within any overall limitation. There are infinite varieties of circumstances in different states and congressional districts—differences in population, area, urban or rural character, economic factors, social and cultural habits, etc. Because of these differences, there are also wide differences in the relative emphasis to be given to various media, to achieve the most efficient and effective political communication. For example, in one district, television might be by far the most effective medium; in another, it would be highly inefficient (as in major metropolitan areas, where 80 percent of a television station's audience might reside outside a particular Congressman's district). Moreover, not only are the districts different, but the candidates are different—one candidate might feel he personally communicates his views more effectively via one mix of techniques, while another candidate within the same district might prefer an entirely different approach.

Accordingly, Congress should not try to allocate campaign funds to any particular medium, nor ordain any fixed division of funds among different media. Rather, within a reasonable overall limitation on campaign expenditures, candidates should be entirely free to employ whatever means they believe would provide the most efficient and effective communication with the public—which is a vital public interest objective of campaign reform legislation.

II. *Require all advertising media to sell political advertising at the lowest rate available to any commercial advertiser for comparable time or space.*

The costs of political campaigns have risen steadily, in all media. While radio and television are conspicuous vehicles for the political campaigner, they are only two of the many media employed. Requiring the lowest commercial rates in all media will help control the inflationary spiral of campaign costs.

III. *Repeal the equal-time provision of the Communications Act, thereby providing opportunities for greater contribution of free time by broadcasters and deeper and more arresting treatment of the issues.*

Under Section 315, a broadcaster who provides free time for a political candidate, with the exception of regularly scheduled news broadcasts and other specifically exempted types of broadcasts, must provide equal time to other legally qualified candidates for the same office if they request it. The practical effect of the law has been to deny free broadcast time to major candidates or to force such free time to be shared with fringe candidates in defiance of the public interest.

The number of minor and fringe candidates is so great as to render almost impossible the providing of free time for major office-seekers. In the 1968 election, there were at least 26 declared candidates for the Presidency alone. Any meaningful effort to improve communications between candidates and voters, therefore, should include repeal of Section 315. At the very least this restriction should be removed from Presidential and Vice Presidential campaigns.

On this issue, Congress does not need to conjecture about the beneficial results; it has dramatic evidence. For the issue was tested in temporary suspension of Section 315 for the offices of President and Vice President in 1960, with conspicuous success. This temporary suspension enabled CBS to devote 32¼ hours to personal appearances of the Presidential and Vice Presidential candidates and their supporters. (This does not count regular news broadcasts and convention coverage.) The *additional* time on CBS made possible by suspension of Section 315 had a value exceeding $2 million, yet it was made available without charge to the candidates or their supporters. And of course NBC and ABC likewise donated substantial amounts of time. It is sometimes mistakenly assumed that the broadcasting industry would benefit commercially from suspension of the equal-time requirement; in fact, the industry would lose substantial revenue through the displacement of commercial programs.

Two measurements will summarize the highly beneficial impact of this suspension on the electoral process in 1960:

(1) According to reliable public-opinion polls (Elmo Roper and Associates), during the 1956 Presidential campaign those "very much interested" in the campaign remained about the same through the campaign, ranging from 46 percent in September to 47 percent in October. But in 1960, the only year with increased free time for the candidates made possible by suspension of Section 315, those "very much interested" rose from 45 percent in September to 57 percent in October.

(2) Most important, in the crucial test, 64 percent of those eligible to vote actually cast ballots in 1960. It is striking that in the year when the broadcast industry could provide such free time to candidates, this country achieved the highest percentage of voter participation in any Presidential election in the past half century.

Repeal of Section 315 as to Presidential and Vice Presidential contests has been endorsed by leaders in both political parties and by many political scientists. (See Appendix.) It would enable radio and television to convey more information, to heighten public interest and promote discussion. It would lead to more voting by a better informed electorate—the heart of all improvements in our democratic process.

IV. *Shorten election campaigns.*

"If long, hectic campaigns cannot be proved to be boring to the voters, we do know that they are debilitating to the candidates. It is no wonder that after an election both winner and loser often retire to recuperate." So said the Twentieth Century Fund in its *Voters' Time* report of 1969 calling for shorter election campaigns. Protracted campaigns not only dull the electorate and fatigue the candidate; they also exacerbate the most criticized aspect of American campaigns—high cost and high spending.

The Twentieth Century Fund said that nine or ten weeks of campaigning may have been necessary at one time, but no longer. "In the age of the jet plane and the handy television set, the candidate can reach the voters in a shorter time than ever before. He can spend more time thinking and less time traveling and talking."

Other students of the election process—including many candidates—have come to the same conclusion. The Committee for Economic Development, in *Financing a Better Election System* (1968), said that with present travel and communications capabilities, long campaigns "generally tire the electorate and exhaust the candidates." Shorter campaigns, the committee said, would help to "sharpen issues, intensify interest, and elevate the quality of political discussion."

Various approaches to shortening campaigns have been suggested. The Committee for Economic Development recommended scheduling all registration, primary and general election dates as close together as possible. For national elections, the committee proposed a Federal statute setting the date for national political conventions after September 1.

A similar view has been put forth by Representative John S. Monagan (D., Conn.), author of a bill providing that no Presidential nominating convention could convene earlier than 60 days before the general election.

Another approach, advanced by Professor Paul T. David, then of the Brookings Institution, would set earlier dates for the election and schedule the Presidential inauguration and convening of Congress in November, making it unnecessary to move forward filing dates and primary elections.

Still others have suggested that Congress, in exercising its authority to regulate campaign expenditures, could limit the use of campaign advertising to a period, say, six weeks before the general election and six weeks before primaries.

One relatively easy step could be to provide that lower media rates for political candidates, as proposed in Section II, should apply only within a specified period (perhaps six weeks) before the general election and the primaries. This would encourage candidates to direct their appeals to voters during this period.

This proposal could be applied promptly, while Congress studies the complexities of more sweeping alterations of the political calendar.

V. *Declare Election Day a national 24-hour holiday, with all polls closing simultaneously.*

The central act of self-government is that of the voter making his choice in the election booth. Yet the process of voting is often too difficult, vexatious, and inconvenient for the citizens. A thorough overhaul of the system is needed. Much of the work—revising registration laws, speeding up the polling process, introducing further mechanization in tabulating, and so forth—properly and necessarily must be undertaken at the local and state level.

On the other hand, Congress can take the lead in enhancing the voting process by declaring a national holiday for Federal elections and providing a full 24 hours for voters to ballot. Americans historically have not voted in anything like the proportions attained by other democratic nations (Canadian, Danish, English and Swedish voters typically turn out at about 80 percent of those eligible; Americans at a disappointing 60–64 percent rate). Americans vote in the middle of the work week, and the hours of voting haven't really changed while the population has doubled. The problem of the jammed polling place may be why some voters just don't feel that they can spare the amount of time it takes to vote.

We can provide at least nine more hours for voters—and in some places as many as 12 or even more extra hours—by a uniform 24-hour voting day, a proposal supported by the National Governors Conference (1966). Polls would close at the same time throughout the country, ending the time differential which keeps the polls open in the West when they are already closed in the East. The establishment of a national holiday also would provide a fitting expression of the importance that Congress attaches to the act of voting as a cornerstone of our democratic system.

APPENDIX

Following are quotations from political leaders and observers on the important benefits that candidates and the public would receive through repeal of Section 315 of the Communications Act:

"The effect of Section 315 is not that the Socialist Labor or Vegetarian candidate gets free time; rather no one gets any substantial amounts of free time for political broadcasts. Further and most important, there would appear to be little, if any, public benefit from insuring equal treatment for candidates whose public support is insignificant . . . In 1960 the radio and television networks provided 82 hours and 36 minutes free time for political broadcasts. In 1964 and 1968, however, when the equal opportunities provision was back in effect, the networks afforded only 26 to 27 hours of free time in each election, almost all of which occurred in exempt programming. . . . In view of the benefits to the Nation from the experience gained in the 1960 suspension, the Commission believes that remedial action in this area is clearly called for." (Dean Burch, Chairman, the Federal Comunications Commission, Former Republican National Committee Chairman, June 2, 1970.)

"Section 315, designed to afford an opportunity to appear on TV and radio to all candidates no matter how small their party, has had just the opposite effect. It has discouraged the networks from providing free time . . . Repeal of Section 315 as it applies to Presidential, Senate and House elections would lead to more free time without inhibitions, thus saving candidates huge outlays for broadcasting. Minority party candidates could also be covered with due regard to their political importance. The broader 'fairness doctrine' would still prevail for candidates of all parties." (*The New York Times,* April 27, 1970.)

"Congress, therefore, should permanently suspend the equal-time requirement for

Presidential and Vice Presidential candidates in order to limit access to free television to the nominees of the major parties." (Lawrence F. O'Brien, Chairman, Democratic National Committee, in *TV Guide*, September 19, 1970.)

In answer to a question as to whether "a suspension of the equal-time requirements so as to facilitate debates between the Presidential candidates" should be included in legislation limiting political campaigns: "I personally think so, yes." (Senator Robert J. Dole, Chairman, Republican National Committee, on Face the Nation, January 17, 1971.)

"Congress should permit commercial broadcast concerns to schedule political programs through repeal of Section 315 of the Federal Communications Act (requiring 'eqaul time' on television and radio broadcasts for all candidates for the same office, however, many and however minor)." (Research and Policy Committee of the Committee for Economic Development, December 1968.)

"Section 315(a) elevates each candidate to the level of every other. Cranks and serious contenders are lumped together . . . The Commission recognizes the forces of the arguments that led Congress to adopt the equal time provision in the first place. But we must agree with those who feel that untrammeled debate lies at the heart of democracy. We therefore recommend that Congress again permit such debate for the Presidential election of 1972. Suspension of the equal time provision would permit the significant candidates for President and Vice President—if they choose—to debate face to face, live." (*Voters' Time*, Report of the Twentieth Century Fund Commission on Campaign Costs in the Electronic era, 1969.)

"The salient fact of the great TV debates is not what the two candidates said, nor how they behaved, but how many of the candidates' fellow Americans gave up their evening hours to ponder the choice between the two . . ." (Theodore H. White, *The Making of the President 1960*.)

". . . This is a real service to our democratic form of government." (Richard M. Nixon, *Catholic Transcript*, Hartford, Connecticut, November 3, 1960.)

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the distinguished Senator from Tennessee (Mr. Baker) is now recognized for 30 minutes.

S. 680—INTRODUCTION OF THE GENERAL REVENUE SHARING ACT OF 1971

Mr. BAKER. Mr. President, on behalf of myself and Senators Allen, Allott, Beall, Bellmon, Bennett, Boggs, Brock, Case, Cook, Cooper, Cotton, Dole, Dominick, Ervin, Fannin, Goldwater, Griffin, Gurney, Hansen, Hollings, Hruska, Javits, Mathias, Packwood, Pearson, Percy, Prouty, Roth, Saxbe, Schweiker, Scott, Sparkman, Taft, Thurmond, Tower, and Weicker, I send to the desk a bill to restore balance in the federal system of government in the United States, and for other purposes, and ask that it be appropriately referred.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

Mr. BAKER. Mr. President, I also ask unanimous consent that the text of the bill, a section-by section analysis of the bill, and the text of the President's February 4 message on revenue sharing be printed in the Record at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAKER. Mr. President, the bill that I have introduced today on behalf of myself and 37 of our colleagues embodies the general-purpose revenue sharing proposal of the Nixon administration. Although allied in purpose and in governmental philosophy, this bill should not be confused with the President's proposal for so-called special-purpose revenue sharing, which will be sent up later in the year in six separate legislative proposals. Today's bill represents only general-purpose revenue sharing with State and local units of government.

The President, in his message on the state of the Union, and in his subsequent message on revenue sharing of February 4, has made, in my judgment, a clear and compelling case for the general proposition of sharing revenues with the States. Although a degree of immediate fiscal relief for State and local governments is perhaps the most superficially attractive element of general-purpose revenue sharing, the implications of the proposal go much deeper—they go to the nature and health of our Federal democracy. Since the adoption of the 16th amendment, which empowered the Federal Government to levy a graduated tax on personal income, and since the massive infusion of Government activity that was necessary to cope with the Great Depression, power has flowed steadily away from State and local governments and toward the Central Government in Washington.

The time has come to alter that trend—not to eliminate it, certainly, and perhaps not even to fully reverse it—but the time has come to alter it. Few will argue against the assertion that confidence in Government has deteriorated. Because an open society depends on a high level of public confidence in the institutions of such a society, public disenchantment with government must be of real concern to all of us.

General-purpose revenue sharing is no panacea, and no responsible person will claim that it is. But it is a tool whereby the resources and the responsibilities of State and local governments can be strengthened. If something like this proposal, and something like the President's special-purpose revenue sharing proposals, are enacted by the 92d Congress, three unique kinds of Federal program financing would be operating together in a flexible and responsive mix; general revenue sharing, with no strings attached, special purpose, that is, block-grants for use within broadly defined program areas of national priority, and strictly defined categorical grants-in-aid where direct Federal control and guidance is thought to be required. It is the "mix" of all three that has such great appeal.

There has been and there will be criticism of the President's proposal, some of it serious and some of it frivolous. During the coming weeks it will be the job of those of us who believe deeply in the proposal to counter such criticism honestly and directly. I have no doubt that this can be done.

I might just briefly address myself at this point to one basic criticism and to one alternative to revenue sharing that has been proposed.

First, let me respond to the fundamental and superficial question raised by those who refer to the proposal as "debt-sharing": the question is, where will the money come from? It is a catchy but specious and irresponsible question. The resources would come from revenues generated by normal growth in the Federal personal income tax base. One can make an honest argument as to whether this is how such revenues should be used, but one cannot argue that they will not be there

Secondly, I would like to say a very few words about rumored efforts on the part of some to substitute for the general-purpose revenue sharing proposal a complete Federal assumption of all State and local welfare costs, which will be roughly $8 billion in the coming fiscal year. There is no question that such an assumption by the Federal treasury of welfare costs would be of great help to State and local governments, especially in a few heavily populated areas, and it may be that we should move in this direction. But that is a question that should be considered on its own merits and not as a part of the revenue sharing issue.

Although the quantitative fiscal relief might be roughly similar, the effects of the two proposals on our system of government are scarcely similar, if at all. Welfare costs have nothing to do with the structure of government and with the revitalization of State and local competence, which is perhaps the most important elements of revenue sharing.

One last word about the need for bipartisan cooperation in the development of the revenue-sharing concept. Although this bill may have a superficial semblance of simplicity, it has been worked out over a period of 3 years in the closest consultation with representatives of the Nation's Governors, mayors, and county officials of both parties. This is truly a consensus bill.

No one would be more surprised than the President if this bill were enacted line for line and word for word. If during the course of close congressional examination, improvements are indicated, they should and will be made.

But the bill is, in my judgment, a sound vehicle for a concept whose time has come; it is simple, direct, open. It is a beginning.

Those of us who believe in revenue sharing want a program, not an issue, as some critics have suggested. Simple arithmetic makes plain that this will require bipartisan support in a Congress not controlled by the party to which I belong. On behalf of the administration and 38 of my colleagues in the Senate, I earnestly solicit the broadest possible support for revenue sharing.

Mr. President, many in this Chamber share the sentiments I have attempted to express in this support of revenue sharing but have not yet indicated their cosponsorship of this bill or a forthright and complete support for revenue sharing as embodied in phase 1 of the President's proposal.

Other bills that I know of, are pending bills which have much merit, which approach the same problem and which, in some cases, are minute in their degree of disagreement with the language of this proposal.

I have discussed the sponsorship of such measures on the Democratic side and on the Republican side. On other occasions I have talked to Members of the Senate who share my belief that one of the greatest criticisms of the federal system in this century is the continuing flow of power from the local governments and the continuing, insidious destruction of the effectiveness of the Federal partnership.

These colleagues of ours who share this concern by and large feel that something must be done in the fiscal field in order to reverse the trend and alleviate the pain and suffering.

Other alternatives are offered from time to time and are discussed freely and openly on the floor of the Senate, in the public press and in private and public conversation and otherwise. I think it is presumptuous to say in those printed discussions that revenue sharing has stood the test of time better than any of the other alternatives.

I do not claim that further revenue sharing, as proposed in this legislation, or so-called special purpose revenue sharing, which will be offered in six separate bills to be submitted by the administration, are the only ways we could approach the problem.

I do say that their genesis of their idea is recognized, that its evolution is observable and its durability is remarkable.

I do say that we cannot afford the patent, academic luxury of deferring any of the acknowledged taxes to find the best possible solution to the dilemma, but rather, in the language of the Governor of one of our most populous eastern States, "Unless something is done, this State will be bankrupt in 30 days." States do not go bankrupt in the ordinary sense. However, it is a clear exposition of the plight of States, to say nothing of cities, towns, and townships of this Nation.

Something must be done if we are to salvage this concept, because otherwise I very much fear that in a short period of time, say months or certainly years, the Federal partnership as we know it will perish unless we move now to revitalize it.

The statement that the power to tax is the power to destroy is as true today as it was when first uttered.

The cold, hard fact of the matter is that the Federal Government has had most of the taxing power in this country since the advent of the 16th amendment to the Constitution.

Those who support revenue sharing have developed a series of rationales and parallels to support this particular concept. We seldom find it necessary to identify and offer a solution to the problem of the destruction of local self-governments in the Senate themselves. But the parallels frequently go this way, and I think they have merit, that since the advent of the 16th amendment to the Constitution and the adoption of the graduated Federal income tax on personal income and the fixed rates on corporate income, the Federal Government has clearly had the most effective tax system in this country and the most progressive system, certainly in the arithmetic sense and probably in the philosophical sense as well.

The burden of Federal taxation according to the provisions of the Federal graduated income tax on personal income does certainly fall less heavily on the lower income wage earners and more heavily on those more able to pay.

Great injustices exist in the Internal Revenue Code and, we shall attempt to correct these injustices this year as we did in 1969.

No one would challenge the statement that this is the most equitable of any tax. It is far more fair and far less regressive, once again, in both an arithmetical and philosophical sense than those taxes often depended upon by local units, including ad valorem property taxes on both real and personal property, State sales taxes, and the State income tax in many States.

My State of Tennessee has no personal income tax. The State constitution prohibits it. I wish it were true of all other States.

While the Federal Government has the most equitable tax and conversely, while the Federal Government is probably the worst tax spender in the scheme of Government activities in the United States, the local governments are probably the best.

Why not combine the assets and diminish the disadvantages of both, and let the Federal taxing system attempt to collect equitably a share of the local tax requirement, and let the local government undertake more of its planning according to local needs and requirements, and have less planning and control at the Federal level? This, it seems to me, would be a happy marriage, but it also seems to me that an alternative to a system of this sort is unthinkable.

Unless something like this is done and unless Federal revenue sharing or its equivalent is accomplished soon, the threat of economic disaster at the local government level will be so great, present, and real that there is an honest likelihood that we will see a proliferation of new tax schemes, and new tax rates on old tax bases. It is possible the requirements of New York City, or of smaller communities throughout the country, and several States and counties, will be so great that property taxes will become so burdensome that people will not stand for it as the principal tool for financing local government any longer.

It is also possible the plight of our governments will become so great that the pressure to raise sales taxes will be of staggering proportions. It seems to me, however, that raising sales taxes, which fall hardest on the low-wage earner, and also raising property taxes, which have the same effect and serve as a disinclination to homeownership, is the poorest way to solve the problem.

Some might argue that rather than increase old taxes more States and counties will pass income tax laws or as in the case of a few cities, that cities will resort to progressive and graduated personal income taxes, and prevent us from having to shift this burden to the federal system. The answer is "Yes, that might happen," but my answer is that the result would be wholly undesirable because of what I call the "vulcanizing" effect. The worst thing that could happen, because of mobility in the United States of people, money, industry, and opportunity, would be to see a system of thousands of different income taxes differently applied, differently administered, and differently applicable in the several States, counties, and cities in this country.

If we think we have trade barriers now between nations, it would be nothing compared with the trade and commerce barriers between States, counties, and cities if there is a system of unevenly enacted, administered, and interpreted income tax statutes. Revenue sharing, it seems to me, is the best answer, and the need is immediate.

Mr. GRIFFIN. Mr. President, will the Senator yield to me at a convenient point?

Mr. BAKER. I would be happy to yield at this point to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, I wish to commend the distinguished Senator from Tennessee for his leadership in connection with the revenue sharing concept. I refer to his leadership, as he introduces the administration's bill today as well as his leadership over the past several years. He has been in the forefront among those who have been explaining and selling the concept of revenue sharing to the Nation. I must say that, although there is still a way to go as far as some Members of Congress are concerned, the Senator from Tennessee has been very successful so far as the rest of the country is concerned.

I was interested to note, for example, that a recent Gallup poll revealed—perhaps the Senator from Tennessee has the exact figures—that over 70 percent of the American people now favors the concept of revenue sharing. Furthermore, judging by the flood of telegrams, letters, and resolutions that are coming to my office from local governmental officials, it is apparent that the overwhelming majority of people associated directly with local government solidly support this proposal and this concept.

As the Senator from Tennessee indicated at one point in his presentation, there has been some suggestion that welfare fiscal relief should be substituted for revenue sharing.

I wonder if the Senator from Tennessee would agree that it could be a serious mistake to substitute welfare relief for revenue sharing. The President has proposed welfare reform and revenue sharing; and the country needs both.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Michigan for making this point. It is an important and vital point.

There is a so-called alternative that is being considered, I suppose seriously, in this body and in the other body. I frankly think that it would not only undermine the possibility of obtaining fiscal reform for local government, such as revenue sharing, but it would be a disservice to local governments, as well. It seems to me that if we were to adopt the plan of simply taking $5 billion of welfare costs off the shoulders of local governments and transferring it to the Federal Government, instead of adopting revenue sharing, these things would occur, although they would not be intended.

First, 11 States of the Union would be recipients of about 50 percent of the benefits. Thirty-nine States of the 50 States would be worse off than they were before, which hardly seems an equitable response to the problem.

Second, local governments, distinguished from State government, meaning our hard-pressed cities and counties, would share hardly at all; only States would.

Third, and this is especially important, we would completely eliminate the present hard pressure to reform a patently unworkable welfare system. I do not mean to create the impression that I derive any satisfaction or take any happiness from our plight in the welfare field, but this plight itself is a stimulus to Congress to reform the welfare system.

All three of these results would be undesirable, and I feel these things would occur if we were to substitute welfare relief for revenue sharing. It may be that federalization of welfare may have to come, but we are dealing with two different things.

I thank the Senator.

Mr. JAVITS. Mr. President, I speak in favor of the President's revenue-sharing plan, which has been introduced today with a large bipartisan cosponsorship. In doing so, I would like to compliment the distinguished Senator from Tennessee, who is nationally known as a champion of revenue sharing, and whose remarks he has just delivered eloquently point out the need for this bold legislation.

Revenue sharing's supporters—coming from diverse parts of the country and from both rural and predominantly urban States—attest to the growing national awareness that America faces a breakdown in its State and local government finances if we do not act in this way. The people of my State, I feel, regard the proposed $5 billion in new funds in the President's revenue-sharing plan, as inadequate. I shall be seeking to raise this figure to $10 billion annually starting now by amendment or new legislation.

An American humorist who must have known the workings of Congress once remarked:

> Never put off until tomorrow what should have been done five years ago.

In the context of today, this phrase has a sinister ring, for it was just over 5 years ago that I introduced my first revenue-sharing bill. In the intervening years, the crisis of State and local government services has continued to rise—indeed, in some cities it has accelerated. While my State of New York illustrates a particularly compelling case for the kind of revenue-sharing plan before us, the crisis is nationwide and affects each one of us directly.

The rationale for revenue sharing illustrates this crisis. America finds itself today with a growing set of problems which, although national in scope, are appropriately the subject of State and local action. Crime in the streets, pollution in our air and water, poor education in our schools, congested traffic in our transportation systems, a growing polarization of ethnic and racial groups especially in our cities—these all reflect the concerns of Governors, mayors and local leaders, and their solution must be undertaken on a local level by local means.

Ironically, these problems are largely the result of our national wealth. Nevertheless, the tax revenues which we associate with increased wealth accrue chiefly to the Federal Government through the graduated income tax, not to States and local governments on the firing line.

During the past few weeks, the members of the Joint Economic Committee on which I serve as ranking Republican Senator, have been privileged to hear from that firing line. The very dramatic and ominous testimony from the Governors of New York, Ohio, Pennsylvania, and Wisconsin, and from the mayors of New York City, Newark, and Detroit clearly point out that the time for congressional action is this year, and no later. They paint a uniformly grim picture of mounting responsibilities without a matching increase in the tax base, and in some cases an actual downturn in revenues because of the current economic situation. I would like at this point to commend the chairman of the Joint Economic Committee, the distinguished Senator from Wisconsin, for holding these extremely useful hearings and dramatizing the plight of our States and cities. Although he is not converted to revenue sharing, by his own admission, his name is synonymous with fiscal responsibility at all levels of government. He has done the cause of revenue sharing a great service by his forthright strategy in holding these hearings at an early date, and by giving voice to the outstanding witnesses who appeared.

In my own State of New York, for example, new and expanded programs of more than $4 million were rejected in planning the State budget for the coming year. Nevertheless, Governor Rockefeller recently announced a budget which is almost 20 percent higher than the preceding year; and this increase can be traced almost entirely to inflation and to mandated increases in essential state programs. In other words, by spending this much more, New York will be just keeping its head above water. To raise the additional 20 percent, New Yorkers—who are already the highest taxed citizens in the country—are being asked to shoulder an additional $1.1 billion burden in new taxes.

There are, of course, many reasons why States and local governments are in serious straits today, and revenue sharing addresses itself to only one of these causes: the imbalance in tax systems between the Federal and State Governments. With its virtual monopoly over the progressive income tax, the Federal Government has as its major source of revenue, a tax which grows at a faster rate than national income. Although many States and even some cities have income taxes as well, the chief source of revenue for these units is the property tax, which is not only highly localized but is also slow to respond to economic growth. While the property tax is well suited to finance general government activities which directly affect property—for example, fire departments, public parks, sanitation—it is hardly the vehicle for satisfying the accelerating claims on local governments for better schools, health care, highway construction, and mass transit systems.

Revenue sharing would, in effect, avail the States and localities of the wide jurisdictional reach and some of the progressive features of the Federal income tax system. Under the administration bill, all units of government would share in the revenues generated by personal income, whose growth averages 7 to 8 percent each year. Although there may be honest differences over the proper amount which a revenue-sharing bill should share with the States, the principle of revenue sharing would nevertheless make a significant contribution to the balancing of burdens between the Federal and our State and local governments.

During the hearings before the Joint Economic Committee, to which I have referred, several other solutions to the crisis in local government services were suggested, the most commonly mentioned of these being the federalization of welfare and a Federal tax credit for the payment of State taxes. These suggestions have great merit; but, in my view, they are designed to solve different problems and should not be looked upon as substitutes for revenue sharing; nor should revenue sharing be considered a substitute for the President's family assistance plan or similar legislation.

The Federal takeover of welfare would relieve the States of skyrocketing and mandatory costs imposed by present welfare legislation and also impose much needed national standards for the receipt of welfare aid. In this regard, it is significant that the administration's other priority piece of domestic legislation besides revenue sharing is the family assistance plan, which would go a long way toward setting these national welfare standards. However, neither bill preempts the other, as each is based on different needs and solutions, as the distinguished Senator from Tennessee has so ably pointed out.

The same can be said about the Federal income tax credit for the payment of State taxes. This feature would enable Governors to ask for additional income taxes without having to commit political suicide in the process. But the immediate benefit of this feature would accrue to the individual claiming the credit, not to the State or local government which would still have to enact the taxes. As such, the income tax credit plan must be considered as a long-term incentive for States to modernize their tax structure, but it cannot entirely fill the gap between the Federal and State tax bases.

Like the president of a major corporation, a Governor or a mayor is responsible for billions of dollars of production and services, and of thousands of human lives. Yet unlike the corporation president, the mayor or Governor cannot declare bankruptcy or liquidate the business when the going gets too tough. Furthermore, simple survival in this business is not enough in a country whose citizens seek from their governments more and more in the way of modern social services.

Nevertheless, our State and local governments face the grim prospect of being unable to do business if present conditions continue. If what we say about improving the quality of life is to get beyond the rhetoric state, we must surely take a hard look at the financing of those State and local governments on the firing line, and be prepared to accept bold solutions.

Revenue sharing is one such solution. I urge its passage with the least possible delay.

Mr. BAKER. I thank my colleague from New York for his very pertinent remarks. I thank him for the kind remarks he made about my role in this field. I must point out, in all candor, however, that the senior Senator from New York was in the vanguard of this effort long before I came to the Senate and was one of the first advocates of fiscal reform and revenue sharing. It is by his example and that of others who have worked so hard that I think we have been able to bring a good piece of legislation to the consideration of the Senate.

Mr. JAVITS. I thank the distinguished Senator.

Mr. BAKER. Mr. President, I want to express my gratitude and that of the Senate, and I know of the President and the administration, for the Senator's efforts.

Mr. President, the Senator from Michigan referred to Gallup poll figures. In looking down at my papers, I find that the Gallup poll reported that 77 percent of the people knew what revenue sharing was and supported it, which is a really remarkable level of recognition of a fairly complex and exotic piece of legislative reform. I think it stems from the fact that the people of the country recognize that local governments are in deep trouble and that something must be done soon to alleviate the trouble.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from Tennessee yield for some additional comments?

Mr. BAKER. I shall be happy to yield.

Mr. GRIFFIN. I thank the Senator from Tennessee.

The argument is made that there is no Federal revenue to share.

This comment is based on a misconception.

It erroneously assumes that the revenue sharing concept should apply only when and if there is an "excess" or surplus of left over Federal revenue after other requirements are taken care of.

As envisioned by the Nixon administration, the recommended revenue sharing is as important and essential as other items in the Federal budget.

"The alternative to revenue sharing," says Treasury Assistant Secretary Murray Weidenbaum:

> Is not a smaller Federal deficit. The alternative is a higher level of Federal spending in some other—and, in our view, lower priority—program areas.

President Nixon makes it clear that he regards revenue sharing, like defense spending, or other major national efforts as one of the important programs of this administration.

Viewed in that light, revenue sharing would bear no greater responsibility for a deficit than any other program referred to in the budget.

Some opponents charge that bureaucratic waste results when taxes are paid to the Federal Government and then routed back again to the States and localities. This is the so-called costly round trip.

Actually, Treasury costs for tax collections are lower than comparable costs incurred by State or local government when it acts as a collection agency.

Skeptics, as we have seen, are asking: Will State and local governments spend the revenue they share effectively, without hanky-panky and with wisdom?

Who knows? This is a hazard faced by democracies and tyrannies alike. Human frailties, human judgments, all these imponderables are involved.

William Gladstone once said that:

> The proper function of government is to make it easy for the people to do good and difficult for them to do evil.

That is what revenue-sharing is all about. More and more the officials who actually make the decisions will now be operating in goldfish bowls closer to the people, where it will be easier to do good and more difficult to do evil. What is more, the General Accounting Office will still be on hand to perform the same function as the goldfish bowl.

Mr. BAKER. Mr. President, will the Senator yield briefly for just a moment?

Mr. GRIFFIN. I yield.

Mr. BAKER. The distinguished Senator from Michigan asked about the possibility of substituting welfare federalization for general revenue sharing. I have here, Mr. President, certain remarks in that respect which elaborate on the proposition that if we did that, if we transferred that money to revenue sharing, it would be of unequal application.

Mr. President, I want to express my concern about a recently discussed proposal which I believe would be undesirable from the point of view of our present welfare reform objectives. I refer to suggestions that significant amounts of additional funds should be added to welfare reform as fiscal relief to State and local governments in place of funds which the 1972 budget recommends be allocated to general revenue sharing.

I am concerned about this proposal for three major reasons:

First, the distribution of welfare fiscal relief among States is quite different from that of general revenue sharing, and penalizes 39 States;

Second, local governments receive hardly any recognition under the welfare fiscal relief approach as compared to general revenue sharing;

Third, I believe further increases in funding for welfare should focus, on a carefully phased basis, on improving benefits to people.

The table attached to this statement compares the distribution of $1 billion in general revenue-sharing with that for the same amount of funds in the form of fiscal relief under welfare reform. You will note from the table that there is serious uneveness in the distribution of funds. Four States gain over 50 percent in funds under the welfare fiscal relief approach as compared to general revenue-sharing, whereas there are 39 States which lose under this arrangement, with 17 losing more than 50 percent.

The reason for this unevenness is that the needs for the array of services which State and local government provide vary widely across the country. States with particularly high welfare needs and current benefit levels—often associated with high costs of living in urban areas—gain under a "fold-in" of revenue-sharing funds into welfare fiscal relief. On the other hand, States which have different patterns of needs are at a disadvantage. With this in mind, I believe it would be highly undesirable over a long period of time to "lock in" a distribution of additional Federal funds on a basis which is related to only one—albeit important—aspect of State-local government.

The Nixon administration is strongly committed to the reform of welfare and increasing the amount of Federal Government financing for this function. It has made this commitment absolutely clear. The Nixon welfare reform plan already includes, as an integral component, fiscal relief to States and localities of $400 million in the first year.

I am also and equally committed to general revenue sharing for State and local governments. At the same time that we move forward to reform welfare, it meets the need to provide State and local governments with the resources and flexibility to deal with their own problems on their own terms. The substitution of relief from welfare costs for general revenue sharing misses the importance of the President's explicit effort to build the capability of State and local governments.

As you know, the proposed welfare reform program is carefully balanced. Administration spokesmen have indicated on several occasions that, as we move down the road on welfare reform, we should raise the basic minimum payments level, now set at $1,600 for a family of four. This will benefit the poor; narrow the wide discrepancy among present State payment levels; and, at the same time, provide additional fiscal relief to States and localities.

One more point I want to stress is that the President's revenue sharing plan aids both State and local governments on an approximately even basis. On the other hand, under the distribution of a like amount of funds as additional fiscal relief under welfare, only an estimated 20 percent would go to local governments, of which three-fourths would go to local governments in two States—New York and California.

Mr. President, I ask unanimous consent that the table to which I previously referred be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—FISCAL RELIEF BY STATE FOR EACH $1,000,000,000: GENERAL REVENUE SHARING AND WELFARE REFORM

[In millions]

	General revenue sharing	Welfare reform	Gains and loss	Percent loss or gain
U.S. Total	$1,000.0	$1,000.0		
Alabama	16.4	7.4	$−9.0	−55
Alaska	1.7	2.5	0.8	47
Arizona	10.3	5.0	−5.3	−51
Arkansas	8.6	5.0	−3.6	−42
California	118.0	237.6	119.6	101
Colorado	12.0	9.9	−2.1	−18
Connecticut	$11.8	$12.4	$0.6	5
Delaware	2.7	2.5	−0.2	−7
D.C	4.6	7.4	2.8	61
Florida	33.5	24.8	−8.7	−26
Georgia	21.5	9.9	−11.6	−54
Hawaii	4.7	5.0	0.3	6
Idaho	4.0	2.5	−1.5	−38
Illinois	44.4	54.4	10.4	24
Indiana	23.2	7.4	−15.8	−68
Iowa	14.9	9.9	−5.0	−34
Kansas	10.8	7.4	−3.4	−31
Kentucky	15.6	7.4	−8.2	−53
Louisiana	20.3	12.4	−7.9	−39
Maine	4.6	2.5	−2.1	−46
Maryland	18.5	14.9	−3.6	−19
Massachusetts	27.2	47.0	19.8	73
Michigan	45.8	42.1	−3.7	−8
Minnesota	21.5	14.9	−6.6	−31
Mississippi	12.3	5.0	−7.3	−59
Missouri	19.3	12.4	−6.9	−36
Montana	3.8	2.5	−1.3	−34
Nebraska	7.8	2.5	−5.3	−68
Nevada	2.8	.7	−2.1	−75
New Hampshire	3.0	2.5	−.5	−17
New Jersey	30.8	44.6	13.8	45
New Mexico	6.4	2.5	−3.9	−61
New York	106.8	163.4	56.6	53
North Carolina	22.7	7.4	−15.3	−67
North Dakota	4.1	1.0	−3.1	−76
Ohio	42.5	27.2	−15.3	−36
Oklahoma	12.7	12.4	−.3	−2
Oregon	11.4	7.4	−4.0	−35
Pennsylvania	49.2	64.4	15.2	31
Rhode Island	4.2	5.0	.8	19
South Carolina	11.3	2.5	−8.8	−78
South Dakota	3.8	2.5	−1.3	−34
Tennessee	17.4	9.9	−7.5	−43
Texas	48.6	22.3	−26.3	−54
Utah	5.7	2.5	−3.2	−56
Vermont	2.4	2.5	.1	4
Virginia	20.9	9.9	−11.0	−53
Washington	18.4	17.3	−1.1	−6
West Virginia	8.3	5.0	−3.3	−40
Wisconsin	24.9	9.9	−15.0	−60
Wyoming	2.3	.5	−1.8	−78

EXHIBIT I

The bill (S. 680) to restore balance in the federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States, introduced by Mr. BAKER, for himself and other Senators, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 101. This Act may be cited as the "General Revenue Sharing Act of 1971".

DEFINITIONS

SEC. 201. (a) For purposes of this Act—

(1) except where otherwise indicated, the term "fiscal year" means the fiscal year of the Government of the United States;

(2) the term "general revenue" means general revenue from own sources, as defined and used by the Bureau of the Census, provided that in the case of the District of Columbia it shall include the Federal payment authorized under 47 D.C. Code §2501(a) (81 Stat. 339);

(3) the term "Governor" means the chief executive officer of each State or his delegate;

(4) the term "individual income tax returns" means the returns of tax required to be filed on the income of individuals under the internal revenue laws of the United States;

(5) the term "local government" means a municipality, county, or township (but does not include independent school districts or special districts) as such terms are defined and used by the Bureau of the Census;

(6) the term "personal income" means personal income as defined and used by the Office of Business Economics of the Department of Commerce;

(7) the term "population" means total resident population as defined and used by the Bureau of the Census;

(8) the term "Secretary" means the Secretary of the Treasury or his delegate;

(9) the term "Attorney General" means the Attorney General of the United States or his delegate;

(10) the term "State" means the several States of the United States and the District of Columbia;

(11) the term "Bureau of the Census" means the Bureau of the Census of the Department of Commerce;

(12) the term "taxable income" means taxable income as defined by the internal revenue laws of the United States;

(13) the term "units of government" means all units of local government (including independent school districts and special districts) as such terms are defined and used by the Bureau of the Census;

(14) the term "major municipality" means any municipality with a population of 2,500 or more as reported by the Bureau of the Census;

(15) the term "major township" means any township—

(a) with a population of 2,500 or more as reported by the Bureau of the Census, and

(b) the employment ratio for which is not less than one-half of the average employment ratio of all major municipalities in such State; and

(16) the term "employment ratio" means a fraction the numerator of which is the total number of employees of any major municipality or major township as reported by the Bureau of the Census and the denominator of which is the population of such governmental unit.

(b) Where appropriate, the definitions in subsection (a) shall be based on the latest published reports of the Department of Commerce, and on the internal revenue laws in effect, on the date of enactment of this Act. The data used in applying these definitions shall be the latest published data referable to the same point or period in time. The Secretary may, by regulation, change or otherwise modify the definitions in subsection (a) in order to reflect any change or modification thereof made subsequent to such date by the Department of Commerce or by a revision of the internal revenue laws.

REVENUE SHARING APPROPRIATION

SEC. 301. (a) There is hereby appropriated for general revenue sharing for the fiscal year beginning July 1, 1971, and for each fiscal year thereafter, an amount, as determined by the Secretary, equal to the percentages provided in subsection (b) of this section multiplied by the total taxable income reported on Federal individual income tax returns for the calendar year for which the latest published statistical data are available from the Department of the Treasury at the beginning of such fiscal year.

(b) For the purposes of subsection (a), the applicable percentage is 0.96 percent for the fiscal year beginning July 1, 1971, and 1.3 percent for each fiscal year thereafter.

(c) Amounts appropriated pursuant to this section shall remain available without fiscal year limitations for the expenditures authorized by this Act.

PAYMENTS TO THE STATES

SEC. 401. (a) For any fiscal year, each State is entitled to an amount as determined by the Secretary, equal to—

(1) (i) the amount appropriated for such year pursuant to section 301 plus any amount not distributed during the previous fiscal year pursuant to subsection (b), less

(ii) an amount equal to 10 percent of the sum of the amounts described in subparagraph (i), and

(2) multiplied by the factor for such State.

(b) Except as provided in subsection (f), each State which has filed an alternative formula under section 501(c) shall receive an amount equal to the amount described in subparagraph (a)(1)(ii) multiplied by the factor for such State.

(c) Each State's factor shall be obtained by—

(1) multiplying such State's population by its revenue effort, and

(2) dividing the product obtained in paragraph (1) by the sum of such products for all States.

(d) For purposes of subsection (c), the revenue effort of each State for any fiscal year shall be obtained by dividing—

(1) the total general revenue derived by such State and all of its units of government by

(2) the total personal income for such State.

(e) The amount determined under subsection (a) of this section shall be paid by the Secretary to each State at such times as the Secretary may determine during any fiscal year, but not less often than once each calendar year quarter. A pro rata portion of the amount described in subsection (b) shall be paid by the Secretary for each calendar year quarter to which an alternative formula applies, at such times as the Secretary may determine during any fiscal year but not less often than once each such quarter.

(f) The District of Columbia shall receive its share of the amount described in subsection (b) notwithstanding the requirements of section 501(c).

(g) All computations and determinations by the Secretary under sections 301 and 401 shall be final and conclusive.

PAYMENTS BY STATES TO LOCAL GOVERNMENTS

SEC. 501. (a) The local governments of each State shall be entitled to receive an amount equal to the payment to such State pursuant to section 401(a) multiplied by a fraction the numerator of which is the sum of the general revenues of all units of government of such State and the denominator of which is the sum of the general revenues of such State and all of its units of government. Such amounts shall be computed by the State on the basis of the latest data available from the Department of Commerce at the beginning of the fiscal year.

(b) Within 30 days after receipt of a payment pursuant to section 401(a), each State shall pay to each of its local governments an amount, computed on the basis of the statistical data used in subsection (a) of this section, equal to—

(1) the amount determined under subsection (a) of this section, multiplied by

(2) the ratio of each such local government's general revenue to the total general revenue of all local governments in such State.

(c) To encourage States to take the initiative in strengthening the fiscal position of their local governments and to maximize flexibility in the use of the payments authorized by this Act for meeting the particular needs of differing State and local fiscal systems, the Secretary shall accept an alternative formula for the allocation of funds as required by subsection (a) of this section (and any modification or termination of such formula) if requested by the State, provided such formula (or modification or termination of such formula) is—

(1) enacted by the State in the same manner as authorized in such State's constitution for the enactment of State laws, and

(2) approved by a formal resolution by more than one-half of the governing bodies of each of the following classes of government in such State:

(i) major municipalities,

(ii) counties, and

(iii) major townships.

In each such class of government, approval must be by governing bodies representing a majority of the population in such class. A statement of such formula indicating approval thereof in accordance with this paragraph (including a certification by the Bureau of the Census which enumerates major municipalities, counties, and major townships included in the classes referred to above) shall be filed by the Governor with the Secretary not later than 90 days preceding the first calendar year quarter to which such formula would be applicable. The provisions of such formula shall govern the use of funds allocated by this Act to local governments and shall apply for the next five fiscal years or for any lesser period approved pursuant to this subsection.

(d) Except when a formula has been adopted pursuant to subsection (c), a State's aggregate payments to all of its local governments for such State's fiscal year (from all sources other than amounts received under this Act) shall be an amount which represents not less than the average proportion of such State's general revenues received by its local governments for the three fiscal years of such State next preceding the date of enactment of this Act, unless such State demonstrates to the satisfaction of the Secretary that there has been a transfer from local governments to the State of financial responsibility for the direct support of facilities or services previously the responsibility of local governments.

QUALIFICATIONS

SEC. 601. Participation by a State in the program established by this Act shall constitute a waiver by the State of its immunity from suit by its local governments pursuant to this Act. The Governor shall, on behalf of the State and any local government which may receive any payments pursuant to this Act, give to the Secretary such assurances as he may require that such State and its local governments will—

(a) use such payments for its governmental purposes;

(b) use such fiscal and accounting procedures as may be necessary to assure (1) proper accounting for payments received by such State and its local governments, and (2) proper disbursement of amounts to which the local governments are entitled;

(c) provide to the Secretary or his representatives, on reasonable notice, access to, and the right to examine, any books, documents, papers, or records as he may reasonably require for the purposes of reviewing compliance with this Act; and

(d) make such reports to the Secretary as he may reasonably require, including any computations made pursuant to section 501.

POWERS OF THE SECRETARY

SEC. 701. (a) The Secretary is authorized to prescribe reasonable rules and regulations for carrying out the provisions of this Act and to request from any Federal agency statistical data and reports and such other information which he may deem necessary to carry out his functions under this Act, and each Federal agency is authorized to furnish such statistical data and reports and other information to the Secretary to the extent permitted by law.

(b) If the Secretary determines that a State has failed to comply substantially with any provision of this Act, other than section 1101, or any rule or regulation issued pursuant thereto,

(1) he may refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; or

(2) after giving reasonable notice and opportunity for a hearing to the Governor of such State, he shall notify the Governor that if such State fails to take corrective action within 60 days from the date of such notification, further payments to such State in excess of the amounts to which the local governments of such State are entitled under section 501 shall be withheld for the remainder of the fiscal year and for any subsequent fiscal year until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts. In the case of the failure of the State to comply, for a period in excess of 6 months after the expiration of the 60-day notice, the Secretary shall forthwith cancel any payments withheld pursuant to this paragraph for the current and for any subsequent fiscal year and shall reapportion and pay such cancelled payments to all other States then entitled to receive payments under section 401 in proportion to the original installments paid to such States for the fiscal year to which such cancelled payments pertain. Such payments to all other States shall be considered payments made pursuant to section 401.

(c) If a payment to a State is withheld or cancelled pursuant to this section, the Secretary shall continue to pay to such State the amount to which the local governments of such State are entitled, as determined pursuant to section 501, and such State shall continue to distribute such amounts among its local governments pursuant to section 501.

(d) When a matter is referred to the Attorney General pursuant to subsection (b) (1), the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(e) The Governor shall be responsible to the Secretary for determining that local governments within his State have complied with the provisions of this Act, other than section 1101, and the rules and regulations issued pursuant thereto. If, after giving reasonable notice and an opportunity for a hearing to the chief executive officer of a local government of such State, the Governor determines that such local government has failed to comply substantially with any provision of this Act, other than section 1101, or any rule or regulation issued pursuant thereto, the Governor shall forthwith notify such local government that if it fails to take corrective action within 60 days from the date of such notification, further payments to it under this Act will be withheld for the remainder of the fiscal year and for any subsequent fiscal year until such time as he is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. The Governor shall forthwith notify the Secretary of his action.

(f) In the event of a failure by such local government to comply for a period in excess of 6 months after the expiration of a 60-day notice issued by the Governor pursuant to a determination under subsection (e), the Governor shall forthwith cancel any payments withheld for the current and for any subsequent fiscal year and shall reapportion and pay such cancelled payments to all other local governments of such State then entitled to receive payments pursuant to section 501, in proportion to the original payments made to such local governments for the fiscal year to which the cancelled payments pertain.

JUDICIAL REVIEW

SEC. 801. (a) Any State or local government which receives a 60-day notice under section 701, may, within 60 days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State or local government is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. A copy of the petition shall forthwith be transmitted to the Secretary; a copy shall also forthwith be transmitted to the Attorney General, who shall represent the Secretary in any litigation.

(b) The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of Title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(c) The Court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. However, if any finding is not supported by substantial evidence, the Court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous actions. He shall certify to the Court the record of any further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(d) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of Title 28, United States Code.

(e) In the event that judicial proceedings are instituted pursuant to this section, the Secretary shall after the expiration of the 6-month period provided in sections 701(b) or 701(f), or the point in time when any judicial decision becomes final and the time for appeal or rehearing has expired, whichever period is later, cancel, reapportion and pay any payments withheld pursuant to section 701 for the current and for any subsequent fiscal years.

(f) For purposes of this section, the term "Secretary" means the Secretary of the

Treasury or the Governor of a State, whichever is appropriate.

REPORT BY THE SECRETARY

SEC. 901. The Secretary shall report to the President of the United States and the Congress as soon as is practicable after the end of the fical year on the operation of this Act during the preceding fiscal year.

ADMINISTRATIVE EXPENSES

SEC. 1001. There is hereby authorized to be appropriated such sums as may be necessary for the administrative expenses required to carry out the functions of the Government of the United States under this Act.

NONDISCRIMINATION PROVISION

SEC. 1101(a). No person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with general revenue sharing funds.

(b) (1) Whenever the Secretary determines that any State has failed to comply with subsection (a) or an applicable regulation, he shall attempt to secure compliance by voluntary means. If the Secretary determines that compliance cannot be secured by voluntary means, he shall have the authority to (i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (ii) exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); or (iii) take such other action as may be provided by law.

(2) Whenever the Secretary determines that a local government has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State in which the local government is located of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the State fails or refuses to secure compliance, the Secretary shall have the authority to (i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (ii) exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); or (iii) take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State or local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

EFFECTIVE DATE

SEC. 1201. The effective date of this Act shall be the date of enactment; however, the first payment shall cover the period beginning October 1, 1971.

The section-by-section analysis, and letter from the President, presented by Mr. BAKER, are as follows:

SECTION-BY-SECTION ANALYSIS—JANUARY 29, 1971

SECTION 101—SHORT TITLE

(a) *Short title.*—Subsection (a) of section 101 provides that the Act may be cited as the "General Revenue Sharing Act of 1971."

SECTION 201—DEFINITIONS

(a) *In general.*—Subsection (a) provides general definitions for purposes of the Act.

Fiscal year

Paragraph (1) provides that the term "fiscal year" means the fiscal year of the Government of the United States.

General revenue

Paragraph (2) provides that the term "general revenue" of State and local governments means general revenue from their own resources, as defined by the Bureau of the Census of the Department of Commerce, provided that in the case of the District of Columbia it includes the Federal payment authorized under 47 D.C. Code section 2501(a).

Governor

Paragraph (3) provides that the term "Governor" means the chief executive officer of a State or his delegate.

Individual income tax returns

Paragraph (4) provides that the term "individual income tax returns" means the returns of tax required to be filed on the income of individuals under the internal revenue laws of the United States.

Local government

Paragraph (5) provides that the term "local government" means a municipality, county or township (but does not include independent school districts or special districts) as such terms are defined and used by the Bureau of the Census.

Personal income

Paragraph (6) provides that the term "personal income" means personal income as defined by the Office of Business Economics of the Department of Commerce.

Population

Paragraph (7) provides that the term "population" means total resident population, as defined and used by the Bureau of the Census.

Secretary

Paragraph (8) provides that the term "Secretary" means the Secretary of the Treasury or his delegate.

Attorney General

Paragraph (9) provides that the term "Attorney General" means the Attorney General of the United States, or his delegate.

State

Paragraph (10) provides that the term "State" means the several States of the United States and the District of Columbia.

Bureau of the Census

Paragraph (11) provides that the term "Bureau of the Census" means the Bureau of the Census of the Department of Commerce.

Taxable income

Paragraph (12) provides that the term "taxable income" means taxable income as defined by the internal revenue laws of the United States.

Units of government

Paragraph (13) provides that the term "units of government" means all units of local government (including independent school districts and special districts) as defined by the Bureau of the Census.

Major municipality

Paragraph (14) provides that the term "major municipality" means any municipality with a population of more than 2,500 as reported by the Bureau of the Census.

Major township

Paragraph (15) provides that the term "major township" means any township with a population of more than 2,500 as reported by the Bureau of the Census if its employment ratio is not less than one-half of the average employment ratio for all major municipalities in such State.

Employment ratio

Paragraph (16) provides that the term "employment ratio" means a fraction the numerator of which is the total number of employees of any major municipality or major township and the denominator of which is the population of such governmental unit.

(b) *Changes and modifications in definitions.*—Subsection (b) of section 201 provides that the definitions in subsection (a) shall be based on the latest published reports available and the internal revenue laws in effect on the date of enactment. The data used in applying these definitions shall be based on the latest published data which are referable to the same point or period in time. The Secretary may, by regulation, change or otherwise modify the definitions in subsection (a) in order to reflect any change or modification thereof made subsequent to such date by the Bureau of the Census, or by a revision of the internal revenue laws.

SECTION 301—REVENUE SHARING APPROPRIATION

(a) *Appropriation.*—Section 301 provides that for each fiscal year beginning on or after July 1, 1971, there shall be appropriated an amount equal to the percentages specified in subsection (b) multiplied by taxable income reported on Federal individual income returns for the calendar year for which the latest published statistical data are available from the Department of the Treasury at the beginning of such fiscal year.

(b) Subsection (b) provides that for the fiscal year beginning July 1, 1971, the applicable percentage is 0.96 and that it will be 1.3 percent for each fiscal year thereafter.

(c) *Fiscal year limitation.*—Subsection (c) provides that amounts appropriated pursuant to this Act shall remain available without fiscal year limitation for the expenditures authorized by this Act.

SECTION 401—PAYMENTS TO STATES

(a) *In general.*—Subsection (a) provides that for any fiscal year each State is entitled to an amount, determined by the Secretary, equal to the amount appropriated for such year pursuant to section 301 plus any undistributed amount of the prior year's incentive allocation (less 10 percent of the sum of such amounts) multiplied by the factor for such State.

(b) *Incentive payment.*—Subsection (b) provides that any State which together with its local governments adopts an alternative formula for the distribution of funds among the State and its local governments shall receive an amount equal to the 10 percent incentive allocation multiplied by the factor for such State.

(c) *State factor.*—Paragraphs 1 and 2 of subsection (c) provide that each State's factor shall be obtained by (1) multiplying such State's population by its revenue effort, and (2) dividing the product obtained in paragraph 1 by the sum of such products for all States.

(d) *Revenue effort.*—Subsection (d) provides that the revenue effort of each State for any fiscal year is obtained by dividing the total general revenue derived by such State and all of its units of government from their own resources for such State by the total personal income for such State.

(e) *Payments.*—Subsection (e) provides that the payments determined under subsection (a) of this section shall be paid by the Secretary to the State at such times as the Secretary may determine during any fiscal year, but not less often than once each calendar year quarter.

(f) *District of Columbia payment.*—Subsection (f) provides that the District of Columbia will receive the incentive payment notwithstanding the provisions of section 501(c).

(g) *Final and conclusive determinations.*—Subsection (g) provides that all determinations by the Secretary under sections 301 and 401 shall be final and conclusive.

SECTION 501—PAYMENTS BY STATES TO LOCAL GOVERNMENTS

(a) *Computation of pass-through amount.*—Subsection (a) of section 501 provides that the local governments of each State are entitled to an amount equal to the payment to such State pursuant to section 401 multiplied by a local distribution factor computed on the basis of the latest data available from the Department of Commerce, referable to the same point or period of time.

Numerator

The numerator of the local distribution factor is the total general revenue derived by all units of governments in such State from their own resources.

Denominator

The numerator of the local distribution factor is the total general revenue derived by all units of governments in such State from their own resources.

(b) *Payment to each local government.*—Subsection (b) provides that each State shall pay to each local government an amount equal to the amount determined under subsection (a) of section 501 multiplied by the ratio of such local government's general revenue from its own resources to the general revenue of all local governments in such State from their own resources.

(c) *Alternative distribution formula*—Subsection (c) of section 501 provides that the Secretary shall accept an alternative formula for the distribution of funds, when filed by the State, provided such formula is approved by the State and by its general-purpose local governments.

Approval

(1) *State.*—Paragraph (1) of subsection (c) provides that the alternative formula must be approved by the State in the same manner as authorized in such State's constitution for the enactment of its own laws.

(2) *General-purpose local governments.*—Paragraph (2) of subsection (c) provides that the alternative formula must be approved by a formal resolution by more than one-half of the governing bodies of each of the following classes of government in such State: (a) major municipalities, (b) counties, and (c) major townships. In each such class of government, approval must be by governing bodies representing a majority of the population in such class.

Filing

The alternative formula must be filed not later than 90 days preceding the first calendar year quarter to which it would be applicable.

Period of effectiveness

The provisions of the formula are effective for the period provided in such alternative formula or for a 5-year period, whichever is shorter.

Modification or termination of formula

The alternative formula may be modified or terminated if such modification or termination is approved by the State and its local governments in the same manner as provided for adopting such formula.

(d) *Maintenance of existing payments.*—Subsection (d) of section 501 provides that, except when an alternative formula is adopted pursuant to section 501(c), a State's aggregate payments to all of its local governments for such State's fiscal year (from all sources other than amounts received under this Act) shall be an amount which represents not less than the average proportion of such State's general revenue received by its local governments for the three fiscal years of such State next preceding the date of enactment of this Act. A State may show to the satisfaction of the Secretary that it should not be required to meet this maintenance standard where there has been a transfer from local governments to the State of financial responsibility for direct support of facilities or services.

SECTION 601—QUALIFICATIONS

In general.—Section 601 provides that participation by any State in this Act is a waiver by any such State of its immunity from suit by its local governments pursuant to section 801. The Governor must give the Secretary such other assurances as he may require that the State and its local governments will use and account for such revenue sharing funds in accordance with this Act.

Governmental purposes

Subsection (a) provides that payments received pursuant to this Act shall be used for a State or local government's governmental purposes.

Accounting and disbursement

Subsection (b) provides that a State (and its local governments) shall use procedures necessary to assure property accounting for payments received under this Act and proper disbursement of amounts to which the local governments are entitled.

Compliance

Subsection (c) provides that a State and its local governments must provide the Secretary, on reasonable notice, access to, and the right to examine, any book, document, paper or record that he may reasonably require for the purpose of reviewing compliance with this Act.

Reports

Subsection (d) provides that a State and its local governments shall make such reports to the Secretary as he may reasonably require, including any computations made pursuant to section 501.

SECTION 701—POWERS OF THE SECRETARY

(a) *Regulations.*—Subsection (a) of section 701 provides that the Secretary is authorized to prescribe reasonable rules and regulations for carrying out the provisions of this Act and to request from any Federal agency statistical data, reports and such other information as he may deem necessary for the purpose of carrying out his functions under this Act.

(b) *Failure to Compliance by State Government.*

In general. Subsection (b) of section 701 provides that if, after giving reasonable notice and an opportunity for a hearing, the Secretary determines that a State has failed to comply with any provision of the Act (other than section 1101) or any rule or regulation issued pursuant thereto, he shall proceed as specified in this section.

Referral

The Secretary may refer the matter to the Attorney General with a recommendation that appropriate action be taken.

Notification

The Secretary may notify the Governor that if the State fails to take corrective action within 60 days from the date of a notification that it has failed to comply, further payments to such State in excess of the amounts to which the local governments of such State are entitled under section 501 will be withheld for the remainder of the fiscal year and for any subsequent fiscal year, until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied the Secretary shall make no further payments of such amounts.

Cancellation of payments

Section 701 also provides that if a State fails to comply for a period of six months after the expiration of a 60-day notice that its payments will be withheld, the Secretary shall cancel any payment withheld pursuant to subsection (b) for the current and for any subsequent fiscal year.

Reapportionment of payments. The Secretary shall reapportion any cancelled payments to all other States then entitled to receive payments under section 401 of this Act, in proportion to the original installments paid to such States for the fiscal year to which such cancelled payments pertain. Amounts redistributed to States pursuant to section 701 are considered payments made pursuant to section 401.

(c) *Payments to local governments.* Subsection (c) of section 701 provides that if payments to a State are withheld or cancelled pursuant to this section, the Secretary shall continue to pay to such State the amount to which the local governments of such State are entitled under section 501 (computed as if the payment to such State had been made) and such State shall continue to distribute such amount among its local governments.

(d) *Power of the Attorney General.* Subsection (d) provides that when a violation is referred to the Attorney General under section 701(b), he may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(e) *Failure of compliance by local government.*

In general.—Subsection (e) of section 701 provides that the Governor shall be responsible for determining that local governments within his State have complied with the requirements of this Act (other than section 1101) and the rules and regulations issued pursuant thereto.

Notice of failure of compliance. Subsection (e) also provides that if after giving reasonable notice and an opportunity for a hearing to the chief executive officer of a local government, a Governor determines that a local government within his State has failed to comply, he shall notify such local government that if it fails to take corrective action within 60 days from the date of such notification, further payments to such local government will be withheld for the remainder of the fiscal year and for any subsequent fiscal year until such time as he is satisfied that appropriate corrective action has been taken.

Notification to Secretary. The Governor shall notify the Secretary of his action.

(f) *Cancellation of payments.*—Subsection (f) provides that if a local government fails to comply for a period of six months after the expiration of the 60-day notice, the Governor shall cancel any payments withheld for the current and for any subsequent fiscal year.

Reapportionment. The Governor shall reapportion and pay any cancelled payment to all other local governments of such State then entitled to receive payments pursuant to section 501, in proportion to the original payments made to such local governments for the fiscal year to which the cancelled payments pertain.

SECTION 801.—JUDICIAL REVIEW

(a) *Filing of a petition for review.* Subsection (a) of section 801 provides that any State of local government which receives a 60-day notice under section 701 pursuant to a determination that payments to it will be withheld may, within 60 days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State or local government is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. A copy of the petition shall be transmitted to the Secretary and the Attorney General.

(b) *Objections to Secretary's action.*—Subsection (b) of section 801 provides that no objection to the action of the Secretary shall be considered by the Court unless such objection has been urged before the Secretary.

(c) *Jurisdiction of Court.*—Subsection (c) of section 801 provides that the Court may affirm or modify the Secretary's action, or set it aside, in whole or in part.

Finding of fact

The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. If any finding is not supported by substantial evidence, the Court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new findings of fact and may modify his previous actions.

(d) *Review.*—Subsection (d) of section 801 provides that the judgment of the Court shall be subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of Title 28 of the United States Code.

(e) *Cancellation of Payments.*—Subsection (e) of section 801 provides that, in the event that judicial proceedings are instituted pursuant to this section, the Secretary shall, after the expiration of the six months period provided in section 701 or the point at which any judicial decision becomes final, whichever is later, cancel, reapportion, and pay any payments withheld pursuant to section 701 for the current and any subsequent fiscal year.

(f) *The term "Secretary".*—Subsection (f) of section 801 provides that, for the purposes of section 801, the term "Secretary" means the Secretary of the Treasury, or the Governor of a State, whichever is appropriate.

SECTION 901.—REPORT BY THE SECRETARY

In general.—Section 901 provides that the Secretary of the Treasury shall report to the President of the United States and the Congress, as soon as is practicable after the end of the fiscal year, on the operation of this Act during the preceding fiscal year.

SECTION 1001.—ADMINISTRATIVE EXPENSES

In general.—Section 1001 authorizes an appropriation for general administrative expenses required by this Act.

SECTION 1101.—NONDISCRIMINATION PROVISIONS

(a) *In general.* Subsection (a) of section 1101 provides that no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color or national origin under any program or activity funded in whole or in part with general revenue sharing funds.

(b) (1) *Failure of compliance by State.*

When the Secretary determines that a State has failed to comply with this section, he shall attempt to secure compliance by voluntary means.

If the Secretary determines that compliance cannot be secured by voluntary means, he may—(1) refer the matter to the Attorney General with a recommendation that appropriate civil action be instituted, (2) exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), or (3) take any other action as may be provided by law.

(2) *Failure of compliance by local government.*

When the Secretary determines that a local government has failed to comply with this section, he shall notify the Governor of the State in which the local government is located that the local government is in violation of this section and he shall request the Governor to secure compliance. If the State is unable or refuses to secure compliance, the Secretary may—(1) refer the matter to the Attorney General with a recommendation that appropriate action be instituted, (2) exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), or (3) take such other action as may be provided by law.

(d) *Power of the Attorney General.*

When a violation is referred to the Attorney General or whenever he has reason to believe that a State or local government is engaged in a pattern or practice in violation of provisions of this section, he may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

SECTION 1201.—EFFECTIVE DATE

The effective date of this Act shall be the date of enactment. The first payment shall be for the period beginning October 1, 1971.

To the Congress of the United States:

One of the best things about the American Constitution, George Washington suggested shortly after it was written, was that it left so much room for change. For this meant that future generations would have a chance to continue the work which began in Philadelphia.

Future generations took full advantage of that opportunity. For nearly two turbulent centuries, they continually reshaped their government to meet changing public needs. As a result, our political institutions have grown and developed with a changing, growing nation.

Today, the winds of change are blowing more vigorously than ever across our country and the responsiveness of government is being tested once again. Whether our institutions will rise again to this challenge now depends on the readiness of *our* generation to "think anew and act anew," on *our* ability to find better ways of governing.

BETTER WAYS OF GOVERNING

Across America today, growing numbers of men and women are fed up with government as usual. For government as usual too often means government which has failed to keep pace with the times.

Government talks more and taxes more, but often it fails to deliver. It grows bigger and costlier, but our problems only seem to get worse. A gap has opened in this country between the worlds of promise and performance—and the gap is becoming a gulf that separates hope from accomplishment. The result has been a rising frustration in America, and a mounting fear that our institutions will never again be equal to our needs.

We must fight that fear by attacking its causes. We must restore the confidence of the people in the capacities of their government. I believe the way to begin this work is by taking bold measures to strengthen State and local governments—by providing them with new sources of revenue and a new sense of responsibility.

THE POTENTIAL OF STATE AND LOCAL GOVERNMENT

Part of the genius of our American system is that we have not just one unit of government but many, not just one Chief Executive and Congress in Washington, but many chief executives and legislators in statehouses and courthouses and city halls across our land. I know these men and women well. I know that they enter office with high hopes and with sweeping aspirations. I know they have potential to be full and effective partners in our quest for public progress.

But once they have taken office, our leaders at the State and local level often encounter bitter disappointment. For then they discover that while the need for leadership is pressing, and their potential for leadership is great the power to provide effective leadership is often inadequate to their responsibilities. Their dollars are not sufficient to fulfill either their dreams or their most immediate and pressing needs.

And the situation is getting worse.

A GROWING FISCAL CRISIS

Consider how State and local expenditures have been growing. In the last quarter century, State and local expenses have increased twelvefold, from a mere $11 billion in 1946 to an estimated $132 billion in 1970. In that same time, our Gross National Product, our personal spending, and even spending by the Federal government have not climbed at even one-third that rate.

How have the States and localities met these growing demands? They have not met them. State and local revenues have not kept pace with rising expenditures, and today they are falling even further behind. Some authorities estimate that normal revenue growth will fall $10 billion short of outlays in the next year alone.

THE HEAVY BURDEN OF STATE AND LOCAL TAXES

The failure of State and local revenues to keep pace with demands is the inherent result of the way in which our tax system has developed. Ever since the 16th Amendment in 1913 made it possible for the Federal government to tax personal income, this source of revenue has been largely pre-empted and monopolized by Washington. Nine out of every ten personal income tax dollars are collected at the Federal level.

Income tax revenues are quick to reflect economic growth. Often, in fact, they grow much faster than the economy. As a result, budget increases at the Federal level can more readily be financed out of the "natural growth" in revenues, without raising tax rates and without levying new taxes.

State and local governments are not so fortunate. Nearly three-fourths of their tax revenues come from property and sales taxes, which are slow to reflect economic expansion. It is estimated, in fact, that the natural growth in revenues from these sources lags some 40 to 50 percent behind the growth rate for State and local expenditures. This means that budget expansion at these levels must be financed primarily through new taxes and through frequent increases in existing tax rates.

As a result, the weight of State and local taxes has constantly been getting heavier. On a per capita basis, they have climbed almost 50 percent in the last fourteen years. Property tax receipts are six times as great as they were a quarter century ago. In the past dozen years alone, States have been forced to institute new taxes or raise old ones on 450 separate occasions. Consumer and service taxes have sprung up in bewildering variety in many cities.

These rising State and local levies are becoming an almost intolerable burden to many of our taxpayers. Moreover, they often fall hardest on those least able to pay. Poor and middle income consumers, for example, must pay the same sales taxes as the wealthy. The elderly—who often own their own homes—must pay the same property taxes as younger people who are earning a regular income. As further pressures are placed on State and local taxes, the impact is felt in every part of our society. The hard-pressed taxpayer—quite understandably—is calling for relief.

The result is a bitter dilemma for State and local leaders. On the one hand, they must cut services or raise taxes to avoid bankruptcy. On the other hand, the problems they face and the public they serve demand expanded programs and lower costs. Competition between taxing jurisdictions for industry and for residents adds further pressure to keep services up and taxes down.

While political pressures push State and local leaders in one direction, financial pressures drive them in another. The result has been a rapid and demoralizing turnover in State and local officeholders. The voters keep searching for men and women who will make more effective leaders. What the State and localities really need are the resources to make leaders more effective.

THE BEST OF BOTH WORLDS

The growing fiscal crisis in our States and communities is the result in large measure of a fiscal mismatch; needs grow fastest at one level while revenues grow fastest at another. This fiscal mismatch is accompanied, in turn, by an "efficiency mismatch"; taxes are collected most efficiently by the highly centralized Federal tax system while public funds are often spent most efficiently when decisions are made by State and local authorities.

What is needed, then, is a program under which we can enjoy the best of both worlds, a program which will apply fast growing Federal revenues to fast growing State and local requirements, a program that will combine the efficiencies of a centralized tax system with the efficiencies of decentralized expenditure. What is needed, in short, is a program for sharing Federal tax revenues with State and local governments.

A WORD ABOUT PRESENT GRANTS-IN-AID

There is a sense in which the Federal Government already shares its revenues with governments at the lower levels. In fact, Federal aid to the States and localities has grown from less than one billion dollars in 1946 to over 30 billion dollars this year. Unfortunately, most of this assistance comes in the form of highly restricted programs of categorical grants-in-aid. These programs have not provided an effective answer to State and local problems; to the contrary, they provide strong additional evidence that a new program of unrestricted aid is badly needed.

The major difficulty is that States and localities are not free to spend these funds on their own needs as they see them. The money is spent instead for the things Washington wants and in the way Washington orders. Because the categories for which the money is given are often extremely narrow, it is difficult to adjust spending to local requirements. And because these categories are extremely resistant to change, large sums are often spent on outdated projects. Pressing needs often go unmet, therefore, while countless dollars are wasted on low priority expenditures.

This system of categorical grants has grown up over the years in a piecemeal fashion, with little concern for how each new program would fit in with existing old ones. The result has been a great deal of overlap and very little coordination. A dozen or more manpower programs, for example, may exist side by side in the same urban neighborhood—each one separately funded and separately managed.

All of these problems are compounded by the frequent requirement that Federal dollars must be matched by State and local money. This requirement often has a major distorting effect on State and local budgets. It guarantees that many Federal errors will be reproduced at the State and local level. And it leaves hard pressed governments at the lower levels with even less money to finance their own priorities.

The administrative burdens associated with Federal grants can also be prohibitive. The application process alone can involve volumes of paperwork and delays of many months. There are so many of these programs that they have to be listed in large catalogs and there are so many catalogs that a special catalog of catalogs had to be published. The guidelines which are attached to these grants are so complicated that the government has had to issue special guidelines on how the guidelines should be interpreted. The result of all this has been described by the Advisory Commission on Intergovernmental Relations as "managerial apoplexy" on the State and local level.

Meanwhile, the individual human being, that single person who ultimately is what government is all about, has gotten lost in the shuffle.

State and local governments need Federal help, but what they need most is not more help of the sort they have often been receiving. They need more money to spend, but they also need greater freedom in spending it.

A NEW APPROACH

In the dark days just after the Battle of Britain, Winston Churchill said to the American people: "Give us the tools and we will finish the job."

I now propose that we give our States and our cities, our towns and our counties the tools—so that they can get on with the job.

I propose that the Federal Government make a $16 billion investment in State and local government through two far-reaching revenue sharing programs: a $5 billion program of General Revenue Sharing which I am describing in detail in this message to the Congress, and an $11 billion program of Special Revenue Sharing grants which will be spelled out in a series of subsequent messages.

GENERAL REVENUE SHARING: HOW IT WORKS

The General Revenue Sharing program I offer is similar in many respects to the program I sent to the Congress almost eighteen months ago. But there are also some major differences.

For one thing, this year's program is much bigger. Expenditures during the first full year of operation would be ten times larger than under the old plan. Secondly, a greater proportion—roughly half—of the shared funds would go to local governments under the new proposal. In addition, the 1971 legislation contains a new feature designed to encourage States and localities to work out their own tailor-made formulas for distributing revenues at the State and local level.

The specific details of this program have been worked out in close consultation with city, county and State officials from all parts of the country and in discussions with members of the Congress. It's major provisions are as follows:

1. Determining the Size of the Overall Program.

The Congress would provide a permanent appropriation for General Revenue Sharing. The size of this appropriation each year would be a designated percentage of the nation's taxable personal income—the base on which individual Federal income taxes are levied. This arrangement would relieve the States and localities of the uncertainty which comes when a new level of support must be debated every year.

Since the fund would grow in a steady and predictable manner with our growing tax base, this arrangement would make it easier for State and local governments to plan intelligently for the future.

The specific appropriation level I am recommending is 1.3 percent of taxable personal income; this would mean a General Revenue Sharing program of approximately $5 billion during the first full year of operation, a sum which would rise automatically to almost $10 billion by 1980. All of this would be "new" money—taken from the increases in our revenues which result from a growing economy. It would not require new taxes nor would it be transferred from existing programs.

2. Dividing Total Revenues Among the States.

Two factors would be used in determining how much money should go to each State: the size of its population and the degree to which it has already mobilized its own tax resources. By using a distribution formula which takes their tax effort into account, this program would encourage the States to bear a fair share of responsibility. A State which makes a stronger effort to meet its own needs would receive more help from the Federal Government.

One other incentive has also been built into the new legislation: those States which negotiate with their local governments a mutually acceptable formula for passing money on to the local level, would receive more money than those States that rely on the Federal formula. This provision would encourage a State and its localities to work out a distribution plan which fits their particular requirements. States which develop such plans would receive a full 100 percent of the money allocated to them under the formula described above. Other States would receive only 90 percent of their allocation, with the remaining ten percent being carried over and added to the following year's overall allocation.

3. Distributing Revenues Within the States.

Those States which do *not* adopt their own plan for subdividing shared revenues would follow a formula prescribed in the Federal legislation. This formula would assign to the State government and to all units of local government combined a share of the new money equal to that portion of State and local revenues currently raised at each level. On the average, this "pass through" requirement would mean that about one-half of the revenue sharing funds would go to the States and half would go to the localities. Governmental units of all sizes would be eligible for aid—but only if they were set up for general purposes. This would exclude *special* purpose units such as sewer districts, school districts, and transit authorities. Each general purpose unit would then receive its proportionate share of revenues based on how much money it raises locally.

4. Other Procedures and Requirements.

General Revenue Sharing monies would come without program or project restrictions. The funds would be paid out at least quarterly through the Treasury Department; no massive new Federal agencies would be established. Each State would be required to pass on to local units their proper share of the Federal funds and to observe appropriate reporting and accounting procedures.

In my State of the Union message I emphasized that these revenue-sharing proposals would "include the safeguards against discrimination that accompany all other Federal funds allocated to the States." The legislation I am recommending provides these safeguards. It stipulates that: "No person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with general revenue sharing funds."

The Secretary of the Treasury would be empowered to enforce this provision. If he found a violation and was unable to gain voluntary compliance, he could then call on the Attorney General to seek appropriate relief in the Federal Courts, *or* he could institute administrative proceedings under Title VI of the Civil Rights Act of 1964—leading to a cut off of Federal funds. The Federal Government has a well defined moral and constitutional obligation to ensure fairness for every citizen whenever Federal tax dollars are spent. Under this legislation, the Federal Government would continue to meet that responsibility.

ENHANCING ACCOUNTABILITY

Ironically, the central advantage of revenue sharing—the fact that it combines the advantages of Federal taxation with the advantages of State and local decision-making—is the very point at which the plan is frequently criticized. When one level of government spends money that is raised at another level, it has been argued, it will spend that money less responsibly; when those who appropriate tax revenues are no longer the same people who levy the taxes, they will no longer be as sensitive to taxpayer pressures. The best way to hold government accountable to the people, some suggest, is to be certain that taxing authority and spending authority coincide.

If we look at the practice of government in modern America, however, we find that this is simply not the case. In fact, giving States and localities the power to spend certain Federal monies will *increase* the influence of each citizen on how those monies are used. It will make government *more* responsive to taxpayer pressures. It will *enhance* accountability.

In the first place, there is no reason to think that the local taxpayer will be less *motivated* to exert pressure concerning the way shared revenues are spent. For one thing, the local taxpayer is usually a Federal taxpayer as well; he would know that it was his tax money that was being spent.

Even if local taxpayers were only concerned about local taxes, however, they would still have a direct stake in the spending of Federal revenues. For the way Federal money is used determines how much local money is needed. Each wise expenditure of Federal dollars would mean an equivalent release of local money for other purposes—including relief from the need to raise high local taxes even higher. And every wasted Federal dollar would represent a wasted opportunity for easing the pressure on local revenues.

Most voters seldom trace precisely which programs are supported by which levies. What they do ask is that each level of government use *all* its money—wherever it comes from—as wisely as possible.

The average taxpayer, then, will be no less *disposed* to hold public officials to account under revenue sharing. What is more, he will be *able* to hold them to account far more effectively.

The reason for this is that "accountability" really depends, in the end, on accessibility—on *how easily* a given official can be held responsible for his spending decisions. The crucial question is not where the money comes from but whether the official who spends it can be made to answer to those who are affected by the choices he makes. Can they get their views through to him? Is the prospect of their future support a significant incentive for him? Can they remove him from office if they are unhappy with his performance?

These questions are far more likely to receive an affirmative answer in a smaller jurisdiction than in a larger one.

For one thing, as the number of issues is limited each issue becomes more important. Transportation policy, for example, is a crucial matter for millions of Americans—yet a national election is unlikely to turn on that issue when the great questions of war and peace are at stake.

In addition, each constituent has a greater influence on policy as the number of constituents declines. An angry group of commuters, for example, will have far less impact in a Senatorial or Congressional election than in an election for alderman or county executive. And it is also true that the alderman or county executive will often be able to change the local policy in question far more easily than a single Congressman or Senator can change policy at the Federal level.

Consider what happens with most Federal programs today. The Congress levies taxes and authorizes expenditures, but the crucial operating decisions are often made by anonymous bureaucrats who are directly accountable neither to elected officials nor to the public at large. When programs prove unresponsive to public needs, the fact that the same level of government both raises and spends the revenues is little comfort.

At the local level, however, the situation is often reversed. City councils, school boards and other local authorities are constantly spending revenues which are raised by State governments—in this sense, revenue sharing has been with us for some time. But the separation of taxing and spending authority does not diminish the ability of local voters to hold local officials responsible for their stewardship of *all* public funds.

In short, revenue sharing will not shield State and local officials from taxpayer pressures. It will work in just the opposite direction. Under revenue sharing, it will be harder for State and local officials to excuse their errors by pointing to empty treasuries or to pass the buck by blaming Federal bureaucrats for misdirected spending. Only leaders who have the responsibility to decide and the means to implement their decisions can *really* be held accountable when they fail.

OTHER ADVANTAGES

The nation will realize a number of additional advantages if revenue sharing is put into effect. The need for heavier property and sales taxes will be reduced. New job opportunities will be created at the State and local level. Competition between domestic programs and defense needs will be reduced as the State and local share of domestic spending increases. As the States and localities are renewed and revitalized, we can expect that even more energy and talent will be attracted into government at this level. The best way to develop greater responsibility at the State and local level is to give greater responsibility to State and local government.

In the final analysis, the purpose of General Revenue Sharing is to set our States and localities free—free to set new priorities, free to meet unmet needs, free to make their own mistakes, yes, but also free to score splendid successes which otherwise would never be realized.

For State and local officials bring many unique strengths to the challenges of public leadership. Because they live day in and day out with the results of their decisions, they can often measure costs and benefits with greater sensitivity and weigh them against one another with greater precision. Because they are closer to the people they serve, State and local officials will often have a fuller sense of appreciation of local perspectives and values. Moreover, officials at these lower levels are often more likely to remember what Washington too often forgets: that the purpose of government is not budgets and programs and guidelines, but people.

This reform will also help produce better government at the Federal level.

There is too much to be done in America today for the Federal Government to try to do it all. When we divide up decisionmaking, then each decision can be made at the place where it has the best chance of being decided in the best way. When we give more people the power to decide, then each decision will receive greater time and attention. This also means that Federal officials will have a greater opportunity to focus on those matters which ought to be handled at the Federal level.

LABORATORIES FOR MODERN GOVERNMENT

Strengthening the States and localities will make our system more diversified and more flexible. Once again these units will be able to serve—as they so often did in the 19th century and during the Progressive Era—as laboratories for modern government. Here ideas can be tested more easily than they can on a national scale. Here the results can be assessed, the failures repaired, the successes proven and publicized. Revitalized State and local governments will be able to tap a variety of energies and express a variety of values. Learning from one another and even competing with one another, they will help us develop better ways of governing.

The ability of every individual to feel a sense of participation in government will also increase as State and local power increases. As more decisions are made at the scene of the action, more of our citizens can have a piece of the action. As we multiply the centers of effective power in this country, we will also multiply the opportunity for every individual to make his own mark on the events of his time.

Finally, let us remember this central point: the purpose of revenue sharing is not to *prevent* action but rather to *promote* action. It is not a means of *fighting* power but a means of *focusing* power. Our ultimate goal must always be to locate power at that place—public or private—Federal or local—where it can be used most responsibly and most responsively, with the greatest efficiency and with the greatest effectiveness.

"THE CARDINAL QUESTION"

Throughout our history, at one critical turning point after another, the question on which the nation's future turned was the relationship between the States and the central government. Woodrow Wilson properly described it as "the cardinal question of our constitutional system."

In most cases—in the 1780's and in the 1860's and in the 1930's, for example—that question was resolved in favor of a stronger government at the Federal level. But as President Wilson went on to say, this question is one which "cannot . . . be settled by the opinion of any one generation, because it is a question of growth, and every successive stage of our political economic development gives it a new aspect, makes it a new question."

Because America has now reached another new stage of development, we are asking that "cardinal question" again in the 1970's. As in the past, this is a matter beyond party and beyond faction. It is a matter that summons all of us to join together in a common quest, considering not our separate interests but our shared concerns and values.

To a remarkable degree, Americans are answering Wilson's cardinal question in our time by calling on the Federal Government to invest a portion of its tax revenues in stronger State and local governments. A true national consensus is emerging in support of revenue sharing. Most other nations with Federal systems already have it. Most Mayors and Governors have endorsed it. So have the campaign platforms of both major political parties. This is a truly bipartisan effort.

Revenue sharing is an idea whose time has clearly come. It provides this Congress with an opportunity to be recorded as one that met its moment, and answered the call of history. So let us join together, and, by putting this idea into action, help revitalize our Federal system and renew our nation.

RICHARD NIXON.

THE WHITE HOUSE, *February 4, 1971.*

Mr. BAKER. Mr. President, I ask unanimous consent that a statement by the Senator from Delaware (Mr. ROTH) be printed in the RECORD.

There being no objection, Senator ROTH'S statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ROTH

Mr. President, it is a privilege to join the senior Senator from Tennessee (Mr. Baker) and several of my other colleagues in sponsoring the general purpose revenue-sharing plan which President Nixon recommended to the Congress in his recent State of the Union message. I commend the President for his initiative in this field and trust that the Congress will give careful and prompt consideration to this legislation.

As the sponsor of a revenue-sharing bill in the House of Representatives during the 91st Congress, I am well aware of the growing fiscal crisis that many of our States and cities are facing or will be facing in the near future. I have no doubt that this fact will be adequately documented during the course of hearings on this proposal in the next few months.

I believe it is important, however, in considering this legislation, that we not underestimate the importance of providing a strong incentive for local and State governments to improve their own revenue-collecting procedures.

While I support the concept of revenue-sharing in order to assist the States and cities through these difficult times, we must recognize that it is axiomatic that the Federal government taxes the same citizens and businesses that the States and local governments tax. If the Federal Government's revenue raising mechanisms are more efficient and therefore more productive of revenue, then perhaps we can assist the States and local governments in this area. At least we should provide adequate incentives for them to improve their tax structures in order that they may ultimately assume a greater share of the burden themselves.

I would hope that the legislation which we finally enact will contain the basis for an ultimate phase-out of the program. I think it would be a mistake to simply enact another permanent program of Federal aid to States and local governments, thereby making them increasingly dependent on the whim of the Congress and the Federal Government. Such a procedure would not solve the fiscal problems the States and local governments face, but would instead simply gloss them over. They must, in short, be given strong incentives and direction where appropriate and necessary to improve their own revenue collecting procedures.

I might add that I hope that states such as my own would fare better under the proposed program than they generally have in the past under many of the categorical grant programs. I recognize that not every state can come out ahead when it comes to Federal revenue-sharing or grant programs, but I do believe that States such as Delaware cannot continue to pay into the Federal Treasury far more than they receive in return and be expected to continue to support such programs.

I shall have more to say about the concept of revenue-sharing when we actively consider this legislation on the Senate floor. In the meantime, may I simply state that I support the purpose of this program and am, therefore, pleased to be a cosponsor of the bill. And while I feel that we must give more consideration to the States whose taxpayers are being called upon to bear the brunt of the burden of revenue-sharing and we must also insure that we build into the program a strong incentive for the States and local governments to improve their own revenue-collecting mechanisms, I do not preclude the possibility of other changes and improvements in the bill as our consideration of it proceeds.

REVENUE SHARING

Mr. HANSEN. Mr. President, I am proud to express my firm support for the legislation which has just been introduced to provide for the sharing of certain general revenues of the Federal Government with the States and localities. Just as I cosponsored legislation embodying the revenue-sharing concept during the previous Congress, so am I a cosponsor of the proposed legislation now before the 92d Congress.

The need is great. Government must be made more flexible and responsive to the wishes of the people. I congratulate the President for his bold proposal to accomplish these goals. The President's message to Congress last Thursday on the subject of revenue-sharing outlined the problems and described how those problems would be solved by the legislation which has been introduced today. That message included many of the reasons why I personally feel it is essential to pass this legislation during the 92d Congress. In the interest of time, I shall not again detail the problems faced by this Nation and its Governments. But I would like to point to two instances in my own political experience which lead me to believe that Federal revenue-sharing will benefit the people of the United States and the quality of the government they receive at all levels: Federal, States and local.

As Governor of my State of Wyoming, I experienced first hand the dilemma faced by State and local officials today. I know that many Senators have had the same experience, although my experience at the State level may have been more recent.

I know the demand placed on State governments to create, expand, develop, and improve State services. Much of this pressure results from Federal grant-in-aid programs which in many cases do not truly relate to State and local needs. I also know the severe limitations placed on the State and local government's ability to generate revenue to meet increased demands for services. There are many reasons for the limitation—preemption of a particular type of tax by another level of government, size of the State or its population, economic development of the State, and mechanical ability to collect the tax.

As Governor of Wyoming, a State with a small population, I served as a member of the State welfare board and board of charities and reform. I saw many cases where inflexible Federal regulation prevented the State from quickly and efficiently meeting the needs of the 330,000 people of Wyoming. There is just no way that Washington can develop rules and regulations which can be workable across a nation as diverse as our own. Yet in many cases it was the Federal Government setting detailed procedure for administering these programs in Wyoming.

I am convinced that the President's revenue-sharing program will be more responsive to the needs and wishes of the people than present Federal expenditures. The problems vary from New York to Wyoming to California and should be administered accordingly. Not only will the funds be spent more efficiently, but errors will not be reproduced, the problems of greatest concern in a particular State can be given priority, and money will not be spent in an effort to solve problems which may be nonexistent in a particular State.

In addition, decisions will be made and programs will be administered by officials elected by the people of the State or locality to serve them. They will not be made and administered by a bureaucrat in Washington. Then, if the people find great fault with the way these services are being provided in their State or city, they can replace their elected official, something which is not possible to do with a program run from Washington.

The second experience to which I would like to refer occurred during my service last year as a member of the Committee on Finance. From June through December, members of that Committee devoted a large share of their time to the welfare reform legislation requested by the President.

A prime concern of many Senators was the question whether the proposal would work; whether it would be an improvement over the present system or worse than that system. But the choice was to replace one broad national welfare system which is not working with another broad national system which was very different and with which there was no experience on which to base a judgment.

I often think how useful it would be to Congress and the President if our system were more flexible. As problems occurred in the administration of the welfare system of a particular State, that State could make changes within a broad framework to solve those problems. Then the experience of one State would serve as a basis for decisions by other States. This flexibility would be invaluable. If a program did not work well, it could be more easily changed, and we would not have to chance either a national success or a national disaster.

The proposed general revenue-sharing legislation introduced today is a good first step. I am looking forward to the introduction of a bill to provide for special revenue sharing. There may be instances where I will disagree with a certain provision of the proposal, or think it might be improved. But the concept is good, and it will strengthen all levels of government. I sincerely hope that Congress will take steps at an early date to enact a revenue-sharing program.

Mr. HOLLINGS. Mr. President, the time has come for the enactment of Federal-State welfare sharing. Time has all but run out for State and local governments all across our land. Many are faced with impending bankruptcy, and there is a genuine possibility of governmental breakdown in more than one area of the country. Dozens and dozens of cities have already been forced to curtail vital public services—services such as education, housing, and sanitation. Their problem is not a lack of will, nor is it one of incompetence. It is a matter of money, and unless more money is provided on the State and local level we will face a crisis of unprecedented proportion. Revenue-sharing funds would provide the tools for a concerted State and local effort to deal with our many rural and urban problems. And they would open the door to an adequately paid force of public employees.

The first bill I proposed to this Chamber upon becoming a Member was the Tax Sharing Act of 1967. I have been working for the enactment of such legislation ever since. The Federal Government is currently spending at an annual rate of $28 billion in a myriad of programs designed to improve social and economic services. Many of these programs have quickly bogged down in a quagmire of redtape and bloated bureaucracy. Without adequate local participation, they lead to conflicting priorities, confusion, and maladministration. It is now time to reverse the deadening trend toward centralized bureaucracy.

Many State and local problems can be solved only at State and local levels. Police protection and law enforcement, housing and education, street maintenance, and sanitation—these are some of the major determinants of successful government, the difference between a decent and a squalid environment. If we attempt to smother State and local initiatives in these areas, the problems will continue to fester and the confidence of our people in the ability of their Government to deliver, to match promise with performance, will continue to erode. That is why revenue sharing is so critically important.

The implementation of revenue sharing will be a historic step. And although the demand is urgent, hearings must be held and alternative ways of effecting the program must be studied. Earlier in the session, I reintroduced my tax sharing act. It represents one avenue for action. The President has now forwarded his version of revenue sharing. I welcome his support of the revenue sharing concept, and I trust that this evidence of his leadership will be followed up with rigorous followthrough. Today, Mr. President, I join in cosponsorship of the President's General Revenue Sharing Act of 1971. It provides, I believe, a basis for action. It will lead to hearings wherein various avenues may be explored, and will eventuate, I hope, in long-needed legislation. I urge Congress to proceed with dispatch on this important proposal. No matter of more pressing urgency will command our attention in the 92d Congress. Upon the success of our actions, much depends.

Mr. MATHIAS. Mr. President, I am pleased to join in cosponsoring the President's revenue-sharing proposal. This measure is desperately needed to relieve the financial plight of our Nation's cities, counties, and States. During the period the last Congress failed to act on this legislation, the need for it has grown all the more acute. Up and down the country, local and State officials are screaming for revenue sharing. How much longer can we turn a deaf ear?

Let us continue to insist on better schools, more hospitals, effective pollution control, expanded police protection, but let us give free rein to local initiative. Let us put our money where our mouth is. How much longer can we prod State and local officials with one hand and pick their pockets with the other?

Every Maryland resident, all Americans are being hard pressed by a crippling tax spiral that is skyrocketing sales and property taxes. By taking the pressure off these taxes, and by providing State and local governments with desperately needed revenues, revenue sharing could well be the most important domestic reform of the decade.

Of course, we must not be so naive as to think that the advent of revenue benefits will enable us to slash our property and sales taxes. In fact there will be definite disincentives for us not to do this. What revenue sharing will do, is to relieve the pressure to increase these already burdensome and excessive taxes.

Revenue sharing will mean not only dollars; it will mean programs—mental health projects, school extensions, antipollution efforts, hospital expansion—whatever State and local officials deem necessary to meet their own local needs and priorities.

Revenue sharing is one of the most significant proposals on the political horizon today. President Nixon, by requesting action on such a program, has brought promise of long-needed fiscal relief to our States and cities. Revenue sharing represents an investment of faith in Government close to the people. It stands at the heart of the new federalism.

Endorsements of revenue sharing have come from the National Governors Conference, the National League of Cities, the National Association of Counties and the National Conference of State Legislative Leaders.

Next to Federal revenue which is mushrooming—a ninetyfold increase in 36 years—State and local takings stand dwarfed, their growth cramped by their dependence on regressive and already excessive property and sales taxes. This fiscal imbalance, this financial mismatch must be redressed.

Unless we want to consign our communities to the undertaker, unless we seek burial by State and local problems, we must stimulate State and local initiative. We must provide not only encouragement, we must come with resources. We must strengthen the muscle of local officials so they can take command in solving their own problems.

By increasing the power and responsibility of these levels of government, we shall enhance the impact of the individual citizen on public policymaking. We shall narrow the gap between the individual and the Government, and thus bring the people closer to the Government and the Government closer to the people.

The Federal Government must get off its horse of prescribing only Federal remedies to State and local problems. The grant-in-aid cookie jar has not only grown obese—it now provides $28 billion per year, over four times the amount of 1957—it has grown staggeringly complex.

The latest review indicates that over 1,000 separate programs bait and boggle State and local officials. Many are finding it impossible to cut through this massive bureaucratic jungle. All of them are facing program delay and uncertainty, greater administrative costs, and distortion of their budgets.

Revenue sharing, with its greater emphasis on decentralized decisionmaking, initiative and innovation, would provide much needed flexibility and would go a long way toward relieving our grant-in-aid congestion. As a vital and necessary supplement to these programs, it would produce a far more effective and responsive allocation of total national resources.

Mr. COOPER. Mr. President, I rise in support of President Nixon's revenue-sharing proposal as incorporated in the bill introduced today by the senior Senator from Tennessee (Mr. BAKER). I am very happy to be a cosponsor of this bill, and I am hopeful that the Senate Finance Committee will have an early opportunity to consider this important subject.

The need of State, county, and municipal governments for additional sources of tax revenue is more immediate and pressing today than at any other time in our country's history. Most States, counties, and municipalities have reached the limit of their own chief sources of revenue which have traditionally been based on real estate, sales and State income taxes. We have reached the point where personal income taxes are levied on individuals by many municipalities in addition to a State income tax.

One of the innovative features, and to my mind one of the most important aspects of the President's program, concerns the provision to share a certain fixed percentage of the Nation's annual taxable personal income with the States and municipalities. The President proposes for fiscal 1972 to allocate 1.3 percent of the Federal revenues obtained from personal income taxes to get this program underway. The amount produced under this formula would approximate $5 billion during the first full year of operation, and would rise from year to year as our economy expands and our tax revenues increase.

By employing a fixed percentage of the Federal revenues for sharing with the States, the program has the important advantage of enabling officials of State and municipal governments to calculate in advance their share of the Federal revenues and thus affords them an opportunity to make long-term plans, a procedures that is not now feasible under the present program of Federal grants-in-aid made on a year-to-year basis. The President pointed out in his message:

> Since the fund would grow in a steady and predictable manner with our growing tax base, this arrangement would make it easier for state and local governments to plan intelligently for the future.

The second innovative feature of such a program, it seems to me, is that this amount of Federal revenue to be shared with the States is offered with no strings attached and without restrictions. State and local governments could use these resources for their own purposes. Thus States and municipalities having determined their own needs and requirements—and they are much better able to determine these needs and requirements than a central Government in Washington—could spend these revenues without restriction for services and programs of their own choosing.

I believe that the President's proposal opens a new and continuing source of revenues to State and local governments and, at the same time, gives these State and local officials the needed flexibility in planning and spending these revenues to meet the needs of their citizens.

Mr. PEARSON. Mr. President, I am pleased to join with the senior Senator from Tennessee (Mr. BAKER) and others in introducing the administration's revenue-sharing proposal. The principal features of this proposal reflect the basic formulas and specifications which were a part of the legislation, S. 2948, introduced in the 91st Congress of which I was also a cosponsor.

NOT A NEW IDEA

Contrary to the claims of the detractors of revenue sharing, this idea is by no means new. The Federal Government already shares some portion of the revenues it derives from the sale of public lands, from grazing leases and permits, and from the use of national grasslands, et cetera, with State and local governments. In some instances, no specific purpose is prescribed by law on the use of these shared revenues; in others, they are restricted to use for particular purposes such as public education, roads, or other internal improvements.

A form of Federal tax sharing with the States actually was in operation under provision of the Surplus Distribution Act of 1836. This legislation temporarily provided that all the money in the U.S. Treasury on January 1, 1837, with the exception of $5 million, has to be deposited with the States in proportion to their respective representation in the Senate and in the House of Representatives. These deposits were to be made in four quarterly installments, and three of these installments were made. The fourth was not, because of the financial crisis which arose near the end of 1837.

In this century, congressional attempts to secure Federal tax sharing legislation extend at least as far back as 1949. Early that year, a fellow Kansan, former Republican Representative Errett P. Scrivner of Kansas City, introduced a bill in the 80th Congress which would have authorized Collectors of Internal Revenue to transfer to State treasurers, on a quarterly basis, 1 percent of the Federal individual and corporation income tax collected within these States. Such shared revenues were to be used by the States for "educational purposes only without any Federal direction, control, or interference." While Congress failed to take action on this measure, repeated attempts have been made since that time to secure some form of Federal revenue-sharing legislation.

RECENT ACTIONS

In recent years, one leading advocate of Federal tax sharing with State and local governments has been Dr. Walter W. Heller, former chairman of the President's Council of Economic Advisers during the Kennedy-Johnson administrations. In 1964, both presidential candidates endorsed this proposal as a means of giving State and local governing bodies additional financial assistance, and President Johnson appointed a task force to study the merits of Federal revenue sharing. Although the report of this task force was never made public, it is known that the report was favorable.

Also, revenue sharing was endorsed in 1968 by both presidential candidates and by both political platforms. Over 100 different revenue-sharing bills were introduced during the 90th Congress, and almost this number were introduced in the 91st. Already, several such proposals have been introduced in this 92d Congress in both the House and the Senate.

We have heard much about how the administration's proposal will have rough sledding in the Congress and we already know who the major opponents of this plan are. But this fact must not be overlooked: The concept has the overwhelming support of the American people.

A Gallup poll of the Nation's adults conducted January 9–10 of this year finds 77 percent of the public in support of the concept of revenue sharing, with only 14 percent opposed; 9 percent did not express an opinion. What is particularly significant in Dr. Gallup's findings is that this support cuts across party lines: Republicans favor it by 81 percent; Democrats, by 77 percent; and independents, by 73 percent. Revenue sharing is supported by the vast majority of Governors and mayors also, regardless of political affiliation.

Mr. President, the time has come to begin the process of turning power and resources back from Washington to the people in the States and localities from which that power originally came. Self-determination is the key word in our Republic. Our system of government is the best on the globe because it leaves local decisions to local authorities. It is people in individual communities who require basic services. They foot the bill, and in return expect certain standards of service from those they pay to serve.

But the power and authority—or self-reliance—of local government has eroded to a dangerous point. As the central Federal Government has grown in power and authority, the State and local governments have diminished. Local elected officials—those closest to the electorate—are hard pressed to perform up to their capabilities for one major reason: lack of adequate funds.

Our federal system has served us well, but we need to design better systems for delivering Federal program assistance. As our domestic problems grow more complex, the solutions do not lie in a single Central Government in Washington. The solutions lie in renewing the capacities of the other levels of government to make the most effective use of our resources and to provide machinery that can respond effectively and directly to problems as they arise. Americans are not only frustrated with the performance of governmental institutions, but also with the unresponsiveness to local concerns.

I see little letup in future needs of State and local governments in this decade. The demands on local governments and the rising costs of Government services are severely straining local budgets. We are facing a local government fiscal crisis which threatens the domestic problem-solving fiber of our Nation.

True and meaningful help to those hard-pressed local governments can come through Federal revenue sharing.

The major characteristics of the administration's revenue sharing proposal are:

First. It is simple. It is set up to work without the need for any new Federal agency or bureau. The operation is spelled out clearly and specifically in the law; the money is distributed on the basis of census data and other readily available objective statistics.

Second. It has no strings. The State and local governments are free to exercise their own discretion over the use of funds. There are no Federal strings tied to the money.

Third. It is automatic. The States and localities can count on the revenue sharing in their own fiscal planning. The money for revenue sharing is automatically available each year. The annual amount is geared to the growing personal income tax base of the Nation.

Fourth. It is fair. The funds go to every State, every city, and every county in the Nation. All areas are included—urban and rural, large and small, rich and poor, industrial and agricultural.

Fifth. It is neutral. The State-by-State distribution is based primarily on where people reside. The allocation among the governments within a State is based on the existing distribution of financial responsibilities among the various units of government, as decided in each area.

Sixth. It is basic to the new federalism. Decisionmaking power over the funds as well as the money itself is returned to State and local governments.

The new administration proposal introduced today has some significant changes added. In addition to specifying a substantially more generous total appropriation for revenue sharing, this bill also provides for a much larger allocation to local governments. Also, an incentive feature has been added to encourage the formulation of intra-State distribution procedures more closely in line with each State's particular requirements.

As the President pointed out in both his state of the Union address and his message on revenue sharing, this bill has another added feature which includes the safeguards against discrimination that accompany all other Federal funds allocated to the States. Section 1101 of this bill provides as follows:

> No person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with general revenue sharing funds.

In my estimation, this is a very important added provision and one which I welcome.

Mr. President, I am pleased to be listed as a cosponsor of this bill and urge its speedy enactment by the 92d Congress.

REVENUE SHARING: THE ADMINISTRATION'S PROPOSAL AND ITS ALTERNATIVES

Mr. HARTKE. Mr. President, I would first like to make a brief comment on the statement made by the Senator from Tennessee concerning the question of revenue sharing. The Senator from Tennessee has not only demonstrated his interest in this program, but also has done an excellent job of presenting the President's program. I might say that I am not necessarily completely enthusiastic with the approach the President uses, but I believe the Senator from Tennessee has done as good a job as can be done in presenting that problem and program for the benefit of the Senate.

Now I want to talk about revenue sharing: the administration's proposal and its alternatives.

Mr. President, on February 4 the administration sent a major portion of its proposed revenue-sharing plan to the Congress. I am advised that the complete proposal will be in front of us in a short while.

Although not fully before the Congress, the administration's proposal is already thought to be in serious difficulty. Influential critics in both the Senate and the House—and in both political parties—have expressed reservations concerning both the plan's goals and, perhaps more importantly, the methods it would use to obtain these goals. Viewed by the President as the basic fiber of a new federalism, its detractors insist that it holds out no substantial promise to our fiscally beleaguered States and cities. Unsure that the present Federal relationships are in need of drastic overhaul, but apparently certain that the President's plan is the wrong way to ease the gathering money troubles of our States and cities, the opponents of revenue sharing appear ready to deal it a summary defeat.

It is my purpose today to examine both sides of this important question in the hope that some helpful light may be shed on a subject which has already generated an impressive degree of heat.

In his wide-ranging state of the Union address, the President introduced his remarks on revenue sharing by declaring that—

> The time has now come in America to reverse the flow of power and resources from the States and communities to Washington, and, more important, to the people all across America.

The President then proposed that this reversal be accomplished by the enactment of a plan of revenue sharing historic in scope and bold in concept. In its first year, the administration's plan would send $16 billion back to the States and localities. Of this amount, $5 billion would be in new and unrestricted funds, while $11 billion would be ear-marked for six broad purposes—education, law enforcement, transportation, rural development, job training, and urban development—with the States and localities given discretion as to how these funds should be spent within the subject areas.

The administration states that the $5 billion in new money—"general purpose revenue sharing" as it is styled—will have no restrictions imposed on its use and will increase in amount through the years as the Federal personal income tax base, to which it is tied, expands. The remaining $11 billion is for special purpose revenue sharing and its use is restricted only to the extent that it must be expended in the very broad subject areas indicated. For the purpose of clarity, it should be understood that the revenue sharing bill introduced by the distinguished Senator from Tennessee (Mr. BAKER) on February 4, and discussed by him earlier today, deals only with the question of general purpose revenue sharing; special purpose legislation has yet to be introduced.

That the President has advanced a popular proposal, there can be little doubt. A recent Gallup poll—released on January 23—reported that 77 percent of those interviewed felt the Federal Government should return a portion of its revenues to the States and local governments to be used by these State and local governments as they see fit. Only 14 percent of those questioned opposed this proposition and 9 percent had no opinion. Opponents of revenue sharing believe the Gallup study—and others like it—are misleading since the idea's popularity, they say, rests on a misconception: that revenue sharing constitutes in their opinion an essentially painless way to meet State and local fiscal problems. They argue that if poll inquiries were worded more carefully, the average taxpayer would be less taken with the idea of revenue sharing.

Would the concept put forward by the President enjoy the same broad support, they ask, if the question were, "Should Federal income taxes be kept above Federal needs so that tax sharing with the States should be carried out?" Critics believe the response to that type of question would show that the general public's enthusiasm for the concept wanes in direct proportion to its knowledge. Which is to say that when the average person understands that tax sharing and tax relief are not synonymous, his infatuation with the idea will quickly fade. In this regard it should be noted that only the most fervid supporters of tax sharing seriously contend that it would result in lower State and local taxes for the average taxpayer. What distinguishes revenue sharing, then, is not its very limited potential for tax relief but the fact that federally raised tax revenues would be distributed to the States and localities with no strings attached.

Critics of the President's proposal contend further that the simple sharing of Federal revenue is neither bold nor historic. They point out that the Federal Government will this year share more than $30 billion in revenues with the States and localities through its system of categorical grants, and it is expected that figure will increase to $38 billion in fiscal year 1972. Currently, grants-in-aid account for almost 20 percent of total State and local revenues, and this figure, too, will increase next year. They further allege that any discussion of revenue sharing should also take into account the impact the Federal Government has on State and local revenues as the result of its status as this country's largest employer, its greatest industry, and its most important general contractor.

In point of fact, it is argued, the Federal Government adds far more than $30 or $38 billion to the revenues of the States and cities; rather, the figure more closely approximates $150 billion when Federal employee salaries, social security and veterans' benefits, defense contracts, and all the other relevant expenditures which aid the State and local revenue picture, are considered.

THE DISPUTE OVER GRANTS-IN-AID

The start of the grants-in-aid system can be traced back to 1862 and the enactment of the Morrill Act to assist the States in establishing and maintaining land grant colleges. Today, it is estimated there are more than 400 separate grants-in-aid categories. Like the programs which have followed it, the Morrill Act imposed restrictions on grant use designed to insure that the purposes of the programs were followed. Thus, the Morrill Act established the pattern for today's grants-in-aid: Federal resources are provided to the States in exchange for the acceptance of Federal regulations designed to implement stated national goals.

Presently, grants-in-aid serve as a focus for the debate over revenue sharing. Supporters of the concept within the administration plainly view most grants-in-aid with suspicion, and argue that they could be better administered by the governments closer to the people. In his budget message, the President declared:

> The results of grant programs have occasionally been impressive. But the grant structure has become a haphazard collection of hundreds of separate programs, each with its own requirements and procedures, and its own funding.

It is not enough, then, that Federal revenue simply be shared with the States and communities through grants-in-aid programs. What the President and other administration advocates of revenue sharing seem to require is that Federal supervision of these funds be reduced or eliminated altogether.

THE CASE FOR A MORE EQUITABLE DISTRIBUTION OF FEDERAL REVENUES

It has become painfully clear in recent years that many States and localities are finding it difficult—and in some cases impossible—to meet their basic expenditure requirements. In some States—and many cities—traditional governmental services and activities are being cut back in response to a demand for services which has outrun all increases in State and local revenues.

Last week, Gov. Milton Shapp of Pennsylvania indicated that his State would run out of revenues in March if there were no enactment of a State income tax. The Governor warned that failure to develop new sources of State revenue would result in drastic cutbacks in the subsidies provided Pennsylvania public schools and in essential police services.

In Cleveland, Mayor Stokes reports that the city's garbage collections have been curtailed due to its acute revenue problems.

The newly elected Governor of Connecticut, Thomas Meskill, has warned his State's taxpayers that Connecticut is "wallowing in debt."

For the first time since the depression years, New York City is laying off workers.

And it is reported that Pittsburgh may close its city hall as an economy measure.

A recent survey conducted by the Council of State Governments revealed that at least 18 States expected deficits this year, most of them substantial. The cities are in even worse shape. Mayor John Driggs of Phoenix believes the cities are on the verge of fiscal collapse. And Mayor Lindsay of New York warns that—

> The sickness of the cities must spread like cancer to the suburbs.

The Federal Government, on the other hand, has fared better since its revenue raising capability—thanks to the enormously efficient Federal income tax—has kept its revenues roughly equal to its growth-related expenditures. It should be noted, however, that this general equivalency will suffer a sharp setback this fiscal year because of the expected Federal deficit which may well exceed $20 billion, and also in fiscal 1972 when a deficit occurs which the administration predicts will be $11.6 billion—and some fear may be twice that amount. In the meantime, it is estimated that the gap between State and local revenues could reach $100 billion by 1975.

Statistics such as these convince all but the most committed opponents of the revenue-sharing concept that some plan must quickly be agreed upon to meet the fiscal difficulties of the States and cities.

THE ADMINISTRATION'S REVENUE-SHARING PROPOSAL

The revenue-sharing concept proposed by President Nixon is generally thought to have had its origin with Walter Heller, currently a professor of economics at the University of Minnesota and formerly Chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson. In 1960, Dr. Heller advanced what came to be called the "Heller plan" for sharing revenue in those years when a fiscal surplus developed. Dr. Heller continued to support revenue sharing throughout his tenure as Chairman of the CEA, but it was not until 1964 that the plan was given serious attention. At that time, the prospects of a budgetary surplus seemed bright, and President Johnson set up a task force, including representatives of both Government and industry to study the merits of the plan. Although the results of this study were never made public, it is known that the task force viewed the idea favorably.

The chairman of that task force, Dr. Joseph A. Pechman, director of economics at Brookings Institution, has since collaborated with Dr. Heller on what has come to be known as the "Heller-Pechman plan" for revenue sharing. In August 1967, they appeared before the Subcommittee on Fiscal Policy of the Joint Economic Committee, and laid out the details of their plan which, as will be seen, is parallel in concept to the proposal advanced by the President. Because of its importance to any revenue sharing discussion, I believe excerpts from that testimony should be quoted at some length:

> Revenue sharing is intended to allocate to the states and local governments, on a permanent basis, a portion of the very productive and highly 'growth-elastic' receipts of the federal government . . .
>
> The core of the revenue-sharing plan is the regular distribution of a specified portion of the federal individual income tax to the states primarily on the basis of population and with few strings attached. This distribution would be over and above existing and future conditional grants.
>
> The federal government would each year set aside and distribute to the states an eventual 2 percent of the federal individual income tax base . . .
>
> The sums collected for the states would be placed in a trust fund from which periodic distributions would be made . . . The federal commitment to share income tax revenues with the states would be a contractual one in the sense of being payable—at whatever percentage Congress provided—through thick and thin, through surplus and deficit in the federal budget. . . .
>
> The states would share the income tax proceeds on the basis of population. Per capita sharing would transfer some funds from states with high incomes—and therefore high per capita income tax liabilities—to low income, low-tax states. If the modest equalization implicit in per capita sharing were deemed too limited, a small portion of the fund could be set aside for supplements to states with low per capita income or with a high incidence of poverty and dependency.
>
> Whether to leave the fiscal claims of the localities to the mercies of the political process and the institutional realities of each state or to require a pass-through to them is not an easy question. . . . We now conclude that the legitimate—and pressing—claims of local government require explicit recognition in the basic formula of revenue sharing.
>
> Constraints on the use of the funds would be much less detailed than those applying to conditional grants. However, the funds would not be available for highway construction, since there is a special federal trust fund for its own earmarked revenue sources for this purpose. An audit of the actual use of the funds would be required, as well as certification by the appropriate state and local officials that all applicable federal laws, such as the Civil Rights Act, have been complied with in the activities financed by the grants.

The first revenue-sharing proposal by the Nixon administration was introduced in August of 1969 and, as indicated, drew heavily on the Heller-Pechman plan for its content. This bill, which serves as the essential foundation for the legislation now before the Congress, contained the following five important principles which remained unchanged in the current proposal:

First. An automatic annual appropriation of a specified percent of Federal income tax revenues.

Second. Annual distribution to the 50 States of Federal revenues according to a formula based primarily on population.

Third. A mandatory pass-through of funds from each State to its local governments.

Fourth. Inclusion of all general purpose local governments in the pass-through.

Fifth. No program or project restrictions on the use of funds.

In addition, the pass-through provision of the 1969 bill provided that the amount of Federal revenues received by the localities would be based on the proportion of individual local government revenues to the total amount of State and local revenues in the State.

Hearings were not held on the administration proposal during the 91st Congress, because, it has been said, of the crush of business in the Senate Finance and House Ways and Means Committees.

Now the administration has sent a major portion of its new revenue-sharing proposal to the Congress, and although the legislation is very similar to that which died last session, certain important changes are apparent. Chief among these is the modification which would increase from 30 to 50 percent the proportion of Federal funds available to local governments. Also significant is the provision offering an incentive of 10 percent of a State's revenue-sharing proceeds, to encourage the individual State and its local governments to negotiate together and agree on a distribution of shared funds.

THE CASE IN FAVOR OF THE PRESIDENT'S PROPOSAL FOR REVENUE SHARING

It bears restating at this point that the President's proposal represents but one of the methods by which Federal tax revenue can be shared with the States and localities. As I have indicated, in excess of $30 billion is presently shared directly with the States in the form of categorical grants-in-aid, and a much larger sum indirectly due to the Federal Government's very size and influence on the economy.

With specific reference to the President's plan, its proponents candidly admit that the crux of their proposal is not found in the relief it would afford the crisis-ridden States and localities, but rather the effect it would have on present Federal relationships. More important to them than the revenue which the plan would bring the States and cities, is the knowledge that their legislation had struck a first blow at the Federal bureaucracy—a bureaucracy which they view as bloated and largely unresponsive to the needs of our changing society.

Mr. Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy and the principal architect of the administration proposal, believes that revenue sharing represents "an 'important step toward decentralizing American government." Interviewed in the February 1971 issue of Banking, Weidenbaum indicated that decentralization was the chief motive behind the Nixon proposal. The President himself has repeatedly implied that revenue sharing is the vehicle by which the influence of the Federal Government in the affairs of the States and cities can best be restrained. In the message accompanying his 1969 proposal, the President declared—and no doubt still believes—that "a majority of Americans no longer supports the continued extension of Federal services. The momentum for Federal expansion has passed its peak; a process of deceleration is setting in." Revenue sharing, the President believes, is the natural complement to this "process of deceleration."

In addition to the decentralization of Federal power, which is obviously a dominant consideration with the President and his advisers, they also believe their plan represents a logical answer to the fiscal troubles of the States and cities. Quoting from the February issue of Banking once again, Mr. Weidenbaum states:

> Revenue sharing (also) enables the strength and efficiency of Federally collected revenues to be directly applied to our most pressing domestic needs. It is state and local government, not Washington, which has to grapple with the demands for better law enforcement, transit systems, sanitation,

> health care. Enhancing the ability of our local institutions to meet these demands is clearly a matter of national importance.

An additional argument made for the administration proposal by Mr. Weidenbaum is that it constitutes "the most effective, straightforward method available for applying national resources to help meet the burden of public civilian needs." While admitting that billions of dollars in Federal grants-in-aid funds are already shared, he argued that the grants-in-aid system is a "hopelessly uncoordinated tangle" of programs. Revenue sharing, on the other hand, would involve no Federal overhead and every dollar appropriated would go directly to the source of need. Important administrative savings would be realized.

These are the principal arguments put forward by the administration for its proposal. What of the arguments on the other side?

THE CASE AGAINST THE PRESIDENT'S PROPOSAL

Those opposed to the administration plan are generally agreed that a fiscal crisis plagues the States and cities, but they are not at all sure that the President's proposal is the best way to meet the problem.

Many of its opponents take particular offense at what they consider the unfair, and unnecessarily strident, criticism of the existing relationship between the Federal Government and the States and localities. In particular, they are upset with the current criticism of the grants-in-aid programs and the prospect that the entire grant-in-aid system may be abandoned in favor of block grant-type assistance. Although quick to admit that many grants-in-aid have been poorly administered they contend that scant evidence exists to show that State and local administrators would do better.

An example in point, they say, is urban renewal where the original goal of helping the slum dweller obtain adequate housing has now been largely subverted in favor of rebuilding downtown business districts. From this they argue that the failures of urban renewal are not the failures of the Federal Government but the unwholesome result of pressures from State and local governments to spend Federal tax dollars on the wrong things. While it is true, they say, that the government closest to the people is in a better position to understand their needs, it is likewise true that these governments are more susceptible to political and other unwholesome pressures.

They also contend that while the Federal income tax is indeed a very efficient method of raising revenues, it would be unwise—and perhaps even prohibited under the Constitution—to transfer Federal tax dollars from the Federal Government to the States without maintaining some Federal supervision over the expenditure of these funds. Basic to this objection is the traditional feeling that the responsibility for raising taxes should not be separated from the act of spending tax revenues.

Interestingly, many opponents of the President's plan are more distrustful of his suggestions relating to "special purpose revenue sharing" than they are about no-strings attached "general revenue sharing." Not only do they see special use revenue sharing as a specific threat to the entire grants-in-aid concept, but they are also fearful that this block grant approach to Federal aid will strengthen the power of the States to the detriment of the local governments. In support of this contention, they cite the block grants currently made by the Justice Department to the States under the Law Enforcement Assistance Act as a pertinent example of how block grants can be used to strengthen the hand of the States at the expense of the cities.

Designed as a way to "put Federal money where the crime is," LEAA's detractors argue that State agencies have failed generally to fairly distribute Federal crime-fighting funds to the cities where the need is greatest, but rather have spread it thinly across their States in response to compelling pressures from their rural and suburban constituencies. They believe the same inappropriate distribution is bound to develop under the administration's special revenue-sharing proposal.

In light of this criticism—and especially in view of the considerable influence of those who have advanced it—I think it is essential that we not lose sight of that one broad area of agreement; namely, that a serious fiscal problem does exist. Almost all those concerned in the present debate over the administration's proposed plan agree that our States and cities are marching in steady fashion toward fiscal crisis. Some have already reached the crisis point. More soon will.

If, after careful and exhaustive hearings, the administration's proposal should be found lacking, this should not end the search for a workable answer to the problems of our States and cities. Alternative methods for sharing Federal revenue should then receive the same careful scrutiny.

If exploding welfare costs are found to be a primary cause of our local governments' fiscal discomfort, then perhaps serious thought should be given to complete federalization of the welfare system.

And if true that the fear of losing business to another jurisdiction "haunts the mind and stills the pen" of the hapless State and local lawmakers who would increase taxes, then perhaps a tax credit is in order which would allow a taxpayer to set off local levies against his Federal tax, and thereby encourage States and localities to strengthen their own tax system.

And if the matching cost of present Federal grants-in-aid programs are found to be more than the average State or municipality can be expected to bear, then perhaps they should be reduced or eliminated altogether.

These are but a few alternatives to the current proposal which come quickly to mind. Certainly there are more.

In the last few days there have been some encouraging indications that the administration—in recognition of the powerful opposition that its proposal has stirred up—will, in the future, indicate a greater willingness to talk about fiscal relief for the State and cities and less regarding the supposed inadequacies of the Federal bureaucracy. If this proves true, it is entirely possible that an adequate compromise could be forged which would quiet congressional criticism and meet a very real problem. Mr. Joseph Kraft, the columnist, noted last week that until recently "Mr. Nixon and his associates have been sounding as though they have discovered in revenue-sharing a Protean prodigy born out of El Dorado by the Philosopher's Stone." Hopefully that attitude has now changed.

Perhaps the administration proposal will eventually be found to have all the advantages for the States and cities which are claimed for it.

For my part, Mr. President, I must regretfully conclude that the administration plan, as presently drafted, should not and cannot be enacted. Its defects so far outweigh its merits that to pass it in substantially its present form would be to move farther from, rather than nearer to, solution of those bitterly intractable social and fiscal problems which the idea of revenue sharing was conceived to meet.

As a consequence of that belief, I shall, before the end of this month, introduce the first elements of a comprehensive package of legislation designed to set us on the road to a definitive solution of the problems we all recognize to be most critical in the financing of State and local government.

My legislation will be so written as to weld the two great principles underlying the concept of revenue sharing into one concerted attack on the basic problems. Those principles are, first, that the Federal Government ought to assume a larger share of the fiscal burden of meeting problems that are truly national in scope, and second, that the States and localities should be fully accountable for the uses to which they put revenues received from the taxpayers of the entire Nation.

Mr. President, our problems are great but certainly not insoluble. The system of federalism, like the great and revolutionary idea which gave it birth, is worthy of our most dedicated efforts to preserve its vitality.

Revenue sharing is such an effort, and I am confident that the collective wisdom and good will of the Congress and and the administration will bring about its successful enactment.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma (Mr. BELLMON) is recognized for 15 minutes.

U.S. ACTION IN OIL CRISIS

Mr. BELLMON. Mr. President one of most extraordinary negotiations in history is entering its final stages in Tehran this week. I refer to negotiations between members of the Organization of Petroleum Exporting Countries—OPEC—and representatives of 15 Western oil producing companies over the price of crude oil for export. Apparently, some Members of the Senate have succeeded in calling the attention of the Middle East governments to the fact that they have been selling their oil too cheap. Their governments are now striving to correct the situation.

Mr. President, one of the most unusual aspects of the negotiations is the presence of a team of officials from the U.S. Government led by John N. Irwin II, Under Secretary of State. The presence of these American officials seems to underscore the determination of our Government to force the governments of OPEC to sell their crude oil at the lowest possible price.

Mr. President, I protest this unprecedented and unholy involvement of our Government in a heavy handed act of neocolonialism which can only be resented by and damaging to developing nations throughout the world.

For years this Government has presented an interest in helping to build the economies and improve the level of living of developing nations. Many billions of dollars of foreign aid have been spent largely in pursuit of this goal. Have we abandoned this effort? Do we wish the developing countries to remain forever dependent upon handouts?

For a large number of developing countries the only hope of sound growth lies in the development and sale of their natural resources. Many of these countries are single resource countries and that single resource is oil. Through the sale of their oil to industrial nations many countries—Nigeria, Syria, Indonesia, Iran, Venezuela, Saudi Arabia, Iraq, and many others—hope to earn the funds their governments need for better schools, better transportation facilities, better health programs, and more adequate diets for their people. If these funds do not come from oil sales, they must come from foreign aid.

Our Government should assist OPEC to sell oil at good prices. Are we? The answer appears to be exactly the opposite. Reports are that Mr. Irwin and his team are working hand in glove with officers of the big international oil companies to force OPEC to sell their single resource at bargain basement prices.

Evidence of this position is made clear in a report published in the February 1, 1971, issue of the Oil & Gas Journal which says:

> U.S. to come to aid of West Europe if oil cut off. The U.S. State Department last week pledged to come to the aid of West Europe if Middle East producing countries curtail oil exports to back up price demands. The federal interagency committee kept up its close scrutiny of Middle East developments, meanwhile, ready to invoke emergency machinery if needed.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks the full text of this article and an article published in the Christian Science Monitor of February 5, entitled "Western Oil Firms Get Ultimatum."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BELLMON. Mr. President, our Government is bluffing. It is making a promise it cannot keep. There is not now present in this country the shut in crude oil producing capacity needed to replace oil from the Middle East. This Nation's oil production capability is already being operated at virtually full capacity and substantial crude oil shipments from this country to Western Europe would mean an immediate rationing of usage here.

Mr. President, our Government's position in this negotiation is baffling to me. Most of the crude oil from the Middle East goes to Japan and Western Europe, two of our greatest competitors for world trade. Our efforts to force giveaway prices for this oil enables these industrial competitors to enjoy an advantageous price for the energy which fuels their industries.

From both humanitarian and economic considerations our position should be one of encouraging OPEC to receive a good price for their crude oil so that these nations can become economically strong and independent, and so that the energy subsidy Japan and the industrial nations of Western Europe have enjoyed can be ended.

I call upon our Government officials to pack up and come home. Their presence at the negotiations can only serve to intimidate and alienate OPEC governments. We should help, not harm, these nations' efforts to help themselves.

EXHIBIT 1

UNITED STATES TO COME TO AID OF WEST EUROPE IF OIL CUT OFF

The U.S. State Department last week pledged to come to the aid of West Europe if Middle East producing countries curtail oil exports to back up price demands.

But, officials noted, they do not expect negotiations to break down. They are therefore hopeful international oil flows will not be further disrupted.

State officials are most confident of a settlement with Persian Gulf countries. The trouble spots are Libya, which continued to talk tough last week while expressing optimism, and Algeria, in the Washington view.

The federal interagency committee kept up its close scrutiny of Middle East developments, meanwhile, ready to invoke emergency machinery if needed.

WORST POSSIBILITY

The worst that will happen, in the opinion of emergency planners, is the loss of production from Libya (3,100,000 b/d) and Algeria (1,000,000 b/d). This would be a serious blow to European supply, since such a large amount of short-haul crude could not be replaced merely by shifting tankers and raising production elsewhere.

U.S. planners estimate about 20% of the Libyan and Algerian loss, 25% at most, could be made up by diverting tankers to the Persian Gulf-Western Europe run. To this 1,000,000 b/d, officials predict a like amount could be made available through the combined efforts of the U.S., Canada, and Venezuela. The U.S. and Canada could free some 750,000 b/d of Middle East oil for shipment to Europe by substituting hemispheric supplies.

But, with the current tight world tanker situation, even with realignment of shipping schedules, it appears that no more than half the potential 4,000,000 b/d loss could be made up.

North Atlantic Treaty Organization countries are pledged to cooperate in this way to cope with emergencies, whether military or economic.

In Washington, official emergency apparatus is described as being in standby readiness. This is the status of the emergency petroleum supply committee, the foreign petroleum supply committee, and the security subcommittee which government and industry could activate in a matter of days.

Planners have a program all set up for arranging optimum supply and transportation schedules, as soon as new information is fed into computers.

The U.S. and Western Europe could get by, but not without considerable strain and extra cost for longer hauls. Publicly, they do not expect to put emergency plans into action. But privately, preparations are going ahead, just in case.

WESTERN OIL FIRMS GET ULTIMATUM

(By John K. Cooley)

Beirut, Lebanon.—Ten oil-producing countries have given Western oil firms until Feb. 15 to meet their demands for higher prices.

If they don't acquiesce the members of the Organization of Petroleum Exporting Countries (OPEC) say they will raise their prices unilaterally.

The oil companies subsequently expressed a willingness to reopen talks which collapsed after two weeks of negotiations with OPEC governments in Tehran.

The Shah of Iran earlier indicated that the dispute over oil prices might lead to a cutoff of much of the Western world's petroleum supplies.

Persian Gulf states should take "simultaneously all legal and legislative measures" to increase their share of oil revenues, the Shah said in a speech to the upper house of the Iranian Majlis (parliament).

VENEZUELA SETS EXAMPLE

Venezuela set an example to the other nine OPEC members—Abu Dhabi, Algeria, Indonesia, Iran, Iraq, Kuwait, Libya, Qatar, and Saudi Arabia—by passing laws raising the tax rate on crude production from 52 to 60 percent last fall.

In the ruptured negotiations, the oil companies had given way to OPEC's desire that the talks concern only Persian Gulf countries and not North African or other production.

Company spokesmen contended that the companies' best offer would have added $700 million to bridge countries' revenues in 1961, rising to an additional $1.6 billion in 1975.

In his speech the Shah proposed that the gulf countries also should "secure the stability and assurances sought by the consumer countries."

At a news conference, he spelled out the possibility of a cutoff of supplies:

"Once we [the OPEC states] reach a collective decision, should there then be certain individuals who refuse to recognize our sovereignty, then the OPEC members will take the necessary decision. This might include cutting off the oil."

CASH RESERVES BUILT UP

Some states, such as Libya, have built up huge cash reserves and might afford a cutoff, oil experts here say. Libya, ruled since September, 1969, by a militant military regime, has increased its oil revenues more than 300 times since 1961 to about $1.3 billion in 1970.

Other OPEC governments such as Iran with approximately equal revenues are spending as much or more than they earn for development and can ill afford an oil shutdown.

Another major question was whether Western governments could accept a cutoff, or whether the companies were willing to suffer the great damage to their profits this would entail.

Though the United States imported only about 5 percent of its oil from the Mideast in 1970, rising consumption, slowness in developing nuclear power and Alaskan and other oilfields, may raise this to as much as 15 percent in 1971, oil experts here estimate.

U.S. SUPPLIES AFFECTED

Western Europe imports about 75 percent of its oil from the Mideast. This also affects United States supplies and prices because the oil trade in Western Europe is largely geared to the distribution and marketing systems of the American and British oil companies.

According to figures developed by the Middle East Economic Survey newsletter here, proven oil reserves of the Arab countries in 1969 to 1970 exceeded 325 million barrels or about 62 percent of the world total and 70 percent of that of the non-Communist countries.

Production of the Arab states and Iran together would account for around 40 percent of the total world production including the Communist bloc and close to 50 percent excluding it.

POLITICAL WEAPON, TOO

Arab states have used oil as a political weapon against the West on three occasions. Iraq cut off supplies to the Haifa refinery a month before proclamation of the State of Israel in 1948.

During the Suez war of 1956, oil supplies were interrupted when the Western-owned Iraq Petroleum Company (IPC) pipelines to the Mediterranean were blown up in Syria.

During and after the 1967 Arab-Israeli war, several Arab producer states imposed a temporary embargo on shipments to the United States, Britain, and West Germany.

Use of oil resources as an economic weapon to get better terms from Western companies has been attempted occasionally in the Middle East.

Iran nationalized its oil industry under the premiership of Muhammad Mossadeq in 1951, and political conflict with the West resulted. In 1954 the Shah left the country and then returned to reach agreement with the consortium of eight major companies which still dominate Iranian production despite growth of Iran's own National Iranian Oil Company (IPC).

LAW PROMULGATED

Iraqi dictator Abdel Karim Kassem in 1961 promulgated a law depriving the IPC of 95 percent of its unused concession areas including the rich North Rumaila field. Soviet interests now are preparing to develop North Rumaila as financial and technical backers as well as importers.

In 1966 Syria interrupted IPC oil crossing its territory because of a dispute over transit revenues with IPC. Iraq, the producer country, suffered most.

The initiative for curtailment or interruption of oil has nearly always come from countries which had the least to lose. In 1956 it came from the Syrians and in June, 1967, from Syria and Egypt, both small producers themselves.

S. 681—INTRODUCTION OF THE "STATE ENVIRONMENTAL CENTER ACT OF 1971"

Mr. BELLMON. Mr. President, I am today introducing a bill to authorize establishment of a series of environmental laboratories and research centers within the various States and regions of the Nation, pursuant to the policies and goals established in the National Environmental Policy Act of 1969. I ask that the bill be appropriately referred.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be received and appropriately referred.

The bill (S. 681) to establish environmental laboratories within the States, regions, and Nation pursuant to policies and goals established in the National Environmental Policy Act of 1969, introduced by Mr. BELLMON, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. BELLMON. Mr. President, results of a recent nationwide public opinion survey show that environmental degradation is today the leading concern of the American people, ranking ahead of the Vietnam war, the state of the economy, and the problems of crime and violence.

This is a remarkable finding and must surely mark the first time in history that the people of this Nation have placed greater emphasis on the quality of their lives and surroundings than on any other aspect of human existence.

This great upsurge of public concern for the environment comes none too soon. We have abundant evidence of a deteriorating natural environment. Fortunately this public awareness has come in time, and I believe we will solve the complex problems threatening our Nation and the world with ecological disaster if we act now.

I compliment President Nixon for having sent to Congress his statements on the environment and his recommendations for action, and I ask unanimous consent to have a newspaper article which describes these recommendations by the President printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BELLMON. The quality of our lives is directly related to the quality of our environment. A rapidly growing population and expanded industrial production which makes possible our high-standard of living place increasing demands upon our environment. The hope of the future lies in our ability to understand the potential consequences of our actions, to utilize our knowledge to repair the damage already done, and to prevent further deterioration of our environment.

For many months now, we have been cognizant of growing concern for the environment. Congress has acted with the passage of many pieces of important legislation—with the Water Quality Improvement Act, the Environmental Quality Improvement Act, the National Environmental Policy Act, and many more.

Mr. President, by these legislative measures, Congress has adequately stated its belief that the American people are entitled to a quality environment and has shown its intent to improve the quality of the environment. Unfortunately, we have not yet backed up those beliefs with adequate funding to assure a quality environment; and not yet have we provided means to gather the necessary date or develop the necessary technological and monitoring capabilities to carry out the intent of Congress.

The bill I am introducing is intended to provide us with both the data and the technological expertise to restore and maintain the quality of the environment through the establishment of a series of environmental laboratories, research, and monitoring centers.

Just one year ago, the Environmental Studies Board of the National Academy of Sciences and National Academy of Engineering published the findings of a special study group. This report is entitled "Institutions for Effective Management of the Environment." One of the major recommendations resulting from the study was for the establishment of environmental laboratories to carry out basic, applied and mission-oriented research programs, essential to the restoration and preservation of the environment.

Many Government agencies concerned with environmental matters conduct a variety of research programs, but with very special, limited aims and with almost no cohesion. There is no Federal facility, and probably none outside the Government, which conducts broad-spectrum, interdisciplinary research on the environment as a whole. Each agency studies its own particular problem or area of interest.

It was the finding of the Environmental Studies Board that all research efforts now going on at the Federal level are inadequate from an ecological point of view.

The quality of environment varies within our 50 States—some regions of the Northwest and Southwest enjoy a relatively high quality environment; whereas, others such as the Northeastern States, Great Lakes States, and west coast have repeatedly faced major environmental tragedies. Many environmental problems are national or regional in scope, but many localized problems also exist. Irrespective of the scope of the problem, the environment cannot be effectively managed without knowing what it was, what it is, and what it can become.

Mr. President, we have been slow to accept the concepts of ecology—slow to apply to the natural environment the scientific principle that for "every action there is an equal and opposite reaction." I believe we do now understand that all aspects of the environment are interdependent and that changes in one component necessarily bring about changes in others. Still, many of today's environmental efforts are directed toward a single component without due regard for the others.

If Congress is to succeed in its dedication to restore and maintain a quality environment, we must provide the vehicle and the financing necessary for treating the environment as a total system, for thoroughly understanding our environment and the probable results of our environmental-related actions, for developing reasonable and rational environmental standards, and for finding solutions to the complex questions for which we now have no answers.

This proposed legislation will serve all these purposes. It has three major provisions. First, it provides for the establishment of a qualified environmental center in each State; or at the option of the participating States, establishment of a regional center to serve a group of States. Second, it requires that each center combine and coordinate the interdisciplinary and interinstitutional research capabilities within its area and arrange for consortium of institutions to conduct competent research. Third, it provides Federal funding of not less than $500,000 per year to each center with additional funds available on a matching basis.

The educational institutions and industries in all parts of the Nation collectively represent a substantial capability in the environmental sciences. The individual specialists within each of these are presently conducting significant research. But it is generally limited to narrow confines and there is little or no coordination of the various efforts and little or no transfer of information.

This legislation will, for the first time, provide the means of marshalling the greatest talents and expertise available in every section of the Nation in the battle for a quality existence. Each environmental center will be charged with the responsibility of seeking out the most knowledgeable persons in colleges and universities, in private industry and in governmental agenices at all levels to form interdisciplinary teams and to create inter-institutional arrangements necessary for understanding and treating the total environment.

Each center will be able to direct and coordinate independent efforts; and will be able to bring together State and regional capabilities to solve problems peculiar to that region. Additionally, the State and regional organizational structure will place the talents and expertise "on location" where environmental changes can be directly monitored and observed, and where action can be initiated to prevent environmental destruction.

The bill I introduce is patterned after the Hatch Act of March 2, 1887, Public Law 84–352, relating to the appropriation of Federal funds for State agriculture experiment stations, and the Water Resources Act of 1964, Public Law 88–379, relating to appropriation of Federal funds for State Water Resources Research Institutes. It provides that maximum responsibility be given to State environmental centers, and yet permits reasonable and responsible control by the Federal governmental agency over expenditures of public moneys.

Mr. President, no program in our Nation's history has provided greater benefits to the American public than the public moneys spent on agricultural research through the Cooperative State Research Service—CSRS. This program is one of the major reasons we are the best fed Nation on earth and that the productivity of our farms is unexcelled.

Americans now spend only 5 percent of their disposable income for the farm-supplied ingredients in food. This percentage, the lowest in the world, is possible because of a carefully planned effort to raise farm productivity through research. agricultural experiment stations have demonstrated that public investments in obtaining new knowledge can provide a vast economic payoff. The investment has been an efficient way to expand the food supply and provide security against drought and pestilence both at home and abroad.

One example was development of aphid resistant alfalfa varieties which returned $60 for each $1 invested. Screwworm fly control has returned $10 for each $1 invested. Numerous such success stories can be cited. Estimates of the rate of return on all investment in research of agricultural experiment stations range from 50 percent on up to 400 percent.

Each farmworker today supplies food and fiber for nearly 50 persons. Or expressed in a term which is becoming more popular, 1 million farm decisionmakers use research results to produce 90 percent or more of the agricultural output of our country. This means that only one farm decisionmaker is required for ever 205 people in our society. In 1887, when Congress passed the Hatch Act authorizing agricultural experiment stations, each farmworker supplied food for less than six persons.

It is clear that increasing farm productivity through research has freed millions of workers to provide the medical care, the cars and television sets, household appliances, and other conveniences that are part of our high standard of living.

Because the poor spend a higher proportion of their income on food than do others, lowering of the real costs of food and fiber through research has especially benefited those in low-income categories. Likewise, the poor can afford to do little about protecting their environment and it would follow that a lowering of the cost of an improved environment for the poor would be a special benefit to that segment of our population.

The success of the Cooperative State Research Service—CSRS—program has been based on two factors: First, a close Federal-State cooperative program with the agriculutral experiment stations and, second, a close Federal-State cooperative extension program for the transfer of knowledge to the user—the farmer, the consumer, the agribusinessman.

Fundamental to the success of the program is the large degree of independence afforded the individual States and the individual research directors.

The establishment of agricultural experiment stations was a bold and forward looking program to improve capabilities to feed and clothe a nation. The same type of bold and progressive program is needed today to improve our capabilities to restore a nation. I believe this can best be accomplished through a series of environmental research centers, managed on a Federal-State cooperative basis and operated with the greatest possible degree of independence. This is one aim of this bill.

There is growing awareness at all levels of government of the complexity of environmental problems and the need for a broad approach to solve them. Already the Federal Government has moved to meet the challenge by consolidating several Federal agencies concerned with the environment by forming the Environmental Protection Agency.

During the last 2 years, the National Science Foundation, particularly through its Office of Interdisciplinarian Research, has emphasized problems involved in environmental management and control. It has become obvious to us that we must treat the environment from an interdisciplinary approach involving sociology, economics, political science, management sciences, public administration, law, architecture, engineering, systems analysis, medicine and public health, agriculture, ecology, biology physics, and chemistry. Government alone cannot meet these requirements. A consortium involving both educational institutions and private industry, as well as Government, will be necessary.

The one area where Government can and must make the greatest contribution is in financing. The major responsibility for funding environmental research falls to the Federal Government, as it should, for no greater public good can be derived from the use of public moneys than that which will result from restoration, enhancement, and protection of the environment. This bill provides for a Federal financial foundation upon which States can build an effective environmental service.

There seems little doubt that Federal expenditures related to environmental research and management will increase. In fiscal 1969, Congress obligated $330 million for research, development, and demonstration in pollution control, abatement, and related programs. The obligation for fiscal 1971 increased to $361 million, and will likely go still higher next year.

In this connection, I ask unanimous consent to have a table printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BELLMON. I question, however, if we are doing enough to understand and to protect our environment and safeguard our natural resources.

Out of 13 major categories to which Federal dollars are devoted, natural resources ranks last—receiving only $2½ billion, or about 1 percent of the Federal budget. Of that amount, only $1 billion is devoted to environmental improvement programs—the rest going for dams, levees, channelization, and other such projects which may contribute to environmental deterioration.

Clean air, clean water, and a healthy, wholesome environment are matters that affect every citizen of this Nation. The $1 billion that we allocate each year to assure these basic necessities is pitifully small compared to the need and the danger our Nation faces from neglect of these vital concerns.

I heartily agree with the comments Secretary Morton made a few days ago before the Senate Interior Committee when he said:

The priority of our environment must be brought into equity with that of our economy and our defense. Otherwise, at some point in time, there will be no economy to enjoy and practically no reason for defense.

All our previous investments in national defense, health programs, income security, education and all others will be to no avail if we fail to provide a decent world in which to live. If man surrenders to the threat of environmental destruction, he will have faced his last opponent. We will have allocated our last appropriations and there will be no second chance. Now is the time to remove this issue from the lowest priority in our national budget and to provide adequate funding for the conservation of our natural resources and the restoration of our environment.

The agenda of matters demanding immediate attention is long, and we have no choice but to do the best possible job with current management tools and existing institutions.

But as clearly pointed out in the first annual report of the Council on Environmental Quality, "the pressing need for tomorrow is to know more than we do today." This bill provides the means by which this environmental information gap may be filled.

We lack scientific data about how natural forces work on our environment and about the way pollutants affect the natural world. We lack the devices to measure either improvement or deterioration in the environment. We lack the knowledge of the interrelationship of separate pollution problems, and this further handicaps efforts to devise strategies for control of pollution. We even lack the basic concepts from which to look at and solve environmental problems.

This Nation is in desperate need of a foundation of information on the current status of the environment, on changes and trends in its condition, and on what those changes mean to man. Without such information we can only react to environmental problems after they become serious enough for us to see. We lack the knowledge to develop long-term programs of prevention.

Passage of this bill will enable us to know when and where action is needed. Essential to development of this kind of information is a comprehensive program of nationwide environmental monitoring, collection, analysis and effective use of the information. The Council on Environmental Quality considers development of this type information program a major national objective. But the Council further points out that even after the system for collecting and analyzing data is developed, we still must have additional knowledge to enable us to understand and interpret the data we get. We are not yet in a position to understand the significance of monitoring results. Much more research is needed on how environmental systems operate—on how man affects the environment—and how the environment affects man. Augmenting this type of research must take a high national priority. This bill provides a means for enlightened and effective action.

The first important step is creation of new institutions and new financing for a systematic approach to the environment. The National Environmental Policy Act clearly stresses the necessity of approaching environmental problems as a totality.

Mr. President, passage of this proposed legislation for state and regional environmental research centers will meet that need and the need to develop greater understanding of the environment. Moreover, it will meet those needs in an effective manner, combining the best available resources and expertise in every corner of this land, marshaling both private and public resources and involving Americans at all levels of life in the greatest effort this Nation has undertaken: an effort to assure a wholesome environmental existence in harmony with our delicate and finite surroundings.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 681

A bill to establish environmental laboratories within the States, regions, and Nation pursuant to policies and goals established in the National Environmental Policy Act of 1969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) this act may be cited as the "State Environmental Center Act of 1971."

(b) It is the policy of the Congress to support research, planning, management, and education and other components necessary to maintain and improve the quality of the environment through the establishment of environmental centers in cooperation with and among the States, to promote a more adequate program of environmental protection within the States, regions, and Nation, pursuant to policies and goals established in the National Environmental Policy Act of 1969 (Public Law 91–190). It is hereby recognized that research, planning, management, and education in environmental areas are necessary to establish an ecological balance in intrastate and regional (interstate) areas to assure the Nation at all times of an adequate environment.

SECTION 1. The purposes of this Act are to stimulate, sponsor, provide for, and supplement present programs for the conduct of research, investigations, experiments, and the training of professionals in fields required for the protection and improvement of the Nation's environment. The Administrator of the Environmental Protection Agency is hereby authorized and directed to cooperate with the several States for the purpose of encouraging and assisting them in carrying out comprehensive programs of environmental research, planning, management, and education, having due regard to the varying conditions and needs of the respective states.

TITLE I—STATE ENVIRONMENTAL CENTERS

SECTION 1. There are authorized to be appropriated for the purposes of this Act such sums as Congress may from time to time determine to be necessary to assist each participating State in establishing and carrying out the work of a competent and qualified environmental center or equivalent agency (hereinafter referred to as State center), not to exceed one State center per State as designated by act of the Governor of the State concerned; subject to the determination by the Administrator of the Environmental Protection Agency that such State center has, or may reasonably be expected to have, the capability of doing effective work under this Act: *Provided,* That (1) funds under the Act shall be paid to the one designated State center in each State; (2) two or more States may cooperate in the designation of a single interstate or regional center (hereinafter referred to as regional center), subject to the determination by the Administrator of the Environmental Protection Agency that such regional center has, or may be expected to have, the capability of doing effective work under this Act, in which either part or all of the individual sums payable to all of the cooperating States, and subject to designation of fund amount by the State center, shall be paid to such regional center; and (3) a designated center or regional center may, as required for fulfillment of its responsibilities, arrange with universities and colleges as well as private industry to participate in the work of said State center or regional center.

SEC. 2. (a) As used in this Act, the term "State center" or "regional center" means an organization that combines or coordinates the research capability of educational institutions. The center shall have a nucleus of administrative, professional, scientific, and technical personnel capable of planning, coordinating, and directing comprehensive programs required for the protection and improvement of the Nation's environment. It shall possess the capability of employing personnel to carry out research, planning, management, and education programs. It is not required that the center be a baccalaureate nor graduate degree granting educational institution; however, it may be closely associated with such an institution. The State center or regional center must be established in part or in whole with an educational institution, private foundation, or public foundation. Such center shall be authorized to make grants to and finance contracts and fund matching or other arrangements with educational institutions, foundations, or other institutions, with private firms and individuals whose training, experience, and qualifications are, in the judgment of the chief executive officer of the center, adequate for the conduct of specific projects to further the purposes of this Act; and with local, State, and federal agencies, to undertake research, investigations, and experiments into any aspects of environmental problems related to the mission of the center.

(b) It shall be the duty of each such center to plan and conduct and/or arrange for a component or components of the universities, colleges, or foundations with which it is or may become associated to conduct competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to the environmental pollution and/or other environmental problems and opportunities to provide for the training of environmental professionals through such research, investigations, and experiments; and training may include without being limited to: biological, ecological, economic, engineering, geographic, geological, legal, recreational, resource planning, social, and other aspects of environmental problems.

(c) The Administrator of the Environmental Protection Agency is hereby charged with proper administration of this Act and is authorized and directed to prescribe such rules and regulations as may be necessary to carry out the provisions of this Act, including participation in the coordination of research initiated under this Act by the center, from time to time to indicate such lines of inquiry as to him seem most important, and to encourage and assist in the establishment and maintenance of cooperation by and among the several centers; such encouragement to specifically include the development of (1) interdisciplinary teams within the colleges and universities as well as industry, and (2) interinstitutional arrangements among colleges, universities, private industries, and governmental agencies (all levels).

(d) Any sums made available by Congress for support of work under this Act shall be distributed as follows: (1) 47 per centum shall be allotted equally to each State; (2) 50 per centum of such sums shall be allotted to each State based on the proportion of the population of the State to the total population of all of the States as determined by the last preceding decennial census current at the time such sum is first appropriated; (3) 3 per centum shall be available to the Administrator of the Environmental Protection Agency for administration of this Act.

(e) Not less than 25 per centum of any sums allocated to a State center shall be expended only in support of work planned and conducted by one or more interstate or regional centers as provided in section 3(a) (2) of this Act.

(f) Of the first $500,000 available annually under this Act for allotment to any State center or regional center, no matching funds by said centers are required; however, funds made available annually above $500,000 must be matched, on a ratio of $5 Federal to not less than $1 of non-Federal funds.

TITLE II—TECHNOLOGY TRANSFER COMPONENT

Sec. 3. In order to initiate, to facilitate, and to expand greatly the development of a greater awareness, a clearer understanding, and more extensive, effective and efficient application of useful information being generated by valid research programs, there is hereby created a technology transfer component of the "State Environmental Centers Act of 1971" hereinafter referred to as the Extension and Continuing Adult Education component. The Congress shall accomplish the above by establishing a national program of incentives and support to several states individually and in cooperation with one another as they attempt to create and maintain a high level of creditability and emotional equilibrium among people in the United States with respect to the topics in the field of environmental quality.

Sec. 4. (a) The target audiences for these programs include:

(1) the general public, including all age groups, sexes, races, religious beliefs, and other units;

(2) persons employed by specific units of government, such as township, county, municipal, State, Federal, and other levels of government;

(3) personnel employed by business, industry, and commerce establishments; and

(4) others, such as persons involved with civic groups, fraternal organizations and other special-interest groups in American society.

(b) Such State environmental center extension and continuing education programs of each of the cooperating States shall be administered by the chief executive officer of the center and shall consist of the giving of instruction to the specified groups via a wide range of educational program techniques and with a generous use of the most modern tools of communication such as

(1) workshops, seminars, clinics, courses for credit, field visits, short courses, individual consultation, and demonstrations, some of which can be handled by the use of telephone, television, or other combinations of audio and/or visual presentations;

(2) the development of a wide range of useful information made available in published reports of several different types, such as monographs, bulletins, fact sheets, and other types of printed material as well as microfilm, microfiche, computer tapes, tape cassettes, and by other devices that can be used by a specific audience; and

(3) the development and maintenance of a current and comprehensive reference service to facilitate the rapid identification and use of helpful information.

Sec. 5. The same formula distribution described in Section 2(e) shall apply to this title. Of the first $500,000 available annually under this act for allotment to any State or center or regional center for purposes of technology transfer, no matching funds by State centers are required; however, funds made available annually above $500,000 must be matched, on a ratio of $5 Federal to not less than $1 of non-Federal funds.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 6. Sums made available for allotment to the State centers and regional centers under this Act shall be paid to their designated centers at such time and in such amounts during each fiscal year as determined by the Administrator of the Environmental Protection Agency, and upon vouchers approved by him. Each center shall have a chief administrative officer and a treasurer or other officer appointed by its governing authority. Such treasurer or other officer shall receive and account for all funds paid to the center under the provisions of the Act and shall report, with the approval of the chief administrative officer of the center, to the Administrator of the Environmental Protection Agency on or before the 1st day of September each year a detailed statement of the amount received under provisions of this Act and shall report, with the approval of the chief administrative officer of the center, to the Administrator of the Environmental Protection Agency on or before the 1st day of September each year a detailed statement of the amount received under provisions of this Act during the preceding fiscal year, and its disbursement, on schedules prescribed by the Administrator of the Environmental Protection Agency. If any of the moneys received by the authorized receiving officer of the State center or regional center under the provisions of this Act shall be any action or contingency be found by the Administrator of the Environmental Protection Agency to have been improperly diminished, lost, or misapplied, it shall be replaced by the center concerned and until so replaced no subsequent appropriations shall be allotted or paid to that center.

Sec. 7. Moneys appropriated under this Act, in addition to being available for expenses for research, investigations, experiments, and training conducted under authority of this Act, shall also be available for printing and publishing the results thereof.

Sec. 8. Bulletins, reports, periodicals, reprints of articles, and other publications necessary for the dissemination of results of research, experiments, and other investigations, including lists of publications available for distribution by the centers, shall be transmitted in the mails of the United States under penalty indicia: *Provided*, That each publication shall bear such indicia as are prescribed by the Postmaster General and shall be mailed under such regulations as the Postmaster General may from time to time prescribe. Such publications may be mailed from the principal place of business of the center or from an established subunit of said center.

Sec. 9. The Administrator of the Environmental Protection Agency shall make a report to the President and to the Congress during its first regular session each year of the receipts and expenditures and work of the centers in all the States under the provisions of this Act and also whether any portion of the appropriations available for allotment to any center has been withheld, and, if so, the reasons therefor.

Sec. 10. The Congress may at any time amend, suspend, or repeal any or all of the provisions of this Act.

Exhibit 1

President Proposes Action To "Restore" Land, Air, Water

(By Roberta Hornig)

President Nixon called on Congress today to approve a broad series of measures to protect the environment, ranging from land-use planning to testing of toxic substances.

In the message spelling out his legislative proposals, Nixon called for a basic reform in land-use planning, seeking to encourage states to take over from local governments the regulation of land use in growing areas and in the areas of "critical environmental concern."

He also proposed:

A charge to be imposed for emission of sulphur oxides, a chief air pollutant.

Allocation of $6 billion to combat water pollution over the next three years—double the amount he requested last year—as the federal half of a $12 billion program to build sewage treatment plants across the country.

A tax on lead in gasoline, regarded as a significant air pollutant; Congress failed to act on a similar proposal last year.

Restrictions on pesticide uses.

A ban on unregulated ocean dumping.

Regulations to begin controlling noise pollution.

Tests of toxic substances before they are allowed on the marketplace.

"RECLAIMING THE EARTH"

"I call upon all Americans to dedicate themselves during the decade of the seventies to the goal of restoring the environment and reclaiming the earth for ourselves and our posterity," Nixon told Congress.

"And I invite all peoples everywhere to join us in this great endeavor.

"Together, we hold this good earth in trust," he said. "We must—and together we can—prove ourselves worthy of that trust."

The national land use policy proposed by Nixon call specifically for $100 million—$20 million in each of the next five years—to encourage states, in cooperation with local governments, to plan and regulate major developments affecting growth and the use of critical land areas.

This money would be federal matching assistance to the states, which would be urged to come up with state-wide land use programs by 1974. States without such programs would be denied further federal funding. Steps would also be taken to assure that federally-assisted programs were consistent with approved state land use programs.

Areas of "critical environmental concern" were described in the message as those around coastal zones and scenic and historic areas. Nixon also urged states to regulate land growth patterns around major airports, highway interchanges, major recreational areas and new communities.

In line with his land use proposal, Nixon also called for expanding open-space programs, with emphasis on providing parks for people in urban areas. He urged changes in the Internal Revenue Code to encourage charitable land transfers for conservation purposes, and called for converting surplus federal properties to public park use.

In addition, he proposed "a major expansion" of the wilderness area system to include many new areas nationwide, and called for a "World Heritage Trust" to encourage other nations to set up national parks like those in the United States.

SULFUR OXIDES

The suggested charge for emission of sulfur oxides—the most significant single health hazard resulting from fossil fuel burning—is the most important new presidential effort to try to combat air pollution.

Nixon called it "a major step in applying the principle that the cost of pollution should be included in the price of the products.

The stepped-up water pollution control program, besides doubling federal funds, also would increase fines for violators of water quality standards to up to $25,000 a day administratively and would allow court-imposed fines of up to $50,000 a day for repeated violations.

Nixon's program also would set up an Environmental Financing Authority to help communities with low credit ratings pay for their share of waste treatment plants; revise present rules so plants can be built where the need is greatest; requires municipalities to recover from industries the portion of construction costs necessary to treat industrial waste.

In addition, it would extend water quality standards to all navigable waters, require industries to use the best technology available for treating water; speed up enforcement procedures, and authorize legal action by private citizens against water polluters.

Under Nixon's proposal to improve pesticides control, they would be sold through a registration procedure under which they would be designated for "restricted use" or, for use "by permit only."

Nixon also called for streamlining present cumbersome procedures for canceling pesticide registration and stopping sale of any pesticide that violates federal law.

In attacking what he called "controlling emerging problems," the President asked the chief of the Environmental Protection Agency to prescribe minimum standard tests for new chemicals before they reach the market place; to restrict the use or distribution of any substance he finds hazardous to human health or the environment; to stop the sale of hazardous materials, and to seek immediate court relief if use presents an imminent health or environment hazard.

Nixon cited ocean dumping as another emerging problem. He proposed requiring a permit before any materials could be dumped into the oceans, estuaries or the Great Lakes. He also asked for strict limitation on ocean dumping "in areas of critical significance," and a complete ban on dumping waste dangerous to marine life.

Nixon's recommendations on attempting to control noise are the first ever to emerge from the White House. He would authorize EPA to set noise standards for construction and transportation, such as cars, trucks, and buses, and would require labeling of the noise characteristics of other products traveling in interstate commerce.

OTHER PROVISIONS

Other provisions in Nixon's environmental message include:

A power plant siting plan which would require electric utilities to submit plans for new power plants 10 years in advance. State or regional agencies would provide preliminary clearance for the plant and transmission sites five years before construction and clearly specify sites and routes two years in advance, and provide hearings at both stages.

Establishment of federal guidelines for state programs to regulate the environmental consequences of surface and underground mining, allowing the federal government to step in if states fail to act.

Setting up an Environment Institute with joint federal and private foundation money, to study and hopefully come up with alternatives to environmental problems.

EXHIBIT 2

TABLE 1.—RESEARCH, DEVELOPMENT, AND DEMONSTRATION

[Including contracts and grants]

	Obligations in millions of dollars, fiscal year—		
	1969	1970	1971
1. Where the primary purpose is pollution control and abatement	253	251	277
2. For some other primary purpose but contributes to pollution control and abatement	77	81	84
Total	330	332	361

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination, was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States submitting the nomination of H. Brooks Phillips, of Mississippi, to be U.S. marshal for the northern district of Mississippi, which was referred to the Committee on the Judiciary.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. CHILES). Pursuant to the previous order, there will now be a period for the transaction of routine morning business not to exceed 30 minutes, with a time limitation of 3 minutes therein.

THE DISTRICT OF COLUMBIA'S PROPOSED RECIPROCAL INCOME TAX

Mr. BYRD of Virginia. Mr. President, for the third time in 4 years, the government of the District of Columbia is asking Congress to impose a tax on the wages of Virginia and Maryland residents who earn their living in Washington.

This proposed tax was turned down by the Congress in 1967 and again in 1969.

This year, the tax has been given a new name. It is called a reciprocal income tax. However, it is really the same old tax in a new disguise.

Under this so-called reciprocal tax arrangement, the District would be empowered to tax wages of Virginians and Marylanders who work in Washington; at the same time, the two States would be permitted to tax the earnings of District workers in their jurisdiction.

This has an appearance of fairness. However, it is in fact inequitable.

Estimates indicate that the proposed tax arrangement would net $51 million for the District of Columbia, while Virginia would lose $17 million in revenues and Maryland $28 million.

This is reciprocity in name only.

What actually would happen under this proposal is that Virginia and Maryland, both already hard pressed for tax funds, would have to increase their own tax rates to make up for their loss of revenue.

Thus, every taxpayer in Virginia and every taxpayer in Maryland would be furnishing a special subsidy to the government of the District—over and above the subsidy which every American taxpayer pays to Washington through Federal taxation.

It must be kept in mind that the Federal Government actually makes a major contribution to the expenses of the District of Columbia.

This year the so-called Federal payment is approximately $125 million. But according to the Senate Appropriations Committee, this figure represents only a small part of Federal support for the District.

The committee's estimate is that the actual total of Federal support is $539 million for the current year.

Furthermore, the District does unusually well with respect to financing of federally supported projects within its jurisdiction. For example, Federal assistance to the rapid transit system in San Francisco is approximately 8.4 percent of the total estimated cost of $1.3 billion; while Federal assistance for the Metro Rapid Transit System in Washington will be 46 percent of a total estimated cost of approximately $2.5 billion.

It also should be pointed out that the District of Columbia supports an unusually large governmental staff. Federal Government statistics indicate that there is one District of Columbia employee for every seven workers in the city.

In addition to their own share of the national contribution to the District of Columbia budget, Virginia and Maryland residents pay sales taxes on items they purchase when they stop in Washington.

Advocates of the proposed new District income tax point to the fact that the individual taxpayer in Virginia and Maryland would receive a tax credit against the amount they would normally owe in their own States. Thus, the District tax would be deducted from the State income tax bill of the commuters.

But two observations need to be made about this procedure.

First, the District tax is graduated up to a higher level than the income tax of either Virginia or Maryland. The top rate in the District is 10 percent; in the two States, the highest rate is 5 percent.

Thus, many Virginia and Maryland residents would be paying a higher tax bill.

The second point is this: The loss in revenue for Virginia and Maryland would have to be made up in some way.

The only way Virginia and Maryland could compensate for their loss of tax funds would be to create new taxes, or increase old ones, on their own residents.

I recognize that the District of Columbia, like all cities in the United States, faces financial problems.

But to impose special taxes on the residents of Virginia and Maryland to bail out the District of Columbia is unjust.

I shall vigorously oppose the newest version of the commuter tax.

Mr. ALLEN. Mr. President, I ask unanimous consent that I may use my 3 minutes of allotted time to propound an inquiry to the distinguished Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, if the distinguished Senator from Virginia would yield, I would like to propound an inquiry to him.

Mr. BYRD of Virginia. Mr. President, I am glad to yield to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, along the lines of the problem the Senator is pointing out, my inquiry has to do with a matter somewhat similar to that of the tax on the citizens of Virginia who work in the District. Certainly the junior Senator from Alabama is most sympathetic with the position of the distinguished Senator from Virginia and with the citizens of Virginia whom he represents.

The junior Senator from Alabama has a somewhat similar personal situation concerning which he would like to make inquiry of the distinguished senior Senator from Virginia. The junior Senator from Alabama moved to the great State of Virginia in August of last year. He has a high regard for Virginia, for its history and tradition. Virginia's great soldiers and statesmen are heroes to the junior Senator from Alabama.

Mr. BYRD of Virginia. Virginia is very proud of that.

Mr. ALLEN. Then to his surprise and chagrin, just a few days ago the Senator from Alabama received a tax blank indicating that the State of Virginia wanted the junior Senator from Alabama to pay a Virginia State income tax.

The junior Senator from Alabama is a resident and a citizen of the great State of Alabama and pays his State income tax there.

Does the distinguished Senator from Virginia think that the great State of Virginia should exact an income tax from the junior Senator from Alabama?

Mr. BYRD of Virginia. The Senator from Virginia does not think that the State of Virginia should levy an income tax on the distinguished Senator from Alabama. The Senator from Alabama is a resident of the State which he represents so ably in the U.S. Senate. I do not know just why that levy was made. I think it was probably an error, and if the Senator from Alabama would take up the matter with the State tax commissioner in Virginia, I think it could be straightened out.

I know that Virginia has a reciprocity agreement with most States, and probably with the State of Alabama. However, in any case, I feel that the distinguished Senator from Alabama should not be required to pay a tax to the State of Virginia.

Mr. ALLEN. I thank the distinguished Senator from Virginia. The junior Senator from Alabama is going to heed at least half of the advice of the distinguished Senator from Virginia. He is not going to take up the matter with the tax authorities of the State of Virginia, but he is going to accept the ruling of the distinguished Senator from Virginia that the junior Senator from Alabama owes no income tax to the great State of Virginia.

Mr. BYRD of Virginia. I know that Virginia is hard up for revenue. However, I do not think it would be appropriate to obtain revenue from the distinguished Senator from Alabama.

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to have printed in the Record remarks by the distinguished Senator from New Jersey (Mr. Williams) with regard to the Older American Community Service Employment Act.

There being no objection, the statement by Senator Williams was ordered to be printed in the Record, as follows:

Mr. Williams. Mr. President, I join the Senator from Massachusetts (Mr. Kennedy) in sponsoring the Older American Community Service Employment Act.

America is a young Nation. But each year a larger proportion of our population join the ranks of older Americans

There are now about 20 million persons 65 and older. More than 18 million are in the 55 to 64 age category.

Yet, in our work oriented society, far too many of these older persons are relegated to lead empty and frustrated lives.

For most of these individuals, inactivity is the greatest enemy. Large numbers want to work to remain more active during their later years. Others need to work to supplement their retirement income.

But our economic slowdown has made it increasingly difficult for them to locate jobs.

During the past two years, unemployment for persons 55 and older has jumped by nearly 92 percent. More then 500,000 individuals in this age category have lost their jobs. Of this total, 155,000—or about one out of every three unemployed persons 55 and over—have been without work for 15 weeks or longer.

Alarmingly large numbers are also withdrawing from the labor force. From 1960 to December 1970, the "drop-out" rate among men aged 55 to 64 increased from 973,000 to 1,533,000, nearly a 58 percent rise.

Most of these individuals, however, would prefer to have a wider range of choices:

To work full time or part time; or

To work for pay or as a volunteer.

In the past Congress, important legislation has been adopted to provide the basis for a national corps of retired volunteers. May 1969 Amendments to the Older Americans Act created a new Retired Senior Volunteer Program, "RSVP", to recruit persons 60 and over to provide vital services in their communities. These individuals will receive no pay, but will be reimbursed for their transportation, meals and other out-of-pocket expenses.

Many other older persons also want to serve in their communities, but are not in a position to work without compensation.

According to one leading expert, Dr. Blue Carstenson of the National Farmers Union, approximately 4 million low-income individuals 55 and older would be interested in providing services in their localities.

We know a critical need exists for expanded community services. That need has been well-documented. And we also know that older persons possess a wealth of talent for providing these services. Several successful pilot projects—such as Green Thumb, Green Light, Senior Aides, and Senior Community Service programs—have amply demonstrated that they can make major contributions in their communities.

There are now more than seven applicants for each position available in the National Council of Senior Citizens' Senior Aides program.

In my own state of New Jersey, I have personally seen the outstanding achievements of elderly participants in the demonstration programs. They have helped to train hard-core unemployed young men; worked as bilingual aides in elementary schools; beautified the countryside by planting more than 100,000 trees; and restored historical sites.

The enthusiastic acceptance of these programs—not only by the elderly participants but also by the individuals and localities served—strongly suggest that there are millions of low-income persons 55 and over willing and able to serve their communities.

What is needed now is a genuine national program to build upon these successful demonstration projects funded under the Department of Labor Mainstream program.

The Older American Community Service Employment Act, I strongly believe, can provide the framework for this national senior service corps.

It would help to do this by providing new employment opportunities in needed community services—in anti-pollution programs, hospitals, libraries, schools and elsewhere—for low-income persons 55 and older.

For many older Americans service in their communities can be a most rewarding experience. For others, it can also mean a new career. And for their communities, it can provide an effective means of delivering needed public services.

Community service employment can be a means for enriching their lives—not only in economic terms but also in serving society in purposeful activities.

Denial of employment opportunities for older Americans represents a personal tragedy for them and their families. From our Nation's standpoint, it is also wasteful of valuable human resources. And our economy cannot expect to reach its maximum production while ignoring the skills and experience of willing workers.

We have much more to gain by drawing upon this ready reservoir of talent.

Mr. President, the Senate Special Committee on Aging—on which I served until last week as its Chairman—has long advocated enactment of the kind of legislation offered here today. Within recent years, I have introduced bills closely resembling that offered by Senator Kennedy. I urge prompt and favorable action.

LITHUANIAN INDEPENDENCE DAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to have printed in the Record a statement by the Senator from New Jersey (Mr. Williams) entitled "Lithuanian Independence Day."

There being no objection, the statement by Senator Williams was ordered to be printed in the Record, as follows:

Mr. Williams. Mr. President, on February 16, citizens of this country will join with world citizens of Lithuanian descent in celebrating the 53rd anniversary of Lithuanian Independence Day. For it was on that day in 1918 that the determined loyalists of this suppressed nation liberated themselves from 200 years of Soviet oppression.

Although the liberated existence of this new nation was short lived, the people of Lithuania proved to the world their determined skill for self-government. Within a brief period of time, Lithuania grew culturally and politically. Advancements in education and literature are examples of the great improvements accomplished by this free society. It was not long before many world powers, including the United States, recognized the free and sovereign nation of Lithuania.

For 22 years the people of this brave nation enjoyed the advantages of a democratic society that we, in the free world, have so long experienced. It was not until the Russians invaded this country in 1940 that the advancements and accomplishments of the Lithuanian free people were terminated.

Mr. President, it is appropriate, on the 53rd anniversary of Lithuanian Independence Day, that we honor the people of Lithuania and their commitment to a democratic way of life.

PROTECTION AGAINST OVER-PAYING TAXES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to have printed in the Record a statement and an insertion by the Senator from New Jersey (Mr. Wil-

LIAMS) on the subject of "Protection Against Overpaying Taxes."

There being no objection, the statement and insertion by Senator WILLIAMS were ordered to be printed in the RECORD, as follows:

Mr. WILLIAMS. Mr. President, last April 15, the Senate Committee on Aging conducted a comprehensive hearing on "Income Tax Overpayments by the Elderly."

On that symbolic date we heard from the IRS, elderly individuals, the President of the Nation's largest tax service and other tax experts.

It became crystal clear that millions of Americans, the young as well as the old, overpay their taxes for a variety of reasons:

Intricacies in the tax law completely befuddle the untrained layman;

Complex tax forms can camouflage legitimate tax benefits; and

Many persons are simply unaware of the existence of certain deductions.

Yet, court decisions and IRS publications have emphasized time and time again that the Federal Government wants no individual to pay more in taxes than are legally due.

The hearing—and the report recently issued by the Committee—I am pleased to say, have already had far-reaching effects. Several recommendations in the report have been implemented by the IRS. And I congratulate the IRS for making these badly needed changes in improving this year's tax form:

The retirement income credit has been simplified by reducing the number of calculations and schedule transfers.

Elderly persons can elect to have the IRS compute their retirement income credit, provided they list the amount of their tax exempt pensions, their earned income, and their qualifying retirement income.

Persons with income not exceeding $20,000 and electing to take the standard deduction can also have the IRS calculate their taxes.

Additional line references have been provided in Schedule A (the worksheet for individuals who itemize their deductions) to alert taxpayers to tax savings items, such as expenses for eyeglasses, hearing aids, and travel for medical purposes.

But there are still many legitimate deductions which are not specifically listed on Schedule A. Taxpayers can, of course, check their packet of instructions to determine what is and what is not an allowable deduction. But as a practical matter, large numbers will have difficulty reading the fine print or understanding the complexities of the Internal Revenue Code.

It was for these reasons that the Committee included in its report a section on common deductions frequently overlooked by taxpayers.

These items—described in language that the average individual can understand—can result in substantial tax savings.

In addition, the report lists important tax benefits under the 1969 Tax Reform Act. These provisions can provide urgently needed tax relief, especially for low and moderate-income persons. In many instances, they can mean the difference between a refund or a substantial payment to the IRS when the return is filed.

But many of these extra payments would be unnecessary, if taxpayers were aware of these crucial tax savings features. Moreover, the information in the Committee's report can help protect millions of Americans from overpaying their taxes. And these tax savings hints can be helpful for all age groups because most tax issues apply with equal force to the young as well as the old.

Mr. President, the accompanying information—relating to common deductions frequently overlooked by taxpayers and the tax relief provisions in the Tax Reform Act—is contained in the Senate Committee on Aging's report on "Income Tax Overpayments by the Elderly."

COMMON DEDUCTIONS FREQUENTLY OVERLOOKED BY TAXPAYERS

Millions of taxpayers pay more taxes than legally required because they do not know about the existence of certain deductions.

Part three is designed to point out a number of common deductions frequently overlooked—deductions which can save elderly and younger taxpayers hundreds of dollars.

The following checklist is not exhaustive. But, it can be particularly helpful as a reminder of possible tax savings for individuals who itemize their deductions or are uncertain if it would be more advantageous to take the standard deduction or itemize.

Moreover, the failure to claim these deductions can still be rectified. A taxpayer may prepare a Form 1040X—Amended U.S. Individual Income Tax Return—to claim deductions not included on his original return. To claim a refund for these items, Form 1040X must be filed within three years after the original return was due or within two years from the time the tax was paid, whichever is later.

For example, an elderly taxpayer files his return in 1969 and itemizes his deductions. A year later he learns that travel expenses for medical purposes are properly deductible. In addition, he realizes that he did not deduct the fair market value of the clothing donated to his church, expenses for his dentures, and the cost of the safe-deposit box for his stocks and bonds. In 1970 he files Form 1040X and claims these legitimate deductions. A few weeks later he receives a refund for $75 plus interest.

COMMON DEDUCTIONS OVERLOOKED (NOT SPECIFICALLY LISTED ON SCHEDULE A)

Medical and dental expenses

Arches
Braces
Chiropractor
Crutches
Batteries for hearing aids
Insulin treatment
Orthopedic shoes
Podiatrist
Oculist
Optician
Optometrist
Dermatologist
Physiotherapist
Psychiatrist
Psychologist
Psychoanalyst
Psychotherapy
Sacroiliac belt
Seeing eye dog and its maintenance
Vaccines
Supplementary Medical Insurance (Part B) under Medicare
Vitamins prescribed by a doctor but not taken as a food supplement or to preserve general health
Wheelchairs
Whirlpool baths for medical purposes
Ambulance expenses
Physical examinations

Taxes

Additional sales tax deduction for the purchase of large items, such as an automobile

Additional sales tax deduction (besides the table based on adjusted gross income of a taxpayer) for nontaxable income adjusted taxpayer) for nontaxable income (e.g., Social Security or Railroad Retirement Annuities)

State transfer taxes on the sale of income producing property (e.g., securities)

Charitable contributions

Travel expenses (actual or 6¢ per mile) for charitable purposes.

Cost and upkeep of uniforms used in charitable activities (e.g., Scoutmaster)

Purchase of goods or tickets from charitable organizations (excess of amount paid over the fair market value of the goods or services)

Out-of-pocket expenses (e.g., postage, stationery, phone calls, donated foods) while rendering services for charitable organizations

Interest

Penalty for prepayment of a mortgage is deductible as interest

Miscellaneous deductions

Rental cost of a safe-deposit box for income producing property

Fees paid to investment counselors

Subscriptions to business publications

Telephone and postage in connection with investments

Uniforms required for employment and not generally wearable off the job

Maintenance of uniforms required for employment

Special safety apparel (e.g., steel toe safety shoes, helmets worn by construction workers, special masks, worn by welders)

Business entertainment expenses

Business gift expenses not exceeding $25 per recipient

Employment agency fees for finding employment

Cost of a periodic examination if required by employer

Cost of installation and maintenance of a telephone required by the taxpayer's employment (deduction based on business use)

Cost of a bond if required for employment

Premiums for malpractice insurance for professional employees

Expenses of an office in your home if your employment requires it

Amounts a teacher pays to a substitute to take his place

Educational expenses required by your employer to maintain your position or for maintaining or sharpening your skills for your work.

APPENDIX 1. HOW THE TAX REFORM ACT OF 1969 CAN HELP OLDER AMERICANS

One of the most significant laws passed during the 91st Congress was the far-reaching Tax Reform Act of 1969. Several provisions, such as the increase in the personal exemption and the new low-income allowance, in the new law will also provide substantial tax relief for older Americans. Other measures, such as the increase in the standard deduction, can help to make tax preparation easier—especially for moderate-income individuals.

These proposals can produce important tax savings—in some cases amounting to several hundred dollars—for older taxpayers. Consequently, a basic understanding of these relief measures will be essential for aged persons to receive full benefits from these provisions. Some of the major relief sections include:

Increase in personal exemption deduction: The Act provides for a four step increase in the personal exemption deduction from $600 to $750 by 1973. The four stages would be as follows:

$625 in 1970,
$650 for 1971,
$700 by 1972, and
finally $750 by 1973.

Older Americans will benefit doubly from this increased deduction.

Under prior law, a person who was at least 65 years old was entitled to the regular exemption of $600 plus an additional $600 deduction for age—for a total of $1,200. When this provision becomes fully effective, an elderly single taxpayer would be entitled to a $1,500 personal exemption deduction—$300 more than under previous law. By 1973, an elderly married couple would be entitled to an additional $600 deduction for personal exemptions.

Increase in standard deduction: A three stage increase in the standard deduction will provide significant relief for moderate-income elderly taxpayers. The present standard deduction—10 percent of adjusted gross income with a $1,000 ceiling—will be increased to 15 percent with a $2,000 maximum by 1973. Under the new law, the percentages and maximum deductions will reflect the following changes:

Year	Percentage of adjusted gross income (percent)	Ceiling
1971	13	$1,500
1972	14	2,000
1973	15	2,000

Low-income allowance.—Older Americans will also benefit substantially from the new low-income allowance—equivalent to the former minimum standard deduction plus an additional allowance which would equal a maximum amount of $1,100. More than 5 million tax returns will be removed from the tax rolls because of this provision.

The maximum $1,100 low-income allowance becomes operative in 1970, but it will be reduced in two steps to $1,000 by 1972 to correspond to the $100 increase in the personal exemption deduction for 1972. This new low-income allowance together with the personal exemption deduction would be almost equivalent to the poverty index, and would have the effect of removing virtually all persons in the poverty category from the tax rolls.

The effect of the $1,100 low-income allowance and the $625 personal exemption is to eliminate tax until income exceeds the following levels for elderly persons in 1970:

Number of persons	Nontaxable amount		
	Tax Reform Act	Prior law	Difference
1. Elderly single person (65 or older)	$2,350	$1,600	$750
2. Elderly married couple (both 65 or older)	3,600	3,000	600

Revision in tax rates for single individuals.—The new revised tax structure for single persons who do not support a household in which a dependent lives will benefit many elderly widows and widowers. (Approximately 3.6 million elderly women are widows and live alone.)

Under previous law, the tax rate for a single individual was substantially higher than for a married couple filing a joint return with the same taxable income. In some instances a single taxpayer would pay 41 percent more in taxes than a married couple filing jointly. The new rate structure in the Tax Reform Act will help to relieve this inequity by providing a tax for single persons which will not be more than 20 percent of the tax paid on a joint return with comparable taxable income.

No withholding under Certain Circumstances.—Employees who certify to their employers that they had no tax liability for the preceding year and expect to have no tax liability for the current year will not have Federal income tax witheld from their wages.

About a half million persons 65 and over who work, are not subject to tax because of low taxable income. Previously, many elderly persons who owed no tax, still had to file returns to collect refunds because of the tax withheld.

Because of this provision and changes in filing requirements, more than 2 million older Americans will be relieved from the necessity of filing a tax return.

Reduction and Repeal of the Surtax: The 10 percent surcharge was reduced from 10 percent to 5 percent for the period from January 1, 1970 to June 30, 1970. Effective July 1, 1970, the surcharge will be discontinued. For an individual taxpayer, the effect will be to reduce the surtax to 2.5 percent on an annual basis for 1970 and to eliminate the surcharge for 1971.

Liberalized income averaging.—Income averaging is available for individuals whose incomes fluctuate from year to year to help lessen the tax burden in high income years. Generally, a person is eligible for income averaging if taxable income for the current year is more than $3,000 greater than 133⅓ percent of his average taxable income for the preceding four years.

The Tax Reform Act will lower the 133⅓ percent requirement to 120 percent. In addition, long-term capital gains, wagering income, and substantial income from gifts—which previously did not qualify—would be eligible for averaging.

Tax savings under the Tax Reform Act.—In 1969 it is estimated that persons 65 and older had an income tax liability of $7.3 billion, exclusive of the surcharge. When fully effective, the relief provisions of the Tax Reform Act will reduce this liability by $640 million (at 1969 levels)—a reduction of about 9 percent. Assistant Secretary Edwin Cohen estimated that "The tax liability of those persons with adjusted gross incomes below $10,000 will be reduced by more than 25 percent, and that of persons with adjusted gross incomes below $5,000 will be reduced by more than 54 percent."

When the Act is fully effective, an elderly married couple will pay no Federal income tax until their joint income (exclusive of Social Security and other nontaxable income) exceeds $4,000—a $1,000 increase over the 1969 tax-free level of $3,000. Similarly, an elderly single individual will be able to have taxable income of $2,500 without owing any tax—$900 more than under previous law.

TRIBUTE TO SENATOR CHURCH: CHAIRMAN OF THE SENATE COMMITTEE ON AGING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to have printed in the RECORD a statement by the Senator from New Jersey (Mr. WILLIAMS) entitled "Tribute to Senator Church: Chairman of the Senate Committee on Aging," and an accompanying insertion:

There being no objection, the statement by Senator WILLIAMS was ordered to be printed in the RECORD, as follows:

TRIBUTE TO SENATOR CHURCH: CHAIRMAN OF THE SENATE COMMITTEE ON AGING

(Statement of Senator WILLIAMS)

Mr. President, with my selection as Chairman of the Senate Committee on Labor and Public Welfare I am required to relinquish my chairmanship of the Senate Special Committee on Aging. This change in work assignments has caused me regret; my four years as Chairman of the Special Committee have been busy and informative. I feel that I have many good friends in the field of aging, and I feel a deep sense of interest in the well-being of those 20 million persons described as older Americans.

My regrets, however, are lightened by the appointment of Senator Frank Church of Idaho as the new Chairman. He has been a member of the Committee since it was established almost 10 years ago. As Chairman of its Subcommittee on Consumer Interests of the Elderly he has looked deeply into problems that confront elderly Americans who must attempt to live on inadequate, fixed incomes in the face of a steadily rising cost of living. He will, I am sure, lead the Committee with the same thoroughness and responsiveness that he has demonstrated in other Senate activities.

Senator Church is assuming his new leadership role during a year which will culminate in a White House Conference on Aging. This Conference, it is to be hoped, will provide a vigorous national forum for issues of vital importance to aging and aged persons in this Nation. The Committee will have a major role to play in bringing such issues to public attention. One such issue, of course, is inadequate retirement income. A recent report issued by the Committee describes the problems associated with the economics of aging and calls for broadbased action. An article in the Machinist of January 28—in addition to paying tribute to Senator Church—discusses the major recommendations and conclusions offered by that report. I ask unanimous consent to have that article reprinted at the conclusion of my remarks.

To add another personal note, I would like to say that I will remain an active member of the Senate Committee on Aging under Senator Church's leadership. My interest in the problems—and the potential—of older Americans is undiminished. It is with considerable gratification, and perhaps some envy, that I offer my support to Senator Church as he begins a fascinating and important assignment.

ELDERLY'S NEW CHAMPION

U.S. Sen. Frank Church of Idaho is the new chairman of the Senate Special Committee on Aging, the principal force in government for spotlighting problems of older Americans.

The 46-year-old Democrat succeeds Sen. Harrison (Pete) Williams of New Jersey who has moved to chairman of the Senate Labor and Public Welfare Committee.

Since he entered the Senate in 1957, Church has voted "Right" from labor's viewpoint on a high percentage of rollcalls in which working families had a particular interest. He has been a hard-working member of the Committee on Aging, chairman of its consumer subcommittee.

His task will be to lead the fight for a long list of committee recommendations for helping older persons made in a report just published. The report emphasizes that twin rises in the cost of living and unemployment have hit older persons harder than any other group.

The report warns that a new group of aged poor may be in the making among those now 55 to 59. One of every six men now in that age group will be jobless by the time he reaches 65 if present trends continue, the report notes. The committee called for:

An immediate 10 per cent increase in Social Security benefits with a cost-of-living escalator for the future.

Higher benefits for the future with increases partly financed from the Federal Government's general revenues.

Improved private pensions. Laws must be enacted to safeguard the retirement income of workers who lose their job as a result of plant shutdowns. Many of these are likely to be middle-aged or older.

Perfecting Medicare as the nation heads toward national insurance.

The committee also called for stricter enforcement of the 1967 law outlawing age discrimination in employment. It urged training programs for older employees and a community service employment law providing funds for part-time employment jobless persons 55 and older on useful work with community service agencies.

It also asked for programs to minimize the ever-increasing impact of housing costs on older persons, both home owners and renters.

The committee urged a task force to study the feasibility of providing Federal assistance to states that grant property tax relief to elderly homeowners.

It also called on the Nixon Administration to spend the money appropriated by Congress for the Sec. 202 housing program. This is the program that assists non-profit organizations like trade unions and churches.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMBODIA—LETTER AND SPIRIT

Mr. HANSEN. Mr. President, I wish to call attention to an editorial column by Ernest B. Furgurson in the February 2, Baltimore Sun, entitled "Letter and 'Spirit' About Cambodia." I think it very appropriate considering the present move of the South Vietnamese to cut the enemy supply trail along the Laotian borderlands.

First, Mr. Furgurson describes the Nixon Vietnam program:

> The greatest concrete accomplishment of this administration is its large-scale withdrawal of American forces from southeast Asia in a phased, responsible way.

And he states very bluntly his estimate of those opposing the Nixon program:

> Outside the combat activities of the enemy himself, the greatest threat to continuation of that orderly withdrawal comes from politicians on Capitol Hill who would tighten restrictions on United States action there to the point at which only a pellmell, unprotected bugout would be possible.

Then Mr. Furgurson very effectively rebuts the charge that the "spirit" of the restrictive amendment—the so-called Cooper-Church amendment—attached to the 1970 foreign military aid supplement, is being violated by the Nixon administration in Cambodia. He points out that the amendment itself was accepted by Congress after being carefully worded to cover only land incursions, that even then it was only agreed to as part of a conference report, and finally that the Defense and State Departments have scrupulously observed the letter of the amendment.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Letter and "Spirit" About Cambodia

(By Ernest B. Furgurson)

Washington.—The greatest concrete accomplishment of this administration is its large-scale withdrawal of American forces from Southeast Asia in a phased, responsible way.

Outside the combat activities of the enemy himself, the greatest threat to continuation of that orderly withdrawal comes from politicians on Capitol Hill who would tighten restrictions on United States action there to the point at which only a pellmell, unprotected bugout would be possible.

In the hysteria following the President's decision to send American troops into Cambodia last spring, the legislative branch asserted itself to insure that he would not do it again. When it eventually became law, the Cooper-Church amendment was an important symbolic action, the first time Congress had used its power over the military budget to draw geographical limits on a war already under way.

But it was by no means a unanimous congressional decision, and in the debating and dealing process very clear limits were drawn on the limitations themselves.

Unsatisfied with the fact that the restrictions Congress passed are being observed by the military disappointed legislators who could not push through their exact desired language now complain that the administration is violating the "spirit" of the amendment.

This comes from Democratic aspirants, who are contesting with typewriters and blue pencils to see who can make the most points against Mr. Nixon, and from some who have no foreseeable chance at the presidency, such as Frank Church of Idaho, a co-author of the amendment.

With commendable patience, Secretaries Melvin Laird and William Rogers went up to explain recent operations by American planes and helicopters in and over Cambodia. They convinced some of the earlier complainants, including the other co-author of the amendment, John Sherman Cooper of Kentucky. But not Church.

They had to be patient, because they have to keep coming back to the Hill for more money. But Representative Sam Stratton of New York is not in their position, and his response to the outcry about the "spirit" of the law rang loudest.

"Where do we get all this talk about 'spirit' anyway?" he asked on the floor of the House. "This amendment was never really passed by Congress in the normal course: it was slipped through in the closing days of the last Congress in a conference committee as, frankly, a ransom to the Senate for their approval of the supplemental foreign aid appropriations for Cambodia.

"The House never really debated Cooper-Church. We never explored the full implications of it, let alone the 'spirit' of it. And the only time the House actually voted on Cooper-Church, last spring, we voted against it. Last December's acceptance was strictly a shotgun wedding, and so we are committed only to the actual letter of that amendment, and not to any broad implications which somebody might think are involved, but which never became any part of the legislative history.

"And the letter of Cooper-Church is very simple: no American ground troops or military advisers in Cambodia. And the provision is being scrupulously adhered to. . . ."

That covers it. It doesn't silence those complaining, for they have their motives. One of those motives may be to raise so much ruckus in advance of a violation of the amendment that the administration will be doubly sure not to risk a transgression. If in thus sounding the alarm they stuck to statements of fact, that effort could not be faulted.

But a great deal of fact-stretching was ventured in this most recent flareup of the debate over Cambodian involvement. For example, the line of argument that using helicopters for fire support and resupply of South Vietnamese troops working with the Cambodian army really does break the congressional injunction against employment of "United States ground combat troops," in the specific words of Cooper-Church.

How? Well, helicopters work closely with the infantry, and fly low over the treetops, and use small-caliber direct fire weapons, and thus they have to be counted as ground forces instead of air support. Besides, they are mostly Army or Marine Corps aircraft, not Air Force.

The most fitting reply to that line of reasoning might be just to laugh. But if the complainants cling to it, the chopper pilots could easily hover their aircraft 2 feet above the ground when loading and unloading, never making contact with Cambodian soil. How could they be classified ground combat forces then?

Meanwhile, if a majority of Congress wants Cambodia to collapse and to open up the entire western flank of South Vietnam while good faith efforts at American withdrawal continue, then it can pass a new law prohibiting United States overflights of Cambodian soil at any altitude. But let it be stated in the letter of the law, not in some nebulous "spirit" that exists only in the mind of the complainant.

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, following the remarks by the able Senator from Vermont (Mr. Aiken), for which an order for recognition already has been entered, there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed General Revenue Sharing Act of 1971

A communication from the President of the United States, transmitting a draft of proposed legislation to restore balance in the Federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States (with accompanying papers); to the Committee on Finance.

Report of Selective Service System

A letter from the Director, National Headquarters, Selective Service System, transmitting, pursuant to law, a report of the Director of Selective Service, for the period January 1, 1970, to June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT OF OFFICE OF STATE TECHNICAL SERVICES

A letter from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the activities of the Office of State Technical Services, for fiscal year 1970 (with an accompanying report); to the Committee on Commerce.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the use and operating costs of the Atomic Energy Commission's high energy accelerators, dated February 8, 1971 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Mrs. SMITH. Mr. President, I ask unanimous consent that copies of: a joint resolution memoralizing Congress to provide for intergovernment sharing of Federal income tax revenue and a joint resolution protesting the possible closure of public health service clinic at Portland adopted by the Maine State Legislature be printed in the Record and accorded appropriate consideration and action.

I make this request in behalf of the junior Senator from Maine (Mr. Muskie) and myself.

There being no objection, the joint resolutions were ordered to be printed in the Record, and appropriately referred, as follows:

To the Committee on Finance:

"JOINT RESOLUTION MEMORIALIZNG CONGRESS TO PROVIDE FOR INTERGOVERNMENTAL SHARING OF FEDERAL INCOME TAX REVENUE

"We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Fifth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

"Whereas, a resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the Federal Government and strengthened State Governments; and

"Whereas, the Federal Government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from state and local governments, thereby creating a disabling fiscal imbalance between the Federal Government and the state and local governments; and

"Whereas, increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes; and

"Whereas, federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth; and

"Whereas, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system; and

"Whereas, the evident solution to this problem is a meaningful sharing of federal income tax resources; and

"Whereas, the United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation; now, therefore, be it

Resolved, That we, your Memorialists, recommend and urge that the Congress of the United States give immediate and favorable consideration to intergovernmental sharing of Federal Income Tax Revenue; and be it further

"*Resolved*, That a copy of this Memorial, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to the members of the said Senate and House of Representatives from this State."

To the Committee on Labor and Public Welfare:

"JOINT RESOLUTION PROTESTING THE POSSIBLE CLOSURE OF PUBLIC HEALTH SERVICE CLINIC AT PORTLAND

"We, your Memorialists, the Senate and House of Representatives of the State of Maine of the One Hundred and Fifth Legislative Session assembled, most respectfully present and petition the United States Congress as follows:

"Whereas, the planned closure of the Public Health Service Clinic in Portland would affect some 20,000 area service patients on a yearly basis; and

"Whereas, the need for better medical care is such a vital concern and the closing of said clinic could only add greatly to the public and private clinics available; and

"Whereas, this clinic in Portland is the only one of its type in Maine serving service people and their dependents; and

"Whereas, the closure of the said clinic will render undue medical hardship to our Maine service people and their dependents, in seeking care and badly needed medical attention; now, therefore, be it

"*Resolved*, That We, your Memorialists, do protest the closure of the Public Health Service Clinic at Portland and request the Bureau of the Budget to reconsider such a move to close said clinic because of its vital program; and be it further

"*Resolved*, That the Members of the United States Congress from the State of Maine are hereby urgently requested to use ever possible means to cause the possible decision to close said clinic to be reversed; and be it further

"*Resolved*, That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, to the Members of the United States Congress from the State of Maine and to the Director of the Bureau of the Budget, Washington, D.C."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. 531. A bill to authorize the United States Postal Service to receive the fee of $2 for execution of an application for a passport (Rept. No. 92–2).

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. Res. 19. Resolution authorizing additional expenditures by the Select Committee on Small Business; referred to the Committee on Rules and Administration.

S. Res. 29. Resolution authorizing additional expenditures by the Committee on Banking, Housing and Urban Affairs for inquiries and investigations; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations and treaties were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

Thomas S. Kleppe, of North Dakota, to be Administrator of the Small Business Administration.

By Mr. MANSFIELD, from the Committee on Foreign Relations:

Executive K, 91st Congress, 2d session, the Treaty of Cooperation between the United States of America and the United Mexican States providing for the recovery and return of stolen archeological, historical, and cultural properties, signed at Mexico City on July 17, 1970, without reservation (Executive Rept. No. 92–1).

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

George Bush, of Texas, to be the representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the representative of the United States of America in the Security Council of the United Nations; and

Kenneth Franzheim II, of Texas, now Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Western Samoa.

Executive L, 91st Congress, 2d session, the Convention signed at Managua on July 14, 1970, between the United States of America and the Republic of Nicaragua for the Termination of the Convention Respecting a Nicaraguan Canal Route, signed at Washington on August 5, 1914, without reservation (Executive Rept. No. 92–2); and

Executive N, 91st Congress, 2d session, the Treaty on Extradition Between the United States and Spain, signed at Madrid on May 29, 1970, without reservation (Executive Rept. No. 92–3).

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAKER (for himself, Mr. Allen, Mr. Allott, Mr. Beall, Mr. Bellmon, Mr. Bennett, Mr. Boggs, Mr. Brock, Mr. Case, Mr. Cook, Mr. Cooper, Mr. Cotton, Mr. Dole, Mr. Dominick, Mr. Ervin, Mr. Fannin, Mr. Goldwater, Mr. Griffin, Mr. Gurney, Mr. Hansen, Mr. Hollings, Mr. Hruska, Mr. Javits, Mr. Mathias, Mr. Packwood, Mr. Pearson, Mr. Percy, Mr. Prouty, Mr. Roth, Mr. Saxbe, Mr. Schweiker, Mr. Scott, Mr. Sparkman, Mr. Taft, Mr. Thurmond, Mr. Tower, and Mr. Weicker):

S. 680. A bill to restore balance in the Federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Finance.

(The remarks of Mr. Baker when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. BELLMON:

S. 681. A bill to establish environmental laboratories within the States, regions, and Nation pursuant to policies and goals established in the National Environmental Policy Act of 1969; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. BELLMON when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. CURTIS:

S. 682. A bill to amend title II of the Social Security Act to permit an individual to receive retroactive payments of benefits thereunder if such individual was without fault in failing to make timely application for such benefits; to the Committee on Finance.

By Mr. MONDALE (for himself, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. GRAVEL, Mr. HARRIS, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. KENNEDY, Mr. MCGOVERN, Mr. MONTOYA, Mr. MUSKIE, Mr. RIBICOFF, Mr. HATFIELD, Mr. RANDOLPH, and Mr. TUNNEY):

S. 683. A bill to provide financial assistance for the establishment and maintenance of stable, quality, integrated education in elementary and secondary schools to assist school districts to overcome the adverse educational effects of minority group isolation, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. MONDALE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. PACKWOOD:

S. 684. A bill to supplement the Act of June 7, 1924 (43 Stat. 653); to the Committee on Agriculture and Forestry.

S. 685. A bill to amend the Fur Seal Act of 1966 by prohibiting the clubbing of seals after July 1, 1972, the taking of seal pups, and the taking of female seals on the Pribilof Islands or on any other land and water under the jurisdiction of the United States; to the Committee on Commerce.

(The remarks of Mr. PACKWOOD when he introduced the bills appear below under the appropriate heading.)

By Mr. MATHIAS (for himself and Mr. BEALL):

S. 686. A bill to amend title II of the Social Security Act to provide a special rule for determining insured status, for purposes of entitlement to disability insurance benefits, of individuals whose disability is attributable directly or indirectly to meningioma or other brain tumor; to the Committee on Finance.

By Mr. BOGGS (for himself, Mr. BAYH, Mr. HARRIS, Mr. JAVITS, Mr. KENNEDY, Mr. MUSKIE, Mr. SCHWEIKER, and Mr. SCOTT):

S. 687. A bill to authorize financial assistance for Opportunities Industrialization Centers; to the Committee on Labor and Public Welfare.

(The remarks of Mr. BOGGS when he introduced the bill appear below under the appropriate heading.)

By Mr. TOWER:

S. 688. A bill to establish the Amistad National Recreation Area in the State of Texas; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. TOWER when he introduced the bill appear below under the appropriate heading.)

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 689. A bill to establish the Channel Islands National Park, in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. TUNNEY when he introduced the bill appear below under the appropriate heading.)

By Mr. GRIFFIN:

S. 690. A bill for the relief of Ida Kunstmann, Waldemar F. Kunstmann, and Anneliese E. Kunstmann; to the Committee on Foreign Relations.

By Mr. HATFIELD:

S.J. Res. 30. Joint resolution to place the question of approval of dimethyl sulfoxide (DMSO) for human use as a prescription drug before the National Academy of Sciences; to the Committee on Labor and Public Welfare.

(The remarks of Mr. HATFIELD when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. PROXMIRE:

S.J. Res. 31. Joint resolution extending the date for transmission to the Congress of the Report of the Joint Economic Committee: considered and passed.

(The remarks of Mr. PROXMIRE when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 684—INTRODUCTION OF A BILL TO INCREASE THE AUTHORIZATION OF THE FEDERAL CONTRIBUTION IN COOPERATIVE FOREST FIRE CONTROL

Mr. PACKWOOD. Mr. President, I am introducing legislation today to amend the Clarke-McNary Act of June 7, 1924, to increase the authorization of the Federal contribution in cooperative forest fire control to $40 million.

Forest fire control is a cooperative enterprise in which States and the Federal Government work together to reduce wildfires on State and private forest and nonforested watershed lands. Single forest fires that burned 3,000,000 acres were not uncommon in the late 1800's and early 1900's. By State-Federal cooperative efforts large fires now comprise less than 1 percent of the total number of fires annually and seldom exceed 50,000 acres in size. However, these fires cause the bulk of the losses sustained by our natural resources and improvements and continue to challenge fire organizations.

People are now building homes in forested areas which were considered remote only a few years ago. There is vastly increased recreation use of these lands. The increased fire danger caused by this greater use, the increased values of the resources, and a greatly increased cost of protection all point up the need for an increase in funds used for fire protection.

Passage of the Weeks law in 1911 started Federal cooperation with the States in forest fire control. An expanded program for fire control on forest and nonforested watersheds was made possible by section 2 of the Clarke-McNary Act of 1924. In 1924 there were 33 States cooperating in the program. Today all 50 States have active cooperative fire control organizations.

Federal expenditures have increased from $360,000 in 1924 to $16.5 million in fiscal year 1970. During this same 46 years State expenditures have increased from about $1.9 million to over $97 million. Mr. President, I ask unanimous consent to have inserted in the RECORD a table showing the most current Federal allotment to each State.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PRELIMINARY ALLOTMENTS—FISCAL YEAR 1971, FEDERAL ALLOTMENTS TO STATES FOR FOREST FIRE COOPERATION UNDER SEC. 2, CLARKE-McNARY LAW, ACT OF JUNE 7, 1924 (43 STAT. 653), AUGUST 1970

[50 States]

	Allotments based on regular formula computation					Allotments based on percent each State received of fiscal year 1969 allotments		
	Portion of allotment based on cost of protection (1965 estimates)		Portion of allotment based on expenditures					
State	Estimated cost of protection (M dollars)	Regular allotments .1289387 of col. 2	Average State and private expenditures, fiscal years 1967–69	Extra allotment	Total Federal allotments to States based on regular formula (col. 3 plus col. 5, dollars)	Percent each State received of total fiscal year 1969 allotments (percent)	Allotment of fiscal year 1971 appropriation increase using col. 7 percentages	Grand total fiscal year 1969 Federal allotments to States (col. 6 plus col. 8, dollars)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Idaho	$1,177	$151,761	$1,024,922	$128,612	$280,373	1.71	$33,345	$313,718
Montana	691	89,097	507,733	66,346	155,443	1.17	22,815	178,258
North Dakota	54	6,963	12,166	13,310	[1] 20,273	0.16	3,120	23,393
Total R-1	1,922	247,821	1,544,821	208,268	456,089	3.04	59,280	515,369
Colorado	635	81,876	338,085	41,788	123,664	0.87	16,965	140,629
Kansas	777	100,185	513,460	65,559	165,744	1.17	22,815	188,559
Nebraska	728	93,867	311,908	35,563	129,430	0.90	17,550	146,980
South Dakota	434	55,959	100,580	7,278	63,237	0.39	7,605	70,842
Wyoming	634	81,747	95,915	2,311	84,058	0.51	9,945	94,003
Total R-2	3,208	413,634	1,359,948	152,499	566,133	3.84	74,880	641,013
Arizona	61	7,865	29,442	38,185	[2] 46,050	0.36	7,020	53,070
New Mexico	349	45,000	154,065	22,627	[2] 67,627	0.53	10,335	77,962
Total R-3	410	52,865	183,507	60,812	113,677	0.89	17,355	131,032

Footnotes at end of tables

State	Allotments based on regular formula computation					Allotments based on percent each State received of fiscal year 1969 allotments		Grand total fiscal year 1969 Federal allotments to States (col. 6 plus col. 8 dollars)
	Portion of allotment based on cost of protection (1965 estimates)		Portion of allotment based on expenditures		Total Federal allotments to States based on regular formula (col. 3 plus col. 5, dollars)	Percent each State received of total fiscal year 1969 allotments (percent)	Allotment of fiscal year 1971 appropriation increase using col. 7 percentages	
	Estimated cost of protection (M dollars)	Regular allotments .1289387 of col. 2	Average State and private expenditures, fiscal years 1967–69	Extra allotment				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Nevada	$755	$97, 348	$432, 267	$54, 057	$151, 405	$0. 95	$18, 525	$169, 930
Utah	559	72, 077	296, 755	36, 646	108, 723	0. 70	13, 650	122, 373
Total R-4	1, 314	169, 425	729, 022	90, 703	260, 128	1. 65	32, 175	292, 303
California	3, 001	386, 945	24, 823, 673	583, 893	[2] 970, 838	7. 58	147, 810	1, 118, 648
Hawaii	115	14, 828	63, 221	34, 279	[2] 49, 107	0. 39	7, 605	56, 712
Total R-5	3, 116	401, 773	24, 886, 894	618, 172	1, 019, 945	7. 97	155, 415	1, 175, 360
Oregon	1, 780	229, 511	3, 849, 512	274, 177	503, 688	3. 86	75, 270	578, 958
Washington	1, 753	226, 029	3, 711, 028	281, 841	[2] 507, 870	3. 97	77, 415	585, 285
Total R-6	3, 533	455, 540	7, 560, 540	556, 018	1, 011, 558	7. 83	152, 685	1, 164, 243
Alabama	1, 726	222, 548	1, 549, 876	187, 088	[2] 409, 636	3. 20	62, 400	472, 036
Arkansas	1, 671	215, 457	1, 432, 308	190, 188	[2] 405, 645	3. 17	61, 815	467, 460
Florida	1, 901	245, 112	5, 220, 385	297, 776	[2] 542, 888	4. 24	82, 680	625, 568
Georgia	1, 868	240, 857	4, 851, 511	333, 614	[2] 574, 471	4. 49	87, 555	662, 026
Kentucky	1, 355	174, 712	1, 029, 427	126, 205	300, 917	2, 21	43, 095	344, 012
Louisiana	1, 703	219, 583	2, 653, 988	255, 564	475, 147	3. 55	69, 225	544, 372
Mississippi	1, 741	224, 482	1, 956, 877	234, 375	[2] 458, 857	3. 58	69, 810	528, 667
North Carolina	1, 817	234, 282	2, 699, 714	256, 576	490, 858	3. 79	73, 905	564, 763
Oklahoma	1, 211	156, 145	303, 493	24, 033	180, 178	1. 32	25, 740	205, 918
South Carolina	1, 658	213, 780	2, 049, 934	222, 548	436, 328	3. 17	61, 815	498, 143
Tennessee	1, 572	202, 692	2, 374, 190	243, 260	445, 952	3. 36	65, 520	511, 472
Texas	1, 249	161, 044	1, 077, 772	171, 368	[2] 332, 412	2. 60	50, 700	383, 112
Virginia	1, 654	213, 265	1, 772, 615	200, 564	413, 829	3. 12	60, 840	474, 669
Total SA (S&PF)	21, 126	2, 723, 959	28, 972, 090	2, 743, 159	5, 467, 118	41. 80	815, 100	6, 282, 218
Connecticut	485	62, 535	328, 054	43, 310	105, 845	0. 83	16, 185	122, 030
Delaware	45	5, 802	22, 235	19, 198	[1] 25, 000	0. 14	2, 730	27, 730
Illinois	473	60, 988	267, 785	33, 729	94, 717	0. 73	14, 235	108, 952
Indiana	329	42, 421	179, 772	32, 241	[2] 74, 662	0. 58	11, 310	85, 972
Iowa	156	20, 114	84, 848	33, 717	[2] 53, 831	0. 42	8, 190	62, 021
Maine	1, 410	181, 804	1, 422, 389	201, 223	[2] 383, 027	2. 99	58, 305	441, 332
Maryland	708	91, 289	751, 635	100, 841	192, 130	1. 27	24, 765	216, 895
Massachusetts	704	90, 773	458, 633	98, 626	[2] 189, 399	1. 48	28, 860	218, 259
Michigan	1, 678	216, 359	2, 375, 227	266, 322	[2] 482, 681	3. 77	73, 515	556, 196
Minnesota	1, 349	173, 938	948, 214	135, 810	[2] 309, 748	2. 42	47, 190	356, 938
Missouri	1, 481	190, 958	1, 512, 027	178, 213	369, 171	2. 72	53, 040	422, 211
New Hampshire	494	63, 696	266, 846	38, 521	[2] 102, 217	. 80	15, 600	117, 817
New Jersey	799	103, 022	759, 610	100, 353	203, 375	1. 38	26, 910	230, 285
New York	1, 368	176, 388	1, 845, 471	209, 513	385, 901	2. 88	56, 160	442, 061
Ohio	628	80, 974	603, 437	81, 587	162, 561	1. 14	22, 230	184, 791
Pennsylvania	1, 183	152, 535	1, 728, 527	202, 424	[2] 354, 959	2. 77	54, 015	408, 974
Rhode Island	206	26, 561	228, 422	32, 924	59, 485	. 39	7, 605	67, 090
Vermont	164	21, 146	95, 688	38, 383	[2] 59, 529	. 47	9, 165	68, 694
West Virginia	878	113, 208	510, 900	69, 188	[2] 182, 396	1. 42	27, 690	210, 086
Wisconsin	1, 643	211, 846	2, 171, 926	230, 633	442, 479	3. 30	64, 350	506, 829
Total NA (S&PF)	16, 181	2, 086, 357	16, 561, 646	2, 146, 756	4, 233, 113	31. 90	622, 050	4, 855, 163
Alaska	635	81, 876	330, 653	56, 863	[2] 138, 739	1. 08	21, 060	159, 799
United States of America	51, 445	6, 633, 250	82, 129, 121	6, 633, 250	13, 266, 500	100. 00	1, 950, 000	15, 216, 500

From total C–M 2 appropriation for fiscal year 1971:	
Regional and W.O. administration and inspection	$1, 081, 845
Nationwide fire prevention campaign	160, 000
Allotted to States	15, 216, 500
Available for conditional distribution	10, 655
Total funds available for cooperative forest fire control	16, 469, 000

[1] Reduced to ½ of the 1965 estimate of basic protection, or a lesser amount which the State can match.

[2] States which would have received a greater reduction if the 3½ percent limitation factor had not been applied.

Factors: Estimated cost and excess expenditures were adjusted by the application of a sliding scale reduction using a unit of $300,000. The first $300,000 of each was recognized 100 percent; the second 90 percent; the third 80 percent; and so on to 10 percent. All over $3,000,000 was recognized at 5 percent.

Mr. PACKWOOD. Mr. President, Federal participation under the Clarke-McNary Act is authorized up to 50 percent of the total cost. Fiscal year 1970 data show the Federal share to be 14.5 percent while the State share is 85.5 percent. Periodic studies are made to determine the cost of providing adequate fire protection. In 1949 the study showed this cost to be at least $40 million, on a 50–50 matching basis, the Federal share would be $20 million. Congress approved a new authorization level of $20 million in October 1949. The most recent study made in 1965 concluded that $123 million be would be needed to provide an acceptable level of fire protection. At today's prices this same level is estimated to cost $138 million.

The Battelle Memorial Institute of Columbus, Ohio, made a study in 1958 which determined the Federal share of fire control costs to be in the range of 59 to 40 percent and the State share from 41 to 60 percent. In 1969, a study made by the Southern Forest Resources Analysis Committee estimated the Federal share for southern fire costs should be 29 percent of the total fire control costs. Using this more recent information and applying it to the $138 million estimated program costs for all 50 States, the Federal share would be $40 million.

Many years of program experience has shown that each increase in Federal appropriation has resulted in an increase in State expenditures. Federal funds stimulate action both in increased State funds and in placing more lands under protection and providing more adequate protection for other areas. In order for the forest and nonforested watershed lands in the Clarke-McNary program to make their optimum contribution to the fulfillment of the needs of a growing population, a greater Federal effort is necessary.

The PRESIDING OFFICER (Mr. TUNNEY). The bill will be received and appropriately referred.

The bill (S. 684) to supplement the

act of June 7, 1924 (43 Stat. 653) introduced by Mr. Packwood, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 685—INTRODUCTION OF HUMANE SEAL PROTECTION ACT OF 1971

Mr. PACKWOOD. Mr. President, I am today introducing legislation to prohibit the clubbing of seals after July 1, 1972, the taking of seal pups, and the taking of female seals in the annual hunt on the Pribilof Islands.

The utilization of inhumane seal killing has been the subject of many, many letters to me from conservationists across the Nation.

Seal clubbing should, along with the inhumane practice of killing female seals and seal pups, be terminated as speedily as possible. The purpose of my bill is to end this senseless and brutal practice. This practice cannot be tolerated in a civilized age.

Mr. President, I ask that the text of my bill be printed in the Record following these remarks.

The PRESIDING OFFICER (Mr. Tunney). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 685) to amend the Fur Seal Act of 1966 by prohibiting the clubbing of seals after July 1, 1972, the taking of seal pups, and the taking of female seals on the Pribilof Islands or on any other land and water under the jurisdiction of the United States, introduced by Mr. Packwood, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the Humane Seal Protection Act of 1971.

Section 1. Section 104 of the Fur Seal Act of 1966 is amended by adding at the end of subsection (a) thereof the following new subsections:

"(b) The killing of seals by clubbing shall be prohibited after July 1, 1972.

"(c) The taking of the skin of any seal under one year of age, and of any female seal, shall be prohibited."

Subsection (b) of the Act shall be redesignated subsection (d).

Sec. 2. Section 109(d) of the Act is amended by adding at the end thereof the following: "by any means, except after July 1, 1972, by clubbing,".

Sec. 3. Section 404 of the Act is amended by adding at the end thereof the following:

"Whoever knowingly transports in interstate commerce, or knowingly sells subsequent to such transportation, any package containing any sealskin, or any product manufactured, made, or processed, in whole or in part, from such sealskin, which has been taken in violation of any provision of this Act shall be fined not more than $2,000, or imprisoned not more than one year, or both, and the gross revenue derived from any such sale of any such illegally taken skin shall be confiscated by the Secretary of the Interior and deposited into the Pribilof Island fund in the Treasury."

Sec. 4. Section 405 of the Act is amended by adding at the end thereof the following:

"The Secretary shall initiate or contract for research on alternative means of killing seals, with the end of replacing the currently used method of clubbing. On the basis of such research, he shall determine which killing technique is maximally painless to the seals, and shall, not later than April 1, 1972, adopt regulations requiring that after July 1, 1972, such technique be the only permissible method of killing seals.

"The Secretary shall, moreover, initiate or contract for research on shortening the seal drive from rookery to hauling ground, and on minimizing the stress upon seals during that drive."

S. 687—INTRODUCTION OF THE OPPORTUNITIES INDUSTRIALIZATION ASSISTANCE ACT

Mr. BOGGS. Mr. President, I am introducing today what I believe may become landmark legislation in the field of manpower training. I doubt if there is a Member of the body who would deny the urgent need for effective manpower training programs to reduce unemployment, to provide the poor with avenues to success, or simply to guarantee that every man will know the fulfillment of working up to his full potential.

The legislation I am introducing today would, I believe, make a significant contribution to each of these goals. I am referring to comprehensive Federal support for a job training program of unprecedented success—Opportunities Industrialization Centers.

I am pleased to announce that I am joined in sponsoring this legislation by the distinguished Senator from Indiana (Mr. Bayh), the distinguished Senator from New York (Mr. Javits), the distinguished Senator from Oklahoma (Mr. Harris), the distinguished Senator from Massachusetts (Mr. Kennedy), the distinguished Senator from Maine (Mr. Muskie), the distinguished junior Senator from Pennsylvania (Mr. Schweiker), and the distinguished senior Senator from Pennsylvania (Mr. Scott).

The first Opportunities Industrialization Center was founded 7 years ago in Philadelphia as a result of the labors and enthusiasm of the Reverend Doctor Leon H. Sullivan. Since then, OIC's have expanded to more than 100 cities throughout the country.

The unique nature of the OIC program is largely responsible for the success it has enjoyed. The key is that OIC's are not merely job training enterprises. They are comprehensive programs which begin with pretraining counseling and end with job placement and followup at regular intervals.

All too often it has been discovered that manpower training programs that lift the unskilled from their urban environment for intensive job training some distance away have not succeeded. Often the trainee is not sufficiently motivated; or he feels homesick or inadequate to complete the program; or he does not see his training as relating to a particular job. The OIC approach has been carefully structured to avoid these pitfalls.

For example, OIC's are located where the need for job training is greatest—within our urban centers. The trainee remains with his family and friends in his own neighborhood. OIC's prepare the individual for actual job training by means of a prevocational feeder program. The feeder program is designed to provide him with basic reading and writing skills, to improve his attitudes and to build his self-confidence—all critical elements for a successful manpower program. Following completion of the feeder program, the trainee learns a skill which is in demand by businesses in the area. The trainee thus has a realistic goal for which to strive. Many times he is guaranteed employment before his training at OIC is completed.

Despite inadequate funding, OIC's have attained a record of unqualified success. Of trainees completing the OIC course, 71.2 percent have been placed in jobs. As further evidence of its successful record and personalized approach, OIC's have a retention rate of 76 percent, the highest of any manpower training program in the country.

Mr. President, it would be a great pleasure for me to give credit to the Federal Government for this impressive record. Unfortunately, that is not the case. The total Federal investment in OIC's from 1964 to 1969 was only $45.9 million. This averages little more than $7.5 million per year in an annual OIC budget totaling $25 million.

Dollar for dollar the return on this investment has been far greater than money which has been poured into manpower programs run by the Federal Government. Cost per trainee is about $1,500, which is about a third of what many Federal programs cost.

Mr. President, I believe it is time to strengthen the Federal commitment to this proven program. The bill that I am introducing today would authorize $432 million for OIC's over the next 3 years. These funds would permit the full operation of the more than 100 existing OIC's, most of which are either understaffed or offering only part of the total OIC program.

In addition, this bill would place OIC's among those manpower training programs for which the Secretary of Labor is directed to make funds available. Previous Federal assistance for OIC's has been beset with the problems of multiagency funding—separate funding cycles, multiple applications, and bureaucratic delays. OIC support currently is administered in part by the Department of Labor, the Department of Health, Education, and Welfare, the Department of Commerce, and the Office of Economic Opportunity. This legislation would make OIC funding exclusively the responsibility of the Secretary of Labor.

As Members of this body may recall, this legislation is not new. I introduced similar legislation last year which was adopted as an amendment to the Employment and Manpower Act of 1970 which was vetoed. The OIC provision of that bill was not a cause of that veto. It was, I believe, the only section of the bill to enjoy near unanimous support of the Senate.

Extensive hearings on the OIC program were held last year by the Employment, Manpower, and Poverty Subcommittee of the Senate Labor and Public Welfare Committee. I was privileged to testify at those hearings along with Dr. Sullivan and a number of others.

The report of that committee bears out the consensus of all who participated in those hearings: "The facts clearly seem to justify the conclusion that this is an unusually successful and surprisingly low-cost manpower program, solidly accepted both by the poverty community and the private sector.

It is my hope that by introducing comprehensive OIC funding as a separate bill today, Federal assistance for this outstanding program will no longer be denied.

Mr. President, I send this bill to the desk for appropriate reference and ask that the text be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. BROCK). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 687) to authorize financial assistance for Opportunities Industrialization Centers, introduced by Mr. BOGGS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Opportunities Industrialization Assistance Act".

DEFINITIONS

SEC. 2. For the purposes of this Act, the term—

(1) "Secretary" means the Secretary of Labor; and

(2) "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

APPROPRIATION AUTHORIZED

SEC. 3. For the purpose of carrying out this Act, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1972, $147,000,000 for the fiscal year ending June 30, 1973, and $185,000,000 for the fiscal year ending June 30, 1974.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

PROGRAMS AUTHORIZED

SEC. 4. The Secretary shall make financial assistance available under this Act for the establishment and operation in any State of "Opportunities Industrialization Centers" designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, family planning, and other appropriate services. No funds shall be made available for any program under this section unless the Secretary determines that adequate provisions are made to assure that (1) residents of the area to be served by such program are involved in the planning and operation of such center, and (2) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this section serving residents of an innercity area with substantial unemployment or underemployment.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 5. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States under this title. In developing such criteria as are appropriate for each part, he shall consider, among other relevant factors, the ratios of population, unemployment, and income levels.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 6. Federal financial assistance to any program carried out pursuant to this Act shall not exceed 90 per centum of the cost of such program, including costs of administration. The Secretary may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that this is necessary in furtherance of the objectives of this Act. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

ADMINISTRATION

SEC. 7. (a) The Secretary shall prescribe regulations to assure that programs assisted under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of inservice training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds received under this Act.

(b) The Secretary may prescribe such additional rules and regulations as he deems necessary to carry out the provisions of this Act.

(c) In carrying out his functions under this Act, the Secretary is authorized to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

REPORT

SEC. 8. The Secretary shall transmit, as a part of the annual report required of the Department of Labor, a detailed report setting forth the activities conducted under this Act, including information on the extent to which participants in such activities subsequently secure and retain employment.

Mr. HARRIS. Mr. President, I am pleased to join with the distinguished senior Senator from Delaware (Mr. BOGGS) as a cosponsor of legislation to authorize direct Federal funding for the Opportunities Industrialization Centers.

Under the proposed bill financial assistance would be made available over the next 3 years in the amount of $432 million for the establishment and operation of OIC's to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Services of the program would include recruitment, counseling, remediation, vocational training, job development, job placement, family planning and other related services.

Clearly, the capacity to obtain and hold a good job is considered a fundamental test of true participation in American society.

With the present unemployment rate currently at 6 percent, and nonwhite unemployment hovering around 9.5 percent, it seems particularly appropriate for the Congress to act swiftly on this legislation. In its present form the bill will significantly complement the Manpower bill (S. 31) introduced earlier this session by Senator NELSON.

Even more important perhaps than unemployment is the related problem of the undesirable kinds of jobs available to minority groups. Nonwhite workers are concentrated in the lowest skilled and lowest paying occupations. These jobs often involve substandard wages instability, extremely low status in the eyes of both the employer and employee, provide little or no opportunity for meaningful advancement, and unpleasant or exhausting duties. Negro males in particular are more than three times as likely as whites to be in unskilled or service jobs which pay far less than most.

Thus it seems that the upgrading of nonwhite workers and other similarly disadvantaged workers to help make their occupational distribution similar to that of the labor force as a whole would have an immense effect on the nature of their occupations.

Instant upgrading, however, does not represent a practical alternative for national policy. The condition of the present work force is such that the economy cannot at once reduce the total number of low status jobs it now contains, or shift large numbers of people in upward occupations. Therefore, major upgrading in the employment status of minority and other disadvantaged workers must come through faster relative to expansion of higher level jobs than lower level jobs, improvement in the skills of these workers so that they can obtain a large proportion of the added better jobs, and a drastic reduction in discriminatory hiring and promotional practices.

A great deal of the training to improve the skill levels of disadvantaged workers can be handled by private nonprofit community based organizations. This it appears, is in keeping with the policies of the present and previous administrations to stimulate local and private initiative, and to get people affected by poverty involved in the process of bettering their living and working conditions.

Perhaps no program has contributed more to this philosophy than OIC. That is why I join in cosponsoring the OIC bill and urge its earliest passage by the Congress.

S. 688—INTRODUCTION OF A BILL TO ESTABLISH THE AMISTAD NATIONAL RECREATION AREA, TEXAS

Mr. TOWER. Mr. President, I introduce today a measure to establish the Amistad National Recreational Area in the State of Texas along its border with the Republic of Mexico. The establishment of this area will be a fitting monument to the great deeds of the Amistad

Treaty with Mexico and will further the purposes for which the treaty was consummated: Amistad—in English "friendship"—is the State motto of Texas and it is fitting that the area along the border with our sister Republic should be so named.

The interests of our Nation in furthering its most important relations with the Mexican Republic will be greatly served by approval of this measure. The State of Texas and the Nation will be served by the preservation for recreation, hunting, and camping of some of the most ruggedly beautiful areas remaining. It is certainly my hope that the Senate Committee on the Interior will give quick approval to the measure, and likewise the entire Senate, so that the acquisition of the site may be started and the area preserved.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Brock). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 688) to establish the Amistad National Recreation Area in the State of Texas, introduced by Mr. Tower, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for public outdoor recreation and use and enjoyment of that portion of the Amistad Reservoir in the United States on the Rio Grande, Devils, and Pecos Rivers and surrounding lands in the State of Texas, and for the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is established the Amistad National Recreation Area in the State of Texas. The boundary of the national recreation area shall be that generally depicted on drawing numbered RA-AMI-20013, dated April 1968, entitled "Proposed Amistad National Recreation Area, Texas," which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior may by publication of notice in the Federal Register make minor adjustments in the boundary, except that the total acreage of the area may not be increased to more than a total of sixty-five thousand acres.

Sec. 2. (a) Within the boundary of the Amistad National Recreation Area the Secretary of the Interior may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange. Such acquisitions shall be in addition to the lands and interests therein acquired for the purposes of the Amistad Dam and Reservoir as contemplated in the treaty between the United States of America and Mexico regarding the utilization of the Colorado, Tijuana, and Rio Grande Rivers, signed at Washington, February 3, 1944 (59 Stat. 1219) described in Minute numbered 207 adopted June 19, 1958, by the International Boundary and Water Commission, United States and Mexico, and authorized by the Act of July 7, 1960 (74 Stat. 360).

(b) In exercising his authority to acquire property by exchange, the Secretary of the Interior may accept title to any non-Federal property within the Amistad National Recreation Area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) The Commissioner for the United States, International Boundary and Water Commission, United States and Mexico, may on request of the Secretary of the Interior, act as his agent with respect to the land acquisition program authorized by subsection (a) and the Secretary may transfer to the Commission from time to time the funds necessary for such purpose.

Sec. 3. (a) The Secretary of the Interior shall administer the Amistad National Recreation Area in a manner that is coordinated with the other purposes of the reservoir project, and in a manner that in his judgment will best provide for public outdoor recreation benefits and conservation of scenic, scientific, historic, and other values contributing to public enjoyment.

(b) In the administration of the national recreation area the Secretary may utilize the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and such other statutory authorities relating to areas of the national park system and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development not incompatible therewith.

(c) Employees of the Department of the Interior designated for the purpose may make arrest for violations of any Federal laws or regulations applicable to the area and they may bring the accused person before the nearest commissioner, judge, or court of the United States.

(d) Any United States commissioner appointed for the Amistad National Recreation Area may try and sentence persons committing petty offenses, as defined in title 18, section 1, United States Code, except that the commissioner shall apprise the defendant of his right to elect to be tried in the district court of the United States, and the commissioner may try the case only after the defendant signs a written consent to be tried before the commissioner. The exercise of additional functions by the commissioner shall be consistent with and be carried out in accordance with the authority, laws, and regulations of general application to United States commissioners. The provisions of title 18, section 3402, United States Code, and the rules of procedure and practice prescribed by the Supreme Court pursuant thereto, shall apply to all cases handled by such commissioner. Chapter 231, title 18, United States Code, shall be applicable to persons tried by the commissioner and he shall have power to grant probation. The commissioner shall receive the fees, and none other, provided by law for like or similar services.

Sec. 4. The Secretary of the Interior shall permit hunting and fishing on the lands and waters under his jurisdiction within the national recreation area in accordance with the applicable laws of the State of Texas, except that the Secretary may establish periods when, and designate zones where, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management or public use and enjoyment. Except in emergencies, any regulations of the Secretary under this section shall be issued after consultation with the Park and Wildlife Commission of the State of Texas.

Sec. 5. Nothing in this Act shall be construed to be in conflict with the commitments or agreements of the United States with respect to the use, storage, or furnishing of water and the production of hydroelectric energy made by or in pursuance of the treaty between the United States of America and Mexico regarding the utilization of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington, February 3, 1944 (59 Stat. 1219), or the Act of July 7, 1960 (74 Stat. 260).

Sec. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 689—INTRODUCTION OF A BILL TO ESTABLISH THE CHANNEL ISLANDS NATIONAL PARK IN THE STATE OF CALIFORNIA

Mr. TUNNEY. Mr. President, one of nature's last unspoiled frontiers—the Channel Islands off the California coast at Santa Barbara—provide refuge for wildlife and unrivaled opportunities for public recreation.

I believe the islands should be brought under the permanent wing of Federal protection as a national park, and I have introduced legislation to that effect today.

My senior colleague from California, Senator Cranston, and I have worked closely on this legislation, and today he is introducing a companion measure for a feasibility study of the proposed park. I am a cosponsor of his bill as he is of mine.

The islands are awesomely primitive, and seals and a variety of seabirds find sanctuary in this magnificant wilderness.

The islands—Anacapa, Santa Barbara, San Miguel, Santa Cruz, and Santa Rosa—are, in fact, a vast ecological laboratory.

The islands truly are breathtaking. Ringed by white surf, touched by whisps of fog, they are rugged and, when I visited them last year by helicopter, I felt I had stepped back vast centuries.

These islands, of such unique scenic, scientific, and natural value, can best be preserved if they are established as a national park, and I earnestly hope for favorable action on my bill.

The PRESIDING OFFICER (Mr. Brock). The bill will be received and appropriately referred.

The bill (S. 689) to establish the Channel Islands National Park, in the State of California, and for other purposes, introduced by Mr. Tunney (for himself and Mr. Cranston), was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

SENATE JOINT RESOLUTION 30—INTRODUCTION OF A JOINT RESOLUTION TO PLACE THE QUESTION OF APPROVAL OF DMSO FOR HUMAN USE AS A PRESCRIPTION DRUG BEFORE THE NATIONAL ACADEMY OF SCIENCES

THE "WONDER DRUG OF THE 1960'S" IS STILL NOT AVAILABLE IN THE UNITED STATES

Mr. HATFIELD. Mr. President, the President and many Members of Congress have singled out national health as a matter of primary concern for the new Congress. I am in complete agreement with the objective of delivering safe, effective, and low-cost medical services to all of our people. The availability of safe and efficacious drugs is one very important step toward this goal. Today I would like to speak with my colleagues about one drug that often has been called "The Wonder Drug of the 1960." It is dimethyl sulfoxide—DMSO—and it is not available for human use as a prescription drug in the United States today.

In July 1964, following publication of the first scientific literature on DMSO, Life magazine wrote:

> If DMSO lives up to its expectations it will come closer to being the legendary panacea than any drug in all medical history.

In the spring of 1965, following presentation of scientific data on DMSO before the annual Science Writers Seminar of the American Cancer Society, an editorial in the New York Times concluded that—

> DMSO is the first wonder drug of the 1960's.

What has happened to DMSO? Has this compound really lived up to its expectations?

After over 1,200 scientific publications on the merits of DMSO, after international symposia in Germany, the United States, and Austria—all concluding that DMSO is safe and effective, after three separate pharmaceutical firms have submitted four new drug applications to the Food and Drug Administration, DMSO is still not available to Americans, though it is available in many other countries.

Dr. Stanley Jacob, a codiscoverer and foremost researcher of DMSO, has summed up the history, the current situation, the known properties and potentials of DMSO in a letter he recently sent me. It is written in language readily understandable to the layman. I ask unanimous consent that this letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

University of Oregon
Medical School,
Portland, Oreg., February 2, 1971.

Senator Mark Hatfield,
Washington, D.C.

Dear Senator Hatfield: I would like to give you a summary of some of the high points in the stormy history of dimethyl sulfoxide (DMSO) and provide you with a status report.

In 1963 clinical evaluation of DMSO as a therapeutic agent began in the United States. Six American pharmaceutical firms including Merck, Sharp & Dohme, Syntex, Squibb, Geigy, Schering and American Home Products sought and were granted Investigational New Drug (IND) approvals from FDA to evaluate DMSO. These companies began investigations under Food and Drug Administration regulations in early 1964. Over 1,300 licensed physicians took part as investigators.

By the spring of 1965 three of these firms, Merck, Sharp & Dohme, Syntex and Squibb had completed their evaluations and were satisfied that DMSO was safe and effective. They submitted to the FDA New Drug Applications (NDA's) stating that DMSO was ready to be a prescription drug in the United States. I am told that the volume of data in these three applications in terms of safety and efficacy of DMSO exceeded anything previously submitted to the Food and Drug Administration.

In November 1965 the FDA halted studies on DMSO giving as its reasons that the investigations on DMSO had been abused by the pharmaceutical industry and also that DMSO produced an alteration in the lens of the eye of some experimental test animals.

DMSO became a prescription drug in Germany and Austria in June 1967. In September 1968 FDA loosened restrictions on experimental use of DMSO in the United States. This followed an extensive toxicologic evaluation carried out at the California Medical Facility by Squibb in which humans were given five to ten times the average human dose for 90 days. These prisoner volunteers were given 1 gram of DMSO per kilogram of body weight by skin per day; the average human dose is 0.1–0.2 g/Kg by skin per day. No serious toxicity occurred.

In June 1970 after again completing a substantial number of additional controlled clinical evaluations Squibb resubmitted to the FDA an application stating that DMSO was ready to be a prescription agent in the United States. In October 1970 following a conference with officials at FDA, Squibb suddenly withdrew its application. I do not know the reasons behind this withdrawal.

Since the initial report on the possible use of DMSO as a pharmacologic agent in 1963 over 1,200 related articles have appeared in the world's scientific literature. Three international symposia have been held on DMSO as a drug—one in Berlin, one in New York under the auspices of the New York Academy of Sciences and one in Vienna, Austria. All three of these symposia concluded DMSO was safe and effective.

I would like to summarize for you some of the known scientific information on DMSO.

DMSO like all therapeutic compounds has side effects. One should remember that there is no such thing as a perfectly safe drug.

However, data in the literature on now over 25,000 patients treated with DMSO shows that this is a substance with very few significant side effects. The side effects recorded are for the most part of the nuisance variety such as skin irritation. In some lower animal species DMSO in large doses produces a nearsightedness; however, humans have been treated for prolonged periods of time with large doses of DMSO and these changes have not occurred. Monkeys, with eye structure similar to man, have been given over a hundred times the human dose and at levels in excess of that known to cause changes in lower animals without this lens change occurring. Informed scientific opinion believes this lens alteration on which FDA partially based its halt of DMSO studies in 1965 is of no significance to human therapy in the dosage range being employed.

DMSO is very active in objective pharmacologic laboratory evaluations. The best documented and currently most important pharmacologic properties include the fact that DMSO passes through most tissues of the body and permits the movement of other chemicals with it. DMSO, for instance, will carry penicillin through the skin without a needle. The U.S. Air Corps has demonstrated that a patient can actually be fed by dissolving protein, fat and carbohydrate in DMSO and painting it on the skin. DMSO in experimental animals reduces pain. DMSO in animals significantly relieves swelling and inflammation. DMSO slows the growth of fungi, bacteria and viruses. The administration of DMSO produces improved circulation. DMSO brings about muscle relaxation. The use of DMSO has been associated with dissolving of scar tissue in many diseases such as keloids of the skin and scleroderma. There are other primary pharmacologic actions making DMSO easily the most active agent ever studied in terms of primary pharmacologic activity.

Evaluations on the clinical effectiveness of DMSO have been reported in a wide range of clinical diseases. Many of these have been well controlled evaluations. Among the entities for which effectiveness has been shown are pain problems not responsive to other medications, acute and chronic bursitis, gouty arthritis, degenerative arthritis, rheumatoid arthritis, sinusitis, resistant middle ear infections, and literally over 100 other diseases. *For many of these diseases we have no other effective treatment but DMSO.*

DMSO has been shown to possess a potential for the treatment of heart disease. A study from Walter Reed Army Medical Center on animals with heart attacks shows that the administration of DMSO permits the hearts of the experimental animals to heal with significantly less scar tissue. DMSO has been used as a carrier for anti-tumor agents in animals and man with preliminary encouraging results.

When the New York Academy of Sciences held its symposium on DMSO in March 1966 Dr. Chauncey Leake, senior lecturer in pharmacology at the University of California in San Francisco, summed up the three-day session with these words, "The well known legal phrase res ipsa loquitur applies to the DMSO situation. Rarely has a new drug come to the attention of the members of the health profession with so much verifiable information from so many parts of the world both as to safety and efficacy". These words were spoken in March 1966. Since that time even more evidence has come to light to indicate that this is a safe, effective compound and treatment for diseases for which we have no other effective treatment.

Sincerely,

Stanley W. Jacob, M.D.,
Associate Professor, Department of Surgery.

Mr. HATFIELD. Mr. President, despite the very impressive evidence outlined in Dr. Jacob's letter, DMSO is not only unavailable, but no application for its use as a prescription drug for humans is under consideration at the present time by the Food and Drug Administration. The last application by Squibb having been rejected in October of last year.

During 1970, as well as years preceding, I inquired frequently of the Food and Drug Administration as to the progress of DMSO applications. In July of 1970 DMSO was finally approved for use by veterinarians on horses. This was the first and last positive action by FDA on DMSO. Dr. J. Harold Brown, of Seattle, Wash., has completed two studies on DMSO that have been highly praised by the scientific community. The letter he sent me last August is a good example of many such letters I have received from scientists regarding DMSO. I ask unanimous consent that Dr. Brown's letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Seattle, Wash.,
August 19, 1970.

Hon. Mark O. Hatfield,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

Dear Senator Hatfield: Together with many qualified scientists from a multitude of specialties affiliated with medicine, it has been my privilege to have worked with Dimethyl Sulfoxide (DMSO) in clinical investigation. It is a unique medication, being absorbed through intact human skin, with the property of vehicularizing and transporting other effective therapeutic medication through that skin. DMSO itself is therapeutically effective. It is as great an addition to our therapeutic armamentarium, as was penicillin some 35 years ago.

My investigation of this drug has been practical and clinical. I have been impressed with its value in the treatment of many diverse conditions, but am particularly enthusiastic about its value in the treatment of acute musculoskeletal soft tissue disorders. My experience by double blind study into its efficacy, using it in pure form without additional vehicularized agents, has been scientifically documented. My most recent study was completed in 1969. I am presently preparing a scientific paper which will be published within the next six months. It will be completed soon. I will send you a copy of this paper prior to the time it is submitted for publication.

It is my understanding that one of our large and respected pharmaceutical houses has recently submitted an NDA for DMSO to the Food and Drug Administration. Recognizing the usual bureaucratic delays, review of this application may not occur for as long as three or four months and intolerable delays many ensue in bringing this medication to the prescription market for the use of physicians in more adequately treating their patients. I hope that prompt release of the drug for medical use can be effected so that those who are sick and injured can benefit from this most effective and welcome addition to our therapeutic knowledge.

May I respectfully submit and urge that you pursue your present efforts to further its consideration and release by our Food and Drug Administration? In speaking for those professionals who have worked with this drug and know the therapeutic benefit that can be accomplished by intelligent application to patients under the direction of physicians, I emphasize our interest in the best traditions of medicine, outlined by the Hippocratic oath.

Thank you for your consideration of this correspondence.

Your very truly,

J. Harold Brown, M.D.

Mr. HATFIELD. Mr. President, neither correspondence nor meeting with FDA officials have cleared the issue in my mind of why DMSO is not available to Americans. I have witnessed first hand, the suffering that has been relieved by use of DMSO. Daily I receive letters from Oregonians and people across the country desperate to obtain the drug for themselves or members of their families. I have listened at length to the researchers and doctors.

Since I have no scientific expertise, I cannot make an absolute statement that DMSO is indeed "a wonder drug of our century," but every bit of evidence I encounter reenforces the premise that it is

Since the National Academy of Sciences has been at work for some years evaluating all drugs approved by FDA prior to 1962 and still on the market in 1966, I think it is entirely appropriate for the Congress to ask the National Academy to review DMSO. Perhaps a fresh look at the drug will produce a better explanation of what the status of DMSO really should be.

In view of the many dead ends and incomplete information of the FDA, the great frustration of scientists, doctors and patients alike, I introduce a joint resolution to place the entire question of DMSO before the National Academy of Sciences. It is offered in the spirit of seeking clarification and credibility for all parties concerned. I hope that my colleagues will support this resolution on behalf of the Americans who are suffering today from diseases untreatable by any other known substances, and those who may have need of this drug in the future.

I ask unanimous consent that the text of the joint resolution be printed at this point in the Record.

The **PRESIDING OFFICER** (Mr. Brock). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 30) to place the question of approval of dimethyl sulfoxide (DMSO) for human use as a prescription drug before the National Academy of Sciences, introduced by Mr. Hatfield, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S.J. Res. 30

Whereas dimethyl sulfoxide (DMSO) has been an experimental drug in the United States since 1963;

Whereas four specific applications have been made by three separate pharmaceutical firms to make DMSO a prescription drug for human use in this country, and none of the applications have been approved;

Whereas the scientific literature on DMSO as a drug is extensive making it one of the most thoroughly evaluated experimental drugs in medical history including well substantiated, controlled, and objective studies;

Whereas, according to many scientific determinations, DMSO is effective and safe treatment for diseases untreatable by other methods when used in specifically precribed manners;

Whereas a careful study of the scientific literature shows that DMSO may possess great value in the investigation and treatment of many other disorders affecting man; and

Whereas the National Academy of Sciences is an appropriate agency to evaluate DMSO inasmuch as the Academy was selected in 1966 to serve in an advisory capacity to the Food and Drug Administration on the question of safety and efficacy of all drugs approved prior to 1962, and still on the market in 1966: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Health, Education, and Welfare shall have the National Academy of Sciences evaluate the safety and efficacy of dimethyl sulfoxide (DMSO) for human use as a prescription drug and report to the Congress the results of such evaluation within one year from the date of enactment of this joint resolution.

Sec. 2. (a) The Food and Drug Administration shall, upon request of the National Academy of Sciences, provide the Academy with any information concerning dimethyl sulfoxide (DMSO) that the Food and Drug Administration has in its custody.

(b) The Food and Drug Administration shall cease all studies and evaluations concerning dimethyl sulfoxide (DMSO) as soon as practicable after the date of enactment of this joint resolution.

Sec. 3. The necessary expenses incurred in carrying out the evaluation and report required under this joint resolution shall be paid out of funds appropriated to the Department of Health, Education, and Welfare.

Mr. HATFIELD. Mr. President, DMSO is an extract of lignin, the cement substance in the wood fiber of trees, it was first synthesized in 1866, and shelved as a scientific curiosity for nearly 80 years.

In 1950 many chemists declared it a good solvent for a number of substances. By one of those miraculous scientific accidents, Research Chemist Robert Herschler of the Crown Zellerbach Corp., and Dr. Stanley Jacob began to discover how DMSO might be applicable to humans.

Robert Herschler had noticed the highly penetrating quality in plants and trees. An explosion in the laboratory resulted in burns of Herschler's hands and face. Consequently, he offered himself as a "guinea pig" and the studies that the two had been conducting on mice were conducted on Herschler.

The burns treated with DMSO healed faster, with less scarring, the pain and swelling lessened in minutes in contrast to the untreated areas. It was only the beginning of many studies, cutting across many disease lines—just as antibiotics have been used in many ways.

DMSO is a simple substance, costing only about 35 cents a pint in the impure form. I believe we must give it better consideration. One can only wonder how much truth lies in a statement made by Dr. Jacob when he remarked to me not long ago:

> You might say that DMSO arrived in overalls at the servant's entrance. Its humble origin and unimpressive arrival on the medical scene was even a strike against it in some quarters.

ADDITIONAL COSPONSORS OF BILLS

S. 142

Mr. BYRD of West Virginia. Mr. President, in behalf of the Senator from Wyoming (Mr. McGee), who is absent from this body on official business for the Appropriations Committee, I ask unanimous consent that, at the next printing, the name of the Senator from Colorado (Mr. Dominick) be added as a cosponsor of S. 142, a bill to amend the Gun Control Act of 1968 to permit interstate transportation and shipment of firearms used for sporting purposes and target competitions.

The **PRESIDING OFFICER** (Mr. Brock). Without objection, it is so ordered.

S. 346

At the request of the Senator from Kansas (Mr. Pearson), the Senator from Arizona (Mr. Goldwater), and the Senator from New York (Mr. Javits) were added as cosponsors of S. 346, the Rural Job Development Act of 1971.

S. 364

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Utah (Mr. Moss), I request that the Senator from New Jersey (Mr. Williams) be added as a cosponsor of S. 364, to strengthen the enforcement of the Flammable Fabrics Act and to authorize appropriations for fiscal years 1971, 1972 and succeeding fiscal years in order to carry out the purposes of the act.

S. 391

At the request of the Senator from Oregon (Mr. Hatfield), the Senator from Nevada (Mr. Cannon), the Senator from Pennsylvania (Mr. Scott), the Senator from Wisconsin (Mr. Nelson), the Senator from Wyoming (Mr. McGee), and the Senator from Florida (Mr. Gurney), were added as cosponsors of S. 391, to amend section 306 of the Consolidated Farmers Home Administration Act to increase the aggregate annual limit on grants for water and waste facilities constructed to serve rural areas and to increase the aggregate annual limit on grants for plans for the development of such facilities.

S. 485

At the request of the Senator from Arizona (Mr. GOLDWATER), the Senator from Indiana (Mr. BAYH), the Senator from Kentucky (Mr. COOPER), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 485, to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

S. 497

At the request of the Senator from Oregon (Mr. HATFIELD), the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 497, to create one additional permanent district judgeship in Oregon.

S. 575

At the request of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Minnesota (Mr. MONDALE), and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of S. 575 to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

S.J. RES 11

On behalf of the Senator from Oregon (Mr. HATFIELD), the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from New York (Mr. JAVITS), the Senator from Wyoming (Mr. HANSEN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Virginia (Mr. SPONG), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of Senate Joint Resolution 11, to authorize the President to proclaim the week of April 19, 1971, through April 23, 1971, as "Students' Week Against Drug Abuse."

SENATE CONCURRENT RESOLUTION 4—SUBMISSION OF A CONCURRENT RESOLUTION EXPRESSING THE SENSE OF CONGRESS ON THE EXPANDED USE OF THE MODEL CITIES PROGRAM

Mr. CHILES. Mr. President, I am very happy to join my distinguished colleague from Massachusetts (Mr. BROOKE) in submitting a concurrent resolution which could mean greater hope for the future of many of our Americans who are facing the despair of unemployment.

In this country there is a growing force of unemployed defense and aerospace scientists and technicians, as well as returning military veterans. These men have talents, skills, and a willingness to work which they have proven over and over in serving the needs of their country. It appears this force will continue to grow.

We cannot stand idly by and do nothing to help these people find the means of utilizing their capabilities, of providing for themselves and their families. I have seen firsthand the damage that is done to indviduals and to communities in the vicinity of Kennedy Space Center in my home State of Florida; people who have done so much for all of us in the space program no longer employed and left with specialties that are not readily marketable today.

This resolution urges the administration to use funds already available in the model cities program to recruit, place, and train on the job up to 1,500 persons from the aerospace industry and 500 returning GI's. They would support local and State governments in their desperate need for qualified personnel to deal with housing problems. It is hoped this would serve as a model which could be expanded to the extent of such need.

Mr. President, we already have the precedent and facilities for such a retraining program. We are not asking for new appropriations. I ask that we adopt the resolution encouraging the administration to pledge its full cooperation in carrying out the program.

The PRESIDING OFFICER (Mr. TUNNEY). The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 4), which reads as follows, was referred to the Committee on Banking, Housing and Urban Affairs:

S. CON. RES. 4

Whereas the Congress authorized the Model Cities Program by Title I of the Demonstration Cities and Metropolitan Development Act of 1966; and

Whereas participating state and local governments have taken, through the Model Cities Program, significant steps to improve their capacity to effectively plan and manage the distribution of scarce public resources; and

Whereas one of the roadblocks impeding full achievement of Model Cities objectives as well as the objectives of other Federal programs is the difficulty of state and local governments in attracting qualified personnel: and

Whereas the large number of unemployed defense and aerospace related scientists and technicians and the growing number of "Vietnam era" GIs now being separated from the various services provides the Administration with significant opportunities to assist state and local governments in meeting existing and anticipated personnel needs: and

Whereas a number of Model Cities have initiated with success specific programs to retrain and hire returning GIs and whereas Model Cities initiated in the spring of 1970 an innovative pilot program which led to the recruitment and retraining of "non-urban trained" professionals for placement in positions with city governments throughout the country; and

Whereas it is proposed that the Model Cities Program be the vehicle to recruit, place and train on the job up to 1500 participants from the aerospace industry and 500 returning GIs in positions in state and local governments; and

Whereas the Model Cities sponsored program will provide the Federal government with a prototype model or system susceptible of replication: Now, therefore, be it

Resolved by the Senate of the United States (the House of Representatives concurring), That it is the sense of the Congress of the United States that the Model Cities Program should be used to develop and demonstrate a nationwide system to recruit, place and train on the job, out of work aerospace individuals and homeward bound servicemen, and place them in vacant positions in state and local governments, and that the Administration should pledge its cooperation at all levels in helping to carry out the program.

SENATE CONCURRENT RESOLUTION 5—SUBMISSION OF A CONCURRENT RESOLUTION TO ESTABLISH A JOINT COMMITTEE TO INVESTIGATE THE TREATMENT OF PRISONERS OF WAR IN VIETNAM

Mr. BROOKE. Mr. President, last year I was pleased to join with the distinguished junior Senator from West Virginia (Mr. BYRD) in proposing the creation of a Joint Committee on Treatment of Prisoners of War. Today I reintroduce that concurrent resolution for myself and the distinguished assistant majority leader.

It had long been our concern that insufficient attention was being given to the plight of these men, and that little was known about the conditions in which they—and their families—were forced to live.

Within the last 6 months, I am pleased to say, a great deal of public attention has been focused on the plight of these men. The news media has devoted a considerable amount of time and space to publicizing conditions in North Vietnamese prison camps, and to describing the terrible uncertainty which the families of these men endure. As a result, many millions of Americans have joined in a nationwide campaign of letters and petitions to the Government of North Vietnam, appealing for more humane treatment and extended communication.

These efforts have produced some minor progress: more mail has been getting through to the families of the men, and we can only presume to the men as well. The allowance for packages to the men has increased. Films and interviews have been released purporting to show the "typically humane" treatment which the men receive in the prison camps.

But there are still so many questions unresolved:

How many men are actually being held by the North Vietnamese?

How many of them receive the kind of treatment shown on the films—and how many are being treated in the manner described by some of those who have been fortunate enough to be released or to escape?

How many American prisoners are held by the Vietcong in South Vietnam, or by Communist forces in Laos and Cambodia, and what are the conditions of their imprisonment?

What are the actual conditions under which North Vietnamese and Vietcong prisoners are held and treated in the South, and can any mutual agreements be reached in this area by the two sides?

Are there conditions under which the

North Vietnamese—and possibly the other forces as well—would accept Red Cross or other international inspection of prison facilities?

Is everything being done that should be done by this country to ease the burdens which must be borne by the families of men held prisoner or missing in action?

These are only some of the questions which could be addressed by a joint committee such as we propose. I believe that all of these questions need to be asked, and all available pertinent evidence accumulated and made public.

The committee which we propose would be both small in composition— five Members of each House of Congress—and brief in its duration. Once the hearings had been held and the recommendations made, the committee would cease to exist. Any legislative measures or Executive action which might be proposed would be turned over to the appropriate committees and departments of the Government for consideration and implementation.

Mr. President, ours is a small request in terms of time and expenditure by this body. But it could make a great deal of difference in the lives of those men who have sacrificed so much for this Nation, and in the lives of their families who have bravely borne the burden with them. I urge the prompt and favorable consideration of this resolution and ask unanimous consent that it be printed in full at this point in the Record.

The PRESIDING OFFICER (Mr. Brock). The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the Record.

The concurrent resolution (S. Con. Res. 5); which reads as follows, was referred to the Committee on Foreign Relations:

S. Con. Res. 5

Resolved by the Senate (the House of Representatives concurring), That (a) there is hereby established a joint committee to be known as the Joint Committee on Treatment of Prisoners of War (referred to hereinafter as the "joint committee").

(b) The joint committee shall be composed of ten members selected as follows:

(1) Five members of the Senate to be appointed by the President of the Senate, three of whom shall be members of the majority party and two of whom shall be members of the minority party.

(2) Five members of the House of Representatives to be appointed by the Speaker of the House of Representatives, three of whom shall be members of the majority party and two of whom shall be members of the minority party.

(c) The joint committee shall select a Chairman and a Vice Chairman from among its members. Six members of the joint committee shall constitute a quorum, except that the joint committee may prescribe a lesser number of members to constitute a quorum for the purpose of conducting hearings. Vacancies in the membership of the joint committee shall not affect the authority of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner in which original appointments thereto are made.

FUNCTIONS OF JOINT COMMITTEE

Sec. 2. (a) It shall be the duty of the joint committee to conduct a complete and comprehensive study and investigation of the treatment of prisoners of war held by the North Vietnamese Government and the treatment of prisoners of war held by the South Vietnamese and United States Governments. In carrying out such study and investigation the joint committee shall obtain testimony from prisoners of war who have been released by the Government of North Vietnam and from the families and relatives of persons being held as prisoners of war by such government.

(b) It shall be the purpose of such study and investigation to determine whether the treatment accorded prisoners of war by all Governments concerned is humane and whether such governments are otherwise complying with the Geneva Convention of August 12, 1949, relating to the treatment of prisoners of war.

(c) On or before June 30, 1971, the joint committee shall transmit to each House of the Congress a report containing the results of its study and investigation. The joint committee shall also include in such report such recommendations for legislative or administration action as the joint committee shall deem appropriate. Upon the transmittal of such report, the joint committee shall cease to exist.

HEARINGS

Sec. 3. (a) In carrying out its duties under this concurrent resolution, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

(b) The joint committee may make such rules respecting its organization and procedures as it deems necessary. Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or by the joint committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses.

STAFF AND ASSISTANCE

Sec. 4. (a) The joint committee shall have power to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable.

(b) With the consent of the department or agency concerned, the joint committee is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government, and may employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable.

(c) With the consent of the chairman of any committee of either House of Congress, or any subcommittee thereof, the joint committee may utilize the information and facilities, and the services of members of the staff, of such committee or subcommittee whenever the chairman of the joint committee determines that such action is necessary and appropriate.

EXPENSES

Sec. 5. The expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman.

SENATE RESOLUTION 49—SUBMISSION OF RESOLUTION AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MONDALE submitted a resolution (S. Res. 49) authorizing expenditures by the Select Committee on Equal Educational Opportunity, which was referred to the Committee on Rules and Administration, by unanimous consent.

(The remarks of Mr. Mondale when he submitted the resolution appear later in the Record under the appropriate heading.)

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. BYRD of West Virginia. Mr. President, in behalf of the Senator from Mississippi (Mr. Eastland), I wish to state that the following nomination has been referred to and is now pending before the Committee on the Judiciary:

H. Brooks Phillips, to be U.S. marshal for the northern district of Mississippi for the term of 4 years, vice John H. Phillips, deceased.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, February 16, 1971, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business with statements limited therein to 3 minutes be extended for not to exceed 9 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 683—INTRODUCTION OF A BILL TO BE KNOWN AS THE QUALITY INTEGRATED EDUCATION ACT OF 1971

Mr. MONDALE. Mr. President, I introduce for appropriate reference a measure which I call the Quality Integrated Education Act of 1971, cosponsored by Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. GRAVEL, Mr. HARRIS, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. KENNEDY, Mr. McGOVERN, Mr. MONTOYA, Mr. MUSKIE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TUNNEY, and perhaps other Senators who have been studying this proposal.

The basic purpose of this bill—I shall summarize its specific provisions at a later point in my statement—is to refocus school integration efforts on the educational needs of children, and on the most hopeful ways to meet these needs.

Despite the divisive rhetoric of the past 17 years, the real issue is, and always has been, provision of equal educational opportunity to all of our children. It was concern with the educational needs of children which marked the Federal Government's initial involvement with the process of public school integration in 1954, with the Supreme Court's fundamental decision in Brown against Board of Education. It is precisely this concern which we must recapture now.

We have learned over the years that the children who are damaged by segregated education are not only the black, Chicano, Indian, or other minority children who are its most obvious victims. In his testimony before the Select Committee on Equal Educational Opportunity, of which I am chairman, Dr. Kenneth Clark stated that advantaged, white, middle-class children are also damaged by educational systems which fail to practice the principles of racial justice and equality of opportunity that they teach. On another level, all of us and all our children—black, white, and brown, rich, and poor—suffer as each passing year brings us closer to the tragic, divided America foreseen in the report of the President's National Advisory Commission on Civil Disorders.

Although the beginning of the Federal concern for school desegregation, the Brown case, was rooted in deep concern for children and for their education, the process of school desegregation has over the years too often resembled a vicious game in which the education of children is of secondary importance.

In the South where racial segregation was prescribed by law, and in some northern school systems, we have seen a bitter struggle over what is called compliance. The Federal Government claims victory when it achieves conversion to a unitary school system even if very little meaningful integration has been accomplished, and even if the process includes, for example, the closing of modern black schools or the firing of qualified black faculty members and creates a climate of bitterness which can damage the education of children for a generation. School systems frequently strive desperately for the least short-term change possible, without any real concern for the long range effect this strategy will have on the education of the children—black, brown, and white—in their care.

In the North all of us—the executive branch, the Congress, local school officials and the community at large—have hidden behind the legalism of so-called de facto segregation, justifying inaction on the ground that the segregation of our schools just happened and ignoring its obvious effect on our children and their educations.

And throughout the Nation we have largely ignored discrimination against Mexican-American, Indian, and Puerto Rican and other minority children and paid far too little attention to their special educational needs.

It is time for this Nation and this Congress to face the urgent needs of our Nation's single most important resource—our children. It is time for us to begin to solve the problem of racial separation in our public schools in a sensitive, humane, and intelligent way, with an understanding of the complex educational issues involved, with reference to those hopeful strategies which have been developed over the past few years, and with the objective of better education for all our children firmly in mind.

Last spring, President Nixon proposed the expenditure of $1.5 billion to assist the process of desegregation in the South and to encourage some movement toward reducing the number of children in racially isolated schools in the North. I support and applaud the President's initiative.

However, the legislation which accompanied his request was so vaguely drawn that I and many of my colleagues feared that little real change would result. We saw the danger that funds would be doled out as payment for adoption of a desegregation plan, regardless of its quality, in de jure segregated school districts, and as payment for the most token efforts in so-called de facto districts, so that after 2 years we would have learned little and made less progress toward solving the problems which confront us. A recent New York Times editorial entitled "Benign Deceit in Desegregation" underscored this conclusion. I ask unanimous consent that it be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. We have had a rare opportunity to preview the proposed program in action. Last August, the Congress enacted over the President's veto an Education Appropriation Act which included an emergency appropriation of $75 million to implement, in limited form, the program proposed in the President's message. Amendments attached in the Senate were designed to prevent the most flagrant abuses. Additional safeguards, required under title VI of the Civil Rights Act of 1964, were incorporated in HEW regulations. These provisions prohibit assistance to local educational agencies which gave public support to racially segregated private academies. They prohibit assistance to local educational agencies which fire or demote black faculty members. They prohibit reduction of local per pupil expenditures as the result of desegregation.

And yet, the administration of this program has borne out our worst fears. Last November six civil rights groups—American Friends Service Committee, Delta Ministry of the National Council of Churches, Lawyers Committee for Civil Rights Under Law, Lawyers Constitutional Defense Committee, NAACP Legal Defense and Education Fund, Inc., and the Washington Research Project—issued a carefully documented report which demonstrates widespread abuse of these provisions and the failure of HEW to act to correct noncompliance.

Of the 295 local educational agencies visited by the six civil rights groups, 179 were found to be in clear violation of the statutes and regulations. In 87 others, the six groups found evidence of violations. Federal funds intended to support integrated education are instead often supporting segregated classrooms; segregated transportation systems; segregated faculties and staffs; dismissal and demotion of qualified black teachers, principals and coaches; and donation of property and services to private segregated schools. These Federal funds are often supporting school districts which refuse to comply with plans for student assignment submitted to HEW or ordered by Federal courts.

In addition, and perhaps more important, review of project applications by the six civil rights groups and by members of my staff demonstrate that HEW has made no concerted effort to support or encourage development of affirmative programs in quality integrated education. Rather, HEW has expended these funds as general aid, on the basis of applications which lack specificity, for projects which are often unrelated to the process of school desegregation.

In view of the performance of HEW under the emergency appropriation, the need for a program carefully designed by the Congress is clear.

During the last legislative session, the Education Subcommittee, under the able leadership of the Senator from Rhode Island, conducted extensive hearings on the measure proposed by the President. The Select Committee on Equal Educational Opportunity spent 9 months in an intensive examination of the general problem. The work of these two committees resulted in the preparation of a bill which incorporates a nationwide program to support the voluntary establishment of carefully defined, stable, quality integrated schools.

We believe that this program, if it is carefully administered by the administration and by school districts throughout the country, will provide fair and long overdue demonstration of the benefits of quality integrated education—pursued rationally as an educational objective—and will immeasurably increase our knowledge of the best means to provide equality of educational opportunity.

Mr. President, the foundation of the Quality Integrated Education Act of 1971 is the concept of the stable, quality integrated school. Over 60 percent of the funds authorized under the act would be reserved for the establishment of such schools—over 40 percent for establishment of integrated schools by individual school districts, 10 percent for interdistrict cooperation, and 10 percent for the construction of several model integrated education parks.

In defining the integrated school we have relied heavily on the massive study Equality of Educational Opportunity"—the Coleman report—prepared under the direction of Dr. James S. Coleman for the Office of Education in 1966, and on recent testimony by Dr. Coleman, Dr. Thomas Pettigrew of Harvard University, and others before the Select Committee on Equal Educational Opportunity. These authorities agree that children learn more from each other than from any other single educational resource; that interaction with children from educationally advantaged backgrounds has an even greater impact on the development of learning skills than the quality of the teaching staff or the quality of the physical facility; and that the presence of children from educationally advantaged backgrounds is perhaps the most important element in successful integration.

As Dr. Pettigrew testified:

> One of the essential components of equal educational opportunity for the United States is racial and social class integration of our Nation's public schools. The relevant social science research, in my opinion, forces this conclusion upon us.

In testimony before the select committee, Dr. Coleman made the same point:

> There is, however, another set of resources in the school which is not measured by educators' school quality measures. This is the educational resources brought to the school by other children, as a result of their home influences and earlier school influences.
>
> These resources are things like reading material in the home, the amount and level of discussion in the home, the parents' level of education, the parents' interest in the child's education.
>
> When these educational resources are related to a child's school performance—that is, the educational resources brought to the school by other children at school—the result showed a stronger relation than for any other resource in the school.
>
> In effect, it means that if a child is going to school with other children who are performing at a high level, he, himself, will do better than if he was going to school with other children who are performing at a low level.
>
> What appears to happen is that the educational resources held by other children are more important in increasing a child's own achievement than those that are allocated by the school board.

It is interesting to note that this position was supported by President Nixon in his March 24, 1970, message on school desegregation.

The President said:

> From an educational standpoint, to approach school questions solely in terms of race is to go far astray . . .
>
> The data strongly suggests, also, that in order for the positive benefits of integration to be achieved the school must have a majority of children from environments that encourage learning—recognizing, again, that the key factor is not race but the kind of home that the child comes from.

In recognition of this evidence, the bill we are introducing today specifies that an integrated school must contain a substantial proportion of children from educationally advantaged backgrounds. Despite the President's statement, the administration's desegregation bill fails to require or even mention this concept as an element in programs to be funded.

A second basic element of the integrated schools' approach is real integration. Schools which receive funding would be substantially representative of the minority group and nonminority group student population of the local educational agency in which they are located. This provision assures that funds will not be used to support token integration, but instead will support the kind of integration which if successful can be replicated throughout a school district. In addition, it assures that minority and nonminority children will participate in the program on a equitable basis. The bill contains similar definitions of representativeness for the faculty of an integrated school.

A third important element is the requirement that schools receiving funds under the act be stable. We believe that funds for hopeful quality integration should be devoted to schools that in the judgment of the Commissioner will not be victims of resegregation.

A fourth element in our approach is the requirement that integrated schools contain a well-planned program for the provision of quality education in an integrated setting. School districts would receive funds to provide in-service teacher training, advanced teaching techniques, modern curricula designed to promote intercultural awareness teacher aides, special guidance and counseling services, and, where appropriate, programs of bilingual, bicultural education to assure educational excellence in integrated schools.

Over 40 percent of the funds authorized would be reserved for the establishment of stable, quality integrated schools by individual local educational agencies. Many American schoolchildren, however, presently attend school districts in which the proportion of minority group children is so great that the immediate prospect for stable integration within the confines of a single district are dim. Therefore, 20 percent of the funds authorized would be reserved for programs of interdistrict cooperation and the establishment of education parks.

Ten percent of the funds authorized would be invested in voluntary programs of urban-suburban cooperation along the lines suggested by Senator RIBICOFF, to establish integrated schools containing a substantial proportion of children from educationally advantaged backgrounds and at least half the proportion of minority group students found in the metropolitan area as a whole. As Professor Pettigrew testified before the Select Committee:

> A metropolitan perspective is essential. Pessimists often regard the racial integration of schools as impossible because of the growing concentration of black Americans in central cities.
>
> But as soon as we adopt a metropolitan perspective the dimensions of the problem are abruptly altered. Black Americans constitute only 11% of our national population and only about 14% of our metropolitan population.

An additional 10 percent of the funds authorized would be invested in the establishment of several demonstration educational parks. An education park would be an integrated school, located in a metropolitan area, serving students from preschool through grades 12. It would consist of high schools, junior high schools, and elementary schools located on a single campus under unified direction.

Education parks would be stable, quality integrated schools, with student bodies containing substantial proportions of children from educationally advantaged backgrounds which are representative of the minority group and nonminority group student population of the metropolitan area. They would lower capital costs by as much as 15 or 20 percent. They would permit wider course offerings and lend themselves to the incorporation of modern teaching techniques such as individualized instruction. They would facilitate cooperation with private schools and with colleges and universities.

Many experts, including Dr. Pettigrew, and the Commissioner of Education, Mr. Marland, believe that education parks are among the most encouraging strategies for the long term improvement of urban education, yet it is clear that without Federal support, local school districts are unable to experiment with this promising concept.

The bill we are introducing today reflects an initiative of Senator JAVITS which sets aside between 10 and 15 percent of the funds for experimental pilot programs designed to improve the academic achievement of children in minority group isolated schools, in school districts where integration appears difficult in the short term. We hope that these programs will result in the development of new strategies to improve the education of children in these school districts.

Five percent of the funds would be invested in integrated educational television on the Sesame Street model. A recent report by the Educational Testing Service indicated that such programs can play an important part in the development of crucial academic and social skills for children from all racial and economic backgrounds. Sesame Street itself proved highly successful with children ages 3 to 5. We hope to see additional programs for preschool children and similar programs to serve older children with appropriate emphasis on nonblack minority groups. As the Educational Testing Service evaluation states:

> In general, *Sesame Street* achieved its goals. They were important goals. Since this experimental television program for preschoolers was so successful, it would be a travesty of responsible educational policy making were not more, similarly-conceived television programs funded, developed, researched, and presented.

Six percent of the funds authorized would be reserved for funding of private nonprofit organizations, including parent and community groups, for projects designed to promote equal educational opportunity by encouraging the participation of children, students, and teachers in the education process and improving communications between the school and the community.

Three percent of the funds would be reserved to reimburse the cost of successful suits by parents and teachers to enforce the terms of the act, related education legislation and the constitutional guarantees of the 14th amendment and title VI of the Civil Rights Act of 1964. By opening up the resources of the private bar, this provision would provide injured citizens with some guarantee against the abuses which have occurred under the emergency appropriation. The provision would encourage a nationwide effort to protect the Constitutional rights of minority group children to freedom from discrimination in public education with appropriate emphasis on cases of discrimination against all minorities.

Ten percent of the funds would be reserved to the Commissioner of Education for allocation among the otherwise authorized activities.

To insure equitable distribution of funds, over 60 percent of the funds appropriated would be apportioned for grants within each State on the basis of the ratio that the number of minority group public schoolchildren in each State bears to the total number of minority group public schoolchildren in the remainder—the funds reserved for education, parks, interdistrict cooperation, attorneys' fees, and integrated educational television together with the 10 percent reserved to the Commissioner for allocation among the activities authorized in the bill—would be allocated to the Commissioner of Education to distribute on the basis of the quality of applications.

The bill contains safeguards against discriminatory practices, modeled upon those added in the Senate to the emergency $75 million appropriation and those adopted by HEW regulation. These safeguards prohibit funding of local educational agencies which, since enactment of the emergency appropriation last fall, have engaged in the following practices: aid to private segregation academies operating as alternatives for white students fleeing desegregated public schools; discrimination against minority group teachers or other minority group personnel; segregation of children within schools for a substantial portion of the school day in conjunction with desegregation or the establishment of an integrated school; limiting participation of minority group children in extracurricular activities, or limiting extracurricular activities, in order to avoid the participation of minority group children; or other discrimination on the basis of race, color, or national origin.

Local educational agencies may receive a waiver for violations committed prior to the enactment of this act, if the Commissioner of Education is satisfied that the abuses have been corrected and will not recur. However, local educational agencies which violated these provisions while receiving funds under the $75 million Emergency School Assistance program must submit applications of special merit. The appropriate committees of the Senate and House must be given notice of intention to grant waiver.

The administration's performance under the $75 million emergency appropriation gives us little confidence that these safeguards will be applied in practice. But their application is crucial. The value of integrated education to the children involved is lost if discrimination continues to be practiced within a so-called integrated school. When a qualified black teacher is fired because of his race, or Chicano students are placed in segregated classrooms, the message is not lost on the students or on the community at large.

In addition to these provisions which are designed to prevent funding of local educational agencies which continue to engage in the most blatant forms of discrimination, the bill contains provisions designed to insure that programs under the act are understood by the community at large and that parents, teachers, and students are given a voice in program development and implementation. Since the establishment of integrated schools is by definition a program of human relations as well as education, these provisions are vitally important.

Therefore, the application and other pertinent documents must be made readily available to the public by the local educational agencies and by the Commissioner of Education. Applications must be developed through a process of open hearings and with the full participation of a committee of parents, teachers, and, where applicable, secondary school students, of which at least half the members are parents and at least half the members are from minority groups. Applications which do not receive the support of the committee must be forwarded to the Commissioner with the comments of the committee appended and may be approved by the Commissioner of Education only upon his finding that the local educational agency had good cause to proceed without committee approval.

Unless we are prepared to seriously consult parents, teachers, and students in the development and implementation of programs under this act, we cannot expect them to be successful.

Finally, the bill would establish a National Advisory Council on Equality of Educational Opportunity, consisting of 15 members, of whom at least half must be members of minority groups, to evaluate and report to the Congress on the operation of the program by December 1, 1973. This report should provide the Congress with an assessment of the program and its implementation and a basis for its revision and expansion.

Mr. President, we still have an opportunity to demonstrate our commitment to quality integrated education, but this opportunity will not last forever. Black, Chicano, Puerto Rican, and Indian parents know that we have not genuinely tried to practice what we so easily preach. Misuse of the initial $75 million emergency appropriation cannot have reassured them. It is not surprising that many minority parents—and white parents as well—who for years have hoped and worked for integrated education are now seeking other approaches to educational quality.

We must demonstrate to these parents, and especially to the parents of the South, black and white, that our concern for school integration is based upon a deep commitment to education of high quality which is beneficial to all children. We must recapture the concern for children and their education with which we began in 1954. If we do not, integrated education will be held a failure without an honest trial.

The bill we introduce today is not a complete answer to the problem of segregation in our public schools. Any comprehensive solution will require a far greater investment than the $1.5 billion which the administration has promised to spend over the next 2 years, and must be part of a broad commitment to the reunification of American society—a commitment to give middle-class working Americans the opportunity for decent housing and a decent way of life in central cities, a commitment to open housing and employment in the suburbs to those who are less affluent or who are members of minority groups.

But the bill we introduce today does provide a sensitive and realistic beginning. It does, in our judgment, insure that quality, stable integrated schools—with educationally advantaged students, community involvement and support, sensitive curricula, and other positive elements—will be established and evaluated in hundreds of school districts throughout the Nation. It does insure that promising proposals for metropolitan integration—education parks, urban-suburban cooperative efforts—will be tried and evaluated. It does insure, if properly administered, that at the end of 2 years the kind of integration proposals that research suggests are most encouraging will have been attempted in numerous communities across the country.

It is our hope and our belief that the program which we propose will demonstrate the advantages of quality integrated education to American parents, and will greatly expand our knowledge of the best ways to achieve integrated education.

I ask unanimous consent that the bill, a summary, and a section-by-section analysis of it be printed in the Record.

The PRESIDING OFFICER (Mr. Chiles). The bill will be received and appropriately referred; and, without objection, the bill, the summary, and the section-by-section analysis will be printed in the Record, in accordance with the Senator's request.

The bill (S. 683) to provide financial assistance for the establishment and maintenance of stable, quality, integrated education in elementary and secondary schools to assist school districts to overcome the adverse educational effects of minority group isolation, and for other purposes; introduced by Mr. Mondale, for himself and other Senators, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Quality Integrated Education Act of 1971".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that the segregation of schoolchildren by race, color, or national origin, whatever its cause or origin, is detrimental to all children and deprives them of equality of educational opportunity; that conditions of such segregation exist throughout the Nation, and, as a result, substantial numbers of children are suffering educational deprivation; and that the process of establishing and maintaining stable, quality, integrated schools improves the quality of education for all children and often involves the expenditure of additional funds to which local educational agencies do not have access.

(b) It is the purpose of this Act (1) to provide financial assistance to encourage the establishment and maintenance of stable, quality, integrated schools throughout the Nation, serving students from all backgrounds, which derive full advantage from the enriched educational opportunities provided by the education of children from diverse backgrounds in an environment sensitive to the potential contribution of each child to the education of all, through the utilization of modern educational methods, practices, and techniques, including, where appropriate, programs of integrated bilingual, bicultural education, and (2) to aid schoolchildren to overcome the educational disadvantages of minority group isolation.

APPROPRIATIONS

SEC. 3. (a) The Commissioner, shall, in accordance with the provisions of this Act, carry out a program designed to achieve the purposes set forth in section 2(b). There are authorized to be appropriated to the Commissioner, for the purpose of carrying out this Act, $500,000,000 for the period beginning with the enactment of this Act and ending June 30, 1972, and $1,000,000,000 for the fiscal year ending June 30, 1973. Funds so appropriated shall remain available for obligation and expenditure during the fiscal year succeeding the fiscal year for which they are appropriated, except that funds reserved under paragraph (1) of subsection (b) shall remain available until expended. Funds so appropriated shall be available for grants and contracts under this Act only to the extent that the sums appropriated to the Office of Education for any fiscal year exceed the sums appropriated to the Office of Education for the next preceding fiscal year, except that sums appropriated pursuant to this Act shall not be considered in determining the sums appropriated to the Office of Education for any such next preceding fiscal year.

(b)(1) From the sums appropriated pursuant to subsection (a), the Commissioner shall reserve—

(A) not less than 10 per centum of each of the amounts authorized to be appropriated pursuant to such subsection for the purposes of section 8;

(B) not less than 5 per centum of each of the amounts authorized to be appropriated pursuant to such subsection for the purposes of section 10;

(C) not less than 3 per centum of each of the amounts authorized to be appropriated pursuant to such subsection for the purposes of section 11.

(2) If the total amount of the sums appropriated pursuant to subsection (a) for any fiscal year does not constitute at least four times the aggregate of the amounts specified for reservation pursuant to paragraph (1) for that fiscal year, each of the amounts so specified for that fiscal year shall be ratably reduced until the aggregate of the amounts reserved under paragraph (1) does not exceed one-fourth of an amount equal to the sums so appropriated.

(3) Of the sums appropriated pursuant to subsection (a), the Commissioner is authorized to reserve an amount, not in excess of an amount equal to 10 per centum of such sums, for the purposes of section 7(a).

(4) Of the sums appropriated pursuant to subsection (a), the Commissioner shall reserve 10 per centum for grants by him to local educational agencies making applications under sections 5(a)(2).

APPORTIONMENT AMONG STATES

SEC. 4. (a)(1) From the sums appropriated pursuant to section 3(a) which are not reserved under section 3(b) for any fiscal year, the Commissioner shall apportion to each State for grants within that State an amount which bears the same ratio to such sums as the number of minority group children enrolled in public schools in that State bears to the number of such children in all the States, except that the amount apportioned to any State shall not be less than $100,000.

(2) Of the amount apportioned to each State under paragraph (1), the Commissioner shall reserve not less than one-sixth but not more than one-fourth for grants to local educational agencies in that State pursuant to section 5(b).

(3) Of the amount apportioned to each State under paragraph (1) the Commissioner shall reserve not less than 10 per centum for grants in that State pursuant to section 7(b).

(b) The amount of any State's apportionment under subsection (a) which exceeds the amount which the Commissioner determines, in accordance with criteria established by regulation, will be required during the period for which the apportionment is available for programs and projects within such State, shall be available for reapportionment from time to time, on such dates during such period as the Commissioner shall fix by regulation, to other States in proportion to the original apportionments to such States under subsection (a). If the Commissioner determines, in accordance with criteria established by regulation, that the amount which would be reapportioned to a State under the first sentence of this subsection exceeds the amount which will be required during the period of the apportionment for programs and projects within such State, the amount of such State's reapportionment shall be reduced to the extent of such excess, and the total amount of any reductions pursuant to this sentence shall be available for reapportionment under the first sentence of this subsection. Any amount reapportioned to a State under this subsection during the period of any apportionment shall be deemed a part of its apportionment for that period; and any amount reserved pursuant to paragraph (2) of subsection (a) and reapportioned under this subsection shall be used solely for the purposes for which it was originally reserved.

ELIGIBILITY FOR ASSISTANCE

SEC. 5. (a) (1) The Commissioner is authorized to make a grant to, or a contract with, a local educational agency only if, in accordance with criteria established by regulation, he determines—

(A) that the local educational agency has adopted a plan for the establishment or maintenance of one or more stable, quality, integrated schools; and

(B) that the number of minority group children in attendance at the schools of such agency is (i) at least one thousand and at least 20 per centum of the number of all children in attendance at such schools, or (ii) at least three thousand and at least 10 per centum of the number of all children in attendance at such schools.

(2) Notwithstanding the provisions of clause (B) of paragraph (1), the Commissioner is authorized to make grants, in accordance with special eligibility criteria established by regulation for the purposes of this paragraph, to a local educational agency which does not meet the requirements of such clause (B), where such local educational agency is located within, or adjacent to, a Standard Metropolitan Statistical Area and makes joint arrangements with an additional local educational agency, located within the Standard Metropolitan Statistical Area and containing a substantial proportion of minority group students, for the establishment and maintenance of one or more stable, quality integrated schools. For the purposes of this subsection, an integrated school shall be a school with a student body containing a substantial proportion of children from educationally advantaged backgrounds in which the proportions of minority group students are at least 50 per centum of the proportions of minority group students enrolled in all schools of the local educational agencies within the Standard Metropolitan Statistical Area, and a faculty and administrative staff with substantial representation of minority group persons.

(b) The Commissioner is authorized to make grants to, or contracts with, local educational agencies for unusually promising pilot programs or projects designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in one or more minority group isolated schools, if he determines that the local educational agency had a number of minority group children in average daily membership in the public schools, for the fiscal year preceding the fiscal year for which assistance is to be provided, (1) of at least 15,000, or (2) constituting more than 50 per centum of such average daily membership of all children in such schools.

(c) No local educational agency making application under this section shall be eligible to receive a grant or contract in an amount in excess of the amount determined by the Commissioner, in accordance with regulations setting forth criteria established for such purpose, to be the additional cost to the applicant arising out of activities authorized under this Act, above that of the activities normally carried out by the local educational agency.

(d)(1) No local educational agency shall be eligible for assistance under this Act if it has, after August 18, 1970—

(A) transferred (directly or indirectly by gift, lease, loan, sale, or other means) real or personal property to, or made any services available to any nonpublic school or school system (or any organization controlling, or intending to establish, such a school or school system) without prior determination that such nonpublic school or school system (i) is not operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated public schools, and (ii) does not otherwise practice, or permit to be practiced, discrimination on the basis of race, color, or national origin in the operation of any school activity;

(B) had in effect any practice, policy, or procedure which results (or has resulted) in the disproportionate demotion or dismissal of instructional or other personnel from minority groups in conjunction with desegregation or the establishment of an integrated school, or otherwise engaged in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency (or other personnel for whom the agency has any administrative responsibility);

(C) in conjunction with desegregation or the establishment of an integrated school, adopted any procedure for the assignment of students to or within classes which results in segregation of children for a substantial portion of the school day; or

(D) had in effect any other practice, policy, or procedure, such as limiting curricular or extracurricular activities (or participation therein by children) in order to avoid the participation of minority group students in such activities, which discriminate among children on the basis of race, color, or national origin;

except that, in the case of any local educational agency which is ineligible for assistance by reason of clause (A), (B), (C), or (D), such agency may make application for a waiver of ineligibility, which application shall specify the reason for its ineligibility, contain such information and assurances as the Secretary shall require by regulation in order to insure that any practice, policy, or procedure, or other activity resulting in the ineligibility has ceased to exist or occur and include such provisions as are necessary to insure that such activities do not reoccur after the submission of the application.

(2) (A) No local educational agency shall be eligible for a waiver under paragraph (1) if—

(i) it is ineligible by reason of clause (A), (B), (C), or (D) of paragraph (1) because of transactions, practices, policies, or procedures which existed or occurred after August 18, 1970; and

(ii) it has received assistance under the appropriation in the paragraph headed "Emergency School Assistance" in the Office of Education Appropriations Act, 1971 (Public Law 91-380).

(B) (i) In the case of any local educational agency which is ineligible for assistance under this Act by reason of subparagraph (A), such agency may make a special application for a waiver of its ineligibility, which application shall include (I) all the specifications, procedures, assurances, and other information required for a waiver under the exception set forth in paragraph (1), and (II) in addition, such other data, plans, assurances, and information as the Secretary shall require in order to insure compliance with this subparagraph (B).

(ii) The additional matters required by the Secretary under clause (II) of subparagraph (B) (i) shall at least include sufficient information as to enable the Commissioner to properly evaluate the application submitted under section 9 by the applicant for a special waiver under this subparagraph (B) and advise the Secretary with respect to the merit of the program for which assistance is sought.

(3) Applications for waivers under paragraphs (1) and (2) may be approved only by the Secretary. The Secretary's functions under this paragraph shall, notwithstanding any other provision of law, not be delegated.

(4) No application for assistance under this Act shall be approved prior to a determination by the Commissioner that the applicant is not ineligible by reason of this subsection. No waiver under paragraph (2) shall be granted until the Commissioner has determined that the special applicant has submitted an application under section 9 of extraordinary merit.

(5) All determinations pursuant to this subsection shall be carried out in accordance with criteria and investigative procedures established by regulations of the Secretary for the purpose of compliance with this subsection.

(6) All determinations and waivers pursuant to this subsection shall be in writing. The Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives shall each be given notice of an intention to grant any waiver under this subsection, which notice shall be accompanied by a copy of the proposed waiver for which notice is given and copies of all determinations relating to such waiver. The Commissioner shall not approve an application by a local educational agency which requires a waiver under this subsection prior to thirty days after receipt of the notice required by the preceding sentence by the chairman of the Committee on Labor and Public Welfare of the Senate and the chairman of the Committee on Education and Labor of the House of Representatives.

AUTHORIZED ACTIVITIES

SEC. 6. (a) Sums appropriated pursuant to section 3(a) and apportioned to a State pursuant to section 4 (which have not been reserved under paragraph (2) or (3) of section 4(a)) and the sums reserved pursuant to section 3(b) (4) shall be available for grants to, and contracts with, local educational agencies in that State which have been established as eligible under section 5(a), to assist such agencies in carrying out the following programs and projects designed to establish or maintain stable, quality, integrated schools, as necessary and appropriate to carry out the purposes of this Act:

(1) the development and use of new curriculums and instructional methods, practices, and techniques to support a program of instruction for children from all racial, ethnic, and economic backgrounds, including instruction in the language and cultural heritage of minority groups;

(2) remedial services, beyond those provided under the regular school program conducted by the local educational agency, including student-to-student tutoring;

(3) guidance and counseling services, beyond those provided under the regular school program conducted by the local educational agency, designed to promote mutual understanding among minority group and nonminority group parents, students, and teachers;

(4) administrative and auxiliary services to facilitate the success of the project;

(5) community activities, including public information efforts, in support of a plan, program, project, or other activities described in this section;

(6) recruiting, hiring, and training of teacher aides: *Provided*, That in recruiting teacher aides, preference shall be given to parents of children attending schools assisted under section 5(a);

(7) inservice teacher training designed to enhance the success of schools assisted under section 5(a) through contracts with institutions of higher education, or other institutions, agencies, and organizations individually determined by the Commissioner to have special competence for such purpose;

(8) planning programs and projects under this section, the evaluation of such programs and projects, and dissemination of information with respect to such programs and projects; and

(9) repair of minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of equipment) and the lease or purchase of mobile classroom units or other mobile educational facilities.

In the case of programs and projects involving activities described in clause (9), the inclusion of such activities must be found to be a necessary component of, or necessary to facilitate, a program or project involving other activities described in this section or subsection (b), and in no case involve an expenditure in excess of 10 per centum of the amount made available to the applicant to carry out the program or project. The Commission shall promulgate regulations defining the term "repair or minor remodeling or alteration".

(b) Sums reserved under section 4(a) (2) shall be available for grants to, and contracts with, local educational agencies eligible for assistance under section 5(b) to carry out innovative pilot programs and projects which are specifically designed to assist in overcoming the adverse effects of minority group isolation, by improving the educational achievement of children in minority group isolated schools, including the activities described in clauses (1) through (9) of subsection (a), as they may be used to accomplish such purpose.

SPECIAL PROGRAMS AND PROJECTS

SEC. 7. (a) (1) Amounts reserved by the Commissioner pursuant to section 3(b) (3) shall be available to him for grants and contracts under this subsection.

(2) The Commissioner is authorized to make grants to, and contracts with, State and local educational agencies, and other public and private nonprofit agencies and organizations (or a combination of such agencies and organizations) for the purpose of supporting special programs and projects carrying out activities described in section 6, which the Commissioner determines will make substantial progress toward achieving the purposes of this Act.

(b) From the amounts reserved pursuant to section 4(a) (3), the Commissioner is authorized to make grants to, and contracts with, public and private nonprofit agencies, institutions, and organizations (other than local educational agencies and nonpublic elementary and secondary schools) for programs and projects to promote equality of educational opportunity, through facilitating the participation of parents, students, and teachers in the design and implementation of comprehensive educational planning; the provision of services which will enable parents to become effective participants in the educational process; the conduct of activities which foster understanding among minority group and nonminority group parents, students, teachers, and school officials, including public information and school-community relations activities; and the conduct of school-related activities to reinforce student growth and achievement.

EDUCATION PARKS

SEC. 8. From the sums reserved pursuant to section 3(b) (1) (A), the Commissioner is authorized to make grants to State and local educational agencies to assist in the construction of education parks in Standard Metropolitan Statistical Areas. For the purposes of this section, the term "education park" means an integrated school or cluster of such schools located on a common site, within a Standard Metropolitan Statistical Area, of sufficient size to achieve maximum economy of scale consistent with sound educational practice, providing the full range of preschool, elementary, and secondary education, with a student body containing a substantial proportion of children from educationally advantaged backgrounds, which is representative of the minority group and nonminority group student population of the Standard Metropolitan Statistical Area, and a faculty and administrative staff with substantial representation of minority group persons.

APPLICATIONS

SEC. 9. (a) Any local educational agency desiring to receive assistance under this Act shall submit to the Commissioner an application therefor at such time, in such form, and containing such information as the Commissioner shall require by regulation. Such application, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner. The Commissioner may approve an application if he determines that such application—

(1) sets forth a plan, and such policies and procedures, as will assure that (A) in the case of an application under section 5(a), the applicant will initiate or continue a program specifically designed to establish or maintain at least one or more stable, quality, integrated schools, or (B) in the case of an ap-

plication under section 5(b), the applicant will initiate or expand an innovative program specifically designed to meet the educational needs of children attending one or more minority group isolated schools;

(2) has been developed—

(A) in open consultation with parents, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

(B) with the participation and, subject to subsection (b), approval of a committee composed of parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, of which at least half the members shall be such parents, and at least half shall be persons from minority groups;

(3) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2)(B);

(4) sets forth such policies and procedures, and contains such information, as will insure that funds paid to the applicant under the application be used solely to pay the additional cost to the applicant in carrying out the plan and program described in the application;

(5) contains such assurances and other information as will insure that the program for which assistance is sought will be administered by the applicant, and that any funds received by the applicant, and any property derived therefrom, will remain under the administration and control of the applicant;

(6) sets forth such policies and procedures, and contains such information, as will insure that funds made available to the applicant (A) under this Act will be so used (i) as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources for the purposes of the program for which assistance is sought, and for promoting the integration of the schools of the applicant, and for the education of children participating in such program, and (ii) in no case, as to supplant such funds from non-Federal sources, and (B) under any other law of the United States will, in accordance with standards established by regulation, be used in coordination with such programs to the extent consistent with such other law;

(7) in the case of an application for assistance under section 5(b), that the program or project to be assisted will involve an additional expenditure per pupil to be served, determined in accordance with regulations prescribed by the Commissioner, of sufficient magnitude to provide reasonable assurance that the desired educational impact will be achieved and that funds under this Act will not be dispersed in such a way as to undermine their effectiveness;

(8) in the case of an application by a local educational agency, that the State educational agency governing the school district or school districts in which the approved program or project will be carried out has been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Commissioner;

(9) sets forth effective procedures, including provisions for objective measurement of change in educational achievement and other change to be effected by programs conducted under this Act, for the continuing evaluation of programs or projects under this Act, including their effectiveness in achieving clearly stated program goals, their impact on related programs and upon the community served, and their structure and mechanisms for the delivery of services; and

(10) provides (A) that the applicant will make periodic reports at such time, in such form, and containing such information as the Commissioner shall require by regulation, which regulation shall require at least—

(i) in the case of reports relating to performance, that the reports be consistent with specific criteria related to the program objectives, and

(ii) that the reports include information relating to educational achievement of children in the schools of the applicant, and (B) that the applicant will keep such records and afford such access thereto as—

(i) will be necessary to assure the correctness of such reports and to verify them, and

(ii) will be necessary to assure the public adequate access to such reports and other written materials.

(b) In the event the committee established pursuant to clause (2)(B) of subsection (a) does not, after a reasonable opportunity to do so, approve an application under this section, the local educational agency may submit the application for approval by the Commissioner. The committee may, upon written notification to the local educational agency and the Commissioner, seek a review of the reasons for failure to obtain approval. Upon receipt of any such notice, a local educational agency shall promptly file with the Commissioner a statement of the issues in question, the reason for submission of the application without such approval, and its grounds for desiring approval of the application by the Commissioner as submitted, and shall attach thereto a statement of the reasons of the committee respecting its failure to approve the application. Upon receipt of a notice filed under the second sentence of this subsection, the Commissioner shall take no action with respect to approval of the application in question until he has reviewed the matters submitted to him by the local educational agency and any matters submitted to him by the committee and, when he determines it to be appropriate, has granted an opportunity for an informal hearing. Within thirty days after the Commissioner has received the matters required to be submitted under the third sentence of this subsection, he shall make a finding as to whether the local educational agency was justified in submitting the application without approval, as required under clause (2)(B) of subsection (a). Upon his finding of justification, the Commissioner may proceed with respect to the approval of the application. Such finding, and the reasons therefor, shall be in writing and shall be made available to the local educational agency and the committee.

(c)(1) The Commissioner shall, from time to time, set dates by which applications for grants under this Act shall be filed and may prescribe an order of priority to be followed in approving such applications.

(2) In determining whether to make a grant or contract under section 5 or in fixing the amount thereof, the Commissioner shall give priority to—

(A) in case applications submitted under section 5(a), applications from local educational agencies which place the largest numbers and proportions of minority group students in stable, quality, integrated schools; and

(B) applications which offer the greatest promise of providing quality education for all participating children.

EDUCATIONAL TELEVISION

SEC. 10. (a) The sums reserved pursuant to section 3(b)(1)(B) for the purpose of carrying out this section shall be available for grants and contracts in accordance with subsection (b).

(b)(1) The Commissioner shall carry out a program of making grants to, or contracts with, not more than ten public or private nonprofit agencies, institutions, or organizations with the capability of providing expertise in the development of television programing, in sufficient number to assure diversity, to pay the cost of development and production of integrated children's television programs of cognitive and affective educational value.

(2) Television programs developed in whole or in part with assistance provided under this Act shall be made reasonably available for transmission, free of charge, and shall not be transmitted under commercial sponsorship.

(3) The Commissioner may approve an application under this section only if he determines that the applicant—

(A) will employ members of minority groups in responsible positions in development, production, and administrative staffs;

(B) will utilize modern television techniques of research and production; and

(C) has adopted effective procedures for evaluating education and other change achieved by children viewing the program.

ATTORNEYS' FEES

SEC. 11. (a) Upon the entry of a final order by a court of the United States against a local educational agency, a State (or any agency thereof), or the Department of Health, Education, and Welfare for failure to comply with any provision of this Act, title I of the Eelementary and Secondary Education Act of 1965 or discrimination on the basis of race, color, or national origin in violation of title VI of the Civil Rights Act of 1964, or of the fourteenth article of amendment to the Constitution of the United States as they pertain to elementary and secondary education, such court shall award, from funds reserved pursuant to section 3(b)(1)(C), reasonable counsel fee, and costs not otherwise reimbursed, for services rendered, and costs incurred, after the date of enactment of this Act to the party obtaining such order.

(b) The Commissioner shall transfer all funds reserved pursuant to section 3(b)(1)(C) to the Administrative Office of the United States Courts for the purpose of making payments of fees awarded pursuant to subsection (a).

DEFINITIONS

SEC. 12. Except as otherwise specified, the following definitions shall apply to the terms used in this Act:

(1) The term "Commissioner" means the Commissioner of Education; and the term "Secretary" means the Secretary of Health, Education, and Welfare.

(2) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(3) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of educational services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and other related material.

(4) the term "institution of higher education" means an educational institution in any State which—

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) is legally authorized within such State to provide a program of education beyond high school;

(C) provides an educational program for which it awards a bachelor's degree; or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(D) is a public or other nonprofit institution; and

(E) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner for the purposes of this paragraph.

(5) The term "integrated school" means a school with a student body, containing a substantial proportion of children from educationally advantaged backgrounds, which is substantially representative of the minority group and non-minority group students population of the local educational agency in which it is located, and a faculty which is representative of the minority group and nonminority group population of the larger community in which it is located, or where the Commissioner determines that the local educational agency concerned is attempting to increase the proportions of minority group teachers, supervisors, and administrators in its employ, a faculty which is representative of the minority group and nonminority group faculty employed by the local educational agency.

(6) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts, or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(7) (A) The term "minority group" refers to (i) persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental; and (ii) (except for the purposes of section 4), as determined by the Secretary, children who are from environments where the dominant language is other than English and who, as a result of limited English-speaking ability, are educationally deprived, and (B) the term "Spanish-surnamed American" includes persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.

(8) The terms "Minority group isolated school" and "minority group isolation" in reference to a school mean a school and condition, respectively, in which minority group children constitute more than 66⅔ per centum of the average daily membership of a school.

(9) The term "nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(10) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(11) The term "Standard Metropolitan Statistical Area" means that area in and around a city of fifty thousand inhabitants or more as defined by the Office of Management and Budget.

(12) The term "State" means one of the fifty States or the District of Columbia.

(13) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

EVALUATIONS

SEC. 13. The Commissioner is authorized to reserve not in excess of 1 per centum of the sums appropriated under this Act for any fiscal year for the purposes of this section. From such reservation, the Commissioner is authorized to make grants to, and contracts with, institutions of higher education and private organizations, institutions, and agencies, including councils established pursuant to section 9(a)(2), for the purpose of evaluating specific programs and projects assisted under this Act.

REPORTS

SEC. 14. The Commissioner shall make periodic detailed reports concerning his activities in connection with the program authorized by this Act and the program carried out with appropriations under the paragraph headed "Emergency School Assistance" in the Office of Education Appropriations Act, 1971 (Public Law 91–380), and the effectiveness of programs and projects assisted under this Act in achieving the purposes of this Act. Such reports shall contain such information as may be necessary to permit adequate evaluation of the programs authorized by this Act, and shall be submitted to the President and to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. The first report submitted pursuant to this section shall be submitted no later than ninety days after the enactment of this Act. Subsequent reports shall be submitted no less often than four times annually.

JOINT FUNDING

SEC. 15. Pursuant to regulations prescribed by the President, where funds are advanced by the Office of Education, and one or more other Federal agencies for any project or activity funded in whole or in part under this Act, any one of such Federal agencies may be designated to act for all in administering the funds advanced. In such cases, any such agency may waive any technical grant or contract requirement (as defined by regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose. Nothing in this section shall be construed to authorize (1) the use of any funds appropriated under this Act for any purpose not authorized herein, (2) a variance of any reservation or apportionment under section 3 or 4, or (3) waiver of any requirement set forth in sections 5, 6, 9, and 12(5).

NATIONAL ADVISORY COUNCIL

SEC. 16. (a) There is hereby established a National Advisory Council on Equality of Educational Opportunity, consisting of fifteen members, at least one-half of whom shall be representatives of minority groups, appointed by the President, which shall—

(1) advise the Secretary with respect to the operation of the program authorized by this Act, including the preparation of regulations and the development of criteria for the approval of applications;

(2) review the operation of the program (A) with respect to its effectiveness in achieving its purposes as stated in section 2, and (B) with respect to the Commissioner's conduct in the administration of the program;

(3) meet not less than four times in the period during which the program is authorized, and submit through the Secretary, to the Congress at least two interim reports, which reports shall include a statement of its activities and of any recommendations it may have with respect to the operation of the program; and

(4) not later than December 1, 1973, submit to the Congress a final report on the operation of the program.

(b) The Commissioner shall submit an estimate under the authority of section 401 (c) and part C of the General Education Provisions Act to the Congress for the appropriations necessary for the Council created by subsection (a) to carry out its functions.

The summary, presented by Mr. MONDALE, is as follows:

SUMMARY OF QUALITY INTEGRATED EDUCATION ACT

1. Authorizes $1.5 billion over the next two years for the following purposes:

40 to 45% of the funds for creating and maintaining *stable, quality integrated schools* that contain substantial proportions of children from educationally advantaged backgrounds and are representative of the minority group and non-minority group student population of the school districts in which they are located. These schools are designed to be hopeful, promising, non-token demonstrations of quality integrated education that could be duplicated throughout the school districts.

10 to 15% of the funds for promising *pilot programs in racially or ethnically isolated schools* in districts with over 50% minority students or 15,000 minority students.

10% of the funds for *education parks* in metropolitan areas containing substantial proportions of children from educationally advantaged backgrounds, and student bodies that are representative of the minority group and non-minority group student body of the metropolitan area.

10% of the funds for *interdistrict cooperation*. Urban-suburban cooperative efforts producing schools containing children from educationally advantaged backgrounds and a proportion of minority group students equal to one-half the proportion of minority group students in the standard metropolitan statistical area would be eligible for funding.

10% of funds *for the Commissioner* to allocate as he sees fit among the various activities authorized in the Act.

6% of the funds for funding *private nonprofit groups* to promote equal educational opportunity by encouraging the participation of parents, students and teachers in the education process.

5% of the funds for *integrated children's education television programs* similar to Sesame Street.

3% of the funds are reserved for reimbursement of attorneys' fees in successful desegregation and education lawsuits protecting rights under this Act, Title VI of the Civil Rights Act, 14th Amendment, and Title I of ESEA.

1% of the funds are reserved for evaluation.

2. *Other Provisions:*

Safeguards prohibiting aid to school districts aiding private segregation academies, firing or demoting minority group teachers, tracking and segregating children within the school, limiting extra-curricular activities to avoid integration or engaging in other discriminatory actions.

Public information and *community participation* provisions requiring that all documents relative to the application must be made public and developed in open hearings with a participation of a *bi-racial committee* of parents, teachers and students.

Authorizes *bi-lingual, bi-cultural efforts* or projects specifically designed for Spanish-speaking or other ethnic minorities where appropriate.

Carefully defines and *limits to very spe-*

cific educational purposes the activities fundable under this Act (including a provision that not more than 10% of any grant can be for remodeling) unlike other bills that would fund practically any "other specifically designed programs or projects which met the purposes of this Act."

Encourages the establishment of quality integrated schools, *nationwide*, regardless of whether a legal requirement exists.

The analysis, presented by Mr. MONDALE, is as follows:

ANALYSIS OF QUALITY INTEGRATED EDUCATION ACT OF 1971

1. *Title*

"Quality Integrated Education Act of 1971"

2. *Findings and Purpose*

The bill contains findings that segregation of school children by race, color or national origin, regardless of its cause, is harmful to all children and deprives them of equality of educational opportunity, and that such segregation exists throughout the nation.

The bill states two purposes: (a) To provide financial assistance to encourage establishment and maintenance of stable, quality integrated schools, throughout the nation, which provide sensitive programs for the education of children from diverse backgrounds, and which utilize modern educational techniques including where appropriate, integrated bi-lingual, bi-cultural education; (b) To aid school children to overcome the educational disadvantages of minority group isolation.

3. *Appropriations*

The bill authorized $500 million for the period beginning with enactment and ending June 30, 1972, and $1 billion for the following fiscal year.

Funds appropriated are to remain available for one fiscal year beyond the fiscal year for which they are appropriated, except that funds for attorneys, educational television and education parks remain available until expended.

Funds appropriated for any fiscal year are to be reduced to the extent that Office of Education expenditures for other programs during that year are reduced from the preceding year.

4. *Earmarks*

a. *Attorneys' Fees*

Three percent of the funds authorized are earmarked to reimburse attorneys' fees and costs not otherwise reimbursed in successful lawsuits pertaining to elementary and secondary education under this Act, Title VI, the 14th Amendment and Title I of ESEA.

b. *Children's Television*

Five percent of the funds authorized are earmarked for integrated children's television programs. The bill authorizes grants to not more than ten private non-profit organizations. It provides that programs must be made available for transmission free of charge and shall not be transmitted under commercial sponsorship. The bill requires that members of minority groups be employed in responsible positions, that grantees utilize modern television techniques and adopt effective procedures for evaluation.

c. *Education Parks.*

The bill earmarks 10% of the funds authorized for construction of education parks in standard metropolitan statistical areas. An education park must have student bodies of which a substantial proportion are children from educationally advantaged backgrounds and which are representative of the minority group and non-minority group population of the standard metropolitan statistical area in which they are located, and faculties and administrative staffs with substantial representation of minority group persons.

d. *Inter-District Cooperation*

The bill sets aside 10% of the funds for suburban school districts with low concentrations of minority group students to establish, through cooperation with urban school districts, integrated schools with student bodies of which a substantial proportion are children from educationally advantaged backgrounds and which contain a proportion of minority group students equal to one-half the proportion of minority group students in the standard metropolitan statistical area.

For example, in the Washington, D.C. SMSA, which is approximately 30% black and 70% white, Montgomery County could receive funding for establishing, in cooperation with the District, a stable quality integrated school containing a student body of which 15% are minority group students.

e. *The Commissioner's 10%*

Ten percent of the funds appropriated are reserved for the Commissioner to allocate as he sees fit among the various activities authorized in the Act.

f. *Evaluation*

One percent of the funds appropriated are reserved for evaluation.

5. *Apportionment to the States*

The remainder of the funds (61%) will be apportioned among the States on the basis of the number of minority group children in each State, except that no State will receive less than $100,000, for the following purposes:

a. *Quality Integrated Schools*

Approximately 70% of the funds allocated to the States (40–45% of the funds authorized under the Act) are allocated to fund quality integrated schools *within* school districts. These schools must be stable, contain a substantial proportion of children from educationally advantaged backgrounds, be substantially representative of minority group and non-minority group student population of the district and contain representative faculties.

Funds would be provided for the following activities in integrated schools:

(1) New curricula and instructional methods to support a program of integrated instruction, including instruction in language and cultural heritage of minority groups;

(2) Remedial services;

(3) Guidance and counseling services designed to promote mutual understanding between minority group and non-minority group parents, students, and teachers;

(4) Administrative and auxiliary services;

(5) Community activities including public information efforts;

(6) Recruiting, hiring and training teacher aides with preference given to parents;

(7) In-service teacher training;

(8) Planning, evaluation and dissemination of information;

(9) Minor alteration and remodeling limited to 10% of a grant.

Districts are eligible for funding integrated schools which have *1,000* minority group students constituting 20% of the district's enrollment, or *3,000* minority group students constituting *10%*. This limits funding under the integrated schools section to 1,010 districts (of approximately 18,000 in the Nation) containing 85% of the Nation's minority group students.

b. *Racial and Ethnic Isolation*

Of the funds allocated to each State, one-sixth to one-fourth (10–15% of the funds under the entire Act) are reserved for promising pilot programs in racially or ethnically isolated schools. Districts are eligible only if they contain over 50% minority students, or 15,000 minority group students. Within the eligible districts, only schools with student bodies containing at least two-thirds minority group students would be eligible for pilot programs.

c. *Community Groups*

Ten percent of the funds allocated to each state (approximately 6% of the total funds under the bill) are reserved for funding private non-profit groups for programs and projects to promote equality of educational opportunity through: encouraging the participation of parents, students and teachers in the design and implementation of educational planning; providing services which will enable parents to become effective participants in the education process; conducting school-related activities to reinforce student growth and achievement; or improving communications among the school, minority and non-minority parents, students and teachers.

6. *Safeguards*

The bill prohibits funding districts which, since August 18, 1970, have engaged in the following practices:

a. Aid to private segregated schools in violation of the standard adopted by the U.S. District Court in *Green* vs. *Kennedy;*

b. Disproportionate demotion or dismissal of minority group teachers in conjunction with desegregation or the establishment of an integrated school;

c. Segregation of children within classes for a substantial portion of the school day in conjunction with desegregation or the establishment of an integrated school;

d. Limiting participation of minority group children in extracurricular activities, or limiting extra-curricular activities in order to avoid participation of minority group children, or other discrimination among children on the basis of race, color or national origin.

Waiver

Districts may receive a waiver for violations committed prior to enactment of this Act. However, districts which committed violations while funded under the $75 million ESAP program must submit applications of special merit. The Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor must be given notice of intention to grant waiver. No waiver may be granted until 30 days after receipt of the notice by the appropriate Chairmen.

7. *Community Participation*

a. All documents pertinent to the application must be made open to the public by HEW and the school district.

b. Applications must be developed through a process of open hearings, and with the participation of a committee composed of parents, teachers and students of which at least half the members are parents and at least half the members are from minority groups.

c. Applications would require approval by the committee, but absent approval, committee objections would be appended to the application and the Commissioner of Education would have 30 days to decide.

8. *Priorities*

The bill requires that priority be given to school district applications which place the largest members and proportions of minority group children in integrated schools, and which show the greatest educational promise.

9. *National Advisory Council*

The bill would establish a National Advisory Council on Equality of Educational Opportunity consisting of 15 members at least half of whom must be members of minority groups, which must report to the Congress on the operation of the program by December 1, 1973.

10. *Commissioner*

The Subcommittee bill would place administration in the hands of the Commissioner with one exception: only the Secretary could grant waivers of the safeguard provisions.

Purpose	Percent of total funds	Approximate amount
Reserved:		
Commissioner's fund	10	$150,000,000
Education parks	10	150,000,000
Inter-district cooperation	10	150,000,000
Educational TV	5	75,000,000
Attorneys' fees	3	45,000,000
Evaluation	1	15,000,000
Total	39	585,000,000
Apportioned among the States:		
Community groups	6	90,000,000
Pilot programs in racial isolation	10–15	−150,000,000 225,000,000
Integrated schools	40–45	−600,000,000 675,000,000
Total	61	915,000,000

Exhibit 1

Benign Deceit in Desegregation

Last May, in the only constructive recommendation of an otherwise vague message on racial problems in the schools, President Nixon asked Congress for $1.5 billion to speed desegregation. These funds were to help Southern school districts eliminate dual school systems and underwrite Northern efforts to attain better-integrated quality education in *de facto* segregated schools.

There have been recurring charges that an initially authorized emergency fund of $75 million has been widely abused, either by being spent on unrelated purposes or, incredibly, on subsidizing schools which violated the letter or the spirit of the desegregation laws.

It is against this background that the failure of the 91st Congress to pass the $1.5-billion measure must be viewed. Liberals in the Senate, already disturbed by the questions raised concerning the use of the interim funds, were further alarmed when the House submitted a measure so permissive that its original intent might come to be overlooked. Such misgivings were intensified by an amendment prohibiting the use of these funds for busing in the interest of integration. And so last-minute efforts to pass a revised measure failed.

The bill should be revived early in the new Congress, but with a clear acknowledgment of its purpose. As the legislation began to run into trouble in its first round there was a growing feeling, even among sincere opponents of segregation, that its flaws ought to be overlooked. Education is so desperately in need of aid, the argument ran, that all children, black and white, would benefit, even if the legislation did not specify in detail its real mission.

Though well-intentioned, this is a specious argument. The schools do, of course, need increased Federal subsidies; but the vehicle for such aid is the Elementary and Secondary Education Act. If Congress wants to propose additional subsidies, it can and should do so. But to appropriate funds intended to bring about speedier, more peaceful and educationally sound integration, without the proper assurance that the money will be spent for just such purposes, would be a policy of benign deceit.

A measure to implement President Nixon's original recommendation should be enacted without delay. But the effect of a costly desegregation bill that does not desegregate would be to give the Administration one more opportunity to take credit for good intentions, while secretly pleasing the segregationists.

Mr. JAVITS. Mr. President, the bill introduced by the Senator from Minnesota poses for us a very serious and very important problem, to which I hope many Senators will address themselves, as it must be solved very promptly. Together with the deputy minority leader, the Senator from Michigan (Mr. Griffin), I have introduced the administration's bill on the same subject. That bill is S. 195.

It will be recalled that the President recommended a program of $1.5 billion, that $75 million was voted last year, that sum has been spent or is in the process of being spent, and that there is no disagreement between many in Congress on the amount that is to be spent. The question is as to the means.

The Senator from Minnesota (Mr. Mondale) heads a special committee, of which I am a member, to deal with this question of public school integration or desegregation, to answer the complaint that it should proceed effectively in the North as well as the South, and that it should be fixed on excellence in education, not just on desegregation in compliance with Supreme Court decisions.

There is also a legislative committee headed by the Senator from Rhode Island (Mr. Pell), of which I am also a member, as I am the ranking member of the main legislative committee, a committee to which Senator Mondale also belongs, the Comittee on Labor and Public Welfare. The bill that Senator Mondale has introduced is essentially the bill agreed upon by the legislative subcommittee of which I am a member, and in which I joined last year. I am not a cosponsor of this measure. The bill which I have introduced is similar to the bill passed by the House of Representatives, with the exclusion of an antibusing provision which the House of Representatives had included last year and some other modifications.

These are differing approaches. I believe that at this time, Mr. President, while I am very sympathetic with the Mondale bill, I can best serve the purpose of getting a bill passed by being the main sponsor of the administration's bill and endeavoring to find a way out of the differences that face us.

The dilemma is not as complex as it sounds. The Mondale bill seeks to zero in on stable quality integrated schools. The administration bill seeks to zero in on the elimination or reduction of minority group isolation, essentially the racial concept. The administration bill gives practically all the money to that purpose. The Mondale bill gives about 40 to 45 percent to the purpose of a stable integrated school, which may be inapplicable in certain areas where the composition of a school district does not permit of that kind of application.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired, and the time for routine morning business has expired.

Mr. JAVITS. Mr. President, could I be recognized again, as no other Senator is seeking recognition, if the Senator from West Virginia would obtain an additional 3 minutes?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I would be constrained to object to the Senator from New York having additional time, but I would be glad for the Senator from Minnesota to have 3 additional minutes in his own right.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. MONDALE. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I shall take just a minute, because I would like the Senator's comments on this.

As I see our job, Mr. President, it is to design a bill which will bridge this seeming difference between the administration bill and the bill of the distinguished senior Senator from Minnesota (Mr. Mondale), expressing the views of the Legislative Subcommittee as well. I wish to assure the Senate and my very dear friend and colleague from Minnesota that I shall apply myself completely to that effort. I believe that I shall be much better able to do what must be done if I stand where I am, rather than immediately joining in his bill at this time. I hope that both he and others will understand that it does not represent at all any retirement from the position I have taken which induced me to join in the bill reported by the Education Subcommittee during the closing days of the 91st Congress. I have confidence that we will work out a permanent piece of legislation, and that in order to do it, I believe I am in the best position this way.

Mr. MONDALE. I thank the Senator from New York. The measure which we introduce today is in part a product of the contribution offered by the Senator from New York, and is the measure which last session was unanimously recommended by the Senate Subcommittee on Education. It incorporates the most hopeful strategies of which we are aware to try to deal with this heartbreaking and tragic issue of segregation and unequal educational opportunities in America today.

Anyone who feels he knows all the answers ought to spend a few days with us on our Education Subcommittee, to realize what a difficult and profoundly important issue this is. It is not something we can run away from; we must deal with it, and I am very hopeful that this session of Congress can handle it directly.

There is no Senator who has stood more for this proposition or who is better advised or more experienced that the Senator from New York. I look forward to working with him on this issue.

Mr. JAVITS. I thank my colleague, and also thank the deputy majority leader for his graciousness.

Mr. BYRD of West Virginia. I thank the able Senator.

ADDITIONAL STATEMENTS

THE GEORGE WASHINGTON UNIVERSITY SESQUICENTENNIAL

Mr. FULBRIGHT. Mr. President, the George Washington University, the only private nonsectarian university in our Nation's Capital, is celebrating its 150th anniversary of the signing, by President

James Monroe, of the congressionally approved charter under which the university still operates.

From a shoestring, beginning in 1821, with 30 students and three professors, the George Washington University has grown into one of the major educational institutions in the United States.

Known as the alma mater of Federal decisionmakers, this private, nonsectarian university has more graduates in the foreign service and in top Federal executive positions than has any other college or university in the Nation.

I am proud that I am a graduate of George Washington University National Law Center. Other Members of the 92d Congress who are alumni include Senators Robert C. Byrd, West Virginia; Norris Cotton, New Hampshire; Daniel K. Inouye, Hawaii; and Frank E. Moss, Utah; and in the House, Representatives Garry Brown, Michigan; Joel T. Broyhill, Virginia; Goodloe E. Byron, Maryland; Charles E. Chamberlain, Michigan; Joe L. Evins, Tennessee; John J. Flynt, Georgia; Gilbert Gude, Maryland; Orval Hansen, Idaho; Sherman P. Lloyd, Utah; Paul G. Rogers, Florida; William L. Scott, Virginia; Keith G. Sebelius, Kansas; and Joseph Skubitz, Kansas. Also included are two members of the President's Cabinet, Secretary of Housing and Urban Development George W. Romney and David M. Kennedy, Secretary of the Treasury. FBI Director J. Edgar Hoover, Mrs. Jacqueline Kennedy Onassis, and Mrs. Margaret Truman Daniel are among GW's famous graduates.

The university's 40,000 living alumni include equally distinguished people in business, industry, and the professions. In the Washington area alone, there are 20,000 alumni, including 4,200 lawyers, 900 physicians, 2,300 educators, and 1,000 engineers.

The cowinner of the 1970 Nobel Prize in medicine, Julius Axelrod, is a GW graduate and part-time faculty member. Other notable lecturers include former Chief Justice Earl Warren and Consumer Advocate Ralph Nader.

GW's student body numbers 15,000 on campus—from 50 States and 92 countries—and 10,000 offcampus adults who take GW courses in the suburbs, in the Federal agencies, and in the Armed Forces. The oncampus student population includes 97 minority group students from the District of Columbia who are admitted without charge.

Under President Lloyd H. Elliott, GW is completing an ambitious development program which, in the past 5 years, has doubled the value of its physical plant and given identity to its 16-block urban campus bounded by Pennsylvania Avenue, 24th, F, and 19th Streets NW., just three blocks west of the White House.

Currently under construction is a $25,000,000 medical school complex and a $16,000,000 income-producing building to be leased to Potomac Electric Power Co. A $10,000,000 university library is expected to get underway this spring. Recently completed were a $9,000,000 University Center and a $4,500,000 classroom building. Other recent additions include the Jacob Burns Law Library, the Luther Rice Administration Building, the Eugene Meyer Pavilion of the university hospital, the Joseph Henry Office Building, a new office building, a new emergency unit for the hospital, and the university clinic—offering all major specialties for outpatient care.

With more than 6,500 personnel, GW is the second largest corporate entity in the Metropolitan Washington area. The university is channeling $200,000 a day, 365 days a year, into the Metropolitan Washington area through its annual budget of approximately $75,000,000.

Academic programs are offered through eight degree-granting schools and colleges, including the Nation's second largest law school and the well-known schools of medicine, public and international affairs, and Government and business administration. Interdisciplinary approaches to study and research are exemplified by programs in science, technology, and public policy; Sino-Soviet studies; and law, psychiatry, and criminology.

At the undergraduate level, a wide range of conventional subjects is complemented by unique programs in speech pathology, medical technology, Chinese studies, Latin American studies, statistics, and experimental humanities.

Exceptional opportunities for learning are made possible through cooperative programs conducted in various fields of study with the Library of Congress, U.S. Information Agency, the Smithsonian, National Gallery of Art, Members of Congress, and such inner city groups as Shaw People for Urban Renewal—SPUR—Congress Heights Association for Services and Education—CHASE—Congress Heights Committee for Health Facilities and Medical Services, and the Washington Metropolitan Planning and Housing Association.

Through these and other academic offerings, GW seeks to provide future leaders with the knowledge, experience, and motivation to devote a lifetime to coping with the problems which the Nation is, and will be, facing.

The Metropolitan Washington Board of Trade paid tribute to the university on January 19, 1971, at a special sesquicentennial luncheon. Almost 500 government, business, and industrial leaders honored the George Washington University for its 150-year contribution to our Nation and the Metropolitan Washington area. Congratulatory messages were received from a number of leading government officials. President Richard M. Nixon said:

> Throughout its eventful history the George Washington University has responded with strength and imagination to the changing academic needs of our growing society.

Mayor Walter E. Washington, District of Columbia, said:

> George Washington University's 150 years of growth and steady progress, and its significant future plans, combine to constitute an exemplary source of great inspiration to the City of Washington and to the entire metropolitan community. Even beyond the academic contributions, we are aware of the significant economic impact that is made by the University to the general welfare of our citizens.

Gov. Marvin Mandel of Maryland:

> Marylanders—as well as the people of all the 50 states and many foreign nations—can take great pride in the outstanding educational and cultural opportunities offered by The George Washington University.

Gov. Linwood Holton of Virginia:

> For 150 years George Washington University has made a continuing contribution to higher education throughout the world. We in Virginia feel a particular bond to an institution whose alumni can be found throughout the Commonwealth.

Mr. President, I know that all Senators would want to join in extending congratulations to the George Washington University on the occasion of its sesquicentennial, 1821–1971.

Mr. COTTON. Mr. President, this is not the first time that I have been physically present in the Chamber while my thoughts have been downtown at George Washington University.

Some years ago, when Senator George M. Moses, of New Hampshire, was serving so ably in this body, there was on the Senator's staff a fellow named Norris Cotton, and although this young assistant was supposed to be devoting his attention to the matters of Congress, I must admit that his mind frequently strayed to the courses that he was taking at the same time at the George Washington University Law School.

I am grateful, Mr. President, that that young staff member somehow got through his courses at GW and that he now has the privilege of standing here today as the senior Senator from New Hampshire, and that the university, in turn, managed to survive Cotton and is now celebrating its 150th anniversary year.

I feel a deep sense of personal gratitude for the outstanding instruction and guidance I received through the university.

I feel humbly pleased to be numbered in the company of the sons and daughters who comprise GW's alumni.

To the officials, the teaching staff, and the student body at GW, I extend my most sincere congratulations and commendations, and I offer my very best wishes to the university for centuries more of leadership in the academic world.

MARVIN MANDEL IS INAUGURATED MARYLAND'S 56TH GOVERNOR

Mr. MATHIAS. Mr. President, at noon on January 20, 1971, the Honorable Marvin Mandel was inaugurated to a 4-year term as the 56th Governor of Maryland. I ask unanimous consent that Governor Mandel's inaugural address delivered at the State house in Annapolis be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Inaugural Address of Marvin Mandel, Governor of Maryland

Lieutenant Governor Lee, Mr. President, Mr. Speaker, Ladies and Gentlemen of the General Assembly, Right Reverend Clergy, Distinguished Guests, My Fellow Marylanders:

Today is a day of accounting as well as a cause for celebration. For today, Maryland has an opportunity to speak out to a troubled nation—to show the way toward a new path of purpose and progress.

For this generation of Marylanders, as no other before it, has earned the future by persevering in the present. And I have just sworn before you and Almighty God that future generations of Marylanders will look back upon today, not in anger, but in gratitude for the legacy we will have left them.

Just as the first elected governor of Maryland, Thomas Johnson, took the oath of office in the midst of a great Revolution, I stand before you—the fifty-sixth Governor elected in a continuous line—at a time of tension and turmoil.

The history of the last decade is virtually the story of civilization as the young among us know it, and a shattering episode in the cycle of events as the older among us have lived it.

All of us—young and old alike—have been hurtled through that time frame with such unprecedented ferocity that the nation's vision has been temporarily blurred.

By any measure of the immediate past, we truly are a troubled nation—sick in spirit, aimless and adrift, overwhelmed by bigness, tortured by a feeling of helplessness, tormented by our own impatience with things as they are.

We fight our individual battles instead of joining together to conquer our common enemies.

The rhythmns of history—of mankind, of our nation, of our State—are a series of ups and downs. And this nation has had its share of both.

But often our memories are short.

Have we forgotten the Revolution that ended on this very hill in 1783?

Have we forgotten that just over a century ago this nation was divided against itself, and fought a bitter war to preserve its unity?

Have we forgotten the struggles and desperation of the Thirties, when half the nation was hungry and our very system was under siege?

Have we forgotten the great struggles for freedom that have taken place around the globe in this century?

Our memories are short, indeed.

For the struggles and challenges of today are the very same ones that tested our forebears.

The great anxiety that besets us today is a weariness of spirit, a desolation of the soul that betrays our destiny of greatness as a nation.

Daily we see our customs and traditions uprooted and derided by those who ignore the heritage upon which they are built.

Daily we witness generation turn upon generation, with shameful disregard for unity as a source of national strength.

Daily we see race turn upon race, forgetting that our national goals are achieved by building together rather than by tearing apart.

There are those among us who say this mighty and proud nation of 200 million has lost its way—

That by our division and indifference we have gouged wounds too deep to heal.

That by our bitter rhetoric and brash threats, we have stirred fears that will never be calmed.

That we have created problems too great to tame.

I come before you today neither to advance an impossible dream nor to preach a Gospel of doom.

I am here, instead, in the spirit of renewal as well as change—for today, there is a counterforce alive in the nation—the voice of reason ringing out across the land.

To those among us who believe that violence is a badge of conviction, the majority of us say you are wrong.

To those among us who contend destruction and disturbance are symbols of commitment, I say you are misguided.

To those among us who are indifferent to both good and ill in our system, I say that indifference is our greatest national sin.

And to everyone—black and white, young and old, rich and poor—I say that we will not be terrorized into tyranny of the right or the left, or by impotence that threatens to weaken us as a nation.

Let us lay aside, once and for all, the new American pipedream that we are too weak of will and void of spirit to try again.

The challenge is clear—whether the new myth of national impotence is stronger than the old reality of national decency and strength. I say it is not.

I believe today—as I have always believed—that we, as a people, have the fortitude, the courage, the guts to face our problems squarely. For we have always been at our best in adversity.

The battles we have fought—the crises we have endured—all have been crucibles for the enlargement of freedom—freedom for our nation, freedom for us as individuals.

Be it in a distant rice paddy, or in a ghetto wasteland, the Faith of Our Fathers—whether it be of Jesus, of Moses, or of Mohammad—has been the guiding force that has driven us onward as a nation. For freedom, no matter how unfair its distribution, is truly a gift of God. And I believe we have been bountifully blessed with it.

And now we must pick up the challenge again, to renew our spirit once more, before the American Dream actually becomes a nightmare.

The conflict we undertake today is a conflict of creativity, a test of whether we can peacefully put to work the best of our nature so that we, as a people, can conquer our common enemies—hunger, deprivation, injustice, sickness, environmental disaster.

This ceremony today symbolizes not a beginning, but a continuation of the spirit of government that has been stirring in Maryland for the past two years.

And you, the citizens of Maryland—born into a fierce tradition of individual freedom and intolerant of anything less—have paid me great tribute by giving me the opportunity to serve you.

For I believe, with all of you, that government is an instrument of orderly social change. And with your help, and with the grace of Almighty God, we will turn the temper of the times into a constructive force that will benefit us all as a State, as a nation.

We have the makings of greatness. All we need is the courage of initiative.

For government is the servant of the people, a loyal servant whose only interest is the public interest.

To be compassionate but firm, to feel but to be fair, to hear but to weigh, to respond but never be pressured, to accept this office as a great public trust—these are my ambitions as Governor of Maryland.

I ask you to join me in this venture, for the success of each of us depends upon the determination of both of us.

All the terrible struggles of our history were part of an honesty, a toughness, a decency, which is uniquely American.

So this challenge is not new. Nor is our capacity to deal with it. Only the choice is new.

To those who seek the simple convenience of labels and causes, I say:

I am neither liberal nor conservative, I belong to no cults or cliques, I am not swayed by fad or fashion. I will do what must be done because I believe it is right.

And I share the wisdom of Woodrow Wilson's observation, that "The ear of the leader must ring with the voices of the people."

I assure you, your voices will always be heard.

Thank you.

INTERNATIONAL LAW AND U.N. CONVENTION

Mr. PROXMIRE. Mr. President, the United Nations, over two decades ago, undertook the noble task of improving the observance of human rights throughout the world. Few can doubt the significance of the United Nations and the role it plays in the world today.

I have consistently urged that the United States join this noble task by having the Senate advise and consent with regard to the Convention on the Prevention and Punishment of Genocide. I must commend the President of the United States for having urged this body to act. I must also commend the distinguished chairman of the Foreign Relations Committee (Mr. FULBRIGHT) for his work in getting this Convention sent to the floor at the last session of Congress; also the Senator from Idaho (Mr. CHURCH), the able and dedicated chairman of the subcommittee, under whose leadership hearings were held regarding the Genocide Convention.

In urging ratification of the Genocide Convention, I have continually stressed its potential impact of the actions and deeds of nations. By ratifying this Convention we can join in yet another way, with the United Nations in that noble task it undertook some 20 years ago.

In this light, it has been sad to hear some opponents of the Genocide Treaty claim that its ratification will have no significant effect on world affairs. I cannot accept this view. If it is true, then the hopes of mankind that someday we will live under law which guarantees all human rights is hollow. I cannot accept this view either.

Furthermore, if we had taken this attitude as regards the founding of the United Nations, or the writing of the Declaration of Independence, then we would never progress toward greater compassion and liberty.

There is an urgency today that is greater than at any time in our history. An urgency, in the words of the Secretary General of the United Nations:

> To subordinate our ancient quarrels and launch a global partnership to curb the arms race, to improve the human environment, to defuse the population explosion and to supply the required momentum to development efforts. If such a global partnership is not forged within the next decade then I very much fear that the problems I have mentioned will have reached such staggering proportions that they will be beyond our capacity to control.

In June 1967, the Secretary General prepared a study regarding the international influence of the Universal Declaration of Human Rights. This study conclusively demonstrates, that U.N. efforts toward guaranteeing human rights has made a significant difference in the life of mankind. The Genocide Convention was drafted in the hope that we could strike out against the cruelest of crimes, the mass slaughter of people, and rid the world of this terrible plague, and thus be one step closer to fulfillment of all basic human rights.

The study prepared by U Thant lends great weight to the argument that ratifying the Genocide Convention will affect the actions of men. I ask unanimous consent that this study, entitled "Measures Taken Within the United Nations in the Field of Human Rights," be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM MEASURES TAKEN WITHIN THE UNITED NATIONS IN THE FIELD OF HUMAN RIGHTS

* * * * *

C. AUTHORITY AND IMPACT OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

25. The Universal Declaration of Human Rights, in the nineteen years which have elapsed since it was adopted, has exercised an extremely powerful influence throughout the world both internationally and nationally. Its provisions have been used as a basis for various types of action taken by the United Nations; they have inspired a number of international conventions both within and outside the United Nations; they have exercised a significant influence on national constitutions and on municipal legislation and, in several cases, on court decisions. In some instances the text of provisions of the Declaration was actually used in international instruments or national legislation. There are also very many instances of the use of the Declaration as a code of conduct and as a yardstick to measure the degree of respect for and of compliance with the international standards of human rights.

26. In the paragraphs that follow an attempt is made to indicate some of the most significant actions of the United Nations and its organs and of individual Governments which were inspired by or based upon the Universal Declaration. By and large, one can trace three main areas in which the impact of the Universal Declaration has been felt: (*a*) decisions taken by the United Nations, its organs, the specialized agencies and other intergovernmental organizations; (*b*) international treaties and conventions; and (*c*) national constitutions, municipal legislation and court decisions.

D. IMPACT OF THE UNIVERSAL DECLARATION ON DECISIONS TAKEN BY THE UNITED NATIONS AND ITS ORGANS

27. On several occasions the General Assembly has used the Declaration as a code or standard of conduct and as a basis for appeals in urging and recommending Governments to take measures to promote respect for and observance of human rights and fundamental freedoms.[14] In its resolution entitled "Essentials of Peace,"[15] the Assembly called upon every nation: "*To promote*, in recognition of the paramount importance of preserving the dignity and worth of the human person, full freedom for the peaceful expression of political opposition, full opportunity for the exercise of religious freedom and full respect for all the other fundamental rights expressed in the Universal Declaration of Human Rights . . .". In 1965, the Assembly, in a resolution entitled "Measures to accelerate the promotion of respect for human rights and fundamental freedoms",[16] urged all Governments to make special efforts during the United Nations Development Decade to promote respect for and observance of human rights and fundamental freedoms and invited them to include in their plans for economic and social devolopment measures directed towards the achievement of further progress in the implementation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and in subsequent declarations and instruments in the field of human rights.

28. At its twenty-first session, in 1966, the General Assembly, convinced that "gross violations of the rights and fundamental freedoms set forth in the Universal Declaration of Human Rights continue to occur in certain countries", called, *inter alia*, upon all States "to strengthen their efforts to promote the full observance of human rights and the right to self-determination in accordance with the Charter of the United Nations, and to attain the standards established by the Universal Declaration of Human Rights".[17]

29. At the fourth session in 1949, the General Assembly resolved: "To declare formally that discrimination on racial grounds as regards educational facilities available to the different communities in the Trust Territories is not in accordance with the principles of the Charter, the Trusteeship Agreements and the Universal Declaration of Human Rights".[18]

30. With regard to the question of human rights in Non-Self-Governing Territories, the General Assembly, in 1950, adopted a resolution dealing with information on this subject which noted the provision contained in article 2 of the Universal Declaration of Human Rights that no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. The resolution then invited the Members responsible for the administration of Non-Self-Governing Territories to include, in the information to be transmitted to the Secretary-General under Article 73e of the Charter, a summary of the extent to which the Universal Declaration of Human Rights was implemented in the Non-Self-Governing Territories under their administration; and requested the Special Committee dealing with this subject to include in its report to the General Assembly such recommendations as it might deem desirable relating to the application in Non-Self-Governing Territories of the principles contained in the Universal Declaration of Human Rights.[19]

In the following year, the General Assembly requested that the Administering Members describe "the manner in which human rights, in accordance with the principles set forth in the Universal Declaration of Human Rights, are protected by law, particularly in respect of (*a*) legal principles and procedures; (*b*) basic legislation and its application; (*c*) anti-discrimination legislation".[20] In 1952, the Assembly further recommended to the Members responsible for the administration of such territories "the abolition in those Territories of discriminatory laws and practices contrary to the principles of the Charter and of the Universal Declaration of Human Rights".[21]

31. The General Assembly has had recourse to the Declaration in various decisions concerning the Territory of South West Africa. In 1957, in examining the report of the Committee on South West Africa, it noted with concern that "existing conditions in the Territory of South West Africa and the trend of the administration represent a situation contrary to the Mandates System, the Charter of the United Nations, the Universal Declaration of Human Rights, the advisory opinions of the International Court of Justice and the resolutions of the General Assembly".[22] Simillar concern was expressed by the General Assembly in 1959 and 1960 when it noted that the administration of the Territory had been conducted increasingly in a manner contrary to the Mandate, the Charter of the United Nations, the Universal Declaration of Human Rights and the advisory opinions of the International Court of Justice.[23] The Assembly further, in a resolution adopted in 1960 on the same subject, considered that the apartheid policy applied in South West Africa was contrary to the terms of the Mandate, the provisions of the Charter of the United Nations and the Universal Declaration of Human Rights.[24] At its twenty-first session in 1966 the General Assembly, convinced that the administration of the Mandated Territory by South Africa had been conducted "in a manner contrary to the Mandate, the Charter of the United Nations and the Unliversal Declaration of Human Rights", decided that the Mandate was terminated and that South Africa had no other right to administer the Territory.[25]

32. The Universal Declaration has also been invoked in several decisions of the General Assembly concerning the general problem of discrimination. In 1952 the General Assembly emphasized "that the full application and implementation of the principle of non-discrimination recommended in the United Nations Charter and the Universal Declaration of Human Rights are matters of supreme importance, and should constitute the primary objective in the work of all United Nations organs and institutions".[26] At its fifteenth session in 1960, it resolutely condemned all manifestations and practices of racial, religious and national hatred in the political, economic, social, educational and cultural spheres of the life of society as violations of the Charter of the United Nations and the Universal Declaration of Human Rights".[27] The Universal Declaration of Human Rights has also been recalled and cited in the General Assembly resolution proclaming and adopting the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.[28]

33. The Declaration was also invoked in several decisions of the General Assembly concerning the treatment of people of Indian and Indo-Pakistan origin in South Africa. In repeated resolutions the Assembly called upon the parties to solve the dispute "in accordance with the purposes and principles of the United Nations Charter and the Universal Declaration of Human Rights."[29]

34. With regard to the problem of racial prejudice and religious intolerance, the General Assembly, in 1962, reiterated "its condemnation of all manifestations of racial prejudice and of national and religious intolerance as violations of the Charter of the United Nations and of the Universal Declaration of Human Rights."[30]

35. The Universal Declaration provided the basis of a decision of the General Assembly of 1949, when it took action on the question of discrimination practised by certain States against immigrating labour: "In view of the importance of the principle of non-discrimination embodied in the Universal Declaration of Human Rights" the General Assembly decided that there should be no offensive distinctions with regard to the enjoyment of all facilities for accommodation, food, education, recreation and medical assistance against such workers and their families.[31]

36. In considering the question of interference with radio signals, the fifth session of the General Assembly invoked article 19 of the Universal Declaration of Human Rights and invited the Governments of all Member States to refrain from such interference.[32]

37. In 1952 the Assembly, dealing with the problem of information facilities in underdeveloped regions of the world, *inter alia*, invited the Economic and Social Council "to recommend to the organizations participating in the technical assistance and other programmes providing aid or assistance at the request of Member States" that they give sympathetic consideration to such requests as "one means of implementing the right of freedom of information as enunciated in article 19 of the Universal Declaration of Human Rights."[33]

38. On the question of the status of women, the General Assembly, at its ninth session in 1954, in recalling "the principles set forth in the United Nations Charter and in the

---

Footnotes at end of article.

Universal Declaration of Human Rights" and in considering that "in certain areas of the world women are subjected to customs, ancient laws and practices relating to marriage and the family which are inconsistent with these principles", recommended that special efforts be made to inform public opinion in those areas concerning the Universal Declaration of Human Rights and existing decrees and legislation affecting the status of women.[34]

39. The General Assembly and the Security Council repeatedly invoked the Universal Declaration or referred to its principles in their endeavour to put an end to the policy of apartheid practised in South Africa. This question is dealt with in detail in another part of this study.[35] Suffice it here to recall Security Council resolution 182 of 4 December 1963,[36] in which the Council urgently requested "the Government of the Republic of South Africa to cease forthwith its continued imposition of discriminatory and repressive measures which are contrary to the principles and purposes of the Charter and which are in violation of its obligations as a Member of the United Nations and of the provisions of the Universal Declaration of Human Rights". The General Assembly, in previous decisions,[37] had also considered that the racial policies practised in South Africa were "contrary to the United Nations Charter and the Universal Declaration of Human Rights".

40. In resolution 285 (III) of 25 April 1949, the Assembly recommended that one State Member withdraw the measures which prevented its nationals, wives of citizens of other nationalities, from leaving their country of origin with their husbands or in order to join them abroad. In this connexion the Assembly invoked articles 13 and 16 of the Universal Declaration, which provide that everyone has the right to leave any country, including his own, and that men and women of full age have the right to marry without any limitation due to race, nationality or religion. In opposition to this some delegations stated that the matter was exclusively within the dometsic jurisdiction of the country concerned.

41. At its fourteenth session the General Assembly adopted a resolution concerning the question of Tibet, in which it recalled the principles regarding fundamental human rights and freedoms set out in the Chapter and in the Universal Declaration of Human Rights and called for respect for the fundamental human rights of the Tibetan people.[38] Delegations opposed to the resolution pointed out that it was contrary to Article 2, paragraph 7, of the Charter. At its sixteenth and twentieth sessions the General Assembly adopted resolutions on the question of Tibet in which it reaffirmed its conviction that respect for the principles of the Charter and for the Universal Declaration of Human Rights was essential for the evolution of a peaceful world order based on the rule of law.[39]

42. The Universal Declaration also provided the basis for action in several decisions and recommendations of the Economic and Social Council. In 1955, the Council noted article 23, paragraph 2, of the Universal Declaration of Human Rights, which, referring to all men and women workers, stated that "Everyone, without any discrimination, has the right to equal pay for equal work", and recommended that Governments give practical effect to the principle of equal pay for equal work.[40] In another resolution, the Council recommended to Governments that they take the necessary steps to remove legal and other obstacles impeding the access of married women to public services and functions and the exercise by them of such functions. In doing so, the Council invoked article 21 of the Universal Declaration of Human Rights, which provides that everyone has the right to take part in the government of his country and the right to equal access to public service in his country.[41]

E. INFLUENCE OF THE UNIVERSAL DECLARATION ON INTERNATIONAL TREATIES AND CONVENTIONS

43. In the International Covenants which the General Assembly adopted on 16 December 1966 the provisions of the Universal Declaration of Human Rights were with some exceptions—transformed into international conventional law. However, independently from the Covenants, the drafting of which occupied the United Nation organs for many years, a considerable number of international conventions were prepared and put into effect after 1948, the purpose of which was to implement rights proclaimed in the Declaration. The text of the Preambles of the Conventions often specifically refer to the Declaration or reproduce the relevant provisions thereof.

44. These Conventions are, in part, of a world-wide character and, in part, of territorially limited application, i.e., of a regional or bilateral character. The Conventions of world-wide application were prepared and adopted by the United Nations, by conferences convened by the General Assembly or by the Economic and Social Council or by specialized agencies (International Labour Organisation and UNESCO). In chronological order these instruments are the following: the Convention relating to the Status of Refugees (1951), the Equal Remuneration Convention (1951) (ILO), the Convention on the Political Rights of Women (1952), the Convention on the Status of Stateless Persons (1954), the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956), the Convention on the Nationality of Married Women (1957), the Convention on the Abolition of Forced Labour (1957) (ILO), the Discrimination (Employment and Occupation) Convention (1958) (ILO), the Convention against Discrimination in Education (1960) (UNESCO), with the Protocol of 1962; the Convention on the Reduction of Statelessness (1961), the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962), the Employment Policy Convention (1964) (ILO) and the International Convention on the Elimination of All Forms of Racial Discrimination (1965).

45. The European Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950, proclaims in its Preamble that it was agreed to by the States Parties in order "to take the first steps for the collective enforcement of certain of the rights stated in the Universal Declaration". The Universal Declaration is listed as the first of the considerations which led the signatory Governments to conclude the Convention. As far as substance is concerned, the European Convention contains detailed provisions on most of the civil and political rights set forth in the Universal Declaration of Human Rights. Protocols to the Convention agreed to in 1952 and in 1963 give effect to a number of additional rights proclaimed in the Declaration.

46. The following instruments applying to specific countries or territories or to a whole region refer to the Universal Declaration of Human Rights: the Trusteeship Agreement with Italy concerning Somaliland under Italian Administration (1950), the Peace Treaty with Japan (1951), the Special Statute concerning Trieste (1954), the Charter of the Organization of African Unity (1963).

F. INFLUENCE OF THE UNIVERSAL DECLARATION ON NATIONAL CONSTITUTIONS, MUNICIPAL LAWS AND COURT DECISIONS

47. Evidence of the impact of the Universal Declaration may be found in texts of various national constitutions which were enacted after the adoption of the Universal Declaration.[42] Several of these constitutions expressly refer, either in their preambles or in their operative provisions. to the Universal Declaration. In addition, many other constitutions contain detailed provisions on a number of human rights, most of which are inspired by, or often modelled on, the text of the articles of the Declaration. Several constitutions drafted with the assistance of United Nations experts, such as those of Libya (1951) and Eritrea as an autonomous unit of Ethiopia (1952), show the marked influence of the Universal Declaration. The impact of the Declaration, however, is also reflected in many other instruments.

In the period between 1958 and 1964 the constitutions of several States have expressly referred to the Universal Declaration. In the constitutions of Algeria (1963), Burundi (1962), Cameroon (1960), Chad (1960), Democratic Republic of the Congo (1964), Republic of the Congo (1963), Dahomey (1964), Gabon (1961), Guinea (1958), Ivory Coast (1960), Madagascar (1959), Mali (1960), Mauritania (1961) Niger (1960), Senegal (1963), Togo (1963) and Upper Volta (1960) the peoples of these countries affirm solemnly their devotion to the principles and ideals of the Universal Declaration. The Constitution of Somalia of 1960, in its article 7, provides that the Republic of Somalia shall comply, in so far as applicable, with the Universal Declaration of Human Rights. The Constitution of Rwanda of 1962 expressly provides that "the fundamental freedoms as defined by the Universal Declaration of Human Rights are guaranteed to all citizens".

48. Other constitutions recently enacted, although they do not expressly refer to the Universal Declaration. are clearly inspired by its provisions and very often reproduce its phraseology. Some examples are the constitutions of Afghanistan (1964), Central African Republic (1964) Cyprus (1960), Dominican Republic (1963), Gambia (1965), Guatemala (1965), Haiti (1964), Honduras (1965), Jamaica (1962), Kenya (1964), Malawi (1964), Malta (1964), Morocco (1962) Nigeria (1960), Romania (1965) Sierra Leone (1961), Singapore (1965), Syria (Provisional Constitution, 1964), Tangayika (1962), Trinidad and Tobago (1962), Uganda (1962), United Arab Republic (1964). Yugoslavia (1963) and Zanzibar (1963).

49. The impact of the Declaration in the sphere of municipal law can be found in a number of laws and decrees enacted in various countries. In 1951 Paraguay adopted an act (No. 94) to protect scientific, literary and artistic works and to establish a public register of intellectual rights. The preamble of the act cites article 27, paragraph 2, of the Universal Declaration providing that "Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author".[43]

50. The Provincial Legislature of Ontario, Canada, adopted an act to promote fair employment practices in 1951 and an act to promote fair accommodations practices in 1954. The purpose of both acts is to eliminate any discrimination "because of race, creed, colour, nationality, ancestry or place of origin". The preamble of either act declares that the act is "in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations".[44]

51. The Government of Argentina issued a legislative decree (No. 1664) in 1955, which declares in its preamble that provisions purporting to deprive anyone of his nationality as a measure of political persecution are contrary to human rights as proclaimed by the General Assembly of the United Nations.[45]

52. The Government of Bolivia issued a legislative decree (No. 3937) in 1955 to establish a national system of education. In its preamble the decree reaffirms the principle

---

Footnotes at end of article.

of equality of opportunity for all Bolivians, without any discrimination, and declares that national education shall be inspired by the Universal Declaration of Human Rights.[46]

53. Panama enacted a law (No. 25) in 1956 to implement article 21 of its Constitution, which prohibits discrimination on account of birth, race, social origin, sex, religion or political opinion. In its preamble the law says that any discrimination on account of colour or race is "a flagrant violation" of article 21 of the National Constitution and "of the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on 10 December 1948".[47]

54. The Government of Costa Rica promulgated an act (No. 2694) in 1960 prohibiting all forms of discrimination in employment. In paragraph 4 of its preamble the act makes reference to "the Universal Declaration of Human Rights, proclaimed by the United Nations General Assembly".[48]

55. The Declaration or its individual articles have been invoked with varying effect in judicial proceedings and cited in a number of judicial decisions and opinions.

56. The Universal Declaration has been referred to by judges of the International Court of Justice.[49]

57. At the level of national courts the Universal Declaration has been referred to, *inter alia*, in: *Fujii v. State of California* (California District Court of Appeals, 1950); in *Wilson v. Hacker* (New York Supreme Court, 1950); in *Lincoln Union v. Northwestern Company* and *American Federation of Labor v. American Sash and Door Company* (Supreme Court of the United States, 1949); in *Public Prosecutor v. F. A. V. A.* (Penal Chamber of the Supreme Court of the Netherlands, 1951); in *Borovski v. Commissioner of Immigration and Director of Prisons* and *Mejoff v. Director of Prisons* (Supreme Court of the Philippines, 1951); in several decisions (1951, 1952, 1954, 1956) rendered by the Civil Court of Courtrai (Belgium); in a ruling (1954) of the Court of Taranto (Italy); in *Soc. Roy Export at Charlie Chaplin v. Soc. Le Film Rayée Richebé* (Court of Appeals of Paris (France), 1960) in *Israel Film Studies Ltd. v. Films Inspection Board* (Supreme Court of Israel, 1962) in *Gold v. Minister of Interior* (Supreme Court of Israel, 1962), in *The Queen v. Liyanage* (Supreme Court of Ceylon, 1963) and in a decision (1964) handed down by the Milan (Italy) Court of Appeals (*Foro Italiano*), 1965, II, 122 pp.)

FOOTNOTES

[14] General Assembly resolutions 540 (VI) of 4 February 1952; 1041 (XI) of 20 February 1957; 1775 (XVII) of 7 December 1962; 1776 (XVII) of 7 December 1962.

[15] General Assembly resolution 290 (IV) of 1 December 1949.

[16] General Assembly resolution 2027 (XX) of 18 December 1965.

[17] General Assembly resolution 2144 (XXI) of 26 October 1966.

[18] General Assembly resolution 324 (IV) of 15 November 1949.

[19] General Assembly resolution 446 (V) of 12 December 1950.

[20] See annex to General Assembly resolution 551(VI) of 7 December 1951.

[21] General Assembly resolution 644 (VII) of 10 December 1952.

[22] General Assembly resolution 1142B (XII) of 25 October 1957.

[23] General Assembly resolutions 1360 (XIV) of 17 November 1959 and 1568 (XV) of 18 December 1960.

[24] General Assembly resolution 1567 of 18 December 1960.

[25] General Assembly resolution 2145 (XXI) of 27 October 1966.

[26] General Assembly resolution 532 B (VI) of 4 February 1952.

[27] General Assembly resolution 1510 (XV) of 12 December 1960.

[28] General Assembly resolution 1904 (XVIII) of 20 December 1963.

[29] General Assembly resolutions 265 (III) of 14 May 1949; 395 (V) of 2 December 1950; 511 (VI) of 12 January 1952; 615 (VII) of 5 December 1952; 719 (VIII) of 11 November 1953; 1179 (XII) of 26 November 1957; 1302 (XIII) of 10 December 1958; 1597 (XV) of 13 April 1961; 1662 (XVI) of 28 November 1961.

[30] General Assembly resolution 1779 (XVII) of 7 December 1962.

[31] General Assembly resolution 315 (IV) of 17 November 1949.

[32] General Assembly resoluiton 424 (V) of 14 December 1950.

[33] General Assembly resolution 633 (VII) of 16 December 1952.

[34] General Assembly resolution 843 (IX) of 17 December 1954.

[35] See below chap. VI.

[36] S/5471.

[37] General Assembly resolutions 721 (VIII) of 8 December 1953 and 820 (IX) of 14 December 1954.

[38] General Assembly resolution 1353 (XIV) of 21 October 1959.

[39] General Assembly resolutions 1723 (XVI) of 20 December 1961 and 2079 (XX) of 18 December 1965.

[40] Economic and Social Council resolution 587 (XX) of 3 August 1955.

[41] Economic and Social Council resolution 771 (XXX) of 25 July 1960.

[42] For the text of the Human Rights provisions contained in these constitutions see the volumes of the *Yearbook on Human Rights* for 1950–1963.

[43] *Yearbook on Human Rights*, 1951.

[44] *Ibid.*, 1951 and 1954.

[45] *Ibid.*, 1955.

[46] *Ibid.*, 1955.

[47] *Ibid.*, 1956.

[48] *Ibid.*, 1962.

[49] Judge Azevedo in the Colombian-Peruvian Asylum Case, Judgement of 20 November 1950, [1950] I.C.J. Rep. 339; Judge Levi Carneiro in the Anglo-Iranian Oil Case (jurisdiction), Judgement of 22 July 1952 [1952] I.C.J. Rep. 168, and Judge *ad hoc* Guggenheim in the Nottebohm Case (Second Phase), Judgement of 6 April 1955 [1955] I.C.J. Rep. 63.

NEED FOR BETTER FOREST MANAGEMENT AND DEVELOPMENT

Mr. HATFIELD. Mr. President we are all aware of the many benefits provided by our forests. Forests provide recreational opportunities which every American should have the chance to enjoy. They provide a natural home for wildlife. And they also supply homes for our people. Americans are demanding more of each of these benefits—as well as the myriad others—which are available in a quality forest environment, and we are failing to keep pace with the demand.

The way to meet all of the increasing needs is to institute a balanced policy of better forest management and development. It is to the advantage of all Americans to insure that our forests will continue to provide unique recreational opportunities, including wilderness areas, and wood for housing. Last week I introduced the American Forestry Act, which includes a program to encourage small landowners to grow trees and a Forest Lands Management Fund to provide for better forest management, consistent with the principles of multiple use and environmental quality.

Loran L. "Stub" Stewart has written an excellent article, which was published in the New York Times of January 31, pointing out the need for new forest laws. I believe that the American Forestry Act would provide solutions to the problems to which Mr. Stewart addresses himself. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW FOREST LAW NEEDED

(By Loran L. Stewart)

People need housing and they want forests.

These same people want the nearly 5,000 products that are derived basically from wood fiber. They can have both products and forests, but only if they recognize that trees are living things that, like people, grow with proper care and nutrition, mature, and eventually die and return to the earth. Trees in commercial forests that have stopped growing should be harvested and used so they will not be wasted and so highly productive lands can be made available to grow healthy new forests.

While a forest is growing it provides many basic environmental benefits. Growing trees manufacture oxygen and absorb carbon dioxide; they feed and shelter wildlife; they protect and expand soil and watershed values, and they afford unlimited opportunities for a variety of outdoor recreational experiences from camping and hunting through picnicking and berry picking.

When forests grow old, however, like people, they decline. Left to themselves, without care or protection, forests fall victim to old age, fire, insect infestation, storm and disease. They lose their beauty and cease to provide their multiple benefits for other living things.

Old forests absorb as much oxygen as they produce, through decay; game and birds flee their oppressive shade since nutritious ground cover disappears; recreation values diminish except for the hardy and wealthy few who can penetrate a remote, roadless wilderness.

The public benefits of a so-called "preserved" forest are available to only the exceptional citizen. And, most seriously, both the standing timber on such forests and the land potential for growing dynamic new forests are wasted.

The areas of national forest designated as "commercial timberlands" are a classic case in point. Because of well-meaning, but ill-conceived public pressures to "preserve" forests, the publicly owned stockpile of mature timber is being surrendered to fire, pestilence, disease and senility.

Last year, the National Forest Timber Conservation and Management Act, designed to enable responsible forest management on the "commercial timberlands" in national forests, was refused debate in the House of Representatives as a result of such pressures. It was charged that the measure would permit commercial exploitation of public forests, prevent wilderness set-asides and prohibit multiple use of national forests. None of these charges was true.

"Commercial timberlands" make up only 53.1 per cent of lands within the national forests under management of the Forest Service of the Department of Agriculture. These are the 96.9 million acres of timberland within the more than 182.6 million acres of the national forests, which, by law, are to "furnish a continuous supply of timber for the use of the United States."

Both this law establishing the national forests and the natural law of birth, growth, death and regrowth are being violated under present management of the national forests in the United States. A new statute is needed to guarantee that the national forests do not suffer further wasteful abandonment.

Vast areas of the commercial timberlands in national forests are victims of thoughtless waste and imposed neglect. These are the lands where forests have stopped growing in their natural life cycle, from which birds and game have fled, where oxygen production has become minimal and where timber is allegedly "stored for the future."

Sixty per cent of the national softwood sawtimber inventory suitable for manufacture of lumber and plywood required to build America's homes now stands in national forests. The annual growth rate of all timber volume in national forests is 0.7 per cent. In contrast, industrial forests, scientifically managed under sound business practices, add wood fiber to inventory at a rate of 3.1 per cent a year. These same industrial forests are managed for multiple use by the public for outdoor recreation of all kinds.

Because aging trees most readily fall victim to fire, disease, pestilence and storm, they cannot be "stored" with any assurance that they will be available for some indefinite future use.

Responsible stewardship of the public commercial timber assets of the United States, which belong to all the people, demands that public officials and all the citizens insist that the nation realize the total benefits available from the public forest resource and the land where it now stands. Failure to do so will deprive the people of the wood fiber products they must have, limit the environmental benefits that can be realized from vital forests and, ultimately, impose serious economic burdens on all Americans both as taxpayers and as consumers.

Citizens become angry when dairy farmers dump milk or when truck farmers leave crops to rot in the field because they cannot get the price for their commodities that they believe they must have. There is indignation at such waste of the bounty of the land when people are going hungry.

There should be equal indignation when the Federal Government itself, responding to uninformed pressures to save trees, fails to apply sound forest management to public commercial timberlands when millions of Americans are illhoused, when unemployment is rising, and when hundreds of millions of dollars are being spent annually to preserve forests that nature itself will ultimately destroy.

More than 1.6 million men and women, or 8.6 per cent of the national manufacturing labor force, are directly employed in lumber and wood products, furniture and fixtures, and pulp and paper products. Additional millions are engaged in distribution and installation of wood-based items.

These American citizens and their jobs are threatened when the Federal Government fails to manage its timber resources for economic as well as esthetic and recreational values. Denial of raw material security to forest-based manufacturing facilities, which are frequently the hub of rural communities, diverts capital investment, which can ultimately spell doom to a basic industry and create serious national shortages of necessities fashioned from wood fiber. Loss of jobs in rural communities accelerates the flight to the cities, adding to urban problems.

There are compelling reasons for Congress to insist on wise use of our national forests rather than their consignment to the limited purposes envisioned by preservationists.

Wise use of our national forests, which is true conservation, can provide the means to assure our ill-housed millions a decent home. Nearly 75 per cent of the single-famly houses in the United States are of wood frame construction.

Wise use of our national forests can afford significant employment opportunities to relatively unskilled workers in the woods, in the mills, in transportation, in the distribution chain and in the construction industry.

Wise use of our national forests can guarantee all of the forest land values forever: fish and wildlife, watershed, forage and outdoor recreation, as well as timber.

Wise use of our national forests, including the sale of public timber to industry for conversion to products, will generate substantial revenue to the Federal Government. National forest timber sale revenues in the last decade totaled more than $2.4-billion.

During the same period, losses of timber in national forests due to natural disaster such as fire, insects and disease, were only one billion board feet less than the volume of timber sold. It is estimated that the annual loss of timber through disaster in national forests is 10 billion board feet. The average volume sold by the Forest Service annually from fiscal year 1960 through 1970 was 11 billion board feet.

Can the United States afford such needless waste of its only renewable industrial raw material? Of course not. The Federal Government must face this fact, and so must the people.

The means to manage the national public forest resource for the maximum benefit of all the people are well known. They have been practiced on industrial commercial forests for more than 30 years. The one significant difference between industrial and national forest management is that industry has reinvested earnings in growing dynamic new forests.

The Forest Service has been unable to do this. Dollars earned for the Federal Treasury through the sale of national forest timber are not reinvested in forest regeneration, cultivation and related silvicultural practices.

While the Forest Service is a rare revenue-producing agency of government, it must seek annual appropriations from Congress to conduct its business of growing timber. This critical deficiency in Federal fiscal management must be overcome, either by legislation or by the Office of Management and Budget in the Executive Branch.

Public forests are a public trust and must be managed for the benefit of the total public; national forests are not.

THE BENEFITS OF OPEN WORLD TRADE

Mr. MONDALE. Mr. President, all of us realize that the trade issues which choked the closing days of the last Congress are still with us.

We may hope that some lessons have been learned and that some people have been awakened to the need to proceed actively but responsibly on trade, in spite of the protectionist sentiment that always gains such a dangerous momentum in the midst of a recession.

I think this case for a positive, responsible effort toward a solution of our trade problems was stated extremely well in an editorial published in the Daily Republican Eagle of Red Wing, Minn., on January 8, 1971.

The editorial is not only well worth reading, but is representative of many such editorials and articles which have appeared throughout my own State and, I am sure, throughout most States across the country, on the dangers of sliding into a protectionist war.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Trade Foes Unite

The trade protectionists who were defeated in Congress should pay heed to the fact that two previous adversaries are now sounding similar tunes. President Nixon is rightfully reminding Congressmen that his defeated trade package contained not only restrictive quotas but also a number of constructive programs aimed at helping the U.S. gain a more fortunate position in the import-export balance. Sen. Mondale is saying much the same, pointing out that all trade factions within the country should work together to strengthen the U.S. bargaining hand—but only within internationally accepted ground rules.

Despite the seeming harmony of these two points of view, the protectionist bills are likely to return in equal numbers in the coming session. However, the arguments in their favor are being continually weakened. Japan, a tough opponent in trade competition, is being forced to give up some of its protections. Its leaders have discovered that they can't afford the retaliations from other nations. Both the U.S. and Australia have moved to withhold key raw materials which Japan must import in volume if she is to continue economic expansion. Wages also are rising rapidly in Japan, making it less of a threat to U.S. textile manufacturers. Meantime, other low-wage countries such as Hong Kong, Taiwan and South Korea are moving to take Japan's place.

What all this means is that each nation needs to produce what it's best suited to produce, with the U.S. tending toward the manufacture of high-capital, high-technology, high-wage products at home and toward the purchase of low-wage products abroad. Obviously, the transition will never be complete and will continue at times to be painful. But the path is one that's clearly marked, and legislation that artificially restricts our progress is as futile as attempting to turn back the clock.

LITHUANIA'S FIGHT FOR FREEDOM—30 YEARS OF SOVIET OPPRESSION

Mr. BROOKE. Mr. President, for too long too many people throughout the world have been unaware of what has happened to the people of Lithuania. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of Lithuania shows this to be a cruel fiction. The Communist regime did not come to power in Lithuania by legal or democratic process. The Soviets invaded and occupied Lithuania in June of 1940, and the Lithuanian people have been suffering in Russian Communist slavery for more than 30 years.

Americans of Lithuanian origin or descent, numbering over 1 million, will commemorate two very important anniversaries during the second part of February 1971: First, they will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and second, they will mark the 53d anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the accident of geography. From the west the country was invaded by the Teutonic knights, from the east by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related neither to the Germans nor the Russians. Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this Republic in June of 1940. In one of history's greatest frauds, elections were held under the Red army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet Empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were transported to the Arctic Siberia. The people of Lithuania have never experienced such an extermination and annihilation in their long history through centuries as during the last three decades. Since June 15, 1940, Lithuania has lost more than one-fourth of the country's population.

Since the very beginning of Soviet Russian occupation, however, the Lithuanians have waged an intensive fight for freedom. Briefly, during the second part of June of 1941, the people of Lithuania succeeded in getting rid of the Communist regime in the country. Freedom and independence were restored and a free government was reestablished. This free, provisional government remained in existence for more than 6 weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the Government itself. During the period between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance to Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The persecution of Solzhenitsyn, the clamp on Rostropovich and other dissenters in the Soviet Union received a great deal of publicity in the free world's press. Very well publicized were the Simas Kudirka-Coast Guard tragedy, the hijacking of a Russian jetliner by Brazinskas and his son, death sentences imposed on two Jews and a young Lithuanian, Vytautas Simokaitis, for trying to escape the Communist tyranny. But this is only the tip of the iceberg of desperation of the Soviet empire. In slave labor camps in the Soviet Union many people are still being held. Many dissenters are being confined to psychiatric institutions. It is believed that a brilliant Lithuanian linguist, Dr. Jonas Kazlauskas, 40 years old, was murdered in a psychiatric hospital in Moscow 3 months ago. His only "crime" was that he had received an invitation to come to the University of Pennsylvania—in Philadelphia, Pa.—as a guest professor for this very spring semester of 1971.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the Presidents of the United States—Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon—have stated, restated, and confirmed our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering people of Lithuania to get rid of the Communist regime in their country.

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, Estonia, and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The U.S. Congress has made a right step into the right direction by adopting House Concurrent Resolution 416 that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

Mr. President, I ask unanimous consent that certain documents concerning the adoption of a concurrent resolution on the Baltic States by this body in 1966 be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

House Concurrent Resolution 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

[From the Congressional Record, Oct. 22, 1966]

Concurrent Resolution To Request the President of the United States To Urge Certain Actions in Behalf of Lithuania, Estonia, and Latvia

Mr. Mansfield. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1573, House Concurrent Resolution 416.

The Presiding Officer. The concurrent resolution will be stated.

The Legislative Clerk. A concurrent resolution (H. Con. Res. 416) to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia.

The Presiding Officer. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to its consideration.

Mr. Kuchel. Mr. President, I wish to say that I am delighted that this matter is being taken up. It deserves attention in this session as a mark of our continuing concern for those peoples who have been deprived of their democratic institutions and are unable to speak for themselves.

The Presiding Officer. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 416) was agreed to.

EXECUTIVE POSITION

The position of the executive branch with respect to the concurrent resolution is outlined in the correspondence which follows:

Department of State,
Washington, June 1, 1965.

Hon. Thomas E. Morgan,
Chairman, Committee on Foreign Affairs, House of Representatives

Dear Mr. Chairman: I am writing in reply to your letter of May 20, 1965, to the Secretary of State, requesting the Department's comments on House Concurrent Resolution 416, which has been approved unanimously by the Subcommittee on Europe and ordered favorably reported to the full Committee on Foreign Affairs. The resolution requests the President of the United States to urge certain actions in behalf of Estonia, Latvia, and Lithuania. The language of the resolution, as formulated, is not objected to by the Department of State.

The Department has been advised by the Bureau of the Budget that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,
Douglas MacArthur II,
Assistant Secretary for Congressional Relations
(For the Secretary of State).

AN ALL-VOLUNTEER ARMED FORCE

Mr. HATFIELD. Mr. President, due to a number of factors, public attention is once again focusing on the draft and its inherent inequities. There is still a great deal of debate throughout the country as to the desirability of conscription and deep-rooted questions as to its alternative, an all-volunteer armed force.

Look magazine for February 23 contains an excellent article by J. Robert Moskin in which he discusses many of the issues involved. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DUMP-THE-DRAFT TALK IS DOUBLE-TALK—UNCLE SAM STILL WANTS YOU, KID

(By J. Robert Moskin)

Don't count on the end of the draft when the Selective Service law expires this June. The Pentagon brass and their political allies are ganging up to keep their good old red-white-and-blue draft alive. After 22 years, they are not about to let go. They say they need more draftees for mud-slopping combat jobs. Uncle Sam still wants you, kid.

It's not fair, I suppose, to remember a presidential candidate's promise more than two years after he is elected, but Richard Nixon has not forgotten that on October 17, 1968, he told the nation he would end conscription. He may someday; but now, his National Security Council, Joint Chiefs of Staff, Office of Management and Budget, etc., are all busy figuring how to extend the draft again this spring.

Although Mr. Nixon, as President, has repeated his promise, he has always whiffled on timing. He has pulled 206,000 men out of Vietnam, but he still insists the draft must be renewed. He agrees—in principle—that we can manage with an all-volunteer armed force, but, in fact, he gives the nod to the generals.

Left to themselves, the generals would never dump the draft, and pressure from those who oppose it cannot match the big guns of the Pentagon-political alliance. Sen. John Stennis of Mississippi, the chairman of the crucial Senate Armed Services Committee, believes "the finest thing that can happen to these young men" is to force them to learn close-order drill, KP and rifle firing. And Rep. F. Edward Hébert of Louisiana, chairman of the powerful House Armed Services Committee, says, "I don't think you'll ever have an all-volunteer army. . . . History shows you can't have one . . . a volunteer army is a dream."

The draft's opponents range, surprisingly, from conservative Sen. Barry Goldwater to liberal Sen. Mark Hatfield, and from the right-handed youth group, Young Americans for Freedom, to the left-handed National Council to Repeal the Draft. The White House Conference on Youth is against it. But some kind of miracle would be needed for the opposition to win the coming congressional battle. The Administration and the draft lovers hold the high ground.

Everyone realizes the draft is dangerous for young people and other living things. It has distorted the lives of millions of young men. Since 1965, more than 1.5 million young Americans have been inducted for 24 months service, and countless more have enlisted under the draft's threat. At least 30,000 have gone into exile, hundreds into jail. In Vietnam, an Army draftee's chance of being killed or seriously wounded has been almost twice as high as that of an enlistee. Well over half the Army's enlisted dead have been draftees.

When the Johnson Administration used the Gulf of Tonkin incident to justify its massive 1965 buildup in Vietnam, it made a horrendous mistake—a mistake Nixon has never corrected. It rejected using the nation's military reserves because, being older and being voters, they had too much political clout. Instead, it used the draft law already on the books, increased draft calls and ordered reluctant young men to fight and die.

The decision seemed smart. The youngsters threatened with conscription were unorganized. Who would make a fuss? But this decision tore the nation apart. It was one reason for the violent and impassioned opposition to this war. It helped popularize the peace movement, disrupt the nation's colleges, destroy Lyndon Johnson and put the Republican party in the White House.

Promising to end the draft as soon as the Vietnam involvement allowed it, Candidate Nixon said in 1968, "Today all across our country we face a crisis of confidence. Nowhere is it more acute than among our young people. They recognize the draft as an infringement on their liberty, which it is. To them, it represents a government insensitive to their rights, a government callous to their status as free men. They ask for justice, and they deserve it." Nixon won the election by just over 500,000 votes out of 73 million; his anti-draft pitch helped.

Hatred of conscription is as old as the nation; uncounted Americans came here to escape European conscription. Only in our own time, the era of the cold "war," the Korean "war" and the Vietnam "war," has the United States accepted a draft without a major, declared war. For most of our history, we have had freedom from conscription. We've lost it.

White House adviser Dr. Martin Anderson, the 34-year-old Dartmouth ROTC graduate who first interested Richard Nixon in the draft problem, says, "The draft is the last vestige of involuntary servitude we have left in the country." He adds, "We don't draft policemen. Why draft people into the armed forces?"

Two months after his inauguration, President Nixon created a special Commission on an All-Volunteer Armed Force to tell him how to end the draft and set up a volunteer armed service. He chose a distinguished group headed by Thomas S. Gates, chairman of the executive committee of the Morgan Guaranty Trust Co. and former Secretary of Defense. It included two former Supreme Allied Commanders in Europe, Gen. Lauris Norstad and Gen. Alfred Gruenther.

The Commission reported to the President last February. Its recommendation was unanimous and crystal-clear: End the draft by July 1, 1971. And create an all-volunteer military force and reserves, primarily by raising the pay of enlisted first-termers and by using manpower efficiently.

The Commission concluded straightaway: "We unanimously believe that the nation's interests will be better served by an all-volunteer force, supported by an effective stand-by draft, than by a mixed force of volunteers and conscripts. . . . We have satisfied ourselves that a volunteer force will not jeopardize national security, and we believe it will have a beneficial effect on the military as well as the rest of our society."

Again, President Nixon whiffled. He agreed with his Commission—in principle—but rejected the July 1, 1971, date to end the draft. He has been commanding an armed force of nearly three million and fighting a war for which, he fears, not enough Americans would show up. He said, "No one can predict with precision whether or not, or precisely when, we can end conscription."

Last April, President Nixon promised to recommend to Congress $2 billion for additional military pay and benefits, especially for those serving their first two years. But this pay raise would not begin until fiscal 1972, after the present draft law expires.

In the civilian bureaucracy of the Pentagon, the Nixon Administration started Project Volunteer, to find out how future pay increases should be applied and how to make military life more attractive. Project Volunteer studied 500 ideas and decided better pay, better housing, better educational opportunities, better use of men are among the most serious needs.

Despite the shuddering doubts of many senior uniformed officers, a variety of "radical" experiments are now being tried, and annoying "Mickey Mouse" rules scrapped. Reveille and bed checks are out; beer is permitted in barracks; hair may be worn longer. Belatedly, the Army is trying to clean up its barnyard. For the present generation, it may already be too late. Says Selective Service Director Dr. Curtis W. Tarr, "You could break your back appealing to people who are now 19."

Of course, it is easier to raise an armed force with a draft than to have to make a military career appealing. But we could demand that the generals get off their duffs and to do their job without resorting to the threat of prison for 19-year-olds.

The top Pentagon chiefs have publicly sworn their loyalty to the new ideas, pressed on them by Assistant Secretary for Manpower and Reserve Affairs Roger T. Kelley. "I believe deeply in the all-volunteer concept now. I didn't earlier. A conscripted army has an almost unlimited tolerance for wasting people," Kelley told me. "If you can go to the well as often as you wish, it makes it easy to misuse human resources." He adds, "An all-volunteer organization should be a better-managed organization, a smaller organization and a higher-paid organization than what we have now." But then Kelley does the Pentagon flip-flop and supports the push to renew the draft: "Certainly nothing less than a two-year extension makes sense. From a national-security viewpoint, I'd like to see a longer extension."

The Army, which has the greatest recruiting problem, has appointed Lt. Gen. G. I. Forsythe, a veteran Vietnam commander and University of Montana ROTC graduate, as Special Assistant to the Chief of Staff for the Modern Volunteer Army. Says General Forsythe, "I don't want to get rid of the draft. Neither does General Westmoreland. The draft has to be extended this year. It is inherent in our national value system to have a [draft] law on the books." Others in the Pentagon told me candidly that the military must demonstrate some movement toward an all-volunteer force not so much to end the draft as to make its renewal easier politically.

If one looks at the figures coldly, the draft's value may seem highly exaggerated. The great majority of men on active duty in our armed forces today volunteered. Of the total active-duty force of 2.9 million, only 368,000 are actual draftees. All 900,000 men with more than four years' service are professionals, and so are at least a third of those with fewer than four years. The rest are draftees and draft-induced volunteers.

"True volunteers" (not draft inspired) now total 250,000 a year. To man an all-volunteer force of 2.5 million, only 75,000 more men must volunteer from the qualified 1.5 million who turn 19 each year. And the Administration hopes to be slightly below the 2.5 million force level by mid-'72.

Those who love the draft push more emotional arguments: "I did my time; why shouldn't they?" "It's their duty to their country." "Let's put some of those hippies in uniform." "We can't have our armed forces dependent on blacks and poor." But as Martin Anderson says, when he talks of officers who voice pride in their uniform, "One could ask them: 'Sir, do you think your profession is so bad you have to force people to join it?' "

Those who want to end the draft fought their first pitched battle in Washington's sticky heat last August. Senators Hatfield and Goldwater combined their disparate forces to try to put the Gates Commission pay recommendations into effect immediately, so that the draft would become unnecessary by June. Senator Stennis, a staunch friend of the military (but then so is ex-Major General Goldwater), manned the ramparts, labeled the proposal "half-baked" and "a picked chicken in a hailstorm" and asserted, "I do not buy all of this volunteer-army concept, by any means." The White House and the Pentagon massed behind Chairman Stennis and won the day. The result wasn't close, but 35 senators did vote for the Gates Commission recommendations. Clearly, the fight isn't over yet.

In all the double-talk, there are two phrases to watch carefully. One is "the end of the draft," and the other is "zero draft call." President Nixon uses them interchangeably, but there is a vital difference.

To end the draft means to take away the right of the executive branch to order young men into uniform. This can be done in two ways. One is to repeal the 1948 Selective Service Act, which set up the draft machinery. The Selective Service System, 4,102 local draft boards, the lottery, etc., would all be abolished. Nothing would remain. Senator Hatfield favors this tactic. The other way is for the Congress to refuse to renew the Military Selective Service Act of 1967, which gives the President the power to induct draftees. The Selective Service System would remain, but no one could be drafted after June 30.

Zero draft call is quite another matter. It means that the Selective Service System stays intact, and the President keeps the power to induct young men at will, but he chooses not to draft anyone for a particular month or longer period. (The last time this happened was back in 1961.) If the President decides that draftees are needed, for whatever reason, he has the power to call them up instantly without Congress's approval. For every young man, the threat remains.

Obviously, the zero-draft-call approach would suit the military best. They are candid about that. Secretary of Defense Melvin Laird has said U.S. troops will not be in ground combat after this summer, but he still sees July 1, 1973—nearly two and a half years from now—as the "goal" for getting draft calls down to zero. That is far enough into the future to be pie in the sky—and on the safe side of the next presidential election.

The congressional battle this spring will be fought furiously on three fronts: 1) draft reform, 2) renewal of the President's power to induct draftees and 3) a money package for an all-volunteer force.

DRAFT REFORM

President Nixon has already tried to make the draft fairer. He set up the lottery and stopped deferments for reasons of occupation, fatherhood and most graduate study. Now he wants Congress to wipe out deferments for future undergraduate students.

If undergraduate deferments are eliminated, a college student with a low lottery number would be called up in his sophomore or junior year. There is no plan to hold the lottery so that a young man gets a number when he is 16 or 17 and, if he draws a low one, can do his military service before starting college. Selective Service Director Tarr, himself a former college president, says, "I don't think it hurts to interrupt a college education."

A Pentagon official told me, "You have a lot of people in universities who want to avoid the draft. A lot of trouble on campuses comes from these people." Tarr, who favors ending the undergraduate deferment, says, "I think we're going to get it."

But draft reform won't solve the basic problem because the military can take a scant fraction of the young men available. Only 163,500 were inducted last year, and even fewer are supposed to be drafted in 1971.

Those who want to avoid the draft have grown sophisticated. They now find escape hatches in the regulations for physical standards for induction. They avoid the draft with such relatively minor defects as braces on their teeth, asthma, acne, high blood pressure or a nervous stomach. One draft official admitted, "If a guy wants to strongly enough and has time and money, he can get around the draft." As Candidate Nixon said two years ago, "In the long run, the only way to stop the inequities is to stop using the system. It does not work fairly, and given the facts of American life, it just can't."

THE PRESIDENT'S INDUCTION POWER

That this battle comes in an odd-numbered year is no accident. No President or congressman wants to renew the draft in an election year.

Earnest draft lovers prefer to extend the induction authority for four more years. They will probably have to settle for two years—or for one, if we will really get out of ground combat in Vietnam this summer.

The alternative to renewing the President's induction authority is by definition, an all-volunteer military. All the arguments against a voluntary force will be dragged out again now. "It exposes the brave, the foolhardy, the patriotic, the poor/black. It favors the non-venturesome, the ungrateful and the well-to-do." Gen. Maxwell Taylor, former chairman of the joint Chiefs of Staff, told me.

It is charged that an all-volunteer force will attract too many blacks and poor. The Gates Commission studied this accusation and decided it was not true. The military seem to agree, because, they say, many poorly educated blacks cannot meet the military's mental standards.

Some fear a volunteer force will create a military class. But most enlisted men today, plus the vast majority of officers, are "true volunteers" already. Drafting reluctant privates will not prevent the rise of a military elite. That has to be done by civilian control at the top.

The Army's toughest job is to find 5,000 enlisted men a month for combat jobs; only 800 now volunteer. As a result, 88 percent of the infantry riflemen in Vietnam for the last couple of years have been draftees. The Army would like to give fat bonuses to men who volunteer for combat specialties, but it has run into heavy resistance from the Air Force and Navy, which must compete for such men.

The entire draft issue separates those who prize duty to the state above all and those who give priority to individual freedom, the freedom to organize your life as you see fit. Some certified liberals, rather surprisingly, oppose the all-volunteeer idea. Sen. Edward Kennedy, for one, believes every young man should be liable to be drafted to fight for the nation.

The trickiest ground is in the middle, where President Nixon stands, supporting the all-volunteer idea in principle but repeatedly stalling on putting it into action. Randal Teague, the 26-year-old executive director of the conservative Young Americans for Freedom, says, "A lot of our people are very disenchanted. Nixon made this a major campaign promise to get the youth vote. In all honesty, I wonder if President Nixon really wants a volunteer military."

The reasons for Nixon's distress are easy to spot. Politically, the draft and the war it supports are vastly unpopular. And now with 18-to-20-year-olds able to vote in national elections, opponents of the draft will be reinforced. Nixon also inherited worldwide military commitments; 300,000 uniformed men still in Europe as part of an obsolete NATO commitment; 53,000 men in Korea nearly 18 years after that armistice; the prospect of keeping at least some forces in Vietnam indefinitely, and a military establishment grown accustomed to $75 billion budgets.

There is a theory that if a nation has a large standing army, it is tempted to use it. The Vietnam war suggests this is true. Two years from now, as draft calls decrease with our piecemeal withdrawal from Indochina, the odds are that effective opposition will be defused and the conscription law will stay on the books, ready for some future President to use again. And one lesson from Vietnam will have been lost.

THE PAY PACKAGE

The double-talk over the cost of the draft versus an all-volunteer force is shrill. End-the-draft advocates argue that an all-volunteer force will actually save the country money. Pro-draft partisans shoot out figures as high as $17 billion for the cost of a volunteer force over a mixed force that includes draftees. The Gates Commission figured that an all-volunteer force of 2.5 million would cost about $3 billion extra initially. Pentagon insiders say privately that the Gates estimate is very close to accurate.

The pay debate centers about a simple idea. Draftees and new enlistees are paid very little, and as long as draftees are available by just whistling, there is no need to pay them more. This keeps the budget down, but it means that enlisted men must pay for part of our standing army out of their own hides. Within the past year, 50,000 married young men in uniform were, shockingly, on relief.

The Gates Commission argued that a recruit should be paid something closer to what he would earn in civilian life (and extra if he is assigned to risk his life against an enemy). This sounds reasonable and fair. The additional cost would have to be carried by the taxpayers, but the slower turnover of volunteers, compared to draftees, would mean lower recruiting and training costs and a more skilled and efficient armed force.

In his new book, *The Military Establishment*, former Special Assistant Secretary of Defense Adam Yarmolinsky says: "No other institution, private or public, is now authorized to use compulsory processes to make up its manpower deficit. . . . The United States has experienced and is experiencing critical shortages of health services personnel, teachers and teachers' aides, and police officers. . . . But the nation has never assumed a responsibility for ensuring that these shortages are met."

In the end, the two strongest arguments for the draft don't hold up. First, the military claim they cannot attract enough volunteers. One thing is certain: They never will as long as the draft is around. You can bet on that. And second, an all-volunteer force will cost the taxpayer more. If the nation needs these young men—and is not fighting for its own survival—the nation should pay them a decent wage for the job they do.

Money will be loudly debated in the coming battle over the draft, but it is not the heart of the problem. If we are going to let our military establishment spend $60 to $75 billion a year, we can find the five or six percent of that sum needed to pay our youngest volunteers properly—if we want to.

The real heart of the problem is whether we now truly want a conscripted standing military force or whether the draft is demanding a human price of compulsion and disruption that we do not want to keep on paying. Today, we neither need—nor can afford—conscription if this nation is to be both secure and free.

THE PRESIDENT'S SIX-POINT PROGRAM

Mr. MATHIAS. Mr. President, there has been much praise for President Nixon's far-sighted six-point program, which he set forth in his State of the Union message last week.

I am especially pleased to see that the National Association of Counties has recently applauded the President—and conspicuously so—in a full page announcement in the Washington Post. This bipartisan group, which represents more than 200,000 county officials across the Nation, is to be commended for its continued recognition of the need for welfare reform and revenue sharing.

If we are to alleviate the desperate financial condition of our State and local governments, if we are to revitalize our present welfare system which, clearly, is morally and financially bankrupt, it will be invaluable to have the active and energetic support of the National Association of Counties.

All Members of Congress, I think, will be interested to read the bold proclamation of their endorsement. I am, therefore, pleased to ask unanimous consent that the association's announcement, from the Washington Post of January 25, 1971, be printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

ANNOUNCEMENT

The National Association of Counties thanks you, Mr. President.

In your State of the Union message you rekindled a dream that is worthy of the best effort of each of us when you said: "Millions of frustrated young Americans today are crying out—asking not what will government do for me, but what I can I do, how can I contribute, how can I matter?

"Let us answer them. To them and to all Americans, let us say: 'We hear you and we will give you a chance. We are going to give you a new chance to have more to say about the decisions that affect your future—to participate in government—because we are going to provide more centers of power where what you do can make a difference that you can see and feel in your own life of your whole community.'"

The 20,000 county officials who are members of the National Association of Counties (NACO) want to give their very best to make the dream a reality and we pledge the following:

1. Revenue Sharing Jet-Ins. This week NACO is opening its efforts in the support of Revenue Sharing by covering the entire country with a series of 4 one-day airport rallies. These are are meetings of public officials and news media to dramatize the critical financial condition of our state and local governments and the urgent need to support your truly imaginative revenue sharing proposals. These Jet-Ins are as follows:

Wednesday, January 27, 1971: Atlanta Airport (Holiday Inn), keynoted by Vice President Spiro T. Agnew.

Wednesday, January 27, 1971: Kansas City, Missouri Airport (Prom Sheraton), keynoted by Vice President Spiro T. Agnew.

Friday, January 29, 1971: San Francisco Airport (Hilton Airport Inn), keynoted by Governor Daniel Evans.

Friday, January 29, 1971: Cleveland, Ohio Airport (Sheraton-Hopkins Motel), keynoted by Governor Richard Ogilvie.

2. Welfare Reform. In the last session of Congress, county officials vigorously supported your Family Assistance Plan. We made a determined effort to persuade the Congress that the present welfare system was financially and morally bankrupt. We are delighted that the first bill introduced in the House of Representatives is H.R. 1—a welfare reform measure. We are pleased that the highly respected Representatives Wilbur D. Mills, Democrat of Arkansas, and John W. Byrnes, Republican of Wisconsin, have given this legislative top priority in the House Ways and Means Committee.

3. Modernization of County Government. County officials knew that many of our local governments have fallen behind the times. They are in need of overhaul and modernization of the type that we have witnessed in recent months in Prince George's County and Montgomery County, Maryland. NACO, through its Research Foundation has established a "New County—USA" central clearing house and advisory center on local reorganization. Information from this center is already being used by 300 counties where citizens are accepting your challenge to make their institutions responsive to their needs.

Mr. President, we want to publicly pledge to you, the Congress and our fellow Americans our support to make your big dream a reality.

Respectfully yours,
CLESSON Y. CHIKASUYE,
President.
BERNARD F. HILLENBRAND,
Executive Director.

(National Association of Counties, 1001 Connecticut Avenue, N.W., Washington, D.C. 20036.)

THE TIME IS NOW TO CONTROL THE "SPEED" DRUGS

Mr. McINTYRE. Mr. President, I am pleased once again to join with the distinguished Senator from Missouri (Mr. EAGLETON) and others in introducing the bill, S. 674, to put tighter controls on amphetamines, the drugs commonly known as "speed."

The call for action is becoming increasingly clear with revelations that have been appearing in the Nation's press in recent days and weeks. I was particularly interested in an article published in the Wall Street Journal on last Friday. The article points up the manner in which apparent illicit operations are being organized to produce "speed" drugs by so-called pillars of the community.

Mr. President, I ask unanimous consent that the Wall Street Journal article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TRIP BUSINESS—ILLICIT DRUGS INCREASE AS "RESPECTABLE" TYPES DISCOVER MONEY IN PILLS

(By Richard A. Shaffer)

In Charleston, W. Va., they used to think of Robert A. Frame, Jr., as a nice, bright boy who worked hard and had made good.

At military school he was an honor student. He made Phi Beta Kappa at West Virginia University in Morgantown. He graduated first in his class while working part-time and serving as yearbook photographer. At Massachusetts Institute of Technology he earned a Ph. D. in chemistry. And after a promising career in research at Eastman Kodak he started a successful business of his own near Phoenix, processing color film.

But, as it turned out, that wasn't his only business. One day Federal agents raided his garage and found a secret, well-equipped laboratory and $672,000 of methamphetamine, one of the powerful stimulants that drug users call "speed" or "crystal." Mr. Frame—a quiet, 36-year-old, churchgoing bachelor who had never been in trouble before—was sentenced to five years in prison after being convicted on charges of illegally manufacturing and selling dangerous drugs.

A TOUGHER JOB FOR POLICE

Mr. Frame's case, which is on appeal, is an extreme example—but not an isolated one. Authorities say more and more sophisticated operators are entering the drug-production business, making it more difficult for law-enforcement officials to curb illegal drugs and sharply increasing the output of such products. Until recently, stimulant and psychedelic drugs were illicitly brewed only in small batches on make-shift equipment, often by hippies for themselves and their friends. But lately an increasing proportion of the supply is spewing from better-equipped laboratories, operated by persons of all callings bent solely on turning a fast buck.

Unlike the hit-or-miss amateur, who often had little knowledge of chemistry and clumsily drew attention to himself after sampling his own wares, the newer and more sophisticated drug producers tend to cleverly conceal their operations. Such operators, lured into the business by huge profits, usually pass easily as successful business or professional people—which they sometimes are.

The bootlegger of psychedelic or stimulant drugs is seldom a heavy in the professional underworld; frequently he hasn't had any prior brush with the law. And his drug factory, instead of being in a rundown neighborhood, now is often in an urban store or in an expensive home in a good section of town.

THE DAY THE GRASS TURNED BROWN

In Denver a major drug mill was discovered by chance when the landlord noticed that the lawn of one of the homes he rented out was turning brown. No one answered the door when he went to complain. And he detected "a kind of sweet, rotten smell," which convinced police that the tenants must be dead. But it wasn't the odor of bodies. The basement of the house concealed an elaborate laboratory for making LSD and STP, another psychedelic drug. The entire water system of the house, including the lawn-sprinkler pipes, had been diverted to supply the lab.

The operators were so well-organized that they kept a detailed notebook record of every batch of drugs made and even had a system providing for the regular reordering of supplies. It took seven truckloads to haul away the 300 beakers, bell jars, condensers and other pieces of lab equipment from what one narcotics agent called "one of he most high-class, businesslike operations we ever ran across."

One person convicted in the case was a 28-year-old chemistry graduate of the University of California with an apparently impeccable background. An alleged associate, awaiting trial, is described by friends as an electronics genius who holds several valuable patents on products he designed, although he is only 26.

In Santa Monica, Calif., Federal authorities say chemists at a supposed cancer-research center were manufacturing large quantities of the drug PCP, or phencyclidine hydrochloride. The drug was being shipped to a warehouse in Berkeley, where it was pressed into tablets on a $4,500 machine capable of turning out 80,000 an hour, the officials say.

LSD SUPPLIES UP, PRICES DOWN

Officials are clearly worried by the trend. "The clandestine-laboratory problem is definitely getting worse," says Robert N. Hinds, a Washington supervisor in the Federal Bureau of Narcotics and Dangerous Drugs.

It's already severe, as a look at LSD shows. Over the past four years, the proportion of college students who have tried LSD has soared to one in seven from one in 100, according to Gallup Polls, And it is clear that nearly all the LSD they tried came from underground labs; the drug hasn't been legally made in this country since 1966, and customs officials say smuggling is rare. In fact, these flourishing labs have become so productive that despite heavy demand, the price of an LSD tablet has fallen to about 50 cents in most parts of the country from about $5 a few years ago.

Federal undercover agents used to consider 500 LSD tablets a major wholesale purchase. Now huge quantities are available in nearly every major city, and 10 times that number can easily be bought from almost any retailer of illicit drugs.

The use of tablets in itself provides one measure of the important role that fancier labs play. No street dealer would sell 5,000 doses at a time if he had to drop the LSD on the once commonly used sugar cubes, which crumble when handled in bulk. So most producers have turned to tablets, often made on machines whose cost is beyond the reach of most amateurs.

The Government, which identifies these machines by the markings they leave on the tablets, believes the number in the hands of drug bootleggers has grown to perhaps as many as 100 from none just a few years ago. An exact count is impossible because some machines can simultaneously press 16 tablets with different sets of markings.

The production of such other popular psychedelics as STP, DMT and psilocybin is also becoming more commercialized as the output moves from the prophets of inner awareness, who once made them for their own use, to those whose awareness is attuned to profits. There's a similar story with the stimulants, except in this case the impact of clandestine production is less easily gauged; at least half the black-market pills originally come from legitimate drug manufacturers.

To illustrate the profits available in the illicit drug business, consider the case of Richard Bennetto. A friend describes him as "a knockabout guy who never even finished high school." Before he was 30, Bennetto was making $300,000 a year.

It was quite a life—while it lasted. He wore expensive clothes and dined in the best restaurants, where he treated dozens of friends at a time to fancy meals. "He always had plenty of fast cars and women around," one friend recalls.

It took two years for authorities to discover that his insecticide and dye-manufacturing business was only a front. The real source of his income was a bit different—methamphetamine.

Bennetto, who once served time for receiving stolen property, opened shop in his mother-in-law's basement with an initial investment of less than $200 in equipment and chemicals. It wasn't long before his labs—located in several San Francisco apartments—were producing a pound of the drug every few days, he told a Congressional investigating committee. It cost him $50 to produce a pound; he sold it to dealers for $1,600.

Bennetto now is serving an "indeterminate" sentence in California for possession of dangerous drugs.

A PROBLEM OF QUALITY CONTROL

Drug experts say many of the proliferating new commercial operations turn out a safer, more sanitary product. But such operations still aren't producing a high enough proportion of illicit drugs to significantly improve the quality of the product most drug users are buying. "A really good product no sooner hits the street than a dozen inferior imitations come along," says Dr. Eugene Schoenfeld, a Berkeley physician who writes a hip syndicated newspaper column on drugs, sex and nutrition. Although the ratio is changing, perhaps rapidly, most illicit drugs are still made haphazardly in sleazy shops, the drug experts say.

Larvin Cahn, a San Francisco attorney who has defended several accused makers of illegal drugs, says many producers are "such idiots that I wouldn't trust them to wash my car." He maintains that "poor quality-control is probably what causes a great deal of the physical and psychological damage done by these drugs, rather than the drug itself."

Chemists have found rat poison in LSD. Most of what is sold as mescaline—and almost all synthetic THC, the active ingredient in marijuana—is only a veterinary tranquilizer. And some liquid methamphetamine contains a large amount of urine. Not long ago a youth in Boulder, Colo., purchased some powdered methamphetamine but said he found it impossible to inject. The drug had been so adulterated with cornstarch that it quickly turned to jelly when mixed with water and heated.

GOVERNMENT INCREASES ITS ATTACK

The Federal Narcotics Bureau is enlarging its attack on illegal production of drugs, putting more agents with broader powers on the job. But it concedes that the task is awesome. No one knows for sure how many underground drug mills exist or what their output is.

Because of a Comprehensive Drug Abuse Prevention and Control Act that takes effect next May, Federal narcotics agents for the first time will be able to serve search warrants on drug labs at night, when most manufacturing takes place. At present raids can only be staged in daylight, and agents often find that the drugs have already been shipped out or haven't yet been made, leaving them with flimsy evidence.

The law also gives the Attorney General the power to control the sale and production of what are called the immediate precursors of a dangerous drug—that is, the principal ingredients most commonly used to manufacture it.

Despite the new law's relaxation on drug raids, agents first must find a lab in order to raid it. And that's becoming more difficult. The larger the lab the more money operators invest in hiding it. The problem has become so acute that the Government is financing the design of special airborne equipment to detect labs from the sky. Agents would use the same remote sensing techniques that have already proved useful in locating guerrillas in Vietnam and in sampling the atmosphere of other planets.

Mr. McINTYRE. Mr. President I was disappointed that the bill, even though passed by the Senate on October 7, 1970, by a vote of 40 to 16 as an amendment to other legislation, was dropped along with other important measures in the Conference on the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Amphetamines do have a minor place in health care. They are useful in the treatment of narcolepsy, a rare sleeping sickness, and they have some usefulness in the treatment of obesity.

There is misuse of these drugs to stay awake while driving, during study for exams, and at other times when there is a desire to avoid sleep. These drugs are even used, according to some reports, to pep up participants in athletic contests. This sort of misuse is sometimes dangerous but it is not the real problem which exists with "speeds."

Mr. President the real abuse is the misuse that is being made of this drug by the swallowing of handfuls of the pills, the so-called snorting of the drug in powder form, and its injection in the vein in the form of solution. Experts say that the progression of use is from swallowing, to snorting or sniffing, to intravenous injection. The drug most frequently used in this country for this purpose is methamphetamine—speed, crystal, and meth.

Experts also report that the continued use of amphetamines in large doses is physically addicting, meaning that tolerance builds up and definite withdrawal symptoms occur when the drug is discontinued.

There are many examples of the horror of misuse of amphetamines. The user faces panic, paranoid states, malnutrition, and prolonged nervous breakdowns. Infections occur in many instances. It has even been demonstrated in animals that prolonged use of the amphetamines over a long period of time may lead to brain cell damages.

As I stated on the floor of the Senate last year, Representative Claude Pepper, of Florida, who has done such a brilliant job of studying drugs as a part of his work as chairman of the Select Committee on Crime in the House of Representatives, reported:

> In our hearings in San Francisco, there were 13 bins of amphetamines somewhat like Benzedrine, as I recall, that had 1,200,000 of these pills in the bins, and they were consigned by a manufacturer in Chicago to a consignee in Tijuana, Mexico. The Federal Bureau of Narcotics and Dangerous Drugs acting on information furnished by our committee staff checked up on it, and they found that the address of the so-called consignee was the 11th hole of the golf course in Tijuana and that a customs broker had diverted these amphetamines at the border into the black market.

This kind of example, which has recently been highlighted again in the press, makes it clear that existing controls such as now practiced are inadequate. It is evident that the present system of controls places the major risk, pain, and financial burden of amphetamines on the consumer.

In addition, those who do not use drugs must be taxed to control the social disruption resulting from this drug abuse.

Mr. President, I urge that the Senate act swiftly. Every day new evidences are unearthed of the need to more tightly control the "speed" drugs if we are to win the battle against drug abuse.

HARRY F. KELLY, FORMER MICHIGAN GOVERNOR, A GREAT AMERICAN

Mr. GRIFFIN. Mr. President, I was saddened today by the news of the death of one of Michigan's most distinguished sons.

Harry F. Kelly, jurist, former Governor and a great statesman of Michigan died last evening at the age of 75.

Mr. Kelly served his State for 4 years as its chief executive. Prior to that he served as Michigan secretary of state and as an assistant Wayne County prosecutor. For 17 years he was a member of the State Supreme Court.

Mr. Kelly retired from the bench just 6 weeks ago—after spending virtually his entire adult life serving the people of our State.

Last Friday evening Governor Kelly suffered a massive stroke in West Palm Beach, Fla., where he was spending his short-lived retirement. He died last evening.

I know, Mr. President, that Harry Kelly will be missed by his many friends, but his absence will be most keenly felt by the people of Michigan.

Mrs. Griffin and I extend our deepest sympathies to the surviving members of his family.

A PLEA FOR JUSTICE FOR THE PEOPLE IN THE HOLY LAND

Mr. HATFIELD. Mr. President, on the evening of January 27, 1971, an historic event occurred at the Washington Cathedral. A meeting focusing on the human suffering in that troubled part of the world was held with more than 1,000 people attending. Among those sponsoring the event, besides myself, included the Reverend—and Chairman—Edward L. R. Elson, Senator HENRY BELLMON, Rabbi Elmer Berger, Eugene Black, Erwin D. Canham, Dr. Andrew Cordier, Dr. Gerald Dorman, His Eminence Archbishop Iakovos, Reverend Frederick Meek, Msgr. John G. Nolan, Dr. Mohammed Abdu El-Rauf, Reverend Joseph Ryan, Most Reverend Philip Saliba, the Very Rev. Francis B. Sayre, the Most Reverend Edward E. Swanstrom, Dr. Cynthia Wedel, and Dr. Paul Dudley White. It was an historic occasion in many ways. Essentially, however, it marked the first organized and public expression of concern in the United States for the plight of the people of the Holy Land, particularly the Palestinians. Numerous statements were read and delivered that evening. Among those speaking were Miss Nomi Erteschik, an Israeli working on her Ph. D. in linguistics at MIT, and Dr. John Davis, former Commissioner General of the United Nations Relief and Works Agency.

Mr. President, I ask unanimous consent that the addresses of these two individuals be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

STATEMENT BY MISS NOMI ERTESCHIK

As an Israeli I am happy to participate in this plea for social and national emancipation of the Palestinians. The Palestinian people are an essential party in any future negotiations concerning the Middle East and in particular the future of Palestine. The Rogers Plan or other Great Power formulas are not viable because they side-step the inalienable rights of the Palestinians. There is an ultimate contradiction between the interests of the United States and the Soviet Union on the one hand and the needs of the people of the Middle East on the other. As long as the United States and Soviet imperialist forces take part in and dominate the peace talks because they find it profitable, the people of the Middle East will not find it so.

The emancipation of the Palestinians runs counter not only to the interests of the Great Powers but also to the interests of the Arab governments and the Zionist government of Israel. The governing principle of Zionist Israel is the idea of an exclusively Jewish state. As long as this principle holds, the return of the Palestinians to their homeland will continue to be blocked by Israel. The conclusion is obvious: either there will continue to be an exclusively Jewish state which by its nature discriminates against non-Jews and insures permanent conflict with the Palestinians, or the Israeli people will come to the realization that some kind of co-existence with the Palestinians is essential to peace in the Middle East.

The Palestinians are also a cause of anxiety within the Arab regimes as well, since Arab governments take advantage of anti-Israeli propaganda, into which mass discontent and pressure are channelled. These Arab regimes would do anything to stifle the Palestinian revolutionary forces because their social liberation will trigger a series of social transformations in the Middle East which will threaten the interests of the established class.

No solution to the Palestine problem which does not acknowledge the demand of the Palestinians to return to their homeland and to be able to live anywhere in Palestine with equal social and political rights is viable for the people of the Middle East. The solutions endorsed by the Great Powers and their allies in the area do not fulfill this requirement. None of the parties participating in the Peace Discussions have up to now shown any genuine concern for the rights of the Palestinians because they are apprehensive of the Middle East revolution which the Palestinians advocate. Therefore I cannot see how peace talks conducted in such an atmosphere even including Palestinian delegates, could solve the conflict.

As an Israeli I remain convinced that social and national emanicipation of the Palestinians does not endanger the welfare of the Israelis.

The final territorial and political arrangements should be freely negotiated by the two parties concerned—the Israelis and the Palestinians—in the framework of the mutual recognition of the right of both groups to self-determination in Palestine.

AN APPEAL TO AMERICANS FOR JUSTICE FOR PEOPLE OF THE HOLY LAND

(By Dr. John H. Davis)

Conflict continues in the Middle East, year after year, because year after year a fundamental element of discord goes unresolved. This element of discord is the festering plight of the Palestinian people, both Moslems and Christians.

The creation of the state of Israel brought catastrophe to most of the native Arabs of Palestine. More recent events have made their plight still worse. Today, three million Palestinian Arabs exist as a people without a country.

The world community of nations has taken note of this tragedy on many occasions, through action in the United Nations. Among the basic resolutions passed there are those calling for repatriation and compensation for refugees, creating a Palestine conciliation commission and setting up an agency to administer relief (UNRWA). The resolution calling for repatriation and compensation has been reaffirmed some twenty-three times but never implemented. Peace efforts have been launched one after another, but all to no avail. The support of UNRWA has always been meager, about ten cents per refugee per day, and this year the agency faces a 6 million dollar deficit. Unless this deficit is met, UNRWA must drastically cut its relief services. This will mean increased suffering for the refugees. It will mean closing schools and vocational training centers. This closing of schools will shut the door of opportunity to maturing refugee youth.

In the absence of peace, bitterness gets deeper, armaments get bigger, and the great powers become more and more involved and in a way that makes the danger of a holocaust ever more menacing. All of this transpires because neither the great powers or the world community of nations will face the fact that three million Palestinian Arabs have been made a people without a country. They still live as refugees, or exiles, or subjects under occupation, or as citizens of a country that restricts their rights and opportunities. This is the source of Arab bitterness. This is the fuel of hatred that feeds the flames of conflict.

It is time now to declare categorically that the Palestinian Arabs have been and are victims of grave injustice. It is time now to do something about it.

Today a new peace effort is under way. Its plan is to engage the Arab states that border on Israel, particularly the United Arab Republic and Jordan, in discussions with Israel. But what about the Palestinian Arabs? Should not the voice of these three million human beings be heard? It is not right, it is not just, that their voices be muffled in peace talks since it is their destiny that now hangs in the balance. The grievances of the Palestinian Arabs must be made a substantive item on the agenda.

You may ask, but who will speak for the Palestinian Arabs? All I can say is that this is part of the puzzle that statesmen must resolve. The starting point on the road to peace must be a search for a way to give the Palestinian Arabs a voice in the peace talks, To deny them a voice there just because they do not now have a government of their own is to silence the voices of our own past—voices such as Patrick Henry's whose "Give me liberty or give me death" is emblazoned on the soul of America. Having been made a people without a country, how could the Palestinian Arabs now have a government of their own?

This brings us now to the fundamental question, should the Palestinian Arabs have a country of their own? Why not let the Palestinian Arabs speak for themselves on this subject, by exercising the right of self-determination—a principle that the United States has championed for years. Admittedly, this will not be easy to do while the Palestinians are scattered as they now are. Let us place this subject high on the peace agenda for the purpose of finding a way by which they can decide this issue for themselves.

The status of the City of Jerusalem is another crucial item. This city is sacred to Jews, Christians, and Moslems. The annexation of Arab Jerusalem by Israel denies most Moslems and most Arab Christians access to the holy places of their faith, thereby feeding the fires of discontent. Only bitterness and war can be kindled from these flames.

What about the rights of refugees to repatriation and to compensation for loss of home or farm and homeland? Here we are talking about human rights that are absolutely basic. We are talking about the right of man to have a home and to have a country and to be secure within them. We are discussing the right of a people to self-determination; the right of a people to be free.

These basic human rights must be high on any peace agenda and until grievances pertaining to them have been justly resolved, lesser items and talk of signing peace agreements must wait. This is simply a matter of putting first things first and any peace effort that fails to do this will be foredoomed before it starts. If you doubt this, look at the array of wrecked peace efforts in the Middle East that clutter the record of the past twenty-three years, none of which put first things first.

But you may ask, what will all of this do to the state of Israel? Will not a settlement of valid Arab claims place heavy burden on Israel, even to the point of compromising her very status as an exclusive state for the Jewish people? This may be so. However, to to the extent that Arab claims are just, this is the price that Israel must be prepared to pay for enduring peace. The Palestinian people were in Palestine centuries before Israel was created.

At the heart of the tragedy of the Palestinian Arabs is the hard fact that there is no place in Israel for Arabs in large numbers. Israel is a Jewish state and in keeping with this role she has given preference to Jews over non-Jews, even those born native to the land she now governs. Yes, even to the point of making refugees and exiles of most of the native Arabs. This is why there is a refugee problem. This is why it persists. The Arabs have not accepted this state of affairs, nor should they be required to do so now.

This, in brief, is the backround of our plea for justice tonight.

The present peace effort, referred to as the Rogers' Plan, is founded on a resolution of the Security Council. It has been accepted in principle by both Israel and leading Arab states. This is good so far as it goes but the Rogers' Plan has one great weakness that may prove to be a fatal flaw. It does not contain adequate provisions for the Palestinian Arabs. It does not assure them of justice. It does not invite them to the peace talks, which may determine their very future.

This flaw MUST be corrected if the Rogers' Plan is to succeed. In accordance with the richness of American traditions and in support of the spirit and the letter of the Charter of the United Nations, we must recognize that the people of Palestine are entitled to equal rights and to self-determination. We must further recognize the unalienable rights of the people of Palestine as an indispensable element in the establishment of a just and lasting peace in the Middle East. Let America now take the lead in this direction. This we plead in the name of justice for the oppressed people of the Holy Land.

A NEW APPROACH TO PESTICIDES

Mr. HUMPHREY. Mr. President, we are faced with irrefutable evidence of the dangers posed by too many years of laxity in the control and use of pesticides in this country.

The evidence is in the earth we live and grow our food on, the water we drink, the air we breathe.

It threatens our very survival.

I am not being dramatic. I am being very frank. If anything, I may be understating the problem.

The present law governing the manufacture, sale and use of pesticides in the United States has become a farce.

It is so full of loopholes that it lets through more than enough of these dangerous poisons to choke us all with an uninterrupted flow of banned pesticides.

The time has come to strike this law from the books and replace it with one that will deal forcefully with the threats posed by the misuse, abuse and overuse of pesticides.

We cannot afford to wait much longer.

That is why I am joining with the distinguished Senator from Wisconsin (Mr. NELSON) in cosponsoring legislation to amend the Federal Insecticide, Fungicide and Rodenticide Act of 1947, including changing its title to the National Pesticide Control and Protection Act.

According to the Food and Drug Administration, at least 800 to 1,000 people die each year from pesticide poisoning and another 80,000 to 90,000 people are injured from these chemicals.

But worse than that is the slow but increasing number of human deaths caused by carcinogenic, mutagenic, and teratogenetic effects of chemicals like DDT or 2,4,5-T after a lifetime of exposure.

In addition, there is the deadly threat to wildlife, fish and the overall quality of the environment. Evidence of the damage caused by some pesticides has been found on the polar ice caps and in the upper reaches of the atmosphere.

This is no longer a regional problem. It is not smog in the cities and pesticides in the country. This is a national—really, an international—problem, and it demands a new approach.

A new approach to the regulation of pesticides and pest control devices.

A new approach to the testing, registering, canceling and suspending of these products, with the emphasis on protecting public health and the environment.

A new approach to the way these products are sold and used, with attention given to having the purchaser justify the need and the safety of his planned use.

A new approach that emphasizes research to make chemical pesticides safer and to find biological and nonchemical alternatives.

An important element of this new approach is the transfer of authority for pesticide regulation from the Agriculture Department to the new Environmental Protection Agency.

There are those who would tell you that the movement to control the use of pesticides, insecticides, rodenticides, fungicides and herbicides is based more on emotion and politics than on solid scientific fact.

Do not believe it. The facts are there. And they are frightening.

I say to the farmer, do not be shortsighted. Do not just think about today.

Just as the farmer learned about crop rotation as a method of preventing depletion of the soil and a way to make his land more productive, he is learning that he cannot continue to spray all kinds of poisons on his land and on his crops and not expect to pay the price.

Surely, in the short run pesticides increase production. But what about the long run? How much longer can we drench the world indiscriminately with these chemical killers?

And yet pesticides are an extremely important tool of agriculture.

The proposed legislation goes farther than the very vital need for more effective regulation of pesticides. It provides for research into safer and better methods of doing the job and it offers hope for a healthier future.

It is in the best interest of agriculture and all Americans that the bill become law.

SEVEN HUNDRED AND NINE FEWER FLIGHTS BY AIRLINES IN UNITED STATES IN 1970 THAN IN 1969, AND STILL DROPPING

Mr. RANDOLPH. Mr. President, airline scheduled departures from the 590 airports in the United States receiving commercial service were 709 fewer in 1970 than in 1969, with the situation growing worse in 1971. That is the burden of official testimony by air transport industry spokesmen.

Modest shrinkage in airline service to West Virginia airports has not been worse than the national experience, I note in studying the statistics and problems presented by spokesmen for the airlines.

In fact, a leading spokesman for the industry testified that recent cutbacks in airline schedules are the first danger signals of shrinking service still to come all over the United States unless airline earnings are restored quickly.

The cutbacks in the number of flights operated by the scheduled airlines are reducing revenues at all but the very largest metropolitan airports. Even the country's top 20 air passenger markets operated approximately 140 fewer daily nonstop flights last year than they did in 1969. Such major hub centers as Cleveland lost 18, and will lose more after March 2; Detroit's loss was 40 and within another month will be approximately 54 less than a year ago; and Kansas City is being served by a dozen fewer nonstop flights. Even Miami has felt the shrinkage—even in a time of winter traffic.

The experience of cities with nonstop flight losses is bad enough, but the bulk of the decline in airline scheduled departures is in short-haul service heretofore provided by trunkline carriers—flights such as United's Charleston-Pittsburgh and Eastern's Charleston-Huntington-Lexington-Louisville.

In spite of its importance to northern Ohio, shrinking airline schedules and shortages of passengers caused by the slumping economy have hit the regional airport at Akron-Canton. Eastern Airlines, which has been operating two trips daily out of Akron-Canton Airport, has filed an application with the Civil Aeronautics Board to discontinue serving that regional airport. Eastern Airlines has been given some new long-haul routes and seems to be anxious, like other trunkline carriers, to curtail short-haul service. With most of the trunk airlines losing money, these cutbacks are understandable.

THE INCREASING COSTS OF MEDICAL CARE

Mr. HARRIS. Mr. President, much has been said in the past several months concerning the increasing costs of medical care. This problem has reached such a magnitude, that no one now questions the need to provide a better means for the average American citizen to finance his health care.

While the difficulties of the average American to finance his health care are well known, the equally difficult financial problems facing most of our hospitals are not as well known. In Oklahoma alone, 38 hospitals have been closed since 1966. In the rural areas of other States, similar financial difficulties have been experienced. As a result, many Americans in rural areas are without adequate health facilities.

I believe it is the responsibility of this Congress to give full consideration to ways of meeting the financial needs of the Nation's hospitals.

I, and other members of the Oklahoma delegation, recently met here in Washington with representatives of the Oklahoma Hospital Association to discuss possible solutions of their financial problems. We discussed the reimbursement formulas of medicare and medicaid, a cost containment demonstration project that has been proposed to the Department of Health, Education, and Welfare by the Oklahoma Hospital Association, and the American Hospital Association's proposed "Ameriplan."

I was very much impressed with the presentation made by the members of the association and I was particularly interested in the proposed cost containment demonstration project which, if approved, would require the Government to view the hospital's financial requirements prospectively rather than retroactively. I hope this demonstration project will be favorably considered by the Department of Health, Education, and Welfare.

For the benefit of my colleagues, I ask unanimous consent that the written statement of the representatives of the Oklahoma Hospital Association be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A STATEMENT BY REPRESENTATIVES OF THE OKLAHOMA HOSPITAL ASSOCIATION

Oklahoma hospitals are most appreciative of this opportunity to meet with our Congressional Delegation. Our purpose is threefold. We would like to explain to you why Oklahoma hospitals are in a very precarious financial condition and to urge your help in securing corrective legislation. Secondly, we would like to bring you up-to-date on the status of our proposed hospital cost containment demonstration project, which we submitted to the Department of Health, Education and Welfare last July. And, thirdly, we would like to make a few comments on the American Hospital Association's proposed "Ameriplan".

The federal Medicare program, with its retroactively determined cost provisions, has contributed to the financial dilemma facing Oklahoma hospitals that is resulting in an alarming acceleration of hospital charges to private paying patients that we serve. To illustrate, let me give you a composite picture of the patients presently being served by Oklahoma hospitals:

1. Thirty-seven percent of the hospital's patient days are for Medicare patients.

2. Approximately thirteen percent of the hospital's' patient days are for Medicaid patients, although the Medicaid program is only able to pay for approximately ten percent of these days, as they have had to reduce the scope of their program to a maximum of ten days per admission for an adult Medicaid recipient because of the limit of state matching funds.

3. Ten percent of the patients in Oklahoma hospitals could not pay for their care and are not eligible for Medicaid and have to be considered as bad debts or charity by the hospitals.

4. The balance of forty percent are those who have Blue Cross, commercial insurance or private pay patients, who must assume more than their proportionate share of the hospitals' total financial requirements because of the inequities presently existing in the Medicare reimbursement formula.

To further illustrate this point, the cost of care of the ten percent of our patients who are not eligible for Medicaid and are not able to pay for their own care must be borne entirely by the forty percent of our private paying patients as the Medicare and Medicaid law says they would assume no responsibility for the hospitals' cost for charity services.

In addition, hospitals have many community services that are financial "losers"; such as emergency room services, obstetrical services, charity out-patient clinics and other similar community services. Medicare will not assume any part of these costs for community services in their definition of allowable, reasonable cost. This, in effect, is saying that the forty percent of the private paying patients must assume the total cost of these community services, rather than apportioning these costs equally among all users of hospital services.

During the last few years, many hospitals have had to borrow capital on short-term loans to expand and modernize their facilities. Yet Medicare and Medicaid will not allow the retirement of debts as a part of allowable cost and will only allow a percentage of the depreciation allowable over a 40-year period. Therefore, a large part of the financial burden for capital improvement must also be passed on to the forty percent private paying patients.

As a result of this retrospective determination of what is, or what is not, an allowable cost, hospitals are finding that they actually recover less than eighty percent of regular and normal charges rendered to Medicare and Medicaid patients.

If Oklahoma hospitals are to *contain* their costs to their private paying patients (who are the taxpayers paying the Social Security taxes and the general revenue taxes to finance Medicare-Medicaid program), we believe the following changes must be written into the law to provide for equity among all purchasers of hospital care, including the federal government:

1. The hospitals' financial requirements must be met by equity payments appropriated on the basis of each group of patients' use of hospital services. For example: If Medicare patients use thirty-five percent of the hospital's services, their payments for this service must be approximately thirty-five percent of the hospital's financial requirements, including their proportionate share of the hospital community service programs and their capital financial requirements.

2. Since Oklahoma's non-profit hospitals furnish care to all patients admitted to the hospital by the patient's physician, regardless of their ability to pay, either the Medicaid program must be expanded to pay for the cost of this care to the medically needy, or the cost must be apportioned equally among all the users of the hospital, including Medicare.

3. Because of the obvious failure of retroactive determination of allowable hospital costs that has contributed largely to the hospital's financial dilemma, we urge that the hospital's financial requirements must be reviewed *prospectively* by the major purchasers of hospital care and that the hospitals be paid their cost during the period they render the care, thus enabling the hospitals to be financially able to provide the needed services for the patients that they serve.

OKLAHOMA'S PROPOSED HOSPITAL COST CONTAINMENT DEMONSTRATION PROJECT

Last year when we met with you, we told you we were working with the Oklahoma Department of Public Welfare and the Oklahoma Blue Cross Plan on approaching the Department of Health, Education and Welfare on a proposed three-year hospital cost containment demonstration project. This past July, we did meet with officials of HEW, along with Lloyd Rader, Director of the Department of Public Welfare, and Ralph Bethel, President of the Oklahoma Blue Cross Plan, and informally submitted our proposal. They were non-committal, but asked us to proceed in developing the detailed proposal. We asked that they send a representative to meet with us to work out some of the details of the proposal. They agreed to do so. We have had six or seven meetings, and hope to have the final proposal formally submitted to the Secretary within the next thirty days. This proposal, if approved, would give Oklahoma hospitals that participate in the program some financial relief by assuring them of their financial requirements, but, at the same time, we believe, would contribute much toward containing costs. Once this program is submitted to the Secretary, we will solicit your help in urging the Secretary to favorably consider the demonstration project.

AMERICAN HOSPITAL ASSOCIATION'S PROPOSED "AMERIPLAN"

The American Hospital Association recently released a "Report of a Special Committee on the Provision of Health Services". After considerable study, the Committee came to the following conclusion: before we design a national financing plan for health services for the people of this country, we should first restructure the health care delivery system so that it will assure health care to every individual.

They then proposed what, we believe, is a realistic financing plan to coincide with the development of the restructural delivery system. The basic unit of restructuring the delivery system would be joining together of the community health resources—the hospitals, nursing homes and physicians—under an umbrella health care corporation, which would be franchised to furnish health care for a certain geographical area.

We will forward you copies of this special committee's report outlining these proposals, and hope that you and your staff will have time to review them, as we believe that one of the primary issues facing the Federal Congress during the 1970's will be restructuring and financing our health care delivery system. We certainly offer our assistance to you in furnishing any information you might desire to assist you in coming to conclusions relative to these national problems.

In conclusion, we would like to reemphasize that Oklahoma's non-profit, community hospitals are organized to provide service—they are not organized to earn money. However, they must earn money to continue providing these services. We need your help if we are to continue to maintain and improve our hospital system in Oklahoma. To continue to improve services to the patients we serve, we must have more adequate financing.

PUBLIC POLICY—CENTRAL POWER REVENUE SHARING

Mr. KENNEDY. Mr. President, the solutions to the problems that beset our Nation are stymied in a gigantic bureaucracy in Washington. Power is invested in various sectors of government to such a degree that the individual turning to it for guidance or assistance is lost, ignored or filed away in triplicate. There is a growing feeling that people have lost control and that government and those they have selected as their representatives are beyond their scope and reach. This sensation of futility and often anger at alienation, frustration and inefficiency has developed into a growing cry for decentralization.

Mr. Richard Goodwin has skillfully

dissected this situation in two articles appearing in Commentary and the New Yorker. Rising public discussion of the need for revenue sharing and the form such a program should take makes his analysis significant and timely. His unique insight into these problems and great sense of perspective would be of special interest, I believe, to every Member of Congress.

I therefore ask unanimous consent that "The Shape of American Politics" in Commentary, June 1967 and "Reflections" in the New Yorker, January 4, 1969, by Richard N. Goodwin, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

THE SHAPE OF AMERICAN POLITICS

(By Richard N. Goodwin)

(Note.—Richard N. Goodwin, a former special assistant to Presidents Kennedy and Johnson, is currently a fellow of the Center for Advanced Studies at Wesleyan University. He was one of the participants in our round-table discussion, "Containing China" (May 1966).)

Over the past several decades much of the world has been experiencing the growing power and dominion of centralized national leadership. The word "nation" itself, having once described a loosely governed confederation of territories or people, now increasingly refers to a fixed geographical area where a central authority assumes mounting responsibility for a range of social and economic activities formerly left to localities, tribal groups or individuals. Empires have fragmented into nations or, as in Russia and China, old divisions have been obliterated under the imperatives of single rule.

Since this is a modern process, it tends to be most advanced in those countries most firmly committed to industrialization and national power. Africa, on the other hand, still struggles against tribalism, while some Latin American countries battle to assert national authority over historic enclaves of independent power and wealth. It may well appear from a distant point in history that the principal barrier to national progress in our time was simply the lack of a nation. Certainly one reason that many Latin American countries have not developed despite 150 years of independence and a Western heritage is that they have not been countries at all, but collections of independent principalities.

This process of centralization has not been confined by ideology. It has occurred under democracy and dictatorship; it has been guided by capitalism and socialism, Communism and Fascism. For it is imposed by the fusion of technology with the psychology of power. In making the concentration of power possible and expanding its uses, technology helps to liberate more forceful and sweeping impulses in those individuals who seek authority.

The process is global and differently shaped by the innumerable varieties of culture and circumstance. My discussion, however, will be restricted to the United States. It is what I know, and it best illuminates the most troubling political fact of our age: that the growth in central power has been accompanied by a swift and continual diminution in the significance of the individual citizen, transforming him from a wielder into an object of authority.

Although the problem is larger than politics, I write of it only in that single dimension: one, however, which is steadily more pervasive. Of all human activities, politics—the process of acquiring and using governmental or official power—is among the most responsive to shifting values and situations, always reflecting the dominant and visible themes of the human turbulence which creates it and which it attempts to govern. Hence politics cannot be understood or analyzed apart from the wider society which gives it coloration and direction. An artist may be an age ahead of his time. Even the greatest politician can only be a step or two ahead of his, although important action can spring from his ability to penetrate the obscurity which always enshrouds the real demands of any period. Actions and public words based on a more profound vision than this may suit a prophet, but not a politician. His material is the desires and attitudes of living people, and even the most violent revolutionary cannot escape that constraint, as Lenin knew and Alexander learned.

The growth of central, or federal, power in America during the past few decades has been phenomenal. Only thirty-five years ago, Mencken could write: "The rewards of the Presidency are mostly trashy. . . . The President continues, of course, to be an eminent man, but only in the sense that Jack Dempsey, Babe Ruth, and Henry Ford have been eminent men." He describes a typical Presidential day: "All day long the right hon. lord of us all sits listening to bores and quacks. Anon a Secretary rushes in with the news that some eminent movie actor . . . has died, and the President must seize a pen and write a telegram of condolence to the widow. Once a year he is repaid by receiving a telegram on his birthday from King George. . . . It takes four days hard work to concoct a speech without a sensible word in it. Next day a damn must be opened somewhere. Four Senators get drunk and try to neck a lady politician. . . . The Presidential automobile runs over a dog. It rains."

We still mock our Presidents, sometimes brutally, but not because they are futile, comic, or unimportant. The springs of today's satire are fear and rage rather than condescension. For the target is immense.

The federal government spends about one-seventh of our national wealth and creates more of it. Between 1950 and 1960, nine out of ten new jobs were created by the public and the private not-for-profit sectors, and only one out of ten by private enterprise. Today, one-third of the entire labor force works for someone other than a profit-making institution. The towering apparatus of scientific and technological research which is remaking our society, and causing apprehension in Europe, is increasingly fueled by federal funds. It is the government, not private business, that is held responsible for the condition of the economy: credited with prosperity; blamed for recession and inflation; expected simultaneously to make the country prosper, end unemployment, and keep prices down. Of course Washington's power and skill are not equal to such expectations, but it is inconceivable that any President today would greet economic dissatisfaction by pleading, "There is nothing I can do," or even worse, "It is none of my business." The first to assault any such forfeiture would be the conservative members of the business establishment, rapidly joined in an improbable chorus by liberal democrats, the New Left, and the editors of the *New York Review of Books.*

But today's government is not only expected to maintain prosperity; it is also expected to ensure justice. Those who are denied their fair demands by our society look to Washington for help in righting felt wrongs, or scorn it for inaction. The hopeful and contemptuous alike have little doubt where the main responsibility lies. Social ills, from benighted cities to polluted air, are regarded as the charge of government; and Washington is also expected to lead the way out of the automobile-choked tunnels in which we are incarcerating ourselves.

The 1966 elections dramatized yet another important responsibility now assigned to government: keeper of the status quo. It is experted to be the protector of all those who are both delighted and unsure about their new affluence—the suburban houses, new cars, and television sets. They command the government to restrain any social turbulence which seems to threaten their personal position. This demand, which might be called Reaganism, finds its most violent expression when it combines with racial fears and bigotry into the "white backlash." Increasingly, the obligation it imposes conflicts with the aims of justice and with the more embracing effort to modify society in the direction of an enlarged individual existence for all.

We have, for the most part, tried to extricate ourselves from this clash of aims by a kind of tokenism: pretending to make war on poverty or to enforce civil rights while confining resources and power to a dismally inadequate level, thus easing conscience and subduing fears while making real sacrifice unnecessary—all often accompanied by a spurious rhetorical evenhandedness which equates the violence of a few frustrated Negroes with the huge oppression of millions. Fortunately the tokenism extends to both sides of the social clash, as we substitute "wars on crime" or exhortations against "violence" for more vigorous repression. However, in a relatively nonviolent country, where the most urgent interests are those of a minority, tokenism is not neutral. It is a powerful ally of existing inequalities.

Augmenting the swelling domestic authority of government, there is the conduct of foreign policy, which gives to a few men, often acting in partial secrecy, the power to commit our country to action in all parts of the world, send hundreds of thousands to fight in distant lands, and entangle the resources and honor of the nation in adventures, promises, programs, and acts in every continent. This control culminates in the numbly familiar power to decree our destruction—a power less real because it is beyond the grasp of consciousness, but present and infusing all the other acts of government with majesty and terror.

We usually associate all this centralization with the Presidency, both because the power of that office has increased disproportionately and because the President is most visible to our expectations and our rage: we find a personal target more congenial than an institutional one. Most of our discontents are therefore directed at an individual's defects of character, temperament, or intelligence, rather than at the structure which permits such qualities to rule, or, at least, leaves a great deal of our welfare in the hands of chance. The more that power is concentrated, the greater the stakes on the always obscure gamble of selection.

Yet the Presidency is not the only part of our government whose power has grown. The Supreme Court helped lead the social revolution of the Negro: an astounding role for an institution whose previous incursions into the political process had nearly always been to check the affirmative action of government (e.g., the New Deal Court, the Income Tax Cases, and, more ambiguously, the Dred Scott decision). Sharing in the general euphoria of power, the nine justices of the Supreme Court make major political decisions, unresponsive to the democratic process, in secret meetings on Friday afternoons. Both the number and the scope of such decisions steadily mount. Liberal critics have generally approved this development because they approve the content of the decisions, while the fundamental reshaping of an important institution seems not to trouble them. But it is a transformation which almost certainly will come back to plague us as judicial personnel and social attitudes change, and as an institution which has become more and more political develops an even greater sensitivity to transitory shifts in the political temper.

Congress, too, shares in the mounting power of the federal government, exercising its authority to frustrate the will of the President, or to collaborate with him in denying redress. Congressional action is often spoken of as negative power, a sort of reverse veto. But that is because we are trapped in the liberal rhetoric which defines positive action as increased spending, greater regulation, or new programs. Freed of that semantic trap, we see that the judgments of Congress are extraordinarily powerful affirmative ones: to direct more of our resources toward private consumption than public needs, to cut taxes rather than increase spending, to calm the fears of the homeowner against black invasion, to deny assistance to developing countries, or to support isolationism and chauvinism. At times its judgments are—from a liberal standpoint—more benign, although this is often not perceived, since it tends to take the form of support for the administration. (On the other hand, congressional leaders helped decide that we should stay out of Indochina in 1954, and that the right to some privacy overrode the need to wiretap.) More important than its specific actions is the fact that Congress sets the limits and framework for Presidential action. Perhaps the most effective restraint on social legislation, increased spending, and other liberal measures is not any sense of popular opposition, but the foreknowledge that Congress will reject such proposals or that the effort to pass them will eat up so much political capital as to endanger measures thought more essential, or even erode the zealously guarded prestige and power of the President (as in the case of Harry Truman and "socialized" medicine). Presidents would often be far more radical if they thought Congress would let them get away with it. Nor are such assumptions about the limits of congressional tolerance usually made explicit in discussions between congressional leaders and the administration. They are so much a part of the political atmosphere that they dominate and restrict discussion at even the most private meetings. It is not that proposals are rejected. They are not even put forth for analysis or debate; and the process of innovation is one of constantly and cautiously probing these invisible boundaries. Of course, Congress has not shared to any comparable extent in the conduct of foreign affairs. However, the President's concern with foreign matters has probably increased congressional importance in the domestic field since, especially in times of crisis, he must often seek support by moderating his domestic demands, in a sense "buying" allegiance. As most congressmen are far more interested in these issues, they find the division satisfactory.

The reality of increased federal power is undeniable. The events and circumstances which have created it are more tangled and ambiguous. Most obvious is the necessity for federal leadership in the conduct of foreign affairs, accepted by even the most conservative. Thus, as America became a global power with swiftly spreading burdens and ambitions, government waxed. Our relations with other countries, deeply and even mortally consequential in themselves, inevitably seep into a hundred areas of national life, shaping the structure of our industrial system, setting priorities for education and scholarship, pushing us toward technology and away from other pursuits.

Through this indirect effect on other institutions, and through the immediate impact of particular decisions and acts, the conduct of foreign affairs pervades the attitudes of the nation, contributing to a national mood of enthusiasm or resignation, anger or despair, which unavoidably carries over into a wide range of unrelated public problems and private sensibilities. The war in Vietnam has crippled and drained the drive behind civil rights. The presence and potential of nuclear power has entered into our art, and probably into the psychological structure of every citizen. Yet this towering power is for the most part in the hands of a single man and his employees. Even the normal checks on public dissent are partially sterilized by ignorance, central control over information, and the fact that immediate self-interest is usually not involved, thus depriving protest of the passion which comes from simple personal engagement. It is part of the naivete of the conservative position to believe that foreign affairs can be compartmentalized—that enormous power can be granted in the world arena while being withdrawn from domestic affairs. The truth is that authority over foreign affairs carries with it a new, wholly modern, ability to alter the nature and direction of our society.

In some measure the increase in central power is attributable to the converging flow of historical and psychological factors. The New Deal, out of necessity, created large new authority for government. More importantly, it led citizens to expect a great deal more than they previously had from Washington. Once this process had begun, it could not easily be arrested. For the natural inertia of the American system resists all but the most critical and revolutionary conditions, such as the Depression itself. The single conservative administration since Roosevelt could only consolidate, and not reverse, the flow. In our nation popular expectations and political power ride side-by-side. As demands increased, the central government was compelled to seek fresh authority. Those who chose conservative principle over political response met the fate of Taft and Goldwater.

Strengthening this domestic "revolution of rising expectations" is the natural tendency of political leaders to add to their power, to relish the "anguish" of decision, and to resent any effort to oppose their will. I do not mean this as criticism. It is a psychological condition of great leadership to want power and receive satisfication from its exercise, just as a great artist must desire command over his materials. (Justice Frankfurter once told me no one could be a great President who didn't enjoy the job—even if he was occasionally tormented by its burdens. Of course, the fact that a man enjoys power does not in itself make him great.) It is natural for a leader, once in possession of power, to resist frustration. Our system is deliberately and instinctively designed to restrain this ominous psychological inclination. The great number of institutional "checks and balances" are combined with less formal limitations grounded in national traditions and values, political realities, popular sentiment, and the power of the press to criticize and expose. These are often the most potent restraints, not only limiting what a leader can do, but what he would think of doing. They are accepted and even cherished by men whose indoctrination in the American system is stronger than inner drives to power. Like most important political guides, they are rarely articulated, having been absorbed into character and personality. (For example, no one doubted that President Truman would relinquish the steel industry when the Supreme Court ordered him to do so. Yet it is hard to think of another country where a President would yield to a judicial body on a matter of such magnitude. Nor could the Court have made him act if he refused to. It was simply "unthinkable" that he should refuse.)

The price of this system is often inaction, or very slow progress. For radical and swift changes require great and concentrated authority, which, in turn, is extraordinarily dangerous in the wrong hands. We can see today how the concentration of power over foreign affairs in a single man—long a goal of that liberal thought which was contemptuous of congressional conservatism—has dissolved the normal checks of our institutional structure. And these restraints have been neutralized precisely in the area where political checks—public opinion and the press are weakest, poorly informed, most prone to emotional reaction (especially since personal economic interests are rarely affected in any obvious way), and most willing, in resigned bafflement at complexities, to accept Presidential direction on faith. It is possible that conservatives have something to teach about the value of institutional arrangements, and the unwisdom of sacrificing them to immediate desires. At least we should understand that the hope for pure self-restraint in the use of power can be a very feeble guarantee, and often weakest in the temperment which wishes to accomplish the most for the country.

This interlocking psychological and historical process has been given a greater momentum by our increasing ability to shape events from the center. Economics and, to a far lesser extent, other social sciences have enabled us to achieve an improved mastery over the operations of society. We now try to control economic conditions in every section of the country, using newly refined tools of fiscal and monetary policy—raising and lowering taxes and interest rates in response to computerized projection and the counsel of experts and businessmen. (These tools are more doubtful than a few recent successes have led us to believe, and as presently used they have serious social costs, depriving the government of revenue to support needed social programs and generally aggravating maldistribution of income.) Mass communications and swift transportation have enabled government to bring its authority and assistance to bear in a detailed and specific manner, allowing it to construct the rapidly responsive bureaucracy hitherto thought impossible in a nation of continental dimensions, and encouraging the natural tendency of local officials to turn to the federal government. Hardly a day passes without a phone call from a mayor asking for concrete advice or help. Task forces and experts are constantly dispatched to states and towns, not only in flood or famine, but to examine housing programs, evaluate complaints about pollution control, and to decide whether new power lines are going to blight a suburban area. Computerization of government, the next stage, will increase the possibilities of central control and influence and, unless we make some fairly radical structural changes, will in fact bring about such an increase.

Many of these new mechanisms and techniques are more efficient and result in greater justice—at least in the abstract sense of that term. It is hard to argue that we should not make sure everyone pays his taxes. Yet the knowledge that a giant computer in West Virginia is making a detailed analysis of the economic status of every American will add an inevitable, subtle, and pervasive tension to the financial transactions of each citizen—just as the sight of a police car in the rear-view mirror makes even the law-abiding motorist wary and self-conscious. That is a rather high price to pay to catch a few cheaters, especially when our tax laws give advantages to the privileged which no system of automation can remedy.

Access and communication, however, also work in reverse, occasionally yielding a political influence to disadvantaged groups greater than their economic and social power. We are past the time of the 1920's when millions of farmers could languish in desperaton and cause scarcely a ripple in Washington. For example, the civil-rights movement owes much of its impact to the television cameras which displayed the cruelties of Bull Connor and the violence of Selma to an audience for whom racial injustice in the South had seemed as remote as apartheid in South Africa. Through modern communication, Negro leaders have become national celebrities, enhancing the power and possibilities of leadership. Similarly, the poverty program owes a great deal to books and articles: a series in the New York *Times* on Kentucky, Michael Harrington's book, and a piece by Dwight Macdonald in the *New Yorker*—all of which helped to stimulate conscience and political action by introducing thoughtful citizens and national leaders to the agonies of the previously unnoticed millions trapped beneath the surface of affluence.

These varied forces contributing to central power have a unifying theme: the mutually reinforcing concurrence of national demand and expectation with the assertion of power and the capacity to exercise it. There is, however, a more subtle, pervasive, and probably more significant factor. It is the gradual dissolution of alternative outlets for grievances, demands, ambitions, and inner needs. It is as if many small magnets and a single large one were scattered on a floor. If the smaller magnets steadily lost their force, particles would break away and take their place in the stronger field of force. Something like that has happened to American political life.

There are, after all, many ways for a man to change the conditions of his life or modify his environment. He can act through local government, social institutions, and private organizations. Or he can gain access to opportunities which do not rest on official action—by, for example, "going West" to an unsettled frontier.

All these possibilities have been dissolving. Large-scale opportunity outside settled institutions began to disappear when the West was closed. After that, migrants and minorities sought a path into society through unskilled labor. Its virtual elimination in modern times may prove as momentous an event as the end of the frontier. Certainly the distress of northern Negroes, and their struggle, would have taken a different shape if this same opportunity had been open to them. Today it is no longer possible to avoid conflict with society while gathering strength to force an entrance. The confrontation must be direct and immediate, and the unequal odds in such a clash require the intervention of the federal government, now the necessary agent of social change—and thus more powerful still.

More important to the growth of central power than the destruction of frontiers is the dwindling influence of local government and private associations. This erosion has been produced by two major social changes. The first, and most obvious, is the enormous resistance and complexity of many modern problems, requiring an antagonist of great force and resources. The second is a loss of connection: the fraying of human, civic, and territorial bonds between the individual and the disembodied structures which surround him. In consequence, the individual loses confidence in the capacity of local structures to modify the political conditions of existence, a self-fulfilling distrust which accelerates the weakening process. Diminishing faith turns people, not away from authority, but toward a more powerful center. This is certainly one of the reasons that totalitarianism finds its moment of opportunity at times of relative chaos.

Added to the many social and psychological conditions which have assaulted these historic structures are the growth in population (diluting participation in local government) and our fantastic mobility (making it hard to retain local allegiances). Therefore, individuals again turn toward the central government where, it seems, grievances and hopes can be effectively aired, and to which citizens in all parts of the country, even the rootless and displaced, feel some connection.

These weakened structures confront a social order whose growing rigidity closes off many traditional non-governmental outlets for change and for those personal ambitions which depend on social justice. The power of large corporations, the sanctity of the search for profits, the desirability of swift economic growth (we measure our success by our Gross National Product), and the exaltation of technology, are all virtually beyond serious challenge. Private citizens, communities, and even states feel helpless to deal with abuses resulting from an unchallengeable ideology and, being small, they are most vulnerable to the interests which benefit from this ideology. Thus our suburbs become horrors of ugliness, discomfort, and spiritual devastation because the right to buy land and build on it is sacred. The blurred advance of technology makes it impossible for any but the most sophisticated and endowed to weigh the advantage of change against the social ills it may bring. Since so much of our system is fixed, it is necessary to turn to the one authority still capable of channeling our institutions, through coercion or guidance, toward desired change: the central government.

Rising wealth also adds to central power. Although new affluence encourages conservatism, the "new conservatives" are usually far more concerned with the content of authority than the fact of its exercise. They find it possible to oppose welfare programs on the ground that they are against big government while supporting larger police powers and a range of new coercive authority for the state. In addition, many modern conservatives favor an interventionist and aggressive foreign policy which would inevitably lead to more formidable and sweeping powers for the federal government. This is far less principled than the conservatism of Jefferson or even Taft. It is rooted in economic self-interest, but whereas the dominant emotion of classical New England conservatives was confidence in themselves and in local institutions coupled with resentment at intrusion, the dominant feeling behind much of the new conservatism is fear (reinforced by a temperamental preference for abstraction over compassion). Behind the paradoxical conservative contribution to growing central power is the desire for protection of the newly affluent against unpleasant, troubling, and threatening social forces. Much of the root of today's liberal-conservative tension is the clash between fear and confidence, which is why conservatism tends to rise in times of felt danger and crisis. Certainly some of the most successful reactionary and conservative movements have rested on uncertainty and apprehension, while liberalism has generally tried to fuse popular desires with elitist confidence. (This gives us some hope that the second and later generations of the newly affluent—even in California—will be less conservative.)

Central power is not in itself contemptible or hazardous, but must be judged by the extent to which it enlarges or constricts the possibilities of individual existence. Difficult as it is to untangle relationships and sources, we can be certain that rising central power has been accompanied by the diminishing significance of political man. In part this human lessening flows from the increase in central power itself; in part from the changes contributing to that increase; and, in incalculable part, from the general nature of the modern world.

The individual's confidence in his own significance rests on the share of mastery he possesses over his life and environment. An internal ability to come to terms with the world, to seek a place in the drama, is imperative. Still, even the most intense and controlled awareness of self will not suffice for the person who is constantly denied, rejected, and ignored by his world, unless he possesses those rare inner resources which allow him to create his own. But that is not politics. As political affairs become more centralized and as personal, group, and local responsibilities are absorbed, this vital sense of mastery is eroded. For, in fact, the individual's ability to control circumstances is diminished.

This is not simply a political phenomenon. It saturates our philosophical, technological, and social environment; and even as politics, it cannot be discussed apart from the commanding values of the time. These values differ radically from those which in one form or another have been dominant since the Renaissance—a historical moment, Michelet explained, that was characterized by "man's discovering of the world and of man." Before this, Burckhardt says, man had seen himself as a part of a series of categories—a member of his people, party, or family. Now "man became a spiritual individual." As this focus shifted, there was an effort to comprehend the essence of man, along with a search for a fresh synthesis of the new "spiritual individual" with the world around him. There was a growing faith that incomplete human understanding resulted from an imperfect knowledge we could labor to complete.

One of the last glories of the Renaissance, and one of its destroyers, Albert Einstein, when faced with theories that assumed the essential role of chance in describing the existence of basic units of the material world, asked: "Do you really believe God resorts to dice playing?" He spoke in the tradition which encouraged the conviction that the free play of the inquiring mind would lead to a complete and harmonious account of reality. In that tradition philosophers and artists alike had struggled to grasp man's nature as incorporated into systematic statements of faith and organic representations of reality. Now the belief in the possibility of such unity and wholeness is fading. We live, instead, at a time of fragmentation and dissection, in search of the components of our sensible world. The concept of God as a source of moral authority dissolves into mystical generalizations or disappears. Efforts at systematic philosophy are scorned, ignored, or become the province of esoteric technicians. Saint Augustine and Spinoza become Norman O. Brown and Marshall McLuhan.

Art continues and reflects the process of fragmentation, reducing objects to light and form and regarding constituent elements as ultimate realities rather than as parts of a large reconstruction. In literature and films we dissect emotions and actions alike, casting them as isolated fragments in order to evoke confused sadness at absurdity. Our hunger is more for experience than for meaning, for expanded sensation rather than coherent understanding. Even the insistent quest for the nature and meaning of man begins to yield, as psychology and biochemistry break us up into instincts, drives, creations of other beings, molecules, chemical codes, and electrical patterns, until the question, What is man?, begins to lose meaning in its historic sense. Man becomes a physical phenomenon, different from other forms of life only in degree and power, all his complexities ultimately describable and predictable. We look for the truth in the pieces of the puzzle and not in the picture they make. For that picture is largely the random, purposeless assembly of myriad components in a single unit of living flesh.

This drive away from system and toward fragmentation has the force of a primitive religion. No one denies that it must go on, or that science and technology are to be pursued regardless of the values they imperil. *They* are the values. At one time it was possible to ask whether the fact that the earth revolved around the sun was worth knowing, if knowing it might deprive us of God. But it is Galileo who is our hero, not his foes.

Our American culture, more intensely than any other, reflects the process of fragmentation. A man as perceptive as André Malraux can claim that the United States lacks a national culture, since he looks for that culture in its classical sense—a structure of values and meaning embodying itself in certain forms. Our culture is of a different kind, rooted in our history as a nation. It is a culture of restlessness. Its principal values are change and movement, all continuously feeding the hunger for experience. This culture is sweeping the world, in painting, in theater, in the changing beat of music, in the adoration of technology. It is the culture of an age of fragmentation, at once reflecting and feeding that process. For it does not demand or provide the restingplace that unity and wholeness require. It transforms values into psychology, drives, hungers, and actions; it replaces belief with "authenticity."

Whatever this process of fragmentation may yield us in scientific knowledge or artistic accomplishment, it is charged with danger for political and social man. In these arenas of human activity there is no possible unit smaller than the individual. And the most vital and passionate need of the individual is for mastery: both over himself, and through some shaping share in the world around him. It becomes enormously difficult to achieve such mastery in the midst of dissolution and constant movement. Yet those who are deprived of mastery for themselves are often driven to cede it to others, perhaps ultimately forfeiting their freedom.

Whether or not the foregoing description has psychological and philosophical validity, it provides an analytic lens through which we can view our political and social institutions. More conservative than science or thought, they still reflect—as already suggested in the above account of the forces behind rising central power—the more profound contemporary currents of fragmentation and dissolution. Family ties stretch and break as the gap between the experience of the generations widens, and as more spacious possibilities of geographical and occupational mobility remove the pressure to reconcile natural hostilities and make it easier to indulge them. The community disappears, as the comprehensible unit of living blends into the huge, accidental monstrosities our cities have become. Science describes our world in terms beyond all but the most specialized understanding, dissolving control in mystery. Most of us know little more about the working of our world than did the ancients who ascribed natural phenomena to spirits. They, however, had the advantage of believing in their explanation, while we are only aware of our ignorance. Cities and technology, production and population, grow and change, powered by forces which seem beyond the control, and even the desire, of the individual person. A handful of men in remote capitals hold our existence hostage to their wisdom or impulse or sanity. The small groups where we could once achieve a sense of belonging and of being needed, because we could encompass them with our knowledge and presence, are disappearing, while the activities they once guided—the life of a town and of its citizens—now seem hopelessly beyond their competence.

As these myriad enemies assault the private stronghold of influence and importance alienation, rage, desperation, and a growing sense of futility increasingly scar our political life. Two principal forms of reaction emerge. Violent protests and extreme convictions reflect the frustration of many at their inability to assert their significance and to share in the enterprise of society. Men of vitality and passion matched against indifference and encumbered by futility have virtually no recourse but rage. The history of the civil rights movement reveals how helplessness can drive the pursuit of unexceptionable goals toward violent rhetoric. "Black power" is more a cry of despair and a plea for attention than a signal for battle. Among larger numbers, less endowed with vitality and conviction, there is a rising determination to protect and conserve. They seek security for their present position in the face of receding confidence in their own ability to shape the future.

We see these basic impulses in manifold, sometimes terrifying forms: more reasonably in the New Right and the New Left, irrationally violent among Minutemen and John Birchers, Black Muslims and Southern Secessionists. They are reflected in the compulsive search for a hero or an enemy, and in a deepening disgust with political life itself. (Nothing more ironically illuminates this point than the contrasting attitudes toward power in *MacBird* and in the Shakespearean plays of which it is a pastiche). All these conflicting movements help serve the single purpose of giving the individuals who belong to them the inner sense of significance that comes from being a part of some larger purpose. They reveal how a feeling of impotence is charged with danger, polarizing groups and individuals and creating a nation of strangers, until even those with whom we sympathize glare at us across an impassable barrier of hostility. The gradual decline of the Vietnam debate into competing slogans and invective is our most recent example of this process in action. The result is not merely extremism, but resignation and lassitude embodied in an unwillingness to face problems, make personal commitments, or to act until difficulties have all but overwhelmed us.

Thus, whatever our particular political positions, the one overriding goal of political life must be to help restore and strengthen that faith of the individual in himself which is the source of national direction and generosity of deed.

This may be an illusory goal. Perhaps the machine is already out of control, hurling us toward a future where we will all blend into some grotesque organism, our sensations absorbed by discordant sound and flashing light—where life itself is an endless "trip." Yet no one who pursues the profession of politics can permit himself to regard the goal as illusory, any more than a novelist can permit himself to believe that the form in which he works is obsolete. Politics alone cannot remedy a condition whose causes are so manifold. But it is at least partly a political task.

II

There are two mingled aspects of public policy: content and technique, and though they are ultimately inseparable, each has effects of its own. The United States, Russia, and China, for example, have all worked to increase agricultural production, but their differing techniques have shaped the life of the individual farmer in drastically different ways. Thus political methods and structures can in certain cases do more to affect the individual than the substance of policy itself. But before proposing some structural changes in a form concrete and specific enough for immediate political action, I would like to touch briefly on the matter of substance.

The content of public policy in any society is dictated by ideology; there is no such thing as a non-ideological society. All nations, including our own, are governed on the basis of ideas and values, passionately shared and defended, which are not derived either from the necessities of nature or the command of God. If a man snatches his hand from a hot stove, that is not ideological. If he then decrees there shall be no more hot stoves in order to prevent burning, he has imposed an ideology (and one wholly alien to our own). Public affairs cannot be conducted outside an ideological system. "Pragmatism," as we tend to use that word, may be adequate for a man stranded on a desert island—at least once he has decided to live and seek rescue. Our own world is too complex for that. We cannot hope to grasp all the variables of our life and deal with them anew each time we struggle for decision. We need, and we have, a mixed array of beliefs, values, and ideas to serve as reference points, so that pragmatic action moves carefully within a tightly confined ideological space.

Ours is one of the most ideological nations of all. The very absence of serious and widespread public debate proves how successfully ideas have been woven into our national life. They almost seem part of the nature of things rather than what they are: human choices among a great variety of possibilities. There are many ways to resolve difficulties, but only ideology can reveal what a difficulty is. The elements of our ideology, not the illusory question of its existence, require careful exploration by those who seek change and reform. I make no such ambitious effort here. Yet some of these elements are obvious: nationalism and the democratic process, concepts of individual liberty and obedience to law, the faith in technology and the pursuit of invention, the virtue of rising national wealth, the willingness to reward production more than teaching, or acting more than contemplation, and even the conviction that problems can be solved.

Anyone in government who has had the experience of proposing measures which even cautiously probe the boundaries of our system of belief can testify to the rooted passion which defends it. Often changes that are self-evidently beneficial prove surprisingly hard to bring about even when opposing interests are pitifully weak. When we find that a series of such obstructed reforms has a single theme, we have touched an ideological nerve. Therefore the search for policies which might enhance the individual's sense of mastery must, in the first instance, be ideological. The only realistic political approach is to build on major elements of existing belief rather than to erase and begin again.

In our domestic affairs, two ideas above all need to be modified and strengthened. One is our idea of justice. The other is the concept of public responsibility for the quality of individual life.

Justice, as equal treatment, or in the more abstract sense of the fulfillment of fair expectations, is a historic goal of the American system. It has generally been enforced by the elimination of formal barriers—property restrictions on voting, racial and religious discrimination—on the assumption that in the absence of such barriers, disadvantaged individuals and groups would be free to fight and work their way into the society according to their individual merits. This idea is no longer adequate; indeed, it has itself become a principal obstacle to justice. For many of the weapons of earlier battles have been seriously blunted.

The classic pathway of unskilled labor is now closed to the excluded. Their potential political strength has been mortally diluted by the rise of metropolitan populations (making their numbers less important), and by the shift in power toward a central government which must weigh their needs against the demands of a huge majority—something mayors of Boston never had to do. The complexities of modern existence are an ever-returning maze through which the underprivileged must wander in mounting frustration: bad education breeds unemployment, unemployment brings poverty, poverty dulls capacity and desire, which in turn insures poor education. The spread of affluence requires minorities to battle, not against a small entrenched aristocracy, but a huge and ever more fearful majority. The essence of social struggle has always been "Which side are you on?" and the sides are becoming steadily more disproportionate.

The Negro in particular must also face the darkly resistant racial feelings which are more intense than the hostility ever directed against other American minorities. All this commands government to go beyond the responsibility for an often illusory equality of "opportunity," and to set itself the job of equipping underprivileged individuals to meet the demands of society while at the same time compelling their admittance. Justice is not merely liberation, but assistance and compulsion. This does not entail a change in expressed American objectives but a shift in the ideas essential to those objectives.

Clashing even more dramatically with the old ideologies is the necessity for government to concern itself with the quality of individual life. In a few carefully confined areas we have made this our concern. The Bill of Rights was not adopted for its economic efficiency, and the conservation struggle is a half-century old. Still, the major goal of our modern domestic policy has been rising national wealth and its wider distribution, with special provision for those kept from competition by unavoidable circumstance—the old, unemployed, and afflicted. These are benign objectives, but they are dismally insufficient. The assumption that private affluence would enable individual citizens to create a decent and liberating environment has collapsed. That failure can be seen in the chaos and degradation of our cities, the pollution of our air and water, the ruthless destructiveness of our highways, and the desolation of our countryside. The same qualitative failure pursues us into every corner of our national life, whether we are hypnotized by the destructive sterility of our government-supported (but not controlled) television networks, or send our children to schools which crush imagination and the desire to learn. Even the sustaining values of community have, in incalculable measure, been destroyed, not by changing values, but by a physical environment designed to obstruct continuing human contact.

The important thing about these afflictions is that virtually no one can escape them. Certainly so many problems with a common theme must have an ideological base—a suspicion strengthened by the knowledge that effort directed at such social ills would rapidly return to enrich the nation, not only spiritually, but in dollars and cents. We would create jobs and useful work and investment, finding it possible to have both private affluence and public improvement. The strength of the obstructing ideology here can be gauged by the fact that, until recently, we not only failed to attack these problems, but rarely thought of doing so. Made invisible by ideological preconceptions, the entire issue hardly reached the level of public debate (though, of course, some social critics saw the problem).

This ideology sets the boundary line between those matters which are the proper concern of government and those which rest with individuals. The barrier is rooted in a passion which transcends immediate self-interest—and we can all think of activities unrelated to economic interests which we wish kept free of government. In this case ideology dictated that commercial enterprise had a right to expand and change. Of course abuses should be restrained. But they were abuses of economic power directed against consumers and citizens—monopolies and price-fixing, child labor and resistance to unions. Abuse was a category which did not encompass the non-economic, social consequences of economic expansion. These were in effect forbidden ground. Once personal liberty was ensured, the proper concern of government was economic expansion, protection against commercial exploitation and justice as narrowly defined. As if this concept were not confining enough, there were also the inherent limitations of a political system designed to respond to crisis. We could act only when a problem became urgent or an abuse widespread, provoking intense public concern. We had neither the mechanisms nor the habits of thought for any other approach; and except for some rudimentary and permissive economic planning (which fits the ideology), the deficiency remains. Unfortunately, when many of today's social problems reach the crisis stage they are already almost beyond redemption: New York City.

It is now essential to accept the reality that the public conditions of private life are a matter of public concern, that dealing with them is beyond the capacities of individual citizens, and that they require a major redirection of our energies and resources. The choice between lower taxes and a vast program for the cities is ordinarily posed in terms of the vague and ideologically potent stereotypes of government spending and bureaucarcy as against private consumption and initiative. It is natural for citizens, confronted by such a choice, to prefer immediate tangible reward to remote and largely abstract benefit. In truth, it is all private consumption: the choice is between a second car and clean air, between a new television set and a park for one's children. When we spend billions for space while slums go unattended, and when we lavish attention on computer systems to guide aircraft while breathing poisoned air, we are not simply being wasteful or irrational; we are acting out of a structure of ideas whose modification requires national leadership and education. The time is propitious for such a change, precisely because the affluence which has been created by our old policies allows people to divert themselves from the economic struggle long enough to feel dismay at the world we have been building.

There are already some signs of a shift in belief. We have new demonstration programs for our cities and even a Council on the Arts. Just as this movement began to pick up momentum, it was paralyzed by the Vietnamese war. If times improve, we can hope for an ideological change bringing the demand for public action against those social ills which cripple the quality of individual life.

We may eventually view the refusal of a builder to provide parks and trees with the same incredulity with which we would now greet a denial by General Motors of Walter Reuther's right to bargain for higher wages—an idea easily accepted not too long ago.

Utopian as much of this may sound, it is less far-reaching than the changes required in our policies toward the rest of the world. However, in foreign policy the possibility of radical changes in ideology—and consequently in action—is far greater. Our domestic policies are sustained by a network of resistant structures and institutions, closely identified with the personal self-interest of large and powerful numbers. Foreign policy, on the other hand, is much less firmly tied to group interests or to institutional structures. That is why it can change so rapidly, and why the President has such great power in this area. We have moved from isolation to war, from a relapsing withdrawal to the Marshall Plan, from Kennedy detente to Johnson interventionism, with each shift eventually winning much establishment and popular assent.

Another reason for directing major concentration to foreign affairs is their importance. Our great problems increasingly derive from world conditions. It is on the world stage that America has its opportunity to act a great role in human history—an enterprise to alter the human condition and the relationship among the peoples of the earth.

Such an enterprise is essential to the goal of an enlarged individual existence, and thus to our national health and sanity. Personal fulfilment flows from the opportunity to share in a great adventure, whose aim and conduct can be a source of idealistic pride. A gifted and lucky few finds this in their own work and talents. For most of us, nothing is more oppressive than to be a member of a society whose operations we view as menial, self-regarding, cruel, or aimless. Today, especially among the young, the inspiriting sense Americans have had of helping to unfold a noble destiny in fading. Still, even in the harshest criticism there is an undertone of hope which would be impossible in many other more cynical and less powerful countries (their impotence is real). Behind the most passionate contemporary assaults against modern America, we can glimpse the unarticulated belief that with other leaders or with a different system, this country—its people—is still capable of constructive and idealistic action. I share this optimism.

Clearly such a shift in foreign policy cannot be brought about solely by the desire of a rich and powerful country to protect itself from global turbulence—the foreign counterpart of the new conservatism. There is no glory, and little future, in being the guardian of the international status quo. But neither is it necessary to be self-damaging. For we are in the almost unique position where a policy of revolutionary idealism is consistent with our own immediate self-interest as it is most deeply understood.

Before exploring this point, let us clear away some underbrush. People and nations can, and often do, act with irrational lust and violence. Our society and its values have been threatened by military aggression in the past, and may well be again. There are those who would joyfully overrun us tomorrow if they could. Sometimes it may be necessary to resist by force, and it is certainly necessary to be prepared for such resistance. Until there are important changes in the human condition, fear, not love or even reason, will be a principal keeper of the peace. (I am not talking here of our disastrous policy in Vietnam.) It is also true that particular problems require concrete or "pragmatic" responses. However, cult words like "realism" or "pragmatism" should not be allowed to cloud the real problems of foreign policy. They are not wrong, but they are virtually useless. All they mean is that any objective should be pursued rationally and with the widest possible knowledge of the circumstances. They tell us nothing about the objectives which should be pursued.

Self-interest is another word used to confuse and often destroy debate. The physical protection of our population and its material well-being are clearly in our self-interest. Beyond that are multitudinous complications of values and judgments. As between tranquility or ferment, indulgence or sacrifice, the comfort of undisturbed and mounting wealth or the joy of living by ideals, it is far from self-evident which we ought to choose, and our choice will rest on the spiritual circumstances of the country. However, there is a second and more occupying sense in which the term "self-interest" is used—to label particular actions and policies. This usage is almost always invoked to end debate entirely, serving as it does to imply that an adversary is hopelessly abstract, romantic, or confused. Thus we are told that it is in our self-interest to destroy the Vietcong, or to support the military in certain South American countries, or to be gentle with South Africa. (Conservatives seem to have a genius for winning the all-important semantic battles. Anti-union laws become "right to work"; national health insurance becomes "socialized medicine"; a proposal to eliminate the concentration of the draft on the poor and disadvantaged becomes a "lottery.") Those who oppose such policies are often cast by this brilliant rhetorical device as betrayers of the national interest.

Yet those policies are not expressions of self-interest at all, but only measures which someone thinks will contribute to it. Moreover, the self-interest they presume to advance is often narrow and shortsighted. To take a simple and obvious example: there are those who wish us to support, or at least readily accept, authoritarian military governments in South America because they contribute to economic and political stability. I believe we should support liberal, progressive forces in South America, even if they are revolutionary in character (I do not becloud the issue by introducing the subject of Communism), because in the long run they are the only force which can both win in their own countries and maintain a fruitful association with the United States; because we will be more comfortable and (again in the long run), safer in a hemisphere dominated by these forces; and because our spiritual health as a country will be enhanced by supporting them. Thus I view my position as realistically and pragmatically in our self-interest, and I look upon favoring the military as a form of self-destructive and quixotic romanticism.

Of course, a general policy is not a detailed guide to specific problems. If the military takes over, its rule becomes a fact which must be dealt with, introducing many complicated questions to be weighed on their own. Nevertheless, the general proposition gives a direction to policies and expressions which will be profoundly significant to ultimate results and will often also have a crucial effect on particular decisions. (Thus, we cut off aid to Peru for two years because it had a dispute with a Standard Oil subsidiary over the division of royalties. That action flowed from a distinct ideological position that was violently opposed to our true interests. A different, and more intelligent, understanding of our goals in Peru would have forbidden such a masochistic decision.) In short, the imperative questions of foreign policy are: which goals serve the long-run interest of the American people, and what policies are best calculated to move us in that direction. This discussion leads from the most remote and prophetic considerations to specific policies and acts. For example, we can assert that we wish to help in the development of the Third World. Why? Out of charity or fear? Do we really have an obligation? If so, what is it grounded on? Do we believe that the world can't exist with a poor majority and a rich minority? Why not, when it always has? If we should help, then how much, whom, and under what conditions?

Answers to such questions are implied in the view that a policy of revolutionary idealism is both desirable and practicable for the United States. To begin with, there is the comforting reality that we are almost the first great power whose self-aggrandizement does not depend on dominion over others. Our enormous strength makes us impregnable to any but the largest and most serious threats—for the moment only to a direct attack by the Soviet Union. China may, in some still remote time, be able to transform hostility into danger, but Cuba, Guinea, Albania, etc., unless they should become active and effective agents of a hostile great power, are only an emotional annoyance.

Our economy is also virtually self-sufficient, depending for mounting prosperity neither on control of foreign markets nor on foreign sources of raw materials. So long as conditions permit us to buy and sell in the world market, we need not exercise control or ownership over any other territory. It is true that our gold reserves are in a hazadous position—which, however, could be secured if we were willing to free ourselves from the theology of international finance. In any event that particular danger, real and influential on policy as it now is, does not rest on reality, in the sense that it does not come from any weakness of our economy. It is a creature of habits and conventions which, if changed, would not affect our ability to produce or consume.

The bald statement of these facts does conceal several complexities. For example, the spread of hostile governments to significant areas of the world would have a profound and damaging psychological effect, even if it did not place us in direct physical danger. The facts do, however, make it plain that our foreign policy is potentially freer from the bedrock considerations of national security and economic health than that of any other power in history.

This relative freedom gives us an opportunity to pursue a foreign policy which can engage the pride and idealism of our own people, enhancing their well-being and lifting the quality of our civilization with vastly liberating effects on future generations. The American people are not only willing to support such a policy, but need it. It is no accident that President Kennedy's best remembered line is the famous "Ask not . . ." or that the Peace Corps received such an overwhelmingly unexpected response. Leadership which appeals to confidence instead of fear will find a great thirst for idealistic mission among the majority. It has been present in times of war, and there is much evidence, especially on college campuses, that it is waiting to be slaked today.

Much of our present foreign-policy debate revolves around clashing espousals of isolationism. They are new types of isolationism, since our strength, our world position, and the decline of other powers make the old style impossible. On one side, to oversimplify, are those who wish our policy to be directed basically at opposition to real or apprehended physical threats. The twin elements of this view are containment and order. Its underlying plea is, "Leave us alone." On the other side are those who believe we have no right to influence other countries or to interfere in their affairs. This view is often accompanied by a disbelief in the reality of irrational passions, hatreds, and desires for conquest (except, perhaps, when it comes to the United States). Its plea is, "Leave *them* alone."

But there is also a non-isolationist strain in American history and culture—a sense of American mission—upon which we can draw. Certainly we cannot presume to dictate how the nations of the world should organize their societies. But we do have something to offer and to teach. We know that it is better for people to eat than to starve and that increasing individual prosperity is better than hopeless misery. We know that human well-being is increased by liberty of expression and belief, and damaged by repression and persecution. Peace is better than war, and the growth of effective international restraints is a necessary condition of peace.

Propositions of this type (and many more are possible) seem self-evident, even banal. So they are—until they are coupled with the assertion that the United States has a responsibility to realize them on a global scale. To the extent that we act on them now, it is in a token and fragmentary way; therefore, for all the rhetoric, they are not an important part of our foreign policy.

A foreign policy grounded on *this* ideology would look far different from much of our present conduct. We would devote large resources to the economic development of the poorer countries. We would alter the patterns of trade to encourage worldwide industrialization. We would direct our support and friendship to those nations trying to create such conditions, regardless of their shifting political attitudes, unless they were to rise to the status of a real and physically menacing enemy. We would take the lead in mobilizing serious international opposition to large-scale persecution and oppression, and be content to regard an occasional vote for a diluted United Nations resolution against apartheid as a triumph of idealistic liberalism. We would recognize that revolutionary violence may sometimes be necessary to eliminate deeply embedded institutions and values which obstruct both justice and progress.

None of these policies, or the turbulence they might often help create, would—except in very special and unusual circumstances—endanger either our security or our economy. On the contrary, they would contribute to the emergence of a community of shared values and expectations within which we would undoubtedly be safer and more prosperous than ever. It would be our kind of world. The forceful pursuit of such policies would have an impact on the spiritual welfare of American society which would radiate into every aspect of our domestic affairs. We would stand for something, not just rhetorically but in engagement, and that sort of ideology would generate its own consequences in action.

A foreign policy of this kind would represent realism in its clearest and noblest form. To sacrifice basic beliefs and goals to the apparent demands and interests of every passing problem and conflict reflects both timidity and lack of imagination. In the long run such a course can only lead to a world environment in which even our narrowest material and physical interests are unsafe, to say nothing of its inevitably erosive effect on the idea of American civilization itself. We are fond of historical parallels. They should convince us that in the conditions of the modern world a policy founded on generosity and idealism is the only policy that is pragmatic and realistic, conducive to national grandeur and, ultimately, to national survival.

III

As important as the content and direction of public policies are the methods and structures used to carry them out. Initially, the elaborate structure of American federalism mirrored the judgment that a great deal should be left to local authority. For decades we have been moving in the other direction. Not only is this a dangerous and, as I believe, a mistaken course, but it is becoming clearer that certain substantive objectives utterly depend upon fashioning fresh techniques. Modern poverty, for example, cannot be abolished by friendly edicts from remote officials, and even if it could, the result would be sterile, vacuous, and purely material.

The blended goal of structure and policy alike must be to meet specific ills through methods which can in themselves enlarge the sense and reality of individual relevance and participation. The way to accomplish this, at least on the political front, is through decentralization—by assisting and compelling states, communities, and private groups to assume a greater share of responsibility for collective action. In other words, both burden and enterprise must be shifted into units of action small enough to allow for more intimate personal contact and numerous enough to widen the outlets for direct participation and control.

Such a shift, although it faces many problems, is both the most practical and politically realistic of all the ideas discussed here. From the community action program of the war against poverty to the private organizing efforts of Students for a Democratic Society, we are being given tangible proof of the viability of the decentralized approach. If these programs have been inadequate, it is only because they have so far been unable to overcome the ingrown and enbedded obstacles to popular participation: the men and interests threatened by a transfer of power.

Notwithstanding this resistance, the idea of decentralization is making its first timid and tentative appearances in political rhetoric. It is possible to predict that the first party to carry this banner (if buttressed by a solid program) will find itself on the right side of the decisive issue of the 1970's. At the moment the idea hovers elusively between liberal Democrats and liberal Republicans. Both face built-in political barriers. For the Democrats it is the difficulty of overcoming ideological attitudes which place the burden of salvation on Washington. For Republicans it is the more obstructive necessity to mollify those conservative elements which oppose any social action by government, whatever the techniques.

Yet the issues involved in decentralization are remote from the old struggles over states' rights and big government. Those struggles centered on the question of whether any effort at all should be made to solve social problems through collective action and public resources. Decentralization, however, assumes that this question is resolved affirmatively, and sees the issue as one of structure and organization (and power). Even modern conservatism is moving closer to a benign view of decentralization. In his campaign for Mayor of New York, Mr. William Buckley argued for city action against problems ranging from air pollution to the scarcity of bicycle paths. He opposed federal intervention because it was "none of their business," making his objections to government action more geographical than ideological.

Although decentralization is designed to help combat the social and spiritual ills of fragmentation, it also responds to the fact that centralized bureaucracies tend to become increasingly ineffective and coercive in direct proportion to the scope and intricacy of the problems they are established to solve. This was less apparent when much of government action consisted of grants, subsidies, or insurance for individuals. It is not difficult to write checks. Now, however, we must apply complete technical and planning skills to wide-ranging difficulties. One need only look at the fantastic labyrinth of welfare programs, the monstrous incapacities of the Department of Health, Education and Welfare—operated by one of the best teams of executives in government—as well as the foreseeable futilities of the new Departments of Housing and Urban Development and Transportation, to realize that something is wrong with the old approach.

Decentralization would not only shift responsibility to state and local government. Private groups would also be involved, either by government (as in the community action program of the war against poverty) or through their own, self-generated efforts. By thus directly engaging individuals, and giving them a sense of participation and commitment, we could stimulate the desire for goals toward which many remain indifferent or even hostile while they are the province of a removed and abstract central government. If, for example, we could involve large numbers of Americans in programs of help to underdeveloped countries, they would become increasingly convinced, and even passionate, about the moral and political necessity for such programs.

Responsibility is the breeder of ability, and by assigning responsibility—real responsibility for important matters—decentralization would help improve the talent engaged in local government. Hours are spent in town councils arguing about the placement of new traffic lights, while the great issues are debated in Washington. It is little wonder that men of vitality and ability are reluctant to serve or else quickly lose their enthusiasm. Even so, the importance of political life is already attracting more able men into local public service, and the ability to solve problems is becoming a requirement of election to state houses and city halls.

Decentralization is not abdication. It is possible, as I will outline, to set standards for local action and by enforcing these standards to raise the level of performance. Different problems will call for different structures, requiring a great deal of political creativity and experiment. But there are common obstacles and methods of approach.

In a moment I will discuss some specific examples, but the guiding principle should be the transfer to local government or private groups of the needed resources, and the responsibility for decision, action, and policy in accordance with national standards of varying degrees of specificity. We are already doing this, to some extent, in programs ranging from the war against poverty to the construction of waste treatment plants on our rivers. (Standards, incidentally, can be educational rather than coercive. Often local groups are unaware of the dimensions of a problem, nor can they command the technical and intellectual resources necessary to devise solutions. A small but fascinating model of the educational approach is the President's Committee on Physical Fitness. That committee drew up model programs of physical training for schools, community organizations, and individuals. Though it had no regulatory power and hardly any money, the result has been a flourishing of physical-fitness programs across the country. The same technique might well be applied to the formulation of model school curricula, child-care centers, traffic-control programs, etc.)

The fact that local government lacks the resources—financial and human—to cope with even its present difficulties is a powerful barrier to decentralization. Walter Heller has proposed that the federal government simply turn over, presumably on a per capita basis, some of its revenue to the states. I am a great admirer of Mr. Heller and respect the liberal impulse behind his idea. It is, however, a counsel of defeat. It anticipates that Congress will react to rising revenues by cutting taxes rather than by helping the poor or rebuilding our cities, and it hopes to forestall this by transferring revenue out of congressional hands and out of the national budget (an objective which some conservatives have not fully understood.) Thus the Heller Plan assumes that the politics of inertia—where programs are neither eliminated nor substantially increased—will dominate the federal structure. It also subsumes the praiseworthy faith that state governments will use this money for critical public needs. Actually, however, some will use it well and some will not. Depending on what the states do with the money, the Heller Plan may or may not increase the resources available for social problems, and could even lessen them. I expect that a higher level of local ability and public purpose will be set by the mounting responsibilities which come with decentralization. This does not mean, however, that the necessary ability and integrity are already sitting in every state house, crippled only by lack of money. It is a notorious fact that many state legislatures are more responsive to private interests, from loan companies to home builders, than is the Congress. Under the Heller Plan, it is quite possible that New York residents may end up paying federal taxes to reduce the tax burden on property owners in Indiana. Moreover, some assurance is needed that revenue collected across the nation is not sent to areas where its benefits are denied to Negroes.

Many of these problems can be avoided, and state competence raised, by turning resources over to the states for concrete purposes and with specific standards of performance, rather than by lump-sum payments. In addition, we may find that it is not the state but the city or smaller communities and private groups which are the appropriate units of action. Decentralization should go further and deeper than the state house. The Heller Plan might be worth trying if there were no alternatives, but there are many alternatives. They vary in the extent to which they restrict and direct state and local use of nationally collected resources. They provide a great deal more flexibility and a strengthened assurance that critical needs will be met. Since I am not an economist, I only speak in general terms about matters which are highly technical in detail.

First, we can establish federal standards and guidelines in specific areas—e.g., housing or pollution control—and allocate funds to the local units which meet the requirements. This is the structure of the anti-pollution program for rivers and the new Demonstration Cities Act.

Second, there is the possibility of credits against federal income taxes for additional state taxes that would be earmarked for particular purposes like education. There would have to be some safeguards against the transfer of state revenues to other purposes in order to reduce local taxes, and perhaps also a rising base line could be established which would take growing state population and wealth into consideration.

Third is a variant of the Heller Plan: general appropriations to local authorities for a variety of specified purposes, such as health, education, housing, training, etc., allowing the state or locality to set its own priorities. Of course, tax credits can be used in the same way.

I am sure there are other fiscal devices for example, allowing states to require tolls on the interstate highway system if the revenues are devoted to certain public purposes) which might also serve to increase the resources available to states as an instrument of decentralization.

Money and programs are useless without competent people to administer them. Although imaginative political leadership will sometimes recruit men of unusual ability (as Richard Lee has proved in New Haven), human skill is harder to find than cash, both because able men are not often attracted to local government and because we lack trained people. As greater responsibility flows outward from Washington, and as the work of states and communities becomes more important, public life will become more and more attractive. We will, however, have to make a generous national effort to train people for public service—something we have been slipshod about even at the federal level, where the defect has become more serious as problems have become more technical.

Again the viable techniques are numerous. Let me mention a few possibilities: federal grants to universities to establish training programs, perhaps even a foundation similar to the National Science Foundation; federally-financed training institutes, for young men or established civil servants, either under national auspices or under the control of regions or states; subsidies for the salaries and expenses of highly skilled people; model codes for government workers, embracing incentive, tenure, recognition, etc. Perhaps a Governors' Conference could set such projects in motion. Many similar things are already done in other fields. For example, federal effort—seed money as well as full support—has enormously increased the number and quality of men and women engaged in scientific research. Certainly public service is no less important. Of course, even this effort will not coerce able men into public service, although it may help multiply their numbers and develop their talents. However, the Peace Corps and poverty program, the civil-rights movement, and my own observations across the country have convinced me that large numbers of our citizens are seeking some effective way to serve society, and they are often willing to give up the attractions of private life for such an opportunity. If we do not provide them with the chance, our most valuable national resource will be dissipated.

I do not wish to elaborate on the many concrete areas where decentralization of activity is immediately practical. These will be limited only by our political and technical inventiveness. We already have several experiments to point the way. Still, it would be unfair not to give a few specific examples of realistic applications. I will sketch these examples in general terms. Carrying them out will require rigorous and detailed work. The Peace Corps was a few sentences in a campaign speech. The law establishing it takes up many pages.

To begin with the most difficult area of all, foreign policy: it is desirable and possible, and it may even be necessary, to turn over a substantial part of the foreign assistance program to state administration. Let me give an example of what I mean. The single most important economic problem for the developing countries is agriculture. The large majority of their populations work the soil. Agricultural development is essential for food, to lessen dependence on foreign imports (thus conserving foreign exchange), and to provide a market for industry by raising the income of farmers. The United States has an enormously successful agricultural economy, and the skill, know-how, and energy which built that economy can be found in the states rather than Washington—in the great agricultural universities, state departments of agriculture, and among private associations of farmers and growers. Several years ago it was proposed to President Kennedy that we ask a particular state government to administer our agricultural development program in a specified country or countries, giving the state all federal money set aside for this purpose. He was enthusiastic and wrote two or three personal memoranda to the State Department urging action.

The subsequent inaction was a dramatically illuminating example of the ability of a bureaucracy to frustrate a President. Nevertheless, it could not ignore him entirely. The first project (which was to be "experimental" even though the President had already decided on the general policy) was to ask the state of California to run the agricultural program in Chile. California has many of the same problems and crops, similar variations in climate, and even looks like a very fat version of Chile. Its population is larger, with approximately the same acreage of arable land, and it still manages to export 80-90 per cent of its production while Chile has to import food. I was a member of the team which went to Sacramento to discuss the project with Governor Brown. He was as enthusiastic as the President had been, and nearly all the concerned officials of his government shared his enthusiasm. They devoted many hours to planning and discussion, promised to invest substantial energy in the program, and to hire additional people. All this culminated in the signing of an agreement in the White House by the President and the Governor.

The project has not lived up to expectations, primarily because AID was unwilling to let go of the responsibility for a large part of its program. Yet it is just this kind of delegation of full control with its political and dramatic impact which is essential to any statewide feeling of significant participation. The arguments for it are, in my view, overwhelming. The states are better at agriculture than AID can ever hope to be and would do a better job. Although the states would be spending federal money, the drama, the publicity, and the fact that leadership was coming from the state house would inevitably summon widespread contributions of money and talent from the private sector and local government. Growers' groups might offer technical assistance, while high schools might establish exchange programs. Communities would "adopt" counterpart communities in the developing country. The possibilities are endless, and enough of them began to appear in California to prove they were realistic.

Such a program would give thousands of individuals and organizations the chance to participate in one of the most important overseas ventures of the American nation. In the process we could help create a broader political constituency for foreign aid. No longer would foreign aid be a remote endeavor through which a few anonymous bureaucrats in Washington hand over large chunks of taxpayers' money to equally remote people in some unknown capital. There is little doubt of the basic compassion of Americans toward other countries or of their interest in the people of foreign lands. Any foreign visitor who has lived here for a while can testify to that. But the current program does not touch these basic emotions, because it is abstract and removed. As a result, the foreign-aid program, morally imperative and vital to our interest, is doomed. It was that sense of impending doom which helped explain President Kennedy's interest. And the intervening years have seen a steady erosion of a most generous and necessary concept until its relationship to the problem is ludicrous, pitiful, and tragic. The 1966 election is an ominous augury that we may even be facing its extinction.

Another prospect for decentralization, and one closer to home, is the American city. We know that the problem of the cities is enormously complex. It is not one problem but a hundred: urban renewal and rehabilitation of rundown structures, new financing techniques and private development corporations, control of land speculation and new suburban slums, breaking up ghettos and giving people a place to play in, efficient transportation and mastery of the automobile. We may need to rebuild entire central cities or construct huge new satellite metropolises. The condition and future prospect of our cities are the greatest single threat to the quality of American life. Many who live in major urban areas are already the victims of conditions which confine, stifle, and degrade their daily existence to an extent unthinkable half a century ago. Nor is this a problem for the poor alone. They are the chief victims, but all must breathe the air, fight the traffic, do without nature, and worry about violence.

Instead of a scattered attack on particular problems, we must begin by asking what kind of city we want to live in, and what kind of approach the problem on this spacious scale, we see immediately that uncontrolled growth and change must be replaced by long-range planning which encompasses the entire urban area across municipal and state lines. And we see, too, that the cities do not have the money to meet their problems.

I believe we should adopt a Marshall Plan approach to the problems of the American city. Resources, on a large scale would be made available to those urban areas which prepared a comprehensive program for future development, embracing urban policies as diverse as land use, housing codes, tax structures, and water systems. The federal government could give technical assistance in planning, set certain standards, and ensure that the program was being carried forward. But the basic responsibility for decision and action would rest with the city and its people. This would not only help meet the more general imperatives of decentralization, but would provide a powerful incentive for the cooperation across historic political jurisdictions which is the condition of effective action.

There are many other areas in which decentralization is possible. Anti-poverty and job-retraining programs should be increasingly handed over to community groups instead of being drawn, as they now are, closer to the federal government. Aid to education might well be administered to a far larger degree by local boards, subject only to the most general standards. Instead of threatening to draft all young Americans for public service, we could encourage and finance a host of varied volunteer groups to perform public services at the state and community level in order to provide an outlet for those many citizens still anxious to find an answer to the question, "What can you do for your country?" Many federal installations and services could well be subject to greater local supervision. For example, we might establish local boards of directors for post offices, permitting the community to decide, within the limits of available resources, the kind of postal service they require, even hire and fire postmasters and, at least, to air their complaints.

Much of this will appear sloppy and chaotic. Some of it will certainly be confused. It is always easier to yearn for the illusory neatness of central direction and control, under the assumption that it is more effective. That assumption has often proved wrong in the past, and it must now be questioned across the board of federal activity. Even if we do add to confusion, that is a small price to pay for the benefits of decentralization. Confusion may even turn out to be creative. In fact, I cannot remember a single unconfused government organization that ever produced an important new idea.

I do not assume that proposals such as these will cure what Norman Mailer calls "the plague" of modern life or halt the flow toward fragmentation and futility. Politics is only part of the story. The values, ideas, and instincts of our modern condition may be too relentless to yield, even slightly, to leadership and political invention. Perhaps the changes required are far more convulsive and profound than most of us can formulate. As a practicing politician, I can only hope for and speak of those things which seem to reach toward the limits of foreseeable possibility.

Reflections—Sources of the Public Unhappiness

All political movements are efforts to redistribute power. That's all politics can do. It can't create wealth or bestow happiness. It can, however, grant to people and institutions the power to decide public issues that can affect our economic welfare, the physical setting of our lives, and even our personal contentment. The character of men chosen to hold office, the nature of the office, and the limits placed on the range of the officeholders' public actions often determine the substance of those decisions. That's why politics is important. The United States government has been unusually stable partly because political issues have rarely been discussed in terms of power. Candidates promise to help the poor or suppress them, to end wars or escalate them, to reduce spending or rebuild cities, and sometimes to do all these things at once. Rarely do they challenge the distribution of power directly, even though their policies may compel large shifts. (For example, in the course of fighting a depression the Roosevelt Administration took much of the power of economic decision away from scattered private centers.) This observation yields at least one useful dividing line between the blending concepts of evolution and revolution. Evolution occurs when power shifts in the course of an attack on particular problems. A revolution is a direct and explicit assault on those people or institutions that hold power in favor of those that want it. (Of course, particular grievances help trigger revolutions, as, in our own, opposition to British taxation became opposition to British rule.)

The temperament we brought from Britain, combined with extraordinary resources taken from nature and the Indians, has made us a rational and pragmatic people—the creators of an evolutionary nation. (That is not the whole story, of course, since it is possible to be rational and pragmatic in pursuit of foolish or monstrous goals, but one source of values is an acute sense of possibility.) Generally, we become aware of a problem, decide to solve it, and, in doing so, find that reason or expediency require some change in the structure of power. We may set up a new government bureau or pass a law. Today, however, we are in one of those rare periods in our history marked by a large and serious revolutionary movement. There is serious discontent not only with what we as a nation are doing but with who is doing it. There is a challenge to the "power structure" itself, which means simply the methods, institutions, and people by which decisions affecting the public are made. We see this explicitly in the recent pronouncements by George Wallace, the manifestos of the New Left, and the demands of black militants. However, it is also a principal focus for the new politics of the middle class, as the response to Eugene McCarthy and Robert Kennedy revealed. Although this "movement" takes its tone and its issues from the nature of modern life, it returns us to the seminal debate between the forces of Alexander Hamilton and those of Thomas Jefferson. That, too, was a debate about power. Putting aside the relative merits of Jefferson's agrarianism and Hamilton's capitalism—both largely irrelevant—one side of the argument called for the centralization of power, in the interests of order and the economy, and the other, Jefferson's side, demanded the diffusion of power and the right of the citizen to participate in decisions, even at the price of economic efficiency. (Today's conservatives are trapped in the insoluble dilemma of demanding more order, even on a world scale, and less power for government, but when a choice is forced, they invariably prefer order; this is why the new conservatives, like Goldwater, are rejected by the old conservatives, like George Aiken, of Vermont—one lives by fear and the other by trust.) For years, textbooks have routinely praised Jefferson's idealism while asserting that Hamilton's view was the wave of the future, bound to dominate American development for all time to come; Jefferson was a wonderful romantic, and Hamilton was the realist, and in proof of this historians invoke Jefferson's own conduct in the Presidency, which aggrandized the nation.

Whatever modern revisionists do to this traditional analysis, it appears that Jefferson's day may yet come. Much that he said, if it were stripped of eighteenth-century stateliness and equipped with one or two four-letter words, could be incorporated into an S.D.S. manifesto or shouted at a Yippie rally. For example, he warned, "Were we directed from Washington when to sow, and when to reap, we should soon want bread," and "When all government . . . shall be drawn to Washington as the centre of all power, it . . . will become as venal and oppressive as the government from which we separated," and "If ever this vast country is brought under a single government, it will be one of the most extensive corruption, indifferent and incapable of a wholesome care." And he stated his general principle of government by asserting, "It is not by the consolidation, or concentration of powers, but by their distribution, that good government is effected." (Almost a century later, Emerson added the advice to "do your thing" to this political theory, which also contained warnings against a military establishment, foreign involvements, and any use of coercive power.) Today, these Jeffersonian ideas have a greater vitality than at any other time since they were written. If anything, their relevance has been increased by modern technology, for it has stripped us of the protections of distance and time, which once compelled a certain diffusion of power.

The issue of power—who shall have it and how it shall be exercised—is the overwhelming political issue of modern times. In fact, it is far more than a political issue; it penetrates our social, economic, and personal life. Nor is it simply an American problem; it plagues the entire affluent West. And if it is different in the developing countries, that is only because they are preoccupied with urgent difficulties of poverty and oppression which we have largely overcome. Thus, their politics reflect more traditional clashes between economic and social groups. This issue, more than any other, explains the appeal and the ascendancy of Senator McCarthy and, more ominously, the attraction of George Wallace. It is now a source of enormous turbulence, but it can become the cement of a new style of national unity. The year 1968, with its monstrous dislocations, has forced this issue to awareness. The campaign against President Johnson was one of the currents that helped bare the roots of public unrest. At the beginning of 1968, the country, although far from quiet, seemed set in a relatively conventional political pattern. The President would run for reelection stressing his domestic accomplishments and defending the war in Vietnam. To those then in power and to expert outside observers, Senator McCarthy's campaign seemed a trivial and somewhat puzzling annoyance. The Senator himself said at first that his purpose was only to give people a chance to make a "reasoned judgment" about the war, to conduct a sort of "referendum" on Vietnam—and ultimately his campaign illuminated and reinforced an overwhelming public discontent with our policies in Vietnam. As he campaigned, however, it became apparent that the public unhappiness far transcended the war. If Senator McCarthy had campaigned on that issue alone, it is doubtful if he would have received more than twenty per cent of the vote. But other issues began to emerge. People were unhappy about our leadership, about the direction of our society, and about President Johnson personally. They gradually became engaged and then excited by the possibility, however remote at the time of the New Hampshire primary, that it was within their power to bring about change. McCarthy's campaign rapidly shifted to embrace these larger issues, placing less and less emphasis on the war itself. In the final two days before the vote in New Hampshire, his campaign repeated a single radio spot every half hour on every station: a voice simply urged, "Think how you would feel to wake up Wednesday morning to find out that Gene McCarthy had won the New Hampshire primary—to find that New Hampshire had changed the course of American politics." By then, there was little doubt that many of those who stopped to think would quickly realize that such an outcome would delight them.

For the campaigners had uncovered the "gut" issue of 1968 in its most generalized and explicit form: the desire for change, and its mirror image of discontent with the present. Equally unanticipated, but inevitable in retrospect, was the arrival of students, first by the hundreds and then in numbers so large that busloads were intercepted on the roads to New Hampshire because the campaign organization could not handle them all. They came because they opposed the war and the President, but they also came because they had an opportunity to share in the political process, to personally affect important issues. They participated for the sake of their convictions, but they also participated for the sake of participating.

As his campaign progressed, McCarthy introduced a new kind of discourse. He talked about the war and the cities and many of the classic political staples, such as taxes and inflation. But, in addition, he said that the role of government was to liberate people, and not to organize them, that the Presidency had assumed too great power, and that we were threatened by an arrogant and powerful military establishment. These were very abstract ideas for politics, and perhaps it was as much the manner and style of the man as anything else that conveyed the message. He did not use the traditional rhetoric of the politician, and he did not feel compelled to present a program or an answer for every ill. But he seemed to be saying that our welfare and our lives did not have to be at the mercy of forces we did not understand and institutions and men we could not control. In so doing, he touched the most sensitive nerve in the American consciousness: the individual's desire for mastery over his own life and environment.

At first, people talked almost exclusively about McCarthy's appeal to the young, and today it seems we have come back to that misunderstanding by focusing on youthful protestors. However, much of McCarthy's support and most of his votes did not come from the young, or the intellectuals, or the liberals. His strength was among the members of the great middle class, the inhabitants of suburban America, who are—more than any other group—our rebels without a cause. The students and the urban poor do have a cause, or a multiplicity of causes: war and injustice and poverty. It is the middle class whose discontent and uneasiness lack aim, and some of whose members found through McCarthy a hope that purpose and value could be restored. How different this is from the usual political dogmas. For these supporters were not asking to be promised better schools or lower taxes, although they want them. They were looking for some way in which they could regain control of and play a real part in the enterprises of society. It was this same nerve that Robert Kennedy touched in two other groups—the blacks and the poor whites—when he talked of the need for community control and local power. No one was more surprised than Kennedy himself when he found that, next to peace in Vietnam, the words that brought the loudest response were a call for decentralizing the government—a term so ponderous that a skilled speechwriter would use it only when he was too tired to think of anything else.

It would be hard to overstate the extent to which the malaise of powerlessness has eaten its way into our society, evoking an aimless unease, frustration, and fury. It is probably lease pervasive among the poor urban blacks, around whom so much of the surface debate about local control and Black Power now revolves. Their grievances are, for the most part, closer to the classic ills that the New Deal was designed to solve.

They want jobs and decent homes, a higher standard of living, and freedom from the welfare bureaucracy. If a beneficent government were to provide these rudimentary components of the just life it would meet most of the present demands of the black community. Of course, even among America's poor, questions of power are more important than they were thirty years ago. For the poor of today are inevitably caught up in the main currents of our society and partake of the general atmosphere of helplessness and drift, and the resistant nature of racial feelings is forcing black Americans toward a kind of separatism as an alternative to the assimilation that was their initial goal. However, these questions can be seen most acutely among those who are neither poor nor black—the American middle class, or the American majority. Their psychological plight is both worse and more dangerous than that of the black militant leading a slum riot. For he at least has a cause and a purpose, an enemy, and comrades in the struggle. No such outlets and no human connections so satisfying are available to the man who lives in a middle-class suburb or a lower-income city apartment. And his discontents, unlike those of the poor, have real political weight.

It is impossible to provide an accurate and uniform description of a group of people as large and varied as non-poor Americans. For the most part, such an American commutes to a job that he may like or hate but is most probably indifferent to—indifferent not to the income or status it provides but to the products of his labor. It is the job that counts, not the refrigerators or vacuum tubes he produces.

He would be among a minority if he felt that his work made an improving difference to the life of his country or his neighbors. At home, he can either sit amid his many purchases or get back into his car and drive to visit friends. There is probably no place for him to talk, and, almost certainly, no neighborhood gathering place where he can meet with friends, discuss the day's events, and share in the satisfactions and concerns of community. If he stays home, he probably watches television, wishing both that he had something better to do and that he could buy the goods that float alluringly across the screen. It is this increasingly atomized and insulated existence that we have created with our wealth. And if this is the suburban man's life, how much less exciting is that of his wife. Perhaps she has gone to college. Yet she does not have a job, nor are there many outlets for her intelligence or her energies. She is expected to stay home, care for children, and shop and clean house, even though hospitals and schools and many other vital services are deteriorating for want of the skills she could provide. What an incredible monster women's education has become. We spend decades instilling the same values of competition and achievement in girls as in boys, even though we can clearly foresee an ultimate collision with the socially imposed responsibilities of housewife and mother and with the mythic compulsions of lover and servant-helpmate. Some of the most ambitious women in the world hasten to confide that they have an "Oriental" streak, as well they may have. The society that sets up this clash of desires provides neither day-care centers for children nor opportunities for the use and development by women of their wasted skills. The frustrations thus generated are aggravated by the absence, especially in our better suburbs, of any communal park or neighborhood center where women can naturally meet and share experiences.

The life of the lower-income urban white shares many characteristics with that of the suburban citizen. However, the urban white is also trapped in a no man's land between black poverty and what he sees or imagines of middle-class affluence. He has the advantage of being able to express many of his wants in traditional economic terms. However, his discontent is fed both by envy of the more prosperous and by anger at the blacks—not just because he fears the blacks but also because their problems, and not his, seem to be the focus of national concern. That is why it was possible for many members of this group to support Wallace after having supported Robert Kennedy: both men, in very different ways, could be identified with their wants, and both conveyed a deeply emotional sympathy with the importance of their fears and their plight.

The unexciting and envy-producing tone of the non-poor citizen's private life is heightened by the growing remoteness of public life. The air around him is poisoned, parkland disappears under relentless bulldozers, traffic stalls, and jams, airplanes cannot land, and even his own streets are unsafe and, increasingly, streaked with terror. Yet he cannot remember having decided that these things should happen, or even having wished them. He has no sense that there is anything he can do to arrest the tide. He does not know whom to blame. Somehow, the crucial aspects of his environment seem in the grip of forces that are too huge and impersonal to attack. You cannot vote them out of office or shout them down. Even the speeches of mayors and governors are filled with exculpatory claims that the problems are too big, that there is not enough power or enough money to cope with them, and our commentators sympathize, readily agreeing that this city or that state is really ungovernable. Even when a source of authority can be identified, it seems hopelessly detached from the desires or actions of individual citizens. Thus, the citizens of Boston woke up one day not very long ago to read that two hundred million dollars' worth of antimissile missiles were scheduled to replace hundreds of acres of nearby woodland. And who could say no? And who was asked? More grotesque and more shattering, we find ourselves in a major war, and our young people shipped off to battle, without any formal expression of consent or support, even by the members of Congress. And we are also aware, in some dim psychic recess, that our President, along with a few people whose names we can't remember, can blow us all up.

This powerlessness, in large measure a product of the complexity and the sheer size of modern society, is a problem in itself. It is a problem in the same way that lack of money or of useful work is a problem. For individuals have a fundamental, instinctive need for a degree of personal mastery over their lives and their environment. The sense of powerlessness is, moreover, greatly aggravated by the failure of our institutions and our social processes to respond to more specific ills. If we were providing good schools, inspiring cities, and safe streets, the degree of public discontent would be far less. If the quality of individual life were being steadily raised, we would be less concerned that we had little share in the process. But that is not the case. The desire to increase our national wealth and distribute it more broadly—a desire that was idealistic in origin and welcome in its consequences—led us to create machinery for both stimulating and regulating the economy. It is not simply that power was withdrawn from private centers and brought to Washington. It is that the use of that power was judged in terms of economic growth, which meant that construction, technology, and expansion were made into self-sufficient virtues. Build a better mousetrap or a bigger housing development and you not only made money, you were a hero of the Republic. Added to this were the exigencies of the Cold War, which persuaded us of the necessity of a large standing army. This was a historic decision, constituting the first irrevocable departure from almost two centuries of compliance with the warning of the founding fathers that such a military force would be a danger to democracy. The military-budget cutting of President Truman marked the last effort to return to the earlier tradition, and the farewell speech of President Eisenhower was an echo of those early warnings. The half peace of the past twenty years has made military forces essential, yet we are victims of some of the consequences against which we were warned. The military establishment has assumed a life of its own, developing more weapons and new ones, often unrelated to rational considerations of security, and, more subtly, leading policymakers to look at diplomatic problems in terms of force. After all, if you are the strongest kid on the block, any passionate argument is bound to evoke at least the passing thought that you could end it with a couple of blows.

Unfortunately, the policies and the institutions we evolved to make ourselves wealthy are not appropriate to the needs of a society in which lack of wealth is not the problem either for the country as a whole or for most of the people. It is not simply that we need new values but that our institutions are facing demands they were never shaped to meet. A classic example is the federal housing programs, which were designed to stimulate construction and avoid a postwar depression, and which have failed miserably under the pressure of social demands for slum clearance and the creation of livable neighborhoods. These programs can do a job, but it is not the job we now need done. Moreover, many of our institutions, including our political parties themselves, are led by men who developed their ideas in response to earlier demands, and are therefore unable to understand or cope with a newer set of problems. The worst of these men no longer care for anything except the power and influence they have won, and the best of them are angry because their beneficent and humane intentions are not appreciated. The occasional violence of their response to opposition shows their unawareness that time and change, not particular individuals, have been their remorseless critics.

Asking many of today's institutions to respond to new needs is a little like putting a man on a windowsill and asking him to fly. Not only was he not built for flight but if you keep insisting he's likely to turn around and punch you in the nose. When institutions and leaders are faced with demands they barely understand, their reaction is often to become rigid and defensive, and even angry. Perhaps the ultimate symbol of this reaction was the contorted fury of Mayor Daley at the Chicago Democratic Convention, lashing out at a group whose values and aims were totally alien to his experience. It is precisely this phenomenon that led Thomas Jefferson to assert the necessity of periodic rebellion. It seems almost inevitable that the repositories of power and control will react to changing circumstances and a changing environment by hardening their attitudes, narrowing the avenues of access for new ideas and men, and losing the flexibility that gave them their initial glow and effectiveness. What is even more ominous, beliefs that were once tentative and responsive to changes in circumstance tend to stiffen into dogma when confronted by conceptual challenge. When this happened in the nineteen thirties, we were fortunate enough to get Franklin Roosevelt and a peaceful revolution. When it happened in the eighteen-fifties—a period like our own in many ways—the system collapsed in civil war. Unfortunately, the profound nature of modern change resembles the eighteen-fifties more than it does the nineteen-thirties, and there is no Roosevelt in sight.

The same stiffening of established patterns invades the relationship between private institutions and the public interest. The basic pattern of government regulation of business has hardly changed for decades, although much of it is irrelevant, some is oppressive, and many new abuses are unrestrained. The Internal Revenue Code of 1954, despite its grotesque inequities—some of which are actually harmful to wealth and business—appears to be engraved in marble. We cannot stop incredibly wasteful subsidies to groups like the shipbuilders and large-scale farmers, even though their political power has almost evaporated, while at the same time it is extraordinarily difficult to supplement the income of more needy and numerous groups. No demonology of power and wealth can explain a rigidity that is part of a general resistance to new assertions of what is desirable and good. When we understand the fact that what now seems wrong may once have been right, then we can understand the fierceness of the defense. Another example of this process in action is the Democratic Party itself. It has clung to the ideas and attitudes that made it the country's leading party, and its leaders, once ensconced, have clung to positions of control, often closing the door behind them. The result is that the governors of eight out of the ten largest states are Republican, and much of the vigorous new talent in the Congress is Republican. Increasingly, "new Democrats" are coming from underpopulated states like Idaho, South Dakota, and Iowa, where they do not run up against rigidified Party structures. More harmful in the long run is the shift in the locus of intellectual debate. It seems that almost all the ideological ferment and the passionate clash of new ideas come either from the alienated left or from the alienated right. The once fertile soil of liberal and Democratic thought finds it difficult to produce new concepts or institutions, and its Presidential candidate could only—and with the best of intentions—point to the liberal past and promise more and better of the same.

This phenomenon is not just political. In almost every aspect of life, men are confronted by institutions and processes that seem unresponsive to their needs. There is, for example, no way in which the citizen can even begin to create a community—a place where he can both work and play in some kind of shared fellowship with neighbors. Our society is simply not equipped to deal with such a demand, and our political leaders are not even able to articulate it, since it transcends their own professional assumptions.

Powerlessness is made more acute by the seeming opposite of rigidity—by the swirling inconstancies of modern life. We are like boats tied to a riverbank with the rapid waters constantly seething beneath us while rope after rope breaks away. It is now commonplace to observe the weakening of the ties of family and community. However, it is not merely that we are being deprived of important values. These institutions, and others, gave us a resting spot, an association within which we could have some secure sense of our own value and place regardless of our fate, in the world outside. In a more subtle and profound way, the increasing incredibility of religious doctrines and the complexities of science, which have made it impossible to understand the natural world, have deprived us of anchors against the storm of events. Even our physical environment has betrayed our memories. The other day, I drove through Harvard Square, where I had gone to school ten years before. There were new buildings, shops, and roads. The familiar place of law-school days had changed beyond recognition. In fact, it did not exist. There was no place for the past, and the present, one knew, would also fade. Yet man has nearly always anchored his sense of reality, his sense of himself, to a fixed place, amid familiar landmarks. Our world has become a nomadic as the scenery of our life is constantly shifted. It is small wonder if we sometimes feel as unreal as actors moving from part to part.

To all this is added the torrent of events: wars and riots, inventions and spaceships. One day we are informed that we must fear a man called Castro, on the next day that our security requires the end of strife in the Congo, and on the next that de Gaulle menaces the grandeur of our nation. And we pass through all this tumult, great and small, seated before the inexorable shadows of a television set—certainly the greatest psychic disturber ever created by man. Only it is capable of producing unrest, fear, and unbridled envy, and, at the same time, of numbing us to the human reality of that which disturbs us.

A people suffering from institutions that can't respond, problems that are virtually left untouched, and the myriad uncertainties of their own private and public existence must inevitably rise in protest. That is just what is happening in America. Frustration breeds anger, and anger has increasingly become a feature of our national life. Even people on the streets and in stores seem more easily provoked and more sullen. The most widespread reaction is a demand for change, coupled with an increasing dislike and contempt for those responsible for the present. Few people can be expected to have any clear idea of the direction that change should take. The problems are too far-reaching and profound. So they look for leadership. And precisely at this point in our history we lack the necessary leadership.

For a while, in the early nineteen-sixties, it seemed as if President Kennedy were moving toward new responses as the old dogmas of the Cold War and of New Deal economics gradually lost ground. Oswald prevented us from ever knowing how far and in what direction that movement would have continued. The assassin's bullet unlocked chaos, and thus his act became the most important historical event of our time. In the beginning of the Johnson Administration, it seemed as if this barely articulated movement would continue, but then the poison of Vietnam paralyzed act and attitude. Of course, the war cannot bear the responsibility for all our other ills. It has contributed to them by draining off resources and energies, and, most of all, by blunting our sense of moral purpose. But to a large extent it has only catalyzed an awareness of more profound problems and intensified a protest that reaches far beyond Vietnam. We can almost say of ourselves what Lord Radcliffe said of the Athens of Plato: "Failure abroad had led to failure of spirit at home and a democracy, so recently united, self-confident, and proud of its leaders, had turned to a rout of little men more anxious to blame others than to take responsibility upon themselves."

There is no more foreboding fact than the absence of leadership that combines insight and forcefulness. A people increasingly beset by restless discontent and uncertainty need leaders who can point out to them some exit from their malaise. Much of our present uneasiness has specific causes: the war in Vietnam and racial strife. However, much of it flows from the deeper causes I have discussed, and even the widespread discontent with the war and with Negroes and hippies is enormously magnified by broader dislocations. These objects of passion serve as a necessary focus for the general unhappiness, just as a man troubled by the general failure of his ambitions might turn on his family or his coworkers or his neighbor. The aimless and chaotic nature of the present unrest has profound political consequencies, for it is basically non-ideological; it does not respond to traditional notions of right and left. It is often oblivious of the shibboleths and dogmas that encrust politicians who came to maturity in an earlier era. Thus, Eugene McCarthy called for the recognition of Red China, attacked the military establishment, and promised to fire J. Edgar Hoover without causing a discernible ripple of adverse reaction in his moderate, suburban constituency. Still, many who favored him voted for Richard Nixon, or even for George Wallace. Even more dramatically, many of the lower-income whites who voted for Robert Kennedy in the Indiana primary and would have supported him for President voted for George Wallace. Yet one was the black man's champion and the other is his enemy, and race is supposed to be the most important issue in Lake County.

The fact is that the search for leadership is not motivated by a desire to move to the right or the left, to the extent that those terms are relevant at all. It is manifesting itself as a demand for men who offer a sense of direction and purpose, who appear to possess guiding values and a philosophical insight into the nature of our problems. The majority of people have little interest in the customary catalogue of programs and promises. Indeed, they no longer believe in them. They do want someone who seems to know why we are in trouble and where we should go. This explains a large part of George Wallace's appeal. He analyzed issues with a simple clarity and proposed answers that were certain. In this respect, he was a leader. The one overwhelming consensus is in rejection of the present, and that was the decisive asset of Mr. Nixon's candidacy. In fact, many people are prepared to rebel against the entire system that has brought us to our present state of affairs. Part of McCarthy's appeal and much of Wallace's lay in the fact that these men appeared to stand outside the system. They did not talk in the increasingly hollow and banal rhetoric of most politicians. They spoke with candor, discussed new issues, offered fresh approaches. In different ways, each of them defied the traditional party structure, ignored the customary political rites, and incurred the hostility of party regulars. In McCarthy's case, his manner and language, although often abstract, conveyed a hope of beneficial change. Robert Kennedy's strength also derived not from his specific programs but from his manner, which radiated a passionate commitment to change. For the United States is prepared to move, and rather rapidly, either to the right or to the left. Or, in terms better suited to our time, it is prepared to move either toward repression or toward liberation. Tragically, both the leaders who promised most forcefully to take us toward liberation were removed—one by a bullet and the other by the Democratic Party. Now the President-elect, unless he is to prove only a transitional figure, will be compelled to initiate a process of serious change.

This is because you cannot simply soothe the discontent of today with traditional remedies. It is not only that many problems—the black ghettos, for example—will require immense efforts toward solution but that the forces that disrupt the mental peace of the more affluent have deep roots in our institutional structure and our historical circumstances. Race and Vietnam contribute, but we see a similar unrest all across the affluent West, in countries neither at war nor in the midst of racial conflict. In outlining some of the more subtle causes, I compared our present conditions to that of the eighteen-fifties. The United States was then turning away from expansionist goals and responsibilities; the conquest of the continent was complete, and, for almost the first time in our history, we had no significant external ambitions or threats. In our time, we are similarly turning away from Cold War globalism, and if we are lucky, Vietnam may prove the last, convulsive gasp of that policy. In any event, we are now looking to ourselves more intently than before. Far more important in the eighteen-fifties was that, underlying all the crises and the violent turmoil, a new industrial age was making its glacial advance on the values of an earlier period, uprooting fixed ways of life, traditional institutions, and customary expectations. America was never to be the same again—a change that was not caused by the Civil War but, rather, was undoubtedly productive of the rigidity of leadership and the human uncertainty that led to that war. In our time, also, a new type of society is tearing into the now settled patterns of the industrial age. It has not been given a name, for that is the historian's job. However, economic and population growth and changing technology and beliefs are creating a different kind of world, whether it is called the computer age, the atomic age, the media age, or simply the post-industrial age. This is a dislocation of a kind that is common to all periods of history but that happens only at long intervals in the life of a particular society.

It is rhetorical cliché to point out that our world has grown small. That is obviously true in a technical sense. We can travel rapidly and communicate instantly. It is also true in terms of the concerns of foreign policy, although much of our feeling that we must necessarily be affected by events in every corner of every continent is surely a product of the simple fact that we know what is happening there, rather than of any ideological preconception or any concrete national interest. Yet for the individual the opposite is true. Our world is too big—too crowded, too abstract, too remote. Everywhere we go, the crowd of strangers goes with us, clogging our streets and our parks. Cities spread, computers perform their mysteries, world leaders cast their shadows and disappear. The comforting walls that set off a host of little worlds have been broken open, exposing to us a limitless and kaleidoscopic vista—one that is reflected in our fragmentary and borderless art and in the world of drugs. How many of us in turning inward to escape or make sense of a turbulent environment simply recreate external disorder, almost as if our time were now beyond intellectual grasp? That feeling in itself contributes to powerlessness. For understanding is a form of control, if often illusory, and when we cannot understand how things work or why they happen—whether laws of nature or the television pictures that are corrupting us—we feel helpless. Perhaps one can no longer understand the world—only experience it. If that is true politics can offer no real answer. And we must also face the possibility that there are too many people—that only through organization, and its counterpart, coercion, can we maintain civilized order among so vast a throng.

Such philosophical reflections, however, are irrelevant to politics, which must assume that problems can be dealt with, and also, in our own national context, that individual liberty can be maintained. If the forces feeding discontent are as profound and powerful as I have suggested, then political thinking and, ultimately, national policy must move toward an entirely new dimension. The last time the American establishment thought seriously about national goals was during the late Eisenhower and early Kennedy years. The formulations from this period of the more enlightened and liberal politicians are already out of date. A strong domestic defense establishment, economic growth, NATO, and so on, though they are still with us, barely touch the principal sources of our dissatisfaction. Other goals of that very recent time—such as the frantic desire to measure every national program, from education to overseas propaganda, in terms of competition with the Russians—are now irrelevant, and some are forgotten. Yet almost all our political leaders seem rooted in the old rhetoric, even if it is clothed in new facts and circumstances, and thus have lost their hold on the popular sensibilities.

The material out of which relevant national objectives can be shaped is at hand in the work of some social critics and a few economists, and even in the insights of a few of the more sensitive politicians. In the process, we must focus not only on solving "problems" as defined in the usual sense—education, pollution, and the rest—but also on the *ways* in which we solve them. This is a familiar idea within a democratic tradition that has, for example, valued many individual liberties above the alluring, if often illusory, efficiency of coercive techniques.

We have always placed certain abstract values—those which cannot be measured or weighed—above economic, logical, or physically tangible goals. Confronted with the overwhelming and uncertain complexities of modern life, and informed by a greatly increased awareness of our limited ability to predict or control the forces loosed by our obsessive industry and invention, we must add to the list of such values. They have traditionally included not only the rights mentioned in the Bill of Rights and allied civil liberties but equality of opportunity, the freedom to develop individual talent, and, more recently, freedom from starvation and destitution. And all these, imperfectly realized though they may be, still exert a powerful hold on our national thinking and shape our political rhetoric and policy. I have no wish to coin a new set of slogans, but certainly the individual must also have the freedom to share in those public decisions which affect his private life beyond merely casting a vote in periodic elections. This does not mean a plebiscite on every problem but, rather, a distinct prejudice in favor of community and neighborhood control. We should also be guided by a desire to preserve freedom from isolation, which means, at least, that environmental decisions should be shaped to re-create the possibilities of community and neighborhood life. It is equally important that the individual be given freedom to participate in the important enterprises of our society, from working in the underdeveloped world to improving the life of the ghettos. If citizens are to find a purpose beyond their daily lives, it will come from having a personal share in important public causes, and the causes must be large and worthy enough to tap moral will and energy. Only in this way can we combat the increasing isolation and remoteness that are eroding the moral drive of our society.

Much of this resolves itself into a widening of one of the oldest staples of political language: freedom of choice. For all the talk about our permissive society, that freedom has steadily narrowed. In fact, much of the release of inhibitions on private behavior is surely a reaction to the confinements imposed by our ideology and social structure. (Successful revolutions tend to be puritanical.) When a young man sees no alternative to spending his youth in a classroom and his manhood in a modern suburb, he may want to assert himself by growing a beard. Conversely, the students who turned out to work for McCarthy cut their hair and shaved not because of adult dictates but through self-organization and self-discipline. They were involved in something more important than this kind of assertion. These are trivial things, but they are tokens of the fact that much frantic liberation of private behavior is a futile effort to alter or escape the hardening mold that envelops social man. We virtually demand, for example, that a young man go to college, and beyond, if he is to have a job that uses his abilities. At one time, a boy could go to sea or go West or start working in a factory and still aspire to success in a wide range of demanding tasks. The fact is that a lot of young men would develop more fully outside the regular educational system. The answer is not simply providing more and better schools but making alternative institutions, training, and experience available, and making them acceptable to those who guard the gates to achievement. Similarly, by huddling industry, commerce, and even intellectual life together in great urban areas we have seriously limited the kinds of places in which a man can live. Much of this is a product of the obsessive urge toward system and order and of the fact that as systems grow larger they swiftly outpace the individual imagination or intelligence and assume a conforming life of their own. It is almost as if our society were afflicted with some kind of compulsive neatness, which it equated with efficiency or high purpose.

The fact is that organizational neatness and central control not only limit human scope but are often inefficient. Government programs break down or prove inadequate not merely because they are badly conceived but because the problems they seek to deal with are far too large for the limited abilities of a few administrators. Even a genius philosopher-king equipped by I.B.M. could not hope to deal with the varied complexities of dozens of American cities. Central direction is inefficient in a more profound way, too. Given human nature in the context of our society, such oppressive structures are bound to breed discontent. This discontent necessarily impairs our ability to solve problems and maintain traditional values. Restless and unhappy people cannot easily be persuaded to join in enterprises of high purpose, especially those involving sacrifice.

Unless we are to move toward repression, the political platform of the future must contain words still alien to serious public dialogue—words such as "community," "power," and "purpose." This does not mean we will no longer worry about matters like economic policy and defense. For large elements of our population, economic questions are still critical, although they are increasingly fused with other desires. However, since poverty or a low standard of living is not the root of much of our unhappiness, wealth and its distribution do not point the way toward a solution. Words like "community," "power," and "purpose" seem rather abstract and vague, but then so do more traditional goals, such as "liberty" and "opportunity." And, like these more familiar terms, they can be given concrete content, yielding specific and tangible programs. Effective government action toward these ends will respond to the demands of the subject matter, and not to any master plan for their attainment, just as devotion to liberty does not tell you what kind of speech can be restricted or whether the State Department can limit travel to Cuba. Without trying to anticipate a report by a future Presidential task force, I would like to discuss some specific examples, simply to show that they do exist.

Many of the programs designed to re-create community will concern the physical environment, although the power to act as a community and the consequent sense of shared purpose are also critical. This will require that we concentrate not on the quantity of construction but on assembling the components of daily living within an area that a man can comprehend and easily traverse. Along with housing should go hospitals and government services, recreation and meeting centers, parks, and, to the extent that this is possible, places of work. This does not mean breaking up our cities but restoring the concept of neighborhood under modern conditions—a place where a man can live with other men.

Some of this is happening by itself under pressures of growth, as shopping centers move to the suburbs and industry seeks sites outside the city. This beginning can proliferate and expand through programs ranging from tax incentives for businesses resettling in residential areas to the construction of new satellite cities. Much can be done, for example, simply by changing and enforcing zoning ordinances, building codes, and tax laws, without a cent of public expediture. There is a lot more to community than this. Its roots go into the powerful cementing emotions of pride, belonging, friendship, and shared concern, yet these, in turn, depend on the physical possibilities. Not only is it within our power to create those possibilities but it is probably a more practical course than our present unthinking and hopelessly scattered mixture of government programs and private enterprise.

Increasing the individual's power over the conditions of his life involves the blended methods of transferring authority, creating it where it does not exist, and lessening the coercive weight of the state. At other times, I have discussed the need for decentralizing the operations of government—allowing communities, private groups, cities, and states to make public decisions that are now vested in the central government. Although the Constitution contains a prescriptive mandate for a federal system, the actual distribution of authority and responsibility has been worked out over two centuries and is constantly changing. Today, for example, the federal government exerts a power over the economy that would have been inconceivably only a few decades ago. Decentralization is another remodelling of the federal system, and to achieve it will require a patient pragmatism. The state may be the logical unit for dealing with river pollution, the metropolitan area for transportation programs, the neighborhood for schools and even post offices. *The general guide should be to transfer power to the smallest unit consistent with the scale of the problem.*

Many conservatives have welcomed the idea of decentralization, hearing in it comforting echoes of old battle cries about states' rights. They are mistaken, for decentralization, if it is to work, will require even larger public programs and even more money for public needs. Otherwise, the momentum on which local interest and involvement depend will be lost. Nor does decentralization mean the absence of rigorous national standards for the use of national revenues.

For example, money given for education must in fact be used for education open to all. Such standards are necessary to protect citizens against unresponsive government, and local government against the pressures of private interests. Of course, even with decentralization, most people will not actually make decisions. Still, those who do make them will be within reach of their fellow-residents of the community, and thus will be far more familiar and readily accessible than federal officials. This, in itself, will yield at least the potential of influence and effective protest, which may be as close as we can come to the ideal of the town meeting.

Power is conferred in other ways: by a government that feels compelled to explain its policies and intentions with candor, that seeks the counsel of informed private groups and citizens, and that adheres to an honorable observance of the separation of powers. It will also be yielded by increased citizen control over the private institutions and processes that often determine the quality of our private lives. It is incredible, for example, that private builders, acting out of purely economic considerations, should be allowed to determine the shape of our urban environment—that individuals unresponsive to the public will should decide how the public will live. In addition, the expanding machinery of secret police, investigation, bugging, and wiretapping must be halted and dismantled. Fear and suspicion are the most paralyzing agents of all, and the most likely to provoke unrest.

The use of power is also an expression of purpose. All acts have their intention. But you can share in purpose without sharing in power. As a member of a society, the individual's pride and sense of well-being are inevitably enhanced or diminished by the purpose of his nation—what it stands for and where it is going. If money and power, self-indulgence and self-protection are the goals of our society, they will become the goals of its citizens, with damaging consequences. Nothing would do more for our national health than a feeling that we were engaged in enterprises touched with some kind of nobility and gradeur. It is this feeling that enriches the life of social man. Even the most pessimistic and critical literature written in other countries during their periods of greatness is infused with a sense of pride in the nation, despite doubts about, or even fierce opposition to, its contemporary acts.

This sense of a noble destiny infused our country from the beginning, and in terms of our potential not only as a home for freedom and opportunity but as a guiding force in world affairs. Jefferson looked upon the United States as an example that would undermine despotism and monarchy; some of our other early leaders took a more direct hand by helping South American revolutionaries. This does not mean we must succumb to the naive belief that it is possible to create a Great Society or a New Deal-style democracy among the varied cultures of the world, or that we should actively intervene to impose values bred of the American experience.

However, our wealth and military power give us an unavoidable weight in world affairs. Therefore, it is unnecessary to decide the critical questions surrounding the wisdom of intervention in order to recognize that our acts are important to others. For example, when a military dictatorship takes over in an allied country, we can recoginze it or not, suspend aid or continue it, continue preferential trading or interrupt it. There is no way to avoid decision, since failure to act will have its own meaning. The issue is whether we base our policies on unthinking reflex and an immediate mixture of attitudes and interests or whether our acts are consistent with a long-range purpose. We may decide to adopt a less active and ambitious foreign policy, but we cannot do without any policy at all. And a foreign policy actively devoted to social justice, increased liberty, and the institutionalization of peace on a worldwide scale can enlist the best impulses of the American people.

Such a policy often collides with the thinking of global "realists," who led us into Santo Domingo and Vietnam; who failed to maintain a constructive common purpose among the Atlantic nations while contriving such monstrosities as the Multilateral Force; who allowed the United Nations to become trivialized; who supported Batista and ended up with Castro; and who have been unable to bring about the control of nuclear arms, which is clearly in the interests of both great powers. In fact, "realistic" policy now seems to have become no policy at all, aside from maintaining the territorial status quo with the Soviet Union and China, and hoping that Israel will survive. It is a policy virtually without long-range goals or any clear perception of the social and political forces at work on other continents, and—what is more dangerous—without any guiding concept of the kind of world community in which we will be safest and most comfortable. This is the ultimate romanticism of the ostrich.

Without elaborating particular issues, and while recognizing the need for protection against force, we can assert that the most powerful global social force is the drive for recognition and fulfillment of popular needs and desires. This is a force fully consistent with our national values, and, therefore, one that we should support. This is what President Kennedy was trying to accomplish when, for example, he refused recognition to miltiary takeovers in Peru and Honduras. It was believed not that our disapproval would change governments but that it would strengthen forces that, in the long run, might build a stronger and more congenial hemispheric community.

This policy was later dropped in favor of dealing with the "fact" of military rule, which meant ignoring the first principle of good politics: Don't spend yourself on those who have nowhere else to go. We elected to play it safe even though we were already safe. This change in policy helps illuminate the truth that the basic obstacle to a foreign policy shaped by long-range purposes and resting on national values is not malevolence or a hidden imperialism but timidity or lack of confidence. It is far easier to move from crisis to crisis than to act when events do not demand action. For decision and action create responsibility, and only men with some confidence in their own perception and judgment are willing to take such responsibility. Because our professional foreign-policy structure has been designed to discourage, and even to punish, those who disrupt the illusion of tranquility, only a President can compel a different course.

Yet such inaction is fraught with danger. Many of our recent crises can be traced to a failure of consistent purpose during periods of relative calm. By allowing our relations with Arab leaders to deteriorate, we forfeited whatever influence we might have had to prevent war in the Middle East. In Santo Domingo, we failed in our responsibility to help improve the economic and social welfare of a people whose dictator we had helped remove. And if the siren announcing Armageddon ever sounds, it will probably interrupt some official as he explains to a crowded room why an arms-control agreement is too risky this year.

A foreign policy founded on traditional American values not only is wise but is essential to our domestic well-being, since shared purpose is the only enduring cement of national unity. In it lies our only hope of finding a moral equivalent of war—or, in this case, a partial alternative to domestic unrest and division. Of course, there is much within our own borders to capture the imagination and inspire worthy effort, but only for some, and, even then, probably not on a sufficiently large or lasting scale. We are so significant a nation that the nature of our role in world affairs must pervade every man's sense of himself as a citizen. John Kennedy's appeals to greatness and sacrifice evoked so strong a response not because they were expressions of a self-deceptive idealism but because they led toward the only realistic path for maintaining individual pride.

There are, of course. grave problems that do not fit easily into the rubric of power and purpose. One can add little to the interminable discussion of the race problem except to observe that politically there is no black problem at all—only a white problem. We can easily command the resources to meet the immediate needs and demands of black Americans. But we cannot do this until white Americans are persuaded of their responsibility to act That will require more than public education and Presidential speeches.

Unless we move to remedy the afflictions and grievances of white Americans, they will never consent to a concentrated effort in the ghettos. This is particularly true of the lower-income whites. who feel trapped in a relatively shabby material existence and a scorned social position. (A Chicago policeman said, pointing to the hippies in Grant Park, "I had to work for a living, and so did my mother, and look at those kids. They do nothing and they got an education." Then he joined the charge.) It is little wonder that this group turns its wrath impartially on Negroes and college students—a perfect combination for the Wallace appeal. Its members feel scorned by the upper middle class, and, at the same time they are deeply envious. Meanwhile, the Negro is a constant object of national discussion and attention, and a recipient of special programs. Racial feelings are very resistant, but many obstacles would fall before a national policy directed at enriching the life of *all* citizens. Without it, the barriers will continue to rise.

Another problem specific to our age is the incursion of a large military establishment into public life. This is not because generals are especially power-hungry or malevolent but because size and importance, especially when they are touched with permanence, necessarily bring power. Public men from Jefferson to Eisenhower have warned us about the perils of a large standing military. And now we have one. Nothing better illuminates the hazards of the systematic and efficient mind than the experience of the last several years. Robert McNamara not only enlarged our armed forces but rationalized them. Over the resistance of officers with little imagination, he unified the operations of the services, eliminated many old rivalries, and instituted the deceptive techniques of modern computer management. As a result, the military has more influence on public policy than ever before in our history.

The power that was once held in check by rivalries and folk wisdom is now exerted as a single, fused force on the civilian economy and its decisionmakers. Independent-minded and free-wheeling officers were moved into the background, lest they publicly challenge civilian leaders. The result was a group of limited and conforming men at the top who could envisage no solution to any problem other than the accretion and use of military strength. The trouble with yes-men is that they are likely to say yes to anything. The trouble with limited men is that they are likely to lack the imagination to see their limitations, or even to disbelieve their computers.

And this is the first group of generals to come to leadersihp during our reign as a great military power. The Eisenhowers and MacArthurs and Ridgeways, in their early days, always had to contend with severely limited resources, and therefore had to consider what they could do only with allies and what they could not do at all. The new group is accustomed to ever-increasing largesse and to having the power to bring about unlimited destruction at the touch of a button. The monstrous system created during the McNamara regime now has a life of its own. Civilians will make the ultimate policy judgments, but the sheer size and momentum of our military structure, the enormous investment it represents, and the needs of the industries dependent on it inevitably affect national decisions. Thus, we continue to build new weapons and new systems constructed on the basis of the most rational considerations of cost efficiency but without any rational relationship to national security.

Even McNamara himself was finally trapped when he was compelled, against his own judgment, to go ahead with an anti-ballistic-missile system. Yet the "Whiz Kids" laid the groundwork. Moreover, the very importance of our military machine means that generals no longer sit outside the door of our highest council ready to respond to technical questions. Rather, they share in policy discussions for which they have no qualification or experience. In doing so, they breach the oldest and most rigorous ethic of the American soldier. The Joint Chiefs of Staff advised that the Bay of Pigs might work, even though any hope of success obviously depended on the degree of political unrest within Cuba. More disastrously, we depended heavily on military men to tell us what it might take to "win" in Vietnam, though such calculations should have been based on cultural, political, and human factors as well. Of course, civilian officials should not have listened. Yet it is very hard to avoid attributing some wisdom to those who control the enormous power that has occupied such a large part of the American consciousness in recent years, and who, moreover, can speak with precision of their capacities in so uncertain and chaotic a world. The temptation to heed those with answers is strong, and can subtly infect the most skeptical of minds.

The hazards of a large standing military ramify into many areas. It represents a constituency against arms control, not because generals want war or oppose disarmament on principle but because their necessary professional caution demands that they overestimate every advantage of a potential opponent and underestimate their own capacities. In narrowly professional terms, it is inevitable to estimate that any agreement is risky, even if the only reason for doing so is an assumption that the other parties to it would not agree unless agreeing gave them an edge. Also, the availability of force is a constant temptation to use it.

Part of the reason we sent the Marines into the Dominician Republic was that we had the capacity for moving large numbers of combat troops with great speed. The build-up of our conventional forces and their increased mobility—which came into being for reasons involving the Soviet Union, many of which are now irrelevant—have made it more likely that we will use force. In view of our nuclear deterrent and our capacity for rapid mobilization, recent history lends strength to the belief that it may be riskier to have such forces than to go without. Here again, however, we have a conclusion that depends on admitting the human weaknesses of policymakers—a calculation that, because of its vagueness, cannot be used by rational-system builders. Thus, we can consider discarding the wisdom of our history because it can't be fed into the computers.

We cannot yet escape the need for military forces, but it will require leadership and authority of the most determined and enlightened kind to keep those forces in rational relationship to our need while we work toward arms control, spurred by the urgent awareness that men cannot be trusted with the power to destroy themselves. And that effort is obstructed not simply by cautious policy-makers but also by a deeply troubling, elusive, and ambiguous phenomenon—the fear of nuclear weapons. Any observer must be struck by the difficulty of stimulating public support for arms control, or even of provoking widespread public discussion of nuclear weapons. One could attribute this to an indifference bred of acceptance if it were not for the force of the reaction that seems to await any political figure who touches the nuclear nerve.

The day Curtis LeMay verbally toyed with nuclear possibilities, George Wallace's fortunes began to wane. Nixon's speech advocating nuclear superiority was certainly among the factors precipitating his near-fatal decline. Goldwater had to spend his entire 1964 campaign explaining that he would not drop atomic bombs. When President Kennedy advocated fallout shelters, he set off a popular reaction that had every Democratic leader on the phone to the White House and that ultimately caused cancellation of the program—and he was greatly surprised at the enthusiasm evoked by mention of the test-ban treaty during his 1963 trip through the Western states.

Perhaps we can understand these reactions by recalling the late nineteen-forties and the early fifties, when the horrors of nuclear holocaust were a pervasive topic. Almost everyone must at least once have been struck with sudden apprehension at the sound of an airplane, or gone to sleep with the thought that all could be over before morning. One of the young girls who worked for McCarthy during his campaign told an interviewer of the air-raid drills in her grammar school, and how for a while she was afraid every time she heard a plane.

Thus, the atomic age has been a personal emotional experience for many Americans, and even, perhaps, for most. After a while, such feelings are put away or repressed, but they are never eliminated. They lie under the surface of reason and memory, evoking hostility toward any who may touch them. Although such fears help keep the peace, they are also a barrier to the reminder implicit in mobilizing public support for arms control. However, despite the seeming lack of concern, any political leader can be sure that real achievement in reducing danger will be rewarded by warm and grateful relief.

The agency through which we can hope to formulate new policies is that strange American contraption the political party. My own repository of hopes for change is the Democratic Party, for the Republicans seem unlikely to discard their historical role as defenders of things as they are. Since Nixon's victory, political men have begun to discuss the future of the Democratic Party. Such discussion must come to grips with one essential fact: There is no Democratic Party. There is the party of Daley in Illinois and the party of the county leaders in New York. There is the party of Daley in Illinois and leaders in California, and there is Kennedy in Massachusetts.

In the South, there is almost nothing left at all. It is a truism to state that American political parties are not ideological in nature, since they embrace many diverse groups. Still, in the past most elements of the Democartic Party agreed to certain broad goals and assumptions. There was, with some dissent, general agreement on the economic goals of the New Deal. It was broadly assumed that the Democratic Party represented the disadvantaged and the poor against the great interests, and that it stood for alliance and tolerance in world affairs. There was, in other words, a base of generally accepted belief and emotional attitude. That this has largely dissolved becomes clear when we compare the parties of Daley, Meany, McCarthy, and Kennedy.

The cause of the dissolution is that the issues of the past thirty years have lost their vitality. The consequence is that the Democratic Party is little more than an institutional mechanism through which individuals hope to acquire public office. If the Democratic Party has a future, it will come not by raising more money or by hiring better advertising agencies but by developing a purpose and a program.

I have outlined some of the possible elements of purpose and policy in support of which it might be possible to create a new, progressive coalition to replace the alliance of minorities, labor, and the South which has now fragmented and dissolved. The South has left; labor no longer exists as a coherent electoral force, having divided into upper and lower middle class; and the minorities are often at each other's throat. A new coalition will have to be made up of the populations of the inner cities, including some lower-income whites, and of the new suburbs inhabited by those who work in offices, electronics factories, and so on. This is the coalition that both Kennedy and McCarthy were trying to build, with McCarthy moving inward from the suburbs and Kennedy outward from the inner city. Neither quite got across the bridge, but the fact that their divergent constituencies responded to men who stood for enlightened and progressive. change is evidence that the possibilities of coalition are there.

However, the issues that will unite these groups are not only traditional economic concerns—although there are specific economic problems that must be met—but issues of the type I have set forth. For example, both in the ghettos and in the suburbs there is a desire for increased control and power over local affairs and public policy. If I am right in the belief that such desires respond to deeply felt national needs, then failure to move in this direction will leave public-spirited men with no alternative but to try to form a new party to combat the forces of repression.

Finally, a few words of unsolicited advice to the next President. Since we need fundamental changes in public policy, it would be a serious mistake to begin the work of the next Administration in the traditional way: preparing budgets and policies for programs neatly tailored to old categories such as health, housing, and conservation. For the assumption of fundamental change is that the old categories and ways of looking at problems are no longer valid and that the structure of government itself is the threshold barrier to new approaches and policies. The powers of the Department of Housing and Urban Development, for example, are fashioned and limited in such a way that the Department cannot hope to deal with the problems of the city, however, vigorous its leadership. The first task of a new Administration should be to construct institutions with authority and jurisdiction adapted to the policies they are to administer, and to concern itself with reallocating responsibility within the federal system.

The secret of Roosevelt's success was his willingness to ignore or dismantle existing structures and to set up new ones, shaped to his purposes. Freud said that "anatomy is destiny." In government, structure is policy. If the existing structure of government is accepted, then serious change rapidly becomes impossible as bureaucracies, administrators, and ongoing programs begin to generate their inevitable and almost irresistible drive for survival. It is important to make structural changes early, and not only because a President is far more likely to have the necessary power at the beginning of his administration. The appointment of Cabinet officers, administrators, and even task forces immediately creates powerful vested interests. When a man becomes the chief of a large department, he assumes a new constituency of workers and bureaus, authority and appropriations. His natural urge, reinforced by the need to keep the loyalty of his subordinates, is to maintain this domain relatively intact and to minimize disruption and controversy.

Thus, the Department of Labor under President Johnson fought against the poverty program, with some success, simply because it felt that it was the proper repository of such an effort. Examples could be multiplied. It would be a great mistake to misjudge the rapidity with which new men develop loyalties to old patterns, or the ability of an established bureaucracy to frustrate the most determined of Presidential designs. That is why the fundamentals of structure must be determined before operations begin if there is to be a serious and effective effort to chart new directions for public policy. This is little more than counsel to "think big," not in terms of huge expenditures or sweeping new programs but in terms of the hardest kind of innovation: liberating the public imagination from old categories, concepts, and structures. Our present inclination to look upon every national ill as a subject for federal action within the framework of existing departments is like trying to devise a way to go to the moon by putting a man in an automobile. We need not only new institutions but a fresh sense of which matters are appropriate to public action, and of where, within the federal system, responsibility and power should be vested.

Beyond such concrete and practical acts, there is a need to explore the deeper causes of our discontent. Again, as in the eighteen-fifties, we can sense that we are at the beginning of a new age—or, rather, a new way of living—which is forcing its values and demands on a society not equipped to cope with them. This kind of dislocation, this gap between realities and custom, is characteristic of revolutionary historical periods. To pursue this analogy, the insulation and barrenness of the modern suburb are counterparts of the misery that enveloped the mid-nineteenth-century factory, and Mayor Daley is at one with the Southern agrarian in defending a system that history will find not to have been an unmixed evil. Without judging the efforts of men like Marshall McLuhan to abstract a single, seminal cause from the complexities of social change, we can agree with many that the ascendancy of technology is a principal feature of modern society. To that we must add growth, both of population and of our physical artifacts, such as houses, factories, and roads.

The problem, however, is not technological but ideological. We are threatened not by our creations but by our beliefs. In another place, I have written, "All nations . . . are governed on the basis of ideas and values . . . which are not derived either from the necessities of nature or the command of God. If a man snatches his hand from a hot stove, that is not ideological. If he then decrees there shall be no more hot stoves in order to prevent burning, he has imposed an ideology (and one wholly alien to our own)." There is, for example, nothing in the development of the automobile which makes the clogging of our cities and the poisoning of our air logically inevitable. It is simply that we have preferred these consequences—perhaps without anticipating them—to restrictions on the use of automobiles.

No one has more bluntly stated the inward passion of the time than Lewis Strauss, who summed up the faith of two centuries when he was asked if nuclear physics might not have overstepped itself. "No," he answered, "I would not wipe out any part of it, not the bomb nor any other part of it, if I could. I believe everything man discovers, however he discovers it, is welcome and good for his future. In me this is the sort of belief that people go to the stake for." This is not a reasoned formula but an affirmation of an ideological belief verging on the mystical. Guided by such a belief, our society has developed virtually no mechanism for weighing technological change against the social consequences and enforcing its judgment. Only the great religious institutions engage in a similar process, and then, as in the case of Pope Paul and the pill, they are condemned because the values they seek to defend have lost their hold on men. This is not the place to pursue such philosophical abstractions.

Yet they are at the heart of the problem. In political terms, we are barred from much effective action because we have not regarded human values—except for those related to survival, civil liberty, and prosperity—as appropriate objects of public protection. This reluctance to allow government to become concerned with the quality of individual life has its historical roots in a healthy fear of the state and a desire to insure secular liberty. It now works against us, having been outdistanced by our material circumstances.

Thus, traditional principles of private enterprise join with modern construction technology to create suburban blight. But there is no inherent reason a builder should not be under as much compulsion to provide open spaces, parks, and community centers as he is to provide safe wiring and sound structures. We can also maintain that clear air and freedom of movement are as important to us as the economic advantages of urban concentration. On a broader scale, we need to reexamine all our institutions in order to determine whether what they do *for* people is worth what they do *to* them. This is not an easy job, especially since we must often match abstract or felt values against the formulations of logic and numbers.

How, for example, does one explain an instinctive revulsion against the idea of a national computer center to store all the available information about every citizen, except to say that neatness and system and organization can be oppressive in themselves, and to draw upon our experience of human weakness to assert that increasing the capacity for control will increase the likelihood of control.

This kind of ideological reformation will not be easy for a people as little inclined to theory as our own. It will come, if it does come, in the context of relieving particular afflictions. Still, there is no other way that we can guide ourselves between the twin perils of uncontrollable turbulence and repression. We will be strengthened by the fact that such change corresponds to deeply felt human wants, many of which are manifesting themselves in our present disorders.

U.S. INTERNATIONAL UNIVERSITY AND CAMP ADAIR—PART I

Mr. HATFIELD. Mr. President, as Senators may be aware, the Federal Government operates a mammouth program for disposal of surplus Federal property, both real and personal.

Recently, I have had an enlightening experience concerning the disposal of Adair Air Force Station, north of Corvallis, Oreg. It has raised serious questions in my mind about the donee, U.S. International University, and the HEW procedures.

When the Defense Department announced that the base would be closed, the entire Oregon congressional delegation worked to find another Federal use for the property. We had hopes that it could be used as a naval weather station. This potential use fell through, unfortunately, as did any other Federal use.

I know that many Senators have had similar dealings with GSA, for we all have sought alternative Federal utilization of surplus Federal property, often when military installations have been closed.

One use of surplus property is as a public health or educational facility. In these cases, the property is not sold for fair market values, but is awarded to the donee at a public benefit allowance.

In the case of colleges, what I really am saying is that a school can get surplus property free. The property goes to the school at the rate of 3⅓ percent yearly, so in 30 years the property belongs completely to a school.

Every year, millions of dollars of surplus property are given away free to schools. In many cases, I applaud and support this approach. Such actions sometimes give birth to community colleges, or give a struggling black college a chance to grow.

The potentials of such a practice, however, should not lessen our vigilance to see that high standards are maintained—both by the Government in administering the program, and by the donees of the property.

My experience with Camp Adair and U.S. International University raises serious questions in my mind whether this has been done and whether the public interest has been protected. We must protect the public interest, for it is often very valuable property that is being given away.

I believe that the Department of Health, Education, and Welfare acted precipitately when it gave final approval to USIU for use of the Camp Adair as a satellite campus. In my opinion, the facts surrounding this proposed transfer are such that more study of this school, its financial stability, and the very HEW procedures themselves were warranted.

Let me share with Senators what I have found out about the HEW procedures and USIU itself.

I began looking into this proposed transfer in detail last September when General Services Administration announced it was assigning the Camp Adair property to HEW for a gift to USIU.

I was curious, originally, to know

whether Oregon schools had received notice, as to the availability of this property, whether the State of Oregon passed up the opportunity to acquire this property. Later, I had questions regarding USIU and its operations.

It should be pointed out the Camp Adair is a very valuable piece of property, situated in the Willamette Valley, located near Corvallis and Albany. The land totals about 300 acres, and it is a beautiful place. The appraised value, minus Capehart housing, is between $2.5 million and $3 million.

I met with Secretary Richardson on January 22 to raise points I felt needed answering before final transfer was approved. At the same time, a series of articles appeared in the Oregon Statesman, in Salem, one of Oregon's leading newspapers, which was operated for many years by the late Charles Sprague, a former Governor.

My field office in Salem airmailed me copies of the fine series in the Statesman, written by a veteran reporter, Allen J. Morrison. When those articles arrived in my office, I sent them by messenger to the office of Mr. Sol Elson, Acting Assistant Secretary of Health, Education, and Welfare for Administration, who assisted Secretary Richardson in this affair, so he could study the points raised in the articles before any decision was made. I invite the attention of Senators to these articles and ask unanimous consent that they be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Mystery, Strife, Finance Questions Surface in Adair Campus Probe

(By Allen J. Morrison)

(Note:—United States International University plans to open a branch campus this year at the old Adair Air Force Station near Corvallis. Government authorization for this use of Adair lands raised questions and controversy, so The Statesman assigned reporter Allen J. Morrison to investigate. After consulting many public records and information sources over the past four months, Morrison in this series of articles presents a penetrating look at the university and its operations.)

A curious mixture of mystery and strife is found by efforts of The Statesman to learn more about United States International University, which is planning to take over the major portion of the former Adair Air Force Station and open a campus there this summer.

USIU is not the only organization that thinks it has a use for the abandoned base north of Corvallis.

The Oregon Council of the Poor, the Governor's Advisory Committee on Chicago Affairs, the State Department of Education have all expressed interest in acquiring the Adair base for Oregon use.

U.S. Sen. Mark O. Hatfield (R-Ore.) is scheduled to meet 11 a.m. (EST) today with Elliott Richardson, Secretary of Health, Education and Welfare, to discuss the Adair transfer to USIU. Hatfield placed a "hold" on the transfer more than six weeks ago.

So what can we learn about the university that seems to be on the verge of getting the government property as a gift?

It has large and far-flung real estate holdings for a small number of students. Fed by government grants and loans, it is expanding its holdings and construction rapidly while having to ask for extensions on the current obligations, including federal government loans.

Information is difficult to get from the university itself.

And several former faculty members were found who were eager to criticize the university administration and especially its president. Graduates of USIU say the university is very good, but none knew much about its corporate structure.

Critics of United States International University (USIU) are able to point out several things they consider unusual in its financial structure and auditing.

Two officers seem to be given almost unlimited authority to obligate the university, mortgage its property and even to transfer investments to their own names.

The setup of a new corporation in Mexico seems to put the financial obligation on the USIU corporation with little security under Mexican laws.

There seems to be a discrepancy in reported tuition income when compared with reported number of students and announced tuition fee.

While Methodist Bishop Gerald Kennedy is heralded as a leader in USIU he says that his relations with the university are "strained and tenuous" and he has not attended board meetings for several years.

Any two of four officers can borrow up to $200,000 for the university and mortgage USIU property for it, and any one of them can direct disposition of the proceeds.

Attorneys and educators consulted by The Stateman say the 1968 board resolutions giving so much financial control to officers are unusual. All opinions were similar to that of attorney Richard Lee of Salem who said, "It is wide open. Any one of those officers could end up with the stock or money in his own name."

The apparent discrepancy between tuition income and reported enrollment also was noticeable to all those consulted by The Stateman.

While reporting a quarterly tuition fee of $535 and more than 3,000 full-time students, the 1968–69 audit shows tuition income for the year as $3.9 million. Three thousand students for a three-quarter school year would produce almost $5 million, not counting summer sessions.

As Willamette University President Roger J. Fritz said, "It appears to be quite low for an enrollment of more than 3,000 students." A Salem accountant said, "It is difficult to reconcile, from the university's statements, income reported from tuition and fees with enrollment data and stated tuition charges."

James Faulstich, economic adviser to Gov. Tom McCall, praises the university's record of public trust and its trustees but grants that Mexico's corporation controls are not adequate to protect USIU's interest in its Mexican college. He also admits that the audit the university sent him indicates a "real tight" cash position.

Several interested agencies, including The Stateman and the U.S. Office of Education, have asked the university for copies of its audit but Faulstich is the only one who got it.

Still trying is Sen. Hatfield, who has succeeded in holding up transfer of Adair Air Force Station property to USIU while he studies the question of such free grants of government land.

Critics of USIU's rapid expansion include the Methodist Church, which dissociated from USIU while retaining an interest in its original campus, California Western University in San Diego.

Hatfield Meets Today With HEW Chief

(By A. Robert Smith)

Washington.—Sen. Mark Hatfield said he will urge Elliot Richardson, secretary of Health, Education and Welfare, Friday to withhold approval of the Camp Adair transfer until a number of financial questions have been answered by U.S. International University.

HEW last fall tentatively approved giving much of the abandoned air force base north of Corvallis to USIU, a San Diego-based institution which announced plans for converting the base into a campus.

TO RAISE QUESTIONS

Hatfield, however, raised numerous questions with federal officials and USIU, which led to a meeting scheduled Friday between the senator and Secretary Richardson.

Asked what his purpose is in meeting with Richardson, Hatfield said it was not to urge him to veto the deal outright.

"To lease or not to lease is not the issue," said Hatfield. "I'm going to try to persuade him to review the material, or lack of it, to give him complete assurance that if this land were given to this university, it could reasonably be expected to develop an institution of higher learning that would be a credit to the state."

HE DOUBTS IT

Hatfield indicated he had strong doubts.

"We raised questions that have not been answered," he said, mostly about the financial stability of USIU.

The senator said he plans to share with Richardson everything he has compiled on USIU, including information he said he felt certain the secretary wasn't aware of. He declined to elaborate.

Adair Campus Promoters Have Vast Holdings, Few Students

(By Allen J. Morrison)

United States International University, on the verge of taking over the Adair Air Force Station property near Corvallis, has vast holdings of property, but small enrollment at its widespread bases, research by The Statesman discloses.

Its supporters and administrators describe it as a rapidly growing international university with exciting innovative programs of learning and human behavior.

It is accredited, including its law school, it boasts a strong faculty and it has a number of enthusiastic backers including some wealthy and influential San Diego men.

NEAR CORVALLIS

It plans to open an Oregon campus this fall at Adair, 10 miles north of Corvallis, on property to be given to it by the U.S. Department of Health, Education & Welfare.

HEW announced in September it would give 257 acres and 35 military buildings at the abandoned Adair base to USIU.

But U.S. Sen. Mark O. Hatfield asked that the transfer be delayed until he can learn more about the university, its financing and its policies. HEW Secretary Elliott Richardson agreed to the delay.

But 54-acre Sundance Air Force Base in Wyoming was signed over to USIU in August, a month before Hatfield began his inquiry.

USIU already has three operating campuses at San Diego and others at Steamboat Springs, Colo., Buckinghamshire, England, and Puebla, Mexico, plus a high school in Kenya, Africa.

It reported a net worth last year of $17.7 million, up $6.9 million in 2 years.

Although USIU has been projecting its international reputation in its fund drives, it has a total of only 138 students on its two foreign university campuses. It has an additional 200 high school students, mostly American, at its Nairobi International School in Kenya.

The three San Diego campuses have much land and few students.

The original, California Western University at Point Loma, has 200 acres and about 2,425 students. Enrollment reports on Cal western dating back to 1965 showed up to 3,000 students, but the university told The Statesman that past figures reflected part-time and summer students.

When announced in 1966 Elliott Graduate School in San Diego was to have 3,000 students within 5 years. Today it has 800. The Downtown San Diego Center for Performing Arts & Conservatory has 185.

The university purchased Alpine College at Steamboat Springs, Colo., in 1969. It was a 206-enrollment college in financial trouble. Now there are 79 students, described as low achievers with high potential.

HEW gave USIU 400 acres of the old Elliott Marine Base at San Diego in 1965. Asked why the school needs so much land for 800 students, university vice president Robert S. Dunn said a "sizable portion" cannot be used because of flood restrictions imposed by the U.S. Corps of Engineers. A San Diego city planning department representative, however, said the unusable portion is "very minor."

BACKLOG CITED

USIU, in making applications for surplus government properties, maintains it needs more land and facilities because of its growth and a big backlog of applicants for admission, according to HEW officials in Washington.

Altogether, USIU claims 3,827 students on its seven campuses, which cover a total of over 1,500 acres.

For comparison, Oregon College of Education at Monmouth has 3,950 students and 115 acres. University of Oregon has 14,700 students on 240 acres.

FIVE HUNDRED ACRES

The university in England has 500 picturesque acres and 107 students. USIU says that because of local zoning restrictions it is negotiating for more land so it can expand to 300 students.

USIU completed purchase of the old University of Americas in Mexico City for $560,000 and opened a 206-acre campus there in July. The university, which had more American students than any other in Mexico, had an enrollment of 1,800 students for several years. USIU opened there in July with 31 students but announced plans for expansion.

Since the mid-1960s President William C. Rust announced plans within five years for new universities in Japan, India, Brazil, Nevada or Arizona, the Pacific Basin, a Pacific island and an additional campus in Africa. These have not materialized.

FEDERAL GRANTS

USIU has been awarded federal grants totalling $2,186,680 for further construction, mostly at the Elliott Graduate School in San Diego.

But a Jan. 12 letter to Hatfield from the U.S. Office of Education says the university has not yet raised the required matching funds for the grants.

The university was 60 days late in making federal debt service payments of $23,000 due last January and it asked an extension on payments of $41,000 due this Jan. 1, according to Richard R. Holden, director of the HEW division of academic facilities. It was granted an extension to Feb. 15.

HEW records show that USIU construction, under the Higher Education Facilities Act of 1963, has totaled $5.2 million at San Diego, with the aid of $1.5 million in HEFA grants and $1.2 million in HEFA loans; and that another $5.5 million in construction at San Diego is scheduled for which the $2,186,680 in HEFA grants has been approved.

U.S. INTERNATIONAL UNIVERSITY—A PRIVATE TAX-FREE AND NON-PROFIT CORPORATION

(Campuses, size, and Enrollment)

California Western, San Diego, Calif., 200 acres, 2,425.

Elliott Graduate School, San Diego, Calif., 401 acres, 800.

Downtown Art Center, San Diego, Calif., 4-stories, 185.

Mexico International, Puebla, Mex., 200 acres, 31.

Alpine College, Steamboat Springs, Colo., 80 acres, 79.

Nairobi International, Kenya, Africa, 200.

Wyoming University, Sundance Air Force Base, 55 acres, to open this fall.

Adair Air Force Base, Corvallis, Ore., 257 acres, to open this fall.

Santa Barbara, Calif., 48 acres, no campus.

Dropmore Mansion, Buckinghamshire, Eng., 500 acres, 107.

Totals, 2,381 plus acres, 3,827 students.

Approximately 71 acres are public lands given free to the university for educational expansion. Enrollment figures supplied by Health, Education & Welfare.

As this list was going to press, The Statesman continued to find additional lands that were acquired by USIU, mostly through private gifts.

San Diego County Assessor E. C. Williams confirmed that there are 13 separate land parcels in the county "assessed in the name of USIU." However, to identify and describe all the properties would require a time-consuming formal private title search, the agency told The Statesman.

PROPOSED ADAIR CAMPUS: VAST FINANCIAL POWER HELD BY OFFICIALS OF USIU

(By Allen Morrison)

Officers of United States International University, which is planning to open a branch campus this summer at the old Adair Air Force Station near Corvallis, have unusually broad authority in the handling of the university's money and property.

A 1968 resolution by the board of trustees authorizing opening of an account with brokers Merrill, Lynch, Pierce, Fenner & Smith gives President William C. Rust and board chairman John M. Cranston each individually the power to buy and sell stocks, bonds and securities for the university and—

"if he deems proper to secure payment therefor with property of this corporation . . ." and—

"at his direction to cause certificates of stocks, bonds, and other securities held in said account to be transferred to the name of any officer hereinafter named . . ."

The officers "hereinafter named" are Rust and Cranston.

An official at the brokerage firm told The Statesman that it is common for institutions to buy and sell stocks but not to grant authority to transfer them to individual officers' names.

At that same board meeting any two of the four corporation officers were authorized to borrow up to $200,000 from Security First National Bank and any one of them to direct disposition of the proceeds. This resolution was made retroactive indefinitely.

Administrative Vice President Robert S. Dunn, a lawyer, said this is a common corporate practice in California financial institutions.

Minutes of that June 24 meeting show that nine of the 32 trustees, including Rust and Cranston, were present.

Another infinitely retroactive resolution, in February 1969, authorizes the officers to borrow up to $5,304,063.31 from Connecticut Mutual Life Insurance Co. and "whether arising pursuant to this resolution or otherwise, to grant, transfer, pledge, mortgage, or otherwise hypothecate . . . and property belonging to or under the control of this corporation . . ."

Officers named in these resolutions besides Cranston and Rust, are George W. Peck, secretary, and Dunn.

Salem area lawyers and university officials consulted by The Statesman say these resolutions give USIU officers unlimited authority.

Salem attorney Richard Lee said, "It is wide open. Any one of those officers could end up with the stock or money in his own name."

Cranston, 61, is a San Diego attorney with a long record of public service in community and welfare activities.

President Rust, 53, is a 1941 graduate of DePauw University with a 1961 Ph.D. from University of Southern California. A professor of humanities, religious education and comparative religion, he taught at USC, Iliff School of Theology and University of Denver before joining Cal Western in 1952 as a public relations director, advancing to president within the year. He is a Methodist minister and former Congregational minister.

Rust has no taxable financial holdings, according to the San Diego County assessor's office. His home is owned by the university.

He has been praised by associates as a brilliant financier and promoter.

The Southern California-Arizona Methodist Conference barred his admittance to the conference during a church-university power struggle for USIU but he joined at Denver, Colo., and transferred his membership to California.

Bishop Gerald Kennedy and other Methodist conference officials publicly stated that Rust's financial reports did not make sense.

Several conference members on the USIU board of trustees, including Kennedy and Dr. Russel Robinson, San Diego district superintendent, seldom attend meetings anymore.

Dr. Robinson says the board is influenced now by "right-wingers".

He said only a few trustees have seriously questioned university fiscal policies in past years and they got voted down.

Congressman Wendell Wyatt (R-Ore.) who visited the USIU campus recently, described President Rust as a "remarkable man, a man with vision." He said USIU was financially sound and capable of opening a campus at Adair.

USIU'S HISTORY OF FINANCIAL PROBLEMS OUTLINED BY HATFIELD

WASHINGTON.—U.S. Sen. Mark O. Hatfield said Friday that United States International University, (USIU), San Diego, set to open an Oregon campus at Adair Air Force Base north of Corvallis, has had a history of financial problems.

Hatfield made the disclosures to Elliot Richardson, secretary of Health, Education & Welfare, in a pre-arranged meeting to discuss the free transfer of the abandoned Adair base to USIU for an Oregon campus to open this fall.

Hatfield had placed a hold on the transfer some six weeks ago until he could review surplus transfer procedures and examine USIU more closely.

The senator said this is not the first time USIU's financial operations have been questioned. Previously known as California Western University at San Diego, USIU was affiliated with the Methodist Church (as is Willamette University) until 1966 when the church relinquished its predominant role because of questionable financial practices by the institution.

HAD ACCOUNTANT'S LETTER

To support this, Hatfield gave Richardson a letter from a Los Angeles certified public accountant, Paul M. Lee, who reviewed the institution's finances for the church. The letter stated:

"The reason the 1966 review of financial reports was performed was that there was widespread concern among many Methodist members of the corporate governing body that the administration, backed by a majority of the trustees, was not supplying understandable financial reports and was embarked on growth plans possibly not manageable within the resources available to the university."

Lee suggested that the church feared it

would be exposed to financial risk if the financial affairs of the school deteriorated to the point of danger from general creditors.

EXPANSION DRIVE FEARED

The church leaders, Lee revealed, were concerned that the university's leadership "was committed to aggressive expansion, and that such plans envisioned obtaining heavy financial support from other-than-Methodist churches and from public and governmental sources."

Lee told Hatfield his firm found that financial facts could be dug out of the reports only by expert and time-consuming review.

Hatfield said he recently received "cursory information from USIU" about the school's finances which showed that "their cash fell in one year from $482,468 on 9/30/69 to $73,713 on 9/30/70."

Between 1968 and 1970, the school's liabilities rose from $11.4 million to $16.2 million, Hatfield told Richardson.

QUESTIONS NEED

Beyond the financial uncertainty of USIU suggested by this information, Hatfield's memo to Richardson said that as an Oregon educator he "questioned the wisdom of another private college" when:

(1) Of Oregon's 13 private colleges, 11 had an aggregate deficit of $1.6 million in 1969–70.

2. Oregon already has more institutions of higher learning per capita than any other Western state—one per 53,000, while the average is one per 99,000.

3. There are already three colleges within 12 miles of Adair that will have an enrollment of 21,000 by fall.

After meeting with Richardson, Hatfield met with Rep. Wendell Wyatt. A defender of the Adair transfer to USIU, and gave the congressman a copy of his memo. Wyatt had no immediate comment.

Hatfield is due to arrive at Portland International Airport at 11:06 a.m. Saturday where he will hold a press conference prior to going to Newport for a speech that night.

PROPOSED ADAIR CAMPUS: USIU OFFICIALS SEE NO CONFLICT WITH NEARBY SCHOOLS

(By Allen J. Morrison)

United States International University at San Diego, Calif., says establishment of an Oregon branch campus near Corvallis this fall would not cause competition problems with existing nearby colleges.

USIU has been given most of the abandoned Adair Air Force Station north of Corvallis for an Oregon branch but formal signing of the deed has been delayed by U.S. Sen. Mark O. Hatfield for further study.

The university operates limited enrollment universities in England, Mexico City, Steamboat Springs, Colo., and San Diego, and a high school in Africa.

USIU said it plans to open the Adair branch this fall, along with another college at the abandoned Sundance AFB, Wyo., also given to USIU by the federal government.

"GREATER AREA"

Robert S. Dunn, USIU vice president, said the Adair campus would not compete with Oregon State University, Linn-Benton Community College or Oregon College of Education at nearby Monmouth, because the potential student population would "come from a greater area." He said it will "augment, not compete with adjacent colleges."

A number of public and private universities are concerned, however, that the new university would compete for scarce public and private funds. Some educators question the need for another university in the area.

USIU plans to offer a two-year liberal arts program for 250 students initially and "grow to 1,200 to 1,500 within a few years."

Dunn, a lawyer, said the Corvallis site "fits naturally into our over-all concept of moderate-sized undergraduate campuses that will each allow for a feeling of community but will collectively provide the large undergraduate base normally undergirding any significant full university."

He said, "The university policy stresses academic excellence and a climate of rational inquiry and wholesome, decent living. We are also selective of our students."

(The policy is criticized by some as ultraconservative and it allows the university to terminate any student without cause.)

"The beauty and serenity of the area around Adair Air Station are very conducive to the success of such a program," said Dunn.

All seven USIU campuses have beautifully styled buildings, large acreages and relatively low enrollments.

Although critics say USIU is spread too thin financially by its aggressive development program, the university says it has the money in its general fund to convert Adair to a campus. Estimated cost is $250,000. In fact, USIU says it would like to acquire the 152 military houses at the base in addition to the 257 acres and 35 buildings involved in the current transaction.

Federal appraisal of the Adair land, buildings and other improvements being transferred to USIU is $2.5 million. The appraisal was made by General Services Administration, Auburn, Wash.

The 257 acres and 35 military buildings are a gift to the university for educational purposes. The city of Albany is buying the Adair water and sewage treatment plants for $355,400, half their appraised value, to serve North Albany, across the Willamette River from Albany proper.

NO SPECIFIC PLAN

The university did not give specific finance plans on Adair development as requested in the federal application for the base. HEW officials indicated this was not important because it has lots of information on the university.

The university is operating on a "tight" fiscal program, agreed James Faulstich, economic adviser to Gov. Tom McCall, but he expressed confidence in the university and its trustees.

Some trustees in recent years left the board after expressing lack of confidence in the university's administration.

However the current board of 28 members, except for some Methodist Church representatives, appears to be in strong support of the administration. The church and USIU administration have carried on a long feud over the university's rapid expansion plans.

TUITION COST

In the proposal for the Adair branch, tuition, room, board and other services for a student carrying 11 to 16 units would be $1,081 per quarter, or slightly more than $3,000 for a regular three-quarter year. This is in addition to laboratory, vehicle registration and other special fees.

University policy allows it to withhold diplomas or credits for any student having outstanding debts to the university or any delinquent bills in the community.

The university said it had planned to open a campus in the Vancouver-Seattle area but was "diverted to Adair by representations and urging of numerous Oregon officials and citizens."

POOR USE SOUGHT

Representatives of the Governor's Advisory Committee on Chicano Affairs and Valley Migrant League officials said they tried last summer to get the state to look into taking Adair for vocational, housing and other social welfare needs of low-income persons but failed to get interest.

The Oregon Council of the Poor recently authorized drafting of a proposal to use the base for housing poor people and educational, vocational, medical, legal and other services for the poor.

The State Department of Education also has indicated interest in the property. And Oregon State University has submitted an application for use of the base if USIU doesn't get it. Charles H. Blumenfield, OSU executive assistant to the president, said the OSU Department of Education would like the property but the university does not have money to maintain the base.

PROPOSED ADAIR CAMPUS: METHODISTS BREAK TIES WITH USIU OVER ITS OPERATIONS—UNIVERSITY SAYS CHURCH BITTER AS INFLUENCE CUT

(By Allen J. Morrison)

The United Methodist Church of America has issued disclaimers that it has any affiliation with United States International University at San Diego, Calif., which plans to open an Oregon campus this fall near Corvallis.

The Southern California-Arizona Methodist Association admits to having affiliation only with California Western University, San Diego, the original of the seven campuses operated by USIU.

The church opposes the international expansion program of USIU.

DATES TO 1963

This rift began in 1963 and it was based on the church's feeling that Cal Western was in precarious financial condition and academic "disrepute," according to Dr. Herbert L. Heller, who was with USIU from 1962 to 1965 and served as director of summer sessions at Cal Western.

The university says the long-standing criticism of USIU and its expansion program stems from bitterness over loss of control of the university.

The university said it worked to free itself of church control in order to raise money on a broader base and to remove religious roadblocks in foreign countries where USIU wants to establish campuses.

The Methodist church denies it wants to regain control of California Western or USIU.

PROMISE OF ADAIR

Statesman research on USIU was prompted by a present move to give the university 257 acres and 35 buildings at the abandoned Adair Air Force Station north of Corvallis. The U.S. Department of Health, Education & Welfare, however, is holding up the transfer at the request of Sen. Mark O. Hatfield, who is studying free transfers of government land in general and this one in particular.

USIU now has university campuses in San Diego, Colorado, Mexico and England and a high school in Kenya. It plans another university branch at Adair. It also has acquired the old Sundance Air Force Base in Wyoming for a university.

HARD TO GET FACTS

Several officials and organizations concerned with learning more about USIU complain of difficulty in getting financial facts.

The Methodist Church sent a team of Methodist university officials last month to re-evaluate the affiliation with Cal Western. They left after two days, complaining that they couldn't get "meaningful financial information," according to Dr. Russell R. Robinson, district superintendent of the Methodist Church at San Diego.

The Statesman asked for the audits too. The university replied that it has regularly undergone audits by Peat, Marwick, Mitchell & Co., and that the university has trustees with "great capability in financial and business affairs."

"SENT TO FEDERAL AGENCIES"

USIU said it furnishes copies of audits each year to the U.S. Departments of Health, Education & Welfare and Housing & Urban

Development. Those agencies said they could not find any recent audits.

The U.S. Office of Education says it asked for audits recently in connection with a request for a government loan extension. This is a rare request among universities.

It reports that it granted the extension, that USIU has again missed a payment, and that it still has not received an audit.

Sen. Hatfield also has written for audits but has not received them.

James Faulstich, Gov. Tom McCall's economic adviser who recommended Adair to USIU, has received the latest regular audit and other data he requested recently from the university.

THE 1966 SPECIAL AUDIT

The latest special audit ordered by trustees was in 1966 when there was concern among Methodist members that the administration was not supplying understandable financial reports and was embarked on growth plans without resources to carry them out.

Paul M. Lee, an accountant on that audit, said financial facts could only be "dug out by expert and time-consuming review."

He said some of the accounting practices of the university could mislead trustees, particularly its net equities in various assets, and that writeups in the university's "endowment and invested plant fund," particularly in property appraisals and re-evaluations, were "contrary to general accounting principles."

He added that the university appears to be "filling a higher education role."

TRUSTEE IN THE DARK

Mrs. Mary Catherine Stone, a trustee for several years, said she had never seen an audit and did not know of any others who have in recent years. She said President William C. Rust and others on the executive committee handle all the financing.

She praised Rust as a "one-man show" and "financial genius" in keeping the university going. "It has been a miracle that we survived," she said, adding that last summer revenues were "so lean" that several wealthy trustees had to lend the university money to meet operating expenses.

She said they have done this on other occasions.

She added that unrest among students over dismissals of faculty and a "rather conservative student conduct code" appear to be ending.

PROPOSED ADAIR CAMPUS: USIU'S CODE TOUGH FOR "CLEAN, WHOLESOME CAMPUS"

(By Allen J. Morrison)

United States International University, planning to open an Oregon campus this fall near Corvallis, reserves the final and exclusive right to deny re-enrollment to any student.

This new rule is part of a USIU Statement of Policies & Regulations adopted in 1970.

Dr. Carl R. Rogers, resident fellow at USIU and an internationally recognized psychologist resigned in June because of the new creed.

In his 4-page letter of resignation to USIU President William C. Rust, Rogers said he would have little objection to the statement of policies if the university had first consulted advisers, faculty and students.

"But for the policies to be presented as a creed, to which every new student and faculty member must subscribe before he is welcome in the university, is really more than I can stomach," he wrote.

RULES FOR STUDENTS

The policy statement lays down rules on student grooming, bans alcohol and tobacco on campus and off, and forbids visits between sexes in dormitories and other campus facilities.

Dr. Roger J. Fritz, president of Willamette University in Salem, when asked about USIU's statement of policies, said a few fundamentalist institutions such as Bob Jones University and Wheaton College still reserve the right to dismiss students and faculty without a stated cause.

University vice president Robert S. Dunn told The Statesman that all the faculty in the graduate school returned this year except Rogers.

Some of the university critics, including its Methodist Church affiliation trustees, said they could not understand the conservative doctrine as Dr. Rust, the strong man of the university, has always been a liberal educator.

WIDELY PUBLICIZED

The university does publicize the policy statement widely. It says it is necessary for a clean and wholesome campus.

USIU president Rust said the statement of policies is being well received.

There were student and faculty demonstrations against university policies prior to the new statement, mostly over wholesale firing of faculty.

Dr. Herbert L. Heller, who was assistant dean and director of summer sessions at USIU's California Western campus from 1962 to 1965, told the Statesman that President Rust "fired on the least bit of hearsay that implied or directly stated a disagreement with him personally or with his policies or practices. My departure came under the latter category."

"SPREAD THIN"

Dr. A. Frederick Bunge, retired associate professor of communications, said, "The major criticism of the operation is that the university is spreading itself thin. While on the one hand the bills cannot be paid at certain times of year, a great deal of money is spent in traveling, employing personnel to develop additional campuses, and maintaining an international image."

Dr. Wayne Dancer, retired mathematics professor, said, "If you people in Oregon let them get Adair you are bigger fools than I think you are."

Sen. Mark O. Hatfield's staff said USIU has an impressive faculty with long experience in broad fields. My brother Donald Morrison, San Diego, president-elect of the National Education Association, agreed that USIU offers good programs.

"NEEDS WORLD SCOPE"

"Education today must encompass the world if it is to serve youth adequately," says President Rust. "Such a world scope will come when students have an opportunity to live, talk and study with teachers and colleagues from many parts of the world.

"One major purpose of United States International University is to provide students with these opportunities to learn first-hand about other parts of the world. This will prepare them to live with purpose in our world of change, and to live with others on higher levels of understanding."

In its General Information Bulletin USIU says of itself: "United States International University was established to emphasize areas of human concern and leadership where people work with people—such areas as Human Behavior, Education, Law, Business, International Relations and the full program of the Arts and Sciences. It is our belief that strong academic work on campuses which emphasize wholesome living and a search for meaningful values in an atmosphere permeated with the great insights of our heritage is the combination which best can serve as a basis for study and growth.

ALWAYS ITS GOAL

"Since the early days of the University it was planned to expand the institution into a multi-campus international university. This approach was chosen in order to enable the University to grow without destroying one of its major objectives, that of offering undergraduate education on campus areas with a small enrollment so that the student is able to feel a part of a real campus life."

The university has two undergraduate Colleges of Arts & Sciences, a Graduate School of Business Administration, School of Law, Graduate School of Leadership & Human Behavior, Graduate School of Arts & Sciences, School of Performing Arts, Center for Urban & Human Development and Institute for Educational Management, all at San Diego.

ITS MAJORS

It offers departmental majors in art, biology, business institutions, chemistry, economics, English, foreign language, history, mathematics, music, philosophy, physics, physical education, political science, psychology, religious studies, religious education, sociology and speech-drama.

It has an Intensive Study Program at Steamboat Springs, Colo., and "university centers" in England, Kenya and Mexico.

The university is accredited by Western Association of Schools & Colleges and California Department of Education and approved by Veterans Administration. The School of Law is accredited by American Bar Association and California Committee of Bar Examiners and accepted by Association of American Law Schools.

PROPOSED ADAIR CAMPUS: USIU FINANCES ARE UNDER REVIEW BY FEDERAL AGENCY

(By Allen J. Morrison)

Questions of financial responsibility of United States International University, as raised by U.S. Sen. Mark Hatfield last week, are under review in the federal Health, Education & Welfare Department.

The San Diego-based university with several campuses has plans for establishing a new campus on the old Adair Air Force Station property near Corvallis.

Some of the same financial questions that Sen. Hatfield raised with HEW Secretary Elliot Richardson have come under State Executive Department examination here in Salem.

James Faulstich, economic adviser to Gov. Tom McCall who recommended that the Adair property be given to USIU, said his review of the university's audit showed "a real tight cash position." But he also said USIU has had a responsible record of public trust and responsible trustees.

CASES CITED

The USIU audit, prepared by Peat, Marwick & Mitchell Co., indicated a full accounting of funds but cited a few cases where USIU failed to place money in trusts as required.

Mortgages payable, including notes, trust-deeds and bonds, have risen from about $11 million in 1968 to over $16 million at the end of 1970, according to USIU.

During this period its net worth increased from $10,832,741 to $17,756,100, mostly through property acquisitions, endowments and grants.

State official Faulstich did comment that while he felt the university was responsible he didn't think Mexican law has adequate corporation controls.

MEXICAN CAMPUS

His comment referred to the International University trustees' decision in June, 1970, to establish a separate corporation in Mexico and open a campus with 31 students at Puebla, southeast of Mexico City.

In authorizing the Mexican corporation, the USIU board also guaranteed a $560,000 loan to acquire the old University of the Americas campus.

The university also has foreign campuses in England and Nairobi.

OFFICIALS LISTED

Directors of the university's new Mexican corporation are University President William C. Rust; Robert S. Dunn, vice president of the university; John M. Cranston, chairman of the board; Winston M. Scott, identified as a former U.S. embassy official in Mexico; and Jose Cossio Jr., not otherwise identified in the minutes. An alternate director is Robert H. Walter, president of U.S. Financial Corp. which lent money for the Mexican campus.

Winston M. Scott also was elected to the USIU board in June, along with John R. Fletcher, owner of Mt. Werner Ski Resort, Steamboat Springs, Colo., which is location of USIU's Alpine College and Sperle Ellison, San Diego, vice president of the Hilton Hotels.

DELAY AGREED

Sen. Hatfield's position has caused the HEW department to delay transfer of Adair to the San Diego university. One of the senator's questions has been why didn't the appropriate federal agencies receive USIU audits as requested during their consideration of the Adair land transfer.

The senator himself said he encountered difficulty getting financial information from the university.

Financial information that HEW had received from the university was relied on by the Corvallis citizens' committee that worked with an HEW planning committee in studying the request for Adair property and subsequently recommending it last year.

TUITION INCOME

One point that bothers some who have seen International University's audit for 1968–69 is the amount of income reported from tuition—$3.9 million.

That year USIU reported an enrollment of 3,172 to HEW. At its announced tuition rate of $535 per quarter that year, the reported enrollment on the face of it should have produced receipts of more than $5 million, not counting any summer terms.

The Statesman failed in telephone attempts to find any USIU official willing to explain the difference.

Edward Kahn, manager of the USIU audit team for San Diego auditors of Peat, Marwick Mitchell & Co., said any request for such information would have to come from the university. The university's President Rust, board chairman Cranston and board secretary George W. Peck refused to make the request.

Mr. HATFIELD. Mr. President, now let me turn to a few of the points I raised when I met with the Secretary.

First, it is necessary for an applicant for transfer of real property to file an application with the regional HEW office. As I examine the HEW form and the USIU answer, I question whether the school answered adequately the HEW questions.

I ask unanimous consent that question 12 of the HEW—San Francisco—form be printed at this point in the Record, to be followed by the USIU answer.

There being no objection, the items were ordered to be printed in the Record, as follows:

Question 12

12. Give a full and complete statement of the ability to finance, operate, and maintain the facilities requested, including arrangements for conversion, or construction, staffing, operation, and maintenance. Be sure to include the following:

(a) Capital outlay budget, $———.

(b) Special building funds, $———.

(c) Undistributed reserve, $———.

(d) School tax rate, $———.

(e) Percentage of assessed valuation currently bonded, $———.

(f) Funds available for personnel and maintenance, $———.

(g) Amount raised by taxations, $———.

(h) State appropriations, $———.

(i) Other (contracts, services, federal payments, etc.), $———.

ANSWER

12. The University, in the past 18 years, has developed into a major institution under the same President and essentially the same Board of Trustees. It has two major campuses in the San Diego area plus a downtown center for the performing arts; a campus in Steamboat Springs, Colorado; a campus in London, England; a campus in Nairobi, Kenya; and a campus in Mexico City. The University's income comes from tuition and fees plus gifts from corporations, foundations, and individuals who are interested in a strong, academic program coupled with an emphasis on values and wholesome campus living. The University has built two of these campuses from vacant land and has purchased the others. The same program of development that has made this growth and successful operation possible will be utilized as well at the Adair site. The fact that the major portion of the buildings are in existence on this site makes the project much easier to accomplish than those that have already been established by the University.

Mr. HATFIELD. Mr. President, it certainly is clear to me that, while the question wanted dollar answers—and even included dollar signs, USIU did not discuss funds in particular in its answer.

This, I would note, is not the first time that the school was not too candid with HEW. Last summer, HEW gave Sundance Air Force Station in Wyoming, to USIU.

The regional office in Denver used a different form from that used in the HEW San Francisco office. I ask unanimous consent that the appropriate HEW questionnaire—Denver—appear at this point in the Record, followed by the USIU answer regarding Sundance Air Force Station.

There being no objection, the items were ordered to be printed in the Record, as follows:

ABILITY TO FINANCE AND OPERATE

7. (a) Give statement of sources of present financing for operations and for development of new facilities, including statement as to the current availability of funds to carry out the proposed use. (Complete budget or treasurer's report not required.)

(b) If program contemplates major development costs and funds are not currently available, state proposed plans and sources for securing funds to carry out the program and development.

USIU RESPONSE TO HEW QUESTION 7—SUNDANCE

It is intended to use the property for educational purposes as a part of the University program. It is estimated that it will be used to accommodate approximately 300 students. The sources of revenue to operate the program will come from tuition and fees, augmented by gifts from foundations, corporations, and individuals.

Mr. HATFIELD. Mr. President, it should be noted here that on the Xerox USIU answer I have, following the typed answer set out above is a Xeroxed pen entry "See attached program." When I read that, I could find no mention of particular finances.

Mr. President, it seems to me, and I hope my colleagues here today agree, that we should insist on a more complete disclosure than these answers would indicate. I think you can see that these questions in my mind warranted detailed explanations.

Second, I feel strongly that any educational institution locating in Oregon be financially sound. As you know, I was a college professor before I entered public service, and I have followed higher education in my State closely since then.

In 1967–70, 11 of the 13 Oregon private colleges ran up deficits totaling $1.6 million. Oregon already has more private colleges per capita than any other Western State—one per 53,000 people, while the Western average is one per 99,000 people. Also, there already are three existing colleges within a few miles: Oregon State University—14,800 students; Oregon College of Education—3,770 students; and Linn-Benton Community College—1,770 students. This is 20,000 students already within 12 miles from Camp Adair. This also raises questions about the student population base from which USIU hopes to draw.

I feel strongly that USIU should be a financially sound institution, and not one which would result in a shaky operation.

I did some checking on the finances of USIU, and my investigation, coupled with the points raised in the Statesman articles, convinced me that a further investigation of this school is warranted.

A letter to me from Mr. Paul M. Lee, a C.P.A. in Los Angeles, shed light on the financial operation of the school from 1960 to 1965. I ask unanimous consent that the letter to me from Mr. Lee appear at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Los Angeles, Calif.,
January 4, 1971.

Hon. Mark O. Hatfield,
U.S. Senator,
Committee on Interior and Insular Affairs,
Washington, D.C.

Dear Senator Hatfield: In your letter of November 30th you asked questions regarding the work of an Audit Study Committee relative to California Western University of San Diego (now a part of United States International University.)

The reason the 1966 review of financial reports was performed was that there was widespread concern among many Methodist members of the corporate governing body that the administration, backed by a majority of the Trustees, was not supplying understandable financial reports and was embarked on growth plans possibly not manageable within the resources available to the University. Concurrently, there was deep concern that if the University was to continue successfully as a Methodist-sponsored institution all responsible persons ought to—

(1) truly grasp the key financial facts at all times

(2) evaluate the financial risk that the Southern California-Arizona Annual Conference of the Church was exposing itself to if the financial affairs of the school (as an instrument of the Conference) were deteriorating to the point of danger from general creditors.

At this same time, all concerned were debating the fact that University leadership was committed to aggressive expansion, and that such plans envisioned obtaining heavy financial support from other-than-Methodist Churches and from public and governmental sources. This program implied that the Methodist position of prime sponsorship of the school would be relinquished, and the wisdom of all this was being argued. This was the climate at the time the committee I served on was asked to study and comment on the audited financial statements of the University.

As to the conclusions reached by the Committee I first refer you to the report of the Committee, copy enclosed. My own condensation of the report is as follows:

(1) The financial facts relative to results of operations of the University over a five year period, July 1, 1960 through June 30, 1965, could be dug out of the reports, but only by expert and time-consuming review.

(2) The net equities the University had in its various assets were stated acceptably but the presentation required the reader to be really alerted to how increases in equity, achieved by appraisal write-ups, had been treated in earlier years if he was to make a judgment about the cumulative operating results. Without that knowledge the statements could be misleading.

(3) A display in the Invested Plant Fund and in the Endowment Fund of cumulatively how much equity derived from write-ups to appraised valuations for property would have improved the financial statements. At June 30, 1965 the Invested Plant Fund equity included $1,979,538 of such write-ups; the Endowment Fund, $856,045. The point is not that the Trustees can't recognize these valuations, but that they have an obligation to at least preserve for the current reader of reports an understandable record of them. (As the auditors reported, write-ups to appraisal values are contrary to presently accepted general accounting principles.)

(4) The matter of recognizing appraisal values ought to be a two-way street. The June 30, 1965 financial reports showed City Center Campus Land and Building valued at $1,272,000. A footnote implied its present market value to be very substantially less.

In general, the outcome of the overall policy debate I refer to was that the Southern California-Arizona Annual Conference of The Methodist Church (now the United Methodist Church) has relinquished its predominant role as the controlling influence with the school. The Trustees and the administration have gone ahead and accomplished, in a number of respects, some of the plans under discussion in 1965 as well as extensions of them.

I have not seen financial statements of the University beyond the June 30, 1965 date. No official or unofficial follow-up of the Committee's review was called for, so I have no way of knowing the extent to which the Committee's criticisms were dealt with, if at all, in subsequent financial statements. I believe the implied call for improved disclosure in the financial statements of the Funds covered important matters of principle and important amounts of money, so I hope there was constructive response.

I trust these comments meet your need. Also I wish the very best outcome, in all ways, for the growth of the University. It has accomplished a great deal and appears truly to be filling a higher education role.

Very truly yours,

PAUL M. LEE.

Mr. HATFIELD. Mr. President, this added even more weight to my thinking that HEW should not rush into approval of this land transfer. The school's records should be examined to see if these changes have been made. I wrote Dr. Wm. Rust, president of USIU, requesting copies of recent USIU audits, but these never have been sent by Dr. Rust.

The third of my main points I raised with Secretary Richardson concern a letter to me from Mr. Richard R. Holden, of the Office of Education of HEW. I ask unanimous consent that his letter appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., January 12, 1971.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: Thank you for your letter of January 6 concerning U.S. International University.

Enclosed is a schedule showing the participation of this University in the Academic Facilities Program authorized by the Higher Education Facilities Act (HEFA) of 1963, as amended. Only one direct loan has been approved, and this one in the amount of $1,212,000, which was approved in FY 1967, was used together with a Title I Grant to assist in financing the construction of an academic complex on the Elliott Campus. The loan was closed in October 1968.

A debt service reserve payment due January 1, 1970, was not made in a timely manner. However, the payment was made to the Trustee within 60 days after the due date. An additional debt service reserve payment of $23,000 and an interest payment of $18,180 became due January 1, 1971, and the University has requested until February 15, 1971, to make these payments. Permission for this extension has been granted.

Construction of the five projects for which Title I Grants have been approved is being delayed, according to advice from our regional office, due to the difficulty being encountered by the University in raising the required matching funds. On two of these projects (4-9-00399-0 and 4-9-00429-0) the University has filed applications under Section 306 of HEFA for annual interest grants to assist in meeting part of the debt service on private loans. These annual interest grants have not yet been approved.

Although requested, we have not yet received a copy of the University's recent financial reports.

If we can be of any further assistance, please let us know.

Sincerely yours,

RICHARD R. HOLDEN,
Director, Division of Academic Facilities.

U.S. INTERNATIONAL UNIVERSITY PARTICIPATION IN HEFA 1963, AS AMENDED—AS OF JAN. 7, 1971

		Approved		
		Title I grant		
Project number and campus	Total development cost	Amount	Year awarded	Title III direct loan
Construction completed:				
4-9-00101-0—California Western University	$1, 044, 421	$272, 000	1965	0
4-9-00102-0—California Western University	406, 977	126, 125	1967	0
4-9-00103-0—California Western University	670, 752	175, 173	1967	0
4-9-00152-0—Elliott	2, 975, 709	911, 938	1966	$1, 212, 000
4-9-00434-0—City center	105, 326	32, 292	1968	0
Subtotal	5, 203, 185	1, 517, 528		1, 212, 000
Construction not started:				
4-9-00399-0—California Western University	780, 277	260, 092	1968	0
4-9-00429-0—Elliott	1, 083, 506	361, 168	1968	0
4-9-00486-0—Elliott	2, 001, 820	721, 155	1969	0
4-9-00490-0—Elliott	1, 132, 600	566, 300	1969	0
4-9-00491-0—Elliott	555, 930	277, 965	1969	0
Subtotal	5, 554, 133	2, 186, 680		0
Grand total	10, 757, 318	3, 704, 208		1, 212, 000

Mr. HATFIELD. Mr. President, a member of my staff diseussed this matter with a staffman in the Office of Education. He said that when USIU requested extensions of the payment dates, that the OE requested audits over the phone from the school.

The OE had approved these requests, but USIU did not send the audits for 1968 and 1969 until OE sent a registered letter demanding them. The audits arrived Monday, February 1, the very day that Secretary Richardson gave final approval of the transfer.

I also want to point out that this material was made available to Secretary Richardson at our meeting on January 22.

Last Friday, February 5, a letter arrived from Secretary Richardson discussing my questions about the transfer. I ask unanimous consent that this letter appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, February 3, 1971.

Hon. MARK HATFIELD,
U.S. Senate, Washington, D.C.

DEAR SENATOR HATFIELD: After our discussion on January 22 regarding our proposed conveyance of the former Adair Air Force Station, Corvallis, Oregon to the U.S. International University, I requested my Office of Surplus Property Utilization to furnish me with factual data on the several areas you felt were not fully covered in the University's application and proposed program.

My analysis of all data has led me to conclude that USIU programs, multi-campus concept, and willingness to assist students to reach their college level potential, are exciting and attractive to college age students. Hence, students are not primarily drawn from the State in which a USIU campus is located, but from all States.

USIU's financial status does not appear to be a serious obstacle to their performing under their proposed program at Adair. Furthermore, since no local or State funds will be involved and the funds to be spent by USIU at Adair will help the economy in the area, and since the government also is not risking any loss if USIU does not complete its proposed program, I can only conclude there is much to gain and nothing to lose by completing this conveyance. Thus far, USIU has more than kept good faith in meeting program commitments for all other properties the Department has conveyed to it.

For these reasons, I have determined to proceed with the conveyance. Your interest in calling my attention to some areas of possible weakness in our surplus real property application procedures is appreciated, and we are taking steps to strengthen these procedures.

With kindest regards,
Sincerely,

ELLIOT RICHARDSON,
Secretary.

Mr. HATFIELD. Mr. President, in closing my remarks today, I ask unanimous consent that editorials reflecting Oregon opinion on this transfer appear at the conclusion of these remarks. This shows that the people of Oregon want a delay in this transfer. I will have more to say on this subject at a later date.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

KPOK Editorial

December 12, 1970.

The following is an editorial representing the opinion of KPOK.

It appears to us that a review of procedures in regard to government disposal of surplus property is in order. This has been brought to light by the proposed transfer of Camp Adair to a San Diego based university called the United States International University.

According to information from the office of Senator Mark Hatfield, USIU has obtained a considerable amount of property through government transactions. We are not suggesting that there has been anything legally wrong with obtaining property in this manner, but we do question a procedure that would turn Oregon land over to a private college from another state when good use could be made of it by our own state.

Senator Hatfield has requested a "hold" be placed on the transfer. This would allow time for clarification of procedures followed by the General Services Administration and the Department of Health, Education, and Welfare.

It is possible there is legislation needed to tighten governmental property disposal procedures. The Camp Adair situation would certainly indicate that more precise guidelines are called for.

Your contrary opinions are invited. Address your comments to: R. M. Brown, Editorials, 1019 S. W. 10th Avenue, Portland, Oreg.

[From the Eugene, Oreg., Register-Guard, Dec. 19, 1970]

A Second Look

Without knowing exactly what he has in mind, we welcome Sen. Mark Hatfield's request that the proposed transfer of Camp Adair property to a California-based private college be held up.

This deal just doesn't feel right. This is not to say anything against the federal government, which apparently followed proper procedures in trying to dispose of the Adair property, or against United States International University of San Diego, which wants to start a new campus on the 204 acres it hopes to get free of charge.

The trouble is that this state does not need another private college. Most of the ones it has are in deep financial trouble. The governor is proposing that state money be used during the next biennium to try and keep them afloat.

If USIU is an exception to the rule and for some reason is quite self-sufficient, it will represent more competition for the existing private schools. If USIU turns out to have the same money troubles as the others, it probably will join them in seeking public rescue. Either way, the school promises to be more of a burden than a blessing for the Oregon public.

If no one else expresses interest in the Adair property, it would seem unfair to deny it to the only bidder. On the other hand, the interests of the public as well as of the bidder should be taken into consideration.

The State Department of Education is now actively pressing for the Adair land as a site for a proposed state environmental education center. That idea may be no good, but it deserves to be heard.

There should be time for a second look at the possible uses of Adair.

[From the Oregon Statesman, Salem, Oreg., Jan. 21, 1971]

Delay Transfer of Adair

There are too many unanswered questions about the policies and prospects of United States International University to warrant turning over the valuable Adair Air Station tract to it at this time.

In fact, the more answers The Statesman gets to the months of investigation this paper has done into USIU, the more we are unsure USIU should take over Adair at all.

The Statesman begins to recount today, in the news columns on page one, the information—and the answered questions—which this investigation has produced. Much of it has been assembled by Allen J. (Bud) Morrison, a veteran investigative Statesman reporter. His investigation has involved hundreds of letters and conversations with persons associated with all phases of the university's operations.

We have had the most helpful cooperation of Sen. Mark Hatfield and his staff in Washington, D.C., in getting to the source of federal agency information dealing with USIU. Sen. Hatfield is meeting today with Elliott Richardson, secretary of Health, Education and Welfare, to bring to his attention the material collected so far and to encourage further and deeper inquiry before the property is turned over to USIU.

The picture which has emerged so far, as is being detailed in the news articles, is of a university which, in addition to its respected academic standing and faculty, is accumulating vast and widespread tracts of land. It shows a university with limited financial resources talking of large investments in capital expansion. It also shows delays in accomplishing those ends.

It also shows a complicated corporate structure with an unusual amount of control and authority lodged in the officers of the institution, headed by President William Rust.

He has unquestioned organization and financial ability, but while his administration has been adding hundreds of students, it has been adding thousands of acres.

The Statesman also is disturbed by the superficialities of the investigations of USIU made by government officials and agencies. All too often, the data supplied by USIU has been accepted without question or genuine investigation. Much of the financial data has been accepted without audit confirmation.

Combining the record of USIU's expansion policy and evidences of the cursory nature of the inquiry made prior to accepting the USIU offer for Adair, The Statesman is not convinced the public's interest is being properly safeguarded.

This does not mean, however, that further investigation might not bring forth reassurances. It does mean that further, more detailed inquiry is warranted.

The Adair tract must not be allowed to become a part of a university's land bank. If it is to be used for higher education it should be as a productive campus bringing both educational and economic returns to the Mid-Valley.

[From the Oregon Statesman, Salem, Ore., Jan. 29, 1971]

Federals Make Slipshod Inquiry

Discovery of the appallingly lax investigations which federal agencies make of applicants for public lands and resources is one of the most important results of The Statesman's inquiry into the proposed transfer of the Adair Air Station tract.

The federal government is giving away billions of dollars in money and land to educational and other institutions. Our study of the plan to give the Adair land to United States International University of San Diego indicates that the government accepts data from applicants without even questioning it.

The investigation by Statesman Reporter Allen J. (Bud) Morrison revealed that the Department of Health, Education and Welfare, which was acting on the USIU application, had a great deal of out-of-date and incomplete information on the university. A list of USIU's board of trustees, supplied by HEW, contained six incorrect names, for example.

In applying for the Adair land, USIU returned an incomplete application to HEW. When asked about this, a HEW official replied his office had "plenty of information" on USIU. Financial data supplied by USIU to HEW was incomplete. No follow-up inquiry was made. A HEW request for an audit has been repeatedly ignored by USIU without penalty.

The U.S. Office of Education, also in HEW, had information about USIU delaying its debt payments, but this information wasn't available to the HEW headquarters where the Adair application was being processed.

HEW had no record of or knowledge of resolutions passed by the USIU board of trustees giving unusual financial controls to officers of the institution.

HEW had no accurate compilation of the vast acreages which USIU is assembling as the agency determined whether to add Adair to the list.

Citizens are forced to rely upon these government agencies to protect their interests. The Corvallis area citizens committee which investigated the Adair tract application, for example, relied upon the federal technical team from HEW in assessing USIU without realizing how incomplete the HEW investigation had been.

When taxpayers' money and public land is being given to non-profit institutions, the public has an interest in such things as what mortgages and investments the institution has and what controls exist over subsidiaries in foreign countries.

This information apparently isn't being collected and verified. Like the dinosaur, the federal agencies have become too big for their brains. They can't carry out all the responsibilities assigned to them.

It is disturbing that the valuable Adair tract was almost turned over to USIU without adequate investigation, but it is downright depressing to think of the countless other transactions in which public resources are almost certainly being dispensed using the same slipshod standards.

[From the Oregon Statesman, Salem, Oreg., Jan. 30, 1971]

"A Bird in the Hand"

The Corvallis Gazette-Times continues to endorse the transfer of the Adair Air Station property to U.S. International University in the face of calls for further investigation by this paper and by Sen. Mark Hatfield.

The Gazette-Times asks, "what do we have to lose?" No other industries or organizations capable of using the property fully have come forth with offers.

It counters fears that the land might not be used by pointing out that "unless the property is operated as an educational institution, it reverts to the federal government."

Adair is one of the prime tracts in this valley, equipped with valuable buildings and public utilities. The public has a great deal to lose if the tract is developed only minimally. We mustn't lose track of the bitter disappointment the Boardman tract deal with Boeing has become.

So a close look is warranted at USIU's development of the other campuses they have added.

The institution acquired its Elliott campus in San Diego as a gift from the government. At last report, its 400 acres had 800 students. USIU reports only 79 students on its 80-acre Alpine College campus in Colorado. It is committed to develop a campus at Sundance Air Force Base in Wyoming, again on property donated by the government.

It reports only 31 students on a 200-acre campus in Mexico, and it is in the process of disposing of its 500-acre campus in England and purchasing another tract of land. But even when it was in operation, it reported only 107 students.

Should Adair be entrusted to a university with such a record of developing new campuses?

The Gazette-Times, in supporting the USIU application, opines, "A bird in the hand is worth two in the bush." But before accepting a bird in the hand, you have every reason to look at the previous habit patterns of the bird.

[From the Oregon Statesman, Salem, Oreg., Feb. 6, 1971]

Adair Questions Unanswered

Doubts that the public's interest is being safeguarded were affirmed by the incredible decision to give the valuable Adair Air Station land to United States International University without answering the serious questions raised by Sen. Mark Hatifield.

As the result of his own and this paper's lengthy investigation of USIU, Sen. Hatfield presented Sec. of Health, Education and Welfare Elliot Richardson with a substantial list of questions and information on Friday, Jan. 22.

HEW had tentatively decided to turn Adair over to USIU. A "hold" had been placed on that decision pending the presentation of Sen. Hatfield's material.

Upon receiving it, Sec. Richardson said, "This is all new information to me." The Statesman, through its investigative reporter Allen (Bud) Morrison, had spent months in helping assemble that information.

Only a long and thorough investigation—something obviously not done by HEW up to that time—could possibly answer the questions and resolve the doubts.

Instead, a little over a week later HEW notified Sen. Hatfield that the transaction with USIU is being completed without the courtesy of answering a single question which Sen. Hatifield raised.

Sec. Richardson had left the matter in the hands of Asst. Sec. Sol Elson who refers to USIU President William Rust as "my personal friend."

President Rust, incidentally, had an excellent opportunity to provide details on his plan for using Adair when he gave the Corvallis First Citizen banquet speech last week. Instead, he never mentioned the subject.

The past record of USIU in acquiring public land amply demonstrates the effectiveness of USIU's special department which is devoted to making such acquisitions.

USIU has discovered that by relying upon its reputation, it can avoid providing the federal government with the specific information on applications which is required of other applicants.

A study of the applications submitted by USIU for public land in San Diego, Sundance Air Force Base, Wyoming, and Adair shows that in no case has it been necessary for USIU to provide the detailed financial information requested.

USIU repeatedly replied in generalities to the specific requests for demonstration of financial ability to develop its campuses. It repeatedly ignored requests for audits. A USIU audit belatedly arrived at the HEW office on the afternoon before the Adair transfer was made. Obviously there was no thorough study of investigation made of the facts reported in that document.

The argument that USIU should be given the property because no better use can be found for it at this time is without merit. Far better to wait a while longer than to turn over this valuable public tract to a university with a clear record of campus underdevelopment and with serious questions unanswered concerning USIU's financial capability and control.

Although the Oregon Legislature and state officials do not have the power of decision in the Adair case, they share in the responsibility for protecting the public interest. They, too, should not be satisfied until the questions raised by this investigation have been answered satisfactorily.

[From the Capital Journal, Feb. 4, 1971]

Better Use?

There's not much doubt that better use could have been made of Adair Air Station land than deeding it to United States International University.

The trouble is that nobody who suggested other uses came up with a plan and the money to finance it that could be acted on quickly. And the federal government wanted it dumped.

The Corvallis Gazette-Times, in endorsing the decision to give it to the university, made the point that some use ought to be made of the property and that USIU suited the newspaper, and Corvallis, just fine.

If the ball was dropped, and we think it was, it was by those who opposed the transfer to USIU but failed to propose anything better than talk.

But there are a couple of left-over thoughts that bother us.

USIU is a strange operation, with more land than students and more brochures than money. It has an administrative organization that allows plenty of room for wheeling and dealing.

The U.S. Department of Health, Education and Welfare, which approved the transfer, did a superficial investigation. It failed to check out the multitude of questions raised by the Oregon Statesman or answer all the questions asked by Oregon's congressional delegation.

We'll join many others in watching USIU's use of Adair with interest.

[From the Oregon Journal, Feb. 4, 1971]

Unanswered Questions on Adair

Serious questions have been raised recently about the transfer of the unused military base, Camp Adair, to the United States International University.

The rush to sign over the deed to the San Diego-based collection of institutions without clearing the questions was unwise. That action is bound to add to the doubts that already exist as a result of investigations by Sen. Mark Hatfield, R–Ore., and the Oregon Statesman.

Both the Salem newspaper and the senator expressed dissatisfaction with financial information about USIU, the power of its officers and its operations on some of its campuses. The Statesman wondered whether USIU really is more of a real estate company than an institution of higher education.

The findings, if nothing else, suggested a go-slow approach and further investigation into the university's intentions and ability to carry out its announced plans.

But another question also should have been considered. Even if USIU does develop a liberal arts college on the surplus base near Corvallis, is there a need for another private college in Oregon, especially at a time when many of the existing schools are facing financial difficulties that threaten their existence?

It is understandable that the Corvallis community is eager to see the Adair facility returned to productive use. But whether turning it over to USIU is the best long-term use is in serious doubt. It should have been cleared up before the property was transferred.

[From the Eugene Register Guard, Feb. 5, 1971]

This Adair Transfer Doesn't Make Sense

The federal government's decision to give $2.5 million worth of land and buildings of the former Camp Adair Air Force base near Corvallis to a San Diego-based private university looks like a mistake.

The public policy implications of this transfer just don't make sense.

Oregon now has 13 private colleges. All but two or three are in such financial straits that their current income won't meet their current expenses. The governor is proposing and the Legislature is considering means to help these hard-pressed institutions with money from a public treasury that cannot adequately support the public colleges for which the state is already responsible.

The handwriting in fluorescent ink says that some of the private colleges in Oregon—and many across the country—are going to be forced to merge or close.

In the face of this situation, the state would have cause to be unhappy about the establishment of any new private college here, even though that institution were standing on its own feet and paying its own way.

But in the transfer of Adair property to United States International University, the federal government in effect is offering a $2.5-million subsidy to entice this college to set up a new campus in Oregon.

It would make as much sense for the government to go to West Virginia and set a new coal mining firm up in business next to a dozen others that are going broke.

Even if this were not the case, and if Oregon had some reason to desire the establishment of more private colleges, there is reason to wonder whether it would choose the one that seems destined to get the Adair property.

The most recent and most extensive public examination of this school was conducted by Allen J. Morrison of the Oregon Statesman. Morrison wrote a troubling series of articles for his Salem newspaper.

Based on what he found, Morrision told an Oregon legislative committee in a hearing Wednesday that USIU appears to be more of a "giant real estate holding company than a university . . . they have an incredible number of bank accounts and an incredible amount of land, but no students."

USIU, according to Morrison's research, has seven "campuses" with a total of 3,827 students. But these gross figures include a 200-acre campus in Mexico with 31 students; an 80-acre campus in Colorado with 79 students; a 500-acre "picturesque" campus in England with 107 students. An operation in Kenya, Africa, has 200 students, but they are high school rather than college level. The main 200-acre campus in San Diego has 2,425 students.

What kind of educational program can be supported on so small a student base?

Moreover, the school seems inordinately successful in picking up surplus federal land from abandoned military bases. It got 400 acres of an abandoned Marine base in San Diego in 1965. It plans to open new campuses this fall on 55 acres of a former Air Force base in Wyoming in addition to the 257 acres it expects now at Adair. There is nothing inherently wrong in this. Yet it doesn't seem reasonable for a university whose land holdings already far exceed its needs as gauged by present or prospective enrollment to be the recipient of so much surplus federal land.

Land grants are a historically honorable form of government inducement for private development that is in the public interest. The Adair equivalent of a land grant to this institution does not appear to meet that test.

IN SUPPORT OF A COUNCIL ON SOCIAL ADVISERS

Mr. MONDALE. Mr. President, last year the Senate passed S. 5 of the 91st Congress, a bill to create a Council of Social Advisers and to advance both the art and the use of social indicators.

I very much regret that the measure was not passed by the House of Representatives, but I am hopeful that the Senate will again, in this Congress, see the wisdom of providing both Congress and the administration with the kind of vital social statistics we need in order to govern better the America of the 1970's.

I was pleased with an editorial published in the St. Paul Dispatch of January 11, supporting this Council and urging that a renewed effort be made in this Congress to enact this legislation. I fully intend to make this renewed effort.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Paul Dispatch, Jan. 11, 1971]

SOCIAL ADVISERS COUNCIL

Since 1967 Sen. Walter Mondale has advocated establishment of a National Council of Social Advisers patterned after the Council of Economic Advisers, which was created in 1946. He plans to renew his advocacy of this proposal in the current Congress.

Each year it becomes more evident that America's multitudinous, uncoordinated and often overlapping and conflicting programs intended to promote "social progress" are not achieving the desired results. Billions of dollars of public funds are spent annually on these efforts, but the problems remain unsolved.

As Mondale puts it: "The gulf between those who participate in the promise of America and those who cannot participate cries out for a bridge, but we still do not know how long a bridge we need, or what it must be built of, or how to anchor it on either side of the abyss."

His proposal is to have Congress establish a three-member Council of Social Advisers with an adequate staff, which would make an annual "social report" to the nation. He also urges that a new joint congressional committee be formed to deal with issues raised by the Council. This organizational structure would correspond to that of the present Council of Economic Advisers and the Joint Committee on Economics of the House and Senate.

The Council of Economic Advisers, says Mondale, "has provided a forum where economists, Presidents, members of Congress, academicians and leaders of business and labor can speak and be heard on questions of our economic health. We can hope for similar results in social analysis, reporting and discussion from the establishment of a Council of Social Advisers."

Both Congress and the Executive Department now approach social problems on a piecemeal basis. The inter-relationships of various programs are often ignored. Results can be beneficial in one direction but disastrous in another. Highway construction and urban renewal projects have brought benefits for some, but also have produced tragic consequences for others through relocations, displacements and loss of housing and employment opportunities where they formerly existed.

It would be the duty of a Council of Social Advisers to try to bring about greater coordination of programs and to measure results in terms of actual human betterments, as well as to make recommendations for specific actions.

The Council of Economic Advisers of course has not been able to resolve all the nation's economic problems and it does not have authority to decide government policy. Decisions are left to the legislative and executive machinery. The same would be true for a Council of Social Advisers. But the Economic Advisers have contributed significantly to improvement of government policy in this field. Comparable benefits could be expected from a Council of Social Advisers.

Congress would advance social progress by adopting the Mondale proposal.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the order previously entered, the time for morning business has expired.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. CHILES). The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9 to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, every 2 years when the Senate discusses its rules, we are reminded that without unrestrained debate in the Senate, Arizona would not be a sovereign State. Arizona would be a part of the State of New Mexico.

In 1906, and again in 1911, it was the Senate which insisted on statehood for Arizona. Had it been easy to stifle debate in the Senate, the land that now is Arizona would have been gobbled up by the neighboring State of New Mexico. And this would have been against the will of the vast majority of the people of Arizona.

Even today the rule requiring a two-thirds vote to cut off debate is protection of the rights of Arizonans.

Unlimited debate protects the rights of minorities. A majority of the Senate is not necessarily always right, and extensive debate can prevent hasty actions that are not in the best interest of our people.

The Senate is the only forum on Government guaranteeing full discussion of the important issues. We must preserve this forum.

Filibusters can be halted when there is a truly pressing need for legislation. When the issues are great enough, when legislation must be passed, it is not difficult to get a two-thirds vote of the Senate. I have confidence in my fellow Senators. I do not think that one-third of them would fail to see the urgency of passing legislation vital to our national interest.

Now, Mr. President, some people are suggesting that three-fifths should be used as the cutoff figure, rather than two-thirds. We could argue from here to eternity about the relative merits of these fractions. Three-fifths, of course, makes a nice even percentage—60 percent. Two-thirds is in a sense a bit more cumbersome, it is true. It amounts to 66⅔ percent. However, I do not think this really has caused too much of a problem in our mathematical calculations.

Our Founding Fathers were not concerned about the matter of even percentages.

They decided that it should take two-thirds of the Senate to ratify a treaty.

They decided that it should take two-thirds of the Senate, and of the House, to override a Presidential veto.

They decided that it should take two-thirds of the Senate, and of the House, to propose a constitutional amendment.

They decided it should take two-thirds of the Senate to convict on impeachment.

Mr. President, I have just touched on some of these matters. They should be explored in much more depth. There also are other facets of this problem that we should delve into.

CHECKS AND BALANCES

Mr. President, we pride ourselves on the fact that we have a government of checks and balances. This is a guarantee that one portion of our Government will not get carried away and take hasty, unwise actions that are against the best interest of the people of our country.

There is one quotation which has been heard in these Chambers often before, and will be heard again. And for good reason. It is a warning issued by the great French statesman and author, Alexis de Tocqueville. This message is as timely now as it was when it was written in the 19th century. This is what he said in "Democracy in America":

> If ever the free institutions of America are destroyed, that event may be attributed to the omnipotence of the majority. . . . Of all the political institutions, the legislature is the one that is most easily swayed by the will of the majority. . . . I am not so much alarmed at the excessive liberty which reigns in that country as at the inadequate securities which one finds there against tyranny.

Mr. President, the rule guaranteeing unlimited debate in the Senate is one security against tyranny. It is a safeguard that we should keep. I do not see the virtue in reducing this safeguard by any amount, even as little as the 6⅔ percent that would be accomplished by changing from a two-thirds to a three-fifths vote.

We have discussed what a French expert on political systems had to say about the American system of government. Another foreign expert drew similar conclusions in more recent times.

Prof. Ernst Fraenkel of the Free University of Berlin made note of the major difference in the House and Senate procedures when he wrote "American System of Government." Professor Fraenkel said:

> The most significant difference . . . between the House of Representatives and the Senate is to be found in the provisions of limited debate in the House and unlimited debate in the Senate.

I could, of course, cite a number of of other authorities, including eminent American political scientists, scholars, and statesmen who see the right of unlimited debate in the Senate as one of the keystones of our system of government.

The Honorable Robert Luce, in "Congress: An Explanation," wrote:

> Many of the wise men who have served in the Senate have come to believe that it is important that there should be one place in the legislative journey where the opportunity for discussion is unfettered. They have found that this has not in the end prevented any decisions persistently wanted by the people, but on the other hand has stood in the way of much action that the country has come to conclude would have been unwise.

Prof. Lewis Froman, Jr., in "The Congressional Process," said:

> The ability of any Senator to speak for as long as he chooses is one of the most sacred of the institutions of the Senate and distinguishes it quite sharply from the House of Representatives, or, indeed, any other legislative body in the world.

ARIZONA

Mr. President, as I have said, the matter of unlimited debate in the Senate is something that is dear to the heart of Arizonans. We in Arizona are proud of our State. As much as we respect our neighbors and neighboring States, we are indeed happy that we are not a part of any of them.

Arizona pioneers were especially determined that there should be a separate State. They did not take kindly to the idea that Arizona should be tagged onto another State.

Let me point out some of the elements in the settlement of Arizona and some of the events that led up to statehood. This is pertinent to any discussion of the filibusters which I have mentioned.

First, of course, there were the Indians, then came the Spaniards who were intent on searching for gold, spreading their religion, and bringing some civilization to what seemed then like a very hostile land.

Here is a capsule history as given by one encyclopedia:

> Agitation for statehood, which began as early as 1872, seemed on the point of success in 1891, when a constitution was drafted, submitted to the people of the state, and ratified. The U.S. Senate objected to this constitution because it seemed to repudiate certain contracts and set up a double monetary standard. The Senate continued to reject bills providing for statehood until the state sent up a new constitution in 1910. The constitution raised a question of national importance in the form of a provision for the recall of judges by popular vote. After much argument Pres. William Howard Taft and Congress finally agreed on a resolution granting statehood on condition that the provision for recall be struck out. This was done, and on Feb. 14, 1912, the president signed the proclamation admitting Arizona as a state. After admission the people of the state promptly inserted by amendment the original provision for the recall of judges.
>
> As we look at history, Arizona was acquired from Mexico in 1848 and became a separate territory in 1863. From that time until attainment of statehood its organic law consisted of sections of the revised statutes of the U.S. While the territory was Democratic, its administrative officials were Republican; so the territorial governor worked with a legislature of the opposite party. One important control was the Arizona rangers, organized in 1901 to protect the cattle interests against thieves. Licensed public gambling was prohibited by law in 1907, but later became a vital issue until an attempted constitutional amendment legalizing gambling was defeated at the election of 1950. The Constitution specifically protected child labour.
>
> Constitutional amendments of 1912 provided for recall of judges and for woman suffrage; an amendment (1914, 1916) provided for prohibition but was repealed by referendum in 1932; an attempt to secure local option was defeated in 1950 by popular election. The death penalty, abolished in 1916 as a liberal political issue, was restored in 1918, and in 1933 there was ratified a constitutional amendment making lethal gas the state's mode of capital punishment. All of these things caused agitation for something to be done.

Mr. President, as we can see, the agitation for statehood for Arizona began 99 years ago in 1872. It took 40 years of struggle to achieve statehood. As I have just said, the U.S. Senate was at times a roadblock on Arizona's pathway to statehood. But the U.S. Senate also was the savior of Arizona.

On January 25, 1906, the House of Representatives took up a bill to combine the territories of Arizona and New Mexico into a single State. The House of Representatives rules provided for only a few hours of debate. As a result, the House passed the bill by a vote of 195 to 150.

It was fortunate for Arizona that in the Senate, debate could not be cut off. A few determined Senators would not let this very unfair bill pass until it was amended to provide that the people of each of the proposed States had an opportunity to vote on whether they wanted joint statehood.

Mr. President, this statehood bill affected not only Arizona and New Mexico. It also proposed statehood for Oklahoma combined with the Indian territories.

Some Senators argued that it was urgent that the statehood bill be passed in 1906. They said it was time that the boundaries of the continental United States be filled completely with States.

These Senators said that it did not matter that Arizonans may be 5 to 1 or 10 to 1 against joining New Mexico as a single State.

The majority of the Senators obviously felt—and some of them argued on the floor—that once the deed was done, Arizonans would eventually come around. In other words, they were ready to jam this bill down the throats of Arizona residents.

Proponents of this bill had no qualms about subjugating Arizona to a State government that obviously would be dominated by New Mexico interests.

One of these proponents went to great lengths to describe Arizona as a backward land that did not deserve statehood on its own.

One of the key spokesmen for this bill in the Senate took up nine pages of the CONGRESSIONAL RECORD discussing this bill on February 26, 1906. His rationalization for the joining of Arizona and New Mexico is very interesting.

First, I must concede that the bill would have made one concession to the people of Arizona. The name of the State, as proposed in the bill would have been "Arizona" rather than "New Mexico." But that would have been little consolation to those in Arizona territory who were bitterly opposed to this forced marriage.

Mr. President, I would like to cite some of the arguments made for the bill in 1906.

On the Senate floor, Senator Dick said:

> Mr. President, this bill (H.R. 12707) provides for the admission of New Mexico and Arizona as one State under the name of Arizona.
>
> ### AREA OF ARIZONA AND NEW MEXICO, AND POPULATION
>
> New Mexico has an area of 122,460 square miles. Arizona has an area of 112,920, and, combined with New Mexico as one State, will have an area of 235,380 square miles. This area is the land surface. The Territory of New Mexico has a population, as given in the year 1900 by the census, of 195,310 people, and Arizona by the same census contained a total population of 123,000, in round numbers, but of that number some 25,000 were Indians, leaving a net population of the Territory at that time, as given by the census, of some 98,000.
>
> New Mexico at the same time had a population of twelve or thirteen thousand Indians, leaving something over 180,000 as the net American population of that Territory.
>
> ### RELATIVE SIZE OF NEW STATE OF ARIZONA
>
> While Arizona and New Mexico combined will make a very large State, in area it will still be smaller than the State of Texas, for five of the smaller Eastern States could be added and it would still have less square miles than the Lone Star State. If we eliminate that portion of the area which is unfit for habitation, the size of the new State would be reduced very materially. The Territorial Delegate in Congress from Arizona said very recently:
>
> ### "TWO HUNDRED MILES OF DESERT MOUNTAIN WASTE
>
> "Two hundred miles of unsettled country lies between the two Territories along the great Continental Divide, and that vast area will remain forever practically unsettled and untenanted, except by the roving followers of flocks of sheep and herds of cattle, and these may never come on account of the scarcity of water and forage in that inhospitable desert mountain waste."
>
> A strip of this size would equal the area of Ohio and Indiana combined, and is by no means all of the area of these Territories which is of that character.

Mr. President, I think that this description and the assumption by Senator Dick speaking about this combination, illustrates how wrong a person can be in making an evaluation. That is why time for consideration is so essential before evaluations are made.

Previous to the consideration of this issue on the Senate floor, as I stated earlier, the House of Representatives, without full discussion, had made its decision: namely, that the two States would be one.

Now to continue what Senator Dick said at that time:

THEY HAVE NOT KEPT PACE IN POPULATION

The Territories of New Mexico and Arizona have not kept pace in the matter of population, though their civilization is the oldest of any portion of the United States. In the year 1850, when New Mexico first appears in the census returns, that Territory, which then included the present Territory of Arizona, stood thirty-second in order of States and Territories according to population. The present States of Colorado, the two Dakotas, Idaho, Kansas, Montana, Nebraska, Nevada, Washington, Wyoming, and the Territory of Oklahoma did not then figure in the census returns. New Mexico then had more people than the District of Columbia, Minnesota, and Oregon. At the next Federal census in 1860, although New Mexico had increased her population over 50 per cent, she had dropped to the thirty-fourth position in relative rank. Kansas had come into being and beaten her in the race for population. Minnesota had exceeded her, jumping from 6,000 people to 172,000 people.

Mr. President, there were other happenings that were described in the RECORD of those days. I will continue reading what Senator Dick had to say about this subject:

LOSS OF RELATIVE RANK EVERY CENSUS

In the Federal census of 1870 Arizona first appears as a separate entry, with nearly 10,000 people. Taking the population of the two Territories together, they had dropped from the thirty-fourth to the thirty-sixth position in rank, Nebraska having passed them with its increase of from 28,000 people to 123,000 people. West Virginia had been created with a greater population, and even the District of Columbia had gone ahead. At the census of 1880 the joint population of Arizona and New Mexico was thirty-seventh in relative order of rank, Colorado having passed them, with its increase from 40,000 to 194,000 people. Oregon also had forged ahead and Delaware had only in that decade been left behind. In 1890 the joint population of these two Territories had dropped down to the thirty-ninth place in rank. Oklahoma and the Indian Territory had forged ahead, the State of Washington had jumped from 75,000 people to 350,000 people, and although Dakota has been divided into two States, South Dakota had leaped far ahead in the race. By the last Federal census North Dakota had taken the lead, and on joint population New Mexico and Arizona stood only in the forty-first place in order of rank. Oklahoma, though in the Territorial State, had increased from about 62,000 people to almost 400,000. These two Territories along the Mexican border have therefore in the last sixty years failed utterly in keeping pace with the other States and Territories. When it comes to a comparison of agricultural resources and manufactures the comparison is still more unfavorable.

Mr. President, these were the words of a Senator speaking on information furnished to him on which he was making a decision. It is because of this extended debate that occurred at that time that Arizona is now a separate State.

Mr. President, when we look at the character of the population at that time to determine whatever information could be brought back to Congress in a hurried manner, it shows that thorough investigation was necessary.

I will continue reading from Senator Dick's remarks in the CONGRESSIONAL RECORD:

CHARACTER OF THE POPULATION

At the last Federal census New Mexico had approximately the Congressional ratio, and Arizona had about half the number, excluding Indians not taxed. Arizona, however, had increased in the decade about twice as much, proportionately, as New Mexico, having a growth of 39.3 per cent to 21.9 per cent in New Mexico. In both Territories, however, the density of population was only little over one person to the square mile. New Mexico had 166,946 native white born inhabitants and 13,625 foreign born, to 70,508 native white born in Arizona and 24,233 foreign born. In other words, New Mexico had 93 per cent native born and 7 per cent foreign born to 80.3 per cent native born in Arizona and 19.7 per cent foreign born. The foreign born white population in New Mexico was 6.8 per cent, where the figure had stood for a decade, to 18.2 per cent foreign white population in Arizona. The native whites born and living in New Mexico constitute 78 percent of the population while those in Arizona were only 38.1 per cent of that population. The foreign-born constitute 7 per cent of the population of New Mexico and 19.7 percent of the population of Arizona. Those born of foreign parentage constitute 16.2 per cent of the population of New Mexico and 40.9 per cent of the population of Arizona. The foreign-born males over 21 who could not speak English were 2,833 in New Mexico to 4,911 in Arizona. The native whites born and living in the Territory constitute 78 percent of the population of New Mexico and 38.1 per cent of the population of Arizona.

Mr. President, this illustrates the position of those two States. When the Senate had an open and thorough investigation of the advantages and disadvantages that would accrue, it was held after that thorough debate that it would be best for them to be separate States.

I continue to read:

If the Americans of Spanish descent in New Mexico have not been Americanized in language as rapidly as have other communities of foreign descent in the United States, it has been solely on account of the sparsity of population in New Mexico and the little incentive there has been to a large immigration of Americans from other States in the Union.

THE SMALL AGRICULTURAL DEVELOPMENT

The census plate showing the value of farm products per square mile shows only a small spot on Arizona, around Phoenix, indicating a production of $100 per square mile. The showing in New Mexico is little better, except for a considerable section in the north-central part of the State, where the production is as much as $500 to $1,000 per square mile.

The plate showing the proportion of improved land to total area makes no equally meager showing. There is one small dot on the map of Arizona showing over 10 per cent. There are two such sections in New Mexico. In the rest of these two Territories less than 1 per cent of the land is improved.

The areas of cultivated land in Arizona are little more than specks on the plate. In New Mexico there are two thin streaks, which mark the valleys of the Rio Grande and the Rio Pecos rivers. They unite above Albuquerque, and from there north to Colorado the cultivated land represents the lower portion of a thin trunk, to which the river valleys mentioned belong as slender limbs.

FARM ACREAGE OF ARIZONA VERY SMALL

The entire total acreage in farms in Arizona was 1,135,327, of which only 254,521 acres are indicated as improved, and 185,000 acres were actually farmed. The land and improvements except buildings, were valued at $11,416,460, buildings at $2,266,500, implements and machinery, $765,200. There are numerous single counties in the State of Ohio which make a far better showing than is represented by these figures.

The total value of farm property, including land, with improvements, implements, machinery, and live stock, was, for Arizona, $29,993,847; New Mexico. $53,767,824; Oklahoma and Indian Territory, $297,525,433; Delaware, $40,697,654; Rhode Island, $26,989,189.

HER LOW RANK IN AGRICULTURE

Agriculturally considered, therefore, Arizona ranks with Rhode Island, Delaware, and Nevada. There are hundreds of counties in the older States which outrank Arizona in the number of acres under cultivation and in the value of farms and improvements.

A plate in the volume of the last census devoted to agriculture shows the rank of the States in total number of improved and unimproved acres in farms. At the bottom of the list is Rhode Island, and above, in the order named, come Delaware, Arizona. Connecticut, and Nevada.

Mr. President, the debate on this issue was prolonged. It was necessary debate if a decision were going to be made that would be for the best interests of all States as well as of the two States concerned. Some Senators put forth a proposal that the people of each of the territories be allowed to vote on whether they favored joint statehood.

Senator Foraker of Ohio explained this proposal to the Senate:

I sincerely hope that ultimately those two Territories will be admitted into the Union as two States. I think they should be whenever they are admitted. In one of the former Congresses, three or four years ago, I supported a bill which provided for their admission into the Union as two separate States. That bill passed the other House a dozen or more times—thirty times, I think; at any rate, a great many times—and it passed the House at that time. I supported that bill here, and I undertook to show then that, according to precedents, those Territories, notwithstanding the disadvantages of populations, to which the Senator from Illinois has called attention, were entitled to such admission. But that has gone by. I am not considering that bill, and no one else is. A new bill has been presented, which has passed the other House and has come to us, and we are dealing with that. The question is whether we shall now take them into the Union. The Senator and all who support the bill have the opinion that we should, otherwise they would not support it—that they are well qualified, being joined together, for statehood—and I being of the opinion that unless they are willing to come in and make one State—to be joined together—they should be allowed to stay out and remain Territories.

In that debate Senator Hopkins had this to say:

State lines should not be so defined that a man in one section of our common country counts for so much more in the Senate of the United States than a man does in another section. I am well aware, Mr. President, that when these considerations are presented to Senators and to those outside of the Senate Chamber who favor the admission of Arizona and New Mexico as separate States, they point to New Hampshire and Vermont and Delaware as being smaller States in area and in population.

Two wrongs can never make a right. If it was an error to admit these States into the Union and give them the same representation in the Senate of the United States that States like Virginia and New York had at the time of the formation of the Federal Government, as I am free to confess, Mr. President, in my mind it was an error, that error cannot be used as a precedent to still further add to the wrongs upon the great States in the Union by increasing the number of States that must necessarily have a sparse population as to its territory and a small population as to number. The reference to these New England and Eastern States, Mr. President, is neither just nor fair. Every student of American history knows that the preparation and adoption of our constitutional form of government depended upon giving the then separate existing States equal representation in the Senate of the United States. The framers of the wonderful instrument, which has now stood the test of one hundred and twenty years, debated this question long and well and finally came to the conclusion that it would be better to give Delaware and New Hampshire and Rhode Island an equal representation in the Senate of the United States with the other States that were to be formed into the Federal Union than to have the then existing conditions continue.

Mr. President, it took several months for the Senate to come around to the only fair procedure for determining whether Arizona and New Mexico should be a single State.

Eventually, the Senate adopted the amendment providing that there should be an election in each of the issue of joint statehood.

In New Mexico, the vote was 26,105 for joint statehood and 14,735 opposed.

In Arizona, only 3,141 voters favored joint statehood, while 16,265 voted against it.

The right to unlimited debate made it possible for a few Senators to arrange that Arizona did not become a minor part of a State, second in size to Texas, under the domination of New Mexico politicians who did not hesitate at that time to use questionable methods to control elections.

By rejecting joint statehood with New Mexico, of course, Arizona lost its chance for statehood in 1906. Arizonans knew that their time would come.

The time came in 1911, and again, it was the unlimited debate in the Senate that won justice for Arizona.

A bill had been proposed admitting New Mexico and Arizona into the Union as separate States. The House accepted New Mexico, but cut Arizona out of the measure.

The Senate might have been very willing to go along with this.

But Senator Owen filibustered for 2 days on the matter. The Senate put Arizona back in the bill.

This is especially pertinent for discussion at this time of year.

Next Sunday, Mr. President, marks the 59th anniversary of statehood for Arizona. Admission day was February 14, 1912—thanks to some very well justified filibustering.

Mr. President, one of the outstanding speeches on cloture was made by Senator James A. Reed of Missouri. He served in this Chamber from 1911 to 1929. Senator Reed viewed the Arizona-New Mexico statehood bill as one of the prime examples of how the right of extended debate protects the people of our Nation from unwise and hasty actions.

I would like to discuss this speech today.

Senator Reed said:

Cloture means the granting of a power. Whenever you grant a power you must assume that the power will be exercised. So, when we discuss this proposed rule, we must do so in the light, not of how it may be exercised so as to do no harm, but we must consider how it may be exercised to do harm.

I need not pause to add to the argument already made, that when it is proposed to bring in a great measure involving the expenditure of vast sums of money, if it be a bill for the appropriation of money, or a bill for the collection of taxes from the entire country, affecting intimately the industries of the country, an hour's debate upon such a bill is utterly insufficient, utterly inadequate, and that a rule limiting debate to one hour would mean the end of debate. The truth is that this measure, if adopted, will empower a majority to throttle freedom of speech upon this floor and enable sinister and wicked measures to be carried to consummation without the country being advised of the inquities they bear.

Gag rule is the last resort of the legislative scoundrel. Gag rule is the surest device of the rascal who presides over a political convention and proposes to accomplish something which will not bear discussion. Gag rule is the thing that men inexeprienced in legislative proceedings always advocate at first, and if they have any sense, nearly always retire from as gracefully as possible after they have seen it in operation.

There is justification for unlimited debate in this body. I am getting a little tired of hearing about the sacred rights of the majority; that this is a country ruled by the majority; and that the majority has the right to have its way. This is not a country ruled by the majority. This is not a country of majority rule. The Constitution of the United States was written, in large part, to prevent majority rule. The Declaration of Independence was an announcement that there are limitations upon majority rule.

MAJORITY RULE

Majority rule! Where is the logic or the reason to be found back of majority rule except in the mere necessity to dispatch business? The fact that a majority of 1 or 10 vote for a bill in the Senate is not a certification that the action is right. The majority has been wrong oftener than it has been right in all the course of time. The majority crucified Jesus Christ. The majority burned the Christians at the stake. The majority drove the Jews into exile and the ghetto. The majority established slavery. The majority set up innumerable gibbets. The majority chained to stakes and surrounded with circles of flame martyrs through all the ages of the world's history.

Majority rule without any limitation or curb upon the particular set of fools who happen to be placed for the moment in charge of the machinery of a government! The majority grinned and jeered when Columbus said the world was round. The majority threw him into a dungeon for having discovered a new world. The majority said that Galileo must recant or that Galileo must go to prison. The majority cut off the ears of John Pym because he dared advocate the liberty of the press. The majority to the south of the Mason and Dixon's line established the horrible thing called slavery, and the majority north of it did likewise and only turned reformer when slavery ceased to be profitable to them.

FREEDOM

What is it has made this race great? It has not been the proud blood of an illustrious ancestry; it has not been because we could trace our lineage back to kings and a royal household; it has not been because of the peculiar graces or abilities of those immigrants who came to our shores and from whose loins we are sprung. It is simply because for once in the history of the world the chains were taken from the arms, the shackles from the brain, the shadows of fear were dissipated by the sunlight of liberty and freedom, and every brain of every human being, great or small, was at liberty to function, every arm and every limb was at liberty to move. So we unleashed the latent powers of a race of people; and from the cottage of poverty there came forth the genius, and from the house of the man of humble estate there emerged the child who could turn the dull and inexpressive canvas into pictured harmony of color, light, and shade, and paint the rainbow's mingling hues and marvelous tints.

From the cottages of the impoverished, from the homes of ancestors who had been enslaved and enthralled, there came forth children who in the full liberty of our civilization were able to attack every problem and to undertake every great vocation of life; so that within one generation of time we produced here orators whose words of flame could fire the hearts of all the people of this land; poets whose words will be read so long as men shall love the music of our tongue, and a citizenry who have defended our soil and our flag with unexampled valor in every contest of this Republic. All these triumphs of intellect, all these great advances in the arts and in the sciences, all our wondrous advance in wealth are due to one great fact: that we have allowed the individual in this land the opportunity to develop, the opportunity to express himself.

FREE DEBATE

Mr. President, what has this to do with the question I am discussing? Everything, sir. Before any law to bind 110,000,000 people could be passed it should somewhere be subjected to free debate; somewhere it should encounter opposition; somewhere the fires of keen intellects should burn their heat about it and test it for its metal; somewhere and somehow it should be determined by all that the intellect can do and all that the tongue can express whether the particular law which is proposed is fit to be insisted be fastened upon 110,000,000 people who think they are free and who once were free. That one forum reserved of all the places in the world is the Senate of the United States. Here a man can stand and express his views until exhaustion comes. And what of it? Some rules of common sense and decency and gentlemanly conduct have their effect. Not in all the nearly 16 years I have sat in this body have I ever seen but two or three instances of what might be really called a filibuster.

Time and time again I have seen the opportunity under the rules for the minority to have stood and obstructed legislation, but as soon as debate was fairly over they have invariably given way and the vote has come. In the two or three instances which I remember a very simple expedient was adopted. Freedom of speech was not denied, but continuance of speech was demanded. It was insisted that the bill was before the Senate and that the opponents or advocates of the bill should speak for or against it and that no other business should intervene.

We have been told here of two or three bills—one of them the force bill. The force bill, if it had been enacted, would have kept alive the fires of hatred between the North and the South almost as bright and as keen and as hot as they were at the close of the great civil strife.

NEW MEXICO AND ARIZONA

Another example: It was sought here to admit New Mexico to statehood as a partisan measure and under a constitution that had been written by the corporations of New Mexico. It was insisted upon the other hand that New Mexico should not come into the Union except under a fairly adopted constitution, and that at the same time Arizona should be received. What happened? One or two men stood here and held their ground; and a short space of time, a few months, rolling by, both States were received into the Union with proper constitutions.

Sir, I know it is popular to attack the Senate. So many an ass has stood and brayed at the lions. He who would claim for this body perfection would prove himself a fool. But the more imperfect we are, the more we need to counsel and to take advice. The less we know, the more we ought to strive to know. There may be some men of such supernatural power of intellect that they can gain nothing by the discussions their fellows may produce; but I have never seen an important bill upon the floor of the Senate, unless there was some political organization in control determined to pass it without the dotting of an "i" or the crossing of a "t," that has not been amended and amended to its benefit.

A FREE FORUM

As long as we can keep this forum free, as long as a vigorous and determined minority can prevent the passage of a statute, so long this country will be safe, reasonably safe, at least, for no great act of treachery can ever be consummated where there are not some brave souls to stand in its resistance and to stand to the end.

But strike down this safeguard of public discussion, apply the gag, and imagine, if you please, that it is to be applied only to pass good measures, only to accomplish the virtuous and the wise and the holy, only to bring the thing of rectitude; imagine that, if you please. He is a fool, he is every kind of a fool, that has ever cursed this earth or cursed himself, who thinks that any power will always be used wisely and justly. Power is almost invariably abused.

Mr. President, even if we do not agree with every word that Senator Reed said, we must admit that he gives us a lot to think about—and much to worry about if we move towrad an easy cutoff of debate in the Senate.

Our Government is not a pure democracy. If it were, we could simply set up a super nationwide polling service with voting buttons in every home and possibly vote on each and every issue. Depending on the way that commentators were influencing the people, we might vote to fight in Vietnam one day, vote to pull out the next day, reenter the third day, and so on.

If pollsters are right, some of the so-called social action programs close to the hearts of some Members of Congress would be wiped out mighty fast.

But this is not a pure democracy. Framers of our Constitution realized that great dangers might exist if our Nation were always subject to the rule of 51 percent, or even three-fifths. As I noted earlier, to ratify a treaty, two-thirds of the Senate must vote for it.

It takes two-thirds of both Houses of Congress to override a veto. It takes two-thirds of both Houses to pass a constitutional amendment. Two-thirds votes also are necessary to convict on impeachment or to expel a Member.

Framers of our Constitution did not settle for a bare majority in these cases; neither did they make it a three-fifths vote.

The Senate is the one forum in our Government where a minority may prevent hasty and ill-advised legislation. It acts as an important backstop that prevents a bare majority from being stampeded, coerced, or otherwise misled into a rash action which will have dire consequences.

We all know that there are times when the Senate rules have been used to unwise ends. This will happen with a two-thirds rule or a three-fifths rule or a majority rule.

But when the issues are big enough, filibusters can be broken. This has happened four times between 1962 and 1969.

Mr. President, a very important point to my State is the fact that a change in the two-thirds rule will in effect diminish the power of Arizona in the U.S. Senate. All of the States with small populations would be deprived of a portion of their influence on legislation.

QUALITY RATHER THAN SPEED

Mr. President, there is a great impatience in our land today. Many of our troubles on university campuses, and in other civil disturbances, have been blamed on the impatience of youth.

People want instant solutions to problems.

No one knows that better than the Members of this Congress, Mr. President. How many hundreds of pieces of mail do we get each and every day asking us why we cannot solve problems instantly.

We are asked to come up with instant peace. Somehow, if we just withdraw immediately from Southeast Asia, some people say, everything will suddenly be rosy again. Our enemies around the world will suddenly become cooperative and friendly and will not take the least advantage of us.

We are urged to end the arms race. The instant problem solvers contend that if we just stop building weapons, our enemies will do likewise and all will be well with the world. Marx and Lenin were just kidding when they preached that communism will conquer the world.

If we do not build an SST, the instant problem solvers say, we will have the noise and air pollution problems all solved. Britain, France, and the Soviet Union will see the error of their ways, and junk their multibillion-dollar development. Likewise, we are supposed to use some of the money thus saved to, in one fell swoop, wipe out poverty and hunger and conquer disease forever. Were it all that simple, Mr. President, then Congress could wind up the Nation's work in a month or two and take the next 5 years off.

But in order to really solve problems, solutions must come slowly. We should know that by now. Our recent history is studded with so-called massive efforts to right wrongs overnight with miracle legislation. All these efforts have failed, and have left our Nation in worse condition than ever before.

Civil rights legislation passed in the mid-1960's was a cruel hoax on the Nation. Rather than bringing us together as a nation, it polarized the country. When we look at the stories in the press over the years, we can readily recognize the problems that have evolved. It gave rise to hopes that could not possibly be fulfilled in such short order. These hopes turned to frustration, and finally, for many members of minority groups, to hostility.

Let us consider some of the programs that have been passed in recent years.

Medicare, which was promised as a cure-all to the health care of the elderly, was another disaster not only for older Americans but for the entire country. We recognize now that we should have had a pilot program, that this program was not thoroughly studied. Medicare has not taken and does not adequately take care of the medical needs of the elderly. And it has had the side effect of escalating medical costs for all Americans, including those who can least afford it. Medicare should have been approached with caution, and there should have been more testing of the concept before it was launched full scale.

I mention these, Mr. President, only to illustrate some of the dire consequences of impatience in dealing with our national and international problems. By rushing off blindly, although with the best of intentions, we most often fail to come up with the solution. Not only do we often fail to solve the problem, but we aggravate it or create new and more complex problems.

Most legislation is not so terribly urgent that it must be passed in a day, or a month, or a year. If the problem before Congress is of great importance, it may be that several years of consideration are well in order. If we consider the beneficial legislation that has been enacted in the past, we realize that it was not hurriedly placed together. By having the opportunity of extended debate, much of that legislation was perfected and when placed into operation was effective.

What I am saying, Mr. President, is that it is much more important that we pass quality legislation rather than speedy legislation. In most instances, the more important the legislation is, the slower we should go in enacting it.

The speediest type of government, of course, is a dictatorship. There would appear to be a certain element in our Nation today working toward this end. But I think that the vast majority—say, a better than two-thirds majority—of our Nation would like to stick with a system that offers some checks against rash actions.

This impatience that I have talked about is being manifest at the present time by persons and interests and publications that are advocating rapid change in our society. These are the ones who seldom see anything good in what has been America. They advocate change for the sake of change.

These people are advocating a sweeping change in Congress. They want to change the committee chairmen, they want to change procedures, they want to change all the rules by which we operate.

Now, Mr. President, I want to say quickly that I support some of the ideas that have been put forward. We do need reforms. Some that have been put forward would be very beneficial. We have made some adjustments in the Senate and, apparently, in the House of Representatives, at the outset of this Congress in our committee work. We have given greater consideration to how the minority Members should be handled and consideration to the number of committees to which a Senator is assigned. More changes might be in order in the future—after we see how things are working out under the reforms of 1971.

Yes, we do need reforms. When we talk about what reforms should be brought about, we must realize that many are needed which cannot be brought about because of the difference of opinion that exists among the Members.

Reform, yes. Radical change, no.

Mr. President, any erosion of the two-thirds rule for cloture would be a radical change in the nature of the Senate and of Congress. In essence, we would end up with two Houses of Representatives.

With that, Mr. President, I would like to take note of an interesting phenomenon.

Many of those who now are so vigorously calling for revamping of rule XXII are those who have taken such great advantage of the filibuster in recent times.

Just last year there was a month-long filbuster against President Nixon's nomination of Judge Carswell to the Supreme Court of the United States. If it had not been for the lengthy debate, Judge Carswell would most likely have been confirmed. The opponents of the nomination used the time to manipulate public opinion and to bring about the defeat.

We cannot quarrel with the bringing of information to the public that is connected with any appointment. We cannot quarrel with the revealing of information. In fact, we support that but we do realize that, in many instances, the information released and picked up or how it is handled by the press does violence to the real intent involved.

Mr. President, it was my great privilege to serve in this body with the distinguished former senior Senator from Arizona, Mr. Hayden, who served in Congress longer than any other person.

Senator Hayden in 1967 said:

> The Congressional Record of March 8, 1917, shows that a resolution—Senate Resolution 5—containing rule 22 was presented by Senator Martin of Virginia, the majority leader, who obtained unanimous consent for its immediate consideration. The primary reason for proposing a limitation of debate was a filibuster which resulted in the failure to pass the armed merchant ship bill before the adjournment of the 64th Congress on March 4, 1917. As a warning to the German Kaiser, that legislation was promptly enacted at a special session of the Senate called by President Wilson on March 5, 1917.
>
> As then adopted by the Senate, rule 22 provided that debate could be brought to a close by a two-thirds majority vote of all Senators. Thirty years later, in 1947, the rule was amended to provide that a two-thirds majority of those present and voting could close debate. That was a reasonable amendment because modern transportation makes it possible for almost all Senators to be present. That provision is now in effect, and I am opposed to any change in that ratio.

Senator Hayden had had an opportunity to observe the operations of the U.S. Senate and of Congress over a greater number of years than any other Member of Congress. He is still active in his work of assisting in governmental affairs.

I bring this to the attention of the Senate because I think it is important to realize that this man went through a period of time of stress and wars and other great problems.

He said further:

> I cannot forget that on January 25, 1906, the House of Representatives, under a rule providing for only a few hours of debate, by a vote of 195 to 150, passed a bill to admit into the Union Arizona and New Mexico as one State and Oklahoma and Indian Territory as another State. But in the Senate, debate could not be cut off, and a few determined Senators would not let the House bill pass until it was amended to provide that the people of each of the proposed States had an opportunity to vote on whether they wanted joint statehood.
>
> The vote in New Mexico was 26,105 for and 14,735 against. Only 3,141 voted for joint statehood in Arizona, and 16,265 voted against it.
>
> The right to talk as long as necessary made it possible for a few Senators to arrange that Arizona did not become a minor part of a State second in size to Texas and under the domination of New Mexico politicians who did not hesitate at that time to use corrupt methods to control elections.
>
> It was freedom of debate in the Senate that made it possible for me to begin my 54 years of service as a Member of Congress on February 19, 1912.

Mr. President, there has been a great deal of talk about how much time has been taken by Senate debate and what could be done if the Senate debate had been curtailed.

Mr. President, I ask unanimous consent that I may yield to the distinguished majority leader without losing my right to the floor and with the understanding that upon my resumption it will not be considered a second speech by me upon this subject on this legislation day.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The Senator from Montana is recognized.

EXECUTIVE SESSION

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a treaty with Mexico, Executive K, 91st Congress, second session, which was reported earlier today.

The **PRESIDING OFFICER** (Mr. BROCK). Is there objection?

There being no objection, the Senate proceeded to consider executive business.

RECOVERY AND RETURN OF STOLEN ARCHEOLOGICAL, HISTORICAL, AND CULTURAL PROPERTIES

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive K, 91st Congress, second session.

There being no objection, the Senate, as in committee of the whole, proceeded to consider Executive K, 91st Congress, second session, the treaty of cooperation between the United States of America and the United Mexican States providing for the recovery and return of stolen archeological, historical, and cultural properties, as follows:

TREATY OF COOPERATION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES PROVIDING FOR THE RECOVERY AND RETURN OF STOLEN ARCHAEOLOGICAL, HISTORICAL AND CULTURAL PROPERTIES

The United States of America and the United Mexican States, in a spirit of close cooperation and with the mutual desire to encourage the protection, study and appreciation of properties of archaeological, historical or cultural importance, and to provide for the recovery and return of such properties when stolen, have agreed as follows:

ARTICLE I

1. For the purposes of this Treaty, "archaeological, historical and cultural properties" are defined as—

(*a*) art objects and artifacts of the pre-Columbian cultures of the United States of America and the United Mexican States of outstanding importance to the national patrimony, including stelae and architectural features such as relief and wall art;

(*b*) art objects and religious artifacts of the colonial periods of the United States of America and the United Mexican States of outstanding importance to the national patrimony;

(*c*) documents from official archives for the period up to 1920 that are of outstanding historical importance;

that are the property of federal, state, or municipal governments or their instrumentalities, including portions or fragments of such objects, artifacts, and archives.

2. The application of the foregoing definitions to a particular item shall be determined by agreement of the two governments, or failing agreement, by a panel of qualified experts whose appointment and procedures shall be prescribed by the two governments. The determinations of the two governments, or of the panel, shall be final.

ARTICLE II

1. The Parties undertake individually and, as appropriate, jointly—

(*a*) to encourage the discovery, excavation, preservation, and study of archaeological sites and materials by qualified scientists and scholars of both countries;

(*b*) to deter illicit excavations of archaeological sites and the theft of archaeological, historical or cultural properties;

(*c*) to facilitate the circulation and exhibit in both countries of archaeological, historical and cultural properties in order to enhance the mutual understanding and appreciation of the artistic and cultural heritage of the two countries; and

(*d*) consistent with the laws and regulations assuring the conservation of national archaeological, historical and cultural properties, to permit legitimate international commerce in art objects.

2. Representatives of the two countries, including qualified scientists and scholars, shall meet from time to time to consider matters relating to the implementation of these undertakings.

ARTICLE III

1. Each Party agrees, at the request of the other Party, to employ the legal means at its disposal to recover and return from its territory stolen archaeological, historical and cultural properties that are removed after the date of entry into force of this Treaty from the territory of the requesting Party.

2. Requests for the recovery and return of designated archaeological, historical and

cultural properties shall be made through diplomatic offices. The requesting Party shall furnish, at its expense, documentation and other evidence necessary to establish its claim to the archaelogical, historical or cultural property.

3. If the requested Party cannot otherwise effect the recovery and return of a stolen archaeological, historical or cultural property located in its territory, the appropriate authority of the requested Party shall institute judicial proceedings to this end. For this purpose the Attorney General of the United States of America is authorized to institute a civil action in the appropriate district court of the United States of America, and the Attorney General of the United Mexican States is authorized to institute proceedings in the appropriate district court of the United Mexican States. Nothing in this Treaty shall be deemed to alter the domestic law of the Parties otherwise applicable to such proceedings.

ARTICLE IV

As soon as the requested Party obtains the necessary legal authorization to do so, it shall return the requested archaeological, historical or cultural property to the persons designated by the requesting Party. All expenses incident to the return and delivery of an archaeological, historical or cultural property shall be borne by the requesting Party. No person or Party shall have any right to claim compensation from the returning Party for damage or loss to the archaeological, historical or cultural property in connection with the performance by the returning Party of its obligations under this Treaty.

ARTICLE V

Notwithstanding any statutory requirements inconsistent with this Treaty for the disposition of merchandise seized for violation of laws of the requested Party relating to the importation of merchandise, stolen archaeological, historical or cultural property which is the subject matter of this Treaty and has been seized, or seized and forfeited to the requested Party, shall be returned to the requesting Party in accordance with the provisions of this Treaty. The Parties shall not impose upon archaeological, historical or cultural property returned pursuant to this Treaty any charges or penalties arising from the application of their laws relating to the importation of merchandise.

ARTICLE VI

1. The Parties shall ratify this Treaty in accordance with the provisions of their respective constitutions, and instruments of ratification shall be exchanged at Washington as soon as possible.

2. This Treaty shall enter into force on the day of exchange of the instruments of ratification, and shall remain in force for two years from the date and thereafter until thirty days after either Party gives written notice to the other Party of its intention to terminate it.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, Ambassador Robert Henry McBride for the United States of America and Antonio Carrillo Flores, Secretary of Foreign Relations, for the United Mexican States, duly authorized, have signed this Treaty.

DONE in duplicate in English and Spanish, in the City of Mexico this seventeenth day of the month of July, nineteen hundred seventy.

For the Government of the United States of America:

ROBERT HENRY MCBRIDE,
Ambassador Extraordinary and Plenipotentiary.

For the Government of the United Mexican States:

ANTONIO CARRILLO FLORES,
Secretary of Foreign Relations.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentary stages up to and including presentation of the resolution of ratification, which will be read for the information of the Senate.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of cooperation between the United States of America and the United Mexican States providing for the recovery and return of stolen archaeological, historical and cultural properties, signed at Mexico City on July 17, 1970. (Executive K, 91st Congress, 2d session.)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending treaty occur not later than 1 o'clock tomorrow afternoon; and it will be a yea and nay vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, in view of the fact that the distinguished Senator from Arizona has yielded to me and I do not want to take up too much of his time, I ask unanimous consent that prior to the vote on the treaty I have a period of time not to exceed 10 minutes to explain the treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That the Senate proceed to vote on the resolution of ratification to Treaty with Mexico providing for the Recovery and Return of Stolen Archaeological, Historical and Cultural Properties (Ex. K, 91st Cong., 2d sess.) not later than 1 p.m. on Wednesday, February 10, 1971, provided that the Senator From Montana (Mr. Mansfield) be recognized for 10 minutes prior to the vote.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. FANNIN. Mr. President, at this time I return to my earlier remarks regarding what would have happened if unlimited debate had not been the policy in the Senate when my State of Arizona was being considered for statehood.

It was said then:

It may be that we have the constitutional right to admit a Territory to statehood in the Union, or to join two Territories together and admit them as one State, as is here proposed, without regard to whether the Territory or the Territories in question desire to be admitted. But the language of the Constitution clearly contemplates that no such action shall be taken by the Congress until the Territory makes application therefor. And that idea of the Constitution is in harmony with the history of the admission of States into the Union. No State has been admitted into the Union since the beginning of the Government, except only upon its own application.

This proceeding is unusual therefore, in this, that instead of waiting for these two Territories to make application to be admitted into the Union, Congress is going out and, in a sense, taking them by the scruff of the neck and undertaking to compel them to come into the Union. Neither New Mexico nor Arizona is applying at this time for admission into the Union. Both are praying Congress simply to leave them alone as Territories until such time as the Congress may see fit to admit them as separate and independent States.

Assuming, however, that the Senator is right in his contention that the Congress has power to do as it may see fit with respect to the admission of a Territory to statehood into the Union, and that, therefore, it is a question upon which Congress may act without an application made—that it has the power to do that—the question remains whether or not it is a good policy to do it. Is it good policy in this instance to do it? If so, it is unusual. It is unusual, Mr. President, because always heretofore, when we have undertaken to admit a Territory to statehood, we have not sought to join it with some other Territory, but we have created it, if it was not already a Territory in existence, separate and by itself as a Territory, by taking territory from some other Territory. That is the way Oklahoma was created a Territory. It was carved out of the Indian Territory. That is the way Vermont was made a State of the Union, by taking territory that was claimed by the State of New York and creating of it a separate State. Maine was carved out of Massachusetts. Ohio and Indiana and the others of the five States that originally constituted the territory lying northwest of the river Ohio, were made not by joining them together with other Territories, but by carving them out of existing territory.

This is the first time, therefore, since the beginning of the Government that we have undertaken to make a State by joining two Territories together; and what makes this case more unusual still is the fact, as the Senator from Indiana himself stated in his remarks yesterday afternoon, that this is the only instance where a Territory has been created and Congress, in the act creating the Territory, has written down a pledge that it is to remain a Territory until it shall be taken into the Union as a State. I believe in every other instance, without a single exception—certainly with very few exceptions, if any at all—Congress has, when creating a Territory, expressly provided in the organic act creating the Territory that it reserved the power to join the Territory so created for purposes of statehood with another Territory or a part of another Territory. But in this instance, for the first time, Congress did exactly the opposite. Instead of reserving the right to join Arizona for purposes of statehood with New Mexico, as is now proposed, or with any other Territory, Congress gave the solemn pledge that Arizona should continue a Territory until when, Mr. President? The language of the pledge is as follows:

"That said government shall be maintained and continued until such time as the people residing in said Territory shall apply for and obtain admission as a State."

The Senator says that is not legally binding, and that is conceded, but this is the first time in the history of legislation in the American Congress of which I have any knowledge where a solemnly given pledge of the Government has been sought to be evaded on the ground that technically it is not legally binding. Everybody concedes it to be a pledge that is morally binding. It is not a pledge made simply to the five or six thousand people living in Arizona at that time, but it is a continuing pledge to every man who has become a citizen of Arizona from that day until this, given perhaps as an inducement to people to go into that Territory, become citizens, help to reclaim its lands, subject them to civilization, to cultivation, and build up what would in time become a State of this Union.

This was to continue, Mr. President, until the people of Arizona should apply for admission to statehood in the Union. Arizona is not here applying. This whole argument has proceeded on the part of those advocating this bill upon the theory that the question to be determined here is whether there shall be one State or two separate and independent States. That at one time was the proposition before the Senate. It came to us from the House. That was four years ago. The proposition now is, as it was in the last Congress, whether there shall be one State out of two Territories or whether there shall be a continuance of two Territories as Territories until such time as Congress may see fit to act with respect to them, either to give them separate statehood or to deal with them otherwise, as it may see fit.

Mr. President, I can not now make an argument. I can only call attention to the points that the Senator made, and to only very few of them. He contends, in opposition to this amendment, that certain interests are fighting in favor of it on account of advantages with respect to the matter of taxation; and he instances railroads and mines. I do not know anything about the laws of the Territory with respect to taxation of property there, except only as the Senator has stated what those laws are. But I do know that the complete answer is that which was anticipated by him, namely, that so long as they are Territories they not only must be governed by the laws created by the Territories, but also by the laws of the Congress of the United States with respect to the matter of taxation.

If in the Territories of Arizona and New Mexico the laws are unjust as to property interests and the citizens generally in the matter of taxation, the chairman of the Committee on Territories should have called attention to it, in order that we might legislate on the subject and correct any iniquity or injustice that may exist. It is true, as the Senator suggested, that now the tax laws of the Territory are made by the Territorial legislature. If the Territories be admitted to statehood, the laws will be made by the State legislature. If these interests are so powerful that they can control the legislature in one instance, they will be equally powerful, for aught that I can see, to control the legislature in the other, and more powerful to control it if they are given statehood than if they continue as Territories, because if they continue as Territories these interests must control not only the legislature of the Territories, but they must control also the Congress of the United States. It seems to me, therefore, that there is no justification for the contention the Senator makes with respect to the matter of taxation.

Now, another matter that the Senator has spoken about is the impossibility, as he terms it, of Arizona ever having a population large enough to qualify her for statehood in the Union. He tells us of the arid lands; how impossible it is to subject them to irrigation or to bring them under cultivation in any respect. And he has exhibited plats and diagrams to show us that Arizona can never in any contingency have a population to exceed about one million. Mr. President, this is not the first time in the history of this country that we have heard reports and speeches in Congress of the same general character with respect to Territories that were little known at the time when such remarks and such speeches were made.

Mr. Webster, as somebody said here the other day, had a profound knowledge of the Constitution, but seemed to be a very poor judge of real estate. He did not think there was anything in California, where to-day everything blooms and blossoms as the rose, which justified an expectation that it would ever be of any value.

Mr. President, I am quoting these statements because they illustrate just how necessary it was that Congress consider the problems with respect to the future States of Arizona and New Mexico.

Mr. President, the proposal to make it easier to cutoff debate here in this Chamber go much deeper than the right of an individual Senator or a group of Senators to engage in prolonged discussion that might be called a filibuster. What we are being asked to do, Mr. President, is to alter the role and the very position of this body in the scheme of the American Government.

It has been said here that the Senate is the only parliamentary body in the United States where a Member cannot rise to his feet and make a motion that could be carried by a majority of one, to gag the other Members of that body. Gag rule also is possible in all other parliamentary bodies on earth, including the House of Commons of the British Parliament. A one-vote majority is sufficient to cutoff debate, to prevent Members from speaking out, to silence sound argument in other parliamentary bodies.

But not, I repeat—and I think this is most important—in the U.S. Senate. That is what makes this body unique. That is what gives the Senate its individuality. It is one of the reasons that the Senate has served the Nation so well for so long during such trying times. This Senate is different from any other parliamentary body ever created by the mind and ingenuity of man.

We recognize that. We do have protection for minorities—the very basis of what we are talking about in the proposed change of our rules. Certainly that is covered in the very structure of our Government, because by each State having two Senators, the minority is given protection that is not accorded in many bodies of government.

Mr. President, we keep coming back to the problems that confronted our Founding Fathers two centuries ago. The greatest difficulty facing the Constitutional Convention was on the question of the composition of the Congress of the United States. The small States would not go along with the proposition that the Congress should be based purely on population. It took a long time to work out a compromise.

Eventually they did compromise. And that compromise placed an indelible stamp on the Senate, differentiating it from any other parliamentary body devised by man. That compromise gave the smallest State the same representation in the Senate as the largest and most populous, as I have just illustrated.

Now, Mr. President, I realize that many people would like to break down this system, but I also realize that there are many supporters of the system; and I should like to read one quotation concerning rule XXII of the U.S. Senate. Walter Lippmann said:

> The filibuster under the present rules of the Senate conforms with the essential spirit of the American Constitution, and it is one of the very strongest practical guarantees we have for preserving the rights which are in the Constitution.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Minnesota, without losing my right to the floor, and that upon my resumption it will not be considered a second speech by me upon this subject on this legislative day.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 49—SUBMISSION OF A RESOLUTION AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MONDALE. Mr. President, I have a resolution which I must submit today. In a moment I shall ask unanimous consent that the resolution I now send to the desk be referred to the Committee on Rules and Administration.

Before I make that request, for the record permit me to say I have cleared this with both the chairman of the Committee on Rules and Administration.

WILLIAMS) and its ranking member (Mr. JAVITS).

There is a technical problem involved and by making this unanimous-consent request that the resolution be sent directly to the Committee on Rules and Administration rather than to the Committee on Labor and Public Welfare, it can be met. Both have agreed to it; and I therefore, ask unanimous consent that the resolution go directly to the Commitee on Rules and Administration.

The PRESIDING OFFICER. The resolution will be received, and, without objection, will be referred as requested.

The resolution (S. Res. 49), which reads as follows, was referred to the Committee on Rules and Administration:

S. RES. 49

Resolved, That (a) in studying the effectiveness of existing laws and policies in assuring equality of educational opportunity in accordance with Senate Resolution 359, 91st Congress, agreed to February 19, 1970, as amended and supplemented, the Select Committee on Equal Educational Opportunity is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpoena witnesses and documents, (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (6) to interview employees of the Federal, State and local governments and other individuals, and (7) to take depositions and other testimony.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

SEC. 2. The expenses of the Committee under this resolution shall not exceed $494,000, of which amount not to exceed $20,000 shall be available for the procurement of the services of individual consultants or organizations thereof.

SEC. 3. The Committee shall make the final report required by such Senate Resolution 359, together with such recommendations as it deems advisable, at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. FANNIN. Mr. President, Prof. Raymond Wolfinger, in his "Readings on Congress," stated:

> Unlimited debate is a rarity among national legislatures, and the glory of the United States Senate.

Prof. Lindsay Rodgers stated in his book "The American Senate":

> As the much vaunted separation of powers now exists, unrestricted debate in the Senate is the only check upon presidential and party autocracy. The devices that the framers of the Constitution so meticulously set up would be ineffective without the safeguard of senatorial minority action. . . . Abolish cloture and the Senate will gradually sink to the level of the House of Representatives where there is less deliberation and debate than in any other legislative assembly.

Prof. Alfred deGrazia, in "Republic in Crisis," stated:

> Obviously, the Senators, who are 100 well-educated, well-informed, and rather "liberal" men. . . . see something exceedingly valuable to their corporate and individual status in the privilege of unrestrained debate. That value is the right to resist in a most public manner policies that a President desires. . . . (In the Senate) the notorious filibuster stands as an insufferable bar to presidential ambitions.

Former President Woodrow Wilson, in his doctoral thesis "Congressional Government," written impartially before he was stricken by "presidential ambitions," said:

> The Senate's opportunity for open and unrestricted discussion and its simple, comparatively unencumbered forms of procedure, unquestionably enable it to fulfill with very considerable success its high functions as a chamber of revision.

William S. White stated, in his book "Citadel":

> And those who mock the Institution . . . might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged. Those who denounce the filibuster . . . might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority.

Some people believe that our Government is archaic, that it was designed by and for the 18th century rather than the 20th century. They want drastic changes in the composition and the character of our country.

But I believe our Founding Fathers put together a blueprint for government that is timeless. It has had some adjustments over the years. There will be more. Nevertheless, the blueprint has remained essentially as it was laid out.

Mr. President, the framers of our Constitution made the guarantee of equality of States the one provision not subject to amendment without the consent of the States.

Let us look at article V:

> And that no State, without its consent, shall be deprived of the equal suffrage in the Senate.

I quote the late Senator Richard Russell of Georgia:

> So when Senators speak lightly of invoking a gag rule in the form of the States of this Union, on the ground that it is different from other parliamentary bodies, I say, Mr. President, that that is the strongest reason for not tampering with these rules, and for not shutting off or stifling the voice of any representative of any State, be it great or be it small, until he has had an opportunity to discharge his responsibilities here.
>
> Why do men wish to be U.S. Senators? Why, Mr. President, do Members of the other body, which is a coordinate branch of this Congress with the Senate, so often desire to offer for the Senate of the United States? Why do men desire to come from Governors' chairs to the Senate of the United States? I submit that it is because of the very differences that distinguish this body from every other legislative body on earth.
>
> Yet we are told that because the Senate is different, we have got to change it and make it like all the others, even though to do so would be a serious invasion of the whole theory of our republican form of government, as contemplated by the Founding Fathers. Now we are being asked to whittle away and destroy the powers and the rights of those who serve here. In the old days, they were referred to as ambassadors of their respective States. Now we are told we should make the Senate just another parliamentary body, exactly like any other. Now we are told that because in the senate of the State of Georgia a member can rise, move the previous question, and shut off debate when Senators have not had an opportunity to express themselves, the same rule should apply in the Senate of the United States.
>
> Mr. President, I have never heard a more fallacious argument. Yet Senators absorb it. You see them drink it in.
>
> Here we are, Members of the greatest deliberative body on earth, bearing an honor in the parliamentary field that is greater than any that has ever existed except in the earlier days of the Roman Senate; yet some Senators are pressing us into destroying this body, into eroding their own powers, into disfranchising their own States, and preventing their States from being represented properly here.
>
> It was done first, Mr. President, in the name of civil rights. They came forward and said, "We have got to make these changes because we can't pass any civil rights bills." Well, a number of sweeping civil rights bills have been passed in the last few years.
>
> Mr. President, I have waited a long time for a Senator to come forward with a list of bills vital to the security and progress of the United States that have been killed because of the right of free speech in the Senate of the United States. I have never seen one example brought out here. But I have set in the Senate for the past 34 years and have seen the exercise of that right prevent the passage of many bad bills, bills that would have been injurious to the people of the United States.
>
> Make no mistake about it. If we go ahead and pass this majority gag cloture, we will soon be met with a change in the rules that will deny or limit or restrict the right of amendment in this body. Mark that prediction. We will have a situation in the Senate in which a mere majority, a bare majority, a temporary majority of one will get some kind of rule, such as they have in the other body, that will keep a Senator from offering an amendment to a bill. It will make a U.S. Senator run around and beg to get the chance to speak for 3 minutes on a bill.
>
> That is where the proponents are trying to take us with this type of change in the rules. It will destroy the prestige of the Senate. The Senate has had prestige in this country despite the efforts of many Senators to shatter or destroy that prestige.
>
> This would destroy or impair the greatest element of checks and balances among the three divisions in our Government, the judicial, the legislative, and the executive.
>
> The Senate is the foundation of that division of powers. It is the balance wheel on which the division of powers in the system of checks and balances revolves.
>
> It is because of the fact that it is different from all other parliamentary bodies that it has been able to make its contribution in war and in peace under rules permitting more freedom of debate than the present rules would permit, without impairing the welfare of the Nation, but contributing mightily to the building of the greatest society that has ever existed under the canopy of Heaven.
>
> It has contributed to the making of the American way of life that is the envy of mankind everywhere. It has been done under these rules, and yet they say, "we come in here now with a form of gag to deny the right of meaningful debate in the Senate. And do it in the name of democracy."

I continue to quote from the remarks of the late Senator Richard Russell:

> Where are we going to have our debate? How are we going to take the question to the people of this country? Make no mistake about it, we are not living in the simple days of the early life of this Republic, and I admit that, but I say that that is all the more reason to have the right of free speech in the Senate.
>
> It is hard to get through to the people of this country what is involved in the very complex and complicated issues that pass through here in the way of legislation. However, if the proponents can just get a gag rule through, they can then go forward and destroy or limit the right of amendment in the Senate of the United States. They can then pass the economic and social legislation they want, legislation that will revolutionize this country and will destroy this system that has afforded men the opportunity to make progress and to go forward and to succeed in accordance with their abilities, in accordance with their talent and their energies, the opportunity that has made this great country of ours.
>
> Mr. President, Senators talk about a majority of the Senate having the right to vote

at any time. There are a number of things that have been put beyond the limit of the majority. The right of private property in this country was supposed to be protected in the Constitution of the United States. Founding Fathers did not leave it to the mercy of a simple majority in the House of Representatives or in the Senate of the United States. They put it in the Constitution, where it would require not only a vote of two-thirds of all the Senators, but also the approval of three-fourths of all the States.

They did the same thing with respect to the right of religious liberty and the right to worship God according to one's own wishes and ideas, or the right not to worship any god if one saw fit.

They said that that could not be changed by any mere statute, but must be changed by a two-thirds vote.

Even the Founding Fathers, with all their brilliance, could not look down the lane 190 years and anticipate what would happen. Even with all their brilliance, they could not possibly have predicted or envisioned what we have done in this country and the developments of the 20th century that have within the period of 60 years changed the manner of living and habits and thinking of mankind to a greater extent than in any other period of a thousand years in human history.

So please, I beg, Senators, even those who in a moment of weakness have made some commitment with respect to this matter, to go over it in your minds and think over again what the effect would be.

I know about the frustrations of long debate here. I suppose I have been involved in my share of it on both sides of the fence.

It is human nature that if you have a bill up and have a majority of one in the Senate, you are ready to vote then, and any debate against that bill is something that is irritating and frustrating, because you cannot bring the bill to a vote immediately with that majority of one.

Mr. President, the majority is not always right. Down through the years there are great monuments, tragic monuments, to the failure of the majority to be right, the errors of a temporary majority such as it is proposed to subject the Senate to, a proposal to turn loose all the fires of partisanship to a mere majority, to close off debate and silence the opponents before they have had a full and fair chance to make their case before the American people.

It is sometimes hard to let it seep through. Sometimes when you are defending what you believe in, but which may be unpopular for the moment, you do not have the great media of communications to support you. They have a way of getting together sometimes, and they will exalt statements in favor of the issues they support and will minimize statements in opposition to those issues.

It is more difficult today than ever before to get both sides of the case before the American people. But I can assure, Senators, on the basis of almost 35 years of service in this body, that there are two sides to every question.

Maybe most of us think, "There is my side and there is the wrong side," but often the side you are for and the side I am for is the wrong side—it happens time and again.

Mr. President, the Senate was created to give a full chance to expose here the errors of the other branches of the Government. One of its main purposes was to permit a complete revision or canvas of the acts of the other body, to have full sway to offer amendments, and to make speeches to point out those mistakes.

Over the years, when you balance it up, the right of free speech in this body has been vastly more beneficial in the preservation of our system of Government, in maintaining our system of checks and balances, in trying to maintain the division of powers between the three separate branches of the Government, than the action of any army. The Senate is the last bulwark of the minority in this land.

Now, the majority will work its will. It may have a little trouble. It may have delays. The members of the majority may get tired of sitting around listening to debate that men of good faith are making; to speeches made in the Senate, with which I thoroughly disagree, but upon which Senators had spent hours of labor. They rendered a public service, because they helped to open up before the American people both sides of the question.

This is not a partisan matter. This is a matter that goes to the heart of our system. The Senate of the United States is a unique body. It has been the most useful instrumentality of government down through the years. It has served this Nation well as a continuing body, with two-thirds of its Members going over from election to election, as the Founding Fathers provided, to carry with them experience and an understanding of the operations of the other branches of the Government, so that they might help to protect the people of this country from the excesses of the executive branch of the Government or to undo some excess or wrong that was worked by the decisions of the judicial branch of the Government.

The Senate has had a proud history. Oh, we have made mistakes, because we are human. We are fallible, as are all other men who are born of women, and as are women who are born of women. But, Mr. President, the Senate owes its greatness to the right of the representatives of the States of this Union to stand up and speak their pieces. This is the only place where that can be done.

I do not guarantee these figures, but I think they are correct. The last time I checked them they were correct. In the other body, the solid votes of nine States can overcome the resistance of all the Representatives of the other 41 States in affairs of legislation that would be beneficial to those larger States.

In the general scheme of things, the smaller States are always disadvantaged and handicapped. That is true in the organization of our political parties. It is true in the other body. Until recent years, very few men from very small States were even appointed to the President's Cabinet. The one place where the small States had a right to be heard, where they could defend the interests of their people, was the Senate of the United States.

I never cease to be amazed when I see representatives from some of the smaller States come into the Senate and attempt to denigrate the only power of the small States which equalizes them with the larger. It is not true anywhere else. It is not true in an election. It is not true in the other body. It is true only in the Senate of the United States.

Let those who wish to have gag rule that is more inflexible than the existing rule XXII bring a bill of particulars, and say: "Here are the bills that are vital to our people, that were defeated because we did not have immediate gag rule to shut off debate in the Senate of the United States."

Let them bring a bill of particulars. Certainly in over 190 years there must have been a number of such bills. If the situation is so bad that we have to go through this procedure at the beginning of every Congress, and it is said, "The Senate is not a continuing body; therefore we have a right to shortcut the rules," even though the rules specifically provide that they shall carry over from one Congress to the other, let the proponents bring in a bill of particulars.

In spite of all that, this drive goes on and on and on. I can understand it on the part of Senators from the very large States.

Mr. President, from the standpoint of the Senate itself as a body—I have great respect for the Senate of the United States as an institution—I think the right of free speech in this body has been one of the factors that has made this Government, this system of ours, the oldest operating system of government on earth today. Our Constitution is the oldest charter. I do not like to see Senators take lightly these proposals to so rastically change the rules.

As a matter of fact, up until 1917 there was no way on earth to prevent any Senator or group of Senators from speaking as long as they wished. During the First World War and afterward, in connection with the so-called armed-ship bill and two or three other measures, rule XXII has been modified two or three times. Now it is proposed to strike it out almost completely, with a great statement of words. The proponents say that to do so will protect the rights of Senators. Mr. President, the only way the rights of Senators can be protected in representing the States that sent them to the Senate is to preserve the right of free speech in the Senate. When that right is limited, the power of every Senator is limited, and the rights of the State that sent him here are circumscribed.

I realize that there are those who are committed to the doctrine that the States no longer serve any useful purpose and that it would be much more efficient and much better to have everything, from parking regulations on up to the treaties that, under the present Constitution, must be submitted to the Senate, decided by some vast bureaucracy on the banks of the Potomac. But if that is true, it flies in the teeth of human experience; because the shores of history are littered with the wrecks of civilizations that have tried that, that have enticed men to surrender their rights to someone who is going to be able to be more benevolent to a person than he could be to himself—the old "something-for-nothing" theory.

That is the objective of some of those who are seeking to bring about various changes in our system. This rule has worked no great wrong on the American people. To change it and institute gag rule in the Senate will work great wrong on them.

Mr. President, those words are from a Senator recognized as one of the best parliamentarians who ever served in the Senate.

Mr. President, at the outset of this discussion, I quoted from the speech Senator Dick gave in 1906 when the majority of Congress was trying to force joint statehood on New Mexico and Arizona. The Senator cited a great number of statistics about how neither Arizona nor New Mexico amounted to much alone. He also created the impression that neither one of them would amount to much.

The majority of the Senate seemed to agree with Senator Dick, and most certainly would have gone along with the joint statehood idea.

Extended debate in the Senate, however, eventually brought out the true facts. Let us look at some more of the arguments put forward by Senator Dick, and compare, if you will, Mr. President, how things eventually came about. You will see that his idea of conditions in the West, and the majority opinion at that time, were far from right.

At one point he talked about irrigated lands, and he indicated that he did not have much hope that irrigation would ever amount to much. He said:

> ### MANY ONCE IRRIGATED PLAINS ARE NOW DESERTS
>
> While farming by irrigation has, under most favorable conditions, almost the certainty of an exact science, yet the obstacles are many, and nature is not always subdued. The desert plains of Persia and Assyria were once the homes of teeming cities and a country of immense wheat production, raised by irrigation. They are now dreary wastes of sand, showing that man does not always prevail in the attempt to conquer dry lands by irrigation.

Mr. President, I would just like to bring to the attention of the Senate the fact that the first great reclamation project in this country was the Theodore Roosevelt irrigation project in Arizona—one of the most successful of all such projects. This was in the days when Senator Dick was speaking about the Arizona-New Mexico program.

Continuing:

> ### PREHISTORIC IRRIGATION IN ARIZONA
>
> When the Spaniards first discovered this country they found the ruins of a civilization so ancient that all memory of it was lost. Traces of ditches and ruins of old irrigation works where now are only sand and desert wastes prove that man, for a time, prevailed here in the contest against nature, but was finally destroyed and that ruin and desolation settled over land which once blossomed and bore fruit abundantly.

I remind the Senate that by irrigation and farming those lands, they have now been brought back into fruitful production.

I continue to read:

> ### SOME OF THE DIFFICULTIES OF IRRIGATION
>
> It may be profitable to consider some of these problems of irrigation, especially since so much is claimed for it and so much depends upon it.
>
> In these great areas of valley land in the southwestern portion of the Territory, under a semitropical sun, where the greatest development of agriculture is taking place, water is more valuable than gold. Here irrigation was carried on by the Indians long before the advent of white men. In many of these river valleys for long distances the water of the river flows underground and can only be reached by sinking wells and erecting pumping stations.

Mr. President, in those days back in 1906 through 1910 when the matter of whether we would have statehood was being considered, we naturally did not realize what would be the outcome of the decisions being made here. But we do know that the studies that were made took time. They could not be done overnight. No one could visualize the great fertile valley that is now in that territory. No one could visualize the development that would come about that would cause this area to be one of the very prominent producers of agricultural products. No one could visualize that in that State of Arizona would be vast resources of copper and that today that State would be producing over half of the copper produced in the United States.

Mr. President, I would like to return to our more recent history.

Last year we also had a 7-week filibuster during which opponents of President Nixon's policy in Southeast Asia attempted to swing public opinion to their side.

This all cost the Senate precious time.

When we came to the end of the year, a number of very important bills were left for action in a very short time. Then we got another flurry of filibusters going—I believe someone counted six or so.

What I would like to know is whether those Senators who engaged in filibusters in 1970 now regret their actions. I would like to know how many of those who won their points through filibustering would make a trade at this time if they could—and of course they cannot. But would they have accepted defeat on the issue of their filibuster if it had meant they could have passed some other important bill of theirs which did not get through.

I have a feeling that given a second chance, most would have followed exactly the same course of action. That is, they would place more value on killing a bad bill or what they feel is a bad appointment, than they do on passing what they consider a good bill or winning approval of a good appointment.

Mr. President, without intending to interject any partisan slant into this discussion, I would like to turn to a speech given in 1968 at the Republican National Convention in Miami Beach, Fla. It was given by Senator Everett M. Dirksen, our beloved late minority leader from Illinois. I would like to read a part of his speech entitled "A Republic—If You Can Keep It."

> In Philadelphia one hundred eighty-one years ago, farseeing men fashioned us a revolutionary new government—a daring new system reposing all power in the people.
>
> Then, as they prepared to depart for their homes, venerable Benjamin Franklin encountered a concerned citizen.
>
> "Dr. Franklin," he was asked, "What have we got—a monarchy or a republic?"
>
> At once he replied, "A republic—*if* you can keep it."
>
> I repeat those sage words, "A republic—*if* you can keep it."
>
> Seventy-four years later that challenge still echoed at Gettysburg. There Abraham Lincoln posed the same deathless question—whether a Nation conceived in liberty and dedicated to equality can long endure.
>
> It *did* endure.
>
> Through foreign wars, through depressions, through political storms, through economic tinkering and tampering, it has endured * * *
>
> Yet, today we are challenged anew.
>
> A Soviet leader declaims that ours is a rotten, decadent society. God forbid our having to make the point—but, should he try us, he'll quickly find out what Americans really are!
>
> One hears even here at home that we have a sick society. What nonsense! Only radicals who traffic in trouble—only extremists intolerant of moderation—only cerebrating pessimists bemused with a mote in America's eye—say it. * * *
>
> I repeat, America is *not* ailing. But we *are* indignant. To see why, let's first trace the further unfolding of our Nation.
>
> Some two centuries ago, first in a rivulet, then in a torrent, our people thrust out from the colonial seaboard across the mountains and plains to the west, the south, the north, until the frontier closed at the Pacific. Then they swirled together again. Thus grew our teeming urban centers, and our rural economy became enmeshed with vibrant new industry. The vitality and productivity nurtured by this fabulous mix made us prosper as no nation before. So, in time, we matured into the mightiest of nations—the leader, the hope, and the benefactors of the free world. * * *

Then, as is expected on such occasions Senator Dirksen cited the sins of the administration then in power. And, of course, in his wonderfully deep voice, he put forward the promise that the Republicans would lead the Nation out of its wilderness.

In closing his speech, he said:

> Clearly, my friends, the hour is late and our problems legion. It is America's hour of need.
>
> It is not merely a political victory that concerns us here, but rather the future of this Republic. Rolling down the years we still hear Ben Franklin's challenge: "A republic—*if* you can keep it."

Mr. President, I have talked about the many problems we have faced over the years. I have talked about the early days of our Nation and about the problems that have faced us year after year and the problems facing us today which are, in some respects, even more perplexing. But, Mr. President, we cannot lose sight of the fact that through many of the years in which we have seen the Senate operate with the right of full debate and full discussion, we have seen benefits come in all periods of time in which this privilege was given and we see it today, and we want it to continue. As I understand it, that is exactly what we are doing here today. We are trying to preserve our Republic by preserving the nature of one of its basic institutions, the U.S. Senate.

I yield the floor.

CONDITIONS IN THE PENAL INSTITUTIONS

Mr. HRUSKA. Mr. President, an article appeared in a recent issue of Time magazine entitled "The Shame of the Prisons." This excellent discussion of this topic leaves the reader appalled at the present conditions in our penal institutions. I commend it to the thoughtful attention of all my colleagues and ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, "Shame of the Prisons" begins with the very apt quote from Dostoevsky:

> It is with the unfortunate, above all, that humane conduct is necessary.

In our prison systems today the humaneness of the treatment afforded convicts is very much in doubt. Anyone who reads this competent and thorough treatment of the subject will of necessity come away with the belief that no portion of our society needs or could benefit more from humane and enlightened treatment than our prisoners.

As President Nixon has said:

> Nineteen out of every 20 persons who are sent to prison eventually return to society. What happens to them while they are in confinement is a tremendously important question for this country.
>
> Are they effectively rehabilitated? In some instances, the answer is yes. But in an appalling number of cases, our correctional institutions are failing.

The American system for correcting and rehabilitating criminals presents a convincing case for failure. No realistic program to substantially reduce crime can ignore the appalling deficiencies of our prisons and rehabilitation efforts.

Today at least 40 percent of all offenders released from custody eventually return to prison.

Experience has shown that far too many of our jails and prisons corrupt rather than correct; contaminate rather than rehabilitate. All too often, these institutions are socially infectious breeding places that stimulate criminal careers rather than instilling acceptable patterns of behavior and preparing convicts to return to a useful role in society.

Confining men under conditions which encourage idleness, brutality and homosexuality can only serve to foster criminal behavior. So long as we permit recidivism to be the rule rather than the exception, crime will continue to increase.

Correcting criminal behavior is, and should be, the primary goal of our prison systems. Unless we change the offender while he is incarcerated, the prospects of his returning to society as a law-abiding and contributing citizen are remote indeed. The endless cycle of arrest, imprisonment, release, and rearrest has plagued this Nation for too long. It must be reversed.

Congress has recently taken two very important steps to try to accomplish this goal. In 1968, the Omnibus Crime Control and Safe Streets Act made limited resources available to the States for the improvement of prison facilities. However, under this act the greater emphasis was put on a wide range of law enforcement activities, which of necessity meant that very little money was available for correction. During the first years of this program there was simply not enough money appropriated for the law enforcement assistance program to make much of a dent in this very serious problem.

Last year Congress approved the Omnibus Crime Control Act of 1970 which added a new part E to the 1968 act and which authorized greater emphasis and priority for corrections. Under the terms of this section an amount equal to not less than 20 percent of the funds allocated for action grants must be devoted to "comprehensive statewide programs for the construction, acquisition, or renovation of correctional institutions—and the improvement of correctional programs and policies." For the current fiscal year this means that as much as $120,000,000 will be available for grants to States for corrections.

This figure will increase over the coming years as the moneys appropriated for LEAA increase. Fifty percent of these funds are to be used as block grants to State planning agencies; 50 percent are for LEAA discretionary grants.

The Time article contains many shocking examples of the conditions that presently exist in our penal institutions. One additional statistic will go far to illustrate the problems we face: The National Council on Crime and Delinquency reports that there are 358 State penal and correctional facilities for adults in the United States. Of these 61 were opened before 1900; 25 of those are more than 100 years old.

Less than 10 percent of the prison population of this Nation is housed in our Federal prison system. The great need is at the State and local level where an estimated 10,000 separate custodial institutions exist. Congress has taken, as I have said, two important steps to provide additional funds for the upgrading of these facilities and their programs. We will continue to do all that we are able. However, the public and elected officials at all levels must become aware of the "Shame of the Prisons" and must see that constructive action is taken.

Unfortunately, there are already more demands on our dollars than we can presently meet. This of course means that to allocate more money for corrections some other programs must be trimmed. In addition, prison reform is not a particularly potent issue; its constituency lacks clout. We must make it otherwise. Regardless of these two disadvantages, for the sake of justice, decency, and humanity this Nation must find a solution to the corrections problem. I hope that this article will have the same effect on others who read it as it had on me—a renewed dedication to the task of bringing our prisons and their prisoner rehabilitation programs into the 20th century. I commend the article and the cause it espouses to each of my colleagues.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a news release from the Department of Justice having to do with a survey made on prison population and some of the results of incarceration.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HRUSKA. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a news release from the Department of Justice dated January 25, 1971, in which there was announced the signing of a contract for the architectural design of a new psychiatric treatment center at Butner, N.C.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. HRUSKA. Mr. President, this center has long been needed. It would replace in the main the facility at Springfield, Mo., which is almost 40 years of age, and very obsolete, and yet seeking to perform for a large prison population diagnosis, psychiatric treatment, and other care of longer range than the ordinary clinical case. The announcement made a week ago is a very heartening development and along the lines indicated by the text of the statement that I have just made regarding prison reform.

EXHIBIT 1

THE SHAME OF THE PRISONS

It is with the unfortunate, above all, that humane conduct is necessary.—Dostoevsky.

President Nixon calls them "universities of crime." Chief Justice Burger has become a crusader for their reform. Legislators have taken to investigating them—and citizens have finally begun to listen. After decades of ignoring their prisons, Americans are slowly awakening to the failure that long neglect has wrought."

It is not just the riots, the angry cries of 426,000 invisible inmates from the Tombs to Walla Walla, that have made prisons a national issue. Public concern is rooted in the paradox that Americans have never been so fearful of rising crime, yet never so ready to challenge the institutions that try to cope with it. More sensitive to human rights than ever, more liberated in their own lives and outlooks, a growing number of citizens view prisons as a new symbol of unreason, another sign that too much in Ameirca has gone wrong.

It is a time when people have discovered with a sense of shock that the blacks who fill prisons (52% in Illinois) see themselves as "political victims" of a racist society. It is a time when many middle-class whites are forced to confront prisons for the first time, there to visit their own children, locked up for possession of pot or draft resistance. A time when many judges have finally begun to make personal—and traumatic—inspections. After a single night at the Nevada State Prison, for example, 23 judges from all over the U.S. emerged "appalled at the homosexuality," shaken by the inmates' "soul-shattering bitterness" and upset by "men raving, screaming and pounding on the walls." Kansas Judge E. Newton Vickers summed up: "I felt like an animal in a cage. Ten years in there must be like 100 or maybe 200." Vickers urged Nevada to "send two bulldozers out there and tear the damn thing to the ground."

THE BIG HOUSE

It will not be easy to raze, much less reform, the misnamed U.S. "corrections" system, which has responsibility for more than 1.2 million offenders each day and handles perhaps twice as many each year. Since 1967, four presidential commissions, dozens of legislative reports and more than 500 books and articles have pleaded for prison reforms. But the system remains as immutable as prison concrete, largely because life behind the walls is still a mystery to the public. Most Americans think of prisons only in terms of the old "big house" movies starring James Cagney and more recently Burt Lancaster.

In fact, the corrections system is not a system at all. It is a hodgepodge of uncoordinated institutions run independently by almost every governmental unit in the U.S. Pacesetting federal institutions (20,000 prisoners) range from maximum-security bastilles like Atlanta Penitentiary to a no-walls unit for tame young offenders in Seagoville, Texas. The states offer anything from Alabama's archaic road gangs to California's Men's Colony West, one of the nation's two prisons for oldsters. There are forestry camps for promising men and assorted detention centers for 14,000 women. Some juvenile institutions are the best of the lot because reformers get the most political support at that level. But many areas are still so lacking in juvenile facilities that 100,000 children a year wind up in adult pens.

THE JAIL MESS

Two-thirds of all U.S. offenders technically serving time are actually outside the walls on parole or probation, but most offenders have at some point encountered the worst correctional evil; county jails and similar local lockups. Such institutions number 4,037—a fact not even known until last week, when the federal Law Enforcement Assistance Administration published the first national jail census. Jails usually hold misdemeanants serving sentences of a year or less. More important, they detain defendants awaiting trial: 52% of all people in jails have not yet been convicted of any crime. Of those, four out of five are eligible for bail but cannot raise the cash. Because courts are overloaded, unconvicted defendants may linger in crowded cells for months or even years.

To be sure, jails vary widely from two-cell rural hovels to modern urban skyscrapers. But the vast majority treat minor offenders—and the merely accused—more harshly than prisons do felons, who commit graver crimes. The jail mess is typified by New Orleans' Parish Prison, a putrid pen built in 1929 to hold 400 prisoners. It now contains 850—75% of them unsentenced. Money and guards are so short that violent inmates prey on the weak; many four-bunk cells hold seven inmates, mattresses smell of filth and toilets are clogged. Prisoners slap at cockroaches "so big you can almost ride them."

Jail conditions frequently breed hardened criminals who then go on to the prisons themselves, the second anomaly in a pattern that stands as a monument to irrationality. The typical U.S. felon is sentenced by a judge who may have never seen a prison and has no idea whether x years will suffice. Leaving the courtroom, where his rights were scrupulously respected, the felon has a good chance of being banished to one of 187 escape-proof fortresses, 61 of them built before 1900. Now stripped of most rights, he often arrives in chains and becomes a number. His head sheared, he is led to a bare cage dominated by a toilet. In many states his cellmate may represent any kind of human misbehavior—a docile forger, a vicious killer, an aggressive homosexual.

In this perverse climate, he is expected to become socially responsible but is given no chance to do so. He is told when to wake up, eat and sleep; his letters are censored, his visitors sharply limited. His days are spent either in crushing idleness or at jobs that do not exist in the "free world," such as making license plates for a few cents' pay an hour. In some states, he cannot vote (even after his release), own property or keep his wife from divorcing him. He rarely gets adequate medical care or sees a woman. Every thing is a privilege, including food, that can be taken away by his keepers.

If he is accused of violating one of scores of petty rules, he is hauled before the "adjustment council" without right to counsel. If he denies guilt, he can be punished for implying that his accuser guard lied; if he admits it, he may lose "good time" (eligibility for parole) and perhaps land in solitary. The lesson is clear: truth does not pay.

If he happens to be a rich criminal, a Mafia type, life in some prisons can be easy. Ill-paid "hacks" (guards) may sell him anything from smuggled heroin to a girlish cellmate. More often he is a complete loser; for him, prison is synonymous with poorhouses. Already angry at life's winners, he becomes even more insensitive to others in a doomed universe whose motto is "Do your own time"; trust no one, freeze your mind, be indifferent. Unequipped for normal society, he may well be headed back to prison as soon as he leaves. In fact, he may come to prefer it: Why struggle in a world that hates ex-convicts?

Everyone knows what prisons are supposed to do: cure criminals. Way back in 1870, the nation's leading prison officials met in Cincinnati and carved 22 principles that became the bible of their craft. "Reformation" they declared, "not vindictive suffering, should be the purpose of the penal treatment of prisoners." Today, every warden in the U.S. endorses the ideal of rehabilitation. Every penologist extols "individualized treatment" to cure each inmate's hangups and return society's misfits to crime-free lives. But the rhetoric is so far from reality that perhaps 40% of all released inmates (75% in some areas) are reimprisoned within five years, often for worse crimes. Says Rod Beaty, 33, who began with a $65 forged check, became an armed robber, and is now a four-time loser in San Quentin: "Here you lose all sense of values. A human life is worth 35c, the price of a pack of cigarettes. After five years on the inside, how can you expect me to care about somebody when I get outside?"

SLAVERY IN ARKANSAS

Without question, the U.S. boasts some prisons that look like college campuses—humane places that lack walls and shun official brutality. Guards chat amiably with inmates; men are classified in graded groups, promoted for good conduct and sped toward parole.

And yet, rehabilitation is rare. By and large, mere aging is the main cause of going straight. For inmates between the ages of 16 and 30—the vast majority—neither the type of prison nor the length of sentence makes any significant difference. The repeater rate, in fact, is rising. Something is clearly wrong with a system that spends $1 billion a year to produce a failure record that would sink any business in a month. Consider a random sample of prisons from the worst to the best:

Arkansas.—Whether in 110° F. summer heat or winter cold, 16,000 acres of rich southeastern Arkansas land will always be tilled. This is the Cummins Prison Farm, where 200 convicts stoop in the vast cotton fields twelve hours a day, 5½ days a week—for zero pay. Such are the wages of sin in what may be the nation's most Calvinistic state.

A virtual slave plantation in the 20th century, Cummins takes all kinds of errants and turns them into white-clad "rankers" who work or perish. Toiling from dawn to dusk, they move in a long line across the fields, supervised by a horseman in khaki and five unmounted "shotguns" (guards) who "push" the serfs along. At each corner of the field stands another guard, armed with a high-powered rifle. All the guards are convicts, the toughest at Cummins. Hated by rankers, the trustees are picked for meanness in order to keep them alive off duty. They are killers, armed robbers, rapists—ready to gun down the first ranker who strays across an imaginary line in the fields.

After three skeletons were dug up on the farm in 1968, national publicity moved the state to do a little fixing. Gun-toting trustees lost some power, 60 more free-world staffers arrived, $450,000 was allotted to replace some men and mules with farm machinery. Robert Sarver, head of the Arkansas penal system is pushing hard for improvement against stiff odds. But Cummins still lacks any schooling, counseling or job training. For a college-trained social worker, the state pays only $593 a month; Cummins can barely attract civilian guards ($330). Says Sarver: "We can't guarantee a man's safety."

Last year U.S. District Judge J. Smith Henley ruled that imprisonment in Arkansas amounts to unconstitutional "banishment from civilized society to a dark and evil world." He ordered the state to reform Cummins by the fall of 1971 or face an order to close the place. But the evil world persists. With no pay, Cummins prisoners survive by selling their blood or bodies. To blot out the place, they sniff glue and gobble smuggled pills. Some mornings, 200 men are too stoned to work. Since gambling is pervasive, loan sharks top the prison pecking order. They charge 50c per dollar a week and swiftly punish defaulters. In a single month last summer, Cummins recorded 19 stabbings, assaults and attempted rapes. The worst of it is the privacy-robbing barracks, where 100-bunk rooms house all types, from harmless chicken thieves to homicidal sadists, and the young spend all night repelling "creepers" (rapists). You're all there in the open," shudders a recently released car thief named Frank. "Someone's stinking feet in your face, radios going, guys gambling. You never really get to sleep. What's worse is the fear. There's no protection for your life. I kept thinking 'if' I get out—not 'when.'"

Indiana.—With its 40-ft. walls, the gray castle in Michigan City looks its part: a maximum-security pen for 1,800 felons, including teen-age lifers. Inside, the walls flake, the wiring sputters and the place is falling apart. Indiana spends only 1.5% of its state budget on all forms of correction.

Like many legislatures, Indiana's insists that prisons make a profit. Last year Indiana State Prison turned out 3.5 million license plates, among other things, and netted the taxpayers $600,000—no problem when inmates get 20¢ an hour. Inmates also provided the prison's few amenities. Many cells are jammed with books, pictures, record players and tropical fish in elaborate tanks. There are two baseball diamonds, three miniature golf courses, tennis, basketball and handball courts—all equipment paid for by the inmates' recreation fund.

The prison needs far more than play. It teems with bitter men, one-third of them black. Some of the toughest are young militants transferred from Indiana State Reformatory at Pendleton, where 225 blacks staged a sitdown last year to protest the prolonged solitary confinement of their leaders. Instead of using tear gas or other nonlethal weapons, Pendleton guards fired shotguns pointblank into the unarmed crowd, killing two blacks and seriously wounding 45. One official gasped: "They slaughtered them like pigs."

At Indiana State, Pendleton survivors and other young blacks grate against 245 guards, most of them middle-aged whites and some close to 70. This is a U.S. pattern: only 26% of all prison guards are younger than 34; only 8% are black. To compound Indiana State's age and racial tensions, only a third of the inmates actually work. Boredom is chronic. The prison has only 27 rehabilitation workers; job training is absurd. Since the state provides few tools, vocational classes make do with donated equipment: archaic sewing machines, obsolete typewriters, TV sets dating to Milton Berle.

Why not send some promising Indiana inmates to work or school outside? "Their victims would disagree," says Warden Russell Lash, a former FBI agent. Lash, only 29, is a good man hampered by his budget and the voters' fears. His first duty, he says, is "custody."

California.—Though it leads all states in systematic penology, California has the nation's highest crime rate. Critics also claim that the system is characterized by a kind of penal paternalism that becomes psychological torment. In a much touted reform, California judges give indeterminate sentences; corrections officials then determine each offender's fate according to his presumably well-tested behavior. Thus 66% of all convicted offenders get probation, 6% work in 20-man forestry crews, and only 13.5% of felons go to prison. Despite rising crime, California's prison population (26,500) has actually dropped by 2,000 in the past two years.

All this saves millions in unneeded prison construction. But it fills prisons with a higher ratio of hard-core inmates who disrupt the rest. And because of indeterminate sentences, California "corrects" offenders longer than any other state by a seemingly endless process (median prison stay; 36 months) that stirs anger against the not always skilled correctors. Says one San Quentin official: "It's like going to school, and never knowing when you'll graduate."

Something is not quite right even at the state's cushiest "correctional facilities" (bureaucratese for prisons), some of which could pass for prep schools. At no-walls Tehachapi, near Bakersfield, inmates can keep pianos in their unbarred rooms, get weekend passes and join their wives at "motels" on the lush green premises. Yet Tehachapi is full of repeaters, prison-dependent men who soon violate their paroles and return.

These days, California's black prisoners are rebelling at places like Soledad, a seeming garden spot in the Salinas Valley that looks like a university campus. Soledad's 960 acres throb with activity: tennis, basketball, weight lifting, a dairy, a hog farm. Inmates earn up to $24 a month turning out toilet paper and handsome furniture for the judges and prosecutors who get them the jobs. But for 180 rebels confined in Soledad's "X" and "O" wings, there is no play or work. Because they scorn prison rules, they are locked up tighter than lions in a zoo.

Many are blacks who see themselves as political victims; others whites who hate the blacks. Racial tension is so bad that some prisoners wear thick magazines strapped to their backs to ward off knife blades. In January 1969, the prisoners were allowed to exercise together in a small yard. Before long, a guard shot and killed three blacks. According to the guard's testimony before a Monterey County grand jury, the blacks were beating a white inmate. The guard said that he fired a warning shot, then killed the attackers. Though black witnesses insisted that there was no warning shot, the grand jury ruled justifiable homicide. At Soledad not long after that ruling, a white guard was thrown off a balcony to his death.

The accused killers are three unrelated blacks who call themselves the Soledad Brothers. They include George Jackson, one of the angriest black men. In one of his many despairing letters to Angela Davis, the black Communist, Jackson wrote: "They've created in me one irate, resentful nigger—and it's building."

COSTLY CAGES

The idea that imprisonment "corrects" criminals is a U.S. invention. Before the 18th century, prisons mainly detained debtors and the accused. Punishment itself was swift and to the point. Europeans castrated rapists and cut off thieves' hands; the Puritans put crooks in stocks and whipped blasphemers—then forgave them.

In 1970, Philadelphia's Quakers started a humane alternative to corporal punishment: they locked errants in solitary cells until death or penitence (source of penitentiary). Soon the U.S. was dotted with huge, costly, isolated cages that deepened public fear of those inside and reinforced a U.S. spirit of vengeance against prison inmates.

Caging has crippled the entire system. Burdened with vast forts that refuse to crumble (25 prisons are more than 100 years old), wardens cope with as many as 4,000 inmates, compared with the 100 that many penologists recommend. Archaic buildings make it difficult to separate tractable from intractable men, a key step toward rehabilitation. The big numbers pit a minority against a majority, the guards against the prisoners. Obsessed with "control," guards try to keep inmates divided, often by using the strong to cow the weak. The result is an inmate culture, enforced by fist or knife, that spurs passivity and destroys character.

Even though two-thirds of all offenders are on parole or probation, they get the least attention: 80% of the U.S. correctional budget goes to jails and prisons; most of the nation's 121,000 correctional employees simply guard inmates and worry about security. Only 20% of the country's correctors work at rehabilitation and only 2% of all inmates are exposed to any innovative treatment.

Federal prisons lead most of the U.S. in job training; yet few released federal inmates find jobs related to their prison work. With notable exceptions, like California, most states provide no usable training, partly because unions and business have lobbied for laws blocking competition by prison industries. At least one-third of all inmates simply keep the prison clean or do nothing. Most of them need psychiatric help. Despite this, there are only 50 full-time psychiatrists for all American prisons, 15 of them in federal institutions, which hold only 4% of all prisoners.

The failure of American prisons, humane or inhumane, to change criminal behavior is hardly their fault alone. The entire American criminal justice system shares the blame. It is perfectly human, if somewhat bizarre, for a criminal to see himself as a victim. The U.S. reinforces that defense: most crimes are committed for economic reasons by the poor, the blacks and other have-nots of a society that stresses material gain. In fact, only 20% of reported U.S. crimes are solved; half the crimes are never even reported. Since justice is neither swift nor certain, the caught criminal often sees his problem as mere bad luck in a country where "everyone else" gets away with it.

He has a point. Americans widely ignore laws they dislike, whether against gambling or marijuana. The nicest people steal: roughly 75% of insurance claims are partly fraudulent. Uncaught employees pocket $1 billion a year from their employers. To poor offenders who go to jail without bail the system is unfair, and the legal process strengthens that opinion. If a man cannot afford a good lawyer, he is pressured to plead guilty without a trial, as do 90% of all criminal defendants. He then discovers that for the same crime, different judges hand out wildly disparate sentences, from which 31 states and federal courts allow no appeal.

So the prison gets a man who sees little reason to respect state-upheld values. Even if he actually leaves prison as a reformed character, he faces hazards for which no prison can be blamed. In a Harris poll, 72% of Americans endorsed rehabilitation as the prison goal. But when it came to hiring an ex-armed robber who had shot someone, for example, 43% would hesitate to employ him as janitor, much less as a salesman (54%) or a clerk handling money (71%). This is obviously understandable; it also teaches ex-cons that crime pays because nothing else does.

Even parole supervision is often cursory and capricious. Many parole agents handle more than 100 cases; one 15-minute interview per month per man is typical. The agents can also rule a parolee's entire life, even forbid him to see or marry his girl, all on pain of reimprisonment—a usually unappealable decision made by parole agents, who thus have a rarely examined effect on the repeater rate. To test their judgment, Criminologists James Robison and Paul Takagi once submitted ten hypothetical parole-violator cases to 316 agents in California. Only five voted to reimprison all ten men; half wanted to return some men but disagreed on which ones.

GROPING FOR CHANGE

Can prisons be abolished? Not yet. Perhaps 15% or 20% of inmates are dangerous or unreformable. Still, countless experts agree that at least half of today's inmates would do far better outside prison. President Johnson's crime commission advocated a far greater shift to "community-based corrections" in which prisons would be a last resort, preceded by many interim options designed to keep a man as close as possible to his family, job and normal life—not caged and losing all self-reliance.

Sweden provides a fascinating model. Each year, 80% of its convicted offenders get a suspended sentence or probation, but forfeit one-third of their daily pay for a period determined by the seriousness of their offenses. The fine can be a tidy sum. After Film maker Ingmar Bergman angrily cuffed a critic two years ago, he was convicted of disturbing the peace and fined for a 20-day period. Total: $1,000.

Swedes who actually enter prison mostly work in attached factories, earning nominal wages to make products for the state. Some promising long-term inmates attend daytime classes at nearby schools and colleges. All live in comfortable private rooms, furnished with desks and curtains, and are eligible for short, regular furloughs to visit their families. For several summers, groups of ten or so life-termers have been given three-week vacations, accompanied by only two guards.

Most of Sweden's 90 prisons contain no more than 120 inmates; one-third of all inmates live in open institutions without bars or walls. Guns are unheard of, some wardens are women, and inmates often carry keys to their own rooms. The escape rate is high (8%), but fugitives are rapidly caught, and Swedes are more interested in the statistic that really counts: in a country where the average prison sentence is only five months, the repeater rate is a mere 15%.

With its small, homogeneous population, Sweden has advantages that cannot be duplicated in urban, congested, racially tense America. Even so, the U.S. is groping in the Swedish direction—slowly:

In New York City, a pioneering program started by the Vera Foundation waives money bail for offenders who can show job stability or family ties pending trial. Results suggest that perhaps 50% of jail inmates could be freed in this way, cutting the U.S. jail bill ($324 million per year) by half.

Kansas has heeded Psychiatrist Karl Menninger, a searing prison critic (*The Crime of Punishment*), and set up a felon's "diagnostic center" near the Menninger Clinic in Topeka. The state now sends all prison-bound felons to the center for exhaustive tests by four fulltime psychiatrists and numerous other experts. Result: half these men get probation. Among all such Kansas probationers, the failure rate has dropped to 25%, much less than in other states. Congress has approved a similar $15 million center in New York City to screen federal defendants after arrest.

North Carolina's innovating "work-release" program (also common in federal prisons) sends 1,000 promising inmates into the free world each day to function normally as factory workers, hospital attendants, truck drivers. Another 45 prisoners are day students at nearby colleges; one did so well that he got a faculty job offer.

Senator Mike Mansfield has introduced a bill that would pay up to $25,000 a piece to victims of federal crimes, then empower the Justice Department to sue convicted offenders to recover the money. States would get federal grants to copy the plan. Of all U.S. offenses, 87% are property crimes, and restitution as the entire punishment makes sense in many cases unless violence is involved. Variations include Sociologist Charles Tittle's idea: the state would repay victims immediately, then confine and employ property offenders at union wages, keeping half their pay and putting the rest in trust for their use upon release.

The big trouble is that penology (from the Latin *poena,* meaning penalty) is still an infant art given to fads and guesswork, like the 1920s reformers who yanked tens of thousands of teeth from hapless inmates on the theory that bad teeth induced criminality. Even now, penology, has not begun to exploit the findings of behavioral scientists who believe that criminal behavior is learned, and can be unlearned with the proper scientific methods.

They know that misbehavior can be changed by "punishment" if a reward for good behavior follows very swiftly. If a reward (like parole) is delayed to long, they say, the subject forgets what he is being punished for, becomes aggressive and may go insane. In this sense, the Puritan use of stocks followed by forgiveness worked far better than U.S. prison terms, some of them as incredibly long as 500 or even 1,500 years. For many U.S. offenders, especially first-timers the mere shame of arrest and conviction is quite enough to prevent repetition.

Applying the principle of "response cost," some psychologists also say that a punishment must be in the same terms as the crime. Instead of fining a speeder, for example, they would immediately impound his car or license and make him walk home. Conversely, a cash theft might be dealt with not by jail but by a stiff fine equivalent to reparation. Another possibility for changing criminal behavior is "aversion therapy," which is used, for example, to cure bed wetting in children. Instead of chiding or coddling the child, the therapist has him sleep on a low-voltage electric blanket linked to a battery and a bell. Urine, which is electrolytic, then activates the bell, the child awakes and goes to the bathroom. A cure usually follows soon.

Since crime is often emotionally satisfying, a major problem is how to banish its thrills. One way is suggested by the work of Psychologist Ivar Lovaas with certain disturbed children who consistently try to mutilate themselves. He noticed that when the children went on a rampage, nurses warmly cuddled them and thus unconsciously rewarded their destructiveness. Instead Lovaas now jolts the kids with an electric cattle prod, often stopping the behavior pattern in hours or minutes. In his book *Crime and Personality*, Psychologist H. J. Eysenck offers a fascinating discussion of how certain depressant or stimulant drugs can be used to make a patient feel sick whenever he commits a specific antisocial act. "Given the time and resources," adds Psychologist Barry F. Singer, "a behavior-therapy program could make a bank robber want to vomit every time he saw a bank, could make an armed robber shudder every time he saw a gun."

Unhappily, all this seems remote. Only a fraction of 1% of the nation's entire crime-control budget is even spent on research. Beyond that, the system is mired in bureaucratic inertia and fiddle-faddle. Many exciting ideas are never institutionalized, the same problem that impedes school reform. In 1965, Psychologist J. Douglas Grant and his wife put 18 hardened California inmates (half of them armed robbers) to work studying how to salvage their peers. They blossomed into impressive researchers, skilled at statistics, interviews, proposal writing and the rest. Today, 13 of Grant's men are doing the same work outside. One former illiterate is getting a doctorate, one man heads a poverty-research company, two are federal poverty officials. Only one is back in prison. To Grant, this shows that criminals can be cured by trying their best to cure other criminals—an idea confirmed by many other experiments and self-help groups like Synanon and Alcoholics Anonymous.

But prison officials rebuffed Grant's idea, just as they do the work of other ex-convict groups seeking the same result. Instead of self-help, they favor trained officials working with fewer prisoners or parolees, a costly process that may well have little or no effect on the repeater rate. Thus skeptics wonder about efforts like the Federal Government's new $10.2 million Robert F. Kennedy Youth Center in Morgantown, W. Va., where 180 staffers work on a mere 200 teen-age offenders, two-thirds of them car thieves. After detailed classification (from "inadequate-immature" to "socialized-subcultural"), the kids are plunged into quasi-capitalism: an incentive system that pays each boy points and pennies for doing his chores and studies well. The pennies are used for room rent and other needs, the points for earning privileges. The idea is intriguing, but the yearly cost per boy is huge ($9,000 *v.* $6,000 in an average juvenile home), and the results are not yet clear.

TWENTY-FIVE CENTS ON THE DOLLAR

Criminologist James Robison, who does research for the California legislature, is among those who question the accuracy of many penal statistics. He even disputes the much-vaunted results of the California Youth Authority's Community Treatment Project, a famous experiment in which convicted juvenile delinquents were not confined but given intensive tutoring and psychotherapy. After five years, only 28% had their paroles revoked, compared with 52% of another group that was locked up after conviction. As a result, the state expanded the project and cut back on new reformatories, saving millions. Robison, though, has proved, at least to his satisfaction, that the experimenters stacked the deck by ignoring many of the kids' parole violations. He argues that most penal-reform funds are wasted on salaries for bureaucrats, who mainly worry about pleasing their bosses. "For every dollar spent on the criminal justice system," he insists, "we get back about a quarter's worth of crime control."

Given the facts of penal bureaucracy and sheer ignorance, critics like Robison sometimes wonder whether the only rational solution is simply to unlock all jails and prisons, which clearly breed crime and hold only 5% of the nation's criminal population while costing far more to run than all the crimes committed by their inmates. Pessimism is well founded, but the encouraging sign is that few if any Americans defend the system as it is. From the President to the lowliest felon, the nation wants a humane system that truly curbs crime. This is the year of the prisons, the year when Congress may double Federal spending (to $300 million) to spur local reform, the year when something may finally get done and Americans may well heed Dostoevsky's goading words.

Exhibit 2

Survey on Prison Population

More than half of the inmates of local and county jails are confined for reasons other than being convicted of a crime, the first national jail census reveals.

Attorney General John N. Mitchell announced today that the finding highlights an advance report on the survey, which was made by the Census Bureau for the Law Enforcement Assistance Administration (LEAA) of the Department of Justice.

Richard W. Velde, LEAA Associate Administrator, noted that this was the first accurate measurement of jail population, part of a broad study of our nation's jails which will be completed later this year. He noted that the jails held more than 160,000 prisoners, almost 8,000 of them juveniles, and that 35 percent of the prisoners were arraigned and awaiting trial while 17 percent were being held for other authorities or were not yet arraigned.

"Improving the corrections system in the United States", said Velde, "is the most pressing need of our criminal justice system, and jails are the most neglected area of corrections. Until this study we did not have comprehensive information about the extent of this problem."

The 1967 report of the President's Crime Commission showed a total inmate population of about 426,000, including 222,000 in adult felon institutions (state and federal prisons), 141 in correctional institutions for misdemeanor offenses, and 63,000 in juvenile institutions. "The total today is probably closer to half a million," said Velde, "and the total cost of corrections, including roughly 800,000 persons on probation and parole, is about $1.5 billion a year."

"The full report on the jail census will be released by LEAA's statistics service later this year," Velde said, "and it will contain detailed information on such critical areas as overcrowding, lack of facilities and age of jails." He said preliminary examination of the data showed that of the jails surveyed (3,300 jails in cities and counties over 25,000 population were included in the facilities survey):

—about 85 percent had no recreational or educational facilities of any kind.

—about 50 percent had no medical facilities.

—about 25 percent had no visiting facilities.

—more than 25 percent of the cells were in buildings over 50 years old and about 6 percent more than 10 years old.

Exhibit 3

New Psychiatric Center at Butner, N.C.

Norman A. Carlson, Director of the Federal Bureau of Prisons, announced today the signing of a contract for the architectural design of the new Psychiatric Treatment Center at Butner, North Carolina.

The $290,000 contract was awarded to Middleton, Wilkerson and McMillan, of Charlotte, North Carolina, which also will provide construction management services for the project.

The Psychiatric Center is the first of several new special-purpose facilities planned by the Bureau of Prisons. The institution will have a capacity of 320 and will be designed to house a wide range of offenders in small groups, including youths and possibly females. In addition to mental health services, educational and vocational training programs and recreational facilities will be provided. These program components will be closely integrated with the research activities.

The Center will have a three-fold mission. It will provide diagnosis and treatment of acutely mentally ill offenders committed by the Federal courts; it will permit long-term research leading to the effective management and treatment of mentally disturbed and violent individuals; and it will serve as a center for training correctional staff in dealing with deviant behavior.

The location of the Center at Butner makes possible a close working relationship with the North Carolina Department of Corrections and medical schools and universities in the area. Staff members of these organizations, as well as representatives of the National Institute of Mental Health, the Department of Health, Education and Welfare, and other consultants are assisting Bureau of Prisons planning staff in developing the program design for the Center.

Mr. Carlson said he hopes that ultimately the Center's services can be extended to those state correctional systems that lack the resources to provide treatment and correction for the type of offenders the Butner Center will serve.

THE DRUG PROBLEM FACING YOUNG PEOPLE

Mr. HRUSKA. Mr. President, everywhere we go these days we hear about the drug problem facing young people in every State in the Nation. It seems that nearly every young person is faced with the temptation and easy availability of drugs. Parents are very concerned that the flow of narcotics into our schools be stopped. They are concerned that if temptation does arise, our youth have the courage and knowledge necessary to resist. Enforcement of drug laws and adequate education are the double tasks which confront us. Congress took very constructive steps last year with regard to this situation by approving the Comprehensive Drug Abuse, Prevention, and Control Act of 1970.

But government action—be it at the Federal, State, or local level—is not enough to bring drug abuse under control. We need private action by individual citizens who are concerned by the problem and willing to take personal steps to curb its growth. One such citizen is a student from Southeast High School in Lincoln, Nebr. I have been following this young lady's story since the first copy of her bimonthly newsletter on drugs reached this office.

Miss Bren Buckley is an example of the type of citizen who sees a problem and sets out to find a solution. Her contribution to the Nebraska Governor's Commission on Drugs and the recent Nebraska Team for Drug Education has been immense. She recently wrote me a letter describing her activities and those of the two groups I have mentioned which I would like to share with my colleagues. We need more "activists" like Miss Buckley. Such activists deserve more attention by the media than their less constructive student counterparts on many of this Nation's campuses. I ask unanimous consent that the text of Miss Buckley's letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Lincoln, Nebr.,
January 9, 1971.

Senator Roman L. Hruska,
Washington, D.C.

Dear Senator Hruska: For the past five months I have been a part of the federal government's program to initiate drug education in the United States school system. It has all been coordinated by the National Action Committee for Drug Education, chaired by Helen H. Nowlis, Ph.D.

It began with a federal grant to each state's Department of Education of forty thousand dollars or more. Nebraska received forty thousand dollars and formed a drug education team.

The State Team for Drug Education in Nebraska is similar to those of other states, and recommended by the National Action Committee. Ours is composed of five people, two from the State Dept. of Educ. a community leader—president of the State PTA, and two high school students.

The first stage, excluding all the proposals and mechanics, was for us to attend one of the four national training sessions during the summer of 1970 held across the country. We attended the San Francisco Training Session directed by Dr. Hal Cornachia and Dr. David E. Smith, founder and director of the Haight-Ashbury Free Medical Clinic.

Those on the Nebraska team include, Mr. Roy Gray, Dept. of Educ.; Mr. Ed Walker, Dept. of Educ. Drug Educ. Consultant; Mrs. James Kirkman, State PTA President; Scott Bye, Kearney High School senior; and myself, Bren Buckley, Lincoln Southeast High School senior.

The San Francisco Training Session was held at San Francisco State College. We heard speakers, including Dr. Roger Smith; Dr. Richard Foster, superintendent of the Berkeley Public Schools; William Soskin; S. I. Hayakawa; Lewis Yablonski, Director of Synanon, and many others, as well as David E. Smith.

Field trips took us to the Mendocino State Hospital where we visited The Family, and also the adolescent unit for rehabilitation. We learned about the different exercises they used and even more through talking with members of The Family. The members of The Family are all ex-heroin addicts. While we were there they made a special presentation thanking David Smith for his work at the Haight-Ashbury Clinic and in helping them.

We toured much of San Francisco and spent some time in the Haight-Ashbury district. One evening, guided by Dr. Allan Matzger, who was on the staff of the training session as well as the Haight-Ashbury Clinic, several of us were given the opportunity to work at the clinic with the staff. The center was filled with mostly young people, sitting, waiting on the floor; hallways and rooms were full. We filed histories, took temperatures, and sent kids into the doctors' offices. There were kids there from all over the country with every medical problem. We talked to many of them and learned about their tripping across the country, and home areas. A few were "high" such as the case of one boy who was speeding on amphetamines. A new experience, and very exciting.

Along with those happenings, we had the opportunity to see number one rock groups at the Fillmore West, and I also attended the guru session of Steve Gaskin at the Family Dog.

After four weeks we headed back to Nebraska. Planning began immediately for five regional workshops in Nebraska aimed at teaching or rather initiating drug education. Teachers, administrators, community leaders, and students were in attendance at the workshops which now have been concluded. The workshops were held in Chadron, Kearney, Wayne, Lincoln, and Omaha, almost every other week from the beginning of November until January 8.

I have learned a great deal and although sometimes I feel I haven't given enough in return, I know that I will and somehow I will use to the greatest extent all that I have gained.

We tried to make people realize at these workshops, the same thing that we learned in San Francisco. Simple answers do not come for complex problems. The Drug issue is a complex one. We could not hand each school a little box with the answer inside. To many this was not appreciated. But, instead we tried to make them aware of just what is happening in the whole area of drugs, and finally, to see that drug abuse is not the problem, but that drug abuse is only a symptom of a much larger and deeper social problem. To get rid of the problem, as with a disease, you cannot attack only the symptoms.

As a high school student, I have served on the Southeast Council three years, been involved with the state Student Council and attended the National Conference in Indianapolis as a delegate from Nebraska. At Southeast, we carried out successfully last year a week long program on Student Activism, which fit in well with all that I have learned this year, and also, we completed a drive for $1,000 so that we could build a school in an underdeveloped country through the Peace Corps School Partnership Program.

I have served on the Governor's Commission on Drugs as Secretary, and chairman of the Youth Committee. Through this commission I put out a bi-monthly newsletter, YOUTH FORCE which went to students across the nation. I would like to be able to start this up again.

All of these projects have fit together in a way so well to teach me about the drug issue of course, government, and people. For me the experience has been fabulous and I can only say thank you. I am inspired to keep active and continue.

Yours sincerely,
Miss Bren Buckley.

FAIR SETTLEMENT OF THE ALASKA NATIVE CLAIMS

Mr. HARRIS. Mr. President, one of the most important responsibilities of the 92d Congress will be the passage of legislation to finally settle the Alaska Native land claims. Late in the 91st Congress the Senate passed S. 1830, a bill providing a settlement of this issue, but the House of Representatives did not take action before final adjournment.

The fact the House did not act on S. 1830 was pleasing to many. S. 1830 clearly was not a fair and equitable settlement of the Alaska Native land claims. I and others believe that when the Senate considers this matter again, it will be more responsive to the needs and desires of the Indians, Eskimos, and Aleuts of Alaska, who are being dispossessed of so much of their land claims.

I have noted that the distinguished junior Senator from Washington (Mr. Jackson) has introduced a bill to provide for the settlement of the Alaska Native land claims, S. 35, cosponsored by our colleagues from Alaska (Mr. Gravel and Mr. Stevens), which is identical to S. 1830. I hope that as the Senate Interior Committee considers S. 35 and other legislation which may be before the committee providing for settlement of the claims, that it will give serious consideration to the issues raised last year on the Senate floor by myself and others as to the fairness and equity of S. 1830.

The most important issue of course is the amount of land that will be provided to the Natives. S. 35 would permit the Indians, Eskimos, and Aleuts of Alaska to retain only 10 million acres. Last year I offered an amendment to increase the acreage to be given the Natives under the terms of S. 1830 from 10 million to 40 million, but unfortunately the amendment failed to pass the Senate.

During the debate last year on S. 1830, there was some uncertainty as to how much land the Alaskan Natives wanted and needed. This year, there is no doubt about the fact that the Alaskan Natives want and need much more than 10 million acres.

The board of directors of the Alaskan Federation of Natives, meeting in Juneau in December, reached the conclusion that a fair settlement would include confirmation "of title to 60 million acres of land in the Native villages and regions over which the Native people have asserted dominion through use and occupancy from time immemorial."

The importance of a fair and equitable land settlement for the Alaskan Natives is truly great. Mrs. Margaret Nick Cooke, secretary, Alaskan Federation of Natives, expressed the significance of the land beautifully, stating:

> If we lose the land, we lose our people.

Dr. Alexander Leighton, professor of social psychiatry, head of the department of behavioral sciences, Harvard School of Public Health, wrote of the importance of an adequate land base for the Alaskan Native people, stating:

> In short, the shift of the Alaskan Natives from a hunting economy and culture must come about through their will and self-determination, and it must follow a period during which resources for preparing themselves have been put at their disposal through education and technical training, and when preparations have been made in the larger society for their economic and social acceptance.
>
> Without a secure and adequate land base for their present subsistence needs and for future commercial development, the Alaskan

Natives will come into the society of the United States at the lowest economic level. This is one aspect of repeating the unfortunate history of other Indian groups. It will constitute a major failure in cultural change.

The Alaskan Federation of Natives considered going as high as 100 million acres in their demands, but finally agreed upon the 60-million-acre figure. A 40-million-acre figure was felt to be inadequate because of the needs of such regions as the Arctic Slope.

It is unchallenged that the Natives are now using a minimum of 60 million acres, which is less than 17 percent of the lands to which they have a valid legal claim. We know that the native people need vast areas of land if they are to continue their traditional way of life. The Tundra Times in an editorial recognized the importance of the land to Natives, stating:

> Land is precious. Land is revered by Alaska's native people. They would like a good share of what they always had. Giving up too much of it would be a tragedy.

I advocate that the Senate approve a 60-million-acre settlement.

The provision in S. 35 establishing a five-member Commission appointed by the President that would, among other things, have the duty of preparing the final membership role of the Natives, will again be in question this year. Last year, I offered an amendment to require three, rather than just two, Natives to be on the Commission. As I said during the debate last year:

> The spirit of this amendment is in keeping with the objectives of this bill, to vest in the Native people the power to determine and control their own destiny and affairs.
>
> Indeed, Mr. President, this amendment recognizes the importance of Native self-determination in implementing the provisions of the act and is in keeping with the worthy objectives for Indians and Natives which were expressed by the President in his July 8 message on Indian affairs.

The matter of terminating the services of the Bureau of Indian Affairs will also be in question again this year. Subsection 4(b) of the bill provides for the phasing out or termination of certain rights which the Natives of Alaska are entitled to under the present law. The question of termination of services is a choice that should be left with the Natives and not be mandated by Congress.

There are other matters in S. 35 that conflict with what the Natives consider to be fair and equitable. Moneys to be received from mineral production, establishment and management of regional corporations, and other important matters must be given careful consideration and the needs of the Natives must be made known to all Senators before final consideration of the settlement bill.

I am in the process of preparing legislation which reflects the position of the Alaskan Federation of Natives. This legislation will, in my opinion, be more responsive to the true needs of the Natives and will give Congress the opportunity to avoid some of the disastrous mistakes we have made throughout the history of this Nation in destroying the cultures of our native people. It is imperative for the Senate to heed the warning that is being expressed by many of the Native people—"take our land, take our life."

Mr. President, I ask unanimous consent that a summary of the bill I intend to introduce be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF BILLS

1. Enactment clause.
2. Declaration of policy.
3. Definitions.
4. Regions:

(a) For purposes of this Act, the State shall be divided by the Secretary within six months after the effective date of this Act into twelve geographic regions, with each region composed as far as practicable of Natives having a common heritage and sharing common interests. In the absence of good cause shown to the contrary, such regions should approximate the area described as follows in the Federal Field Committee Report and covered by the operations of the following existing Native Associations:

(1) Arctic Slope: Arctic Slope Region (Arctic Slope Native Association);

(2) Northwest: Bering Strait Region (Northwest Alaska Native Association);

(3) Bering Strait: Bering Strait Region, Bering Sea Region (Bering Strait Association);

(4) Southwest: Southwest Coastal Lowland Region (Association of Village Council Presidents);

(5) Bristol Bay: Bristol Bay Region (Bristol Bay Native Association);

(6) Interior: Upper Yukon-Porcupine Region, Koyuk-Lower Yukon Region, Tanana Region, Upper Kuskokwim Region (Tanana Chief's Conference);

(7) Aleutian: Aleutian Region (Aleut League);

(8) Kodiak: Kodiak Region (Kodiak Area Native Association);

(9) *Cook Inlet:* Cook Inlet Region (Kenai Peninsula Native Association, Kenaitze Indian Association);

(10) *Copper River:* Copper River Region (Copper River Native Association);

(11) *Gulf of Alaska:* Gulf of Alaska Region (Chugach Native Association);

(12) *Southeast:* Southeast Region (Tlingit-Haida Central Council).

(b) Existing Native villages located within each region should be listed by region in the bill.

5. Alaska Native Commission:

(a) An Alaska Native Commission composed of five members to be appointed by the President with the advice and consent of the Senate should be established.

(b) Of the Commission's five-man membership, as least three of the members appointed by the President should be Natives, and not more than three members of the Commission should be members of the same political party.

(c) The Commission's duties should include:

(1) the issuance of rules and regulations for preparing a final membership roll of Natives;

(2) the determination of eligibility for inclusion on such roll, and of protests with respect thereto; and

(3) the preparation of final membership roll of all Natives living on the Act's effective date within five years of such date.

(d) Upon completion of its duties under the Act, the Commission should cease to exist.

6. Regional Corporations:

(a) A regional corporate structure should be established to administer the settlement proceeds and to receive title to that land located within the various regions that is not allocated to the villages.

(b) The corporate charter for each regional corporation should provide that the corporation shall be devoted to promoting the health, welfare, education and economic and social well-being of its members and their descendants, and shall be authorized by its articles of incorporation, among other purposes, to construct, operate and maintain public works and community facilities, to engage in medical, educational, housing and charitable programs, to make loans and grants consistent with its corporate purposes, to foster industrial and economic development, to lease and manage real property, to distribute lands, interests in land, and funds to the Native villages located within its region, and to members and their descendants.

(c) Within six months of the Act's effective date, the Secretary shall prepare an initial enrollment of Natives on a regional basis for purposes of determining who are eligible to be members of the regional corporations.

7. Other Native Corporations:

(a) Native villages would be permitted to organize at their option as IRA corporations for the purpose of receiving (1) title to a specified amount of the surface estate of land contiguous to the village (see Section 8) and (2) a proportionate share based upon the Native population within a particular region of the monetary proceeds of the settlement (see Section 9).

(b) However the village is organized, the entity's use of monetary proceeds would be subject to the same oversight as are the regional corporations.

8. Land Allocation:

(a) The twelve Native regions would have confirmed to each of the regional corporations a proportionate share of 60 million acres in fee based on each region's land area as it bears to the twelve region total. This approach not only causes the settlement to relate directly to the land claimed by identifiable Native groups, but also simplifies the land allocation process by not having to rely on the Native enrollment which may require the entire five year period from the Act's effective date to complete.

(b) Regional percentages are rough approximations and subject to verification and are set forth below solely for illustrative purposes.

Region	Region's acreage in millions	Percentage
(1) Arctic Slope	56.5	15
(2) Northwest	28.2	8
(3) Bering Strait	9.9	3
(4) Southwest	31.1	8
(5) Bristol Bay	17.0	5
(6) Interior	136.7	30
(7) Aleutian	13.9	5
(8) Kodiak	8.5	3
(9) Cook Inlet	17.5	5
(10) Copper River	16.5	5
(11) Gulf of Alaska	12.5	5
(12) Southeast	27.0	8
Total	375.3	100

(c) On the basis of the foregoing table, each region would receive proportionate shares of the 60 million acres as follows:

Region	Percentage	Acres in millions
(1) Arctic Slope	15	9.0
(2) Northwest	8	4.8
(3) Bering Strait	3	1.8
(4) Southwest	8	4.8
(5) Bristol Bay	5	3.0
(6) Interior	30	18.0
(7) Aleutian	5	3.0
(8) Kodiak	3	1.8
(9) Cook Inlet	5	3.0
(10) Copper River	5	3.0
(11) Gulf of Alaska	5	3.0
(12) Southeast	8	4.8
Total	100	60.0

(d) Each regional corporation should hold title to land allocated to its region. Land selections should be limited to public land within each region with up to four townships (92,160 acres) being made contiguous to the villages within such region. The remaining acreage allocable to each region should be selected in non-contiguous tracts from public lands within the region. For purposes of land selection, public lands are defined as all federal lands and interests in Alaska, *except:* (1) land within the National Park System and (2) land selections of the State of Alaska which have been patented prior to January 17, 1969, under Section 6(g) of the Alaska Statehood Act as amended (72 Stat. 341, 77 Stat. 223).

(e) Regional corporations should have authority to convey to villages the surface estate to land upon which a village is situated and a reasonable amount for expansion if requested to do so by the village governing body. Title to the leaseable minerals, locatable minerals and renewable surface resources and to that portion of the surface estate not granted to villages, would remain with the regional corporation.

(f) To permit the greatest flexibility in land selection, the regional corporation should be allowed a period of five years from receipt of the initial $8 million payment (see Section 7) to make their selections. During this period, the State of Alaska should be permitted to go ahead with selections under the Statehood Act, but tentative approval could not be given prior to the expiration of the five year period unless an affirmative showing is made that such approval would not conflict under any circumstances with possible regional corporation selections. No attempted appropriation under the public land laws, such as a homestead entry or mineral lease application, would be permitted during the five year period of Native and State selections. In the event the regional corporations do not select their full entitlement during the five year period, a second five year period should be allowed the regional corporations affected to make the remainder of their land selections. The State of Alaska, however, should be permitted to select its own land during the second five year period without being subject to a prior Native selection right. Additionally, Native selection rights during this latter period should take subject to any valid existing rights that may have arisen after expiration of the first five year period but prior to the Native selection.

(g) The entire yield from the land (i.e. all revenues resulting from the disposition of leaseable and locatable minerals, mineral materials, and renewable surface resources such as timber) should be shared between regions on the following basis: Fifty per cent of the yield as defined above should be retained by the region of origin. The remaining fifty per cent should be distributed to the other eleven regional corporations on a population proportion basis.

(h) The Secretary of the Interior should also issue to individual Natives patents to the surface estate of five and forty-acre tracts where Native applicants are able to establish a subsistence use, and up to sixty-acre tracts based on historic use and occupancy by individual Natives, to the surface estate of up to 160 acres for the primary residence of Natives, and to the surface estate of up to 2,560 acres for reindeer management.

9. Allocation of Monetary Proceeds:

(a) The two primary sources of cash compensation to fund the settlement should be:

(1) $500 million in federally appropriated funds, and

(2) a 2% share in perpetuity of all revenues derived from the public lands [for definition, see Section 8(d)] through the disposition of locatable and leasable minerals, mineral materials, and renewable surface resources.

10. Existing Native Reserves:

(a) The land in all reserves in Alaska set aside by legislation or by executive or secretarial order should be retained by the Natives and not be made available for State selection or other disposition, either of the surface or subsurface estate.

(b) The Annette Islands Reserve established by the Act of March 3, 1891 (26 Stat. 1101), and the tribal members thereof should be excluded from the terms of the Act.

11. Protection of Subsistence Resources:

(a) Native subsistence use of public lands in Alaska should be protected. In determining whether to withdraw, reserve, lease or otherwise permit the use or occupancy of land that is being used by Natives for subsistence purposes, the Secretary of the Interior should be required to consider in consultation with the Natives concerned, alternatives that would eliminate or reduce the requirement for taking lands needed for subsistence uses.

(b) Subsistence uses should not be limited except to the extent that, after notice and opportunity for hearing in the general vicinity of the area involved, it is determined on the record by the head of the agency having jurisdiction that a limitation on the exercise of subsistence uses is necessary and can be accomplished without unreasonably impairing the ability of the Natives involved to satisfy their subsistence needs.

(c) For a period of twenty-five years after the Act's effective date, the Secretary, upon petition by any Alaska Native, should be required to determine whether an emergency exists with respect to the depletion of subsistence biotic resources and if so, to delimit or close the area for hunting, fishing or trapping purposes.

12. Taxation:

(a) No portion of the monetary proceeds of the settlement [Section 9(a)] should be taxable, either to the regional corporations or to the villages or individual Natives.

(b) Lands confirmed in the regional corporations and villages should not be subject to State or local real property taxes for a period of fifty years from the Act's effective date.

13. Attorneys Fees and Expenses:

Reasonable attorneys' fees and necessary out-of-pocket expenses earned the incurred by persons rendering services to Natives and Native villages, associations, tribes, bands or groups in connection with the settlement of Alaska Native land claims, should be paid out of the settlement proceeds on a quantum merit basis.

14. Appropriations:

Sufficient funds should be appropriated to the Secretary of the Interior and to the Alaska Native Commission to carry out the duties required of them under the Act.

15. Publications:

The Secretary of the Interior should issue and publish in the Federal Register, pursuant to the Administrative Procedures Act (5 U.S.C. 500 *et seq.*), such regulations as may be necessary to carry out the purposes of the Act.

Mr. HARRIS. Mr. President, I take this opportunity to commend the distinguished Senator from Massachusetts (Mr. KENNEDY) for his very skilled and determined interest in the matter of the settlement of the claims of the native peoples of Alaska. He has been there, viewed the problems at first hand, and personally heard for himself the views of those Alaskan natives who live there and whose interests are most at stake in this legislation. I am glad to be associated with him and with other Senators in helping to bring about, to the degree that we can, an equitable settlement of this age-old problem.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the distinguished Senator from Oklahoma has brought to the attention of the Senate one of the most important and significant issues which will come before this body during the next few months, an issue which was debated briefly during the final days of the last session of Congress. I refer to the Alaska Native claim legislation.

I intend to join the distinguished Senator from Oklahoma in introducing legislation which I believe is essential if we are to provide for the Alaska Natives a land opportunity and a fairness and justice which I think these people, who have lived in that part of this country for many years, are richly due.

The Senator from Oklahoma has again eloquently stated the case for a just and equitable congressional settlement of the Alaska claims dispute. He has continued to show great dedication and commitment for the causes of the American Indian and Alaska Native.

The single most important element of a Native claim settlement is land. Over a year ago, I emphasized in a speech on the floor of the Senate what I regarded as the central feature in any fair settlement: the amount of land which will be confirmed in Native ownership. I join with the Senator from Oklahoma today in urging that the determination by the Alaska Natives of what they need to sustain themselves and secure themselves for the future be respected. We know that they are claiming over 300 million acres. We know that they are using between 80 and 100 million acres. We know that they are now asking for a settlement involving 60 million acres. We are dealing with Native land; we should respect Native wishes concerning that land.

In 1885, Helen Hunt Jackson, surveying the past hundred years of relations between American Indians and the Government of the United States, observed that we had generally mistreated Indians, had seldom kept our agreements with them, and could only look back on our efforts to deal with Indians as reflecting a dishonor on our Government. Her book was entitled "A Century of Dishonor."

It has been over a century now since the United States acquired Alaska from Russia. At that time, and in the Organic Act of 1884, the United States recognized Native rights to the land and Congress provided that the Natives—

> Shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them.

Congress postponed for future legislative action the matter of formally recognizing Native title to those lands. It is 1971, and Congress has yet to take action.

In approaching settlement of the land claims issue now, Congress will write the closing chapter of our century long relationship with the Alaska Natives. An Eskimo leader, Alaska State Senator

William Hensley, framed the issue this way:

> We are testing the American political system. . . . We know the history of our country in dealing with the American Indian and we want to see a final chapter not written in blood or in deception or in injustice.

Last session, the Senate passed S. 1830, reintroduced this Congress as S. 35, that would grant Alaska's 60,000 Natives—20 percent of the State's population—title to 10 million acres of land. This is less than 3 percent of the lands to which they have a recognizable legal claim. As payment for extinguishing the rest of their claims, the Senate bill offered cash compensation amounting to $1 billion in payments deferred over a number of years. Referring to the passage of the Senate bill last summer, the newsletter "Indian Affairs" observed:

> On July 15 the U.S. Senate took an historic step toward solution of the century-old question of Alaska Native land rights—and it stumbled.

It stumbled, Mr. President, because the Senate bill would have allowed the Natives to keep only about one-tenth of the land they presently use for income and subsistence, and would have substituted an unlivable annual cash income for their right to subsist with some cash income by fishing, hunting, gathering berries, and trapping on the lands that the Senate bill would strip from them.

It stumbled because it refused to guarantee that Natives would control the five member commission charged with allocating and distributing the settlement.

It stumbled because it required termination of Federal services without any guarantee that those services would be picked up by the State or the Native villages or development corporation within the alloted time.

It stumbled by not providing full mineral interests for the Natives in all of the lands it reserved for their use.

In short, Mr. President, the bill passed last session would have been a fiasco and an economic disaster for the Natives. Its economic impact would have been similar to that referred to by President Hayes in 1876, when he said of the Indian inhabitants of North America:

> The purchase money paid to them in some cases for what they called their own has still left them poor.

A billion dollar cash settlement may sound like a lot to many people, but then $24 sounded like a lot for the Indians who sold Manhattan Island. Alaska Natives will not make that same mistake. Over a billion dollars have already been paid by oil companies in Alaska for the privilege of exploring small areas of the State for oil. Considering the natural resources beneath the tundra—beneath much of the land now claimed by the Natives—$1 billion will seem little more than the beads, hand axes, trinkets, and blankets of the past. This cash settlement means little to Natives who will lose land rich in minerals. But more importantly money cannot compensate a people for giving up the land upon which their lives and culture depend.

The Natives of Alaska, unfortunately, have been at the bottom of the list of Americans when it comes to education, housing, health, employment. But they are proud, and their pride in great part stems from their relationship to their land. If we take away their land, we not only take away the only chance for long-range material advancement, but we deprive them of their culture and their identity. As Mr. Alfred Ketzler, an Athabascan Indian from Alaska, put it:

> What is probably one of the most important things to us is that we have a deep instinctive feeling of helplessness as a people as long as we are cut off from the land. We are its children; we have emotional ties to it that we can never forget, even down into generations that no longer live in the old way. It is a basic part of our identity—it makes us feel who we are, and without it, we have been cut off and bewildered.

Mr. President, an Alaska claims settlement is not a welfare bill. It does not reflect generosity on the part of Congress in giving something to the Native people of Alaska. It is merely a compromise by both the United States and the Alaska Natives, in recognition that the legislative process is better suited to settling the claims dispute than the judicial process. The Alaska Natives are not a conquered people. They have never signed treaties. They have refused to sell lands. We must remember that it is Congress who is asking the Natives to give up a large part of their land. They are not asking us for money; they do not want to sell their land; they do not want to give up the land. If Natives do not receive what they now feel is the minimum necessary for subsistence and economic security—60 million acres of land—then we will not have merely driven a hard bargain. We will have won another Indian war. We will have completed a second century of dishonor.

Next week, Senator HARRIS and I will be introducing a bill to reflect the position of the Alaska Federation of Natives on the claims issue. This bill should be used as a benchmark for measuring the fairness and justice of Congress action in settling the Native claims dispute.

EXTENSION OF THE PERIOD FOR ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business tomorrow, with statements therein limited to 3 minutes, may extend until such time as the able majority leader is recognized, under the previous order, prior to the vote on the treaty which is set for circa 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES FROM FEBRUARY 10 TO FEBRUARY 17, 1971, AND OF THE SENATE FROM FEBRUARY 11 TO FEBRUARY 17, 1971—CONCURRENT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 135.

The PRESIDING OFFICER (Mr. BROCK) laid before the Senate House Concurrent Resolution 135, which was read by the legislative clerk, as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Wednesday, February 10 1971, it stand adjourned until 12 o'clock meridian, Wednesday, February 17, 1971.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. BYRD of West Virginia. Mr. President, I send to the desk an amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On line 3, strike the word "it" and insert in lieu thereof "and that when the Senate adjourns on Thursday, February 11, 1971, they".

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia.

The amendment was agreed to.

The concurrent resolution (H. Con. Res. 135), as amended, was agreed to, as follows:

H. CON. RES. 135

> *Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Wednesday, February 10, 1971, and that when the Senate adjourns on Thursday, February 11, 1971, they stand adjourned until 12 o'clock meridian, Wednesday, February 17, 1971.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDGE ALBERT J. ENGEL: HUMILITY IN THE JUDICIARY

Mr. GRIFFIN. Mr. President, because there has been so much criticism of the judiciary in recent years, I believe it is particularly important to maintain an appropriate perspective by calling attention frequently to the basic greatness and fairness of our American judicial system and to the dedicated judges who serve in that system.

It was refreshing, but not surprising, when I recently read in the Grand Rapids Press an account of remarks by newly appointed U.S. District Court Judge for the Western District of Michigan, the Honorable Albert J. Engel, Jr., delivered after he was sworn in on January 29, 1971.

His statement reveals a deep sense of responsibility and humility which is, or should be, the hallmark of all judges—and, indeed, of all who hold public office. Judge Engel served as a State court judge for some 6 years before he was elevated to the Federal court.

I ask unanimous consent to have excerpts from Judge Engel's remarks printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts From Address of Judge Engel

Turning now to the work to which I have today dedicated the balance of my life, I am still too inexperienced to make any profound or even knowledgeable comment—lest in the effort that instant wisdom which they say comes with the robe will evaporate when I open my mouth.

At this point, I can only hope.

I hope I can run an efficient, orderly court—a court which not only dispenses impartial justice, but which by its very functioning impresses the participants with its fairness and objectivity.

I hope I shall always be convinced that the most important case is the one immediately before me and that, therefore, it is deserving of my undivided and alert attention.

I hope I am never too tired, too lazy nor too confident of my own knowledge of the law to bother looking it up.

I hope I can curb my brilliant wit and sarcasm in court, remembering that a judge's words have great potential, both for healing and hurting.

I hope that I shall never forget my first day in court when I have before me a brand new lawyer going through the agonies of his.

I know it is too much to hope that my decisions are never reversed, so when they are, I hope I can remember that after all, those fellows up there have to earn a living too, and they might just possibly be a little wiser than I.

I hope that, in sentencing a man convicted of crime, I shall always be mindful of the public interest, but never lose respect for the awesome power over human life which is the responsibility of the judge.

I hope I shall have the strength to make the hard decisions and the composure to stick to them.

I hope that I shall never be so certain of my own rectitude and impartiality that I cease to search within myself for possible bias or prejudgment.

I pray that when my judicial days are over, whether tomorrow morning or 30 years from now, it can be said of my service that it was sound and true, that it was a credit to the judicial system of the United States, and that in some small but measurable way I was able to contribute to the continuing betterment of human life and justice.

THE ROLLS-ROYCE BANKRUPTCY

Mr. PROXMIRE. Mr. President, the continuing crisis of the Lockheed Corp. has been worsened by the bankruptcy of Rolls-Royce, Ltd., in England. Rolls-Royce has been producing the engines for Lockheed's commercial aircraft, the L–1011. Its collapse means further difficulties for Lockheed because of the time delays and increased costs it can anticipate with respect to this commercial project.

But what we know about the Rolls-Royce situation indicates that the British Government is not so easily enticed by its major corporations.

Indeed, Prime Minister Heath has made it clear, in permitting Rolls-Royce to be placed into receivership, that his Government has drawn the line and will not allow the British taxpayer to be billed for the costs of poor corporate management.

It is ironic that even Lockheed has drawn the line, with respect to its own contractor. According to the news accounts, Lockheed has refused to renegotiate its contract with Rolls-Royce, to absorb any of Rolls-Royce's cost overruns, or to extend the delivery schedule.

Apparently Lockheed will not permit Rolls-Royce to do to it what Lockheed is doing to the U.S. Government.

According to the dispatches from London, there are sources within the British Government which have proposed bailing out Rolls-Royce. This advice, however, appears to have been rejected by the more responsible officials.

According to Anthony Lewis, writing in the New York Times, February 7, 1971, in the view of Mr. Heath and his colleagues:

> It is time for Britain to get over fantasies, to face the cold reality of modern economics, to know that bad management and soft thinking lead to failure.
>
> Prime Minister Heath himself is reported as saying:
>
> Governments must rid themselves of the illusion that you can find the way to prosperity by pouring out the taxpayers' money in perpetual subsidies for uneconomic ventures.

For the time being, the British Government seems to have made the hard and difficult decision that it would be better for a major aerospace contractor to go under because of its own mistakes than to rush to its aid with public funds. In the long run, it is probably assumed, the British Government, the aerospace industry, and the British economy will benefit from this decision.

Our own Government has been unable to face the cold reality of modern economics. Indeed, it is floundering from crisis to crisis, watching helplessly as the costs of its defense contracts rise precipitously, while delivery schedules are not met and technical performance falls below specifications.

In the case of Lockheed, the handshake between Pentagon and contractual officials barely grew cold before the Government was faced with a new crisis.

For the collapse of Rolls-Royce has once again raised to the surface the possibility of a similar collapse at Lockheed. Thus the newspapers report the spectacle of Prime Minister Heath and President Nixon discussing their mutual difficulties with major corporations.

Has the U.S. Government become so habituated to bailing out sick corporations that it will do the same for a foreign company?

We are witnessing, in my judgment, the unfolding of a major scandal. In the first place, the Government should not be in the business of bailing out corporations from their financial plights. Second, it would be irresponsible to dole out hundreds of millions of dollars to a sick defense contractor under circumstances that suggest that it might go under anyway.

My hope is that Congress can draw the line, as the Heath government has, and that the Defense Department will not be allowed to so willfully disregard the public interest. I believe that Congress ought to refuse to appropriate any additional funds for Lockheed defense contracts in payment of cost over-runs until full public disclosure is made of its finances.

I ask unanimous consent to have printed in the Record copies of recent news accounts of the Lockheed-Rolls-Royce situation.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 8, 1971]

Heath Finds a Moral in Failure of Rolls

(By Anthony Lewis)

London.—"For too long much of our apparent prosperity has been based on illusions."

Prime Minister Heath drew that lesson today from Rolls-Royce's fall into bankruptcy. He said the first thing for Britain to understand was that there is "no easy way" out of her economic difficulties.

Mr. Heath used the occasion of a speech to the National Conference of Young Conservatives in Eastbourne to spell out his almost puritan philosophy of hard work, self-reliance and refusal to compromise on principle.

He spoke sadly of the Rolls-Royce debacle and went on to urge the country to rid itself of illusions. Rolls-Royce, a British symbol of quality for automobiles and aircraft engines, declared bankruptcy on Thursday.

SUBSIDIES CRITICIZED

"Management must rid itself of the illusion that it can go on indefinitely running a business in conditions that don't pay," Mr. Heath said.

"Unions must rid themselves of the illusion that they can go on indefinitely demanding higher wages without any concern for the effect on the firm or the industry, and without any regard to the prices its customers will have to pay.

"Governments must rid themselves of the illusion that you can find the way to prosperity by pouring out the taxpayers' money in perpetual subsidies for uneconomic ventures.

"All of us must rid ourselves of the illusion that we can buy our way out of the problems of today by mortgaging the future. It seems the easy way out—but we know now it is the fatal way."

The reference to government subsidies was a criticism of Labor party tactics. While in government, Labor put money into failing shipbuilding and other ventures to keep them afloat. The Conservative Government, on the other hand, has promised not to bail out "lame ducks."

COMMONS TO DEBATE BILL

Rolls-Royce was an extremely painful test of the Conservative attitude, because sticking to the policy meant allowing a national symbol of rectitude to default on its contracts and debts. Critics of the Government argue that the principle was not worth the damage done to the good commercial name of Britain.

The issues will be debated in the House of Commons this week when the Government's bill to nationalize part of Rolls-Royce is considered. Labor is likely to urge that the whole company be taken over, including the unprofitable RB–211 engine that was being developed for use in the Lockheed Aircraft Corporation's new Tristar airbus and that forced the bankruptcy. The Government, however, will say no.

In his speech, Mr. Heath displayed an unyielding position on three other major issues: his effort to hold down wage increases without statutory controls, his bill to reform labor-management relations and his plan to sell arms to South Africa.

"It may seem the easy way to have a compulsory wage freeze," he said, "but we know from experience that it does not work in the long run." He suggested that the wage explosion here recently had stemmed in part from union resentment of the Labor Government's wage freeze.

On the issue of labor-management relations, he said it might seem politic to give in to growing union pressure against his labor reform bill. But when the Labor Government did so and dropped an anti-strike measure, he charged, the unions demanded huge wage increases that fueled the inflation.

[From the New York Times, Feb. 8, 1971]

COSTS ADDED UP IN ROLLS'S STEP—FATE OF THE RB–211 AIRCRAFT ENGINE IS STILL UNCERTAIN

(By John M. Lee)

LONDON.—With the fate of the disastrously costly Rolls-Royce RB–211 aircraft engine still undecided, British business is adding up the cost of the company's bankruptcy.

Technical experts are conducting their own post mortem on what appears to have been as much a technological as a management failure. The problems of a new-technology engine using an unproved carbon-fiber material, which later had to be abandoned, produced overwhelming costs.

[Prime Minister Heath draws a lesson for Britons from the Rolls-Royce debacle. Details on Page 3.]

The collapse of Rolls-Royce, Ltd., last Thursday was the biggest and most spectacular financial crash in living British memory. Europe had seen nothing like it since the fall of the House of Krupp.

Some financial experts are talking in terms of cash losses ranging up to $600-million, including the losses and possible bankruptcies of some subcontractors. But much depends on what the British Government pays to acquire the aircraft engine business and whether the RB–211, intended for the Lockheed Aircraft Corporation's Tristar jet, is continued.

The last balance sheet published by Rolls-Royce, for the year ended Dec. 31, 1969, showed principal liabilities totaling $622-million.

These principal items were $135.8-million in debentures and loan stock; $48.5-million in deferred liabilities; $89-million in bank loans; $41-million in acceptances; $149-million in debts to trade creditors, and $159-million in share capital including $6-million in a special issue for employee participation.

The 70,000 common stock-holders wdely spread among insurance companies, pension funds and individuals, are the worst off. Their holdings are assumed to be worthless.

By far the largest private holder is the Prudential Assurance Company, London, with a $6.8-million par value holding out of $153-million in common share capital. The next largest holder is Britannic Assurance, with a $1.9-million par value investment.

Under a deal arranged last May for a Government agency, the Industrial Reorganization Corporation, to supply $24-million in financing, the Government acquired just under a 12 per cent equity interest in the big aerospace and automotive company.

When the stock was suspended Thursday morning on the London Stock Exchange, the price was seven shillings and sixpence, or 90 cents. Some dealers said Friday they would buy at 30 cents and sell at 33 cents if allowed to trade.

The distribution of the bank loans is not known exactly, although the Midland Bank and Lloyds Bank are the joint bankers to Rolls-Royce. It is believed they hold the largest part of the $89-million in bank loans outstanding.

Of far more worrisome importance is the backwash of the Rolls-Royce collapse on the companies it was doing business with.

The Bank of England has announced it would relax its credit squeeze if necessary to allow banks to assist companies hit by the Rolls collapse. However, it appears that such assistance would be extended only if the financial damage were relatively small. Otherwise, the banks would find themselves extending funds to companies near bankruptcy thmselves.

The Bank of England said it believed potential banking losses were spread wide enough across the banking system so that they could be absorbed without serious difficulty.

However, the impact of the Rolls bankruptcy on the 100-odd companies owed $149-million could not be gauged.

The two companies most affected by the Rolls failure are Short Brothers & Harland, an aerospace concern employing 6,000 in Belfast, Northern Ireland, and Joseph Lucas, a major manufacturer of electrical components.

Short Brothers makes the "pods" and associated system that are fitted to the basic RB-211 engine to make up the "propulsion package." The engines are shipped from Derby, England, to Belfast and then to Palmdale, Calif.

Joseph Lucas, which is owed $17-million by Rolls, has been a big supplier of fuel engine control systems. Last year it spent more than $11-million on development work for the RB-211. Over the weekend the company said it would have to write off $13-million against profits if the engine were canceled.

The cash resources available to meet these various claims is in doubt. The first claim is held by owners of the five parent-company debenture issues, plus a small issue in Canada, totaling $132 million.

Any Lockheed claim for penalties on the engine would come far down the list.

The situation is confused since Rolls-Royce, Ltd., is not being liquidated but continued under Government ownership. What the Government proposes to pay is not yet clear.

[From the New York Times, Feb. 7, 1971]

BRITAIN: DEATH SENTENCE FOR SYMBOL OF NATIONAL PRIDE

(By Anthony Lewis)

LONDON.—On March 30, 1968, British newspapers headlined the story of the country's greatest export sale in history: A contract won by Rolls-Royce to supply a new engine, the RB-211, for the Lockheed Aircraft Corporation's new Tri-Star jet. The initial order was for 540 engines—and there could be hundreds more—with sales worth perhaps $2.5-billion.

David Huddie, the Rolls engineer who won the order, was knighted, and the whole affair was hailed as proof that Britain could still hold her own alone in the toughest league. The Daily Express, in its best jingo manner, wrote: "The triumph of Rolls-Royce is a marvelous tribute to our outstanding British design and manufacture . . ."

Last week, that dream came to a shattering end. Rolls-Royce, the maker of fine automobiles as well as jet engines, and a symbol of perfection and solidity in British engineering, went into bankruptcy. And the reason was the Lockheed contract.

As pictured by official sources here, just about everything imaginable was wrong with the deal to make the RB–211 engine. Technology, time, money: Every forecast was off.

The contract estimate was based on a new Rolls-Royce process for making turbine blades from pressed carbon. Those blades turned out to shatter too easily, as when a bird was sucked into the jet, so Rolls had to shift to more expensive titanium. But that was only a small part of the disaster.

Production-line engines were promised to Lockheed by the fall of this year, but not one has yet come off the line that meets the contract's specifications. Delivery could not start until at least six to 12 months after the due date. Contractual penalties for the delay might reach $700-million.

The launching cost was supposed to be $156-million, and the British Government put that up. Last November, that estimate was more than doubled, to $324-million. And that turned out to be $200-million short.

Meanwhile, inflation overtook the production cost. The price fixed for each of those 540 engines in the Lockheed contract was $840,000; the cost estimate rose to $1,104,000, a loss of $264,000 on every one.

Rolls asked the new Conservative Government for more launching aid last fall. The answer was a conditional yes, the condition being an inspection by independent auditors. The auditors looked, they told the Rolls board of directors, and suddenly the company's own chiefs came face to face with the reality that had been concealed from them.

INSTANT EXECUTION

Last week, it was up to Prime Minister Edward Heath and his Government again. This time, they said no. It was a death sentence that was instantly executed.

The Government moved in to rescue what it thought had to be saved: Rolls' production of spare parts and engines for the hundreds of planes and military machines operating on Rolls equipment all over the world. Reluctantly, as Tories, they announced they would nationalize those Rolls activities. The rest, including Rolls-Royce automobiles and the RB–211, was up to the receiver.

"We were completely surprised and appalled," said Daniel Haughton, chairman of Lockheed. He was not the only one. Within Britain and without, the impact of the country's biggest bankruptcy since World War II was immense.

The partial nationalization of the company did not conceal the fact that the British Government had deliberately decided to let this symbol of national pride be dragged into the mud. Some thoughtful men criticized that step as senseless butchery. It would have been worth the price, they suggested, to bail the company out of its foolish Lockheed contract with more money—and try to get some out of the Americans, too.

But Mr. Heath and his colleagues felt very much the other way. In their view, it is time for Britain to get over fantasies, to face the cold reality of modern economics, to know that bad management and soft thinking lead to failure.

Politically, the country is in for a long and nasty fight. The Labor opposition will doubtless attack the Government as harsh and hasty. But it is vulnerable to Tory attack because, in the Labor Government, it was Anthony Wedgwood Benn, the Minister of Technology, who made fatuous speeches about the glories of this contract.

In human terms here, the pain is terrible. Rolls employs 80,000 people, and a good quarter of those have been working on the RB–211 alone. Derby, a grim industrial outpost of the midlands, is a Rolls-Royce town as Seattle is Boeing, and the outlook is similarly miserable.

The repercussions on the United States will be damaging, too. Lockheed has been having terrible troubles of its own, and the TriStar has been its main commercial hope. Now, suddenly, it is without engines for all those planes the airlines have ordered, and without much hope of recovering penalties or damages from a bankrupt supplier. It can try to use General Electric or Pratt & Whitney engines instead, but it will take more time to adapt and produce them.

The possibility remains of an Anglo-American deal to refinance the RB–211, for the mutual benefit of Rolls and Lockheed. But the Heath Government's actions in coldly letting Rolls go under shows that any extra money now will have to come from Washington.

[From the New York Times, Feb. 6, 1971]

HARD TALKS LOOM ON ROLLS'S ENGINE

(By Anthony Lewis)

LONDON.—Prime Minister Heath telephoned President Nixon Wednesday night to give him the news that Rolls-Royce, Ltd., would go into bankruptcy the next morning.

The call, made known here today, indicates the potential impact of the Rolls collapse on both Britain and the United States. And it became clear today that the call was not an end but a prelude to difficult negotiations between the two countries.

The issue is the fate of Rolls's RB–211 jet engine, intended to power the Lockheed Aircraft Corporation's Tristar. The contract proved impossible for Rolls to fulfill and was the main factor in forcing the company into receivership.

The first effect of the bankruptcy was to stop work on the RB–211. But British sources today saw some chance of saving the engine—if Lockheed and the American Government are ready to come up with money. That is the difficult if.

CABINET'S DECISION

Ironically, the Heath Government's decision to let Rolls go bankrupt may greatly strengthen the British hand in negotiations. The Cabinet considered the bargaining posture and made its decision with that calculatedly in mind.

This is the rather ruthless logic of the situation as seen here:

Before the bankruptcy, Rolls was contractually bound to start delivering production-model engines to Lockheed next fall. It was going to run at least six to 12 months behind that schedule.

Under the contract, the delay subjected Rolls to heavy penalties. Lockheed could have claimed as much as $700-million.

Moreover, even putting aside vast increases in development costs, inflation had pushed up the production cost so that Rolls stood to lose $264,000 on each engine produced at the contract price. For 540 engines ordered, that would have been a total of $142,560,000.

Now, after the bankruptcy, Rolls has effectively broken the contract. Lockheed can get its penalties or damages only by claiming some of the assets realized by the receiver, and its claim will come long after those of suppliers and bondholders. In fact, Lockheed may get nothing.

WASHINGTON INVOLVED

One wry observer, looking at the prospects for a negotiation over the RB–211, said here today, "Britain has set the bargaining terms herself—by repudiating her obligations before dealing."

The Economist, in today's issue, commented that the bankruptcy had done "appalling damage to Britain's commercial reputation." But in hard-boiled negotiating terms, the magazine said, the tables may "have been turned on the traditionally tough men of American aviation."

President Nixon and his Administration have to be involved as well as Lockheed. The Administration has just agreed to one rescue plan for Lockheed, and any move to keep the RB–211 engine now would almost certainly require more Federal aid.

The Tristar is Lockheed's one big commercial project now going, its hope for profitability. If the United States Government wants to keep the company going for defense reasons, it probably cannot let the Tristar be abandoned.

Lockheed is exploring the possibility of using General Electric or Pratt & Whitney engines instead. The question is whether they could be ready sooner, and at less cost for engines and airframe modifications, than the RB–211 with all its troubles.

Those are some of the issues that will have to be explored in talks among the four parties—the two Governments, Lockheed and the receiver for Rolls-Royce.

VIEWPOINTS VARY

One report from Washington, published here today, had a White House aide taking an optimistic line on the chances of early agreement. British sources saw a long and difficult road ahead.

President Nixon had been told about the urgent problems of Rolls and the RB–211 before the Wednesday night phone call. Mr. Heath telephoned him then, in the middle of a Cabinet meeting on the matter to tell him at once of the decision to let the company fall. He did so really as a courtesy.

The President was very understanding, it was said here today. He took the line that it was bad news for both countries and that the Governments must keep in touch to try to work something out.

The Heath Government disclosed today that it would put before Parliament next Thursday its bill to nationalize the parts of Rolls-Royce considered essential to the national interest. That does not include the RB–211.

The bill will be debated on a speeded-up basis, so that the new nationalized company will not lose continuity. But there is a possibility that the Labor opposition will object to any rushed consideration or to the terms.

PROFITABLE DIVISION

The Rolls-Royce receiver, E. Rupert Nicholson, said today that he was not there "to wind up the company—my aim is to run and preserve the essential and profitable parts of the business."

There was already some talk about possible buyers for the prestigious car division of Rolls-Royce.

This division has accounted for only about 5 per cent of the company's business, but the company is said to have made a profit on its annual sales of 2,000 Rolls-Royce and Bentley cars.

One possible take-over bidder is Jensen, a specialty British automobile company that turns out 800 sports cars a year. It was taken over last year by Norwegian-born Kjell Qvale, who now lives in California. He said today that he might be interested.

The most logical company to make Rolls-Royce cars would probably be British Leyland, the last big British-owned car manufacturer. But it has had troubles of its own lately.

In any event, it seems unlikely that the Rolls car division would be sold to a foreign-controlled company. That excludes another conceivable bidder, Ford of Britain.

[From the New York Times, Feb. 5, 1971]

LOCKHEED SEEKS U.S. ENGINE NOW

(By Robert Lindsey)

The Lockheed Aircraft Corporation, its once acclaimed trans-Atlantic industrial marriage with Rolls-Royce suddenly torn asunder in London, said yesterday it would explore the possibility of buying a United States-built engine for its Tristar jetliner.

Seventeen of the three-engine L–1011 Tristars are in various stages of assembly at a Lockheed plant in Palmdale, Calif. Only 13 of the Rolls-Royce RB–211 engines, none meeting contractual performance specifications, have been delivered to Lockheed.

The abrupt disavowal of the present engine contract by the British Government appears certain to cause major delays in delivery of the 178 L–1011's that Lockheed has on order. Ten of the planes are scheduled to be delivered this year, the first in November to Eastern Airlines, which has ordered a total of 50, and Trans World Airlines, which has ordered 44.

PROBLEM OF COSTS

People in the aircraft industry estimated that re-tooling to make such a switch could cost Lockheed as much as $100-million, a sum of the company would be hard put to raise now without some form of Government aid.

Spokesmen at the troubled California aerospace company said its management hoped a way could be found to continue production of the Rolls-Royce RB–211 engine designed for the plane.

But they conceded this was highly unlikely to occur unless the engine-production contract was renegotiated with receivers of Rolls-Royce to provide payment of most of the production-cost increase of more than $140-million cited by the British Government yesterday. The Government said the 540 engines that Rolls-Royce had agreed to sell to Lockheed for $840,000 apiece would actually cost $1,104,000 to make.

Government and industry sources said that there seemed virtually no possibility Lockheed could pass on the added cost to its airline customers so that the only possibility—if the RB–211 production was to continue—would be some form of Government aid, British or American.

CHAIRMAN IN LONDON

Daniel J. Haughton, chairman of Lockheed, was in London yesterday conferring with Rolls-Royce and American and British Government officials about the situation.

In Burbank, Calif., Lockheed issued a statement in Mr. Haughton's name saying that the company had not learned "the full gravity" of Rolls' problems until Tuesday, when its representatives went to London for a previously scheduled meeting to discuss progress of the project.

"We have been aware of the technical, funding and schedule difficulties that we had been assured could be solved without major impact on the total program," the statement said. "But we were completely surprised and appalled at the precipitate decision made by the Rolls-Royce board of directors and the sudden withdrawal of the British Government's financial support."

DISCUSSIONS PURSUED

Mr. Haughton added that the current discussions would "determine whether it is feasible to continue" the RB–211 program. He said, "Our studies will include examination of alternate engines that are available for the 1011. We will make and announce our decisions as soon as possible."

Lockheed has two choices: the General Electric CF–6 engine (which powers the new McDonnell Douglas DC–10), and the Pratt & Whitney JT9D engine (which is used in the Boeing 747). Both engines are in the same class (more than 40,000 pounds of thrust) as the RB–211. With certain modifications to the Tristar airframe, they could be used to power the Lockheed plane.

However, industry experts have estimated it would probably cost from $75-million to $100-million for retooling and other steps Lockheed would have to take to adopt one of these engines for the L–1011. Also, since both engines cost upwards of $100,000 apiece more than the contract price for the Rolls-Royce power plant, the out-the-door production cost of the L–1011 would go up accordingly.

Officially, both engines' manufacturers declined comment on the Rolls-Royce situation yesterday. Privately, officials at both companies indicated that they would be eager to produce engines for the Lockheed plane. Both companies competed for the original contract with Lockheed in 1968 before Rolls-Royce, in a deal that was heralded on both sides of the Atlantic as a coup for British salesmanship wrapped it up.

[From the New York Times, Feb. 5, 1971]

ROLLS-ROYCE MOVE MAY HURT LOCKHEED RESCUE

(By Neil Sheehan)

WASHINGTON.—The announcement by Rolls-Royce, Ltd., that it cannot proceed with production of engines for the Lockheed Aircraft Corporation's new Tristar civil airliner could threaten to unravel the Nixon Administration's plan to rescue Lockheed from possible bankruptcy. This was the consensus of comment by Administration and aerospace industry officials today.

After 17 months of negotiations, Lockheed agreed Monday to a Defense Department demand that it take a $200-million loss on the giant C–5A Galaxy transport it is building for the Air Force as the price for financial salvation.

Now it is felt that all the repercussions of a Lockheed bankruptcy, which the Administration has been laboring to avoid, could threaten again because of the financial collapse of Britain's leading aircraft-engine maker.

OFFICIAL'S VIEWPOINT

David Packard, the Deputy Secretary of Defense who has been overseeing the Administration's rescue of Lockheed, has repeatedly asserted that these potential consequences cannot be tolerated. He predicted a chain reaction throughout the interlocked aerospace industry and on the banks that provide hundreds of millions of dollars in credit. Other officials have spoken of the possible impact on the commercial airlines and on unemployment in California and other aerospace manufacturing areas.

Mr. Packard's plan to rescue Lockheed has been based on the assumption that if the Government provided sufficient funds to keep the company's military production going, the commercial banks would extend enough additional credit to make Lockheed's principal commercial venture, the new L–1011 Tristar jet airbus, a success and thereby assure continued solvency.

NOW, A NEW FACTOR

The possibility that this assumption might be undercut by a collapse of Rolls-Royce and the aborting of its contract with Lockheed to provide engines for the Tristar apparently had not been considered.

The Administration has not known the full extent of Rolls-Royce's technical and financial troubles over the engine contract, and there has been an implicit assumption that the British Government and banks would see Rolls-Royce through its difficulties.

The collapse of Rolls-Royce, with its potential threat to the plan to rescue Lockheed, thus came as a surprise to Administration officials.

Mr. Packard is said to have first learned of it at the Pentagon on Tuesday from Leonard Williams, an under secretary in Britain's Ministry of Aviation Supply.

Mr. Williams had flown to Washington to warn the Administration that today's announcement by Rolls and the British Government would be forthcoming. Mr. Leonard apparently will also participate in the negotiations between the two Governments over the consequences of the Rolls-Royce collapse.

He is understood to have assured Mr. Packard that the British Government would honor Rolls-Royce's military production commitments to the United States, such as the squadron of carrier vertical-takeoff-and-landing aircraft the Marines have purchased, but would make no commitments to salvage the Rolls engine contract with Lockheed.

[From the Washington Post, Feb. 5, 1971]

ROLLS COLLAPSE JOLTS LOCKHEED

(By Robert J. Samuelson)

The Lockheed Aircraft Corp. said yesterday it was "completely surprised and appalled" by the abrupt insolvency of the Rolls-Royce Corp., the engine manufacturer for Lockheed's L–1011 jumbo jet aircraft.

At best, analysts said, Rolls-Royce's collapse would have a severe "psychological impact" on the L–1011 program, discouraging any new airlines from selecting the Lockheed plane over its chief rival, the McDonnell-Douglas DC–10.

At worst, Rolls-Royce's problems could cause a major delay in the deliveries of the L–1011, inflating Lockheed's own costs and jeopardizing commitments for vital new loans to the company, analysts speculated.

For more than a year, Lockheed has grappled with financial problems stemming from both the L–1011 and contract disagreements with the government over the C–5A military transport. That dispute was recently settled, with Lockheed receiving funds to complete 81 planes and then being required to repay $200 million (i.e. imposing on the company a $200 million loss).

The L–1011 has already fared poorly by comparison with the DC–10; against more than 230 orders for the DC–10, only 178 orders have been received for the Lockheed plane—and some of those are sales to a foreign holding company, which has yet to resell all its 50 planes to airlines.

Moreover, a key element in a financing package designed to replenish Lockheed's working capital involves a $100 million acceleration in so-called "progress" payments made by airlines for orders of the L–1011.

In a recent speech to the Press Club, Charles Tillinghast, chairman of Trans World Airlines, which has 33 orders for the L–1011, implied that the new "progress" payments had yet to be disbursed to Lockheed. The airlines will make the payments, he said, from bank loans. The banks are also providing Lockheed with additional credit and—if the L–1011 program appears to be in danger—the bankers might conceivably consider delaying or renegotiating the loans.

What remained unclear last night, from both reports here and in London, was the prospect of Rolls-Royce continuing with production of the RB–111 (the engine for the L–1011) as a government-controlled corporation.

In a statement, Eastern Airlines, which has a firm order for 37 L–1011s, said: "Our best counsel is that the RB–111 and the L–1011 will continue in production.

In its own statement, however, Lockheed sounded considerably more gloomy. It said Rolls-Royce appeared to "repudiate" its contract with Lockheed.

"Further discussions will be held with the receiver (appointed to oversee Rolls-Royce conversion to a government-owned corporation), Rolls-Royce officials, and members of the British government to determine whether it is feasible to continue with the RB–211 program," the statement said.

Even if Rolls-Royce were to withdraw, the L–1011 would not necessarily be doomed. Both Pratt & Whitney and General Electric make engines that could be adapted to the Lockheed plane. Although both firms declined formal comment, one GE official said of his company's jet engine that is used for the DC–10:

"The engine would not have to undergo major overhauls . . . There would have to be some minor changes in the structural mounts of the L–1011, but that's all."

[From the Washington Post, Feb. 6, 1971]

ROLLS-ROYCE FAILS; PART NATIONALIZED

(By Alfred Friendly)

LONDON, February 4.—The Rolls-Royce corporation, for half a century Britain's proudest industrial achievement, went into receivership today, and the government announced it would nationalize most of the company's operating divisions.

The Minister of Aviation Supply, Frederick Corfield, disclosed to a tense House of Commons that the government would have urgent discussions with the American government and the Lockheed Corp. on the future of the RB–211 jet engine. It was the attempted manufacture of the engine that brought on the collapse of Rolls-Royce, whose luxury automobile is renowned throughout the world.

The British government is not, however, taking over the division concerned with that engine and assumes no responsibility for it or the Lockheed contract.

Its acquisition, at a price to be fixed with the receiver for the bondholders' interests, is of the company's other airplane engine, marine and industrial gas turbine divisions.

The move was made because they are considered essential for national defense. The entire British air force and almost all of the country's commercial planes—plus those of more than 100 airlines in 32 other countries—are powered by Rolls-Royce engines.

The announcement of the takeover was ironic since the Conservative government elected last June seeks denationalization of state-owned industries. To be forced to take possession of another is a bitter pill.

The reverberations shook the stock market—where trading in Rolls-Royce shares was instantly suspended.

The blow to British pride, already badly shaken by years of lagging development and economic catastrophes, is by its nature unquantifiable, but psychically enormous. Since the firm's founding in 1907, "Rolls" has stood for the finest in craftsmanship and quality.

The appointment of a receiver for the company throws into question the continued employment of its 80,000 workers, especially the 20,000 working on the RB–211 engine, the production of which will presumably be halted at once. There may be a stoppage of all other production too, but if so it will probably be temporary. The manufacture of the high-priced luxury automobile (that division is not to be acquired by the government) is said to be profitable and there also seems to be nothing seriously wrong with its Bristol and other aircraft engine, turbine and gas-powered pump operations.

But the RB–211 is in such dreadful shape that the manufacture of every engine, now six to 12 months behind schedule, will cost $264,000 more than its contracted selling price to Lockheed for the Tri-Star commercial air-bus. And this does not count huge "launching"—i.e. development and capital—costs or penalties for late delivery.

When the contract was made last November it was hailed as a great British triumph, testifying to the country's pre-eminence in quality manufacturing.

Some of the extent and anatomy of the company's troubles, now known to have been brewing for more than two years, were disclosed today. According to an official source, they stemmed from gross and grievous errors of judgment in top management on the financial conditions of the Lockheed contract. The price was impossibly low and the time scheduled for development and production impossibly short. Additional but much lesser difficulties were technical ones, especially a failure of carbon-fiber blades for the turbines.

Some 540 engines had been contracted for, at $840,000 each.

That Rolls-Royce was in bad shape was indicated last November when, after consultation and the installation of a government nominee as chairman, the government agreed to bolster its finances with a $104.8 million state loan and $43 million from private bank lenders.

A firm of accountants was put in to examine the state of the company's affairs. What it discovered was shattering news to the company's own directors and such as to prevent the loans from being made.

Advised of the situation, with its frightening implications for the Royal Air Force, the cabinet met in urgent sessions last Friday, Monday and again yesterday, when the decision to take over most of the company and set up a new private stock corporation, fully owned by the state, was taken.

Intensive discussions have been going on for the last few days by Rolls-Royce and British government officials with Lockheed and the U.S. government, but they have apparently been fruitless. Information here suggests Lockheed declined to make new terms, extend delivery times or even give firm figures on what late-delivery penalties it proposed to exact

---

[From the Washington Post, Feb. 6, 1971]

ROLLS CRISIS PLACES LOCKHEED IN SQUEEZE; AIRCRAFT FIRM SEEN NEEDING FRESH FUNDS

(By Robert J. Samuelson)

A group of 24 banks apparently now holds the key to the fate of the troubled Lockheed Aircraft Corporation.

Unless Lockheed receives a new infusion of credit it may soon face the threat of insolvency that hit its British partner, Rolls-Royce, according to Defense Department officials familiar with Lockheed's financial condition.

Rolls-Royce, the British engine manufacturer for Lockheed's L–1011 commercial jumbo jet, placed itself in the hands of a receiver on Wednesday, repudiating its contract with Lockheed.

There were rumors that the British expected either Lockheed or the U.S. government to provide additional funds to finance the skyrocketing cost of the jet engines (the RB–211) if production were to continue.

According to government sources in London, British Prime Minister Edward Heath telephoned President Nixon Wednesday evening and discussed the Rolls-Royce situation for about 15 minutes. Heath received no pledges of American financial assistance, these sources indicated; White House press Secretary Ronald L. Ziegler declined comment on the report yesterday.

Before Rolls' announcement of insolvency, a consortium of 24 major U.S. banks had tentatively agreed to advance Lockheed $150 million in addition to the $350 million the banks have already committed to the company. Yesterday, Fred J. Leary, senior vice-president of Bankers Trust Co., the "lead" bank in the consortium, issued a statement indicating that the banks might not honor their original commitment:

"Although the Rolls-Royce development creates a new set of financing problems, it does not lessen our determination to help develop solutions. We intend to continue working with the parties concerned so long as we feel there is any possibility of ultimate resolution."

Without additional funds, however, Lockheed will face a severe cash squeeze within six weeks, informed sources said.

In addition to the $150 million directly from the 24-bank consortium, the banks also had agreed to provide credit to three major airline customers for the L–1011—Eastern, Trans World, and Delta—to make $100 million more in advanced "progress" payments to Lockheed.

Originally, the loans had been conditioned primarily on a satisfactory settlement of Lockheed's contract disputes with the Pentagon over the giant C–5A transport. On Monday, Daniel Houghton, Lockheed chairman, had accepted the Defense Department proposal to fund development of the C–5A, with a commitment to repay $100 million to the government. (With Lockheed's investment of $100 million in the transport, the firm's ultimate loss would have been $200 million.)

Rolls-Royce was forced into receivership by a precipitous rise in the costs of the RB–211. The original set of three engines for one L–1011 was to cost about $2.5 million, but, in London, the government said that the actual costs were running at least $700,000 more than that figure.

In Britain, Frederick Corfield, Aviation Supply Minister, said "it's just possible Lockheed may be able to come forward with terms on which it would make sense to go on with this engine." That apparently would mean that either Lockheed or its customer airlines—or both—would have to absorb costs above their original contract prices.

It remained unclear whether the airlines would be amenable to a change. Eastern, which has the largest order of L–1011s with 37, said "our confidence continues in the future of the L–1011 program with Rolls-Royce engines."

Nevertheless, Eastern added that it is considering the possibility of busing or using more extensively either the Boeing 747 or the McDonnell-Douglas DC–10, other "jumbo" rivals of the L–1011.

Lockheed could also adopt the L–1011 to a new engine, either from General Electric, the supplier for the DC–10, or Pratt & Whitney, the supplier for the Boeing 747. Any shift, however, would probably entail additional costs and delivery delays.

All the airlines with L–1011 orders already have made substantial "progress" payments for the L–1011. Eastern said its outlay amounted to more than $70 million, and one knowledgeable source estimated the total for all airlines "around $200 million."

Another possible source of funds would be the government—either through a direct injection of cash or a Treasury bank loan guarantee.

A Defense Department official said he did not see how the Pentagon could advance funds to Lockheed (the nation's largest defense contractor) for a commercial project; at the Treasury Department, another official said he knew of no new proposal made for the government to underwrite Lockheed.

[From the New York Times, Feb. 5, 1971]

ROLLS-ROYCE IS BANKRUPT—BLAMES LOCKHEED PROJECT

(By John M. Lee)

LONDON, February 4.—Rolls-Royce, Ltd., Britain's quality symbol for fine automobiles and sophisticated jet engines, declared bankruptcy today. The public reacted with consternation and politicians called it "a major national tragedy."

The company put the blame for its collapse on the huge losses incurred in developing the engine for the Lockheed Aircraft Corporation's new Telstar airbus. Rolls said it could not proceed with the engine under the present fixed-price contract.

The Conservative Government quickly announced it would acquire and maintain those Rolls engine operations it considered vital for national defense, joint military programs with other countries and air forces and civil airlines around the world.

But the Government left open the question of the ill-fated Rolls aircraft engine, known as the RB–211, and said it would explore its future with the Rolls receiver. At the same time, the Government recognized the damage to Britain's commercial reputation and the possibility of a huge lawsuit by Lockheed.

[In Washington the consensus of comment was that Rolls-Royce's move could threaten to unravel the Administration's plan to rescue Lockheed from possible bankruptcy. Lockheed said it would see if it could buy an American-built engine for the Tristar. Details and other related stories on Page 41.]

Frederick Corfield, Minister of Aviation Supply, speaking to a stunned House of Commons, said, "Because of the very grave consequences which must follow the decision of the Rolls-Royce board, the Government is also undertaking urgent discussions with the Lockheed Corporation and with the United States Government."

However, Mr. Corfield emphasized that the Government itself had no liability in the contract between Rolls-Royce and Lockheed.

Government officials made it clear later that work would be continued on the Olympus 593 engine being built by Rolls to power the British-French supersonic Concorde jet. All aircraft engine projects, except the RB–211, will be continued, the officials said. Continuation of the RB–211 was rated "A long shot" by one spokesman.

Mr. Corfield made no mention of Rolls's famed, although relatively small, automobile division, producer of $20,000 prestige cars. It appeared likely that this profitable operation would be sold by the receiver to private enterprise.

The Rolls-Royce collapse created acute political and commercial embarrassment.

ACTION BY GOVERNMENT

The Conservative Government, which has been proceeding with great flourish to denationalize minor Government interests, such as a few hundred pubs and the Thomas Cook & Son travel business, was forced to extend Government ownership to salvage the vital engine business.

The Government said it would introduce legislation early next week to acquire "such assets of the aero-engine and marine and industrial gas turbine engine divisions of the company as may be essential" for defense and general aviation purposes.

However, Mr. Corfield gave the impression that the Government, which has eschewed support for "lame duck" industries, had rejected further open-end commitments to Rolls and had accepted receivership as the lesser evil.

COSTS DESCRIBED

The Minister told the House that a further Government investment equivalent to $360-million would have been required to put the new engine into production.

He also said the cost of each engine had exceeded the contract price (estimated at $800,000) by $264,000. Rolls at one time was predicting sales of 600 or 700 engines. The more it sold, the more it would lose.

In addition, Rolls was expecting to incur financial penalties for late delivery, estimated at six to 12 months.

"The loss of resources already committed with the losses which will arise upon termination are such a scale on," Rolls-Royce said in a statement, "that they are likely to exceed the net tangible assets of the company."

GASPS IN PARLIAMENT

"I never in my wildest dreams, or nightmares, expected anything like this," Mr. Corfield told the House.

There were gasps, low whistles and murmurs of astonishment among the packed members of Parliament as Mr. Corfield outlined the dimensions of the disaster. Many members expressed concern for the future of Roll's 80,000 employes and for the subcontractors dependent upon Rolls business.

Anthony Wedgwood Benn, Minister of Technology in the former Labor Government, called the collapse "a major national tragedy for this country, a grave blow to confidence in this country." However, Mr. Benn will be at the center of the coming political debate as the minister who encouraged Rolls to seek the Lockheed contract and provided major Government financial aid.

POPULARITY OF AUTOS

Rolls-Royce is one of the world's leading aircraft engine makers, ranking alongside General Electric and Pratt & Whitney of the United States. But Rolls-Royce has achieved popular recognition with its expensive and classically styled cars, distinguished by the winged figure and double-R symbol atop the boxy grill.

About 2,000 Rolls cars are made each year, and most are sold in the United States. There is a waiting list in London 18 months long. The Silver Shadow sells in Britain at just under $24,000. For more expensive tastes, the Park Ward Phantom IV is priced here at $35,000.

More importantly, Rolls-Royce is the heart of the British aircraft industry and is a major part of virtually every European aircraft project.

Almost every aircraft in the Royal Air Force is powered by Rolls-Royce engines and dependent upon Rolls for spare parts. Rolls engines are used in military and civil aircraft in more than 100 countries.

The Comet, the Trident and the British Aircraft Corporation's 111 all use Rolls engines. Rolls is to provide the engine not only for the Concorde but also for the British-French Jaguar fighter and for the Multi-Role combat aircraft with West Germany.

The automobile business accounted for only about 5 per cent of Rolls-Royce's 1969 sales of $723-million. The company's net income in that year fell 50 per cent to $10-million. Dividends for the year were reduced to 6 per cent of paid-up capital from 12 per cent the preceding year because of a mounting cash squeeze.

ASSISTANCE OBTAINED

Rolls had already obtained from the Labor Government $113-million of the originally estimated $168-million needed to develop the RB–211 aircraft engine. A cash squeeze developed when engine costs outran estimates and the company undertook, for what it felt were competitive reasons to develop an advanced version, the RB–211–50, before it got paid for the original model.

Last May a Government agency, the Industrial Reorganization Corporation, came to the rescue with $24-million in financial aid in return for a 12 per cent equity interest. Another $24-million was promised for this year.

Last November, the Conservative Government, told that development costs had climbed to $324-million, stepped in with a promise of $101-million in additional aid and persuaded London bankers to put up an extra $48-million.

The Government also insisted on a management shakeup and installed Lord Cole, former head of Unilever, the international soap and food giant, as Rolls-Royce chairman. Ian Morrow, an expert on ailing companies, was named head of the executive committee.

As it develops, none of the funds promised in November reached Rolls because the money had been made contingent on completion of a new auditing report by the accountants, Cooper Brothers. The audit showed results so alarming when it became available last week that liquidation appeared the only course.

E. Rupert Nicholson of the accounting firm of Peat, Marwick & Mitchell, was named today as receiver and manager on behalf of the debenture holders.

EXCHANGE STUNNED

Trading in Rolls-Royce shares was suspended on the London Stock Exchange, which was stunned by the news. The Financial Times industrial index plunged 8.7 points to 332.7. Stocks of companies heavily involved with Rolls-Royce (such as Joseph Lucas, an electrical components company) were hard hit.

In the financial district it was estimated by some observers that up to $600-million in cash could be involved in the collapse. The last Rolls balance sheet showed net tangible assets of $456-million.

In its statement, Rolls-Royce said, "The board deeply regrets the loss and embarrassment which will result from the failure of the company to meet its obligations to the shareholders, the Lockheed Corporation and to the banking institutions, trade suppliers and other creditors."

The future of Rolls-Royce has been the subject of urgent Cabinet meetings for the last two days.

[From the New York Times, Feb. 5, 1971]

GROSS ERRORS ARE LAID TO MANAGERS

(By Anthony Lewis)

LONDON, February 4.—In the view of the British Government, the grim denouement of the Rolls-Royce story—the bitter news disclosed to Parliament and the public today—is a result of business inefficiency.

"The reason for the collapse is simple," an informed commentator said today. "It was a series of gross errors by the management of Rolls-Royce, in this fatal contract with Lockheed."

The expert opinion here is that Rolls may have had a problem or two in its management structure even before the deal three years ago to sell the giant new engines to Lockheed for its Tristar But it is the overwhelming belief that the Lockheed contract drove the stake through the heart of the company.

Rolls vastly underestimated the time it would require to get its RB–211 engine into production and up to the specifications for Lockheed.

NO ENGINES DELIVERED

In fact, not a single production engine has come off the line at this date. Delivery of the engines was to have begun next November. The Tristars that have been tested so far have used development engines that do not meet the specifications.

The attempt to rush into production led to confusion in Rolls-Royce between development and final production lines.

Parts of the engine were cleared for the actual production model and then had to be recalled because of changes decided after tests during the development.

Along with the failure to estimate the time, there was a colossal misguess about costs.

The company originally asked for, and received, $156-million from the Government, to cover the launching costs of the new engine. Last November, it put the figure at $324-million, and got conditional agreement from the Government to meet that figure.

MORE FUNDS NEEDED

But it has turned out now, according to Government spokesmen, that at least $200-million more would be needed—and there was no certain limit on that.

As matters stood, the company was in a position where the 540 engines it had contracted to produce for Lockheed at a price of $840,000 each would now cost the company more than $1,104,000 each to build.

Part of the difficulty was the failure of the original scientific breakthrough that Rolls-Royce thought it had. But expert sources said that the difficulties were primarily based on much broader failure of management to estimate the time and cost of production accurately. One source said:

"What they did, in a word, was to conclude an impossible contract."

The sad ending of the RB–211 affair is all the more dramatic because the success in obtaining the order from Lockheed in the spring of 1968 was hailed by newspapers and the Labor Government that was then in power as one of the greatest export triumphs in British history.

The truth about the order began to be known after the new Conservative Government conditionally agreed to advance additional funds last November.

The main condition was that independent accountants look over the situation at Rolls-Royce. An accounting concern began making a report.

That report will probably never be made now, but according to informed quarters, the accountants blew away so many cobwebs that they disclosed the real state of affairs at Rolls for the first time.

On Jan. 26, the executive board realized for the first time the full seriousness of the financial situation. It brought the matter to the Government last Friday.

Discussions between British and American diplomats followed earlier this week. Some time yesterday, the Rolls executives decided that there was no alternative to going into bankruptcy—apparently because they now realized there was no hope of further Government subsidy.

LONG-SHOT POSSIBILITY

In the view of the British sources, there still is a possibility that the RB–211 engine will be built for Lockheed, but that is regarded as a long shot.

If Lockheed can make arrangements to buy the roughly comparable CF–6 from General Electric instead, and get the engine soon enough to supply them for the Tristars ordered by American and other airlines the company would doubtless prefer to go that way.

The Rolls receiver appointed today would certainly have no interest in resuming production of the RB–211 unless Lockheed agreed to pay substantially more than the original contract called for.

The possibility of continuing production of the RB–211 is expected to be explored in discussions among the British and American Governments, Lockheed and the Rolls-Royce receiver. But at best, even if the General Electric engine presents problems for Lockheed, there will be difficulties.

[From the Wall Street Journal, Feb. 5, 1971]

ROLLS-ROYCE TO GO INTO RECEIVERSHIP DUE TO AIRLINE JOB—COST OF ENGINE FOR LOCKHEED CITED, GOVERNMENT SAYS IT COULDN'T CONTINUE CASH AID—LOCKHEED EXPRESSES SURPRISE

Rolls-Royce Ltd., the proud symbol of the best in British engineering, has collapsed.

The world-renowned manufacturer of aircraft engines and automobiles, citing staggering costs of developing an engine for Lockheed Aircraft Corp.'s TriStar airliner, said in London it had "no alternative" but to put itself in the hands of a receiver and manager. The company said that a $144 million infusion promised only last November by the British government and banking institutions wouldn't meet the "substantially increased" production costs.

In Los Angeles, Lockheed's chairman, Daniel Haughton, declared he was "completely surprised and appalled at the precipitous decision made by the Rolls-Royce board of directors and the sudden withdrawal of the British government's financial support for this key industrial firm."

Britain's Minister of Aviation Supply, Frederick Corfield, told the House of Commons that the government will acquire whatever Rolls-Royce assets are deemed essential to Britain's defense. He said Rolls-Royce's losses were on "such a scale that they are likely to exceed the net tangible assets of the company." Although Rolls-Royce said the additional costs of making RB211 engines for Lockheed were so high it wasn't "feasible" to proceed with the contract, Mr. Corfield said the government would explore with the receiver, Lockheed and the U.S. Government the future of the RB211.

In reply to a question, he said the Conservative government didn't consider it practical anymore to pour money into Rolls-Royce, because the amount needed had skyrocketed to $360 million. The government, excluding its $100.8 million of the $144 million sum promised last November, already has contributed $105.6 million to the engine development.

Describing the Rolls-Royce situation, Mr. Corfield said that "never in my wildest dreams, or nightmares, did I think it was as bad as this." Under Rolls-Royce's fixed-cost contract with Lockheed, he said, each engine made was losing Rolls-Royce $264,000.

The former Labor Minister of Technology, Anthony Wedgewood Benn, termed the Rolls Royce collapse a "major national tragedy" that would undermine confidence in Britain throughout the world.

In reply, Mr. Corfield asserted the 65-year-old company wouldn't wind up all its activities. Those aircraft, marine and industrial engine divisions that would be nationalized will be established as a limited company entirely owned by the government, he said, with about 50,000 of Rolls-Royces 87,000 workers taken under the government's wing.

Demise of Rolls-Royce's aircraft engine capability would be an especially bitter blow for Lockheed.

IMPACT ON LOCKHEED'S TRISTAR

The U.S. airframe manufacturer said it has firm orders for 178 of its new wide-bellied TriStar L1011 air bases, each of which would use three Rolls-Royce engines. So far, however, Lockheed has received only about 10 or 12 of the power plants, an adequate supply for testing but hardly enough for production. The engines represent about one-sixth of the cost of the $15 million aircraft.

Mr. Haughton said Lockheed first learned of the full gravity of the Rolls-Royce crisis on Tuesday, when Lockheed officials went to London for a regular bimonthly review. Lockheed previously had been aware of financial and schedule difficulties, Mr. Haughton stated; but he insisted he had been assured that the problems could be solved without any major impact on the engine program.

Lockheed, he said, will hold further discussions with the receiver, Rolls-Royce officials and the British government to see if there is any way possible to continue with the RB211 program. "Our studies will include examination of alternate engines that are available for the L1011," he stated.

The principal alternative suppliers are the Pratt & Whitney division of United Aircraft Corp. and General Electric Co. According to industry sources, Pratt & Whitney is the world's biggest supplier of jet engines for commercial airline transports. There are 3,100 large commercial jets flying with Pratt & Whitney engines and an additional 274 planes on order. Its aircraft engine volume last year is estimated at about $1.75 billion.

GE engines power 89 large commercial jets in service and are slated to go on 372 more. Its 1970 jet aircraft volume is estimated at about $800 million.

In terms of aircraft in service, Rolls-Royce placed second among the world's suppliers with 577 in service, and second in orders, with 291. But it placed third in 1970 volume with about $542 million in sales, industry sources estimated.

British financial pressure may have been what got Rolls-Royce the Lockheed contract, following a competitive wrangle with GE. Insiders note that when Lockheed announced its initial orders for the Tristar, it listed Trans-World Airlines, Eastern Air Lines and Air Holdings Ltd., a British holding company. It was speculated at the time that the use of Rolls-Royce engines was part of the Package for the Air Holdings sale.

LONDON STOCKS HIT HARD BY NEWS

The news that Rolls-Royce had requested a receiver sent prices on the London Stock Exchange into their deepest decline in months, caused British Government bonds to post sharp losses and depressed the recently bouyant pound sterling.

In the U.S., the American Stock Exchange didn't allow trading to open yesterday in Rolls-Royce shares. It had been the most active issue the day before, dropping 12½ cents to $1.1875, on a turnover of 252,600 shares.

Lockheed shares plunged $2.25 to $11.625, yesterday on the New York Stock Exchange. It was the Big Board's fourth most active issue with 216,400 shares.

Although British newspapers said in blazing headlines that "Rolls-Royce Goes Bust," the appointment of a receiver, strictly speaking, doesn't signify that the company is actually bankrupt. Under British corporate procedures, some preferred creditors have the power to appoint a receiver to protect their assets.

EXTENSION OF TIME FOR TRANSMISSION TO CONGRESS OF REPORT OF THE JOINT ECONOMIC COMMITTEE

Mr. PROXMIRE. Mr. President, I introduce a joint resolution and ask unanimous consent for its immediate consideration. All it does is extend the time for filing a report by the Joint Economic Committee, and it has been cleared by the minority.

The PRESIDING OFFICER (Mr. Brock). Is there objection?

There being no objection, the joint resolution (S.J. Res. 31) was read the first time by title, and the second time at length, as follows:

S.J. Res. 31

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Joint Resolution entitled "Joint Resolution extending the dates for transmission to the Congress of the President's Economic Report and of the Report of the Joint Economic Committee", approved December 31, 1970 (Public Law 91–602; 84 Stat. 1674), is amended by striking out "March 10, 1971" and by inserting in lieu thereof "April 1, 1971".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution was considered ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SUCCESSFUL SPLASHDOWN OF APOLLO 14 ASTRONAUTS

Mr. GRIFFIN. Mr. President, at this moment there is rejoicing on the Aircraft carrier *New Orleans*. There is rejoicing in the Space Center at Houston. There is rejoicing all over the United States and around the world because the astronauts aboard Apollo 14 have just splashed down.

All indications are that it was a favorable and successful splashdown.

That is good news, not only for the Senate but for all Americans and everyone around the world.

Mr. THURMOND. Mr. President, today's splashdown of the Apollo 14 command ship concludes America's third successful journey to the surface of the moon, a mission which has thrilled millions of people here on earth, and which should add immeasurably to our store of scientific knowledge.

The flight of the Kitty Hawk to the desolate strands of Fra Mauro comes only 68 years after man's first successful flight over the coastal dunes for which the lunar craft was named. It is a tribute to the progress of aeronautics and the dedication of men that we have come so far in so short a time.

The skill and courage of the Apollo 14 astronauts, Capt. Alan B. Shepard, Comdr. Stuart A. Roosa, and Maj. Edgar D. Mitchell, merit special commendation in recognition of their vital contributions in achieving a comeback in America's space program. The mission renewed our faith in the future of manned spaceflight, showing once again the value of the human element in the exploration of space.

In carrying out man's most challenging expedition to the moon's surface, the Apollo crew was confronted with a baffling variety of problems. Malfunction of the docking mechanism and problems in computer operation and radar systems failed to deter the Astronauts in their expedition to find new realms of knowledge for the people of America and the world.

In their application of pioneer spirit and human initiative, the Apollo crew captured the attention of all mankind. The businesslike report of Captain Shepard—"It's been a long way, but we're here"—signaled the beginning of a lunar excursion which emphasized scientific discovery. The excitement generated by Apollo 14 differed from that expressed following the first lunar landing just 2 years ago. No longer is the moon the object of wonder that it once was, and this in itself indicates the magnitude of the space program's achievements.

Neil Armstrong's small step has been extended. We have moved forward rapidly in probing the mysteries of our nearest neighbor in the sky. Americans have amassed almost 20,000 feet in walking distance on the lunar surface, and have transported more than 200 pounds of moon rocks a distance of 241,000 miles, enabling our study to continue far beyond the duration of the mission itself. Although some of the novelty has worn off, the lasting effects of the moon missions are only now becoming apparent. We are now at the opening stage of impact and importance in America's space program.

Though we realize the dangers inherent in the exploration of the unknown, we enthusiastically look forward to the continued success of future flights by men like Astronauts Shepard, Roosa, and Mitchell. Their achievements should inspire us to continue to probe the secrets of what has rightly been called our last frontier.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene on tomorrow at 11:30 a.m. following a recess.

Under the orders previously entered, the able Senator from Arizona (Mr. FANNIN) will be recognized for not to exceed 15 minutes immediately following the approval of the Journal, if there is no objection, and the recognition of the majority leader and the minority leader under the standing order of January 29.

Following the remarks of the able Senator from Arizona (Mr. FANNIN), the very distinguished Senator from Vermont (Mr. AIKEN) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The period for the transaction of routine morning business will extend to the time, under the previous order, for the recognition of the majority leader in connection with the business to be transacted in executive session.

The majority leader is to be recognized for not to exceed 10 minutes just prior to the vote which will occur on the treaty. The vote will occur on the treaty circa 1 p.m. The vote will be a rollcall vote.

Following the vote on the treaty, the Senate will resume its consideration of the pending business.

RECESS TO 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in recess until 11:30 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 15 minutes p.m.) the Senate recessed until tomorrow, February 10, 1971, at 11:30 a.m.

NOMINATION

Executive nomination received by the Senate February 9 (legislative day of January 26), 1970:

DEPARTMENT OF JUSTICE

H. Brooks Phillips, of Mississippi, to be U.S. marshal for the northern district of Mississippi for the term of 4 years vice John H. Phillips, deceased.

HOUSE OF REPRESENTATIVES—*Tuesday, February 9, 1971*

The House met at 12 o'clock noon.

Rev. Andrew Leigh Gunn, Grace United Methodist Church, Gaithersburg, Md., offered the following prayer:

O God our Father, we thank You for our beautiful and free Nation with its majestic mountains and ocean shores, its plains, rivers, and lakes. Forgive us when we befoul our land's beauty. Teach us to live in harmony with what you have created.

We rejoice in the success of our moon mission and we pray for the safe return of our astronauts this afternoon. We ask Your divine favor on the Members of this House of Representatives. May they work toward goals which will lift our Nation and bring it new unity. Yes, we ask for peace, O Lord, and the speedy return of all troops to their native lands. Let there be the greening of America by the light of Your truth and righteousness. Finally, we pray for our Nation's youth: Give them, give us all, a new vision of service and greatness. In Christ's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

NEW RULE APPROVED BY INTERIOR AND INSULAR AFFAIRS COMMITTEE

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, the House Committee on Interior and Insular Affairs has long been a leading committee of the House of Representatives in taking steps to advance orderly procedures and help to bring about better committee operation and better operation of the House itself.

I am proud to be authorized this morning by the committee to announce that the Committee this morning has tentatively approved a rule which provides that any committee meeting that conflicts with regularly scheduled party caucuses or party conferences shall be canceled.

This action was taken by a unanimous vote of the committee with the support of the chairman and the ranking minority member, and I think it is a pattern that should be called to the attention of other committees of the House.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, I am very much interested in the announcement which the gentleman from Oklahoma just made.

I think the party caucuses and party conferences are important for all Members to attend, and I would hope that other committees will follow the Committee on Interior and Insular Affairs.

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman from Louisiana.

A WATCHDOG OVER GOVERNMENT CONTRACTS

(Mr. PODELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PODELL. Mr. Speaker, I am proud to be introducing a bill today, cosponsored by 59 of my colleagues in the House, known as the "Government Contract Security Act." The bill gives expanded authority to the Comptroller General of the United States to investigate Government contracts characterized by cost overruns of 10 percent or more and/or late delivery. It requires annual scrutiny and criticism by the General Accounting Office of the contracts of all executive agencies. Extensive reports of the findings would then be given, also on an annual basis, to Congress with careful delineations of the reasons behind the violations. GAO is empowered to obtain all such material, and I believe that it must exercise this prerogative.

Under present authority, the reports of the General Accounting Office need not be issued with any specific frequency or on any particular subject unless requested by a committee of either House of Congress. Under my proposal, the General Accounting Office would be given watchdog authority over individual contracts for services and research, construction, alteration, or repair of any kind requested by the Government, and the manufacture or furnishing of materials for which the Government had contracted, and would issue specific reports at specific intervals.

The most glaring violations of Government contracts have, of course, been in the area of defense spending; the TFX airplane, the C-5A transport, the Cheyenne helicopter are but three examples of the failures that the public has been forced to subsidize in silence, and into which the Government, until only recently, has willingly poured funds. And as we know, the overruns in defense are more costly than in any other area.

Defense encompasses about one-half of the Federal budget, and mistakes often mean billions of dollars. Inefficiency and overruns may be brought to public attention by individual "whistleblowing," but I believe GAO's regular scrutiny of contracts is the best means of assuring such reporting.

A recent report by the General Accounting Office, entitled, "Acquisitions of Major Weapons System," documents how large these overruns have been and how poor the planning. Although I commend the General Accounting Office for its initiative in this vital area, one might say that the report was too long in coming. Billions of dollars were spent on the C–5A and the F–111 alone to bring them up to originally contracted standards. My bill would eliminate such future waste.

My proposal would make such scrutiny a yearly project so that Congress, before authorizing and appropriating funds for projects in a new fiscal year, would have the information required to appropriate wisely—not into bottomless pits—but into viable systems and programs.

The power to appropriate funds is one of the most important ones in our entire political system. If the legislative branch is to maintain any type of control and have any say in this process, it must have an adequate supply of necessary information. It is one thing to appropriate money and quite another to do it so that the interests of all our citizens are served. The latter goal requires information that has not been readily available to Congress in the past.

The executive branch of the Federal Government has the Bureau of the Budget to aid it in its fiscal determinations. The legislative branch does have the General Accounting Office for independent scrutiny, but I believe that my bill would make that organization even more effective in these crucial determinations.

My colleague, the Honorable Jack Brooks, of Texas, made an excellent suggestion when he stated that the GAO would also have to be provided with a modern computer-based fiscal management audit system to provide the House and Senate with a flow of data that could be used to safeguard the taxpayers' interest from all types of fiscal irresponsibility. I would like to associate myself with the ideas of Congressman Brooks.

In addition, we are today being faced with choices that are a direct result of cost overrun and fiscal mismanagement such as Lockheed Aircraft receiving money from the Federal Government to keep operating. Decisions are now going to have to be made as to how far the Federal Government will have to get involved in these matters. I believe that such decisions would never have had to been made if closer scrutiny of contracts had been the rule rather than the exception.

Finally, defense is still only one portion of our Federal budget. Government programs in other areas have grown both numerically and in terms of the money expended. In these programs, too, efficiency is not the characteristic that is most associated with their operation. My bill would authorize the General Accounting Office to make the same annual review of these programs as well.

I believe then that this bill is an important and a timely measure. It will lead to the asking of questions that have been left out of important decisions on national priorities. It will provide Congress with the tools that it must have if it is to act and legislate in the public interest. I hope that this year Congress will act to give the General Accounting Office this important authority.

The following Members of Congress have joined with me in the sponsorship of this bill:

Mr. Abourezk, Mr. Annunzio, Mr. Badillo, Mr. Bergland, Mr. Biaggi, Mr. Brademas, Mr. Brasco, Mr. Brooks, Mr. Brown of Michigan, Mr. Buchanan, Mr. Burke of Massachusetts, Mr. Burton, Mrs. Chisholm, Mr. Cleveland, Mr. Coughlin, Mr. Delaney, Mr. Dent, Mr. Derwinski.

Mr. Drinan, Mr. Donohue, Mr. Esch, Mr. Evins of Tennessee, Mr. Fish, Mr. Forsythe, Mr. Fraser, Mr. Frenzel, Mr. Fulton of Pennsylvania, Mr. Gibbons, Mr. Halpern, Mr. Hanley, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hathaway, Mr. Henderson, Mr. Jacobs, Mr. Keith, Mr. Matsunaga, Mrs. Mink, Mr. Morse, Mr. Mosher.

Mr. Moss, Mr. O'Neill, Mr. Pepper, Mr. Pike, Mr. Pryor of Arkansas, Mr. Railsback, Mr. Rangel, Mr. Riegle, Mr. Rosenthal, Mr. St Germain, Mr. Scheuer, Mr. Schwengel, Mr. Symington, Mr. Thompson of New Jersey, Mr. Thone, Mr. Tiernan, Mr. Whalen, Mr. Williams, Mr. Wolff.

NEED FOR INCREASED FEDERAL SHARE IN WASTE TREATMENT CONSTRUCTION GRANTS

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, yesterday the President sent to the Congress the "First Annual Report on the State of the Nation's Environment."

There are a number of good points in the document. There are also a number of omissions and failures.

The President proposes that $6 billion in Federal funds be spent over the next 3 years as the Federal Government's 50-percent share in the program of waste treatment facilities construction. This leaves the Nation's State and local governments with a $6 billion matching requirement. This is a nearly impossible requirement. The administration recognizes this by further recommending help to municipalities in overcoming "the difficulties they face in selling bonds on reasonable terms to finance their share of construction costs."

The tremendous cost of constructing major treatment facilities is such a burden on our already overstrained cities that as a result most construction has been done in small towns and villages—often for industrial development purposes rather than pollution control purposes. The following table, accurate through the end of June 1969, shows how little money has been spent in the big cities which are confronted with the huge pollution problems:

Population	Number of projects	Federal grants	Percent of grants (cumulative)
Less than 2,500	4,641	$224,368,484	17
2,500 to 5,000	1,359	156,956,004	28
5,001 to 10,000	1,158	187,349,738	42
10,001 to 25,000	1,045	254,855,555	61
25,001 to 50,000	518	175,688,014	74
50,001 to 125,000	334	163,926,363	86
125,001 to 250,000	155	73,773,793	92
250,001 to 500,000	87	36,913,087	95
Over 500,000	148	71,025,224	100
Total	[1]9,445	1,344,856,262	

Estimated total cost of the 9,445 projects is $5,351,572,735.

The administration has made a major effort for revenue sharing. Yet there is no more important area where the Federal Government can help share local expenses and direct local expenses toward needed pollution correction then in the waste treatment facilities construction program. The demand for $6 billion in matching funds completely washes out the promise of $5 billion in revenue sharing.

For this reason, I am introducing today legislation which will increase the Federal share in grants to State and local governments for the construction of waste treatment facilities.

GEORGE WASHINGTON UNIVERSITY CELEBRATES 150TH ANNIVERSARY

(Mr. SCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCOTT. Mr. Speaker, the George Washington University of which I am a graduate, is the only private nonsectarian university in our Capital City, and this year is celebrating its 150th anniversary. On this date, 150 years ago, President James Monroe signed the congressionally approved charter for the university under which it still operates. A member of the staff of the university was good enough to furnish me with information regarding the long history of this fine institution for inclusion in the Record at this point:

The George Washington University Sesquicentennial, 1821–1971

From a shoestring beginning in 1821 with 30 students and three professors, the George Washington University has grown into one of the major educational institutions in the United States.

Known as the alma mater of federal decision-makers this private, nonsectarian university has more graduates in the foreign service and in top federal executive positions than has any other college or university in the nation.

In addition to Congressman Scott, a graduate of the law school, other members of the 92nd Congress who are alumni include Senators Robert C. Byrd, West Virginia; Norris Cotton, New Hampshire; J. William Fulbright, Arkansas; Daniel K. Inouye, Hawaii and Frank E. Moss, Utah. And in the House, Congressman Garry Brown, Michigan; Joel T. Broyhill, Virginia; Goodloe E. Byron, Maryland; Charles E. Chamberlain, Michigan; Joe L. Evins, Tennessee; John J. Flynt, Georgia; Gilbert Gude, Maryland; Orval Hansen, Idaho; Sherman P. Lloyd, Utah; Paul G. Rogers, Florida; Keith G. Sebelius, Kansas; and Joseph Skubitz, Kansas. Also, included are two members of the President's Cabinet: Secretary of Housing and Urban Development, George W. Romney and David M. Kennedy, Secretary of the Treasury. FBI Director J. Edgar Hoover, Jacqueline Kennedy Onassis, and Margaret Truman Daniel are among GW's famous graduates.

The University's 40,000 living alumni include equally distinguished people in business, industry, and the professions. In the Washington area alone, there are 20,000 alumni, including 4,200 lawyers, 900 physicians, 2,300 educators, and 1,000 engineers.

The co-winner of the 1970 Nobel Prize in medicine, Julius Axelrod, is a GW graduate and part-time faculty member.

GW's student body numbers 15,000 on-campus (from 50 states and 92 countries) and 10,000 off-campus adults who take courses in the suburbs, in the federal agencies, and in the Armed Forces. The on-campus student population includes 97 minority group students from the District of Columbia who are admitted without charge.

Under President Lloyd H. Elliott, GW is completing an ambitious development program which, in the past five years, has doubled the value of its physical plant and given identity to its 16-block urban campus bounded by Pennsylvania Avenue, 24th, F, and 19th Streets, N.W., just three blocks west of the White House.

Currently under construction is a $25,000,000 medical school complex and a $16,000,000 income-producing building to be leased to PEPCO. A $10,000,000 University Library is expected to get underway this spring. Recently completed were a $9,000,000 University Center and a $4,500,000 classroom building. Other recent additions include the Jacob Burns Law Library, the Luther Rice administration building, the Eugene Meyer Pavilion of the University Hospital, the Joseph Henry office building, a new office building, a new Emergency Unit for the Hospital, and the University Clinic (offering all major specialties for out-patient care).

With more than 6,500 personnel, GW is the second largest corporate entity in the Metropolitan Washington area. The University is channeling $200,000 a day, 365 days a year into the Metropolitan Washington area through its annual budget of approximately $75,000,000.

Academic programs are offered through eight degree-granting schools and colleges including the nation's second largest law school and the well-known schools of Medicine, Public and International Affairs, and Government and Business Administration. Interdisciplinary approaches to study and research are exemplified by programs in Science, Technology and Public Policy; Sino Soviet Studies; and Law, Psychiatry, and Criminology.

At the undergraduate level, a wide range of conventional subjects is complemented by unique programs in speech pathology, medical technology, Chinese studies, Latin American studies, statistics, and experimental humanities.

Exceptional opportunities for learning are made possible through cooperative programs conducted in various fields of study with the Library of Congress, United States Information Agency, the Smithsonian, National Gallery of Art, Members of Congress, and such inner-city groups as Shaw People for Urban Renewal (SPUR), Congress Heights Association for Services and Education (CHASE), Congress Heights Committee for Health facilities and Medical Services and the Washington Metropolitan Planning and Housing Association.

Through these and other academic offerings, GW seeks to provide future leaders with the knowledge, experience, and motivation to devote a lifetime to coping with the problems which the nation is, and will be, facing.

The Metropolitan Washington Board of Trade paid tribute to the University on January 19, 1971, at a special Sesquicentennial Luncheon. Almost 500 government, business and industrial leaders honored The George Washington University for its 150 year contribution to our nation and the Metropolitan Washington Area. Congratulatory messages were read during the festivities including:

"Throughout its eventful history the George Washington University has responded with strength and imagination to the changing academic needs of our growing society." President Richard M. Nixon—The White House.

"George Washington University's 150 years of growth and steady progress, and its significant future plans, combine to constitute an exemplary source of great inspiration to the City of Washington and to the entire metropolitan community. Even beyond the academic contributions, we are aware of the significant economic impact that is made by the University to the general welfare of our citizens." Commissioner Walter E. Washington—District of Columbia.

"Marylanders—as well as the people of all the 50 states and many foreign nations—can take great pride in the outstanding educational and cultural opportunities offered by The George Washington University." Gov. Marvin Mandel—State of Maryland.

"For 150 years George Washington University has made a continuing contribution to higher education throughout the world. We in Virginia feel a particular bond to an institution whose alumni can be found throughout the Commonwealth." Gov. Linwood Holton—Commonwealth of Virginia.

Mr. Speaker, I know that my colleagues in the House would want to join in extending congratulations to the George Washington University on the occasion of its sesquicentennial 1821–1971.

PRESIDENT CAN ACHIEVE A STABLE ECONOMY

(Mr. ARCHER asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. ARCHER. Mr. Speaker, in his economic report to the Congress, President Nixon has wisely rejected the gratuitous advice from some quarters that the Government should intervene more heavily in our free enterprise market.

The President has recognized that strong action must be taken to hold back the spiraling wage and price increases but he is also well aware of the dangers in instituting wage and price controls. Using, as he says he will, all the effective and legitimate powers of Government to strengthen the free market forces that hold prices down, the President can achieve a stable economy without resorting to the crippling effect of Government controls.

We can be thankful that this administration has a healthy respect for the free marketplace and cannot be panicked into extreme Government actions. As the President said, he has a policy of action: but not a policy of merely action for action's sake.

THE 150TH ANNIVERSARY OF THE GEORGE WASHINGTON UNIVERSITY

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEBELIUS. Mr. Speaker, on February 9, 1821, President James Monroe signed a congressionally approved charger establishing the George Washington University. This year the university is celebrating its 150th anniversary. For the past 150 years George Washington University has been a well-known and respected institution of learning, and it is my belief, and the belief of many others, that it will continue as such for the next 150 years.

I am proud to say that I am an alumnus of this great institution. In 1939 I graduated from the George Washington National Law Center. As an alumnus, I am also proud of the distinguished record of service of so many of my fellow graduates. The George Washington University has produced more graduates in the foreign service and in top Federal positions than any other college or university in the Nation. In the 92d Congress there are five Senators and 12 Congressmen who graduated from G.W. J. Edgar Hoover, George Romney, and David Kennedy are also graduates. It is no accident that G.W. has been called the alma mater of Federal decisionmakers.

Of course many things have changed in the last 150 years. And an institution which rigidly rejected change could certainly not have survived all these years. It is to the credit of the university and its administration over the years that it has met the demands of the increasingly complex world and adapted itself to the times. Without this willingness to change the university could never have earned its reputation as an institution which provides future leaders with the knowledge and experience to deal with the problems of today and tomorrow.

I would like to join with my fellow George Washington University graduates in wishing our alma mater another 150 years of service.

CONVERSION RESEARCH AND EDUCATION ACT OF 1971

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FREY. Mr. Speaker, I am pleased to be a cosponsor of the Conversion Research and Education Act of 1970 which is being reintroduced today. Since my district includes the Kennedy Space Center, I am well aware of the serious dislocations caused by changes in national priorities and the lack of a national policy to deal with such dislocations.

Periodically, the Federal Government urgently seeks professional talent to meet what are thought important national needs, and a few years later these highly trained people are callously dumped into a depressed job market. This lack of planning or anticipating changes in national priorities is tragic. It is tragic not only because it evidences poor management and a waste of valuable national resources, but also because it shows a lack of concern by us in the Federal Government for the individuals involved.

The space program is a perfect example. In order to realize the goal of placing a man on the moon by 1970, the Congress appropriated massive funds and put maximum emphasis on the space program. Brevard County in which the Kennedy Space Center is located became the fastest growing county in the Nation. Approximately 40 percent of the total work force were in professional and managerial occupations reflecting the fact that service and support was the main requirement, rather than manufacturing of aerospace equipment.

During 1970, the economy of the area changed dramatically. Significant reduction in both NASA and Department of

Defense budgets brought about a total reduction of 16,000 jobs at the Kennedy Space Center and the Air Force Eastern Test Range. The unemployment rate in the area has risen from 1.9 percent in 1966 to almost 8 percent. A large percentage of those unemployed are well-educated with considerable technical expertise, are in the middle-age bracket, and have large family and financial obligations.

Mr. Speaker, we have a moral obligation to those displaced professionals and their families. It was the Congress who made it a national policy to lure well-qualified professionals away from other areas to be retrained in aerospace and defense science and engineering. Thus, we in the Congress are obliged to fund conversion research and the retraining of these highly skilled people to work in other emerging areas of national importance.

The bill we are introducing today authorizes funds needed to effectively meet the challenges of a nation in transition and, at the same time, sets forth a national policy which, hopefully, will anticipate and prepare for future changes in national priorities. The combination of retraining programs and research, aid to small businesses, and the establishment of nonprofit community conversion corporations will go a long way toward meeting the immediate problem. On the other hand, the establishment of an Advisory Commission on Research and Development Conversion together with a research program for the National Science Foundation will result in the anticipation and identification of changing priorities.

An area of great potential, especially for those in the aerospace field, for utilizing the skills of the professional unemployed is the environmental sciences. With public interest in improving the environment so high and the shortfall in expertise, this area is a natural. The Federal Water Pollution Control Administration has estimated that the water pollution control field alone will require 2,400 more water quality management engineers annually from 1972 to 1976 than present higher education institutions will produce. Projecting these figures across all of the environmental sciences can only lead to the conclusion that there is a severe need for technically trained persons, and, the logical source of supply would be the displaced aerospace and defense engineers, scientists, and technicians.

Consequently, I have worked with local educational institutions and officials to create a Center for Regional, Environmental Training and Research—Retro—in central Florida which will coordinate retraining programs in the environmental and also conduct research and development projects for Federal, State, and local agencies. This R. & D. project would provide on-the-job training while, at the same time, provide solutions to pressing environmental problems. Because it is an ideal natural laboratory and possesses the manpower and economic resources, I am hopeful that this Center will become a national stimulus for utilizing the displaced professionals in a mushrooming area of national priority.

THE INVASION OF LAOS

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, in approving a major invasion of Laos, actively supported by American airpower and firepower, and apparently directed by American officers in Saigon, the President has struck yet another devastating blow at the central pillar of our American form of government, the separation of powers. Once again the constitutional authority of the Congress over questions of war and peace has been bypassed. The President has played games with congressional declarations of policy embodied in the law. The Congress itself has been tricked and demeaned.

Mr. Speaker, I call upon those Members of the House who so often in the past have been quick to rise in protest against any slight to the authority of the Congress in respect to other Government activities to speak out against Presidential authoritarianism in this case, and to act against it.

Mr. Speaker, in 1969 and again in 1970 the Congress wrote into law that no defense appropriation should be used for ground combat operations in Laos. Did anyone suppose at the time that the President, sworn to uphold the Constitution and the law, would send in American-operated helicopters to land allied ground troops, to give them air combat and artillery support, and to take the American casualties inevitable in such an operation?

Does anyone suppose that if the President had asked the Congress to approve such an American operation in advance he would have obtained such approval?

No one would have the gall so to contend.

What can the Congress then do about it?

As the first step, the Congress should quickly require an end to the Laotian operation, and a bill to that end, of which I am proud to be a cosponsor, has been introduced by the gentleman from Massachusetts (Mr. HARRINGTON), H.R. 3633.

Second, the Congress should enact legislation effectively to protect its constitutional authority over questions of war and peace. Since both Houses must concur in a declaration of war, the President should not be able to carry out undeclared wars unless both Houses concur, at least tacitly. This result can be assured by giving to either House the power to require the termination of undeclared hostilities. I plan to reintroduce legislation to this effect tomorrow.

THE INVASION OF LAOS

(Mrs. ABZUG asked and was given permission to address the House for 1 minute.)

Mrs. ABZUG. Mr. Speaker, today I join the distinguished gentleman from Massachusetts (Mr. HARRINGTON) and the gentleman from California (Mr. McCLOSKEY) and others in cosponsoring legislation to prohibit any U.S. military involvement in or connected with the nation of Laos. This legislation, which is in the form of an amendment to the Special Foreign Assistance Act of 1971, Public Law 91–652, would prohibit the use of Federal taxpayers' funds, in any form, from supporting any kind of military operations in Laos—including U.S. ground combat troops, U.S. advisers to or for Laotian military forces, U.S. air or sea support for any military operations in Laos, or any other kind of U.S. support for military operations of any nation in Laos.

In the last few days the American people have been subjected to an object lesson in what Senator FULBRIGHT once described as an "arrogance of power."

We have witnessed the incredible spectacle of the Nixon administration blithely embarking on a second invasionary expedition into countries neighboring on South Vietnam, in violation of the neutrality and the sovereignty of Laos, in violation of the Geneva Accords of 1962, and in violation of the intent, if not of the letter, of legislation—the Church-Cooper amendment—passed by the Congress last year. This was done in secrecy from the press and from the Congress of the United States. But the secrecy with which this illicit mission was undertaken is not the real or the principal issue. Nor is the protection of American troops still in Vietnam the real issue. The best way to protect American lives would be to get American troops out of Vietnam, as every American knows, and the sooner the better. The real issue is the fact that President Nixon is fully engaged on a theater-wide conflict throughout all of Southeast Asia and is following a program that was mapped out by the Pentagon long before the President took office.

Today we are fighting a general's war in Asia. This is not a war of the American people. The American people elected President Nixon to get them out of the war, and 73 percent, according to the recent Gallup poll, are for complete withdrawal. This is not a war of the Vietnamese people. The corrupt and undemocratic Thieu-Ky regime, which we bolster, does not represent the Vietnamese people. This is a war of the ruling military groups of South Vietnam and the United States, and President Nixon is riding this tragic whirlwind through the jungles of Asia. Indeed, he is responsible and will ultimately be held to account by history for his mistaken policy in Asia, providing the recklessness of that policy does not bring about another world war and render us bankrupt economically.

The Vietnamization policy has been successful if one measures it by the fact that we seek to transform the South Vietnamese Army into the invading champion of Southeast Asia, and now give them Laos to test their strength. We were told that the purpose of our involvement in South Vietnam was to enable the South Vietnamese to become strong enough to defend themselves and assure self-determination. Yet today we see that Vietnamization as President Nixon means it is the conquest of Southeast Asia by the South Vietnamese Army and the indefinite presence of U.S. troops there to help them. They have invaded two countries in the last year, once with our overt support in Cambodia and this time with everything except U.S. troops on the ground.

Where do we go next, Mr. President? Thailand, Burma, or North Vietnam? And as we invade the freedom of others we do so at the cost of continued imprisonment of 300,000 of our own American soldiers in Vietnam.

I hope that other Members will join in cosponsoring the Harrington-McCloskey amendment and that we will bring this measure to the floor for a favorable vote. I believe it is time that the House took decisive action to spell out for the administration the plain fact that the American people want an end to this idiocy in Southeast Asia; that they want our soldiers home again before another year passes; and that invasions in the name of peace will serve only to prolong this bitter war.

LAOTIAN INVASION

(Mr. O'NEILL of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL of Massachusetts. Mr. Speaker, a headline in Monday morning's paper says that war critics are resigned to the Laotian invasion. I am sure it is true that some of the most outspoken critics of the war are resigned to the fact that the President arbitrarily and without consulting or even informing the Congress has invaded another country just as he did a year ago.

Of course I am pleased that no American ground combat forces were used. I am sure that had we not passed the Cooper-Church amendment, they would have been used, and I am very grateful that this action and act of responsibility on the part of Congress saved a great many American lives. But American air power has made this invasion by the South Vietnamese possible. Therefore, it is as much our invasion as was the Cambodian invasion of 1970, and yet there is no hue and cry over this invasion.

Perhaps we are resigned to it. But I refuse to let this happen in total silence.

There can be no doubt about this latest action on the part of the administration. We have opened another front in the war. We have invaded another sovereign country. We have expanded an ever widening war that is supposedly winding down.

The promises of the 1970 campaign have been broken already, and once again we see that the administration considers the executive branch of Government the only branch responsible for military actions. President Nixon has been President for more than 2 full years, and now instead of just having a war in Vietnam, we have a war in Cambodia and now a war in Laos.

Last May, our objections were met with flat statements from the administration that the invasion of Cambodia was a single and final act that would end enemy infiltration of Cambodia and secure that country for the free world.

Today, the North Vietnamese control more of Cambodia than they ever did, and it is reasonably estimated that they could seize the capital and the rest of the country at will if they so desire.

Our invasion of that country, the divisions we created, and the atrocities perpetrated in our name have probably lost Cambodia to us more than has any action, either militarily or politically, on the part of the North Vietnamese.

Are we doing this once more in a third country—Laos?

It appears so.

Once again, we are promised that this is a single and final action. That it is done to interdict the delivery of supplies and to prevent buildups before the rainy season. Yet our experience in Cambodia should teach us otherwise.

The Kingdom of Laos is sorely divided, and I doubt that our sponsorship of a foreign invasion will strengthen the forces of the Royal Lao. I think this invasion, like the Cambodian invasion, is a grave error, for it aggravates tension within those countries, it accomplishes little militarily, and it is an affront to all those that believe in international law and the sovereignty of borders.

Last May, we were told that President Nixon had ordered the invasion of Cambodia to break up Viet Cong supply lines, save American lives, and protect South Vietnam. We are now told that there has been an invasion of Laos to stop Communist supply lines, save American lives, and protect Cambodia. Whom will we invade to protect Laos?

There are those that say the President is making a big splash to cover the retreat of American forces. If this is to appease the hawks, I am appalled. If this is to show the South Vietnamese that we support them, I am dismayed.

I do not understand why it is apparent only to critics of the war that it is expanding. The administration does not see it that way. They see the invasion of Cambodia and the invasion of Laos as a narrowing of the war. Yet, the fact that we have been fighting increasingly and spending 200 times as much money in Cambodia as was originally planned does not seem to be an extension of our involvement or an extension of the war in the eyes of the administration.

It does seem that way to me.

I have no doubt that the administration will claim a success in the invasion of Laos, just as there was a "successful" invasion of Cambodia.

But if last May's experience teaches us anything, "success" means Communist forces growing in strength and popularity—with the Pathet Lao controlling more and more of the country as their counterparts now do in Cambodia.

Our intervention, designed to stop the growth of Communist forces, has had an opposite effect.

As the editorial in the Boston Sunday Globe yesterday pointed out, it appears that the administration has forgotten that Laos borders on Communist China. It has forgotten what happened at the Yalu River during the Korean war, and that there are limits to intervention.

I would like to quote from that editorial, for it is succinct and to the point:

> The Nation has been told repeatedly that we seek no wider war, and always the war widens. It is always done in the name of assuring the safety of our troops, and what we wind up supporting in their name is one weak, corrupt foreign government after another. And all this is done to oppose communism, which is a word that simply has no meaning to Asians.
>
> By May, when the rainy season begins again, we shall still have 284,000 troops in Vietnam and be supporting in one way or another who knows how many invasions of nearby countries. We cannot begin to emerge from this morass until President Nixon sets a firm date for our total withdrawal, as Hanoi has demanded and as 73 percent of the American people, according to a recent Gallup Poll, now believe he should do.

The war widens, Americans are killed, our economy flounders. There are almost six million Americans out of work because our resources are being wasted in Cambodia, Laos, and Vietnam. These great events affecting the very quality of American life occur in silence and in ignorance.

The news embargo has been successful in that Americans know less about this invasion than do the rest of the people of the world.

With insufficient information and with no direct reports either from our Government or the press, it is not easy to comment in depth. But with the scarce information we have, I feel it is incumbent upon me as the representative of the Eighth District of Massachusetts to protest this widening of the war, this circumvention of the Cooper-Church amendment.

I cannot sit by and allow the administration to commit American men and the future of our Nation to another war without speaking out. I protest this action, and I protest the President ignoring American public opinion, the expressed desires of the Congress and refusing to consult with the elected representatives of the people.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Have we now disposed of all special orders?

The SPEAKER. The Chair will state to the gentleman from Iowa that the Chair intends to enforce the 1-minute rule on all occasions when we have business, but the Chair has been lenient today because there is no legislative business scheduled for today.

Mr. GROSS. I thank the Speaker.

RULES ADOPTED BY THE COMMITTEE ON RULES FOR THE CONDUCT OF THAT COMMITTEE

(Mr. COLMER asked and was given permission to extend his remarks at this point in the RECORD and to include a copy of the rules adopted by the Rules Committee for the conduct of that committee during this session of Congress as required by statute.)

Mr. COLMER. Mr. Speaker, the new rules of the House require standing committees to adopt their own written rules of procedure. Also, the written rules of the Committee on Rules which were adopted 4 years ago provide that the chairman may have its rules of procedure printed in an early issue of the CONGRESSIONAL RECORD.

Therefore, I arise at this time to place the written rules of the Committee on Rules in the CONGRESSIONAL RECORD.

On last Thursday, February 4, 1971, the House of Representatives reconstituted the Committee on Rules. That same afternoon it met and adopted its new committee rules for the 92d Congress which consists of its old rules with certain additions which basically were necessitated by the Legislative Reorganization Act of 1970.

Mr. Speaker, the following rules were adopted unanimously by the Committee on Rules.

THE 92D CONGRESS—RULES OF PROCEDURE FOR THE COMMITTEE ON RULES, ADOPTED FEBRUARY 4, 1971

RULE 1—MEETINGS

(a) The Committee on Rules shall meet at 10:30 a.m. on Tuesday of each week while the Congress is in session. Meetings shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by the Ranking Majority Member of the Committee present as Acting Chairman.

(b) Meetings and hearings of the Committee shall be open to the public except when a majority of the Committee determine that testimony received may bear upon matters affecting the national security. Executive sessions of the Committee shall be closed.

(c) For the purpose of hearing testimony, a majority of the Committee shall constitute a quorum.

(d) A printed transcript of any hearing or public meeting of the Committee may be had if the Chairman decides it is necessary, or if a majority of the Members request it.

(e) A Tuesday meeting of the Committee may be dispensed with where, in the judgment of the Chairman, there is no need therefor, and additional meetings may be called by the Chairman, or by written request of a majority of the Committee duly filed with the Counsel of the Committee.

(f) The Committee may permit, by a majority vote on each separate occasion, the coverage of any open meeting, in whole or in part, by television broadcast, radio broadcast, and still photography under such requirements and limitations as are set forth in the Rules of the House of Representatives.

(g) The five-minute rule in the interrogation of witnesses, until such time as each Member of the Committee who so desires has had an opportunity to question the witness, shall be followed.

RULE 2—VOTING

(a) No measure or recommendation shall be reported, deferred, or tabled by the Committee unless a majority of the Committee is actually present.

(b) A roll call vote of the Members of the Committee may be had upon the request of any Member.

(c) The result of each roll call vote, including the names of Committee Members and how they voted on specific issues, shall be available for public inspection at the office of the Committee.

RULE 3—REPORTING

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee, the Chairman or Acting Chairman shall report the same or designate some member of the Committee to report the same to the House, such report to include the totals of any record vote thereon.

RULE 4—COMMITTEE STAFFING

(a) The professional and clerical staffs of the Committee shall serve under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of the members of the staffs and delegate such authority as the Chairman deems appropriate, with the exception of the Minority staff, who shall serve under the general supervision and direction of the Ranking Minority Member of the Committee.

RULE 5—MISCELLANEOUS

(a) The Committee shall prepare, maintain, and publish for the Members of the Committee, so far as practicable, a calendar listing all matters formally before it. Information on the calendar shall include the numbers of the bills or resolutions, a brief description of the bill's contents, including the legislative committee reporting it and the name of the principal sponsoring Member.

(b) For purposes of this rule, matters formally before the Committee include: bills or resolutions over which the Committee has original jurisdiction, and bills or resolutions from other committees concerning which the chairman or designated member of such committee has requested a hearing in writing and forwarded to the Committee on Rules a copy of such bill or resolution as reported, together with the final printed committee report.

(c) Executive session minutes shall be available to Committee members but may not be released to any other person without the consent of the Committee, in compliance with Rule XI, clause 27(o).

(d) Upon adoption of the rules and procedures of the Committee at the opening of each Congress, the Chairman may have these rules and procedures printed in an early issue of the Congressional Record.

THE PRESIDENT'S ENVIRONMENT MESSAGE

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. ANDERSON of Illinois. Mr. Speaker, I think it is especially appropriate and significant that the President's second major message on the environment has come to us this week, for it was a year ago tomorrow, February 10, 1970, that his first eloquent message on the environment was sent to the Congress. You will recall that in that message the President said:

> The time has come when we can wait no longer to repair the damage already done, and to establish new criteria to guide us in the future.

He went on to say that the "urgent common goal of all Americans was the rescue of our natural habitat as a place both habitable and hospitable to man," that, "the task of cleaning up our environment calls for a total mobilization by all of us," and that, "it summons our energy, our ingenuity and our conscience in a cause as fundamental as life itself." In that message the President outlined a comprehensive, 37-point program for the environment, including 23 major legislative proposals and 14 new administrative actions.

While the overall legislative record of the 91st Congress was far from impressive, I do think we made a noteworthy beginning in laying the groundwork for the environment decade. We passed the National Environmental Policy Act of 1969 which, among other things, established the President's Council on Environmental Quality; we passed the Clean Air Act Amendments which set national air quality standards; we approved the Resource Recovery Act which deals with solid waste disposal and recycling programs; we passed tough new oil spill legislation; and we approved an executive reorganization plan creating the Environmental Protection Agency.

In his environment message yesterday, President Nixon took note of these accomplishments, but also underscored those pieces of unfinished business carried over from last year's agenda.

Near the top of that list are the administration's bills dealing with water pollution control, waste treatment facilities, and environmental financing authority. These should all be top priority items in this 92d Congress. The President has proposed a $12 billion, 3-year program to construct municipal waste treatment facilities, with half those funds coming from the Federal Government. And the President has again proposed the creation of an Environmental Financing Authority to insure that every municipality has an opportunity to sell its waste treatment plant construction bonds. And the administration is again sending up its water pollution control legislation which would strengthen water pollution standard-setting and enforcement powers, vesting many of these in the Administrator of the Environmental Protection Agency. Unfortunately, none of the above-mentioned bills even got out of committee in the last Congress.

I do not want to deal at great length here with all of the other excellent legislative recommendations contained in the administration's environmental program, but I do want to single out a few which I feel are worthy of special mention at this time. I welcome the President's call for the adoption of a national land use policy "which will encourage the States, in cooperation with local government, to plan for and regulate major developments affecting growth and the use of critical land areas."

As the President points out:

> This should be done by establishing methods for protecting lands of critical environmental concern, methods for controlling large-scale development, and improving use of lands around key facilities and new communities.

To assist States in this effort, the President is proposing a 5-year, $100 million authorization, with priority given to States of the coastal zone which, in his words, "is especially sensitive to development pressures."

In conjunction with this, the President is calling upon the Congress to review our Federal public land policy. Federal public lands comprise nearly one-third of our Nation's land area. As the President put it:

> The public lands belong to all Americans. They are part of the heritage and the birthright of every citizen. It is important, therefore, that these lands be managed wisely, that their environmental values be carefully safeguarded, and that we deal with these lands as trustees for the future.

The Public Land Law Review Commission, in its recent report, one-third of the Nation's land, has provided an excellent springboard for public debate and review of our Federal land use policy. I look forward to working closely with the administration in reviewing that report and that policy, with a view to improving public land management, both legislatively and administratively.

I also welcome the President's "legacy of parks" proposal to bring "parks to the people," especially close to our stifling and overcrowded urban areas. In this latter regard, the President is requesting $200 million in this fiscal year for the purpose of acquiring and developing additional park lands in urban areas.

I wish to applaud the President on his efforts to press for greater international environmental cooperation. It has already become trite to refer to this as "spaceship earth," yet the fact remains that it is a very appropriate metaphor. We are all on this tiny global capsule together, and our air, water, mineral, and food supplies are dwindling. It will take teamwork of the caliber demonstrated on the Apollo 14 mission to avert disaster and insure the survival of mankind.

Pollution is an international interloper which can only be arrested through the closest cooperation between nations. One need only consider the far-reaching effects of ocean dumping, oil spills, pesticide use, nuclear testing and the discharge of effluents into rivers and lakes, to begin to appreciate the truth in that statement. I am, therefore, pleased with the President's announcement that—

> The United States stands ready to work and cooperate with all nations, individually or through international institutions, in the great task of building a better environment for man.

And I share with him the hope that other nations will see the merit of the environmental goals which we have set for ourselves and will choose to share them with us.

Many such efforts have already begun. We are working closely with the Organization for Economic Cooperation and Development, and the Economic Commission for Europe on the economic aspects of environmental controls. As a result of a U.S. initiative in 1969, a NATO Committee on the Challenges of Modern Society is working on the many technological problems common to modern man, including environmental problems. And the U.N. Conference on the Human Environment to be held in Stockholm next year should prove instrumental in charting a worldwide strategy to combat environmental degradation.

The President's proposal for a "world heritage trust" is an exciting and interesting idea which should be given serious international attention. Under this plan, certain areas would be recognized for their unique worldwide value and, without any limitations on the sovereignty of the nations involved, would be accorded special international recognition, and where appropriate, technical and other assistance for their protection and management. In the President's words:

> I believe that such an initiative can add a new dimension to international cooperation.

Finally, Mr. Speaker, I want to endorse the concept of a nonprofit environmental institute as proposed by the President. This institute, funded by both Federal and private support, would conduct environmental policy studies and analyses and "provide new and alternative strategies for dealing with the whole spectrum of environmental problems."

Mr. Speaker, while all these proposals for an expanded Government attack on pollution are of great significance, let no one be deluded into thinking that Government alone can clean up and restore our precious environment. In the President's words:

> Far beyond any legislative or administrative programs that may be suggested, the direct involvement of our citizens will be the critical test of whether we can indeed have the kind of environment we want for ourselves and for our children.

I welcome the President's challenge for congressional action on his proposals, and I join with him in challenging the American people, and indeed, the peoples of the world, to play their part in "reclaiming the earth for ourselves and our posterity."

THE 18-YEAR-OLD VOTE

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. ANDERSON of Illinois. Mr. Speaker, as one who fought and voted for the enfranchisement of 18-year-olds last year, I was naturally pleased that the Supreme Court upheld the constitutionality of that statute as it applies to national elections. At the same time, I was disappointed that the Court did not see fit to extend this privilege to State and local elections. What we now have is a dual election system which will be extremely difficult and costly for States and localities to administer. I think the only reasonable solution to this problem lies in prompt consideration and action on a constitutional amendment granting 18- to 21-year-olds the right to vote in all elections, be they Federal, State, or local.

On the opening day of this Congress, I joined in cosponsoring House Joint Resolution 195 which would amend the Constitution to read:

> The right to vote, of citizens of the United States who are eighteen years of age or older, shall not be denied or abridged by the United States or by any State thereof on account of age.

That resolution has well over 100 cosponsors in this body and some 80 cosponsors in the other body. The respective chairmen of the committees involved have promised prompt action on the resolution, and the chairman of the House Judiciary Committee, the gentleman from New York (Mr. CELLER) has even introduced his own resolution. This proposition has widespread bipartisan support in the Congress, and the full backing of the administration.

In that regard, Vice President AGNEW gave a real boost to the cause last week in a speech to the annual Hearst Senate Youth Conference here in Washington. After observing how well prepared 18-year-olds are today to assume the full duties and responsibilities of citizenship, the Vice President concluded:

> Congress was acting wisely . . . in lowering the voting age from 21 to 18.

And that—

> This is a good step, a needed change and one that is long overdue.

The Vice President went on to suggest that young people should not be classified as "youth" and treated as a special interest group, but rather, that they should be regarded as young adults. In his words:

> Young people want to be released from the bondage of youth, to be taken seriously as citizens, to compete as full members of the community. And I think they should.

And he advises that his own generation "should not respond to their demands by setting them apart with special, patronizing attentions." He said:

> Instead we should regard them as young adults and give them challenges and opportunities in accord with their individual abilities.

Mr. Speaker, I think the Vice President makes an excellent case for the 18-year-old vote and I believe it is now incumbent upon us to take decisive action on a constitutional amendment to enable them to fully exercise the franchise in all elections.

At this point in the RECORD I include the full text of the Vice President's speech, and I commend it to the reading of my colleagues:

ADDRESS BY THE VICE PRESIDENT AT THE HEARST SENATE YOUTH CONFERENCE, FEBRUARY 3, 1971, WASHINGTON, D.C.

My compliments to the Hearst Foundation and to you young ladies and gentlemen who have been selected from leadership positions in high schools throughout America to attend this ninth annual Senate Youth Conference. I know you are having an interesting and informative week in Washington, learning first hand how your Senator's office operates and also something about the various departments in the executive branch. It is our hope that the knowledge and stimulation you receive here may someday interest you in positions of public leadership. And I'm sure that for many of you that will be the case.

This Senate Youth Conference, which I had the privilege of addressing two weeks after taking office as Vice President and as President of the Senate in 1969, reflects some of the best qualities of America: the eagerness of young people to prepare themselves for leadership, the willingness of busy men to assist them in attaining that goal, the generosity of a private foundation in supporting this program; and, behind all of this, the clearly expressed faith in our political system.

You have reached your present age at a particularly important time, both for youth and for America. As you know, the Supreme Court has ruled recently in favor of Congressional legislation granting 18-, 19-, and 20-year-olds the right to vote in national elections. For some this has caused concern.

But let me assure you, as one who is often depicted as a fierce and ferocious scolder of youth, that I do not, in the least, share this concern. I believe this is a good step, a needed change, and one that is long overdue. As Vice President and, previously, as Governor of Maryland, I have consistently supported the enfranchisement of 18-year-olds. I have done so because I believe the great bulk of our young people to be ready to take on adult burdens at 18. Now, it may surprise you but, contrary to popular opinion, that view is not an invention of our times. It is deeply rooted in history.

Why should 21 be the magic age for a person to become an adult? Why not 20 or 19 or indeed 18? Well, I did a little research into the matter and discovered that it started back in the Middle Ages. During most of the Middle Ages, in Northern Europe, the general age of majority was 15, not 21. Only the small knightly class had a higher age, which was eventually fixed at 21. Yet the reason for this was unrelated to experience or maturity. The need to bear heavy arms, to lift a lance or sword while wearing steel armor was the determining factor. As the strength and skill required for knightly pursuits were not generally acquired before 21, that became for knights the age of majority.

This practice of the gentry came gradually to apply universally. The age, then, that is today so often regarded as a boundary between maturity and immaturity derives its origin from the physical needs of medieval knights.

I need hardly note that we are no longer in the Middle Ages, even though some of my Democratic colleagues sometimes try to accuse us Republicans of thinking that we are. Furthermore, young people today are better educated and they mature physically much sooner than they did even 50 years ago. I make that observation as an experienced father of three young adults and one teenage daughter who is 15 going on 20. So it's fair to conclude that Congress was acting wisely from the historical as well as the biological perspective in lowering the voting age from 21 to 18.

You young people here today, then, are really not so young. Most of you, I understand, are about 16 or 17, and as juniors and seniors in high school are rapidly approaching the new voter age for national elections. Some of you probably have reached it. I urge you then to regard yourselves not as youths, but as being on the threshold of adulthood.

We hear a lot about youth these days, and the freewheeling application of that term to people from 15 to 25 would astonish our most recent ancestors, to say nothing of those in the Middle Ages.

The Office of Economic Opportunity for instance, lists as eligible for its Youth Development Program "youth between the ages of 14 and 25." The National Commission on the Causes and Prevention of Violence, in its report of November, 1969, spoke of "youth aged 15 to 24." Some of the most aberrational spokesmen of the wild left—now at age 30—seem to claim eternal youth. Many sociologists and educators use the term in the same way. So do the news media.

In my opinion, young people above the ages of 18 or 20 are too old to be classified as youth. They are young adults, and they deserve to be regarded as such. It has been so throughout history. There are numerous examples where public leadership at an early age was fully possible for those who were ready to assume the responsibilities.

When only 24, William Pitt was made Prime Minister of England, at that time the most powerful nation on earth. He proved to be one of the most able leaders in modern history.

At 19, Caesar Augustus inherited the Roman Empire and immediately demonstrated his ability by raising an army and leading it himself against rivals who were challenging his position. His greatness is unquestioned.

At 17, Joan of Arc was leading a victorious army.

At 21, Alexander Hamilton was already an important and recognized figure in the American Revolution.

At 23, Alexander the Great became King of Macedon, and within seven years he had conquered a large portion of the known world.

These were not, I should stress, men or women whose accomplishments were achieved in the privacy of the home or studio or laboratory. They were *public* leaders and accepted as such by men two and three times their age.

So we can see that throughout history youthful years have seldom hindered either the assumption of normal adulthood or outstanding accomplishment by the gifted. I submit that the desire today on the part of our young men and women for recognition by society and for control over their own lives is a desire not for something new but for something old. The truly unusual development occurred long ago, when our society saw fit to place its children under tutelage for greater and greater periods of time in the interest of advancing their education. While it may appear to some that we are in the vanguard of a great youth revolt, we are in fact only returning to cultural patterns that have been found over thousands of years to be the most suited to developing the natural gifts of men.

In this sense, then, I am in sympathy with the "youth liberation" movement. But one aspect of this phenomenon distresses me. It is an aspect that affects both sides of the generation gap. Young Americans too often are represented as crying out as a class for recognition and as asking for special attentions. In response, many members of the older generation—my generation—have come to regard this cry as a class action and have chosen to shower on "youth" generally the special attentions that they thought youth wanted.

This has been, in my opinion, the wrong response. Our response to your appeal and the appeal of those a bit older than you should not be special attentions. This is not, it seems to me, what young people really want. Rather they want to be released from the bondage of youth, to be taken seriously as citizens, to compete as full members of the community. And I think they should. Our reply to the demands of young people should not be special programs, special committees, special offices, all to deal with youth. Many such things have been proposed, as you know.

On the contrary, our reply should be to accept young men and women—especially those 18 and over—as full members of the community. Inexperienced members perhaps, but still ready to take on a great deal more in the way of responsibilities and burdens than they generally have been given today.

I am glad to note that on this point I am in full agreement with the Report of the President's Commission on Campus Unrest, better known as the Scranton Report. One of the recommendations of that report was this—and I quote from the report:

"Deal with students, and young people generally, as constituents and citizens . . . We do not, however, recommend the creation of positions for 'youth representatives' within the executive branch. Young people are politically more diverse than any other group in American life; the impossibility of finding a single 'representative' young person is obvious; and it is in any case doubtful that formal recognition should be granted to groups defined merely by age."

That last statement is especially important: we should not categorize people by age. We are one nation, one people. We are all members of a single community.

I recommend to my own generation, then, that we cease thinking of people from 18 to 25 as youth. We should not respond to their demands by setting them apart with special, patronizing attentions. Instead we should regard them as young adults and give them challenges and opportunities in accord with their individual abilities.

To your generation I urge this: do not think of yourselves as "youth." Think of yourselves as individuals. Think of yourselves as being on the threshold of adulthood, one or two years away from possessing the vote. Think of yourselves not as members of a given class or group but as members of the whole of American society.

And to you young people in particular, you who are here, I would say: you are leaders. But do not think of yourselves as leaders of youth fighting for the rights of youth. Think of yourselves as leaders of people. Your constituency is presently very limited in age, but you will shortly be in a position to serve a much larger community, a community where your constituency will include many people older than yourselves. It will be on the basis of your ability to appreciate more than the needs of your own age group that you will be recognized as leaders.

That is why you are here. As high school leaders you are being asked to take a close look at the work of men and women who are leaders of the entire nation, not of one special group. You have not been meeting with labor leaders, or civil rights leaders, or academic leaders. You have been meeting with Senators and Representatives, Secretaries of Cabinet Departments and heads of agencies. These are men who represent people of all ages and all backgrounds.

Note them well. They are leaders—every last one of them. And if I can leave you with one final bit of advice as you think upon the prospect of public careers, it is this: think of yourselves as members of society as a whole, not as representatives of some special interest group. Gain attention not as lobbyists for youth, but as individual men and women commanding the respect of all of your fellow citizens. Seek to advance not on the basis of your age, but on the basis of your ability. And remember that youth is fleeting. Not too long from now, you must adjust to middle age and eventually to old age.

If you do this, you will be answering the trust that the President, the Congress, and our highest court have so recently placed in young Americans hardly older than yourselves, a trust that I believe is well placed.

POW/MIA WEEK OF CONCERN

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. ANDERSON of Illinois. Mr. Speaker, today my distinguished colleagues from Indiana (Mr. ZION and Mr. MYERS) and I are reintroducing our House joint resolution to designate the week of March 21–27 as "National Week of Concern for Prisoners of War/Missing in Action." We are being joined today by an additional nine cosponsors, bringing to 166 the total number of House Members on this legislation. I am pleased to report that I have received assurances from the chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER) that he would refer this resolution to the appropriate subcommittee as soon as the full committee is organized, and that he is "in accord with this proposal." I am hopeful that early action will be taken due to the closeness of the week involved.

I might mention in passing that yesterday I joined with the gentleman from Tennessee (Mr. BLANTON) and a large number of cosponsors in this body, in reintroducing a resolution which passed the last Congress, condemning the North Vietnamese for their inhumane treatment of American prisoners of war. I think it should be pointed out in this context that on December 9, 1970, the United Nations General Assembly adopted a resolution which, among other things, "calls upon all parties to any armed conflict to comply with the terms and provisions of the Geneva Convention relative to the treatment of prisoners of war." The full text of that resolution and Ambassador Yost's remarks appear at the conclusion of my remarks. Both the Blanton resolution and our resolution call attention to the fact that the North Vietnamese have not complied with the terms and provisions of the 1949 Geneva Convention, even though they signed it back in 1957.

Mr. Speaker, it is our hope that by setting aside a National Week of Concern, we will help to focus American and world attention on the plight of our men being held in Southeast Asia, as well as the anguish of hundreds of families in this country, many of whom have gone for over 5 years without even knowing whether their loved ones are alive or dead.

At this point in the RECORD I include the full text of our resolution and the names of nine new cosponsors; I would also like to insert at this point in the RECORD certain extraneous materials extracted from recent State Department bulletins relating to the POW problem. These include the December 1, 1970, press conference of Ambassador Bruce, the December 26, 1970, letter from President Nixon to the wives and families of U.S. prisoners of war, and the December 1, 1970, statement of U.N. Ambassador Yost, and the text of the U.N. resolution.

The material follows:

H.J. RES.—FEBRUARY 4, 1971

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That to demonstrate our support and concern for the more than 1500 Americans listed as prisoners of war or missing in action in Southeast Asia, and to forcefully register our protest over the inhumane treatment these men are receiving at the hands of the North Vietnamese, in violation of the Geneva Convention, the President is hereby authorized and requested to issue a proclamation designating the period beginning March 21, 1971, and ending March 27, 1971, as "National Week of Concern for Prisoners of War/Missing in Action", and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

LIST OF COSPONSORS

Mr. Anderson of Illinois, Mr. Myers, Mr. Zion, Mr. Rostenkowski, Mr. Rousselot, Mr. Pickle, Mr. Thone, Mr. Flowers, Mr. Sikes, Mr. Camp, Mr. Chappell, and Mr. Whitehurst.

[From Department of State Bulletins, Dec. 21, 1970]

AMBASSADOR BRUCE DISCUSSES PROBLEM OF U.S. PRISONERS OF WAR IN SOUTHEAST ASIA

(NOTE.—Following is the transcript of a news conference held at Paris on December 1 by Ambassador David K. E. Bruce, head of the U.S. delegation to the Paris meetings on Viet-Nam.)

Ladies and gentlemen: In view of the amount of press and public attention presently being given to the problem of American prisoners of war in Southeast Asia, I thought it might be useful to meet with you and answer questions on this subject.

Recent events have once again focused world attention on the plight of our prisoners. The action to rescue American prisoners at Son Tay was one example, certainly the most daring and dramatic, of the many efforts the United States Government and American people have made on behalf of our missing or captured men. All of these efforts reflect grave concern over their fate. There is no issue on which the American people are more united and more determined.

This concern is the result of the other side's shameful attitude on the prisoner of war question. Just last week one of their spokesmen asserted again that North Viet-Nam treats our captured men leniently and humanely. But the record, unfortunately, shows otherwise.

What is humane about keeping hundreds of families in agonizing doubt by refusing to identify the prisoners they hold and to provide full information on the men they know to be dead?

What is lenient about keeping prisoners incommunicado for years and, even now, allowing little or no communication between many of them and their families?

What is humane about refusing to permit impartial inspection of prisoner of war facilities?

And what is lenient about failing to release sick and wounded prisoners of war and those held captive a long time?

The truth is that the other side has failed in virtually every respect to treat our prisoners of war decently or in accordance with internationally accepted standards of civilized behavior. The most recent evidence of this is the distressing news that more of our men have died in captivity. We know that some of these men were alive in North Vietnamese hands after being shot down, because they were identified as such through the other side's own propaganda media. But we have no information or how or when they died, nor do we have official confirmation of their death.

If the record is bad enough concerning our men captured or missing in North Viet-Nam, it is even worse in regard to those captured or missing in South Viet-Nam and Laos. Except for a few propaganda broadcasts, we have never had any information from any source whatever on the fate of these men. Over all these years exactly one letter has been received from a person in this category. We know that several prisoners in South Viet-Nam have been murdered, and we fear for the fate of many others.

It is clear that the other side has deliberately chosen to flout their international legal obligations under the 1949 Geneva Convention and their moral and humanitarian obligations to the prisoners and their families. They have chosen to try to use these men, and our deep concern for them, as bargaining pawns to achieve their political objectives. This is unconscionable and unacceptable. This is inhumane to the prisoners themselves; it is also inhumane to their families.

Here in Paris we have pursued the prisoner question as a matter of the highest urgency. Those of you who have been reporting these meetings know that we have raised this subject in over half of the plenary sessions at the Majestic Hotel, and we have frequently made it the sole subject of our statements. We have made clear from the outset that the treatment and release of all prisoners of war is a fundamental issue which cannot be ignored and need not await resolution of other problems. As you know, I have presented formally to the other side President Nixon's proposal on October 7 for the immediate and unconditional release of all prisoners of war on both sides—an offer on our part to release more than 36,000 of their men, including over 8,000 North Vietnamese soldiers, in return for probably less than 5,000 American and South Vietnamese prisoners held by the other side.

The reaction of the other side has been totally negative. They show no concern for their own men and flout our concern for ours. They have refused even to discuss the prisoner of war question unless and until we agree first to their basic preconditions to negotiation. This is a crude and unacceptable attempt at blackmail. It has added greatly to the solicitude the American people feel about the fate of our men.

In this matter of prisoners, I do not reflect a uniquely American position, but a universal postion as set forth in the Geneva Conventions.

Hanoi and the Viet Cong must understand, in unmistakeable terms, that their past and existing attitude on the prisoner of war question is intolerable. We will continue to pursue the twin objectives of humane treatment and early release of our men by all means available to us. Our men and their families deserve nothing less.

Now, any questions?

Q. Yes. Mr. Ambassador, you have just put the prisoners question on the basis of humanity, and you have asked a series of questions. I would like to ask you a series of questions that the North Vietnamese often put to us, using your terminology: What is humane about American bombing near populated areas in North Viet-Nam? What is humane about the use of phosphorus bombs and antipersonnel weapons? And what is humane about the treatment of prisoners by our allies, the South Vietnamese, in camps such as Poulo Condor?

A. Well, let me take the last one first: The treatment of North Vietnamese prisoners in South Viet-Nam is a responsibility primarily of the South Vietnamese Government. All those prisoners are listed. They are subject to visits by the International Red Cross, they are photographed, their families are aware they are there, they have full communication with whomever they wish, they receive visits. Everything done for them, or in connection with them, is in consonance with the Geneva Convention.

As to the other prisoners in South Viet-Nam, and I suppose you are alluding to those who are not strictly prisoners of war, they are the responsibility of the South Vietnamese. Whenever there has been a complaint about the treatment of them, that complaint has not only been brought immediately to the attention of the South Vietnamese Government, but as I understand it, the conditions complained of have been corrected in such fashion that the complaints no longer exist.

Now to get back to the earlier part of your series of questions: "How do you equate the Northerners' treatment of our prisoners of war with our bombing?"

This prisoner of war question is one reason why I wanted to talk to you. It seems to me to be separable from the issues of the war itself. There has always been, going back a long, long time—don't forget there are almost 130 signatories to the Geneva Convention—a special treatment accorded the prisoners of war, especially those who are wounded, especially those who are ill and those who have been in captivity for a long time. It's been standard practice to treat them differently than they treat other casualies arising from wartime operations.

I don't think there is any use in my getting further into that because what it leads one into is a discussion of the issues, it seems to me, of whether or not the United States or any other person ever should have become involved in the war in Viet-Nam—and I consider that separable from what I came here to talk to you about, which is that matter of the protection and treatment of American prisoners of war.

Q. Mr. Ambassador, I have just come from America with two mayors of two American cities in Virginia. They have come over here with letters from wives—six men who are prisoners of war, six of who are missing in action. They have tried, just an hour ago, to present these personal messages of appeal for information to the Delegate General of the Democratic Republic of Viet-Nam.

Now these are mayors of Newport News and Hampton, Virginia. Is there anything you can suggest as a possibility of how we might get them to just receive, without any discussion or argument—to receive these personal messages?

A. Well, your mayors have followed very lately on the heels of the mayors of Virginia Beach and Norfolk, who I had the pleasure of seeing last week.

And I imagine you found yourselves in more or less the same situation that they did.

I think the delivery of the protest from your portion of the country—of your petitions—and I assume you have the usual bales full of letters—

Q. Well, the petition here, sir, has 115,000 names, but I am referring to personal messages from the wives. There are only 12. Just 12 letters—you might say notes.

A. Well, I think the practice in the past has been, or the experience in the past has been, those letters are very unlikely to be delivered, translated, or taken seriously under consideration.

What you may get, or what you would hope to get, I think, is some response to whether or not you will be told whether the people whom you are most concerned with are alive, dead, in captivity, or what has happened to them.

Q. Yes. The letters are from the wives. They are written in French. It is not so much to transfer the letter to their loved one, as to ask the offices of the Delegate General in getting the information: "Is my husband dead or alive? Am I a widow or a wife?" But they don't seem to want to answer this.

A. Almost daily, we have attempted in this mission to try to get a complete list of those in captivity, of those who have died, and try to ascertain whether any of those missing in action but not yet identified are still alive.

Q. What criteria do you believe the North Vietnamese are using now to permit some prisoners to communicate with their families, to receive packages and in other ways to become, to be made aware of—of being prisoners and alive—while others are kept incommunicado?

A. I don't know—and I have no reason to know, based on fact.

I would surmise that, if you will read part of one of those sheets which shows the tremendous increase in the proportion, at any rate, of letters actually now delivered—delivered during the year 1970 in contrast to those previously delivered. I would think there had been a very considerable change in that respect, in the attitude of the North Vietnamese about communications between the prisoners and their families.

I would also guess that some of it came from the fact, or rather from the influence exercised by the tremendous blast of criticism emanating mostly from the United States—which has assumed almost worldwide proportions—about the treatment of prisoners.

Q. And on what basis do you think that some have been released?

A. Well, a very few have been released—and it seems to have been a rather haphazard proceeding. They have not released the seriously wounded, ill, and many others who later died in captivity. There is no pattern, as far as I could discern it, for the releases made by them.

Q. As the head of the American delegation of the Paris conference, in weekly contact with the head of the delegation on the other side, how do you feel that the latest attempt to free prisoners at some time might affect the fate of the remaining prisoners in North Viet-Nam? And the other thing: I see in the rules of the Red Cross, there is one rule which says that the camps, the PW camps, should be marked visibly. Do you think that the attempt which was made in Son Tay would be used by the other side to observe such a rule—considering the fact that your commandos have been trying to storm camps in North Viet-Nam?

A. Storm *a* camp, I think—though I might be ignorant of other attempts.

I don't think that the marking of a camp after this would be affected one way or the other. Marking of a camp, like so many other of the observances demanded by the Geneva Conventions, is a comparatively minor point, compared to what we have been discussing.

But to get back to the principal question you asked, I wouldn't think—and after all, it's based on perhaps on a lack of thorough familiarity with the reactions of the people who run policy in North Viet-Nam—that our descent upon this supposed prisoner of war camp would have any influence whatever upon the course of the negotiations in Paris.

And when I say "negotiations," that's a misstatement in that there have never been negotiations, as far as I understand the term. There have been two preconditions stated by the other side which, if accepted by us *in toto*, would then lead, according to their declarations, to a negotiating posture.

Q. In the sheet that was distributed to us just before your press conference, it was mentioned there are 227 prisoners in Laos. I always understood the American Government to say that no U.S. forces have been operating in that country. How do you account for those prisoners? Are they all airmen?

A. You have asked a very difficult question, and I can't answer it, because I don't know whether they drifted into Laos after they were shot down, or if they were taken there after being shot down over North Viet-Nam or South Viet-Nam—and I think it would be absolutely idle for me to get into an argument as to whether or not they have any right to be in Laos.

I can only say we tried to attain the liberation of prisoners regardless of where in Indochina they were—and to date we haven't had any in Cambodia, so far as I know, so it's restricted to Laos, South Viet-Nam, and North Viet-Nam.

We have queried the North Vietnamese and tried to put on them the responsibility for our prisoners who may be—though mark you, we don't know that they were in Laos—who may be in Laos. We have never had any response and we have tried that also through other channels, but we have identified none of our prisoners as being in Laos.

Q. In view of the fact that the Viet-Nam war is unique insomuch as there was no declaration of war, how does this affect the chances concerning prisoners of war?

A. Well, I would hate to have to do it to you but—and it would take some time—but would you ask me to read you the Geneva Conventions? They are rather lengthy. I think it would be better if I sent them to you, because that point is specifically covered—whether there is a declaration of war or whether there isn't a declaration of war. The status and treatment of prisoners of war doesn't depend upon the declaration. It is specifically provided for.

Q. What about the fact that North Viet-Nam doesn't recognize these men as prisoners of war?

A. Well, they have got them now in a sort of state of limbo. They used to be "war criminals." Now they are labeled variously as "soldiers"—not as "mercenaries" except in private conversation, sometimes even then they are labeled as "war criminals"—but I think that they are plainly covered by the Geneva Convention and by the language of it. There is a fine juridical point involved there which I won't bore you with as to whether had they brought these men to trial as war criminals, and had they then been tried and found guilty, whether then they would have been prisoners of war.

I will refer you to an international lawyer because as an old, but now ignorant, lawyer myself I find the question quite fascinating, and I think that the attitude taken by the other side in this respect is absolutely without any foundation whatever.

Q. Mr. Bruce, I believe you just quoted the North Vietnamese as occasionally describing these men as "war criminals" in private conversations. May I ask what "private conservations" you had reference to?

A. Well, when I said "private conservations" I really should have said at Avenue Kleber, where in the early days they were so denominated.

Q. I missed part of your earlier point where you said that you think the prisoner issue is separable from the other issues and acts of war. What's the legal background for that?

A. Well, the treatment of prisoners under any conditions is something which has been prescribed—chiefly through the Geneva Conventions, but even before they came into force there was an acceptation of what you did with prisoners of war; that is, among civilized nations.

Now, when I said it was "separable" one can readily conceive that if the North Vietnamese would turn loose those Americans who are in their custody, starting with the wounded, with the ill, with those who have been in prison for a long time, would allow the free communication as prescribed by the Geneva Conventions with their families and friends, would allow the receipt of their letters and packages and everything else which comes in, give receipts for them, allow inspections—run through the whole gamut of those things which have been accepted as ordinary practice in connection with prisoners of war—my point is that that has got nothing to do whatever with the greater, except as far as humanitarian reasons are concerned, political issues. Because this isn't really a political issue which is at stake in connection with trying to arrive at a peace in Indochina.

So they could turn loose, if they abided by the Geneva Convention, a certain number of prisoners tomorrow—as the South Vietnamese have done on a good many occasions in returning North Vietnamese.

The other part of it is whether or not they would accept the offer made by President Nixon of an exchange—which really means a release—of all prisoners of war on both sides.

Now on the northern side there are approximately less than 5,000—one doesn't know exactly how many Americans and South Vietnamese are in captivity.

On the other side, there are approximately 36,000, of whom 8,000 were soldiers in the North Vietnamese Army—but they are also prisoners of war. That includes the Viet Cong.

Now, the offer of exchange, which would

be immediate, is different from what I call abiding by the precepts of the Geneva Convention. The exchange would be a straight exchange of 36,000 for roughly 5,000—and they have found that unacceptable.

Q. But we have found in the course of these talks that they treat the prisoners issue as a political matter. Now, if we are not ready to engage in a sort of quid pro quo, if we are not able to show them that they will get something in return for releasing the prisoners or giving them treatment according to the Geneva Convention, why should they bother?

A. Well, if they are not animated by any humanitarian motives in connection with what I call the treatment of prisoners, as distinguished from the release, there is no reason to expect that they will do so.

I myself can't conceive that this use of a type of blackmail can really affect the final outcome of what might be, desirably would be, a peace settlement. This is a minor consideration, it seems to me, from the standpoint of blackmail, because we intend to get those prisoners out, through one means or another.

Q. In your earlier remarks you said that there is recent evidence that a number of American prisoners had died in North Viet-Nam in these camps. Is there any concrete evidence that these prisoners are not the prisoners that possibly would have died elsewhere had it not been for the fact that they were prisoners? Is there anything concrete in the evidence to show that they have died specifically because of their imprisonment?

A. I think the answer to that is "No," because we know nothing about it. There has never been any inspection of or supervision of conditions in prison camps, and why a prisoner dies as contrasted with someone engaged in, let's say, a military task in South Viet-Nam, is unknown to us; we never will know.

Q. Mr. Ambassador, what, then, are your sources of information as to the actual disposition of prisoners? How do you know so many have died, so many are wounded, so many are missing, so many are captured?

A. Well, from time to time, the other people announce it. The Viet Cong announce that they have executed a certain number of American prisoners—a small number compared to the total number that are missing, approximately 1,500.

One gets it from reports from the liaison committee, which is an unofficial body. The tragedy of it is, in dealing with this particular case, that where one should get one's information from is from the government affected. We get nothing from the Government of North Viet-Nam about the number, condition, or anything else, of our prisoners, except an occasional blast to the effect that they are being well cared for, playing basketball, or whatever else it may be, and are being looked after as well as they would be were they being treated in accordance with the Geneva Convention requirements.

Q. Mr. Ambassador, I find this sentence here rather strange: "Seventeen known prisoners have been murdered or have died in Viet Cong captivity." Is there any evidence that a single prisoner has been murdered in a Viet Cong prison camp?

A. Well, if you don't mind, as this happened before my time, and the Viet Cong made an announcement about some of it, I would refer you a little later on today, a little later in this particular meeting, to our delegation spokesman, who has those figures. I've not got them.

Q. Mr. Ambassador, how do you explain the behavior on the part of the other side with respect to this prisoner of war situation, inasmuch as most of the Communist countries at world veterans meetings have pressed for a prisoner of war status even for guerrilla fighters. They have done so quite recently, in September, where they asked for a code to be written which would be equivalent to the Geneva code for guerrilla fighters, which are undeclared wars, and, moreover, they also insist on proper conditions in South Viet-Nam for prisoners who are either North Vietnamese or NLF [National Liberation Front] prisoners, despite the fact that on an international level their associates do this, and despite the fact that by virtue of what they complain about South Viet-Nam, they would like to have prisoners treated by some humane standards. Why are they so obdurate in this regard? Is there any view you would care to put forward to explain such behavior?

A. I can't put forward a view on this subject. It's completely contradictory, of course. It is characteristic of some other phases of their attitudes toward the differences which separate us at the present time in regard to the fundamental issues. I don't know. I think, in respect to the prisoners of war, I myself feel they have made a terrible mistake. The reasons for it are inscrutable.

Q. Mr. Ambassador, you said recently—and officials in Washington have said much the same thing, I believe—that we intend to get those prisoners out through one means or another. You are no doubt aware that probably the next time you meet the North Vietnamese at Kleber, they will say you are threatening them. What will you say to them?

A. I will have to await the next meeting at the Kleber to give an answer to that. That will probably come after 1 hour's dissertation by Madame Binh and another hour's dissertation by Xuan Thuy, and I can then make up my mind as to how to respond, but I can't do it this afternoon.

Q. Do you anticipate a meeting on Thursday?

A. Yes. We have had no notice to the contrary. Of course, anyone can cancel a meeting at any time. We don't intend to do so.

Q. Mr. Ambassador, I don't understand the answer you gave Mr. Cohler about the North Vietnamese prisoners in the South and the conditions of the various camps. You said it was the responsibility of the South Vietnamese Government, but isn't the United States responsible for the fate of prisoners taken by the United States forces, at least many of them?

A. Yes, but the United States—you see, I am talking about prisoners of war. They are all put into camps where they have fallen under the supervision of the International Red Cross Society and where every provision of the Geneva Convention has been applied to them. And we have got them all identified, photographs have been taken of them, people go and visit them, their food standard is known, whether it is good or bad, and they enjoy all the amenities which are required by the Geneva Convention.

Q. Would you be satisfied to know that the American prisoners in North Viet-Nam are enjoying similar treatment to these North Vietnamese prisoners in South Viet-Nam?

A. Well, I would consider it most improbable, because, after all, we have nobody from the American side who is familiar with the situation there, nor have any outsiders been allowed in. We have asked time after time not for Americans to go there, although a good many of our people have requested such visits, but to have representatives of neutral like the ICRC—but to have a neutral inspection team. It's always been denied.

Q. Sir, what is the definition of a prisoner of war in South Viet-Nam?

A I can't answer that. I would assume, although I may well be wrong, that a man taken in uniform would be a prisoner of war; a man taken who is attacking—not in uniform—an armed force of his adversary, I would also assume would be classified as a prisoner of war. I can't answer with any assurance whatever, because the subject has never been brought up to me.

Q. Mr. Ambassador, there have been various reports emanating from the United States to the effect that due to the lack of progress in the Paris peace talks, that you were contemplating leaving here. Would you care to comment on that?

A. Would you say the last part again?

Q. Due to the lack of progress in Paris, you were discouraged and contemplating resigning, according to a report from the United States?

A. Myself?

Q. Yes.

A. I wouldn't think of resigning. No, no, it never occurred to me. I can't say I find this the most enjoyable prospect in the world, but I do think that a perseverence in trying to bring these people to negotiation and eventually a settlement of this war in Southeast Asia on reasonable grounds, which I believe to be perfectly practicable if they desire to do so, is well worth the attention of people far more important than myself.

Q. Do you think sir, that the best way to reach that negotiation stage is to continue emphasizing the prisoner of war issue?

A. Well, the reason why, it seems to me, it is important to emphasize it at this time is from my standpoint a bit dual. I've spent more attention personally on the prisoner of war problem since I have been here than on any other thing, probably as much as on all others combined.

We have our friend from Virginia, with two mayors. He is only one of a stream. We have members of Congress, we have members of the Cabinet, we have wives, relatives, and whatnot, who, gravely and justly concerned, come over here—and this is a rather good base for operations—and it requires a great deal of attention in order to try to get them to be able to present their cases. In most instances, they are unable to do so. Whether that is productive or not, I don't know. But what is appalling to me is that it would seem to me that the other side could accept, or should accept, without any pain to themselves the observance of these simple formulae which are set forth in the Geneva Conventions. As to the release of prisoners, on the proposed exchange, I would have thought they would have jumped at it. But that is neither here nor there. What you are really getting at is whether or not these meetings have any consequence. I think the prisoner of war thing should be constantly brought up because I think it is the easiest to settle.

As to the other things, I don't believe they are difficult to settle provided that the other side would engage in a true negotiation. They have never shown any tendency whatever to do so. These meetings have gone on—well, next month it will be 2 years—and certainly, as I said, in the common acceptation of the word, there has never been any indication whatever that they were serious about having a negotiation.

Look, you have two preconditions stated: (1) total, unilateral, etc., American withdrawal of all troops from Viet-Nam; (2) the overthrow of Messrs. Thieu/Ky/Khiem; the installation there of a provisional coalition government, more or less screened and set up by a minority of the population, represented through the Provisional Revolutionary Government of South Viet-Nam. "You Americans accept that, and we will then be willing to talk to you about the issues which are necessary to be discussed and settled if there is to be a peace arrived at in Indochina."

So I say it is worthwhile seeing whether that stand is going to continue to be as adamant as it now is. If it is, there is going to be no negotiation.

But the reason I speak of it is that so far there has been—this is a thing that has been tossed about, certainly in the journalistic world, and has been misunderstood—there has been no negotiation in Paris. There has been a propaganda field day on the part of the North Vietnamese and the PRG. And that is all that goes on up in that place, from the standpoint of anything constructive. Maybe that is constructive, but it doesn't seem so to me.

Q. You say that there have been no negotiations and that it has all been propaganda on the part of the PRG and the North Vietnamese. However, every time that there has been a leak, or there is a rumor or a report of secret talks, it comes from Washington.

A. I told some of you, when I first came here, when it comes to secret talks, whether I am connected with them or anybody else, I am never going to mention them, and I don't know anything about them. If they are having secret talks in Washington, I wish they would tell me. [Laughter.] And our liaison with Washington is excellent.

AMERICAN PRISONERS OF WAR AND MISSING IN ACTION IN SOUTHEAST ASIA (AS OF NOV. 28, 1970)

	Missing	Captured	Total
By country			
North Vietnam	403	378	781
South Vietnam	463	78	541
Laos	227	3	230
Total	1,093	459	1,552

STATISTICAL RECAPITULATION BY YEAR LOST

	Missing	Captured	Total
1964	4	3	7
1965	54	74	128
1966	206	93	299
1967	249	160	409
1968	284	113	397
1969	200	11	211
1970	96	5	101
Total	1,093	459	1,552

CAPTURED ACKNOWLEDGED BY ENEMY

	By mail	By propaganda	Total
North Vietnam	331	18	349
South Vietnam	1	19	20
Laos	0	1	1
Total	332	38	370

MAIL STATISTICS

	As of January 1969	As of November 1970
Total letters received	620	2,700
Total number of writers	103	332

Note: Only 9 American prisoners held in North Vietnam have been allowed repatriation by the Hanoi government. Most of these men had been prisoners for less than 2 years. 17 known prisoners have been murdered or have died in Vietcong captivity. The physical condition of the men who have been released has been far below normal standards.

DRV VIOLATIONS OF 1949 GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR (TO WHICH THE DRV ACCEDED IN 1957)

Article	Requirement	DRV performance
13	POW's must be humanely treated, protected; reprisals against POW's prohibited.	Paraded in streets, forced to make statements, some torture.
21	POW's no to be held n "close confinement"	Many POW's held in solitary confinement for years.
23	Mark PW camps so as visible from air, give information on camp locations.	No markings on camps; locations concealed.
26	Provide sufficient food, prevent loss of weight, take account of normal diet.	Released POW's state that standard fare consists of: pumpkin soup, rice, bread, pig fat. All POW's underweight and suffering from malnutrition.
30	Adequate medical care	Much evidence of inadequate medical care (photos, released POW's); prisoners dying in camps.
34	Regular religious services	Only evidence is films of some Christmas services.
70	Write to family within 1 week of capture	Some have not written for 5 years.
71	Minimum of 2 letters and 4 cards a month	Average of 2 to 3 letters per year (none at all for some).
72	Free receipt of parcels	DRV states that POW's can receive a package every other month. Evidence indicates delivery is irregular; parcels sent to "dead" not returned.
109	Immediate repatriation of seriously sick and wounded. Release of POW's long held in captivity.	No regular release of sick and wonded or long-held POW's state of health or duration of imprisonment has not appeared to be a determining factor in those releases which have taken place.
120	Advise of deaths in captivity, full official information on circumstances, cause, burial, grave identification.	Bare assertion of death through unofficial and irregular channels, no details.
122	Advise promptly names of all POW's held	Never released official or complete list.
126	Neutral inspection of all camps, interview of POW's without witnesses.	No inspection; propaganda interviews only.

[From Department of State Bulletin, Jan. 18, 1971]

PRESIDENT NIXON PLEDGES CONTINUED EFFORTS ON BEHALF OF U.S. PRISONERS OF WAR

[White House press release dated December 26]

(NOTE.—Following is the text of a letter from President Nixon to wives and families of U.S. prisoners of war in Southeast Asia.)

Although I have corresponded with many of you individually, I would like, during this Christmas season, to address this letter openly to each and all of you—to all the wives and families of our men held prisoner in Southeast Asia—and also to the many others who care so intensely about them. I know that nothing I say could truly comfort you, and I only wish my words could bring back your loved one at once. However, I would like to tell you about our efforts to solve this problem, what we have achieved so far, and what we plan to do.

The basic obstacle, of course, is the barbaric, inhumane attitude of Hanoi in violation of the Geneva Convention and all standards of human decency. In the face of this, during the past two years there has been a wide range of efforts on behalf of our men lost in Indo-China. Early in 1969 I directed that there be an intensive review of the prisoner of war problem. I decided that it was time to take new measures, that the enemy's cruel and manifestly illegal policy toward our men should be exposed fully to public attention in this country and around the world.

One of the subjects we have emphasized continually, at the Paris Talks and elsewhere, has been to gain mail privileges for our men. This effort has produced only limited success. As you know, by the start of 1969 families had received less than 600 letters from only 100 men held in North Vietnam during the entire period of the war. As of today, 332 families have received over 3,000 letters, and we are confident there will be more. Although these letters are short, obviously written under scrutiny and censorship, they are welcomed. And from these letters, over 30 previously listed as Missing in Action have been reclassified as prisoners of war. There has, however, been only one letter ever from a prisoner held in South Vietnam and none from our men in Laos.

We have also consistently demanded that Hanoi should permit our men to receive packages from their families on a regular basis. This has also brought about some improvement although the situation remains unacceptable. Prior to January 1970, Hanoi leaders had allowed our men to receive packages only three times. In January 1970, Hanoi made it known that it would allow our men in North Vietnam to receive a package every other month. They added that an extra large package—11 pounds—would be permitted at Christmas.

These limited gains are of course not enough. They do not extend to our men lost in South Vietnam or in Laos. Even for those lost in North Vietnam there is no certainty that all letters and packages reached them. And Hanoi has cruelly played on the hopes and suffering of innocent people.

In recent weeks, the Hanoi authorities have released lists said to identify the American prisoners they hold. These lists duplicated others we already have. As you know, the military services have information identifying others as having been captured in North Vietnam. These lists also tell us nothing about our men lost in South Vietnam or elsewhere in Indo-China. We will, of course, continue to hold the Communist authorities fully accountable for all the Americans they hold and for the fullest possible accounting of the dead and the missing.

Of even greater concern is the treatment of our prisoners and their early release. To know that our men are well treated, we have proposed repeatedly that there should be impartial inspection of the other side's prisoner camps just as there is for the prisoner of war camps in the Republic of Vietnam. We have frequently reiterated our concern about this in Paris. At my specific direction, Ambassador Bruce renewed our proposals for impartial inspection in the Paris meeting on December 3. Despite world-wide support for our position on this question, the Communist authorities again cruelly rejected this proposal, although impartial inspection of prisoner of war camps is among the most elementary requirements of the Geneva Convention.

As part of our wide-ranging diplomatic effort, I sent Frank Borman to twelve nations this past summer to enlist support for our cause. Wherever he went, Colonel Borman found sympathy and understanding, and renewed offers of assistance. This did not surprise me, for in my own meetings with foreign leaders I have found sympathy for our concern and support for our efforts. These main public efforts are but a small part of our continued diplomatic campaign. Our Ambassadors throughout the world have used our diplomatic resources fully to help convince the other side to treat our men humanely and to release them soon.

In these efforts we have welcomed the support of private organizations, the Red Cross and, above all, the families of our prisoners and missing personnel who by their conduct have personally testified to the depth of feeling on this subject. Many have travelled to far places to appeal directly to leaders of the other side. The news media throughout the world have helped make sure that our prisoners are not forgotten men.

Our Government and the families of our men are not alone in their efforts to improve the lot of our prisoners of war in Indo-China. The United States Congress, as you know, has been united in expressing its opinion on this subject. The United Nations on December 9 passed a strongly worded resolution calling for compliance with the Geneva Convention. The International Conference of the Red Cross has also registered its deep concern about any failure to comply with Geneva

Convention requirements. Hanoi has adamantly refused to budge from its position of holding our men as hostages, denying us even elementary information.

As we approach 1971 we face above all the question of the release of our men. On October 7, in my Indo-China peace initiative, I proposed the immediate release of all POWs on both sides. On December 10 we proposed, as a first step, the release of all North Vietnam prisoners of war held in South Vietnam in return for the release of all American and free world prisoners in Indo-China and any South Vietnamese prisoners held outside South Vietnam. This is as generous a prisoner-release proposal as history has known. We have, in effect, offered to exchange 8,000 North Vietnamese prisoners for 800 free world prisoners. I have sought to approach this subject on a humane basis and to keep it separate from the political and military issues of the war. Despite the other side's abrupt rejection of our proposals they remain in effect. You have my assurance that we are ready instantly to proceed toward arrangements for the release of all prisoners of war on both sides.

In the meantime, to demonstrate our readiness to comply with the appropriate international standards the South Vietnamese Government each year has released groups of sick and wounded North Vietnamese prisoners. Another such release will take place shortly.

Hanoi, however, has so far rebuffed every effort to obtain release of our men or to verify the conditions of their treatment. This attitude violates not only the Geneva Convention, which Hanoi had pledged to observe, but all common standards of human decency. It is barbaric. It has been universally and justifiably condemned.

In closing, may I say how deeply I feel the sorrow you have known from this conflict. Along with the others in the Government closest to this problem, I will not forget the strength, the loyalty and the dignity with which you have borne your burden. I can do no less than pledge to you that we will not rest until every prisoner has returned to his family and the missing have been accounted for.

With every good wish,

Sincerely,

RICHARD NIXON.

[From Department of State Bulletin, Jan. 4, 1971]

STATEMENT BY AMBASSADOR YOST ISSUED ON DECEMBER 1

[U.S./U.N. press release 180 dated December 1]

The United States is profoundly gratified that the Social Committee of the General Assembly in its consideration of the question of Respect for Human Rights in Armed Conflicts has overwhelmingly approved this broadly sponsored resolution on prisoners of war.

It makes clear the very real concern of the world community for the humanitarian treatment of all who find themselves in captivity, anywhere, during times of conflict. It reaffirms the fundamental principle that prisoners are entitled to certain basic protection, care, communication with their families, and repatriation.

Beginning in the mid-19th century with the noble work of Henri Dunant, the Swiss humanitarian who founded the Red Cross movement, civilized states have recognized that all those who find themselves in captivity of internment, often through no fault of their own, are inherently entitled to decent treatment as human beings. In our century, in the heat of conflict, this principle has too often been overridden for political or propaganda ends. This has been and is a clear denial of those basic human rights set forth two decades ago by the United Nations in the Universal Declaration of Human Rights and codified with respect to times of conflict by the series of Geneva Conventions. Virtually every nation-state and member of this world organization has subscribed to these principles, but in many areas the principles are not, unfortunately, followed in practice.

Today's vote shows that this treatment of prisoners weighs on the conscience of the world. It is gratifying that the Social Committee has approved this resolution. We hope that it will receive even broader affirmation in the plenary.

The United States is of course most deeply concerned over the treatment in North Viet-Nam and elsewhere in Southeast Asia of the more than 1,500 of its citizens and servicemen who are missing in action. We have positive evidence of the inhumanities to which they have been subjected. Their families have long suffered—in some cases for over 5 years—by the silence imposed upon their loved ones. We are equally concerned for the fate of all other prisoners, wherever they may be, who suffer similar deprivation and indignities.

My Government. and its allies, have sought scrupulously to observe the provisions of the Geneva Convention, have made all our detention facilities accessible to the International Committee of the Red Cross, and have moved swiftly to correct any inadequacies of treatment of prisoners brought to the attention of authorities by representatives of that impartial humanitarian Swiss agency.

It is our hope that today's expression of conscience by this committee, along with the reiteration by the Secretary General on November 25 of his appeal for humanitarian treatment of prisoners and detained newsmen in North Viet-Nam and elsewhere, will lead to the acceptance of the humanitarian offices of the Red Cross wherever it has been denied access. We hope it will prompt release of accurate lists of captives, repatriation of sick and wounded, and restoration of communication among families.

Indeed, if member states will continue to lend their good offices, we believe this resolution provides a way for rectification of this grave violation of human rights. By internment in neutral third countries, by exchange of prisoners from both sides, by providing full access to all prisoners by humanitarian agencies, by restoring communications with families, real and practical steps can be taken toward ending this blot on the world's record of respect for human rights. If today's action by the United Nations helps to accomplish this, it will be a shining proof of the devotion of member states to humanitarian pledges of this Charter.

[From Department of State Bulletin, Jan. 4, 1971]

TEXT OF RESOLUTION[1]

The General Assembly.

Recalling that the Preamble of the Charter of the United Nations affirms faith in the dignity and worth of the human person,

Recalling that the United Nations has as one of its purposes the achievement of international co-operation in solving international problems of a humanitarian character and the promotion of respect for human rights,

Reiterating the obligation of Member States for the urgent termination of all armed aggression as envisaged in Articles 1 and 2 of the Charter and in other relevant documents of the United Nations,

Noting the obligation of Member States under the Charter to promote universal respect for, and observance of, human rights,

Recalling its resolutions 2444 (XXIII) of 19 December 1968 and 2597 (XXIV) of 16 December 1969 requesting the Secretary-General, in consultation with the International Committee of the Red Cross, to continue to study, *inter alia*:

(a) Steps that could be taken to secure the better application of existing humanitarian international conventions and rules in all armed conflicts.

(b) The need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection of civilians, conventions and rules in all armed conflicts,

Believing therefore that the treatment accorded to victims of war and armed aggression is a concern of the United Nations,

Noting resolution XI, adopted by the twenty-first International Conference of the Red Cross at Istanbul, calling upon all parties to the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 to ensure that all persons entitled to prisoner-of-war status are treated humanely and given the fullest measure of protection prescribed by the Conventions, and that all parties involved in an armed conflict, no matter how characterized, provide free access to prisoners of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross,

Considering that the direct repatriation of seriously wounded and seriously sick prisoners of war and the repatriation or internment in a neutral country of prisoners of war who have undergone a long period of captivity constitute important aspects of human rights as advanced and preserved under the Geneva Convention and the Charter of the United Nations,

1. *Calls upon* all parties to any armed conflict to comply with the terms and provisions of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 so as to ensure humane treatment of all persons entitled to the protection of the Convention and, *inter alia,* to permit regular inspection, in accordance with the Convention, of all places of detention of prisoners of war by a protecting Power or humanitarian organization, such as the International Committee of the Red Cross;

2. *Endorses* the continuing efforts of the International Committee of the Red Cross to secure the effective application of the Convention;

3. *Requests* the Secretary-General to exert all efforts to obtain humane treatment for prisoners of war especially for the victims of armed aggression and colonial suppression;

4. *Urges* compliance with article 109 of the Convention, which requires repatriation of seriously wounded and seriously sick prisoners of war and which provides for agreements with a view to direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity;

5. *Urges* that combatants in all armed conflicts not covered by article 4 of the Geneva Convention relative to the Treatment of Prisoners of War be accorded the same humane treatment defined by the principles of international law applied to prisoners of war;

6. *Urges* strict compliance with the provisions of the existing international instruments concerning human rights in armed conflicts, and urges those who have not yet done so to ratify or accede to the relevant instruments in order to facilitate in all aspects the protection of the victims of armed conflicts.

A BILL TO ESTABLISH A COMMISSION TO STUDY THE USAGE, CUSTOMS, AND LAWS RELATING TO THE FLAG OF THE UNITED STATES

(Mr. ARCHER asked and was given permission to extend his remarks at this point in the RECORD.)

---

[1] U.N. doc. A/RES/2676: adopted by the Assembly on Dec. 9 by a vote of 67 (U.S.) to 30, with 20 abstentions.

Mr. ARCHER. Mr. Speaker, I would like to bring to the attention of the House the fact that much confusion exists throughout the Nation in regard to the proper method for displaying the flag of the United States.

This confusion exists due to the lack of a single code designating proper and uniform methods for display of the flag. For example, each branch of the armed services has its own code, and each code differs from the others. In an attempt to provide a uniform code I am introducing today a bill to establish the U.S. Flag Commission. This bill has recently been introduced in the Senate by two distinguished Senators, John Tower, of Texas, and Claiborne Pell, of Rhode Island.

Briefly stated, the Commission—made up of representatives of the Congress and the executive branch, and certain lay members having particular expertise—would be empowered to review the entire matter of a U.S. flag code and to present to the Congress its report which would recommend specific legislation.

I request that the Judiciary Committee give special attention to this legislation. With the date for the Bicentennial Celebration fast approaching, I believe the work of the committee should begin as soon as possible. The time has come to establish a uniform flag code for the United States.

ATTACKS BEING LEVELED AT BIG BUSINESS

The SPEAKER. Under a previous order of the House the gentleman from Texas (Mr. Price) is recognized for 30 minutes.

Mr. PRICE of Texas. Mr. Speaker, it seems that hardly a day goes by without some kind of attack being leveled at big business. It is as though size, in and of itself, is equated somehow with evil.

From the Government we have the spectacle of Richard McLaren, Assistant Attorney General in charge of the Antitrust Division, futilely spearheading suit after suit against some of the giants of American free enterprise. Among his more recent misadventures, he directed the Justice Department to institute proceedings against the International Telephone & Telegraph Corp. and tried to stop it from acquiring the stock of Grinnell Corp. The Government brought its case before Chief Judge Timbers of the U.S. district court in Connecticut, and after a full and complete trial on the merits of the lawsuit, Judge Timbers dismissed the case unequivocably. This decision was based on his findings that the Government had not proved its allegations that ITT's acquisition of Grinnell could have the effect of substantially lessening competition.

Turning to the private sector we have the spectacle of Ralph Nader calling press conference after press conference and issuing charges and condemnations against big business in a fashion that sometimes appears to serve the interests of publicity more than the interests of truth. Although we are all familiar with the form Mr. Nader's crusades usually take, I wonder how many of my colleagues are aware that on December 23, 1970, Mr. Nader wrote the Honorable Emanuel Celler, chairman of the House Judiciary Committee, and the Honorable Philip Hart, chairman of the Senate Subcommittee on Antitrust and Monopoly Legislation, urging them "to consider commencing early next year a full-fledged inquiry into the Antitrust Division," of the Justice Department. The impetus for this letter appears to be Mr. Nader's dismay and frustration that the U.S. Government has not attempted to dissolve General Motors and Ford Motor Corp.

I for one do not think large corporations should be hoisted on the petard of political evangelicalism. Neither should they be crucified for the sake of some secular theology of consumerism. I am not suggesting, Mr. Speaker, that all restrictions on business be laid aside. What I am suggesting is that the interests of the American people and the interests of the free enterprise system would be better served by a comprehensive modernization of Federal antitrust laws than by the attacks of zealous bureaucrats and private citizens.

In my judgment much remedial treatment of Federal antitrust laws is needed. In the more than three-quarters of a century since the passage of the Sherman Antitrust Act the commercial system of this Nation has undergone great changes. New forms of business activities require new regulatory laws. For not only must the public be protected against the greed of unscrupulous businessmen, honest businessmen need a clear legal framework within which to engage trade and commerce.

In an effort to facilitate systematic congressional consideration of this problem, I am today introducing legislation to establish a Commission on the Revision of Federal Antitrust laws. As I envision it, this Commission, composed of 24 eminent individuals from public and private life would have as its goal nothing less than the comprehensive investigation and review of all aspects of Federal antitrust laws as they affect domestic and foreign commerce. Not later than 1 year after its first meeting, the Commission would be required to submit a final report of its findings and recommendations to the President and the Congress.

Mr. Speaker, to facilitate a fuller understanding of the details of my proposal, I am inserting a complete statement of it at the conclusion of my remarks.

In closing I would fervently urge my colleagues not to wait until this Commission has been impaneled before beginning to take a good hard look at the state of present Federal antitrust laws. Congress has a clear responsibility to modernize these antiquated statutes; now is the time to proceed. For my part I plan on pursuing legislative solutions to antitrust problems and I would welcome comments and recommendations from business leaders, concerned citizens, and my fellow Members of the 92d Congress.

My proposal follows:

Legislation to Establish a Commission on the Revision of Federal Antitrust Laws

Whereas the antitrust statutes of the United States are in certain major areas of their application in need of revision; and

Whereas there exist under the antitrust statutes of the United States conflicts in policy as to the proper standards of conduct required to be observed by American business; and

Whereas a thorough examination is essention in order to determine the impact of such statutes upon the productivity and long-range economic growth of the United States and upon United States foreign trade, investment and economic policy: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Commission on Revision of the Antitrust Laws of the United States (hereinafter referred to as the "Commission") constituted in the manner hereinafter provided.

PURPOSE OF THE COMMISSION

Sec. 2. The purpose of the Commission shall be to study the effect upon competition (including competition between American business and foreign business), price levels, employment, profits, production, consumption, foreign trade, economic growth and the capability of the economy to best sustain the Nation at home and abroad of

(1) Existing antitrust statutes (including enforcement proceedings thereunder), as interpreted by judicial, executive and administrative decisions.

(2) Existing price systems and pricing policies of trade and industry in the United States and

(3) The extent and causes of concentration of economic power and financial control.

MEMBERSHIP OF THE COMMISSION

Sec. 3. (a) Number and Appointment.—The Commission shall be composed of twenty-four members as follows:

(1) Eight appointed by the President of the United States, four from the executive branch of the Government and four from private life.

(2) Eight appointed by the President of the Senate, four from the Senate and four from private life.

(3) Eight appointed by the Speaker of the House of Representatives, four from the House of Representatives and four from private life.

(b) Political Affiliation.—Of each class of four members mentioned in subsection (a), not more than two members shall be from each of the two major political parties.

(c) Vacancies.—Vacancies in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

ORGANIZATION OF THE COMMISSION

Sec. 4. The Commission shall elect a Chairman and a Vice Chairman from among its members.

QUORUM

Sec. 5. Thirteen members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

Sec. 6. (a) Members of Congress.—Members of Congress who are members of the Commission, shall serve without compensation in addition to that received for their services as Members of Congress, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Members From the Executive Branch.—Notwithstanding section 5533 of title 5, United States Code, any member of the Commission who is in the executive branch of the Government shall receive the compensation which he would receive if he were not a member of the Commission, plus such additional compensation, if any, as is necessary to make his aggregate salary not exceeding $30,000; and he shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of the duties vested in the Commission.

(c) Members From Private Life.—The members from private life shall each receive not exceeding $100 per diem when engaged in the performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

POWERS OF THE COMMISSION

Sec. 7. (a) (1) Hearings.—The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act as such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued under the signature of the Chairman or Vice Chairman, or any duly designated member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member.

(2) In case of contumacy or refusal to obey a subpena issued under paragraph (1) of this subsection, any district court of the United States or the United States court of any possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is being carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(b) Official Data.—Each department, agency, and instrumenatlity of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this Act.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

Sec. 9. The Commission shall transmit to the President and to the Congress not later than one year after the first meeting of the Commission a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable. The Commission may also submit interim reports prior to submission of its final report.

EXPIRATION OF THE COMMISSION

Sec. 10. Sixty days after the submission to Congress of the final report provided for in section 9, the Commission shall cease to exist.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Seventy-five years ago, Alfred Nobel, inventor of dynamite, established five of the world's most prestigious honors awarded each year to those who "have conferred the greatest benefit on mankind in the fields of physics, chemistry, physiology or medicine, literature and peace." In the first 20 years only three Americans were recipients of these awards; however, from 1958 to 1968, 28 Nobel Prizes have gone to Americans.

ECONOMIC SITUATION FACING AMERICAN FARMERS HAS GONE FROM BAD TO HORRIBLE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Obey) is recognized for 30 minutes.

Mr. OBEY. Mr. Speaker, just over 2 years ago, when President Nixon was campaigning for the Presidency, he called 74 percent of parity "intolerable" for farmers and said they were "entitled to better."

Mr. Nixon won the 1968 election, of course, and 2 years have passed. Now we are beginning a new year. Snow covers many of the fields which produce this Nation's food. It is a good time, I think, to review just what has happened to our farm economy during the last 2 years.

Basically, the economic situation facing our farm population today is one which can only be described as having gone from bad to horrible.

PARITY AND FARM INCOME

Parity is a concept designed to compare the prices farmers receive for their products and the prices they pay for goods and services. It is a yardstick for determining how well or how poorly farmers are doing economically.

The 74-percent parity which the President termed "intolerable" a few years ago meant that farmers were earning only 74 percent of their worth, truly, as the President said, an intolerable situation.

Yet, sadly, in the past 2 years, the intolerable situation inherited by the President has been made immeasurably worse.

While parity averaged 77 percent for the 8 years before 1968, it dropped to 74 percent in 1969, and slid to 67 percent by 1970's end, a level unmatched in bleakness since 1933 in the dark days of the great depression.

In August of last year, farm prices slid 3 percent, the largest 1-month decline in 22 years. In contrast to that slowing in prices, interest, and taxes on farmland went up 8 percent and farm wages went up 7 percent in the first 6 months of 1970. In the year just ended, the prices Wisconsin farmers paid for goods increased 4 percent, while the prices they received increased 3.5 percent.

In an effort to camouflage this sorry situation, the U.S. Department of Agriculture has been engaging in statistical gimmickry with parity.

Thus, in its December issue of "Agriculture Prices," the Department gamely tried to assure us that "no such—parity—ratio realistically reflects the current status of the income or the welfare of farmers." At that time they also announced that henceforth 1967 would be substituted for 1910–14 as the base year to measure costs and prices for farmers.

So, while under its traditional definition, farm parity stands at 67 percent, under the new USDA definition we are supposed to be lulled into believing that parity, and the economic welfare of farmers, is really 91 percent.

Mr. Speaker, the reality of an agriculture depression cannot be covered up by slick bookkeeping techniques. It takes a great deal of effort for those who make their living in agriculture to believe that there is no relationship between the increasing costs which farmers are being required to absorb and the sliding prices they are receiving for their products. Even using the "paper parity" now in vogue at the Department of Agriculture, the index of prices paid by farmers was up 5 percent from January 1970 to January 1971.

Frankly, I know of only one way to interpret the bleak fact that parity has skidded from 75 to 67 percent in 1 year's time. Simply put, farmers are in a tighter squeeze than they were a year ago. And I challenge anyone to prove otherwise.

WHAT IS THE ADMINISTRATION FOR?

The administration seems willing to concede, in speeches at least, that all is not well on our farms and in our rural communities.

In mid-December, for example, the President said:

> The Nation owes American agriculture a very great debt, a very great debt which perhaps has not been adequately reflected in agriculture income.

But in agriculture, as with all other areas, action means more than speeches.

While the price support level for milk was 89 percent of parity in 1966, 87 percent in 1967, and 89 percent in 1968, it dropped to 83 percent of parity for the 1969–70 marketing year, and was established at 85 percent of parity by the Secretary of Agriculture for this marketing year—4 percent lower than 4 years ago. Yet, the $4.66 per hundredweight price which was 85 percent of parity last April is only 81 percent of parity today.

When the Senate passed, as part of

general farm legislation which came before the Congress late in 1970, a provision pegging the minimum feed grain price support level at 75 percent of parity, the administration made it clear that it was "strongly opposed" and would "continue to be opposed to the Senate provision." The USDA said 68 percent of parity was all it could accept.

In 1970, we were told by USDA officials that their efforts in 1971 would be directed only toward "maintaining" farm income, not increasing it. Now, according to a USDA press release announcing this year's wheat, feed grain, and cotton programs, we are told the effort will be to fight against "depressed prices," although there is a serious question whether we have not reached that point already.

Nowhere is there mention of adequate prices, or 100 percent of parity, which would truly bring to our farm population the opportunity to maintain a stable income at a level which would allow a decent standard of living across rural America.

Mr. Speaker, there have been other actions over the past 2 years which reveal less than adequate administration concern for our farm population and the rural economy it supports.

For example, funds for the ACP program were eliminated by the President from his budget. Even after funds for the program were reinstated by the Congress, strong pressure was required from Congress, from individual farmers and farm organizations before the administration finally allowed any ACP funds to be spent.

Funds for the special milk program were also eliminated by the President. Congress reinstated them and made the program permanent. Yet strong pressure was needed to persuade the administration to allow a school milk program to function when schools opened last fall.

The administration also ended advance payments to farmers under the feed grain program. When advance payments were included by the Senate in the 1970 general farm legislation, the administration made known its opposition to this provision and helped defeat it.

The Secretary of Agriculture, early in 1969, held listening sessions throughout the country, to help in developing policies and programs aimed at building a prosperous and successful family farm agriculture in a prosperous and inviting rural America, but the administration evidentally listened little—because it never did present to Congress a farm program of its own.

It promised improvement in rural development, but made known its opposition to congressional approval of a rural development section of the farm bill which would have given high priority to the revitalization and development of rural areas. Fortunately this provision was adopted in spite of administration opposition.

And, among the grossest of oversights was the failure of the administration to propose legislation to increase the bargaining power of farmers or to curb the threat of a corporate takeover of agriculture, two subjects that weigh heavily on the mind of the family farmer in America.

DAIRY IMPORTS

In May, the U.S. Tariff Commission conducted an investigation on the importation of certain products to determine whether those cheese imports were interfering with our domestic price support program for milk and butterfat.

The investigation of the Tariff Commission showed that they were.

The Commission recommended a "zero" quota for ice cream, certain chocolate products, and animal feeds containing large amounts of milk solids. It also recommended an annual quota of 100,000 pounds for cheese with 5 percent or less of butterfat.

But the administration had plans of its own. In December it announced a most unwelcome Christmas present to the dairy farmer.

The quota set by the administration for low-fat chocolate crumb was not zero, but 4.6 million pounds, four times the average imports during 1967–69.

The quota set by the administration for animal feed mixtures was not zero, but 16.3 million pounds, four times the average imports during 1967–69.

The quota set by the administration for ice cream was not zero, but 431,330 gallons, one-half times the average annual imports for 1967–69.

The quota set by the administration for low-fat cheese was not 100,000 pounds, but 8.9 million pounds, almost nine times the average imports for 1967–69.

With the action of the administration so clearly at odds with the Tairff Commission recommendations, dairy farmers may seriously ask themselves whether they can afford any further action by this administration in the area of dairy import limitations. And yet action in the right direction is badly needed on a number of problems.

One such problem is cheese selling for over 47 cents per pound. It was predicted in 1968 that imports of such cheeses would flood the country because, while a quota was set for cheese selling under 47 cents per pound, none was established for cheese selling over that amount. True to form, clever and ever-watchful importers used this loophole to import millions of pounds of quota-free cheese into the country.

Why the administration refused to take action to curb these imports I do not know. According to the Tariff Commission report, cheese selling for over 47 cents accounted for 239 million pounds of quota-free dairy imports which entered the country in the first 7 months of 1970. This is 59 million pounds, or 33 percent, more than the total imports—180 million pounds—accounted for by the four products for which the President requested a Tariff Commission investigation. Volume alone would suggest that action is due with regard to cheese selling for over 47 cents per pound.

Another problem is lactose. The importation of this product rose from a 700,000 pound average in 1965–68 to 4.2 million pounds in 1969, or an increase of about 500 percent. Lactose imports for the first 11 months of 1970 are 111 percent over those for the same period last year.

During 1969 the share of the domestic market supplied by lactose imports rose 800 percent from the 1965–68 average.

This is important to remember because lactose is a product made from whey, a byproduct of the cheesemaking process. According to the Tariff Commission report on imports:

> If it were not for the import of lactose, more domestic whey would most likely be used commercially rather than being disposed of through streams or sewage systems, a practice aggravating pollution problems and burdening U.S. governmental expenditures, including those by the Department of Agriculture, for pollution control.

Simply put, whey is a potential pollutant. If domestic whey is not used but is replaced by imports, we are contributing to an already serious waste disposal problem for cheesemakers. For economic and environmental reasons, then, it is important that action be taken to curb lactose imports.

Mr. Speaker, these are just a few of the legitimate complaints farmers are voicing these days. They are concerned, and I am frankly concerned, that this administration is not tuned in to the problems of rural communities.

We are aware, of course, that the administration is trying to deal with a troubled economy, more troubled than at any time since 1958. In fact, farmers are particularly aware of the economy because nowhere, except perhaps in America's ghettos, is our economic slump felt more intensely than in rural America.

Historically, economic downturns have hit our rural communities first and hardest. Today, these communities throughout America are struggling against economic adversity to a degree which has not been seen since agriculture was able to free itself from the grips of the great depression.

Frankly speaking, I believe the administration lost ground in the Midwest in the November elections because of its disregard of farm problems, especially the sagging farm economy. I do not say that in the spirit of partisanship. I say that rather in hopes that the administration will recognize that fact and will take the steps required to provide rural Americans with what all Americans want—a chance to earn a decent, dignified living by the sweat of their own brow and the strength of their own muscle and, most of all, a chance for a decent future. A government that cannot provide even that is simply not doing its job.

The administration has indicated that in an attempt to strengthen the economy, it plans an expansionary budget for next year. I would certainly hope that in any budget where the administration finds enough room for the SST, the Penn Central Railroad, and tax breaks to stimlate America's business economy, there will also be a little room left for a more compassionate consideration of the problems of farmers and rural America.

THE MONROE DOCTRINE, LATIN AMERICA AND PANAMA CANAL

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, on September 30, 1965, the House of Representatives, after extensive debate and by the overwhelming vote of 312 to 52, adopted a sense of the House resolution—House Resolution 560, 89th Congress—to the effect that, first, any domination in the Western Hemisphere by the subversive force known as international communism or threat of it violates the principles of the Monroe Doctrine and, second, called upon the parties to the Inter-American Treaty of Reciprocal Assistance, in the exercise of their individual or collective self-defense, to forestall or combat intervention, domination, control, or colonization in whatever form by such subversive force.

Since that time there have been many changes, which include the seizure of U.S.-owned properties in Latin America, repudiation of United States-Cuban policy by a growing bloc of South American and Caribbean countries, including Chile, which recognized Castro's Cuba on November 12, 1970, and continued pressures aimed at wresting control of the Panama Canal from the United States.

In this connection, the report of the Atlantic-Pacific Interoceanic Canal Study Commission under Public Law 88–609 was submitted to the President on December 1, 1970. Its principal recommendations call for the construction of a second canal of sea-level design in the Republic of Panama about 10 miles west of the existing canal, the surrender of U.S. sovereignty over the Canal Zone to Panama, and making that country a participant in the management and defense of both canals.

Members of the Congress who have opposed such surrender, including the House Subcommittee on the Panama Canal, are not alone in their views. Col. John P. Sheffey, executive director of the canal study, in a published interview in the Wall Street Journal of December 1, 1970, made some slightly significant statements as follows:

First. That the major purpose of constructing the proposed new canal is securing "excellent treaty relationships" with Panama.

Second. That in the event of the inability to secure such relationships there is no justification for doing it.

Third. That on economic grounds alone the justification for such new canal is quite weak.

After reading the Commission's report, which required about 5 years to prepare and cost our taxpayers more than $21 million, I have concluded that Colonel Sheffey's brief comments are the most valuable part of the recent canal inquiry.

The crucial canal question now before the Nation is that of continued sovereign control of the Canal Zone and Panama Canal by the United States. Under the Constitution—article IV, section 3, clause 2—only the Congress, which includes the House, can authorize the disposal of either the Canal Zone or canal. To bring this matter into focus and to make clear the determination of the House in safeguarding our just rights, power, and authority at Panama, my distinguished colleague from Missouri (Mr. HALL) and I have written all Members urging that they introduce or cosponsor resolutions identical with House Resolution 154 and House Resolution 156 of the 92d Congress introduced on January 26, 1971, by us. Mr. Speaker, I would urge that our colleagues do this promptly and that early action be taken for their adoption.

Fortunately, there are leaders in the United States who grasp the problems now arising to the south of us, among them Harold Lord Varney, the able chairman of the Committee on Pan American Policy of New York. In the latest issue of Pan American Headlines, the publication of that committee, he supplies new and important information that I quote as part of my remarks:

WILL PRESIDENT NIXON SAVE THE MONROE DOCTRINE?

President Nixon stands today on the brink of the gravest crisis of his career. It is a crisis which will not come in Vietnam or in the Middle East, despite all the present alarums. It will strike right here in our own hemisphere. It will be in South America.

For those unblinded by optimism, the signs are unmistakable. In the last 18 months, three nations, formerly staunchly pro-U.S.—Chile, Peru and Bolivia—have pulled out of the Washington orbit. Their defection has exposed 3,000 miles of Pacific South American coast to Russian penetration. After 147 years of U.S. hegemony, the Monroe Doctrine line has been breached. Russia will endeavor to enter.

There is a familiar law in politics, as in science, that nature abhors a vacuum. Since 1969, American hemisphere policy has been the nearest thing to a vacuum, that this nation has ever seen. Other South American nations, inflamed by their domestic anti-gringo politicians, will be tempted to follow the first three into recalcitrance. South America is slipping away from us.

Behind, and waiting, stands Soviet Russia. One of the oldest of Moscow's tricks is to throw its opponents off-balance by pumping up a nerve-torturing crisis, somewhere else, while it moves in, unperceived, upon its real target. This is happening today in South America. As in 1948, when it conjured up the phony Berlin airlift showdown to obscure the fact that it was helping Mao Tse-tung to snatch huge China, Russia is using the Middle East as a decoy to distract us from the South American play. While we are preoccupied elsewhere, it will move in for the kill in our own hemisphere.

Moscow realizes, as many American foreign policy experts do not, that we can survive a set-back in Asia, or even in the Mediterranean region, and still live to fight another day. But we cannot survive a successful Communist entrance into our own hemisphere.

What is ironical about the situation is that President Nixon was elected in 1968 on a Republican platform that pledged the new administration to uphold the Monroe Doctrine. In two years in the Presidency, Mr. Nixon has not once mentioned the Doctrine in any of the voluminous papers that have emerged from his Kissinger office. As far as present administration and State Department policy is concerned, the Monroe Doctrine is a dead issue. In an explosive South American situation, we are steering rudderless into the heart of the approaching difficulties.

HOW WE GOT INTO THE PRESENT MESS IN SOUTH AMERICA

The first indication that men in the Nixon administration were planning to follow a soft, no-win policy in South America, in hostile situations, was telegraphed in the unfortunate encounter with Peru in 1969. Peru was clearly in the wrong. She had seized the U.S.-owned International Petroleum properties (an action within her rights) and had offered compensation at a figure much below the valuation previously made by her own appraisers.

Then she attempted a brazen hold-up. She tried to weasel out of this compensation by trotting out an "illegal enrichment" charge of $690 million, for "unpaid taxes" computed retroactively as far back as 45 years. Of course, the $690 million would have wiped out Peru's obligation to pay any compensation at all. It was a palpable swindle.

It was a decisive moment. All of Washington's South American ill-wishers were watching Nixon, with searching eyes, to learn if the new administration had teeth in its pronouncements. Had the new President shown firmness against Velasco, he would have given courage to the U.S. friends in all the other Latin American nations to stand firm against the Leftist underground in their own countries. Instead, his representatives capitulated.

He foredoomed his case by sending to Lima, as his special envoy, one of the weakest figures in the diplomatic establishment—John N. Irwin. Irwin had not even had the guts to stand up to tiny Panama, where President Johnson had sent him as one of the two U.S. negotiators in 1965, to negotiate a new treaty. He had produced a treaty which gave away the Canal Zone (American soil "in perpetuity") to Panama, and which also presented Panama with virtually a half ownership of the Panama Canal (a $3 billion U.S. property).

In Peru, he wilted again. When the six month period was reached at which it was obligatory for the U.S. to invoke the Hickenlooper Amendment, he suspended the Amendment, after consultation with Secretary of State Rogers in Washington. In doing this, Irwin and Rogers nullified and killed the Hickenlooper Amendment, which was Washington's only weapon for dealing peacefully with confiscators like Velasco. When, later, Velasco also attempted seizure of the Grace sugar properties in Peru, the State Department similarly chose not to enforce the provisions of the Sugar Act, which would have required the cancelling of Peru's sugar quota.

It is a sign of the self-deception which surrounded this whole sorry Irwin performance in Peru that the U.S. Latin American correspondents of the leading American dailies and wire services reported that the Washington capitulation in Peru had pleased and "reassured" the other South American countries about the new administration's Latin American policy. No report could have been more false. The pliability of Washington in Peru "reassured" only the anti-Americans: it sent a shiver of distrust into the minds of all the traditional friends of the U.S., who have supported us in the past in our fight against Castroism and Leftist upheaval.

The administration's second important blunder in South America was its failure to use every means in its power to bring about the defeat of the Communist Salvador Allende in the Chilean election. Washington stood by, with catatonic inaction, and permitted Allende to win.

There was a real chance to beat Allende. The Leftist forces were divided dangerously between Allende and Tomic, the Christian Democratic candidate. Tomic is so far to the Left that even after Allende's election, he came out with a statement of approval of Allende's take-over of the copper mines. Alessandri, the conservative candidate, a strong candidate, could have been elected.

If it be objected that the U.S. could not intervene in a South American election, the answer is that we did intervene in this same country, Chile, in 1964, when the U.S. Ambassador, acting behind the scenes, mobilized terrific support for Eduardo Frei, the Christian Democrat, and made possible his election. Bernard Collier told the story in the New York Times, Feb. 19, 1967. He reveals that Frei personally solicited the White House for support. He got it. "A reasonable estimate is that Christian Democrats got about $1 million a month, for many months, from American sources", wrote Collier.

What Johnson did for a questionable Left Liberal character like Eduardo Frei, to head off an Allende Communist victory in 1966, Nixon failed to do for Alessandri, a genuine conservative, in 1972. Washington marked time, and allowed the Communists to take over Chile.

NO NEW POLICY IN PANAMA

Anyone who hoped that the exit of the Johnson administration would see the end of the proposed Panama Canal and Zone giveaway pressure in Washington is in for a sad awakening. The Panama pot is still boiling.

Members of the same cast that Lyndon Johnson assembled are still calling the turns. Robert B. Anderson, despite the blistering Bernard D. Nossiter exposé in the WASHINGTON POST, alleging questionable business practices, is still Chief U.S. Negotiator under Nixon. The PANAMA CRITICA reported on Nov. 7th the "Ambassadors Jose de la Osa and Robert B. Anderson continue working, with new advisory teams, selected by each government."

John N. Irwin, Anderson's former No. 2 man, after his fearful boo-boo in Peru, has actually been promoted by Nixon and is now top administrative official at Foggy Bottom, as Undersecretary.

Panama's President, Demetrio Lakas, representing Strongman Torrijos, visited Washington in November and emerged from his talk with President Nixon to announce that "We have won", and to disclose that negotiations on a new treaty are about to commence.

Meanwhile, the almost forgotten U.S. Interoceanic Canal Study Commission, after five years of labor and expenditure of $24 million of tax-payers' money, has come up with its final report asking for a $3 billion new sea-level canal, on a site near the present one.

Torrijos has indicated that a demand in the proposed negotiations will be the transfer of police authority in the Canal Zone from the United States to Panama. This, of course, is transfer of sovereignty without using the sovereignty name.

In this confusion, a sane voice was raised when the Subcommittee on Panama of the House Merchant Marine and Fisheries Committee, headed by the outspoken Congresswoman Leonor K. Sullivan, issued a report urging the preservation of U.S. sovereignty over the Canal and Canal Zone.

BOY SCOUTS OF AMERICA CELEBRATE 61 YEARS OF SERVICE

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 20 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, during the second week of February the Boy Scouts of America will celebrate 61 continuous years of service to the American public. For many years Scouting in America has distinguished itself as one of the finest and most wholesome activities in which youth can participate. This organization which originated with only a relatively few interested boys has grown in scope to affect the lives of millions of Americans. During this decade Scouting will be attempting to establish itself in previously neglected areas in order that all of America's youth will have the opportunity to participate in this worthwhile activity.

Scouting has invested itself into the preparation of future American citizens. By operating a very competent educational program the national Boy Scout organization enables boys to handle a wide range of problems that will be facing America in the future. It is important that this program be examined in order that all can recognize its contribution to society.

Scouting for the most part is associated with the "outdoors." From a Scout's earliest introduction into the program he is taught those practices and skills which allow him to cooperate with nature. The result is clear in the fact that a Scout continues through life to respect natural and human resources. At this particular time such education is beneficial to an America greatly concerned with the preservation of its environment.

Further it cannot be denied that Scouting has instilled in its members' minds those ideals of a high moral character. This spirit only results in respect of self, fellow man, and national institutions and continues the greatness of this Nation. These important factors will enable Scouts as future citizens to face those dilemmas which are presently crippling this Nation. Problems such as drugs, race relations, and crime can be better handled by these young men who have developed strong ethical and moral convictions.

Although Scouting is a program instituted for youth, capable adult leadership has been enlisted in order to keep the program active. In the 15th Congressional District of Pennsylvania, The Minsi Trails Council, BSA, has enjoyed the continuing service of many adult leaders. These men and women have individually served for periods of 10, 20, 30, and 40 years. Without their ever-present and faithful service the existing program could not be of such magnitude. Particularly the distinguished services of Zenon Hansen should be commended. As president of Mack Trucks, Inc., Mr. Hansen has been able to find time to serve the local and national Scouting program. Such faithful and continuous service has been particularly helpful to the Scouts and residents of the 15th District.

Scouting can never be forgotten for its influence upon the American public. The Scouting program has introduced many distinguished citizens and leaders into American communities. Many Americans have had the opportunity to be served by this organization and are truly appreciative. Whenever called upon, the Boy Scouts of America have served individuals, community, and Nation to their fullest extent. Indeed everyone is indebted to the millions who have participated in this program and hopefully such service will continue through the future.

During a congressional breakfast for the Boy Scouts of America on February 9, 1971, a new program for conservation was introduced as a part of Scouting's "Report to The Nation." "Save Our American Resources"—SOAR—has been established to reflect Scouting's continuing concern for the environment. Scouts across the Nation will take part in a national littler cleanup day on June 5, 1971. It is hoped that such a project will have a lasting effect upon the environment and cause all Americans to take action to cure the problem of solid waste disposal. This program is welcomed by all concerned Americans who desire to see definite solutions taken to cure our environmental problems. It is called to the attention of Members of the Congress the following facts are printed by the National Council of the Boy Scouts of America:

PROJECT SOAR: OUR 1971 CONSERVATION GOOD TURN

BACKGROUND

The Boy Scouts of America, the Nation's largest youth organization, has been in the forefront of the conservation movement since its beginning here in 1910 so the current upsurge in interest in environmental pollution has been welcomed enthusiastically by its over 6 million boy and adult members.

As a part of its BOYPOWER '76 long-range plan, which has as one of its objectives "to deeply involve in Scouting a representative one-third of all boys," the B.S.A. is naturally including a number of programs that will reflect our concern for our environment. Project SOAR (Save Our American Resources), our 1971 Conservation Good Turn, is one of them.

PROJECT

In a letter to Irving Feist, nationally known conservationist and President of the Boy Scouts of America, President Richard M. Nixon provided the impetus of Project SOAR. He said:

> As Honorary President of the Boy Scouts of America I have become aware of your BOYPOWER '76 long-range plan. I urge that you include in that plan a major conservation service project. In carrying out a program for conservation, our young people can surely set an example for us all to follow.

Mr. Feist and Alden G. Barber, Chief Scout Executive, accepted the challenge, and Project SOAR was the result. The highlights follow.

OBJECTIVE

To motivate action programs that will help improve our environment and to focus public attention on problem areas and create a concern for environmental betterment.

To help boys develop an understanding of the vital importance of natural resources to themselves and their country, and our way of life. Interdependence of man with his environment will be emphasized. The environmental responsibilities of citizenship will be included.

EMPHASIS

Although a variety of community improvement or conservation projects will be undertaken, they will be based on the needs of each urban, suburban, or rural community. Projects will be principally those that lend themselves to boy participation, such as anti-air and water pollution, litter prevention, and waste disposal and recycling.

PRIORITIES

Community improvement programs will be suggested by committees of adults who are experienced in environmental problems and solutions. Several nationally directed programs will be launched.

TIMING

February 1971. Anniversary Celebration. The annual observance of Scouting's anniversary will be the kickoff month for projects in Cub Scout packs and Boy Scout troops. Anniversary Day is February 8.

March 1971. Community environmental education activities and projects, particularly in the areas of air and water pollution, will be launched.

April 24, 1971. National Explorer Service Weekend. Explorers, Scouting's action program for young men of high school age to 21 years, will have their own special conservation service program during 1971. It will emphasize the adult character of Exploring's involvement. A "slide talk" for civic clubs and other local groups will be used to create public awareness of Exploring's role.

June 5, 1971. Scouting Keep America Beautiful Day. A massive cleanup project mobilizing BOYPOWER and adult power of all organizations to make an impact on the litter problem all over America . . . and to drive home the lesson that "A cleaner America starts with you."

Summer 1971. Over a million boys will be in summer Scout camps. Conservation tours and field trips, conservation training, and activities will be featured.

Summertime activities for Cub packs and Scout troops will include:

Block and yard cleanup and beautification.

Planting gardens and window boxes.

Erosion control and stream improvement.

Planting for wildlife cover and food.

Planting for strip mine spoil banks.

Service projects in parks and recreation areas.

Aluminum can collection for recycling. (This project is already underway in some areas in cooperation with the Reynolds Metals Company of Richmond, Va.)

PLANNING

Project SOAR was planned by a special committee headed by William Towell, executive vice-president of American Forestry Association. Members of his committee are Thomas Kimball, executive director, National Wildlife Federation; Dr. Elvis Stahr, president, National Audubon Society; Richard Stroud, executive vice-president, Sport Fishing Institute; and Gordon Zimmerman, executive secretary, National Association of Conservation Districts.

CONSERVATION, ORGANIZATION SUPPORT

Private conservation organizations and industry have contributed materially in the planning process for Project SOAR. In addition to financial contributions, these organizations have provided expert advice, and all have pledged continued support until the project has been completed.

GOVERNMENT SUPPORT

Local, state, and Federal conservation-oriented agencies have participated actively in the planning stages and will work with us in the achievement of Project SOAR's objectives in 1971.

CONTACT

For additional information on Project SOAR, contact Rebel L. Robertson, director, Public Relations, Boy Scouts of America, North Brunswick, N.J. 08902, or Ted Pettit, assistant director, Camping and Conservation Service. Phone for both is 201-249-6000.

SAVE OUR AMERICAN RESOURCES

BACKGROUND

The Boy Scouts of America, the Nation's largest youth organization, has been heavily involved in litter-prevention activities for many years, and has been on the Keep America Beautiful Advisory Council since 1955.

Now, as part of Project SOAR (Save Our American Resources), a national conservation service project during 1971, the Boy Scouts of America will highlight tne need for litter cleanup, litter prevention, and recycling in a nationwide activity.

THE PROJECT

Scouting Keep America Beautiful Day, June 5, 1971, a massive educational effort, involving a large segment of the American public, aimed at both an immediately cleaner environment and litter prevention in the future.

THE REASON

The cost and quantity are staggering—

Litter cleanup of public areas costs an estimated $500 million annually.

If you add the cost of litter removal from private property, the annual national litter bill approaches $1 billion.

Each year, according to a study of the Highway Research Board, National Academy of Sciences, motorists drop 16,000 pieces of trash on each mile of primary highways.

Litter is a health and safety menace—

An estimated 130 persons annually lose their lives in litter-fed fires; every 12 minutes a home is destroyed or damaged by a fire starting in trash.

In one state, foreign matter on the roadway contributed to 21 fatal and 1,068 nonfatal accidents in 1 year.

Littered waters endanger swimmers, fishermen, boaters, and plant life. During 1 year, 200 vessels were involved in accidents caused by striking floating objects.

Litter provides a breeding ground for disease-carrying insects and rodents.

PURPOSE

Scouting Keep America Beautiful Day is a massive 1-day clean-up project. Huge stacks of litter will be accumulated in highly visible places, to be picked up later, as an effective way of making people aware of the problem. For 1 day, national attention will be focused on litter. Millions of people, young and old, working to remove litter from our streets and highways, our parks and recreation areas, our alleys and empty lots, will be seen by millions of others. All this will help make the point that people litter and that people can control litter.

A second objective of Scouting Keep America Beautiful Day is to make a dent in the litter problem itself by cleaning up as much as possible in this massive 1-day effort. But, we feel sure that this clean-up effort will not stop on June 5. The youths and adults involved, once they see what a clean alley, vacant lot, or sidewalk looks like, will want to keep it that way. It has been shown that people who have been exposed always to a littered environment do not know anything else and, consequently, contribute more and more litter. But, when they see the results of a clean-up campaign, they will begin to appreciate an improved environment and will want to contribute to further improvement.

Probably the strongest argument for a national litter clean-up day is its educational value for young people. We learn to do fastest by doing, and the habits that can be acquired in just 1 day of action learning might carry through for a lifetime.

And, finally, perhaps our most important objective in Scouting, Keep America Beautiful Day is to get across the story of recycling as an answer to the solid-waste problem. We hope to recycle as much of the collected trash as possible—aluminum, glass, steel, paper, and other materials. Recycling solves two problems at one time. First, it gets rid of the trash that may become litter. Second, it reduces the drain on natural resources needed to make the product. With increasing demands on raw materials from a burgeoning population and with solid wastes taxing our disposal capabilities, we need to turn more and more to recycling techniques. We might be able to build a few more playgrounds over sanitary landfills or construct ski slopes out of artificial mountains of litter, but reuse of materials is far better conservation.

WHO

A special committee, headed by David Reynolds, executive vice-president and general manager of Reynolds Metals Company, is providing the financial support, expertise, and guidance at both national and local levels. More than 100 representatives of business, industry, citizen groups, and government make up this committee.

CONTACT

For additional information on Scouting Keep America Beautiful Day, contact Russell L. Bufkins, Public Relations, Boy Scouts of America, North Brunswick, N.J. 08902; or Lyle Youngstrom, Project SOAR Public Relations, at the same address. Phone—(201) 249-6000.

REVENUE SHARING

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 60 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, in his state of the Union message, President Nixon outlined a set of proposals that promise to fundamentally transform the American political order. After four decades in which power and resources have flowed to the ever proliferating array of Federal bureaucracies in Washington, the President has called for a massive effort to stem the tide.

Mr. Speaker, I found President Nixon's message one of the most important and timely challenges to be handed down by a Chief Executive during the entire period of my service in public office. I say this, let me emphasize, out of no nostalgic longing for an age that has gone by nor out of a belief that problems will be automatically resolved merely by delegating them to the local level. Rather I welcome the President's call for a revolution in the structure of the American Federal system because I am convinced that the high purposes and noble goals adopted by this Nation over the past decades cannot be achieved by means of present relationships.

Let us face the truth squarely. There is a growing serious breakdown in Government performance and delivery that must be remedied and remedied soon if our basic national social goals and commitments are to be fulfilled. The genius of the President's message is that it confronted this fact honestly and directly.

A principal component of the President's plan to improve Government delivery and performance is to encourage a decentralization of power through revenue sharing. The aim is to return desperately needed dollars and discretion in decisionmaking to local and State governments so that they will be better able to devise solutions to problems that reflect unique local circumstances and needs, and provide wide avenues for meaningful citizen participation in the governmental process. By providing a substantial stimulus of new general revenues, we can hope to reverse the process by which local and State governments are being transformed into mere, rigid administrative appendages of the Federal Government and restore to them their rightful policymaking role.

I doubt that very many would take exception to these objectives. Indeed, there seems to be general agreement from all points on the political spectrum that our governmental system has become dangerously overcentralized and bureaucratized. But there is considerable difference of opinion, I hardly need remind you, about the manner or mechanisms of achieving a reduction in our present overcentralization. Frankly, I had thought that revenue sharing would be one of the less controversial mechanisms and that it would engender wide consensus and support. This now appears to be not entirely the case. Of late, a growing number of criticisms have been made of the President's proposal. Many of them are baseless, but some of them are serious and substantial and therefore merit careful consideration.

Today, I want to briefly respond to some of these charges and attempt to present some evidence that I believe strengthens the case for revenue sharing. Of course, I would not pretend to have all the answers or to deny that there are some very real difficulties. I do think that it will be of little profit for those of us who advocate revenue sharing to merely rest content with the seeming attractiveness of the concept. If revenue sharing is to become a reality, it will require convincing rebuttal to some of the hard questions raised by its critics.

One important criticism made recently is that the distributive impacts on the States have not adequately been considered. The key point of this criticism is that the $5 billion in "new money" contained in the proposal for general sharing will have to come from somewhere. If an across-the-board reduction in Federal expenditures is chosen to raise the money then some States are going to benefit substantially more than others, because of the uneven impact of Federal spending. Similarly, if only grant-in-aid portions of Federal spending were reduced by $5 billion, a different set of States would show up in the winners and losers columns. And finally, if additional Federal taxes were levied still another lineup would result.

First, let me say that the main difficulty with this whole line of argument is that the administration has never considered any of these three alternatives as a means of raising the new money required for revenue sharing. A key element of the revenue sharing plan is that it plugs local and State treasuries into the high growth Federal tax base. As you know, for every 1 percent growth in gross national product, Federal revenues increase 1.5 percent. This high revenue growth rate means additional increments of Federal revenue each year while tax rates remain stable. During the last decade Democratic administrations chose to absorb this additional revenue through an endless proliferation of costly new categorical grant programs. By contrast the Nixon administration is determined that a higher priority claimant for these growth revenues, or what some have called the fiscal dividend, should be our fiscally beleaguered State and local governments. Therefore, this new money need not be obtained by overall spending reduction, selective reductions, or even higher tax rates, as has been suggested by some critics. What will be cut, though, is the heady annual growth rate in new revenue absorbing categorical programs, and the savings from this will be reserved for revenue sharing. This fundamental point makes the toting up of winners and losers under the alternative assumptions mentioned above largely an academic exercise.

But even if this game of distributive impacts were to be played, it is not at all clear that revenue sharing would suffer as a result. Rather than compare winners and losers resulting from an artificial expenditure reduction or tax increase, the real question is this: Given the automatic annual growth of Federal revenue or fiscal dividend, how can it be most equitably spent? Should a given $5 billion in revenue growth be channeled into the present grant-in-aid structure or might it better be returned to the States through the administration revenue sharing plan? From the point of view of equitability—that is, a return to a State in proportion to its tax effort—it appears that the evidence supports revenue sharing.

As is well known State distributions under the current grant-in-aid programs vary considerably in relationship to tax effort. The most recent figures on State shares of the $5 billion general revenue sharing program, however, indicate that this gap would be reduced in a predominant majority of the cases. That is, States currently getting disproportionate amounts in relation to tax contributions would get somewhat less, and those receiving less in grants than they contribute in taxes would get proportionately more. Specifically, in the latest distribution plan four States would remain unchanged; but among the 46 States where there would be a change in distribution, 32, or 75 percent, of the changes would be in the direction of equalization.

Moreover, the large urban States faced with expanding service demands and mounting deficits would be especially benefited under the general revenue sharing proposal. Seven of the nine largest States—all of which face deficits in excess of $100 million in the coming year would receive a larger share of the Federal dollar under revenue sharing than they do under the current grant-in-aid structure. For instance, Michigan contributes 4.80 percent of the Federal tax dollar but receives only 3.41 percent in return under the various grant programs. Under revenue sharing its portion would be 4.58 percent. Similarly, New Jersey contributes 4.24 percent but receives only 2.55 percent in grant-in-aids. Its portion of revenue sharing would be 3.08 percent.

In pointing out the equalization that would occur under revenue sharing I am not attempting to imply that this is the sole criterion for judging it. For obviously even if the distributive impact were worse rather than better than the grant-in-aid structure, the benefits of renewed local decisionmaking power and program flexibility would have to be weighed in the balance. But if the distributive impact is to be considered—and I think it should be—then revenue sharing comes out ahead on that count as well.

Before moving on to another point, I want to anticipate one objection to the arguments I have just made. Some will say, "How can you speak of a fiscal dividend or automatic increases in revenue at a time when we are running an $18 billion deficit and have recently received a budget document that projects a deficit. Are you not implying that the 'new money' made available in revenue sharing will be financed out of a perpetual deficit?"

While it is possible to draw such a conclusion from looking only at the immediate fiscal situation, a longer range view, I submit, will cast a much different light on the issue. We are now running a deficit only because the restrictive economic policies required to slow down the pace of inflation left the economy in a state of considerable slack. If the economy were operating at full employment, revenues would considerably outpace current spending and there would indeed be a fiscal dividend to tap to secure new money for revenue sharing. Moreover, because the administration has adopted a fiscal policy based on the full employment budget concept I am hopeful the economy will approach, as the President's economic report indicated, the full employment level by mid-1972. This would permit us to move into a sustained period of balanced growth thereafter; a development which would mean nearly $40 billion in additional Federal revenues by 1975. Of course, much of this will be absorbed by increased costs of present programs and obligations of the Government. But there will remain a healthy surplus and the issue returns to one of adding more categorical programs or devoting the dividend to revenue sharing. I hope we have the wisdom to follow the President's lead in choosing the latter.

Another criticism of revenue sharing rests on the growth in the tax base that I mentioned above. Critics argue that if income taxes are so sensitive to gross national product growth why do not States adopt or increase their own income taxes to meet additional revenue needs? The seriousness of this argument is underscored by the fact that the distinguished chairman of the Ways and Means Committee, used this argument himself in his critique of the administration's proposal last week. Indeed, he seemed to imply that the States are beginning to become aware of this and that "you will find that much of the growth in State revenues in recent years is attributable to income tax increases."

In all due respect I must submit that I do not see the evidence for this assertion. Quite the contrary. The evidence seems to indicate that the Federal Government has preempted this lucrative source of revenue and that the States have been highly reluctant to challenge its dominance. In 1969 local governments collected only 1 percent of the income tax revenue in the country and State governments only 8 percent. This means that the Federal Government still collects over 90 percent of personal income taxes, as it has for many years.

The fact is, in the period between 1950 and 1967 fully 42 percent of the growth in State and local revenues was accounted for by property taxes. Another 34 percent of the growth was contributed by increases in sales and consumption tax revenues. In contrast to this, 76 percent of the revenue increase which has come from tax bases that grow more slowly than the economy as a whole, we find a mere 14 percent of the increase resulting from personal and corporate income taxes combined. When we recall that property tax revenues grow at only 0.7 percent for every 1 percent in gross national product and that consumption taxes also generally grow slightly less rapidly than gross national product, then the strain on local governments becomes apparent. For while the Federal Government can rely on an automatically expanding revenue base, States and localities must continually engage in the not so automatic process of securing rate increases from an already highly taxed citizenry just to stay up with gross national product.

To illustrate this point, we need only remind ourselves that in the last decade Americans enjoyed two substantial cuts in their personal income tax rates, and businesses received a number of similar benefits, yet Federal revenue increased over 100 percent. While the overall increase in State revenues was similar during this period, fully 53 percent of this additional revenue, according to the Advisory Commission on Intergovernmental Relations, resulted from tax rate increases. Specifically, this entailed over 400 separate actions, either in the form of new taxes, or increases of existing ones at the State level. In Minnesota 15 separate tax increases were required within the decade; in my own State of Illinois the number was 13 increases, as it was for New York, Maine, and Wisconsin as well. These kind of figures, I believe, make it difficult to argue that political lassitude outranks political fortitude in State government.

To return to the point, we find that the Federal Government dominates the income tax field, that a very small percentage of new State revenues over the last two decades has resulted from income tax changes, and that, forced to rely on low-growth tax bases, State governments must continually go to the public for tax rate increases. It seems to me that these hard-pressed Governors or legislators would, to put it mildly, be quite unreceptive to any exhortation to tap further the personal income tax spigot in order to raise new revenues.

Indeed I sometimes wonder that that old shoe about not trusting local governments to spend money they have not raised is not being put on the wrong foot. After all, it is the Congress which madly appropriated new funds and established new programs and commitments for an entire decade without once having to go to the voters—with the exception of the temporary surtax—requesting higher rates. During the same period State governments were averaging almost one new increase a year. I cannot believe that these struggles for new taxes have taught nothing about fiscal responsibility. Moreover, revenue sharing is not intended to supplant State revenues but only to provide marginal supplementation. In most instances, revenue sharing funds will amount to only a few percentage points of regular State and local funds. This means in all likelihood that States and local officials will have to continue to go regularly to the public for additional revenues. There is no reason to believe that while doing so they will not be called to account for the manner in which revenue sharing funds are being disposed of. In fact, perhaps the heat will be even greater since the public will be inclined to ask, "Why do you need more taxes when you have $5 billion in new Federal money coming in already?"

This whole charge that no-strings attached revenue sharing would encourage waste and profligacy at the local level needs to be considered from another point of view as well. We are somehow being asked to believe that revenue sharing implies an open-ended commitment for the Federal Government to shovel in revenues to the local level as fast as they can be spent. Nothing could be further from the truth. Once enacted the revenue-sharing program would provide a specific formula for distribution of funds to State and local governments. This is set at 1.3 percent of the personal taxable income base, a figure that can be determined with a fair degree of accuracy for up to a decade in advance. Thus, it will be quite easy for any local or State official to compute with a good degree of accuracy the precise amount of money in dollar terms that he can expect for a number of years in advance. With a knowledge of the competing demands that will be made upon this money it seems to me that it will be entirely likely that local officials will plan to use it wisely and responsibly.

Still another criticism made of the Nixon revenue-sharing plan is that it would not distribute the pass-through funds in an effective or socially desirable way. The gentleman from Arkansas (Mr. MILLS) has argued that if the pass-through funds were divided between local governments on the basis of expenditures, a built-in incentive to fiscal irresponsibility would be established, as the more you spent the more you would get. There is, no doubt, an inescapable logical appeal to this argument, but two things need to be considered. First, the Nixon administration has never proposed a pass-through distribution formula based on expenditures. Second, and more important, an expenditure-based formula would make it "rational" for local governments to dramatically increase their spending only if there were a substantial percentage return in additional revenue-sharing money. That is, if every time you spent a dollar you got another or even 50 cents, you might be tempted to spend to the limit. But notice that this condition hardly applies in this case. Revenue-sharing funds are only going to be about 3 or 4 percent of most local budgets, often considerably less; remember too that we are only talking about $5 billion out of a State and local expenditure level that has already passed the $130 billion mark. Therefore, if you can believe that hard-pressed local taxpayers would tax themselves an additional $100 just to get two or three extra revenue-sharing dollars this argument may have some validity. It is my own suspicion, however, that the weary American taxpayer, unlike Jack, is not likely to be ready to trade a cow for a sack of beans.

Another argument made against the pass-through distribution formula proposed by the administration is not so easily disposed of. If local revenue effort is to be the sole basis for the pass-through allocation, so the argument goes, will this not reward the wealthy jurisdictions and penalize central cities where the resources are less but the need considerably greater? I must confess that for a time I found this question troubling indeed. But let me make two observations.

First, revenue sharing is not intended to be primarily a redistributive measure. No doubt we need this type of effort but there should be no illusion that this is the primary purpose of the revenue sharing program. Rather revenue sharing has a multiplicity of aims, all of which need to be taken into consideration when evaluating it. One of these is to provide some immediate emergency revenue relief for the fiscal bind that plagues almost all local and State governments. Another aim is to revitalize and expand local policymaking and program capabilities by providing unattached support funds. A third is to plug State and local treasuries into a high growth tax base and thereby lessen the revenue shortage endemic in the current restricted local tax bases. And a fourth aim is a moderate degree of redistribution so that those areas in especially critical need are afforded larger than average benefits. But I would caution that this cannot be a massive bias in favor of high need areas or the other important goals of revenue sharing would be undermined.

Though it may not appear so on the surface, I believe the pass-through distribution formula based on revenue effort provides for this kind of moderate bias toward high need areas that does not at the same time mitigate against the achievement of other desirable goals, such as spining-off wider policymaking discretion to all local governments. To demonstrate this, I would call your attention specifically to some very revealing data contained in a recent study by the Advisory Commission on Intergovernmental Relations. This study compares the per capita local tax burden in the central cities of the 37 leading standard metropolitan statistical areas—SMSA's—with the per capita tax burden in the noncentral city or suburban peripheries of these metropolitan areas. Since these 37 SMSA's account for 20 percent of the population of the Nation and over 50 percent of the local tax base, it is clear that we are dealing with the basic contours of the situation, not merely a few aberrant cases.

This study shows that the per capita local tax burden in the central cities of these major SMSA's average $200 per capita while the average for areas outside the central cities is only $150 per capita. As a percentage of per capita income these tax levels are 7.6 percent for the central city and 5.6 percent for the noncentral city. Overall, the noncentral city areas raise only about 75 percent per capita as much as the central cities do in local tax revenues. Since the pass-through formula is based solely on tax revenue effort this means that the central cities would average one-third more revenue sharing money per capita than the more affluent jurisdictions outside the central city. Chicago, for instance, raises $203 per capita in local revenue whereas other jurisdictions in the Chicago SMSA raise only $123; the pass-through distribution formula, of course, provides for proportional benefits. I am including at this point a chart compiled from the ACIR study that provides a more vivid illustration of this point by showing a comparison of per capita revenue efforts in selected, major SMSA's. I believe that these figures should lay to rest once and for all the myth that revenue sharing will be merely a bonanza for the rich suburbs or that it scatters its benefits indiscriminately. Quite the contrary. The distribution formula exhibits clear priorities and a modest bias toward areas of need, but does so without undercutting the other important objectives I mentioned earlier:

CHART I.—LOCAL TAX EFFORT AND PER CAPITA INCOME IN SELECTED SMSA'S

	Central city			Outside central city			
	Tax per capita (1)	income per capita (2)	Tax per capita as percent of income per capita (3)	Tax per capita (4)	Income per capita (5)	Tax per capita as percent of income per capita (6)	(6) as percent of (3) (7)
SMSA							
Washington, D.C	$291	$3,003	9.7	$129	$3,033	4.2	43
Miami	169	2,067	8.2	143	2,372	5.5	67
Chicago	203	2,775	7.4	123	3,072	4.0	54
Boston	223	2,421	9.2	167	2,756	6.1	67
St. Louis	167	2,292	7.3	110	2,634	4.2	57
Newark	273	2,049	13.3	205	3,171	6.5	49
New York	279	2,732	10.2	221	3,314	6.7	65
Cincinnati	190	2,462	7.7	108	2,345	4.6	60
Dayton	180	2,261	8.0	116	2,382	4.9	61
Pittsburgh	164	2,365	6.9	110	2,282	4.8	69
Providence	160	2,298	7.0	103	2,174	4.7	67
Milwaukee	193	2,349	8.2	122	2,803	4.4	54

Source: Fiscal Balance in the Federal System, ACIR.

Mr. Speaker, I could go on to respond to other particular charges that have been made against the revenue sharing plan, but I think a more important issue is: What are the alternatives? And this question cannot be avoided. I think there can be no doubt that local and State governments are on the edge of fiscal breakdown and that some kind of aid or relief must therefore be forthcoming. Just recently the Governor of a major industrial State announced that without new taxes the State would be bankrupt in 30 days. Similarly, Governor Rockefeller has recently announced a budget for the coming year that contains a mammoth $1.1 billion tax increase to support an $8.4 billion program which he nonetheless labels only a "crisis, stopgap measure." In California Governor Reagen has called for a $700 million health and welfare spending cut as the only alternative to a huge deficit. And these are only typical cases.

What is worse, these growing budgetary crises come at a time when taxpayers are becoming increasingly resolute in their opposition to further local tax burdens. The case of Cleveland in which a city income tax was defeated for the second time in 3 months, despite the support of most city officials, the leading newspapers, and the community leadership structure, provides a case in point. This defeat will require a deep slash in city spending and a considerable cutback in the payroll including the scuttling of a promising program in law enforcement training and expansion. It is somewhat ironic, therefore, to note that the $10 million cutback in the city budget that will now be required is the exact amount that would have accrued to Cleveland had the President's revenue sharing proposal been enacted last year.

Nor is Cleveland an isolated case. A recent publication of the Federation of Tax Administration reveals that almost every State proposal for increased or new income, sales, or property taxes was defeated in last year's elections. By contrast the issues that were approved in voter referendums were proposals for broadening tax exemptions, deductions, and the like, in effect, tax decreases.

Because of these kinds of returns I believe the first major alternative to revenue sharing is totally unrealistic; namely, suggestions that Federal taxes be cut so that States and localities can raise their own local taxes. Let me briefly point to three shortcomings of this approach.

First, I believe it is politically unrealistic to think that for each dollar reduction in Federal taxes that you could get a dollar, 50 cents, or even 20 cents in new State and local taxes. The voters have become too numbed by repeated requests by local officials for more taxes to be bought off with a modest Federal tax reduction. Let us not forget that we are already beginning to feel the benefits of the quite substantial cuts in the 1969 Tax Reform Act, but there appears as yet to be no great new enthusiasm on the part of local voters for additional local levies to absorb these loose funds.

Second, and more important, the tax cut would only compound the structural problem underlying much of the current fiscal crisis of local and State government. For it in effect would cut back the flow of revenue from the highly efficient, growth sensitive Federal income tax system with no real compensatory assurances that current dependence on inefficient sales, consumption and property tax bases would be lessened. In my estimation this is a most undesirable and unwarranted trade-off. Our efforts should be precisely in the opposite direction. Of course, some wistfully propose that a modest cutback in Federal income taxes would open the way for increases in state income tax rates. I doubt this very much. For one thing the powerful force of competitive advantage would be thrown into play. Each State would seek to hold off enlargement of its income tax levies in order to provide a more hospitable environment for new industrial development. I need not remind that one great State in my part of the country has made a great and highly publicized virtue of its low tax rates and lack of an income tax in recent years and with no small amount of success too, at least from the point of view of industrial and economic growth. In my view, the only effective inducement would be a massive cutback in Federal income taxes, and let us face it, this simply is not in the works. To begin with, the budgetary leeway just is not there, and besides, such a major cut could wreak havoc with our economic stabilization policies.

A final important objection to the tax cut route is that it would undermine the thrust toward decentralization and the revitalization of local government. While this assertion may seem paradoxical on the surface it really is not when viewed in perspective. Those remaining defenders of the Washington-centered bureaucratic welfare state make the argument that all the really creative, innovative, and effective social programing in the last decade emerged from Washington, and that the State and local governments are simply incapable of a similar performance. Whether or not this assertion is true is not my immediate concern here. The real issue is, if this is, indeed, true, why is it so? Is it because Federal officials are wiser, more creative, more responsive to the needs of the people? I for one would not presume to make such a claim. Rather, in my view the answer is that if Washington has been more creative and responsive it is precisely because we have had the budgetary flexibility and the cushioning from direct taxpayer pressure to be imaginative. How bold and innovative would have been the New Frontier and Great Society programs if each one of them had had to be financed by a new tax increase? Would Congress have poured billions of dollars into some of the frankly boondoggling and ill-conceived shenanigans carried on by local OEO programs if the voters had been required to approve a tax increase each year to support these efforts? How much less zealous would we have been in our concern for the downtrodden, the poor, the black, and the outcast if we would have had to tap each year the pocket of the middle American taxpayer for higher levies? The point of this is not to say that the social programs of the last decade were irresponsible, though I believe some of them were, or that the national commitments and social goals adopted were unwise or unjustifiable, although some of them may have been. The point is that Washington has been able to be more innovative, farseeing, and sensitive to new needs because it has the unique luxury of being able to finance new programs on an automatically enlarging flow of revenue; it has been able to withstand the constant heat of voter resistance to new taxes.

Now I believe a central aim of revenue sharing is to provide some of that same cushioning, flexibility and respite for local and State officials. And given similar advantages I am convinced that they would be no less willing to find new ways to tackle problems than Washington has been. For let us make one thing clear. The real danger is not that local officials will spend money irresponsibly or extravagantly. Let us once and for all excise that silly bugaboo from serious discussion of this issue. If anything, the danger is the opposite; that with their feet held to the fire local officials will become increasingly cautious, timid, and unimaginative in their efforts to solve problems and meet new social needs. If that should happen individuals will be forced to turn to Washington for solutions, and the great potential for turning government back to the people that now is within our grasp will be lost for perhaps another generation.

Justice Brandeis, who was a great and lifelong foe of stifling bigness in any form, was particularly opposed to centralization and government by Washington-based bureaucracy. Contrary to many of his liberal contemporaries he had a broad vision of the States and localities as "great laboratories of democracy." I believe that the Brandeis vision of creativity and innovation bubbling up throughout the land in the States and localities is precisely what we are trying to restore with the new federalism. We can never hope to attain it unless we provide local and State governments with new revenue inputs that allow greater margin for experimentation, flexibility and boldness. Thus, in a sense, revenue sharing is not only or even mainly a device for sharing of cold cash. More significantly, it is the sharing of the capacity for creative, enlightened government—a primary requisite if a revived federalism is to become a reality in America during the 1970's.

A more serious alternative to revenue sharing that has been gaining increasing attention of late is a proposal to federalize the entire cost of local and State public welfare functions. The rationale behind this proposal is simply that if the Federal Government takes over the expensive welfare burden, State and local funds equivalent to those under revenue sharing will be released for other local purposes.

One thing can be said for this proposal. In contrast to the illusive hope for fiscal aid promised by the tax cut route, federalization of welfare would provide immediate, substantial emergency relief. If the sole goal was to shovel new revenue into the local and State level as rapidly and as massively as possible, then a Federal assumption of the welfare burden might indeed be the desirable route. Certainly it would be a popular one.

But let us for a moment consider some of the costs that might be involved; let us ask whether some of the other goals of revenue sharing might be undermined by locking tightly on the single objective of relief for the expenditure burden in one functional area. First, would the goal of revitalizing and providing new flexibility and wider policymaking discretion for all local governments be served? Obviously, this would depend on fairly even and uniform distribution of the benefits as occurs under revenue sharing. For if the funds are massed in a few areas or inordinately concentrated on selective targets the remaining parts of the country would receive so little as to make a negligible impact on local budget needs.

There is reason to suppose that this is precisely what would occur if the burden of local and State public welfare was picked up by the Federal Government. It is, of course, too early to know the precise details of these proposals for federalization of welfare. Whether they would include, for instance, all, much, or only part of non-Federal welfare spending, and whether they would include Federal assumption of only local and State matching costs, or all costs including that of general assistance and other nonfederally supported welfare costs, is not by any means clear. But I take the proposal to mean a serious effort to overhaul the entire present tangle of local, State, and Federal welfare programs, beginning with AFDC or FAP and moving out, and then a Federal takeover of funding for the restructured system that results.

Now all this may be a necessary and desirable goal, but can it really be considered an alternative to revenue sharing? Or does it concern a quite different and more narrow set of problems and goals; to use the vernacular, may not the two proposals be in quite different ball parks? I suspect that this is indeed the case.

Recall that to serve the multiple set of goals envisioned by revenue sharing the distribution of benefits has to be fairly even. I have looked at the data on local and State welfare spending and conclude the benefits of federalization would be, in fact, highly uneven. First, on the interstate level, a few States would reap the preponderant portion of the benefits. In fact, three States—Massachusetts, New York, and California—would alone receive 51 percent of the dollar gains. To contrast this with what I consider to be the more equitable distribution of the administration's proposal, New York would receive 10.6 percent of the revenue sharing funds but almost 20 percent of the dollar savings from federalization of welfare. The figures for California would be 11 percent and 21 percent respectively. Massachusetts, which has a large general assistance program, would be the biggest winner of all, getting fully 10 percent of the savings from welfare federalization, in contrast to a little over 3 percent under revenue sharing.

Of course, if a few win big, a lot of people have to lose. It is sort of like the lottery. In fact, 37 States would receive a smaller portion of the benefits under welfare federalization than they are slated to get through revenue sharing. The big losers would be Texas, Florida, and Georgia with percentages as follows:

Texas—1.7 percent of the savings under welfare federalization and 4.8 percent of the benefits under revenue sharing;

Florida—0.97 percent and 3.25 percent respectively; and

Georgia—1 percent and 2.15 percent.

Furthermore, the following smaller States would get a 100 percent and in some cases 200 or 300 percent smaller percentage of benefits under welfare federalization than under revenue sharing:

Alabama, Arizona, Kentucky, Mississippi, Nebraska, New Mexico, North Carolina, North Dakota, South Carolina, Tennessee, Virginia, Wyoming and South Dakota.

Moreover, for the record I should point out that Arkansas would be included in this group as it is slated to receive 0.86 percent of the revenue sharing dollar but would only reap 0.40 percent of the savings of welfare federalization.

Chart II follows:

CHART II.—DISTRIBUTION OF BENEFITS TO THE STATES: WELFARE FEDERALIZATION VS. REVENUE SHARING

[In percent]

State	Benefits under welfare federalization	Benefits under revenue sharing	Contribution to Federal tax dollar
Alabama	0.80	1.64	1.12
Alaska	.13	.17	.14
Arizona	.30	1.03	.66
Arkansas	.40	.86	.57
California	21.00	11.80	11.31
Colorado	1.12	1.20	.93
Connecticut	1.80	1.18	2.09
Delaware	.26	.27	.38
Florida	.97	3.35	2.74
Georgia	1.00	2.15	1.70
Hawaii	.39	.47	.38
Idaho	.21	.40	.26
Illinois	3.02	4.40	6.82
Indiana	1.10	2.32	2.47
Iowa	1.41	1.49	1.25
Kansas	.69	1.08	1.02
Kentucky	.76	1.56	1.12
Louisiana	1.10	2.03	1.37
Maine	.36	.46	.39
Maryland	1.90	1.85	2.20
Massachusetts	10.00	2.72	3.15
Michigan	4.90	4.58	4.80
Minnesota	1.89	2.15	1.66
Mississippi	.49	1.23	.59
Missouri	1.47	1.93	2.18
Montana	.28	.38	.28
Nebraska	.31	.78	.67
Nevada	.19	.28	.27
New Hampshire	.28	.31	.35
New Jersey	2.18	3.08	4.24
New Mexico	.31	.64	.36
New York	19.77	10.68	11.75
North Carolina	.63	2.27	1.77
North Dakota	.19	.41	.22
Ohio	4.30	4.25	5.51
Oklahoma	1.44	1.27	.97
Oregon	.79	1.14	.94
Pennsylvania	5.20	4.92	6.08
Rhode Island	.78	.42	.50
South Carolina	.30	1.13	.82
South Dakota	.13	.38	.23
Tennessee	.78	1.74	1.43
Texas	1.71	4.86	4.70
Utah	.28	5.7	.38
Vermont	.24	.24	.18
Virginia	1.11	2.09	1.98
Washington	1.94	1.84	1.69
West Virginia	.46	.83	.64
Wisconsin	2.72	2.49	2.04
Wyoming	.09	.23	.15

Source: (A) State Governmental Finances, 1969. (B) Governmental Finances, 1968–69. (C) Tax Foundation, 1970.

An equally important question concerns the distributive impact of the proposal within each State. As you know, the revenue sharing plan has strong built-in guarantees that a substantial portion of the funds will be passed directly through to local units of government. I consider this one of the most critical features of the entire plan, for frankly I see it as the real hope for decentralization and returning power and access to participation at the local level. It is here that we will have to devise new structures, consolidate current fragmented jurisdictions, and develop more effective, innovative social programs and policies. So an important criterion of any scheme for revenue sharing is what kind of guarantees or prospects it provides to insure that the cities, towns, counties, and other emerging forms of local government will get a fair share.

I am afraid that the prospects for an adequate "pass-through" are not terribly promising under the federalization proposal. The following chart demonstrates that in almost all of the States the great bulk of non-Federal public welfare spending originates at the State level. Therefore the great weight of the dollar savings would also accrue to State treasuries. While it would be expected that some of this savings would be returned to local governments through various on-going State grant-in-aid programs it is also true that: First, the percentage would be considerably less than that provided in the revenue-sharing pass-through formula; and, second, that money which did come through would likely be locked in with all the strings and categorical restrictions that we are trying to get away from on the Federal level.

Specifically in Connecticut local governments pick up only about 8 percent of the combined local-State welfare tab. This means that 92 percent of the savings resulting from welfare federalization would directly benefit the State treasury. If we assume that the usual or prevailing portion of this new revenue will be transferred to local government in the forms of various aid programs—in Connecticut the figure tends to be around 26 percent—the ultimate share for local governments will be 32 percent—8 percent plus 26 percent of the State residual—93 percent. By contrast the local share of the revenue-sharing dollar will be 64 percent—52 percent mandatory pass-through plus 26 percent of the State residual—48 percent. In my own State of Illinois where welfare is almost totally a State function the similar figures for ultimate or eventual local government benefits would be 26 percent under welfare federalization and 67 percent under revenue sharing. Since local governments, which rest on the weakest tax base, are experiencing the most rapidly mounting demands and provide in my view the best hope for both the solution of our pressing problems, and renewed citizen participation and confidence in our governmental system, they deserve a large share of any new funds that we decide to make available. And for this reason I believe revenue sharing provides a more effective vehicle for the task than does welfare federalization:

Chart III follows:

CHART III.—IMPACT OF REVENUE SHARING VERSUS WELFARE FEDERALIZATION ON LOCAL GOVERNMENT

State	1969, Non-Federal welfare spending (millions)			Local share as percent of State/Local welfare spending	Ultimate benefit to local governments (percent)	
	Local source (1)	State source (2)	Total (3)	(4)	Welfare Federalization (5)	Revenue sharing (6)
Alabama	$2.90	$39.00	$41.90	7	34	56
Alaska	0	6.80	6.80	0	14	44
Arizona	2.60	12.80	15.40	17	46	61
Arkansas	.65	22.00	22.65	3	28	54
California	150.00	997.00	1,147.00	10	48	73
Colorado	13.00	49.00	62.00	19	25	66
Connecticut	7.80	88.60	96.40	8	32	64
Delaware	0	14.00	14.00	0	32	51
Florida	19.00	33.00	52.00	37	61	65
Georgia	4.70	50.50	55.20	9	38	62
Hawaii	.10	21.40	21.50	[1]1	6	30
Idaho	3.00	7.80	10.80	27	33	55
Illinois	0	161.00	161.00	0	26	67
Indiana	30.80	28.70	59.00	52	67	64
Iowa	18.00	57.50	75.50	24	46	63
Kansas	0	37.10	37.10	0	31	68
Kentucky	3.10	38.00	41.10	7	26	46
Louisiana	1.20	68.20	69.40	2	31	52
Maine	2.40	16.30	18.70	14	29	54
Maryland	9.90	97.00	106.90	9	49	65
Massachusetts	205.80	335.00	540.00	38	56	65
Michigan	47.00	220.00	267.00	18	38	63
Minnesota	57.00	43.00	100.00	57	77	69
Mississippi	2.30	23.90	26.20	8	38	59
Missouri	5.70	72.80	78.50	7	30	65
Montana	4.70	9.90	14.60	32	43	60
Nebraska	0	$16.90	$16.90	0	26	69
Nevada	$3.80	6.00	9.80	38	57	63
New Hampshire	6.10	8.30	14.40	42	57	63
New Jersey	0	117.00	117.00	0	29	70
New Mexico	.20	16.30	16.50	1	29	48
New York	329.00	733.00	1,062.00	31	74	82
North Carolina	12.00	22.00	34.00	35	49	57
North Dakota	1.80	8.00	9.80	18	21	53
Ohio	80.00	151.40	231.40	35	54	68
Oklahoma	1.90	53.80	55.70	4	24	41
Oregon	2.00	40.00	42.00	5	30	63
Pennsylvania	50.50	220.50	271.00	18	42	62
Rhode Island	.20	40.00	40.20	[1]1	17	51
South Carolina	2.50	12.50	15.00	17	42	51
South Dakota	1.10	5.70	6.80	16	28	61
Tennessee	8.40	31.90	40.30	20	47	61
Texas	10.90	80.80	91.70	11	35	58
Utah	.70	13.80	14.50	5	31	58
Vermont	1.80	10.90	12.70	14	25	45
Virginia	36.50	26.40	62.90	58	71	57
Washington	0	103.60	103.60	0	27	54
West Virginia	.70	24.00	24.70	3	23	45
Wisconsin	64.00	72.40	136.40	47	71	68
Wyoming	3.10	2.32	5.42	57	66	56
Total	1,143.00	4,222.02	5,365.07	26		

[1] Less than.

Source: (1) Government Finances in 1968-69; (2) State Government Finances in 1969; (6) see footnote (1) of chart VI, p. 23b, for explanation of method by which "Ultimate Benefit" figures were derived.

In making these points and presenting this evidence my purpose has not been to undermine honest interest in reform of the welfare system, for everyone knows that we certainly need that, nor to divide State from local government interests, nor to set big States against small ones. In fact I desperately hope those who are interested in welfare reform will first promptly move to get the present family assistance plan proposal on the statute books, and then move on from there. My concern however, has been to question whether welfare federalization can properly or rightfully be considered a legitimate alternative to revenue sharing; to ask whether or not it provides an adequate measure of local fiscal need; whether it is oriented to the multiple set of goals implicit in the revenue sharing concept or finally, if it is not oriented toward a more narrow range of objectives and problems. I think this data on the distribution of the State-local welfare burden shows that it is not a very good indicator of local fiscal needs nor because of its highly concentrated distribution can welfare federalization hope to stimulate and invigorate governments evenly throughout the Nation.

The other great shortcoming of the welfare federalization proposal is that it attacks the problem on the wrong side of the ledger. That is, it seizes upon a currently rapidly increasing item on the expenditure side and assumes if this could be erased much of the problem would be solved. I submit this is not the case. The fiscal crisis results not from this or that expenditure overload. It results from inherent inadequacy on the revenue side of the State and local budget ledger and unless a proposal promises to do something about this, it is not a real solution to the problem.

The following tables, I think, vividly demonstrate the problem. The first shows the relative growth sensitivity for the major State sources of revenue and then the corresponding percent of State revenue generated by that source in 1970. The totals point straight to the heart of the problem. Fully 76 percent of revenue stemmed from sources that grow less rapidly than the economy, considerably less so in the case of alcohol and cigarette revenues which grow only 0.3 or 0.4 percent with every 1 percent growth of the economy. By contrast only about a fifth of the economy stems from profit and income taxes which as the chart shows grow considerably faster than the economy. Unless this distribution can be changed considerably the local and State fiscal crisis will stay with us. For relief of a single expenditure item today will only pave the way for similar emergency bail-out actions tomorrow. Perhaps the next call will be for federalization of education spending, or who knows what other items. This approach can never provide a satisfactory solution and that is why welfare federalization is not a real alternative whatever its merits in its own right.

The second chart demonstrates the impact of these nongrowth tax sources on urban revenue. The implication is clearly that most revenue growth in central cities must be financed out of rate increases or new taxes.

Charts IV and V follow:

CHART IV.—GROWTH SENSITIVITY OF STATE TAX SOURCES

Type of tax	Growth sensitivity [1]	Number of States using tax	Percent of revenue
Auto license and registration	0.30	50	5.7
Tobacco	.35	50	4.8
Alcoholic	.50	50	3.0
Motor fuel	.50	50	13.1
Public utilities	.95	40	1.9
General sales	.97	45	29.5
Property	.70	43	2.3
Subtotal			60.3
Income:			
Corporate	1.20	43	7.8
Individual	1.60	42	19.2
Subtotal			27.0
High growth responsive			27.0
Low growth responsive			60.3
Other			12.7
Total			100.0

[1] Percent growth with each 1 percent growth in GNP.

Source: (A) Federal-State Coordination of Personal Income Taxes, ACIR (October 1965); (B) U.S. Bureau of the Census, State Tax Collections in 1970.

CHART V.—SOURCE OF LOCAL TAX REVENUE INCREASES FOR SELECTED CENTRAL CITIES, 1965–75

Central city	Projected local tax revenue increase 1965–75 (millions)	Amount attributable to natural property tax base growth (millions)	Percent to be raised through rate increases or expansion of nonproperty taxes
San Diego	$126.8	$88.2	30
San Francisco	254.5	85.2	66
Denver	73.7	13.7	81
Miami	35.9	14.2	61
Tampa	105.4	49.9	53
Chicago	427.1	93.0	78
Indianapolis	73.7	17.5	76
Baltimore	66.8	.3	98
Detroit	105.1	11.6	111
Minneapolis-St. Paul	82.1	17.7	79
Kansas City	48.8	15.5	67
St. Louis	76.8	2.8	96
Newark	65.9	10.8	83
Buffalo	37.9	.1	100
New York	1,958.1	1,101.6	58
Rochester	28.1	3.8	86
Cincinnati	49.0	11.1	77
Cleveland	36.1	8.9	75
Portland	38.3	5.0	87
Philadelphia	126.1	48.0	62
Milwaukee	102.0	57.6	43

Source: "Fiscal Balance in the Federal System," ACIR.

A third major alternative to revenue sharing is the provision of tax credits for proportion of State income taxes. Proponents of this plan believe it would considerably lessen voter resistance to more meaningful and productive State income tax systems. The important thing that can be said in favor of this approach is that it deals directly with the problem of a weak tax base and focuses its efforts on reform of the revenue side of the ledger. Moreover, the direct stimulus of tax incentives can plausibly be linked with real hope of State income tax increases. Both of these points make the tax credit approach a serious alternative to revenue sharing.

However, the credit approach also has some quite serious shortcomings that I want to spell out briefly. The first is that it would provide an even larger portion of the benefits to State government than welfare federalization. By definition a tax credit scheme to stimulate State income tax efforts means that the new revenue would be going into the State treasury. If prevailing spending and transfer patterns were to persist, then on the average about 70 percent of the benefits would accrue to State governments and 30 percent eventually to local governments.

Of course, significant increments of new revenue could reasonably be expected to induce States to step up their transfer efforts to local governments, but even a modest upward revision could never begin to close the local government benefit gap that exists between this approach and revenue sharing. For instance, the adjusted local benefit percentage under revenue sharing for Kentucky would be 46 percent and for the tax credit approach 20 percent; for Kansas the comparable figures would be 68 percent and 31 percent. The same pattern tends to exist in the big industrial States as well. The figure for adjusted local benefits under revenue sharing for Pennsylvania is 62 percent and for the tax credit 29 percent; in Massachusettes the figures are 65 percent and 29 percent.

I would like to include in the RECORD at this point a table which gives the breakdown and a comparison between these two approaches for all the States. Again I make no claim that these figures are final or definitive. They are based on current trends and relationships which might in fact change under new conditions, but I suspect not enough to invalidate these findings.

Chart VI follows:

CHART VI.—THE IMPACT OF REVENUE SHARING VERSUS TAX CREDITS ON LOCAL GOVERNMENT

State	Percent of State revenue transferred to local level I	Local revenue as percent of combined State-local revenue II	Percent of revenue sharing [1] dollars to local level III	Percent of tax credit [2] dollars to local level IV
Alabama	29	38	56	29
Alaska	14	36	44	17
Arizona	35	40	61	35
Arkansas	26	38	54	26
California	42	54	73	42
Colorado	33	50	66	33
Connecticut	26	52	64	26
Delaware	32	28	51	32
Florida	38	44	65	38
Georgia	32	43	62	32
Hawaii	6	26	30	6
Idaho	24	41	55	24
Illinois	26	55	67	26
Indiana	32	48	64	32
Iowa	29	48	63	29
Kansas	31	53	68	31
Kentucky	20	33	46	20
Louisiana	29	32	52	29
Maine	17	44	54	17
Maryland	44	45	65	44
Massachusetts	29	51	65	29
Michigan	36	44	63	36
Minnesota	46	43	69	46
Mississippi	33	38	59	33
Missouri	25	53	65	25
Montana	17	52	60	17
Nebraska	26	58	69	26
Nevada	28	49	63	28
New Hampshire	11	57	62	11
New Jersey	29	58	70	29
New Mexico	28	28	48	28
New York	63	51	82	63
North Carolina	37	31	57	37
North Dakota	17	43	53	17
Ohio	29	55	68	29
Oklahoma	21	25	41	21
Oregon	26	50	63	26
Pennsylvania	29	47	62	29
Rhode Island	17	41	51	17
South Carolina	30	30	51	30
South Dakota	14	55	61	14
Tennessee	33	42	61	33
Texas	26	43	58	26
Utah	27	43	58	27
Vermont	13	37	45	13
Virginia	31	38	57	31
Washington	27	37	54	27
West Virginia	21	31	45	21
Wisconsin	46	41	68	46
Wyoming	21	44	46	21

[1] Sum of required pass-through plus percentage of State residual normally distributed to local governments as indicated in col. I.

[2] Assuming normal distribution of State revenues as indicated in col. I.

Source: Governmental finances in 1968–69.

The second shortcoming of the tax credit scheme is that it would have a highly differential impact on the States. For reasons that are obvious, you could not offer an unlimited credit for State income taxes. One limited to just 10 percent of Federal liability for instance could potentially cost the Treasury $9 billion, so I doubt whether we would be justified in even speculating about anything above that. Because the amount of creditable State tax would of necessity be limited it would be rather imprudent to offer a 100 percent credit for this would be quickly exhausted and the taxpayer would be left to pay each additional tax dollar entirely from his own pocket, and at that point, as the history of the last years indicates, the resistance to higher State income taxes would begin. Therefore I think it is reasonable to suppose that any credit measure would be something on the order of a 40-percent credit on State income tax liability as the Advisory Commission on Intergovernmental Relations once proposed, up to a maximum of 10 percent of Federal tax liabilities.

What would this look like in terms of the new tax efforts that might be spurred in the States? I am including some data to show that the results could be highly inequitable. In States that already have high income taxes it would probably not induce much additional revenue. By contrast, probably considerable new revenue efforts would be elicited in States like Ohio and Pennsylvania where there is currently no income tax.

Specifically, States like Oregon, Hawaii, Wisconsin, and Minnesota which already have high income tax levies could hope to reap hardly any benefits, as it is unlikely that credit could induce citizens to agree to much higher levels. For once having exhausted the maximum amount creditable, and most of these States are near or past this threshold already, chances are that people would rather pocket the money than pay it back in higher noncreditable tax levies—that would have to be paid out of the pocket dollar for dollar. By contrast, the psychological and economic incentives are working in the opposite direction in States like Ohio and Pennsylvania where there is currently no income tax. In these instances there would be a powerful tendency to raise taxes high enough so that much if not all of the credit benefits could be employed.

Specifically, I would like to insert a chart which indicates some rough comparison of the distribution of benefits among the States under the two approaches. The assumption underlying this table is that 40-percent credit would be a powerful inducement to raise taxes to near the maximum creditable level in each State as proponents of the credit plan claim. I have my doubts whether this would in fact happen. Most likely only marginal new tax efforts would be stimulated or States without income taxes would adopt them because they are creditable, and then cut other taxes leaving little net revenue gain. That is, a tax credit proposal might be highly efficient at channeling Federal revenues into private pockets, but not really terribly successful at producing new revenues in States treasuries.

In any case the following table accepts the assumption of high tax-generating efficacy and shows that the results could be highly inequitable. New York, which has a high personal income tax already, would gain only 2.32 percent of the benefits in this admittedly model situation, in contrast to the 10.68 percent it is slated for under revenue sharing. By contrast Pennsylvania would potentially reap 10.4 percent of the benefits under the tax credit, compared to 4.92 percent of the benefits under revenue sharing. A breakdown for relative gains and losses that each State might experience follows:

CHART VII.—THE IMPACT OF REVENUE SHARING VERSUS TAX CREDITS ON STATE GOVERNMENTS

[Dollars in millions]

State	Estimated 1970 Federal income tax	State income tax collections, 1970	State income [1] tax potential with credit	Potential State [1] revenue gain	Benefits	
					State share under credit proposal (percent)	State share under revenue sharing (percent)
New England:						
Maine	$325, 560	$18, 885	$81, 400	$62, 545	0. 42	0. 46
New Hampshire	280, 240	3, 462	70, 054	66, 592	. 49	. 31
Massachusetts	2, 948, 000	517, 952	737, 000	219, 048	1, 60	2. 72
Rhode Island	443, 090	18, 644	110, 775	92, 131	. 67	. 42
Connecticut	1, 997, 840	4, 916	510, 500	505, 584	3. 69	1. 18
Mid-Atlantic:						
New York	11, 300, 000	2, 506, 435	2, 825, 000	318, 565	2. 32	10. 68
New Jersey	4, 158, 400	17, 643	1, 039, 500	1, 021, 857	7. 46	3. 08
Pennsylvania	5, 722, 320	0	1, 430, 500	1, 430, 500	10. 43	4. 92
East North Central:						
Ohio	5, 225, 120	0	1, 306, 250	1, 306, 250	9. 49	4. 25
Illinois	6, 535, 920	575, 601	1, 633, 750	1, 058, 149	7. 72	4. 40
Indiana	2, 287, 712	216, 384	571, 750	355, 366	2. 59	2. 32
Michigan	4, 718, 888	415, 345	1, 179, 500	764, 155	5. 59	4. 58
Wisconsin	1, 798, 960	489, 944	449, 000	0	0	2. 49
West North Central:						
Minnesota	1, 392, 160	345, 700	348, 000	2, 300	. 02	2. 15
Iowa	1, 039, 600	112, 700	260, 000	147, 300	1. 07	1. 49
Missouri	1, 988, 800	129, 700	497, 000	367, 300	2. 67	1. 95
North Dakota	171, 760	15, 400	42, 900	27, 500	. 20	. 41
South Dakota	162, 720	0	40, 600	40, 600	. 29	. 38
Nebraska	542, 400	44, 400	135, 500	91, 100	. 66	. 78
Kansas	804, 560	78, 400	201, 200	123, 800	. 90	1. 08
South Atlantic:						
Delaware	424, 800	68, 500	106, 200	37, 700	. 27	. 27
Maryland	2, 088, 240	413, 400	522, 000	108, 600	. 72	1. 85
Virginia	1, 726, 640	282, 800	431, 400	148, 600	1. 08	2. 09
West Virginia	551, 440	40, 000	137, 800	97, 800	. 70	. 83
North Carolina	1, 437, 360	270, 900	359, 200	88, 300	. 64	2. 27
South Carolina	623, 760	95, 400	156, 900	61, 500	. 45	1. 13
Georgia	1, 419, 280	184, 900	354, 700	169, 800	1. 24	2. 15
Florida	2, 250, 960	0	562, 700	562, 700	4. 11	3. 35
East South Central:						
Kentucky	894, 960	121, 400	223, 700	102, 300	. 75	1. 56
Tennessee	1, 184, 240	12, 100	296, 000	283, 900	2. 07	1. 74
Alabama	913, 040	85, 100	228, 200	143, 000	1. 04	1. 64
Mississippi	415, 840	44, 200	104, 000	59, 800	. 43	1. 23
West South Central:						
Arkansas	424, 800	42, 600	106, 200	63, 600	. 46	. 86
Louisiana	1, 057, 680	48, 000	265, 000	217, 000	1. 59	2. 03
Oklahoma	804, 560	50, 500	201, 200	150, 700	1. 10	1. 27
Texas	3, 870, 160	0	970, 000	970, 000	7. 08	4. 86
Mountain:						
Montana	235, 040	38, 900	58, 800	19, 900	. 14	. 38
Idaho	207, 920	36, 700	51, 900	15, 200	. 11	. 40
Wyoming	126, 560	0	31, 700	31, 700	. 23	. 23
Colorado	804, 560	129, 100	201, 200	72, 100	. 53	1. 20
New Mexico	316, 400	35, 700	79, 100	43, 400	. 31	. 64
Arizona	623, 760	65, 000	155, 900	90, 900	. 65	1. 03
Utah	325, 560	61, 300	81, 400	20, 100	. 14	. 57
Nevada	262, 160	0	65, 500	65, 500	. 48	. 28

See footnotes at end of table.

State	Estimated 1970 Federal income tax	State income tax collections, 1970	State income[1] tax potential with credit	Potential State[1] revenue gain	Benefits: State share under credit proposal (percent)	Benefits: State share under revenue sharing (percent)
Pacific:						
Washington	$1,437,360	0	$359,000	$359,000	2.62	1.84
Oregon	849,760	$213,100	212,500	0	0	1.14
California	10,407,000	1,150,600	2,601,700	1,451,100	10.59	11.80
Alaska	135,600	32,500	33,800	1,300	.01	.17
Hawaii	325,400	105,000	81,400	0	0	.47
Total	--------	--------	--------	13,655,152	--------	--------

[1] This assumes (1) the inducement of 40 percent credit for State personal income taxes up to 10 percent of Federal tax liability will encourage States to raise taxes high enough to obtain the full value of the credit; and (2) States will rationalize their tax structure so that each individual taxpayer can take full advantage of the credit. In this situation, it would require that the effective State tax rate for each individual or tax class be exactly ¼ of the Federal rate. e.g. if an effective State tax rate that is ¼ of the Federal tax rate for any taxpayer yields: Federal liability=$400; State liability=$100. Then: 40 percent of $100=10 percent of $400=optimum State tax rate.

The general rule is: Optimum effective tax rate $=\frac{\text{percent Federal liability allowable.}}{\text{percent State tax creditable.}}$

While neither of these optimum conditions are likely to prevail in practice, if the credit incentive is to work as its proponents claim, then the tendencies would be in the direction of the optimum case.

Sources: (A) Bureau of the Census, State Tax Collections, 1970; (B) Economic Report of the President, 1971; (C) Federal Revenues and Expenditures in the Several States (averages for fiscal years 1965-67) by Harriet Halper and I. M. Labovitz, Legislative Reference Service, 1968.

These comparisons, of course, are based on optimal situation models that might not be fully implemented in actual practice. But if the tax credit proposal is to work as a powerful incentive as claimed, then the tendencies indicated by the chart would likely be present with their highly uneven pattern of benefits. Thus both the intrastate and interstate pattern of benefits under the tax credit proposal do not meet a basic criterion for a revenue sharing scheme that I have tried to stress in this presentation; namely, that the benefits must be generally even and uniform if the goal of regeneration of all local and State goverments is to be served.

In discussing these alternatives to revenue sharing my purpose has not been to criticize particular proposals, for many of them may have considerable merit in their own contexts. Rather my aim has been to underscore and demonstrate that the concept of revenue sharing is based on a multiple set of goals and that they must be carefully balanced when choosing a mechanism for implementation. I believe that none of the alternative proposals can even approximate this: welfare federalization provides immediate, emergency fiscal relief but does not deal with the source of the fiscal crisis in the State and local tax structures; a tax cut offers the dubious potential of higher tax efforts at the local level, but at the expense of further constraining and hardening the arteries of local government rather than freeing them and providing larger capacity for innovation; and finally the tax credit and welfare federalization schemes would be highly concentrated and inequitable in the distribution of benefits—a fact incompatible with the need for broad based dollar inputs to all local governments.

Of course, these deficiencies by no means imply that revenue sharing is without flaws. Certainly there are many bugs yet to be worked out. But at a time when each new week seems to produce another "alternative" to revenue sharing I hope that this discussion may serve to highlight the fact that revenue sharing is not conceived merely as an emergency stop-gap measure to bail out fiscally pressured local and State governments, although this is indeed one of its purposes and likely consequences. It is designed to serve a multiplicity of purposes and it should be this criterion by which we evaluate any past, present or future alternatives that may be proposed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. Powell, for Tuesday, February 9, 1971, on account of representing President Richard Nixon at ceremonies commemorating the birth of former President William Henry Harrison at North Bend, Ohio.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special order heretofore entered, was granted to:

Mr. Anderson of Illinois, for 60 minutes, today; to revise and extend his remarks and to include extraneous material.

(The following Members (at the request of Mr. Kyl) to revise and extend their remarks and include therein extraneous matter:)

Mr. Price of Texas, for 30 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. Boggs) and to revise and extend their remarks and include therein extraneous matter:)

Mr. Obey, for 30 minutes, today.

Mr. Rarick, for 15 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Flood, for 15 minutes, today.

Mr. Rooney of Pennsylvania, for 20 minutes, today.

Mr. Giaimo, for 60 minutes, on Wednesday, February 10.

Mr. Davis of Georgia, for 60 minutes, on Wednesday, February 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Edmondson in three instances and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Kyl) and to include extraneous matter:)

Mr. Winn.
Mr. Steiger of Wisconsin.
Mr. McCulloch.
Mr. Schmitz in two instances.
Mr. Schwengel.
Mr. Price of Texas in four instances.
Mr. Forsythe in two instances.
Mr. Hansen of Idaho.
Mr. Sebelius.
Mr. Gude.
Mr. Frey.
Mr. Stafford.
Mr. Rhodes.
Mr. Frelinghuysen.
Mr. Devine.
Mr. Thompson of Georgia.
Mr. Lloyd.
Mr. McKevitt in two instances.
Mr. Derwinski in three instances.
Mr. Broomfield in two instances.

(The following Members (at the request of Mr. Boggs) and to revise and extend their remarks and include extraneous matter:)

Mr. Vanik in five instances.
Mr. Carney in three instances.
Mr. Pepper in two instances.
Mr. Harrington in three instances.
Mr. Garmatz.
Mr. Abourezk in three instances.
Mr. Rarick in three instances.
Mr. Gonzalez in three instances.
Mr. Dingell in two instances.
Mr. Pucinski in 10 instances.
Mr. Matsunaga.
Mr. Patten in two instances.
Mr. Hagan in two instances.
Mr. Rogers in five instances.
Mr. Boggs.
Mr. Fascell in five instances.
Mr. Hamilton in three instances.
Mr. Clark in two instances.
Mr. Evins of Tennessee.
Mr. Minish.
Mr. Kluczynski in two instances.
Mr. Fountain in three instances.
Mr. Fulton of Tennessee in four instances.
Mr. Begich.
Mr. Miller of California in five instances.
Mr. Anderson of California in two instances.
Mr. Van Deerlin.
Mr. Sikes in two instances.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 19 minutes p.m.) the House adjourned until tomorrow, Wednesday, February 10, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

239. A communication from the President of the United States, transmitting a draft of proposed legislation to restore balance in the federal system of government in the United States, to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems, to achieve a better allocation of total public resources, and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States (H. Doc. No. 92–47); to the Committee on Ways and Means and ordered to be printed.

240. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report on a violation by the General Services Administration of section 3679 of the Revised Statutes, as amended, pursuant to the provisions of 31 U.S.C. 665; to the Committee on Appropriations.

241. A letter from the Director of Civil Defense, Department of the Army, transmitting a report on Federal contributions program equipment and facilities for the quarter ended December 31, 1970, pursuant to section 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

242. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act; to the Committee on Banking and Currency.

243. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to designate the legal public holidays to be observed in the District of Columbia; to the Committee on the District of Columbia.

244. A letter from the Chairman, D.C. Armory Board, transmitting the 23d annual report and financial statements of the Board's operation of the D.C. National Guard Armory and the 13th annual report and financial statements of the operation of the Robert F. Kennedy Memorial Stadium, covering fiscal year 1970, pursuant to Public Laws 80–605 and 85–300; to the Committee on the District of Columbia.

245. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the amount of Export-Import Bank loans, insurance, and guarantees issued in June through December 1970, in connection with U.S. exports to Yugoslavia, pursuant to the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

246. A letter from the Secretary of Commerce, transmitting the annual report of the Office of State Technical Services for fiscal year 1970, pursuant to section 14(b) of Public Law 89–182; to the Committee on Interstate and Foreign Commerce.

247. A letter from the Assistant Secretary, Agricultural Hall of Fame and National Center, transmitting the annual audit and report of the Board of Governors of the organization, for the fiscal year ended August 31, 1970, pursuant to section 14(b) of Public Law 86–680; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

248. A letter from the Comptroller General of the United States, transmitting a report on the use and operating costs of the Atomic Energy Commission's high energy accelerators; to the Joint Committee on Atomic Energy.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 3945. A bill to establish a commission to study the usage, customs, and laws relating to the flag of the United States; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 3946. A bill to authorize the acquisition and maintenance of the Goddard rocket launching site in accordance with the act of Aug. 25, 1916, as amended and supplemented; to the Committee on Interior and Insular Affairs.

By Mr. BROOMFIELD:

H.R. 3947. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN:

H.R. 3948. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. BUCHANAN:

H.R. 3949. A bill to protect the personal security and academic freedom of students, faculty, staff, and other employees of institutions of higher education by requiring the adoption of procedures by the States to govern the treatment of disruptive campus violence by students, staff, and other employees, as precondition to Federal assistance, and to assit such institutions in their efforts to prevent and control campus disorders; to the Committee on Education and Labor.

H.R. 3950. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

H.R. 3951. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 3952. A bill to restrict travel in violation of area restrictions; to the Committee on the Judiciary.

By Mr. CARNEY:

H.R. 3953. A bill to provide for the issuance of a special postage stamp as a tribute to the effective services of homing pigeons for the Armed Forces of the United States in World War I, World War II, and the Korean conflict; to the Committee on Post Office and Civil Service.

By Mr. COLMER (for himself and Mr. Smith of California):

H.R. 3954. A bill to amend section 502 of the Mutual Security Act of 1954 with respect to the use of local currencies by certain committees of the House of Representatives; to the Committee on Foreign Affairs.

By Mr. DANIELS of New Jersey:

H.R. 3955. A bill to amend chapter 89 of title 5, United States Code, relating to enrollment charges for Federal employees' health benefits; to the Committee on Post Office and Civil Service.

By Mr. DICKINSON:

H.R. 3956. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. DRINAN:

H.R. 3957. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. EILBERG:

H.R. 3958. A bill to amend the Federal Property and Administrative Services Act of 149 to permit the distribution of certain surplus Federal property to certain organizations which provide for the education and recreation of young boys and girls; to the Committee on Government Operations.

By Mr. ESHLEMAN:

H.R. 3959. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 3960. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 3961. A bill to alleviate certain hardships to employees in the administration of the Federal Employees' Compensation Act, and for other purposes; to the Committee on Education and Labor.

H.R. 3962. A bill to grant civil service employees retirement after 30 years' service; to the Committee on Post Office and Civil Service.

By Mr. GREEN of Pennsylvania:

H.R. 3963. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

By Mrs. GRIFFITHS:

H.R. 3964. A bill to amend title 38 of the Unites States Code to provide that monthly social security benefit payments shall not be considered as income in determining eligibility for pensions under that title; to the Committee on Veterans' Affairs.

H.R. 3965. A bill to amend title 38 of the United States Code to provide equality of treatment for married female veterans; to the Committee on Veterans' Affairs.

H.R. 3966. A bill to amend title IV of the Social Security Act to provide, under the program of aid to families with dependent children, for the furnishing of three meals a day to all children under age 16 who are eligible for such aid or whose families are below the poverty level, at appropriate day-care centers and at public and private schools; to the Committee on Ways and Means.

H.R. 3967. A bill to amend the Internal Revenue Code to designate the home of a State legislator for income tax purposes; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 3968. A bill to regulate interstate commerce by requiring certain insurance as a condition precedent to using the public streets, roads, and highways, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3969. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 in order to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3970. A bill to promote the greater availability of motor vehicle insurance in interstate commerce under more efficient and beneficial marketing conditions; to the Committee on Interstate and Foreign Commerce.

H.R. 3971. A bill to amend the Internal Revenue Code of 1954, and for other purposes; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 3972. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Soshone-Bannock Tribes, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HECHLER of West Virginia:

H.R. 3973. A bill to designate as wilderness the Cranberry, Otter Creek, and Dolly Sods areas in the Monongahela National Forest in West Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KARTH:

H.R. 3974. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. KEITH:

H.R. 3975. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. McCULLOCH (for himself and Mr. Poff):

H.R. 3976. A bill to amend the Revised Organic Act of the Virgin Islands; to the Committee on the Judiciary.

By Mr. McKEVITT:

H.R. 3977. A bill to extend the fire research and safety program until June 30, 1973; to the Committee on Science and Astronautics.

By Mr. MARTIN:

H.R. 3978. A bill to provide for the construction of wells and other facilities necessary to provide a supplemental water supply to the lands of the Mirage Flats Irrigation District, Mirage Flats project, Nebr., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA:

H.R. 3979. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces; to the Committee on Armed Services.

By Mr. MIKVA (for himself, Mr. Rangel, and Mr. Gallagher):

H.R. 3980. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 3981. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Astronautics.

By Mr. MINISH:

H.R. 3982. A bill to provide that household appliances be conspicuously marked to show the foreign country of origin, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3983. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

H.R. 3984. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and of foreign origin; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 3985. A bill to amend the Railway Labor Act to avoid interruptions of railroad transportation that threaten national safety and health by reason of labor disputes and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEILL:

H.R. 3986. A bill to authorize the establishment of the Longfellow National Historic Site in Cambridge, Mass., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. O'NEILL (for himself and Mr. Cleveland):

H.R. 3987. A bill to authorize the Secretary of the Interior to establish the Bunker Hill National Historic Site in the city of Boston, Mass., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. O'NEILL:

H.R. 3988. A bill to equalize the rates of disability compensation payable to veterans of peacetime and wartime service; to the Committee on Veterans' Affairs.

H.R. 3989. A bill to amend section 152 of the Internal Revenue Code of 1954 to remove the residence requirements applied in determining whether an individual who is not a citizen of the United States qualifies as a dependent for income tax purpose; to the Committee on Ways and Means.

H.R. 3990. A bill to amend title II of the Social Security Act to remove the limitations (added by the Social Security Amendments of 1967) on the payment of benefits to citizens of certain foreign countries having social insurance or pension systems of general application; to the Committee on Ways and Means.

H.R. 3991. A bill to amend the Internal Revenue Code of 1954 to increase the present dollar limits on the amount allowable as a child-care deduction, and to increase the income limits which are applicable in certain cases in determining eligibility for such deduction; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. Addabbo, Mr. Baring, Mr. Brasco, Mr. Broyhill of North Carolina, Mr. Buchanan, Mr. Burke of Massachusetts, Mr. Clark, Mr. Derwinski, Mr. Diggs, Mr. Dulski, Mr. Eilberg, Mr. Fascell, Mr. Fulton of Pennsylvania, Mrs. Grasso, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harrington, Mr. Horton, Mr. Johnson of Pennsylvania, Mr. McKinney, Mr. Matsunaga, Mr. Mikva, Mr. Miller of California, and Mr. Moorhead):

H.R. 3992. A bill to provide for a program of Federal assistance in the development, acquisition, and installation of aircraft antihijacking detection systems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. Morse, Mr. Nichols, Mr. Nix, Mr. Podell, Mr. Pucinski, Mr. Rhodes, Mr. Rosenthal, Mr. Rostenkowski, Mr. Sikes, Mr. Sisk, Mr. Taylor, and Mr. Whitehurst):

H.R. 3993. A bill to provide for a program of Federal assistance in the development, acquisition, and installation of aircraft antihijacking detection systems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL (for himself, Mr. Abourezk, Mr. Annunzio, Mr. Badillo, Mr. Bergland, Mr. Brademas, Mr. Brasco, Mr. Brooks, Mr. Brown of Michigan Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Cleveland, Mr. Coughlin, Mr. Delaney, Mr. Dent, Mr. Derwinski, Mr. Drinan, Mr. Esch, Mr. Evins of Tennessee, Mr. Fish, Mr. Forsythe, Mr. Fraser, Mr. Frenzel, and Mr. Fulton of Pennsylvania):

H.R. 3994. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. PODELL (for himself, Mr. Gibbons, Mr. Halpern, Mr. Hanley, Mr. Hansen of Idaho, Mr. Harrington, Mr. Henderson, Mr. Jacobs, Mr. Keith, Mr. Matsunaga, Mrs. Mink, Mr. Morse, Mr. Mosher, Mr. Moss, Mr. Pepper, Mr. Pike, Mr. Pryor of Arkansas, Mr. Railsback, Mr. Rangel, Mr. Riegle, and Mr. Rosenthal):

H.R. 3995. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. PODELL (for himself, Mr. St Germain, Mr. Scheuer, Mr. Schwengel, Mr. Thompson of New Jersey, Mr. Thone, Mr. Tiernan, Mr. Williams, Mr. Wolff, Mr. Hathaway, Mr. Burton, and Mr. Biaggi):

H.R. 3996. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. PRICE of Texas:

H.R. 3997. A bill to establish a commission to review U.S. antitrust laws; to the Committee on the Judiciary.

By Mr. QUIE (for himself, Mr. Erlenborn, Mr. Dellenback, Mr. Esch, Mr. Steiger of Wisconsin, and Mr. Hansen of Idaho):

H.R. 3998. A bill to assist school districts to meet special problems incident to desegregation and to the elimination, reduction, or prevention of racial isolation, in elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

By Mr. RARICK:

H.R. 3999. A bill to amend title 5, United States Code, to place employees under the Federal Reserve System in and under the competitive service; to the Committee on Post Office and Civil Service.

By Mr. RHODES:

H.H. 4000. A bill to amend title XVIII of the Social Security Act to provide coverage under the supplementary medical insurance program for surgical services furnished in certain facilities which are established to perform surgery without inpatient hospitalization; to the Committee on Ways and Means.

By Mr. RYAN (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Begich, Mr. Biaggi, Mr. Burton of California, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Dellums, Mr. Donohue, Mr. Dow, Mr. Drinan, Mr. Fraser, Mr. Halpern, Mrs. Hicks of Massachusetts, Mr. Koch, Mrs. Mink, Mr. Mitchell, Mr. O'Neill, Mr. Podell, Mr. Rangel, Mr. Reid of New York, and Mr. Wolff):

H.R. 4001. A bill to provide supplemental appropriations and increased contract authority to fully fund the urban renewal, model cities, and rent supplement programs, and the low-income homeownership and rental housing programs, for the fiscal year 1971; to the Committee on Appropriations.

By Mr. SISK:

H.R. 4002. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself and Mr. McKinney):

H.R. 4003. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the armed forces; to the Committee on Armed Services.

By Mr. TALCOTT:

H.R. 4004. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

H.R. 4005. A bill to amend section 213 of the Internal Revenue Code of 1954 to provide that certain expenses of child adoption shall be treated as medical expenses; to the Committee on Ways and Means.

H.R. 4006. A bill to amend the Internal Revenue Code of 1954 to authorize a deduction from gross income for certain expenses of employing full-time household help; to the Committee on Ways and Means.

H.R. 4007. A bill to amend the Internal Revenue Code of 1954 to authorize a deduction from gross income for certain contributions to the support of an aged parent or divorced mother who is not gainfully employed; to the Committee on Ways and Means.

H.R. 4008. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of advanced education (including certain limited travel) undertaken by them, and to provide a uniform method of providing entitlement to such deduction; to the Committee on Ways and Means.

H.R. 4009. A bill to amend the Internal Revenue Code of 1954 to authorize a tax credit for certain expenses of providing higher education; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 4010. A bill to amend section 8 of the Federal Water Pollution Control Act to increase the Federal share for construction grants, in certain cases; to the Committee on Public Works.

By Mr. BOB WILSON:

H.R. 4011. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology, and for other purposes; to the Committee on Banking and Currency.

H.R. 4012. A bill for the general revision of the patent laws, title 35 of the United States Code, and for other purposes; to the Committee on the Judiciary.

H.R. 4013. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income any payments made under the retired serviceman's family protection plan by an individual who has waived his military retirement pay in order to receive a civil service retirement annuity; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself, Mr. Myers, Mr. Zion, Mr. Rostenkowski, Mr. Rousselot, Mr. Pickle, Mr. Thone, Mr. Flowers, Mr. Sikes, Mr. Camp, Mr. Chappell, Mr. Whitehurst, Mr. Wiggins, and Mr. Fountain):

H.J. Res. 311. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. BOGGS (for himself and Mr. Gerald R. Ford):

H.J. Res. 312. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.J. Res. 313. Joint resolution to declare the policy of the United States with respect to its territorial sea; to the Committee on Foreign Affairs.

By Mr. BUCHANAN:

H.J. Res. 314. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. CORMAN:

H.J. Res. 315. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DRINAN:

H.J. Res. 316. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FORSYTHE (for himself, Mr. Collins of Illinois, and Mr. Horton):

H.J. Res. 317. Joint resolution authorizing the President to declare the last Saturday in April of each year as "National Collegiate Press Day"; to the Committee on the Judiciary.

By Mr. MORSE:

H.J. Res. 318. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. QUIE:

H.J. Res. 319. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

H.J. Res. 320. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. RAILSBACK (for himself, Mr. Steele, Mr. Gallagher, Mr. Link, and Mr. Ullman):

H.J. Res. 321. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. BLANTON (for himself, Mr. Bevill, Mr. Boggs, Mr. Downing, and Mr. Fulton of Pennsylvania):

H. Con. Res. 142. Concurrent resolution calling for humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. HALEY (for himself and Mr. Aspinall):

H. Con. Res. 143. Concurrent resolution relating to a national Indian policy; to the Committee on Interior and Insular Affairs.

By Mr. Van Deerlin:

H. Con. Res. 144. Concurrent resolution urging the President to take requisite action to insure the safety of U.S. commercial fishing vessels on the high seas; to the Committee on Merchant Marine and Fisheries.

By Mrs. ABZUG (for herself, Mr. Diggs, Mr. Harrington, Mr. Podell, Mr. Yates, and Mr. Helstoski):

H. Res. 215. Resolution to express the sense of the House that the President set the date for withdrawal from Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. DICKINSON:

H. Res. 216. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

Mr. Mr. DULSKI (for himself and Mr. Corbett):

H. Res. 217. Resolution authorizing the Committee on Post Office and Civil Service to conduct studies and investigations within its jurisdiction; to the Committee on Rules.

By Mr. GARMATZ:

H. Res. 218. Resolution to provide funds for the expenses of the investigations and study authorized by House Resolution 21; to the Committee on House Administration.

By Mrs. GRIFFITHS:

H. Res. 219. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

12. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to fisheries jurisdiction off the coast of the United States; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 4014. A bill for the relief of Benedicta Torremonia; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 4015. A bill for the relief of Giuseppe Aiosa; to the Committee on the Judiciary.

H.R. 4016. A bill for the relief of Damaso Cabebe; to the Committee on the Judiciary.

H.R. 4017. A bill for the relief of Baldassare Ciaravino; to the Committee on the Judiciary.

H.R. 4018. A bill for the relief of Oswaldo Falanga; to the Committee on the Judiciary.

H.R. 4019. A bill for the relief of Antonio Augusto Fernandez; to the Committee on the Judiciary.

H.R. 4020. A bill for the relief of Michele Florio; to the Committee on the Judiciary.

H.R. 4021. A bill for the relief of Vincenzo Florio; to the Committee on the Judiciary.

H.R. 4022. A bill for the relief of Nicola Gagliardi; to the Committee on the Judiciary.

H.R. 4023. A bill for the relief of Antonio Gargano; to the Committee on the Judiciary.

H.R. 4024. A bill for the relief of Lillian Marie Gederon; to the Committee on the Judiciary.

H.R. 4025. A bill for the relief of Baldassare Mangiaracina; to the Committee on the Judiciary.

H.R. 4026. A bill for the relief of Anna Marrazza; to the Committee on the Judiciary.

H.R. 4027. A bill for the relief of Pasquale Morsello; to the Committee on the Judiciary.

H.R. 4028. A bill for the relief of Giuseppe Naso; to the Committee on the Judiciary.

By Mr. BADILLO:

H.R. 4029. A bill for the relief of Joseph Paul Lucien Fontaine; to the Committee on the Judiciary.

H.R. 4030. A bill for the relief of Loretta, Blondel, Bernalyn, Benaud, Beverely, and Brenda Lee Jones; to the Committee on the Judiciary.

H.R. 4031. A bill for the relief of Faye Walters; to the Committee on the Judiciary.

By Mr. BUCHANAN:

H.R. 4032. A bill for the relief of Mark P. Hagood; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 4033. A bill for the relief of Nabil George H. Yaldo; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 4034. A bill for the relief of Graciano Q. Adajar; to the Committee on the Judiciary.

H.R. 4035. A bill for the relief of Dionisio Bautista; to the Committee on the Judiciary.

H.R. 4036. A bill for the relief of Mr. Leopoldo Murillo Campos; to the Commitee on the Judiciary.

H.R. 4037. A bill for the relief of Alfredo Sabas Edrada; to the Committee on the Judiciary.

H.R. 4038. A bill for the relief of Francisca Ocampo; to the Committee on the Judiciary.

H.R. 4039. A bill for the relief of Giuseppe Orlando; to the Committee on the Judiciary.

H.R. 4040. A bill for the relief of Esperanza Sindol; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 4041. A bill for the relief of Luigi Gambino; to the Committee on the Judiciary.

By Mr. HAYS:

H.R. 4042. A bill for the relief of John A. Martinkosky; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H.R. 4043. A bill for the relief of Mrs. Ana Maria de Lima Sousa Raposo and her two children, Paulo and Carlos; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 4044. A bill for the relief of Dr. Ming Derek Chan, his wife, Belle Chan, and their two daughters, Evelyn and Jeannie; to the Committee on the Judiciary.

H.R. 4045. A bill for the relief of Mario DiBattisto; to the Committee on the Judiciary.

H.R. 4046. A bill for the relief of Joseph P. Mahady; to the Committee on the Judiciary.

H.R. 4047. A bill for the relief of Domenico Stalteri; to the Committee on the Judiciary.

H.R. 4048. A bill for the relief of Mr. and Mrs. Alfonso Vancheri; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 4049. A bill for the relief of Vitorino da Costa Cabral; to the Committee on the Judiciary.

H.R. 4050. A bill for the relief of Maria Manuela da Jesus Gambino; to the Committee on the Judiciary.

H.R. 4051. A bill for the relief of Argentina Garcia; to the Committee on the Judiciary.

H.R. 4052. A bill for the relief of Carlota Gujmares; to the Committee on the Judiciary.

H.R. 4053. A bill for the relief of Dr. Raghuram Pothapu Reddy; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 4054. A bill for the relief of Josephine Palazzolo and Michele Palazzolo; to the Committee on the Judiciary.

By Mr. METCALFE:

H.R. 4055. A bill for the relief of Sjoufjan Awal; wife, Sofie Awal; and son, Leksin Awal; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.R. 4056. A bill for the relief of Anna Veltri; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 4057. A bill for the relief of Peter Heinrich Joehnssen; to the Committee on the Judiciary.

H.R. 4058. A bill for the relief of Agripino Erano Tenchavez, Jr.; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 4059. A bill for the relief of Gianiale and Anna Russo; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 4060. A bill for the relief of Harvard Specialty Manufacturing Corp.; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 4061. A bill for the relief of Julian G. Carr; to the Committee on the Judiciary.

H.R. 4062. A bill for the relief of William H. Evans; to the Committee on the Judiciary.

H.R. 4063. A bill for the relief of Edward M. Fleming Construction Co., Inc., a corporation in the process of liquidation represented by its surviving board of directors; to the Committee on the Judiciary.

H.R. 4064. A bill for the relief of William H. Nickerson; to the Committee on the Judiciary.

H.R. 4065. A bill for the relief of World Mart, Inc.; to the Committee on the Judiciary.

By Mr. PEYSER:

H.R. 4066. A bill for the relief of Mrs. Vita Oranza Praino and her children, Salvatore, Michele, and Marcello; to the Committee on the Judiciary.

Mr. PODELL:

H.R. 4067. A bill for the relief of Calogero Mendola; to the Committee on the Judiciary.

H.R. 4068. A bill for the relief of Antonio Monticciolo; to the Committee on the Judiciary.

By Mr. REES:

H.R. 4069. A bill for the relief of Philemon M. Hou; to the Committee on the Judiciary.

H.R. 4070. A bill for the relief of Mr. and Mrs. Katse C. Semenya; to the Committee on the Judiciary.

By Mr. RHODES:

H.R. 4071. A bill for the relief of Sein Lin; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 4072. A bill for the relief of Emanuele Catanzariti; to the Committee on the Judiciary.

H.R. 4073. A bill for the relief of Herbert Chan, Szeto Wing Ha Chan, and son, Frank Chan and twin daughters, Martha and May Chan; to the Committee on the Judiciary.

H.R. 4074. A bill for the relief of Dr. Kai-Loo Huang; to the Committee on the Judiciary.

H.R. 4075. A bill for the relief of Andonios Merkouris; to the Committee on the Judiciary.

H.R. 4076. A bill for the relief of Marina Merkouris; to the Committee on the Judiciary.

H.R. 4077. A bill for the relief of Serafina Patti; to the Committee on the Judiciary.

H.R. 4078. A bill for the relief of Dr. Angelo Zosa; to the Committee on the Judiciary.

By Mr. SMITH of California:

H.R. 4079. A bill for the relief of David Anthony Burch, born as Shigenori Ishihara; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 4080. A bill for the relief of Mr. Duc Mau Nguyen and his wife Hien Thi Ngo Nguyen; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 4081. A bill for the relief of Lauro Eduardo Damerval; to the Committee on the Judiciary.

H.R. 4082. A bill for the relief of Arthur W. Feldman; to the Committee on the Judiciary.

H.R. 4083. A bill for the relief of Thomas William Greene and Jill A. Greene; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 4 of rule XXII,

23. The SPEAKER presented a petition of the Board of Commissioners, Tarpon Springs, Fla., relative to Federal-State revenue sharing; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

DOUBLING OF PAY SCALES FOR FIRST-TERM MILITARY PERSONNEL RECOMMENDED

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BROOMFIELD. Mr. Speaker, when the Gates Commission was established to investigate the feasibility of creating a volunteer military force, it recommended, among other things, that pay scales for first-term personnel be raised to double their present levels. The Commission found that pay for soldiers with over 2 years of service had risen by 111 percent since 1948, but by only 60 percent for those with less than 2 years. Their report found that a volunteer force or, in other terms, a zero draft level could be achieved by correcting this unfair treatment of first-term servicemen. I agree wholeheartedly with that appraisal, and I recently cosponsored legislation to see that it was put into effect.

The Gates Commission refuted every claim made against a largely volunteer service. They reported that it would cause only a small budget increase, most of the costs being absorbed by increased efficiency and professionalism. Volunteers would serve longer terms, a higher fraction would reenlist, and they would have a higher average level of skill. The armed services would waste fewer man-hours in training and being trained. Because manpower is cheap to the military, it now tends to waste it, using enlisted men for tasks badly suited to their abilities or for tasks that could be performed by civilians or machines. Better pay to volunteers, at the same time, would decrease the veteran's benefits we pay out annually. These now cost $6 billion a year or one-third as much as current payroll costs for the active Armed Forces.

The Gates Commission reported further that a volunteer military could be achieved without impairing the Nation's ability to meet existing and anticipated troop level requirements. Pay scales could be doubled for enlisted men and increased by 25 percent for officers—without, as we have pointed out, putting a severe burden on the Federal budget.

The argument that a volunteer professional Army would develop into a threat to our civilian institutions was likewise refuted by the Gates study. Such a threat would come from the officer corps rather than the enlisted personnel, and officers currently are, and always have been, recruited voluntarily. Moreover, our tradition of civilian control of the military has always been sufficiently strong to minimize any possibility of a military takeover.

With these considerations in mind I believe we can move toward an all-volunteer force. The first step must be the reduction of the draft call to a zero level; then, with the weight of evidence on our side, we may begin the long process of repealing the draft law. I am confident, Mr. Speaker, that my bill will give us evidence—conclusive evidence—that an all-volunteer Army can work.

SCIENCE AND POLITICS

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. BOGGS. Mr. Speaker, in a few minutes, God willing, the crew of Apollo 14 will return safely to earth from the third American lunar exploration. Much has been written about the sense of wonder engendered by this, the most spectacular achievement of human technology. Little, however, has been written which seriously attempts to understand the ultimate significance of this human adventure—little has been said about what it offers a world torn by hatred, poverty, and war.

No one can deny the paradox of the precision and expertise of human science and technology and the imprecision and occasional stupidity of human affairs. We can place three men on the surface of the moon, but are we equally adept at creating a job, or providing shelter, or feeding a hungry child? Obviously, we are not.

This was the thesis an excellent column by the distinguished journalist, James Reston, in the New York Times of Sunday, February 9, 1971. I am inserting it in the RECORD and calling it to the attention of my colleagues, for I believe it well worth their reading:

SCIENCE AND POLITICS

(By James Reston)

WASHINGTON, February 6.—Watching our fellow countrymen on the moon from the capital of the United States, one question is unavoidable: How can the scientific mind produce such precision, and the political mind produce such confusion—both centered on this same majestic city?

What explains the spectacular success of the scientific process and the staggering failures and frustrations of the political process? The easy answer is that the scientists are dealing with measurable and controllable factors and the politicians are not. The scientists have the power of decision: to determine their ends and means, and insist on their best men; and the politicians do not.

And it is just as well. For if we carried the comparison too far, we could easily reach the conclusion that the totalitarians were right, and that the state should have the authority to define the ends and the means and pick the most "efficient" men and discard the rest. And yet surely there is something in between, something in the scientific process that might be applied to the political process without imposing the authority of the fascist or Communist state.

At least, thoughtful men have yearned for some middle ground between the precision of the men of action and the confusion of the men of politics for many years. As long ago as the First World War, H. G. Wells was living in the two worlds of science fiction and politics, and wondering about the difference between the two.

"Are there no men," he asked, "to think as earnestly as one climbs a mountain, and to write with their uttermost pride? Are there no men to face truth as those boys at Mons faced shrapnel, and to stick for the honor of the mind and for the truth and beauty as those lads stuck to their trenches?"

Wells hated authority, but longed for clarity, and wondered how to get the latter without the former, and he fell back in the end on the hope that there was something in the scientific process that might help produce some unity of purpose and common control of human affairs or at least avoid disaster.

It is easy to argue about the cost of the space program, and whether it took money from more urgent human problems here at home; but there are some aspects of its scientific process which may be relevant to the political process in America.

"Science is a great many things," Jacob Bronowski wrote in a remarkable little book called "The Common Sense of Science," "but in the end they all return to this: science is the acceptance of what works and the rejection of what does not. . . .

"This is how society has lost touch with science: because it has hesitated to judge itself by the same impersonal code of what works and what does not. . . . We must learn to act on that understanding in the world as well as in the laboratory. . . ."

Again, this is slippery and even dangerous ground, for "what works" for an industry may not work for its community, and "what works" for the Soviets in Czechoslovakia or the United States in Cambodia and Laos may not work for the decency and order of the world.

Yet there are some things in the space program and the scientific process which would obviously help the political process in Washington. Science does concentrate on the future. It does take a critical attitude toward its own assumptions and habits of thought. It does question abstractions and assume that wrong assumptions will produce wrong results. And it does insist that ignorant, incompetent or even half-trained men, no matter how amiable, are not good enough to go to the moon.

This is what troubles Washington when it watches the lift-off from Cape Kennedy, sees the struggle between power and control in the rocket, listens to all the intricate measurement exchanged between Houston and the men in space, hears on top of all this the catch in the throat about the beauty of the universe, and then wonders about all this being sent across the greatest gap of all, from the moon to earth, on television and in color into the circle of our families.

The question is almost trite but cannot be evaded. Why, if Washington can organize all this intricate information, reduce all this mathematical diversity to identity in a single rocket—big as a forty-story building—and send it on bullseye target to the moon, why then can we not apply some of the principle of the scientific process to the political process?

Even the politicians are troubled by the question, and it has not escaped the Administration and the White House. Something very interesting is going on here now. Even the men around the President, as is clear in the latest State of the Union Message and in the budget, are beginning to ask the scientist's question: "What works?"

"This is the message of science," said Bronowski, "our ideas must be realistic, flexible, unbigoted. They must create their own authority. If any ideas have a claim to be called creative, because they have liberated that creative impulse, it is the ideas of science."

Very slowly, very subtly, this idea is beginning to spread from the scientific world of Washington to the political world. The explanation of the President's switch on economic and social policy is that the old arguments have "not worked," so he is adjusting to the realities and moving into a different political orbit.

ABORTION, FEDERAL JUDGES, AND CATHOLIC BISHOPS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. RARICK. Mr. Speaker, socialized abortion—murder of the unborn at taxpayers' expense—was given a boost by U.S. District Court Judge Joseph C. Waddy, who ruled this past week that the Washington Hospital Center in our Nation's Capital must permit free therapeutic abortion in the case of an unmarried pregnant woman.

The judge further ruled that an abortion could be legally obtained without consent of a parent or guardian by any 18-year-old or older resident of the District of Columbia. The decision ignored any premise as to what legal duty existed for society to be made to pay for the operation if society was without the power to prevent the abortion.

This recent ruling was the most significant step in dignifying abortion at will since District Judge Gerhard A. Gessell struck down Washington's antiabortion law passed by Congress in 1901. Possibly murder of "unwanteds" has become stylish after 70 years.

The judge apparently rationalized that since the mother makes decisions affecting the baby after it has left the womb, she may likewise make decisions affecting the baby before it has left the womb, including disposing of the unborn child. According to this brand of logic, the mother has the right to do anything to her child after its birth, including murdering it.

This is the strange double standard of those who feel society has no right to prevent death of an innocent unborn child, yet with tears in their eyes, clamor against society having any right to demand capital punishment of even those convicted of the savagery of first degree murder.

In sharp contrast to the decisions of District Judges Gessell and Waddy is the statement on abortion by the National Conference of Catholic Bishops. The Bishops strongly oppose the liberalization of abortion laws, basing their defense of human life on the Commandment of God in the Holy Bible: "Thou shalt not kill."

The following excerpt from their statement should be read, studied, and meditated on by lawmakers, the President, judges, and all other citizens who believe in God:

> We remain convinced that human life is a priceless gift, and our pastoral duty prompts us to reaffirm that "God, the Lord of life, has conferred on men the surpassing ministry of safeguarding life, a ministry which must be fulfilled in a manner which is worthy of man. Therefore from the moment of conception life must be guarded with the greatest care, while abortion and infanticide are unspeakable crimes." (Pastoral Constitution on the Church in the Modern World, No. 51)

The bishops rely on the word of God; the Federal judges, on myth and populist fad.

My earlier statement on abortion which appeared in the American Legion magazine of June 1970, follows:

Homicide is the taking of human life. Abortion is a homicide of an unborn child, justified in many jurisdictions because of overwhelming public interest in preserving the life of the mother, preventing the birth of what is termed in medical parlance a monster, or for some other reason regarded as pressing enough to justify the taking of human life. In all civilized jurisdictions, the law forbids murder or other criminal homicides.

A review of the social revolution indicates a well-publicized attack is being carried on against all abortion restrictions. Appealing arguments dealing with the so-called rights of women to bear or not to bear a particular child can be dangerously misleading. Entirely apart from religious, moral or ethical sanctions against such conduct, there exists a real pitfall.

In this situation we are dealing with life itself. The essence of abortion is the termination of a life. If we accept the unrestricted termination of a life at the will of another, we have opened a Pandora's box.

When abortion of the unwanted is permitted, at the sole option of the unwilling mother, we must face squarely the question of euthanasia or other "mercy" killings—the efficient disposition of such other unwanted as the aged, ill, infirm, insane or mentally deficient—or even the unproductive.

It doesn't require much of an extension of these principles to justify the drastic reduction of the welfare rolls, the permanent solution to growing problems of illegitimates—or even the efficient dispatch of troublesome dissenters and losing politicians.

Those who urge the propriety of such action should never forget that under the progressive euthanasia laws of the Third Reich, many of the killings which appalled the civilized world were entirely lawful under German law at that time.

Those who advocate abortion as a population control measure would better serve humanity by assisting in the restoration of the tried and proven methods of reducing illegitimate conceptions.

My state of Louisiana has recognized that the unborn child—the human being in the womb—has rights protected by the Constitution and can even recover damages for prenatal injuries. This recognition and protection of the person of the most helpless of humans is genuine progress in human rights.

The unrestricted killing of such an innocent, tolerated by society, is a regression to barbarism.

A newsclipping and the "Statement Abortion" of the National Conference of Catholic Bishops follow my remarks.

ABORTION RULES EASED BY JUDGE

(By Sanford J. Ungar)

Any woman 18 or older who is a resident of the District of Columbia may legally obtain an abortion without the consent of a parent or guardian, a federal judge ruled yesterday.

In a decision that makes Washington's abortion laws among the most liberal in the country, U.S. District Court Judge Joseph C. Waddy ordered the Washington Hospital Center to permit a therapeutic abortion at 8 a.m. today in the case of an unmarried pregnant woman who will be 19 next week.

The hospital, which opened the area's first out-patient abortion clinic last month, had balked at performing the operation, invoking its rule that anyone under 21 needs the permission of a parent or guardian.

But Waddy cited a section of the D.C. Code that says "a natural guardianship or an appointive guardianship of the person of an infant ceases . . . in the case of a female infant when she becomes 18 years of age or marries."

Parents are legally defined as natural guardians.

The judge refused to appoint a guardian for Barbara Boe, the fictitious name assumed by the woman, and said she is "entitled to consent to herself."

She "does not have and cannot have any guardian of her person," Waddy wrote in a ruling that went well beyond what was sought by her attorney, Charles Herz of the Covington and Burling law firm.

Waddy's ruling also applies to married women under 18.

Because of the unusual legal procedure involved—a probate case filed with the register of wills rather than the clerk of the District Court—Waddy's decision is final and not subject to appeal.

Legal sources called it the most important step in revision of abortion law here since a November, 1969, ruling by District Judge Gerhard A. Gesell striking down Washington's 1901 antiabortion statute.

That decision, still pending before the U.S. Supreme Court, said that any "competent licensed practitioner of medicine" may perform an abortion for reasons satisfactory to himself and his patient.

Last November, the D.C. City Council went on record in favor of liberalized abortion regulations for the city, but postponed a final vote pending the Supreme Court ruling.

The number of abortions here has remained relatively small, compared, for example, to New York City, primarily because of the rules of various hospitals, where most of the operations are performed.

An attorney for the Hospital Center, John Arness, insisted yesterday that its requirement of a guardian's consent will remain in effect.

"Another girl" in the same situation as Miss Boe, he said, "would still have to go to court, we will require it every time."

But the register of wills, Peter J. McLaughlin, who handles many such cases, took sharp exception with that view.

In the future, McLaughlin said, "we will advise anyone who is 18 that she does not need permission even if she has living parents."

GROUND RULES

Sources close to the case agreed that the Hospital Center as a private institution is legally entitled to formulate its own ground rules, but suggested that it will eventually yield to Waddy's view once it has been reiterated in other cases.

The judge made his ruling after a half-hour closed hearing in his chambers yesterday morning. In order to protect Miss Boe's identity and the nature of her testimony, he ordered the transcript of the hearing sealed.

It was clear from the public documents, however, that Waddy relied heavily on the report of Elizabeth Guhring, whom he appointed as Miss Boe's temporary guardian Monday for the purposes of the court proceeding only.

Mrs. Guhring, a lawyer, wrote that Miss Boe was "fully emancipated," having been abandoned by her parents at the age of five months to the custody of a great-aunt and uncle.

The uncle died in 1963 and his wife last June.

"ON HER OWN"

"One takes the impression, in talking with her," Mrs. Guhring wrote of Miss Boe, "that her world crashed in and she was truly on her own and along with the death of her aunt," when she dropped out of her senior year in high school to work to support herself.

Miss Boe "very much wants to finish high school . . . She knows she cannot probably do this with a child, but more important to her . . . is a firm resolve that she would not want her child to be subject to being parceled out here and there as has been the case with the children of her family," the temporary guardian said.

Mrs. Guhring also pointed out that D.C. law permits an 18-year-old woman to commit herself to a mental hospital, write her own will, vote, marry and choose her own employment.

"The determinations and decisions affecting the baby when it has left the womb are made by the baby's mother," she said, and law dictates that "she and she alone" may make decisions "affecting the baby before it has left the womb."

Dr. Jaye Grollman, who will perform Miss Boe's abortion today, said it will be paid for by the city through Medicaid. Since she is already 16 to 18 weeks pregnant, he said today is the deadline for the operation.

STATEMENT ON ABORTION

(National Conference of Catholic Bishops)

Last year, we stated our strong opposition to ongoing efforts to strike down laws prohibiting abortion. Our defense of human life is rooted in the biblical prohibition, "thou shalt not kill." Regrettably, there has been a radical turn of events during this past year, and a new effort has been directed to the total repeal of all such laws. At the same time, an effort has been mounted in the courts to have such laws declared unconstitutional.

Therefore we speak again on this important issue of public policy, addressing ourselves to the Catholic community and to all our fellow citizens. For the question of abortion is a moral problem transcending any particular sectarian approach. Our opposition to abortion derives from our conviction that whatever is opposed to life is a violation of man's inherent rights, a position that has a strong basis in the history of American Law. The U.S. Bill of Rights guarantees the right of life to every American, and the U.N. Declaration on the Rights of the Child, which our nation endorses, affirms that the child, because of his dependent status, should be accorded a special protection under the law before as well as after birth. (U.N. General Assembly, November 20, 1959)

In light of the attempts to remove all prohibition of abortion from our legal system, the life of the innocent unborn child is no longer given universal protection in the laws of our land. Moreover, the absence of all legal restraint promotes the acceptance of abortion as a convenient way for a woman to terminate the life of her child and the responsibilities that she has as its mother.

The implications of this proposed change in legal philosophy are enormous. Once we allow the taking of innocent human life in the earliest stages of its development for the sake of convenience, how can we logically protect human life at any other point, once that life becomes a burden?

The assertion is made that a woman has a right not to be forced to bear a child against her will, but when a woman is already pregnant, this right must be considered in light of the child's right to life, the woman's responsibilities as its mother, and the rights and responsibilities of the child's father. The life of the unborn child is a human life. The destruction of any human life is not a private matter, but the concern of every responsible citizen.

We remain convinced that human life is a priceless gift, and our pastoral duty prompts us to reaffirm that "God, the Lord of life, has conferred on men the surpassing ministry of safeguarding life, a ministry which must be fulfilled in a manner which is worthy of man. Therefore from the moment of conception life must be guarded with the greatest care, while abortion and infanticide are unspeakable crimes." (Pastoral Constitution on the Church in the Modern World, No. 51)

Once again, we declare our determination to seek solutions to the problems that lead some women to consider abortion. We pledge our efforts to do all that is possible to remove the social stigma that is visited on the woman who is pregnant out of wedlock, as well as on her child. We also pledge the facilities and the efforts of our Church agencies to provide counseling and understanding to the woman who faces a difficult pregnancy. At the same time, we are encouraged by the scientific advance of recent decades that has already provided us with ways to support and maintain the life and health of the mother and the development of the child in the womb.

Finally, we are aware that the value of human life is not exclusively a Catholic concern. Many Americans agonize over the loss of life involved in modern warfare, the serious ethical questions raised by recent scientific and surgical advances, the implications of pollution on our environment and the long-range effects of drug use. But safeguarding the life of all men requires safeguarding the life of every individual, for our hold on life itself is only as strong as the weakest link in our system of law.

FULL EMPLOYMENT BUDGET BASIS FOR REAL ECONOMIC GAINS IN THE NEXT YEAR

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. GUDE. Mr. Speaker, the full employment budget which President Nixon has proposed for fiscal 1972 should be the basis for real economic gains in the next year. As the President said in his budget message:

> The full employment budget idea is in the nature of a self-fulfilling prophecy: By operating as if we were at full employment, we will help to bring about that full employment.

By stimulating economic activity during slow periods and checking the economy when it is overheating the full employment budget provides a built-in system of checks and balances. This system eliminates the guesswork and wishful thinking of past budgets.

A further advantage of the full employment budget is that by holding outlays to match the revenue produced by the tax system operating at full employment, there is an automatic ceiling on Government spending. Again, this is a highly desirable feature in view of the huge deficits that have been run up in the past, most notably 1968, when the Federal Government spent $25 billion more than it took in. This type of gross overspending should be nearly eliminated by the automatic checks built into the full employment budget.

The budget proposed by President Nixon is ideally suited for the management of a huge, industrialized economy. I am pleased that President Nixon has made America the first major country to move in this direction.

WOMAN OF THE YEAR

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. GAYDOS. Mr. Speaker, it is with great pleasure I call the attention of my colleagues to a resident of my 20th Congressional District in Pennsylvania who recently was honored for "generous involvement and personal dedication" to her community, McKeesport, Pa., and its citizens.

Mrs. Anne Kascak of 902 Soles Street, a mother of five children, was singled out for personal recognition by the McKeesport Allied Veterans Association as the "Woman of the Year." For years, she has labored diligently on behalf of veterans, particularly those who are hospitalized, and veterans organizations. She also has been extremely active in her church and community projects.

Mr. Speaker, this gracious lady is a charter member of the Ladies Auxiliary to Catholic War Veterans Post 1559, joining the unit and its organization in 1952. Since then she has held every office in the local chapter. In addition, she has served as president of the Allegheny County Chapter of Catholic War Veterans Auxiliary in 1958 and also has held office on the State level.

Mrs. Kascak has worked long and hard on numerous charitable projects sponsored by the Catholic War Veterans. She has spent many, many hours comforting and cheering patients at Oakland, Leech Farm, Aspinwall and Deshon Veterans Hospitals. Presently the secretary of the local post chapter, Mrs. Kascak has remained active in hospital work and volunteer programs.

However, she has not confined her dedication to veterans alone. She has worked equally hard to promote pride in people of her own national origin. Because of her efforts in this field a nationality insurance program, "Jednota," has become well known to citizens of Slovak descent in the area.

Evidence of the esteem held by veterans groups and the city of McKeesport for Mrs. Kascak was clearly demonstrated by the number of people who attended the testimonial in her honor. More than 200 guests were there, including many prominent figures in the city, county, and State:

John T. Walsh and Bernard Novak, members of the Pennsylvania Legislature; Leonard C. Staisey, chairman of Allegheny County Board of Commissioners; John G. Brosky, judge of common pleas court; Joseph Hreha, past president of the Allied Veterans; David Ward, chaplain of that organization; Samuel J. Rinella; George Matta, past commander of Catholic War Veterans Post 1559; John R. Yeager, president of Allied Veterans and the Rt. Rev. Msgr. Michal A. Dravecky, chaplain of the Catholic War Veterans Auxiliary and pastor of Holy Trinity Roman Catholic Church, McKeesport.

Mr. Speaker, I believe people such as Mrs. Kascak, who sacrifice much of their private lives to help others, should be recognized and it is with pride that I insert this tribute to her into the RECORD today.

SPECIALTY TUBULAR STEEL IMPORT PROBLEM

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. CLARK. Mr. Speaker, I would like to address Congress on the import problem and how it relates to the producers and markets of specialty steel tubular products.

The address follows:

SPECIALTY TUBULAR STEEL IMPORT PROBLEM

Of all the mill forms of steel, pipe and tubing account for about 10 to 11% of total shipments of steel. Steel specialty tubular products, in turn, account for about 15% of the shipments of all steel pipe and tubing. Therefore, when we refer to steel specialty tubular products we are referring to a product which makes up about 1½% of the total shipments of all mill forms of steel.

Specialty tubing, by definition, is either seamless (made from a solid round bar of steel) or welded (formed from flat rolled strip and welded into tube form); it is produced in carbon, alloy and stainless steels to meet various special requirements for pressure of mechanical applications. A great number of applications require special metallurgical, physical and mechanical characteristics to meet the needs of the end use service conditions. These can involve combinations of such properties as high temperature strength, low temperature strength, corrosion resistance, abrasion resistance, hardness, toughness and resistance to fatigue failure. On the whole, it is an engineered product; the equipment used to manufacture it is expensive and complex; the "know-how" is by no means simple; and, the cost of engineering development is considerable.

The question has been asked many times—what does specialty tubing do for the people in the United States. The average individual has never seen it, has never bought it in its mill form and, in all probability, if he were shown it and asked what it was, would say it was a piece of pipe. That is one of the clues to the import problems of the specialty tubing industry. The same difference exists between a piece of butt weld water pipe and a seamless stainless nuclear quality tube as exists between a little Piper Cub airplane and the 747; the same difference exists between an outboard motor boat and an aircraft carrier; the same difference exists between a stripped down small automobile and one of these new giant box-car-like truck trailer combinations.

To get back to the question, what does steel specialty tubing do for the people in our country—

First—just about all the electrical power developed in the United States comes to us—

courtesy of steel specialty tubing. In this case it is boiler tubes and related types of tubes of carbon, alloy and stainless steel—sometimes seamless, sometimes welded, depending on pressures and temperatures involved. Steel specialty tubing is used in large quantities in coal, oil and gas fired power generation type boiler installations. Specialty steel tubing is also used in nuclear power generation type boilers.

The automobile we drive contains ball and roller type bearings, a transmission, and a number of other parts—made from steel specialty tubing. The same can be said about trucks, farm machinery, locomotives, railroad cars, airplanes and helicopters—military, commercial, and the other types.

Every gallon of oil, every gallon of gasoline, every gallon or pound of the other hydrocarbons—somewhere in their life were processed through equipment such as furnaces, heat exchangers, stills, and condensers employing steel specialty tubing.

The same can be said about just about every one of the myriad of chemical compounds used by industry, used by farmers and used by homeowners.

And, let's not overlook food processing where the attributes of stainless steel in tube form maintain product purity.

These are but a few of the many uses of steel specialty tubular products. In relation to these uses:

1. No other mill form of steel can do the job at all or, alternately, as economically as steel specialty tubing.

2. No other metal can do the job at all or, alternately, as economically as steel specialty tubing.

3. Domestic producers of steel specialty tubing can adequately take care of the needs of the domestic markets for the product.

4. Domestic producers of steel specialty tubing have in the past, and will in the future, invest their money and their efforts to develop tubular products which will take care of the needs of the market.

What about the import problem?

There are four of the family of steel specialty tubular products which are hurt badly now; a fifth is fast reaching the point of being hurt, and a sixth showing signs of injury.

1. *Seamless stainless and heat resisting tubular products.* Total current domestic production is about 18 thousand tons per year; imports in 1970 were about 6,400 tons. This calculates out to over 35 percent of domestic production.

2. *Seamless alloy pressure type tubular products.* Total current domestic production is about 55,000 tons per year; imports in 1970 were about 12,000 tons. This is about 22 percent of domestic production and it has been increasing yearly.

3. *Seamless carbon steel pressure tubing.* Total current domestic production is about 100,000 tons per year. Believe it or not, until the Tariff Schedule was revised beginning in 1971 there was no way of measuring the imports of the product. Based on market knowledge, however, imports for boiler tubing alone are estimated at 25 to 30 percent of domestic production and increasing yearly.

4. *Welded carbon steel pressure tubing.* Total domestic production is about 100,000 tons per year. Again, here is a product for which imports could not be measured until 1971. Based on market knowledge, imports of boiler tubing alone are estimated at 30 to 40 percent of domestic production and increasing yearly.

5. The welded stainless steel tubular products member of the family is fast reaching the point of being hurt. Domestic production in the size range ⅜" through 4.500" in diameter in 1970, as measured by the Welded Steel Tube Institute is about 28,000 tons. In 1970 imports were about 4,600 tons or over 16% of domestic production, about double that in 1968.

6. The sixth member of the family, currently showing signs of injury, is seamless alloy steel bearing tubing. Domestic production is in the neighborhood of 225 to 250 thousand tons per year. In 1970 imports were 16.5 thousand tons, much higher than 1968 and more than 5½ times what they were in 1964. The market is further injured by increasing imports of finished bearings as well as imports of automobiles and machinery—the prime markets for bearings.

There are other members of the family of steel specialty tubing becoming exposed to imports. The problem we have today came to full bloom since 1964. What will be the problem in five or six more years—unless something is done. We, who are part of this industry, are genuinely concerned.

We are not only concerned because of the quantities of the materials involved and the share of market currently enjoyed by imported steel specialty tubing—but

We are concerned about loopholes and questionable product definition in the Tariff Schedule, the measuring tool for imports. If there is not an unquestionable measuring tool, how can a quota system work?

We are concerned about the fact that scheduled changes in duty actually lower the tariffs on the products currently injured. And, to top it off—unless we are sadly mistaken the cost of entry (duties, taxes and other charges) for these specific products are lower—much lower—for the foreign producer bringing it into this country than we must pay to export the very same product into their countries.

We are concerned about the fact that the voluntary quotas, arranged for in late 1968, did not work with our product in 1969 and this same situation was more grievous in 1970, and there is no reason to say it won't be worse in 1971.

We are concerned because those who make government decisions tend to believe that a tube is a pipe is a tube. They do not appear to recognize that steel specialty tubing is a rather sophisticated product, requires highly specialized manufacturing equipment, and specialized manufacturing know-how, and is an extremely critical product when related to its use.

There are a fair number of companies in the United States who manufacture steel specialty tubing. Some manufacture seamless; some manufacture welded. Some manufacture carbon steel tubing; and some manufacture stainless and heat resisting. Some manufacture pressure tubing; some manufacture mechanical tubing. Some are integrated—that is, make their own steel and process it to the finished tube; some purchase rounds and make seamless tubes; some purchase flat rolled stock and make welded tubes. Some purchase a semi-finished tube hollow and redraw it to smaller sizes.

Some are large units of diversified steel producing companies; some are rather small companies. To put it into today's vernacular, each domestic producer of steel specialty tubing does his own thing. Collectively, they are geared to satisfy the needs of domestic markets.

But these domestic markets simply are not large enough to take care of the productive capacity of the domestic industry and increasing imports from the rest of the world. The domestic markets are not insatiable. The domestic markets for steel specialty tubing are relatively small.

And, what happens when markets diminish, or disappear? Is it not logical to say that the companies which serve that market either go out of business or tool up to manufacture a product for which there is a market?

This is what is happening now in the steel specialty tubing industry. And it can be predicted that if something is not done to curb the growing imports of the six key products mentioned earlier, and some others on the horizon, this nation of ours will be increasingly dependent upon Japan, West Germany, United Kingdom, Sweden and a number of others.

The subject of imports of steel specialty tubular products may be of little interest to the average citizen of the United States. But none can deny that the average citizen is interested in the products and services supplied to him by the markets for steel specialty tubular products. Consider these markets—electrical power generation, oil, gasoline, the automotive industry, aircraft, chemicals, machine tools, food processing, farm machinery, construction machinery.

It does not appear to be logical that those in government would knowingly permit such vital industries to become dependent upon overseas supplies of a common vital component—steel specialty tubing. But, if something is not done to control the increasing imports of that common vital component—steel specialty tubing—dependence can become a fact.

WINDING DOWN THE WAR BY HEATING IT UP FAST

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. EVINS of Tennessee. Mr. Speaker, much comment and controversy has resulted from administration decisions to intercede in Cambodia and mobilize substantial American and South Vietnamese forces near the border of Laos.

In this connection the Nashville Tennessean in a recent editorial questioned the tactic of "Winding Down the War by Heating It Up Fast."

Because of the interest of my colleagues and the American people in our involvement in Southeast Asia, I include the editorial in the RECORD:

Winding Down the War by Heating It Up Fast

In his conversations with television commentators not long ago, President Nixon said the end of the American combat role in Vietnam was in sight; that the war was winding down and that it is "beginning to end."

Lately, the American public has had some object lessons in "winding down a war." One was a resumption of air strikes against North Vietnam in retaliation for having reconnaissance planes fired upon. But the ultimate reason, Mr. Nixon indicated, was to discourage any buildups by the North that would threaten "our remaining forces in Vietnam."

Now, the South Vietnamese, with American support, have launched twin drives into Cambodia and toward Laos. Some 10,000 Saigon troops have made an incursion into Cambodia similar to those across the border last May and June. Seven thousand or more were there already.

The aim of the drive, according to one source, "is to be sure we haven't missed anything that would endanger the withdrawal of U.S. troops."

The strategy behind the thrust at Laos is to cut the Ho Chi Minh trail and convince North Vietnam that any future large scale offensive in Cambodia or in southern South Vietnam might be imperiled by having its supply lines cut off from the rear.

American field commanders have long

wanted to move into Laos and cut the Ho Chi Minh trail, but previously the arguments against it have prevailed. They are that this would only widen an already oversized battle area, undermine the useful facade of a neutralist regime in Laos, and give North Vietnam the excuse it needs to seize Vientiane.

The two operations have already brought threatening noises from Communist China and the pledge to support the Communist forces "until final victory."

In the two operations, South Vietnam is tying up the use of three divisions, which is a questionable expenditure of manpower when the Saigon government has enough problems for its troops at home.

Although American air support backs both operations, it is doubtful that Mr. Nixon would risk the political storm at home by sending U.S. ground forces into Laos. So the action in Cambodia and Laos will have to be carried by the South Vietnamese.

And the question this boils down to is what happens if the Saigon troops do engage in major action—and get bloodied to the point of defeat?

The thrust of Vietnamization was to prepare the South Vietnamese troops to defend their own country against the enemy. But they are now being used to spearhead operations in Cambodia and another aimed at Laos.

If this is part of the process of winding down the war, perhaps the next idea of the planners will be to invade North Vietnam—after all the main sanctuaries and staging areas are there.

THE 150TH ANNIVERSARY OF GEORGE WASHINGTON UNIVERSITY

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. BROWN of Michigan. Mr. Speaker, as a graduate of the George Washington National Law Center, I am pleased to join my colleagues today in extending recognition and congratulations to the George Washington University on its 150th anniversary.

Those who live in the Washington area are aware of the contributions that this institution's alumni are making to the immediate community and to the Federal Government. I understand that most recent statistics indicate that some 20,000 graduates reside in the metropolitan area, and that the university is represented by more alumni throughout the Federal Government than any other university in the country.

The school's impact, however, extends far beyond Washington. In my own State of Michigan, for instance, the former Governor and the present Secretary of Housing and Urban Development, George Romney, is a graduate of the George Washington University, as is my colleague and friend representing Michigan's Sixth Congressional District, Chuck Chamberlain. I know other States can also count among their leaders in government, business, and the professions, alumni of the George Washington University.

This school's contributions, to the Nation, however, should not be measured solely in quantitative terms, that is, in numbers of graduates in prominent positions across the country. It is the quality of the contributions being made that is the real measure of the university. And the majority of these contributions are being made relatively quietly in the day-to-day lives of men and women in community after community across our Nation.

One such contribution made by a graduate of the law school in 1899, George V. Weimer, a man little known in the Washington area but widely respected as a circuit court judge in Kalamazoo, Mich., had the greatest influence on my decision to attend the George Washington Law School. His years of service to the community of Kalamazoo exemplified the highest standards of personal and professional integrity and made an inestimable contribution to the quality of life and practice of law in that community.

Mr. Speaker, the quality of Judge Weimer's life and of that of thousands like him, a quality to which the George Washington University made important contributions, is, I think, the real measure of the greatness of this university, and in the final analysis, pays far higher tribute to this institution than any words we may utter here today.

PRESIDENT SETS A PATTERN OF LEADERSHIP IN DOMESTIC AFFAIRS

HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. STAFFORD. Mr. Speaker, in his first two major addresses to this new Congress—the state of the Union and the budget message—the President has set a pattern of leadership in domestic affairs that shows great promise for this country.

A distinguishing quality of the President's initiatives is their boldness. He has clearly indicated that he does not intend to run a caretaker government; and he has cast away the cosmetic approaches used too often in past administrations. The President's proposals are not rhetoric; they are far reaching, in fact, revolutionary ideas that would change the entire structure of our Government.

A second characteristic of the President's new initiatives is their merit. Whether it is revenue sharing, Government reorganization, welfare reform or health care, the administration has taken a commonsense approach to reform. It has taken a hard look at our domestic problems and put forth meaningful solutions. They are not vague, blue sky ideas, but solid programs which can be enacted now if the Congress only has the will.

In considering the President's legislation, the Congress must do so with utmost seriousness of purpose. There are no throwaways in the President's legislative program. The six great goals are each aimed at solving a critical problem in our society. If we approach them with the same spirit of boldness, of willingness to innovate, as displayed by the administration, we can bring about these long-needed reforms of government.

SPEECH OF EAGLE SCOUT CHARLES P. ILLSLEY

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. LLOYD. Mr. Speaker, the Boy Scouts of America is presenting its annual report to President Nixon and to Congress this week through 14 Boy Scouts and Explorers, 12 of whom are regional winners of the Reader's Digest-BSA National Speaking Contest and two of whom were selected for their activities in conservation.

At a kickoff breakfast this morning, presided over by our colleague the Honorable John Y. McCollister of Omaha, Nebr., who was himself a member of the Mid-American Council Executive Board, member of the National Council Executive Board, and chairman of region 8 of the Boy Scouts of America, a most impressive presentation speech was made by a young constituent of mine, Eagle Scout Charles P. Illsley of Salt Lake City, who was one of the two 1971 national youth representatives. He is the son of Mr. and Mrs. Charles F. Illsley of 3428 South 2610 West, Salt Lake City. He is a student of Granger High School in Salt Lake City, one of the upper 2 percent of his class and belongs to the National Honor Society.

His speech to the assembled Members of Congress and scouting executives was written only within the last few days, but it represents the dedication of the Boy Scouts of America to a conservation program designated as SOAR, denoting the motto "Save Our American Resources." At the request of many of my colleagues who were impressed with the talk made by Charles under these auspicious circumstances and because of my own interest and desire, I insert in the Record for wide distribution and readership the speech which Charles presented:

Speech by Eagle Scout Charles P. Illsley

Members of Congress, Scouters, Scouts, and Friends: In the Beginning God created the Heavens and the Earth and every living creature. He created man in his own image and made him steward of the earth. He looked at his handiwork and it was good. God rested on the seventh day.

After the seventh day man began to do a little creating on his own. He progressed from the Stone Age into the Jet Age. Unbelievable advances have been made in technology, medical science. He produced the awe-inspiring mushroom cloud, transplanted human hearts and has left his footprint upon the lunar surface. And yet modern science is still so young that 80% of the scientists who ever lived are alive today.

I think you will agree with me that these are wonderful and exciting times. Yet these changing times have brought many problems . . . Wildlife threatened with extinction, some species have already gone beyond the point of no recall. Our rivers and lakes are polluted and the oceans show signs of refuse in their waters. The very air we breathe bears traces of our technological advances. Some anthropologists tell us that man is out on a limb and is busy sawing off that limb. We are facing an environmental crisis of a most grievous nature!

President Nixon has challenged the Boy Scouts of America to undertake a massive program of conservation education and action activities in 1971. He challenged us to a keen awareness of importance of using our natural resources *wisely*. He challenged us knowing this awareness is vital to the young people since they must manage these resources with prudence and imagination in the years ahead.

My generation is the first to view our earth from the moon. The Apollo moon flights have demonstrated with astounding clarity that this "Good Earth" is a closed circuit system. All the water, soil, air, and vegetation so vital to life are contained within this one circuit. There is absolutely no way we can obtain more of these resources.

The youth members of the Boy Scouts of America accept the challenge of President Nixon and Congress. Project SOAR—Save Our American Resources—is designed to meet that challenge by preserving and recycling the elements necessary for life—a process which must occur if man is to live in harmony with his environment.

Project SOAR has three ultimate objectives:

1. The importance of all natural resources is vital to young people personally, to the future of their country, and to their way of life in a democracy.

2. Young people should develop an understanding of their interdependence with their environment.

3. They must also understand their responsibilities as citizens to contribute to the development of a better environment in which to live.

At the last National Jamboree in Faragut Park, Idaho, I heard Chief Scout Executive Aldon Barber quote these lines:

"I am only one, But I am one
I cannot do everything, But I can do something
And that which I can do, is that which I must do
And by the Grace of God, I will"

Indeed, "One man can make a difference and every man should try."

Project SOAR will motivate the American public through the boy and the young man membership of the Boy Scouts of America. The possibility of some 6 million members telling a conservation story through word and deed to parents and sponsors of scouting alone, could influence a substantial segment of the American public.

Astronaut Ed White made a thought-provoking statement. He was speaking about his thoughts as he walked in space:

"Our problems look mighty small from 180 miles up. The world looks cleaner . . . so much more beautiful. Maybe we can make it that way . . . the way God intended it to be."

The young people are the world's best hope on earth. By what we choose to do, we shall nobly save or meanly lose the last best hope of earth—or earth itself.

Project SOAR is our answer.

HOUSE JOINT RESOLUTION 22, CALLING FOR NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to join in this bipartisan effort to continue focusing public attention on the plight of American prisoners in Southeast Asia. As I have noted on previous occasions, this problem has become for all of us in this body both a national concern and a national frustration. To date, all attempts by Congress and the executive branch to alleviate this totally unsatisfactory situation have proven unsuccessful. As a result, we have felt rising indignation, not unmixed with a sense of futility.

Nevertheless, Hanoi—despite its intransigence on this issue—is not totally immune from the pressure of U.S. public opinion. Although it has consistently chosen to flout the Geneva Convention to which it is a signatory, the regime has recently attempted to convey the impression—however misleading and inaccurate—that an "official' list of POW's has, in fact, been released. The claim was transparently false, but the attempted deception indicates that Hanoi is listening.

Similarly, a recent upsurge in direct, spontaneous communication with the North Vietnamese leadership apparently has had some effect. For instance, the Herndon Co. of Madison, N.J., which sponsored a "write Hanoi" campaign over a year ago, reports that since the campaign began, three times as much mail has been received from U.S. prisoners.

This joint resolution is designed to signal to the North Vietnamese that American concern over this issue is real and continuing—and that in the long run compliance with our legitimate demands will be in their best interest as well.

I urge my colleagues to join in this effort to make the signal both loud and clear.

A REALISTIC HEALTH CARE PLAN

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. RHODES. Mr. Speaker, I was heartened to note that in his state of the Union message, President Nixon introduced a realistic health care plan. We have recently been treated to a great variety of health plans, some of which are patently absurd. I would particularly note one such scheme which would require an appropriation approximately equal to all the money the Government spends on domestic resources.

Such flights of fancy are not in the best interests of this country, and it is reassuring to see that the administration takes health care more seriously.

The President's health proposals are within our financial means and, more important, the administration has put its priorities for health care in the proper order. While it may be politically expedient to promise every citizen free medical care, the administration has rejected such rhetoric and chosen to bite the harder bullet.

Anyone who has had to wait for hours in a doctor's office or been turned away from a hospital because of lack of beds or travel 30 miles to reach the nearest doctor, knows that our real problem in health care is in the delivery of services. That is the problem the administration has chosen to confront and it should be the problem which the Congress addresses when we discuss health care.

THE AMERICAN FARMER'S INTERESTS WILL NOT BE JEOPARDIZED

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. SEBELIUS. Mr. Speaker, in the January 19 issue of the Southwestern Miller, a most respected and well-read publication throughout the world and a leading spokesman for the breadstuffs industry, there is an editorial I would like to commend to the attention of my colleagues.

The editorial concerns a letter from the White House written to my good friend and colleague, Senator BOB DOLE, of my home State of Kansas. The letter is significant because it underlines this administration's policy regarding American trade, agriculture and this Nation's future grain negotiations. In effect, it states the American farmer's interests will not be jeopardized by the European Common Market advocates of liberal trade.

The letter also serves another purpose. It points out specifically how Senator DOLE is continuing to fight for the best interests of his State and the American farmer—not only as a U.S. Senator, but as the leader of the Republican Party as well. The letter follows:

A LANDMARK LETTER

The recent letter from the White House to Senator Robert Dole of Kansas spelling out President Nixon's position in regard to British grain import proposals is an official utterance of major importance in the recent history of American trade policy. That letter, written by William E. Timmons, a White House aide, at the suggestion of President Nixon, most significantly discloses that the President has told Prime Minister Edward Heath of the United Kingdom that the U.S. government is "unwilling to accede" to the British requests.

What the British proposed and the President rejected are two actions regarded as a preamble to eventual U.K. membership in the European Community—an increase in minimum import prices on grains next spring to be followed by adoption of a variable levy system beginning next July 1. The President has the power to reject the increase in minimum prices in view of the U.S. participation in a five-country agreement that originally allowed the U.K. to impose minimum levels on grains moving into the country from abroad. The aim of that original agreement was to lessen the cost to the British government of deficiency payments made to farmers at levels that reflected the difference between actual market income and specific support levels. Since imports govern the level of the U.K. market, British espousal of import minimums was at least understood among supplying nations as a step to relieve a severe strain on the budget. It also is recognized that the proposal to raise the minimums in that original agreement is simply a preliminary step toward increasing grain prices within the U.K., not as a budgetary move, but as a prelude to embracing the Common Agricultural Policy of the European Community.

That the Heath government has not sought to suppress knowledge of its ultimate goal is indicated by the second request—that the United States accept its wish to adopt a variable levy system on grain imports beginning with the 1971–72 crop year. As the Timmons letter notes, the U.S. ability to prevent that from happening is not as great as in the case of the import price advance, since the latter can only occur with the consent of the United States. "We do have very strong rights under the General Agreement on Tariffs and Trade," the White House letter notes. From the tone of the letter, it is obvious that the President made clear that this country strongly opposes adoption by Britain of a variable levy system. No other course could be followed by the President unless it was his intention to forsake agriculture as one of the principal advocates of liberal trade.

The letter from Senator Dole that prompted the welcome White House reply is in itself a highly significant communication, coming as it does from the man who now serves as chairman of the Republican National Committee. The senator, representing Kansas in the House for many years before his election to the Senate two years ago, always has displayed a keen awareness of the importance of trade to the economy of the nation's most important wheat-producing state. His standing in relation to the national scene is now substantially enlarged and strengthened. For that reason, Senator Dole's recognition that British negotiations for entry into the European Community stand as about the last hope in achieving moderation in the Community's destructive agricultural policies is also important.

One of the most intriguing aspects of the White House letter is its confirmation that the British government "made another proposal to which we have not formally reacted" during the recent visit of Secretary of Agriculture Hardin to London. That hints of some negotiating headway that should be facilitated by the ground rules President Nixon laid down so emphatically for future grain negotiations.

KIWANIS OPERATION DRUG ALERT

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. McKEVITT. Mr. Speaker, I would like to call the attention of the House of Representatives to the accomplishments of Kiwanis Clubs around the Nation over the past 2 years in informing our young people of the dangers of drugs. Denver is a case in point. Two years ago the Capital City Kiwanis Club launched its "Kiwanis Operation Drug Alert." It is a program that sent speakers, including ex-addicts, into the junior high and high schools of the city to inform young people about the dangers of drugs. The program has been tremendously successful, although its real success probably cannot be measured.

One of the leaders in the Kiwanis program has been Mr. Theodore "Ted" R. Johnson of Denver. He is the international president of Kiwanis. We are extremely proud of Ted Johnson in Denver; among other things he is the first Denverite to serve as international president of Kiwanis. I am told that the next project of Kiwanis will be to focus on improving the quality of life. I am confident that this new program will also be a success and I again want to commend Ted Johnson for the leadership he has provided as international president of Kiwanis.

GREECE—A DIFFERENT OPINION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. SCHMITZ. Mr. Speaker, the following letter appeared in the Williams Alumni Review, fall 1970. I hope that all my colleagues will take the time to read this short letter written by Mr. Bayard Stockton who has lived as a journalist in Greece since 1964.

The letter follows:

DIFFERENT OPINION

To the EDITOR:

I hate to take issue with fellow Williams graduates (or erstwhile professors), but Professor Simpson's sympathetic review of James Beckett's *Barbarism in Greece* in the spring number of the *Review*, as well as the substance of the book itself deserve a few words.

Firstly, I am a journalist and have lived in Greece since 1964. Secondly, I have written a book about the Greek revolution which will shortly appear in the U.S. (*Phoenix with a Bayonet*, Georgetown Publications, scheduled to be on sale Oct. 15.)

All the foreign correspondents in Athens and most of the Western foreign embassies here have gone to considerable lengths to determine whether the charges of systematic torture raised primarily by disgruntled Greek exiles such as Andreas Papandreou are justified. None of us has been able to substantiate the charge. There have been isolated cases of torture, due to the zealous officiousness of individual policemen. These officers have been disciplined. Papadopoulos himself once unguardedly said he would hang any cop from a tree in Constitution Square whom he determined was guilty of torture.

The charges are part of a wider effort, subtly directed and heavily financed, using the facile exiles as well as well-meaning liberals to discredit a regime which is demonstrably improving the lot of the Greek citizen. The chaos that existed before was real. One simple instance is that I rarely received the *Review* because the postal system was so inefficient.

As for the documentary record. I can only say that misinformation is a highly tricky but effective technique practiced by the Soviets and their allies. I was interviewed by one of the Amnesty International investigators; he struck me as biased, woefully misinformed and naively conspiratorial. Andreas Papandreou, appearing in front of the Council of Europe's Human Rights Commission could not remember whether it was the toenails, the fingernails or maybe the teeth of a friend of his which had been "extracted." Witnesses were coached, suborned and threatened by the militant "liberals." The hearings were in no way fair to the Greek government which, however, was in no position to make its case heard effectively. The International Red Cross report merely examined the conditions of detention of the Island detainees, and found them by and large satisfactory.

Some of these thoughts, and some speculation about where the Revolution will go, or even its significance for other countries, appears in a booklet called *The New Approach* published locally, which is in the Williams Library.

A couple of final points: a) the Greeks who work in West Germany (but not in large number in France), seek the employment themselves. To only a limited extent are they recruited. Most are anxious to go in order to build a nest egg for investment, marriage or whatever when they return to Greece; b) The Human Rights charges which are now being resurrected at Strasbourg have become so obviously tangential that one of the earlier prosecuting nations, The Netherlands, will not associate itself with the latest brief.

Far better than my words here is the advice to anyone who feels strongly about the matter of the justice of the Colonels' seizure of power and/or of their methods (which admittedly are at times painfully obtuse) to come to Greece and investigate as much as he likes. No one will stop him. In fact, the government welcomes open and honest inquiry from abroad.

BAYARD STOCKTON '51.

Athens, Greece.

A TRIBUTE TO THE CARRIER PIGEON

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. CARNEY. Mr. Speaker, I would like to introduce a bill today in support of issuance of a special postage stamp as a tribute to the effective services performed by homing pigeons for the Armed Forces of the United States during three major wars: World War I, World War II, and the Korean conflict. It is not much of an exaggeration to say that without the pigeons we would have had trouble making it through those wars.

The pigeon has been used as a battlefield courier for almost 2,000 years. Extensively employed in World War I, the pigeon was found capable of flying 500 miles in one day, averaging 40 to 50 miles per hour. With a tail wind he could average 70 miles per hour. Compared to the courier dog's range of 4 miles at 10 miles per hour, the pigeon clearly proved his worth.

The U.S. Army, unlike Great Britain, continued maintenance of its pigeon lofts after World War I. With the outbreak of World War II, the Army Signal Corps instituted emergency measures. The pigeon center was expanded and 40,000 pigeons were raised and trained for service. Hundreds more were ordered, and civilians were encouraged to contribute homing pigeons for military service.

During the Korean war once again the need for a speedy, yet mobile, means of communications to serve small probing patrols was recognized. Wire, although it has been reduced in weight and bulk until a man can carry a mile's length of it on his back, was not the answer. Then, too, even a whispered conversation carried a long way on a cold, still night. When patrols go out the enemy gets pretty close. Radio was not the answer in this situation, either. The answer to the problem was clear once someone suggested it—pigeons. So the Signal Corps came up with a loft of them.

The pigeon proved his worth against

the Korean hawks. Those Korean hawks were enormous—the size of an eagle. Twenty pigeons of a total of 116 received for active duty in Korea were victims of this enemy. Only one pigeon is known to have been killed by friendly forces, this by a U.N. soldier who had a language barrier problem. There were no reported desertions.

The pigeon is not without his faults. He would rather lose valuable time by following rivers and valleys than fly over a mountain. No one has been able to convince our fine feathered friend that the shortest distance between two points is a straight line.

Nevertheless, I think all must agree, Mr. Speaker, that the faithful carrier pigeons who have served us so well have earned not only a place in our history books, but a special tribute, in their honor. It seems to me highly appropriate that this tribute be the issuance of a special postage stamp.

ON REVENUE SHARING

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. FORSYTHE. Mr. Speaker, President Nixon's far-reaching revenue-sharing proposal is a program that I believe the Congress, in its wisdom, must enact.

I am pleased to join many of my colleagues in sponsoring the President's $5 billion general revenue sharing legislation, which I believe is a vitally needed first step toward breathing new life into our State and local governments.

I realize that there are problems with far-sighted programs of this nature, and I am sure there are pitfalls which must be avoided.

But I believe the time has come for the politicians of this country to begin turning the power of government back to the people. And, I don't believe the people will be satisfied until this is done.

Americans today, as our President has said, are tired of an impersonal government. They are demanding self-determination and, my colleagues, this means that there must be a shift from Federal rule to home rule, from faceless manipulation to personal participation.

During the political campaign of 1968 Richard Nixon remarked in Williamsburg, Va. that the American system had gathered so much momentum that we could not detect the slow erosion of our personal freedom, the gradual diminishing of human dignity.

And, he added:

> Now, a generation later, we feel it. And we miss what we lost.

He said:

> Americans have the feeling of being a cog in a huge machine; of being no longer in control of our own lives; of not having our own important say in the direction of our communities and our nation.

He said further:

> Then we must find a way to make government work for all of us without dominating any one of us. We have to establish new respect for the qualities of initiative, personal sacrifice, and readiness to seize opportunity, that made the individual American the wonder of the world.

Well, Mr. Speaker, I believe this total $16 billion revenue sharing program recommended to us by the administration is a beginning in the realization of this goal.

There are those who say in this Chamber that we cannot trust our localities and our States to responsibly spend money collected by Federal taxes.

For 38 years power has been drained from the people and it has been transferred to Washington, where it has intoxicated generations of politicians and bureaucrats. I wonder if this is really any better.

I have said many times that Government can be operated most effectively and most efficiently by the people who know and understand the local needs.

These people back home want to be heard. They want to have a greater say in the governmental decisions that affect their daily lives and their futures. I believe promises can, indeed, be transformed into performances at the local level.

Mr. Speaker, I say we must untie the hands of our local officials and give them the means to cope with the critical problems with which they are beset. I am convinced this can be accomplished with the assurance that the job will be done. The Federal Government always will have the means to withhold money if it is misdirected or misused by the States and localities.

Recent surveys have revealed that a huge majority of Americans support the concept of revenue sharing.

Local officials and Governors across our land have urged approval of the program.

A former distinguished member of this body, William T. Cahill—now the fine Governor of New Jersey—has urged Congress to enact this program.

The New Jersey Legislature was the first in the entire Nation to adopt a resolution calling for a constitutional convention to devise a revenue sharing plan.

Since then, many other States have followed.

Meanwhile, the newly-elected chairman of the New Jersey Association of Chosen Freeholders, George Makin of Ocean County, has also urged approval of the program.

These are only examples of the burgeoning support the proposal is receiving in my State, and my district.

I urge my colleagues in the House to join in support of this most important measure.

UNIT RULE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. BOW. Mr. Speaker, under leave to extend my remarks, I include my current weekly report to the people of my district as follows:

YOUR CONGRESSMAN REPORTS FROM WASHINGTON

(By FRANK T. BOW, Member of Congress)

WASHINGTON.—In their unseemly haste to abolish one of the major reforms of the legislative reorganization act, the "liberal" northern Democrats in the House of Representatives resorted to one of the most undemocratic parliamentary procedures ever devised.

Having proposed that the minority staffing provisions of the new law be repealed as a first act of business of the new Congress, the "liberals" went on to insist that the action of the Democratic caucus be binding upon all members of that party. They proposed and the caucus adopted a "unit rule", under which all Members of the party are bound and required to vote as directed if two-thirds of the caucus supports an issue.

This "unit rule" has been the tool of political bossism over the years, wherever a ruthless majority seeks to stifle dissent. It strikes at the heart of the parliamentary system. The whole concept of free and open debate is destroyed by the unit rule. No Member of the Democratic Party is free to speak his own mind or vote the dictates of his own conscience when the caucus invokes the unit rule.

I hope this cynical exercise of antidemocratic power will be kept in mind when the same men who invoked its use this year speak publicly about the necessity for reform and modernization of the legislative process. They have taken a step backward into the era of the Tammany Hall bosses and the one-party politics of the old South. It is difficult to reconcile their public pronouncements with their private power plays.

EDITORIAL REACTION TO THE PRESIDENT'S STATE OF THE UNION MESSAGE

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. DEVINE. Mr. Speaker, editorial reaction to the President's state of the Union message has been overwhelmingly favorable. While most newspapers have quite properly reserved the right for further comment pending the details of the administration's legislation, they have been almost unanimous in pointing out that the President did address himself directly to our tough domestic problems.

As an illustration of this point, I insert in the RECORD six editorials which represent a broad geographic spectrum:

[From the Birmingham News, Jan. 24, 1971]

A NEW REVOLUTION

The address Richard Nixon delivered to a joint session of Congress Friday night was far from a run-of-the-mill State of the Union message.

In its organization, its emphasis and its eloquence, it was extraordinary.

Foregoing the customary broad-brush treatment of the situation in which the nation finds itself at a particular time, Mr. Nixon chose to confine himself to six "great goals" which, if achieved, he said, could launch a "new revolution" in this country—a peaceful revolution as exciting and significant as the revolution out of which came the United States of America.

There will be, obviously, considerable and heated debate of his six recommendations. The debate will not necessarily follow strict party lines, for some of what he proposes is distinctly un-Republican—or at least untraditional-Republican.

Just about everyone has come around to the view that his proposed "full employment budget," involving a deficit up to the amount of federal revenues which would be generated if the nation were experiencing full employment of its labor force, is necessary and feasible.

And there's not likely to be much opposition to his conservation and environmental protection goal, although no doubt there will be opposition to specific proposals for achieving it. The people simply demand that greater attention be given to this matter, and congressmen know how to sense their constituents' mood.

The concern here is that the environment is such a politically attractive subject these days that they may stumble over themselves trying to outdo each other, and thus end up doing little.

Less unanimity exists on the desirability of the family assistance plan—a guarantee of a base income of $1600 a year plus $860 in food stamps, for a family of four—which is at the heart of Mr Nixon's reform program.

There is widespread agreement that welfare reform is urgently needed; there is agreement with the President's avowed goal of aiding the needy and stopping aid to those who could help themselves but won't. The President's advisers believe that eventually the program proposed by him will encourage welfare recipients to get off the dole and begin producing rather than consuming tax revenues. But they admit that's a fairly long-range hope; the immediate effect would be to add millions more names to the welfare rolls.

We'll have to wait further development of the President's proposals in the health field. His call for more money for medical education and cancer research was clear enough and will have strong support; his ideas for how to guarantee medical care for the poor are not yet as clear, and this issue will be further clouded by efforts of some Democrats to expand the concept to cover all citizens, not just the poor, with a blanket national health insurance program.

The most dramatic part of the President's speech, the part earning for him the right to label his proposals "revolutionary," was that section containing his recommendation for a massive reversal of the tides of power in the country.

For several decades those tides have moved inexorably toward Washington, where they have created a pool of centralized power. Mr. Nixon said, in effect, that too much power has accumulated there, that it can't be exercised effectively to serve the needs of the people, and that it is time to begin returning some power to the governments nearest the people—and with the power, the resources for carrying out their increased responsibilities and opportunities.

This, truly, is the sort of "revolution" in which all Americans—most pointedly including those who have been tempted by the street orators to believe that violence is the only means of changing "the system"—can enlist.

It won't be an easily won revolution, for those who exercise the power now won't surrender it easily. Nor will there be total agreement on strategy and tactics—revenue sharing, for example, or drastic reorganization of executive departments.

But he has raised a stirring banner and—faced with a Congress dominated by the other party and recognizing the reality of the system by which the President proposes and Congress disposes—he invited the lawmakers to assume the credit for enacting his proposals: "This can be known as the Congress which . . ."

Needless to say, he is likely to remind voters next year of his own role in all this—and, likewise, of Congress's.

If the Democrats stall or subvert his "revolution," he can remind the voters just as easily that "this is the Congres which did *not* . . ."

As we said, it was an extraordinary political document.

[From the Christian Science Monitor, Jan. 25, 1971]

REVOLUTIONARY PROGRAM

President Nixon was not exaggerating when he spoke of his State of the Union program as revolutionary. And it is no exaggeration to say that it will call for an almost revolutionary burst of activity on Congress's part if the program's potential for good is to be realized. The President has set forth measures which would shake the federal government to its foundations and work great changes in the lives of tens of millions of Americans. Congress must respond constructively. If the much that is progressive and worthwhile in this program is passed, there will be ample credit for all persons and parties.

It would be a serious mistake—practically and, we also believe, politically—for Congress not to study President Nixon's bold and far-reaching program carefully and with constructive goodwill. For there is a great deal in it which, whether in exactly this form or with adaptations, goes to meet a number of today's gravest problems. At the very least, this program seeks to make both the instrumentalities of government and federal programs more responsive to the needs of today's complex and troubled society.

Welfare reform, seeking to combine a floor under poverty with work incentives, is desperately needed to bring dignity and order out of a situation which grows more chaotic and unsatisfactory daily.

Revenue-sharing with state and local government has become an absolute must if these are to be restored to financial health and to social and political effectiveness. Furthermore, President Nixon is on sound ground when he recognizes that the federal government has become so immense and remote as to be "musclebound." Sixteen billion dollars is a vast sum, but it is not too large for the vast job which needs to be done.

We warmly welcome the President's decision to confront the problem of federal reform. Whether the amalgamation of the 12 remaining cabinet posts into eight is the best approach must await further study. But we applaud the idea of zeroing in on Economic Development, Human Resources, Natural Resources and Community Development because these sum up in broad but succinct outline so much of today's challenge to make life better.

It is natural that increasing thought be paid to better and more equitable health care for all. But each individual must be allowed to choose the method of healing which his conscience dictates. Furthermore, care must be exercised that no profession, medical or otherwise, be given undue influence or power in national life.

Few physical changes could make life pleasanter for more people than a great national park, open space and recreation program. It is desperately needed.

An expansionary, deficit budget will be justified to the degree that it stimulates the economy, lowers joblessness, without encouraging or maintaining inflation. This can be achieved, but it will require bold and firm guidance and control.

This program could work tremendous national changes, most of them in a needed direction. We urge that, in this period of social, economic and political crisis, this program be studied for what it can do for the nation, not for what it can do for party or politician. It will, of course, require refinements. But let these have the single aim of increasing the program's potential for good.

[From the Gary Post-Tribune, Jan. 23, 1971]

HAS THE STATE ENOUGH UNION?

The 92nd probably will not be "recorded as the greatest Congress in this nation's history" as President Nixon says it has a chance to become. Neither is it likely to join him in "a new American revolution . . . as profound, as far reaching, as exciting" as the one 200 years ago. That probably would be asking too much of a Democratic Congress working with a Republican President in a time, which, while continuingly critical, is not gripped by the sort of overriding crisis which tends to blot out partisan differences.

However, by working together through compromise toward some of the generally popular, though in detail controversial, "six great goals" of the President's State of the Union message, the two branches could get much done that needs doing, much that most people want done.

The danger is that for reasons sometimes partisan and sometimes ideological or controversial they won't make as much progress as they should. The hope must be that both sides see that there is more to be gained in the 1972 elections, as well as for the country, in getting more done than did the 91st Congress.

The President verbally at least recognized that potential in discussing welfare reform, which he called the "most important" part of his first listed goal of "left over legislation." He said "we may honestly disagree on what to do but we can meet." They didn't last time around. We still believe, though, the President is on sound ground in advocating both an income floor and the work incentive concepts. So do many congressmen. Somewhere they should agree on details.

Everyone is for the "second great goal" of "full prosperity in peacetime," and the President has shown courage in departing Republican orthodoxy to propose an expansionary "full employment budget" (one with a built in deficit) as one way of achieving it. If Congress balks at that it needs to find an alternative that works. But the economy needs more than oratory.

The third goal of attacking environmental problems is one everyone favors, but the big problem here could be Democratic liberals wanting to spend more than the President and forcing vetoes which could hurt both sides. The public will want more action than extremism. That same danger may be involved in the fourth goal of "improving the nation's health care" with some Democrats already pushing for a "health insurance" program so broad that Nixon might balk.

Revenue sharing with the states and cities may face its toughest fight from Democratic conservatives led by powerful Ways and Means Chairman Wilbur Mills. Still, the President's request to put $5 billion more into it without cutting other urban programs should win it new liberal support. There is courage in the proposed executive reorganization by cutting 12 Cabinet departments to 8. It could bring sounder business management. The question may be how sound it is politically considering entrenched interests of some in the bureaucracy and some in Congress.

The "Union" as the President sees it is in a "State" of opportunity for real progress, but it will require hard-headed common sense and much political unselfishness to achieve it.

[From the Times-Picayune, Jan. 25, 1971]

NIXON MESSAGE WELL CONCEIVED

For his State of the Union message, President Nixon has delivered a well-conceived document of unusual depth for what it can mean to the nation domestically.

Who can argue against need for: welfare reform, stimulation of the economy, bettered health care, more financial help for state and local government, overhaul of sprawling bureaucracy and improvement or restoration of our natural environment?

Mr. Nixon will be unfolding his blueprints for specifications on how he believes these goals best accomplished. And it is at this juncture his approaches will come under close—even hypercritical—examination in the 92nd Congress and the country.

The message was far from routine. It dealt with what confronts individual Americans in putting bread on their tables, doctoring their ills, preventing deterioration in services provided them by their local governments, alleviating the smothering load of impersonalized government and protecting their natural surroundings.

Questions do arise, but they are not to be argued before specific programs are forthcoming from the White House. That is, they are not to be condemned unless there is partisan resolve that a Republican president is incapable of good proposals.

That some in Congress are willing to pass judgment on the six-goal objective prematurely before seeing its details is a fresh nudge that the new Congress may be even less congenial to the President than the undistinguished 91st. For the presidential election is 21 months away.

Comparison of Mr. Nixon's first and second State of the Union messages mirrors changing times. A year ago the emphasis fell on peace; curbing inflation with such measures as a balanced budget; crime control, and anti-pollution.

Now withdrawal from South Vietnam is well advanced; inflation curbs are slowing down the economy to the point that stimulation has priority, including an expansionary budget; crime is subsiding here and there, if not in New Orleans; anti-pollution efforts have made first strides, however unsteady.

The 91st Congress did a pedestrian job in dealing with many great national concerns, and in a variety of respects gave short shrift to presidential objectives set forth in the 1970 State of the Union message.

For the country's sake, we hope there is a larger area of agreement in the months to come.

[From the New York Times, Jan. 24, 1971]

Nixon's "Revolution"

President Richard M. Nixon's State of the Union message more than lived up to advance billing that it would be a bold blockbuster recharting the whole course of American government.

What Mr. Nixon has proposed is nothing less than a complete break with the philosophy of centralized power that has dominated the nation for two generations.

The President called his blueprint a "new American Revolution." Perhaps "restoration" would be more accurate, for it would revive the concept of coexisting federal and state centers of authority on which the wise framers of the U.S. Constitution based our society.

President Nixon will rely on two tools in fashioning this 180-degree turnaround from the policies of the past 40 years. The first is revenue-sharing, the pass-along of federal funds to states and communities with the fewest possible strings attached. The second is a drastic shake-up of the executive branch to make its departments correspond to functional requirements rather than serve parochial interests.

The Message

To President Nixon, the State of the Union message was a call to "a New American Revolution," offering a chance "to close the gap between promise and performance in American government" and providing "the foundation of a new greatness . . . in all the years to come."

To the Republican leader of the House, the President "unveiled a visionary course for the nation."

To a member of the majority leadership, the message was "Pablum."

How the 1971 State of the Union message will finally be seen is, for the present, a question without an answer. The speech is either a milestone in the physical structuring and the philosophic development of American government, or it is a bag of tattered dreams. The decision depends on two actions that have not yet taken place. First, the presentation to Congress of specific proposals, filling in the details of Mr. Nixon's six great goals. Second, the reaction of Congress to those specific proposals.

The President has it in his power to transform his bright vision into a shallow bid for political advantage. He can guarantee the failure of his plan to reverse the steadily increasing flow of power to the center of government by using his pledge to return the power to the people as a declaration of war on Congress. He can reduce his revenue-sharing program to an attack on the social progress of the New Deal, the Fair Deal, the New Frontier, the Great Society. He can taint his welfare reform plans with reaction and repression. He can try to pin the label on obstructionism on the 92nd Congress. He can scrap his revolution for a campaign issue.

Congress is possessed of equal powers of destruction. As the presidential election draws near, the Democratic leadership will be tempted to view the Nixon proposals not as an administration program to be considered on its merits, but as a political target to be shot on sight.

But there is reason to believe that both the President and the Democratic leaders recognize the fact that the critical needs of the country relegate the question of whether Mr. Nixon will be a one-term President to a position of secondary importance. The President had no word of criticism for past congressional performance. He made, instead, an eloquent plea for future cooperation. Senator Mansfield, the majority leader, called the President's message "excellent and hopeful," adding: "I want to see the specifics; it was painted with a very broad brush."

Senator Mansfield is right on both counts. He will have more to say on the program when the details are spelled out. So will we. But the speech was extraordinary in eloquence and in scope. There were notable omissions—crime, race and violence were scarcely mentioned. But something more important than the missing legislative details was presented to Congress and to the American people. They saw a President unawed by new, broad programs, a President willing to change governmental and economic concepts in the face of changing conditions, a President seemingly eager to meet the complex challenges of leadership. If the promise of a change of presidential style contained in the State of the Union message is translated into the reality of administration performance, the "long, dark night of the American spirit" that Mr. Nixon spoke of may indeed be ending.

ONLY HALF THE PIPELINE FACTS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. DINGELL. Mr. Speaker, a recent issue of the Detroit Free Press carried an editorial commenting unfavorably on the Department of the Interior's environmental impact statement with regard to the proposed trans-Alaska pipeline.

So that my colleagues may have an opportunity to be familiar with the Free Press' views on this matter, I insert the text of the editorial in the Congressional Record:

Only Half the Pipeline Facts

In the case of the new oil pipeline proposed for Alaska, former Secretary of the Interior Walter Hickel has the right idea. If environmental safeguards are established, there's no evident reason why the pipeline shouldn't be built.

But the performance of present Interior officials has so far been less than encouraging. The draft report they issued Wednesday in support of the project fails to include key details on pipeline design, and on the location of segments elevated to avoid melting the Alaskan permafrost.

Thus the public hearings planned for February may fall well short of full and energetic examination. "If you don't know what you're commenting on, how can you comment?" one environmentalist complains. And if Interior hears none but pablum criticism, how can it arrive at balanced conclusions on how best to complete the project?

Interior hasn't been very forthright even about the purposes of the line. The draft report said the project would serve national security by reducing dependence on Middle Eastern oil. But in truth very little Middle Eastern oil comes to the United States, and any immediate security value in the Alaskan line would be indirect at best.

The line has a great deal more to do with sustaining the economic health of a nation that runs on oil and oil-using machines. That is well enough. Societies must run and, as they do, an environmental price must be paid. The only alternative is to clean the earth of humanity altogether.

But the price can be kept in bounds, and society's incursions on nature planned with more diligence than Interior is displaying. This pipeline project is a critical factor in the Alaskan environment, and the safeguards taken will set precedents for later attempts to use the earth without poisoning it.

Full understanding and discussion would be better for all concerned.

WELFARE IN AMERICA EXAMINED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. HAMILTON Mr. Speaker, Nick Kotz of the Washington Post has written a comprehensive series of articles on welfare in America. He notes in closing that:

> America may or may not make the called-for re-allocations in the nation's wealth, resources, and energies, but observers of the welfare crisis believe fast, short-range action is mandatory.

I recommend these articles, from February 7 to 9, 1971, editions of the Post, to my colleagues:

The Welfare Tide—A Human Crisis

(By Nick Kotz)

Bertha Hernandez supported her family in the slums of Houston, Tex., for 18 years on the strength of her back and her ability to turn out spotless laundry for the ladies in the suburbs The tiny Mexican-American woman raised three sons by working seven days a week, earning $30 to $45 when business was good.

She never went near a welfare office until 1968, for a number of reasons: Under Texas welfare regulations she made too much money. She knew the state seldom helped "her people." The presence of a husband further disqualified her for public welfare, even though he drifted in and out of the household and only occasionally contributed a few dollars earned by moving furniture or digging ditches. And she was proud.

But in 1968, a national tide reached Bertha Hernandez.

The tide was a phenomenon of the '60s. The civil rights movement began to show that in many cases poverty was the result of discrimination and therefore not a personal sin. The war against poverty further dramatized the problems. Federal court decisions challenged welfare agencies to justify why they arbitrarily excluded poor families from payments. The easy entry, low-skilled jobs in the central cities began to shrink with automation and the growth of suburbs. Inflation began to make it impossible to raise an urban family of four on $45 a week. Television convinced the poor that the nation really might care about them.

For Mrs. Hernandez, personal circumstances helped make the decision; her age, a final breakdown of her 18-year marriage, the accumulated wear and tear of scrubbing and ironing seven days a week.

"I was too proud before," Mrs. Hernandez says, "but the migraine headaches got just too bad."

She went to the Texas State Welfare Department office that October and signed up for $38.50 a week under the Aid for Dependent Children (AFDC) program.

Thus the four members of the Hernandez family became a statistic in what President Nixon has called a national scandal—the crisis in welfare.

In Texas, AFDC rolls have doubled in the two years since Mrs. Hernandez's family became recipients. Nationally, in the same two-year period, AFDC rolls have gone from six million to nine million recipients. Today, almost 10 percent of the nation's children are being supported by welfare. In 1968, AFDC welfare payments cost taxpayers $2.5 billion. Today, the cost is $5.3 billion annually, with the federal government paying $2.9 billion and state and local government footing the balance.

Some state and local officials, unprepared for the new tide or unwilling to appropriate funds to meet it, say the program is pushing them toward bankruptcy.

Similar welfare programs operate for the aged, the disabled and the blind, but the AFDC program, with accompanying Medicaid benefits, accounts for most of the rising cost and numbers.

IN MASS CONFUSION

"Our welfare funding is in mass confusion, our recipient rolls are growing by 10,000 monthly," Texas Gov. Preston Smith told his state legislature last month. His answer: fund the state's share of Mrs. Hernandez's AFDC check for only 10 more months, meanwhile beseeching the federal government to take over the entire program.

The present AFDC program has "degraded the poor and defrauded the taxpayer," said President Nixon. His solution: the proposed Family Assistance Program, "the most comprehensive and far-reaching effort to reform social welfare in nearly four decades."

Mr. Nixon's plan, now before Congress, would provide more federal funds to reduce the state's share (22 per cent in Texas) of Mrs. Hernandez's $154 monthly welfare check, on which she is supporting Rudy, 17, Philip, 13, and Robert, 10. But the President's proposal would not add a penny to her check, since Mrs. Hernandez's payment already exceeds the $1,600 annual ($133 monthly) federal guarantee of the program for a four-member family.

In fact, payments to those now on AFDC would rise in only the seven Southern states that now pay less than $1,600 annually, while 36 other states, including Texas, would continue providing support at less than the official federal poverty line and less than their own established standards of need.

Since all the Hernandez children are of school age the Family Assistance Plan would require Mrs. Hernandez to accept either job training or jobs offered her at a minimum wage of at least $1.20 an hour. If she found a job she could still keep part of her welfare check "as a work incentive," but not necessarily as much as present welfare regulations would permit her to keep if she were working now.

$3,920 MAXIMUM

The Nixon plan also would provide, for the first time, federal income supplements to 12 million persons in families of "the working poor," permitting up to $1,600 in federal aid to boost their total incomes to a maximum of $3,920.

In the eyes of many angry taxpayers and politicians, Mrs. Hernandez and people like her are lazy, cheaters, breeders of illegitimate children and riders in welfare Cadillacs. To sympathetic liberals, she is the product of a culture of poverty that has trapped 25 million Americans at the bottom of this most affluent society.

Mrs. Hernandez's life does not fit traditional welfare myths, but her attitudes and recent actions are indicative of the new aspirations of the welfare poor.

Growing up in the generations-rooted poverty of the Southwest's Mexican-Americans, she never finished the sixth grade in school. Of her $154 monthly welfare check, $30 goes for rent in overcrowded public housing and $37 for food stamps "that don't stretch a whole month." When the children need shoes, she bakes and sells pies; when Rudy wanted to study the clarinet, she traded out $40 worth of laundry work for a used one. She states forcefully that "my middle-class concerns include group therapy, which she believes is helping Philip with emotional difficulties."

And she is no longer ashamed of welfare. Although she doesn't look the part, she is even blossoming as a community leader "to help people get the right to a decent life." Less than five feet tall, a dumpy little woman with long brown hair, she appears older than her 43 years. She wore an apron when timidly attending her first welfare rights meeting. Now she sits on three community boards, is determined that other poor people get on welfare, that benefits be raised, and that the poor be permitted full access to education and all the benefits of an affluent society.

Bertha Hernandez, welfare statistic, symbolizes a new movement in this country—a movement regarded both by critics and advocates as a welfare revolution.

Strangely enough knowledgeable critics of the spiraling welfare rolls and advocates of expanded government aid for the poor agree closely about most of the long-term and short-term causes of the welfare revolution.

Conservative welfare commissioners such as Burton Hackney of Texas and William Sterret of Indiana agree, for example, with much of the analysis given by Richard Cloward, a professor at the Columbia University School of Social Work and resident philosopher for the national welfare rights movement:

A 25-year migration of unskilled black, brown and white poor from rural areas to the cities created a vast pool of eligible poor people who originally came to cities seeking work and a better life. Most worked at menial jobs, survived off the charity of relatives or lived by their own wits, hustling in the swelling ghettoes. Their economic plight worsened as unskilled and semi-skilled grew fewer and industry moved out of the central cities into the suburbs.

At this point, unemployed men began deserting their growing families in record numbers and the scene was set for a welfare explosion. And then the political climate forced open the welfare system, which had been tightly guarded until this point by an ingenious set of federal, state and local restrictive practices.

"The '50s were a period of calm in the cities, so there was no pressure to open the rolls," says Prof. Cloward, "but the riot-torn '60s were a different matter. The federal government responded through its intervention to try to deal with the turbulence in the cities. The political response and the overwhelmingly important force was the anti-poverty program—the Vistas, legal services, community action agencies—that's what spawned the welfare rights movement.

"The recent rise in the rolls is chiefly a political phenomenon, not an economic one. The urban blacks couldn't gain housing, education or jobs, but they now had political power, particularly with the National Democratic administrations, and they did gain welfare. Finally, the present recession came at a time when restrictive (welfare) practices had collapsed all over the country."

The "welfare crisis" today comes in large part because in the past most families technically eligible for welfare were, in fact, arbitrarily excluded for a variety of reasons. In the past few years, court decisions and new federal regulations have taken the position that if a family meets the standard that its children are needy and there is no fraud, it has to be granted welfare status if it wants it.

For the first time, welfare clients had lawyers representing their cause, and restrictive welfare department regulations and practices came tumbling down in a torrent of Supreme Court and lower federal court decisions.

The Supreme Court knocked out the so-called "man in the house" rule, by which welfare departments summarily cut off AFDC families whenever welfare investigators found a man living with or visiting an AFDC mother.

Next, the Supreme Court ruled unconstitutional the one-year residency requirement by which states and counties kept newly arrived migrants from benefits.

The Supreme Court then invalidated the vague "unsuitable home" device by which Southern states had purged thousands of welfare families from the rolls on grounds that mothers were not caring properly for their children and home.

Lower federal courts eliminated the "stepfather responsibility rule," under which a stepfather was required to assume financial responsibility for his wife's AFDC-supported children from an earlier marriage.

New HEW regulations, backed up by the federal courts, required welfare departments to act on applications within 30 days, rather than the frequent indefinite delays. The new regulations prohibited cutting persons off the rolls arbitrarily, without first giving them an opportunity for a fair hearing.

Congress, in a little-noticed amendment to the 1967 Social Security Act, required states to update their cost-of-living standards, though not necessarily the actual benefits. Washington, D.C., for example, until last year paid AFDC recipients on the basis of 1953 housing costs and 1957 food and clothing costs.

The District and many states responded by raising the standard, but then paying only 75 per cent of it in benefits. Nevertheless, the higher payment standard made far more families eligible for benefits.

Another provision of the same law for the first time provided a positive "work incentive," permitting families to keep part of their earnings. Previously, all earned income was deducted from welfare payments.

Vista volunteers, Legal Service attorneys, community action agency workers and the emerging National Welfare Rights Organization helped steer the poor through the still formidable bureaucratic welfare jungle. Many of the poor learned for the first time about their legal rights.

Finally, the stigma that had kept many eligible poor away from the welfare office began to lessen as the poor and their allies openly lobbied for welfare benefits as a right, not "charity." And as welfare became more respectacle, many of the urban poor began to view it as an acceptable alternative to their traditional dead-end jobs as maids, janitors and kitchen helpers—jobs that often paid less or only slightly more than rising welfare benefits in northern industrial states.

Welfare advocates and welfare critics, in accord as to those root causes, stop agreeing at this point. They differ markedly in assessing the implications of the welfare crisis for American society.

From Columbia Prof. Cloward's viewpoint, "the crisis is really the reform—namely that poor people are finally getting some money. The normal state of the system is that the poor get nothing."

National Welfare Rights Organization Director George Wiley adds: "If this is a crisis, there ought to be a bigger one. My question is not why so *many* people are getting benefits, but why so few. In a law-and-order society, these people have been denied their legal rights."

Government officials, on the other hand, define the "crisis" as a burden to the taxpayer and to government budgets and as a disruption to the economy.

"The crisis is basically fiscal," said HEW Under Secretary John Veneman in an interview. "State and local government can't handle it. And the whole [welfare] system is posing a challenge to the wage structure in the country. Seven and one-half million people are working for less than the minimum wage. It's a fundamental challenge to low-wage, marginal employment. It creates an alternative, seriously undermining these jobs."

Within the general public and the government, there has always been angry disagreement over the real characteristics of the welfare poor. Myth blends with fact in efforts to analyze family structure, divorce, desertion, illegitimacy, racial composition, work ethics, welfare fraud, economic and geographic mobility, and living standards of AFDC recipients.

Several facts are clear. Widening access to welfare benefits did not occur simultaneously throughout the country. Numerous states still prevent the vast majority of potentially eligible poor from obtaining benefits, and access to welfare in even the highest-benefit states has not necessarily produced economic security for the recipients.

New York City is the welfare capital of the nation with more than 800,000 women and children receiving the highest AFDC benefits (nearly $4,000 annually for a family of four). But a critical shortage of low-cost housing, an absence of jobs, and the highest cost of living nationally makes women swear about "welfare hell" in this supposed welfare paradise.

The city's AFDC rolls have risen from 195,000 in 1960 to 809,000 today. The city's share of welfare costs has grown from $89 million 10 years ago to $500 million last year, including $182 million for AFDC alone.

Judith Irby, an attractive 31-year-old black mother of six, would like to know, "Where has all that money gone?" She knows it has not gone for public housing, for which she has been on the waiting list for 10 years, or for adequate child day care facilities, the absence of which forced her to quit work.

Home for Mrs. Irby and her children was a rat-infested apartment with gaping holes in the walls, until the building was condemned. The New York City welfare department moved her family to the Hamilton Hotel, until it also was condemned last month as unfit for human habitation. She's still on a welfare tour of the city's fleabag hotels and says of her recent homes: "I've never lived in hell but I can imagine what it's like. Believe me, we don't want to raise our kids in filthy slums. This is killing them."

Leaving rural poverty and her husband in Georgia, Sarah Glover came to New York in 1956 with a job as a sleep-in maid. Then she supported her children by caring for invalids. She always considered welfare a last resort, and that came when she had an eviction notice in her hand and only bus fare in her purse. "I went with my children to the welfare department and told them, 'I'm moving in somewhere, if I have to move in with you.' "

A 30-week manpower training course in bookkeeping "gave me hope," says Mrs. Glover. "Then the only job I was offered was $71 a week as a cashier clerk. I would have lost my Social Security, and with five kids to support, I couldn't take it. So I went back on welfare."

Indeed, a New York AFDC mother receiving an average $278 welfare check is better off than she would be working at the typical $274 monthly salary level for which AFDC recipients can qualify. And with Medicaid benefits, she is far better off than many of the city's working poor.

The willingness of women to regard welfare as an acceptable alternative to work appears related directly to welfare benefit levels, HEW studies show. In high-benefit states like New York, only 8 per cent of AFDC women work, but in states like Mississippi, Georgia and Florida where payments are near the bare survival level, more than a third of recipients supplement their welfare checks with low-paid jobs.

In New York City, the question of work is fast becoming academic, particularly for poor men. New York welfare officials estimate the city has lost several hundred thousand unskilled and semi-skilled jobs in the last few years.

"This has become a city of the very rich and the very poor," explains William Johnson, who has just completed a welfare study for New York's Rand Institute. "The jobs and the middle-income people are leaving for the suburbs, and what's left is the trapped migrant, who can't find housing or transportation to follow the jobs. The jobless husband deserts and the family goes on welfare."

"Desertion, sure," says Beulah Sanders, leader of the New York Welfare Rights Organization. "Do you think a man is going to sit there and see his family starve?"

Life may or may not be worse for the welfare poor in Indiana, which, in contrast to New York, pays the lowest welfare benefits of any Northern state ($150 a month for a family of four) and has the smallest proportion, of its poor receiving AFDC benefits—2 per cent.

"The entire philosophy of welfarism is alien and foreign to the people of Indiana," explains State Rep. Robert Bales, chairman of the House Health and Welfare Committee. "We run a very tight ship."

FIFTY-THREE PERCENT A YEAR

But the rolls are rising even in Indiana. The number of people receiving AFDC payments went up 53 per cent last year.

And in contrast to New York, where virtually all AFDC recipients are black or Puerto Rican, 55 per cent of the new welfare poor are native, white Hoosiers who grew up in rural poverty and now are moving to the cities and towns.

Marilyn Schwab, for example, grew up on a farm and moved to Richmond, Ind., where her husband worked in a tire factory. After her husband deserted her last year, Mrs. Schwab says she tried supporting her three sons working at two jobs—a tavern until 2 a.m. and then in a radio parts factory starting at 7 a.m. "I ended up in the hospital with nervous exhaustion," she says, "and for the next six months we lived on a $12 weekly grocery order, until they finally accepted me on welfare."

Of her $150 monthly welfare check, Mrs. Schwab says $58 goes as rent for an unfurnished apartment. "We make our own clothes or pick up used ones at a church," she said. "I had to call the school to say I didn't have shoes for two boys. This is not right. Children should have new clothes."

Mrs. Schwab's bare living is now endangered by a government and taxpayers revolt. For the politicians in Indiana, New York and Texas are now debating whether to cut the welfare payments of Mrs. Schwab in Richmond, Mrs. Glover in New York and Mrs. Hernandez in Houston.

Welfare: Taxpayers Rebel—Departments Tighten Eligibility Rules

(By Nick Kotz)

Edith Reese, 19, unmarried mother of a 2-year-old daughter, looked at the list of 47 jobs. It included, "zoo keeper—apply at Indianapolis zoo" and "go-go dancer—call 291–1010."

She had walked 21 blocks to the county welfare office to ask for welfare for her daughter. The case worker told her:

"Before I will even give you an application form, you have to try all these jobs. You must get the lady's or man's name at each place, the time and date you went there, and what they told you. I want it in writing."

Edith Reese said, "How am I going to get there? I don't even have bus fare."

The case worker replied, "You'll do it or else you'll never get an application."

Miss Reese started with the less exotic jobs—kitchen helper, janitor, counter lady—but at each place she received such comments as, "There's no vacancy here. Tell the welfare office to stop sending people here."

Partway through the list of 47 jobs she consulted the Indiana Welfare Rights Organization, which threatened legal action if the county did not give Miss Reese an application form. She received the form and filled it out. Several weeks passed without a decision on the application. The welfare rights group pressed again. The county said they'd put Mrs. Reese's child on the Aid to Dependent Children program if she would drop any legal action.

"This is the new game," says Jill Hatch, organizer in Indianapolis for the National Welfare Rights Organization. "It's one of the new maneuvers. The welfare departments are really digging in their heels."

"The new game" is part of the welfare crisis.

Battles like the one between Marion County and Edith Reese are being duplicated daily in welfare offices, governor's offices and state legislatures throughout the country.

On one side are the poor. Empowered by court decisions, new federal regulations and welfare rights groups, they are increasing the size of Aid for Dependent Children (AFDC), the nation's major welfare program, at the rate of 200,000 a month.

On the other side are state and local governments, confronted with growing welfare lists, facing either drained treasuries or angry taxpayers or both. In response, many states are using a variety of stratagems to discourage and delay welfare applications or increased welfare benefits.

Some states and cities face bankruptcy, but others have tax and welfare policy rather than pocketbook problems.

Indiana, for example, ranks 11th in total personal income but although 17 per cent of its population is poor it has a smaller percentage of its residents receiving child welfare benefits than any state in the country. Its state taxes are relatively low—40th per capita among states—and it hopes to keep it that way.

To keep taxes low, Gov. Edgar Whitcomb recently vetoed a state welfare appropriation that would have permitted the state to comply with a federal requirement that welfare payments be based on the 1969 cost of living. It would have cost the state $10 million. It would have raised support for a mother with three children to $47 a week from the current $37.50, the lowest payment of any state outside the Deep South.

"We ended the fiscal year with a healthy $56 million surplus," Gov. Whitcomb told the state legislature last month. "I always feel proud to live in Indiana because things are going so well." The observation was made at a governor's conference, where he noted, "that the states that spend the most, tax the most, also have the most civil disturbance, the highest welfare, and the most crime. I ask you to give thought to these matters, and let us work together to make Indiana an even greater place to live . . ."

Several days after Whitcomb's speech, the legislature sustained his veto of higher AFDC grants. The governor and legislature knew that the Department of Health, Education, and Welfare would cut off Indiana's federal welfare funds on April 1, if the state has still refused to raise its AFDC payment standards. If the governor and legislature do not have a change of heart, the state's dwindling AFDC funds will force a reduction in Mrs. Reese's welfare check, rather than permit the federally called-for increase.

Indiana's actions do not represent an isolated example of a growing government rebellion against the cost of welfare. Ten other states and the District of Columbia have not raised their benefit standards to match present living costs, or otherwise violate separate provisions of the 1967 Social Security Act. Nine states last year reduced AFDC benefits.

In an effort to save $11 million annually, the District refuses to provide a congressionally-ordered "tax break" for 5,000 AFDC mothers who work full time at low-paid jobs. As an incentive for them to work, the law requires that eligible welfare recipients be permitted to keep one-third of their earned income rather than have the entire amount subtracted from their welfare checks. The District refuses eligibility and the "work incentive" to these women with full-time jobs.

The District's pennypinching may prove counter-productive. A woman applying for AFDC support last month was told her full-time job, earning $74.50 a week cleaning offices at night, disqualified her family. The next day the woman with her five children was back, minus job, and onto welfare with a $313 monthly check. The District would have saved money by letting her work and receive a greatly reduced welfare check. But the often-stated goal "let's get them back to work" is often lost sight of today by governments fearful of sheer numbers on welfare.

Nevada last month cut off 22 per cent of its AFDC recipients. In the view of Ronald Pollak, a leading welfare rights attorney, Nevada violated the court-ordered rights of all 3,000 recipients by denying each family a "fair hearing." Pollak says an investigation now under way already indicates that hundreds of those denied assistance were clearly entitled to their welfare checks.

Leading the welfare rebellion is California Gov. Ronald Reagan, whose state has 1.5 million AFDC recipients, the highest number in the nation. California's annual AFDC payments now total $900 million, and the state pays one-half of this cost. California's soaring AFDC costs are more a product of an incredible rise in recipients—now coming on the rolls at an annual rate of almost 400,000 persons—rather than the state's generosity in benefit payments. Seventeen states pay higher benefits than California's average monthly grant of $193, an amount that meets only 51 per cent of the state's self-established standard of need.

Rather than endlessly raising taxes to pay welfare costs, Reagan says he will "excise the cancer eating at our vitals." The California governor, already facing a federal welfare fund cutoff for refusing to provide the 1969 cost of living increase, now plans to eliminate the "tax break" for working AFDC mothers, put thousands of them to work on public projects, and revise eligibility standards downward.

[One Reagan proposal applauded by liberals, is to simplify welfare payments for the elderly, disabled and blind, thereby eliminating the need for hundreds of welfare workers.]

California's welfare burden is compounded by the largest old-age assistance rolls in the country. Its total of 317,000 elderly recipients is 50 per cent higher than that of any other state. When California's Medi-Cal costs are added the state's taxpayers end up paying more per capita for total welfare costs than those of any other state except New York.

New York was the first state to respond generously to the welfare rights movements' demands for legal entitlements, and, ironically, the first to plug up liberal provisions in its welfare laws.

In its most successful campaign, the National Welfare Rights Organization in 1966–1968 helped thousands of New York City AFDC mothers claim the "special grants" provided for clothing, furniture, kitchen appliances and other essential needs. At the height of this drive, in August 1968, welfare mothers had won $100 million in special grants, an average of $104 per welfare family. Since these benefits had to be sought in individual bouts with the welfare office and most welfare recipients did not participate, those participating actually received far more than $104 in benefits.

Reacting against this successful campaign, the New York State Legislature eliminated the special grants and slightly reduced total AFDC benefits.

Two to four years ago people were pulling themselves together through the vehicle of special grants," says New York City Welfare Department official Robert Jorgen. "When that ended, hope ended. Now there's no money for furniture or for winter school clothing for the kids."

Despite the legislature's best efforts welfare costs continue to soar and New York Mayor John V. Lindsay is attempting countermeasures. Lindsay, the liberal mayor twice elected with black votes, had voiced approval several years ago when the percentage of welfare applicants accepted on the rolls increased from 60 to 80 per cent. Now, he is tightening welfare eligibility, has rejected his welfare to force the state and federal governments to take over the city's share of welfare costs. At present, the department's budget is too expensive, and his filed suit federal government pays 50 per cent, and the city and state split the balance.

Lindsay challenges the complicated formula by which welfare costs are shared by cities, states and the federal government. New York City pays $500 million a year as its share of total welfare costs but there are laws in 25 states that permit their cities to pay nothing.

In general, the richer the state, the smaller the portion it gets of federal money for welfare. As the individual level of monthly payments go up, the federal share becomes smaller. Thus, the federal formula encourages states to pay low benefits.

The difference among states is most dramatic in the case of Texas. Texas is rich, sixth in total personal wealth. But although it spends only $80 million in state welfare money on its 2.6 million poor, the federal government pays almost 80 per cent of total welfare costs for Texas, compared with 50 per cent for New York and California—each of which pays out more than $1 billion.

"We know we've been restrictive," Texas Welfare Commissioner Burton Hackney said in an interview. "Of necessity, we've had to be restrictive and serve only the poorest of the poor."

Texas has used a number of devices for keeping down its welfare payment. It is the only state with a constitional limit on welfare spending—any substantial increase in individual benefits or total recipients requires a referendum and an act of the legislature.

It required a court order last year to force one-third of the state's counties to operate a food assistance program for the poor. The state welfare department has a maximum of $50 allowance for rent, regardless of the size of the poor family, 75 per cent of whom live in cities.

In 1969 when welfare funds began to run out the maximum payment for a family, regardless of size, was cut from $135 a month to $123. This meant that a family of ten had to live on $31 a week. After a federal court invalidated this cut, voters raised state welfare funds from $60 to $80 million. Now funds are exhausted again and Gov. Preston Smith says he will not recommend another increase in welfare spending.

Despite pressures of higher taxes and less wealth than Texas, many other states are attempting to meet the rising welfare costs for the poor. Thirteen states raised their welfare payments last year. Many states are either raising taxes or making excruciating, Solomon-like choices between competing human needs. Oregon, for example took school funds to meet welfare crisis needs, and Vermont Gov. Deane Davis froze state spending on education to raise AFDC payments. "A high quality of education is part of the long-range solution," Davis said." "But the tragedy is, a long-term solution is of little help to a child who is hungry, sick or cold this winter."

The most devastating governmental blow to the welfare rights movement may have been signalled last month in a 6-3 U. S. Supreme Court decision, says Ronald Pollak, who successfully argues federal court cases that helped open up the welfare rolls. Justice Harry Blackmun, in his first written opinion. ruled that a welfare recipient must admit a caseworker to her home. It is not the immediate case that bothers Pollak so much as the welfare philosophy now expressed by a Supreme Court majority.

Commenting on the notorious midnight welfare raids which lower courts long ago ruled unconstitutional. Blackmun pointedly left open the possibility that the constitutionality of such searchers will "present another case for another day." Blackmun compared welfare aid with "purely private charity" and said the benefactor "expects to know how his charitable funds are utilized."

"The court has come very much in tune with the political climate," said Pollak. "Judges are again seeing welfare as a gratuity, not an entitlement. A beggar must prove himself worthy. If we've now lost the support of the Supreme Court, it's very hard to figure out of strategy."

The next struggle over the welfare crisis will be in the present Congress, as it debates President Nixon's Family Assistance Program, and alternatives offered by welfare advocates and critics.

WELFARE IN AMERICA: "CONSUMING OUTRAGE"

(By Nick Kotz)

The nation's welfare rolls have swollen by almost three million persons since August 1969, when President Nixon first proposed his Family Assistance Plan. The annual costs have risen by $1.7 billion. And Congress is once again debating how to cope with what the President calls "a monstrous consuming outrage" for both the taxpayer and the welfare poor.

The Nixon administration's answer is a controversial new plan that would for the first time offer federal income supplements to workers in low-paid jobs. Any family of four with less than $3,920 annual income could gain benefits, ranging from a few dollars to $1,600. The hope of this plan is to ease the financial plight of 11 million "working poor" and keep them off the soaring welfare rolls.

The Nixon plan also would attempt, by a "carrot and stick" approach, to lift some of the 9.5 million now on welfare back into the workforce.

Most of these poor are women receiving benefits for their dependent children.

The underlying thesis of the proposal is to place a floor under the income of every family with children. Need rather than dependency would be the governing factor.

Every family would be guaranteed $500 for each of the first two family members and $300 for each additional child. Thus, a family of four would receive $1,600, if they had no other income.

President Nixon calls his plan "the most comprehensive and far-reaching effort to reform social welfare in nearly four decades." Initially hailed by many liberals because it embraced the concept of a guaranteed annual income, it enraged many conservatives who consider it the straw that will finally destroy the American work ethic that a man should rise strictly by the sweat of his own brow.

The Nixon proposal passed the House last year, but was blocked in the Senate by an unlikely coalition of conservatives appalled by the cost and the emerging philosophy of guaranteed annual income and liberals dissatisfied with the benefit levels and the provisions forcing recipients to work at low-paid jobs.

But the debate has broadened into far wider issues. At heart, critics of the welfare crisis and of the President's proposed solution are questioning what kind of country America is or should be.

Does a work ethic originally premised on "useful work," still apply to an affluent society that spins out both redundant luxuries and grinding poverty? Does the country need a fundamental re-allocation of its wealth and resources to meet basic human needs?

The questions, endless, are being asked as Congress scrutinizes the Family Assistance Plan and wonders how to stop the spiral in which thousands are forced out of employment—or leave voluntarily—for welfare.

Criticism of the Family Assistance Plan grows as various state and local officials examine how it would affect their tax rolls, as well as welfare rolls.

"The Family Assistance Plan represents only another attempt to add a patch to an already overburdened system of welfare patches," says Texas Gov. Preston Smith.

Concerned mainly about the skyrocketing state costs, conservative Smith and other governors want to turn over the entire welfare burden to the federal government. Liberals such as Rep. Donald Fraser (D-Minn.) also see full federal control as a way to untangle the welfare bureaucracy and bring justice to the poor.

Recently the powerful House Ways and Means Committee has become intrigued with the idea that a federal welfare system might provide the most direct and helpful kind of revenue sharing with the states. The states' share of welfare program costs is about $5 billion a year, the same amount the President has proposed for new funds going into revenue sharing.

The most conservative governors, such as Ronald Reagan in California and Edgar Whitcomb in Indiana, are considering another approach withdrawing their states from the present federal-state program and operating much less costly welfare entirely on state and local funds. Both strongly oppose the Nixon plan's guaranteed income for the working poor.

From the viewpoint of advocates for the welfare poor, the President's plan provides far too little money and too much potential coercion.

"The Nixon plan is an attempt to stem the tide of rising benefits," says George Wiley, director of the National Welfare Rights Organization. "This so-called welfare reform will be more punitive than the present system. The welfare department will be a new employment agency for substandard industry, agriculture, laundries, sweatshops." Labor union leaders criticize the plan for subsidizing low-wage pay, and say it will undermine efforts to organize farm and domestic workers.

Wiley's National Welfare Rights Organization favors a $5,500 a year guarantee annual income. Additional incentives to the working poor would bring their incomes up to a maximum of $10,000. The plan would cost $50 billion a year and provide varying benefits to 100 million Americans. Despite its costliness NWRO's plan has a surprising number of supporters: the White House Conference on Food and Nutrition endorsed the plan at its December, 1969, meeting.

The Family Assistance Plan would affect the lives of 25 million poor Americans in differing ways.

The plan really contains two different proposals, one brand new and the other a reworking of an existing welfare plan:

1—A form of guaranteed annual income for "working poor" families with children.

This would offer benefits to almost 11 million Americans in families who now cannot receive welfare, in most cases, because there is a father in the house and he works.

Any family of four with less than $3,920 annual income would get some benefits. From the maximum payment of $1,600 for a family with less than $720, payments would decline as work income approached the $3,920 cutoff. Almost one half the potential beneficiaries live in the South.

Take a drug store clerk trying to support a wife and two children in Washington, D.C., on a $1.60 an hour salary, the federal minimum wage. His $64 weekly paycheck would be supplemented by $5.70 weekly in federal "family assistance." His annual income would rise from $3,328 to $3,624. He would have to agree to accept job training or move to a higher-paying job if a suitable one were offered.

The program would be paid for entirely out of federal funds. The administration estimates the first year costs at $1.7 billion. Benefits would be the same, no matter which state a person lived in. In this and other respects, Family Assistance for the working poor would differ from the second part of the plan.

2—A revision of the present Aid to Dependent Children program, in which federal, state and some local governments share administration and costs. It would continue to assist families in which one parent (usually the father) is absent or incapacitated. Most of the present 9.5 million recipients are mothers and children. Most of the mothers do not work.

At present, benefit levels are set by the states and the federal government simply pays part of whatever level the states establish. Payments for a family of four now vary from a low of $720 a year in Mississippi to a high of $4,164 in New Jersey. The Family Assistance Plan would only slightly alter this disparity.

The proposed plan would establish, for the first time, a federally paid floor under ADC payments of $1,600 for a family of four—raising payments for the one million recipients living in the seven Southern and Border states that now pay less.

For example, it would add $76 a month in benefits for Mary Williams, who tries to support three children in a Mississippi shack on a $57 ADC check.

But for the 8.5 million receiving ADC payments in the 43 states whose benefits are above the floor, the Nixon plan does not offer increased benefits.

Pamela Johnson and her two young children in Houston, Tex., would receive the same $129 welfare check. Although the Nixon plan would require states to maintain benefits at the present level and would permit a maximum of $3,720, it is unlikely any states would raise their payments. Most states want to cut benefit costs, not raise them.

As in the present system, Mrs. Johnson and Mrs. Williams could retain part of their earnings from a job and still get welfare benefits although reduced. But under the Family Assistance Plan, they would be denied $500 of their annual welfare payments if they refused job training or "suitable" employment paying at least $1.20 an hour. The plan also would offer day care for children.

The revised ADC plan is being touted to state and local governments chiefly on the basis that it will reduce their share of program costs. The federal government would pick up $356 million of the $2.3 billion state and local governments will pay this fiscal year in AFDC costs, plus $166 million for adult welfare programs: old age assistance, aid to the blind, aid to the disabled.

But state officials throughout the country are becoming increasingly doubtful as to whether the Nixon plan might end up costing them more money.

All agree, for one thing, that the present cost-sharing inequity among the states would be maintained. The federal government would take over the entire cost for Alabama, Arkansas, Louisiana, Mississippi, South Carolina, Tennessee and Missouri. Cost savings to the biggest states would differ widely depending on their present efforts.

State officials and others are appalled that the plan would very likely continue—and probably even further complicate—the present tangled federal-state-local partnership of welfare costs and administration.

Further, officials in most states now believe that their share of soaring Medicaid costs will soon outstrip any possible benefits in ADC cost-sharing. The administration acknowledges this problem but says it will reduce Medicaid costs by its forthcoming Family Health Insurance Plan. The plan most likely will transfer some of these costs to the welfare poor, who now get Medicaid benefits.

State officials also are skeptical about how many welfare recipients can be put to work. Of the 9.5 million ADC recipients, less than 200,000 are able-bodied men. The expected workers are principally mothers, 80 per cent of whom have children under eight years old.

The administration hopes to put 40 per cent of available, they question whether the plan's provision for 250,000 job training slots will be any more successful than a present program for job training, which is failing. The child day care program is criticized as to expensive if the only rationale for it is to put women into low-paid jobs and inadequate if the purpose is to help children.

In addition, many state officials believe the best contribution of mothers should be to care for children growing up in already broken homes. The poor also strongly oppose forcing a woman to work if she would rather care for her children.

"These are people with large families," says Wilbur Williams, chairman of a welfare reform committee in Houston. "The mother should be home caring for them. This is not putting a family together. It's destroying it."

The level of benefits provided the poor under the Family Assistance Plan is hotly disputed by both liberal and conservative critics, but for very different reasons.

In the judgment of the conservative Council on Economic Development and of many in the economic-political power structure of the Deep South, the support level is too high. The CED believes that hundreds of thousands of service jobs such as waiters, gas station attendants, and household help are now going begging partly because welfare benefits already pose too attractive an alternative. Some Southerners fear, for example, that a black woman with three children no longer will work as a maid at $15-20 a week if her welfare check rises from $15 to $30.79 a week.

Advocates for the welfare poor argue that the plan is designed to put a lid on higher benefits the poor have been winning in the federal courts, in Congress and by their own efforts. "Whenever the federal government talks about reform," says Richard Cloward, a professor at the Columbia University School of Social Work, "it means reimplementation of restriction and of the system. The normal state of the system is that the poor don't get anything."

The Nixon administration does want to put a lid on benefits. The plan would permit 48 states to freeze benefits to ADC recipients at as much as $2,100 below the federal poverty line of $3,720 for a family of four. Forty-three states could continue paying less than their own "standards of need," a cost of living appraisal of the essentials of life: food, clothing and housing.

Another basic criticism of welfare advocates is that the combination of continued low payments and the "must work" provision will force the poor to continue performing the lowest-skilled, dirtiest and worst-paid jobs. Debate over the work requirements leads inevitably into the broader implications of welfare reform as they affect the essential quality of American life.

"Has welfare become an acceptable alternative to work?" questions Robert Patrecelli, deputy under secretary of HEW. "We think that liberals won't face up to that possibility."

Indeed, the poor are openly expressing growing unwillingness to trade even a meager welfare check for jobs at the bottom of American society.

"Who needs to be trained to wash dishes or clean toilets" questions Dorothy Pittman Hughes, a black community leader in New York City. "What happens when we ask for meaningful work, like a proposal to train black mechanics to run their own cooperative business? That competes with someone else and it's turned down."

Asked in an interview what work the welfare poor would be expected to perform, HEW Under Secretary John Veneman replied: "Where they will work will depend on the economy. With today's economy there would be problems. Logically, they would work in services—hotel, food, beverage, janitors, cleaning, domestics."

What if the poor would rather care for their children than do that kind of work?

"If a woman is adapted to that kind of work," replied Veneman, "Then I think she should do it. If someone has been a maid for 10 years at $1 an hour then that's an appropriate job."

The welfare poor also criticize the $1.20 wage at which they would be required to accept jobs under the Family Assistance Plan. It is 40 cents below the federal minimum wage law.

"I don't think the Social Security Act is the place to set the minimum wage," says Veneman of this criticism." It's a fact of life that millions of jobs pay below the minimum wage."

The over-all critcism by welfare reformers is that the Nixon administration's Family Assistance Plan, doesn't try hard enough to really change the present facts and quality of life for poor Americans.

A survey for HEW recently showed that 80 per cent of women receiving welfare would like to work, and 40 per cent are good prospects for employment. But these women have increasingly shown in their job training choices that they not only want decent salaries but work in human services rather than drudge labor. They sign up eagerly to become nurses aides, community action aides, day care center workers.

Daniel Patrick Moynihan, the former White House counselor who helped design the Family Assistance Plan, is impatient with criticism about the nature of work. As a pragmatist, he says that the first need of poor people is for more money. He thinks the plan establishes that right for the first time.

"Do you have a meaningful job?" Moynihan asked a critic. "How many Americans have meaningful jobs?"

Leaders of the National Welfare Rights Organization quote author William Stringfellow on the point of jobs. Stringfellow contends that the "work ethic" lost its legitimate original meaning when most Americans no longer produced tangible products of human needs but "redundant luxuries in which the package rather than the product is marketed." Yet the affluent American society still "enforces the work ethic with a literal vengeance against the poor."

Stringfellow, along with welfare rights advocates Richard Cloward and Michael Harrington, says the poor will be lifted out of their welfare poverty trap only by a massive reassignment of national priorities. Their viewpoint, shared by many liberal members of Congress, is that the government should redirect its resources into jobs that would help improve the quality of American life.

Sens. Jacob Javits (R.-N.Y.) and Gaylord Nelson (D-Wis.) introduced legislation last week to spend $1 billion creating 200,000 public service jobs.

America may or may not make the called-for re-allocations in the nation's wealth, resources, and energies, but observers of the welfare crisis believe fast, short-range action is mandatory.

Dr. Henry Rossner, scholarly assistant director of the New York City Welfare Department, has worked at that city's welfare problems for 37 years. Last week, while two Americans were walking on the moon, Dr. Rossner observed:

"Welfare is a holding action and I'm afraid we don't have any long-range programs. Public assistance is the price we pay for social order. Over $1 billion a year is going into the slum areas of this city. Do you think all those people in Bedford-Stuyvesant and Harlem would starve peacefully?

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

PROVIDING ADDITIONAL ASSISTANT U.S. ATTORNEYS FOR THE VIRGIN ISLANDS

HON. WILLIAM M. McCULLOCH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. McCULLOCH. Mr. Speaker, at the request of the Attorney General I have introduced a bill to amend the Revised Organic Act of the Virgin Islands. My able colleague on the Judiciary Committee, Mr. Poff, is a cosponsor of this legislation. This amendment would delete from section 27 of the act the phrase which prevents the appointment of more than one assistant U.S. attorney for the Virgin Islands.

In all U.S. judicial districts the United States Code, 28 U.S.C. 542, authorized the Attorney General to appoint one or more assistant U.S. attorneys in any district when the public interest so requires. In this way the Attorney General may adjust the number of assistants in light of changes in a district's case volume. The limitation contained in the Revised Organic Act of the Virgin Islands prevents such a discretionary adjustment in that district.

The existing situation in the district of the Virgin Islands requires elimination of this limitation and extension of the Attorney General's discretion to this district.

At the present time the volume of judicial business within the Virgin Islands exceeds that for U.S. judicial districts which presently employ two assistant U.S. attorneys. For example, for the first quarter of fiscal year 1971 which ended September 30, 1970, the case flow for the Virgin Islands and for U.S. districts with two assistants compared as follows:

Category	
Virgin Islands:	
Filings	89
Terminations	118
Pending	160
Districts with 2 assistants:	
Filings	51
Terminations	51
Pending	143

Final statistics for the fiscal year 1970 were as follows:

Category	
Virgin Islands:	
Filings	212
Terminations	195
Pending	194
Districts with 2 assistants:	
Filings	170
Terminations	156
Pending	148

The workload capacity of the Virgin Islands district will be further increased when their new judgeship, which was authorized in the recent omnibus judgeship legislation, is filled. I call to my colleagues' attention the fact that after approval of the additional judgeships, the Ninety-first Congress approved a supplemental appropriation, Public Law 91-665, which provides for 122 new assistant United States Attorney positions to serve their 61 judgeships created by the omnibus judgeship act. This number of attorneys is based on a ratio of two attorneys for each judge, reflecting the general feeling that new judgeships increase work capacity and hence require additional attorney assistance in the affected U.S. Attorney offices.

If the limitation of one assistant United States Attorney for the Virgin Islands is not eliminated, there will soon be only two attorneys, the United States Attorney and his assistant, to handle the litigation of two judgeships. This volume would place an undesirable burden on the attorneys to the detriment of the representation of the United States in that district. The Attorney General should have the authority to review the situation and to increase the complement of assistant United States Attorneys in accord with the needs of the district.

Accordingly, I recommend prompt consideration of my proposal to remove the limitation and vest the needed discretion in the Attorney General.

CONSUMER PROTECTION

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. GAYDOS. Mr. Speaker, once upon a time Americans enjoyed the reputation of being good horsetraders when it came to transacting business. Unfortunately, this trait has all but disappeared today. More often than not the individual buyer now is mesmerized and influenced by massive, sophisticated, cleverly worded advertising campaigns which disguise a pig in a poke as a top shelf product.

Subsequently, the consumer is being robbed as surely as if someone stuck a gun in his ribs. Through fraud, deception, manipulation or neglect, he is bilked out of $30 of every $100 he spends. The total "take" from this type of robbery is estimated at $200 billion a year, and it is high time this rising crime rate against the American consumer is stopped.

Last week I placed in the hopper a bill I believe can stop it—if the proposed agencies to be established are permitted to function—and do function—in a responsible, efficient manner for the benefit of the buying public. Similar bills, I know, are being introduced by several colleagues. I am confident the Committee on Government Operations, in its wisdom, will study these bills and consolidate the best of each into a single piece of legislation which will guarantee the American consumer a fair value for a purchasing dollar.

I would like to see an Office of Consumer Affairs created and empowered with the authority to coordinate programs and activities of all Federal agencies and advise and recommend to the Congress and the President on the development and improvement of consumer programs.

I would like to see a Consumer Protection Agency established which would represent the consumer in legal proceedings, encourage research and testing of consumer products and publicize its findings.

I would like to see a Consumer Advisory Council set up, comprised of knowledgeable and experienced private citizens who would see to it the other agencies mentioned function in a responsible manner to the best interests of the consumer.

The interests of the consumer, Mr. Speaker, must be protected. It is true most of the manufacturers and distributors of products and services in our Nation are honorable and upright in their business dealings with the public. But, there are those who believe and thrive on P. T. Barnum's motto of a sucker being born every minute. They seek to gain—and do—at the expense of an unwary or trusting public. They are shrewd operators, clever, intelligent, and, in many cases, perfectly legal. But, in truth, they are morally, if not legally, dishonest. Their greed and lack of principle revolts any legitimate businessman or manufacturer.

Unfortunately, these days the consumer finds it difficult, if not impossible, to tell the good guys from the villains in this commercial melodrama. Too often the knowledge comes too late.

Because of present circumstances I believe the need for consumer protection is greater than ever today. The steep rise in the cost of living has wiped out any wage gains achieved by the average worker and now, with the continued increase in unemployment, he is forced to stretch his dollar as far as possible. Because he is more susceptible to bargains, he is apt to get less than he bargains for.

It is estimated some $14 billion is lost by consumers in supermarkets each year. They are misled or confused by deceptive packaging and labeling on products. Billions more are spent on the purchase of ineffective, but widely advertised, drugs and nonnutritious foods. Medical and hospital expenses have boomed and families have been frightened into purchasing expensive private health plans which offer a pittance in return. Another $8 to $10 billion annually is wasted by consumers on repair work that was not necessary, not properly performed or which should have been covered by warranty or guarantee.

The monetary statistics are staggering, but there are others more shocking. There is the human factor to be considered. Injury and death have resulted from products foisted on the public by unscrupulous manufacturers and businessmen. Twenty million people each year are injured because of using unsafe products—110,000 of them are permanently disabled, 30,000 are killed.

In view of these statistics, it has become imperative quality controls be placed on products and appliances. Warranties and guarantees must be made to have meaning. The housewife is entitled to the assurance she can get reasonable repairs made on appliances and not be forced to continually purchase new replacements. Many homes today have two or three toasters gathering dust in the cellar because it is cheaper to buy a new replacement rather than pay exorbitant repair costs, providing, of course, you can find an appliance repair man in the first place. They are extremely scarce today—and costly.

Loopholes in warranties and guarantees must be closed, particularly if an individual is threatened by the malfunction of the product. The Congress last year took unprecedented steps to protect the American worker by adopting a National Occupational Safety and Health Law. Can we do no less for the public which uses the product the worker produces? If manufacturers and suppliers of services are made to stand behind their written promises, I believe we will see safe, durable and better quality products roll off assembly lines and suppliers of services will improve that service rather than risk severe penalties.

Mr. Speaker, the "Buyer Beware" slogan of yesterday is outmoded today. I think it is time the producer pays if his product falls short of his promise.

A SHOCKING NEGLECT

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. MANN. Mr. Speaker, many people are dismayed by the gap between President Nixon's rhetoric and his actions. We can now add to the list of the dismayed the leadership, and perhaps the membership, of the American Nurses' Association. Scarcely more than 2 weeks ago the American people heard Mr. Nixon promise to "propose a major increase in and redirection of aid to medical schools, to greatly increase the number of doctors and other health personnel." Surely the shortage of nurses is known by the President, and surely he was referring to such personnel as nurses when he referred to "other health personnel." And yet, as pointed out by the news release of the American Nurses' Association received by my office today there is a substantial reduction in the amount of funds provided for nursing education in the President's 1972 budget as compared to 1971. Of particular distress to me is the monstrous cut of more than 40 percent in the student loan program. The student loan program represents, to my mind, one of the finest investments that government can make, particularly in areas of critical occupational need. Such a program results in a minimal ultimate cost to the taxpayer. Surely this is the time to provide a "major increase" in these funds, which some people understandably thought the President meant, instead of a major decrease, which is what the President did. Perhaps the key word in his speech was "redirection." We are waiting, Mr. President, hoping that it will not be too little and too late. The news release of the ANA follows:

ANA DEPLORES NIXON'S NEGLECT OF NATION'S NURSING NEEDS IN PROPOSED 1972 BUDGET

NEW YORK, N.Y., February 1.—"Dismay and extreme disappointment" were expressed by the American Nurses' Association to President Nixon at the inadequate level of funding for nursing education proposed in his budget for fiscal year 1972.

In a telegram on behalf of the ANA Board of Directors, President Hildegard E. Peplau, R.N., Ed.D., deplored the fact that while "other schools preparing health professionals are provided for in the proposed budget . . . nursing schools have not received any type of basic support to meet costs of education."

Dr. Peplau reminded President Nixon that "basic support was authorized by the Congress in 1968." She further pointed out that "the fiscal distress of schools of nursing is as urgent as that of other professional schools."

The American Nurses' Association has long taken the position that several registered nurses are needed as back up for every single physician if adequate standards of health care are to be achieved in the United States. It is widely known that units of recently-constructed hospital facilities remain unused due to the lack of qualified nursing personnel to staff them.

And yet, while in the proposed budget for 1972 funds for educating other health professionals has increased by $90 million over 1971, there is a $6.6 million decline in the proposed budget figures for nursing.

In the crucial student loan program, there is a cut of $7.5 million from the slightly over $17 million appropriated in 1971. The President proposes, moreover, not to release, until 1972, $1.5 million of a total sum of $9.5 million authorized by Congress for nursing school construction in 1971. The American Nurses' Association strongly urged the President to release the "total amount authorized by the Congress for the current fiscal year."

For such vital programs as special project grants for improvement of nurse training, and student scholarships, the sums recommended in the proposed budget, despite the vastly increased need for nursing in the nation, remain unchanged.

ANA informed the President that "assistance to schools and students is crucial if sufficient numbers of qualified nurses are to be prepared to meet the needs of the American people for health care."

"No existing or proposed health care system will work without adequate numbers of qualified nurses," ANA's message to the White House concluded.

At a time when it is clearly acknowledged by everyone from the President of the United States down that the health of the country is in jeopardy, the American Nurses' Association is deeply concerned that the critical need for quality nursing care in America today is not reflected in the President's proposed budget for 1972.

AMERICAN NURSES' ASSOCIATION,
New York, N.Y., January 30, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

The Board of Directors of the American Nurses' Association in session in New York, wishes to express to you its dismay and extreme disappointment at the level of funding for nursing education proposed in your budget for fiscal year 1972. No provision for basic support is proposed. Other schools preparing health professionals are provided for in the proposed budget. But nursing schools have not received any type of basic support to meet costs of education. Basic support was authorized by the Congress in 1968. The fiscal distress of schools of nursing is as urgent as that of other professional schools. We regret and seriously question this continuing neglect.

Assistance to schools and students is crucial if sufficient numbers of qualified nurses are to be prepared to meet the needs of the American people for health care. No existing or proposed health care system will work without adequate numbers of qualified nurses. We urge the release of total amount authorized by the Congress for the current fiscal year.

HILDEGARD E. PEPLAU, R.N., Ed. D.,
President, American Nurses' Association.

PRIORITY STATUS NEEDED FOR SICKLE CELL ANEMIA

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mrs. GRASSO. Mr. Speaker, I would like to call attention to an inherited blood disease, known as sickle cell anemia, which has by neglect become a national disgrace. This inexcusable ignored disease claims the lives of half of its victims before they are 20. It debilitates its survivors and makes their lives a living agony.

Over the past year, funds in excess of $1 million have been spent by the National Institute of Health for research of sickle cell anemia. The National Institute of Arthritis and Metabolic Diseases has granted over $600,000 for the study of the disease. President Nixon has said that both research and treatment programs will be expanded. The administration's health budget includes $5 million for research of sickle cell anemia. A task force has been set up to investigate various ways of informing possible carriers about sickle cell anemia, and to study methods of detection and prevention. Programs have been planned already at the NIH and the National Institute of Arthritis and Metabolic Diseases.

There is no greater tragedy than that of a youngster who from birth is unable to fulfill the bright promise of his life. It is my fervent hope that sufficient appropriations will be made available at long last for continued work toward the prevention and cure of this disease. Also, efforts should be made at all levels of government to inform the public of the nature and impact of sickle cell anemia.

In this area of public information, I am very pleased to say that a Connecticut television station has taken a forthright lead in educating its viewers of the fight to detect and prevent sickle cell anemia. Mr. Leonard J. Patricelli, president of Broadcast-Plaza, Inc.—WTIC radio, TV, channel 3, Hartford, Conn.—has been constructive and productive in his editorials and special programs which are worthy of recognition and should serve as an example to the Nation of what can be done to bring public attention to the need for priority consideration of this little known affliction.

The following material on the good work Mr. Patricelli and channel 3 have done will provide informative reading for those who wish to learn more of this disease.

I include the article, as follows:

SICKLE CELL ANEMIA

In early November of 1970, Robert Patricelli, deputy undersecretary of Health, Education and Welfare, told his father, Leonard Patricelli, about sickle cell anemia.

Robert Patricelli called the neglect of sickle cell anemia a national disgrace and suggested that his father might consider doing an editorial on WTIC Radio and Television on the disease that has been termed "America's most neglected health problem."

The memorandum has led to an extensive campaign on the Hartford, Connecticut stations to make the public aware of what has been "the forgotten disease," and inherited blood disease that afflicts mainly blacks and takes the lives of half of its victims before they reach the age of 20. One in 400 black children are born with sickle cell anemia.

The disease can only be transmitted to a child when both parents have what is known as the sickle trait—a relatively benign condition that can be identified through a simple, inexpensive blood test.

After calling public attention to the existence of the disease in his first editorial, Mr. Patricelli devoted a second editorial to explaining how the disease's spread could be prevented through testing and counseling those with the sickle trait. The stations advocated statewide testing and a bill calling for such testing of school children will be introduced during the current session of the Connecticut General Assembly. The Hartford Board of Education, reacting to the WTIC editorials, has already arranged to test all children in the Hartford school in Grades 7 through 12 in March. Hartford has thus become the first city in the nation to conduct citywide tests of school children for sickle cell anemia.

In addition, WTIC–TV has presented two prime time television programs on sickle cell anemia and a third is contemplated. The first, December 4th, designed to introduce the southern New England audience to the disease, was a discussion featuring two of the nation's leading authorities on sickle cell anemia, Dr. Louis Sullivan of Boston and Dr. Robert Scott of Richmond.

The second, January 15th, was filmed at Howard University in Washington where Dr. Roland Scott of Freedmen's Hospital has worked in sickle cell anemia research for twenty years—with little support from either public or private sources. In the second program, Dr. Roland Scott (no relation to Dr. Robert Scott) told of his dream of a Center for the Study of Sickle Cell Anemia at Howard.

A committee, headed by Dr. Arthur Banks, president of the Greater Hartford Community College and composed of members of the WTIC staff and leaders of Hartford's black community, has been formed to find ways the stations can call additional attention to the disease and support efforts to treat and hopefully cure it. The committee is currently working on plans for a fund drive, public education program and a symposium for Connecticut doctors to be conducted under WTIC's sponsorship by Dr. Scott of Howard and his colleagues.

WTIC EDITORIAL NOVEMBER 12, 1970

Have you ever heard of a disease known as sickle cell anemia? Most people have not. Yet sickle cell anemia is one of the more common and one of the most serious of all childhood diseases.

Sickle cell anemia—this disease most of us have never heard of—is more prevalent than many of the more highly publicized childhood diseases. For example, the dreadful cystic fibrosis occurs once in every fourteen hundred births; sickle cell anemia occurs once in every five hundred births.

Half of the children born with sickle cell anemia die before they are twenty; half of the remainder die before they are forty. The disease is characterized by severe anemia, by bone pain and by increased susceptibility to infection. It can cause stroke or seizures, chronic bone infections, enlarged hearts and livers and yellow jaundice. Women suffering from the disease bear children at great risk.

Here are some facts. There is no known cure for sickle cell anemia. There is little research being done to seek a cure. No foundation exists for the study of the disease. While volunteer groups raised nearly two million dollars for cystic fibrosis and nearly eight million for muscular dystrophy last year, less than one hundred thousand dollars was raised to combat sickle cell anemia.

Yes, there is one more fact you should know about sickle cell anemia, a fact that may account for its being one of the most neglected health problems in the nation today.

Sickle cell anemia is suffered almost exclusively by black people. It originated in Africa. It is the result of a mutation of the genes caused by a massive malaria epidemic many centuries ago and it is transmitted when each parent has a sickle cell gene which causes the blood cells to change their shapes. The disease has also been passed on to descendents of whites who were affected by the same malaria epidemic, but the vast majority of those who suffer from the disease are black.

If sickle cell anemia were as common among whites as it is among blacks, it might have received a great deal more attention than it has. There might have been a major research effort to seek a cure . . . there might have been a national foundation formed to fight the disease and there might have been a widespread educational program to prevent its spread.

These things are far overdue. The lack of attention that has been given to this disease is truly a national disgrace. At least now . . . we hope more people know about this terrible disease. And we promise you this is definitely not the last you will hear of sickle cell anemia on this station.

WTIC EDITORIAL, NOVEMBER 27, 1970

What can be done about sickle cell anemia?

This is a question we have been asked frequently since we presented an editorial on this dreadful disease two weeks ago. We have been contacted by scores of individuals and organizations by business and professional groups, civic organizations, civil rights groups and others who want to know more about this serious health problem.

One of the things we were asked was how sickle cell anemia got its name. That, at least, is easy to explain. Blood cells are normally round. But when a person is afflicted with sickle cell anemia, the shape of his blood cells changes from round to a shape resembling a sickle, the tool used to cut grain or high grass.

Most of the people we have heard from had not known about sickle cell anemia . . . an inherited blood disease that takes the lives of half of its victims before they reach the age of twenty . . . a terrible disease that strikes at children. Nearly always at black children.

In the past several weeks, we have been in contact with a number of doctors and medical school professors who are recognized as the nation's leading authorities on sickle cell anemia. We are bringing some of them to Hartford next week to appear on this station and hopefully to shed more light on this disease.

From our preliminary conversations with these authorities, one fact is already apparent. Sickle cell anemia can be prevented.

Sickle cell anemia is transmitted only when both parents have what is known as the sickle cell trait. It is not possible for a child to be born with sickle cell anemia if only one of his parents has that trait.

The sickle cell trait can be detected through a simple, inexpensive blood test. It is a blood test that could be given in schools, years before youngsters reach marriageable age, to warn them if they have the sickle trait.

If a man and woman, knowing that each has the sickle trait, decide to marry and have children, that's their business. However, the opportunity to protect unborn children from the tragedy of sickle cell anemia should be made available to young men and women. It is not being made available today.

If this simple blood test were administered by the State of Connecticut in the schools, thousands of youngsters would quickly learn whether or not they have the sickle cell trait. They would learn whether or not they, when married, can transmit sickle cell anemia to unborn children. This isn't being done in any state in the country. Connecticut could . . . and should be . . . the first.

THE FORGOTTEN DISEASE

Two of the nation's leading authorities on sickle cell anemia, the hereditary blood disease that affects Negroes almost exclusively, will discuss the disease on "Sickle Cell Anemia—the Forgotten Disease" Friday night (Dec. 4) at 8:30 on WTIC-TV.

Dr. Robert Scott, director of the Laboratory for Hematological Research at Virginia Commonwealth University, and Dr. Louis W. Sullivan, co-director of the Hematology Section at the Boston University Medical Center, were in Hartford earlier this week to videotape the program.

Appearing with them on the program are Mrs. Walter McBride of Hartford, the mother of a sickle cell anemia victim, and Dr. Merton S. Honeyman, a geneticist with the Connecticut State Department of Health.

Dr. Scott and Dr. Sullivan will describe the disease, discuss its history and explain steps being taken to treat it and to prevent it. They will also explain the significance of a treatment for the disease discovered by physicians doing research in Michigan and the Washington, D.C. area and announced last week.

Mrs. McBride will tell of the experiences her family has had in raising a youngster who has suffered from the disease for 14 years, and Dr. Honeyman will tell what the State of Connecticut can provide in the area of providing blood tests that will tell youngsters whether or not they have what is known as "sickle cell trait." Dick Bertel will be the program's host.

While in Hartford to tape the program, Dr. Scott and Dr. Sullivan were guests at a luncheon held at Broadcast House to give them an opportunity to discuss sickle cell anemia with a group of community leaders.

At the luncheon, State Senator-elect Wilber Smith announced that he will introduce legislation in the next session of the General Assembly to provide for testing for sickle cell anemia in Connecticut schools. The Rev. Richard Battles, chairman of the Hartford Board of Education, said he has asked school authorities to begin a feasibility study on testing, which was also endorsed by Dr. Allyn Martin of the Hartford City Council, Dr. Arthur Banks, president of the Greater Hartford Community College, and the Rev. Segundo Las Heras, a leader of the Spanish-speaking community.

Providing the simple, inexpensive blood test for school children was first advocated in a WTIC editorial by Leonard J. Patricelli, president of Broadcast-Plaza, Inc.

WTIC-TV will present another special program on "The Forgotten Disease—Sickle Cell Anemia" on Friday, January 15, at 7 p.m.

The program, filmed in Washington, D.C., Bethesda, Maryland and Hartford, is part of WTIC-TV's continuing coverage of what has been termed one of America's most neglected health problems.

Sickle cell anemia is an inherited blood disease that takes the lives of half of its victims before they reach the age of 20. Nearly all of its victims are black.

The disease has already been the subject of a special program and two editorials by Leonard J. Patricelli, president of Broadcast-Plaza, Inc. The editorials stressed the lack of attention sickle cell anemia has received in the past and advocated statewide testing to detect it and prevent its spread.

Most of the January 15 program was filmed at Freedmen's Hospital of Howard University in Washington, D.C. and at the National Institutes of Health in Bethesda, Maryland.

Dr. Roland Scott of Freedmen's Hospital tells what he has tried to accomplish in dealing with sickle cell anemia with a minimum of support during the past two decades. In an interview conducted in the Pediatrics Ward at the Howard University hospital, Dr. Scott tells of his dream for the establishment of a Center for the Study of Sickle Cell Anemia at the predominantly black university.

Dr. Scott also explains his views of the widely publicized urea treatment for sickle cell anemia victims and tells why he believes the so-called urea breakthrough may be considerably less important than its initial publicity indicated.

The program also includes conversations with a 16-year-old sickle cell anemia victim and his mother and a statement from Dr. Donald Fredrickson of the National Institutes of Health who describes the federal government's role in sickle cell anemia research.

The extent of Dr. Scott's activities at Howard is illustrated with footage taken in Hartford's North End where a former student of Dr. Scott, Dr. Evans Daniels, is now operating a non-profit health center.

"The Forgotten Disease—Sickle Cell Anemia" was filmed by Robert Dwyer and John Coates, with sound by Randy Scalise. It was directed by Roy Benjamin and produced by Rufus Coes and Richard Ahles.

COMMENT BY MR. PATRICELLI FOLLOWING SECOND SPECIAL PROGRAM ON SICKLE CELL ANEMIA, JANUARY 15TH

This is Leonard Patricelli: When we sent a documentary crew to Washington, we hoped they would find some answers to your questions about sickle cell anemia. We wanted to show you what was being accomplished at Howard University, where Dr. Roland Scott has been working on sickle cell anemia treatment and research for decades. And we hoped to find out what the federal government was doing about sickle cell anemia and what help it could provide the states, especially Connecticut.

At Howard University, we learned that Dr. Scott and his associates are severely limited by a lack of support from either public or private sources. However, we also discovered that Dr. Scott has a dream—a dream that may someday become the Center for the Study of Sickle Cell Anemia. Such a Center, as Dr. Scott told us in the program you just saw, would provide care for sickle cell anemia victims, extensive research facilities and a bureau of education which would disseminate knowledge of this terrible disease to the public and to physicians in every corner of the world.

At the National Institutes of Health, we found that the federal government was not really prepared to say what it could do about sickle cell anemia. However, at our request, the government has been researching the problem and within a few weeks, representatives of the Department of Health, Education and Welfare will come to Connecticut to meet with key legislative and health officials. This meeting should provide some specific answers.

We can also report some local progress. Eight weeks ago, in a WTIC editorial, we advocated a program of testing and counseling for sickle cell anemia. On the fifth of January, Hartford became the first city in America to authorize citywide testing of school children. The Board of Education plans to begin voluntary sickle cell anemia tests in the schools this spring.

In other words, this program on sickle cell anemia is the last we will be able to entitle "The Forgotten Disease." It's beginning to look as if there is a growing awareness of this disease and a growing desire to do something about it.

In November, when we first broadcast an editorial on sickle cell anemia, we promised that it wouldn't be the last you would hear of the disease. Tonight, we have another promise. This is not the last you will hear of Dr. Scott's dream of a Center for Sickle Cell Anemia.

REPRESENTATIVE MOORHEAD URGES LAOS REAPPRAISAL

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. MOORHEAD. Mr. Speaker, like many of my colleagues, I am disturbed by the most recent military incursion into Laos by the South Vietnamese Army.

With so little information available, it is hard to make accurate observations. But from what is known, I have my doubts about the total worth of this venture.

Let us, for the moment, set aside the congressional restraints embodied in the Cooper-Church language. I say this because the administration takes no heed from Congress, or else makes so literal an interpretation of the provision that Cooper-Church is all but negated.

What angers me is that I have a strong feeling that the rationale behind the Laos adventure springs from belief that the United States can bring a military end to the Indochina war.

Our Nation, according to the President, is pledged to a political settlement in Indochina. I think we should begin putting flesh to those words.

Last year, I introduced a resolution that resolved "that no funds in fiscal year 1971 be used to finance the operation of any American combat or support troops in Cambodia, Laos, or Thailand." Needless to say, passage of this resolution would have precluded what is now happening in Laos.

I plan to reintroduce similar language with an appropriate updating of fiscal year limitations.

An editorial in today's Washington Post is a very accurate account of the way I feel about the Laos activity.

At this time, I would like to put this editorial into the Record and urge all of my colleagues, who have not yet done so, to read this editorial and then ask themselves, What are we doing assisting an invasion of Laos?

[From the Washington Post, Feb. 9, 1971]

Laos: Rear Guard or Third Front?

When the President came up with his Cambodian surprise last Spring, we were told that it was indispensable to our success in Vietnam, and that it would be as decisive as, let's say, Stalingrad or D-Day, and that we had bought a year's time or more in terms of disruption of enemy infiltration and destruction of supplies. Now, of course, we are hearing precisely the same things about the foray against the Laotian access routes—that this, too, will be decisive because the Laotian trails are all that remains of the enemy's lifeline to the South. This is the genuinely disquieting aspect of this latest Vietnam adventure, the sense that the Administration really believes it is doing something *decisive*—that *this is it*. It is the irrepressible tendency to oversell that shakes the faith of even those war critics who would like to accept the administration's scenario—the phased withdrawal, the irreversible process of Vietnamization, the skillful buying of time and all the rest.

But it isn't only the oversell; it is also the *wrong* sell; the South Vietnamese plunge into Laos could hardly have been presented with less regard for public and congressional sensitivities. First there were the futile efforts at secrecy which only fanned the darkest speculations; then there were the incomprehensible speculations from responsible officials themselves. It was almost as if the administration had gone out of its way for ten days to conjure up the worst in order to make the real thing more palatable—which might not have been a bad tactic were it not for its effect upon public faith in the real thing when it finally materialized.

The real thing, as far as we can gather, is a South Vietnamese sweep through the Laotian access routes, strongly supported by American air and logistics, but not by organized U.S. combat units. It is supposedly intended to impede the infiltration flow, if not to stop it, until the rains come in the early Spring. This, in turn would materially affect the capacity of the enemy to operate much further South in Cambodia and South Vietnam during the late Spring months—until the monsoon season reaches that region in June. And so you buy not two months, but maybe eight or ten, and Vietnamization proceeds apace. It makes some sense, if you believe that Vietnamization will proceed; it then can reasonably be said to advance in a very positive way our prospects for a continued, orderly, even accelerated withdrawal from the war.

But it still isn't Stalingrad. It isn't intended—allegedly—to win the war—only to facilitate our disengagement from it. And it may not even do that, because the South Vietnamese could get badly mauled; or the repercussions could bring down the neutralist government of Souvanna Phouma in Laos with who knows what consequences; or—the North Vietnamese could react in the way they have reacted to every significant alteration of the ground rules on our part; they could come with one of their own. This is what has always bedeviled Vietnam—the unforeseen consequence. Last April 30, Cambodia was suddenly critical to everything—whereas it hadn't been worth more than a phrase in a definitive war report by the President ten days earlier. A month or so ago, who was saying that Laos was suddenly the key to it all? And what is there to say that next month it may not be a North Vietnamese build-up across the top of the Demilitarized Zone—or the beginnings of heavy infiltration down through the DMZ—which will be said to oblige us to embark on yet another, final, definitive military adventure beyond South Vietnam's borders for the sake of the safe withdrawal of our troops?

This is the sort of hard question to which we hear no answers from the men in charge. And this also is the sort of grim possibility that is once again causing some war critics to warn anew of an "expanded war" and to charge violations of the Cooper-Church restraints and to threaten, with some good reason, further congressional efforts to stay the President's hand. For they cannot find, either in the record or some of the rhetoric, much reassurance that this is in fact a strictly limited rear guard maneuver and not the opening of a third war front. And neither, as far as that goes, can we.

THE VICTIMS OF CRIME

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, I am today introducing a bill that I believe will indicate to the victims of violent crime, to their relatives and to their friends, that government is concerned about them and compassionately interested in their lives.

Crime is never neutral in its effects. Yet, the reaction of society to crime has generally been to focus less on the victim and more on the enforcement agencies and the criminal. In this country, we have a system of well developed criminal procedures. We take seriously the dictum that rights of all must be protected. We insist on correct rules of evidence. We demand of our court prosecutors and enforcement personnel fairness and restraint in the kinds of investigative and judicial methods utilized to secure justice.

We have provided our law enforcement agencies with new powers and new sources of money. We have increased the size of enforcement training and education programs. We have provided funding for updating police communications through the use of on-line computers and information networks. Police salaries are increasing. We certainly have not solved all the court and enforcement problems. There is a heavy backlog in our courts. We still have too few judges and prosecutors. We still have not reconciled the role of the policeman in our changing society nor have we taken adequate measures of the problems of the police in relation to the kinds of duties they are called on to perform. Their problems are ongoing and we must continue to seek answers to them.

But, in all of our efforts at criminal justice, one omission is glaring and overpowering—we have not considered with the same dedication and sensitivity the third sector of any criminal act—the victim. The victim of violent crime has become the "forgotten victim." His plight and suffering have too often been dismissed as the unfortunate byproduct of violent attacks.

Yet, if government has the obligation to protect its citizens, if it has the obligation to provide enforcement assistance, if it has responsibility for public safety, so too does it have the obligation to help and care for the innocent it fails to protect.

To do less is to abrogate and make null the very heart of the relationship between a citizen and his government.

As an idea and concept, crime compensation is hardly novel. Several foreign countries and a small number of Americn States already have crime compensation legislation. California, New York, Maryland, Massachusetts, and Hawaii, presently have ongoing programs. New York, for example, in its crime compensation policy notes that "many innocent persons suffer personal physical injury or death as a result of criminal acts. Such persons or their dependents may thereby suffer disability, incur financial hardships or become dependent upon public assistance."

The basic bill I am introducing today was first proposed by former Senator Ralph Yarborough in 1965. That bill did not pass the Congress, but Yarborough reintroduced it in each succeeding year. In December of 1970, Senator MANSFIELD introduced a version of the 1965 bill. The Senate majority leader's bill was reintroduced in the current session of Congress.

The bill I am introducing is similar to Senator MANSFIELD's bill. My bill, however, requires States to provide a program to inform victims about the availability of compensation. The provision also makes it clear that the State is to advise the victim of how to apply for such compensation. I am including this provision because the history of many of our programs suggest that unless an effective program of outreach is conducted, the benefits of the program will not be distributed equally among all of our citizens. If there is a program for people, then government must tell the people about it.

The bill would establish a Federal Violent Crime Commission and empower the Commission to grant awards of up to $25,000 for victims of assaults, robberies, arson, murder, rape, atttempted rape, kidnaping, and other violent crimes. Compensation can be paid to the injured person, to any person responsible for the care of the injured person and to the dependents or closest relative of any deceased victim.

The bill contains safeguard against fraud and an audit provision to insure against extravagant or unjustified awards. The Commission can withhold grants if the applicant has not complied fully with the provision of the act. The Comptroller of the United States is provided access to any of the papers, documents or books for the purpose of audit. Criminal penalties are provided for the misuse of the benefits of the act.

I will be the first to admit that this bill is not perfect. I am hopeful that hearings will be held in the near future and that at these hearings hard questions about the scope, cost, and impact of the bill will be ascertained. I invite these questions. I believe they need exploration.

I am convinced however, that society must make some attempt to understand and comprehend the plight of the innocent victim. I know that monetary compensation does not begin to repay the victim for injuries, for loss of income, for pain and suffering. I am not naive enough to believe that monetary compensation provides adequate condolences to the family of a murdered relative.

What compensation may do is to provide the victim or his family with the economic assistance and reserves to avoid the often catastrophic consequences following an unprovoked and unanticipated attack. Such compensation may provide the victim with the ability to pay unforeseen or extended medical costs. It may provide the victim with a source of income to cover some of the loss of wages caused by violent criminal acts.

While property crimes are generally covered by insurance, crimes against person, which have increased some 130 percent in the last decade, all too frequently leave their victims with sizable problems both financial and mental for which they receive no help.

Our society and government cannot become so large or so remote that it fails to identify with the individual citizen. Yet, government has too often failed to consider the victim of violent crime. I believe that this bill, while not addressing all the grievances and all the sorrow of the innocent victim, will make our governments more aware of the human factor in crime.

SEIZURE OF AMERICAN TUNA BOATS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. BROOMFIELD. Mr. Speaker, the recent seizure of American tuna boats by Ecuador points up the real need for a change in U.S. policy toward our territorial seas. Such incidents occur all too regularly, and they will continue as long as a double standard governs the law of the open sea. For too long, our friends and enemies have taken advantage of our generous 3- and 12-mile claims without returning the favor to American vessels. Ecuador, for example, used American-built destroyers to enforce it extravagant 200-mile limit; an irony which I do not find particularly humorous.

The historic rule of thumb among maritime nations has been that a country's territorial rights extend 3 miles seaward; the 3 miles representing the effective range of a 17th century onshore cannon. The United States continues to adhere to this traditional limit for navigational purposes, while claiming a 12-mile boundary for fishing rights. Both claims, I might add, are eminently reasonable when compared with those of most other nations.

But times have changed, Mr. Speaker. The 3-mile limit no longer guarantees our security, leaving us open to numerous forms of electronic surveillance and enemy espionage. The 12-mile limit no longer protects the rights of our fishermen against nations claiming 200-mile jurisdictions. And the entire situation merely perpetuates the inequity of the double standard which governs our international waters.

The joint resolution I introduced today calls for an international conference to resolve the debate over territorial seas. The need for such a panel should be obvious.

More important, however, my legislation would establish an American policy of reciprocity with regard to other nations. It would impose the same limits in U.S. waters on the ships of any country which itself claimed limits beyond what are considered to be normal under international agreement. Thus, Russian or North Korea ships would be allowed only within 12 miles of our shore, whether fishing or cruising; Ecuadorian vessels would be restricted from areas within 200 miles of the coast. It seems time, Mr. Speaker, that we ask other nations to observe the same stringent rules we impose upon ourselves—or suffer the consequences.

The joint resolution I am introducing is identical to the one I offered at this time last year; only the circumstances are more urgent, and they demand immediate action by the Congress.

DEFENDERS OF DDT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. OBEY. Mr. Speaker, a few weeks ago those of us who have been working for some time to prohibit the further use of DDT won a significant victory when Environmental Protection Administrator William Ruckelshaus announced that the registration of DDT would be canceled for all uses, and that hearings would be held to determine whether DDT registration ought to be suspended immediately, effectively halting the shipment of that compound in interstate commerce.

In spite of the great and constantly growing volume of evidence that DDT is harmul to birds, fish, and wildlife, there are still some who contend that DDT is not the culprit at all. In an excellent article which recently appeared in the Washington Post, Irston Barnes answers these critics, and recites again the harm this chemical has done to the bald eagle.

I include the article in the RECORD at this point:

[From the Washington Post, Feb. 7, 1971]

DEFENDERS OF DDT

(By Irston R. Barnes)

Rearguard actions against the termination of the use of DDT, against governmental action to halt the damage to life and the environment, continue to be fought.

The recent decision of the U.S. Court of Appeals for the District of Columbia, in response to a suit brought by the Environmental Defense Fund, the National Audubon Society, the Sierra Club and the West Michigan Environmental Action Council represents a signal victory for those seeking to use legal methods to protect the environment. The Court directed the government to cancel all registered uses of DDT and asked the Environmental Protection Agency to determine whether a suspension order should be issued stopping immediately all DDT shipments in interstate commerce.

The Environmental Protection Agency has responded with notices canceling the registration of all remaining uses of DDT. However, the statutes allow elaborate appeals, during which manufacturers could continue selling DDT, *unless* the EPA determines that all DDT uses are "an imminent hazard to the public." Such a finding could bring an immediate interim halt to interstate sales of DDT.

EPA Administrator William Ruckelshaus has promised such a review within 60 days.

Cancellation of registration will predictably be opposed by the manufacturers, by cotton growers (the principal domestic users) and by various spokesmen for the agricochemical complex who have for so long represented the chemical viewpoint in state and federal agencies.

Despite irrefutable evidence of damage to fish, birds and other wildlife of both man-altered and natural environments, defenders of chemical pesticides still protest that the case against DDT is unproven and still seek to confuse the issue.

What appears to be a prime example of such tactics is an incredible article in the December issue of The Virginia Outdoors, an official publication of the Virginia Commission of Outdoor Recreation. The piece, "The Killing of the Bald Eagle," by Dr. H. Gruenhagen, is directed against "certain groups or individuals" who "pick out specific items for special emphasis," e.g., "the apparent decline of the bald eagle."

The article begins with a series of observations: the concern for bald eagles antedates the use of DDT; cutting of timber and pollution have degraded eagle habitats; a bounty was paid in Alaska on bald eagles (which could hardly affect eastern populations); and autopsies on 76 dead eagles performed at the Patuxent Wildlife Research Center from 1960 through 1965 showed that 54 birds died from identifiable causes related to man. His conclusion is a complete non sequitur: "that man is primarily responsible for the decline of the bald eagle and that the role of pesticides has been greatly exaggerated."

How could the author be ignorant of the true facts regarding the disastrous crash in bald eagle populations, particularly in the Eastern United States? The evidence has been much publicized and is overwhelming.

The year-to-year surveys directed by the National Audubon Society have established declining populations, declining numbers of active nests, and poor nesting success. Similar trends have been observed in the peregrine falcon, Scottish golden eagles, and American ospreys, as set forth in the documented report of an international conference at the University of Wisconsin in 1965. The list of DDT-endangered American species also includes the brown pelican, and other species are under intensive study.

The mechanism by which DDT kills species has been established in controlled research experiments at the Patuxent Wildlife Research Center, with the results so widely circulated that they could hardly be unknown to anyone expressing an opinion on the effects of DDT on wildlife. Sublethal accumulations of DDT and its derivatives interfere with the birds' calcium metabolism, causing eggs to be so thin-shelled that they cannot be successfully incubated.

Sublethal ingestion of DDT and its derivatives also causes infertility in adult birds, infertile eggs, and young which do not survive to grow up.

Certainly the destruction of habitat, the general increase in pollution, and lawless shooting have reduced eagle numbers. But these forces did not interfere with normal reproduction. They have not made the bald eagle an endangered species!

When DDT came into general use in 1946, there were still hundreds of eagles nesting in Maine, in the Chesapeake Bay region, and in Florida and lesser numbers were nesting in the Great Lakes region and in many eastern states. Eagles could be seen flying over Washington. They nested all along the Potomac River below Washington. The 1949 Christmas Count in the Washington area recorded 20 bald eagles. (In the decade 1945–54 the Washington area Christmas Count recorded an average 10.3 bald eagles. In the decade of 1955–64 the average count fell to 2.1.).

A footnote on Dr. Gruenhagen's interest in eagles. He is reported to be an extension specialist of the Chemical, Drug and Pesticide Unit at Virginia Polytechnic Institute. From 1946 to 1958, he was a group leader in plant pathology for Dow Chemical. Earlier he was a plant pathologist in the Wisconsin and United States Departments of Agriculture.

SOCIAL SECURITY BENEFIT INCREASE NEEDED NOW

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. SCHWENGEL. Mr. Speaker, today I insert in the RECORD, part V of the article entitled: "Private and Public Retirement Pensions: Findings From the 1968 Survey of the Aged," by Walter W. Kolodrubetz.

OTHER PUBLIC RETIREMENT BENEFITS

Public retirement benefits other than OASDHI (excluding veterans' benefits) were substantially higher than private pensions, and, on the average, they were also higher than OASDHI benefits (table 5). The higher benefit levels for these public pensioners reflect the fact that in many of these programs, OASDHI benefits were not anticipated as a major source of income for persons retiring under the system. Private plans, however, explicitly or implicitly anticipate OASDHI benefits as a source of retirement income for their members. More than 35 percent of the aged units with other public pensions—chiefly railroad retirement and Federal Government pensioners—did not concurrently receive OASDHI benefits, the proportion was much smaller among private pensioners—about 3 percent.

Federal retirement programs are liberal in comparison with private industry and State and local government plans as a whole, because they relate pensions to peak earnings and maintain the value of benefits after retirement as living costs rise, through automatic adjustment of benefits. Furthermore, the high average benefits under Federal programs reflect the growth in the number of retirees with long service as an aftermath of the expanded employment of the forties.

Benefit levels under the railroad retirement system are at a substantially higher rate than those under OASDHI, because the wage-related benefit formula is more liberal in the former program. In addition, a system of supplemental benefits was introduced in 1966 for long-service railroad workers retiring at age 65. State and local government retirement plans, typically basing benefits on past earnings and length of service, also tend to provide benefits at a higher level than that of private plans.[1] Most of these government systems require substantial employee contributions, presumably reflected in higher benefit levels; most private plans are financed in full by the employer.

---

[1] Saul Waldman, *Retirement Systems for Employees of State and Local Governments . . . 1966* (Research Report No. 23), Social Security Administration, Office of Research and Statistics, 1968.

TABLE 5.—SIZE OF OTHER PUBLIC PENSION INCOME BY OASDHI BENEFICIARY STATUS: PERCENTAGE DISTRIBUTION OF AGED UNITS BY SIZE OF OTHER PUBLIC PENSION INCOME, 1967

Other public pension income	All units	Married couples	Nonmarried persons: Total	Men	Women
			All units 1		
Number (thousands):					
Total with other public pension income	1,466	614	833	243	589
Reporting on other public pension income	1,365	570	796	229	566
Percent of units	100	100	100	100	100
$1 to $149	1	(2)	2	1	2
$150 to $299	2	2	2	1	2
$300 to $499	4	2	5	6	5
$500 to $999	24	13	32	21	36
$1,000 to $1,499	18	15	21	11	24
$1,500 to $1,999	13	12	13	21	10
$2,000 to $2,499	14	16	12	22	9
$2,500 to $2,999	9	13	6	7	5
$3,000 to $3,499	6	11	3	2	3
$3,500 to $3,999	2	5	1	1	(2)
$4,000 to $4,999	3	5	2	3	2
$5,000 to $7,499	2	5	--------	--------	--------
$7,500 to $9,999	1	1	1	3	--------
$10,000 or more	(2)	(2)	1	1	1
Median public pension income	$1,538	$2,188	$1,214	$1,738	$1,104
			OASDHI beneficiary units 1		
Number (thousands):					
Total with other public pension income	926	441	485	132	353
Reporting on other public pension income	862	402	460	128	332
Percent of units	100	100	100	100	100
$1 to $149	2	(2)	3	2	3
$150 to $299	2	3	2	--------	3
$300 to $499	5	3	7	8	7
$500 to $999	26	16	35	32	36
$1,000 to $1,499	17	19	15	9	17
$1,500 to $1,999	14	14	14	18	13
$2,000 to $2,499	11	12	9	11	8
$2,500 to $2,999	9	11	7	12	6
$3,000 to $3,499	5	8	4	2	4
$3,500 to $3,999	2	5	(2)	--------	1
$4,000 to $4,999	3	4	2	4	1
$5,000 to $7,499	2	4	--------	--------	--------
$7,500 to $9,999	1	1	(2)	2	--------
$10,000 or more	1	(2)	1	2	1
Median public pension income	$1,428	$1,800	$1,060	$1,394	$1,005
			Nonbeneficiary units		
Number (thousands):					
Total with other public pension income	520	173	348	111	236
Reporting on other public pension income	503	168	336	101	234
Percent of units	100	100	100	100	100
$1 to $149	(2)	--------	1	--------	1
$150 to $299	1	--------	1	2	1
$300 to $499	2	--------	3	2	3
$500 to $999	20	4	28	7	36
$1,000 to $1,499	21	7	28	14	35
$1,500 to $1,999	11	7	12	23	7
$2,000 to $2,499	19	23	17	36	9
$2,500 to $2,999	8	18	4	2	4
$3,000 to $3,499	8	20	1	2	1
$3,500 to $3,999	2	5	1	2	--------
$4,000 to $4,999	4	9	2	2	2
$5,000 to $7,499	2	6	--------	--------	--------
$7,500 to $9,999	1	1	1	5	--------
$10,000 or more	--------	--------	--------	--------	--------
Median public pension income	$1,768	$2,721	$1,272	$1,996	$1,092

1 Excludes beneficiaries who received their 1st benefit in February 1967 or later, the transitionally insured and special "age-72" beneficiaries.

2 0.5 percent or less.

TABLE 6.—SIZE OF OASDHI INCOME BY TYPE OF RETIREMENT BENEFIT FOR OASDHI BENEFICIARIES[1]: PERCENTAGE DISTRIBUTION OF AGED UNITS BY SIZE OF OASDHI INCOME, BY RECEIPT OF RETIREMENT BENEFITS, 1967

OASDHI income	Married couples with OASDHI benefits and—			Nonmarried persons								
				Total with OASDHI benefits and—			Men with OASDHI benefits and—			Women with OASDHI benefits and—		
	Private group pension[2]	Other public pension	No other pension	Private group pension[2]	Other public pension	No other pension	Private group pension[2]	Other public pension	No other pension	Private group pension[2]	Other public pension	No other pension
Number (in thousands):												
Total	1,009	392	3,438	605	476	6,353	287	128	1,476	317	348	4,876
Reporting on OASDHI income	1,002	392	3,398	605	476	6,315	287	128	1,463	317	348	4,852
Percent of units	100	100	100	100	100	100	100	100	100	100	100	100
$1 to $249			(3)	1	2	(3)	1		(3)	1	2	(3)
$250 to $499	(3)	8	3	(3)	5	6		2	3	1	7	7
$500 to $749	1	19	8	6	39	31	5	34	25	7	41	32
$750 to $999	2	17	11	11	16	24	6	16	20	16	16	25
$1,000 to $1,249	4	11	13	27	16	25	16	13	23	36	18	26
$1,250 to $1,499	10	12	16	36	14	11	49	24	21	24	11	8
$1,500 to $1,749	14	12	13	20	7	3	24	11	7	16	5	1
$1,750 to $1,999	13	7	12									
$2,000 to $2,249	32	8	14			(3)			(3)			
$2,250 to $2,449	16	5	7									
$2,500 to $2,749	2	1	1									
$2,750 to $2,999	2		1									
$3,000 to $3,499	1	1	(2)									
Median OASDHI income	$2,040	$1,150	$1,483	$1,304	$826	$870	$1,396	$960	$1,008	$1,188	$775	$840

[1] Excludes beneficiaries who received their 1st benefit in February 1967 or later, the transitionally insured, and special "age-72" beneficiaries; also excludes a small number of units reporting private pensions but no OASDHI benefits, as well as some who did not report on private pension receipt.

[2] Includes a small number of units reporting both a private and another public pension.

[3] 0.5 percent or less.

Though both public and private pensions showed the heaviest concentration in the $500–$999 range the median for public retirement benefits other than OASDHI ($1,540) was $600 higher than the median in private plans (table 5). For payments under public programs as for private-plan payments, levels were higher for married couples and nonmarried men (with medians of $2,190 and $1,740) than for women without husbands (median of $1,105). The lower pension levels for nonmarried women reflect their lower earnings levels and shorter service periods (factors in the computation of benefits), as well as the reduced levels associated with survivor benefits.

Pensioners drawing only public pensions other than OASDHI in retirement typically had higher benefit levels than those receiving such pensions in addition to OASDHI benefits (table 5), for the reasons that were previously discussed.[3] The median benefit of $2,720 for couples in the former group was $900 higher than the median for couples in the latter group. The difference between median public pensions for nonmarried men with and without OASDHI benefits was about $600, but the medians for nonmarried women were about the same.

Type of pension	Median pension of—		
	Married couples	Nonmarried persons	
		Men	Women
OASDHI benefit	$1,555	$1,080	$860
Private group pension	970	865	665
Other public pension	2,190	1,740	1,105
And OASDHI	1,800	1,395	1,005
And no OASDHI	2,720	1,995	1,090

In summary, the median private pension payment, as shown above, was not only lower than the median OASDHI benefit payment, but it was substantially below the median amount of public pensions other than OASDHI.

---

[3] For a detailed analysis of dual Federal Government and social security coverage, see Elizabeth Heidbreder, "Federal Civil-Service Annuitants and Social Security," *Social Security Bulletin*, July 1969.

REVENUE SHARING LEGISLATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. YOUNG of Florida. Mr. Speaker, I am pleased to join with 136 of my colleagues today in cosponsoring President Nixon's general revenue sharing plan, and I urge prompt action on this vitally needed legislation.

Local government in this Nation appears headed for destruction, the victim of long years of neglect and economic starvation. Unless we reverse this trend, life in America, as we know it, will be lost to us forever.

The President's plan to pump $5 billion a year in new and unrestricted funds into our local governments is a major step in restoring vitality to our State and local governments.

My home State of Florida alone would receive an estimated $167.5 million a year under the President's plan. Some States will receive much more—significantly, with no strings attached.

In our desire for so-called efficiency, we have rushed headlong into centralization of power at the Federal level. As a result, we have sapped the strength of our State and local governments, which lack many of the resources available to Big Brother in Washington.

It is long past time to decentralize, to return government to the people. Our local officials are most familiar with local problems, and best able to find meaningful solutions. Some of the worst decisions in recent years are the result of bureaucrats in Washington deciding what they think is best for people living thousands of miles away.

Yes, Washington on occasion has been willing to share some of its revenues with our local communities—but at the price of endless redtape and impossible conditions. A major feature of the President's plan is that State and local governments would receive their share of the revenue with no strings attached, and determine themselves how the funds best be spent.

It is time we started trusting our cities, counties, and States. After all, it is they that make up what is best in America.

STOP BEING FUNNY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. DERWINSKI. Mr. Speaker, the obvious public opposition to heavy taxation and an ineffective use of Federal moneys at all levels of government is properly emphasized in an editorial Saturday, January 30, in the Polish American—Chicago.

I believe it is pertinent, Mr. Speaker, for us to recognize that this logical public frustration with taxation is directed at all levels of government and under no circumstances will duplication of effort, waste, or unneeded government spending be tolerated. The editorial follows:

STOP BEING FUNNY

The old saying that "people are funny" was never truer than it is today. Never were there so many millions asking for public charity doled out to them under a pleasing variety of titles. We overlook the fact that government has no money to give that it does not first take from its citizens in taxes, or higher and higher public debt. The latter today requires the payment of over $20 billion a year in interest charges alone.

No matter what the government, federal, state or local is giving you, don't think you are not paying for it. We are paying for exorbitant government spending and debt in inflated prices and the reduced value and buying power of the dollar. We are paying for it in everything we eat, wear and use. The amount of taxes withheld from the average income would have paid for a home not so long ago. What used to be put into savings, now goes to the tax collector, and the one who earned it never sees it.

The people will have to stop being "funny" if they wish to save their bacon in the U.S. Your savings and your government are being destroyed by those who put politics ahead of fiscal responsibility.

TRIBUTE TO L. MENDEL RIVERS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. SIKES. Mr. Speaker, the great loss which Congress and the Nation have experienced because of the death of our esteemed colleague, L. Mendel Rivers, is very well expressed in an editorial in the February 1971 issue of "The Officer," a publication of the Reserve Officers Association of the United States.

In a similar vein, the February issue of "Naval Affairs" published by the Fleet Reserve Association in Washington carries a great tribute to our esteemed departed colleague.

I submit both for reprinting in the CONGRESSIONAL RECORD:

LOOKING AHEAD 30 YEARS AFTER THE DEATH OF MENDEL RIVERS

One of the most powerful men in the nation, the President Pro Tem of the Senate, Richard B. Russell, said of the death of L. Mendel Rivers:

"No man ever lived who was more wholeheartedly dedicated to the defense of this Nation than Mendel Rivers and those of us who are convinced that a strong defense is our hope for continued freedom and peace have lost a champion.

"For three decades, I met with him in conference and we worked together in matters relating to the Armed Services. He not only had a far-reaching understanding of the operations of the Department of Defense, but he was unyielding in his efforts to insure that the Department was supplied with the necessary means to guarantee the security of this Nation.

"I am deeply saddened by his passing and I extend to Mrs. Rivers and her family my profound sympathy."

The depth of Senator Russell's convictions was conveyed more forcefully, however, in his private comment to friends that it would be another generation before the real tragedy of the loss of the House champion of national preparedness would be felt. Thirty years from now, he said, would come the time of reckoning with regard to this nation's safety, and even survival, because the stalwart, resolute, and therefore embattled, Chairman of the House Armed Services Committee, had been removed by death from the bastion he manned in this nation's defense structure and its defense philosophy.

Much has been written about Mendel Rivers, and the fact that he was a controversial figure on the national scene. The media generally have fully disclosed his character as the hero and guardian of the rights of the men and women in the uniform of the United States of America. And yet, in everything that has been written about Mr. Rivers, in summary of his career and his contribution to national survival, none has adequately conveyed the real strength of the man nor his spiritual commitment to protection of this country's institutions, its ideals and traditions.

The way the game is played in Washington, with channels of communication so greatly broadened in this generation, national leadership is so often diluted, undermined or negated by the plethora of bombast and propaganda spewed out to the public and constituting as it does an intellectual pollution so thick that the citizenry cannot possibly be expected to make logical decisions based upon actual truth.

Mendel Rivers was not the victim of this miasma; he could not be intimidated by propaganda; his character was not subject to assassination. Despite all that has been said about him and the basis for the longevity of his service to the half million people of the First District of South Carolina, there is no general recognition of the degree to which he was held in the esteem and affection of the broad base of citizenry which he represented. The fact is that Mendel Rivers' stature, his gifts, his leadership and his warm personality made him an institution of historic Charleston and environs, whose history and mores were based upon the earliest and purest Americana.

If a man is known by his enemies, as well as by his friends, it can be said of Mendel Rivers that his career had a brightness upon which he should reflect; because he was despised and lampooned upon every opportunity, by every element of those who were not tolerant of his stern adherence to a strong military policy in the nation, including many who honestly and in good conscience deplored his giving first priority to national military safety, as well as by those who either were a part of, or encouraged, the miniscule element of American society who are in open revolt, advocating revolution and overthrow of our Government and its Constitution.

Chairman Rivers had the support of the great majority not only of the Armed Services Committee but of the whole House, as was demonstrated time and again during the past several years when he was a target of abuse and libel. It may be sadly true that as Senator Russell predicts a future generation may tragically discover that Rivers was right and that his critics were in deep error. Yet we cannot accept the thesis that his influence and example of leadership will not continue under the 92nd Congress, and the succeeding Congresses, because his policy and his resolution represented the very essence of unhappy but pure truth—that is that the United States of America can survive only if it remains militarily strong and if the leadership of the nation continues to insist that every citizen must be willing to place his life on the line as the price of freedom.

THE HONORABLE L. MENDEL RIVERS, 1905–70, U.S. REPRESENTATIVE, FIRST CONGRESSIONAL DISTRICT OF SOUTH CAROLINA

THE U.S. SERVICEMEN'S CONGRESSMAN AND A SHIPMATE

Shipmate L. Mendel Rivers of Charleston Branch 50, Chairman of the U.S. House of Representatives Committee on Armed Services, joined the Staff of the Supreme Commander at 0240 E.S.T., Monday, 28 December 1970 while recovering from cardiac surgery at the University Medical Center in Birmingham, Alabama. Chairman Rivers underwent open heart surgery by Dr. John Kirklin on 11 December to replace a leaking mitral valve in his heart with a plastic valve. His postoperative recovery was progressing normally until 20 December when he suffered heart stoppage and was revived by chest massage. Thereafter, his condition remained critical, but improved slightly, until his demise.

The National Charter of the Fleet Reserve Association will be draped for thirty days. All Branches of the Fleet Reserve Association will drape their Charters for the same period commencing on 30 December 1970 in accordance with Section 2707 of the Fleet Reserve Association "Rituals."

Chairman Rivers was born on 28 September 1905 on a farm in Gumville, South Carolina, near a place called Hell Hole Swamp, in the low country of that state's coastal plain. His father farmed and operated a small turpentine still. When Mendel (he never used his first name "Lucius") was eight his father died. His mother lost the family home and moved her six children to North Charleston where she took in boarders.

Young Mendel grew up determined to be a lawyer. He clerked in a country store, delivered papers pony-back, played outfield for a semi-pro baseball team and worked in the Charleston Navy Yard. He attended the College of Charleston and the University of South Carolina but was economically forced to quit his formal education. He gained employment in a Charleston law office where he pursued his law studies. He passed the South Carolina bar examination in 1932 before obtaining a law degree.

He served in the South Carolina Legislature from 1933 to 1936. From 1936 to 1940 he served as a special attorney in the United States Department of Justice; and was admitted to practice before the Supreme Court of the United States.

In 1940 he ran for Congress against the advice of seasoned and influential local politicians. He campaigned against "the Charleston crowd" and drew heavy support from the rural areas of the district. To the surprise of all, he won and thereafter never faced serious opposition. He had opposition in only two or three of his subsequent fifteen successful campaigns for reelection.

In the second session of the 88th Congress in 1964, The Honorable Carl Vinson, then Chairman of the House Committee on Armed Services, announced his retirement. Representative Rivers was the ranking Democrat on that Committee and he succeeded "Uncle Carl" as Chairman upon the convening of the 89th Congress in January 1965.

Shipmate Rivers was always a strong advocate of legislation beneficial to military personnel. He played a key role in the House's passage of the provision to restore the principle of recomputation of military retired pay for those who retired prior to 1 July 1958 in the 1963 military pay bill. He was Chairmain of the House Armed Services Subcommittee on Military Medical Benefits in 1964. His leadership resulted in the enactment of Public Law 89–614 establishing the Civilian Health and Medical Program for the Uniformed Services (CHAMPUS) in 1966.

As Chairman of the House Armed Services Committee he immediately began to exert strong influence for the improvement of military pay, allowances and benefits. The first test of his leadership was the successful passage and enactment of a military pay raise that was twice the amount proposed by the Administration in its 1965 budget. Following that victory, military personnel knew they had found a champion and their benefits increased each year because of his legislative innovations, expertise and dedication to his philosophy, "The Serviceman and his family are entitled to a standard of living equal to the standard of living they're defending."

Chairman Rivers left no stone unturned and he never missed an opportunity to act in behalf of all military personnel. His record of military personnel legislation enacted is almost legendary in the annals of legislative history. He fought tremendous odds, including two Administrations, to provide our nation with an adequate military defense.

Chairman Rivers was a member of the Grace Episcopal Church in Charleston, South Carolina. Funeral services were held there at 1300, Wednesday, 30 December 1970 and interment followed in the town of St. Stephen, South Carolina. St. Stephen was the home of the Chairman's parents and is forty-six miles from Charleston. Shipmates National President Robert L. Bastian and National Executive Secretary Robert W. Nolan represented the Fleet Reserve Association at the church and graveside services.

His 82,500 Shipmates of the Fleet Reserve Association, indeed, all military personnel, active duty and retired, deeply mourn his passing. His beloved wife, Margaret, his daughters, Mrs. Robert Eastman and Marion, and young Lucius Mendel Jr. can take great pride in the Chairman's service to his nation and the Free World during the past thirty years. Dr. Albert Einstein said:

"ONLY A LIFE LIVED FOR OTHERS IS A LIFE WORTH WHILE"

Shipmate Chairman Rivers' life is the epitome of that statement. It will be a space of time before another like him walks with us and carries our burden to make the way easier for us, his Shipmates.

The family has requested that those who wish to remember Chairman Rivers in a special way may wish to address their remembrances to the L. Mendel Rivers Heart Surgery Research Fund, Department of Surgery, Alabama Medical Center, University of Alabama, Birmingham, Alabama. Messages of condolence may be addressed to: Mrs. L. Mendel Rivers, 640 Federal Building, Charleston, South Carolina 29403.

As the years roll by, one by one, we end our cruise. The anchor is dropped to rise from the waters no more.

Shipmate L. Mendel Rivers sailed through life's cruise, meeting more than his share of calms and storms, adverse tides and favoring winds; his ship of life has come to its final anchorage in a harbor still uncharted by mortal men. We who remain do not know the waters there, but we do know the course to steer and we believe that our Shipmate, setting his course by those beacons that have been given us, has found that harbor safely. To those loved ones whom our departed Shipmate has left behind, awaiting their own day of departure and voyage to that same harbor of eternal mercy, we can only offer our sympathy in this time of separation and loneliness. There are many words that could be used at this time to describe the good and outstanding qualities of the one who has gone before, but we of the Fleet Reserve Association, of which he was a member, sum it up in one word: Shipmate. That word, when spoken by naval men, embodies all that can be said of any man. Chairman L. Mendel Rivers was a Shipmate.

We who remain to carry on should not think of Shipmate Rivers as gone from us, but rather that he has been transferred to another ship or station where we all hope to be Shipmates again.

R. W. N.

FEDERAL REVENUE SHARING

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. FREY. Mr. Speaker, I think it is important to note that the White House does not believe it has erred in its proposal for sharing Federal revenues with the States and local governments.

Too often in the course of our history there has been validity in charges that an administration has erred in judgment or in fact when presenting an important program and, as a result, those charges have gone unchallenged.

But today, we see the President and the White House fully confident that they are right and fully prepared to meet the challenge, from whatever source, when their basic premises are questioned.

May I repeat here today what Presidential Assistant John Ehrlichman said recently, because it is important that the facts be iterated constantly so that both the Congress and the people can judge revenue sharing on its merits.

Mr. Ehrlichman said:

> We are not going to raise taxes or cut existing programs. It is not true that some cities and States will receive less money under the Administration proposal. It is true that some will receive more.

Governors, county executives, and mayors should all be aware of this and, being aware, should support the program wholeheartedly. It is, I believe, their salvation.

ANOTHER NEW YORK CITY POWER FAILURE

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. FULTON of Tennessee. Mr. Speaker, another power failure, this one caused by an explosion of unknown origin, has again left a part of New York City without adequate electric service for a considerable length of time.

The latest interruption of service for the long-suffering New Yorkers came this past Sunday evening when midtown Manhattan slipped into partial darkness for over 2 hours.

The Consolidated Edison Corp., said the trouble was caused apparently by an explosion in an East Side powerplant, an explosion of unknown origin. Shortly thereafter someone phoned the Associated Press in New York in an attempt to give the impression that the incident was caused by sabotage. However, at last report no sabotage was indicated.

Mr. Speaker, for several weeks running now the New York City area has been suffering from one power shortage or collapse after another for a variety of causes.

However, no matter what these individual causes might happen to be, they all add up to an inadequate power supply production and delivery system not only for New York, but for the entire eastern seaboard and much of the United States.

It is my belief that the House of Representatives should closely study this situation, and for that reason I have introduced House Resolution 155, to establish a select House committee to investigate the energy resources in the United States.

Mr. Speaker, the most recent power collapse in New York City is yet another symptom of what may well be a serious disease which can cripple our future economic expansion and growth unless we diagnose, treat, and cure it immediately.

I believe the establishment of the select House committee called for in my resolution would be a significant first step toward a cure.

LUNAR TRIUMPH

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. TEAGUE of Texas. Mr. Speaker, with the successful return of Astronauts Shepard, Mitchell, and Roosa, the United States has again demonstrated that its hope for the future lies in its ability to apply technology. The same technology that has taken us so successfully to the moon on Apollo 14 is today being well applied to our problems right here on earth. The New York Times of February 7, 1971, carried a landmark editorial which places the success of our Apollo 14 in perspective. This editorial states well that—

> Shepard and Mitchell have provided vivid evidence of how much more men can do in space than even the most ingenious instruments now available.

Programs now underway, both automated and manned, in the earth resources surveys and other areas of space effort will benefit from the experience of Apollo 14 if we have the will to adequately support our national space program. The editorial follows:

LUNAR TRIUMPH

Astronauts Shepard and Mitchell have enacted a brilliant chapter in the history of lunar exploration these past two days. They spent more time traveling over the lunar surface and covered a greater area of the moon than men have ever done before. They set up more scientific instruments, they conducted more experiments than any of their predecessors, and in a region of extraordinary geological interest they gathered far more lunar rocks and soil than the astronauts of Apollo 11 and 12 or the unmanned Soviet Luna 16 device. If they return safely to earth with their precious cargo, man's knowledge and understanding of the moon and of the origin of the solar system are likely to reach a peak well above the present level.

The Soviet press has in recent days been seeking to downgrade the Apollo flights and to argue, implicity and explicitly, that scientific exploration by means of unmanned probes such as those Moscow has sent to the moon and Venus is adequate for man's desired knowledge of the solar system. Yet it must be recognized that it will be decades before instruments can do on the moon or another planet what Shepard and Mitchell did these past 48 hours. The variety of tasks they performed, the speed with which they worked, and the precise detail of the observations they reported back to earth are far beyond anything machines alone are now able to perform. Remote-controlled instruments are still clumsy, slow and limited means of getting information as compared with astronauts who have highly trained and versatile minds and bodies.

The success of Apollo 14, therefore, should go far to put in perspective the relative merits of manned and unmanned space exploration. The achievements of Soviet unmanned rockets in landing instruments on Venus, in returning three ounces of moon dust to earth and in putting Lunokhod into operation on the lunar surface were in every way remarkable. But now the exploits of Shepard and Mitchell have provided vivid evidence of how much more men can do in space than even the most ingenious instruments now available.

From a long-range point of view there is no real conflict between the two types of space exploration. Both are important, useful and, in fact, essential. It is in planetary exploration that instruments now offer the greatest promise, for they can go to Venus, Mars and more distant planets in the period immediately ahead, while it will be decades before men will be able to make those same journeys. But on the moon, as Apollo 14 has shown so irrefutably, manned visits are the most productive means of exploration.

FARM DISCONTENT

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. ABOUREZK. Mr. Speaker, in analyzing the results of the 1970 elections, columnist after columnist has pointed out that it was in the traditionally Republican Midwest that the Republican Party suffered its greatest losses. Indeed, the largest gains in House seats made by Democrats in any one State was in the State of South Dakota. This should be convincing proof that there is a manifest dissatisfaction among American farmers.

In State after State where the Nixon-Hardin farm bill was an issue, Republicans fared poorly and Democrats did well. The farmer wants and deserves better than what has been offered to him. If this spark of dissatisfaction is not to be fanned into the full flames of farm revolt, we must consider corrective measures in the farm bill. I recognize the reluctance of Congress to go over this ground again so soon after passing major farm legislation. Yet, if we are to prove the American representative system viable, as we all believe it to be, we cannot ignore such a clear voice of protest as was raised at the polls last November by the constituency most immediately involved.

In support of what I say, and as proof of this dissatisfaction, I would commend to the attention of my colleagues the following letter by my good friend Ben Radcliffe, President of the South Dakota Farmers Union.

I include the article as follows:

SOUTH DAKOTA FARMERS UNION,
Huron, S. Dak., January 8, 1971.

Hon. JAMES ABOUREZK,
House of Representatives,
Washington, D.C.

DEAR JIM: I note with serious concern the recent announcement that prices South Dakota farmers received for their products were down 12 per cent from a year ago. And each month the United States Department of Agriculture tells us the parity ratio has fallen again until now it stands at 67 per cent, the 1933 level. My concern is magnified by the fact that I am convinced the present farm law will spell disaster for thousands of South Dakota farmers.

If this year's program is any indication of what we can expect under the new bill, I can only be pessimistic about the possibility of the Secretary of Agriculture using what options the bill provides to raise farm income. Indeed, it appears that American agriculture is being made the whipping boy of our economy.

As you know, the Nixon-Hardin farm bill was rejected by the voters in the November election in every race where it was an issue. While the Congress may be reluctant to consider a new farm program after just passing one, it is my profound belief that we must have a new farm bill if agriculture as we know it today is to survive.

South Dakota can and should take the lead in this vital matter.

Sincerely,
BEN H. RADCLIFFE, *President.*

DENTAL CARE—A NEGLECTED ART

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. VAN DEERLIN. Mr. Speaker, in all the anxiety over the urgent need for improving the availability of medical care, those in the Congress and the agencies and the general public are inclined, I think, to pay too little attention to the vast deficiencies in the amount of dental care received by the people, particularly children. And this despite the fact that every President since Harry Truman has made separate appeals for making more dental care available, regardless of income.

The fact is the Federal Government, like States and local communities, continues to emphasize medical care while dental problems are shunted aside year after year.

An excellent article on the current problems of dentistry has been prepared for Dental Survey by George Connery, the magazine's Washington correspondent for more than 20 years. Mr. Connery suggests that now may be the time for the dentists themselves and their American Dental Association to make their own case with Congress and the Government.

Mr. Connery's article, as published in the current issue of Dental Survey, follows:

DENTISTRY'S HEALTH ROLE: A QUESTION OF "URGENCY"

WASHINGTON, D.C.—One big question hovering over all discussions here of national health problems involves national health insurance. It seems clear that a new system is on the way which will, for good or bad, affect almost all of the population.

Indeed, there is now so much support for the idea that the old battle lines are wiped out and the issue in the 92nd Congress is no longer whether the people are going to have help with their health care bills—but when this help will come, and how it will be provided. Whether dentistry is to be included, however, remains very much in doubt.

It should be noted that the controversial Dr. Roger Egeberg, chief medical officer for the Nixon Administration, went a long way toward crystallizing professional, public and governmental thinking on the issue. Dr. Egeberg, squarely on record as favoring national health insurance before he became a spokesman for the Republicans on health matters, has shaded his public remarks to stay a little closer to what was believed to be the Nixon policy of moving slowly—but he did not change his basic ideas, and never said he had changed them.

He dodged direct answers on whether national health insurance would be a good thing by arguing that this question doesn't have to be answered now: His position is that the nation's system for training dentists, physicians and auxiliary personnel is incapable of turning out enough skilled manpower to meet the need, and that the socioeconomic structure for delivering health care is so hopelessly confused and unresponsive that it would have to be junked.

When the President's advisers, under irresistible public and political pressure, started putting together a massive program to improve the quantity, quality and availability of health care, Dr. Egeberg had thus persuaded much of the public, much of the profession and many of the leaders on Capitol Hill that drastic change was required. But Dr. Egeberg probably didn't expect that the Nixon staff people would go so far beyond what he was saying publicly was the first priority.

They accepted as a fact that more health professionals were needed and in a hurry, and that entirely new methods must be found for distributing health care and financing it.

Without officially shifting the Republican position so as to favor "socialized medicine," the Nixon team of legislative drafters took the step that Dr. Egeberg had hesitated to take—they decided that Social Security would have to be used to finance a huge section of the public's medical bills, from "catastrophic" costs for all income groups to some financial help to low-income and middle-income families.

How does dentistry share in all of this planning? Some dental leaders fear their profession—except for education—won't figure in a new system to any important extent, and that the public will suffer as a consequence. Others are convinced that the present private fee system can be made to work with a few changes, such as formation of more dental insurance systems and provision of dental care by more states in Medicaid plans for indigent and low-income families.

At any rate, an American Dental Association task force on national health insurance is expected to finish its studies by midsummer. Naturally represented in the task force of professional and lay leaders is the traditional viewpoint of ADA—to move carefully and slowly because dentistry won't be able to retreat from government red tape and controls once it voluntarily walks into them.

Edging the task force in the direction of co-operation with some phases of national health insurance is the American Medical Association, which is slowly but perceptibly shifting its position. The professional groups, however, will not have to go so far as to support "socialized medicine"—if only because the Nixon plan technically is not "socialized medicine," and great efforts will be made to point this out. (In the past ADA has supported AMA in opposition to national health insurance under Social Security.)

If ADA leads dentists into co-operation with government on national health insurance, it doesn't have too much time to lose in seeking to shape a new law so that the public's dental needs are properly serviced and the profession's rights protected.

Last session the hoppers in Senate and House were weighted down with a variety of health insurance plans, from lean and inexpensive catastrophic coverage to omnibus and expensive programs of complete health care. This year there will be still more of them in addition to the Nixon plan.

If there is anything nearly uniform about the varied plans, it is their almost total lack of provision for dental care. The omission is rooted in the fact that most legislators interested in the health fields get their advice largely from physicians and welfare workers, both in and out of government.

With almost no exceptions, those who influence the lawmakers are obsessed with the idea that government must intervene to get good medical care to all of the people, and help them pay the bills, but that dental needs are not too urgent and can be met (except for charity cases) through the traditional private practice machinery.

At this writing it is not known whether dental expenses will even be included in the deductibles under the Nixon program, and planners haven't decided whether to allow them under the various benefits.

There is an opening for tax-paid dentistry in Medicaid, however. Part of the Nixon project is to completely revamp this program, which is run by states and now offers medical and some dental care to those on welfare and low-income families. The White House idea is to have the plan run by the Federal government with eligibility and benefits the same in every state, regardless of per-capita income.

Something more than half the states now provide a measure of Medicaid dental care, from very minor benefits to almost complete coverage. Congress now is looking into the possibility of allowing states to cut back and to relieve them of the requirement that they expand benefits for all medical and dental needs.

If this objective prevails, dental care probably will be largely eliminated from Medicaid.

Should dentists as a group decide to cooperate in any national health insurance idea, the pressure for more "health maintenance organizations" (HMO's) offers them another opportunity to have patients' bills paid—and to practice in a high-level dental-medical atmosphere as well.

President Nixon may or may not encourage this HMO concept, in which groups of physicians or physicians and dentists could contract with the government for the total medical or medical-dental care of patients and receive uniform per-capita payments for "keeping the patient healthy." This idea follows the pattern of the West Coast Kaiser program, which has offered evidence to Congress that it costs less to keep patients generally well than to treat them.

For dentists, official adoption of the HMO concept would offer a constant flood of preventive care. Whether dentists would like per-capita payment is, however, another question.

FASCELL URGES RESTORATION OF RECOMPUTATION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. FASCELL. Mr. Speaker, America owes no greater debt than to her retired servicemen and women. They have served their country with honor and courage.

The legislation I am introducing today provides that military retirement pay be based on current active duty rates. This more equitable system was used until 1963 when the Congress, acting in good faith, voted to discard the principle of recomputation and replace it with a straight cost-of-living increase for retirees.

Unfortunately, experience has shown us that the cost-of-living increase is inequitable in comparison to the recomputation principle. In recomputation, the retiree receives direct benefits from each military pay raise.

A rate of retirement pay based on current active duty rates has traditionally been one of the benefits which offset the fact that military pay scales have consistently been lower than pay scales in the other professions.

Mr. Speaker, the legislation I am proposing has enjoyed the support of many of our colleagues in both Houses. They believe, as I do, that retirement pay should once again be linked directly with active duty pay so that automatic adjustments in retired pay will be assured whenever the active duty rates are changed.

I urge our colleagues to join me in supporting the restoration of the recomputation principle.

EMERGENCY MANPOWER LEGISLATION

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, the alarming increase in the rate of unemployment in our country's urban areas is a situation which can no longer be tolerated. We in the 92d Congress must take up where we left off in the last Congress to insure final passage of strong emergency manpower legislation. Considering the crisis level this problem has reached in certain areas of our country, I was heartened to see that Senator NELSON's Subcommittee on Employment, Manpower, and Poverty, has acted swiftly to insure early passage of his emergency manpower legislation. It was also gratifying to witness the strong show of support for S. 31, Senator NELSON's bill, that was demonstrated by the Legislative Action Committee of the U.S. Conference of Mayors.

The presence of such prominent leaders as Mayor John Lindsay of New York, Mayor James Tate of Philadelphia, Mayor Kevin White of Boston, Mayor Carl Stokes of Cleveland, Mayor Joseph Alioto of San Francisco, and the mayor of my own city of Chicago, Richard J. Daley, at the hearings conducted by Senator NELSON's subcommittee this morning demonstrates quite clearly the concern that these urban leaders have for much-needed legislation.

I would like to insert a copy of Mayor Daley's remarks in the RECORD as they quite clearly depict the problems we in Chicago are facing in this area.

The remarks follow:

STATEMENT BY MAYOR RICHARD J. DALEY

I am Richard J. Daley, Mayor of the City of Chicago. With me is Samuel Bernstein, the city Manpower Coordinator who has served as Commissioner of Placement and Unemployment Compensation for the State of Illinois from 1942 to 1963, and formerly was Illinois Employment Security Administrator until he joined the city last year. He is an outstanding authority on employment and manpower training.

As Mayor, I am here to comment on Senate Bill 31 which is designed "to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist states and local communities in providing needed public services, and for other purposes."

All the mayors of our cities have a direct concern with the problem of unemployment. Although there are no statutes that fix the responsibility for employment on local government, the fact is that we are the closest to the people and they look to us for leadership in meeting problems that directly affect their lives. Further the place to meet problems is where the problems are, and the cities have the greatest numbers of the unemployed.

I believe that there are two aspects to the bill. One is to meet the problem of unemployment during periods of recession, and the other is to fill public service needs in such areas as environmental quality, health care, housing, neighborhood improvement, recreation, education and other programs that contribute directly to the betterment of the community. I would like to add a third consideration, and that is to provide maximum opportunity for a job to any one who has a genuine desire to work.

In regards to periods of high unemployment, there are questions that I believe deserve your serious study and consideration.

The requirement that there be in excess of 4.5 percent unemployment nationally for three consecutive months before the bill becomes operable appears to be unrealistic. Even when employment is high nationally we all know that there can be regional and local areas of unemployment. There must be consideration given to cover these conditions that do not reflect the national percentage.

We also recognize that even in those areas where unemployment may be under four and a half percent, the unemployment rate for minority groups may be substantially higher.

I know that there is considerable support for the theory of a mobile labor force—that workers will go from areas of high unemployment to more prosperous areas. To a great extent this may be true. However, there are some groups which do not respond to this pressure: the man who is over 45, the person who is unable to move for compelling personal reasons, and those who feel uncertain about the consequence of their move.

The further effect of this mobility is to place a greater burden on the city that accommodates them when the economic picture changes and there is unemployment. This is one of the reasons for the current plight of many of our cities.

I am confident, for example, that the city of Seattle will restore its economy but it will be in great difficulty in the future if there is an exodus of skilled labor from the city.

I believe that every section of our country should be strong economically and able to provide opportunity for employment for their residents.

I feel that this committee should give consideration to exceptions to the 4.5 percent formula.

The needs of the cities have become obvious. There is no question that cities could hire and efficiently use workers to fill unmet needs in public health, anti-pollution programs, education, public safety, sanitation and other equally important areas. We now have a situation that while the private sector is telling the unemployed it has no openings, there is a great need in the public sector to hire additional workers for essential services. But there are no local resources with which the cities can hire the additional personnel.

The opportunity for jobs in the public sector exists at the same time that the nation suffers from a six percent unemployment rate, with no assurance that it will not go higher before it declines to the 4.5 percent level that the President hopes to reach by late 1972.

This unemployment figure includes highly skilled professional workers—managers, engineers, technicians, the recently returned veteran from Viet Nam with skills acquired in the armed services, as well as the unskilled and inexperienced worker who even with unemployment reduced to a level of 4½ percent would find it difficult to obtain a job in private industry. Chicago could, and would, hire workers from all skill levels—including engineers and technicians to do essential work not now being done. But its major thrust would be the hiring of the untrained and inexperienced and, through training, both on-the-job and in educational institutions, provide them with the skills that will enable them to make a real contribution to the welfare of the city in which they live. At the same time, it will lessen unemployment and provide the worker with an income for himself and his family, and with self-respect, and standing in the community.

Obviously, this is not a "made work" program. The city will create entry level jobs in vital departments where in-service training and accredited education will be used to improve the workers' skills. The Civil Service Commission will link entry positions to a city-wide career ladder based on proper task analysis so that employees will know that opportunities to advance will match their skill development. This is not new in Chicago. For years, the city has had an education incentive program for all its workers providing for released time and tuition reimbursement. Public service employment, to be truly effective, should include a commitment by the city to upgrade its workers and thereby improve its services to the community. Certainly this will afford workers an option of entering private employment as well as being absorbed into regular government employment as their skills improve.

A survey, just completed by the National Civil Service League, of departments in the City of Chicago showed that the city could use more than 30,000 additional workers in expanding services that would contribute directly to the community.

Typical jobs include engineering technicians, draftsmen, clerk-typists, health aides, data control operators and rodent control inspectors, as well as positions which do not require specialized skills.

Experience has taught us that even in times of high employment there are men and women who can not find a place in private industry. This is particularly true for those over 45, and these older workers not only include the unskilled or low-paid but the individual who has worked in a high-paid job for ten or fifteen years and has been laid off during a recession. In many instances he will not be hired back and he is finding it extremely difficult to get a job. There also is the young worker from 18 to 25 without a college education who finds it hard to get an entry job in private industry. The problem is even more distressing for members of minority groups.

Public Service Employment should not be just stop-gap employment—make-work jobs in which the worker simply marks time until the economy improves and unemployment is reduced to some arbitrary percentage. The employment and service needs are too great for any such limited program. Public Service Employment should generate real jobs; jobs in which the worker can take pride because he knows that he is providing a needed service; jobs which are not dead-end but those where the worker can see advancement opportunities in permanent employment.

The Committee should therefore consider extending the authorization for appropriation in section 4(a), beyond July 1, 1973.

If this permanency can not be assured through legislation, then the worker should be assured that he will not be dismissed until a suitable job is made available to him by the federally supported state employment service. Precedent for this already exists in the Work Incentive Program for those who are in training under the "Aid to Families of Dependent Children" program provided in the Social Security Act.

In the last analysis, the Public Service Employment concept is not compromised if the worker, with his newly acquired skills, can continue his career by entering private industry. Government and industry could achieve no finer partnership than in a program dedicated to such advancement of the American worker.

In Chicago, as well as in other cities, we have taken advantage of every federal and state program in the employment field. We have been deeply concerned about the returning veteran from Viet Nam. We established a special office in the City Hall to provide job placement services for the veteran. We enlisted the aid of the state employment agency and private employers. This program was successful and we were able to place more than two-thirds of the applicants in good paying jobs—some in city government—most in private industry. With the decline of the economy, however, we now are not able to find jobs for returning veterans. And recently we have witnessed the bitterness of the veteran who has been laid off the job which we located and is seeking employment again.

Our Model Cities and urban opportunities program give the highest priority to job training and employment opportunities.

We also have a program opening the ranks of building trades unions to minority members through the Chicago Plan which is a cooperative agreement between building contractors, trade unions and minority groups for training and employing minority workers.

There is a universal realization that our present welfare system has become self-defeating. It appears to me that there is no better way to rescue able-bodied, employable, but unemployed, men from their present eroding idleness which slowly kills morale and initiative, destroys the spirit, and affects the off-spring, than to give meaningful work at decent wages.

Men and women need work. They need the chance to find themselves in the world. The opportunity for a meaningful job is the most important fact in maintaining a basic level of dignity in our way of life. Certainly employment is not a panacea for all of our social problems, but nothing will make a greater contribution toward alleviating such problems.

With the modifications I have recommended, I urge the passage of Senate Bill 31.

Thank you very much for this opportunity to appear before this Committee.

THE MAN FOR THE JOB

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. CARNEY. Mr. Speaker, I recently received a letter and poem authored by one of my constituents, Josephine Sturgeon, of Youngstown, Ohio, which I am pleased to commend to the attention of my colleagues:

Hon. CHARLES J. CARNEY,
Washington, D.C.

DEAR MR. CARNEY: First let me offer my Congratulations to You as our new Congressman. We all felt that you would make it and we know that you will do a good job.

I won't burden you with any problems at this time because I know that you have many, We do have problems with our World War One Widows which I will let you know about at a later date, regarding Pension cuts when Social Security raises are given.

This little piece of Poetry I composed myself in your Honor, Let me know if you like it.

Respectfully yours,
JOSEPHINE STURGEON,
Youngstown, Ohio.

THE MAN FOR THE JOB

No matter whose shoes you try to fill
The climb for you will be uphill,
Your Task's will be from dawn till dark
Upon this road you did embark.

Your many friends will wish you well
And really time will only tell,
That you were the man to take the reins
To solve our problems and make some gains.

Each day I bow my head and pray
That God take care of you today,
And guide you in your daily tasks
This is all that one can ask.

(Submitted by Josephine Sturgeon to Congressman Charles J. Carney, 19th District. Youngstown, Ohio.)

NEEDED: JUDGES EQUALLY CONCERNED WITH RIGHTS FOR VICTIMS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. RARICK. Mr. Speaker, one of the most untouchable persons in America today, according to FBI Director J. Edgar Hoover's article in the current issue of the FBI bulletin, is the habitual lawbreaker who is granted freedom time after time by our liberal society prior to fulfilling any penalty. Mr. Hoover quotes statistics to show that after being prematurely released, a substantial majority of the repeating offenders are re-arrested within a few years. By abusing parole, probation and bail privileges, a sizable number of lawbreakers are free to again wreak their violence on society and to make city streets unsafe.

Mr. Hoover places much of the blame for this condition on the over leniency of judges who are hostile to police and are overly "root cause" sympathetic toward criminals.

Admitting that prisons and jails could be improved, Mr. Hoover points out that they are greatly improved over what they were in the past when it was still safe to use the streets to walk on. These facts would indicate that lawlessness is caused by lawbreakers—not on the condition of prisons.

Taking issue with the FBI Director is Judge John D. Fauntleroy of the Superior Court of the District of Columbia, and Kenneth C. Hardy, head of the city's Department of Corrections. Judge Fauntleroy rationalizes the releasing of convicted criminals gradually since "they're going to be back on the street sometime anyway." Hardy supports doubling tax funds for rehabilitation so as to put more offenders back into the community on work release, parole, and other human experimental programs.

The opinions of this Federal judge and official were publically expounded at the second annual meeting of the

Adams-Morgan Federation. Adams and Morgan are schools involved in an experiment in community control. School Superintendent Hugh J. Scott is reported to have said that Washington's schools are in a state of anarchy and that it would take more than a few years to really improve the situation.

Supporting Mr. Hoover's position is a group of law-abiding, taxpaying citizens of Baton Rouge, La., whom I am honored to represent. These understanding citizens have taken a strong stand for law and order. They realize that their local police officers are the front line in the defense of the citizen against crime, anarchy, and insurrection; and that the primary duty of organized society through its law enforcement officers is to maintain safety and protect the citizen's life and property. For these reasons, thousands organized a citizens for law and order group to support local police and to back them in maintaining a peaceful community.

In a recent statement, the Baton Rouge Citizens for Law and Order placed the responsibility for the spiraling crime rate in their city on the leniency of local judges. These citizens have issued a public notice to the elected judges to cease being soft on criminals lest their city deteriorate to the anarchy which prevails in some northern cities.

People power groups, such as the Baton Rouge Citizens for Law and Order, organized in communities throughout America can serve as a boon to making elected officials more responsive to the rights of the law-abiding people.

I insert several newsclippings following my remarks:

[From the Washington Star, Jan. 30, 1971]

HOOVER TURNS SPOTLIGHT ON INDULGENT JUDGES

(By Jenkin Lloyd Jones)

Old J. Edgar Hoover, long a clay pigeon for professional libertarians, has brought one up from the floor in the current issue of the FBI Bulletin.

From the files of the bureau he has collected a few gaudy examples of soft-headedness among some judges and parole boards which help explain why once-safe cities have become jungles and why citizens who used to stroll the streets in the evenings now barricade themselves in their homes.

Most disturbing, we now have on the bench some judges who are patently hostile to police.

One such character, according to Hoover, not long ago announced that he would hand out a light sentence to any defendant claiming mistreatment by police. The judge insisted on no corroborating evidence. He appeared perfectly willing to damn the police by hearsay.

One young thug, previously convicted of car theft, assault and attempted rape of a child, was captured after a gun battle following an attempted jewelry store holdup. Three policemen were injured.

But when the captive complained that the police had roughed him up, this judge sentenced him to two years probation, conditioned on his getting treatment for drug addiction. When the narcotics institution refused to accept him on the grounds that he could not be rehabilitated, the judge let him go.

This same judge gave a five to seven-year term to another hoodlum who beat a 75-year-old woman to death in a $5 street robbery. The judge explained the light sentence on the grounds that if the woman had been young and healthy she would probably have survived the beating and that, hence, it really wasn't murder.

A man arrested after an unsuccessful attempt to hijack an airliner was ruled by another judge as insane at the time of the attempt but sane for the trial. The court ordered the jury to turn him loose.

In a western state a man with a 40-year criminal record was sentenced to life in 1959 as a habitual criminal. Released after only eight years, he was picked up for a hit-and-run accident and given 30 days. Shortly thereafter, while on bond for a new armed robbery charge, he killed a police officer. He was finally given 20 years—much less than his 1959 sentence.

An appeals court in an eastern city freed an alleged burglar because, it said, the lower court had erred in not telling the defendant his trial could proceed without him. The defendant, who had been convicted 20 times in 33 years, had ignored two summonses to show up for trial. His excuse was that he had been depressed and gotten drunk.

A 6-foot 2 inch 185-pound youth, guilty of rape at gunpoint, attempted rape, robbery and assaulting arresting officers, was remanded to juvenile court because he was 16—right along with youngsters who break windows.

The FBI has followed up 19,000 offenders released from the federal criminal justice system in the year 1963. Of those put on probation, 57 percent had been arrested for new crimes within the next six years; of those paroled, 63 percent. Of youths under 20 released from federal custody in 1963, 74 percent had been rearrested by 1969.

Much is being said these days about the inadequacy of our prisons. They surely are. They are usually overcrowded, outmoded, overgloomy, understaffed, lacking adequate schooling and job-training and short on psychiatry and counseling.

But they are vastly better, in general, than any prisons we ever had in the past. And if life is less secure in America now than it was when we had worse jails and penitentiaries, if increasing numbers of innocent citizens are preyed upon by the beneficiaries of a generation of juvenile courts, hair-trigger parole boards and maudlin judges, let's not overblame the prisons. The locked-up prisoner is no menace. The unrepentant released prisoner is.

Says Hoover:

"In today's society one of the most privileged of creatures is the repeating offender, prematurely released time and again, free to abuse parole, probation and bail privileges while wreaking havoc upon law-abiding citizens.

"We have sunk into this morass through a distortion of human values. We have forgotten history's lesson that law, order and justice exist only when personal liberty is balanced with individual responsibility, that public welfare must take precedence over private privilege."

Amen!

[From the Washington Post, Feb. 7, 1971]

EXPAND AID FOR CONVICTS, DISTRICT OF COLUMBIA WARNED

(By Andrew Barnes)

More police and better courts are only part of the solution to the city's crime problem, Judge John D. Fauntleroy said yesterday.

Crime prevention and rehabilittation of convicted offenders also will have to be improved if the city is to get a handle on eliminating crime, said Fauntleroy, a judge on the old Juvenile Court, now a part of the Superior Court.

Increased appropriations for police, and the reorganization of the courts under the D.C. crime act of 1970, may lull citizens into thinking that crime is really dropping, Fauntleroy told the second annual meeting of the Adams-Morgan Federation.

Some 80 percent of young offenders are "not dumb, not borderline, but clever individuals, who have the ability to achieve, to become good citizens."

"If you're going to be effective," the judge said, "you're going to have to start before offenders graduate" from juvenile into adult criminals.

Kenneth L. Hardy, head of the city's department of corrections, agreed. But making rehabilitation work will be costly, he said. The corrections budget must double next year if the job is to be done, he said.

And effective rehabilitation will mean putting more and more offenders back into the community on work release, parole and other programs.

"The general attitude of the community," said Judge Fauntleroy, "is keep them out of sight, keep them out of mind. They're going to be back on the street sometime anyway," and it is better to release them gradually while maintaining some control.

Crime was only one of the problems considered at the all-day session entitled "Adams-Morgan, A Community Gets Itself Together."

Schools and housing also presented clear problems with unclear solutions for the more than 100 citizens who took part many of whom represented the area's numerous organizations.

School Supt. Hugh J. Scott said, "One of the things that has got to be done immediately is change the image of the school system. It's a bad one."

But making real improvement will not be done in a few months, or even a few years, he added.

Making little direct reference to the Adams and Morgan schools, each of which is an experiment in community control, Scott nevertheless said, "I need the community behind me. You're my strength."

His next move, Scott said, will be personnel shifts to develop a leadership cadre of principals and administrators.

"I'm trying to destroy what I consider anarchy in the schools," he said.

A morning panel on renewing the community agreed on the need for more housing and more business in the once-affluent, now thoroughly mixed area bounded by S. Street, Connecticut Avenue, Rock Creek Park, Harvard and 16th Streets.

The problem, said the Rev. Channing E. Phillips, is to move "beyond the talking stage."

"Planners have not been sensitive to the community," said Mr. Phillips, "and are justly criticized. But having residents do all the planning is no better."

The community's role should be to lay out the concept to be followed by professionals, said Mr. Phillips, who is head of the Housing Development Corp., which has rebuilt Clifton Terrace on 14th Street NW.

[From the Baton Rouge State Times, Jan. 30, 1971]

LOCAL GROUP BLASTS "LENIENT" SENTENCES

A statement suggesting that local judges have been lenient in meting sentences to criminals, especially "influential" criminals and teenage vandals, was released today by Norman Day, president of the Baton Rouge Citizens for Law and Order.

The statement follows:

"The members of the Baton Rouge Citizens for Law and Order are becoming increasingly concerned over the decisions being rendered by local judges pertaining to convicted criminals. Our members feel that the leniency of judges toward criminals is largely responsible for the spiraling crime rate in our city.

"The Baton Rouge Citizens for Law and Order were particularly alarmed over the recent statement made by Judge Elmo Lear who said that punishment was not a deterrent to crime. Statistics clearly prove that the criminal element multiples. Our entire system of law and justice has always been based on the premise that criminals must be punished or anarchy will prevail. The more we deviate from this proven truth, the more anarchy prevails. Judges owe it to society to carry out their sworn duty to uphold the laws of the land by punishing law breakers. We feel that judges who are at variance with this basic American philosophy should resign and perhaps seek employment in the field of social work.

"The Baton Rouge Citizens for Law and Order are also concerned over the preferential treatment that certain influential criminals receive over the insignificant unknown criminal. We were most disturbed over the light five-year sentence recently meted out to the local public official who confessed to stealing approximately $500,000 of our tax money. We are also most alarmed over the fact that many of the instances of violence in the public schools seem to be performed by the same individuals and that these persons are not punished. Instead they are released whereby they return to the public schools and again commit criminal acts.

"Our organization's 3,000 members will be closely watching future sentencing of convicted criminals and, if necessary, will use their influence to remedy the deteriorating situation in Baton Rouge by taking whatever legal action is necessary to halt lenient judicial decisions."

NEGRO HISTORY WEEK

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. ANDERSON of California. Mr. Speaker, this week, February 7 through 13, is Negro History Week—an occasion which has been observed in Los Angeles for a number of years. In view of this observance, I would like to pay homage to these Americans whose participation in our Nation's development began in 1619.

The black man's history in the United States, although often neglected in our history books, is one of great achievement and accomplishment which have improved life in America. Due to the publicity and public adulation received by sports heroes and celebrities, the accomplishments of black athletes, musicians, and singers have often overshadowed the accomplishments of black scientists, inventors, educators, businessmen, and religious leaders.

However, throughout the history of the United States, the black American has made his mark and helped determine the outcome of events. Thus, any history of America must include the Negro.

Jean Baptiste Point DuSable, a black pioneer, founded the settlement of Chicago. Another black pioneer, Matthew Henson, was with Adm. Robert E. Perry when he discovered the North Pole in 1907.

Some 5,000 Negroes served in the Continental Army and Navy during the American Revolution. The first American to die in the cause of freedom was Crispus Attucks, a black man shot by the British at the "Boston Massacre" in 1770.

Nearly a quarter of a million black soldiers and sailors served in the Union forces during the Civil War. Twenty of these men were recognized for valor and received the Nation's highest medal for heroism—the Congressional Medal of Honor.

There were more than 5,000 black cowboys in the Old West. A black man, Bill Pickett, invented the art of "bulldogging." James P. Beckworth was a black frontiersman who excelled in trapping and hunting.

The first black physician in America was James Derham, who established a prosperous medical practice in Philadelphia. The first doctor to perform open heart surgery was black—Dr. Daniel Hale Williams. Dr. Charles Drew, a black surgeon, invented the blood bank and became the world's greatest authority on blood plasma.

The achievements of Booker T. Washington and George Washington Carver are well known to students, but how many Americans have read the works of Alexander Dumas, the author of "The Count of Monte Cristo," and realized that he was of African descent, as was Samuel Coleridge-Taylor, and Alexander Jushkin. Black Americans such as Paul Laurence Dunbar and Charles Waddell Chestnutt have left their mark in the literary annals of America.

Black men have prospered in the field of business. C. C. Spaulding developed an insurance company that had assets worth $33 million when he died. S. B. Fuller set up a firm in Chicago that manufactures toiletries and cosmetics and distributes them by door-to-door salespeople. The Fuller Products Co. is one of the largest black-owned businesses in America.

Leaders in the movement for civil rights have admired such leaders as Frederick Douglass, and, of course, the outstanding leader, the late Martin Luther King, Jr.

The residents of Los Angeles know the fine architecture of Paul Williams, who designed the Beverly Wilshire Hotel, a Saks Fifth Avenue store, office buildings, and mansions. He ranks high among architects of the world.

Incidentally, in 1969, I had the honor of participating in the ceremonies paying tribute to the late Pfc. James Anderson, Jr., of Compton—the first black Marine to receive the Congressional Medal of Honor.

The list of accomplishments by black men and women in the sports and entertainment field is endless. The record shows that the black men and women have been in the forefront. Whatever our history has been; whatever our future brings; the black man has made outstanding contributions and made this country and this world a better place to live.

OPEN LETTER TO MAN

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. SCHMITZ. Mr. Speaker, the following very beautiful statement about the true place of women in a sound society recently came to my attention. In these days of rampant pornography, all-out drives for sex education, and destructive agitation, it recalls us to some lasting truths. I would recommend it particularly to the advocates of women's liberation as showing the way to real freedom and dignity for women.

The statement follows:

OPEN LETTER TO MAN

I am a Woman.

I am your wife, your sweetheart, your mother, your daughter, your sister . . . your friend. I need your help.

I was created to give to the world gentleness, understanding, serenity, beauty and love. I am finding it increasingly difficult to fulfill my purpose.

Many people in advertising, motion pictures, television and radio have ignored my inner qualities and have repeatedly used me only as a symbol of sex.

This humiliates me; it destroys my dignity; it prevents me from being what you want me to be; an example of beauty, inspiration and love.

Love for my children, love for my husband, love of my God and country.

I need your help to restore me to my true position . . . to allow me to fulfill the purpose for which I was created.

I know you will find a way.

SOCIAL SECURITY INEQUITIES

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, many of us are aware of inequities in the social security laws which we have been unable to get cleared up through legislation in recent years.

One of the most glaring of these is the way in which working wives are treated under existing social security laws and regulations. Basically, although payments to the social security fund are deducted from their wages at the same rate as from the pay of other workers, they are denied retirement benefits and they receive only marginal benefits at best.

One of the most eloquent dissertations on this problem I have read has been written by one of my constituents in the Fifth District of Georgia, Mrs. Margaret Reynolds, who is also a contributor to one of the outstanding community newspapers in our area. Because this Congress will again be called on to act on social security amendments, I insert into the RECORD the text of the article and I recommend that all Members who share my concern about the inequities of social security read it.

The article follows:

TAX BREAKS—BACKS

In an era when numerous segments of American society are protesting real or imagined wrongs, loudly—sometimes violently, and are having their causes championed by sympathetic individuals, private organizations and by the government, it is ironic that there exists a pathetic group which is the object of unconsionable injustice from an agency of the government itself.

Victims of this unfairness are a grey and weary band. They are not parading the streets, attempting to disrupt society or even pleading their case. They stand, instead behind store counters, hunch over sewing machines or ironing boards, labor with heavy cleaning equipment, plod from door to door selling magazines or gadgets, beat out routine material on obsolete typewriters hour after weary hour. Here are the aging working wives of America, driving themselves doggedly after strength is spent because a vicious quirk in the application of the Social Security System denies them the right to retirement benefits for which they have been forced to pay. It is time that the American people became aware of their plight and moved to alleviate it.

Although payments to the social security fund are deducted from the wages of working wives, even in the lowest income brackets, at exactly the same rate as from the pay of other workers, they receive only marginal benefits—burial payments and in rare cases small disability allotments when they are totally disabled. Retirement income, the major goal of the system designed to make some kind of financial security possible in old age for persons who have worked diligently throughout their lives is seldom increased, nor is slightly early retirement practical, even with failing health, for the low-paid working wife even after years of enforced contributions. In most cases a married woman finds that she can draw as much or more under her husband's account than under her own with the cruel result that her payments have been nothing more than a tax on her right to work.

Statistically, the majority of working wives are possessed of limited occupational skills and of limited time because of their burden of family responsibility. Their incomes are therefore limited also and thus earned social security payments in almost all cases will be less than a wife's allotment with the shocking result that their deductions become an added income tax, placing this most poorly paid of all workers in brackets applied to the affluent. Few of the victims of the injustice understand it all. Almost all are inarticulate. In recent months, however, leaders of the movement to prevent discrimination and a number of Congressmen have become concerned and promise to take action.

To understand just how unfairly the system works, consider the situations of two families of identical income—seven hundred fifty dollars a month, nine thousand dollars a year—a figure which will provide marginal security and comfort in most sections of the country. In one case the husband is the sole breadwinner. At the present social security rate he pays just over four hundred dollars a year in social security taxes (5.2 per cent on his income up to seventy-eight hundred annually). For this payment, he and his family are provided with maximum protection including an anticipated retirement payment of one hundred eighty-five dollars a month and half the amount for his dependent wife when she becomes sixty-five. The wife will receive her portion if she has substantial private income or a pension from a non-social security covered position such as teaching, a governmental position or one covered by railroad retirement.

The second family does not fare as well. The husband in this case is able to earn only six hundred fifty dollars a month, seventy eight hundred dollars a year. He pays exactly the same social security taxes as his neighbor and is entitled to the same protection under the social security law. His wife, however, is impelled to seek employment to bring the family income up to the nine thousand dollars annually which permits a decent standard of living and social security taxes are levied on her income also so that the second family pays larger social security taxes. It will not, however, be due larger retirement payments.

It is estimated that the wife earning twelve to fifteen hundred dollars a year will pay almost a thousand dollars in social security taxes during her life time. If she is self-employed as is the case with women who take in sewing, sell merchandise on a door-to-door basis, perform piece work assignments, to name a few occupations an unskilled and time-pressed woman might undertake to raise family income, her payments will be fifty per cent higher since she and the government each contribute fifty per cent of the total rather than one-third as is the case when an employer makes a contribution. Furthermore, the worker who does receive employer contributions must justify such payments by her labor. Therefore, the working wife's real contribution is actually twice the amount deducted from her paycheck. This figure deposited in a savings account or invested would, with normal accrual, come to several thousand dollars. Yet, it is of no benefit at all to the working wife.

More knowledgeable women, aware of the injustice, seek employment in the teaching profession, in local governmental agencies or with the railroads which have their own retirement programs and in which no social security taxes are levied and earn additional old age income for themselves without reducing the amounts they will receive from their husband's social security accounts. The ignorant, the less versatile fall into the trap of paying additional social security taxes and receiving practically no additional protection.

The major revision of the social security system which came into effect in 1951 does reflect a realization that women, because of their physical and emotional make-up and because of the strain of child-bearing and child-rearing, usually need to withdraw from the struggle of wage earning some years earlier than their husbands and brothers. Under these provisions, a working wife is allowed to draw payments at the age of sixty-two. A cruel joker nullifies the benefits for if she accepts the offer, her payments will be reduced by twenty percent—for life! Thus if her earnings had averaged one hundred dollars a month during her working years, entitling her to payments of approximately sixty-five dollars in monthly retirement payments, she would forfeit twelve dollars and a half each month, leaving only fifty-two dollars fifty cents. Such a payment drawn during the three years between her sixty second and her sixty fifth birthday would amount to less than she had paid into the fund and its accrual and, furthermore, her wife's allotment, should she find it advantageous to change to it when her husband retires, would also be reduced permanently by the one hundred fifty dollars a year, a penalty few women could accept. If the couple should live an additional twenty or twenty five years, a prospect which becomes increasingly likely, her lifetime payments would be between three and four thousand dollars less, a frightening possibility in view of the steady rise in the cost of living.

To stress the unfairness of the situation, suppose that the man who was able to earn an adequate income alone had deposited only the difference in the social security taxes he had paid as against the assessment on his unfortunate neighbor and allowed it to accumulate interest over a long period of years, he could from it give his wife an allowance, beginning on her sixty second birthday, equal to payments the working wife might draw without exhausting the account before she could draw payments under his coverage at sixty five. More important, his wife's payments would not be reduced and she would therefore draw several thousand more if she lives the anticipated twenty or twenty-five years with the end result that the couple which had paid the lesser social security tax on the same income would, under identical conditions draw much larger retirement payments.

The unfair application of the social security system to the situation of the working wife is doubtless a carry-over from earlier punitive attitudes toward women who seek careers outside their homes. Rooted in the Victorial contention that a mother's place is with her children, regardless of circumstances; that woman's entrance into the labor market constitutes a threat to the earnings of husbands and fathers; that women who step outside their assigned roles do so to escape household duties and child care, to gain luxuries or to fulfill an unbecoming vanity.

Nothing could be farther from the truth. The facts prove that the vast majority of working wives and mothers are actually self-sacrificing individuals who assume burdensome additional duties reluctantly, foregoing the joys of fulltime motherhood only because the needs of their children and the burdens of their husbands impel them to do all that they can.

Limited earning power of a husband is but one among multitudinous reasons which push women into attempting to add to family income. Obviously the family with four or five children instead of one or two, the family which has a seriously ill, a handicapped or a singularly gifted child requiring special expenditures, the family which has dependent parents or other unusual drains will be more hard pressed on an identical income that a small family without problems has. Conversely, a small inheritance can make possible the purchase of a home and allow rent to be used as mortgage payments which would place a family in a better position than another of like income which is not able to accumulate a down payment unless the wife goes out to work in order to accumulate a little capital. The possibilities are so many and so complex that no computer and no human mind, however compassionate, could come up with a formula which would separate the few women who work from choice from those who do so from necessity. The only reasonable attitude is to assume that they are driving themselves because of the needs of their families and to give them encouragement rather than abuse.

Certainly, the woman who has done double duty throughout much of her life is often in desperate need of respite as she enters her sixties. Yet in most instances where a husband's income has been inadequate during his most productive years, it is further reduced as he nears retirement. With little opportunity for accumulating in the past, the couple remains in desperate need of the wife's contribution, especially in view of the continuing inflationary pressures in the economy. The woman would be rash, indeed, to give up her position and settle for reduced social security payments, however exhausted she may be.

While a working wife cannot draw from her self-paid social security fund at the age of sixty-two without accepting a reduction, a widow of the same age is free to draw a full widow's payment. Few would argue that a woman in her sixties should draw the payment when her husband dies since he has paid for the protection. Even fewer would countenance denying solace to her working sister who has spent her energies over decades and now must survive in an expensive situation without the life insurance and other inheritance to which most widows are heir. It is reasonable to assume that the husband of the widow who has never worked was a good provider and that the couple has been able to accumulate, making social security payments less essential than they would be to a woman who had always needed to work and whose husband, while living, might be unable to earn much, if any, income. He might in fact be an invalid requiring expensive care and great personal attention which would make work away from the home more taxing and more inconvenient for the aging wife. The position of such couples can be grim indeed.

Even when they are not, the working wife is entitled to retirement payments, in addition to those she is due as a wife, because she has paid for them. The basic purpose of the social security system is two-fold: (1) To provide protection for individuals who have worked during their life times in the form of old age income and protection against certain vicissitudes prior to retirement and (2) to create employment opportunities for young workers by making retirement attractive to those who have served their time in industry. Changes in the system to allow the working wife to draw from her own account, without penalty, at the age of sixty-two would serve these ends admirably. By allowing weary workers to enjoy well earned rest without penalty, the jobs to which they cling, often of the unskilled variety, would be freed for younger women wanting to help their families to a better life, to youngsters needing desperately to get a toe-hold in the economy, even to some of the hard-core unemployed.

The few years early retirement, thus, allowed the working wife would not, in most cases, consume even the social security taxes she has paid with normal accrual and should not reduce the amount she is due as a wife under her husband's coverage.

Many students feel that she should not be forced to choose between the two benefits which are due her but should be entitled to a combined payment worked out on a reasonable formula so that the social security covered working wife would not be in a disadvantaged position as compared with her sister who worked in a non-social security covered field and whose pension did not jeopardize her wife's benefits.

Leaders concerned with eliminating discrimination on the basis of sex and marital status feel that it is more important to right inherent wrongs in the system than to raise the general level of payments. Certainly, it would be less inflationary and would also work for a spread of employment by opening up jobs in an area where the young and the unskilled could qualify.

The main argument, however, must be that it is unmerciful to force women in failing health to continue working when they have earned—and paid for—retirement. A simple solution might lie in a meaningful relaxation of the stringent retirements for disability payments for the working wife who met certain qualifications when she reaches her sixty-second birthday. Most doctors would agree that an aging female with arthritis should not lift heavy equipment, plod from door to door or stand long hours in a store or that one with failing eyesight should be released from her labors as a seamstress or typist, that an older woman with even mild heart disease or elevated blood pressure should not perform heavy labors. In short, retirement for the sixty-two year old on a disability basis without penalty should be possible on the advice of a doctor or even if the woman, herself, feels that she is no longer able to carry on.

To protect the right to early retirement from the abuses which creep in to most programs, however well intentioned, certain requirements should be set up. A minimum working period should be established. Most students of the problem suggest a minimum of twenty years (twice the requirement of ten years work for permanent coverage) except for a small group of women now approaching retirement age who did not come under the system until 1951, and could rarely have accumulated twenty years. The social security system already has a formula for determining eligibility of these women for retirement which is based on the accumulation of one quarter per year from 1951 until the year prior to their sixty second birthday. Early retirement might be possible for those who have earned a double number of required quarters whatever it should be. Requirements for recent employment should also be established both to protect the program from abuse and to achieve the secondary advantage of freeing jobs and thereby reducing unemployment.

If social security continues to work in a democratic, rather than in a socialistic fashion, it must be continually reexamined to maintain it as an earned retirement system rather than a dole. Contributions should be reflected in payments and other benefits and no group should be expected to pay into it without gaining an advantage.

LITHUANIA'S FIGHT FOR FREEDOM

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. GARMATZ. Mr. Speaker, Americans of Lithuanian origin or descent and their friends in all parts of our great Nation will commemorate two very important anniversaries this month, starting February 13.

They will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and secondly they will mark the 53d anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

I strongly urge the administration to implement legislation by bringing the Baltic States case before the United Nations and demanding the Soviets to withdraw from Lithuania, Latvia, and Estonia.

As I am a member of the Americans for Congressional Action To Free the Baltic States, I would like to include the following essay prepared by the Americans for Congressional Action To Free the Baltic States at this point in the RECORD, along with a copy of House Concurrent Resolution 416 of the 89th Congress.

LITHUANIA'S FIGHT FOR FREEDOM

THIRTY YEARS OF SOVIET OPPRESSION

For too long too many people throughout the world have been unaware of what happened to the people of Lithuania. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of Lithuania shows this to be a cruel fiction. The Communist regime did not come to power in Lithuania by legal or democratic process. The Soviets invaded and occupied Lithuania in June of 1940, and the Lithuanian people have been suffering in Russian-Communist slavery for more than 30 years.

Americans of Lithuanian origin or descent, numbering over 1,000,000 in the United States, and their friends in all parts of the country will commemorate two very important anniversaries during the second part of February, 1971: (1) They will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and (2) They will mark the 53rd anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the "accident of geography." From the West the country was invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians*. Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this republic in June of 1940. In one of history's greatest frauds, "elections" were held under the Red army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in Arctic Siberia. The people of Lithuania have never experienced such an extermination and annihilation in their long history through centuries as during the last three decades. Since June 15, Lithuania has lost more than one-fourth of the country's population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet-Russian occupation, however, the Lithuanians have waged an intense fight for freedom. This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself. During the period between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The persecution of Solzhenitsyn, the clamp on Rostropovich and other dissenters in the Soviet Union received a great deal of publicity in the free world's press. Very well publicized were the Simas Kudirka-Coast Guard tragedy, the Hijacking of a Russian jet liner by Brazinskas and his son, death sentences imposed on two Jews and a young Lithuanian, Vytautas Simokaitis, for trying to escape the Communist tyranny. But this is only the tip of the iceberg of desperation in the Soviet empire. In slave labor camps in the Soviet Union millions of people are still being held. Many dissenters are being confined to psychiatric institutions and being murdered by the Kremlin thugs. It is an established fact that a brilliant Lithuanian linguist, Dr. Jonas Kazlauskas, 40 years old, was murdered in a psychiatric hospital in Moscow three months ago. His only "crime" was that he had received an invitation to come to the University of Pennsylvania (in Philadelphia, Pennsylvania) as a guest professor for this very spring semester of 1971.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering people of Lithuania to get rid of the Communist regime in their country.

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, Estonia and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist agression.

The United States Congress has made a right step into the right direction by adopting H. Con. Res. 416 that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

NATIONAL COLLEGIATE PRESS DAY BACKED BY CONGRESSMEN

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. FORSYTHE. Mr. Speaker, I have today introduced a House joint resolution authorizing the President to declare the last Saturday in April of each year as "National Collegiate Press Day."

It is my feeling, and the feeling of many of my colleagues, that the newspapers published on our college campuses play an important role in our higher education system.

They offer students a legitimate voice in educational affairs. They provide a method for the student body to make itself felt, effectively, and constructively.

College newspapers provide a valuable training area for future newsmen. Many of the most respected newsmen covering the National Government here in Washington began their careers in the university newsroom.

It is there that they are taught the importance of accuracy, of completeness, of never-ending pursuit of all of the facts. It is there that they are taught the great responsibility that is theirs.

The National Council of College Publications Advisers, the only national professional association of advisers to all college and university student publications, organizes National Collegiate Press Days in April when students and professional journalists meet in learning workshops.

I believe it is appropriate that the day of their session, which involves students and advisers from all 50 States and the District of Columbia, be designated by Congress and the President as "National Collegiate Press Day."

I am pleased that several of my colleagues have joined with me in sponsoring this resolution. I would ask for your support so that the measure can be approved and signed by the President in time for this year's session.

Following is a listing of Members of the House who have cosponsored the resolution:

Mr. THONE, of Nebraska; Mr. HELSTOSKI, of New Jersey; Mr. DUNCAN, of Tennessee; Mr. ANDERSON, of Illinois; Mrs. HICKS, of Massachusetts; Mr. SANDMAN, of New Jersey; Mr. WHITEHURST, of Virginia; Mr. HOWARD, of New Jersey; Mr. BIESTER of Pennsylvania; Mr. HALPERN, of New York; Mr. EILBERG, of Pennsylvania; Mr. WARE, of Pennsylvania; Mr. WIDNALL, of New Jersey; Mr. RANGLE, of New York, Mrs. ABZUG, of New York.

PROTECT AMERICAN CONSUMERS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. MINISH. Mr. Speaker, I am today reintroducing two bills I sponsored in the 91st Congress to counter serious dislocations in the electronics industry.

The first bill, known as the "Truth-in-Import Labeling Act" is designed to protect the American consumer against false and misleading product labeling by providing him with identifying information as to where, by, and for whom products imported and sold in the United States are manufactured.

In recent years, there has been a tremendous upsurge in the quantity of electrical, electronic, and manual appliances and machines imported from abroad and sold in the United States under domestic brand names. The consumer may well expect the television set, radio, or other appliance he purchases bearing the name of a well-known manufacturer to have been made in the United States, when in fact the product may have been entirely produced in Europe, Japan, or another Far East country.

Related to the labeling problem is the larger question of unrestricted electronic imports. We can all agree that there are benefits to be derived by our country as well as by other nations through the promotion of free trade. However, in the electronic field the volume of imports has become so overwhelming that it has severely dislocated the domestic industry, put thousands of Americans out of work, and almost completely halted American production of many basic electronic components and products.

The second bill I am submitting today provides for an equitable sharing of the U.S. market by electronic articles of both domestic and foreign origin. An analysis of this measure follows together with a recent article by William Bywater, president of District Three of the International Union of Electrical, Radio, and Machine Workers, outlining the plight of the American electronics worker.

I include the article as follows:

ANALYSIS OF LEGISLATION TO PROVIDE FOR AN EQUITABLE SHARING OF THE U.S. MARKET BY ELECTRONIC ARTICLES OF DOMESTIC AND FOREIGN ORIGIN

Section 1 of the bill provides that the total quantity and value of any consumer electronic product and accessories of foreign manufacture that may be imported (or released from storage) for domestic consumption in any calendar year shall not exceed the quantity or value in which that product was imported (or released from storage) for domestic consumption in 1966. The proviso specifies that if the domestic consumption of an article increases (or decreases) more than 5% from the 1966 level, then the ceiling on imports of that article will be adjusted in an amount proportionate to the change in domestic consumption.

Section 2 of the bill parallels Section 1 with respect to electronic components of foreign manufacture of the types used in the manufacture of consumer electronic products. The base period here is the average for the three calendar years 1964–1966 inclusive.

Section 3 of the bill provides that during the year in which the bill becomes effective the formulas utilized in Sections 1 and 3 of the bill shall be applied but the amount of the base domestic production used to calculate the maximum on imports shall be reduced to the proportion of the base year or years consumption which corresponds to the proportion of the calendar year remaining in which this bill is enacted.

Section 4 of the bill provides that the Secretary of Commerce shall allocate to importing countries a share of the allowable imports of consumer electronic products and components of particular types based upon the amount of past imports of such products by such countries during a representative period. The Secretary is permitted in his allocation to give due account to special factors which have affected, or may affect, the trade in any types of electronic articles. The Secretary is to give special favorable weight in the allocation process to foreign countries which have no greater restrictions on imports into their countries from this country upon their imports of such articles. The Secretary is to certify to the Secretary of the Treasury the allocations made under this Section.

Section 5 of the bill provides that the Secretary of Commerce, upon any interested party's application, determine whether domestic production of any article involved in this Act in conjunction with imports allowed under this Act is adequate to meet estimated annual consumption of the article. If a deficiency in domestic production is found, the Secretary is to determine the increase in imports that is required to eliminate the deficiency on the next calendar year, and to certify his determination to the Secretary of the Treasury.

Section 6 authorized the President to enter into agreements with foreign countries to provide for orderly and equitable access to our domestic markets in accordance with this Act. In accordance with any such agreements, the President may by proclamation adjust the amounts of imports allocated to foreign countries pursuant to this Act.

Section 7 of the bill provides that the release into our domestic markets of imported articles covered by this Act shall be regulated on a quarterly basis.

Section 8 of the bill provides that the determinations of the Secretary of Commerce and President under the Act shall be final.

Section 9 provides that the bill is effective upon enactment.

WHY FREE TRADE IS UNFAIR TO U.S. WORKERS

(By William Bywater)

The International Union of Electrical, Radio and Machine Workers, like many other unions, is changing its position on foreign trade. Historically, we have been firm advocates of free trade. We felt that we could compete with any other nation in terms of skill and technology while we also saw the need for a balance between imports and exports.

But, trade is changing. We are no longer competing against foreign companies. Our competitors are divisions of domestic corporations. Almost every major American manufacturer has opened plants abroad to take advantage of low wage rates. They have shifted production from the United States to new foreign plants built with American capital and run by American management.

General Instrument Corporation is now the largest single employer in Taiwan with a plant employing 12,000 workers. Philco-Ford Corporation produces its radios in Taiwan. Other corporations taking advantage of the low wage rates of the island are International Business Machines Corporation, RCA, Admiral Corporation, Motorola, Inc., and Ampex Corporation.

Wage rates in these plants range from 15 cents to 35 cents an hour. They are matched by wage rates in that part of the world ranging from 10 cents an hour in Hong Kong to $1 an hour in Japan. Obviously, the American worker, with an average hourly rate in the electrical industry of $3.75 an hour, cannot compete against these wage scales.

When TV sets, transistor radios, typewriters, eyeglasses and a whole range of other consumer goods are brought into this country, they are given the brand-name label of the domestic corporation. They are sold on the American market at domestic prices. That black and white TV set made in Taiwan is not sold at one-tenth the price of the same model manufactured here at American wage rates. The American consumer does not really benefit from this kind of "free trade."

American manufacturers are now building their own plants in foreign countries, paying low wages and then shipping the products back to the United States, selling them as domestic items at domestic prices. This process has been so successful that the flight of American capital to foreign land has become an avalanche. In our own electrical-electronics industry, some $2.5-billion was directly invested in new plants and equipment abroad in the last decade. This sum does not include profits earned, accumulated and reinvested abroad.

We have now reached the position where over one-half of all black and white television sets sold in the United States are imported. Ninety percent of all radios and tape recorders come from abroad. Two-thirds of the sewing machines sold in this country are manufactured abroad and all the portable transistor radios are imported.

The effect of this has been increasing unemployment in the electrical industry. We believe we have lost about 5,000 jobs each month over the last three years, and the trend continues. What "free trade" means today is the export of American jobs for the import of American company products. No economy can survive that kind of international trade for long.

Many of those fighting vociferously against import quotas today were, a few years ago, equally strong advocates of regulated trade. But that was before they became the foreign manufacturer. Even today, because they are anxious to assure a steady flow of their own products back into America, many United States concerns do nothing about the discriminatory trade practices of other nations. Japan has quotas on 6,000 items. A Mustang automobile costs almost $14,000 in Japan. By 1972 we will be unable to export a computer system to Japan because that nation is protecting its own developing computer industry.

If there is to be free trade, then let it be between free nations, and not between the various subsidiaries of the same international corporation.

It does America no good to have United States corporations open plants overseas and exploit local workers. A few years ago Oak Electronics opened a TV manufacturing plant in South Korea. After a couple of years the workers organized and went on strike for higher wages. They could not live on the 15 cents an hour they were being paid. The American corporation closed the plant down and moved it to Taiwan. Subsequently, the Korean legislature passed a law forbidding strikes against American corporations. Now, that has nothing to do with free trade. It has a great deal to do with old-fashioned wage exploitation.

The flood of American manufacturers moving abroad to exploit low wage rates is very similar to the "runaway" shops of the last decade. Until recently, Northern manufacturers frequently closed down plants to move to the South where wage rates were lower. This caused economic havoc in many Northern communities. Now, as the South is being organized and wage rates raised to national levels, the same manufacturers look to foreign nations as the next supply of low wage rates.

We in the I.U.E. are not for indiscriminate import quotas. We believe that our foreign trade relations should be based, in large measure, on the trade policies of other countries. We are opposed to giving Japan free license to enter the American market as long as Japan closes her markets to us. We are opposed to the unregulated flow of American capital to build foreign plants to compete unfairly against United States wages. There should be a much higher tax on earnings of these subsidiaries and more careful control of this flow of capital that in itself has had a serious effect on the balance of payments of the United States.

But, most important, we want to protect the growth share of the domestic market. As the defense industry lays off more and more workers, we need growth industries to take up the slack. If all the growth industry jobs are exported, then we will be in serious trouble. Many jobs in our industry are unskilled. It is the kind of work that can be easily taught to almost any work force. As such, it has been of special assistance to the hard-core unemployed and minority groups. As these jobs are exported, the employment possibilities for people in these sectors become limited. And that's not good for America.

Last August, Emerson TV in Jersey City closed down its TV production after entering into an agreement to have sets made by another manufacturer, who has plants in Mexico and Taiwan. Over 1,200 workers were thrown out of work by that decision, including 200 previously hard-core unemployed who had been trained for work through the union-sponsored On-The-Job-Training-Program. Having raised their hopes and aspirations through a job training program they were thrown back into the growing pool of unemployed by a shift to imports.

We propose that import quotas be set based on the foreign nation's current share of the American market. That is, if the Japanese have 25 per cent of the black and white TV market, then we believe it should be pegged at that percentage. As the American market expands, so can the imports. In this way we will maintain a balance of trade that secures jobs for Americans at American wage rates. That's what this economy needs.

A great deal of new thinking needs to be done to assure an orderly growth of international trade. Right now, 95 per cent of all Federal agency contracts for the purchase of heavy equipment are let abroad. That's American tax money being used to take away jobs from Americans.

Using the slogans of the thirties such as "free trade" and "isolationism" does little to the debate of the seventies. Any discussion of this problem must have, as a paramount consideration, full employment and a healthy expansion of the American economy along with fair prices to the consumer. That's why the I.U.E. now supports the intelligent use of quotas in world trade.

THE RISING COST OF PRESCRIPTIONS

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. CARNEY. Mr. Speaker, in a letter from Clifton R. Coburn, of Youngstown, Ohio, dated February 1, the writer submits further evidence of the need for immediate assistance to our senior citizens. I believe many of my colleagues will find this letter interesting:

DEAR SIR: I am writing in regards to the rising costs of drugs, which is so popular today, as well as groceries and other items which are necessary to aid people to live.

I just came from Allens Drugtown at the corner of Brentwood and Glenwood Avenue in Youngstown, at which I had a prescription filled for some Hygroton. This drug—I have to take in order to keep alive. Without it my blood pressure would rise too high and eventually would become serious.

The druggist gave me my prescription of 50 pills, and then apologized for the price he had to charge me. The price had risen 20%. The old price in November 1970 was $4.99—the new price in February, 1971 was $5.99.

I am almost 75 years old, and these prices of the necessary articles, which we need, such as drugs, food, doctor's bills, etc., is more than the elderly people can take—especially those who desire to maintain and retain their respectability.

I own my home and have always been a good citizen. I pay my taxes and all the utilities connected to owning my home. However, I am seriously becoming alarmed and frightened as to what is going to become of the elderly.

The way I see it, soon there will be nothing for the old people but poverty. Then we will have to sit around in a home for the aged and hang our heads in shame. Mr. Carney, I am very much worried. I don't know what you can do, however, I do know you are not afraid to speak up, and I hope and pray you can get something started in Washington to come to the aid of the elderly. Sir, you know me. I have talked to you a few times in the past. However, you may not remember me. But I sincerely hope you will see and read this letter.

Sincerely,

CLIF COBURN.

GEORGE WASHINGTON UNIVERSITY SESQUICENTENNIAL

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. HANSEN of Idaho. Mr. Speaker, today the only private, nonsectarian university in our Nation's Capital is celebrating the 150th anniversary of its founding. I would like to ask my colleagues in the House to join with me in extending congratulations to the George Washington University on the observance of its sesquicentennial.

When President James Monroe signed the charter for Columbian College, as it was then known, on February 9, 1821, a long tradition was to begin of outstanding service to the Nation and to the Capital City in which it has developed.

The George Washington University, whose student body today totals 25,000 studying within eight degree-granting schools and colleges, grew from a vision by our beloved first President George Washington. In 1795, Washington wrote to Thomas Jefferson:

> My mind has always been more disposed to apply the shares in the inland navigations of Potomac and James Rivers towards the endowment of a University in the United States, than to any other object it had contemplated.

He told Jefferson that "in pursuance of this idea, and understanding that other means are in embryo, for establishing so useful a seminary in the federal city," he was investing the shares "as a means of carrying the plan into effect; provided, it should be adopted upon a scale so liberal, and so extensive, as to embrace a complete system of education."

Washington expressed hope that Congress would offer a "fostering hand" in its establishment.

The financial contribution was quickly lost, but the idea remained and developed into what is today one of the major educational institutions in the United States.

I am proud that I am a graduate of the George Washington University National Law Center, the second largest law school in the Nation, and that I am currently continuing toward another degree at the university.

The school's location in the Nation's Capital, the focal point of both American and international law, provides a unique opportunity for observation and study of the Federal Government—legislative, judicial, and administrative. We in the Congress of the United States have contributed to the National Law Center a place where Federal legislation can be studied as it is considered by committees and as it comes up for debate on the floors of the House and the Senate.

The university has a long record of contributions to the District of Columbia—academically, culturally, and economically. But it is also a great national asset, serving not only this community but the entire Nation. Its students come from every State in the country and from 92 foreign countries for the quality education they seek at George Washington University.

Today, on the occasion of George Washington University's 150th anniversary, I extend my congratulations, my thanks for its long record of service, and best wishes for many accomplishments in the years ahead.

KANSAS' FIELDS, IT APPEARS, WILL BE CORNIER IN 1971

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. MATSUNAGA. Mr. Speaker, it is safe to say that most Americans are aware of some of Hawaii's agricultural products. Tropical delights such as pineapples and papayas, important staple crops like sugarcane—these are readily identified with the island State.

Few people, however, realize that Hawaii is a major source of seed corn for all of the corn-growing areas of the United States. Especially valuable to America's Corn Belt are the hardy blight-resistant varieties of corn developed and produced by growers in Hawaii.

Corn, our country's most important food and seed crop, fell 700 million bushels short of the expected 1970 harvest of 4.8 billion bushels, due primarily to a fast-spreading corn-leaf blight.

Blight-resistant seed is therefore in sharp demand for the 1971 planting season. Some farmers, it has been reported, are even planning to shift some of their acreage from corn to other crops to escape potential blight losses, in anticipation of a shortage of disease-resistant strains of corn seed.

Increasingly, mainland seed distributors have been turning to Hawaii suppliers for seed hardy enough to withstand the blight. These suppliers are responding admirably to their challenge, and Hawaii may yet save the Corn Belt of this country. Knowing of the great interest of many of my colleagues in this subject, I offer for the RECORD the following article, which appeared last week in the Honolulu Star Bulletin:

KANSAS' FIELDS, IT APPEARS, WILL BE CORNIER IN 1971

Kansas may be cornier in August because of Hawaii.

During the past two weeks, Kauai's Metcalf Farms Inc. has shipped 92 tons of disease-resistant corn seed to the Corn Belt to aid in the fight against the Southern cornleaf blight.

Originally one million pounds of the newly harvested seed from Kilauea was called for.

But Richard Metcalf's latest estimate puts his winter crop total at 3 million pounds.

Bob Nuti, the Metcalf farm manager, said two 23-ton containers went out each week to the Pride Seed Co. distribution center in De Witt, Iowa.

The seed had been bagged and tagged for distribution.

Locally, the blight which ruined some of last summer's Mainland corn crop is of little worry.

There is a good chance that all of the Islands will escape major infection, said Dr. John Thompson, director of the Beaumont Agricultural Research Center at the University of Hawaii on the Big Island.

And on Maui, the Trojan Seed Co.'s research director, Tom Mack, said:

"We have not experienced any problems at all and there was not enough of the disease (here) to frighten us."

Although optimism runs high on Hawaii's two largest isles, Dr. Richard Bergquist, plant pathologist at the Kauai branch experiment station, says Southern cornleaf blight is a minor problem.

Its main effect, he said, has been to spur the need for producing more disease-resistant seed to replace the highly vulnerable "T" cytoplasm corn strains grown across the nation.

Both Mack and Thompson believe that Hawaii's climate is not right for the spread of the Southern blight.

But Northern corn-leaf blight—a strain which has been in the Islands for four years—causes farmers far more worry here, Mack and Bergquist said, although most seed stock now growing in the State is resistant to both Northern and Southern varieties.

The Big Island has one major commercial corn producer and his fields are free of the dreaded Southern blight, Thompson said.

He said there has been only one "suspicious" case of the disease on Hawaii—at the Volcano University experiment station—and even then he is not sure it was Southern corn-leaf blight.

Trojan Seed Co. expects to double its volume of sales this year because of a big increase in demand for seed corn from Mainland farmers, Mack said.

He also said that Trojan has succeeded in producing single-cross hybrids which have been producing better quality and more uniform corn.

DRAFTEES IN EUROPE: THE POVERTY OF OUR GI'S

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, much has been written about the effect of selective service on the civilian population, but the cruelest impact of the draft has been on our men in uniform. The ability to compel young men to enter the military has led to a gross neglect of the lower enlisted grades in the Armed Forces.

In several previous speeches, I have described the inequitable military compensation system, which pays low-ranking enlisted men less than half the average wage for unskilled blue-collar work. But the discrimination extends beyond regular pay to the entire structure of allowances and privileges. Officers and senior enlisted men, for example, are provided Government allowances to bring their families overseas, but the first-termers must pay their own bills for family moving.

The result has been to further impoverish the already underpaid GI's in Europe. In a recent film clip, CBS News reported that "the poorest of the poor are Americans, young men in the U.S. Army, and they are poor because they are here serving their country."

The broadcast dramatically illustrated the misery of our servicemen whose pay is so low that some are forced to live in unheated homes, with open sewage running in their backyards. An Army doctor said the situation was so bad that he would "certainly like to see the implementation of welfare, public assistance here, on the same basis as it is in the States, because it seems to me that if someone has the right to get welfare in the States, he should here, and likewise, I would like to see food stamps be brought here to Germany." The proper solution, of course, is not to add to the HEW or Agriculture budgets, but to pay our men in service a living wage.

It is inconceivable that anyone who has seen this broadcast could oppose pay increases for the junior enlisted grades. Regardless of the draft we must implement the recommendations of the Gates commission so that military duty does not impose a financial burden on our men in service. I commend this item to your attention:

CBS Evening News

Mudd. For years, the Army's policy regarding married draftees who are sent overseas is not to provide expenses for their families to join them. This is because a draftee is a short-termer, relatively speaking, and the Army does not consider his stay in an overseas zone to be long enough to warrant the expense. So if a married draftee wants his family to join him, he must pay the bills himself, and the going can get rough. John Sheahan reports from West Germany.

Sheahan. The poorest of the poor here in West Germany are Americans, young men in the United States Army, and they're poor because they're here serving their country. Sergeants and officers get along all right; their wives and families are brought to Europe at government expense. The impoverished are men below the rank of sergeant. They have to pay their families' fares across the Atlantic, and get along without government housing. There's no one to protect them from gouging German landlords.

Sp4c. David Pepple. I don't think—I don't see why a major's wife, or a colonel's wife, or even, you know, an E–7 or an E–8 or E–6s wife is more important than mine. I feel that I was drafted, and I was married when I was drafted, and I don't think there's any reason for me not to be with my wife, unless of course I was in a war zone.

Sheahan. We visited Specialist Fourth Class David Pepple and his wife Gayle. He earns $231 a month and pays $85 for this apartment. That's about twice the rent a German would pay. Their apartment is unheated except for an oil-fired space heater in the kitchen. The landlord's cesspool is full, so now the sewage is just pumped out into the backyard.

Pepple. In the summer time it's impossible to even open up the windows to get any air in the house, because all the air is very foul.

Mrs. Gayle Pepple: I used to be a social worker, and I couldn't understand how people could be so bitter about the way they lived, and now I can really understand.

Sheahan. Inflation and the revaluation of the German mark have combined to knock 10 to 15 percent out of the buying power of the dollar here in the last 15 months. Things would be better if their wives could work, but because of the language barrier the only jobs available are connected with the Army itself, and for most wives those jobs are not available.

Who gets those jobs?

Woman. The Germans.

Pepple. There are—there are—in the hospital, I can speak for the hospital, there are secretaries, and all the secretaries, to my knowledge, are either local nationals or have been brought in from other countries. There are some from Ireland, and some from England, and some other countries, but it seems to me that, you know, the United States is so worried about the gold flow, and they have signs in the commissaries, you know, buy American beer, stop the gold flow, and it seems very ironical, the American people are paying out money and to hire local nationals when our wives are just sitting at home and cannot find jobs.

Sheahan. Some GIs have discussed their desperate poverty with Army psychiatrist Major Steve Simring.

Simring. I think that people who want work and want to make it should be provided the opportunity to, and I'd certainly like to see more jobs available for dependent wives of American citizens. If the German government won't provide them I think our government should. I'd certainly like to see the implementation of welfare, public assistance, here, on the same basis as it is in the States, because it seems to me that if someone has the right to get welfare in the States, he should here, and likewise, I'd like to see food stamps be brought here to Germany.

Sheahan. Nineteen-year-old Army wife Linda asked us to give her a ride home from the military hospital. Doctors told her her nine-week-old baby Mike has pneumonia, but the baby was not admitted. She was told to take him home again. When we got to Linda's apartment we found her home was one of the worst we had seen.

It's good that you were able to borrow—borrow a vaporizer. What did they tell you at the hospital?

Linda. Well, the doctor in emergency told me—first of all he asked me if I had a vaporizer, and I had no vaporizer. So he told me to put—turn on the hot water, and I told him we didn't have hot water. And next he told me to put him in the shower and put him near the shower and turn on the hot water so there'd be steam. I told him we didn't have any shower. And so he told me to put him in a bathtub with warm water. We don't have a bathtub. And then he said move his bed next to the heater. And I told him we don't have one, and he said a register, and I said we don't have a register. And I told him we had oil heat, and he said where do you live, you know, and I told him we lived in German housing. He couldn't believe it.

Sheahan. It's notable that no one we've talked with has objected to being in the Army or to being drafted. They're proud to serve their country. What they do object to is being poor. And they're disillusioned—they feel that somehow their country has let them down.

COLLEGE LOANS

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. WINN. Mr. Speaker, as we all know, the cost of higher education in this country has skyrocketed placing it out of reach of many of our young people. Congress has reacted by providing additional loan guarantees by the Federal Government. A number of financial institutions in my district have been extremely progressive in this regard, often sacrificing valuable businesses in the process.

However, the loan guarantees are helpful only if a student can find a lender which is often easier said than done. The financial institutions are hesitant because these loans are very nonliquid assets resulting from the fact that repayment does not begin until at least 9 months after graduation.

The Twin City State Bank of Kansas City, Kans., has developed an extremely innovative plan that will help solve this problem and help finance the education of medical students at Kansas University. The February 1 edition of the Wall Street Journal contains the details of this program which I would like to share with you today.

Kansas Bank Plans To Finance Education Through Sale of Notes—Capital Issues Will Provide Funds for Medical Students at the University of Kansas

Kansas City, Kans.—Twin City State Bank plans to finance the education of University of Kansas medical students through sale of two subordinated capital note issues.

The bank serves the university's medical center, which has about 500 students and an equal number of interns, nurses and residents, T. M. Higgins Jr., bank president, said. Currently 325 student loans, totaling approximately $425,000, are on the books of the $20 million asset bank. Such loans represent about one-fifth of the bank's total loan portfolio, exclusive of real estate and consumer instalment borrowings.

Although guaranteed by the Federal Government under the 1965 Education Act, Mr. Higgins noted that the student borrowings "are very nonliquid assets, since the students don't begin payment until nine months after graduation, and even this payment is deferred if they enter the service or continue their education."

Students are permitted to borrow a maximum of $1,500 annually, at 7%, with the total amount that may be borrowed for both undergraduate and graduate work limited to $7,500.

To provide funds needed for loans, Twin City State Bank plans to sell $250,000 of seven-year, 6% capital notes and an equal amount of 6¼% notes due in 1981. Maturities of the two issues, he said, "coincide with the expected repayment period of the student loans."

Sale of the issues, currently awaiting clearance from Federal and state regulatory agencies, will permit the bank to more than double the amount of student loans currently outstanding, he added.

"We expect a portion of the notes to be purchased by senior doctors and others affiliated with the medical center," Mr. Higgins said, "thus permitting individual funds to be channeled to the guaranteed student aid loans."

ERNEST GRUENING: EVOLUTION OF A WAR CRITIC

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. BEGICH. Mr. Speaker, Senator Ernest Gruening is one of this Nation's most distinguished citizens. His wisdom and determination have guided Alaska and the country for many years.

Through the years, Senator Gruening guided Alaska to statehood through the difficult and challenging years of the 1950's. Mr. Gruening served as Alaska's territorial Governor longer than any other man and as U.S. Senator for 10 years. His public service spans years of dedication and vision. His wisdom is shared with his friends and countrymen. Many timely and extensive works in the field of politics and history have been authored by Alaska's outstanding statesman.

Many times he saw the future so vividly, retrospect makes men shudder at his accuracy. Before it was fashionable to be opposed to the war in Vietnam, Ernest Gruening was the lonesome voice in the wilderness predicting the agony and tragedy of a misguided foreign policy.

We owe much to Senator Gruening and I wish to express the great pleasure I have in calling Ernest Gruening a statesman, an American, and a friend.

Yesterday in the Washington Post, Jules Witcover, a perceptive journalist in his own right, wrote an article about Ernest Gruening. I think that it captures much of the dynamic character of this great man. Because the article was so thoughtful and perceptive, I include it in the RECORD:

ERNEST GRUENING: EVOLUTION OF A WAR CRITIC

(By Jules Witcover)

Nobody likes to hear "I told you so." And maybe that's why Ernest Gruening, now age 84 but just as lucid as the day seven years ago when he became the first U.S. senator to call on his country to get out of Vietnam, is getting no offers on the lecture circuit.

At a time when much of the nation has swung over to his basic view, the former senator, retired by his Alaska constituents in 1966, is learning what it's like to be a prophet with very little proclaimed honor in his own country. And it bothers him, because he's even more vehemently against the war now than he was when he made his historic but little-noticed Senate speech on March 10, 1964.

Certainly it's not his advanced age. He looks 84, all right, stooped and wrinkled and his eyes a bit watery, but he moves about his cluttered old house off Rock Creek Park like a youngster of 60. And his views pour out in a flood of names, dates and debater's incisive points, especially on the Vietnam war.

Just down the road from his house is Walter Reed Army Medical center, and the short, balding Gruening tells of visits to the wards of Vietnam veterans who have lost limbs or their eyesight, and of how the sight fans his conviction that the war is all wrong and must be stopped.

But no one is listening anymore, because he has not been in the Senate for four years. So Ernest Gruening gets up every morning and goes to work on his autobiography, into which he is pouring all his thoughts and his arguments against the American involvement in Vietnam he sought to stop almost alone in the Senate in the early 1960s.

The role of peacenik came late in life to Gruening. He was medical student, cub reporter, big city editor, magazine writer, adviser to Secretary of State Cordell Hull, FDR bureaucrat, Governor of Alaska, and a prime battler for its statehood before becoming one of its first elected senators.

In the Senate, he listened from the outset to the claims and promises about Vietnam, and he doubted. He read Indochinese history and he listened some more, and he doubted some more. And then, with only one clearly identifiable ally—Sen. Wayne Morse of Oregon, now also retired by the voters—Gruening began to speak out.

Today, he is still speaking out, even though his views now travel only as far as the sound of his voice. He speaks with a mixture of chagrin and anger as he reflects on the war, on what it has done to American youth, what it did to former President Johnson, "who didn't listen to me," and to the soul of the nation. And his judgment is sharp.

President Nixon, he says, "has no intention of ending the war." Vietnamization, he says, is a formula for prolonging it with Vietnamese instead of Americans. "He wants a military victory," he says. "The only way to win the war honorably is to confess error and get out. It's not easy, but it has to be done."

Of the current My Lai trials, Gruening says: "This not an isolated business. These boys who are being tried now are not responsible. The people who sent them down there are responsible, and should be tried. We are just as responsible as the Germans were in World War II. We're doing all the horrible things the Nazis, the fascists and the Communists did. The only difference is we do it in the name of liberating people, democratizing them, freeing them. It's ghastly hypocrisy."

The former Alaska senator obviously doesn't mince words. What he proposes are war crimes trials, with American political and military leaders in the dock.

"I came to the conclusion about 1965 that we were the aggressors," he says. "It's been perfectly clear that we asked ourselves in, and that we started bombing, North and South. It's hard for the American people to accept that, but it's true. I think Johnson has a terrible burden of guilt.

"After promising never to send American boys to fight in Asia, he has the blood of those 45,000 American boys on his head."

Gruening, as an early independent critic of the war, has lived with frustration for a long time, but he says it is particularly frustrating now because in his view the Cambodian involvement is basically a reply of the Vietnam errors he warned about.

"The whole thing is just incredible," he says, "that the American people could have been bamboozled by sheer mendacity at the top. And that mendacity continues to this day. As inexcusable though understandable as it was earlier, it's more so now. We know now how we've slaughtered innocent noncombatants and made millions of refugees with our bombing."

Unlike some Vietnam critics in the Senate who were persuaded by peace-movement propaganda against the war, Gruening was a do-it-yourself dove.

"When I came here I didn't know anything except what I read in the papers," he recalls. "I began reading everything I could get my hands on. It seemed to me there was no U.S. vital interest at stake. I was a rooting-tooting supporter of American involvement in World War I and I served in it. But I knew this domino theory was absolute bunk, and Nixon years ago saying we would be fighting Communism on the beaches of California—absolute rot.

"If we had stayed out of it, we would have had in North Vietnam the strongest supporter in opposing the Chinese moving south. We should have supported Ho Chi Minh, who was analagous to Tito and not part of the Communist conspiracy."

Gruening made his first open break with Vietnam policy on October 7, 1963, when he charged that the official American position that U.S. Forces in Vietnam were simply "advising," not fighting, was false.

His March 10, 1964 speech calling for a pullout found only one solid ally—Morse—and five months later, when President Johnson sought and got his Tonkin Gulf Resolution from Congress, Gruening and Morse were the only dissenters in the 88-2 vote.

Vietnam hawks in the Senate attributed Gruening's defeat—in the Democratic primary of 1966, by present Democratic Sen. Mike Gravel—to his early and staunch opposition to the war. But Gruening says otherwise. Gravel used a slick television film at the last minute and caught him napping, he says.

Whatever the cause Gruening's voice, though not silenced, has been effectively muted since his return to private life. He hopes to regain some of his old audience around Christmas, 1971, when his book "Many Causes", is published by Houghton Mifflin. In the meantime, he busies himself with the manuscript, working as a consultant to a Washington committee on the population crisis, and saying to the few who will listen: "I told you so."

NO ONE IS ABOVE CRITICISM

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. SCHERLE. Mr. Speaker, once in a while something occurs in the other Chamber that demands comment even though it may involve some criticism of a Member of that Chamber.

This is a case in point.

Recently, a staff member of the National Security Council, speaking as a private citizen, was critical of Senator J. WILLIAM FULBRIGHT, hardly an unusual occurrence.

Through a story in the Washington Post, Senator FULBRIGHT learned of this young man's temerity and reacted swiftly.

He summoned him to appear before an executive session of his committee to explain how it was he dared be critical of such an exalted personage as the chairman of the Senate Foreign Relations Committee.

Now, Mr. Speaker, in my opinion, none of us in either House is above criticism. And to react to criticism by attempting to intimidate your critics through star chamber and kangaroo court tactics is, I believe, unconscionable. The President, quite naturally, has refused to submit one of his men to this kind of inquisition. He is to be commended for it.

I am surprised that some members of the Foreign Relations Committee who pride themselves on their liberalism would agree to resort to this sort of browbeating. For if one man ran be subjected to this, then any man can be. No critical citizen is safe.

I believe, Mr. Speaker, that those delegated power by the people should not be capricious in the exercise of that power.

I insert Chairman FULBRIGHT's letter and the Washington Post story in the RECORD at this point:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., Feb. 2, 1970.

MR. JOHN LEHMAN, Jr.,
National Security Council,
Washington, D.C.

DEAR MR. LEHMAN: In the meeting of the Foreign Relations Committee this morning, there was discussion of the Washington Post story (copy attached) concerning your remarks January 27 at an off-the-record meeting of Senate staff members and Foreign Service Officers. It was noted that you were quoted as saying the reports of the discussions had been taken out of context.

The Committee agreed that, in order to clarify this matter further, you should be requested to meet with the Committee in Executive Session tomorrow afternoon, Wednesday, February 3, at 2:30 o'clock in Room S–116 of the Capitol.

The Committee also took note of the fact that the remarks in question were made to representatives of both the Executive and Legislative Branches in a meeting not involving your official relationship to the President and therefore beyond the scope of Executive Privilege.

Sincerely yours,
J. W. FULBRIGHT,
Chairman.

NSC AIDE ATTACKS FULBRIGHT

(By Spencer Rich)

A National Security Council official told a meeting of Senate staffers last week that the Senate Foreign Relations Committee had leaked classified information to the press and that Committee Chairman J. W. Fulbright (D-Ark.) had a "mischievous" attitude toward administration policies, Capitol Hill aides said yesterday.

The charges against Fulbright were allegedly made by NSC official John Lehman Jr. at an off-the-record discussion last Wednesday night for Senate staff members and Foreign Service officers arranged by the Foreign Service Association, which sponsors monthly discussion groups on foreign policy topics.

"Obviously I think he's completely off base," said Fulbright in response, adding that one of his aides had been present and told him of Lehman's remarks.

"He started knocking Fulbright right away," said one of those present, "called him 'mischievous' and took the attitude that the administration could never take Fulbright and the Foreign Relations Committee into its confidence. He said 'there are some people we just can't work with.' When we started talking he pulled a bunch of quotes from Fulbright dating as far back as 1961 out of his pocket."

Another staff member quoted Lehman as saying that there was a "dereliction of trust and lack of good faith" on Fulbright's part, that as soon as a closed committee hearing ended Fulbright would jump in front of the TV lights and reveal what was said and that a special committee on foreign commitments headed by Stuart Symington (D-Mo.) had repeatedly leaked classified material from NSC and the State Department to the press.

Lehman also reportedly criticized the committee for forcing the withdrawal of the nomination of conservative Robert Strausz-Hupe as ambasador to Morocco. (The nominee was later approved to be ambassador to Ceylon.)

Reached by phone at his office yesterday, Lehman said that reports of the discussions were taken out of context, that he had been asked to speak informally, giving his own personal opinions, on the decision-making process.

"I wouldn't characterize what I said as a harsh attack," he said. "It seemed to me one of the causes of poor communication (between the Executive and the Senate) was some of the actions of Fulbright in his hearings. One of the causes could be that State has suggested that Fulbright has leaked information given in executive session. As long as this kind of mischief-making actions seem as mischief-making—persists . . ."

Lehman specifically denied making any personal attack on Fulbright or accusing Symington subcommittee aides Roland Paul and Walter Pineus of leaking classified information to The Washington Post, but he said, "There was a helluva lot of information leaked."

He said he did come prepared with Fulbright quotes, but just to show a "complete, 10-year, 180-degree swing" by the Senator on some matters.

This is the second recent criticism of Fulbright by the Executive Branch to come to light. Over the weekend a seven-page unsigned Pentagon memorandum blasted Fulbright, William Proxmire (D-Wis.), The Washington Post and Sen. George S. McGovern (D-S.D.).

SUPPORT FOR A GLOBAL EFFORT TO HALT ILLICIT DRUG TRAFFIC

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. PEYSER. Mr. Speaker, over 200,000 Americans are estimated to be heroin addicts, and over 100,000 of these addicts are estimated to live in New York State. The problem is an extremely serious one, which is growing worse every day.

Meanwhile, the International Narcotics Control Board estimates that there were 1,200 tons of opium produced in the world last year alone. Many of the countries producing this opium received direct or indirect Military or economic support from the United States. I find this outrageous and intolerable. These countries should either cease production of these lethal drugs or stop receiving American aid.

Mr. Speaker, I bring to the attention of the Members of the House a recent report that appeared in the Washington Post highlighting merely the special cases of countries that are producing opium and exporting it:

GLOBAL EFFORT TO CUT DRUG TRAFFIC SOUGHT

(By Don Cook)

PARIS, February 5.—The International Narcotics Control Board, in its annual report released today at its Geneva headquarters, called for the creation of a special United Nations fund to finance a global program to reduce illicit opium production and check international drug traffic.

"The gravity of the situation has deepened during the year," the report said.

"The board remains convinced that a global approach is essential for the ultimate elimination of illicit and uncontrolled production of narcotics raw material. The very fact that the difficulties are so formidable and so deep-seated makes it all the more necessary to embark as soon as possible on an overall plan and prosecute it with vigor and determination."

The board estimated that approximately 1,200 tons of illicit opium flooded the world in the past year—which was almost exactly equal to the legalized or authorized production fixed by the control board for necessary world-wide medical use. After a country-by-country review of the drug-growing trouble-spots, the control board concluded somewhat pessimistically:

"Where production is under government control, the closing of loopholes is mainly a matter of improving administrative efficiency and success should be achievable within a relatively short time.

"Where it exists in defiance of government edict or by reasons of fundamental economic handicaps, it would be unrealistic to look for progress except over many years and as a result of united effort comprehensively planned and adequately equipped."

Here, in alphabetical order, are the highlights of the reports on what the control board diplomatically calls its "special cases":

Afghanistan: Production forbidden but the ban is not enforced. There seems to be an abundant supply of both opium and of cannabis. Smuggling a matter of deep concern to countries farther afield. Remedies will not be easy. Underlying social and economic factors now existing in Afghanistan present formidable difficulties and the government will need substantial external aid if it is to be enabled to bring the situation under control.

Burma: Fairly extensive illicit traffic, particularly east of the Salween River converging on the borders of Laos and Thailand. This area is at present virtually beyond the control of the government, and suppression of traffic further hampered by the fact that opium has been the sole cash crop of the inhabitants for nearly two centuries. The government hopes that some reduction may result from regional development programs. Control board trusts that the Burmese government will see its way to invite participation by a United Nations study group.

Iran: Stern punishment has been meted out to convicted traffickers, but concern over the situation is now deepened by reports that authorized poppy cultivation is to be markedly increased in 1971 to about 30,000 acres (12,000 hectares) which is double the area cultivated in 1970. So great an increase will obviously make control more difficult and will intensify the risk of further abusive consumption of opium within Iran and leakage into illicit traffic.

Laos: Legislative authorities are reported to be actively considering a draft law to prohibit poppy cultivation. Another useful step would be to ratify the 1961 International Narcotics Control Convention. Both should begin to be applied as soon as possible.

Lebanon: Government pressing on with green plan for replacing cannabis, reports that 4,500 hectares have been converted to sunflower, but recent illicit seizures illustrate measures so far fall materially short of what is needed. Renewed strength and vigilance needed to repair evident breaches in controls system.

Nepal: Board has long sought to establish links with the government of Nepal which is not a party to the 1961 convention. Both cannabis and opium finding its way into illicit channels, which is particularly embarrassing to India, which has one of the best control systems of any producing country.

Thailand: Considerable local uncontrolled production of opium, but also attracts additional supplies from Burma and Laos. Much converted into morphine and heroin which is mainly for local consumption but flows into international illicit channels. Assistance of United Nations has been enlisted in devising and applying remedial measures to diversify agricultural economy and raise low living standards. But already there are signs that international illicit traffickers are turning their attention to Southeast Asia as their accustomed sources of supply in the Mediterranean and the Near East begin to be narrowed.

Turkey: Provinces where production authorized has been reduced from 25 to 7. A certain improvement in efficiency of control, but utmost vigilance needed to consolidate the improvement so far. Draft law now before parliament whereby individual cultivators will be licensed.

The report also discusses problems of cocoa-leaf production from which crude cocaine is obtained in the South American countries of Bolivia, Peru, Ecuador and Costa Rica.

PUBLIC AID TO PAROCHIAL SCHOOLS EXAMINED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include an excellent series of articles on "parochiaid" from the Christian Science Monitor of February 3 to 8, 1971.

I recommend them to my colleagues.

"PAROCHIAID"—YEAR OF DECISION—HELP FOR CATHOLIC SCHOOLS?

(By Joanne Leedom)

A silver coin caught the light of the candles as it dropped into the collection plate. The donor—blond, pigtailed—darted a look from face to face, then lowered her eyes in the small parish church. The coin had been for her school.

Twenty-five cents for St. Mary's. Ten cents for St. Joseph's. Coins, dollar bills—hundreds of thousands of them—clink into church coffers each week to run the nation's largest private educational system: the Roman Catholic parochial schools.

Yet those dollars are no longer enough, according to church officials.

Over the last five years in the U.S., the parochial schools have been closing at an average rate of about one a day: 1,500 out of 12,000 have closed since 1965. Many of these schools have consolidated, but many others have simply shut down, leaving their students to find new classrooms.

"VIGOROUS CAMPAIGN"

The parochial system, which educates 4.8 million children (9 percent of the total school population, 85 percent of nonpublic school children) is now calling on the public for aid. And the public is beginning to hear—if not heed—the call.

The Nixon administration is in favor of public aid, and is exploring various methods of providing it without violating the Constitution. Exact terms of the Constitution remain a focus of intense controversy between supporters and critics of public aid.

Sparking the present drive for church-school aid are the Roman Catholic bishops. Most recently, some 41 high-ranking Catholic prelates from around the country met for two days in December, 1970, then called for a "vigorous campaign" to obtain public and private aid.

State Catholic conferences and allied organizations have spent massive sums in this drive. Working with equal fervor is a nationwide group of laymen, largely but not exclusively Catholic, called Citizens for Educational Freedom.

COMMUNITY RESPONSE DIVIDED

With more and more parochial students crowding the public school yards, a number of citizens are endorsing aid as a less expensive solution than building new schools and hiring new teachers.

Many others, however, argue that costs in the long run will even out; that aid will violate the principle of church-state separation, and will divert public money from public schools.

In any case, 36 states already have adopted some form of assistance. This ranges from small outlays for transportation and books to substantial supplements for salaries and special services. Campaigns for further aid are expected in at least 42 states this year. Numerous federal programs also offer compensation. The second article in this series will detail types of aid.

As legislatures settle down into their current sessions, the issue of public support to nonpublic schools is at a critical juncture. The Supreme Court of the United States, for one, will be making a landmark decision this year on aid programs in Pennsylvania, Connecticut, and Rhode Island.

In these states, the legislatures have adopted purchase-of-services plans which authorize the state to pay a certain percentage of lay teachers' salaries in secular subjects as well as to purchase textbooks and some teaching materials in these subjects.

Aid opponents—including the American Civil Liberties Union, the American Jewish Congress, and Americans United for Separation of Church and State—have challenged this legislation. In Rhode Island and Connecticut, the state supreme courts have declared the programs unconstitutional; in Pennsylvania, the state court has upheld the legislation.

OPINION POLLED

American public opinion, based on available polls, is divided, with a majority against aid.

A 1969 Gallup poll indicated that, while those interviewed strongly endorsed the continuation of private and parochial schools, 59 percent opposed giving them direct public aid. Only 38 percent said they favored such support.

A 1965 Catholic Digest-Gallup survey and an earlier 1952 Gallup poll showed fewer persons opposed to such aid than in 1969.

Of those questioned by Gallup in 1969, 59 percent said that if tuition were free they would choose to send their children either to private or parochial schools. With 88 percent of all pupils now in public schools, aid opponents have good reason to be concerned at what substantial private-school aid would do to the public schools.

PARISH SCHOOLS IN THE CENTER

Where voters have had an opportunity to make their views known, they have confirmed the Gallup Poll results that a majority oppose state aid to church schools. In recent referenda in Nebraska and Michigan, the voters rejected attempts to move toward substantial government aid to parochial schools. And in 1967, New York voters by a 3-to-1 margin turned down a new state constitution which would have eliminated the long-standing provision designed to keep state moneys from flowing to church schools.

Though other religious and nonpublic schools are implicated by aid decisions, the Catholic system, because of its size, is the focus of the national debate.

Supported primarily by moneys collected in the individual churches, the parish school is the heart of the Catholic system. Though there are also diocesan schools (run by area-wide dioceses) and order schools (run by private orders such as the Jesuits), it is mostly the small parish school that is feeling the economic crunch.

Causes for the parochial school plight are found (1) within the church itself and (2) within the economy as a whole.

The most frequently cited cause is the decline in the number of teaching nuns. Parochial schools run at a fraction of public school costs largely because they employ religious personnel. Where a sister might be paid $1,200 a year, a lay teacher would receive $5,000 to $7,000.

NEW NOVICES FAR FEWER

Over the last 5 to 10 years, however, there has been a significant drop in the number of women entering religious orders.

"Where there were 50 novices entering an order 10 years ago, now there are only 5 or 10," noted Patrick Toole of the Institute of Educational Development. The institute is a private educational research organization which has done feasibility studies for many states, including Rhode Island and Pennsylvania, on aid to nonpublic schools.

And of those women who are entering orders, many are seeking assignments other than the usual parish teaching.

At the same time, however, many parishioners are still giving the same to the collection plate as they did five years ago, so the parish coffers are ringing up comparatively less revenue.

Adding to that, enrollment in the parochial schools is on the ebb. One million students have dropped from enrollment figures since 1965. School closings have been partially responsible for the drop, but just as significant is the fact that fewer and fewer parents are enrolling their children in the parochial schools.

In big-city dioceses, the decline is often caused by the move of families to the suburbs where parents are more willing to send their children to the public schools, according to the Rev. George Elford, research director of the National Catholic Education Association.

School costs for operation, maintenance, and construction have shot up in the last five years. Cost of living has also risen rapidly and with it teachers' salaries for both religious and lay.

The margin usually saved by employing religious teachers also is shrinking as nuns seek closer parity with lay salaries.

Developments have all forced a rise in tuition fees.

DEFICIT FORCED TUITION BOOST

The Archdiocese of Chicago, as a result of a $2 million deficit, increased its tuition ceiling this year by 20 percent—from $100 to $120.

Though tuition costs are still comparatively low, many church officials fear enrollments will slide as fees rise.

However, Dr. Ernest J. Bartell, Economics Department head at the University of Catholic Notre Dame, asserts: "It should not be concluded that enrollment would respond negatively to large increases in tuition. There is simply no evidence for it."

While the causes for the parochial plight are in the main economic, they also reflect a new direction in Catholic priorities and education. As the public makes its decisions on public aid, it will also be playing a role in the future of Catholic education.

"PAROCHIAID"—YEAR OF DECISION—NIXON TO CATHOLIC EDUCATORS: "YOU MUST NOT RETREAT"

(By Louis Garinger)

Addressing top Roman Catholic educators whom he had specially invited to the White House, President Nixon said: "If you retreat from the field, I see only a vacuum.

"You cannot retreat, you must not retreat. We must find ways to get public opinion behind you."

There is a marked contrast between these words of Mr. Nixon in February, 1970, and those of John F. Kennedy in his 1960 presidential campaign: "I believe in an America where the separation of church and state is absolute . . . where no church or church school is granted any public funds or political preference. . . ."

KENNEDY STAND RECALLED

President Kennedy, politically vulnerable on this question because of his Catholic religion, carefully avoided recommending any aid for nonpublic schools.

But a fierce battle over the issue was fought in Congress at the time. Those seeking aid for nonpublic schools, unable to get any, managed, nevertheless, to block aid for the public schools as well.

Then President Johnson gave strong backing to aid for both public and nonpublic schools. The Federal Council of Churches and the National Education Association modified their position and formed an uneasy alliance with the Catholic Church to seek aid for all schools.

As a result, the impasse of the Kennedy days was broken. Major aid bills benefiting both public and private schools were passed, the most important being the Elementary and Secondary Education Act of 1965.

TRICKLE MAY BECOME TORRENT

But this was to be just the beginning. President Nixon has since opened some doors through which trickles of aid could eventually turn into torrents.

In the 1968 campaign Mr. Nixon said that, if elected, he would urge—in accordance with the Republican Party platform—the providing of "federal funds in support of state-prepared, state-administered aid plans for private-school pupils." This is essentially in accord with what he had advocated eight years before in the 1960 campaign.

And he promised to establish a national task force for religious-affiliated schools. "In many cases," he contended, "religious schools are performing indispensable community services and would seem to merit public support."

In February, last year, the President extended his unprecedented invitation to top Roman Catholic educators to meet with him at the White House to discuss their school problems.

PRAISE FOR PRESIDENT

Afterwards, the Rev. C. Albert Koob, president of the National Catholic Education Association, expressed appreciation of Mr. Nixon's "remarkable understanding of Catholic education problems."

He later recalled in an interview appearing in the National Catholic Reporter that the President "said several times to his aides, these people are not in education for what they can get out of it, they are here to give something and I want to see that they stay alive."

In March, 1970, in his education message the President cited an impressive number of parochial-school closings and then repeated a frequently advanced but hotly contested economic argument for parochiaid.

He said, "If most or all private schools were to close or turn public, the added burden on public funds by the end of the 1970's would exceed $4 billion a year in operations, with an estimated $5 billion more needed for facilities."

SPIRITUAL VALUE CITED

As an "equally important consideration," he maintained that these institutions "often add a dimension of spiritual value giving children a moral code by which to live. The government cannot be indifferent to the potential collapse of such schools."

On the same day Mr. Nixon wrote Fr. Koob and also Bishop Joseph L. Bernardin, general secretary of the United States Catholic Conference, to inform them personally of his message and to assure them that he was moving in the direction they had suggested when at the White House."

He wound up, "Your suggestions were deeply appreciated; and, as you can see from the message, many of the ideas and thoughts we discussed are reflected here."

COMMISSION ESTABLISHED

Mr. Nixon also announced in his education message that he was establishing a President's Commission on School Finance that would consider "the specific problem of parochial schools."

Then in April the President announced formation of a four-member Panel on Nonpublic Education to work within the framework of the school-finance commission. The composition of this panel quickly came under fire since three of the four members are staunchly committed advocates of public aid to church schools while the fourth is thought to favor private-school aid.

The chairman, Clarence Walton, is president of Catholic University in Washington, D.C. Members include Bishop William E. McManus, director of education for the Roman Catholic Archdiocese of Chicago and for many years a key parochiaid lobbyist on Capitol Hill.

Also: Ivan E. Zylstra, administrator of government-school relations for the National Union of Christian Schools and an ardent parochiaid lobbyist: and William G. Saltonstall, currently at the Harvard Graduate School of Education and formerly headmaster of Phillips Exeter Academy.

VOUCHER-PLAN SUPPORT

In yet another action to strengthen private and parochial schools and encourage more competition with public schools, the Nixon administration, through the Office of Economic Opportunity, is supporting experimentation with the voucher plan.

Under this plan parents would receive from the government tuition vouchers good for use by their children in any cooperating school—public, private, or parochial. Local, state, and federal funds would then be used to reimburse the school for education vouchers it had received.

Schools without a sufficient number of applicants simply would not survive. Seeing the threat that this revolutionary plan poses to the public schools, an informal coalition of educational, civil rights, and religious groups in Washington was formed in opposition.

ADVOCATE APPOINTED

Mr. Nixon's recently appointed U.S. Commissioner of Education, Dr. Sidney P. Marland Jr., is not only an advocate of public aid to nonpublic schools but also favors voucher-plan experimentation.

In October 1970 Mr. Nixon directed Attorney General John N. Mitchell to file a friend-of-the-court brief with the Supreme Court of the United States in support of Pennsylvania's 1968 parochiaid law.

This purchase-of-services law, already imitated in several other states, proved to be the biggest breakthrough for parochiaid advocates to date. But its constitutionality is being contested in the courts.

It has been suggested that the explanation for Mr. Nixon's ardent support of public aid to church schools lies in Republican Party commitment to a strategy resembling that suggested by Kevin Phillips in his book, "The Emerging Republican Majority."

The view is, in short, that support of aid to private schools has an obvious appeal to racially conscious Southern Protestants and an equally obvious appeal to Catholic Democrats in the industrial North.

GOVERNMENT SUBSIDIES—AID TO CATHOLIC SCHOOLS GAINS

(By Joanne Leedom)

A Roman Catholic parish school door snaps shut, and 420 students land on the public doorstep. Multiply this school after school, and the shutdown is leaving the public in charge of the parochial school child.

Many public systems can handle the influx of parochial students. But in cities with large parochial enrollments—like Detroit, Philadelphia, Boston—a rush through public doors threatens to leave school personnel spinning and school budgets toppling, according to a number of city officials.

For this reason public aid to Catholic schools has been increasing. Once restricted to small outlays for transportation and textbooks, this year aid from states may total more than $100 million. The federal government also will pour many million dollars' worth of services into parochial schools.

This aid takes multiple forms.

In Philadelphia, Zedic Tuggle, a senior, goes to Roman Catholic High School. Zedic, who wants to be a veterinarian, is taught by a science teacher paid by the state, studies from state-owned science books, and uses state-purchased lab equipment. His math, language, and gym teacher also are on the state payroll. Several of his friends at other parochial schools ride the public school bus to the stop nearest their school.

SUBSIDIES APPEAR OFTEN

Near Zedic's home in the center city is Most Precious Blood School. There children from kindergarten to eighth grade come early in the morning for a 7-cent, federally subsidized breakfast; at noon they eat a government-subsidized hot lunch. During part of the day they are taught by lay teachers whose salaries are partially state-subsidized.

At Most Precious Blood School, students are offered a special service: psychological counseling. Financed by Title 1 of the federal Elementary and Secondary Education Act, a psychologist, and community consultant come in to work with children who have learning and emotional problems.

For Most Precious Blood, the state aid for salaries alone equals about $5,000 out of a $50,000 budget.

Though there are no precise figures for the total amount of aid given to Philadelphia parochial schools, the Rev. Paul Curran, assistant superintendent, estimates the figure represents about 10 percent of total parochial budgets.

Philadelphia and other Pennsylvania cities represent a vanguard of sorts in the move for public aid. Ever since 1968, Pennsylvania has been operating under a "purchase of services" plan which pays salaries of lay teachers in four secular subjects: math, science, language, and physical education.

It also purchases texts and some learning materials in these courses.

Total costs for the state this school year will be $20 million.

While Pennsylvania is used as an example for forces favoring aid, it also is a chief target for aid opponents. The Pennsylvania aid plan, along with similar programs in Connecticut and Rhode Island, is currently under challenge in the Supreme Court of the United States.

In most states where aid has been extended, court challenges have followed closely behind. There are at least 27 active cases in 14 states, according to the American Jewish Congress, one of the major challengers.

"The basic question right now is money," asserts Joseph B. Robinson, director of the Commission on Law and Social Action of the American Jewish Congress.

"Those supporting aid to parochial schools are no longer interested in fringe benefits such as texts and busing. They want cash as it's been provided in purchase of services and salary supplements."

Though the move may be for more aid, only a few states have adopted legislation as remunerative as that being challenged in the Supreme Court.

Louisiana, Michigan, and Ohio have passed similar purchase of services plans. However, in Louisiana, the State Supreme Court recently struck down the legislation, and in Michigan, voters passed a constitutional amendment banning all assistance. Ohio, however, does have one of the more generous aid programs, offering $50 per student for books, teachers' salaries and auxiliary services. The state also provides free transportation.

HIGH COSTS IN NEW YORK

In New York a "mandated services" bill which reimburses parochial schools for record-keeping also wears one of the highest price tags: $28 million.

Should the whole parochial system collapse—and most officials say this is unlikely—some educators estimate that $3.5 billion would be added to public school operating budgets.

In Philadelphia, parochial schools will receive $5.5 million from the State of Pennsylvania this year. The money will still leave the schools in the red, but will rescue them from major trouble.

In Detroit, where supporters of parochiaid failed in a bid to have voters approve an amendment to the Michigan constitution to permit such aid, a large-scale shutdown of parochial schools is threatened.

In turn, this means potential trouble for Detroit public schools, it is said.

"Even now we're facing a deficit budget," said Charles A. Wolfe, executive deputy superintendent of Detroit public schools. "Given an impact of this sort [parochial closing], we could be in real trouble."

A different view—that at least some public schools could absorb large overflows from ailing parochial schools—comes from other sources.

"We can absorb parochial students," said Dr. Robert Denny, assistant superintendent of public schools in Des Moines, Iowa. "We don't have the large numbers of parochial students that many Eastern cities do. With the shift of people to the suburbs, we actually have a declining urban school enrollment."

As states weigh the dollars and cents of public aid vs. public charge, many have sought a balance with modified aid programs and offer limited services directly to the child. Most federal aid, including lunch programs, visual aids, and books, comes to the schools under this "chief benefit" theory.

Through the Office of Economic Opportunity, the federal government is also exploring the possibility of granting tuition vouchers. Under the tuition-voucher plan, parents would be granted a stipend for their child's education, and they could spend this at a public or nonpublic school.

ONE PLAN SHARES TIME

A program which benefits parochial schools, but usually delivers neither money nor services directly to the school, is called "shared time" or "dual enrollment."

This plan, used extensively in New Hampshire, allows parochial students to take some of their classes in the public schools. The students spend part of their day in each school or in some cases on different floors of the same school. In New Hampshire, the state pays the public sector $680,000 for educating the parochial students.

"We can't be indifferent to the potential collapse of the private-parochial system," President Nixon has said.

John W. Swomley Jr., professor of social ethics and philosophy of religion at St. Paul School of Theology (Methodist), counters this assessment. "It seems to me . . . that the parochial school system is in no danger of collapse but is merely sloughing off inefficient units," he writes in "The Christian Century."

In either case, the public is faced with the question: Will it take public charge of the students, give public aid to the schools, or both?

"WE'RE AT THE END OF AN ERA"—ROMAN CATHOLIC SCHOOLS MERGED TO EASE MONEY CRISIS

(By Joanne Leedom)

Roman Catholic schools—squeezed by scarce money and a changing society—are taking their own hurried steps to meet a growing financial crisis.

The church is consolidating existing schools and, as some schools close, expanding alternate forms of religious instruction.

What is emerging is a new direction in Catholic education.

Traditionally the parochial system has been decentralized. Splintered into individual parish parts, each school has set up its own curriculum, purchased its own materials, paid its own teachers.

CONSOLIDATION PURSUED

Over the last few years, however, the move has been to consolidate finances and planning.

In Buffalo, N.Y., five elementary schools recently slated for closing will move into a single educational center next fall. Into the center will come the 1,100 students and the five staffs trimmed down to one.

Several large cities such as Detroit and Philadelphia completed consolidation plans a year or two ago. In smaller cities like Buffalo, the consolidation is just now getting under way.

In economic terms this centralization means lower costs, broader financial bases, and more equitable distribution of resources among rich and poor parishes. For some systems, however, the move has been only a temporary balm, and the schools are looking to the state for additional help.

"We stabilized our situation over the past three years by consolidation and other redistricting to the extent that we wanted to keep it as it was," reports Fr. John Swers, diocesan superintendent of Detroit schools. "State aid would have stabilized us for the present fiscal year. But now without aid over 100 schools will probably close by June."

IMPACT ASSESSED

(In Michigan a recent constitutional amendment banned all public aid to nonpublic schools.)

In educational terms the consolidation has led to more total diocesan educational planning and an upsurge of parochial boards of education, according to Dr. Edward R. D'Alessio, director of the division of elementary and secondary education at the United States Catholic Conference.

The boards of education, which are run by laymen as well as religious leaders, tend to place greater emphasis on secular education and on education within the entire community, say many churchmen.

"We're at the end of an era for the parochial school," notes Fr. George Elford, research director of the National Catholic Education Association.

"We are going to see many more interparochial and diocesan schools. There will also be more concentration on out-of-school programs and alternate approaches to religious education."

PRIEST ELABORATES

"The parochial system started out to educate immigrant children, but now we are living in a very different urban community," elaborated Fr. Paul McHugh, director of the New England Catholic Education Center.

"The nonpublic schools have been successful in meeting the traditional goals of religious education, but now they must adapt to new needs of a broader community."

The trend is toward more ecumenicalism, and the shift within Catholic education is to more out-of-school programs. There will be more Christian-Confraternity Doctrine classes (after-school sessions) and more released-time programs within the public schools when children take off for religious classes, according to Dr. D'Alessio.

There also will be more adult education and new emphasis on education in the inner city.

In Philadelphia one inner-city school, Our Lady of Mercy, lacked the finances to expand and improve, so it looked to the business community for help.

The school's pastor, the Rt. Rev. Msgr. Martin J. McDonough, went to bankers, to businessmen, and to local foundations and interested them in his ideas. He managed to raise enough money, added to state aid and parish revenues, to renovate the school and start a special program for high achievers from four inner-city parishes. He also brought in new equipment and set up special programs for his own parish children.

"We [he and the rectors from three other inner-city schools] saw so much waste in terms of children, we decided we had to do something about it," explained Msgr. McDonough. "These kids in the first grade were the dropouts; they had no great motivation for learning.

"I believe there are enough people interested to sustain and implement the concern of community people," he said. "My community's desire to have this kind of education offers a mandate to me, to business, and to private sector."

Within the Catholic church there is a move by some to disband the entire parochial system. The National Association of (Catholic) Laymen is urging a gradual phasing out of all schools. In their place NAL would establish parish community centers which would not only teach religion but offer counseling and other programs for the entire community.

NEW DIRECTIONS MAPPED

More than one-third of the dioceses are now in the midst of studies to map out the new directions for the future, according to Fr. Elford.

Whatever happens, the parochial system is changing. And the rate of that change and the percentage of schools shut down will, in large part, depend on the future of public aid.

"There is going to be a Catholic school system," affirmed Dr. D'Alessio. "The Supreme Court decision on public aid will be important, but we have to look beyond it. The Catholic schools are here to stay, but they may be different kinds of schools than we are used to."

"PRAGMATISM" VS. "FIXED PRINCIPLE"—IS U.S. WALL OF SEPARATION "BENDING WITH THE TIMES"?

(By Louis Garinger)

Two issues stand out in the current struggle in the United States on whether public funds should be used to support parochial schools.

One: sharp division over the meaning and intent of key phrases in the United States Constitution.

Two: certain recent trends in religious thinking that tend to favor a move away from strict separation of church and state.

Proponents of public aid maintain that refusal to grant aid deprives them of the free exercise of their religion and of equal protection of the laws.

They contend that refusal of government to aid church schools places a peculiar burden on religion, prohibiting its free exercise. They say that citizens must violate their conscience to share public benefits—in this case, free schooling. This they find discriminatory.

Aid opponents, on the other hand, see such aid as clearly ruled out by constitutional restrictions, especially the explicit prohibitions of aid to church-related schools in a number of state constitutions and in the "no establishment" clause of the First Amendment to the United States Constitution.

They see separation of church and state as an absolute constitutional principle firmly embodied in the "no establishment" clause. They contend that it must be strictly interpreted to protect the people from an unholy alliance—or even unholier warfare—between church and state.

PRAGMATIC GROUNDS URGED

Supporters of parochiaid say church-state separation is by no means an unalterable principle or an absolute to be strictly and narrowly interpreted but rather a policy adopted on pragmatic grounds. It must be reinterpreted to meet today's needs, they say.

They maintain that the "no establishment" clause, moreover, is subordinate, tributary, and instrumental to the religious liberty clause of the First Amendment. If in the case of parochiaid the two are deemed to be in conflict, they argue that the religious liberty clause automatically prevails over the "no establishment."

Those against public aid argue that the "no establishment" clause stands on the same level with the "free exercise" clause. In the case of parochiaid the free exercise provision wholly reinforces "no establishment."

Proponents say that the Constitution prohibits aid only to explicitly religious functions of church-related schools, not to their primarily secular activities. Thus, compensation to lay teachers for the teaching of secular subjects such as languages, mathematics, the sciences, home economics, and vocational training is constitutionally permissible.

The state, proponents continue, can purchase secular services from nonpublic schools since these services have a secular legislative purpose and a primary secular effect. In judging such aid the court properly considers "the philanthropic nature of the activity, not the organizational structure or philosophical orentation of the sponsoring institution."

PERVASIVE ATMOSPHERE SEEN

Those against public aid say the argument that church schools can constitutionally receive aid for teaching the "secular" portions of their curriculum is fallacious since in a typical church-related school, secular and religious subjects cannot be so easily distinguished and separated. They say religious indoctrination is all-pervasive and that a sectarian point of view and atmosphere permeate the entire curriculum and define the school's reason for being.

Purchase of service contracts, voucher plans, and other proposals being advanced to procure aid are simply devices, legal niceties, or gimmicks clearly designed to evade the "no establishment" clause and similar state constitutional provisions, they say.

Meanwhile, certain trends in religious thought appear to observers to be working in favor of some kind of public aid to parochial schools.

One such trend has been the unthawing, the opening up, that has beeen going on within the Roman Catholic Church since the Second Vatican Council. As this Catholic renewal has made headway in spite of much foot-dragging in certain quarters, many non-Catholic observers have come to feel less threatened by monolithic Catholic power, less defensive in the face of Catholic demands, more willing to listen sympathetically to their pleas for school aid.

OPPOSITION SOFTENED

The growing cooperation among the churches, the much closer personal contacts between Protestant and Catholic clergy, and the whole ecumenical spirit of the times have pointed in the same direction—lessening the opposition to aid for Catholic schools.

The increasing welfare activities of government coupled with the higher level of social concern within the churches have led to government and church cooperation—government providing the funds, churches furnishing the services.

Partly because of these trends Protestant opposition to public aid for parochial schools has lessened considerably in recent years. But there are other reasons as well. Once Protestants began to seek public funds for their own hard-pressed church-related colleges and for their social welfare institutions, many of them felt they could no longer stand so adamantly against tax support for Catholic schools.

Jews tend to give strong support to constitutional provisions protecting minority rights. The greater the separation between church and state, the more secure they feel.

As a minority in a dominant Christian culture, they are understandably anxious about undue influence of religion on government, especially of the largest and most cohesive Christian church in the country—the Roman Catholic. But even among Jews support of aid has gained ground.

POLITICAL VIEWS CHANGING

Political figures, both in legislatures and in executive offices, have been modifying their church-state separation views. Many of them have been under enormous pressure to provide some aid to hard-pressed church schools.

In view of this, those who oppose such aid find that they must look primarily to the more or less politically immune courts if they are to stem the tide that has been running against church-state separation in the schools.

A considerable body of precedent would enable the justices to make a strong case against such aid. But they also have important precedents available whereby they could build a case in support of aid to church schools.

Thus opponents of aid cannot be sure that even the courts will come up with a favorable decision. Consequently, they are reluctant to put all their eggs in the court basket and continue to fight a rear-guard action in the other two branches of government and in the arena of public opinion.

There, as in the courts, they have suffered serious setbacks. Yet they say they are by no means discouraged, having stemmed the parochial school aid tide in a remarkable number of instances, especially in 1970.

One thing is certain—both sides will be contesting the issue in every possible forum and at every level during the coming year.

THOSE WHO DO NOT LEARN FROM HISTORY ARE DOOMED TO REPEAT IT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. RARICK. Mr. Speaker, history might be defined as what a people did, and what happened to them because of what they did.

It has been said before that those who fail to learn from the lessons of history are doomed to repeat them. This maxim applies to nations as well as to individuals.

The Korean war provides a good example from recent history. The greatest and most powerful nation on earth fought a stalemate with a small underdeveloped fifth rate colony. In that war, our Armed Forces fought a no-win war "for peace" rather than freedom and the enemy, through the Under Secretary General for Political and Security Affairs of the United Nations, was kept informed of our activities.

Today, two decades later, our men are engaged in Vietnam because we did not fight for freedom in the Korean war. Those controlling the decisions of this still great Nation either did not study their history lesson or are not dedicated to the interests of freedom. Wars not fought for freedom are not won and never end except in defeat.

A patriotic attorney and constituent of mine, Mr. Jack Rogers, recently delivered an excellent speech entitled, "A History Lesson."

I urge all Americans to read Mr. Rogers' speech, which I insert following my remarks along with the full text of a message from the President of Vietnam to his people:

A HISTORY LESSON

(Delivered to Baton Rouge High 12 Club on Jan. 29, 1971, by Jack N. Rogers)

The facts of this story are assembled from various eye witness accounts.

On the 1st day a little over 600 men started out. They marched from mid morning until sundown with no food. The little water some carried was confiscated by the guards and used to water the horse of an enemy officer. Many, including the patients from a bombed hospital, were walked to exhaustion, beaten, slugged with rifle butts, bayoneted in the stomach and left to die in agony. These became so numerous that by the end of the day they were commonplace to where all had lost count of their numbers. The march continued until midnight, without food or water. At that hour they were crowded into a rice paddy and permitted to fill what canteens they had from a stagnant and foul buffalo wallow. They all drank this water because there was no other.

The second day they were kicked awake at dawn. There was no food and no water. At about 1:00 p.m., in 100° heat, they were allowed to fill their canteens from a dirty pool beside the road. They marched until 3 a.m. the next morning. Many men reached the end of their endurance during the late hours of this night march. They fell exhausted with groans or in the silence of unconsciousness. Curiously, the guards ignored them, but then the survivors heard following the column a crackle of rifle and pistol fire from a clean-up squad who shot all those stragglers still living and left their bodies on the road where they lay. The rest walked on through the night.

At the hour of 3 a.m. on the 3d day they were herded into a compound already overcrowded with some 1,500 other American and Allied soldiers. Human waste and maggots covered the ground. The sun rose and the heat increased. Many men died right there and the rest were ordered to dig trenches for graves. The dead and even some yet alive were rolled into these trenches and covered with a shallow layer of dirt. One dying American soldier revived when the dirt landed on him and tried to climb out of the grave. The guards put bayonets at the throat of a comrade in the burial detail and drew blood when he hesitated. He raised his face to the sky in supplication and brought his shovel down on the head of the dying man who fell back in the grave and was covered with the rest. That afternoon, still in the compound, they were allowed to fill their canteens at a well for their first good water. There was no food.

On the 4th day they were given about one-half cup of rice per man, about 10 a.m. The temperature again, as every day, was over 100 degrees. They sat in the open, under the sun, all day. All headgear of any kind had been taken away the first day. At twilight the march resumed. About midnight a rain came for some 15 minutes, refreshing them somewhat. Later, men began falling out of line and the shots of the buzzard squad were heard again. They marched until daybreak.

On the 5th day, after two hours rest, they were prodded up with bayonets and the march began again without food or water. About 3 miles down the road they passed a bubbling artesian well. Six men, tortured by thirst, broke ranks and ran to the well but as they got near, all the guards fired at them. They were left lying where they fell. The survivors by now were stumbling and detached from reality. Two miles farther they were shocked to awareness again by the sight of the mutilated and disemboweled corpse of an allied soldier hanging on a barbed wire fence beside the road. As they passed through towns, the people tried to help them with food and drink. The guards savagely beat both the givers and the receivers and the people passed the word ahead to stop, lest more men be killed. All day more men were beaten, clubbed, shot and bayoneted, and the buzzard squad was busy behind the column. In the late afternoon they were herded into another barbed wire compound where the conditions were the worst yet of their journey. It was already jammed with several hundred more sick, dying and dead Americans and allied soldiers. They lay on the ground amid filth and maggots. Almost all had dysentery. Malaria and dengue fever were running unchecked. At dusk a few men near the gate were given a little rice. The rest were ignored. After darkness fell some of the guards charged in, yelling and laughing. They bayoneted several men at random and left them to die.

At dawn of the 6th day, only about 570 men of all those in the compound were able to move. They were shoved into boxcars, 115 men in each, and the doors locked shut. There were only narrow slits at each end for ventilation and the heat was like an oven. All stood up, jammed too close to sit or lie down. Most of the men suffered from dysentery and as the heat rose, some fell, and died, in the filth on the floor. In mid afternoon the train stopped and the survivors dismounted. They were marched to a bare plot of ground where they sat for two more hours of sun treatment. There was no food and no water on the 6th day. After the sun treatment they marched another 7 miles to the North. On this last stretch the people had put a few cans of water beside the road for them. Most of these were kicked over by the guards as they found them. As evening fell, they reached a large prison camp and entered the gate. Most of them never came out again.

When, where and why did this happen to American men?

The time was April 10 to 16, 1942. The March was from Mariveles, Bataan, P.I. to O'Donnell prison camp some 130 miles to the north in Tarlac Province. The *reason* that it happened exists again in our nation today. We were complacent and unprepared. We had failed to keep our country strong and ready and we had failed to recognize the clear dangers of our times. Dupes and fools among us told us we could "negotiate" peace with enemies who hated us. In 1939 and 1940 there were Americans marching, meeting, shouting and posturing in the uniforms and trappings of a foreign ideology, proclaiming their treasonous loyalty to an alien and totalitarian philosophy. We were all saying "it can't happen here."

Could it happen now? Why not? Why were Americans in the Philippines in 1942? We were fighting there to protect other people's freedom as we may have to fight someday to protect our own. If it should happen here, who will come here to fight for us?

Those who fail to heed the bitter lessons of history, gentleman, are doomed to repeat them. The nature of war today brings Pearl Harbor to Washington, Kansas City, Dallas, and Baton Rouge. If the freedom we have is worth so little to us that we are unwilling to fight to protect it, we deserve to lose it, and God in his infinite wisdom and justice will see to it that we do lose it. Who among us should we send on the *next* death March? *your* son?

Thank you for your kind attention.

Message by President Thieu

(Note.—Following is the full text of President Nguyen Van Thieu's message to the Vietnamese people, soldiers and cadres on the operations carried out by the ARVN on Laotian territory on February 8, 1971.)

My Fellow Countrymen, Soldiers and Cadres: Today, February 8, 1971, I have ordered the Armed Forces of the Republic of Viet-Nam to attack the Communist North Vietnamese bases on the Laotian territory along the Viet-Nam-Laos border, in military Region I. This operation is called Operation LamSon 719. This is an operation limited in time and in space, with the clear and unique objective of disrupting the supply and infiltration network of the Communist North Viet Namese in Laos, which territory has for many years been occupied by the North Vietnamese Communists and used as a base to launch attacks against our country.

Today, I solemnly confirm that the Republic of Viet-Nam always respects the independence, neutrality and sovereignty of the Kingdom of Laos. I also solemnly confirm that the Republic of Viet-Nam does not entertain any territorial ambitions whatsoever concerning the territorial integrity of Laos, nor do we ever seek to interefere in the internal politics of the Kingdom of Laos. I also pledge that when the above-mentioned limited operation ends, the Armed Forces of the Republic of Viet-Nam will completely withdraw from the Laotian territory.

My fellow countrymen, soldiers and cadres, it is a well-known fact throughout the world now that for many years, the North Vietnamese Communists themselves have openly violated the neutrality and territory of the Kingdom of Laos and blatantly violated the 1962 arrangements on Laos, just as they have blatantly violated the 1954 Geneva Agreements on Indochina in order to wage a war of aggression against the Republic of Viet-Nam.

It is also known throughout the world that the Communist North Vietnamese have openly occupied one important part of the Laotian territory, they have built the Ho Chi Minh Trail there in order to move in the South countless soldiers, weapons, ammunition and military materiel, and they have established in that part of the Laotian territory vast military and logistic bases in order to wage the war of aggression against the Republic of Viet-Nam. If this sitution is allowed to continue, the North Vietnamese Communists will stubbornly go in with their war of aggression against the Republic of Viet-Nam, Laos and the Khmer Republic.

In the particular case of the Republic of Viet-Nam, we have shown maximum goodwill at the Paris talks in view of a negotiated settlement, in order to solve this war through serious negotiations. The Allied nations have also withdrawn a great part of their troops and are continuing to withdraw from the Republic of Viet-Nam. In the case of North Viet-Nam, on the contrary, they still continue to infiltrate troops, weapons, ammunition and military equipment while preparing themselves to launch fresh attacks in the forthcoming months. For this reason, the attacks by our armed forces against the North Vietnamese Communist troops along the border within Laotian territory do not constitute an act of belligerence on our part, they are merely and solely a necessary act of legitimate self-defense on the part of the Republic of Viet-Nam against the North Vietnamese Communist aggressors.

This is not an act of aggression of the Republic of Viet-Nam against the friendly nation of Laos. On the contrary, this is an action designed to stop the North Vietnamese Communists from expanding and perpetuating their aggressive potential.

Finally, this is not an expansion of the war by the Republic of Viet-Nam, either. On the contrary, it is an action taken to help end soon the war in Viet-Nam and restore peace in this part of the world.

COMMENTARY ON THE SIXTH ANNIVERSARY OF AMERICA'S MASSIVE INTERVENTION IN VIETNAM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. HAMILTON. Mr. Speaker, as public opinion has steadily swung against the Vietnam war, most of us in the Congress find it rather easy to denounce the decision to escalate as a tragic mistake. The following article from the New York Times recalls for us some of the harsh realities surrounding that decision. For those of us who now point out so casually the dimensions of the mistake, the article reminds us of the complexity of events and causes us to wonder about the course of events in Asia had the "mistake" not been made.

I include the article as follows:

Why We Escalated

(By Arnold C. Brackman)

Tomorrow marks the sixth anniversary of America's massive intervention in Vietnam, a decision which was signalled by the bombing of the North, a decision which ultimately cost Lyndon Johnson a second term and shattered his dream of creating a Great Society.

Today that decision is almost universally characterized as a "mistake." If Vietnam alone was at issue, it would be hard to fault the popular assessment. But the stake six years ago was more than Vietnam. Indeed, one of the extraordinary features of the Vietnam war is that despite the continuing and deepening debate about Vietnam most Americans have either forgotten or, worse, are unaware of the compelling circumstances which prompted Mr. Johnson's decision.

Many aspects of the Vietnam war may be faulted—and devastatingly so—from political strategy to military tactics. But it is a misleading oversimplification to write off the decision to intervene when we did as simply a "mistake."

There are, at a minimum, 42,000 reasons why we should not disregard the sequences of events in the 100-odd days preceding Mr. Johnson's fateful decision. A replay, however delayed, is the order of the day on the eve of what, for all practical purposes, marks the anniversary of the massive American intervention in Vietnam.

In October and November the military situation in the South was desperate. District capitals and villages were falling. For the first time since the creation of the South Vietnamese National Liberation Front in 1960, Hanoi introduced its first regular Army units into the South.

Against their will, Laos and Cambodia were being turned into North Vietnamese supply corridors. Indonesia's Sukarno conferred with the Peking leadership and his aides confirmed that the rapidly developing alliance between Jakarta and Peking was aimed at a division of Southeast Asia into respective spheres of control. Sukarno quickened the pace of his armed forays against the Malay peninsula Singapore and the northern Bornean states.

Britian assembled 80 warships off Singapore, perhaps the last major naval concentration of the Royal Navy and, together with Australia and New Zealand, rushed to the defense of the Islamic Federation of Malaysia. Australian and Indonesian warships clashed off Singapore, the largest port in the Commonwealth after London.

Indonesia bolted from the United Nations and worked with China to lay the groundwork for a rival organization. At a New Year's day diplomatic reception in Peking, Field Marshal Ch'en Yi, the Chinese Foreign Minister, boasted, "Thailand is next." In January China and Indonesia concluded a pact which both later called the "Jakarta-Pnompenh-Hanoi-Peking-Pyongyang Axis." Each of the "Axis" powers except Cambodia was outside the United Nations. Sukarno, in a candid moment, said the "Axis" strategy for defeating the United States and its Asian-Pacific allies was for China to strike a blow against the Americans in Vietnam from the north while Indonesia struck Malaysia and Singapore from the south.

LOGIC OF HISTORY DEMANDED AMERICAN BOMBING IN 1965

Dr. Ismail bin Abdul Rahman, then Malaysia's Home Minister, publicly felt that "if the nutcracker with one prong stretching southward from Hanoi and the other northward from Jakarta [succeeded], it would have been difficult for Malaysia, Thailand and Singapore to preserve their independence."

President Diosado Macapagal of the Philippines warned that if the United States abandoned Vietnam at that time, "how much more impatient would Sukarno's Indonesia be to bring the Philippine archipelago into its orbit." His Australian counterpart, Prime Minister Sir Robert Menzies, openly held that if Vietnam were abandoned at the outset of 1965 "in the long run, and not so very long at that" Australia would be menaced "almost at our doors."

As Clark Clifford, the former Defense Secretary and critic on Vietnam later observed, American indifference toward Vietnam in 1965 may have had a "disastrous" impact on the region.

Clearly, if the United States had not intervened when it did, the Commonwealth position to the south would have become untenable. A consolidation of the "Axis" would have confronted the United States and its allies with a line of hostile, militant and authoritarian states from Korea to New Guinea.

If the United States went to war to forestall control of the Korean-New Guinea perimeter by hostile forces twenty-five years before, then the logic of history demanded the same in 1965. If this strategic perspective is faulty, then the United States intervention in 1965 was, indeed, a "mistake"—and so was the war with Japan.

HOUSE OF REPRESENTATIVES—*Wednesday, February 10, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord shall preserve thy going out and thy coming in from this time forth and even forevermore.—Psalm 121: 88.

O God and Father of us all as we leave for our recess keep us aware of Thy presence wherever we go or wherever we stay. May our steps be ordered by Thee in all wisdom and in all good will. Grant that the work we do, the trips we take and the speeches we make honoring the Father of our Country and the savior of our Nation may add to the unity of our Republic and to peace in our world.

During these days be unto us and unto our people a tower of strength. Let Thy power support us, Thy mercy keep us, Thy grace guide us and Thy love redeem us. So may we live with faith and hope for the good of our land and the glory of Thy holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 135. Concurrent resolution providing for an adjournment of the House from the close of business on Wednesday, February 10, 1971, until noon on Wednesday, February 17, 1971.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S.J. Res. 31. Joint resolution extending the date for transmission to the Congress of the Report of the Joint Economic Committee.

The message also announced that the Vice President, pursuant to Public Law 754, 81st Congress, appointed Mr. Larry A. Herrmann to the Federal Records Council.

APPOINTMENT AS MEMBERS OF COMMITTEE TO INVESTIGATE NONESSENTIAL FEDERAL EXPENDITURES

The SPEAKER. Pursuant to the provisions of section 601, title 6, Public Law 250, 77th Congress, the Chair appoints as members of the Committee To Investigate Nonessential Federal Expenditures the following members of the Committee on Ways and Means: Mr. Mills, of Arkansas; Mr. Watts, of Kentucky; and Mr. Byrnes of Wisconsin.

And the following members of the Committee on Appropriations: Mr. Mahon, of Texas; Mr. Whitten, of Mississippi; and Mr. Bow, of Ohio.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. AIR FORCE ACADEMY

The SPEAKER. Pursuant to the provisions of 10 U.S.C. 9355(a), the Chair appoints as members of the Board of Visitors to the U.S. Air Force Academy the following members on the part of the House: Mr. Flynt, of Georgia; Mr. Sikes, of Florida; Mr. Rhodes, of Arizona; and Mr. Brotzman, of Colorado.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of 14 U.S.C. 194(a), the Chair appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following members on the part of the House: Mr. Monagan, of Connecticut; and Mr. Steele, of Connecticut.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of 46 U.S.C. 1126c, the Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following members on the part of the House: Mr. Wolff, of New York, and Mr. Wydler, of New York.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of 10 U.S.C. 4355(a), the Chair appoints as members of the Board of Visitors to the U.S. Military Academy the following members on the part of the House: Mr. Teague of Texas; Mr. Natcher, of Kentucky; Mr. Davis of Wisconsin; and Mr. Pirnie, of New York.

APPOINTMENT AS MEMBER OF JOINT COMMITTEE ON ATOMIC ENERGY

The SPEAKER. Pursuant to the provisions of 42 U.S.C. 2251, the Chair appoints as a member of the Joint Committee on Atomic Energy the gentleman from Idaho, Mr. HANSEN.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS, U.S. NAVAL ACADEMY

The SPEAKER. Pursuant to the provisions of 10 U.S.C. 6968(a), the Chair appoints as members of the Board of Visitors to the U.S. Naval Academy the following members on the part of the House: Mr. FLOOD, of Pennsylvania; Mr. STRATTON, of New York; Mr. MINSHALL, of Ohio; and Mr. BOB WILSON, of California.

PROVIDING FOR ADJOURNMENT OF HOUSE FROM FEBRUARY 10, 1971, UNTIL FEBRUARY 17, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 135) providing for an adjournment of the House from the close of business on Wednesday, February 10, 1971, until noon on Wednesday, February 17, 1971, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Page 1, line 3, strike out "it" and insert "and that when the Senate adjourns on Thursday, February 11, 1971, they".

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have requested this time for the purpose of asking the distinguished majority leader the program for next week following our return from the Lincoln Birthday recess.

Mr. BOGGS. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I am glad to yield to the distinguished majority leader.

Mr. BOGGS. I appreciate the distinguished minority leader's question. As the distinguished minority leader knows, by the terms of the resolution just agreed to, we will adjourn today until next Wednesday, February 17. We will meet on February 17 and probably the next day.

Except for housekeeping resolutions, I do not know of any business next week. However, committees are now meeting and I would expect a program for the following week.

Mr. GERALD R. FORD. In looking over some of the problems that will undoubtedly relate to prospective legislation, I think there is a matter that will have to come up the following week, and that relates to the labor-management dispute in the railroad industry.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield further, the gentleman will be back next week and, of course, we will confer further about that problem. It is a real problem and we understand that it does have to be considered.

TO CREATE A SELECT COMMITTEE TO REGULATE PARKING ON THE HOUSE SIDE OF THE CAPITOL

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 24 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 24

Resolved, That (a) there is hereby created a select committee to be composed of three Members of the House of Representatives to be appointed by the Speaker, one of whom shall be designated as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

(b) The said committee is hereby authorized to exercise direction over the Sergeant at Arms of the House of Representatives in the assignment of space for outdoor parking of automobiles in squares 639, south of 635, and 692, located adjacent to the House Office Buildings, and for all other outdoor parking of automobiles on the House side of the United States Capitol Grounds.

SEC. 2. The House Office Building Commission, in carrying out the duties imposed upon the Commission by the Acts of March 4, 1907 (40 U.S.C. 175), May 28, 1908 (40 U.S.C. 183 and 184), and April 22, 1955 (40 U.S.C. 175), is hereby authorized to delegate so much of such duties as pertain to the direction and supervision of the Architect of the Capitol in the assignment of space for parking of automobiles in the garages in the Rayburn House Office Building, the Cannon House Office Building, and the two underground garages in squares 637 and 691, located adjacent to the House Office Buildings, and the issuance of regulations governing such assignments, to the select committee herein created.

With the following committee amendment:

On page 1, line 1, strike all after the word *"Resolved"* and insert "That (a) effective January 3, 1971, there is created a select".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SELECTION OF SELECT COMMITTEE TO REGULATE PARKING

(Mr. SMITH of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, I just simply would like to say that I am happy to be here today, because I know how enthusiastic the gentleman from California (Mr. SISK) is to receive this great responsibility, as well as the gentleman from Iowa (Mr. GROSS).

In all seriousness, this is a responsible position, and I am happy to join in the resolution, Mr. Speaker.

APPOINTMENT AS MEMBERS OF SELECT COMMITTEE TO REGULATE PARKING ON THE HOUSE SIDE OF THE CAPITOL

The SPEAKER. The Chair desires to make the following announcement: That pursuant to the provisions of House Resolution 24, 92d Congress, the Chair appoints as members of the Select Committee To Regulate Parking on the House Side of the Capitol the following Members of the House: Mr. SISK, chairman; Mr. HAYS, and Mr. GROSS.

CONGRESS VERSUS PRESIDENT—ANTI-INFLATIONARY RECORD

(Mr. BOGGS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BOGGS. Mr. Speaker, I am very glad that a few minutes ago the distinguished gentleman from Wisconsin (Mr. REUSS) introduced, for immediate consideration, legislation which would extend the presently existing authority of the President of the United States to impose wage and price controls.

Mr. Speaker, this administration has endeavored to lay the blame for our current inflation at the door of the previous Democratic administrations. This, Mr. Speaker, is patent nonsense. The worst inflationary rate under the Democrats was 4.7 percent in 1968, and the average for the 8 years of Democratic rule was approximately 2 percent. Consumer prices have skyrocketed by 11 percent in the past 24 months. Under Republican auspices, the real earnings of the average workingman's family have declined some 6 percent. Homeownership costs have increased over 20 percent. Fuel and utility prices have increased over 8 percent, and the spiral is still rising. Public transporation costs have risen over 20 percent.

The Democratic Congress has taken the initiative in the fight against inflation. In 1969, we gave the President standby credit controls which he has not used. He should have used them to funnel desperately needed credit into the homebuilding industry and other priority items, but it did not happen that way.

In 1970, we gave the President standby authority to freeze prices and wages. He has refused to use this authority.

Yesterday, Mr. Shultz appeared before the Joint Economic Committee, and despite rigorous examination by members of that committee, none of us were able to ascertain what the administration's program is, if there is any at all, in the fight against inflation.

I include a table of price increases during the 1960–68 Democratic administrations and the 1968–70 Nixon administration:

PRICE INCREASES DURING THE 1960-68 DEMOCRATIC ADMINISTRATIONS AND THE 1968-70 NIXON ADMINISTRATION

[In percent]

Commodities	Average yearly increase	
	1960-68	1968-70
Consumer prices:		
All items	2.2	5.8
Food	2.2	5.5
Housing	1.9	7.1
Transportation	1.9	4.6
Public transportation	3.7	11.4
Medical care services	5.4	7.9
Services	3.4	7.8
GNP deflator	2.3	5.2
Wholesale prices:		
All items	1.0	3.9
Farm products, processed foods, and feeds	1.1	4.6
Farm products	.7	4.2
Processed foods	1.8	4.8
Industrial commodities	1.0	3.6

THE SOUTH VIETNAMESE DRIVE MAKES A LOT OF SENSE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SIKES. Mr. Speaker, it has not been many months since allied forces jabbed into Cambodia to destroy Communist supply depots. The venture was highly successful, and it also seriously disrupted Communist plans for further aggression in South Vietnam. One of the most important byproducts was the closing of Cambodia's ports to the Communists. The allied operation showed that the principal supply lines for Communist forces were through the port of Sihanoukville rather than down the Ho Chi Minh Trail. The critics of the allied operation insisted that the United States was getting more deeply involved in war in Southeast Asia but this has not been demonstrated by fact. U.S. forces were out of Cambodia on schedule. The new Government of Cambodia which replaced the Communist-oriented government of Sihanouk is holding its own against efforts for a Communist takeover. These efforts would long ago have been successful without allied destruction of Communist bases and supply depots in that country and without help which has been forthcoming from South Vietnam.

Nevertheless, the Communist forces continue to harass Southeast Asia. They hold much of the territory of Laos. They are jabbing at Cambodia's capital and they are in strength in parts of Cambodia.

The only effective supply line for Communist forces in these countries and support for Communist aggression in South Vietnam now is over the Ho Chi Minh Trail. A very substantial new buildup of North Vietnamese men and supplies has been observed and this must be assumed to be a prelude to further aggression. Consequently, a new offensive has now been launched by South Vietnam forces to sever the Ho Chi Minh Trail.

The military strength of the South Vietnamese has continued to develop in a very satisfactory way. It is now possible by using this strength to cut off Communist forces and materials close to the source, to place greater pressure on North Vietnam, and hopefully to convince that nation's government of the futility of continuing to seek the military conquest of neighbor countries. The new drive by South Vietnam forces can provide additional protection for the northernmost parts of South Vietnam which now are the areas most vulnerable to enemy drives. It can give a further respite to the Governments of Laos and Cambodia in their efforts to resist Communist takeover. Militarily, the plan makes a lot of sense.

Diplomatically, it adds muscle and prestige to the allied efforts for a negotiated peace. There has been a stirring here at home by those who advocate immediate withdrawal of American forces from Indochina and the usual predictions have been made of dire consequences for American objectives abroad. Even so, these have been more muted than in the past, possibly because of the fact that their predictions of catastrophe in previous instances have fallen far short.

American forces are providing support for the drive in Laos, but they are not participating in the action itself. We have made it clear that we want the nations of Indochina to have the right to select their own form of government rather than have communism imposed on them by force. Previous defeats suffered by the Communist forces have made serious inroads into their manpower strength and into their capability for supply. Nevertheless, they are tough and disciplined and it is obvious they still intend to carry on aggression. Cutting the principal remaining supply line will further handicap their efforts. It is significant that the South Vietnamese forces have sufficient strength and esprit d'corps to carry the war to the enemy. The operation will save American lives by further weakening the ability of the Communists to wage war. It will support the President's schedule for the withdrawal of American forces from southeast Asia.

While this takes place, we are continuing maximum efforts at the Paris talks in the attempt to resolve the conflict through a negotiated settlement. This fact the Communists ignore. We have shown that we want peace and we are continuing to withdraw our forces from southeast Asia. The Communist North Vietnamese answer is to continue to infiltrate troops, weapons, ammunitions, and military equipment in preparation for the launching of new attacks and to continue the harassment of their neighbors. It would seem very clear that the action of the South Vietnamese forces is one which should have wholehearted support from the American public and from their elected Representatives in the National Congress.

We are fighting a new kind of war in a strange and faraway part of the world. Instead of the military defeat of the enemy, we now seek to convince him of the futility of continued aggression by gradually wearing down his strength. More and more of the fighting is being done by the South Vietnamese. This means fewer casualties for Americans and a further demonstration to the world that the Vietnamese have the will and the ability to fight for their own freedom. What is being done has been demonstrated to be the best means of concluding the war successfully. There is no basis for criticism in or out of Congress.

TIME TO REMOVE RESTRICTIONS ON THE SALE OF .22 CALIBER AMMUNITION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SIKES. Mr. Speaker, I am reintroducing a measure designed to remove the remaining restrictions on the sale of .22-caliber rimfire ammunition. These restrictions were imposed as a part of the 1968 gun control law. In this I am joined by 63 Members of the House whose names appear below. A similar bill passed the House in the 91st Congress but failed of passage in the Senate.

Subsequent to the passage of the 1968 gun control law, restrictions on sales of other rifle ammunition and shotgun ammunition have been eliminated by Act of Congress but the sale of .22-caliber ammunition still requires reporting and recordkeeping by dealers. There has been general dissatisfaction with all features of the present gun control law. Law-abiding citizens simply resent the type of regulation which it requires. Criminals ignore the law and this the general populace realizes. At the time the bill was approved by Congress, it was the lesser of the evils which had been proposed as antigun legislation. This, however, has not made it palatable to the public.

Possibly the most aggravating single feature of the present act is the restrictions on the sale of .22-caliber ammunition. It is part of the pattern of our outdoor heritage in America that marksmanship training should begin at home or in clubs under proper supervision. Through this type of training, restraint, and good sportsmanship in the proper use of weapons is best taught. This is important not only in later life but important as an adjunct to the military training many young men will receive. It is more than a little significant that today young lads can be drafted to fight at age 19 in Vietnam but they are unable to purchase a box of .22-caliber ammunition for lawful sport or practice in their home areas. It is also inescapably true that States and cities which have the most stringent antigun laws, including Washington, D.C., are continuing to experience a very serious crime problem. The passage of antigun laws and regulations produced no reduction in crime rates.

The .22-caliber weapons are among those most generally used by law-abiding sportsmen, and particularly younger people. It should be very clear that the removal of the restrictions on the sale of .22-caliber ammunition will be welcomed by law-abiding sportsmen and in particular by young people who are just being taught the pleasures that come with the proper use of firearms. This action also will be welcomed by businessmen who have been steadily harassed by the recordkeeping restrictions required by the present law.

Cosponsors of the bill are: Mr. DINGELL, Mr. HENDERSON, Mr. THOMSON of Wisconsin, Mr. CAFFERY, Mr. ZION, Mr. HUTCHINSON, Mr. NICHOLS, Mr. FISHER, Mr. CLARK, Mr. SLACK, Mr. THOMPSON of Georgia, Mr. HALEY, Mr. MCEWEN, Mr. CAMP, Mr. ANDREWS of North Dakota, Mr. MOSS, Mr. BLACKBURN, Mr. LATTA, Mr.

DORN, Mrs. HANSEN of Washington, Mr. TALCOTT, Mr. ABERNETHY, Mr. RARICK, Mr. DICKINSON, Mr. BURLISON, Mr. BEVILL, Mr. BROYHILL of North Carolina, Mr. BRAY, Mr. STEED, Mr. BARING, Mr. LUJAN, Mr. DULSKI, Mr. SCHMITZ, Mr. JOHNSON of Pennsylvania, Mr. STEIGER of Arizona, Mr. COLLINS of Texas, Mr. MONTGOMERY, Mr. ROBINSON of Virginia, Mr. HANSEN of Idaho, Mr. DANIEL, Mr. POWELL, Mr. WYMAN, Mr. VEYSEY, Mr. LLOYD, Mr. GOODLING, Mr. ABBITT, Mr. ESHLEMAN, Mr. EVANS, Mr. DUNCAN, Mr. MICHEL, Mr. FRENZEL, Mr. CLEVELAND, Mr. SHOUP, Mr. KUYKENDALL, Mr. SCHERLE, Mr. MIZELL, Mr. ICHORD, Mr. FISH, Mr. WATTS, Mr. HICKS of Washington, Mr. TERRY, Mr. DAVIS of Georgia, and Mr. RONCALO.

ADMIRAL RICKOVER ON EDUCATION

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD, and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, Adm. Hyman G. Rickover has had to concern himself with the quality of American education at every crucial step of the way in the development of a nuclear submarine fleet for the United States of America.

Far too frequently he has found that the Nation's schools have not enabled our young men to step into society with the confidence, knowledge, and expertise so vital to the defense of our country.

As he explains, it is partly due to our Nation's preoccupation with egalitarinism which is so intense that we have extended it into our educational efforts at the expense of high quality attainment.

In a series of articles for the New York Times he has suggested that the United States examine educational systems that stress the "ability to learn" rather than the "ability to pay" as the measure in educational advancement.

Admiral Rickover feels that the Nation must pay special heed to developing the skills of its most able citizens and to helping them achieve their highest level of accomplishment through a long period of special and general schooling.

I recommend these provocative articles for thoughtful consideration.

Our society depends on a science-based technology which must run smoothly and in harmony with nature.

Without attention to real excellence in our schools such a society cannot be sustained and disaster would be invited for future generations.

I include Admiral Rickover's articles at this point in the RECORD:

[From the New York Times, Feb. 1, 1971]

EDUCATION: WHAT IS IT FOR?

(By Adm. H. G. Rickover)

WASHINGTON.—I have been a critic of American education for close on a quarter of a century—not by choice but because my assignment to build nuclear submarines required a staff of intelligent and well-educated men—both for the engineering job of designing and supervising construction and for naval operation of these ships. I found none ready-made. I had to set up schools to train them.

Though we pick candidates with utmost care among those ranking at the top in their respective schools, we find few whose good minds have received the benefits of an education suitable to their capacities. In my terms, nearly all have been under achievers—chiefly because our educational system does not provide the intellectual challenge that would motivate them to develop their talents.

Because there was so much else to do of a more immediately pressing nature, we did not for the first 300 years of settlement get around to thinking out carefully how to utilize the experience of European education. Because the concept that all men are endowed with equal rights to life, liberty and the pursuit of happiness is basic to American thinking, our principal endeavor has been to make certain that no child should, for lack of money, he denied the best schooling we had to offer.

By concentrating on equality we have—so I contend—been led down a dead-end road to a politicized educational system, in which quality becomes almost "undemocratic."

The impact of sputnik shocked us temporarily into giving attention to the educational needs of the minority of abler children. But of late, we are well on the way of pivoting our whole school system on the minority of the below average.

As I see it, our educational philosophy and practice suffer from two fundamental defects.

First, we rush in all directions, pouring out vast sums of tax money for new "research" and "experimentation" concerning one of the oldest Western activities—transmitting the knowledge and intellectual skills accumulated in the past to the young—without asking ourselves why exactly schools are needed and what exactly they must do that no one else can do.

Second, we fail to think through how we can combine our commitment to equal educational opportunity for all with the sad but indisputable fact that of all the species on earth, human beings are the most unequally endowed.

As I have suggested in numerous speeches—which unfortunately have had no effect—we would be well advised to examine the most successful European school systems where "ability to pay" has for some generations been wholly removed as a factor in educational advance, but where "ability to learn" is recognized as the single most important factor.

In this country very little research money has gone into possible remedies for these two defects—chiefly because they are not admitted by those who dominate educational officialdom. The principal reason, I think, being that for half a century educational thinking has been swamped by the social scientists.

The social sciences concern themselves chiefly with group behavior, group needs and are therefore singularly susceptible to doctrinaire egalitarianism. They tend to treat children—in the name of equality and democracy—as an undifferentiated mass. Kant's admirable dogma that no man should be made the instrument of another's purposes is daily violated throughout our schools.

We will not face up to the fact that, beyond the most elementary level, children simply vary so greatly in their capacity to absorb a given body of knowledge that keeping them in the same class shortchanges every ability group.

Starting with Dewey's "learning by doing" philosophy, there has been a desperate search for some activity that all children could be engaged in simultaneously. Some of the reports of the new "free" or "experimental" schools raise the question why they could not be replaced by a community playground with a few mothers recruited to provide toys, gadgets, and noon meals. Other reports depict his own "teaching machine."

And all this costly nonsense just so that children might not separate when their educational paths take them naturally into different directions. Does anyone readily believe that such comprehensive education will in adult life bind rich man, poor man, beggar man, thief, doctor, lawyer, and Indian chief into a warm togetherness of shared educational experience?

In preliterate societies, children learn by doing what the adult community around them does—parents, relatives, neighbors give a hand, so do older children. Learning and play are intermingled. But as a society moves up the ladder of civilization, the competencies people need shift more and more from the physical and manual to the intellectual. New occupations arise, which require more intensive, more theoretical, more sequentially programed education, which can be obtained through apprenticeship to the adult world alone. This is the need that formal schooling should supply. This is what schools are *for*.

[From the New York Times, Feb. 2, 1971]

EDUCATION: WHAT DO WE NEED?

"If we adult Americans are not intelligent enough to figure out a way to improve American education, we cannot hope that our children will be intelligent enough to keep our nation strong and prosperous and capable of living up to its task or leading the free world."—from "American Education—A National Failure."

(By Adm. H. G. Rickover)

WASHINGTON.—Rarely have the ideas dominating education anywhere been so wholly at odds with the needs of society than at this moment and in this country. Life in America depends on the smooth functioning of a complex science-based technology. The routine management of this technology is difficult enough. Far more difficult is the crucially important task of devising new ways to bring modern technology into harmony with nature.

This demands long-range prognostication of the effects of new techniques both on man himself and on the environment. Only intelligent people, with a broadly liberal education and special professional expertise are able to perform these functions, and only an intelligently planned and competently managed educational system will provide us with enough of them.

To discover children with the qualities of mind, will, and character for these categories of competence, and to educate them to this end in the manner most suited to their special talents is—or ought to be—the primary responsibility of our costly public school system—the costliest in the world and the least productive in quality education of any in the world.

True professionals must have high intelligence, strong motivation, and be willing to undergo a very long period of general and special schooling. We will discourage many if we continue to prolong their training period needlessly by keeping them cooped up for long years in comprehensive schools that waste roughly four of their best learning years. For semiprofessionals and skilled technicians—of whom we currently have far too few—the intellectual and vocational requirements are somewhat less stringent but still well above what our comprehensive schools provide, so that they too must bear the cost of the egalitarian dogmas of the progressive educationists.

Paradoxically, we don't even succeed with the least able as well as do the Europeans who have long since brought ALL their people to the level of literacy.

Without enough people having the competencies of professionals, semi-professionals and skilled technicians, the level of life, health, comfort and security would drop for everyone. There has never been a time when the great mass of society has been so dependent on the services of our ablest, most rigorously trained people; nor, conversely, a time when the highly intelligent could live so well without going through the time consuming and difficult learning process that turns them into scientists, engineers, doctors, etc. It is therefore suicidal for a modern nation to neglect the special schooling needed to develop the capacities of its abler children.

Progressive education with its egalitarian ideology, its ineffective methods and diffuse goals—now in force for half a century—has dismally failed to develop the capacities most needed at present levels of civilization and technology. It is a national disgrace that mere literacy has been set as our "official" goal for the 1970's—a goal achieved generations ago, and with far less expenditure of money and learning time, in Europe and Japan.

The very terms in which the goal is couched—guaranteeing a "right to literacy"—reveals misconceptions pervading the educational establishment that constitute the greatest barriers to quality public education.

I mean the notion that "education" is a product that should be shared out equally by government, when obviously education is something everyone must strive to acquire by his own efforts, society being able to do no more than offer every child an equal chance to do so.

There is much evidence that not only Europe and Japan, but the Soviet Union as well, bring their children to higher levels of achievement in larger numbers and within a shorter time span than do we. Educational terminology hides the truth from us.

We must know how our children compare with children in countries at comparative stages of civilization. Yet every effort to make objective comparison tests is fought tooth and nail understandably, perhaps, since such tests would reflect adversely on our school system.

But can we doubt the ultimate outcome if we continue to follow ineffective educational methods and goals—in particular the delusion that in a democracy all children must move through school together at the pace set by the dead average—while countries such as the Soviet Union bring out the varied capabilities of their children? Disaster may not come in this generation, but do we not care what happens to the next?

And, Mr. Speaker, the American university has existed as an institution for passing on the wisdom of a society, for researching the complexities of our present world, both social and physical, and for providing a forum where opposing ideas may clash in an atmosphere of neutral protection.

Recently the university community has been affected so intensely by the divisions in our American society that it is itself in danger of losing that freedom which has been of importance to its intellectual mission.

It seems to me that it is necessary at this time to discuss the true nature of the universities and the purposes for which our Nation's youth attend them.

I would like to bring to the attention of my colleagues the thoughts of two university educators who have recently expressed their deep concern over the politization of the universities and its effect on our national life.

With permission I include here in the RECORD a speech to the faculties of Alfred University by its president, Leland Miles explaining his stand against politicizing the universities and a letter to Change magazine by Prof. Bower Aly of the University of Oregon discussing the changing character of today's university student:

DYNAMIC NEUTRALITY: A STAND AGAINST POLITICIZING THE UNIVERSITY

(By Leland Miles)

One of the most important events of Alfred's 1970–71 academic year will be the stand which this faculty takes on the "Princeton Plan" problem.

I should like to speak concerning the implications of the Princeton Plan, because I interpret the Plan as a further step toward politicizing the university. I oppose this politicizing process, and I would like to explain why.

As I understand the university, it is a protective shield beneath which all points of view can be expressed and cherished. Unlike the church, its mission is not to propagandize, not to preach some particular gospel. Its mission is rather to tolerate—in John Stuart Mill's sense—every conceivable shade of opinion, and to subject each such opinion to rational analysis. In a social or political sense, this means that the university as an institution is neutral. But I deny that this neutrality is passive or sterile. On the contrary, I regard it as a dynamic neutrality for several reasons: First, the university's neutrality is dynamic because of the constant collision within it of rival ideas. Second, the university's neutrality is dynamic because each individual protected by the university can himself be dynamic—i.e., each student and professor may, under the protective shield of the university, vigorously advance his own idea in theory, and just as vigorously seek to implement that idea in the outer society. Third, the institution's neutrality is dynamic because the university teaches that knowledge and inculcates those skills by which the graduate may more accurately assess the political scene, and may more effectively improve his society. For example Alfred University has not, as a university, taken a position on American intervention in Latin American affairs. But it *does* teach the skills of political science to a student like Jerome Slater, who then goes on—after graduation—to write the definitive book on American intervention in the Dominican Republic.

My argument is that the University should resist politicizing, that it should adopt a posture of dynamic neutrality. This argument has important implications for the role of the University president. A president is of course a citizen, and has just as much right as any other citizen to speak out on public issues. The cardinal question is not whether he has this right, but whether he should exercise this right.

Generally speaking, it is my growing conviction that a president should not speak publicly on political and social issues, even when he carefully specifies that he is speaking as a private citizen. In point of fact, the president cannot in any practical sense speak as a private citizen, for the simple reason that the outside world won't let him. I could write a letter to a newspaper editor attacking President Nixon's Vietnam policy, and sign the letter "Leland Miles, 71 Pine Hill Drive, Alfred, New York." But everyone knows that the citizen residing at 71 Pine Hill Drive is also president of Alfred University. And everyone knows that the president, to a greater degree than any other single individual symbolizes and speaks for his institution. In short, the tenuous distinction between the president as citizen, and the president as president, breaks down in the face of undiscriminating public (and faculty) reaction. The president who speaks out on a specific public issue inevitably damages the intellectual neutrality of his institution as a corporate entity. Once a president has denounced Nixon or praised Agnew, he has irreversibly generated among his colleagues the uneasy feeling that the university does after all have an "official line."

Once this uneasiness has evolved into an atmosphere, the University has lost its sacred character as a shield under which all views are equally cherished. It is my considered judgment that when an Ivy League college president publicly attacks the American judicial system, or a particular court verdict, or the Federal government's political or military policies, he runs the risk of damaging the academic freedom of his own faculty. He also runs the risk of damaging the public image of his university as an institution which objectively welcomes all viewpoints, including the viewpoint that the American presence in Vietnam is justified. If a president wishes to speak publicly on political and social issues, he should resign his presidency and promote himself to a professorship. In a society where his every word will be taken as the university's official view, the president cannot afford the luxury of a loose lip.

Let me hasten to qualify what I have just said by emphasizing that I *would* speak out on public issues in two special situations. First, I would speak out if I felt that any pubilc issue or movement threatened the dynamic neutrality of my university. For example, I would not hesitate publicly to denounce hardhats who beat up student activists, or student radicals who burned down banks. In either case I would regard such fascistic action as the antithesis of the University spirit. In either case I would regard such action as a threat to the dynamic neutrality of the university. For if society at large tolerates the persecution of individuals for their ideas, then that persecution will ultimately reach the college professor himself.

Second, I would feel grudgingly obligated, as the representative of the University, to convey the University's sentiment on a public issue if a *majority* of *all* the constituencies (trustees, administration, faculty, and students) freely voted to place the University on record as opposing or supporting a particular political viewpoint. However, I hope that day will never come. Because when it comes, we will have established an orthodoxy which will leave no room for the unorthodox. We will have created an atmosphere in which those who decline to subscribe to the majority credo will feel pressured to move elsewhere. As Irving Kristol has said in a recent New York Times Magazine article, a majority faculty vote against the Vietnam War has one obvious expectation, namely, to "intimidate the minority into silence—through fear, shame, or embarrassment. The present demand that the university, by a majority vote, take a stand on such political issues, is nothing but an expression of McCarthyism from the Left."

When the day comes that we take majority votes on political issues, the university will no longer be a protective shield under which all ideas are freely exchanged on an equal footing. When that day comes, the university, as I have come to cherish it, will be dead.

It is obvious that I feel strongly about this matter. In act, I want to go on record today as stating that I will fight with all my strength and resources at my command, against any attempt by any student or faculty group to politicize this institution. To put the matter in a more positive vein, I will exert every effort to maintain the dynamic neutrality of Alfred University. My aim now and in the uture is to keep this instiution neutral for the simple reason that corporate neutrality is the absolute prerequisite to academic freedom. Only through such corporate neutrality is each of you guaranteed the unhampered right dynamically to advocate and to implement your own divergent views.

UNIVERSITY OF OREGON,
Eugene, Oreg., February 5, 1971.

The Editors, CHANGE MAGAZINE,
New York, N.Y.

GENTLEMEN: With his characteristically perceptive intelligence, Dr. W. Todd Furniss has analyzed the current American state of mind concerning college and university professors (*Change*, November-December, 1970). Doubtless it would be unfair to expect prognosis as well as diagnosis in a single short statement. Yet the most deeply interested readers—i.e., the professors—would be glad to have from Dr. Furniss not only a prognosis but a remedy. I hope that the editors of *Change* will open their pages to him again.

Meanwhile I venture my own thoughts concerning the ills of academs. I suggest that they derive largely from the answer credited to a number of university presidents to the question, "How many students do you have?" The somewhat blasé answer, according to report, is "Oh, about one in ten." The ratio of students to non-students may be somewhat changed from time to time and from college to college; but many inhabitants of the colleges—both professors and enrollees, to use a neutral term—would concede that the term 'student' (meaning *one who studies*) is a misnomer for a great many young people on the campus.

To be sure, this condition is not new. The American college has always harbored a good many young men—and in recent times, young women—who were chiefly engaged in growing up or in "climbing fool's hill," as one sophisticated lady of my acquaintance once referred to adolescence, delayed or otherwise. The attitude of more than on father toward higher education must surely be that expressed by Finley Peter Dunne's hero, Mister Dooley, who on being asked by his interlocutor, "Would you send your boy to college," he replied, "Sure, and when a boy is of an age to go to college, I wouldn't have him around the house."

The difference between current and former times seems to be that in the so-called good old days the young women who came to college to find a sorority or a husband, and the young men who came to college to escape from father's business or to learn the ways of the undergraduate world—or as one young man once explained to me, just to be eligible to join the University Club in Kansas City—these young people did not much disturb the students, i.e. those who came to study. Nowadays, however, the non-student comes to campus with fire in his eyes and passion in his innards: he is going to move and shake the world or know the reason why. In consequence, he gets in the way of those who see clearly, as they suppose, their mission to learn agronomy, or medicine, or economics, or physics, or one of the other mysteries.

What can be done? Perhaps nothing at all—the fever may wear itself out. This outcome, however, would appear to be unlikely. In the Occident the universities have often been given over to other uses than the advancement of learning. Francois Villon, who might well be chosen as the patron saint of some of our young people today, was presumably not given to studious discourse. Many a young man at the University of Paris, I daresay, took the name of student to gain the benefits of clergy and to escape the obligations lying outside the precincts. Were not both Oxford and Cambridge once politicized, the one as Tory, the other as Whig?

A look at the past may give us patience but it does not offer a solution to the problems of millions of young Americans who demand higher schooling—not to say higher education. Suppose we adopt the California principle, as we seem more or less to be doing—of extended schooling for everybody who wants it. I suggest that in these circumstances, the proper rationale for establishing differing institutions is not to set them up for blacks, or whites, or men, or women, or young or old: the two types of institutions should be clearly defined to include in one of them the people who know who they are—or think they do—and where they want to go. The second type of institution should be reserved for the multitude of young Americans who are in search of themselves, who strive to find an identity.

I do not wish to be thought frivolous nor do I wish to suggest that one of these institutions is more important to the national life than the other. If the United States is to provide any kind of answer to the many problems that perplex the nation and all mankind, American universities must continue to engage young people in the uninterrupted study of mathematics, logic, rhetoric, grammar, and—yes—poetry. For those young people who may require more time to become adult, or who need counseling, guidance, hope, understanding, perhaps a bit of quasi-psychiatry, some kind of institution—call it college if you like—may well be found to serve. Meanwhile the best entrance examination for the two types of colleges will include the question, "Do you know who you are?"

BOWER ALY.

ORGANIZATION OF THE COMMITTEE ON APPROPRIATIONS

(Mr. MAHON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, the Committee on Appropriations of the House of Representatives met yesterday and organized. Committee rules were adopted.

Subcommittees have been appointed. Distribution of the work of the committee has been arranged. We are prepared to move shortly to begin hearings on the new budget.

We plan to commence our hearings with an open hearing on the overall budget for the fiscal year 1972 with the Secretary of the Treasury, the Director of the Office of Management and Budget, and the Chairman of the Council or Economic Advisers.

As chairman of the committee, I have moved to strengthen the organizational alinement of several subcommittees and I have also made several new assignments of subcommittee chairmen.

The distinguished gentleman from Mississippi (Mr. WHITTEN), the ranking Democrat on the committee, will head a newly designated Subcommittee on Agriculture and Environmental and Consumer Protection.

The distinguished gentleman from Tennessee (Mr. EVINS) will move from his chairmanship of the Independent Offices—HUD Subcommittee to chair the Public Works Subcommittee.

I have appointed the distinguished gentleman from Massachusetts (Mr. BOLAND) to chair the newly designated Subcommittee on HUD-Space-Science.

The distinguished gentleman from California (Mr. MCFALL) succeeds Mr. BOLAND as chairman of the Transportation Subcommittee.

The distinguished gentleman from Oklahoma (Mr. STEED) will head the newly designated Treasury, Post Office, and General Government Subcommittee,

Mr. Speaker, I include at this point a list of our subcommittees and the membership of each:

HOUSE COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE MEMBERSHIP

Agriculture—Environmental and Consumer Protection.—Whitten, Natcher, Hull, Shipley, Evans of Colo. Andrews of N. Dak., Michel, Scherle.

Defense.—Mahon, Sikes, Whitten, Andrews of Ala., Flood, Addabbo, McFall, Minshall, Rhodes, Davis, Wyman.

District of Columbia.—Natcher, Giaimo, Pryor, Obey, Stokes, McKay, Davis, Scherle, McEwen, Myers.

Foreign Operations.—Passman, Rooney, Long, Roybal, Hathaway, Galifianakis, Shriver, Reid, Riegle, McEwen.

HUD-Space-Science.—Boland, Evins of Tenn., Shipley, Giaimo, Pryor, Roush, Jonas, Talcott, McDade, Clawson.

Interior.—Hansen, Flynt, Obey, Yates, Galifianakis, McDade, Wyatt, Clawson.

Labor-Health, Education and Welfare—Flood, Natcher, Smith, Hull, Casey, Patten, Michel, Shriver, Reid, Conte.

Legislative.—Andrews of Ala., Casey, Evans of Colo., Hathaway, Roush, Bow, Cederberg, Rhodes, Wyatt.

Military Construction.—Sikes, Patten, Long, Hansen, McKay, Cederberg, Jonas, Talcott.

Public Works.—Evins of Tenn., Boland, Whitten, Andrews of Ala., Slack, Rhodes, Davis, Robison.

State, Justice, Commerce, and Judiciary.—Rooney, Sikes, Slack, Smith, Flynt, Bow, Cederberg, Andrews of N. Dak.

Transportation.—McFall, Boland, Yates, Steed, Conte, Minshall, Edwards.

Treasury-Post Office-General Government.—Steed, Passman, Addabbo, Roybal, Stokes, Robison, Edwards, Riegle, Myers.

CONTINUED OPERATION OF THE PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS

(Mr. DOWNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNING. Mr. Speaker, our colleague, the gentleman from Maryland (Mr. GARMATZ) hoped to be able to present this address to the House this afternoon, but he was unable to attend. He has asked me to address the House as follows:

Mr. Speaker, there has been a move within the executive branch of the Government to close the eight remaining Public Health Service Hospitals and the 30 outpatient clinics. Today, I am introducing a concurrent resolution with 24 cosponsors expressing it to be the sense of the Congress that these hospitals and clinics not only remain open and funds be made available for the continued operation of these hospitals and clinics, but that additional funds be made available for the modernizing, upgrading and expanding of these existing facilities in order for the Public Health Service to provide optimum medical care and treatment to the eligible beneficiaries.

Seven other identical concurrent resolutions are being introduced simultaneously with my resolution. These seven identical resolutions are each being introduced by a Member with a Public Health Service Hospital located in his city. As of today, there are 181 sponsors of these eight concurrent resolutions. We expect to be able to add more signatures to these resolutions.

AND NOW FROM THE PEOPLE WHO BROUGHT YOU CAMBODIA

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, almost a year ago after the Cambodian invasion, the United States is again faced with a similar scenario—only this time the site is Laos. This time it is Laos that is being billed as the critical test of American policy. It may seem different because the

President says he is conforming with the Cooper-Church amendment by sending no ground troops into Laos. Yet he is not conforming with the true meaning and the spirit of the amendment as intended by the Congress. Americans are being killed and wounded as they take part in air operations over Laos.

Also the arguments in favor of this most recent incursion remain painfully familiar—"Let us widen the war so that we can end it sooner." It is in this statement that we have the paradox of American policy in Vietnam.

America is justifying her new moves by reference to the old policy of Vietnamization. From most accounts, this policy does not seem to be succeeding in Vietnam, and yet we continue to justify our actions in its name. Indeed, we undertake new operations in an attempt to make it successful.

How can the South Vietnamese army be successful in Laos or in Cambodia when these same troops have been unable to defend their homeland without American help? In addition, why do we continue even to think in terms of military solutions—solutions which never prove as decisive as the administration would have us believe at their outset. The rationale behind the invasion has been the buying of time. We have been hearing that for years now. Why are we buying time when we should be looking toward a more permanent solution to this entire conflict? If supply routes are closed during the operation, there can be new supply routes in the space of several months.

In a speech I presented in July of last year, I noted that the Communists controlled more of Cambodia than they had prior to the invasion. I am afraid this scenario may be repeated in Laos too, despite administration assurances to the contrary.

We have justified our incursions into these neighboring territories by stating that they are required to protect the remaining American troops in Vietnam. I believe that these maneuvers serve merely to extend the stay of American troops in Vietnam. All our troops should be withdrawn within the next year, and we must begin thinking in terms of a permanent political solution to the entire Southeast Asian conflict.

The American people have grown tired of the war and have grown tired and skeptical of the assurances that an end is in sight—when every few months bring an expansion. They are asking, and rightly so, will the war stop in the Laotian panhandle or will it continue to expand? I ask the same question.

Each new incursion is billed as an attempt to bring about an honorable withdrawal, but the fact of the matter is that in a conflict that has lasted 6 years, that has seen tens of thousands of American men killed in action, that has seen an entire country disrupted—there can be no such thing as an honorable withdrawal. We passed that stage long ago.

In the process we have divided our own Nation, sowed the seeds of mistrust and discontent because of false promises, and we have siphoned off valuable resources that could have been used to build and improve lives here and abroad rather than to destroy them.

Today, with many of my colleagues in the House and Senate, I have taken several steps which I feel will speed American disengagement and aid in the achievement of a settlement: I have cosponsored a bill prohibiting any further American action in Laos by any type of force. Last week, I took similar action on Cambodia.

Finally, I have called for an end to offensive operations and the withdrawal of all American troops from Vietnam by the end of this year. If the war is ever to be brought to an end, if our prisoners of war are ever to be released, Congress must take the initiative by establishing definite guidelines for American disengagement.

Seventy-three percent of our citizens have called for an end to American involvement by the end of this year. It is Congress' duty to exercise its constitutional authority to reflect these wishes and to end the war in Vietnam.

AN ALTERNATE APPROACH IN VIETNAM

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. OBEY. Mr. Speaker, Congressman WILLIAM ANDERSON and at least three of his colleagues will be introducing in the House today legislation similiar in spirit and intent to a resolution which Congressman JAMES SYMINGTON and I introduced in the last Congress.

The resolution authored by Congressman SYMINGTON and I would have limited the expenditure of funds in South Vietnam to only that amount required to finance the release and return of American prisoners of war, to provide assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, and to carry out the safe and orderely withdrawal of American military personnel from South Vietnam. A deadline of April 30, 1971, was established for combat troops, and October 31, 1971, for all support and advisory personnel, unless the Congress by joint resolution approved a finding by the President that an additional stated period of time was required.

When we introduced our resolution last year, we did so in the beliefe that it is important to restore public confidence in the Congress as an institution capable of asserting its appropriate responsibility in the conduct of international affairs and in the belief that we could do so without irrevocably tying the hands of the President in the process. We believe our resolution reflected that.

The legislation introduced by Congressman ANDERSON and others today makes it a finding of Congress "that the President and the Congress share the responsibility for establishing, defining the authority for and concluding foreign military commitments."

First, it prohibits the expenditures of funds to maintain a troop level of more than 284,000 U.S. troops in Vietnam after May 1, 1971; and

Second, it limits the expenditure of funds in or over Vietnam to that amount required to bring about the orderly termination of military operations and the safe and systematic withdrawal of remaining American troops by December 31, 1971; to insure the release of prisoners of war; to arrange asylum or other means to assure the safety of South Vietnamese who might be physically endangered by withdrawal of American forces; and to provide assistance to the Republic of Vietnam consistent with the above stated objectives.

Mr. Speaker, the legislation which Congressman SYMINGTON and I are introducing in this House today varies from the Anderson measure in two respects:

First, while our bill would require the withdrawal of American Armed Forces from Vietnam by December 31, 1971, it would do so "unless the Congress by joint resolution approves a finding by the President that an additional stated period of time is required"; and

Second, while our bill would also limit the expenditure of funds to the Republic of Vietnam consistent with certain stated objectives, such assistance would have to be "in amounts and for purposes specifically authorized by the Congress."

Mr. Speaker, we believe both of these additions to Congressman ANDERSON's proposal emphasize the shared responsibility between the Congress and the President in the area of foreign military commitments.

The first change makes it clear that the Congress does not intend to tie the hands of the President, but also retains for the Congress the authority to determine the extent of our commitment in Vietnam.

The second change makes it clear that it is the Congress which has the authority and the responsibility to specify the amount and purposes for which funds can be expended in connection with our efforts to withdraw from Vietnam.

Mr. Speaker, as I said when Congressman SYMINGTON and I introduced our resolution last year, for too long the office of the Presidency has had to bear the full burden of the conduct of this war. That is not good for the Congress. It is not good for the Presidency, and it is most certainly not good for the country.

Our legislation is an attempt to again establish the principle of cooperative responsibility between two branches of Government, and it is hoped in the process, suggest a way to obtain release of American prisoners of war and end our involvement in a war in Indochina which has been going on for too long.

A BILL TO AMEND THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

(Mr. ROUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, I rise today to introduce a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to States for the establishment, equipping, and operation of emergency communications centers to make the national emergency telephone number "911" available throughout the United States. This bill would provide stimulus and financial incentive to local communities which are interested in implementing "911" as a single, nationwide, uniform emergency telephone number.

Four years ago I became interested in the possibility of such an uniform emergency number as a relatively simple, inexpensive but effective way of combating crime. Technology utilization interested me as a result of my experience on the House Science and Astronautics Committee. In addition, I was influenced by the President's Commission on Law Enforcement and the Administration of Justice Task Force Report on Science and Technology. That report, prepared by the Institute for Defense Analysis, noted the importance of the lapse of time between a crime and the arrival of officers on the scene. Rapid time response is the key to arrest. The same is true in the case of fire. How fast the average citizen remembers or locates the right number to call in these emergencies becomes vitally important.

Subsequently I introduced a sense of Congress resolution urging the adoption nationwide of a single, uniform, emergency telephone number. And for almost a year I discussed the possibility of this idea with officials at A.T. & T. A.T. & T. was at first convinced that dialing "O" for operator was the most efficient procedure, but later became enthusiastic about the single number. In January of 1968, A.T. & T. announced they would make such a number available, it would be "911," for those communities which were interested and that the major cost would be borne by A.T. & T. to the tune of about $50,000,000.

I am sending each Member of the House a reprint of an article I wrote for the Reader's Digest for December 1968, which tells the story in greater detail.

During the last 2 years when I was not serving in the Congress, a number of Members of the House of Representatives introduced legislation to encourage the adoption of "911." I am gratified that this interest continued unabated.

In less than 3 years' time since A.T. & T. made the initial offer, 108 communities, comprising a total of 13½ million people, have adopted "911"—see attached list. I was especially proud when my own hometown of Huntington, Ind., became the first community in the Bell System to ask for and receive "911" and I was there to make the first call.

New York City is a notable example of successful adoption of "911," especially in view of its size and the difficulty of dispatching police and fire assistance in that large a metropolitan area. The commanding officer of the communications division, New York City Police Department, Inspector Anthony Bouza made the following assessment of "911" there:

> 911 gives the citizen access to the police with unprecedented speed. It is not a panacea. It requires an effective response establishment, but it impacts the longest time segment which is the citizen's contacting the police. It reduces that time very dramatically. In New York it is a fire, police, ambulance number, with the caller interacting with each of those three services directly. The system was inaugurated on July 1, 1968 in response to the President's Crime Commission Report of March, 1967, and it has proven to be one of the great successes in law enforcement. But it must be emphasized that it has to be supported by an effective response fleet.

The actual cost of installing "911" is very reasonable in most cases. Springfield, Mass., for example, had a total onetime direct cost of less than $500. However, there are indirect costs, incidental expenses that local communities incur. If the uniform emergency number is to prove fully usable, often communications systems must be analyzed and modernized. Modernization and unification frequently are needed, but go unrecognized and unattended until implementation of "911" suddenly brings them into focus. When fire and police and ambulance services are unified with a single reporting number, communications systems must be equipped to handle receiving the calls and dispatching proper assistance to the area of the call, as rapidly as possible. With or without "911" many communities should be rethinking their emergency communications systems, but many do not until the need is thrust upon them, for other priorities interfere.

The National Service to Regional Councils has undertaken a serious study of "911" over the past 2 years. They have received grants for this study, including one from the National Institute for Law Enforcement and Criminal Justice. Two of their conclusions call for active national leadership in encouraging the adoption of "911" nationwide, and funding assistance for local communities interested in doing so. It is with these two needs in mind that I am now changing the form in which I introduce legislation regarding the uniform emergency reporting number to support amending the Omnibus Crime Control and Safe Streets Act of 1968.

I am under no illusion that the way will be smooth to nationwide adoption of this single number, for I recognize that one of the severe problems is the incompatibility of telephone exchange boundaries with political boundaries. This will require a regional approach that is difficult to achieve with a variety of political entities involved. Moreover, there are jurisdictional problems to solve between police and fire departments, there are questions as to who answers the call and how these calls are dispatched or transferred. Integrating medical emergency service is something else again. Despite the problems, I agree with the National Service to Regional Councils that these are basically "mechanical" problems and that if "911" is "to be a service to the citizen and not the agency, some method or alternative must be found to achieve implementation."

I am convinced that the American public has shown great interest in this idea; that it has proven workable, and that implementation of "911" nationwide would go far to protect the average American citizen from two of the oldest and most feared dangers we meet: crime and fire. I think that for a relatively small amount of money we can contribute significantly to the safety and peace of mind of 20th-century Americans.

The list follows:

"911" DECEMBER 1970

	In service	Scheduled	Population served (in thousands)
ALABAMA			
Alexander City		October 1972	19.0
Athens	December 1969		14.0
Auburn-Opelika		December 1973	36.0
Birmingham	June 1970		350.0
Childsberg		October 1971	5.0
Clanton	July 1968		6.0
Dadeville		May 1971	3.0
Demopolis		December 1971	10.0
Eufaula		do	10.0
Evergreen	December 1969		14.0
Decatur		December 1972	34.0
Fairhope		December 1971	5.0
Goodwater		October 1972	2.0
Greenboro		August 1973	9.0
Hartselle		December 1972	5.0
Huntsville		October 1971	130.0
Jackson		December 1973	5.0
Jasper	June 1969		19.0
Lafayette		December 1970	3.0
Linden		December 1971	2.0
Madison County		October 1971	2.0
Marion		August 1971	4.0
Mobile		December 1972	292.0
Selma	August 1970		30.0
Sylacauga		October 1971	19.0
Thomasville	February 1970		3.0
Troy	October 1969		12.0
Tuscaloosa		December 1970	76.0
Tuskegee	April 1969		7.0
ARIZONA			
Sierra Vista	October 1969		15.0
ARKANSAS			
CALIFORNIA			
Alameda	April 1970		66.0
Gustine	March 1970		3.0
Rancho Santa Fe		December 1970	2.0
San Clemente	September 1970		17.0
Siskiyou County		July 1971	8.0
COLORADO			
Boulder		May 1971	66.0
Denver		do	600.0
Loveland-Berthoud		do	20.0
CONNECTICUT			
Ansonia	January 1970		20.0
Cheshire	do		16.0
Enfield		September 1971	43.0
Guilford	September 1970		11.0
Huntington	January 1970		24.0
Middlebury	October 1969		6.0
New Britain	June 1970		87.0
Newington	April 1970		22.0
Simsbury	January 1969		16.0
Seymour	January 1970		12.0
West Haven		December 1971	52.0
Walcott	September 1970		13.0
Watertown	October 1969		18.0
Waterbury	do		109.0

	In service	Scheduled	Population served (in thousands)
DELAWARE			
Kent County		October 1971	66.0
New Castle County		March 1973	308.0
Sussex County		September 1972	75.0
FLORIDA			
Jacksonville		(1)	
GEORGIA			
Albany	July 1970		89.0
Macon	May 1970		130.0
Thomasville		May 1971	35.0
IDAHO			
ILLINOIS			
Evanston	March 1970		88.0
Mount Vernon	May 1970		16.0
Oak Park		February 1971	62.0
Salem	December 1969		6.0
Vandalia	September 1970		6.0
INDIANA			
Huntington	March 1968		16.0
IOWA			
Burlington	October 1970		35.0
Clinton	November 1970		35.0
KANSAS			
Lawrence	November 1969		34.0
KENTUCKY			
Frankfort	March 1970		21.0
Mayfield	April 1970		11.0
Paducah		August 1971	35.0
Paris	June 1970		17.0
LOUISIANA			
Alexandria	April 1970		58.0
Baton Rouge	September 1970		149.0
Rayne		July 1971	10.0
Tallulah	November 1970		10.0
MAINE			
Boothbay		April 1972	.6
Boothbay Harbor		do	1.9
Camden	October 1969		3.5
Southport		April 1972	.7
MARYLAND			
MASSACHUSETTS			
Amherst	November 1970		10.3
Dalton		June 1971	7.4
Tremingham		August 1971	52.3
Haverhill (Haverhill-Groveland)		May 1971	42.0
Mattapoisett		March 1971	1.8
Quincy		October 1971	87.2
Randolf		June 1971	21.7
Southbridge		October 1971	19.4
Southwick		February 1971	1.2
Springfield	April 1969		174.5
Westfield	February 1970		26.3
Worburn		June 1971	35.1
Worchester	August 1970		186.6
MICHIGAN			
Monroe	October 1970		8.0
Oak Park	do		30.0
MINNESOTA			
MISSISSIPPI			
Belzon		December 1971	4.0
Canton	August 1970		11.0
Cleveland		May 1971	23.0
Crystal Springs	October 1970		5.0
Greenville		January 1971	55.0
Greenwood		December 1970	24.0
Hattiesburg	November 1970		39.0
Indianola	January 1970		10.0
Jackson	April 1969		165.0
Louisville	September 1970		5.0
Magee	October 1970		5.0
McComb	July 1970		17.0
Mindenhall	October 1970		3.0
Moss Point		December 1970	7.0
Philadelphia	November 1970		5.0
Vicksburg	December 1929		24.0
MISSOURI			
MONTANA			
Conrad		January 1971	7.2
Glendive	March 1970		11.2
NEBRASKA			
Alliance		September 1971	8.5
Chadron		August 1971	6.2
Grand Island	May 1970		40.0
Kimball		February 1971	5.8
Norfolk		January 1971	16.0
North Platte	September 1970		20.0
Ogallala		May 1971	5.7
Omaha	April 1970		475.0
Sidney	August 1969		8.0
NEVADA			
Humboldt County and city of Winnemucca		July 1971	5.0
NEW HAMPSHIRE			
NEW JERSEY			
Atlantic City	July 1970		58.0
NEW MEXICO			
Albuquerque		November 1971	300.0
Las Cruces	August 1970		40.0
Los Alamos	February 1970		16.0
Roswell	November 1969		40.0
NEW YORK			
Batavia	March 1970		20.0
Buffalo	July 1969		530.0
Nassau		April 1971	1,413.0
New York	July 1968		8,000.0
Olean	July 1970		[2] 20.0
Riverhead	June 1969		20.0
Southold	do		20.0
Suffolk County	do		1,000.0
NORTH CAROLINA			
Newland	August 1969		10.0
NORTH DAKOTA			
OHIO			
Sandusky	January 1969		50.0
Toledo		March 1971	400.0
OKLAHOMA			
OREGON			
PENNSYLVANIA			
Bradford	November 1970		27.0
Clearfield		December 1970	22.0
Du Bois	September 1968		18.0
Milton	Febraury 1970		10.0
Norwood	December 1969		30.0
Tarentum	January 1970		54.0
RHODE ISLAND			
SOUTH CAROLINA			
SOUTH DAKOTA			
TENNESSEE			
Brownsville	August 1969		6.0
Cleveland	June 1970		20.0
Coveington		June 1973	6.0
Dayton	June 1969		5.0
Dickson	August 1970		8.0
Gallatin	June 1969		14.0
Harriman-Rockwood	do		20.0
Humboldt	July 1969		9.0
Lebanon	October 1969		12.0
Maryville	November 1968		21.0
Milan		January 1971	5.0
Morristown		July 1971	23.0
Murfreesboro	January 1969		34.0
Nashville		April 1972	335.0
Newport		July 1971	7.0
Oakridge		May 1971	30.0
Philadelphia	November 1970		5.0
Moss Point		December 1970	7.0
Ripley		December 1971	7.0
Springfield		September 1973	14.0
TEXAS			
UTAH			
Bountiful	July 1969		30.0
VERMONT			
VIRGINIA			
Nelson County	March 1970		10.0
WASHINGTON			
Puyallup	December 1969		14.4
Renton		April 1971	26.0
Mercer Island		do	17.7
Seattle		do	524.0
WEST VIRGINIA			
Summersville	January 1970		4.0
WISCONSIN			
Eau Claire		September 1971	38.0
Whitewater	October 1969		20.0
WYOMING			
Basin	July 1970		3.5
Evanston	April 1970		4.9
Gillette	August 1969		4.5
Green River	January 1970		3.5
Jackson	June 1970		1.4
Riverton	February 1970		6.8
Rock Springs	January 1970		10.3
Thermopolos	November 1969		3.9
Wheatland	January 1970		2.3
NON-BELL			
Haleyville, Ala			
Bloomington, Ill			
Hebron, Nebr			
Lincoln			
Butler, Pa			
New Bethlehem, Pa			

---

[1] No date specified.

[2] Estimated.

POLITICAL APPOINTMENTS IN VIOLATION OF MINE SAFETY LAWS

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute.)

Mr. HECHLER of West Virginia. Mr. Speaker, 6 weeks ago today the lives of 38 coal miners were snuffed out in the Hurricane Creek mine in Hyden, Ky., where repeated violations of the Federal mine safety law had been cited by Federal inspectors. If the mine safety law passed by Congress in 1969 had been enforced, this tragedy need not have occurred.

At the time of the Hyden disaster, President Nixon indicated he wanted to fly to Kentucky to console the widows and survivors, but the weather was too bad and he canceled the trip. Instead of consoling widows, the President should insist that the mine safety law be enforced, and thereby make it unnecessary to have so many coal miners' widows in the future.

But what has happened? After the Hyden tragedy, an Iowa fund-raiser and lobbyist was appointed as chief enforcer of the coal mine safety act in the Bureau of Mines. And now today comes even more shocking news in the appointment of the Advisory Committee on Coal Mine Safety Research, which is required by section 102 of the 1969 act.

This panel makes recommendations on grants and contracts to be made in coal mine safety research. Now listen to this. Congress specifically provided in the act that the members be "knowledgeable in the field of coal mine safety research."

Listen to some of the appointees of this panel. Mrs. Jo Anne Gray of Denver, Colo., a former stewardess and supervisor of stewardess training for Continental Airlines. Is she according to the law "knowledgeable?" Well, that does not matter, because Mrs. Gray is the Republican national committeewoman from Colorado.

Then there is Mrs. Sara Abernethy, who is on the board of regents of Oklahoma College of Liberal Arts, but has nothing to qualify her to be "knowledgeable in the field of coal mine safety" as the law requires. But she has Capitol Hill Republican friends who have taken credit for her appointment.

Then there is Robert F. Ziems, an attorney from Arlington, Va. Is he knowledgeable, as the law requires? Well, he just finished a 2-year term as the Republican chairman in Fairfax, Va.

Mr. Speaker, President Nixon, who urges us to declare war on crime and lawlessness, is turning his back on violations of the mine safety law. How long is the President going to tolerate the appointment of party hacks and political muscle men to subvert the safety of the men who work in the mines?

How long is the President going to turn his back on the human sacrifices being made by coal miners every day the law is not being enforced?

This callous catering to politicians in order to pay off political debts must stop.

The President must insist on the appointment of qualified and fearless men and women to carry out the law.

The President must insist on enforcement of the law, or the slaughter will increase in the coal mines.

The following is a list of appointees to the Advisory Committee on Coal Mine Safety Research:

APPOINTEE LIST

Walter Hibbard, Jr., Chairman (former Director of the Bureau of Mines).

Earl Hayes, Executive Secretary (Chief Scientist of the Bureau).

Mrs. Sara Abernathy, Board of Regents (Oklahoma College of Liberal Arts, Altus, Oklahoma).

H. Lynne Barber, Retired Mining Executive, Cincinnati, Ohio.

Dr. William D. Carlson, President, University of Wyoming.

Dr. Ben Chastain, Associate Professor of Chemistry, Samford University, Birmingham, Alabama.

Lewis Evans, UMW.

Robert E. Ferguson, National Bureau of Standards.

S. David Freeman, Office of Science and Technology.

Dr. John M. Ide, National Science Foundation.

Mrs. Jo Anne Gray (former director Stewardess Training, Continental Airlines).

Frank L. Craft, President, Craft Enterprises (Former rep. of Cargill, Inc. (which controls Belle Isle Salt Mines in Louisiana where 20 miners died in '67).

Cloyd D. McDowell, President, Harlan County Coal Operators Association, Harlan, Ky.

Frederick J. Robbins, Bliss & Laughlin Industry, Illinois.

Harold T. Suter, V–P Consolidation Coal Company.

Ted Q. Wilson, Attorney, Tennessee.

Robert F. Ziems, Attorney, Arlington, Va.

EXPANSIONS OF THE WAR

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, while talking about winding down the war in Southeast Asia, the administration has acted to wind it up. "Watch what we do, not what we say" were the words of a prominent member of the President's cabinet. I agree that the actions of the administration are revealing—even if by a news blackout.

The latest actions of the administration in Southeast Asia—organizing and supporting a full-scale invasion of Laos—demonstrate again the necessity for Congress to end the war. It is clear that the administration does not have a plan to do so. Inherent in the so-called policy of Vietnamization is the extension of the war beyond the perimeters of South Vietnam. Thus, the battle was pushed into Cambodia. Now, it is being pushed into Laos—engulfing both countries in further death and destruction.

Last May, without consultation with or approval by Congress, the President ordered United States combat forces into Cambodia. After U.S. troops were withdrawn from Cambodia and after prolonged debate the Congress adopted the modified Cooper-Church amendment to the Special Foreign Assistance Authorization Act—Public Law 91–652—which bars the use of funds to "finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia."

In 1969, a provision had been adopted in the Department of Defense appropriations bill—Public Law 91–171—barring the use of funds "to finance the introduction of American ground combat troops into Laos or Thailand." Like language has been embodied in ensuing authorization and appropriations bills for the Defense Department, and in this year's appropriation bill—Public Law 91–668—the use of funds is prohibited "to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos." The loophole lies in the additional words providing that this language should not be construed to "prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or to aid in the release of Americans held as prisoners of war."

Since the use of U.S. airpower in Cambodia and Laos was not prohibited, the administration has not hesitated to use U.S. airpower in Cambodia and Laos in support of Cambodian and South Vietnamese forces. Obviously the administration will take advantage of any loophole in the law.

If Congress is to exercise its powers to end the war, then at a minimum the loopholes must be closed. Therefore, I have joined with a group of my colleagues in the introduction of an amendment to the Special Foreign Assistance Authorization Act—Public Law 91–652—which bars U.S. involvement, whether direct or indirect, in military operations concerning Laos.

This bill is a correlative to House Resolution 48, which I introduced at the beginning of the new Congress for myself, Mr. EDWARDS of California, Mr. FRASER, Mr. MIKVA, and Mr. ROSENTHAL. In the 91st Congress it was House Resolution 899. It bars the use of U.S. forces in combat in or over Laos without affirmative action first being taken by the Congress to sanction such use.

As long as the administration refuses seriously to seek a negotiated peace and insists upon pursuing a military solution, there will be no peace. Congress must not continue to stand by, but must exercise its responsibilities.

I have introduced House Concurrent Resolution 50, in which 26 of my colleagues have joined to produce an immediate halt to all offensive actions by U.S. forces and complete withdrawal by June 30, 1971. Since I support any legislation aimed at ending this nightmare of war afflicting our Nation and the peoples of Southeast Asia, I have joined in sponsoring the Vietnam Disengagement Act of 1971—the so-called McGovern-Hatfield amendment to end the war.

But more important than the introduction of bills and resolutions is the arousal of the public to demand the end of the war. According to the latest Gallup poll, 73 percent of the American people demand a complete withdrawal by the end of this year, at the latest. This statistical reflection of the prevailing attitude of America must be translated into vocal, insistent pressure exerted upon the Congress and the administration to end the war.

TEMPORARY NATIONAL SECURITY COMMISSION

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the past year saw a significant—and long overdue—reassertion of congressional oversight regarding our foreign and military policy. Despite this resurgence of congressional responsibility, we are now witnessing the invasion of another nation in Southeast Asia—Laos. This follows by only months the displacement of the war into Cambodia. Clearly, the role of Congress has not yet been sufficiently asserted.

There are several means to accomplish this assertion. One is the passage of legislation. To that end, I have introduced, with 26 cosponsors, House Concurrent Resolution 50, which calls for an immediate halt to all offensive actions in Southeast Asia by United States forces and for complete withdrawal by June 30, 1971. In addition, I have cosponsored H.R. 1738, which amends the Special Foreign Assistance Act of 1971, Public Law 91-652, to bar the use of United States funds and forces in or over Cambodia. And I have introduced House Resolution 48, barring the use of American forces in or over Laos.

Other legislation, aimed similarly at bringing a halt to, or at least limiting, United States involvement in the misguided war in Southeast Asia, has been and will be introduced. I intend to sponsor all such legislation: for example, a bill barring the use of United States funds and forces in and over Laos; and the Vietnam Disengagement Act of 1971—the so-called revised McGovern-Hatfield amendment to end the war.

Affirmative action must be taken on this legislation, since it is obvious that this war will not end until the Congress acts to end it by cutting off all funds and authority for United States involvement, whether direct or indirect.

Another means to accomplish the assertion of congressional authority is to continue speaking out loudly and clearly, as some of us have done, and as more are beginning to do.

Still another means to accomplish the assertion of congressional authority—not just regarding the war, but as to our entire foreign and military policy structures—is to create a body which can assess these structures and the institutions which create them, influence them, and implement them. To this end, I have introduced H.R. 3578, in which 24 of my colleagues have joined as cosponsors, to establish a Temporary National Security Commission.

The genesis of this bill lies in a congessional conference which two Senators and eight Members of the House, including myself, convened in March of 1969 to study the military budget and national priorities. That conference set the stage for the subsequent debates on the military budget which have occupied both Houses of Congress in subsequent years. Almost 2 years have passed, but the need for a commission which we previously proposed remains.

The establishment of the Temporary National Security Commission will enable Congress to assert its proper role in the determination of foreign and military policy, which have joined so tragically to produce a war in which this Nation has been involved for 10 years now. The Commission would examine the institutional structure of the military-industrial complex, the relation between military policy and the economic interests which depend on the Military Establishment, and the economic and social impact of the military-industrial complex.

The Commission would consist of 17 members: five Senators, five Representatives, six private citizens appointed by these 10 elected officials, and a representative of the Comptroller General. The congressional membership would bring to bear the exercise of the Congress responsibilities. The private citizens would be persons of the highest professional and technical capacity, some scientifically trained in matters relevant to defense, and others who are experienced in international affairs. The representative of the Comptroller General would provide needed budgetary and fiscal knowledge.

The Temporary National Security Commission would make a broad-scale study of defense and security areas. While the bill we have introduced to create the Commission intentionally does not stipulate exactly which agencies and departments are to be encompassed within this study, so as to avoid undue rigidity, it does specifically require a study of those agencies and departments established by the National Security Act of 1947. These include the National Security Council and the Central Intelligence Agency. Likewise, all components of the National Military Establishment provided in the 1947 act would be included.

The Commission would study the foregoing agencies and their activities with a view to determining:

First, what are the current national policies and objectives in the area of defense and security and, in view of such policies and objectives, whether the national interest is being properly served by the existing agencies of Government;

Second, whether existing and projected weapons systems, military installations, management procedures, and fiscal performance of such agencies conform to national policy in the area of defense;

Third, to what extent the Defense Establishment as an institution affects individual judgment in the making and execution of policy; and

Fourth, whether the relationships between agencies of the Federal Government responsible for procurement and suppliers of goods and services require modification.

The Commission would be required to make recommendations—including suggested legislation—to the Congress, particularly with regard to the improvement of policy for national security and the effectiveness of procedures and organizations in those agencies of the Federal Government which function in the area of defense.

In brief, no aspect of defense or national security would be overlooked.

The concept of such a temporary Commission of investigation derives from the Temporary National Economic Committee, established in 1938 and chaired by Senator O'Mahoney, which conducted a study into the concentration of economic power. The findings of that committee, which existed until 1941, gave impetus to the antitrust prosecutions of that period. They generated an atmosphere which achieved basic reforms—the same atmosphere which we intend that the Temporary National Security Commission would generate.

Anyone who has watched the agonized contortions of successive administrations in justifying the war in Southeast Asia cannot help but acknowledge that a major reassessment of our foreign and military policies is in order. In some regards, it is now impossible to even determine whether—to use a colloquialism, the dog wags the tail, or the tail the dog. Does our foreign policy determine our military actions and systems, or does our Military Establishment determine our foreign policy? Do we fight a war in South Vietnam, and then Cambodia, and now Laos, because our foreign policy—misguided in any case—so dictates, or do we fight because the Pentagon has so acted, and then left the foreign policy justifications to be constructed as rationalizing afterthought?

Congress must answer these questions. The Temporary National Commission can help us to do so.

The Members who have joined me in sponsoring H.R. 3578, to create the Temporary National Security Commission, are:

Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Diggs, Mr. Dow, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Mikva, Mrs. Mink, Mr. Rosenthal, Mr. Scheuer, Mr. Stokes, Mr. Tiernan, and Mr. Wolff.

DRAFTEES SHOULD NOT BE SENT TO VIETNAM WITHOUT THEIR CONSENT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, as I did in the last Congress, I have introduced in the 92d Congress my bill to bar the sending of nonconsenting draftees to Vietnam and the waters adjacent thereto. The bill is H.R. 1564. It is particularly timely for the Congress to act affirmatively on this legislation since the question of extending the Selective Service Act is again before Congress. It is particularly incumbent upon the Congress to face this issue because the sending of unwilling draftees year after year to die in an undeclared war in Southeast Asia is grievously wrong.

The tragic figures of deaths and casualties starkly reveal what an inequitable burden draftees have borne in this war. While draftees comprise only about 10 percent of the men serving in the Army, more than 30 percent of the men serving in Vietnam are draftees. Draftees account for 32 percent of the American deaths which have been sustained in Vietnam. And looking only at Army personnel, draftees account for 55 percent of the battle deaths among Army enlisted men.

A recent article which appeared in the August 15, 1970, issue of the National Journal, entitled "Defense Report—Draftees Shoulder Burden of Fighting and Dying in Vietnam," showed that an Army draftee's chances of going to Vietnam have fluctuated between 50 and 80 percent. And his chances of being killed or wounded are about 54 percent greater than that of his Regular Army counterpart.

It is insupportable that draftees—conscripted without reference to their feelings regarding the tragic Vietnam war—are the fodder which feeds the death machine in Asia. If a draftee does not consent to serve in Vietnam, he should not be sent there; he should not be called upon to risk his life for the repressive Thieu-Ky regime in what is essentially a civil war. If Congress is unwilling to end the war, as I believe it should by ceasing to appropriate the money, the least Congress can do is to end sending young men to fight in it without their consent.

SUPPLEMENTAL FUNDING FOR ESSENTIAL HOUSING PROGRAMS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, I have introduced, for myself and 25 of my colleagues, H.R. 4001 and H.R. 4160, legislation to provide supplemental funding for fiscal year 1971 for five essential programs—urban renewal, model cities, rent supplements, the section 236 rental assistance program, and the section 235 homeownership assistance program.

I initially introduced this legislation as H.R. 1115 on the opening day of this Congress, in order to bring the appropriation levels—that is, the funds actually available for use or the authorizations actually available for contracting—up to their fully authorized levels.

Thus, for urban renewal, this bill appropriates an additional $1,087,500,000—the amount representing the gap between what has been authorized by the Congress and what has in fact been appropriated by Congress. For model cities, the bill provides an additional $836,600,000; for rent supplements, $113,000,000; for section 235, an additional $25 million; and for section 236, an additional $25 million.

Each of these programs is integral to the commitment to provide a decent home in a suitable living environment for every American. The tragedy has been—and continues to be—that, while the Congress engages in handsome rhetoric and passes carefully constructed, workable programs, it fails to provide sufficient funds to make this rhetoric and these programs meaningful.

The name of the game is money. There is simply no way around that. Without that money, the cities are stymied. They do not have the funds to produce the housing which is needed. And, as the growing housing crisis across the Nation demonstrates, without Federal funds, that housing just will not be built—at least, not housing within the financial reach of low- and moderate-income families.

Let me discuss this need just in terms of section 236, as an example. The section 236 program, enacted by passage of the 1968 Housing and Urban Development Act, provides for assistance to lower income families for rental or cooperative housing, in the form of periodic payments to the mortgagee on behalf of the mortgagor. These payments serve to reduce interest costs on a market-rate project down to that which would have to be paid if the mortgage bore an interest rate of as little as 1 percent. The tenant pays no more than 25 percent of his income per month for rent.

This program is absolutely essential in New York City and New York State. It is the major Federal program relied upon by the State and city Mitchell-Lama programs. Yet, New York City alone needs approximately $40 million of section 236 funds for fiscal year 1971. How much has it received? In fiscal year 1971, New York City's Housing and Development Administration has received, as of January 20 of this year, $1,777,675. It may receive an additional $321,656.

Even if it did, it would still only be receiving a little more than five percent of its actual needs.

Obviously, even the $25 million appropriated by H.R. 1115, H.R. 4001 and H.R. 4160, with cosponsors, were provided by the Congress, New York City's needs would still far exceed the amount it would, in fact, receive. And so, too, would the needs of virtually every urban area. So, of course, we must constantly strive for greatly increased authorizations for the section 236 program, and for every other housing program. And once having succeeded, we must obtain full funding, so that the laws on the statute books have some reality in the worlds of inadequate and insufficient housing.

This year, we must obtain the additional funds—which are already authorized—for section 236, for section 235, for rent supplements, for urban renewal, and for model cities. Of course, that costs money. But, when the administration hails a trillion dollar gross national product, how can we accept any excuse for not providing the money so that the American people can live in decent housing, in decent environments, at costs they can afford? The question is, needless to say, rhetorical. No excuse is acceptable.

The following Members have joined me in cosponsoring the full funding housing supplemental appropriations bill:

Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Begich, Mr. Biaggi, Mr. Burton of California, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Dellums, Mr. Donohue, Mr. Dow, Mr. Drinan, Mr. Fraser, Mr. Halpern, Mrs. Hicks of Massachusetts, Mr. Koch, Mr. Mikva, Mrs. Mink, Mr. Mitchell, Mr. O'Neil, Mr. Podell, Mr. Rangel, Mr. Reid of New York, and Mr. Wolff.

LITHUANIAN INDEPENDENCE DAY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record.)

Mr. PRICE of Illinois. Mr. Speaker, this week we are joining with over a million Americans of Lithuanian descent in commemoration of Lithuanian Independence Day.

The Lithuanians are a peaceful people, ethnically related to neither Germans nor Russians. In 1251, 720 years ago this month, all the Lithuanian principalities were united into one kingdom. Thus they have a long tradition of self-determination. On February 16, 1918, the modern Republic of Lithuania was formed. This month marks the 53d anniversary of this event.

It is, however, a grim and tragic observance. The independent state of Lithuania was short lived. In 1939 Kremlin troops moved into Lithuania. By 1941 the Soviet Army had taken control, beginning an era of brutal occupation that continues today.

This tiny nation, held by force, is being denied its right to independence. The Lithuanian people, accustomed to freedom and self-determination, have never ceased in their efforts to rid their country of the Communist regime. The freedom of these brave people must remain a goal and duty of Congress.

Congress has annually memoralized the establishment of the modern Lithuanian Republic. It is proper that we do so, for despite their occupation by the Soviets, the Lithuanians maintain the belief and hope that they will regain their independence.

UKRAINIANS AN INDEPENDENT PEOPLE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record.)

Mr. PRICE of Illinois. Mr. Speaker, in 1918, the time when war and revolution spread across Europe, the Ukrainians fought for and won their independence from the Russian Empire. Within 2 years their country was overrun by the Red army and incorporated into the Soviet Union. As a result, today over 45 million Ukrainians are living under Kremlin domination.

These people, non-Russians, are victims of Soviet colonialism imposed by the force of the Red army. They are held in bondage, denied the blessings of liberty.

Since 1920 our Ukrainian friends have fervently desired to practice the ways of democracy. They have engaged in numerous struggles against their captors who have retaliated with weapons of starvation and execution. Despite the constraints of the Communist Party, the Ukrainians still live in the faith that their nation will be free again. Their unfailing devotion to this goal stands as a banner to all believers in liberty.

Each year we have made a practice in the House of declaring our support for an independent Ukrainian state. It is a privilege for me to again join all those who today speak in favor of this principle.

Today, as we commemorate the 53d anniversary of the independence of Ukraine, let us take time to renew our pledge to the principle of freedom and self-determination for all peoples.

FINANCIAL DISCLOSURE

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Speaker, the Committee on Standards of Official Conduct has sent to all Members, officers, and designated employees of the House the forms for making the annual financial disclosure reports required by the rules of the House.

I call attention to this, as chairman of the committee, in the hope of expediting the filing of these reports. While the deadline for the filings is not until April 30, earlier filing will facilitate the processing work of the committee staff and alleviate an 11th-hour jam. The processing requires considerable time of the committee's small staff.

So I urge all who are required to file to get their reports to the committee as early as possible. Additional forms, if needed, plus any help needed, are available from the committee's office.

Instructions and certain definitions will be found on the reverse side of the forms.

I should like to urge also that Members and officers of the House who have not already done so, advise the committee as soon as possible of their designated principal assistants, as provided in House rule XLIV, so that disclosure forms may be sent to them. Such employees, as well as professional staff members of committees, are required to file.

TRIBUTE TO LATE HONORABLE RICHARD RUSSELL—ARTICLES BY SYLVAN MEYER

(Mr. PEPPER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the Miami News, a great American newspaper, was fortunate nearly 2 years ago to find in Mr. Sylvan Meyer an able successor to the late William C. Baggs, one of the most brilliant and compassionate journalists it was ever my privilege to know.

As editor in Gainesville, Sylvan came to know the late senior Senator from Georgia, the distinguished Richard Russell, as well as any journalist could. In two articles which appeared in the January 22 and January 25, 1971, editions of the Miami News, the editor remembered the statesman.

So that colleagues might share in Mr. Meyer's observations of this great Georgian and American, I include both articles at this point in the Record:

[From the Miami News, Jan. 22, 1971]

NATION KNEW RUSSELL'S GREATNESS, AND ITS LIMITS

In the hot night of the summer of 1952, I walked through the trainload of Southerns churning toward Chicago on the Louisville and Nashville Railroad, riding the "Dick Russell" special to the Democratic National Convention.

The Senator was not to be seen. He retired early while his supporters reveled. They never thought he would win the Democratic Nomination for President. He would make a respectable showing and he would demonstrate to the rest of the party that not all Democrats went for that civil rights and racial equality business.

Of course, they didn't know Sen. Russell very well. Few people called him "Dick," for one thing. The presence and the dignity of the man suggested immediately that such familiarity would be out of place. They knew that he did not go along with the Dixiecrats, that he was not among the demagogues who used race politically and that he avoided talk of violence and hate. He had principles he believed in and they dictated to him a way things should be done; civil rights legislation he saw as unnecessary implementation of existing constitutional provisions. They didn't know he did not expect to win. They didn't know he was not anti-Negro in his personal views.

In Richard Russell's tradition of Southern patrician thought, the leading white establishment helped Negroes, joined with them politically against excesses of populism and other crudities common to the rambunctious when they seized power. In his opposition to civil rights legislation, Sen. Russell was never called, nor did he deserve to be called a racist.

Headed for Chicago, he was a man for whom the time was absolutely right, save for one issue and it became so dominant that the time frustrated his talent for the only job in the nation more powerful than the ones he held anyway. His ambition never led him to repudiate his section for national support, nor to wholy embrace its follies for its own.

The L&N train held every brand of Southerner there was, the liberals, the segregationists, the elite of establishment and the peckerwood politicos from the pine flat and hillcountry boondocks. Richard Russell had brought together every faction just because he was who he was. He personified judicious, thoughtful and progressive government, a government of compassion for all people but one whose processes must be studied minutely and carefully, never rudely jostled nor too swiftly carried past the lens of patient scrutiny by men who understood it.

Even those who wanted change then, now, understood that the country needed men like Richard Russell just to make sure that in changing the nation's attitudes no one changed its basic processes nor threatened its ability to protect every man's liberty.

Sen. Russell was the man in Chicago everyone thought would make a great President, but could never win a national election. So serious a man could not be taken seriously. If defeat bothered him he didn't show disappointment. Neither did he compromise before the enticing bait of instant national popularity.

It is hard to believe that he was younger than 55 at that time, a leader in his prime, a lifelong student and practitioner of government.

Now the trainride is long forgotten. The man Russell died as a giant of his country, bearing every honor except the Presidency. His integrity benefited the republic, perhaps even saved it from disaster, in times of military and moral peril. The country has need of men so widely recognized as perfectly honorable that their very presence, as was his on the Kennedy assassination investigation commission, carries assurance into every quarter that justice will be done.

They will say, as Sen. Russell is laid into the red earth of North Georgia, that an era has closed, a chapter in history ended. I hope that isn't true. He had a regard for the American principle that his memory should reinforce. He was both ahead of his time and very much of it, and he was largely wise in guiding it.

A modern Russell, this one unbound by that single chain of sectional history, must emerge and soon, or the nation is in the greater peril for his absence.

[From the Miami News, January 25, 1971]

RUSSELL KEPT RACIAL BATTLE FROM DESTROYING UNITED STATES

The national obituaries are saying that the late Sen. Richard Russell of Georgia became lonely and embittered during the final years of his service, hurt because a Southerner could not become President.

I think "lonely and embittered" overstates the case. Sen. Russell always kept to himself, preferring to read and study alone rather than socialize around Washington. His concentration on being a Senator and on the nation's directions fully occupied him. His singleness of purpose explains why he was right most of the time.

Some biographer, after four or five years of study, will let us know more about Sen. Russell. Meanwhile, the role of such a man in the making of America tells us a great deal about how our system works and shows us how critical to the national life one man in one place at a time of historical turmoil can be.

I last talked to him about three and half years ago. He felt terrible. His aides limited my time in his office to ten minutes and I was through with my business in eight. Although the senator was totally attentive, his lips and hands trembled and he looked washed out.

We needed a bridge in Georgia, an inexpensive little span to cost about $550,000. It crossed a Corps of Engineers reservoir to a group of islands destined to be a state-developed resort and recreation center. We had put together an incredible combination of state moneys, federal grants in aid and matching monies and expected leases from private enterprise. But there was no money with which to build the bridge. No bridge, no project.

We asked Sen. Russell to urge the Corps of Engineers to build the bridge. They were the only agency legitimately entitled to do so. All the Senator said after the meeting was, "I'll look into it."

Two months later, he called to say the bridge was OK. Now it is built. The project is moving forward. He had simply called the Corps and told them to build it, and they did.

About that time, new civil rights legislation was popping. He performed as general of the opposition. Vietnam was erupting. He was chairman of the Senate Armed Forces Committee. He was the second ranking Senator in the United States. He was ill. But he kept up with everything.

It will long be debated whether this capable and dedicated man slowed down the country's march toward racial equality or, because of his absolute allegiance to our political system, speeded it along.

Sen. Russell defended his position, and that of the Southern Old Guard, through every accepted parliamentary device and every tactic of honorable politics. In the course of the battles in which he served as strategy chief he put down his wilder and less responsible colleagues. Except for one brief demagogic dodge—a proposal that two million Negroes be transplanted to Northern states to help Northerners' appreciation of the South's problems—he deliberately avoided the inflammatory rhetoric of the typical racial hardliner.

And when Sen. Russell lost, he lost. He did not beat dead horses. He discouraged his colleagues from engaging in recriminations. Such was his conviction that the democratic process had to be sustained that once a vote came and once the vote went against him and there was nothing left to do, he accepted the verdict of the system.

This is the essence of democratic philosophy. Those who do not accept defeat at the end of the battle are in fact conceding that they never respected the rules in the first place.

Had one of the wild ones controlled Southern senators rather than Russell, unspeakable disintegration of the processes of government could have occurred. Russell yielded inch by inch, giving his recalcitrant brothers time to absorb their shocks. He would not permit the defeated group to maintain perpetual guerrilla warfare nor violate the essential process of national decision making.

For the nation's sake, he was the best man to lead the wrong side at that time. He must have been aware of the fact that he was the only Southerner with the prestige and skill to command a retreat that would save the skins of his political brethren and at the same time prevent the country from tearing itself apart.

MARY PERKINS' STORY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, few newsstories should give us greater pause for thought than those reporting the recriminations suffered by 11-year-old Mary Perkins of Sweetwater, Fla., for the act of giving her Christmas savings to a family in need.

Her crime, I suppose, was not in giving her small savings of $10 to a family evicted from their home, but, rather, for extending such a kind and generous hand to persons born of skin other than her own. Some of Mary's neighbors found this act objectionable. Some of her classmates at school inflicted abuse, both verbal and physical, to the extent that Mary's parents thought it wise to transfer her to a private school.

That the incidents of recrimination directed against Mary were few in number compared to the hundreds of warm and loving letters that poured in from Americans across the country is indeed heartening. But that she should suffer at all for putting into practice those ideals and principles this Nation holds dear is most regrettable.

Today, I offer a concurrent resolution expressing the sense of the Congress that the generous and unselfish act of Mary Perkins be commended to all Americans as the practice of public policy we promote and private conscience we espouse and worthy of emulation.

So that the widest possible audience might know the full story concerning Mary Perkins' act of generosity, I submit for the Record the transcript of a WFUN radio interview with Mary, a series of articles which appeared in the Miami News, and a copy of my concurrent resolution commending her for that act:

[From WFUN radio, South Miami, Fla.]

Mary Perkins Story

Newsman. "It's seldom that good news makes the headlines, but this morning the headlines are being made by a piece of good news and by a ten-year-old girl from Sweetwater, the small community off the trail in Miami. The little girl heard about a black policeman in the small town who had to evict a needy family from their apartment, the fact that the policeman himself gave $36 to the family and Mary who got $10 for Christmas gave the $10 to the needy family. This morning WFUN News had talked with Mary Perkins and her mother, Isabel Perkins, and I first asked Mary, why she decided to give the money away."

Mary. "Well I thought that they needed it and they needed a Christmas just like everybody else did and I didn't want them to go without a Christmas. Well, I thought maybe I could help with my $10 even if it wasn't the best thing."

Newsman. "How did it turn out?"

Mary. "Pretty good, it turned out real good. It was a real good Christmas."

Newsman. "That was Mary Perkins who gave away her $10 for Christmas to that needy family. Other children, some of them, have been shouting obscenities embarrassing little Mary and she was attacked several times and beaten up by a group, but she still says, along with her mother, that she's very proud that she did give the $10 away at Christmas time. Mrs. Isabel Perkins is the mother of five children. Mary is the oldest at ten years old, and I asked Mrs. Perkins this morning to tell us about how her daughter made her decision."

Mrs. Perkins. "Well she just simply read the story in the paper, you know and felt very depressed and very badly about it and asked her father and I if she could take her $10 and buy a little something for their Christmas which turned out to be a bigger thing than we expected, because we got several gifts you know for the children and everything, and it is the happiest Christmas we ever had and it's still the happiest Christmas in spite of what happened."

Newsman. Our good story that makes headlines this morning despite a few calls of harrassing and threats toward little Mary Perkins who did a good deed at Christmas time. A good deed now that is news headlines.

[From the Miami (Fla.) News, Jan. 7, 1971]

She Gave Gifts to Blacks: Teens Punish Mary for Crime of Caring

(By Ian Glass)

It seems that Mary Perkins' crime was that she gave her heart at Christmas-time to a needy family.

But Mary is white and the family is black, and life for Mary has been a slice of hell ever since.

In the section of Sweetwater (pop. 3,357) where the Perkins' family lives, a few teenagers have assumed the role of avengers—to punish Mary for her crime.

Mary, 11, spent $10 on Christmas presents for four black children whose parents had just been evicted from their apartment. The $10 originally had been intended for her parents' presents.

She had been touched by the action of Metro Sgt. Bill Kimbro, a black police officer overseeing the eviction, who had dug into his pocket and given the family the $36 he had saved for Christmas.

For Mary, retribution came swiftly . . . ironically, on Christmas Day.

She left the house to go riding on her brother's bicycle and a few minutes later, she said, she was attacked by the white and girls, aged about 14. They piled the bike on top of her, jumped on it, then started beating her, she said.

And they called her "nigger-lover."

When Mary returned to her home in tears, her mouth bleeding—her mother, Isabel Perkins took her to the police station.

"The police officer there said he couldn't do anything about it because he didn't see the incident happen," said Mrs. Perkins.

But the harassment continues. The same group gathers regularly in front of the Perkins' house where Mary lives with her sister Susie, 4, brother Sandy, 2, and six-year-old twins Penny and Randy.

Their chant is one of unrelieved sameness.

"Nigger-lover."

"They throw in a lot of oscenities, too," said Mrs. Perkins. "The house is just in a complete state of nerves. Mary doesn't dare leave it now except to go to school." (She is a sixth-grader at Seminole Elementary.)

"She weeps all the time and can't sleep. I'm afraid her school work is going to be affected," her mother said.

"All she was trying to do was to help people who had fallen on bad times."

Although the police say they can do nothing, Ivan Nachman, who is constable for District 1, which includes Sweetwater, has come to their aid.

Nachman was filing charges of assault against four of the teenagers—two boys and two girls—through Juvenile Court today.

"I am filing as a law enforcement agency, acting on the basis of Mrs. Perkins' affidavit," said Nachman.

Sweetwater 10 miles west of downtown Miami and north of the Tamiami Trail, has no police chief at the moment.

Its last chief, Jack Knight, retired at year's-end after 17 years of service.

But Mayor Lace said today of the Mary Perkins' case: "I certainly don't condone this, but our hands are tied. Can you tell me a law that says you can't harass your neighbor?

"I know the kids involved and they are a constant problem to this city. But it is difficult to take lawful action against juveniles these days. They're so well protected.

"They can taunt you and dare you to hit them, and you'd better make sure you don't.

"However, the council has asked our city attorney, Ed Moore, to see if he can come up with some kind of law to protect the Perkins' family.

"Though we can't get at the children, we might be able to get at their parents who aren't able to control them.

"The parents have been told what their children are doing."

[From the Miami (Fla.) News, Jan. 8, 1971]

Mary Perkins "Feels Safe Again" in Warmth of Community's Concern

(By Ian Glass)

An outpouring of understanding, following The Miami News report of a little girl's ordeal with a gang of teenagers, has "made her feel safe again," said the mother of 11-year-old Mary Perkins.

Mary learned last night that she has more friends than she ever dreamed of.

"She is so happy," her mother said today. "This has restored all of her faith."

The calls were a spontaneous outpouring of sympathy and admiration for the girl whose Christmas gift to a black family brought her a lot of suffering.

Mary read that the family, including four children, had been evicted from their apartment just before Christmas.

So she used the $10 she had saved to buy her parents gifts to give toys to the children.

On Christmas Day, a gang of white teenagers beat her up. And they have since gathered in front of the Perkins' house shouting obscenities—the mildest of which is "nigger-lover."

Assault charges against four of the gang have been filed in Juvenile Court. A hearing has been set for Jan. 29.

When the story of Mary's ordeal was told yesterday, in The Miami News, the reaction was incredible.

"People called from all over South Florida," said Isabel Perkins, Mary's mother. "And not one of them was a hate call. All were sympathetic.

"Everybody asked if there was anything they could do. One woman, who didn't give her name but said she was well known, offered to take Mary into ner home until the trouble blew over.

"A professor at the University of Miami called. A lot of teenagers did, too, wanting to talk to Mary and reassure her.

"A neighbor called and said, 'Maybe because of this, we'll have a peaceful town again and learn to love one another.

"Everybody was behind us 100 per cent. Mary feels safe again."

Sweetwater's mayor, Allen Lare, even stopped by and spent several hours with the family. Earlier, he had said police hands had been tied over the assault.

Mary's mother said many older people had called because they felt Mary had set an example that should be followed.

Miami businessman Robert M. Traugott wrote: "We thank you for doing what many of us have failed to do. Your action should have been our actions.

"Where we stood silent and still, you moved in a quiet and wondrous way to ease the sufferings of others."

He added: "Your faith and good will and your dearness give all men hope that some day the dark and sickly venom to which you have been exposed will vanish from the earth."

[From the Miami (Fla.) News, Jan. 13, 1971]

Among Mail Received From Around Country: Loving Letters to Mary Pour in From Across Nation

(By Ian Glass)

The letters continue to pour in. Some are addressed merely to "The Little Girl with a Big Heart, Sweetwater, Fla." Many contain checks. All contain loving sentiments.

Mary Perkins, 11, has become a kind of symbol of what we would like to be, a symbol of simple generosity motivated only by a desire to help less fortunate people—an old-fashioned, straight-forward benevolence.

After The Miami News story about Mary was picked up by wire services and sent around the country, a man phoned Mary's mother, Isabel Perkins, from Canada.

MARY'S STORY OF GIVING MADE HIM FEEL ASHAMED

"I am the hardest man in the world and the most selfish," he told her. "I have never done anything in my life for anybody.

"But I have just sat and thought about this story of Mary, and felt ashamed. I am going to find the neediest families in this town and I am going to do something for them."

Mary is the girl who gave up $11 she had saved to buy Christmas presents for her parents and donated it instead to four black children in a family which had been evicted from its apartment just before Christmas.

She said she was inspired by the action of Sgt. Bill Kimbro, a Metro police officer, who gave up his $36 Christmas fund to put the family up in a motel.

FOUR TEENAGERS SERVED WITH ASSAULT CHARGES

Mary's action, however, resulted in her being beaten up by a half-dozen white teenagers in Sweetwater who called her "nigger-lover," then gathered in front of her home shouting obscenities.

Four of the teenagers are being charged with assault in Juvenile Court at the end of the month on a complaint filed by Constable Ivan Nachman.

But the harassment continues even now. The brother of one girl being charged continues to taunt Mary at Seminole Elementary, where she is a sixthgrader. "Aunt Jemima," he calls her.

Actions like this puzzle Mary. "I did what I did because I wanted to," she says. "Nobody suggested it. Why did it cause trouble? You can help people through a heart fund or something like that and not get beaten up for doing it."

One of the boys who beat her comes from a needy family for whom Mary and her mother collected food and clothing a couple of years ago.

Mary does not like trouble. She is not looking forward to going to court to give evidence. "We talked about whether we should go ahead with it," said Mrs. Perkins. "We decided we would. We don't want to hurt these kids, but this may help straighten them out. We feel their parents are more responsible for this kind of thinking, anyway."

"A few Sweetwater city officials have accused us of causing trouble in the town. But I don't think that's right. I think most people are glad it came out in the open."

MARY PERKINS: SHE'S NO POLLYANNA

What kind of girl is Mary Perkins? She is certainly no Pollyanna. Oh, she believes in God and goes every Sunday to the Expressway Baptist Church on W. Flagler Street. But then, so does the rest of the family: mother, father (who sings in the choir) and Susie, 4, Sandy, 2, and six-year-old twins Penny and Randy.

She is helpful around the house, says her mother, especially in taking care of the little ones. She can be sassy and grouchy, sometimes, and her bedroom, adorned with pictures of her heroes, the Osmond Brothers, could be a bit tidier.

But her grades are normal. She is bad at math, good at science. She is an accomplished baton twirler and has won 20 trophies. She likes to ride horses, and when she grows up, she wants to be an actress.

Mary has benefited not one cent from her action. All of the checks rolling in (one Miami Beach man yesterday sent $100) go into "The Mary Perkins fund" opened by Sgt. Kimbro after people started sending him checks. The money will go to needy families.

But people all around the country have offered to take Mary into their homes to escape harassment. And this weekend Air Canada is arranging for Mary and her mother to fly to Toronto for two days to appear on a children's TV show called, appropriately, "Heart."

Mary has never been on an airplane before. She has never been out of Florida. And she has never seen snow.

Despite the harassment, Mary says she feels "great." All of her friends have told her they are proud of her. She has started replying to the hundreds of letters she has received (the whole sixth-grade class at Cutler Ridge Elementary wrote to her.)

"Many of them tell about their own bitter racial experiences," says Mrs. Perkins. "Some have made me feel quite ashamed. I have thought an awful lot about the world these last few days . . ."

[From the Miami (Fla.) News, Jan. 15, 1971]

Tearful Mary Flies Away To Be TV Star in Canada

(By Ian Glass)

Mary Perkins, the little girl with the big heart, flew with her mother to Canada today. It was her first time in a plane.

"I have goose bumps," she said as she got aboard. She then wept with excitement.

"Mary didn't sleep a wink all night," said her mother as thay arrived at Miami International Airport at dawn.

Mrs. Perkins stayed up all night, too, replying to the writers of the hundreds of letters which have poured into the Perkins' Sweetwater home.

"I wanted to get my thanks back first to the many servicemen who have written," she said.

The letters are from people all over the country who read how 11-year-old Mary gave up $10 she had saved for her parents' Christmas presents to help the children of a black family which had been evicted.

Mary later was beaten up by white teenagers.

Mary was flying today to Toronto at the invitation of the Canadian Broadcasting Co. officials of which had also read the story. She will appear on a children's TV program.

She turned up at the airport wearing a brand new outfit for the big adventure—a purple velvet pleated tunic dress, with matching suede shoes and white stockings and a white silk blouse with lavender polka dots.

On her finger she wore a ring sent by a young admirer. She carried a heavy coat because she was told it was snowing in Toronto.

"It will be the first time I ever saw snow," she said excitedly. "My mother wanted to take a Thermos, but I said it would melt."

Mary also carried a couple of school books because she would be missing a day's school. She is in the sixth grade at Seminole Elementary School.

"But my teacher told me not to worry about math this weekend—just to enjoy myself," she said.

Mary and her mother were waved off on the plane by Mary's father, Dan Perkins, an office employe at Aerodex, who shouted, "Don't forget to take lots of pictures."

Later he said, emotionally, "I am very proud of that girl."

Also at the airport was Metro Police Sgt. Bill Kimbro, whose gesture in giving up his $36 Christmas savings to help the evicted family sparked Mary's response.

Like Mary, Sgt. Kimbro has received hundreds of letters commending him for his deed. This week he received a check for $50 from TV star Steve Allen. Like all other checks which have come in, it went immediately into the "Mary Perkins Fund" which has been opened at Northside Bank of Miami to help needy children.

The balance has now reached almost $1,500.

[From the Miami (Fla.) News, Feb. 3, 1971]

Mary Perkins Moves to All-White School

(By Ian Glass)

Mary Perkins, the 11-year-old Sweetwater girl who gave up her $10 Christmas savings to help an evicted black family, has switched to a new school—the private Florida Christian School.

Ironically, it is all-white.

Mary's mother, Mrs. Isabel Perkins, said today she had made the decision because of incidents between her sixth-grade daughter and other students at Seminole Elementary School following Mary's Christmas gesture.

"We thought it best she make the break," she said. "Mary is very happy at the new school. The students all made her feel very welcome."

Why did she choose Florida Christian? "Because I wanted Mary to get a good education, and a good religious education. They read the Bible there.

"Obviously color had nothing to do with it. I guess there are no black children there because it is so far out." Florida Christian is located at 4200 SW 89th Ave.

After Mary made her Christmas gesture, she was beaten by several other white children who called her "nigger-lover." The story, reprinted throughout the United States, shocked the nation.

Among the 4,000-5,000 letters received by Mary was one yesterday, enclosing a signed picture of the first family, from Mrs. Nixon.

Mrs. Nixon wrote that she was distressed to learn of Mary's unhappiness because of her good deed. "It is as difficult to understand discrimination as it is to understand violence," she wrote. "You have set a shining example by your selfless act."

Last week, President Nixon awarded Mary a commendation "in recognition of exceptional service to others."

Despite all this, Mrs. Perkins said today, "Very few people in Sweetwater speak to us now. And many who do don't speak to us in public because they don't want to get involved."

UKRAINIAN INDEPENDENCE DAY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, on January 22, all Americans joined those Americans of Ukrainian descent and Ukrainians all over the world in celebrating the 53d anniversary of the proclamation of the Ukrainian National Republic as a free and independent nation. At the same time, those Ukrainians in their native land, behind the Iron Curtain had to observe the anniversary secretly, if at all.

I took the occasion of this year's observance to introduce legislation that calls for national recognition of Ukrainian Independence Day. My bill, which is identical to one I cosponsored in the 91st Congress and is similar to bills introduced by several of my colleagues, authorizes and requests the President to issue a proclamation designating January 22 of each year as Ukrainian Independence Day. The proclamation would formally invite the people of the United States to join with Ukrainian nationals in observing the anniversary of the day in 1918 that the people of the Ukraine proclaimed their independence and established the Ukrainian National Republic.

A national proclamation on Ukrainian Independence Day, as provided in my bill, House Resolution 137, would be appropriate to honor the nation that has to this day refused to bow to the yoke of Soviet oppression. For 2½ centuries prior to their independence, the Ukrainians were under the domination of Russian czars. During that time, the Ukrainian people never lost their dream of independence and, when the czarist government was overthrown in 1918, the Ukrainians took advantage of the opportunity and declared their independence as a nation.

We hear talk today, especially from some Members of the other Chamber of Congress, about the Soviet threat being a myth, and that Russia's desire for world domination is an unfounded fear. The talk continues in spite of the Czechoslovakian invasion and in spite of Russia's most recent activities in the Middle East.

The attitude and goals of the Soviets were as painfully obvious back in 1918 as they are today. One of the countries to quickly recognize the sovereignty and independence of the Ukrainian National Republic was the new Russian Federated Soviet Socialist Republic. Despite this recognition, Moscow soon militarily invaded the Ukraine and, after 4 years of bloodly warfare, the poorly equipped Ukrainians again found themselves under the rule of a Russian Government.

During the ensuing 48 years, the Ukrainians have not let up on their drive for freedom, in spite of the constant threat of execution deportation or starvation by Communist authorities.

The determination of the people of the Ukraine should serve as a reminder to Americans that there are people in the world who do not cease to struggle for the freedom they cherish. This struggle for freedom symbolized by Ukrainian Independence Day, January 22, should serve as an example to all of us, and a national Ukrainian Independence Day proclamation as called for in my bill would contribute to a full appreciation of that fine example.

Since I came to Congress in 1959, I have joined each year in this observance and have worked for the liberation of all captive nations. I am proud of the fact that in 1969 I was awarded the Shevceenko Freedom Award by the Congress of Americans of Ukrainian Descent for my efforts and for my support of Americans of Ukrainian descent, and I pledge to continue to work for the day that all those behind the Iron Curtain will once again be free as the proud people of the Ukraine were on January 22, 1918.

A SALUTE TO THE USO ON ITS 30TH BIRTHDAY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, over 30 years ago President Franklin D. Roosevelt called together leaders of five agencies representing the three major faiths of this country to find a way to serve the men and women of the recently mobilized forces. The YMCA, the National Catholic Community Service, the National Jewish Welfare Board, the YWCA, and the Salvation Army met with the President, agreed upon an idea and upon principles and on February 4, 1941, were chartered in New York State as the United Service Organization.

Shortly after, the Travelers Aid Association joined the USO and the organization did yeoman service, bringing a touch of home to GI's fighting a war that stretched from the South Pacific to the Elbe. The USO shows and the USO centers will always be remembered with fondness by soldiers and sailors who served in that war.

When the war ended we realized that the USO would be needed as much or perhaps even more in peacetime than in wartime, as our commitment continued around the world. In the absence of actual conflict men and women in uniform, with more free time on their hands, found isolation, boredom, and loneliness weighing even more heavily. It is completely true that as long as even one serviceman is away from home, there will continue to be a need for the USO.

As a consequence, USO has continued and has helped our servicemen and women during periods of peace as well as during the Korean conflict and now in the Vietnam conflict. Today, the USO is providing entertainment and recreation for our service people all over the world from Schenectady to Saigon.

And all of this without a cent of Federal funds. It is easy to lose sight of the fact that USO does its wonderful work with volunteers and with voluntary contributions, without once dipping into the Treasury.

And so this month marks 30 years of unparalleled service that has earned the gratitude of millions of Americans. As a former serviceman and one who is still closely involved with our men in uniform today, I take this opportunity to salute the thousands of people, mostly volunteers, who have kept the USO going over the years, with their voluntary contributions of money. It is with a tremendous amount of pleasure that I say to the USO: Thanks. Well done. Happy birthday and may you have many more years of continued service to all men and women in uniform.

THE McCLORY-STRATTON ACT, ESTABLISHING FOUR NATIONAL HOLIDAYS ON MONDAYS, GOES INTO EFFECT FEBRUARY 15

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, next Monday February 15, the Nation will observe our traditional Washington's Birthday holiday for the first time under the provisions of the Monday holiday law, Public Law 363 of the 90th Congress, approved by President Johnson on June 28, 1968—the McClory-Stratton Act.

I am proud of course, to have been the original author of this legislation, which I introduced in the House when I first came here, 12 years ago, in 1959. And the legislation which was finally adopted in 1968, the McClory-Stratton Act, was a bill which I cosponsored with the gentleman from Illinois (Mr. McCLORY who did such a brilliant job of steering it through the House Committee on the Judiciary, of which he was a member, together with our former colleague, the gentleman from Colorado (Mr. ROGERS) who was then the chairman of the subcommittee that handled the Monday holiday legislation.

Mr. Speaker, few people in legislative office ever have an opportunity to make an impact on so many Americans as is made in effecting a major change in our national calendar. The last major change in this calendar was made in 1752 with the adoption here in the American colonies of the Gregorian calendar in place of the Julian calendar.

Under the provisions of the McClory-Stratton Act Washington's Birthday falls each year, beginning in 1971, on the third Monday in February rather than automatically on February 22. Ironically enough, February 22 this year is a Monday, but it happens to be the fourth rather than the third Monday, and hence we are celebrating Washington's Birthday on Monday, February 15, the earliest date it can ever be observed under our new legislative change.

Also ironically, this year we will be observing Lincoln's Birthday, February 12, on the Friday before Washington's Birthday which comes on Monday, February 15. Of course, Lincoln's Birthday is not a national holiday, but it is observed in many States, including my own State of New York. So in these States we will find ourselves blessed not merely with a 3-day weekend—which was the basic purpose of the Monday holiday law—but with a 4-day weekend.

Some persons have expressed concern that this new holiday schedule may interfere with proper efforts to honor, for example, the life and achievements of the Father of our Country, since February 15 is not the exact date when George Washington was born. But the fact is that Washington was actually born on February 11. At the time of his birth, in 1732, we were still operating under the old Julian calendar. Eleven days were lost when we finally switched to the Gregorian calendar in 1752, which is the reason why the date of February 11 had to be changed to February 22. And to be perfectly accurate in matching the exact sidereal moment of Washington's birth, the day should be increased by one day in every 128 years since 1752, so that to be perfectly exact it should now be February 24, not February 22.

What is important, of course, is not the precise calendar date, but rather that we should have adequate time and opportunity to pause to recall the life and works of our first President. That should certainly be easier to do in a 3- or, as is the case this year, a 4-day period. And I certainly believe the opportunity for that kind of mature reflection will be considerably greater this year than it has traditionally been in previous years in the Washington-Virginia area, when February 22 was principally devoted to a flurry of cutrate sales.

Other people have been concerned that 3-day weekend holidays would mean an increase in the highway traffic death toll. But only a few weeks ago some authoritative figures were released, I believe by the National Safety Council, to support a contention that I have been making since I first introduced the Monday holiday bill; namely, that taken on a strictly per-day basis, the traffic death toll on long holiday weekends is actually less than it is on ordinary weekends. That should be reassuring to those who may hesitate to travel on these new holiday weekends because of traffic dangers.

Mr. Speaker, I imagine it will take some time for people to get adjusted to the new holidays. But I am confident they will prove beneficial, not only in providing greater opportunities to discover America, but also in greater family togetherness. And that is something we need today.

Experience may possibly suggest some changes or improvements. No law is perfect. But I am confident that as the American people get accustomed to the benefits of the McClory-Stratton Act—provided to them incidentally, without any increase in the budget or any increase in their taxes—they will insist that even more of their regular holidays be established on this same basis. And then we who were fortunate enough to be able to help in putting this new legislation on the statute books will certainly be most happy to oblige.

Let me conclude, therefore, Mr. Speaker, by wishing all my colleagues a happy holiday weekend: Happy Lincoln's Birthday and Happy Washington's Birthday, all in a single, action-packed weekend.

THE MARTIN LUTHER KING HOLIDAY BILL

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CONYERS. Mr. Speaker, I am reintroducing today a bill which would designate the birthday of the late Dr. Martin Luther King, Jr., January 15, as a national holiday. Joining me in this effort are 69 of my colleagues from both sides of the aisle. This bill was originally introduced during the tragic days following Dr. King's death in April of 1968, and again in the 91st Congress.

We seek to set 1 day aside in honor of Dr. King because we believe his example to be of singular importance to our country. The magnitude of his contribution cannot be questioned. He lived and died by his personal conviction that "injustice anywhere is a threat to justice everywhere." He was a man of wisdom and eloquence whose struggle for justice was persistent and peaceful. His was a continued dedication to the goals of a brotherhood of man with true freedom and quality of opportunity for all our citizens. I call on every American to look to the example of Dr. King's philosophy and seek solutions to the problems of war, racism, and poverty.

This past January 15 was marked across the Nation by numerous commemorative observances, school closings, and official proclamations. The States of Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Maine, Michigan, New York, Tennessee, Washington, and the District of Columbia officially honored Dr. King through either proclamations or legislative action. Innumerable municipalities and local governments observed January 15 in a variety of appropriate ways.

Dr. Ralph David Abernathy, head of the Southern Christian Leadership Conference, led a delegation to the Capitol and presented Congress with signed petitions calling for the annual holiday observance. It is estimated that 3 million people had signed the petitions which were carried that day. Since July of 1968, my office alone has received more than 700,000 individual letters and petitions carrying over 7 million signatures calling for the enactment of a holiday in honor of Dr. King. We are overwhelmed. But what is the most impressive fact is not just the amount of mail, but that most of it comes from people who seldom write Congressmen. The King holiday is obviously an issue that carries great meaning for millions of Americans.

This winter the momentum for the enactment of the King holiday increased substantially. In December, Mrs. Coretta Scott King, Dr. Abernathy, and I announced the formation of an ongoing Dr. Martin Luther King Legal Holiday Committee which is calling for passage of this bill. This national citizens committee is composed of approximately 100 representatives from government, business, labor, religion, and the arts.

Mr. Speaker, I wish to note that this bill will be introduced in the other body by the distinguished Senator from South Dakota, Mr. McGovern, and the distinguished Senator from New York, Mr. Javits. I would hope that we as Members of this great body will indicate our support and esteem of Dr. Martin Luther King, a great leader for peace, nonviolence, justice, and human dignity, by designating him as the first black American to be honored by our country with a holiday observance.

Mr. Speaker, I include at this point in the Record several of the State proclamations I have received in connection with the observances of last month. I also insert the list of cosponsors to this bill:

Executive Order Proclamation: National Human Relations Day, January 15, 1971

Whereas, the contributions of all of the various ethnic, racial, and cultural groups have been essential in the development of the heritage and values which have strengthened our pluralistic society;

Whereas, an appreciation of our heritage, values, and those contributions continues to be essential to the development of improved appreciation, respect, and understanding between the members of our society;

Whereas, a strong commitment by all of the members of our society to the goals of better human relations is essential to the continuation and preservation of the democratic traditions of our United States;

Whereas, January 15 is the birthday of Dr. Martin Luther King, Jr., who epitomized the values of non-violence, peace, and democratic changes as means for providing equality of opportunity for all of our citizens;

Now, therefore, I, John A. Love, Governor of the State of Colorado, do hereby proclaim that January 15, 1971, be designated as National Human Relations Day in memory of Dr. Martin Luther King, Jr., and the goals and values for which he gave his life.

Given under my hand and the Executive Seal of the State of Colorado, this fourth day of January, A.D., 1971.

John A. Love,
Governor.

Proclamation

(By His Excellency Thomas J. Meskill, Governor, State of Connecticut)

Martin Luther King once said, "In the final analysis all humanity is involved in a single process, and all men are brothers. To the degree that I harm my brother, no matter what he is doing to me, to that extent I am harming myself. Why is this? Because all men are brothers. If you harm me, you harm yourself."

Dr. King's words reflect his continued dedication to the goals of a brotherhood of man with true freedom and equality of opportunity for our black citizens.

The General Assembly has directed that a day be set aside each year to honor Martin Luther King "for his selfless devotion to the advancement of equality and the preservation of human rights." Accordingly, I proclaim January 15, the anniversary of the birth of this outstanding American leader, to be Martin Luther King Day in the State of Connecticut.

I urge that flags be flown on public buildings and private homes and that there be suitable observance of this occasion in the schools of this state and in our communities.

Given under my hand and seal of the State at the Capitol, in Hartford, this seventh day of January, in the year of our Lord one thousand nine hundred and seventy-one and of the independence of the United States the one hundred and ninety-fifth.

Thomas J. Meskill.

By His Excellency's command:

——— ———,
Secretary of the State.

Statement by Gov. Russell W. Peterson in Observance of Martin Luther King Day

The Reverend Doctor Martin Luther King, Jr., dedicated his life to the goal of brotherhood between black and white Americans. By word and by action he significantly advanced the cause of good race relations. He achieved this in an atmosphere of nonviolence.

His life work is a reminder that we must persist in the struggle to overcome hatred and work to achieve the good will among men which he so fervently and courageously sought. His sacrifice must not be forgotten.

Accordingly, as Governor of the State of Delaware, I designate the anniversary of his birth, Friday, January 15, 1971, as Martin Luther King Day in Delaware, and urge residents of the First States as individuals and as members of community groups to honor his memory by promoting his aims of racial understanding and good will.

Russell W. Peterson,
Governor.

Proclamation

Whereas, Martin Luther King, Jr. lived and died by his personal conviction that "injustice anywhere is a threat to justice everywhere;" and

Whereas, today, January 15, is the anniversary of the birth of Martin Luther King, Jr.;

Now, therefore, I, CECIL D. ANDRUS, Governor of the State of Idaho, do hereby proclaim January 15, 1971 as Martin Luther King, Jr. Day in Idaho, confident that the citizens will join me in this day of special observance.

In witness whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capitol, the fifteenth day of January, in the year of our Lord, Nineteen Hundred and Seventy-one and of the Independence of the United States, the One Hundred and Ninety-sixth.

Cecil D. Andrus,
Governor of the State of Idaho.

Attest:

——— ———,
Secretary of State.

Proclamation

Whereas, the late Rev. Dr. Martin Luther King, Jr., was the nation's leading advocate of seeking a solution to our national problems without violence; and

Whereas, he is still remembered as the one who brought a sense of hope not only to this country but to the entire world; and

Whereas, his tragic death robbed the world of one of its most eloquent voices in behalf of compassion, love, brotherhood and peace; and

Whereas, he lived and died by his personal conviction that "injustice anywhere is a threat to justice everywhere"; and

Whereas, his deep commitment to the concept of racial harmony has made him one of our greatest Americans;

Now, therefore, I, Kenneth M. Curtis, Governor of the State of Maine, do hereby proclaim January 15, 1971, as Martin Luther King, Jr., Day in the State of Maine.

Given at the office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this fifteenth day of January, in the Year of Our Lord, One Thousand Nine Hundred Seventy-one, and of the Independence of the United States of America, the One Hundred and Ninety-fifth.

Kenneth M. Curtis,
Governor.

Attest:

Joseph T. Edgar,
Secretary of State.

Proclamation: Michigan Human Relations Day

The contributions of the various ethnic, racial, and cultural groups have been essential in the development of the heritage and values which have strengthened our pluralistic society.

An appreciation of our heritage, values, and these contributions continues to be essential to the development of improved appreciation, respect, and understanding among the members of our society.

A strong commitment by all of the members of our society to the goals of better human relations is essential to the continuation and preservation of the democratic traditions of our United States.

January 15 is the birthday of Dr. Martin Luther King, Jr., who epitomized the values of non-violence, peace, and democratic change as means for providing equality for all of our citizens.

Therefore, I, William G. Milliken, Governor of the State of Michigan, do hereby proclaim January 15, 1971, as Human Relations Day in Michigan and urge all Michigan citizens to observe programs and other commemorative efforts, whether in schools or various communities, which seek to encourage promotion of those vital goals which Martin Luther King so well exemplified and sought throughout his lifetime.

Given under my hand and the Great Seal of the State of Michigan on this eighth day of January in the year of Our Lord One Thousand Nine Hundred Seventy-one, and of the Commonwealth, One Hundred Thirty-fourth.

William G. Milliken,
Governor.

Attest:

Richard H. Austin,
Secretary of State.

Proclamation

The fifteenth of January is the anniversary of the birth of a great and courageous American, the Reverend Dr. Martin Luther King, Jr.

He was a man of wisdom and eloquence who gave his life in the quest for justice, equality and decency. His was a life of peaceful but persistent struggle. He fought for the rights of all Americans to share fully in the bright promise of America.

It therefore is appropriate to set aside a day to show our appreciation of what Martin Luther King, Jr., tried to bring about.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim January 15, 1971, as Martin Luther King, Jr., Memorial Day in New York State.

Given under my hand and the Privy Seal of the State at the Capitol in the City of Albany this thirtieth day of December in the year of our Lord one thousand nine hundred and seventy.

By the Governor:

Nelson A. Rockefeller.

Attest:

Alton G. Marshall,
Secretary to the Governor.

A Statement by the Governor

Dr. Martin Luther King, Jr. was a major contributor to the economic, social, religious, educational and cultural progress of our nation.

Dr. Martin Luther King, Jr., had an especially important role in the minority communities as the catalyst for progress within those areas.

Dr. Martin Luther King, Jr. dedicated his life to the fulfillment of the dream that all men are created equal.

Dr. Martin Luther King, Jr. was a drum major for truth, peace, love (through nonviolent means).

Now, therefore, I, Daniel J. Evans, Governor of the State of Washington, do hereby designate Friday, January 15, 1971, as Dr. Martin Luther King, Jr. Day and I call upon all citizens to reflect upon and rededicate themselves to solving the problems he addressed, bearing in mind that discrimination and social injustices in all their forms are destructive of the nation's unity and, therefore, its strength.

Daniel J. Evans,
Governor.

Sponsors of Dr. Martin Luther King, Jr., Holiday Bill, 92d Congress, First Session

Bella Abzug, Democrat, of New York.
Joseph P. Addabbo, Democrat, of New York.
Glenn M. Anderson, Democrat, of California.
Frank Annunzio, Democrat, of Illinois.
Herman Badillo, Democrat, of New York.
William Barrett, Democrat, of Pennsylvania.
Mario Biaggi, Democrat, of New York.
Edward G. Biester, Jr., Republican, of Pennsylvania.
Jonathan B. Bingham, Democrat, of New York.
Richard Bolling, Democrat, of Missouri.
John Brademas, Democrat, of Indiana.
Frank J. Brasco, Democrat, of New York.
Phillip Burton, Democrat, of California.
Hugh L. Carey, Democrat, of New York.
Charles J. Carney, Democrat, of Ohio.
Shirley Chisholm, Democrat, of New York.
William L. Clay, Democrat, of Missouri.
George Collins, Democrat, of Illinois.
John Conyers, Jr., Democrat, of Michigan.
James C. Corman, Democrat, of California.
William R. Cotter, Democrat, of Connecticut.
John Culver, Democrat, of Iowa.
Ronald V. Dellums, Democrat, of California.
Charles C. Diggs, Jr., Democrat, of Michigan.
John G. Dow, Democrat, of New York.
Don Edwards, Democrat, of California.
Thomas S. Foley, Democrat, of Washington.
Edwin B. Forsythe, Republican, of New Jersey.
Donald M. Fraser, Democrat, of Minnesota.
Ella T. Grasso, Democrat, of Connecticut.
William J. Green, Democrat, of Pennsylvania.
Seymour Halpern, Republican, of New York.
Michael Harrington, Democrat, of Massachusetts.
Augustus F. Hawkins, Democrat, of California.
Ken Hechler, Democrat, of West Virginia.
Henry Helstoski, Democrat, of New Jersey.
Frank Horton, Republican, of New York.
Andrew Jacobs, Jr., Democrat, of Indiana.

Robert W. Kastenmeier, Democrat, of Wisconsin.
Edward I. Koch, Democrat, of New York.
Robert L. Leggett, Democrat, of California.
Ray J. Madden, Democrat, of Indiana.
Romano L. Mazzoli, Democrat, of Kentucky.
Lloyd Meeds, Democrat, of Washington.
Ralph H. Metcalfe, Democrat, of Illinois.
Abner J. Mikva, Democrat, of Illinois.
Joseph G. Minish, Democrat, of New Jersey.
Patsy Mink, Democrat, of Hawaii.
Parren J. Mitchell, Democrat, of Maryland.
F. Bradford Morse, Republican, of Massachusetts.
John E. Moss, Democrat, of California.
Claude Pepper, Democrat, of Florida.
Bertram L. Podell, Democrat, of New York.
Charles B. Rangel, Democrat, of New York.
Thomas M Rees, Democrat, of California.
Ogden R. Reid, Republican, of New York.
Henry S. Reuss, Democrat, of Wisconsin.
Donald W. Riegle, Jr., Republican, of Michigan.
Peter W. Rodino, Jr., Democrat, of New Jersey.
Benjamin S. Rosenthal, Democrat, of New York.
William F. Ryan, Democrat, of New York.
James H. Scheuer, Democrat, of New York.
John F. Seiberling, Democrat, of Ohio.
Samuel S. Stratton, Democrat, of New York.
Louis Stokes, Democrat, of Ohio.
Frank Thompson, Jr., Democrat, of New Jersey.
Morris K. Udall, Democrat, of Arizona.
Lionel Van Deerlin, Democrat, of California.
Jerome R. Waldie, Democrat, of California.
Lester Wolff, Democrat, of New York.

NURSE MANPOWER TRAINING ACT OF 1971

(Mr. ROGERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROGERS. Mr. Speaker, I am today introducing legislation, along with my colleagues, Messrs. JARMAN, KYROS, PREYER of North Carolina, CARTER, and HASTINGS, to extend for 3 fiscal years and modify title VIII, the nurse training section, of the Public Health Service Act. The present law expires on June 30, 1971.

This law was first enacted by the 88th Congress and signed into law on September 4, 1964. It was amended by Public Law 90–490, which extended the program for 2 fiscal years, through fiscal year 1971.

Basically, the nurse training title authorized grants-in-aid to collegiate, associate degree, or diploma schools of nursing, assistance grants for advanced training of nurses, and established the National Advisory Council on Nurse Training.

Health-care delivery has become one of our most important national priorities in recent years. Rising costs have placed adequate medical care beyond the reach of a sizable portion of our population. An inadequate supply of trained nursing personnel has contributed to this problem. It has been estimated that we have a shortage of over 150,000 registered nurses alone. To help meet this critical shortage, this act would provide increased grants for the construction of new and expanded facilities as well as for the replacement and rehabilitation of existing facilities for nurse training. This section also increases grants to be used in the development of new programs of nursing education.

Educational institutions have found it increasingly difficult to meet the direct costs of training nurses. Many nursing education facilities have found themselves in serious financial straits which threaten their continued operation. To help meet the rising costs of nurse training, this act would establish a new system of institutional grants based on a capitation formula for allocation of funds to nurse training facilities. This would provide a more realistic approach to meeting the financial needs of these institutions.

The need for health manpower has become acute in many areas of our country. To provide for the increased personal costs associated with nursing education, this bill would increase Government loan ceilings for nursing students. In addition it would provide a mechanism to attract nurses to areas with an acute shortage of health personnel through an accelerated loan cancellation formula.

Finally this act would increase scholarship grants to nursing schools. These grants would be made available to schools and in turn to the students of these schools on the basis of exceptional financial need.

In conclusion, let me say that we must continue to recognize the problems of health-care delivery. These problems are directly related to the adequate supply of properly trained health personnel. In order to overcome the deficit which now exists in the nursing field, we must continue to expand and support our nurse training facilities, and allow for the distribution of these nurses in the areas which have the most critical need for them.

I am hopeful that the Subcommittee on Public Health and Welfare will be able to hold hearings on this legislation in the near future.

HEALTH MANPOWER TRAINING ACT OF 1971

(Mr. ROGERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROGERS. Mr. Speaker, I am today joined by my colleagues, Mr. JARMAN, Mr. KYROS, Mr. PREYER of North Carolina, Mr. CARTER, and Mr. HASTINGS, in introducing the Health Manpower Training Act of 1971. This legislation would extend and modify title VII, the health research and teaching facilities section, of the Public Health Service Act for 3 fiscal years. The present law expires on June 30, 1971.

During the last 50 years, our technical ability to deal with health problems has increased dramatically. However, in this same period our ability to deliver these technical innovations to certain segments of the population has not kept pace with the technology. Health-related educational facilities in the United States have consistently provided a product second to no others in the world. Yet, a number of our finest medical, dental, and other health educational facilities have found themselves in serious financial straits in recent years. Several of these facilities have been forced to close their doors because of this financial crisis. Still others are operating with inadequate or outdated facilities which threaten the quality of their final product. To maintain the quality and supply of trained health manpower, we must continue to assist these institutions in meeting the increasing costs of training these personnel. In addition we must look to new categories of health personnel to meet our expanding needs.

The provisions of this act would provide for continued and increased grants for the construction of new and expanded teaching facilities as well as the replacement or rehabilitation of existing facilities for the training of physicians, dentists, pharmacists, optometrists, podiatrists, osteopaths, veterinarians, or professional public health personnel through fiscal 1974. Presently, there is a backlog of nearly $500,000,000 in approved applications for construction under this section for which there are no Federal funds available. This act would also provide for project grants for the advanced training of these types of personnel in a teaching or educational capacity.

This bill would further authorize an increase in the loan ceiling of Federal loans to students enrolled in public or other nonprofit schools of medicine, dentistry, optometry, osteopathy, pharmacy, podiatry, or veterinary medicine. In addition it would provide a mechanism to attract these personnel to areas of the country with an acute shortage of these professions through an accelerated loan cancellation formula.

To allow institutions to more adequately meet the increasing costs of health manpower training, this act would establish a new system of institutional grants based on a capitation formula. This would provide funds to a school on the basis of enrollment and represents a more realistic approach to meeting the financial needs of these institutions. Grants would also be authorized to meet the costs of special projects designed to develop new programs of health-care delivery, new types of health personnel, interdisciplinary training, and others.

Finally, this act would increase scholarship grants to students in such schools. These scholarships would be made available to schools and in turn to their students on the basis of exceptional financial need.

In conclusion let me say that we must not be lax in recognizing the magnitude of the health manpower problem in the United States. Health manpower shortages have already become acute in many areas of our country. To meet the present crisis in health care and provide for future needs, we must continue to support and expand our health educational facilities.

I am hopeful that the Subcommittee on Public Health and Welfare will be able to hold hearings on this legislation in the near future.

THE NEWSMEN'S PRIVILEGE ACT OF 1971

(Mr. WHALEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHALEN. Mr. Speaker, 30 Members of the House today join me in introducing the Newsmen's Privilege Act of 1971.

This legislation permits newsmen to keep confidential information as well as sources of that information except where disclosure is necessary to protect human life or to prevent espionage or foreign aggression against the United States.

The bill was originated in the 91st Congress but failed to gain passage. Since the initial introduction of the bill in March 1970, there has been some judicial progress as a result of certain cases along the lines of this bill. However, I believe that the broader coverage provided by this legislation, which would include the Congress, agencies, and departments, is necessary to preserve fully the intent of the first amendment.

Further legislative reinforcement also is in order because of the surprising, if not alarming, amount of public support of press censorship identified in a recent national poll. Any erosion of freedom of the press diminishes the rights of every single citizen of this country. Thus, even the slightest restriction of this freedom cannot be tolerated.

There have been attempts during the last year to bring into the courts the notes, unedited film and tapes of newspaper and television reporters. Such actions clearly are a threat to freedom of the press and the time-honored right of newsmen to protect confidential sources. If the news media are prevented from affording informants the protection of anonymity, the atmosphere we so dearly prize within the Nation gradually will become less free than the Founding Fathers intended. As one former Government official put it, newsmen are to be held accountable only for what they publish or broadcast, not for what they have in their notes.

There are some who feel that we are overreacting to this issue.

In my view, too few people, including the press itself, are reacting sufficiently to the threat to the free and uninhibited functioning of the American press and to the first amendment guarantees upon which its independence is based. It will be too late to cry "fire" when the barn is already burned to the ground.

It is worth noting that whenever a takeover of an existing government is attempted, it very frequently involves silencing or censoring the newspapers and seizing the television and radio stations. One of the principal hallmarks of the totalitarian state is control of the media.

Endorsement of this legislation, however, does not imply that the apex has been reached in the present operation of journalism in the United States today. The press is hardly perfect. Most reporters and editorialists will agree that improvement is needed. It has been traditional for the press to ignore its own warts and concentrate instead on everyone else's. But this hidebound posture is gradually changing and an era of self-scrutiny now seems to have begun.

The Washington Post, for example, which frequently draws the great ire of many public figures, has given one of its editors the license to talk about its flaws on the editorial page. Its columnist, Nicholas von Hoffman, has ventured also into this hitherto forbidden territory, apparently raising the hackles of many colleagues in the process.

I call upon my colleagues in the House to consider this bill carefully and to support, if not introduce it. I believe it will go far to insure that the freedom of the press will be preserved.

GENERAL REVENUE SHARING WITH STATE AND LOCAL GOVERNMENTS

(Mr. BETTS asked and was given permission to extend his remarks at this point in the Record and include extraneous matter.)

Mr. BETTS. Mr. Speaker, last Thursday President Nixon sent to the Congress a message spelling out in detail his recommendations for a program of general revenue sharing with State and local governments. Yesterday the President transmitted to both Houses of the Congress the actual legislation for the implementation of those recommendations.

Over the past week Congressman Harold Collier of Illinois, Congressman Barber Conable of New York and I have been in contact with the general membership of the House, inviting our colleagues to join in the sponsorship of this historic legislation. Mr. Speaker, the results of this effort are most gratifying. Over 130 Members of the House have agreed to join as cosponsors. This unusually large number of cosponsors represents nearly one-third of the total membership of the House of Representatives.

That so many Members of Congress have agreed to sponsor the President's proposed legislation at this early stage in the process provides impressive evidence that revenue sharing is, indeed, an idea whose time has come. Furthermore, during our contacts, we have found many Members, who—though unwilling to sponsor a specific bill at this time—have, nonetheless, expressed strong support for the basic concept of general revenue sharing. I think it is fair to state that the concept enjoys support from a clear majority of the House membership.

Mr. Speaker, joined by Congressman Collier and Congressman Conable, I am most pleased to introduce seven bills presenting the text of the President's general revenue-sharing legislation, carrying the names of 139 Members of the House. Mr. Speaker, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the Record immediately following my remarks.

In his state of the Union message to the 92d Congress, President Nixon stated:

> The time has come for a new partnership between the Federal Government and the States and localities—a partnership in which we entrust the States and localities with a larger share of the Nation's responsibilities, and in which we share our Federal revenues with them so they can meet those responsibilities.

This proposal for general revenue sharing represents the key element in the President's overall program to move a portion of governmental power away from Washington and closer to the people. The general revenue-sharing bill proposes to distribute among the States and their local units of government approximately $5 billion of Federal revenues during the first full year of operation. This program is a fair, simple, and direct means of moving to solve the growing fiscal impairment of State and local governments—an impairment which threatens the capacity of these units of government to provide the people with basic public services.

President Nixon's general revenue-sharing plan is fair in that it proposes to share with States and localities the progressive benefits of our Federal income tax system primarily on the basis of population, with a modest adjustment made for the respective revenue efforts of the several States. It is simple because it proposes to utilize readily available governmental statistics on population, personal income, and revenue effort for the mathematical formulations of distribution. It is direct because it proposes to move fiscal resources immediately from the Federal level to the State and local level without the necessity for creating a new layer of governmental bureaucracy.

Mr. Speaker, no one can predict today what final disposition the Congress will make of this most far reaching proposal. However, the important fact for the present is that President Nixon has presented to us an explicit plan for beginning to redress the serious political and fiscal imbalance which now obtains between the Federal Government and our State and local governments. His courageous action has set the stage for a great national debate on the means and methods by which we may improve Government at all levels and make those units of Government more responsive to the people. The distinguished chairman of the House Committee on Ways and Means has assured the President that public hearings will be held on this proposal. To assure that our legislative deliberations will result in a meaningful end product, I sincerely hope that all of my colleagues in the House will begin to publicly articulate their thoughts on this most important issue of our times.

The bill follows:

H.R. —

A bill to restore balance in the Federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Sec. 101. This Act may be cited as the "General Revenue Sharing Act of 1971".

DEFINITIONS

Sec. 201. (a) For purposes of this Act—

(1) except where otherwise indicated, the term "fiscal year" means the fiscal year of the Government of the United States;

(2) the term "general revenue" means general revenue from own sources, as defined and used by the Bureau of the Census, provided that in the case of the District of Columbia it shall include the Federal payment authorized under 47 D.C. Code § 2501(a) (81 Stat. 339);

(3) the term "Governor" means the chief executive officer of each State or his delegate;

(4) the term "individual income tax returns" means the returns of tax required to be filed on the income of individuals under the internal revenue laws of the United States;

(5) the term "local government" means a municipality, county, or township (but does not include independent school districts or special districts) as such terms are defined and used by the Bureau of the Census;

(6) the term "personal income" means personal income as defined and used by the Office of Business Economics of the Department of Commerce;

(7) the term "population" means total resident population as defined and used by the Bureau of the Census;

(8) the term "Secretary" means the Secretary of the Treasury or his delegate;

(9) the term "Attorney General" means the Attorney General of the United States or his delegate;

(10) the term "State" means the several States of the United States and the District of Columbia;

(11) the term "Bureau of the Census" means the Bureau of the Census of the Department of Commerce;

(12) the term "taxable income" means taxable income as defined by the internal revenue laws of the United States;

(13) the term "units of government" means all units of local government (including independent school districts and special districts) as such terms are defined and used by the Bureau of the Census;

(14) the term "major municipality" means any municipality with a population of 2,500 or more as reported by the Bureau of the Census;

(15) the term "major township" means any township—

(a) with a population of 2,500 or more as reported by the Bureau of the Census, and

(b) the employment ratio for which is not less than one-half of the average employment ratio of all major municipalities in such State; and

(16) the term "employment ratio" means a fraction the numerator of which is the total number of employees of any major municipality or major township as reported by the Bureau of the Census and the denominator of which is the population of such governmental unit.

(b) Where appropriate, the definitions in subsection (a) shall be based on the latest published reports of the Department of Commerce, and on the internal revenue laws in effect, on the date of enactment of this Act. The data used in applying these definitions shall be the latest published data referable to the same point or period in time. The Secretary may, by regulation, change or otherwise modify the definitions in subsection (a) in order to reflect any change or modification thereof made subsequent to such date by the Department of Commerce or by a revision of the internal revenue laws.

REVENUE SHARING APPROPRIATION

Sec. 301. (a) There is hereby appropriated for general revenue sharing for the fiscal year beginning July 1, 1971, and for each fiscal year thereafter, an amount, as determined by the Secretary, equal to the percentages provided in subsection (b) of this section multiplied by the total taxable income reported on Federal individual income tax returns for the calendar year for which the latest published statistical data are available from the Department of the Treasury at the beginning of such fiscal year.

(b) For the purposes of subsection (a), the applicable percentage is 0.96 percent for the fiscal year beginning July 1, 1971, and 1.3 percent for each fiscal year thereafter.

(c) Amounts appropriated pursuant to this section shall remain available without fiscal year limitations for the expenditures authorized by this Act.

PAYMENTS TO THE STATES

Sec. 401. (a) For any fiscal year, each State is entitled to an amount as determined by the Secretary, equal to—

(1) (i) the amount appropriated for such year pursuant to section 301 plus any amount not distributed during the previous fiscal year pursuant to subsection (b), less

(ii) an amount equal to 10 percent of the sum of the amounts described in subparagraph (i), and

(2) multipled by the factor for such State.

(b) Except as provided in subsection (f) each State which has filed an alternative formula under section 501(c) shall receive an amount equal to the amount described in subparagraph (a)(1)(ii) multiplied by the factor for such State.

(c) Each State's factor shall be obtained by—

(1) multiplying such State's population by its revenue effort, and

(2) dividing the product obtained in paragraph (1) by the sum of such products for all States.

(d) For purposes of subsection (c), the revenue effort of each State for any fiscal year shall be obtained by dividing—

(1) the total general revenue derived by such State and all of its units of government by

(2) the total personal income for such State.

(e) The amount determined under subsection (a) of this section shall be paid by the Secretary to each State at such times as the Secretary may determine during any fiscal year, but not less often than once each calendar year quarter. A pro rata portion of the amount described in subsection (b) shall be paid by the Secretary for each calendar year quarter to which an alternative formula applies, at such times as the Secretary may determine during any fiscal year but not less often than once each such quarter.

(f) The District of Columbia shall receive its share of the amount described in subsection (b) notwithstanding the requirements of section 501(c).

(g) All computations and determinations by the Secretary under sections 301 and 401 shall be final and conclusive.

PAYMENTS BY STATES TO LOCAL GOVERNMENTS

Sec. 501. (a) The local governments of each State shall be entitled to receive an amount equal to the payment to such State pursuant to section 401(a) multiplied by a fraction the numerator of which is the sum of the general revenues of all units of government of such State and the denominator of which is the sum of the general revenues of such State and all of its units of government. Such amounts shall be computed by the State on the basis of the latest data available from the Department of Commerce at the beginning of the fiscal year.

(b) Within 30 days after receipt of a payment pursuant to section 401(a), each State shall pay to each of its local governments an amount, computed on the basis of the statistical data used in subsection (a) of this section, equal to—

(1) the amount determined under subsection (a) of this section, multiplied by

(2) the ratio of each such local government's general revenue to the total general revenue of all local governments in such State.

(c) To encourage States to take the initiative in strengthening the fiscal position of their local governments and to maximize flexibility in the use of the payments authorized by this Act for meeting the particular needs of differing State and local fiscal systems, the Secretary shall accept an alternative formula for the allocation of funds as required by subsection (a) of this section (and any modification or termination of such formula) if requested by the State, provided such formula (or modification or termination of such formula) is—

(1) enacted by the State in the same manner as authorized in such State's constitution for the enactment of State laws, and

(2) approved by a formal resolution by more than one-half of the governing bodies of each of the following classes of government in such State:

(i) major municipalities,

(ii) counties, and

(iii) major townships.

In each such class of government, approval must be by governing bodies representing a majority of the population in such class. A statement of such formula indicating approval thereof in accordance with this paragraph (including a certification by the Bureau of the Census which enumerates major municipalities, counties, and major townships included in the classes referred to above) shall be filed by the Governor with the Secretary not later than 90 days preceding the first calendar year quarter to which such formula would be applicable. The provisions of such formula shall govern the use of funds allocated by this Act to local governments and shall apply for the next five fiscal years or for any lesser period approved pursuant to this subsection.

(d) Except when a formula has been adopted pursuant to subsection (c), a State's aggregate payments to all of its local governments for such State's fiscal year (from all sources other than amounts received under this Act) shall be an amount which represents not less than the average proportion of such State's general revenues received by its local governments for the three fiscal years of such State next preceding the date of enactment of this Act, unless such state demonstrates to the satisfaction of the Secretary that there has been a transfer from local governments to the State of financial responsibility for the direct support of facilities or services previously the responsibility of local governments.

QUALIFICATIONS

Sec. 601. Participation by a State in the program established by this Act shall constitute a waiver by the State of its immunity from suit by its local governments pursuant to this Act. The Governor shall, on behalf of the State and any local government which may receive any payments pursuant to this Act, give to the Secretary such assurances as he may require that such State and its local governments will—

(a) use such payments for its governmental purposes;

(b) use such fiscal and accounting procedures as may be necessary to assure (1) proper accounting for payments received by such State and its local governments, and (2) proper disbursement of amounts to which the local governments are entitled;

(c) provide to the Secretary or his representatives, on reasonable notice, access to, and the right to examine, any books, documents, papers, or records as he may reasonably require for the purposes of reviewing compliance with this Act; and

(d) make such reports to the Secretary as he may reasonably require, including any computations made pursuant to section 501.

POWERS OF THE SECRETARY

Sec. 701. (a) The Secretary is authorized to prescribe reasonable rules and regulations for carrying out the provisions of this Act and to request from any Federal agency statistical data and reports and such other information which he may deem necessary to carry out his functions under this Act, and each Federal agency is authorized to furnish such statistical data and reports and other information to the Secretary to the extent permitted by law.

(b) If the Secretary determines that a State has failed to comply substantially with any provision of this Act, other than section 1101, or any rule or regulation issued pursuant thereto,

(1) he may refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; or

(2) after giving reasonable notice and opportunity for a hearing to the Governor of such State, he shall notify the Governor that if such State fails to take corrective action within 60 days from the date of such notification, further payments to such State in excess of the amounts to which the local governments of such State are entitled under section 501 shall be withheld for the remainder of the fiscal year and for any subsequent fiscal year until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts. In the case of the failure of the State to comply, for a period in excess of 6 months after the expiration of the 60-day notice, the Secretary shall forthwith cancel any payments withheld pursuant to this paragraph for the current and for any subsequent fiscal year and shall reapportion and pay such canceled payments to all other States then entitled to receive payments under section 401 in proportion to the original installments paid to such States for the fiscal year to which such canceled payments pertain. Such payments to all other States shall be considered payments made pursuant to section 401.

(c) If a payment to a State is withheld or canceled pursuant to this section, the Secretary shall continue to pay to such State the amount to which the local governments of such State are entitled, as determined pursuant to section 501, and such State shall continue to distribute such amounts among its local governments pursuant to section 501.

(d) When a matter is referred to the Attorney General pursuant to subsection (b) (1), the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(e) The Governor shall be responsible to the Secretary for determining that local governments within his State have complied with the provisions of this Act, other than section 1101, and the rules and regulations issued pursuant thereto. If, after giving reasonable notice and an opportunity for a hearing to the chief executive officer of a local government of such State, the Governor determines that such local government has failed to comply substantially with any provision of this Act, other than section 1101, or any rule or regulation issued pursuant thereto, the Governor shall forthwith notify such local government that if it fails to take corrective action within 60 days from the date of such notification, further payments to it under this Act will be withheld for the remainder of the fiscal year and for any subsequent fiscal year until such time as he is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. The Governor shall forthwith notify the Secretary of his action.

(f) In the event of a failure by such local government to comply for a period in excess of 6 months after the expiration of a 60-day notice issued by the Governor pursuant to a determination under subsection (e), the Governor shall forthwith cancel any payments withheld for the current and for any subsequent fiscal year and shall reapportion and pay such canceled payments to all other local governments of such State then entitled to receive payments pursuant to section 501, in proportion to the original payments made to such local governments for the fiscal year to which the canceled payments pertain.

JUDICIAL REVIEW

SEC. 801. (a) Any State or local government which receives a 60-day notice under section 701 may, within 60 days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State or local government is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. A copy of the petition shall forthwith be transmitted to the Secretary; a copy shall also forthwith be transmitted to the Attorney General, who shall represent the Secretary in any litigation.

(b) The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of Title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(c) The Court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. However, if any finding is not supported by substantial evidence, the Court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous actions. He shall certify to the Court the record of any further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(d) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of Title 28, United States Code.

(e) In the event that judicial proceedings are instituted pursuant to this section, the Secretary shall after the expiration of the 6-month period provided in sections 701(b) or 701(f), or the point in time when any judicial decision becomes final and the time for appeal or rehearing has expired, whichever period is later, cancel, reapportion and pay any payments withheld pursuant to section 701 for the current and for any subsequent fiscal years.

(f) For purposes of this section, the term "Secretary" means the Secretary of the Treasury or the Governor of a State, whichever is appropriate.

REPORT BY THE SECRETARY

SEC. 901. The Secretary shall report to the President of the United States and the Congress as soon as is practicable after the end of the fiscal year on the operation of this Act during the preceding fiscal year.

ADMINISTRATIVE EXPENSES

SEC. 1001. There is hereby authorized to be appropriated such sums as may be necessary for the administrative expenses required to carry out the functions of the Government of of the United States under this Act.

NONDISCRIMINATION PROVISION

SEC. 1101(a). No person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with general revenue sharing funds.

(b)(1) Whenever the Secretary determines that any State has failed to comply with subsection (a) or an applicable regulation, he shall attempt to secure compliance by voluntary means. If the Secretary determines that compliance cannot be secured by voluntary means, he shall have the authority to (i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (ii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); or (iii) take such other action as may be provided by law.

(2) Whenever the Secretary determines that a local government has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State in which the local government is located of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the State fails or refuses to secure compliance, the Secretary shall have the authority to (i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (ii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); or (iii) take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State or local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

EFFECTIVE DATE

SEC. 1201. The effective date of this Act shall be the date of enactment; however, the first payment shall cover the period beginning October 1, 1971.

SECTION-BY-SECTION ANALYSIS OF BILL

SECTION 101—SHORT TITLE

(a) *Short title.*—Subsection (a) of section 101 provides that the Act may be cited as the "General Revenue Sharing Act of 1971."

SECTION 201—DEFINITIONS

(a) *In general.*—Subsection (a) provides general definitions for purposes of the Act.

Fiscal year.

Paragraph (1) provides that the term "fiscal year" means the fiscal year of the Government of the United States.

General revenue.

Paragraph (2) provides that the term "general revenue" of State and local governments means general revenue from their own resources, as defined by the Bureau of the Census of the Department of Commerce, provided that in the case of the District of Columbia it includes the Federal payment authorized under 47 D.C. Code section 2501 (a).

Governor.

Paragraph (3) provides that the term "Governor" means the chief executive officer of a State or his delegate.

Individual income tax returns.

Paragraph (4) provides that the term "individual income tax returns" means the returns of tax required to be filed on the income of individuals under the internal revenue laws of the United States.

Local government.

Paragraph (5) provides that the term "local government" means a municipality, county or township (but does not include independent school districts or special districts) as such terms are defined and used by the Bureau of the Census.

Personal income.

Paragraph (6) provides that the term "personal income" means personal income as defined by the Office of Business Economics of the Department of Commerce.

Population.

Paragraph (7) provides that the term "population" means total resident population, as defined and used by the Bureau of the Census.

Secretary.

Paragraph (8) provides that the term "Secretary" means the Secretary of the Treasury or his delegate.

Attorney General.

Paragraph (9) provides that the term "Attorney General" means the Attorney General of the United States, or his delegate.

State.

Paragraph (10) provides that the term "State" means the several States of the United States and the District of Columbia.

Bureau of the Census.

Paragraph (11) provides that the term "Bureau of the Census" means the Bureau of the Census of the Department of Commerce.

Taxable income.

Paragraph (12) provides that the term "taxable income" means taxable income as defined by the internal revenue laws of the United States.

Units of government.

Paragraph (13) provides that the term "units of government" means all units of local government (including independent school districts and special districts) as defined by the Bureau of the Census.

Major Municipality.

Paragraph (14) provides that the term "major municipality" means any municipality with a population of more than 2,500 as reported by the Bureau of the Census.

Major Township.

Paragraph (15) provides that the term "major township" means any township with a population of more than 2,500 as reported by the Bureau of the Census if its employment ratio is not less than one-half of the average employment ratio for all major municipalities in such State.

Employment ratio.

Paragraph (16) provides that the term "employment ratio" means a fraction the numerator of which is the total number of employees of any major municipality or major township and the denominator of which is the population of such governmental unit.

(b) *Changes and modifications in definitions.*—Subsection (b) of section 201 provides that the definitions in subsection (a) shall be based on the latest published reports available and the internal revenue laws in effect on the date of enactment. The data used in applying these definitions shall be based on the latest published data which are referable to the same point or period in time. The Secretary may, by regulation, change or otherwise modify the definitions in subsection (a) in order to reflect any change or modification thereof made subsequent to such date by the Bureau of the Census, or by a revision of the internal revenue laws.

SECTION 301—REVENUE SHARING APPROPRIATION

(a) *Appropriation.*—Section 301 provides for each fiscal year beginning on or after July 1, 1971, there shall be appropriated an amount equal to the percentages specified in subsection (b) multiplied by taxable income reported on Federal individual income returns for the calendar year for which the latest published statistical data are available from the Department of the Treasury at the beginning of such fiscal year.

(b) Subsection (b) provides that for the fiscal year beginning July 1, 1971, the applicable percentage is 0.96 and that it will be 1.3 percent for each fiscal year thereafter.

(c) *Fiscal year limitation.*—Subsection (c) provides that amounts appropriated pursuant to this Act shall remain available without fiscal year limitation for the expenditures authorized by this Act.

SECTION 401—PAYMENTS TO STATES

(a) *In general.*—Subsection (a) provides that for any fiscal year each State is entitled to an amount, determined by the Secretary, equal to the amount appropriated for such year pursuant to section 301 plus any undistributed amount of the prior year's incentive allocation (less 10 percent of the sum of such amounts) multiplied by the factor for such State.

(b) *Incentive payment.*—Subsection (b) provides that any State which together with its local governments adopts an alternative formula for the distribution of funds among the State and its local governments shall receive an amount equal to the 10 percent incentive allocation multiplied by the factor for such State.

(c) *State factor.*—Paragraphs 1 and 2 of subsection (c) provide that each State's factor shall be obtained by (1) multiplying such State's population by its revenue effort, and (2) dividing the product obtained in paragraph 1 by the sum of such products for all States.

(d) *Revenue effort.*—Subsection (d) provides that the revenue effort of each State for any fiscal year is obtained by dividing the total general revenue derived by such State and all of its units of government from their own resources by the total personal income for such State.

(e) *Payments.*—Subsection (e) provides that the payments determined under subsection (a) of this section shall be paid by the Secretary to the State at such times as the Secretary may determine during any fiscal year, but not less often than once each calendar year quarter.

(f) *District of Columbia payment.*—Subsection (f) provides that the District of Columbia will receive the incentive payment notwithstanding the provisions of section 501(c).

(g) *Final and conclusive determinations.*—Subsection (g) provides that all determinations by the Secretary under sections 301 and 401 shall be final and conclusive.

SECTION 501—PAYMENTS BY STATES TO LOCAL GOVERNMENTS

(a) *Computation of pass-through amount.*—Subsection (a) of section 501 provides that the local governments of each State are entitled to an amount equal to the payment to such State pursuant to section 401 multiplied by a local distribution factor computed on the basis of the latest data available from the Department of Commerce, referable to the same point or period of time.

Numerator.

The numerator of the local distribution factor is the total general revenue derived by all units of governments in such State from their own resources.

Denominator.

The denominator of the distribution fraction is the total general revenue derived by such State and all of its units of government from their own resources.

(b) *Payment to each local government.*—Subsection (b) provides that each State shall pay to each local government an amount equal to the amount determined under subsection (a) of section 501 multiplied by the ratio of such local government's general revenue from its own resources to the general revenue of all local governments in such State from their own resources.

(c) *Alternative distribution formula.*—Subsection (c) of section 501 provides that the Secretary shall accept an alternative formula for the distribution of funds, when filed by the State, provided such formula is approved by the State and by its general-purpose local governments.

Approval.

(1) *State.*—Paragraph (1) of subsection (c) provides that the alternative formula must be approved by the State in the same manner as authorized in such State's constitution for the enactment of its own laws.

(2) *General-purpose local governments.*—Paragraph (2) of subsection (c) provides that the alternative formula must be approved by a formal resolution by more than one-half of the governing bodies of each of the following classes of government in such State: (a) major municipalities, (b) counties, and (c) major townships. In each such class of government, approval must be by governing bodies representing a majority of the population in such class.

Filing.

The alternative formula must be filed not later than 90 days preceding the first calendar year quarter to which it would be applicable.

Period of effectiveness.

The provisions of the formula are effective for the period provided in such alternative formula or for a 5-year period, whichever is shorter.

Modification or termination of formula.

The alternative formula may be modified or terminated if such modification or termination is approved by the State and its local governments in the same manner as provided for adopting such formula.

(d) *Maintenance of existing payments.*—Subsection (d) of section 501 provides that, except when an alternative formula is adopted pursuant to section 501(c), a State's aggregate payments to all of its local governments for such State's fiscal year (from all sources other than amounts received under this Act) shall be an amount which represents not less than the average proportion of such State's general revenue received by its local governments for the three fiscal years of such State next preceding the date of enactment of this Act. A State may show to the satisfaction of the Secretary that it should not be required to meet this maintenance standard where there has been a transfer from local governments to the State of financial responsibility for direct support of facilities or services.

SECTION 601—QUALIFICATIONS

In general.—Section 601 provides that participation by any State in this Act is a waiver by any such State of its immunity from suit by its local governments pursuant to section 801. The Governor must give the Secretary such other assurances as he may require that the State and its local governments will use and account for such revenue sharing funds in accordance with this Act.

Governmental Purposes.

Subsection (a) provides that payments received pursuant to this Act shall be used for a State or local government's governmental purposes.

Accounting and disbursement.

Subsection (b) provides that a State and its local governments shall use procedures necessary to assure proper accounting for payments received under this Act and proper disbursement of amounts to which the local governments are entitled.

Compliance.

Subsection (c) provides that a State and its local governments must provide the Secretary, on reasonable notice, access to, and the right to examine any book, document, paper or record that he may reasonably require for the purpose of reviewing compliance with this Act.

Reports.

Subsection (d) provides that a State and its local governments shall make such reports to the Secretary as he may reasonably require, including any computations made pursuant to section 501.

SECTION 701—POWERS OF THE SECRETARY

(a) *Regulations.*—Subsection (a) of section 701 provides that the Secretary is authorized to prescribe reasonable rules and regulations for carrying out the provisions of this Act and to request from any Federal agency statistical data, reports and such other information as he may deem necessary for the purpose of carrying out his functions under this Act.

(b) *Failure of Compliance by State Government.*

In general. Subsection (b) of section 701 provides that if, after giving reasonable notice and an opportunity for a hearing, the Secretary determines that a State has failed to comply with any provision of the Act (other than section 1101) or any rule or regulation issued pursuant thereto, he shall proceed as specified in this section.

Referral.

The Secretary may refer the matter to the Attorney General with a recommendation that appropriate action be taken.

Notification.

The Secretary may notify the Governor that if the State fails to take corrective action within 60 days from the date of a notification that it has failed to comply, further payments to such State in excess of the amounts to which the local governments of such State are entitled under section 501 will be withheld for the remainder of the fiscal year and for any subsequent fiscal year, until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts.

Cancellation of payments.

Section 701 also provides that if a State fails to comply for a period of six months after the expiration of a 60-day notice that its payments will be withheld, the Secretary shall cancel any payment withheld pursuant to subsection (b) for the current and for any subsequent fiscal year.

Reapportionment of payments. The Secretary shall reapportion any cancelled payments to all other States then entitled to receive payments under section 401 of this Act, in proportion to the original installments paid to such States for the fiscal year to which such cancelled payments pertain. Amounts redistributed to States pursuant to section 701 are considered payments made pursuant to section 401.

(c) *Payments to local governments.* Subsection (c) of section 701 provides that if payments to a State are withheld or cancelled pursuant to this section, the Secretary shall continue to pay to such State the amount to which the local governments of such State are entitled under section 501 (computed as if the payment to such State had been made) and such State shall continue to distribute such amount among its local governments.

(d) *Power of the Attorney General.* Subsection (d) provides that when a violation is referred to the Attorney General under section 701(b), he may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(e) *Failure of compliance by local government.*

In general.—Subsection (e) of section 701 provides that the Governor shall be responsible for determining that local governments within his State have complied with the requirements of this Act (other than section 1101) and the rules and regulations issued pursuant thereto.

Notice of failure of compliance. Subsection (e) also provides that if after giving reasonable notice and an opportunity for a hearing to the chief executive officer of a local government, a Governor determines that a local government within his State has failed to comply, he shall notify such local government that if it fails to take corrective action within 60 days from the date of such notification, further payments to such local government will be withheld for the remainder of the fiscal year and for any subsequent fiscal year until such time as he is satisfied that appropriate corrective action has been taken.

Notification to Secretary. The Governor shall notify the Secretary of his action.

(f) *Cancellation of payments.*—Subsection (f) provides that if a local government fails to comply for a period of six months after the expiration of the 60-day notice, the Governor shall cancel any payments withheld for the current and for any subsequent fiscal year.

Reapportionment. The Governor shall reapportion and pay any cancelled payment to all other local governments of such State then entitled to receive payments pursuant to section 501, in proportion to the original payments made to such local governments for the fiscal year to which the cancelled payments pertain.

SECTION 801.—JUDICIAL REVIEW

(a) *Filing of a petition for review.* Subsection (a) of section 801 provides that any State or local government which receives a 60-day notice under section 701 pursuant to a determination that payments to it will be withheld may, within 60 days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State or local government is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. A copy of the petition shall be transmitted to the Secretary and the Attorney General.

(b) *Objections to Secretary's action.*—Subsection (b) of section 801 provides that no objection to the action of the Secretary shall be considered by the Court unless such objection has been urged before the Secretary.

(c) *Jurisdiction of Court.*—Subsection (c) of section 801 provides that the Court may affirm or modify the Secretary's action, or set it aside, in whole or in part.

Findings of fact.

The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. If any finding is not supported by substantial evidence, the Court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new findings of fact and may modify his previous actions.

(d) *Review.*—Subsection (d) of section 801 provides that the judgment of the Court shall be subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of Title 28 of the United States Code.

(e) *Cancellation of Payments.*—Subsection (e) of section 801 provides that, in the event that judicial proceedings are instituted pursuant to this section, the Secretary shall, after the expiration of the six months period provided in section 701 or the point at which any judicial decision becomes final, whichever is later, cancel, reapportion, and pay any payments withheld pursuant to section 701 for the current and any subsequent fiscal year.

(f) *The term "Secretary".*—Subsection (f) of section 801 provides that, for the purposes of section 801, the term "Secretary" means the Secretary of the Treasury, or the Governor of a State, whichever is appropriate.

SECTION 901.—REPORT BY THE SECRETARY

In general.—Section 901 provides that the Secretary of the Treasury shall report to the President of the United States and the Congress, as soon as is practicable after the end of the fiscal year, on the operation of this Act during the preceding fiscal year.

SECTION 1001.—ADMISTRATIVE EXPENSES

In general.—Section 1001 authorizes an appropriation for general administrative expenses required by this Act.

1101.—NONDISCRIMINATION PROVISIONS

(a) *In general.* Subsection (a) of section 1101 provides that no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color or national origin under any program or activity funded in whole or in part with general revenue sharing funds.

(b) (1) *Failure of Compliance by State.*

When the Secretary determines that a State has failed to comply with this section, he shall attempt to secure compliance by voluntary means.

If the Secretary determines that compliance cannot be secured by voluntary means, he may—(1) refer the matter to the Attorney General with a recommendation that appropriate civil action be instituted, (2) exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), or (3) take any other action as may be provided by law.

(2) *Failure of compliance by local government.*

When the Secretary determines that a local government has failed to comply with this section, he shall notify the Governor of the State in which the local government is located that the local government is in violation of this section and he shall request the Governor to secure compliance. If the State is unable or refuses to secure compliance, the Secretary may—(1) refer the matter to the Attorney General with a recommendation that appropriate action be instituted, (2) exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), or (3) take such other action as may be provided by law.

(d) *Power of the Attorney General.*

When a violation is referred to the Attorney General or whenever he has reason to believe that a State or local government is engaged in a pattern or practice in violation of provisions of this section, he may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

SECTION 1201.—EFFECTIVE DATE

The effective date of this Act shall be the date of enactment. The first payment shall be for the period beginning October 1, 1971.

RETIREMENT OF GEN. GEORGE F. GRAF, OHIO NATIONAL GUARD

(Mr. BETTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETTS. Mr. Speaker, one of the outstanding citizens of my home community, Gen. George F. Graf, of Findlay, Ohio, is retiring from the Ohio National Guard after a distinguished military career.

I mention this not only because of my close personal friendship with General Graf but mostly because I know my colleagues are interested in the record and achievements of men who have given so much of their lives in the defense and protection of our country.

General Graf has amassed an impressive list of accomplishments and honors both in his military and civic life. Too often our military leaders associate themselves solely with military activities. But General Graf has unselfishly responded at all times to the demands of his community. In many ways and in many fields he has worked for social, economic, and cultural improvement. Identification with such worthy causes commands the kind of respect which definitely increases the stature of a military leader.

The Armed Forces will lose the services of a valued officer with his retirement and I am hopeful that his record will be a standard for those who, in military or other involvements, are seeking a better America. I am also hopeful that my colleagues will share in the pride of our local community over General Graf's accomplishments and join me in extending our gratitude and best wishes.

LINCOLN AND THE ELECTORAL COLLEGE

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, the campaign to abolish the electoral college method of choosing the President will undoubtedly be renewed in the near future. Joint resolutions providing for the submission of a constitutional amendment for consideration by the States have been reintroduced in the present Congress.

Both proponents and opponents will be interested in what Abraham Lincoln had to say on the subject. While a member of this great body from Illinois, he became acquainted with Patrick W. Tompkins, a fellow-Whig from Mississippi. Tompkins showed Lincoln a letter from Josephus Hewett, a Natchez lawyer who had formerly practiced in Springfield.

In a communication to his former fellow-townsman dated **February 3, 1848,** from Washington, Congressman Lincoln put the case for retention of the electoral college tersely but adequately. The pertinent paragraph from his letter follows:

> Your whig representative from Mississippi, P. W. Tompkins, has just shown me a letter of yours to him. . . . I was once of your opinion, expressed in your letter, that presidential electors should be dispensed with; but a more thorough knowledge of the causes that first introduced them, has made me doubt. Those causes were briefly these. The convention that framed the constitution had this difficulty: the small states wished to so frame the new government as that they might be equal to the large ones regardless of the inequality of population; the large ones insisted on equality in proportion to population. They compromised it, by basing the House of Representatives on *population,* and the Senate on *states* regardless of population; and the executive on both principles, by electors in each state, equal in numbers to her senators *and* representatives. Now, throw away the machinery of electors, and the compromise is broken up, and the whole yielded to the principle of the large states.

THE CURRENT OPERATION IN LAOS

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, I rise to express my support for the current operation in Laos, which is being carried out by ARVN forces.

This long overdue operation is designed to cut the Communists' last major remaining supply line—the Ho Chi Minh Trail. The successful Cambodian operation, which closed the port of Sihanoukville to the Communists, has forced North Vietnam to become almost completely dependent on the Ho Chi Minh Trail.

Disruption of this supply line will protect the continued withdrawal of American troops from South Vietnam. To not have acted at this time, when the movement of supplies along the Ho Chi Minh Trail is reaching a peak, would have enabled the enemy to inflict heavier casualties on our forces and would have slowed the withdrawal of American troops from South Vietnam. Our failure to act would have permitted the North Vietnamese to continue with impunity to use Laos as a staging grounds for aggressive action in South Vietnam.

Finally, as the North Vietnamese aggressors come face to face with the improved fighting capability of the South Vietnamese forces, this may well have a sobering effect on the Communists. It may well cause Hanoi to see that they cannot succeed in their aggression and meaningful negotiations could commence to bring a lasting peace to Southeast Asia.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1916 Einstein predicted the existence of gravity waves in his general theory of relativity. It was not until June 1969 that his theory was confirmed by Dr. Joseph Weber of the University of Maryland. Weber's resourcefulness and years of hard work and dedication led to the perfection of a system of gravity wave detectors which confirmed that signals he detected originating from the Milky Way Galaxy were gravitational waves. Just as the confirmation of the existence of electromagnetic waves over 80 years ago led to a scientific revolution so may the work of Joseph Weber open up the mysteries of our universe.

APPALACHIAN DEVELOPMENT

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, the Subcommittee on Economic Development of the Senate Public Works Committee has been conducting hearings this week on the authorization of funds for the Appalachian development program. In that 12 of the 13 counties in Ohio's 10th Congressional District are in the Appalachia region, I would like to share with my colleagues of the House the remarks I have offered the subcommittee outlining our experience with the Appalachia program. This brick-and-mortar type program has been most effective and important to Appalachia Ohio in solving the problems unique to our area and providing us with a Federal-State commitment which is necessary for the continued economic development of the area.

The statement follows:

STATEMENT OF HON. CLARENCE E. MILLER BEFORE THE COMMITTEE ON PUBLIC WORKS

Mr. Chairman, I am extremely grateful for this opportunity to express my views to this Subcommittee on the Appalachian Regional Development Program, a program which has had a profound impact in the Tenth Congressional District of Ohio which I am privileged to represent.

I have noted that while many Senators on the Committee are familiar first hand with the results of this program in their own states, neither of the Senators from Ohio are on the Committee.

I want to take this opportunity to reinforce the evidence that the Appalachian Program has been successful by describing for you some of the results in Ohio's Tenth Congressional District.

There is no disputing the fact that in all too many instances the mountain counties in many of our Applachian States have been orphans. For too long our hill counties were ignored by the State Capitol and the Federal Government. The one great virtue of the Appalachian Regional Development Program has been that through the unique political partnership of the Federal Government, the states, and the localities, these Grievances of the past have been remedied and we are now making good headway in meeting our needs and solving our problems.

Certainly in our district, we can point to a substantial turnaround in emphasis and attention from our State Capitol as well as the Federal Government.

But the great virtue of this program has been that it does not attempt to dictate to us from the top. Instead, we make our own plans and devise our own solutions at the local level and through the Appalachian Regional Commission, the State Government and the Federal Government join forces to help us get the job done.

Equally important from the point of view of Congress, the dollars under this program are not wasted but are spent in a very orderly and systematic way.

Much of the Tenth District has been isolated from the economic activity occurring in other parts of Ohio and nearby areas. Appalachian Development Highway Corridor "D" is being built through the heart of our district to eliminate that isolation. When the highway is finished, we will be on one of the main arteries linking the St. Louis and Cincinnati areas to Washington and Baltimore, and we expect to reap many economic benefits as a result.

We are getting ready for the expected impact which that highway will have by attempting to upgrade the abilities of our work force through improved health and education.

It would be impossible to adequately describe in the short time available the dramatic improvement in vocational education in our district which has been made possible under the Appalachian Program.

Fortunately, since the Appalachian Act was passed in 1965, Ohio has adopted a new state vocational education program. So our progress in vocational education has accelerated even more and no small share of the credit goes to the Appalachian Program.

We have built two major area vocational and technical centers in Southeastern Ohio with Appalachian funds. The new Tri-County Joint Vocational High School and Technical Institute at Nelsonville, Ohio, has been in operation for two years. Student response has been so enthusiastic that we now find that the facility is not large enough. The school was planned for 300 11th and 12th grade students. The first year, 450 were enrolled and the second year, 600. Applicants have come from all parts of Appalachian Ohio and neighboring West Virginia.

The demand for entrance to the post-high school Technical Institute has been just as great. Instead of the expected 100 applicants in the first year we had 265 full-time and 150 part-time students enrolled. And this year there are 541 full-time students.

Perhaps we can appreciate the enormous success of this new center when I point out that it was the first facility of its kind in the entire state.

Of the 225 students from outside the tri-county school district, we have students from 68 of Ohio's 88 counties and four West Virginia counties.

We have a big program for adults during the evenings. Over 950 adults have taken advantage of the courses during the two years the center has been open. Because of the demands of the students, the curriculum has been steadily expanded so that we now have courses in practical nursing, forestry, and business and management, in addition to all the other courses originally planned for the center.

At the Technical Institute, associate degrees are offered in electrical engineering data processing and computer technology, secretarial occupations, industrial engineering, mechanical engineering, accounting, environmental health, and retail hotel-motel management. The forestry course is the first such two-year course in the State of Ohio. Students in the school are prepared to build a motel-restaurant complex for training people in motel and hotel management. I might add that the school has just been named one of the nation's ten outstanding vocational and technical educational institutions by the U. S. Office of Education.

As I pointed out, the Nelsonville vocational education center was the first to open in our area and has served as a model for others in the State. Since then, a second one has opened in our district, the Muskingum Vocational Technical School in Zanesville. That facility will train students from 11 school districts and technical training will be available for students from five counties.

These centers are playing a key role in our development plans for the area.

For example, the Appalachian Regional Commission has just funded at the Nelsonville School, a new Human Resources Development Center which will assist the area in designing a comprehensive program for correcting many of its manpower problems.

So far, we have identified 15 separate manpower needs in the area and soon we hope to be undertaking programs in those fields. These include programs to improve the educational skills of adults; upgrade job capabilities of many of our unemployed people; education and training programs for employed workers in order to enable them to advance in their jobs; a new approach to pre-professional education for high school youth; new services for pre-school children so that they can compete on an equal footing when they enter the school system; new health and nutrition services for students in our schools; new health manpower training programs; and a new program for the mentally handicapped.

Emphasis on improving health conditions has been just as great. There are many communities in our area where there are no doctors younger than 55. We are facing a very real and serious problem with the shortage of medical manpower. The only doctor in one of our counties has made plans to relocate. It has been difficult to recruit physicians into many of our communities because of the lack of adequate facilities.

However, in seven counties of Southeastern Ohio with a population of nearly 213,000 people, local leadership united in an Ohio Valley Health Foundation supported with Appalachian funds over the last three years has been demonstrating a new approach to making available adequate health services to the people of the area. With a large measure of help under the Appalachian Program, eight hospitals have been constructed or are nearing completion along with facilities for extended care and outreach. Thus, with Appalachian assistance, modern facilities are being provided not only to serve the people in our section of the State, but also to provide modern medical services to those across the river in West Virginia. These are truly region-serving facilities. With ARC assistance we are providing the type of facilities and service so necessary and vital to attract physicians.

Great strides have been made in providing speech, hearing, and visual screening programs for children. With help from the Appalachian Program, a mental retardation program is underway. Both the retardation and the screening programs are designed to detect incapacities among children before they reach the stage where costlier remedial treatment is necessary or, unfortunately, where even such protracted care comes too late.

Since 1968—less than three years ago—the Appalachian Program has provided approximately $8.6 million for improving health conditions in our area.

There are many other ways this program has brought new hope to Appalachia Ohio.

I understand Governor Moore of West Virginia has already described to you the outstanding leadership of the Appalachian Regional Commission in constructing a new bridge across the Ohio River after the tragic collapse of the Silver Bridge a few years ago; a terrible incident which caused tremendous loss of life and serious disruption of commerce.

The Commission actually advanced $2 million to get the bridge under construction as soon as possible. And today people in the Point Pleasant, West Virginia-Gallipolis, Ohio, area can once again move back and forth across the river between West Virginia and Ohio, thanks to that effort.

Appalachian investments have been used to promote industrial development in the area. We have also used Appalachian help to develop some of our superb recreational potential. A brand new park facility with modern accommodations and a lodge has opened in my district, and the Commission has provided assistance in constructing an access road to the lodge.

Under Section 205 of the Act, the Commission has helped us reclaim several abandoned strip mine areas so that they could be used for recreation.

These experiences in our district have persuaded me that, under the Appalachian Act, we have found a way to unite the different levels of government in a new kind of partnership under which we can develop coordinated approaches to local problems.

It would be tragic to stop these efforts just as they are getting started; if anything they should be encouraged and expanded.

I am in favor of increased flexibility to enable the Appalachian Regional Commission to do more in the field of educational improvement.

If the Commission can accomplish the same kind of results in improving primary and secondary education and higher education as it has vocational education, our Region and the Nation will greatly benefit. I earnestly recommend that this Committee consider giving the Commission some additional flexibility in coping with other educational problems in the Appalachian Region.

I would also urge this Committee to seriously consider improving the flexibility of the Commission to deal with the many environmental problems which plague our Region. We are an area which in the past has suffered great damage from coal mining and mine acid drainage, from logging, from industrial and municipal pollution of our waterways, and from air pollution.

I believe the Commission has demonstrated an unusual capability and commitment to work with the States and localities in developing comprehensive approaches to such problems without being confined by the narrow requirements of categorical grants-in-aid.

This Committee has frequently described the Appalachian Program as an experiment and the Appalachian Region as a national laboratory. I fully agree.

And it would seem to me to be in the best national interest to carry the experiment forward and to grant the Commission broader authority to deal with the problems of our Region and, thereby, develop improved techniques for dealing with these many complex social, economic, and physical problems—techniques which could well be applied to other sections of the country.

We would win a double bonus:

A more productive Region adding still greater contributions to the national economy.

Well-tested approaches that could be applied in other sections of the United States.

UNAUTHORIZED USE OF NAMES BY EAST-WEST TRADE MISSION

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CONTE. Mr. Speaker, recently a private organization, the East-West Trade Mission located in San Francisco, conducted a mailing to a great many people throughout the country. The purpose of this mailing was to solicit participants for an alleged trip to Yugoslavia, the Soviet Union, and into Communist China.

My name was listed on the letterhead of this solicitation as a member of the organization's advisory board. Three other Members of Congress, Congressman ROBERT LEGGETT, Senator WALTER MONDALE, and Senator CHARLES PERCY were similarly listed on the letterhead.

Mr. Speaker, in fact none of us had ever authorized the use of our names in connection with this enterprise. We were neither advisers to this group nor sponsors of the proposed trip.

Naturally, we were all extremely concerned about this misuse of our names. I have sent the following letter to Mr. Paul Sjeklocha of the East-West Trade Mission:

Mr. PAUL SJEKLOCHA,
East-West Trade Mission,
World Trade Center,
San Francisco, Calif.

DEAR MR. SJEKLOCHA: As you know, the use of my name in connection with your recent mailing to solicit members for a trip to China, the Soviet Union and Yugoslavia was completely unauthorized.

I have never in any way associated myself with your mission as an advisor or sponsor and consider it imperative that immediate steps be taken to inform all of the people you contacted about the unauthorized use of my name.

This position, as you are aware, is shared by my colleagues in Congress, Senator Walter Mondale, Senator Charles Percy and Congressman Robert Leggett, all of whose names were also used without any authorization.

It is my intention to work closely with Senators Mondale and Percy and Congressman Leggett to see that all possible steps are taken to correct this situation.

Very truly yours,

SILVIO O. CONTE,
Member of Congress.

Mr. Speaker, my colleagues, Congressman LEGGETT, Senator MONDALE, and Senator PERCY have also expressed their concern to Mr. Sjeklocha and we are presently taking all possible steps to contact everyone who received this solicitation and inform them that we did not give permission for our names to be used, are not members of the so-called Advisory Board, and do not have any connection with this enterprise.

THE CATERPILLAR CO. AND OUR BALANCE OF PAYMENTS

(Mr. MICHEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, the Caterpillar Tractor Co., headquartered in my hometown of Peoria, Ill., recently issued its annual report for 1970. This report reveals some important facts about Caterpillar which I believe will be of major interest to my colleagues, for it shows the extent of this company's contributions to our national economy as well as to our overall balance-of-payments situation.

The report states that sales of $2.1 billion in 1970 exceeded all previous records, and were 6 percent higher than in 1969. Sales outside the United States reached an all-time high of $1.1 billion and provided a record $791 million favorable contribution to our balance of payments. This is $104 million higher than the 1969 total of $687 million. The total Caterpillar contribution for the past 10 years has been $4.7 billion.

The outstanding success of this company which employs more than 50,000 persons here in the United States has been due in large measure to the quality of its management. Recognition of this fact came last year when Caterpillar was selected by a survey of the chief executives of 2,300 major U.S. corporations as one of the 10 best-managed companies in the United States. The selection was made in response to a poll conducted by "Dun's Review," a monthly magazine of business and industry.

Each of the 10 companies was chosen for what the voters deemed to be its most distinguishing characteristic. Caterpillar's selection was based on "the image of quality that has always characterized its products, and the major contribution this has made to its revenues and profits."

Among its other accomplishments, Caterpillar states that it was the first in the industry to have its truck engines certified as meeting applicable Federal smoke emission standards, and that these engines already meet standards adopted by California, effective January 1, 1973, relating to gaseous emissions from diesel truck engines.

The annual report also points out that Caterpillar's efforts to employ, train, and upgrade members of minority groups continued last year, and renewed emphasis was placed on the elimination of discrimination in all aspects of employment.

In addition, the report notes that a new record of safety in Caterpillar plants was set in 1970.

Mr. Speaker, in the context of our present concern over the state of the economy and our continuing problems with the balance of trade and especially our balance of payments, the report from Caterpillar is both encouraging and refreshing. The ongoing successful operation of this company and the many others like it, large and small, provide solid evidence of the strength and viability of our private enterprise system and the basic soundness of our economy.

Mr. Speaker, I would like to include at this point in the RECORD a news item on a statement by Caterpillar board chairman William Blackie, calling for changes in international monetary policies.

The item follows:

THE CATERPILLAR CO. AND OUR BALANCE OF PAYMENTS

A Caterpillar Tractor Co. executive today (February 1, 1971) called for changes in monetary policies among nations, including an orderly system for foreign exchange rate adjustments.

William Blackie, chairman of the board, said it is particularly important to correct the undervaluation of the Japanese yen in relationship to the U.S. dollar. Appropriate adjustment should have the effect of reducing the pressures for quotas, tariff increases or other forms of interference with international trade while also reducing some of the hostility which presently tends to impair U.S.-Japanese relations.

The adjustment could be made by revaluation of the yen or by devaluation of the dollar, he said. He pointed out, however, that devaluation of the dollar is not practical because it is the basis of many other international currency relationships.

Blackie said that actions taken by several major trading nations since 1967 have been of great importance to international commerce.

He cited the devaluation of the pound sterling by Great Britain in 1967; the establishment of a new value for the franc by France and the deutsche mark by West Germany in 1969; and Canada's present policy of allowing the exchange value of its dollar to "float."

"Among those countries which have made no adjustment in modern times, none could now do so to greater international advantage than Japan," Blackie said.

"Since parity for the yen was established at 360 to the U.S. dollar in May, 1958, Japan has become one of the world's most highly developed industrial and commercial nations—trading aggressively and freely wherever its goods can penetrate foreign markets. This it has usually been able to do on the basis of prices lower than those of competitive indigenous alternatives. And insofar as such lower prices may be the result of higher work productivity, superior management, or more effective industrial discipline, the Japanese should be entitled to earn the benefits.

"It can hardly be claimed, however, that they are also entitled to obtain extraordinary competitive advantage on the basis of outmoded foreign exchange rates," Blackie said.

"The time has come when the conditions of multilateral reciprocal trade established under the terms of the GATT should and can be complemented by a multilateral reciprocal system for establishing and adjusting monetary exchange values.

"Such a system should permit exchange rates to move in relation to each other timeously and, therefore, gradually—in a rational, interpretable manner. It should recognize that there is no such thing as 'stability' unless it is to be found in an orderly system of continuous revision. Too often in the past, needed adjustments have been too late and, therefore, too drastic—undertaken only under the compulsive threat of monetary or political crisis," he said.

Blackie pointed out that Caterpillar has not been waiting for actions by governments or others—at home or abroad—to foster its international business. "On the contrary, it has over the years established and now has in being a strategic deployment of resources outside the United States."

He also said that "in each case where Caterpillar has established overseas production in a selected country, the volume of sales has increased within that country for both the particular Caterpillar products made in it and those exported to it from the U.S."

Blackie said international business cannot be considered only in terms of trade, but that consideration must be given also to foreign investment.

"Appropriate recognition of this would suggest greater caution in the continuance of the so-called 'temporary' controls now in effect for U.S. direct foreign investment. Whether they have been helpful or harmful is now beside the point. The time has come when they should be removed—if for no other reason—because the United States can no longer count with assurance on its ability to generate a surplus on its balance of trade. If there is to be a favorable balance of payments, there should, accordingly, be more adequate recognition of the need for and the long-term advantages of a substantial flow from the return on foreign investments."

THE CONSUMER AGRICULTURAL PROTECTION ACT OF 1971

(Mr. TALCOTT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, ever since my election to the Congress, and before, I have actively and personally worked to improve agriculture, particularly the working and living conditions of farmworkers.

Our Nation depends on agriculture—nutritionally and economically. Agriculture is our Nation's No. 1 industry.

In the 91st Congress I introduced comprehensive legislation to establish a National Farm Labor Relations Board. I have again introduced this proposal. During the past few months I have watched many farmworkers and their families suffer grievous injury; farmers and processors lose money; and poor, innocent consumers deprived of nutritious food at reasonable cost; because of the agriculture strikes and boycotts. This must stop.

Disruptions of the agriculture process, especially of harvests, are quite different from disruptions of a manufacturing process. Assembly lines can often stop and steel ingots and automobiles can be stored or inventoried for weeks without deterioration—as a matter of fact, with an increase in value. No man, group, or Government can stem the inexorable process of fruit and vegetable growth and maturation. A strawberry, for instance, must be picked, processed, and packaged within hours of maturity or spoilage begins and losses accelerate.

Agricultural losses are compounded when the processes are interrupted. Spoiled crops must be picked, or disked under, at additional costs, even though they are useless. Vegetables that spoil after harvest while stalled en route to market, for instance, must be disposed of, as garbage, usually at great cost and without any recoupment.

Farmworkers can least afford a harvesttime strike, because after the crops mature, there is no work until the next harvest—which may be months away. Also, harvesttime provides special opportunities for extra work—overtime, additional jobs, longer shifts; when extra work is available, the work stoppages are extraordinarily disastrous.

Obviously an entirely different legal and administrative mechanism—other than the one presently used in settlement of industrial disputes—is necessary for the settlement of disputes in agriculture and the food processing industry. A unique need is certain—there can be no strike, slowdown, or lockout at harvesttime.

Mr. Speaker, I believe my proposal accomplishes this. In lieu of strikes and lockouts, I have proposed a Board of Negotiation to expedite and guarantee the fair settlement of all farm labor disputes. This independent board encourages each party to negotiate expeditiously and reasonably to settlement. When disputes arise, one party files a petition and appoints one arbitrator; the other party also names an arbitrator. These two then designate three neutral persons to a five-man Board of Negotiation. If the parties do not reach an agreement within 30 days, the Board publicly announces the best proposal of each party, that is, the proposal of each party which is more favorable to the other side. If no agreement is reached within 5 additional days the Board selects the more reasonable of the two proposals, which then becomes part of the labor contract and enforceable by law.

This mechanism will permit the parties to bargain freely; it will provide strong incentives for the parties to bargain promptly and reasonably. It is essential that labor contract negotiations be more public—the terms and proposals should be known to all involved, while maintaining safeguards for secret ballot elections.

My bill should not only be of great interest to my colleagues who represent agricultural districts, but it should also be of interest to those who represent urban and suburban areas who have a consumer constituency. The disruption of the harvest and orderly flow of agricultural products from the farm to the consumer is wasteful, costly, and injurious not only to the farmworker and the farmer, but to every consumer.

Because time is of the essence, I urge members of the House Education and Labor Committee to schedule early hearings on my proposal, not only in Washington, but in California where they will be able to hear firsthand testimony from those directly affected by farm labor disputes. Adoption of my bill can settle farm labor disputes in a manner more fitting for our civilized society. We must eliminate the present barbaric and outmoded strike techniques.

INTRODUCTION OF THE INTERSTATE SALES AND USE TAX ACT

(Mr. TALCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, the gentleman from California (Mr. Sisk) has joined me in introducing a bill to provide a uniform system for the application of State and local sales and use taxes to transactions in interstate commerce. Its title is "The Interstate Sales and Use Tax Act."

This bill is introduced in order to focus attention directly on the basic issues involved in the application of State and local sales and use taxes to interstate business in a manner that will avoid the confusion of considering the application of other taxes that are, in fact, unrelated. I desire to provide an opportunity for the consideration and debate of these issues on their individual merits.

In the decade since Congress first directed that a study be made of interstate taxation there have been some very significant developments. First, it has become clear, beyond any reasonable doubt, that an attempt to resolve all interstate tax problems by the adoption of a single set of jurisdictional standards is unrealistic and does not recognize the intrinsic differences between sales and use taxes and corporate income taxes. The disregard of this principle has contributed very substantially to the controversy existing in the field of interstate taxation.

In this same decade there have been a number of significant developments in the application of sales and use taxes to interstate transactions that render irrelevant much of the previous testimony in support of Federal legislation in this field.

For example, the Supreme Court has dealt conclusively with catalog and mail order sales which were the subject of extended testimony and debate. On other issues the States have voluntarily acted to provide uniformity where it was previously lacking.

The one development, however, that stands out so boldly has been the widespread realization among national and local businessmen, economists, and experts in public finance, as well as State and local tax officials, that it is essential that we distinguish basic differences in jurisdictional rules applicable to sales and use taxes from those applicable to the corporation income tax. Since the first interstate taxation bill was introduced in 1965, there has been a steadily increasing recognition of the inequity and unsoundness of attempting to apply the principle of Public Law 86–272 to the collection of sales and use taxes. This conclusion has been for reasons well founded in both logic and efficacy.

The purpose of Public Law 86–272 is to reduce the tax compliance burden on interstate sellers by simplifying the allocation of income among States. This is achieved by precluding the apportionment of income for net income tax purposes by any State in which a multistate seller does no more than solicit orders for acceptance at and shipment from an out-of-State point. No matter what the merits of Public Law 86–272 for corporation income tax purposes, its application to sales and use taxes would have disastrous consequences.

If the principles of that law were applied to sales and use taxes, the multi-State seller would be free of tax obligations even though he maintains an unlimited number of salesmen in a State, so long as he had no place of business in that State and the orders taken were filled by shipments from outside the State. The tax loss to State and local governments, at rates of 5 percent or more in many States, would be substantial. Of even greater concern is the very significant competitive advantage that would be granted to out-of-State sellers over local retailers. This tax advantage would lead to further penetration of local markets by the vendors given such tax immunity.

A different situation exists in the application of Public Law 86–272 to income taxes. The tax loss to any State is measured by net income from sales. Discrimination against local business is therefore less significant.

Beneficiaries of the proposed immunity from collection of sales and use taxes will include many very large multi-state businesses. For example, a full-page advertisement appearing in the July 1969 issue of Fortune states that for the 15th consecutive year the advertiser is the world's largest direct seller of fashion jewelry and that every 12 seconds of every working day a home jewelry show of its products is held somewhere in the United States. With little or no adjustment of sales methods, sales by this company would be immune from sales or use tax collection in virtually every State if the principles of Public Law 86–272 are applied to sales and use taxes. It obviously would be impossible for any State to collect the use tax due from each of the customers of this company.

To further illustrate the fiscal and competitive consequences if Congress were to extend the principle of Public Law 86–272 to sales and use taxes, I submit an exhibit compiled from the records of the California State Board of Equalization. It shows the type of business activities engaged in by some of the companies that would be exonerated from responsibility for collection of sales and use taxes. These 22 companies annually make over $37 million of sales through solicitation by sales representatives within California. Nationwide, their sales run into hundreds of millions of dollars each year.

I propose to provide the Congress, businessmen, consumers, and State tax officials alike, with the opportunity to consider a uniform system for the application of sales and use taxes in interstate commerce which is based on the premise that there are some problems in the sales and use tax field that are different from those found in the income tax field, and consequently they require different solutions.

The bill which I have introduced utilizes to the fullest the work already done by the committees of the Congress. In fact, it largely follows the framework of Congressman Rodino's bill which was passed in the last session of Congress by this House, but with two major differences. The remedial provisions of my bill are directed exclusively to the solution of today's interstate sales and use tax problems, and it retains the time-tested sales and use tax jurisdiction based on sales solicitation within the State.

The presence of sales personnel within a State provides the most logical jurisdictional standard. Sales people make sales, with or without fixed business locations, in direct competition, to local merchants, and the courts have recognized their presence within a State provides a rational nexus between the benefits derived and the tax collection burden assumed by the seller.

My proposal, however, does recognize the problem of the proliferation of nonuniform local taxing jurisdictions as it limits the use tax collection responsibility of out-of-State sellers based on solicitation only within the State to uniform State administered local taxes. In order for nonuniform local tax laws to impose seller collection duties, the seller must have a business location in the jurisdiction, or must make regular deliveries into the jurisdiction other than by common carrier or U.S. mail. This requirement is similar to the provisions of previously submitted bills by Representative Rodino and Senator Ribicoff. Thus, it is clearly possible to greatly reduce use tax collection burdens for interstate vendors while retaining the well established jurisdictional standards for State administered taxes.

Mr. Speaker, in developing this bill I am greatly indebted, and wish to give credit, to the Chamber of Commerce of the State of California, the California Manufacturer's Association, the California Retailer's Association, and the State Board of Equalization, whose study and expertise in large measures made this bill possible. In addition, Governor Reagan and his administration have given this measure their active support.

Mr. Speaker, I include a copy of the bill in the Record, together with the exhibit prepared by the California State Board of Equalization, and an explanatory statement containing a section-by-section analysis of this Interstate Sales and Use Tax Act:

Sales and Use Tax Jurisdictional Limitations in Proposed Federal Interstate Taxation Acts

California based businesses would be at a competitive disadvantage with out-of-state sellers if the jurisdictional limitations provided in Public Law 86–272 were applied to the Sales and Use Tax Law.

Proposals for "Interstate Taxation Acts" previously submitted in both houses of Congress (Representative McCulloch), (Representative Rodino), (Senator Mathias), (Senator Ribicoff), provided tax shelters to interstate sellers, and would cause substantial loss of California income taxes and state and local sales and use taxes.

Among other things, each of the proposed bills imposed arbitrary and unreasonable jurisdictional standards on state and local government, jeopardized collection of local taxes under the California Bradley-Burns Uniform Local Sales and Use Tax Law, and created inequities in the apportionment of corporate income for California income tax purposes.

Common to all the bills is the jurisdictional limitation applicable to sales and use taxes. Specifically, the California Sales and Use Tax Law presently provides that an out-of-state retailer shall collect the use tax if it has an office, warehouse, representative, agent, salesman, canvasser or solicitor in this state. Under the proposed bills, this requirement would not apply to interstate retailers unless they maintain a business location in this state or regularly make household deliveries in this state.

To illustrate the widespread tax and competitive impact of this restriction, we have selected the following typical businesses from the many that make California sales without maintaining a fixed place of business or inventory within the state. If the jurisdictional limits of Public Law 86–272, or those set forth in previously proposed "Interstate Taxation Acts," were applied to the Sales and Use Tax Law, most of these businesses would be exempt from tax collection requirements with no change in their operations. The remainder would qualify for exemption with a minimal change in their method of delivery.

1. This firm sells ready-to-wear dresses. Sales personnel within California obtain "hostesses" to arrange a "social party." A "stylist" attends the party and exhibits sample garments. Orders are submitted by the "stylist" to, and are filled from, a point outside the state by a combined shipment to the "hostess." State and local sales and use taxes in California for the fiscal year 1967–1968 totalled $403,500. This firm would no longer be subject to sales tax, nor required to collect the use tax. This translates into sales in excess of $8 million in direct competition with California retailers.

2. A shoe manufacturer makes sales in California through commission salesmen direct to consumer customers. California sales for the fiscal year ended 6–30–68 amounted to $350,000 with tax paid in excess of $17,000.

3. A shoe manufacturing firm sells through sales representatives on a house-to-house basis. This firm paid tax of more than $48,000 on sales of $960,000.

4. A company sells household utensils, pots, pans, etc., through independent representatives to consumer customers on a house-to-house basis. Sales last year exceeded a quarter million dollars, with a tax payment in excess of $12,500.

5. This business is conducted by two related corporations. One sells jewelry, the other sells cosmetics, through solicitors operating within California. Their annual state and local sales and use taxes aggregate $175,000. Under the proposed federal restriction, $3,500,000 of sales with local solicitation would not subject the companies to the California Sales and Use Tax Laws.

6. A large greeting card firm has independent sales solicitors taking orders from consumer customers in California. Last year's volume of sales in California was almost a half million dollars, with tax paid of $24,900.

7. A firm sells educational books through commission salesmen on a door-to-door basis. Sales made were in excess of $525,000, tax paid of $25,300.

8. Another firm sells Bibles, for all denominations, on a door-to-door basis through commissioned salesmen. Sales for last year totalled more than $460,000, and tax paid exceeded $23,000.

9. A firm engaged in the sale of books, magazines, and record albums, has agents located in California who operate from their homes. These agents solicit orders which are filled, and shipped from a point outside the state direct to the purchaser. It would be discharged from further liability on $7,500,000 of annual sales on which it now pays $375,000 in taxes. An affiliated corporation of this firm does maintain offices in California. It would be an easy matter to direct all publications of a nontaxable nature through the corporation maintaining an office in the state, and all taxable publications, and other items of a taxable nature, through the corporation with no office in the state. The enactment of this legislation would provide the opportunity for tax avoidance.

10. A firm with independent sales representatives sells dry goods direct to consumer customers. This firm's sales last year fell just short of $500,000, and they paid tax of $24,350.

11. A correspondence school makes sales of educational material and school supplies directly to the student through independent sales representatives. Annual sales in California totaled $732,000, with tax payable of $36,600.

12. A corporation makes direct sales of general merchandise to credit card holders of large national firms. Individual sales amounts are small, however, the volume is quite large with last year's sales exceeding $450,000, and payment of tax in the amount of $22,700.

13. This firm has 20 photographic salesmen in California who take and sell pictures to students and schools. Annual sales exceed $800,000, with a tax liability of $40,650.

14. This manufacturer is engaged in the sale of desks and public seating equipment to many vendees within the state. Sales are made by resident salesmen. Tax paid last year was in excess of $37,000.

15. This firm supplies prescription lenses, frames, and accessories to optometrists and oculists. All sales are made through resident salesmen. The sales to California purchasers in the last fiscal year amounted to $1,252,000, with a tax liability of $62,600.

Four additional optical firms making sales in the same manner as described above made sales in the amount of $1,600,000, with a total tax paid of $79,000.

16. A manufacturer and seller of yearbooks makes sales through representatives without offices to students and schools. The tax paid amounts to $110,000.

17. Another publisher of yearbooks makes sales of these and other specialty publications in the same manner as indicated in number sixteen. Their sales are also to students and schools. The tax revenue from this account is $120,000 per year.

18. Another company has independent sales agents soliciting orders for their products which are advertising specialties, executive gifts, metal signs, etc. This firm paid tax of $27,050 on sales of $540,000.

19. This taxpayer operates in California through resident salesmen making sales of uniforms to various employers and organizations throughout the state. All sales are made through taxpayer's sales representatives. California taxable sales during the last fiscal year exceeded one quarter of a million dollars.

20. A manufacturer and seller of rubber processing machinery and garbage disposers make sales as a result of solicitation by sales representatives, with no office maintained in this state. Sales for last year totalled $1,600,000, and tax paid of $80,000.

21. A supplier of industrial chemicals and disinfectants made sales through resident salesmen in excess of $2,000,000 last year, and paid tax in the amount of $110,000.

22. This firm is a manufacturer of industrial mixers. Most of its sales are to bakeries and other food processing industries. Orders are solicited by an independent sales representative. Sales for the fiscal year ended June 30, 1968, exceeded $500,000, with total tax paid in excess of $25,000.

Sales made by the first twelve firms are direct to consumer customers who are not normally registered with the state for the purpose of reporting or paying sales or use taxes. The individual sales amounts would be so minimal as to preclude any pursuit of the consumer customer for payment of the tax. The absolute loss of revenue as a result of this legislation, from these accounts would amount to almost $1,200,000 annually.

At least a part of the sales of the last ten of the listed accounts are made to purchasers engaged in business in California. For this reason, some part of the tax now collected and paid to the state by these vendors would be paid directly to the state by purchasers otherwise required to file sales and use tax returns. The greater percentage, however, would be lost. The greater cost of collecting tax from purchasers would further limit the net tax yield from sales by these firms.

In addition to sellers which would be immediately excused from compliance with the California Sales and Use Tax Law, there are many others who could easily arrange to come within the protection of the Public Law 86-272. Some examples follow:

A large publishing firm presently maintains sales offices in California but does not carry stock of goods within the state. Orders are obtained by personal solicitation within California, and shipments are made from a point outside the state. Last year this publisher paid over $400,000 in state and local sales and use taxes in California. The mere closing of the sales offices would exempt the publisher from this liability.

A firm making sales of incentive programs and related materials maintains one sales office in California. Taxable sales reported by this organization last year amounted to $4,400,000, with a payment of $220,000 in tax. The closing or relocation of this single sales office would eliminate the need for this firm to pay any tax.

A mail order shoe retailer has agents in California soliciting orders which are filled from a point outside the state. Sales are in excess of $800,000 per year. An office maintained in Los Angeles could easily be closed and relieve this seller of further tax liability.

The passage of legislation containing jurisdictional limits defined in Public Law 86-272 would provide the out-of-state retailer with a distinct competitive advantage over the California retailer. The limiting jurisdictional factors, which would permit unlimited direct sales solicitation within the state without tax liability, would encourage many out-of-state sellers who presently are not making sales in California, to engage in such sales activity due to the lucrative market represented by California consumer customers.

H.R. —

A bill to regulate and foster commerce among the States by providing a uniform system for the application of sales and use taxes to interstate commerce

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interstate Sales and Use Tax Act".

TABLE OF CONTENTS

TITLE I—JURISDICTION TO TAX

Sec. 101. Uniform sales and use tax jurisdictional standard.

TITLE II—UNIFORM RULES FOR APPLICATION OF TAX

Sec. 201. Reduction of multiple taxation.
Sec. 202. Exemption for household goods, including motor vehicles, in the case of persons who establish residence.
Sec. 203. Treatment of transportation charges with respect to interstate sales.
Sec. 204. Liability of sellers on exempt sales.
Sec. 205. Local sales and use taxes.

TITLE III—DEFINITIONS AND MISCELLANEOUS PROVISIONS

Sec. 301. Sales tax.
Sec. 302. Use tax.
Sec. 303. Sale; sales price; purchase price.
Sec. 304. Interstate sale.
Sec. 305. Destination.
Sec. 306. Business location.
Sec. 307. Location of employee.
Sec. 308. State.
Sec. 309. State law.

PART B. MISCELLANEOUS PROVISIONS

Sec. 321. Prohibition against geographical discrimination.
Sec. 322. Prohibition against out-of-State audit charges.
Sec. 323. Permissible taxes.
Sec. 324. Reciprocal collection agreements.
Sec. 325. Liability with respect to unassessed taxes.
Sec. 326. Effective dates.

TITLE I—JURISDICTION TO TAX

SEC. 101. UNIFORM SALES AND USE TAX JURISDICTIONAL STANDARD.

No State or political subdivision thereof shall have power to impose a sales tax or to require a person to collect a sales or use tax with respect to an interstate sale of tangible personal property for delivery in the State unless the person—

(1) has a business location in the State, or

(2) regularly solicits orders for the sale of tangible personal property by salesmen, solicitors, or representatives in the State, unless his activity in the State consists solely of solicitation by direct mail or advertising via newspapers, radio, or television, or

(3) regularly engages in the delivery of property in the State other than by common carrier or United States mail.

A State or political subdivision shall have power, subject to the provisions of Sections 201, 205 and 324 of this Act, to impose a sales tax, or, to require seller collection of a sales or use tax with respect to an interstate sale of tangible personal property, if it is not denied power to do so under the preceding sentence.

TITLE II—UNIFORM RULES FOR APPLICATION OF TAX

SEC. 201. REDUCTION OF MULTIPLE TAXATION.

(a) LOCATION OF SALES.—A State or political subdivision thereof may impose a sales tax or require a seller to collect a sales or use tax with respect to an interstate sale of tangible personal property only if the destination of the sale is—

(1) in that State, or

(2) in a contiguous State or political subdivision of a contiguous State for which the tax is required to be collected under reciprocal collection agreements as authorized under Section 324 of this Act.

(b) CREDIT FOR PRIOR TAXES.—The amount of any use tax imposed with respect to tangible personal property shall be reduced by the amount of any sales or use tax previously incurred and paid by a person with respect to the property on account of liability to another State or political subdivision thereof.

(c) REFUND.—A person who pays a use tax imposed with respect to tangible personal property shall be entitled to a refund from the State or political subdivision thereof imposing the tax, up to the amount of the tax so paid, for any sales or use tax subsequently paid with respect to the same property on account of prior liability to another State or political subdivision thereof.

(d) LIMITATION ON CREDIT FOR PRIOR TAXES.—A credit or refund otherwise permitted under subsections (b) and (c) shall not be allowed with respect to taxes which are measured by periodic payments made under a lease to the extent that the taxes imposed by the other State or political subdivision thereof were also measured by periodic payments made under a lease for a period prior to the possession, storage, use, or other consumption of the property in the State or political subdivision thereof imposing the tax.

(e) VEHICLES AND MOTOR FUELS.—

(1) VEHICLES.—Nothing in subsection (a) shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to vehicles that are registered in the State.

(2) FUELS.—Nothing in this section shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor fuels consumed in the State.

SEC. 202. EXEMPTIONS FOR HOUSEHOLD GOODS, MOTOR VEHICLES, IN THE CASE OF PERSONS WHO ESTABLISH RESIDENCE.

No State or political subdivision thereof may impose a sales tax, use tax, or other nonrecurring tax measured by cost or value with respect to household goods, including motor vehicles, brought into the State by a person who establishes residence in that State if the goods were acquired and used by that person ninety days or more before use of the property in the State in which he establishes such residence.

SEC. 203. TREATMENT OF TRANSPORTATION CHARGES WITH RESPECT TO INTERSTATE SALES.

Where the freight charges or other charges for transporting tangible personal property from the seller or supplier directly to the purchaser incidental to an interstate sale are separately stated in writing by the seller to the purchaser, to the extent that such charges do not exceed a reasonable charge for transportation by facilities of the seller or the charge for the transportation by the carrier when the transportation is by other than the seller's facilities, no State or political subdivision may include such charges in the measure of a sales or use tax imposed with respect to the sale or use of the property.

SEC. 204. LIABILITY OF SELLERS ON EXEMPT SALES.

No seller shall be liable for the collection or payment of a sales or use tax with respect to an interstate sale of tangible personal property if the purchaser of such property furnishes or has furnished to the seller a certificate or other written form of evidence indicating the basis for exemption, or the reason the seller is not required to pay or collect the tax. Any such certificate or writing shall given the name and address of the purchaser, his registration number, if any, and shall be signed by the purchaser or his representative.

SEC. 205 LOCAL SALES AND USE TAXES.

(a) LIMITATION ON SELLER COLLECTION.—No seller shall be required by a State or political subdivision thereof

(1) to collect a sales or use tax of a political subdivision with respect to interstate sales, or

(2) to classify interstate sales for sales or use tax purposes according to geographic areas of the State in any manner except with respect to those interstate sales with destinations in political subdivisions in which the seller has a business location, or regularly makes delivery other than by common carrier or United States mail.

(b) LOCAL TAXES TREATED AS STATE TAXES.—Notwithstanding the limitations in subsection (a), to the extent that State and any local sales and use taxes are imposed in all geographic areas of a State upon like transactions at the same combined State and local rate, are administered by the State, and are otherwise applied uniformly so that the seller is not required to classify interstate sales according to geographic areas of the State in any manner whatsoever, such sales or use taxes, whether imposed by the State or by political subdivisions, shall be treated as State taxes for the purposes of this Act.

TITLE III—DEFINITIONS AND MISCELLANEOUS PROVISIONS

SEC. 301. SALES TAX.

A "sales tax" is any tax imposed with respect to retatil sales, and measured by the sales price of tangible personal property or services with respect thereto, which is required by State law to be stated separately from the sales price by the seller, or which is customarily stated separately from the sales price.

SEC. 302. USE TAX.

A "use tax" is any nonrecurring tax complementary to a sales tax measured by the purchase price or value of tangible personal property or services sold, which is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership or possession of that property or the leasing of that property from another, including any consumption, keeping, retention, or other use of tangible personal property.

SEC. 303. SALE; SALES PRICE; PURCHASE PRICE.

The terms "sale", "sales price", and "purchase price" shall be deemed to include leases and rental payments under leases.

SEC. 304. INTERSTATE SALE.

An "interstate sale" is a sale in which the tangible personal property sold is shipped or delivered to the purchaser in a State from a point outside that State.

SEC. 305. DESTINATION.

The destination of a sale is in the State or political subdivision in which possession of the property is physically transferred to the purchaser or to which the property is shipped to the purchaser regardless of the f.o.b. point or other conditions of the sale.

SEC. 306. BUSINESS LOCATION.

(a) GENERAL RULE.—A person shall be considered to have a business location within a State or within a political subdivision only if that person—

(1) owns or leases real property within the State, or within the political subdivision,

(2) has one or more employees located in the State, or in the political subdivision,

(3) regularly maintains a stock of tangible personal property in the State, or in the political subdivision, for sale in the ordinary course of its business, or

(4) regularly leases out tangible personal property for use in the State, or in the political subdivision.

For the purpose of paragraph (3), property which is on consignment in the hands of a consignee, and which is offered for sale by the consignee on his own account, shall not be considered as stock maintained by the consignor. If a person has a business location in a State, or in the political subdivision, solely by reason of paragraph (4), he shall be considered to have a business location in the State, or in the political subdivision, only with respect to such leased property.

SEC. 307. LOCATION OF EMPLOYEE.

An employee shall be considered to be located in a State or in a political subdivision if—

(1) his service is performed entirely within that State, or within that political subdivision, or

(2) his service is performed both within and without that State, or that political subdivision, but in the performance of his service he regularly commences his activities at, and returns to, a place within the State or within the political subdivision.

SEC. 308. STATE.

The term "State" means the several States of the United States and the District of Columbia.

SEC. 309. STATE LAW.

References in this Act to "State law", "the laws of the State", and the like shall be deemed to include a State constitution, and to include the statutes and other legislative acts, judicial decision, and administrative regulations and rulings of a State and of any political subdivision.

PART B—MISCELLANEOUS PROVISIONS

SEC. 321. PROHIBITION AGAINST GEOGRAPHICAL DISCRIMINATION.

(a) IN GENERAL.—No provision of State law shall make any person liable for a greater amount of sales or use tax with respect to tangible personal property by virtue of the location of any occurrence in a State outside the taxing State, than the amount of the tax for which such person would otherwise be liable if such occurrence were within the State. For purposes of this subsection, the term "occurrence" includes incorporation, qualification to do business, and the making of a tax payment, and includes an activity of the taxpayer or of a person (including an agency of a State or local government) receiving payments from or making payments to the taxpayer.

(b) COMPUTATION OF TAX LIABILITY UNDER DISCRIMINATORY LAWS.—When any State law is in conflict with subsection (a), tax liability may be discharged in the manner which would be provided under State law if the occurrence in question were within the taxing State.

SEC. 322. PROHIBITION AGAINST OUT-OF-STATE AUDIT CHARGES.

No charge may be imposed by a State or political subdivision thereof to cover any part of the cost of conducting outside that State and audit for a tax to which this Act applies.

SEC. 323. PERMISSIBLE TAXES.

The fact that a tax to which this Act applies is imposed by a State or political subdivision thereof in the form of an excise, privilege, or license tax shall not prevent the imposition of the tax on a person engaged exclusively in interstate commerce within the State; but such a tax may be enforced against a person engaged exclusively in interstate commerce within the State solely as a revenue measure and not by ouster from the State or by criminal or other penalty for engaging in commerce within the State without permission from the State.

SEC. 324. RECIPROCAL COLLECTION AGREEMENTS.

When authorized by State law, reciprocal agreements may be made between two contiguous States for the purpose of requiring a seller with a business location in one of the States to collect applicable state use tax (including any tax treated as a State tax under Subsection (b) of Section 205 of this Act) for, and to remit that tax to, the other State into which the seller makes sales of tangible personal property, even though he is otherwise not subject to the jurisdiction of such other State under Section 101 of this Act.

SEC. 325. LIABILITY WITH RESPECT TO UNASSESSED TAXES.

No State or political subdivision thereof shall have the power, after the date of the enactment of this Act, to assess against any person for any period ending on or before such date a sales or use tax with respect to tangible personal property, if during such period that person was not registered in the State for the purpose of collecting tax, had no business location in the State, did not regularly solicit orders for the sale of tangible personal property by salesmen, solicitors, or other representatives in the State or did not regularly engage in the delivery of property in the State other than by common carrier or United States mail.

SEC. 326. EFFECTIVE DATES.

Sections 101, 321, 322, and 325 of this Act shall take effect on the date of the enactment of this Act. Section 205 shall take effect on the first day of the first calendar quarter commencing five years after the enactment of this Act. The remaining provisions of this Act shall take effect on the first day of the second calendar quarter commencing after the enactment of this Act.

PROPOSED "INTERSTATE SALES AND USE TAX ACT" ANALYSIS

The bill provides a uniform system for the application of the sales and use taxes of the several states and their political subdivisions with respect to sales of tangible personal property in interstate commerce. It closely resembles S. 3368 and H.R. 19580, introduced in the 91st Congress, but contains some clarification in the language used in those bills. To the extent considered compatable with the objectives to be achieved, much of the wording and many of the provisions are derived from H.R. 7906 of the 91st Congress.

Title. The title "Interstate Sales and Use Tax Act" reflects the limited scope of the bill to deal only with these taxes.

Title I, Jurisdiction to Tax. In this title are contained the basic jurisdictional standards applicable to imposition and collection of sales and use taxes on interstate sales.

Sec. 101, Uniform Sales and Use Tax Jurisdictional Standard. Along with Secs. 306 (Business Location) and 307 (Location of Employee), this section prescribes the basic jurisdictional standards for imposition of sales and use taxes to sales in interstate commerce.

The jurisdictional standards of this bill differ from those of H.R. 7906 in that they would subject a seller to the jurisdiction of any state and of any local subdivision having a uniform state-administered local tax when the seller regularly solicits orders for the sale of tangible personal property by salesmen, solicitors or representatives in the state. Its other jurisdictional standards are somewhat similar to those of H.R. 7906 and require a business location in the state through the ownership or leasing of real property, maintaining a stock of tangible personal property for sale, or through the location of an employee. The regular delivery of property in the state other than by common carrier or United States mail will also be sufficient for the exercise of jurisdiction. Regularly leasing out tangible personal property for use in the state will support jurisdiction with respect to the leased property.

Under this bill a seller would not be subject to the jurisdiction of the state if his activity in the state consists solely of solicitation by direct mail or advertising via newspaper, radio or television.

Title II, Uniform Rules for Application of Tax. The uniform rules found in this title either further limit the jurisdiction of the states or specifically prescribe standards for application of state and local sales and use taxes.

Sec. 201(a), Location of Sales. This section is similar to Sec. 301(a) of H.R. 7906, except that under subsection (2) the taxes which may be required to be collected for other states are limited to those of contiguous states through reciprocal collection agreements authorized under Sec. 324.

Secs. 201(b), (c) and (d). These subsections prevent multiple taxation by insuring that full credit or refund be given to a taxpayer who is subjected to taxation by more than one state with respect to the same property moving between states in an interstate transaction.

Sec. 201(e), Vehicle and Motor Fuels. This section is derived from Sec. 301(e) of H.R. 7906, but applies to vehicles such as truck trailers as well as to motor vehicles which are registered. There appears to be no logical distinction for sales and use tax purposes that would require limiting the application of the section solely to motor vehicles

Sec. 202, Exemptions for Household Goods, etc. As in H.R. 7906 (Sec. 302) a state of new residence of a person is prevented by this section for asserting a sales or use tax respecting household goods brought into the state by the new resident. Motor vehicles are included as household goods and in this respect the bill differs from S. 3368 which excluded motor vehicles from the category of household goods. The main difference from H.R. 7906 is the use of a 90-day period rather than a 30-day period of prior acquisition of the property in order to conform more closely with existing state practices. This bill also requires that the property be used in order to be exempt, and thus would prevent avoidance of tax where new property is ordered and shipped to the state of new residence without prior use by the purchaser.

Sec. 203, Treatment of Transportation Charges, etc. Derived from Sec. 303 of H.R. 7906, this section excludes interstate freight charges from the measure of tax on an interstate sale if they meet the conditions set forth in the section. The charges which may be excluded are reasonable charges for transporting property by facilities of the seller or actual charges for transportation by the carrier and the charges must be separately stated in writing by the seller to the purchaser.

Sec. 204, Liability of Sellers on Exempt Sales. This is a modified version of Sec. 304 of H.R. 7906. The vendor is exonerated from further tax collection or payment liability once he accepts a certificate or other written evidence from the buyer which meets the requirements of the section. It is intended that any reason for exemption which is authorized by the law of the state of destination will be sufficient if the purchaser furnishes the certificate in writing properly identifying himself and stating the allowable reason for exemption.

Sec. 205, Local Sales and Use Taxes. This section is derived from Sec. 305 of H.R. 7906, but is more specific. Out-of-state sellers could not be required by local taxing jurisdictions or the state to collect non-uniform local taxes solely on the basis of a nexus deriving from solicitation in the local jurisdiction. In order for non-uniform local tax laws to impose seller collection duties, the seller must have a business location in the destination jurisdiction or must make regular deliveries into the jurisdiction other than by common carrier or United States mail. Subsection (b) would, however, allow any statewide layer of uniform state-administered local taxes to be treated as state taxes for the purposes of the Act. This section would not go into effect for five years in order to allow the states to correct their non-uniform patterns of local sales and use taxes.

Title III, Definitions and Miscellaneous Provisions. This title contains basic definitions and several miscellaneous provisions.

Sec. 301, Sales Tax. This definition is essentially the same as that of Sec. 603 of H.R. 7906, with some technical drafting changes.

Sec. 302, Use Tax. This definition is somewhat different from Sec. 604 of H.R. 7906 in that it specifies that a use tax be complementary to a sales tax and allows a use tax to be measured by purchase price or value. This section intentionally excludes from the definition of use tax those taxes which are complementary to certain excise taxes, such as those on cigarettes that are measured by the number of units and are not complementary to a traditional type of sales tax.

Sec. 303, Sales; Sales Price; Purchase Price. The definition is the same as Sec. 607 of H.R. 7906, with the phrase "purchase price" added.

Sec. 304, Interstate Sale. This is similar to the definition as was contained in Sec. 304 of S. 3368, but deletes "or the designee" contained in that bill. It simplifies and changes the definition in H.R. 7906 so as to include only sales which involve interstate movement of tangible personal property.

Sec. 305, Destination. This definition is the same as S. 3368, except that it deletes references to a designee which was thought to be unclear in the context. The section is basically modeled after Sec. 610 of H.R. 7906 but is more specific.

Sec. 306, Business Location. This section is the same as Sec. 307 of S. 3368, except that references to political subdivisions are included in order to make the definition of business location available for the sales and use taxes of political subdivisions.

Sec. 307, Location of Employee. This section is similar to Sec. 308 of S. 3368 and is based on Sec. 613 of H.R. 7906, but modified to conform to the scope of this bill and to allow the definition to be used with respect to political subdivisions of a state.

Secs. 308 and 309, State and State Law. These definitions are the same as Secs. 615 and 616 of H.R. 7906.

Sec. 321, Prohibition Against Geographical Discrimination. This section is based upon Sec. 622 of H.R. 7906, but deletes the reference to gross receipts taxes in order to conform with the scope of this bill.

Sec. 322, Prohibition Against Out-of-State Audit Charges. The section is based upon Sec. 624 of H.R. 7906, but is modified to relate only to sales and use taxes.

Sec. 323, Permissible Taxes. This section is the same as Sec. 621 of H.R. 7906, except that in the third line the word "excise" is substituted for "franchise."

Sec. 324, Reciprocal Collection Agreements. This is a new section which would authorize contiguous states to enter into reciprocal agreements to require a seller to collect applicable use tax for the sister state into which a seller makes sales of tangible personal property. This section makes specific the rather cryptic provisions formerly contained in Sec. 301(a)(2) of H.R. 7906 and Sec. 201(a)(2) of S. 3368.

Sec. 325, Liability With Respect to Unassessed Taxes. The section is based on Sec. 625 of H.R. 7906, but is modified to eliminate references to income taxes, etc., and to accord with revised jurisdictional standards.

Sec. 326, Effective Dates. This section is similar to Sec. 325 of S. 3368, but allows Sec. 205, prescribing limitations on local sales and use taxes, to take effect five years after the enactment of the Act in order to allow time for Legislatures of the several states to make changes in presently existing non-uniform local sales and use tax laws. The section also assures that jurisdictional limitations on imposition of tax and provisions barring prior assessments shall be effective upon enactment.

CONTEMPLATED FOLLY

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, we continue to contemplate some wondrous things in this Federal Government. Members are aware of the action in which the Federal Government purchased the Congressional Hotel from the Government campus at a good price, purchasing it for use as an office building and then leasing it back to the original owner at a price favorable to the hotel corporation. However, now we talk about another venture of this kind which just seems incredible. There is a strong desire to tear down the old Willard Hotel, which is a hotel. Now we have serious consideration given to a proposal to make a hotel out of the old post office building at a cost of $6 million or more so that we will have a place for people to stay in when they come to the big birthday party a few years hence. I think Members should be alerted to the folly that is being contemplated.

DANGEROUS COURSE OF WILLY BRANDT

(Mr. GROSS asked and was given permission to address the House for 1 minute, to revise and extent his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, the recent and continuing harassment of motorists en route to and from West Berlin points up once again the utter folly of the spineless policy toward Russia being pursued by Chancelor Willy Brandt.

I find it hard these days to recognize the former mayor of West Berlin who was once among the most fearless and outspoken of anti-Communists.

In the last year, however, this former lion has turned into a lamb, openly kowtowing to Moscow and its puppet satellites. He has signed what amounts to surrender papers with Russia and Poland and is bent on doing the same with Czechoslovakia, Hungary, and Bulgaria.

Ironically, Herr Brandt has apparently never heard of an Englishman named Chamberlain who tried to pacify Hitler in much the same manner.

He is now, pitifully, trying to pacify his criticis with a proposed "deal" with the Russians "guaranteeing" free access to West Berlin as well as other "concessions" toward that city.

I say it is a pitiful sight because, as Herr Brandt should know, a Russian guarantee is worth just about as much as the paper upon which it is written. It is to be fervently hoped that the people of West Germany will persuade their Chancellor of the folly of his present course before it brings Communist enslavement to them all.

WHEAT AND FEED GRAIN PROGRAMS

(Mr. BURLISON of Missouri asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURLISON of Missouri. Mr. Speaker, there are a number of national farm leaders from my State. Among them is Mr. Fred V. Heinkel, president of Mid-Continent Farmers Association. In the February issue of that organization's magazine, Today's Farmer, Mr. Heinkel expressed some penetrating thoughts relative to operation of wheat and feed grains programs under the Agricultural Act of 1970. These remarks should not escape the attention of the Members, particularly those representing wheat and feed grain areas, and, therefore, I insert his remarks in the RECORD at this point:

NEW WHEAT AND FEED GRAINS PROGRAMS: WILL THEY DO THE JOB?

(By F. V. Heinkel)

As details of the 1971 feed grains and wheat programs are unveiled by USDA, I share with many of you a growing concern with regard to what's ahead.

A real and dangerous weakness of these programs, as I see them, is in the "watered down" approach to supply management. There are no acreage allotments. Cross-compliance is no longer required. If a wheat or feed grains farmer maintains his soil conserving base and meets the set-aside requirement, he can plant his entire remaining crop acreage to corn, or to wheat or to grain sorghums—and his entire crop production will be eligible for government loan.

Under the new farm law, as a safeguard against continued over-production or under-production, the Secretary of Agriculture has authority to regulate individual crops. But he has chosen not to exercise that authority in this year's programs.

As a result, it would be possible this year for farmers in Missouri to double last year's corn acreage—and still have every bushel eligible for government loan. Such an increase is unlikely, of course, because farmers probably will not make such a drastic shift in cropping programs. But it is possible. And, as we've learned in previous years, even a slight over-planting and over-production can depress prices to the point at which government loan becomes the best available "market."

Under this year's programs, loan price for corn has been pegged at $1.08 per bushel, wheat at $1.25 per bushel and grain sorghums at $1.73 per cwt. Without allotments and cross-compliance, will farmers over-plant? Will government bins again become the "market" for those commodities?

I have no crystal ball. I cannot see for certain what lies ahead. But I do have a pretty good memory, I think.

I remember the 1920's—when there were no planting restrictions and no price supports. In those years, debt-ridden farmers plowed and planted every available acre in futile efforts to increase their incomes. The result was bankruptcy for many.

Then I recall how the acreage control and price support programs of the 1930's enabled farmers to improve their incomes and regain a degree of financial stability.

I am reminded that through supply management and production incentives built into the programs of the early 1940's, farmers were assisted and encouraged in providing the food and fiber needed to win World War II.

In the 1950's, you'll recall, our farm programs were administered without enthusiasm. Prices were supported by government loans, but acreage limitations were inadequate. As a result, surpluses piled up to unmanageable levels. And there was widespread disillusionment with government farm programs.

Then came the Agricultural Act of 1961, as amended and extended, and the Food and Agriculture Act of 1965, which was extended through last year. Keyed to supply management, programs developed under those laws enabled as to eliminate surpluses and gear production to market demand. At the same time, farm income was improved. Those programs were not perfect. They could have been improved. But they worked!

Times and circumstances change. Programs must be adapted to the changes. But if there's one thing we should have learned during the last half-century, it is this: *Effective supply management is essential* to the success of farm programs, to the improvement of farm income and to the welfare of this nation. Farmers need assistance in gearing their production to market demands. Without effective supply management, burdensome surpluses and disastrously low prices are likely.

For me, there's small consolation in the USDA promise that payments to farmers this year will total about the same as last year.

With no payment for acreage diversion, many farmers will find that the government payments which they can collect this year will be substantially less than they earned last year.

The USDA promise, I am told, was based on the assumption that a higher percentage of farmers will participate in the 1971 programs. With eased planting restrictions and in the absence of cross-compliance requirements, more big farmers and multi-farm operators—especially in the big corn states of Iowa and Illinois—are expected to sign up in order to collect price support payments and be eligible for crop loans.

A program for big farmers and big grain handlers? That's how it appears to be shaping up. Except for the payment limitation of $55,000—which affects only a handful of farmers—the new programs provide more benefits for big farmers than any programs of recent years. At the same time, they neglect some of the special needs of smaller farm operators.

For example: The total diversion feature, so important in recent years to some smaller farm operators and some semi-retired farmers, has been eliminated. Under the old programs, you'll recall, a smaller farm operator who chose to plant no wheat or feed grains could divert his total base acreage. Now, in order to maintain his base and collect price support payment, a farmer must plant part of his acreage to wheat or feed grains. This means that some smaller farmers may be forced back into production of those commodities.

Of real concern to many farmers was the eligibility requirement for set-aside acreage, as announced in December by USDA. To be eligible for set-aside, land must have been harvested for crops other than wild hay within the last three years, USDA said. In other words, most land which had been diverted for the last three years would not be eligible for set-aside.

For many farmers, the requirement—which was a USDA ruling, not a part of the law—would have disrupted cropping plans and increased costs by making it necessary to plow up land already seeded to grass and establish grass seedings on land intended for crops this year.

The set-aside eligibility requirement was protested, promptly and emphatically, by MFA. A delegation, including D. T. Weekley, MFA board member from Blackwater, and L. C. Carpenter, MFA vice-president for public affairs, went to Washington to explain the farmers' point of view to USDA and ASCS officials.

Recognizing the hardship which would result, the Secretary of Agriculture last month recinded the unnecessary set-aside eligibility requirement for this year's program.

Sign-up for the 1971 farm programs is scheduled to begin March 1. I urge you to go to your ASCS office. Find out for certain how the new programs will affect your operation. Get every detail.

Although less than we hoped for, the new programs are all that's available for now. If you can participate, I encourage you to do so.

If you don't like the new programs, I suggest that you let your Congressman know how you feel—Loud and Clear.

The farm law was created by the U.S. Congress. It can be amended by that Congress. And administrative rulings can be changed. There's another election coming up next year.

TO RESTORE STABILITY TO NATIONAL ECONOMY

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on January 29, I proposed what I believed to be an effective method to restore stability to the national economy. My bill, H.R. 2502, which I am reintroducing today with several cosponsors, establishes an Emergency Guidance Board to set and administer a system of voluntary price and wage guidelines for certain concentrated industries and large labor organizations.

My proposed program is designed to bring quick, short-term relief during a time when an expansionary monetary policy is being pursued to increase demand, as it is increasingly by the Federal Reserve Board. Upon introducing my bill, I noted that the administration has started haltingly on this course in setting up a wage board in the construction industry.

The system of voluntary guidelines administered by the Emergency Guidance Board is designed to put a lid on inflationary increases in prices and wages and would be equally applied to all industries in a context that would not interfere with the free market system.

An article entitled "Teeth for the Jawbone," written by Mr. Henry C. Wallich in the February 15 issue of Newsweek presents an excellent discussion of this matter, underscoring the need for a program similar to my proposed Emergency Guidance Board, and I am inserting the article at the conclusion of my remarks for the benefit of my colleagues. The article by Mr. Wallich follows:

TEETH FOR THE JAWBONE

(By Henry C. Wallich)

Some two and a half years ago, in this space, I ventured a generalization about our experience in stopping inflation. Half a recession, so it seemed to me, did not do it. A recession and a half was adequate, but perhaps more than required.

History since that time has not disavowed the proposition. Whatever the rating that specialists may give to the late, unlamented economic unpleasantness, surely it qualifies for at least a half recession. It has not stopped inflation. Some people argue that if only we keep money and the budget tight enough long enough, inflation will end. Very probably so. But that means accepting still higher levels of unemployment and a serious recession. The advice to hang on echoes the tale of the man who set out to demonstrate that his donkey could learn to live without food. He had almost proved his point when unfortunately the beast died. Having demonstrated the first part of my law—half a recession is not enough—we are not minded to explore the second—whether something short of a recession and a half will do the job. Thus a new approach is needed.

The name of the new approach is in incomes policy. On this there is now increasing—though by no means universal—agreement. So far, however, incomes policy is still a term in search of a meaning. The term itself is a polite circumlocution for some kind of interference in the free economy. What is to be interfered with are wages and prices. That means the incomes of labor and capital—hence incomes policy.

My own preference continues to be for a form of incomes policy that preserves free markets. The profits surtax on companies granting excessive wage increases, which I have suggested repeatedly in this column, meets this standard. It meets also the very important standard of fairness. Wages are restrained, but the company pays. A burden falls on both sides. Of the criticisms that I have received—readers have been quite forthcoming in that respect—that which best stands up to serious analysis is the difficulty of administration. But I have said enough on this topic, and now turn to examine other forms of incomes policy.

EQUAL TREATMENT

If free markets cannot be fully preserved, intervention should at least be fair and equitable. That means that labor and business should be treated alike, and that all major unions and major companies should be treated alike. To pick on one sinner to expiate the wage-price transgressions of all will do little good to the many and great damage to the few.

Naturally many people view with satisfaction the President sallying forth to do battle with a steel company, as President Kennedy did in 1962, and as President Nixon did a few weeks ago. Both Presidents acted under great provocation, and indeed a 12 per cent steel price increase could do serious damage. In some situations there may be little alternative. But this cannot be the whole of a new "game plan."

Today many unions and companies are practicing wage-price aggression because they fear that unless they do, they will suffer by the aggression of others. Unions and companies that practice restraint run great risks. The quest for stability and steady growth has given way to the battle for survival. The way to quiet the aggressors is to protect them against the aggression of others.

If we go toward intervention in wages and prices, we should have, along with occasional Presidential jawboning, a broadly based institution to do the job. Full-scale wage and price control is out. Let it stand, as a warning specter, at the end of the road leading to economic failure. Right now, a wage-price board is needed with powers to monitor, but not to approve or deny, a wide range of wage and price increases.

This board would have to establish standards of reasonableness for wage and price movements. These should take into account the existing momentum of inflation but seek to subdue it with all deliberate speed. The board should have a staff and powers to obtain information sufficient to test any actual wage and price movements, and it should publicize and seek public support for its findings. These procedures would have to be supplemented by action on other fronts—to stimulate competition, to deal with the special situation of the construction industry, to restrain the government's own multifarious price-raising propensities. But the overriding law, for the board as well as for all supplementary efforts, would always be simple: to maintain as effectively as possible the operation of free markets.

CURB ILLEGAL INTERNATIONAL DRUG TRAFFIC

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, for many years, drug addiction from heroin was confined to hardened criminals in the big city ghettoes of the United States. Today, however, this addiction is common among young people living, not only in the cities, but also in the suburbs and rural areas. No part of society, no neighborhood or family, is immune from the disease and tragedy caused by drug abuse.

My own State of Connecticut has 4,000 to 8,000 heroin addicts, the second largest number in New England, while New York City is reported to number at least 100,000. The drug problem is out of control; the number of addicts increases daily, and the number of crimes due to addiction increases proportionately.

Survival for an addict is expensive and hazardous. He needs about $40 a day for drugs which the average user obtains by committing various criminal acts—usually assault and theft, sometimes murder. The drug addict is desperate and dangerous; obtaining his fix may impel him to violent action. In New York City, addicts steal more than $1.5 billion every year. Not only are people in New York and elsewhere being robbed, attacked, and killed because of the drug problem, but the cities are losing their vitality, partially because of this disease. City dwellers, frightened by what might happen to themselves or their children, are moving away. The "smell of death," as Stewart Alsop recently called it, is becoming intolerable. Drug pollution is choking the country.

The 91st Congress passed legislation that would provide for education and treatment of drug addicts, and these steps are important; but unless the production of heroin can be curbed, unless we can confront the problem at its source, addiction will continue to pollute our cities, and our countryside as well. Almost 100 percent of the hard drugs being consumed in the United States today is produced abroad, with 80 percent coming from crops grown in Turkey and processed in France. Although Turkish farmers have been cultivating opium poppies for hundreds of years, the Turkish Government has not been able to control its illegal drug traffic. Smugglers in Turkey pay farmers $7 to $11 a pound for raw opium, but when it is sold to American addicts as heroin, the price per pound is more than $40,000.

Last week I introduced a bill that expresses congressional support for strengthening the power of the United Nations to curb illegal production and illegal international traffic in narcotics and dangerous drugs.

Today, I am introducing legislation that would amend section 620 of the Foreign Assistance Act of 1961 so that the President would be authorized to suspend, in whole or in part, foreign aid to any country which failed to cooperate with the United States in reducing illegal international drug traffic. Under this proposal, the President would have the power to impose economic sanctions on those countries which would not control their illegal production and export of narcotics. Certainly the United States should not provide aid to those countries which condone illegal profits made in so harmful and tragic a fashion. On the other hand, a country willing to help eliminate the supply of narcotics should be supported by the United States, and in fact the Bureau of Narcotics and Dangerous Drugs has teams in France assisting the French Government which is developing its own domestic narcotics problem. My bill authorizes the President to call upon all appropriate agencies of our Federal Government to assist cooperating foreign governments in their efforts to prevent the unlawful entry of narcotic drugs into the United States.

In light of the growing drug problem in Connecticut and throughout the United States, in the cities, and elsewhere, I urge favorable consideration of this proposal. By reducing the supply of narcotics illegally entering the United States, the Congress can make a much needed contribution toward controlling the growing menace of drug addiction and related crime.

BOTTLED DRINKING WATER LEGISLATION

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I am today introducing legislation authorizing the Administrator of the Environmental Protection Agency to establish and enforce a program of health standards for bottled drinking water.

Because of today's emphasis on pollution and the current dissatisfaction with the taste of chlorinated water, the demand for bottled drinking water has sharply expanded in the last few years. The Water Resources Division of the Department of Commerce has estimated from private industry sources that $100 million worth of bottled water was sold in 1970. This figure is significantly up from $60 million worth sold in 1960 and the $63 million worth sold in 1964. The American Bottled Water Association, which represents 90 percent of the bottlers of still waters, reports that sales are growing at the rate of 15 to 20 percent a year. People dubious of the quality of their water supplies or unhappy with the taste of chlorine are demanding bottled water as a practical alternative.

Industry has responded to this demand. Many supermarkets now stock containers of water for their customers, and in some localities bottled water is delivered to the door each day in the same fashion as milk and orange juice. It is known that certain nationwide soft drink companies are considering entrance into this burgeoning market.

In the light of this substantial growth, it is surprising and disturbing that no specific and uniform standards exist to control the quality of bottled drinking water. Several States have stringent regulations, but most States have either very general standards or no standards at all. In addition, most States that do have regulations have no dependable mechanism for systematic inspection of bottled water.

Private industry has proved responsible in most instances in maintaining minimum health standards in its products. However, without specific, uniform guidelines, industry cannot be certain of its responsibilities, and consumers cannot be absolutely sure of the extent of their protection. This type of uncertainty must be eliminated. The legislation I am now introducing empowers the Administrator of the Environmental Protection Agency to prescribe minimum health and safety standards for bottled drinking water if, after scientific investigation, he determines that such standards are necessary. These standards will apply to spring water, distilled, and flourished water, or any other bottled water product which moves in interstate commerce and the Administrator finds in need of regulation. It will be illegal for any producer or distributor of bottled drinking water to transport in interstate commerce those products which fail to meet these minimum standards. Violators of this act will be subject to a restraining order and a civil penalty of up to $1,000.

Because of the sudden rapid growth of the bottled water industry, I feel that now is the proper time for the Congress to establish adequate protective legislation. By providing uniform standards for the entire industry and insuring the safety of the growing number of bottled water consumers, this bill will create the needed protection.

HUD REPORT ON URBAN RENEWAL PROBLEMS NEEDED

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, we all know that relocation matters pertaining to urban renewal projects have been the most difficult problems that we face in this general area. It brought us more anguish and more unhappiness and more unpleasantness than any other thing that we have been faced with. Over a year ago the Congress passed an amendment which said that the Department of Housing and Urban Development was to conduct a survey on the effectiveness of all relocation matters with respect to urban renewal programs. I have exchanged correspondence with the Department of Housing and Urban Development during the last year because I had offered that particular amendment and it said that a review should be done by December. Then HUD changed the schedule and said that the review would be available by January. We are now approaching the mid-mark of February, and this review has still not been completed. I think the Congress is getting tired of waiting. We need to have this review showing the effectiveness or ineffectiveness of relocation matters with whatever recommendations that the Department of Housing and Urban Development might have. We should have a report on this review now. If the Congress does not get it, we should consider withholding funds in this area. We must solve the relocation problem in a better way, and I hope that this review is published immediately.

CREATION OF NATIONAL CANCER AUTHORITY

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOLLOHAN. Mr. Speaker, today I have introduced a bill calling for the creation of a National Cancer Authority to direct and appropriate funds for cancer research. I have recommended that the Authority be granted $100 million annually so that we can hopefully conquer cancer in this decade.

The need for this program is apparent. Cancer is the second leading cause of all deaths in the United States. This year alone, the American Cancer Society projects 335,000 Americans will die of this dreaded disease. Of every six deaths from all causes in the United States, one is from cancer.

Most striking is the fact that the mortality rate for the largely preventable disease of lung cancer has increased in men more than 15 times in 40 years.

But progress is being made. With early detection and treatment a patient's chance for survival is better now than before.

The fact that progress has been made should lead us to believe that the search for cures is not hopeless, that our efforts in this behalf will not be futile, and that now is the time for us to commit ourselves to conquering cancer.

With new breakthroughs in the development of anticancer drugs and research into DNA and virus-induced cancer in animals, we seem to be drawing closer to the cures we need.

Thus far, over 100 viruses—20 of which have been discovered in the last 3 years—have been found to produce cancer in animals. Although not yet identified as the cause, some of these viruses are associated with cancer in humans and others are considered as suspects for causing cancer. If we can identify cancer-causing viruses, it would be possible to develop vaccines to protect us against them.

We seem to be in the threshold of discovery, but we actually know less about cancer than we do about the moon or the atom. We need a national commitment to provide the funds and the direction so we can step over that threshold in this decade.

THE STATE OF OUR SYSTEM OF JUSTICE IN THIS COUNTRY AND AROUND THE WORLD

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. RAILSBACK. Mr. Speaker, as a lawyer and a member of the Judiciary Committee of the House of Representatives, I am concerned with the state of our system of justice in this country and around the world. Recent events have led me to examine the legal system of Communist-controlled countries insofar as it applies to citizens of these countries and those who have been subjected to these systems.

The House of Delegates of the American Bar Association has just adopted a resolution condemning the actions of the Czechoslovak Government which is engaged in a systematic demand of money from Czech and Slovak emigrees throughout the free world.

Recently these free world residents have been receiving letters from the Czechoslovak Legal Advisory Center which tells them that they have had criminal proceedings filed against them for the crime of leaving the country without permission. The letters advise these individuals that they must pay substantial fees in advance to government lawyers who will defend them and that the individual will most likely be sentenced and that the punishment cannot be suspended. The letter advises further that the legal fees may be collected from close relatives remaining in Czechoslovakia and that if the individual should return to Czechoslovakia immediately it might be possible to have a stay of the criminal proceedings.

Mr. Speaker, this has been described as a simple case of blackmail and it is of very great concern to those receiving such letters. This is an ominous threat to them, their relatives, and their property. The leadership of Adm. William C. Mott, U.S. Navy, retired, chairman of the ABA Standing Committee on Education About Communist and Its Contrast With Liberty Under Law and of Dr. Charles Baroch, scholar-in-residence for the standing committee, deserves applause and praise both for the interest and concern and for the professional manner in which the matter was presented to the ABA House of Delegates.

Senator ROMAN HRUSKA has been a leader also in voicing the fears of these people. I would respectfully direct the attention of my colleagues to pages 1559 through 1562 of the CONGRESSIONAL RECORD of February 3, 1971, which contain remarks by Senator HRUSKA and various items of correspondence and news articles.

At this point, I include background information on the resolution of the House of Delegates of the American Bar Association as follows:

RESOLUTION ADOPTED BY THE HOUSE OF DELEGATES OF THE AMERICAN BAR ASSOCIATION, FEBRUARY 9, 1971

Whereas, The Czechoslovak Government through its Legal Advisory Center (Advokatni Poradna) has advised all Czech and Slovak emigres who left the country as a result of the Warsaw Pact military intervention of 1968 that a criminal proceeding has been initiated in absentia against them for leaving or staying out of the country without permission; and

Whereas, The Czechoslovak Legal Advisory Center has demanded a down payment in hard currency of the country in which the emigres are now domiciled for defense by Czechoslovak lawyers of the alleged crime; and

Whereas, The Czechoslovak Legal Advisory Center has informed all emigres that should they fail to transfer the required down payment within fifteen days the Center would be entitled to and would demand payment from their nearest relatives in Czechoslovakia; and

Whereas, The American Bar Association is dedicated to the principle of justice under the law and believes that the failure of justice anywhere is a threat to its realization everywhere and the action of the Czechoslovak Government through its Legal Advisory Center and court system in the case of these emigres violates principles of human rights;

Now, therefore, be it resolved, That the American Bar Association:

(1) formally condemn the actions of the Czechoslovak Government and its Legal Advisory Center against the aforementioned emigres;

(2) call these injustices to the attention of members of the Bar, the American public and appropriate international bodies and agencies such as the United Nations Commission on Human Rights, the International Commission of Jurists, the International Bar Association, and other groups; and

(3) charge its Standing Committee on Education About Communism and Its Contrast With Liberty Under Law to follow the administration of justice in Communist-controlled countries in order to keep the Association and the American public at large informed concerning the nature of legality and justice in those countries and regularly report instances of injustice as they occur; and

Be it further resolved, That the Committee prepare a comprehensive report concerning recent events in Czechoslovakia which prompted this resolution, without expenditure of ABA funds.

Statement in Support of the Resolution

The facts which prompted the Committee to submit a Resolution for the consideration of the House of Delegates are incontrovertible and have been reported in the world press.

There are about 70,000 new Czechoslovak emigres in the free world (about 8,000 are in the United States, 12,000 in Canada, 2,000 in Australia, with the rest in Europe).

They left Czechoslovaia shortly before or after the Warsaw Pact armed intervention in August 1968, an action undertaken to restore the controlling rule of the Czechoslovak Communist Party as enforcement of the so-called Brezhnev Doctrine in that country.

Citizens of Czechoslovakia are denied the basic human right to leave the country or stay abroad without official permission. Such acts are crimes against the security of the state (the Czechoslovak Socialist Republic).

Consequently, the Czechoslovak citizens who preferred to leave their country rather than live under rigid Communist control violated paragraph 109, sections 1 and 2, of the Criminal Code 140/1961, and, according to reports in Czechoslovak newspapers,[1] are now on trial by the hundreds in absentia.

All the so-called defendants received registered letters[2] at their residences abroad, advising them of criminal proceedings instituted against them in the CSSR. These letters differ according to the different purposes of this terror campaign.

First, one can discern an overall effort by the Czechoslovak Communist government to instill fear into the emigres for their own persons and for their relatives left behind. Their personal insecurity comes from lack of citizenship (not yet attained in most cases) and, consequently, from their doubts about protection by the authorities of their new country of residence.

The second discernible purpose behind the mass trials is to extort hard currency by asking the emigres to pay defense fees to government lawyers assigned to each case. Some letters contain a blackmail threat to collect the required sum from relatives, if the refugee refuses to pay. In view of the large number of pending cases the Czechoslovak government could collect millions of dollars worth of hard currency, badly needed in its shaky economy.

Finally, some letters indicate the desire to pressure refugees, the majority of whom come from the intelligentsia, to return home, by promising to drop the charges against them. This would indicate a technological and professional manpower shortage in Czechoslovakia, caused by the emigre brain drain.

These letters caused great alarm among the emigres everywhere, to the extent that they are reluctant even to admit receiving them for fear of reprisals against their relatives in Czechoslovakia. For that reason all names and details which could identify the recipients have been deleted from the enclosed copies. This alarm has been reflected in appeals of many Czechoslovak emigre organizations to their respective adopted governments, asking a stop to this harassment of future citizens.[3]

Under these circumstances, the support of the American Bar Association in reaffirmation of human rights, as expressed in the Resolution, would be of immeasurable value to the refugees, who in their ambiguous legal situation can rely only on the free world's expression of solidarity.

Statement in Support of the Resolution

DOCUMENTATION

(1) *New York Times* article by Tad Szulc (12/16/70).

(2) Three letters (representing those received in the USA, Canada and England—copies of the original letters with names and addresses of recipients are in the hands of the committee).

(3) Telegram to US Secretary of State and Attorney General from Czechoslovak emigre organization.

(4) Appeal to the Canadian government by a number of organizations together with a Vancouver press report.

(5) *New York Times* and *Washington Post* articles on Australian residents (12/13/70, 12/16/70).

LETTER.—TRANSLATION

You are advised that criminal proceedings have been instituted against you for the criminal act of leaving the Republic, according to paragraph 109, section 2 of the Criminal Code. Since these proceedings are conducted in your absence, the Czechoslovak law on criminal procedure requires that you . . . have a defense lawyer. I was appointed as your defense lawyer, and you are obliged to defray the cost, which is estimated in the first instance of the proceedings at 1,350 crowns/approximately $190.00/, which includes the lawyer's fee and court expenses.

I am therefore requesting that you pay the sum mentioned within one month as a down payment for the defense. It should be credited in dollars according to the official exchange rate to the account of the Regional Lawyers Union at the Artisans Bank, Prague.

Finally, I should like to bring to your attention that the results as of now of the criminal proceedings seem to indicate that you will be sentenced and that your punishment cannot be suspended. The prison term for the criminal act mentioned above ranges from 6 months to 5 years and, in addition, your property will be confiscated.

You could possibly receive a suspended sentence, but only if you return to Czechoslovakia immediately or apply to the Regional Passport Office for extension of your permit to stay abroad. In the latter case it may be possible to request a stay of the criminal proceedings pending a decision with regard to your application for passport extension.

Greetings,

signature ——— ———.

Prague Starts Blackmailing 70,000 Exiles

London/FCI.—British authorities are in possession of an interesting official document originating from Prague. It testifies to an unprecedented blackmail which may affect 70,000 voluntary exiles from Czechoslovakia, the majority of whom are now settled in Commonwealth countries, some 2–3,000 in Britian itself. It is a letter from the "Legal Advisory Centre" ("Advokatni poradna") established by the Prague regime and is addressed to post-August 1968 exiles. It demands an immediate down-payment of 700 Kcs. (£40 at the official exchange rate, but worth treble to the State Bank in foreign currency) with the threat that if the money "is not deposited within 15 days the Legal organization has the right to demand it from near relatives in CS(S)R", i.e. in most cases aged parents. This letter has reached exiles in a number of countries and may soon affect most of the post-invasion exiles of whom there are about 70,000, although Prague officially admits to only 51,000 by omitting those who have not yet made a declaration that they have no intention of returning.

THE LETTER

I wish to inform you that based on the decision of an investigator made on . . . a criminal proceeding has been initiated against you based on para. 102–2 of the criminal law, because according to the aforementioned decision there is a reasonably founded conclusion that you have been illegally abroad since . . . with the intention of taking up permanent residence there.

According to the law Defence Counsel in this case is obligatory. Since you have not chosen a Defence Counsel, I have been nominated to represent you, for which reason I am sending you the above information. (FCI Note: This is usually the first time the addressee has heard about the proceedings. He has, therefore had no opportunity of naming a Defense Counsel, even if he had wished to do so).

"At the same time I wish to inform you" the letter goes on, "that according to the provisions of the criminal law cited, you can be tried in absentia and may be sentenced to prison for a term of 6 months to 5 years, to corrective measures and to confiscation of property. (FCI note: In most cases property, flats, cash deposited, etc., have already been confiscated by a special decree before any proceedings being instituted in individual cases).

"It is in your own interest to let me know if any circumstances exist which, as your lawyer. I could use for your defence in these proceedings. Especially, let me know whether you submitted an appeal asking for permission to prolong your stay abroad, or whether such an appeal is under consideration by the authorities." (FCI: Many exiles left legally but failed to return).

"Finally, I wish to inform you that the cost of the proceedings and of the defence have to be met by you. As far as the cost of the defence is concerned, it is my duty to ask you to pay, within 15 days, an appropriate down-payment, i.e. 700 Kcs. According to our currency regulations this down-payment must be paid in the currency of the state where you are now domiciled to the value of the official exchange rate. (FCI note: which is purely fictitious) and credited to the account of the Regional Lawyers Union at . . . with the Artisans Bank (Zivnostenska Banka). Should you fail to transfer the required sum within the period stipulated, the Legal Advisory Centre is entitled to obtain payment from your nearest relatives in CS(S)R.

I await your reply and remain with greetings,

(Stamp) LEGAL ADVISORY CENTRE at . . . Signed)

In many cases, in order to save old parents or other relatives the exile pays up. He does not realize that the final bill may be many times higher than the original demand for "down-payment". If later he refuses to pay the balance for concluding the proceedings—the result of which is a foregone conclusion—the money will be extorted from those he wished to save by making the first payment. Since similar measures were not applied (especially in their financial aspects) against the majority of the post-February 1948 putsch victims, observers believe that this scheme for obtaining foreign currency has been devised by the KGB and Soviet legal advisors who have of late directed political "justice" in occupied Czechoslovakia.

---

[1] See the enclosed article by Tad Szulc in the *New York Times* of December 16, 1970, pp. 1; 10.

[2] See enclosed copies of translations.

[3] See the enclosed telegram sent, December 30, 1970, to Secretary of State William P. Rogers and Attorney General John Mitchell by the Czechoslovak National Council of America.

To avoid further victimisation of a particular "offender" and of his relatives, it has been decided not to publish the name or the address of the "Legal Advisory Centre" and the nominated Defense Counsel concerned in this letter.

CS(S)R: World-Wide Campaign (London/FCI) According to Swiss and German press reports the number of exiles resident in Switzerland, who have received notification of criminal proceedings instituted against them, is considerable. Downpayments vary. In some cases it is 1000 Kcs. (almost £60 or $144). Exile publications in Canada have advised readers not to reply to the letters, but to contact Canadian authorities and ask for protection against balckmail. A Czechoslovak exiles delegation appealed to Mr. Trudeau to intercede with Soviet authorities to liberalize the occupation regime in Czechoslovakia.

[Translation]

OFFICE OF LEGAL COUNSELLING NO. 5

You are advised that following the decision of the inquest officer dated October 12, 1970, prosecution has been initiated against you for the criminal act of abandoning the Republic according to article 109/2 of the Criminal Code, because established facts do sufficiently justify the conclusion that you have been, since October 18, 1968, staying abroad illegitimately with the intention to take up permanent residence there.

The law makes defense in this case obligatory; as you have not yet chosen a counsel I was appointed to be your defense lawyer. Consequently, I am addressing to you the above information.

At the same time I wish to advise you that according to the quoted article of the Criminal Code you may be tried in absentia and sentenced to prison for a term of 6 months to 5 years or to corrective measures, or possibly to forfeiture of your property.

It is in your own interest to communicate to me, whether there are any facts that I could, as your counsel, point up for your defense in this process. In particular, let me know, whether you applied for an extension of your stay abroad or whether proceedings relating thereto are on the way.

Finally, you are advised that the costs of the proceedings and those of legal defense are your responsibility. As far as the defense costs are concerned, it is my duty to invite you to send within 15 days an adequate deposit, i.e. 700.- Czechoslovakian crowns. According to our foreign-currency regulations, of course, the deposit has to be forwarded in the currency of the country of your immediate residence, i.e. in Canadian dollars, at the official exchange rate, to the order of the City Guild of Barristers in Prague at the Artisans' Bank, Prague 1, Prikopy. If the deposit is not forwarded within the stated deadline, the organization of barristers is entitled to accept payments by your close relatives in Czechoslovakia.

Expecting your answer, I remain,

Your truly:

(Illegible signature).

TELEGRAM FROM THE CZECHOSLOVAK NATIONAL COUNCIL OF AMERICA, CHICAGO, ILL.

TO SECRETARY OF STATE AND ATTORNEY GENERAL.

Public opinion in the United States, Canada, Australia and other free countries has been seriously disturbed by recent evidence of a new form of harassment of refugees from Czechoslovakia by agencies of the Prague government. Many refugees have received communications from Czechoslovak authorities informing them about pending trials initiated against them for having illegally left Czechoslovakia or for not returning from abroad. The Czechoslovak authorities urged refugees to transmit sizeable sums of money to cover the fees of officially assigned defense lawyers.

The letters contain a veiled threat that in case of nonpayment the refugees' relatives in Czechoslovakia might be called upon to defray the defense expenses. This despicable form of blackmail is a logical consequence of the communist unwillingness to respect the fundamental human right of every individual permitting him to leave at will his own country and to settle in any country of his own choice.

Basically this is the same evil which is found in the cruel denial of permission to Jews to emigrate from the Soviet Union to Israel.

The Czechoslovak National Council of America is deeply shocked by the apparent inability of the American government to convince the communist governments of the imperative need to implement more accurately the spirit of the Universal Declaration of Human Rights. The Czechoslovak National Council urges the Department of Justice/State to find new and better ways of representing this need to the communist governments of East Central Europe.

James V. Krakora,
President.
Francis Schwarzenberg,
Vice-President.
Vlastislav Chalups,
Secretary.

EXPATRIATE LEADER APPEALS TO OTTAWA OVER "BLACKMAIL"

The leader of 1,200 Czechoslovakian expatriates in Vancouver has filed charges with Ottawa that many of them are being blackmailed by the Communist regime of their homeland.

Prague recently advised Czech refugees in the United States, Canada and Western Europe, who fled their country after the Soviet-led invasion in 1968, that they face criminal proceedings for "illegal presence" abroad.

Many expatriates have received letters telling them that they must make a "down payment" for legal defence or the "fees" will be collected from their nearest relatives in Czechoslovakia.

University of B.C. professor, Dr. V. J. Krajina, says many of these letters have been received by refugees settled in Vancouver.

Krajina, president of the Vancouver Chapter of the Czechoslovak National Association of Canada, has sent off a letter to External Affairs Minister Sharp pleading for help to combat a "case of mass extortion."

Krajina says that officers from the Czech government specify that payments ranging from $50 to $100 be credited to an official Czechoslovak bank.

"To my mind (this) belongs to the same category of blackmail that was applied at the kidnappings all over the world and more recently in Quebec," said Krajina. "But in this case it is applied directly by an agency which is under the control of the Communist state."

In his letter to Sharp, Krajina says the Communist regime of Czechoslovakia has two aims in invoking "mass extortion".

He says the first is to alleviate the economic problems of Czechoslovakia by extorting money from refugees.

The second aim is to create hatred between relatives—Czechs presently living in Czechoslovakia and those who fled.

"Both these Machiavellian aims are humanly most objectionable," says Krajina.

TORONTO AREA CO-ORDINATING COMMITTEE OF CZECH AND SLOVAK DEMOCRATIC ORGANIZATIONS

FOR YOUR INFORMATION

The below mentioned organizations of Canadians of Czech and Slovak origin in Toronto area would like to bring to your attention the following matter:

Many refugees from Czechoslovakia, who came to our shores after the invasion of their country, are now facing in-absentia trials in Czechoslovakia, in which they are accused of "crimes", like living in Canada without Czechoslovak Government official permission. These trials, in the opinion of many, would be just a farce, if they were not accompanied by threats to the new immigrants and their relatives in Czechoslovakia.

Czechoslovak refugees in Canada are receiving letters from state-appointed "legal counsels" in Czechoslovakia and are being asked to pay a down-payment for what is called "defence in court". These letters invariably include a sentence that down-payment will be "accepted from close relatives in Czechoslovakia", which will be interpreted as "to demand payments" by anybody, who had lived under a Soviet type of dictatorship. It is therefore understandable that people in Canada receiving such letters from authorities in Czechoslovakia consider themselves to be victims of blackmail.

We are warning our fellow-countrymen, through our ethnic press, against this Communist scheme, and we are urging them to leave letters from state-appointed Czechoslovak lawyers unanswered. However, we fear that if anyone in Canada will submit to pressure from authorities in Czechoslovakia, he will do so not because he recognizes any legal obligation, but only because he wishes to spare his closest relatives from persecution.

We feel that the whole situation might be remedied more efficiently, if the Government of Canada could find a way of expressing its dissatisfaction with these procedures.

Two aspects of this affair would, in our opinion, justify Canadian Government action:

1. New immigrants in Canada are being bothered and their settlement rendered more difficult by moral as well as economic pressure;

2. If the scheme were allowed to go on unchecked, several million dollars might be drained out of the Canadian economy.

We sincerely hope that you will understand the cause of our concern. We would like to assure you that any support you might be able to give to our standpoint, will be of great significance to us. It may also restrain further moves by the Czechoslovak Government, as well as similar activity by other governments behind the Iron Curtain.

Club of newcomers of Czech and Slovak origin in Canada—represented by Steve Petr, Secretary, 5 Brookfield St., Toronto 145, Ont.

Czechoslovak Baptist Church—represented by Rev. J. Novák, 153 Medland St., Toronto 165, Ont.

Czechoslovak Refugees Canadian Fund and Information Service—represented by Karel Buzek, Vice-Chairman, 1 Adelaide St. East., Toronto 210, Ont.

Permanent Conference of Slovak Democratic Exiles in Canada—represented by Rudolf Frastacky, President, 338 Cortleigh Blvd., Toronto 305, Ont.

Royal Canadian Legion, Branch 601/Czechoslovak/—represented by Petr Eben, President, 605 Rushton Rd., Toronto 173, Ont.

St. Paul's Evangelical Lutheran Church—represented by Rev. Daniel Jurkovič, 54 Clinton St., Toronto 140, Ont.

St. Wendeslaus Roman Catholic Church—represented by Rev. Jaroslav Janda, 496 Gladstone Ave., Toronto 173, Ont.

Soccer Club "Sparta"—represented by V. Bělohlávek, President, 118 Christie St., Toronto 174, Ont.

Sokol Gymnastic Association of Toronto—represented by Karel Jerábek, President, 3 Fiesta Lane, Toronto 560, Ont.

Union of Czechoslovak Protestants in Canada—represented by V. Menšík, President, 196 Oakmount Rd., Toronto 165, Ont.

Union of Czechoslovak Sportsmen Abroad, Toronto Branch—represented by O. Pokorny, President, Apt. 309, 1285 Lakeshore Rd. East, Port Credit, Ont.

Welfare Association of former Czechoslovak Political Prisoners/Canada/—represented by Mojmir, Chromec, Secretary, Apt. 1203, 103 West Lodge Ave., Toronto 146, Ont.

In full agreement with the above statement is also M. Kominek, Publisher of Independent Czechoslovak weekly "Nase Hlasy", 77 Florence St., Toronto 145, Ont.

[From the New York Times, Dec. 13, 1970]

PRAGUE LAWYERS SEEK FEES FROM EMIGRANTS TO AUSTRALIA

SIDNEY, AUSTRALIA.—Efforts by lawyers in Czechoslovakia to collect fees from Czechoslovak emigrants to Australia have aroused the anger of the Government here.

Several Czechoslovak residents of Adelaide said that they had received letters from Prague demanding payment of $150 to court-appointed lawyers assigned to defend them against charges of having left the country illegally after the Russian invasion into Czechoslovakia in 1968. The letters were turned over to the Australian police, who brought them to the attention of the Ministry of Foreign Affairs.

Foreign Minister William McMahon said that his department had "expressed displeasure" to the Consul General of Czechoslovakia in Sydney, Jaromir Johannes.

About 1,400 Czechoslovaks came to Australia in 1969, according to Government figures.

[From the Washington Post, Dec. 16, 1970]

AUSTRALIA PROTESTS CZECH "BLACKMAIL"

CANBERRA, AUSTRALIA.—Australia has expressed concern to Czechoslovakia over what it regards as blackmail letters sent to former Czechs now living here, a foreign office spokesman said today.

He said the letters inform recipients they will be prosecuted for leaving Czechoslovakia illegally and ask for sums of around $150 for defense costs.

COMMUNIST ATTEMPTS TO BLACKMAIL CZECHS AND SLOVAKS LIVING IN AMERICA

Mr. HRUSKA. Mr. President, the puppet Czechoslovakian Government has never recovered from its acute embarrassment suffered in the popular uprising of its people in 1968.

The Communist rulers continue to harass and blackmail the 50,000 expatriates of 1968 who continue from exile to fight the oppression gripping their beloved homeland.

For the Communists, no scheme is too petty, no trick too insidious for attempts at reprisal.

Two months ago, their latest scheme came to public attention. Almost juvenile in concept, it nevertheless represents a threat and source of torment to Czechs and Slovaks who left relatives and property behind when they departed.

The despicable trick came to light when Czechs and Slovaks in the United States, Canada, and other nations of the free world began to receive letters stating they were being tried in absentia for the "criminal act of leaving the Republic." The letters went on to say that if there was to be any hope of avoiding sentences of imprisonment and confiscation of their property, they would have to pay substantial defense fees in advance. If this is not done, then the government-appointed barristers in such cases would be entitled to accept payment by your close relatives.

It seems unlikely that many persons would be taken in by this clumsy attempt at blackmail. Yet it does not tax the imagination to recognize the mental anguish it causes among those who fear for their loved ones.

The scheme was first called to my attention by Mrs. Anna Faltus, secretary for the Czechoslovak National Council of America with offices in Washington, D.C. The council is a nonprofit organization founded in 1918 to promote cooperation of all peoples for the preservation of democratic freedom. That council is to be commended for the active interest which it has taken on this subject.

Mrs. Faultus wrote:

"DEAR SENATOR HRUSKA: I am taking the liberty of bringing to your attention the fact that the Communist Government of Czechoslovakia started to blackmail the Czech and Slovak exiles who fled the country after the Soviet-led invasion of Czechoslovakia.

"I am enclosing for your information copies of some articles and letters pertaining to the subject. Please note, that one letter is addressed to a member of our local Chapter.

"According to an article that appeared in the New York Times—copy of which is enclosed—the Australian Government protested this unprecedented action of the Czechoslovak Government while our State Department informed some of the exiles who asked for help that it cannot do anything.

"This action of the Czechoslovak Government is not only harassing people who were granted asylum in this country and who have a right to be protected, but would also mean—if it succeeded—providing the communist government with funds for financing actions against our country; it would also mean a drain on our economy which we can hardly afford.

"Respectfully yours,

"ANNA FALTUS, *Secretary.*"

Here are two samples of the letters to which she refers:

"You are advised that criminal proceedings have been instituted against you for the criminal act of leaving the Republic, according to paragraph 109, section 2 of the Criminal Code. Since these proceedings are conducted in your absence, the Czechoslovak law on criminal procedure requires that you . . . have a defense lawyer. I was appointed as your defense lawyer, and you are obliged to defray the cost, which is estimated in the first instance of the proceedings at 1,350 crowns/approximately $190.00/, which includes the lawyer's fee and court expenses.

"I am therefore requesting that you pay the sum mentioned within one month as a down payment for the defense. It should be credited in dollars according to the official exchange rate to the account of the Regional Lawyers Union at the Artisans Bank, Prague.

"Finally, I should like to bring to your attention that the results as of now of the criminal proceedings seem to indicate that you will be sentenced and that your punishment cannot be suspended. The prison term for the criminal act mentioned above ranges from 6 months to 5 years and, in addition, your property will be confiscated.

"You could possibly receive a suspended sentence, but only if you return to Czechoslovakia immediately or apply to the Regional Passport Office for extension of your permit to stay abroad. In the latter case it may be possible to request a stay of the criminal proceedings pending a decision with regard to your application for passport extension.

"You are advised that following the decision of the inquest officer dated October 12, 1970, prosecution has been initiated against you for the criminal act of abandoning the Republic according to article 109/2 of the Criminal Code, because established facts do sufficiently justify the conclusion that you have been, since October 18, 1968, staying abroad illegitimately with the intention to take up permanent residence there.

"The law makes defense in this case obligatory; as you have not yet chosen a counsel, I was appointed to be your defense lawyer. Consequently, I am addressing to you the above information.

"At the same time I wish to advise you that according to the quoted article of the Criminal Code you may be tried in absentia and sentenced to prison for a term of 6 months to 5 years or to corrective measures, or possibly to forfeiture of your property.

"It is in your interest to communicate to me, whether there are any facts that I could, as your counsel, point up for your defense in this process. In particular, let me know, whether you applied for an extension of your stay abroad or whether proceedings relating thereto are on the way.

"Finally, you are advised that the costs of the proceedings and those of legal defense are your responsibility. As far as the defense costs are concerned, it is my duty to invite you to send within 15 days an adequate deposit, i.e. 700-Czechoslovakian crowns. According to our foreign-currency regulations, of course, the deposit has to be forwarded in the currency of the country of your immediate residence, i.e. in Canadian dollars, at the official exchange rate to the order of the City Guild of Barristers/Městké sdruzeni advokátu/Prague at the Artisans Bank Zivonstenká banka/, Prague 1, Prikopy. If the deposit is not forwarded within the stated deadline, the organization of barristers is entitled to accept payments by your close relatives in Czechoslovakia.

"Expecting your answer, I remain,

"Yours truly."

Mr. President, I ask unanimous consent to have printed in the Record at this point a number of news releases and translations of documents of the kind relating to the incidents to which I have referred.

[From the New York Times, Dec. 16, 1970]

PRAGUE DUNS REFUGEES ABROAD FOR LEGAL FEES ON DEFECTIONS

(By Tad Szulc)

WASHINGTON, Dec. 15.—Many Czechoslovak refugees in the United States, Canada and Western Europe, who fled their country after the Soviet-led invasion in 1968, are being advised from Prague that they face criminal proceedings for "illegal" presence abroad.

Letters from "legal advisory centers" in Prague also inform them that they must make a "down payment" in foreign currency within five days to assure their "legal defense," or the fees will be collected from the refugees' "nearest relatives" in Czechoslovakia.

The payments range from about $70 to $100, and are to be credited to the Prague regional lawyer's union at an official Czechoslovak bank.

There are estimated to be 8,000 Czechoslovak refugees in the United States, 12,000 in Canada and 50,000 in other Western countries.

United States officials said that even if a relatively small number of the refugees agreed to the "down payments" and later the full trial costs, the money would represent a source of badly needed foreign exchange for the Czechoslovak Government.

State Department officials said they had been consulted by several persons who have received letters from Czechoslovakia. The officials said they could offer no assistance or advice since the matter was between a foreign Government and its nationals abroad.

Czechoslovak citizens here and elsewhere began receiving in October the notifications of action pending against them. On Nov. 13, the Prague evening newspaper Vecerni Praha reported that courts were dealing with "hundreds of cases" of illegal departures and illegal stays abroad.

The letters to the refugees inform them that under the provisions of Section 109 of the Czechoslovak penal code, "You can be tried in absentia and may be sentenced to prison for terms of six months to five years, to corrective measures and to confiscation of property."

Those aiding other Czechoslovak citizens to leave the country without permission are subject to prison terms of from 3 to 10 years. A virtual ban on foreign travel was imposed early in 1969.

In most cases, the property of refugees, including apartments and vehicles, has already been confiscated through administrative procedures.

A letter from the "legal advisory centers," signed by individual lawyers, tells a refugee that "since you have not chosen a defense counsel, I have been nominated to represent you."

A letter asks a refugee "to let me know if any circumstances exist which, as your lawyer, I could use for your defense in these proceedings. Especially, let me know whether you submitted an appeal asking for permission to prolong your stay abroad, or whether such an appeal is under consideration by the authorities."

The letters do not say what the final cost of "legal defense" will be, but it is understood that it may go up to $140. The exact number of refugees involved was not known.

Spokesmen for refugee groups here and in Canada said that in many cases the citizens abroad may be willing to pay for "legal defense" to avoid financial or other reprisals against relatives at home, in Canada, refugee groups have advised refugees not to reply to the letters, but to ask Canadian Government authorities to intercede with the Prague Government.

[From the New York Times, Dec. 13, 1970]

Prague Lawyers Seek Fees From Emigrants to Australia

Sydney, Australia, Dec. 12.—Efforts by lawyers in Czechoslovakia to collect fees from Czechoslovak emigrants to Australia have aroused the anger of the Government here.

Several Czechoslovak residents of Adelaide said that they had received letter from Prague demanding payment of $150 to court-appointed lawyers assigned to defend them against charges of having left the country illegally after the vakia in 1968. The letters were turned over to the Australian police, who brought them to the attention of the Ministry of Foreign Affairs.

Foreign Minister William McMahon said that his department had "expressed displeasure" to the Counsel General of Czechoslovakia in Sydney, Jaromir Johannes.

About 1,400 Czechoslovaks came to Australia in 1969, according to Government figures.

[From the Washington Post, Dec. 16, 1970]

Australia Protests Czech "Blackmail"

Canberra, Australia, Dec. 15.—Australia has expressed concern to Czechoslovakia over what it regards as blackmail letters sent to former Czechs now living here, a foreign office spokesman said today.

He said the letters inform recipients they will be prosecuted for leaving Czechoslovakia illegally and ask for sums of around $150 for defense costs.

Expatriate Leader Appeals to Ottawa Over Blackmail

The leader of 1,200 Czechoslovakian expatriates in Vancouver has filed charges with Ottawa that many of them are being blackmailed by the Communist regime of their homeland.

Prague recently advised Czech refugees in the United States, Canada and Western Europe, who fled their country after the Soviet-led invasion in 1968, that they face criminal proceedings for "illegal presence" abroad.

Many expatriates have received letters telling them that they must make a "down payment" for legal defense or the "fees" will be collected from their nearest relatives in Czechoslovakia.

University of B.C. professor, Dr. V. J. Krajina, says many of these letters have been received by refugees settled in Vancouver.

* * * * *

"To my mind (this) belongs to the same category of blackmail that was applied at the kidnappings all over the world and more recently in Quebec," said Krajina. "But in this case it is applied directly by an agency which is under the control of the Communist state."

In his letter to Sharp, Krajina says the Communist regime of Czechoslovakia has two aims in invoking "mass extortion".

He says the first is to alleviate the economic problems of Czechoslovakia by extorting money from refugees.

The second aim is to create hatred between relatives—Czechs presently living in Czechoslovakia and those who fled.

"Both these Machiavellian aims are humanly most objectionable," says Krajina.

Prague Starts Blackmailing 70,000 Exiles: Trials for Unauthorized Departure To Be Paid in Foreign Currencies by Refugees or Relatives—Solicitors' Letters Despatched All Over the World—KCB Advisers Behind Foreign Currency Drive

(London/FCI) British authorities are in possession of an interesting official document originating from Prague. It testifies to an unprecedented blackmail which may affect 70,000 voluntary exiles from Czechoslovakia, the majority of whom are now settled in Commonwealth countries, some 2–3,000 in Britain itself. It is a letter from the "Legal Advisory Centre" ("Advokatni poradna") established by the Prague regime and is addressed to post-August 1968 exiles. It demands an immediate down-payment of 700 Kcs. (£40 at the official exchange rate, but worth treble to the State Bank in foreign currency) with the threat that if the money "is not deposited within 15 days the Legal organization has the right to demand it from near relatives in CS(S)R", i.e. in most cases aged parents. This letter has reached exiles in a number of countries and may soon affect most of the post-invasion exiles of whom there are about 70,000, although Prague officially admits to only 51,000 by omitting those who have not yet made a declaration that they have no intention of returning.

The Letter: "I wish to inform you that based on the decision of an investigator made on . . . a criminal proceeding has been initiated against you based on para. 102/2 of the criminal law, because according to the aforementioned decision there is a reasonably founded conclusion that you have been illegally abroad since . . . with the intention of taking up permanent residence there.

According to the law Defence Counsel in this case is obligatory. Since you have not chosen a Defence Counsel, I have been nominated to represent you, for which reason I am sending you the above information. (FCI Note: This is usually the first time the addressee has heard about the proceedings. He has, therefore had no opportunity of naming a Defence Counsel, even if he had wished to do so).

"At the same time I wish to inform you" the letter goes on, "that according to the provisions of the criminal law cited, you can be tried in absentia and may be sentenced to prison for a term of 6 months to 5 years, to corrective measures and to confiscation of property. (FCI note: In most cases property, flats, cash deposited, etc., have already been confiscated by a special decree before any proceedings being instituted in individual cases).

"It is in your own interest to let me know if any circumstances exist which, as your lawyer, I could use for your defence in these proceedings. Especially, let me know whether you submitted an appeal asking for permission to prolong your stay abroad, or whether such an appeal is under consideration by the authorities." (FCI: Many exiles left legally but failed to return).

"Finally, I wish to inform you that the cost of the proceedings and of the defence have to be met by you. As far as the cost of the defence is concerned, it is my duty to ask you to pay, within 15 days, an appropriate down-payment, i.e. 700 Kcs. According to our currency regulations this down-payment must be paid in the currency of the state where you are now domiciled to the value of the official exchange rate. (FCI note: which is purely fictitious) and credited to the account of the Regional Lawyers Union at . . . with the Artisans Bank (Zivnostenska Banka). Should you fail to transfer the required sum within the period stipulated, the Legal Advisory Centre is entitled to obtain payment from your nearest relatives in CS(S)R.

I await your reply and remain with greetings

(Stamp) Legal Advisory Centre at . . .

Signed.

In many cases, in order to save old parents or other relatives the exile pays up. He does not realise that the final bill may be many times higher than the original demand for "down-payment". If later he refuses to pay the balance for concluding the proceedings—the result of which is a foregone conclusion—the money will be extorted from those he wished to save by making the first payment. Since similar measures were not applied (especially in their financial aspects) against the majority of the post-February 1948 putsch victims, observers believe that this scheme for obtaining foreign currency has been devised by the KGB and Soviet legal advisors who have of late directed political "justice" in occupied Czechoslovakia.

To avoid further victimisation of a particular "offender" and of his relatives, it has been decided not to publish the name or the address of the "Legal Advisory Centre" and the nominated Defence Counsel concerned in this letter. (221a/Do/SDC/To)

CS(S)R: World-Wide Campaign (London/FCI). According to Swiss and German press reports the number of exiles resident in Switzerland, who have received notification of criminal proceedings instituted against them, is considerable. Downpayments vary. In some cases it is 1000 Kcs. (almost £60 or $144). Exile publications in Canada have advised readers not to reply to the letters, but to contact Canadian authorities and ask for protection against blackmail. A Czechoslovak exiles delegation appealed to Mr. Trudeau to intercede with Soviet authorities to liberalise the occupation regime in Czechoslovakia (221b/FA/NH)

[From the Washington (D.C.) Daily News, Dec. 21, 1970]

Prague Stoops to Blackmail

This is the time of year that newspapers used to write stories about "the meanest man"—a thief who stole a crippled newsboy's Christmas savings or snatched a blind girl's seeing eye dog.

Well, our nomination for the honor in 1970 is a smirking genius in Communist Party headquarters in Prague. He is the brain behind blackmail letters now being received by Czechoslovak refugees from the 1968 Russian invasion of their homeland.

Under the manic logic of a communist society, one must be satisfied in a workers' paradise. So if you flee, even to avoid a Russian bayonet or a stretch in a prison camp, this leads to "illegal presence" abroad, a serious crime.

Czech refugees in the United States, Canada, Western Europe and Australia have received letters from alleged "lawyers" in Prague demanding up to $150—in hard currency, of course—as fees for their "legal defense."

If the money isn't sent, the hapless refugees are warned, it will be collected from their "nearest relatives." This is open blackmail, always a dirty crime. Usually, tho, it's the act of a criminal with a diseased mind. Making it government policy is more reprehensible.

There are perhaps 8,000 Czechoslovak refugees in this country, 12,000 in Canada and 50,000 in other non-Communist states. So the Prague extortion racket could raise a lot of foreign currency. This is badly needed by an economy staggered by the Soviet invasion, communist bungling and the Czech worker's unwillingness to exert himself for his oppressors, foreign and native.

Australia, which is a small nation but not one lacking in backbone, has expressed concern to Czechoslovakia over these blackmail letters.

By contrast, our State Department has told refugees that it can give no help or advice since the letters are between a foreign government and its nationals abroad.

This cautious, narrowly legalistic reply shows that some diplomats haven't learned anything from the scandalous case of the Lithuanian seaman, Simas Kuderka, a few weeks ago. In its answer we hear echoes of the advice to the Coast Guard—not to "encourage" the defector—which led to Kuderka's return to his Communist pursuers.

Consistency is, of course, a virtue, but not when the State Department tries to live up to President Kennedy's description of it as a "bowl of jelly."

The issue is really quite clear: when we give people refuge in this country, we can find ways to protect them against the exactions of foreign tyrants.

OF CZECH AND SLOVAK DEMOCRATIC INSTITUTIONS

For Your Information: The below mentioned organizations of Canadians of Czech and Slovak origin in Toronto area would like to bring to your attention the following matter:

Many refugees from Czechoslovakia, who came to our shores after the invasion of their country, are now facing in-absentia trials in Czechoslovakia, in which they are accused of "crimes", like living in Canada without Czechoslovak Government official permission. These trials, in the opinion of many, would be just a farce, if they were not accompanied by threats to the new immigrants and their relatives in Czechoslovakia.

Czechoslovak refugees in Canada are receiving letters from state-appointed "legal counsels" in Czechoslovakia and are being asked to pay a down-payment for what is called "defence in court". These letters invariably include a sentence that down-payment will be "accepted from close relatives in Czechoslovakia", which will be interpreted as "to demand payments" by anybody, who had lived under a Soviet type of dictatorship. It is therefore understandable that people in Canada receiving such letters from authorities in Czechoslovakia consider themselves to be victims of blackmail.

We are warning our fellow-countrymen, through our ethnic press, against this Communist scheme, and we are urging them to leave letters from state-appointed Czechoslovak lawyers unanswered. However, we fear that if anyone in Canada will submit to pressure from authorities in Czechoslovakia, he will do so not because he recognizes any legal obligation, but only because he wishes to spare his closest relative from persecution.

We feel that the whole situation might be remedied more efficiently, if the Government of Canada could find a way of expressing its dissatisfaction with these procedures.

Two aspects of this affair would, in our opinion, justify Canadian Government action:

1. New immigrants in Canada are being bothered and their settlement rendered more difficult by moral as well as economic pressure;

2. If the scheme were allowed to go on unchecked, several million dollars might be drained out of the Canadian economy.

We sincerely hope that you will understand the cause of our concern. We would like to assure you that any support, you might be able to give to our standpoint, will be of great significance to us. It may also restrain further moves by the Czechoslovak Government, as well as similar activity by other governments behind the Iron Curtain.

Club of newcomers of Czech and Slovak origin in Canada—represented by Steve Petr, Secretary, 5 Brookfield St., Toronto 145, Ont.

Czechoslovak Baptist Church—represented by Rev. J. Novak, 153 Medland St., Toronto 165, Ont.

Czechoslovak Refugees Canadian Fund and Information Service—represented by Karel Buzek, Vice-Chiarman, 1 Adelaide St., East, Toronto 210, Ont.

Permanent Conference of Slovak Democratic Exiles in Canada—represented by Rudolf Frastacky, President, 338 Cortleigh Blvd., Toronto 305, Ont.

Royal Canadian Legion,. Branch 601 (Czechslovak)—represented by Petr Eben, President, 605 Rushton Rd., Toronto 173, Ont.

St. Paul's Evangelical Lutheran Church—represented by Rev. Daniel Jurkovic, 54 Clinton St., Toronto 140, Ont.

St. Wenceslaus Roman Catholic Church—represented by Rev. Jaroslav Janda, 496 Gladstone Ave., Toronto 173, Ont.

Soccer Club "Sparta"—represented by V. Belohlávek, President, 118 Christie St., Toronto 174, Ont.

Sokol Gymnastic Association of Toronto—represented by Karel Jerábek, President, 3 Fiesta Lane, Toronto 560, Ont.

Union of Czechoslovak Protestants in Canada—represented by V. Mensik, President, 196 Oakmount Rd., Toronto 165, Ont.

Union of Czechoslovak Sportsmen Abroad, Toronto Branch—represented by O. Pokorny, President, Apt. 309, 1285 Lakeshore Rd. East, Port Credit, Ont.

Welfare Association of former Czechoslovak Political Prisoners/Canada/—represented by Mojmir Chromec, Secretary, Apt. 1203, 103 West Lodge Ave., Toronto 146, Ont.

In full agreement with the above statement is also M. Kominek, Publisher of independent Czechoslovak weekly "Nase Hlasy", 77 Florence St., Toronto 145, Ont.

Mr. HRUSKA. Mr. President, the Czechoslovak National Council sent the following wire to Secretary of State William Rogers and Attorney General John Mitchell:

Public opinion in the United States, Canada, Australia and other free countries has been seriously disturbed by recent evidence of a new form of harassment of refugees from Czechoslovakia by agencies of the Prague government. Many refugees have received communications from Czechoslovak authorities informing them about pending trials initiated against them for having illegally left Czechoslovakia or for not returning from abroad. The Czechoslovak authorities urged refugees to transmit sizeable sums of money to cover the fees of officially assigned defense lawyers.

The letters contain a veiled threat that in case of nonpayment the refugees' relatives in Czechoslovakia might be called upon to defray the defense expenses. This despicable form of blackmail is a logical consequence of the communist unwillingness to respect the fundamental human rights of every individual permitting him to leave at will his own country and to settle in any country of his own choice.

Basically this is the same evil which is found in the cruel denial of permission to Jews to emigrate from the Soviet Union to Israel.

The Czechoslovak National Council of America is deeply shocked by the apparent inability of the American government to convince the communist governments of the imperative need to implement more accurately the spirit of the Universal Declaration of Human Rights. The Czechoslovak National Council urges the Departments of Justice/State to find new and better ways of representing this need to the communist governments of East Central Europe.

JAMES V. KRAKORA,
President.
FRANCIS SCHWARZENBERG,
Vice President.
VLASTISLAV CHALUPA,
Secretary.

The following response was received from Mr. David Abshire, Assistant Secretary for Congressional Relations at the State Department:

DEAR SENATOR HRUSKA: I have your letter of December 31 concerning the comments of Mrs. Anna Faltus on letters being sent by "Lawyers Councils" in Czechoslovakia to Czechoslovak nationals residing outside Czechoslovakia. Mrs. Faltus recently wrote the Department of State about this matter and attached materials similar to those enclosed in her letter to you. A copy of our reply to Mrs. Faltus on that occasion is enclosed for your information.

The Department has seen and carefully examined copies of several of the letters, signed by court-appointed attorneys on behalf of local "Lawyers Councils" in Czechoslovakia, which have been received by Czechoslovak nationals residing outside Czechoslovakia. The letters request payment of legal fees for defense of the addressees in prosecutions instituted against them *in absentia,* under Czechoslovak law, for leaving, or being absent from, Czechoslovakia without Governmental permission. The letters indicate that penalties under such Czechoslovak law may range from six months to five years deprivation of liberty and, in some instances, confiscation of property. Some letters request fees for services already rendered and describe the sentence imposed, while other letters request advance payment for services to be rendered. The fees requested have ranged from 470 to 1,000 crowns (the official rate is 7.18 crowns to the dollar). Two of the letters which have come to the Department's attention have stated that nonpayment of the fees will result in an assessment for the fee against the addressee's relatives remaining in Czechoslovakia.

While the United States Government, as a practical matter, cannot enjoin the enforcement of domestic laws in Czechoslovakia, it does have a strong interest in protecting all persons residing in the United States from communications from abroad which they regard as offensive and threatening. The Department has made known to the Czechoslovak Embassy its concern in this regard. I understand that Mr. John Leahy of my office has been in touch with your office on this particular point.

In response to inquiries by recipients of the Czechoslovak letters, the Department is drawing attention to Postal Service Regulation Section 154.11, under which any resident of the United States may prevent delivery of any mail to him from overseas simply by writing his local Postmaster, citing the regulation, and identifying specifically the names and addresses of the senders of mail that he does not wish to receive. For a period of two years thereafter all such mail will be treated as undeliverable by the United States postal authorities. Notably, this procedure may be invoked with respect to any correspondence or material sent from overseas, including Czechoslovak "census questionnaires," such as were reported in the press most recently, or other unsolicited communications. Recourse to the procedure under this Postal Service Regulation is, of course, entirely at the discretion of the individual.

I hope the foregoing information will be helpful to you in replying to Mrs. Faltus.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

In the meantime, I recently received another letter from Mrs. Faltus, calling my attention to still another similar scheme, an attempt to collect money for child support. The text of this letter:

MY DEAR SENATOR HRUSKA: I am again taking the liberty of informing you of another action of the communist authorities of Czechoslovakia against the Czech and Slovak exiles who fled Czechoslovakia after the Soviet invasion of the country in August 1968.

Enclosed is a copy of a letter which we received from Austria which brought to our attention another scheme of the Czechoslovak authorities to harass Czech and Slovak exiles in western countries. This time it concerns "child support" for children whom the father left in Czechoslovakia with his relatives while he is staying abroad "illegally". A special department for collecting child support money from abroad has been established by the District Court in Brno. It is headed by Dr. Uhde. This department is exacting child support money by way of courts in the particular country where the exile resides and is employed.

It has come to our attention that in some instances the Austrian authorities, for example, have already allowed such money to be collected and forwarded to the authorities in Czechoslovakia. While morally this claim to child support cannot be disputed, it would only be correct to demand reciprocity. There are instances where the children are abroad while the father stayed in Czechoslovakia. In cases where reciprocity was demanded, the Czechoslovak authorities stalled and delayed execution of the case to such an extent that the persons who were supposed to receive the money, lost hope of ever getting it. And, of course, no funds have been provided by the Czechoslovak authorities for this purpose. In other words, there are so many complications and so much red tape, that persons living abroad in the end give up their right to collect the money.

Our head office in Chicago is in the process of finding out whether there exists any agreement in this regard between the U.S. and the Czechoslovak governments. There is no reason why the Czechoslovak Government should be able to enrich its coffers with hard currency while not fulfilling its own obligation towards people living in the West.

Very respectfully yours,

ANNA FATUS, *Secretary.*

Those of us who are intimately concerned with this problem appreciate the concern of the State Department and its efforts to stop these insidious encroachments by the Czechoslovakian Government.

As in the case of our prisoners of war in Southeast Asia, however, governmental action is limited because it is impossible to have meaningful dealings with governments which operate without a base of honorable and humanitarian principles.

We must, therefore, seek other means of bringing these blackmail attempts to public attention. I will have more to say about other approaches in the near future.

Meantime, Mr. President, I urge the Members of this body to support any measures which may be taken to induce the Communist Czechoslovakian Government to cease its despicable practices.

THE CONVERSION RESEARCH AND EDUCATION ACT OF 1971—A FIRST STEP TOWARD NEW TECHNOLOGY

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. GIAIMO) is recognized for 60 minutes.

Mr. GIAIMO. Mr. Speaker, it is with a great deal of pleasure that I yield to the distinguished gentleman from Georgia (Mr. DAVIS), chairman of the subcommittee of the Committee on Science and Astronautics which will be handling the Conversion Research and Education Act of 1971.

Mr. DAVIS of Georgia. Mr. Speaker, today I have the privilege of reintroducing with the distinguished gentleman from Connecticut (Mr. GIAIMO) the Conversion Research and Education Act of 1971. The numerous cosponsors of this measure—68 as of this hour—are an indication of the growing national concern over the necessity to redeploy our highly skilled scientific and technical manpower to meet the challenges of our many national domestic problems.

As chairman of the Subcommittee on Science, Research, and Development, I am keenly aware of this need. Over the last decade, we have seen tremendous growth in our capability to apply science and technology to meet broad national goals in the areas of national defense, space exploration, and atomic energy research. At the same time, we have seen the emergence of grave domestic problems which will require an even more intensive use of our scientific and technological resources.

Today, both our economy and our scientific community are in a state of transition. On the one hand, we are trying to make an economic transition from inflation and a high defense budget to full employment and an increased output devoted to meet our civilian needs.

On the other, we must also effect a transition of our enormous scientific and technical enterprise to a more socially relevant sector. Both will be difficult. Both are situations for which we have been ill prepared. This is evidenced by the increasing rate of unemployment among scientists and engineers, it is implicit in the institutional inertia of our governmental structure, and it is only just now being fully recognized in most States of the Union.

Many of my colleagues have an intimate awareness of the magnitude of our current unemployment problem. Part of this problem the gentleman from Connecticut has already detailed. However, the truth of the matter is that we do not really have access to an accurate description of the situation. The quantity of data is great—the quality small.

For example, what types of people are unemployed? What are their ages and specific skills? What types of work have they been doing? Has it been theoretical or basic research, applied or developmental work, systems engineering or command and control? This is the important type of information which is lacking.

Some few facts, however, are clear.

First, the trend away from defense and space funding which began in 1968 has proceeded at a very rapid pace. The steep decline in the growth rate in funding for research and development during the early 1960's, coupled with the completion of major space missions and military weapons systems have accentuated this trend.

Second, in little over 1 year, aerospace and related employment levels have declined 15 percent from about 2.7 million to 2.3 million, impacting an estimated 450,000 employees.

Third, current projections indicate that further reductions during fiscal year 1971–72 will affect an additional 400,000 employees, of which about 65,000 will be scientists and engineers. The Lockheed Aircraft Corp. estimates that the average time required by its high-skilled employees to relocate in another job of any sort is from 6 to 9 months. Projecting the median of 7½ months against 65,000 unemployed we find a shocking loss of 195 million man-hours in this 1 year, in this one industry and in only this one category of employment.

It is estimated that the bulk of these reductions will be localized in Seattle, Los Angeles, Fort Worth/Dallas, Long Island, Cape Kennedy, and the Atlanta/Marietta areas.

In my own district, the Lockheed-Georgia Co., the State's largest single industry, employed approximately 30,000 people last year. Today, their employment stands at 22,000, and before current defense cutbacks run their course, is expected to drop to only 12,000.

Grim as this picture is, it is bright compared to the west coast situation. Only 2½ years ago the Seattle Boeing plant offered a rosy picture of 101,000 people employed. Today, their employment levels are down over 50 percent to 46,000. Layoffs are continuing at a monthly rate of 5,000 and by the end of this year total employment will have reached a low of 25,000.

There is no question but that those so affected are mainly scientists, engineers, and technicians. Where, in most industries, the highly skilled are the last to be relieved, in some of the major aerospace industries, they have been the first.

The reasons for this are obvious from a practical and business sense. From a moral, humane one they are unfortunate. First class engineers with 20 years' service and fast approaching company subsidized retirement, are turned loose and the company is saved the burden of fat pensions—an unfortunate situation made even worse by society's attitude toward the middle-aged technocrat. He is too old to profitably retrain. He is too young to be dependent on State aid, and he is too valuable to our technology pool, to let him just sit on the shelf. Additionally, his skills cannot be trotted out again on a whim. With lack of use, they atrophy, and cannot be easily regained.

Turning to the national picture, the unemployment problem for scientists and engineers is projected to be no less serious. For example, aerospace related layoffs as of June 30, 1969, were 20,000. As of the same date last year, the number had jumped to 65,000. Present projections for June 30, 1972, are for 130,000—over a sixfold increase from 1969.

At the same time, the 1980 Bureau of Labor Statistics employment projections indicate that, in the long run, the overall demand for scientific and engineering talent will exceed the current supply.

Already the current unemployment problem for scientists and engineers is affecting many young people who might otherwise consider careers in science. Discouraged by these gloomy employment projections and by the notion that "science just isn't relevant today," there is a trend in which more and more young people are turning away from the so-called hard sciences and toward the social sciences.

Another serious situation sees continued Federal cutbacks in support of higher education in the sciences. These actions may result in a real crisis for society 6 or 8 years hence when more highly trained scientists and engineers are needed to meet our national problems. As was noted in our NSF authorization report last spring:

> The surest way of insuring a research gap in the future is to train inadequate numbers of scientists in the present.

These two trends indicate a grave danger for the future strength of this Nation, but at the same time, the facts behind them offer new opportunities—opportunities to redeploy existing scientific and technological resources to meet the challenges of our large social systems.

Our Nation's health system, for example, is inefficient and highly labor intensive, and will require major improvements. The housing industry is increasingly dependent upon technological innovation for price performance. A savings of only 1 percent in the cost per start of 2.5 million starts in 1975 would reduce financing needs by more than 500 million. Similarly, problems in the transportation industry, in the area of crime control and environmental management all will require broad technological innovation and the prized talents of our scientists and engineers.

Thus, the current reduction in demand for scientists and engineers from the defense related cutbacks creates a situation in which the required number of technical people may be easily attracted to other fields. This is the only bright side of an otherwise murky state of affairs.

Massive unemployment within the ranks of our technically expert personnel is intolerable. But, it is intolerable not simply because members of one group may suffer more hardships than other individuals in periods of less than full employment.

It is intolerable because we are not taking full advantage of the tremendous opportunity to redeploy our technological resources toward the solution of our domestic problems.

What must be done?

The Conversion Research and Education Act of 1971 provides us with an important beginning. Other actions will still be needed, and the very success of this conversion concept will be measured by the complementary or opposing actions of the future.

Briefly, I will focus upon four central themes embodied in this particular bill.

First, as I have suggested, we have to begin to more clearly define the problem at hand. This has not been done. It is simply a problem of unemployment? Is it a matter of resource allocation? Is the issue one of retraining? To be sure, it is all of these and still more. The bill represents, then, a major attempt to deal with the most pressing of these.

Second, is the question of retraining for scientists and engineers so that they can effectively prepare themselves to meet our domestic challenges. One of the first laws of science is to build on what you already have. We must develop mechanisms that will promote the necessary coupling between a person's past experiences and his future professional tasks.

Third, we must recognize the tremendous contributions, social and behavioral, technologists can make to the solution of conversion from defense-related endeavors to civilian ones, and even beyond that to the very solution of difficult social problems themselves.

Fourth, we must begin to match more effectively our conversion needs and retraining efforts with specific localized domestic problem areas. For example, Michigan's massive pollution problems will surely require the contributions from scientists and engineers there. Similarly, the mass transit problems of southern California will require the many talents of our aerospace engineers in that part of the country, and in my own district, the threat of urban sprawl will draw heavily upon our technological pool.

The Conversion Research and Education Act of 1971 deals with all of these themes. But, I must add, it is also no panacea. The overall redirection of national priorities, already underway, will continue, and we must at the same time develop new market demands through the reallocation of our Federal resources. We must also develop new ways to remove some of the impediments in our labor and product markets. Only then will we have made a fair fledgling effort.

In conclusion, I feel compelled to say that this task falls to those of us in the U.S. Congress in the fact of total inaction on the part of the executive branch. It is my sincere hope that we will assert our congressional leadership in this area to the fullest.

Mr. GIAIMO. Mr. Speaker, I am honored that the gentleman from Georgia (Mr. Davis), the distinguished chairman of the Subcommittee on Science, Research, and Development, and 68 of our colleagues have joined with me today to reintroduce H.R. 34, the Conversion Research and Education Act of 1971. The growing support for this legislation is dramatic proof of the need for prompt action by the Federal Government to reverse the trend of increasing unemployment among this Nation's scientists, engineers, and technicians.

Last September, Mr. Speaker, I outlined for the Members of this House the disturbing ramifications of unemployment in the scientific and technological community. Today I wish to amplify some of these observations, for I am convinced that our failure to recognize and alleviate this crisis will adversely affect every American. This is an urgent matter; we can ignore it no longer.

A WASTE OF HUMAN RESOURCES

How strange it is that the most technologically advanced nation on the face of the earth is now confronted with the all-too-real possibility that much of its scientific and technological brainpower will be wasted because we lack the wisdom and motivation to properly use it.

We have been a wasteful Nation. Our soil, our forests, our minerals, our open spaces have been ravaged because we have refused to realize that these resources are not limitless. Must we now add to this tale of folly the squandering of our valuable human resources as well?

We cannot afford to waste them, Mr. Speaker, for we need them now as we have never needed them before. There are children to be educated. There are houses to be built. There are jobs to be created. There are rivers to be cleaned. There are diseases to be cured. These goals and others can be achieved only through the full utilization of this Nation's talents. President Kennedy recognized this need when he said:

> Well-trained minds are among this Nation's most precious assets, among the scarcest of our resources. Attainment of our many national objectives and fulfillment of existing commitments critically depend on the quantity, and on the quality, of manpower in all professional fields, at all levels of training.

Unfortunately, the policies of the Federal Government have often failed to protect and preserve this valuable resource; in fact, shortsighted, haphazard, and unimaginative planning at the Federal level has undercut this Nation's scientific and technological community. The need for a national policy for high-level technical manpower was stressed last year by the Engineering Manpower Commission:

> Observers may wonder how the engineering manpower picture can change so suddenly from one of chronic shortage to an apparent surplus of engineers. The answer, of course, is that the need for more engineers is basic and long range while the immediate job market is determined by all kinds of other factors. The absence of an underlying national policy with regard to high-level manpower is all too clearly revealed in the results of uncoordinated actions such as precipitous Federal budgetary cuts, shifts in monetary policy, changes in selective service regulations, and revised immigration laws. In none of these cases were the potential manpower implications studied in advance, and in all cases reliable statistics have become available, if at all, too late to permit timely corrective action. The Nation's supply of technologically educated manpower is too valuable a resource to be wasted in boom and bust cycles in which engineers are the unhappy victims of events and decisions beyond their influence or control.

The fact is that the Federal Government has a special responsibility in protecting our scientific resources because of its massive influence on deployment and utilization of scientists and engineers. The Committee on Utilization of Scientific and Engineering Manpower of the National Academy of Sciences underscored this point in 1964:

> This influence imposes upon Government an entirely new order of responsibility to prevent malutilization. Government must assess in advance the effects of its decisions on the deployment of large numbers of scientists and engineers, both in undertaking new projects and in discontinuing old ones.

The time has come, in our opinion, for the Government to assume this responsibility.

Others must share this burden, of course. Institutions and individuals must be ready and willing to adapt to meet the changing needs of our society. What the National Academy's committee said on this subject in 1964 is still true today:

> Individuals must have a deep commitment to innovation and self-renewal. Institutions must continually adapt their policies and procedures to new tasks. They also have an increasing responsibility for encouraging personnel, especially those in the professions, to renew, update and extend their skills throughout their careers, and for providing them opportunities to do so.

To create an atmosphere for such change is the goal of the Conversion Research and Education Act of 1971.

THE NEED FOR NEW TECHNOLOGY

The problem of unemployment in the scientific and technological community is, of course, only part of the overall manpower situation which so deeply concerns all of us. The plight of the engineer pumping gas or the physicist driving a taxicab is overshadowed by the fact that millions of other Americans cannot obtain jobs at all. I submit, however, that the thousands of unemployed scientists, engineers, and technicians have an effect on this Nation's total unemployment problem far greater than their numbers might suggest.

The fact is, of course, that scientists and engineers do not work in a vacuum. Their research and development efforts provide the impetus for employment in all areas of the economy. They provide the new goods and services which are needed in the American marketplace and throughout the world. Without them, there can be no progress, economic growth or employment stability. Because of this, our failure to fully utilize the skills of these men and women must ultimately result in increased unemployment throughout the Nation. For every highly skilled scientist and engineer put out of work, several unskilled workers will lose their jobs. The time has come for us to recognize the close relationship between unemployment in the laboratory and unemployment on the production line.

Our valuable scientific and technological community must be put to work on new technology, Mr. Speaker, technology which can help solve this Nation's pressing domestic problems. More importantly, this new technology can create the need for new jobs in every domestic field and at all economic levels. In short, it can bring about a new era in America—an era of economic stability, full employment and domestic progress. We have the resources to create this new technology; the time has come for us to use them.

The Conversion Research and Education Act of 1971 is not a panacea; it will not alone create millions of new jobs or solve our domestic problems. It will create, however, an atmosphere for change, a climate for conversion to new tasks and new goals. We believe that it is an important first step toward the systematic, prudent, realistic reordering of our economic priorities to meet the demands of a changing world.

TECHNOLOGY AND TRADE

Last year's extensive debate on foreign trade underscored an alarming fact—America is losing its position of leadership in the international marketplace. A great deal was said last fall about our inability to compete with countries which use "cheap labor" to mass produce certain items. Not enough was said, however, about the degree to which this Nation has become dependent on so-called "high-technology" products to perpetuate its favorable balance of trade.

From 1964 to 1968, for instance, the favorable balance of U.S. trade declined significantly. What net balance we did enjoy was largely the result of our sale of high-technology products abroad. As an example in 1968 we imported $33 billion worth of goods while exporting $34 billion, giving us a favorable balance of $1 billion. The favorable balance of trade for high-technology products, however, was $9 billion. Without the export of these products, therefore, the United States would have lost $8 billion in foreign trade in 1968 instead of gaining $1 billion.

The story has been the same since 1962—the export of high-technology products has made the difference between a favorable and an unfavorable balance of trade. I wish to place in the RECORD at this point a table which shows the impact of high-technology products on our foreign trade between 1962 and 1968:

SELECTIVE WORLD TRADE DATA 1962-68

[Billions of dollars]

	1962	1963	1964	1965	1966	1967	1968
All commodities:							
U.S. exports	21.4	23.1	26.2	27.2	30.0	31.2	34.2
U.S. imports	16.4	17.2	18.7	21.4	25.6	26.9	33.2
Balance	5.0	5.9	7.5	5.8	4.4	4.3	1.0
Technology-intensive product:							
U.S. exports	10.2	10.6	12.1	13.0	14.4	16.0	18.4
U.S. imports	2.5	2.6	3.1	3.9	6.0	7.0	9.4
Balance	7.7	8.0	9.0	9.1	8.4	9.0	9.0
Net balance for other than technology intensive products	(2.7)	(2.1)	(1.5)	(3.3)	(4.0)	(4.6)	(8.0)

Because of the obvious importance of high-technology products to our economy Mr. Speaker, we are deeply concerned about growing threats to our superiority in this area. The net balance of trade in such products with Western Europe and Japan is down. The United States has become an importer of sophisticated technological goods from Japan, when only a few years ago we had a favorable balance of trade in such products with that country. These are ominous signs, indeed.

Our only hope for retaining our favorable balance of trade lies in the continued production of goods and services that are ahead of the technological capabilities of other countries. Since these high-technology products cannot be produced by untrained, inexperienced personnel, it becomes apparent that our future standing in world trade will depend more and more upon the quality, availability, and utilization of our brainpower.

As the world's foremost trading nation, we cannot afford to dissipate our vital intellectual resources, yet, we are in imminent danger of doing precisely that. My colleagues and I are unwilling to permit this to happen; the Conversion Research and Education Act is a product of our concern.

THE TECHNOLOGY GAP IS CLOSING

For years, the American people have taken for granted this Nation's leadership in science and technology. Today, however, that leadership is being threatened by other technologically advanced nations; the technology gap is closing. Dr. James Killian, Jr., former president of MIT and former science adviser to President Eisenhower, underscored this threat in testimony before the Subcommittee on Science, Research, and Development. He warned of the effects of present Government policies on the scientific and technological community:

> Taken together, these actions may curtail the amount and quality of basic research. They may diminish our capacity to educate scientists and engineers. They threaten to discourage young people from selecting science and engineering as fields of study. They threaten the breakup of experienced teams of talented scientists and the closing of facilities. They threaten to erode the preeminent position of the United States in science and technology. They provide a telling example of the need for new policies which can help to reduce uncoordinated federal decisions.

The fact is, Mr. Speaker, that our present uncoordinated approach to science policy at the Federal level is doing more to threaten this Nation's superiority in science and technology than is the progress of the other industrialized nations of the world. Are we to continue this dangerous trend by dismantling our vast research and development effort instead of finding new uses for it? Are we to lose our lead in science and technology because we lack the initiative and foresight to sustain it? My colleagues and I do not want to lose that lead; we believe that the Conversion Research and Education Act is a first step toward the creation of a realistic national science policy by the Federal Government.

THE CONVERSION RESEARCH AND EDUCATION ACT OF 1971

The Conversion Research and Education Act of 1971 is based upon the principle that reductions in defense and space research and development must be met by corresponding increases in civilian, socially oriented research and development.

The bill authorizes $450 million over a 3-year period for specific programs of education, research, and assistance to small business firms, in order to aid in the conversion of defense research and development to civilian R. & D.

It authorizes the National Science Foundation to sponsor research on conversion and to develop and administer retraining programs for scientists, engineers, and technicians.

It authorizes the Department of Commerce, through the Economic Development Administration, to sponsor conversion retraining programs for management personnel presently engaged in defense-related research and development.

It authorizes the Small Business Administration to assist small business firms in achieving conversion by providing technical grants, loan guarantees and interest assistance payments.

It authorizes the National Science Foundation to provide grants to State and local governments to establish conversion planning and support programs at the State, local, and regional levels.

It authorizes the National Science Foundation to provide grants to local governments and nonprofit corporations for the establishment and development of community conversion corporations.

It creates an Advisory Commission of Scientists, Engineers, Industrialists, and Educators to help shape and guide these programs.

PEACE AND PROSPERITY

All of us agree, Mr. Speaker, that the safety and security of all Americans must be our first priority. We believe, however, that this Nation is rich enough, strong enough, and resourceful enough to maintain a first-class defense while meeting the pressing domestic needs of its citizens. This Nation has built a powerful military-industrial complex which has provided us with a defensive capability second to none. The time has come, however, for us to create an equally powerful social-industrial complex through which we can strengthen this Nation from within. In order to do so, we must utilize all our available talent and put a stop to the disastrous waste of precious resources which is seriously threatening our land.

We are convinced that this Nation can have both peace and prosperity. We are equally convinced that the Federal Government must begin to plan now for the attainment of that goal. The Conversion Research and Education Act of 1971 is an important first step in that direction. For the sake of our economy, for the sake of scientific and technological progress, and, above all, for the sake of the American people, we commend this proposal to our colleagues for their consideration and support.

Mr. Speaker, I wish to include at this point in the RECORD an analysis of the bill and a conversion factsheet:

ANALYSIS OF H.R. 34

A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities

H.R. 34 lays down a necessary new national policy for the utilization of our scientific and technical manpower resources. It also provides for collection and analysis of pertinent information; basic and applied research relative to conversion of scientists and engineers to work on priority national problems; the financing of Community Conversion Corporations; education of scientists and engineers for conversion to such work; training of management personnel; and education grants to small business concerns. It establishes an Advisory Commission on Research and Development Conversion and authorizes a total appropriation of $450 million for fiscal years 1972 through 1974.

DECLARATION OF POLICY

The bill declares a continuing national policy and responsibility of the Federal Government to take appropriate measures directed toward achieving the following goals:

(1) scientists, engineers, and technicians must have continuing opportunities for socially useful employment in positions commensurate with their professional, technical capabilities;

(2) the total Federal investment in science and technology must be raised to an adequate annual expenditure level, and then continue to grow annually at least proportionally to the growth in the gross national product;

(3) Federal obligations for civilian-oriented research and development must be increased so as to reach a level of parity with Federal obligations for defense research and development.

ANALYSIS AND PROGRAMS

Title I assigns three new functions to the National Science Foundation. It is to:

(1) analyze data regarding Federal expenditures for research and development activities, and the employment and availability of scientific, engineering, and technical manpower in order to appraise the carrying out of the policies of the legislation.

(2) develop and recommend to the President programs and activities which will contribute to carrying out the policies of H.R. 34.

(3) prepare and submit to the President for transmittal to Congress not later than March 1 of each year through 1976 a report of its activities and an appraisal of the extent to which the policies set out in the legislation have been implemented, together with such recommendations as it deems appropriate.

CONSULTATION

The NSF Director is required to consult with the Director of the Office of Management and Budget, the Director of the Office of Science and Technology, the Chairman of the Council of Economic Advisers, and the Advisory Commission on Research and Development established by this legislation.

RESEARCH

Title II authorizes a major new research program for the National Science Foundation. It authorizes use of grants or contracts with academic institutions, not-for-profit institutes, public agencies and private business firms, for basic and applied research designed to:

(1) study and appraise the social, economic and managerial aspects of conversion from defense-related research and development activities to civilian research and development.

(2) Identify priority areas of civilian research and development activity likely to contribute to the resolution of the Nation's pressing domestic problems, including but not limited to, unemployment, poverty, race relations, social alienation, crime, environmental pollution, urban problems, energy sources and natural resources, nutrition, housing, transportation, education, and health care; and

(3) advance the scientific and technical state of the art in priority areas identified above.

Title II also authorizes the Foundation to make grants to State and local governments and to regional governmental agencies for the establishment and development of conversion planning and support programs at the State, local, or regional level.

Dissemination of significant results of such research is authorized, especially the results of that research and development aimed at the resolution of the Nation's social problems.

COMMUNITY CONVERSIONS CORPORATIONS

To provide a local base for conversion efforts, the Foundation is further authorized to make grants or contract with local governments, or not-for profit corporations to establish Community Conversion Corporations. These would engage soley in non-defense related research and development. In staffing their operations they would give preference to unemployed scientists, engineers, and technicians who had previously been employed in defense-related research and development.

EDUCATION FOR CONVERSION

Another important part of the conversion activity authorized in H.R. 34 is education. The Foundation is authorized to fund, through grants and contracts with academic institutions, not-for-profit institutes, and private business firms, the planning, developing, strengthening or carrying out of education programs designed to:

(1) retrain scientists, engineers, and technicians so that they can contribute constructively to civilian research and development by working in scientific and technical fields, or problem areas, other than the ones they had previously worked in or studied. The Foundation would designate specific fields or problem areas for such retraining.

(2) train or retrain personnel of Federal, State, and local government who will be responsible for, or participate in, determining the government market demand for civilian, socially oriented research and development.

(3) provide courses and curriculums to prepare students for careers in civilian, socially oriented research and development.

The cost of the first two educational programs would be paid to the conducting organization via minimum fees for each participant, paid under regulations set by the Foundation.

CONVERSION FELLOWSHIPS

Another means to the end of effective use of our scientific brainpower affected by changes in defense spending for research and development is the Conversion Fellowship program. The bill authorizes the Foundation to award conversion fellowships to scientists and engineers, and technicians to enable them to take part in the educational programs described above. The Foundations is to allocate such fellowships so as to:

(1) attract highly qualified applicants;

(2) provide an equitable distribution of such fellowships throughout the United States; and

(3) accord priority to applicants who are or anticipate being out of work as a direct result of reductions in defense related research and development.

The fellowships include allowances for family support, health insurance, job placement, and relocation expenses.

BUSINESS ORGANIZATION CONVERSION

Title III of H.R. 34 recognizes that business organizations as well as individual scientists and engineers need retraining. The bill authorizes the Secretary of Commerce to fund academic institutions, not-for-profit institutes and business firms for the purpose of developing, initiating, improving, or operating training programs for management personnel of business firms, to assist them in converting their research and development from defense related areas to civilian areas of work, especially those aimed at aiding in the resolution of the Nation's domestic problems.

CONVERSION OF SMALL BUSINESS PERSONNEL

Title IV authorizes the Small Business Administration to make grants to small business concerns which have engaged in defense related research and development within the prior five years to pay up to 80 percent of the costs of enrolling their eligible personnel in any of the educational and conversion programs under Title II or III. The bill puts an annual ceiling of $25,000 on such funds to any one small business.

Title IV also authorizes the Small Business Administration to guarantee any loan to a small business for a conversion project against loss as a result of the failure to repay the loan. When entering into a guarantee contract, the Administration, in addition to meeting several administrative conditions for such a loan, is also directed to give preference to small business concerns which have suffered severe financial difficulties from the fall of the Federal contracts for defense-related research and development; and to conversion projects aimed at aiding in the resolution of the Nation's pressing domestic problems.

To fund these loans, H.R. 34 establishes a revolving fund not to exceed $50 million. Additionally, the Small Business Administration is authorized to make interest assistance payments to a lender for a conversion loan. The total of interest assistance grants which may be paid to lenders in any year shall not exceed $15 million.

Small Business Administration loans may also be used to assist any small business in purchasing, leasing, or installing new facilities or equipment, or in altering existing factions or equipment, where this is necessitated by conversion from defense related research and development to nondefense research and development and the Administration determines that such concern is likely to suffer susbtantial economic injury without this assistance. In making such loans, small businesses which are converting to activities aimed at resolving the Nation's pressing domestic problems are to get preference.

AN INFORMATION SERVICE

To inform small businesses of this assistance, the Administration is authorized to establish and operate a computerized Conversion Information Service. It will acquaint small business concerns with:

(1) the conversion education programs and other forms of conversion assistance which are available; and

(2) with market needs and opportunities for civilian research and development, especially those directed toward assisting in the resolution of the Nation's social problems.

AN ADVISORY COMMISSION

H.R. 34 establishes an Advisory Commission on Research and Development Conversion, composed of fifteen members appointed by the President for terms of three years. The members are to be drawn in equal numbers from representatives of private industry with experience in nondefense related research and development; engineers; natural scientists; and educators. The Commission shall:

(1) advise the Director and the Secretary of Commerce;

(2) review and evaluate the effectiveness of Federal programs authorized by the legislation;

(3) prepare and submit such interim reports as it deems advisable and an annual report;

(4) publicize its finding and recommendations.

APPROPRIATIONS

H.R. 34 authorizes appropriations of $100 million for fiscal year 1972, $150 million for fiscal year 1973, and $200 million for fiscal year 1974. The bill divides these authorizations among the several programs as shown in Table I.

TABLE I.—FUNDING OF PROGRAMS AUTHORIZED BY H.R. 34 THE CONVERSION EDUCATION AND RESEARCH ACT OF 1971

[In millions of dollars]

Program	Fiscal year 1972	Fiscal year 1973	Fiscal year 1974
Research	10	15	20
Community conversion corporations	10	15	25
Education	15	20	25
Government employee participation	4	8	12
Conversion fellowships	45	65	80
Management training	5	10	15
Small business education	10	15	20
Conversion information service	1	2	3
	100	150	200

Economic Conversion Factsheet to Accompany H.R. 34

I. DIMENSIONS OF THE PROBLEM OF POST-WAR ECONOMIC CONVERSION

The Economic Report of the President, transmitted to the Congress earlier this month stated, "De-escalation of the Vietnam war and changes in our general purpose force planning have led to a significant reduction in the resources used for national defense."[1] By the third quarter of 1970 defense purchases had declined by 18 percent from their peak in the second quarter of 1968. Employment attributable to Department of Defense expenditures will have decreased nearly 1.8 million workers from its highest recent level in fiscal year 1968 to fiscal 1971. Most of the drop is in private employment attributable to defense expenditures—a decline of approximately 1.3 million workers over the period.[2]

Private employment generated by defense spending is diffused over a broad range of industries and occupations. However, the impact has been greatest in the manufacturing sector and most heavily concentrated in ordnance and aircraft. As the Economic Report pointed out, "A remarkably high proportion of workers in certain jobs calling for extremely specialized skills have been dependent on defense spending."[3] The following excerpts from the Economic Report further illuminate the difficulties of conversion:

"Workers producing goods and services for defense are generally more skilled than the civilian labor force as a whole. Among white-collar workers a higher percentage of professional and managerial workers were employed in defense-generated jobs than in the entire economy. Among blue-collar workers, craftsmen and operatives were also more strongly represented in defense-generated employment. The larger relative increases in unemployment from the third quarter of 1969 to the third quarter of 1970 for more highly skilled white-collar and blue-collar workers were in part a consequence of the sharp reduction in defense employment, in which these workers were more heavily concentrated.

"Skilled workers in certain categories, such as engineers, were heavily dependent on defense spending for their employment. The estimated unemployment rate for engineers increased from 0.5 percent in the third quarter of 1968 to 2.4 percent in the third quarter of 1970. Nearly 60 percent of all the jobs for aeronautical engineers were generated by defense spending in 1968. Nearly 40 percent of all physicists were dependent on defense spending. A large number of airplane mechanics were employed in defense-related work, and over 50 percent of the skilled workers in this category relied on defense spending." (See: Table 1)[4]

TABLE 1.—*Civilian employment attributable to defense expenditure for selected narrow occupational categories, fiscal year 1968.*

(Occupational category and defense-generated employment)

[Percent of total employment in group]

Technical engineers	20
Aeronautical engineers	59
Electrical engineers	22
Mechanical engineers	20
Physicists	38
Machinists	19
Pattern and modelmakers	25
Sheetmetal workers	25
Airplane Mechanics	54

Source: U.S. House of Representatives ECONOMIC REPORT OF THE PRESIDENT, House Document No. 92-28, page 46.

Footnotes at end of article.

TABLE 2.—EMPLOYMENT OF ENGINEERS

Sector	Percent of total engineers employment	1970 hires, percent of 1969	Expected changes in engineer employment[1]				
			1969	1970	1971	1972	1975
Aerospace	6	62	100	91	75	71	73
Construction	10	137	100	109	120	132	166
Electrical and electronics	10	82	100	106	111	119	131
Metals and minerals	5	85	100	103	105	112	126
Mechanical and other	18	88	100	101	97	103	114
Chemical and petroleum	10	94	100	103	106	107	109
Engineering schools	13	97	100	106	112	120	127
R. & D.[2]	8	98	100	98	99	100	114
Federal Government	10	104	100	105	108	110	114
Utilities	4	119	100	104	107	111	129
State and local	6	127	100	104	109	112	110
Weighted average	100	99	100	103	105	110	122

[1] Estimates based upon 1969=100.

[2] Nonprofit and selected profit organizations primarily involved in R. & D.

The Federal Government has been a prime subsidizer of research and development. In 1967 it was estimated that approximately $26 billion was spent on research and development of which over $17 billion was funded by the Federal Government. In 1969, the last year for which complete statistics have been compiled, funds for Research and Development in industry totaled $18.4 billion. Industrial firms have accounted for about 70 percent of research and development in the Nation in recent years. During 1969, the Federal Government financed 47 percent of the industrial research and development total.[5]

The following table summarizes the expenditures for research and development by the Federal Government during recent years:

TABLE 3.—FEDERAL EXPENDITURES FOR RESEARCH AND DEVELOPMENT (IN MILLIONS OF DOLLARS)

Fiscal year	Department of Defense	NASA	AEC	HEW	NSF	Other	Total
1965	6,728	5,093	1,520	738	206	604	14,889
1968	8,164	4,724	1,594	1,283	315	950	17,030
1969	7,858	4,252	1,654	1,221	342	882	16,208
1970	7,424	3,699	1,346	1,235	293	1,100	15,098
1971 estimate	7,543	3,319	1,307	1,359	330	1,474	15,332
1972 estimate	7,734	3,109	1,251	1,477	403	1,692	15,666

Sources: U.S. Government, White House, Special Analysis; Budget of the U.S. Government, fiscal year 1971, p. 266. U.S. Government, White House, Special Analysis: Budget of the U.S. Government, fiscal year 1972, p. 271.

It should be noted, that the Department of Defense, the National Aeronautics and Space Administration and the Atomic Energy Commission account for more than four-fifths of the federal expenditure for research and development. President Nixon's budget request for Fiscal Year 1972 is the first year that the ratio of Federal research and development has dipped below 80 percent of the total.[6] The following chart summarized the percentage of research and development funding by the Department of Defense, the National Aeronautics and Space Administration and Atomic Energy Commission as a part of the total Federal outlay for that purpose.

TABLE 4.—SPENDING FOR RESEARCH AND DEVELOPMENT BY DOD, NASA, AND AEC

Fiscal year	Dollar value (in billions)	Total expenditure	Percentage
1965	13.2	14.7	89
1968	14.4	17.0	84
1969	13.7	16.2	84
1970	12.5	15.1	83
1971 estimate	12.1	15.3	80
1972 estimate	12.1	15.6	78

Source: Same as table II.

Over four-fifths of the 1969 industrial research and development was spent by companies in five industries: aircraft and missiles; electrical equipment and communication; machinery, chemicals and allied products; and motor vehicles and other transportation equipment.[7] During 1969, although the Federal Government financed only 47 percent of the industrial research and development total, it financed nearly 80 percent of the research and development in two industries—aircraft and missiles and electrical equipment and communications.[8] In January 1970, industrial firms employed the full-time equivalent of 377,100 research and development scientists and engineers. Of that total, 101,100 were employed in research and development in electrical equipment and communications and another 89,000 were employed in research and development in aircraft and missile industries. Over one-half of the available scientists and engineers engaged in research and development worked in these two industries.[9]

The State of Connecticut provides an excellent example of dependency on defense and space activities. The Fairfield University under a grant from the Connecticut Research Commission, recently published results of a joint study of the *Bridgeport Regional Economy in the Event of Reduction of Defense Allocations.* The study encompassed the Bridgeport Standard Metropolitan Statistical Area, which consists of eight towns, two of which are located in the Third Congressional District. These two communities, Strafford and Milford, accounted for 93.13 percent of all defense contract activity in the region in 1968.

The Fairfield University research team found that in 1968, 29.6 percent of factory jobs in the Bridgeport area were defense-generated. Of the more than $704 million in defense contracts, over 95 percent of the orders were concentrated in three industries—transportation equipment (aircraft), electrical equipment, and ordnance. Transportation equipment constituted more than 92 percent of the total contracts in the Bridgeport Standard Metropolitan Statistical Area and represented approximately 25 percent of the total prime contract awards for aircraft engines and related spare parts in the nation.[10]

The study divided employment related to defense contracts into three categories: Direct employment—jobs generated by defense contracts; Indirect employment—jobs generated by allocations of sub-contracts; and Induced employment—jobs generated in non-manufacturing as a result of the increase in direct and indirect employment. It is important to note, direct employment sparks a direct employment relationship with the total economy, thus, a multiplier effect.

The Bridgeport study concluded that a reduction of one percent from the present level of prime contracts in the Bridgeport region could result in the loss of 310 jobs, ten percent in the loss of 3,100 jobs, and fifty percent in the loss of 15,500. If the defense spending in the Bridgeport region were to return to its 1965 levels of $250–300 million a year, which is less than fifty percent of that spent, on the average, between 1965 and 1968, 15,500 men and women would lose their jobs. An estimate of the occupational characteristics of those who would be affected by the posisble cutbacks shows that about ten percent of those who would suffer would be highly skilled professional workers. A ten percent cut could result in the loss of over 300 professional technical workers; a fifty percent cutback would affect over 1,700 skilled professionals.[11]

TABLE 5.—ESTIMATED[1] OCCUPATIONAL CHARACTERISTICS OF THE UNEMPLOYED DUE TO DEFENSE CUTBACKS, BRIDGEPORT SMSA

Defense Cutbacks	1968 Unemployed	10 percent	25 percent	50 percent	75 percent
Total unemployed	8,000	10,665	14,664	21,328	27,992
Male	3,800	5,589	8,272	12,744	17,216
Professional technical workers	120	333	652	1,184	1,716
Managers, officials, proprietors	90	260	514	934	1,362
Clerical and kindred	162	295	494	826	1,158
Sales workers	145	263	430	735	1,000
Craftsmen, foremen	648	1,078	1,723	2,798	3,903
Operatives	843	1,246	1,851	2,859	3,867
Service workers	910	1,019	1,182	1,454	1,726
Laborers	882	973	1,109	1,336	1,563
Not reported		126	315	630	945
Female	4,200	5,076	6,392	8,584	10,776
Professional technical writers	50	58	320	590	860
Managers, officials, proprietors	13	36	72	131	190
Clerical and kindred	850	1,126	1,540	2,230	2,920
Sales workers	160	216	301	442	583
Craftsmen	60	73	93	126	159
Operatives	900	1,112	1,431	1,962	2,493
Service workers	2,000	2,111	2,227	2,554	2,831
Laborers	127	134	144	161	178
Not reported		79	174	348	522

[1] Estimates based on 1960 distributions.

Source: Fairfield University, "Joint Study for the Analysis of the Bridgeport Regional Economy in the Event of Reduction of Defense Allocations," October 1969, p. 82.

The estimated unemployment level of the Standard Metropolitan Statistical Area under the assumption of a ten percent defense dollar cutback would be 6.1 percent of the labor force. A twenty percent defense dollar cutback would produce an 8.4 percent level of unemployment; a fifty percent defense cutback would result in 12 percent unemployment, and a seventy-five percent cutback would increase unemployment to 16.1 percent of the total available labor force. Comparing the estimated unemployment rates with those of the past, we find that unemployment resulting from a ten percent defense cutback would be greater than the 1963 unemployment level of 8,000; twenty-five percent defense cutback would cause unemployment greater than the 1959–1960 figure of 12,000 unemployment; and a fifty percent defense cutback would foster an unemployment total of 21,328—almost 2,000 more than the 19,700 recorded during the 1958 recession. Remember, a fifty percent cutback in defense orders would return defense contract awards to the 1965 level. A seventy-five percent cutback—which would bring defense contract awards to their 1960 level—would result in 27,992 unemployed, the high-

---

Footnotes at end of article.

est unemployment rate since the Great Depression of the 1930's.[12]

FOOTNOTES

[1] U.S. House of Representatives, *Economic Report of the President*, H. Doc. No. 92–28, 92nd Cong., 1st Sess., p. 42.

[2] *Ibid.*, p. 42–43.

[3] *Ibid.*, p. 44.

[4] *Ibid.*, p. 45–46.

[5] U.S. Government, National Science Foundation, "Industrial R&D Spending 1969", *Science Resources Studies Highlights*, NSF 70–47, January 22, 1971, p. 1.

[6] U.S. Government, White House, *Special Analyses: Budget of the United States Government, Fiscal Year 1972*, Special Analysis R.

[7] U.S. Government, National Science Foundation, *loc. cit.*

[8] *Ibid.*, p. 2.

[9] *Ibid.*, p. 4.

[10] Fairfield University, *Joint Study for the Analysis of the Bridgeport Regional Economy in the Event of Reduction of Defense Allocations*, October 1969.

[11] *Ibid.*

[12] *Ibid.*

II. AEROSPACE EMPLOYMENT

TABLE I.—EMPLOYMENT IN THE AEROSPACE INDUSTRY, MARCH 1970–MARCH 1971

Date and year	Aerospace employment[1] (thousands)	Percent change from March 1970
March 1979	1,238	------------
June 1970	1,158	−6.5
December 1970	1,067	−13.8
March 1971	1,044	−15.7

[1] AIA Aerospace Data Services.

TABLE II.—EMPLOYMENT OF PRODUCTION WORKERS IN THE AEROSPACE INDUSTRY, MARCH 1970—MARCH 1971

Date and year	Employment of production workers[1] (thousands)	Percent change from March 1970
March 1970	624	------------
June 1970	575	−7.9
December 1970	515	−17.5
March 1971	503	−19.4

[1] AIA Aerospace Data Services.

Source: Aerospace News.

TABLE III.—EMPLOYMENT OF SCIENTISTS AND ENGINEERS IN THE AEROSPACE INDUSTRY, MARCH 1970–MARCH 1971

Date and year	Employment of scientists and engineers[1]	Percent change from March 1970
March 1970	205	------------
June 1970	198	−3.4
December 1970	179	−12.7
March 1971	175	−14.6

[1] AIA Aerospace Data Services.

TABLE IV.—EMPLOYMENT OF TECHNICIANS IN THE AEROSPACE INDUSTRY, MARCH 1970–MARCH 1971

Date and year	Employment of technicians[1] (thousands)	Percent change from March 1970
March 1970	68	------------
June 1970	63	−7.6
December 1970	61	−10.3
March 1971	58	−14.7

[1] AIA Aerospace Data Services.

TABLE V.—PERCENT DISTRIBUTION OF EMPLOYMENT IN AEROSPACE INDUSTRY BY GEOGRAPHIC AREA IN THE UNITED STATES,[1] MARCH 1970–MARCH 1971

Geographic area	March 1970	June 1970	December 1970	March 1971
Total United States	100	100	100	100
New England and Middle Atlantic	19.9	20.2	20.3	20.1
East North Central	4.2	4.3	4.1	4.1
West North Central	5.9	6.0	6.1	6.1
South Atlantic	10.1	10.0	9.9	9.9
South Central	6.4	6.7	6.5	6.3
Mountain	2.6	2.8	3.0	3.1
Pacific	40.9	39.8	40.0	40.4
Undistributed	10.0	10.2	10.1	10.0

[1] Derived from data supplied to the association in its semiannual survey of employment. Geographic area boundaries follow those of the U.S. Bureau of the Census. To prevent disclosure of individual company data, no area with 4 or less establishments is shown separately.

TABLE VI.—PERCENT DISTRIBUTION OF EMPLOYMENT OF PRODUCTION WORKERS IN THE AEROSPACE INDUSTRY BY GEOGRAPHIC AREA IN THE UNITED STATES,[1] MARCH 1970–MARCH 1971

Geographic area	March 1970	June 1970	December 1970	March 1971
Total United States[2]	100	100	100	100
New England and Middle Atlantic	21.9	21.4	20.6	20.3
East North Central	5.8	6.0	4.3	4.3
West North Central	6.7	6.6	7.2	7.3
South Atlantic	11.1	11.0	10.4	10.4
South Central	8.1	8.4	8.4	8.3
Mountain	2.3	2.5	2.7	2.7
Pacific	36.1	34.8	37.1	37.5
Undistributed	9.0	9.2	9.2	9.2

[1] Derived from data supplied to the Association in its semiannual survey of employment. Geographic area boundaries follow these of the U.S. Bureau of the Census. To prevent disclosure of individual company data, no area with 4 or less establishments is shown separately.

[2] Elements may not add to totals because of rounding.

TABLE VII.—PERCENT DISTRIBUTION OF EMPLOYMENT OF SCIENTISTS AND ENGINEERS IN THE AEROSPACE INDUSTRY BY GEOGRAPHIC AREA IN THE UNITED STATES,[1] MARCH 1970–MARCH 1971

Geographic area	March 1970	June 1970	December 1970	March 1971
Total United States[2]	100	100	100	100
New England and Middle Atlantic	14.0	13.9	14.4	13.8
East North Central	5.4	5.3	2.8	2.7
West North Central	5.7	6.0	6.4	6.3
South Atlantic	9.0	8.7	8.7	8.8
South Central	4.7	4.7	4.6	4.7
Mountain	3.7	3.9	4.3	4.4
Pacific	47.4	47.2	48.7	49.3
Undistributed	10.2	10.4	10.2	10.1

[1] Derived from data supplied to the association in its semiannual survey of employment. Geographic area boundaries follow those of the U.S. Bureau of the Census. To prevent disclosure of individual company data, no area with 4 or less establishments is shown separately.

[2] Elements may not add to totals because of rounding.

TABLE VIII.—PERCENT DISTRIBUTION OF EMPLOYMENT OF TECHNICIANS IN THE AEROSPACE INDUSTRY BY GEOGRAPHIC AREA IN THE UNITED STATES,[1] MARCH 1970–MARCH 1971

Geographic area	March 1970	June 1970	December 1970	March 1971
Total United States[2]	100	100	100	100
New England and Middle Atlantic	16.3	16.1	15.7	15.6
East North Central	2.6	2.6	2.6	2.2
West North Central	6.5	6.6	6.5	6.5
South Atlantic	13.0	13.2	13.7	13.1
South Central	9.0	9.4	9.0	9.1
Mountain	4.2	4.4	4.4	4.6
Pacific	37.2	36.3	36.7	37.2
Undistributed	11.3	11.5	11.4	11.6

[1] Derived from data supplied to the association in its semiannual survey of employment. Geographic area boundaries follow those of the U.S. Bureau of the Census. To prevent disclosure of individual company data, no area with 4 or less establishments is shown separately.

[2] Elements may not add to totals because of rounding.

TABLE IX.—DISTRIBUTION OF TOTAL U.S. AEROSPACE EMPLOYMENT BY PRODUCT GROUP,[1] MARCH 1970–71

Product group	March 1970		June 1970		December 1970		March 1971	
	Employment (thousands)	Percent of total	Employment (thousands)	Percent of total	Employment (thousands)	Percent of total	Employment (thousands)	Percent of total
Total	1,238	100.0	1,158	100.0	1,067	100.0	1,044	100.0
Aircraft	551	44.5	510	44.0	469	44.0	460	44.0
Missiles and space	515	41.6	479	41.4	442	41.4	432	41.4
Other	172	13.9	169	14.6	156	14.6	152	14.6

[1] AIA Aerospace Data Services.

TABLE X.—PERCENT DISTRIBUTION OF AIRCRAFT EMPLOYMENT IN THE UNITED STATES, BY GEOGRAPHIC AREA,[1] MARCH 1970—MARCH 1971

Geographic area	March 1970	June 1970	December 1970	March 1971
Total, United States [2]	100.0	100.0	100.0	100.6
New England and Middle Atlantic	25.7	25.9	26.4	26.6
East-West North Central	12.8	12.9	13.0	13.3
South Atlantic	10.1	9.8	8.4	7.1
South Central and Mountain	9.3	9.8	9.6	8.8
Pacific	32.0	30.8	31.7	33.1
Undistributed	10.3	10.7	10.9	11.1

[1] Derived from data supplied to the association in its semiannual survey of employment. Geographic area boundaries follow those of the U.S. Bureau of the Census. To prevent disclosure of individual company data, no area with 4 or less establishments is shown separately.

[2] May not add because of rounding.

TABLE XI.—PERCENT DISTRIBUTION OF MISSILE AND SPACE EMPLOYMENT IN THE UNITED STATES BY GEOGRAPHIC AREA,[1] MARCH 1970–MARCH 1971

Geographic area	March 1970	June 1970	December 1970	March 1971
Total United States [2]	100	100	100	100
New England and Middle Atlantic	5.3	5.3	6.0	6.1
East-West North Central	3.4	3.7	3.9	3.8
South Atlantic	12.4	10.0	9.6	9.9
South Central and Mountain	8.0	8.5	9.3	9.3
Pacific	62.4	63.7	63.5	63.4
Undistributed	8.5	8.8	8.3	8.1

[1] Derived from data supplied to the association in its semiannual survey of employment. Geographic area boundaries follow those of the U.S. Bureau of the Census. To prevent disclosure of individual company data, no area with 4 or less establishments is shown separately.

[2] Elements may not add to totals because of rounding.

TABLE XII.—COMMERCIAL TRANSPORT AIRCRAFT EMPLOYMENT IN THE UNITED STATES.[1] MARCH 1970–MARCH 1971

	Total transport employment	Percent change from March 1970	Scientists and engineers employment	Percent change from March 1970
March 1970	114,582		16,416	
June 1970	102,212	−10.8	15,649	−4.7
December 1970	90,006	−21.4	14,248	−13.2
March 1971	90,094	−21.4	14,320	−12.8

[1] AIA Aerospace Data Services. Includes only establishments engaged as prime manufacturers of commercial transport aircraft. Lesser establishments, in a supportive or subcontracting relationship, excluded. Does not include propulsion system manufacturers.

TABLE XIII.—DISTRIBUTION OF EMPLOYMENT OF PRODUCTION WORKERS IN THE AEROSPACE INDUSTRY BY PRODUCT GROUP IN THE UNITED STATES,[1] MARCH 1970–MARCH 1971

Product group	March 1970		June 1970		December 1970		March 1971	
	Employment (thousands)	Percent of total	Employment (thousands)	Percent of total	Employment (thousands)	Percent of total	Employment (thousands)	Percent of total
Total	624	100.0	575.0	100.0	515	100	503	100
Aircraft	309	49.5	280	48.7	252	49	247	49
Missiles and space	229	36.7	211	36.7	191	37	186	37
Other	86	13.8	84	14.6	72	14	70	14

[1] AIA Aerospace Data Services.

TABLE XIV.—PERCENT DISTRIBUTION OF EMPLOYMENT OF PRODUCTION WORKERS IN AIRCRAFT RESEARCH AND DEVELOPMENT AND PRODUCTION IN THE UNITED STATES BY GEOGRAPHIC AREA,[1] MARCH 1970–MARCH 1971

Geographic area	March 1970	June 1970	December 1970	March 1971
Total United States [2]	100.0	100.0	100.0	100.0
New England and Middle Atlantic	23.5	23.9	23.7	23.7
East-West North Central	13.8	14.0	14.3	14.6
South Atlantic	11.3	11.1	10.0	10.2
South Central and Mountain	21.4	21.9	20.5	20.5
Pacific	29.9	29.1	31.4	31.0

[1] Derived from data supplied to the association in its semiannual survey of employment. Geographic area boundaries follow those of the U.S. Bureau of the Census. To prevent disclosure of individual company data, no area with 4 or less establishments is shown separately.

[2] Elements may not total because of rounding.

TABLE XV.—PERCENT DISTRIBUTION OF AEROSPACE PRODUCTION WORKERS WORKING ON MISSILE AND SPACE IN THE UNITED STATES BY GEOGRAPHIC AREA,[1] MARCH 1970–MARCH 1971

Geographic area	March 1970	June 1970	December 1970	March 1971
Total United States [2]	100.0	100.0	100.0	100.0
New England and Middle Atlantic	6.4	6.7	6.6	6.7
East-West North Central	4.0	4.4	3.9	3.4
South Atlantic	8.1	8.5	8.8	8.6
South Central and Mountain	9.2	9.3	9.9	10.1
Pacific	63.8	62.7	63.2	62.8
Undistributed	8.5	8.5	7.6	7.7

[1] Derived from data supplied to the Association in its semiannual survey of employment. Geographic area boundaries follow those of the U.S. Bureau of the Census. To prevent disclosure of individual company data, no area with 4 or less establishments is shown separately.

[2] Elements may not total because of rounding.

TABLE XVI.—DISTRIBUTION OF EMPLOYMENT OF SCIENTISTS AND ENGINEERS IN THE AEROSPACE INDUSTRY BY PRODUCT GROUP IN THE UNITED STATES,[1] MARCH 1970–MARCH 1971

Product group	March 1970		June 1970		December 1970		March 1971	
	Employment (thousands)	Percent of total	Employment (thousands)	Percent of total	Employment (thousands)	Percent of total	Employment (thousands)	Percent of total
Total	205	100	198	100	179	100	175	100
Aircraft	107.8	52.6	104.3	52.7	94.7	52.9	92.1	52.6
Missiles and space	97.2	47.4	93.7	47.3	84.3	47.1	82.9	47.4

[1] AIA Aerospace Data Services.

TABLE XVII.—PERCENT DISTRIBUTION OF EMPLOYMENT OF SCIENTISTS AND ENGINEERS IN AIRCRAFT RESEARCH AND DEVELOPMENT AND PRODUCTION IN THE UNITED STATES BY GEOGRAPHIC AREA[1] MARCH 1970–MARCH 1971

Geographic Area	March 1970	June 1970	December 1970	March 1971
Total United States[2]	100.0	100.0	100.0	100.0
New England and Middle Atlantic	22.3	21.8	22.0	21.1
East-West North Central	18.4	18.8	18.7	18.7
South Atlantic	8.2	7.7	7.4	7.2
South Central and Mountain	15.5	16.6	16.2	16.3
Pacific	35.6	35.1	35.7	36.7

[1] Derived from data supplied to the Association in its semi-annual survey of employment. Geographic area boundaries follow those of the U.S. Bureau of the Census. To prevent disclosure of individual company data, no area with 4 or less establishments is shown separately.

[2] Elements may not total because of rounding.

TABLE XVIII.—PERCENT DISTRIBUTION OF AEROSPACE SCIENTISTS AND ENGINEERS WORKING ON MISSILES AND SPACE IN THE UNITED STATES BY GEOGRAPHIC AREA[1] MARCH 1970–MARCH 1971

Geographic area	March 1970	June 1970	December 1970	March 1971
Total United States[2]	100.0	100.0	100.0	100.0
New England and Middle Atlantic	5.7	5.7	5.7	5.7
East-West North Central	3.6	3.7	3.9	3.6
South Atlantic	10.4	10.2	10.1	10.5
South Central and Mountain	8.5	8.6	9.0	9.0
Pacific	65.6	65.7	65.8	66.0
Undistributed	6.2	6.2	5.4	5.2

[1] Derived from data supplied to the Association in its semi-annual survey of employment Geographic area boundaries follow those of the U.S. Bureau of the Census. To prevent disclosure of individual company data, no area with 4 or less establishments is shown separately.

[2] Elements may not total because of rounding.

TABLE XIX.—DISTRIBUTION OF EMPLOYMENT OF TECHNICIANS IN THE AEROSPACE INDUSTRY BY PRODUCT GROUP IN THE UNITED STATES[1] MARCH 1970–MARCH 1971

Product group	March 1970		June 1970		December 1970		March 1971	
	Employment (thousands)	Percent of total	Employment (thousands)	Percent of total	Employment (thousands)	Percent of total	Employment (thousands)	Percent of total
Total	68.0	100.0	63.0	100.0	61.0	100.0	58.0	100.0
Aircraft	35.5	52.2	32.1	50.9	30.7	50.3	29.1	50.1
Missiles and space	32.5	47.8	30.9	49.1	30.3	49.7	28.9	49.9

[1] AIA Aerospace Data Services.

TABLE XX.—PERCENT DISTRIBUTION OF EMPLOYMENT OF TECHNICIANS IN AIRCRAFT RESEARCH AND DEVELOPMENT AND PRODUCTION IN THE UNITED STATES BY GEOGRAPHIC AREA[1] MARCH 1970–MARCH 1971

Geographic area	March 1970	June 1970	December 1970	March 1971
Total United States[2]	100.0	100.0	100.0	100.0
New England and Middle Atlantic	22.0	21.8	21.7	21.5
East-West North Central	15.1	15.5	15.5	15.2
South Atlantic	8.4	8.2	8.8	8.6
South Central and Mountain	25.4	26.5	26.2	26.9
Pacific	29.1	28.0	28.5	27.8

[1] Derived from data supplied to the Association in its semi-annual survey of employment. Geographic area boundaries follow those of the U S Bureau of the Census. To prevent disclosure of individual company data, no area with 4 or less establishments is shown separately.

[2] Elements may not come to total because of rounding.

TABLE XXI.—PERCENT DISTRIBUTION OF AEROSPACE TECHNICIANS WORKING ON MISSILES AND SPACE IN THE UNITED STATES BY GEOGRAPHIC AREA[1] MARCH 1970–MARCH 1971

Geographic area	March 1970	June 1970	December 1970	March 1971
Total United States[2]	100.0	100.0	100.0	100.0
New England and Middle Atlantic	10.6	10.9	10.4	10.6
East-West North Central	2.8	2.9	3.1	2.7
South Atlantic	18.6	18.9	19.7	17.8
South Central and Mountain	9.6	9.7	9.5	9.7
Pacific	49.9	49.5	49.6	51.1
Undistributed	8.4	8.1	7.7	8.1

[1] Derived from data supplied to the Association in its semi-annual survey of employment. Geographic area boundaries follow those of the U.S. Bureau of the Census. To prevent disclosure of individual company data, no area with 4 or less establishments is shown separately.

[2] Elements may not total because of rounding.

TABLE XXII.—HELICOPTER EMPLOYMENT IN THE UNITED STATES[1] MARCH 1970—MARCH 1971

	Total helicopter employment	Percent change from March 1970	Scientists and engineers employment	Percent change from March 1970
March 1970	36,004	----------	3,370	----------
June 1970	32,567	−9.5	3,093	−8.2
December 1970	29,018	−19.4	2,872	−14.8
March 1971	26,661	−25.9	2,822	−16.3

[1] AIA Aerospace Data Services.

COMPANIES INCLUDED IN AIA SURVEY OF AEROSPACE EMPLOYMENT

Abex Corporation.

Aerodex, Inc.

Aerojet-General Corporation.

Aeronca, Inc.

Aeronutronic Division, Philco-Ford Corporation.

Avco Corporation.[1]

Bell Aerospace Company, Division of Textron, Inc.

Bell Helicopter Company, Division of Textron, Inc.

Bendix Corporation (The).[1]

Boeing Company (The).

Chandler Evans, Inc.,—Control Systems Division of Colt Industries, Inc.

Cutriss-Wright Corporation.

Fairchild Hiller Corporation.

Garrett Corporation (The).

Gates Learjet Corporation.

General Dynamics Corporation.

General Electric Company.

General Motors Corporation, Allison division.

B. F. Goodrich Company (The).[1]

Goodyear Aerospace Corporation.

Grumman Aerospace Corporation.

Gyrodyne Company of America, Inc.

Hercules Incorporated.

Honeywell, Inc.[1]

Hughes Aircraft Company.

International Business Machines Corporation (IBM Corporation).[1]

International Telephone & Telegraph Corporation (ITT Corporation).[1]

Kaiser Aerospace & Electronics Corporation.

Kaman Aerospace Corporation.

Kollsman Instrument Corporation.

Lear Siegler, Inc.

Lockheed Aircraft Corporation.

LTV Aerospace Corporation.

The Marquardt Company.

Martin Marietta Corporation.[1]

McDonnell Douglas Corporation.

North American Rockwell Corporation.

Northrop Corporation.

Pneumo Dynamics Corporation.

RCA Defense Electronic Products.[1]

Rohr Corporation.[1]

Singer-General Precision, Inc.

Solar, Division of International Harvester Company.

Sundstrand Aviation, Division of Sundstrand Corporation.

Thiokol Chemical Corporation.[1]

TRW, Inc.[1]

Twin Industries Corporation.[1]

United Aircraft Corporation.[1]

Universal Oil Products Company.

Westinghouse Electric Corporation.[1]

[1] Only aerospace employment of these firms reported.

(NOTE.—Product group distributions of employment were generally accomplished as follows: Each plant in the survey was requested to identify its primary activity—aircraft, missiles and spacecraft, or non-aerospace, and this information was used to categorize employment by product activity. In regard to Tables IX and XIII, distributions are based upon methodology employed in AIA Statistical Series 8, monthly report on Aerospace Employment.)

III. SOME QUESTIONS OFTEN ASKED ABOUT H.R. 34

Question. *How many people will this bill help?*

Answer. This is a difficult question because of the many "multiplier effects" of any conversion program. Nonetheless, a *conservative* estimate is that the bill will assist directly about 20,000 people.

This figure is arrived at by (1) analyzing each section of the bill and separating out the money that goes to individuals from that which goes to corporations, businesses, etc. (2) Taking those amounts destined to go for individuals and separating out those expenses such as relocation costs, etc., that must be discounted. The final figure, conservative as it is, is about $14,000 per person.

Surely the bill will *not* affect 50–70,000 people. However, neither is it in the 3,000 or 5,000 category. Best estimate: 10,000 to 30,000 range.

Question. *What kind of support would the Small Business Administration provide under this bill?*

Answer: SBA has four major additional functions under this bill:

(1) Grants for retraining;

(2) Loans guarantees for conversion projects;

(3) Loans for actual conversion; and

(4) Establishment of a Conversion Information System.

1. Retraining Grants: SBA can make grants to small businesses which have been engaged in defense-related R&D (within the prior 5 yrs) *to pay up to 80% of the costs* of enrolling their eligible personnel in retraining programs. (Limit on grants=$25,000 to any *one* small business firm)

2. Loan Guarantees: SBA is authorized to guarantee any loan to a small business for a conversion project against loss as a result of the failure to repay the loan. This bill also establishes *a revolving fund* not to exceed $50 Million to fund these loans.

3. Conversion Loans: SBA loans may be made to assist small businesses in purchasing, leasing, or installing new facilities or equipment, or altering existing facilities or equipment that is necessitated for conversion.

4. Conversion Information System: SBA is authorized to establish and operate a computerized Conversion Information System to acquaint small businesses on (1) conversion education programs and (2) market needs and opportunities.

Question. *What is the function of the Economic Development Administration under this bill?*

Answer. EDA is authorized to make grants or enter into contracts with academic institutons, not-for-profit institutes and organizations, and business firms for *the purpose of developing, initiating, improving, or operating training programs for management personnel of business firms to assist in conversion.*

A total of $30 million is provided for this *management training* function.

Question. *What are "Community Conversion Corporations?"*

Answer. These are designed to provide a *local* base for conversion efforts. The NSF is authorized to make grants or contracts ($10 the first year, $15 the second, $25 the third) with local governments, or not-for-profit corporations to establish these Community Conversion Corporations.

They would:

Engage solely in non-defense-related R&D;

Give preference in employment to unemployed scientists, engineers & technicians who had previously been employed in defense-related work;

Serve to channel funds for civilian R&D into the affected Communities; and

To provide immediate on-the-job retraining for these unemployed scientists—engineers.

Question. *How are state and local governments involved in the "Conversion Research and Education Act of 1971"?*

Answer. In the area of regional, state, and local participation, this year's bill differs from the previous bill we introduced in the 91st Congress. H.R. 34 authorizes the National Science Foundation to make grants to state and local governments and regional government agencies for the establishment and development of conversion planning and support programs at the state, local, or regional level. There are two major reasons for the addition of this section. First, the magnitude of the economic conversion problem is so great that all levels of government must cooperate if we are to succeed. A half-hearted effort on the part of the Federal government without state, local, and regional support cannot bring about a solution. Second, the state and local governments and regional agencies are in the excellent position of being familiar on a first-hand basis with detailed situations peculiar to their areas. Because of this familiarity, they are indispensable to the Federal government in the planning and support efforts necessary for success of the economic conversion program.

Question. *Given the generally slack economy, how can you justify singling out highly trained people such as scientists and engineers for help? Aren't they the ones who have always been able to compete effectively in the job market? How will this help the blue-collar worker?*

Answer. I think we will all agree that this legislation is only a first step, but a very necessary and logical one with which to begin. The full utilization of highly educated and skilled workers is essential if we are to attempt to solve the mammoth problems of the nation, including the problem of the economy. History has shown us that advances in science and technology result in an economic surge—in other words, new technology means new jobs. Recent defense cutbacks without a corresponding rise in civilian research and development have created a vacuum that only reemployment of our scientists, engineers, and skilled technicians can fill. When these people find meaningful employment, the indirect effect on the rest of the job force will be infinite. No one here is arguing against the necessity of a comprehensive science, manpower, economic and education policy. Hopefully the Administration will respond to this pressing need. However, this response has not been forthcoming, and the Congress has been forced to take the initiative. The realities of the committee structure and Congressional organization require that we take a more limited, piecemeal approach. I feel that the "Conversion Research and Education Act" is a worthwhile step in the right direction, and I urge the Administration to join us in an expanded effort.

(NOTE.—In the Fairfield University Bridgeport Study on the Bridgeport Regional Economy in the Event of Reduction of Defense Allocations we found that at a 10% cutback there was a ratio of some three laborers unemployed for every scientist laid off.)

CONCLUSION

De-escalation of the Vietnam war and and changes in our general purpose force planning have led to a significant reduction in the resources used for national defense. As a Member of Congress who has been working toward and looking forward to a reduction of dependence on the military by the economy in general, this has been heartening. But this is only half the picture. It is only half the job of re-ordering our national priorities. Provision must be made to take up the slack left by reductions in aerospace and defense-related employment. A crucial point of leverage is in the fields of science, engineering, research and development.

By the third quarter of 1970 (according to the President's own Economic Report) defense purchases had declined by $11.4 billion (measured in 1958 prices), or 18 percent, from its recent peak in the second quarter of 1968. Substitute federal activity must be found with the proper multiplier effect (in economic terms) to arrest the slow, but sure, downward spiral in the economy.

The problem of economic conversion might justly be called the problem of creating a new government market for the skills and resources cultivated in a time of extreme defense-oriented need. As we reduce our commitment in Southeast Asia and reduce expenditures for a number of defense contracts and defense-related research and development, initiatives must be taken to foster federal funding in other areas, health, housing, education, environmental research, transportation and other realms of public need. This initiative has not been forthcoming from the Executive Branch. The Congress is having to take the initiative now, in the face of the gradual disintegration of the scientific and technical community and rising general unemployment.

Mrs. GRASSO. Mr. Speaker, will the gentleman yield?

Mr. GIAIMO. Mr. Speaker, I yield to my colleague, the gentlewoman from Connecticut.

Mrs. GRASSO. Mr. Speaker, I am honored to join in cosponsoring with my good friend and distinguished colleague, Mr. ROBERT N. GIAIMO, the Conversion Research and Education Act of 1971.

The people of the 6th District of Connecticut know only too well the tragic waste of talent which prevails in our area among skilled and nonskilled workers, as a result of unemployment due, in large measure, to a reduction in expenditures in defense-oriented and space industries. In the three largest cities in the district, New Britain, Bristol, and Torrington, the unemployment rates have reached alarming and unprecedented heights. Unemployed persons in Bristol alone represent 19.8 percent of the total working force. It is 10.8 percent in New Britain and 13.2 percent in Torrington. During my first few weeks in Congress I have worked to seek Federal relief for these high unemployment areas through eligibility for a degree of preference in Federal procurement contracts, through designation of these areas by the Economic Development Administration, through cosponsorship of the Accelerated Public Works Act of 1971, to provide Federal grants-in-aid to assist communities with high unemployment, through support of the comprehensive manpower training bill, and through cosponsorship and support for this present legislation.

It is my strong belief, Mr. Speaker, that we cannot long allow many of the most talented minds of the Nation to remain idle as we at the same time face the most criitcal problems of a post-industrial society—solutions to which require technical, scientific, and engineering skills. Also, we are doing a grave disservice to our scientific community if we fail to anticipate further reductions in defense and space research development.

As this Nation further disengages from the tragic war in Southeast Asia and as our priorities shift from moon exploration to domestic needs, we must utilize the great national resource of skills which our scientists, technicians, and engineers possess to tackle the pressing problems of our people. However, we hear a great deal about converting our resources to peacetime use and yet so little has been done to implement such a plan.

Only last Wednesday at a meeting in

Bristol of the Unemployment Task Force of the Connecticut General Assembly the observation was made that inadequacies of State-operated technical training programs have contributed to the present unemployment crisis in Connecticut. Such training programs for unskilled workers and for skilled workers who need to be retrained—if this need had been anticipated—would have alterably relieved the present flood of the unemployed. The Conversion Research and Development Act of 1971 is particularly imaginative in this regard as it would provide a mechanism for channeling funds to reeducate and retrain persons employed in defense related industries. Thus, the act would set in motion the actual process of adjustment which must accompany the redirection of national priorities.

Mr. Speaker, this is a much needed bill. It is necessary to give new life to our despairing economy. High-technology products in our economy are requirements and depend primarily upon the sustained research and development efforts of skilled scientists, engineers, and technicians engaged in commerce and industry. However, the present course of inaction on proposals for major job conversion has resulted in major defense-dependent firms laying off hundreds of men and women and many small businesses in fields related to defense production having to shut down altogether. Connecticut's economy depends on defense-oriented technological activity more than most any State in the Nation. And hardly a week goes by that some major Connecticut firm is not laying off workers or going out of business. Obviously, such an environment severely threatens any hope of economic stability.

The tragedy to the Nation which accompanies massive unemployment of persons with such gifted minds is that we so desperately need their ingenuity to apply all the dedication, initiative, and resources at our command to provide adequate housing, health care, education, food and transportation, crime protection, unpolluted water and air for all our citizens and for future generations of Americans. Yet, helplessly it seems we watch the unemployment rolls increase among resourceful citizens who are unable to find work and unable to assist their troubled Nation.

We cannot afford to be so ignorant as a society idly watching the dismantling of our technological community. National purpose and commonsense demands more of us.

To be sure, Mr. Speaker, the greatest discouragement is felt by the unemployed themselves. Men and women who, until recently, felt secure in their professions are now literally walking the streets in search of elusive employment. According to the State Department of Labor, Connecticut has reached its highest unemployment since the 1958 recession year. In mid-January 116,700 persons were looking for jobs compared to 50,200 in January of 1969. The 1971 figure represents 8.4 percent of the total Connecticut labor force. Two contributing factors cited are the business slowdown and reduced Government spending.

However, these are quite cold statistics to those engineers who attended a workshop session on February 2 in West Hartford to discuss approaches of best presenting their case to prospective, and oversubscribed employers. Workshops such as this one are being conducted by the Department of Labor in 30 cities across the country. The engineers are taught "how to sell yourself" and are urged to avoid the sad tale of the Fairfield County man who kept commuting to New York 3 months after he had been laid off—because he did not want his family to know.

This then is the senseless predicament we find ourselves in. Our failure has been not matching skills to real needs. Converting war technology to peacetime technology is one of the promises of our time. There is so much we have to do. That is why, Mr. Speaker, I have a great sense of hope that we will find the way to do what we must through this exciting proposal—the Conversion Research and Education Act of 1971.

Mrs. CHISHOLM. Mr. Speaker, the Conversion Research and Education Act under discussion today is rooted in the age-old problem of unemployment. Many among us are just beginning to react to this problem, as the unemployment rate climbs above 6 percent and begins to hit the middle class. For my district of Brooklyn, where the jobless rate is now running at about 30 percent unemployment is a way of life. There is, however, an easy solution to the question of unemployment among scientists, engineers, and technicians trained for defense-related work.

We in Congress have the opportunity now to examine not only our concern with unemployment, but also our own evaluations of the priorities of the problems facing our Nation today. Cutbacks in military spending have left jobless many highly trained and skilled people whose talents could be used in domestic service. Programs designed to combat pollution, overpopulation, the transportation crisis, inadequate housing, health care and education need trained researchers and administrators, as well as money, to be effective. Congressman GIAIMO stated in a speech here September 16, 1970:

> We know that it will take dedication, initiative, and all the resources at our command to provide adequate housing, health care, education, employment, food and transportation for all our citizens.

We have these resources and they are immediately available. There are many scientists and engineers trained in many fields whose talents could be utilized to help solve our critical domestic problems.

The reorientation of these people is so easy that I find it absurd to discuss as a problem. There is no question that it can be done. The question is, are we willing to do it? Are we willing to take this positive step toward decreasing unemployment, toward creating alternatives to military work. We have the capability. What is needed now is the will to do it.

Mr. GUDE. Mr. Speaker, I want to commend the gentleman from Connecticut and the gentleman from Georgia for their leadership in the effort to focus the attention of the Congress on some of the critical issues of economic conversion.

As a Representative from suburban Maryland, I have seen at colse range the impact of cutbacks in military and aerospace spending on business firms and scientific, technical, and managerial personnel in this area. For the men and women involved, it is no picnic to be out of a good job and to find that you are "over-qualified" for what is available. All Americans should be concerned about the breakup of scientific teams and the enforced idleness of technical talent when it is as vital as ever to our national well-being.

The Defense and Aerospace industries, directly or indirectly, employ 10 percent of our total work force and 60 percent of our engineers. It does not take a Jeanne Dixon to foresee that sharp cutbacks in Federal spending in these fields will mean substantial unemployment. Nearly 2 years ago, I sponsored legislation to create a National Economic Conversion Commission to conduct studies and encourage conversion planning by industry, Government, labor, and professional associations.

Despite broad bipartisan support, this legislation languished in committee, while employment in the defense-related sector of the economy declined by more than 700,000 people. It has been updated to provide a trust fund to help finance conversion programs and to pay retraining and relocation expenses to displaced employees.

I have also sponsored the legislation being reintroduced today, to fund retraining programs for highly skilled personnel, under the auspices of the National Science Foundation. The Foundation would be charged with identifying civilian problems which will require scientific expertise, and will provide educational grants and programs for technical, scientific and managerial talent who wish to move into new fields.

Obviously, this proposal presumes that the United States intends to maintain a strong scientific capability, as we must. Expenditures will be redirected, but must be maintained at levels corresponding to the need for skilled people in pollution control, and other fields such as transportation, development of energy sources, and marine research, to name a few.

I cannot stress strongly enough the need for a national commitment to scientific research and development. The President's 1972 budget reflects this commitment in recommending substantial increases in federally supported research. The budget for the National Science Foundation, for example, would be increased from $506 million to $622 million.

This commitment is essential if we are to create new and needed markets for research and development firms and scientific personnel. Last November, the Conservation and Natural Resources Subcommittee of the Government Operations Committee, on which I serve, held hearings on the application of aerospace and defense industry technology to environmental problems. Many different opinions were expressed on the capabilities of aerospace firms to enter into commercial production to meet civilian needs. There was little disagreement, however, on the need to direct more Federal funding into the research market. In the area of water pollution control, for example, Federal outlays are great and growing, but most of the money is going into construction of sewage treatment plants.

This program is vital, but does not require the kind of highly sophisticated hardware that aerospace firms might develop and produce.

In talking with scientists and business firms in Maryland's 8th District, I have learned about a number of bold and imaginative proposals for research in areas such as recycling solid waste and utilization of the waste heat from powerplants. Vitro Laboratories, located in Silver Spring, has developed a proposal for a solid waste management system. The proposal would establish a national framework to handle the collection, transportation, and recycling of waste. A public utility is envisioned, and would be directed toward making a profit.

The Hittman Corp. of Columbia, Md., has done significant work in nuclear and sanitary engineering, resources management, energy conversion, and other areas. Hittman has substantial experience in developing techniques for planning of nuclear plants, including methods of power plants cooling and pollution control.

One of Hittman's proposals would utilize by-product heat from powerplants to reduce pollutants in cooling water drawn from our rivers. The water would be held up in an aerated lagoon, used for cooling powerplant condensers, and recycled to the lagoon.

I have cited these ideas as examples of the advanced brand of thinking we will need to clean up the environment. We will need the same spaceage technology in finding systematic solutions to other public problems as well.

I share the concern of my colleagues here today that our Nation cannot afford to be without the talents of many scientific, technical, and managerial personnel who are today without employment. I support legislation to assist them in making the change to new scientific endeavors. And I think we must all work to assure that this Government creates and sustains a new market for research and development where adequate funds are available and bold new thinking is welcome.

GENERAL LEAVE

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the bill, H.R. 34.

The SPEAKER pro tempore (Mr. Stratton). Without objection, it is so ordered.

There was no objection.

VIETNAM DISENGAGEMENT ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Bingham) is recognized for 60 minutes.

Mr. BINGHAM. Mr. Speaker, at a press conference this morning it was announced that more than 50 Members of the House would be introducing today a bill entitled, "The Vietnam Disengagement Act of 1971."

I am doing so on my own behalf and on behalf of the others.

The principal cosponsors of this legislation in the House are: Messrs. Anderson of Tennessee, McCloskey, of California, and Riegle, of Michigan.

We are pleased to have the following Members as cosponsors:

Mr. Abourezk, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bergland, Mr. Boland, Mrs. Chisholm, Mr. Clay, Mr. Collins of Illinois, Mr. Conyers, Mr. Cotter, Mr. Dellums, and Mr. Diggs.

Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. William D. Ford, Mr. Fraser, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hathaway, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, and Mr. Kastenmeier.

Mr. Koch, Mr. Leggett, Mr. Matsunaga, Mr. Mikva, Mr. Mitchell, Mr. Moorhead, Mr. Mosher, Mr. O'Neill, Mr. Podell, Mr. Rees, Mr. Reuss, Mr. Rosenthal, and Mr. Ryan.

Mr. Sarbanes, Mr. Scheuer, Mr. Seiberling, Mr. Shipley, Mr. Thompson of New Jersey, Mr. Vanik, Mr. Waldie, Mr. Whalen, Mr. Charles H. Wilson, Mr. Wolff, Mr. Yates, and Mr. Rooney of Pennsylvania.

Mr. Speaker, this bill is the same as S. 376, which was introduced on January 27 in the other body by Senator McGovern and Senator Hatfield with 19 other cosponsors, and it represents, in effect, the 1971 version of the Hatfield-McGovern amendment, which was extensively debated last year and extensively discussed around the country.

Essentially, what this bill does is to call for an end to offensive operations in Vietnam by May 1, and for total withdrawal of all U.S. forces from Vietnam by the end of this year.

I would like to comment briefly on some of the points that are made in section 2 of the bill under which Congress would make certain declarations and findings. It is there stated that—

> Under the Constitution of the United States the President and the Congress share responsibility for establishing, defining the authority for and concluding foreign military commitments.

It seems to me it would be hard for anyone to quarrel with that conclusion. I said only yesterday I felt there was a growing tendency for the Congress in this matter of war and peace to be bypassed by Presidential authority, and I think the Congress should take steps to reassert its authority. The fact that wars today do not seem to be declared any more should not remove from the Congress the authority that it was given in the Constitution to approve declarations of war, and that if wars are to be carried on in an undeclared fashion, then Congress should exercise its authority to decide whether or not they are appropriate.

Section 2 of the bill further states that—

> The repeal of the Gulf of Tonkin resolution raises new uncertainties about the source of authority for American involvement in Vietnam.

That resolution was repealed last year, as Members will recall, and since it was so often referred to as the basis of the authority for the President to act in Indochina, it is indeed strange, to say the least, that the hostilities have continued and, indeed, are extended without that legislative authorization. Uncertain as it was, and indefinite as it was, that authority in the Gulf of Tonkin resolution has now been repealed.

Section 2 further states that—

> Both the domestic and foreign policy interests of the United States require an expeditious end to the war in Vietnam.

Again it seems hard to quarrel with this conclusion. I am sure that every American citizen wants to see an end to the war in Vietnam. We differ only in our approach and the method by which that end is to be achieved. We all know how damaging war has been to many of our interests, particularly to our domestic interests, where our resources to cope with the problems of our cities have been so severely reduced by the impact of the Vietnam war.

Section 2 further states that—

> The conflict can best be resolved through a political settlement among the parties concerned.

It used to be that this was a constantly stated provision or principle. I must say that in recent months the administration has seemed to show less and less interest in this possibility and has seemed to rely more and more on military activities and military operations to bring about an end to the war. But those of us who are cosponsoring this bill feel, as we have in the past, that a political settlement is the only way the conflict can be resolved.

The further statement of section 2 is—

> In the light of all considerations, the solution which offers the greatest safety, the highest measure of honor, the best likelihood for the return of United States prisoners, and the most meaningful opportunity for a political settlement would be the estabment of a date certain for the orderly withdrawal of all United States armed forces from Vietnam.

That is the essence of our position, and that is the essence of this bill.

According to a Gallup poll, 73 percent of the American people have come to the same conclusion that we have, to set a date for total American withdrawal, and that the date should be set by the end of this year.

I would like to comment particularly on the reference in that statement that this course offers the best likelihood for the return of U.S. prisoners of war. We are all concerned about the treatment of American prisoners in North

Vietnam, and we resent and protest the fact that they are not being treated according to the Geneva Convention. Many efforts have been made—and appropriately so—to bring international pressure on the Government of North Vietnam to accord the prisoners such treatment, but there is also, as Senator Edmund Muskie pointed out the other day in Hartford, Conn., the underlying question of how we are going to get these prisoners released. The present course the administration is following, the so-called policy of Vietnamization, offers a prospect only of continuing and endless hostilities, and that means no prospect for the return of those prisoners.

If a date were set for total American withdrawal, there is no question whatever that the release of the prisoners could be promptly negotiated and there could be negotiated at the same time enforceable assurances that the withdrawal of American troops could be accomplished safely and without attack by Hanoi or the Vietcong.

The bill we are introducing today does not make specific mention of Cambodia or Laos. Perhaps it is unfortunate that it does not refer to the totality of Indochina, because Indochina has now become the total battlefield, but the bill does not do that, because we are introducing precisely the language of the bill introduced in S. 376. This is because the heart of the problem, the root of the trouble in Indochina, is still the wretched Vietnam war. If we can decide once and for all to get all American troops out of Vietnam, there will be no problem about the other areas.

This does not mean that we as cosponsors are not deeply troubled about the extension of the war to include air operations of various kinds and artillery operations in Laos and air operations in Cambodia. Many of us have introduced bills and resolutions to extend the existing congressional prohibitions of ground troops in these areas to air support and other types of military operations in Laos and Cambodia, and those resolutions should be considered as companion resolutions to the bill we are introducing today. It is our hope that all of these resolutions will be considered at an early date by the House Foreign Affairs Committee, and those of us who are cosponsors of the bill and members of that committee are urging our distinguished chairman, Dr. Morgan, to arrange for such hearings.

At this point I insert into the Record the remarks made at our press conference this morning by Senator McGovern. We were honored to have him there. He is the principal sponsor, as I have said, of the corresponding bill in the other body.

The remarks of Senator McGovern follow:

Remarks by Senator George McGovern

I am pleased to join this press conference to announce the introduction of the Vietnam Disengagement Act in the House of Representatives. This is the companion bill to S. 376, which Senator Hatfield and I and nineteen other sponsors introduced in the Senate on January twenty-seventh.

The invasion of Laos makes clear that President Nixon succeeded in transforming a one-front war into a three-front war. He inherited a war in Vietnam; now he pursues that same war in all of Indochina.

For once I find myself in complete agreewith Vice President Ky of South Vietnam, in his recognition that Vietnamese forces can become bogged down in Laos as they are in Cambodia, and that the operation is likely to prolong the war instead of bringing an earlier peace.

The invasion of Laos, like last summer's invasion of Cambodia, is portrayed as another step on our way out of Vietnam.

It is more likely a reminder that the Administration clings to the mistaken belief that we can yet achieve a military decision in Vietnam, where our military involvement already stands as the most serious blunder in our national history.

There is but one way now to bring the Administration to its senses, and that is for the Congress to pass the McGovern-Hatfield bill and its House counterpart, now approved by some 73 percent of the American people, to bring our armed forces home before December 31st of this year.

This is the one means to secure the release of our prisoners, the safe withdrawal of our forces and an end to the devastation now spreading across Indochina.

Note: S. 376, The Vietnam Disengagement Act (McGovern-Hatfield) was introduced in the Senate on January 27, 1971. It is currently sponsored by Senators McGovern, Hatfield, Cranston, Hughes, Bayh, Church, Eagleton, Gravel, Harris, Hart, Hartke, Inouye, Javits, Kennedy, Mondale, Moss, Nelson, Proxmire, Ribicoff, Tunney, Williams.

Mr. Speaker, I also would like to include at this point the text of the Vietnam Disengagement Act of 1971:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Vietnam Disengagement Act of 1971.

Sec. 2. Congress finds and declares that under the Constitution of the United States the President and the Congress share responsibility for establishing, defining the authority for and concluding foreign military commitments; that the repeal of the Gulf of Tonkin Resolution raises new uncertainties about the source of authority for American involvement in Vietnam; that both the domestic and foreign policy interests of the United States require an expeditious end to the war in Vietnam; that the conflict can best be resolved through a political settlement among the parties concerned; that in the light of all considerations, the solution which offers the greatest safety, the highest measure of honor, the best likelihood for the return of United States prisoners and the most meaningful opportunity for a political settlement would be the establishment of a date certain for the orderly withdrawal of all United States armed forces from Vietnam.

Sec. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 620. (a) In accordance with public statements of policy by the President, no funds authorized to be appropriated under this or any other Act may be obligated or expended to maintain a troop level of more than two hundred and eighty-four thousand armed forces of the United States in Vietnam after May 1, 1971.

(b) After May 1, 1971, funds authorized or appropriated under this or any other Act may be expended in connection with activities of American armed forces in and over Vietnam only to accomplish the following objectives:

(1) To bring about the orderly termination of military operations there and the safe and systematic withdrawal of remaining American armed forces by December 31, 1971;

(2) To insure the release of prisoners of war;

(3) To arrange asylum or other means to assure the safety of South Vietnamese who might be physically endangered by withdrawal of American forces; and

(4) To provide assistance to the Republic of Vietnam consistent with the foregoing objectives."

Mr. BADILLO. Mr. Speaker, I am pleased to join with my distinguished colleague and good friend from New York (Mr. Bingham) and with the other cosponsors of the Vietnam Disengagement Act of 1971. Let us hope that there is no need for the date of this legislation to be changed, nor for the 93d Congress to take up the cause initiated last year and continued this year.

The invasion of Laos, the escalation of the air war over Indochina, the continued deceptions practiced by the Nixon administration with regard to its policies in Vietnam make enactment of this bill an urgent necessity. It clearly is the only realistic alternative to the administration's Vietnamization policy which purports to end the war by widening it to save American lives by jeopardizing them still further, to assure freedom and self-determination for the people of South Vietnam by supporting, with our military and economic might, a repressive and dictatorial regime.

The invasion of Cambodia last year brought to a head what I consider to be a grave constitutional crisis. It is a crisis yet to be resolved, for the administration continues to wage a war during what it terms "peacetime," violates its own professed guidelines for military operations in Indochina, refuses even to tell Congress, the press, and the public what it is spending on the war, and conducts a secret ground war in Laos under the cover of the Central Intelligence Agency. To this day, the administration refuses to tell the truth about reports that U.S.-supported Thai troops are involved in Laotian military operations and I warn my colleagues and the President that it is becoming more possible every day for the war to spread to Thailand as it has to Laos and Cambodia. And if it does, what would the position of the United States be then, considering our obligations under the SEATO treaty?

The administration has refused to draw a line in Indochina. Its commitment to the Thieu-Ky regime seems bottomless. And so Congress must draw the line—clearly and now.

The need for passage of the Vietnam Disengagement Act is every bit as urgent today as it was last year when it was known as the amendment to end the war. By setting a definite timetable for withdrawal it gives us the means to achieve authentic negotiations that will bring our prisoners of war back to their homes and families and terminate our involvement in a war that has wreaked destruction on several countries and so tragically disrupted our own national priorities. I share the President's belief that this Congress can help end this war. The legislation we are introducing today is the best way Congress can meet its obligations.

Mrs. ABZUG. Mr. Speaker, yesterday two members of the administration—

Secretary of Defense Laird and Secretary of State Rogers—testified before committees of Congress on American activities in Laos. After reading accounts of the testimony in this morning's papers I, for one, am more confused than ever.

Presumably, administration officials were sent to the Hill to reassure us that our recent air activities beyond the Laotian border are not what they seem to be—a full-scale invasion of Laos. In an effort to hide what is happening, they call this an "incursion" rather than an invasion. They tell us that, contrary to all reasonable expectation, this action will curtail the war rather than expand it. And, in what must be the most cynical distortion of all, they suggest that somehow, in some way, killing people from the air is a cleaner, better kind of war than killing them from the ground. Yet, it is a perverse morality that would have us think that dropping bombs on women and children whom you do not see is somehow superior to killing them face to face. It is true that a bombardier, from his position high in the sky, is protected from seeing the burning flesh, the blood and twisted bodies, whereas the foot soldier is not, but for the victims death is death.

Yet, these latest in a series of lies and distortions are not the first we have heard, nor will they be the last. Even while the administration tries desperately to befuddle us into silence over its frolic and detour in Laos, old lies are coming to light. Months ago the administration told us that U.S. combat troops would be out of Vietnam by summer. But today we learn that 40,000–45,000 combat troops will still be in Vietnam after May 1, and another 142,000 will serve as combat support, on call for further fighting when the generals think it necessary.

What the Nixon administration now seems to be forgetting is that it is the citizens of this country who are paying for the war, in lives and in dollars, and that the citizens have overwhelmingly repudiated it. As I have noted already, the most recent Gallup poll shows that 73 percent of the American people favor total withdrawal. Yet, the Nixon administration takes us deeper into the war, rather than out of it, and hopes to anesthetize us into inaction by systematically and intentionally concealing the truth.

In the face of this monstrous display of illegal executive power, I again call on all Members of the House and Senate to join the many efforts to bring this war to an end. Whatever it takes—whether it be House and Senate resolutions, restrictions on appropriations, or measures such as the Vietnam Disengagement Act of 1971, which cuts off all funds unless U.S. troops are withdrawn by December 31, 1971 and which I am proud to cosponsor today—every Member of Congress must act decisively to bring our soldiers home—to end our immoral and illegal interference in other countries—and to bring this American tragedy in Southeast Asia to an end before another year passes.

We must insist that the President set a specific date for the immediate withdrawal of all American troops from Vietnam.

Mr. EDWARDS of California. Mr. Speaker, I first want to compliment my colleagues in the House, Mr. BINGHAM and Mr. RIEGLE, and Senator McGOVERN, for their courageous leadership on this most critical issue.

Under Mr. Nixon's program of Vietnamization, we have seen this vicious war spread into Cambodia and Laos. The argument that by widening the war we will bring about a more speedy end does not hold water. If Vietnamization has not yet succeeded, it will not succeed. We must face the fact that Asia's future will be determined by Asians.

We can devastate and depopulate Vietnam and Cambodia and Laos but we cannot win anything worth winning there. The only sane course is to get out as soon as possible, a course on which 73 percent of the American people are agreed.

As this resolution would do, we must limit military spending in Vietnam to defense of our troops and we must set a date by which time all American combat forces will be withdrawn. There is no other way we can be assured that the war will not be widened further and that the United States will not become partner in future adventures of the kind now taking place in Laos.

Again, I want to express my gratitude to my colleagues for taking the leadership on this issue. It will be a great day for Americans as well as Asians if we succeed in this effort.

Mr. MIKVA. Mr. Speaker, I rise today in support of the Vietnam Disengagement Act of 1971 introduced by my distinguished colleague from New York (Mr. BINGHAM). I only wish there were reason to believe that this time it will be different. On at least a dozen occasions over the past 2 years I have shared the frustration of men like the gentleman from New York as the Congress, and particularly the House of Representatives, has consistently refused to accept its constitutional right and responsibility to control the warmaking activities of the U.S. Army in Southeast Asia. Vietnam is no longer merely Mr. Nixon's war. It is now our war as well. We have passed up too many chances to stop it.

The most shameful part of our dismal record on the war is that we have not acted out of principle but rather out of expediency and even indifference. The problem is not that a majority of the Members of this body are for the war, but that they are not against it. If I am committed to ending the war, and you are committed to escalating toward a clear military victory, at least we can define our differences and deal with them. What is frustrating and perhaps immoral is to not care enough to stand up strongly on either side—to avoid the issue and pass the unpleasant buck by asserting that the President's hands must not be tied, or that we should first give Vietnamization a chance to work.

Mr. Speaker, there are only two real sides to the issue of the war. To stay in or to get out. The rest is obfuscation. You do not get out by going further in. Calling expansion of the war into Cambodia and Laos part of our planned withdrawal does not change that truth. Prof. Hans J. Morganthau, of the University of Chicago, has written a terrifying article, recently printed in the New Republic of February 20, 1971. Professor Morganthau demonstrated that ultimately, when all the public relations stunts—like Vietnamization—designed to bring military victory have failed, we will have to face the hard choice we continue at present to avoid: Either we pull out all stops and attain a total military "victory" by demolishing Southeast Asia with tactical nuclear weapons, or we liquidate our bankrupt policy and withdraw completely, just as the French did from Algiers. I am including Professor Morganthau's article for the benefit of my colleagues.

By continuing to avoid the responsibility of facing this unpleasant choice of alternatives, Congress has earned a share of the responsibility for the loss of the spirit of America.

The time has come to choose sides. No one can stand on the sidelines. If you are not against, then you are for. There is no neutral ground. I support the Vietnam Disengagement Act of 1971. On behalf of the people of America and of Southeast Asia, I respectfully ask my colleagues in the Congress, "Where do you stand?"

The article follows:

THE NUCLEAR OPTION—WHAT PRICE VICTORY?

(By Hans J. Morganthau)

Recent events in Cambodia and Laos have clarified three important aspects of our involvement in Indochina: the nature of Nixon's Indochina policy, the inability and unwillingness of Congress to change more than the modalities of that policy, and the nature of the victory we are likely to win.

Before the 1968 election, many—myself included—thought that Nixon, clever politician that he is, would make it his first order of business to liquidate the Vietnam war. He could easily have done it, telling the world that the United States had honored its commitment to the freedom of South Vietnam and that it was up to the South Vietnamese to decide what to do with that freedom, and telling the American people that he was putting an end to Johnson's war as Eisenhower has put an end to Truman's war in Korea. It as now become obvious that Nixon's policy of "winding down" the war is not the same as ending it. Faced with the choice between the Algerian solution—admitting a mistake and liquidating it speedily and without qualification—and fighting on to victory—victory meaning the perpetuation of an anticommunist government in Saigon–Nixon has chosen the latter alternative. However, he cannot pursue victory with the costly and ineffective conventional means Johnson used for the same purpose; for the American people and Congress have made it clear that they will no longer support such a war. The Cooper-Church amendment, prohibiting the use of American ground troops and advisers in Cambodia, expresses that popular and congressional mood.

That mood, however, does not necessarily favor the Algerian solution. What this mood is against is the continuation of a war fought with American ground troops at a casualty rate out of all proportion to the gains made and to be expected. It is against this kind of a war that public and congressional opinion has turned, but it has not turned against a war fought more effectively and more sparing of American lives. It is this kind of a war Nixon is waging and proposes to wage till victory. He proposes not to end the war but to change its nature. As an Air Force officer said to Alvin Shuster of *The New York Times*: "We will be around a long time to come. You won't see any deadlines on the withdrawal of air power from this place."

It is characteristic of a counterinsurgency war, that is, of a war fought against a whole people or at least a large segment of it, that its primary aim is not the conquest of territory but the destruction of the will to fight of the insurgent population by killing insurgents. If that will proves to be virtually indestructible then the physical destruction of the insurgent population itself becomes the primary aim. Hence "search and destroy" as the strategy of the Indochina war and the body count as the measure of victory. Yet in practice "search and destroy" on the ground has revealed two drawbacks and, in consequence, has undergone a significant transformation.

The search for the enemy has frequently been in vain and has therefore frustrated and demoralized the searching troops, as has the impossibility of distinguishing between the combatant insurgents and the hostile or indifferent civilian population. Furthermore, "search and destroy" has been turned effectively by the insurgents against their enemies through ambush and booby traps. Thus inevitably what was intended as a discriminating "search and destroy" operation was transformed into indiscriminate destruction of the actual or potential enemies, that is, of the whole population actually or presumably friendly to, and controlled by, the enemy. Yet while "search and destroy" requires operations on the ground, indiscriminate destruction is much more effectively and economically carried on from the air. As a Laotian general put it to Henry Kamm, according to *The New York Times* of February 6: "Maybe in three years, or maybe earlier, there will be only women in Laos."

Thus the prohibitions of the Cooper-Church amendment compelled the Administration to change the main locale of its operations from the ground to the air, a change which the results of the ground war suggested anyhow and which it has put into practice in good measure on its own initiative in Vietnam and Laos. Thus the Cooper-Church amendment compels the Administration to do completely in Cambodia what it has already done partially in Vietnam and Laos and what it would have done anyhow to a considerable extent.

While the Cooper-Church amendment ratifies and legitimizes a change in the tactics of the war which the failure of the ground war had already suggested to the Administration, it intends to impose one real limitation upon the Administration's freedom of action: any use whatsoever of ground troops and advisers in Cambodia. This limitation, unqualified and absolute, runs counter to the Administration's resolution to leave Indochina undefeated and victorious. In the measure that the Cambodian and South Vietnamese forces are unable to hold their own, they must be supported by the United States. The margin of victory which these forces cannot supply must be supplied by the United States.

If air interdiction is all that is needed, the Administration will remain within the limits of the Cooper-Church amendment. If more is needed, such as close combat support from the air, the ferrying of troops by helicopter, and the supervision of the use of American weapons, the Administration will stretch the Cooper-Church limitations to the breaking point. For instance, a helicopter crew which is shot at after having landed with its troops or cargo is not likely to hide behind a copy of the Cooper-Church amendment but will shoot back, and a "military equipment delivery team," in or out of uniform, cannot help but advise the recipients in the use of the delivered hardware and may have to accompany them into combat in order to make the advice effective. If American personnel on such a mission should be unable to hold their own against an enemy attack, ground troops would of course be sent in to rescue them. Thus one thing on the ground would lead to another, and the Cooper-Church amendment would join a number of other congressional enactments trying in vain to limit executive discretion in the conduct of foreign and military policy.

These possible and even likely developments, however, do not presage a repetition of the Vietnam experience, culminating in a massive American engagement on the ground. The Administration is committed to disengagement on the ground, and reescalation of the war on that level, even if the Administration had learned nothing from the fiasco in Vietnam, would threaten political disaster in 1972 and would be militarily hazardous on account of the beginning disintegration of the American Army in Vietnam. What we must guard against is not a repetition of the Vietnam experience in Laos and Cambodia. The Administration is committed to winning the war from the air, and it is this commitment that casts an ominous shadow not only over Southeast Asia but over the United States and Western Civilization itself.

A genuine war of national liberation, such as the people of Vietnam have been fighting for 25 years, can be won by the foreign power only if the latter is able to kill so many enemies that the survivors have no longer the will and, more particularly, the means to fight on. What we have done in Vietnam on the ground and from the air has failed to win the war, and what we are doing in Laos and Cambodia from the air and what the South Vietnamese are doing on the ground is not likely to win it either, at least in the short or tolerably long run. Of course, if we were to bombard the Indochinese landscape from the air systematically year-in and year-out, we would utterly destroy the land and the people and thereby have won the war. But the Administration cannot afford to wait that long and it has in its armory a weapon that can expedite dramatically the process of destruction and, hence, victory.

It stands to reason that what conventional warfare on the ground and from the air is achieving gradually and with painful and risky slowness, a few judiciously placed "tactical" nuclear weapons—and note that the Hiroshima and Nagasaki bombs are now categorized as "tactical"—could accomplish overnight. It would be surprising if this obvious and simple fact had escaped the attention of the makers of our Indochinese policy. Indeed, it is an historic fact that Nixon as Vice President recommended in 1954 the use of nuclear weapons in Vietnam, and there are indications that more recently the use of such weapons was seriously considered. More importantly, the logic of the Administration's position points ineluctably in this direction. The Administration is committed to leaving Indochina only after it has won a victory. It has not won that victory with the conventional means thus far employed. It is not likely to win it within a tolerable period of time through the continuing employment of conventional means. Vietnamization, in particular, even if it turns out to be successful, will not, and is not intended to, change the—unsuccessful—strategy of the war; it will only change the color of the casualties, and has already done so in considerable measure.

Both the extension of the ground war into Cambodia and Laos and the enormous intensification of the air war testify to the failure of the conventional strategy. Since we cannot win the war by employing conventional means in Vietnam, we are trying to win it by employing the same means in all of Indochina. But if this quantitative and special extension of an unsuccessful strategy will still prove to be unsuccessful, what then? Three options are open to the United States: One is resort to "tactical" nuclear weapons, a course of action toward which, as we have seen, the Administration is being moved by the logic of its position. Another one is the provocation of China into a war which would unite the people behind the Administration and whose anticipated victories would obliterate the memory of the failure in Vietnam. That course of action has its advocates at the present only at the fringes of the Administration, and it can therefore be ruled out as a short-term alternative. The third option open to us is unconditional disengagement.

This has always been the only rational denouement, however unobtainable in view of the insistence by a succession of administrations upon victory. Resistance to the Algerian solution remains strong in the White House and at the very top of the military hierarchy. Yet very close to that top, the doubts about the war which have always been more intense and widespread than the public assumed, have now been strengthened by the fear lest the indefinite continuation of the war destroy the Armed Forces themselves as an effective instrument of national policy. Race, drugs, and "fragging" (attacks on officers with fragmentation bombs) have seriously weakened control of the officers over their men, and quite a number of officers are now reluctant to give unpopular orders because they are afraid they either might not be obeyed or might call forth a violent reaction. Thus the Armed Forces and, more particularly, the Army, interested in their own survival as an effective fighting force, are in the process of becoming an active element favoring the speedy conclusion of the war.

That new element is capable of supporting either unconditional disengagement or the use of nuclear weapons. If military doubts and fears should crystallize into outright opposition to the war, such opposition might well turn into the decisive argument in favor either of the nuclear "final solution" of the Indochina problem or of the Algerian solution of unqualified disengagement. For the time being, however, the issue remains hanging in the balance; for the Administration will not be compelled to choose between these two painful alternatives as long as failure has not disabused it of the hope that, by using more intensely the same means that proved to be of no avail in Vietnam, it can gain in Laos and Cambodia the victory that has eluded it in Vietnam. If and when that hope, too, has been dashed, the Administration will no longer be able to evade that painful choice. In his press conference of January 29 the Secretary of State observed that "we don't foreclose any possibility." In a broader sense than he intended, this sums up our prospects in Indochina.

GENERAL LEAVE

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that all Members have 5 days in which to extend and revise their own remarks on the subject of the Vietnam Disengagement Act of 1971.

The SPEAKER pro tempore (Mr. STRATTON). Is there objection to the request of the gentleman from New York?

There was no objection.

FIRE RESEARCH AND SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. McKEVITT) is recognized for 5 minutes.

Mr. McKEVITT. Mr. Speaker, last year fire killed approximately 12,200 Americans and destroyed property worth $2.7 billion. Both of these figures, representing record highs, are of a magnitude comparable to losses from crime. Yet, little is being done to fully implement the Fire Research and Safety Act of 1968.

The Fire Research and Safety Act of 1968 authorized the Secretary of Commerce to provide, conduct, support, and coordinate a national fire research and safety program. A fire research and safety center was to be established to carry on this program at the National Bureau of Standards. However, due to inaction on the part of Congress, this worthwhile program has never really gotten off the ground.

Enacted in March 1968, the act passed the Congress too late to be included in the regular appropriation request of the Bureau of Standards for fiscal 1969. An effort to provide supplemental appropriations failed, and although the Bureau of Standards requested funds for the program again in 1970, the appropriation that was finally approved provided only $550,000 for all of the Bureau's program increases. Therefore, the Bureau was unable to initiate any portion of the Fire Research and Safety Act in 1970.

Finally, for fiscal 1971 a breakthrough in implementing the act was made when the President requested an increase in funding in the amount of $1.11 million specifically for the initiation of the tasks authorized by the Fire Research and Safety Act. The Congress appropriated $1 million for the Bureau's fire safety programs. This allowed the Bureau to utilize $840,000 to launch title I of the Fire Research and Safety Act. Of this money, $140,000 represents reprogramed funds from other National Bureau of Standards programs; $300,000 of the $1 million appropriated by the Congress was used to convert and expand an existing fire research program.

Mr. Speaker, title I is grossly underfunded. The grants and provisions of this title are extensive. If the intent of the 90th Congress is to be carried out to the fullest, more money will have to be appropriated to implement title I of the act. As for the National Commission on Fire Prevention and Control, which constitutes title II of the bill, no funds have yet been made available to enable the Commission to convene.

To add to the troubles of this fire safety program, last year Congress failed to extend the authorization of the act itself. The Fire Research and Safety Act authorization expired on June 30, 1970. Technically speaking, this means that there is no enabling legislation to warrant spending the $840,000 that has been made available to the program in 1971. With this in mind, I would urge the Members of the House to move swiftly to correct this sad legacy of inaction.

I am introducing legislation today which would extend the Fire Research and Safety Act of 1968 through June 30, 1973. In order to enable the program to function as it was intended to, my bill authorizes $3 million to be appropriated for the period ending June 30, 1972, and $3 million for the period beginning July 1, 1972, and ending June 30, 1973.

Mr. Speaker, we must not fail the people of this Nation by denying them the benefits of a program which would provide a national and comprehensive fire research and safety program. The goal of the act is to reduce national fire losses. I firmly believe that with adequate funding the Fire Research and Safety Act contains the elements to achieve this goal. Title I of the law provides for a national fire research and safety program and recommends the creation of a National Fire Research and Safety Center. These things were needed in 1968 and they are still needed in 1971. We owe it to the American people to see that the necessary funds are provided to bring about greater protection against death, injury, and damage to property resulting from fire.

Following is the text of my bill, H.R. 3977:

H.R. 3977

A bill to extend the fire research and safety program until June 30, 1973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 104 of the Fire Research and Safety Act of 1968 is amended by adding at the end thereof the following new sentence: "In addition, there are authorized to be appropriated for such purposes the sum of $3,000,000 for the period ending June 30, 1972, and the sum of $3,000,000 for the period beginning July 1, 1972, and ending June 30, 1973."

A BILL TO PRESERVE HUMAN HEALTH AND WELFARE: THE MARINE PROTECTION ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. Pelly) is recognized for 15 minutes.

Mr. PELLY. Mr. Speaker, the Council on Environmental Quality has reported to the President and the Congress that unregulated dumping of material in the oceans and other waters endangers human health, welfare, and the marine environment, ecological systems, and economic potentialities. It called for a Federal policy of regulating the dumping of all types of material in the relevant waters and also of vigorously limiting the dumping of material which could have an unfavorable effect.

Today, Mr. Speaker, I am introducing a bill to regulate the dumping of material in the oceans, coastal, and other waters, and I invite cosponsors.

This is a complex bill aimed at correcting a deplorable situation, and because of this complexity, a detailed section-by-section analysis of this legislation will follow my remarks.

Mr. Speaker, I strongly urge my colleagues to read this analysis and join me in cosponsoring this legislation which I will reintroduce next week for all who wish to join me.

The section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED MARINE PROTECTION ACT OF 1971

The title of the proposed act is designated as the "Marine Protection Act of 1971."

Section 2, drawing on the report of the Council on Environmental Quality made public by the President October 7, 1970, makes a finding by the Congress that unregulated dumping of material in the oceans, coastal, and other waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities. It declares a federal policy of regulating dumping of all types of material in the relevant waters and of vigorously limiting the dumping of material which could have an unfavorable effect.

Section 3 defines certain terms used in the proposal. Subsection 3(a) defines the responsible official for implementation of the legislation as the Administrator of the Environmental Protection Agency (EPA). Subsection 3(b) provides that the proposal applies to the oceans, to gulfs, bays, and other similar salt waters, other coastal areas where the tide ebbs and flows, and to the Great Lakes.

Subsection 3(c) defines material, the transportation for dumping and dumping of which are regulated by the proposal, very broadly as "matter of any kind or description", and then, for illustrative purposes, but without limiting the comprehensive scope of this initial definition, lists specific materials which are included in the general definition. Oil and sewage from vessels, discharges of which are covered by the Federal Water Pollution Control Act, are excluded from the scope of this Act.

Subsection 3(e) defines "person" in such a way that all Federal, State, and foreign governmental organizations, employees, and agents, along with private persons or entities, are included within the prohibition on transportation for dumping or dumping contained in Section 4. Federal organizations, employees, and agents, however, are excepted from the definition of "person" insofar as section 6, providing for penalties, is concerned. Thus, Federal organizations, employees, and agents must comply with the permit and standard-setting provisions of the Act, *i.e.*, they would be required to obtain approval from the Administrator of EPA for the transportation for dumping or the dumping of materials in the relevant waters, but they are not liable for or subject to the penalty provisions.

Subsection 3(f) defines dumping for purposes of the Act as "a disposition of material". Provisos make two important exceptions to this general rule of applicability. The first proviso excepts from the Act's coverage disposition of effluents from any outfall structure or routine discharges of effluents incidental to the propulsion of vessels. Municipal sewage outfalls or industrial waste outfalls come within this proviso. Discharges of effluents other than sewage from outfalls come within the purview of standards set pursuant to the Federal Water Pollution Control Act and also will be subject to the proposed permit program under the Refuse Act (33 U.S.C. § 407). Municipal sewage outfalls also come under the Federal Water Pollution Control Act's standards and also are affected by that Act's assistance programs.

The second proviso could be called the "lobster-pot" proviso. It excepts intentional placement of devices in the relevant waters or on the submerged lands beneath those waters. Several federal departments and agencies place testing, monitoring, sensing, or surveillance devices on the ocean floor. Under this proviso, the placement of such items or their transportation for placement is not within the coverage of the proposal. Private activities similarly not within the proposal would include placing into the ocean and other pertinent waters lobster traps, off-shore drilling platforms, pipelines, or cables. The latter portion of the proviso ensures that any excepted placement of devices does not include placement of material to produce an effect attributable only to the physical presence of the material in the ocean or other relevant waters. Thus, if car bodies or other similar material were placed in the ocean to serve as a shelter for fish, the effect from placing the car bodies would be attributable only to the physical presence of the car bodies in the ocean, and the placement would constitute a dumping for which a permit would be required under the Act.

Special note should also be made of the

fact that "dumping" as defined in subsection 3(f) would not include an activity which has as its primary purpose a result other than "a disposition of material" but which involves the incidental depositing of some debris or other material in the relevant waters. For example, material from missiles and debris from gun projectiles and bombs ultimately come to rest in the protected waters. Such activities are not covered by this Act.

Except where the Administrator has issued a permit for such activity, subsection 4(a) of the proposal prohibits transportation of material from the United States for the purpose of dumping it in the oceans, coastal, and other waters. Similarly, except where a permit has been granted, section 4(b) prohibits dumping of material in that part of such waters which is within the territorial jurisdiction of the United States, or in the Contiguous Zone of the United States when the dumping affects the territorial sea or territory of the United States.

Section 5 places authority to grant transportation and dumping permits in the Administrator of EPA, provides standards for his use in acting on permit applications, and governs the nature of permits which may be issued.

Section 5(a) allows issuance of a permit where the applicant presents information which indicates that the transportation or dumping or both will not unreasonably degrade or unreasonably endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. The Administrator is directed to establish and apply criteria for reviewing and evaluating permit applications. In establishing or revising the criteria, the Administrator is required to consider the likely impact of the proposed dumping along with alternative locations and methods of disposal, including those based on land, the probable impact of using such alternatives on considerations affecting the public interest, and the probable impact of issuing or denying permits on such considerations. In establishing or revising criteria, the Administrator is directed to consult with the heads of concerned departments and agencies.

Subsection 5(b) authorizes the Administrator to establish and issue various categories of permits. If he deems such a step to be desirable, the Administrator could set different procedures for handling applications in the various categories. Subsection (b)(2) allows the Administrator to require applicants for permits to provide necessary information. The Administrator could require differing amounts and types of information according to category.

Subsections 5(c) and 5(d) set out the requirements which may be incorporated into permits issued under the authority of subsection 5(a). They also allow the Administrator, as he deems appropriate, to state further requirements and actions, such as charges for permits or reporting on actions taken under a permit.

Subsection 5(e) authorizes the Administrator to grant general permits for the transportation for dumping or dumping of quantities and types of materials which he determines will have a minimal effect on the ocean. This provides flexibility to give general permits for certain types of periodic or continuing activities where the amounts dumped are minimal.

Subsection 5(f) authorizes the Administrator to limit or deny the issuance of permits involving specified substances where he finds that the substances cannot be dumped consistently with the provisions of and criteria established under subsection 5(a). In such cases the Administrator may also alter or revoke partially or entirely the terms of existing permits.

Subsection 5(g) allows the Administrator to designate recommended sites for dumping specified materials. This would give guidance to applicants and facilitate the Administrator's implementation of the control programs.

Subsection 5(h) establishes a very limited exemption from the prohibition on transportation for dumping or dumping where no permit has been granted. Such transportation or dumping is not prohibited where it is necessary in an emergency to safeguard human life. In such cases reports of the excepted emergency actions must be made to the Administrator.

Section 6 provides for penalties. Under subsection 6(a) the Administrator could assess a civil penalty recoverable in federal district court, of up to $50,000 for each violation. Subsection 6(b) establishes, in addition, criminal sanctions for knowing and willful violations. The court could assess a fine of up to $50,000 or order imprisonment for a period of up to one year, or both. For those cases where violations are of a continuing nature, and for the purpose of imposing civil penalties and criminal fines but not imprisonment, subsection 6(c) makes each day of such a violation a separate offense. Under the provisions of subsection 6(d), the Attorney General is authorized to seek equitable relief to redress violations. Subsection 6(e) subjects vessels used in violations to in rem liability for any civil penalty assessed or criminal fine imposed. Public vessels within the meaning of subsection 13(a)(3) of the Federal Water Pollution Control Act and other public property of a similar nature would not be subject to the remedy authorized by this provision. Subsection 6(f) adds authority for the Administrator to revoke or suspend a permit issued under subsection 6(a) if the permit's provisions have been violated.

Section 7 deals with the relationship of this legislation to other laws. Generally, except as provided in subsections 7(b) and 7(c), it provides that after the Act's effective date, existing licenses, permits, or authorizations would be terminated to the extent they authorize activity covered by this proposal, and that further licenses, permits, or authorizations of a similar nature could not be issued.

Subsection 7(b) maintains present responsibility and authority contained in the Atomic Energy Act of 1954, and provides that the provisions of Sections 4 and 7(a) of this proposal do not apply to actions taken under that Act. However, the AEC must consult with the Administrator before issuing a permit to conduct any activity otherwise regulated by this proposal. Moreover, the AEC must comply with the radioactive-material standards set by the Administrator, and the Administrator is directed to consider the policy expressed in subsection 2(b) of this proposal along with the factors stated in subsections 5(a)(1) and 5(a)(2) in setting such standards for the waters covered by this proposal.

Subsection 7(c) relates to authorities contained in the Rivers and Harbors Act of 1899, respecting dredging, filling, harbor works, and maintenance of navigability. The powers are exercised for the most part by the Secretary of the Army and the Chief of Engineers. Except for the limited supersession found in subsection 11(e), the Rivers and Harbors Act authorities are not negated or abrogated, nor are existing licenses or permits issued under the Act terminated. Rather, in situations where this Act and the Act of 1899 both apply to dumping of material in connection with a dredge, fill or other permit issued by the Corps of Engineers, issuance of the permit requires a certification by the Administrator of EPA that the activity is in conformity with this proposal and any regulations issued under it. The Administrator will not issue separate permits in such cases.

After this Act becomes effective, the Department of the Army's permit program under the Refuse Act, which is administered in close cooperation with EPA on all water quality matters, will continue to regulate the disposition of any effluent covered by the Refuse Act from any outfall structure regardless of the waters into which this disposition occurs, in addition to regulating all depositing of material into other navigable waters of the United States not covered by subsection 4(b) of this Act.

Subsection 7(d) provides for consultation by the Administrator of EPA with the Secretary of the Army in cases where the Administrator finds that the proposed activity may affect navigation or create an artificial island on the Outer Continental Shelf.

Subsection 7(e) saves State or local laws from being preempted by this proposal.

Section 8 allows the Administrator to use, by agreement, resources of other federal agencies, on either a reimbursable or nonreimbursable basis. In subsection 8(b) the Administrator is authorized to delegate responsibility for acting on permit applications to an officer of EPA or, by agreement, to the head of other federal departments or agencies, such as the Commandant of the Coast Guard. Subsection 8(c) directs that surveillance, and other appropriate enforcement activity be conducted by the Secretary of the department in which the Coast Guard is operating.

Section 9 gives the Administrator power to issue appropriate regulations in carrying out the responsibilities and authority conferred by the Act.

Section 10 directs the Secretary of State, in consultation with the Administrator, to seek appropriate international action and cooperation to support the policy of this proposal.

Subsections 11(a) and 11(b) repeal the Supervisory Harbors Act of 1888, as amended (33 U.S.C. §§ 441–451b), and the provision of the Rivers and Harbors Act of 1899 (33 U.S.C. § 418) which preserved the Supervisory Harbors Act from supersession by the 1899 Act. The Supervisory Harbors Act provides a special authority to control transit in and from the harbors of New York, Baltimore, and Hampton Roads, Virginia. This authority has been used to regulate ocean dumping. The proposed Act would replace that authority. A portion of the Act of August 5, 1886 (33 U.S.C. § 407a), which pertains to deposits of debris from mines and stamp works, and which is covered by this bill or the Refuse Act, is also repealed. A provision contained in the Rivers and Harbors Act of 1905 (33 U.S.C. § 419), which has been used to buttress the Corps of Engineers' authority to regulate ocean dumping, is superseded, insofar as it authorizes action that would be regulated by this proposal. Lastly, section 13 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 407), commonly known as the Refuse Act, is superseded, but only insofar as it applies to dumping of material in the waters covered by subsection 4(b) of this proposal.

Section 12 provides that this proposal shall take effect six months after its enactment and further saves from being affected by this proopsal legal actions begun or rights of action accrued prior to the proposal's effective date.

Section 13 contains an authorization for appropriations to carry out the purposes and administration of the proposal.

REINTRODUCTION OF THE NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, one of my highest priorities in the 92d Congress will be to push for enactment of my bill, the National Catastrophic Illness Protection Act, which I introduced in the 91st Congress and reintroduced on January 21, 1971.

Catastrophic illness, as defined in my bill, would comprise those illnesses which require health-care expenses in excess of what normal basic medical or major medical insurance policies cover. Once a a family finds itself faced with having to pay for health-care costs of an extensive nature, they are saddled with a financial burden that is staggering and beyond comprehension by those who have not found themselves in this position.

Since my introduction of this legislation, the catastrophic illness insurance concept has received much publicity and much interest. Today, I am pleased to reintroduce the National Catastrophic Illness Protection Act with additional cosponsors, bringing to a total of 17 the Members joining with me in supporting this approach to the problem. Those cosponsoring are: MARK ANDREWS, of North Dakota, NICK BEGICH, of Alaska, JAMES A. BYRNE, of Pennsylvania, TIM LEE CARTER, of Kentucky, JORGE L. CÓRDOVA, of Puerto Rico, CORNELIUS GALLAGHER, of New Jersey, SEYMOUR HALPERN, of New York, JAMES F. HASTINGS, of New York, AUGUSTUS F. HAWKINS, of California, ALBERT JOHNSON, of Pennsylvania, PETER N. KYROS, of Maine, ROMAN C. PUCINSKI, of Illinois, ROBERT A. ROE, of New Jersey, WILLIAM R. ROY, of Kansas, WILLIAM L. SCOTT, of Virginia, LAWRENCE G. WILLIAMS, of Pennsylvania, and JIM WRIGHT, of Texas.

This bill has also been introduced in the Senate by Senators J. CALEB BOGGS, J. GLENN BEALL, JR., and JOHN G. TOWER. Congress will soon be giving consideration to the health care needs of our Nation and be required to develop a program which will respond to these needs while keeping in mind the limitations of the Federal budget. I urge that each Member take a close look at the concept contained in this bill, which is similar to that approved by Congress and being utilized to help victims of floods.

I include the following:

NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1971

(Introduced by Representative LAWRENCE J. HOGAN, Republican of Maryland, January 21, 1971)

PURPOSE AND ORGANIZATION OF LEGISLATION

The proposal National Catastrophic Illness Protection Act of 1971 is designed to encourage private health insurers, with the assistance of the Federal Government, to provide adequate health insurance protection for persons who cannot otherwise afford such protection, or whose medical and health expenses are such that extended health insurance protection is not available. According to the findings outlined by Congress in the proposal, "many individuals are still unable to secure adequate health insurance protection or to secure such protection at rates which they can afford" and "few of our citizens are protected" from the costs of "catastrophic illness."

To deal with these problems, the bill would create a Federal health reinsurance program designed to encourage the development by the private insurance industry of policies which would afford individuals extended protection. Working with the industry, the Government would reinsure policies on the terms and conditions calculated to provide maximum encouragement to insurance companies to participate in the program, either individually or through pools established for the purpose.

The legislation contains five parts designed to meet the program's objectives. Part A contains general provisions relating to the program, including the statement of Congressional findings and a section setting forth the definitions used in the proposal. Part B establishes the National Catastrophic Insurance Program by means of State-wide plans providing extended health insurance coverage through a program by which the Federal Government reinsures losses of insurers or pools of insurers offering extended health insurance policies. Part C contains the Federal reinsurance mechanism for protecting insurers against losses incurred by plans provided under Part B of the bill. Part D of the legislation establishes a separate reinsurance program to operate in those States where a State-wide plan is not developed in accordance with Part B of the bill. Part E of the proposal contains general provisions relating to claims and judicial review procedures and Federal financial obligations in connection with the reinsurance programs established under Parts B and D of the bill.

SECTION-BY-SECTION ANALYSIS

PART A—GENERAL PROVISIONS

Section 2001. *Short Title*. Provides that the legislation may be known as the "National Catastrophic Illness Protection Act of 1971."

Section 2002. *Findings and Purpose*. Sets forth the findings of the Congress that there are still many individuals who cannot secure or cannot afford adequate health insurance protection and that very little insurance protection is available to help meet the costs of catastrophic illness or disease. Establishes as the policy of Congress the need for a National Catastrophic Illness Insurance program to encourage States and private insurers in the development of policies which will meet the problems set forth in the statement of findings.

Section 2003. *Definitions*. Defines certain terms used in the Act, such as "extended health insurance," "costs of medical care," "insurer," "pool" and "reinsured losses." Among the definitions are:

(1) extended health insurance: meaning insurance against all costs paid or incurred for medical care as defined in the Internal Revenue Act.

(2) costs of medical care: include expenses of medical care incurred by or on behalf of persons covered by an extended health insurance policy which are deductible in accordance with provisions in the IRS Code.

(3) insurers: include any insurance company or groups of companies under common ownership authorized to engage in the insurance business under laws of a State.

(4) pool: meaning association of insurance companies in a State formed or organized for the purpose of making extended health insurance more readily available.

(5) reinsured losses; meaning losses on reinsurance claims under this Act and all direct expenses incurred in connection with such claims, including processing, verifying, and paying such losses.

PART B—ESTABLISHMENT OF PROGRAM; STATE PLANS

Section 2011. *Authority*. Authorizes the Secretary of Health, Education and Welfare to establish and carry out a National Catastrophic Illness Insurance Program.

Section 2012. *State Plans*. Provides that the program shall involve the creation of State-wide plans providing extended health insurance, and that the Federal Government will reinsure insurers and pools of insurers who offer such insurance. Each insurer (or pool of insurers) will work with the State insurance authority in carrying out the State-wide plan. All plans would have to include:

(1) that extended health insurance be available to all eligible individuals, as defined in Section 2013, and at a cost which is reasonable as defined in Section 2014, subject only to deductibles authorized in Section 2015.

(2) that where an insurer does not agree to write a policy of extended insurance, or does so under various limiting conditions, the State authority is notified. The policy would then be placed with a pool or otherwise assigned to insurers by the "all-industry placement facility," provided for in Section 2016.

(3) that data be compiled and studied in connection with the operation of the State-wide plan.

(4) that certain reports be submitted to the State insurance authority by individual insurers.

(5) that any cancellation of a policy provide for reasonable notice to permit coverage under a new policy to be written under the plan.

(6) that public information about the plan be readily distributed.

Further, each plan would have to contain such terms, conditions, requirements and other provisions determined to be necessary to carry out the purpose of the program.

Section 2013. *Eligible Individuals*. In order to be eligible for policies issued under a State-wide plan, an individual would have to be a resident of the State and make appropriate application, or be a member of the household of such a person and his spouse, child, grandchild, parent or grandparent.

Section 2014. *Premium Setting*. Premium rates would be set on the basis of a study of the risks in question and accepted actuarial principles. These rates would be promulgated by the Secretary for use by States and insurers in charging for extended health insurance issued under plans approved under Section 2012 above. Rate differentials would be authorized on the basis of the number of persons covered in a family, or by other factors approved by the Secretary, including the different risks involved in various coverage arrangements. Where insurers established rates lower than those promulgated by the Secretary, any losses sustained by these insurers, or pools of insurers would be compensated by "premium equalizers" provided for in Section 2044 of the bill.

Section 2015. *Deductibles*. Provides that, before payments are made under an extended insurance policy, a deductible must be satisfied through an equal amount of medical expenses paid or incurred by such individual. The amount of such deductible is determined by relating the extent of medical expenses to adjusted income and is equal to one-half of the amount by which a person's or family's adjusted income exceeds $1,000 but does not exceed $2,000; plus all of the amount by which such adjusted income exceeds $2,000. (A person with an adjusted income of $10,000 would have a deductible of $8,500.)

For the purposes of this section, the term "adjusted income" means the "gross income of an individual or family for tax purposes less the aggregate amount of personal tax exemptions allowed the individual or family."

For satisfying the deductible, costs paid and incurred with respect to an illness which began in the previous year and continued uninterrupted until such costs were paid or incurred, shall be considered to have been paid or incurred in such previous year.

The deductible would be reduced by the amount of any payments for the costs of care covered by the Medicare and Medicaid programs, or by any other public or private health insurance policy covering such care.

Section 2016. *All Industry Placement Facility*. A Statewide plan must provide for an all-industry placement facility which would have the responsibility of distributing equitably the risks involved in the issuance of extended health insurance and which would seek to place insurance up to the full insurable value of the risk to be insured.

Section 2017. *Industry Cooperation.* Provides that certain statements pledging participation and cooperation with the State insurance authority would be required of insurers seeking reinsurance under the program. In addition, no insurer shall direct any agent or broker not to solicit business through such a plan, nor penalize agents or brokers in any manner for submitting applications under the plan.

Section 2018. *Plan Evaluation.* Provides that the State plan shall be evaluated from time to time in accordance with criteria established by the Secretary.

PART C—REINSURANCE COVERAGE

Section 2021. *Reinsurance of Losses under Extended Health Insurance Policies.* Provides that the Secretary is authorized to reinsure against the losses which might be incurred under extended health insurance policies. Temporary reinsurance would be authorized immediately after enactment, but at the expiration of such temporary period, only permanent reinsurance is available to insurers participating in a State-wide plan as provided for in Part B.

Section 2022. *Reinsurance Agreements and Premiums.* Authorizes the Secretary to make agreements with insurers and pools for reinsurance in consideration of payments of reinsurance premiums deposited in the National Catastrophic Illness Insurance Fund provided for in Section 2043 of the bill. Reinsurance offered would pay an insurer or pool for total proved and approved claims for losses in connection with the provisions of extended health insurance over and above the retention of such losses by insurers which were required in accordance with the reinsurance contract. Terms would be made annually in connection with any reinsurance contract.

Section 2023—*Conditions of Reinsurance.* Provides a detailed procedure for implementation of the reinsurance program in a State within specified time requirements, taking into account certain State and local factors which might affect such implementation.

Section 2024—*Recovery of Premiums; Statute of Limitation.* Provides that the Government may recover the courts any unpaid premiums lawfully payable to the Government by an insurer under provisions of a 5-year statute of limitations.

PART D—GOVERNMENT PROGRAM WITH INDUSTRY ASSISTANCE

Section 2031—*Federal Operation of Program in Noncooperating States.* Authorizes after certain determinations that, where a Statewide program cannot be carried out, or that the objective of the program would be materially assisted by the Federal Government's assumption of the plan, arrangements for operation by the Government may be carried out. Insurers would deal directly with the Federal Government as fiscal agents of the United States.

Section 2032—*Adjustment and Payment of Claims.* If a Federally-operated program is provided for, the Secretary is authorized to adjust and pay claims for proved and approved losses covered by extended health insurance.

PART E—PROVISIONS OF GENERAL APPLICABILITY

Section 2041—*Claims and Judicial Review.* Provides procedures for judicial review of disallowances for claims for losses under the reinsurance program, whether State-wide or operating by the Federal Government.

Section 2042—*Fiscal Intermediaries and Servicing Agents.* Authorizes the Government to enter into contracts and other arrangements for claims review, receiving and disbursing funds for making payments, etc.

Section 2043—*National Catastrophic Illness Insurance Fund.* Provides for the creation of a fund for purposes of receiving premiums for reinsurance, paying claims, and so on.

Section 2044—*Premium Equalization Payments.* Provides that the Secretary may make periodic payments to insurers and pools in recognition of reductions in premium rates below estimated risks as provided for in Sec. 2014.

Section 2045—*Records, Annual Statement, and Audits.* Self-explanatory.

Section 2046—*General Powers.* Authorizes the Secretary of HEW to exercise certain powers vested in the Secretary of HUD under the Housing Act of 1950, in addition to powers provided in this proposal.

Section 2047—*Services and Facilities of Other Agencies.* Provides that the Secretary may, on a reimbursable basis, utilize the services of other Government agencies.

Section 2048—*Advance Payments.* Authorizes necessary payment adjustments in connection with the program.

Section 2049—*Taxation.* Exempts the National Catastrophic Illness Insurance Fund from Federal taxation, except that any real property acquired by the Secretary as the result of reinsurance would be taxable by States or political subdivisions.

Section 2050—*Appropriations.* Authorizes such appropriations as are necessary to carry out the provisions of the bill.

APPLICATION OF THE DEDUCTIBLE UNDER THE NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1971

The deductible, or the amount of medical costs which must be incurred or paid in one year before benefits begin under this insurance, is based on individual or family income and would be as follows:

Adjusted income	*Deductible*
$1,500	0
2,000	$500
2,500	1,000
3,000	1,500
3,500	2,000
4,000	2,500
4,500	3,000
5,000	3,500

And so on up the scale.

"Adjusted income" means the gross income of an individual or family for tax purposes less the aggregate amount of personal tax exemptions allowed.

The deductible would be reduced by the amount of any payments, for the costs of care covered by the Medicare and Medicaid programs, or by any other public or private health insurance policy covering such care.

Example: A family with an adjusted income of $10,000 would during a year be required to pay or incur medical expenses to the extent of $8,500 (or to have insurance coverage to meet those expenses in whole or in part; Medicare or Medicaid payments would reduce the deductible similarly). At that point all medical expenses regardless of the extent, during that one year, or for any lengthy illness or injury the treatment of which extends into another year, would be covered under such a policy.

NIXON BUDGET MAKES GOOD READING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Bow) is recognized for 30 minutes.

Mr. BOW. Mr. Speaker, more than any other that I can recall in recent years, President Nixon's budget message of last week merits the widest possible discussion so that the people of this Nation, and all of us, can understand more fully the significant and progressive changes that are proposed to make government a more useful and responsive servant of the people.

My initial comments on the message when it was delivered were necessarily confined to the most pertinent fiscal facts. I have since given additional time and study to the document and wish to discuss some of the other aspects of the Nixon program.

One might summarize by stating that the Nixon budget message for 1972 has three primary goals:

First, it proposes a careful transition to a peacetime economy in which our resources can be directed to the solution of many domestic problems including those of the environment;

Second, it proposes to use fiscal policy to help us achieve healthy, noninflationary economic growth; and

Third, it proposes to begin a process of shifting governmental power back to State and local governments.

Mr. Speaker, these worthy goals deserve careful consideration by the Congress.

The 1972 budget is a "full-employment budget"—one in which spending is not permitted to exceed the revenues that the economy would produce under the existing tax system at a time of full employment. In this way, the budget will promote orderly economic expansion.

A budget deficit is estimated for fiscal year 1972, but its economic effect will be very different from the inflationary pressure created by the deficits of the late sixties. The deficits of 1966–1968 reflected excessive spending that went far beyond full-employment revenues. Occurring when the economy was already operating at full capacity, they fanned the coals of incipient inflation into a roaring fire.

The President's 1972 budget is the product of an intensive review designed to sort out activities appropriate for the Federal Government from those best performed at the State and local level or by the private sector. The budget calls for a new balance of responsibility and power in America by proposing the sharing of Federal revenues in a way that:

First, alleviates the fiscal needs of State and local governments by providing additional unrestricted revenues through general revenue sharing and eliminating matching requirements with respect to the categorical grants being absorbed into special revenue sharing; and

Second, allows State and local elected officials both the resources and the responsibility for dealing with problems best handled at their levels.

At the Federal level, the budget provides:

First, new fairness in American life, through national strategies to improve the health care of our citizens and to assure, with work incentives and requirements, an income floor for every family in the Nation;

Second, an increase in defense spending in order to protect our national security and carry out the President's strategy for peace;

Third, renewed emphasis on improving the quality of life, including vigorous efforts to protect and enhance the environment, increase recreation facilities, eliminate discrimination, and reduce crime; and

Fourth, a reorganized Federal Government that will be more responsive and restore vigor to our federal system.

FISCAL POLICY FOR FULL EMPLOYMENT

When President Nixon took office 2 years ago, inflation was a direct result of the economic policies of the period 1966 to 1968, when we were mired in war in Vietnam and Federal spending rose sharply. During these 3 years Federal outlays were allowed to exceed full-employment revenues by a total of $41 billion.

The Nixon administration acted promptly to cool the superheated economy. A budget surplus was achieved in 1969. Spending was restrained again in 1970.

The forces of inflation have been durable and persistent. They remain strong. But their momentum was slowed in calendar years 1969 and 1970, and excessive demand was eliminated as a source of inflationary pressure. The turnaround of this inflationary trend permitted President Nixon to enter the second phase of his plan: To follow more expansive economic policies without losing ground in the battle against inflation.

Last July, the President set forth the budget policy of his administration:

> At times the economic situation permits—even calls for—a budget deficit. There is one basic guideline for the budget, however, which we should never violate: except in emergency conditions, expenditures must never be allowed to outrun the revenues that the tax system would produce at reasonably full employment. When the Federal Government's spending actions over an extended period push outlays sharply higher, increased tax rates or inflation inevitably follow.

The 1972 budget complies with this basic guideline. Budget outlays in 1972 are expected to be $229.2 billion, $11.6 billion more than in estimated receipts, but still below the $229.3 billion of revenue that would be produced if the economy were operating at full employment throughout the year.

The principle of holding outlays to revenue at full employment serves three necessary purposes:

First, it imposes the discipline of an upper limit on spending, a discipline that is essential because the upward pressures on outlays are relentless;

Second, it permits Federal tax and spending programs to be planned and conducted in an orderly manner consistent with steady growth in the economy's productive capacity; and

Third, it helps achieve economic stability by automatically providing stimulus during periods of slack—like the present—and imposing restraint during periods when there is a threat of overstimulation.

FIRM CONTROL OVER FEDERAL SPENDING

The budget policy of the administration is to keep firm control over Federal spending. The outlay total of $229.2 billion in 1972 is the sum of spending for programs that were scrutinized carefully to make certain that they would be managed effectively and efficiently, and that they are essential to carry out present laws or to achieve desirable changes in our national priorities.

If the Congress does not maintain careful control over budget totals—if we weaken in our resolve to curb spending—outlays could build up a momentum that will carry them beyond full-employment receipts, and we would risk losing the ability to restrain spending in times when a deficit is undesirable. This must not be allowed to happen.

So that it will not happen, I respectfully suggest that we give early consideration to H.R. 2571, the Fiscal Responsibility Act of 1971, which I introduced with the cosponsorship of members of the Republican leadership and the minority members of the Appropriations Committee. Congress has not always been notably successful at self-control on budget matters. This bill would give us guidelines and restraints against overspending.

Of course, the objective of prosperity without inflation cannot be achieved by budget policy alone. It also requires: that the monetary policy adopted by the independent Federal Reserve System provide fully for the growing needs of the economy; and increased restraint in wage and price decisions by labor and business—in their own and the Nation's interest and as a matter of commonsense.

By working together, the budget, monetary policy, and commonsense in the private sector can bring about orderly expansion.

REVENUE SHARING

The President's revenue-sharing proposal stems from his belief that we must revitalize the American system of government and give the people the opportunity to become more involved in decisions that affect their lives.

During the 1960's, more governmental initiative and power shifted to Washington and away from elected officials in State and local governments. Toward the end of the decade it became apparent that, despite new programs and massive Federal expenditures, government at all levels was not working well. State and local governments were breaking down under an incredible fiscal burden. The redtape involved in the narrow categorical grant system made it almost impossible for the Federal Government to be effective and respond to the needs of individuals in different localities.

The financial squeeze on State and local governments is acute, and shows no sign of becoming less painful. These governments rely mainly on receipts from consumer and property taxes, which have not grown nearly as fast as the demand for State and local government services. As a result, combined State and local debt has increased by over 600 percent since 1948.

The Federal Government helped meet some of this demand by increasing its financial aid, largely through grant programs, which now account for 18 percent of State and local revenues. The results of grant programs have been impressive in some cases. But the grant structure has become a haphazard collection of hundreds of separate programs, each with its own policies, its own requirements and procedures, and its own funding.

Insufficient authority over the use of resources for federally assisted programs is now lodged at the State and local level. More power—and responsibility—for using federally collected funds must be given to elected officials in these governments. The President's revenue-sharing proposal will furnish State and local governments the money they need to deliver services that can best be performed by them.

This is how revenue sharing will work: In the first full year of the plan, $16 billion will be directed to the States, with a mandatory pass-through to localities, in a way that will enable them to decide as never before how that money will be spent.

Of the $16 billion, $5 billion will be in the form of general revenue sharing, without restrictions. All of this will be "new" money, without matching requirements and with the decision how it is to be used exclusively a State and local matter.

The remaining $11 billion will be in the form of special revenue sharing, with States and localities having discretion as to how it will be used within each of six broad subject areas. These areas are:

Urban community development;
Rural community development;
Education;
Manpower training;
Law enforcement; and
Transportation.

The hobbling restrictions now accompanying much of the Federal aid in these areas would be removed, along with matching requirements that presently force localities to spend their own matching money on low-priority projects for fear of "losing" available Federal aid.

Of course, neither general nor special revenue sharing can be the vehicle for any retreat from the Federal Government's obligation to ensure equal opportunity and treatment for all. The President's proposals will include the safeguards that now accompany all other Federal funds allocated to the States.

To help State and local governments develop greater capacity to plan and manage their own affairs, the President is additionally proposing a planning-management assistance plan, which will provide $100 million to help these governments make their own long-range plans and enhance their capability for the efficient use of their growing revenues.

In the first full year of operation, general and special revenue sharing will assign control over the expenditure of an additional $16 billion to the States and localities affected most by those expenditures. This is nearly half of Federal Government aid, excluding public assistance grants, to States and communities—an historic and massive reversal of the flow of power in America. Moreover, the new funds for general revenue sharing will grow in years to come because they will be tied to the Federal personal income tax base. As that tax base expands, more money will flow to States and localities.

TOWARD A FULL GENERATION OF PEACE

The 1972 budget furthers the President's goal of a full generation of peace in which all nations can focus their energies on improving the lives of their citizens. The President's strategy for peace will—as it must—be based upon a position of military strength. The purpose of this strength is to prevent war; to this end, we will negotiate with those whose vital interests and policies conflict with our own. As we carry on negotiations, we couple them with other efforts to achieve the same goal. The Vietnamization program is an example, and we are making good progress. By this spring, our authorized troop strength will have been cut approximately in half since the time the President took office, and he will continue to bring American troops home.

Supporting these efforts, the military forces of this Nation and its allies will provide the armed might necessary to deter aggression or to deal with it effectively where necessary. We expect our allies to do more in their own behalf. In the spirit of the Nixon doctrine, many are taking steps in that direction. But we must also do our share. We must be certain that our military forces are combat ready and properly equipped to fulfill their role in our strategy for peace. In addition, we face formidable Soviet nuclear and conventional forces, particularly naval forces, and a further rise in the costs of military equipment and personnel.

For these reasons, the President is recommending an increase of $6 billion in budget authority for military and military assistance programs. This Nation has the will and the resources to meet its vital national security needs. At a time when we are urging our allies to do more and when our potential adversaries may seek military advantage, we cannot do less.

IMPROVEMENTS IN FEDERAL PROGRAMS

President Nixon's 1972 budget calls for improvement in activities that are appropriately performed by the Federal Government.

The present welfare system is archaic and demanding and imposes a crushing and growing financial burden on States. The President's proposed welfare reform plan would remove the evils of the system by:

First, setting national eligibility standards;

Second, balancing strong training and work requirements with equally strong training and work incentives;

Third, giving financial relief to the States; and

Fourth, establishing a Federal floor under benefit payments for all families with children including, for the first time, those with working fathers.

Other domestic program improvements reflected in the 1972 budget include:

First, social security reform, including an automatic adjustment for increases in the cost of living effective retroactive to January 1, 1971;

Second, a new national health strategy designed to expand preventive care, train more doctors and other health personnel, achieve greater equity and efficiency in the delivery of health care, and provide health insurance for all low-income families with children;

Third, greatly expanded research to prevent or cure cancer and sickle cell anemia;

Fourth, increased Federal leadership and funding to help State and local governments, private industry and the public, control pollution and improve the quality of our environment;

Fifth, a substantial rise in aid to States and localities for recreation facilities, especially new urban areas;

Sixth, increased efforts to eliminate discrimination; and

Seventh, a 32-percent increase in outlays to improve law enforcement at all levels of government, to make our judicial system and to raise the effectiveness of correction and rehabilitation.

FEDERAL REORGANIZATION AND REFORM

The President has proposed a sweeping reorganization of the Federal Government. Currently, the Federal Government is not properly organized to deal with the Nation's domestic problems. Programs that should be joined together to achieve common goals are fragmented among different departments and agencies. The President has therefore proposed the merger of seven existing departments and several independent agencies into four departments:

A Department of Natural Resources;

A Department of Human Resources;

A Department of Community Development; and

A Department of Economic Development.

These new departments will combine with revenue sharing to permit more constructive partnership among Federal, State, and local governments.

Reorganization and reform also carry the promise of significant economies, similar to those we realized when the recommendations of the two Hoover commissions were put into effect. Government reorganization to increase efficiency, direct effort toward national goals, and reduce Federal overhead is immensely popular with the American people. I predict a ground swell of sentiment across the country in support of the reorganization program.

CONCLUSION

The 1972 budget expresses the President's fiscal program for the New American revolution—a peaceful revolution in which power will be turned back to the people and government at all levels will be refreshed, renewed, and made truly responsive. This can be a revolution as profound as that first revolution almost 200 years ago.

EQUAL RIGHTS FOR WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. MAZZOLI) is recognized for 20 minutes.

Mr. MAZZOLI. Mr. Speaker, I have today introduced a resolution which proposes an amendment to the Constitution of the United States calling for equal rights for women.

This legislation, which is commonly called the Equal Rights Amendment, is not new to the Congress of the United States. Resolutions proposing equal rights have been regularly introduced in every Congress since 1923. For 48 years the cause of equal rights has been a losing one. However, it must be pointed out that it took 50 years for women to secure the very basic right of the vote. Equal rights, therefore, is still very much alive and well.

In the last Congress, a similar measure was introduced by our colleague, the distinguished gentlewoman from Michigan. It had 290 cosponsors which is clear indication of the breadth of its support. Identical legislation was offered in the other body by the junior Senator from Indiana, the Honorable BIRCH BAYH.

On August 10 last, House Joint Resolution 264 was passed overwhelmingly by a vote of 350 to 15. But this vote tells only part of the story. It took the adoption of Discharge Petition 5 to get this measure from the Judiciary Committee and onto the floor of the House for a vote. The path toward equal rights for women has indeed been a rough one to trod.

Although I was not a Member of the 91st Congress, had such been the case, I would have supported the discharge petition and voted for the legislation when it came before this House.

There are, of course, many perspectives from which to view this issue. Most have been adequately stated by others more eminent and knowledgeable than I.

But, as an attorney and former State Senator, I believe it would be appropriate at this time to sum up a few pertinent arguments favoring prompt passage and ratification of this legislation.

Basically, it seems to me there are four general areas in which inequality between the sexes presently exists. These inequalities would be corrected by the passage of this resolution and its ratification by the several States.

First, there is the profound question of equal protection under the law.

The 14th amendment prohibits States from depriving any person of life, liberty, or property without due process of law. This amendment also prohibits the denial to any person of equal protection of the law. The fifth amendment established similar restrictions upon the activities of the Federal Government.

Subsequent interpretations of both amendments, however, have not provided clear and positive assurance to women that their rights are equally protected under the law. For example, it was not until 1968 that the Supreme Court of Pennsylvania struck down a law which authorized longer prison sentences for women than for men for conviction of the same crimes.

Adoption of the amendment I propose today will provide such assurance. No longer will the courts in our land uphold, or refuse to review, laws and practices discriminating between and among persons on account of sex.

Second, there is the question of equality of the sexes with respect to property rights. The President's Commission on the Status of Women reported in 1963 that in every State of the Union, legal disabilities of various sorts limited the property rights of married women.

While many of these disabilities have been eliminated, the President's Task Force on Women's Rights and Responsibilities states that the United States, even today, lags behind some of the so-called emerging countries in its treatment of women.

Third, there is the question of a woman's right to serve on a jury. The 14th amendment did not automatically open the doors to jury service for women. Until as late as 1966 women were excluded from jury duty in three States. Incredible though it seems, today—1971—20 States and the District of Columbia provide differential treatment for men and women as jurors.

Fourth, and perhaps most critical in today's world, is the right of women to work at lawful occupations of their choice for pay equal to that earned by men doing the same tasks. Economic inequality of the sexes is probably the greatest single complaint of women in our society today. The complaints are well taken.

In some States married women, but not married men, must obtain court approval before engaging in business. So-called "protective labor laws" have frequently resulted in discrimination against female citizens.

Overall, the salaries of women are considerably below those of men performing the same type of work. The present median income for women is 58.2 percent that of men. That statistic is even more unsettling when we realize that it represents a downward trend from 63 percent in 1958.

The foregoing are but a few of the many examples which can be cited to illustrate the real need for this legislation.

It goes without saying, that I do not share the view of some of my colleagues who contend that legislation in this area is unnecessary because equality of rights of the sexes already exists.

I am pleased to say that more and more of my colleagues are arriving at my point of view. For the first time in our history, an equal rights amendment was passed by the House of Representatives during the last Congress.

Events would indicate that now this year the climate is even more favorable for the enactment of an equal rights amendment. For instance, only last week Switzerland granted voting rights to its female citizens. While this is a belated and most modest step toward equality of the sexes, particularly on the part of a country I had been taught was the flower of democracy, it does, indeed, prove that things are on the move all across the world.

Finally, if we are tempted to the view that inequality between the sexes does not exist, let us be reminded that this very question is pending before the other body at this time. The Senate Rules Committee is pondering the "momentous" question of whether or not to grant young women the same right to serve as pages as young men possess.

I am told that the Rules Committee of that body has appointed an ad hoc committee to study this weighty question. I submit that it has been this tendency on our part to study questions of discrimination and inequality of the sexes rather than to solve them, that makes the resolution I have introduced today so important.

The passage of this resolution would demonstrate to the rest of the world that as our Nation approaches its 200th birthday, it is a responsible democracy extending equal rights to all its citizens.

The resolution is as follows:

H.J. RES. ——

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

NATION'S ECONOMY HURTING

The SPEAKER pro tempore. (Mr. STRATTON). Under a previous order of the House the gentleman from Pennsylvania (Mr. BARRETT) is recognized for 10 minutes.

Mr. BARRETT. Mr. Speaker, the Nixon administration's economic policy which has brought this Nation to a 6.2 unemployment rate and the highest interest rates and tightest money market conditions in our history is hurting not only the small businessmen and the prospective American homeowner, but now even the upper income segment of our economy. The crisis in our economy today has brought numerous States and cities to the brink of bankruptcy with no visible means ahead to keep them from going under.

I believe that the biggest complaint that most Members have heard from their districts is that "we are in real financial trouble" from one end of the economic scale to the other.

Mr. Speaker, I would like on this occasion to bring to the attention of the Members an excellent article that appeared in the New York Times regarding the fianancial problems, even the impending financial disaster that is facing people all over the country:

WE ARE HURTING SPREADS AS NATION'S ECONOMIC CRY

(By Philip Shabecoff)

WASHINGTON, Feb. 7.—Bernard Burns, a fire battalion chief in Pittsburgh, is worried about his job—not about losing it but about doing it right. With a citywide economy move on, some fire engines are now manned by only three men—about half the complement of 20 years ago—and the cutback, he fears, could be disastrous.

Peter F. Flaherty, Pittsburgh's young Mayor, is also interested in good fire protection, but he is caught up in a broader problem—a financial squeeze that threatens the citys very solvency. So among other things he is holding down on fire department hiring—34 positions there are now vacant—and hoping for the best.

Each man, city official and firefighter, is feeling the bite of hard times. And while their troubles may not be as immediate as those of a jobless engineer or a family on welfare, they show how far economic dislocation has reached into the institutions and organizations that are the foundation of American society.

From the teacher in St. Louis whose greater workload gives her less time with slow learners to the New York educator who has had to give up his limousine, from officials of churches, civil rights groups, foundations, charities, hospitals and cultural groups, the same complaints are being heard:

"We are hurting."

"We are in real financial trouble."

"We need help."

The prolonged, eccentric combination of sharply rising prices, declining business activity and growing unemployment not only is eroding the viability of many of this country's institutions but also is exposing basic flaws in the way they obtain and spend money.

Some lucky ones are snugly insulated from the economic storms. A winning professional football team—the Oakland Raiders, for example—still attracted sellout crowds and made profits last year. A few—most notably banks benefiting from higher interest rates—actually came out well ahead. And many have stripped down to essentials, eliminating waste in the process.

But interviews with leaders of dozens of representative institutions in recent weeks indicate that the nation's economic ills have created widespread unease and often disruption of services.

There were no signs of general panic. Most of the leaders interviewed were confident that their own organizations would ride out the storm by cutting corners, pinching pennies and dispensing with nonessential activities where possible.

But there was wide agreement that the recession was providing a painful lesson. Many of the leaders acknowledged, for example, that for the first time in their lives it had been brought home to them that the nation's economic resources were finite.

And many have also become convinced that they must begin thinking of basic reforms in their financing and spending policies, that more government support is essential and that new priorities must be established.

"MAY HELP US SEE"

"Our society has enough resources to handle the important things," said Nils Y. Wessell, president of the Albert Sloan Foundation. "But we must determine what is important. If you look at the disparity between what this country spends on education and what it spends on tobacco, chewing gum and alcohol, you can see what is wrong. This recession may help us see."

Most economists trace the roots of the nation's economic troubles to President Johnson's decision in 1965 to accelerate this war and war spending in Vietnam without raising taxes, telling Americans that they could afford guns as well as butter.

A serious inflation followed, however, and when the Nixon Administration took office it sought to stop it by making money expensive and scarce, by reducing Government spending and by generally slowing down business activity.

The economy slowed according to plan—unemployment rose to 6 per cent of the country's work force by the start of this year, the highest level in nine years—but inflation, the most sustained inflation in American history, remained essentially unchecked. Between the end of 1966 and the end of 1970, the Consumer Price Index rose by about 24 per cent.

Americans, already shaken by social and political problems, began to lose confidence in the economy and question whether the country was really as rich as they had thought. For many of the institutions that serve them, that kind of economic climate was pure poison.

SCHOOLS HARD HIT

Among the hardest hit have been the schools—private and public, from elementary through graduate school level.

Throughout the country public school systems like those in St. Louis or Youngstown, Ohio, or Scarsdale, Mount Pleasant and East Islip in the New York suburbs have been encountering growing reluctance by voters to approve school bond issues, increases in school budgets or higher school taxes.

"Schools in Missouri, and very likely everywhere else, are facing a financial crisis," said Warren M. Brown, superintendent of the Ferguson-Florissant School District, which serves a middle class area of neat homes and shopping centers on the edge of St. Louis.

The school district is financed by local property taxes, but this year worried residents of the area revolted against higher taxes, rejecting five successively smaller proposed increases.

"Many of them have been laid off by McDonnell Douglas or, if they still have jobs, see their neighbors out of work," explained Mr. Brown at the school district headquarters overlooking playing fields and a half-frozen pond.

"The cost of living is zooming and people are losing jobs," he continued. "They don't want to harm the school program, but the property tax is the only place most of them have any kind of option for keeping their expenses down.

60 WORKERS DROPPED

"We didn't fire any teachers, but we had to drop 60 other people—custodians, matrons, librarians, teachers' aides—and we didn't hire 30 new teachers that we needed," Mr. Brown said. The school also had to drop some other services such as remedial reading and medical programs.

For the school district, Mr. Brown said, the financial squeeze means that "children will get less individual attention, that the school programs will deteriorate in an insidious way with more kids in each class and fewer books among them, and that the school plant itself will deteriorate."

Gail Glenn, who teaches third grade at the district's Bermuda Schools, fears that all of this is having an especially bad effect on children like Kevin, who is one of the slowest readers in the class. "You see, Kevin wants to learn and if I had more time to give him he would learn," she said.

But because of the money problems, Mrs. Glenn does not have a teacher's aide to help her any more, and she must spend many hours grading papers. Her workload is greater, her patience is thinner, and she is giving Kevin less of her time.

On the campus of Notre Dame University in South Bend, Ind., one day not long ago, the famous golden dome still gleamed richly under a layer of dull, early-winter clouds. But in the school's business office, directly below the dome, money problems were mounting.

These problems, it might be said, helped send Joe Theismann and Tom Gatewood, Notre Dame's all-American passing and catching combination, to the Cotton Bowl in Dallas, where they were instrumental in defeating the University of Texas.

COSTS CONTINUE UP

A major reason that the school administration broke a long-standing precedent and allowed the team to play in a postseason bowl game was that the school needed money.

Father Jerome Wilson, vice president and business manager of the university, explained that while the school didn't feel it had to go to a bowl game every year, it had done so the last two seasons to raise money for a black studies program and for scholarships for black students.

Every year since 1961, the school has raised tuition costs by $100 a year. But last year rising costs forced the school to increase tuition by $200 and it may have to go up by the same amount this year, Father Wilson said.

"There are signs that the families of our students are feeling the pinch," he observed. "For the first time that I can remember we cannot find jobs for all the boys who need them."

State and local governments are also in distress. The recession has meant both increased demands for their services and smaller tax revenues coming in.

In California, Gov. Ronald Reagan is proposing among other things drastic cuts in welfare and Medi-Cal (California's version of Medicare) in order to reverse a mounting budget deficit. But with the state badly hit by unemployment as a result of a drop in Government contracts and other factors, these services are more in need than ever.

Because more people are unemployed and Californians are wary of spending money, tax revenues are way down. But all of the state government's expenses, from new buildings to mental hygiene programs, are way up.

The Pittsburgh city government, despite an austerity program instituted by Mayor Flaherty, will have a budget that is higher by $1.2-billion in 1971, with no new revenues in sight.

FORCED TO COMPROMISE

Because of the fiscal situation, the city has had to make compromises with its needs. The vacancies in the Bureau of Fire and the three-man fire crews are among the results.

On Christmas Eve, Battalion Chief Burns recalls, he took his undermanned crew to help fight a six-alarm fire that was sweeping through the Garfield section of Pittsburgh.

"I was pumping, raising ladders and trying to keep the fire from spreading," Chief Burns recalled. "I couldn't tell the men what to do. I remember when I was a kid I would go to the engine house where my father worked and there would be seven men on a rig. Now we're working with a bare minimum of men. A crew reduced to three men is often in the position of actually having only one man attacking the fire. But you won't know it until it's your house that's on fire."

All told, Mayor Flaherty planned to cut 900 employes from the city's payroll at the end of the year, including building inspectors, cleaning women, clerks, and the administrator of the meter maid program, who earned $11,602 a year. Budget cuts have been made in cultural programs, allocations for a police academy and even a grant to a war veterans' society.

"We should rebuild 25 miles of streets a year," said Bert Demelker, director of public works. "Now maybe we do 17 miles and it is backing up on us. And I don't even know what asphalt will cost next year."

IMPACT ON BLACK COMMUNITY

Organizations that depend on donations, on income from endowments and on governmental support have been especially vulnerable to the effects of the economic slowdown. They are often the very institutions whose services are in greatest demand during hard times.

The black community has once again been hard hit by unemployment and other aspects of the recession, although the disparity with whites is somewhat smaller than in the past. This time, however, an organization such as the Urban League, which helps ameliorate some of the impact on blacks, has itself been hurt.

Last Jan. 1 staff members of the Urban League voluntarily began to donate 5 per cent of their weekly salaries to a league "survival fund." The money will be put into black-owned banks and held ready for expected emergencies this year.

"It's less on the table at the end of the week, or a hat or a skirt I don't buy," said Beverly Adams of the New Urban League in Boston, where the survival fund idea originated a year ago.

But it really doesn't affect me at all," she added. "I am not losing anything because of my own conception of what this will do for me eventually. People have presented an idea to me here and I want to be part of it. I'm single, but people with families are also giving up the money and I don't think of it as a sacrifice."

Museums, symphony orchestras and other cultural institutions are also hurting.

In Severance Hall, a marbleladen monument to what Cleveland deemed architectural splendor in the nineteen-thirties, a quarter of all seats have been vacant this season at concerts of the Cleveland orchestra. In the past the orchestra rarely played before anything but a sell-out crowd.

"People are not buying season tickets," explained George Karmer, business manager of the orchestra. "People are being more selective about their buying and making sure they get the most for their money. They are also buying the less expensive seats."

UNABLE TO CUT COSTS

Although revenues are down, the orchestra could not cut costs. "We can't pinch pennies by getting rid of a second violinist and a tympanist or by reducing the number of concerts, said Kenneth Haas, assistant general manager of the orchestra. "And we can't raise prices because people simply wouldn't pay."

Last spring the orchestra was forced for the first time to conduct a mass fund-raising drive to keep itself in business. Before, donations had been made by a "select list" of wealthy Cleveland residents.

The orchestra's management thought of the drive as an emergency measure. But this year again—and for the foreseeable future—it will have to make a mass appeal for funds if it is to survive, Mr. Haas said. The wealthy few can no longer support the orchestra.

The Experiment in International Living, a nonprofit institution that, among other things, sends groups of American students abroad to live with foreign families and brings foreign students to the United States, is being squeezed from all directions.

Its enrollment of just under 2,000 is almost as high as last year, said Gordon Boyce, president of the organization, but corporate donations are down by two-thirds from 1969, foundation giving is off and the return from portfolio investments is sharply down.

The institution is trying to cope with the recession by furious corner-cutting. Its employes will not be given any big merit pay raises this year. It hopes to save $5,000 by eliminating free coffee to staff and students at its headquarters in Putney, Vt. It has moved to less elegant, less expensive quarters in New York. Its top executives are giving up their free cars. It is sending 12 students instead of 10 students abroad with each group leader.

EXPENSE ALLOWANCES CUT

"Our trustees told us to cut our budget by $150,000.'" Mr. Boyce said. We started by reducing expense allowances to trustees.

He added, however, that the organization might have to cut some service programs that are not self-supporting.

Hospitals, even those like the plush, newly renovated St. Francis Memorial Hospital in San Francisco, are in trouble too.

"It's been hell for six months," said Orville N. Booth, executive vice president and administrator of St. Francis.

It now costs the hospital $97 a day to provide a room and subsidiary care for a patient. Five years ago it cost about $65 a day. "Costs, wages and construction have been phenomenal since 1966," Mr. Booth explained. A nurse who made $425 a month in 1966 now makes $725 a month.

SLOWDOWN IN MEDICARE

A new problem at St. Francis is the slowdown in Medicare payments from Washington. "We have close to $150,000 in claims outstanding but nothing is happening," said Mr. Booth. "We feel it is just a slowdown to keep dollars from getting into the system."

Mr. Booth said that the hospital would be able to recover from the short-term impact of the slump even though it now is losing money. Over the long run, however, economic factors will speed the enactment of a national health insurance program, he said. "I only hope," he added, "they do it with sensible controls."

At the Sloan Foundation, one of the nation's wealthiest, 51-million to $2-million will be trimmed from the $15-million it usually gives for projects in science, technology, education and other areas each year, according to Mr. Wessell, its president.

"The tragedy is, this comes at a time when recipients' needs are greater than ever," Mr. Wessell said. "If you multiply our experience by all the foundations, the impact would be substantial."

And at the Kingston Presbyterian Church in Kingston, N.J., Christmas carols at holiday services were accompanied last year by a single organist. The year before, the church hired instrumentalists for the holiday, but this year the church is having money problems and had to save the $200 cost of musicians.

The organ itself was bought in 1968 after the church conducted a $5,000 fund raising campaign. "Getting $5,000 then was so easy it was terrifying," recalled the Rev. James L. Mechem, pastor of the church.

FUND CAMPAIGN FALLS SHORT

This year Kingston church tried to raise $9,000 to paint its white steeple, to buy new fire doors, to pay for needed repairs and to catch up with its rising costs.

But after reaching all 200 families that make up the congregation, only $3,800 had been raised. Some of those who pledged money had lost their jobs and couldn't meet their pledges. Others in the middle class community simply could not afford to give money this year.

"Our life is going to be a lot simpler," Mr. Mechem said. "We'll have to stick tight with the basic elements of church life and just pinch a little more."

"In a way, this might strengthen the church," he continued. "Whatever our financial problems, we may all find something in the experience of supporting each other in times that could be more pleasant."

Many institutions, like the Kingston church, are getting back to basics and finding that they can do without many of the frills and extras they have been adding bit by bit, year by year. A lot of waste apparently is being scraped out of the American economy, some economists feel, and higher productivity ought to be the result.

A THUMBNAIL FACT SHEET OF WAGE BOARD BILL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. BRASCO) is recognized for 10 minutes.

Mr. BRASCO. Mr. Speaker, the wage board bill I have introduced today will provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the U.S. Government.

The bill will eliminate discrimination in wages paid to nearly 800,000 loyal Federal blue collar or prevailing rate workers who have suffered gross inequities and unfair treatment for many years.

The bill will provide by statute the first equitable system for adjusting and fixing the pay rates of wage grade employees. There is within every State a large number of wage grade and non-appropriated fund employees who have been discriminated against. One cannot stress too strongly the need for immediate action. The issue has been ignored too long by those who had the power to correct this unjust system.

Prevailing rate employees make up 27 percent of those paid exclusively from appropriated funds. Adding the thousands of employees included in the nonappropriated fund list, the number would be about 800,000.

These patient workers have been loyal to their Federal job stature, but we cannot ask them to be patient any longer. Rankling is the fact that the President vetoed a bill which would have helped these people—vetoed it at the end of the last Congress.

The need is apparent for speedy action on this measure to cope with unfair treatment which has snowballed over the years and has made these loyal Federal workers the stepchildren of the Government service.

This bill, in setting up 10 steps in pay differential, will not only correct the gross inequities of the present three-step system but will establish a range of rates so Federal Wage Board can win comparability with private industry, who now operates successfully under similar rate ranges.

As things now stand, the pay differential for classified white collar workers is about 30 percent; the pay differential of blue collar workers in private industry follows a similiar pattern; but the wage board blue collar workers in Federal installations can only increase their rate of pay by 8 percent. How, under existing rules, do you reward these employees, particularly since most of them are in the final step shortly after they begin work?

Supervisors are given the privilege of a five in-grade system now, so they can enjoy continued financial rewards while the workers they supervise are stuck in an inflexible grade system.

This bill will also establish a Federal Prevailing Rate Advisory Committee within the Civil Service Commission with an impartial chairman appointed by the President to insure that the broad interests of both sides are represented and protected.

Five members of the committee will be appointed by the Chairman of the Civil Service Commission from labor unions representing the largest number of prevailing rate employees under exclusive recognition in Government service. Management officials, five in number, will be appointed from each of the four executive agencies—other than the Civil Service Commission—and military departments having the largest number of prevailing rate employees and an employee of the Civil Service Commission appointed by its Chairman.

An important feature of the bill is that it would include the provision that the nonappropriated fund workers will receive the same benefits as the wage grade workers.

This measure is vital to the Federal service. These workers have been more than patient, but their patience is growing thin and they could, should we ignore them, resort to other means to correct a mishmash of antiquated Executive orders and chaotic regulations.

LEGISLATION TO ESTABLISH A NATIONAL HEALTH MANPOWER COMMISSION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New Jersey (Mr. MINISH) is recognized for 10 minutes.

Mr. MINISH. Mr. Speaker, I am today introducing legislation in line with the Carnegie Commission recommendations for obtaining improved medical and dental services.

This bill would establish a National Health Manpower Commission empowered to make a thorough study of health manpower, changing patterns of health care delivery, as well as the effectiveness of Federal health programs, health research and agencies administering these programs.

It is appropriate to point out that the Department of Health, Education, and Welfare has projected a shortage of 26,000 doctors, 56,000 dentists, 210,000 nurses, and 432,000 allied medical personnel by 1980. Presently, the spread of physicians and allied health personnel is so unevenly distributed that there are many areas critically short of needed health personnel.

The entire concept of health care has undergone drastic changes within the last decade or two, and we have learned much more about preventive health care. We have more geriatric patients who require skillful and attentive treatment if they are to live their full quotient of years. Pediatric and obstetrical care have undergone drastic revision, although facilities and health personnel are not presently available to all who require them. Many women receive little if any prenatal care, with resultant infant mortality or offspring with unnecessary birth defects. Orthodontic and dental care, so frequently needed by young people, are not available to many persons on a regular basis. X-rays and inexpensive cancer-detecting tests have never been taken by many citizens.

The list is too long to enumerate. Yet there is no program or service more basic or more important than health services. Moreover, it is not only the poor, the isolated, or members of minority groups who have difficulty obtaining these services. Given the shortage of doctors and medical personnel, middle-class Americans also suffer from a deprivation of medical services.

However, there are many potential remedies. Expansion of group practice, usage of expanded allied health care personnel and technology, to name only a few, can alleviate the health care crisis. The updating of training curriculum in health areas and more efficient usage of existing manpower are other possibilities.

These and related issues must be dealt with in depth, and not through a cursory study that describes the problem without developing workable solutions. It is my belief that a National Health Manpower Commission can provide sorely needed guidance and direction.

The legislation I have introduced would establish a commission composed of 40 members, who are all Presidential appointees. At least 20 of them would represent consumers of health care within our Nation. The Commission would hold hearings, take testimony and receive appropriate evidence to permit it to properly fulfill its function. The Commission would then submit to the President and the Congress interim reports after its first year of existence, with a final report due before its expiration. This report would contain a detailed statement of findings and conclusions that would establish a broad-based approach to health care. Such an approach, rather than the piecemeal one we now have, would enable us to fully meet the goal of sufficient health care for all.

SPECULATION, FRAUD, AND BANKS—V

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, the more one hears about the collapse of the Sharpstown State Bank, the more intriguing the whole mess gets. It is in fact one of those situations that gets "curiouser and curiouser."

First of all came the revelations that the Sharpstown State Bank made incredibly large unsecured loans to some very unlikely people—mostly high officials in Texas. It would be unlikely, to say the least, that all these people chose one little old bank to do their loan business with, and all at the same time, alone and unaided. One gets the feeling that they were sent there. Not that they did anything wrong, but that they got such huge loans on such flimsy collateral.

Next one learns that the fellow who owned the bank also owned the stocks that the big loans bought.

Then one learns that the friend of the fellow who owned the bank and who also owned the companies that the big loans bought then bought this selfsame stock from the State officials—and paid something like $5 a share over the then going market price.

Then one learns that the State of Texas had very large deposits in the Sharpstown State Bank. But that might not have been so unusual, since it was the second biggest State bank around, and from all accounts at least, the deposits were secured.

And now come the credit unions. It seems that the Sharpstown Bank had many large depositors who were credit unions. One credit union in Massachusetts put something like $3 million into Sharpstown. It looks as if a large one in Dallas also had a big deposit there. The Government Employees Credit Union of San Antonio had perhaps $300,000 in Sharpstown.

You might ask why these credit unions had such huge deposits at this out-of-the-way bank.

The reason is that Sharpstown was offering 7½ percent interest on very large deposits. Not bad, but not out of line for the times. Well, now we learn that the bank was sweetening the pot with points on the side. These deposits were placed by brokers, who do not work for free, and who also seem to have been giving their clients a little action in order to attract their funds. The credit unions were not going to Sharpstown because they liked the 7½-percent interest that was advertised. They went because they thought they could get maybe 10 percent for their money.

There is nothing wrong about a bank seeking deposits in an aggressive manner. But it is one thing to compete and another thing to offer side points as an added inducement. The use of such a device is called push money in the retail world. Push money is a little reward that distributors pay to retail sales people who push their particular line. A less polite way of putting it is bribery. Well, the use of side points in the manner of the Sharpstown Bank is no different from employing push money in retail competition. It is wrong, and in the banking business, it can lead to substantial losses.

A bank cannot be operated like a chain letter. Financial pyramids or chain letters collapse when the money stops coming in, or whenever the wind blows cold.

I think that push money is a practice that banks ought to refrain from. To make sure they do, I am proposing legislation to outlaw the practice.

Mr. Speaker, I include two news articles relative to this subject:

San Antonio Credit Union Dollars in Sharpstown Bank

(By James McCrory)

The Government Employes Credit Union, the largest in San Antonio with 35,000 employes, had money in the Sharpstown State Bank when it closed its doors, the San Antonio Express-News learned Friday.

The amount and whether it was in a single certificate of deposit or in several such deposits, was not made known, but it was learned that officers of the credit union have put in their claim with the receivers and are awaiting developments.

A source close to the union said it has been in contact and initiated procedures to protect the union's investment and "to see where we fit in the final liquidation."

It is known that the credit union has more than $20,000 in one or more certificates of deposit with the defunct bank, because otherwise it would have no worries. The Federal Deposit Insurance Corp. insures individual amounts up to $20,000 fully.

Union officials are cheered by a report from John Slocum, chief of the FDIC liquidation division, that depositors would be paid their deposits above $20,000 at a rate of 90 cents on the dollar after the bank has turned its assets into cash.

Slocum said the bank's inventory of assets included $17.8 million in cash and easily reconvertable assets, and $40.9 million in outstanding loans and discounts. Real property holdings, including the bank building, come to about $22.9 million.

Officers and representatives of the local union have scheduled a meeting with U.S. Rep. Henry B. Gonzalez Saturday to discuss the situation.

Gonzalez was called on by the union in his capacity as a representative of the district and as a member of the House Banking and Currency Committee.

The congressman Wednesday revealed he had been informed that $2 million to $3 million in credit union money from Massachusetts had been placed in the Sharpstown bank on high yielding certificates of deposit at the time it closed.

He understood, Gonzalez said, credit union officers in Massachusetts had seen advertisments that the bank was paying 7.5 per cent on large denomination certificates of deposit and he said he would ask committee chairman Wright Patman to investigate the extent of the practice of advertising such rates and of the possible giving of "points" on the side.

What has not been revealed (in the Sharpstown operation), Gonzalez said in reference to the Massachusetts credit union deposits, is that "they were offering 2 points more on that kind of business," leading the unions to believe they would be getting 10 per cent.

Another report circulating in Washington during the week was that a large Dallas credit union had deposited a large amount of funds in Sharpstown.

The local credit union group reports it is taking all the steps necessary to see that the credit union is protected, and it thinks it is in good position at the present time. Union officials are keeping in touch with the receivers of the bank, the State Credit Union Commission, and the State Banking Commission, on developments.

The situation is expected to come up for discussion at the meeting of the government employes group Feb. 25.

GECU Cash in Sharpstown

Officials of San Antonio's Government Employees Credit Union Saturday said it has investments in the Sharpstown State Bank, as well as in 13 other banks within the state.

Jim R. Williams, president, and Joseph Curella, chairman of the board of directors of the 35,000-member credit union, said that as of Friday the union had assets of $30,895,329.46 and that over a two and one-half year period, the credit union has made investments in excess of $10 million in various banks.

"I assure the members of GECU that this credit union is completely solvent and has no liquidity problem," Williams said.

ANNUAL CREDIT

He said the union, chartered by the state to serve federal government personnel and their dependents throughout the San Antonio area, has just satisfactorily completed its annual audit conducted by a local CPA firm.

Williams said that GECU currently has $2,650,000 invested in certificates of deposit in 14 banks throughout Texas, $300,000 of which is on deposit in the Sharpstown Bank. The officials noted that it also has $2.9 million in federal government securities.

"It has been implied in some news stories that banks do not normally pay 7.5 per cent on certificates of deposit. This is not so. For example, the Feb. 5 issue of the Wall Street Journal carries an advertisement from a Houston bank (Main) offering 7.5 per cent on one, two and three year certificates on deposits of $100,000 or more."

BONUS POINTS

Williams and Curella pointed out that GECU has received some bonus points in addition to the 7.5 per cent on certificates from practically every bank it has dealt with, particularly in the Dallas-Fort Worth and Houston areas.

The officials said there is $1,091,547.25 in the credit union reserves to cover potential losses on loans and investments. Williams said he has confidence that GECU along with the other 26 credit unions will recover all funds on deposit in the Sharpstown Bank.

He said he bases his feeling on statements made by the state banking commissioner, Robert E. Stewart, and state credit union commissioner, Bruce Gibson, who have said the Sharpstown Bank has sufficient assets to where all depositors will receive all their money.

90 PERCENT

This is further substantiated by John Slocum, chief of the Federal Deposit Insurance Corporation, liquidating division, who has been quoted in various news stories that depositors will receive at least 90 per cent of the uninsurable deposits, and the credit union has no problem.

"There will be no reduction of dividends since we have a large reserve set aside specifically for this particular purpose," Williams said.

U.S. Rep. Gonzalez, member of the House Banking and Currency Committee, told The Light, "There really isn't any danger. Everything indicates it's solvent. There's no question in my mind that the funds are not in danger."

Williams and Curella met with Gonzalez Saturday to provide him with information on the GECU and to give him a clear understanding of the union's current financial standing.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BINGHAM, for 1 hour, today, and to revise and extend his remarks and include extraneous matter.

Mr. HECHLER of West Virginia, for 20 minutes, today.

(The following Members (at the request of Mr. ARCHER) to revise and extend their remarks and include extraneous material:)

Mr. STEIGER of Wisconsin, for 1 hour, February 17.

Mr. McKEVITT, for 5 minutes, today.

Mr. PRICE of Texas, for 15 minutes, today.

Mr. PELLY, for 15 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. BOW, for 30 minutes, today.

(The following Members (at the request of Mr. RANGEL) to revise and extend their remarks and include extraneous material:)

Mr. MAZZOLI, for 20 minutes, today.

Mr. BARRETT, for 10 minutes, today.

Mr. BRASCO, for 10 minutes, today.

Mr. MINISH, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MICHEL and to include an editorial.

Mrs. GREEN of Oregon, in five instances, and to include extraneous matter.

Mr. BENNETT in three instances.

Mr. GIAIMO to revise and extend his remarks and to include extraneous matter.

Mrs. CHISHOLM to revise and extend her remarks and to include extraneous matter.

(The following Members (at the request of Mr. ARCHER) and to include extraneous material:)

Mr. WARE.

Mr. TERRY.

Mr. BROWN of Michigan.

Mr. CRANE in five instances.

Mr. GUDE.

Mr. SCHMITZ in four instances.

Mr. WINN.

Mr. BROOMFIELD in two instances.

Mr. FORSYTHE.

Mr. VANDER JAGT.

Mr. PEYSER in 10 instances.

Mr. CONTE.

Mr. PRICE of Texas in four instances.

Mrs. DWYER in five instances.

Mr. MORSE.

Mr. WYMAN in four instances.

Mr. SCHWENGEL in three instances.

Mr. CHAMBERLAIN.

Mr. BOB WILSON in four instances.

Mr. SHRIVER.

Mr. DEVINE.

Mr. STAFFORD.

Mr. RHODES.

Mr. GOODLING.

Mr. BROTZMAN.

Mr. LLOYD in three instances.

Mr. VEYSEY.

Mr. ROBISON in three instances.

Mr. REID of New York.

Mr. FULTON of Pennsylvania in five instances.

Mr. HASTINGS.

(The following Members (at the request of Mr. RANGEL) and to include extraneous material:)

Mr. HARRINGTON.

Mr. REES in two instances.

Mr. DELLUMS in five instances.

Mr. HÉBERT.

Mr. HUNGATE.

Mrs. CHISHOLM.

Mr. ANNUNZIO.

Mr. CARNEY in three instances.

Mr. PUCINSKI in six instances.

Mr. FASCELL.

Mr. MANN in 10 instances.

Mrs. MINK in three instances.

Mr. MURPHY of New York in two instances.

Mr. WOLFF.

Mr. RODINO in four instances.

Mr. DELANEY.

Mr. ANDERSON of California in three instances.

Mr. KLUCZYNSKI.

Mr. DINGELL.

Mr. FOUNTAIN.

Mr. HAGAN in two instances.

Mr. BURKE of Massachusetts in two instances.

Mr. MONAGAN in six instances.

Mr. RARICK in five instances.

Mr. McCORMACK in two instances.

Mr. WILLIAM D. FORD.

Mr. ROSTENKOWSKI in two instances.

Mr. RYAN in five instances.

Mr. GALLAGHER in two instances.

Mr. STEPHENS in two instances.

Mr. ROGERS in five instances.

Mrs. HICKS of Massachusetts.

Mr. BINGHAM in two instances.

Mr. GONZALEZ in two instances.

Mr. CHAPPELL in three instances.

Mr. MITCHELL.

Mr. SCHEUER in two instances.

ADJOURNMENT

Mr. RANGEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with House Concurrent Resolution 135 of the 92d Congress, the Chair declares the House adjourned until 12 o'clock noon on February 17 next.

Thereupon (at 1 o'clock and 3 minutes p.m.) pursuant to House Concurrent Resolution 135, the House adjourned until Wednesday, February 17, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

249. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

250. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Land and Water Conservation Fund Act of 1965, as amended; to the Committee on Interior and Insular Affairs.

251. A letter from the Director, Office of Science and Technology, Executive Office of the President, transmitting a draft of proposed legislation to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

252. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

253. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to amend section 48 of the Bankruptcy Act (11 U.S.C. 76) to increase the maximum compensation allowable to receivers and trustees; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 943. A bill to provide mortage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing; (Rept. No. 92–8). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 460. A bill to amend section 620 of title 38, United States Code, to exend the length of time community nursing home care may be provided at the expense of the United States; (Rept. No. 92–9). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 481. A bill to provide for the adjustment by the Administrator of Veterans' Affairs, of the legislative jurisdiction over lands belonging to the United States which are under his supervision and control;(Rept. No. 92–10). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Activity of the Interstate and Foreign Commerce, 91st Congress (Rept. No. 92-11). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 4084. A bill to amend the National Flood Insurance Act of 1968 to provide protection thereunder against losses resulting from earthquakes and earthslides; to the Committee on Banking and Currency.

By Mr. BARRETT:

H.R. 4085. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits thereunder, with subsequent cost-of-living increases in such benefits and a minimum primary benefit of $100; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 4086. A bill to prohibit the broadcasting of paid advertisements in all cases where broadcasting stations are required to provide free broadcasting time for political campaigns; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT (for himself, Mr. Sikes, Mr. Fuqua, and Mr. Chappell):

H.R. 4087. A bill to require the Council on Environmental Quality to hold public hearings in which all points of view can be expressed prior to any final action or recommendation by such Council to the President; to the Committee on Merchant Marine and Fisheries.

By Mr. BINGHAM:

H.R. 4088. A bill to provide for reimbursement of U.S. cities for a portion of expenses incurred in connection with the entertainment of foreign officials to the Committee on Foreign Affairs.

By Mr. BRADEMAS:

H.R. 4089. A bill to amend the Federal Aviation Act of 1958 to require that any air carrier proposing to discontinue any air transportation to or from any point named in its certificate must give notice thereof at least 60 days in advance of the proposed discontinuance, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CARNEY:

H.R. 4090. A bill to provide for the issuance of a special postage stamp in recognition of the 150th anniversary of Greek independence; to the Committee on Post Office and Civil Service.

By Mr. CARTER:

H.R. 4091. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

H.R. 4092. A bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended; to the Committee on Public Works.

H.R. 4093. A bill to amend title 38 of the United States Code in order to provide additional beds and special units in Veterans' Administration hospitals for the care and treatment of veterans afflicted with alcoholism, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4094. A bill to amend title II of the Social Security Act to provide that a woman who is otherwise qualified may become entitled to widow's insurance benefits (subject to the existing actuarial reductions) at age 50 whether or not disabled; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN (for himself, Mr. Anderson of Illinois, Mr. Cleveland, Mr. Dellenback, Mrs. Grasso, Mr. Hansen of Idaho, Mr. Rooney of Pennsylvania, Mr. St Germain, Mr. Schneebeli, Mr. Shoup, Mr. Williams, and Mr. Wyman):

H.R. 4095. A bill to amend the Federal Aviation Act of 1958 to require that any air carrier proposing to discontinue any air transportation to or from any point named in its certificate must give notice thereof at least 60 days in advance of the proposed discontinuance, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAMBERLAIN (for himself, Mr. Alexander, Mr. Cleveland, Mr. Fisher, Mr. Fulton of Pennsylvania, Mrs. Hicks of Massachusetts, Mr. Horton, Mr. McKinney, Mr. Sandman, Mr. J. William Stanton, and Mr. Vander Jagt):

H.R. 4096. A bill to provide a program of tax adjustment for small business and for persons engaged in small business; to the Committee on Ways and Means.

By Mr CONYERS (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Anderson of California Mr Annunzio, Mr. Badillo, Mr. Barrett, Mr. Biaggi, Mr. Biester, Mr. Bingham, Mr. Bolling, Mr Brademas, Mr. Brasco, Mr. Burton, Mr. Carey of New York, Mrs. Chisholm, Mr. Clay, Mr. Collins of Illinois, Mr. Corman, Mr. Cotter, Mr. Culver, Mr. Dellums, Mr. Diggs, Mr. Dow and Mr. Edwards of California):

H.R. 4097. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. Foley, Mr Forsythe, Mr. Fraser, Mrs. Grasso. Mr. Green of Pennsylvania, Mr. Halpern, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia. Mr Helstoski, Mr. Horton, Mr. Jacobs Mr. Kastenmeier, Mr. Koch, Mr Leggett, Mr. Madden, Mr. Mazzoli. Mr Meeds, Mr. Metcalfe, Mr. Mikva. Mr. Minish, Mrs. Mink, Mr. Mitchell, and Mr. Morse):

H.R. 4098. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. Moss, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Reid of New York, Mr. Reuss, Mr. Riegle, Mr. Rodino, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, Mr. Seiberling, Mr. Stratton, Mr. Stokes, Mr. Thompson of New Jersey, Mr. Udall, Mr. Van Deerlin, Mr. Waldie, Mr. Wolff, and Mr. Carney):

H.R. 4099. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. BINGHAM (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr Bergland, Mr. Boland, Mrs. Chisholm, Mr. Clay, Mr. Collins of Illinois, Mr. Conyers, Mr. Cotter, Mr. Dellums, and Mr. Diggs):

H.R. 4100. A bill to amend the Foreign Assistance Act of 1961 as amended; to the Committee on Foreign Affairs.

By Mr. McCLOSKEY (for himself, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. William D. Ford, Mr. Fraser, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hathaway, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, and Mr. Kastenmeier):

H.R. 4101. A bill to amend the Foreign Assistance Act of 1961 as amended; to the Committee on Foreign Affairs.

By Mr. RIEGLE (for himself, Mr. Koch, Mr. Leggett, Mr. Matsunaga, Mr. Mikva, Mr. Mitchell, Mr. Moorhead, Mr. Mosher, Mr. O'Neill, Mr. Podell, Mr. Rees, Mr. Reuss, Mr. Rosenthal, and Mr. Ryan):

H.R. 4102. A bill to amend the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

By Mr. ANDERSON of Tennessee (for himself, Mr. Sarbanes, Mr. Scheuer, Mr. Seiberling, Mr. Shipley, Mr. Thompson of New Jersey, Mr. Vanik, Mr. Waldie, Mr. Whalen, Mr. Charles H. Wilson, Mr. Wolff, Mr. Yates, and Mr. Rooney of Pennsylvania):

H.R. 4103. A bill to amend the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

By Mr. CORMAN (for himself, Mr. Hawkins, Mr. Rees, Mr. Sisk, Mr. Van Deerlin, and Mr. Anderson of California):

H.R. 4104. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. DAVIS of Georgia (for himself, Mr. Giaimo, Mr. Schneebeli, Mr. Shriver, Mr. Sikes, Mr. Sisk, Mr. Steele, Mr. Stephens, Mr. Symington, Mr. Tiernan, Mr. Van Deerlin, Mr. Vanik, Mr. Charles H. Wilson, and Mr. Wolff):

H.R. 4105. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. DELLENBACK (for himself, Mr. Wyatt, Mr. Steele, Mrs. Grasso, and Mr. Cotter):

H.R. 4106. A bill to provide for a temporary increase in the membership of the House of Representatives to 437 Members; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 4107. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require motor vehicle safety standards relating to the ability of the vehicle to withstand certain collisions; to the Committee on Interstate and Foreign Commerce.

By Mr. EDMONDSON:

H.R. 4108. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 4109. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional funds for certain federally assisted law enforcement programs, and for other purposes; to the Committee on the Judiciary.

H.R. 4110. A bill to repeal chapter 44 of title 18, United States Code (relating to firearms), to reenact the Federal Firearms Act, and to restore chapter 53 of the Internal Revenue Code of 1954 as in effect before its amendment by the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 4111. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 4112. A bill to amend title 18 of the United States Code to make it unlawful to assault or kill any member of the armed services engaged in the performance of his official duties while on duty under orders of the President under chapter 15 of title 10 of the United States Code or paragraphs (2) and (3) of section 3500 of title 10 of the United States Code; to the Committee on the Judiciary.

By Mr. FASCELL (for himself, Mr. Brooks, Mr. Addabbo, Mr. Badillo, Mr. Barrett, Mr. Boland, Mr. Brasco, Mr. Clark, Mr. Derwinski, Mr. Donohoe, Mr. Dulski, Mr. Duncan, Mr. Edwards of California, Mr. Eilberg, Mr. Findley, Mr. William D. Ford, Mr. Fuqua, Mr. Gallagher, Mr. Haley, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hechler of West Virginia, Mr. McClory, and Mr. McFall):

H.R. 4113. A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

By Mr. FASCELL (for himself, Mr. Gibbons, Mr. Mazzoli, Mr. Mikva, Mr. Moorhead, Mr. Morse, Mr. Murphy of Illinois, Mr. Nedzi, Mr. O'Hara, Mr. Pepper, Mr. Pirnie, Mr. Rees, Mr. Reid of New York, Mr. Rodino, Mr. Roncalio, Mr. Rosenthal, Mr. Roybal, Mr. Sikes, Mr. Thompson of New Jersey, Mr. Waldie, Mr. Yates, and Mr. Yatron):

H.R. 4114. A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

By Mr. FLOOD:

H.R. 4115. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. GERALD R. FORD (for himself, Mr. Mayne, Mr. Lloyd, Mr. Nelsen, and Mr. Harvey):

H.R. 4116. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER:

H.R. 4117. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. GAYDOS:

H.R. 4118. A bill to assure an opportunity for employment to every American seeking work; to the Committee on Education and Labor.

H.R. 4119. A bill to amend the Internal Revenue Code of 1954 to increase from $650 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 4120. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

H.R. 4121. A bill to amend the Social Security Act to increase OASDI benefits by 25 percent (with a $100 minimum) and raise the earnings base, with subsequent adjustments as the cost of living rises; to the Committee on Ways and Means.

By Mr. GIAIMO (for himself, Mr. Davis of Georgia, Mr. Adams, Mr. Addabbo, Mr. Anderson of California, Mr. Badillo, Mr. Baring, Mr. Bergland, Mr. Biester, Mr. Bingham, Mr. Brasco, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Clark, Mr. Cleveland, Mr. Conyers, Mr. Corman, Mr. Cotter, Mr. Derwinski, Mr. Donohue, Mr. Dulski, Mr. Duncan, Mr. Edwards of California, Mr. Eilberg, and Mr. Forsythe):

H.R. 4122. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. GIAIMO (for himself, Mr. Davis of Georgia, Mr. Moss, Mr. Obey, Mr. O'Neill, Mr. Pike, Mr. Price of Illinois, Mr. Price of Texas, Mr. Rees, Mr. Riegle, Mr. Roncalio, Mr. Rooney of Pennsylvania, Mr. Rosenthal, and Mr. Scheuer):

H.R. 4123. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mrs. GRIFFITHS (for herself, Mr. Corman, Mr. Mosher, Mr. Reid of New York, Mr. Clark, Mr. Donohue, and Mrs. Hansen of Washington):

H.R. 4124. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. Riegle, Mr. McCloskey, Mr. Gude, Mr. Badillo, Mr. Bingham, Mrs. Grasso, Mr. Green of Pennsylvania, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Mikva, Mr. Mitchell, Mr. Nix, and Mr. O'Neill):

H.R. 4125. A bill to amend the Special Foreign Assistance Act of 1971 (Public Law 91–652); to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself, Mr. Gude, Mr. Badillo, Mr. McCloskey, Mr. Riegle, Mr. Bingham, Mr. Podell, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Scheuer, Mr. Seiberling, Mr. Shipley, Mr. St Germain, Mr. Stokes, Mr. Tiernan, Mr. Thompson of New Jersey, Mr. Vanik, Mr. Waldie, and Mr. Wolff):

H.R. 4126. A bill to amend the Special Foreign Assistance Act of 1971 (Public Law 91–652); to the Committee on Foreign Affairs.

By Mr. HARRINGTON:

H.R. 4127. A bill for the relief of the State of Massachusetts; to the Committee on the Judiciary.

H.R. 4128. A bill to provide for more efficient operation and maintenance of federally supported waste treatment facilities; to the Committee on Public Works.

H.R. 4129. A bill to amend section 13 of an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee on Public Works.

By Mr. HAWKINS:

H.R. 4130. A bill to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. HAWKINS (for himself and Mr. Anderson of California):

H.R. 4131. A bill to provide that certain expenses incurred in the construction of a school in Compton, Calif., shall be eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. HICKS of Washington:

H.R. 4132. A bill to exempt from the interest equalization tax certain acquisitions made before the enactment of the Interest Equalization Tax Act; to the Committee on Ways and Means.

By Mr. HOGAN (for himself, Mr. Begich, Mr. Córdova, Mr. Gallagher, Mr. Johnson of Pennsylvania, Mr. Roy, and Mr. Wright):

H.R. 4133. A bill to amend the Social Security Act to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost; to the Committee on Ways and Means.

By Mr. ICHORD (for himself, Mr. Colmer and Mr. Hébert):

H.R. 4134. A bill to amend the Internal Security Act of 1950 to authorize the Federal Government to institute measures for the protection of defense production and of classified information released to industry against acts of subversion, and for other purposes; to the Committee on Internal Security.

By Mr. ICHORD (for himself, Mr. Blackburn, Mr. Clark, Mr Donohue, Mr. Rarick, Mr. Wright, Mr. Daniel of Virginia, Mr. Andrews of North Dakota, Mr. Satterfield, Mr. Goodling, Mr. Carney, Mr. Burke of Massachusetts, Mr. Roberts, Mr. Slack, Mr. Bevill, Mr. Hechler of West Virginia, Mr. King, Mr. Flynt, Mr. Chappell, Mr. Devine, Mr. Byrne of Pennsylvania, Mr. Montgomery, Mr. Griffin, and Mr. Ashbrook):

H.R. 4135. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. ICHORD (for himself, Mr. Kuykendall, Mr. Broomfield, Mr. Derwinski, Mr. Pike, Mr. Scherle, Mr. Baring, Mr. Collins of Texas, Mr. Jones of North Carolina, Mr. Smith of California, Mr. Corbett, Mr. Hicks of Washington, Mr. Sebelius, Mr. Dulski, Mr. Sandman, Mr. Duncan, Mr. Pepper, Mr. Eshleman, Mr. Nichols, Mr. Biaggi, Mr. McCormack, Mr. Hanley, Mr. Rhodes, Mr. Eilberg, and Mr. Flowers):

H.R. 4136. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. ICHORD (for himself, Mrs. Hicks of Massachusetts, Mr. Abbitt, Mr. Randall, Mr. Hull, Mr. Dorn, Mr. Miller of Ohio, Mr. McCulloch, Mr. Patman, Mr. Landgrebe, Mr. Anderson of Tennessee, Mr. Haley, Mr. Collier, Mr. Preyer of North Carolina, Mr. Mathis of Georgia, Mr. Hunt, Mr. Broyhill of North Carolina, Mr. Robinson of Virginia, Mr. Halpern, Mr. Whitehurst, Mr. Buchanan, Mr. Pucinski, Mr. Kyros, Mr. Michel, and Mr. Williams):

H.R. 4137. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. KARTH (for himself and Mr. Fraser):

H.R. 4138. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER:

H.R. 4139. A bill to amend title II of the

Social Security Act to provide a 15-percent across-the-board increase in benefits thereunder, with a minimum primary benefit of $110 and subsequent cost-of-living increases, and to raise the amount individuals may earn without suffering loss of benefits; to amend title XVIII of such act to make health insurance benefits available without regard to age to all individuals receiving cash benefits based on disability, and to provide coverage for qualified drugs under part B of such title; to raise the contribution and benefit base; and to authorize appropriations to finance the cost of these changes; to the Committee on Ways and Means.

By Mr. KEE:

H.R. 4140. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, relatng to law enforcement assistance, to encourage the States and units of local government to provide civil service coverage for all law enforcement personnel other than elected officials; to the Committee on the Judiciary.

H.R. 4141. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. LINK:

H.R. 4142. A bill to increase the authorization for the appropriation of funds to complete the International Peace Garden, N. Dak.; to the Committee on Interior and Insular Affairs.

H.R. 4143. A bill to amend the Rail Passenger Service Act of 1970 to provide that all passenger train discontinuances must be in accordance with the provisions of section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLURE:

H.R. 4144. A bill to amend title 10 of the United States Code to provide that an abortion in facilities of the uniformed services may be performed only in accordance with the requirements of the law of the State in which the abortion is performed; to the Committee on Armed Services.

By Mr. MINISH:

H.R. 4145. A bill to establish the National Health Manpower Commission to study and report recommendations with respect to health care delivery, allied health manpower, and Federal health assistance and research programs; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H.R. 4146. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 4147. A bill to direct the Administrator of the Environmental Protection Agency to establish and carry out a bottled drinking water control program; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN (for himself and Mr. Donohue, Mr. Boland, Mr. Burke of Massachusetts, Mr. Sikes, Mr. Hechler of West Virginia, Mr. Mikva, Mr. Harrington, and Mr. Leggett):

H.R. 4148. A bill to establish a temporary Emergency Guidance Board to facilitate economic recovery with minimum inflation by establishing price and wage guidelines and encouraging voluntary adherence thereto; to the Committee on Banking and Currency.

By Mr. PEPPER (for himself, Mr. Staggers, Mr. Minish, Mr. Bergland, Mr. Byrne of Pennsylvania, Mr. Diggs, Mr. Fascell, Mr. Fraser, Mr. Matsunaga, Mrs. Mink, Mr. Mann, Mrs. Sullivan, and Mr. Williams):

H.R. 4149. A bill Conquest of Cancer Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PETTIS:

H.R. 4150. A bill to amend the Federal Aviation Act of 1958 to require that any air carrier proposing to discontinue any air transportation to or from any point named in its certificate must give notice thereof at least 60 days in advance of the proposed discontinuance, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4151. A bill to establish a National College of Ecological and Environmental Studies; to the Committee on Science and Astronautics.

By Mr. POAGE (for himself and Mr. Belcher) (by request):

H.R. 4152. A bill to protect the public health and welfare and the environment through improved regulation of pesticides, and for other purposes; to the Committee on Agriculture.

By Mr. POFF:

H.R. 4153. A bill to amend the Railroad Retirement Act of 1937; to the Committee on Interstate and Foreign Commerce.

By Mr. REID of New York:

H.R. 4154. A bill to amend the National Historic Preservation Act of 1966, as amended, to provide grants and loans for persons who have buildings or structures registered in the National Register in order to preserve such historic properties, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROGERS (for himself, Mr. Jarman, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Carter, and Mr. Hastings):

H.R. 4155. A bill to amend title VII of the Public Health Service Act to substantially increase Federal assistance to schools in the health professions for the construction, operation, improvement, and expansion of their facilities, to make available increased financial assistance to students, to provide incentives to expand training capacity, and to encourage the establishment of additional schools in health manpower shortage areas, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4156. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSTENKOWSKI:

H.R. 4157. A bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

H.R. 4158. A bill to permit officers and employees of the Federal Government to elect coverage under the old age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. ROUSH:

H.R. 4159. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to States for the establishment, equipping, and operation of emergency communications centers to make the national emergency telephone number 911 available throughout the United States; to the Committee on the Judiciary.

By Mr. RYAN (for himself and Mr. Mikva):

H.R. 4160. A bill to provide supplemental appropriations and increased contract authority to fully fund the urban renewal, model cities, and rent supplement programs, and the low-income homeownership and rental housing programs, for the fiscal year 1971; to the Committee on Appropriations.

By Mr. ST GERMAIN:

H.R. 4161. A bill to equalize the retired pay of members of the uniformed services of equal grade and years of service; to the Committee on Armed Services.

H.R. 4162. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

H.R. 4163. A bill to provide Federal assistance for special projects to demonstrate the effectiveness of programs to provide emergency care for heart attack victims by trained persons in specially equipped ambulances; to the Committee on Interstate and Foreign Commerce.

H.R. 4164. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

H.R. 4165. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4166. A bill to establish annual import quotas on certain textile and footwear articles; to the Committee on Ways and Means.

H.R. 4167. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and of foreign origin; to the Committee on Ways and Means.

H.R. 4168. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. SNYDER:

H.R. 4169. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 4170. A bill to amend the Public Health Service Act to increase and expand the national resources for the education of doctors of medicine and osteopathy; and to promote the role of academic medical centers in improving the delivery of health services and medical care; to the Committee on Interstate and Foreign Commerce.

H.R. 4171. A bill to amend title VII of the Public Health Service Act to expand and improve our Nation's resources for the training of physicians, dentists, optometrists, pharmacists, podiatrists, veterinarians, and professional public health personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4172. A bill to amend the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4173. A bill to amend the extended benefit provisions of the Railroad Unemployment Insurance Act to provide for such benefits in periods of continued high unemployment, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 4174. A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mrs. SULLIVAN:

H.R. 4175. A bill to repeal the act of January 11, 1971, amending the Food Stamp Act of 1964, as amended, and for other purposes; to the Committee on Agriculture.

By Mrs. SULLIVAN (for herself and Mr. Barrett):

H.R. 4176. A bill to assist in meeting the housing goals of the American people by creating the Home Owners Mortgage Loan Corporation; to the Committee on Banking and Currency.

By Mrs. SULLIVAN:

H.R. 4177. A bill to require the inspection of certain towing vessels; to the Committee on Merchant Marine and Fisheries.

H.R. 4178. A bill to provide for the licensing of personnel on certain vessels; to the Committee on Merchant Marine and Fisheries.

H.R. 4179. A bill to modify the flood protection project at St. Louis, Mo.; to the Committee on Public Works.

By Mr. VIGORITO:

H.R. 4180. A bill to compensate certain growers, manufacturers, packers, and distributors for damages sustained by them as a result of their good faith reliance on the official listing of cyclamates as generally recognized as safe for use in food prior to the unexpected action taken by the United States restricting their future use in foods and drinks; to the Committee on the Judiciary.

By Mr. WATTS:

H.R. 4181. A bill relating to the recognition of gain in certain corporate liquidations; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 4182. A bill to provide that the United States shall reimburse the States and their political subdivisions for real property taxes not collected on certain real property owned by foreign governments; to the Committee on Foreign Affairs.

H.R. 4183. A bill to amend chapter 3 of title 3, United States Code, to provide for the protection of foreign diplomatic missions; to the Committee on Public Works.

By Mr. WYDLER:

H.R. 4184. A bill to amend title I of the Elementary and Secondary Education Act of 1965 to require that programs and projects assisted thereunder be for the benefit of children from low-income families; to the Committee on Education and Labor.

By Mr. ADDABBO:

H.R. 4185. A bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BELCHER:

H.R. 4186. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. BETTS (for himself, Mr. COLLIER, Mr. CONABLE, Mr. GERALD, R. FORD, Mr. ARENDS, Mr. ANDERSON of Illinois, Mr. RHODES, Mr. POFF, Mr. STAFFORD, Mr. BOB WILSON, Mr. HARRINGTON, Mr. QUILLEN, Mr. ANDREWS of North Dakota, Mr. BAKER, Mr. BELL, Mr. BIESTER, Mr. BOW, Mr. BROOMFIELD, Mr. BROWN of Ohio, Mr. BROWN of Michigan, Mr. BUCHANAN, Mr. CAMP, Mr. CEDERBERG, Mrs. CHISHOLM, and Mr. CLANCY):

H.R. 4187. A bill to restore balance in the federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. COLLIER, Mr. CONABLE, Mr. DON H. CLAUSEN, Mr. CLEVELAND, Mr. COLLINS of Texas, Mr. COUGHLIN, Mr. CRANE, Mr. DELLENBACK, Mr. DUNCAN, Mrs. DWYER, Mr. EDWARDS of California, Mr. EDWARDS of Alabama, Mr. EILBERG, Mr. ERLENBORN, Mr. ESCH, Mr. ESHLEMAN, Mr. EVINS of Tennessee, Mr. FISH, Mr. FORSYTHE, Mr. FRELINGHUYSEN, Mr. FRENZEL, Mr. FREY, Mr. GOLDWATER, and Mr. GROVER):

H.R. 4188. A bill to restore balance in the federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. COLLIER, Mr. CONABLE, Mr. GUBSER, Mr. GUDE, Mr. HALPERN, Mr. HANSEN of IDAHO, Mr. HARSHA, Mr. HARVEY, Mr. HASTINGS, Mrs. HECKLER of Massachusetts, Mr. HORTON, Mr. HILLIS, Mr. HOSMER, Mr. HUNT, Mr. JOHNSON of Pennsylvania, Mr. KEATING, Mr. KEMP, Mr. KING, Mr. KUYKENDALL, Mr. KYL, Mr. LATTA, Mr. LENT, Mr. LUJAN, and Mr. MCCLORY):

H.R. 4189. A bill to restore balance in the federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. COLLIER, Mr. CONABLE, Mr. MCCLOSKEY, Mr. MCCLURE, Mr. MCCOLLISTER, Mr. MCDADE, Mr. MCDONALD of Michigan, Mr. MCEWEN, Mr. MCKEVITT, Mr. MCKINNEY, Mr. MAILLIARD, Mr. MATHIAS, of California, Mr. MAYNE, Mr. MICHEL, Mr. MILLER of Ohio, Mr. MINSHALL, Mr. MORSE, Mr. MOSHER, Mr. MYERS, Mr. NELSEN, Mr. O'KONSKI, Mr. PELLY, and Mr. PEYSER):

H.R. 4190. A bill to restore balance in the federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. COLLIER, Mr. CONABLE, Mr. PIRNIE, Mr. POWELL, Mr. QUIE, Mr. RAILSBACK, Mrs. REID of Illinois, Mr. REID of New York, Mr. RIEGLE, Mr. ROBINSON of Virginia, Mr. ROBISON of New York, Mr. RODINO, Mr. RUTH, Mr. SCHWENGEL, Mr. SCOTT, Mr. SEBELIUS, Mr. SHOUP, Mr. SHRIVER, Mr. SMITH of New York, Mr. SPENCE, Mr. SPRINGER, Mr. J. WILLIAM STANTON, Mr. STEIGER of Arizona; and Mr. STEIGER of Wisconsin):

H.R. 4191. A bill to restore balance in the federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. COLLIER, Mr. CONABLE, Mr. TALCOTT, Mr. TEAGUE of California, Mr. TERRY, Mr. THOMPSON of Georgia, Mr. THOMSON of Wisconsin, Mr. THONE, Mr. VANDER JAGT, Mr. VEYSEY, Mr. WAMPLER, Mr. WARE, Mr. WHALEN, Mr. WHITEHURST, Mr. WIDNALL, Mr. WILLIAMS, Mr. WINN, Mr. WYATT, Mr. WYDLER, Mr. WYLIE, Mr. WYMAN, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZION):

H.R. 4192. A bill to restore balance in the federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. COLLIER, Mr. CONABLE, Mr. ZWACH, Mr. BROTZMAN, and Mr. DONOHUE):

H.R. 4193. A bill to restore balance in the federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 4194. A bill to limit the authority of the President of the United States to intervene abroad or to make war without the express consent of the Congress; to the Committee on Foreign Affairs.

H.R. 4195. A bill to make requirements with respect to the disclosure of marital status the same for men and women in matters relating to voting qualifications in Federal elections; to the Committee on House Administration.

H.R. 4196. A bill to provide time off duty for Government employees to comply with religious obligations prescribed by religious denominations of which such employees are bona fide members; to the Committee on Post Office and Civil Service.

H. R. 4197. A bill to provide for the designation of the Veterans' Administration hospital in Jackson, Miss., as the "Medgar Evers Memorial Veterans Hospital"; to the Committee on Veterans' Affairs.

H.R. 4198. A bill to amend the Internal Revenue Code of 1954 to provide deduction from gross income for additional commuting expenses of handicapped persons; to the Committee on Ways and Means.

By Mr. BOLAND:

H.R. 4199. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. BRASCO:

H.R. 4200. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROOKS:

H.R. 4201. A bill to establish the Big Thicket National Park in Texas; to the Committee on Interior and Insular Affairs..

By Mr. BROYHILL of North Carolina:

H.R. 4202. A bill to amend the Military Selective Service Act of 1967 to prohibit the induction of any person if any of certain relatives of such person dies, is captured, is missing in action, or is totally disabled as a result of service in the Armed Forces; to the Committee on Armed Services.

By Mr. BYRNE of Pennsylvania:

H.R. 4203. A bill to authorize the Secretary of the Interior to acquire certain property of the New Amsterdam Casualty Co. for inclusion in the Independence National Historical park, Philadelphia, Pa.; to the Committee on Interior and Insular Affairs.

By Mr. CASEY of Texas:

H.R. 4204. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4205. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for expenses paid by him for the education of any of his dependents at an institution of higher learning; to the Committee on Ways and Means.

H.R. 4206. A bill to amend the Internal Revenue Code of 1954 to increase the amount allowed as a child-care deduction, and to eliminate the income ceiling on eligibility for such deduction; to the Committee on Ways and Means.

H.R. 4207. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

H.R. 4208. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 4209. A bill to amend the Revised Organic Act of the Virgin Islands; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 4210. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. CÓRDOVA (for himself, Mr. Badillo, Mr. Biaggi, Mr. Camp, Mrs. Chisholm, Mr. Foley, Mr. Green of Pennsylvania, Mr. Matsunaga, Mr. Meeds, Mr. Mikva, Mr. Morse, Mr. Mosher, Mr. Pepper, Mr. Podell, Mr. Rosenthal, Mr. Ryan, Mr. Sandman, Mr. Scheuer, Mr. Ullman, and Mr. Williams):

H.R. 4211. A bill to provide that the social security benefits provided by the Tax Adjustment Act of 1966 for certain uninsured individuals at age 72 shall apply in the case of residents of the Commonwealth of Puerto Rico, the Virgin Islands, and Guam; to the Committee on Ways and Means.

By Mr. DAVIS of Georgia:

H.R. 4212. A bill to end discrimination in the availability of Federal crop insurance and to authorize the appropriation of additional funds for the administration of the Federal crop insurance program; to the Committee on Agriculture.

H.R. 4213. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

H.R. 4214. A bill to amend title II of the Social Security Act to increase from $1,680 to $2,500 (or $3,600 in the case of a widow with minor children) the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. DAVIS of Georgia (for himself, Mr. Giaimo, Mr. Fraser, Mr. Frelinghuysen, Mr. Frey, Mr. Fuqua, Mr. Gallagher, Mrs. Grasso, Mr. Gubser, Mr. Gude, Mr. Hagan, Mr. Halpern, Mrs. Hansen of Washington, Mr. Hathaway, Mr. Hechler of West Virginia, Mr. Hicks of Washington, Mr. Hogan, Mr. Howard, Mr. McDonald of Michigan, Mr. Mailliard, Mr. Matsunaga, Mr. Meeds, Mr. Mikva, and Mosher):

H.R. 4215. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. DOWNING (for himself, Mr. Whitehurst, Mr. Satterfield, Mr. Abbitt, Mr. Daniel of Virginia, Mr. Poff, Mr. Robinson of Virginia, Mr. Scott, Mr. Wampler, and Mr. Broyhill of Virginia):

H.R. 4216. A bill to remove the present $1 million limitation which prevents the Secretary of the Navy from settling and paying the claim of the Chesapeake Bay Bridge and Tunnel District arising out of the collision of the U.S.S. *Yancey* with the bridge-tunnel span; to the Committee on the Judiciary.

By Mr. FASCELL (for himself, Mr. Brooks, Mr. Addabbo, Mr. Badillo, Mr. Barrett, Mr. Boland, Mr. Brasco, Mr. Clark, Mr. Derwinski, Mr. Donohue, Mr. Dulski, Mr. Duncan, Mr. Edwards of California, Mr. Eilberg, Mr. Findley, Mr. William D. Ford, Mr. Fuqua, Mr. Gallagher, Mr. Haley, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Matsunaga, and Mr. McClory):

H.R. 4217. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material or other refuse without a certification by the Environmental Protection Agency approving such discharge; to the Committee on Merchant Marine and Fisheries.

By Mr. FASCELL (for himself, Mr. Gibbons, Mr. Mazzoli, Mr. McFall, Mr. Mikva, Mr. Moorhead, Mr. Morse, Mr. Murphy of Illinois, Mr. Nedzi, Mr. O'Hara, Mr. Pepper, Mr. Pirnie, Mr. Rees, Mr. Reid of New York, Mr. Rodino, Mr. Roncalio, Mr. Rosenthal, Mr. Rhodes, Mr. Roybal, Mr. Sikes, Mr. Thompson of New Jersey, Mr. Waldie, Mr. Yatron, and Mr. Yates):

H.R. 4218. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material or other refuse without a certification by the Environmental Protection Agency approving such discharge; to the Committee on Merchant Marine and Fisheries.

By Mr. FRENZEL:

H.R. 4219. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. GUDE (for himself, Mr. Anderson of Illinois, Mr. Ashley, Mr. Aspin, Mr. Bell, Mr. Biester, Mr. Blackburn, Mr. Brown of Ohio, Mr. Brown of Michigan, Mr. Buchanan, Mr. Burke of Massachusetts, Mr. Don H. Clausen, Mr. Cleveland, Mr. Collins of Texas, Mr. Conte, Mr. Coughlin, Mr. Danielson, Mr. Edwards of California, Mr. Esch, Mr. Findley, Mr. Fish, Mr. Forsythe, Mr. Fraser, Mr. Frelinghuysen, and Mrs. Grasso):

H.R. 4220. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Commission on Interior and Insular Affairs.

By Mr. GUDE (for himself, Mr. Halpern, Mr. Hansen of Idaho, Mr. Harrington, Mr. Horton, Mr. Hosmer, Mr. Kastenmeier, Mr. Keith, Mr. Koch, Mr. Lent, Mr. McCloskey, Mr. McEwen, Mr. McKinney, Mr. Mikva, Mr. Mitchell, Mr. Morse, Mr. Moss, Mr. Obey, Mr. Pepper, Mr. Quie, Mr. Rees, Mr. Reid of New York, Mr. Riegle, Mr. Rodino, and Mr. Roncalio):

H.R. 4221. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. GUDE (for himself, Mr. Biaggi, Mr. Gallagher, Mr. Griffin, Mr. Hammerschmidt, Mr. Ruppe, Mr. Seiberling, Mr. Steele, Mr. Symington, Mr. Tiernan, Mr. Vander Jagt, Mr. Williams, and Mr. Young of Florida):

H.R. 4222. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 4223. A bill to amend chapter 34 of title 38, United States Code, to authorize advance educational assistance allowance payments to eligible veterans at the beginning of any school year to assist such veterans in meeting educational and living expenses during the first 2 months of school, to establish a veterans' work-study program through cancellation of such advance payment repayment obligations under certain circumstances and to provide for direct payment of educational assistance allowance to educational institutions on an optional basis; to the Committee on Veterans' Affairs.

By Mr. HANSEN of Idaho (for himself and Mr. McClure):

H.R. 4224. A bill to amend the act entitled "An act to authorize the Secretary of the Interior to sell certain public lands in Idaho," approved May 31, 1962; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON (for himself, Mr. Abourezk, Mr. Bingham, Mr. Badillo, Mr. Gude, Mr. McCloskey, Mr. Riegle, Mrs. Abzug, Mr. Celler, Mrs. Chisholm, Mr. Clay, Mr. Dellums, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. William D. Ford, Mr. Fraser, and Mr. Giaimo):

H.R. 4225. A bill to amend the Special Foreign Assistance Act of 1971 (Public Law 91–652); to the Committee on Foreign Affairs.

By Mr. HAWKINS:

H.R. 4226. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

H.R. 4227. A bill to amend the provisions of law providing compensation for work injuries suffered by Federal employees with respect to the entitlement of firefighters in certain cases; to the Committee on Education and Labor.

H.R. 4228. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 4229. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

H.R. 4230. A bill to authorize the U.S. Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities concerning the use of drugs, and for other related educational purposes; to the Committee on Education and Labor.

H.R. 4231. A bill to improve and increase postsecondary educational opportunities throughout the Nation by providing assistance to the States for the development and construction of comprehensive community colleges; to the Committee on Education and Labor.

H.R. 4232. A bill to provide compensation for totally disabled local firemen or survivors of local firemen killed or disabled while performing their duties in an area of civil disorder; to the Committee on the Judiciary.

H.R. 4233. A bill to require the establishment of marine sanctuaries and to prohibit the depositing of any harmful materials therein; to the Committee on Merchant Marine and Fisheries.

H.R. 4234. A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

By Mr. LANDGREBE (for himself, Mr. Barrett, Mr. Collins of Illinois, Mr. Griffin, Mr. Shriver, Mr. Thompson of Georgia, and Mr. Roe):

H.R. 4235. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

By Mr. McDADE:

H.R. 4236. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits of orphans whose fathers die of pneumoconiosis; to the Committee on Education and Labor.

By Mr. MATSUNAGA (for himself, Mr. Anderson of Illinois, Mr. Annunzio, Mr. Ashley, Mr. Blatnik, Mr. Bolling, Mr. Brademas, Mr. Clay, Mr. Collins of Illinois, Mr. Conyers, Mr. Derwinski, Mr. Diggs, Mr. Dingell, Mr. Esch, Mr. Findley, Mr. William D. Ford, Mr. Fraser, Mr. Hungate, Mr. McClory, Mr. Nedzi, Mr. Obey, Mr. O'Hara, Mr. Price of Illinois, Mr. Reuss, and Mr. Riegle):

H.R. 4237. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself, Mr. Abourezk, Mr. Hansen of Idaho, Mr. Purcell, Mr. Roncalio, Mr. Sarbanes, Mr. Stokes, Mr. Ullman, Mr. Vander Jagt, Mr. Wright, Mr. Wyatt, Mr. Yates, and Mr. Zablocki):

H.R. 4238. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself, Mr. Anderson of Tennessee, Mr. Brooks, Mr. Burke of Massachusetts, Mr. Byrne of Pennsylvania, Mr. Cleveland, Mr. Conte, Mr. Dent, Mr. Eilberg, Mr. Fascell, Mr. Giaimo, Mr. Gude, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Kyros, Mr. Mitchell, Mr. Moorhead, Mr. Morse, Mr. Nix, Mr. O'Neill, Mr. Pepper, Mr. Preyer of North Carolina, Mr. Rooney of Pennsylvania, Mr. Vigorito, and Mr. Yatron):

H.R. 4239. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Celler, Mrs. Chisholm, Mr. Daniels of New Jersey, Mr. Dulski, Mr. Fish, Mr. Gallagher, Mr. Halpern, Mr. Hanley, Mr. Howard, Mr. Koch, Mr. Minnish, Mr. Podell, Mr. Reid of New York, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, Mr. Thompson of New Jersey, and Mr. Wolff):

H.R. 4240. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself, Mr. Adams, Mr. Anderson of California, Mr. Burton, Mr. Corman, Mr. Dellums, Mr. Edwards of California, Mr. Foley, Mr. Hanna, Mrs. Hansen of Washington, Mr. Hawkins, Mr. Hicks of Washington, Mr. Johnson of California, Mr. Leggett, Mr. McCloskey, Mr. McCormack, Mr. McFall, Mr. Mailliard, Mr. Meeds, Mr. Miller of California, Mr. Rees, Mr. Sisk, Mr. Teague of California, and Mr. Waldie):

H.R. 4241. A bill to amend title 18, United State Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.R. 4242. A bill to amend title 39, United States Code, to provide certain benefits in connection with second-class mail rates to publications issued by State departments of agriculture, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OBEY (for himself and Mr. Symington):

H.R. 4243. A bill to reestablish congressional responsibility in the determination of foreign military commitments; to the Committee on Foreign Affairs.

By Mr. OBEY (for himself, Mrs. Grasso, Mr. Hanna, Mr. Rostenkowski, Mr. Seiberling, Mr. Clark, Mr. Fish, Mr. Vigorito, Mr. Harrington, Mr. Howard, Mr. Evins of Tennessee, Mr. Rangel, Mr. Dent, Mr. Johnson of California, Mr. Addabbo, Mrs. Hansen of Washington, Mr. Gallagher, Mr. Gude, Mr. Steele, Mr. Moss, Mr. Staggers, Mr. Collins of Illinois, Mr. Anderson of Tennessee, Mr. Flood, and Mr. O'Hara):

H.R. 4244. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. Danielson, Mr. Diggs, Mr. Drinan, Mr. Begich, Mr. Thompson of New Jersey, Mr. McCormack, Mr. Murphy of Illinois, Mr. Mosher, Mr. Roe, Mr. St Germain, Mr. Biaggi, Mr. Podell, Mr. Casey of Texas, Mr. Brademas, Mr. Byrne of Pennsylvania, Mr. Anderson of California, and Mr. Kyros):

H.R. 4245. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. PATMAN (for himself, Mr. Barrett, Mr. Reuss, Mr. Moorhead, Mr. Stephens, Mr. Gonzalez, Mr. Minish, Mr. Hanna, Mr. Gettys, Mr. Annunzio, Mr. Rees, Mr. Bevill, Mr. Hanley, Mr. Brasco, Mr. Koch, Mr. Cotter, and Mr. Mitchell):

H.R. 4246. A bill to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization; to the Committee on Banking and Currency.

By Mr. PELLY:

H.R. 4247. A bill to regulate the dumping of material in the oceans, coastal, and other waters and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RIEGLE:

H.R. 4248. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board benefit increase with subsequent cost-of-living increases, to raise the earnings base, to liberalize the retirement test, to increase widows' and widowers' benefits, to improve benefit computation, to increase the lump-sum death payment, to provide benefits for additional disabled children and dependent parents of insured individuals, and to liberalize qualification for disability benefits; to provide Medicare benefits for all individuals receiving such benefits based on disability; to provide benefits for dependent brothers and sisters of retired, disabled, or deceased insured individuals; and to provide $5,000 income tax exemption for individuals 65 years of age or over; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 4249. A bill to establish the Hells Canyon-Snake National River in the States of Idaho, Oregon, and Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4250. A bill to amend title 38 of the United States Code to establish standards of conduct for certain employees of the Department of Medicine and Surgery of the Veterans' Administration, to provide guidelines with respect to arrangements between Veterans' Administration health facilities and affiliated institutions, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4251. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4252. A bill to amend chapter 73 of title 38, United States Code, with respect to the amount of annual and sick leave which physicians, dentists, and nurses in the Department of Medicine and Surgery may accrue and accumulate, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4253. A bill to provide for the better utilization of scarce medical personnel within, and to improve the efficiency of, the Department of Medicine and Surgery in the Veterans' Administration; to the Committee on Veterans' Affairs.

H.R. 4254. A bill to provide for the orderly expansion of trade in manufactured products; to the Committee on Ways and Means.

H.R. 4255. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

H.R. 4256. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. SCHMITZ (for himself, Mr. Byrne of Pennsylvania, Mr. Carter, Mr. Córdova, Mr. Crane, Mr. Dent, Mr. Hogan, Mr. Lennon, Mr. Rarick, Mr. Rousselot, and Mr. Thompson of Georgia):

H.R. 4257. A bill to amend title 10 of the United States Code to provide that an abortion in facilities of the uniformed services may be performed only in accordance with the requirements of the law of the State in which the abortion is performed; to the Committee on Armed Services.

By Mr. SHRIVER:

H.R. 4258. A bill to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes; to the Committee on Agriculture.

By Mr. SIKES (for himself and Mr. Reuss):

H.R. 4259. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife agencies; to the Committee on Government Operations.

By Mr. SIKES (for himself, Mr. Dingell, Mr. Henderson, Mr. Thomson of Wisconsin, Mr. Caffery, Mr. Zion, Mr. Hutchinson, Mr. Nichols, Mr. Fisher, Mr. Clark, Mr. Slack, Mr. Thompson of Georgia, Mr. Haley, Mr. McEwen, Mr. Camp, Mr. Andrews of North Dakota, Mr. Moss, Mr. Blackburn, Mr. Latta, Mr. Dorn, Mrs. Hansen of Washington, Mr. Talcott, Mr. Abernethy, Mr. Rarick, and Mr. Dickinson):

H.R. 4260. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. SIKES (for himself, Mr. Burlison of Missouri, Mr. Bevill, Mr. Broyhill of North Carolina, Mr. Bray, Mr. Steed, Mr. Baring, Mr. Lujan, Mr. Dulski, Mr. Schmitz, Mr. Johnson of Pennsylvania, Mr. Steiger of Arizona, Mr. Collins of Texas, Mr. Montgomery, Mr. Robinson of Virginia, Mr. Hansen of Idaho, Mr. Daniel of Virginia, Mr. Powell, Mr. Wyman, Mr. Veysey, Mr. Lloyd, Mr. Goodling, Mr. Abbitt, Mr. Eshleman, and Mr. Evans of Colorado):

H.R. 4261. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. SIKES (for himself, Mr. Duncan, Mr. Michel, Mr. Frenzel, Mr. Cleveland, Mr. Shoup, Mr. Kuykendall, Mr. Scherle, Mr. Mizell, Mr. Ichord, Mr. Fish, Mr. Watts, Mr. Hicks of Washington, Mr. Terry, Mr. Davis of Georgia, and Mr. Roncalio):

H.R. 4262. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 4263. A bill to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order; to the Committee on Agriculture.

By Mr. SISK (for himself, Mr. Abbitt, Mr. Broyhill of Virginia, Mr. Don H. Clausen, Mr. Collier, Mr. Conable, Mr. Davis of Wisconsin, Mr. Edwards of California, Mr. Fuqua, Mr. Gubser, Mr. Johnson of California, Mr. Kastenmeier, Mr. Leggett, Mr. McFall, Mr. Mailliard, and Mr. Mathias of California):

H.R. 4264. A bill to provide for the payment of losses incurred by growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been prepared or packed or packaging, labeling and and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on the Judiciary.

By Mr. SISK (for himself, Mr. Matsunaga, Mr. Michel, Mr. Nelsen, Mr. Robinson of Virginia, Mr. Smith of New York, Mr. Steiger of Wisconsin, Mr. Talcott, Mr. Teague of California, Mr. Teague of Texas, Mr. Ullman, Mr. Vigorito, and Mr. Waldie):

H.R. 4265. A bill to provide for the payment of losses incurred by growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been prepared or packed or packaging, labeling and other materials has been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Comestic Act, and for other purposes; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 4266. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. TALCOTT (for himself and Mr. Sisk):

H.R. 4267. A bill to regulate and foster commerce among the States by providing a uniform system for the application of sales and use taxes to interstate commerce; to the Committee on the Judiciary.

By Mr. VANIK (for himself, Mr. Addabbo, Mr. Bevill, Mr. Blanton, Mr. Boland, Mr. Brasco, Mr. Brooks, Mrs. Chisholm, Mr. Donohue, Mr. Dulski, Mr. Evins of Tennessee, Mr. Flowers, Mr. William D. Ford, Mr. Gallagher, Mr. Gray, Mr. Halpern, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Hogan, Mr. Leggett, Mr. Long of Maryland, Mr. Mikva, Mr. Morgan, Mr. Price of Illinois, and Mr. Rangel):

H.R. 4268. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in benefits thereunder, with a minimum primary benefit of $100, and to increase to $2,400 a year the amount of outside earnings a beneficiary may have without loss of benefits; to the Committee on Ways and Means.

By Mr. VANIK (for himself, Mr. Reuss, Mr. Rodino, Mr. Sarbanes, Mr. Shipley, Mr. Sikes, Mr. Stokes, Mr. Stratton, Mr. Van Deerlin, Mr. Vigorito, Mr. Drinan, Mr. Byrne of Pennsylvania, and Mr. Kyros):

H.R. 4269. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in benefits thereunder, with a minimum primary benefit of $100, and to increase to $2,400 a year the amount of outside earnings a beneficiary may have without loss of benefits; to the Committee on Ways and Means.

By Mr. WALDIE (for himself, Mr. Burton, Mr. Danielson, Mr. Dellums, Mr. Edwards of California, Mr. Hanna, Mr. Leggett, Mr. McCloskey, Mr. Mailliard, Mr. Miller of California, Mr. Moss, Mr. Rees, and Mr. Charles H. Wilson):

H.R. 4270. A bill to designate the San Joaquin Wilderness, Sierra National Forest, and Inyo National Forest in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. WHALEN (for himself, Mr. Anderson of Illinois, Mr. Anderson of Tennessee, Mr. Begich, Mrs. Chisholm, Mr. Conyers, Mr. Diggs, Mr. Edwards of Louisiana, Mr. Eilberg, Mr. Forsythe, Mr. Halpern, Mr. Harrington, Mr. Leggett, Mr. Mitchell, Mr. Moorhead, Mr. Mosher, Mr. Pepper, Mr. Podell, Mr. Powell, Mr. Rees, Mr. Riegle, Mr. Rosenthal, Mr. Roybal, Mr. Scheuer, and Mr. J. William Stanton):

H.R. 4271. A bill, Newsmen's Privilege Act of 1971; to the Committee on the Judiciary.

By Mr. WHALEN (for himself, Mr. Mr. Stokes, Mr. Thone, Mr. Van Deerlin, Mr. Vander Jagt, Mr. Vanik, and Mr. Wolff):

H.R. 4272. A bill, Newsmen's Privilege Act of 1971; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.R. 4273. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. WINN:

H.R. 4274. A bill to amend the Food Stamp Act of 1964, to exclude from coverage by the act every household which has a member who is on strike, and for other purposes; to the Committee on Agriculture.

By Mr. WYATT:

H.R. 4275. A bill to amend title 5, United States Code, to provide additional civil service retirement and sick leave benefits for air traffic controllers; to the Committee on Post Office and Civil Service.

By Mr. WYMAN:

H.R. 4276. A bill to establish annual import quotas on certain textile and footwear articles; to the Committee on Ways and Means.

By Mr. WYMAN (for himself and Mr. Cleveland):

H.R. 4277. A bill to provide for the establishment of the Fort Constitution National Historic Site in New Hampshire, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BELCHER:

H.J. Res. 322. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as National Week of Concern for Prisoners of War/Missing in Action; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.J. Res. 323. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BUCHANAN (for himself, Mr. Keith, Mr. Stafford, and Mr. Steele):

H.J. Res. 324. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.J. Res. 325. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. Barrett, Mr. Bergland, Mr. Biaggi, Mr. Brasco, Mr. Foley, Mrs. Heckler of Massachusetts, Mr. Horton, Mr. Lujan, Mr. Rosenthal, Mr. Ruppe, Mr. Symington, and Mr. Whalen):

H.J. Res. 326. Joint resolution designating of third week of April of each year as Earth Week; to the Committee on the Judiciary.

By Mr. McKINNEY (for himself and Mr. Steele):

H.J. Res. 327. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MORGAN:

H.J. Res. 328. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MOSS:

H.J. Res. 329. Joint resolution authorizing the President to proclaim the period February 6 through February 12, 1972, as "Active 20–30 Week"; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.J. Res. 330. Joint resolution authorizing the President to declare the 3d calendar week in September of each year as "National Cystic Fibrosis Week"; to the Committee on the Judiciary.

By Mr. SNYDER:

H.J. Res. 331. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President; to the Committee on the Judiciary.

By Mrs. SULLIVAN:

H.J. Res. 332. Joint resolution to authorize the President to proclaim the fourth Sunday in November in each year as "John Fitzgerald Kennedy Day"; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.J. Res. 333. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. BINGHAM:

H. Con. Res. 145. Concurrent resolution proposing a multilateral treaty to bar all military installations from the seabed; to the Committee on Foreign Affairs.

By Mr. FASCELL (for himself, Mr. Brooks, Mr. Addabbo, Mr. Badillo, Mr. Barrett, Mr. Bennett, Mr. Boland, Mr. Brasco, Mr. Clark, Mr. Derwinski, Mr. Donohue, Mr. Dulski, Mr. Duncan, Mr. Edwards of California, Mr. Eilberg, Mr. Findley, Mr. William D. Ford, Mr. Fuqua, Mr. Gallagher, Mr. Haley, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hechler of West Virginia, and Mr. Lennon):

H. Con. Res. 146. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

By Mr. FASCELL (for himself, Mr. Mailliard, Mr. Matsunaga, Mr. Mazzoli, Mr. Mann, Mr. McClory, Mr. McFall, Mr. Mikva, Mr. Moorhead, Mr. Morse, Mr. Murphy of Illinois, Mr. Nedzi, Mr. O'Hara, Mr. Pepper, Mr. Pirnie, Mr. Rees, Mr. Reid of New York, Mr. Rodino, Mr. Roncalio, Mr. Rosenthal, Mr. Roybal, Mr. Sikes, Mr. Rhodes, Mr. Thompson of New Jersey, Mr. Waldie):

H. Con. Res. 147. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

By Mr. FASCELL (for himself, Mr. Yatron, Mr. Gibbons, and Mr. Yates):

H. Con. Res. 148. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

By Mr. GARMATZ (for himself, Mr. Byron, Mr. Sarbanes, Mr. Mitchell, Mr. Dickinson, Mr. Nichols, Mr. Begich, Mr. Steele, Mrs. Grasso, Mr. Gubser, Mr. Haley, Mr. Metcalfe, Mr. Mikva, Mr. Murphy of Illinois, Mr. Kluczynski, Mr. Collins of Illinois, Mr. Annunzio, Mr. Rostenkowski, Mr. Pucinski, Mr. Gray, Mr. Price of Illinois, Mr. Bray, Mr. Winn, Mr. Giaimo, and Mr. Madden):

H. Con. Res. 149. Concurrent resolution expressing the sense of Congress in opposition to the closing of Public Health Service hospitals and clinics; to the Committee on Interstate and Foreign Commerce

By Mr. BOGGS (for himself, Mr. Hébert, Mr. Caffery, Mr. Waggonner, Mr. Rarick, Mr. Edwards of Louisiana, Mr. Long of Louisiana, Mr. Stubblefield, Mr. Mazzoli, Mr. Perkins, Mr. Steed, Mrs. Green of Oregon, Mr. Nix, Mr. Byrne of Pennsylvania, Mr. Barrett, Mr. Eilberg, Mr. Rooney of Pennsylvania, Mr. Dent, Mr. Vigorito, Mr. Clark, Mr. Morgan, Mr. Kyros, Mr. Hathaway, Mr. Bennett, and Mr. McMillan):

H. Con. Res. 150. Concurrent resolution expressing the sense of Congress in opposition to the closing of Public Health Service hospitals and clinics; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEILL (for himself, Mr. Drinan, Mr. Donohue, Mr. Harrington, Mr. Macdonald of Massachusetts, Mrs. Hicks of Massachusetts, Mr. Burke of Massachusetts, Mr. Keith, Mr. Sandman, Mr. Roe, Mr. Gallagher, Mr. Davis of Georgia, Mr. Dulski, Mr. St Germain, Mr. Tiernan, Mrs. Sullivan, Mr. Randall, Mr. Hungate, and Mr. Minish):

H. Con. Res. 151. Concurrent resolution expressing the sense of Congress in opposition to the closing of Public Health Service hospitals and clinics; to the Committee on Interstate and Foreign Commerce.

By Mr. DOWNING (for himself, Mr. Whitehurst, Mr. Abbitt, Mr. Daniel of Virginia, Mr. Robinson of Virginia, Mr. Evins of Tennessee, Mr. Fulton of Tennessee, Mr. Blanton, Mr. Dorn, Mr. Mann, Mr. Jones of North Carolina, Mr. Fountain, Mr. Henderson, Mr. Lennon, Mr. Galifianakis, Mr. Edwards of Alabama, Mr. Jones of Alabama, Mr. Udall, Mr. Sikes, Mr. Gibbons, Mr. Rogers, Mr. Pepper, Mr. Fascell, Mr. Hagan, and Mr. Gettys):

H. Con. Res. 152. Concurrent resolution expressing the sense of Congress in opposition to the closing of Public Health Service hospitals and clinics; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mr. Celler, Mr. Pike, Mr. Wolff, Mr. Halpern, Mr. Addabbo, Mr. Rosenthal, Mr. Delaney, Mr. Brasco, Mrs. Chisholm, Mr. Podell, Mr. Carey of New York, Mr. Rangel, Mr. Ryan, Mr. Badillo, Mr. Bingham, Mr. Biaggi, Mr. Stratton, Mr. Hanley, Mr. Howard, Mr. Thompson of New Jersey, Mr. Helstoski, Mr. Rodino, Mr. Daniels of New Jersey, and Mr. Scheuer):

H. Con. Res. 153. Concurrent resolution expressing the sense of Congress in opposition to the closing of Public Health Service hospitals and clinics; to the Committee on Interstate and Foreign Commerce.

By Mr. BROOKS (for himself, Mr. Patman, Mr. Cabell, Mr. Teague of Texas, Mr. Eckhardt, Mr. Wright, Mr. Purcell, Mr. Young of Texas, Mr. de la Garza, Mr. White, Mr. Burleson of Texas, Mr. Gonzalez, Mr. Casey of Texas, Mr. Kazen, Mr. Broyhill of Virginia, Mr. Biester, Mr. Moorhead, Mr. Gaydos, Mr. Preyer of North Carolina, Mr. Broomfield, and Mr. Roberts):

H. Con. Res. 154. Concurrent resolution expressing the sense of the Congress in opposition to the closing of Public Health Service hospitals and clinics; to the Committee on Interstate and Foreign Commerce.

By Mr. PELLY (for himself, Mrs. Hansen of Washington, Mr. Hicks of Washington, Mr. Adams, Mr. Wyatt, Mr. James V. Stanton, Mr. Stokes, Mr. Vanik, Mr. Diggs, Mr. Nedzi, Mr. William D. Ford, Mr. Dingell, Mrs. Griffiths, Mr. McDonald of Michigan, Mr. Karth, Mr. Fraser, Mr. Monagan, and Mr. Fulton of Pennsylvania):

H. Con. Res. 155. Concurrent resolution expressing the sense of Congress in opposition to the closing of Public Health Service hospitals and clinics; to the Committee on Interstate and Foreign Commerce.

By Mr. MAILLIARD (for himself, Mr. Don H. Clausen, Mr. Johnson of California, Mr. Moss, Mr. Leggett, Mr. Burton, Mr. Dellums, Mr. Miller of California, Mr. Edwards of California, Mr. Waldie, Mr. McFall, Mr. Anderson of California, Mr. Holifield, Mr. Hawkins, Mr. Corman, Mr. Rees, Mr. Roybal, Mr. Charles H. Wilson, Mr. Van Deerlin, Mrs. Mink, Mr. Culver, Mr. Steiger of Wisconsin, and Mr. Roncalio):

H. Con. Res. 156. Concurrent resolution expressing the sense of Congress in opposition to the closing of Public Health Service hospitals and clinics; to the Committee on Interstate and Foreign Commerce.

By Mr. MOLLOHAN:

H. Con. Res. 157. Concurrent resolution to provide $100,000,000 annually for cancer research; to the Committee on Interstate and Foreign Commerce.

By Mr. DELLENBACK (for himself, Mr. Wyatt, Mr. Steele, and Mr. Ullman):

H. Res. 220. Resolution directing the Committee on Post Office and Civil Service to study revisions in the apportionment formula needed to accurately reflect population growth and changing patterns of population; to the Committee on Rules.

By Mr. GALLAGHER (for himself and Mr. Rosenthal):

H. Res. 221. Resolution establishing the Select Committee on Privacy, Human Values, and Democratic Institutions; to the Committee on Rules.

By Mr. HASTINGS (for himself, Mr. Anderson of Illinois, Mr. Begich, Mr. Bevill, Mr. Bingham, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Daniel of Virginia, Mr. Drinan, Mr. Duncan, Mr. Eilberg, Mr. Flowers, Mr. Frey, Mr. Fulton of Pennsylvania, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hathaway, Mrs. Hicks of Massachusetts, Mr. Hogan, Mr. Horton, Mr. Johnson of California, Mr. Kemp, Mr. McClory, and Mr. Mathis of Georgia):

H. Res. 222. Resolution to provide for free Federal telecommunications system service to patients in veterans' hospitals; to the Committee on Veterans' Affairs.

By Mr. HASTINGS (for himself, Mr. Minish, Mr. Pepper, Mr. Pryor of Arkansas, Mr. Pucinski, Mr. Quie, Mr. Riegle, Mr. Sandman, Mr. Scheuer, Mr. Sebelius, Mr. Sisk, Mr. Terry, Mr. Tiernan, Mr. Bob Wilson, Mr. Wolff, Mr. Wyman, Mr. Yatron, and Mr. Link):

H. Res. 223. Resolution to provide free Federal telecommunications system service to patients in veterans' hospitals; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Pennsylvania:

H. Res. 224. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. MILLS (for himself and Mr. Byrnes of Wisconsin):

H. Res. 225. Resolution to provide funds for the expenses of the investigations and studies by the Committee on Ways and Means; to the Committee on House Administration.

By Mr. PATMAN:

H. Res. 226. Resolution to provide funds for the expenses of the studies, investigations, and inquiries authorized by House Resolution 114; to the Committee on House Administration.

By Mr. SCHWENGEL:

H. Res. 227. Resolution providing for the copying and distribution by the U.S. Capitol Historical Society of the film of the ceremonies and reenactment of the 100th anniversary of the Second Inauguration of President Abraham Lincoln; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 4278. A bill for the relief of Hom Wai Hong; to the Committee on the Judiciary.

H.R. 4279. A bill for the relief of Emanuel Stavrakis; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 4280. A bill for the relief of Giovanni Buonincontro and family; to the Committee on the Judiciary.

H.R. 4281. A bill for the relief of Giuseppe and Angiolina Grifoni Ciprietti; to the Committee on the Judiciary.

H.R. 4282. A bill for the relief of Emilio Garcio-Sumayod; to the Committee on the Judiciary.

H.R. 4283. A bill for the relief of Marianna Marino; to the Committee on the Judiciary.

H.R. 4284. A bill for the relief of Maria Martinangelo; to the Committee on the Judiciary.

H.R. 4285. A bill for the relief of Antonio and Concetta Mattaliano; to the Committee on the Judiciary.

H.R. 4286. A bill for the relief of Nunzia Platinia to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 4287. A bill for the relief of Angel Aguilus and his wife, Lydia Solomon Aguilus; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 4288. A bill for the relief of Giuseppe Lo Duca; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 4289. A bill for the relief of Robert A. Pickering to the Committee on the Judiciary.

By Mr. CHAPPELL:

H.R. 4290. A bill for the relief of Ramesh Lilaram Daswani; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 4291. A bill for the relief of Girolamo Asaro, Francesca Asaro, and Maria Antonina Asaro to the Committee on the Judiciary.

H.R. 4292. A bill for the relief of Margarita Badolamenti; to the Committee on the Judiciary.

H.R. 4293. A bill for the relief of Salvatore Fontana; to the Committee on the Judiciary.

H.R. 4294. A bill for the relief of Giovanni Rugeri; to the Committee on the Judiciary.

H.R. 4295. A bill for the relief of Calvin Williams; to the Committee on the Judiciary.

By Mrs. GRIFFITHS:

H.R. 4296. A bill for the relief of Barbara Sears Carroll (nee Barbara Sears); to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusettts:

H.R. 4297. A bill for the relief of Maria E. Egea; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 4298. A bill for the relief of Mr. Elias Adib Elias, and his wife, Ruth S. Elias; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 4299. A bill for the relief of Antonio Ciancio; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 4300. A bill to provide for the free entry of one electron spin resonance spectrometer for the use of the University of Rochester, Rochester, N.Y.; to the Committee on Ways and Means.

By Mr. KEITH:

H.R. 4301. A bill for the relief of Jose Antonio; to the Committee on the Judiciary.

H.R. 4302. A bill for the relief of Andria Davies; to the Committee on the Judiciary.

H.R. 4303. A bill for the relief of the estate of Patrick H. Harrington, deceased; to the Committee on the Judiciary.

H.R. 4304. A bill for the relief of Thomas C. Johnson; to the Committee on the Judiciary.

H.R. 4305. A bill for the relief of Raymond P. Murphy; to the Committee on the Judiciary.

H.R. 4306. A bill for the relief of Florinda Soares Rebelo; to the Committee on the Judiciary.

H.R. 4307. A bill for the relief of Alexandrinha de Mederios Sipriano; to the Committee on the Judiciary.

By Mr. McKINNEY:

H.R. 4308. A bill for the relief of William J. Walsh; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 4309. A bill for the relief of Miss Leticia Criman; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 4310. A bill for the relief of Charles Colbath; to the Committee on the Judiciary.

H.R. 4311. A bill for the relief of Santo Sapienza; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 4312. A bill for the relief of Theodore J. Malowicki; to the Committee on the Judiciary.

By Mr. RIEGLE:

H.R. 4313. A bill for the relief of Ida Kunstmann, Waldemar F. Kunstmann, and Anneliese E. Kunstmann; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 4314. A bill for the relief of Guiseppa Grasso; to the Committee on the Judiciary.

H.R. 4315. A bill for the relief of Maria Scire; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 4316. A bill for the relief of Timothy L. Ancrum (also known as Timmie Rogers); to the Committee on the Judiciary.

H.R. 4317. A bill for the relief of Peter Goldson, his wife, Merva Hedy Goldson, and child, Brian Goldson; to the Committee on the Judiciary.

H.R. 4318. A bill for the relief of Mary Lou Joseph; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 4319. A bill for the relief of Josephine Dumpit; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.R. 4320. A bill for the relief of Lydia Bernardez; to the Committee on the Judiciary.

H.R. 4321. A bill for the relief of Jane V. R. Bryant; to the Committee on the Judiciary.

H.R. 4322. A bill for the relief of Antonino Greco; to the Committee on the Judiciary.

H.R. 4323. A bill for the relief of Josephine P. Hynes; to the Committee on the Judiciary.

H.R. 4324. A bill for the relief of Victoria Louise Soberanis; to the Committee on the Judiciary.

H.R. 4325. A bill for the relief of Arpi L. Vartian; to the Committee on the Judiciary.

H.R. 4326. A bill for the relief of Christoline A. Ysaguirre; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 4327. A bill for the relief of Robert L. Stevenson; to the Committee on the Judiciary.

By Mr. PEPPER:

H. Con. Res. 158. Concurrent resolution expressing the sense of Congress in respect to the act of Mary Perkins; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

13. By the SPEAKER: Memorial from a special aide to the Governor of the Commonwealth of Puerto Rico; relative to an amendment to the constitution of the Commonwealth granting the right to vote to all persons over 18 years of age; to the Committee on Interior and Insular Affairs.

14. Also, a memorial of the Legislature of the State of New York, relative to Federal-State revenue sharing; to the Committee on Ways and Means.

15. Also, a memorial of the House of Representatives of the State of Washington, relative to the restoration of funds for the Hanford diversification project in Washington; to the Joint Committee on Atomic Energy.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

24. By the SPEAKER: Petition of the Common Council, Buffalo, N.Y., relative to declaring January 15 a national holiday in honor of Dr. Martin Luther King, Jr.; to the Committee on the Judiciary.

25. Also, petition of Orville L. Cain, Grass Valley, Calif., relative to redress of grievances; to the Committee on the Judiciary.

26. Also, petition of Milton Mayer, Newark, N.J., relative to redress of grievances; to the Committee on the Judiciary.

27. Also, petition of the Council of the City of New York, N.Y., relative to income tax deductions for child care; to the Committee on Ways and Means.

SENATE—*Wednesday, February 10, 1971*

(Legislative day of Tuesday, January 26, 1971)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of grace and God of glory, we pray for all those to whom Thou hast committed the Government of this Nation. Grant to them at this time special gifts of understanding and wisdom, of counsel and strength, that being devoted to what is right and just, they may devise such legislation as will be for the welfare of this Nation and the peace of the world.

O Thou protector of the traveler, we thank Thee for the safe return of voyagers in space and for the advancement in scientific knowledge accomplished by their mission.

O Lord whose tender care is over all Thy people, come graciously near to all who suffer from the shaking of the earth. Comfort the bereaved. Heal the injured. Be with all who minister to the needs of the afflicted. And draw all of us together in the spirit of compassion and in the fellowship of prayer for the betterment of our common life.

We pray in the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, February 9, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session, to consider nominations on the Executive Calendar, beginning with the Environmental Protection Agency.

There being no objection, the Senate proceeded to consider executive business.

The PRESIDENT pro tempore. The clerk will state the first nomination on the Executive Calendar.

The legislative clerk proceeded to read sundry nominations in the Environmental Protection Agency.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the following nominations:

George Bush, of Texas, to be the representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the representative of the United States of America in the Security Council of the United Nations.

Kenneth Franzheim II, of Texas, now Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, to serve concurrently and without additional compensation as indicated, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Western Samoa.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. COOPER. Mr. President, I am very happy that the Senate has voted to confirm Mr. George Bush as U.S. Ambassador to the United Nations, and representative on the Security Council of the United Nations. President Nixon's choice of George Bush to represent this country at the United Nations was made with knowledge of the crucial issues that are under consideration at the United Nations. The need for intelligent, energetic, and thoughtful presentation of U.S. interests in the United Nations caused the President to choose a man of demonstrated ability like George Bush.

I am confident that George Bush will fulfill the President's trust in him and the confidence that the Senate has shown in its confirmation of the President's nomination.

Many of us here remember George Bush's father, former Senator from Connecticut, Prescott Bush. Many of the qualities that we valued so highly in the Senate in Senator Bush's long service are already evident in the public service rendered by his son. On both sides, from father and mother he inherits strength and a tradition of public service.

Ambassador Bush faces very difficult problems at the United Nations. On his shoulders have been placed the Middle East problem and such vital issues as control of the arms race and the peaceful use of the resources of the sea. Ambassador Bush will also be faced with ways in which the United Nations can be adequately financed and can be strengthened by the development of a permanent peacekeeping force and necessary improvements in the procedures of both the Security Council and the General Assembly. I am confident that Ambassador Bush will make every effort to make these needed changes a practical reality.

I know that Ambassador Bush will bring credit to the United States as he assumes his very important duties in New York.

SMALL BUSINESS ADMINISTRATION

The legislative clerk read the nomination of Thomas S. Kleppe, of North Dakota, to be Administrator of the Small Business Administration.

The PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The PRESIDENT pro tempore. Without objection, the President will be so notified.

UNANIMOUS-CONSENT AGREEMENT TO VOTE ON CERTAIN TREATIES AND CONVENTIONS

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished minority leader, he is aware of the fact that at 1 o'clock today the Senate will vote on Executive K, 91st Congress, second session. That will be a yea-and-nay vote.

On yesterday there was reported unanimously by the Committee on Foreign Relations a convention with Nicaragua terminating the Bryan-Chamorro Treaty; and also an extradition treaty with Spain, which was reported unanimously. To the best of my knowledge, there is no conflict or opposition to them, and I was wondering, in view of the fact that the Senate will have a yea-and-nay vote on Executive K at 1 o'clock, if it would meet with the approval of the distinguished minority leader if, at that same time, and in consecutive order, we have rollcall votes on the convention with Nicaragua and the extradition treaty with Spain.

Mr. SCOTT. Mr. President, I have consulted with the Senator from Vermont (Mr. Aiken), the ranking minority member of the Foreign Relations Committee. He tells me he knows of no objection, and I have none.

I understand these will be three consecutive votes, however, rather than a single vote. Is that correct?

Mr. MANSFIELD. That is correct. If there were the least opposition to these treaties, I would not propose their consideration at this time, but I thought, as long as there is going to be a vote on one treaty we might as well have votes on the others.

Mr. SCOTT. I understand that under the treaty we might have built a canal across Nicaragua.

Mr. MANSFIELD. That is correct. This obviates that possibility. The extradition treaty with Spain is the usual extradition treaty, as I understand, also taking into consideration some other factors, such as covering drugs, and so forth, which I think is worth while.

The PRESIDENT pro tempore. Does the majority leader anticipate any speeches on it?

Mr. MANSFIELD. No, Mr. President. The chairman of the committee, the Senator from Arkansas (Mr. Fulbright), or some other member of the committee will make the explanations. I shall call them up immediately after the vote on Executive K.

If necessary, I can give the three explanations. Mr. President, may I make this request? I ask unanimous consent that when the one vote is taken, it be considered as three separate rollcall votes and so set out in the Record.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

S. 691 AND S. 692—INTRODUCTION OF BILLS FOR THE RELIEF OF MRS. VASSILIKI SPANOS AND FERDL FETTIG

Mr. MANSFIELD. Mr. President, at the request of the distinguished Senator from Wyoming (Mr. McGee), I introduce, on his behalf, two bills and ask that they be appropriately referred.

The PRESIDENT pro tempore. The bills will be received and appropriately referred.

The bills (S. 691) for the relief of Mrs. Vassiliki Spanos; and (S. 692) for the relief of Ferdl Fettig, introduced by Mr. Mansfield (for Mr. McGee) were received, read twice by their titles and referred to the Committee on the Judiciary.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order entered by the Senate, the Senator from Arizona (Mr. Fannin) is recognized for 15 minutes.

S. 693—INTRODUCTION OF A BILL PROVIDING FOR A WHITE HOUSE CONFERENCE ON INDIAN AFFAIRS

Mr. FANNIN. Mr. President, today I introduce a bill providing for a White House Conference on Indian Affairs.

The Bureau of Indian Affairs estimates there are 668,000 persons classified as Indians living in the United States. It is expected the total may be considerably higher than this estimate when 1970 census figures are completely tabulated.

Of the estimated total, about 450,000 are living on or near reservations.

Those of us who live in the West are especially concerned about the well-being and the future of Indians. They make up a substantial part of our population.

Arizona has the largest Indian population, estimated at 105,900 in 1968. We have 15 Indian reservations, including the vast Navajo, Papago, and Apache Reservations.

The Navajo Reservation alone spreads over nearly 24,000 square miles. About one out of five Indians in our Nation is a Navajo.

In Arizona, most Indian tribes are living in the homeland of their ancient ancestors. Hopis, Pimas, Papagos, and Yuman Indians all descend from peoples who occupied what is now Arizona at least 10,000 years ago. Ancestors of the current Navajos and Apaches showed up in Arizona about 1,000 years ago.

Not only in Arizona, but across our Nation, we feel a special obligation to the Indians because their roots are so deep in the land that we now call America. They were the first Americans.

Mr. President, the decade of the seventies, is a very significant one for our Indian tribes. This is a decade of transition. It is a very appropriate time for an objective study of the problems facing the Indians.

This bill calls for the White House Conference on Indian Affairs to be held before next September. Spokesmen for Indians, Eskimos, and Aleuts would play a prominent role, along with other experts on Indian problems.

These native Americans, especially those still on reservations, face problems that are unique. Their problems are different from those of other minorities in our Nation.

Government policy for many, many years was one of paternalism. Now there is a trend in the opposite direction.

A White House conference would focus national attention on the problems of the Indians.

It would provide a forum to discuss such issues as how to bring Indians into the mainstream of American life without destroying their proud heritage. It could explore the frequent division within Indian tribes of the traditionalists on one side and the progressives on the other.

This conference hopefully would result in some unity or consensus of purpose among the Indians themselves. We should be able to compile valuable material to help in charting the Government role in the future of Indian health, education, employment, economic development, and migration to the cities.

Mr. President, after almost two centuries as a Nation, it is time for such a top-level conference on the problems of our Indian citizens.

I send the bill to the desk and ask that it be appropriately referred.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 693) to provide for a White House Conference on Indian Affairs, introduced by Mr. Fannin (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 694—INTRODUCTION OF A BILL TO CURB THE INTERNATIONAL TRAFFIC IN ILLEGAL DRUGS

Mr. FANNIN. Mr. President, I also introduce a bill which provides for a vigorous program to stop the worldwide traffic in illegal drugs.

Last Friday the International Narcotics Control Board in Geneva released its annual report which carried an alarming estimate on the scope of the international narcotics traffic.

The Board said that last year about 1,200 tons of opium were produced and sold through the world's illicit channels. This was an amount about equal to the legal production authorized by the Control Board for legitimate medical use.

It is impossible to say, of course, exactly how much of this opium eventually came into the United States after being refined into heroin.

We know that heroin addiction means a person must have $40 to $80 per day to support the habit. This almost inevitably leads to a life of crime.

Drug addiction is a main element in the deterioration of our cities. And it also has reached even our smaller communities which were once sanctuaries from such horrors.

We know that an appallingly large amount of illegal narcotics comes across our borders.

In Arizona alone, State agents confiscated narcotics in 1970 conservatively estimated at worth more than $12 million on the illicit market. This included 5 pounds of heroin, 17 grams of opium, 9,231 pounds of marihuana, 12 ounces of hashish, 19 ounces of cocaine, 30 ounces of amphetamine, enough LSD for 35,000 tablets, and 18,000 capsules of other dangerous drugs. That was in Arizona alone.

Mr. President, in the last several years, we have all become acutely aware of the growing menace of drug abuse. Our response has not been as rapid nor as vigorous as it should have been. We have, however, started to mobilize to fight the terrible threat to our youth, and indeed, our entire Nation.

The Nixon administration, Congress, law enforcement officers across our Nation, and local citizens have been moving to solve the problems of drug abuse.

In Arizona we have just received a $324,552 grant from the National Institutes of Health for the Community Organization on Drug Abuse Control. This Maricopa County program is highly respected and may well serve as a model for other communities that are planning all-out attacks on the narcotics problem.

I might add that an additional sum of approximately $250,000 was raised in 1970 by contributions from private individuals, to be added to the amount appropriated for the project, which involves parents, teachers, police, and young people in a broad program to cut down on drug use and to help those who are addicted or on the road to addiction.

In Tucson, another program known as Awareness House is making a similar effort.

I feel that the people of Arizona are making a commendable effort to understand to deal with the problems of drug abuse.

Congress last year passed new legislation which should be effective in fighting drug abuse within the United States.

The Government has increased the number of agents monitoring our ports of entry to stop narcotics smuggling.

These are all very good signs.

We have taken action to deal with the problem at home, but we will never stamp out the blight of drug abuse without the strong cooperation of other nations where narcotics are grown and manufactured.

We must step up the international fight against illicit narcotics. We must prevent these narcotics from reaching our borders, and the best way is to nip them at the source.

President Nixon realizes this; he called attention to the fact more than 18 months ago. On July 14, 1969, the President declared that the elimination of trafficking in illegal narcotics is a matter of national policy.

The administration has made a fine start in implementing the policy by working closely with the Government of Mexico to help stamp out the flow of illegal drugs from the south.

The administration also has attempted to use diplomatic leverage to get similar cooperation from other nations. There has been a certain amount of success in this bilateral approach.

In Turkey, for example, the number of provinces where opium production is legal has been reduced from 21 to seven. Still, Turkey is a major source of illegal opium that eventually reaches our shores as heroin.

The administration has made progress, but there still is a long way to go.

My bill would tell the President and the world that the Congress stands squarely behind the administration's determination to wipe out the sources of illegal narcotics wherever they may be. It would give him the tools to carry out the job.

The President is directed to support effective multilateral programs aimed at stopping the illegal growing and production. Such action would be taken through international organizations, including the United Nations.

This bill pledges that not less than 10 percent of the U.S. fiscal 1971 appropriations for voluntary contributions to the United Nations development program be spent to establish a multilateral fund to be used to support activities designed to bring an end to the illegal international traffic in narcotics. It directs the President to support the strengthening of those powers presently give to the United Nations concerning narcotics, to include investigation and publication of information relating to illegal production and traffic in narcotics, and a further convention concerning production and traffic in synthetic drugs, the so-called psychotropics.

Finally, the bill directs the President to withhold U.S. assistance to nations which refuse to cooperate with the U.N. programs or with the United States aimed in the suppressing of illegal narcotic traffic.

This bill in no way ties the hands of the President. The Government can still carry on its efforts through bilateral agreements to stop illegal narcotics production in other nations, such as has been attempted with Turkey.

The bill is in keeping with recommendations of the International Narcotics Control Board. Mr. President, I ask unanimous consent to have printed in the Record a Los Angeles Times Service article regarding the report of the Board, as published in the Washington Post of February 6, 1971.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 6, 1971]

Global Effort To Cut Drug Traffic

(By Don Cook)

Paris.—The International Narcotics Control Board, in its annual report released today at its Geneva headquarters, called for the creation of a special United Nations fund to finance a global program to reduce illicit opium production and check international drug traffic.

"The gravity of the situation has deepened during the year," the report said.

"The board remains convinced that a global approach is essential for the ultimate elimination of illicit and uncontrolled production of narcotics raw material. The very fact that the difficulties are so formidable and so deep-seated makes it all the more necessary to embark as soon as possible on an overall plan and prosecute it with vigor and determination."

The board estimated that approximately 1,200 tons of illicit opium flooded the world in the past year—which was almost exactly equal to the legalized or authorized production fixed by the control board for necessary world-wide medical use. After a country-by-country review of the drug-growing trouble-spots, the control board concluded somewhat pessimistically:

"Where production is under government control, the closing of loopholes is mainly a matter of improving administrative efficiency and success should be achievable within a relatively short time.

"Where it exists in defiance of government edict or by reasons of fundamental economic handicaps, it would be unrealistic to look for progress except over many years and as a result of united effort comprehensively planned and adequately equipped."

Here, in alphabetical order, are the highlights of the reports on what the control board diplomatically calls its "special cases":

Afghanistan: Production forbidden but the ban is not enforced. There seems to be an abundant supply of both opium and of cannabis. Smuggling a matter of deep concern to countries farther afield. Remedies will not be easy. Underlying social and economic factors now existing in Afghanistan present formidable difficulties and the government will need substantial external aid if it is to be enabled to bring the situation under control.

Burma: Fairly extensive illicit traffic, particularly east of the Salween River converging on the borders of Laos and Thailand. This area is at present virtually beyond the control of the government, and suppression of traffic further hampered by the fact that opium has been the sole cash crop of the inhabitants for nearly two centuries. The government hopes that some reduction may result from regional development programs. Control board trusts that the Burmese government will see its way to invite participation by a United Nations study group.

Iran: Stern punishment has been meted out to convicted traffickers, but concern over the situation is now deepened by reports that authorized poppy cultivation is to be markedly increased in 1971 to about 30,000 acres (12,000 hectares) which is double the area cultivated in 1970. So great an increase will obviously make control more difficult and will intensify the risk of further abusive consumption of opium within Iran and leakage into illicit traffic.

Laos: Legislative authorities are reported to be actively considering a draft law to prohibit poppy cultivation. Another useful step would be to ratify the 1961 International Narcotics Control Convention. Both should begin to be applied as soon as possible.

Lebanon: Government pressing on with green plan for replacing cannabis, reports that 4,500 hectares have been converted to sunflower, but recent illicit seizures illustrate measures so far fall materially short of what is needed. Renewed strength and vigilance needed to repair evident breaches in controls system.

Nepal: Board has long sought to establish links with the government of Nepal which is not a party to the 1961 convention. Both cannabis and opium finding its way into illicit channels, which is particularly embarrassing to India, which has one of the best control systems of any producing country.

Thailand: Considerable local uncontrolled production of opium, but also attracts additional supplies from Burma and Laos. Much converted into morphine and heroin which is mainly for local consumption but flows into international illicit channels. Assistance of United Nations has been enlisted in devising and applying remedial measures to diversify agricultural economy and raise low living standards. But already there are signs that international illicit traffickers are turning their attention to Southeast Asia as their accustomed sources of supply in the Mediterranean and the Near East begin to be narrowed.

Turkey: Provinces where production authorized has been reduced from 25 to 7. A certain improvement in efficiency of control, but utmost vigilance needed to consolidate the improvement so far. Draft law now before parliament whereby individual cultivators will be licensed.

The report also discusses problems of cocoa-leaf production from which crude cocaine is obtained in the South American countries of Bolivia, Peru, Ecuador and Costa Rica.

Mr. FANNIN. Mr. President, another good article on the narcotics problem in Arizona and the Nation was written by Ben Cole of the Arizona Republic and was published in that newspaper November 29, 1970. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Mexico Marijuana Saturates the United States

(By Ben Cole)

Washington.—Most of the marijuana and about 15 per cent of the heroin smuggled into the United States comes from Mexico, a lot of it across the Arizona border.

Federal narcotics officials here said the smuggling of hard drugs across the Arizona-Mexican border is a serious problem even though it represents only a small amount of the heroin traffic.

Conversations with the men who run the nation's drug enforcement program also revealed these facts about dope traffic in the United States:

Europe still produces the greatest quantity of illicit heroin coming into the United States;

The big drug rings are still centered on the East Coast with Mafia-type organization in command;

Cuban and Colombian smugglers are moving into the drug racket, being more and more prominent in cocaine and marijuana operations;

Contrary to popular concept, the Mexican government has made a remarkable record fighting illegal narcotics producers and smugglers and its officers have often surrendered their lives in open combat with the racketeers;

Federal narcotics agents today face more danger by far than their predecessors, and

Foreign governments that cooperate with the United States to fight the drug rings often find they can't get reciprocal help in extraditing criminals from the United States.

Here are some of the particulars:

The nation's battle against the dope racketeers and narcotics pushers is run from a gleaming white building at 14th and I streets in northwest Washington.

Ray Enright, chief of operations for the Bureau of Narcotics and Dangerous Drugs, emphasizes that drug rings operating in the Southwest can't be written off as unimportant despite the fact that they account for a relatively small share of the overall traffic. They are organized, Enright said, and dangerous to the public, but he finds the flow of narcotics across the Mexican border small when compared to the whole picture.

The traffic in marijuana, of course, is another matter because most of the controversial weed brought into the United States comes from Mexico. The magnitude of the marijuana traffic is reflected in Customs Bureau figures showing fiscal 1969 seizures numbered 2,673 and amounted to 47,164 pounds; but the fiscal 1970 figures were 4,113 seizures and 103,304 pounds.

Seizures of course, represent only a small portion of the total marijuana traffic.

Mexico became a source of heroin during World War II when the drug rings' sources in Europe were isolated by lack of shipping and because of military operations.

Contraband poppy fields sprang up on the slopes of Mexican mountains, and underground laboratories went into operation. But with the end of the war, the Mafia resumed the European traffic. Poppies grown in Turkey supplied opium or morphine to illicit laboratories in Corsica.

But the Mexican laboratories still provide 15 per cent of the heroin coming into the United States.

"It is imported by organized rings—maybe not as tightly organized as the 'five families' (Mafia), but certainly not fly-by-night, either," Enright said.

Mexico's effort to stop this illegal traffic was described as "heroic" by George H. Gaffney, special assistant to Chief John Ingersoll of the Bureau of Narcotics and Dangerous Drugs. Gaffney, an outspoken lawman who is about to retire, said he gets fed up with people who downgrade Mexican police authorities.

"They have done a wonderful job," Gaffney said. "And, remember, we're victims in this drug business; they're helping us."

Gaffney, who has worked with Mexican authorities, said the Mexican government has made good use of American-supplied airplanes to spot poppy fields.

"They have lost a lot of men who were murdered in this effort," Gaffney said. He added that even Mexican army personnel have been killed fighting the drug racketeers.

The heroin made in Mexico that trickles across the border goes principally to San Francisco and may move east from there, Enright said. He pointed to Chicago and Detroit as the places where the movement of drugs east and west mix.

But the drug traffic is so complicated that drugs entering the United States from Europe often are flown to California then carried eastward. Some heroin moves up the California coast from Mexico to Vancouver, Canada, which has the highest addict ratio on the continent.

Opium and heroin from China arrives in Vancouver, but evidently in smaller amounts.

Although Mexico figures prominently in the marijuana traffic and in a lesser way in heroin and cocaine, there are some interesting aspects of the cross-border illicit commerce.

For instance, California is the source of most of the barbiturates and amphetamines in the illegal market. They start out from legitimate drug sources, are sent into Mexico for reimportation as contraband.

Some heroin from Europe moves through Mexico, most of it via airplane through Mexico City. Mexico thus becomes an alternate route for the Mafia-directed drug flow if East Coast points such as New York, Philadelphia, Montreal and Miami become too hot.

Most dope, even that from Mexico, travels by air.

The Customs Bureau, however, made its biggest haul of heroin when it found an automobile aboard a French liner with 200 pounds of heroin concealed in it.

Although heroin and marijuana are the big items in the drug battle, the so-called dangerous drugs—the barbiturates and amphetamines—are figuring bigger all the time. In 1969, the Customs Bureau seized 639 shipments of these totaling 4,763,361 units of 5 grains each. By 1970 the seizures numbered 1,081 and the number of 5-grain doses 12,171,023.

The battle against the dope peddlers is becoming more dangerous according to Gaffney.

Mr. FANNIN. Mr. President, we must stop the flood of illegal narcotics if we are to have any real hope of controlling drug abuse. We cannot allow the temptation of easy access to drugs to lure our youth into narcotics bondage.

I send the bill to the desk, and ask that it be appropriately referred.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 694) to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and to provide for withholding of U.S. assistance to nations refusing to cooperate with such international organizations, or refusing to take appropriate steps to control illegal international traffic in narcotics, and for other purposes, introduced by Mr. FANNIN, was received, read twice by its title and referred to the Committee on Foreign Relations.

LITHUANIA'S INDEPENDENCE DAY

Mr. FANNIN. Mr. President, just a few weeks ago we took note of the 53d anniversary of the short-lived independence of the Ukraine. Next Tuesday marks the 53d anniversary of another captive nation subjugated by the Soviet Union.

February 16, 1918, was Independence Day for Lithuania. This small but proud nation on the Baltic Sea declared its independence at a time when the Communists in Russia were shouting their false slogans promising freedom and self-determination.

For the next two decades, the tiny nation of Lithuania made great strides forward.

Then, in 1940, the Soviet Union pounced upon not only Lithuania, but Latvia and Estonia. During their ruthless rule of these captive nations, it is estimated that the Soviet Union has deported or killed more than 25 percent of the Lithuanian population.

The lessons of the Ukraine, Lithuania, and, more recently, Czechoslovakia, should serve as a reminder to all of us that the Soviets have followed a consistently sinister plan for more than half a century. It should serve as a warning to those people and nations who think that the Communists will deal honorably or respect the integrity of any less powerful nation.

As for the people of Lithuania, we can pray that someday they will again enjoy the independence they declared 53 years ago.

NATIONAL FORESTS IN ARIZONA

Mr. FANNIN. Mr. President, Arizona is blessed to have so much natural beauty and so many natural resources. We also have a beautiful magazine, Arizona Highways.

In the January 1971 issue of the magazine there is an excellent article on the National Forests in Arizona.

This article describes the forests and the multiple use concept which provides the most benefit for the most people. These forests are especially important to us because they are on our watersheds, and water is the one thing that Arizonans prize above all else as far as resources is concerned.

But these forests also provide timber and recreation, two other important commodities.

I ask unanimous consent to have the Arizona Highways article printed in the RECORD so that I may share it with my colleagues in the Senate and House of Representatives.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATIONAL FORESTS IN ARIZONA

Winter or summer there are always opportunities for outdoor recreation within the varied climes of seven National Forests in Arizona—11 million acres of public land managed by the Forest Service, U.S. Department of Agriculture. But while most people—and there were 7.2 million visits in 1969—know the forests as mountain playgrounds, they serve other equally important purposes. More than half of the water used in Arizona homes, industry, and agriculture originates as rain and snow on the high mountains within the National Forests. Sixty percent of the sawtimber volume used by Arizona's wood products industries comes from the same lands and thousands of cattle, sheep, and big game animals harvest National Forest forage.

The National Forests live up to their billing as "Lands of Many Uses."

Come along on an armchair tour of these special public lands which were withdrawn from the public domain early in the century to ensure that the renewable resources would not be abused. Included were some desert lands in southern and central Arizona where management would minimize erosion and protect the quality of water flowing from the high country. The northernmost National Forests are the Coconino, 1.8 million acres, and the timber-rich Kaibab with 1.7 million acres. The Old West still lingers here in the land and the people. The Mogollon Rim, also known as the Tonto Rim, formed the backdrop for many of Zane Grey's western novels and much of Arizona's early history developed within view of the ageless, meandering cliffs that bound the Coconino on the south. The rocky rim marks the end of the high plateau and the beginning of the rolling hills that lead to the southern desert. Beautiful Oak Creek Canyon, a favorite of visitors to the Coconino and the setting for dozens of western movies, is a showcase of multi-colored rock formations which fall away from the Mogollon Rim south of Flagstaff and then blend into the famous red rock country as the canyon widens. Many of the red buttes have been carved by the elements into recognizable forms. There is Cathedral Rock, Bell Rock, and Capitol Butte. Hundreds of others must depend on the imagination for names. Oak Creek wanders along the canyon bottom wearing the red rock into eye-catching shapes. The clear, rushing creek is stocked with trout for the pleasure of the fisherman. For the anglers who disdain the too-popular stream, there are plenty of other places. The Coconino offers 191 miles of fishing streams and many lakes. Oak Creek Canyon boasts 11 camp and picnic sites with space for 260 families. During the summer months several times as many tables and fireplaces would be needed to meet the demand generated by the natural beauty of the red rock.

The vacationer needn't despair. Oak Creek Canyon is only one of many recreation spots on the Coconino. The Forest spreads in every direction from Flagstaff. It is part of the largest continuous stand of ponderosa pine in the West—300 miles of forest beginning in southwestern New Mexico.

Where the Coconino ends to the west, the Kaibab National Forest begins. The southern border of the Coconino marks the northern edges of the Prescott and Tonto National Forests and the Sitgreaves National Forest lies to the east. Rising abruptly just north of Flagstaff, where the elevation is almost 7,000 feet, are the San Francisco Peaks which enjoy the year-round popularity. The Arizona Snow Bowl ski area occupies part of 11,600-foot Agassiz Peak where the chairlift operates winter and summer. A favorite pastime for the adventurous is hiking from Agassiz, across a glacier-carved saddle, to the top of 12,680-foot Humphreys Peak. The view is breathtaking from any point. There is plenty of big game for both hunters and shutterbugs on every National Forest. Game animals are managed by the State which sets seasons and bag limits. Common to most National Forests in Arizona and New Mexico, the two states making up the Forest Service's Southwestern Region, are deer, elk, antelope, bear, and turkey. Mountain lions roam the area as well as many species of small game and birds.

Kaibab North makes up the greater part of the Grand Canyon National Game Preserve, where hunting is strictly controlled. It is world-renowned for the Kaibab deer herd from which several Boone and Crockett trophies have come. The rare and beautiful Kaibab Squirrel, with its plume-like white tail and tufted ears, makes its home only in this area. It is only one of a long list of rare or endangered species of wildlife found on the National Forests. Special care is taken to protect these animals, birds, and fish and the habitat on which they depend. In 1969, representatives of the Arizona Game and Fish Department, National Park Service, and the Forest Service met at Jacob Lake to launch a study of the squirrel and its total dependence on ponderosa pine groves. The meeting produced plans for continued measurements of squirrel populations and trends by sampling the numbers of pine branch tips clipped by feeding squirrels. Tiny radio transmitters have been attached to individual squirrels to study travel patterns. Experts from the Kaibab National Forest were charged with developing studies to learn how timber harvesting activity may affect the habitat of the squirrel and whether harvesting must be modified to permanently maintain a suitable home for the unique animal. Another effort to save an endangered species was completed in November, 1970 in the Gila National Forest just across the border in New Mexico. The Gila trout, a native on the verge of extinction, was given a new lease on life. Fisheries experts from the New Mexico Department of Game and Fish and the Forest Service trapped about 200 of the estimated 3,000–4,000 trout in Main Diamond Creek of the Black Range Primitive Area and moved them to McKnight Canyon, some 20 miles south and outside the Primitive Area. The move capped five years of research and planning which found that the trout, once common throughout the Gila River drainage, was making its last stand in a four-mile stretch of Diamond Creek where an outbreak of disease or pollution caused by a sizable forest fire could destroy all of them. The decline of the species is attributed in part to competition and hybridization with other species of trout introduced over many years. All fish were eliminated from McKnight Creek before the transplant and a barrier was constructed to prevent unwanted fish from returning. Other streams in the Gila National Forest are considered suitable for reintroduction of the Gila trout, and the results obtained in McKnight Creek will decide whether further transplants will be carried out.

Returning to northern Arizona and the Kaibab, another of its attractions is the beauty of magnificent timber stands, often compared with the rich forests of the northwestern states. On the Kaibab and throughout Arizona and New Mexico, the timber industry is a mainstay of the economy. Stockmen, who pay for permits allowing them to use National Forest forage, provide another economic base for nearby communities.

Overriding other resources is the watershed value of the high country. The same mountains that are such a pleasure to the vacationist do the important job of catching and holding vast amounts of snow and rain. This moisture finds its way to many farms and communities via streams and rivers and as underground water. To accommodate recreationists, the Forest Service has scattered camp and picnic grounds and other public facilities throughout the National Forests. Maps of each Forest are available free from the Regional Office in Albuquerque or from each Supervisor's office.

Other National Forests in Arizona are the Tonto, 2.8 million acres, headquartered in Phoenix; the Apache. 1.2 million acres, in Springerville; Prescott, 1.2 million acres, in Prescott; Sitgraves, 807,000 acres, in Holbrook; and the Coronado, 1.7 million acres, in Tucson. There are five more in New Mexico totaling 9 million acres. Within the Forests are ten Wildernesses encompassing 1.1 million acres and seven Primitive Areas—administered as Wilderness but not part of the Wilderness System until each is reviewed for suitability by Congress—with 594,000 acres. Each was set aside as a living museum, the land as it was before civilization moved west. No one enters except on foot or horseback and all mechanized equipment is forbidden. They are lands of yesterday where nature takes its course. Each life zone, from the desert to the alpine. is represented in at least one of the roadless areas, making a wilderness experience available at any time of year. Perhaps the most famous of the Wilderness is the Superstition of the Tonto National Forest in south-central Arizona. The desert mountain range is steeped in legend from the pioneer days and centuries earlier the awesome mountains were entwined in Indian folklore. Its winding trails and stark beauty are favorites of winter visitors to the Arizona desert country. The Tonto also has the Mazatzal and Sierra Ancha Wildernesses, while further south. the Chiricahua and the Galiuro lie within the Coronado National Forest. The Blue Range Primitive Area takes up 180,000 acres of the Apache, overlapping into New Mexico. The Prescott and Tonto share the Pine Mountain Primitive Area and Sycamore Canyon has parts within the Coconino, Kaibab. and Prescott.

In the early days of statehood, management of the rich southwestern mountains was comparatively simple. The guiding principles are the same—multiple use management for sustained yield of the renewable resources—but the cowboy and the logger are no longer alone. Every year the number of recreation users of the National Forests grows rapidly.

The growing use and concern for the environment have required more specialized and sophisticated management techniques. Wilderness and natural beauty now are considered major resources along with such tangibles as wood and water. Policies now in effect emphasize natural beauty, protection of wildlife, and guarding against pollution. The new standard for timber harvest areas requires lopping branches from tree tops left after sawlogs are removed. This keeps the debris close to the ground and speeds decay, reduces fire danger, and improves appearances. All felled trees, brush, and logging debris along roadways, including spur roads, and streams must be disposed of. This requires piling of slash for later burning when weather conditions are favorable and when few people are in the area. There are many areas within the region where the effects of these policies are already visible. Management of National Forest rangeland also is subject to new standards. Where pinyon and juniper trees are removed to increase forage production, esthetic values have taken on major importance. Trees toppled by bulldozers are piled and burned. Edges of new meadows are left uneven to emulate nature. The treated land is reseeded with grasses and forbs favored by livestock and wildlife, and a new ecological chain of life is re-cycled.

The Forest Ranger in charge of each Ranger District uses as a prime management tool a Multiple Use Plan. It incorporates a map and written section developed within the framework of the Region's Multiple Use Management Guide.

The guide creates nine management zones and defines how each is to be managed and upon what resource emphasis will be placed. The zone concept provides the backbone of a system designed to produce the greatest good for the greatest number of people while protecting, and often enhancing, the basic resources. Briefly, the Management Zones are:

Water Influence Zone—A vital resource in the Southwest, water in streams and lakes is a major attraction for recreationists. Management emphasis is placed on maintaining water quality for its ultimate use in homes, agriculture, and industry; developing recreation facilities and protecting scenic beauty.

Travel Influence Zone—Beauty and opportunities for outdoor fun are the zone's major features. It includes areas along roads, trails, railroads, other travel routes, and picnic and campgrounds. Other resources are used, but only in ways that enhance the quality of the environment.

Intermediate Zone—The most important for the production of sawtimber and forage. Ranging from 5,000 to 10,500 feet above sea level, the zone covers about 30 percent of the Region's National Forests. Big game animals are plentiful. Fishing, hiking, and camping are other attractions. The zone frequently provides the distant scenery visible from highways. It receives comparatively little public use. Major importance is for sustained yield of timber, water, wildlife, and forage.

Desert Zone—Large parts of southern Arizona and New Mexico fall into this category with its rugged beauty and desert plants and wildlife. Management is aimed at maintaining the native desert flora and fauna for its recreational and esthetic values. It ranges from 1,400 to 3,500 feet.

Grassland Zone—Because of climatic limitations and erosive soils, this zone is suitable for forage production but not for cultivation. Management aims at demonstrating good grassland agriculture on these lands to encourage owners of similar lands to do the same—protect natural beauty and develop recreational opportunities.

Chaparral Zone—This is land covered with brushy vegetation in central and southeastern Arizona and in southwestern New Mexico. Livestock and wildlife make limited use of the area. Management goals are increasing water yield, reducing fire hazard, stabilizing soil, and improving forage.

Special Zone—They are areas classified because of some special feature or use. Included are wildernesses; primitive, scenic, and natural areas; experimental forests and ranges; and historical, geological, archeological, or botanical areas.

Woodland Zone—The common pinyon and juniper land of the Southwest. Important for forage production, game habitat, and improved watershed conditions. Soil stability must be carefully controlled.

Crest Zone—Ranging in elevation from 10,500 feet up, this zone is characterized by rocky ridges and limited stands of subalpine fir, dwarfed Engelmann spruce, and limber pine. The San Francisco Peaks area of the Coconino are an example of the zone. It produces more water per acre than any other land in the Southwest. It also is among the most beautiful parts of the National Forests.

The 12 National Forests of the Southwestern Region are among 154 Forests in the National Forest System totaling 187 million acres. Forest Service Chief Edward P. Cliff, Washington, D.C., delegates responsibility to nine Regional Foresters. Directly responsible to the Regional Foresters are Forest Supervisors and below them are the Forest Service's keymen, the District Forest Rangers, the officers charged with on-the-ground execution of management policies. Southwestern Regional Forester Wm. D. Hurst commented in a recent statement: "Our population is growing rapidly, but our land resources are not. This means that we must get all we can out of the existing land without impairing its ability to produce. The Forest Service is convinced that Multiple Use Management is the best system devised to date to enable the National Forests to produce the maximum in public benefits now and in the future."

Within the law, concept of Multiple Use Management of the National Forests can be intensified, depending on the will of the people and Congress. But while they may have to work harder, the National Forests will always be lands where American families can choose their outdoor fun, whether it be a weekend picnic or a trip to the far mountains, where civilization cannot follow.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the senior Senator from Vermont is now recognized.

A PROPOSED INTERNATIONAL CONFERENCE TO PROMOTE PEACE IN INDOCHINA

Mr. AIKEN. Mr. President, John Greenleaf Whittier once wrote:

> Of all sad words of tongue or pen, the saddest are these: "It might have been!"

Since Whittier's day, we have devised a new term called "Monday morning quarterbacking."

Whatever we call it, however, it is an insidious disease which affects a large percentage of the human race.

It affects people differently.

In some cases, the victim, having made a mistake, spends the rest of his natural life trying to justify it and putting the blame on others for his personal error.

In other cases, the victim seeks fame and glory in exposing the real or imaginary mistakes of others—frequently without offering any constructive alternative of his own.

The disease I am speaking of is no respecter of race, creed, color, or nationalities.

It thrives and propagates with great rapidity in the media of international relations.

It is no respecter of status and has been known to attack even Members of Congress with great virulence.

The war in Indochina has provided a particularly rich culture for the multiplication of this germ.

Frankly, I don't like this bug.

I get no satisfaction in trying to humiliate others for mistakes of the past.

For the good of our own country, we should spend our time planning for the future instead of promoting recrimination for the past.

In an effort to follow my own advice, I want to make a specific suggestion designed to help the President in at least one part of the world toward his goal of a "generation of peace."

My suggestion concerns Vietnam and Southeast Asia.

Its purpose is to foster a logical reason for American policy in that part of the world.

It is obvious that a great many Americans, very probably a large majority, now think that we had no right to become involved as we have been in Vietnam.

This sense of guilt pervades our national life in many ways.

In such an atmosphere, the rule of reason does not always prevail.

Arguments about past sins of commission and omission become more rituals than debates, more symptoms of a fever than contributions to its cure.

The President's Asian problem is not of his making.

Whoever had occupied the White House after 1968 would have found that the Presidency had already been weakened in the conduct of foreign policy.

Some redress in the balance of authority away from the White House and toward Congress was both necessary and desirable.

The authority of the President and of the foreign relations bureaucracy in the 1960's clearly got out of hand.

As far back as 1966, I called for a unilateral decision on our part in Vietnam that would have stopped the massive export of our foreign relations bureaucracy—military and civilian—an act that made self-determination impossible in that distressed country.

My proposal was rejected.

Now, politicians and others are vying with one another in fanciful suggestions for absolving ourselves of our errors either through pretending that Southeast Asia is not important, or through advocating further political interventions in order to produce a government of accommodation in Vietnam, a government that is dedicated to relieving us from mistakes of the past.

Some of the suggestions now being made would simply postpone the day of national healing, rather than bring about betterment.

There is, and always has been, the possibility of a third course in Vietnam, one which rejects military solutions on the one hand and further political interventions on the other.

It is a course which has been intimated by both President Nixon and President Johnson, but which has so far not materialized largely because it is not within the power of the President of the United States to initiate this course.

The course I refer to is the possibility that other governments may now see fit to associate themselves with what must be done in Southeast Asia.

The course I refer to involves the nations of that part of the world creating new circumstances which will permit others, as well as the United States, to contribute to the peaceful development of that area.

So long as the United States was dispensing alliances and others were lining up to join them, the White House was the logical place to look for initiatives designed to give justification to our actions abroad.

The Korean war was a good example of this.

However, Washington is not dispensing alliances any more; neither is Moscow nor Peking.

The great powers cannot dispense alliances today because under current world conditions their vast military power cannot be translated into comparable political influence.

When they fail politically, they risk having to use their power for ruthless repression, as Russia did in Czechoslovakia.

In fact, wherever the Soviet Army has moved beyond its borders since World War II, it has been to suppress its so-called allies.

Or, when we overstep the mark, as we did in Vietnam, we are condemned to withdraw in a manner that will look to all the world like a retreat into isolationism.

We are now faced with a condition where, unless others can fashion some new reason for American policy in Southeast Asia, it does not lie in the President's power to make the Nixon doctrine much more than such a retreat.

President Nixon knows he cannot hope to contain opposition at home by engaging in military adventures abroad, an option that continually tempts totalitarian regimes.

His foreign policy must now be presented in a context that is understood and supported by the American people.

He could claim justification on the grounds that the national interest is directly threatened.

Or, he could claim justification as part of a collective action by a group of nations pledged to keep some peace in Indochina.

President Nixon no longer claims the former.

Unless other nations create conditions that permit him to claim the latter, his policy will become one, not just of withdrawal, but, of retreat.

Militarily, we are told by the administration that our withdrawing from Indochina is an irreversible process.

The role of our air power, currently a source of apprehension here at home, has changed radically.

The President has made it clear that bombing as a tactical measure to pursue an elusive military victory has become bombing to cover a withdrawal and to protect us on the way out.

Opposing its use now would seem as futile as it would have been to oppose the use of air power at Dunkirk.

Yet, bombing has never healed the national divisions in any country, except in those countries on which the bombs fell.

Vietnam, however, is not Dunkirk; we are not leaving a defeated nation behind, but, hopefully, a nation capable of defending itself.

The purport of our withdrawal is to correct the grave mistakes of the past.

The President's unfortunate dilemma was bound to increase demands for relief through further political intervention.

Hanoi is obviously still counting on just this possibility.

The broken record of the Paris peace talks always sticks at that point where we are asked to intervene again in the selection of a President in Saigon in order to accommodate the Communists.

Hanoi does not just want us to withdraw our forces and by a given date.

Hanoi wants us to deliver to them the Government of South Vietnam.

To them that is what the war has been about from the beginning.

The President resolutely refuses to add betrayal to our other mistakes in Vietnam, and I support him in this resolve.

The validity of the Saigon government will be tested in an election next October.

Americans, officials, and politicians alike will be tempted to choose sides along with the Vietnamese.

Electoral events the world over have the tendency to attract American activists as flypaper attracts flies.

Some, I fear, will be quick to apply the word "corruption," as happened in the elections of 1967.

This is very risky, because those who make the charge often do not realize how different Vietnamese culture is from our own.

It would be highly dangerous to tamper with the political test that will take place in South Vietnam next October.

I believe the President when he says that the Nationalists in South Vietnam are now strong enough militarily to tend to their own defense and determine their own political course.

I was willing to take that gamble over 5 years ago, before our massive interventions.

In a sense, we have come full circle.

It is possible to say again, as it was in the early 1960's, that, in the absence of renewed intervention, the political solution of conflicts in Indochina can be left largely to the parties there.

With the withdrawal of our troops, self-determination will be possible again.

I do not want to get into the details of future financial and economic assistance to Indochina, but there is no evading the fact that we are leaving the people there not only with an enormous supply of weapons with which to settle their disputes, but also with an economy that for a while at least will be dangerously dependent on subsidies mainly from the U.S. Treasury.

Direct and indirect expenditures of the U.S. Government now account for about 60 percent of all the measurable economic activity in South Vietnam.

Military activities already account for 80 percent of the South Vietnamese budget, with the prospect that the share will go even higher as our troops withdraw.

This prospect of a continued, large financial drain, analogous to the military drain of recent years, will feed the tendency to make the Nixon doctrine more a reflection of domestic than foreign policy.

It is bound to feed the isolationist trend.

The world should know that the Presidency and the Congress of the United States are simply not powerful enough to do alone what many think should be done to help the peoples of Southeast Asia.

This would be so even if there existed among us a real consensus about what ought to be done, which is manifestly not so now.

Public opinion has curtailed the power of the Presidency to control and direct foreign policy in this part of the world.

As yet, there has been no commensurate increase in the contribution of the Congress toward constructive alternatives.

Either there is a new plausible reason for our actions in Southeast Asia or events will inexorably diminish our involvement financially as well as militarily.

If we are to have new requests every 6 months or so from the White House or State or Defense Departments for large subsidies for Indochina without any new justification for our actions, it means trouble ahead.

Congress will rightfully rebel.

If, in its efforts to persuade Congress to appropriate these subsidies, the Executive resorts to arguments that can only reopen old wounds, it will encourage the still active ritual of self-destruction that has characterized the Vietnam debate in this country in recent months.

The time has come for someone other than the President of the United States or the great powers of Europe to convene a conference of nations concerned with Southeast Asia to consider collective action in support of the people there.

We need a new setting, not the reactivation of the Geneva Conference on Indochina.

We need a conference whose purpose would be to promote peace, but not necessarily by trying to write a peace treaty.

Peace, after all, is not a final solution.

It is a state of affairs that permits more effort to be spent on activities of a constructive, even if competitive nature, and less on military affairs.

The normal state of relations among nations is not one of perfect harmony and cooperation.

It is a state of competing and conflicting interests that are reconciled through continuous negotiation and diplomacy.

This is the realistic objective in Southeast Asia as elsewhere.

A new conference should concern itself primarily with reconstruction and development in a context that would encourage the parties directly concerned in Indochina to make peace among themselves.

I have no quarrel with the principles of the Geneva Accords laid down in 1954 for Vietnam and in 1962 for Laos.

Those principles assert the right of the nations of Indochina to determine their own political course, free of foreign intervention, and in strict neutrality in the conflicts among the great powers.

While the United States, in deference to the position of President Diem of South Vietnam, did not sign the Geneva Accords of 1954, we did sign those of 1962 concerning Laos.

A new conference can accept these principles without necessarily concerning itself with writing a peace treaty.

In the past year, several suggestions have been made to reactivate the Geneva Conference with a formal peace treaty in mind.

There have been honorable suggestions from the Government of France, from the Secretary General of the United Nations, and from a group of Southeast Asian nations hosted by the Government of Indonesia in Djakarta.

The British Government, in its capacity with Russia as cochairman of the Geneva Conference, has issued repeated invitations.

The British have a noble record in these matters, for they were the prime movers behind the first conference in 1954.

And President Nixon, himself, in his speech of October 7, last, accepted the substance of these suggestions.

The Russians, however, have persistently refused.

Maybe, they were right.

They may have recognized the futility of such action.

Without detracting at all from these several honorable initiatives, the time has come for nations to face the fact that the day has passed when the major problems of Asia can be settled in some European city, where Russia and the Western Powers enjoy a protocol status far in excess of their real influence.

The time has come for nations to recognize that formal peace among the parties in Indochina will only come as a result of agreement among themselves.

It cannot be imposed by others.

The conference I have in mind would recognize these facts.

And the conference itself would be the result of an Asian initiative, not American or European.

We Americans tend to measure the interest of other nations in Indochina in terms of their financial aid or of the troops they have sent to fight there, often at our expense.

These are false measurements.

They hark back to the day when it was possible to dispense alliances because nations were lining up to join.

Those days are over, and our past misguided policies in Vietnam hastened their departure.

This does not mean that no one but the Communists is interested is Indochina.

Japan is very interested and for very practical reasons.

Isolationism is not possible for Japan, despite the evident, lingering feeling of the Japanese people that their country should present a very low profile in world politics.

The Japanese economy has to expand outside of its borders in order to support a large population at rising living standards.

At the same time, the Japanese do not want to repeat our mistakes in Southeast Asia.

It is not surprising, then, that the Japanese Foreign Minister has said on many occasions that his country would make a much larger financial contribution in Indochina if there were only some international mechanism to receive and disburse it.

The Japanese do not pretend, as some Americans like to do, that Southeast Asia is not really very important.

They look on the region as an indispensable area for their own economic expansion.

At the same time, if I read the tea leaves correctly, our Japanese friends are expecting us to find a new legitimacy for our actions there.

If we withdraw pellmell from the region, it will force the Japanese Government to make fundamental decisions for which the Japanese people do not seem yet ready.

It is rather depressing that so much White House time is taken up with matters like textile quotas when the Japanese are looking for just what President Nixon is looking for in Southeast Asia, a new course for actions which they feel they must take in their own interest.

Textile quotas would have been less of a problem today if they had been viewed in this broader context.

The Japanese would have a vital interest in a new conference, although they may not be ready to take the kind of international initiative I am suggesting.

As to India, could not New Delhi replace Geneva as the place where Asian problems are discussed and, hopefully, resolved?

We should not assume that India has only a marginal interest in that corner of the world where she has so many cultural and historical ties.

Indian leaders since World War II have placed their faith in democracy and development to keep together in that Nation the vast diversity of the Indian peoples.

As an American, I am profoundly moved by the spectacle of Indians by the millions going to the polls, as they will this March, to elect their leaders.

I say this with humility for it is not the preachments of those who love democracy that count; it is the willingness of others to practice the art.

Yet India could, if democracy fails, fly apart in a dozen, Balkanized pieces.

To prevent such a disaster India needs help from all the world.

And, in these circumstances, it is not presumptuous to suggest that the world may also need India's help at this juncture in history.

India, whose interest in reconstruction and development is so pronounced, could well cooperate in calling a conference so vital to her own future.

As to the Southeast Asian nations themselves, not so long ago they were thought of as national dominoes, destined to tumble one by one following a collapse in Saigon.

Now, it is more fashionable to consider them as the Balkans of Asia.

Probably this does them a great injustice, for there are signs of the beginning of regional cooperation in Southeast Asia.

The U.S. Government has been loud in its promotions of regional cooperation, but little has been forthcoming in the way of practical support.

During the 91st Congress, we failed to consider seriously, and on its merits, a long promised contribution to the Asian Development Bank.

The issue was not presented to us in terms of the Nixon doctrine, nor was it debated that way.

So the debate became another small indication of how the Nixon doctrine, no matter what the President says or wants, can become just a prelude to greater isolationism.

It is not realistic at this point to expect the United States to play the role of chief promoter of regional cooperation in Southeast Asia.

Our participation, if it is to materialize, should come after the nations there invite it.

On the other hand, an opportunity exists to make such an invitation just the kind of new reason for the United States to play a constructive role in that region.

The interest of Australia and New Zealand in Southeast Asia is self-evident.

These are our partners in the Anzus Treaty.

Together with the United Kingdom, but not the United States, they have extended certain security guarantees to the governments of Malaysia and Singapore.

We should not measure their interest in Southeast Asia only in terms of their token military and financial contributions to Vietnam and Cambodia.

Australia looks at Southeast Asia through the vast archipelago of Indonesia.

The government in Djakarta is the object of considerable international attention today, but it is still a moot question whether that government is so secure that Australians can afford to indulge in an isolationism of their own.

No doubt they are tempted, just as we are.

No doubt that as they extend guarantees to Malaysia and Singapore, they will seek and receive further guarantees from us simply to insure their own future.

The Southeast Asian Nations and Japan met in Djakarta last May to ask reactivation of the Geneva Conference on Indochina.

They might be well advised to seek a conference themselves in Asia, rather than Geneva, to discuss Asian problems.

If they should do so and invite the Western European Powers, I doubt that the latter would fail to come just because Geneva was not the site or Britain and Russia not the cochairmen.

The connection between our predicament in Vietnam and our willingness to maintain large forces to police Western Europe's borders would not be lost in London or Bonn or Paris.

A retreat on the one front could easily trigger a retreat on the other.

Nor should be dismiss lightly the legitimate economic interests of the Western European Nations in Southeast Asia or the contributions they could make to the reconstruction and development of Indochina.

Would Communist China attend such a conference?

Would Russia or Hanoi?

I assume invitations would be tendered; the responses would be interesting, even instructive.

The world has come around to recognizing the fact that China will play a role in world affairs in the future commensurate with its rich history and culture and with its sheer size.

Slowly, but surely, it is becoming accepted that the device of diplomatic nonrecognition, whatever force it might have had once, has little force today.

It seems to be only a question of time now before China occupies an important place in the United Nations.

But those who believe that such diplomatic adjustments in and of themselves will yield benefits in terms of world comity are just as wrong as those who cling to the effectiveness of diplomatic nonrecognition.

China will play a role in civilized diplomacy when the authorities in Peking decide that it is in their interest to do so, and not before.

China did play such a role in the Geneva Conferences on Indochina in 1954 and 1962.

It would be very interesting to know if she would also play a role if a conference were held in Asia, convened by Asians, and not in Europe, convened by Europeans.

Would Russia attend a conference in Asia convened by Asians?

I do not pretend to know, but we would find out.

I cannot believe that Russia has of late had a vested interest in keeping up the conflict in Indochina.

No doubt there are some in Moscow who relish our predicament, but others must know that progress on things like the SALT talks and keeping the peace in the Middle East depend to considerable extent on wht happens in Southeast Asia.

Again, I say, I am hopeful for a conference, not to write a peace treaty but to consider collective support for the peoples of Indochina while their governments resolve their own disputes without outside interference.

It goes without saying that a great many countries besides the United States want a dignified, reasonable and politically defensible way out of their difficulties in Indochina.

President Nixon's decision to withdraw American troops from Vietnam should now reactivate diplomatic activity in a practical manner.

If nothing else, the withdrawal of our troops means one thing certain—the war will not again be fought as it has been in the recent past.

Only the United States could afford such wanton extravagance.

If the forthcoming elections in Saigon prove to be reasonably open, they should be accepted at face value and any tendency not to do so on our part should be studiously avoided.

It is not my intention to present these suggestions to the Senate in any formal manner or to suggest that this body or any part thereof take any formal action at this time.

Nor would I undertake to tell the nations of Southeast Asia what their role in the theater of world affairs should be, although I hope they do recognize the opportunity which lies on their doorstep and use it to the advantage of all mankind.

I am, however, convinced that neither the Senate nor the American people are of an isolationist mind for we all know that the self-righteousness of isolationism is as dangerous to our security and prosperity as is the self-righteousness of misguided intervention.

Mr. MANSFIELD. Mr. President, once again, the distinguished senior Senator from Vermont (Mr. AIKEN), the dean of Republicans in this body, a man of sound commonsense, a real follower of John Greenleaf Whittier, Thoreau, Longfellow, and others who come from the region he so ably represents, has had something worth saying and something worth listening to.

I note that on page 3 of his prepared address, he states:

> Some redress in the balance of authority away from the White House and towards the Congress was both necessary and desirable.

That is a sound observation. That has been done in the last Congress to some degree. It is my hope that it will be furthered in this Congress and Congresses yet to come on an appropriate basis and with due recognition of the responsibilities which are the President's on the one hand and Congress'—especially the Senate's—on the other.

Then on page 7, referring to the situation in Vietnam, I quote this sage statement:

> The purport of our withdrawal is to correct the grave mistakes of the past.

All I can say to that is, Amen. It is brief, to the point, and I hope we have learned a lesson from this misadventure, this mistake and this tragedy in which we have been engaged for so many years and which has cost us so much in blood and treasure.

Again, on page 11, he states:

> The time has come for someone other than the President of the United States or the great powers of Europe to convene a conference of nations concerned with Southeast Asia to consider collective action in support of the people there.

Another good idea—a possibility. What will happen remains to be seen, but someone other than the President of the United States, someone other than the Prime Minister of Great Britain or the chairman of the Communist Party in the Soviet Union, or someone from anywhere else; and that someone, of course, refers to the peoples in the areas directly concerned who have the primary interest in the countries in which they live and who have, of course, an overriding interest in the future.

I think it is a good idea to try to turn the coin around and face it in the direction of those who are most primarily interested, who have suffered the most, and who have, up to this time, achieved and received the least.

Then, on page 13, there is this wise statement:

> Without detracting at all from these several honorable initiatives, the time has come for nations to face the fact that the day has passed when the major problems of Asia can be settled in some European city, where Russia and the Western Powers enjoy a protocol status far in excess of their real influence.

Truer words were never said.

Then on page 14:

> The time has come for nations to recognize that formal peace among the parties in Indo-China will only come as a result of agreement among themselves.
>
> It cannot be imposed by others.

Enough said.

Then on the last page, perhaps the wisest statement of all appears:

> I am, however, convinced that neither the Senate nor the American people are of an isolationist mind for we all know that the self-righteousness of isolationism is as dangerous to our security and prosperity as is the self-righteousness of misguided intervention.

That paragraph alone should cause a lot of deep thinking.

I want to say to the distinguished Senator from Vermont that once again he has rendered a public service. I congratulate and commend him for his sagacity, his wisdom, and his facing up to the realities of today and for his looking to the future, to tomorrow.

Mr. PELL. Mr. President, I strongly endorse and support the suggestion of the distinguished Senator from Vermont and the comments of the distinguished majority leader.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. GAMBRELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. GAMBRELL). At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. BYRD of West Virginia. Mr. President, may I just ask the Chair if there was not a later order entered which extended the period for the transaction of routine morning business beyond that?

The PRESIDING OFFICER. Until the Senator from Montana (Mr. MANSFIELD) is recognized.

Mr. BYRD of West Virginia. I thank the Chair. That is correct.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORTS ON MILITARY CONSTRUCTION

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, two reports—the first provides the reports of military construction projects which have been placed under contract in the fiscal year 1970, in which the current working estimate (based upon bids received), exceeded the amount authorized by the Congress for that project by more than 25 per centum; and the second provides the reports of individual projects in which the project scope was reduced in order to permit contract award within the available authorization (with accompanying reports); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AMEND THE SMALL BUSINESS ACT

A letter from Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED LEGISLATION TO FACILITATE THE PRESERVATION OF HISTORIC MONUMENTS, AND FOR OTHER PURPOSES

A letter from the Acting Administrator, General Services Administration, transmitting a draft of proposed legislation to facilitate the preservation of historic monuments, and for other purposes (with an accompanying paper); to the Committee on Government Operations.

REPORT OF SPECIALIZED OR TECHNICAL SERVICES PROVIDED TO STATE OR LOCAL GOVERNMENTS BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Acting Director, National Aeronautics and Space Administration, reporting, pursuant to law, with respect to the scope of the specialized or technical services provided to State or local governments by the Agency during calendar year 1970; to the Committee on Government Operations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunities for improving training results and efficiency at the East Bay Skills Center, Oakland, Calif., under the Manpower Development and Training Act, Department of Labor, Department of Health, Education, and Welfare, dated February 10, 1971 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Washington; to the Committee on Commerce:

"SENATE JOINT MEMORIAL NO. 1

"To the Honorable Richard M. Nixon, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress assembled:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, the living marine resources found in the waters adjacent to and associated with the United Sates continental shelf and slope provide an important part of the seafood needs of the country; and

"Whereas, these living marine resources are particularly vulnerable to damage from unrestrained fishing; and

"Whereas, the United States is handicapped in providing proper protection and management for these living marine resources by lack of adequate jurisdiction over all fishing in the area in which these resources are found; and

"Whereas, your Memorialists believe that the harvesting of these marine resources on a sustained basis can be effective only if a greater measure of jurisdiction is given to coastal authorities.

"Now, therefore, Your memorialists respectfully pray that the United States by appropriate means secure fisheries jurisdiction off its coastline to the outer edge of the continental slope or to such additional distance as will give adequate protection and management to fishery resources emanating from or adjacent to the United States with such fishery jurisdiction being qualified to permit foreign fishing inside the United States fishery zone through agreements with foreign governments similar to those which are presently in effect.

"Be it resolved, That copies of this memorial be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

A joint resolution of the Legislature of the State of Washington; to the Committee on Foreign Relations:

"HOUSE JOINT MEMORIAL No. 4

"To the Honorable Richard M. Nixon, President of the United States, and to the Senate and House of Representatives of the United States of America, in Congress assembled:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, Article VI of the United States Constitution specifically states that provisions of treaties ratified by the United States Government becomes the 'supreme law of the land'; and

"Whereas, Notwithstanding solemn promises ratified at the international conference at Geneva that all prisoners of war captured would be given the respect of humane treatment; that Article 2 of the convention provides that it 'shall apply to all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting parties, even if the state of war is not recognized by one of them'; and

"Whereas, The government of North Vietnam acceded to the convention on June 28, 1957, and the government of South Vietnam acceded to the convention on November 13, 1953, and the government of the United States acceded to the convention on August 2, 1955; no pretense of compliance has been advanced by North Vietnam or the National Liberation Front (Viet Cong) despite the reminder to do so on June 11, 1965, by M. Jacques Freymond, Vice President of the International Committee of the Red Cross; and

"Whereas, Repeated appeals on the part of wives, parents, relatives, and dependents of those unfortunate victims of Communist violence have proven ineffective through the United States Department of State.

"Now, therefore, your Memorialists respectfully pray that the President and Congress of the United States of America do direct the Department of State to continue its determined efforts to obtain the release of names of prisoners now held; to effect the immediate release of sick and wounded prisoners, to achieve impartial inspections of prisoner of war facilities; to assure proper treatment of all prisoners; to facilitate the regular flow of mail; and most importantly, to obtain the release and freedom from captivity of those American men of this "undeclared" war with North Vietnam.

"Be it resolved, That there be enacted by the Congress of the United States a code of protective legislation similar to the Uniform Code of Military Justice, Public Law 506, applicable to American personnel captured in military operations other than in a "declared war" to assure that the full force, authority, and power of the United States of America shall henceforth be publicly committed to the attainment of freedom from captivity of all Americans captured in such military actions, past and future.

"Be it further resolved, That copies of this Memorial be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Chairman of the House Foreign Affairs Committee, the Chairman of the Senate Foreign Relations Committee, and to each member of the Congress from the State of Washington."

A joint resolution of the legislature of the State of Maine; to the Committee on Finance:

"JOINT RESOLUTION MEMORIALIZING CONGRESS TO PROVIDE FOR INTERGOVERNMENTAL SHARING OF FEDERAL INCOME TAX REVENUE

"We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Fifth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

"Whereas, a resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the Federal Government and strengthened State Governments; and

"Whereas, the Federal Government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from state and local governments, thereby creating a disabling fiscal imbalance between the Federal Government and the state and local governments; and

"Whereas, increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes; and

"Whereas, federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth; and

"Whereas, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system; and

"Whereas, the evident solution to this problem is a meaningful sharing of federal income tax resources; and

"Whereas, the United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation; now, therefore, be it

"Resolved: That we, your Memorialists, recommend and urge that the Congress of the United States give immediate and favorable consideration to intergovernmental sharing of Federal Income Tax Revenue; and be it further

"Resolved: That a copy of this Memorial, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to the members of the said Senate and House of Representatives from this State.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. LONG (for Mr. PASTORE), from the Committee on Commerce, with amendments:

S. Res. 25. Resolution authorizing additional expenditures by the Committee on Commerce for inquiries and investigations; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. SPARKMAN. Mr. President, as in executive session, I report favorably from the Banking, Housing and Urban Affairs Committee the nominations of Richard H. Grant, John J. Hutchinson, Joseph F. Hinchey, Lorena Causey Matthews, Marion F. Gregory, James W. Dodd, and DuBois McGee, nominees for the Board of Directors of the National Credit Union Administration.

This board was established pursuant to Public Law 91-206 which was passed by the Congress and approved by the President last year.

Mr. President, this board is somewhat unique among boards that have been established by legislation. It is unique in that the law requires that those who are appointed to the Board must be active within the Federal Credit Union movement. Since this is the case it is difficult to find members for the Board who would not have a direct interest in or direct dealings with such credit unions. This, of course, in turn brings up the question of conflict of interest. Nevertheless, I have a letter dated February 10, 1971, from the General Counsel of the National Credit Union Administration who has consulted with each of the nominees to the Board and who states in the letter that in his judgment the appointment of these individuals to the Board creates no conflict of interest with the functions that they would perform on the Board.

Mr. President, I ask unanimous consent that the letter from the General Counsel of the National Credit Union Administration be printed in the RECORD following these remarks.

The PRESIDING OFFICER (Mr. TAFT). The reports will be received, and the nominations will be placed on the Executive Calendar; and, without objection, the letter will be printed in the RECORD.

The letter, presented by Mr. SPARKMAN, is as follows:

NATIONAL CREDIT UNION ADMINISTRATION,
Washington, D.C., February 10, 1971.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in reference to the Committee on Banking, Housing and Urban Affairs hearing this morning, February 10, 1971, concerning the confirmation of Richard H. Grant, John J. Hutchinson, Joseph F. Hinchey, Lorena Causey Matthews, Marion F. Gregory, James W. Dodd, and DuBois McGee, nominees for the Board of Directors of the National Credit Union Administration.

At the Committee hearing you suggested that the above nominees consult with me as General Counsel of the National Credit Union Administration concerning any conflict of interest they may have in relation to their financial situation insofar as it might create a conflict with their duties as Chairman and members of the Board respectively. I have talked to each nominee and, in my judgment, their situation creates no conflict of interest with the functions they would perform on the Board.

Sincerely,

FRED M. HADEN,
General Counsel.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD (for Mr. McGee):

S. 691. A bill for the relief of Mrs. Vassiliki Spanos; and

S. 692. A bill for the relief of Ferdl Fettig; to the Committee on the Judiciary.

(The remarks of Mr. Mansfield when he introduced the bills appear earlier in the Record under the appropriate heading.)

By Mr. FANNIN (for himself, Mr. Allott, Mr. Bellmon, Mr. Bennett, Mr. Dole, Mr. Goldwater, Mr. Gurney, Mr. Schweiker, and Mr. Stevens):

S. 693. A bill to provide for a White House Conference on Indian Affairs; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Fannin when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. FANNIN:

S. 694. A bill to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and to provide for withholding of U.S. assistance to nations refusing to cooperate with such international organizations, or refusing to take appropriate steps to control illegal international traffic in narcotics, and for other purposes; to the Committee on Foreign Relations.

(The remarks of Mr. Fannin when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. ELLENDER:

S. 695. A bill for the relief of Subhash Verma; to the Committee on the Judiciary.

By Mr. COTTON:

S. 696. A bill to provide for a coordinated national boating safety program; to the committee on Commerce.

(The remarks of Mr. Cotton when he introduced the bill appears below under the appropriate heading.)

By Mr. COTTON (for himself and Mr. Magnuson) (by request):

S. 697. A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases;

S. 698. A bill to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States;

S. 699. A bill to require a radiotelephone on certain vessels while navigating upon specified waters of the United States; to the Committee on Commerce.

S. 700. A bill to regulate interstate commerce by strengthening and improving consumer protection upon the Federal Food, Drug, and Cosmetic Act with respect to fish and fishery products, including provision for assistance to and cooperation with the States in the administration of their related programs and assistance by them in the carrying out of the Federal program, and for other purposes; and

S. 701. A bill to amend section 14 of the Natural Gas Act; to the Committee on Commerce.

(The remarks of Mr. Cotton when he introduced the bills appear below under separate headings.)

By Mr. GRAVEL:

S. 702. A bill to amend the Communications Satellite Act of 1962, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Gravel when he introduced the bill appears below under the appropriate heading.)

By Mr. PELL (for himself and Mr. Mondale):

S. 703. A bill to provide minimum health benefits to employees and their immediate families and to provide for the distribution of health benefits, for medical education, and for other purposes; to the Committee on Labor and Public Welfare.

By Mr. INOUYE (for himself, Mr. Allen, Mr. Bible, Mr. Cooper, Mr. Dole, Mr. Eastland, Mr. Ervin, Mr. Goldwater, Mr. Hart, Mr. Hollings, Mr. Humphrey, Mr. Jackson, Mr. Javits, Mr. Magnuson, Mr. Metcalf, Mr. Montoya, Mr. Pastore, Mr. Pell, Mr. Stevens, Mr. Thurmond, Mr. Tunney, and Mr. Williams):

S. 704. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces; to the Committee on Armed Services.

(The remarks of Mr. Inouye when he introduced the bill appear below under the appropriate heading.)

By Mr. INOUYE:

S. 705. A bill for the relief of Mrs. Nun Son Kim; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. Harris, Mr. Saxbe, and Mr. Case):

S. 706. A bill to provide for a comprehensive program of community-based and coordinated child development programs; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bill appear below under the appropriate heading.)

By Mr. COTTON:

S. 707. A bill to provide for the establishment of the Fort Constitution National Historic Site in New Hampshire, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Cotton when he introduced the bill appear below under the appropriate heading.)

By Mr. PROUTY:

S. 708. A bill for the relief of the village of Orleans, Vt.; to the Committee on the Judiciary.

S. 709. A bill to provide for the establishment of a national cemetery in the State of Vermont; to the Committee on Veterans' Affairs.

(The remarks of Mr. Prouty when he introduced the bills appear below under separate headings.)

By Mr. PERCY:

S. 710. A bill to amend titles X, XVI, and XIX of the Social Security Act so as to limit, for purposes of determining need of an individual for aid under any State program established pursuant to any of such titles, to specified relatives of such individual the persons whose financial responsibility for such individual may be taken into account;

S. 711. A bill to amend title II of the Social Security Act to provide that the widow's or widower's insurance benefit of an individual, who first becomes entitled to such benefit after attainment of age 65, will be equal to 100 percent of the primary insurance amount of the deceased spouse of such individual;

S. 712. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title;

S. 713. A bill to amend title II of the Social Security Act to provide for periodic cost-of-living increases in monthly benefits payable thereunder; and

S. 714. A bill to amend title II of the Social Security Act to permit a child under certain circumstances, to become entitled to a child's insurance benefits thereunder on the basis of the wages and self-employment income of his grandparent, and to permit certain children who are adopted by their grandparent and who under existing law are not entitled to such insurance benefits to become entitled thereto; to the Committee on Finance.

By Mr. JACKSON (for himself, Mr. Allott, and Mr. Sparkman) (by request):

S. 715. A bill to establish the Federal City Bicentennial Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes; to the Committee on Interior and Insular Affairs and then to the Committee on Banking, Housing and Urban Affairs, if Mr. Sparkman wishes it, by unanimous consent.

(The remarks of Mr. Jackson when he introduced the bill appear below under the appropriate heading.)

By Mr. JACKSON (for himself and Mr. Allott, by request):

S. 716. A bill to authorize appropriations for the saline water conversion program for fiscal year 1972, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Jackson when he introduced the bill appear below under the appropriate heading.)

By Mr. PACKWOOD:

S. 717. A bill to establish th Hells Canyon-Snake River in the States of Idaho, Oregon, and Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Packwood when he introduced the bill appear below under the appropriate heading.)

By Mr. ROTH (for himself, Mr. Boggs, Mr. Beall, Mr. Bennett, Mr. Case, Mr. Javits, Mr. Kennedy, Mr. Mathias, Mr. Percy, Mr. Scott, Mr. Stevens, Mr. Taft, and Mr. Tower):

S. 718. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

(The remarks of Mr. Roth when he introduced the bill appear below under the appropriate heading.)

By Mr. SPARKMAN:

S. 719. A bill for the relief of Sergio Lopez de Gabourel, and his wife, Natividad Castro de Lopez; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself and Mr. Curtis) (by request):

S. 720. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Aeronautical and Space Sciences.

(The remarks of Mr. Anderson when he introduced the bill appear below under the appropriate heading.)

By Mr. CHURCH (for himself and Mr. Jordan of Idaho):

S. 721. A bill to amend the act entitled "An Act to authorize the Secretary of the Interior to sell certain public lands in Idaho," approved May 31, 1962; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Church when he introduced the bill appear below under the appropriate heading.)

By Mr. NELSON:

S. 722. A bill to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community and to make such lands parts of the reservation involved;

S. 723. A bill to declare that certain federally owned land is held by the United States in trust for the Bad River community and to make such lands parts of the reservation involved; and

S. 724. A bill to declare that certain federally owned land is held by the United States in trust for the Lac Courte Oreilles community and to make such lands parts of the reservation involved; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Nelson when he introduced the bills appear below under the appropriate heading.)

By Mr. MONDALE:

S. 725. A bill for the relief of Michele Giampaolo; to the Committee on the Judiciary.

By Mr. MONDALE (for himself, Mr. Burdick, Mr. Church, Mr. Cranston, Mr. Harris, Mr. Hart, Mr. Humphrey, Mr. Mansfield, Mr. McGee, Mr. McGovern, and Mr. Young):

S. 726. A bill to assist producers of agricultural commodities by providing an orderly means of bargaining with the handlers of such commodities; and

S. 727. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, to assist producers in the marketing of their commodities at a fair price; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Mondale when he introduced the bills appear below under the appropriate heading.)

By Mr. HARTKE (for himself and Mr. Hart):

S. 728. A bill to amend the Department of Transportation Act in order to modify the national policy with respect to the protection of lands traversed in developing transportation plans; to the Committee on Commerce.

(The remarks of Mr. Hartke when he introduced the bill appear below under the appropriate heading.)

By Mr. HOLLINGS:

S. 729. A bill for the relief of James Walton Owens and his wife, Margaret; to the Committee on the Judiciary.

By Mr. TOWER (for himself and Mr. Bentsen):

S. 730. A bill giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States; to the Committee on the Judiciary.

(The remarks of Mr. Tower when he introduced the bill appear below under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. Mathias, Mr. Pell, and Mr. Spong):

S. 731. A bill to make rules respecting military hostilities in the absence of a declaration of war; to the Committee on Foreign Relations.

(The remarks of Mr. Javits when he introduced the bill appear below under the appropriate heading.)

By Mr. RANDOLPH (for himself, Mr. Montoya, Mr. Anderson, Mr. Bayh, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Cranston, Mr. Eagleton, Mr. Eastland, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hollings, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. McGovern, Mr. McIntyre, Mr. Magnuson, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Ribicoff, Mr. Spong, and Mr. Tunney):

S. 732. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra-high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. Randolph when he introduced the bill appear below under the appropriate heading.)

By Mr. LONG:

S. 733. A bill to create an additional judicial district in the State of Louisiana, and for other purposes; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 734. A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. Thurmond when he introduced the bill appear below under the appropriate heading.)

By Mr. CRANSTON:

S. 735. A bill to amend the National Housing Act to authorize the insurance of loans to defray mortgage payments on homes owned by persons who are temporarily unemployed or whose income has been drastically reduced as the result of adverse economic conditions prevailing in an industry or area; to the Committee on Banking, Housing and Urban Affairs.

(The remarks of Mr. Cranston when he introduced the bill appear below under the appropriate heading.)

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 736. A bill to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California; and

S. 737. A bill to provide for the establishment of the Eugene O'Neill National Historic Site and the Las Trampas Ridge National Park; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Cranston when he introduced the bills appear below under the appropriate headings.)

By Mr. CRANSTON:

S. 738. A bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation; to the Committee on the Judiciary.

S. 739. A bill to amend title 38 of the United States Code to require that all Veterans' Administration hospital and domiciliary facilities be of earthquake-resisting construction; to the Committee on Veterans' Affairs.

(The remarks of Mr. Cranston when he introduced the bills appear below under the appropriate headings.)

By Mr. CRANSTON (for himself, Mr. Eagleton, Mr. Hughes, Mr. Kennedy, Mr. Mondale, Mr. Nelson, Mr. Randolph, Mr. Saxbe, Mr. Schweiker, and Mr. Williams:

S. 740. A bill to amend chapters 31, 34, 35, and 36 of title 38, United States Code, in order to make improvements in the vocational rehabilitation and educational programs under such chapters; to authorize an advance initial payment and prepayment of the educational assistance allowance to eligible veterans and persons pursuing a program of education under chapters 34 and 35 of such title; to establish a work-study program and work-study additional educational assistance allowance for certain eligible veterans; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARRIS:

S. 741. A bill for the relief of Napoleone Domenico Stalteri; to the Committee on the Judiciary.

By Mr. PEARSON (for himself, Mr. Allott, Mr. Bayh, Mr. Bentsen, Mr. Burdick, Mr. Church, Mr. Cooper, Mr. Dole, Mr. Hart, Mr. Hollings, Mr. Hruska, Mr. McGovern, Mr. McIntyre, Mr. Mansfield, Mr. Montoya, Mr. Nelson, Mr. Packwood, Mr. Percy, Mr. Prouty, Mr. Stevens, Mr. Symington, Mr. Thurmond, and Mr. Young):

S. 742. A bill to create a rural community development bank to assist in rural community development by making financial, technical, and other assistance available for the establishment or expansion of commercial, industrial, and related private and public facilities and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. Pearson when he introduced the bill appear below under the appropriate heading.)

By Mr. McGOVERN (for himself and Mr. Javits).

S. 743. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

(The remarks of Mr. McGovern when he introduced the bill appear below under the appropriate heading.)

By Mr. BYRD of West Virginia (for himself and Mr. Randolph):

S. 744. A bill to amend section 214(b) of the Appalachian Regional Development Act of 1965; to the Committee on Public Works.

(The remarks of Mr. Byrd of West Virginia when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PACKWOOD:

S. 745. A bill to protect the public health and welfare and the environment through improved regulation of pesticides, and for other purposes; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Packwood when he introduced the bill appear below under the appropriate heading.)

By Mr. Baker (for himself, Mr. Cooper and Mr. Scott):

S.J. Res. 32. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

(The remarks of Mr. Baker when he introduced the joint resolution appear later in the Record under the appropriate heading.)

By Mr. TOWER:

S.J. Res. 33. Joint resolution to provide for a study of the potential methods of returning Federal tax sources to the prerogatives of State and local governments; to the Committee on Finance.

(The remarks of Mr. Tower when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. SCOTT (for himself, Mr. Allen, Mr. Allott, Mr. Baker, Mr. Beall, Mr. Bennett, Mr. Boggs, Mr. Brock, Mr. Byrd of Virginia, Mr. Chiles, Mr. Cooper, Mr. Curtis, Mr. Dole, Mr. Dominick, Mr. Eastland, Mr. Fannin, Mr. Goldwater, Mr. Hansen, Mr. Hollings, Mr. Hruska, Mr. Jordan of Idaho, Mr. Mansfield, Mr. McClellan, Mr. McIntyre, Mr. Miller, Mr. Pastore, Mr. Randolph, Mr. Schweiker, Mrs. Smith, Mr. Spong, Mr. Stennis, Mr. Thurmond, Mr. Tower, and Mr. Young):

S.J. Res. 34. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings; to the Committee on the Judiciary.

(The remarks of Mr. Scott when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. JACKSON (for himself, and Mr. Allott) (by request):

S.J. Res. 35. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Jackson when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. HART:

S.J. Res. 36. Joint resolution authorizing the President to proclaim the occasion of the celebration of the tercentennial of St. Ignace, Mich.; to the Committee on the Judiciary.

(The remarks of Mr. Hart when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. CRANSTON (for himself and Mr. Tunney):

S.J. Res. 37. Joint resolution to authorize the President to issue annually a proclamation designating the calendar week during which the third Wednesday of March occurs as "Community Total Health Week"; to the Committee on the Judiciary.

(The remarks of Mr. Cranston when he introduced the joint resolution appear below under the appropriate heading.)

S. 696—INTRODUCTION OF THE FEDERAL BOAT SAFETY ACT OF 1971

Mr. COTTON. Mr. President, I introduce for appropriate reference a bill to provide for a coordinated national boating safety program. This bill is identical to the bill H.R. 15041 of the 91st Congress, 2d session as passed by the House of Representatives and referred to our Committee on Commerce. During the closing days of the last Congress, however, it was not possible for our committee to complete consideration of this measure. For the benefit of those interested in this measure, I wish to note that the report accompanying that earlier bill was House Report No. 91–1611, 91st Congress, 2d session.

Mr. President, I ask unanimous consent that the text of the bill and a copy of a letter which I received on an earlier date from Mr. Alton H. Stone, director of safety services, department of safety for the State of New Hampshire, expressing support for such legislation be printed in the Record.

The PRESIDING OFFICER (Mr. Gambrell). The bill will be received and appropriately referred; and, without objection the bill and letter will be printed in the Record.

The bill (S. 696) to provide for a coordinated national boating safety program, introduced by Mr. Cotton, was received, read twice by its title, referred to the Committee on Commerce and ordered to be printed in the Record, as follows:

S. 696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Boat Safety Act of 1971".

DECLARATION OF POLICY AND PURPOSE

Sec. 2. It is hereby declared to be the policy of Congress and the purpose of this Act to improve boating safety and to foster greater development, use, and enjoyment of all the waters of the United States by encouraging and assisting participation by the several States, the boating industry, and the boating public in development of more comprehensive boating safety programs; by authorizing the establishment of national construction and performance standards for boats and associated equipment; and by creating more flexible regulatory authority concerning the use of boats and equipment. It is further declared to be the policy of Congress to encourage greater and continuing uniformity of boating laws and regulations as among the several States and the Federal Government, a higher degree of reciprocity and comity among the several jurisdictions, and closer cooperation and assistance between the Federal Government and the several States in developing, administering, and enforcing Federal and State laws and regulations pertaining to boating safety.

DEFINITIONS

Sec. 3. As used in this Act, and unless the context otherwise requires—

(1) "Boat" means any vessel—

(A) manufactured or used primarily for noncommercial use; or

(B) leased, rented, or chartered to another for the latter's noncommercial use; or

(C) engaged in the carrying of six or fewer passengers.

(2) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(3) "Undocumented vessel" means a vessel which does not have and is not required to have a valid marine document as a vessel of the United States.

(4) "Use" means operate, navigate, or employ.

(5) "Passenger" means every person carried on board a vessel other than—

(A) the owner or his representative;

(B) the operator;

(C) bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(D) any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

(6) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(7) "Manufacturer" means any person engaged in—

(A) the manufacture, construction, or assembly of boats or associated equipment; or

(B) the manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or

(C) the importation into the United States for sale of boats, associated equipment, or components thereof.

(8) "Associated equipment" means—

(A) any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component; and

(B) any accessory or equipment for, or appurtenance to, a boat; and

(C) any marine safety article, accessory, or equipment intended for use by a person on board a boat.

(9) "Secretary" means the Secretary of the Department in which the Coast Guard is operating.

(10) "State" means a State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia.

(11) An eligible State means one that has an accepted State boating safety program.

APPLICABILITY

Sec. 4. (a) This Act applies to vessels and associated equipment used, to be used, or carried in vessels used, on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States.

(b) Sections 5 through 11 and subsections 12(a) and 12(b) of this Act are applicable also to boats moving or intended to be moved in interstate commerce.

(c) This Act, except those sections where the content expressly indicates otherwise, does not apply to—

(1) foreign vessels temporarily using waters subject to United States jurisdiction;

(2) military or public vessels of the United States, except recreational-type public vessels;

(3) a vessel whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;

(4) ships' lifeboats.

Boat and Associated Equipment Standards and Use

SAFETY REGULATIONS AND STANDARDS

Sec. 5. (a) The Secretary may issue regulations—

(1) establishing minimum safety standards for boats and associated equipment, and establishing procedures and tests required to measure conformance with such standards. Each standard shall be reasonable, shall meet the need for boating safety, and shall be stated, insofar as practicable, in terms of performance;

(2) requiring the installation, carrying, or using of associated equipment on boats and classes of boats subject to this Act; and prohibiting the installation, carrying, or using of associated equipment which does not conform with safety standards established under this section. Equipment, contemplated by this clause includes, but is not limited to, fuel systems, ventilation systems, electrical systems, navigational lights, sound producing devices, fire fighting equipment, lifesaving devices, signaling devices, ground tackle, life and grab rails, and navigational equipment.

(b) A regulation or standard issued under this section—

(1) shall specify an effective date which is not earlier than one hundred and eighty days from the date of issuance, except that this period shall be increased in the discretion of the Secretary to not more than eighteen months in any case involving major product design, retooling, or major changes in the manufacturing process, unless the Secretary finds that there exists a boating safety hazard so critical as to require an earlier effective date; what constitutes major product redesign, retooling, or major changes shall be determined by the Secretary;

(2) may not compel substantial alteration of a boat or item of associated equipment which is in existence, or the construction or manufacture of which is commenced, before the effective date of the regulation; but within that limitation may require compliance or performance that the Secretary considers appropriate in relation to the degree of hazard that the compliance will correct; and

(3) shall be consistent with laws and regulations governing the installation and maintenance of sanitation equipment.

PRESCRIBING REGULATIONS AND STANDARDS

Sec. 6. In establishing a need for formulating and prescribing regulations and standards under section 5 of this Act, the Secretary shall, among other things—

(1) consider the need for and the extent to which the regulations or standards will contribute to boating safety;

(2) consider relevant available boat safety standards, statistics and data, including public and private research, development, testing, and evaluation;

(3) consider whether any proposed regulation or standard is reasonable and appropriate for the particular type of boat or associated equipment for which it is prescribed;

(4) consult with the Boating Safety Advisory Council established in compliance with this Act regarding all of the foregoing considerations.

DISPLAY OF LABELS EVIDENCING COMPLIANCE

Sec. 7. The Secretary may require or permit the display of seals, labels, plates, insignia, or other devices for the purpose of certifying or evidencing compliance with Federal safety regulations and standards for boats and associated equipment.

DELEGATION OF INSPECTION FUNCTION

Sec. 8. The Secretary may, subject to regulations, supervision, and review as he may prescribe, delegate to any person, or private or public agency, or to any employee under the supervision of such person or agency, any work, business, or function respecting the examination, inspection, and testing necessary to carry out his responsibilities under sections 5 and 6 of this Act.

EXEMPTIONS

SEC. 9. The Secretary may, if he considers that boating safety will not be adversely affected, issue exemptions from any provision of this Act or regulations and standards established thereunder, on terms and conditions as he considers appropriate.

FEDERAL PREEMPTION

SEC. 10. Unless permitted by the Secretary under section 9 of this Act, no State or political subdivision thereof may establish, continue in effect, or enforce any provision of law or regulation which establishes any boat or associated equipment performance or other safety standard, or which imposes any requirement for associated equipment, except, unless disapproved by the Secretary, the carrying or using of marine safety articles to meet uniquely hazardous conditions or circumstances within the State, which is not identical to a Federal regulation issued under section 5 of this Act.

ADMISSION OF NONCONFORMING FOREIGN-MADE BOATS

SEC. 11. The Secretary of the Treasury and the Secretary may, by joint regulations, authorize the importation of a nonconforming boat or associated equipment upon terms and conditions, including the furnishing of bond, which will assure that the boat or associated equipment will be brought into conformity with the applicable Federal safety regulations and standards before it is used on waters subject to the jurisdiction of the United States.

PROHIBITED ACTS

SEC. 12. (a) No person may manufacture, construct, assemble, introduce, or deliver for introduction in interstate commerce, or import into the United States, or if engaged in the business of selling or distributing boats or associated equipment, may sell or offer for sale, any boat, associated equipment, or component thereof to be sold for subsequent assembly, unless—

(1) it conforms with regulations and standards prescribed under this Act, or

(2) it is intended solely for export, and so labeled, tagged, or marked on the boat or equipment and on the outside of the container, if any, which is exported.

(b) No person may be held liable for a violation of this section if he establishes that he did not have reason to know in the exercise of due care that a boat or associated equipment does not conform with applicable Federal boat safety standards, or who holds a certificate issued by the manufacturer of the boat or associated equipment to the effect that such boat or associated equipment conforms to all applicable Federal boat safety standards, unless such person knows or reasonably should have known that such boat or associated equipment does not so conform.

(c) No person may affix, attach, or display a seal, label, plate, insignia, or other device indicating or suggesting compliance with Federal safety standards on, in, or with a boat or item of associated equipment, which is false or misleading.

(d) No person may use a vessel in violation of this Act or regulations issued thereunder.

(c) No person may use a vessel, including one otherwise exempted by subsection 4(c) of this Act, in a negligent manner so as to endanger the life, limb, or property of any person. Violations of this subsection involving use which is grossly negligent, subject the violator, in addition to any other penalties prescribed in this Act, to the criminal penalties prescribed in section 34.

(f) No vessel equipped with propulsion machinery of any type and not subject to the manning requirements of the vessel inspection laws administered by the Coast Guard, may while carrying passengers for hire, be used except in the charge of a person licensed for such service under regulations, prescribed by the Secretary, which pertain to qualifications, issuance, revocation or suspension, and related matters.

(g) Subsection 12(f) of this Act shall not apply to any vessel being used for bona fide dealer demonstration furnished without fee to business invitees. However, if on the basis of substantial evidence the Secretary determines, pursuant to section 6 hereof, that requiring vessels so used to be under the control of licensed persons is necessary to meet the need for boating safety, then the Secretary may promulgate regulations requiring the licensing of persons controlling such vessels in the same manner as provided in subsection 12(f) of this Act for persons in control of vessels carrying passengers for hire.

SEC. 13. If a Coast Guard boarding officer observes a boat being used without sufficient lifesaving or firefighting devices or in an overloaded or other unsafe condition as defined in regulations of the Secretary, and in his judgment such use creates an especially hazardous condition, he may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended.

INSPECTION, INVESTIGATION, REPORTING

SEC. 14. (a) Every manufacturer subject to the provisions of this Act shall establish and maintain records, make reports, and provide information as the Secretary may reasonably require to enable him to determine whether the manufacturer has acted or is acting in compliance with this Act and the regulations issued thereunder. A manufacturer shall, upon request of an officer, employee, or agent authorized by the Secretary, permit the officer, employee, or agent to inspect at reasonable times factories or other facilities, books, papers, records, and documents relevant to determining whether the manufacturer has acted or is acting in compliance with this Act and the regulations issued thereunder.

(b) All information reported to or otherwise obtained by the Secretary or his representative pursuant to subsection (a) containing or relating to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, or authorized to be exempted from public disclosure by subsection 552(b) of title 5, United States Code, shall be considered confidential for the purpose of that section of title 18, except that such information may be disclosed to other officers, employees, or agents concerned with carrying out this Act or when relevant in any proceeding under this Act.

NOTIFICATION OF BOAT DEFECTS

SEC. 15. (a) Every boat manufacturer shall furnish notification of a defect in any boat produced by the manufacturer, which he determines in good faith relates to safe use of the boat, to the dealer to whom the boat was delivered and to the purchaser (when known to the manufacturer) of the boat, within a reasonable time after the manufacturer has discovered the defect.

(b) Notification shall be accomplished—

(1) by certified mail to the first purchaser (not including any dealer of the manufacturer) of the boat containing the defect, and to any subsequent purchaser to whom has been transferred any warranty on the boat; and

(2) by certified mail or other more expeditious means to the dealer to whom the boat was delivered.

(c) Notification shall contain a clear description of the defect, an evaluation of the risk to boating safety reasonably resulting from the defect, and a statement of measures to be taken to repair the defect.

(d) Every manufacturer shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to purchasers or dealers required under this Act. The Secretary may publish so much of the information contained in the communication as he deems will contribute to boating safety.

RENDERING OF ASSISTANCE IN CASUALTIES

SEC. 16. (a) The operator of a vessel, including one otherwise exempted by subsection 4(c) of this Act, involved in a collision, accident, or other casualty, to the extent he can do so without serious danger to his own vessel, or persons aboard, shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from danger caused by the collision, accident, or casualty. He shall also give his name, address, and the identification of his vessel to any person injured and to the owner of any property damaged. The duties imposed by this subsection are in addition to any duties otherwise imposed by law.

(b) Any person who complies with subsection (a) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance where the assisting person acts as an ordinary, reasonably prudent man would have acted under the same or similar circumstances.

NUMBERING OF CERTAIN VESSELS

VESSELS REQUIRING NUMBERING

SEC. 17. An undocumented vessel equipped with propulsion machinery of any type shall have a number issued by the proper issuing authority in the State in which the vessel is principally used.

STANDARD NUMBERING

SEC. 18. (a) The Secretary shall establish by regulation a standard numbering system for vessels. Upon application by a State the Secretary shall approve a State numbering system which is in accord with the standard numbering system and the provisions of this Act relating to numbering and casualty reporting. A State with an approved system is the issuing authority under the Act. The Secretary is the issuing authority in States where a State numbering system has not been approved.

(b) If a State has a numbering system approved by the Secretary under the Act of September 2, 1958 (72 Stat. 1754), as amended, prior to enactment hereof, the system need not be immediately revised to conform with this Act and may continue in effect without change for a period not to exceed three years from the date of enactment of this Act.

(c) When a vessel is actually numbered in the State of principal use, it shall be considered as in compliance with the numbering system requirements of any State in which it is temporarily used.

(d) When a vessel is removed to a new State of principal use, the issuing authority of that State shall recognize the validity of a number awarded by any other issuing authority for a period of at least sixty days before requiring numbering in the new State.

(e) If a State has a numbering system approved after the effective date of this Act, that State must accept and recognize any certificate of number issued by the Secretary, as the previous issuing authority in that State, for one year from the date that State's system is approved, or until its expiration date, at the option of the State.

(f) Whenever the Secretary determines that a State is not administering its approved numbering system in accordance with the standard numbering system, or has altered its system without his approval, he may withdraw his approval after giving notice to the State, in writing, setting forth specifically wherein the State has failed to meet the standards required, and the State has not corrected such failures within a reasonable time after being notified by the Secretary.

EXEMPTIONS

SEC. 19. (a) The Secretary, when he is the issuing authority, may exempt a vessel or class of vessels from the numbering provisions of this Act under such conditions as he may prescribe.

(b) When a State is the issuing authority, it may exempt from the numbering provisions of this Act any vessel or class of vessels that has been exempted under subsection (a) of this section or otherwise as permitted by the Secretary.

DESCRIPTION OF CERTIFICATE OF NUMBER

SEC. 20. (a) A certificate of number granted under this Act shall be pocket size, shall be at all times available for inspection on the vessel for which issued when the vessel is in use, and may not be valid for more than three years. The certificate of number for vessels less than twenty-six feet in length and leased or rented to another for the latter's noncommercial use of less than twenty-four hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative. A vessel which does not have the certificate of number on board shall be identified while in use, and comply with such other requirements, as the issuing authority prescribes.

(b) The owner of a vessel numbered under this Act shall furnish to the issuing authority notice of the transfer of all or part of his interest in the vessel, or of the destruction or abandonment of the vessel, within a reasonable time thereof, and shall furnish notice of any change of address within a reasonable time of the change, in accordance with prescribed regulations.

DISPLAY OF NUMBER

SEC. 21. A number required by this Act shall be painted on, or attached to, each side of the forward half of the vessel for which it was issued, and shall be of the size, color, and type as may be prescribed by the Secretary. No other number may be carried on the forward half of the vessel.

SAFETY CERTIFICATES

SEC. 22. When a State is the issuing authority it may require that the operator of a numbered vessel hold a valid safety certificate issued under terms and conditions set by the issuing authority.

REGULATIONS

SEC. 23. The issuing authority may prescribe regulations and establish fees to carry out the intent of sections 17 through 24 and section 37 of this Act. A State issuing authority may impose only terms and conditions for vessel numbering which are prescribed by this Act or the regulations of the Secretary concerning the standard numbering system.

FURNISHING OF INFORMATION

SEC. 24. Manufacturers may request from an issuing authority vessel numbering and registration information which is retrievable from vessel numbering system records of the issuing authority. When the issuing authority is satisfied that the request is reasonable and related to a boating safety purpose, the information shall be furnished upon payment by the manufacturer of the cost of retrieval and furnishing of the information requested.

State Boating Safety Programs

ESTABLISHMENT AND ACCEPTANCE

SEC. 25. In order to encourage greater State participation and consistency in boating safety efforts, and particularly greater safety patrol and enforcement activities, the Secretary may accept State boating safety programs directed at implementing and supplementing this Act. Acceptance is necessary for a State to receive full rather than partial Federal financial assistance under this Act. The Secretary may also make Federal funds available to an extent permitted by subsection 27(d) of this Act to national nonprofit public service organizations for national boating safety programs and activities which he considers to be in the public interest.

BOATING SAFETY PROGRAM CONTENT

SEC. 26. (a) The Secretary shall accept a State boating safety program which—

(1) incorporates a State vessel numbering system previously approved under this Act or includes such a numbering system as part of the proposed boating safety program;

(2) includes generally the other substantive content of the Model State Boat Act as approved by the National Association of State Boating Law Administrators in conjunction with the Council of State Governments, or is in substantial conformity therewith, or conforms sufficiently to insure uniformity and promote comity among the several jurisdictions;

(3) provides for patrol and other activity to assure enforcement of the State boating safety laws and regulations;

(4) provides for boating safety education programs;

(5) designates the State authority or agency which will administer the boating safety program and the allocated Federal funds; and

(6) provides that the designated State authority or agency will submit reports in the form prescribed by the Secretary.

(b) The requirements of subparagraph (a)(2) of this section shall be liberally construed to permit acceptance where the general intent and purpose of such requirements are met and nothing contained therein is in any way intended to discourage a State program which is more extensive or comprehensive than suggested herein, particularly with the regard to safety patrol and enforcement activity commensurate with the amount and type of boating activity within the State, and with regard to public boat safety education, and experimental programs which could enhance boating safety.

ALLOCATION OF FEDERAL FUNDS

SEC. 27. (a) The Secretary shall allocate the amounts appropriated to the several eligible States as soon as practicable after July 1 of each fiscal year for which the funds are appropriated.

(b) In order to encourage and assist the States in the development of boating safety programs during the first three fiscal years for which funds are available under this Act, the funds shall be allocated among applying States having a boating safety program, or which indicate to the Secretary their intention to establish boating safety programs in accordance with section 25 of this Act. One-half of the funds shall be allocated equally among the applying States. The other half shall be allocated to each applying eligible State in the same ratio as the number of vessels propelled by machinery numbered in that State bears to the number of such vessels numbered in all applying eligible States.

(c) In fiscal years after the third fiscal year for which funds are available under this Act the moneys appropriated shall be allocated among applying States. Of the total available funds one-third shall be allocated each year equally among applying States. One-third shall be allocated so that the amount each year to each applying eligible State will be in the same ratio as the number of vessels numbered in that State, under a numbering system approved under this Act, bears to the number of such vessels numbered in all applying eligible States. The remaining one-third shall be allocated so that the amount each year to each applying eligible State shall be in the same ratio as the State funds expended or obligated for the State boating safety program during the previous fiscal year by a State bears to the total State funds expended or obligated for that fiscal year by all the applying eligible States.

(d) The Secretary may allocate not more than 5 per centum of funds appropriated in any fiscal year for national boating safety activities of one or more national nonprofit-public service organizations.

ALLOCATION LIMITATIONS; UNOBLIGATED OR UNALLOCATED FUNDS

SEC. 28. (a) Notwithstanding the allocation ratios prescribed in section 27 of this Act, the Federal share of the total annual cost of a State's boating safety program may not exceed 75 per centum in fiscal year 1972, 66⅔ per centum in fiscal year 1973, 50 per centum in fiscal year 1974, 40 per centum in fiscal year 1975, and 33⅓ per centum in fiscal year 1976. No State may receive more than 5 per centum of the Federal funds appropriated or available for allocation in any fiscal year.

(b) Amounts allocated to an eligible State shall be available for obligation by that State for a period of three years following the date of allocation. Funds unobligated by the State at the expiration of the three-year period shall be withdrawn by the Secretary and shall be available with other funds to be allocated by the Secretary during that fiscal year.

(c) Funds available to the Secretary which have not been allocated at the end of a fiscal year shall be carried forward as part of the total allocation funds for the next fiscal year for which appropriations are authorized by this Act.

DETERMINATION OF STATE FUNDS EXPENDED

SEC. 29. In accordance with regulations prescribed by the Secretary computation by a State of funds expended or obligated for the boating safety program shall include the acquisition, maintenance, and operating costs of facilities, equipment, and supplies; personnel salaries and reimbursable expenses; the costs of training personnel; public boat safety education; the costs of administering the program; and other expenses which the Secretary considers appropriate. The Secretary shall determine any issues which arise in connection with such computation.

APPROPRIATIONS AUTHORIZATIONS FOR STATE BOATING SAFETY PROGRAMS

SEC. 30. For the purpose of providing financial assistance for State boating safety programs there is authorized to be appropriated $7,500,000 for the fiscal year ending June 30, 1972, and $7,500,000 for each of the four succeeding fiscal years, such appropriations to remain available until expended.

PAYMENTS

SEC. 31. (a) Amounts allocated under section 27 of this Act shall be computed and paid to the States as follows:

(1) During the first three fiscal years that funds are available the Secretary shall schedule the initial payment to each State at the

earliest possible time after application and compliance with subsection 27(b) of this Act.

(2) For fiscal years after the third fiscal year for which funds are available, the Secretary shall determine during the last quarter of a fiscal year, on the basis of computations made pursuant to section 29 of this Act and submitted by the States, the percentage of the funds available for the next fiscal year to which each eligible State shall be entitled. Notice of the percentage and of the dollar amount, if it can then be determined, for each State shall be furnished to the States at the earliest practicable time. If the Secretary finds that an amount made available to a State for a prior year is greater or less than the amount which should have been made available to that State for the prior year, because of later or more accurate State expenditure information, the amount for the current fiscal year may be increased or decreased by the appropriate amount.

(b) Notwithstanding any other provision of law, the Secretary shall schedule the payment of funds consistent with the program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of funds from the United States Treasury and the subsequent disbursement thereof by a State.

(c) Whenever the Secretary, after reasonable notice to the designated State authority or agency, finds that—

(1) the boating safety program submitted by the State and accepted by the Secretary has been so changed that it no longer complies with this Act or standards established by regulations thereunder; or

(2) in the administration of the boating safety program, there has been a failure to comply substantially with the standards established by the regulations;

the Secretay shall notify the State authority or agency that no further payments will be made to the State until the program conforms to the established standards or the failure is corrected.

(d) The Secretary shall, by regulation, provide for such accounting, budgeting, and other fiscal procedures as are necessary and reasonable for the proper and efficient administration of this section. The Secretary and the Comptroller General of the United States shall have access for the purpose of audit and examination, to any books, documents, papers, and records that are pertinent to Federal funds received by the States under this Act.

CONSULTATION AND COOPERATION

SEC. 32. (a) In carrying out his responsibilities under this Act the Secretary may consult with State and local governments, public and private agencies, organizations and committees, private industry, and other persons having an interest in boating and boating safety.

(b) The Secretary may advise, assist, and cooperate with the States and other interested public and private agencies, in the planning, development, and execution of boating safety programs. Acting under the authority of section 141 of title 14, United States Code, and consonant with the policy defined in section 2 of this Act, the Secretary shall insure the fullest cooperation between the State and Federal authorities in promoting boating safety by entering into agreements and other arrangements with the States whenever possible. Subject to the provisions of chapter 23, title 14, he may make available, upon request from a State, the services of members of the Coast Guard Auxiliary to assist the State in the promotion of boating safety on State waters.

BOATING SAFETY ADVISORY COUNCIL

SEC. 33. (a) The Secretary shall establish a National Boating Safety Advisory Council, which shall not exceed twenty-one members, whom the Secretary considers to have a particular expertise, knowledge, and experience in boating safety. Insofar as practical, to assure balanced representation, members shall be drawn equally from (1) State officials responsible for State boating safety programs, (2) boat and associated equipment manufacturers, and (3) boating organizations and members of the general public. Additional persons from those sources may be appointed to panels to the Council which will assist the Council in the performance of its functions.

(b) In addition to the consultation required by section 6 of this Act the Secretary shall consult with the Advisory Council on any other major boat safety matters related to this Act.

(c) Members of the Advisory Council or panels may be compensated at a rate not to exceed the rate provided for Federal classified employees of grade GS-18 when engaged in the duties of the Council. Members, while away from their home or regular places of business, may be allowed travel expenses, including a per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Advisory Council employees or officials of the United States for any purposes.

CRIMINAL PENALTIES

SEC. 34. Any person who willfully violates subsection 12(d) of this Act or the regulations issued thereunder shall be fined not more than $1,000 for each violation or imprisoned not more than one year, or both.

CIVIL PENALTIES

SEC. 35. (a) In addition to any other penalty prescribed by law any person who violates subsection 12(a) of this Act shall be liable to a civil penalty of not more than $2,000 for each violation, except that the maximum civil penalty shall not exceed $100,000 for any related series of violations.

(b) In addition to any other penalty prescribed by law any person who violates any other provision of this Act or the regulations issued thereunder shall be liable to a civil penalty of not more than $500 for each violation. If the violation involves the use of a vessel the vessel, except as exempted by subsection 4(c) of this Act, shall be liable and may be proceeded against in the district court of any district in which the vessel may be found.

(c) The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty prior to referral to the Attorney General. Subject to approval by the Attorney General, the Secretary may engage in any proceeding in court for that purpose, including a proceeding under subsection (d) of this section. In determining the amount of any penalty to be assessed hereunder, or the amount agreed upon in any compromise, consideration shall be given to the appropriateness of such penalty in light of the size of the business of the person charged, the gravity of the violation and the extent to which the person charged has complied with the provisions of section 15 of this title or has otherwise attempted to remedy the consequences of the said violation.

(d) When a civil penalty of not more than $200 has been assessed under this Act, the Secretary may refer the matter for collection of the penalty directly to the Federal magistrate of the jurisdiction wherein the person liable may be found for collection procedures under supervision of the district court and pursuant to order issued by the court delegating such authority under section 636(b) of title 28, United States Code.

INJUNCTIVE PROCEEDINGS

SEC. 36. The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this Act, or to restrain the sale, offer for sale, or the introduction or delivery for introduction, in interstate commerce, or the importation into the United States, of any boat or associated equipment which is determined not to conform to Federal boat safety standards, upon petition by the Attorney General on behalf of the United States. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and except in the case of knowing and willful violation, shall afford him a reasonable opportunity to achieve compliance. The failure to give notice and afford such opportunity does not preclude the granting of appropriate relief.

CASUALTY REPORTING SYSTEMS

SEC. 37. (a) The Secretary shall prescribe a uniform vessel casualty reporting system for vessels subject to this Act, including those otherwise exempted by terms (1), (3), and (4) of subsection 4(c).

(b) A State vessel numbering system and boating safety program approved under this Act shall provide for the reporting of casualties and accidents involving vessels. A State shall compile and transmit to the Secretary reports, information, and statistics on casualties and accidents reported to it.

(c) A vessel casualty reporting system shall provide for the reporting of all marine casualties involving vessels indicated in subsection (a) of this section and resulting in the death of any person. Marine casualties which do not result in loss of life shall be classified according to the gravity thereof, giving consideration to the extent of the injuries to persons, the extent of property damage, the dangers which casualties create, and the size, occupation or use, and the means of propulsion of the boat involved. Regulations shall prescribe the casualties to be reported and the manner of reporting.

(d) The owner or operator of a boat or vessel indicated in subsection (a) of this section and involved in casualty or accident shall report the casualty or accident to the Secretary in accordance with regulations prescribed under this section unless he is required to report to a State under a State system approved under this Act.

(e) The Secretary shall collect, analyze, and publish reports, information, or statistics together with findings and recommendations he considers appropriate. If a State accident reporting system provides that information derived from accident reports, other than statistical, shall be unavailable for public disclosure, or otherwise prohibits use by the State or any person in any action or proceeding against an individual, the Secretary may utilize the information or material furnished by a State only in like manner.

APPROPRIATIONS AUTHORIZATION

SEC. 38. There is authorized to be appropriated amounts as may be necessary to administer the provisions of this Act.

MISCELLANEOUS PROVISIONS

SEC. 39. (a) The following are repealed:

(1) Section 7, as amended, and sections 13 and 14 of the Motorboat Act of 1940, Public Law 76-484, April 25, 1940 (54 Stat. 165);

(2) The Federal Boating Act of 1958, Public Law 85-911, September 2, 1958 (72 Stat. 1754), except subsections 6(b) and 6(c) thereof;

(3) The Act of March 28, 1960, Public Law 86-396 (74 Stat. 10); and

(4) The Act of August 30, 1961, Public Law 87-171 (75 Stat. 408).

(b) Subsection (c) of section 6 of the Federal Boating Act of 1958, September 2, 1958 (72 Stat. 1754), is amended to read as follows:

"(c) Such Act of April 25, 1940 (46 U.S.C. 526–526t), is further amended by adding at the end thereof the following new section:

"'Sec. 22. (a) This Act applies to every motorboat or vessel on the navigable waters of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia, and every motorboat or vessel owned in a State and using the high seas, except that the provisions of this Act other than sections 12, 18, and 19 do not apply to boats as defined in and subject to the Boat Safety Act of 1970.

"'(b) As used in this Act—

"'The term "State" means a State of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia.'"

(c) Any vesssel, to the extent that it is subject to the Small Passenger Carrying Vessel Act, May 10, 1956 (70 Stat. 151), or to any other vessel inspection statute of the United States, is exempt from the provisions of this Act.

(d) Nothing contained in this Act shall be deemed to exempt from the antitrust laws of the United States any conduct that would be unlawful under such laws, or to prohibit under the antitrust laws of the United States any conduct that would be lawful under such laws.

(e) Regulations previously issued under statutory provisions repealed, modified, or amended by this Act continue in effect as though promulgated under the authority of this Act until expressly abrogated, modified or amended by the Secretary under the regulatory authority of this Act.

(f) A criminal or civil penalty proceeding under the Motorboat Act of 1940, as amended, or the Federal Boating Act of 1958, as amended, for a violation which occurred before the effective date of this Act may be initiated and continue to conclusion as though the former Acts had not been amended or repealed hereby.

The letter presented by Mr. Cotton is as follows:

The State of New Hampshire,
Division of Safety Services,
Concord, N.H., October 23, 1970.
Senator Norris Cotton,
Senate Office Building,
Washington, D.C.

Dear Senator Cotton: I am writing urging your support of Senate Bill 3199 and House Bill 15041 so called the Federal Boat Act of 1970.

We feel that this is an important piece of legislation and hope that you can endorse this.

Yours very truly,
Alton H. Stone
Director of Safety Services.

S. 697, S. 698, AND S. 699—INTRODUCTION OF BILLS TO AMEND THE UNIFORM TIME ACT; TO PROMOTE THE SAFETY OF PORTS, HARBORS, WATERFRONT AREAS, and NAVIGABLE WATERS OF THE UNITED STATES; AND TO REQUIRE A RADIOTELEPHONE ON CERTAIN VESSELS WHILE NAVIGATING UPON SPECIFIC U.S. WATERS

Mr. COTTON. Mr. President, by request of the Secretary of Transportation, I introduce, for appropriate reference, for myself and the chairman of our Commerce Committee (Mr. Magnuson) the following bills:

A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases;

A bill to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States; and

A bill to require a radiotelephone on certain vessels while navigating upon specific waters of the United States.

I ask unanimous consent that the text of the bill and the letter from the Secretary of Transportation to the President of the Senate transmitting each of the above bills be printed in the Record.

The PRESIDING OFFICER (Mr. Gambrell). The bills will be received and appropriately referred; and, without objection, the bills and letters will be printed in the Record.

The bills, introduced by Mr. Cotton (for himself and Mr. Magnuson), by request, were received, read twice by their titles, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 697

A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a) is amended by striking out all after the semicolon and inserting the following in place thereof: "however, (1) any State that lies entirely within one time zone may by law exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable under this Act, during that period and (2) any State with parts thereof in more than one time zone may by law exempt either the entire State as provided in (1) or may exempt the entire area of the State lying within any time zone;"

The letter, presented by Mr. Cotton, is as follows:

The Secretary of Transportation,
Washington, D.C., February 1, 1971.
Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: I transmit herewith for the consideration of the Congress a draft bill "To amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases."

Pursuant to the Uniform Time Act of 1966, the Secretary of Transportation is required to define the limits of each of the eight statutory time zones in the United States. Within the zones as defined by this Department, "Daylight Saving Time" is mandatory from the last Sunday in April to the last Sunday in October, except that any State may, by law, exempt the *entire* State from Daylight Saving Time observance.

In cases in which a time zone line divides a State, that State frequently finds its eastern and western populations in disagreement on the question of whether or not the State legislature should act to exempt it. This is particularly so in those States split between Eastern and Central time (e.g. Indiana and Kentucky). Because of the strong economic and communications influence of the Atlantic Coast communities, the observance of Eastern time has been extended considerably further into the Central time zone than it would if the sun alone were the determining factor. The eastern part of a State so split, being at the western extreme of its time zone, experiences later sunrises and sunsets than the rest of its time zone. This is accentuated when the time zone line is further westward than it would be on a solar basis, as is the line between Eastern and general times (especially in Indiana and Kentucky). To many residents of these areas, this amounts to being on Daylight Saving Time even though it is called *Standard Time.* When they are required by the Uniform Time Act to go on advanced time in the summer, those eastern residents view it as "double daylight time" and overwhelmingly support exemption from Daylight Saving Time. The western population of the same States, being primarily on and observing Central time, is generally satisfied and opposes exemption.

To obviate this difficulty, the Department recommends that the Uniform Time Act be amended to permit, in the case of "split States", the exemption of the entire area of the State lying in a given time zone. (The Act, as so amended, would continue to permit exemption of the entire State.) For example, in Indiana and Kentucky, the eastern populations of those States could be exempted by State action from Daylight Saving Time, as they now prefer, while the western populations of those same States could go on advanced time, for which they have expressed their support. Such exemption authority would afford each "split" State a more flexible means of accommodating the desires of the majority of its population, would promote observance of the established time zones, and would extricate the Department's zone-line-defining function from matters of primarily local concern.

With respect to Indiana, for example, after two attempts by proposed rule making, neither of which was well received, the Department found that it could not, by relocation of the time zone boundary alone, provide a viable solution to that State's perennial time dilemma. The only permanent solution involved two steps. First, the Department issued a final rule based on a proposal to place all but the northwestern and southwestern counties in the Eastern time zone, because it was clear to us that the northwestern and southwestern counties wanted Central time with advanced time in the summer. It was equally clear that the rest of Indiana wanted Eastern time, but without advanced time. Second, the Department recommends this legislation to allow any State having more than one time zone to exempt any of the zones within the State, as well as the entire State, from advanced time. The Indiana State Legislature could then exempt the Eastern time portion of the State from advanced time without disturbing the Central time portion of the State.

In the absence of such an option, and following the Act's requirement that an exemption apply to the entire State, the Indiana State Legislature, on January 25, 1971, enacted a state-wide exemption law. As a direct result, the 12 Indiana counties in the Central time zone will be required to observe a standard of time during the six summer months which is totally incongruous with the surrounding regions of their own and neighboring States.

Except in Alaska, which lies in four time zones, the net effect of exempting the eastern part of a "split" State would be to put the entire State on the same time during the summer, and on split times during the winter, rather than on split time for the entire year. To put it another way—the point at which an east-west traveler would observe a time change in that State in the winter would be on the line defined by this Department; in the summer it would be on the eastern boundary of the State.

Before passage of the Uniform Time Act of 1966, the transportation, broadcasting, and other concerned industries were forced to look to thousands of county and community units to determine whether, and on which dates, each unit observed Daylight Saving Time. The 1966 Act (1) provided industry and the public with set dates on which advanced time could be commenced and ended, (2) prevented the widespread "checkerboard" effect caused by local option exercised among adjacent counties and communities, and (3) provided the element of certainty, previously lacking, necessary for scheduling and operating continuity.

The improvements and certainty in time matters brought about by the enactment of the 1966 Act appear to have improved the situation to the point where only a perfecting amendment as recommended herein is necessary to provide for proper administration of the Act and a means for solving the existing dilemma in Indiana. For this reason, the proposed amendment has been drafted so as to limit its effect to the precise situations where local problems have evolved in split States.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

John Volpe.

S. 698

A bill to promote the safety of ports, harbors, waterfront areas and navigable waters of the United States:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Ports and Waterways Safety Act of 1971.

Sec. 2. (a) To promote safe and efficient maritime transportation or to promote the safety and environmental quality of the ports, harbors, and navigable waters of the United States, the Secretary of the Department in which the Coast Guard is operating (hereinafter referred to as the "Secretary") may prescribe standards, procedures, regulations, or other measures designed (1) to prevent damage to, or the destruction or loss of any vessel, structure or facility on or in such waters, or any structure or facility on land adjacent to such waters; and (2) to protect navigable waters, the resources therein and adjoining land areas.

(b) In carrying out his responsibilities under this section, the Secretary may:

(1) prescribe or approve marine traffic control procedures and methods, and establish, operate, maintain, require or approve marine including but not limited to size and speed limitations, operating capabilities, and pilotage where pilotage is not required by state law;

(2) direct, regulate, and control the anchorage, mooring or movement of any vessel, including the taking of full or partial possession and control, if necessary, to prevent damage to or by the vessels or to or by its cargo, stores, supplies, or fuel;

(3) establish or approve procedures, measures, and standards for handling, loading, discharge, storage, stowage, and movement, including the emergency removal, control and disposition of:

(i) any explosives or other dangerous articles or substances, the transportation of which is subject to regulation by the Secretary; and

(ii) any dangerous articles for use as vessel stores, supplies or fuel;

(4) prescribe minimum equipment requirements for structures and facilities to assure adequate protection from fire, explosion, natural disasters, and other serious accidents or casualties;

(5) establish safety zones or otherwise control the use of or regulate access to vessels, structures, facilities, waters, waterfront and shoreline areas as may be necessary for their protection; and

(6) establish procedures for inspection and approval to assure compliance with standards, procedures, regulations, or other measures prescribed pursuant to this Act.

(b) For the purpose of this Act, the term "United States" means the 50 States, the District of Columbia, Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

Sec. 3. (a) This Act does not apply to foreign vessels in transit through straits used for international navigation; nor is it to be applied in other territorial seas to hamper the right of innocent passage as recognized under international law.

(b) Nothing contained in this Act is intended to supplant or modify any treaty or Federal statute or authority granted thereunder, nor is it intended to prevent a state or a political subdivision thereof, in the exercise of its lawful authority, from prescribing higher equipment requirements or safety standards than those which may be prescribed for structures and facilities pursuant to section 2 of this Act.

(c) In the exercise of his authority under this Act, the Secretary shall consult with other Federal agencies, as appropriate, in order to give due consideration to their statutory and other responsibilities, and to assure consistency of regulations applicable to the vessels, structures and facilities covered by this Act. The Secretary may also consider, utilize, or incorporate regulations or similar directory materials issued by port or other state and local authorities.

Sec. 4. The Secretary is authorized to investigate any incident, accident, or willful or negligent act involving the loss or destruction of, or damage to, any facility or structure subject to section 2 of this Act, or which affects or may affect safety of, on or in the ports, harbors, or navigable waters of the United States. In any investigation under this Act, the Secretary may issue a subpena to require the attendance of witnesses and the production of documents and other evidence. In case of refusal to obey a subpoena issued to any person, the Secretary may request the Attorney General to invoke the aid of any district court of the United States to compel compliance. Witnesses may be paid fees for travel and attendance at rates not exceeding those allowed in a district court of the United States. The Secretary may prescribe such regulations as necessary to carry out this section.

Sec. 5. Whoever violates a regulation issued under this Act shall be liable to a civil penalty of not more than $1,000. The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty. Upon failure to collect or compromise a penalty, the Secretary may request the Attorney General to commence an action for collection in any district court of the United States. Any vessel used or employed in a violation of any regulation under this Act shall be liable in rem and may be proceeded against in any district court of the United States having jurisdiction.

Sec. 6. Whoever willfully violates a regulation issued under this Act shall be fined not less than $1,000 nor more than $10,000 or imprisoned for not more than 10 years, or both.

The letter, presented by Mr. Cotton, is as follows:

The Secretary of Transportation,
Washington, D.C., January 26, 1971.
Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft of a proposed bill "To promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States."

The proposed bill, which would implement a recommendation originally made in a Presidential message to the 91st Congress on oil spills, would authorize the Secretary of the Department in which the Coast Guard is operating to institute measures and issue regulations to safeguard vessels, harbors, ports, waterfront areas, waterfront facilities, and navigable waters from loss or damage or the threat thereof resulting from the operation of vessels and facilities, and to investigate accidents and casualties occurring on or involving such facilities.

In 1950 the President, acting pursuant to the Magnuson Act, 50 United States Code 191, which authorizes him to make rules governing the movement, inspection and guarding of vessels, harbors, ports, and waterfront facilities in the United States upon a determination that our national security is endangered, issued Executive Order 10173. This order, as subsequently modified, is currently the basic authority for the Coast Guard's port security and safety programs.

During the past twenty years, ports, waterways, and waterfront facilities have continued to expand and tankers and other vessels have grown in size to accommodate an increasing flow of dangerous cargoes. New and complex problems resulting from these changes have gradually made it evident that action must be taken to improve our port security programs from the standpoint of public safety and environmental protection. Although Executive Order 10173 is manifestly linked with prevention of sabotage and subversion activity in our waterfront areas, there are numerous safety functions as well which are now carried out by the Coast Guard in its port security programs and which rest solely upon that Executive Order as the source of authority. These include, but are not limited to, the supervision and control of vessel movements to prevent damage to vessels or waterfront facilities, the imposition of conditions and restrictions regarding inspection, operation, maintenance, guarding, manning, and fire prevention aboard vessels and in waterfront facilities, and the important task of supervision and control of the transportation, handling, loading, discharging, stowage and storage of explosives, inflammable or combustible materials and other dangerous articles or cargo. It is important that such functions be performed regardless of the international situation and that they be based upon permanent statutory authority which adequately reflects that need.

The draft bill is designed to provide continuing general authority to protect vessels, structures, harbors, ports, and waterways from damage or loss resulting from causes other than subversive activity. Recent incidents such as vessels grounding or colliding with bridges and other structures, with the attendant risk of release of oil or other harmful substance points up the need for the legislation. The favorable impact that more carefully supervised vessel traffic can have on the environment is apparent. The best possible solution to the oil pollution problem in the waterways of the United States, for example, is, of course, to prevent the oil from being discharged into the water in the first place. Reduction of vessel casualty risks through closer attention to vessel control and equipment in congested waters can make a significant contribution in that regard.

The bill would also permit the establishment of safety zones wherein vessel traffic or other activities could be prohibited or curtailed for a particular reason or purpose, and usually for brief periods. A need might arise, for example, in the area of a collision or other accident, or to assure safety at a vessel launching or in connection with other special occasions.

The draft bill contains provisions which make it clear that it will not hamper the right of innocent passage, as recognized in international law, in the territorial seas of the United States and that it would not apply in straits used for international navigation.

The proposal would also streamline present enforcement procedures by authorizing investigations and hearings (including the power to subpoena witnesses and documents) and by instituting a system of civil penalties to supplement the criminal penalties. Such investigations would not only serve to determine the causes of casualties but would also contribute to the important functions of critically reviewing existing safety regulations with a view of modernizing them as needed and of making other recommendations to enhance the overall safety posture of our port facilities.

Cities and municipalities which border on ports and harbors have placed considerable reliance on the Coast Guard's continuing ability to prevent and eliminate dangers which represent potential major disasters. This proposed legislation is necessary to insure continued justification for that reliance. At the same time, we would expect to continue to encourage greater involvement and allocation of resources by state and local port authorities. Though the regulatory authority of our proposal will assure appropriate federal coordination and general uniformity, the scope of the port safety task as well as unique local conditions and problems virtually compels local as well as federal effort. Because the Coast Guard is now involved, in varying degree, in all of the functional areas addressed, enactment of the bill would have no immediate budgetary impact. Future costs will, of course, depend on the extent of activities found necessary to implement further the port safety function defined in the proposed bill.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that enactment of this proposed legislation is in accord with the President's program.

Sincerely,

JOHN VOLPE.

S. 699

A bill to require a radiotelephone on certain vessels while navigating upon specified waters of the United States:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vessel Bridge-to-Bridge Radiotelephone Act".

SEC. 2. It is the purpose of this Act to provide a positive means whereby the operators of approaching vessels can communicate their intentions to one another through voice radio, located convenient to the operator's navigation station. To effectively accomplish this, there is need for a specific frequency dedicated to the exchange of navigational information, on navigable waters of the United States.

SEC. 3. For the purpose of this Act—

(1) "Secretary" means the Secretary of the Department in which the Coast Guard is operating;

(2) "power-driven vessel" means any vessel propelled by machinery; and

(3) "towing vessel" means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

SEC. 4. (a) Except as provided in section 6 of this Act—

(1) every power-driven vessel of three hundred gross tons and upward while navigating;

(2) every vessel of one hundred gross tons and upward carrying one or more passengers for hire while navigating;

(3) every towing vessel of twenty-six feet or over in length at the water line while navigating; and

(4) every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect the navigation of other vessels—

shall have a radiotelephone capable of operation from its navigational bridge or, in the case of a dredge, from its main control station and capable of transmitting and receiving on the frequency or frequencies within the 156–162 Mega-Hertz band using the classes of emissions designated by the Federal Communications Commission, after consultation with other cognizant agencies, for the exchange of navigational information.

(b) The radiotelephone required by subsection (a) shall be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.

SEC. 5. The radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain or cause to be maintained a listening watch on the designated frequency. Nothing contained herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this Act.

SEC. 6. Whenever radiotelephone capability is required by this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it to effective operating condition at the earliest practicable time. The failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

SEC. 7. The Secretary may, if he considers that marine navigational safety will not be adversely affected or where a local communication system fully complies with the intent of this concept but does not conform in detail, issue exemptions from any provisions of this Act, on such terms and conditions as he considers appropriate.

SEC. 8. (a) The Federal Communications Commission shall, after consultation with other cognizant agencies, prescribe regulations necessary to specify operating and technical conditions and characteristics including frequencies, emission, and power of radiotelephone equipment required under this Act.

(b) The Secretary shall, subject to the concurrence of the Federal Communications Commission, prescribe regulations for the enforcement of this Act.

SEC. 9. (a) Whoever, being the master or person in charge of a vessel subject to this Act, fails to enforce or comply with this Act or the regulation, hereunder; or

Whoever, being designated by the master or person in charge of a vessel subject to this Act to pilot or direct the movement of the vessel, fails to enforce or comply with this Act or the regulations hereunder—

Is liable to a civil penalty of $500 to be assessed by the Secretary.

(b) Every vessel navigating in violation of this Act or the regulations hereunder is liable to a civil penalty of $500 to be assessed by the Secretary for which the vessel may be proceeded against in any district court of the United States having jurisdiction.

(c) Any penalty assessed under this section may be remitted or mitigated by the Secretary upon such terms as he may deem proper.

SEC. 10. This Act shall become effective March 1, 1971, or six months after the promulgation of regulations which would implement its provisions, whichever is later.

The letter, presented by Mr. COTTON, is as follows:

THE SECRETARY OF TRANPORTATION,
Washington, D.C., January 26, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill "To require a radiotelephone on certain vessels while navigating upon specified waters of the United States."

The proposed bill would require all foreign and domestic vessels of 300 gross tons and upward, those of 100 gross tons and upward carrying passengers, and towing vessels of 26 feet or over in length, when navigating in specified areas, and dredges and other floating plants when their operations restrict marine traffic in those areas, to be equipped with short-range radiotelephones for the exchange of navigational information. The areas of application would be the navigable waters of the United States inside of lines which demarcate the inland waters of the United States. Included would be the harbors and bays along the Atlantic, Gulf and Pacific Coasts and those of Alaska, Hawaii, Puerto Rico and the Virgin Islands. Also would be included the Great Lakes and the Mississippi and other river systems. Bridge-to-bridge radiotelephones would, in the opinion of the Department, prove to be of cardinal importance in promoting navigational safety on those waters of the United States upon which deep-draft vessels operate.

Since World War II, short-range (line of sight) radiotelephones have been used with increasing effectiveness on bridges of ships. During the war, it had been found that such radiotelephones were an invaluable aid in multiship maneuvering situations where their use allowed ship masters to collaborate on their intended movements. To a navigator already receiving radar information about an approaching vessel in fog, a radiotelephone can supply a positive means of determining that vessel's future movements. In times of good visibility, it can supplement required whistle signals of intent. This improved means of ship-to-ship communication is particularly important when the wind conditions prevent whistle signals from being heard or when the volume of traffic is so heavy that whistle signals are sometimes confusing rather than helpful. Since World War II there has been a nearly continuous effort directed toward making the radiotelephone a more useful tool for collision prevention, but neither national nor international agreement has been achieved. During the past two decades, it has become increasingly evident that increased speed capabilities and sizes of vessels and technological advances require additional steps, supplementary to the required whistle signals, to help prevent collision in confined waters. It is well established that a significant factor in many collisions was doubt about intended movements of vessels which the required use of radiotelephones would help to prevent.

Within the United States there have been some limited, voluntary applications of shortrange, bridge-to-bridge communications. The concepts and usages of the systems employed are varied; and since they are voluntary systems, assurance that other vessels encountered would be appropriately equipped is lacking. The proposed bill would provide a workable and predictable communications system for those United States waters where its implementation could result in a significant reduction in the hazards of marine navigation. The bill is also a step toward the fulfillment of recommendations resulting from the congressional hearings held at the time of the ANDREA DORIA STOCKHOLM collision and also those submitted by the Secretary of the Treasury's Tanker Hazards Committee.

Although primarily an aid to and an instrument of navigation, the required radiotelephones would, to some extent, come within the Federal Communications Commission's field of statutory responsibility. Under the proposed bill, authority over technical aspects would be vested in the Federal Communications Commission, and concurrence of the Commission would be required in the establishment of enforcement regulations.

Enactment of the proposed bill would not in itself result in any increased costs in the operating expenses of the Coast Guard. Coast Guard vessels that would be required to have radiotelephones either have the necessary equipment or are programmed for its installation within currently appropriated funds.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that enactment of this proposed legislation is in accord with the President's program.

Sincerely,

John Volpe.

S. 700—INTRODUCTION OF THE WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1971

Mr. COTTON. Mr. President, by request of the Secretary of Health, Education, and Welfare, I introduce for appropriate reference, for myself and the chairman of our Commerce Committee (Mr. Magnuson) a bill to regulate interstate commerce by strengthening and improving consumer protection under the Federal Food, Drug, and Cosmetic Act with respect to fish and fishery products, and for other purposes. I ask unanimous consent that the text of the bill, the letter from the Secretary of Health, Education, and Welfare to the President of the Senate transmitting the bill and the accompanying section-by-section analysis be printed in the Record.

The PRESIDING OFFICER (Mr. Gambrell). The bill will be received and appropriately referred; and, without objection, the bill, letter, and analysis will be printed in the Record.

The bill (S. 700) to regulate interstate commerce by strengthening and improving consumer protection upon the Federal Food, Drug, and Cosmetic Act with respect to fish and fishery products, including provision for assistance to and cooperation with the States in the administration of their related programs and assistance by them in the carrying out of the Federal program, and for other purposes, introduced by Mr. Cotton (for himself and Mr. Magnuson), by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wholesome Fish and Fishery Products Act of 1971".

CONGRESSIONAL FINDINGS AND PURPOSE

Sec. 2. The Congress finds and declares—

(1) that fish and fishery products are an important source of the Nation's total supply of food;

(2) that these foods are consumed throughout the Nation and the major portion of the supply moves in interstate commerce, some from foreign sources;

(3) that it is essential that the health and welfare of consumers be better protected by assuring that fish and fishery products distributed to them are of good quality, wholesome, unadulterated, and properly marked, labeled, and packaged;

(4) that fish or fishery products, whether processed for intrastate or interstate commerce, which do not meet these standards depress markets for and compete unfairly with fish and fishery products that do meet such standards, to the detriment of consumers, commercial fishermen, and processors of fish and fishery products; and

(5) that, therefore, all fish and fishery products regulated under the amendments made by this Act are either in interstate commerce or substantially affect such commerce, and that Federal regulation and cooperation by the State and other jurisdictions as contemplated by this Act (including cooperation through federally approved State programs for control of shellfish growing areas and shellfish harvesting) are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of the consumer.

WHOLESOME FISH AND FISHERY PRODUCTS AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT—DEFINITIONS

Sec. 101. Section 201 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end of such section the following new paragraphs:

"(y) (1) The term 'fish' means any aquatic animal, including amphibians, or part thereof capable of use as human food.

"(2) The term 'shellfish', as used in sections 402(f), 421, and 423, means any species of oyster, clam, or mussel, either shucked or in the shell, and either fresh or frozen or otherwise processed, or any part thereof.

"(z) The term 'fishery product' means any product capable of use as human food which is made wholly or in part from any fish or portion thereof, except products which contain fish only in small proportions or historically have not been, in the judgment of the Secretary, considered by consumers as products of the commercial fishing industry, and which are excepted from the definition as a fishery product by the Secretary under such conditions as he may prescribe to assure that the fish or portions thereof contained therein are not adulterated and that such products are not represented as fishery products.

"(aa) The term 'capable of use as human food' applies to any fish or part or product thereof, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or unless it is naturally inedible by humans.

"(bb) The terms 'process', 'processed', and 'processing', with respect to fish or fishery products, mean harvesting, handling, storing, preparing, producing, manufacturing, preserving, packing, transporting, or holding thereof.

"(cc) The term 'official mark' means any symbol prescribed by regulations of the Secretary to identify the status of any fish or fishery product or of any processing establishment or vessel under this Act.

"(dd) The term 'official certificate' means any certificate prescribed by regulation of the Secretary for issuance by an inspector or other person performing official functions under this Act.

"(ee) The term 'official device' means any device prescribed or authorized by the Secretary for use in applying any official mark.

"(ff) The term 'owner or operator' means any person who, as the case may be, owns, operates, leases, charters, or otherwise controls any establishment or vessel.

"(gg) The term 'vessel' means a vessel, as defined in section 3 of title 1, United States Code, which is engaged primarily in the processing of fish for landing and human consumption in any State.

"(hh) The term 'establishment' means the premises, buildings, structures, facilities, and equipment (including vehicles) used in the processing of fish and fishery products.

"(ii) The term 'continuous inspection' means the application of inspection by a full-time inspector.

"(jj) The term 'inspector' means an individual appointed or commissioned as an officer or employee of the Department and authorized by the Secretary to inspect articles under the authority of this Act."

PROHIBITED ACTS

Sec. 102. (a) Section 301 of the Federal Food, Drug, and Cosmetic Act is further amended by adding at the end of such section the following new paragraphs:

"(r) (1) Casting, printing, lithographing, or otherwise making, except as authorized by the Secretary, any official mark, official certificate, official device, or simulation thereof.

"(2) Forging, counterfeiting, simulating, or falsely representing, any official mark, official certificate, or official device.

"(3) (i) Without authorization from the Secretary using any official device official mark, or official certificate, or simulation thereof, or altering, defacing, detaching, or destroying any official mark, official certificate, or official device; or (ii) contrary to regulations prescribed by the Secretary, failing to use, or to detach, deface, or destroy, any official device, official mark, or official certificate.

"(4) Possessing without promptly notifying the Secretary thereof, (i) any official device, or (ii) any forged, counterfeited, simulated, or improperly altered official certificate, or (iii) any device or labeling, or any fish or fishery product or part thereof, bearing a forged, counterfeit, simulated, or improperly altered official mark.

"(5) Making a false statement in a shipper's or other certificate provided for in regulations.

"(6) Falsely or misleadingly representing that any fish or fishery product has been inspected and passed or exempted from inspection.

"(s) (1) The processing of any fish or fishery product in any establishment or vessel preparing any such article in violation of any requirement of part B of chapter IV or regulations prescribed pursuant thereto.

"(2) The doing of any act in violation of section 411(e) or regulations thereunder, with respect to any fish or fishery product which is not intended for use as human food.

"(t) The importation of fish and fishery products in violation of section 410(i)."

(b) Section 301(e) of such Act is amended (1) by striking out "or" after "507 (d) or (g)," and (2) by inserting "or 411(b)," after "512 (j), (l), or (m),".

(c) Section 301(f) of such Act is amended by inserting "410(d), 422(d), or" after "section".

(d) Section 303(c) of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "; or (6) for having violated section 301(r) (4) (ii) or (iii), if the possession involved was in good faith and such person had no reason to believe that the certificate or mark involved was forged, counterfeited, simulated, or improperly altered; or (7) for having violated section 301(r) (5) or (6) if the statement or representation involved was made by such person with respect to fish or a fishery product in good faith reliance on a like statement or representation in a shipper's or other certificate of another person from whom he received such article and he had no reason to believe that the statement or representation was false or misleading, unless the person charged with such violation refuses to furnish on request of an officer or employee duly designated by the Secretary the name and address of the person from whom he received such article and copies of the certificate relied upon and of any other documents pertaining to the delivery of the article to him."

ADULTERATION

SEC. 103. Section 402 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end of such section the following new paragraph:

"(f) (1) If it is, or it bears or contains, any fish or fishery product, and it has been processed in violation of section 410 or 411 or any regulations issued by the Secretary under such sections.

"(2) If it is, or is made or derived in whole or in part from, shellfish and such shellfish (A) was harvested in a State or foreign country that did not at the time of harvesting have in effect (i) an annual State plan for classification and control of shellfish growing areas and for regulation and control of shellfish harvesting practices, approved by the Secretary on the basis of standards promulgated by him by regulation, or (ii) in the case of a foreign country, a shellfish control program at least equal to such standards; or (B) was not harvested, or was not purified after harvesting, in conformity with such State plan or foreign program; or (C) was harvested in a growing area that has been declared closed for such purposes by regulation of the Secretary on the basis of a finding of necessity for the protection of the public health."

SURVEILLANCE OF FISH AND FISHERY PRODUCTS, ESTABLISHMENTS, AND VESSELS

SEC. 104. Chapter IV of the Federal Food, Drug, and Cosmetic Act is further amended (1) by inserting "PART A—GENERAL" immediately below the chapter heading, and (2) by adding at the end of such chapter the following

"PART B—FISH AND FISHERY PRODUCTS

"SUBPART 1—SURVEILLANCE AND REGULATION OF PRODUCTS, ESTABLISHMENTS, AND VESSELS

"SEC. 410. (a) GOOD PROCESSING PRACTICES.—The Secretary shall by regulation prescribe standards of sanitation and quality control for the processing (including storage or other handling) of fish and fishery products which shall be applicable to persons covered by this part, and he may from time to time amend such regulations. Prior to the issuance of such standards the Secretary shall consult with other interested Federal agencies, representatives of States, appropriate representatives of consumer organizations and the commercial fishing industry, other interested persons and organizations, and the advisory committee appointed pursuant to section 434. The initial regulations pursuant to this subsection shall be issued within one year after funds are first appropriated to carry out the provisions of this part. Regulations (including amendments to regulations) proscribed pursuant to this subsection shall become effective on the date specified in the order prescribing them, but the initial regulations shall be made effective within one year after the day on which they are issued, unless the Secretary finds that additional time, not in excess of one year, is necessary to place all or part of such regulations into effect. On and after the effective date of such regulations no person shall process in or for interstate commerce fish or fishery products in any establishment under his control without complying with such regulations.

"(b) CERTIFICATION OF ESTABLISHMENTS AND VESSELS.—On and after the 60th day following the effective date of such regulations, no person shall process in or for interstate commerce fish or fishery products in any establishments or vessel under his control unless there is in effect for such establishment or vessel an annual certificate of registration issued by the Secretary. The application therefor shall be accompanied by such assurance as may be required by regulations that the establishment or vessel will be maintained in compliance with applicable standards. No such certificate shall be issued for any establishment unless the Secretary, on the basis of such application and of an intensive inspection made after the issuance of regulations pursuant to subsection (a), determines that there is satisfactory assurance that the establishment is adequately equipped, staffed, and managed to conform to the standards issued pursuant to subsection (a) and that fish and fishery products processed by it, including the labeling and packaging thereof, will in all respects comply with the requirements of this Act. If a certificate of registration is denied, the denial shall be subject to the opportunity for hearing and judicial review provided by section 412.

"(c) SUSPENSION AND REINSTATEMENT OF CERTIFICATES.—The certificate of registration of any establishment or vessel may be suspended, after opportunity for hearing, for failure to comply with the requirements of this subpart. The certificate may be immediately suspended by the Secretary (1) for failure to permit access for inspection, or (2) where an inspection or investigation discloses violation of any provision of this chapter or any regulation issued thereunder which the Secretary determines would involve an undue risk of imminent harm to consumers if processing were to continue prior to the correction of such violation: *Provided*, That the authority conferred by this sentence may not be delegated to a nonsupervisory officer or employee of the Department. The holder of such suspended certificate may at any time apply for reinstatement, and the Secretary shall immediately grant such reinstatement if he finds that adequate measures have been taken to comply with the provisions of this chapter and the regulations. Suspension of a certificate and the denial of reinstatement shall be subject to the procedures provided by section 412, but a summary suspension shall remain in effect during the pendency of the administrative proceeding under that section. In the event of any judicial proceeding relating to such summary suspension before the proceeding under section 412 the only issue to be judicially determined shall be whether the Secretary had reasonable cause under the circumstances of the case to take summary action.

"(d) SURVEILLANCE, INCLUDING INSPECTION.—(1) For the purpose of preventing the introduction or use in interstate commerce of fish or fishery products which are adulterated or misbranded, the Secretary shall, in accordance with the most modern public health and food protection practice, establish and maintain continuous and effective surveillance of all segments of the industries involved. As a part thereof, the Secretary shall, through inspectors, cause to be made such inspections, including continuous inspection whenever deemed necessary by him, of establishments and vessels as in his judgment will reasonably assure continuing compliance with, and will most effectively achieve, the purposes of this subpart and of this Act. In determining from time to time the appropriate degree (including continuity or frequency) of such inspections to be applied in any establishment or vessel, the Secretary shall, among other relevant factors, consider the results of the intensive inspection required for certification under subsection (b) and any other relevant experience or information (whether obtained through inspection or otherwise), relating to such establishment or vessel or to fish or fishery products processed by it. Any inspector appointed or commissioned for the purpose of this part shall at any time have access to any establishment or vessel where fish or fishery products are processed for interstate commerce. Denial of access to such inspector shall be ground for suspension of the certificate of registration. The Secretary, whenever processing operations are being conducted, may, at his discretion, provide for the sampling, detention, and reinspection of fish or fishery products at each such establishment or vessel. Any fish or fishery product found to be adulterated shall be immediately condemned and segregated and shall, if no administrative appeal is taken from the inspector's determination of condemnation or if upon completion of an appeal inspection such condemnation is sustained, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That any fish or fishery products which may by reprocessing be made not adulterated shall not be so condemned and destroyed if reprocessed under the supervision of an inspector and thereafter found not to be adulterated. Failure to comply with the requirements of the preceding sentence shall be ground for suspension of the certificate of registration. An appeal under this paragraph from the determination of condemnation shall be at the cost of the appellant if the Secretary determines that the appeal was frivolous.

"(2) The cost of any inspection, including any continuous inspection, under this subpart, other than any cost of appeal determined to be payable by the appellant pursuant to paragraph (1), shall be borne by the United States, except that the cost of overtime and holiday pay for inspection service performed, in an establishment subject to inspection, at the convenience of the establishment and not owing to conditions of harvesting or processing beyond the control of the establishment shall, at such rates as the Secretary may determine in accordance with regulations, be borne by such establishment. Sums received by the Secretary in reimbursement for sums paid out by him for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

"(e) USE OF OFFICIAL MARK.—When fish or fishery products are processed for interstate commerce in an establishment or vessel holding an unsuspended certificate of registration and are placed or packed in any container or wrapper, the person processing such products shall, at the time they leave the establishment or vessel, cause the label thereof to bear or contain such identifying official mark as may be required by the Secretary by regulation.

"(f) LABELING AND PACKAGING.—If the Secretary has reason to believe that any labeling or packaging in use or proposed for use with respect to any article subject to this subpart renders or would render such article misbranded, he may direct that such use be withheld, and any otherwise required official mark not used, unless the labeling and packaging is modified in such manner as he may prescribe to comply fully with this Act. If the person using or proposing to use such labeling or packaging does not accept the determination of the Secretary, such person may request a hearing, but the use of such labeling or packaging shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be subject to the opportunity for hearing and judicial review provided by section 412.

"(g) Trade Names and Established Packages.—Established trade names or other labeling and packaging which are not false or misleading in any particular are permitted.

"(h) Storage or Handling Regulations.—Regulations pursuant to subsection (a) shall include standards prescribing conditions under which fish or fishery products capable of use as human food shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for interstate commerce, or importing, such articles.

"(i) Importation of Fish and Fishery Products.—After the effective date of regulations issued under this subpart the following provisions shall apply:

"(1) No fish or fishery products which are capable of use as human food shall be imported into the United States if such articles are adulterated or misbranded or otherwise fail to comply with all the surveillance and inspection, good processing practice, and other provisions of this Act and regulations issued thereunder applicable to such articles in interstate commerce within the United States: *Provided*, That whenever, in the case of any foreign country, it shall be determined by the Secretary, after such investigation and evaluation, conducted at least annually, as he considers necessary or appropriate, that its system of surveillance, including plant and vessel inspection, of fish and fishery products is at least equal to all the surveillance, including inspection, good processing practice, and other provisions of this Act and regulations issued thereunder, and that reliance can be placed on certificates required by regulation of the Secretary as to compliance with that country's inspection, good processing practice, and other requirements, the Secretary may accept such certificates as compliance with the comparable requirements of this subpart for such period and on such terms and conditions as he may prescribe: *Provided further*, That any fish or fishery products covered by such certificates shall be marked and labeled as may be required by regulations for such imported articles.

"(2) The Secretary may prescribe, under section 801 of this Act, the terms and conditions of the destruction of all such articles which are imported contrary to this section, unless (A) they are exported by the consignee within the time fixed therefor by the Secretary, or (B) in the case of articles which are not in compliance with this Act solely because of misbranding, such articles are brought into compliance with the Act under supervision of authorized representatives of the Secretary.

"(3) For the purpose of facilitating enforcement of this section and reducing the costs thereof, the Secretary, with the approval of the Secretary of the Treasury and the Secretary of State, may from time to time, by regulation, designate ports in the United States for the importation of fish or fishery products for commercial purposes into the United States. After the effective date of such regulations such importation, except into ports so designated, is prohibited.

"(4) Nothing in this section shall apply to a person who purchases fish outside the United States for consumption by himself or members of his household except that the total amount of such fish shall not exceed such weight as the Secretary may prescribe by regulation; and the Secretary may further, by or pursuant to regulation, exempt from all or any part of this section, on such terms and conditions as he may deem appropriate, fish that are caught by an individual in the bona fide pursuit of sport and not for commercial purposes in waters outside the United States and that are brought into the United States by such individual by himself or members of his household.

"ADMINISTRATIVE AND AUXILIARY PROVISIONS

"Sec. 411. (a) Withholding, Withdrawing, and Reinstating Certificates.—The Secretary (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) may withhold a certificate of registration under section 410 or may suspend or withdraw such a certificate issued under that section, with respect to any establishment if he determines that the applicant or holder of such certificate is unfit to engage in any business requiring a certificate under that section because such person, or anyone responsibly connected with him, has been convicted, in any Federal or State court, within the previous ten years of (1) any felony, or more than one misdemeanor, based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food; or (2) any felony involving fraud, bribery, extortion, or any other act or circumstance indicating a lack of the integrity needed for the conduct of operations affecting the public health. This section shall not affect in any way other provisions of this Act for suspension of a certificate under section 410. For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock, or an employee in a managerial or executive capacity. Withholding, withdrawal, and refusal to reinstate a certificate under this section shall be subject to the opportunity for hearing and judicial review provided by section 412.

"(b) Records and Reports.—For the purpose of facilitating enforcement of the provisions of this Act, persons engaged in the business of processing fish or fishery products for human consumption in or for interstate commerce or holding such products after transportation in interstate commerce shall, as may be required by regulations of the Secretary—

"(1) maintain accurate records (A) showing, to the extent that such persons are concerned therewith, the receipt, delivery, sale, movement, or disposition of fish or fishery products, or (B) showing matters bearing upon sanitation and quality control in establishments or vessels under the control of such persons, or relating to the labeling of fish or fishery products processed in such establishments or vessels, or otherwise relating to whether fish or fishery products subject to this subpart are adulterated or misbranded;

"(2) upon the request of the Secretary permit him at reasonable times to have access to and copy any such records; and

"(3) make such reports to the Secretary with respect to such matters, including reports as to labeling practices, as the Secretary may reasonably require.

Any record required to be maintained by this section shall be maintained for two years after the transaction which is the subject of such record has taken place.

"(c) Administrative Detention of Fish or Fishery Products.—Whenever any fish or fishery product is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, interstate commerce or otherwise subject to this Act, and there is reason to believe that any such article is adulterated or misbranded or otherwise in violation of the provisions of this Act or of any other Federal or State law, or that such article has been or is intended to be distributed in violation of any such provisions, such fish or fishery products, if not otherwise subject to condemnation under section 410(d), may be detained by such representative for a period not to exceed 20 days pending action under section 304 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article, and shall not be moved by any person from the place at which it is located when so detained until released by such representative. Such fish or fishery product shall be detained in a suitable manner to prevent decomposition and the costs thereof shall be borne by the owner thereof. All official marks may be required by such representative to be removed from such article before it is released unless it appears to the satisfaction of the Secretary that article is eligible to retain such marks.

"(d) Inspection Exemptions.—(1) The provisions of this subpart shall not apply to the processing by any person of fish of his own raising or harvesting, and the preparation by him and transportation in interstate commerce of the fish or fishery products exclusively for use by him and members of his household and his nonpaying guests and employees, if such person does not engage in the business of buying or selling any fish or fishery products capable of use as human food.

"(2) The Secretary may, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this subpart retail dealers with respect to fishery products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers are conducted on the premises where such sales to consumers are made.

"(3) Regulations pursuant to section 410(a) with respect to storage or other handling of fish or fishery products by persons engaged in the business of buying, selling, freezing, storing, transporting, or importing the same shall not apply to storage and handling at any retail store or other establishment that would be subject to that section only because of purchases in interstate commerce, if such storage and handling at such establishment are regulated, under applicable State law, in a manner which the Secretary, after consultation with appropriate State representatives and other interested persons, determines to be adequate to effectuate the purposes of the storage or other handling regulations prescribed pursuant to section 410(e).

"(4) The Secretary may suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this Act.

"(e) Processors of Industrial Fishery Products and Related Industries.—No person shall buy, sell or offer for sale, or transport or offer or receive for transportation, in interstate commerce, or import, any fish or fishery products which are not intended for use as human food unless they are denatured or otherwise identified as required by regulations of the Secretary or are naturally inedible by humans.

"OPPORTUNITY FOR HEARING AND JUDICIAL REVIEW OF DENIAL, WITHHOLDING, SUSPENSION, OR WITHDRAWAL OF CERTIFICATES, AND OF WITHHOLDING OF APPROVAL OF LABELING OR PACKAGING

"Sec. 412. (a) Opportunity for Hearing.—(1) Any person denied a certificate under section 410(b) or 411(a), or whose certificate has been suspended or who has been denied reinstatement under section 410(c), or who has been refused any official mark authorized or required by regulation for proposed labeling or packaging under section 410(f), or from whom it is proposed to withdraw a certificate under section 411(a), may file objections thereto with the Secretary, specifying with particularity reasonable grounds for his objection, and request a hearing upon such objections. The Secretary shall afford an opportunity for a hearing on such objections, and shall expedite such hearing upon request. As soon as practicable, after the hearing, the Secretary shall act upon the objections.

"(2) Such order shall be based upon a fair evaluation of the entire record at such hearing, and shall contain findings of fact and conclusions on which the Secretary's action was based.

"(3) The Secretary shall grant such interim relief from any order suspending or withdrawing a certificate as he finds justified upon considering the interests of the person holding the certificate and the necessity for protection of the public health and the interest of consumers.

"(b) JUDICIAL REVIEW.—(1) Any person adversely affected by the Secretary's action on his objections may obtain judicial review by filing in the United States Court of Appeals for the circuit in which he resides or has his principal place of business, within sixty days after the entry of the Secretary's order, a petition for judicial review.

"(2) A copy of the petition shall be transmitted by the clerk of the court to the Secretary, and the Secretary shall file in the court the record of the proceeding. The findings of the Secretary with respect to questions of fact shall be sustained if based upon a fair evaluation of the entire record.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any order under this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"EVIDENCE FOR INVESTIGATIONS AND HEARINGS—SUBPENAS

"SEC. 413. For the purpose of any hearing, investigation, or other proceeding authorized or directed under this part, the Secretary is authorized to issue subpenas requiring the attendance and testimony of witnesses and the production of any documentary or other evidence that relates to any matter under investigation or in question before the Secretary, and to administer oaths or affirmations. Witnesses so subpenaed shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy by, or refusal to obey a subpena duly served upon, any person, the district court of the United States for the district in which the person charged with contumacy or refusal to obey is found or resides or transacts business shall, upon application by the United States and after notice to such person, have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary, or to appear and produce documentary or other evidence before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"SUBPART 2.—FEDERAL AND STATE COOPERATION

"SEC. 421. (a) It is the policy of the Congress to assist in efforts by State and other Government agencies to protect the consuming public from fish and fishery products that are adulterated, misbranded, or otherwise not processed in accordance with standards in effect under this Act. In furtherance of this policy—

"(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, (A) to cooperate with the appropriate State agency in developing and administering a State fish and fishery products surveillance program in any State which has enacted a State fish and fishery products surveillance law that imposes mandatory requirements that are at least equal to those under subpart 1 of this part, and provisions of this Act related to such subpart, with respect to all or certain classes of persons engaged in the State in processing fish and fishery products for use as human food solely for distribution within such State; and (B) to cooperate with the appropriate State agency in the development of an effective State program (described in a State plan approved on an annual basis by the Secretary as meeting standards established by him) for the classification and control of shellfish growing areas and for regulation and control of shellfish harvesting practices, including shellfish intended for introduction into interstate commerce.

"(2) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (A) advisory assistance in planning and otherwise developing an adequate State program under the State law, and (B) technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment, and financial and other aid for administration of such program. Grants to any State under this section from Federal funds for any fiscal year shall not exceed 50 per centum of the estimated total cost of the cooperative program in such State. Such cooperation and payment shall be contingent at all times (i) upon the administration of the State program in a manner which the Secretary, after such consultation with the advisory committee appointed under section 434 as he considers appropriate, deems adequate to effectuate the purpose of this section, and (ii) upon agreement by the State, when requested by the Secretary, to cooperate with the Department by making available (upon a reimbursable basis or otherwise, as may be agreed upon) the services of qualified personnel of the State agency, when duly commissioned by the Secretary pursuant to section 702, for the conduct of surveillance (including inspection) activities on behalf of the Department for the purposes of subpart 1 of this part.

"(b) The apppropriate State agency with which the Secretary may cooperate under this subpart shall be an agency designated by the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act: *Provided,* That with respect to the shellfish control program referred to in clause (B) of paragraph (1) of subsection (a) such State agency may, in the case of a State in which different functions of its shellfish control program are vested in different State agencies, be an interdepartmental agency if found by the Secretary to be consistent with the purposes of this Act, including this part. When the State program, or the performance of services on behalf of the Department (referred to in clause (ii) of the third sentence of subsection (a)(2)), includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

"SEC. 422. (a)(1) If the Secretary believes, by thirty days prior to the expiration of two years after the effective date of regulations promulgated under section 410(a) of this Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction at which fish or fishery products are processed for use as human food for distribution solely within the State, requirements at least equal to those imposed under subpart 1 of this part and other provisions of this Act related to such subpart, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or a representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of such subpart 1 and related provisions of this Act shall apply to operations and transactions wholly within such State: *Provided,* That if the Secretary determines that there is reason to believe that the State will activate such requirements within one additional year, he may delay such designation for that period, and he shall in that event not designate the State if he further determines at the end of that period that the State then has such requirements in effective operation.

"(2) The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of subpart 1 and other provisions of this Act related thereto shall apply to operations and transactions and to persons engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for interstate commerce.

"(3) Notwithstanding any other provision of this subpart, if the Secretary determines, at any time prior to designation of a State under this section, that any establishment within a State is producing adulterated fish or fishery products for distribution within such State which would clearly endanger the public health, he shall, with a view to achievement of effective action under State or local law, notify the Governor of the State of such fact. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary in the light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of subpart 1 and related provisions of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in interstate commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under such provisions.

"(b) Whenever the Secretary determines that any State designated under this section has developed and will enforce State requirements at least equal to those imposed under subpart 1 and related provisions of this Act with respect to the operations and transactions within such State which are regulated under this section, he shall terminate the designation of such State under this section, but this shall not preclude the subsequent redesignation of the State at any time upon thirty days' notice to the Governor and publication of such notice in the Federal Register; and any State may be designated upon such notice and publication at any time after the period specified in this subsection, whether or not the State has theretofore been designated, upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under such subpart and related provisions.

"(c) The Secretary shal promptly upon enactment of this subpart 2, and periodically thereafter but at least annually, review the requirements, including the enforcement thereof, of the States not designated under this section, with respect to the processing of fish or fishery products and the surveillance, including inspection, of such operations.

"(d) For the purpose of enabling the Secretary to make determinations required of him under this section, the authority conferred by subpart 1 of this part and by section 704 to cause to be made inspections of establishments by inspectors appointed by him shall extend to establishments in any State processing fish or fishery products solely for distribution in such State.

"STATE JURISDICTION

"SEC. 423. (a) Requirements within the scope of subpart 1 of this part, with respect to any establishment or vessel at which a certificate of registration is required under subpart 1, which are in addition to or different from those made under such subpart may not be imposed by any State, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of section 411(b) with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements in addition to, or different from, those made under this Act may not be imposed by any State with respect to articles processed at any establishment or vessel in accordance with the requirements under such subpart, but any State may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over such articles (including imported articles after their entry into the United States) for the purpose of preventing distribution of any such articles which are adulterated or misbranded, including the exercise of such concurrent jurisdiction in any such establishment or vessel (with respect to such articles) as the Secretary, by or pursuant to regulation, determines will not conflict with or unnecessarily duplicate activities of the Secretary therein.

"(b) Nothing in this section shall be construed to preclude the establishment and operation and enforcement of a State shellfish program (meeting Federal standards and administered under an annual plan approved by the Secretary) for classification and control of growing areas and for regulation and control of harvesting practices for shellfish including shellfish intended for introduction in interstate commerce. This section shall not preclude any State from making requirements or taking other action, consistent with subpart 1, with respect to any other matters not regulated thereunder. Nothing in this section shall be construed to preclude the utilization of State or local personnel for services on behalf of the Department, upon being commissioned by the Secretary pursuant to section 702.

"Subpart 3.—General

"INTERDEPARTMENTAL COOPERATION

"Sec. 431. (a) There shall be consultation between the Secretary and the Secretary of Commerce, and any other interested agencies, prior to the issuance of standards under this Act applicable to fish or fishery products. There shall also be consultation between the Secretary and the advisory committee provided for under this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

"(b) For the purpose of facilitating enforcement and reducing the costs thereof, the Secretary may, by agreement with the agency concerned, utilize with or without reimbursement law enforcement officers or other personnel and facilities of other Federal agencies to carry out the provisions of this Act and, in connection therewith, may commission such personnel as officers of the Department. The Secretary is also encouraged to enter, where appropriate, into agreements or other arrangements (on a reimbursable basis or otherwise) with any State for utilization of the facilities, services, and qualified personnel of such State (duly commissioned by him pursuant to section 702) in carrying out the provisions of this Act, and in particular subpart 1 of this part, including enforcement.

"RESEARCH

"Sec. 432. The Secretary is authorized to conduct, directly or through grants to or contracts with public or private agencies or organizations and individuals, studies, research, experiments, and demonstrations—

"(1) to improve sanitation practices in the processing of fish and fishery products; and

"(2) to develop improved techniques in the conduct of surveillance (including inspection) activities under this Act.

"PERSONNEL—APPOINTMENT AND TRAINING

"Sec. 433. (a) The Secretary shall, subject to the civil service and classification laws, appoint such employees, qualified by training or education, as he deems requisite for the administration of this part and prescribe their duties.

"(b) The Secretary shall, to the extent necessary or appropriate, provide training for personnel appointed pursuant to this section. He shall work with educational institutions in developing programs designed to enable persons to qualify for positions in the administration of this part.

"NATIONAL ADVISORY COMMITTEE

"Sec. 434. (a) The Secretary shall appoint, without regard to the civil service and classification laws, a national advisory committee to advise him concerning Federal and State programs of fish and fishery product surveillance and on other matters within the scope of this part, including the evaluation of State programs for purposes of this part and the promotion of improved coordination among State programs and between Federal and State programs. The chairman (who shall be designated by the Secretary) and a majority of the members shall be drawn from the public (including persons representative of consumer organizations), from the fields of the environmental, and other relevant sciences, and from persons especially conversant with State programs, and shall have no economic interest in the commercial fisheries industry.

"(b) Members of the committee who are not regular full-time employees of the United States shall, while serving on business of the committee, be entitled to compensation at rates fixed by the Secretary, but not exceeding the daily rate applicable at the time of such service to grade GS–18 of the classified civil service, including travel time; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently."

EXISTING AUTHORITY

Sec. 105. (a) Notwithstanding any other provisions of law, the amendments made by this Act shall not derogate from any authority conferred upon any Federal officer, employee, or agency by or under provisions of the Federal Food, Drug, and Cosmetic Act in force prior to enactment of this Act, by the Fair Packaging and Labeling Act, by the Public Health Service Act, or by any other Act.

(b) Compliance with the requirements prescribed by or pursuant to the Federal Food, Drug, and Cosmetic Act (including the amendments made thereto by the Wholesome Fish and Fishery Products Act of 1971) with respect to fish and fishery products, including any continuous inspection that may be established thereunder, shall not exempt any person from any liability under common or State law.

The letter and analysis, presented by Mr. Cotton, are as follows:

Department of Health,
Education, and Welfare,
Washington, D.C., January 26, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: We are transmitting herewith a draft bill "To regulate interstate commerce by strengthening and improving consumer protection under the Federal Food, Drug, and Cosmetic Act with respect to fish and fishery products, including provision for assistance to and cooperation with the States in the administration of their related programs and assistance by them in the carrying out of the Federal program, and for other purposes". The bill has the short title "Wholesome Fish and Fishery Products Act of 1971". Also enclosed is a section by section analysis of the bill.

This bill would carry out a recommendation by the President in his Message on legislation not enacted during the 91st Congress.

Fish and fishery products are a major food supply for Americans and provide a significant source of protein in their diet. Recent findings of mercury residues in fish, as well as the highly perishable nature of this food, emphasize the need for extended measures to safeguard the safety and wholesomeness of these products. Both the consumer and industry would benefit from the surveillance and inspection program authorized by this legislative proposal. The consumer would be benefitted by the program since he could be assured that such products meet high nationally uniform standards of quality; and industry would benefit from the increased consumer confidence in its products.

We should appreciate it if you would refer this legislative proposal to the appropriate committee for its consideration.

We are advised by the Office of Management and Budget that its enactment would be in accord with the program of the President.

Sincerely,
Elliot L. Richardson,
Secretary.

Section-by-Section Analysis of Wholesome Fish and Fishery Products Act of 1971

(Note.—Except for the above-mentioned short title of the bill, § 2 (Congressional findings), and § 105 (saving provisions), this bill consists entirely of amendments to the Federal Food, Drug, and Cosmetic Act and is to be read within the framework of that Act. (That Act is referred to below as the Food and Drug Act, or simply, as "the Act."))

Section 2. Congressional Finding. This section contains a Congressional finding that all fish and fishery products regulated under this bill are either in, or substantially affect, interstate commerce and that Federal regulation and cooperation by the States and other jurisdictions as contemplated by the bill (including cooperation through federally approved State programs for control of shellfish growing areas and shellfish harvesting) are appropriate to prevent and eliminate burdens on interstate commerce in fish and fishery products and to protect the health and welfare of the consumer.

Section 101. Definitions. This section would insert a number of new definitions in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). The term "fish" is defined as any aquatic animal (including amphibians) or part thereof capable of use as human food, and a "fishery product" is defined as any product capable of use as human food[1] which is made wholly or in part from any "fish" or portion thereof, except products which contain fish only in small proportions or (in the Secretary's judgment) have historically not been considered by consumers as products of the commercial fishing industry and are excepted from the definition by the Secretary under appropriate safeguards. The term "shellfish", as used in the provisions of the bill specifically referring to shellfish, is defined as oysters, clams, or mussels, either shucked or in the shell, and either fresh or frozen or otherwise processed; this would thus include such bivalves when canned. The terms "process", "processed", and "processing" are defined as meaning harvesting, handling, storing, preparing, producing, manufacturing, preserving, packing, transporting, or holding of fish or fishery products. Also defined would be

---

[1] The term "capable of use as human food" is defined as applicable to any fish or part or product thereof unless naturally inedible by humans, or unless denatured or otherwise identified (as prescribed by the Secretary) to deter its use as human food.

"official mark", "official certificate", "official device", "vessel", "establishment" (which includes vehicles), "owner or operator", "continuous inspection", and "inspector".

Section 102. Prohibited Acts. This section would add certain "prohibited acts" to those now enumerated in § 301 of the Food and Drug Act (21 U.S.C. 331). (Under the Food and Drug Act, the commission or causing of a "prohibited act" constitutes a basis for civil actions for injunctions or for criminal penalties.) The following acts and the causing thereof would be prohibited:

1. (As a new paragraph (r) of § 301 of the Act). The unauthorized making or use of an official mark, certificate, or device; forging, counterfeiting, or simulation thereof; unauthorized defacing, detaching, or destruction of an official mark, certificate, or device; the failure, contrary to regulations, to use, detach, deface, or destroy such a mark, certificate, or device; the possession (without prompt reporting) of an official device, or of a forged, counterfeit, simulated, or improperly altered official certificate, or of a device, labeling, or fish or fishery product bearing a forged, counterfeit, simulated, or improperly altered official mark; a false statement in a shipper's or other certificate provided for in regulations; and a false or misleading representation that fish or fishery products have been inspected and passed or exempted from inspection.[2]

2. (As a new paragraph(s) of § 301). The processing (as above defined) of *any* fish or fishery products in an establishment or vessel preparing any such article in violation of the requirements of the new part B added to chapter IV (the food chapter) of the Food and Drug Act by § 104 of the bill (which is summarized below and which contains special regulatory requirements for fish and fishery products). In the case of establishments or vessels processing any fish or fishery products in or for interstate commerce, this paragraph would apply also to those fish or fishery products processed for intrastate commerce.[3]

3. (As a new paragraph (t) of § 301 of the Act). The importation of fish or fishery products in violation of the import provisions in the proposed § 410(i) of the Act inserted by §104 of the bill.

4. (As an amendment to § 301(e) of the Act). The failure to maintain or to afford official access to records, or to make reports, as required by the proposed § 411(b) of the Act inserted by § 104 of the bill.

5. (As an amendment to § 301(f) of the Act). The refusal to permit entry or inspection as authorized by §§ 410(d) and 422(d) of the Act inserted by § 104 of the bill.

Section 103. Adulteration. This section would add a new paragraph (f), consisting of two subparagraphs, to the definition of adulterated food in section 402 of the Food and Drug Act.

The first subparagraph would deem a food adulterated if it is, bears, or contains any fish or fishery product and has been processed, stored, or handled in violation of the proposed section 410 or 411 or of any regulations issued under those sections. This would, in the case of establishments subject to registration under § 410(b), apply to all fish and fishery products processed therein, including those intended for intrastate commerce.

The second paragraph would deem shellfish (as above defined), or any food derived wholly or in part from shellfish, adulterated if the shellfish (A) was not harvested in a State under an annual State plan (approved by the Secretary of HEW) for classification and control of growing areas and regulation and control of harvesting practices (or, in the case of shellfish from a foreign country, an at least equal shellfish control program, or (B) was not harvested, or was not purified after harvesting, in conformity with such State or foreign program, or (C) was harvested in a growing area declared closed by the Secretary.

Section 104. Surveillance of Fish and Fishery Products, Establishments, and Vessels. The existing provisions (sections 401 through 409, 21 U.S.C. 341–348) of chapter IV (Food) of the Food and Drug Act would be designated "Part A—General" of that chapter and a new "Part B—Fish and Fishery Products", consisting of three subparts, would be added to that chapter by this section of the bill. The new Subpart 1—Surveillance and Regulation of Products, Establishments, and Vessels, of Part B, consisting of sections 410 through 413 of the Food and Drug Act, would provide as follows:

Section 410. (a) Good processing practices. Within one year after funds are first appropriated for carrying out this part of the Act, the Secretary would be required—after consultation with the national advisory council provided for in the bill and with interested Federal agencies, and State and consumer and industry representatives, etc.—to issue regulations prescribing standards of sanitation and quality control for processing (including storage or other handling) of fish and fishery products. The initial regulations would have to be made effective no later than one year after they are issued, unless the Secretary finds it necessary to postpone the effective date of all or any part of such regulations by an additional period not in excess of one year. (The maximum time allowable before all such regulations become fully effective would thus be three years from the time funds are first appropriated.) Such regulations could from time to time be amended.

(b) *Certification of establishments and vessels.* Beginning 60 days after the effective date of such regulations, no establishment or vessel could process fish or fishery products in or for interstate commerce without a valid annual certificate of registration issued by the Secretary. The application for such a certificate would have to be accompanied by adequate assurance (in accordance with regulations) that the establishment or vessel is and will be maintained in compliance with applicable standards. The Secretary could not issue such a certificate for an establishment unless he had made an intensive inspection after issuance of the regulations required by subsection (a) and had determined, on the basis of the inspection and of the application, that there was satisfactory assurance that the establishment was adequately equipped, staffed, and managed to conform to the standards issued under subsection (a) and that fish and fishery products processed by the establishment, including their labeling and packaging, would in all respects comply with the requirements of the Act. Denial of a certificate would be subject to the provisions of section 412 (see below) as to hearing and judicial review.

(c) *Suspension and reinstatement of certificates.* Certificates of registration could be suspended for failure to comply with the requirements of subpart 1 of the new part B. Suspension could be imposed only after opportunity for hearing, except that a certificate could be suspended immediately, without a *prior* opportunity for hearing, for failure to permit access for inspection, or where an inspection discloses violation of any provision of the food chapter of the Act or a regulation thereunder and the Secretary determines that an undue risk of imminent harm to consumers is involved. The authority to impose summary suspension could not be delegated to a nonsupervisory officer or employee of the Department. The reinstatement of a suspended certificate would, upon application, have to be granted immediately if it were found that adequate measures to comply with the requirements of the Act and regulations have been taken. Suspension of a certificate or denial of reinstatement would be subject to the hearing and judicial review provisions of section 412, but a summary suspension would remain in effect during the administrative proceeding under that section.

(d) *Surveillance, including inspection.* For the purpose of preventing introduction or use of adulterated or misbranded fish or fishery products in interstate commerce, the Secretary would be required to establish and maintain continuous and effective surveillance of all segments of the industries involved, in accordance with the most modern public health and food production practices. As a part of such surveillance, the Secretary would be required to have inspectors make such inspections, including continuous inspection whenever deemed necessary by him, as in his judgment will reasonably assure continuing compliance with, and most effectively achieve, the purposes of the provisions of the bill and of the Food and Drug Act. In determining from time to time the appropriate degree (including continuity or frequency) of such inspections to be applied to any establishment or vessel, the Secretary would have to consider, among other things, the results of the intensive inspection required for issuance of a registration certificate and any other relevant experience or information (obtained through inspection or otherwise) relating to the establishment or vessel or to fish or fishery products processed by it. (Such experience could of course result in a determination to apply continuous inspection to an entire segment of the industry or to a particular class of processing operations.) If access to the establishment or vessel is denied to the inspector, this is specifically made a ground for suspension of the certificate of registration.

Any fish or fishery products found by an inspector to be adulterated would have to be immediately condemned and segregated and, if no administrative appeal is taken from the inspector's determination, or if upon completion of an appeal inspection the condemnation is sustained, would have to be destroyed for human food purposes under supervision of an inspector, except that such fish and fishery products are not to be condemned and destroyed if reprocessing under the supervision of an inspector can and does render them *not* adulterated. The cost of the abovementioned administrative appeal from a determination of condemnation would have to be borne by the appellant if the Secretary determines that the appeal was frivolous.

Costs of inspection, including any continuous inspection, other than administrative appeal costs determined to be payable by the appellant as above mentioned, would be borne by the United States, except that the cost of overtime and holiday pay for inspection services performed in an establishment at the convenience of the establishment and not owing to conditions of harvesting or processing beyond the establishment's control, would be borne by the establishment.

---

[2] In line with provisions of the present Act (§ 303(c)) the bill (§ 102(d)) allows, under certain safeguards, affirmative defenses in prosecutions with respect to possession of a forged certificate, etc., where the possessor had no reason to believe that there was a forgery, etc., or with respect to false or misleading statements or representations which were made in good faith reliance on like statements or representations of a supplier of fish or fishery products to the defendant.

[3] The bill, also, specifically lists as a "prohibited" act any violation of the bill's special requirements with respect to fish and fishery products not intended for human consumption. Insofar as such violations involve transportation, they are also "prohibited acts" under the first subparagraph of paragraph (s), above, since "processing" includes transportation.

(e) *Use of official mark.* The label of any fish or fishery products processed for interstate commerce in a registered establishment or vessel would be required to bear such identifying official mark as the Secretary might prescribe.

(f) *Labeling and packaging.* If the Secretary has reason to believe that any labeling or packaging used or proposed for use with respect to fish or fishery products would render such products misbranded, he would be authorized, subject to opportunity for hearing and judicial review in accordance with § 412, to direct that such labeling or packaging be withheld, and any otherwise required official mark not be used, unless such labeling or packaging were modified as prescribed by him to achieve full compliance with the Act. Should the user or proposed user affected by the Secretary's initial determination object and request a hearing, the Secretary could require that such labeling or packaging not be used pending hearing and final determination by the Secretary.

(g) *Trade names and established packages.* Established trade names or other labeling and packaging which are not false or misleading would be permitted.

(h) *Storage and handling regulations.* This subsection provides that the regulations prescribed pursuant to subsection (a) shall include standards governing the conditions of storage and handling of fish or fishery products (capable of use as human food) by persons engaged in the business of buying, selling, freezing, storing, or transporting such articles in or for interstate commerce, or importing them. See § 411(d)(3) for exemption of certain retail establishments.

(i) *Importation of fish and fishery products.* Imported fish or fishery products must comply with all provisions of the Act which are applicable to domestic products in interstate commerce, but the Secretary would be authorized to accept as compliance with the comparable requirements of this Act (for such period and on such terms as he might prescribe) certificates of a foreign country as to compliance with the requirements of its regulatory system if the Secretary determined that the particular foreign system of surveillance of fish and fishery products, including inspections and good processing practice, is at least equal to all the requirements of the system of regulation provided under this Act for domestic fish and fishery products and that such certificates are reliable. Products covered by such certificates would be marked and labeled as required by regulations for such imported articles. Determination of the Secretary with respect to foreign countries under this subsection would have to be based on such investigation (including inspection) and evaluation as he considered necessary or appropriate and would have to be reviewed at least annually.

Articles imported contrary to the provisions of this section and not reexported would have to be destroyed or, if merely misbranded, brought into compliance with the Act under supervision of representatives of the Secretary. With the approval of the Secretary of the Treasury and the Secretary of State, Secretary could designate exclusive ports for importation of fish or fishery products.

Section 411. Administrative and Auxiliary Provisions.

(a) *Withholding, withdrawing, and reinstating certificates.* The Secretary could refuse to issue, or could suspend or withdraw, a certificate of registration with respect to any establishment, notwithstanding compliance with the provisions of section 410, if the Secretary determined that the applicant for, or holder of, such certificate is unfilt to engage in any business requiring such certificate because such person, or "anyone responsibly connected with him", has been convicted in any Federal or State court, within the previous 10 years of any felony or more than one misdemeanor based on acquiring, handling, or distributing adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food, or of any felony involving fraud, bribery, extortion, or any other act that indicates a lack of the integrity needed for conduct of operations affecting the public health. A person shall be deemed "responsibly connected" with the business if he was a partner, officer, director, holder or owner of 10% or more of its voting stock, or employee in a managerial or executive capacity. Withholding, withdrawal, and refusal to reinstate a certificate under this section are subject to provisions of section 412 concerning hearing and judicial review.

(b) *Maintenance and retention of records.* Persons engaged in processing fish or fishery products for human consumption in or for interstate commerce, or holding such products after transportation in interstate commerce, could be required by regulation to maintain (for 2 years after each transaction involved) accurate records of the receipt, delivery, sale, movement, or disposition of fish or fishery products, and records relating to sanitation and quality control or labeling or otherwise bearing on whether fish or fishery products are adulterated or misbranded, and would have to permit the Secretary to have access to and copy such records. The Secretary could also require reports as to such matters, including reports as to labeling practices.

(c) *Administrative detention of fish or fishery products.* Whenever an authorized representative finds fish or fishery products subject to the Act on any premise and there is reason to believe that such, fish or fishery products are adulterated, misbranded, or otherwise in violation of the provisions of the Act or any other Federal or State law, or have been or are intended to be distributed in violation of any such provisions, such articles could be detained by him (in a suitable manner at the owner's expense to prevent decomposition) for a period not to exceed 20 days, pending institution of court seizure proceedings under the Act or notification of other government authorities having jurisdiction thereof. This procedure is authorized for articles not subject to condemnation under section 410(d).

(d) *Inspection exemptions.* Provisions of this subpart do not apply to fish or fishery products harvested, processed, or transported by an individual exclusively for use by himself, his household, and his nonpaying guests and employees, if such individual is not engaged in the fish business. The Secretary also may—upon such conditions as to sanitary standards, practices, or procedures as he may by regulation prescribe—exempt from specific provisions of this subpart retail dealers who sell fish or fishery products directly to consumers in individual retail stores, if the only processing operations performed by such dealers are conducted on the premises where such sales are made. Finally, good processing regulations under § 410(a) with respect to storage or other handling of fish or fishery products by persons engaged in buying, selling, freezing, storing, transporting, or importing the same would not apply to storage and handling at a retail store or other establishment that is subject to that section only by virtue of their purchases in interstate commerce, if such storage and handling at such establishment are adequately regulated under State law, as determined by the Secretary after consulting with State representatives and others interested. The Secretary could suspend or terminate an exemption under this subsection with respect to any person to effectuate the purposes of the Act.

(e) *Processors of industrial fishery products and related industries.* This subsection would make it unlawful to buy, sell or offer for sale, or transport or offer or receive for transportation, in interstate commerce, or import, any fish or fishery products not intended for use as human food unless such articles are naturally inedible by humans or are first denatured or otherwise identified as prescribed by regulation.

Section 412. Opportunity for Hearing and Judicial Review of Denial, Withholding, Suspension, or Withdrawal of Certificates, and of Withholding of Approval of Labeling or Packaging.

(a) *Opportunity for hearing.* Any person denied a certificates of registration, or with respect to whom a certificate has been suspended, denied reinstatement, or is proposed to be withdrawn, or who has under § 410(f) been refused the official mark for proposed labeling or packaging, may file objections thereto and, if such objections state reasonable grounds, shall be afforded a hearing upon request therefor. The order of the Secretary shall be based on a fair evaluation of the entire record at such hearing. Pending final decision in the case of objections to an order suspending or withdrawing a certificate, the Secretary shall grant such interim relief, if any, as he may find warranted.

(b) *Judicial review.* A final order of the Secretary on objections filed under subsection (a) may be judicially reviewed by petition filed, within 60 days, in the United States court of appeals for the circuit in which such person resides or has his principal place of business. The Secretary's findings of fact shall be sustained if based upon a fair evaluation of the entire record.

Section 413. Evidence for investigations and hearings—Subpoenas. This section would authorize the Secretary—for the purpose of any hearing, investigation, or other proceeding under the new part B which the bill would add to the food chapter (chapter IV) of the Food and Drug Act—to issue subpoenas (enforceable through court order if necessary) for the attendance and testimony of witnesses or productions of documentary of other evidence.

SUBPART 2—FEDERAL AND STATE COOPERATION

Section 421. (a) The Secretary would be authorized to cooperate with appropriate State agencies in developing and administering (1) State fish and fishery products surveillance programs—applicable to persons processing such articles solely for intrastate distribution—that are at least equal to the regulatory system established under subpart 1 for establishments processing such articles in or for interstate commerce, and (2) in the development of effective State programs (under State plans approved annually by the Secretary as meeting Federal standards) for the classification and control of shellfish growing areas and harvesting practices, including shellfish intended for introduction into interstate commerce. Such cooperation could include advisory, technical training, and financial assistance to such State agencies. The Federal grant to any State could not exceed 50% of the estimated total cost of the cooperative program in such State. Such cooperation and payment would be contingent upon State administration being deemed adequate by the Secretary to effectuate the purpose of this section and upon agreement by the State, when requested by the Secretary, to make the services of qualified personnel of the State agency available to conduct inspections or other surveillance activities for the Department when commissioned by the Secretary under § 702 of the Food and Drug Act. Such utilization agreements could provide for Federal reimbursement of all or part of the cost to the State.

(b) The State agency with which the Secretary may cooperate would be an agency, designated by the State, with primary responsibility for coordination of the State programs having objectives similar to those under the Act, except that with respect to the above-mentioned shellfish control program it could, in the case of States in which different shellfish control program functions are vested in different State agencies, be an interdepartmental agency if found by the Secretary to be consistent with the purposes of the Act. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, that unit would be deemed a part of the State agency for purposes of this section.

Section 422. (a) If, after regulations promulgated under this Act have been in effect two years less thirty days, the Secretary believed that a State had not established or was not enforcing, for wholly intrastate establishments, inspection and sanitation requirements (for fish or fishery products processed for use as human food) at least equal to those established for interstate establishments under subpart 1 and under related provisions of the Food and Drug Act, he would so notify the Governor. If the Secretary, after consultation with the Governor or his representatives, determines that such State has not developed or activated such requirements, the Secretary, promptly after expiration of such two-year period, would be required to designate such State as one in which the provisions of such subpart 1 and related provisions applicable to interstate establishments will apply to operations wholly within such State; the "designation" would then have this effect upon expiration of 30 days after publication in the Federal Register. However, the Secretary would be authorized to give the State a grace period of an additional year to achieve compliance if he determines that there is reason to believe that the State is likely to do so within such additional period.

If, at any time (whether within the 2-year period or the additional grace period for the State as a whole) prior to the designation of a State as being subject to subpart 1 and related provisions relating to interstate establishments, the Secretary determines that any establishment within such State is producing adulterated fish or fishery products which clearly endanger the public health, he shall so notify the Governor. If corrective action is not taken by the State within a reasonable time thereafter, the Secretary would be authorized to designate such establishment forthwith as subject to the above-mentioned provisions relating to interstate establishments until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed by such provisions.

(b) When the Secretary determines that any State previously "designated" under this section has developed and will enforce State requirements at least equal to those under subpart 1. He would be required to terminate such designation but may thereafter redesignate the State upon 30 days' notice to the Governor and publication in the Federal Register. The Secretary also could, upon such 30 days' notice and publication, designate a State that is not effectively *enforcing* requirements at least equal to those imposed by the above-mentioned interstate commerce provisions of this Act, whether or not the State had theretofore been designated.

(c) The Secretary would, promptly upon enactment of this bill and at least annually thereafter, review the requirements (including enforcement thereof) of State surveillance programs of States not designated under this section.

(d) For the purpose of enabling the Secretary to make determinations required of him under this section, his inspection authority under § 704 of the Food and Drug Act and under the provisions of subpart 1 contained in this bill would in all cases extend to establishments in any State processing fish or fishery products solely for distribution in the State.

Section 423. State jurisdiction. This section provides that States may not impose with respect to establishments or vessels subject to registration under subpart 1 of part B of chapter IV of the Act requirements (other than recordkeeping and other requirements within the scope of § 411(b)) that are within the scope of but are additional to or different from requirements imposed by such subpart 1 and that States may not, with respect to articles processed at any such establishment or vessel in accordance with the requirements of such subpart, impose marking, labeling, packaging, or ingredient requirements that are different from or additional to those imposed under the Food and Drug Act. States may, however, exercise (consistently with the requirements of the Act) concurrent jurisdiction with the Secretary over such articles for the purpose of preventing distribution of any such articles that are adulterated or misbranded, including the exercise of such concurrent jurisdiction in any such establishment or vessel as the Secretary (by or pursuant to regulation) determines will not conflict with or unnecessarily duplicate activities of the Secretary therein.

SUBPART 3—GENERAL

Section 431. Interdepartmental cooperation. This section requires the Secretary of Health, Education, and Welfare to consult with the Secretary of Commerce and other interested Federal agencies, and with the advisory committee (see § 434) prior to the issuance of standards under the Act applicable to fish and fishery products. The Secretary may by agreement, with or without reimbursement, utilize personnel and facilities of other Federal agencies, and is encouraged to make similar arrangements with any State, to assist the Department in carrying out its responsibilities. Personnel so utilized could be commissioned as officers of the Department of HEW under existing provisions (§ 702) of the Food and Drug Act.

Section 432. Research. This proposed new section of the Food and Drug Act would authorize the Secretary to conduct, directly or through grants or contracts, research and demonstrations for the improvement of sanitation practices in the processing of fish or fishery products and for the development of improved techniques in surveillance (including inspection) activities under the Food and Drug Act. With respect to direct or contract research, this provision is confirmatory of existing authority implied in the Act.

Section 433. Personnel—Appointment and training. This section provides for the appointment of any necessary additional qualified career personnel for carrying out the new provisions relating to fish and fishery products and directs the Secretary to provide necessary or appropriate training for such personnel. It also directs the Secretary to work with educational institutions in developing programs designed to enable persons to qualify for such positions.

Section 434. National advisory committee. This section, which concludes the bill's amendments to the Food and Drug Act, provides for the appointment, by the Secretary, of a national advisory committee for the newly added program. It provides that the chairman (to be designated by the Secretary) and a majority of the committee's members shall be drawn from the public (including persons representative of consumer organizations), from the environments and other relevant sciences, and from persons especially conversant with State programs, and shall have no economic interest in the commercial fishing industry.

Section 105 of the bill. Existing authority. Subsection (a) of this section preserves all authority under existing law, including specifically the Food and Drug Act, the Fair Packaging and Labeling Act, and the Public Health Service Act. There already exists broad regulatory and inspection authority in this field under the first two cited Acts, including standard setting authority. For example, the bill, in requiring the prescription of standards of sanitation and quality control for processing fish and fishery products, to be issued after appropriations are made for the new part, would not preempt existing authority for regulations under § 701(a) of the Act prescribing good manufacturing (or processing) standards for the food industries, including the fish and fisheries industries.

Subsection (b) provides that compliance with the requirements of the bill shall not relieve any person from any liability under common or State law.

S. 701—INTRODUCTION OF A BILL TO AMEND SECTION 14 OF THE NATURAL GAS ACT

Mr. COTTON. Mr. President, by request of the Chairman of the Federal Power Commission, I introduce, for appropriate reference, for myself and the chairman of our Commerce Committee (Mr. Magnuson) a bill to amend the Natural Gas Act so as to assign the Federal Power Commission broadened responsibility to gather information concerning the natural gas industry and to publish compilations of such information for the benefit of interested parties. I ask unanimous consent that the text of the bill and the letter from the Chairman of the Federal Power Commission to the President of the Senate transmitting the bill be printed in the Record.

The PRESIDING OFFICER (Mr. Gambrell). The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the Record.

The bill (S. 701) to amend section 14 of the Natural Gas Act, introduced by Mr. Cotton (for himself and Mr. Magnuson), by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Natural Gas Act, as amended (15 U.S.C. 717m), is amended by adding two new subsections as follows:

"(i) The Commission is further authorized and directed to conduct studies of the production, gathering, storage, transportation, distribution, and sale of natural or artificial gas, however produced, throughout the United States and its possessions whether or not otherwise subject to the jurisdiction of the Commission, including the production, gathering, storage, transportation, distribution, and sale of natural or artificial gas by any agency, authority, or instrumentality of the United States, or of any State or municipality or political subdivision of a State. It shall, so far as practicable, secure and keep current information regarding the ownership, operation, management, and control of all facilities for such production, gathering, storage, transportation, distribution, and sale; the total estimated natural gas reserves of fields or reservoirs and the current utilization of natural gas and the relationship between the two; the cost of production, gathering, storage, transportation, distribution, and sale; the rates, charges, and contracts in respect to the sale of natural gas and its service to residential, rural, commercial, and industrial consumers, and other purchasers by private and public agencies; and the relation of any and all such facts to the development of conservation, industry, commerce, and the national defense. The

Commission shall report to Congress and may publish and make available as provided by subsection (a) the results of studies made under authority of this subsection.

"(j) The Commission in making studies, investigations, and reports under this section shall utilize, insofar as practicable, the services, studies, reports, information, and continuing investigational programs of existing departments, bureaus, offices, agencies, and other entities of the United States, of the respective States and of the natural gas industry. Nothing in this section shall be construed as modifying, reassigning, or otherwise affecting the investigating and reporting activities, duties, powers, and functions of any other department, bureau, office, or agency in the Federal Government."

The letter, presented by Mr. COTTON, is as follows:

FEDERAL POWER COMMISSION,
Washington, D.C., January 26, 1971.
Hon. SPIRO T. AGNEW,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith for the consideration of the appropriate committee are twenty copies of a draft bill to amend section 14 of the Natural Gas Act to assign the Federal Power Commission broadened responsibility to gather information concerning the natural gas industry and to publish compilations of such information for the benefit of the Congress, consumers, responsible government agencies, investors, and the industry. The amendment would be comparable to existing provisions of the Federal Power Act.

The natural gas industry supplies approximately one-third of the nation's total energy requirements. The continued prosperity of this vital industry will depend on progress in the industry itself, conscientious public regulation, and an informed public.

By Section 311 of the Federal Power Act the Congress has authorized the Commission to secure information from electric utilities and to publish such data on a regular basis; and today statistics published by the Federal Power Commission facilitate the appraisal of rates and practices of electric distribution utilities. Both gas and electric utilities are excused from the industrial censuses, apparently on the theory that the Commission's regular statistical programs fully cover the field. But the Congress has not yet provided a parallel sustained program of public information on the gas distribution utilities, even though these gas utilities are increasingly engaged in competition with the electric utilities.

At present the Commission may secure reports from natural gas companies subject to its jurisdiction and may also investigate to determine whether any person has violated the Natural Gas Act (or is about to violate the Act) or to obtain information to serve as a basis for legislative recommendations to the Congress. Although about two-thirds of the natural gas used in this country enters interstate commerce, and consequently comes under FPC jurisdiction for a time, the ultimate distribution of the gas is generally by companies not subject to FPC jurisdiction.

Congress has concluded, in section 1(a) of the Natural Gas Act, that "the business of transporting and selling natural gas for ultimate distribution to the public is affected with a public interest" and has provided for Federal regulation of interstate transportation and sales for resale to complement and support state regulation of the ultimate sales to consumers. In view of the Federal regulatory commitment to assure just and reasonable rates to the distribution companies, we believe that Congress and the public are entitled to comprehensive information concerning the ultimate distribution of gas.

Determinations entrusted to the Commission significantly affect gas supply and requirements. We believe that increased access to comprehensive data would permit us more readily to evaluate the implications of matters coming before us for decision and would, thereby, serve the interests of both the regulated industry and the public.

The bill would not expand the regulatory responsibility of the Commission. It is intended solely to enhance the Commission's ability to gather and publish information. Although some gas industry statistics are now collected by a variety of private and Government agencies for limited purposes and, in most cases, on a voluntary basis, no Government body is responsible for securing and publishing statistics on all phases of the gas industry from producing well to burner tip. The bill would direct the Commission to use all available data sources in the Federal Government, the States and the natural gas industry before the Commission seeks information from individual companies but the bill would improve upon the information now available to satisfy public needs. For example, the bill would strengthen the public's right to authoritative and impartial information in areas such as:

(1) Data on the retail price of gas in all parts of the country, comparable to data in the Commission's publication of "Typical Electric Bills" for cities over 2,500 population. Apart from summary data for two dozen larger metropolitan areas, no agency publishes data comparable to "Typical Electric Bills". Such information would help the consumer spotlight out-of-line prices and stimulate companies to improve performance.

(2) Annual summaries of financial and operating information of individual gas companies comparable to data on interstate gas pipeline and electric companies the Commission now publishes. This would be of particular aid to the investing public. No agency now publishes such summaries. The bill would not expand the Commission's authority to collect and publish financial and operating information concerning diversified activities of natural gas producers not directly related to the production and sale of natural gas.

With better data the Commission would also be able to exercise its regulatory powers more efficiently. For example, the Commission may need a study of the retail market beyond its regulatory jurisdiction in order to decide whether to approve a proposed jurisdictional pipeline project. It now requires natural gas pipeline transmission companies to submit evidence on their proposed markets with certificate applications. The Commission must, in turn, evaluate such evidence and initiate studies in each particular case. This *ad hoc* procedure may delay completion of the case, and could be streamlined if the Commission were empowered to collect data on retail markets on a broad continuing basis.

Industry associations are undertaking substantial improvements in their data systems, but further information would be useful to our Commission, to State commissions, to defense agencies for use in planning for emergencies, and to Congress to keep informed on the state of the natural gas industry. Thus at present, no authoritative source collects and publishes gas reserves for each of the major gas fields and reservoirs. At least two States (California and Mississippi) publish such details but most producing States do not. Some associations and private parties publish certain conglomerate data, undifferentiated, however, as to field or reservoir and without full disclosure of the source or accuracy of the basic information. The bill would direct the Commission to secure data on gas reserves on a field or reservoir, rather than company basis, in order to protect certain confidential industry information.

The natural gas industry, as a part of a private market economy, would itself operate more efficiently with more accurate and more comprehensive data. The bill would provide a means whereby information now in the possession of individual members of the natural gas industry but inaccessible to the public would be gathered by a single agency and made generally available.

We envision no difficulty in compliance by, or undue hardship upon, those who would be expected to report. The bill minimizes any reporting burden on individual companies by directing the use of all available government and industry information sources.

The Office of Management and Budget advises that enactment of the proposed bill would be in accord with the President's program.

Sincerely,
JOHN N. NASSIKAS,
Chairman.

S. 702—INTRODUCTION OF A BILL TO AMEND THE COMMUNICATIONS SATELLITE ACT OF 1962, AND FOR OTHER PURPOSES

Mr. GRAVEL. Mr. President, the bill I introduce today is aimed at correcting an inequity that has manifested itself in retardation of the whole communications industry during the last few years. The conflict of interest caused by the presence of competing communications carriers on the Board of Directors of the Communications Satellite Corporation is no longer a probability, it is an established fact. What Congress feared might eventuate 8 years ago has, unfortunately, become fact.

An investigation into the relationship of Comsat and A.T. & T. officials will demonstrate that the Nation's biggest monopoly has overpowered and outmaneuvered the fledgling Comsat management to the detriment of the public, the taxpayers, the Government and the Comsat stockholders.

My bill would remove carriers who are competitors of Comsat from Comsat's management. Its provisions would give the carriers ample time to divest themselves of Comsat stock—as was the case when DuPont divested itself of General Motors stock.

I believe that a cleansed Comsat will introduced a real era of satellite communications in the United States instead of a thin veneer of rhetoric and airless sparring before the FCC.

I ask unanimous consent to have printed in the RECORD a copy of the Justice Department letter of January 5, 1971, which I interpret as endorsing the antitrust intent of this bill. The only difference relates to effective dates since it took Justice and the Bureau of Management and Budget almost a year to reply.

I hope the Congress will give early hearings to this proposed legislation.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred; and, without objection the letter will be printed in the RECORD.

The bill (S. 702) to amend the Communications Satellite Act of 1962, and for other purposes, introduced by Mr. GRAVEL, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. GRAVEL is as follows:

DEPARTMENT OF JUSTICE,
Washington, D.C., January 5, 1971.
Hon. MIKE GRAVEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRAVEL: This is in response to your letter of February 12, 1970, requesting comments from the Antitrust Division on a proposed draft amendment to the Communications Satellite Act of 1962 as amended ("1962 Act"), 47 U.S.C. §§ 701–744. This draft amendment would, if enacted, eliminate direct control over the Communications Satellite Corporation ("Comsat") by the terrestrial communications common carriers ("carriers"). It would do so by (i) barring any representatives of the carriers from sitting on the Board of Directors of Comsat after January 1, 1971, and (ii) barring carriers from owning any shares of Comsat stock after January 1, 1972.

In general, we would favor enactment of legislation along these lines to eliminate direct carrier control or influence over Comsat. Such a step, combined hopefully with some modification of regulatory constraints on Comsat's activities (discussed below), would significantly enhance Comsat's competitive potential.

The 1962 Act was a compromise. It ignored traditional policies that restrict the common ownership and control of competing modes of regulated business (e.g., 49 U.S.C.A. § 5 (14); 49 U.S.C.A. § 78; 47 U.S.C.A. § 314). Instead the 1962 Act provided for extensive carrier ownership of Comsat stock and for six carrier nominees as directors of the corporation. As a result carriers controlled half the shares and more than a third of the directors. American Telephone & Telegraph Company (AT&T) alone is by far the largest Comsat stockholder, with 29 percent of the stock and 20 percent of the Board.

From the outset, this arrangement has been criticized as being inconsistent with the stated Congressional mandate "that the corporation created [i.e., Comsat] . . . be so organized and operated as to maintain and strengthen competition in the provision of communication services to the public" (47 U.S.C.A. § 701(c)). (See, e.g., Legislation Note, *The Comsat Act of 1962*, 76 Harv. L. Rev. 388, 398 (1962)). This criticism has been reinforced by experience. (See, e.g., Schwarz, *Comsat the Carriers, and the Earth Stations—Some Problems with "Melding Variegated Interests,"* 76 Yale L. J. 441 (1967); Report of the President's Task Force on Communication Policy (1968), Chap. 2, p. 15).

Moreover, the carriers' stockholding and directorship arrangements in Comsat are contrary to the normal antitrust prohibitions against anticompetitive stock acquisition and director interlocks contained in Clayton §§ 7, 8 (15 U.S.C. §§ 18, 19). The prohibition of Clayton § 7 applies where minority ownership results in the probability of anticompetitive consequences, *U.S.* v. *duPont*, 353 U.S. 586, 592 (1957); and, because of the "opportunity thereby afforded to . . . compel a relaxation of the full vigor of . . . competitive effort," the prohibition applies with equal force to directors appointed by such minority owner. *Hamilton Watch Co.* v. *Benrus Watch Co.*, 114 F. Supp. 307, 317 (D. Conn, 1952), aff'd 206 F. 2d 738 (2d Cir. 1953). Under § 8 of the Clayton Act, interlocking directorates among competitors are *per se* violations. *U.S.* v. *Sears, Roebuck & Co.*, 111 F. Supp. 614 (S.D. N.Y. 1953).

In these circumstances, we believe that a good case can be made for eliminating the direct carrier influence over Comsat flowing from their shareholding and directorships. This approach is consistent with the Department's original position in 1962 when the Attorney General emphasized that we "place great importance on competition because the communications industry is particularly susceptible to domination by one company—AT&T." (*Hearings on H.R. 10115 and H.R. 10138 Before the House Committee on Interstate and Foreign Commerce*, 87th Cong., 2d Sess., pt. 2 at 565 (1962) (testimony of Attorney General Kennedy)). Moreover, it is consistent with the policy of this Administration of placing "more reliance on economic incentives and market mechanisms in regulated industries" so that "increased competition will eventually make it possible to let market forces assume more of the role of detailed regulation" in communications (*Economic Report of the President* 108–109 (1970)).

The problem is, however, only partially one of the Comsat corporate arrangements covered by the draft legislation. Regulatory decisions by the Federal Communications Commission have been at least as significant a factor in limiting Comsat's competitive potential vis-a-vis existing carriers.

Of particular significance is the FCC's *Authorized User* decision, 4 F.C.C. 2d 421 (166), in which the Commission unanimously ruled that Comsat was to be only a "carriers' carrier," precluded from retailing its services direct to users (including the Government), except under "unique or exceptional circumstances" to be determined by the Commission. However, because the Commission declared that it would authorize direct Comsat service absent a reduction in the carriers' rates "fully to reflect the economies made available through the leasing of circuits in the satellite system," some potential competition remained and was reflected in some very substantial rate reductions made by the carriers.

This decision was followed the same year by the Commission's *Earth Station* decision further reducing Comsat's potential to compete vigorously with the carriers. 5 F.C.C. 2d 812, 816 (1966). Here the Commission decided (reversing an earlier decision, 38 F.C.C. 1104 (1965)) that Comsat had to share ownership of all earth stations with the carriers: 50 percent was to be owned by Comsat, with the balance apportioned among the other carriers on a use basis. The day-to-day management, and apparently, all equipment design and procurement of the earth stations are thus made by a joint operating committee made up of Comsat and the carriers.

To summarize, we favor generally some legislation along the lines of the proposed amendments, in order to eliminate direct carrier control or influence over Comsat. However, unless combined with at least some reversal of the FCC's decisions protecting existing carriers from satellite competition, such legislation is not likely to enhance significantly Comsat's competitive potential.

Sincerely yours,
RICHARD W. MCLAREN,
Assistant Attorney General Antitrust Division.

S. 704—INTRODUCTION OF A BILL TO PROVIDE FOR THE PROCUREMENT AND RETENTION OF JUDGE ADVOCATES AND LAW SPECIALIST FOR THE ARMED SERVICES

Mr. INOUYE. Mr. President, events of the past few years, culminating in the current trial of Lt. William Calley, should focus our attention on one of the most important but least known components of the Armed Forces—the Office of the Judge Advocate General.

A military lawyer performs an important function in the modern armed services. With greater respect for the rights of the individual serviceman and the improvement of military justice through the Military Justice Act of 1968, we can expect increased demands on the time of judge advocates.

There is no one in the Congress who would disagree with the objective of according every serviceman all the protection and best counsel due him under the Anglo-American legal tradition. Yet I fear that unless we act soon the Judge Advocate General Corps will suffer irremediably from the departure of competent, experienced military lawyers.

A Department of Defense study of military lawyer procurement, utilization, and retention was completed in October 1968. The survey revealed that the military services were experiencing no major problems in the initial procurement of junior military lawyers since draft pressures produced a sufficient number of volunteers. However, severe problems were encountered in retaining seasoned military lawyers beyond their initial obligation of 4 years.

In July 1969, when I introduced the bill, there was a shortage of experienced lawyers of 737 throughout the Department. Since that time—in the space of a year and a half—this number has increased to 842. This figure has been much higher, and only the reduction in personnel has prevented this number from increasing. The retention rates of the services are as follows: Army, 29 percent; Navy, 38 percent; Marine Corps, 18 percent; and Air Force, 49 percent. These figures are far below what the services consider adequate to staff the large number of posts with knowledgeable, trained JAG officers. During the fiscal years of 1968 through 1970, the Department of Defense was able to attract into the career force only 42 percent of the total number of junior officers considered necessary for retention to sustain an effective and adequately manned career force. The Army lacked 304 JAG officers in the career force. For the Navy the figure was 106. The Marine Corps faced a deficiency of 135, and the Air Force lacked 297 career-level officers.

It is probable that this situation will deteriorate further as draft reforms are enacted lessening the threat of induction. Young lawyers faced with the prospect of high salaries in the civilian sector and unaffected by the selective service will choose a civilian career in the overwhelming number of cases. Moreover, it is clear that there will be an even greater demand for military lawyers as reforms of the military justice system are enacted and implemented.

To maintain a career force with the desired experience level, an adequate number of junior officers must be attracted annually into the career group, that is, into the fifth year. It is in this middle range of officers that the shortage is most acute.

In order to meet this problem, I am again introducing a bill that would provide special pay for lawyers and continuation pay for lawyers who reenlist for at least 3 years. The incentive pay would provide for $50 per month for grades 0–1 through 0–3; $150 per month for grades 0–4 and 0–5; and $200 per month for grades 0–6 and above. The continuation pay would be paid to those judge advocates who extend their service on active duty for at least 3 years but not more than 6 years, at the rate of 2 month's pay for each additional year that he agrees to remain on active duty. The bonus is payable upon the completion of 4 years' active duty.

Hopefully, the special pay will have the effect of providing an additional incentive to idealistic young lawyers who might choose a military career if it were not for the financial drawbacks. This factor will become increasingly important if the military becomes all-volunteer. Additional remuneration also recognizes the status of military lawyers. Military physicians and dentists already receive additional compensation ranging from $100 to $350 per month. Veterinarians receive special pay of $100 per month. Other special crafts and skills are similarily recognized through extra pay or continuation bonuses. I do not believe that we can or should continue to treat the military lawyer as a second-class citizen.

I should emphasize that I do not believe that my bill will be a panacea. However, it is the first step in dealing with a serious problem that has been ignored for too long.

The Department of Defense has endorsed the need to take immediate steps to alleviate this deficiency in experienced lawyers. The Acting General Counsel of the Department noted that "the lawyer retention problem is serious in each of the military services." He further remarked that the Department recognizes that "chronic, critical nature of the military retention problem." In hearings on the procurement authorization for fiscal year 1971, Secretary of the Army Resor, General Westmoreland, Secretary of the Navy Chafee, Admiral Moorer, and General Chapman all testified in behalf of incentive legislation. This bill also has the strong backing of the American Bar Association, the Federal Bar Association, and the Judge Advocates Association.

During the last Congress, a companion bill in the House received the unanimous support of the Armed Services Committee and passed the House in December 1969. However, the Senate did not have an opportunity to consider the legislation. It is my hope that the Senate will finally act on this long overdue bill.

I ask unanimous consent that the names of the cosponsors of my bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred; and, without objection, the cosponsors of the bill will be printed in the RECORD.

The bill (S. 704) to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces, introduced by Mr. INOUYE (for himself and other Senators), was received, read twice by its title and referred to the Committee on Armed Services.

The cosponsors of S. 704 are as follows: Mr. ALLEN, Mr. BIBLE, Mr. COOPER, Mr. DOLE, Mr. EASTLAND, Mr. ERVIN, Mr. GOLDWATER, Mr. HART, Mr. HOLLINGS, Mr. HUMPHREY, Mr. JACKSON, Mr. JAVITS, Mr. MAGNUSON, Mr. METCALF, Mr. MONTOYA, Mr. PASTORE, Mr. PELL, Mr. STEVENS, Mr. THURMOND, Mr. TUNNEY, and Mr. WILLIAMS.

S. 706—INTRODUCTION OF THE "COMPREHENSIVE COMMUNITY CHILD DEVELOPMENT ACT OF 1971"

Mr. JAVITS. Mr. President, I introduce today the Comprehensive Community Child Development Act of 1971, a bill to provide for a comprehensive program of community based and coordinated child development programs. It represents a joint proposal developed by Senator FRED R. HARRIS, Democrat, of Oklahoma, and myself and is cosponsored by Senators CASE and SAXBE.

Mr. President, the White House Conference on Children—which met last December was charged, under the call of its Chairman with the responsibility of establishing priorities and issues relating to child development and formulating effective procedures for implementation and administration of child development programs: "by which all available or committed resources can be identified, coordinated and harmonized into a national effort, having as its goal the enhanced development of the American child through the remaining years of the 20th century."

We share a commitment to that goal, and accordingly, we introduce this meassure for its implementation.

We have drafted this legislation having in mind the following key objectives:

First. There should be provided sufficient funding for a full range of activities designed to promote the intellectual, emotional, social, and physical growth of children through age 13, with a strong priority for the needs of preschool children, particularly children of low-income families.

We must have substantial funds to enable us to develop a comprehensive approach to child care which—while respecting the differing needs of children and other family members—will free us from the limited doctrines and scattered approaches that have characterized our efforts in the past.

Second. Our proposal has been formulated on the basic principle that the total of the White House Conference can best be achieved if the responsibility for the allocations and coordination of child development resources is placed at the community level.

In his recent state of the Union message, President Nixon emphasized the need to let those on the community level participate more fully in the governmental process. The proposed act would implement that objective in the very important area of child development by providing a framework under which the essential decisions would be made at that level, where comprehensive services can be provided, where parents and other members of the family can participate fully in determining the direction as well as the conduct of programs, and where the redtape generated by multiple funding sources can be cut.

Third. Those on the community level who are operating programs according to the way we envisage them, should have the benefit of technical assistance from State agencies in identifying goals and needs, effecting coordination between programs within the State, strengthening health, educational, child welfare, and other essential components of community programs and providing supportive research, development, and evaluation.

In a number of instances, State government—including my own State of New York—has taken meaningful initiatives in the field of child development and day care. The act will permit that early experience to be imparted to those on the local level where it can best be channeled to meet the particular needs of the community.

Fourth. The proper role of the Federal Government is in maintaining a strong oversight to insure that programs continue to focus on children of low-income families, and that programmatic quality is advanced throughout the Nation through research, demonstration, and evaluative activities.

While decisionmaking must be shifted to the State and community level, the Federal responsibility for insuring that our previously established priorities are kept cannot be shifted.

As I shall outline later, the Federal Government can serve another special function—by becoming a model employer insofar as child development programs are concerned, in dealing with the children of its own employees.

Fifth. Relating to the programs which are ongoing now, we should not only maintain, but expand the role of community action, single-purpose Headstart agencies, and other community-based and parent-formed organizations, as well as educational and child welfare agencies, which have brought child development to the threshold of universal expansion.

This is not a bill designed to eliminate existing programs—while it would repeal the present authority for Headstart. As I shall point out in detail, it is designed instead to make such programs more secure in a new framework where they can have the advantage of substantially additional sources of funding.

Finally, business, industry, labor, employee, and labor-management organizations should be encouraged to contribute funds to community programs and provide facilities at or near a place of business in the context of total community plans.

We must neither ignore the contribution which the private sector can make nor allow it to take over completely the sensitive matter of child care, which requires an interdisciplinary approach.

To carry out these principles the proposed act consists of three titles: Under title I, the Secretary of Health, Education, and Welfare is directed to fund child programs pursuant to community child-care plans developed by broadly representative councils at the community level, with technical assistance provided from a State Child Care Council pursuant to a State child-care assistance plan. The following amounts are authorized for such purposes: $900,000,000 for fiscal year 1973; $1,800,000,000 for fiscal year 1974; and $2,800,000,000 for fiscal year 1975. In round figures, this represents an aggregate of about $5 billion. Title II authorizes additional amounts for Federal activities such as research, demonstration, and evaluation, and for special programs for children of Federal employees. Under this title, the following amounts are authorized: $125,000,000 for fiscal year 1973; $175,000,000 for fiscal year 1974, and $175,000,000 for fiscal year 1975, making a total of $475 million. Title III contains general authorities with respect to the operation of the provisions of the act, but titles I and II are the main components.

With this general background, I shall now indicate the manner in which each of the objectives and principles is met in terms of specific provisions of the proposal which we submit today.

A FULL RANGE OF PROGRAMS TO ASSIST ALL CHILDREN TO REACH THEIR FULL POTENTIAL

Mr. President, I share and endorse the dual objective of the women's liberation movement for universal child care and the insistence, very importantly, that it be quality care—having in mind that the needs of the child as well as the needs of the parent should be held before us.

There are more than 26,129,000 preschool children in the Nation, including 3,997,737, preschool children of low-income families. Yet, Headstart and other preschool programs are reaching less than a tenth of the latter number—approximately 400,000 in this current fiscal year.

The administration has requested quite commendably—a total of $376,500,000 for the programs for fiscal year 1972 to provide opportunities, an increase of $16,500,000 over this fiscal year's request, but it will by no means satisfy the needs which I have cited.

While there are 4 million children under 6 whose mothers work, there are less than 700,000 licensed day-care center slots in the Nation.

We need additional Federal funding to support the provision of a wide range of child-care services and facilities—ranging from full-time, part-time, family, day, night, intermittent, and other services, but all on the basis of quality and all available as a right of the family, not merely as a singular educational right of the child or merely as an economic right or need of the parents. Accordingly, child-development activities must go beyond the limited custodial concept to provide families with comprehensive services.

Mr. President, the amounts authorized under the proposed act, to provide both preschool and after school opportunities, are by no means out of line. For the purpose of indicating that they are not, I wish to point out that even taking the most conservative estimate of cost for a preschool opportunity—$1,700—the proposed act would provide only 527,400 slots in fiscal year 1973, 1,058,800 in fiscal year 1974, and 1,647,060 in fiscal year 1975. Thus, even in the third year, we would reach a level of coverage representing only approximately a third of the 3,997,737 preschool children of low-income families and less than one-tenth of the total number of preschool children in the Nation.

DECISIONMAKING AT THE COMMUNITY LEVEL

Mr. President, the right of the family to child care can be effectively exercised only by direction at the community level where comprehensive services can be provided, parents can be totally involved, and programs can be consolidated, integrated, and coordinated.

Under title I of the act, 90 percent of the funds apportioned to the States would be available to the Secretary of Health, Education, and Welfare for the designation of community child-care councils and for the conduct of programs pursuant to a community child-care plan prepared by the council.

The act provides that the Secretary may designate community child-care councils to be responsible for the planning, coordination, and monitoring of child-development programs for each area of a State which he determines to be a suitable area for the conduct of such programs and which comprises either a city, county, or other unit of general governmental powers substantially similar to those of a city; a combination of such units; a neighborhood or other portion of a city; or an Indian reservation.

We have prescribed specific factors to be taken into account in determining whether an area is "suitable." The Secretary is directed to consider factors such as the number of children of low-income families in the area, as well as the relationship of such area to those previously established for the administration of child-development programs and those established for the administration of education, manpower, training, and health services.

The council would be designated upon consideration of an application for designation submitted by any public agency or nonprofit organization within the suitable area.

Mr. President, flexibility of the kind authorized in the proposed act is necessary if we are to provide a structure tailored to individual needs. We must recognize that a neighborhood or other portion of a city—such as that which may exist in my own city of New York, may be the most suitable unit for decisionmaking in respect to child-care programs. Indeed, at the present time, New York City has taken the initiative in proposing that planning of programs be accomplished essentially on a neighborhood basis.

The application must provide for the establishment of a community child-care council which is broadly representative of community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, public and private educational agencies and institutions in the area to be served, parents and other concerned individuals, agencies, and organizations interested in child development.

The council is to be responsible for the planning, coordination, and monitoring of child-development programs and for the submission of child-care plans governing programs to be conducted in the area.

The child-care plan would be prepared by the council after considering project applications from the various agencies and organizations in the community, subject to certain procedures and conditions.

The requirement of a representative council is key to the success of efforts at the community level.

We cannot expect such a council to meet always in harmony; indeed it is the interplay of forces at the community level which will eventually result in programs directed toward the true interest of the community. Such a consensus cannot be effected under existing law with questions of funding and, therefore, of community priorities being decided piecemeal by a number of agencies at the Federal level.

Within this general community context, various provisions of title I of the act emphasize comprehensive services, parental involvement and the integration, coordination, and consolidation of programs.

The comprehensiveness of services is insured by:

Requirements that all programs to be funded under the community child-care plan provide educational, nutritional, health, and related services necessary to provide each child with an opportunity to meet his full potential, and special provisions for the establishment of diagnostic and assessment services to deal with the special needs of children who have particular psychological, educational, or other barriers.

The proposed act emphasizes parental involvement and linkage between the home and the programmatic environment in the following ways:

Not less than one-half of the membership of the community councils responsible for planning program and activities must consist of parents of children enrolled in programs under the act;

Parent cooperatives are among the organizations which must be represented on the council and which are eligible for financial and technical assistance as project applicants. Special provisions insure that the child-care councils give due consideration to applications from such sources;

To the fullest extent possible, each program to be conducted under a community child-care plan must be subject to the direction of a governing board of parents and the program must itself include extensive parental participation;

Provision is made for programs to train parents and older members of the family as well as youths, in child development;

Programs must be conducted in such a manner as to provide meaningful environmental linkage between the home and the environment in which programs are to be conducted; and

Funds are authorized for child-development information centers in the community, to increase parental awareness and support.

It is the overriding need for parental involvement that makes the placement of decisionmaking at the community level so desirable. Community control will bring programmatic decisions closer to the parents and therefore closer to the interests of the child. Community control without substantial parental involvement would be of little value.

Moreover, as I indicated, attacking the problem on a community basis will enable us to bring together a number of splintered programs.

Mr. President, Federal expenditures for child care have increased from less than $1 million in fiscal year 1962 to approximately $600 million in fiscal year 1971. With that increase we have proliferated a variety of child-care programs, each having its own objective—and in many cases its own disciplinary bias: Programs established with the objective of getting parents off of relief rolls run the risk of ignoring the needs of the child and merely perpetuating the cycle of poverty; educational programs are run with little relationship to preschool efforts; and "industrial" child-care efforts often starve for lack of supportive services to complement the need for facilities.

The proposed act would repeal the basic authorities under the Economic Opportunity Act—Headstart, title IV–B day care, and other references under that act. It would not repeal what is done under the Social Security Act.

However, building on the Headstart base, the bill would attempt to channel new funds into a community-operated plan on terms that would encourage the coordination and integration with other existing programs and bridge the disciplinary gap at the local level.

In addition to the composition of the Child Care Council, the act seeks to effect a concentration of effort at the local level by requirements that the community child-care plans set forth:

Arrangements in the area served for the integration into the plan of child-development facilities and services for which financial assistance is provided by the Secretary of Health, Education, and Welfare. This would include child-care programs under the proposed Family Assistance Act, and under title IV–A of the Social Security Act. The section is not intended to include programs conducted by educational or health agencies under other authorities;

Arrangements between project sponsors and administrators of local school systems, both public and nonpublic, to effect coordination between programs conducted under this and other acts;

Arrangements in the area served for the integration of programs conducted with the support of business, industry, labor, employee, and labor-management organizations; and

Arrangements for program coordination between approved project sponsors through joint program services, purchasing arrangements, common business services, and other arrangements.

Moreover, the act makes available to the Secretary 2 percent of all funds under title I to be used as an incentive for a linkage between preschool and educational programs, and an additional 2 percent would be available for programs to provide linkage to manpower training programs.

ROLE OF STATE GOVERNMENTS

While the major focus of the proposed act is on decisionmaking on the community level, it charts out a substantial role for State government.

As I noted, this measure retains the existing authorities for programs financed through the States under title IV–A and other sections of the Social Security Act, requiring only that there be coordination and integration at the community level.

The proposed act also authorizes the Secretary to designate State comprehensive child-care councils for each State upon approval of an application for designation submitted by the chief executive of the State.

The key requirement for the State council is that it be broadly representative of educational, welfare, health, manpower training, and other State agencies interested in child development in the State, as well as other individuals and public and private organizations interested in child development. As in the case of the Community Child Care Council, not less than one-half of the membership of the State council must consist of parents of children enrolled in child-development programs under the act, chosen by democratic selection procedures with the initial designation made on the basis of those children enrolled in Project Headstart and other child-development programs. Recognizing the initiatives taken by a number of Governors in this important area, the chief executive of the State is to serve as the chairman of the council.

The State child-care council is responsible for the submission of "State child-care assistance plans" and the review of applications for designation of child-care councils as well as for the review of community child-care plans.

In reviewing the applications for designation and in reviewing the child-care plans, the council is authorized to comment thereon and recommend to the Secretary any proposed changes deemed to be in the interest of maintaining the quality of programs, assuring an equitable distribution of programs within the State, insuring cooperation and coordination, and encouraging the maximum utilization of available services and facilities within the State.

The act reserves 10 percent of the funds allocated to each State under title I for any of the following activities under State child-care assistance plans:

Identifying child-development goals and needs within the State;

Providing technical assistance through State agencies and other organizations to assist in the establishment of community child-care councils, encourage the effective coordination between programs within the State, strengthen the educational, health, child welfare, and related components of programs to be conducted in the State, and assist in the acquisition or improvement of facilities for child-development programs;

Conducting child-development personnel training and exchange programs;

Assessing the effect of research programs and State and local licensing codes; and

Making recommendations in respect to the conduct of programs generally.

Mr. President, in this way we should encourage the full utilization of State expertise in the child development area which has been exemplified in New York and other States.

FEDERAL ROLE

Mr. President, with a shift of decisionmaking to the community and State levels, it is essential that the Federal Government retain sufficient authority and funding to insure a continued focus on children of low-income families, maintain programmatic quality and advance new approaches and knowledge.

While the impetus will come from the communities and the States, the Federal Government must maintain a strong oversight. A number of provisions have been included for this purpose:

Although plans are formulated at the community level, and commented upon at the State level, the final decision with respect to funding lies with Secretary of Health, Education, and Welfare;

The Secretary retains power to withdraw assistance in whole or in part in the event that the requirements for plans are not being met; and

Direct funding provisions authorize the Secretary to provide direct financial assistance to agencies and organizations, irrespective of whether a State or community child-care council has been designated or a plan has been approved, if he determines that children of low-income families will not otherwise be served effectively or that the provision of such assistance is otherwise necessary to effect the purposes of the act.

The proposed act contains also a reservation of 6 percent of the total funds under the act to insure equitable coverage of children of migrants and Indians and children whose functional language is other than English.

We have witnessed in recent years sincere and expanded efforts in the human resources field on the part of States and localities—sometimes rivaling even the Federal commitment—but, on the other hand, we continue to see attempts by such governments to deny the poor the benefits of programs, suggesting clearly that the Federal Government cannot let go completely yet.

Federal involvement that unnecessarily complicates the funding process must be avoided, but so-called Federal interference will still be necessary if the established priorities of the Nation are to be met. A denial of a benefit to a child is the denial of an opportunity to a person for life and any subsequent discrimination in education, employment, or otherwise will just be another insult piled upon a basic injustice.

Title II of the act provides for a strong Federal supportive role. Among its provisions are:

Expanded authority for research, demonstration, information, and evaluation;

Special resources for training and for studies to determine the need for additional personnel;

Federal standards for child-development services and a procedure to encourage the development of a model code for uniform State and local standards relating to child-development facilities;

A requirement that the Secretary conduct studies on the extent to which Federal, State, or local facilities might be used as child-development facilities; and

Establishment of a special National Child Development Advisory Committee to guarantee an interdisciplinary oversight of child-care programs at the Federal level.

ROLE OF AGENCIES AND ORGANIZATIONS CURRENTLY CONDUCTING PROGRAMS

Mr. President, as I indicated, we do not approach the field of child development without previous commitment. It is often said that we must build on past efforts. I agree. But we must not enact legislation that would merely pile a superstructure for the advantaged over the house that community action, educational and welfare agencies have built. The proposed act has been designed to insure not only that previous involvement is maintained but that such organizations participate in future growth.

Among the proposed act's requirements that provide this assurance are the following:

Community and State councils must consist of not less than 50 percent of parents of children enrolled in programs with initial designation made from parents of children in the Headstart and other child-development programs;

Agencies administering Headstart programs have the first opportunity to initiate formation of the community council, and are given special consideration on the community level to be appointed as the administering agency;

Plans cannot be approved without the comments of the Headstart agency as well as of educational agencies in the community;

A plan must include arrangements to insure that funds are allocated among project applicants in such a way as to insure special consideration to the needs of children of low-income families;

A plan must include arrangements for the utilization of services and facilities which are available from Federal, State, and local agencies, including community action agencies, child welfare agencies and educational agencies;

The Secretary is directed to adjust allocations to States in order to maintain funding for community action and other Headstart agencies;

The Director of the Office of Economic Opportunity must concur as to all rules, regulations, and the approval of plans as they may affect community action agencies and single-purpose Headstart agencies; and

The Commissioner of Education must concur with respect to programs and program components to be conducted by educational agencies and institutions.

INVOLVEMENT OF THE PRIVATE SECTOR

Mr. President, despite the rhetoric about the involvement of the private sector in child-care efforts and legislation to that end—including title VB of the Economic Opportunity Act, which I authored and 1969 legislation authorizing the establishment of joint labor-management trust funds—there are less than 200 industry or union related child-care centers in the country today attributed to this movement.

We should be aware of the intrinsic limitations of the private sector which arise from the mobility of employees and the need for more than custodial care—but we should not hesitate to involve the private sector in the context of total communitywide efforts.

We have, therefore, included various provisions in the bill to enable the private sector to cooperate infinitely better than it has so far in respect of these child-care programs. To that end, the bill contains the following provisions:

Business, industry, employee, and labor-management representatives are to be included on the child-care councils at the community, State, and Federal levels;

A requirement of each community child-care plan is that it include arrangements for the participation of business, industry, labor, employee, and labor-management resources and assistance within the community, including programs to encourage the provision of child-development facilities and services at or in association with a place of employment;

The requirements for matching authorize the Secretary to provide special incentives for private contributions;

The demonstration authority includes projects to test out programs providing child-development services by business, industry, labor, employee, and labor-management organizations;

Information and technical assistance provisions at the community, State, and Federal levels emphasize availability of services to the private sector; and

Among the specific assignments of the National Advisory Committee on Child Development is the assessment of the private role.

THE FEDERAL GOVERNMENT AS A MODEL EMPLOYER

Mr. President, as President Johnson instituted efforts to make the Federal Government a "model employer" for equal employment policies, so I suggest to President Nixon that he make the Federal Government a "model employer" insofar as child development is concerned. Such an action would evidence the commitment of the administration to the concept of the universality of child care and provide an example for private employee and other child-care programs as to the proper blending of services that can put equal priority on the parent and the child's needs. To that end, part B of title II would authorize special sums for programs for Federal employees which meet the same substantive requirements as are set forth under title I and certain other requirements. For fiscal year 1973, the sum of $50 million would be provided, with an authorization of $75 million for fiscal year 1974, and $100 million for fiscal year 1975.

At present the effort for Federal employees is limited. In 1968, the Department of Labor opened a child-care center for 30 preschool children of its employees, with half of the children selected from new employees who could not accept employment unless low-cost child care were available, and half selected from other Department employees in all grade levels. There have been similar activities in the Department of Agriculture, and other agencies of the Federal Government are considering such programs.

The Federal Government, as we know, has a great potential with regard to this matter. It has millions of employees, most of whom have children and many of those children could be subject to this act.

Mr. President, we can expect that at some time in the coming weeks the President will receive the report and recommendations of the White House Conference—which was attended by more than 4,000 distinguished educators, physicians, social scientists, and other persons interested in the welfare of children. It is my hope that after studying the report and its recommendations that the administration will make the kind of massive commitment to child care—beyond the provisions of the Family Assistance Act—both in terms of increased funding and support for legislation which this important matter deserves.

It is my hope that with the leadership of the administration, the Congress will effect comprehensive action on this crucial matter. I pledge, along with Senator HARRIS, to work toward the goal of the White House conference with Senator MONDALE—who I understand will reintroduce his own bill shortly—and with Senator PROUTY—who introduced a bill in the last session—Senator BAYH, and others in a combined effort to determine what melding of the interests of those currently involved in child development and what new approaches can best serve the cause of child development and avoid a proliferation of programs which can only diminish the expected returns for those who participate.

We are dealing with a problem which has had some attention, but not nearly enough and not really in a coordinated way in the local communities with the State and Federal Government assistance which is required.

We have proposed that child-development programs be evolved through a grant-in-aid approach, departing from previous proposals in its emphasis on the community. While general revenue sharing may make it possible for greater local financial participation, it would be inappropriate and detrimental to place the essential matter of child care under special revenue sharing where the objectives which I have outlined—community control, parental involvement, respect for the poor—could not be implemented.

To do our job on child development will take a full commitment by the administration, comprehensive action by the Congress and a willingness on the part of those who represent particular client groups in the current splintered structure to accept a place in an interrelated community system.

The measure relates to the problem of welfare and enables working mothers to work. It also relates to the care and education of children.

I ask unanimous consent that there be printed at this point in the RECORD a section-by-section analysis of the bill.

The PRESIDING OFFICER (Mr. GAM-

BRELL). The bill will be received and appropriately referred; and, without objection, the section-by-section analysis will be printed in the RECORD.

The bill (S. 706) to provide for a comprehensive program of community-based and coordinated child development programs, introduced by Mr. JAVITS (for himself, Mr. HARRIS, Mr. SAXBE, and Mr. CASE), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The section-by-section analysis, presented by Mr. JAVITS, is as follows:

SECTION-BY-SECTION ANALYSIS OF THE COMPREHENSIVE COMMUNITY CHILD DEVELOPMENT ACT OF 1971

Section 2: *Statement of Findings and Purpose.* This section expresses the principal purpose of the Act—to provide a framework and authorize additional funds for the meaningful and coordinated evolution of child development programs at the community level so as eventually to make such programs universally available to every family in the Nation.

TITLE I. COMPREHENSIVE COMMUNITY CHILD DEVELOPMENT PROGRAMS

Section 101: *Direction to Establish Program.* This section directs and authorizes the Secretary of Health, Education and Welfare (hereinafter referred to as the "Secretary") to establish comprehensive community child development programs through the support of activities in accordance with the provisions of title I.

Section 102: *Authorization of Appropriations.* This section authorizes the following amounts for programs under title I: $900,000,000 for the fiscal year ending June 30, 1973; $1,800,000,000 for the fiscal year ending June 30, 1974; and $2,800,000,000 for the fiscal year ending June 30, 1975.

Section 103: *Application for Designation of Community Child Councils.* This section authorizes the Secretary to designate Community Child Care Councils to be responsible for the planning, coordination, and monitoring of child development programs in each area in a State which he determines to be a suitable area for the conduct of such programs and which is the area of (i) a city, (ii) a county or other unit of general local government determined to have general governmental powers substantially similar to those of a city, (iii) a combination of such units, (iv) a neighborhood or other portion of a city or (v) an Indian Reservation.

In determining whether an area is "suitable" for the conduct of child development programs, the Secretary is directed to take into account such factors as he shall prescribe, including the number of children of low income families in the area and the extent to which such children and other children will be served effectively, as well as the relationship of such areas to those previously established under Child-Development programs and areas established for education, manpower training and health programs. (subsection a)

An application for designation may be submitted on behalf of such council by any public agency or non-profit organization or combination of such agencies or organization within the area.

The application must provide for the establishment of a Community Child Care Council which is broadly representative of community action agencies, single-purpose Head Start agencies, community corporations, parent cooperatives, representatives of public and private educational agencies and institutions in the area to be served and certain other agencies, institutions and organizations interested in child development programs, as well as public officials for the area to be served. Not less than one-half of the membership of the Council must consist of parents of children enrolled in child development programs under the title (or for the purpose of initial designation, parents of children representative of those previously enrolled in project Head Start and other programs), chosen by democratic selection procedures established by the Secretary with prior concurrence of the Director of the Office of Economic Opportunity. The Chairman of the Council shall be elected by its members.

In addition, the application must describe the geographical area to be served, evidence capability of the Council for effective planning, coordination, and monitoring of programs in the area to be served and designate an agency to be responsible for disbursing funds and effecting coordination. The agency may be an existing agency or one newly created. Wherever feasible, any community action or other agency previously conducting project Head Start programs shall be designated.

In the case of two or more applications covering a common or overlapping geographical area, the Secretary shall determine the one which will most effectively carry out the purposes of the title, with special consideration for initial designation given to applications submitted by community action and other agencies previously conducting Project Head Start programs. (subsection c).

The application must be submitted in accordance with certain procedures, with an opportunity to comment accorded to any state Child Care Council (or chief executive of the State if no State Council has been approved), and by other applicants to serve a common or overlapping area. (subsection d).

Provisions govern the disapproval or withdrawal of an application (subsection e).

Section 104: *Responsibilities of Community Child Care Councils.* This section outlines the principal responsibilities of the Community Child Care Council to the Secretary—the planning, coordination and monitoring of child development programs and the submission of Community Child Care Plans for such programs in the area to be served—as well as its responsibilities to project applicants. The latter include the provision of a hearing before the Council in case of adverse determination, and the provision of technical assistance to individuals, agencies, and organizations interested in the establishment of programs in the area to be served. (Subsection a.) In order to carry out these responsibilities, the Council is authorized to obtain the services of staff, consult with other federal and state authorities, and utilize the services and facilities of other agencies. (subsection b.) The Secretary is directed to reserve not less than 2% of Title I funds for the purposes of the section. (subsection c).

Section 105: *Community Child Care Plans:* This section sets forth the requirements for Community Child Care Plans submitted by the Councils. Each plan must include (i) a description of the purposes for which financial assistance will be used; (ii) programs to ensure assistance on an equitable basis for children of migrants and other low-income families; (iii) appropriate arrangements to ensure that Community action and other Head Start agencies receive an allocation not less than that received the previous year and such additional allocations as may be necessary to insure special consideration to the needs * * *.

* * * codes on programs; (vii) conducting experimental, development, demonstration and pilot projects; and (viii) making recommendations to the Secretary, Community Child Care Councils and other agencies with respect to programs conducted under Title I.

Under Section 116(b), not less than ten percent of all funds allocated to the States for title I programs are reserved for services and activities under State Child Care Assistance Plans.

Section 111: *Direct Federal Funding.* This section authorizes the Secretary to provide financial assistance directly to any public or private agency or organization for the purposes set forth in Section 106, irrespective of whether a State or Community Child Care Council is serving such area, if he determines (in consultation with the Director of the Office of Economic Opportunity) that children of low-income families will not otherwise be equitably served or that the provision of such direct financial assistance is otherwise necessary to effect the purposes of the Act (subsection a). Subsection (b) directs the Secretary to establish procedures to govern his receipt of information which may be the basis for a determination under subsection (a).

Section 112: *Special Conditions.* This section provides that no assistance is to be provided under the title unless the Secretary determines that (i) children participating in the programs will receive such educational, food, nutritional, health and related services as are necessary to provide each child with the opportunity to reach his full potential; (ii) to the fullest extent possible programs shall be subject to the direction of a governing board of parents and that provision has been made for extensive parental participation; (iii) priority has been given to the provision of services to children of low-income families from birth through the age of five; (iv) programs will be conducted with linkage between the home and the environment in which conducted; (v) in the case of programs carried out by a local educational agency, children will not be denied the benefits because of their attendance in private preschool programs; (vi) programs will provide for the participation of families who are not low-income families, wherever possible; (vii) programs shall meet federal standards promulgated under Section 208; (viii) special requirements shall apply as to construction; and (ix) special requirements as to training programs are met.

Section 113: *Non-Compliance or Absence of an Approved Plan.* This section defines the circumstances in which the Secretary may determine that a State or Community Child Care Council, or project sponsor is no longer complying with the requirements of the Act. (Subsection a.) No determination of noncompliance can be made without the concurrence of the Commissioner of Education or the Director of the Office of Economic Opportunity with respect to matters as to which concurrence was required under Section 201.

Section 114: *Federal Control Prohibited.* This section prohibits federal control over the personnel curriculum, method of instruction or administration of any educational agency or institution.

Section 115: *Matching Requirements.* This section provides up to 80 percent sharing in the programs for any State or Community Child Care Council or agency, but permits greater sharing in the case of Community Councils where needed to insure equitable coverage of children of low-income families and authorizes varying sharing families to encourage contributions from private organizations. The non-federal share may be provided through public or private funds. Provision is made for application of non-federal contributions exceeding requirements to other programs.

Section 116: *Allocations.* This section allocates the funds appropriated under Title I as follows:

(a) 75 percent of funds are allocated among the states as follows: 30 percent (of the 75%) based upon the number of families having an annual income below the poverty level; 30 percent on the number of children under fourteen years of age of working mothers; and 40 percent on the number of children who have not attained six years of age. (Sec. 116(a)(2)).

(b) 6 percent of funds are to be available for financial assistance under the direct funding provisions of Section 111 to supplement programs conducted under other provisions of Title I for children of migrants, Indians, or children whose functional language is other than English. (Section 116(a)(1)(A) and (c)).

(c) 2 percent of funds are to be available for providing financial assistance as an incentive for the establishment by Community Child Care Councils of appropriate procedures for coordination and cooperation at the community level between agencies conducting child care programs and those conducting manpower employment and training programs assisted under other Federal laws. (Sec. 116(a)(1)(B) and (d)).

(d) 2 percent of funds are to be available for providing financial assistance as an incentive for the establishment by Community Child Care Councils of appropriate procedures for coordination and cooperation and continuity between preschool programs and educational and related programs conducted by Administrators of school systems at the community level. (Sec. 115(a)(1)(c) and (e)).

(e) 15 percent of funds are to be available to the Secretary for assistance under Title I without regard to apportionment.

The Section also provides for reallocations to ensure that funds available to Community action and other Head Start agencies are maintained (subsection f) and for other purposes (subsection d). Provisions for the publication of apportionment criteria (subsection h) and for maintenance of effort by States and units of general local government are included. (subsection i).

TITLE II—SPECIAL FEDERAL RESPONSIBILITIES

Part A Research, evaluation, training, and special provisions

Section 201: *Administration of Programs.* This section directs the Secretary to establish in the Department of Health, Education, and Welfare, an Office of Child Development as the principal agency for programs and activities relating to child development and for the carrying out of the provisions of the Act. (subsection a). The concurrence of the Commissioner of Education and of the Director of the Office of Economic Opportunity must be obtained with respect to programs or program components to be conducted by educational agencies and institutions and by community action and other Head Start agencies respectively.

Section 202. *Research.* This section directs the Secretary to establish a comprehensive program of research in the field of child development and to establish a program for the continuing dissemination of results of such research to State and Community Child Care Councils and other organizations to insure effective programmatic use of knowledge.

Section 203: *Demonstration.* This section directs the Secretary to establish a program of experimental, developmental and similar projects to evaluate the effectiveness of specialized methods in meeting the Nation's needs for child development programs, including the testing of programs involving tuition assistance, purchase, voucher or similar plans and to encourage the development of child development services and facilities at near places of business.

Section 204: *Information and Personnel Exchanges.* This section directs the Secretary to develop jointly with State and Community Child Care Councils a comprehensive program for the exchange of personnel and of information regarding programs in various communities.

Section 205: *Evaluation.* This section directs the Secretary to develop new and improved methods of evaluation of programs under the Act and to insure that evaluations are conducted by agencies and organizations independent of agencies participating in such programs at the community level.

Section 206: *Training of Child Development Personnel.* This section amends section 531(b) and 532 of the Higher Education Act of 1962 to provide greater funds for personnel for child development programs and Section 205(b)(3) of the National Defense Education Act, to make scholarships available for that purpose. The section is designed to supplement training activities pursuant to Child Care Assistance Plans and Community Child Care Plans under Title I.

Section 207: *Special Studies.* This section directs the Secretary (in consultation with the Secretary of Labor and Director of the Office of Economic Opportunity) to make continuing studies to determine the need for and availability of child development personnel, to make recommendations to the President and the Congress in respect thereto, and to promulgate guidelines for task and skill requirements for specific jobs and recommended job descriptions in the child development field.

Section 208: *Federal Standards for Child Development Programs.* This section establishes the authority ofr the promulgation of federal standards for child development programs.

Section 209: *Development of Uniform Code for Facilities.* This section directs the appointment of a special committee to develop a uniform code for facilities dealing with the health, safety and physical comfort of children, to be used in licensing facilities, and directs the Secretary to encourage their adoption by State and local governments. The Committee is to be comprised of parents and children enrolled in child development programs, representatives of state and local licensing agencies, public health officials, and others; not less than one-half of the Committee must consist of parents of children enrolled in Head Start programs and programs conducted under Title IV B of the Social Security Act.

Section 210: *Use of Federal, State and Local Government Facilities for Child Development Programs.* This section directs the Secretary after consultation with other officials of the Federal Government to report to the Congress, the extent to which facilities owned or leased by Federal departments, agencies and independent authorities could be used for child development programs, during times and periods when not utilized fully for usual purposes, and authorizes the Secretary to require a similar review and report on the part of any State or local unit of general local government as a condition to the receipt of assistance under the Act.

Section 211: *Advisory Committee Established.* This section requires the establishment of a broadly representative National Child Development Advisory Committee, given a broad mandate to assess the Nation's needs, review the administration of programs, and make recommendations in respect thereto.

Section 212: *Authorizations.* This section authorizes for Part A the sum of $75,000,000 for fiscal year ending June 30, 1973; $100,000,000 for the fiscal year ending June 30, 1974; $100,000,000 for the fiscal year ending June 30, 1975.

Part B—Special child development programs for Federal employees

Section 221: *Program Authorized.* This section authorizes the Secretary to enter into agreements and provide technical assistance to Federal Departments, agencies and independent authorities and public and private agencies and organizations for programs for the children of employees of the federal government. (subsection a). In order to qualify, programs must meet the substantive requirements set forth for programs under Title I and provide a means of determining priority of eligibility, a scale of fees, and incorporation with Child Care Plan Programs under Title I, (subsection b).

Under the section, 80% matching is available. (subsection d). Programs cannot be conducted without approval of the plan from the head of the agency involved and the heads of agencies are authorized to make space available to such programs. (subsections (c)(e)).

Section 222: *Advisory Committee on Child Development Programs for Federal Employees.* This section directs the Secretary to appoint a special Advisory Committee on Child Care programs for Federal Employees, composed of one official and one parent from each of the Cabinet Departments and an official and a parent from each of three other agencies or authorities of the Federal Government. The Committee is responsible for identifying the child development needs of children, reviewing plans submitted pursuant to Section 222, assessing and evaluating the extent to which child development programs are sufficient to meet the needs and making recommendations for the further development programs for federal employees.

Section 223: *Authorization of Appropriations.* This section authorizes for Part B $50,000,000 for fiscal year ending June 30, 1973 and $75,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

TITLE III. GENERAL PROVISIONS

Section 301: *Advance Funding.* This section authorizes advance funding under the Act and transitions to such funding.

Section 302: *Definitions.* This section defines "child," "child development program," "children of low income families," "parent," "poverty level," "Secretary," and "state."

Section 303: *Nutritious Commodities.* This section directs the Secretary of Agriculture, in consultation with the Secretary of Health, Education and Welfare, to make commodities available for child development programs under existing laws.

Section 304: *Legal Authority.* This section authorizes the Secretary to prescribe rules, regulations, guidelines.

Section 305: *Labor Standards.* This section requires the application of the provisions of the Davis-Bacon Act.

Section 306: *Interstate Agreements.* This section provides for interstate agreements for programs under the Act.

Section 307: *Effective Date.* This section makes the Act effective July 1, 1972.

Section 308: *Repeal, Consolidation and Coordination.* This section repeals section 222 (a)(1), Part B of title V and Sections 16 (2)(b), 123(a) and 312 of the Economic Opportunity Act of 1964.

Mr. HARRIS. Mr. President, the most valid predictor of whether a nation will survive and prosper is found not in such indices as the gross national product, birth rates, crime statistics, or mental health data, but rather, in the concern, within the nation, of one generation for the next.

This assessment, made by Dr. Urie Brofenbrenner, professor of psychology at Cornell University, points up the serious challenge facing the Congress as we consider legislation dealing with child care and development.

The increasing awareness of need for child care and development facilities in this country was spotlighted by the recent White House Conference on Children in its sessions involving "Developmental Child Care Services." The overall impact of the conference was to point up the great deficiencies in the ways in which our Nation attempts to protect the interests of its children.

The crisis in availability of child care services has come about from many diverse factors in our changing society: the increasing number of working mothers; the new emphasis on work training and work requirements as a part of our welfare laws; the change in family living patterns caused by shifts in population to urban areas; the breakdown in traditional family patterns arising from growing divorce rates and separation from larger family units; and, as to child development, the knowledge we have gained about the significant impact on a child's intelligence made by the stimulation and care received during the first few years of life.

Let us consider the working mother. Since the end of World War II, which was the high tide for working women to that date, the number of working women has doubled. But, the number of working mothers has increased nearly eightfold. In March 1969, 11.6 million mothers with children under 18 were working or seeking work; more than 4.2 million of these mothers had children under 6 years of age. Latest figures from the U.S. Department of Labor, Bureau of Labor Statistics, indicate that half of the Nation's mothers with school-age children, and one-third of mothers with children under 6 work at least part time. With these millions of children to be cared for, we now have in this country less than 700,000 available licensed day care slots.

Mothers are working today for varying reasons. Many are the sole support of their families, and work from harsh necessity. Others must, in inflationary times, work to supplement the family income to provide a better standard of living for the family. Today's emphasis on women's rights has caused many women to reconsider their traditional place in society. Those who are well educated or professionally trained would like freedom of decision as to their place in society and in the family. All of these working mothers share the same need; child care facilities which will be a creative force in the development of the children involved. While recognizing the prime responsibility of the parent or parents for the welfare and nurture of their children, other facts cannot be ignored. There are millions of young children whose mothers are now working. Statistics from the Department of Labor indicate that there will be increasing employment of mothers in future years. Society must be concerned with the well-being and development of these children during the hours they are separated from their mothers.

Studies have been made, as of 1965, concerning child care arrangements made by working mothers of 12.3 million children. Forty-six percent of the children studied were cared for at home by a father, other relative or a paid caretaker. About 18 percent were cared for away from home, with 2 percent being cared for in group centers. Another 28 percent were cared for by the mother. In these instances, 15 percent had mothers who worked only during school hours, while 13 percent accompanied their mothers to work. There have been no in-depth studies as to the quality and adequacy of care received under these varying arrangements. However, it is doubtful that these millions of children are receiving care and other services which will enable them to develop to their full potential. Many, doubtlessly, have a television set as their prime source of stimulation and occupation.

What of the 8 percent of children not accounted for in these figures? The cited study indicated that 8 percent of the 12.3 million children cared for themselves. This is nearly 1 million children with no supervision or training during the periods that their mothers are working. Four percent of these children were under the age of six. What kind of society can knowingly allow a million children to be without the care necessary to insure their safety, to say nothing of their overall development?

Faced with a glaring need for supplemental services for children, what should our response as a Nation be?

As we learn more about the impact of early education on the very young child, we can no longer espouse a program of custodial day care which merely keeps the child off the streets and provides some degree of safety. We owe the Nation's children much more.

The concept of universal early education for all children is gaining momentum. Research by psychologists, educators, and pediatricians places stress on the significance of a child's early years in shaping the person he is to become. Human intelligence develops up to 50 percent by the time a child is 4 years old. Development of knowledge in this field has led to increasing demand for preschool educational programs for all children—not limited to those who receive social services as a part of welfare programs, or those who need supplemental care while their mothers are working. In recognition of the importance of early education, the State of New York has recently adopted a policy of universal education for 4-year-olds, to be achieved over a 10-year period.

The varying needs of different children demand that any program of child development services provide a high degree of flexibility. Needs exist for full-time care, part-time care, day, night-time, intermittent, after school, and varying types of emergency care. This care may best be provided in a home setting, or in a group program. Any program must, however, deal with the whole child—his educational, emotional, nutritional, health, social, and cultural development.

As a response to the needs of all children in our Nation, and with the purpose of setting up a framework which can ultimately be expanded to provide multiple supplemental services to all children, I join with the distinguished Senator from New York (Mr. JAVITS) in introducing the Comprehensive Community Child Development Act of 1971.

This act would provide for the increased availability of a wide range of child care services for children from infancy through the age of 13. It would, however, maintain continuing priority for children from low income families. The key to the operation of the program is strong emphasis on planning and decisionmaking at the local community level. Parents of children taking part in the programs would be fully involved, as well as other local groups with proven experience and concern for child development. The local groups would benefit from technical assistance and coordination efforts at the State level. Program standards, research and evaluation would be safeguarded by the Federal Government, which would also have authority to insure equitable provision of services for low-income families.

COMMUNITY COUNCILS

The proposed act consists of three basic titles. Title I would vest responsibility for the programs to be set up in the Secretary of Health, Education, and Welfare, who would approve funding child care programs developed by representative councils at the community level. Ninety percent of funds allocated to the States are available for local council programs. Technical assistance would be provided these local councils by State child care councils, set up under the provisions of this title. The following appropriations would be authorized: $900 million for 1973, $1.8 billion for 1974, and $2.8 billion for 1975. The second title of the act provides for Federal activities, including research, demonstration, and evaluation. It also would authorize a special program for children of Federal employees. This part of the act would authorize for appropriation $125 million for 1973, $175 million for 1974 and $175 million for 1975.

Upon application, the Secretary could designate local groups or community child care councils to have the responsibility for planning, coordination, and monitoring child development programs within areas deemed suitable by the Secretary. Due to the great diversity inherent in our Nation, a great deal of flexibility would be permitted as to the nature of the area in which a comprehensive program could be established. These could include a city, a county or other local governmental unit or combination of units, a neighborhood or part of a city, or an Indian reservation.

A number of factors would be stated to guide the Secretary in his decision as to the suitability of an area, including the number of children of low-income families within such area, the effectiveness of serving low income and other children within such an area, and the relationship of a selected area to the areas already established for education, manpower training and health programs and existing child development programs. These provisions would allow, within the flexible framework submitted, coordination with programs already established.

The Community Council created would be a public or nonprofit agency, representative of those groups in the community most knowledgeable and experienced in child development. This would include community action agencies, single-purpose Headstart agencies, representatives of educational institutions, parent cooperatives, representatives of labor, business, welfare, manpower training, and health agencies in the area. A prime aim of this legislation is to insure that parents of children involved have an active voice in shaping these programs which so significantly affect their children. At least half the members of each council would have to be parents whose children are enrolled in programs established under this act.

In carrying out its responsibility for planning, coordinating and monitoring child development programs in the designated area, the council would prepare an overall plan covering the area to be served. Equitable assistance for children of migrants, bilingual children and Indian children in the area covered by the plan would be required. The act contains provisions for maintaining allocations presently received by community action and single-purpose head start agencies, and for integrating other child development programs financially assisted by the Secretary of Health, Education, and Welfare under other laws.

Child care plans would be further integrated into the overall community by provisions for coordination with other approved applicants. This can achieve substantial savings in joint program services, training and purchasing.

Provision is made for direct Federal funding of programs, if the Secretary finds that low income children will not otherwise equitably be served. The Secretary would not provide assistance under the provisions of the act unless he finds that certain special conditions have been met. These include: determinations that children will receive educational, nutritional, health, emotional, social, cultural, and cognitive development to allow each child the opportunity for achievement of his full potential. Parental governing boards and parental participation are given full stress. Priority is given for children of low income families from birth to 5 years of age, but suitable fees will be charged for services provided children whose family income is above the poverty level. Funds could be withheld by the Secretary if he determined, after notice and hearing, that the requirements of the act were not being met.

A formula for fund allocation among the States is set forth which would take into consideration three basic factors: the number of families in a State having an income below the poverty level; the number of children in a State under the age of 14 whose mothers are employed outside the home; and the number of children in the State who have not attained the age of six. Six percent of the funds authorized under title I are reserved for additional assistance for programs for children of migrants, Indian children, or children whose functional language is not English. Two percent of total funds would be reserved to provide for coordination and cooperation between preschool programs under this act and the educational systems in the community into which the children benefiting from the act will progress. Another 2 percent would be reserved for setting up procedures for coordination and cooperation between agencies providing programs under this act and manpower training programs conducted under other Federal laws.

In addition to funding of child development programs providing for a wide range of child care services, Community councils could also fund occupational training programs, training programs for parents, and such activities as an information dissemination center to inform parents of availability of child development services.

Title II of the act would establish in the Department of Health, Education, and Welfare an Office of Child Development, which would be the principal agency for programs relating to child development. Comprehensive research in the field of child development, evaluation of programs, and program standards implementation, would be among the more important responsibilities of the Office of Child Development.

Title II also provides for a National Advisory Committee that would be appointed by the President, which would have the responsibility for assessing the extent to which programs under this act and other acts establish an integrated approach to meeting the Nation's goals for child development programs.

A special provision of title II would authorize setting up child development programs for children of Federal Government employees. This, to my mind, would provide a particularly good opportunity for the government to take the lead in setting up a model program for children.

There are two other provisions in this act I would like to comment on briefly.

State Child Care Councils could be formed, representative of educational, welfare, health, and other State agencies interested in child development. However, one-half of the membership would be required to be parents. The Council would have the responsibility of reviewing and commenting upon applications for designation by community councils, reviewing child care plans, and insuring cooperation and coordination of programs conducted within the State.

It should also be noted that the act does not provide for the repeal of any existing Federal child care authorities, except those covered under the Economic Opportunity Act. It would leave intact what is now done under the Social Security Act, but would provide for consideration of those programs in coordinating all programs which receive financial assistance from the Department of Health, Education, and Welfare.

The existing Headstart programs are given full consideration in this act. The parents initially serving on the State and Community Councils would be chosen from parents of children presently in Headstart programs, and the Headstart agencies would be given special consideration in selection as administering agencies.

I hope that this Congress will give this important legislation and other proposals of this nature full and careful consideration. In the closing days of the last Congress the Senate Finance Committee, of which I am a member, attached an amendment to the social security bill that provided for the establishment of a Federal Child Care Corporation. I opposed the amendment in the Committee and joined with the distinguished senior Senator from New York (Mr. JAVITS) on the floor of the Senate in having this provision stricken from the bill. While I thought the Committee was to be commended for recognizing the need for better child care programs, I did not feel that the proposal for a Federal Child Care Corporation and the other proposals before Congress, including Senator JAVITS' bill, had been given ample consideration.

As a member of the Senate Finance Committee, I have long been concerned with various programs relating incidentally to child care as part of a larger legislative package—welfare, work training, or as proposed under the Administration's Family Assistance Plan. The information gained from my work in these areas has made me increasingly aware that programs affecting young children should stand on their own. They should not be merely a by-product of another Government program, but should be primarily concerned with the full development of the children involved. I further feel that any sound program dealing with children should strive for the highest possible degree of parental involvement and community control.

The bill that Senator JAVITS and I are proposing would set up a framework for coordination of presently fragmented programs. It would recognize the sound aim of dealing with all aspects of child development. It would particularly emphasize two important essentials of any child development program: parental involvement and community control.

Thoughtful consideration of the aims and methods in the proposed legislation can make 1971 a landmark year in the attempt of America to meet the needs of our children.

S. 707—INTRODUCTION OF A BILL TO ESTABLISH THE FORT CONSTITUTION NATIONAL HISTORIC SITE, NEW HAMPSHIRE

Mr. COTTON. Mr. President, the United States of America is approaching a historically significant period in its young life—the 200th anniversary of its Declaration of Independence.

We will mark this anniversary in 1976 when it is expected that every State in the Union will take part in the Nation's American Revolution Bicentennial celebration.

In my home State of New Hampshire, plans already are underway, stimulated and supervised by the New Hampshire American Revolution Bicentennial Commission and several of the State agencies.

New Hampshire, as the first to declare its independence, has an important role to play in the bicentennial. There is no more appropriate time, therefore, to introduce legislation seeking to designate Fort Constitution at New Castle, N.H., a historical site in the national park system. Such designation will mean the restoration of a site which had great bearing on the events of the Revolutionary War.

Fort Constitution formerly was Fort William and Mary. American patriots seized it in December 1771, the first armed attack on Great Britain in the period before Lexington and Concord. They secured gunpowder and other munitions used against British troops at the Battle of Bunker Hill.

The fort also was one of the sites to which Paul Revere rode, warning that the British were coming.

Today, Mr. President, I send to the desk a bill to provide for the establishment of the Fort Constitution National Historic Site in New Hampshire, and I sincerely hope that with its passage we will be on our way toward having the historic landmark restored.

The PRESIDING OFFICER (Mr. Gambrell). The bill will be received and appropriately referred.

The bill (S. 707) to provide for the establishment of the Fort Constitution National Historic Site in New Hampshire, and for other purposes, introduced by Mr. Cotton, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 708—INTRODUCTION OF A BILL FOR THE RELIEF OF THE VILLAGE OF ORLEANS, VT.

Mr. PROUTY. Mr. President, I introduce for appropriate reference, a bill for the relief of the village of Orleans, Vt.

The purpose of the proposed legislation is to authorize and direct the Postmaster General to receive and consider any claims of the village of Orleans, Vt., for the repayment of six unpaid money orders issued to the village in 1945 in the aggregate amount of $527.31. The bill would require the Postmaster General to provide for the payment of the face value of the money orders to the village.

This bill is the same as S. 839 of the 90th Congress and S. 275 of the 91st Congress. Both bills were passed by the Senate but the House failed to take any action.

I ask unanimous consent to have printed in the Record an excerpt from the Senate Report, 91-209, explaining the reason for the Senate's prior favorable action on this bill.

The PRESIDING OFFICER (Mr. Gambrell). The bill will be received and appropriately referred; and, without objection, the excerpt will be printed in the Record.

The bill (S. 708) for the relief of the village of Orleans, Vt., introduced by Mr. Prouty, was received, read twice by its title and referred to the Committee on the Judiciary.

The excerpt furnished by Mr. Prouty is as follows:

STATEMENT

This bill (S. 275) is identical to S. 839 of the 90th Congress which was passed by the Senate and on which the House took no action. The facts of the case as contained in the report requested from the Post Office Department and as quoted verbatim in the report (No. 1238) of the Committe on the Judiciary in the 90th Congress accompanying S. 839 when it was passed by the Senate, are as follows:

The Department is prohibited by law from paying a money order after 20 years from the last day of the month of original issue. Also, claims for unpaid money orders are forever barred unless received by the Department within that period (39 U.S.C. 5103(d)).

It is our understanding that in 1945 the treasurer of the village of Orleans purchased six money orders totalling $527.31, to be used for payment to the Province of Quebec, Canada, of a duty tax on certain securities. Later it was determined that there was no tax liability on the securities, and consequently the money orders were not used. The present board of trustees of the village was unaware of the money orders until recently, when they turned up in the personal effects of the deceased village treasurer.

Pursuant to the law cited above, records relating to the subject money orders have been destroyed. We, therefore, have no way of knowing whether duplicate money orders were issued in this case. If they were, enactment of S. 839 would constitute a double payment.

We would suggest the probabilities are that duplicates effecting a refund to the village were issued, since in all likelihood the question of the unused money orders and what to do about them arose when the village authorities met to discuss the financial affairs of the village. Presumably, the original money orders were lost or mislaid at the time; in which case it is reasonable to expect that the village would file for duplicates.

Enactment of legislation such as S. 839 would make it incumbent upon the Department to maintain money order records indefinitely. This would be contrary to the policy established by Congress in enacting section 5103(d) of title 39, United States Code; namely, that the records of the Department cannot be maintained indefinitely to adjudicate the millions of money orders issued annually.

At the request of the committee, the sponsor of the bill has produced an affidavit from the village of Orleans, which the committee believes overcomes the objection of the Department. The affidavit indicates that in this case there is no danger of a double payment.

In agreement with the previous action in the 90th Congress, the committee recommends the bill favorably.

S. 709—INTRODUCTION OF A BILL TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL CEMETERY IN THE STATE OF VERMONT

Mr. PROUTY. Mr. President, I introduce for appropriate reference a bill to provide for the establishment of a national cemetery in the State of Vermont.

Two years ago in introducing a similar measure, I noted that 35 of our 98 national cemeteries were inactive. I am distressed to note today that since then, 11 more facilities have been so classified. The Department of the Army informs me that this trend will continue and thus there will soon be little or no space available for our Nation to accord one final honor to those who have served our Nation well.

Not only is our national cemetery system short of space, but it is also inequitable geographically. Of particular concern to me is that there is no national cemetery in the six States of New England. The nearest national cemetery for burial of New England veterans is in Farmingdale, Long Island, N.Y. Not only is the distance too great for most New Englanders, but the Department of the Army informs me that space in this cemetery will run out in 1975.

The storage of space and the inequitable distribution of our national cemeteries demands the attention of the Congress. I am hopeful that the newly formed Committee on Veterans' Affairs which has jurisdiction over national cemeteries will review the problems I have raised.

Mr. President, my bill does not seek to revise the entire national cemetery system, though such a revision may well be in order. Rather the bill simply directs the Secretary of the Army to establish a national cemetery in the State of Vermont. In the measure I have purposely omitted reference to any specific location for this cemetery. I have, however, conditioned its selection on the approval of appropriate local officials.

Mr. President, while my bill responds only to the needs of my State, I hope its introduction may serve as a catalyst for a review of our entire national cemetery system.

The PRESIDING OFFICER (Mr. Gambrell). The bill will be received and appropriately referred.

The bill (S. 709) to provide for the establishment of a national cemetery in the State of Vermont, introduced by Mr. Prouty, was received, read twice by its title and referred to the Committee on Veterans' Affairs.

S. 715—INTRODUCTION OF A BILL TO ESTABLISH THE FEDERAL CITY BICENTENNIAL DEVELOPMENT CORPORATION

Mr. JACKSON. Mr. President, on behalf of the senior Senator from Colorado (Mr. Allott), the senior Senator from Alabama (Mr. Sparkman), and myself, I introduce for appropriate reference a bill to establish the Federal City Bicentennial Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes.

This proposal was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the letter from Under Secretary Fred J. Russell accompanying it be printed in the Record at this point in my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Washington, D.C., January 26, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a proposed bill, "To establish the Federal City Bicentennial Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes."

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill establishes a Federal corporation to prepare a plan for the development area between the Capitol and the White House. The corporation is directed to transmit the plan to the Secretary of the Interior, the National Capital Planning Commission, and the District of Columbia Government for approval. Upon such approval, the corporation is directed to submit the plan to the President of the Senate and the Speaker of the House of Representatives. Following 60 days after such transmittal, the corporation is authorized to proceed with the execution and implementation of the plan.

The corporation is authorized, among other things, to acquire, operate, and sell real and personal property, enter into contracts with public and private agencies or persons, establish such restrictions as are necessary to assure development, maintenance, and protection of the development area in accordance with the plan, and to borrow money from the Treasury in such amounts as may be authorized in appropriation acts.

The bill provides that no new construction shall be authorized or conducted within the development area after enactment except upon prior certification by the corporation that the construction is, or may reasonably expected to be, consistent with the development plan. If the plan has not become effective after 16 months, however, the requirement for such a certification will cease until the plan does become effective.

Provisions are included conforming the corporation's acquisition, relocation, and other authorities to applicable portions of the D.C. Code and other Federal laws, and the corporation is directed to make payments in lieu of taxes to the District of Columbia Government in connection with any real property acquired and owned by the corporation.

We support the concept of redeveloping this portion of the District of Columbia from the Capitol to the White House. As the President said on September 8, 1970, in support of similar legislation,

"Time is short. The approaching Bicentennial provides us an opportunity to fulfill in this city, at this time, a magnificent vision of the men who founded our Nation, and at the same time to create a standard for the rest of the Nation by which to measure their own urban achievement, and on which to build visions of their own. Much has been written of the crisis of the American city. Too much of what has been written is true. The time has come to measure what we do, not by what we are, but by what we can be. If we do not do this work now, other men will do it for us at another time. Let us do it now."

The submission of this draft legislation answers that directive.

Administrative services for the corporation will be provided by the General Services Administration on a reimbursable basis.

The bill authorizes the appropriation of such funds as may be required to carry out its purposes.

On September 30, 1965, the Secretary of the Interior, with the concurrence of the President, designated the Pennsylvania Avenue National Historic Site pursuant to the Act of August 21, 1935 (49 Stat. 666). All but approximately six blocks of the national historic site is located within the development area defined in this proposed bill.

The responsibility of the Secretary of the Interior for the national historic site is to assure that developments are consistent with the preservation of the historic character of the site. We believe the Secretary can exercise that responsibility within the context of the bill.

The Office of Management and Budget has advised that the presentation of this draft bill is in accord with the program of the President.

Sincerely yours,

FRED J. RUSSELL,
Under Secretary of the Interior.

Mr. JACKSON. This proposal was also submitted by the Department late in the second session of the 91st Congress and introduced by the senior Senator from Colorado and me. Hearings were held before the Interior Committee, but it was too late in the session for final action to be taken.

Mr. President, the senior Senator from Alabama (Mr. SPARKMAN) has spoken to me about this bill in connection with possible interests of the Committee on Banking, Housing, and Urban Affairs. After we have acted on it, we will be happy to have the bill referred to the Committee on Banking, Housing, and Urban Affairs, if that is his wish.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred.

The bill (S. 715) to establish the Federal City Bicentennial Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes, introduced by Mr. JACKSON (for himself and other Senators, by request), was received, read twice by its title and referred to the Committee on Interior and Insular Affairs and then to the Committee on Banking, Housing, and Urban Affairs, if Mr. SPARKMAN wishes it, by unanimous consent.

S. 716—INTRODUCTION OF A BILL TO AUTHORIZE APPROPRIATIONS FOR THE SALINE WATER CONVERSION PROGRAM FOR FISCAL YEAR 1972

Mr. JACKSON. Mr. President, I join with my colleague from Colorado, the senior minority member of the Committee on Interior and Insular Affairs, to introduce, by request, the measure proposed by the Department of the Interior to authorize the fiscal year 1972 appropriations for the saline water conversion program. The Department's measure proposes an authorization totaling $27,025,000 to continue the program through fiscal year 1972. This amount supports the request for appropriations included in the President's budget, and it compares to a program level of $28,677,934 in fiscal year 1971.

The saline water conversion program was established by the Congress to support research and development aimed at the achievement of low-cost methods for desalting saline and brackish water for beneficial consumptive purposes. The program through fiscal year 1967 operated under two basic authorizations:

First. Authority to conduct research and development programs. Saline Water Act of 1952 (66 Stat. 328) as amended.

Second. Authority to construct, operate, and maintain desalting plants in order to demonstrate the production of desalted water (72 Stat. 1706).

In 1967, the Congress enacted legislation (81 Stat. 78) to consolidate the earlier acts under the title of the Saline Water Conversion Act, and to authorize appropriations for fiscal year 1968. It has since been the policy of the Congress to authorize appropriations for the program on an annual basis.

The existing legislation includes language establishing the fiscal year 1972 appropriation as the final year of full funding to accomplish the purposes of the saline water conversion program. The legislation provides for additional years of funding only for the orderly termination of the work undertaken through fiscal year 1972.

Although the administration has not yet made any recommendations concerning the future of the program, it will be necessary for the Congress to give consideration to this matter during this session.

The Committee on Interior and Insular Affairs will consider whether there is a need for further Federal efforts in desalting research and development as it reviews the proposed fiscal year 1972 authorization. We must decide whether the program is to be continued along present lines, restructured, or phased out. This will require basic policy decisions, and I am hopeful that the administration will make timely recommendations to assist in this effort.

I request that the text of the Department's letter transmitting the draft bill be included in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 716) to authorize appropriations for the saline water conversion program for fiscal year 1972, and for other purposes, introduced by Mr. JACKSON (for himself and Mr. ALLOTT, by request), was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

The letter furnished by Mr. JACKSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., January 29, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To authorize appropriations for the Saline Water Conversion Program for fiscal year 1972, and for other purposes."

We recommend that the bill be referred to the appropriate Committee for consideration, and we recommend that it be enacted. This Department's Office of Saline Water (OSW) has made considerable progress in the development of practical, low-cost methods for producing fresh water from saline, brackish, and other mineralized or chemically-charged waters. It has fostered the development of desalting technology and has encouraged water planners and the desalting industry to cooperate in developing viable plans for meeting the Nation's water requirements.

The legislation under which the OSW conducts its program, the Act of July 3, 1952, as amended (42 U.S.C. 1951 *et seq.*), authorizes "to be appropriated such sums, to remain available until expended, as may be specified in annual appropriation authorization acts." In order to meet fiscal year 1972 program requirements, we propose an appropriation of $27,025,000 to enable the OSW to conduct its research and development program as follows:

I. Research and development operating expenses, $15,675,000;

II. Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, $7,385,000;

III. Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, $1,425,000; and

IV. Administration and coordination, $2,540,000.

Major changes from the fiscal year 1971 program of $28,677,934, are described as follows.

Research and development operating expenses activity contains a net increase of $495,066. Sizable cutbacks or elimination of effort for 1972 have been made in the materials, crystalliaztion, and electrodialysis research and development programs. Additional emphasis is planned for environmental research and development to assure that measures for protection of the ecology are incorporated in the process developmental program. Also, funds are required for additional equipment involved in further development of distillation processes.

Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities activity reflects an increase of $1,985,000 and includes a request for three additional positions. Two of the three positions are for managerial support at the Roswell, New Mexico and Freeport, Texas facilities. The manager at each of these facilities is the only OSW representative on site. The expanded activities require that the managers be provided assistance in technically coordinating the programs. The third position is for the Wrightsville Beach, North Carolina, Test Facility to assist the physical science technician in responding to the increasing analytical requirements associated with evaluation of new and improved sea water desalting development plants.

Included in the program for this activity in FY 1972 is $2,100,000 for acquisition of two reverse osmosis test beds. Acquisition of a reverse osmosis sea water plant is an essential intermediate step toward the advancement of economical desalting of sea water by this process. Past engineering and economic studies have shown that reverse osmosis is more economical than distillation for desalting sea water in plant sizes up to 5 million gallons per day. The plight of small communities where the population depends upon bottled water for cooking and drinking indicates a need for production plants of this type.

A 500,000 to 750,000 gpd High Product Recovery test bed plant is needed primarily to reduce the volume of brine effluent that must be disposed of without adverse effect on the environment, particularly in inland areas. Recognizing the need for development of high product recovery and high flux membrane plant technology OSW, over the past 3 years, has devoted significant efforts to develop suitable hardware and system components required for these plants. Evaluation of the technology on a test bed scale is now necessary to confirm pilot plant data prior to scale up to prototype and commercial plants of multimillion gallons per day capacity.

Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules activity is decreased by $4,170,000. This decrease is attributable to the acquisition cost of the Vertical Tube Evaporator/Multistage Flash Module that was authorized for fiscal year 1971.

Administration and coordination activity shows an increase of $37,000 and includes a request for two additional positions in the OSW Washington headquarters. These positions are: (1) a project management engineer to assist in planning cooperative programs with other water planning agencies and other field test programs; and (2) a budget clerk to assist the budget officer in preparing and managing the OSW budget.

The appropriation authorization requested for FY 1972 reflects two other changes from the FY 1971 authorization. It omits the dollar limitation on foreign expenditures and it provides for a 2 percent overrun in administration and coordination activity.

Deletion of limitation on foreign expenditures. The FY 1971 authorization limited foreign expenditures to $100,000. Restoration of foreign authority is requested for the continuation of highly promising research grants in the reverse osmosis area to foreign institutions. The FY 1971 funding of this activity is approximately $65,000. Since the enactment of the restriction on foreign expenditures, OSW has not been receiving research proposals from foreign institutions. In the past, OSW has only funded those research proposals that were unique and showed a high degree of promise. Removal of the restriction will help to assure that the United States will obtain the information possessed by foreign research scientists. The exchange of information between this Nation and foreign nations is most decidedly one way, i.e., we provide more information than we receive. Although it is not expected that expenditures for foreign research will be significant, it is hard to estimate precisely what the requirement will be.

Reprogramming—Administration and Coordination. The administration and coordination activity, approximating 10 percent of the total authorization, must provide for all OSW headquarters costs, of which 90 percent are for personnel. The authorization for this activity in fiscal year 1970, adjusted for the pay increase under Public Law 92–231, exceeded actual charges by less than $10,000. An inordinate degree of control is required throughout the year to assure that no action is taken which might result in overobligation of the authorized funds in this account. As an example of the problem, if personnel employment within the authorized ceiling exceeds the estimate by only one man-year and if sufficient savings cannot be made in the relatively small balance of the funds in other than personnel costs, the OSW may be required to seek congressional relief. A 2 percent reprogramming authority (approximately $50,000) appears reasonable.

A statement concerning significant environmental impacts of the proposal pursuant to section 102(2(C) of the National Environmental Policy Act of 1969 will be forwarded to accompany the bill.

The Office of Management and Budget has advised that this proposed legislation is in accord with the program of the President.

Sincerely yours,

JAMES R. SMITH,
Assistant Secretary of the Interior.

S. 716

A bill to authorize appropriations for the Saline Water Conversion Program for fiscal year 1972, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act (66 Stat. 328), as amended (42 U.S.C. 1951 et seq.), during fiscal year 1972 the sum of $27,025,000 to remain available until expended as follows:

(1) Research and development operating expenses not more than $15,675,000: *Provided,* That notwithstanding the provisions of section 8 of the Saline Water Conversion Act (66 Stat. 328), as amended (42 U.S.C. 1958), such funds may be obligated for the procurement of research services through contract with institutions or individuals in foreign countries;

(2) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than $7,385,000;

(3) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than $1,425,000; and

(4) Administration and coordination, not more than $2,540,000.

Expenditures and obligations under any of such items, may be increased by not more than 10 per centum, except item (4) which may be increased 2 per centum, if such increase is accompanied by an equal decrease in expenditures and obligations under one or more of the other items.

S. 717—INTRODUCTION OF A BILL TO ESTABLISH THE HELLS CANYON-SNAKE RIVER IN THE STATES OF IDAHO, OREGON, AND WASHINGTON

Mr. PACKWOOD. Mr. President, it is with extreme concern that I once again call the attention of the U.S. Senate to the dangerous threats to one of America's precious natural treasures—the Hells Canyon of the Snake River. It is incomprehensible to thousands of Americans that the Congress has not yet seen fit to protect this deepest of all river gorges on earth.

Last year I introduced legislation to establish the Hells Canyon-Snake National River, and the same bill was introduced on the House side by Congressman JOHN SAYLOR. Congress failed to take action and the legislation died when we adjourned the 91st Congress.

My great concern, and JOHN SAYLOR's great concern, did not die. Neither did the concern of the thousands from New York to Oregon, and from Alaska to Texas, who have taken the time to express their heartfelt views to me, to the House and Senate Committees on Interior and Insular Affairs, and to newspapers, radio and television stations across our great land.

I still feel as strongly about this priceless treasure as I did last year, and I believe the recent nationwide television program "The American Wilderness," narrated by Hugh Downs, documented very well the magnitude of public opinion on this issue.

Today, I am again introducing legislation to preserve the Middle Snake and adjacent lands. This proposal will have some modifications from last year's version. The main change in the language is a change from so-called instant wilderness to a 2-year study of the proposed wilderness areas.

Mr. President, I ask unanimous consent to have the text of my proposal printed in the RECORD, along with the text of a letter I received from the Hells Canyon Preservation Council, Inc., of Idaho Falls, Idaho, immediately following my remarks.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 717) to establish the Hells Canyon-Snake River in the States of Idaho, Oregon, and Washington, and for other purposes, introduced by Mr. PACK-

WOOD, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve, protect, develop, and interpret for the enjoyment of present and future generations the one hundred and twenty mile segment of the Snake River between the town of Homestead, Oregon, and the town of Asotin, Washington, together with portions of several of its tributaries, and the lands adjacent thereto, which possess unusual and outstanding scenic, recreational, geological, fish and wildlife, historical, cultural and other values, there is hereby established the Hells Canyon-Snake National River. The National River shall consist of the land, waters, and interests therein within the area generally depicted on the drawing entitled "Boundary Map, Proposed Hells Canyon-Snake National River" which is on file in the Department of Agriculture. The Hells Canyon-Snake National River shall be administered by the Secretary of Agriculture (hereinafter referred to as the "Secretary") in the manner set forth in this Act.

SEC. 2. The Secretary may acquire lands, waters, and interest therein (including scenic and conservation easements) within the area comprising Hells Canyon-Snake National River by donation, purchase with donated or appropriated funds, exchange, or otherwise. Any property within such area owned by the State of Idaho, Oregon, or Washington, or any political subdivision thereof, may be acquired by donation only. All Federal lands, including national forest lands and all other Federally owned lands, within such area are hereby made a part of the Hells Canyon-Snake National River, and jurisdiction thereof shall reside with the Secretary.

SEC. 3. The Hells Canyon-Snake National River shall consist of three administrative units, as follows:

(A) The Seven Devils unit, consisting of approximately three hundred and fourteen thousand acres within the Nez Perce and Payette National Forests in the State of Idaho bordering on the Snake River, together with adjacent lands. The Snake River boundary of this unit shall begin at a point in Idaho approximately one-half mile north of the point on the Snake River directly east of the town of Homestead, Oregon, and extending northerly, a distance of approximately fifty-seven miles on the Idaho side of the Snake River to a point on the river in Idaho directly east of the point of confluence of Lookout Creek in the State of Oregon with the Snake River. The exterior boundaries of this unit shall be the boundaries set forth in the map referred to in the first section of this Act.

(B) The Imnaha unit consisting of approximately three hundred and fifty thousand acres in the Wallowa-Whitman National Forest in the State of Oregon, and extending along the Snake River in the State of Oregon from the southernmost point of the national forest boundary which touches the Snake River (approximately one-half mile above the mouth of McGraw Creek) northward approximately ninety-one miles along the Oregon side of the Snake River to the northern boundary of the Wallowa-Whitman Forest at the point where it touches the Snake River. The exterior boundaries of such unit are further defined in the map referred to in the first section of this Act.

(C) The Snake River unit of approximately fifty thousand acres, extending in a strip approximately one-quarter mile wide on the Idaho side of the Snake River from the northern boundary of the Seven Devils unit to a point due east of the southern boundary of the city limits of the town of Asotin, Washington; and extending northward approximately thirty-six miles on the Oregon and Washington side of the Snake River from the northern boundary of the Imnaha unit to the southern boundary of the city limits of the town of Asotin, Washington. Such unit shall also include both sides of the Salmon River in the State of Idaho in a strip approximately one-quarter mile wide on each side of such river, from the point of its confluence with the Snake River, upstream approximately one hundred miles to the mouth of Elkhorn Creek, and also include both sides of the Grande Ronde River in the States of Washington and Oregon in a strip approximately one-quarter of a mile wide on each side of said river, from the point of confluence with the Snake, upstream approximately forty miles to the town of Troy, Oregon.

SEC. 4. The Secretary shall administer the National River area in such a manner as will in his judgment best accomplish the following: (1) conservation of scenic, wilderness, recreational, cultural, historic and other values contributing to public enjoyment; (2) public outdoor recreation; (3) such management, utilization, and disposal of renewable natural resources and the continuation of such existing uses and developments as will promote or are compatible with, or do not significantly impair, public recreation and conservation of the scenic, wilderness, recreational, cultural, historic, or other values contributing to the public enjoyment.

SEC. 5. (a) All lands comprising the National River are hereby withdrawn from mineral entry and location. Timber harvest within the area comprising the National River, except for the purpose of construction of recreational roads and other recreational developments, shall be excluded.

(b) Subject to the provisions of section 4, grazing is hereby specifically declared to be an allowable and permissible use within the National River.

(c) Scenic values of the Snake River unit shall be preserved primarily through acquisition of scenic and conservation easements, and through encouragement of appropriate State and local zoning restrictions.

SEC. 6. Within two years from the date of enactment of this Act, the Secretary shall review the area within the National River and shall report to the President in accordance with sections 3(b) and 3(d) of the Wilderness Act, his recommendations as to the suitability or nonsuitability of any area within the National River for designation as wilderness. Any designation of any such area as wilderness shall be accomplished in accordance with such sections of the Wilderness Act.

SEC. 7. Notwithstanding any other provision of this Act, the Secretary shall take no action with respect to acquiring by condemnation the fee title to any lands or waters authorized to be acquired pursuant to this Act, unless the Secretary has first determined that the acquisition of a scenic or conservation easement covering such lands or waters would not be economically feasible.

SEC. 8. (a) Notwithstanding any other provision of law, or any authorization heretofore given pursuant to law, no dams or other water impoundments shall be constructed on any portion or segment of the Snake, Imnaha, Salmon, and Grande Ronde Rivers within the Hells Canyon-Snake National River; except that the provisions of the Federal Power Act (41 Stat. 1063) shall continue to apply to any project (as defined in such Act) on such portion or segment which is already constructed on the date of the enactment of this Act.

(b) The Secretary shall permit and encourage public hunting and fishing in all lands and waters under his control within the Hells Canyon-Snake National River. Such hunting and fishing shall be carried out in accordance with the law of the State within which such lands or waters are located.

SEC. 9. The Secretary may enter into cooperative agreements with the owners of property which are designated herein as included within the exterior boundaries of the Hells Canyon-Snake National River as sites in non-Federal ownership. Such agreements shall contain, but need not be limited to, provisions that in effect state that (1) the Secretary shall have the right of access at all reasonable times to all public portions of the property for the purpose of conducting visitors through the property and interpreting it to the public, and (2) no changes or alternations in the type of use shall be made in such non-Federal properties, including buildings and grounds, without the written consent of the Secretary.

SEC. 10. There is hereby authorized to be appropriated the sum of not more than $40,000,000 for improvement of the road from the town of Imnaha, Oregon, through the Imnaha River Canyon to Dug Bar on the Snake River, the road from White Bird, Idaho, to Pittsburg. Landing on the Snake River and the existing road from Imnaha, Oregon, to the Hat Point lookout above the Snake River. There is also authorized to be appropriated the sum of not more than $10,000,000 for the development of recreation facilities (principally campgrounds) along the three roads as described above and for the development of a visitors center at Hat Point and for such additional development as may be necessary to fulfill other requirements set forth herein. Further, there are authorized to be appropriated such sums, but not more than $10,000,000, as may be necessary for the acquisition of lands and interests in lands within the National River.

The letter presented by Mr. PACKWOOD is as follows:

HELLS CANYON PRESERVATION
COUNCIL, INC.,
Idaho Falls, Idaho, February 5, 1971.

To: All Members of Congress from Idaho, Washington, and Oregon.

DEAR SIR: Few of America's great natural treasures remain today, unspoiled and yet unprotected. The legislation of earlier Congresses protect most and we now have a system of national parks and preserves unparalleled in man's history.

But the Hells Canyon of the Snake River is not protected. And yet it is a National treasure, unique in this World, left unspoiled because only recently has man found ways to conquer its greatness.

The deepest of all river gorges on our entire planet, Hells Canyon is still much as man first found it. And through its heart, nearly 8,000 feet below the snow-capped canyon rim, the last free-flowing stretch of the once-proud Middle Snake River still runs wild and rampant.

It is well known that Hells Canyon is threatened today, in danger of being lost forever. Applications are pending and final briefs have been filed with the Federal Power Commission for licenses to build dams in the canyon on the heretofore untouched portion of the Middle Snake.

But Hells Canyon is more than threatened. It is being lost today, slowly but surely. Three dams already choke the upper reaches of the canyon and reservoir pollutants are even now killing a once-healthy, ecological system. Just last month the Idaho Department of Health warned residents not to eat certain species of fish from the area because of high mercury contamination. Excess nitrogen and insufficient dissolved oxygen in the unnaturally heated water are killing downstream fish and ruining centuries-old salmon runs. Less than two months ago, the Idaho Fish and Game Department testified at a Corps of Engineers' hearing that the minimum allowable flow downstream of the dams must be increased if aquatic life is to be preserved.

It is not only the existing dams that are spoiling this great American treasure. Road construction continues unabated in the wilderness areas adjacent to the river so that timber may be cut and trucked out. Some areas have already been lost to the loggers' axe, the timber almost given away to bolster a faltering lumber industry. Priceless petroglyphes and other archeological artifacts holding secrets to the canyon's early history have been defaced or stolen by careless sightseers.

You may recall that a bill, S. 940, was introduced and passed by the Senate during the last Congress to prohibit the licensing of hydroelectric dams on the Middle Snake for a period of eight years. In appearance this bill appears to be an adequate first step toward eventual protection. It is not!

The fish are dying today. The wilderness area is being logged. The archeological sites are being destroyed. The power and water interests are spending millions of dollars to clear the way for eventual exploitation of the river. None of this would be stopped by a moratorium. In ten years we would not have the opportunity to preserve the same unique treasure that we have today.

Another bill was also introduced during the last Congress. The Hells Canyon-Snake National River Bill by Senator Packwood and Congressman Saylor offers the only real protection for the river and the canyon.

It is a different bill than most. It is aimed at preserving the status quo of this magnificent Hells Canyon area. It offers something for all who would use the area but not exploit it. It is different from a national park status because it would allow the hunting and fishing to continue; administration would remain with the Forest Service. It is different from a wild river status because it would also preserve the adjacent wilderness areas and allow motorized boats to continue in operation.

The Hells Canyon-Snake National River Bill will soon be introduced. We ask that you support this legislation by co-sponsoring the bill with Bob Packwood and John Saylor. We feel your support by co-sponsorship will greatly help the chances of the bill getting fair consideration by Congress.

I am enclosing some additional information which I hope you will review. I ask you to discuss the matter in depth with Senator Packwood or Congressman Saylor. If we in the Council can be of any assistance in helping you to learn more of this great American treasure we are attempting to preserve for future generations, please let us know.

Very sincerely,

PETER B. HENAULT,
Director.

S. 718—INTRODUCTION OF THE PROGRAM INFORMATION ACT

Mr. ROTH. Mr. President, today I am introducing a bill which will create a catalog of Federal domestic assistance programs. The bill is cosponsored by Senators BOGGS, BEALL, BENNETT, CASE, JAVITS, KENNEDY, MATHIAS, PERCY, SCOTT, STEVENS, TAFT, and TOWER.

According to its terms, this bill will require the President to publish no later than May 1 of each year a catalog to identify and describe in a meaningful breakdown all Federal domestic assistance programs. The catalog shall identify and describe the program, including the type of assistance; provide financial information as available; state obligations of those receiving aid; identify the appropriate officials to contract; describe the application process, including pertinent deadlines; and identify closely related programs.

The purpose of this proposal is to provide meaningful information on Federal domestic assistance programs to those in most need of obtaining it, the intended beneficiaries. We, in the Congress, over the past decade have attempted to solve many of the problems existing in our society by vast Federal programs for the aid of individuals, States, and local governments. At the same time we have encouraged the creation of a vast bureaucracy to administer our legislative acts. Yet, we have done little to furnish efficiently the potential beneficiaries with enough information as to what is available. The Program Information Act will be a small but important step toward that end.

Since its introduction over 2½ years ago, this legislation has enjoyed wide support from the Members of Congress, the executive branch, the National Governors' Conference, and the National Association of County Officials and many other groups and individuals on both the National and State levels. In fact, this legislation has already enjoyed the approval of this body during the last Congress, when on October 7, 1970, S. 60 was unanimously approved.

MODIFICATIONS FROM S. 60

Mr. President, the legislation which I am introducing today contains two important changes from that which passed the Senate last October. First, the program information, now required to be included in the catalog on each Federal domestic assistance program, will include meaningful financial information of interest, not only to those applying for Federal assistance, but also the Members of Congress. The catalog envisioned by this legislation will provide information on current authorizations and appropriations for each program, as well as obligations incurred for past years and any unobligated balances. This will create a capability in the catalog to provide information on which Federal programs are available, which are being utilized, and which require more funding.

This proposed legislation also increases the free distribution of the catalog to encourage wider use. Under the proposed bill, 5,000 copies of the catalog will be made available to the Members of Congress and congressional committees. Twenty-five thousand additional copies will be provided to Federal agencies and State and local government units.

THE COST OF THIS PROPOSAL

Eight-thousand copies of the 1970 Catalog of Federal Domestic Assistance Programs have been sold. This was the Government Printing Office's entire stock. Four-thousand additional copies have been ordered to be printed for future demand. This is in addition to the 25,000 copies of the catalog distributed to the Federal agencies and State and local governments. I believe it would be penny wise and pound foolish to cut distribution figures for the catalog. The effect would be to further the gap between the richer localities and the poorer ones. It is the richer localities that will buy the catalog, the poorer communities will only view it as another expense, that is, if they know about it in the first place.

It is estimated that the cost of free distribution of 30,000 copies of this catalog will approximate $4 per copy or $120,000. The cost of distributing 10,000 copies of the catalog, as proposed in last year's legislation, would approximate $6 per copy or $60,000. In effect, we are gaining three times the distribution at twice the additional cost. These figures are contingent on whether the present binder form of the catalog is retained.

THE NEED FOR ENACTMENT

Recently the Office of Management and Budget, the executive agency presently responsible for the publication of a catalog similar to that contemplated by this legislation, issued its reporting instructions for its 1971 Catalog of Federal Domestic Assistance. First, it must be noted that these reporting instructions are improvements over former years. They now call for the inclusion of more detailed information than was previously provided and for a reference to related program information—something that in three prior works the executive branch had not chosen to provide. Those involved in the project at the Office of Management and Budget should be commended for these improvements. Nevertheless, in one facet, the Office of Management and Budget has taken a step backward—in the important area of updating.

Plans for the 1970 Catalog of Federal Domestic Assistance Programs called for quarterly updating. To this date, there has been only one update prepared for the 1970 catalog and that was released only during the last several weeks.

The Office of Management and Budget in light of experience with the 1970 Catalog now plans to update "periodically" the 1971 version. It must be concluded that without a congressional mandate, the executive branch will not on its own initiative provide an information source that can be used as a decisionmaking tool. If the catalog user is going to utilize the catalog in such a manner, the catalog must be accurate, reliable and up-to-date. A periodic updating will not suffice to achieve this end. This legislation will require that it be accomplished.

Mr. President, I ask unanimous consent that this bill may be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 718) to create a catalog of Federal assistance programs, and for other purposes, introduced by Mr. ROTH, for himself and other Senators, was received, read twice by its title, referred to the Committee on Government Operations and ordered to be printed in the RECORD, as follows:

S. 718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Program Information Act".

DEFINITIONS

Sec. 2. For the purposes of this Act—

(a) The term "Federal domestic assistance program" means any activity of a Federal agency which provides assistance or benefits, whether in the United States or abroad, that can be requested or applied for by a State or local government, or any instrumentality thereof, any domestic profit or nonprofit corporation, institution, or individual, other than an agency of the Federal Government.

(b) A "Federal domestic assistance program" may in practice be called a program, an activity, a service, a project, or some other name regardless of whether it is identified as a separate program by statute or regulation. A program shall be identified in terms of differing legal authority, administering office, funding, financial outlays, purpose. benefits, and beneficiaries.

(c) "Assistance or benefits" includes but is not limited to grants, loans, loan guarantees, scholarships, mortgage loans and insurance or other types of financial assistance; assistance in the form of provision of Federal facilities, goods, or services, donation or provision of surplus real and personal property; technical assistance and counseling; statistical and other expert information; and service activities of regulatory agencies. "Assistance or benefits" does not include conventional public information services.

(d) "Requested or applied for" means that the potential applicant or beneficiary must initiate the process which will eventually result in the provision of assistance or benefits.

(e) "Administering office" means the lowest subdivision of any Federal agency that has direct operational responsibility for managing a Federal domestic assistance program.

EXCLUSION

Sec. 3. This Act does not apply to any activities related to the collection or evaluation of national security information.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS

Sec. 4. The President shall transmit to Congress no later than May 1 of each regular session a catalog of Federal domestic assistance programs, referred to in this Act as "the catalog", in accordance with this Act.

PURPOSE OF CATALOG

Sec. 5. The catalog shall be designed to assist the potential beneficiary to identify all existing Federal domestic assistance programs wherever administered, and shall supply information for each program so that the potential beneficiary can determine whether particular assistance or benefits might be available to him for the purposes he wishes.

REQUIRED PROGRAM INFORMATION

Sec. 6. For each Federal domestic assistance program, the catalog shall—

(1) identify the program, including the name of the program, the authorizing statute the specific administering office, and a brief description of the porgram and its objectives;

(2) describe the program structure, including eligibility requirements, formulas governing the distribution of funds, types of assistance or benefits, and obligations and duties of recipients or beneficiaries;

(3) provide financial information, including current authorizations and appropriations of funds, the obligations incurred for past years, the current amount of unobligated balances, and other pertinent financial information;

(4) identify the appropriate officials to contact, both in central and field offices, including addresses and telephone numbers;

(5) provide a general description of the application process, including application deadlines, coordination requirements, processing time requirements, and other pertinent procedural explanations; and

(6) identify closely related programs.

FORM OF CATALOG

Sec. 7. (a) The program information may be set forth in such form as the President may determine, and the catalog may include such other program information and data as in his opinion are necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal domestic assistance program.

(b) The catalog shall contain a detailed index designed to assist the potential beneficiary to identify all Federal domestic assistance programs related to a particular need.

(c) The catalog shall be in all respects concise, clear, understandable, and such that it can be easily understood by the potential beneficiary.

QUARTERLY REVISION

Sec. 8. The President shall revise the catalog at no less than quarterly intervals. Each revision—

(1) shall reflect any changes in the program information listed in section 6;

(2) shall further reflect the addition, consolidation, reorganization, or cessation of Federal domestic assistance programs;

(3) shall include such other program information as will provide the most current information on changes in financial information, on changes in organizations administering the Federal domestic assistance programs, and on other changes of direct, immediate relevance to potential program beneficiaries as will most accurately reflect the full scope of Federal domestic assistance programs;

(4) may include such other program information and data as in the President's opinion are necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal domestic assistance program.

PUBLICATION AND DISTRIBUTION OF THE CATALOG

Sec. 9. (a) The President (or an official to whom such function is delegated pursuant to section 10 of this Act) shall prepare, publish, and maintain the catalog and shall make such catalog and revisions thereof available to the public at prices approximately equal to the cost in quantities adequate to meet public demand.

(b) There is authorized to be distributed without cost to Members of Congress and Resident Commissioners not to exceed five thousand copies of catalogs and revisions.

(c) There is authorized to be distributed without cost to Federal agencies, State and local units of government and local repositories not to exceed twenty-five thousand copies of catalogs and revisions as determined by the President or his delegated representative.

(d) The catalog shall be the single authoritative, Government-wide compendium of Federal domestic assistance program information produced by the Government. Specialized catalogs for specific ad hoc purposes may be developed within the framework of, or as a supplement to, the Government-wide compendium and shall be allowed only when specifically authorized and developed within guidelines and criteria to be determined by the President.

(e) Any existing provisions of law requiring the preparation or publication of such catalogs are superseded to the extent they may be in conflict with the provisions of this Act.

DELEGATION OF FUNCTIONS

Sec. 10. The President may delegate any function conferred upon him by this Act, including preparation and distribution of the catalog, to the head of any Federal agency, with authority for redelegation as he may deem appropriate.

S. 720—A BILL TO AUTHORIZE APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. ANDERSON. Mr. President, on behalf of myself, and the junior Senator from Nebraska (Mr. Curtis) by request, I introduce for appropriate reference a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. I ask unanimous consent that the bill be printed in the Record together with a letter from the Acting Administrator, National Aeronautics and Space Administration, requesting the proposed legislation and a sectional analysis of the bill.

The PRESIDING OFFICER (Mr. Gambrell). The bill will be received and appropriately referred; and, without objection, the bill and material will be printed in the Record.

The bill (S. 720) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, introduced by Mr. Anderson (for himself and Mr. Curtis, by request), was received, read twice by its title, referred to the Committee on Aeronautical and Space Sciences and ordered to be printed in the Record, as follows:

S. 720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Apollo, $612,200,000;

(2) Space flight operations, $672,775,000;

(3) Advanced missions, $1,500,000;

(4) Physics and astronomy, $110,300,000;

(5) Lunar and planetary exploration, $311,500,000;

(6) Space applications, $182,500,000;

(7) Launch vehicle procurement, $146,100,000;

(8) Aeronautical research and technology, $110,000,000;

(9) Space research and technology, $75,105,000;

(10) Nuclear power and propulsion, $27,720,000;

(11) Tracking and data acquisition, $264,000,000;

(12) Technology utilization, $4,000,000.

(b) For "Construction of facilities," including land acquisitions, as follows:

(1) Ames Research Center, Moffett Field, California, $6,500,000;

(2) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, $15,200,000;

(3) Various locations, $31,100,000;

(4) Facility planning and design not otherwise provided for, $3,500,000.

(c) For "Research and program management," $697,350,000.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2) and (3) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administrator, be varied upward 5 percentum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (4) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authoirzed for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involves the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c)(1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

Sec. 7. Section 206 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476), is amended as follows: (1) subsection (a) is hereby repealed, and (2) subsections (b), (c), and (d) are renumbered as subsections (a), (b), and (c), respectively.

Sec. 8. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1972".

The material presented by Mr. ANDERSON is as follows:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., February 3, 1971.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Herewith submitted is a draft of a bill, "To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes," together with the sectional analysis thereof. It is submitted to the President of the Senate pursuant to Rule VII of the standing rules of the Senate.

Section 4 of the Act of June 15, 1959, 73 Stat. 73, 75 (42 U.S.C. 2460), provides that no appropriation may be made to the National Aeronautics and Space Administration unless previously authorized by legislation. It is the purpose of the enclosed bill to provide such requisite authorization in the amounts and for the purposes recommended by the President in the Budget of the United States Government for the fiscal year ending June 30, 1972. The bill would authorize appropriations to be made to the National Aeronautics and Space Administration in the sum of $3,271,350,000, as follows:

(1) for "Research and development," $2,517,700,000; (2) for "Construction of facilities," $56,300,000; and (3) for "Research and program management," $697,350,000.

The draft bill submitted herewith is substantially the same as the National Aeronautics and Space Administration Auothorization Act, 1971 (Pub. L. 91-303, 84 Stat. 368), except for the necessary changes in the dollar amounts involved, and the substantive and editorial changes hereinafter discussed.

The following changes have been made to the "Research and development" program line items: the "Bioscience" program item has been deleted, since no funds are being requested for this program line item; the program line items "Space vehicle systems," "Electronics systems," "Human factor systems," "Basic research," "Space power and electric propulsion systems," "Nuclear rockets," "Chemical propulsion," and "Aeronautical vehicles" have been deleted and consolidated in three new line items entitled "Aeronautical research and technology," "Space research and technology" and "Nuclear power and propulsion." This consolidation of program line items is intended to reflect organizational changes designed to provide an increased emphasis on aeronautical research and the effective support of space research and technology.

The line items under "Construction of facilities" in section 1(b) have been decreased from nine to four. The locational line items for the Goddard Space Flight Center, the Jet Propulsion Laboratory, the Manned Spacecraft Center, the Marshall Space Flight Center, and the Nuclear Rocket Development Station, set forth in the fiscal year 1971 Authorization Act, have been omitted from the instant bill, since no funds are being requested for these locations.

That language of section 1(c) which specifically limited the amount available for personnel and related costs, together with sections 1(i) and 4(b) of the NASA Authorization Act, 1971, which set forth related language, have been omitted from the draft bill.

Section 7 of last year's NASA Authorization Act (which amended section 6 of the previous year's Act) has not been repeated since the language of the section indicates that the Congress intended it to be permanent legislation.

Section 7 of the enclosed draft bill would repeal section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476 (a)), and thereby eliminate the present requirement for a semiannual report to the Congress regarding NASA's activities and accomplishments. NASA is of a view that the report has limited value. Much of what is contained in these reports has previously been issued in other forms. Furthermore, the same material is presented in a more current but, perhaps, briefer form in the President's annual Aeronautics and Space Report to the Congress required by subsection 206(b) of the National Aeronautics and Space Act of 1958. This latter subsection would, of course, remain in effect. Accordingly, because of the approximately $100,000 annual cost for preparation of the subsection 206(a) reports, and because the information contained therein is provided to the Congress in a more timely manner in other ways, NASA proposes to delete the statutory requirement to publish these reports.

Finally, the last section of the draft bill, section 7, has been changed to provide that the bill, upon enactment, may be cited as the "National Aeronautics and Space Administration Authorization Act, 1972," rather than "1971."

The National Aeronautics and Space Administration recommends that the enclosed draft bill be enacted. The Office of Management and Budget has advised that there is no objection to the presentation of the draft bill to the Congress and that its enactment would be in accordance with the program of the President.

Sincerely yours,

GEORGE M. LOW,
Acting Administrator.

SECTIONAL ANALYSIS

SECTION 1

Subsections (a), (b), and (c) would authorize to be appropriated to the National Aeronautics and Space Administration funds, in the total amount of $3,271,350,000, as follows: (a) for "Research and development," a total of 12 program line items aggregating the sum of $2,517,700,000; (b) for "Construction of facilities," a total of 2 locational line items, together with one for various locations and one for facility planning and design, aggregating the sum of $56,300,000; and, (c) for "Research and program management," $697,350,000.

Subsection 1(d) would authorize the use of appropriations for "Research and development" for: (1) items of a capital nature (other than the acquisition of land) required for the performance of research and development contracts; and, (2) grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities. Title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Moreover, each such grant shall be made under such conditions as the Administrator shall find necessary to insure that the United States will receive benefit therefrom adequate to justify the making of that grant.

In either case no funds may be used for the construction of a facility the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator notifies the Speaker of the House, the President of the Senate and the specified committees of the Congress of the nature, location, and estimated cost of such facility.

Subsection 1(e) would provide that, when so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) contracts for maintenance and operation of facilities and support services may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

Subsection 1(f) would authorize the use of not to exceed $35,000 of "Research and program management" appropriation funds for scientific consultations or extraordinary expenses, including representation and official entertainment expenses, upon the authority of the Administrator, whose determination shall be final and conclusive.

Subsection 1(g) would provide that no funds appropriated pursuant to subsection 1(c) for maintenance, repair, alteration and minor construction may be used to construct any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

Subsection 1(h) would provide that no part of the funds appropriated for "Research and development" may be used for grants to any nonprofit institution of higher learning unless the Administrator determines that recruiting personnel of any of the Armed Forces are not being barred from the premises or property of such institution. Subsection 1(h) would not apply if the Administrator determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the areonautical and space activities of the United States. The Secretary of Defense would be required to furnish to the Administrator on the dates prescribed the names of any non-profit institutions of higher learning which the Secretary of Defense determines are barring such recruiting personnel from premises or property of any such institution.

SECTION 2

Section 2 would authorize the 5 per centum upward variation of any of the sums authorized for the "Construction of facilities" line items (other than facility planning and design) when, in the discretion of the Administrator, this is needed to meet unusual cost variations. However, the total cost of all work authorized under these line items may not exceed the total sum authorized for "Construction of facilities" under subsection 1(b), paragraphs (1) through (3).

SECTION 3

Section 3 would provide that not more than one-half of 1 per centum of the funds appropriated for "Research and development" may be transferred to the "Construction of facilities" appropriation and, when so transferred, together with $10,000,000 of the funds appropriated for "Construction of facilities," shall be available for the construction of facilities and land acquisition at any location if (1) the Administrator determines that such action is necessary because of changes in the space program or new scientific or engineering developments, and (2) that deferral of such action until the next authorization Act is enacted would be inconsistent with the interest of the Nation in aeronautical and space activities. However, no such funds may be obligated until 30 days have passed after the Administrator or his designee has transmitted to the Speaker of the House, the President of the Senate and the specified committees of Congress a written report containing a description of the project, its cost, and the reason why such project is necessary in the national interest, or each such committee before the expiration of such 30-day period has notified the Administrator that no objection to the proposed action will be made.

SECTION 4

Section 4 would provide that, notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences;

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c); and

(3) no amount appropriated pursuant to this Act may be used for any program which

has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House, the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SECTION 5

Section 5 would express the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SECTION 6

Subsection 6(a) would provide that if an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of the Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution, then the institution would be required to deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to the Act. If an institution denies an individual assistance under the authority of the first sentence of subsection 6(a), then any institution which such individual subsequently attends would be similarly required to deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual.

Subsection 6(b) would provide that if an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of the Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution would be required to deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to the Act.

Subsection 6(c)(1) would provide that nothing in the Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

Subsection 6(c)(2) would provide that nothing in section 6 shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

Subsection 6(c)(3) would provide that nothing in section 6 shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SECTION 7

This section would repeal subsection 206 (a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476), and renumber subsequent subsections accordingly. Such repeal would eliminate the requirement for NASA to "submit to the President for transmittal to the Congress, semiannually and at such other times as it deems desirable, a report of its activities and accomplishments." Thus, this section would eliminate the semiannual report to the Congress by NASA. However, it would not affect the annal report by the President to the Congress concerning the accomplishments of all agencies of the United States (including NASA) in the field of aeronautics and space activities that is required by the present subsection 206(b).

SECTION 8

Section 8 would provide that the Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1972."

S. 721—INTRODUCTION OF A BILL TO AMEND AN ACT AUTHORIZING SALE OF CERTAIN PUBLIC LANDS IN IDAHO

Mr. CHURCH. Mr. President, I introduce, on behalf of myself and my distinguished colleague from Idaho (Mr. JORDAN), a bill to amend the act entitled "an act to authorize the Secretary of the Interior to sell certain lands in Idaho," approved May 31, 1962.

This act would be cited, Mr. President, as the "Omitted Lands Amendments Act of 1971."

This is a bill to prevent an injustice to a large number of Idaho citizens who reside on or own property along the famous Snake River in the southeastern portion of the State. Prior to 1962, Federal lands along the river were resurveyed, and it was decided by the Government that surveys made between 1875 and 1882 were erroneous—that these people were illegal occupants. In nearly every instance, they had occupied the land in full belief of their ownership, many with a chain of title exceeding 40 years. Their good faith was evident.

Realizing these people were threatened with the loss of their property, Congress passed the Omitted Lands Act in 1962. It provided that under certain conditions they could purchase the land at the present fair market value minus the cost of improvements. However, this has not proved a satisfactory solution—not only are the owners obliged to, in effect, pay twice over for their property, but the administrative costs to the Government have far exceeded the returns from sale of the property.

This bill, Mr. President, would allow the Government to sell the lands back to the people at a token price of $1.25 per acre, and would refund a total of approximately $60,000 paid the Government under the original act. I believe this is only just, and I hope we can have early action on this measure to bring prompt relief to these people. I ask that the text of the bill appear in the RECORD at the conclusion of my and Senator JORDAN's remarks.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD following the remarks of the Senator from Idaho (Mr. JORDAN).

The bill (S. 721) to amend the act entitled "an act to authorize the Secretary of the Interior to sell certain public lands in Idaho," approved May 31, 1962, introduced by Mr. CHURCH (for himself and Mr. JORDAN of Idaho), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs and ordered to be printed in the RECORD, following the remarks of the Senator from Idaho (Mr. JORDAN).

Mr. JORDAN of Idaho. Mr. President, I am happy to join my distinguished colleague (Mr. CHURCH) in the introduction of this bill to amend the Omitted Lands Act of 1962.

It will bring much deserved relief to many good people in Idaho who have had a serious threat to the ownership of their property through erroneous surveys by the Government.

They have occupied or owned the property in good faith, with no question as to their title, until resurveys, nearly three-quarters of a century after the original surveys, indicated they were on Government property. Approximately 7,000 acres are involved.

An attempt to bring them relief through the Omitted Lands Act of 1962 has not been successful. While $60,000 has been collected from the resale of the lands, more than twice that amount has been required to complete the transactions—and the owners have been required to again pay for their property.

This bill provides that those who have occupied their lands in good faith can obtain title by a token payment of $1.25 per acre, and that those who have been required to pay fair market value are given a refund. An authorization of $60,000, the amount already paid the Government, is provided for this purpose.

The Bureau of Land Management, which administers the Omitted Lands Act, informs us there will be no additional administrative costs, and that it would be prepared to settle these title cases as quickly as possible.

Similar legislation is being introduced in the House of Representatives by the other members of the Idaho delegation, Mr. MCCLURE and Mr. HANSEN.

Mr. President, I hope we can have early action on this measure.

S. 721

A bill to amend the act entitled "An Act to authorize the Secretary of the Interior to sell certain public lands in Idaho", approved May 31, 1962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 1 and 2 of the Act entitled "An Act to authorize the Secretary of the Interior to sell certain public lands in Idaho", approved May 31, 1962 (76 Stat. 89), are amended to read as follows:

"That (a) the Secretary of the Interior, in his discretion, is hereby authorized to sell, subject to the provisions of subsection (b) of this section, any of those lands in the State of Idaho, in (1) the vicinity of the Snake River or any of its tributaries, or (2) any of the following townships: Township 1

south, range 36 east, township 1 south, range 37 east, township 2 south, range 35 east, township 2 south, range 36 east, township 3 south, range 34 east, township 3 south, range 35 east, township 4 south, range 33 east, township 4 south, range 34 east, township 1 north, range 37 east, township 2 north, range 37 east, township 2 north, range 43 east, township 3 north, range 37 east, township 3 north, range 41 east, township 3 north, range 42 east, township 3 north, range 43 east, township 4 north, range 37 east, township 4 north, range 39 east, township 4 north, range 40 east, township 4 north, range 41 east, township 5 north, range 37 east, township 5 north, range 38 east, township 5 north, range 39 east, township 6 north, range 38 east, township 6 north, range 39 east, township 7 north, range 39 east, township 7 north, range 40 east, township 7 north, range 41 east, township 8 north, range 41 east, Boise meridian; which have been, or may be, found upon survey to be omitted public lands of the United States, which lands are not within the boundaries of a national forest or other Federal reservation and are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws, or are not used and occupied by Indians claiming by reason of aboriginal rights or are not used and occupied by Indians who are eligible for an allotment under the laws pertaining to allotments on the public domain.

"(b) Any patent issued pursuant to subsection (a) of this Act shall be issued subject to the person receiving such patent paying to the Secretary as consideration therefor an amount equal to $1.25 for each acre of land included within such patent.

"Sec. 2. (a) Any citizen of the United States who, in good faith under color of title or claiming as a riparian owner has, prior to March 30, 1961, placed valuable improvements upon, reduced to cultivation, or occupied any of the lands subject to the operation of this Act, or whose ancestors or predecessors in title have taken such action, shall, if such lands be offered for sale by the Secretary, have a preference right to purchase such lands upon payment of consideration in accordance with subsection (b) of the first section of this Act, under such rules and regulations as the Secretary may prescribe for the operation of this Act.

"(b) In any case in which a person acquired a patent pursuant to this Act prior to the date of the enactment of the Omitted Lands Amendments Act of 1971 upon payment of the appraised fair-market value of the property conveyed by such patent, the Secretary of the Interior shall, upon receipt by him of an application filed by such person within one calendar year following the date of the enactment of this subsection, reimburse such person in an amount equal to the difference between the amount which such person paid as consideration for such patent and the amount which he would have been required to pay if he had acquired such patent pursuant to this Act as amended by the Omitted Lands Amendments Act of 1971.".

Sec. 2. There is authorized to be appropriated such sum, not to exceed $60,000, as may be necessary to carry out the provisions of this Act.

Sec. 3. This Act may be cited as the "Omitted Lands Amendments Act of 1971".

S. 722, S. 723, AND S. 724—INTRODUCTION OF THREE BILLS TO DECLARE THAT CERTAIN FEDERALLY OWNED LAND IS HELD BY THE UNITED STATES IN TRUST FOR CERTAIN COMMUNITIES

Mr. NELSON. Mr. President, today I am introducing, for appropriate reference, legislation that would keep a promise made long ago by the U.S. Government to three Indian communities in Wisconsin: Stockbridge-Munsee, Lac Courte Oreilles, and Bad River. Specifically, the legislation would add more than 13,000 acres of land to each of the three reservations in accordance with policy established in the mid-1930's when the lands were acquired by the Federal Government.

This same legislation, in various forms and for several reservations in addition to those in Wisconsin, has been introduced in every session of Congress since the lands were first acquired. Time and again the Indians on these reservations have waited for the Government to keep its promise to them. But with only two notable exceptions, they have watched as bills that would have given them their small bits of homeland, have died in committee. The time is long overdue to honor the commitment made to the Indian people, to help them restore their homes and their culture.

Involved are the so-called FSA lands, a title designation referring to the now-defunct Farm Security Administration. There are more than 13,000 acres of these lands on each of the reservations covered by the separate bills I am introducing today.

The original objectives of the acquisition of the FSA land was the retirement from farming of unprofitable, badly-eroded, thin-soiled and exhausted land and the removal of the occupants to other more promising areas where they could be rehabilitated and thus taken off the relief rolls. It should be pointed out that the occupants of these lands were, with minor exceptions, non-Indian.

Under a memorandum of understanding executed by the Resettlement Administration, which was charged with the land purchases, the lands were to be managed for the exclusive benefit of the Indians. It is this official commitment which has never been honored because Congress has failed repeatedly to enact legislation to deliver these lands to the tribes.

Congress already has demonstrated that it recognizes the commitment to make these FSA lands part of the Indian reservations involved. Legislation already has been enacted transferring to the Seminole Indians of Florida and to the Pueblos and other groups in New Mexico the lands that were purchased under the same Government program, and for the same purposes, as for Stockbridge-Munsee, Lac Courte Oreilles, and Bad River.

Clearly the policy has been recognized and the precedent has been established. It is now time for Congress to act.

Of special interest in these bills is the one involving lands for the Stockbridge-Munsee community. The fate of the Stockbridge-Munsee people rests on whether they obtain the FSA lands, because the lands consist of nearly all the area within their reservation boundaries. Without the lands they have no home. The Stockbridge-Munsee people have labored long and hard for their lands, and they, like the other reservations in Wisconsin, deserve no less than favorable action on the legislation being introduced today.

I ask unanimous consent that the bills be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Gambrell). The bills will be received and appropriately referred; and, without objection, the bills will be printed in the Record.

The bills, introduced by Mr. Nelson, were received, read twice by their titles, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 722

A bill to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community and to make such lands parts of the reservation involved

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States of America in the lands, and the improvements thereon, that were acquired under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are now under the jurisdiction of the Department of the Interior for administration for the benefit of the Stockbridge-Munsee community (LI–WI–11, 13,077 acres) are hereby declared to be held by the United States in trust for this Indian tribe, and the lands shall be parts of the reservation heretofore established for this tribe.

Sec. 2. Nothing in the Act shall deprive any person of any right of possession, contract right, interest, or title he may have in the land involved.

S. 723

A bill to declare that certain federally owned land is held by the United States in trust for the Bad River community and to make such lands parts of the reservation involved

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States of America in the lands, and the improvements thereon, that were acquired under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are now under the jurisdiction of the Department of the Interior for administration for the benefit of the Bad River community (LI–WI–8, 13,069 acres) are hereby declared to be held by the United States in trust for this Indian tribe, and the lands shall be parts of the reservation heretofore established for this tribe.

Sec. 2. Nothing in the Act shall deprive any person of any right of possession, contract right, interest, of title he may have in the land involved.

S. 724

A bill to declare that certain federally owned land is held by the United States in trust for the Lac Courte Oreilles community and to make such lands parts of the reservation involved

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States of America in the lands, and the improvements thereon, that were acquired under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the

Act of August 24, 1935 (49 Stat. 750, 781), and that are now under the jurisdiction of the Department of the Interior for administration for the benefit of the Lac Courte Oreilles community (LI–WI–9, 13,185 acres) are hereby declared to be held by the United States in trust for this Indian tribe, and the lands shall be parts of the reservation heretofore established for this tribe.

SEC. 2. Nothing in the Act shall deprive any person of any right of possession, contract right, interest, of title he may have in the land involved.

S. 726 AND S. 727—INTRODUCTION OF NATIONAL AGRICULTURAL BARGAINING AND MARKETING LEGISLATION

Mr. MONDALE. Mr. President, today I am introducing two bills designed to increase the marketing strength of U.S. farmers: The National Agricultural Bargaining Act of 1971, and the National Agricultural Marketing Act of 1971. Joining me as cosponsors of both these bills are Senators BURDICK, CHURCH, CRANSTON, HARRIS, HART, HUMPHREY, MANSFIELD, MCGEE, MCGOVERN, and YOUNG. I ask that the bills be received and referred to the appropriate committee or committees.

These bills are identical to titles I and II, respectively, of the National Agricultural Bargaining Act of 1969 (S. 812), which I introduced into the 91st Congress on January 31, 1969. Since January 1969, the general parity ratio of farm prices has gone down four points—from 72 to 68. Indeed, the farmers' economic plight is currently so serious that the Nixon administration—in an apparent attempt to "paper over" the unfavorable situation—has shifted the primary base period on which the parity ratio is computed from 1910–14 to 1967. The result is a paper increase of the parity ratio by 23 points—from 68 to 91.

Mr. President, it is impossible in this or any other way to disguise the fact that the Nation's farmers today need market power even more than they did 2 years ago. These bills are intended to focus debate on the best ways to accomplish this objective—in the best interests of the farmer and the American people generally.

None of those Senators who join with me in cosponsoring these bills are wedded to all of their specifics. Our purpose is to express our deep interest in finding out through hearings whether legislation is possible or workable.

These bills offer two approaches toward providing greater economic muscle for farmers. The National Agricultural Bargaining Act would enable farmer-elected marketing committees to bargain and negotiate with processors and other buyers for decent and adequate prices on a commodity-by-commodity basis. The National Agricultural Marketing Act would make all commodities eligible for marketing orders, and provide a broad new range of powers for farmers under market orders—including collective bargaining for minimum price and nonprice terms of sale of the particular commodity involved.

We had extensive hearings on this type of legislation in the 90th Congress, but no legislation was reported or recommended by the Senate Agriculture Committee. The hearings disclosed a great deal of controversy, but at the same time widespread and deep support for the concept of farmer bargaining legislation across the country.

The time has come finally to get down to the hard specifics of legislation, and see whether or not this concept can be achieved at all in legislative form. It is my hope that reintroduction of this legislation will encourage and focus debate on the benefits and problems that may be associated with farmer collective bargaining.

This legislation, or something very nearly like it is sorely needed and must be passed if we expect the American family farmer to continue in the business of farming. Without it, the farmers are doomed to economic disenfranchisement. Without it, farmers will continue to be the low man on our economic totem pole without any real hope of attaining the just portion of national income to which they are entitled.

No business—and farmers do run substantially large businesses—could function or stay in operation under the conditions faced by most farmers. They are, first of all, at the mercy of many variables, including the weather, entirely outside their control. In addition, farmers have no economic power to establish the price on the commodities they produce. They must take, in all reality, whatever is offered by way of the market price or Federal programs. They have no alternative.

There is no doubt, and the records are clear, that this inherently weak bargaining position has caused the American family farmer to lag far behind the prosperity enjoyed by nearly every other segment of our society. The record is quite clear. Consumers in this country are estimated to have expended about $85.5 billion during 1967 for domestic farm products. This represents an increase over the last 20 years of 100 percent.

The farmer's share, or the farm value of that food marketing bill, is only $27½ billion and has increased in the last 20 years by only one-half.

For example, the farmer receives only 2.7 cents for the wheat in a pound loaf of white bread, or 12 percent of the cost of that loaf. It is a fact that the American farmer subsidizes his consumer counterpart, by continuing to produce food for substandard returns. At the same time, the farmer has been increasing his own productivity fourfold over the last 30 years. Between 1950 and 1965 alone, the output per man-hour in agriculture rose nearly three times as fast as in nonfarming occupations, 132 percent in agriculture against 47 percent for the rest of the economy. In one sentence, that sums up the farm subsidy to consumers. Consumers pay more, but farmers get less.

The legislation that we introduce today is not intended to replace existing farm programs. We have not regarded the National Labor Relations Act as a total solution for all the ills of the workingman, and neither will these bills. The National Labor Relations Act has not superseded the need for minimum wage legislation or unemployment compensation legislation, and I do not expect that we can regard farm bargaining as a complete substitute for existing programs, at least not without much experience under it.

I will briefly explain the provisions of these bills and describe the general framework of their provisions.

The National Agricultural Bargaining Act of 1971 provides that when the price of a particular agricultural commodity is unfair and unreasonable, the farmers producing that commodity may ask the newly established National Agricultural Relations Board to conduct a farmer referendum for the purpose of electing a bargaining committee to negotiate a fair price and other terms of sale in bargaining sessions with a similar committee representing processors and other purchasers of that commodity.

The Board is established as an independent agency to assist farmers and buyers in the process of bargaining. If no agreement can be reached—whether on price or nonprice terms of sale—or if the purchasers fail to bargain in good faith, the unsettled or disputed issues would be resolved by a three-man Joint Settlement Committee. This Joint Settlement Committee would be composed of a farmer representative, a purchasers representative, and a neutral party.

The price and nonprice terms of sale of the commodity, whether reached through the bargaining process or the joint settlement committee would be binding on all producers and all buyers.

This procedure is available to the producers of all commodities under the proposed legislation without exception, and would also permit the farmer bargaining committee to recommend a plan of marketing controls for approval by farmers in an additional referendum.

The bill does not provide a specific, detailed test for determining whether farm prices are unfair or unreasonable, but relies on basic economic realities and prevailing market factors to achieve this objective. While farmer bargaining committees would be free to ask for any price level they feel necessary, they could not demand an unreasonably high price without running a very serious risk of competition from substitutes, increased integrated farming, loss of export markets, increased imports, or, in the absence of supply control, tremendous surplus-producing increases in production.

But while this proposal will require the fullest consideration of the realities of the marketplace it does seek to overcome the American family farmer's chief handicap; namely, that he is the weakest link in the marketing chain from the land to the table.

The bill does not describe in detailed terms who may serve on a purchasers' committee, nor spell out how that committee must be selected by the purchasers. It seems to me that this question may be more fairly and expeditiously reviewed during hearings in the Agriculture Committee.

The National Agricultural Marketing Act of 1971 is an amendment to the Agricultural Marketing Agreements Act of 1937. It would enable the producers of any agricultural commodity to form a market order, with a new broad range of powers available for use in the order—

including collective bargaining for establishment of minimum prices.

Under this bill an agricultural commodity is eligible for a market order if a majority of the producers favor the establishment of an order in a special referendum conducted for that purpose by the Secretary. Orders could include collective bargaining, minimum pricing, pooling of proceeds for commodities in addition to milk when prices are established on a use-classification basis, and producer allotments based on historical marketings or quantities currently available or any combination to assure equitable distribution of returns.

Prices or other terms agreed upon between farmers and processors or handlers would become binding on all producers and all buyers on the approval of the Secretary and, further, on reaching agreement with processors or handlers taking 50 percent of the volume of the commodity.

Provision is also made for the establishment of a producer advisory committee for the guidance of the Secretary on formulation of new market orders and specific order provisions.

In my judgment, these two bills are not contradictory. Congress could pass either or both or a combination of the two. They are different approaches to the same objective—bargaining power for farmers.

Mr. President, I ask unanimous consent that the bills, as well as a section-by-section analysis of them, be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Gambrell). The bills will be received and appropriately referred; and, without objection the bills and materials will be printed in the Record.

The bills (S. 726) to assist producers of agricultural commodities by providing an orderly means of bargaining with the handlers of such commodities; and (S. 727 to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, to assist producers in the marketing of their commodities at a fair price, introduced by Mr. Mondale (for himself and other Senators), were received, read twice by their titles and referred to the Committee on Agriculture and Forestry, as follows:

S. 726

A bill to assist producers of agricultural commodities by providing an orderly means of bargaining with the handlers of such commodities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Agricultural Bargaining Act."

POLICY AND FINDINGS

Sec. 2. The Congres finds that the production and marketing of agricultural commodities is a basic and essential industry of the United States, involving the supply of the Nation's food, feed, and fiber which must be available in adequate volume without impairing or wasting the soil resources of the country.

Agricultural commodities produced for commercial purposes are marketed either in the current of interstate and foreign commerce or in a manner which directly burdens, obstructs, or affects such commerce and the marketing of that part of such commodity as enters directly into the current of interstate and foreign commerce cannot be effectively regulated without also extending the regulations, in the manner provided in this Act, to that part which is marketed within the State of production.

Farmers, ranchers, and other producers of agricultural commodities are located and operate throughout the United States, produce the same or similar or competitive crops in many States, carry on their farming operations with the use of borrowed funds and on leased land as well as their own land, and their operations are subject to uncontrollable and unforeseeable natural causes which often adversely affect the supply and directly affect consumer and national welfare.

Agricultural producers do not now enjoy the opportunity, comparable to that of industrial workers and those in many other forms of enterprise or employment, to organize and bargain effectively for a just and reasonable return or compensation for the commodities they offer for sale in domestic and foreign commerce. Adequate Government protection or assistance is not available to the vast majority of them in their effort to market their agricultural commodities in an orderly manner at reasonable prices. The producers of agricultural commodities are one of the very few economic groups, if not the only economic group, which must sell in markets largely controlled by the buyers, brokers, commission agents, and other representatives of buyers. As a result, producers of agricultural commodities are unable to effectively prevent or avoid the wasting of natural resources, the disorderly marketing of their commodities, congestion in transportation, storage, and processing, and other burdens on interstate and foreign commerce.

Disorderly marketing and abnormally excessive supplies of agricultural commodities unduly depress the prices received by the producers, burden and obstruct interstate and foreign commerce, cause wide and injurious disparity between the prices received by producers of such commodities and the cost to such producers of the materials and supplies required to produce such agricultural commodities, thus depressing the net return received by such producers, and threaten the maintenance of a continuous and stable supply of agricultural commodities to meet the requirement of the Nation and the consumers of said commodities.

NATIONAL AGRICULTURAL RELATIONS BOARD

Sec. 3. (1) There is hereby created a board, to be known as the National Agricultural Relations Board (hereinafter referred to as the "Board"), which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, two for a term of three years, and two for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(2) The Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof. The Board shall have an official seal which shall be judicially noticed.

(3) The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the business it has conducted over the preceding year, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

(4) Each member of the Board shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such other employees as it may from time to time find necessary for the proper performance of its duties.

(5) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

(6) The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by sections 551 through 559 of title 5, United States Code, and subject to the provisions of sections 701 through 706 of such Code, such rules and regulations as may be necessary to carry out the provisions of this Act.

(7) The Board is authorized to use the services of the employees of the Department of Agriculture and of the committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, in the performance of all of its duties and responsibilities provided for herein.

MARKETING COMMITTEES

Sec. 4. (a) In order to effectuate the policy of this Act, whenever a representative group of producers of any agricultural commodity or relative group of commodities or any market classification or product thereof the initial sale of which is customarily made by the producer or his cooperative or other marketing representative, shall file with the the Board a written petition stating that the average market price received by the producers of said agricultural commodity or commodities is below a fair and reasonable price to the producers thereof or that the price to the producer of said agricultural commodity or commodities may reasonably be expected to be below a fair and reasonable price to the producer thereof during the next marketing season or seasons and shall define the area within which said agricultural commodity or commodities is commercially produced or, if said agricultural commodity is produced in a lesser area than the entire United States, shall define the boundaries of the lesser area by States or political subdivision of States; or, if the Board finds and determines that the average market price received by the producers of any agricultural commodity is below a fair and reasonable price to the producers thereof or that the price to the producers of such agricultural commodity or commodities during a future marketing season may reasonably be expected to be below a fair and reasonable price to the producers thereof, taking into account: (1) the direct cost of production, including hired labor; (2) the reasonable value of the time, skill, and experience of the individual producing such commodity or commodities; (3) a fair return upon essential invested capital; (4) continuation of the American family farm pattern of agricultural production; and (5) other appropriate factors, including compensation comparable with that of other persons engaged in other means of earning a livelihod for themselves and their families, the Board shall announce the receipt of said petition or its findings and determination and promptly thereafter shall initiate and conduct a referendum among producers of such agricultural commodity to determine whether or not said producers favor the establishment of a representative marketing committee of the producers of said commodity to be chosen by such producers of the commodity to determine a fair minimum price or nonprice terms for the sale and purchase of said commodity. If the Board determines that such agricultural commodity is commercially produced in a lesser area than the entire United States it shall so state in its announcement and define the boundaries of the lesser area by States or political subdivisions of States. Commodities of the same general class or which are used wholly or in part for the same purpose may be treated as a separate commodity for the purposes of this Act.

(b) All phases of said referendum, including preparation and distribution of ballots, establishment of voting places and procedures defining the further qualification of producers eligible to vote, the tallying of the vote upon the issue of whether or not a marketing committee shall be created and authorized and the number of the initial members of the marketing committee for said commodity as hereinafter provided shall be prepared and conducted by the Board.

(c) Said referendum ballot shall contain the names of at least twice as many persons as the membership of the proposed initial marketing committee, to be selected by the Board from recommendations submitted to it by the Agricultural Stabilization and Conservation County Committees established by section 8(b) of the Soil Conservation and Domestic Allotments Act, as amended, in which capacity such committees shall merely act as conduits, transmitting to the Board the names of all eligible candidates. The membership of the marketing committee shall be elected at large or the whole area may be divided into divisions from subareas and the number of members to be selected from each division or subarea to be elected by the eligible producers resident in such division or subarea shall be fixed by the Board. No person shall be eligible to vote for or serve on any marketing committee unless more than 60 per centum of his annual gross income received from production during each of the preceding three calendar years has been derived from farming or ranching as owner-operator or lessee-operator and the commodity named in the Board's announcement constitutes a significant portion of the total farming or ranching operations of said proposed marketing committee member.

(d) If a majority of producers eligible to vote and voting in said referendum shall approve the establishment of such a marketing committee, the Board shall so publicly announce and shall promptly notify the person elected as the initial members of said marketing committee that a meeting of said committee will be convened at a time and place, either in Washington, District of Columbia, or elsewhere, for the purpose of organizing and planning the work of the committee.

(e) Concurrently with its announcement of the creation of a marketing committee as provided for in this Act, the Board shall give notice to prospective purchasers of such commodity and request such prospective purchasers to select a purchasers committee for the purpose of participating in negotiating a minimum price at which said commodity shall be offered for sale and sold by the producers thereof and negotiating nonprice terms of such sales.

(f) If prospective purchasers do not select a committee which is fairly representative of all prospective purchasers of the commodity within thirty days after date said invitation was issued by the Board, or within such additional period as the Board may fix, the Board is authorized to select a committee which it determines is fairly representative of all commercial purchasers of said commodity. The Board is authorized to fix the time and place of a meeting or meetings of the marketing committee and the purchasers committee for the purpose of negotiating a minimum price at which such commodity is to be offered for sale and sold by producers and on nonprice terms of such sales. The marketing committee and the purchasers committee shall bargain in good faith during such meeting or meetings. The marketing committee shall also invite the Chairman of the Consumer Advisory Council to designate one or more persons to represent the interest of consumers in said meeting and to present such data and information, recommendations and suggestions on behalf of consumers as said consumer representatives deem desirable.

(g) The Board and the Secretary of Agriculture are authorized and directed to make available to the marketing and purchaser committees such information, statistics, and assistance as are reasonably available to them and will assist in determining the facts relating to the production and marketing of said agricultural commodity and a fair and reasonable minimum price. But no employee of the Board or of the Department of Agriculture shall participate in any meetings of such committees except that the Board or its delegate may act as an arbitrator in any bargaining negotiations between the marketing and purchaser committees if invited by a majority vote of the membership of both committees and both committees accept the terms and conditions prescribed by the Board concerning the scope and nature of its participation in such negotiations.

(h) If less than a majority of the producers eligible to vote and voting in the referendum favor the establishment of a marketing committee, the Board shall make public announcement of that fact and shall not take any further action to establish a marketing committee for that commodity during the current marketing year or season. The Board shall, however, be authorized to submit a referendum to the producers within the same area applicable to a subsequent marketing year or season, except that if a majority of said producers voting fail to vote in favor of a marketing committee in three successive referendums, the Board shall take no further action to establish a marketing committee for said commodity produced within said area unless at least 20 per centum of the producers of said agricultural commodity in such area shall sign and submit to the Board a petition requesting another referendum.

(i) Each marketing committee constituted pursuant to this Act shall be authorized and empowered—

(1) to establish the minimum price by size, grade, quality or other type of condition, and other nonprice terms of sale, and the date upon which said price and terms shall become effective, for the agricultural commodity described in and produced within the area defined in the Board's announcement, in accord with agreements reached after negotiations with representatives of prospective purchasers of such commodity as provided in this Act; or, if said representatives of the prospective purchasers of the product fail or refuse to negotiate, or, if after a reasonable period of negotiations in good faith as determined by the Board, the parties fail to agree upon a minimum price, then the Board shall promptly offer and provide such conciliation and mediation services to the marketing committee and purchasers committee as may be useful and helpful in bringing them to agreement. If such agreement is not thereupon reached within thirty days, the issues under dispute shall be submitted to a joint settlement committee, to be selected as follows: One member to be chosen by the marketing committee, and one member by the purchasers committee, and the third member to be chosen within five days by the first two. If the first two members cannot agree upon such third member within such period, the latter shall be a neutral appointed by the Board. The Board may apply to the appropriate Federal district court to compel action unlawfully withheld or unreasonably delayed under this section. The joint settlement committee shall proceed to resolve such issues, allowing the marketing committee and purchasers committee reasonable opportunity to present pertinent information and argument, through submission of written data, views, or arguments, with or without opportunity to present the same orally in any manner. The decision of the joint settlement committee on the issues in dispute shall be judicially reviewable in the appropriate Federal district court to the extent provided hereafter. The reviewing court shall hold unlawful and set aside decisions found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with this Act; (2) affected with bias or prejudice on the part of the neutral member of the joint settlement committee; (3) in excess of jurisdiction or authority granted under this Act; or (4) without observance of procedures required herein;

(2) to announce said minimum price and the effective date thereof of the commodity by any one or more of the usual and available media of publication and communication;

(3) to establish reasonable rules for the operation of the committee, including the rules and procedures for the election of their successors and to fill vacancies on the committee;

(4) to establish terms of service on the committee;

(5) to request the Board to submit referendums to producers from time to time for the committee's guidance;

(6) after the second year or season of its operations, to recommend to the Board a reasonable assessment on the producers of the commodity, by unit or by value, for the cost of carrying on the activities of the committee, to be assessed and collected by the Board through the committees established by section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended;

(7) to recommend to the Board that injunctive or related actions be instituted to prevent any buyers from purchasing or any producers from selling the commodity at less than the minimum price established under this section or in violation of other, nonprice terms of sale so established; and

(8) to establish additional penalties for violation of subsection 103(k) of this section by producers after approval in a referendum by a majority of producers eligible to vote and voting.

(j) All marketing committees created pursuant to this Act shall cease to have any authority and shall be dissolved by the Board after three years from the date of its first meeting if, during the third year of said three-year period, at least a majority of the producers then eligible to vote and voting fail to vote in favor of the continuation of the marketing committee in a referendum conducted by the Board.

(k) In order to effectuate the purposes of this Act, no producer shall offer to sell or sell and no buyer shall offer to purchase or purchase from a producer said commodity at a price lower than the minimum price agreed upon and fixed by the marketing and purchasers committees or, in the absence of an agreement by said committees, at the price established by the joint settlement committee under this section. Compliance by a producer with the minimum prices established by a marketing committee under this Act for a commodity shall be established by the Secretary as a condition of eligibility for price support, loans, purchases, and other similar payments authorized under any other Act.

RECORDS AND REPORTS

Sec. 5. All producers of a commodity covered by the provisions of this Act for which a marketing committee has been elected shall keep such records and furnish such reports with respect to production, storage, marketing, and other relevant matters as the marketing committee may require; and all persons purchasing or acquiring possession of any such commodity shall supply such information concerning such commodity as the marketing committee finds to be necessary to enable it to carry out the provisions of this Act. Any such person failing to make any report or keep any record as required by this subsection or making any false report or record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500.

PRODUCTION CONTROLS

Sec. 6. Notwithstanding the foregoing provisions of this Act the Board may, with the approval of the marketing committee, if it deems such action will not substantially interfere with the achievement of the purposes of this Act or the effective operation of the marketing committee, determine for any agricultural commodity a uniform amount of production (in terms of acreage, production units, or commodity units) per farm which may be marketed in specified markets free of restriction for all uses or limited uses.

REMEDIES

Sec. 7. Injunctive proceedings or other penalties provided for by this Act shall be brought by the Board in the name of the United States. The several district courts of the United States are vested with jurisdiction of such suits, and it shall be the duty of the United States attorneys in their respective districts, at the request of the Board and under the direction of the Attorney General, to prosecute such proceedings. The remedies and penalties provided for herein shall be in addition to and not exclusive of any of the remedies or penalties under existing law.

PAYMENT OF EXPENSES

Sec. 8. To effectuate the purposes of this Act, the Board is directed and authorized to pay the costs of conducting any referendum required to be submitted to producers, including the cost of publishing notice in newspapers, radio, and television announcements, posting notices throughout the area, giving notices to prospective purchasers of the commodity, pay the costs of operation of the marketing and purchasers committees including a meeting room, temporary clerical and stenographic assistance, necessary transportation, meals and housing costs of members while traveling to and attending such meeting or any adjournment or continuation thereof.

FINALTY OF BOARD DECISIONS

Sec. 9. The decision of the Board with respect to the boundaries of the area and the commodity to be affected by his announcement and the results of the referendum conducted pursuant thereto shall be final.

AUTHORIZATION FOR APPROPRIATIONS; USE OF COMMODITY CREDIT CORPORATION FUNDS

Sec. 10. There is authorized to be appropriated to the Board such sums as Congress may from time to time determine to be necessary to enable it to carry out the purposes of this Act including the reasonable and necessary expenses and per diem of any marketing committee elected by the producers of a commodity. Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital fund such sums as may be necessary to implement this Act during any current fiscal year.

EXEMPTION FROM ANTITRUST LAWS

Sec. 11. No bargaining or negotiating activities by a marketing committee pursuant to this Act and no price agreement reached as a result of such negotiations and bargaining shall be deemed to be in violation of any of the antitrust laws of the United States.

MARKETING ALLOTMENTS

Sec. 12. Whenever a marketing committee shall have established a minimum price for any commodity and thereafter shall also determine that the total supply of said commodity produced within the defined area will so substantially exceed the effective demand for said commodity during the market year as to nullify or defeat the purposes of this Act, said marketing committee, in consultation with the Board and the Secretary of Agriculture, shall develop a plan or program of marketing allotments, with or without acreage or production limitations, and shall request the Board to submit said plan or program by referendum to the producers of said commodity within said defined area for the approval or rejection of said producers. If a majority of producers eligible to vote and voting in said referendum approve said plan or program, the Board shall instruct the Secretary of Agriculture to proceed immediately to put said plan or program into effect.

RULES AND REGULATIONS

Sec. 13. The Secretary of Agriculture is hereby authorized to establish all reasonable rules and regulations necessary to effectuate such plan and program, including the fixing of reasonable penalties for the violation of said rules and regulations. The Secretary is further authorized to use any existing authorities available to him for the purpose of putting said plan or program into effect and, in the event he determines that he is without sufficient authority to effectuate any part of said plan or program, the Secretary is directed to suggest enabling legislation before the Congress of the United States.

DEFINITIONS

Sec. 14. For the purposes of this title, the following definitions shall apply:

(1) "Secretary" shall mean the Secretary of Agriculture.

(2) "Commodity" shall mean any agricultural commodity or any regional or market classification, or product thereof, the initial sale of which is customarily made by the producer, or his cooperative, or other marketing representative, and shall further include a combination of agricultural commodities of the same general class which are used wholly or in part for the same purpose. The plural shall be included whenever the context so requires.

(3) "Total supply" of any agricultural commodity for any marketing year shall be the carryover at the beginning of such marketing year, plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins and the estimated imports of the commodity into the United States during such marketing year.

(4) "Marketing year" for an agricultural commodity shall be any period determined by the Board during which substantially all of a crop or production of such commodity is normally marketed by the producers.

SEPARABILITY CLAUSE

Sec. 15. If any provision of this title, or any section thereof, is declared unconstitutional or the applicability thereof to any person, circumstance, commodity, or product is held invalid, the validity of the remainder of this Act and the applicability thereof to other persons, circumstances, commodities, or products, shall not be affected thereby.

S. 727

A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, to assist producers in the marketing of their commodities at a fair price

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Agricultural Marketing Act".

Sec. 2. The Agricultural Adjustment Act of 1933, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is further amended as follows:

(1) Section 8c(2) is amended by inserting after the third sentence ending with the words "Southwest production area." the following: "Notwithstanding any of the commodity, product, area, or approval exceptions or limitations in the foregoing sentences hereof, any agricultural commodity or product (except canned or frozen products) thereof, or any regional or market classification thereof, shall be eligible for an order, exempt from any special approval required by the preceding sentences hereof, if after referendum of the affected producers of such commodity the Secretary finds that a majority of such producers voting in such referendum favor making such commodity or product thereof, or the regional or market classification thereof specified in the referendum, eligible for an order: *Provided, however,* That such referendum shall not be required for any commodity or product for which an order otherwise is authorized under the preceding sentences of this subsection (2) and for which no special approval or area limitation is specified therein."

(2) Section 2(3) is amended by inserting "such minimum prices and other terms and conditions for the acquisition of commodities by handlers as are provided for in section 8c(6)(J)," immediately after "establish and maintain".

(3) Section 8c(5)(A) is amended by inserting "by collective bargaining in good faith (including provisions for the designation, by election of committees of producer representatives to bargain with handlers, or groups of handlers), or otherwise," after the phrase "method for fixing."

(4) Sections 8(c)(6) (A), (B), (C), (D), and (E) are amended by inserting ", species or other classification" after the words "grade, size, or quality" wherever the latter words appear.

(5) Section 8c(6), as amended, is further amended by adding the following at the end thereof:

"(J) Providing a method for establishing by collective bargaining in good faith between producers and handlers (including provision for the designation by election of committees of producer representatives to bargain with handlers or groups of handlers), the minimum price or prices and other minimum terms and conditions under which any such commodity or product, or any grade, size, quality, variety, species, container, pack, use, disposition, or volume thereof may be acquired by handlers from producers or associations of producers: *Provided,* That no such minimum price or prices or other terms and conditions shall become effective unless agreed to by handlers who during the preceding marketing year acquired from producers at least 50 per centum of the commodity sold by producers which was produced in the production area subject to the order and unless thereafter approved by the Secretary of Agricultue: *Provided further,* That if the Secretary of Agriculture finds that the parity price of any such commodity, other than milk or its products, for which such minimum prices or other terms or conditions are to be established is not adequate in view of production costs, prices to consumers, and other economic conditions which affect market supply and demand for such commodity subject to such order (including any marketing limitation of the commodity otherwise provided by such order), the Secretary of Agriculture shall determine a price or prices for such commodity at such levels as he finds will insure a sufficient market supply of the commodity, reflect such factors, and be in the public interest, and such price or prices shall be used in lieu of the parity price for the purpose of section 2 of this Act: *Provided further,* That the agency designated to administer provisions authorized under this subsection shall be a committee primarily composed of producers of the commodity: *And provided further,* That an order containing provisions authorized under this subsection shall also contain provisions authorized under section 8c(6) (K) or section 8c(7) (E), or both, if the Secretary of Agriculture finds that such combination of provisions is necessary to provide an equitable distribution of market opportunity and returns among producers.

"(K) With respect to orders providing for minimum prices on a classified use basis (i) providing for the payment to all producers or associations of producers of uniform minimum prices for the commodity or product marketed by them (within their allotments, if any), irrespective of the use or disposition thereof, subject, however, to adjustments specified by the order, including but not limited to adjustments for place of production or delivery, grade, condition, size, weight, quality, or maturity, or any other adjustments found to be appropriate to provide equity among producers, and (ii) providing a method for making adjustments in payments as among handlers (including producers who are also handlers), to the end that the total sums paid by each handler shall equal the value of the commodity or product purchased or acquired by him at the classified use minimum prices fixed pursuant to such order."

(6) Section 8c(7), as amended, is further amended by adding the following at the end thereof:

"(E) Notwithstanding any other provisions of this Act—

"(i) allotting, or providing methods for allotting, the quantity of such commodity or product or any grade, size, or quality thereof, which each producer may be permitted to market or dispose of in any or all markets or use classifications during any specified period or periods on the basis of (a) the amount produced or marketed by such producer or produced on or marketed from the farm on which he is a producer in such prior period as the Secretary of Agriculture determines to be representative, subject to such adjustment for abnormal conditions and other factors affecting production or marketing as the Secretary may determine, or (b) the current quantities available for marketing by such producer, or (c) any combination of (a) and (b), to the end that the total allotment during any specified period or periods shall be apportioned equitably among producers. Allotments hereunder may be in terms of quantities or production from given acres or other production units. If the Secretary determines that such action will facilitate the administration of a marketing order hereunder and will not substantially impair the effective operation thereof he may fix, or provide a method for fixing, a minimum allotment applicable to producers and producers whose production does not exceed such minimum shall not be subject to the regulatory provisions of the order except as prescribed therein;

"(ii) any producer for whom an allotment is established or refused under the authority of this subsection may obtain a review of the lawfulness of his allotment as prescribed by the order of the Secretary establishing the allotment and rules and regulations thereunder, which shall constitute the exclusive procedure for review thereof and section 8c(15) (A) of this Act shall not apply thereto. Under such order, rules, or regulations any officers or employees of the Department or any committees or boards created or designated by the Secretary of Agriculture may be vested with authority to perform any or all functions in connection with such review proceedings including ruling thereon. Committees or boards created or designated for this purpose shall be deemed agencies of the Secretary within the meaning of subsection 8c(7) (C) and section 10 of +his Act. The ruling upon such review shall be final if in accordance with law. The producer may obtain a judicial review of such ruling in accordance with the provisions of section 8c(15) (B) of this Act;

"(iii) when allotments for producers are established under this subsection the order may contain provisions allotting or providing a method for allotting the quantity which any handler may handle so that any and all handlers will be limited as to any producer to the allotment established for such producer, and such allotment shall constitute an allotment fixed for each handler within the meaning of section 8a(5) of this Act."

(7) Amend section 8c by adding at the end thereof a new paragraph (20) as follows:

"PRODUCER ADVISORY COMMITTEES

"(20) The Secretary of Agriculture may establish a producer advisory committee with respect to any commodity, or group of commodities, for which a marketing order is potentially authorized. Such committee shall be composed of producers of the commodity or commodities for which the committee is established. Such committees may be called on by the Secretary of Agriculture to provide advice and counsel with respect to the initiation of proceedings for the promulgation of a marketing agreement or marketing order for such commodity or commodities and may also formulate specific proposals for purposes of a public hearing concerning such a proposed marketing agreement or marketing order. The establishment of such a committee shall not, however, be deemed necessary to the initiation of any such proceeding to promulgate a marketing agreement or marketing order."

(8) Amend section 10(b) (2) by adding at the end thereof a new subparagraph (iv) as follows:

"(iv) If the order contains provisions authorized by section 8c(6) (J) or section 8c(7) (E) it shall provide that the assessments payable by handlers under subsection (i) or (ii) shall initially be payable pro rata by the producers of the commodity to such handlers thereof, who shall be responsible for the collection thereof from producers and payment to the authority or agency established under such order."

SEC. 3. Nothing in this Act shall supersede the provisions of other statutes relating to marketing quotas, acreage allotments or limitations, or price support, with respect to agricultural commodities and no action taken or provisions in an order issued under the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, shall be inconsistent with the provisions of such other statutes or actions taken by the Secretary of Agriculture under such other statutes.

The material presented by Mr. MONDALE is as follows:

SECTION-BY-SECTION ANALYSIS OF THE NATIONAL AGRICULTURAL BARGAINING ACT

SECTION 2. POLICY AND FINDINGS

Farmers do not have the opportunity to bargain effectively for a fair and reasonable return for their production, because of an inherently weak economic position.

SECTION 3. NATIONAL AGRICULTURE RELATIONS BOARD

This independent five-member Board, appointed by the President with Senate confirmation, is established to provide administrative, technical, and supporting assistance to farmer Marketing Committees and Purchasers Committees. It does not represent either farmers or buyers. It would administer farmer referendums and assist the Committees in holding meetings.

SECTION 4. MARKETING COMMITTEES

4(a) *Petition and Referendum.* When the Board receives a petition from the producers of a particular agricultural commodity, stating that the average market price is below a fair and reasonable level, it shall proceed to conduct a referendum among producers to determine whether a Marketing Committee should be established and who should be elected to that Committee. The Board may also initiate a referendum upon its independent determination that the market price is below a fair and reasonable price. This procedure may be used for any commodity or commodity group.

4(b) *Referendum.* The Board supervises and administers all phases of the balloting, including voting qualifications in addition to 103(c).

4(c) *Voting and Candidates.* ASC County Committees will furnish names of candidates to the Board, which shall include on the ballot at least twice as many as will be elected. Candidates may be elected at large or from lesser subdivisions. Basic eligibility for voting and membership requires that at least 60% of income must be from farming or ranching, and the particular commodity must be a "significant portion" of the farming operation.

4(d). *First Meeting.* Upon a majority referendum vote, the Board will convene the first meeting of the Marketing Committee.

4(e). *Notification to Prospective Buyers.* The Board must notify prospective purchasers of the existence of the farmer Marketing Committee, requesting them to select a Purchasers Committee to meet and negotiate price and nonprice terms of sale of the particular commodity involved.

4(f). Board is authorized to fix the time and place of a meeting between the Purchasers Committee and the Marketing Committee. The Marketing Committee must invite consumer representatives to present the viewpoint and information on behalf of consumers at such meetings.

4(g). Statistical and factual data are to be supplied to the respective Committees by the Board and USDA. Provides that the Board may act as an arbitrator if both Committees invite its participation and if both Committees accept the Board's conditions.

4(h). *Failure of Referendum.* Provides procedures for resubmission through referendum on the questions of establishing the Marketing Committee and the membership in following years.

4(i). *Powers of the Marketing Committee.*

Establish minimum price and nonprice terms of sale pursuant to agreements in negotiations.

Where negotiations for whatever reason do not result in a minimum price, the Board is required to mediate the dispute. If this does not lead to agreement within 30 days, the disputed issues are referred to a Joint Settlement Committee composed of a Purchasers representative, a farmers representative, and a neutral selected by each. The Joint Settlement Committee, after reasonable opportunity for the parties to be heard, must decide the questions at issue, and its decision is judicially reviewable.

Other powers dealing with operation of the Marketing Committee, and enforcement of their responsibilities. See also Section 111.

4(j). *Dissolution of Marketing Committees.* Provides for termination of a Marketing Committee unless approved by referendum every three years.

4(k). *Prohibition.* Prohibits the sale or purchase of the commodity below the established price.

SECTION 5. RECORDKEEPING

Farmers are required to keep certain records to aid in carrying out the Marketing Committee's functions.

SECTION 6. EXEMPTION

The Board may, with the approval of the Marketing Committee, where it will not interfere with the purposes of this Act, allow some farm production in the commodity to be marketed for specific markets outside the limitations of this Act.

SECTION 7. REMEDIES

Injunctive procedings provided, through U.S. Attorneys in U.S. District Courts.

SECTION 8. PAYMENT OF EXPENSES

The Board is required to pay for and conduct all referenda, and cost of operation of the Marketing Committee.

SECTION 9. FINALITY OF BOARD DECISIONS

The Board's decisions on the boundaries of marketing areas, the scope of the commodity, and the results of the referenda are final.

SECTION 10. AUTHORIZATION OF APPROPRIATIONS AND USE OF COMMODITY CREDIT CORPORATION FUNDS

SECTION 11. ANTITRUST EXEMPTION

SECTION 12. MARKETING ALLOTMENTS

Provides that the Marketing Committeee, when necessary to achieve the purposes of the Act, may prepare in consultation with the Board and the Secretary of Agriculture a plan of marketing allotments, with or without acreage or production limitations, for submission to farmers for approval in a referendum. If approved, the Secretary of Agriculture will administer the program.

SECTION 13. RULES AND REGULATIONS

Authorization for the Secretary to implement the plan approved under Section 111.

SECTION 14. DEFINITIONS

SECTION 15. SEPARABILITY CLAUSE

SECTION-BY-SECTION ANALYSIS OF THE NATIONAL AGRICULTURAL MARKETING ACT

Section 2. Amends the Agricultural Marketing Agreement Act of 1937, as amended, in eight respects, as follows:

2(1). Amends Section 8c(2) to make any additional agricultural commodity or product (except canned or frozen products) eligible for a marketing order if the Secretary, after a special preliminary referendum of affected producers, finds that a majority of those voting favor making that commodity or product eligible for such an order.

2(2) and 2(5). Provide authority to include in marketing orders provisions establishing a method of establishing, by collective bargaining (including provisions for the designation by election of committees of producer representatives to bargain with handlers or groups of handlers), minimum prices and terms and conditions under which handlers may acquire a regulated commodity or product thereof (other than milk and its products) from producers or associations of producers. The minimum prices and other terms prior to becoming effective would have to be agreed to by the handlers of 50 per cent of the commodity and would be subject to approval by the Secretary.

These provisions also specify special pricing standards to be the statutory objective for such price determining purposes if the Secretary finds that parity for a regulated commodity is not adequate. The alternative pricing standard would take into account factors such as production costs, prices to consumers, and other factors affecting supply and demand for the commodity, including any limitations on marketings that may otherwise be included in the marketing order.

In addition, Section 201(5) would authorize the pooling of proceeds of sale of a commodity other than milk when minimum prices are established on a use-classification basis. If the Secretary found that pooling and producer marketing quotas were necessary in conjunction with pricing provisions to provide equitable distribution of returns and market opportunity among producers, he could require the use of such combined authority.

2(3). Authorizes the establishment of minimum pricing for milk through a collective bargaining process.

2(4). Amends Section 8c(6) (A) through (E) by adding "species or other classification" after "grade, size, or quality" to make this regulation available by such categories with respect to livestock and other commodities.

2(6). Adds a section 8c(7)(E) to:

(i) authorize the Secretary to issue producer allotment bases for any commodity including milk on the basis of (a) the amount produced or marketed by such producer or from the farm on which he is a producer in a representative prior period, subject to adjustment for abnormal conditions and other factors the Secretary may determine, or (b) the current quantities available for marketing by such producer, or (c) any combination of (a) and (b) that will result in the total allotment being apportioned equitably among producers. A minimum allotment could be fixed for producers whose production does not exceed that amount.

(ii) establish an administrative procedure, with subsequent court review, for reviewing the lawfulness of a producer's allotment. This would be similar to the section 8c(15) (A) and (B) review procedure for handlers.

(iii) specify that a handler may not handle more of a producer's allotment base than is authorized to be marketed.

2 (7). Adds a Section 8c(2) to authorize the Secretary to establish a producer advisory committee for any commodity to provide advice on starting proceedings to promulgate a new order and formulate specific hearing proposals.

2 (8). Provides that orders containing price bargaining or producer allotment provisions under proposed Section 8c(6)(J) or Section 8c(7)(E) (see items 5, 6) would impose administrative assessments pro rata on producers, payable through handlers to the agency administering the order. Handlers would have the responsibility of collection from producers.

Section 3. Would make it clear that the new authorities provided by Title II shall not supersede the provisions of other statutes relating to marketing quotas, acreage allotments or limitations, or price support and that no action taken or any provision of an order issued under the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation shall be inconsistent with such other statutes or actions taken by the Secretary thereunder.

S. 728—INTRODUCTION OF A BILL TO MODIFY THE NATIONAL POLICY WITH RESPECT TO THE PROTECTION OF LANDS TRAVERSED IN DEVELOPING TRANSPORTATION PLANS

Mr. HARTKE. Mr. President, on behalf of the distinguished senior Senator from Michigan (Mr. HART) and myself, I introduce for appropriate reference a bill to strengthen the environmental provisions found in section 4(f) of the Transportation Act.

On December 3, 1970, I submitted similar legislation which was not acted upon before the conclusion of the 91st Congress. My new bill contains several changes in wording from that legislation but its purpose remains the same: To better insure that Federal supported transportation plans do not cause unnecessary damage to our environment.

This proposal would broaden the application of section 4(f) in three ways: First, by withholding approval from federally financed transportation plans which have an "adverse effect on the environment" rather than just those projects which would directly "use" public parklands, as is now provided; second, by deleting altogether language which limits the protection of section 4(f) only to "publicly" owned lands and waters; and third, by extending the protection of the section to include all "water resource areas."

The first modification of section 4(f) is meant to strengthen its declaration of policy "that special effort should be made to preserve the natural beauty of our countryside." Clearly, transportation projects may destroy natural beauty and impair recreational activities even if they do not "use" the land or water areas so affected. An interstate highway, for example, which is built immediately adjacent a wildlife refuge may have the effect of frightening wildlife from their sanctuary without actual "use" being made of the land. Accordingly it would appear that the present language of the section is inadequate to achieve its stated goal and should be written to include those projects which have "an adverse effect on the environment."

Second, the deletion of the requirement that parkland, recreation areas, wildlife and waterfowl refuges and historic sites be "publicly owned" in order to qualify for the protection of section 4(f), would recognize that private groups over the years have purchased large amounts of land in order to protect them from commercial exploitation. The Izaak Walton League, the Audubon Society, and the Nature Conservancy have frequently purchased large quantities of land in order to preserve these tracts as wildlife or waterfowl refuges. There is no reason why these privately controlled refuges should not be given the same protection afforded publicly owned lands.

The third suggested alteration would broaden the protection of section 4(f) to include all "water resource areas." Clearly, it lacks logic to safeguard our countryside from environmental misuse but not our waterways. Yet, this is the effect of section 4(f) as it is presently written. The term "water resource areas" is intended to include waterways, navigable waters, estuarine areas, planned and authorized reservoir projects, and public water supply reservoirs, and thereby broaden the extent of protection provided under the section. The Federal Government already has far-reaching programs to control water pollution under the Water Quality Act and the Water Resources Planning Act. It makes little sense to undertake such costly efforts to insure clean, pure rivers and not to undertake the corollary task of protecting the ecology and natural beauty of these waters. Extending the protection of section 4(f) to include water resource areas would be an essential first step toward achieving this goal.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred.

The bill (S. 728) to amend the Department of Transportation Act in order to modify the national policy with respect to the protection of lands traversed in developing transportation plans, introduced by Mr. HARTKE (for himself and Mr. HART), was received, read twice by its title, and referred to the Committee on Commerce.

S. 730—INTRODUCTION OF A BILL TO FACILITATE THE ORDERLY TRANSITION AND DEVELOPMENT OF LAND IN THE EL PASO, TEX., AREA

Mr. TOWER. Mr. President, I introduce today for myself and the distinguished junior Senator from Texas (Mr. BENTSEN) a measure which is designed to facilitate the orderly transition and development of land in the El Paso, Tex., area. The land in question was received by the United States from Mexico under the Chamizal Treaty of 1963. The Congress's approval of this legislation is necessary so that there is no doubt that the civil and criminal laws of the State of Texas apply to this area. At the present time there is no clearly established legal regime for the area; as can be imagined, this makes planning and developing of the area extremely difficult. No one can be certain of their title until we approve this measure.

Mr. President, there is ample precedent for this measure. In 1940 a similar measure was enacted to transfer to Texas the lands received from Mexico under the convention of February 1, 1933; this bill is patterned after the 1940 act. Currently, both State and Federal officials feel that this measure is necessary to assure the orderly development of the border area. Delay in our consideration of this bill can result in delay for many important projects in the border area of El Paso.

During the last session of Congress, this measure passed the House of Representatives and died in the Senate because it reached us after the Judiciary Committee had held its last meeting. The measure has been reintroduced into the House this year by Congressman WHITE of El Paso as H.R. 1729. I certainly hope that we will be able to proceed to expeditious consideration of the bill in order that we may clarify the questionable status of the land involved.

I thank the Senators for their attention.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred.

The bill (S. 730) giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States, introduced by Mr. TOWER (for himself and Mr. BENTSEN), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 731—INTRODUCTION OF A BILL TO REGULATE UNDECLARED WAR

Mr. JAVITS. Mr. President, the most compelling lesson of the 1960's for the United States is our need to devise procedures to prevent future undeclared wars as in Vietnam. I believe that an effective statutory remedy is both possible and essential. The guidelines for such legislation can be derived from within the Constitution.

Today, on behalf of myself and Senators MATHIAS, PELL, and SPONG, I am introducing a bill "to make rules respecting military hostilities in the absence of a declaration of war." This bill is a serious effort to meet an important legislative need. After much thought and research, I am convinced that this approach grows directly out of the Constitution itself.

The bill deals with the initiation of hostilities in the absence of a congressional declaration of war. It makes full provision for the need for "emergency" action by specifying four categories, based on historical precedents, in which the President as Commander in Chief can initiate combat hostilities in the absence of a declaration of war.

History has demonstrated that there are situations in which military hostilities must be initiated by the Armed Forces in the absence of a declaration of war. Such cases arise in circumstances which require combat actions but which are not sufficiently serious—or in which contemporary conditions make it undesirable—to enact a declaration of war. Moreover, it has long been recognized that there are circumstances in which there is not sufficient time—or room for movement—for a congressional declaration of war before military hostilities must be undertaken.

In the earliest days of the Republic, the United States became involved in military hostilities short of declared war—that is, the naval war against France in 1798–1800 and President Jefferson's actions against the Barbary Pirates beginning in 1801. In *The Eliza Case*, 4 Dall. 37 (1800), a case arising out of the undeclared naval war with France, the Supreme Court noted:

> Hostilities may subsist between two nations more confined in its nature and extent; being limited as to places, persons and things.

Throughout the 19th and early 20th centuries, a body of precedents developed concerning limited hostilities in the absence of a congressional declaration of war. These were developed on an ad hoc basis, evolving essentially out of the case-by-case exercise of the discretionary executive authority of the President as Commander in Chief.

I regard my bill as giving ample play to the need of the Commander in Chief to have discretionary as well as emergency authority. At the same time, the bill immediately establishes a role for Congress right from the beginning: First, by requiring the President to report fully and promptly to the Congress as to the circumstances of and the authority for the action he has initiated; second, by requiring the President to terminate in 30 days whatever actions he has initiated under one of the four specified categories, in the absence of a declaration of war, "except as provided in legislation enacted by the Congress to sustain such hostilities beyond 30 days."

The bill further provides that hostilities initiated by the President can be terminated by joint resolution of the Congress in less than the 30 days otherwise allowed. In addition, there is a detailed section which would prevent a filibuster from blocking congressional action.

The period of 30 days is, of course, essentially an arbitrary one. But I think it is just about the right period of time—and it can be shortened or lengthened in particular instances as the Congress might decide. On balance, I feel that a period of 30 days strikes a fair balance between the desirability of full deliberative action by Congress—without impairing the capacity for sudden, or emergency, action by the Commander in Chief, and the requirement of brevity to prevent the Nation from being involved beyond the point of recall before the Congress might otherwise act.

I also wish to make it clear that my bill anticipates full prior consultations between the President and the Congress with respect to developing or deepening crises which might be leading toward the outbreak of armed hostilities. There are many drawbacks in the contemporary world to a declaration of war—because of the far-reaching domestic and international implications of a declaration of war, whether enacted before or after the initiation of combat hostilities.

In developing situations which are not of a sudden nature, I believe that it would be good practice for the administration to consult with the Congress and seek a joint resolution outlining the policy which the United States intends to pursue. I would like to see this become normal practice. I am referring here to serious situations which might involve the use or threat of the use of armed force. I am not suggesting that the President should be obliged to seek a resolution from Congress to endorse all of the policies or actions he initiates—only those which move toward the exercise of the war powers.

I ask unanimous consent that the text of my bill be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 731) to make rules respecting military hostilities in the absence of a declaration of war, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That use of the

Armed Forces of the United States in military hostilities in the absence of a declaration of war be governed by the following rules, to be executed by the President as Commander-in-Chief:

A. The Armed Forces of the United States, under the President as Commander-in-Chief, may act

1. to repel a sudden attack against the United States, its territories, and possessions;

2. to repel an attack against the Armed Forces of the United States on the high seas or lawfully stationed on foreign territory;

3. to protect the lives and property, as may be required, of United States nationals abroad; and

4. to comply with a national commitment resulting exclusively from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment, where immediate military hostilities by the Armed Forces of the United States are required.

B. The initiation of military hostilities under circumstances described in paragraph A, in the absence of a declaration of war, shall be reported promptly to the Congress by the President as Commander in Chief, together with a full account of the circumstances under which such military hostilities were initiated.

C. Such military hostilities, in the absence of a declaration of war, shall not be sustained beyond thirty days from the date of their initiation except as provided in legislation enacted by the Congress to sustain such hostilities beyond thirty days.

D. Authorization to sustain military hostilities in the absence of a declaration of war, as specified in paragraph (A) of this section may be terminated prior to the thirty-day period specified in paragraph (C) of this section by joint resolution of Congress.

SEC. 2. (A) Any bill or resolution, authorizing continuance of military hostilities under paragraph C (section 1) of this Act, or of termination under paragraph D (section 1) shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it originates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within one day after it is referred to such committee, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays.

(B) Any bill or resolution reported pursuant to subsection (A) of section 2 shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

SEC. 3. This Act shall not apply to military hostilities already undertaken before the effective date of this Act.

Mr. JAVITS. Mr. President, exercise of the warpowers under the new Constitution was a subject very much in the minds of the men who gathered in Philadelphia to draft the Constitution in 1787, just 4 years after the Treaty of Paris formally ending the Revolutionary War. Moreover, the "legislative history" contained in records of the proceedings of the Constitutional Convention and the Continental Congress clarify the intent of the Founding Fathers in those clauses in the Constitution dealing with the war powers which are less detailed and explicit than we might wish today.

The contention over the assignment of the war powers in 1787 was between the Federal Congress and the State legislatures—and not between the Congress and the President/Commander in Chief, as is now the case. At the Constitutional Convention the debate between State versus Federal control of the war powers was resolved decisively by the assignment of the war powers to the Federal Congress which are detailed in article I, section 8 of the Constitution. Those powers are:

To declare war;

To raise and support Armies;

To provide and maintain a Navy;

To make rules for the Government and Regulation of the land and Naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for oganizing, arming, and disciplining, the militia, and for governing such Part of them as may be employed in the Service of the United States.

The war powers of the President specified in the Constitution are limited to half a sentence in article II, section 2, which reads as follows:

> The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual Service of the United States.

Historical necessity, combined with the vigor and ingenuity of many of our Presidents and their supporters, has caused the development of a doctrine which assigns vast—and continuously expanding—"inherent" powers to the Commander in Chief. For all its boldness and ingenuity, this doctrine lacks Constitution foundations.

There was no doubt in the minds of the drafters of the Constitution about who would be the first President of the United States. George Washington was elected unanimously to the office less than 2 years after completion of the Constitutional Convention. Twelve years earlier, in June 1775, the Constitutional Congress had appointed George Washington to be "Commander in Chief" of the colonial forces. Washington held this post as Commander in Chief until his formal resignation and return of his commission in December 1783. He was the only Commander in Chief the United States had ever had when in 1787 the Constitution was drafted and the phrase "Commander in Chief" written into it.

Clearly, the drafters of the Constitution had the experience of Continental Congress with George Washington in mind when they designated the President as "Commander in Chief" in Article II, section 2. Thus, the "legislative history" of the constitutional concept of a Commander in Chief was the relationship of George Washington as colonial Commander in Chief to the Continental Congress.

That relationship is clearly defined in the Commission as Commander in Chief which was given to Washington on June 19, 1775, and which was formally returned by him to the Continental Congress on December 23, 1783.

I would like to quote the final clause of this Commander in Chief's Commission, because it establishes the relationship of the Congress to the Commander in Chief in unmistakable terms:

> And you are to regulate your conduct in every respect by the rules and discipline of war (as herewith given you) and punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress of the said United Colonies or a committee of Congress for that purpose appointed.

I ask unanimous consent that the full text of the Commission, together with the rules specified by Congress, be printed at the conclusion of my remarks:

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, this historical background clarifies, and gives added meaning to, those phrases in the Constitution concerning the war powers which are the subject of some contemporary controversy.

Today's proponents of the Commander in Chief "doctrine" make much of the fact that, during the final revision of the Constitution, the power of Congress, "to make war" was changed to the power "to declare war." The issue arose in debate on Friday, August 17, 1787. A question was raised whether the Congress would be properly constituted and positioned to "make war." I would like to quote the relevant portions of the debate as recorded in Madison's authoritative report of "Debates in the Constitutional Convention of 1787":

> Mr. Madison and Mr. Gerry moved to insert "declare," striking out "make" war; leaving to the Executive the power to repel sudden attacks.
>
> Mr. Sharman thought it stood very well. The Executive should be able to repel and not to commence war. "Make" better than "declare" the latter narrowing the power too much.
>
> Mr. Gerry never expected to hear in a republic a motion to empower the Executive alone to declare war.
>
> Mr. Ellsworth. There is a material difference between the power of making war and making peace. It should be more easy to get out of war, than into it. War is a simple and overt declaration. Peace attended with intricate and secret negotiations.
>
> Mr. Mason was against giving the power of war to the Executive, because not safely to be trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war; but for facilitating peace. He preferred "declare" to "make."
>
> On the motion to insert *declare*—in place of make, it was agreed to."

It is clear that what the Constitutional Convention had in mind in changing the description of Congress power to "make" war, to the power to "declare" war was to make provision for emergency measures of a defensive nature—in the words of Madison, who proposed the change, "leaving to the Executive the power to repel sudden attacks."

Given the extreme suspicion of the executive warmaking power of European kings manifested throughout the constitutional debates, it is probable that the members of the Constitutional Convention also had in mind Washington's continuing difficulties in getting congressional action on his requests, as well as some difficulties over congressional interference in his tactical conduct of the war.

Washington's original commission granted him a broad measure of executive discretion in carrying out the policy decisions of the Congress. Washington's great prudence in exercising that executive discretion no doubt encouraged members of the Constitutional Convention to grant the extra executive discretionary authority, within congressional policy control, which is inherent in the change of Congress power to "make" to "declare" war. However, there is nothing to support the contention that the power of Congress to authorize war was in any way diminished or meant to be diminished by this drafting change.

The Commander in Chief was envisaged by the Founding Fathers as having broad executive discretion in the implementation of the policy decisions of the Congress respecting war. He was further envisaged as having emergency powers of a limited and defensive nature, that is "to repel sudden attacks."

With increasing frequency we hear the contention that the full nature and scope of the Commander in Chief's power is something beyond the authority of the Congress to regulate and define. Some go so far as to assert that the President has the exclusive, unilateral authority to define his own powers as Commander in Chief. Nothing could be further from the text, the spirit or the legislative history of the Constitution.

Washington's Commission as Commander in Chief explicitly established that the Commander in Chief is "punctually to observe and follow such orders and directions from time to time as he shall receive from this or a future Congress." Together with his commission, Washington was given a fairly extensive list of rules and instructions he was to observe in commanding the Armed Forces.

These facts are closely mirrored in the text of the Constitution itself, which enjoins Congress "to make rules for the Government and regulation of the land and naval forces"—and which instructs the President that "he shall take care that the laws be faithfully executed."

Lest there be any doubt about the authority of the Congress to define the function of the Commander in Chief, the concluding paragraph of section 8 of article I gives Congress the power "to make all Laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof."

It is my intention, at an early date, to place in the RECORD a full legal brief on the Constitutional and legal aspects of the bill I have introduced today.

EXHIBIT 1

COMMISSION AS COMMANDER IN CHIEF

In Congress, the delegate of the United Colonies of New Hampshire, Massachusett bay, Rhode Island, Connecticut, New-York, New Jersey, Pennsylvania, New Castle, Kent & Sussex on Delaware, Maryland, Virginia, North Carolina and South Carolina.

To George Washington Esquire, we reposing especial trust and confidence in your patriotism, conduct and fidelity Do by these present constitute and appoint you to be General and Commander in Chief of the Army of the United Colonies and of all the forces raised or to be raised by them and of all others who shall voluntary offer their service and join the said army for the defense of American Liberty and for repelling every hostile invasion thereof. AND you are hereby vested with full power and authority to act as you shall think for the good and welfare of the service.

And we do hereby strictly charge and require all officers and soldiers under your command to be obedient to your orders & diligent in the exercise of their several duties.

And we do also enjoin and require you to be careful in executing the great trust reposed in you, by causing strict discipline and order to be observed in the army and that the soldiers are duly exercised and provided with all convenient necessaries.

And you are to regulate your conduct in every respect by the rules and discipline of war (as herewith given you) and punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress of the said United Colonies or a committee of Congress for that purpose appointed.

This Commission to continue in force until revoked by this or a future Congress.

By order of the Congress.

Dated, Philadelphia June 19th, 1775.

Attest:

JOHN HANCOCK,
President.
CHARLES THOMPSON,
Secretary.

NOTE.—The Commission and instructions were drawn up by the same committee of Congress, consisting of Richard Henry Lee, Edward Rutledge and John Adams, and appointed 16 June, 1775. The instructions are as follows:—

"This Congress having appointed you to be General and Commander-in-chief of the army of the United Colonies, of all the forces raised or to be raised by them, and of all others who shall voluntarily offer their service, and join the said army for the defence of American liberty, and for repelling every hostile invasion thereof, you are to repair with all expedition to the colony of Massachusetts Bay, and take charge of the army of the United Colonies. For your better direction;—

"1. You are to make a return to us as soon as possible of all forces, which you shall have under your command, together with their military stores and provisions; and also as exact an account as you can obtain of the forces which compose the British army in America.

"2. You are not to disband any of the men you find raised until further direction from this Congress; and if you shall think their numbers not adequate to the purpose of security, you may recruit them to a number you shall think sufficient, not exceeding double that of the enemy.

"3. In all cases of vacancy occasioned by the death or removal of a colonel, or other inferior officer, you are by brevet, or warrant under your seal, to appoint another person to fill up such vacancy, until it shall otherwise be ordered by the Provincial Convention, or the Assembly of the colony, from whence are the troops in which such vacancy happens, shall direct otherwise.

"4. You are to victual, at the Continental expense, all such volunteers as have joined or shall join the united army.

"5. You shall take every method in your power, consistent with prudence, to destroy or make prisoners of all persons who now are, or who hereafter shall appear in arms against the good people of the United Colonies.

"6. And whereas all particulars cannot be foreseen, nor positive instructions for such emergencies so beforehand given, but that many things must be left to your prudent and discreet management, as occurrences may arise upon the place, or from time to time fall out, you are, therefore, upon all such accidents, or any occasions that may happen, to use your best circumspection; and, advising with your council of war, to order and dispose of the said army under your command as may be most advantageous for the obtaining of the end for which these forces have been raised, making it your especial care, in discharge of the great trust committed unto you, that the liberties of America receive no detriment."

Mr. COOPER. Mr. President, I have had an opportunity to read the bill which has been introduced by the distinguished Senator from New York, and the scholarly argument he makes in its support.

As we know, for years we have been engaged in a debate on Vietnam and Southeast Asia and the constitutional powers of the President and Congress. Although I have not had an opportunity to study the bill carefully, I know the Senator from New York has raised the essential points around which the debate centers.

If his bill can be considered carefully and acted upon it will do a great deal to achieve longer agreement on the war making power and chart a course for the future.

I would like to say again that I am glad the Senator has introduced this legislation in his usual thoughtful, serious, and scholarly way, and I look forward to participating in the debate.

Mr. JAVITS. Mr. President, I know I reflect the feeling of every Member of Congress when I say that to enlist the interest of the distinguished Senator from Kentucky (Mr. COOPER) is very important. I am glad he is interested in this measure. I know he can help in a constructive fashion this potentially historic piece of legislation. I shall look to him very strongly in that regard. I thank him very much for this very gracious intercession.

S. 732—INTRODUCTION OF A BILL TO AMEND THE PUBLIC WORKS ACCELERATION ACT

Mr. RANDOLPH. Mr. President, I introduce for appropriate reference a bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment.

This proposal is similar to legislation I introduced in the Senate last year and to that which has been introduced in the House of Representatives by Representative JOHN MCFALL with 130 cosponsors.

It was my privilege to sponsor the original Public Works Acceleration Act in 1962. This public works program was of great assistance to communities suffering from high rates of unemployment in easing the financial burdens of providing needed public facilities. The many public works acceleration projects aided in making areas and communities all across our Nation better places in which to live and work.

The measure I propose today would

continue this assistance by authorizing the Federal Government to pay up to 80 percent of the cost of needed public works in areas where the average unemployment rate is 150 percent of the national average.

I do not consider the Public Works Acceleration Act to be the definitive and complete answer to our needs in this critical area. Instead, I am introducing this bill to place this important issue before the Senate. The problems of economic development are too complex to be resolved through the construction of public facilities. However, I do feel that in view of the increasing and immediate problems of unemployment and the urgent need for community development—particularly sewage and water systems—the concept of accelerated public works should be embodied in any overall economic development program.

We must recognize also that substantial numbers of areas and communities with high unemployment are not able to demonstrate sustained economic development—the creation of new industry and business and long-term jobs—through the construction and improvement of public facilities. Yet, these established areas and communities do have pressing requirements for new public facilities. Their problems in financing these projects are nearly insurmountable.

Under the general 50 percent Federal grant formula, the burden of securing the remainder of the funds for a viable project through local resources, commercial financing, or even Government loans, is impossible for many areas and communities.

While, over the long pull, comprehensive economic development programs will hold great promise, I believe that there is still the necessity of quick, short-term relief in the creation of jobs. This can be provided only by a substantial program of federally financed public works.

The Committee on Public Works intends to explore in depth the role of such provisions as are contained in this bill during the extensive evaluation of the total economic development effort of the Federal Government. The measure I introduce today will be the vehicle for this study.

The PRESIDING OFFICER (Mr. Gambrell). The bill will be received and appropriately referred.

The bill (S. 732) to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such Act, and for other purposes, introduced by Mr. Randolph (for himself and other Senators), was received, read twice by its title and referred to the Committee on Public Works.

Mr. HOLLINGS. Mr. President, I am today joining in cosponsorship of the Randolph accelerated public works bill. This is a measure designed to increase employment in areas where unemployment runs inordinately high. It would provide urgently needed Federal assistance to communities where the jobless rate has risen to 150 percent of the national average. Such areas are in need of immediate aid. Surely they cannot be expected to wait still longer while we wait for the economy to reinvigorate itself. The sad fact is that unemployment is endemic in some localities, and even the return of general prosperity will not lift them out of the doldrums.

The implementation of the bill would have two vital effects. First and most important, it would put people to work and thereby remove from them the degradation issuing from unemployment which in the vast majority of cases is not their own fault. Second, the measure will have an expansionary effect on the national economy. The unwillingness to pursue programs such as this during the present recession has made a bad situation much worse. Accelerated public works will provide a needed shot in the arm to America's slumbering economy.

The Randolph bill would provide Federal assistance to communities which have demonstrated the will and ability to plan for the future and which are able to bear a share of the costs involved in the envisioned construction projects. In turn, the building of municipal facilities, sewer projects, and so on, will attract industry to heretofore underdeveloped communities.

I believe the proposed legislation is both important and urgent, and I hope that the Senate will act upon it with the utmost dispatch.

S. 734—INTRODUCTION OF THE PANAMA CANAL MODERNIZATION ACT

Mr. THURMOND. Mr. President, on December 1, 1970, the Atlantic-Pacific Interoceanic Canal Study Commission, an Executive appointed body under the authority of Public Law 88–609, approved September 22, 1964, to determine the feasibility of constructing a canal of so-called sea level design across the American Isthmus, filed its final report with the President of the United States. The members of this study panel were: Robert B. Anderson, Chairman; Robert G. Storey; Milton S. Eisenhower; Kenneth E. Fields; and Raymond A. Hill.

The principal points presented in the letter of transmittal are:

First. That neither the technical feasibility nor the international acceptability of canal excavation by nuclear means has yet been established.

Second. That construction of a canal of sea level design by conventional methods is feasible in a site about 10 miles west of the existing canal at an initially estimated cost, exclusive of any indemnity to Panama, of $2.88 billion at 1970 price levels but that amortization of such cost from toll revenues "may or may not be possible."

Third. That the "potential national defense and foreign policy benefits to the United States justify acceptance of a substantial financial risk."

Fourth. That the United States should "negotiate with Panama a treaty that provides for a unified canal system, comprising both the existing canal and a sea-level canal on route 10—10 miles west of the existing canal—to be operated and defended under the effective control of the United States with participation by Panama."

Fifth. That, if "suitable" treaty arrangements are reached and funds are available, construction be started not later than 15 years in advance of when traffic in the existing canal reaches its capacity.

The preparation of this voluminous report of more than 1,000 pages required about 5 years and cost the taxpayers of the United States over $21 million. It is more impressive for its size than for the quality of its content, conclusions and recommendations. Moreover, it is premised on the unwarranted assumption that the United States will surrender its sovereignty over the U.S.-owned Canal Zone to Panama and make that weak and unstable country a partner in the management and defense of the Panama Canal. Such surrender would be in accord with the 1967 proposed canal treaties that I quoted in statements to the Senate in the Congressional Records of July 17, 21, and 27, 1967.

Though not mentioned in the forwarding letter, the panel's report does recommend as one alternative the "modernization" of the existing canal to provide for its maximum potential capacity; but in the same recommendation it opposes the construction of additional locks as part of that recommendation. This self-contradictory recommendation means that, with a few operational improvements beguilingly described as "modernization," the canal would still remain what it was in 1914. The construction of additional locks is the "relatively simple and inexpensive expedient" for increasing capacity and improving operations long recommended by experienced engineers, including former Governors of the Panama Canal, as may be seen in House Document No. 137, 72d Congress, page 44. The opposition by the Anderson panel to such construction was foreseen in the warning of Gov. Glen E. Edgerton as long ago as 1944 in a report to the Secretary of War on the elimination of the Pedro Miguel Locks. Governor Edgerton warned that advocates of a sea level canal "would oppose unjustifiably" any major change in the existing canal on the ground that it would obstruct their objective for a sea level project. The Governor's warning was quoted by Senator Thomas E. Martin in the Congressional Record, on June 21, 1956, page 10756.

Mr. President, it is, I believe, most significant that Chairman Anderson of sea level panel was also the chief negotiator for the discredited 1967 proposed treaties, which the 1970 sea level report, in effect, supports. These agreements, which would cede the Canal Zone territory and other property of the United States, including any new canal constructed by our country to Panama, are in palpable violation of article IV, section 3, clause 2 of the U.S. Constitution that vests the power to dispose of such property in the Congress, thus requiring consent of both House and Senate. This fact is altogether ignored in the Anderson report.

Instead of solving pressing problems of ship transit that require solution, the Anderson report merely adds to the fog of confusion that has long surrounded the canal subject. Because of this, knowledge of canal history is imperatively necessary if the course of our Government is to be wise and grave error avoided.

The subject of additional transit facilities across the American isthmus has been under periodic congressional consideration for many years. The first definite step in this direction was the authorization in 1939 for the construction entirely in the Canal Zone near the existing canal of a third set of larger locks known as the third locks project. Started in 1940 on a rush basis, it was suspended in May 1942, because of more urgent war needs. More than $76 million was expended on it, mostly on excavating huge sites for the new locks at Gatun and Miraflores, which are usable. No excavation was started at Pedro Miguel, which is fortunate in view of subsequent experience.

This experience in World War II focused the attention of responsible canal officials on the problems of increased capacity and operational improvements of our long neglected tropical waterway. Out of these studies was developed the Terminal Lake-Third Locks plan for the major modernization of the Panama Canal then estimated to cost about $285,000,000, and which can be accomplished at far less cost than any sea-level project under existing treaty provisions. Moreover, the Terminal Lake solution does not require the negotiation of a new treaty. These features, Mr. President, are paramount considerations that cannot be ignored but should be understood by every Member of the Congress and all others concerned with isthmian canal policy matters.

Another important step toward the major modernization of the existing Panama Canal was the completion on August 15, 1970, at a cost of $95,000,000, of the enlargement of Gaillard Cut and other channel improvements, making a total of $171,000,000 already expended toward such modernization. The total net investment of the United States in the canal enterprise, including defense, as of June 30, 1968, was over $5,000,000,000, all paid by the taxpayers of our Nation.

Mr. President, today I reintroduced legislation for the major modernization of the Panama Canal, and I ask unanimous consent that it be referred to the Armed Services Committee. This is the same bill which I introduced as S. 2228 in the last Congress. Mr. FLOOD is the chief sponsor of similar legislation in the House.

The terminal lake solution provided for in these measures has won strong support among independent engineers, geologists, navigators, defense experts, marine biologists, economists and others as supplying the most logical solution of canal problem. Furthermore, any plan that fails to eliminate the bottleneck locks at Pedro Miguel should be summarily dismissed as not having sufficient merit to justify any consideration whatever except to refute it.

As all students of the interoceanic question know, the Panama Canal problem is highly complicated. Its handling involves questions of economics, engineering, operations, defense juridical structure, marine ecology and many other considerations. Yet, when reduced to essentials, the story is relatively short and elementary.

This story, bringing the principal elements into historical focus, is supplied in the 1970 edition of the Encyclopaedia Britannica in an updated article on the Panama Canal by Capt. Miles P. Du Val, Jr., U.S. Navy, retired, the well known historian of the Panama Canal and authority on interoceanic canal problems. This article is probably the most comprehensive and incisive ever published in a major encyclopedia. As such, it should be in invaluable source of objective and authoritative information thus enabling a realistic perspective of the vital canal subject. Published shortly before the filing of the final Anderson report, it deals with basic questions and should be read with the report.

It will be noted that the coauthor of section 9 of the article, which deals with Panama-United States diplomatic relations, is Almon R. Wright, former senior historian of the Department of State.

Mr. President, as the indicated Encyclopaedia Britannica article on the Panama Canal should be of special interest to all Members of the Congress who will soon be faced with the responsibility of decision, I ask unanimous consent for the article and the text of the legislation which I have introduced today to be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. TAFT). The bill will be received and appropriately referred; and, without objection, the bill and article will be printed in the RECORD.

The bill (S. 734) to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes, introduced by Mr. THURMOND, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Panama Canal Modernization Act".

SEC. 2. (a) The Governor of the Canal Zone, under the supervision of the Secretary of the Army, is authorized and directed to prosecute the work necessary to increase the capacity and improve the operations of the Panama Canal through the adaptation of the third locks project set forth in the report of the Governor of the Panama Canal, dated February 24, 1939 (House Document Numbered 210, Seventy-sixth Congress), and authorized to be undertaken by the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), with usable lock dimensions of not less than one hundred and forty feet by not less than one thousand two hundred feet by not less than forty-five feet, and including the following: elimination of the Pedro Miguel locks and consolidation of all Pacific locks near Miraflores in new lock structures to correspond with the locks capacity at Gatun, raise the summit water level to its optimum height of approximately ninety-two feet, and provide a summit-level lake anchorage at the Pacific end of the canal, together with such appurtenant structures, works, and facilities, and enlargements or improvements of existing channels, structures, works, and facilities, as may be deemed necessary, at an estimated total cost not to exceed $850,000,000.

(b) The provisions of the second sentence and the second paragraph of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), shall apply with respect to the work authorized by subsection (a) of this section. As used in such Act, the terms "Governor of the Panama Canal", "Secretary of War", and "Panama Railroad Company" shall be held and considered to refer to the "Governor of the Canal Zone", "Secretary of the Army", and "Panama Canal Company", respectively, for the purposes of this Act.

(c) In carrying out the provisions of this Act, the Governor of the Canal Zone may act and exercise his authority as President of the Panama Canal Company and may utilize the services and facilities of that company.

SEC. 3. (a) There is hereby established a board, to be known as the "Panama Canal Advisory and Inspection Board" (hereinafter referred to as the "Board").

(b) The Board shall be composed of five members who are citizens of the United States of America. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) one member from private life, experienced and skilled in private business (including engineering);

(2) two members from private life, experienced and skilled in the science of engineering;

(3) one member who is a commissioned officer in the Corps of Engineers, United States Army (retired); and

(4) one member who is a commissioned officer of the line, United States Navy (retired).

(c) The President shall designate as Chairman of the Board one of the members experienced and skilled in the science of engineering.

(d) The President shall fill each vacancy on the Board in the same manner as the original appointment.

(e) The Board shall cease to exist on that date designated by the President as the date on which its work under this Act is completed.

(f) The Chairman of the Board shall be paid basic pay at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The other members of the Board appointed from private life shall be paid basic pay at a per annum rate which is $500 less than the rate of basic pay of the Chairman. The members of the Board who are retired officers of the United States Army and the United States Navy each shall be paid at a rate of basic pay which, when added to his pay as a retired officer, will establish his total rate of pay from the United States at a per annum rate which is $500 less than the rate of basic pay of the Chairman.

(g) The Board shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a secretary and such other personnel as may be necessary to carry out its functions and activities and shall fix their rates of basic pay in accordance with chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The secretary and other personnel of the Board shall serve at the pleasure of the Board.

SEC. 4. (a) The Board is authorized and directed to study and review all plans and designs for the third locks project referred to in section 2(a) of this Act, to make on-the-site studies and inspections of the third locks project, and to obtain current information on all phases of planning and construction with respect to such project. The Governor of the Canal Zone shall furnish and make available to the Board at all times current information with respect to such plans, designs, and construction. No construction work shall be commenced at any stage of the third locks project unless the plans and designs for such work, and all changes and modifications of such plans and designs, have been submitted by the Governor of the Canal Zone to, and have had the prior approval of, the Board. The Board shall report promptly to the Governor of the Canal Zone the results of its studies and reviews of all plans and designs, including changes and modifications thereof, which have been submitted to the Board by the Governor of the Canal Zone, together with its aproval or disapproval thereof, or its recommendations for changes or modifications thereof, and its reasons therefor.

(b) The Board shall submit to the President and to the Congress an annual report covering its activities and functions under this Act and the progress of the work on the third locks projects and may submit, in its discretion, interim reports to the President and to the Congress with respect to these matters.

SEC. 5. For the purpose of conducting all studies, reviews, inquiries, and investigations deemed necessary by the Board in carrying out its functions and activities under this Act, the Board is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Board is given power to designate and authorize any member, or other personnel, of the Board, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Board may deem relevant or material to the performance of the functions and activities of the Board. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

SEC. 6. In carrying out its functions and activities under this Act, the Board is authorized to obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5, United States Code, at rates not in excess of $200 per diem.

SEC. 7. Upon request of the Board, the head of any department, agency, or establishment in the executive branch of the Federal Government is authorized to detail, on a reimbursable or nonreimbursable basis, for such period or periods as may be agreed upon by the Board and the head of the department, agency, or establishment concerned, any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions and activities under this Act.

SEC. 8. The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

SEC. 9. The Administrator of General Services or the President of the Panama Canal Company, or both, shall provide, on a reimbursable basis, such administrative support services for the Board as the Board may request.

SEC. 10. The Board may make expenditures for travel and subsistence expenses of members and personnel of the Board in accordance with chapter 57 of title 5, United States Code, for rent of quarters at the seat of government and in the Canal Zone, and for such printing and binding as the Board deems necessary to carry out effectively its functions and activities under this Act.

SEC. 11. All expenses of the Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Board or by such other member or employee of the Board as the Chairman may designate.

SEC. 12. Any provision of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), or of any other statute, inconsistent with any provision of this Act is superseded, for the purposes of this Act, to the extent of such inconsistency.

SEC. 13. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Any sum appropriated to carry out the provisions of section 2(a) shall remain available until expended.

The article, presented by Mr. THURMOND, is as follows:

[From Encyclopaedia Britannica, 1970 Ed. Vol. 17, pp. 205–13]

PANAMA CANAL

(By Capt. Miles P. Du Val, Jr., U.S. Navy, retired)

Panama Canal, a high-level artificial interoceanic waterway of the lake and lock type at the Isthmus of Panama connecting the Atlantic and Pacific oceans, owned, operated and controlled by the United States under treaty, for the transit of vessels of commerce and of war of all nations on terms of equality, with tolls that are just and equitable. The Canal Zone, through which it was built, is the constitutionally acquired territorial possession of the United States granted in perpetuity by the Republic of Panama for the construction of the canal and for its perpetual maintenance, operation, sanitation and protection. The gross total investment of the United States in the canal enterprise, including defense expenditures, from 1904 to June 30, 1968, amounted to $6,368,009,000; and net to over $5,000,000,000.

By using the canal, vessels plying between the Atlantic and Pacific coasts of the United States can eliminate the Cape Horn route and save a distance of about 8,000 nautical mi., while journeys between the Atlantic and Pacific coasts of the North and South American continents can be reduced by 3,000–4,000 mi.; vessels from Europe to eastern Asia and Australia can effect a saving of 1,000–2,000 mi. Hence the canal is of the greatest international importance, strategically and economically.

This article is divided into the following sections:

I. The Waterway: 1. Description; and 2. Navigation.

II. The Canal Zone:
1. Area and Tidewaters;
2. Sovereignty;
3. Administration;
4. Tolls;
5. Canal Traffic;
6. Defense.

III. History:
1. Panama Railroad, 1849–55;
2. French Project, 1879–1904;
3. United States Policy, 1850–81;
4. Isthmian Canal Commission, 1899–1901;
5. U.S. Diplomacy, 1901–03;
6. Building the Canal, 1904–14;
7. Principal Engineering and Construction Projects After 1914;
8. Reorganization and Policy Determination; and
9. Panama-U.S. Relations.

I. THE WATERWAY

1. Description.—The Panama canal does not cross the isthmus from east to west as generally supposed, but from northwest to southeast, with the Atlantic entrance 33½ mi. N. and 27 mi. W. of the Pacific entrance. Located in one of the heavier rainfall areas of the world with its longest section formed by impounding the waters of the Chagres river valley by a dam at Gatun, the canal's principal features include: twin-flight locks, dams and spillways at both ends of the canal; the summit-level Gatun lake; an excavated gorge across the continental divide, renamed as Gaillard cut, connecting Gatun lake with the Pacific locks; a small Miraflores lake between two sets of Pacific locks; and two terminals.

The Atlantic terminus is at Cristóbal on Limón bay, a natural harbour protected against storms from the north by east and west breakwaters. The Pacific terminus is at Balboa, a sheltered artificial harbour with its Pacific entrance channel safeguarded from silt-bearing currents by a causeway from the mainland to the fortified islands in the Bay of Panama.

The canal length from shore line to shore line is 40.27 statute miles; and from deep water to deep water, 50.72 miles. From north to south, its main parts are:

1. Atlantic sea level dredged channel of 500 ft. bottom width from deep water to Gatun locks, about 7.4 mi.
2. Gatun locks in three steps from sea level to Gatun lake, 85 ft. above sea level.
3. Gatun lake section with channels varying in width from 1,000 ft. at Gatun to 500 ft. at Gamboa where Gaillard cut begins, distance about 24 mi.
4. Gaillard cut of 500 ft. minimum bottom width to Pedro Miguel locks at the south end of the cut, distance about 8 mi.
5. Pedro Miguel locks in one step (31 ft.) to the intermediate Miraflores lake, 54 ft. above sea level.
6. Miraflores lake with channel 750 ft. wide to Miraflores locks, distance about 1 mi.
7. Miraflores locks in two steps to Pacific sea level.
8. Pacific sea level dredged section to the Bay of Panama, distance about 8.5 mi.

The controlling depth for the Atlantic dredged section from deep water to Gatun locks is 42 ft. below mean low water; from Gatun locks to Pedro Miguel, 42 ft. below the minimum Gatun lake level of 82 ft.; from Pedro Miguel locks to Miraflores, 41 ft. below the mean Miraflores lake level of 54 ft.; and from Miraflores locks to deep water in the Pacific, 42.4 ft. below mean low water spring (maximum) tides.

The canal is equipped with modern aids to navigation. The Panama canal has had several major operational improvements since opening to traffic in 1914 including the Madden Dam and Power project, with its upstream lake to conserve water for lockages and maintenance of channel depths in Gatun lake during dry seasons and to reduce the danger of floods from the upper Chagres in wet seasons; replacement of lock towing locomotives; and illumination of Gaillard cut, its widening from 300 ft. to 500 ft. and deepening from 42 ft. to 47 ft., started in 1959.

On April 30, 1968, large surface ground cracks of depth were discovered on Hodges hill on the west bank of Culebra reach of Gaillard cut, and studies were begun to determine what should be done to prevent slides.

Locks.—No part of the canal attracts more attention than its massive locks. Constructed in duplicate to enable simultaneous lockages of vessels in the same or opposite direction, all locks have usable dimensions of 1,000 ft. length, 110 ft. width, and a depth to accommodate vessels drawing 40 ft. in salt water. Each lock gate has two leaves, the leaves being floatable structures 65 ft. wide by 7 ft. thick, varying in height from 47 to 82 ft., weighing from 390 to 730 tons, and operated by 40 h.p. motors through gear arrangements.

Locks are equipped with unique safety devices, notably hydraulically operated fender chains and electric towing locomotives. The fender chains protect lock gates against vessels that may get out of control when approaching locks, and are dropped into grooves to permit passage. With the exception of small craft, vessels are not allowed to pass through locks under their own power, but are required to be drawn by towing locomotives, varying in number from four to eight, depending on ship characteristics.

The time required for passage through the locks depends upon many factors, including size of vessel and its handling features. Generally, lockage intervals are 80 min. at Gatun, 40 min. at Pedro Miguel, and 60 min. at Miraflores.

Gatun Dam and Spillway.—The key structure of the Panama canal is Gatun dam, near the end of the Chagres river valley. It is about 1½ mi. long on its crest, ½ mi. wide at the base, 400 ft. wide at the water surface, 100 ft. wide at the top, and its crest is 105 ft. above sea level. It contains 22,958,068 cu. yd. of material.

Located on a natural hill of rock near the centre of the dam, Gatun spillway was designed to provide adequate control of Gatun lake levels during the maximum known discharge of the Chagres river. The dam and spillway together with Gatun locks form the northern barrier that creates Gatun lake.

Gatun Lake and Gaillard Cut.—Gatun lake, at its normal height of 85 ft., has an area of 166 sq.mi. and a shore line of 1,100 mi.; with a watershed of 1,285 sq.mi., which includes territory of the Republic of Panama. Its designed operating range is 5 ft., between water levels of 87 and 82 ft. above sea level.

Gaillard cut, formerly called Culebra cut, is an artificial extension of Gatun lake across the continental divide to Pedro Miguel locks, with its original bottom at a maximum of 40 ft. above sea level, on an alignment that passes between Gold hill and Contractors hill. Its restricted channel and rocky banks make this cut the most hazardous part of the canal. A steady growth in vessel sizes and number carrying hazardous cargo has increased the frequency of transits requiring one-way navigation in Gaillard cut.

Pacific Dams, Miraflores Lake and Spillway.—Across the south end of Gaillard cut, a pair of one-lift (31 ft.) Pedro Miguel locks and two flanking dams to nearby hills form the southern barrier closing the upper valley of the Rio Grande and holding the Gatun lake water level. With crests 105 ft. above sea level, the east dam extends about 300 ft. to Cerro Luisa and the west extends about 1,400 feet to Cerro Paraiso. The east dam is a concrete wall, 260 ft. long, covered with earth; the west is earth and rock, containing 699,518 cu.yd. of material.

At Miraflores, a set of two-lift locks and two dams form a second barrier closing the lower valley of the Rio Grande and creating the intermediate Miraflores lake. This lake, at 54 ft. above sea level, has an area of 1.5 sq.mi. Its watershed is 38 sq.mi.

The major part of the east dam at Miraflores is the spillway, designed to handle free flow of water from Gatun lake through one chamber at Pedro Miguel in event of accident. The west dam, with crest 40 ft. wide and 70 ft. above sea level extending 2,700 ft. to Cerro Cocoli, is the second largest dam of the canal, containing about 2,388,423 cu.yd. of material.

Terminal Facilities.—The Atlantic terminus affords safe anchorages in Limón bay and convenient pier berths at Cristóbal. The Pacific terminus has mooring buoy, dock and pier berths at Balboa; also an unprotected outer anchorage in the Bay of Panama. All piers are modern, 1,000 ft. long by 200 ft. wide, with enclosed sheds and railroad service, ample for storage of consignments and transhipment of cargo.

Both terminals are equipped for servicing of vessels, provisioning and repairs. The principal repair installations are on the Atlantic side near Mount Hope, with a 386-ft. dry dock. Larger marine and railway repair shops on the Pacific side are closed, with a 1,044 ft. dry dock in a stand-by status. Salvage tugs and other wrecking equipment are available.

2. Navigation.—All vessels entering or leaving a terminal port, maneuvering in Canal Zone waters, or in transit, in general, are required to take pilots, who have charge of navigation and movement. Transits are made under rigid traffic controls. The average time required to transit is from seven to eight hours.

II. THE CANAL ZONE

1. Area and Tidewaters.—The Canal Zone is a strip of land and land under water 10 mi. wide with boundaries generally 5 mi. from the centre of the canal except for the western salient covering the mouth of the Chagres river, the arms of Gatum lake extending into the Republic of Panama, and Madden lake. Beginning in the Caribbean, "three marine miles" from mean low water as provided by treaty, the zone extends across the isthmus to a distance of "three marine miles" from mean low water in the Pacific, but excludes the Panamanian cities of Colón and Panama.

The Canal Zone includes all of Gatum lake and surrounding shores up to the 100 ft. contour and all of Madden lake and its shores up to the 260 ft. contour. The total area of the Canal Zone is 647.29 sq.mi.—372.32 sq.mi. land, 185.52 sq.mi. fresh water, and 89.45 sq.mi. salt water, including the Atlantic and Pacific coastal waters within the three-mile limit.

The tides at the Atlantic and Pacific terminals differ in both magnitude and character. At Cristóbal on the Atlantic side they are irregular and small, with an extreme range of 3.05 ft. At Balboa on the Pacific side, they are remarkably regular with two highs and two lows every lunar day of 24 hr. and 50. min., with an extreme range of 22.7 ft.

2. Sovereignty.—Under the authority of the Panama Canal act of 1912 and in conformity with treaty, Pres. William H. Taft, by executive order of Dec. 5, 1912, declared that "all land and land under water within the limits of the Canal Zone are necessary for the construction, maintenance, operation, protection, and sanitation of the Panama Canal." Since title to all such land was acquired by the United States, the Canal Zone, in its entirety, is United States government reservation.

The only private enterprise activities permitted within the zone are on lands rented under revocable licenses, normally to shipping interests, communications companies, banks, agriculturists and others directly connected with the canal or its operation. Areas assigned for other government purposes, in the mid-1960s, included 253 sq. mi. for the armed forces, with 176 to the army, 22 to the navy and 55 to the air force; 6 to the Smithsonian institution as a wildlife preserve on Barro Colorado; 5 as the Madden Forest preserve; 0.96 to the Federal Aviation agency; 1 to commercial licenses and 13 to Canal Zone town sites. Remaining land, largely mountain or jungle, totals over 193 sq. mi. All areas continue subject to the civil jurisdiction of the Canal Zone government is conformity with the Canal Zone code.

3. Administration.—The Panama canal enterprise, as reorganized July 1, 1951, under public law 841, 81st congress, approved Sept. 29, 1950 (Thompson act), consists of two main units, the Panama Canal company and the Canal Zone government, with the dominant mission of the safe, convenient and economic transit of vessels. The Canal Zone is divided into two districts, the Balboa (or Pacific) subdivision and the Cristóbal (or Atlantic) subdivision.

Balboa and Cristóbal.—These subdivisions are coterminous with the Balboa and Cristóbal divisions of the U.S. district court. Their common boundary crosses the Canal Zone at right angles just northwest of Barbacoas Island. The Balboa subdivision includes all Canal Zone area lying southeasterly of this boundary, and the Cristóbal subdivision, all lying northwesterly of it.

Towns, except Gamboa, are clustered near the terminals convenient to canal and shipping activities, in which, directly or indirectly, most of the civilian population in the zone is employed. Gamboa, because it is the headquarters of dredging operations, is located north of Gaillard cut to prevent isolation of equipment from lake dumps in event of slides. All towns have the facilities of well-managed communities in the United States, with high standards of health, sanitation and education. The canal administrative centre is at Balboa Heights.

A long-felt defect in the 1903 treaty was failure to provide for adequate public crossings of the canal for the Canal Zone and Panama, both divided by the waterway. This condition was initially corrected by the United States by a toll-free ferry at Balboa in 1932 under legislation sponsored by Rep. Maurice H. Thatcher, former member of the Isthmian Canal commission for whom it was named; and finally, in 1962, pursuant to treaty, by the toll-free Thatcher Ferry bridge to replace the ferries.

The population of the Canal Zone in 1968, including dependents of the U.S. armed forces, was 50,405, with 14,477 in the Cristóbal district and 35,928 in the Balboa district. The population of the principal communities was 3,489 for Gamboa and 3,139 for Balboa.

The Panama Canal Company.—This is a corporate instrumentality of the United States, operated under the management of its board of directors and charged with the maintenance and operation of the Panama canal and the conduct of business-type operations incident thereto and to the civil government of the Canal Zone.

The basic law requires that the company be self-sustaining. Its obligations include its own operating expenses, the net cost of civil government, interest and depreciation on United States investment in the enterprise, and $430,000 of the $1,930,000 annuity paid to the Republic of Panama, the remainder being provided by the department of state, and thereby excluded in fixing tolls.

The Canal Zone Government.—This is an independent agency of the United States, administered by a governor of the Canal Zone, under the supervision of the president, or such officer of the United States as may be designated by him (secretary of the army). It performs the functions of city, county and state governments, with certain attributes of diplomatic character in connection with the Republic of Panama. The governor, who is appointed by the president and confirmed by the senate, is ex-officio a director and president of the Panama Canal company.

The judicial functions of the Canal Zone government are performed by two magistrate's courts, Balboa and Cristóbal, each presided over by a magistrate appointed by the governor; and by a United States district court of the fifth judicial circuit, consisting of two divisions, Balboa and Cristóbal, presided over by one judge appointed by the president.

4. Tolls.—The levy of tolls is subject to provisions of the Hay-Pauncefote treaty (1901). the Hay-Bunau-Varilla treaty (1903) and the Thomson-Urrutia treaty proclaimed in 1922. Exempted from transit tolls in accordance with treaty are vessels owned, operated or chartered by the government of the Republic of Panama and war vessels of the Republic of Colombia; also vessels in transit solely for repairs at Panama canal shops.

Tolls are assessed on the basis of Panama canal net tonnage of actual earning capacity, a net vessel ton being 100 cu. ft. of space. Tolls cover all normal transit charges, including pilot service. Vessels operated by the United States, including warships and auxiliaries, are assessed tolls.

Tolls in 1968 were 90 cents per net ton for merchant vessels, army and navy transports, tankers, hospital and supply ships, and yachts, when carrying passengers or cargo; 72 cents per net ton on such vessels in ballast without passengers or cargo; and

50 cents per ton of displacement for other types. The average measurement per ocean-going commercial vessel in fiscal year 1968 was 7,320 net tons and average tolls per vessel $6,357.

The Panama Canal company is authorized to prescribe and, from time to time, change rules for the measurement of vessels and tolls, subject to requirements for six months notice, public hearings and approval by the president of the United States, whose action shall be final and conclusive.

5. Canal Traffic.—Although the Panama canal was conceived and built primarily as an artery of world trade, its traffic, except during World War II, has had an irregular but sustained growth since 1916 in the number of commercial transits and cargo tonnage.

Fiscal year	Total transits[1]	Total long tons of cargo[1]	Total tolls and toll credits
1929	7,197	30,781,755	$27,128,893
1933	5,040	18,269,917	19,621,181
1939	7,449	27,993,144	23,699,430
1943	4,372	11,030,105	7,368,739
1950	7,694	30,364,982	24,511,713
1955	9,811	41,523,432	35,136,529
1960	12,147	60,401,733	51,803,032
1965	12,918	78,922,931	67,148,451
1967	14,070	92,997,958	82,296,638
1968	15,511	105,538,318	93,153,649

[1] Executive of transits for repairs.

Source: Annual Reports of Board of Directors and President, Panama Canal Company.

Its traffic volume is extremely sensitive to wars and depressions, and to appreciable political, economic or other upheavals in any part of the world, such as crop failures, strikes destruction by tropical storms, development of foreign industries and closure of the Suez canal.

A significant feature of Panama canal traffic is the pattern of its trade routes, of which eight are well defined.

The lowest traffic volume after 1933 occurred in 1943, when there were 4,373 transits by ocean-going commercial vessels with 11,030,105 tons of cargo. A high point in traffic history occurred in fiscal year 1968 when, because of the Vietnam war and the closing of the Suez canal, new records in the number of transits, toll revenue, and tons of cargo were made. Growing numbers of commercial vessels with beams over 80 ft. were using the canal, thus emphasizing the need for increased capacity.

6. Defense.—The Panama Canal act of 1912 vests responsibility for protection of the Panama canal and Canal Zone in the governor, this protection being the normal exercise of police authority within the Canal Zone. Defense against external aggression is a function of the armed forces, for which the commander in chief, Southern Command, is responsible. These include army, navy and air force units, located in the Canal Zone and elsewhere.

The act further provides that "in time of war in which the United States shall be engaged, or when, in the opinion of the president, war is imminent," the president is authorized to vest exclusive authority and jurisdiction over the Panama canal and Canal Zone government in such officer of the army as the president may designate, with the governor subject in all respects to the orders and directions of the designated officer of the army.

During war or emergency, elaborate security precautions are taken by both civil and military authorities, including careful examination of arriving vessels and use of specially trained security guards during transits.

III. HISTORY

The advantageous geographical location of the Central American isthmus was recognized by the early Spanish who, within a few years after the visit there by Columbus in 1502, followed with extended exploration focused on four main route areas: Tehuantepec, Nicaragua, Panama and the Darién-Atrato. Not finding a strait, they promptly conceived the idea of constructing one.

Because of lower continental divides at Panama and Nicaragua, with penetration by large valleys, these two avenues became rivals for isthmian transit. At Panama, mountainous terrain and torrential rivers, notably the Chagres, at the time presented insuperable barriers to a canal. Lake Nicaragua, 3,089 sq. mi. in area, with its then navigable San Juan river flowing into the Atlantic, reduced the magnitude of the task to cutting across the narrow strip which separated the lake from the Pacific. Eventually, control of the Nicaragua route became a focal point of international conflict, with Great Britain and the United States in a diplomatic deadlock. This situation was prolonged by the Clayton-Bulwer treaty (1850) which deprived the United States of exclusive control over any isthmian canal that it might construct.

1. Panama Railroad, 1949–55.—When United States westward expansion in the late 1840s required better means for transit, three North Americans of vision, John Lloyd Stephens, William Henry Aspinwall, and Henry Chauncey, organized the Panama Railroad company. Chartered in 1849 by the state of New York, this company, under enormous difficulties, completed building the Panama railroad in 1855—the first transcontinental railroad of the Americas. Running from Aspinwall (Colón) close to the line of the future canal, this 47.5-mi. strategic rail link was the first concrete step toward construction of the Panama canal, giving it a tremendous advantage over Nicaragua in the choice of route.

In view of the key functions that this celebrated railroad was later to fill in Panama canal history, it is important to note a treaty of 1846 between the United States and New Granda (Columbia). This treaty was an offensive and defensive alliance aimed primarily toward securing a canal at Panama, even then recognized by Pres. James K. Polk as the most practicable route. It provided that the United States should guarantee the "perfect neutrality" of the isthmus and its free and uninterrupted transit.

2. French Project, 1879–1904.—Meanwhile, French interests under the dynamic leadership of Ferdinand de Lesseps (*q.v.*), hero of the Suez canal, decided to construct a canal across the American isthmus. An International Congress for Consideration of an Interoceanic Canal, consisting of 135 delegates, convened at Paris on May 15, 1879, to decide upon site and type. As president of the congress, De Lesseps applied his prestige and genius toward securing approval for a sea-level type of canal at Panama.

Adolphe Godin De Lépinay de Brusly, an engineer who had studied the American isthmus, protested strongly at this trend. He understood the topography at Nicaragua and how its large natural lake, 105.5 feet high, would contribute toward construction of a canal at that location. He knew the surface features at Panama—the continental divide about 10 mi. from the Pacific, the torrential Chagres river flowing into the Atlantic, and the smaller Rio Grande into the Pacific, both through valleys suitable for the formation of lakes. He emphasized the key problems at Panama as the control of the Chagres river and excavation of Culebra cut, recognized the lake idea as offering the best solution, and proposed a "practical" plan for building the Panama canal. It called for a dam at Gatun and another at Miraflores, or as close to the seas as the configuration of the land permitted, letting the waters rise to form two lakes about 80 ft. high, joining the lakes by cutting across the continental divide, and connecting them with the oceans by locks. This design, he explained, was not only best for engineering but also most advantageous for navigation.

Unfortunately for the French, De Lépinay's idea was ignored. His conception, however, and its dramatic presentation before the Paris congress of 1879, established him as an architectural and engineering genius and the originator of the plan from which the Panama canal was eventually built. The French Panama Canal company, despite De Lépinay's timely warning, launched upon its ill-fated undertaking. Ten years later, in 1889, its effort collapsed due to a combination of bankruptcy, lack of planning and disease. In France, it resulted in a sensational financial scandal. Yet, before failing, the company, to save money and time, was forced to change its plans from sea-level to a high-level lock type.

Reorganized in 1894 as the New Panama Canal company, its officers realized that their only chance of assuring any return on the investment was to hold on until the United States could be induced to take control. Thus until 1904 they limited their activities to technical studies and such excavation as were required to protect the concession from Colombia. The total French excavation was 78,146,960 cu. yd. of material, of which 29,908,000 were later useful to the United States.

3. United States Policy, 1850–81.—With active canal endeavours temporarily checked by the Clayton-Bulwer treaty and transit facilities met by the Panama railroad, United States efforts were generally restricted to explorations. It was not until Gen. Ulysses S. Grant became president in 1869 that major interest revived, with extensive naval exploring expeditions starting in 1870 and covering the more important canal sites.

With the objective of securing the best type of canal at the best site, and at least expense, the reports of these expeditions were reviewed by the first United States Interoceanic Canal commission, 1872–76, consisting of Brig. Gen. Andrew A. Humphries, chief of U.S. army engineers; C. P. Patterson, U.S. Coast survey; and Commodore Daniel Ammen, chief of the bureau of navigation of the navy. Reporting to President Grant on Feb. 7, 1876, the commission was unanimous in recommending a Nicaragua canal starting on the Atlantic side near Greytown, following the San Juan river to Lake Nicaragua, through the lake, and thence across the land to Brito. Thus, the United States became definitely committed to the Nicaragua route, then complicated by British control of its eastern terminus through their protectorate over the Mosquito kingdom.

Viewing an isthmian canal as "virtually a part of the coastline of the United States" and alarmed by the energetic measures taken by French interests at Panama, United States leaders determined to change American policy. This attitude found expression on March 8, 1880, when the Select Committee on Interoceanic Canals of the house of representatives recommended a resolution by the congress declaring that any form of protectorate on this continent was contrary to the Monroe Doctrine (*q.v.*), that the United States asserts and maintains its right to possess and control any artificial means of isthmian transit, and that the president be requested to take steps to abrogate the Clayton-Bulwer treaty. This objective was supported by former President Grant, who, in Feb. 1881, publicly commended "an American canal, on American soil, to the American people."

4. Isthmian Canal Commission, 1899–1901.—The French failure in 1889 rendered the canal situation less acute, requiring a new crisis to dramatize the issue. This was supplied by the historic voyage of the U.S.S. "Oregon" during the Spanish-American War in 1898, which emphasized the need for an isthmus canal. The result was that Pres. William McKinley, in 1899, appointed an

Isthmian Canal commission, with Rear Admiral John G. Walker, U.S.N. (ret.), as president, to investigate all canal routes, particularly Nicaragua and Panama, and to recommend the most practicable. In its first report on Nov. 16, 1901, the commission estimated the cost of a Nicaragua canal at $189,846,062, and Panama at $144,233,358; and the value of the French holdings at $40,000,000. But as the French company was demanding $109,141,500 for its property, the total estimate for Panama was $253,374,858. Because of the excess cost for a canal at Panama, it recommended Nicaragua as the only practicable route.

5. U.S. Diplomacy, 1901–03.—Meanwhile, the United States government, under the leadership of Secretary of State John Hay, negotiated with Great Britain the Hay-Pauncefote treaty of Nov. 18, 1901, which superseded the Clayton-Bulwer treaty and recognized the exclusive right of the United States to construct, regulate and manage any Isthmian canal. It further adopted the principal points in the Convention of Constantinople (1888) for the Suez canal as rules for the operation and neutralization of the American canal. These rules provided that the canal should be free and open to vessels of commerce and of war of all nations on terms of entire equality, with tolls that were just and equitable. The United States was also authorized to protect the canal against lawlessness and disorder.

The New Panama Canal company in Paris, reacting to the commission's recommendation for Nicaragua, on Jan. 9, 1902, cabled Admiral Walker its readiness to accept the United States offer of $40,000,000 for its holdings. Thereupon the commission, in a supplementary report on Jan. 18, 1902, canceled its first recommendation and recommended Panama as the most practicable and feasible route for an Isthmian canal. Describing the previous concessions from Colombia as unsatisfactory and insufficient, the commission emphasized the necessity for obtaining in perpetuity the grant of a sufficient strip of territory across the isthmus for canal purposes. Promptly transmitted to the congress by Pres. Theodore Roosevelt, the new recommendation started a memorable debate in the congress known as the "battle of the routes." Out of it came the basic law for construction of the Panama canal approved June 28, 1902, known as the Spooner act.

This law authorized the president to acquire all French holdings including its Panama railroad stock at a cost not exceeding $40,000,000, to obtain from Colombia perpetual control of a strip of land for the maintenance, operation and protection of the Panama canal and railroad, and then, through the Isthmian canal commission, to construct the Panama canal. The type contemplated by the act was high-level, with Atlantic locks and dams at Bohio to form a Lake Bohio. Provision was also made that in event of failure to obtain an adequate treaty within a reasonable time, the president should proceed with construction of a Nicaragua canal.

In harmony with the act, Tomás Herrán, Colombian chargé d'affaires in Washington, after many months of arduous labour, succeeded in negotiating a most favourable treaty for his country—the Hay-Herrán treaty of Jan. 22, 1903, which was ratified by the United States senate on March 17, 1903.

Unfortunately, this treaty became involved politically in Bogotá. The Colombian senate, called into special session on June 20, 1903, for its ratification, rejected the treaty against urgent pleadings by Herrán in Washington and U.S. Minister Arthur M. Beaupré in Bogotá.

The Panama Revolution, 1903.—Panamanian leaders, fearing that after all Panama might still lose the canal to Nicaragua, determined to avert that possibility. A Panamanian agent was then dispatched to Washington to obtain promise of help for a plan of revolt. While no promise was given, the warship U.S.S. "Nashville" appeared at Colón on Nov. 2, 1903. On the following day an uprising occurred. Colombian troops were prevented from crossing the isthmus to put down the rebellion and independence was proclaimed under the leadership of Manuel Amador. It was recognized, first by the United States, second by France, and soon afterward by the other countries.

Then followed negotiation of the second basic canal convention, the Hay-Bunau-Varilla treaty of Nov. 18, 1903, with Panama instead of Colombia. By this treaty, in harmony with the Spooner act, United States was granted in perpetuity exclusive use, occupation and control of the Canal Zone. Significantly the United States could exercise all sovereign powers to the entire exclusion of the exercise of such powers by Panama. That country was to receive $10,000,000 in cash and a $250,000 annuity to begin nine years after ratification of the agreement. The proclamation of this treaty on Feb. 26, 1904, sealed the choice of the Panama route.

A few days later, on March 8, 1904, President Roosevelt recognized the contributions of Admiral Walker by appointing him as the first chairman of the first Isthmian Canal commission for the construction of the Panama Canal. One member, Maj. Gen. George W. Davis, U.S. army (ret.), was the first governor of the Canal Zone. John F. Wallace, a leading railroad engineer, not experienced in "frontier" work, was chosen as the first chief engineer.

The Canal Zone was formally acquired on May 4, 1904—a day subsequently celebrated annually in the zone as Acquisition day.

6. Building the Canal, 1904–14.—Work under the United States started haltingly. Because of public clamour to "make the dirt fly, the commission weakened in its stand for thorough and comprehensive preparation and started work without proper equipment or plans. Though valuable time was thus lost, the commission made important contributions. It organized the Canal Zone government, started sanitation under the supervision of William Crawford Gorgas (*q.v.*), and recruited the nucleus of an engineering and construction force.

Resigning on March 30, 1905, the Walker commission was succeeded by a new one headed by Theodore P. Shonts, a prominent railroad executive, with Wallace continuing as chief engineer. Though for a time conditions improved, Wallace, on June 26, 1905, suddenly resigned, throwing the working forces into confusion.

Battle of the Levels, 1904–06.—Of the difficulties of this period the gravest was increasing uncertainty as to the type of canal that should be built—the high-level lock type contemplated by the Spooner act or a canal at sea level as had been suggested by Wallace in 1904.

Fortunately, President Roosevelt selected a great railroad builder, executive and explorer, John F. Stevens, as the new chief engineer. Stevens qualifications were unique. He had read everything available on the Panama canal since the time of Philip II, discovered Marias pass in Montana, built railroads in the Rocky mountains and supervised open mining operations in Minnesota. Thus, he had observed what occurs when the delicate balances of nature are upset, understood the hazards of cutting a ship channel through mountains, and was experienced in personnel and construction problems in undeveloped terrain.

Arriving on the isthmus on July 25, 1905, at a time of chaos, he rescued the project from possible disaster. He promptly provided housing for employees, established commissaries, adopted sanitation measures, ordered equipment and double-tracked the Panama railroad. After planning the transportation system for Culebra cut excavation and for relocation of the railroad to higher ground on the east side of the canal, moving the Atlantic locks site from Bohio to Gatun to form Gatun lake, recruiting competent leaders and forming the organization for building the Panama canal, he found progress hampered because of delay on the decision as to type of canal, then being considered by an International Board of Consulting Engineers, of which General Davis was chairman.

In its report of Jan. 10, 1906, this board split—the majority of eight members headed by General Davis and including five Europeans, voting for sea level; and the minority, five Americans (Alfred Noble, Henry L. Abbot, Frederic P. Stearns, Joseph Ripley and Isham Randolph), voting for the lock type.

The controlling features of the lock plan recommended by the minority were a dam at Gatun creating Gatun lake 85 ft. high as the summit level and Culebra cut. Parallel flight locks were to be provided: three-lifts at Gatun, one-lift at Pedro Miguel, and two-lifts at Sosa hill, the last two sets being separated by an intermediate Sosa lake. Though of different lock arrangement, this plan was the same type as recommended in 1901 by the Walker commission.

Testifying before congressional committees in Washington in January and June 1906, and using the De Lépinay arguments of 1879, Stevens supported the high-level plan with a conviction that no one could shake, and strongly opposed the sea-level plan recommended by the majority of the International Board of Consulting Engineers. In the end, with the support of President Roosevelt, Secretary of War Taft, and the Isthmian Canal commission, the views of Stevens prevailed against strenuous opposition concerned primarily with questions of "vulnerability." Congress, by act approved June 29, 1906, adopted the high-level lake and lock plan as proposed by the minority. This was the great decision in building the Panama canal.

The transit since 1914, in both peace and war, of thousands of vessels of various types, completely establishes the wisdom of that decision. It secured for Stevens, who was mainly responsible for bringing it about, great fame as the basic architect of the Panama canal. This fact was recognized in Oct. 1962 at the time of the opening of the Thatcher Ferry bridge by the dedication of a handsome memorial honoring the great engineer.

Pacific Lock Location Question, 1906–08.—Though the high-level plan, as approved by the minority of the International Board of Consulting Engineers, placed all Atlantic locks at Gatun it divided the Pacific locks into two sets. Stevens, early in 1906 before adoption by congress of the minority report, recognized the Pacific lock arrangement as faulty and recommended consolidation as a needed change. Eventually, on Aug. 3, 1906, Stevens approved a plan placing all Pacific locks in three-lifts south of Miraflores with the terminal dam and locks between two hills, Cerro Agudaulce on the west side of the sea level section of the canal and Cerro de Puente on the east side, a location later recognized by Lieut. Col. George W. Goethals as offering the best site. This arrangement would have enabled lake-level navigation from the Atlantic locks to the Pacific, with a summit level anchorage at the Pacific end of the canal.

Regrettably, Stevens was under great pressure to start active construction. Advocates of the sea-level proposal, stung by their defeat in congress, and also opponents of any canal at all, were ready to take advantage of any change in the approved program as evidence of weakness in the high-level plan. Together, these two forces represented a political and economic power that could not be ignored.

Stevens' foundation investigations, necessarily made in haste proved unsatisfactory, and he did not dare to jeopardize the project by further delay. On Aug. 23, 1906, apparently confident that this important question would rise again, he voided his plan but retained it on file, and proceeded with the approved plan for separating the Pacific locks, which he did not personally favour.

Later, after Stevens left canal service, Maj. William L. Sibert, a member of the commission with a keen appreciation of marine needs in the design of navigational works, made more extensive explorations. Finding adequate foundations, he likewise, on Jan. 31, 1908, recommended the consolidation of all Pacific locks in three-lifts at Miraflores to provide a Pacific terminal lake, but his well-reasoned proposal was not approved, and the canal was completed with two sets of Pacific locks, separated by Miraflores lake.

Construction and Completion, 1907–14.—With canal type decided, construction organization effected, and a greater part of the plant installed by July, 1906, real progress started. Thus, Stevens was able to assure the press in 1906 that the canal would be completed in 1914 and formally opened by Jan. 1, 1915.

On Jan. 30, 1907, after having brought design and construction to a point where work was in "full swing" and success a certainty, Stevens submitted his resignation to the president. Despite that action, however, Roosevelt, on Mar. 4, 1907, in recognition of his tremendous contributions, appointed him as chairman of the Isthmian Canal commission, making Stevens the first to hold the combined positions of chairman and chief engineer.

Stevens was succeeded by Lieutenant Colonel Goethals, an outstanding army engineer, who, with his associates, civilian as well as military, ably brought the project to completion substantially in accord with the Stevens plan. Such changes as were made, though important, were nonbasic. These included widening the bottom of Culebra cut from 200 ft. to 300 ft. increasing usable lock dimensions to a width of 110 ft. and length of 1,000 ft., with a depth to permit passage of ships drawing 40 ft. in salt water, rerouting the Panama railroad around Gold hill, relocation of locks from Sosa hill to Miraflores, and redesign of Gatun dam.

Other members of the Isthmian Canal commission on April 1, 1970, were Maj. David D. Gaillard, Major Sibert, naval civil engineer Harry H. Rousseau, Lieut. Col. William C. Gorgas, Jackson Smith and J. C. S. Blackburn. Later changes included Lieut. Col. H. F. Hodges (1908–14) to succeed Smith, Maurice H. Thatcher (1910–13) to succeed Blackburn and Richard L. Metcalfe (1913–14) to succeed Thatcher. Gaillard died on Dec. 5, 1913, without a successor.

The building of the Panama canal, one of the greatest engineering feats in the world, was indeed a monumental and unprecedented achievement. Its subsequent success, in both peacetime and during war, entitle all who, in significant manner, participated in its planning, construction, sanitation and civil administration, to the highest honours. The canal was first opened to traffic on Aug. 15, 1914.

7. Principal Engineering and Construction Projects After 1914.—The Isthmian Canal commission, abolished on April 1, 1914, was succeeded by a highly centralized permanent operating organization authorized by the Panama Canal act of 1912, known simply as The Panama Canal. Though free, under the law, to choose the governor from any source, Pres. Woodrow Wilson, in recognition of the services of Colonel Goethals, appointed him as the first governor of The Panama Canal.

The canal was launched into its era of operations under Governor Goethals, who served until late 1916 after the early slide crises. Goethals, chose his principal engineer assistant as his successor and established a tradition of succession, by advancement, that lasted until 1952.

Madden Dam and Power Project, 1919–35.—Faced with the problems of an unusually dry season, 1919–20, requiring conservation of water for lockages and maintenance of channel depths, and later by a great flood in 1923, endangering the waterway, together with growing traffic, congress authorized the first important step toward increasing canal capacity, the Madden Dam and Power project. Completed in 1935, it provided more water for lockages, controlled floods, improved navigation and supplied additional power.

Third Locks Project, 1939–42.—The second step toward greater capacity was for a third set of locks. Because of naval needs, in the critical period preceding World War II, congress, on administrative recommendation, authorized the Third Locks project, at a cost not to exceed $277,000,000. The proposed layout contemplated a new set of larger locks, 1,200 ft. long and 140 ft. wide, with 45 ft. navigable depth, near each of the existing locks but at some distance away with the new locks joined with existing channels by means of by-pass channels. At the Atlantic end, the project duplicated existing arrangements. At the Pacific end, however, the proposed channel, in addition to duplicating its faulty layout, contained three sharp bends of 29°, 47° and 37° in succession from north to south. Work started in 1940 and was pushed vigorously until suspended by the secretary of war in May 1942 because of shortage of ships and materials more urgently needed elsewhere for war purposes. No excavation was accomplished at Pedro Miguel; that at Gatun and Miraflores was substantially completed. A total of $76,357,405 was expended.

Terminal Lake—Third Locks Plan, 1942–43.—Fortunately, suspension of work on the Third Locks project occurred while there was still time for canal officials to re-examine it in the light of needs demonstrated by war-operating experience. These studies served to emphasize that the separation of the Pacific locks and failure to provide a summit-level lake at the Pacific terminus were fundamental errors of design, with Pedro Miguel locks as the principal obstruction to optimum canal operating conditions.

Out of the studies including an evaluation of the sea-level idea, grew what proved to be the first comprehensive proposal for the economic increase of capacity and operational improvement of the Panama canal—the Terminal Lake-Third Locks plan. It proposed the physical removal of Pedro Miguel locks, consolidation of all Pacific locks near Aguadulce, elevation of the intermediate Miraflores lake water level from 54 ft. to that of Gatun lake to create a summit-level anchorage at the Pacific end of the canal to match, as far as possible, that in the Atlantic end. It would also include raising the summit level to its highest feasible height of approximately 92 ft., enlarging Gaillard cut and constructing a set of larger locks. Essentially, this was the same plan originated by De Lépinay, and later recommended by Stevens and Sibert.

Officially submitted and publicly presented in the Canal Zone, it aroused wide interest among engineers and maritime agencies, including the secretary of the navy, who, on Sept. 7, 1943, submitted it to the president. Soon after, in 1944, it was approved in principle by the governor of The Panama Canal and recommended to the secretary of war for thorough investigation, and later, in 1945 it was approved in general before the congress by a succeeding governor for the major modification of the existing waterway in preference to completing the original Third Lock project. A 1949 congressional investigation reported that it could be accomplished at comparatively low cost.

The Terminal Lake-Third Locks plan, being an enlargement of the existing facilities that does not call for additional land or waters, is covered by current canal treaties and does not require negotiation of a new one, a paramount diplomatic consideration.

Sea Level Plan, 1945–47.—The spectacular advent of the atomic bomb in 1945 injected new elements into the canal picture. At the request of Canal Zone authorities, congress enacted public law 280, 79th Congress, approved Dec. 28, 1945, authorizing the governor of The Panama Canal to make a comprehensive investigation of the means for increasing its capacity and security to meet future needs for interoceanic commerce and national defense, including consideration of canals at other locations. This was the first time the terms "security" and "national defense" had been embodied in any Panama Canal statute.

The report of the inquiry with security and national defense as paramount considerations, recommended only the sea-level plan for major canal construction, initially estimated in 1947 to cost $2,483,000,000, a figure later substantially increased. Though the report covered the Terminal Lake-Third Locks plan, which it did not recommend, it offered a relatively minor program for improvement of present installations as a preferred alternative to the major operational improvement of the existing waterway as recommended in 1943 by the secretary of the navy.

With the exception of the two canal terminals, the 1947 sea-level plan would provide a virtually new Panama canal of 60 ft. minimum depth in navigation lanes and of 600 ft. width between sloping sides at a depth of 40 ft. on a new alignment somewhat removed from the present channel. The plan also provides a tidal lock (200 ft. by 1,500 ft.) and a navigable pass at the Pacific end, many miles of flood control dams on both sides of the projected canal, diversion channels and spillways. Some of its features are not covered by current international conventions and would require a new treaty with Panama, with further concessions, attendant indemnity and increased annuity charges.

The report of the investigation failed to receive presidential approval. Transmitted to the congress on Dec. 1, 1947, without comment or recommendation, its submission, however, led to a recurrence of the 1902 and 1906 debates over route and type with almost identical arguments, but on the basis of the newer term, "security," rather than the old term, "vulnerability."

In voluminous discussions, many leading engineers, nuclear scientists and other experts challenged the assumptions on which the principal 1947 recommendations and estimates rested. The congress took no action until 1957, when an independent inquiry into the entire subject of increased facilities for interoceanic transit was authorized and a special board of consultants appointed.

Sea Level Plan, 1964–70.—Its final report of June 1960 included estimates for the Terminal Lake-Third Locks plan ($1,020,900,000) and the Sea-Level plan ($2,537,000,000) exclusive of any Panamanian indemnity. The board emphasized that the Sea-Level plan would present many constructional problems including interruption to traffic. A plan for a lake and lock canal at Nicaragua ($4,095,000,000) as an alternate route was submitted without definite recommendation. This report, otherwise inconclusive, recommended the entire canal situation be reviewed in 1970 or earlier if warranted. Congress, on administrative request, by act approved Sept. 22, 1964 (78 Stat. 990), authorized further investigations to determine the feasibility and most suitable site for a canal at sea level between the Atlantic and Pacific oceans, and subsequently fixed the reporting date as Dec. 1, 1970.

Meanwhile, the 1947 report served to focus governmental attention on administrative problems of the Panama canal.

8. Reorganization and Policy Determination. On June 30, 1948, the Panama Railroad company was reincorporated as a federal corporation and, on Feb. 28, 1949, the house of representatives authorized an investigation into the organizational and financial aspects of the Panama canal enterprise.

All recommendations growing out of this inquiry were implemented except that for transfer of responsibility for canal supervision from the secretary of the army to the secretary of commerce, which the president delayed for further study. The resulting Act of Congress, public law 841, 81st congress, approved Sept. 26, 1950 known as the Thompson act, created the Panama Canal company and the Canal Zone government. Effective July 1, 1951, the act started major administrative changes, including a break in 1952 in the traditional selection for appointment as governor. The law requires that transit tolls be established at rates to operate the canal enterprise on a self-sustaining basis, a fundamental principle in canal policy with far-reaching implications for its future.

9. Panama-U.S. Relations.—Because of the previous history of Panama as a land of endemic revolution, the framers of the 1903 treaty, in order to guarantee political stability essential for future efficient operations of the waterway, insisted on its perpetuity, sovereignty and protective clauses. Subsequent events fully substantiated the wisdom of these 1903 treaty provisions, which remain largely unchanged. The canal was no sooner opened to traffic in Aug. 1914, than the United States applied another provision of this treaty, that of obtaining additional lands. During World War I, in which Panama participated, the United States took possession of several areas of land, and in 1919 acquired a group of islands. Friction over this and other issues led to an attempt in 1926 to revise the convention of 1903, but Panama refused to sign any agreement. The attempt was renewed in Oct. 1933, when Pres. Harmodio Arias conferred in Washington with the U.S. president. Their basic agreement was refined and incorporated in four treaties, signed March 2, 1936. At the insistence of Panama, the United States was relieved of the obligation to guarantee the independence of the republic and renounced the right to acquire any additional lands and waters outside the Canal Zone. By limiting the use of the zone commissaries to persons employed on the canal and the railroad, the negotiators sought to dissipate a long-standing grievance. It was agreed that Panama was to operate port facilities at Colón and Panama City, that equal opportunities between Panamanian and American employees should be observed, and that the United States should increase the annuity from $250,000 to $430,000. Agreement was also reached on constructing a trans-isthmian highway. The weakening of the diplomatic structure was further advanced in the 1955 Eisenhower-Remón treaty, which provided for the annual U.S. payment to Panama to be increased to $1,930,000, for equal pay for equal work to Panamanians and U.S. citizens (effective 1958), for Panamanian concerns to be placed on an equal footing with U.S. companies in contract bidding, for the construction of the Thatcher Ferry bridge across the Pacific end of the canal, and for the transfer of certain real estate properties to Panama; the U.S. obtained a 15-year lease for a military base at Rio Hato. The effect of these treaties has been the withdrawal of canal activities to the limits of the Canal Zone and the curtailment of activities within the zone.

The policy of the Canal Zone authorities in the ensuing years was to improve the living conditions of the Panamanians working in the zone and to make changes in the physical features of the canal that would benefit trade in general and Panama's well-being in particular. But these changes lacked the emotional appeal that was attached to the display of the Panamanian flag.

In 1958 and in 1959 the Canal Zone was invaded by Panamanians intent on raising their flag there, and in the latter year their attempt was turned back with injuries. President Eisenhower reviewed the Panamanian claim with sympathy, and in 1960 agreed to review the raising of the Panamanian emblem at one point in the Canal Zone as evidence of titular sovereignty (never defined). From this beginning the United States made further concessions until the two flags were displayed almost equally.

A dispute over this very concession between Panamanian and U.S. students at the Balboa high school on Jan. 9, 1964, caused considerable deterioration in relations between the two countries. The subsequent mob assaults on the Canal Zone produced a number of deaths, injuries by the score, and great property damage, requiring the use of U.S. army units and a temporary replacement of civilian by military rule in the Zone. The U.S. embassy was evacuated, and many Americans left their homes for the sanctuary of the Canal Zone. Normal diplomatic relations were restored on April 3. In December U.S. Pres. Lyndon B. Johnson proposed the negotiation of three new treaties with Panama concerning the existing canal, a new canal at sea level, and U.S. bases, and both countries appointed negotiators for such purpose. Late in 1965 the presidents of the U.S. and Panama announced that they had agreed to abrogate the 1903 treaty and that the new treaty would recognize Panama's sovereignty over the Canal Zone.

In June 1967 the two presidents announced the completion of the negotiations but the treaties were not signed because of public opposition in Panama and congressional opposition in the United States. This outcome, together with growing traffic, led to strong demands in the Congress for the major operational improvement and increase of capacity of the existing canal according to the Terminal Lake-Third Locks proposal, which does not require a new treaty with Panama.

See PANAMA: *History* for further aspects of Panama-U.S. relations; *see* also references under "Panama Canal" in the Index.

BIBLIOGRAPHY.—Isthmian Canal Commission, 1899–1902, *Reports;* International Board of Consulting Engineers, 1906, *Report;* Board of Consultants, Isthmian Canal Studies, *Report on Long Range Program for . . . Panama Canal* to H. R. Committee on Merchant Marine and Fisheries dated June 1, 1960 (H. Rept. 1960, 86th Congress); Governor of The Panama Canal, *Report . . . on Means of Increasing Capacity,* March 16, 1939 (H. Doc. 210, 76th Congress); "Report on Proposals for Elimination of Pedro Miguel Locks, Panama Canal, Jan. 17, 1944," *Congressional Record,* vol. 102, pt. 8, p. 10757 (June 21, 1956); "Report on Isthmian Canal Studies under Public Law 280, 79th Congress, 1947," summarized in *Am. Soc. Civ. Engs. Trans.,* vol. 14, pp. 607–796, with discussion, pp. 797–906 (1949); Bureau of the Budget, "Panama Canal and Panama Railroad," *Report . . . on Organization and Operation,* Jan. 31, 1950 (H. Doc. 460, 81st Congress); Panama Canal Company—Canal Zone Government, *Annual Report;* U.S. Department of State, *Foreign Relations: The American Republics,* annual volumes; *Report on United States Relations with Panama,* compiled by Rosita Rieck Bennett (H. Rept. 2218, 86th Congress); Comptroller General of the United States, *Annual Reports;* Hon. Daniel J. Flood, *Isthmian Canal Policy Questions* (H. Doc. 474, 89th Congress) (1966); Hon. Thomas E. Martin, "Panama Canal: Terminal Lake Modernization Program Derived from World War II Experience," *Congressional Record,* vol. 103, pt. 12, p. 16,504 (Aug. 29, 1957); Hon. Strom Thurmond, "Hand List of Panama Canal Treaty Statements," *Congressional Record,* 90th Congress, vol. 113 (Aug. 15, 1967), and other Senate addresses, 1967–68; Hon. Clark W. Thompson, "Isthmian Canal Policy of the United States—Documentation, 1955–64," *Congressional Record,* vol. 110 (Sept. 2, 1964); Miles P. DuVal, Jr., "The Marine Operating Problems, Panama Canal, and the Solution," *Am. Soc. Civ. Engs. Trans.,* vol. 114, p. 558 (1949); "Isthmian Canal Policy—An Evaluation," U.S. Nav. Inst. Proc., vol. 81, p. 263 (March 1955); Brig. Gen. Henry L. Abbott, *Problems of the Panama Canal* (1907); Ira E. Bennett et al., *History of the Panama Canal* (Builders Ed.) (1915); Adolphe Godin De Lépinay de Brusly, "Note on the Practical Solution for Crossing the American Isthmus," Congrès International d'Etudes du Canal Interocéanique . . . du 15 au 20 mai, 1879, *Compte Rendu des Séances,* pp. 293–99 (1879); Miles P. DuVal, Jr., *Cadiz to Cathay,* 3rd ed. (1968), *And the Mountains Will Move* (1947); Almon R. Wright, "Defense Sites Negotiations Between the United States and Panama, 1936–1948," U.S. Department of State *Bulletin,* Aug. 11, 1952, p. 212; Maj. Gen. George W. Goethals et al., *The Panama Canal: an Engineering Treatise,* 2 vol. (1915); Maj. Gen. William C. Gorgas, *Sanitation in Panama* (1916); William L. Sibert and John F. Stevens, *The Construction of the Panama Canal* (1915); D. C. Miner, *The Fight for the Panama Route: the Story of the Spooner Act and the Hay-Herrán Treaty* (1940). (M. DuV.; A. R. W.)

S. 735—INTRODUCTION OF A BILL TO AMEND THE NATIONAL HOUSING ACT

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill to amend the National Housing Act to authorize the insurance of loans to defray mortgage payments on homes owned by persons who are temporarily unemployed or whose income has been drastically reduced as the result of adverse economic conditions prevailing in an industry or area.

Over the last 2 years the state of the economy has continually deteriorated. The cost of living is soaring at an unprecedented rate, and unemployment in December reached a 9-year high.

The administration's anti-inflationary policies have produced the worst of all possible economic worlds—high prices and high unemployment. There is no longer any doubt that we are in the midst of the worst recession since the Eisenhower-Nixon recession of 1958. The national unemployment rate rose from 3.9 percent in January of 1970 to 6.2 percent in December of 1970. This represents an addition of 2.2 million Americans to the ranks of the unemployed in just 1 year.

In my home State of California, the situation is much worse. The current unemployment rate for California is a staggering 7.1 percent and the rate in some California counties is even higher. For instance in San Joaquin the rate is 9.1 percent, in Ventura 7.5 percent, and in Orange 7.7 percent. In December there were 619,000 Californians who were ready and willing to work but could not find jobs. This represents almost 15 percent of the 4.6 million who were unemployed throughout the country in December.

There currently are 40 major areas of substantial or persistent unemployment in the country. There are at least 10 major areas in California—among them are Orange County, Fresno, Los Angeles, Long Beach, San Bernardino, Riverside, San Diego, and Stockton.

In California, the aerospace industry has been hardest hit by unemployment. From the period of December 1969 to December 1970 there was a drop of 82,000 in employment among aerospace workers in California. Unemployment among white-collar workers equaled unemployment among blue-collar workers in most areas. In the missiles industry unemployment among white-collar employees exceeded unemployment among blue-collar workers.

This pattern of unemployment is not limited to the aerospace industry or California. Throughout the country skilled and highly trained persons are finding themselves in the unemployment lines along with the unskilled and semiskilled. In short, unemployment has reached epidemic levels in many areas of the country. Many of those persons without jobs will be unable to find other gainful employment for sometime.

This is especially true for males over 55. A study conducted by the U.S. Arms Control and Disarmament Agency after the closing of Boeing's Dynasoar project in 1965 found that males over 55 were out of work for an average of 5 months before finding new jobs. The Dynasoar layoffs took place during a period of full employment. In a period of high unemployment such as we have today, the period between jobs would be considerably longer. Long periods of unemployment create hardships of varying degrees for the unemployed person and his or her family. I believe that there should be built-in mechanisms to insure a smooth transition between jobs for those who are displaced because of changes in the Government's monetary or budgetary policies.

One of the major problems facing the average middle income skilled or professional worker who is unemployed, is the inability to meet his mortgage payments. Although the foreclosure rate in California and some other areas of the country has not yet shown signs of drastically increasing; such an increase is inevitable unless some form of relief is provided.

In Seattle where substantial unemployment occurred 1 year earlier than in California and other areas, the foreclosure rates tell the story. In 1969 there were only 189 foreclosures on FHA guaranteed mortgages. However, for the period ending October 1970 there were 1,034 such foreclosures—almost a 10-fold increase.

Today I am introducing legislation which will hopefully prevent this situation from occurring in other areas of the country hit by high unemployment. Under this legislation the Government would insure loans made by financial institutions to homeowners who, because they are unemployed or are reemployed at substantially lower salaries, cannot meet their monthly mortgage payments.

The Government-insured loans shall be referred to as homeownership conservation loans. To be eligible for this loan an individual must show: First, that he is an owner-occupant of a single family dwelling situated in an area of persistent or substantial unemployment as determined by the Secretary of Labor; second, that the mortgage is not in a principal amout exceeding $33,000; third, that he has no other practical means of avoiding defaults in the payment of principal and or interest charges on the mortgage covering his home; fourth, that he is unemployed or has been forced to take temporary employment at a salary which does not exceed 50 percent of his former salary. However, no individual can qualify for the loan made available under this legislation if the salary received from his temporary employment exceeds $10,000 a year.

The loan shall not exceed an amount equal to one year's mortgage payments and shall have a maturity not exceeding 5 years. The money for carrying out this proposal shall be borrowed from the general insurance fund established pursuant to section 519 of the National Housing Act. The Secretary of Housing and Urban Development shall have the authority to administer this act.

I realize that this measure will relieve only some of the hardships faced by unemployed persons in California and throughout the country. However, I believe that it is a good first step toward providing the type of built-in mechanisms which are essential to protect the lives of our fellow Americans in times of economic distress.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 735) to amend the National Housing Act to authorize the insurance of loans to defray mortgage payments on homes owned by persons who are temporarily unemployed or whose income has been drastically reduced as the result of adverse economic conditions prevailing in an industry or area. introduced by Mr. CRANSTON, was received, read twice by its title, referred to the Committee on Banking, Housing and Urban Affairs, and ordered to be printed in the RECORD, as follows:

S. 735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the National Housing Act is amended by adding at the end thereof a new section as follows:

"HOMEOWNERSHIP CONSERVATION LOAN INSURANCE

"SEC. 243. (a) The assistance provided in this section is designed to prevent widespread mortgage defaults and the distress-sale of homes by persons whose employment has been terminated or whose income has been drastically reduced as the result of adverse economic conditions prevailing in an industry or area and who require a reasonable period of time to make the necessary adjustments.

"(b) (1) The Secretary is authorized upon such terms and conditions as he may prescribe to make commitments to insure and to insure home ownership conservation loans made by financial institutions to distressed homeowners.

"(2) As used in this section—

"(A) The term 'homeownership conservation loan' means a loan, advance of credit, or purchase of an obligation representing a loan or advance of credit to a distressed homeowner to enable him to make payments on a mortgage covering a dwelling in which the homeowner resides.

"(B) The term 'distressed homeowner' means an individual—

"(i) who is an owner-occupant of a dwelling situated in an area of substantial unemployment (as determined by the Secretary of Labor) and upon which there is a mortgage in a principal amount not exceeding the maximum amount insurable under this Act for a comparable dwelling similarly situated; and

"(ii) whose employment has been terminated as the result of adverse economic conditions prevailing in an industry or area and who, at the time a homeownership conservation loan is made to him, is unemployed or has been forced to take other employment at a salary which does not exceed 50 per centum of his former salary or $10,000, whichever is the lesser.

"(C) The term 'financial institution' means a lender approved by the Secretary as eligible for insurance under section 2 or a mortgagee approved under section 203(b)(1).

"(c) To be eligible for insurance under this section, a homeownership conservation loan shall—

"(1) not exceed an amount equal to twelve times the amount which the borrower is required to pay monthly on a mortgage covering a dwelling in which he resides;

"(2) bear interest at not to exceed a rate prescribed by the Secretary;

"(3) have a maturity satisfactory to the Secretary, but not to exceed five years from the beginning of the amortization of the loan; and

"(4) comply with such others terms, conditions, and restrictions as the Secretary may prescribe.

In prescribing terms, conditions, and restrictions applicable to loans insured under this section, the Secretary shall limit the benefits of this section to distressed homeowners who, except for the assistance provided by this section, have no other practicable means of avoiding defaults in the payment of interest and/or principal charges on mortgages covering the dwellings of such homeowners.

"(d) The provisions of paragraphs (5), (6), and (7) of section 220(h) shall be applicable to loans insured under this section, except that all references to 'home improvement loans' and to the 'General Insurance Fund' shall be construed to refer to 'homeownership conservation loans' and to the 'Homeownership Conservation Loan Insurance Fund', respectively.

"(e) The provisions of subsections (c), (d), and (h) of section 2 shall apply to homeownership conservation loans insured under this section, and for the purposes of this section references in such subsections to 'this section' or 'this title' shall be construed to refer to this section.

"(f) Notwithstanding any other provision of this Act, the Secretary is authorized (1) to make expenditures to preserve and protect his interest in any security for, or the lien or priority of the lien securing, any loan or other indebtedness owing to, insured by, or acquired by the Secretary or by the United

States under this section; and (2) to bid for and to purchase at any foreclosure or other sale or otherwise acquire property pledged, mortgaged, conveyed, attached, or levied upon to secure the payment of any loan or other indebtedness owing to or acquired by the Secretary or by the United States under this section. The authority conferred by this paragraph may be exercised as provided in the last sentence of section 204 (g).

"(g) There is created a Homeownership Conservation Loan Insurance Fund (hereinafter referred to as the 'fund') which shall be used by the Secretary as a revolving fund for carrying out the loan insurance obligations arising under this section. The Secretary is authorized to advance to the fund, at such times and in such amounts as he determines to be necessary a total sum of $25,000,000 from the General Insurance Fund established pursuant to section 519. Such advance shall be repayable at such times and at such rates of interest as the Secretary deems appropriate. Premium charges, inspection and other fees, service charges, and any other income received by the Secretary under this section, together with all earnings on the assets of the fund, shall be credited to the fund. All payments made pursuant to claims of lenders with respect to loans insured under this section, cash adjustments, the principal of and interest paid on debentures which are the obligation of the fund, expenses incurred in connection with or as a consequence of the acquisition and disposal of property acquired under this section, and all administrative expenses in connection with the loan insurance operations under this section shall be paid out of the fund. There is authorized to be appropriated such sums as may be needed from time to time to cover losses sustained by the fund in carrying out the loan insurance obligations arising under this section. Moneys in the fund not needed for current operations of the fund shall be deposited with the Treasurer of the United States to the credit of the fund or invested in bonds or other obligations of, or in bonds or other obligations guaranteed by, the United States. The Secretary, with the approval of the Secretary of the Treasury, may purchase in the open market debentures which are the obligation of the fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtained from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued."

S. 736—INTRODUCTION OF THE CHANNEL ISLANDS NATIONAL PARK FEASIBILITY STUDY BILL

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill to authorize a feasibility study of a Channel Islands National Park off the coast of California. This bill is identical to S. 4183, which I introduced on August 4, 1970, during the 91st Congress.

A companion bill to authorize the establishment of a Channel Islands National Park was introduced yesterday by my distinguished colleague from California, Senator Tunney, who is also cosponsoring this measure.

Proposals in Congress to include California's Channel Islands in our national park system go back for at least a decade. Two of the islands, Anacapa and Santa Barbara, are at present administered by the National Park Service as Channel Islands National Monument. A third island, San Miguel, is federally owned and administered by the Navy.

The two largest islands, Santa Cruz and Santa Rosa, are privately owned and consist mainly of large ranches. These two islands are the problem my legislation addresses.

If there were any guarantee that Santa Rosa and Santa Cruz will be maintained in their present state indefinitely, I suspect there would be little impetus for Federal acquisition. But in a State like California, which is in the middle of a veritable revolution in land use patterns, no knowledgeable person can be complacent about the status quo, particularly on the California coastline. The hairbreadth rescue of Point Reyes National Seashore is a clear warning that today's cattle ranch is tomorrow's subdivision.

Therefore, I believe that we must plan now if we are to preserve these islands for their recreational, scenic, and scientific values.

The major proposal to maintain the islands for public use has been the national park legislation.

There have been various criticisms of and objections to the national park idea, including the argument by some conservationists that the islands should be kept as primitive as possible and not developed for public recreation under National Park Service administration. Furthermore, there is no up-to-date appraisal of the two big islands and, hence, no accurate estimate of what would be the cost of the acquisition.

At the time of the Park Service's earlier feasibility study, there was a July 10, 1967, appraisal of the two islands at $27,144,000. However, the appraisal was made without the appraiser's setting foot on the two islands according to the chief appraiser of the National Park Service. While it is possible to make an appraisal without a physical inspection of the subject property, such an inspection adds substantially to the appraiser's insight and understanding and is always desirable.

Congressional authorization of the feasibility study of the park proposal would establish the urgency of making a decision about the Channel Islands—whatever that decision is to be. Without this sense of urgency, I fear that Santa Rosa and Santa Cruz will drift into commercial and residential development which could be even less appropriate according to the criteria used by the critics of the park proposal. If the tricky currents and sudden fogs in the Santa Barbara Channel lead us to discard the Channel Islands National Park proposal as too unsafe because of the risk involved in transporting numbers of people to the islands, imagine the irony of subdivisions thereafter appearing on Santa Cruz and Santa Rosa Islands.

In addition, the feasibility study would require a new appraisal of the islands. Congress clearly needs to know what the two privately owned islands will cost before it can balance the merits of a national park at the Channel Islands against the other priorities for land acquisition. Congressional authorization of the appraisal should expedite the on-site inspection of the two islands.

Until we know whether the Channel Islands National Park proposal is feasible, public planning for the islands' future will continue to languish.

To lose the potential value of the Channel Islands through lassitude and indecision would be a major environmental tragedy. I hope Congress can move quickly on this proposal.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Gambrell). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 736) to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California, introduced by Mr. Cranston (for himself and Mr. Tunney), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 736

To authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as the "Secretary") is hereby authorized and directed to study, investigate, appraise, and form recommendations on the feasibility and desirability of establishing the Channel Islands in California as a unit of the national park system. The study shall include those lands comprising the islands of Anacapa, Santa Barbara, San Miguel, Santa Cruz, and Santa Rosa, and surrounding adjacent water areas. In conducting the study, the Secretary shall consult with other interested Federal agencies, and interested State and local bodies and officials.

Sec. 2. Not later than one year after the effective date of this Act, the Secretary shall submit to the President and to the Congress a report of the results of the study, including any recommendations for legislation. The report of the Secretary shall contain, but not be limited to, findings with respect to the scenic, scientific, and natural values of the lands and waters involved, and the estimated cost of any recommended land acquisition, development, and operation of the Channel Islands as a unit of the national park system.

Sec. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 737—INTRODUCTION OF A BILL TO ESTABLISH THE EUGENE O'NEILL NATIONAL HISTORIC SITE, FEBRUARY 10, 1971

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill to establish the Eugene O'Neill National Historic Site and the Las Trampas Ridge National Park. I first introduced this bill as S. 3667 on April 2, 1970.

Tao House in Danville, Calif., was the residence of Eugene O'Neill from 1937 to early 1944. It was at Tao House that O'Neill wrote all of his last and probably best plays including "The Iceman Cometh" 1939, "Long Day's Journey Into Night" 1940, "Hughie" 1941, and his final play, "Moon for the Misbegotten" 1943.

While at Tao House, he also wrote scenarios for a number of plays and revised "A Touch of Poet."

O'Neill lived at Tao House for more than 6 years—longer than he lived anywhere else. He called Tao House his "final home and harbor." With his wife, Charlotte Monterey, O'Neill designed the house. It was built with the cash award of $40,000 which O'Neill received when he won the Nobel Prize for literature in 1936. The house contains 22 rooms and the estate covers 158 acres. The O'Neills called the residence "Tao House" after the Chinese philosophy, Taoism, which stresses the natural life of harmony, simplicity, and peace. Not only in its name does the Tao House invoke a kind of Oriental magic. The architecture also reveals a strong Chinese influence.

In addition, the house emphasized the Taoist sense of inwardness, which O'Neill felt himself. Although the house faced east across the valley toward Mount Diablo, its hall was so designed that the mountain could only be seen reflected in darkened mirrors. In this setting, O'Neill turned inward to interpret the tragedies of his own early life and create his own tragic drama, "Long Day's Journey Into Night."

There is always some danger in proclaiming an artist's greatness too soon after his death. The ages have a way of discovering the genius overlooked by his peers and, conversely, of deflating the overblown excesses of a period's adulation for its passing heroes.

But regardless of where time eventually ranks Eugene O'Neill in the hierarchy of American literary giants, there is no question that he is a solid literary figure of great creativity and that his works will remain an important study in the field of American letters.

Tao House is a significant element in the American literary heritage of the 20th century. I believe we have a responsibility to preserve it for future generations. Therefore, I am proposing that there be established a Eugene O'Neill National Historic Site.

There is another aspect of the O'Neill estate which argues that we should legislate its preservation. The house sits high on the eastern slope of Las Trampas Ridge. Behind the house and over the ridge into the watershed of Bollinger Canyon, there lies a primitive area of several thousand acres which, I believe, should be maintained as open space both for conservation and for recreational purposes. Here within 15 miles of the urban core of Oakland and Alameda can be found open hills of oak and mountain laurel.

Unless this area is set aside for the benefits of the general public, its attractiveness as a site for California's ubiquitous subdivisions will soon lead to its residential development. Therefore I propose that the Secretary of the Interior be instructed to establish a Las Trampas Ridge National Park, which will include the Eugene O'Neill National Historic Site.

Yesterday in his message to Congress on the environment, President Nixon called for the creation of "a new and greatly expanded open space and recreation program, bringing parks to the people in urban areas." Las Trampas' close proximity to the large urban population of the San Francisco Bay area makes it an ideal candidate for this program. I believe there would be no better way to begin the President's "Legacy of Parks" program than to create Las Trampas National Park and provide a new open space, recreational area so close to the East Bay cities.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Gambrell). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 737) to provide for the establishment of the Eugene O'Neill National Historic Site and the Las Trampas Ridge National Park, introduced by Mr. Cranston (for himself and Mr. Tunney), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall acquire on behalf of the United States (by gift, purchase, condemnation, or otherwise) (1) the grounds and buildings at Danville, California, formerly owned by Eugene O'Neill, which, when acquired, shall be designated as the Eugene O'Neill National Historic Site and set aside as a national public memorial in commemoration of the contribution of Eugene O'Neill to American literature; and (2) such acreage on the Las Trampas Ridge (which runs north and south, roughly from Alamo to Danville, California, and is bounded on the west and north by Bollinger Canyon and Rossmoor Valley) as he determines necessary to establish the Las Trampas Ridge National Park, and, when so acquired, such property shall be designated as the Las Trampas Ridge National Park.

Sec. 2. The Secretary of the Interior, acting through the National Park Service, shall administer, protect, develop, and maintain the Eugene O'Neill National Historic Site and the Las Trampas Ridge National Park in accordance with this Act and the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1), and in the case of the Eugene O'Neill National Historic Site, the provisions of the Act entitled "An Act to provide for the preservation of historic American sites, buildings, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461–467).

S. 738—INTRODUCTION OF A BILL TO AMEND THE IMMIGRATION AND NATIONALITY ACT

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill which would amend the Immigration and Naturalization Act to give to the Attorney General the discretion to determine the admissibility or deportability of aliens who have been convicted for illegally possessing marihuana.

As the law stands today, no such discretion is vested in the Attorney General. Under section 212 (a) (23) of the Immigration and Naturalization Act, he must deny admission to an alien who has been convicted of a violation of, or a conspiracy to violate, any law or regulation relating to the illicit possession of or traffic in marihuana. Under section 241 (a) (11), he must deport an alient who at any time has been convicted of a violation of, or a conspiracy to violate, any law or regulation relating to the illicit possession of or traffic in marihuana.

The present law is cruelly insensitive and inflexible. The failure to give to the Attorney General discretion in determining the admissibility or deportability of aliens convicted for illegal possession of marihuana can at times result in the unjust treatment of certain aliens and can work severe hardships on their families.

Recently, I was contacted by two California residents, one a friend, the other a relative of a 22-year-old Canadian national who was deported from the United States following a conviction for illegally possessing marihuana. At the time of his arrest in Nevada, he was 18 years old. At that time, he had lived in this country with his parents for more than 6 years and was attending a college in California.

After his conviction and sentence, he was deported to Canada where he married an American citizen and took a job.

He sought to return to the United States to continue his education and reunite with his family. However, he was barred by the Immigration and Naturalization Act from returning as an immigrant. He was eventually admitted for the sole purpose of continuing his education, but he must return to Canada upon finishing his studies.

The young man in question had been sentenced to 4 months in jail. It was his first offense and one which he says he deeply regrets. In ordering his deportation, the Attorney General had no choice. He was precluded by law from considering any mitigating factors, such as the young man's prior criminal record—if any—his family connections in the United States, the relative leniency of his sentence, the nature of the offense he committed, or even the changing public attitudes toward the illegal possession of marihuana. And in denying him admission, the Attorney General was likewise precluded by law from taking into consideration the young man's post-conviction record, his reasons for seeking admission, or even the fact that under our Federal laws illegal possession of marihuana has been reduced from a felony to a misdemeanor for first offenders.

Mr. President, I do not know whether or not this young man should be entitled to renew his immigrant status. But I do believe that he and others similarly situated should be entitled to an opportunity to demonstrate their admissibility or nondeportability.

My amendment would cure the insensitivity and inflexibility embodied in the Immigration and Naturalization Act by giving the Attorney General the discretion to determine, after a hearing and under such terms and procedures as he prescribes, whether an alien, otherwise, admissible, should be admitted after conviction for the illegal possession of marihuana. It would also give him the discretion to determine, after a similar hearing, whether an alien who has been admitted should be deported on account of a conviction for the illegal possession of marihuana.

The amendment would leave untouched those sanctions imposed for trafficking in marihuana or for engaging in activities which violate laws or regulations governing other more dangerous substances, such as opium or heroin. But with respect to an admittedly lesser offense—the illicit possession of marihuana—giving the Attorney General some discretion in the matter would vindicate the cherished principle of affording a penitent offender an opportunity to prove that he should be given another chance.

Our religious and moral beliefs call for tempering punishment with mercy, with a chance for a transgressor to change his ways and to seek forgiveness. Arbitrary laws that provide no leeway for compassion and forgiveness run counter to all our democratic traditions.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Gambrell). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 738) to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation, introduced by Mr. Cranston, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 212(a)(23) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(23)) is amended by inserting before the semicolon at the end thereof a comma and the following: "except that in the case of any alien (A) to whom the provisions of this paragraph apply by reason of his conviction for the possession of marihuana, and (B) who is otherwise admissible into the United States, the Attorney General, after a hearing and under such terms, conditions, and procedures as he prescribes, may receive such alien's application for a visa and consent to his admission into the United States".

(b) Section 241(b) of such Act (8 U.S.C. 1251(b)) is amended to read as follows:

"(b)(1) The provisions of subsection (a)(4) of this section, relating to the deportation of an alien convicted of a crime or crimes, shall not apply (A) in the case of any alien who has, subsequent to such conviction, been granted a full and unconditional pardon by the President of the United States or by the Governor of any of the several States, or (B) if the court sentencing such alien for such crimes shall make, at the time of first imposing judgment or passing sentence or within thirty days thereafter, a recommendation to the Attorney General that such alien not be deported, due notice having been given prior to making such recommendation to representatives of the interested State, the Service, and prosecution authorities, who shall be granted an opportunity to make representations in the matter.

"(2) The Attorney General, after a hearing and under such terms, conditions, and procedures as he may prescribe, may waive deportation of any alien under the provisions of subsection (a)(11) of this section in the case of any such alien to whom such provisions apply by reason of his conviction for the possession of marihuana."

S. 739—INTRODUCTION OF THE VETERANS' ADMINISTRATION HOSPITAL EARTHQUAKE RESISTANCE ACT OF 1971

Mr. CRANSTON. Mr. President, I introduce today for appropriate reference, the Veterans' Administration Hospital Earthquake Resistance Act of 1971. This action is prompted by the great catastrophe which has struck two VA hospitals in my State—the San Fernando and Sepulveda VA Hospitals. I know that all my colleagues are aware of the collapse yesterday of two buildings at the San Fernando VA Hospital resulting by now in the death or critical injury of more than 50 patients and employees trapped in the collapsed buildings.

My review of the statutory requirements applicable to VA hospitals' structure and safety reveals that although VA hospitals and domiciliaries are required to be of fireproof construction, and buildings purchased are required to be remodeled to be fireproof, there is no statutory requirement with respect to conformity to State and local laws and regulations regarding earthquake resistant construction and remodeling. The bill I am introducing today would establish such an earthquake resistant construction and remodeling requirement for all VA hospitals and domiciliaries and would also require that VA hospital and domiciliary facilities satisfy the applicable State and local laws and regulations pertaining to fireproofing and earthquake resistance. This latter requirement would, of course, not in any way limit the authority of the Administrator of Veterans' Affairs to establish higher safety specifications than those required in particular instances by State and local law and regulation.

The least we can do is learn by such enormous tragedies as the southern California earthquake of February 9. I have no way of knowing whether or not the deaths and mutilations at San Fernando could have been prevented had the San Fernando buildings which collapsed and which were constructed in 1925 been remodeled so as to meet California earthquake resistant building requirements. However, the best information available to me at this time indicates that these facilities had not been remodeled so as to meet earthquake resistance standards established after their construction. And I believe we must take all reasonable measures to prevent a recurrence of yesterday's catastrophe. If San Fernando had indeed been brought into conformity with California State earthquake resistance requirements, we would not have this awful question to ask today—whether it might have made a difference if it had been done.

I plan to visit the San Fernando site and those hospitals to which the victims have been evacuated—Sepulveda and Wadsworth VA hospitals—to observe firsthand the extent of the destruction of lives and property which has occurred. I have also been advised that the last official VA safety and fire inspection at the San Fernando facility was conducted on January 30, 1968, and that the last general purpose engineering inspection was conducted in September 1967. I have requested copies of both of those inspection reports. Along with a review of these reports will begin tomorrow an inquiry into the safety and structure of the VA hospitals affected by the southern California earthquake. I will personally inspect the hospitals affected and talk with persons, patients, and officials involved.

I have been in close contact with Veterans' Administration officials ever since learning of this great tragedy and immediately sent to the scene a member of my Los Angeles field office to observe the search and evacuation procedures. He has reported to me that the Veterans' Administration has reacted magnificently in this great emergency, as has the medical community of the Los Angeles area, and that countless individuals in the VA and the general community have responded in the finest traditions of our country. I hope to work closely with the Veterans' Administration to perfect this legislation, and also hope that the Veterans' Affairs Committee, of which I am a member, will act quickly to approve and send to the Senate this urgently needed amendment to the laws governing VA hospital safety and construction.

In closing, I want to express my great admiration and respect for the enormous dedication, compassion, and effectiveness of the work being carried out to ease the suffering of the earthquake victims and their families by all the Veterans' Administration employees, State, and local officials and many volunteers, under the leadership of the southern California VA medical director, Dr. Roderick St. Pierre; the San Fernando VA Hospital director and chief of staff, Dr. David Salkin; and the Sepulveda VA Hospital director, Dr. Charles Modica.

The PRESIDING OFFICER (Mr. Gambrell). The bill will be received and appropriately referred.

The bill (S. 739) to amend title 38 of the United States Code to require that all Veterans' Administration hospital and domiciliary facilities be of earthquake-resisting construction, introduced by Mr. Cranston, was received, read twice by its title, and referred to the Committee on Veterans' Affairs.

S. 742—INTRODUCTION OF THE RURAL COMMUNITY DEVELOPMENT BANK ACT

Mr. PEARSON. Mr. President, I introduce today a bill to create a rural community development bank to assist in rural community development by making financial and technical assistance available for the establishment or expansion of commercial, industrial, and related private and public facilities and service.

I am pleased that the following Senators have joined in cosponsoring this legislation. Mr. Allott of Colorado, Mr. Bayh of Indiana, Mr. Bentsen of Texas, Mr. Burdick of North Dakota, Mr.

Church of Idaho, Mr. Cooper of Kentucky, Mr. Dole of Kansas, Mr. Hart of Michigan, Mr. Hollings of South Carolina, Mr. Hruska of Nebraska, Mr. McGovern of South Dakota, Mr. McIntyre of New Hampshire, Mr. Mansfield of Montana, Mr. Montoya of New Mexico, Mr. Nelson of Wisconsin, Mr. Packwood of Oregon, Mr. Percy of Illinois, Mr. Prouty of Vermont, Mr. Stevens of Alaska, Mr. Symington of Missouri, Mr. Thurmond of South Carolina, and Mr. Young of South Dakota.

Mr. President, preliminary census reports indicate that one-half of our counties lost population between 1960 and 1970. In Kansas, over 75 percent of our counties registered population losses. The same trend was apparent in other Midwestern and Great Plains States. A majority of rural counties in most other regions also lost population. On the other hand, enormous gains continued to occur in the metropolitan areas. Thus, for example, the 1970 census shows that 36.2 million people, or 18 percent of our entire population, now reside in the 450-mile strip between Boston and Washington, D.C. If present trends continue, about 70 percent of our population will be located in but four such giant megalopolitan strips by the year 2000.

This growing imbalance generates numerous economic inefficiencies at both ends of the population scale. This imbalance also carries with it a number of social liabilities. Thus, it has become increasingly apparent that our national goals would be better served by efforts to alter these trends in order to achieve a more reasonable population balance. Excessive depopulation of certain areas and overcrowding of others reduces the overall quality of American life.

Therefore, efforts to stimulate the economic development of our smaller communities, thus slowing the migration to the overburdened metropolitan areas, is highly desirable.

The desired development of our smaller communities will not be easily or quickly accomplished and the required action programs will be numerous and varied. Congress has already taken some small but positive steps. And several major proposals have been introduced in the current Congress.

Mr. President, the legislation I introduced today deals with one of the basic needs of the rural development effort, namely, credit. The proper economic development of rural communities will require large and reliable sources of capital and this need cannot be met by traditional Government programs or by commercial lending institutions.

The legislation I propose is designed to channel private capital into the rural community development effort through the mechanism of a specially designed Government corporation.

The Rural Community Development Bank would offer credit and also technical assistance to both individuals and public bodies for the development of projects which would serve to strengthen and expand the economic base of rural communities.

Mr. President, the Rural Community Development Bank will be a self-financing corporation. The bill provides for a capital stock subscription of $1 billion to be provided by the Federal Government. The initial Government subscription would be only 20 percent of this amount—or $200,000,000. As the business at the bank developed, it could expand its capital stock by yearly increments of no more than $200,000,000. This seed money, paid in by the Federal Government,would be financed through the sale of U.S. Treasury obligations in the private market. Therefore, this $1 billion capitalization by the Federal Government would not actually result in a direct appropriation of tax revenues from the Treasury.

With this capital stock, the bank could then sell bonds and debentures in the private market to raise the funds which it could use to make loans. It would charge interest rates on its loans sufficient to cover all operating costs. Therefore, the bank would be completely self-financing.

The bank would be governed by a 13-member Board, appointed by the President. Seven members of the Board would be Government officials, including Federal, State, and local government. The remaining six members would be appointed from the private sector, including representatives from finance, industry, labor, and the general public.

The bill would also establish a 20-member Advisory Committee which would be broadly representative of industry, finance, commerce, community development organizations, and appropriate State and local and Federal Government officials.

Mr. President, the Rural Community Development Bank would be authorized to make loans to job-creating enterprises which would serve to expand and improve the community's economic base.

The bank would also be authorized to make loans to public and quasi-public bodies for the development of industrial sites and for the expansion and improvement of industrial sites and for the expansion and improvement of those public facilities and services necessary to support a community's overall development effort.

Under the provisions of this bill, the bank could make housing loans if it were determined that the housing was an integral and essential part of the community's development program.

Loans for recreational and cultural facilities would also be authorized. But, as in all bank-backed activities, it would have to be determined that the project would contribute to the overall improvement of the community.

No project would qualify for assistance from the bank if it were found to be inconsistent with State and local planning objectives or existing Federal community development programs. Also the bank will not finance enterprises relocating from one area to another if this results in an increase in unemployment in the area of original location.

Mr. President, an important feature of the bill is the provision which authorizes the bank to provide technical advisory assistance to both private individuals and public bodies. Indeed, the offering of planning assistance to small communities might eventually become as important as the bank's credit services.

Small communities lack the expertise for conceiving, planning, and carrying out an effective developmental program. An institution such as the Rural Community Development Bank would be able to provide advisory assistance to these small communities and should help fill a great void that now exists. The bank would be authorized to charge appropriate fees for this technical assistance.

Mr. President, the Rural Community Development Bank would be authorized to make loans and offer assistance to communities in counties outside the standard metropolitan statistical areas and where at least 15 percent of the families in that county had poverty level incomes.

The Board would also be authorized to exclude those areas which although not at the moment a part of a standard metropolitan statistical area would likely qualify for such a classification in the foreseeable future. In other words, the Bank would not participate in community development projects which the Board determined would likely lead to further metropolitan sprawl. The general objectives of this legislation would be violated if the activities of the Bank were to contribute to "filling up the space," so to speak, between existing metropolitan complexes.

The bank would be required to maintain effective liaison with other Government agencies to assure that it does not duplicate or compete with other programs.

Mr. President, the creation of the Rural Community Development Bank would open up a major new source of capital to help finance the economic development of our rural communities. The Bank would also become an extremely valuable source of expertise in community development. This would be of particular value to private entrepreneurs and small communities. Moreover, the experience of and knowledge gained from the Bank's activities would eventually make a valuable contribution to national planning efforts for rural development and population growth policies.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

The PRESIDING OFFICER (Mr. Gambrell). The bill will be received and appropriately referred; and, without objection the bill will be printed in the Record.

The bill (S. 742) to create a rural community development bank to assist in rural community development by making financial, technical, and other assistance available for the establishment or expansion of commercial, industrial, and related private and public facilities and services, and for other purposes, introduced by Mr. Pearson (for himself and other Senators), was received, read twice by its title and referred to the Committe on Banking, Housing and Urban Affairs.

S. 742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Community Development Bank Act of 1971".

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that there is an urgent need for the development and redevelopment of many rural communities of the Nation, that the development of the economy of such communities is essential to maintenance of a stable and consistent economic level of the Nation, that such development would aid in reducing the necessity of migration to metropolitan areas and in achieving a broader geographical distribution of the Nation's growing population, that such development can be aided by the establishment or expansion of commercial or industrial enterprises, and public and related private services and facilities, that the financing a broader geographical distribution of financing presently available, is needed for such community development, and that the capital needs for investment in rural development are too great in total and too large in individual amounts to be met in full by existing institutions.

It is the purpose of this Act to accelerate rural development in the Nation by—

(1) assisting in the economic development of rural communities which can provide additional economic opportunities and aid in the reduction of outmigration, by providing financial assistance for the establishment and improvement of commercial and industrial facilities, supporting public and private development facilities in or accessible to such communities, and housing necessarily related to the undertakings financed under this Act;

(2) stimulating private investment in such facilities;

(3) seeking to bring together investment opportunities, public and private capital, and capable management;

(4) providing technical and other supportive assistance to aid in such economic development; and

(5) seeking to achieve these purposes primarily by the application of the financial, management, and technical assistance resources of the private sector

DEFINITIONS

SEC. 101. As used in this Act—

(1) The term "commercial and industrial facility" means a fixed place of business, in or from which a manufacturing, processing, assembling, sales, distribution, storage, service, or construction business is carried on, including but not limited to—

(A) an office building or place of management,

(B) a factory, plant, laboratory, service center, or other workshop,

(C) a store or sales outlet,

(D) a storage, transportation, or shipping facility, and

(E) any combination thereof.

(2) The term "supporting private and public development facility" means an element of infrastructure, including recreational and cultural facilities, typically developed and owned by a public agency or private utility, or other service or facility made available to the public which is necessary to support economic development activities under this Act.

(3) The term "housing necessarily related" means housing of all types in or near a community which will provide living quarters for the personnel of any new or expanded industry when the governing body of the political subdivision in which development assisted under this Act will be undertaken, certifies that there exists a need for additional housing in or near the development.

(4) The term "rural communities" means any community, whether or not incorporated, in the United States and the Commonwealth of Puerto Rico (including such areas in Indian reservations and native communities as are approved by the bank after consultation with the Secretary of the Interior) which is in a county in which at least 15 per centum of the population had an estimated annual per family income below the poverty level as determined by the bank after consultation with the Director of the Office of Economic Opportunity, but shall not include (i) any area within the boundaries of any standard metropolitan statistical area, as defined from time to time, (ii) any area included in a metropolitan planning district or metropolitan development district, or (iii) any other area including towns and cities in an otherwise rural county which the bank determines, in accordance with criteria developed by the Board, including growth pattern and economic potential, should be developed as a part of a metropolitan complex, or is a city which has available adequate resources and available financial support and other assistance for its development or redevelopment without assistance under this Act.

CREATION OF RURAL COMMUNITY DEVELOPMENT BANK

SEC. 201. There is hereby created a corporation to be known as the "Rural Community Development Bank" (hereinafter referred to as the "bank") which shall be an instrumentality of the United States Government. The bank shall be subject to the provisions of this Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

DIRECTORS AND OFFICERS

SEC. 202. (a) The bank shall have a Board of Directors consisting of thirteen individuals who are citizens of the United States of whom one shall be elected annually by the Board to serve as chairman. Members of the Board shall be selected as follows:

(1) The President of the United States shall appoint seven members of the Board who shall be officials or employees of government, including Federal, State, and local government. The terms of directors so appointed shall be for four years, except that (A) the terms of such directors first taking office shall expire as designated by the President at the time of appointment, three at the end of two years, and three at the end of four years after such date; and (B) any director so appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. At the discretion of the President, any individual who ceases to be an official or employee of government during his term as director may, notwithstanding that fact, complete his term.

(2) The President of the United States shall appoint the remaining six members of the Board from among representatives of the private sector. Of the six persons so appointed, three shall be from among representatives of business and finance, one from among representatives of organized labor, one from among representatives of community development organizations and one from among representatives of the general public. The terms of directors so appointed shall be for four years, except that (A) the terms of such directors first taking office shall expire as designated by the President at the time of appointment, one-half of the members at the end of two years, and one-half at the end of four years after such date; and (B) any director so appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term and shall be chosen from among representativs of the same category as his predecessor.

(b) The President, by and with the advice and consent of the Senate, shall appoint a president of the bank. The president of the bank shall be the chief administrative officer of the bank and shall perform all functions and duties of the bank, in accordance with the general policies established by, and subject to the general supervision of, the Board, and shall engage such other officers and employees as the bank deems necessary to carry out its functions. The appointment of the president and not more than two assistant presidents may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and they may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The president of the bank shall be an ex officio member of the Board of Directors and may participate in meetings of the Board, except that he shall have no vote except in case of an equal division. No individual other than a citizen of the United States may be an officer of the bank. No officer or employee of the bank other than members of the Board and Advisory Committee shall receive any salary, other than a pension, from any source other than the bank during the period of his employment by the bank.

(c) Members of the Board and of the Advisory Committee may receive the sum of $100 for each day or part thereof spent in the performance of their official duties, which compensation, however, shall not be paid for more than seventy-five days (or parts of days) in any calendar year and shall not be paid to any Board member if he is a full-time officer or employee of the United States, or such payment is otherwise prohibited by law. In addition, such members shall be reimbursed for necessary travel, subsistence, and other expenses incurred in the discharge of their official duties without regard to the laws with respect to allowances which may be made on account of travel and subsistence expenses of officers and employed personnel of the United States.

ADVISORY COMMITTEE

SEC. 203. (a) There shall be an advisory committee of not more than twenty persons, selected by the Board of Directors on the recommendation of the president of the bank, which shall be broadly representative of industry, commerce, finance, labor, community development and antipoverty organizations, the Congress, and government at all levels. The committee shall meet annually and at such other occasions at the call of the president of the bank, and shall advise the bank or general policy and on such other matters as the bank may direct. Members of the committee shall serve for such terms as the Board of Directors may from time to time determine and they shall be paid their reasonable expenses incurred on behalf of the bank.

(b) Any official or employee of the United States Government may accept appointment and serve on advisory committees established pursuant to this section, any other provision of law notwithstanding.

CAPITALIZATION OF BANK

SEC. 204. (a) Subject to the provisions of this section, the bank is authorized to issue from time to time and to have outstanding class A capital stock of an aggregate purchase price not to exceed $1,000,000,000. Shares of such stock shall be nonvoting and without par value.

(b) The Secretary of the Treasury is authorized to and shall subscribe for and acquire on behalf of the United States, upon request of the Board of Directors, the full amount of the stock of the bank of an aggregate purchase price of $1,000,000,000. The subscription of the United States shall be paid as follows:

(1) Not more than 20 per centum shall be paid at the time the bank is organized, as authorized by appropriation Act, and shall be available as needed by the bank for its operations.

(2) The remaining 80 per centum shall be paid on call by the bank only when required to carry out the provisions of this Act, except that not more than 20 per centum of such amount may be called in fiscal year, as authorized by appropriation Act.

The Secretary of the Treasury is authorized and directed to pay the subscription of the United States to stock of the bank from time to time when payments are required to be made to the bank. For the purpose of making these payments, the Secretary of the Treasury is authorized to use as a public-debt transaction $1,000,000,000 of the proceeds of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes of which securities may be issued under that Act are extended to include such purpose. Payment under this paragraph of the subscription of the United States to the bank and repayments thereof shall be treated as public-debt transactions of the United States.

(b) Stock and other securities issued by the bank pursuant to this section and section 206(b) shall be exempt securities under section 3 of the Securities Act of 1933 (15 U.S.C. 77c).

(c) As an addition to the capital and surplus structure of the bank, there shall be issued to each contributor to the guaranty fund hereinafter provided for, a certificate identifying his or its interest therein, such certificates may as determined by the Board be redeemable in class B stock of the bank when the issuance of such class B stock is authorized by the Congress.

OPERATIONS AND POWERS OF THE BANK

SEC. 205. (a) In order to carry out the purposes of this Act, the bank is authorized to—

(1) make, participate in, or guarantee loans or provide other financing for real or personal property or for working capital to any public agency or private organization or individual for the establishment, expansion, or preservation of any industrial or commercial facility or supporting public or private development facility which is to be established or is located in a rural community, and housing related thereto;

(2) make, participate in, or guarantee loans or provide other interim financing for the construction or improvement of such facilities to building contractors, subcontractors, or other persons engaged in such work;

(3) provide or assist in the provision of insurance to protect any agency, organization, or individual receiving financing for a commercial or industrial facility or a supporting public or private development facility under paragraphs (1) and (2) against damage or casualty loss in connection with such facility;

(4) provide technical assistance to State and local governments in the preparation and implementation of comprehensive rural community development projects and programs, including the evaluation of priorities and the formulation of specific project proposals. The bank may charge appropriate fees for its services under this subsection;

(5) undertake research and information gathering, and to facilitate the exchange of advanced concepts and techniques relating to rural community growth and development among State and local governments;

(6) develop criteria to assure that projects assisted by it are not inconsistent with comprehensive planning for the development of the community in which the projects to be assisted will be located or disruptive of Federal programs which authorize Federal assistance for the development of like or similar categories of projects;

(7) seek to bring together investment opportunities in such facilities, capital, and capable management;

(8) carry on such other activities as would further the purposes of this Act; and

(9) provide for the establishment of a guaranty fund to which the bank may require each borrower to contribute such a percentage of the amount of loan, guarantee, participation, or other financial assistance extended by the bank under this Act as the Board may from time to time determine.

(b) To obtain indirect participation by private and other public financial sources the bank is authorized to—

(1) issue bonds, debentures, and such other certificates of indebtedness as it may determine and may issue such securities on a competitive or negotiated basis at the discretion of the Board of Directors;

(2) invest funds not needed in its financing operations in such property and obligations as it may determine;

(3) buy and sell securities it has issued or guaranteed or in which it has invested; and

(4) guarantee securities in which it has invested for the purpose of facilitating their sale.

(c) Whenever necessary to meet contractual payments of interest, amortization of principal, or other charges on the bank's own borrowings, or to meet the bank's liabilities with respect to similar payments on loans guaranteed by it, the bank may call an appropriate amount of the unpaid subscription of the United States in accordance with section 204(b)(2). Moreover, if it believes that a default on financing provided by it may be of long duration, the bank may call an additional amount of such unpaid subscriptions for the following purposes—

(1) to redeem prior to maturity, or otherwise discharge its liability on, all or part of the outstanding principal of any loan guaranteed by it with respect to which the debtor is in default; and

(2) to repurchase, or otherwise discharge its liability on, all or part of its own outstanding borrowings.

(d) The bank is authorized to establish a principal office and branch offices in such locations as it may determine. It may establish regional offices and determine the location of, and the areas to be covered by, each regional office. It may make arrangements with public or private organizations at the regional, State, and local levels, including banking organizations and other financing institutions, to act as agents or otherwise to assist the bank in the conduct of its business.

(e) To carry out the foregoing purposes, the bank shall have such additional powers as are necessary or appropriate in carrying out this Act.

OPERATING PRINCIPLES

SEC. 206. The operations of the bank shall be conducted in accordance with the following principles:

(1) The bank shall undertake its financing, technical assistance, and other operations on such terms and conditions and for such fees as it considers appropriate, taking into account the requirements of the enterprise, the risks being undertaken by the bank, the benefits to the rural community or to the residents of such communities, and the conditions under which similar financing might be available from private investors.

(2) The bank shall maintain such liaison or consultation with other departments, agencies, or instrumentalities of the Government as may be necessary to insure that its operations are carried out in a manner which will supplement and not duplicate the operations and functions of any other department, agency, or instrumentality of the Government.

(3) The bank shall consult with and shall seek to encourage local banking and other financial institutions to participate in its financing and other activities.

(4) The bank shall, to the extent feasible, give emphasis in its activities to providing financing and other assistance to facilities owned in whole or in part by residents of rural communities or to facilities in which such ownership is made available to such persons.

(5) The bank shall seek to revolve its funds by selling its loans, guarantees, and other investments to private investors whenever it can appropriately do so on satisfactory terms.

(6) The bank shall be subject to the Government Corporation Control Act (31 U.S.C. 841 et seq.) in the same manner and to the same extent as if it were included in the definition of "wholly owned Government corporation" as set forth in section 101 of said Act (31 U.S.C. 846).

(7) The bank shall pay a return out of net income, after providing for reserves and operating expenses, at the rate of 2 per centum per annum on the amounts of class A stock subscription actually paid into the bank. Such return shall be cumulative and shall be payable annually into miscellaneous receipts of the Treasury.

(8) The bank shall not engage in political activities nor provide financing for or assist in any manner any project or facility involving political parties or used or to be used for sectarian instruction or as a place for religious worship, nor shall the directors, officers, or employees of the bank in any way use their connection with the bank for the purpose of influencing the outcome of any election.

(9) The bank shall adopt such bylaws as may be necessary for the conduct of its business and the management of its affairs and may adopt such additional rules and regulations as are necessary and appropriate for carrying out the provisions of this Act.

LIMITATIONS ON FINANCING

SEC. 207. (a) The bank shall not provide financing for any business or commercial facility or public development facility, nor shall it plan, initiate, own, or manage such a facility, unless it determines that—

(1) other public or private financing could not be obtained on reasonable terms and conditions;

(2) adequate arrangements have been made to insure that the proceeds of any loan or other financing are used only for the purposes for which the financing was provided, with due attention to considerations of economy and efficiency;

(3) the borrower or other recipient of financing has an adequate equity or other financial interest in or income from the facility to insure his or its careful and business-like management of the project;

(4) the governing body of the city or, as appropriate, the governing body of the county, parish, or other political subdivision in which the facility is located or is to be established, or an agency or other instrumentality of such political subdivision designated by such body, has certified to the bank its approval of (A) the establishment of the facility at the particular location, (B) the proposed standards of construction and design, and (C) provisions for the relocation of any residents or businesses to be displaced;

(5) the establishment, expansion, or preservation of the facility in the particular location will contribute to the level of eco-

nomic opportunity for residents of the community and contribute to the general development of the community.

(b) The bank shall not provide financing for any business or commercial facility which has been relocated from one area to another; except that this requirement may be waived by the Board of Directors if it determines (1) that the establishment of such facility in the new location will not result in an increase of unemployment in the area of original location or in any other area where the enterprise conducts business operations, or (2) that such facility is not being established in the new location with any intention of closing down the operations of the enterprise in the area of original location or in any other area where the enterprise conducts its operations.

EXEMPTION FROM TAXES

Sec. 208. For the purpose of the Internal Revenue Code of 1954, the bank shall be considered to be an instrumentality of the United States and exempt from Federal income taxes. Except as specifically provided in this Act, the bank, including its capital and reserves or surplus and income derived therefrom, shall be exempt from Federal State, muncipal, and local taxation, except taxes upon real estate held, purchased, or taken by the bank under the provisions of this Act. The security instruments executed to the bank and the bonds, obligations, debentures, issued under the provisions of this Act shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation.

ANNUAL REPORT

Sec. 209. Not later than one hundred and twenty days after the close of each fiscal year the bank shall prepare and submit to the President and to the Congress a full report of its activities during such year.

AMENDMENTS RELATING TO FINANCIAL INSTITUTIONS

Sec. 301. (a) The sixth sentence of paragraph Seventh of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting before the comma after the words "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association" the following: ", or debentures or other obligations of the Rural Community Development Bank".

(b) Section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), is amended by adding at the end thereof the following:

"(14) Debentures or other obligations of the Rural Community Development Bank shall not be subject to any limitation based upon such capital and surplus."

(c) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464 (c)), is amended by inserting before the semicolon in the second proviso following "stock of the Federal National Mortgage Association" the following: "; or in debentures or other obligations of the Rural Community Development Bank".

S. 743—INTRODUCTION OF A BILL TO DESIGNATE MARTIN LUTHER KING, JR'S BIRTHDAY A NATIONAL DAY OF DEDICATION

Mr. McGOVERN. Mr. President, today Senator Javits and I are introducing legislation to establish January 15, the birthday of the late Dr. Martin Luther King, Jr., as a national public holiday. We have issued the following joint statement:

Dr. Martin Luther King, Jr., was a man of peace. He called all Americans to a higher standard of brotherhood and love.

Martin Luther King dedicated his life to the struggle against racism and hatred and for an America in which all men and women could live in dignity. The assassin's bullet cut short that life, but it need not end that dedication.

We propose that Martin Luther King's birthday be designated as a legal public holiday because of the greatness of the man, because his cause is paramount on the national agenda, and because he pursued his goals by methods of nonviolence.

But it is even more important that we mark his birthday as a reminder that we all share in the responsibility for the fulfillment of his ideals.

We shall overcome the racism, poverty and war against which Martin Luther King struggled. Each of us must dedicate himself to his dream, so simple in its expression yet so powerful in its meaning.

Let us realize that dream of brotherhood and peace. Then, in the words of his favorite hymn, all Americans shall be "free at last, thank God almighty, free at last."

Mr. President, I ask that the bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday be printed in the Record at this point.

The **PRESIDING OFFICER** (Mr. Gambrell). The bill will be received and appropriately referred; and, without objection the bill will be printed in the Record.

The bill (S. 743) to designate the birthday of Martin Luther King, Jr., as a legal public holiday was received, read twice by its title, referred to the Committee on the Judiciary and ordered to be printed in the Record, as follows:

S. 743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 6103 of title 5, United States Code, is amended by inserting immediately below

"January 1, New Year's Day."

the following:

"January 15, the birthday of Martin Luther King, Junior.".

S. 745.—INTRODUCTION OF THE FEDERAL ENVIRONMENTAL PESTICIDE CONTROL ACT OF 1971

Mr. PACKWOOD. Mr. President, I am pleased to introduce for the administration the Federal Environmental Pesticide Control Act of 1971, a bill to protect the public health and welfare and the environment through improved regulation of pesticides and for other purposes.

The President's environmental message of a few days ago, should leave no doubt in the minds of our countrymen that the Nixon administration is deeply concerned about the environment of each and every American, and is committed to restoration, preservation, and enhancement of that environment.

Most of us in the Senate have been deluged with mail on this subject during the past 2 years. One of the chief concerns expressed in this mail was the control and regulation of pesticides. The President has recommended an intelligent and reasonable approach to this, and I urge that quick and earnest attention be given this legislation. It is critical to the happiness of every American.

The State of Oregon recognized the importance of pesticide control early and in 1969 passed a law dealing with the handling, storage, disposal, transportation of pesticides. Oregon, I think, is leading the country in sensible control. The State monitors the environment almost daily, and has a very, very low level of pesticides in the environment, as well as a low level in mercury.

Mr. President, I ask that the entire text of this administration proposal be printed in the Record at this point.

I believe implementation of this legislation will significantly improve the environment in which we live and move, and I will be glad to add cosponsors at a later date.

The **PRESIDING OFFICER** (Mr. Taft). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 745) to protect the public health and welfare and the environment through improved regulation of pesticides, and for other purposes; introduced by Mr. Packwood, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE AND FINDINGS

Section 1.(a) This act may be cited as the Federal Environmental Pesticide Control Act of 1971.

(b) The Congress hereby finds that pesticides are valuable to our Nation's agricultural production and to the protection of man and the environment from insects, rodents, weeds and other forms of life which may be pests; but it is essential to the public health and welfare that they be regulated closely to prevent adverse effects on human life and the environment, including pollution of interstate and navigable waters; that pesticides are used throughout the Nation and the major portion thereof moves in interstate or foreign commerce; that it is essential in the public interest to protect the public health and welfare from adverse effects of pesticide residues on food which is consumed throughout the Nation and which moves in interstate or foreign commerce; and that regulation by the Administrator and cooperation by the States and other jurisdictions as contemplated by this Act are appropriate to prevent and eliminate burdens upon interstate or foreign commerce, to effectively regulate such commerce and to protect the public health and welfare and the environment.

DEFINITIONS

Sec. 2. For the purposes of this Act—

(a) The term 'pesticide' means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of terrestrial or aquatic plant or animal life or viruses, bacteria, or other microorganisms, except viruses, bacteria, or other micro-organisms on or in living man or other animals, which the Administrator shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

(b) The term 'device' means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects, birds, predators, or rodents or destroying, repelling, or mitigating fungi, nematodes, or such other pests as may be designated by the Administrator, but not including equipment used for the application of pesticides when sold separately therefrom.

(c) The term 'plant regulator' means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

(d) The term 'defoliant' means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

(e) The term 'desiccant' means any substance or mixture of substances intended for artifically accelerating the drying of plant tissue.

(f) The term 'environment' includes water, air, land, all plants and animals living therein, and the interrelationships which exist among these.

(g) The term 'animal' means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish.

(h) The term 'nematode' means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

(i) The term 'weed' means any plant which grows where not wanted.

(j) The term 'insect' means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice.

(k) The term "fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals, and except those in or on processed food, beverages, or pharmaceuticals.

(l) The term "ingredient statement" means either—

(1) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the pesticide; or

(2) a statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any there be, in the pesticide except paragraph 1 of this subsection shall apply if the preparation is classified as for restricted use or for use by permit only under section 4(d) of this Act; and, in addition to (1) or (2) in case the pesticide contains arsenic in any form, a statement of the precentage of total and water soluble arsenic, each calculated as elemental arsenic.

(m) The term "active ingredient" means—

(1) in the case of a pesticide other than a plant regulator, defoliant or desiccant, an ingredient which will prevent, destroy, repel, or mitigate any insects, nematodes, rodents, fungi, weeds, or other pests;

(2) in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of plants or the product thereof;

(3) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;

(4) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

(n) The term "inert ingredient" means an ingredient which is not an active ingredient.

(o) The term "antidote" means a practical treatment in case of poisoning and includes first-aid treatment.

(p) The term "State" means a State, the District of Columbia. the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

(q) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(r) The term "registrant" means a person who has registered any pesticide pursuant to the provisions of this Act.

(s) The term "label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the pesticide or device.

(t) The term "labeling" means all labels and other written, printed, or graphic matter—

(1) upon the pesticide or device or any of its containers or wrappers;

(2) accompanying the pesticide or device at any time;

(3) to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health, Education, and Welfare, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

(u) The term "adulterated" shall apply to any pesticide if its strength or purity falls below the professed standard of quality as expressed on its labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

(v) The term "misbranded" shall apply—

(1) to any pesticide or device if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular or if it is contained in a package, other container or wrapping which does not conform to the standards established by the Administrator pursuant to the provisions of section 6 of this Act, or if it was manufactured, prepared, propagated, compounded, or processed in an establishment for which a registration was not effective under subsection 9(b) of this Act; and to any device if it does not comply with the provisions of subparagraph 2(z)(2)(C), (D), or (G) when such compliance is required under section 5;

(2) to any pesticide—

(A) if it is an imitation of or is offered for sale under the name of another pesticide;

(B) if its labeling bears any reference to registration under this Act other than the pesticide registration number, the number assigned to the manufacturing establishment, and the use classification of the pesticide;

(C) if the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with adequate for the protection of health and the environment;

(D) if the label does not contain a warning or caution statement which may be necessary and if complied with adequate to protect health and the environment, including living man and other vertebrate animals, vegetation, and invertebrate animals other than those against which the pesticide is intended to be used;

(E) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase: *Provided*, That the Administrator may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;

(F) if any word, statement, or other information required by or under authority of this Act to appear on the labal or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(G) if when used as directed or in accordance with common practice it shall be injurious to living man, including the person applying such pesticide, or to the environment, except pests as designated by the Administrator. In determining whether a pesticide is injurious the Administrator shall consider both the short-term and long-term effects on man, and the environment, including its persistence, degradation, and potential for movement and accumulation in the environment. In the case of a plant regulator, defoliant, or desiccant, used in accordance with the label claims and recommendations, physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when such effects are the purpose for which the plant regulator, defoliant, or desiccant was applied.

(w) The terms "proper court" and "district court" mean a United States district court, the District Court of Guam, the District Court of the Virgin Islands, and the highest court of American Samoa.

(x) The term "imminent hazard" means a situation which exists when the evidence is sufficient to show that a pesticide creates a hazard to man or the environment (1) that should be corrected immediately to prevent injury, and (2) that should not be permitted to continue while a hearing or other formal proceeding is being held.

(y) The phrase "protect health and the environment" means protection against any injury to man and protection against any substantial adverse effects to environmental values, taking into account the public interest.

PROHIBITED ACTS

SEC. 3. (a) It shall be unlawful for any person to distribute, sell, or offer for sale or hold for sale in any State or to ship or deliver for shipment from any State to any other State, or to any foreign country, or to receive in any State, from any other State or foreign country, and having so received, deliver or offer to deliver to any person, any of the following:

(1) Any pesticide which is not registered pursuant to the provisions of section 4 of this Act, or any pesticide if any of the representations made for it or any of the directions

for its use differ in substance from the representations approved in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration: *Provided*, That in the discretion of the Administrator, a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product, provided that such change will not have an adverse impact on man or the environment.

(2) Any pesticide unless there is affixed to its container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing—

(a) the name and address of the manufacture, registrant, or person for whom manufactured;

(b) the name, brand, or trade-mark under which said article is sold;

(c) the net weight or measure of the content: *Provided*, That the Administrator may permit reasonable variation; and

(d) when required by regulation of the Administrator to effectuate the purposes of this Act, the registration number assigned to the article under this Act, the use classification, and the number assigned to each establishment under section 9(b) of this Act, in which the article was manufactured, prepared, propagated, compounded or processed.

(3) Any pesticide which contains any substance or substances in quantities injurious to man or the environment, determined as provided in section 6 of this Act, unless the label shall bear, in addition to any other matter required by this Act—

(a) the skull and crossbones;

(b) The word "poison" prominently in red on a background of distinctly contrasting color; and

(c) a statement of an antidote for the pesticide.

(4) Any pesticide which the Administrator, after investigation of and a public hearing on the necessity for such action for the protection of health and the environment and the feasibility of such coloration or discoloration, shall, by regulation, require to be distinctly colored or discolored, unless it has been so colored or discolored.

(5) Any pesticide which is adulterated or misbranded or any device which is misbranded.

(b) It shall be unlawful—

(1) for any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this Act or the rules and regulations promulgated hereunder, or to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of this Act.

(2) for any manufacturer, distributor, dealer, carrier, or other person to refuse, upon a request in writing specifying the nature or kind of pesticide or device to which such request relates, to furnish to or permit any person designated by the Administrator to have access to and to copy such records as authorized by section 9 of this Act, or to refuse to permit entry, or inspection, or taking of samples as authorized by section 9 of this Act;

(3) for any person to give a guaranty or undertaking provided for in section 10 which is false in any particular, except that a person who receives and relies upon a guaranty authorized under section 10 may give a guaranty to the same effect, which guaranty shall contain, in addition to his own name and address, the name and address of the person residing in the United States from whom he received the guaranty or undertaking;

(4) for any person to use for his own advantage or to reveal, other than to the Administrator, or officials or employees of the Environmental Protection Agency or other Federal executive agencies, or to the courts, or to physicians, pharmacists and other qualified persons, needing such information for the performance of their duties, in accordance with such directions as the Administrator may prescribe, any information relative to formulas of products acquired by authority of this Act; except that the Administrator may reveal data necessary to comply with provisions of section 4(e) and (f);

(5) for any person to fail to maintain the records prescribed by the Administrator pursuant to section 6 of this Act or for any person to refuse to permit any person designated by the Administrator to have access to and to copy such records;

(6) for any person to advertise a product registered under this Act without giving the classification of the product assigned to it under section 4(d); or to advertise a product without indicating that use of the product is authorized by law only if used in accordance with the label on the product;

(7) for any person to make available for use or to use a pesticide classified under section 4(d) of this Act other than in accordance with such classification or to use a pesticide for experimental use contrary to the provisions of a permit under section 4(c) of this Act;

(8) for any person to fail to obey an order to recall products in accordance with section 5(d) of this Act or to violate an order issued under section 7(a) of this Act; and

(9) for any person to fail to file the report called for in section 5(a) of this Act or any other reports required by this Act or to provide any false or misleading information in such reports.

REGISTRATION

SEC. 4. (a) Every pesticide which is distributed, sold, or offered for sale in any State or which is shipped or delivered for shipment from any State to any other State or which is received from any foreign country shall be registered with the Administrator: *Provided*, That products which have the same formula, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same pesticide may be registered as a single pesticide; and additional names and labels shall be added by supplemental statements. The applicant for registration shall file with the Administrator a statement including—

(1) the name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(2) the name of the pesticide;

(3) a complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions for use;

(4) if requested by the Administrator, a full description of the tests made and the results thereof upon which the claims are based, clearly marking any portions thereof which in the manufacturer's opinion are trade secrets or secret processes and submitting such marked documents separately from other material required to be submitted hereunder; and

(5) the complete formula of the pesticide.

The Administrator shall publish in the Federal Register a notice of each application for registration, which notice shall provide for a period of at least 30 days in which any Government agency or other interested person may comment.

(b) If it appears to the Administrator that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of section 3 of this Act, he shall register it.

(c) The Administrator, whenever he considers further information necessary before registering a pesticide, may issue a permit for the experimental use of a pesticide for the purpose of collecting such information necessary for registration. Such experimental use shall be under such conditions as the Administrator shall prescribe in the permit and under the strict supervision of the Administrator and shall be for a period of time specified by the Administrator. Before issuing a permit for experimental use, the Administrator is authorized to establish a temporary tolerance level for the residue of the experimental pesticide permissible in food if the pesticide may reasonably be expected to result in residues in or on food. When a permit for experimental use is issued for a pesticide containing chemicals or combinations of chemicals which have not been included in previously registered pesticides, the Administrator may specify that the experimental period must include studies designed to detect possible ill effects in persons, and the environment, exposed either directly or indirectly to the pesticide during the experimental period. All results of such studies must be reported to the Administrator and a pesticide shall not be registered until such results are evaluated. The Administrator may revoke a permit at any time if he finds that the conditions contained in the permit are not being complied with or are inadequate to protect health and the environment or if the data developed under the permit clearly establish that the pesticide does not meet the requirements of this Act.

(d) Upon registering a pesticide, the Administrator shall designate it as being for "general use", for "restricted use", or for "use by permit only". A pesticide may be designated as for restricted use when its use without such restriction can result in injury to the applicator or when care is needed in its application to protect the environment. A pesticide may be designated as for permit use only when the pattern of use of the pesticide without such permit would not protect health and the environment. The Administrator may designate a pesticide as being for one use or combination of uses in a particular region or State and for a different use or combination of uses in another State or region if in his opinion such action is necessary to fulfill the purposes of this Act because of the conditions prevailing in the particular State or region.

(1) Articles designated as being for general use shall be used and made available for use subject only to the other provisions of this Act and to restrictions by State and local governments.

(2) Articles designated as being for restricted use shall be used only by or under the direct supervision of approved pesticide applicators. No approved pesticide applicator shall use any pesticide required to be registered under this Act unless such product is so registered, and no approved pesticide applicator shall use any registered pesticide except in accordance with the labeling accepted in connection with the registration. As used in this subsection, the term 'approved pesticide applicator' means any person who uses any pesticide for any purpose specified in subsection 2(a) of this Act and (a) who has a license issued by the State in which such operations are conducted upon the basis of a demonstration of his competence in the use and other handling and knowledge of the toxicity and antidotes of the pesticide involved, according to standards approved or prescribed by the Administrator as hereinafter provided, or (b) who is employed by a Federal, State, or local governmental agency in pest control programs or is engaged in research concerning the development, evaluation, or use of pesticides; and who meets such standards as the Administrator shall approve or prescribe to

assure that such person has sufficient competence in the handling and knowledge of the toxicity and antidotes of such pesticide to avoid any hazard to the public. The Administrator shall by regulation promulgate such standards prescribed by him and a list identifying any such standards approved by him. The standards prescribed by the Administrator shall include, when appropriate, provision for State surveillance and review of the competence of approved pesticide applicators, and provision for the removal of the license when an approved applicator has been shown to lack the necessary competence.

(3) Articles designated for use by permit only shall be used or made available for use only with the approval, in writing, for the amount and type of article for each particular application, of an approved pest management consultant. As used in this subsection, the term 'approved pest management consultant' means any person who has a license issued by a State or who is a Federal or State employee engaged in the performance of his official duties, and who meets such standards as the Administrator shall approve or prescribe to assure that such person has sufficient knowledge of the uses, necessity for application, methods of application, and environmental and health effects of pesticides to avoid any unnecessary hazard to the public or to other parts of the environment. The Administrator shall by regulation promulgate such standards prescribed by him and a list identifying any such standards approved by him. The standards prescribed by the Administrator shall include, when appropriate, provision for State surveillance and review of the competence of approved pest management consultants, and provisions for the removal of a license or certificate when an approved consultant has been shown to lack the necessary competence.

(4) The Administrator is authorized to cooperate with and assist State agencies in developing and administering State programs for training and approval of pesticide applicators and pest management consultants. He may establish by regulation, and periodically review compliance with such guidelines as are necessary to ensure that State programs are adequate for purposes of this section. Such guidelines shall include, but not be limited to: provisions that applicants receive appropriate technical and other training before approval; that there is a fair and nondiscriminatory system of testing of applicants, with provision for periodic retesting; that fees charged for licenses, permits or other approval of applicants are no greater than those reasonably calculated to cover the cost of the licensing or permit program; and that no arbitrary obstacles exist in the training and approval of such persons.

(5) The Administrator may change the designation of a pesticide under this subsection at any time if he finds that such action is necessary to or will adequately protect health and the environment, but he shall publish such a proposed change in the *Federal Register* 30 days prior to making the change. The decisions of the Administrator with respect to designation or a change in designation shall be subject to the same procedures of appeal contained in subsection (e) of this section. The Administrator may designate a pesticide as being both for restricted use and for use by permit only. If a pesticide is designated for general use for some purposes but for restricted or permit use for other purposes, there must be separate labeling and packaging for those items of the pesticide intended for general use.

(6) No portion of this subsection, except with regard to registration and designation of pesticides by the Administrator, shall become effective in any State until the Administrator publishes in the *Federal Register* a notice declaring the date on which it is to become effective and such notice shall be published at least 30 days before the effective date, *provided* that the effective date for notices covering all portions of this subsection and all States shall be within four years after the effective date of this Act.

(e) If it does not appear to the Administrator that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this Act, he shall notify the applicant for registration of the manner in which the article, labeling or other material required to be submitted fails to comply with the Act so as to afford the applicant for registration an opportunity to make the corrections necessary. If, upon receipt of such notice, the applicant for registration does not make the corrections, the Administrator shall refuse to register the article. Whenever the Administrator refuses registration of a pesticide he shall notify the applicant for registration of his action and the reasons therefor. Whenever an application for registration is refused, the applicant, within thirty days after service of notice of such refusal, may file objections and request a public hearing in accordance with this section. In the event a hearing is requested, the Administrator shall, after due notice, hold such public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. As soon as practicable after completion of the hearing, but not later than ninety days, the Administrator shall evaluate the data before him, act upon such objections and issue an order granting or denying the registration or requiring modification of the claims or the labeling. Such order shall be based only on substantial evidence of record of such hearing, and shall set forth detailed findings of fact upon which the order is based. In connection with consideration of any application for registration under this section, the Administrator may consult with any other Federal agency or with any advisory committee appointed by him for this purpose. Notwithstanding the provisions of section 3(b)(4), information relative to formulas of products acquired by authority of this section may be revealed, when necessary under this section, to any Federal agency consulted, or at a public hearing, or in findings of fact issued by the Administrator. Final orders of the Administrator under this section shall be subject to judicial review in accordance with the provisions of subsection (g). In no event shall registration of an article be construed as a defense for the commission of any offense prohibited under section 3 of this Act. The Administrator shall reach a decision as to whether to register a pesticide as expeditiously as possible.

(f) Within 30 days after the Administrator registers or refuses to register a pesticide under this section he shall make available to the public the data called for in subsections (1)–(5) of subsection (a) of this section together with such other scientific information as he deems relevant to his decision: *Provided,* That the Administrator shall not make public information which contains or relates to trade secrets or commercial or financial information obtained from a person and privileged or confidential.

(g) In a case of actual controversy as to the validity of any order under this section, any person who will be adversely affected by such order may obtain judicial review by filing in the United States court of appeals for the circuit wherein such person resides or has his principal place of business within sixty days after the entry of such order, a petition praying that the order be set aside in whole or in part. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administrator, or any officer designated by him for that purpose, and thereupon the Administrator shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part. The findings of the Administrator with respect to questions of fact shall be sustained if supported by substantial evidence when considered on the record as a whole. If application is made to the court for leave to adduce additional evidence, the court may order such additional evidence to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court seem proper if such evidence is material and there were reasonable grounds for failure to adduce such evidence in the proceedings below. The Administrator may modify his findings as to the facts and order by reason of the additional evidence so taken, and shall file with the court such modified findings and order. The judgment of the court affirming or setting aside, in whole or in part, any order under this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this section shall not operate as a stay of an order. The court shall advance on the docket and expedite the disposition of all causes filed therein pursuant to this section.

(h) Notwithstanding any other provision of this Act, registration is not required in the case of a pesticide shipped from one establishment to another establishment operated by the same person and used solely at such establishment as a constituent part to make a pesticide which is registered under this Act.

CANCELLATION AND SUSPENSION

SEC. 5. (a) The Administrator shall cancel the registration of any pesticide at the end of a period of five years following the initial registration of such pesticide or at the end of any five-year period thereafter, unless the registrant, prior to the expiration of each such period, requests in accordance with regulations issued by the Administrator that such registration be continued in effect. Three years after the initial registration, the registrant shall submit to the Administrator a report covering any information available to the registrant regarding environmental or health effects of the registered pesticide which were not noted in the material submitted by the registrant at the time of initial registration.

(b) The Administrator may cancel the registration of a pesticide whenever it appears that the article or its labeling does not comply with the provisions of this Act.

(c) Whenever the Administrator determines that registration of a pesticide should be cancelled, he shall notify the registrant of his action and the reasons therefor. A cancellation of registration shall be effective thirty days after service of the foregoing notice unless within such time the registrant (1) makes the necessary corrections; or (2) files objections and requests a public hearing. Requests for a public hearing shall be granted. The procedures for holding a public hearing shall be the same as those outlined in section 4.(e). Final orders of the Administrator under this subsection shall be subject to judicial review in accordance with the provisions of section 4.(g). Concurrently with proceedings taken under this subsection, if the Administrator makes the finding required in subsection (d) of this section, he may also immediately suspend the registration of a pesticide under the provisions of the aforesaid subsection (d).

(d) The Administrator may by order, when he finds that such action is necessary to prevent an imminent hazard to health or the environment, suspend the registration of a pesticide immediately. In such case, he shall give the registrant prompt notice of such action and any hearing held under the provisions of section 5(c) and (e) to consider suspension and cancellation shall be held with the utmost possible expedition. The Administrator, when he suspends registration of a pesticide under the provisions of this subsection, may also require that stocks of the suspended pesticide be recalled by the manufacturer from wholesalers, retailers, and other distributors.

(e) Whenever the Administrator suspends the registration of a pesticide under the provisions of subsection (d) of this section, he shall at the same time initiate proceedings to cancel the registration of the pesticide. The suspension shall automatically be revoked if the Administrator decides not to cancel the registration of the pesticide. If the Administrator cancels the registration of the pesticide, any suspension of the registration shall remain in effect pending the outcome of any appeal under subsection (c) of this section.

ENFORCEMENT

SEC. 6. (a) The Administrator (except as otherwise provided in this section) is authorized to make rules and regulations for carrying out the provisions of this Act, including the collection and examination of samples of pesticides and devices subject to this Act and the determination and establishment of suitable names to be used in the ingredient statement. The Administrator is, in addition, authorized after opportunity for hearing—

(1) to declare a pest any form of plant or animal life, bacteria, virus, or other micro-organisms (other than micro-organisms on or in living man or other animals) which is injurious to health or the environment;

(2) to determine pesticides, and quantities of substances contained in pesticides, which are injurious to health or the environment;

(3) to determine standards of coloring or discoloring for pesticides, and to subject pesticides to the requirements of section 3.(a)(4) of this Act; and

(4) to prescribe the records which shall be maintained by all or any class of persons engaged in manufacturing, preparing, compounding, or processing any pesticides subject to this Act, with respect to such operations and the strength, quality, and purity of such pesticides: *Provided, however,* That the Administrator may exempt any pesticide from such record requirements when he determines that such records are not necessary for the effective enforcement of this Act: *Provided further,* That no records required by this subsection shall extend to (A) financial data, (B) sales data other than shipment data, (C) pricing data, (D) personnel data (other than data as to the qualifications of technical and professional personnel performing functions subject to this Act), and (E) research data (other than data relating to registered pesticides or to a pesticide for which an application for registration has been filed).

(5) to establish standards with respect to the package, other container, or wrapping in which a pesticide or device is enclosed for use or consumption, in order to protect children and adults from serious injury or illness resulting from accidental ingestion or contact with pesticides or devices regulated by this Act as well as to accomplish the other purposes of the Act: *Provided,* That such standards are consistent with those established under the authority of the Poison Prevention Packaging Act (Public Law 91-601); and

(6) to specify those classes of devices which shall be subject to the provisions set forth in subparagraphs 2(v)(2) (C), (D), or (G), of this Act, upon his determination that application of such provisions is necessary to effectuate the purposes of the Act.

(b) The Secretary of the Treasury, in consultation with the Administrator, shall prescribe regulations for the enforcement of section 14 of this Act.

(c) The examination of pesticides or devices shall be made in the Environmental Protection Agency or elsewhere as the Administrator may designate for the purpose of determining from such examination whether they comply with the requirements of this Act, and if it shall appear from any such examination that they fail to comply with the requirements of this Act, the Administrator shall cause notice to be given to the person against whom criminal or civil proceedings are contemplated. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to such contemplated proceedings, and if in the opinion of the Administrator it appears that the provisions of this Act have been violated by such person, then the Administrator shall certify the facts to the Attorney General, with a copy of the results of the analysis or the examination of such article for the institution of a criminal proceeding pursuant to section 8 of this Act, or for the institution of a civil proceeding under section 8 when the Administrator determines that such action will be sufficient to effectuate the purposes of this Act: *Provided,* That the notice of contemplated proceedings and opportunity to present views set forth in this subsection are not prerequisites to the institution of any proceeding by the Attorney General; *Provided, further,* That nothing in this Act shall be construed as requiring the Administrator to report for prosecution or for the institution of libel proceedings minor violations of this Act whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

(d) The District courts are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act.

(e) The Administrator shall, by publication in such manner as he may prescribe, give notice of all judgments entered in actions instituted under the authority of this Act.

STOP SALE AND SEIZURE

SEC. 7. (a) Whenever any pesticide or device is found by the Administrator upon any premises or in any means of conveyance where it is held for purposes of, or during or after, distribution or sale in any State, or in interstate or foreign commerce, and there is reason to believe on the basis of inspections or tests that such pesticide or device is in violation of any of the provisions of this Act, or that such pesticide or device has been or is intended to be distributed or sold in violation of any such provisions, or when the registration of the pesticide or device has been cancelled, the Administrator may issue a written or printed "stop sale, use, or removal" order to the registrant, owner, and custodian thereof, and after receipt of such order no person shall sell, use, or remove the pesticide or device described in the order except in accordance with the provisions of the order.

(b) Whenever the Administrator, on the basis of inspections or tests not considered in the course of registration proceedings, determines that there is a substantial question as to the existence of an imminent hazard of a product to health or the environment, he is authorized to issue an order to stop the sale, use or removal of such product for a period not to exceed ninety days, in the same manner as set forth in subsection (a) of this section.

(c) Any pesticide or device that is being transported or, having been transported, remain unsold or in original unbroken packages, or that is sold or offered for sale in any State, or that is imported from a foreign country, shall be liable to be proceeded against in any district court in the district where it is found and seized for confiscation by a process in rem for condemnation—

(1) in the case of a pesticide—

(A) if it is adulterated or misbranded;

(B) if it is not registered pursuant to the provisions of section 4 of this Act;

(C) if it fails to bear on its label the information required by this Act;

(D) if it is not colored or discolored and if such coloring or discoloring is required under this Act;

(E) if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration; or

(2) in the case of a device if it is misbranded.

(d) If the pesticide or device is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs, shall be paid into the Treasury of the United States, but the article shall not be sold contrary to the provisions of this Act or of the laws of the jurisdiction in which it is sold; *Provided,* That upon the payments of the costs of the condemnation proceedings and the execution and delivery of a good and sufficient bond conditioned that the article shall not be sold or otherwise disposed of contrary to the provisions of the Act or the laws of any State in which sold, the court may direct that such articles be delivered to the owner thereof. The proceedings of such condemnation cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

(e) When a decree of condemnation is entered against the article, court costs and fees, storage, and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article.

PENALTIES

SEC. 8. (a) Any person who knowingly violates any provision of this Act shall be guilty of a misdemeanor and shall on conviction be fined not more than $25,000 or imprisoned for not more than one year, or both.

(b) Any person violating any provision of this Act shall be liable to a civil penalty to the United States of a sum which is not more than $10,000 for each such violation. A request for assesment of such civil penalty shall be referred to the Attorney General for appropriate action if the Administrator believes that action under this subsection in lieu of action under subsection (a) of this section will effectuate the purposes of this Act. Such civil penalty shall be recoverable in a civil suit brought in the name of the United States.

(c) When construing and enforcing the provisions of this Act, the act, omission, or failure, of any officer, agent, or other person acting for or employed by any person shall in every case, be also deemed to be the act, omission, or failure of such person as well as that of the person employed.

BOOKS AND RECORDS AND FACTORY INSPECTION AND REGISTRATION

SEC. 9. (a) For the purposes of enforcing the provisions of this Act, any manufacturer, distributor, carrier, dealer, or any other person who sells or offers for sale, delivers, or offers for delivery, or who receives or holds any pesticide or device subject to this Act, shall, upon request of any employee of the Environmental Protection Agency or any employee of any State or political subdivision, duly designated by the Administrator, furnish or permit such person at all reasonable times to have access to, and to copy all records showing the delivery, movement, or holding of such pesticide or device, including the quantity, the date of shipment and receipt, and the name of the consignor and consignee; and in the event of the inability of any person to produce records containing such information, all other records and information relating to such delivery, movement, or holding of the pesticide or device. Notwithstanding this provision, however, the specific evidence obtained under this section or any evidence which is directly or indirectly derived from such evidence shall not be used in a criminal prosecution of the person from whom obtained. The records and information referred to in this subsection shall not extend to (A) financial data, (B) sales data other than shipment data, (C) pricing data, (D) personnel data (other than data as to the qualifications of technical and professional personnel performing functions subject to this Act), and (E) research data (other than data relating to registered pesticides or to a pesticide for which an application for registration has been filed).

(b) Any person who on the date of enactment of this subsection operates any establishment in any State engaged in the manufacture, preparation, compounding, propagating, or processing of any pesticide or device subject to this Act shall, within one-hundred and eighty days after such date, apply to the Administrator for the registration of each such establishment, giving his name and the address of each such establishment operated by him. Any person who proposes to begin operation of any such establishment after such date shall, at least thirty days prior to beginning such operation, similarly apply for registration with the Administrator. Each establishment will be assigned an establishment number by the Administrator at the time of registration.

(c) Any person operating an establishment registered under section 9(b) of this Act shall inform the Administrator within 30 days of his being registered of the types and amounts of such pesticides or devices (1) which he is currently manufacturing, preparing, propagating, or compounding; (2) which he has manufactured during the past year; and (3) which he has sold or distributed during the past year, and, when specifically requested by the Administrator for the purpose of recalling a product, the name of the recipient. The information required in this subsection shall be kept current annually as required under such regulations as the Administrator may prescribe. The data obtained in accordance with the provisions of this subsection shall be considered confidential.

(d) For purposes of enforcement of this Act, officers or employees duly designated by the Administrator, upon presenting appropriate credentials to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which pesticides or devices are manufactured, processed, packed, or held; and (2) to inspect, and obtain samples of, any pesticides or devices, whether packaged or unpackaged, and samples of any containers or labeling for such pesticides or devices. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained. If an analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

(e) For purposes of enforcing the provisions of this Act and upon a showing to an officer or court of competent jurisdiction that there is reason to believe that the provisions of this Act have been violated, officers or employes duly designated by the Administrator are empowered to obtain and to execute warrants authorizing entry into and inspection of facilities, including, but not limited to, facilities of manufacturers, wholesalers, dealers, and distributors of pesticides, and the seizure of any pesticides or devices, or the components thereof, whether packaged or unpackaged, and samples of any containers or labeling for such pesticides or devices.

EXEMPTIONS

SEC. 10. (a) The penalties provided for a violation of section 3(a) of this Act shall not apply to—

(1) any person who establishes a guaranty signed by, and containing the name and address of, the registrant or person residing in the United States from whom he purchased and received in good faith the article in the same unbroken package, to the effect that the article was lawfully registered at the time of sale and delivery to him, and that it complies with the other requirements of this Act. In such case the guarantor shall be subject to the penalties which would otherwise attach to the person holding the guaranty under the provision of this Act;

(2) any carrier while lawfully engaged in transporting a pesticide or device, if such carrier upon request by a person duly designated by the Administrator shall permit such person to copy all records showing the transactions in and movement of the articles;

(3) public officials while engaged in the performance of their official duties;

(4) the manufacture or shipper of a pesticide for experimental use only by or under the supervision of any Federal or State agency authorized by law to conduct research in the field of pesticides; or by others if a permit has been obtained before shipment in accordance with regulations promulgated by the Administrator.

(b) The Administrator may, at his discretion, exempt any Federal agency from any provision of this Act if he determines that such exemption would be consistent with the purposes of this Act and would be in the public interest.

DISPOSAL AND TRANSPORTATION

SEC. 11. (a) The Administrator, after consultation with other interested Federal agencies, shall establish procedures and regulations for the disposal or storage of packages and containers of pesticides and for disposal or storage of excess amounts of such pesticides.

(b) The Administrator shall provide advice and assistance to the Secretary of Transportation with respect to his functions relating to the transportation of hazardous materials under the Department of Transportation Act (49 U.S.C. 1657), the Transportation of Explosives Act (18 U.S.C. 831–835), the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472 H), and the Hazardous Cargo Act (46 U.S.C. 375, 416, 170).

STATE AID AND TRAINING

SEC. 12. The Administrator is authorized to enter into contracts with Federal, State, local or interstate agencies or with non-profit organizations for the purpose of encouraging the training of approved pesticide applicators and approved pest management consultants, as defined in subsection 4. (d). This authority shall expire June 30, 1975.

RESEARCH AND MONITORING

SEC. 13. (a) The Administrator is authorized to undertake such research, including research by grant or contract, as may be necessary for the implementation of this Act. He shall take care to insure that such research does not duplicate research being undertaken by other Federal departments and agencies.

(b) The Administrator shall be responsible for formulating and periodically revising, in cooperation with other Federal, State, or local agencies, a national plan for monitoring pesticides covered by this Act.

(c) The Administrator is authorized to undertake such monitoring or surveillance activities, including but not limited to monitoring in air, soil, water, man, plants, and animals, as may be necessary for the implementation of this Act or of the national pesticide monitoring plan. Such activities should be carried out with the cooperation of other Federal, State, and local agencies.

IMPORTS AND EXPORTS

SEC. 14. (a) Notwithstanding any other provision of this Act, no article shall be deemed in violation of this Act when intended solely for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser and with respect to which a certification is obtained by the exporter from the importer or consignee and filed with the Administrator by the exporter prior to exportation of the article, stating that the article is in compliance wih the laws and regulations of said foreign country.

(b) The Administrator shall transmit through the State Department copies of each notice of suspension or proposed cancellation or other restrictions on pesticides under Federal law, to the Governments of other countries and to appropriate international agencies.

(c) The Secretary of the Treasury shall notify the Administrator of the arrival of pesticides and devices and shall deliver to the Administrator, upon his request, samples of pesticides or devices which are being imported into the United States, giving notice to the owner or consignee, who may appear before the Administrator and have the right to introduce testimony. If it appears from the examination of a sample that it is adulterated, or misbranded or otherwise violates the provisions set forth in this Act, or is otherwise injurious to health or to the environment, the said article may be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within 90 days from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter or execution of bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of said bond: and *provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

(c) The Administrator shall, in cooperation with the Department of State and other appropriate Federal agencies, participate and cooperate in any international efforts to develop improved pesticide research and regulations.

SOLICITATION OF PUBLIC COMMENTS

SEC. 15. (a) In connection with the suspension or cancellation of a pesticide registration or any other actions authorized under this Act, the Administrator may, at his discretion, solicit the views of all interested persons, either orally or in writing, and seek such advice from scientists and other qualified persons as he deems proper.

(b) The authority contained in this section is in addition to the provisions contained elsewhere in this Act relating to public hearings and solicitation of views, and shall not be interpreted to affect such other provisions.

DELEGATION AND COOPERATION

Sec. 16. (a) All authority vested in the Administrator by virtue of the provisions of this Act may with like force and effect be executed by such employees of the Environmental Protection Agency as the Administrator may designate for the purpose.

(b) The Administrator shall cooperate with the Secretaries of Agriculture, Interior, Commerce, and Health, Education and Welfare, and with any department or agency of the Federal Government and with any official regulatory agency of any State, Territory, District, possession, or any political subdivision thereof, in carrying out the provisions of this Act, and in securing uniformity of regulations.

AUTHORIZATION FOR APPROPRIATIONS AND EXPENDITURES

Sec. 17. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEPARABILITY

Sec. 18. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

OTHER AUTHORITY NOT AFFECTED

Sec. 19. (a) This Act shall not be construed as superseding or limiting the authorities and responsibilities, under any other provision of law, of the Administrator or any other Federal officer, department, or agency.

(b) Any regulations issued and any actions taken or legal rights of action accrued under the Federal Insecticide, Fungicide, and Rodenticide Act, prior to the effective date of this Act, shall not be abrogated or negated by this Act or by the repeal of the aforesaid Act, but shall remain in effect unless modified or rescinded pursuant to the provisions of this Act.

(c) Nothing in this Act shall be construed as limiting the authority of a state or a political sub-division thereof to regulate the sale or use of a pesticide within its jurisdiction in so far as such regulation does not permit such sale or use as is prohibited under the authority of this Act.

Sec. 20. The Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k), as amended, is hereby repealed, and all references thereto in other statutes, regulations, and public records of the United States shall refer to the Federal Environmental Pesticide Control Act.

Sec. 21. Section 201(r) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301–392) is hereby amended by deleting the period after the word "marketing" and adding "and tobacco".

SENATE JOINT RESOLUTION 33—INTRODUCTION OF A JOINT RESOLUTION RELATING TO A STUDY OF THE POTENTIAL METHODS OF RETURNING FEDERAL TAX SOURCES TO THE PREROGATIVES OF STATE AND LOCAL GOVERNMENTS

Mr. TOWER. Mr. President, I am today introducing a joint resolution which is directed to the future of State and local government financing beyond the current movement toward revenue sharing. My resolution provides that there be established a commission to study the "sources of Federal tax revenue with the purpose of determining from which sources and to what extent the Federal Government might best relinquish its taxing authority or reduce its tax rates, in order that the various States and their subordinate governmental units might have better opportunity to utilize and draw upon these various revenue sources."

I feel that revenue sharing is desirable at this time as an immediate step to begin reversing the flow of power from the people to Washington and to give to State and local governments the opportunity to allocate these funds according to their own priorities, rather than according to those imposed upon them by the Federal Government.

However, I consider revenue sharing to be only a temporary stage in the process of the return of State and local government powers to their rightful holders. The taxing power is inherently bound to the structure of governmental power, and simple transfer of the spending power, without the concomitant relinquishment of some of the Federal tax resources supporting those revenues, will not, in the long run, be a satisfactory solution to the need for returning governmental power to the closer control of the people. The Federal Government has grown far too large and far too distant from the individual citizen, and I feel that the approval of my measure will lead to the earlier and more successful transfer of Federal governmental power back to the people.

Mr. President, I ask unanimous consent that the text of my joint resolution be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Gambrell). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 33) to provide for a study of the potential methods of returning Federal tax sources to the prerogatives of State and local governments introduced by Mr. Tower, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S.J. Res. 33

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Commission on the Relinquishment of Federal Tax Resources (hereinafter referred to as the "Commission").

Sec. 2. (a) The Commission shall be composed of eleven members, to be selected as indicated:

(1) two persons representing the Department of the Treasury, including the Secretary of the Treasury or his delegate, who shall be Chairman of the Commission; the other representative of the Treasury Department to be selected by the Secretary and to serve as Vice Chairman;

(2) one from among persons who represent state governments, to be chosen by the President;

(3) one from among persons who represent county governments, to be chosen by the President;

(4) one from among persons who represent city governments, to be chosen by the President;

(5) one from among persons who represent special-purpose taxing districts, to be chosen by the President;

(6) one from among persons who represent public school districts, to be chosen by the President;

(7) the Chairman of the Committee on Ways and Means of the House of Representatives, or his delegate;

(8) the Chairman of the Committee on Finance of the Senate, or his delegate;

(9) the Chairman of the Committee on Appropriations of the House of Representatives, or his delegate;

(10) the Chairman of the Committee on Appropriations of the Senate, or his delegate.

(b) Six members of the Commission shall constitute a quorum for the transaction of business. A vacancy in the Commission shall not affect its powers.

(c) Each member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. Each member of the Commission who is not otherwise employed by the United States Government shall receive $150 per day (including travel-time) during such time as he is actually engaged in the performance of his duties as a member of the Commission. Each member of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties as a member of the Commission.

Sec. 3. (a) It shall be the duty of the Commission to make a thorough and complete study and investigation of the sources of federal tax revenue with the purpose of determining from which sources and to what extent the federal government might best relinquish its taxing authority or reduce its rates of taxation, in order that the various states and their subordinate governmental units might have better opportunity to utilize and draw upon these various revenue sources. Due regard should be had for the concurrent need to consider the possibilities of reduction of the level of federal expenditure, to reflect the increased ability of the state and local governments to meet their financial needs, in contemplation of the increased ability of these governments to draw upon traditionally federally-dominated revenue sources.

(b) The Commission shall submit its report within two years after the enactment of this joint resolution, and shall cease to exist thirty days after submitting its report.

Sec. 4. (a) In order to carry out the provisions of this joint resolution, the Commission is authorized to—

(1) make expenditures;

(2) hold hearings;

(3) take testimony orally or by deposition;

(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this joint resolution without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classifications and General Schedule pay rates; and

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies is authorized and urged to furnish to the Commission, upon the request of the Chairman or Vice Chairman, such information, services, personnel, and facilities as the Commission deems necessary to carry out the provisions of this joint resolution.

Sec. 5. There are hereby authorized to be appropriated such sums, not to exceed $1,000,000, as may be necessary to carry out the provisions of this joint resolution.

SENATE JOINT RESOLUTION 34—INTRODUCTION OF A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATING TO PRAYER IN PUBLIC SCHOOLS AND OTHER PUBLIC BUILDINGS

Mr. SCOTT. Mr. President, I introduce today, on behalf of myself and Senators Allen, Allott, Beall, Bennett, Boggs, Brock, Byrd of Virginia, Chiles, Cooper, Curtis, Dole, Dominick, Eastland, Fannin, Goldwater, Hansen, Hollings, Hruska, Jordan of Idaho, Mansfield, McClellan, McIntyre, Miller, Pastore, Randolph, Schweiker, Smith, Spong, Stennis, Thurmond, Tower, Young, and Baker, a joint resolution proposing a constitutional amendment to permit voluntary prayer in our public buildings, and especially in our public schools. I do so in the belief that the introduction of a resolution at this time will effectively reaffirm congressional interest in this issue which has so long been a matter of great public concern. I am particularly pleased that 30 of my distinguished colleagues in the Senate are joining me as cosponsors in this effort.

Hopes, raised last year when a prayer amendment briefly reached the Senate floor, have again given way to disappointment. My purpose in introducing a resolution at this time is to provide the incentive that will make it possible to at last successfully pursue this matter. My resolution is offered as confirmation of my own personal support in this effort.

My joint resolution is identical to the bill which I proposed in the 91st Congress. I believe it strengthens and improves language which has been offered in similar resolutions on this same subject in two important ways.

First, it mentions specifically "schools" as among those public buildings in which voluntary prayer would be permitted. To mention only public buildings without this additional clarification would, I feel, leave the question of intent open to some doubt.

Second, I recognize that some regard even voluntary prayer as something requiring formal procedure. Therefore, I have drafted my resolution to permit "meditation" as a substitute for voluntary, nondenominational prayer. By so doing, my resolution addresses itself to the basic issue in a manner which still permits the greatest possible flexibility for a divergence of religious belief. Individual or group prayer or meditation on a voluntary basis need not be formalized or institutionalized, but at the same time, such activities should not be penalized. It is with this uppermost in mind that I offer my new resolution.

Mr. President, the people of my Commonwealth of Pennsylvania have been especially outspoken on this issue. They have petitioned the courts for years, and despite setbacks there, have in some communities recently reinstituted voluntary prayer. In at least one school, the exercise centers on the daily prayer from the Congressional Record, a reminder of the fact that we, as national leaders in Congress, begin each daily session with the opportunity for prayer. It is this same opportunity for prayer which my resolution would make available to others, and particularly to the Nation's schoolchildren who otherwise are denied a privilege we in Congress take for granted.

Mr. President, I believe in the separation of church and state. I do not believe in the separation of children from the opportunity for prayer or meditation. I believe that full public discussion, including attention to the voluntary nature of this amendment, could do much to finally resolve this question, and I offer my resolution for this purpose.

I urge that this proposed constitutional amendment be given early and favorable consideration, and I ask unanimous consent that the full text be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Gambrell). The joint resolution will be received and appropriately referred; and without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 34) proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings, introduced by Mr. Scott (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S.J. Res. 34

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"Article —

"Section 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public school or other public building which is supported in whole or in part through the expenditure of public funds, to participate voluntarily in nondenominational prayer or meditation.

"Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Mr. TOWER. Mr. President, since the Supreme Court made its momentous decision some years ago, we have had pending in the Senate a constitutional amendment which would, in effect, reverse that decision and allow prayer again in our Nation's schools. The Supreme Court ruling, which was made under the guise of a "freedom of religion" rationale has, on the contrary, had the opposite effect. For these years now, our children in our Nation's public schools have been denied the basic right to say a prayer.

Mr. President, every morning since the founding of this body, the Senate has opened its day with a prayer to Almighty God. On our buildings, on our coins, and on our emblems are inscribed the words "In God We Trust." In short, we are a religious people, we are a prayerful people, but yet, our children are denied the right to say a prayer at school. Such a denial is in reality a perversion of first amendment rights. The amendment reads "freedom of religion," not freedom from religion.

The late Senator Dirksen was the first sponsor of this amendment and believed in it and fought hard for it. Now, his distinguished successor as minority leader, Mr. Scott, has taken up this banner and is pursuing this cause; I am pleased to again cosponsor this amendment. I can think of no greater monument to our late and dear friend Everett Dirksen than to pass now this measure. Likewise, in this time of constant turmoil and seemingly shifting values, I can think of nothing that I would prefer to see our children do than give thanks to God. By passing this joint resolution, we shall continue the traditions of our forefathers and preserve in America true freedom of religion.

SENATE JOINT RESOLUTION 35—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE AN EX GRATIA CONTRIBUTION TO CERTAIN INHABITANTS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. JACKSON. Mr. President, for myself and the ranking minority member of the Committee on Interior and Insular Affairs (Mr. Allott), by request, I introduce, for appropriate reference, a Senate joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission.

I ask unanimous consent that the text of the letter from the Under Secretary of the Interior asking that this proposed legislation be introduced, together with the text of the joint resolution and the agreement between the United States and Japan concerning the Trust Territory of the Pacific Islands, be printed in the Record following my remarks.

The PRESIDING OFFICER (Mr. Gambrell). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution, letter, and agreement will be printed in the Record.

The joint resolution (S.J. Res. 35) to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission introduced by Mr. Jackson (for him self and Mr. Allott), by request, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

SENATE JOINT RESOLUTION 35

Whereas, certain Micronesian inhabitants of the Trust Territory of the Pacific Islands, formerly under League of Nations Mandate to Japan, suffered from the hostilities of the Second World War;

Whereas, the United States, while not liable for wartime damages suffered by the Micronesians, has responsibility for the welfare of the Micronesian people as the Administering Authority of the Trust Territory of the Pacific Islands;

Whereas, the Government of Japan and the United States entered into an agreement on April 18, 1969, to contribute ex gratia the equivalent of $10,000,000 to the Micronesian inhabitants of the Trust Territory of the Pacific Islands in view of the suffering caused by the hostilities of the Second World War, each Government contributing the equivalent of $5,000,000, Japan's contribution to take the form of products and services;

Whereas, payment of these ex gratia contributions to certain Micronesian inhabitants of the Trust Territory of the Pacific Islands will meet a long-standing Micronesian grievance and will promote the welfare of the Micronesian people;

Whereas, certain Micronesian inhabitants of the Trust Territory of the Pacific Islands claim to have suffered damage to or loss or destruction of property, personal injury or death caused by military and civilian employees of the United States Government and arising out of accidents or incidents between the dates of the securing of the various islands of Micronesia by the United States Armed Forces and July 1, 1951, and within an area under the control of the United States at the time of the accident or incident;

Whereas, the United States is desirous of making an equitable settlement of these claims by way of a monetary contribution: Therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That this resolution may be cited as the "Micronesian Claims Act of 1971".

TITLE I

SECTION 1. (a) It is the purpose of this title that, with respect to war claims, the United States should make an *ex gratia* contribution of $5,000,000 matching an equivalent contribution of the Government of Japan, to Micronesian inhabitants of the Trust Territory of the Pacific Islands who are determined by the Micronesian Claims Commission to be meritorious claimants, in particular amounts to be awarded by the Micronesian Claims Commission, and that the Secretary of the Interior, hereinafter referred to as the "Secretary", or his designee, shall pay to said Micronesian claimants as soon as possible following his receipt of the final report of the Micronesian Claims Commission on the claims allowed, such amounts as are finally certified pursuant to section 4 hereof;

(b) A "Micronesian inhabitant of the Trust Territory of the Pacific Islands" is defined for the purposes of this joint resolution as a person who:

(1) became a citizen of the Trust Territory of the Pacific Islands on July 18, 1947, and who remains a citizen as of the date of filing a claim; or

(2) if then living, would have been eligible for citizenship on July 18, 1947; or

(3) is the successor, heir or assign of a person eligible under subsections (1) or (2) and who is a citizen of the Trust Territory of the Pacific Islands as of the date of filing a claim.

SEC. 2. (a) There is hereby authorized to be appropriated to the Trust Territory of the Pacific Islands $5,000,000, in addition to the normal budgetary expenditures for the Trust Territory of the Pacific Islands and in addition to the appropriations authorized by section 2 of the Act of June 30, 1954, as amended, to be paid into a "Micronesian Claims Fund". The Secretary is hereby authorized to create and manage said Micronesian Claims Fund.

(b) Funds approximating $5 million appropriated to the Trust Territory of the Pacific Islands for supplies or capital improvements in accordance with the Act of June 30, 1954, as amended, shall be paid into a Micronesian Claims Fund as the products of Japan and the services of the Japanese people in the amount of one billion eight hundred million yen (currently computed at $5,000,000) are provided by Japan pursuant to Article I of the "Agreement between the United States of America and Japan", signed April 18, 1969. These funds together with the sum authorized to be appropriated by subsection (a) of this section shall constitute the whole of the Micronesian Claims Fund.

SEC. 3. (a) There is hereby established a Micronesian Claims Commission, hereinafter referred to as the Commission, such Commission to be under the control and direction of the Chairman of the Foreign Claims Settlement Commission. The Commission shall be composed of five members, who shall be appointed, in consultation with the Secretary, by the Chairman of the Foreign Claims Settlement Commission, one of whom he shall designate as Chairman. Two members shall be selected from a list of Micronesian citizens nominated by the Congress of Micronesia. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of the original appointment. The members of the Commission shall serve at the pleasure of the Chairman of the Foreign Claims Settlement Commission. No commissioner shall hold other public office or engage in any other employment during the period of his service on the Commission, except as an employee of the Foreign Claims Settlement Commission.

(b) The members of the Commission shall receive compensation and allowances as determined by the Chairman of the Foreign Claims Settlement Commission by application of the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands, but in no event shall traveling and other expenses incurred in connection with their duties as members, or a per diem allowance in lieu thereof, exceed that prescribed in accordance with the provisions of subchapter 1 of chapter 57 of title 5, United States Code. The term of office of the members of the Commission shall expire at the time fixed in subsection (e) for winding up the affairs of the Commission.

(c) The Commission may, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, appoint and fix the compensation and allowances of such officers, attorneys, and employees of the Commission as may be reasonably necessary for its proper functioning, which employees shall be in addition to those who may be assigned by the Chairman of the Foreign Claims Settlement Commission to assist the Commission in carrying out its functions. The compensation and allowances of employees appointed pursuant to this section shall be within the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands, but in no event to exceed the amount of allowances prescribed in subchapter 1 of chapter 57 of title 5, United States Code. In addition, the Commission, with the approval of the Chairman of the Foreign Claims Settlement Commission, may make such expenditures as may be reasonably necessary to carry out its proper functioning. Officers and employees of any other department or agency of the Government of the United States or the Government of the Trust Territory of the Pacific Islands may, with the consent of the head of such department or agency, with or without reimbursement, be assigned to assist the Commission in carrying out its functions. The Commission may, with the consent of the head of any other department or agency of the Government of the United States or the Government of the Trust Territory of the Pacific Islands, utilize, with or without reimbursement, the facilities and services of such department or agency in carrying out the functions of the Commission.

(d) The Commission shall, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, prescribe such rules and regulations as are necessary for carrying out its functions. As expeditiously as possible and, in any event, within three months of its appointment, the Commission shall give public notice in the Trust Territory of the Pacific Islands of the time when, and the limit of time within which, claims may be filed, which notice shall be given in such manner as the Commission shall prescribe: *Provided,* that the final date for the filing of claims shall not be more than one year after the appointment of the full membership of the Commission. A majority of the membership of the Commission shall be necessary to transact business; *Provided, however,* that an affirmative vote of at least three members shall be required for the promulgation of rules and regulations, and for the final adjudication of any claim.

(e) The Commission shall wind up its affairs as expeditiously as possible and in any event not later than three years after the expiration of the time for filing claims under this act.

SEC. 4. (a) The Commission shall have authority to receive, examine, adjudicate, and render final decisions, in accordance with the laws of the Trust Territory of the Pacific Islands and international law, with respect to (i) claims of the Micronesian inhabitants of the Trust Territory of the Pacific Islands who suffered loss of life, physical injury, and property damage directly resulting from the hostilities between the Governments of Japan and the United States between December 7, 1941, and the dates of the securing of the various islands of Micronesia by United States Armed Forces and (ii) those claims arising as post-war claims between the dates of the securing of the various islands of Micronesia by United States Armed Forces and July 1, 1951. When all claims have been adjudicated, the Commission shall certify them to the Secretary for payment. The claims covered by title I of this Act shall be paid from the Micronesian Claims Fund, except that as to claims based on death, up to $1,000 shall be paid immediately upon adjudication, and the claims covered by title II of this Act shall be paid by the Secretary from funds appropriated for such purpose.

(b) No later than six months after its organization, and annually thereafter, the Commission shall make a report, through the Chairman of the Foreign Claims Settlement Commission, to the Congress of the United States concerning its operations under this Act. The Commission shall, upon winding up its work, certify to the Chairman of the Foreign Claims Settlement Commission, the Secretary, and to the Congress of the United States the following:

(1) a list of all claims allowed, in whole or in part, together with the amount of each claim and, the amount awarded thereon;

(2) a list of all claims disallowed;

(3) a copy of the decision rendered in each case.

(c) In the event that funds remain in the Micronesian Claims Fund after all allowable and adjudicated claims are paid, such remaining funds shall be transferred from the Micronesian Claims Fund to the Treasury of the Trust Territory of the Pacific Islands for appropriation by the Congress of Micronesia for the welfare of the people of the Trust Territory of the Pacific Islands. In the event that the allowable and adjudicated claims covered by title I of the Act exceed a total of $10 million, the Secretary shall make prorata payments.

(d) No payment shall be made on an award of the Commission unless the claimant shall first execute a full release to the United States and Japan in respect to any alleged liability of the United States or Japan, or both, arising before the dates of the securing of the various islands of Micronesia by the United States Armed Forces.

SEC. 5. There is authorized to be appropriated such sums as may be necessary for the operation and administrative expenses of the Foreign Claims Settlement Commission, to the extent needed to cover activity connected with this Act, and of the Commission in order to carry out the purposes of this Act.

SEC. 6. The Agreement for the payment of the Micronesian claims covered by title I of this Act having been reached by negotiators of the Governments of the United States and Japan, and since personnel to be appointed by the Secretary or the Commission will be available to assist the people of the Trust Territory of the Pacific Islands insofar as may be necessary in filing all claims covered by either title I or title II of this Act, no remuneration on account of services rendered on behalf of any claimant, or any association of claimants, in connection with any claim or claims covered by either title I or title II shall exceed, in total, one percentum of the amount paid on such claim or claims, pursuant to the provisions of this Act. Fees already paid for such services shall be deducted from the amounts authorized by this Act. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5 thousand or imprisoned not more than 12 months, or both.

TITLE II

SECTION 1. For the purpose of promoting and maintaining friendly relations by the final settlement of meritorious post-war claims, the Micronesian Claims Commission is, pursuant to authority granted in section 4(a) of title I, authorized to consider, ascertain, adjust, determine, and make payments, where accepted by the claimant in full satisfaction and in final settlement, of all claims by Micronesian inhabitants against the United States or the Government of the Trust Territory of the Pacific Islands on account of damage to or loss or destruction of private property both real and personal, of Micronesian inhabitants of the former Japanese Mandated Islands, now the Trust Territory of the Pacific Islands administered by the United States under a trusteeship agreement with the United Nations, including claims for a taking or for use or retention of such property where no payments or inadequate payments have been made for such taking, use or retention when such damage, loss or destruction was caused by the United States Army, Navy, Marine Corps, or Coast Guard, or individual members thereof, including military personnel and United States Government civilian employees, and including employees of the Trust Territory Government acting within the scope of their employment: *Provided*, That only those claims shall be considered by the Commission which are presented in writing as provided for in section 3(d) of title I of this Act and the accident or incident out of which the claim arose occurred prior to July 1, 1951, within the islands which now comprise the Trust Territory of the Pacific Islands and within an area under the control of the United States at the time of the accident or incident: *Provided further*, That any such settlements made by such Commission and any such payments made by the Secretary under the authority of this title shall be final and conclusive for all purposes notwithstanding any other provision of law to the contrary and not subject to review.

SEC. 2. There is hereby authorized to be appropriated, the amount of $20,000,000, in addition to the normal budgetary expenditures for the Trust Territory of the Pacific Islands and in addition to the appropriation authorized by section 2 of the Act of June 30, 1954, as amended, to be expended by the Secretary for the purposes of making payments to the extent authorized by this title of this Act.

SEC. 3. Any funds appropriated for the purposes of this title which remain after the settlement of claims under the provisions of this title shall be covered into the Treasury of the United States.

The letter and agreement, presented by Mr. JACKSON, are as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., January 26, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposed joint resolution "To authorize an *ex gratia* contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission."

We recommend that this joint resolution be referred to the appropriate committee for its consideration and strongly urge its prompt enactment.

The proposed resolution has two titles. The first title contains language necessary to implement an Executive Agreement of April 18, 1969, between the Governments of Japan and the United States entered into pursuant to the Treaty of Peace with Japan, which provides for the compensation of inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the Second World War. A copy of the Agreement is enclosed. The Agreement essentially provides that the two Goevrnments will make equal, *ex gratia* contributions for the welfare of the inhabitants of Micronesia, such contributions to have a total value equivalent to $10 million.

The contribution by Japan will take the form of products and services having a value of 1.8 billion yen which, at present conversion rates, is computed at $5 million. The contribution of the United States, subject to the appropriation of funds by the Congress, is to take the form of $5 million in cash.

The Agreement between the Governments of Japan and the United States is responsive to the fact that, after 25 years, an innocent people whose islands were fought over by two Great Powers remain uncompensated for wartime suffering, while they have seen their kin in Guam and their neighbors in Asia benefit from grants of the United States and reparations of Japan. The Treaty of Peace with Japan provides that claims of the inhabitants of Micronesia against Japan, and claims of Japan and its nationals against the Administering Authority of Micronesia, shall be the subject of special arrangements. In negotiating those arrangements, the United States has pressed the claims of the Micronesians, while Japan has pressed the claims of its nationals—some 100,000 Japanese—for property left by them when they were after the War. The Agreement treats all Japanese claims against the Administering Authority as fully and finally settled, and makes no payment on them. It commits both Governments, subject to the appropriation of funds, to a joint, *ex gratia* grant to the Micronesians which, without any suggestion of liability on the part of either Government, should meet a Micronesian grievance which has gone unmet too long. Thus, when implemented, the Agreement will dispose of a long-standing irritant in relations between Japan and the United States, and do justice to the Micronesians.

That Agreement represents the successful conclusion protracted and difficult negotiations pursuant to Article 4(a) of the Treaty of Peace with Japan concerning the disposition of property of Japan and of its nationals in the Trust Territory, and their claims, including debts, against the Administering Authority of the Trust Territory and the residents thereof, and the disposition in Japan of the property of the Administering Authority and residents of the Trust Territory, and of their claims, including debts, against Japan and its nationals.

This joint resolution, if enacted, will establish a five-member Micronesian Claims Commission which shall receive, examine, adjudicate, and render final decisions with respect to claims of Micronesian inhabitants of the Trust Territory resulting from the hostilities of the Governments of the United States and Japan during World War II. The Commission will also be responsible for determining the validity of the claims that have arisen as a result of damages arising since the securing of the Islands of Micronesia but prior to July 1, 1951. The joint resolution will establish also a Micronesian Claims Fund, the whole of which Fund will be $10 million, and authorize the appropriation of $5 million to be paid into this Fund by the United States as its share of the Fund.

More specifically, section 1 of title I of the joint resolution, following the introductory paragraphs summarizing the foregoing, expresses agreement that the United States shall make an *ex gratia* contribution of $5 million, matching the equivalent contribution of Japan, and that the Secretary of the Interior shall pay such meritorious claims as are adjudicated by the Micronesian Claims Commission. Section 1 also defines the term "Micronesian inhabitant of the Trust Territory of the Pacific Islands" as a person who:

(1) became a citizen of the Trust Territory on July 18, 1947, and who remains a citizen as of the date of filing a claim; or

(2) if then living would have been eligible for citizenship on July 18, 1947; or

(3) is the successor, heir, or assign of a person eligible under (1) or (2) above, and who is a citizen of the Trust Territory as of the date of filing a claim.

This definition, while requiring citizenship, does not require residency in the Trust Territory as a prerequisite to filing a claim.

Section 2 of title I authorizes the appropriation to the Trust Territory of $5 million to be paid into a "Micronesian Claims Fund." That sum is to be in addition to the appropriations authorized by section 2 of the Act of June 30, 1954, as amended, for the civil administration of the Trust Territory and, as such, shall not be included in the computation of funds appropriated and subject to the limitation on appropriations contained in section 2 of the Act of June 30, 1954, as amended. The Secretary of the Interior is authorized to create and manage the Micronesian Claims Fund.

Section 2 of title I provides further that as the products of Japan and the services of the Japanese people, having an aggregate value of 1.8 billion yen, are made available to the Government of the Trust Territory, the cash equivalent of such products and services to the extent of approximately $5 million shall be transferred by the Secretary of the Interior from the funds regularly appropriated to the Trust Territory for supplies or capital improvements to the Micronesian Claims Fund. These funds so transferred, together with the funds authorized to be appropriated, shall constitute the whole of the Micronesian Claims Fund.

Section 3 of title I establishes a Micronesian Claims Commission to be composed of five members, such Commission to be under the control and direction of the Chairman of the Foreign Claims Settlement Commission. The five members shall be appointed, in consultation with the Secretary of the Interior, by the Chairman of the Foreign Claims Settlement Commission, who shall designate one member as chairman. Two of the members shall be selected from a list of Micronesian citizens nominated by the Congress of Micronesia. The other three members will be selected from the staff of the Foreign Claims Settlement Commission.

Subsections (b) and (c) of section 3 provide for the fixing of compensation and allowances of the members and for the appointment, compensation, and allowances of such staff personnel as the Commission may reasonably require for its proper functioning. We visualize the pay of the Commissioners as not exceeding the equivalent of a GS–15 in the General Salary Schedule.

Subsection (d) of section 3 authorizes the promulgation by the Commission with the approval of the Chairman of the Foreign Claims Settlement Commission, of necessary rules and regulations and provides that the final date of filing claims shall not be more than one year after the appointment of the Commission.

Subsection (e) requires that the Commission shall proceed as expeditiously as possible and shall wind up its affairs no later than three years after the expiration of the time for filing claims.

Section 4 of title I provides that the Commission shall have authority to receive and adjudicate, in accordance with the laws of the Trust Territory and international law, (1) claims of the Micronesian inhabitants of the Trust Territory who suffered loss of life, physical injury, and loss of or damage to personal property directly resulting from the hostilities between the Governments of Japan and the United States between December 7, 1941, and the dates of the securing of the various islands of Micronesia by the Armed Forces of the United States, and (2) those claims arising as post war claims between the dates of the securing of the islands of Micronesia and July 1, 1951.

Subsection (b) of section 4, title I, requires that six months after its organization, and annually thereafter, the Commission shall report through the Chairman of the Foreign Claims Settlement Commission to the Congress concerning its operations, and that upon completion of its work it shall certify to the Chairman of the Foreign Claims Settlement Commission, the Secretary of the Interior, and the Congress a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon; a list of all claims disallowed; and a copy of the decision rendered in each case.

Subsection (c) of section 4, title I, provides that in the event funds remain in the claim fund after all adjudicated claims are paid, such balance shall be paid into the treasury of the Trust Territory of the Pacific Islands for appropriation by the Congress of Micronesia for the welfare of the people of the Trust Territory. In the event that amounts payable on adjudicated claims exceed the total of $10 million, the Secretary of the Interior shall determine the necessary proration and make payments in accordance therewith.

Subsection (d) of section 4, title I, requires that a full release to the United States and Japan in respect to the liability of either or both shall be a prerequisite to the making of a payment to a claimant.

Section 5 of title I authorizes the appropriation of such sums as may be necessary for the operation and administrative expenditures of the Foreign Claims Settlement Commission and the Micronesian Claims Commission.

Section 6 of title I provides free assistance in the filing of claims authorized by this resolution and imposes a limitation upon attorney's fees in connection with payments made under the provisions of title I and title II of the resolution.

Section 1 of title II sets out the purpose of the title as promoting and maintaining friendly relations with the citizens of Micronesia, and authorizes the Micronesian Claims Commission to consider, ascertain, adjust, determine, and make payments, where accepted by the claimant in full satisfaction of final settlement of all the claims of Micronesian inhabitants against the United States arising as a result of damage to or loss or destruction of private property, both real and personal, of the inhabitants of the Trust Territory of the Pacific Islands as a result of acts by members of the United States Armed Services, employees of the United States Government including employees of the Trust Territory, who were acting in their official capacities. The claims to be considered by the Micronesian Claims Commission must be presented in writing within one year after the effective date of the Act. Only those claims that arose prior to July 1, 1951, will be considered by the Commission.

Section 1 of title II further provides that any settlements made by the Commission and any payments made by the Secretary of the Interior as a result of those settlements shall be final and conclusive and not subject to review.

Section 2 of title II authorizes the appropriation of $20 million for use by the Secretary of the Interior for the purpose of making payments on claims adjudicated by the Micronesian Claims Commission. This $20 million appropriation will be included in the appropriations made for the Department of the Interior.

Section 3 of title II provides that any funds appropriated for the purposes of title II which remain unexpended after settlement of all claims provided for under title II shall be returned to the Treasury of the United States.

As we have indicated, the enactment of this joint resolution, the subsequent appropriation of the funds authorized thereby, and the performance by the Micronesian Claims Commission of the functions vested in it by this resolution, will result in the final resolution of a difficult matter which has been of substantial concern to the people of Micronesia, the United States, Japan, and the United Nations for almost 25 years. We believe that this joint resolution provides a fair and wholly justified settlement.

In connection with title I claims, the sum of $10 million to be provided as an *ex gratia* contribution in compensation for the losses experienced by the Micronesians as a result of the war is, in our view, sufficient to satisfy the war claims which we anticipate will be considered by the Commission. It is likely that the settlement in connection with the death claims will draw most heavily upon the Fund. Since, even though it represents a most difficult task, the claims will need to be adjudicated in terms of the values of the early 1940's, we have noted the record of claim settlements made in Guam for occurrences paralleling those which give rise to the claims to be adjudicated in the Trust Territory. While such earlier settlements are not seen as binding precedents, the record indicates that the amount typically claimed for a death was $5,000, or less, with the amounts awarded ranging between $1,000 and $4,000, the former being the more frequent award and the latter being untypically high. Based upon our consideration of this matter and having regard to the lapse of time and the effects of inflation, we do not foresee individual death claim settlements in connection with the Trust Territory claims as exceeding $5,000. It is expected that approximately 1,500 claims arising out of the death of individuals as a result of the war will be the subect of claims presented to the Commission.

In connection with title II claims, residents and former residents of the Trust Territory who believed that they had valid claims against the United States Government for use or loss of property after the date of the securing of the various islands of the Trust Territory of the Pacific Islands during World War II were recently asked by the government of the Trust Territory of the Pacific Islands to file their claims with the district administrator of the district of the Trust Territory of the Pacific Islands where they reside or send them to the Attorney General of the Trust Territory. Persons who had previously filed were told not to refile.

This was done in order to provide this Department with information as to the number of claims that might be outstanding as a result of the acts of the United States Government in the Trust Territory of the Pacific Islands between the time of the securing of the islands that make up the Trust Territory of the Pacific Islands at the end of World War II and July 1, 1951, together with the total dollar value of such claims. It was determined from this survey that there were approximately 1,232 claims outstanding with an estimated dollar value of $18,436,902.00. We believe that the amount authorized by the bill will cover the value of the claims we know about, including any increase in value, as well as any claims of which we are not now aware.

The claims arising between the end of the war-time activity in the islands and July 1, 1951, are for damages to property, both personal and real. Most of the property claims are small.

In line with the resolution, in order to promote and maintain friendly relations with the people of the Trust Territory of the Pacific Islands, we are willing to have the Micronesian Claims Commission consider and settle the claims that have merit so that the amount of the claims can be paid to the claimant by the Secretary of the Interior. We firmly believe that the $20 million authorized by the bill is more than adequate to make payments as settlement of these claims even though there is some question as to the United States legal liability.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

Fred J. Russell,
Under Secretary of the Interior.

Agreement Between the United States of America and Japan Concerning the Trust Territory of the Pacific Islands

The United States of America and Japan,

Desirous of expressing their common sympathy for the suffering caused by the hostilities of the Second World War to the inhabitants of the Pacific Islands formerly under League of Nations Mandate to Japan, and now administered by the United States of America under the United Nations Trusteeship System as the Trust Territory of the Pacific Islands,

Desirous of making an ex gratia contribution to the welfare of the inhabitants of the Trust Territory,

Desirous of concluding a special arrangement, as envisaged in Article 4(a) of the Treaty of Peace with Japan, concerning the disposition of property of Japan and of its nationals in the Trust Territory and their claims, including debts, against the Administering Authority of the Trust Territory and the residents thereof, and the disposition in Japan of property of the Administering Authority and residents of the Trust Territory, and of their claims, including debts, against Japan and its nationals,

Have agreed as follows:

ARTICLE I

1. Japan will make available in grants to the United States of America, in its capacity as Administering Authority of the Trust Territory, one billion and eight hundred million yen (Y 1,800,000,000), currently computed at five million United States dollars ($5,000,000), for the purchase in Japan by the Administering Authority of the products of Japan and the services of the Japanes people, to be used for the welfare of the inhabitants of the Trust Territory.

2. The provision of these products and services shall, unless otherwise agreed upon by the Government of the United States of America and the Government of Japan, be made over a period of three years from the date on which the Japanese budget for the fiscal year 1970 is approved by the Diet, or the date of the appropriation of funds by the Congress of the United States of America under Article II of this Agreement, whichever date is later. The provision of products and services by Japan shall, subject to detailed arrangements to be concluded pursuant to paragraph 3 of this Article, be made in a reasonably even manner during the period.

3. The Government of the United States of America, as Administering Authority, and the Government of Japan shall conclude detailed arrangements for the implementation of this Article.

ARTICLE II

The Government of the United States of America shall, subject to the appropriation of funds by the Congress of the United States, establish a fund in the amount of five million United States dollars ($5,000,000), aside from its normal budgetary expenditures for the Trust Territory, to be used for the welfare of the inhabitants of the Trust Territory.

ARTICLE III

The United States of America, as Administering Authority, and Japan agree that all questions encompassed by Article 4(a) of the Treaty of Peace with Japan concerning the disposition of property of Japan and its nationals in the Trust Territory, and their claims, including debts, against the Administering Authority and the residents of the Trust Territory, and the disposition in Japan of property of the Administering Authority and the residents of the Trust Territory, and their claims, including debts, against Japan and its nationals, are fully and finally settled.

ARTICLE IV

This Agreement shall enter into force on the date of receipt by the Government of the United States of America of a note from the Government of Japan stating that Japan has approved the Agreement in accordance with its legal procedures.

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

Done at Tokyo, this eighteenth day of April, 1969, in duplicate in the English and Japanese languages, both being equally authentic.

SENATE JOINT RESOLUTION 36—INTRODUCTION OF A JOINT RESOLUTION AUTHORIZING THE PRESIDENT TO PROCLAIM THE OCCASION OF THE CELEBRATION OF THE TERCENTENNIAL OF ST. IGNACE, MICH.

Mr. HART. Mr. President, the history of St. Ignace, Mich., and the story of Father Jacques Marquette, missionary-explorer, are integral parts of the past from which the Nation draws its traditions and ideals.

Father Marquette's exploration of the Great Lakes and the Mississippi River was instrumental in opening that area of the Nation to the pioneers who followed.

Certainly all would agree that Father Marquette deserves an important place in our history books.

Perhaps less well known, but equally deserving of recognition, is the part St. Ignace played in the Father Marquette story.

He founded the town and his home mission there 300 years ago.

It was from St. Ignace that he set out on explorations. It was at his St. Ignace mission that he did much of his religious work.

It was of this town that he spoke of as "his beloved St. Ignace" during his fatal illness and it is there where he is now buried.

Residents of St. Ignace this year celebrate the town's tercentennial.

In light of the town's special relevance to the history of our Nation, I introduce a resolution authorizing the President to proclaim the occasion of the celebration of the tercentennial.

In this small way, the entire Nation can take part in this year-long celebration.

Mr. President, I ask unanimous consent that a brief biography of Father Marquette, by Dr. Lewis Beeson recently retired secretary of the Michigan Historical Commission, and the wording of the joint resolution be printed in the Record.

The PRESIDING OFFICER (Mr. Gambrell). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and biography will be printed in the Record.

The joint resolution (S.J. Res. 36) authorizing the President to proclaim the occasion of the celebration of the tercentennial of St. Ignace, Mich., introduced by Mr. Hart, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S.J. Res. 36

Whereas St. Ignace, Michigan, was established as a community in 1671, and has continued as such ever since; and

Whereas its founder was the renowned missionary-explorer, Father Jacques Marquette; and

Whereas St. Ignace was his home mission and his remains are buried there, although he was of French birth and in the service of the Jesuit order headquartered at Montreal, Canada; and

Whereas he departed from St. Ignace with Father Jolliet to explore the Great Lakes to the west and the Mississippi River as far south as its confluence with the Arkansas River; and

Whereas Marquette and Jolliet and their party were the first Europeans to penetrate this vast wilderness destined to become the heartland of America; and

Whereas the maps and journals of his explorations have provided information about the Indians who inhabited the area, the geography, the topography, and the climate of the midwest, which in turn was of invaluable assistance to the men who subsequently opened up and developed this Nation; and

Whereas he administered both to the spiritual and physical needs of all the people with whom he came in contact; and

Whereas in his dying days he referred to the community which he founded as "his beloved St. Ignace"; and

Whereas St. Ignace is inextricably woven into the fabric of our Nation—into its dreams and deeds, into its legend and history—and the future of St. Ignace is inseparable from that of the rest of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation to announce the celebration of the tercentennial of the founding of St. Ignace, Michigan throughout 1971.

The biography, presented by Mr. Hart, is as follows:

Synopsis of Marquette's Career

Marquette arrived at Quebec from France on September 20, 1666. On October 10, 1666, he was sent to Three Rivers to study the Algonquian language. Sometime after April 21, 1668, he left Montreal for "the Ottawa country," with Father Louis le Boesme, arriving at the Sault de Ste. Marie sometime in the summer. Marquette left the Sault in August, 1669, for the Mission of La Pointe du Saint Esprit at Chequamegon Bay, Wisconsin, arriving there September 13, 1669. He spent eighteen months at La Pointe, traveling around Lake Superior and to Lake Nipigon. In the spring of 1671, he abandoned La Pointe, and with the Huron and Ottawa who lived near the mission, retreated through the Sault to Mackinac Island where the Mission of St. Ignace had been established in the winter of 1669–70. Soon afterward, in the summer or early fall of 1671, Marquette moved the Mission of St. Ignace to the northern mainland of the strait of Michilimackinac.

Marquette remained at the Mission of St. Ignace until May 17, 1673, when he set out under the leadership of Louis Joliet "to visit the lands that dwell along the Mississippi River." They proceeded to Green Bay and up the Fox River to De Pere, where the Mission of St. Francis Xavier had been removed sometime during the winter of 1671–72. Joliet and and Marquette journeyed up the Fox River, portaged to the Wisconsin River and reached the Mississippi River at the mouth of the Wisconsin, June 17, 1673. The two traveled down the Mississippi as far as the mouth of the Arkansas River.

On July 17, 1673, Joliet and Marquette began their return up the Mississippi. On their return journey, Joliet and Marquette took the Illinois River, a shorter route than the Wisconsin-Fox. About seven miles below the present Ottawa-Illinois, they visited for three days the Illinois Indians at their village of Old Kalkaskia. Marquette promised the Indians to return and establish a mission. They reached Lake Michigan via either the Des Plaines-Chicago or Des Plaines-Calumet rivers, returning to the Mission of St. Francis Xavier at De Pere at the end of September, 1673, where they stayed the winter to rest, recuperate, and write their reports of their journey.

In the spring, Joliet left for Quebec. Marquette was detained at St. Francis Xavier because of illness until October 25, 1674, when he set out for the Illinois country. Reaching "the river of the portage" (the Chicago or the Calumet) on December 4, he and his companions were forced by the bad weather and Marquette's illness to winter two leagues up the river. Marquette started for Kalkaskia March 30, 1675, reaching it April 9. But Marquette was too ill to remain. He was forced to leave at Eastertime,

1675. His hope was to reach his Mission of St. Ignace before he died. He died on his way to St. Ignace May 18, 1675, at the mouth of a river on the western shore of Lake Michigan.

On May 18, 1677, Marquette's remains were disinterred by a party of Indians and taken to St. Ignace, where he was buried with full ceremony June 8, 1675.

SENATE JOINT RESOLUTION 37—INTRODUCTION OF A JOINT RESOLUTION RELATING TO "COMMUNITY TOTAL HEALTH WEEK"

Mr. CRANSTON. Mr. President, nothing the 92d Congress will consider is more crucial than legislation relating to America's current health crisis. During the 91st Congress, one bill in 10 was related to the health field.

In an effort to promote cooperation and harmony between the Government and organizations dealing with programs to improve the effectiveness of our current health-care system, I am proud to introduce today, for appropriate reference, a joint resolution to establish a national "Community Total Health Week."

The growing awareness and concern about health matters on the Federal level is a consequence of State and local community involvement in activities to improve community health and services for many years. In the county of Los Angeles and the State of California, Community Health Week has been proclaimed and observed for over a quarter of a century under the leadership of Dr. Ruth Temple, with our Governor serving as honorary chairman. Its major contribution has been to unite both voluntary and official agencies into a single effort focused upon community health.

The Community Health Association, Inc., headquartered in Los Angeles, is prepared to provide all the information about Community Total Health Week it has gathered in its 26 years of experience. Any interested community will be able to conduct a week which will be truly educational and productive. These activities will provide the entire Nation with the opportunity to participate in a unified, voluntary health education effort and training program which joins medical professionals, voluntary health organizations, schools, businesses, and labor and civic groups to eliminate preventable diseases and work together to achieve the highest level of health care and services for every American.

I believe a Community Total Health Week can serve as a constructive encouragement to our communities and local organizations to work together to make America a healthier place for all of us to live in.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Gambrell). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 37) to authorize the President to issue annually a proclamation designating the calendar week during which the third Wednesday of March occurs as "Community Total Health Week," introduced by Mr. Cranston, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S.J. Res. 37

Whereas an indispensable element of the strength, the freedom, and the constructive world leadership of any nation is the good health of its citizens;

Whereas the implementation of a total health program during a Community Total Health Week brings people of a community together and affords them an opportunity to health educational effort and training program involving the cooperation of physicians, dentists, voluntary health organizations, private homes, churches, public- and religious-sponsored schools, business, labor, youth, parent, senior citizen, and other civic associations and organizations, and all other groups of people wtihin the community as a community total health team for the common causes of (1) eliminating preventable diseases, disorders, and tragedies from the community, and (2) working together to gain the highest attainable mutual rewards in positive health benetfis and human betterment;

Whereas an ever larger number of communities are observing a Community Health Week; and

Whereas the Community Health Association, Incorporated, with headquarters in Los Angeles, California, stands ready to give to any interested community information and the full benefit of its twenty-six years of experience in community organization and Community Health Week-total health program development: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation—

(1) designating the calendar week during which the third Wednesday of March occurs as "Community Total Health Week";

(2) urging Federal, State, and local government agencies, as well as citizens and private organizations, to observe such week with educational efforts and other appropriate activities which—

(A) foster personal responsibility, diligent work, self-help, concern for those less advantaged, and the more effective use of all essential health services and the total resources available to the home, the place of business, the school, and the total community for the maximum benefit of all members of the community without regard to race, creed, color, sex, national origin, or financial means,

(B) encourage community unity,

(C) inspire love of country, and one's fellowman,

(D) highlight the extent to which essential health care is unavailable to many and only partially available to many others and the need to extend essential health services to all those in the community not now effectively served; and

(3) calling upon the communities of our Nation to cooperate with the medical and dental societies and other professional societies within their communities—

(A) to form local citizens' community total health teams;

(B) to launch in their respective communities a Community Total Health Week and annual community total health program as a strong continuing campaign for the prevention and reduction of all preventable diseases, disorders, and tragedies for all members of their respective communities; and

(C) to aid all community members in pursuing and obtaining maximum mutual benefits in health, community unity, prosperity, happiness, personal development, and service, and a rich, abundant, and loving life with their fellow men.

ADDITIONAL COSPSONORS OF BILLS

S. 41

At the request of the Senator from Kansas (Mr. Dole), the Senator from Alabama (Mr. Allen), the Senator from New Mexico (Mr. Anderson), the Senator from Maryland (Mr. Beall), the Senator from Utah (Mr. Bennett), the Senator from New York (Mr. Buckley), the Senator from Kentucky (Mr. Cook), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Fannin), the Senator from Michigan (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from New York (Mr. Javits), the Senator from Oregon (Mr. Packwood), the Senator from Kansas (Mr. Pearson), the Senator from West Virginia (Mr. Randolph), the Senator from Pennsylvania (Mr. Scott), and the Senator from North Dakota (Mr. Young) were added as cosponsors of S. 41, to establish the National Information and Resource Center for the Handicapped.

S. 78

At the request of the Senator from Wisconsin (Mr. Nelson), the name of the Senator from Oregon (Mr. Packwood) was added as a cosponsor of S. 78 to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft.

S. 192

At the request of the Senator from Wisconsin (Mr. Nelson), the Senator from Indiana (Mr. Bayh), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Mondale), the Senator from Oregon (Mr. Packwood), and the Senator from Illinois (Mr. Percy) were added as cosponsors of S. 192, the Marine Pollution Control Act to end ocean dumping.

S. 282

At the request of the Senator from Wisconsin (Mr. Nelson), the Senator from Michigan (Mr. Hart) was added as a cosponsor of S. 282, to amend the Solid Waste Disposal Act in order to establish economic incentives for the return, reuse, and recycling of packaging, to reduce the public costs of packaging and other solid waste disposal, to require national standards for controlling the amount and environmental quality of packaging, and for other purposes.

S. 323

At the request of the Senator from Kansas (Mr. Dole) the name of the Senator from Arizona (Mr. Goldwater) was added as a cosponsor of S. 323 to amend section 4491 of the Internal Revenue Code of 1954 to provide that the weight portion of the excise tax on the use of civil aircraft shall apply to piston-engined aircraft only if they have a maximum certificated takeoff weight of more than 6,000 pounds.

S. 601

Mr. TAFT. Mr. President, I am delighted to join with my colleague, the senior Senator from Ohio, in cosponsoring S. 601 which will amend section 7 of the Federal Water Pollution Control Act. This measure is premised upon the recognition that regional watersheds are rational units for the control of stream and river pollution.

In Ohio, we have had considerable success with the Miami Conservancy District. The catastrophic Miami River flood of 1913 demonstrated the need for its creation as a flood control agency. Its activities were broadened in June of 1968 to include water quality management. The regional programs recommended by its staff include the construction of an area waste-water-treatment facility near Franklin, Ohio, instream aeration, development of a stream appearance program to provide for the elimination of litter, preparation of a detailed analysis for flow augmentation, continuation of the regional water quality management program, and the development of a network for collection of nonaqueous liquid industrial residuals.

Unquestionably, problems of our environment must receive comprehensive treatment. These problems range from the dumping of garbage in the Atlantic Ocean to the disposal of radioactive waste material. I think it is appropriate, however, with respect to pollution of America's streams that we allow regional watershed conservation organizations to apply for Federal funds so that they may attack the important problem of water pollution on a watershed basis. This will not be the extent of our concern and action. But it will be an important step in America's fight to preserve the quality of our environment. I am delighted to join with my distinguished colleague, Senator SAXBE, in cosponsoring this measure and I would hope that it may receive favorable action during this session of the Congress.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 15

Mr. NELSON. Mr. President, last week I invited all Senators to cosponsor Senate Joint Resolution 15 which would designate the third week of April as Earth Week. The strong and bipartisan response to this resolution—28 Senators have already joined as cosponsors—has been most heartening and I am very hopeful that a majority of the Senate will join in cosponsoring the Earth Week proposal.

Support continues to build nationwide as well for an annual Earth Week. The National Governors Conference recently unanimously adopted a resolution recommending that the Governors issue proclamations declaring Earth Week in their respective States.

And Earth Week, which I have proposed as a nationwide State and local effort, has been endorsed by national environmental and conservation organizations including the Citizens Committee on Natural Resources, the Conservation Foundation, Defenders of Wildlife, Environmental Action, Inc., Friends of the Earth, the Izaak Walton League of America, the National Audubon Society, National Parks and Conservation Association, National Recreation and Parks Association, National Wildlife Federation, Sierra Club, and the Wilderness Society.

I ask unanimous consent that at the next printing of Senate Joint Resolution 15, the following 28 Senators be added as cosponsors:

The Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from New Jersey (Mr. CASE), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from New York (Mr. JAVITS), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. STEVENSON), the Senator from Texas (Mr. TOWER), and the Senator from New Jersey (Mr. WILLIAMS).

SENATE RESOLUTION 50—SUBMISSION OF A RESOLUTION AMENDING RULE XXII OF THE STANDING RULES OF THE SENATE

Mr. DOLE submitted a resolution (S. Res. 50) amending rule XXII of the Standing Rules of the Senate with respect to the affirmative vote required for the limitation of debate on successive motions, which was referred to the Committee on Rules and Administration.

(The remarks of Mr. DOLE when he submitted the resolution appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 45

At the request of the Senator from West Virginia (Mr. RANDOLPH) the Senator from West Virginia (Mr. BYRD), the Senator from Texas (Mr. TOWER), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MONDALE), and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of Senate Resolution 45, to authorize the Committee on Interior and Insular Affairs to make a study of national fuels and energy policy.

A NEW UNITED STATES-CHINA POLICY—AMENDMENT

AMENDMENT NO. 4

Mr. GRAVEL. Mr. President, several weeks ago, I submitted Senate Resolution 18 which calls for the formulation of a new China policy. That resolution contains three specific proposals upon which the framework of a new policy can and should be based.

Since that time I have been gratified by the favorable response we have had to the resolution—in the media, among my colleagues, from China experts, and even from representatives of a number of Asian nations. The positive reaction has been beyond our most optimistic expectations. We were, if anything, perhaps unduly conservative in our expectations since developments in the last 2 weeks have demonstrated explicity that this is truly an idea whose time has come.

Shortly after I submitted my resolution, the distinguished Senator from New York, Senator JAVITS, submitted his own thoughtful and rather different resolution regarding the China problem. Shortly before this, our able colleague from South Dakota, Senator MCGOVERN, delivered an excellent address on the need for a fresh approach to this problem. Then, last week under the sponsorship of Senator HUGHES, myself and others, a number of leading China experts were brought together here for a 2-day conference under the auspices of the fund for new priorities. It seems clear that a strong body of opinion here shares my view that we can and must lead the way on this vital question.

I would like to say just a few words at this point about last week's conference. The press gave extensive coverage to the heated exchange of views during one of the sessions. It also tended to emphasize differences among the participants and the fact that these led occasionally to intemperate remarks. The sessions were heated and the language was, at times, rough and there was evidence of an ideological and generation gap, if you will. But these, in my opinion, demonstrate the very utility and vitality of the meetings. I applaud those heated exchanges which legitimately represented the airing of learned and strongly held views. Radical or conservative, young or old, these participants represented the very best that this country has as China experts. Some may quarrel with the opinions but I doubt that any will contest the credentials or the sincerity of those expressing them. Fiery personalities can and often do generate light as well as heat. In short, I believe we owe a debt of gratitude to Senator HUGHES and the fund for doing such a splendid job in bringing these views together.

My own resolution received attention from experts present at the conference and my aides at the conference and I learned and profited from this. For example, our proposal that the United States finally remove its thumb from the pie and let the Chinese on the mainland and Taiwan sit down to try to settle their differences by and between themselves met with wide approval. I have yet to hear anything but strong support for this basic approach.

Reaction was a good deal more reserved, however, on that part of the resolution calling for the creation of an Asian seat in place of the permanent Security Council seat presently occupied by the Republic of China. Advocates of the various philosophies seemed to agree that the time for an approach of this sort to the U.N. membership question has probably passed. Most appeared to feel that both Chinas, in their own ways, would not support or accept the transformation of the Chinese seat, dating from the signing of the U.N. Charter, into a wider Asian seat. Experts at the conference and elsewhere seem collectively to feel that a resolution to admit the People's Republic will probably prevail as early as next fall.

I will admit to having mixed emotions on this question. Since I submitted my resolution, representatives of several leading Asian nations have called my office to express their interest in and support for this proposal. I said in my floor statement at the time I submitted it that—

> The proposition has considerable appeal to the other Asian Nations who may share in this seating arrangement.

That statement remains as valid now as it then was. Finally, one cannot predict with absolute assurance the reaction of the People's Republic or the Republic of China because, so far as I know, the proposition has never been directed to either.

I believe, nevertheless, that this body must express its will in terms of present reality. For 20 years, the United States in its policy on this question has refused to face reality and this must change. Whatever resolution may be adopted as reflecting the sense of this body, it must look to the realities of the present and not to the past or to some fanciful desire for the future.

In anticipation, therefore, of the probability not only that both Chinas would oppose creation of a permanent Asian seat out of the Chinese seat but also that the U.N. membership would sustain them in their objections, I am now convinced that, on balance, Resolution No. 18 will be a stronger and more valid statement of present realities through amendment of that part calling for such a seat.

I would like to submit the following amendment:

AMENDMENT NO. 4

Delete the last two paragraphs of the resolution and substitute therefor the following paragraph:

> *Resolved*, That the United States introduce in the twenty-sixth United Nations General Assembly a draft resolution proposing that the People's Republic of China be admitted to membership in the United Nations and all organizations related to it and that the United States should not seek to oppose, as a permanent member of the Security Council, a determination by the U.N. membership and the U.N. secretariat with respect to the occupancy of the permanent Chinese seat in the Security Council.

The PRESIDING OFFICER (Mr. GAMBRELL). The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 4) was referred to the Committee on Foreign Relations.

Mr. GRAVEL. Mr. President, now, there has been some disagreement in legal circles as to whether or not the United States has any right as a Security Council member to oppose certain seating arrangements in the United Nations. I am saying here that the United States, whatever the arguments about its right, should as a policy not seek to block the clear will of the U.N. membership on this issue. How can we castigate the People's Republic for having in the past supposedly ignored the opinions of the world community of nations and then make it a policy of doing it ourselves on this issue?

NOTICE OF HEARING ON S. 19 AND S. 581 TO AMEND THE EXPORT-IMPORT BANK ACT OF 1945

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking, Housing, and Urban Affairs will hold hearings on Monday and Tuesday, March 22 and 23, 1971, on the following bills:

> S. 19, to amend the Export-Import Bank Act of 1945 to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the United States Government, and for other purposes.
>
> S. 581, to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the United States Government, to extend for three years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes.

The hearings will begin at 10 a.m. on Monday, March 22, 1971, in room 5302 New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Dudley L. O'Neal, Jr., Senate Committee on Banking, Housing and Urban Affairs, room 5300, New Senate Office Building, Washington, D.C., 20510, telephone 225-7391.

NOTICE OF HEARING ON FARM HOUSING PROGRAM

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs, will hold a 1-day hearing on March 2, 1971, on the farm housing program which is administered by the Farmers Home Administration of the Department of Agriculture.

The main purpose of the hearing is to receive testimony on the proposed cutback by the administration in the funding of the farm housing program for the last half of fiscal year 1971.

The hearing will be held in room 5302, New Senate Office Building, on Tuesday, March 2, 1971, commencing at 10 a.m.

APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES—NOTICE OF HEARINGS

Mr. BIBLE. Mr. President, I want to announce that hearings on the budget estimates included in the Department of the Interior and related agencies appropriation bill will be held by the Subcommittee of the Committee on Appropriations charged with the responsibility for that bill beginning Friday, February 19. Secretary Morton will be the first witness.

The hearings will begin at 10 in the morning and at 2 in the afternoon, and will be held in room 1114, New Senate Office Building. They are scheduled at least through March 19 for departmental witnesses.

I have set aside Monday, March 22 to hear Members of Congress, and I will appreciate it if they will advise me or the clerk of the subcommittee as soon as possible if they desire to appear.

The subcommittee will hear from outside witnesses at a later date which will be coordinated with their appearances before the House Committee on Appropriations so as to save them the necessity for a second trip to Washington.

CONVENTION WITH NICARAGUA AND EXTRADITION TREATY WITH SPAIN—A UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, the Senate will recall that earlier today the joint leadership obtained permission to vote on Executive L and Executive N, 91st Congress, second session, this afternoon. Because of developments which have occurred since that time, I ask unanimous consent that the agreement be vitiated and that after an explanation of these noncontroversial matters, one being a treaty and the other a convention, the vote occur on both of them at not later than 1 o'clock on Wednesday next.

The PRESIDING OFFICER (Mr. GAMBRELL). Is there objection? Without objection, it is so ordered.

The unanimous consent agreement, subsequently reduced to writing, is as follows:

> *Ordered*, That at 1 p.m. on Wednesday, February 17, 1971, the Senate proceed to vote on the resolution of ratification to the Convention with Nicaragua terminating the Bryan-Chamorro Treaty of 1914 (Ex. L, 91st Cong., 2d sess.); to be immediately followed by a vote on the resolution of ratification to the Extradition Treaty with Spain (Ex. N. 91st Cong., 2d sess.).

THE PLIGHT OF SOVIET JEWS

Mr. PELL. Mr. President, because we have recently had dramatic proof that the worldwide voice of protest can make a difference to the Kremlin, it is time that all men of good will join together in condemning the continuing anti-semitism that today is so rampant in the Soviet Union. Our common conscience still bears the scars of our silence in the 1930's. History must not record that in the 1970's we again closed our eyes and our hearts to the persecution of the Jewish people.

When the Soviet leaders commuted the death sentences and lightened the other severe penalties that had been imposed against the alleged hijackers of a Russian aircraft, they demonstrated that they will not remain insensitive to an enraged world. But rather than allow this one victory to blind us to the continuing state of affairs behind the Iron Curtain, we should use it as an occasion to redouble our efforts in order that the Russian Government put to a stop, once and for all, its longstanding policy of anti-Semitism.

While some may say that the Russian brand of cultural and religious discrimination is not the equivalent of the German slaughter of the 1930's and 1940's, to my mind they do have a common goal—the annihilation of a race and religion. One was physical extermination, the other is spiritual and cultural death. But both represent a similar kind of genocide. For this reason, freedom-loving people everywhere must vocalize their abhorrence of the way in which the Soviet Union is denying certain rights to three million of its citizens. We must do so for two reasons: first, because it is right; and second, because it has been shown that the protests of enraged men and women can affect Soviet policy.

Two factors in my own background have led me to take the floor on this subject. First, my father was the U.S. representative on the United Nations War Crimes Commission. His was the voice and force in our Government that caused genocide to be considered as a war crime and handled as such at the Nuremberg trials. Originally, pussyfooting legalists in the State Department had opposed this concept and, because of my father's strong views, worked out his ouster from the War Crimes Commission. But he went to the bar of public opinion and won a reversal of policy to the effect that genocide would be considered a war crime by the U.S. Government. Earlier, his cousin, Robert T. Pell, had been in charge of the activities of the Intergovernmental Committee on Refugees in attempting to resettle the German Jews in Western Hemisphere countries. Arthur D. Morse has poignantly described these activities in his book, "While Six Million Died, A Chronicle of American Apathy."

Second, my own experience has made me conscious of the problem, too. I remember when, in 1948, shortly after I opened the American Consulate General in Bratislava, an anti-Jewish pogrom-like riot took place there, and I gave sanctuary to intended victims of it in our Consulate General. Then, for several years, I was vice president of the International Rescue Committee and in charge of their program of looking after Hungarian refugees from the 1956 revolution. The International Rescue Committee has always been particularly concerned with intellectuals and professional people who are political refugees.

For these reasons, I am particularly conscious of the oppression suffered by Jews and sympathetic to their plight.

Before we can decry the conditions that presently exist in the U.S.S.R., we must understand them. The Jews in Russia are recognized as a nationality and are permitted the same rights supposedly granted every nationality by the State. During the first 30 years after the Russian revolution, the Government supported a wide network of cultural and educational institutions for the Jews. Yiddish was recognized as an official national language; hundreds of thousands of books were published; there were 110 permanent Yiddish theaters; and as late as 1940 there were 100,000 youngsters in Yiddish schools. Although the regime was ideologically committed to atheism, in practice it permitted freedom of worship to all groups and asserted the principles of equality of religion. The ritual necessities of the Jewish faith—the prayer books, the devotional articles, religious calendars and the like were produced as needed. Jews were essentially the coequals of other religious groups and nationalities.

As a matter of fact, in the 1920's the new Russian leaders established the Jewish Autonomous Province of Biro-Bidjan as a center of Jewish settlement, culture and self-government within the Soviet Union. The idea of providing a separate area for Jewish colonization was first conceived in 1928. Its raison d'être was the necessity to find employment for the millions of small Jewish businessmen who had been forced from their previous occupations by the revolution. Because the new system abolished private enterprise, it required a complete change in the Jewish way of life in Russia. One way to solve this problem of what we today would call rehabilitation was to settle large numbers of Jews on the land. The Communists saw agriculture as a constructive occupation which would turn the former Jewish bourgeoisie into a "productive" element of their new society. The site decided upon was Biro-Bidjan, taking its name from its two rivers which form the boundary of Manchuria. The area, over 22,000 square miles, is 5,000 miles from Moscow. It is land that is rich in resources, but poor in climate. Because the Government was interested in attracting Jewish settlers in the area—which became an autonomous state in 1934—every encouragement was given to the Jews to migrate there. By the end of World War II, Jewish population in the region had reached 30,000.

By 1948, however, things had changed. Stalin had by then destroyed all Jewish communal and cultural institutions, including publishing houses and printing presses. The famed Jewish theaters were closed and the Yiddish actors, writers, and leaders were liquidated. There is today not a single Yiddish school or class in the Soviet Union. With the closing of synagogues, Jews have been deprived of a place in which to worship God in their own way, with the termination of seminaries, Jews cannot become educated to become rabbis.

Moscow, with half a million Jews, has one rabbi. With the closing of cemeteries, Jews cannot bury their dead according to their religious rights; with the elimination of the production of supplies, rituals cannot be observed. Hebrew prayer books, bibles and calendars can no longer be printed. Yiddish language literature in books, theaters, periodicals and newspapers have been virtually wiped out. No central organization to serve as a cohesive force is permitted. And the results of these prohibitions is a slow, certain strangulation of Jewish religion and culture. These anti-Jewish measures begun by Stalin also affected the Jewish autonomous region. Without Jewish schools or other cultural institutions, Biro-Bidjan is now Jewish in name only. Today fewer than 15,000 of the region's 163,000 inhabitants are Jewish. While the region still houses the Soviet Union's only surviving Yiddish language newspaper, the language is not taught in the schools, and there is virtually no living culture of a Jewish content.

But cultural repression is not the only evidence of anti-Semitism in the U.S.S.R. The official Soviet press deliberately holds Jews up to ridicule and scorn, picturing them as black-marketeers and economic scavengers. Despite the public statements of leaders from Lenin to Kosygin assailing anti-Semitism, there have been frightening manifestations in practice. From 1962 to 1964 a campaign to stabilize the economy included efforts to blame the Jews for all of the failures of the production system. The so-called economic trials and the simultaneous mass media offensive were deliberately anti-Jewish, and a high proportion of those purged, tried, and sentenced to prison or death were Jews. It was the first time in the history of the Soviet Government that capital punishment was invoked for economic crimes.

Many of the later attacks on Judaism have been equally virulent and racist. While there was official criticism of the notorious "Judaism Without Embellishment"—Trofim Kitchko's vitriolic tome published by the Ukranian Academy of Sciences—and worldwide protest finally resulted in a partial retraction, other equally vicious material has continued to be distributed by Government and party publishing houses, newspapers, and on broadcasts by state radio.

One of the most poisonous of these was an article issued in 1965 by the state publishing house and entitled "Contemporary Judaism and Zionism." In this work, Jews were depicted as being antisocial, antigovernment, anti-Russian, agents of the CIA, and tools of imperialism. Although this kind of propaganda is contrary to the Russian Constitution, there is little attempt to enforce the prohibition, or to bring to justice those guilty of writing and publishing such material. Such propaganda, of course, continues to incite hatred and discrimination against Jews and further separates the Jew from his fellow Russian.

Most distressing to many, perhaps, is the fact that the Soviet Government has not lived up to the International Convention on the Elimination of All Forms of Racial Discrimination, which was ratified by the Supreme Soviet in 1969, and which says that any citizen has the right to leave any country, including his own. It is this refusal to allow Jews to emigrate to Israel which has aroused tremendous indignation on the part of Russian Jews and their coreligionists throughout the world.

It is interesting to note that 5 years ago the Jews in Russia were silent despite the severe conditions under which they lived. But two things happened: the intensification of Soviet anti-Semitic practices and the 5-day war in the Middle East combined to bring a revival of Jewish consciousness. Denied the rights extended to other ethnic groups, and suffering intense feelings of humiliation engendered by the vicious anti-Jewish propaganda, Jews in Russia reacted to the Israeli success in the 5-day war with both pride and a new sense of defiance. The efforts of the Russians to weaken the Jews as a nationality succeeded only in strengthening them in their self-awareness. While this new reawakening must be viewed as part of the overall growth of the struggle over human rights within the entire Soviet Union, it has one feature which differentiates it from the reactions of other ethnic minorities: it has focused in a growing desire for emigration to the national homeland, in this case Israel.

For whatever the reason—and probably it has a lot to do with the Russian leaders' unwillingness to have it be known that there is dissatisfaction within the nation, that people would actually prefer living elsewhere, the Government has refused to allow migration to take place. Perhaps a substantial portion of the 3 million Jews in Russia would want to go to Israel, but the exodus has been kept to a trickle. It is an indication of the depth of feeling that 80,000 have announced their desire to move to Israel, despite the very real consequences of merely requesting an exit visa. Because of their requests, thousands have suffered economic consequences, demotion in their jobs, and the loss of higher educational opportunities for their children. But still the demands pour in.

Mr. President, the world community has repeatedly and emphatically asserted its dedication to the principle that there are basic human rights that should be observed by all nations and all peoples. Most notably the principles were enunciated in the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948.

Article 13 of the declaration states that:

> Everyone has the right to leave any country, including his own, and to return to his country.

Article 18 states that:

> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

It is clear that the policies and actions of the Soviet Government in regard to its Jewish citizens are not in accordance with the International Bill of Human Rights. While the Soviet Union abstained from the vote on the declaration, the overwhelming majority of the United Nations members voted for and adhere to it.

Mr. President, the United Nations Human Rights Commission will be meeting later this month in New York. I believe the U.S. Government as a matter of conscience and concern should bring before the Commission the question of persecution and discrimination against Jewish citizens of the Soviet Union. I am of the strong belief that President Nixon should instruct the N.S. representative at the Human Rights Commission to do so.

We have seen that the Soviets will respond to pressures of this kind. We would be remiss if we did not exert the strongest moral persuasion to convince them that crimes against one religious group are crimes against all religion; that the Jews in their nation should be allowed the rights guaranteed by their own constitution; that Jewish education should be allowed to exist, Jewish culture allowed to flourish, and the Jewish people permitted to live in dignity.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

CONVENTION WITH NICARAGUA TERMINATING THE BRYAN-CHAMORRO TREATY OF 1914

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive L on the Executive Calendar, and that all the various parliamentary stages of the treaty up to and including the presentation of the resolution of ratification be considered as having occurred, and that the vote on Executive L occur beginning not later than 1 p.m. Wednesday, February 17.

The PRESIDING OFFICER. Without objection it is so ordered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive L, 91st Congress, second session, a convention with Nicaragua terminating the Bryan-Chamorro Treaty of 1914, which was read the second time, as follows:

CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF NICARAGUA

The Government of the United States of America and the Government of Nicaragua, desirous of further strengthening the traditional bonds of friendship and cooperation long existing between their two countries, have reexamined the Convention respecting a Nicaragua canal route, signed at Washington on August 5, 1914, in the light of present circumstances and needs and have concluded that the interests of both nations will best be served by terminating the Convention in all its provisions. To this end, the two Governments have agreed to the following articles:

ARTICLE I

Upon the entry into force of the present Convention, the Convention between the United States of America and the Republic of Nicaragua respecting a Nicaraguan canal route, which was signed at Washington on August 5, 1914, shall terminate.

ARTICLE II

As a consequence of the termination of the Washington Convention of August 5, 1914, all the rights and options that the 1914 Convention accorded to the Government of the United States of America shall cease to have effect as of the date this Convention enters into force.

ARTICLE III

The present Convention shall be ratified in accordance with the constitutional requirements of the contracting parties, and instruments of ratificatoin shall be exchanged at the city of Managua as soon as possible. The present Convention shall enter into force on the day on which the instruments of ratification are exchanged.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the present convention.

DONE in duplicate, in the English and Spanish languages, both equally authentic, at the city of Managua this fourteenth day of July, one thousand nine hundred and seventy.

For the Government of the United States of America:

MALCOLM R. BARNEBEY,
Charge d'Affaires a.i. of the United States of America.

For the Government of the Republica of Nicaragua:

LORENZO GUERRERO,
Minister of Foreign Affairs of Nicaragua.

The PRESIDING OFFICER. If there be no objection, Executive L will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification.

The resolution of ratification of Executive L will now be read.

The assistant legislative clerk read the resolutions of ratification of Executive L as follows:

> *Resolved* (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention signed at Managua on July 14, 1970, between the United States of America and the Republic of Nicaragua for the Termination of the Convention Respecting a Nicaraguan Canal Route Signed at Washington on August 5, 1914 (Ex. L, 91–2).

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from the report, Executive Report No. 92–2, explaining the purposes of the convention.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

PURPOSE

The sole purpose of this very short, simple convention is to terminate the Bryan-Chamorro Treaty of 1914 with Nicaragua and all of the rights and options accorded thereunder to the United States.

BACKGROUND

The Bryan-Chamorro Treaty was signed in 1914 and became effective in 1916. In return for a payment of $3 million (the expenditure of which had to be approved by the American Secretary of State), Nicaragua gave the United States the exclusive rights in perpetuity for construction of an interoceanic canal through Nicaragua. The United States also got a 99-year lease on the Corn Islands off the Caribbean coast of Nicaragua and the right, also for 99 years, to establish a naval base on the Gulf of Fonseca on Nicaragua's Pacific coast. In each case, the lease and the base rights were subject to renewal, at the option of the United States, for an additional 99 years. In each case, also it was expressly provided that the Corn Islands and the naval base would be "subject exclusively to the laws and soveign authority of the United States."

The United States has never exercised any of the rights it acquired under the treaty and has no intention of doing so.

Particularly in recent years, the existence of the treaty has become increasingly unpopular in Nicaragua and an unnecessary irritant in U.S.-Nicaraguan relations. As a consequence, in March, 1970, the two Governments exchanged diplomatic notes agreeing to enter into negotiations on the future of the treaty, and in July of that year the pending convention was signed terminating the treaty.

COMMITTEE ACTION AND RECOMMENDATION

President Nixon transmitted the convention to the Senate with a request for advice and consent to ratification on September 23, 1970. The Foreign Relations Committee held a hearing on the convention February 8, 1971, at which time a statement was received from Mr. Robert A. Hurwitch, Deputy Assistant Secretary of State for Inter-American Affairs. A copy of this statement is included as an appendix to this report.

The committee considered the matter further in executive session February 9 and without objection ordered the convention favorably reported to the Senate.

The convention will not result in any costs to the United States.

The 1914 treaty has long since outlived its usefulness, if it ever had any. The 1970 report of the Atlantic-Pacific Inter-Oceanic Canal Study Commission emphatically rejected a possible canal route through Nicaragua. There is nothing to be gained by continuing the old treaty in force and a good deal to be lost in terms of our political relations with Nicaragua. The committee therefore recommends that the Senate advise and consent to ratification of the convention terminating the 1914 treaty.

APPENDIX

Statement by Mr. Robert A. Hurwitch, Deputy Assistant Secretary for Inter-American Affairs, before the Senate Foreign Relations Committee, February 8, 1971

Mr. Chairman, members of the committee: I am pleased to have this opportunity to appear before you today to discuss the convention which the United States and Nicaragua have signed which would abrogate the 1914 convention respecting a Nicaraguan Canal Route; popularly known as the Bryan-Chamorro Treaty of 1914. With your permission, Mr. Chairman, I would like to explain briefly some aspects of background to the original Bryan-Chamorro Treaty, and then discuss why the administration concluded that it was in the United States national interest at this time to terminate it.

The original treaty was signed in Washington, D.C. in 1914 by U.S. Secretary of State William Jennings Bryan and Nicaraguan President General Emiliano Chamorro. As the members of the committee are aware, the treaty granted to the United States, in perpetuity, the exclusive right to construct, operate, and maintain an interoceanic canal across Nicaragua; a 99-year lease to the Corn Islands off Nicaragua's Caribbean coast; and the option for a similar period to establish a naval base on the Pacific coast of Nicaragua at the Gulf of Fonesca. In consideration for these rights, the United States paid the Government of Nicaragua three million dollars. During the intervening 56 years, the U.S. Government has never exercised any of the rights and options granted by the Bryan-Chamorro Treaty.

Over the years the provisions of the Bryan-Chamorro Treaty have become a source of friction in our relations with Nicaragua. Our exclusive and perpetual right to build an interoceanic canal anywhere in Nicaragua came to be considered, with mounting resentment among the Nicaraguan people, as an infringement upon their sovereignty. Successive governments of Nicaragua came to believe that plans for developing their country, particularly the San Juan River basin which was the most feasible site for a canal, were thwarted by the uncertainty as to whether the United States would ever exercise its rights to construct a canal. Nicaraguan frustration was clearly manifested when, upon the appointment in 1965 of the Atlantic-Pacific Interoceanic Canal Study Commission, President Schick of Nicaragua declared publicly that his Government would seek the termination of the treaty in the event that the U.S. Government were to select a country other than Nicaragua as the site of the new canal

In August 1969, the annual report of the Atlantic-Pacific Interoceanic Canal Study Commission made clear that the Nicaraguan route would be ruled out as a site for any new sea-level canal. This conclusion is expressed in the following words which I quote from the Commission's final report of December 1, 1970:

"The Nicaragua-Costa Rica Route was discarded from further consideration by the Atlantic-Pacific Interoceanic Canal Study Commission because of its expense in comparison with other canal routes. Both nuclear and conventional construction techniques were examined on a route lying just south of Lake Nicaragua. It was estimated that a conventionally constructed sea-level canal would require a prohibitively high cost ($11 billion). On the other hand, while actual construction cost of a nuclear canal would be much lower ($5 billion), the necessary relocation of 675,000 inhabitants would involve unacceptable social and economic costs.

"The Study Group did not find any significant foreign policy advantages that would counterbalance these technical disadvantages."

The publication of the 1969 interim report once again aroused Nicaraguan public opinion over the position in which the Byran-Chamorro Treaty placed their country. Responsive to his people's dissatisfaction, the President of Nicaragua announced that his government would begin to study infrastructure projects on the San Juan River, "with or without a canal treaty." The possibility of a thoroughly unnecessary dispute between our two countries was rising.

As the committee will recall, it was at about this time—October 1969—that President Nixon made a major statement on U.S. policy toward Latin America, calling for the establishment of a "more mature partnership" and a more "balanced relationship" based on respect for national identity and national dignity. As a result we reviewed our relations with other nations of the hemisphere to identify anachronistic arrangements and procedures which, like barnacles, impeded progress toward such a partnership. Consultation with the appropriate agencies within the Executive Branch and with the Chairman of the Atlantic and Pacific Interoceanic Canal Study Commission led the administration to conclude that no essential interests of the United States were served by the continuance in force of the Bryan-Chamorro Treaty.

Subsequently, the U.S. Government and the Government of Nicaragua entered discussions which resulted in the conclusion that the national interests of both countries would best be served by a complete, simple termination of all the continuing provisions of the original treaty. A new convention to that effect was signed in Managua on July 14 last year.

The convention which is before you contains a preamble and three articles. The preamble points out that the two Governments, desirous of further strengthening the traditional bonds of friendship and cooperation between the two countries, have reexamined the 1914 convention "in the light of present circumstances and needs and have concluded that the interests of both nations will best be served by terminating the convention in all its provisions."

Article I provides that, upon entry into force of the convention, the 1914 convention shall terminate.

Article II provides that, as a consequence of such termination, all the rights and options accorded by the 1914 convention to the United States Government "shall cease to have effect as of the date this convention enters into force."

Article III provides for ratification and for entry into force of the convention on the date of the exchange of instruments of ratification.

Upon entry into force of the convention, the rights of the U.S. Government under the Bryan-Chamorro Treaty in regard to the construction, operation and maintenance of a canal across Nicaraguan territory would cease, the leases to Great Corn Island and Little Corn Island would be cancelled, and the U.S. option to establish and maintain a naval base on Nicaraguan territory on the shores of the Gulf of Fonseca would likewise be cancelled.

The signing of this new convention last July was met with overwhelming approval in Nicaragua. The abrogation of the Bryan-Chamorro Treaty was hailed as a new step in the history of the country, a victory for the whole Nicaraguan people without regard to political affiliation. The goodwill of the United States in abrogating the Treaty was publicly acclaimed by all sectors of Nicaraguan public opinion, and the Congress of Nicaragua moved promptly to ratify the new convention on July 29, 1970—15 days after it was signed by the executive branches of both Governments.

Mr. Chairman; In signing this convention President Nixon and this administration seeks to sweep away an obsolete arrangement which gave the United States rights and options in the territory of a foreign country which the United States can no longer foreseeably wish to exercise.

I would urge that this committee recommend to the Senate that it give its prompt advice and consent to the ratification of this convention, as a positive, effective, and essential step in continuing the excellent relations that have existed between the United States and the Republic of Nicaragua.

EXTRADITION TREATY WITH SPAIN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive N and that all the various parliamentary stages up to and including the presentation of resolution of ratification be considered as having occurred and that the vote on Executive N immediately follow the vote on Executive L which is to begin not later than 1 p.m. on Wednesday, February 17.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate,

as in Committee of the Whole, proceeded to consider Executive N, 91st Congress, second session, the extradition treaty with Spain, which was read the second time, as follows:

TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND SPAIN

The President of the United States of America and

The Chief of State of Spain, desiring to make more effective the cooperation of the two countries in the repression of crime through the rendering of maximum assistance in matters of extradition,

Have decided to conclude a Treaty and to this end have named as their representatives:

The President of the United States of America, The Honorable William P. Rogers, Secretary of State,

The Chief of State of Spain, His Excellency Señor Gregorio Lopez Bravo de Castro, Minister of Foreign Affairs, who have agreed as follows:

Article I

In accordance with the conditions established in this Treaty, each Contracting Party agrees to extradite to the other, for prosecution or to undergo sentence, persons found in its territory who have been charged with or convicted of any of the offenses mentioned in Article II of this Treaty committed within the territory of the other, or outside thereof under the conditions specified in Article III.

Article II

A. Persons shall be delivered up according to the provisions of this Treaty for any of the following offenses provided that these offenses are punishable by the laws of both Contracting Parties by a term of imprisonment exceeding one year:

1. Murder; infanticide; parricide; manslaughter.
2. Abortion.
3. Rape; statutory rape; indecent assault, including sodomy and unlawful sexual acts with or upon minors under the age specified by the penal laws of both Contracting Parties.
4. Aggravated injury mutilation.
5. Procuration.
6. Willful nonsupport or willful abandonment of a child or spouse when for that reason the life of that child or spouse is or is likely to be endangered.
7. Bigamy.
8. Kidnapping or abduction; child stealing; false imprisonment.
9. Robbery or larceny or burglary; housebreaking.
10. Embezzlement; malversation; breach of fiduciary relationship.
11. Obtaining money, valuable securities or property, by false pretenses, by threat of force or by other fraudulent means including the use of the mails or other means of communication.
12. Any offense relating to extortion or threats.
13. Bribery, including soliciting, offering and accepting.
14. Receiving or transporting any money, valuable securities or other property knowing the same to have been obtained pursuant to a criminal act.
15. Any offense relating to counterfeiting or forgery; making a false statement to a government agency or official.
16. Any offense relating to perjury or false accusation.
17. Arson; malicious injury to property.
18. Any malicious act that endangers the safety of any person in a railroad train, or aircraft or vessel or bus or other means of transportation.
19. Piracy, defined as mutiny or revolt on board an aircraft or vessel against the authority of the captain or commander of such aircraft or vessel, any seizure or exercise of control, by force or violence or threat of force or violence, of an aircraft or vessel.
20. Any offense against the bankruptcy laws.
21. Any offense against the laws relating to narcotic drugs, psychotropic drugs, cocaine and its derivatives, and other dangerous drugs, including cannabis, and chemicals or substances injurious to health.
22. Any offense relating to firearms, explosives, or incendiary devices.
23. Unlawful interference in any administrative or juridical proceedings by bribing, threatening, or injuring by any means, any officer, juror, witness, or duly authorized person.

B. Extradition shall also be granted for participation in any of the offenses mentioned in this article, not only as principal or accomplices, but as accessories, as well as for attempt to commit or conspiracy to commit any of the aforementioned offenses, when such participation, attempt or conspiracy is subject, under the laws of both Parties, to a term of imprisonment exceeding one year.

C. If extradition is requested for any offense listed in paragraphs A or B of this article and that offense is punishable under the laws of both Contracting Parties by a term of imprisonment exceeding one year, such offense shall be extraditable under the provisions of this Treaty whether or not the laws of both Contracting Parties would place that offense within the same category of offenses made extraditable by paragraphs A and B of this article and whether or not the laws of the requested Party denominate the offense by the same terminology.

D. Extradition shall also be granted for the above mentioned offenses, even when, in order to recognize the competent federal jurisdiction, circumstances such as the transportation from one State to another, have been taken into account and may be elements of the offense.

Article III

A. For the purposes of this Treaty the territory of a Contracting Party shall include all territory under the jurisdiction of that Contracting Party, including airspace and territorial waters and vessels and aircraft registered in that Contracting Party if any such aircraft is in flight or if any such vessel is on the high seas when the offense is committed. For purposes of this Treaty an aircraft shall be considered to be in flight from the moment when power is applied for the purpose of take-off until the moment when the landing run ends.

B. Without prejudice to paragraph A, 1 of Article V, when the offense for which extradition has been requested has been committed outside the territory of the requesting Party, extradition may be granted if the laws of the requested Party provide for the punishment of such an offense committed in similar circumstances, and if the person whose surrender is sought is not also the subject of a request from another State whose jurisdiction over the person may take preference for territorial reasons and in respect of which there exists an equal possibility of acceding to a request for extradition.

Article IV

Neither of the Contracting Parties shall be bound to deliver up its own nationals, but the executive authority of the United States and the competent authority of Spain shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

Article V

A. Extradition shall not be granted in any of the following circumstances:

1. When the person whose surrender is sought is being proceeded against or has been tried and discharged or punished in the territory of the requested Party for the offense for which his extradition is requested.
2. When the person whose surrender is sought has been tried and acquitted or has undergone his punishment in a third State for the offense for which his extradition is requested.
3. When the prosecution or the enforcement of the penalty for the offense has become barred by lapse of time according to the laws of either of the Contracting Parties.
4. When the offense in request of which the extradition is requested is regarded by the requested Party as an offense of a political character, or that Party has substantial grounds for believeing that the request for extradition has been made for the purpose of trying or punishing a person for an offense of the above mentioned character. If any question arises as to whether a case comes within the provisions of this subparagraph, the authorities of the Government on which the requisition is made shall decide.
5. When the offense is purely military.

B. For the purposes of the application of subparagraph A, 4 of this article, the attempt, whether consummated or not, against the life of the Head of State or of a member of his family shall not be considered a political offense or an act connected with such an offense.

C. For the same purposes of application of subparagraph A, 4 of this article an offense committed by force or intimidation on board a commercial aircraft carrying passengers in scheduled air services or on a charter basis, with the purpose of seizing or exercising control of such aircraft, will be presumed to have a predominant character of a common crime when the consequences of the offense were or could have been grave. The fact that the offense has endangered the life or jeopardized the safety of the passengers or crew will be given special consideration in the determination of the gravity of such consequences.

Article VI

If a request for extradition is made under this Treaty for a person who at the time of such request is under the age of eighteen years and is considered by the requested Party to be one of its residents, the requested Party, upon a determination that extradition would disrupt the social readjustment and rehabilitation of that person, may recommend to the requesting Party that the request for extradition be withdrawn, specifying the reasons therefor.

Article VII

When the offense for which the extradition is requested is punishable by death under the laws of the requesting Party, extradition shall be denied unless the requesting Party provides such assurances as the requested Party considers sufficient that the death penalty shall not be imposed, or, if imposed, shall not be executed.

Article VIII

The requested Party may, after a decision on the request has been rendered by a court of competent jurisdiction, defer the surrender of the person whose extradition is requested when that person is being proceeded against or is serving a sentence in the territory of the requested Party for an offense other than that for which extradition has been requested until the conclusion of the proceedings and the full execution of any punishment he may be or may have been awarded.

Article IX

The determination that extradition based upon the request therefor should or should not be granted shall be made in accordance with this Treaty and with the law of the requested Party. The person whose extradition is sought shall have the right to use such remedies and recourses as are provided by such law.

ARTICLE X

A. The request for extradition shall be made through the diplomatic channel.

B. The request shall be accompanied by:

1. A description of the person sought;

2. A statement of the facts of the case;

3. The text of the applicable laws of the requesting Party including the law defining the offense, the law prescribing the punishment for the offense, and the law relating to the limitations of the legal proceedings or the enforcement of the penalty for the offense.

C. 1. When the request relates to a person already convicted, it must be accompanied by:

When emanating from the United States, a copy of the judgment of conviction and of the sentence, if it has been passed; or

When emanating from Spain, a copy of the sentence.

2. In any case, a statement showing that the sentence has not been served or how much of the sentence has not been served shall accompany the request.

D. When the request relates to a person who has not yet been convicted, it must also be accompanied by a warrant of arrest issued by a judge or other judicial officer of the requesting Party.

The requested Party may require the requesting Party to produce prima facie evidence to the effect that the person claimed has committed the offense for which extradition is requested. The requested Party may refuse the extradition request if any examination of the case in question shows that the warrant is manifestly ill-founded.

E. If a question arises regarding the identity of the person whose extradition is sought, evidence proving the person requested is the person to whom the warrant of arrest or sentence refers shall be submitted.

F. The documents which, according to this article, shall accompany the extradition request, shall be admitted in evidence when:

In the case of a request emanating from Spain they bear the signature of a judge or other juridical or public official and are certified by the principal diplomatic or consular officer of the United States in Spain; or

In the case of a request emanating from the United States they are signed by a judge, magistrate or officer of the United States and they are sealed by the official seal of the Department of State and are certified by the Embassy of Spain in the United States.

G. The documents mentioned in this article shall be accompanied by an official translation into the language of the requested Party which will at the expense of the requesting Party.

ARTICLE XI

A. In case of urgency a Contracting Party may apply to the other Contracting Party for the provisional arrest of the person sought pending the presentation of the request for extradition through the diplomatic channel. This application may be made either through the diplomatic channel or directly between the respective Ministries of Justice.

B. The application shall contain a description of the person sought, an indication of intention to request the extradition of the person sought and a statement of the existence of a warrant of arrest or a judgment of conviction or sentence against that person, and such further information, if any, as may be required by the requested Party.

C. On receipt of such an application the requested Party shall take the necessary steps to secure the arrest of the person claimed.

D. A person arrested upon such an application shall be set at liberty upon the expiration of 30 days from the date of his arrest if a request for his extradition accompanied by the documents specified in Article X shall not have been received. However, this stipulation shall not prevent the institution of proceedings with a view to extraditing the person sought if the request is subsequently received.

ARTICLE XII

If the requested Party requires additional evidence or information to enable it to decide on the request for extradition, such evidence or information shall be submitted to it within such time as that Party shall require.

If the person sought is under arrest and the additional evidence or information submitted as aforesaid is not sufficient or if such evidence or information is not received within the period specified by the requested Party, he shall be discharged from custody. However, such discharge shall not bar the requesting Party from submitting another request in respect of the same or any other offense.

ARTICLE XIII

A person extradited under the present Treaty shall not be detained, tried or punished in the territory of the requesting Party for an offense other than that for which extradition has been granted nor be extradited by that Party to a third State unless:

1. He has left the territory of the requesting Party after his extradition and has voluntarily returned to it;

2. He has not left the territory of the requesting Party within 45 days after being free to do so; or

3. The requested Party has consented to his detention, trial, punishment or to his extradition to a third State for an offense other than that for which extradition was granted.

These stipulations shall not apply to offenses committed after the extradition.

ARTICLE XIV

A Party which receives two or more requests for the extradition of the same person either for the same offense, or for different offenses, shall determine to which of the requesting States it will extradite the person sought, taking into consideration the existing circumstances and particularly the possibility of a later extradition between the requesting States, the seriousness of each offense, the place where the offense was committed, the nationality of the person sought, the dates upon which the requests were received and the provisions of any extradition agreements between the requested Party and the other requesting State or States.

ARTICLE XV

The requested Party shall promptly communicate to the requesting Party through the diplomatic channel the decision on the request for extradition.

In the case of a complete or partial rejection of the extradition request, the requested Party shall indicate the reasons for the rejection.

If the extradition has been granted, the authorities of the requesting and requested Parties shall agree on the time and place of the surrender of the person sought. Surrender shall take place within such time as may be prescribed by the laws of the requested Party.

If the person sought is not removed from the territory of the requested Party within the time prescribed, he may be set at liberty and the requested Party may subsequently refuse to extradite that person for the same offense.

ARTICLE XVI

To the extent permitted under the law of the requested Party and subject to the rights of third Parties, which shall be duly respected, all articles acquired as a result of the offense or which may be required as evidence shall, if found, be surrendered upon the granting of the extradition request.

Subject to the qualifications of the first paragraph, the above mentioned articles shall be returned to the requesting Party even if the extradition, having been agreed to, cannot be carried out owing to the death or escape of the person sought.

ARTICLE XVII

Expenses related to the transportation of the person sought shall be paid by requesting Party. The appropriate legal officers of the country in which the extradition proceedings take place shall, by all legal means within their power, assist the requesting Party before the respective judges and magistrates.

No pecuniary claim, arising out of the arrest, detention, examination and surrender of persons sought under the terms of this Treaty, shall be made by the requested Party against the requesting Party.

ARTICLE XVIII

The ratifications of this Treaty shall be exchanged in Washington as soon as possible.

This Treaty shall enter into force upon the exchange of ratifications and will continue in force until either Contracting Party shall give notice of termination to the other, which termination shall be effective six months after the date of receipt of such notice.

This Treaty shall terminate and replace the Extradition Treaty between the United States and Spain signed at Madrid June 15, 1904 and the Protocol thereto signed at San Sebastian August 13, 1907; however, the crimes listed in that Treaty and Protocol and committed prior to the entry into force of this Treaty shall nevertheless be subject to extradition pursuant to the provisions of that Treaty and Protocol.

In witness whereof the Plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

Done in duplicate, in the English and Spanish languages, both equally authentic, at Madrid this twenty-ninth day of May, one thousand nine hundred seventy.

For the United States of America:
WILLIAM P. ROGERS
For Spain:
GREGORIO LOPEZ BRAVO

The PRESIDING OFFICER. If there be no objection, the Executive N will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification. The resolution of ratification of Executive N will now be read.

The assistant legislative clerk read the resolution of ratification of Executive N as follows:

Resolved (*Two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of a Treaty on Extradition Between the United States and Spain, Signed at Madrid on May 29, 1970 (Ex. N, 91–2).

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from the report (Ex. Rep. No. 92–3) explaining the purpose of the treaty.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

MAJOR PROVISIONS OF TREATY

Article II of the treaty lists 23 extraditable offenses, including aircraft hijacking and offenses relating to narcotic drugs. With regard to aircraft hijacking, pursuant to the provisions of article V, paragraph C, it is presumed that such an offense is a common crime and not a political offense referred to in the political exclusion provisions of the treaty (art. V, par. A, 4). This presumption does not extend to the hijacking of military aircraft not carrying passengers.

Pursuant to the provisions of article III, the territory of each country includes its airspace and territorial waters, as well as aircraft registered in that country if such aircraft is "in flight" or if such vessel is on the high seas when the offense is committed. In the event the offense in question was committed outside the territory of the requesting country, extradition may be granted if the laws of the requested party provide for the punishment of such offense committed in similar circumstances. It should be noted that article IV provides that neither country "shall be bound to deliver up its own nationals." This is left to the discretion of the executive authority of the United States and the competent authority of Spain.

Article V states that extradition will not be granted in those cases where an individual has been tried and acquitted or punished, when prosecution for the offense is barred by the lapse of time, or when the offense is purely military. It also prohibits extradition when the requested country regards the offense as being one "of a political character." In this connection, however, paragraph B of article V provides that "the attempt, whether consummated or not, against the life of the Head of State or of a member of his family shall not be considered a political offense or an act connected with such an offense."

In effect, article VII states that extradition may be refused unless assurances are received that the death penalty will not be imposed (or if imposed, will not be executed) for an offense not punishable by death in the country from which extradition is requested.

Requests for extradition are to be made "through the diplomatic channel" in accordance with the provisions set forth in article X. The expenses related to the transportation of the person sought must be paid by the party asking for extradition, but the costs of arrest, detention, examination and surrender will be absorbed by the requested party.

DATE OF ENTRY INTO FORCE

The treaty will enter into force upon the exchange of instruments of ratification and will continue in force until 6 months after one of the parties gives notice of termination. Upon entry into force, the treaty will replace the extradition treaty between the United States and Spain signed at Madrid on June 15, 1904, and the protocol signed on August 13, 1907.

COMMITTEE ACTION

The committee held a public hearing on the extradition treaty with Spain on February 8, 1971. At that time, Mr. Knute E. Malborg, Assistant Legal Adviser, Department of State, testified in favor of the treaty. His prepared statement is reprinted below. The following day, on February 9, the committee met in executive session and ordered the treaty reported with the recommendation that the Senate advise and consent to its ratification.

APPENDIX

Statement of Knute E. Malmborg, Assistant Legal Adviser, Department of State

My name is Knute E. Malmborg. I am assistant legal Adviser for Administration and Consular Affairs, and my responsibilities include international extradition.

The treaty with Spain which is before this committee was signed at Madrid on May 29, 1970, and submitted to the Senate on November 25, 1970. Executive N contains the text of the treaty.

The treaty now before the committee replaces the basic extradition treaty between the United States and Spain signed at Madrid on June 15, 1904 and the Protocol thereto signed at San Sebastian on August 13, 1907.

Article II, which contains the list of offenses, now consists of some twenty-three items covering the offenses of greatest concern to the United States which are also crimes in Spain.

As in the case of all bilateral extradition treaties now under negotiation by the United States, this treaty includes the offense of aircraft hijacking. It also includes narcotics offenses, which are not covered by the treaty and protocol now in force. Article II also includes two special provisions to provide more flexibility in defining extraditable offenses than has been the case in our past treaties. While we continue to believe that a list of extraditable offenses is necessary, there are many practical problems arising out of differences of terminology and legal concepts between two different types of legal systems. We believe this difficulty will be largely resolved by paragraph C in article II of the new treaty, which provides for extradition in the case of an offense which is on the list anywhere and which is punishable in both countries by a term of imprisonment exceeding 1 year, even if the two countries do not place the offense in the same legal category or describe it in the same terminology. Paragraph D of article II of this treaty deals with the problem of those U.S. Federal crimes that differ from other crimes in requiring elements such as interstate transportation for jurisdictional purposes.

If I may, I will briefly describe some provisions of this treaty which are significant and which differ somewhat from those found in existing extradition treaties.

The most important of these provisions is paragraph C of article V. As part of the U.S. Government's efforts to deter aircraft hijacking, we have been attempting to obtain international agreement that hijacking is not a political offense for purposes of extradition. The Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on December 16, 1970, does not go that far, but in this bilateral treaty with Spain we have at least established a presumption that hijacking of passenger-carrying aircraft is a common crime.

Article VI is a novel provision. Its purpose is to permit a country receiving a request for extradition of a minor resident in its territory to recommend withdrawal of the request if extradition would disrupt the social readjustment and rehabilitation of the minor.

Article X, which relates to the evidence required to support an extradition request, is in somewhat different form than our traditional extradition conventions. Under European practice, the warrant of arrest issued by a judge follows investigation by the judge and has a much greater evidentiary value than a U.S. arrest warrant; nevertheless, our courts, which require proof of probable cause that the accused person committed the offense, may require additional evidence. This is the reason for the wording of paragraph D of article X.

Article XVII of this treaty states that no pecuniary claim arising out of the arrest, detention, examination and surrender of persons sought under the treaty shall be made by the requested party. Title 18 of the United States Code, section 3195, requires that the requesting authority pay "all costs or expenses incurred in any extradition proceeding in apprehending, securing, and transmitting a fugitive." Article XVII is not consistent with that requirement and is later in time. It is our intention that the costs of lodging, maintenance, and board and of court reporters' services, which are relatively small in comparison with the costs of billing the foreign government through both the Department of State and the Department of Justice, should be borne by the U.S. Government. The inevitable delays in processing payment under 18 U.S.C. 3195 have created great exasperation on the part of the persons furnishing these services and the whole process is an irritant in our extradition relations with a number of countries. Since these reasons are generally applicable, we plan to recommend legislation that will delete the requirement for the requesting party to pay those costs. If that provision is enacted, payment of those costs would be shifted to the United States in all cases where the treaty permits or requires. We would benefit from Spain bearing such costs on our requests under the present treaty in any event.

Article XVIII does not provide for extradition under this treaty for offenses committed prior to its entry into force but does permit extradition for such offenses pursuant to the treaty and protocol replaced by the present treaty, provided that they are listed in the replaced instruments.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, further consideration of the convention and treaty will be postponed until next Wednesday.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 32—INTRODUCTION OF A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION WITH RESPECT TO THE OFFERING OF PRAYER IN PUBLIC BUILDINGS

Mr. BAKER. Mr. President, for many years the late Senator Dirksen earnestly sought to restore the right of school children to pray in the public schools. I know of no issue in which he believed so deeply and so firmly.

On October 13 of last year the Senate voted 50 to 20 to add the Dirksen prayer amendment to the equal rights amendment. I had the privilege of offering his amendment at that time.

It is my privilege to offer it again today and to express my hope that other Senators will join with me as sponsors. I send to the desk for appropriate referral a joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

The PRESIDING OFFICER (Mr. GAMBRELL). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 32) proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings introduced by Mr. BAKER (for himself, Mr. COOPER, and Mr. SCOTT), was received, read twice by its title, and referred to the Committee on the Judiciary.

THE GRAVE SITUATION OF THE NATION'S RAILROADS

Mr. BAKER. Mr. President, I would like to call the attention of my colleagues in the Senate to a very grave situation which exists with regard to our Nation's railroads. As a member of the Senate Commerce Committee, I have had the privilege of participating in consideration of the Federal Railroad Safety Act, the Rail Passenger Service Act, and the Emergency Rail Services Act, all of which were approved within the last 4 months, and all of which were designed to achieve the same goal: to assist the railroads of this country to continue to provide service by rail which is generally considered to be essential to the national welfare and defense.

I do not think that any of us would argue that the railroad industry is not essential to our country today. Although, since World War II, the share of freight traffic carried by the railroads has declined from 60 percent, they still carry more than 41 percent of all intercity freight traffic and 40 percent of Defense Department freight. It has been estimated that most of the goods-producing industries in the United States are dependent on rail for delivery of from 50 to 80 percent of their raw materials, and the railroads handle over 60 percent of the shipments by manufacturers, exclusive of petroleum and coal products.

As the demand for increased transportation capacity increases during the next decade and beyond, it is obvious that we are going to have to have a railroad system that is equipped, both physically and financially, to meet that demand and to carry its share of the increased traffic. There are certain heavy-loading commodities, for example, which can only be economically transported by rail or by water. Many industries are almost totally dependent upon the ability to obtain these commodities by rail. A prime example of one such industry which is vital to our national well-being is the electrical generating industry. Another example is the steel industry.

The fact is, however, that the railroad industry as a whole is suffering from a financial situation so severe as to raise serious doubts about its ability to continue to provide service without substantial assistance from the Federal Government. A number of figures are available which express very concisely the financial position of the railroads. I will only cite a few of them here. While railroad sales and traffic have steadily increased in the last 15 years, earnings have dropped more than 50 percent. Of 69 class I railroads, 24 had a deficit in ordinary net income (total income of the railroad and its subsidiaries after taxes, operating expenses, and fixed charges) as of September 1970, and 39 had suffered a decrease in ordinary net income since September 1969.

As earnings decrease steadily, it has become more and more difficult for railroads to keep up with capital improvement programs—and an inability to upgrade and maintain roadway, and acquire and maintain equipment acts, in turn, to reduce earnings still further. While, in 1955, working capital for the industry was $933.8 million, by September 30, 1970, the industry had a deficit in working capital of $315.6 million, and 43 of the 69 class I railroads had individual deficits in working capital. During this same period, maturing debt due within 1 year has increased from $400 million in 1955 to $647 million in September of 1970.

In order to make the capital improvements necessary to provide efficient rail service through the coming decade, the industry has estimated that it will need to spend approximately $3.2 billion per year, as opposed to an average capital investment expenditure of $1.7 billion annually between 1966 and 1968. Wage increases legislated by Congress last year will add approximately $617 million annually to the railroads' costs and, if further wage increases which have been recommended by an emergency board are made effective, an additional expense of $561 million will be incurred just through the end of 1971.

In sum, the rail industry at the present time is not earning the money it needs to finance its operations. With the dismal earnings record which I have referred to above, it is not surprising that the industry is finding itself unable to borrow enough money from private sources to adequately provide for the capital improvements it must make. All indications are that this situation will get worse, not better, in the future.

In light of the situation, it seems to me that the Congress has three alternatives. The first is nationalization of the railroads, which I abhor. The second is pouring many more millions of dollars into stopgap measures like the Emergency Rail Services Act. The third is to begin now to develop a long-range plan for preserving rail transportation in this country which will take into account the needs of a balanced national transportation system as well as the needs of individual railroads.

The third is, in my opinion, the only acceptable alternative open to us, although candor requires me to acknowledge that I do not have clear-cut and well-formed ideas on how that objective should be implemented.

It has been estimated that the costs of nationalizing the railroads would begin at $60 billion for acquisition of privately owned railroad facilities. Added to this incredible figure would be the cost of improvements, maintenance, and operation of the system. Leaving aside the fact that nationalization would represent a profoundly significant departure from our traditional private enterprise system, it would require an outlay of public funds that would be difficult or impossible to justify with no guarantee that a nationalized rail system would be more efficient. In fact, whatever the ultimate merits of nationalization, it is my feeling that attempting to nationalize our railroad system before rationalizing the plant and operations of the railroads by the elimination of wasteful, duplicative and inefficient facilities and the modernization of certain operating procedures would be a great disservice to the country.

The inherent disadvantage of the second alternative is its temporary nature. Legislating millions and millions of dollars away to tide a particular railroad or railroads over for a period of months is merely a method of avoiding consideration of the long-range problem and its causes. Regardless of the safeguards provided in legislation authorizing loan guarantees or direct loans to individual railroads, I consider this approach to be a questionable use of the taxpayers' money.

Within the next few months, Congress will again be faced with the task of deciding what to do next about the Penn Central. It seems to me that the Penn Central's situation is only symptomatic of what we can expect from a number of other railroads in this country in the very near future if we do not take effective action, and that we ought to tackle the overall problem once and for all rather than enacting temporary stopgap solutions which only postpone the decision that we will have to make. It also seems to me that the time to attack the problem is now, and I strongly urge my colleagues on the Commerce Committee and in the Senate to carefully consider what course of action should be taken.

I am in the process of attempting to draft a proposal which accords with the third alternative; that is, an alternative to nationalization or continuing and expensive temporary assistance. My staff and I are examining a number of ideas, including Federal acquisition of railroad roadbed while permitting certificated common carriers to continue operating as private carriers on these federally owned facilities on a user-free basis; the acquisition of only certain portions of the national rail system for these purposes; a public-private corporation for such facilities; and the like.

It may be an undue imposition on my colleagues of the Senate and others who may read these remarks to ask them to join me in the elaboration of my personal dilemma, but that is precisely what I want to do. I solicit the comments and suggestions of my colleagues and others on the problems we must face together in finding a permanent solution to the railroad problem and a coherent policy for national transportation.

TVA SHOWS WAY ON DECENTRALIZING

Mr. BAKER. Mr. President, the distinguished syndicated columnist Marquis Childs has written an interesting column pointing out the relevance of the Tennessee Valley Authority experience to the proposals of President Nixon for reform of the Federal structure. As one who has seen first hand the extraordinary accomplishments of the TVA, and as one who strongly supports the President's proposals, I found Mr. Childs' column particularly intriguing. I know that my colleagues will be interested in it as well, and I ask unanimous consent that the column entitled "TVA Shows Way on Decentralizing" be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

TVA Shows Way on Decentralizing

(By Marquis Childs)

Whatever the final score in the showdown with Congress, President Nixon deserves a vote of thanks for his proposed reorganization of that over-grown giant suffering from elephantiasis—the federal government. Hopefully the President's proposal still to take shape in all its complexity should stimulate debate about what is wrong—and what is right—about the structure of government in these United States.

Experiments in decentralization in the past should have careful consideration. One of those experiments that stirred fierce controversy in its day has proved to be a conspicuous success.

The Tennessee Valley Authority was decentralization applied to the development of a whole region that had slumped steadily downhill as human and natural resources were drained away. Seven million acres in the seven states, portions of which comprised the region, were eroded. Forests, a principal asset, were being cut down with little regard for the future. The seven states had fewer than 10 professional foresters. The ablest and brainiest of the young were leaving for lack of opportunity.

TVA was designed to take authority out of Washington and put it in the region where the decisions would be made in reshaping a river basin wracked by floods and poverty. A liaison office in Washington has never had more than three or four employes. TVA headquarters in Knoxville is the decision-making center.

When TVA moved to buy out the electric systems of the region and operate them, angry cries of socialism were raised against what seemed a radical move. Sen. George Norris of Nebraska, the father of TVA, believed that only through government operation would it be possible to bring low-cost power to the farmers of the Tennessee Valley. Power on the farms, Norris said, will mean a hired hand for the farmer and a hired girl for his wife.

After a long donnybrook that became part of a presidential campaign TVA won out and proceeded to own and operate the power network. The power was sold at wholesale at the lowest possible cost to municipalities and co-ops, which had responsibility for distribution to the consumer. With the expansion of the power system TVA is turning back to the federal treasury an increasing share of the total investment in the region.

One of President Nixon's announced goals is to turn over land to states and municipalities for parks. In the 37 years since its beginning TVA has given hundreds of thousands of acres to localities for parks and recreation areas.

This is in accord with the broad principle that, whenever possible, authority is delegated to the people who will have to exercise it. Power to the people? Something like that slogan, shorn of its emotional overtones, is the motivation behind much of what TVA does.

From the beginning, however, it has been recognized that there are functions which only the federal government can perform. The harnessing of a great river system is one of those functions. The Tennessee Valley has had no disastrous floods since the work was completed, controlling a river and its tributaries that once created havoc almost every spring along its banks.

Not even the most ardent proponents of TVA claim that it is a prescription which can be applied indiscriminately to other regions. A determined drive in Congress to create a Missouri Valley Authority failed.

Worthy of study in the great debate that will supposedly follow the President's blueprint for reshaping the government are the successful steps TVA has taken toward decentralization. Here are practical lessons in what works.

Only in recent years has the conservative opposition to TVA more or less subsided. The accomplishments are so conspicuous—millions of acres of eroded land reclaimed, dairying and small industry built on low-cost power, forestry a flourishing source of income and pride in those accomplishments so great that political opposition no longer pays off.

TAX BURDEN IS UNIFORM

Mr. BAKER. Mr. President, yesterday I had the privilege of introducing on behalf of myself and 37 other Senators of both parties the Administration's general-purpose revenue sharing proposal (S. 680).

One of the most persuasive arguments in favor of this proposal is, in my judgment, the regressive nature of State and local tax structures, structures on which these hard-pressed units of government will have to depend even more heavily unless their burdens can be eased through the sharing of some federally raised revenues. It is universally agreed that the federal tax structure is far more progressive than its State and local counterparts, in that those who are able to pay more do pay more.

There appeared in this morning's Washington Post as interesting article by William Chapman, entitled "Tax Burden Is Uniform." The article describes the findings of a study conducted by Herman P. Miller, chief of the population division of the Bureau of the Census. The findings of the study quite clearly support the concept of federal revenue sharing, and I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Tax Burden Is Uniform—Poor and Affluent Pay About Same Rate—33 Percent

(By William Chapman)

The total burden of federal, state, and local taxes falls as heavily on the poor as on the affluent, there being virtually no difference in the rates at which they pay.

The person who earns between $2,000 and $4,000 a year pays about 33 per cent of it in taxes to federal, state and local governments.

So does the man whose annual income ranges between $25,000, and 50,000.

Thus, the progressive character of the federal income tax is for most income classes wiped out by state and local taxes, many of which are levied at flat, ungraduated rates—sales, gasoline, property, and a variety of user taxes.

NEW STUDY MADE

Those conclusions arise from a new study of taxes by Herman P. Miller, chief of the population division of the Bureau of the Census and author of a new book on income distribution, "Rich Man, Poor Man."

The statistical evidence is from a paper he presented recently at a symposium held at George Washington University and represents the latest attempt to gauge the impact of fast-rising state and local taxes.

His analysis also shows that those in the very lowest income groups get back more in cash government benefits than they pay in taxes, through such payments as Social Security, unemployment compensation and veterans benefits.

But people in income groups at the $4,000 level and above pay more in combined taxes than they receive back in direct cash payments.

Miller's study emerges at a time when the overall regressiveness of taxation seems destined to increase as state and local governments add new taxes. In addition, since 1968, the year on which Miller's figures are based, the ungraduated federal Social Security tax on employees and employers has been raised.

REVENUE-SHARING PLAN

The findings also tend to support one of the Nixon administration's principal arguments for a revenue-sharing plan. In asking Congress to back the plan to share federal revenues with state and local governments, Mr. Nixon said the latter's tax loads fall "hardest on those least able to pay."

Administration supporters argue that it would be more equitable to use the graduated federal income tax structure to help the states than to leave them to their own taxes, many of which are already exhausted anyway.

Pennsylvania, for example, has a 6 per cent sales tax, one of the nation's highest, and Gov. Milton J. Shapp just proposed to the legislature a 5 per cent ungraduated state income tax. New York is faced with the possibility of increases in sales, income, business, cigarette, liquor and motor vehicle taxes totaling $1.1 billion.

A study similar to Miller's was published two years ago by the President's Council of Economic Advisers, based on 1965 taxation and incomes. The results are roughly the same, although Miller's shows total taxes as a per cent of income have risen 1 per cent and that except for those in the lowest income bracket the taxes are a slightly higher percentage of total income.

Miller's statistics show that for the group making less than $2,000 taxes take a huge 40 per cent bite. For all groups ranging from $2,000 to $50,000 the tax rate for all three levels of government hovers around 30 per cent. For those making $50,000 or more the rate jumps to 45 per cent.

BENEFITS TO TAXPAYERS

The picture changes when cash benefits to taxpayers are considered. The poor get more money back than they pay to governments. For example, the $2,000-to-$4,000 group receives $1.4 billion more in cash payments from the government than it pays in taxes.

That progressive feature has its limits, it seems. The man in the middle, making between $8,000 and $10,000, pays 29.8 per cent of his income for taxes. After considering how much he gets back from the government in cash payments, his payments to all levels of government are still more than 25 per cent of his income.

For all the income groups between $6,000 and $25,000, there is a relatively minor difference between the percentage of income paid in taxes, even when the governments' cash benefits are considered.

THE TENANT MOVEMENT IN NEW JERSEY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to have printed in the Record a statement by the Senator from New Jersey (Mr. Williams) and a series of articles in connection therewith.

There being no objection, the statement and insertion by Senator Williams of New Jersey were ordered to be printed in the Record, as follows:

Mr. Williams. Mr. President, one of the phenomenons of our society today is that an increasingly large number of Americans are living in rented apartments, houses or mobile homes, rather than in ones which they own.

Because of the increasingly mobile nature of our population, because of recent economic policies which created a scarcity of mortgage money, and because of spiraling costs of home ownership, more and more Americans spend all or large parts of their lives living in rented quarters. These people are "tenants," and as a group they have certain problems and concerns which differ from the problems and concerns of homeowners.

Because of these factors a new economic and political force has grown up in many sections of the country, known as "the tenant movement." In New Jersey, where close to half of our people live in rental units, the tenant movement has grown rapidly and has come to be an important socio-economic factor.

The New Jersey tenant movement, together with its ramifications for both tenants and landlords, was thoroughly examined and explained in a series of three articles by reporter Gordon Bishop which appeared recently in the Newark Star-Ledger. This series is very readable and highly informative, and I ask that it be printed in its entirety at this point in the Record.

A New Social-Economic Force Rapidly Emerging in Jersey

(By Gordon Bishop)

They're coming together from Parsippany and Plainfield, Caldwell and Camden, Trenton and Teaneck. They're stock brokers and school teachers, senior citizens and college students, professionals and welfare recipients.

They're a swiftly emerging social-economic movement known as Tenant Power—and they transcend political, religious, racial, social and economic lines for a common identity: Tenant.

In New Jersey, where there are 7¼ million people, they represent nearly half the population—3.2 million residents.

In sheer numbers, they are a growing social-political force more powerful even than labor.

They first became aware of their latent strength in February 1969: About 35 tenants in a garden apartment in Middlesex County got together after their landlord refused to renew their leases because they attempted to organize their neighbors to seek better living conditions.

This potent nucleus exploded into the New Jersey Tenants Organization, which today is a 21-county network of militant tenant groups whose total membership exceeds 400,000.

Their goal: To become the strongest political force in the state. Why? They want laws to protect tenants from "intolerable conditions" over which, traditionally, they have had no control.

Already, the NJTO has been successful in saving tenants nearly $2 million by holding back "exhorbitant" rent increases, and more than $1 million in "wrongfully held" security deposits.

In their first year of existence, they marshalled their "meager and amateur" resources and produced the first law in the nation's history designed to protect tenants from unreasonable landlords.

They did it by dogging every legislator in the State Senate and Assembly with letters and phone calls, and then, finally, by zeroing in on the governor until their bill was signed into law.

Called the Tenants Reprisal Bill, it prevents landlords from taking any reprisal action against tenants who organize to protest.

Now the NJTO's sights are set on this November's legislative election, in which every seat in the Senate and Assembly will be available to the highest vote-grabbing candidates. There are 40 seats in the Senate and 80 in the Assembly.

"We plan to vote only for those candidates committed to tenant-landlord and housing reform," warns Martin Aranow, the 34-year-old founder and president of the NJTO, which is based in Fort Lee.

"Because our movement transcends party lines, we're interested only in candidates who can straighten out New Jersey's housing and rental mess once and for all," Aranow stated.

While still in its infancy, the NJTO endorsed a political unknown, Joel Shaine, a 29-year-old Orange attorney. Shaine was elected mayor of Orange last May. He attributes his victory to the NJTO's strong support. Shaine was the first candidate the organization had actively campaigned for.

Encouraged by this local triumph, the NJTO is now conducting a state-wide voter registration campaign, concentrating on the tens of thousands of unregistered tenants.

By September, the NJTO wants 250,000 new tenants on the voter rolls. They expect to double their efforts when warmer weather comes and they can put up outdoor booths which attract more attention.

"If each member can bring in only one new voter, we'd have more than 400,000 right there," Aranow noted.

The NJTO is a movement whose time had come. It began to incubate more than two years ago when the vacancy rate for apartments in New Jersey plummeted to 1 percent. The federal government considers a "crisis" exists when the rate drops below 4 percent. The state's vacancy rate today is nearly 0.

As fewer apartments became available, the age-old law of supply and demand took over, pushing rentals for one- and two-bedroom apartments higher and ever higher.

At the same time, apartment construction came to a virtual halt as municipalities started to zone out multifamily dwellings. In fact, some communities banned apartments all together, while others placed moratoriums on any new construction pending completion of their new Master Plans.

"Tenants had nowhere to turn for help but themselves," Aranow said. "There are no laws to prevent landlords from rent-gouging and the only hope we had was to stick together and fight for our rights."

But as soon as tenants threatened to organize, Aranow said, their rents, in many instances, were doubled by landlords. They either paid—or faced eviction, he added.

"This caused consternation with many middle-class families, who would rather move than buck their landlords through litigation," Aranow recalled. "Almost all tenants live in fear of their landlords. The landlord has all the laws on his side—the tenant, then, has nothing. Besides it's too costly for a family trying to make ends meet to battle their case in the courts. The landlord usually always has the final word because he owns the building."

Before they could effectively deal with landlords, the tenants first needed some form of protection. They won it with the reprisal law, allowing them time to negotiate with landlords under a "more equitable and democratic arrangement."

The number of rent strikes then multiplied throughout the state. Some landlords refused to recognize the NJTO as the official bargaining agent of the tenants. Problems mounted. Eviction notices descended on tenants in record numbers. The NJTO was put to its ultimate test: Could it survive the landlords' challenge?

Every night, Aranow and his battery of volunteer legal aides (tenants who are also lawyers) traveled from one striking apartment complex to another, urging the freshly organized tenants not to give in to their landlords' demands until they had their day in court.

"Perhaps the greatest job we had to do was to convince these law-abiding, middle-class families who always paid their bills and monthly rents on time that they had a right to a fair settlement, that rent-gouging, if could be proven, was not a practice condoned by the courts," Aranow said.

"Their first impulse was to pay the rent, no matter how much it was—and that would have been their first mistake."

In a rent strike, the leader of a particular apartment group collects the monthly rents and places it in an escrow account at a local bank. In the event negotiations with a landlord collapse and the case goes to court, the money is always ready to be paid on the order of the judge.

"Everything we do is legal," Aranow said. "We're working within the system and although that often entails a lot of agonizing red tape it's still the best way to handle disputes."

Normally, landlords try to reach an agreement with tenants quickly. The reason: It also costs them a great deal of money, and time, to win a case in court. In the meantime, their monthly rent receipts are being held up, and with or without that revenue they must continue to pay their monthly mortgages and operating expenses. The pressure on both sides is often great.

One case in point:

For nearly eight years, tenants at the Surry Manor Apartments in East Paterson complained about deteriorating living conditions.

Last summer, they formed the Surry Manor Tenants Association, under the guidance of the NJTO, to combat an August rent increase, absence of leases and deplorable living conditions.

The absentee landlord from New York refused to meet with the tenants because they wanted NJTO president Martin Aranow in attendance, a condition of negotiation set by the tenants.

In September, the Surry Manor tenants voted to withhold rents to bring the landlord to the bargaining table. They were successful.

The rent strike was temporarily halted.

At their first meeting, a settlement involving a 27-month lease and gradualized rent increases of up to 15 per cent was proposed by the tenants. The landlord countered with a 17-month lease and an immediate 15 per cent rent hike.

Further negotiations were planned and held. On Oct. 14, the landlord announced he would give tenants a two-year lease but no graduated rent increases.

The tenants continued to stand firm on their proposal for an increase of 10 per cent the first year and 5 per cent the second.

In the meantime, the borough of East Paterson became involved in a court fight to force the landlord to improve the 296-unit complex.

In November, tenants resumed their rent strike after the landlord ignored their proposal.

The NJTO then advised the tenants to subpena the local Board of Health, building and fire inspectors and to take the landlord to court to settle the matter either way.

In early January, the local judge, after hearing the inspectors' testimony, decided that the court should withhold half the rents for repairs of the buildings, advising the landlord to return to court Jan. 18 for a final disposition of the case.

On that Monday, the court learned no repairs had yet been made by the landlord. The judge then decided that the court would become the collector of the rents, the money to be used to fix up the building.

The NJTO had won a major legal battle—and the tenants had successfully represented themselves in court, saving the association a sizeable legal fee.

As the NJTO's reputation spread, demands for its services doubled every week. To be a member, a tenant pays a nominal $1 "contribution" a year, or as long as they wish to be affiliated. If a tenant can't afford the $1, the NJTO doesn't turn him down. The fees are used for the NJTO's operating expenses: Telephone calls, postage, a periodic newsletter to all members.

The key to the organization's success so far has been the ample number of tenants who donate their services to the movement. Many are lawyers, advertising executives, printers, social workers, secretaries, etc.

Because of the impact the NJTO has made on the state rental market, it was singled out at the First National Tenant Movement Conference in Chicago last fall as the most "dynamic and pervasive statewide tenant movement in the nation." The three-day seminar was conducted at the University of Chicago.

One example of the NJTO's influence in New Jersey was the historic action taken by mobile home owners in rural Bridgeton, Camden County. Faced with skyrocketing trailer park fees, about 50 mobile home owners decided to call a rent strike.

At first, they didn't know whether the newly adopted tenant reprisal law could be applied to a person who owned a mobile home and rented space in a trailer camp to park it.

The NJTO advised them as long as they paid a rent the law applied. They struck the trailer park and the landlord retaliated by ordering their homes be towed away. For a trailer, that's tantamount to eviction.

Mobile owners went to court and sought an injunction to prevent the trailer park operator from towing away their homes. They won. A settlement was reached in which rental charges were lowered considerably from the original amount asked.

In most rent strikes, tenants manage to win critical concessions, covering either rent increases or general services.

In rural Woodbury, Gloucester County, 35 low-income black tenants complained about excessive rent hikes, raw sewage on the ground and no heat. They joined forces with middle-income whites in the neighborhood and went to Town Hall, demanding officials take action to prevent a serious health hazard.

Woodbury officials became tenant-oriented and the local building inspector started enforcing the laws.

A new apartment building in Old Bridge, Middlesex County, was the scene of a tenant-landlord showdown last April. Tenants complained the lawns were unsodded, buildings incompleted and that the newly constructed apartments had been built in a swamp, which aggravated the problems.

The Towne Oaks Tenants Association voted to strike May 1. On the first round of eviction notices that followed, the landlord tried to evict the tenant leader and one other tenant. The landlord demanded, in addition to the May and June rents, $100 for his attorney's fees and $49 in late charges.

The local judge threw out the additional charges, the tenants paid their rent and the landlord became cooperative: The swamps were filled, the lawns sodded, garbage facilities improved, and a full-time superintendent was employed to tend to the maintenance.

In Elizabeth, about 20 families living in rows of three- and four-family dwellings struck December 1 when their rents went up 15 percent and no leases were being renewed, while the buildings had several serious housing violations against them.

The strike ended in January. The landlord rolled back rent increases from 15 to 8 percent and gave tenants a 1-year lease. And the building inspector directed the landlord to correct the violations immediately.

GOAL: RENT LEVELING—THE FIGHT TO THE RISES TO COST OF LIVING

(By Gordon Bishop)

Rent-leveling.

That is what the New Jersey tenant movement is all about. A concept originally developed by the New Jersey Tenants Organization nearly two years ago, rent-leveling can be the immediate solution to the recent rash of tenant rent strikes throughout the state, according to Martin Aranow, president of the more than 400,000-member NJTO.

Rent-leveling simply ties rental increases to the cost-of-living index, providing the landlord with the ability to obtain increases in rental for proven increases in taxes and capital improvements.

"It effectively eliminates rent gouging and allows a landlord a fair return on his investment," Aranow, author of the proposal, explained. He considers a fair return of around 12 per cent.

During the past three years, the cost of living has risen about 15 per cent. During this time a landlord would be permitted under rent-leveling to increase rents on an apartment 15 per cent. On a $200 per month apartment, that would come to $230 over the three-year period.

The bill has been introduced by Assemblyman Martin Kraverick (R-Middlesex) and is currently being amended by the NJTO to plug up any loopholes to make it an ironclad law.

Aranow and Kraverick are optimistic over the outcome. The NJTO already has been successful with the legislature, having zipped the Tenants Reprisal Bill through the Senate last September by a 30-0 vote, and through the Assembly by a 64-0 count. The governor then immediately signed it into law. It prevents landlords from taking reprisal action against tenants joining the militant NJTO or any other tenant group.

Many critics of rent-leveling compare it with "rent control." There is little similarity between the two upon close examination.

Rent control as popularized by New York State in the '50s and '60s, establishes ceilings on apartment rentals. It came into being in 1950 when New York enacted the Emergency Rent Control Law, which set up a temporary State Housing Rent Control Agency.

The agency determined that a housing "state of emergency" exists when the availability rate dips below 5 per cent. The federal government declares a housing crisis when the rate slides below 4 per cent. New Jersey's rate is nearly zero.

Rent control provides a landlord with increased rentals through capital improvement and an apartment turnover. When a tenant vacates an apartment, the landlord can rent it for 15 per cent more.

Rent control also contains an emergency appeal procedure for the landlord in the event his profit margin slips below 8 per cent, it can be boosted back to that level through additional increases.

Critics of rent control claim that housing starts nosedived dramatically under the New York system. The facts, however, are contrary.

What did happen was that New York City asked the state to pass enabling legislation so it could establish its own rent control agency. In 1962, the state transferred to New York City control of 1,760,930 apartments. New York City then proceeded to create a "bureaucratic institution" that cost the city taxpayer $12 mililon a year to administer rent control, a service they had been getting for nothing when done by the state.

Consequently, critics point to New York City as the classic example of rent control's devastating effects.

Complementing the rent-level proposals are seven other bills the NJTO is seeking to have adopted at the same time. They are:

Senior Citizen Tenant's Tax Credit—Introduced by Sen. Fairleigh Dickinson (R-Bergen), it would extend to tenants over 65 the same tax credit of $160 granted by the state to the senior citizen property owner. The tenant cannot have an income over $5,000 a year.

Rent Receivership—would allow an individual apartment complex that has serious health or safety violations to request the courts to appoint a receiver (often a tenant). The rent would be paid to the receiver who uses rent money to correct the violations. It would, in effect, preserve the existing housing supply and prevent slumlords from just collecting rental money without rehabilitating the building. It would also allow people "suffering under intolerable conditions" to take action themselves through the courts.

Ban on Lockouts—would prohibit landlords from locking out a tenant from an apartment without first going through the courts. It would abolish "self-help," when a landlord helps himself, a method of eviction landlords use rather than hiring an attorney or taking a tenant to court. Lockouts have been declared illegal by the courts and they were the direct cause of the Passaic riots in 1969 and the Peoria, Ill., riots last year.

Ban of Lead-based Paints—This bill would ban the use of lead-based paints (the cause of many children's deaths, children who eat chipped, pealing paint on apartment walls); would also require that older apartments have their walls scraped to remove old lead-based paint.

Subletting—Introduced by Sen. Matthew Rinaldo (R-Union), this provision would prohibit landlords from refusing to grant a sublease. Rinaldo calls it a "fair" bill that merely would give the tenant the right to sublease with the landlord's consent. Under this bill, the landlord could not unreasonably withhold his consent.

State Housing Code—Introduced by Sen. Alfred D. Schiaffo (R-Bergen), the bill would direct the Bureau of Housing Inspection to promulgate a State Housing Code to be effective in every municipality and to provide a procedure by a public officer or the tenants of a multiple-dwelling building to obtain a judgment directing deposit of rents into court and their use for remedying conditions dangerous to life, health or safety.

Sen. Frank McDermott (R-Union) suggests that rents be regulated by the Public Utility Commission in the same way that gas, electric, telephone and transportation are regulated.

Assemblyman Kay has offered a bill which is similar to the state Supreme Court decision handed down May 18, 1970 which sanctioned action taken by a Cape County tenant tho fixed his toilet and deducted the cost of repairs from his monthly rent.

Kay's bill would allow tenants to make repairs of "vital facilities" and deduct them from the rent.

In the New Jersey Supreme Court case, the tenant procedure to follow in correcting an intolerable condition was spelled out:

Notify the landlord—in writing—about the condition and tell him to make the necessary repairs within a reasonable time. Keep a copy of the letter. Tell the landlord if he does not fix it, the repairs will be made and the fee deducted from the rent "as per the recent Supreme Court case of Marini V. Ireland."

After a reasonable period of time has passed (depending on the type of emergency), and the landlord has not yet made the repair, either fix the problem or hire someone to fix it. Pay for the repair, ask for a receipt, plus an itemized statement of the work performed.

When the rent becomes due, send a copy of the receipt to the landlord, together with the balance of the rent due, after deductions for the repairs.

If a tenant is uncertain as to the critical nature of the facility in question—for example, a falling ceiling—the New Jersey Tenants Organization in Fort Lee will provide free legal advice on any repair matter.

The NJTO's legislative package is presently before state officials. Rent-leveling and the seven other bills wed to it will bring about desperately needed reforms in the rental housing industry, the NJTO contends.

"They are reasonable pieces of legislation that would not adversely affect decent landlords, but merely put slumlords and rent-gougers out of business," Aranow predicts.

His case now rests with the legislature.

Ban on Distraint—where a landlord places a lien on a tenant's possessions and wants to sell them for either non-payment of rent or what he may believe is non-payment (rent strikes). Landlord obtains a local constable who then serves the papers and "frightens" the tenant. This is done without going to court. This type of "self-help" remedy has been found unconstitutional by the courts whenever a tenant hires an attorney to fight it.

Eviction for a Just Cause—would clearly define the grounds for an eviction of a tenant. The bill implies that housing of people is not just a business, but a social obligation.

Security Deposits—This bill, introduced by State Senators Raymond Bateman (R-Somerset) and Robert Kay (R-Cape May) states that tenants can receive all interest on their security deposits with the exception of one per cent which is to be used by the landlord for administration of the security deposit fund.

Prohibiting the Refusal to Rent to Welfare Recipients—Introduced by Assemblyman John Brown (R-Ocean), this bill would make it a criminal offense to refuse to rent to welfare recipients.

This past week, Gov. William T. Cahill endorsed three of the tenant measures: rent administrator (receivership), interest on security deposits and an end to discrimination against welfare clients.

In addition to the NJTO proposals there are still other tenant bills:

Elimination of Escalator Clauses in Leases—Introduced by Bergen County Republican Assemblyman William Crane and Herbert Hollenbeck, this bill would eliminate clauses in leases that allow landlords to raise a tenant's rent in the course of the lease.

RENT STRIKES: LANDLORDS COMPLAIN ABOUT HIGH-COST SQUEEZE

(By Gordon Bishop)

With the advent of the tenant movement in New Jersey, landlords are coming out from behind their cloak of anonymity, asserting that, they, too, have their rights as property owners and legitimate entrepreneurs.

For years, most landlords left the job of managing their apartments and collecting rents to the middle-man—a professional agent or superintendent. But since tenants have grown more militant over the last two years, they are demanding to meet eye to eye with their landlords to negotiate rent increases or present their grievances to the owner himself.

How landlords are dealing with this new phenomenon—spearheaded by the New Jersey Tenants Organization—is of grave concern to the New Jersey Builders, Owners and Managers Association. Many landlords, faced with rent-striking tenants, say they really don't know where to turn to bail themselves out financially during the current housing apartment crisis.

Sanford Feld, 42, of West Orange, is a landlord who also manages apartments for other landlords in Essex, Union and Middlesex Counties.

Feld claims he is one landlord "not running scared" in front of the 400,000 members of the New Jersey Tenants Organization. There are an estimated 3.2 million tenants in the state.

One of Feld's buildings (he runs approximately 1,000 units) was struck by tenants last year. He handled the confrontation himself.

"A rent strike can break a landlord if he can't find other money to pay the month-to-month bills," Feld disclosed "Tenants also must understand the plight of the landlord. Rent strikes are not the answer and, if they stage one, the rent money should be held in an escrow account. Once you lose two or three months rent in a strike, it's gone for good. Either some tenants take off or the court dispossesses them after a strike is over. The landlord is out thousands of dollars."

Feld said he prefers negotiating with a three-member tenant committee, or a spokesman, but not a congregation of "angry" tenant members. He believes in tenant associations if they are run by reasonable people.

Hit by "unbelievable" increase in fuel, water, taxes, garbage, insurance and maintenance in the last three years, landlords, Feld argues, have only one course of action open to them: more revenue via higher rents.

He says water is up 10–20 per cent, fuel, 100 per cent; taxes 20–40 per cent; garbage, 150 per cent; insurance, 25 per cent; gas-electric, 25–30 per cent, and maintenance, 30 per cent.

As the vicious economic cycle continues ad infinitum, landlords claim they are running out of time. Soon their 10 and 20-year mortgages will become due and they will have to refinance them not at 4 or 5 per cent, which they originally had, but at 9., 10, or 11 per cent . . . if they can find a bank to accept them.

Feld noted that tenants do not understand what it means when a mortgage becomes due in 10 or 20 years. He explained: Mortgages on apartments usually are granted for 10 years with the monthly payments spread out over a 20 year period, but the balance of the mortgage becomes due after 10 years. A bank normally refinances the balance at prevailing interest rates.

Unless the balance is refinanced or the balance is paid in full, the bank takes the building.

As conditions worsened, Feld offered tenants the opportunity of buying the building directly from him, or co-oping—each tenant buying his own apartment, with the monthly overhead then prorated over all the new owners. So far, the tenants have declined his offers Feld said.

Too often, Feld continued, tenants form an association with the idea of increasing services in their building. "That was never intended. A building wasn't set up on that basis, or rented with that in mind," Feld said.

Standard services are garbage, parking and well-maintained premises. Beyond that in most apartment houses, extra services cost more, such as a doorman, swimming pool, recreational activities, air conditioning, etc.

Feld charged the courts today with playing "tenant favoritism." Whenever a tenant winds up in court, the judge often strikes a sympathetic tenant position, giving a tenant months or more than a reasonable amount of time to find another place to live, Feld complained.

"In the meantime, the landlord is stuck with late payments, bad checks, no rent and heavy attorneys' fees for processing delinquent accounts," Feld said.

To eliminate as many nuisances as possible in his dwellings, Feld has a general policy for all tenants: no pets. That's the only sensitive rule that applies to everyone, he said.

On rent-leveling, the NJTO's proposal for rent increases tied to the cost of living, Feld remarked:

"The only problem with that bill is it doesn't stipulate what a fair return on a landlord's investment should be."

The NJTO considers 12 percent a "fair" return. Feld disclosed that some of his properties yield only a 5–6 percent return.

In an effort to keep rents down, Feld is now looking for plumbers and electricians who'll make repairs on his utilities for a "fair day's pay." He thinks the trades have priced themselves out of the market with $15 hourly rates, with boiler people getting $18 an hour, excluding travel time.

Another landlord-developer fighting for his fiscal life is Arthur Padula, one of the state's biggest; he is also chairman of the board of the New Jersey Builders' Owners and Managers Association, Newark.

An ex-Navy admiral, Padula cuts through all the bureaucratic double-talk and zeroes in on the problem:

"The people can solve their own housing problem tomorrow if they want to. But they—and the state and federal governments—only offer lip service, no positive action.

"Labor's pension funds are invested in stocks and bonds instead of the housing industry. The state legislature can guarantee New Jersey labor's $6 billion pension fund if invested in housing, the same way Uncle Sam guarantees FHA funds. Everybody complains, but everybody's at fault.

"As a necessity of life second only to food, housing must be considered the No. 1 priority in the nation."

President Nixon, he noted, released $1.8 billion this month to fund all the FHA programs in the country. It will take at least $25 billion to do the job, Padula added.

The state, he went on, announced that 50,000 dwelling units must be built every year to break even with the annual population growth. The state's housing division last year financed 500 units, he said.

"With that kind of record, the state might as well do nothing," Padula opined.

In addition to the working man's investment in housing, Padula projected other imminent changes in the '70s before the problem can be solved:

Wage and price control to keep construction salaries from soaring beyond their current hourly rates of $20 (operating engineers).

Uniformed building code, replacing the 567 codes now in effect throughout the state.

New zoning laws that cater to people rather than industrial plants and office buildings.

Radical tax reform to return the property to the people (when taxes become confiscatory and property is worthless and government, in effect, owns it because the moment the person can't pay the taxes on it, the government takes it).

Any one of these reforms can't do the job alone, Padula feels. For the crisis to end, they must be enacted jointly—and immediately.

TENANTS ASK UNITED STATES TO PROBE NEWARK HOUSING

The 12 tenant associations in the Newark Housing Authority, consisting of several thousand members, have urged interim U.S. Attorney Herbert J. Stern to launch a federal probe into "alleged corruption" in the city's housing authority.

The 12,271 dwelling units represent about 42,000 residents, a great number of them belonging to the tenant associations established in the 12 public apartment complexes.

Since April 1970, they have withheld $750,000 in tenant rent strikes protesting general living conditions. The authority has warned that unless it has $750,000 to balance its budget by March 1, it will be forced to either raise rents for the first time in a decade, or to curtail services.

The tenants' demand for an investigation by the U.S. Department of Justice follows a detailed study by the U.S. Department of Housing and Urban Development (HUD), which last week demanded sweeping reforms in the authority's operations, including the replacement of Joseph D. Sivolella as executive director.

In a telegram to Stern, the tenants stated: ". . . We believe that in light of HUD's recent review the U.S. Attorney's Office must begin proceedings at once in order to ascertain the extent of corruption within the Housing Authority."

The telegram was signed by the presidents of the 12 tenant associations.

Telegrams also were sent to the five members of the authority's board of commissioners, demanding their immediate resignation. The telegrams read:

"Your official sanction of the negligence and mismanagement of the NHA warrants your resignation. We have requested Mayor Kenneth A. Gibson and Gov. William T. Cahill to expedite your resignation through every means at their disposal."

Tenant leaders said they welcomed the recommendations of the HUD team concerning the fiscal and managerial policies of the authority.

"The review has re-inforced our conviction that the unsanitary, unsafe, indecent and inhuman conditions of the housing projects are attributable to the mismanagement of housing officials."

"As leaders of the various tenant associations, we have officially stopped negotiating with the authority," they said. "There is nothing to negotiate about. In the course of nine months of negotiation, the NHA has acted in bad faith."

The leaders urged all tenants to continue to withhold their rents until the NHA implements the recommendations of the HUD review team and meets the demands of the tenants.

"We consider the review by HUD as a new beginning for the tenant movement," they declared.

A tenant spokesman lauded the efforts of the New Jersey Tenants Organization, which produced the first law in the state's history designed to protect tenants from landlord reprisals.

The Tenant Reprisal Bill, drafted by Martin Aranow, president of the 400,000-member NJTO, became law last September.

"Without that law to protect us, we'd be out on the streets with no place to live because of our rent strike action," the spokesman noted.

NOTICE OF HEARING ON SENATE RESOLUTION TO AMEND RULE XXIV OF THE STANDING RULES OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I call attention to Senate Resolution 17 which was submitted by the Senator from Oklahoma (Mr. HARRIS) for himself and the Senator from Maryland (Mr. MATHIAS) on calendar day January 28, 1971, or legislative day January 26, 1971.

The Senate resolution would amend rule XXIV of the Standing Rules of the Senate with respect to the nomination and appointment of committee members.

By unanimous consent the resolution was referred on January 28, 1971, to the Committee on Rules and Administration, with instructions that the Committee on Rules and Administration report the resolution back to the Senate not later than March 1, 1971.

As chairman of the Subcommittee on Rules of the Senate Committee on Rules and Administration, I announce that the subcommittee will conduct a hearing on Senate Resolution 17 beginning at 10 a.m. on Friday next in room 301 of the Old Senate Office Building.

As chairman of the subcommittee, I welcome the comments, advice, suggestions, statements—written or oral—and the appearance of any Senator who may be interested in making a presentation to the subcommittee in connection with Senate Resolution 17.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEMPORARY CLOSING OF TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be closed temporarily; that the pending business be laid before the Senate for a period not to exceed 8 minutes; and that the able Senator from Hawaii (Mr. INOUYE) be recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and morning business is closed temporarily.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The PRESIDING OFFICER. The Senate will proceed to the consideration of the pending business the motion to proceed to the consideration of Senate Resolution 9, to amend rule XXII.

The pending question is on agreeing to the motion of the Senator from Alabama to postpone until the next legislative day the consideration of the motion of the Senator from Kansas.

Mr. INOUYE. Mr. President, I rise today in support of change—in support of change in Senate rule XXII. I believe the time has come to modify cloture and to permit an early end to debate upon the support and vote of three-fifths of those Senators present and voting.

That I support this change is, in and of itself, a major change. In the past, I have supported a continuation of the two-thirds rule adopted in 1917.

My past support for the two-thirds requirement has demonstrated my commitment to upholding the traditions of this body and my deep concern that the rights of minorities be fully protected. I continue that commitment today.

Minorities do have rights no majority should transgress. There is nothing in the performance of this body, nor in my own personal experience, which leads me to believe in an infallible majority. We are each subject to the emotions of the moment and the temper of the hour. We can and do join in tyrannical majority. We are not impervious to these impulses. Therefore, in designing the rules which govern our debate we must protect this institution, and the body of law we create, from our own weaknesses.

Our Founding Fathers constructed a number of safeguards from tyrannical majorities. These include the structure of this body—two Senators from each State regardless of population. We have the cumbersome and time consuming procedure for amending the Constitution—a two-thirds vote in Congress and ratification by three-fourths of the States.

There are others—and they have contributed significantly to safeguarding our liberties.

Over the years there have been frequent and persistent efforts by those who unsuccessfully sought legislative change with strong support to change the rules so that no willful minority could frustrate their efforts. The effort to enact meaningful civil rights legislation—too long delayed—was in large part the reason for this movement gaining such momentum.

Eventually effective civil rights legislation was passed despite the two-thirds rule, and despite the use of the filibuster. Nevertheless, the pressure for change in rule XXII has continued unabated.

Much of the reason for this pressure can be traced to a continuing frustration of the majority will and the belief of many that the prolonged session of the 91st Congress, and the failure of that Congress to act in a number of areas, resulted from the rule permitting unlimited debate and the actual or threatened use of the filibuster.

I would remind my liberal colleagues that the filibuster, and threat of filibuster, are no longer the instruments of a conservative minority intent on maintaining special privilege.

The outstanding filibusters during the 91st Congress as listed in the newly published committee print, Senate cloture rule, prepared by the Committee on Rules and Administration, bear this out.

During that Congress, lengthy debate, although not necessarily labeled a filibuster, was led by opponents to the ABM authorization, the Haynesworth nomination, the Carswell nomination, the Cooper-Church amendment, direct election of the President and Vice President, the family assistance plan, the shoe-textile imports quotas bill, and the appropriations for the SST.

I participated in a number of these filibusters or threats of filibuster. I see nothing inconsistent in the use of unlimited debate as a means of preventing action or convincing the unconvinced. I believe most of the cases of extended debate in the 91st Congress were of benefit to the Nation and a credit to this body. Most also resulted in victories for the liberals or the so-called liberal position.

I participated in opposing Haynesworth and Carswell, in opposing the ABM, which we lost, and the import quotas bill, which we won.

Opponents of these measures cannot brag of their success in halting the SST, or import quotas, or the nomination of a Carswell, and curse the filibuster as a parliamentary technique.

Cloture has been successfully invoked eight times since the present rule XXII was adopted in 1917. It has been invoked three out of those eight times on civil rights matter. We have demonstrated that we can bring an end to debate under the current rules when public opinion is sufficiently mobilized.

I believe, however, that much as I justify limits on a tyrannical majority recent experiences have demonstrated the need for modification in rule XXII if we are to meet the demands made upon this body.

From 1806 to 1845 we had no device for limiting debate in the U.S. Senate. We could not countenance such a situation today.

I think we have demonstrated that even a two-thirds majority is excessively restrictive to meet today's demands upon this body. I do oppose, however, any move to permit an end to debate in this body upon the vote of a simple majority. I shall continue to oppose such a rule with all the vigor at my command.

I believe that the time has now come for modification. A three-fifths vote to limit debate strikes a reasonable balance between the need for action and provision for restraint.

The question is not shall a majority decide; it is rather one of whether a mere majority shall silence debate.

The Senate provides the only forum where reflection may be demanded—even of the majority. I believe a change to a three-fifths majority requirement will preserve this institution, reasonably meet the needs and demands for action, while preserving the rights of minorities and their spokesmen to be heard and properly considered in the legislative process. There is further reason to believe that such change may soften demands for more radical change which may endanger this body and every man who finds himself in a minority position on an important issue. I therefore urge adoption of a three-fifths rule.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate now resume its consideration of routine morning business, with statements therein limited to 3 minutes, and that the period for the transaction of routine morning business extend to the time when the majority leader is recognized prior to the vote on the treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 18—DEPLOYMENT OF THE ARMED FORCES AND U.S. FOREIGN POLICY OBJECTIVES—STAR PRINT

Mr. TAFT. Mr. President, I ask unanimous consent that Senate Joint Resolution 18 be titled: "To define the principles which shall govern the deployment of the Armed Forces of the United States by the President, to express United States foreign policy objectives in Southeast Asia." and that this joint resolution be star printed.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

THE ROLLS ROYCE BANKRUPTCY

Mr. TAFT. Mr. President, I should like to take a few minutes of the Senate's time today to discuss a subject that has received considerable attention in the newspapers in the last few days: the very sad financial condition in which the Rolls Royce Co. in Great Britain has found itself, and its possible effect upon the production of airliners in the United States by Lockheed Corp. A number of the airlines have an interest and have already put out substantial advances against orders that they have taken for such aircraft.

I have long been familiar with this problem. Indeed, from the very outset there was substantial question in my mind as to whether or not the Rolls Royce Co. could actually perform the required job of producing engines of this type for this American airframe.

I raised these questions in the House of Representatives when the matter first came up, and the colloquies which we had there at that time assured that there was in effect competitive bidding, and that U.S. corporations, specifically the General Electric Corp., with its major engines plant in southwestern Ohio, had a shot at and won on a competitive bidding basis the contract for the engines for the competitive DC-10 airplane.

I am not at this time going to take any position with regard to what the United States should or should not do, or with regard to what individual companies in the United States ought to do in this very difficult dilemma. I understand that time is being sought, and perhaps has been agreed to, to try to ascertain whether or not the Rolls Royce Co., backed up by the British Government, might be able to perform under the contract; and I am certainly not trying to close in on that time in any way.

Mr. President, what I do feel and what I want to express to the Senate is a very strong opinion that anything that is done with regard to this matter by the U.S. Government should be disclosed fully and stand in the daylight, on its own feet, for consideration on a policy basis by the Members of Congress on both sides of the Capitol and by the public generally. I do not think that anything should be done behind the scenes in the way of putting the backing of the U.S. Government behind the financing of this matter, without the fullest public disclosure and public discussion of the subject.

The PRESIDING OFFICER. Is there further morning business?

LAOS

Mr. DOLE. Mr. President, on Monday of this week I discussed briefly the South Vietnamese incursion into Laos, and again I would only say briefly that there will be no U.S. combat ground forces introduced into Laos. I would again remind the Senate that President Nixon is winding down the war in Southeast Asia. I said then and say again that perhaps there has been an escalation of the rhetoric, perhaps there has been an escalation of the criticism, but there has been no escalation or widening of the war in Southeast Asia.

The President has as he has announced on several occasions, six different times withdrawn American troops. The total number of Americans withdrawn now exceeds 200,000. By May 1 of this year, the total number will be around 265,000. That will leave in South Vietnam between 40,000 and 50,000 ground combat troops.

I would point out, as I have many times on the Senate floor, that when President Nixon assumed the Presidency on January 20, 1969, the troop level in South Vietnam was more than 540,000. I recognize that we are probably on the threshold of the 1972 presidential campaign. I recognize, therefore, the temptation, as one engaged in politics from time to time, to find fault with any President, his policies at home and his policies abroad.

But, Mr. President, let me emphasize again that President Nixon has kept his word in Southeast Asia, that there will be no American ground troops introduced into Laos, that this is an important military move, and that if successful this move could facilitate further troop withdrawals, could expedite the Vietnamization program, and could therefore result in an earlier return of all American forces from Southeast Asia. The President is committed to that end, and I am assured and believe very deeply that the President will achieve that goal.

I would also suggest that it would be easier for the President to achieve the goal if some of those who have been escalating the rhetoric and escalating the criticism might find it in their hearts to obtain the facts and to support the President at this critical time.

ADDITIONAL STATEMENTS

THE SUGAR BEET INDUSTRY

Mr. MANSFIELD. Mr. President, from time to time I have been very critical of our farm program, but I believe that, consistently, the one piece of agricultural legislation which has done a relatively good job has been the Sugar Act. The suger beet industry is a very important economic factor in the State of Montana. The act will be expiring at the end of 1971, and I hope that Congress will be able to expedite the extension and improvement of this program.

Experience has shown that, through the administration of the Sugar Act, consumers of this country have had the benefit of adequate supplies at reasonable prices. Farm workers under the sugar program have had and will continue to receive rates in excess of the minimum established by the Congress for agriculture. In general, I think it is correct to say that the farmers, the processors and the refiners of both sugar beets and cane have been able to achieve a satisfactory level of return. Developments in the past several years do give me some cause for concern. Costs are rising at a more rapid rate than the return to the growers and processors. Statistics indicate that the returns to the industrial users of sugar far exceed that available to the growers and processors.

This developing situation was graphically brought home to the people of Montana when the Holly Sugar Corp. announced that it would close the factory at Hardin, Mont. Earlier in the year, a sugar plant was closed in Utah, and the American Crystal Sugar Co. has announced that they will be closing their factory in Chaska, Minn. According to information available, these decisions were based on economic factors. If this is an accurate appraisal, it would seem that there will have to be some adjustment in the Sugar Act to preserve a healthy sugar beet industry in the West. The closing of these factories will have a very detrimental effect on the economy of these rural areas which have become dependent upon this one crop. When Congress schedules the consideration of the renewal of the Sugar Act, it is imperative that we consider what is happening with respect to domestic sugar. We do not want to be faced with another vanishing industry.

I am convinced that we can have a strong sugar beet industry through the combined efforts of an imaginative and aggressive management along with a working Sugar Act administered by a responsible Department of Agriculture. I look forward to receiving specific recommendations from the producers and processors on how the act might be improved.

It is my hope that discussions now underway will bring about a solution to the problem we face at Hardin, Mont., and that the plant will not be closed. The announcement, coming as it did in late January, places the growers of eastern Montana in a very difficult position. My intention in addressing myself to this problem today is to place the Senate on notice that what has been a very fine program may now be in need of some adjustments in order to meet economic situations. Let us not wait until it is too late.

THE WISDOM OF LAOS

Mr. GOLDWATER. Mr. President, today I should like to take a small amount of the Senate's time to express my admiration for the courage and determination of President Nixon in assisting the South Vietnamese invasion of Laos.

If this proves to be a difficult operation from a military standpoint the blame will be easy to place—it will be the undisputed property of civilian leaders such as Presidents Kennedy and Johnson and Defense Secretaries McNamara and Clifford who failed to take this action when it was first indicated.

Mr. President, military men who are closely informed about the war in Indochina know that the invasion of Laos to cut Communist supply lines along the Ho Chi Minh Trail should have been carried out several years ago. The fact that this necessary military operation has been put off for so long is bound to make it more difficult. And the fact that it was delayed so long qualifies the war in Vietnam for the distinction of being labeled one of the stupidest wars ever fought. Again I wish to place the blame for the mess in Vietnam right where it belongs—with the above mentioned civilian leaders who for years thwarted the conduct of an efficient and effective military operation in Southeast Asia.

Mr. President, the Laos operation has become imperative to the success of American plans to withdraw the majority of its combat troops from that area. I for one am becoming very sick and tired of hearing Members of this Senate and other spokesmen of liberal persuasion find fault with every step taken in Indochina to protect American lives.

I am inclined to wonder, along with trained observers such as Washington Star columnist Crosby S. Noyes, just what it is the liberals really want. When I listen to the critics of Mr. Nixon's moves in Cambodia and Laos, and realize that they have a true account of the reasons for these moves, I am persuaded that the last thing some of our prominent "doves" want in Vietnam is an American success. Mr. President, I find myself asking if the partisanship being displayed over events in Vietnam can possibly be so bitter that some parties to it are hopeful that America will be defeated merely to justify their own predictions of disaster.

In this connection, Mr. President, I wish to congratulate Mr. Herbert G. Klein, the Nixon administration Director of Communications, for bringing about a wide distribution of the very expert views on this subject recently outlined by Washington Post Columnist Joseph Alsop. I for one can see nothing wrong with an administration spokesman circulating widely a newspaper column which defends his boss and our President even if it has some disparaging comments to make about some of his critics.

I believe it should be noted here that the outcry over America's air support for the Laos invasion was something less than the protest generated by the doves and peaceniks in the wake of the Cambodia operation last year. It says something for the administration's efforts to recognize that most critics are sensitive to the fact that the operation they complained about last year turned out to be one of the most successful of the entire Vietnam war.

I suspect there is some apprehension in the liberal ranks that Laos might prove to be just as successful. And let me emphasize that this is entirely possible, as the distinguished chairman of the Senate Armed Services Committee, Senator STENNIS, has remarked this operation "could be the one that cuts the jugular vein."

By the same token, the long delay in coming to grips with the situation will make it extremely difficult. This could be one of the roughest operations of the entire Southeast Asia campaign. It is fraught with difficulty and with danger. For this reason I commend the President on his courage and urge every sincere, right-thinking American to support the administration in every way possible. It cannot be done, I might add, by a lot of quibbling and nitpicking over such things as the news blackout which preceded the invasion and the exact number and disposition of Americans who might be engaged in this effort on behalf of freedom in Asia.

MORE COAL RESEARCH NEEDED

Mr. BYRD of West Virginia. Mr. President, power and fuel shortages are being experienced in various parts of the United States. Because of these shortages, a much more vigorous program of coal research is needed.

Such a program should have two major objectives. First, it should seek to solve the problem of air pollution caused by the sulfur oxides which result from the burning of coal; and second, it should be aimed at speeding up the efforts to produce liquid and gaseous fuels from coal.

Our Nation must clean up its atmosphere; but America must also continue to have the abundant fuel supply it needs. Our industrial employment and our prosperity depend upon that.

The key to this situation is a stepped-up program of coal research, which I shall urge the Federal Government to undertake.

RECESSION DEMANDS FEDERAL FINANCING OF UNEMPLOYMENT BENEFITS

Mr. PELL. Mr. President, there has been a great deal of discussion about the new federalism and about the need for returning power to the States. There is one area of responsibility, however, in which there is no disagreement as to what level of the Government should be responsible for the overall guidance of our national economy as a whole—and, that responsibility belongs to the Federal Government.

The failure of the Federal Government to control inflation, accompanied by the seemingly impossible concomitants of rising unemployment and a recession, is causing havoc with State and local revenue. Thus, I believe the Federal Government has a financial responsibility to come to the assistance of those States who have been hurt by the Federal Government's failure to end the recession.

It is for this reason that I support, and I would encourage my colleagues to support, the proposal of the Governor of Rhode Island, Hon. Frank Licht, that the Federal Government assume the cost for an extension of the unemployment compensation program.

I am fearful that if this step is not taken, many States will find their welfare rolls being increased by those many unemployed persons whose benefits have expended, and these States will thus be put on the verge of bankruptcy.

ROGERS C. B. MORTON

Mr. DOLE. Mr. President, last week the Senate acted wisely in confirming the nomination of Rogers C. B. Morton as Secretary of the Interior.

I have had the privilege of knowing and working with Rog Morton for nearly a decade. We served 6 years together in the House of Representatives, and during this time I have seen him gain the respect and admiration of all who have been in contact with him. He served his Maryland district diligently and energetically, always maintaining active concern for the welfare of the entire Nation. Certainly he will bring this same diligence and energy to the Interior Department. The new responsibilities he is assuming will enable him to give further expression to his understanding of environmental issues and his concern for the well-being and progress of the American Indian.

For three of his terms in the House, Rog was a member of the Interior and Insular Affairs Committee. This experience has given him a solid background in the workings and responsibilities of the Department he now heads, and he is an ideal leader to implement the President's goal, expressed in the state of the Union message, of increasing the Nation's park system and the people's access to it. As a Congressman, Rog was instrumental in the designation of Maryland's Assateague Island as a national seashore, and his experience in promoting outdoor recreation will be invaluable to him.

Another area of special interest and expertise for the new Secretary is land use planning. He served 2 years on the Public Land Law Review Commission and his testimony on both sides of the Hill in favor of nationwide land use planning legislation has earned him a reputation as a solid and knowledgeable advocate in this field.

Rog is no stranger to national issues, having sat on the important Ways and Means Committee and spent the past 2 years as chairman of the Republican National Committee. His service in the House and travel across the country have gained him firsthand insight and understanding of the Nation's needs in many areas, and this broad-based knowledge, as well as his success at dealing with people, will stand him in good stead at the Department of the Interior. The highest levels of government have a pressing need for talented, dedicated, and intelligent leadership. Rog Morton has demonstrated his ability to provide that leadership, and he will be a valuable addition to President Nixon's Cabinet.

INTERNATIONAL LAW AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, during the last century, there have been numerous efforts to develop international law, usually through the conclusion of international treaties and conventions, to declare illegal various types of conduct considered to violate the code of nations.

In 1945, when the Charter of the United Nations was being drawn up in San Francisco, proposals were made that an international bill of human rights should be adopted. The bill was to consist of three parts: First, a declaration of human rights, second, a convenant on human rights, and, third, measures of implementation. The declaration was to set forth general principles or standards of human rights; the convenant to define specific rights and the limitations in the exercise thereof; the measures of implementation to consist of international machinery to insure the observance of human rights.

The Genocide Convention is one of many international conventions that as a body form the international machinery to insure the observance of human rights.

In the case of genocide, all states members of the United Nations have twice unanimously declared that this practice is a crime under international law and that states should cooperate to prevent and punish the practice. In the judgment of the world community, genocide is a matter of grave international concern. Today, it is a threat to religious and cultural groups around the world. The 75 nations of the world that have ratified the Genocide Convention undoubtedly would welcome the moral reassurance that the United States endorses the principles of the Genocide Convention. President Nixon appealed to the Senate early last year to take favorable action on the Genocide Convention. The U.S. would vote for the United States to join with other nations of the world in accepting convention.

We cannot afford to delay any longer. The United States must accept the opportunity and obligation to lead the great struggle for human rights with the nations of the world. I again urge this body to give its advice and consent to the Convention on the Prevention and Punishment of the Crime of Genocide.

ASSISTANCE TO EXILED CZECHS AND SLOVAKS

Mr. HRUSKA. Mr. President, last week I addressed the Senate concerning a growing number of complaints from Czech and Slovak immigrants to the free world about a despicable blackmail scheme being perpetrated by the puppet Communist government of Czechoslovakia.

The scheme simply is to notify many of the 70,000 emigrees in the free world that criminal proceedings have been initiated against them for leaving the country. They are informed that they are being tried in absentia. Threats are made against their property and their families. Then they are told that to minimize their problems they should send hard cash back to Czechoslovakia to pay for legal fees in their defense.

This callous attempt to take vengeance on those who fled their homeland after the uprising of 1968 has raised a cry of indignation in the United States, Canada, Australia, and other nations in the free world to which the Czechs and Slovaks moved.

Our State Department is looking into the matter and has lodged a complaint with the Czech Embassy.

Now I am pleased to announce that the American Bar Association is also studying the problem and possible ways in which assistance can be given to the exiled Czechs and Slovaks.

The ABA's house of delegates yesterday approved a proposal by its standing committee on education about communism and its contrast with liberty under law. The proposal, in the form of a resolution, authorizes the committee to prepare a comprehensive report concerning the matter.

No expenditure of ABA funds will be involved in the study. It will be financed independently.

It is hoped that it will result in recommendations and measures which will help ease the agony of thousands of immigrants who are receiving these vicious blackmail letters.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the American Bar Association's standing committee on education about communism and its contrast with liberty under law, and also the resolution which was approved yesterday by the ABA's house of delegates.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TRIALS IN ABSENTIA OF CZECHOSLOVAK REFUGEES—STATEMENT IN SUPPORT OF THE RESOLUTION

The facts which prompted the Committee to submit a Resolution for the consideration of the House of Delegates are incontrovertible and have been reported in the world press.

There are about 70,000 new Czechoslovak emigres in the free world (about 8,000 are in the United States, 12,000 in Canada, 2,000 in Australia, with the rest in Europe).

They left Czechoslovakia shortly before or after the Warsaw Pact armed intervention in August 1968, an action undertaken to restore the controlling rule of the Czechoslovak Communist Party as enforcement of the so-called Brezhnev Doctrine in that country.

Citizens of Czechoslovakia are denied the basic human right to leave the country or stay abroad without official permission. Such acts have been ruled by the Czechoslovak Socialist Republic as crimes against the security of the state.

Consequently, the Czechoslovak citizens who preferred to leave their country rather than live under rigid Communist control violated paragraph 109, sections 1 and 2, of the Criminal Code 140/1961, and, according to reports in Czechoslovak newspapers, are now on trial by the hundreds in absentia.

All the so-called defendants received registered letters at their residences abroad, advising them of criminal proceedings instituted against them in the CSSR. These letters differ according to the different purposes of this terror campaign.

First, one can discern an overall effort by the Czechoslovak Communist government to instill fear into the emigres for their own persons and for their relatives left behind. Their personal insecurity comes from lack of citizenship (not yet attained in most cases) and, consequently, from their doubts about protection by the authorities of their new country of residence.

The second discernible purpose behind the mass trials is to extort hard currency by asking the emigres to pay defense fees to government lawyers assigned to each case. Some letters contain a blackmail threat to collect the required sum from relatives, if the refugee refuses to pay. In view of the large number of pending cases the Czechoslovak government could collect millions of dollars worth of hard currency, badly needed in its shaky economy.

Finally, some letters indicate the desire to pressure refugees, the majority of whom come from the intelligentsia, to return home, by promising to drop the charges against them. This would indicate a technological and professional manpower shortage in Czechoslovakia, caused by the emigre brain drain.

These letters caused great alarm among the emigres everywhere, to the extent that they are reluctant even to admit receiving them for fear of reprisals against their relatives in Czechoslovakia. For that reason all names and details which could identify the recipients have been deleted from the enclosed copies. This alarm has been reflected in appeals of many Czechoslovak emigre organizations to their respective adopted governments, asking a stop to this harassment of future citizens.

Under these circumstances, the support of the American Bar Association in reaffirmation of human rights, as expressed in the Resolution, would be of immeasurable value to the refugees, who in their ambiguous legal situation can rely only on the free world's expression of solidarity.

Resolution by the American Bar Association Standing Committee on Education About Communism and Its Contrast With Liberty Under Law

Whereas, The Czechoslovak Government through its Legal Advisory Center (Advokatni Poradna) has advised all Czech and Slovak emigres who left the country as a result of the Warsaw Pact military intervention of 1968 that a criminal proceeding has been initiated in absentia against them for leaving or staying out of the country without permission; and

Whereas, The Czechoslovak Legal Advisory Center has demanded a down payment in hard currency of the country in which the emigres are now domiciled for defense by Czechoslovak lawyers of the alleged crime; and

Whereas, The Czechoslovak Legal Advisory Center has informed all emigres that should they fail to transfer the required down payment within fifteen days the Center would be entitled to and would demand payment from their nearest relatives in Czechoslovakia; and

Whereas, The American Bar Association is dedicated to the principle of justice under the law and believes that the failure of justice anywhere is a threat to its realization everywhere and the action of the Czechoslovak Government through its Legal Advisory Center and court system in the case of these emigres violates principles of human rights;

Now, therefore, be it resolved, That the American Bar Association (1) formally condemn the actions of the Czechoslovak Government and its Legal Advisory Center against the aforementioned emigres; (2) call these injustices to the attention of members of the Bar, the American public and appropriate international bodies and agencies such as the United Nations Commission in Human Rights, the International Commission of Jurists, the International Bar Association, and other groups; and (3) charge its Standing Committee on Education about Communism and Its Contrast With Liberty Under Law to follow the administration of justice in Communist-controlled countries in order to keep the Association and the American public at large informed concerning the nature of legality and justice in those countries and regularly report instances of injustice as they occur; and

Be it further resolved, That the Committee prepare a comprehensive report concerning recent events in Czechoslovakia which prompted this resolution, without expenditure of American Bar Association funds.

DEATH OF ARMAND GROVE ERPF

Mr. PELL. Mr. President, there are few men in the world, much less in our Nation, whom I would characterize as a truly Renaissance man, a homo universale. One of these rare men was Armand Grove Erpf, who was born in New York City on December 8, 1897, and died there this past February 2, 1971. He was a man who made his mark and fortune in the field of industry, but he also was a man who could hold his own in the arts and humanities. In fact, his breadth and depth of knowledge in this area was that of a true connoisseur.

A Columbia University graduate, he first made his mark in the importing fields. He then joined Carl M. Rhoades & Co., 35 years ago, becoming a general partner in that fine firm, a responsibility he fulfilled until his death. In his work with this firm, presently Loeb, Rhoades & Co., he became an admired spokesman for the whole securities industry.

His iconoclasm, his experience, his wit, and his power of articulation all made him a remarkably respected writer on the economic conditions of our Nation.

For relaxation and pleasure he spent much of his time in enjoying the arts. He was chairman of the trustees committee of the American Association of Museums and, himself, had a wonderful collection of objets d'art. When he wanted nature, he would go to his lovely place in the Adirondacks.

Now I share the sorrow of his lovely young wife and their two small children, his partners and friends, and in fact all of those whose lives were touched by the intelligence and generosity of this remarkable man.

THOMAS S. KLEPPE

Mr. DOLE. Mr. President, I wish to express my support of the nomination of Thomas S. Kleppe to head the Small Business Administration.

Tom and I served together in the House of Representatives where we both were members of the Agriculture Committee. During his two terms in the House, Tom built a sound reputation as a conscientious representative of his district and his State, and he devoted a large portion of his energies to exploring new ways to utilize and expand the markets for the agri-business industry in America and for additional means of improving the quality of life in rural America. His efforts often took him beyond the House, and his appearances before numerous Senate committees on behalf of proposals to benefit agriculture and its related enterprises have increased his reputation as a forceful and forward-looking leader.

Tom's experience in local government, business, and finance before coming to Congress attest to his understanding of the conditions in which the small businessman operates. His service in Congress has given him unique insight into the Federal Government's responsibilities to the small business community. His personal integrity, intelligence and grasp of national affairs suit him well to be Director of the Nation's efforts to aid and encourage the cornerstone of our free enterprise economy, the small businessman.

Tom also made a substantial reputation for himself in Congress as an aggressive advocate of economy in Government. He knows what a devastating impact inflation and economic instability can have on business and the individual, and he campaigned tirelessly for reductions in wasteful Federal programs. He will bring this same dedication to governmental economy and efficiency to the SBA and will insure that the agency's policies and programs give American taxpayers the maximum results with the best spent dollar.

My own service on the Senate Select Committee on Small Business has brought an awareness of the need for SBA to have a leader with the talents and background which Tom Kleppe possesses. In our fast paced and highly technical economy, the businessman whose operations and products are wisely and progressively managed will insure himself and his Nation of continuing growth and prosperity. SBA has provided substantial assistance to insure the small business community's growth and prosperity, and Tom Kleppe will give wise and progressive leadership to SBA's contribution to American business.

Mr. President, I urge the Senate to approve the nomination of Tom Kleppe to be Administrator of SBA.

A NATIONAL AGENDA FOR A BETTER AMERICA

Mr. CRANSTON. Mr. President, the distinguished Senator from Indiana (Mr. BAYH) has made an excellent statement on the need to establish and act, at once, upon a national agenda for a better America. The occasion for the Senator's remarks was the California State Democratic Convention in Sacramento on January 24, 1971, and though he addressed his remarks to all of us in the National Democratic Party, he spoke eloquently to party members in my own State, now under new leadership and in a forceful drive to break through barriers of older approaches and on to new priorities. The Senator's fresh perceptions were enthusiastically received in my home State. I commend his speech to the attention of the entire Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR BAYH

I must say that it's great to be back in a state that has room enough for three men who may seek the presidency in 1972 . . . Bob Finch, Ronald Reagan and Richard Nixon. Of course, I've heard some concern expressed about Governor Reagan's political future, particularly in 1974. You know, that's the year when ex-president Nixon will leave his New York law practice to come back and run for the California governorship. I particularly appreciate the opportunity to be with you at this moment as you determine the direction for our party in the leading state of the nation. Because of California's size, of course, and its influence, the decision you make in this convention will also help to shape the future of this nation as well. As President Nixon urged in his State of the Union message, we must find ways to return the government of this country to the people. And we intend to do just that, Mr. President, by providing different leadership in the White House in 1972, and in the statehouse in Sacramento in 1974.

As I sat in that great chamber of the House of Representatives less than 36 hours ago, I must admit to you that I listened to the President intently. I listened with hope . . . hope that changed to amazement, and then to concern because of the all too familiar ring to his words.

This president who spoke of the nightmare of division was the same president who two years earlier had urged us to lower our voices so that we could better hear one another. Yet this was the president, this was the same president, who sent Spiro Agnew across the land to articulate suspicion, create division, magnify distrust . . . a sort of sinister Johnny Appleseed sowing prejudice and fear wherever he passed.

And this was the same president, this is the same president who orchestrated the Southern Strategy, a carefully calculated effort to open old wounds and to actually pit one group of Americans against another. This is the same president who purged a Republican senator and a member of his own cabinet when they dared to express independent thought.

As the president spoke of protecting our environment, I remember that in last year's State of the Union message he expressed similar thoughts and I applauded, but before the last echo of those words of a year ago had died, this same president, who took the nation's environment to his bosom, was actually threatening not to spend one-half of the funds that Congress had already appropriated for municipal sewage disposal plants.

The President pledged $100,000,000 to fight cancer last Friday night and I applauded, and members of both sides of the aisle applauded, but then I remembered this was the same president that last year cut the cancer research budget by 25 percent. And when Congress refused to agree to the cut, he vetoed the entire Health, Education and Welfare bill that contained all of the funds for medical research.

This year the President seeks to make America, in his words, "the healthiest nation in the world." Last year this same president vetoed the Hill-Burton hospital bill and only a few short weeks ago cut the funds the Congress appropriated for medical schools to train more general practitioners.

The President spoke Friday night, as you recall, and I quote, "of setting free the full genius of our people." Yet last year this was the president who vetoed the education bill containing badly needed school funds that would have eased local tax burdens.

The President now speaks, as you recall in this recent message, of a full employment budget, but for the past two years . . . the past two years . . . his planned unemployment, the Nixon economic "game plan," resulted in five million workers being put out of their jobs. As you know only too well here in California, at this particular moment in history there are one million citizens of the Golden State who can't find jobs. The Nixon policy has made the unemployment rate in California 7.2% and there are at this moment 200,000 of your fellow Californians out of work today who were working only a year ago. All victims, let me hasten to add, of the Nixon "game plan." A "game plan" that totally ignores the human tragedy of payless paydays. I think it is fair for us to ask, not as Democrats, but as concerned citizens of this land, just what does the President of the United States really believe? Apparently he has his own personal version of Ecclesiastes. He has a time to rend and a time to sew, a time to love and a time to hate, a time to break down and a time to build up. He is truly a man for all seasons and a man for all reasons.

My Democratic friends of California, today America is actually crying out for a leadership based on conviction; leadership based on one clear, honest, direct and decisive voice. And I say to you that this leadership will not come from those who would be all things to all people. We need to have a man sitting in the White House who will stand tall with one constant trend of thought, thinking about the problems of our people of our nation, of the next generation instead of the next election. Unfortunately we do not have that today. Yes, as I sat there and listened to that State of the Union message, I could not help but agree wholeheartedly with one statement made by the President. Yes, Mr. President, we agree there is indeed a gap between promise and performance in America today, but the largest gap of all exists between the promise and performance of one Richard Milhaus Nixon.

Now let me share a thought with you about the role of the party. For to me the role of the Democratic party is to provide a clear alternative. Criticism alone will not suffice. I think that most of you will agree that history will judge us not by what we oppose, but rather by what we propose. This is not always an easy role: to accentuate the positive. It requires the courage to champion difficult causes. It demands the vision to see and to occupy a new frontier. It asks its leaders to extend themselves, to be willing to take risks. It asks them to be willing to brave the possibility of being wrong in the pursuit of achieving what is right. In short, we have no alternative if we are to be responsible members of our party but to put our agenda, our own personal and party and national agenda, for a better America on the record. It seems to me the time has come for us to translate Congressional and Presidential rhetoric into the law of the land and indeed into opportunity for future generations of Americans yet unborn.

I would suggest to you today that we initiate the new agenda for America in the following manner.

First, let history show that this generation of Americans ended the war in Vietnam once and for all. I have supported and I will continue to support with every ounce of energy at my command the setting of a definite timetable for our withdrawal; the setting of a definite date certain for the withdrawal of all American troops not just from Vietnam, but from all of Southeast Asia as well. The question is what do we in the Congress who are concerned about the course the administration takes in Southeast Asia, do, and I suggest to you as forcefully as I know how, that we in the Congress must be willing to use our Constitutional power to prevent this administration from stumbling into a major conflagration beyond the borders of South Vietnam. Let me say as sincerely as I know how, that we owe a particular debt of gratitude to my colleagues George McGovern and Frank Church and others for the courage and leadership they have provided in the pursuit of this vital goal. But as we withdraw from Vietnam, let the record show that this generation of Americans still believes that America is worth fighting for. But we are determined, that never again, will we be fighting until we know *what* we are fighting for.

The second item on our agenda for a new and better America should be a strong determination to change the direction in which our country is headed, by changing the way we invest our natural resources. Now is the time to dedicate ourselves to the premise that each American child deserves the best possible education necessary for the full development of his talents. And I suggest that education must stretch all the way from preschool child care and development through vocational training to the most advanced degree in our universities. My friends, I'm talking about every boy and girl in this land, for as I see a new America we must say to ourselves that no child in this America of ours should be denied an educational opportunity because of his heritage or his economic status.

We must also put an end to the hunger that still gnaws at the hearts and minds and denies opportunity to tens of thousands of American children today. We must move vigorously to end the deterioration of our standard of health and housing. We cannot sit still when this nation is 13th in child mortality, 29th in male life expectancy, when a private room in the average hospital in your home town and mine costs $100 a day or more. Mr. President, if you are concerned about making America the healthiest nation in the world, there are a lot of places from whence to start. And if we're looking for a new agenda, if we're looking about for a new direction, a new investment potential, how can we ignore the fact that today six million Americans live in sub-standard housing? Some of them live in housing that absolutely defies description. And most of us have no conception of what it feels like to bring home a baby from the hospital and the number one problem is trying to keep the rats from biting that baby at night. And I suggest that this condition has got to come to an end. There's been a great deal of talk about ecology and environment, and I think this is a positive thing, but I want to suggest as we look to the future, the rhetoric of ecology is not enough. The air we breathe, the water we drink, our neighborhoods, our countrysides all must be improved. And all be treated as vital natural resources not to be despoiled by those who thoughtlessly plunder for profit with absolutely no thought about tomorrow.

I recently read of a poll conducted by a member of one of our major television networks that said, of those Americans polled, a substantial majority were willing to sit idly by and watch the repeal of the Bill of Rights. So I suggest to you, my Democratic friends of California, that the third item, the third basic goal on our new agenda for America, must be to rededicate ourselves to those basic and inalienable rights that for so long have made this nation the envy and hope of the world. To be sure, we have problems today that our forefathers could not anticipate but I suggest to you as a member of the Senate Judiciary Committee who has fought the battle of crime and juvenile delinquency, and fought for safe streets and cities, that we can make our streets safe and our homes secure without depriving citizens of a trial by jury and without tapping telephones or photographing peaceful demonstrations or spying on public officials.

I am not an alarmist. At least I don't think I am. But I suggest to you that each of us must remain vigilant against those benevolent souls, those well intentioned people who would protect our freedom by employing instruments that can destroy it. Police-state tactics of any kind have no place in these United States of America. If we're really concerned about protecting the basic rights that constitute a truly democratic society, I think we're talking about more than the traditional Bill of Rights. But we have to take the necessary steps to reform, to insure that our party and governmental structures are all made more representative. It's to this end that I have been working as a member of the party reform commission. It's to this end that I feel that the people of this country should be given at long last the right to vote directly for their President. It's to this end that I feel that the 700,000 citizens who live in the District of Columbia should have a vote as well as a voice in the Congress of the United States. It's to this end that I supported lowering the voting age so that our young citizens can participate in the process of governing. And I am glad that the Voting Rights Act of 1970 has lowered half of the bars.

But to my friends in the California state legislature and to my colleagues in the Congress, let us persevere until we do something about the inequity that says today a young man or woman of 18 is competent to vote for the President of the United States, but incompetent to vote for school board members.

Lastly, it's in pursuit of this type of reform that I have been glad to add my name and to champion the cause of providing equal oportunity for the women of this country, and I am not surprised to see that the Democratic party of the great state of California leads the way in giving the women of this state the full right to participate in party decisions at the next convention. There are other items, of course, that you could add to our agenda for America's future, but let's not overlook one last, in my judgment the most important item of all. Some of you will recall that the Bible tells us that "where there is no vision the people perish." And so too without vision, the strongest nations perish. Unfortunately there is very little vision in the White House today. And it seems to me we have a sober responsibility to rekindle that vision. For those who stand outside the system, who despair, who have lost faith, we must take the steps necessary to restore the faith. For those who enjoy the benefits within the system but unfortunately have forgotten what this nation really stands for, we must foster better understanding. Our America must be a nation that sees that this age-old battle of discrimination and prejudice is to democracy what vice is to a man . . . it eats from within. It shrivels the spirit and distorts the character, and we must attack these vestiges of second class citizenship wherever they are, whether in East Los Angeles, in Watts, in Indianapolis or in the nation's capital itself. There are those who say there is no place in the Democratic party for those who feel that they are better than their brothers. Unfortunately, there is too much discrimination, there is too much divisiveness, too much pettiness, too much fear in our America today. I am deeply concerned about these attitudes. I am deeply concerned about this feeling because I feel in the depth of my soul that if we are to solve the critical problems, all the traditional problem areas of housing, of education, of ecology, of transportation, of hunger, we must have a policy based on love, not hate; on compassion, not selfishness; on dedication to grand national principles, not the politics of polarization and division that at this moment in history have set white against black, and brown and black against white, and young against old, and rich against poor, and one region of this great nation against another.

My friends, let not some future historian write that this nation failed to achieve true greatness because somewhere along the line we forgot that we are all dependent upon one another. Instead, let the record show that we were determined to share a common vision and a common dream. A dream of spirited minds, of healthy bodies, of clean neighborhoods and streams and fresh air and peace for our world and our nation and our neighborhod. Don't be afraid to dream, to have vision, to have faith. Let us share that vision together, together let us make it real for our children and their children. America is truly at a crossroads and the challenge to take a new direction is ours—yours and mine—ours together. It was this kind of challenge that John Fitzgerald Kennedy saw on that cold January day a decade ago when a new young vital president stood on the front steps of the Capitol and addressed a listening nation and a watching world. It was this type of challenge to which John Fitzgerald Kennedy spoke when he said, "In the long history of the world only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility—I welcome it. I do not believe that any of us would exchange places with any other people or any other generation. The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world."

REVENUE-SHARING RESOLUTIONS

Mr. BOGGS. Mr. President, yesterday the distinguished Senator from Tennessee (Mr. BAKER) and other Senators, including myself, introduced the administration's proposal for general revenue sharing.

This is a subject that will be much discussed and debated in these halls in coming months. It also is a subject that is being debated at great length in the councils of State and local governments.

During the last week I have received copies of resolutions passed by the 126th General Assembly of the State of Delaware and by the Sussex County Council in Delaware. Both favor the principle of revenue sharing, but suggest a constitutional convention to propose an appropriate amendment to the Constitution of the United States.

Representative George C. Hering III, of Wilmington, sponsored the resolution in the general assembly. It passed the house of representatives without a dissenting vote and the senate with seven negative votes.

Councilman John L. Briggs proposed the Sussex County resolution which passed unanimously.

Mr. President, I ask unanimous consent that the two resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

HOUSE CONCURRENT RESOLUTION NO. 2—MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CALL A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING A CONSTITUTIONAL AMENDMENT PROVIDING FOR A RETURN OF TAX MONIES FROM THE FEDERAL GOVERNMENT TO THE SEVERAL STATES

Whereas, a resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the federal government and strengthened state governments, and

Whereas, the federal government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from state and local governments, thereby creating a disabling fiscal imbalance between the federal government and the state and local governments, and

Whereas, increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes, and

Whereas, federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth, and

Whereas, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system, and

Whereas, the evident solution to this problem is a meaningful sharing of federal income tax resources, and

Whereas, the United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation, and

Whereas, in the event of such Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the legislatures of two-thirds of the several states to the Congress, calling for a constitutional convention, and

Whereas, the Congress of the United States is required by the Constitution to call such a convention upon the receipt of applications from the legislatures of two-thirds of the several states,

Now, therefore, be it resolved by the House of Representatives of the 126th General Assembly, the Senate concurring therein, that, pursuant to Article V of the Constitution of the United States, the 126th General Assembly of the State of Delaware does hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the sixteenth amendment of the Constitution of the United States shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such monies for any purpose not inconsistent with any other provision of the Constitution of the United States, and

Be it further resolved that this application shall constitute a continuing application for such convention pursuant to Article V until the Legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by the Delaware General Assembly, and

Be it further resolved that certified copies of this resolution be presented forthwith to the President of the Senate and the Speaker of the House of Representatives of the United States, and to the Legislatures of each of the several states attesting the adoption of this resolution by the 126th General Assembly of the State of Delaware.

SUSSEX COUNTY COUNCIL RESOLUTION

Mr. President, I, John L. Briggs, move you that the County Council of Sussex County adopt the following Resolution, and that the same be spread upon the minutes of this Council:

Be it resolved that the County Council of Sussex County supports the position of our State Legislators and Administration in their respective efforts to obtain revenue sharing between the Federal Government, the cities, counties and states, as the same might be administered to the sharing plans established by and between the Federal Government and the respective States of the Union.

This motion was seconded by Mr. William B. Chandler, Jr., and unanimously adopted in regular session of the County Council of Sussex County on February 2, 1971.

AFL–CIO AID TO RETURNING VIETNAM VETERANS

Mr. HARTKE. Mr. President, for some time I have been very much concerned about the problem of finding employment for veterans returning from Vietnam. I have urged that the Manpower Administration make this one of their top priorities, and I intend to make it a top priority of our new Veterans' Affairs Committee.

The AFL–CIO Human Resources Development Institute has also demonstrated a deep concern for this problem. They have developed a veteran assistance program in cooperation with the U.S. Departments of Labor and Defense. A recent report in their newsletter, "What's Happening," explains the program. HRDI representatives will contact every returning veteran and help him find a suitable job or job training program. And AFL–CIO President George Meany, chairman of HRDI's board of directors, has issued a statement urging organized labor to support this program.

HRDI was developed to help coordinate union efforts with those of the Manpower Administration to promote the employment of the disadvantaged. Its president, Julius Rothman, and executive director, Robert McGlotten, have made this organization a valuable and effective tool in minority recruitment and other employment programs.

Now HRDI has recognized the seriousness of the veteran's problem in finding employment—a problem compounded by the present high unemployment rate—and is taking steps to alleviate this problem. I commend the AFL–CIO Human Resources Development Institute for its concern and constructive efforts and ask unanimous consent that the report on the veteran assistance program in the January newsletter be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

AFL–CIO OPENS DRIVE TO HELP VIETNAM VETERANS FIND JOBS

AFL–CIO President George Meany has urged all of organized labor to help find jobs for veterans returning from Vietnam.

In a letter to all AFL–CIO State and City Central Labor Councils, Meany stated the AFL–CIO's "moral commitment" to help find employment for the one million servicemen who will return to civilian life sometime this year.

Specifically, Meany urged support for the new AFL–CIO Veteran Assistance program which the AFL–CIO Human Resources Development Institute is developing in cooperation with the U.S. Departments of Labor and Defense. HRDI's Charles Hollowell is in charge:

"With the full cooperation of your Council in this program," wrote Meany, "organized labor can begin to repay a portion of the debt we all owe the men who defended freedom in Vietnam."

The program will get underway next month at four military separation centers, in the San Francisco Bay area. William H. Burks, former HRDI Area Manpower Representative in Oakland, is in charge there.

Details of the new program were spelled out in a letter to the Councils from HRDI President Julius Rothman and Executive Director Robert McGlotten. Here's how it will work—

HRDI will have a staff person at each separation center. His first job will be twofold—to brief each returning veteran about jobs and job opportunities in his home and to get some idea of the serviceman's skills and job preference.

He will also make sure the veteran has the name and telephone number of the HRDI staff representative in the city closest to where the veteran lives.

Or, if there is no HRDI office in the area, the serviceman will be given the phone number of the closest AFL–CIO Central Labor Council office.

The HRDI man at the base will then forward all the pertinent data about each serviceman to the HRDI (or AFL–CIO Council) office which the veteran will be contacting. The job of the local HRDI (or AFL–CIO Council) staff person is to help the veteran, in every way possible, to find a suitable job—or a meaningful job training program.

HRDI's letter points out the urgency of the problem—

"Many of the returning servicemen will be seeking their first full-time job.

"Most of them are in the 20–24 age group, which is hard hit by rising unemployment.

"Nearly 20% have less than a high school education.

"Approximately 10% are members of minority groups.

"And many will be returning to urban centers where unemployment has been the worst."

UNEMPLOYMENT RATE WORSE THAN EVER—AND STILL RISING

Unemployment continues to rise and is at its highest peak in nine years.

For the first time since 1964, there are more than a million men and women who have been without a paycheck for 15 weeks—or longer.

Overall unemployment is up 3.5% over a year ago with almost every major category of industry affected. In the construction industry, joblessness has hit 11% as compared to 6% a year ago.

In the white collar field—particularly among technical and professional workers—unemployment is at its highest since 1958.

During 1970, unemployment hit hardest in the already-poor neighborhoods of our cities—

7.6% of the residents in these poverty areas were without work—as compared to 5.5% last year.

24% of the teenage residents of these areas were jobless—as compared to 19.9% a year ago.

According to the Bureau of Labor Statistics—

"The general decline in economic activity in 1970 reversed the improvement that has been made by poverty area residents between 1967 and 1969."

THE PRESIDENT'S REVENUE-SHARING PLAN

Mr. DOLE. Mr. President, State, and local governments across America provide almost all the basic services which touch the daily lives of the people of this country. They provide schools, police, and fire protection, streets and highways, hospitals and health services, sanitation services, and welfare, to mention just a few. Cities and States are trying to increase and improve those services, but most of them are finding it more and more difficult even to maintain their services at present levels.

The hard school of experience has proven that the Federal Government cannot effectively provide the basic local services and, furthermore, it should not attempt to do so.

President Nixon has proposed a program to revitalize the American systems of government, the federal system, the State systems, and local systems. One of the keys to achieving that revitalization is general revenue sharing. It is based on the belief, which I wholeheartedly share, that given adequate resources, our State and local governments can be more responsive to the needs of the people and more responsible in the use and exercise of the powers of government than can the Federal Government in Washington.

The American people need not and should not run to Washington for every public service and for solutions to every problem. In most instances, they should not have to look beyond city hall or the State capital. The American people are clearly capable of governing themselves. They can solve many of their problems at State and local levels more effectively and at less cost than can Washington.

STATE AND LOCAL REVENUE CRISIS

But State and local governments must have the money to do the job. Federal revenues increase automatically, due to the progressive nature of the income tax, and economic growth is matched very closely by increased revenues. State and local revenues also increase with the general economy, but they do so to a much lesser extent. Their tax structures are usually not progressive, being based largely on sales and property valuation, so these governments have met their needs by increasing existing taxes and imposing new taxes.

For instance, in 1960, 19 States were imposing both income and sales taxes. By 1970, this number had climbed to 33, and during this same period State and local tax collections outpaced national economic growth. These taxes rose from the equivalent of 7.3 percent of gross national product in 1960 to 8.6 percent of gross national product by 1970. But—and this is the crucial point—between 1950 and 1967, only 47 percent of the increase in major State taxes—income and sales taxes—was the result of economic growth. Fifty-three percent of that growth was the result of legislative enactment. Each year more and more communities must levy heavier taxes on themselves.

Each Member of Congress knows the political reluctance to increase taxes. In the 91st Congress, we actually reduced the tax burden on most individuals in this country. But the legislatures and city councils and counties back home were forced to raise taxes again. We had the much easier job. In many areas of the country, the pressures against local tax increases have reached the point where it has become virtually impossible to raise additional revenues. Many services have been curtailed; many programs have been restricted; States, cities, and counties are on the verge of bankruptcy.

REVERSING THE TREND

General revenue sharing is one part of a program to reverse this disastrous trend and to turn power back to the people of this country. Revenue sharing is designed to turn the Federal Government's awesome revenue-raising powers away from promotion of an awesome, centralized Government bureaucracy and toward stimulation of a more efficient, more effective decentralized and locally directed government throughout the country. It recognizes that increased demand for State and local services has far outstripped the financial resources available to them. It recognizes that while the Federal Government has long granted assistance to State and local jurisdictions, the assistance has been on terms which have hamstrung the development of healthy community government. It recognizes new priorities in the disbursement of Federal funds for State and local activities.

The general revenue-sharing proposal is simple and automatic. The total amount to be shared is a fixed percentage of a growing entity, the Federal individual income tax base. Initially this plan will provide a full-year outlay of $5 billion. The total outlay will grow with the future growth of the economy, just as Federal resources have grown with the income tax. The difference will be that instead of it all going into the Federal pocketbook, States and localities will participate in the utilization of these funds as they see fit and as they direct.

KANSAS TO RECEIVE $54 MILLION

Out of this $5 billion available under general revenue sharing, my own State of Kansas will receive $54 million. This amount will be "new money" and will be added to the revenues already collected or received by the State and local governments from their own sources and from other Federal programs. Approximately $28.5 million will go directly to local and county governments.

THE DISTRIBUTION BASIS

The general revenue-sharing fund will be distributed among the 50 States and the District of Columbia on the basis of population and "revenue effort." A State will receive a share of the total fund, according to its share of the Nation's population, but adjusted for how well it has attempted to meet its people's needs through its own revenue-raising powers. A State that does an above-average job on this score will have its share adjusted upward, and a State that falls below the average for all States will find its share reduced. This feature is designed to provide the incentive for States and localities to maintain and expand efforts to use their own tax resources.

The distribution within a State—among the State, county, municipal, and township governments—is not left to chance. If the governments choose, they can abide by the distribution formula prescribed in the general revenue-sharing bill. This formula divides the fund among jurisdictions according to the portion of general revenues raised by each group. The more revenue an individual State, municipality, or county collects itself, the greater will be its share of the funds allocated. All general-purpose local governments, no matter how small, share in these funds. On the average, this distribution formula results in about one-half of the general revenue-sharing total going directly to local governmental units. This is the formula set out in the President's proposal.

But if State and local governments do not wish to adopt the basic formula, there will be an incentive payment for them to sit down together and work out their own distribution plan. To further stimulate a more responsive system, each State is encouraged to work with its local governments to develop an alternative plan for sharing the funds that will best suit its own particular responsibilities and needs.

MINIMAL REQUIREMENTS

The general revenue-sharing proposal maintains a policy of no program or project "strings" attached to the use of the funds. The minimal requirements are these:

The States must share funds with their local governments over and above current intrastate grants.

The recipients must annually provide the Treasury Department with an informational report on the use of the sharing funds.

Safeguards against discrimination, provided by law for all Federal grants, will also apply to revenue-sharing funds.

PROGRAM FOR A PROGRESSIVE AMERICA

The President's program for revenue-sharing, one of his six great goals, is designed to provide major benefits to the individual citizen, our States, and localities and the entire Nation. With the implementation of this plan to share resources, the individual will find his voice in government strengthened and the upward pressures on his State and local taxes reduced. The State and local governments will find their capacities to respond promptly to the changing needs of their communities enhanced. The many rigidities, requirements, and delays inherent in existing Federal aid will be drastically reduced, and in many cases eliminated. The Nation will be stronger for the increased vitality of its State and local governments.

This is a program for a progressive America. It is timely, urgent, and essential. In the words of President Nixon in his state of the Union message:

> The time has come for a new partnership between the Federal government and the States and localities with a larger share of the nations responsibilities, and in which we share our Federal revenues with them so that they can meet those responsibilities.
>
> So let us put the money where the needs are. And let us put the power to spend it where the people are.
>
> I have faith in people. I trust the judgments of people. Let us give the people of America a chance, a bigger voice in deciding for themselves those questions that so greatly affect their lives.

The people of Kansas—and I believe all Americans—have great faith in the ability and responsiveness of local government and in the desirability and necessity for it to be strengthened. The President has struck a responsive chord in the American people with his bold, imaginative and progressive revenue-sharing plan.

I am pleased to join in sponsoring this measure; and I hope the number of Senators who have participated in the introduction of this bill forecasts its expeditious and favorable consideration by the Senate.

TRIBUTE TO JIM PLUNKETT

Mr. CRANSTON. Mr. President, it is with pleasure that my colleague from California (Mr. TUNNEY) and I join in paying tribute to our fellow Californian and my fellow Stanford alumnus, Jim Plunkett.

Jim is an outstanding example and inspiration to the youth of America. He is a proud product of Stanford University and the James Lick High School in San Jose.

Jim is the recipient of 24 athletic awards. In addition to being awarded the Heisman Trophy, he has been placed on most All-American teams. He holds 18 records, including the NCAA career total offense record of 7,887 yards and the NCAA career passing yards of 7,544.

Special mention must be made of the honor he has brought upon the Mexican American community. His academic success and unyielding concern for Chicanos—especially the youth—has inspired many young Mexican Americans to seek the benefits of higher education and to use these benefits to the advantage of the Mexican American community.

Jim's mother, a magnificent lady who, while handicapped by blindness herself, sacrificed for and inspired in Jim that winning quality that has made us all so proud of him. She also deserves to share in the recognition we accord Jim today.

HEALTH CARE IN THE UNITED STATES

Mr. TAFT. Mr. President, in the United States we have prided ourselves on having the finest health care in the world. It must come as a surprise to many of us to learn that we rank 23d among nations in infant mortality. As recently as 1950 we ranked fifth.

Infant mortality, moreover, varies from State to State and by race. In 1965, the death rate for nonwhite infants in the United States was 187 percent of the white rate. In the same year, the Negro maternal death rate was about four times as great as the white rate.

In some of our States, life expectancy at birth is about 5 years greater than in other States.

From 1900 to 1966, life expectancy at birth increased by 20.9 years. However, life expectancy at age 65 increased only 2.7 years during that time.

Yet we spend more on health care in the United States as percentage of our gross national product than any other country in the world.

It will be incumbent upon us to upgrade health care for Americans. I question, however, whether a rush toward national health insurance, without dealing with the antecedent problem of a shortage of trained people and of health facilities, would make a significant improvement in the Nation's health-care system.

First, we should provide more cost control incentives for hospitals. Today in many parts of the country, including most of Ohio, Blue Cross pays hospitals under a cost-reimbursement formula. This formula has certain ceilings, computed on the basis of average area hospital costs. But any reimbursement on the basis of costs provides no reward for efficient operation. On the contrary, there may be an incentive to keep costs as close to the ceilings as possible so that percentage cost increases in future years do not exceed prescribed limits.

A second problem involves the expansion and utilization of hospital facilities. In several Ohio communities, the decision was made to expand hospital facilities. These expansion plans have been blocked by regional review organizations who attempt to control expenditures for unneeded facilities. These regional organizations have focused on bed utilization and the question of whether patients are being unnecessarily maintained in hospitals. Utilization of existing facilities and the construction of new facilities are matters for study as we attempt to review the question of health care.

Third, we must also recognize that medicare does not provide operating capital. This has imposed a severe cash flow burden on hospitals serving medicare patients.

Fourth, medicare should be broadened to include custodial care. Presently, medicare patients must receive inhospital treatment. Many of these patients require only custodial care, and hospitalization simply increases hospital utilization and medicare costs.

Fifth, our health insurance provides no incentive for preventative care. The doctors and patients have an incentive to use the hospital, which is the highest cost component of our health-care system.

Finally, there is a shortage of general practitioners in our inner cities and many rural areas. This shortage has become critical in remote regions where the old family doctor has died or retired and no young physician is willing to take his place. This shortage has increased utilization of emergency room facilities in nonemergency situations simply because no doctor is presently available. Many physician services could be performed by nurses or doctors' assistants under more liberal State licensing laws. Health clinics could permit such personnel to give vaccinations and elemental health checks, relieving doctors for more serious matters. Returning Army medics could be certified to work in inner-city and rural areas to relieve the critical shortage of general practitioners.

Until we begin to deal with the above problems on an interrelated basis, we may conclude that national health insurance might be a crisis in medicine rather than a cure.

RULES OF THE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

Mr. ANDERSON. Mr. President, pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the Committee on Aeronautical and Space Sciences, in its organizational meeting held Tuesday, February 9, adopted rules governing the committee's procedures.

I ask unanimous consent that the text of the committee rules, as adopted, be printed in the RECORD, as required.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

Rules Governing the Procedure of the Senate Committee on Aeronautical and Space Sciences, Adopted Pursuant to Section 133 (b) of the Legislative Reorganization Act of 1946, as Amended:

1. MEETINGS

The meetings of the committee shall be on Tuesday of each week at 10:30 a.m. or upon call of the chairman.

2. NOMINATIONS

Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least seven (7) days before presentation in a meeting for action. Upon reference of nominations to the committee, copies of the nomination references shall be furnished each member of the committee.

3. HEARINGS

(a) No hearing on an investigation shall be initiated unless the committee or subcommittee has specifically authorized such hearings.

(b) No hearing of the committee or any subcommittee thereof shall be scheduled outside of the District of Columbia except by the majority vote of the committee or subcommittee.

(c) No confidential testimony taken or confidential material presented in an executive hearing of the committee or subcommittee thereof or any report of the proceedings of such an executive hearing shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

(d) Any witness summoned to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted while the witness is testifying to advise him of his legal rights.

4. QUORUM

Three Senators, one of whom shall be a member of the minority party, shall constitute a quorum of the Senate Committee on Aeronautical and Space Sciences for the purpose of taking sworn testimony, unless otherwise ordered by the full committee. Each duly appointed subcommittee of the Committee on Aeronautical and Space Sciences is instructed (1) to fix, in appropriate cases, the number of its entire membership who shall constitute a quorum of such subcommittee for the purpose of taking sworn testimony, and (2) to determine the circumstances under which subpenas may be issued and the member or members over whose signatures subpenas shall be issued.

NOMINATION OF GEORGE BUSH TO BE U.S. REPRESENTATIVE TO UNITED NATIONS

Mr. TOWER. Mr. President, I am immensely pleased by the favorable action of the Committee on Foreign Relations and the prompt and favorable action of the Senate on the nomination of my good friend George Bush to be the U.S. Representative to the United Nations. The present state of international affairs makes this post increasingly important and demanding. The United Nations has not lived up to the highest hopes of the war-weary world in which it was established 25 years ago, but it has been, nevertheless, an important forum for the exchange of opinion and the discussion of major international issues. Moreover, I believe it can be made a more effective medium for the resolution of international differences. George Bush is a man of great energy and proven capability who can carry on effectively the efforts of the United States in this regard.

His broad background in business and government eminently suits George Bush for the post of Ambassador to the United Nations. I am certain that he will pursue his duties there with the diligence and distinction that have characterized his previous endeavors.

In George Bush the President has made a wise selection. I am confident that we will have reason to be well pleased with Mr. Bush's distinguished representation of our country in the United Nations.

CENTENNIAL OF MONTEVIDEO, MINN.

Mr. MONDALE. Mr. President, I invite the attention of the Senate to the centennial celebration which will be held June 13–20, 1971, in Montevideo, Minn.

The many activities, which will include old-fashioned dress and historical programs, reflect both Montevideo's deep roots in Minnesota's past and its promise of a prominent and progressive role in the State's future.

Montevideo is known internationally for its annual Fiesta Days Celebration in cooperation with its namesake city, Montevideo, Uruguay, South America. Such activities contribute immeasurably, as you know, to the improvement of international cooperation, friendship, and understanding.

So during this centennial celebration, as Montevideo looks back upon its first 100 years, I look forward as well. I take great pride in viewing its community growth, recreational developments, educational facilities, and the contributions of its civic-minded citizens.

U.S. REPRESENTATIVE JAMES ABOUREZK, OF SOUTH DAKOTA

Mr. McGOVERN. Mr. President, the Aberdeen, S. Dak., American News, one of the outstanding newspapers in my State, recently published an excellent column written by one of the two outstanding, newly elected young Democratic Representatives from my State, my good friend, JAMES ABOUREZK.

Jim Abourezk is the first Democratic Representative elected from the Second District of South Dakota in 36 years. His success can be attributed in large measure to his pledge to remain involved and concerned with the day-to-day human problems of his constituents.

In his column, Representative Abourezk outlines his plans and programs for the people of his district. I am convinced that his performance will match his promises. I ask unanimous consent that his article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Aberdeen (S.D.) American-News, Jan. 31, 1971]

Congressman's Concern Is With South Dakota's Problems

(By Rep. James Abourezk)

Over and over during my campaign for Congress I promised the people of South Dakota two things: I said that I thought my first responsibility if I were elected would be to the people who elected me, and I promised that I would do my utmost to be certain that I stayed in close touch with the people of South Dakota.

During a hard fought election campaign there were bound to be people who said that these promises were nothing more than the same old campaign talk. I could understand that. I know that politicians have been promising, then failing to deliver, for years. Now that I have been given the privilege of serving in Congress, I see my number one job as proving that my promises of last fall were more than just campaign rhetoric.

The people who elected me to Congress were not the tax dodge producers who write off their operations at the expense of the South Dakota farmer. They were not the banking, mining, or utility interests whose concerns are with greater and greater profits instead of with the people they are supposed to serve. They were not the impersonal Washington bureaucrats who are often so mired in red tape that they forget who pays their salaries and who their programs are designed to help.

The people who gave me my job were the average citizens of South Dakota. These people are concerned about things like the rapidly increasing cost of living, the cruel squeeze that forces farmers off the land while middlemen get rich, the slow despoilation of our beautiful South Dakota land, water and air, and the failure of our state to win such vitally needed projects as the Oahe and other irrigation systems. And it is these people and these concerns which will have my attention so long as I am in Congress.

In order to do the job that I have pledged to do, I think it is vitally important that I stay in the closest possible touch with the people of South Dakota. Too often Congressmen are so overawed by their new surroundings in the nation's capital that they forget about the people back home. In their attempts to become instant statesmen, they spend all their time on earthshaking national affairs and no time on the seemingly less important needs of their individual constituents.

I believe that this is wrong. Our government in Washington is a huge, impersonal giant. It can help the individual South Dakota family in a hundred different ways. But it will not help at all unless it is asked. Anybody who has tried to ask Washington for something he deserves knows that it is nearly impossible to wade through the endless forms or find the bureaucrat who should receive those forms.

Over and over Social Security payments, Veterans pensions, farm loans, improved postal service, low cost housing or tax refunds are denied families who need and deserve them simply because they didn't know how to go about asking for them.

As a Congressman, I intend to actively look for the problems my constituents may be having and personally make sure that these problems are dealt with fairly by the federal government.

Naturally, I also will be vitally concerned with the great national issues that come before Congress. I will vote against jetset toys such as the SST airplane and wasteful and unnecessary military hardware. I will vote for both farm and urban programs that spend the government's money helping the average man who gives the government its money in the first place. As a former businessman, I consider these programs to be a wise investment in the future of our state and nation.

But my major concern, as I pledged throughout my campaign for Congress, will remain where it has always been, with the day to day problems of the individual South Dakotans who gave me my job.

TAX LOOPHOLES

Mr. METCALF. Mr. President, now that the new taxes under the Tax Reform Act of 1969 are in effect and forms and checks are being made out in accordance with that act, it is interesting to note what a nationally renowned tax service has to say about one of the so-called "reforms."

I offered an amendment to the tax bill when it was being debated on the Senate floor that would have made a realistic attempt to close the tax loophole granted "gentlemen" or "hobby" farmers as a result of abuse of the reporting system allowed genuine farmers. Members of the committee opposing my amendment suggested that the committee bill had closed the loophole. How effective that closure actually was is reflected in the following excerpt from a Prentice-Hall report entitled "Tax Saving Ideas Under the New Tax Reform Act."

I ask unanimous consent that the report be printed in the Record.

There being no objection, the report is ordered to be printed in the Record, as follows:

Tough New Law "Goes Easy" On "Gentlemen Farmers"

For years, one of the best ways you could invest your money and save taxes was to become a "gentleman farmer." Thanks to the way the tax law was set up, much, maybe most, of what you laid out to put your farm on a profitable basis was deductible from your highly taxed current income. And, by the time the farm started to really pay off, you were ready to retire and slip into a much lower tax bracket. As long as you could show that you intended to operate the farm at a profit, you were home free!

The good news: The Tax Reform Law "goes easy" on all gentlemen farmers, particularly when you look at what it does to some other well-known tax shelters. Just about the only damage is the possible use of excess farm losses to convert some future capital gains into ordinary income.

There's more good news! Mild as the crackdown is, there are even further exceptions to it:

(1) If you are an individual taxpayer and your non-farm adjusted gross income doesn't exceed $50,000 you're in the clear;

(2) If you switch from cash to accrual reporting for farm income and elect to capitalize such things as land clearing and soil and water conservation expenses, you are also off the hook; and

(3) Even if the first two ways out won't help, the Tax Reform Law restricts the tax breaks, it doesn't eliminate them. If you are careful and watch your step, you can live with the new restrictions and salvage many of the tax breaks.

Some crackdowns: The capital gain holding period for cattle and horses acquired after 1969 has been hiked to 2 years from 1 year and recapture now applies to post-'69 depreciation on all livestock. In addition there is a mild form of recapture for land clearing and soil and water conservation expenses.

THE NEW SETUP AND HOW TO MAKE THE MOST OF IT

First of all, you still must have the profit motive—if your gentleman farming is strictly a hobby, your deductions can't exceed the income earned on the farm. Assuming you have the necessary profit-making purpose, the new rules, in effect, limit the full benefit for farm losses of individuals to $25,000 per year (all corporate farm losses are affected). You don't lose any deductions—you can still deduct farm losses as fast as you incur them. In effect, what happens is that some future capital gain *may* be converted into ordinary income through a form of recapture.

Here's how it works: Each year's farm loss in excess of $25,000 is set up in an "excess deductions account." Farm income in any later year reduces the amount in the account. In addition, certain gains—otherwise entitled to capital gain treatment—are taxed as ordinary income and are also offset against any balance in the account on a dollar-for-dollar basis. In effect, such gains are treated as ordinary income to the extent of the offset.

Example: In 1970, you have non-farm income of $100,000 and incur a net farm loss of $45,000. Your farm loss deduction for 1970 is still $45,000. However, $20,000 of it is added to your excess deductions account. In 1971, your farm operations show a $5,000 profit, and, in addition, you realize $10,000 capital gain on the sale of livestock held for dairy purposes.

Result: The $5,000 operating income in 1971 reduces your excess deductions account to $15,000. Your $10,000 capital gain on the sale of livestock, only $5,000 of which would normally be taxed, is treated as ordinary income and further reduces the account to $5,000—it's a dollar-for-dollar offset to the extent of the entire $10,000.

The gains treated as ordinary income include those from the sale or other disposition of farm property (but not buildings) used in the business of farming, including livestock and unharvested crops. Gains on land sales are included only to the extent of deductions for soil and water conservation and land clearing during the current and preceding 4 years.

Important: Some otherwise non-taxable gains are also hit, such as a distribution of "recapture" property by a corporation to its shoreholders. On the other hand, transfers at death are exempt. And so are gifts—however the donee carries over and assumes the recapture potential.

What to do: In borderline situations the timing and scheduling of an individual's farm income and expenses may serve to keep farm losses within the $25,000 limit. Also it may be possible to channel major farm expenses into years where you can time non-farm income and business expenses to drop non-farm adjusted gross income below the $50,000 level.

REVENUE SHARING

Mr. TAFT. Mr. President, the concept of revenue sharing is older than our Constitution. The Basic Land Ordinance of 1785 provided that one 640-acre plot in each township was to be set aside for the maintenance of public schools.

In 1836, the Surplus Distribution Act made provision for the distribution of a $37 million Federal surplus to the States, in four installments. The State of Maine, with typical Yankee frugality, made a per capita distribution to its citizens of the Federal funds. The fourth installment, however, was canceled because of a financial crisis.

More recently, we have witnessed the proliferation of categorical grants in aid. Grant in aid programs, with direction and ultimate control remaining with the Federal Government, increased from 18 in 1932 to over 500 in 1970, involving $24 billion. The maze of these programs is so perplexing that the Senator from Delaware (Mr. ROTH) has had a fine bill to create a catalog of Federal assistance programs where they can at least be found in one list.

Fundamental to our governmental structure is the premise that many problems can be most appropriately solved at the State and local level. Housing programs and standards designed for Brooklyn, N.Y., may not be responsive to the housing requirements of a small town in Ohio.

The States and local communities should be responsive and creative laboratories for the solution of their own problems. But they have not had the financial capacity to undertake meaningful solutions.

To make matters worse, the demand for State and local services has shown a disproportionate increase. From 1960 to 1969 civilian employment of the Federal Government increased 22.8 percent. But during that same period, the number of local government employees increased 46.1 percent and the number of State employees increased 73.2 percent. In 1969, we had 2,975,000 Federal employees and 9,716,000 State and local employees, but many of the latter were in federally mandated, directed, and strictured programs.

In his message to Congress on February 4, 1971, President Nixon pointed out that:

> In the last quarter century, State and local expenses have increased twelvefold from a mere $11 billion in 1946 to an estimated $132 billion in 1970. In that same time, our gross national product, our personal spending, and spending by the Federal Government have not climbed even one-third that rate.

In addition to their economic difficulties, localities have a growing sense that they do not have control over their own development. Regional planning organizations curb local autonomy and the grant in aid programs restrict local creativity. There is a sense that all of our communities are being stamped out by a giant Federal cookie cutter.

We cannot expect creative leadership if State and local governments do not have both responsibility and financial capability.

As a former member of the Ohio House of Representatives and the Republican floor leader for 2 years, I became directly involved with the problems of State finance. For that reason I was happy, in 1965, to accept the invitation of the Republican National Chairman, Ray Bliss, to head a Republican task force on the functions of Federal, State, and local governments. We conducted studies of State and local government finance for over 3 years and made a comprehensive recommendation for Federal revenue sharing.

During the last Congress, I sponsored H.R. 9973 and cosponsored H.R. 13982, which were revenue-sharing proposals. Unfortunately neither measure was acted upon by Congress.

I am gratified that President Nixon has made revenue sharing one of his top priority items for the 92d Congress. I have joined as a cosponsor of this measure. In doing so, I am not unmindful of various alternative proposals which are worthy of full consideration. These include a proposal for Federal tax credits for State income taxes paid, and proposals to federalize all welfare programs, thereby relieving States of their share of this massive financial burden.

The resident's revenue sharing proposal is in two parts. The first part, which I have cosponsored, will provide $5 billion of new money for State and local governments. This will be unrestricted money, to be used as State and local governments may deem most appropriate for their particular needs. It will be their choice of priorities, not ours in Washington. Under the proposed formula, approximately 48 percent will be distributed to local governments. However, the bill contains an incentive provision whereby any State may adopt an alternative formula for intrastate distribution. A State adopting such an alternative plan will receive an incentive increment from the Federal Government. I believe that as we consider this measure, we should provide a minimum total pass through formula, whereby local government is assured of its share under any alternate intrastate allocation plan adopted by the State government.

The second part of the revenue-sharing proposal will convert one-third of the existing narrow-purpose aid programs into grants for six broad purposes: urban development, rural development, education, transportation, job training, and law enforcement. This program will involve $11 billion, including $1 billion of new money. By broadening the areas of categorical grants, States and local governments will for the first time have the flexibility to tailor their programs to their problems, instead of fitting programs around specific Federal grants limitations and earmarking. In far too many instances, communities have not been able to avail themselves of Federal dollars for the reason that the available grants are not appropriate to their specific problems. By broadening the grant areas, we invite local governments and States to be more creative in designing programs that will solve problems. No longer will there be pressure to accept an unsuitable program for fear that the Federal dollars will not otherwise come into the community.

While I cosponsor this measure, I will keep an open mind with respect to improvements which we may care to make in the formula for allocation of dollars among States and the formula for direct distribution to local governments. In addition, I shall consider appropriate changes to include autonomous local governmental units, such as school districts in Ohio.

But while we may wish to reflect longer upon the specific formulae in this bill, its basic philosophy is sound. A recent Gallup poll indicates that 77 percent of the American people support the concept of revenue sharing. They know that if we call upon our States and local governments to assume an increasing role in solving the problems of America, it is time that we gave these governments the resources to do the job.

A NEW INVASION OF LAOS

Mr. MONDALE. Mr. President, we have mounted a new invasion of Laos.

The American people were the last to know. But we have come to expect that.

Again the war is wider. In the name of getting out, we are going back in as deep as ever.

It is typical of our plight that what seemed ridiculous a year ago is now the deadly serious policy of our Government.

On January 19, I warned that we had begun a new involvement in southern Laos. I asked the President about reports that we were secretly supporting several Thai battalions in attacks which were part of a steadily increasing escalation in the area since August.

I was concerned that this could lead to growing American embroilment, and would be another blow to the negotiations, not to mention the chances for a return of our prisoners.

Where does it stop?

The limited assistance to South Vietnam led to American advisers and the bombing of the North.

We know where those so-called limited commitments took us.

A "limited" invasion of Cambodia has led to Laos. If the South Vietnamese sit astride the Ho Chi Minh Trail—in treacherous terrain, perhaps encountering a major enemy force for the first time—they risk disaster. That risk is already drawing our planes into heavy new bombing.

Where will that bombing draw us—to Hanoi, to Haiphong, to the Chinese border?

Behind it all is our refusal to face the truth in South Vietnam. The million-man South Vietnamese Army is the basis of our policy—to withdraw and yet to preserve the Saigon regime at the same time.

In the end, this policy is built on sand. That is why we bomb and invade.

We have seen this logic before. If only we "hurt" the other side, if only we show ourselves manly, or ferocious, or unpredictable, the truth will somehow be postponed or go away.

Congress and the American people have to recognize what this could mean for the future. The administration is so committed to the Thieu-Ky regime, and so doubtful of its strength, that they refuse a compromise settlement and launch a wider war.

How then can they really continue on withdraw our forces when the Saigon regime could collapse after we are gone? This policy does not "protect" our withdrawal. It will prevent it.

And if we go on and on with the slaughter, when will our prisoners of war see their families again?

The administration has taken us this far down the road because we have let them. But a senseless war tolerated in frustration or misunderstanding is no less senseless.

The Congress must vote immediately on the Vietnam Disengagement Act, to bring our men home by the end of this year. We must extend that legislation to cover all Indochina, to end the bombing, and to bring about an immediate return of our prisoners in exchange for withdrawal.

History has given us words for what we are doing in Indochina. We are making a wilderness of devastation in three countries, a wilderness of our own schools and cities and farms starved by war spending.

We are making a wilderness, and call it peace.

PRIDE IN NEW HAMPSHIRE'S NATIVE SON—ALAN SHEPARD

Mr. McINTYRE. Mr. President, I have sent the following wire to Capt. Alan B. Shepard, Jr., at the Space Center in Houston, Tex.:

> Heartiest congratulations on a magnificent job well done. I know all Granite Staters join together at this time in their pride in New Hampshire's native son. We are all standing a little taller today.

It is a long way from Derry, N.H., to the Fra Maurs highlands of the moon, but Alan Shepard has made this trip with enormous skill and great dedication.

It has been a hard road beset by many many obstacles. I well remember the time only a few years ago when physical problems seemed to have ended his chance to reach the moon. In the popular parlance: "His chances hardly seemed worth a nickel." But Alan Shepard was never one to let a tough road hold him back. With great perseverance he stands today as the successful leader of our most productive trip to the moon.

I guess none of us can truly comprehend what personal dedication and ability one must have to play the leading role in a moon flight. Years of the most rigorous physical and mental training must go into every flight. A whole new complex of the most involved science must be learned to be called upon when needed to achieve the greatest possible results from such an undertaking.

In reading the millions of words written on the Apollo 14 flight, I have been struck with the many times the reporters have used "flawless," "magnificent," "precise," "looking good," and many other glowing descriptions of the flight. I do not for one moment detract from the great contributions by Alan Shepard's crew, Comdr. Edgar D. Mitchell and Maj. Stuart A. Roosa. Nor do I fail, in any way, to realize that without the thousands of dedicated and tireless effort of the ground crews this flight would not have been possible in the first place or achieved its successful conclusion.

But I will have to be pardoned if I give my major praise to Alan Shepard. He captained the flight that brought back the largest and most significant collection of lunar samples. These are going to add immeasurably to our knowledge of our universe. Apollo 14 set up on the moon much more elaborate experiments than any of us believed possible.

And as one who enjoys the chance for an occasional round of golf, I was most pleased by his moment of relaxation when he used the six iron for some shots into the lunar darkness. There was a real twinge of envy when he recorded his one shot as going "miles and miles and miles." If we could just do the same here on earth.

The New York Times, in reporting the "on-the-nose" splashdown this morning, quotes George M. Low, NASA Administrator. as saying:

> On that first Mercury flight in 1961, Alan Shepard tested man's reaction to the space environment. On Apollo 14, just 10 years later, Alan Shepard and his crew demonstrated that man belongs in space—that man can achieve objectives well beyond the capabilities of any machine that has yet been devised.

Alan Shepard is no machine. He is a very real person. As a Senator from his native State, I am proud to pay due recognition to what he has done for his Nation. He deserves the pride all New Hampshire has for him.

LITHUANIAN INDEPENDENCE

Mr. TAFT. Mr. President, February 16 marks the 53d anniversary of Lithuanian independence. On that day we will pay tribute to a people whose fight for freedom and liberty has often been difficult, but never has faltered. I welcome this opportunity to join with Senators in saluting the Lithuanian people in their quest for independence from Soviet rule. There are more than 1 million people of Lithuanian descent in America today.

February 16 is the anniversary of Lithuania's first liberation from Russian oppression, in 1918. It is touched with sadness only because the Baltic States are no longer free. The United States has consistently refused to recognize the illegal incorporation of Lithuania and her sister states into the Soviet Union. Let us hope that the self-determination of these people will soon again be realized. Let us reaffirm our support for their struggle and undying efforts to be free.

CONSUMER'S STAKE IN U.S. AIR TRANSPORT INDUSTRY

Mr. PEARSON. Mr. President, yesterday the Senate Aviation Subcommittee heard important testimony from several witnesses who represented the point of view of the flying public.

One witness, Mr. Shelby Southard of the Cooperative League of the U.S.A., submitted a particularly thoughtful statement, in my judgment, one which I was not able to hear in person but have since considered in some detail. The general thrust of his statement is that the American consumer has an important stake in the U.S. air transport industry, a stake which is sometimes overlooked in the boardrooms of our Nation's airlines.

Accordingly, I ask unanimous consent that Mr. Southard's statment be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT TO THE SUBCOMMITTEE OF AVIATION OF THE SENATE COMMITTEE ON COMMERCE, SUBMITTED FOR THE COOPERATIVE LEAGUE OF THE U.S.A., FEBRUARY 8, 1971

First of all, Mr. Chairman, may I thank the Subcommittee for giving me the opportunity to testify at these hearings as a representative of the Cooperative League of the U.S.A. and of the consumer movement where our League seeks to play a constructive role. The American consumer has an important stake in the U.S. air transport industry, and it goes beyond the reliability of domestic services.

During the past decade, the introduction of the low-cost charter has brought overseas vacations by air within reach of millions of Americans who had never flown before. Demand for overseas charters, both for educational and recreational purposes has grown rapidly, and chartering is now a major feature of many of our cooperatives as well as other organizations. For example, the Greenbelt Consumer Service, a cooperative here on the East Coast, and the Berkeley Cooperative in California utilize charters to provide low-cost overseas vacations for thousands of their members each year.

The importance of chartering is demonstrated by the fact that cooperatives and trade unions have banded together to form their own organization—the American Travel Association. ATA's purpose is to promote purposeful low-cost international travel for large numbers who would not otherwise be able to enjoy it.

Let me emphasize that I am not an expert on air transportation. My purpose today is to present to your subcommittee a consumer's-eyeview of Senate Bill 289, which would amend the Federal Aviation Act, among other things, to simplify the regulations governing group air transportation, and to strengthen the U.S. Government's ability to protect the rights of American citizens who travel abroad on low-cost charter flights. The Cooperative League of the U.S.A. is happy to support this legislation, not only for its potentially beneficial effects on the air transport industry, but also because we believe it will increase the availability of low-cost air travel to the American consumer.

In recent years we have seen more and more important pieces of consumer legislation pass through both Houses of Congress and across the desk of the President. And we have witnessed in them an ever-widening area of consumer protection provided through Federal law and legislative oversight. Gone is the old view of consumer interest as merely a matter of honest food labeling or accurate weights and measures. It has been replaced by a much broader concern for the individual in a fast-changing environment. This is as it should be.

We are most gratified, therefore, to see that this bill follows that pattern by recognizing the basic right of consumers to band together for the purpose of increasing the purchasing power of their combined resources. This, of course, is the basic premise on which our member cooperatives were founded.

By removing the present restrictions and making it possible for any group of 40 or more persons to charter all or part of an aircraft, S-289 will enable many hundreds of thousands of Americans—especially those who live on modest, or fixed incomes—to take advantage of modern, low-cost, jet air travel and permit them to visit places they ordinarily could not, because of the cost of standard scheduled fares.

At the present time, the right to travel is somewhat circumscribed by regulations that restrict low-cost charter air travel to certain segments of the population: specifically, those who belong to organizations established for purposes other than obtaining low-cost air transportation. It seems a little unfair that others should be denied the right to enjoy low-cost vacations by air simply because, for one reason or another, they do not happen to be "joiners." Furthermore, the history and growth of low-cost charter air transportation both here and in Europe can leave no doubt as to the public demand that exists for this type of service. And, since the air transportation industry exists to serve the public need (rather than vice versa), one must question the need for regulations that restrict its availability.

We are delighted to note that in its most recent rulemaking proposals, the Civil Aeronautics Board has come around to the same way of thinking. Their proposal differs from the provision in S-289 only in that the group would have to be made up of 50 or more persons.

The other item of major consumer interest in S-289 is, of course, the section dealing with foreign landing and uplift rights. It is disturbing to realize that Americans who choose to take low-cost charter flights for European and other overseas vacations are relegated to the status of second-class citizens because their government has not protected *their* rights in the same way it protects those of persons who fly with the big scheduled airlines.

As we understand it, landing and uplift rights for scheduled services are guaranteed by international agreements, but there seems to be no international law that gives similar guarantees to the consumer who takes a charter flight on either a scheduled or supplemental carrier. The latter must deal individually with each country it wishes to enter—and often for each individual flight it wants to operate. Many countries take advantage of this situation to impose various restrictions—some of them totally unreasonable—both to gain competitive advantages for their own national airlines and to win bargaining points in negotiating for operating authority into the U.S.

And, as so often happens, the American consumer is caught in the squeeze. That long-dreamed-of European vacation for which he has saved so long can go down the drain simply because some foreign government agency decides to crack its bureaucratic whip and show the U.S. who's boss.

Even if only a few countries engaged in this kind of practice it would be intolerable. But virtually every country has some kind of restriction aimed at charter flight operations on which our groups must depend.

This situation cannot be allowed to continue. Action must be taken now to see that the United States Government has the power *and* the resolve to ensure that the rights of *all* American citizens, whether they choose to fly first class on a scheduled airline or with a group of friends on a supplemental carrier, are fully protected when they travel abroad.

In urging passage of S. 289, Mr. Chairman, I would like to provide, for the Subcommittee's information, a brief word or two of background concerning the Cooperative League of the U.S.A.

The League was founded in 1916, since when we have grown in response to a series of challenging assignments in the U.S.A and around the world. We now represent all kinds of cooperatives, both urban and rural, whose combined memberships total more than 20 million families. The key phrase in the Federal Aviation Act is "public convenience and necessity." We like to believe you had these people in mind when you passed it.

We thank you for the opportunity to testify here today and hope that our statement will help you in your deliberations. Should you require any additional information or opinion, the League will be pleased to try to provide it.

MR. HOOVER AND THE SHAW CASE

Mr. McGOVERN. Mr. President, last week I brought to the attention of the Senate the action of J. Edgar Hoover in barring from employment an agent of the FBI, Mr. John F. Shaw, by inducing his resignation through a punitive transfer and then accepting the resignation "with prejudice." The FBI Director took this action because Mr. Shaw had criticized him in a private letter to an instructor at John Jay College of Criminal Justice in New York. I noted that I had written Mr. Hoover, asking for an explanation, and received a reply that contradicted Mr. Hoover's own former statements on the matter. I presented these letters to the Attorney General requesting an investigation and the reversing of Mr. Hoover's prejudicial action with regard to Mr. Shaw. I also requested that the Senate Subcommittee on Administrative Practice and Procedure initiate an investigation. The Senator from Massachusetts (Mr. KENNEDY), chairman of this subcommittee, subsequently wrote Mr. Hoover requesting an explanation.

Mr. Hoover's reply to Senator KENNEDY echoed the reply I have received from the Attorney General. Mr. Hoover wrote:

> The Attorney General has advised that since the courts have assumed jurisdiction of this matter it would not be appropriate for me to use any other forum to contest Mr. Shaw's charges.

Mr. Hoover was referring to the fact that Mr. Shaw, with the assistance of the American Civil Liberties Union, has filed a lawsuit in New York.

In view of the continuing injury to Mr. Shaw, who remains out of work with four children to support and his wife seriously ill, I considered that the Attorney General or Mr. Hoover could deal with the merits of the case by means of a private communication to me or to the Subcommittee on Administrative Practice and Procedure. But I fully recognized the legitimacy of a desire to avoid comment on a pending judicial proceeding.

Today, however, I was shocked to discover that Mr. Hoover has written to the editor of the Atlanta Journal and Constitution, publicly stating his position on the merits of the Shaw case. He did so after refusing the request of a committee of Congress for the very same information.

This is, quite simply, an affront to the Congress of the United States, and an abdication of constitutional responsibility by a high official of our Government. Mr. Hoover's publication of his position has made clear that his reponse to congressional inquiry was an evasion. His public letter has also demonstrated that he is so sure of his power, so sure of the massive public relations effort which he has developed to sustain his power, and so isolated by the self-centered concern for his own reputation which former Attorney General Ramsay Clark identified, that he is willing to show contempt for Congress.

In noting Mr. Hoover's contemptuous action, I do so with a full awareness of his valuable and dedicated service to our country in the early development of the Federal Bureau of Investigation. But it is increasingly apparent that Mr. Hoover has become a liability to law enforcement in America. At a time when respect for law enforcement is at a low ebb, this country cannot afford to retain in office a law enforcement official no longer sensitive to his most basic responsibilities. Power without responsibility is alien to our system of government. Mr. Hoover's action has exceeded the limits of responsible power.

Mr. President, I ask unanimous consent that Mr. Hoover's letter to Senator KENNEDY and the letter which Mr. Hoover sent to a newspaper be printed in the RECORD. The story speaks for itself.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FBI CLARIFIES RECORD ON AGENT'S DISMISSAL

The Editors: After having seen the article by Jack Nelson in your paper, I want to set the record straight concerning the circumstances surrounding this matter. I feel you have a responsibility to your readers to inform them of the facts. Prior to the departure of former Special Agent John F. Shaw Sr., from the FBI last September, he was attending John Jay College of Criminal Justice, New York, N.Y., at FBI expense. As Jack Nelson reports, he drafted a letter to a professor under whom he had taken a course at the college during the summer, and this letter contained considerable material critical of the FBI. We learned of the letter only because Mr. Shaw had it typed by an FBI typist on FBI time.

When Mr. Shaw was asked why he wrote it, he said that during the summer course the professor occasionally made derogatory statements about the FBI in class and would not always give him ample opportunity to reply in class. Mr. Shaw said he wrote the letter in this bureau's defense and to resolve certain matters having to do with a thesis the professor had suggested he write concerning the FBI. The president of the college, with whom we lodged a protest, commented that the professor was at fault in not giving Mr. Shaw ample forum and time.

Although we believed we had obtained most of the letter, we did not have it all and Mr. Shaw was instructed to produce it. He refused, stating he had decided not to send it and had destroyed it. . . . Recent articles in the press indicate that in fact he gave a copy of the letter to this professor and also the Los Angeles Times newspaper.

Because of the atrocious judgment evident in Mr. Shaw's conduct throughout this affair, including his insubordination in refusing to produce a copy of the letter, disciplinary action was taken against him and he was transferred to another office. Instead of accepting the transfer, however, he submitted his voluntary resignation and this was accepted with prejudice.

Every organization "worth its salt" should be sensitive to just criticism and immediately take action to correct matters which prompt it. By the same token, it is equally important to set the record straight regarding unjust criticism and this is exactly why I am furnishing the above information to you. I trust you will bring it to the attention of your readers as it places the situation in its proper perspective.

J. EDGAR HOOVER,
Director, Federal Bureau of Investigation.
WASHINGTON, D.C.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., February 2, 1971.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: In response to your letter of January 29, 1971, referring to the John F. Shaw, Sr., matter, please be advised that Mr. Shaw has chosen to challenge the actions of my office through litigation, having filed suit in the U.S. District Court, Southern District of New York. This suit will be defended by the Department of Justice, and the Attorney General has advised that since the courts have assumed jurisdiction of this matter it would not be appropriate for me to use any other forum to contest Mr. Shaw's charges. Nevertheless, I feel compelled to state that in my opinion a full development of the facts will establish that Mr. Shaw's allegations are without foundation.

Very truly yours,
JOHN EDGAR HOOVER,
Director.

NATIONAL CONFERENCE OF CHRISTIANS AND JEWS

Mr. JAVITS. Mr. President, for more than four decades, the National Conference of Christians and Jews has been committed to a nationwide educational program to combat bigotry and hatred. The work of the conference has been directed at building interracial and interreligious understanding within the American community.

Not content with celebrating Brotherhood Week each year, the NCCJ has decided to devote itself entirely during 1971 to achieving this goal. In conjunction with this decision, and in commemoration of Lincoln's Birthday, the conference will announce this Friday the formation of a National Committee for Commitment to Brotherhood. The committee, composed of 58 prominent Americans, is under the chairmanship of Mr. and Mrs. William Gossett, the former president of the American Bar Association and his wife. Its primary purpose will be to encourage Americans to support three predominantly black civil rights groups—the National Association for the Advancement of Colored People, the National Urban League, and the Southern Christian Leadership Conference—in their efforts to eliminate racial tension and polarization. These interracial organizations have long records of positive accomplishment achieved by nonviolent approaches in seeking an end to social injustice.

I commend the National Conference of Christians and Jews for this constructive approach to fostering brotherhood, and will follow the progress of the committee's work with great interest.

PROBLEMS OF OLDER AMERICANS

Mr. HARRIS. Mr. President, over the past year, I have been conducting a series of public hearings in Oklahoma to bring the Federal Government home to the people.

On January 13, 1971, I held a very important public hearing in Ada, Okla., on the problems of older Americans.

The interest shown in the hearing was very enthusiastic, and it was exceptionally well attended. The testimony which was presented was well prepared and most useful to those of us who are in a position to deal with these problems.

Since 1971 is the year for the White House Conference on Aging, increasing attention will be focused on the needs and views of our senior citizens. However, I felt it imperative to consider these needs in more detail prior to the consideration by Congress of the social security and related legislation which has prime importance for this session.

Testimony presented at the hearings showed that two of the most vital concerns of the elderly are maintaining a sufficient level of income in these inflationary times, and being protected against rising medical costs. Other primary concerns pointed out were nutrition, transportation, and the need for creative activity which makes the older person feel a necessary part of our society.

From the testimony presented, I feel that early passage of a 10-percent increase in social security payments is critical. Other programs dealing with older citizens, including additional medical and drug benefits and providing of employment for older Americans deserve priority treatment.

I intend to have the full transcript of this hearing printed in the RECORD and see that it is delivered to the chairmen of the Senate Finance Committee, the Senate Appropriations Committee, the House Ways and Means Committee, and the House Appropriations Committee, and to each member of the Senate Finance Committee, and to bring it, as well, to the attention of others who will be making important decisions on legislation affecting our senior citizens.

Mr. President, I ask unanimous consent that the first portion of the testimony received at the Ada hearing, which has now been transcribed, be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

HEARINGS ON THE PROBLEMS OF THE ELDERLY, JANUARY 13, 1971, ADA, OKLA.

OPENING STATEMENT OF SENATOR FRED R. HARRIS

I have been having a series of hearings around the state in a continuing effort to bring the federal government home to the people and to give people an opportunity to have their say and be listened to, and then to carry that message back to Washington to those who make decisions on the issues involved. We've had hearings on high interest rates, high medical costs, farm problems, and developing new jobs in small towns, but I don't believe that we've had any hearings in which there's been more enthusiastic interest than this hearing which has to do with the problems of older Americans. I really appreciate the fact that so many of you are here and the interest that so many of you have shown, both those who will be testifying and those who are here as spectators. Everyone is welcome.

I am particularly glad to be in Ada to hold these hearings on the problems confronting our older Americans. When I was planning the hearings, I contacted an Oklahoman who is now in Washington, D.C., with the National Council on Aging. She spoke with approval of the ways in which the community of Ada is meeting the challenges of adequate provision for the needs of its elderly citizens. I welcome this opportunity to learn from your experience, and to explore with you the ways in which the federal government can be more responsive to your needs.

I feel that these hearings touch upon a subject of great interest to all Americans—not only the elderly. The older American is primarily concerned, since he is directly confronted daily with the problems of maintaining an adequate standard of living in today's inflated economy. The children of the elderly are concerned with the varying needs confronting their parents. Persons nearing retirement age must plan for their immediate future, while all of us must be aware of the fact that age and its problems are inevitable.

As I previously stated, I am holding these hearings as a continuation of my efforts to bring the federal government home to the people. I receive many letters from Oklahoma concerned with the needs of older Americans, related to social security, health problems, housing, nutrition, transportation, and all facets of living. As a member of the Senate Finance Committee, which has jurisdiction over social security legislation, medicare and medicaid, and old age assistance, I am deeply concerned with keeping in touch with the persons affected by these programs.

During the last session of the Senate, I made the motion that, instead of the 5 percent increase in social security that President Nixon had recommended, we increase social security benefits by 10 percent; that we raise the minimum social security benefit from $67.50 to $100; and on my motion that we also give a comparable raise in old age assistance. I am among those who are opposed to medicare's insurance premium continuing to go up. That whole bill which had a lot of those things in it unfortunately became bogged down with a lot of other issues in the last days of the session, and so we'll start it up again and it will be the first bill on the agenda for the Congress after we convene on January 21. Because social security legislation will be a top priority, I particularly welcome this chance tc hear from the people of Oklahoma on these very important matters.

I will have the record of these hearings transcribed and distributed personally to the Chairmen of the Ways and Means Committee of the House of Representatives, the House Appropriations Committee, and the Senate Finance and Appropriations Committees. I will also see that each member of the Senate Finance Committee receives a copy, and will also present the transcript on the floor of the Senate. In this way, the things that you say here and the problems that are discussed here will be taken to those who can seek a solution to the issues raised today.

I am deeply concerned that many Americans feel that the federal government is too big and too far away to be responsive to their needs. I am here today because I am interested in what you, as Oklahomans, have to say about the problems facing our older citizens. This will, in turn, be presented to the Congress for action on your suggestions.

I wish to thank those who helped plan for these hearings, especially Mrs. Pansy Price. I would like to ask her to begin our hearings with whatever statement she would like to make.

STATEMENT OF MRS. PANSY PRICE, DIRECTOR OF COMMUNITY ACTIVITIES, ADA, OKLA.

On behalf of the senior community of Ada, I want to personally welcome you and all your distinguished guests to Ada. We feel honored that you have asked us to set up this meeting for you.

We have been called together to consider the problems of the elderly in a time such as we have not experienced before—at least not in my lifetime. A time when we find ourselves in a depression with inflation at an alltime high.

Many older Americans who retired feeling secure with their Company retirement funds and social security now find themselves in a real financial bind, and many who are about to be retired face almost insurmountable problems.

Throughout the day these problems are to be discussed at length. My friend and co-worker, Mr. John Hoppis has computerized statistics which indicate the greatest areas of need as expressed by the older adults of Oklahoma as they met in Forums across the State in September. He will be sharing these with you a bit later along with other speakers of the day.

As we proceed with the day's work I think we should face the fact that our society is one which is addicted to "Stereotyping". I hope that we can beware of this pitfall; so to set this meeting in perspective and to make us somewhat more aware this reality, will you think with me for a few minutes on this question? "Who are the Elderly?"

The answer is as varied as the askers.

To a Social Security Administrator they are all persons over 65.

To a Housing Administrator they are defined in terms of birthdate and economic status, and quite possibly in terms of low income status.

On the other hand . . . to the manager of a plush retirement home community the elderly could be as young as 52, rich enough to make a substantial down payment on their home and with such middle class tastes as golf and cocktails.

To an overworked nurse in an understaffed hospital they are confused, deaf, mumbling, wrinkled, helpless patients.

Who are the elderly? For the senior citizen . . . every one older than they.

They just might be images in a mirror into which many of us refuse to look.

They are a mass of stereotypes: sweet, kind and pampered or stubborn, absent minded, unpleasant to regard and definitely difficult to work with.

But . . . let me remind you; invisible to the public eye because the stereotype blinds us are millions of people in their 60's, 70's and 80's who are doing jobs of physical labor, who run businesses, who are engaged in intellectual and professional pursuits who contribute to society far more than they take from it.

All sorts of statistics have been compiled: numerical, educational, health, and income, etc. These, for brevity's sake I will not discuss, but viewed in terms other than statistics who are the elderly?

Biologically: they are persons who have lost some of their former pysical powers. Persons whose senses of hearing, taste, smell, touch and balance have become less sharp. Their psychometer responses have slowed down.

In Social terms they are persons who have suffered loss of status, change if not loss of role. They were workers in a culture that puts a premium on productivity. Now they do not produce. They were parents with responsibilities, now the children have outgrown their dependency. The so-called Golden Age can be stereotyped as a time of loss. Loss of status, role, income, health, mental capacity, and even the old home place.

But just as we cannot describe the elderly in strictly chronological terms we cannot describe them in terms of loss. For offsetting all their losses is the development of the power to adapt, to cope. If the elderly are less capable than in their younger years they are certainly more copable. If they have lost some of their ability they have acquired more adaptability.

All these things may help us to understand aging and the elderly but they do not describe for us one human being.

Who are the elderly?

They are individuals. First and foremost they are individual human beings as different as their heredity, and national, ethnic, and economic factors have made their histories and backgrounds different. And this is the thing we can so easily forget. Bulked together the problems of the elderly become not a great deal more impressive than those of some small tribe in the wilds of Africa, but looked at and listened to day after day they become very personal and very real.

It is my sincere hope that in today's meeting, in the Congress, in the President's White House Conference on Aging, and wherever the elderly are considered we shall always think of them in very individualistic and personal terms.

Every person here today has his or her own problems yet I doubt that one of them is absolutely peculiar to you. We do have problems and assets in common. The Senator is here to listen to them and I have every confidence that he is ready to lend a sympathetic ear and will act in the Congress according to his very best judgment.

Had we the time, with four years of dealing with the elderly day to day, I could stay here the remainder of the day and talk to you about their problems. I could talk to you about the wonderful things that have happened from the activities program that has been carried out in Ada. But these people can talk about their problems more adequately than I can. I do thank you for this opportunity and I hope that we can keep in perspective that these are individual problems. If we can deal with them on a personal basis I think we can really get down to the grass roots and begin to do something about them.

Senator Harris. Mrs. Price, that's an excellent start for our hearings and I really appreciate it.

We will be very pleased now to hear from Mrs. Paralee Hisle who is a public health nurse with the Pontotoc County Health Department.

STATEMENT OF MRS. PARALEE HISLE, R.N., PUBLIC HEALTH NURSE, PONTOTOC COUNTY HEALTH DEPARTMENT, ADA, OKLA.

Senator Harris asked if I would bring a few thoughts concerning medicare, the health nurse's work and the home health program which is financed by medicare. Actually, I'm not too involved in other factors of medicare other than home health care. I've prepared a very short report here which I might just read.

We need to plan health programs with older people instead of planning for them, because attitudes and *definitions of health* vary by social class, finances, culture, age, sex and previous occupations.

Old age and poverty are obstacles to health and many of the aged who are in poor health and chronically ill feel useless, unwanted, friendless and without resources to seek medical attention when their ailments interfere with daily activities.

Medicare is a great step forward in alleviating the financial burden of the aged in time of illness. Some changes which would simplify Medicare are mostly concerned with Home Health Care and Extended Care facilities.

There are a number of persons who would benefit by spending some time in an extended care facility, of which too few are available. It seems that a closer look should be given to the requirements which have to be met by extended care facilities. Personnel to staff these facilities is probably the greatest problem.

Some provisions should be made to assist the aged in providing adequate finances to purchase needed drugs. Many times nutrition suffers in order to meet these needs. The fact that the chronically ill often are unable to continue with proper medication due to lack of money should be recognized.

The Medicare laws should be revised toward a more liberal medical judgment as to the care of custodial patients through home health care. There is a real need for part time assistance in the homes of these people. A specific number of visits on Home Health Care should be designated, whether or not the patient has been hospitalized. There should be some provisions for all communities to have home health care made available to the aged.

I feel very strongly about that because we have communities surrounding Ada, outside of Pontotoc County, which do not have home health care facilities, and once you're acquainted with home health care you will find that it is quite a boost to older people when they are ill.

Senator Harris. What do you mean by home health care? What sort of services do you perform?

Mrs. Hisle. Home health care is a portion of medicare. The Oklahoma State Health Department is our mother agency; we are a satellite agency. We do visiting nursing services. There has to be a real nursing need to this patient before we can accept him as a patient. When I said we need a closer look at custodial patients—we are not permitted to care for patients unless there are real nursing needs. We find patients being referred to us that only need a minimum amount of visits, just a little care. The husband and the wife could be kept in the home. But we can't take them because they are classified as custodial care patients. That is why someone needs to take a closer look at what a custodial patient is in terms of medicare. We do all types of nursing in the home in all sorts of situations.

The number of aged and the number of programs and facilities to serve them have grown beyond the availability of personnel, both skilled and unskilled, to meet the needs; the greatest need, perhaps, being physicians and professional nurses. Many potential physicians and nurses turn to other professions because there is not adequate family income to meet the cost of training, and scholarships are too few. I would like to ask that you use any influence that you might have in arranging for agencies to provide scholarships for nurses because I am a nurse and I am concerned more with nursing. We need scholarships to train nurses, and in return they would come back to the agency and work.

Senator Harris. Thank you, Mrs. Hisle. I certainly do appreciate your taking the time to prepare your fine statement and to come here to present it.

Reverend Charles R. Hill is the pastor of the Philemon Baptist Church and we will be glad to hear from him this morning.

STATEMENT OF REVEREND CHARLES R. HILL, PHILEMON MISSIONARY BAPTIST CHURCH, ADA, OKLA.

I wish to address myself to what I consider some of the most vital needs of our Senior Citizens.

I wish also to offer certain suggestions which I feel are necessary if the "Quality of Life" for our Senior Citizens is to be improved.

The great army of our Older Citizens are men and women who have contributed to the greatness of this nation. For the first 60 or 65 years of their lives many of these people were denied the comforts and conveniences which are common to our heritage.

The unfortunate plight of many of our Senior Citizens is due to the lack of an awareness of needs on the part of Society in general and of resources available on the part of the Senior Citizens.

There is therefore a need for awakening of the American public concerning the total welfare of our Senior Citizens to the point of Education, Legislation, and Implementation.

I suggest that such Legislation and Implementation be brought about which would involve improvement for the aged in the areas of:

1. Income: The stipulated Maximum Budget requirement for recipients of Welfare needs raising allowing for those who are able to supplement their budget.

2. Health: Due to the growing cost of medical expenses which accompany old age there is need for an increase in appropriations for Medicare and Home Services for the aged.

3. Housing: There is a need for the continued construction of Public Housing projects designed to meet the specific needs of the aged.

For the benefit of those Senior Citizens who are desirous to maintain residence in homes they have spent a lifetime acquiring, there should be appropriations made in order that these homes could never be relegated to substandard.

4. Recreation: Increase of appropriations for the underwriting of Senior Citizens Centers involving Chaplaincy Service and Legal counselor service.

I do hope these humble suggestions are not considered impracticable.

Senator Harris. They're not considered impractical. They are very practical, and I really appreciate your making them.

We'd now like to hear from Mr. Jess Teague who is director of the Community Action Program here in Ada.

STATEMENT OF MR. JESS TEAGUE, DIRECTOR, COMMUNITY ACTION PROGRAM, ADA, OKLA.

Senator Harris and ladies and gentlemen, I feel honored to have a part in this. I'm going to reduce my remarks to facts outside of my opening remarks.

I had my first experience with the senior citizens as a group when we organized the Activities Center here in Ada and employed Mrs. Price to operate that center. Many of you here today took part in that. I found that was one of the greatest things we had done in this county for the elderly people. Some of them are activated to useful and happy lives who had already given up. Some of them, by having a chance to come to the center, could communicate with other people, their friends. Many of these people cannot go out like they used to go and so it provided a place for them to get together. But here is a great weakness in the law that permitted us to do that. We began in the first year with a matching of 80–20. The next year it went to 60–40. The next year to 50–50. The next year it's zero. So we operate three years and if you're not in a town large enough with money to carry the center on it dies because the town just can't finance it. The little towns like Stonewall and Allen and places like that have no earthly way that they can carry the activities center on after the government draws out of it. There should be some way that the funds could be put in if nothing more than paying the rent and the utilities so that those people could go ahead and continue with the center because every one of them enjoys it. I visit these centers all over the ten counties that comprise the Indian Nation. I hope there will be a real look taken at that and I think every community, at least every county, ought to have one or two centers in their towns for the people to meet and to visit with one another and carry on these activities that they like to do.

The rest of my remarks are going to be rather factual and short. In the work that I do the greatest need that I find is people needing money to buy medicine to fill prescriptions that are dispensed by the doctor. The only money that I know anything about that can be used for that is $66,000 that was given to the Indian Nations Community Action Center, that is a ten county group, and was divided up among the ten counties to be used for emergency food and medicine. But when it is divided up it is just a little bit, and in fact you could give it all away right quick. So it looks like there is something wrong somewhere when we provide a person with the services of a doctor but when he can't get the medicine after the doctor prescribes it. I thinks there needs to be a look taken at that.

The second thing I want to mention is that I think there has to be a look taken sometime at the rising prices of medicare and hospitalization. I don't have the answer but it rises much faster and unfortunately every time that legislation comes to give relief in these things, it comes six, seven, eight, nine, ten or twenty-four months after we've already gotten into the worst jam we could get into. I realize the numerous problems that are facing our Congressional group but I do think that we have men there that are capable of solving those problems and I believe that they're trying to solve them, and I think that is why Senator Harris is down here today.

Then there is another need which I see working in the Pontotoc Community Center. There are people here who are eligible for commodities but they don't have any way to go to get the commodities and bring them home. When you pass 65 years old, if you just have one more car accident you are done driving. This country is geared on wheels. There needs to be some program to see that these people do have ways to get into town. I have received most of this information from these home health care aides telling me of the conditions they find. In many instances people are in need for the necessary things and many times they have the money but just can't get out and get them. The day of delivering groceries is over; you must go out after everything now. It looks like it wouldn't cost a lot for one or two people who would work for a low salary. Maybe you say, well the children could do that. Ladies and gentlemen, there are people in this county who don't have any children. Some of these people don't even have telephones. We need to take a look to see if there is some way we can bring these people relief.

Basically a lot of this would be helped by raising the benefits of social security and old age pensions, as the Senator said in his opening remarks. Our economy is running away and it goes faster than you ever get the relief and you just don't get enough money to live. If anything unusual happens everything you have is gone and there is no way you can get relief. People tell me, Jess, I don't sympathize with those people; they should have gotten insurance back when they were young. When I became 65 all that kind of insurance was cancelled on me. I had been a good risk up to then but I'm not a good risk any more. These elderly people don't have these facilities and they can't get them, and they won't have them unless the government or somebody comes to their aid and helps them. I think I have two other things to mention here but they have been brought out by other people and I'm going to bore you by just repeating the same thing.

Senator Harris. I wish you would go on. I like what you're saying. Don't quit. I think you have made an excellent statement, particularly on insurance and transportation.

Mr. Teague. I'm hesitant to make this last statement that I'm going to make because I didn't know it existed. I was appointed guardian of a man when he died last year. He had been a citizen of this town a long time. No one knew he died. He had been in a hospital a long time. We had three people attend his funeral. I got two men to go with me. We got the Kiwanis Club to act as pallbearers. That man had been a useful citizen but he had been put away a long time in a home. Do you know that you can't get a doctor for a man like that? They called me one night from the rest home and said he needs a doctor. It's hard to get a doctor for a man like that. He didn't die for lack of a doctor. We got a doctor. But something needs to be done for these facilities to be available to a man. Even I couldn't get this man a doctor for a long time. I think the answer to that is that there just are not enough doctors for our population, and I really hated to see that bill killed, Senator.

Senator Harris. So did I.

Mr. Teague. I think that could have done a lot to relieve this particular problem because there just aren't enough doctors. I'm not saying this to be critical of the doctors. I know all of them have more than they can do. I'm waiting here myself until tomorrow to see a doctor and I made my appointment two weeks ago. So you see there is a shortage of nurses and a shortage of doctors. This next thing is radical, but I'm going to bring it in, too. I can't see why something couldn't be worked out through the American Medical Association so that for some of these services we could have doctor's aides and give relief to the doctors. There should be things that a doctor could designate to a person that he had trained to give a little relief until we could get doctors. I'm not saying that he should practice medicine. If we started now to get more doctors, it would be seven years before we'd have any and the need is now. Maybe there could be something done to give us a little more care and have this care under the supervision of the doctor.

I want to thank you for listening and I hope I have said something that is beneficial.

Senator Harris. I certainly agree with what you have said, Jess. I might say that the bill he's talking about, which we passed this year, was a bill that would have provided funds for a program to turn out more family doctors, more general practitioners. There are so many people specializing these days. They go to school a lot longer and they're less available to the general public. In a place such as Oklahoma, particularly in smaller towns, what we need more of are family doctors. We passed that bill and the President vetoed it. We're going to try to pass it again this year. I was sorry to see him do that.

He has also vetoed bills that had to do with increased funds for health and he vetoed the bill that had to do with increased funds for hospital construction, but we were able to pass that over his veto. I don't know of anything more important than what Mr. Teague has said about increasing the number of doctors. We have a shortage of 50,000 doctors right now in the country. There is a shortage of nurses and medical facilities generally.

Another thing we are working on is a program for training sub-professionals or paraprofessionals—what Mr. Teague called doctor's aides. I think that is a really important program and I hope that we can get it going much better.

I think that was an excellent statement, as have been the others.

I now want to call on Mr. Neal Clark who is director of the Community Action Program in Holdenville.

STATEMENT OF MR. NEAL CLARK, DIRECTOR, COMMUNITY ACTION PROGRAM, HOLDENVILLE, OKLA.

Senator Harris, Representative Abbott, ladies and gentlemen. We are especially pleased to have been invited to this hearing. We're from Holdenville, Hughes County, the area to the east and north of you. A great many of our citizens shop in Ada. We feel that we are at home here and we appreciate your invitation for us to participate in this hearing.

For the past five years there are those of us who have given our efforts to improve the way of life for the citizens of our area. I believe that the public is becoming more aware of our efforts. We're called many things—our titles are such as the elderly, old age pensioners, those people who are retired. But the words that I would like for us to pick up and use, and I think this is what we are, we are retired Americans. I think the public ought to know that we built this country. In fact, you all built this country and you have provided the hospitals, the towns, the cities, the transportation, and all the conveniences, and even the great universities. The people here are the people who provided that for those who are using them today. I think they should be made aware of that. Here are the people who have done the work. They are not to be treated or looked upon as somebody outside the mainstream. We are in fact the retired American, and we want to put them on notice that we want to be respected.

So let us see what our primary concern for our retired Americans are. There are those who would say that food, clothing, and shelter are sufficient. I disagree. That is the very least we could think of and you people are entitled to much more. You need to say you're entitled to much more to the leaders of our country and to those people who are concerned, such as Senator Harris. He wants to know that. I will run down a list of a few things that I think we should concentrate on. And then I hope that I can make a few suggestions that might solve some of the problems.

We all recognize all of the agencies that are attempting to help us. For the most part I think they are doing a good job, but they only scratch the surface of the needs of the retired person. Of course the first thing in America that you have to think of, Senator, is income. There are those who would say that if we give them enough money or we send them a little check every month that's fulfilling our duties. I disagree. Every time you get a raise or get some help, the cost of living simply soaks up that little raise and you're in the same old position you were in before. So very little has been accomplished in that area. We need now to do things in this area that would solve that problem.

Number one, we need to tie our income with the cost of living. The labor unions, General Motors, the power blocs, the steel companies have salaries and income tied to the cost of living. We must tie the cost of living someway, Senator, in with our social security benefits. When we solve that problem to where we have perhaps not ample but more or less sufficient amounts of income, there will be those who would say that we're through with the job. Not at all. We must think of the second item, shelter.

I will point out a few instances where the provision of shelter isn't adequate. In Holdenville, Oklahoma, we have recently completed 80 units of the low income housing. We have a housing authority. The people are happy that we have it. So am I. But nowhere in their thinking did they show concern about how the people are going to get from the housing to town to get their groceries. I regret to inform you, Senator Harris, that our housing is only partially filled, approximately one-half filled. The reason being that there is no way of transportation. I propose that the Housing and Urban Development Department be told, and I would want this to be mandatory, that where a project is funded it is mandatory to see that transportation for the retired American is provided. It's an absolute must because the people just cannot pay for taxis.

We have on our drawing boards a novel project. I hope some of you will agree with me. It is not yet funded and perhaps never will be. But we're going to push it. We propose that we establish in the rural areas of America retirement centers. We have recently taken a survey in a small rural town of Atwood. Atwood is a small town where they have recently closed the school. They have beautiful buildings. These buildings have the conveniences of light, gas, water. They are modern, and yet they are decaying. These buildings are setting all over the nation. Thousands of taxpayers' dollars are decaying and windows are being knocked out, the doors are being torn off. It could be a great asset to us. We propose that as a pilot project these schools and the land adjacent to them be made into a retirement village. These people do not want to move to Holdenville some twenty miles away and leave their friends and their church. But they're forced to do it. In many instances retired people all over the nation are being forced into the cities to get shelter and to get health care. In a lot of cases it reminds me of the Trail of Tears. It is a trail of tears when you have lived in a community for years and years and years and then for the necessity of obtaining just the basic items of living you have to give up your friends and move to a city. It doesn't make sense to me. In these retirement villages we can then more easily provide health care. In this center here you provide some of the necessities, but we want to go farther. We hope that these people in rural Oklahoma can establish gardens, really become a self-contained unit, self-sufficient to a great extent where they will have their own milk and their own chicken and eggs and poultry and they will be in the area where they have lived, some of them all of their lives. We can do that. I'm convinced that we can do that. The medical care would be so much less because it would be convenient for the nurses and the doctors to care for the people in these centers.

As for health care, we have several agencies that are making a token effort, not because that's all they want to do but because that is all that they have the staff to do. Senator Harris, I propose a bold effort on behalf of the Congress to look into the cost of drugs. We have in our area people who do without food to buy their drugs and prescriptions. I think the cost of prescriptions is ridiculous. The reason that the drug companies tell us they have to be that high is they have to make this huge profit to go back into research. It would seem much simpler to me for the government to provide the resources for the research, and get the medicine to the people at a reasonable price. I propose we do that.

We have to provide enrichment programs where we will be busy making a contribution to our community, to our churches and to each other. The expansion of our centers would greatly help us in doing this.

In conclusion, may I say that the people of Hughes County are concerned. If we have done nothing more, we have directed the public's attention and concern to you people, the people of the land, the people who built our country, the greatest people on earth, the retired Americans. Thank you very much.

Senator HARRIS. I appreciate that statement. I've been to the center there at Holdenville which Mr. Clark directs, and I am very impressed with the work that is being done there. Also I appreciate what Neal said about the cost of living increases being automatic. I supported that in the Congress during this past session, and I believe that we're going to get something like that adopted during this coming session. It's necessary. Also I wanted to comment on the recommendation you made, Neal, about drugs. Several people have talked about the cost of drugs and the need to take care of that. I think that's a very urgent need, and I appreciate what you have said to emphasize it.

Now, I want to call on Mr. R. B. Knight who is Department Commander of the Oklahoma Veterans of World War I for a statement on other aspects of the problems of the elderly.

STATEMENT OF MR. R. B. KNIGHT, DEPARTMENT COMMANDER OF THE OKLAHOMA VETERANS OF WORLD WAR I, HOLDENVILLE, OKLA.

Fellow Oklahomans in this aging group or who will be pretty soon, it's a pleasure to be here. I'm speaking for our Oklahoma veterans and their families, in World War I, which are the forgotten group in a lot of ways. We fought against the Kaiser back there and licked him in 1918. We finished a war. We appreciate deeply, Senator, the great benefits that you helped the veterans of World War I get. I'm the Department Commander of Oklahoma. We have about 25,000 men in Oklahoma, plus 75,000 of their wives, widows and orphans. We are dying at the rate of about 10–15 percent per year. We're passing off the scene. You don't have to take care of us too long. As a matter of fact, we don't think you're taking care of us. We feel we're contributing to society in which we live as citizens. This country has been good to us, Senator. You provided the hospital care, you provided the outside home care, you provided tax exemptions, you gave us preference in jobs. Twenty-eight million of us have served this country and fought for this flag. We're proud to do it and we'd do it again because it's worth fighting for. We have the best country on earth. We have men representing us in Washington like Senator Harris here who's willing to come down here and talk to us and listen to us, and then try to carry out the ideas that we present here that best serve the country and serve we who are aging.

Number one on my priority list is inflation. I think we need to help the government tackle this problem. We could endanger our society by going too far out on a limb here on inflation and we're doing it rapidly. Every effort that is possible should be put forth by us as individuals. We're still living in this country; we're still occupying space. We need to pay a little rent on the space we occupy by serving the community in which we live and by cooperating with every effort to expedite the stopping and control of inflation. If the prices of our medicines didn't go up so fast we could afford to pay for them and we wouldn't have to do without breakfast once in a while, as we do in our home sometimes. Because of this inflation our prices are out of our reach and we must have a cost of living income geared to that, Senator. I agree with Neal and I've talked to a great many of the barracks commanders of Oklahoma Veterans of World War I and the ladies of the auxiliary. They feel that social security should be based on the cost of living. That will take care of us if we will use our wisdom and mind properly in helping to take care of inflation.

Number two is one of the most important businesses of ours, and that is to help control crime and violence and all of these disruptions of our society that's to my opinion communism trying to transplant our form of republican democracy. We could cooperate with them by getting jobs for these young fellows who are coming home from Vietnam. They are paid $49 a week, I believe, and the longer they are idle the more crime they get into. There was an incident in Holdenville where one of them cut the American flag down and used it for a wrap because of this idleness. It is our obligation as senior citizens to help get jobs for these younger people who are coming home. Six percent of them—

many more than that in our community, fifteen percent of them—need jobs. We must help them have jobs as businessmen. As people we must share the responsibility of building our society by hard work as it was built in the past. It is our obligation in government and as private citizens to provide work for these people. I was in favor of the Senator's bill to provide work through WPA or any other way. They need work; they don't need to be idle. Let's make these jobs for them. It's better for business to employ them, but business is on the block in a lot of ways. It is my job as a counsellor for the Small Business Administration to talk with a lot of small business people and they are having lots of troubles, like we are, meeting their obligations financially.

Number three is social security. I can think back twenty years ago when lots of old people suffered so much. The County Commissioners' hands were tied. They had no way to take care of the older people. Through social security and this increase we have received this past year and through veterans benefits we're living pretty high on the hog in a lot of this country. A lot of us old people are living much better than our grandparents and our parents did. We're having fun, we're enjoying life thanks to social security and other benefits that we helped to build. But this social security must be geared to the cost of living. I told Carl Albert that and I think we should all tell our representatives that we'd be happy to have a social security increase in keeping with the cost of living. I think that's fair.

Number four, and this has been emphasized but we cannot over-emphasize it. The cost of medical care, all forms of it, has run wild. Too many of our doctors and too many others have taken advantage of what they call easy money and the abusing of privilege and the service of us older people. I think this needs to be controlled. Whatever steps that Congress should take, I think they should take it.

Number five. Older people who have retired should not be forgotten. They are a part of this society. They want to be remembered. They want to have a part in the society. They should be given this privilege of working a little bit if they like to work, doing some kind of a job that they're interested in. Some of them are deeply skilled in a lot of things. They need to be involved in society. Keep them involved. They'll be much better and happier and useful citizens, and it will cost the government a lot less if they are involved, as we are involving them in World War I veterans, the church, in the chambers of commerce, community club activities—all types of involvement will keep them healthy, happy and useful citizens you will be proud of.

Senator HARRIS. Thank you. Mr. Knight's statement was to the point and well stated. He brought up one subject, I believe, for the first time this morning and that's allowing older people to earn whatever they can earn outside of what they receive from social security or whatever. In the Senate Finance Committee this past year I voted for an amendment which was offered by Senator Albert Gore of Tennessee which would have taken off the limit altogether on what older people can earn and let them earn anything they can earn. I think we ought to encourage that for people who can and want to work. That amendment didn't pass, but we did raise considerably, in the bill which was voted on, the amount that can be earned outside of social security and old age assistance without having benefits cut down, and I think that is a step we ought to take.

Now, I want to call on Mrs. Raymith Anderson, also of Holdenville. We appreciate your coming over here.

STATEMENT OF MRS. RAYMITH ANDERSON, DIRECTOR, SENIOR CITIZENS CENTER, HOLDENVILLE, OKLA.

Senator Harris and friends. It is a joy to work with the aging. I am rather new in this work. I've been taught since I was small to respect the aging, but I didn't know their needs. I'm beginning to learn that they have quite a few and we're doing something about that. We have a nice center in Holdenville and we're getting a lot of things done. We have a good program there, educational, lots of activities, but we need some other things. We hope to get some more things done for the aging this next year. It will be a benefit to us all. Thank you.

Senator HARRIS. Thank you very much.

THE COST OF CLEAN WATER

Mr. EAGLETON. Mr. President, the cost of cleaning up the Nation's waterways is a matter of concern to us all. With the Clean Water Restoration Act of 1966, the Congress undertook a significantly increased role in paying these costs. Thus responsible needs estimates are of particular interest to those of us who are to develop clean water financing legislation.

Last year, during hearings on waste treatment facility financing before the Subcommittee on Air and Water Pollution, the Senator from Maine (Mr. MUSKIE) requested the National League of Cities and the U.S. Conference of Mayors to undertake a nationwide survey of local waste treatment facility needs. On February 8, Mayors Roman S. Gribbs of Detroit and Sam Massell of Atlanta appeared before the subcommittee and presented on behalf of NLC and USCM the final results of this survey. The preliminary results of this survey were included in the record last July. I think the final results will be of interest to all Senators.

The survey covered 1,105 cities, counties, and independent sewage treatment agencies serving a combined population of approximately 95 million persons. These communities identified needs of $21.7 billion. The survey also estimated that based on a 5-percent inflation factor and the fact that 45 to 55 million of those persons served by sewers were not covered by the survey, total needs for public expenditures for clean water facilities during the next few years are in the range of $33 to $37 billion.

Mr. President, I ask unanimous consent that the aforementioned study prepared by the National League of Cities and the U.S. Conference Mayors be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

A STUDY OF LOCAL NEEDS FOR WATER POLLUTION CONTROL FACILITIES IN FISCAL YEARS 1971–76

(Prepared by the National League of Cities and U.S. Conference of Mayors)

STUDY BACKGROUND

On April 28, 1970, during testimony of Mayor Robert W. Knecht of Boulder, Colorado and Mayor Carl B. Stokes of Cleveland, Ohio before the Subcommittee on Air and Water Pollution of the Senate Public Works Committee, Senator Edmund S. Muskie, requested NLC and USCM to provide his Committee with such specific information as they could obtain on the extent of local needs for water pollution control facilities in the next six years. To obtain this data, NLC and USCM undertook an extensive survey, sending questionnaires to all state leagues of municipalities and direct member cities of NLC and USCM. In addition, NLC and USCM staff studied local needs data developed by some states and by the Association of Metropolitan Sewerage Agencies, which also prepared a needs report at Senator Muskies request.

As a result of the returns of questionnaires and other material studied, NLC and USCM have obtained data indicating the specific needs for water pollution control facilities in 1105 local communities covering approximately 95 million persons. The combined needs reported by these communities is $21,698,562,256. The needs were broken into three categories by the NLC questionnaire.

1. Needs for Primary and Secondary treatment facilities.
2. Needs for Tertiary treatment facilities.
3. Needs for Interceptor and Storm Sewers, including projected costs of separating storm and sanitary sewers, and/or storing storm water overflows (interceptor sewers are currently eligible for Federal assistance under the Federal Water Pollution Control Act, storm sewers are not).

Replies to NLC and USCM survey indicated that some communities counted interceptor sewer needs as part of their primary and secondary treatment facility costs. The cost breakdown as reported is:

For primary and secondary treatment	$9, 311, 987, 574
For tertiary treatment	4, 100, 386, 533
For interceptor and storm sewer improvement	8, 368, 738, 149

In reply to the third survey question relating to interceptor and storm sewer needs, many cities broke down their responses into various program categories. Identified needs for interceptors and treatment programs for storm water overflows totalled $1,826,877,000 of which $542,377,000 was for interceptor needs and $1,284,500,000 was for storm overflow treatment programs. For separation and improvement of storm sewer systems, identified needs totalled $1,772,125,000. Thus it is certain that a significant portion of the needs listed in the category of storm and interceptor sewers were for interceptor sewers which are currently eligible for aid. The questionnaire did not request any data on sanitary sewer needs, and such sanitary sewer needs data as was supplied was not used.

In addition to the nearly 95 million people covered by the NLC and USCM survey, there are between 45 and 55 million persons living in the United States who are served by sewage treatment works and related facilities or should be so served by 1976. Based on this projection, and recognizing that needs in reporting jurisdictions averaged approximately $220 per capita, we estimate total national needs for state and local water pollution control facilities to be between $30 and $33 billion today. Adding a five percent inflation factor, the total costs to provide these facilities over the next six year period will range from $33 to $37 billion.

There follows a compilation of local pollution control needs by state. Following this is a listing of the needs in individual jurisdictions. Those needs figures followed by (M) are needs figures where the city reporting indicated that it was reporting needs for an area greater than its city limits, those needs figures followed by (AMSA) are gained from the survey prepared for Senator Muskie by the Association of Metropolitan Sewerage Agencies; those needs figures followed by (S) are from surveys prepared in 1970 by state governments. Wyoming is omitted from the survey as no data was provided from Wyoming.

State	Jurisdictions surveyed	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs	Total
Alabama	4	57, 900, 000	43, 700, 000	19, 600, 000	121, 200, 000
Alaska	4	168, 500, 000		40, 000, 000	208, 500, 000
Arizona	5	10, 070, 750	22, 300, 000	31, 264, 000	63, 634, 750
Arkansas	4	7, 100, 000	7, 200, 000	10, 930, 187	25, 230, 187
California	33	579, 362, 000	536, 054, 000	363, 195, 000	1, 478, 611, 000
Colorado	5	27, 000, 000	10, 865, 000	80, 500, 000	118, 365, 000
Connecticut	11	133, 080, 000	14, 500, 000	318, 330, 000	465, 910, 000
Delaware	1	12, 000, 000	8, 000, 000	2, 000, 000	22, 000, 000
Florida	12	236, 973, 260	80, 000, 000	127, 354, 900	444, 328, 160
Georgia	6	88, 200, 000	23, 400, 000	251, 500, 000	362, 600, 000
Hawaii	1	86, 000, 000	32, 000, 000	16, 000, 000	134, 000, 000
Idaho	2	6, 800, 000	22, 600, 000	10, 000, 000	39, 400, 000
Illinois	459	879, 228, 000	322, 800, 000	1, 298, 500, 000	2, 500, 528, 050
Indiana	12	99, 800, 000	62, 000, 000	436, 000, 000	597, 800, 000
Iowa	12	35, 300, 000	6, 000, 000	46, 500, 000	87, 800, 000
Kansas	6	15, 850, 000	16, 750, 000	84, 300, 000	116, 900, 000
Kentucky	3	88, 600, 000	15, 900, 000	110, 200, 000	214, 700, 000
Louisiana	4	44, 175, 000	24, 000, 000	18, 775, 000	86, 950, 000
Maine	5	32, 970, 000	13, 700, 000	38, 400, 000	85, 070, 000
Maryland	3	106, 950, 000	1, 950, 000	6, 000, 000	114, 900, 000
Massachusetts	13	295, 450, 000	29, 500, 000	314, 000, 000	638, 950, 000
Michigan	14	519, 500, 000	54, 500, 000	278, 179, 000	842, 179, 000
Minnesota	7	116, 000, 000	106, 085, 000	213, 800, 000	435, 885, 000
Mississippi	2	34, 950, 000	4, 000, 000	5, 750, 000	44, 700, 000
Missouri	13	366, 005, 500	9, 511, 000	60, 141, 000	435, 657, 500
Montana	2	12, 100, 000		34, 940, 000	47, 040, 000
Nebraska	4	62, 599, 400	3, 160, 000	12, 283, 000	78, 042, 400
Nevada	2	17, 012, 000	19, 406, 000	13, 800, 000	50, 218, 000
New Hampshire	52	168, 785, 600		45, 400, 000	214, 185, 600
New Jersey	9	508, 870, 000	59, 500, 000	108, 155, 000	676, 525, 000
New Mexico	1	12, 415, 000	5, 000, 000	39, 000, 000	56, 415, 000
New York	14	1, 599, 791, 200	2, 075, 700, 000	692, 385, 000	4, 367, 876, 200
North Carolina	8	65, 550, 000	34, 500, 000	47, 475, 000	147, 525, 000
North Dakota	2		850, 000	10, 000, 000	10, 850, 000
Ohio	21	538, 640, 000	59, 500, 000	678, 270, 500	1, 226, 230, 500
Oklahoma	6	75, 676, 750	14, 146, 553	17, 786, 467	107, 609, 770
Oregon	79	108, 161, 000	40, 500, 000	111, 145, 000	259, 933, 000
Pennsylvania	24	941, 740, 000	58, 560, 000	1, 370, 305, 095	2, 370, 605, 095
Rhode Island	2	11, 000, 000	3, 000, 000	6, 000, 000	20, 000, 000
South Carolina	5	58, 250, 000	16, 050, 000	8, 300, 000	82, 600, 000
South Dakota	69	12, 056, 564	4, 300, 000	5, 400, 000	21, 756, 564
Tennessee	3	170, 000, 000	13, 500, 000	170, 000, 000	353, 500, 000
Texas	19	133, 483, 000	130, 975, 000	95, 269, 000	369, 727, 000
Utah	2	1, 200, 000		24, 000, 000	25, 200, 000
Vermont	2	3, 800, 000	3, 300, 000	13, 000, 000	20, 100, 000
Virginia	4	102, 400, 000	1, 000, 000	58, 000, 000	161, 400, 000
Washington	70	340, 074, 900	74, 840, 000	161, 216, 000	576, 130, 900
West Virginia	2	8, 500, 000		38, 500, 000	47, 000, 000
Wisconsin	8	130, 470, 000	15, 234, 000	344, 952, 000	490, 656, 000
District of Columbia	1	181, 700, 000			181, 700, 000
Total	1, 005	9, 311, 987, 574	4, 100, 386, 533	8, 368, 738, 149	21, 698, 562, 256

State	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs
ALABAMA			
Bessemer	6,200,000 (M)	1,700,000 (M)	4,600,000
Birmingham	40,000,000 (M)	30,000,000 (M)	
Huntsville	7,700,000	12,000,000	
Montgomery	—4,000,000		15,000,000.
Total	57,900,000	43,700,000	19,600,000.
Total needs	121,200,000		
ALASKA			
Great Anchorage Area Borough	154,000,000 (30 years).		40,000,000.
Fairbanks	4,500,000 (S) partial estimate.		
Juneau	6,000,000 (S) partial estimate.		
Ketchikan	4,000,000 (S) partial estimate.		
Total	168,500,000		40,000,000.
Total needs	208,500,000		
ARIZONA			
Mesa	875,000	800,000	3,261,000.
Phoenix	6,732,000 (M)	20,500,000 (M-keynote).	20,000,000.
Tempe	(Phoenix)	(Phoenix)	3,673,000.
Tucson	800,000 (AMSA)		
Yuma	1,663,750	1,000,000	4,330,000.
Total	10,070,750	22,300,000	31,264,000.
Total needs	63,634,750		
ARKANSAS			
Fayetteville	No need	2,000,000	2,800,000.
Little Rock	5,700,000	2,500,000	3,630,187.
North Little Rock	900,000	1,200,000	2,500,000.
Pine Bluff	500,00	1,500,000	2,000,000.
Total	7,100,000	7,200,000	10,930,187.
Total needs	25,230,187		
CALIFORNIA			
Bakersfield	1,500,000	800,000	
Buena Park	Orange County district.		4,000,000.
Burbank	1,000,000	800,000	200,000.
Culver City	City of Los Angeles		900,000.
Central Contra Costa Sanitary District.	28,580,000	20,000,000	
Fremont, Newark and Union City.	No need	7,500,000	1,233,000.
Fresno	10,800,000 (M)	7,400.000 (M)	20,000,000.
Glendale	6,000,000	1,000,000	2,000,000.
Hayward	4,400,000	4,500,000	8,000,000.
Los Angeles City	102,500,000 (M)	100,000,000 (M)	62,500,000 (M).
Los Angeles County	100,000,000 (M)	130,000,000 (M)	
Modesto	No need	5,000,000	
Norwalk	Los Angeles County.	Los Angeles County.	1,600,000.
East Bay Municipal Utility District.	40,000,000		30,000,000.
Oceanside	5,978,000	2,254,000	
Orange County	57,000,000 (AMSA)		
Oxnard	9,666,000 (M)	10,000,000 (M)	6,000,000 (M).
Palo Alto	Under contract	5,000,000	Under contract.
Redwood City	6,000,000	4,000,000	No need.
Riverside	No need	4,000,000	1,000,000.
Sacramento	4,000,000	6,000,000	No need.
Salinas	2,800,000	2,000,000	750,000.
San Bernadino		7,000,000	
San Diego	55,000,000	120,000,000 (M)	No need.
San Francisco	89,000,000		200,000,000.
San Jose	30,000,000 (M)	70,000,000 (M)	15,232,000.
San Leandro	1,675,000	300,000	1,500,000.
San Mateo	2,000,000	3,500,000	1,000,000.
Santa Ana	Orange County	Orange County	1,000,000.
Santa Barbara	6,000,000	5,000,000	2,000,000.
Santa Clara	4,429,000	20,000,000	No need.
Santa Rosa	6,234,000		780,000.
South San Francisco	4,000,000		3,500,000.
Total	579,362,000	536,054,000	363,195,000.
Total needs	1,478,611,000		
COLORADO			
Aurora	No need	No need	20,000,000.
Boulder	2,100,000	3,000,000	
Colorado Springs	8,500,000	1,500,000	1,500,000.
Denver	16,400,000 (M)	3,865,000 (M)	29,000,000.
Pueblo	No need	2,500,000	30,000,000.
Total	27,000,000	10,865,000	80,500,000.
Total needs	118,365,000		
CONNECTICUT			
Hartford Metropolis	16,480,000 (M)		80,330,000 (M).
Bridgeport	25,000,000		60,000,000.
Bristol	1,500,000	2,000,000	2,000,000.
Greenwich	200,000	5,000,000	
Meriden	2,000,000	1,000,000	4,000,000.
Middletown	3,500,000		30,000,000.
New Haven	60,000,000		100,000,000.
New London	9,000,000		10,000,000.
Norwalk	5,400,000	5,000,000	25,000,000.
Torrington			4,500,000.
Waterbury	10,000,000	1,500,000	2,500,000.
Total	133,080,000	14,500,000	318,330,000.
Total needs	465,910,000		
DELAWARE			
Dover	12,000,000(M)	8,000,000(M)	2,000,000.
Total needs	22,000,000[1]		
District of Columbia	181,700,000		
Total needs	181,700,000		
FLORIDA			
Daytona Beach	900,000		
Fort Lauderdale	10,000,000	7,000,000	
Hollywood	28,173,260 (M)	10,000,000 (M)	61,904,900 (M).
Jacksonville	75,900,000 (ASMA)		1,150,000 (ASMA).
Key West	4,000,000	No need	300,000.
Lakeland	5,000,000 (M)	1,000,000	5,000,000.
Miami	9,000,000	15,000,000	10,000,000.
Miami Beach	16,000,000	8,000,000	
Panama City	7,000,000	25,000,000 (M)	30,000,000.
Pensacola	20,000,000 (M)	5,000,000 (M)	6,000,000.

Footnotes at end of table.

State	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs
Sarasota	52,000,000 (M)		1,000,000.
West Palm Beach	9,000,000	9,000,000	12,000,000.
Total	236,973,260	80,000,000	127,354,900.
Total needs		444,328,160	
GEORGIA			
Albany	17,600,000 (M)		15,000,000.
Athens	3,000,000	2,000,000	3,000,000.
Atlanta	50,000,000 (M)	20,000,000	200,000,000*.
Augusta	3,000,000		15,000,000.
Brunswick	5,000,000 (M)		2,000,000.
Savannah	9,600,000 (M)	1,400,000 (M)	16,000,000.
Total	88,200,000	23,400,000	251,000,000.
Total needs		362,600,000[2]	
HAWAII			
Honolulu	86,000,000	32,000,000	16,000,000.
Total needs		134,000,000	
IDAHO			
Boise	5,000,000	20,000,000	10,000,000.
Pocatello	1,800,000	2,600,000	
Total	6,800,000	22,600,000	10,000,000.
Total needs		39,400,000	
ILLINOIS			
Aurora			15,000,000.
Bloomington-Normal		1,800,000	5,000,000.
Joliet	10,000,000	20,000,000	30,000,000.
Metro. S.D. of Greater Chicago.	588,000,000	300,000,000	1,230,000,000.
North Shore Sewer District	73,000,000 (S)		
Rock Island	2,000,000	1,000,000	12,000,000.
Rockford Sanitary District	5,000,000		6,500,000.
452 localities listed below	201,228,050		
Total	879,228,000	322,800,000	1,298,500,000.
Total needs		2,500,528,050	

452 localities and needs figures

Abington	$358, 000
Addison	825, 000
Albion	66, 000
Aledo N	40, 800
Aledo S	35, 700
Alexis	22, 000
Algonquin	200, 000
Alhambra	15, 000
Allendale N	5, 400
Alpha	15, 300
Altamont Lagoon	140, 500
Altamont SW	33, 000
Amboy	11, 000
Andalusia	4, 400
Anna	863, 000
Arcola	50, 000
Arenzville	15, 500
Arthur	46, 000
Ashland	5, 500
Ashton	25, 500
Assumption	7, 700
Astoria	109, 000
Atlanta	87, 500
Atwood	33, 000
Auburn	231, 000
Augusta	25, 000
Ava	16, 500
Aviston	17, 500
Avon	25, 500
Baldwin	8, 250
Bardolph	50, 000
Barrington	1, 192, 500
Barry	7, 700
Barteiso	12, 500
Batavia	1, 344, 000
Beckemeyer	27, 500
Belleville S.D	950, 000
Belleville No. 3	17, 500
Bement	44, 000
Benld	45, 000
Bensenville	220, 000
Benton	192, 500
Bethany	30, 250
Bloomingdale	41, 250
Bluffs	3, 850
Bradford	25, 000
Bradley	1, 097, 000
Breese	105, 000
Bridgeport	12, 000
Brighton	80, 600
Brookport	6, 600
Brownstown	15, 000
Bunker Hill	37, 500
Bushnell	320, 000
Cairo	1, 253, 000
Cambridge	38, 200
Camp Point	6, 000
Campbell Hill	5, 500
Canton	1, 136, 200
Carbondale	2, 491, 500
Carlinville	130, 000
Carlyle	$16, 000
Carmi	707, 000
Carpentersville	470, 000
Carrier Mills	11, 000
Carrollton	13, 750
Carthage	700, 000
Cary	1, 580, 000
Casey No. 1	82, 500
Casey No. 2	482, 500
Catlin	244, 000
Cedar Point	8, 250
Centralia	2, 271, 500
Chadwick	3, 300
Chester	290, 000
Chrisman	113, 000
Christopher	82, 000
Cisne	3, 300
Clay City	115, 500
Coal City	15, 500
Cobden	25, 000
Coffeen	2, 750
Colchester	58, 700
Collinsville	4, 300, 000
Columbia	16, 500
Coulterville	27, 500
Cowden	13, 750
Creal Springs	19, 250
Crossville	69, 400
Crystal Lake	5, 403, 000
Cuba	35, 700
Cutler	11, 000
Danvers	22, 000
DeSoto	19, 250
Delevan	33, 200
Dix	1, 100
DuPage County	1, 705, 000
DuQuoin	35, 750
Dupo	200, 000
East Dubuque	185, 000
East Dundee	400, 000
East Moline	1, 500, 000
Earlville	38, 500
East St. Louis	5, 500, 000
Edinburg	25, 500
Edwardsville	310, 000
Effingham	2, 975, 000
Elburn	180, 000
Eldorado	96, 200
Elizabeth	270, 000
Elizabethtown	35, 000
Elkville	20, 000
Ellis Grove	5, 500
Elmhurst	2, 700, 000
Energy	13, 750
Enfield A	22, 000
Enfield B	24, 750
Eureka	500, 000
Evansville	57, 200
Fairbury	240, 000
Fairfield	590, 000
Farina STW	3, 300
Farina West	12, 000
Farmer City	187, 000
Farmersville	$12, 750
Farmington	76, 500
Fayetteville	1, 100
Flat Rock	13, 750
Flora	495, 000
Forreston	28, 000
Fox Lake	143, 000
Fox River Grove	150, 000
Freeburg Lagoon	35, 000
Fulton	240, 000
Galva N	266, 500
Galva SW	51, 000
Geneseo	525, 000
Geneva	2, 250, 000
Geroa East	100, 000
Georgetown	350, 000
Germantown	25, 000
Gibson City	318, 000
Gillespie	19, 250
Gilman	171, 750
Girard	147, 000
Glasford	25, 500
Glen Carbon	20, 000
Glen Ellyn	2, 615, 000
Glendale Heights	850, 000
Godfrey Twnsp	95, 500
Golconda	4, 400
Grafton	150, 000
Grand Tower	5, 000
Greenup	138, 500
Greenville	100, 000
Hamel	2, 200
Hamilton	185, 000
Hampshire	32, 000
Hanna City	96, 000
Hanover	37, 700
Harrisburg	1, 250, 000
Hartford	150, 000
Hebron	100, 000
Hecker	8, 250
Herrin	822, 000
Highland	125, 000
Hillsboro	105, 100
Homer	187, 500
Homewood	415, 500
Heyworth	50, 000
Hoopeston	566, 500
Hoyleton	11, 000
Hull	3, 000
Huntley	63, 000
Hurst	22, 000
Hutsonville	35, 750
Olava	52, 000
Jerseyville (Swg. Wks.)	55, 000
Johnson City	110, 000
Joy	12, 750
Karnak	65, 000
Keithsburg	65, 500
Kenney	2, 200
Kincaid	38, 250
Kinmundy	22, 000
Kirchhoefer	4, 000

---

[1] The State of Delaware estimat es total needs for the next 6 years at $82,000,000.

[2] This program not now contemplated because of high expense involved.

Kirkland	$25,000
Knoxville	233,750
LaSalle	1,000,000
Ladd	30,600
Lake County–Vickry Man	30,000
Lake in the Hills	265,000
Lake Villa	250,000
Lanark	38,250
Lansing	1,260,000
Lawrenceville	356,000
Leaf River	12,750
Lena	38,250
Lewistown	55,000
Lexington	176,000
Leroy	500,000
Lincolnshire	180,000
Litchfield	180,000
Livingston	217,000
Louisville	5,000
Lovington	33,000
Mackinaw	28,000
Mahomet	120,000
Manhattan	33,000
Manteno	70,000
Maquon	2,000
Marine	5,000
Marion	2,000,000
Marissa	50,000
Maroa	102,000
Marseilles	410,000
Marshall	490,000
Martinsville	35,000
Maryville	17,500
Mascoutah	115,000
Mason City	51,500
Mathersville	15,300
Mattoon	1,931,000
McHenry	264,000
McLean	20,000
McLeansboro	270,000
Mendon	18,000
Mendota	25,000
Metropolis	1,250,000
Milford	1,400,000
Milledgeville	30,600
Millstadt	45,000
Minonk	183,000
Mokena	46,000
Moline	3,600,000
Momence	186,000
Monmouth	900,000
Monticello	785,750
Morrison	348,500
Morrisonville	130,000
Morton	560,000
Mound City	110,000
Mounds	49,500
Moweaqua	1,180,000
Mt. Carroll	50,000
Mt. Morris	76,500
Mt. Olive	115,700
Mt. Pulaski	42,000
Mt. Sterling	86,000
Mulberry Grove	3,850
Mundelein	200,000
Murphysboro	655,000
Naperville	2,600,000
Nashville	151,500
Neoga	112,200
New Athens	42,500
New Baden	42,500
Nokomis	60,000
Oak Grove Park	41,000
Naplate	110,000
Oblong	200,000
Odin	86,000
Oglesby	115,500
Okawville	24,750
Olmsted	35,000
Olney	50,000
Oneida	51,000
Oakwood	300,000
Orion	30,000
Oswego	138,000
Ottawa	1,343,000
Palestine	35,000
Pana	400,000
Paris	$900,000
Paxton	150,000
Payson	12,500
Pekin	3,600,000
Percy	22,000
Petersburg	12,650
Pinckneyville	415,000
Pittsfield	100,000
Pocahontas	22,000
Polo	63,750
Pontiac	3,675,000
Pontoon Beach	52,750
Popler Grove	125,000
Princeton	470,000
Princeville	30,600
Quincy	288,400
Ramsey	20,000
Rankin	22,000
Rantoul	1,500,000
Raymond	102,000
Red Bud	324,000
Richmond	71,500
Richton Park	98,250
Ridge Farm	100,000
Ridgeway	25,500
Robinson	247,500
Rochelle	916,000
Rochester	110,000
Romeoville	187,000
Roodhouse	250,000
Roseville	25,500
Rosiclaire	120,000
Rossville	1,500,000
Roxana	132,000
Royalton	6,600
Rushville	418,000
St. Anne	400,000
St. Elmo	42,500
St. Jacob	12,500
St. Peter	7,500
Salem	176,000
Sandoval	120,750
Sauget	5,000,000
Savanna	327,000
Savoy	10,000
Seneca	121,500
Sesser	158,700
Shabbona	36,500
Shannon	18,000
Shawneetown	1,714,000
Shelbyville	448,000
Sherrard	18,000
Sibley	130,000
Silvis	1,750,000
Smithton	16,500
Sparta	293,500
St. Charles	444,000
Staunton	105,000
Steelville	41,200
Sterling	1,000,000
Stillman Valley	3,000
Stockton	51,000
Streator	110,000
Sullivan	39,200
Sumner	139,000
Swansea	25,000
Sycamore SW	200,000
Tamms	2,800
Tampico	18,000
Taylor Springs	2,800
Taylorville	1,200,000
Teutopolis	32,500
Tolono	1,200,000
Tilden	22,500
Tilton	246,500
Toledo	27,500
Toluca	107,150
Toulon	30,000
Tremont	38,250
Trenton	52,500
Troy SW	42,500
Utica	71,500
Valier	97,000
Valmeyer	18,000
Vandalia	27,500
Villa Grove	213,250
Viola	18,000
Virginia STW	110,000
Wamac	7,150
Warren	$40,800
Warsaw	10,450
Washington	507,000
Wataga	13,100
Waterloo (Sunset)	7,700
Waterman	228,000
Watseka	470,600
Wauconda	315,000
Waverly	35,000
Wayne City	35,750
West Dundee	178,000
West Frankfort	847,500
West Salem	29,250
White Hall	75,000
Williamsville	110,000
Willisville	13,750
Wilmington	342,000
Winchester	8,800
Windsor	93,500
Winnebago	152,000
Witt	6,000
Wood River	940,000
Wyanet	25,000
Wyoming	138,000
Yates City	17,900

Additional localities and needs figures

Albany	$4,400
Ashley	15,000
Bethalto N	45,000
Bethalto NW	5,000
Bloom Township	3,300,000
Bonnie Brae	200,000
Brimfield	15,500
Cahokia (ESLSD)	2,500,000
Caseyville Twp. NE	95,000
Caseyville Twp. SW	45,000
Central City	38,500
Clearview	11,000
Clinton	631,000
Creve Coeur	495,000
Danville	4,800,000
DeKalb	300,000
Decatur (Skoville Park)	5,500
Decatur (Main)	4,219,000
Downers Grove #2	300,000
Durand	21,600
Elgin-S	13,800,000
Elgin-N	1,400,000
Franklin Grove	18,000
Galesburg (L. Rice)	500
Good Hope	7,650
Highland Hills	49,850
Hinsdale	150,000
Irvington	2,000
Joppa	40,000
Landsdowne (ESLSD)	2,481,000
Hoffman (Swg. Wks.)	8,000
Lou-Del	13,750
Newark	15,000
North Elmhurst	171,200
Noble	19,250
Norris City	113,000
Oak Highlands	5,500
Patoka	16,500
Paw Paw	3,850
Port Byron	26,000
Salt Creek	1,800,000
Seward	5,500
Sheridan	30,000
South Roxana	30,000
Springfield-Byp. Lag	220,000
Springfield	8,000,000
Stookey Twp.-Dorchester	2,750
Stookey Twp.-AR No. 1	52,500
Stookey Twp.-AR Nos. 2–3	20,000
Stookey Twp.-AR Nos. 4–5	110,000
Stookey Twp.-AR Nos. 6–7	45,000
Urbana-Champaign (New)	3,200,000
Urbana-Champaign (Lake)	25,500
Urbana-Champaign (Main)	3,712,500
Vienna	93,500
Virden	310,000
Westville-Belgm	467,500
Wheaton	715,000
Woodhull	4,000
Yorkville-Bristol	96,000
Rockton	174,000

State	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs
INDIANA			
Gary	6,000,000	6,000,000	128,000,000.
Elkhart	6,300,000		15,000,000.
Evansville	9,000,000		3,000,000.
Fort Wayne	10,000,000	1,000,000	41,000, 000.
Indianapolis	25,000,000 (M)	35,000,000 (M)	100,000,000.
Kokomo	4,500,000	5,000,000 (M)	6,000,000.
Mishawaka	25,000,000	5,000,000	2,000,000.
New Albany	3,000,000	2,000,000	10,000,000.
Richmond	2,500,000		2,000,000.
Terre Haute			2,000,000.
South Bend	3,500,000	2,000,000	55,000,000.
Muncie Sanitation District	5,000,000	6,000,000	72,000,000.
Total	99,800,000	62,000,000	436,000,000.
Total needs	597,800,000		
IOWA			
Bettendorf	10,000,000		
Clinton			
Davenport			
Fort Madison			
Keokuk			
Muscatine			
Burlington	10,000,000		
Council Bluffs			
Sioux City			
Cedar Rapids	10,000,000	5,000,000	20,000,000.
Des Moines	5,000,000		25,000,000.
Mason City	300,000	1,000,000	1,500,000.
Total	35,300,000	6,000,000	46,500,000.
Total needs	87, 800, 000		
KANSAS			
Hutchinson	350,000		2,500,000.
Kansas City	10,000,000		30,000,000.
Lawrence	1,500,000	750,000	800,000.
Leavenworth		3,000,000	15,000,000.
Topeka	4,000,000		6,000,000.
Wichita		13,000,000	30,000,000.
Total	[1] 15,850,000	16,750,000	84,300,000.
Total needs	116,900,000.		
KENTUCKY			
Ashland	10,600,000(M)	12,900,000(M)	6,200,000(M).
Bowling Green	2,000,000	3,000,000	15,000,000.
Louisville	76,000,000(M)		89,000,000.
Total	88,600,000	15,900,000	110,200,000.
Total needs	214,700,000		
LOUISIANA			
Baton Rouge	4,500,000(M)	10,000,000(M)	3,000,000.
Lafayette	3,125,000(M)	2,000,000(M)	6,875,000.
New Orleans	24,550,000	12,000,000	8,900,000.
Shreveport	12,000,000		
Total	44,175,000	24,000,000	18,775,000.
Total needs	36, 950,000		
MAINE			
Brunswick	350,000		750,000.
Lewiston	7,500,000	12,000,000	15,100,000.
Portland	7,000,000	200,000	16,000,000.
Presque Isle	1,000,000	500,000	500,000.
Rockland	4,000,000		2,000,000.
Rumford	10,620,000	1,000,000	250,000.
South Portland	2,500,000		4,000,000.
Total	32,970,000	13,700,000	38,400,000.
Total needs	[2] 85,070,000		
MARYLAND			
Baltimore	106,950,000 (AMSA)		
Bowie		450,000	
Salisbury		1,500,000	6,000,000.
Total	106,950,000	1,950,000	6,000,000.
Total needs	114,900 000		
MASSACHUSETTS			
Boston (Metropolitan District Commission).	26,950,000 (AMSA)		287,500,000 (AMSA).
Fitchburg	20,000,000		10,000,000.
Haverhill	20,000,000 (S)		
Lawrence	35,000,000		
Lowell	37,000,000 (S)		
New Bedford	12,000,000	12,000,000	2,000,000.
Newton			500,000.
Pittsfield	No need	4,000,000	No need.
Quincy	1,000,000		3,000,000.
Revere	1,500,000	500,000	1,000,000.
South Essex	58,000,000 (S)		
Springfield	40,000,000 (S)	13,000,000	10,000,000.
Worcester	44,000,000 (S)		
Total	295,450,000	29,500,000	[3] 314,000,000.
Total needs	638,950,000		
MICHIGAN			
Bay City		9,000,000	15,000,000.
Detroit	412,400,000 (AMSA)		96,000,000 (AMSA).
East Lansing	200,000	10,000,000	300,000.
Flint	12,000,000	3,000,000	3,700,000.
Grand Rapids	13,500,000 (M)	6,000,000 (M)	24,500,000.
Jackson	2,000,000 (M)	2,000,000 (M)	16,000,000 (M).
Lansing	5,000,000	7,500,000	10,000,000.
Livonia	Detroit	Detroit	13,500,000.
Muskegon	11,000,000	4,000,000	3,000,000.
Pontiac	7,000,000	3,000,000	50,000,000.
Port Huron	9,500,000		19,700,000.
Saginaw	19,400,000		13,500,000.
Southgate	20,000,000		8,000,000.
Warren	Detroit Metro. System.	10,000,000	3,000,000.
Wyoming	7,500,000		1,979,000.
Total	519,500,000	54,500,000	278,179,000.
Total needs	842,179,000		
MINNESOTA			
Albert Lea	1,000,000	285,000	
Austin	3,000,000	1,500,000(M)	500,000.
Duluth	7,000,000	200,000	2,000,000.
Minneapolis/St. Paul Sanitary District	100,000,000	100,000,000	200,000,000.
Richfield			3,100,000.
St. Cloud	5,000,000	1,000,000	10,000,000.
Winona		3,100,000	
Total	116,000,000	106,085,000	213,800,000.
Total needs	435,885,000		
MISSISSIPPI			
Hattiesburg	500,000		
Jackson	34,000,000	4,000,000	2,750,000.
Pascagoula	450,000		3,000,000.
Total	34,950,000	4,000,000	5,750,000.
Total needs	44,700,000		
MISSOURI			
St. Louis M.S.D	86,300,000 (AMSA)		
Columbia	5,000,000 (S)		
Cape Girardeau	1,000,000 (S)		
Hannibal	4,000,000 (S)		
Independence	10,316,750	3,077,000	30,524,000.
Jackson County	100,000,000 (S)		
Jefferson City	1,250,000		250,000.
Joplin	2,513,750	1,234,000	2,585,000.
Kansas City	128,800,000 (AMSA)		
North Kansas City	3,000,000 (S)		
St. Charles	2,200,000		
St. Joseph	18,000,000 (S)		
Springfield	3,625,000	5,200,000	26,782,000.
Total	366,005,500	9,511,000	60,141,000.
Total needs	435,657,500		
MONTANA			
Billings	7,000,000		30,000,000.
Great Falls	5,100,000		4,640,000.
Total	12,100,000		34,940,000.
Total needs	47,040,000		
NEBRASKA			
Hastings	500,000	160,000	410,000.
Lincoln	11,755,000	3,000,000	7,562,000.
Norfolk	Construction underway.		
Omaha	50,344,400 (M)		4,311,000.
Total	62,599,400	3,160,000	12,283,000.
Total needs	78,042,400		
NEVADA			
Las Vegas	12,012,000 (M)	17,406,000 (M)	6,800,000.
Reno	5,000,000 (M)	2,000,000 (M)	7,000,000.
Total	17,012,000	19,406,000	13,800,000.
Total needs	50,218,000		
NEW HAMPSHIRE			
Allenstown-Pembroke	2,100,000 (S)		
Bath	400,000 (S)		
Belmont	575,000 (S)		
Bennington	1,800,000 (S)		
Berlin	35,000,000		
Bethlehem	1,000,000 (S)		
Charlestown	260,000 (S)		
Claremont	7,000,000		
Concord	10,500,000		

State	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs
NEW HAMPSHIRE			
Conway	650,000 (S)		
Dover	3,500,000		
Durham	1,400,000 (S)		
Enfield	1,800,000 (S)		
Epping	1,200,000 (S)		
Farmington	1,110,000 (S)		
Franklin	3,000,000		
Greenville	1,000,000(S)		
Haverhill-Woodsville	1,100,000 (S)		
Henniker	800,000 (S)		
Hillsborough	1,715,000 (S)		
Hinsdale	4,900,000 (S)		
Hopkinton	1,700,000 (S)		
Hudson	3,900,000 (S)		
Jaffrey	200,000 (S)		
Lancaster	4,050,000 (S)		
Lebanon	3,400,000		
Lisbon	875,000 (S)		
Manchester	27,500,000		40,000,000.
Marlborough	1,200,000 (S)		
Milford	2,800,000 (S)		
Milton	700,000 (S)		
Nashua	11,500,000		5,400,000.
New Castle	1,200,000 (S)		
Newfields	600,000 (S)		
Newport	2,000,000 (S)		
Northumberland	700,000 (S)		
Ossipee	100,000 (S)		
Peterborough	2,700,000 (S)		
Pittsfield	1,190,000 (S)		
Portsmouth	1,500,000		
Rye	4,300,000 (S)		
Somersworth	4,500,000		
Stewartstown	350,000(S)		
Stratford	180,000(S)		
Sunapee	1,850,000(S)		
Tilton-Northfield	2,215,000(S)		
Troy	750,000(S)		
Warner	550,000(S)		
Walpole-Number Walpole	1,500,000(S)		
Whitefield	1,065,600(S)		
Wilton	700,000(S)		
Winchester	1,500,000(S)		
Total	168,785,600	0	45,400,000.
Total needs	214,185,600		
NEW JERSEY			
Bloomfield			1,500,000.
Camden	24,000,000(M)	40,000,000(M)	60,000,000.
Hoboken	80,000,000(M)	8,000,000	20,000,000.
Linden Roselle Southern District.	12,370,000	10,000,000	
Middlesex County	90,000,000		
Paterson	Passaic Valley Sewage Commission.	Passaic Valley Sewage Commission.	20,000,000.
Passaic Valley Sewage Commission.	300,000,000		
Perth Amboy	2,500,000	1,500,000	5,000,000.
Plainfield			1,665,000.
Total	508,870,000	59,500,000	108,155,000.
Total needs	676,525,000		
NEW MEXICO			
Alameda	200,000		
Alamogordo	250,000		
Albuquerque	2,500,000	5,000,000 (M)	39,000,000.
Anapra	100,000		
Anton Chico	100,000		
Aztec	50,000		
Bloomfield	100,000		
Carlsbad	20,000		
Chama	100,000		
Clovis	250,000		
Cordova	150,000		
Dexter	40,000		
Dulce (Jicarilla Apache Tribe).	125,000		
Farmington	225,000		
Flora Vista	50,000		
Fort Sumner	100,000		
Gallup	250,000		
Gamerco	25,000		
Grants	250,000		
Hatch	40,000		
Hurley	50,000		
Kirtland	120,000		
Jamez Springs	100,000		
Las Vegas	200,000		
Lemiter	80,000		
Lordsburg	375,000		
Loving	40,000		
Madrid	75,000		
Mora	20,000		
Moriarty	50,000		
Otis	100,000		
Penasco	90,000		
Portales	80,000		
Queste	220,000		
Raton	100,000		
Reserve	50,000		
Rincon	80,000		
Roy	100,000		
Ruidoso Downs	120,000		
Sandoval	70,000		
San Rafael	70,000		
Sante Fe	200,000		
Santa Rita	50,000		
Socorro	80,000		
Tatum	100,000		
Texico	75,000		
Thoreau	25,000		
Tierra Amarilla	70,000		
Truth or Consequences	100,000		
Vaughn	150,000		
Total	12,415,000	5,000,000	39,000,000
Total needs	56,415,000		
NEW YORK			
Albany	36,600,000	10,000,000	22,000,000.
Auburn	4,735,000 (M)		7,500,000.
Buffalo	77,000,000	3,000,000	50,000,000.
Elmira	11,906,200		8,000,000.
New York City	1,300,000,000	1 900,000,000	300,000,000.
Niagara Falls	27,000,000	8,000,000	65,000,000.
North Tonawanda			15,000,000.
Poughkeepsie	9,000,000	2,500,000	4,000,000.
Rochester	50,000,000	150,000,000	175,000,000.
Rome	5,090,000	2,200,000	3,230,000.
Schenectady	21,000,000 (M)		16,000,000.
Utica			9,000,000.
Watertown	2,000,000		2,655 000.
Yonkers	55,500,000		5,000,000.
Total	1,599,791,200	2,075,700,000	692,385,000.
Total needs	4,367,876,200		
NORTH CAROLINA			
Metropolitan Sewer District of Buncombe County.	4,000,000	1,000,000	20,000,000.
Charlotte	7,000,000	7 000,000	20,000,000.
Durham	No need	4,000,000	No Need.
Fayetteville	8 000 000 (M)	2,000,000	5,000,000 (M).
Greensboro	1,000 000	3,000,000	750,000.
Raleigh	38,000,000	15,000,000	
Salisbury	1,200,000	2,000,000	850,000.
Winston-Salem	6,350,000	500,000	875,000.
Total	65,550,000	34,500,000	47,475,000.
Total needs	147,525,000		
NORTH DAKOTA			
Fargo		750,000	10,000,000.
Jamestown		100,000	
Total		850,000	10,000,000.
Total needs	10,850,000		
OHIO			
Akron	20,000,000	10,000,000	80,000,000.
Canton	21,690,600	6,400,000	45,000,000.
Metropolitan Sewer District of Greater Cincinnati	96,600,000 (AMSA)		11,500,000 (AMSA).
Columbus	69,000,000 (AMSA)		
Cleveland Heights	(City of Cleveland)	(City of Cleveland)	6,000,000.
Cleveland (next 4 yrs. only)	[4] 217,896,000		266,920,000.
Dayton	5,750,000		
Elyria	800,000	3,000,000	2,000,000.
Euclid	8,000,000		30,000,000.
Garfield Heights	150,000	100,000	8,625,000.
Hamilton	7,000,000 (M)	7,500,000 (M)	1,000,000.
Marion	6,000,000	1,000,000	4,000,000.
Middletown	7,250,000		
Montgomery County	10,000,000	20,000,000	4,582,500.
Newark	Under construction	500,000	6,280,000.
Sandusky	3,400,000	6,000,000	75,000,000.
Steubenville	1,000,000		500,000.
Toledo	21,000,000 (M)	1,500,000 (M)	100,000,000.
Warren	5,000,000	2,000,000	3,000,000.
Youngstown	34,000,000 (M)		20,300,000 (M).
Total	538,640,000	59,500,000	678,270,500.
Total needs	1,226,230,500		
OKLAHOMA			
Lawton	500,000	3,500,000	5,000,000.
Midwest City	5,500,000	500,000	5,000,000.
Norman	1,000,000	650,000	3,000,000.
Oklahoma City	58,700,000 (AMSA)		2,000,000 (AMSA).
Shawnee	576,750	496,553	286,467.
Tulsa	9,400,000	9,000,000	7 000,000.
Total	75,676,750	14,146,553	17,786,467.
Total needs	107,609,770		
OREGON			
Adrian	30,000(S)		
Arch Cape	138,000(S)		
Arlington	200,000(S)		
Astoria	4,908,000(S)		
Aumsville	80,000(S)		
Aurora	50,000(S)		

State	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs
OREGON—Cont.			
Barlow	85,000(S)		
Bay City	262,000(S)		
Bridal Veil	50,000(S)		
Brookings	300,000(S)		
Bunker Hill Sewer District	200,000(S)		
Cannon Beach	337,000(S)		
Canyon City-John Day	250,000(S)		
Clackamas Co. Sewer District No. 1	6,685,000(S)		
Clatskanie	200,000(S)		
Columbia City	100,000(S)		
Coos Bay-Empire	700,000 (S)		
Coquille	250,000 (S)		
Eastside	150,000 (S)		
Echo	150,000 (S)		
Eugene-Springfield, Lane County.	2,100,000	30,000,000 (by 1990)	9,740,000.
Florence	220,000 (S)		
Gardiner	80,000 (S)		
Garibaldi	350,000 (S)		
Gilchrist	150,000 (S)		
Gleneden	230,000 (S)		
Gold Beach	300,000 (S)		
Grande Ronde	60,000 (S)		
Grants Pass	1,850,000 (S)		
Gresham	750,000 (S)		
Hammond	250,000 (S)		
Hood River	1,000,000 (S)		
Island City	40,000(S)		
Josephine County (Redwood)	914,000(S)		
Klamath Falls	915,000	500,000	1,000,000.
Lexington	100,000(S)		
Long Creek	50,000(S)		
Lane County	1,300,000(S)		
Madras	206,000(S)		
Manzanita	90,000(S)		
Mapleton	50,000(S)		
McNary	150,000(S)		
Mosier	47,000(S)		
Mount Vernon	148,000(S)		
Myrtle Point	350,000(S)		
Netarts-Oceanside SD	350,000(S)		
North Bend	750,000(S)		
Nyssa	250,000(S)		
Pacific City	125,000(S)		
Pendleton	75,000(S)		
Philomath	507,000 (S)		
Portland	24,150,000 (AMSA)		98,900,000 (AMSA).
Port of Portland (Airport)	50,000 (S)		
Rainier	300, 000 (S)		
Redmond	500, 000 (S)		
Richland	50,000 (S)		
Rockaway	125,000 (S)		
Rogue River	120,000 (S)		
St. Helens	2,500,000 (S)		
Salem	6,000,000	10,000,000	600,000.
Sandy	350,000 (S)		
Scappoose	637,000 (S)		
Scotts Mills	52,000 (S)		
Seaside	75,000 (S)		
Seneca	50,000 (S)		
Siletz	90,000(S)		
The Dalles S·T.P	910,000(S)		
Tri-City S.D	407,000(S)		
Turner	65,000(S)		
Umatilla	200, 000(S)		
Union	110, 000(S)		
Unified Sewerage Agency (Portland Metro. Area)	41, 315, 000(S)		
Waldport	200, 000(S)		
Wasco	75, 000(S)		
Wheeler	170, 000(S)		
Wilsonville	400, 000(S)		
Yachats	218, 000(S)		
Vernonia	160, 000(S)		
Total	108, 161, 000	40, 500, 000	111, 145, 000.
Total needs		[1] 259, 933, 000	
PENNSYLVANIA			
Allegheny County Pittsburgh	56,000,000 (AMSA)		115,000,000 (AMSA).
Allentown	10,000,000	30,000,000	15,000,000.
Altoona	2,000,000	2,000,000	5,000,000.
Arnold			300,000.
Bethlehem	4,000,000	2,500,000	1,500,000.
Bradford Sanitary Authority	1,270,000		
Chester	5,300,000	2,000,000	3,000,000.
Easton	4,200,000	350,000 (M)	1,650,000.
Franklin	2,300,000 (M)	300,000	3,000,000.
Greensburg	1,800,000	200,000	500,000.
Harrisburg	4,000,000	1,000,000	1,300,000.
Lancaster	11,000,000	10,000,000 (M)	60,000,000.
Monessen and Donora	8,020,000	500,000	
Monongahela	1,000,000	500,000	3,000,000.
McKeesport	3,600,000 (M)	250 000	
Oil City	1,200,000	300,000	3,000,000.
Philadelphia and Delaware (River Basin Commission service area).	793,500,000 (AMSA).		1,150,000,000 (AMSA).
Pottsville	6,945,000	750,000	1,680,000.
Reading	1,500,000	1,000,000	1,350,000.
Shamokin	3,205,000		1,075,095.
Sharon	1,000,000		150,000.
Sunbury	1,900,000		800,000.
Wilkes-Barre	10,000,000		
York	8,000,000	4,500,000 (M)	3,000,000.
Total	941,740,000	58,560,000	1,370,305,095.
Total needs		2, 370, 605, 095	
RHODE ISLAND			
East Providence	6,000,000		3,000,000.
Woonsocket	5,000,000	3,000,000	3,000,000.
Total	11,000,000	3,000,000	6,000,000.
Total needs		20,000,000	
SOUTH CAROLINA			
Charleston	35,000,000 (M)	10,000,000 (M)	
Columbia	14,000,000	2,250,000	
Florence	2,250,000	1,800,000	6,300,000.
Rock Hill	6,000,000	2,000,000	2,000,000.
Spartanburg	1,000,000		
Total	58,250,000	16,050,000	8,300,000.
Total needs		82,600,000	
SOUTH DAKOTA			
Arlington	74,000		
Alcester	25,000		
Ashton	20,000		
Astoria	44,119		
Aurora	18,000		
Blunt	34,000		
Bradley	50,000		
Brookings	300,000	700,000 (M)	1,200,000.
Carthage	27,000		
Claire City	18,000		
Chamberlain	100,000		
Castlewood	20,000		
Columbia	10,500		
Corona	28,000		
Corson	7,000		
Custer	232,000		
Crooks Sanitary District	21,750		
Dell Rapids	37,000		
DeSemet	69,000		
Dupree	21,000		
Eden	14,000		
Elkton	51,000		
Ethan	67,300		
Egan	60,000		
Gary	34,000		
Garden City	30,000		
Harrisburg	22,000		
Hill City	100,000		
Herreid	37,000		
Hot Springs	674,000		
Hoven	85,900		
Hudson	61,000		
Iroquois	42,000		
Kenstone-Mount Rushmore Sanitary District.	1,200,000		
Lead-Deadwood Sanitary District	5, 000, 000		
Lesterville	27, 750		
Lewis and Clark Sanitary District.	116, 000		
Menno	41, 000		
Midland	16, 000		
Mitchell	139, 000		
Mobridge	120, 000		
Nisland	22, 000		
North Souix City	124, 515		
Oacoma	41, 000		
Olivet	15, 600		
Pierre	300, 000		
Platte	82, 600		
Ramona	24, 000		
Rapid City	500,000	1,500,000	1,500,000.
Raymond	30,000		
Sioux Falls	600,000	2,100,000	2,700,000.
Spearfish	210,000		
Spearfish Valley, S.D	40,000		
St. Lawrence	31,000		
Timber Lake	31,000		
Trent	25,000		
Vivian	34,200		
Volin	17,500		
Wakonda	26,400		
Waubay	60,000		
Wentworth	30,000		
Wolsey	41,000		
Willow Lake	44,000		
Wessington	58,000		
White	21,000		
Watertown	120,000		

Footnotes at end of table.

State	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs
SOUTH DAKOTA—Cont.			
Yankton	400,000		
Custer State Park Stockade Campground.	25,000		
Custer State Park Legion Lake.	10,000		
Total	12,056,564	4,300,000	5,400,000.
Total needs		21,756,564	
TENNESSEE			
Chattanooga	5,000,000	1,500,000	20,000,000.
Nashville	25,000,000	12,000,000	150,000,000.
Memphis	140,000,000		
Total	170,000,000	13,500,000	170,000,000.
Total needs		[6] 353,500,000	
TEXAS			
Abilene	3,000,000	2,000,000	4,000,000.
Amarillo	223,000	3,000,000	
Austin	6,000,000	4,000,000	20,000,000.
Corpus Christi	2,500,000	4,125,000	5,169,000.
Dallas	46,000,000 (M)	13,150,000	10,000,000.
El Paso	2,750,000		10,000,000.
Fort Worth	26,500,000 (M)	39,000,000	7,000,000.
Galveston	6,350,000	2,000,000	
Garland	6,300,000	1,200,000 (M)	
Houston	20,700,000 (AMSA)		1,200,000.
Lubbock		10,000,000	5,000,000.
Midland	2,250,000	2,500,000	250,000.
Pasadena	2,600,000	2,000,000	4,000,000.
San Antonio		30,000,000	15,000,000.
Texarkana	3,800,000 (M)	3,500,000 (M)	2,400,000.
Texas City	3,500,000	3,500,000	2,000,000.
Tyler	2,000,000 (M)	5,000,000	1,750,000.
Waco	1,000,000	2,000,000	5,000,000.
Wichita Falls		4,000,000	2,500,000.
Total	133,483,000	130,975,000	95,269,000.
Total needs		369, 727, 000	
UTAH			
Provo	1,200,000		4,000,000.
Salt Lake City			20,000,000.
Total	1,200,000		24,000,000.
Total needs		25, 200, 000	
VERMONT			
Brattleboro	800,000	300,000	1,000,000.
Burlington	3,000,000	3,000,000	12,000,000.
Total	3,800,000	3,300,000	13,000,000.
Tota' needs		20,100,000	
VIRGINIA			
Fairfax County	71,500,000		
Hampton Roads			
Sanitation District	20,000,000		40,000,000.
Roanoke	5,000,000	1,000,000	10,000,000.
Richmond	5,900,000		8,000,000.
Total	102,400,000	1,000,000	58,000,000.
Total needs		161,400,000	
WASHINGTON			
Aberdeen	1,230,400 (S)		
Anacortes	267,900 (S)		
Annapolis S.D	60,000 (S)		
Asotin	69,000 (S)		
Auburn	3,250,000 (S)		
Bellingham	11,771,000		
Battleground	5,000 (S)		11,516,000.
Blaine	55,000 (S)		
Bremerton	1,410,800 (S)		
Burlington	150,000 (S)		
Cashmere	5,000 (S)		
Centralia	134,900 (S)		
Chelan	5,000 (S)		
Cle Elum	20,000 (S)		
Concrete	414,000 (S)		
WASHINGTON—Cont.			
Cosmopolis	43,500 (S)		
Coupeville	29,800 (S)		
Deer Park	5,000 (S)		
Edmonds	944,500 (S)		
Ephrata	10,000 (S)		
Everett	25,000,000 (M)	50,000,000 (M)	15,000,000.
Gig Harbor	1,700,000 (S)		
Goldendale	10,000 (S)		
Grandview	153,000 (S)		
Hoquiam	50,000 (S)		
Lakeland Villa	5,000 (S)		
Langley	18,750 (S)		
Lynden	106,200 (S)		
Kitsap County S.D. No. 6	295,000 (S)		
Kennewick	575,000 (S)		
Marysville	15,000 (S)		
Montesano	974,000 (S)		
Mount Vernon	252,400 (S)		
Morton	92,000 (S)		
Mulkiteo	51,300 (S)		
Naches	23,250 (S)		
Okanogan	5,000 (S)		
Olympia	940,000 (S)		
Oroville	165,000 (S)		
Palouse	5,000 (S)		
Pe Ell	270,000 (S)		
Poulsbo	86,500 (S)		
Prosser	5,000 (S)		
Pullman	10,000 (S)		
Ranier Vista S.D	1,000,000 (S)		
Raymond	69,000 (S)		
Selah	205,000 (S)		
Municipality of Metropolitan Seattle	109,000,000 (S)		76,000,000.
Sedro Wolley	160,000 (S)		
Skagit County S.D. No. 1	80,000 (S)		
South Bend	5,000 (S)		
Snohomish	340,000 (S)		
Spokane	6,000,000	5,000,000	50,000,000.
Stanwood	25,000 (S)		
Sumas	69,000 (S)		
Sumner	117,300 (S)		
Suquamish	340,000 (S)		
Sunnyside	250,000 (S)		
Tacoma	13,000,000	8,000,000	5,000,000.
Terrace Heights S.D	85,000 (S)		
Toledo	5,000 (S)		
Tonasket	30,000 (S)		
Vader	2,000 (S)		
Vancouver	14,900,000 (M) (9,100,000 more needed 1973–80).	7,040,000 (M) (4,800,000 more needed 1973–80).	3,700,000.
Vashon Island, S.D	47,000 (S)		
White Salmon	115,000 (S)		
Wilbur	155,000 (S)		
Winlock	5,000 (S)		
Winslow	112,700 (S)		
Total	340,074,900	74,800,000	161,216,000.
Total needs		576,130,900	
WEST VIRGINIA			
Huntington	7,500,000		30,000,000.
Parkersburg	1,000,000		8,500,000.
Total	8,500,000		38,500,000.
Total needs		47, 000, 000	
WISCONSIN			
Beloit	No need	834,000	1,702,000.
Fond du Lac	1,500,000	800,000	2,000,000.
Green Bay	31,000,000	1,000,000	4,000,000.
Kenosha	No need	600,000	20,000,000.
Madison	4,500,000 (M)	6,000,000	7,000,000.
Milwaukee M.S.D	88,600,000 (AMSA)		300,000,000.
Racine	3,000,000	6,000,000	8,000,000.
Sheboygan	1,870,000		2,250,000.
Total	130,470,000	15,234,000	344,952,000.
Total needs		[7] 490, 656, 000	

---

[1] Data provided by the League of Kansas Municipalities indicates that secondary treatment required in 32 communities will cost $27,000,000.

[2] Data provided by the State of Maine indicates that costs of approximately $146,000,000 will be required through 1976 to implement a satisfactory treatment programs.

[3] "Available Federal programs must be undertaken with financial support to solve the most demanding, technical, and financial problem of all; the combined sewer problem which plagues almost every old major metropolitan area in the country. The present problem for the city of Boston and surrounding communities is estimated at $500,000,000 to $1,000,000,000 to correct, with no provisions for Federal aid under current policies and regulations." Gov. Francis W. Sargent.

[4] Cleveland needs to 1985 total $1,602,000,000—needs listed are for next 4 years only.

[5] Some of these needs extend beyond 1976.

[6] A study by the Tennessee Municipal League indicated a need of $530,000,000 for adequate sewage treatment in Tennessee.

[7] League of Wisconsin Municipalities provided information from state indicating 5-year needs of: $196,552,000 for primary and secondary treatment; $20,000,000 for tertiary treatment; $600,000,000 for storm and sanitary sewer separation; Total $816,552,000.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of 10 U.S.C. 6968(a), the Speaker had appointed Mr. Flood, Mr. Stratton, Mr. Minshall, and Mr. Bob Wilson of California as members of the Board of Visitors to the U.S. Naval Academy, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 42 U.S.C. 2251, the Speaker had appointed Mr. Hansen of Idaho as a member of the Joint Committee on Atomic Energy, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of

10 U.S.C. 4355(a), the Speaker had appointed Mr. Teague of Texas, Mr. Natcher, Mr. Davis of Wisconsin, and Mr. Pirnie as members of the Board of Visitors to the U.S. Military Academy, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 601, title 6, Public Law 250, 77th Congress, the Speaker had appointed Mr. Mahon, Mr. Whitten, and Mr. Bow as members of the Committee To Investigate Nonessential Federal Expenditures, on the part of the House.

The message further announced that, pursuant to the provisions of 46 U.S.C. 1126c, the Speaker had appointed Mr. Wolff and Mr. Wydler as members of the Board of Visitors to the U.S. Merchant Marine Academy, on the part of the House.

The message also announced that, pursuant to the provisions of 10 United States Code 9355(a), the Speaker had appointed Mr. Flynt, Mr. Sikes, Mr. Rhodes, and Mr. Brotzman as members of the Board of Visitors to the U.S. Air Force Academy, on the part of the House.

The message further announced that, pursuant to the provisions of 14 United States Code 194(a), the Speaker had appointed Mr. Monagan and Mr. Steele as members as the Board of Visitors to the U.S. Coast Guard Academy, on the part of the House.

The message announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 135) providing for an adjournment of the House from the close of business on Wednesday, February 10, 1971, until noon on Wednesday, February 17, 1971.

EXECUTIVE SESSION—RECOVERY AND RETURN OF STOLEN ARCHEOLOGICAL HISTORICAL AND CULTURAL PROPERTIES

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the treaty.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, the Committee on Foreign Relations, to which was referred the treaty—Executive K, 91–2—of cooperation between the United States of America and the United Mexican States providing for the recovery and return of stolen archeological, historical, and cultural properties, signed at Mexico City on July 17, 1970, having considered the same, reports favorably thereon without reservations and recommends that the Senate give its advice and consent to ratification.

The purpose of the treaty is to deal with the growing problem of the illicit international traffic between Mexico and the United States in stolen archeological, historical, and cultural properties. To this end, each party agrees, at the request of the other party, "to employ the legal means at its disposal" to recover and return stolen properties of the kind covered by the treaty. If necessary, the Attorney General is authorized to institute a civil action in the appropriate U.S. district court.

In recent years, the Government of Mexico has become increasingly concerned over the despoliation of archeological sites and the illicit export of national art treasures to the art markets and museums of the United States and Europe. The matter was discussed by President Johnson and President Diaz Ordaz in their meeting in October 1967, as a consequence of which the State Department undertook a study to determine how the United States could be most helpful.

In the meantime, the problem has become more acute. In one case, a large section of a Mayan monument was illegally removed from the Mexican jungle, carved into pieces, and shipped to the United States for sale. Fortunately, that piece was returned to Mexico with the assistance of the State Department and a prominent museum. But in other cases, this has not been possible. Some archeological sites have been permanently ruined for further scholarly research, and it is impossible to document the provenance of some of the stolen objects.

In May 1969, the Mexican Government formally proposed a treaty patterned after the United States-Mexico Convention of 1936 for the Recovery and Return of Stolen or Embezzled Motor Vehicles. The mutual experience of the two countries with that convention has been very satisfactory, and after further discussion, the pending treaty on archeological, historical, and cultural properties was signed at Mexico City in July 1970.

The President transmitted the treaty to the Senate with a request for advice and consent to ratification on September 23, 1970. The Foreign Relations Committee held a hearing on the treaty February 8, 1971, at which time a statement was received from Mr. Mark Feldman, Assistant Legal Adviser for Inter-American Affairs of the Department of State.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks the President's letter of transmittal, the letter of transmittal to the President from the State Department, and the statement of Mr. Mark B. Feldman before the Foreign Relation Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. The committee does not know of any opposition to the treaty.

The treaty was further considered in executive session February 9 and was ordered reported without objection.

Article I defines the archaeological, historical, and cultural properties to which the treaty applies. They are art objects and artifacts of the pre-Columbian cultures of both countries, art objects and religious artifacts of the colonial periods of both countries, and documents from official archives prior to 1920 that are the property of Federal, State, or municipal governments or their instrumentalities. In each case, the object or document must be of outstanding importance. If the two governments cannot agree on the application of these definitions to a particular item, provision is made for a panel of qualified experts whose decision will be final. The treaty also applies to portions or fragments of objects or documents.

In article II, the parties agree to encourage the discovery, excavation, preservation, and study of archaeological sites and materials by qualified scientists and scholars of both countries; to deter illicit excavations of archaeological sites and the theft of archaeological, historical, or cultural properties; to facilitate the circulation and exhibit in both countries of archaelogical, historical, and cultural properties in order to enhance the mutual understanding and appreciation of the artistic and cultural heritage of the two countries; and consistent with the pertinent laws and regulations, to permit legitimate international commerce in art objects. Provision is made for representatives of the two countries, including qualified scientists and scholars, to meet from time to time to consider implementation of these undertakings.

The heart of the treaty is in article III where each party agrees, at the request of the other party, to employ the legal means at its disposal to recover and return stolen properties that are covered by the treaty. In this connection, it should be noted that the treaty is not retroactive. Requests for the recovery and return of the stolen properties are to be made through diplomatic channels, and the requesting party is obligated to furnish documentation and other evidence necessary to establish its claim.

If recovery and return cannot be otherwise effected, the Attorney General of the United States is authorized to institute a civil action in the appropriate Federal district court. Similar authority is given to the attorney general of Mexico. So far as the United States is concerned, this provision is self-executing and no implementing legislation is required—see 28 U.S.C. 1345:

> Except as otherwise provided by Act of Congress, the district courts shall have original jurisdiction of all civil actions, suits or proceedings commenced by the United States, or by any agency or officer thereof expressly authorized to sue by Act of Congress.

It is specifically provided that nothing in the treaty shall be deemed to alter the domestic law of the parties otherwise applicable to such proceedings.

Article IV provides that the requesting party shall bear all the expenses incident to the return and delivery of the property in question. The returning party is protected from claims for damage or loss to the property in connection with the returning party's performance of its obligations under the treaty.

Article V exempts the archaeological, historical, and cultural property covered by the treaty from other laws dealing with the disposition of merchandise seized as having been illegally imported.

Article VI provides for the exchange of instruments of ratification. The treaty is to remain in force for 2 years and thereafter until 30 days after written notice from either party of its intention to terminate it.

It is impractical to estimate the cost of the treaty to the United States, but in any event the cost will be minimal. It will be limited to the costs of the Department of Justice of any civil actions which may be instituted under article III and the costs to the Department of State of the periodic meetings contemplated by article II. Without experience, there is no basis on which to estimate the number of actions which may arise under article III. In any event, the costs under both articles II and III will be of a nature which can be absorbed in the normal budgets of the State and Justice Departments.

An article on the illicit traffic in pre-Columbian antiquities in "Art Journal" for fall 1969, remarked that "not since the 16th century has Latin America been so ruthlessly plundered."

Mexico is a particularly rich source of these antiquities. It was the home of several great pre-Columbian civilizations, of which the Mayan and the Aztec are two of the best known. Mexicans are justly proud of this heritage and of the archeological treasures which are a part of it. Many of these treasures are handsomely displayed in the magnificent museum in Chapultepec Park in Mexico City. Others can be seen in their original sites in Yucatan, in Oaxaca, and elsewhere. Mexicans are glad to share their archaeological wealth and have a reciprocal loan agreement with the Metropolitan Museum in New York which assures temporary displays of the highest quality and of documented provenance.

But so great is this Mexican heritage that only a small fraction of Mexico's archaeological sites have been explored. Work is going forward, but unless it is done by qualified, responsible scientists and scholars, many of the sites will be irreparably damaged and what clues they might provide to the past will be forever lost.

This treaty is a step toward protecting this wealth. It represents another measure of mutual cooperation for mutual benefit. I, along with the committee, strongly urge its approval by the Senate.

EXHIBIT 1

LETTER OF TRANSMITTAL

THE WHITE HOUSE,
September 23, 1970.

To the Senate of the United States:

I am pleased to transmit to the Senate, for your advice and consent to ratification, the Treaty of Cooperation between the United States and Mexico providing for the recovery and return of stolen archaeological, historical and cultural properties, signed at Mexico City on July 17, 1970.

In recent years the despoliation of archaeological sites in Mexico and thefts of art objects from churches and collections has reached serious proportions. The illicit export of national art treasures to art markets here and in Europe has become a matter of serious concern to the Government of Mexico. In 1967, when President Diaz Ordaz of Mexico visited the United States, it was agreed to explore possible methods of controlling the unauthorized movement between the United States and Mexico of articles of archaeological significance and historical value.

The Treaty which has now been signed would provide for cooperation in law enforcement measures aimed at halting the depredation of historic sites and facilitating the recovery of stolen cultural properties. It would commit the United States and Mexico to employ the legal means at their disposal to recover and return to the country of ownership historical, cultural and archaeological properties of outstanding importance to their national patrimony which have been stolen and removed from one country to the other. In addition, the two governments would establish a framework to strengthen communication between scientists and scholars in the two countries and to encourage archaeological research by scholars of both countries. The Treaty further contemplates the circulation and exhibit in each country of archaeological and historical properties from the other and a legitimate commerce in art objects.

The Treaty with Mexico should provide a strong deterrent to the illegal export of stolen cultural properties as well as promote mutual understanding and appreciation of the artistic and cultural heritage of our two countries.

I recommend that the Senate give early and favorable consideration to this law enforcement treaty.

RICHARD NIXON.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, August 21, 1970.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you the Treaty of Cooperation between the United States of America and the United Mexican States Providing for the Recovery and Return of Stolen Archaeological, Historical and Cultural Properties, signed at Mexico City on July 17, 1970. I recommend that you transmit the Treaty to the Senate for advice and consent to ratification.

This Treaty is designed to meet a serious threat to the irreplaceable cultural resources of our two countries arising from the despoliation of archaeological sites and the illegal export of national art treasures. The problem is worldwide, but in the last ten years has assumed mounting proportions in Mexico and some other Latin American countries. Ceremonial centers and architectural complexes of ancient civilizations have been mutilated, stone sculptures and reliefs have been removed, and churches have been robbed to feed a flourishing international art market. Some of these countries have sought the assistance of the United States Government in returning stolen or illegally exported art objects which have been brought into the United States. In October 1967 the Presidents of the United States and Mexico, meeting to discuss problems of mutual interest, agreed to study the matter. Since that time the problem has become even more acute. In May 1969 representatives of the Mexican Government formally requested the United States to enter into a treaty for the recovery and return of stolen archaeological, historical and artistic artifacts. The Mexican proposal was modeled on a 1936 United States-Mexican Convention for the Recovery and Return of Stolen or Embezzled Motor Vehicles, which has operated with considerable benefit to the United States.

The United States Government responded promptly, and a treaty was negotiated which commits both parties to employ the legal means at their disposal to recover and return to the country of ownership historical, cultural and archaeological properties of outstanding importance which have been stolen and removed to the other country.

The Treaty is a limited but important measure of mutual cooperation in law enforcement. Under Article I its coverage is confined to pre-Columbian and colonial objects of outstanding importance to the national patrimony, as well as official archives up to 1920. Included are treasures of the important Maya and Aztec civilizations and of the other indigenous cultures of the New World, as well as religious and other art objects of the colonial periods in both countries. The Treaty does not apply to privately owned materials, but only to art objects, artifacts or documents "that are the property of federal, state, or municipal governments or their instrumentalities." Decisions on the application of the Treaty definitions to any particular item are to be made by agreement of the two governments, or failing agreement, by a panel of qualified experts, chosen by the two governments. Their decisions would be final.

Article II establishes a framework for cooperation in archaeological and cultural activities designed to promote in each country mutual understanding and appreciation of the cultural heritage of the other. The Parties undertake individually and, as appropriate, jointly to encourage archaeological discovery, excavation, and study by qualified scientists and scholars of both countries; to deter illicit excavations and thefts; and to facilitate exhibitions of archaeological, historical and cultural properties. Each country would be committed to permit legitimate international commerce in art objects, consistent with its laws and regulations. Qualified scientists and scholars representing the two countries would consult from time to time on the implementation of these undertakings.

The principal law-enforcing provision of the Treaty is found in Article III. Each Party agrees, at the request of the other, "to employ the legal means at its disposal" to recover and return stolen archaeological, historical and cultural properties removed from the territory of the other after entry into force of the Treaty. The provision is not retroactive and thus would not apply to objects presently in museums or art collections. It is understood, of course, that the facts in support of claimed ownership would have to be established to the satisfaction of the requested Party before it would have any obligation to recover and return the property in question.

If necessary, the requested Party would bring a judicial action to achieve the return of stolen objects belonging to the requesting Party. In that event it would be incumbent on the requesting Party to provide sufficient evidence, including affidavits and expert witnesses as necessary, to afford a reasonable prospect of success in court. The Attorney General of the United States is designated by Article III to institute civil actions for this purpose in Federal District Courts on behalf of the Mexican Government. This provision is self-executing, and no implementing legislation is required to establish standing. The jurisdiction of the Federal Courts would be supported by 28 U.S.C. 1345. Similarly, the Attorney General of Mexico is authorized by Article III of the Treaty to institute judicial proceedings in the appropriate district court of Mexico.

The Treaty does not purport to create a new cause of action affecting substantive property rights, and it would not affect the existing property law of any of the states of the United States. Article III provides "Nothing in this Treaty shall be deemed to alter the domestic law of the Parties otherwise applicable to such proceedings."

Article IV provides for prompt return of the stolen property once the necessary legal authorization has been obtained. It is anticipated that, in the case of stolen Mexican properties retrieved in the United States, delivery would be taken in the United States by Mexican officials. Likewise, United States officials would be expected to take delivery in Mexico. Expenses are to be borne by the requesting Party, and there is to be no liability on the part of the returning Party for damage or loss to the property in connection with performance of its obligations under the Treaty.

Article V provides that the requested Party return to the requesting Party stolen properties subject to the Treaty regardless of any inconsistent statutory requirements regarding disposition of merchandise seized for violation of import laws. No charges or penalties arising from application of import laws may be imposed. This provision is also intended to be self-executing.

The Treaty has a minimum duration of two years and is terminable thereafter by thirty days notice.

International cooperation is clearly required to halt the mounting destruction of archaeological monuments and the illicit movement of national art treasures to the art markets and collections in other countries. The Treaty with Mexico is a limited but significant step in that direction. It would constitute another important element in the close cooperation existing between our two governments over a broad range of law enforcement matters along our common boundary.

Members of the scientific and museum community in the United States are becoming increasingly concerned with the threat to the evidences of ancient civilizations presented by the looting of archaeological sites and the mutilation of monuments for the purpose of illicit export to the United States. Distinguished members of this community have urged the Department of State to take action to meet the problem.

The Department of Justice and the Department of the Treasury concur in my recommendation that the Treaty with Mexico be transmitted to the Senate for advice and consent to ratification.

Respectfully submitted.

U. Alexis Johnson,
Acting Secretary.

STATEMENT BY MARK B. FELDMAN, ASSISTANT LEGAL ADVISOR FOR INTER-AMERICAN AFFAIRS, DEPARTMENT OF STATE

Mr. Chairman, members of the committee, I am happy to be here to testify on the proposed treaty of cooperation between the United States of America and the United Mexican States Providing for the Recovery and Return of Stolen Archaeological, Historical and Cultural Properties which was signed at Mexico City on July 17 last year.

This treaty is designed to meet a serious threat to irreplaceable cultural resources arising from the despoliation of archaeological sites and the illegal export of national art treasures. In recent years there has been a serious increase in illegal excavations of archaeological sites, the desecration of national monuments, and even thefts from churches and museums to supply the increasing demands of international art markets. Unfortunately, a number of stolen art objects have found their way to the United States.

The U.S. Government is interested in cooperating to help put an end to these practices not only because of the problems that arise in our international relations when national art treasures illegally removed from other countries appear in the United States, but also because the clandestine removal of objects from archaeological sites destroys the scientific value of the object and sometimes of the site as well. This problem occurs in several areas of the world, but the situation in Mexico is among the most acute and best documented.

The United States and Mexico have maintained substantial programs of cooperation in law enforcement matters along our common boundary. The Mexican Government asked that the cooperation given to the United States for the return from Mexico of stolen motor vehicles be extended to stolen Mexican art treasures brought to the United States. For this reason, the treaty before you is modeled on the 1936 United States-Mexican Convention for the Recovery and Return of Stolen or Embezzled Motor Vehicles.

The treaty before you is a limited but important measure of cooperation. It commits the parties to employ the legal means at their disposal to recover and return to the country of ownership art objects and artifacts of pre-Columbian civilizations, or the colonial periods of each country, that are of outstanding national importance and which have been stolen and removed to the other country after the treaty enters into force. It also applies to official archives of historic importance. The treaty is not retroactive, and it expressly states that it does not alter the domestic law of the parties. The treaty contemplates normal law enforcement cooperation, and if necessary, the institution of judicial proceedings by the Attorney General in the appropriate district court on behalf of the Government of Mexico. That Government would have to supply the necessary proof of title to permit the action to succeed. The treaty provision conferring standing on the Attorney General is self-executing. No implementing legislation is required to establish standing. Jurisdiction of the federal courts would be supported by 28 U.S.C. 1345.

The treaty also provides a framework for cooperation in archeological and cultural activities. The parties undertake to encourage archeological activities by qualified scientists of both countries, to facilitate the circulation of archeological, historical and cultural properties in both countries, and, consistent with national laws, to permit legitimate international commerce in art objects.

It is our hope that the committee will recommend that the Senate give its prompt advice and consent to ratification of this treaty, which we believe will provide an effective deterrent to the removal to the United States of major stolen Mexican art treasures.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Stevenson). Without objection, it is so ordered.

Under the previous unanimous-consent agreement, the Senate will now proceed to vote on agreeing to the resolution of ratification of Executive K, 91st Congress, second session.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from North Carolina (Mr. Jordan), the Senator from Washington (Mr. Magnuson), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Connecticut (Mr. Ribicoff), the Senator from Virginia (Mr. Spong), the Senator from Georgia (Mr. Talmadge), the Senator from California (Mr. Tunney), the Senator from New Jersey (Mr. Williams), and the Senator from Massachusetts (Mr. Kennedy) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) and the Senator from Utah (Mr. Moss) are absent on official business.

I further announce that, if present and voting, the Senator from North Dakota (Mr. Burdick), the Senator from Wyoming (Mr. McGee), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Massachusetts (Mr. Brooke), the Senator from New Jersey (Mr. Case), the Senator from Nebraska (Mr. Curtis), the Senator from Oregon (Mr. Hatfield), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The Senator from Kentucky (Mr. Cook), the Senator from Hawaii (Mr. Fong), the Senator from Florida (Mr. Gurney), and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky (Mr. Cook), the Senator from Nebraska (Mr. Curtis), and the Senator from South Dakota (Mr. Mundt) would each vote "yea."

The yeas and nays resulted—yeas 72, nays 0, as follows:

[No. 2 Ex.]

YEAS—72

Aiken
Allen
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cooper
Cotton
Cranston
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Hansen
Hart
Hartke
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Long
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Roth
Schweiker
Scott
Smith
Sparkman
Stennis
Stevenson
Symington
Taft
Thurmond
Tower
Weicker
Young

NAYS—0

NOT VOTING—28

Allott
Bayh
Brooke
Burdick
Case
Cook
Curtis
Eastland
Fong
Gurney
Harris
Hatfield
Humphrey
Jordan, N.C.
Kennedy
Magnuson
McGee
Montoya
Moss
Mundt
Muskie
Ribicoff
Saxbe
Spong
Stevens
Talmadge
Tunney
Williams

The PRESIDING OFFICER (Mr. Stevenson). Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER FOR YEAS AND NAYS ON CONVENTION AND TREATY TO BE VOTED UPON WEDNESDAY, FEBRUARY 17, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order for me to request the yeas and nays on the convention and the treaty which will be voted on at 1 o'clock p.m., on Wednesday next.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate resumed the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. STEVENSON). The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9 to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may ask for a quorum call without losing my right to the floor and without my remarks being counted as a second speech when I resume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, in discussing the wisdom or lack of wisdom in changing the rules of the Senate, I think it important that it be emphasized that most of the books on general parliamentary procedure provide for a two-thirds vote before the previous question may be ordered.

I cite that, Mr. President, because I think that many persons—and I might say many in Congress—are under the belief that the Senate is unique in requiring a two-thirds vote before the previous question may be put.

Mr. President, I have before me Robert's Rules of Order, Revised, for Deliberative Assemblies. This is a rulebook that is generally accepted among legislative bodies. On page 112, after a discussion of the previous question, it contains this sentence.

> The previous question requires a two-thirds vote for its adoption.

Mr. President, that is the rule that the Senate now has. It is the rule which many Members of the Senate seek to change. I think one reason that there is confusion about the requirement of a two-thirds vote on shutting off debate is that the House of Representatives may move the previous question; that is, to shut off debate, by a majority vote. But that is a part of the Rules of the House of Representatives.

There is a great difference in the United States between the House of Representatives and the Senate. Those who framed our Constitution purposely, and with great wisdom, recognized the vast difference between the two legislative bodies. The House of Representatives is closer to the people. It is elected every 2 years. It is a much larger body than the Senate. The Senate, on the other hand, is elected for 6 years. The Senate is a continuing body. The Senate represents States. It is further removed from the general public than is the House of Representatives. So there is every reason why there should be a difference in the Rules of the Senate as compared with those of the House of Representatives.

I happen to think that the House of Representatives is not only a coequal legislative body with the Senate, but is also the branch of Congress which is closest to the people. My regard and respect for the House of Representatives are very great indeed. But the Senate has a different function. Those who wrote the Constitution recognized the need for a legislative body which would not be subject to the day-to-day fluctuations, shall we say, in public opinion. All of us know that from time to time, in a nation as large as the United States, or in a small nation for that matter, an incident or a series of incidents can cause public opinion to become aroused and very strong on a particular issue. Yet, all of us know also that many times, when the public has become aroused about a particular matter, after further deliberation, after time has passed, after, in some cases, the hysteria of the moment has subsided, the majority have reached a conclusion different from the conclusion which had entered the minds of the people.

So I say, Mr. President, that it is vitally important that the rules of the Senate be such that the great issues facing our Nation—and they seem to be getting greater every year—have a forum where they can be fully and completely debated. I believe that we would be rendering this country a great disservice if both Houses of Congress were to have rules under which a majority of the Members could silence the remaining Members.

I realize that the current proposal does not provide for majority cloture. But I know, also, that whenever the process of weakening the rules on free debate is undertaken, it leads to ever increasing weakening. The proposal is to substitute for the present requirement—that two-thirds of the Senators present and voting must vote in the affirmative before debate can be closed—a requirement of three-fifths, or 60 percent. If that is approved by the Senate, I have no doubt that within a matter of another 2 years, the demand will be made not for 60-percent cloture but to provide that cloture shall be voted by a simple majority.

Mr. President, there are three important dates, three significant dates, in the history of the U.S. Senate dealing with the rule we know as rule XXII. Prior to 1917, there was no provision for moving the previous question, which is to say that there was no provision for shutting off debate. But in March of 1917, the Senate changed that rule so as to give the membership a way to bring debate to a close.

It is important to recall the situation facing our Nation and the world in 1917. Most of the world was at war. It was just prior to the date on which the United States, itself, became involved in war. It was on March 7, 1917, at the request of then President Woodrow Wilson, that the senior Senator from Virginia, who was the majority leader in the U.S. Senate, the Honorable Thomas S. Martin, proposed a resolution which the Senate adopted. The Martin resolution was debated and was adopted by a vote of 76 yeas and three nays. It provided for cloture on a pending measure if two-thirds of the Senator present and voting so voted.

Frankly, I feel that that was a desirable change in the rules. I feel that there should be some way to bring debate to a close, if and when a large majority of the Senate feels that a measure should be voted upon without further debate. But it seems to me that the resolution presented by Senator Martin of Virginia and approved by the Senate, was an appropriate change in the Senate rules. The fact that it was a desirable and appropriate change is evidenced, I think, by the fact that it remained in the rules of the Senate from that date in 1917 until a somewhat minor change was made in 1949.

The second significant date in the history of rule XXII is the year 1949. But before commenting on that, I want to point out one other thing in regard to the period of 1917 and 1918. It will be recalled that the United States went to war in April of 1917.

If I might inject a personal note at this point, the resolution declaring war on Germany was presented to the Senate by Senator Martin of Virginia, and the resolution which was presented to the House of Representatives was presented by another Virginia representative, Representative Henry De La Warr Flood, who was my great uncle.

During the period of the First World War, additional efforts were made to further limit debate in the Senate. The proposal which made the greatest headway was offered on May 4, 1918, by Senator Underwood of Alabama, who introduced a resolution further amending rule XXII, reestablishing the use of the previous question and limiting debate during the war period. This matter was debated. The Committee on Rules favorably reported that proposal. Debate began in the Senate on June 3, 1918, and on June

13, 1918, the Senate rejected the resolution by a vote of 41 nays to 34 yeas.

There, Mr. President, you will find that even during the period of the war and even while the United States was actively engaged in fighting World War I, the Senate refused to go beyond the two-thirds requirement if debate were to be shut off.

Now we come to 1949. The Martin rule prevailed until the 81st Congress. During that Congress, eight resolutions were introduced to amend the cloture rule, five in the first session and three in the second session.

Hearings on the subject were held in early 1949 by the Committee on Rules and Administration and under threat to discharge the committee, the committee reported without amendment the Hayden-Wherry resolution, Senate Resolution 15. The purpose of that resolution was to plug a loophole in the existing cloture rule. It sought to apply the cloture rule to motions and other matters pending before the Senate rather than just the pending measure. Debate began on February 28 and continued at intervals until March 17, 1949. On March 10 a resolution to apply cloture to the motion to take up was presented. Because cloture was assumed not to apply to motions to take up, Senator Russell of Georgia made a point of order, that great American and patriot, that great legislator who died just a few days ago, on January 21 of this year. Senator Russell made a point of order against the cloture motion. He was overruled by the Chair but on appeal, the Senate refused to sustain the Chair.

Subsequently a compromise was worked out, and under the compromise the application of cloture to motions or other pending matters was incorporated into rule XXII. But, at the same time, it required that two-thirds of the entire Senate vote for cloture in order to invoke it rather than two-thirds of those present and voting.

Mr. President, you will note that in 1949 the Senate, in one sense, liberalized rule XXII, but in another sense it made cloture a little more difficult to obtain. It was made more difficult by changing the previous requirement of two-thirds of those present and voting to two-thirds of the entire elected membership of the Senate.

So, while 1949 is a very important date in considering the history of rule XXII, it did not make a substantial fundamental change in the rule which had existed beginning with 1917.

So then, we come down through the years when one effort after another was made to change rule XXII. Each effort through 1950, 1951 and 1952, 1953 and 1954, 1955 and 1956, 1957 and 1958—all of those proposals to make a fundamental change in rule XXII were voted down by the Senate.

Then we come to the third significant date in the history of rule XXII and that is the date of 1959 at the opening of the 86th Congress. The then Senate majority leader, Lyndon B. Johnson of Texas, offered a resolution, Senate Resolution 5, to amend Senate rule XXII and this was adopted on January 12 after 4 days of debate on a 72-to-22 rollcall vote. Senate Resolution 5 amended rule XXII so as to enable two-thirds of Senators present and voting to shut off debate on any matter including proposals for rule changes. It also amended Senate rule XXXII by adding this language:

> The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided by these rules.

Now, Mr. President, that was a very important part of the language and I want to read it again:

> The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided by these rules.

In 1959 at the opening of the 86th Congress, when the then majority leader, subsequently President of the United States, Lyndon B. Johnson proposed a change in the rules to enable two-thirds of the Senators present and voting to shut off debate on any matter including proposals for rule changes, the same proposal amended Senate rule XXXII by adding the language that the rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided by these rules.

Yet, despite the clarity of that language, an effort has been made over the years between 1959 and 1971 to declare that the Senate is not a continuing body and must adopt new rules at each session.

So, Mr. President, in considering rule XXII, we have three significant, historical dates when changes have been made.

We have, first, 1917 when, for the first time, it was made possible to shut off debate by a vote of two-thirds of the Senators present and voting.

Then we have 1949 in which year the change was made to provide that debate could be shut off by two-thirds of the elected Members of the Senate.

Then we have 1959 in which year it was provided that debate may be shut off by a vote of two-thirds of those present and voting. That same rule change provided that that provision should apply to rule changes as well as to the previous question.

Mr. President, we come down now to 1971. During that period between 1959 and 1971, many additional efforts were made to change the rules of the Senate.

An effort was made by the Senator from New York (Mr. JAVITS) in August of 1960.

Then the Senator from Minnesota (Mr. HUMPHREY) and former Senator Kuchel of California made an effort in 1961 and 1962.

Efforts were made in 1963 and 1964; again in 1965 and 1966; again in 1967 and 1968; and again in 1969 and 1970.

Yet all of these proposals for substantive change in rule XXII were voted down by the Senate. I think that was done with very good cause.

I believe that the more one considers the function of the Senate, the more one studies the reason behind rule XXII, the more convinced one becomes that the Senate would be wise to keep rule XXII intact.

Most certainly the senior Senator from Virginia feels very strongly that it would be very unwise to tamper further with this rule. I have an instinctive fear of centralized government. I have an instinctive fear of a tyrannical government. I submit that the tyranny of a majority can be as tyrannical as any other form of tyranny. The whole purpose of rule XXII is to protect the minority against the whims or the will of a simple majority.

No one knows when he or she or a particular group may be in a minority position. I do not think it is a matter of a particular piece of legislation. I think the important concern should be whether those who have deep and strong convictions as to the wrongness of certain legislation should have the opportunity to present their viewpoint to the public.

It is all very well to say:

> Well, after a few days, or even after a few weeks, everyone should know the issues; therefore, a majority should have the right to shut off debate.

Mr. President, I find that in these great issues facing our Nation it takes the public quite a while to fully understand the many ratifications. It is natural that it should take the public a long time.

The individual citizens of our Nation have their livelihood to make. They have their own problems to which to devote their attention. They cannot be expected to go into the details of the many legislative proposals which come before the Congress of the United States.

They must rely on their elected representatives.

I think the elected representatives, those of us in the Senate and those in the House of Representatives, have a great obligation to those whom we have the honor and the responsibility to represent.

I think it is important when issues are drawn in the Senate that full and adequate debate be permitted. It is not likely there is no means by which the Senate could shut off debate. Rule XII, under which we are operating and have operated for many years, provides for cloture, for shutting off debate, whenever two-thirds of those present and voting say that the time has come to move the previous question. I think it important that there be a two-thirds requirement.

I might say I have a feeling that sometimes there is more bad legislation passed than there is good legislation. It is not a very good thing for someone to admit, someone who has spent 23 years in a legislative body, but I think the Virginia Legislature, where I served in the senate, and the American Congress, where I likewise serve in the Senate, passed a lot of bad legislation. I think we pass a lot of unnecessary legislation.

Every piece of legislation has an effect upon the daily lives of one citizen or another, or one group of citizens or another. The demand in recent years for a change in the rules so that debate may be shut off more easily stems from civil rights legislation which has been presented to Congress through the years.

Mr. President, I do not believe that in the future there would be much of a problem in that connection because in recent years almost every conceivable type of civil rights legislation has been enacted. Most of it has been acted by utilizing rule XXII and invoking cloture. So it occurs to me that in the future the problem is not going to be the question of civil rights legislation.

As I mentioned, I do not know if anyone is imaginative enough to put on paper any additional legislation in this particular field because I think virtually all possibilities have been exhausted. I think there is going to be, as months and years go by, a demand to liberalize the rules by many who would like to see the power of the Senate weakened. I think it would be a great mistake to weaken the power of the Senate.

This is one forum our Nation has where the great issues of the day can receive full and complete debate. Most of the debate in the last several years, the most time-consuming debates in the Senate in recent years, has been not on the question of civil rights, but it has been on the question of whether the Senate specifically, and Congress in general, should exercise to a greater degree its prerogatives in the field of foreign policy and in regard to military expenditures and appropriations to other departments of Government.

I happen to think that the debates which took place on the floor of the Senate last year, and the year before, and I think the year before that, and certainly the year before that, in regard to American involvement in Vietnam were desirable debates.

There is a great difference of opinion as to what course the United States should pursue in the future in regard to foreign policy. There is a great difference of viewpoint as to how strong a national defense this country should have and how much money it should spend on defense measures.

I feel it is very important that those debates continue and this is the one forum where such debates can be held. They cannot be held in the House of Representatives. The House of Representatives was not intended to have detailed and lengthy debates. The only forum where these great matters can be fully debated is in the Senate, and the only reason that can occur is that rule XXII permits debate on the pending question until such time as two-thirds of the Senators present and voting decide to eliminate the debate.

I say, Mr. President, if the Senate changes rule XXII to make it possible to invoke cloture more easily, I think it would downgrade the power of the Senate; I think it would have an adverse effect on the prerogatives of this great body; and I am not concerned about the prerogatives of Senators as individuals. I am concerned about the Senate as the representative of the people of the United States.

As I have said, the great debates in the future on the floor of the Senate will not involve civil rights. I think they are more likely to involve foreign policy.

I think our foreign policy should be fully debated, and I think we need to completely reappraise our worldwide role. I foresee very fierce and lengthy debates on this subject, as well as on the subject of appropriations for the military organizations of our Nation.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. TAFT). The Chair, on behalf of the Vice President, pursuant to 42 U.S.C. 2251, appoints the following Senators to the Joint Committee on Atomic Energy: The Senator from Colorado (Mr. DOMINICK), vice Senator CURTIS, resigned, and the Senator from Tennessee (Mr. BAKER) vice Senator COTTON, resigned.

The Chair, on behalf of the Vice President, pursuant to Public Law 79–304, appoints the Senator from Kansas (Mr. PEARSON) to the Joint Economic Committee, vice Senator LEN B. JORDAN, resigned.

THE DISTRICT OF COLUMBIA'S PROPOSED RECIPROCAL INCOME TAX

Mr. BYRD of Virginia. Mr. President, on the floor yesterday I spoke in opposition to the proposal of Mayor Washington of the District of Columbia, which proposal was to tax the residents of Virginia and Maryland who earn their living in Washington, D.C. It is a form of the old commuter tax, although it is not called a commuter tax.

A commuter tax was proposed to the Senate in 1967 and again in 1969, and was not approved on either of those occasions. Now the District of Columbia comes around and they call it a reciprocal income tax. They want to put a District of Columbia income tax on every resident of Maryland and every resident of Virginia who works in the District of Columbia.

I opposed the commuter taxes when they were proposed in 1967 and again in 1969, and I oppose this new proposal because the people of Virginia and the people of Maryland and the people of the other 50 States are paying now to help operate the government of the District of Columbia. They are doing this through the income taxes which they pay to the Federal Government, and the Federal Government in turn subsidizes to a very substantial degree the expenditures of the District of Columbia. So I say it is not a just tax and it is not a fair tax. Why should the people of Virginia and the people of Maryland be singled out to pay extra toward operating the District of Columbia? I can see operating in a very economical way, I might say, but why should they be singled out?

Under this reciprocal proposal, Washington, D.C., which has an income tax going up to 10 percent, would put that tax on a resident of Virginia and on a resident of Maryland, when the Virginia tax and the Maryland tax is a maximum of 5 percent on incomes. I think it is a very unfair proposal.

It is true that the State of Virginia and the State of Maryland would be permitted to put their income taxes on residents of the District of Columbia who work in those two States. In the first place, from the individual's point of view, many individuals will have their tax doubled, because the top District of Columbia tax is double the top rate of the Virginia tax and double the top rate of the Maryland tax. Besides that, it would take some $17 million away from the State of Virginia and some $34 million away from the State of Maryland, and the District of Columbia would gain $51 million. But the people of the State of Virginia would then have to make up $17 million by increasing their State or local taxes, and the people of Maryland would have to make up that $34 million by an increase in State or local taxes. I think it is a very undesirable and very unfair proposal, and one which I hope the Senate will reject.

I notice that one of the officials of the District of Columbia government gave a statement to the newspapers saying he was not going to accept a compromise at all; he wanted it all. The only proposal he was going to accept for getting revenues for the District of Columbia was the proposal they are throwing out for a reciprocal tax; he was not going to present alternatives; he was just going to demand that tax or nothing. So far as I am concerned, he will take nothing if he takes that attitude.

I want to help the District of Columbia, and the American taxpayers are helping the District of Columbia. The Congress has appropriated tremendous sums of the American taxpayers' dollars to operate the government of the District of Columbia.

Mr. President, at the conclusion of my discussion yesterday on the reciprocal income tax, the distinguished and alert and able Senator from Alabama (Mr. ALLEN) took the floor and addressed a question to the Senator from Virginia, in which he asked the Senator from Virginia whether the Senator from Virginia was aware the Senator from Alabama—who, I am proud to say, resides in the State of Virginia—had been sent a notice by the Virginia State Tax Commissioner that he should pay an income tax to the State of Virginia because he happens to reside in the Commonwealth. He is residing in the Commonwealth because he is a Member of the U.S. Senate, representing the great people of Alabama. He chose to live in Virginia—and I am very pleased that he did—but why should he be assessed with a Virginia income tax? He pays an income tax to the State of Alabama.

I am opposed to the District of Columbia coming into Virginia and saying to the people of Virginia, "You have got to pay a District of Columbia tax if you work in the District of Columbia." I am equally opposed to the State of Virginia saying to a Member of the Congress who is living in Virginia only because he is in this area representing his people in the Nation's Capital, "You have got to pay an income tax to the District of Columbia."

Obviously, the Senator from Alabama is in the same position as are Senators from other States who happen to live in Virginia; they are bona fide residents of whatever State they happen to represent. So I think it very wrong for Virginia to attempt to assess for income tax purposes any Member of Congress.

I would point out that anyone who

owns a home in the State of Virginia pays whatever local property taxes there are, and justifiably so. But I am speaking now of the income tax. In regard to that, first I might say that there has been a change in tax commissioners in the State of Virginia, beginning a year ago. The previous tax commissioner was a man named Carlyle H. Morrissette. He was appointed tax commissioner in 1928, and served as tax commissioner until 1970. During the long period of time in which he served as tax commissioner, every effort was made to see that those Members of Congress who were living in Virginia solely because they were Members of Congress were not required to pay such a tax.

Apparently there is a questionable part of the law in the State of Virginia under which it could be construed that if you are domiciled in the State for more than 6 months, you would be required to pay an income tax to the State.

I wish to report to the Senate, and especially to my very wonderful friend from Alabama, that I have telephoned several times today to the capitol of Virginia. I find that legislation has been introduced—House bill 190—just within the last day or so, by a delegate from the county of Fairfax, the Honorable Stanford Parrish, and a cosponsor of the measure is the Honorable James M. Thomson, who represents the city of Alexandria and is the majority floor leader of the House.

This new legislation would treat as nonresidents under Virginia income tax laws Senators and Representatives from other States who reside in Virginia. That legislation is now before the Finance Committee of the House of Delegates in Virginia, and I hope it will be enacted into law; because, while I am opposed, and strongly opposed, to the District of Columbia coming into Virginia and attempting to levy an income tax against the residents of our State who have to work in Washington, I am equally opposed to the State of Virginia going to the Senator from Alabama, or any other Senator, and saying, "Because you happen to reside in our State in pursuance of your duties as a Member of Congress, we are going to bill you for an income tax."

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am delighted to yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I appreciate the kind remarks of our distinguished colleague, the Senator from Virginia (Mr. BYRD).

Let me say at the outset that I agree with everything that the distinguished Senator has said on the three subjects on which he has spoken since I have been in the Chamber, for the last hour or so.

In the first place, I agree entirely with his remarks with respect to the value of extended debate in the U.S. Senate, and the value of maintaining rule XXII in its present form.

I agree also with his comments with respect to the so-called reciprocal tax on citizens of the State of Virginia and the State of Maryland who work in the District of Columbia. Yesterday, somewhat with tongue in cheek, the junior Senator from Alabama called the attention of the distinguished Senator from Virginia to the somewhat analogous situation in which the junior Senator from Alabama finds himself with respect to the paying of an income tax in the State of Virginia. Certainly I appreciate the remarks and the position of the distinguished Senator from Virginia with respect to the payment by Members of the Congress of an income tax to the State of Virginia, and I have heard with considerable interest the statement by the distinguished Senator from Virginia that legislation is now pending in the legislature of the Commonwealth of Virginia which would treat as nonresidents for the purpose of Virginia income tax those Members of Congress from outside the State of Virginia who do temporarily reside in the State of Virginia while representing their constituencies in the House of Representatives or in the U.S. Senate.

I must say I enjoy the temporary residence which I have in the State of Virginia. I feel a bond of friendship, almost of kinship, to the people of that great State. Certainly the great Virginia statesmen who were leaders in the founding of this Republic and the great Virginia soldiers have been heroes to the junior Senator from Alabama from his boyhood. So I was somewhat surprised when I did receive this tax notice with respect to paying an income tax in the State of Virginia. It is a moot question as far as I am concerned as to the tax year 1970, because I have not lived in the State of Virginia even temporarily for as long as half of a year. But I am glad to say that it is part of the legislative program of the Governor of Virginia to provide this exemption. Much as we like our temporary residence in the State of Virginia, we certainly do not want to lose our residence in the great State of Alabama.

While we enjoy living very close to the Potomac River, we do not want to be accused of having Potomac fever by becoming a resident of Virginia.

So I do appreciate the advisory opinion that the distinguished Senator from Virginia gave yesterday as to the nonliability for income tax of the junior Senator from Alabama to the State of Virginia.

Seriously, though, it is a matter of small consequence to the junior Senator from Alabama; but it is a matter of principle as regards all Members of Congress, whether in the House or in the Senate, who live in the State of Virginia. Being domiciled in their home States, should they be treated as residents under the tax laws of the State of Virginia and be required to pay an income tax after paying an income tax in their own States? The distinguished Senator from Virginia has very wisely put his finger on the answer: They should not be required to pay such a tax.

As he has pointed out, those of us who do maintain modest residences in Virginia pay property taxes. The junior Senator from Alabama might say, parenthetically, that with the tax rate that Virginia has on property, he does not feel that they should be experiencing any great lack of revenue; because, if all residences are taxed as is the modest resident of the junior Senator from Alabama, he feels that Virginia must be taking in quite a bit of revenue from the property tax. Those of us who live in the State of Virginia also pay gasoline tax; sales tax, I assume; tax on utilities, and the like, and we contribute to the prosperity of that great State.

I do appreciate the interest of the distinguished Senator from Virginia in this matter. I appreciate his seeing the analogy with respect to the plight of the Congressmen who reside in the State of Virginia but do not represent the State of Virginia, as such, in being called on to pay an income tax in the State of Virginia in addition to the income tax they pay in their own States.

The junior Senator from Alabama agrees wholeheartedly with the distinguished Senator from Virginia in feeling that the effort by the District of Columbia to levy a reciprocal tax on the residents of the State of Virginia and the residents of the State of Maryland who work in the District is unfair, and it should not be enacted. The junior Senator from Alabama is deeply grateful to the distinguished Senator from Virginia for his attitude and his impressions as to what should be the public policy of the State of Virginia in this matter.

Mr. BYRD of Virginia. I thank the distinguished Senator from Alabama.

I might say that, having read on the front page of the Washington Daily News today what the junior Senator from Alabama said yesterday, that he would accept the ruling of the senior Senator from Virginia that he, Senator ALLEN, owes no income tax to the great State of Virginia, I think I should best do what I have never done since I left the Virginia Senate quite a few years ago. I think I had better go down there and do a little lobbying for this legislation, because I want to be sure it passes. I am a little encouraged by the fact that one of the patrons of the legislation is James M. Thompson, who represents the city of Alexandria. He is the majority floor leader, the Democratic leader of the Virginia House of Delegates, a very able and outstanding man. I cannot say that I have any influence with him, but he is my wife's brother, and I am going to get her to see what she can do. [Laughter.]

Mr. LONG. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Louisiana, with the understanding that I will not lose my right to the floor and that it will not be counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WELFARE MESS—ANSWER NO. 1

Mr. LONG. Mr. President, for more than a year the President of the United States and his administration have been doggedly fighting for a so-called welfare reform measure. The principal reason that the President's proposal has failed thus far has been the fact that it contains little, if any, reform; perpetuates all of the basic faults of the existing system, and merely proposes to double the number of people on the rolls and more than double the cost. It would be more appropriately entitled "The Welfare Expansion and Mess Perpetuation Bill" than a reform measure. During the course of this Congress, I shall point some of the obvious failings of the program and some of the answers without which there can be no meaningful welfare reform.

The first item is the fact that people should be encouraged to work to improve their status. They should be permitted to keep some part of the earnings they achieve. It should be a meaningful amount that is retained for the benefit of the worker.

Before I came to the Senate, more than 24 years ago, I journeyed to Washington as a representative of the Governor of Louisiana, seeking to obtain Federal funds and Federal approval of a liberal and generous welfare program for the benefit of the aged citizens of Louisiana. One of the items for which I was contending at that time was that aged citizens should be permitted to earn small amounts of income and have a certain amount of resources without deducting these relatively small amounts of income from their welfare payments. My efforts contributed to a successful effort by the State of Louisiana to permit its welfare recipients to improve their condition in a reasonable fashion before their incomes were deducted from their welfare checks.

Down through the years I have offered amendments and supported amendments by other Senators to encourage persons receiving income from public welfare to go to work and improve their circumstances.

It was, therefore, most distressing to me to learn that the program administered entirely by the Federal Government in the District of Columbia made it possible for people to have more income on welfare than those people would receive if they went to work. Case after case was brought to the attention of the Committee on Finance with regard to which welfare workers were correctly advising the recipients to quit decent jobs and rely entirely upon public welfare or other Federal gratuities because they would receive more overall income on welfare as a 100-percent burden on the taxpayers than they would receive by earning honest wages that were available to them.

I have discussed the problem with small business people, frustrated at their efforts to obtain help, while the welfare rolls skyrocketed and welfare caseworkers advised their clients not to go to work. Now, at long last, we have been successful in prevailing upon the Department of Health, Education, and Welfare to change its shortsighted regulations in the District of Columbia in order that working mothers will be better off as a result of their honest labor than they would have been had they merely stayed home, contributing nothing to society to earn their keep.

If one had any doubt about the talent that conjured up the family assistance plan, he need only note the fact that these are the same people who gave us a program to discourage people from going to work and persisted in it for a long period of time after they had failed to successfully defend it before the Senate Committee on Finance. I am happy to see this hopeful note of progress—meager though it may be—toward true welfare reform. It is my hope that in time other elements of commonsense will become a part of any so-called welfare reform proposal.

Merely to note one or two things that remain very much wrong with the existing program under the family assistance program: It would still remain advantageous from a strictly economic point of view for a man to decline to marry the mother of his children, assuming that the mother is not working, they would be able to achieve a large amount of income by pretending that he was contributing nothing to the support of his children and denying that he was available for that purpose. This ridiculous situation could be corrected, but thus far every effort to do something about it has been met by a failure of support on the part of the administration.

Mr. President, in due course, I will have some suggestions along that line, in the way of welfare reform.

A central issue in our efforts to reform welfare is the need to provide incentives for welfare recipients to become economically independent through employment. It was with this in mind that the Congress in 1967 created a new work incentive program for welfare recipients. Under this legislation, a portion of the earnings of welfare recipients is disregarded for purposes of calculating the amount of the welfare payments.

In April 1970, I expressed my concern to the Senate about a sad situation in the District of Columbia. Until now the District has refused to provide any welfare assistance to a woman working full time even though her earnings might be well below the limitation needed to qualify for welfare. A specific case reported in the newspaper last April involved a mother working full time earning $1.80 an hour. When her husband left her, she asked the welfare agency for a cash grant equal to 2 months' rent—$308—to tide her over until her daughter graduated from high school and began working full time. The welfare agency denied the $308 grant and instead urged the woman to stop working and receive $317 per month in welfare payments. As I pointed out in a speech I made in the Senate last April 23, this situation made no sense from the standpoint of the family, from the standpoint of public policy, or from the standpoint of prudent use of public funds.

When Secretary Richardson testified on the administration's welfare bill in July last year, I personally called his attention to the fact that women in the District of Columbia were being advised by their caseworkers to give up full-time work in order to be eligible for welfare. I noted that Georgia had been hailed into court for doing the same thing and was forced to revise its practice and supplement the wages of the working poor mothers. Then, I asked Secretary Richardson how long the District of Columbia was going to be allowed to maintain this illegal restriction. Secretary Richardson responded:

> We certainly do agree, Mr. Chairman, with the importance of carrying out the work incentive provisions that are already in the law. They should be applied in the case of the women you mentioned.
>
> I am told that investigative activity to assure compliance is underway in the District of Columbia. I will follow it up to make sure that full compliance is made.

I was pleased to find out recently that the District of Columbia plans to abandon this counterproductive restriction beginning April 1 of this year.

During the Finance Committee's consideration of welfare proposals last year, I repeatedly stressed the need to reward persons who showed the initiative and ability to work rather than encouraging persons not to work. This is what the Congress intended in the 1967 welfare legislation. I am pleased that the District is finally following suit.

I ask unanimous consent, Mr. President, that the excerpt from the Committee hearing to which I referred and the editorial that appeared in the February 8 Washington Star entitled "Welfare Repair" be inserted at this point in the RECORD.

The article notes that the District expects the new policy to cost $4.8 million. It would be my hope that by offering an incentive to work, rather than an incentive to quit work, the change will actually save tax dollars. If the District had paid $308 as a one-time expense in April of 1970 rather than $317 a month for goodness knows how many months, they certainly would have saved tax dolars in 1970.

If we are to replace the present welfare system with something better, I feel as does the Washington Star editorial that the new direction in public assistance must be linked more directly to work incentives.

Mr. President, I ask unanimous consent to include in the RECORD an excerpt from the hearings of the Committee on Finance, and an editorial from the Washington Star of February 8, 1971.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM HEARINGS BEFORE THE COMMITTEE ON FINANCE

The CHAIRMAN. In one part of your testimony you state that:

"The Federal Government is forced into the position of discriminating sharply in its treatment of equally needy families in different States" and in another you point out the provision of existing law which prohibits initial AFDC eligibility for a working mother whose earnings are more than the need standard of the State.

I might point out, however, that your Department has had an opportunity to treat needy families in a uniform and equitable manner in all States and give real meaning to the work incentive objectives expressed to the Congress, but has failed rather markedly in one case that has been reported in the press.

I have reference to the existence of a provision in the District of Columbia welfare plan which denies welfare eligibility to a woman working full time, even though her earnings are below the standard of need established in this jurisdiction. A similar Georgia provision was struck down over 2 years ago by a three-judge district court, and no appeal was taken.

I assume the department agrees with the court decision, but your Department has issued no regulations prohibiting such State provisions and the District of Columbia provision still stands.

The result is that women in the District of Columbia are being advised by their caseworkers to give up full-time work and thus be eligible for welfare in order to meet their needs.

Certainly you will agree that it was our intent to encourage full-time work and welfare supplementation if the earnings did not provide for the full need of the recipient.

How long is this District of Columbia provision going to be allowed to stand?

Why is this plan illegal in Georgia but sanctioned in the District of Columbia?

Secretary RICHARDSON. We certainly do agree, Mr. Chairman, with the importance of carrying out the work incentive provisions that are already in the law. They should be applied in the case of the women you mentioned.

I am told that investigative activity to assure compliance is underway in the District of Columbia. I will follow it up to make sure that full compliance is made.

[From the Washington Star, Feb. 8, 1971]

WELFARE REPAIR

In 1967, Congress decided that welfare-eligible mothers who choose to work for low pay should at least have their earnings supplemented at public expense up to the level they would receive if they were fully on welfare. Now, belatedly, the District of Columbia is about to comply with that directive.

The local income supplementation, to begin April 1, was disclosed in Mayor Washington's latest budget proposal, which asks $4.8 million to finance the new expense through fiscal 1971. That may not be enough, for no one knows for sure how many potential applicants there are. Legally, however, the city cannot avoid this commitment any longer. And on moral grounds, it is hard to imagine a more equitable or productive use of public welfare money.

Nearly everything is wrong with the present welfare system, which here as elsewhere is threatening to bankrupt local government. The District, better off than most cities in this respect, suffered a welfare caseload increase of 53 percent during the past year alone. What the income supplementation program is concerned with, however, are mothers of dependent children who have chosen voluntarily to try to make their own way rather than to accept aid for doing nothing. That kind of motivation not only merits an equal financial return, it must be encouraged however possible.

The strongest hope for the future lies, of course, in scrapping the entire system and moving in a new direction of public assistance linked more directly to work incentives. Until Congress musters the gumption to do that, income supplementation for employed welfare eligibles provides at least one limited form of justifiable repair.

Mr. BYRD of Virginia. Mr. President, is it not correct that the Committee on Finance suggested to the Department of Health, Education, and Welfare that it set up a number of pilot projects throughout the Nation and the committee indicated its support for $50 million or $100 million, or whatever sum was necessary, so that the plan could be tested to see what parts would work and what parts would be undesirable, but that the attitude of the Department of Health, Education, and Welfare was that we should set up the projects only if Congress gave the Department of Health, Education, and Welfare in advance the right to put the program into effect, whether it would or would not work.

Mr. LONG. The Senator is correct. Of course, that made many people suspicious. Furthermore, when the administration could not get agreement to put the plan into effect, even if the tests proved to be successful, then the Department of Health, Education, and Welfare said they did not want any tests at all. So that we have not been able to get them to agree to a proposition where we would test the program and, if Congress found the program was working well, then implement it.

The Senator is undoubtedly aware of the fact that the Senator from Louisiana has never fully agreed with the family assistance plan, but had suggested to the administration on more occasions than one that he was willing to have them try their plan, provided that we would also try other proposals which, in the judgment of the Senator from Louisiana, made better sense. But the administration was never willing to follow through on what once appeared to be a meeting of the minds, that we should try these things first, the projects that seem to be most in the public interest.

At a later date, I would expect to discuss one other thing that is obviously wrong with the family assistance plan and with the present welfare program—which is a case of multiplying the mischief—and that is where the man is the father of children and is making enough money to support the family but is to the advantage of both that man and that woman from an economic point of view to pretend that he is not the father. Thus the mother can apply to welfare and receive $200 a month for the support of herself and the children. By doing that, he can keep his earnings and she can obtain the welfare money.

Now that the so-called man-in-the-house rule has been knocked down by the Supreme Court, those people could have the best of both ways, the welfare money and, in addition, the income that the man earned without having to support any of his children.

It would make a lot better sense to pursue the general theory of capitalism, even as the advocate in ancient times, Adam Smith, who said that we should shape our laws so that by serving our own interests we would be serving the interests of society and the interests of our neighbors.

What should be done is that we should take some of these poverty lawyers who have been hired by the Federal Government—with forms already filled out for suing the States to try to force the States to load more people on the welfare rolls who were never intended to be there—and put those lawyers to work suing the fathers who have legally been declared to be the fathers. When we do that, we should follow the same economic incentive all the way through, so that the mother would be permitted to keep half of what is recovered for the benefit of the children and they would be that much better off because the father had been made to do his duty toward his children.

This idea of child support has been a matter about which society felt strongly up until welfare moved in and started relieving parents who were willing to shirk their responsibilities and their duty to support their children. There is no reason why we should not in the future overcome the difficulties that exist in making a man support his children by providing that lawyers employed by the Federal Government will be available to the mother to have that man declared to be the father and to have the father's earnings garnisheed, no matter what State boundaries he may try to cross, so that his income can be made available for the benefit of his children.

There are two simple things that need to be done. One, to make it advantageous for the mother to go to work—let her be better off working than loafing. Two, we must put together a proper procedure whereby the father will be sued and made to support his children if he does not wish to do so.

Some might contend that this latter proposal would not make much money for the Government or save enough money to justify this expense, but I would point out if this Government will go to work diligently suing and suing and suing and garnisheeing checks of fathers who desert their families, men who refuse to admit the paternity of their children, in due course, will do the right thing. Because they will be made to do it if they decline to do so. Eventually, the burden on the Government will be greatly reduced. This reminds me of the situation in World War II, when many men volunteered for service because they knew they would be drafted if they did not, thinking they might as well go ahead and make the best of it and volunteer to defend their country.

Many men find it economically advantageous to have the mothers of their children apply for welfare. They do not marry, so that the mother can more readily get the welfare money, $3,000 or $4,000. The man can work and keep his pay, spend it on what he wants, and not bother to support his true family.

That type of situation should be corrected. The Senator is well aware, as I am, that, so far, we have had absolutely no help, absolutely no cooperation from the Department of Health, Education, and Welfare.

Theoretically, about 17 percent of these AFDC cases are situations where the father has deserted his family and 28 percent involve instances where the father is not married to the mother. Yet we see no interest on the part of the Department of Health, Education, and Welfare to use Federal lawyers, poverty lawyers, or assistant U.S. attorneys to pursue this matter. We see no support coming from the Department of Health, Education, and Welfare toward a Federal law on nonsupport which should be on the statute books. Maybe we can do something about that. About an equal percentage, perhaps even a greater percentage, would be situations where the child is regarded as illegitimate. In the overwhelming majority of those cases the father could be found, if the mother was given proper incentive and the proper help in pursuing that man to make him help his family. I know that prior to the time the welfare people moved in and took over the burden of the fathers, it was regarded as the easiest kind of lawsuit for an attorney to win by simply filing a suit to have the man declared to be the father of his own children.

The juries were most sympathetic to the mother when the mother brought that child into the courtroom and the jury looked at the child. She explained that the man was the father of the child. The father denied it. All the sympathy of the jury went to the mother if there was any evidence to support the mother's position. It was not like a criminal case where it had to be shown beyond a doubt. If there was any evidence, the jury would reach that conclusion. So the man could be held liable for the support of his children, and that income could then be applied to them.

It is a sad state of affairs when our Government tries to impose on working people and make them help to support someone else's children merely because the Government and the welfare workers do not care to go to the trouble of obtaining the support for that child from the child's father.

I would say that if we want to provide the incentive for people to work and to improve their living conditions, the Federal Government should provide counsel to file a suit and have the father declared to be the father of his own child. Then they should pursue him wherever he may go and garnishee his wages for the support of his children, whether legitimate or illegitimate. We will then have made at least two steps toward welfare reform.

I am dismayed to see that neither of those obviously logical answers have been a part of the welfare reform plan.

Mr. BYRD of Virginia. Mr. President, the Senator from Louisiana mentioned the lack of cooperation that the committee has received from the Department of Health, Education, and Welfare. I would like the record to show that, based on my observation during the 9 months that the committee was considering this matter, the able chairman of the Finance Committee, in my judgment, leaned over backwards to cooperate with the Department of Health, Eduction, and Welfare. Yet, the committee in return got very little cooperation.

The Senator from Louisiana mentioned that the representatives of Health, Education, and Welfare agreed to a test of their family assistance program in various areas providing the committee or Congress would give the department in advance the right to put the program into effect regardless of whether it was successful or unsuccessful. When the committee would not give them that approval, they then said, "We are not going to test it at all. We are against a test."

That created grave suspicion in my mind, and I was somewhat interested in what the distinguished and able Senator from Louisiana said in the beginning of his remarks, which, I think, is quite accurate, that the proposal brought to the Finance Committee by the Department of Health, Education, and Welfare is not a welfare reform proposal but is a welfare expansion program. It takes the number of persons drawing welfare assistance and doubles them from the present 10 to 24 million.

Mr. President, they cannot even administer the program they have now with 10 million persons on welfare.

Let us look at what happened in New York City recently with a mother and her three children. The mother first said that a friend of hers would give her lodging for $100 a week. The welfare department said no, that they would put her in a hotel in Brooklyn. They did this at a cost of $166 a week. After some weeks there, something happened. I do not know what it was. However, they had to vacate that hotel.

What did they do then? They put this family in the Waldorf Astoria for $76 a day. Mayor Lindsay thought that would not set too well with the taxpayers of New York. So he ordered them out. They are now residing in the home of the friend of the mother for $100 a week, or $5,200 a year.

I was most interested when the New York newspapers queried the mother as to how she liked the Waldorf Astoria as compared to the hotel in Brooklyn. She said, "It was very nice, but the maid service was not as good."

I submit that it is utterly fantastic to talk about more than doubling the number of people on welfare when they cannot even administer the program they have now with 10 million persons on welfare. They cannot administer the program with that number of people on welfare, and yet now they want to have 24 million persons on welfare.

Mr. LONG. Mr. President, the Senator is aware of the fact, I am sure, that the only way the States of the Union would go along with this proposal was when it was proposed that they would have to put less money and there would thus be a relief on the State budget, while the Federal Government would take care of the expenditures. This was found to be somewhat elusive. It was not an aid to the State budgets at all.

The Senator, I believe, knows—and I am certainly aware of it—that if we ask the State governments of the 50 States to put up any reasonable percentage of the increased cost of $4.5 billion a year for this program, those Governors would be in here threatened to secede from the Union if any further welfare costs were imposed on their people. They know how their people feel.

That is why they say that we should take it off their hands. The Federal Government, by hiring all these poverty lawyers to bring suit to make the States put on the welfare roll all these people that neither the Congress nor the States thought ought to be on those rolls helped to create such an intolerable situation that the States have every reason and justification for asking to be relieved of that burden.

The truth of the matter is that loading all of that burden on the Federal Government does not solve the problem. It makes it worse. It requires the taxpayers to pay their taxes to support people who never should have been on the welfare roll to begin with. It does not relieve the problem one iota because they pay it out of Federal taxes rather than State taxes, and it will take a whole lot more dollars to support 24 million people than it does to support 10 million.

Mr. BYRD of Virginia. It probably costs the taxpayer more. When the money comes down to Washington, a pretty good slice is cut out of that money before it gets back to the program that it is supposed to be used for.

I wish that one of the 100 Senators could explain how we would reverse the trend of the welfare state by doubling the number of people on welfare.

All sorts of people have come before the Finance Committee to discuss the welfare proposal. Not one single representative of HEW has been willing to answer how we would reverse the trend of the welfare state by doubling the number of people on welfare.

Mr. LONG. Furthermore, we would add literally tens of millions of people to the welfare rolls, people who at this time do not think they have a right to be on welfare. Tremendous political pressure will be brought to bear from all sorts of people who feel that they too should be relieved of having to work for a living and who find it advantageous to loaf rather than work, and to cheat rather than to seek honest employment.

Then one might try to explain how the demand is going to be resisted for larger and larger welfare payments and more liberal eligibility. We have the proposition now of a $5,500 minimum which would cost about $50 billion a year if it were put into effect.

If we are ever able to get out of the war in Vietnam, which some of us hope will occur eventually, this proposition would cost twice as much as the war in Vietnam and it would do very little good for the people of the country because you could not get anyone to work.

So I submit if this type of guaranteed annual wage for not working were to go into effect, in the next Congress they will be back demanding a pay raise because the guaranteed wage is not enough, and then it will not be long before we have not 50 percent of the people of the Nation on welfare but 75 percent of the people of the Nation on welfare, and the question will be who is going to work and earn a living when 75 percent of the people in this country can go on welfare.

The best I can make of it, they would only be permitted to keep 20 cents on each dollar they earn.

The Senator is aware that the proposal we were looking at had all kinds of difficulties. For instance, it provided a better incentive for a woman not to marry because she could get a larger amount of money by pretending the husband was not available to work, even though he might be.

Mr. BYRD of Virginia. The Senator is correct. One of the reasons given for the need to change rule XXII of the Senate rules and shut off debate more easily—debate can be shut off now when two-thirds of the Senators present and voting want to shut it off—is that the Senate did not act affirmatively on the welfare program last session. I do not have any hesitancy in standing on the floor of the Senate and saying I am glad we did not. I think it would have been completely irresponsible for the Senate to have passed that gigantic welfare program.

I like to use the words of the chief advocate of the program, Mr. Elliot Richardson, Secretary of Health, Education, and Welfare. In his first written statement to the committee, the able chairman will recall, he said this about that program: It is revolutionary and expensive.

We know it is expensive, and I am sure it is revolutionary. I have no objection to revolutionary programs. I think we have to change our welfare program. It is outmoded; it goes back to the 1930's. We must reform it, but before we put into effect a revolutionary and expensive program, to use the words of the chief advocate, it seems to me only logical we should set up some experiments in four or five places, and let HEW decide where they want to do it. I am willing to vote $50 million, $1 million or $150 million, or whatever it takes. But before we put into effect a program that is going to cost the American people untold billions of dollars, we have to be sure what we are doing and give it a test.

Speaking of cost, the Federal cost for welfare, as the able chairman knows so well, was $4.4 billion for the past year. If this new program is enacted the costs for the next year, the up-coming year, will be $11.8 billion or almost three times the cost last year. Where all this money is coming from, I frankly do not know. There is only one place this Government can get money and that is from the pockets of the wage earners. That is the only place the Federal Government can get money, out of the pockets of the wage earners. I think that the wage earner has been pretty hard hit. I do not know whether all of them realize it or not because we have the withholding tax, and I do not know how we could run the Government without the withholding tax, but we have the withholding tax whereby money is taken from the worker. Nevertheless, the only place our Government can obtain funds is from the pockets of wage earners, and the men and women—and so many wage earners today are women, we want to be sure to include them—are paying a very heavy brunt in taxation. Before we go into new gigantic spending programs we have to give some consideration to the wage earners of our Nation.

I want to say again I was so pleased that the distinguished and able chairman of the Committee on Finance made his statement on the floor today and inserted in the RECORD certain information pertaining to the new welfare proposals.

Mr. LONG. I appreciate the Senator yielding to me for that purpose.

Mr. President, just to reiterate, it seems to me the starting point on any program of welfare reform must be that the new system makes it more attractive for people to work for a living and that they have more income because they work than they would if they did not work. If welfare reform does not have that provision it is not welfare reform.

I have had decent, hard-working employers, especially small businessmen, tell me of a ridiculous situation that exists. They have tried desperately to get someone to help in their businesses and willing to pay $2 an hour to work under pleasant surroundings, in air-conditioned comfort, and doing business with the nicest kinds of people, and they could not get someone to work in that little establishment because the welfare worker advised people they would lose money by going to work; that they would make more on welfare, and by staying home, than by working.

That is ridiculous. They would have less money by working than they would by living on welfare. At least in the District of Columbia that situation is being straightened out at long last.

The next thing I think should be a point of welfare reform is that in all cases every effort should be made to determine who is the father of the child. We have more unemployment than I would like to see. We have between 5 and 6 percent unemployed, but that still means 95 percent of the people who want to work are employed, and those who are unemployed are drawing unemployment insurance benefits.

The second point is that we should make it advantageous for the mother to seek the support of the father, and should make available through the Federal Government the instrumentality to assist that mother in requiring the father to support his children before we ask honorable and decent people to pay their tax money to support him. We should get that under control. That is point No. 2. That needs to be a part of the welfare reform.

It would not take many situations of that sort, where the daddy is made to pay, to get welfare on some proper basis. As far as this Senator is concerned, I would be happy to help the working poor, but the best test of whether a man is working poor is whether he is, in fact, working. If he is working and has a wife and children to support, or if a mother is willing and trying to support her child and is not making enough money to support them, then I am willing to help those people on a reasonable basis.

But why should the working poor be confused with the poor who do not care to work or with women who have men available to support those children, but who prefer to pretend they are not the fathers at all, when in fact they are? Why should we want to confuse the working poor with the nonworking people in this country who are not interested in working, be they poor or middle class?

So when we make a simple distinction between those who are entitled to be helped because they are doing their best to improve their lot and those who have no right to be helped, we will be improving welfare programs. But merely to double the number by adding to those who should not be on the roll in the first place will undermine the initiative that made this country great.

Mr. BYRD of Virginia. Is it the Senator's considered judgment, after listening to testimony before the committee for months and months, that the proposal lacks work incentive?

Mr. LONG. There is not a doubt in the world about it. As was pointed out, under the existing program, even though there was power to change it, a person would make more by not working than he could make by working. That is obviously a disincentive.

Under the family assistance plan, a family would be better off, in terms of cash, to pretend that the father was not the father of the children at all, so the mother and the children would be available for the family assistance plan, while the father could keep everything he made and covertly pass along to the mother such assistance as he wished for the children. Those people would be far better off under the family assistance plan than would honest people who were working hard for a living and who were not making very much money doing it.

Those conditions are not right and they ought to be corrected. Even if people are behaving honestly under the program, if we look at the various programs like food stamps, subsidized housing, and so forth, we find that they lose at various points as they move up the ladder economically.

So, after having put people on welfare and having prevailed on them to go to work, they would get only 20 cents on the dollar that they made after they went to work. That is very discouraging in and of itself. So the plan is obviously lacking in work incentive, which ought to be the objective of any welfare reform.

Many misleading facts have been put out about the matter. For example, it has been said that of all the people on welfare, only about 1 percent are actually available to work. A very distinguished American who served in the Harry Truman administration was in my office just yesterday. He mentioned that he and his wife were driving through the metropolitan area of the District of Columbia. As they were going through some of the so-called slum areas, they noted how filthy it was, with litter and trash everywhere. This man said that before these people were given welfare money, we ought to at least insist that they clean up whatever litter and trash was in front of their houses. Why not? If they are going to be given money, let them at least work enough to keep the front of their houses clean of litter and trash. That would be better than what we are doing now. These people, even mothers with many children, could sweep up the place in front of their homes and do that much to clean up the community.

Furthermore, over 90 percent of those children have fathers, and the identity of those fathers is known to the mothers in more than 90 percent of the cases. Lawyers could bring suits which would declare those men to be fathers of those children, and they could be compelled to help support them.

So we find a great big mess, and most of that has been created by the Federal Government itself through hiring poverty program lawyers to strike down precautionary provisions in Federal, State, and local statutes and regulations. Having hired all those lawyers to help subvert and undermine the purpose of the program, we then find that the administration, talking about reforms, fails to come up with the first simple requirements of welfare reforms.

It is said that one must register for work under the program. The Senator knows as well as I do that it is not intended to put those people to work. The very statute which says they must register to work would, on the fact of it, give 50 excuses for them not to work, and it does not provide incentives for them to go to work. So the program utterly fails of the objective stated for it. So it has not passed the Congress because of its failure to do that.

As one who wants to help the poor and who has led in that effort year after year, let me state that merely spending more money to put more people on the rolls is not the answer. The taxpayers are being victimized by putting on the rolls people who do not belong there, by encouraging them to lie, steal, and cheat, when the incentive ought to be for people to strike their names from those rolls and try to improve their condition. It is a far higher form of charity to provide help for a person so he can move up to a condition where he does not need a handout than to keep him on relief.

Mr. BYRD of Virginia. A person who has made a more detailed study of this subject than anyone else, or at least any other Governor, is Gov. Ronald Reagan of California. While we are discussing welfare, I want to pay tribute to Governor Reagan for going so thoroughly into this matter. I have talked with him on the telephone several times. I have talked with him in person. I have had letters from him. I think he has made a thorough study of welfare in California, which is the largest State in the Union. He takes a view very similar to the view expressed by the distinguished Senator from Louisiana and very similar to the view that I hold.

It had not occurred to me until this moment that, if he were willing to come east, he could give the committee a good bit of information that would be helpful in trying to shape a fair and reasonable and desirable welfare program. We want to help the poor people. I think we have a deep obligation, as a government and as individuals, to our fellow citizens who are physically or mentally unable to earn a living, and we want to fulfill that obligation.

As far as the Senator from Louisiana and the Senator from Virginia and the Governor of California are concerned, one of the abuses in the welfare system is lack of work incentives and the fact that persons are drawing welfare who in some cases refuse to work.

Mr. LONG. Of course, why should a person not refuse to work if he cannot keep any of it when he goes to work?

I would like to invite the attention of the distinguished Senator from West Virginia (Mr. BYRD) if I may, to the statements I am about to make. It is my understanding, if I recall correctly, that some years ago the distinguished junior Senator from West Virginia investigated the welfare situation in the District of Columbia, when he was chairman of the Appropriations Subcommittee dealing with this problem. It took a good deal of courage to confront the misguided people who seemed to feel that, for one reason or another, we would serve the national interest by loading the welfare rolls with people who had no right to be there.

I recall that the Senator was chastised viciously by the morning newspapers, day in and day out. But the Senate sustained him, because he was doing a real job and doing what the national interest required.

If I recall correctly, the Senator discovered that about 50 percent of the people who were on the welfare rolls here in the District of Columbia were not eligible for the payments they were receiving, or approximately 50 percent. With the permission of the Senator from Virginia, I would like to ask the Senator from West Virginia if that is not correct.

Mr. BYRD of Virginia. Mr. President, I yield to the Senator from West Virginia, with the understanding that I do not lose my right to the floor or have it counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, in response to the query by the able Senator from Louisiana, may I say that the investigation to which he refers was initiated by the Appropriations Subcommittee of the District of Columbia. As chairman of that subcommittee at that time, I called upon the Comptroller General of the United States to join with the investigators of the District of Columbia Welfare Department in conducting a joint investigation in the Nation's Capital of the ADC caseload.

Fifty-nine percent of the ADC caseload in the District of Columbia was determined to be ineligible—not by me, but by the investigators from the District of Columbia Welfare Department, working conjointly with the General Accounting Office investigators.

Having discovered that rate of ineligibility, it was thought by the subcommittee that the investigators should also examine the general public assistance caseload, which is wholly locally financed. It was found that 58 percent of the general public assistance caseload was ineligible. The subcommittee went from there to the caseload involving the permanently and totally disabled, and an investigation of that caseload showed that 39 percent of those who were on the totally and permanently disabled caseload were ineligible.

So of the three caseloads—ADC, general public assistance, and the aid to the permanently and totally disabled—it was found that 59 percent, 58 percent, and 39 percent, respectively, of the recipients were ineligible.

So the Comptroller General, as a result of these investigations, supplied to the subcommittee a well-documented report on the findings and conclusions which was disseminated among the press media and publicized.

Prior to that time, the caseload had been constantly rising in the District of Columbia, but, upon the initiation of the investigation and subsequent thereto for a period of many months, the caseload went down with each ensuing month, until HEW began relaxing its regulations more and more, and the Supreme Court of the United States issued certain decisions, which are all so well known—dealing with the substitute parent rule and the residency rule—and these two factors, acting in conjunction with the activities of so-called antipoverty programs, caused a reversal in the downward trend in the welfare caseload in the District of Columbia.

I shall be happy to supply the Senator from Louisiana with a copy of the Comptroller General's report to which I have made reference.

Mr. LONG. If I recall correctly, the people who then had the rolls loaded down so that more than 50 percent of the caseload did not belong there at all now have it back that way again, and apparently have escaped the scrutiny of the Senator from West Virginia to the point where the ADC rolls last year exceeded the eligibility by 53 percent; is that not correct?

Mr. BYRD of West Virginia. I believe that is correct. I am not attempting to keep up with the statistics here in the District of Columbia any longer, because it is not my responsibility to do it, and I have other responsibilities that consume all my time. But according to the press reports, I believe that is substantially correct.

Mr. LONG. Can the Senator imagine anything more ridiculous? It was found in 1963 that half the people on the rolls did not belong there to begin with. In the face of that there was initiated the so-called "declaration method" of applying for benefit, which meant they would put a person on welfare purely on his own word. They do that after they had already found 59-percent of the people on the rolls did not belong there? How ridiculous can you get?

Obviously we will save a great deal on welfare if we bar the so-called declaration method and investigate the actual need of applicants. If we are going to make 24 million more people eligible to go on the rolls, more than twice what we have now, all a person will have to do is get himself four or five social security numbers, using different names, he can go out and get himself on welfare four or five different times.

Furthermore, the Supreme Court, as the Senator so well knows, has declared unlawful the so-called man in the house rule or substitute father rule, and has declared that our statute does not permit a residency requirement when, in our judgment, it should and does. I think we can overcome the constitutional difficulty about that point, but it is now so easy for a person to get on the welfare rolls four or five times that one wonders why everyone on the welfare rolls does not get on four or five times.

A little lady out in Alameda County, Calif., got on the welfare rolls four times in one office when she was not eligible at all, just to show how easy it is. In Louisiana the other day someone came in the office and asked to go on welfare, and it was discovered she was already on welfare four times with all her children, and would have been on five times except that the welfare worker who put her on the fourth time recognized her on her way out, and complained about the fact that the person was asking for someone else to handle her case, when it was obvious that she had taken good care of this person by recommending the maximum amount the last time she had seen her. Then it was discovered that this person was using different names and different social security numbers, and was cheating the system.

We do not now know of any way—I have been trying to find one—to protect the Government from being cheated blind with that technique. Unless we use fingerprints, it absolutely defies reason to know how we are going to detect these multiple social security numbers or even multiple applications and multiple names. One could even use the same name repeatedly, in areas where one lives near a State boundary. For example, a recipient living in far northeast Louisiana could also apply in Arkansas and Mississippi; there is no cross reference of the welfare rolls in those States.

And now, if one is to be eligible for it upon his own declaration—and in some States apparently they can even get on by telephone, or they can just take the application home and fill in whatever they want to, and that is worth maybe $2,000 a year to a single applicant—goodness knows how many of them are using several different offices, and there is no way to check any of it.

When we have the experience in the District of Columbia of more than 50 percent of the people on the rolls being ineligible, how can we, as prudent stewards of a public trust, vote for a situation that leaves it wide open for everybody to absolutely take advantage of us and steal us blind?

I see by the press—one of the handouts of the Department of Health, Education, and Welfare—that they say that the cases of detectible fraud are only 1 percent. I like the trick phrases they use: "detectible fraud." That means that they have caught only 1 percent. That is because they have not tried. Anybody who tried would catch 50 percent, or 14 percent, as the GAO detected in New York City; or 22 percent, as the State authorities detected in Nevada a month or so ago.

All this is going on, and it will become worse unless we do something to correct it. Those types of corrections are what I call reform.

This Senator is perfectly willing to spend more money to help needy people, but he is not willing to have the people who are entitled to be on there once go on there 4 or 5 times; and he is not willing to have people drawing large amounts of welfare payments only because they deny that they know who the father of their child is, when they know very well and when the father is very well able to support that child.

The Senator from West Virginia was on television the other day, and he acquitted himself very well against at least one questioner who wanted to embarrass the Senator. It was very obvious. The Senator reported that, far from being cruel with regard to handling the welfare problem in the District of Columbia, he simply insisted on enforcing the law; and by enforcing the law, a great deal of additional money was made available to people who belonged on the rolls. That is how this Senator thinks it should be done.

If Government aid is provided only to those who really need it and if they are encouraged to improve their condition, the aid will go much further and will be much more meaningful. It is a higher form of charity to help a person to help himself than it is merely to keep him on the dole forever.

The Senator pointed out that, thanks to his efforts, he not only saved the Government money, but also made it possible for those who remained on the rolls to have a great deal more, because they were the ones entitled to help, not the people who were ineligible.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Virginia again yield, with the same understanding?

Mr. BYRD of Virginia. I yield.

Mr. BYRD of West Virginia. The able Senator from Louisiana has again referred to my efforts in connection with work on the Appropriations Subcommittee on the District of Columbia some years ago.

May I say, with regard to the declaration method, I think no fault can be found with the declaration method with respect to certain categories—for example, aid to the blind, old age assistance, and so on. But the trouble with some of the good people in HEW is this—and I say this with all due respect for them: Their ideas from the standpoint of theory do not prove out from the standpoint of practicality. So, while the declaration method is all right and is perhaps advisable—and I would support it with respect to the two caseloads I have referred to—I think it would not work with respect to the ADC caseload.

The Department of Health, Education, and Welfare simply has never been willing to face up to the fact that there are people on the welfare caseloads who are not eligible. HEW simply has been unwilling to confront the fact that investigations have proved that great numbers of recipients are not eligible.

Prior to the investigation to which we alluded a moment ago, which took place in the District of Columbia 7, 8, or 9 years ago, the Department of Health, Education, and Welfare took the position that in the District of Columbia the rate of ineligibility was not more than 2 or 3 percent, certainly less than 5 percent. What the people there apparently never have learned is simply that one cannot determine ineligibility by shuffling papers. It requires an investigation by trained investigators who know how to systematically go about checking on the reported and unreported resources, and so on, of the recipients.

The Comptroller General of the United States, who heads the General Accounting Office—which is an arm of Congress—stated in his report to Congress, in effect, that with respect to the ADC caseload, the caretaker relatives could not be depended upon to give the true facts with regard to the circumstances surrounding the case. They just could not be trusted. He did not mean that everyone out of every 100 could not be trusted. But, in the main, he indicated that "reliance cannot be placed on the ADC mothers to reveal the actual conditions or circumstances which have a bearing on the recipients' eligibility for financial assistance."

In the face of this, nevertheless, the Department of Health, Education, and Welfare has persisted in trying to get the declaration method extended to the ADC caseload—even in the face of this clear and unequivocal statement by the Comptroller General of the United States, which was based on very careful investigation of the caseloads in the District of Columbia.

We must have welfare reform in this country. We have to have it. It is long overdue. But just to send up a mixed bag to the Congress and write "welfare reform" on it does not mean that it is going to achieve genuine welfare reform.

As is often said, the welfare program is a "mess," but let me say here and now that HEW has contributed its share to that mess; because that agency has, in recent years, persistently insisted upon easing and relaxing the regulations, making it easier for recipients to apply and to qualify for and to stay on public welfare. HEW has encouraged people to go on welfare by forcing the States to follow such regulations and guidelines as have opened the floodgates.

Another example is in the case of overpayments. If a social security recipient, for some reason or other, receives an overpayment; if he gets a check to which he is not entitled, that social security recipient is required to repay to the Government every penny of that overpayment. But let a welfare recipient get an overpayment, and he is not required to pay that money back if it is an agency error. Senators would be surprised at the thousands of dollars just in the District of Columbia alone, over the years, that have been lost by virtue of overpayments to welfare recipients. Of course, there is the other side of the coin, too. There are underpayments. But neither can be defended.

HEW, in my judgment, while it does a great deal of good work, for which we are all thankful, has been perhaps the chief culprit in the creation of a mess out of the welfare programs in this country.

So do not look to HEW, may I say to my namesake from the State of Virginia, to tell Congress how to get out of this mess.

Mr. BYRD of Virginia. The Senator from West Virginia can be certain of that.

Mr. BYRD of West Virginia. HEW helped to make the mess, and we in Congress will have to find some way to bring about reasonable welfare reform in this country. We owe a religious duty; we owe a civic duty to the people of our country who need help and who deserve help. But, at the same time, we ought to find a way to give them that needed help without encouraging more and more people to get on welfare who are really physically and mentally able to find work, and to do a good day's work, and who are not entitled to welfare. I am for manpower training programs. I am for any feasible, workable and compassionate approach to welfare reform. But the package that was sent up here last year labeled "welfare reform" was far from being welfare reform. We will never reform welfare by tripling welfare caseloads or doubling or tripling the costs. There has to be a better way. I, for one, accept my responsibility, along with others here, to try to find that better way. I am not a member of the committee which has jurisdiction over such legislation, however.

Mr. LONG. Mr. President, I very much appreciate what the distinguished junior Senator from West Virginia has said about this matter because I am certain in my mind that before we put 14 million people on the rolls, we should take off about 1 million that do not belong there, and the 4 million additional proposed to put on there probably we will find we do not need to put that many on, and we could get by with 3 million for parallel purposes——

Mr. BYRD of Virginia. The Senator is speaking of 14 million, not 4 million; is he not? It is 10 million to 24 million?

Mr. LONG. Yes; I stand corrected. I had my figures confused. The Senator is exactly correct and I thank him for the correction.

We should take off some of those who do not belong there. Before we support a child on the theory that we cannot find the father, we must make it to the mother's advantage to help us find the father. Before we say that the State laws are inadequate to make the father pay, we should pass a law that will give the Federal Government the right to sue the fellow and make him support the child. The Federal Government finds itself in the position of having the child left on its doorstep, so to speak, and has to put up the cash to support that little child. Having provided the mother with the tools to pursue the father and make him support his child, then we should allow her to keep half of that money, say, 50 percent of what is collected from the father.

One might say that by the time we let mama keep half of what she collects from papa, as a result of expenses by the Federal Government to bring that about, we might not save very much. The point is that if we pursue this thing, with diligence, find the father, and make him pay, it will deter others from running off in the first place.

Many of those who are taking good care of their former wives and children are doing so because they know the wife has a good lawyer working for her who will find him and make him pay. So why should not that same approach be used with regard to men who today are denying the paternity of their children? I believe that they would cease to engage in that kind of immoral conduct, or would begin to admit paternity and begin to support their children rather than abandon them to welfare.

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator from Virginia yield again, on the same understanding as before?

Mr. BYRD of Virginia. I yield.

Mr. BYRD of West Virginia. Just as the Department of Health, Education, and Welfare has long recommended that overpayments to welfare recipients were largely to be written off and forgotten and no effort made to collect repayments of overpayments, especially where an agency error was concerned, the same thing can be said, as I recall, about some of the details concerning the FAP program—and if I am in error, I hope that the distinguished chairman of the Finance Committee will correct me. I believe that the program initially sent up here by the HEW relegated to the scrapheap the family planning programs.

It has been quite some time since I reviewed the initial proposal, but it appeared to me, much of my chagrin at the time that HEW recommended a lesser effort from the standpoint of appropriations and authorizations, and so forth for family planning among welfare recipients.

Mr. LONG. If I may interject there, the Senator will find that HEW has seen the light in that area. The bill we passed by an 81-to-0 vote will move in the right direction on family planning. It is liberal in that regard, and I think it should be.

Mr. BYRD of West Virginia. What I was saying was, the Department originally was willing to play down and undercut that very important program. Am I not correct on that?

Mr. LONG. Yes.

Mr. BYRD of West Virginia. This shows a blindness on the part of the Department of Health, Education, and Welfare, which is absolutely contrary to all realism. This country will never be able to bring the welfare caseload under control until something is done to reverse the horrifying trend of illegitimacy. Two or three years ago, I recall that there were six mothers on the ADC caseload in the District of Columbia who had 61 illegitimate children—all on welfare. That is 10 illegitimate children apiece.

There was another group of 10 mothers who had 90 illegitimate children, all on welfare. That is, nine children each.

Another group of 21 mothers had 168 illegitimate children; all on welfare. That is eight children apiece.

One could go on and on and on with those who had seven each, and six each, and five each.

This is not said in criticism of the illegitimate child or in criticism of the woman who makes one mistake or even two mistakes. But when it gets to where there are five, six, seven, eight, nine, 10, and 11 illegitimate children in a family unit, in which there are as many as seven different fathers, then something is wrong. It is a problem which HEW and Congress should try in a compassionate way to correct and solve.

It was for this reason, I know, that Senator Tydings, of Maryland, who is no longer in this body, was so interested in trying to encourage family planning programs. It was for this reason that I sought, while acting as chairman of the Appropriations Subcommittee on the District of Columbia, to encourage the provision of family planning information, and so forth, to welfare recipients in the District of Columbia.

Mr. President, I say all this merely to say again that HEW has just been unable to see the facts as they are and to come up with a realistic program for trying to help these people who qualify for help and who ought to be given assistance, while, at the same time, ridding the caseloads of people who are not eligible. This is a duty owed to the taxpayer.

Mr. LONG. It stands to reason that all seven fathers of the children by that one mother would be a lot more interested in family planning if each one was confronted by a petition and subsequently a court order requiring him to pay support to the children. All of them would be a lot more responsible in their conduct. That is one phase of welfare reform that has been neglected by this bill. Nothing is accomplished along that line in the bill the administration sent up. As a matter of fact, one version of their bill even said that some welfare recipients would, henceforth, have to pay for any family planning services they desired.

Can you imagine anyone sending up a bill to put an additional 14 million people on the welfare rolls without beginning to correct any of the evils but to grandfather it all in? Brush it all under the rug and build on top of it.

This Senator will do his best. I appreciate the help of the two distinguished Senators from Virginia and West Virginia. They realize the problem and they will do their best to try to provide real welfare reform, welfare reform that seeks to make good citizens out of people that are presently more of a burden than a help to society.

Mr. BYRD of Virginia. Mr. President, the Senator from Louisiana mentioned a new point in the discussion, a point that one very seldom hears.

The Senator from Louisiana brought out the fact that the new proposals carry a grandfather clause. They "grandfather" in everyone who is on welfare.

As the Senator pointed out also, it uses that as a starting point and then adds 14 million persons to the welfare rolls.

It seems to me that to say that everyone on welfare should remain on welfare and get the same benefits he is now getting without regard to whether he should or should not be in that category is not a very good proposal.

Mr. LONG. Mr. President, I do not believe that I am betraying a confidence when I report for the record that before this Congress met, the advice of this Senator was sought as to what should be done with regard to the family assistance plan in this Congress.

It was my advice that the same program that was sent up last year should not be sent up this year, that those who wanted to ask Congress to act on behalf of the administration ought to try to determine why it is that those honorable men who have always voted for the high figure with respect to such matters would not support the plan. Obviously, there must have been something wrong with it when the men who have always been willing to vote for the high figure time after time would not support the plan.

Whether it is known or not, there is not any overwhelming demand for the adoption of the plan. The overwhelming demand on the part of the taxpayers is that we clean up this whole mess. The family assistance plan is a case of building new problems on top of old problems and sweeping the mischief under the rug. This does nothing about what is wrong with the program. It only makes it worse rather than better and adds 14 million additional people to the welfare rolls.

Until progress is made in that direction, it seems to me that it is an outrage to hold those poor old social security recipients as hostage, to hold their meager 10-percent increase hostage to push through some kind of a legislative monstrosity when the administration is not in a position to tell Congress what the proposal will be, so far as I am able to determine.

Does the Senator know what the latest version of the family assistance plan is? I do not.

Mr. BYRD of Virginia. I do not have the slightest idea.

Mr. LONG. Yet the people who clearly deserve and need a cost-of-living increase in their social security benefits as well as the disabled and the elderly people would be held hostage until the administration decided what it wanted to recommend in the way of welfare reform.

Mr. BYRD of Virginia. I think it important that the increase in the social security benefits be brought before Congress and passed.

As the Senator from Louisiana pointed out, this Congress wants to give an increase in social security benefits to the older people. They deserve it. The inflation they are experiencing justifies it. Congress passed it last year; the Senate passed it last year. Congress ought to pass that increase in social security benefits, as the Senator from Louisiana mentioned, and not tie it to a program that is very complex and that under the best of conditions is going to take a long time for the House of Representatives to consider.

I think it is very wrong and is very unjust. It works a great hardship on so many elderly people of our Nation not to pass the social security benefit increase. They are entitled to it. There should be a 10-percent increase in social security benefits. The Senate voted for that increase last December. The Senate Committee on Finance voted that way last September, I believe it was.

Congress is almost unanimous in giving an increase in the benefits to those people on social security. I think we ought to do it.

This is now February. When we return from the Lincoln Day recess, February will be more than half over. It is not logical or justified to hold the social security bill hostage to another bill merely for the purpose of trying to get the second bill passed. That is about what is happening.

Mr. LONG. Mr. President, what is happening is that a bill that passed the Senate by a vote of 81 to 0 is being held hostage. One does not have to ask how anyone voted. If a Member of the Senate was here, he voted for the bill. It was unanimous. However, the bill is now being held up while the House tries to add to it a very controversial matter, the details of which no one in Congress really knows. I assume then that we are to be asked to rush it through before we have had a chance to even study it.

If the family assistance plan is to be made a part of the social measure, I for one would insist that we have an opportunity to debate, discuss, consider, and vote on every suggestion that any Senator wants to make, such as the ones that were agreed to in the Finance Committee, to try to undo some of the very unfortunate court decisions which had the effect of enormously increasing the welfare burden on the taxpayers by adding to the rolls people who were never intended to be on those rolls.

If we do not act in the area of reform, we have no business calling this measure welfare reform. There is no reform in it. There is only a big increase in cost.

Mr. President, I thank the Senator for yielding to me. I had not intended to take so long.

I think it well that the record reflect that some of us are concerned about this matter.

I congratulate this department that at long last it has made this meager step in the right direction to assure that at least in the District of Columbia a mother will not be penalized because she wants to work to support her children.

Mr. BYRD of Virginia. Mr. President, if they want a pilot program, I think that there is no better place than the District of Columbia.

Mr. LONG. The Senator is correct. There would be no better place than the District of Columbia. It is close enough so that Congress can send out investigators to see how the plan is working.

Mr. BYRD of West Virginia. Mr. President, would the Senator from Virginia yield once again to me with the same understanding as before?

Mr. BYRD of Virginia. Mr. President, I am glad to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I congratulate the able Senator from Louisiana on the attitude he has expressed with respect to the need for an increase in social security benefits and with respect to the haste that ought to be made in providing that increase. I would hope that he will do whatever he can to sever from a proposed social security increase any other legislation.

I am for welfare reform. I want to see this Congress come forward with a workable, feasible, and wise welfare reform package. But if it cannot stand on its own two feet without holding as its hostage an increase for our social security recipients, then it is not a welfare reform package worthy of the name. It ought to be able to stand on its own bottom and pass on its own merits.

I hope the Senator will do whatever he can to prevent a social security increase from being held hostage in order to insure passage of a dubious welfare reform package. I think both bills should stand on their own, and certainly these millions of elderly people who are backed further into a corner by spiraling living costs and have to depend on that little social security check should not have to wait another 6, 8, or 10 months while Congress enacts welfare reform. They should have their increase now and it should be made retroactive to January 1.

I hope the chairman does what he can to bring that measure to the floor of the Senate soon after it comes from the House of Representatives. Let us give the old folks what they have coming to them and give it now. Welfare reform should be made to sink or swim on its own, and I hope it will be genuine welfare reform.

Mr. LONG. As the Senator knows, the bill we passed by a vote of 81 to 0 could be passed again by a vote of 81 to 0 today or tomorrow if we could get it to third reading and to a vote.

Mr. BYRD of West Virginia. Yes. I compliment the Senator.

Mr. LONG. The other measure would have grave difficulty passing either House on its own merits. I think it would be a tragic mistake to try to hold these tens of millions of people who have to rely on social security as hostages to pass a measure that could not be passed otherwise. But it would not be hard to pass the bill which has already been passed by a vote of 81 to 0.

Mr. BYRD of Virginia. Mr. President, I wish to associate myself with the remarks made by the Senator from West Virginia. I express the hope that the Senate will sever from the social security bill any other legislation, whether it be the welfare proposal or any other legislation, because I think it is very important that an increase in social security benefits be forthcoming at the earliest possible date.

Congress, including the Senate, has promised the elderly people of our Nation, those who must live on social security and who are so hard hit by inflation, an increase in benefits. I see no reason why that increase should be withheld. I will vote to sever any other legislation from that measure that would have the effect of delaying the benefits that I think the elderly people are entitled to.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO 11:45 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR KENNEDY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the approval of the Journal, if there is no objection, and the recognition of the majority leader and the minority leader under the previous order, if they so desire, the able Senator from Massachusetts (Mr. Kennedy) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the conclusion of the remarks by the Senator from Massachusetts (Mr. Kennedy) tomorrow, there be a period for the transaction of routine morning business, not to exceed 45 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 50—SUBMISSION OF A RESOLUTION TO AMEND RULE XXII

Mr. DOLE. Mr. President, the question of the limits to which Senate debate should be subject is highly important. It is important to the Members of this body and to the American people. Free and unfettered discussion of issues before the Senate has been a cornerstone of our procedure since the first Congress. Protection of a minority from tyrannical abuse by the majority is a unique feature of our legislative process. This safeguard, this safety valve against intemperate, hasty and ill-considered action has served as a valuable element of our constitutional processes over the years.

The wisdom of Congress and it contributions to the life of the Nation are not measures only in the rolls of bills which have received approval. Another and sometimes a more accurate gage of congressional sagacity and foresight might be found by sifting through the proposals which died from committee inaction, outright floor defeat and suffocation by filibuster. Of course, from time-to-time, meritorious and highly worthwhile legislation has been blocked, and the good intentions and commendable goals of the vast majority of the American people have been frustrated by considerably less than a majority of the Senate.

DANGER OF PARALYSIS

It is one thing to provide protection against majoritarian absolutism; it is another thing again to enable a vexatious or unreasoning minority to paralyze the Senate and America's legislative process along with it.

During the last Congress, the legislative branch of Government was subject to considerable criticism, not all of it unfounded. This criticism, generally, took the Congress to task for its apparent incapacity to dispose of its workload in the time allotted to it and for its failure to give decisive attention to many of the crucial issues facing the Nation.

Specifically, this criticism often centered on the Senate and rule XXII. Perhaps no single feature of Senate procedure has been subjected to such heated discussion as the portion of rule XXII requiring a two-third vote to invoke cloture upon debate.

The reaction to this criticism has varied. Some have maintained stanchly varied. Some have maintained staunchly that rule XXII, as it is written, must remain and that any alteration of it would be dangerous and highly undesirable. Others have gone to the opposite extreme and demanded the complete abolition of rule XXII and establishment of debate at majority suffrance. There have been others who have sought a middle ground, who feel that extended but not unlimited debate is a worthwhile and valuable element of the Senate's processes. I count myself among this number, for after studying the history and precedents of rule XXII and having lived and operated under the rule for the full 91st Congress, I believe its spirit, if not its present letter, is necessary and merits retention.

THE THRUST OF REFORM

Over the years, the proponents of amending rule XXII have suggested a number of alternatives. The current, and to date most well-received, proposal is to change the number necessary to invoke cloture from two-thirds of those Senators present and voting to three-fifths. It is perhaps the logical step, three-fifths being the only fraction between two-thirds and one-half which comes out to whole Senators. But I believe that an immediate substitution of three-fifths for two-thirds might present too great an opportunity for hasty decision and rash action. To my mind, it has seemed that a gradual shift in the vote requirement, geared to the length of debate and the consideration given to the invocation of cloture, would be most advantageous and desirable. Therefore, I am presenting an alternative to the proposal offered by the Senators from Idaho (Mr. Church) and my senior colleague from Kansas (Mr. Pearson).

A COMPROMISE SOLUTION

My alternative would be to reduce by one the number of votes required to limit debate each time a cloture petition is voted upon. On the first vote, an affirmative two-thirds of the Senators present and voting would be required to institute cloture; on the second vote, two-thirds less one of the Senators present and voting would be required; on the third vote, two-thirds less three, and so on until the point of three-fifths of those present and voting were reached. If all 100 Senators were present and voting it would require 8 separate votes on any given issue to move from a two-thirds to three-fifths requirement, or from 61 to 60 votes.

Mr. President, I believe this proposition is a valid and acceptable compromise. It preserves the present safeguards of the two-thirds requirement, but it also admits the element of gradual and responsible change. I commend this suggested amendment to rule XXII to my colleagues' attention and offer it in the hope that it may provide a basis upon which we might all agree.

Mr. President, I ask unanimous consent that the resolution be printed in the Record.

The PRESIDING OFFICER (Mr. Taft). The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the Record.

The resolution (S. Res. 50), which reads as follows, was referred to the Committee on Rules and Administration:

S. Res. 50

Resolved, That paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. (a) If at any time, notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, a motion, signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subparagraph, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by a two-thirds vote of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"(b) If, upon a vote taken on a motion presented pursuant to subparagraph (a), the Senate fails to impose a limitation of debate with respect to a measure, motion, or other matter pending before the Senate, or the unfinished business, subsequent motions for the purpose of limitation of debate may be made with respect to the same measure, motion, matter, or unfinished business. Such subsequent motions shall be made in the manner provided by, and subject to the provisions of, subparagraph (a), except that the affirmative vote required to bring to a close debate upon that measure, motion, matter, or unfinished business shall be reduced by one vote on the second, and by one additional vote on each succeeding, occasion on which the question whether debate shall be brought to a close is submitted to the Senate with respect to that measure, motion, matter, or unfinished business. Such reduction in the number of affirmative votes required for the limitation of debate shall continue until the affirmative vote so required for that purpose shall have been reduced to three-fifths of the Senators present and voting. Thereafter, the requirement of an affirmative vote of three-fifths of the Senators present and voting shall not be further reduced upon any vote taken on any later motion made pursuant to this subparagraph with respect to that measure, motion, matter, or unfinished business."

THE APPALACHIAN REGIONAL COMMISSION

Mr. BYRD of West Virginia. Mr. President, I wish the Record to correct a misunderstanding of my position with regard to the extension of the Appalachian Regional Development Act. I understand that a memorandum, Legislative Daily of Tuesday, February 2, 1971, has been circulated in the U.S. Department of Commerce which reads as follows:

> Senator Byrd of West Virginia expressed opposition to the Appalachian Regional Commission, and was joined by Senator Baker who expressed his support of revenue sharing but strongly opposed abolishing regional commissions, page S. 607. Senator Ervin also expressed his opposition—page S. 624.

I am today writing a letter to the Honorable Maurice H. Stans, Secretary of the U.S. Department of Commerce, calling his attention to this incorrect report with respect to what I recently said on the Senate floor regarding the Appalachian Regional Commission.

Instead of expressing opposition to the Appalachian Regional Commission, the Congressional Record will show that I am a cosponsor of current legislation to provide for the extension of programs under the Appalachian Regional Development Act for 4 years. The Record also shows positively that I am in vigorous opposition to any efforts to abolish the Appalachian Regional Commission.

So I ask unanimous consent to insert in the Record the "Summary of the Legislative Daily for the Secretary"; my letter of February 10, 1971, to the Secretary of the Department of Commerce correcting the statement in the memo which has been supplied to him; and a recapitulation of my statement which appeared on page S607 of the Congressional Record, the statement being entitled "The Appalachian Regional Commission."

There being no objection, the material was ordered to be printed in the Record, as follows:

Summary of Legislative Daily for the Secretary

SENATE

Joint Economic Committee will begin hearings Friday, February 5, on the President's economic report. Hearings will continue on February 8, 9, 10, 17, 18, 19, and during the week of February 22. Secretary Stans has been invited to testify.

Senate yesterday received from the Secretary of Commerce a draft of proposed legislation providing relief in certain patent and trademarks cases, which was referred to Judiciary Committee. Also received were the annual reports of the Ozarks, Coastal Plains, and New England Regional Commissions—all of which were referred to Public Works Committee.

Senator Byrd of West Virginia expressed opposition to the Appalachian Regional Commission, and was joined by Senator Baker who expressed his support of revenue sharing but strongly opposed abolishing regional commissions, page S.607. Senator Ervin also expressed his opposition—page S.624.

Senator Bennett placed in the Record a speech by Deputy Assistant Secretary Harold Scott on trade policy for the 1970's, page S.638.

HOUSE

None.

U.S. Senate,
Committee on Appropriations,
Washington, D.C., February 10, 1971.

Hon. Maurice H. Stans,
Secretary, U.S. Department of Commerce, Washington, D.C.

Dear Mr. Secretary: It has come to my attention that a misunderstanding of my position with regard to the proposed extension of the Appalachian Regional Development Act has been circulated within the U.S. Department of Commerce. According to the enclosed copy of a Legislative Summary, which I am advised was prepared for your information, it would appear that you have been incorrectly advised that I have expressed opposition to the Appalachian Regional Commission.

On the contrary, I am a co-sponsor of current legislation to provide for the extension of programs of the Appalachian Regional Development Act for four years. I have stated positively that I am in vigorous opposition to any efforts to abolish the Appalachian Regional Commission. The enclosed excerpt from the February 1 Congressional Record carries the report of my remarks in the Senate on that date in behalf of the extension of the Appalachian Regional Commission.

I would greatly appreciate your taking such action as may be indicated to clarify the record in this matter within the U.S. Department of Commerce.

With kind personal regards.

Sincerely yours,

Robert C. Byrd,
U.S. Senator.

The Appalachian Regional Commission

Mr. Byrd of West Virginia. Mr. President, it is reported that the administration will seek to eliminate the Appalachian Regional Commission program, and rechannel the funds which have been going to the ARC into the proposed revenue-sharing plan.

As I understand the proposal, the abolition of the ARC would take place at the end of the current year. The fiscal year 1972 budget, which has just come to Congress, contains $282 million for the Appalachian Regional Commission programs, compared with $293 million budgeted for the current fiscal year.

Mr. President, I will vigorously oppose any efforts to abolish the Appalachian Regional Commission. The ARC, in itself, is a new idea in Federal-State relations. And it has represented a successful idea, although, in the 5 years that the program has been operative, it has not had sufficient time to realize its full worth.

The Appalachian Regional Commission grew out of an unusual Federal-State concept that the Federal Government ought to assist underdeveloped areas of our country to realize their full potential—a concept as valid as the revenue-sharing proposal which the administration has asked Congress to consider.

Many important projects such as highway construction are underway or in the planning stages, and it would be foolish, in my judgment, to change the signals now. To undertake a program with the special aim of assisting a relatively poor region to pull itself up economically, and then to terminate the program before it has time to accomplish its objective, would be most unwise.

The Appalachian Regional Commission programs are necessarily long range; and they put the emphasis exactly where the administration has said it wants the emphasis put—on local planning and initiative. No Appalachian program can be undertaken unless it springs from the grassroots. That is part of the concept, and it is what the administration has said it wants to achieve in its revenue-sharing plan.

If the special status of the Appalachian Mountain region is removed by abolishing the ARC, then I fear that the emphasis which has been placed on the very real needs of the region will be swallowed up by the demands for revenue which are sure to come from all 50 States.

Mr. President, not only should this unique program not be abandoned, it should also be expanded to other underdeveloped areas; and, indeed, that was the original idea. In my judgment, the Appalachian Regional Commission should be extended for a period sufficient to allow completion of the entire program that is currently underway; and, in addition, consideration should be given to the possible creation of other Appalachian-type programs in other parts of the country.

Mr. Baker. Mr. President, will the Senator yield?

Mr. Byrd of West Virginia. Mr. President, do I have time remaining?

The President pro tempore. Yes.

Mr. Byrd of West Virginia. I yield to the Senator from Tennessee.

Mr. Baker. Mr. President, I have asked the Senator to yield only for a moment so that I may express my entire agreement with him on the statement he just made with respect to the Appalachian Regional Commission. My position in this respect may be unique. I was one of the first and I am one of the most ardent backers of Federal revenue sharing, the concept set forth in the President's state of the Union message. I intend to introduce a bill to implement the first of those two objectives.

I am also an advocate of the regional concept as developed by the Appalachian Regional Commission over the years. I do not think the two concepts are inconsistent. I think they can exist side by side.

I thank the Senator from West Virginia for yielding.

Mr. Byrd of West Virginia. I thank the Senator.

S 744—INTRODUCTION OF BILL TO AMEND SECTION 214(B) OF THE APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

Mr. BYRD of West Virginia. Mr. President, I am today introducing a bill on behalf of myself and my senior colleague, Mr. Randolph, to amend section 214(b) of the Appalachian Regional Development Act of 1965, and to allow the Federal Government to provide 100-percent funding for improvements at Appalachian airports that the Federal Aviation Administration judges as necessary to enhance airport safety.

At present, the Federal Aviation Administration is restricted to 50-percent funding for certain safety improvement projects at airports, and the Appalachian Regional Commission is permitted to contribute an additional 30 percent of the funds required. The total Federal contribution, however, cannot exceed 80 percent of the project's cost, with the final 20 percent coming from local sources.

The Appalachian area is a prime example of how this logic can fail. There are many airports in Appalachia where safety improvements must be made, but where there is not sufficient revenue at the local level to meet the 20-percent requirement. Some of these needed safety improvements run into the hundreds of thousands of dollars. Therefore, it is often difficult, and sometimes impossible, for communities in Appalachia to meet the funding requirements imposed upon them.

I believe this restriction for improving the safety of our airports should be lifted, Mr. President, because we cannot allow the safety of our citizens traveling by air to depend on whether there is sufficient revenue at the local level to insure a modern airport facility.

In the last half century, aviation has developed into an important component of our national transportation system. Travel by air has had an ever-increasing influence on the economic advancement of our Nation by providing greater mobility than had previously been available.

The continued development of a sound and safe system of airports is essential in this era of expanded use of air transportation, and this development must be a national, rather than a local, concern. The percentage requirements for Federal contributions to grant-in-aid projects, authorized by Federal grant-in-aid acts, cannot be allowed to play such a predominant role in determining the safety of each and every American air traveler.

Under the provisions of my bill, the restriction of 80 percent Federal funding would be lifted in the case of any project for runway extension and construction, approach clearances, and site preparation for navigational aids, including land acquisition for these purposes. It restate and emphasize, Mr. President, that, in order to qualify for 100 percent Federal funding, each project must be approved by the Federal Aviation Administration as enhancing airport safety.

We cannot overlook the significant impact and great importance the air transportation system plays in the economic development of our Nation; and I naturally have that fact in mind also as I introduce this bill today.

However, foremost in my mind is the fact that we cannot overlook the responsibility—the Federal responsibility—of assuring to the best of our technological ability the safety of all Americans traveling by air.

My distinguished senior colleague (Mr. RANDOLPH) joins with me in cosponsoring this measure.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 744) to amend section 214(b) of the Appalachian Regional Development Act of 1965, introduced by Mr. BYRD of West Virginia (for himself and Mr. RANDOLPH), was received, read twice by its title, and referred to the Committee on Public Works.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: The Senate will convene at 11:45 a.m., following a recess; immediately following the approval of the Journal and recognition of the two leaders under the previous order, the able Senator from Massachusetts (Mr. KENNEDY) will be recognized for not to exceed 15 minutes; following which there will be a period for the transaction of routine morning business not in excess of 45 minutes, with statements limited therein to 3 minutes; following which the pending business will be laid before the Senate.

RECESS TO 11:45 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11:45 a.m., tomorrow.

The motion was agreed to; and (at 4 o'clock and 39 minutes p.m.) the Senate recessed until tomorrow, Thursday, February 11, 1971, at 11:45 a.m.

NOMINATIONS

Executive nominations received by the Senate February 10 (legislative day of January 26), 1970:

DEPARTMENT OF TRANSPORTATION

Herbert F. DeSimone, of Rhode Island, to be an Assistant Secretary of Transportation, vice James D. Braman, resigned.

U.S. DISTRICT COURTS

Robert E. Varner, of Alabama, to be a U.S. district judge for the middle district of Alabama vice a new position created by Public Law 91–272, approved June 2, 1970.

DEPARTMENT OF JUSTICE

P. Ellis Almond, of North Carolina, to be U.S. marshal for the middle district of North Carolina for the term of 4 years vice Fred C. Sink, resigned.

IN THE ARMY

The following-named persons for reappointment in the active list of the Regular Army of the United States, from temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be colonel

Langston, Joe V., [redacted].

To be lieutenant colonel

Minckler, Rex D., [redacted].

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be colonel

Ostrom, Thomas R., [redacted].

To be captain

Moore, Robert J., [redacted].
Stephens, Robert B., Jr., [redacted].

To be first lieutenant

Carpenter, Timothy L., [redacted].
Jetland, Robert T. [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Bugenske, John G., [redacted].
Dickerson, George W., [redacted].
Goiser, John L., [redacted].
Guyton, James S., Jr., [redacted].
Jordan, William A., [redacted].
Kuehn, Frederick G., [redacted].
Moffet, David H., Jr., [redacted].
Moore, Donald G., [redacted].
Shipp, Grantland V., [redacted].
Smith, Horton P., [redacted].
Thorne, Phillip D., [redacted].
Wright, Herman, [redacted].

To be captain

Babel, Otto, [redacted].
Badger, Ralph E., [redacted].
Beasley, Louis J., Jr., [redacted].
Belitz, Charles L., [redacted].
Byrd, Joseph L., Jr., [redacted].
Gardner, David L., [redacted].
Carter, James C., [redacted].
Dalton, John W., [redacted].
Dowdell, Archie L., [redacted].
Gorman, Vincent C., Jr. [redacted].
Harechmak. John R., [redacted].
Hood, Ronald N., [redacted].
Jefferey, Henry E., [redacted].
Kelley, Robert L., [redacted].
McLaughlin, Allan E., [redacted].
Mebane, Eddie B., [redacted].
Morgart, James W., [redacted].
Petro, Andrew P., Jr., [redacted].
Price, Monty B., [redacted].
Reyburn. Timothy V., [redacted].
Robinson, Ronald L., [redacted].
Rosengrant, Larue R., [redacted].
Samuel, Charles H., [redacted].
Savidge, Paul S., [redacted].
Spears, James R., [redacted].
Sullivan, David E., [redacted].
Thompson, Charles E., [redacted].
Treager, Jeri C., [redacted].
Williams, Lee W., [redacted].
Wyatt, Bobby J., [redacted].

To be first lieutenant

Anderson, David, [redacted].
Arnold, David B., [redacted].
Arrowood, John R., [redacted].
Barrington, John E., [redacted].
Bixler, Louis R., [redacted].
Brady, Raymond M., Jr., [redacted].
Brown, Robert M., Jr., [redacted].
Brown, William R., [redacted].
Carlson, Terry E., [redacted].
Cole, Stephen J., [redacted].
Collins, Charles W., [redacted].
Copeland, Gary A., [redacted].
Corson, John R., [redacted].
Daniel, Kenneth E., [redacted].
Edmonds, Paula J., [redacted].
Emmons, Larry R., [redacted].
Ernst, David P., [redacted].
Feiszli, Robert W., [redacted].
Fortino, Julie A., [redacted].
Futch, Thomas M., [redacted].
Gettig, Charles E., Jr., [redacted].
Golden, John C., III, [redacted].
Granger, Joseph R., [redacted].
Hadfield, John S., [redacted].
Hall, Nelson R., [redacted].
Hamilton, Jack L., [redacted].
Hammond, Sterling D., [redacted].
Harmon, Louis B., [redacted].
Henderson, John H., [redacted].
Hewitt, William F., [redacted].
Hewlett, Palmer A., III, [redacted].
Hobson, George K., [redacted].
Holderfield, Jimmy R., [redacted].
Holliday, Jay D., [redacted].
Hopkins, Michael K., [redacted].
Ippolito, Thomas J., [redacted].
Joyner, Gary W., [redacted].
Kalergis, George J., [redacted].
Kanusky, Joseph T., [redacted].
Keeton, Jesse L., [redacted].

King, James C., [redacted].
Kolbrener, Frederick A., [redacted].
Lackey, George R., [redacted].
Lajoie, Everett R., Jr., [redacted].
Lemon, Gary V., [redacted].
McBride, Robert L., IV, [redacted].
McDougal, Winn B., [redacted].
McWilliams, Robert C., [redacted].
Medlock, Michael D., [redacted].
Middleton, Norris C., [redacted].
Mitchell, Torrey L., [redacted].
Mitten, Alan K., [redacted].
Morris, James B., [redacted].
Oaks, John V., [redacted].
O'Halloran, Peter F., [redacted].
Ott, William H., [redacted].
Pape, Dean G., [redacted].
Perrino, Peter H., [redacted].
Peyton, Richard A., [redacted].
Pitts, Larry C., [redacted].
Pixton, Christopher C., [redacted].
Pressly, Paul A., [redacted].
Prestinari, Nora M., [redacted].
Ramirez, Andres C., [redacted].
Rawlinson, Jerry D., [redacted].
Renner, Jerome S., [redacted].
Roberts, Theodore L., II, [redacted].
Rosenberg, Raymond H., [redacted].
Rossow, Allen F., [redacted].
Rucker, Roger L., [redacted].
Salter, Avery T., Jr., [redacted].
Schilke, Beverly J., [redacted].
Scialdo, Claudio J., [redacted].
Scott, Reginald C., [redacted].
Sempek, Robert A., [redacted].
Shadley, Robert D., [redacted].
Sherwood, Richard I., [redacted].
Shirley, James E., [redacted].
Sikes, David A., [redacted].
Simon, James, [redacted].
Smith, Lonnie E., [redacted].
Smith, Ronald L., [redacted].
Sorensen, Allan M., [redacted].
Stammer, Nelson F., [redacted].
Szuszka, Kenneth J., [redacted].
Thomas, John T., Jr., [redacted].
Thomas, Robert E., Jr., [redacted].
Thome, Robert C., [redacted].
Thompson, Earl H., Jr., [redacted].
Thompson, Richard W., [redacted].
Touchard, George H., Jr., [redacted].
Treadwell, Bobby D., [redacted].
Van Doren, Garold II, [redacted].
Walker, Stanley L., [redacted].
Warner, Bruce E., [redacted].
Watkins, Peter F., Jr., [redacted].
Weaver, William R., [redacted].
Wells, William J., [redacted].
Westerhoff, Jeffrey B., [redacted].
Wheeler, David L., [redacted].
Williams, Carroll W., [redacted].
Willis, Herman F., Jr., [redacted].
Wilson, William V., [redacted].
Wokutch, Charles A., [redacted].
York, John F., [redacted].
Yount, Alan H., [redacted].

To be second lieutenant

Calocci, Thomas F., [redacted].
Carson, Frank L., [redacted].
Claxton, John D., [redacted].
Cochran, Henry S., [redacted].
Crosby, Lamar C., [redacted].
Davis, Constance M., [redacted].
Di Michel, Francis E., [redacted].
Doan, Steven B., [redacted].
Dunn, Michael W., [redacted].
Fore, Robert L., [redacted].
Hawkins, David C., [redacted].
Holmes, Mark H., [redacted].
Irish, Arthur S. II, [redacted].
Ivy, James W., [redacted].
Jarrett, Richard B., [redacted].
Jewell, John S., [redacted].
Lawing, Margaret A., [redacted].
MacCuish, Donald A., [redacted].
Mataxis, Theodore C., [redacted].
McIlrath, John C., [redacted].
Miniclier, John C., Jr., [redacted].
Mumby, Roger L., [redacted].
Rohler, Dennis I., [redacted].
Saunders, Theodore F., [redacted].
Sickinger, Phillip D., [redacted].
Stanley, Richard E. II, [redacted].
Tancredi, Peter L., [redacted].
Thompson, Roland P., [redacted].
Weeks, Edward S., Jr., [redacted].
Wilson, George P. III, [redacted].
Winters, Stephen C., [redacted].
Witt, Christopher B., [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Adams, Charles J., [redacted].
Adams, David B., [redacted].
Adams, Roosevelt, Jr., [redacted].
Adcock, Gordon G., [redacted].
Alexander, William L., [redacted].
Allen, James H., Jr., [redacted].
Allen, Johnny D., [redacted].
Allison, Barry L., [redacted].
Allison, James B. III, [redacted].
Allison, John R., [redacted].
Ambrose, John W., [redacted].
Anderson, George H., III, [redacted].
Anderson, Leo P., [redacted].
Anderson, Mark C., [redacted].
Andrews, Richard L., [redacted].
Archer, William D., [redacted].
Arteaga, Roland A., [redacted].
Arzoomanian, Richard A., [redacted].
Ashman, John L., [redacted].
Axson, Harry B., Jr., [redacted].
Backus, Richard G., [redacted].
Bacon, Robert A., [redacted].
Bailey, David J., [redacted].
Bailey, Walter J., Jr., [redacted].
Ball, Ronnie E., [redacted].
Barbee, John C., [redacted].
Barrett, Charles L., [redacted].
Barrett, Eric A., [redacted].
Bass, Arthur L., [redacted].
Beauchamp, Richard A., [redacted].
Beck, Stephen W., [redacted].
Beckner, Michael A., [redacted].
Beckner, William D., [redacted].
Bell, David B., [redacted].
Benedict, James N., [redacted].
Bergeron, George C., [redacted].
Bernard, Joseph A., [redacted].
Berry, James R., [redacted].
Biersack, Carl W., [redacted].
Black, John B., [redacted].
Blackstock, Roger S., [redacted].
Blake, Robert T., Jr., [redacted].
Blanding, Zenola B., [redacted].
Boivie, Richard H., [redacted].
Bolden, Andrew J., Jr., [redacted].
Booze, David R., [redacted].
Borowski, Lawrence P., [redacted].
Bourne, Kenneth W., [redacted].
Bowe, Nathaniel W., Jr., [redacted].
Boyaki, Walter L., [redacted].
Brabec, Don A., [redacted].
Bray, Kenneth J., [redacted].
Brayshaw, John E., [redacted].
Brewer, John C., [redacted].
Brooks, Robert L., [redacted].
Broster, Michael R., [redacted].
Brown, Stanley D., [redacted].
Brown, William C., [redacted].
Brown, William C., [redacted].
Brunker, Gary F., [redacted].
Buffington, Edwin L., II, [redacted].
Burns, Timothy J., [redacted].
Butera, John J., [redacted].
Butler, Frank D., [redacted].
Butler, William D., [redacted].
Butto, Robert J., [redacted].
Buxton, Ronald C., [redacted].
Cabaniss, Johnsey L., [redacted].
Caldwell, Paul W., [redacted].
Cameron, John W., [redacted].
Campbell, Philip L., [redacted].
Carmichael, Lawrence J., [redacted].
Casciano, Philip M., [redacted].
Casey, John L., [redacted].
Cash, Broady B., [redacted].
Causa, Jack A., [redacted].
Chambers, Michael S., [redacted].
Choate, Larry L., [redacted].
Christophel, Robert A., [redacted].
Chudick, Robert N., [redacted].
Clay, Lucius D., III, [redacted].
Cofoni, Sylvester, J., Jr., [redacted].
Cogan, Michael R., [redacted].
Colasanti, James W., [redacted].
Cole, Stephen J., [redacted].
Colombo, Claudius M., [redacted].
Comer, Christopher L., [redacted].
Conley, Davitt A., [redacted].
Contrucci, Joel J., [redacted].
Craft, Robert L., Jr., [redacted].
Crews, Thomas M., [redacted].
Crockett, Sidney N., [redacted].
Crossett, Michael L., [redacted].
Cruz, Daniel L., [redacted].
Cummings, William J., [redacted].
Cunningham, Daniel R., [redacted].
Cwenar, Charles J., [redacted].
Cyrus, John F., [redacted].
Czyzyk, Joseph S., [redacted].
Daly, John T., III, [redacted].
Daniels, John C., [redacted].
David, Robert G., [redacted].
Davis, Larry D., [redacted].
Dearmon, Lawrence J., [redacted].
Decola, Gary T., [redacted].
Decola, Gerald A., [redacted].
Delafield, Joseph A., [redacted].
Dennison, John R., [redacted].
Dennison, Roger C., [redacted].
Denison, Thomas S., [redacted].
Diamond, James M., [redacted].
Dinwiddie, Rubin, Jr., [redacted].
Disbrow, James C., [redacted].
Dixon, Eldon W., [redacted].
Donley, Freemon R., [redacted].
Downing, Benjamin H., [redacted].
Drake, John R., [redacted].
Driggers, Lee I., [redacted].
Driggers, William D., [redacted].
Dubik, James M., [redacted].
Dukes, Michael W., [redacted].
Duahoe, Otis E., Jr., [redacted].
Dunham, Jimmy D., [redacted].
Dunn, Michael A., [redacted].
Edwards, Donald L., [redacted].
Eley, Timothy G., [redacted].
Ellenburg, Tommy V., [redacted].
Ellis, John R., [redacted].
Elmer, Morrie D., [redacted].
Esposito, Thomas J., [redacted].
Evans, Michael E., [redacted].
Fallin, Richard H., [redacted].
Fannin, Danny R., [redacted].
Ferreira, Luis M., [redacted].
Ferrell, William B., Jr., [redacted].
Ferriter, John M., [redacted].
Fisher, Lynn A., [redacted].
Fogle, Allen R., [redacted].
Foreman, Clifton A., [redacted].
Forth, Lyle E., [redacted].
Fox, Michael R., [redacted].
Frost, Martin W., [redacted].
Gagarine, Michael A., [redacted].
Gallatin, Randy C., [redacted].
Gallemore, John H., [redacted].
Gant, Ronald D., [redacted].
Garigliano, Leonard H., [redacted].
Garnett, William R., [redacted].
Garren, Patrick E., [redacted].
Garza, Oscar G., Jr., [redacted].
Gaschen, Fredrick S., Jr., [redacted].
Geisbush, David L., [redacted].
George, Danny M., [redacted].
George, Earl M., [redacted].
Giasi, Anthony J., [redacted].
Gibbs, Joe B., Jr., [redacted].
Gill, Donald T., [redacted].
Gillenwater, Lee T., [redacted].
Glover, Marion M., [redacted].
Goebeler, John A., [redacted].
Goeke, Joseph C., [redacted].
Goldoni, John F., [redacted].
Goman, Gregory H., [redacted].
Gongaware, Kenneth C., [redacted].
Gonzalez, Francisco G., [redacted].

Gottardi, Larry D., [redacted].
Graebener, Robert J., [redacted].
Grant, Robert J., [redacted].
Graves, Stephen L., [redacted].
Greenberg, Lawrence M., [redacted].
Griffin, Merritt R., [redacted].
Groeper, Burl D., [redacted].
Grosick, Kenneth J., Jr., [redacted].
Grys, Paul F., [redacted].
Gudgel, Richard G., [redacted].
Gutierrez, Anthony G., [redacted].
Gutierrez, Anthony H., [redacted].
Hacking, Joseph G., [redacted].
Hada, Kerry S., [redacted].
Hahn, Michael P., [redacted].
Hall, Larry M., [redacted].
Handy, David E., [redacted].
Harding, Steve M., [redacted].
Harkey, Henry A., [redacted].
Harris, Alan F., [redacted].
Harris, Grant, [redacted].
Harris, Jeffrey D., [redacted].
Harris, John E., Jr., [redacted].
Harrison, Stephen M., [redacted].
Hart, Donald J., [redacted].
Haslam, Bruce S., [redacted].
Hatch, Randolph T., [redacted].
Haygood, Andrew B., [redacted].
Hazelrigg, Mark J., Jr., [redacted].
Hazelton, Cornell J., [redacted].
Heim, David E., [redacted].
Heldreth, William M., [redacted].
Henderson, Jack C., [redacted].
Henning, Darryl C., [redacted].
Herr, Richard E., [redacted].
Heslop, James L., [redacted].
Hill, Ellis D., [redacted].
Hintz, Thomas A., [redacted].
Hoch, Alfred L., [redacted].
Hogan, Thomas F., III, [redacted].
Holder, Danny G., [redacted].
Holzknecht, Louis F., [redacted].
Homer, Thomas J., [redacted].
Honeycutt, Randall J., [redacted].
Honsch, Albert, Jr., [redacted].
Horton, Richard A., [redacted].
Howard, Alfred N., Jr., [redacted].
Howard, Freddie L., [redacted].
Howard, Willie B., [redacted].
Huebschman, Michael L., [redacted].
Hutchinson, William D., Jr., [redacted].
Ikeda, Earl Y., [redacted].
Indrisano, Gerard, [redacted].
Iovine, Richard M., [redacted].
Ishii, Melvin Y., [redacted].
Jacobi, Robert R., [redacted].
Jamieson, William J., Jr., [redacted].
Jansson, John R., [redacted].
Jarman, Charles M., [redacted].
Jeffers, William L., [redacted].
Jendrek, Eugene F., [redacted].
Jenkins, Lew, II, [redacted].
Johnson, Karl H., [redacted].
Johnson, Lonnie L., Jr., [redacted].
Johnson, Robert L., Jr., [redacted].
Johnson, Ronnie F., [redacted].
Johnson, Thomas R., [redacted].
Johnson, Thomas S., [redacted].
Johnston, John W., Jr., [redacted].
Jolissaint, Van Edward, [redacted].
Jones, Cecil B., Jr., [redacted].
Jones, Dwight F., [redacted].
Jones, Paul L., [redacted].
Jones, Percy C., [redacted].
Jones, Samuel H., III, [redacted].
Jude, Robert L., [redacted].
Kabat, John C., [redacted].
Kalmbach, Charles F., [redacted].
Kapellusch, Mark E., [redacted].
Karmgard, Robert T., [redacted].
Kaster, Edward L., Jr., [redacted].
Kaufman, David A., [redacted].
Keane, Robert F., [redacted].
Keefe, Francis J., [redacted].
Kelly, Sean R., [redacted].
Kendall, Ray J., [redacted].
Kendzior, John J., [redacted].
Kennedy, James F., [redacted].
Kennedy, William E., [redacted].
Keown, Roy D., [redacted].
Kerley, Malcolm T., [redacted].
Killgore, Houston T., Jr., [redacted].
Kindsvatter, Peter S., [redacted].
King, James R., [redacted].
Kinzig, Stanley F., [redacted].
Kipers, James H., [redacted].
Kisco, David S., [redacted].
Kitchens, Bobby L., [redacted].
Klaue, Gary E., [redacted].
Klink, Ralph R., [redacted].
Klocko, Thomas J., [redacted].
Knight, Melvin J., [redacted].
Koch, David M., [redacted].
Koehler, Fritz, [redacted].
Krahn, Richard L., [redacted].
Krause, Robert A., [redacted].
Krepela, Joseph F., [redacted].
Kurka, John R., [redacted].
Kutz, Scott A., [redacted].
Kyker, James E., [redacted].
Lacoste, Donald D., [redacted].
Lamonte, Theodore N., [redacted].
Landham, Jackson W., III, [redacted].
Lanier, Charles B., Jr., [redacted].
Laquinta, Ferdinando J., [redacted].
Lauer, Edward J., [redacted].
Lausman, Michael L., [redacted].
Leland, Bernie, J., [redacted].
Letton, Harold R., Jr., [redacted].
Levister, Joseph W., Jr., [redacted].
Lewis, John C., [redacted].
Ley, David J., [redacted].
Lichtenfelt, Fred G., [redacted].
Liddell, William K., [redacted].
Liese, Clifford C., [redacted].
Likins, Bruce M., [redacted].
Lindsey, William D., [redacted].
Livingston, Stephen C., [redacted].
Lloyd, Darryl W., [redacted].
Loader, Michael B., [redacted].
Long, Charles R., [redacted].
Longshore, James M., Jr., [redacted].
Loranger, John E., [redacted].
Lubbers, Curtis R., [redacted].
Lucas, William C., [redacted].
Lumadue, Robert L., [redacted].
Lumpkin, Horace L., [redacted].
Lyles, Thomas H., [redacted].
Mac Gibbon, Evan C., [redacted].
Machamer, Thomas J., [redacted].
Macris, Jack, Jr., [redacted].
Madeo, Peter D., [redacted].
Mahoney, David J., [redacted].
Malone, Brian L., [redacted].
Malinowski, Paul A., [redacted].
Mamaux, David H., [redacted].
Manley, John A., [redacted].
Maples, Donald G., [redacted].
Marlin, David W., [redacted].
Marquart, Daniel M., Jr., [redacted].
Marr, Thomas A., [redacted].
Marriott, Dean C., [redacted].
Martenstein, Thomas E., [redacted].
Martin, Phillip M., [redacted].
Martin, Stephen E., [redacted].
Martinez, Raul G., [redacted].
Mathews, Robert S., [redacted].
Matthews, John W., Jr., [redacted].
Matthewson, Alphonso E., [redacted].
Mayer, Bruce E., [redacted].
Mazo, Mark E., [redacted].
McAlister, Harold A., [redacted].
McColgan, Brian F., [redacted].
McColgan, Charles J., [redacted].
McCreight, Richard D., [redacted].
McElwain, Robert W., [redacted].
McGinnis, Michael J., [redacted].
McClelland, Michael E., [redacted].
McCloskey, William J., [redacted].
McCormick, Roscoe, [redacted].
McKean, Thomas F., [redacted].
McKeever, Robert G., [redacted].
McLaughlin, Robert F., [redacted].
McPherson, William H., [redacted].
Meredith, Kenneth C., [redacted].
Miller, Kent D., [redacted].
Minor, Thomas C., [redacted].
Mische, Michael G., [redacted].
Mignone, Biagio, [redacted].
Miller, Birge F., [redacted].
Miller, David R., [redacted].
Mitchell, Victor G., Jr., [redacted].
Monroe, James A., Jr., [redacted].
Montgomery, Sammy L., [redacted].
Moody, Gerald M., [redacted].
Moore, Charles E., [redacted].
Moore, Ricky R., [redacted].
Moran, Donald R., [redacted].
Morgan, Stanley E., [redacted].
Morrow, Robert P., [redacted].
Moyer, Leland K., [redacted].
Murphy, Barry A., [redacted].
Musarra, Gerald D., [redacted].
Muzyka, Richard T., [redacted].
Myers, James E., [redacted].
Nance, Robert S., [redacted].
Nash, Joseph F., [redacted].
Naumowich, Wayne A., [redacted].
Nelson, Samuel E., [redacted].
Newport, Christopher M., [redacted].
Nilon, John H., [redacted].
Norrell, James A., Jr., [redacted].
O'Brien, Daniel E., [redacted].
O'Brien, Terrance P., [redacted].
O'Dowd, John H., Jr., [redacted].
O'Shaughnessy, Edward, [redacted].
Owens, Marion G., [redacted].
Paparone, James C., [redacted].
Pardew, John T., [redacted].
Parker, Dean R., [redacted].
Parkey, John S., [redacted].
Pendergrass, Joseph C., Jr., [redacted].
Perkins, Phillip, [redacted].
Perrich, Robert A., [redacted].
Perry, Robert S., [redacted].
Petrofsky, John M., [redacted].
Petty, Donald L., [redacted].
Pickett, Timothy M., [redacted].
Plautz, Henry S., [redacted].
Pomeroy, Philip S., [redacted].
Pooley, Gerald R., [redacted].
Posey, Marvin N., Jr., [redacted].
Price, James D., [redacted].
Price, Michael F., [redacted].
Price, Morris E., Jr., [redacted].
Psaila, George W., [redacted].
Pucci, Paul J., [redacted].
Pushak, John T., [redacted].
Ramey, Medford G., Jr., [redacted].
Raper, Neil M., [redacted].
Raulston, Ronald F., [redacted].
Rea, Lewis F., [redacted].
Reagan, Ronald J., [redacted].
Redding, Peter C., [redacted].
Reese, Harold E., [redacted].
Reid, John C., [redacted].
Reid, Willie V., Jr., [redacted].
Reider, John L., [redacted].
Reiner, Ronald A., [redacted].
Reynold, Patrick A., [redacted].
Rhodes, Craig D., [redacted].
Rhodes, Jonathan F., [redacted].
Rice, James E., 3D., [redacted].
Riley, Stephen P., [redacted].
Robbins, James M., [redacted].
Roberts, Kenneth M., [redacted].
Rock, Edward A., Jr., [redacted].
Roller, Richard C., [redacted].
Rooker, Calvin R., [redacted].
Ross, Allan L., [redacted].
Rowe, Douglas L., [redacted].
Rulison, Ronald A., [redacted].
Ruske, Riley J., [redacted].
Russell, Kirk P., [redacted].
Ruth, Anthony J., [redacted].
Ruthven, Neill W., [redacted].
Ryan, Michael P., [redacted].
Saleeby, Claude A., [redacted].
Salice, Henry J., Jr., [redacted].
Santoro, Vincent S., [redacted].
Sassman, Gregory F., [redacted].
Satterwhite, Jeffrey S., [redacted].
Savage, Robert E. H., [redacted].
Schelhorn, Geoffrey G., [redacted].
Scherberger, Richard J., Jr., [redacted].
Schultz, Daniel E., [redacted].
Schwarting, Michael L., [redacted].
Schwegler, Bartley R., Jr., [redacted].
Scotti, Dante J., [redacted].
Scruton, William M., [redacted].

Searcy, James D., [redacted].
Seegers, William J., [redacted].
Seglie, Lonnie R., [redacted].
Seitz, Paul C., [redacted].
Shackelford, William H., [redacted].
Sheffield, Chester J., Jr., [redacted].
Sherfick, David G., [redacted].
Shogren, Paul W., [redacted].
Short, Walter D., Jr., [redacted].
Shu, Rodney F., [redacted].
Simler, Pierre B., [redacted].
Simmons, William E., [redacted].
Sisco, Gary, [redacted].
Skeele, Joseph F., [redacted].
Slattery, Patrick J. [redacted].
Smith, J. T., [redacted].
Smith, Jeffrey E., [redacted].
Smith, Steven B., [redacted].
Snider, Richard D., [redacted].
Soo Hoo, William Y., [redacted].
Soo Houng, Yiu, [redacted].
Souder, Gary W., [redacted].
Spangler, Eric L., [redacted].
Speer, Richard A., [redacted].
Spicer, Randy L., [redacted].
Squires, Steven D., [redacted].
Stahl, Terry M., [redacted].
Stallings, William L., [redacted].
Steiner, Robert E., [redacted].
Stermer, William J., [redacted].
Stevenson, Jeffrey K., [redacted].
Stouder, Richard L., [redacted].
Strack, Douglas S., [redacted].
Strittmatter, Richard A. [redacted].
Suchland, Jack E., [redacted].
Sullivan, Richard J. [redacted].
Surratt, Walter W., [redacted].
Sutherland, Stephen B. [redacted].
Swann, Henry T., III, [redacted].
Syner, David J., [redacted].
Syrett, Peter W., [redacted].
Tanigawa, Michael F., [redacted].
Tarbox, David G., [redacted].
Taylor, William R., Jr., [redacted].
Teasley, Ben V., [redacted].
Thom, Brian L., [redacted].
Thomas, Mark W., [redacted].
Thompson, Joel A., [redacted].
Thompson, Jonathan S. [redacted].
Thornley, Rusty D., [redacted].
Thrasher, George L., [redacted].
Thrasher, John M., [redacted].
Tidwell, Otto F., [redacted].
Tolle, Steven A., [redacted].
Tomaszewski, James A., [redacted].
Tyler, Geoffrey H., [redacted].
Van Voorhis, William M., [redacted].
Vance, David B., [redacted].
Vande Sand, John C., [redacted].
Vanpatten, William M., [redacted].
Velasco, Bernardo P., [redacted].
Velde, Peter A., [redacted].
Vetting, Frank H., [redacted].
Vierra, Lawrence A., [redacted].
Vigen, Edward M., [redacted].
Vitrikas, Robert P., [redacted].
Vogt, Terry J., [redacted].
Wade, Kenneth R., Jr., [redacted].
Walker, Claude M., Jr., [redacted].
Walker, Edward T., III, [redacted].
Wall, James B., [redacted].
Wallace, Lee, Jr., [redacted].
Wallen, David A., [redacted].
Wann, Richard D., [redacted].
Warren, Leland S., [redacted].
Watson, Robert E., [redacted].
Weaver, William C., [redacted].
Webb, Duane E., [redacted].
Weems, Dennis L., [redacted].
Welch, John C., [redacted].
Wells, Wayne C., [redacted].
Werner, Victor J., [redacted].
Westervelt, William J., Jr., [redacted].
White, Clifton F., Jr., [redacted].
White, Jonathan [redacted].
White, Joseph T., [redacted].
Whitlock, Robert B., [redacted].
Widboom, Jon G., [redacted].
Wigfall, Benjamin J., III, [redacted].
Wilkerson, Glenn D., [redacted].
Williams, Andrew C., Jr., [redacted].
Williams, Harry C., [redacted].
Williams, Richard W., [redacted].
Williams, Robert W., [redacted].
Willis, Clifford R., [redacted].
Winkler, Paul A., [redacted].
Wohner, John H., Jr., [redacted].
Wolfe, Shuey E., III, [redacted].
Wood, James E., [redacted].
Wooten, Richard E., [redacted].
Wyman, William N., [redacted].
Yarrow, William, [redacted].
Yeager, Ronald E., [redacted].
Zakia, Peter J., [redacted].
Zickefoose, Charles R., [redacted].
Ziegler, Richard J., [redacted].
Ziemkiewicz, Frank E., [redacted].
Zimmerman, Bruce E., [redacted].
Zirkle, John L.

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Ackerman, John M., [redacted].
Adams, Joseph I., Jr., [redacted].
Addy, John K., [redacted].
Adkins, Ronald A., [redacted].
Aed, George, II, [redacted].
Ah Yo, Gerald P., [redacted].
Aken, Joseph D., [redacted].
Allum, Philip D., [redacted].
Ammons, Victor M., [redacted].
Andre, Richard A., [redacted].
Angwin, John S., [redacted].
Ards, Donald D., [redacted].
Arsenault, Robert J., [redacted].
Ashby, William D., Jr., [redacted].
Atchley, Larry J., [redacted].
Aycock, Daniel D., [redacted].
Babson, John F., [redacted].
Bach, Bruce F., [redacted].
Baer, John R., [redacted].
Baker, Kerry A., [redacted].
Balloch, Steven M., [redacted].
Ballowe, Thomas L., [redacted].
Barber, Wilfred H., [redacted].
Barfield, Thomas H., Jr., [redacted].
Barnwell, Walter J., [redacted].
Barry, Patrick R., [redacted].
Bartalot, Louis R., [redacted].
Bartolain, Bruce A., [redacted].
Batog, Danny E., [redacted].
Batsky, Thomas E., [redacted].
Bauman, Noel J., [redacted].
Baxter, Michael J., [redacted].
Beasley, Robert J., [redacted].
Beaudoin, Robert A., [redacted].
Beckwith, James L., [redacted].
Beisner, James W., [redacted].
Bell, Kenneth U., [redacted].
Bell, Ronald K., [redacted].
Bender, Bruce A., [redacted].
Benson, Morgan, [redacted].
Bergtholdt, Gary B., [redacted].
Berry, Harvey W., [redacted].
Bertrand, Gary T., [redacted].
Besser, William E., [redacted].
Bevers, Bill, Jr., [redacted].
Beyer, Walter R., III, [redacted].
Bingham, Henry L., [redacted].
Bish, William C., [redacted].
Bishop, Michael W., [redacted].
Bitting, Alan C., [redacted].
Blackshire, Douglas L., [redacted].
Blain, Thomas D., [redacted].
Blankenhorn, Charles E., [redacted].
Blevins, James R., [redacted].
Blissett, William G., [redacted].
Blount, Kerry A., [redacted].
Boggs, Frank M., [redacted].
Bolton, Michael L., [redacted].
Bond, Clinton W., [redacted].
Bonham, Lyle V., [redacted].
Bono, Marc W., [redacted].
Bonvicino, Rodney J., [redacted].
Borchers, Alan L., [redacted].
Bowns, Nicolas D., [redacted].
Boyatt, Mark D., [redacted].
Brabbie, Cassell E., [redacted].
Braddy, William L., Jr., [redacted].
Bradshaw, Arthur L., Jr., [redacted].
Brady, Lance H., [redacted].
Brady, Steven J., [redacted].
Brake, Jonathan W., [redacted].
Brazil, Thomas E., [redacted].
Briseno, Alexander E., [redacted].
Brehm, Russell C., [redacted].
Broaddus, Gregory D., [redacted].
Broadwater, William T., [redacted].
Brophy, William S., III, [redacted].
Brown, Clarence D., [redacted].
Brown, Donald H., Jr., [redacted].
Brown, Fred E., [redacted].
Brown, Gene F., [redacted].
Brown, Ralph J., [redacted].
Brown, Theodore S., [redacted].
Bruce, Ralph W., [redacted].
Buchanan, William R., [redacted].
Bucky, Henry, Jr., [redacted].
Buckwalter, John R., [redacted].
Burnett, George F., [redacted].
Burnham, William C., [redacted].
Burns, Patrick J., [redacted].
Busch, David E., [redacted].
Cadiz, Jesse L., [redacted].
Callaway, David G., [redacted].
Campbell, James L., [redacted].
Carreker, Steven C., [redacted].
Carroll, Barry L., [redacted].
Carter, Jeffrey C., [redacted].
Carter, Kent S., [redacted].
Cartwright, Jess A., [redacted].
Casey, James M., [redacted].
Casson, Russell F., [redacted].
Castle, Samuel Q., Jr., [redacted].
Casto, John E., [redacted].
Castro, Steve A., [redacted].
Cate, Richard H., [redacted].
Cesaretti, George M., [redacted].
Chaffee, Dennis L., [redacted].
Champion, Kenneth L., Jr., [redacted].
Charlton, David E., [redacted].
Chiles, James W., [redacted].
Ching, Donald F., [redacted].
Ching, Ronald S., [redacted].
Christianson, Paul L., [redacted].
Chun, Dennis W. K., [redacted].
Cieslak, Jon C., [redacted].
Clark, Bruce F., [redacted].
Clark, James R., [redacted].
Clark, Kevin J., [redacted].
Clarke, George C., [redacted].
Clausen, Kenneth F., [redacted].
Claxton, George M., [redacted].
Claypool, Stephen A., [redacted].
Cloyd, David G., [redacted].
Clubb, Frank W., [redacted].
Coaker, Charles D., [redacted].
Coburn, Dale P., [redacted].
Cockerham, Terry V., [redacted].
Coffin, Richard H., [redacted].
Coligan, Robert E., [redacted].
Columbus, Allan, [redacted].
Conaty, Francis S., III, [redacted].
Conlin, Andrew P., [redacted].
Conn, Joseph O., [redacted].
Connor, Patrick C., [redacted].
Cooper, John W., [redacted].
Correa, Gregory A., [redacted].
Couch, Joseph C., [redacted].
Covington, Duncan S., [redacted].
Covington, Henry C., [redacted].
Cowardin, Louis J., Jr., [redacted].
Crabtree, Donald J., [redacted].
Craddick, William G., [redacted].
Craft, Charles W., Jr., [redacted].
Craven, Douglas R., [redacted].
Cronyn, Robert L., [redacted].
Crouse, James T., [redacted].
Crouse, Robin W., Jr., [redacted].
Crowe, Frederick J., [redacted].
Cunningham, Edselle K., [redacted].
Curles, Lawrence J., [redacted].
Curran, Stephen B., [redacted].
Currin, John G., Jr., [redacted].
Cushman, George H., IV, [redacted].
Daniel, Scott N., [redacted].
Daniels, Mark C., [redacted].
Davis, James M., [redacted].
Davis, Lee A., [redacted].

Davis, Ronald L., [redacted].
Davis, Scott L., [redacted].
Davis, Thomas C., [redacted].
De Hayes, Mark F., [redacted].
Deca, James A., [redacted].
Degiacomo, Frank G., [redacted].
Del Corso, Robert E., [redacted].
Delashaw, James M., [redacted].
Dellert, Luis A., Jr., [redacted].
Deloatch, Curtis A., [redacted].
Denniston, William B., Jr., [redacted].
Denton, Howard M., Jr., [redacted].
Derie, Joseph A., I, [redacted].
Deutsch, James P., [redacted].
Di Loretto, Daniel V., [redacted].
Dibella, Donald S., [redacted].
Dicks, Julian M., [redacted].
Diehl, Robert A., Jr., [redacted].
Dillon, John D., [redacted].
Dillon, Thomas J., [redacted].
Distephano, Anthony, [redacted].
Dobson, Kenneth L., Jr., [redacted].
Doke, Larry W., [redacted].
Dolan, Kerry B., [redacted].
Doll, Michael W., [redacted].
Donaldson, Edward J., [redacted].
Donato, Anthony J., [redacted].
Donoghue, Kevin J., [redacted].
Doran, John P., [redacted].
Dorris, Denis M., [redacted].
Doyle, Loren C., [redacted].
Doyle, Michael T., [redacted].
Drake, J. Madison, [redacted].
Dries, James E., [redacted].
Duda, Frank P., [redacted].
Dudley, Thomas D., Jr., [redacted].
Duesbury, William C., [redacted].
Duncanson, Leonard A., Jr., [redacted].
Durante, Arthur A., Jr., [redacted].
Dykstra, David R., [redacted].
Eagleson, Charles W., [redacted].
Echert, Douglas C., [redacted].
Edwards, Michael B., [redacted].
Egan, James A., [redacted].
Eggleston, Shaun G., [redacted].
Eimers, Phillip W., [redacted].
Elias, Robert J., [redacted].
Ellington, Lane F., [redacted].
Ellis, John O., Jr., [redacted].
Emery, John C., Jr., [redacted].
Engelstad, Dana P., [redacted].
Englebright, Gary O., [redacted].
Estes, Allen W., [redacted].
Estes, Darrick T., [redacted].
Estes, Ray A., [redacted].
Evans, David B., [redacted].
Evans, Ferguson, [redacted].
Evans, Okey R., [redacted].
Fabio, Robert M., [redacted].
Failey, Christopher P., [redacted].
Farmer, William T., [redacted].
Farris, Edward R., Jr., [redacted].
Farrow, Larry A., [redacted].
Favati, Richard F., [redacted].
Ferguson, Jack W., II, [redacted].
Fierke, Thomas C., [redacted].
Finnerty, Thomas J., [redacted].
Fischesser, Christopher W., [redacted].
Fisher, Donald J., [redacted].
Fisher, Peter B., [redacted].
Fisher, Stephen L., [redacted].
Flores, Richard A., [redacted].
Flynn, Michael F., [redacted].
Flynn, Robert F., Jr., [redacted].
Foltz, John, R. P., [redacted].
Fontenot, Gregory, [redacted].
Ford, Larry O., [redacted].
Fornwalt, Mark A., [redacted].
Forshey, Eddie D., [redacted].
Fortson, James F., Jr., [redacted].
Fowler, Arthur B., III, [redacted].
Fowler, Bobby W., [redacted].
Franklin, Peter C., [redacted].
Franks, John C., [redacted].
Freeman, William T., Jr., [redacted].
French, Malcolm F., [redacted].
French, Daniel L., [redacted].
Friar, Frank A., [redacted].
Frick, Lynn A., [redacted].
Fry, John C., [redacted].
Funkerburk, Harold E., [redacted].
Furr, Stephen R., [redacted].
Gaffney, Michael W., [redacted].
Galles, Clyde R., [redacted].
Galliher, Charles D., [redacted].
Garcia, Johnny J., [redacted].
Gardner, Alan M., [redacted].
Garr, Richard E., [redacted].
Garrett, James O., [redacted].
Garrison, Milton B., [redacted].
Gates, Philip E., [redacted].
Gavin, Frank C., [redacted].
Gaynor, Dennis P., [redacted].
Geoffrion, Leo T., [redacted].
Gesker, Michael P., [redacted].
Gilbert, Gary R., [redacted].
Gilbert, James D., [redacted].
Gindy, Bert J., [redacted].
Glasebrook, Nile A., [redacted].
Glasgow, William M., III, [redacted].
Glover, Robert L., [redacted].
Glusiec, Walter, [redacted].
Goetz, Dale P., [redacted].
Goggin, Neil J., [redacted].
Gooch, Dennis C., [redacted].
Goodman, Thaddious L., [redacted].
Goodwin, Dawson S., [redacted].
Gordon, Robert S., [redacted].
Grabowski, Michael N., [redacted].
Grant, Hubert J., Jr., [redacted].
Grantham, Donald G., [redacted].
Gras, James D., [redacted].
Graves, Shawn F., [redacted].
Greear, Sol C., Jr., [redacted].
Green, John W., [redacted].
Green, Lloyd T., [redacted].
Greene, Byron D., III, [redacted].
Greene, James S., Jr., [redacted].
Greer, William B., [redacted].
Griffin, Mark R., [redacted].
Griffith, Gray L., [redacted].
Grosche, David L., [redacted].
Guissanie, Gary Donald, [redacted].
Gusukuma, James N., [redacted].
Gutowski, Walter S., [redacted].
Hackett, Stephen E., [redacted].
Hafkemeyer, George F., III, [redacted].
Haines, Lon Crosby, [redacted].
Hall, Allen R., [redacted].
Hamasaki, Wayne Y., [redacted].
Hamel, Bruce B., [redacted].
Handy, Jarel, [redacted].
Hanigan, Edward C., [redacted].
Hansen, Lynn S., [redacted].
Hardin, Michael R., [redacted].
Harger, Clyde J., Jr., [redacted].
Harp, David K., [redacted].
Harris, Walter R., Jr., [redacted].
Harrison, Sandy E., [redacted].
Hart, Richard M., Jr., [redacted].
Hartsell, Hubert L., [redacted].
Hartshorn, John E., [redacted].
Hawks, Carl T., [redacted].
Hayes, Edward B., [redacted].
Hayes, Richard E., [redacted].
Heard, David L., [redacted].
Heekin, John Charles, [redacted].
Hegedus, Daryl J., [redacted].
Helm, Patrick O., [redacted].
Helmerson, Stephen P., [redacted].
Hemke, Donald E., [redacted].
Herzik, David L., [redacted].
Hetrick, Fred A., [redacted].
Hibner, Geoffrey J., [redacted].
Hickerson, James E., [redacted].
Hilding, Dale R., [redacted].
Hirschman, Charles B., [redacted].
Hitt, Michael D., [redacted].
Hockensmith, Phillip B., [redacted].
Hodges, Keith H., [redacted].
Hoffman, John W., [redacted].
Hofstetter, Fred M., [redacted].
Holden, Leonard P., Jr., [redacted].
Holley, Charles S., [redacted].
Hollinshead, John W., [redacted].
Holmes, Richard F., [redacted].
Hood, Carlton L., [redacted].
Horne, Rodney D., [redacted].
Horton, Ronald G., [redacted].
Hosemann, John H., VI, [redacted].
Hosler, Richard J., [redacted].
Houchens, Harry W., Jr., [redacted].
Houzvicka, Frank J., II, [redacted].
Howes, Patrick M., [redacted].
Hoy, Robert V., [redacted].
Hudoba, Frank C., Jr., [redacted].
Hudson, David A., [redacted].
Huggins, Stephen B., [redacted].
Huisking, Peter V., [redacted].
Hunt, Stephen E., [redacted].
Hunter, Tyranny A., [redacted].
Huntley, Robert E., [redacted].
Inglin, Carl H., [redacted].
Insco, James B., [redacted].
Irving, Robert C., [redacted].
Isaacs, Tony A., [redacted].
Ivey, John E., [redacted].
Jackson, William W., [redacted].
Jameson, Steven A., [redacted].
Jansure, Raymond W., [redacted].
Jefferis, John L., [redacted].
Jeffrey, Dennis J., [redacted].
Jensen, David J., [redacted].
Jensen, Dovre C., Jr., [redacted].
Jester, Michael P., [redacted].
Jinkins, James D., II, [redacted].
Johnson, James F., III, [redacted].
Johnson, James P., [redacted].
Johnson, Mickey C., [redacted].
Johnson, Milo M., [redacted].
Johnson, Reid N., [redacted].
Johnston, Stephen C., [redacted].
Jones, Bryan E., [redacted].
Jordan, David F., [redacted].
Jurand, Henry A., [redacted].
Kaempfer, Christopher, [redacted].
Keenan, Leo E., III, [redacted].
Kelly, Jerome F., [redacted].
Kendzior, Lawrence J., [redacted].
Kennedy, Peter C., [redacted].
Kerrick, Donald L., [redacted].
Kerrins, Richard D., Jr., [redacted].
Kilmer, Robert, Jr., [redacted].
King, David R., [redacted].
King, Jeffrey K., [redacted].
Klima, David J., [redacted].
Klinger, Donald R., [redacted].
Knowles, James J., [redacted].
Koerner, Robert F., [redacted].
Kraemer, Eric A., [redacted].
Kramer, Richard G., [redacted].
Krempin, Charles L., [redacted].
Krippner, Richard E., [redacted].
Kulpa, Victor J., Jr., [redacted].
Kunke, George F., Jr., [redacted].
Kurtz, Edward J., Jr., [redacted].
Laack, William J., [redacted].
Laffin, William C., [redacted].
Laird, Charles M., [redacted].
Laird, Gregory S., [redacted].
Lamb, John A., Jr., [redacted].
Lambert, T. F., III, [redacted].
Lance, Darell G., [redacted].
Landis, William L., [redacted].
Langford, Michael J., [redacted].
Larkin, James J., [redacted].
Lashuay, Jack A., [redacted].
Lasselle, Brian R., [redacted].
Lasselle, Bruce H., [redacted].
Latiff, Robert H., [redacted].
Lautzenheiser, David F., [redacted].
Leahy, Lawrence M., [redacted].
Leclair, Thomas J., [redacted].
Leigh, James F., [redacted].
Leopard, Stephen L., [redacted].
Levengood, Lynn E., [redacted].
Levens, Jack L., [redacted].
Levier, Kerry M., [redacted].
Lewis, Mark R., [redacted].
Lewis, Paul L., [redacted].
Liane, Anthony L., [redacted].
Lindell, Michael P., [redacted].
Littell, John E., [redacted].
Livingston, Raymond L., Jr., [redacted].
Lombardo, Samuel R., [redacted].
Long, Clifford K., [redacted].
Long, David F., [redacted].
Longbrake, Rickie L., [redacted].
Longsworth, Ned V., Jr., [redacted].
Looney, John R., [redacted].
Losch, Darryl V., [redacted].
Lund, Kenneth W., [redacted].
Luster, Terry L., [redacted].

Lynch, Timothy R., [redacted].
MacPherson, Michael D., [redacted].
Maddox, Francis A., [redacted].
Maggart, John C., [redacted].
Magyera, Stephen N., Jr., [redacted].
Manocchio, Dominic J., [redacted].
Mantooth, James R., [redacted].
Marcantel, Michael K., [redacted].
Mark, Robert E., [redacted].
Marsh, David R., [redacted].
Marsh, John E., [redacted].
Marshall, Herschel W., Jr., [redacted].
Marshall, Joseph P., [redacted].
Marshall, Paul S., Jr., [redacted].
Martin, Nelson N., [redacted].
Martinez, Manuel E., [redacted].
Martinez, Phillip T., [redacted].
Mason, Al J., [redacted].
Matarazzo, David C., [redacted].
Mathwick, Robert A., [redacted].
Maxon, David A., [redacted].
May, Terry T., [redacted].
McAleer, Francis J., [redacted].
McCall, Kenneth M., [redacted].
McCartney, Michael K., [redacted].
McCarty, Louis E., [redacted].
McClain, Stephen E., [redacted].
McCleskey, David M., [redacted].
McCoy, Michael C., [redacted].
McCoy, Patrick M., [redacted].
McDaniel, Michael G., [redacted].
McDole, James H., [redacted].
McDonald, William S., [redacted].
McInerney, Michael S., [redacted].
McKemie, John E., [redacted].
McLain, Timothy K., [redacted].
Meidinger, Wesley J., [redacted].
Menning, William M., [redacted].
Mercker, Robert Walter, [redacted].
Meyer, Craig W., [redacted].
Meyer, Jack L., [redacted].
Mickey, John B., [redacted].
Mickler, Joseph E., [redacted].
Miller, Jerome K., Jr., [redacted].
Miller, Mark D., [redacted].
Mirelson, Robert N., [redacted].
Mize, Louis E., [redacted].
Molleur, Bobby A., Jr., [redacted].
Moore, John P., [redacted].
Moore, Michael J., [redacted].
Moran, William R., [redacted].
Moree, Thomas H., [redacted].
Morefield, Kenneth S., [redacted].
Morgan, Bryan J., [redacted].
Morgan, Gregory C., [redacted].
Morrison, Walter F., Jr., [redacted].
Motz, Leonard P., [redacted].
Moulton, Donald A., [redacted].
Mukai, Thomas V., [redacted].
Mulhern, Richard A., [redacted].
Munn, Gary S., [redacted].
Myers, George E., Jr., [redacted].
Myers, John K., [redacted].
Nakayama, Adrian R., [redacted].
Nally, Stephen T., [redacted].
Nason, Noah, III [redacted].
Nelson, Carl D., [redacted].
Newman, Charles E., [redacted].
Nickoli, Gregg R., [redacted].
Neider, Alvin E., [redacted].
Norton, John R., III, [redacted].
Norvell, Lee A., [redacted].
Nowacki, Denis W., [redacted].
Nowlin, David L., [redacted].
Nusbickel, Frederick R., [redacted].
Ogilvie, Steven L., [redacted].
Olson, Calvin J., [redacted].
O'Neal, John R., [redacted].
Onstad, George L., [redacted].
Overlee, Steven J., [redacted].
Paajanen, George E., [redacted].
Pace, Paul L., [redacted].
Packer, Jackie C., [redacted].
Padgett, James A., [redacted].
Page, James R., [redacted].
Palladino, Robert A., [redacted].
Palmer, Richard A., [redacted].
Parker, Michael W., [redacted].
Parker, Robert F., Jr., [redacted].
Parker, William P., [redacted].
Parsons, Boyd D., Jr., [redacted].
Patrick, Steven D., [redacted].
Paxton, Robert M., [redacted].
Pendergrass, Michael L., [redacted].
Penson, David S., [redacted].
Penta, Richard S., [redacted].
Perkins, Phillip, [redacted].
Perry, Dennis W., [redacted].
Persechini, Fortunato [redacted].
Pethybridge, Arthur H., III [redacted].
Pethybridge, Michael T., [redacted].
Petro, James M., [redacted].
Philipp, Joseph P., [redacted].
Phillips, Edward P., [redacted].
Piernick, Kenneth R., [redacted].
Pikula, Michael, [redacted].
Pileri, Dominic E., [redacted].
Pinkkerton, Paul V., [redacted].
Plant, John T., Jr., [redacted].
Plymyer, David A., [redacted].
Popescu, John, [redacted].
Poppleton, Gary S., [redacted].
Porter, Louie T., Jr., [redacted].
Potts, Randall L., [redacted].
Powell, Michael D., [redacted].
Power, Donald C., [redacted].
Pritchett, Robert S., [redacted].
Providakes, George F., [redacted].
Provinsal, John A., [redacted].
Pryor, Welcome W., Jr., [redacted].
Pualoa, James K., [redacted].
Purcell, Joseph V., [redacted].
Radgsdale, Harry L., [redacted].
Rainey, Larry R., [redacted].
Ramsey, Kenneth W., [redacted].
Randolph, Ronald E., [redacted].
Ratzel, Stephen R., [redacted].
Rau, Louis, B., Jr., [redacted].
Ready, William J., Jr., [redacted].
Reese, Paul D., [redacted].
Reid, John E., III, [redacted].
Reini, George I, [redacted].
Reininger, Reid A., [redacted].
Renz, Jeffrey T., [redacted].
Rhizor, Geoffrey M., [redacted].
Ricca, John B., [redacted].
Richards, John D., [redacted].
Rickenbach, Richard Clayton, [redacted].
Ripley, Bobby R., [redacted].
Roberts, T. Donnelly, [redacted].
Robertson, Thomas F., [redacted].
Robinson, Arthur E., [redacted].
Robinson, Clarence A, [redacted].
Roder, Charles C., Jr., [redacted].
Rodriguez, Joseph R., [redacted].
Roehl, Kenn A., [redacted].
Rogers, Richard H., [redacted].
Rollo, Richard L., [redacted].
Rooks, John W., [redacted].
Rorke, Kevin H., [redacted].
Rose, Charles A., [redacted].
Roseman, Thomas W., [redacted].
Rosenbaum, Alan D., [redacted].
Ross, Richard A., [redacted].
Rousseau, Joseph P., [redacted].
Roy, Steven E., [redacted].
Rubinelli, Mark J., [redacted].
Runner, John R., II, [redacted].
Russell, Eric D., [redacted].
Russell, James M., [redacted].
Russell, Johnny L., [redacted].
Russell, Larry G., [redacted].
Russell, Roger H., [redacted].
Ryan, Thomas J., [redacted].
Sabine, George P., IV, [redacted].
Savage, Jay R., [redacted].
Scavone, John A., [redacted].
Scearce, Roger W., [redacted].
Scheuer, Henry H., [redacted].
Schmidt, Michael R., [redacted].
Schmidt, Richard E., [redacted].
Schuderi, Phillip E., [redacted].
Schultheiss, John J., Jr., [redacted].
Schulz, Michael R., [redacted].
Schumm, Herbert L., [redacted].
Scott, Craig O., [redacted].
Scott, Daniel W., [redacted].
Scott, James T., [redacted].
Scovill, Thomas J., [redacted].
Scupien, Joseph D., [redacted].
Seeger, Garold E., [redacted].
Seidl, David P., [redacted].
Seim, Richard R., [redacted].
Serna, Robert W., [redacted].
Settles, Robert S., [redacted].
Shaffer, Richard C., [redacted].
Sharp, Randall S., [redacted].
Shigley, James E., [redacted].
Shirey, James H., [redacted].
Shore, Michael J., [redacted].
Shreve, Gregory M., [redacted].
Sigsby, Steven T., [redacted].
Simmons, Rickey C., [redacted].
Simpson, Duane C., [redacted].
Simpson, William H., Jr., [redacted].
Sitton, Bradley W., [redacted].
Skowronek, Ronald L., [redacted].
Slicer, Keith A., [redacted].
Sly, Leonard J., [redacted].
Smart, David A., [redacted].
Smith, Donald E., [redacted].
Smith, Douglas R., [redacted].
Smith, Lester A., [redacted].
Smith, Robert M., [redacted].
Smith, Walter V., Jr., [redacted].
Snapp, Patrick G., [redacted].
Solis, Rosendo III, [redacted].
Soltas, Joseph G., [redacted].
Sours, Gene P., [redacted].
Sprinkles, Timothy K., [redacted].
Spurlin, Lynn V., [redacted].
St. Clair, Stephen F., [redacted].
Stafford, Michael R., [redacted].
Stamm, David A., [redacted].
Standish, Myles E., III, [redacted].
Starr, Michael T., [redacted].
Starry, Michael D., [redacted].
Steele, Robert E., [redacted].
Stenstrom, James M., [redacted].
Stevenson, William H., [redacted].
Stimpson, David F., [redacted].
Stine, Owen J., [redacted].
Stitzel, Steven Frederick, [redacted].
Stoecker, Willeford J., [redacted].
Stokoe, James H., [redacted].
Storti, Mark P., [redacted].
Strange, Robert E., [redacted].
Struck, Jeffrey K., [redacted].
Sullivan, John J., Jr., [redacted].
Sullivan, Steven D., [redacted].
Summer, Mitchell, [redacted].
Sundman, Austin R., [redacted].
Sutherland, Kenneth I., Jr. [redacted].
Sutman, Frank I. [redacted].
Suzuki, William J., [redacted].
Sweat, Doyle D., [redacted].
Swilley, Benjamin M., [redacted].
Szymurski, Steven R., [redacted].
Taddonio, Frank T., [redacted].
Tarlton, James E., [redacted].
Tate, David B., Jr., [redacted].
Taylor, Henry T., [redacted].
Taylor, John F., [redacted].
Tehero, Demetrio J., [redacted].
Temple, Michael E., [redacted].
Terry, Donald M., [redacted].
Tesanovich, Milan D., [redacted].
Thompson, Edwin D., [redacted].
Thompson, Peter W., [redacted].
Thompson, Terence R., Jr., [redacted].
Thrasher, James R., [redacted].
Throgmorton, Robert L., [redacted].
Thurocy, Alex J., [redacted].
Tiderman, Michael C., [redacted].
Tiefel, Mark A., [redacted].
Tierney, Roger R., Jr., [redacted].
Timinski, Martin S., [redacted].
Tindall, Thomas O., Jr., [redacted].
Toland, Lewis V., [redacted].
Toler, Garvis W., Jr., [redacted].
Tomita, Russell M., [redacted].
Treharne, Richard J., [redacted].
Troiano, Stephen A., [redacted].
Troutman, Carrick T., Jr. [redacted].
Troy, John F., Jr., [redacted].
Tucker, Frank T., [redacted].
Tucker, Joseph F., III, [redacted].
Tucker, Terry L., [redacted].
Tupa, David A., [redacted].
Turner, David W., Jr., [redacted].
Turner, Robert J., [redacted].
Tyler, Douglas B., [redacted].
Tyo, Joseph M., Jr., [redacted].

Uberuaga, David A., [redacted].
Umdenstock, James R., [redacted].
Vachuia, Mark S., [redacted].
Valdez, Stephen M., [redacted].
Valentine, Richardo L., [redacted].
Vander, Laan John C., [redacted].
Vaughan, David C., [redacted].
Vines, John R., [redacted].
Vivaldelli, James, [redacted].
Vivatson, Robert D., [redacted].
Voreis, Robert D., [redacted].
Vrazel, Gary J., [redacted].
Wade, Raymond F., [redacted].
Wade, William M., [redacted].
Wagner, Frank H., Jr., [redacted].
Walker, Doak H., [redacted].
Walker, Richard L., [redacted].
Wallen, Louis, [redacted].
Wallenbrock, Gleyn F., III, [redacted].
Ward, William E., [redacted].
Wardrop, William J., [redacted].
Warwick, Gerald T., III, [redacted].
Wasnik, Michael A., [redacted].
Watson, Charles V., [redacted].
Webber, George A., [redacted].
Weeks, Bruce D., [redacted].
Welander, Steven M., [redacted].
Welch, John O., [redacted].
Welles, John S., Jr., [redacted].
Welter, Richard F., [redacted].
Wentrcek, Roy C., [redacted].
Whatley, Thomas L., [redacted].
Wermert, James F., [redacted].
Wheat, Ronald G., [redacted].
Wheatley, David U., [redacted].
Whitaker, Daniel S., [redacted].
Whitlock, James M., [redacted].
Wilcynski, John M., [redacted].
Wilderman, David J., [redacted].
Wilkes, Robert W., Jr., [redacted].
Wilkinson, William C., [redacted].
Williamson, Gary N., [redacted].
Willenbacher, John R., [redacted].
Williams, Emmett F., [redacted].
Williams, James A., [redacted].
Willis, James H., [redacted].
Wilson, Delmer, Jr., [redacted].
Wilson, Jerre W., [redacted].
Wilson, Vernon C., [redacted].
Wimbish, Calvin B., [redacted].
Winkelman, Colin K., [redacted].
Winslow, Richard L., [redacted].
Wockenfuss, Clark H., [redacted].
Wong, Alexander B. H., [redacted].
Wonson, George H., III, [redacted].
Woo, Thomas N., [redacted].
Woods, John B., [redacted].
Woodward, Robert L., [redacted].
Wozny, Stephen L., [redacted].
Wright, Christopher G., [redacted].
Wright, Robert L., Jr., [redacted].
Yatsko, Larry W., [redacted].
Youmans, Robert D., [redacted].
Young, Alan R., [redacted].
Young, Drew M., II, [redacted].
Youngblood, Richard A., [redacted].
Yurchak, Andrew, Jr., [redacted].
Zuelke, Gordon S., [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate February 10 (legislative day of January 26), 1971:

ENVIRONMENTAL PROTECTION AGENCY

The following-named persons to be Assistant Administrators of the Environmental Protection Agency:

Thomas Edmund Carroll, of Maryland.
John R. Quarles, Jr., of Virginia.
Stanley M. Greenfield, of California.
Donald Mac Murphy Mosiman, of Indiana.

DIPLOMATIC AND FOREIGN SERVICE

George Bush, of Texas, to be the representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the representative of the United States of America in the Security Council of the United Nations.

Kenneth Franzheim II, of Texas, now Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Western Samoa.

SMALL BUSINESS ADMINISTRATION

Thomas S. Kleppe, of North Dakota, to be Administrator of the Small Business Administration.

EXTENSIONS OF REMARKS

WHY SPACE?

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE SENATE OF THE UNITED STATES

Wednesday, February 10, 1971

Mr. WEICKER. Mr. President, last Friday I had the honor of addressing the U.S. Savings Bonds Luncheon at the Hotel Sonesta in Hartford, Conn. Since Alan Shepard and Edgar Mitchell were walking on the surface of the moon at the time I spoke, I thought it particularly appropriate that I should discuss the accomplishments and future perspectives of the space program. Because of the interest the program holds for all Senators, I ask unanimous consent that the text of my speech be printed in the Extensions of Remarks.

There being no objection, the text of the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY HON. LOWELL P. WEICKER, JR.

Since Alan Shepard and Ed Mitchell landed on the moon this morning and began walking on the dusty surface of our nearest celestial neighbor about 4 hours ago, it is hard to believe that the entire concept of the Space Program is under severe attack across the country.

Yet while these brave men walk on the moon, certain people who substitute cliches and noise for thought and far sightedness continue to undermine them. They question the expense, the aims and the results of space exploration; and, incredible as it may seem at this moment, and despite having all the arguments of logic against them, these doubters have succeeded in having the program cut back drastically.

The few minutes I spend today will be the first round of this Senator's counter attack in support of our space exploration program. First of all, I want to make it clear that I would never claim we should go on with a "damn the expense, full speed ahead" attitude. As with everything else, we must continue our exploration in an orderly manner, gaining maximum knowledge and effectiveness from our efforts. But it is in the very basic nature of man to explore, to be adventurous, to challenge the unknown, and when this urge is stifled, man himself dies a little. As Alfred North Whithead said, "The vitality of thought is in adventure. Ideas won't keep. Something must be done about them. When the idea is new, its custodians have fervor, live for it, and, if need be, die for it."

This country was born, and raised to maturity on the strength of hopes and dreams, on the urge to explore and expand man's horizons. We opened the frontier; we found new ways to produce food, to cure disease, to house and cloth our people. We are great because we are a nation of explorers and problem solvers. Space is the new frontier, the new challenge, and if we deny ourselves the opportunity to explore it, we may deny our own heritage at the same time.

Between moon shots, the average American tends to lose interest in the space program. But, like today, when American men are out there 250,000 miles from earth, our hearts beat faster, our chests expand with pride—and perhaps a little envy—and suddenly all our worldly problems seem smaller and more surmountable. At moments like this, we are all uplifted a bit; we are all up there on the moon. We are all vicariously fulfilling the need to explore and thus living up to our heritage. We are at our best at times like this.

More and more, as I observe the workings of our society—from the individual family up through the many institutions of industry and education to our governments small and large—I am struck by the truth of the old saw: strategy is left to the lieutenant colonels—because the generals are so enamoured of tactics. In this age of Aquarius, this age of a "greening America," we see more and more emphasis on instant gratification of immediate desires, on shrugging off responsibilities with the feeling that "someone else" will take up the burden, on trying to settle vital and complex issues with two-dimensional slogans that rapidly degenerate into clichés.

We have become used to our apparent national wealth and power, without questioning its basis, or understanding whence it came, or recognizing its fragility; we therefore grow individually lazier and greedier. We are surfeited by the magnitude of our accomplishments, taking extraordinary events as commonplace and refusing to delve deeply into their meaning or implication. We don't like to face the fact that the modern world—and life within it—is extremely complicated and will—must—grow more so. We don't like to think strategically, which implies adequate consideration of our alternate futures, usually at some expense to our present.

I want to talk today about just that: about national strategy, and, more specifically, about national strategies in space exploration and exploitation.

Space has come to mean many things to us Americans, some good and some not.

Unfortunately, many people fail to realize that the direct benefits of the program to all of us are literally endless:

Photographs from space can pinpoint sources of air and water pollution precisely in minutes instead of months—

The T.V. cameras developed for Apollo are being used to monitor complicated industrial processes.

Sensors used to record the bodily functions of our Astronauts are now used in the Intensive Care units of hospitals—

Moon dust has been proven to make plants grow faster in ordinary soil and the artificial reproduction of its chemical properties may provide a revolutionary new fertilizer.

Perhaps the nation's space program has been too successful—and too anonymous—to warrant the attention that our more visible *failures* seem to attract. We have had routine operational satellite services in communications and meteorology since 1965 and in navigation since 1968; we have been monitoring the sun's activity from space since 1962; we have been doing precise satellite geodesy since 1965; we have been investigating the stars and the space between them since the inception of the space age.

We are, today, at this moment, further exploring the moon. For the third time, two Americans have landed on a new part of our neighbor 250,000 miles away.

Today, the U.S. is "operational" in space, both with men and machines, depending on the task to be done.

But now we hear the clamor on every side: it ranges from the cries for immediate termination of all space activities—to allow the money to be spent "on earth"—to the urging that we reorient the efforts of our space institution toward the problems of the cities. It ranges from the false sophistication of believing all space exploration can be by machine to the emotional concern that all technological progress is dangerous.

There are many different viewpoints expressed across the negative side of the spectrum—and, I believe, most of these voices are ill-informed.

Every family, every business, every government understands that a dual responsibility lies upon them: to provide for daily life, current operations, immediate needs—that is where most of the gross national product, most of the tax revenue goes. But every element of our society also recognizes the concept of investment, of building for the future, of maintaining a competitive edge, of creating a national estate for the generations to come.

You remember the parable of the talents; you will recall that the "worst case" was the servant who buried his talent and returned it without increase. Compare that to the situation we are beginning to face in space today. We made an investment during the 1960's in people, in facilities, in technology—in short, an investment in the dynamics of real national power. We have drawn down that account. We have not replenished it. We are, in essence, spending our last talent, not even burying it. And when the account is used up, we become a second-rate power. Not just the number two superpower; really a second-rate nation.

Because we will have ignored the facts of life, the continuing progress in the world beyond our own shores, we will have permitted that most subtle of destructive forces—erosion of the will—to lead us to dismantle one of the few successful productive institutions we have created.

What are some of the measures of success and productivity? The relentless push for technological progress manifested in our space activities has stimulated hundreds of industries:

And what is a better measure of success than human lives saved? In Hurricane Camille alone, it is estimated that 50,000 people would have died if satellite early warning and storm tracking had not permitted the timely evacuation of 70,000 persons.

There is another, more subtle measure of success: do any of us remember how we felt when Sputnik I showed us in unmistakeable terms that the Soviet Union was a real technological competitor? And how we felt when Gagarin's earth orbital flight underlined their technological lead? I wonder how we would feel today—and how we would be looked upon by the world at large—if it were the fifth and sixth cosmonauts who were looking at the Moon's Fra Mauro hills and it was the U.S. that had to be content with a small robot tractor. In truth, our space investment has been in ourselves, in our political system, in our own sense of purpose.

But it is wrong—dangerously wrong—to look upon the U.S. space program as a race with the Russians. A race, after all, has an agreed-upon course and a predetermined finish line; the winner can stop running. When Soviet and American national interests are so structured that a small loss for one can be interpreted as a great victory for the other, there is no race—and there is no resting. Remember that the Soviet Union has been progressively *increasing* its annual R&D aerospace investment for fifteen years; their total research and development effort equals or exceeds ours today—and represents twice as large a percentage of their gross national product. Their goal is clearly to reach—and maintain—a position of scientific and technological preeminence in the world.

If we are not careful, we will help them achieve their goal. Our technology lead is shrinking simply because we are not being farsighted enough to make and follow through on sound investment decisions.

As I said, I do not advocate crash programs—or even large programs *per se*. I do advocate programs in our own best interests, programs that develop the power of the future and pay off with scientific and technological values in the interim. We cannot afford to be trapped into expensive reactions to the success of others. We have, now, a capability in existence—trained manpower in our laboratories and industrial plants—upon which we can build sensibly and substantially—*if* we do not dismantle it first.

Already you can see the reduction in space activities that the budgetary decline from 1965 has caused: stretchout and gaps and slowdowns are already built into the program. It takes five to seven years to mount and execute a major space mission; and if you don't start one, you certainly never complete it. After 1973 there is a long, now unavoidable gap of many years before United States manned space flights can resume; we have let the economic and technological pipeline run dry. It is hard to believe that the competition will be unaware of this, or unwilling to take advantage of it. I am certain it suits their purpose to decry our lunar accomplishments, to urge a turn-down in our rate of progress; it is good strategic thinking to take advantage of the opposition's deceleration to accelerate into the lead yourself.

The Soviets are not "nine feet tall", but neither are we. The Soviets, however, are growing, and we are not. I fully expect them to have one or more manned space stations in orbit within the next few years; with their closed society, it would be some time before we discovered just what threat was posed to our way of life by the technical capabilities that such missions would demonstrate.

This does not mean we should move pell-mell into the development of our own space station, just to be first; it does mean, however, that we must keep open the realm of space to all men and not permit it to become the inland lake of a single great power whose interests are not ours.

The U.S. program, diminished as it has been, still holds the elements that can keep space open to us. An experimental space station, Skylab, will be in orbit during 1973. Here we will learn two critically important things: *first*, how man interacts with his equipment to improve its performance and to make use of man's unique judgmental and manipulative skills; and *second*, how man reacts to the environment of space over the long haul. In Skylab, the crew are both experimenters and operators in their own right as well as being, themselves, the subjects of experiments and investigations on man. Only with this kind of information under our belts can we confidently determine the proper mix of man and machine in future space activities.

The other post-Apollo program we must have to hold open the door of the future goes by the prosaic name of "space shuttle". This concept represents a major step forward in technological and economic maturity: a piloted aircraft that can reach space, stay there to place or recover payloads in orbit, and let the crew carry out research or operational tasks, and then return to earth under its own power. After refueling and refurbishment, it is ready for another mission.

Once in being, we can stop throwing away our launch vehicles, each of which represents thousands of thousands of hours of skilled labor and engineering, and millions of dollars. We can reuse our payloads. We can have the same flexibility of travel in space as the airplane has provided us near the surface.

Without it, of course, the economics of space exploration do not change, and the politics of technological progress are against us.

Unless we recognize—and act upon—the premise that substantive progress requires continuing investments, we will replay the story of the grasshopper and the ant; I, for one, do not relish the prospect of the long winter of discontent that would follow an imprudent policy of letting our aerospace capability erode.

The President said in his State of the Union Message two weeks ago that the United States is in the midst of a profound revolutionary change. Our concepts and methods in the areas of housing, transportation, health care, conservation, pollution control, nutrition and communications must change, must advance to meet the challenge of the decades ahead. The advances of the past hundred years have, to a great degree, come from science, and we must focus the huge scientific resources of the space program on our earthly programs of today. Of course, it is easy to ask why not spend the money going to NASA directly on our problems here on earth. The answer goes back to my original point: As human beings, and as Americans specifically, we are best at solving problems when they are bigger than life. The higher we aim, the more we accomplish. If we aim at space, we solve our problems on earth; but if we restrict ourselves and aim simply at making a better mouse trap—a somewhat less than edifying task—we may end up with nothing.

T. S. Elliot said: "We shall not cease from exploration and the end of all our exploring will be to arrive where we started and know the place for the first time."

This, I think, is the real aim of the space program; to go above and beyond ourselves so that we will be able to better see and know ourselves. I hope that when our hearts jump a bit at the realization that Shepard and Mitchell are walking on the moon at this very moment, we will see the broader significance of what they are doing, and that we will realize the full spiritual and technical value of the space program for all of us.

FUTURE OF THE AMERICAN FARMER

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. ABOUREZK. Mr. Speaker, when one speaks of revolution today, images of campus unrest, underground bomb factories and the like immediately spring to mind. But last November, we saw another kind of revolution—revolution at the ballot box by the American farmer. In district after district, in many cases in larger numbers than ever before, the farmers came to the polls to register their dissatisfaction. This was protest in the accepted American tradition, and protest to which we must listen.

In order to understand this protest and to provide a program that will meet its demands, we must look to the cause. That cause is found in dissatisfaction with the farm legislation of 1970. While this legislation is now the law of the land, such clear unrest among those most directly affected suggests that we should look to revising and amending that law.

In looking to the future of agriculture and what might be done, I would recommend for your reading an article by the junior Senator from South Dakota. This article appeared in the Aberdeen American-News, one of the outstanding newspapers of our State:

McGovern Looks At Farm Problems, Answers in 1971

(By Senator George McGovern)

In order fully to understand the future of agriculture for the 1970's we must be aware of what transpired last year.

The Agricultural Act of 1965 expired at the end of calendar year 1970. Early in 1969 we formed a group of farm organizations and commodity groups to work out the details of a new farm program. Eventually, there were over 30 of these concerned agri-business associations involved in this common purpose. The result of this effort was the introduction of the Coalition Farm Bill.

Despite the nearly unanimous support of agricultural interests, we were unable to enact the bill, chiefly due to the opposition of urban interests and the administration.

We will now have to work within the framework of a bill which, for the first time since its inception, marks a clear retreat from the time-tested parity concept. I don't feel this is a good bill. Some 35 senators joined me in an effort to send it back to conference for improvements. But it is the law on the books now.

Although the outlook is not promising without administration support, a number of us are making plans to introduce corrective amendments in the 92nd Congress, to reestablish the parity goal and resume progress toward it. All of us know that better farm returns are the best possible remedy for the economic ills of rural America.

At the same time, farmers and rural residents have cause for keen interest in the discussion of national priorities going on now throughout the country.

The problems of the cities cannot be divorced from those of rural areas. Much of the migration of rural people to metropolitan centers has been caused by the lack of an enlightened farm program and the deterioration of employment opportunities in rural states, and that trend is damaging at both ends.

It was amplified during the depression of the 1930's. We saw the disruption of family life during World War II when millions of our rural youth went into service and, eventually, made their homes elsewhere. The result has been an older farm population with few incentives for the young folks to take over.

The problem has been variously defined, but basically it is based on an insufficiency of farm income as compared with the individual capital investment and labor required to keep a farm operational. There is no other economic group in America that receives so little return for what they do.

What can we in South Dakota and the upper great plains do to meet this problem.

As consumers continue to demand more specialized and sophisticated packaging and processing of the food and fiber produced by American agriculture, an increased share of the food dollar will continue to flow to the processor, rather than the producer.

Those of us in rural areas must capitalize on this trend by developing more of the marketing procedures for the products we produce. There is no reason why we cannot capitalize on the potential for fully preparing the abundance of our land for market. This will require considerable expansion of our present capabilities together with the development of the new techniques that are in demand by American consumers.

New or additional land uses must constantly be considered, not only in terms of ways to increase the income of farmers, but also for the purpose of making rural communities better ones in which to live.

Local participation and cooperation can often succeed in developing recreational areas, artificial lakes and reservoirs or the better utilization of a national body of water, parks game preserves and many other public and private developments that use land for other than food production.

It should be kept in mind that the aggregate effect of expanding output of many farm products is to reduce product prices and total income from such products. Thus, new noncrop uses for land can, on balance, help farmers, at least until such time as public policy catches up with the need for the volume of food production of which we are capable.

Farms will continue to increase in size, they will basically continue to be family farms, although we will also see a continuing tendency toward specialized large scale enterprises along certain lines such as specialized hog feeding operations, large feed yards for beef cattle, egg producing facilities, etc.

We can expect to see a continued flow of new technologies into farming. There is available in our agricultural research stations enough new knowledge to feed the present rate of technological advance for 15 years or more. These things include improved grasses and grass production practices, improved wheat varieties, water management practices to reduce losses and to increase utilization by plants, improved feeding practices and improved strains of livestock.

Another development will be the continuing improvement of farm management. We can expect to see electronic farm accounting become common as well as the use of electronic farm budgeting.

They make it almost impossible for young people to start without family backing unless we innovate further with respect to farm finance. We might have a greater coordination between local credit agencies who are willing to "place their chips" on a limited number of well-qualified young men without requiring much security other than the managerial potential of the boys themselves.

We may also see more two-man or multi-family farming operations. The livestock share-lease is used in this way presently, as is the grazing association concept. Lending agencies will probably tend more and more to lend to farmers on a specialized basis, employing farm management specialists as loan supervisors, and their loans will be set up on longer term, revolving capital basis.

Transportation technology has revolutionized the concept of the farm community. As a result the largest towns will continue to grow and will absorb certain of the economic activities given up by small towns as farmers shift their orientation and their trade.

We can look for improvements in rural housing and improved rural services—roads schools, telephones and power.

We can anticipate an increased demand for all forms of recreation—public golf courses, tennis courts, parks, picnic areas, hunting, fishing and boating. People will lose patience with inadequate medical and hospital facilities and will participate in more planning and action to consolidate redundant services and expand needed ones.

It will not be surprising to see pressure towards consolidation of county governments and similar adjustments in township and other local government units.

There is no fundamental reason why the plains area cannot be as viable economically and as satisfying socially as any other area. Whether it is or not depends on the balance between resources and people, the state of the arts, the institutional arrangements that bind people together, and the willingness of our citizens to influence our future course. my basic feeling is one of optimism; if we accept the challenge to take a positive hand in controlling our destiny.

MODERN MIRACLE MEDICINES

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 10, 1971

Mr. METCALF. Mr. President, the Washington Post of January 31 contains an article entitled "Digest Beats the Drum for God's Medicine," written by the distinguished reporter Mr. Morton Mintz. The article deals with the over-enthusiasm of the Reader's Digest in writing about the discovery and promise of new drugs. The conclusion to be drawn from this timely article is that a healthy skepticism is needed in dealing with modern miracle medicines. This point of view was recently reinforced by responsible Government officials.

On January 18, 1971, FDA Commissioner Dr. Charles Edwards told the Senate Small Business Committee's Monopoly Subcommittee, presided over by the Senator from Wisconsin (Mr. Nelson), that—

> No one would question that the discovery and development of new drugs and new antibiotics over the past three decades have contributed enormously to the eradication and control of disease and to the relief of patient suffering.
>
> However, over this same period of time, drug misuse has become a national problem. I speak not just of drug abuse in the conventional sense, but of the promotion, prescribing, and use of drugs of limited or no value, and equally important the consumption of too many drugs, often for no purpose or for the wrong purposes. Few things are more tragic than the prescribing and administration of a drug of no proven effectiveness followed by a serious or even fatal reaction.

In a speech delivered on September 10, 1970, Dr. Henry Simmons, Director of the FDA's Bureau of Drugs stated that—

> The American people are being dosed with approximately two billion prescriptions per year. This excludes the use of over-the-counter drugs which, as you know, is even greater. It is common knowledge that much drug therapy avails little or nothing in terms of patient benefit and that a large number of these prescriptions have been for ineffective or only partially effective drugs. In fact, Americans spend nearly a half billion dollars a year for prescription drugs for which there is at present no valid proof of efficacy.

Mr. Mintz is to be commended for his perceptive and timely article. I ask unanimous consent that it be printed in the Extension of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Digest Beats the Drum for "God's Medicine"

(By Morton Mintz)

The Reader's Digest, conservative in its approach to manners, mores, labor unions, government and politics, is frequently radical in its approach to medicines: If they're new, they're better.

But although the magazine contains some admirable and responsible medical reporting, the files of the Digest itself sometimes argue that its enthusiasm over modern drugs is, to say the last, overdone.

Like other advocates of radical ideas, the Digest often gets carried away, which can be of consequence, since its immense circulation (17.7 million in the United States and another 11 million abroad) gives it the potential to carry a lot of people along with it.

Three years ago, the Digest got carried away by the Pharmaceutical Manufacturers Association and an advertising agency, which together had worked out a plan to offset the adverse publicity from some Senate hearings by producing a series of quarterly eight-page advertisements for trade-named prescription medicines.

The gimmick—a familiar one in many publications—was to present the ad in the regular editorial format of Digest articles. And somehow the Digest failed to tell its readers the first time around that the eight articles were in fact advertisements.

A close look at the Digest's files shows that over the years even "straight" articles have often bordered on advertising with their promotion of the use of prescription drugs.

"L-Dopa Has Set Me Free," said a headline in the Digest last August. The subheadline, referring to the author, Floyd Miller, said, "He was a guinea pig for a powerful new drug, a drug that can now bring blessed relief to two out of three victims of Parkinson's disease."

For the most part, the piece is a testimonial, complete with a free plug, by name, for the two suppliers, and an observation that one of them offers L-Dopa "without charge to indigent patients of physicians in private practice."

Toward the end, the article does acknowledge that little is known about the toxicity of L-Dopa in long-term use, that it doesn't work for one patient out of three, that side effects are frequent and that these effects sometimes are severe.

But this disclaimer, dropped as it is into the sea of tranquil praise, is not likely—nor was it intended—to reverse the thrust of the proclamation from one victim of Parkinson's disease to his fellow sufferers: a new drug "set me free."

In the normal course of events, the good news about potent new drugs comes first, usually with a lot of hoopla. The bad news usually comes later, usually piecemeal and usually unwanted by physicians and patients who have put their hopes and money into them.

There is at least a possibility that this may be the case with L-Dopa, if a letter from three researchers in the Aug. 31 Journal of the American Medical Association is an indicator.

After studying L-Dopa for 15 months in 60 severely disabled patients, the scientists, who initially had been fairly hopeful, said they had found the benefits to be "of limited duration" and to have been followed "*in all cases* by adverse effects, the latter often progressive, sometimes serious and occasionally dangerous . . . we therefore have reservations about the release of the drug at this time." (Italics theirs.)

THE "EXPERT" SYNDROME

Regrettably, the Digest's use of credentialed experts as authors often has produced results as questionable as, or more-so than, the proclamations of victims.

The most impressive recent case of the Digest commissioning an expert to say new-is-better was a piece entitled "The Pill in Perspective." The article appeared in the issue of last October—at just about the moment the Food and Drug Administration was disclosing that two brands were being taken out of production because they had caused an abnormally high number of growths in the breasts of beagles.

The writer of the article, which was mainly an attack on hearings on the Pill held by Sen. Gaylord Nelson (D-Wis.), is a physician who is herself a member of the FDA's advisory committee on contraception. She is Elizabeth B. Connell, an associate professor of obstetrics and gynecology at Columbia University who also directs family planning research and development at its International Institute for the Study of Human Reproduction.

Dr. Connell acknowledged in an interview that she had received research grants from all of the manufacturers of birth control pills. She was unable to recall the amounts but said the net for herself was "very little."

Similarly, Dr. Edward T. Tyler, associate professor of obstetrics and gynecology at the University of California and medical director of the Family Planning Centers of Greater Los Angeles, who coauthored a piece much like Dr. Connell's in the June 30 Look magazine, has been getting grants from all of the manufacturers since 1958.

Neither Dr. Connell nor the Digest, in its biographical note about her, mentioned her connection with the companies. Neither conceded any need to do so. A Digest spokesman said the editors knew the industry had financed her work, but noted that this is true of most contraceptive researchers. He added that the editors were unaware either of the identity of her sponsors or of the content of her studies. The editorial judgment was that disclosure would not have been "especially pertinent," the spokesman added.

The editors of Look said that the failure of the magazine to mention Tyler's industry grants did not violate "any code of ethics." They said that the grants were for research "on virtually all methods of contraception" and that his "qualifications or objectivity" as a "recognized expert" were in no way affected.

PAVLOVIAN REACTION

Sen. Nelson, who held his hearings in January and February to find out if women were being adequately informed of the Pill's known and suspected hazards, said that disclosure by Look and the Digest would have been proper. He also said the Digest and Look had reacted to the hearings as had others in a pro-Pill "establishment . . . automatically, like Pavlov's dog."

Nelson pointed out that it was at these hearings that the FDA said that women were being inadequately informed and announced that it was going to require inclusions of a cautionary message to the user in every package of the drugs.

The Digest and Look attacked the hearings on the principal ground that they panicked women to no purpose and produced no new information.

Nelson faulted the magazines for not having written "the other side . . . a largely untold story that the public is entitled to know" and that fills "three printed volumes" of his Senate Subcommittee on Monopoly.

The Digest, which prints no letters to the editor, said it would be "happy to consider" other articles on the Pill.

Although the Digest did not note it, Dr. Connell was a witness at the hearings, along with Dr. Alan F. Guttmacher, president of the Planned Parenthood-World Federation. In his prepared testimony he was very hostile to the hearings, as were Dr. Tyler in Look and Dr. Connell in her article and prepared testimony. But under questioning by Nelson, Guttmacher conceded that the hearings "served a useful purpose in making the doctor more careful."

In an exchange Dr. Connell had with the senator, she did not dispute two of his key points:

That for a decade the Pill had "an almost unqualified endorsement in the lay press."

That most physicians did not know of views such as that of Dr. Philip Corfman, a top scientist at the National Institutes of Health with key responsibilities for research on contraception: that the Pill "should be monitored and restricted to women who cannot use other methods effectively."

Dr. Connell complained to Nelson that the hearings were marked by "a lack of balance." But Nelson disputed this, saying that several advocates of the Pill were yet to be heard.

Dr. Connell admitted to the reporter that, contrary to what she said in her article, the hearings actually had developed new information—the testimony of a famed cancer surgeon that cancerous breast tissue from users of the Pill differed from that of non-users. The significance of this, if any, has not been established.

Dr. Connell also acknowledged that her article was open to numerous factual challenges. She said in the Digest, for example, that the diaphragm has a failure rate of 15 to 20 per cent. She said in the interview that this rate does not apply to an individual who uses it reliably and properly, but only to "large groups of women."

She said in the magazine that the Pill "has released in many women a sexuality they never before experienced." She acknowledged to the reporter that other women become depressed and have a reduced libido on the drugs.

The article said that "there have been no statistical reports of increase in breast or uterine cancer" in users. Dr. Tyler contradicted this in Look. He cited a widely reported survey of New York women "that indicated more cancers of the cervix occurred in females using the Pill than in those who relied on the diaphragm."

His point—carried under a headline making the unqualified claim that "The Pill Is Safe"—was simply that the survey did not establish a cause-effect relationship.

That is precisely the view held by the FDA and its advisory committee about the Pill and cancer anywhere in the body: the evidence is insufficient either to prove or disprove a cause-effect association.

Dr. Connell did not mention this position. Nor did she point out that the advisory committee, before she joined it, said that studies to determine if there is or is not a cause-effect connection merit urgent federal financing.

One of the Digest's most widely read medical writers, Paul de Kruif, author of "Microbe Hunters," has done some of the most upbeat prose of all, often under a species of headline that is unexcelled in its stylistic perfection—"Taming the Wild Hormones," for example.

In the June, 1946, issue, de Kruif wrote about a painkiller called Demerol (the Digest failed throughout to capitalize the trade name, thus distracting attention from the possibility that profits might be involved for the manufacturer, Sterling Drug).

"A new chemical, demerol, is ready to comfort millions of pain-racked human beings," de Kruif began. "Till now, morphine has been the one weapon against extreme pain, but morphine's mercy is tempered by the danger of drug addiction. Demerol is very nearly as effective as morphine, and among many thousands eased by its magic in hospitals throughout the country, not a single sufferer who had not previously taken opiates has been recorded as becoming addicted to it."

Even if one were to assume that de Kruif had hunted the possibility of addiction down to the last microbe, the headline was a breath-taking affirmation of faith: "God's Own Medicine—1946." The headline was faithful to de Kruif's scripture. "Demerol need not be disguised," he said. "It is God's own medicine, 1946 model."

But among medicine's handful of agnostics is Dr. Walter Modell, a Cornell University pharmacologist. In 1962—16 years after the de Kruif article—he told the American Association for the Advancement of Science that the claim that meperidine (the generic name for Demerol) was not addictive was based on "shoddy" research, ". . . yet use of the drug was vigorously promoted. Experience soon proved that meperidine was highly addictive, and that in this respect it certainly had no advantage over morphine."

Mosell added that the Digest and other promoters had made so many converts that "few physicians seem to accept the fact that meperidine is highly addictive."

"The medical profession uses morphine with great respect and, as a result, a very small number of patients become addicted to it as an accident of therapy," he continued.

"But this is not the case with meperidine. As a result, many more victims are admitted to the hospital for addicts at Lexington as a result of meperidine therapy than are admitted because of morphine therapy."

In April, 1968, the Digest got around to making an implicit admission that "God's Own Medicine—1946" had caused one devil of a problem in the preceding 18 years. The medium for the Digest's message was a condensed piece that George A. W. Boehm had written for Today's Health, an American Medical Association magazine for laymen.

"The drugs most effective as painkillers have also been highly addictive," the Digest said in an introduction to the article. Boehm said that with Demerol (now capitalized by the Digest), "addiction did develop . . . When meperidine was introduced in the United States in 1943, reports of its addictiveness were disregarded." He did not say by whom the reports were disregarded, but went on:

"Many reputable scientists were skeptical about the test procedures then in use, which were not nearly as convincing as today's. Moreover, the Bureau of Narcotics could not exercise control over meperidine because the Harrison Act was limited to natural opiates.

"When a new law was passed in 1944 to include synthetic compounds, meperidine went under narcotics control. But many people, including some doctors and nurses, paid the penalty of becoming addicted."

The Digest's pitch, in the introduction to the article, was for "a promising new drug" which "offers hope that sufferers can have relief without the risk of narcotics."

The medicine was pentazocine, tradenamed Talwin. The manufacturer was, again, Sterling Drug. Boehm said that Talwin "passed the trials for addictiveness" at the Addiction Research Center at Lexington.

In addition, the Committee on Drug Addiction and Narcotics of the National Research Council certified the drug to have a potential for addiction "so low as not to constitute a risk to public health, and not to warrant any degree of narcotics control."

In July, 1967, the Food and Drug Administration, Boehm added, approved Talwin for the analgesic market "after reviewing 15,000 cases, and 45,000 pages of data . . ."

Sterling's Winthrop Division launched a massive promotional campaign for pentazocine, claiming it to be "the first non-narcotic analgesic in the morphine range of potency." By February 1968, the manufacturer was saying it was "available in 39 countries."

But a descent from the high on Talwin was foreordained, just as it had been on Demerol. On May 16, 1969, the Medical Letter, a nonprofit drug-evaluation newsletter for physicians who seek education from sources other than drug companies and the Reader's Digest, said:

"The earlier belief that pentazocine was nonaddicting has proved false; advertisements for the drug no longer describe it as 'non-narcotic,' though they do state that it is not subject to narcotic controls."

Winthrop medical director Monroe E. Trout said that the Medical Letter report was "distorted" and grossly inaccurate. He said there had been 34 cases of addiction among five million users—not enough to constitute "many cases of addiction."

But in September, 1969, the FDA took a step toward the Medical Letter position when it required Sterling Drug to send a letter to the medical profession warning that the injectable form of Talwin had been linked to "psychological and physical dependence" in patients with a history of drug abuse.

Since then, Rep. John S. Monagan (D-Conn.) has tried to get the Justice Department to exert tighter controls over Talwin. Last January, for example, he protested to Attorney General John N. Mitchell that the department had failed to include pentazocine on a list of drugs subject to controls despite indications that in some users it has hallucinogenic effects similar to LSD's, producing "a variable euphoria."

Currently, the department's position is that it is "aware that there's a problem," but that despite a continuing study, instances of abuse "have not been scientifically documented."

For what it's worth, the Digest was making this claim last summer in promotional ads headed "Number One Remedy":

"Last year, drug and remedy advertisers invested more than 7½ million dollars in the pages of The Digest. That's nearly more than 3½ million more than Life and Look combined. What's more, The Digest has been the leader since 1962—further proof that a schedule in The Digest is the kind of precription that works."

But it could be a grave mistake to assume that an appetite for advertising dollars alone, or possibly even significantly, explains the Digest's record in promoting medicines. Surely the Digest turned its back on huge amounts of revenue when it refused cigarette advertising and campaigned against smoking.

The fundamental problem may be one that affects everyone in the media and, indeed, everyone with a responsibility to report to others: Whether to indulge in gimmicks to promote the idea that new developments are by definition better ones, or to maintain a more pedestrian but healthy skepticism.

STATE TRAFFIC SAFETY COUNCIL FIGHTS FOR SAFER HIGHWAYS AND FOR SAFER ROADS

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. TERRY. Mr. Speaker, the Finance and Advisory Committee of the State Traffic Safety Council—New York recently held its annual Governor's luncheon at the Union League Club in New York City. The purpose of this annual meeting with the council's honorary chairman, Gov. Nelson A. Rockefeller, was to review the progress of the council's traffic safety programs in New York and to urge the business and industrial leadership of the Empire State to continue its generous support of this important work. The meeting was chaired by C. W. Owens, executive vice president of the American Telephone & Telegraph Co., and council president. The financial report was given by Charles F. Luce, chairman of the council's finance and advisory committee. Mr. Luce has since succeeded Mr. Owens as president and Mr. Owens will continue his association with the council as chairman of its executive committee. The principal address, commending the council on its strong and efficacious programs designed to reduce highway accidents and losses, was given by Governor Rockefeller. The Governor also praised the business and industrial leadership of New York for its generous support of the council.

Mr. Speaker, having been closely associated with the State traffic safety council for the past 10 years, I would like to reinforce the generous comments made by Governor Rockefeller relative, not only to the solid pioneering efforts of the council in traffic safety which have set a national example for the rest of the country to follow, but I also would like to pay tribute to its leadership under the inspired direction of Messrs. Owens and Luce. These men, along with the members of the board of directors and the finance and advisory committee, have given generously of their time and of their treasure.

Those who support this work represent some of the largest and most progressive corporations in the United States. They support this work not only as a matter of corporate and civic pride in making our highways in New York among the safest in the Nation, but also because the nature of the pioneering achievements of the council, deserve their support and leadership.

Alone among all the councils in the Nation devoted to safety, New York's Traffic Safety Council has trained upward of 10,000 police and other public officials, in sound business-management techniques applied to traffic control and efficient operations. They have spread the gospel of sound traffic engineering techniques and trained thousands of police and other officials in this vital science. Their legislative recommendations have bolstered and meshed with the Governor's own solid stance in this important area of safety. Their work in driver education has been outstanding. Along with the New York State Department of Motor Vehicles, they have set up an entirely new concept in the use and maintenance of a sound accident records system currently adopted by 95 police agencies in the State. And in this noble crusade to safeguard our families on our highways, they have enlisted the solid support of my State's newspapers, television, and radio stations. Their work in the field of drinking, driving, and drugs has received nationwide attention. The success of their efforts in this field has recently resulted in a 263-percent increase in arrests, on a statewide basis, for drunken driving. These results were documented recently by a study conducted by the council in cooperation with police agencies thoughout New York. I not only commend the council but also the police for their stepped-up campaign against such drivers.

Mr. Speaker, with your permission, for these reasons and many others, I would like to insert in the CONGRESSIONAL RECORD, the tribute paid to the council by Governor Rockefeller and the report made by Mr. C. W. Owens.

In addition I would like to insert the names of those whose presence honored the work of this fine organization for they are deserving of recognition and praise. The guest list was as follows:

GUEST LIST

Leon Avery, Crouse-Hinds Company.

Richard E. Berlin, President, The Hearst Corporation.

Burdell Bixby, Dewey, Ballatine, Bushby, Palmer & Wood.

Arthur H. Brockie, Assistant Treasurer, Allied Chemical.

Lew L. Callaway, Jr., Vice Chairman of the Board, Newsweek, Inc.

Cecil K. Carmichael, Director of Public Relations—New York, Association of American Railroads.

William H. Chafee, Vice President of Public Affairs, American Standard, Incorporated.

S. E. Charlton, Manager, Humble Oil Refining Company.

Rocco F. DePerno, President, New York State Teamsters Local #18.

Bernard Eiting, Minnesota Mining & Manufacturing Company.

William M. Ellinghaus, President, New York Telephone Company.

J. Frank Forster, President, Sperry Rand Corporation.

Thomas J. Fratar, Partner, Tippetts-Abbett-McCarthy-Stratton.

John T. Harrison, Jr., Vice President, Marsh & McLennan, Incorporated.

James Herron, Senior Vice President, Dun & Bradstreet, Incorporated.

Walter E. Hollenbeck, Secretary, Metropolitan Life Insurance Company.

Hobart Lewis, President, Reader's Digest.

William J. Lippincott, President, Lord & Taylor.

Baldwin Maull, Vice Chairman of the Board, Marine Midland Bank, Inc.

James O'Hara, Allstate Insurance Company.

Kenneth W. Richman, Vice President, The Home Insurance Company.

Edward R. Rowley, Chairman of the Board, National Lead Company.

A. C. Seymour, Executive Vice President, Royal Globe Insurance Companies.

Levon Soorikian, Director of Physical Distribution, International Telephone & Telegraph Company.

John A. Spencer, former Regional Vice President, General Electric Company.

Peter A. Spina, Mobil Oil Corporation.

Neil W. Talling, Chrysler Corporation.

Austin J. Tobin, Executive Director, The Port of New York Authority.

Vincent Tofany, Commissioner, Department of Motor Vehicles.

Paul W. H. Trevor, Lord, Abbett and Company.

Huntington M. Turner, President, Turner, Koster & Company, Inc.

Steve C. VanVoorhis, Regional Vice President, General Electric Company.

Leo White, Vice President, Chemical Bank.

David H. Winton, Vice President, Johnson & Higgins.

David L. Yunich, President, R. H. Macy & Company.

John O. Zimmerman, President, General Motors Acceptance Corporation.

EXCERPTS OF REMARKS BY GOVERNOR NELSON A. ROCKEFELLER, PREPARED FOR DELIVERY AT THE NEW YORK STATE TRAFFIC SAFETY COUNCIL GOVERNOR'S LUNCHEON, UNION LEAGUE CLUB, NEW YORK, N.Y., THURSDAY, DECEMBER 17, 1970

Up in Orangetown, Rockland County, the police are using a new system for pinpointing accident trouble spots. Thanks to this system, they've been able to document their need for new radar equipment.

They convinced the Town Board to change the local landscaping ordinance to improve visibility at intersections. And they've convinced the whole County to adopt this simple, inexpensive punch-card system for zeroing on accident trouble spots.

Orangetown is just one of 95 communities in New York that have adopted the system. Many of them have done so thanks to the efforts of this State Traffic Safety Council working with the State Department of Motor Vehicles.

Today, I want to credit two men who have done an outstanding job of helping to direct the activities of the State Traffic Safety Council. The first of these men is, of course, your president—Neil Owens, Executive Vice-President, American Telephone and Telegraph. In spite of his demanding duties as an executive of one of our leading communications companies, Neil has found time to communicate the urgent need for traffic safety. He has been ably supported in this effort by your veteran secretary—Jack Spencer, former Regional Vice-President, General Electric Company. Jack Spencer is another business executive who has helped to make safety progress one of our most important products. We regret Jack's decision to retire from this important post. But he can feel deep satisfaction in having set a high precedent of service for those who will follow him.

I am delighted, therefore, to present these plaques on behalf of the State Traffic Council to Neil Owens and to Jack Spencer for distinguished service in the cause of traffic safety. As your council's honorary chairman, I know that it takes men like these, and all the council members, to make an organization like this work.

I've already mentioned your key role in getting the trouble-spot program adopted. Let me also thank you for your invaluable help in getting the State Police Academy approved. This Academy is the only place in the East today providing communities with courses in traffic management science at no charge.

I compliment you on the "Department of the Year" competition you sponsor. Half the police departments in the State are vying for this safety distinction. And that's a competition whose rewards are measured in human life.

Your efforts were also enormously valuable in getting the drinking driver bill passed which takes effect January 1. Anyone caught driving after that date with a blood alcohol content of 15 hundredths of one per cent or more, will be considered intoxicated and subject to immediate arrest and prosecution. This measure should strike right at the heart of one of the major causes of serious traffic accidents in the Nation today.

I refer, of course, to problem drinkers—including full-bloom alcoholics—who are involved in well over 40 per cent of all fatal highway crashes. National statistics and New York State studies indicate that the real problem lies, not with the 80 to 90 per cent of social drinkers, but rather with the 2 to 5 per cent of drivers who are alcoholics.

We can expect the law to provide our courts and law enforcement agencies with an effective tool for getting these potential killers off the road.

Looking to the future, I'd like to mention two legislative actions the administration will take next year. One involves preventing accidents. The other involves reducing human suffering after accidents happen.

The terrible bus tragedy that took seven young lives in Pennsylvania last summer sharpened our concern over school bus safety. That bus and the driver were licensed in other states, but the lives of children from our State were lost. Fortunately, New York State has an excellent record of school bus safety. But this is an area where the only permissible standard is the highest level of safety we can achieve.

Consequently, I will be submitting legislative recommendations calling for strengthened training and controls over school bus drivers in this State in the next session. I will also recommend again passage of no-fault auto insurance.

The no-fault system can give us a faster, fairer, fuller system for compensating accident victims than the present outdated system of proving fault.

I am grateful to have all of you at my side, thinking, working and doing something about highway mayhem—this chronic plague of modern life. But those with the most reason to be grateful for your work may never know you and you may never know them.

But they are out there: the breadwinner supporting his family; the young woman in the prime of motherhood; the child with a promising future before him, who have been spared crippling injury or had their lives saved—because of the work you are doing.

On behalf of all of them, I thank all of you.

THE PRESIDENT'S REPORT

(By Mr. W. C. Owens)

I would like to welcome you to our 11th annual Governor's Luncheon and meeting of our Finance and Advisory Committee. It is a pleasure to see you here. Your response to our invitation is most encouraging to all of us associated with this important task.

Now, all of you should have before you a copy of our annual report. That report contains all of the information about all the work we have done in New York during the past year. Therefore, if it is agreeable, I would like simply to summarize some highlights for you.

About 11 years ago Governor Rockefeller asked a group of prominent business leaders to activate what has since become known as our State Traffic Safety Council. Traffic Safety at that time was in a state of limbo. Many professionals were concerned about the wreckage on our roads but not too alarmed about what was being done about it. The Federal Government was concerned but not involved. The National Highway Safety Bureau was a dream and some years coming from reality. The Nation as a whole was troubled but for many years was unable to break out of its lethargy in order to cope with the disorder on our roads. The Governor was ahead of his time, and many areas in which we have pioneered, seemed rather removed from our daily concerns. Since that time, many of the things we have done in New York have become national policies and national programs. We still have a long way to go but at least today we know where we are going and what needs to be done. Many of the programs chartered in New York are now being developed at the national level.

Our police training programs, our traffic engineering seminars, our legislative efforts, and our campaign against the drinking driver have all become part of the Federal Government's highway safety standard and requirements.

This year for example we trained approximately 1400 police and other officials in traffic engineering and how to manage a balanced traffic safety program. We conducted 17 workshops which ranged from Watertown to Buffalo and from Albany to Farmingdale. Enroute we held seminars at Syracuse, Rochester, Binghamton and Valhalla. When your accidents run into the hundreds of thousands and your injuries and fatalities into the thousands, you simply cannot attack the problem piece-meal. We instructed these officials how they must work hand-in-glove with other agencies of government at the local, county and state levels. Enforcement cannot be separated from the courts, from prosecution, from engineering or from the Department of Motor Vehicles. It is all part and parcel of the same process of accident prevention and traffic control.

For this reason some years ago we launched a statewide campaign in cooperation with the Governor's Inter-Departmental Traffic Safety Committee to establish Traffic Safety Boards. These are official boards associated with various levels of government. Currently 41 such boards exist in the State. Some are doing an outstanding job and some are having organizational difficulties. Most suffer from a common ailment, the recruitment of competent professionals skilled in several disciplines; government, management, legislation, education, and enforcement. Nevertheless progress is being made and we are quite encouraged about their future efficacy.

One of the more serious problems we have encountered in New York relates to the study and analysis of just where our accidents are occurring. If the average police agency knows where these accidents are happening within their jurisdictions, then obviously it is in a good position to take countermeasures. You may recall that a few years ago we launched a program to upgrade accident analysis systems on a statewide basis. This was done under the leadership of the Department of Motor Vehicles and with a substantial grant to our Council from that agency. In my report last year I informed you that some 65 police agencies had adopted a new records system to keep abreast of where these accidents were taking place. This year I am happy to report that 93 agencies have adopted what we refer to as the key-sort accident analysis system. This is truly a milestone. New York is one of the few states in the country, if not the only one, which has made so much progress in the adoption of such a unified system on a statewide basis.

While we have literally trained thousands of police in traffic control work in the last decade, we must confess we have neither the staff nor budget to do a more comprehensive job. Nevertheless we have inspired hundreds of departments to send their men to community colleges where they can obtain a more thorough knowledge of their craft. This slack is now being taken up by the New York State Police Academy at Albany which opened its doors in September. You may recall that we played a major role in support of Governor Rockefeller's request for funds to establish this facility. It is the finest in the East and one of the best in the nation. It is now possible for the first time in the history of this state, for a police officer to obtain a thorough grounding in police traffic sciences, without having to go outside of New York State to obtain it.

One area where we have been very active deserves special mention. That area encompasses the drinking-driving problem. Drinking is involved in at least 50% of all fatals on the road. We also have reason to suspect that the increasing use of drugs is not only becoming epidemic but also accounting for a disproportionate number of accidents and fatalities. We have conducted intensive training programs dealing with both problems. With regard to the use of drugs, we have neither adequate research nor adequate laws to deal with the situation. And frankly, until we do come with some hard core research, it is going to remain difficult to come up with adequate laws. This is not true of alcohol and the driver. A recent upsurge in the enforcement of the drinking-driving law in New York has been nothing short of phenomenal.

Statewide in 1969 there was a 263% increase in drinking-driving arrests. The State Police alone have increased arrests by 100%. Nassau and Suffolk County arrests have jumped from a low of 400 in 1967 to 3,400 in 1969. The Nassau County conviction rate has been running at 97%! Smaller departments throughout the state have been equally diligent in their pursuit of these offenders.

While obviously we cannot take full credit for this development, it remains a fact that we have periodically conducted training workshops on this problem. We have constantly urged police to increase their enforcement, and we have constantly urged the use of breathalyzers and other scientific tools to support such arrests and obtain convictions.

We also strongly supported Governor Rockefeller's tougher-antidrinking driver bill. Effective January 1, 1971 anyone caught driving with .15% alcohol in his blood, will be considered intoxicated and subject to immediate arrest and prosecution. We don't plan to rest here. There is much that needs to be done including more vigorous enforcement and prosecution. Our police can do a much better job here and we plan to encourage them to do so. But we must remember that the police are only willing to do as good a job as we are willing to support. They are reluctant to arrest these offenders when they know by experience that prosecution will be desultory and the courts lenient. We must and we will implement our efforts in this field.

May I say that none of these achievements would have been possible without your financial support. None of this would have been possible without the complete cooperation of the Governor and his administration. And finally, without the drive and leadership displayed by Chuck Luce and his Committee, we would not have had the funds to carry out all of these projects.

I would like to thank Charles Luce, Chairman of the Board of Con-Ed and our Financial Chairman for all the help he has given us.

THE 19TH ANNUAL NATIONAL PRAYER BREAKFAST

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, February 10, 1971

Mr. BOGGS. Mr. President, the 19th Annual National Prayer Breakfast was held on Tuesday, February 2, at the Washington Hilton Hotel. It was attended by the President of the United States, the Chief Justice of the United States, members of the Cabinet, members of the Judiciary, members of the diplomatic corps, Governors of the various States, and members of the executive and legislative branches of the Government.

Before I enter the proceedings of the Prayer Breakfast in the RECORD, I should like to express a note of deep appreciation on behalf of the Congressional Planning Committee to all those who came from great distances to attend this annual event.

I think of men like the outstanding delegation from the Canadian Government comprised of 12 Members of Parliament: The Honorable William Basil McIvor, Member of Parliament from Northern Ireland; The Honorable Emmanuel Kothris, from Greece. The Honorable Hector Valenzuela Valderrama from the House of Deputies in Chile; our many friends who traveled from Central America especially for the breakfast, and a delegation of men from Italy including several Members of the Italian Parliament.

From Asia: several Members of the Korean National Assembly; Mr. Baey Lian Peck from Singapore; Mr. John K. C. Liu from the Republic of Free China; and the only lady Senator from South Vietnam, Madame Pauline Nguyen Van Tho. Also, Ato Ibo Noumair from Ethiopia, and Mr. Graham Sinclair of New Zealand, World President of Junior Chamber International, heading a delegation of national organization presidents.

It is impossible for me to mention by name all those who came from over 100 nations, but we do want to take this occasion to express our profound appreciation to them.

From within the United States, delegations from every State representing leadership from business and professional life, Government, labor, students, churches, and many other organizations, combined to make up the nearly 3,000 persons in attendance.

In addition, an estimated 200,000 men in military service around the world, participated by means of the Armed Forces Radio Services.

Mr. President, I ask unanimous consent the program and proceedings of the National Prayer Breakfast be printed in the Extensions of Remarks.

There being no objection, the program and proceedings were ordered to be printed in the RECORD, as follows:

THE 19TH ANNUAL PRESIDENTIAL PRAYER BREAKFAST, WASHINGTON HILTON HOTEL, FEBRUARY 2, 1971

(Invocation by the Honorable J. D. Hodgson, Secretary of Labor)

May we pray?

Our Gracious Father, on this inspiring occasion, in this illustrious gathering, we would this morning reflect for a moment on the subject of bridges. The bridge is indeed wondrous, both as a structure and as a concept. As a structure, the bridge transcends trouble and shortens distance. It links separated points, spans dangerous chasms, surmounts hazardous currents—all this with serene and purposeful utility.

As a concept the bridge constitutes one of the great hopes and needs of our time. Ours is a world much in need of bridges—bridges of communication, of understanding, of good will, bridges anchored in compassion and buttressed by a fullness of spirit.

How then shall we succeed better in building bridges to span the gaps among nations, groups and men? Here, Our Father, we need the insight and direction that flow from an understanding of Your will. We pray that all men may achieve such understanding.

Particularly, we pray that You inspire and guide our esteemed President, our public officials, the men of our Congress, to enhance their role and skill as builders of bridges among men.

And may we all understand the greatest bridge of all—the bridge between man and the source of strength and spirit he reflects—the bridge to faith and Your guidance. Amen.

Presiding:

THE HONORABLE B. EVERETT JORDAN

Thank you very much, Mr. President, Mr. Speaker, distinguished guests and all gathered in this fellowship of national concern, we greet you warmly and extend to you a special welcome to the 19th Annual National Prayer Breakfast.

This occasion which brings us together is truly unique. People from all backgrounds and many nations, as well as men representing various viewpoints, are actually meeting together this morning in a fellowship made possible by the spirit of Jesus Christ.

We're honored in having the President of the United States to meet with us. It is also our pleasure, indeed, to greet the Speaker of the House of Representatives, the Chief Justice and members of the Court, members of the diplomatic corps, members of the executive branch of Government, more than half of the members of Congress, distinguished leaders in the field of business, labor, education, and in fact, 35 university presidents are here this morning, members of science groups, campus leaders and a host of others who represent a vast cross-section of our national life.

I would like especially to welcome those distinguished citizens who have come from other countries to grace this occasion. It is noteworthy that these friends, along with members of the diplomatic community, represent over 100 countries around the world this morning.

However, the magnitude of this annual event is not confined to the ballroom today. Around the world, soldiers, sailors, marines and airmen are joining the Commander-in-Chief in giving expression to these moral and spiritual values which undergird our national life. Chaplains have arranged similar breakfasts and observances on more than 1,400 bases, installations, on ships at sea, remote sites including all units in Southeast Asia. In these breakfasts, our servicemen will hear pretaped messages from President Nixon, Secretary Laird and members of both the Senate and the House. In addition, the 453 stations of the American Armed Forces radio and television are broadcasting these proceedings live, with the entire program being repeated in eight hours from this time. It is anticipated that 200,000 servicemen are in this way participating with us in this Prayer Breakfast observance.

Historically, the leadership of our nation has ever turned to Almighty God for strength and guidance. In this spirit the nation's Prayer Breakfast was inaugurated by members of Congress especially to seek Divine guidance and strength as well as to reaffirm our faith in the dedication of our nation and ourselves anew to God and to His plan.

This annual event grew out of the inspiration of the prayer breakfast groups which meet weekly in the U.S. Senate and in the House of Representatives. It is a continuing influence nationally and throughout the world in thus publicly recognizing the priivleges and responsibilities of a nation under God. In its wake there has developed in every State of the Union Governors' Prayer Breakfasts, most of which are also on an annual basis. More than 1,000 mayors have prayer breakfasts and they hold them annually—a result of literally hundreds of small groups of concerned citizens who meet weekly in the spirit of Christ to foster faith and freedom in this land and around the world.

And so, some form of this idea has spread to 70 countries and to every continent, with similar small weekly groups meeting regularly in 50 nations and in such cities as London, Stockholm, Paris, Madrid, New Dehli, Tokyo, Ottawa, Canberra, Brasilia, San Jose, Addis Ababa, Seoul, Jakarta and other leading cities throughout the world. Some of these nations are also holding National Prayer Breakfasts once a year.

I am delighted to remind you this morning that at home and around the world there is a growing appreciation on the part of many for the value we gain when leadership meets in the spirit of prayer, recognizing that our ultimate hope and trust is in the Lord.

It is now my pleasure to present those at the head table who will not participate in the program. I'm going to ask those distinguished guests to stand as I call their name and remain standing. And I'm also asking that we withhold our applause until all have been introduced. I'm going to start at the table on my extreme left:

The Honorable Linwood Holton, Governor of Virginia.

Mrs. Holton, wife of the Governor of Virginia.

The Honorable Russell W. Peterson, Governor of Delaware, and his wife, Mrs. Peterson.

Mrs. Washington, wife of the Mayor of Washington.

The Honorable Walter E. Washington, Mayor of the District of Columbia.

The Honorable George W. Romney, Secretary of Housing and Urban Development.

Dr. Richard C. Halverson, Pastor of the Fourth Presbyterian Church, related to the prayer breakfast movement for many, many years.

Mrs. Halverson, wife of Dr. Halverson.

The Honorable Morris H. Stans, Secretary of Commerce.

Dr. Victor Esquivel, Minister of Public Health of El Salvador.

The Honorable Jean-Pierre Coté, Minister from Canada.

His Excellency Herrera, Foreign Minister of Guatemala.

The Honorable John C. Connally, Secretary-designate of the Treasury.

Mrs. Connally, wife of the Secretary-designate.

Now the table to my extreme right:

The Honorable Robert W. Scott, Governor of North Carolina.

Mrs. Scott, wife of the Governor of North Carolina.

Mrs. Carter, wife of the Governor of Georgia.

The Honorable Jimmy Carter, Governor of Georgia.

Mrs. Volpe, wife of the Secretary of Transportation.

The Honorable John A. Volpe, Secretary of Transportation.

The Honorable Elliot L. Richardson, Secretary of Health, Education and Welfare.

Mrs. Hardin, wife of the Secretary of Agriculture.

The Honorable Clifford Hardin, Secretary of Agriculture.

The Honorable John N. Mitchell, Attorney General.

Now at the speaker's table on my extreme left:

The Honorable Rogers C. B. Morton, Secretary of the Interior.

The Honorable Winton M. Blount, Postmaster General.

The Honorable David M. Kennedy, Secretary of the Treasury.

Mrs. Kennedy, wife of the Secretary of the Treasury.

The Honorable Melvin R. Laird, Secretary of Defense.

Mrs. Luger, wife of the Mayor of Indianapolis.

The Honorable John Stennis, United States Senator, leader of the Senate prayer group.

Mrs. Hansen, wife of the Senator from Wyoming.

His Excellency Mr. Sevilla-Sacasa, Dean of the Diplomatic Corps.

Mrs. Burger, wife of the Chief Justice of the United States.

Now to my extreme right, please:

Dr. Orlando Montenegro, President of the Executive Committee of the National Congress of Nicaragua.

Mrs. Montenegro, wife of Dr. Montenegro.

The Honorable William P. Rogers, Secretary of State.

The Rev. Dr. Billy Graham.

Mrs. Rogers, wife of the Secretary of State.

Mrs. J. W. Timms, mother of Congressman Montgomery of Mississippi.

The Honorable Frank Carlson, retired member of the United States Senate and one of the leaders of this prayer group in the Senate.

Mrs. Hodgson, wife of the Secretary of Labor.

Mrs. Jordan, my wife.

Mrs. Nixon, wife of the President of the United States.

At this time, we'll have greetings from the House of Representatives Breakfast Group, Prayer Group. The Honorable G. V. Montgomery will now speak to us.

GREETINGS FROM HOUSE BREAKFAST GROUP: (Hon. G. V. MONTGOMERY (Democrat-Mississippi)

Good morning, Mr. President, Mrs. Nixon, my colleagues in the Government, and guests of the 1971 National Prayer Breakfast.

It is my pleasure to bring you warm greetings from the House of Representatives Prayer Breakfast Group. Our meetings each Thursday morning while the Congress is in session, which is most of the time, are quite informal, nondenominational and bipartisan. In fact, we do not even maintain a membership roster. The meetings are open to all members of Congress, former members and elected officials of foreign governments.

Seeing Mrs. Mendel Rivers in the audience brings to mind the contributions made to the prayer group by her late husband, Congressman Mendel Rivers of South Carolina, as well as the late Congressman Bob Watkins of Pennsylvania. Both of these members are deeply missed by our group.

At each meeting following our opening prayer, a fellow member who has volunteered to do so delivers the remarks. A general discussion concerning the topic presented follows, and the meeting concludes with prayer. The remarks are excellent. Some are thought-provoking and soul-searching, some amusing and some sad, but all sincere. Topics range from personal testimonies to politics and religion to the subject that prayer and religion bring men together mentally and physically.

Messages from the members generally have a common factor. With a great deal of affection and feeling, each refers to the spiritual guidance provided him by his parents in his early years. One member recalls that his mother would go into the closet, close the door and ask God for strength during family crises.

There are many benefits to be derived from the Prayer Breakfast Group, and one of these is contact with people of good will in other parts of the nation and other countries of the world. Our Capitol prayer groups have helped start similar organizations among government leaders in well over 70 countries. Because of the prayer breakfasts, Thursday is the best day of the week for me. I have a great feeling of personal renewal, because I have been provided an opportunity to experience religious fellowship with my colleagues that would not be possible in any other situation, especially on the House floor during some of our heated debates.

We who attend the prayer group know we are better Congressmen and individuals because of the meetings. Congressman Dan Kuykendall of Tennessee has often remarked that the prayer breakfast is the only meeting in Washington for which he does not mind arriving 15 minutes early and staying late. However, to our friends who are thinking of starting a prayer group in your area, we would certainly recommend that you start on time and that you stop on time.

We have some good laughs at our meetings, and in fact the prayer group is my best source of jokes, Mr. President, suitable for telling at home. Congressman Wilma Mosell of North Carolina enjoys telling the story about his church during one of its regular meetings. The Board of Deacons had recommended that the church buy a chandelier. Everyone was in agreement but one man who stood up and said he was against buying a chandelier for three reasons. First, no one could spell the word. Secondly, no one could play it. And thirdly, what the church really needed was more light.

There is a brighter light on Capitol Hill today because of our weekly prayer breakfast meetings.

OLD TESTAMENT READING (ISAIAH 1:10–20): THE HONORABLE JOHN H. WHEELER, PRESIDENT, MECHANICS AND FARMERS BANK

Mr. Chairman, Mr. President and Mrs. Nixon:

It has been suggested that before reading the Scripture assigned for this morning that we quote from a speech by Abraham Lincoln delivered in 1861, because of its appropriateness to this occasion

"It is the duty of nations of men to owe their dependence upon overruling power represented by God, to confess their sins and transgressions in humble sorrow, yet with assured hope that genuine repentance will lead to mercy and pardon and to blessing. We have grown in numbers, wealth and power, as no other nation has grown, but we have forgotten God. We have forgotten the gracious hand that preserved us in peace and multiplied and enriched us and strengthened us. We have vainly imagined that all these blessings were produced by some superior virtue and wisdom of our own. It behooves us then, to humble ourselves, to confess our national sins, and to pray for clemency and forgiveness."

The passage selected for the Scripture lesson this morning is from the first chapter of the Book of Isaiah, the tenth through twentieth verses, and we are reading from the New English version of the Bible:

"Hear the word of the Lord, you rulers of Sodom. Attend, you people of Gomorrah, to the instruction of our God. Your countless sacrifices, what are they to mean, says the Lord. I am sated with whole offerings of rams and the fat of buffaloes. I have no desire for the blood of bulls or sheep or of he-goats. Whenever you come into My presence, who asks you for this? No more shall you trample My courts. The offer of your gifts is useless, the reek of sacrifice is abhorrent to Me. New moons and sabbaths and assemblies, sacred seasons and ceremonies I cannot endure. I cannot tolerate your new moons and your festivals. They have become a burden to Me. And I can put up no longer with them. When you lift your hands outspread in prayer, I will hide my eyes from you. Though your offer may be of countless prayers, I will not listen. There is blood on your hands. Wash yourselves and be clean. Put away the evil of your deeds, away out of My sight. Cease to do evil and learn to do right. Pursue justice and champion the oppressed, give the orphan his rights, and plead the widow's cause. Come now, let us argue it out, says the Lord. Though your sins are scarlet, they shall become white as snow. Though they are dyed crimson, they may yet be like wool. Obey with a will and you shall eat the best that earth yields. But if you refuse and rebel, locust beans shall be your only food. The Lord Himself has spoken."

GREETINGS FROM SENATE BREAKFAST GROUP: THE HONORABLE CLIFFORD HANSEN, REPUBLICAN OF WYOMING

Mr. President, Mrs. Nixon, distinguished guests:

It is a great honor indeed to bring greetings to this distinguished assembly from the United States Senate Prayer Breakfast Group.

For four years I have been privileged to attend most of the meetings which are held each Wednesday while the Congress is in session. It was during the dark and confused days following the bombing of Pearl Harbor that a few Senators joined together with David Lawrence to seek devine guidance. From that experience grew the idea of members of the Senate meeting each week to hear a spiritual message by a member, followed by responses and discussion.

From that time forward, the Prayer Breakfast has been a source of inspiration and strength to many Senators. The intimate and personal character of the meetings develops a friendship that transcends politics and philosophies. It encourges a deeper understanding of others and an appreciation for every man. Not infrequently, it helps each of us to view ourselves and our actions somewhat more objectively.

But more than that, it causes us to reflect upon the infinite Being.

This nation has a rich religious heritage. Its greatest patriots were not ashamed to confess their belief in Almighty God. They prayed for God's guidance. For nearly 200 years, our republic has reflected this strong religious influence.

We are proud of our country. America is a great and strong nation. Freedom and opportunity are not meaningless words to most of us. But we know, too, that there is still injustice, there is suffering and want, inequalities do exist.

So as we gather weekly, we recognize our weaknesses, our lack of knowledge and understanding and our need for divine guidance.

Despite the temporal importance that we sometimes attach to ourselves, the words of the psalmist ever serve to remind us of the eternal truth that "blessed is the nation whose God is the Lord." (Psalm 33:12)

Unless we earnestly try to serve God, to do his will, we are bound to fail. Benjamin Franklin urged that the constitutional convention be opened with prayer. Wisely he observed, "God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probably that an empire can rise without His aid?"

As we set about our daily tasks, I know that most of us recognize the force of the Almighty as each of us, often following different courses, strives to improve and serve this nation under God. More than a century ago, Bishop Bailey said: "The greater thy business is, by so much the more thou hast need to pray for God's good speed and blessing upon it."

The Senate Prayer Breakfast gives us the opportunity better to understand, more clearly to comprehend and appreciate the good motives and earnest desires of those with whom we work—men with whom we sometimes disagree, but men deserving our respect and admiration. Thus I believe we are better prepared as we seek to do God's will.

NEW TESTAMENT READING (ST. MATTHEW 25:31–46): MRS. JOHN DELLENBACK, PRESIDENT, CONGRESSIONAL WIVES PRAYER GROUP

I'm reading from the New English version, the 25th Chapter of Matthew, beginning with the 31st Verse:

When the Son of man comes in his glory and all the angels with him, He will sit in state on his throne, with all the nations gathered before Him. He will separate men into two groups, as a shepherd separates the sheep from the goats, and He will place the sheep on his right hand and the goats on His left. Then the King will say to those on His right hand, "You have My Father's blessing. Come, enter and possess the kingdom that has been ready for you since the world was made. For when I was hungry you gave Me food, when thirsty you gave Me drink, when I was a stranger you took Me into your home, when naked you clothed Me. When I was ill, you came to My health when in prison you visited Me."

Then the righteous will reply, "Lord, when was it that we saw You hungry and fed You, or thirsty and gave You drink, a stranger and took You home, or naked and clothed You? When did we see You ill or in prison and come to visit You?"

And the King will answer: "I tell you this. Anything you did for one of My brothers here, however humble, you did for Me."

Then He will say to those on His left hand: "The curse is upon you. Go from My sight to the eternal fire that is ready for the devil and his angels. For when I was hungry you gave Me nothing to eat, when thirsty nothing to drink. When I was a stranger you gave Me no home, when naked you did not clothe Me. When I was ill and in prison you did not come to My help."

And they, too, will reply: "Lord, when was it that we saw You hungry or thirsty or a stranger or naked or ill or in prison, did nothing for You?"

And He will answer: "I tell you this. Anything you did not do for one of these, however humble, you did not do for Me." And they will go away to eternal punishment, but the righteous will get eternal life.

PRAYER FOR NATIONAL LEADERS: THE HONORABLE CARL ALBERT, SPEAKER OF THE HOUSE

Mr. President, Mr. Chief Justice, and Mr. Chairman:

May I suggest that we all bow our heads for a brief moment of silent prayer in our own hearts for the leaders of the nation and the world? (Moment of silence.)

Eternal God, our Father through the centuries, Thou hast been completely sovereign in Thy reign over the nations of the world. We rejoice to claim Thee as Sovereign Lord of America and sing "How Great Thou Art." Through the wisdom of Isaiah, may we discover Thy wisdom for our land in the 1970s. In our day, as in his, Thou hast not been impressed with what is seen on the outer surface of people through words and ceremonies which fail to ring true. May we hear and heed Thy Word, cease to do evil, learn to do right, pursue justice and champion the oppressed. Thus, may our nation be saved from suffering, the tragic rebellion which Isaiah saw in his own beloved country.

Through Matthew's faith of all nations responsive to Thee as Sovereign Lord, guide us among the nations which outreach to human suffering of poverty, disease and uselessness. This is so helpful that Christ will be honored, so helpful that our nation be judged by Thee as righteous and loyal. We lift up our nation before Thee, Sovereign Lord, and seek Thy blessing. We turn to Thee with a petition for Thy involvement with our nation's leaders—men with honored responsibilities in the judicial, legislative and executive areas. To each leader, give Thou vision and a compassion akin to Thine, and that Thou dost carefully and deeply care for individuals young and old, in poverty and in luxury, of every race—so may we.

Let no geographical distance ever separate us from these persons and their fundamental needs. May this nation's leaders envision that noblest goal—the goal motivating Moses to lead his people from bondage; the goal central to Jesus' mission—release from the bondage enslaving the human spirit. We lift up our leaders before Thee, Sovereign Lord, and seek Thy blessing.

We turn to Thee with deep appreciation for the President of the United States. Continue with him to be Thou a Lamp unto his pathway. May Thy entirely adequate love and strength be with him day by day. We lift up before Thee, Sovereign Lord, and seek Thy blessing.

Oh, Thou Lord of the Universe, so guide all nations of this planet. Be Thou so close to their leaders that a golden age of peace will come upon this earth. Help us to be a part of Thy answer to this petition. In the Name of Jesus Christ who prayed, "Not my will, but Thine be done," Amen.

MESSAGE: THE HONORABLE WARREN BURGER, CHIEF JUSTICE OF THE UNITED STATES

Thank you, Mr. Chairman. Mr. President, and Mrs. Nixon, Mr. Speaker, distinguished guests:

These gatherings have been held in Washington and elsewhere in time of peace and in time of war. And I have had the privilege of attending some of them in the past. They have afforded the men and women who bear heavy public responsibility a brief respite from the confusions and the burdens of the day.

Only a few days ago, the President spoke to the Congress and to the nation, and I use his words, of "the great feeling of frustration that has crept across the land." And on Sunday, only day before yesterday, at the historic Red Mass at St. Matthew's Cathedral here in Washington, judges and others gathered there heard His Eminence Cardinal O'Boyle speak of the great need in these times for the public leaders of the countries of the world to find support outside themselves by seeking divine guidance.

We know, of course, that the forces and influences which disturbed the tranquility of a whole people begin with the individual. We know, too, that the frustration and unrest of this last third of our century is a pervasive thing and touches every nation on earth. It is no comfort to us, and should be no comfort, to read and to know of the troubles that beset other nations, whether they are friends or otherwise.

Indeed, it is more distrubing that this unrest is so pervasive throughout the world. Yet, in many ways, we may be more fortunate than some other nations, not because of our wealth or power or position, but because we can gather here, as we do today, and acknowledge without fear or reticence, that we need—each of us needs—a higher power than any one of us possesses and a higher power than all of us together possess.

We can readily think of other great nations in the world where this kind of gathering could not be held, not simply because those nations reject the idea of a divine power, but also because their leaders would fear—would literally fear—a public acknowledgement of their own fallibility and dependence on something, some power, outside themselves and outside the people as a whole.

But it has been, as Sen. Jordan and others have noted, a national tradition, beginning 183 years ago, and through the years of the harsh struggle that preceeded the beginning of this country, and right down to this very hour and in this room, that American leaders are free to acknowledge their dependence upon divine guidance.

For that reason perhaps, at this particular time of history, the most important single factor about this meeting, this gathering, is that all who are present here acknowledge freely and openly, simply by being here, that without divine guidance we are lost.

The terrifying magnitude and complexity of the problems within our own country, and our responsibilities over the world, is such that our national response sometimes tends to be complex and even confused. In this respect, notwithstanding all of the sophistication, all of the education and learning, and all of the technology of our age, we are relatively in not very much better a position than the simple peasants of centuries ago who first heard the message of Our Lord in parables and psalms.

The world of that day may seem to us now as small and simple. But in truth, those who inhabited that tiny area on the shores of the Mediterranean Sea so long ago were, in their day and time, overwhelmed by their troubles and their problems and their burdens, as we are today. Our relative capabilities, to borrow a term from our modern age, are much the same.

In the last few days, I have been trying to recall some of the experiences of my youth, when, as a boy in my teens, I worked for a YMCA camp on the high hills overlooking the beautiful stretches of the St. Croix River that divides Wisconsin from Minnesota.

It was a setting that inspired not only the adult leaders but the boys who were there. And I've tried to recapture from the pockets of memory some fragments of the discussions of those gatherings now so many years ago.

One of them that I tried to recall related to one of the great prayers of the Judaeo-Christian heritage—the Twenty-third Psalm.

This psalm and prayer was familiar in our home, and it was a daily exercise at this YMCA camp. Now, 45 years later, in this time of tension and confusion and frustration the President spoke about just a few days ago, when few men are really bold enough to think or to proclaim that they have all of the answers, the real meaning of the Twenty-third Psalm and its magnificent simplicity and its great power comes back to me frequently. It can give us comfort and assurance—the comfort and the assurance we need to surmount the pressures and the burdens of each day. And this is true especially if we think of it in the terms of what it meant to those who first heard it so many centuries ago.

We know the words. Few things in our teaching are better-known to a greater number of people than the words of the Twenty-third Psalm. But before I turn to those words, I would like to recall, with you, that the psalmist was speaking to a very simple people of that time in a day when reading and writing were confined to a handful of scholars and priests. The setting is important, also. It was in a harsh land, largely arid and rocky, with very few places of the biblical milk and honey. Life in that day was sustained from small fields, with very little water, sparse vegetation. Just as Our Lord later spoke to the people—these same simple people—in parables cast in the common terms of seeds and roots and branches, of trees and birds and fish, the psalmist here spoke in words and form his listeners could grasp. He had to do this. He had to use words that would evoke familiar images in the minds of these fishermen and shepherds, for modern scholars tell us that, in that day, the vocabulary of most people was limited to a few hundred words for basic communication.

The listeners for whom the psalmist was making this psalm and poem and prayer knew that his people were not able to deal in abstractions. Only simple and concrete words related to daily life and common experience had meaning for them. And yet those words today are rich in meaning and imagery. The passage of time has not altered the inner needs of men and women. You recall those lines:

The Lord is my Shepherd,
I shall not want.

Every farmer, every fisherman, every peasant, even the children, knew what that meant. They knew that a shepherd was the guardian and the protector and the guide of his flock. They knew the intimate 24-hour relationship of the shepherd and his flock. The psalmist wanted his listeners to understand what God could be to them and for them if they would accept Him and follow Him as their Shepherd.

And so it was, I'm sure, that he cast the psalm, the song, in these simple and beautiful image-creating terms that depicted the Lord as a Shepherd in the same relationship to people as the earthly shepherd to his flock.

"I shall not want," certainly meant to them that the Lord, like the earthly shepherd they knew so well would sustain them and supply their daily needs.

Later, the Gospel would record more of these same concepts in terms of whether we can gather grapes from thorns or figs from thistles.

These, as I said, were the terms that the farmers and the peasants and the people of that day could understand.

These messages needed no gloss for them, needed no theologian.

The next lines:

He makes me to lie down in green pastures,
He leads me beside still waters.

Here, again, the song is cast in the same poetic imagery. And what did these words mean to those listeners? They must have meant that God, the Shepherd, was offering a promise through the psalmist that He would act for men in the way that shepherds acted for the sheep. The "green pastures," like bread, were the staff of life. Everyone knew—even the children—that without new and green grass and fresh pastures, the sheep would die.

The simplest of them knew, as we know today, that sheep tend to crop every green blade to the very earth, that when a pasture is grazed out, the wise and protective shepherd guides and leads the sheep to newer and greener pastures.

The psalmist had no need to enlarge or expound on that. His listeners knew what water meant in their lives, in that rocky and arid land. They knew that still waters meant something even more than water. In that harsh country, rocky and hilly, with some mountains and only limited foliage available, green pastures were difficult to find. Water was as scarce and as essential to life as the fresh, green grass to the sheep.

So the promise of green pastures and water were closely related and well understood. But the promise of the psalm is more than just water. Every peasant knew that a foaming and rough stream meant a rocky bed, in which the sheep, were they to plunge into it to drink, might well break a leg and have to be destroyed, or be carried off by the swift currents. On the other hand, still waters meant either a slow-moving stream, with a sandy bottom, or a spring-fed reservoir.

When the shepherd found these still waters, he could probe with his long staff, his rod, and since few streams in that arid country were very deep, the flock would be safe in those still waters. It would be safe to enter the stream for drinking, and it would probably be safe for crossing.

Now the psalm changes, and I suspect that the purist or the literary critic of today might readily be able to find fault with the change from shepherds and green pastures and still waters and the imagery that these words evoke. There is an abrupt change to man and his problems. We can only guess that the psalmist believed that, with these first images relating to the common experience of daily life for these people, the listeners would be able to grasp the change and understand the message that was meant for man and his life.

That next line, with the change, is:

He restores my soul.

The listeners probably recognized that man had a soul, probably thought, in that day, as now, that sheep did not.

So the change relates the message of the shepherd and the sheep to man and his God. When the psalmist offered the promise to restore the soul, even the simplest peasant could grasp that it was now God as a Shepherd that was referred to, and that God, like the earthly shepherd, would provide and protect, and He would so in a way that was something more and beyond what animals needed.

Still speaking directly now of men and not sheep, the psalmist offers another promise:

He leads me in paths of righteousness.
For His namesake.

Sheep and shepherds were, of course, concerned with the right path—the safe path, the safe journey. And the message had already made clear the duty of the Shepherd to find safe paths through the rugged and rocky hills and gullies of that country. So the transition is persuasive—it is clear. It is clear as a promise to men and women that those who will follow this Shepherd in simple faith, as the sheep follow blindly and in trust, will be led into safe paths—paths of right and paths of righteousness.

The next lines are mixed imagery, valid for both sheep and men:

Though I walk through the Valley of the Shadow of Death,
I will fear no evil.

Remember that the shepherd was constantly involved in moving his flocks through streams and vallies and gullies where dangers were present, from predatory animals, from rockslides and even from sudden floods at certain seasons of the year.

So here we find the promise again—one that the shepherd and the peasant could understand, because they had often, themselves, walked through the dangerous valleys with their sheep, where death and injury lurked.

Though I walk through the Valley of the Shadow of Death,
I will fear no evil.
Thy rod and Thy staff comfort me.

Here, again, the mixed imagery of that beautiful poem. The shepherd's staff, as we know, his rod, was used to rescue a lamb that had fallen beyond reach into a gully or into a stream, or to guide the flock away from dangerous paths, wrong paths, into safe passage, or to defend the flock from wild animals that might attack.

These listeners understood that. These people, no less than more sophisticated people of later centuries, to whom the psalmist was also speaking over the ages, could understand these images and these problems.

For my part, in treating the Twenty-third Psalm as a great prayer, I prefer to end it at this point, on a positive note, with the promise of protection and comfort rather than with the image of a feast on the table in the presence of enemies.

Now, I skip over many centuries from the time of the psalmist to the time that Alfred Tennyson wrote his moving description of the death and burial of King Arthur. You will recall the setting in that great poem, when Sir Bedevere has taken his king, his dying king, to the shore of the lake. Sir Bedevere was the last of all his knights. And as he was placed on the funeral barge, the dying King Arthur tells Sir Bedevere:

"Pray for my soul. More things are wrought by prayer than this world dreams of.

"Wherefore, let thy voice rise like a fountain for me, night and day.

"For what are men better than sheep or goats that nourish a blind life within the brain, if, knowing God, they lift not hands in prayer—both for themselves and those who call them friend."

There is a span, of course, of many centuries between the time the psalmist wrote and the time when Tennyson wrote of Arthur's death.

The problems of men and women, and their world, have changed very little. And they have changed very little from the time of King Arthur and Tennyson to the present day.

Perhaps in our confusion and frustration, and faced with the complexities and the burdens that baffle—stagger—the mind, we have forgotten the simple faith and the simple prayers which sustained men and women for thousands of years.

The psalmist here has given us this simple and beautiful and rich prayer. And if we add to it the realization of Tennyson that more things are wrought by prayer than this world dreams of, perhaps some of the solutions we seek may come.

I have said our capabilities have increased as our burdens have increased over the centuries, and that, according to the Gospel, is the Lord's way. But one thing has remained constant: the power of prayer.

So let me close with that psalm, as a prayer:

The Lord is my Shepherd,
I shall not want.
He makes me to lie down in green pastures,
He leads me beside the still waters.
He restores my soul.
He leads me in paths of righteousness.
For his namesake.
Though I walk through the Valley of the Shadow of Death,
I will fear no evil,
For You are with me.
Thy rod and Thy staff,
They comfort me.

PRESIDENT RICHARD M. NIXON

Mr. Speaker, Mr. Chief Justice, Senator Jordan, all of the distinguished guests at the head table, and all of the distinguished guests in the audience:

When Senator Jordan indicated those who were present at this breakfast, I was reminded of a letter I received right after the state-of-the-union message from a very disturbed listener who had viewed it on television. He did not comment upon the content of the speech, but he commented upon the fear of what might have happened had some madman, or somebody equally disturbed, come into the chamber and detonated an explosive, because, as he very properly pointed out, all of the power of Government was there—as far as the national Government was concerned: the Congress, the Cabinet, the Supreme Court, with, of course, a few listeners in the very, very limited space provided in the galleries.

As I heard the list of those who were present at this breakfast this morning, I thought, "What would really happen if an explosive were detonated in this room?" because we have virtually all of those who were present at the state-of-the-union. This audience is four times as large. But not only four times as large, but 100 countries are represented here, many cities, many States with their Governors, many representatives of great private institutions, of educational institutions, representatives of all segments of American life.

Perhaps it would be impossible to find any audience in America in which more power in the best sense of the word was gathered in one room than here at this prayer breakfast this morning.

This tells us something, it seems to me, about the strength of America. All of us are talking these days, and thinking these days, a great deal about what America will be like when we celebrate our 200th birthday just five years from now.

We know, as one of the previous speakers indicated, that America will be the richest country in the world then. We know that America, if it wants to be, can be the strongest country in the world then. And we also know, if we have listened carefully to the theme that has run through the prayers and the remarks this morning, that wealth and strength alone does not measure the greatness of this country, or of any country, for that matter.

The question of whether America on its 200th birthday will be the hope of the world as it was at the time of its birth will depend not on our strength or on our wealth, because then we were very poor and we were very weak. But America was a good country. America stood for spiritual and moral values that far transcended the strength and the wealth of the nations of the old world. And that's what we all want America to be on its 200th anniversary—not just big, not just strong, and not just rich, but a good country in every sense of the word: Good at home, good in our relations with other nations in the world.

That's why we're gathered here. That's why these prayer breakfasts here in the nation's capital and all over this nation tell us something about America that the cynical observers would overlook sometimes—and that is there is a great deal of goodness in this country, a great deal of moral strength and fiber still left in this country. And in the end, that's what really matters.

I was trying to think, after the eloquent words of the Chief Justice, what prayer I could leave with this very distinguished audience, and with those who are listening on television and on radio all over the world. And I was reminded of one of the favorite stories from the Old Testament. You will recall that when King David died and when Solomon ascended to the throne, God came before him in a dream and asked him what he wanted. And Solomon did not ask for power, and he did not ask for wealth. He said: 'Give Thy servant an understanding heart."

And, so, let that be our prayer. Let us have an understanding heart in our relations with other nations, an understanding heart in our relations between races and religions and parties and generations, and in our relations with each other. And if America can have an understanding heart, in the very best sense of the word, on that 200th birthday, we will be very rich and very strong, but, more important, we will be truly a good country and the hope of the world still.

CLOSING PRAYER: THE HONORABLE RICHARD G. LUGAR, PRESIDENT, THE NATIONAL LEAGUE OF CITIES

Mr. President, Mrs. Nixon, and honored members of this prayer breakfast meeting: I have two privileges—first of all, of delivering the closing prayer, and, then, with heads bowed, would you join me in unison in repeating the Lord's Prayer. May we bow our heads?

Almighty God, throughout the ages You have searched for us. You have given us freedom to choose, to love other human beings, to enjoy beauty, to create new forms of worship, to express our unity with You and Your world. Our choices have become complex, our love often measured out cautiously, our senses dull deliberately as we try to escape too many dazzling images of challenge or suffering. And we are frightened to seek unity with one another, because we fear insult, loss of status and property, physical pain, untimely death. Here and now, You find us with defenses lowered for just an instant. Deep is our hunger for eternal life, but strong are those hopes that our appetites and sometimes our wills might be Your will, that we would not have to suffer surrender of our own works and our own ways and take up a cross to follow You.

For just this moment, God, we know Your relentless love, we feel Your grip and we are prepared to cease our flight, to stop and to kneel, to pray for forgiveness and to ask for salvation. Death and pain and indignity and anxieties shall have no power over us if we accept Your will, Your promise, Your strong and ever-loving arms that reach out to embrace us now. Do not let us go, dear God, do not let us go from this moment of truth, do not let us go ever again. In Jesus' Name we ask this, Amen.

(The Lord's Prayer is recited by all.)

KOSCIUSZKO FOUGHT FOR FREEDOM IN TWO WORLDS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1971

Mr. DERWINSKI. Mr. Speaker, although February 12 is a red-letter day, because it is the birthday of Abraham

Lincoln, it has a double significance for lovers of liberty. Next Friday will be the 225th anniversary of the birth of Tadeusz Kosciuszko, who fought for freedom on both sides of the Atlantic.

Tadeusz Andrzej Bonawentura Kosciuszko, who was born February 12, 1746, came to the United States in August 1776, while the infant nation was engaged in a bitter fight for independence from Great Britain. He promptly put his engineering skill to good use by constructing fortifications at Saratoga and other points. The victory at Saratoga in 1777 led France to recognize the new republic as an independent nation.

Kosciuszko spent 6 years in the American Army. His "long, faithful, and meritorius service" was recognized in 1783 when the Congress made him a brigadier general.

Besides aiding the United States in its long and difficult struggle for independence, he also led the Poles in their wars against Czarist Russia. Unfortunately the happy results in America were not duplicated in his native land. As the lamp of liberty was being lighted in the new world, it was being extinguished in the old.

Poland, which was being gobbled up by Austria, Prussia, and Russia, had suffered its first partition in 1772. Two later partitions, in 1793 and 1795, erased it from the map of Europe for a century and a quarter.

Mr. Speaker, as we pause next Friday to honor the memory of Abraham Lincoln, who saved the Union during the Civil War, let us also pay tribute to the gallant man who helped us win our freedom almost a century earlier—Tadeusz Kosciuszko.

SST RESEARCH COULD AID ENVIRONMENT

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Wednesday, February 10, 1971

Mr. TAFT. Mr. President, as we are all aware, there has been a great deal of debate as to the effects of the SST on the environment. For this reason, I would like to bring to the attention of my colleagues an article published in the January 7, 1971, issue of the Cincinnati Post & Times Star showing how research on the SST can assist us in resolving other pollution problems.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORK ON SST HERE COULD CUT FUMES FROM AUTOS, TRUCKS

(By William Styles)

It's ironic, but the ecologically maligned supersonic transport may some day lead to reduced air pollution from auto, truck and train exhaust, thanks to engine development work being carried out by General Electric at Evendale.

Improved methods of introducing and mixing fuel and air in the engine combustor, developed by GE engineers, have eliminated visible smoke from engines for both the SST and the tri-jet DC-10.

In a report for a Boeing Co. publication on SST technology benefits, GE says application of its new methods "can improve the efficiency and reduce the exhaust emission level on other types of combustion engines and combustion heating devices.

"This means the total quantity of exhaust released into the atmosphere can be reduced as a result of the improved technology," the report says.

An additional benefit is development of an exhaust measurement index to which GE was a major contributor.

The index, which is related to visibility of the jet engine exhaust plume, is suitable for use with any type of turbine engine and adaptable for use with other types of power plants as well, GE says. Its use has already been extended to a number of marine and industrial turbine engines.

GE also has come up with air-cooled turbine blades for th SST jet engine that last two two to five times as long as present blades in much higher temperatures.

"The automotive industry is interested in these advanced concepts because of the importance of developing high turbine temperatures in proposed automotive turbine engines," the report notes, adding that "the use of turbine power in land transportation can improve efficiency and reduce pollution and noise."

There's plenty of room for such improvement.

GE tests show that an internal combustion engine auto emits approximately 52 pounds of pollutant per 1000 seat miles while the SST puts out little more than one pound.

AID TO THE ENEMY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. MICHEL. Mr. Speaker, an editorial appearing in the February 5, 1971, edition of the Peoria Journal Star presents the other side of the picture in the controversy which blew up all out of proportion last week with regard to the "embargo" placed on news reports from Vietnam as to the movements of American and South Vietnamese troops.

The editor, Mr. C. L. Dancey, is a veteran who fought with the Marines and has first hand knowledge of the difficulties which our foot soldiers can encounter if the enemy is alerted to our battle plans prematurely.

I include the editorial in the RECORD at this point:

AID TO THE ENEMY

(By C. L. Dancey)

The editor of the Portland Oregonian, a World War II vet, was called up during the Korean War and worked in headquarters there with the news handling operations.

When he got back, he wrote a book virtually itemizing the way in which we killed American soldiers by reporting where they were and what they were up to.

He was ashamed of his lifelong profession as a journalist, after the excesses made from ignorance by a new crop of reporters there.

(Sometimes the news radio broadcasts reached the enemy in the midst of actions where our boys were still exposed to their artillery counter-action! Our broadcasters might as well have been enemy "spotters.")

Every man who has been shot at by an enemy has the same feeling about broadcasting information to that enemy in the midst of operations.

People in a democracy have a "right" and a need to know what goes on. But nobody is entitled to risk the lives of soldiers of his country in the field, in order to instantaneously exercise that "right."

It is irresponsible politics to attack "secrecy" when an army commander imposes a temporary blackout on information while movements go on in an area where the enemy has made huge buildups—and there are some millions of us who cannot view it as an expression of morality.

We've been there, and we know we didn't want the other guy to know too much!

And the fact that the enemy's allies make wild and exaggerated public charges in an attempt to "flush out" such information is a damned sure proof that the ending of the blackout is in the enemy's interest.

PROVIDING FOR FUTURE NEEDS: U.S. SAVINGS BONDS

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. CHAMBERLAIN. Mr. Speaker, as we in Government consider our financial problems and our citizens concern themselves with providing a certain kind of security, I would like to pose a question about the economics of freedom. What would the inveterate enemies of "life, liberty, and the pursuit of happiness" be willing to pay us for our stake in the future of freedom—for our factories and stores; our homes and office buildings; our stocks and bonds; our bank deposits and insurance policies?

Cannot you just see them settling something of value on your libraries, museums, parks, stadiums, theaters; on our clinics, hospitals, laboratories—on all the good things of our whole way of living?

What we as a nation have achieved to date is only a promise of what can be accomplished tomorrow under our priceless free enterprise system. And, Americans everywhere are providing for the needs and conveniences of their future environment—by the regular purchase of U.S. savings bonds—through the payroll savings plan, where they work, or the bond-a-month plan, where they bank.

When they invest in U.S. savings securities, Series E and H, they do not give a dime of it away. It is still their money. If anything serious happens to them—they can always get their money back—and never less than the full cash value that they paid out. That, plus accrued interest, which is now at the bonus rate of 5½ percent, when held to maturity of 5 years, 10 months. It is a certain kind of security.

Savings bonds are dollars on loan to the Government. They are needed now—to help turn back the forces of inflation; to protect the value of the dollar; to increase our personal stability. But, remember, the urge is to do no more than save our money—by loaning it to the

Government—with the rate and return guaranteed.

It is a comforting, safe and certain way for both employees and the self-employed to put something aside as shareholders in the best years of our lives.

INTERNATIONAL NARCOTICS PEDDLERS AND THE WORLD COMMUNITY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. SCHMITZ. Mr. Speaker, the question of the admission of Red China to the United Nations is again on the agenda. We should all recognize that the United States has the power to either ease the way for Red China into the U.N. or to forestall it indefinitely. It is vain to talk about some mysterious irresistible trend which is propelling this outlaw nation into the organization which was supposedly going to bring collective sanctions against just such plunderer regimes.

Trends can change, have changed in the past, and will change in the future. For Federal representatives the question is what actions should be taken to either facilitate the direction in which events are tending, or to prevent changes which are not in the best interests of the United States. Let us not prostrate ourselves before the myth of inevitability.

The groundwork is being laid to relieve the internal distress of mainland China's totalitarians by injecting economic and diplomatic juice into the withering cadre organization of the Communist Party of China. There can be no good purpose for this. To betray a large segment of the world's population for the second time in 20 years is not a gesture worthy of a free nation.

It is not only the Chinese people who will suffer from an ill-timed gesture of recognition toward the Communist ruling class of Red China.

We should also be aware of the fact that, according to Dr. Stefan Possony of the Hoover Institute on War, Revolution and Peace, in the last 15 years Red China has doubled its opium poppy production. Mao Tse Tung and his comrades now receive up to $100 million annually from sales of this product, a substantial amount of which finds its way into the veins of American youth in the form of heroin. Facilitating access to U.S. markets for a product which is destroying a substantial number of young people is obviously counter to all standards of decency. To bring the world's largest narcotics peddlers into the "world community" would not seem to be in the best interests of that community.

The following two articles, the first of which appeared in "Military Review" published by the U.S. Army Command and General Staff College, Ft. Leavenworth, Kans., and the second of which appeared in the Elks magazine of November 1969, form a good basis for evaluating the efficacy of boosting the Communist Party of Red China.

I include the articles as follows:

CHINA: THE ARMY, THE PARTY, AND THE PEOPLE

(NOTE.—This article was condensed from the original, published in the Journal of the Royal United Service Institution (Great Britain) September 1970, under the title, "The Army, the Party and the People: (2) China.")

(Mr. Candlin, a graduate of Edinburgh University in Scotland, is President of Otran Research, Incorporated, in Massachusetts. He has taught at the Northampton Institute of Advanced Technology in London, at Jacksonville University in Florida, and at the Hudson Institute in New York. During 1968–69, he was a Fellow Scientist performing amphibious warfare studies with the Westinghouse Advanced Studies Group in Massachusetts. His article, "Mao and the Battle for Communist Power," appeared in the March 1970 issue of the Military Review.)

The Ninth National Congress of the Chinese Communist Party of April 1969 was primarily an attempt on the part of Mao Tse-tung to regain the ground which he had lost to his rivals Liu Shao-chi and Teng Hsiao-ping after the "hundred flowers" episode and the dismal chaos of the Great Leap Forward. It was also an occasion on which Mao could designate his successor Lin Piao, and capitalize on the mandate which he claimed to have acquired by completing the program of building revolutionary committees in all provinces. That these committees were largely ineffectual, providing only a cover for a power bid by a faction of the People's Liberation Army (PLA), was obvious to many. This did little to allay the widespread disaffection toward the regime, leading to growing turbulence and disorder throughout the country.

Although the new government has been able, to a large extent, to conceal this situation form the outside world where many countries continued to recognize a government in Peking, daily growing less legitimate, they could conceal the real facts of the situation neither from the Soviet Union nor from themselves.

PARTY STRUCTURE

Periodically, the old Magus himself would appear on special occasions with Lin Piao, a singularly uncharismatic figure who would deliver what purported to be the inimitable thought of his master. Mao remained inarticulate. This was not altogether surprising because, for a good many years, the principal author of his words had been Chen Po-ta whose position as confidant and speech writer had been critically affected by the new situation with the advent of Lin.

The formalized party structure, laboriously constructed by Lin Shao-chi and Mao, was in shreds at the time of the Ninth Congress as a result of the Red Guard depredations and the savage proscriptions and humiliations experienced by thousands of victims. Yet the affairs of government had to be transacted somehow in areas where the military establishment had little competence.

Most of this burden fell on a trimuvirate consisting of Chou En-lai whose capacity for survival seemed endless, Chen Po-ta in a newfound alliance with him, and Kang Sheng. The last of these is an Argus-eyed secret police chief whose position, earlier improved by the liquidation of Lo Jui-ching, has lately been threatened by moves which the organs of military intelligence have been making toward the control of domestic affairs.

GROWING REVOLT

Many competent foreign observers have been unduly impressed by the evidence of reconstruction and unity which has been sedulously promoted. Often, their sources have been translations of newspapers, periodicals, or monitored broadcasts, and a whole demonology has been based on this. They tend at times to read into the *Peking Review* a quality of revelation which would certainly gratify its publishers if they were able to follow these auguries. The fact is that a situation of growing revolt and anarchy continues.

Mao has said often that "Power grows from the barrel of a gun," and, in installing the Lin Piao faction of the PLA in the saddle, he has been trying to insure that the gun is aimed right. In order to gain insight into the complexities of army politics and the prospects for the future, it is necessary to examine some of the military background of the *Risorgimento* which brought Mao back to Peking and the Ninth Congress.

REASONS BEHIND PURGES

While there has been much confusion, and the interpretations of the analysts vary, there seems to have been a fairly broad consensus that the recent purges and upheavals which began with the removal of Defense Minister Marshal Peng Teh-huai were connected with:

A serious dispute about the status and doctrines of the People's Liberation Army. This, in broad terms, reflected differences between backers of a revolutionary army which would be closely connected, in its development and armament, with an industrial base underwritten by the USSR or by outright supply from Soviet sources.

Aspects of the Sino-Soviet schism which have had an impact on the leadership, organization, and doctrine of the PLA.

An attempt by different factions within the People's Liberation Army and the Chinese Communist Party (CCP) to define the position of the PLA within the state: in short, a struggle for supremacy.

The large-scale governmental crisis brought about by censure directed at Chairman Mao himself because of the failure of his "Three Red Banners" program. This involved the communes, the Great Leap Forward, and the "Every Man a Soldier" movement.

As yet there seems to have been relatively little attention paid to a number of issues which may already be influencing the course of events in China in a manner likely to result in new foreign and defense policies. At the root of these lie the kind of army Lin Piao would like to be able to build, the exact position which this would occupy within the Chinese policy, its interactions with the population, and its suitability for the missions with which he or his successors would seek to entrust to it.

One of the most important of these questions, and little noticed by outside observers, has been that of morale. It is highly important to be able to understand the methods of indoctrination and training so far favored by the political branches of the PLA in their relationship with the command and the status of troops.

UNRELIABLE SOLDIERS

It will be remembered that, during the Algerian war, as a result of French military exposure to the Chinese doctrine of la guerre revolutionnaire, a large section of the French Army became politically unreliable and a possible threat to the state. By an unexpected turn of military events, Peking—or at least a reflection of it—was arriving in Paris.

Behind much of the army building in China has lain a realization among the military leaders that there could be a similar reverse process closer at hand than Algeria, and that their own manpower, swollen by the "Every Man a Soldier" concept, could become unmanageable. The present military factionalism, sometimes called "mountain-topism" by Mao, would seem to bear out this apprehension.

Mao's Problems of War and Strategy contains one of the most definitive pronouncements on the kind of warfare and armed forces which Mao and his followers believe in:

According to the Marxist theory of the state, the army is the chief component of the political power of a state. Whoever wants to seize the political power of the state and to maintain it must have a strong army. Some people have ridiculed us as advocates of the omnipotence of war; yes, we are the advocates of the omnipotence of the revolutionary war, which is not bad at all but good and Marxist. With the help of guns, the Russian Communists brought about socialism. Experiences in the class struggle of the era of imperialism teach us that the working class and the toiling masses cannot defeat the armed bourgeois and the landlords except by the power of the gun; in this sense we can even say that the whole world can be remoulded only by the gun.

PHASES OF DEVELOPMENT

The theory by which the Maoist concept of war and politics has been developed can be categorized by a number of phases:

Initial Phase. This early period was synonymous with the time of the Kiangsi Soviet when, under the influence of Chu Teh and Mao Tse-tung, the first and different characteristic Red Army raised on a new model became a large and effective force.

In this "Chinkangshan" period after the foundation of his revolutionary army by Mao in 1927, the Communist forces grew in size from about 5,000 (the survivors of the Autumn Uprising) into 13 corps. They would have amounted to about 80,000, a prodigious number of trained guerrillas. The armies of the Kiangsi Soviet thrived on opposition, but could not sustain their positions after the Fifth Annihilation Campaign mounted by Chiang Kai-shek. There were a considerable number of other substantial formations elsewhere.

By 1932, these were in the form of four Front Armies, and, in 1934, they were all in retreat toward Yenan. In spite of the fact that there were only about 25,000 survivors and a most intensive process of indoctrination, thought control, and training imposed by the Military Academy of Yenan, rather surprisingly, individual traditions and provincial and personal loyalties have persisted to this day which have resulted in the formation of a number of cliques within the PLA.

The Yenan Period. This can be divided into two phases. The first ran from 1935 until 1937, the time of the official outbreak of the China war. This was a somewhat parochial period during which the movement was largely confined to a small area in Shensi engaged in a period of defensive recuperation.

The second phase signalizing the rebirth of Chinese Communist power ran up to the end of World War II. This was to be achieved by the process of re-forming the United Front which had been broken by Chiang; allowing the Kuomintang armies to be weakened by Japanese attrition; and then waging an offensive people's war, placing the Red forces in frontier regions—guerrilla base areas—which could be consolidated by the masses.

During this second phase, the strength of the Communist armies in terms of effectives grew from about 40,000 to about 500,000. They were able to perfect a system of sanctuaries, guerrilla bases, and areas of military jurisdiction whose methods still have much influence in other regions such as Southeast Asia.

Postwar Preaccession Period. During this period, the people's war was put into practice as an instrument of civil war and as a means of gaining supreme power for the party. Mao told the Chinese Communist Party Seventh National Congress:

This Army is powerful because it has such a large component of the organized forces raised from the masses as the Peoples' Self Defense Corps and the Militia fighting in cooperation with it. In the liberated areas of China, all young and middle-aged men and women are organized in the Anti-Japanese Peoples' Self Defense Corps on a voluntary and democratic basis and on the principle that they do not quit their civilian occupation. . . .

Moreover, this army is powerful because it is divided into main forces and regional forces: the former may be sent to operate in any region, at any time, while the latter make it their specific task to defend their own regions or attack the enemy in their neighborhood in coordination with the militia and the Self Defense Corps.

Then, as now, much attention was paid by the Chinese Communists to propaganda and political warfare abroad so as to curtail support which their opponents might otherwise receive from outside. Ho Chi-minh and General Vo Nguyen Giap have also been adept in applying this doctrine.

The essential meaning of the new doctrine of warfare, which has been found so intractable in recent years, is that, by a process of strategic inversion, forces, which by ordinary or conventional military powers would be regarded as irregular or auxiliary forces, have been chosen as the main instrument, with the conventional or regular forces cast in a supporting role. The latter can be augmented to carry out conventional missions on the larger scale but the decision according to the Maoist military canon is achieved by the irregulars. To the orthodox military mind, this is heresy of a high order.

Postacession Period. This may be subdivided into: the phase of army building up to the Lushan Conference (1958), the post-Teng Teh-huai phase up to the cultural revolution, and the cultural revolution and revolutionary rebel phase, 1966–69.

During this period, the vital question of the choice to be taken by the PLA—as a revolutionary army rather than a regular army—came to a head in the course of a monumental crisis in which the whole process set in motion by Mao during the Great Leap Forward came into question. He was forced into a position in which he would need to enlist the preponderant elements of military power and overthrow the political power of the Chinese Communist Party or to seize it in order to survive himself—hence, the cultural revolution.

The impulse to modernize the PLA as it was seen in the early 1950's was succinctly described by Lo Jung-huan, Director of the Political Department of the People's Liberation Army, on Army Day, 1 August 1955:

Our army has come to the new stage of military build-up along modern and regular lines. This is the highest stage in our army construction. . . . We have something brought over from the time of the Red Army. They were needed at that time. However, now that we have reached the higher stage we must, gradually and consciously, give up those things so as to make our army more centralized, unified and better disciplined. In other words, we must regularize our army. Any attempt to impede progress in this respect is harmful and disadvantageous to large-scale operations.

DIFFICULTIES ENCOUNTERED

Construction on these lines only proceeded for about a year after this statement before grave difficulties began to be encountered. These were very clearly set out by Tan Cheng—then Director of the Political Department but now purged—in a report which he delivered to the Eighth Plenary Session of the Chinese Communist Party. He criticized what he considered to be ill-advised efforts to modernize on the following grounds:

Disregard for traditional unity between officers and men, and between all superiors and subordinates, even among the officers.

Disregard for the functions that democracy has performed in the army with the result that political, military, and economic democracy were entirely overlooked.

Excessive stress on administrative orders, disregard for ideological work, failure to follow the mass line, divorcement from reality, and separation from the masses on the part of the leadership.

Existence of impracticable dogmatism and formalism, and mechanical introduction of foreign experience in school education and troop training.

Estrangement of the army from the people, relations between local government and party organizations not so close as before, and utter disregard for the interests of the masses.

An inability of the national defense industry, even when supplemented by Soviet military and economic aid, to meet the requirements of a modern and regularized army because of the strained economy.

Tan Cheng replaced Lo Jung-huan in December 1956. Liu Po-cheng, Director of the General Training Department, was dismissed for "dogmatism in military affairs." Su Yu, one of the PLA's most brilliant staff officers, was removed in October 1958 for excessive inclination toward Soviet methods, and then came Peng Teh-huai who was succeeded by Lin Piao.

The latter has been torn between loyalty toward his mentor and supporter, Mao, and the more professional attitudes which he himself possessed toward army building. He has been obliged to go along with his chief on strictly pragmatic grounds because of the desperate shortages arising from industrial deficiencies.

Most students who have analyzed Lin's prospects after the demise of Mao have come to the conclusion that, while he is exceptionally gifted as an army commander, with a sure grasp of tactics and strategic planning, he is critically lacking in political flair of the kind that would enable him to survive the struggle of the Diadochi which might then be anticipated. That might throw up a "Red Bonaparte," or it could engender anarchy or perhaps invasion.

From the above, it can be seen that the immediate future is likely to be a period of rapid transition in the Chinese forces. It would be a mistake to assume that, although the regime has largely lost the popular support it commanded from 1937 until 1956, it does not represent a major threat to world security.

But the power base does not yet really exist, and people's war certainly cannot succeed if the people are alienated. There is an imbalance between what is still essentially a primitive force and some of its highly sophisticated equipment such as nuclear weapons and delivery systems. This will produce some surprises in strategic concepts unless these are carefully studied.

CIVIL-MILITARY FRICTION

The constant friction between the rulers and the ruled is plainly discernible within the power structure itself. It has always been difficult to demarcate the line of cleavage between areas of civil and military responsibility, and this is becoming daily more difficult in view of the persistent infiltration of the PLA into all walks of life.

However, at the center, the following factions can be identified: the Lin Piao faction of the People's Liberation Army; the cultural revolution group whose leaders are Chen Po-ta, Chiang Ching, and Yao Wen-yuan; a hard-line left group led by an extreme left or anarchist group; and the survivors of the Liu Shao-chi and Teng Hsiao-ping faction.

Chou En-lai, with his customary finesse and dexterity, has been able to remain on good terms with most factions and personalities, even when they themselves have been diametrically opposed. He has, in fact, supplied an element of reason and stability during a situation which has often threatened the survival of order.

The PLA itself is also divided, and the fragments—which are still rather large—seem to conform to the following pattern:

The Lin Piao faction represents the "1st Front Red Army." Nieh Jung-jen and Yeh Chien-ying are adherents.

The Ho Lung faction represents the "2d Front Red Army."

The Hsu Hsiang-chien faction represents the "4th Front Red Army."

The Chen Yi faction. This is the "New 4th Army."

An independent faction exemplified by Chu Teh and Liu Pocheng.

The Purged faction. This last has been growing rapidly since the onset of the cultural revolution. Its first and most important representative was Peng Teh-huai. Examination shows that about 100 or more senior officers from the Peoples' Liberation Army Headquarters have been purged, and possibly about 300 from military regions and provincial appointments. It is not clear how many of these are still alive. Although they are not in a position to have much of a following, there is a considerable amount of military talent available which might, some day, bear arms against their former masters.

CONCEALED REVISIONISTS

The whole question of the purges is bound up with ideological matters, conflicts of loyalty, and the pathological suspicion of Mao. One aspect of the matter not often dealt with is the movement known as the "Three Check-Up" drive against concealed revisionists—that is, Soviet sympathizers or actual agents from among soldiers, intellectuals, or high-ranking cadres. A special committee to investigate suspected individuals has been set up.

What now are the prospects? Last year, there seemed to be a distinct probability that the deadly rivalry between Moscow and Peking would lead to war along their frontiers. But it seems that the death of Ho Chi-minh and his final posthumous exhortations brought Chou En-lai and Aleksei N. Kosygin together for a tense discussion which produced a breathing space at the cost of some concessions. These, the Chinese may be tempted to repudiate if and when they become stronger. There is little assurance that the respite will last.

One factor of disquiet in the situation is the knowledge, which must be plain to both Mao and Lin Piao, that their cause is, in any case, lost. The Red Sun which has been setting in the Forbidden City is paling now to twilight. Rather than go down in confusion and strife with their own kind, it may occur to these two that their performance might look better in the pages of history if they fought a last battle as patriots against a traditional foe.

WILL THE INSANE RULE THE WORLD?

(By Bruno Shaw)

(Note. The Kremlin rulers, for all the ruthlessness they have displayed against such weak nations as Poland, Finland, Hungary and Czechoslovakia, are not insane. They have shown no taste for playing nuclear roulette with the future of their nation and the world. The right course now is to engage them in arms control talks looking toward a halt in this mad race, not its extension.)

Contrary to what the Times says, the Kremlin rulers have shown a decided taste for playing nuclear roulette. They provided Red China with basic equipment and technicians for production of nuclear weapons; they placed nuclear warhead rockets on Cuba as a direct threat to the United States.

The record indicates, moreover, that the Kremlin rulers are every bit as unstable as was Ivan the Terrible who 400 years ago massacred entire populations in areas of a hundred square miles at a time because of his nightmarish fantasies that somewhere among them were conspirators plotting against him.

Many nations of the world have, at one time or another, been ruled by leaders who were unquestionably paranoid, a form of insanity with several definite characteristics. First, the paranoiac cannot abide criticism, and has so great a need to dominate that the notion of equality is intolerable. A second characteristic is a persecution complex—an all pervading suspicion that the world is against him. A third is an exaggeratedly high opinion of one's own importance or omniscience, with which a sense of humor is utterly incompatible. A fourth is false rumination over past events, which conjures up conspiracies by enemies for countless years. A fifth is its absolutely logical character, once its warped premises have been granted, which places all its megalomaniac references in systematic order to prove paranoid convictions. A sixth, and perhaps most important characteristic, is the device of projection—to charge others with conspiring to cause injury, thus giving the paranoiac a perfect self-justification for attack.

Such paranoiacs, and there were many throughout history, from Attila, the terror of the world in the Fifth century, to Mao Tse-tung of our own time, whose thoughts are inspired revelation to 700 million Chinese, all had one thing in common: an insatiable drive to rule the entire world of their time.

Most school children have heard or read about the Roman emperor, Nero Claudius Caesar Augustus Germanicus, who lived in the first half of the first century, and who fiddled while Rome burned. To "fiddle while Rome burns" has since become a common phrase to describe procrastination in general and nothing more serious than that. But Nero, who was suspected of having set the city on fire himself, enjoyed watching the havoc and death he created and actually played the fiddle while others wept and died. Nero was a typical head of state of his time, a paranoiac who was constantly afraid of being murdered by those close to him a man who had no scruples about murdering his own mother, and who then, at age 31, on June 9, 68, committed suicide.

Nero's preoccupations with war and murder were child's play, however, compared with those of Caligula Gaius Caeser, two generations earlier. He was a monster of cruelty and vice. Statues of Roman gods were numerous throughout the city. Caligula had the heads of all of them chopped off and replaced by replicas of his own. He was to be the only god of the Romans, in marble as well as in life, a forerunner of what is now denounced by the Russians as "cult of personality" on the part of the Red Chinese leaders, and by the Red Chinese as "cult of personality" on the part of the Russians.

George III of England was on the way to losing the American colonies 12 years before Thomas Jefferson and his associates drafted the Declaration of Independence. In 1764 he was afflicted with a succession of illnesses: first melancholia, a state of extreme depression; then mania, a state of excessive mental activity and emotion; then complete breakdowns for period of many months, in which his subjects were told he was suffering from a cold. It was during one of these "colds" that the American colonies declared their independence from a king whose condition was considerably less than what was needed to cope rationally with such a situation.

Between those earlier times and World War I, known as the "war to end war", man's inhumanity to man was evidenced at frequent intervals in all four corners of the earth in local wars. The overthrow of imperial systems of government in Europe spawned a host of power-hungry leaders, some of them quite as mad as the Romans of two millenniums before.

In due course we had World War II, brought about by men who were treated as rational human beings by the heads of other states, including our own. It was only after Hitler and Stalin were dead—Hitler in a suicide bunker in 1945 and Stalin a possible victim of palace intrigue in 1953—that the press of the world, again including our own, acknowledged that both were unbalanced.

These two men had one thing in common: each had publicly proclaimed his intentions to the world, Stalin in his book *Problems of Leninism* and Hitler in his *Mein Kampf;* but the world refused to believe them. In addition, at this time there was Premier Baron Biichi Tanaka of Japan, whose Tanaka Memorial to his emperor was a detailed blueprint of Japan's plan to conquer the world, beginning with an attack on the United States, but no one paid heed to that one.

It is also a sad commentary on foreign correspondents of American news media who had spent many years in Germany, Russia and Japan, that they never once called a spade a spade—never once described Stalin, Hitler, General Araki of Japan as the monsters they were. Not until they were dead. In an article in the *New York Times* of September 15, 1968, *Times* reporter Harrison Salisbury, who had spent ten years in Russia, some of them in Stalin's time, had this to say: "The Concept of the world as a prison comes naturally to a Russian—his world is a prison. So it was under the Czars. So it quickly became again in the flabby white hands of the paranoid Josef Stalin." And in the *New York Times Magazine* of August 10, 1969, *Times* reporter Henry Kamm, recently returned from the Soviet Union after two years there as the *Times'* Moscow bureau chief, used even stronger language. Describing how Nikita Khrushchev denounced his late boss, Josef Stalin, at the Soviet Communist Party Congress in Moscow in 1956, Kamm said that this marked "the first time that the Soviet Communist Party, the absolute and infallible guardian of the revealed truth by which 240 million Soviet citizens must pretend to live, confessed to the world that for three-quarters of the period of Soviet rule, that rule had been exercised by a megalomaniac madman." Now they tell us.

In the present decade, Communist China's rulers claim the right of apostolic succession to Lenin as true disciples of Marxism, and they are embarked on a crusade to bring Communism to all peoples of the world by means of violence, subversion, and terror. Mao Tse-tung has declared, and the Chinese Communist Party has affirmed, "China's revolution is part of the world revolution" and "the heroes of the colonies and semi-colonies have to stand either on the imperialist front and play a role in the world counter-revolution, or on the anti-imperialist front and play a role in the world revolution. They must choose one of the two. There is not a third road."

Mao Tse-tung, in his Selected Works, which is to the Communist Chinese what Hitler's *Mein Kampf* was to Nazi Germany, outlines the Red Chinese program for remolding man and his environment in two successive stages: first, remolding the minds of China's 700 million people by compulsion until they become docile instruments for the execution of his master plan; and second, employing this tremendous force in a crusade to remold the minds and lives of all mankind.

During the Hitler rule of Nazi Germany, many of America's leading industrialists and political conservatives praised him unrestrainedly. "You could do business with Hitler." No action was ever taken by any responsible segment of our community to urge international action which could have stopped both Hitler and Stalin in their tracks.

Now we are confronted with the fact that Mao Tse-tung is unquestionably unbalanced, as were Stalin and Hitler. But, as with Stalin and Hitler, few in the non-Communist world have dared to breathe a word of it. On the contrary, we are being pressured by leaders in the academic world and in the Congress of the United States to repeat precisely the same error that was made with Russia and Nazi Germany—to destroy us, and to bring Red China into the United Nations so as to destroy that organization as well.

The challenge that confronts the non-Communist world today is this: When dealing with a paranoiac who is in possession of thermonuclear weapons and a missile system capable of delivering them across the seas, can the fact that we have a preponderance of such weapons act as a deterrent? The answer unquestionably is: In confrontation with such a leader, our preponderance of supply of these weapons of vast destruction would have no deterrent value whatever. And the corollary to that should be: Isn't it high time for the non-Communist world to awake from the euphoria it has talked itself into, and act in a manner that will keep it from becoming a contributor to its own destruction.

Lord Bertrand Russell, now age 97, is a mathematician and philosopher of great renown whose views now are dismissed by some Americans as "senile" because of his violent criticism of United States action in Vietnam.

It has been Bertrand Russell's fear, ever since the first explosion of an atom bomb, that scientists had created an instrument of such vast destruction as to lead to the complete extinction of the human race. And this, he believes, must be prevented at all costs. But on the way to arriving at this point of view, he has switched trains, as he puts it, quite often.

On March 8, 1958, in response to an inquiry about his stand on peace and war, Lord Russell gave his views on the kind of people he deems to be insane. He wrote, in a letter I have before me: "I have pursued one consistent purpose, namely, to prevent all-out nuclear war in which both sides possess nuclear weapons. At one time there was one method by which this could be achieved; at another, another. There was no more inconsistency than there is when a man gets out of a train after an accident because the train is not going to reach its intended destination. If it can be secured that only the U.S. and the U.S.S.R. have nuclear weapons, I favor negotiations between them for abolition of nuclear weapons by both sides. I do hold, however, that, if negotiations prove futile and no alternatives remain except Communist domination or extinction of the human race, the former alternative is the lesser of the two evils. As for your accusation that the policy I have advocated has changed from time to time: it has changed as circumstances have changed. To achieve a single purpose, sane men adapt their policies to the circumstances. Those who do not are insane."

What we will have to learn, if we are to avoid either of the calamities Bertrand Russell envisions for us, is to learn from history. What the Red Chinese call their Cultural Revolution is a form of behavior which parallels that of Nazi Germany. It is unmistakable in the colossal Red China pagentries in which hundreds of thousands participate, in massive seas of humanity bearing thousands of portraits of Mao Tse-tung, waving the Little Red Book of the "thoughts of Mao Tse-tung" and chanting verses from it. Screaming in unison at the now rare appearances of their Chinese Fuhrer, they display a frightening collective response to their leader's thirst for adulation.

Demand for appeasement of the threat of Red China is a repetition, in almost precisely the same terms, of the arguments that were advanced for the appeasement of Nazi Germany in the 1930's. "You cannot ignore 60 million German people; Nazi Germany will calm down if it is given a chance to become a member of the international community." And so Nazi Germany was invited to join the League of Nations. It did so. And it went on its beserk rampage with the help of its self-deluded victims, ourselves among them. Now we are being told, "You can't ignore 700 million Chinese. . . ." and so on, and so on.

Do we have to prove once again in our time what the German philosopher Georg Wilhelm Friedrich Hegel, wrote a century and a half ago?: "Peoples and governments never have learned anything from history, or acted on principles deduced from it."

I hope not.

LITHUANIAN INDEPENDENCE DAY

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BROOMFIELD. Mr. Speaker, the month of February is a very important period in the lives of Americans of Lithuanian descent. In February 1251, Mindaugas the Great, unified all the principalities into one great kingdom.

Fifty-three years ago on February 16, 1918, the Republic of Lithuania was established. The Lithuanian Independence Day contains no note of joy, no jubilant tone of achievement and victory. Instead, the independence of Lithuania has been lost and survives only as a captive nation behind the Iron Curtain.

The Soviets took over Lithuania, Latvia, and Estonia by force of arms in June 1940.

The short period of independence, during which the nation flourished, saw progress in all areas—land reform was instituted, industries reestablished, transportation facilities expanded, social legislation enacted and educational institutions enlarged. In short, Lithuania was established and functioned as a democracy such as the United States. The people were happy and content with their freedom.

This new independence was to last only 22 years until the life of this proud nation was snuffed out in 1940 and the area integrated into the Soviet Russian Empire.

Only the people in Lithuania know the heartaches and the suffering which they have endured since they have been unlawfully and illegally subjugated by the Communist regime in Moscow.

Let us hope that soon the Lithuanians will again witness the restoration of their great nation and enjoy once more the freedom and independence of a democracy.

The Lithuanian-American organizations deserve our support in commemorating these anniversaries during this month.

DISABILITY INSURANCE FOR THE BLIND

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, on January 22, 1971, I reintroduced the disability insurance for the blind bill, H.R. 1240, legislation to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

And, I believe, Mr. Speaker, this measure only needs a few words of reminder about it, for it is already so well known in this Chamber.

In the 91st Congress, I introduced H.R. 3782, the disability insurance for the blind bill, and during the following months, 159 of our colleagues in the House introduced measures identical to H.R. 3782.

Again I invite the cosponsors of this bill in the last Congress to join with me and introduce measures identical to my bill, H.R. 1240.

I also invite and urge those Members who did not cosponsor the disability insurance for the blind bill in the last Congress to do so in this one, for this is greatly needed legislation and, I am convinced, an indication of overwhelming House support will assure Ways and Means Committee acceptance of this measure in the present Congress.

When Senator HARTKE introduced a bill identical to H.R. 3782 in the U.S. Senate in the 91st Congress, he was joined by 68 cosponsoring Senators.

You will see from this, Mr. Speaker, that 229 Members of the 91st Congress unequivocally expressed their support of my bill to make Federal disability insurance more readily available to more blind persons.

And although the Ways and Means Committee did not adopt the provisions of H.R. 3782 when it considered social security matters in the 91st Congress, the Finance Committee of the Senate did act to incorporate these beneficial-for-the-blind provisions in the Senate-approved version of H.R. 17550.

Mr. Speaker, this was the fourth time the disability insurance for the blind bill has received the endorsement of the Senate.

But since the 91st Congress adjourned without finally acting upon a social security bill, we must start afresh and I have done this by putting the disability insurance for the blind bill back in the House "hopper."

Mr. Speaker, the disability insurance for the blind bill would liberalize disability insurance for blind people.

It would allow blind people to qualify for benefit payments after working six quarters anytime earned in social security-covered work rather than the present 20 of the last 40 quarters.

H.R. 1240 would also waive the present earnings test for blind people, and it would allow them to draw disability payments so long as they remain blind and regardless of the amount of their earnings. Now, earnings as little as $70 a month or as much as $140 a month will disqualify a blind person from receiving disability benefit payments.

Mr. Speaker, H.R. 1240 is intended to equalize the economic disadvantages of blindness in a sighted world, by providing a regular source of funds that the blind may use to buy sight, because, as you must know, whatever the blind may do, however able and accomplished they may be, they must have sight available to them if they are to function at all.

Mr. Speaker, for a more definitive justification and explanation of H.R. 1240, I ask unanimous consent that, following these remarks, there be printed a fact sheet with reference to H.R. 1240.

The fact sheet follows:

IMPROVED DISABILITY INSURANCE FOR THE BLIND

A bill to amend Title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

HISTORY

Offered in 88th Congress by Senator Hubert Humphrey as floor amendment to H.R. 11865 (Social Security bill); adopted by voice vote without a dissent, lost when Social Security Conference ended in deadlock.

Offered in 89th Congress by Senator Vance Hartke, as S. 1787; 41 co-sponsors; adopted as floor amendment to H.R. 6675 by 78 to 11 roll call vote.

Offered in 90th Congress by Senator Vance Hartke, as S. 1681, 57 co-sponsors, including nine of the 17 member Committee on Finance; adopted by Committee on Finance as amendment to H.R. 1280; one provision approved definition of blindness (20/200, etc.) the standard for visual loss under the Disability Insurance Program.

Offered in the 91st Congress in the Senate by Senator Vance Hartke, as S. 2518, 68 co-sponsors including nine of the 17-member Committee on Finance; adopted by Committee on Finance as amendment to H.R. 17550; offered in the House by Congressman James A. Burke, as H.R. 3782 (identical to S. 2518), 160 co-sponsors including eleven of the 25 member Ways and Means Committee; offered in the Ways and Means Committee by Congressman Burke; Committee adopted liberalizing eligibility poposal of H.R. 3782; no further action since House-Senate Conference on Social Security matters was not held.

PROVISIONS

Allows qualification for disability benefits under the above definition if the blind person has worked six quarters in Social Security-covered work, rather than twenty of the last forty quarters as presently required to be eligible, as in all other disabilities; continuation of benefits irrespective of earnings so long as blindness lasts, rather than cutting off benefits if the blind person earns as little as $140 a month as provided in existing law.

WHAT CHANGES WOULD DO

The Disability Insurance for the Blind bill would transform the Disability Insurance Program providing only subsistence income to long-time employed but presently unemployable blind persons into a system providing short-term employed blind persons with insurance income to off-set the economic consequences of blindness—diminished earning power, greatly diminished employment opportunities, greatly increased costs of living and working, blind, in a sight-oriented economy and society.

WHY CHANGES NEEDED

To many blind persons, able to work, although blind, but unable to secure work because they are blind—or unable to secure work of long and steady duration, because they are blind—to these people the requirement of employment for a year and a half in Social Security-covered work, instead of the five of the last ten year requirement in existing law, is much more realistic and reasonable under the special and adverse circumstances facing blind persons.

It is much more realistic, when considering the misinformed or uninformed attitudes, the adverse and prejudicial practices which confront blind people when they seek work, when they are skilled and able to operate successfully with blindness, when they are qualified by talent and training for work, yet, are not hired because they are believed to be incompetent and incapable.

Making disability insurance payments available when a blind person has worked six quarters in Social Security-covered work is much more reasonable than the five years' requirement, for it would make such payments more readily available to more persons when the disaster of blindness occurs, when the need for the security provided by regularly received disability insurance payments is greatest in a workingman's life.

This bill recognizes that a person who tries to function, sightless, in our sight-structured world, functions at a financial disadvantage.

For whatever a blind man would do, whatever employment or activity he would pursue, he has the need for sight to assist him.

So the blind person who would function self-dependently, the blind person who would earn a living, who would live self-responsibly, must not only pay the usual daily living costs which his sighted fellows pay, but he must also pay the extra, the burdening expenses of blindness—the expenses incurred in hiring sight.

By allowing a blind person to draw disability insurance payments so long as he continues blind and irrespecetive of his earnings, this bill would provide to such blind person, a regular source of funds to pay for sight, and it would thus help to reduce the economic disadvantages and inequalities of blindness in his life.

REORDERING OUR NATIONAL PRIORITIES

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. VEYSEY. Mr. Speaker, in reading the President's budget message, one is again reminded of the tremendous impact the Nixon administration has had in reordering our national priorities.

It was a very great achievement for the administration that in last year's budget, more money was allocated for human resource programs than for defense programs. That was the reversal of an imbalance that existed for 20 years. I am heartened to note that while defense spending will increase in this year's budget, it will still be considerably less than what America spends for domestic concerns.

In this year's budget we see a further careful rethinking of national priorities in the President's proposals for multilevel spending programs. The administration has taken a sound, pragmatic course. Where a need can be best met by national administration, such as welfare, the President has allocated that function to the Federal Government. But in many other cases, where problems can be better answered at the State and local levels, the President has asked that funds be returned directly to those levels of government.

This is a reasoned approach to government which should have the full support of the American public as well as the Congress.

MEMBERS SHOULD TAKE NOTE OF A BAD PRECEDENT

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. CHAPPELL. Mr. Speaker, the President recently took upon himself the decision to halt, in a state of midconstruction, a public works project lying mostly within my district.

This precedent should be a warning to every Member of this body since, if the action he took with regard to the Cross-Florida Barge Canal goes without notice by this House, no program in any congressional district is immune to this kind of action.

The President's decision was made without consultation with me or with any Member of any of the public bodies involved. The decision to halt this project has left my district and my State in serious difficulty and I will discuss these difficulties in any effort to point up what this kind of decision can lead to and to alert every Member of Congress to the trend to chop projects off without notice or forethought.

It has taken 175 years and more than 60 studies to reach the present State of Cross-Florida Canal project.

And where are we?

To put it bluntly, we are in a mess.

It was in March 1826, that the first study of a propsed canal was authorized by the Congress. In fits and starts, work and planning on a canal of sorts has been going on since that time, and in earnest on the present barge canal since February 1964.

That is, until January 19, 1971, when, by Presidential edict, the project was terminated.

This action by the President has given rise to problems which even the earliest proponents and opponents of a canal could not have foreseen: Legal battles over ownership of the land; potential floods which could devastate large portions of some mid-Florida counties; $12 million in State and local tax money down the drain; more than $50 million in Federal tax money wasted; the wilderness of the Oklawaha River was replaced by cabins, camps, and housing developments; an open wound stretching almost the entire girth of Florida for years; contracts between governmental agencies broken; facilities built by the taxpayers now going to waste; half completed bridges and camp sites; highways torn up with repairs questionable in the foreseeable future.

These are just a few of the problems which now must be solved if the people of Florida are not to be witness to one of the most significant ecological and financial disasters of our time.

First, but perhaps not foremost of the problems is that of the legal status of the almost 60,000 acres of land acquired for canal construction.

Much of the land was taken by condemnation proceedings for the express purpose of building a barge canal. If the canal is not now to be completed, there is a serious legal question that the original owners may now have a right to reclaim their land, including any lake or other structure which now may be on that land.

Of the 60,000 acres, only about 14,000 are held by the Federal Government. The remainder is in the hands of the Canal Authority, a State-created agency charged with acquiring land for canal purposes. A legal question also arises over the right of the authority to now further convey any land to the Federal Government even for recreational purposes if the original purpose of the land acquisition—a canal—is not to be carried out.

Certainly one of the most immediate and prime considerations is that of flooding.

Massive works projects such as Four River Basins and Southwest Water Management are underway in other parts of the State and, although not directly related to the canal construction, are dependent on the canal or some other waterway to carry floodwaters away from heavily populated areas in Lake, Marion, and Orange Counties and to help protect the soon-to-be-opened Disney World complex.

As the canal project now stands, according to the Corps of Engineers, there are two choices available: They can either have a flood south of the Moss Bluff Dam south of Silver Springs on the Oklawaha River; or they can have a flood to the north of the Moss Bluff Dam.

Neither the river nor the surrounding lake system can possibly handle the floodwaters unless a great deal of work is done to deepen and widen the Oklawaha or unless a canal is constructed parallel to the river to carry water.

Of direct concern to everyone in Florida is the matter of the $7 million in tax money already appropriated for land acquisition and the $7.4 million in county tax moneys collected for this purpose. To date, nearly $12.6 million has been spent, with part of the land turned over to the Federal Government and status of the rest in legal doubt.

With a legal cloud hanging over the ownership of the land, the specter of original owners' reclaiming their land along the lakes and the Oklawaha River is a very real possibility. If this happens, there is every reason to predict a boom in the construction of cabins, commercial establishments, housing developments, and increased pollution along the river which everyone seeks to protect.

How this debauching of the river right-of-way could be prevented is difficult to say at this point since the Federal Government does not own the land and the Canal Authority's right to it is under question because of the abandonment of the land for the purpose for which it was taken.

If, as has been predicted, the legal snarl continues for years, the scar which remains across our State would remain, and possibly grow worse with erosion, with no one's having clear authority to go in and do anything about it. Bridge pilings, barren of a completed span, probably will remain until legal title to the land is settled. Highway detours circumventing bridge and other construction would remain with continuing hazards to motorists.

In addition to the aforementioned structures, others will remain useless, at least from a canal usage point of view. The city of Sanford built a port facility, Putnam County's voters bonded themselves to build barge port facilities. Levy County voted to initiate port construction. What now is to become of these facilities, built solely on the word of the Federal Government that a canal would be constructed to serve them?

Not of direct interest to the taxpayers and ecologists is the question of the right of the President to repeal laws, such as the laws authorizing and appropriating money for the canal, which were passed by Congress and signed by President Nixon and his predecessors.

This is a question which may well find itself in the courts, but as of now, the question of congressional authority to pass a law with the expectation that the law be obeyed by everyone including the President of the United States is a serious matter which must be answered.

Regardless of how one feels about the construction of the canal, facts now are becoming glaringly apparent which President Nixon either did not consider or were not made available for him to consider when he was making his decision to stop the Barge Canal in its present state.

I, and many Members of Congress, have been attempting to get these facts before the President, thus far without success.

Prior to the Nixon announcement shutting down the work on the canal, several Florida Congressmen requested an audience with the President and the agencies involved to discuss the ramifications of a halt to work and to inspect data the President was using to reach a decision.

It was not until January 22, 3 days after the Presidential edict, that Florida's representatives were able to meet with anyone representing the President. That meeting was attended by members of the Council on Environmental Quality, the Corps of Engineers, and an assistant to the President.

The meeting came to nothing except that those representing the Federal Government conceded that the problems of wasted money, flood dangers, and continuing pollution of the Oklawaha were details which had to be considered. No engineering or other information was made available to the Congressmen either at that meeting or since.

Speaking on behalf of the President, Clark McGregor stated that the President maintains an open mind on the canal.

Taking McGregor at his word, the Florida delegation next requested a meeting with the Council on Environmental Quality to discuss alternatives to the chaos which now exists.

It was at this second meeting that Russell Train, a member of the Council, said that the President's mind was made up—that the decision has been made.

Protesting that the initial decision had been made without consultation with the Florida congressional delegation, the Canal Authority, the Corps of Engineers, or appropriate State agencies, I and others asked that we be consulted on future discussions regarding the future of the area.

Also mentioned were alternatives to the present dangerous situation.

In an effort to save the remaining untouched portions of the Oklawaha River, it was suggested that an alternate route to the west of the river be considered.

Another alternative is for the Federal Government to move into the area and embark on a massive land acquisition program along the river's route.

This acquisition, if successful, could then be used as the basis for a controlled management area along the river to be joined with the nearly half-million acre Ocala National Forest.

Unless action is taken and taken soon, the aims of those who would save the Oklawaha will be in vain and we will see instead, devstating floods, commercial development along a wild river, and the skeletons of dams, locks, dikes, and bridges, which, for years to come, will be a reminder to Florida and the Nation that decisions, hastily made based on incomplete or ignored information, may well be decision that those for, and those against the canal, will live to regret.

DWANE L. WALLACE: KANSAN OF THE YEAR

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. SHRIVER. Mr. Speaker, Dwane L. Wallace, one of the Nation's distinguished aviation leaders, recently was honored as "Kansan of the Year" by the Native Sons and Daughters of Kansas in Topeka, Kans. It was most deserved and long-overdue recognition for Mr. Wallace who is chairman of the board and past president of the Cessna Aircraft Co. of Wichita, Kans.

Mr. Wallace has been instrumental in making Kansas the world leader in private aircraft production and establishing his hometown of Wichita as the "Air Capital of the Nation." His aviation career was started by an airplane ride in 1921 with his uncle, Clyde V. Cessna, founder of Cessna Aircraft Co.

Today Cessna is one of the leaders in general aviation and in addition to its internationally recognized private airplane production, the company has served the Nation as a responsible defense contractor.

Dwane Wallace has not limited his leadership and interest to aviation. He is a mover and leader in the community and the State, and has given his time willingly in behalf of our Nation.

Under the leave to extend my remarks in the RECORD, I include the following editorial from the Hutchinson (Kans.) News concerning the honor accorded Dwane Wallace by his fellow Kansans:

[From the Hutchinson (Kans.) News, Feb. 4, 1971]

KANSAN OF THE YEAR

It came as a mild surprise that Dwane L. Wallace, board chairman of the Cessna Aircraft Co., was named "Kansan of the Year" by the Native Sons and Daughters at their annual get-together in Topeka last week.

Not that the title is not richly deserved. Far from it.

It's just that Dwane has become such a figure on the Kansas scene, the recipient of recognition at home and abroad, that one assumed he had at one time or another been named Kansan of the Year.

He has now, and that was one welcome note of the Kansas Day festivities.

Wallace is a nephew of Clyde V. Cessna, one of the Kansas pioneers in aviation. He studied engineering at Wichita U. He became Cessna's president in 1936, and began the long career of guiding the company to eminence in airplane and industrial manufacturing.

He also became a leader in civic pursuits, in industrial relation programs, in state booster efforts.

And he remains a Kansan. It was an apt recognition, if perhaps overdue, by the Native Sons and Daughters.

HEROIC YOUTH HELP SAVE HISTORIC DISTRICT IN BOSTON'S NORTH END

HON. LOUISE D. HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, in the north end section of Boston on Monday, February 1 and into February 2, a five-alarm fire raged in this historic district.

The serious magnitude of the events of these days which left hundreds of north end families homeless, was fully brought to bear with the designation of the section as a disaster area by the Small Business Administration.

Due to the heroic efforts by the youth of the north end in assisting the Boston Fire Department, there was no loss of life. This instinctive action by the young men of the district, clearly determined their deep concern for their neighbors.

Despite adverse weather conditions, these outstanding young men performed bravely as they helped move firelines and aided the police in keeping curiosity-seekers from hampering the efforts of the firemen in the performance of their duty.

The self-sacrificing efforts by the youth of the north end should serve as an inspiration to all the citizens of Boston.

"PUBLIC SERVICE STRIKES A BARBAROUS WAY OF SETTLING ECONOMIC CONFLICTS"

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. LLOYD. Mr. Speaker, a recent editorial in Newsweek written by Henry C. Wallich included a statement:

> In the long run strikes—and surely public-service strikes—increasingly will come to be viewed as a barbarous way of settling economic conflicts.

This Congress has the increased responsibility of representing the public interest in achieving objectives which will help to bring an end to the disastrous consequences of nationwide strikes.

Mr. Wallich has suggested consideration of a no strike contract. Regardless of the objections to and controversial nature of any consideration of such an idea, it is significant to note the presentation of the subject for general discussion, and I submit it here for wider readership and consideration.

A NO-STRIKE CONTRACT

(By Henry C. Wallich)

"Job action," and strikes in essential public services are manifestations of an economically sick society. The disease is inflation. New York firemen and policemen lack social responsibility no more than anyone else does. But inflation makes everybody feel that he was robbed. Those who can are then tempted to go out and rob others the same way, at the gunpoint of denial of some vital service.

A real cure of this form of economic civil war can come only from ending inflation. To urge permissiveness with respect to inflation creates social tensions much as other forms of permissiveness do. The cure can be speeded, however, and maintenance of essential services better assured by finding a way to immunize the suppliers of these services against inflation. Simply to outlaw firemen's and police strikes is of questionable fairness and, what may be more immediately relevant, ineffective. The public does not regard the breach of a no-strike law as a criminal offense, and rightly so. In jail every striker becomes a hero. This is one of those cases where the carrot is more powerful than the stick.

THE OFFER

The particular carrot that I have to offer is a contract that would guarantee the employee full protection against inflation, plus increases in real income equal to nationwide productivity gains. For instance, with inflation at 5 per cent and productivity gains at 3 per cent, the annual increase would come to 8 per cent. There would be a no-strike pledge, with financial penalties on the union for violation. Differences of interpretation, unforeseeable events, and matters like work rules and conditions would be subject to negotiation, with compulsory arbitration.

If one were to propose this no-strike deal to one of New Yorks' Finest, would he have reason to jump at it? If he had taken economics at night school he would see that he was being offered exactly what an average American can expect to get from his economy. His income would rise with the growth, per capita, of the economy, no more, no less. Nobody could call that a bad deal, particularly since it removes the risk of doing worse. But an aggressive man might think that he, or his union, could do better.

To justify surrender of the right to strike—which New York's Finest supposedly don't have—an additional sweetener may be needed. Upon signing the agreement, the employees might get a once-and-for-all increase. They would be raised relative to the average American income. Subsequent increases would maintain that differential. A sufficiently large sweetener would bring everybody on board.

I do not see this contract as a solution for all eternity. It would freeze the income status of the group involved, relative to the rest of labor force. Eventually that could make it difficult to attract enough and the right kind of men into the job. But the contract provides a means of getting by in a time of inflation. It would take one group of employees, and a very crucial one, out of the battle for dollar survival. It would de-escalate the rhetoric, and reduce the pitch of conflict.

TO DEFUSE STRIKES

But the proposal has more to offer than that. In the long run, strikes—and surely public-service strikes—increasingly will come to be viewed as a barbarous way of settling economic conflicts. A battle like that between GM and the UAW some day will be viewed like the trial by combat of the Middle Ages. It is becoming increasingly clear that the ability of company or union to beat the other to the ground and so to impose a low or high settlement has very little to do with the economics of an appropriate settlement. The wage-and-price guideposts of Presidents Kennedy and Johnson, whatever their defects, have made clear to all that wage settlements should not be based on a company's ability to pay. Such profit-based settlements lead to wide wage differentials among industries. These then lead to further demands on grounds of equity, and so spiraling on ad infinitum.

Differences in profitability among industries should lead to appropriate price cuts and increases. The "ability to pay" of high-profit companies should be used to the benefit of all. Strikes and big wage hikes merely divert this margin away from the stockholders to another small group. The guidepost philosophy, which seems to be experiencing a revival, undercuts the logic of strikes. The "no-strike" contract I am proposing, which is an application of the guidepost principle, works in the same direction.

NIXON ADMINISTRATION IS A DIFFERENT ADMINISTRATION TODAY THAN IT WAS ONLY 1 MONTH AGO

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. DEVINE. Mr. Speaker, toward the end of last year there were a great many assessments of the accomplishments of the Nixon administration at the half-way mark. I cannot help thinking that these 2-year evaluations came about a month too early because in the wake of the President's state of the Union and budget messages, the Nixon administration must be viewed in an entirely different light.

When President Nixon took office he was faced with two critical problems: ending a war and ending an inflation caused largely by Democrat handling of that war. These were monumental problems and the President devoted his full attention to them. He has now succeeded in bringing about an end to both these crises which were draining America's resources and her spirit.

Now the President has turned the attention of this country to its domestic problems. The six great goals which the President outlines in his state of the Union message and expanded in detail in his budget message, would treat a very broad spectrum of our country's domestic ills. If accepted by the Congress, they would provide a highly desirable change in our domestic policy, much the same as the President has turned around our foreign policy.

In short, the Nixon administration must be viewed as a very different administration today than it was only a month ago.

THE CHICKEN LICKEN SYNDROME

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. GOODLING. Mr. Speaker, somehow, someway, somebody got hold of the dismal theme of "what is wrong with us today" and whipped it up into something approximating national hysteria.

The time has come for us to give serious consideration to escaping from this suffocating fog of gloom, and in this respect a talk delivered in July of last year by Mr. Thomas R. Shepard, Jr., publisher of Look magazine, provides a giant assist. It does this by pulling the "what is wrong" veil from the face of true facts and, in the process, reveals quite convincingly that there is a lot that is right with things all about us today.

Because Mr. Shepard's talk is uplifting and encouraging, I insert it in the RECORD and commend it to the attention of my colleagues:

THE CHICKEN LICKEN SYNDROME

Ladies and gentlemen: One day, as Chicken Licken was walking through the woods, an acorn fell on her head.

"Dear me," she thought, "the sky is falling. I must go and tell the king."

So Chicken Licken hurried off to tell the king that the sky was falling. On her way she met Henny Penny.

"Where are you going, Chicken Licken?" asked Henny Penny.

"The sky is falling and I am going to tell the king," said Chicken Licken. "You come too."

So Henny Penny and Chicken Licken hurried on together. Soon they met Cocky Locky.

"Where are you going, Chicken Licken and Henny Penny?" asked Cocky Locky.

"The sky is falling and we are going to tell the king," said Henny Penny. "You come too."

So Henny Penny and Chicken Licken and Cocky Locky hurried on together. Soon they met Drakey Lakey . . .

Well, I don't want to keep you on the edge of your seats, so I'll condense the rest of the story. It seems that Chicken Licken and her hysterical friends, including a couple of latecomers named Goosey Loosey and Turkey Lurkey, kept running through the forest shouting that the sky was falling until they encountered a cool, level-headed chap by the name of Foxy Loxy who, taking advantage of the general panic, ate them all up.

I cite this harrowing tale of barnyard ecology because I believe it is relevant to the socio-economic outlook for the Nineteen Seventies, which is the subject of my talk here today.

I happen to be very optimistic about this new decade—*and* the decades to come—but I keep bumping into people who do not share my enthusiasm. They seem gloomy and disheartened, and I think I know why.

In recent years, several acorns have fallen on the citizens of the United States—in the form of inflation and the war in Vietnam and racial and campus unrest—and suddenly all of the bird-brained Chicken Lickens from coast to coast have come waddling out of their henhouses to cackle about impending disaster. This could have its amusing aspect but, unfortunately, some of us are beginning to listen to these crapehangers and to have doubts about ourselves and this great nation of ours.

Well, I say it's time to stop listening and to start setting the record straight. Today, I would like to launch—in the argot of the day—a "Hell no, the sky is *not* falling" movement. And I would like to do it by spotlighting the various types of Chicken Lickens who, in fainthearted innocence or by despicable design, are spreading the poisons of doubt and doom and despair. And I want to tell you *why* these alarmists are as misinformed as they are misleading.

Perhaps if we get to know them better, we can laugh them out of existence—or at least off the airwaves and out of the pages of our newspapers and magazines.

First of all, there is the Ecological Chicken Licken. He is very much like his nursery-story prototype, since he, too, sees catastrophe in the sky. Only to him, the sky is not falling; it's just so full of noxious fumes that pretty soon none of us will have enough oxygen to breathe and we'll all turn blue and expire. And along with that terrible gunk in the air, he keeps moaning, there is also the frightful glop in the water and, if by some miracle, we survive the shortage of oxygen, we shall most certainly succumb to galloping dehydration. That is, if the DDT's don't get us first.

Well, there is a word for this kind of talk, but I don't use words like that, so I'll simply resort to the facts. Take the ovygen scare first. If you listen to the Ecological Chicken Licken, you get the impression that gradually, over the past century or so, the air around us has become less and less inhalable until today we stand on the brink of oxygen starvation.

One trouble with this particular brand of Chicken-Lickenism is that it isn't true. The National Science Foundation recently collected seventy-eight samples of air at different sites around the world and compared them with analysis reports for air samples taken sixty years ago. And what do you know . . . there is precisely the same amount of oxygen in the air today as there was in 1910—twenty point nine four six per cent by volume.

Furthermore—and I quote now from The New York Times—"the scientists announced that man's burning of coal, oil and gas would not have any appreciable effect on the world oxygen supply *even if all of the known reserves of these fuels were to be consumed.*" End of quote.

But what about those nasty pollutants in the air—things like carbon monoxide and sulfur dioxide? Well, there is no denying that in some communities the incidence of these elements has increased over the past few years. Pollutant ratios always fluctuate. But it is equally true that in many other communities, including some of our biggest cities, the amount of pollutants in the air is actually on the *decrease*.

The most notoriously air-polluted city of all—Pittsburgh—has very much *cleaner* air today than it once had. And New York City, despite all of the negative publicity, also has substantially *less* air pollution. In the past five years, the average amount of sulfur dioxide in the New York atmosphere has dropped from over two-tenths of a part per milion to less than one-tenth, while carbon monoxide concentration has fallen from four parts per million to about three-and-a-half. Both indexes are well below the levels that constitute a health hazard.

And just as we're not going to run out of breathable air, we're not running out of drinkable water either. Ironically, the credit for this must go to the inventors and manufacturers so despised by the Ecological Chicken Lickens.

Years ago, science and industry, working together, conquered that ancient scourge of water drinkers: typhoid fever. Today, science and industry—through desalinization processes and sewage treatment—are making sure that we'll always have enough pure water to drink.

Even the fish will survive—despite the dire predictions of the Chicken Lickens. The fearmongers kept telling us that hot water discharged into lakes and rivers by factories was killing fish. So scientists from the University of Georgia investigated. They studied the effects of one billion gallons of one-hundred-and-fifteen-degree water pumped daily into a lake in South Carolina. What did all of that hot water do to the fish? According to the scientists, it made them *healthier*. The largemouth bass in the lake are bigger and mature earlier and live longer and lay more eggs than their counterparts in nearby lakes that don't have the benefit of hot water.

These findings, incidentally, have been confirmed by scientists at Johns Hopkins University, who announced that—quote—"The population, size and condition of fish in zones affected by hot water appear to be equal to or better than those in unaffected areas." End of quote.

So apparently even the fish will make it. But don't expect the doom-peddlers to calm down. As soon as one of their fears is proved groundless, they always come up with another—even more terrifying.

I recall vividly one chilling forecast of the Ecological Chicken Lickens back in the Nineteen Thirties and Forties. The earth was getting colder, they said. It was getting so cold that glaciers were coming back and would soon cover much of the Northern Hemisphere.

Well, that shook me up. I mean, who wants a glacier on top of his house?

But then, in the Nineteen Fifties, there was an abrupt about-face by the Chicken Lickens. The earth wasn't getting colder after all, they said. It was getting *warmer*. In fact, it was getting so much warmer that the polar ice caps were about to melt, which would cause the oceans to rise and flood the seacoasts and pretty soon we would have to do our surfing in places like Topeka and Albuquerque.

But just when I had resigned myself to a parboiled and watersoaked future, the Chicken Lickens did another flipflop this past year and said they had been right in the first place. The earth is really getting colder. What's doing it is all this air pollution, they explained. It's setting up a shield that keeps the sun's rays from getting through to us. So once again, folks, here come those glaciers.

And if the glaciers don't get you, we're told in all seriousness, old DDT certainly will. I confess to being puzzled by the present uproar about DDT. The most devout critics admit that this insecticide, by helping farmers raise bumper crops, has—since its first commercial use in 1939—saved the lives of as many as one billion human beings who might otherwise have starved to death. And by wiping out malaria in many parts of the world, it has saved other hundreds of millions. Meanwhile, it has not—to my knowledge—killed a single person, except in isolated instances of accidental misuse. It has killed some fish, yes. Some birds, possibly. But no people. Still, the Ecological Chicken Lickens, who say they care more about people than about fish or birds, persist in condemning DDT as one of the great evils of modern civilization.

One difficulty with Chicken-Lickenism is the inability of its practitioners to agree on what to get most alarmed about. While one branch of the club sees mankind perishing under the onslaught of everything from polluted air to rampaging glaciers, another branch is horrified by the prospect of his flourishing to the point where there won't be any room for him. To this subgroup—the Population Explosion Chicken Lickens—people are so healthy that they are about to reproduce themselves into oblivion.

They will, needless to say, do no such thing. As a matter of fact, the United States currently is in the second decade of a substantial, year-by-year reduction in both birthrate and actual births. In the last reported year—1968—only three-and-a-half million babies were born in this country—the lowest number since World War Two. The birthrate is now seventeen per thousand population—down thirty-one per cent in the past fifteen years. And other countries, including the most densely populated, report similar trends.

And we're not short of elbow room either. Right now, there are eleven and a half acres of land in the United States for every man, woman and child. Some of the land may be uninhabitable by current standards, but never underestimate the scientists. If and when the land is needed, it will be there. And it will be inhabitable.

Now, I am not trying to convey the impression that, ecologically, America is above reproach. We have lots of dirty air and plenty of dirty water and something should be done about it. And, of course, something is being done about it. This year, U.S. industry will spend close to three billion dollars to clean things up. Additional billions are being spent to develop the kind of machinery and chemicals and fuels that will keep things clean. As a result, polluted rivers like the Hudson are in the process of being purified, and there is even hope for such hard-core problems as Lake Erie.

Meanwhile, the Chicken Lickens notwithstanding, our air is breathable, our water is drinkable, the Atlantic Ocean hasn't reached Topeka and conditions are getting better, not worse. Mankind is not about to disappear under the sea or beneath a glacier or in a puff of factory smoke.

But our environment is only one of the acorns that have stirred up the prophets of doom. Our rebellious youth is another. Now the Youth Revolution Chicken Licken is a strange bird indeed. His habitat ranges from the faculty lounges of large universities to the speaker's platforms at left-wing political rallies. His cry—you must have heard it many times—goes something like this . . . and I quote:

"Oh dear me, our generation has messed up everything. We've created warfare and we've created poverty and we've created intolerance and all of us old fogies over thirty are violence-prone, money-grubbing hypocrites and we've alienated our children because they're a lot smarter than we are and a lot nicer and pretty soon we're going to have a terrible revolution because the kids won't put up with the likes of us much longer and they're going to overthrow the Establishment and change everything from top to bottom."

The answer to the cry of the Youth Revolution Chicken Licken should be a dash of salt on the tail feathers, but we'll settle here for a few facts.

First of all, there is no evidence at all that today's kids are any smarter or any more idealistic than the kids of past generations. To the contrary, tests in a number of cities have revealed a slight *decrease* in I.Q. for public school pupils since World War II.

And there is a certain Kafka-like surrealism, not to mention hypocrisy, about the teenager who accuses his elders of being violent while he himself is tossing a rock at a policeman or planting a bomb in an R.O.T.C. building . . . who denounces the repression of freedom by adults while denying adults the right to speak at their own meetings . . . who attacks the conventionalism of the Establishment while walking around in hairdo and attire that are precisely the same as those worn by every other teenager in sight. And if today's kids aren't money-hungry, isn't it because we have given them so much of *our* money that they haven't *had* to hunger for it?

But I think the single biggest fallacy about the Youth Revolution Chicken Licken is that there isn't going to be any youth revolution. None at all. You see, those rock-throwing, bomb-planting, Establishment-hating teenagers I was just talking about represent only a tiny fraction of the kids in our country. The great majority of our youngsters think pretty much along the same lines we do.

How do I know? Because four months ago, LOOK commissioned Dr. George Gallup's American Institute of Public Opinion to conduct a nationwide study into the Mood of America as we begin this new decade, and Dr. Gallup found that, on virtually every major issue facing our nation, the views of teenagers parallel those of their elders.

Take the Vietnam war, for example. The teenagers proved to be even more hawkish than the adults. While slightly fewer than twenty per cent of all adults wanted us to remain in Vietnam until victory is achieved, slightly *more* than twenty percent of the teenagers expressed this militant opinion. While twenty percent of all adults favored immediate withdrawal, only fifteen percent of the teenagers did. By far, the biggest group of teenagers—over half of them—supported President Nixon's plan for gradual withdrawal without a set timetable.

When asked whether America is still the land of opportunity, eighty-eight percent of all adults answered yes. So did eighty-seven percent of our supposedly disillusioned teenagers. The teenagers actually outscored the adults—eighty-three percent to seventy-two—in expressing optimism about the coming year.

And the teenagers sided grimly with their elders in opposing the legalization of marijuana, in condemning young men who dodge the draft and—perhaps most significantly of all—in denouncing youth potests. Indeed, the impression you get when you study the results of this LOOK-Gallup poll is that the young people of America are, in many ways, even more conservative than the adults.

I think this may be true of youngsters everywhere, and, as an indication. I would cite the recent elections in Great Britain. This was the first time eighteen-year-olds were permitted to vote there, and for that reason, among others, most observers predicted a sweeping victory for the liberal-oriented Labour Party. Well, as you know, the Conservatives scored a tremendous upset victory, and indications are that the eighteen-year-old vote may have been instrumental.

So I am afraid those Youth Revolution Chicken Lickens are chirping up the wrong tree. When America's kids come of age and take over the management of this country of ours, they may very well out-Establishment the Establishment.

But there are a few melancholy Cassandras among us who keep predicting an early grave for the American Establishment—and for the free-enterprise system on which it is based. These are the Economic Disaster Chicken Lickens and right now they're out in full feather clucking and squawking about rising unemployment, falling stock prices and continuing inflation.

Well, I can't deny that there are soft spots in our economy. There are always soft spots in every economy and there always will be. But the spots in ours aren't nearly so soft or so numerous as the Chicken Lickens would have us believe.

Take unemployment. Recently, the number of jobless in the United States rose to five per cent of the total labor force, and the alarmists began wailing. But what they failed to observe was that five per cent unemployment is a *low* figure for this or any other country. Even in the boom years of the 1950s, U.S. unemployment topped eight per cent on several occasions. It was close to seven per cent at the start of the sixties and it averaged well over five and a half per cent through the first half of the decade.

And the Chicken Lickens also failed to note that the number of *employed* persons in our country has just reached an all-time high of seventy-seven million. That's an increase of over a million in the past two years—of over *twelve* million in the past ten years.

Then there's the stock market decline. The old Wall Street hands aren't too upset about it, because they understand that stock market declines are part of the business. Most of the shock seems to be restricted to the newcomers who got into the market during the past ten or fifteen years and were under the impression that stock prices only go up.

Actually, at the current level of about seven hundred—the Dow Jones industrial average is up roughly five hundred over what it was in the summer of 1945 . . . four hundred and fifty over mid-summer 1950 . . . and two hundred and fifty over the figure for 1955. It's even three hundred points higher than what is was at the very peak of the big boom of the late nineteen twenties.

So long-term investors haven't been hurt. And they never will be—nor will anyone else who has the kind of faith you and I have in this country of ours and in its propensity for growth over the long haul.

Which brings me to the caterwauling about inflation. Now nobody likes rising prices. And there's no getting away from the fact that prices *have* been going up. But so have incomes. As a result, except for special cases, most Americans are better off today *by far* than they were a generation, or even a decade ago.

The plain truth is that, despite inflation, today's American working man enjoys the highest standard of living this or any other country has ever known. And it's getting higher all the time.

Some facts. In stable terms of 1957–1959 dollars, the spendable, after-tax income of the U.S. factory worker has gone up steadily by about a dollar per week per year since 1940. That year, the average weekly take-home pay for workers with no dependents was fifty dollars and twelve cents. In 1950, it was fifty-nine dollars and ninety-eight cents. In 1960, seventy dollars and thirty-nine cents. And today, over eighty dollars. Again, I want to emphasize that these figures—from official government sources—are in terms of what a dollar bought in the 1957–1959 period. Actual weekly take-home pay for factory workers today averages well over a hundred dollars.

What's more, much of what passes for inflation is illusory. True, most products cost more than they used to, but most products are *better* than they used to be. And any rise in price attributable to a rise in quality cannot be regarded as inflationary.

Also let us not forget that, while the cost of living has zoomed, so has the *style* of living for the average family. For one thing, today's Americans eat a great deal better than their grandparents did. More meat. More out-of-season foods. And many, many more convenience foods—foods that have cut the average housewife's time in the kitchen from over five hours a day to about an hour and a half.

Other goods and services have also appreciated in value delivered as well as in price charged. Take your own industry. The lawnmowers you gentlemen sell do cost more than the ones your predecessors sold, but no one can deny they're better mowers. You can't even compare the ease and performance of today's key-starting, grass-catching, self-propelled power mowers with the cast iron back-breakers of a generation ago. And the same is true of virtually everything to be found in a modern hardware-housewares store—from roof gutters to basement sealers.

Fortunately, most Americans have confidence in our economic system and in the way of life it has produced. In that study Gallup did for LOOK, sixty-four per cent of all adults said they expected it to be easier or just as easy to make ends meet next year. Sixty-eight per cent reported that their family standard of living was improving annually.

And the American public doesn't buy that nonsense about businessmen taking advantage of consumers or about consumers needing more and more government protection. When Gallup asked which was a bigger threat to America—Big Business, Big Labor or Big Government—fewer than twenty per cent of all adults said Big Business. Over *forty-one* per cent said Big Government. Thirty-three per cent said Big Labor.

So much for the Economic Disaster Chicken Lickens.

Which brings us to another part of the flock—the Racial Upheaval Chicken Lickens. These are the raucous birds who flit around the country denouncing America as a racist nation and predicting a fearful uprising in which non-whites will be arrayed against whites in a fight to the finish.

This is so ridiculous a premise that I hesitate to dignify it by detailed comment. Obviously, we are not a racist country. Oh, we have individual racists, to be sure, just as all countries do. But on the basis of official policy we are perhaps the least racist nation on earth. We are one of the few with specific laws protecting all minority groups from every sort of discrimination—even in places of business. And we are probably the *only* nation with special programs designed to *help* minority groups in the areas of education, housing and employment.

Compare this, if you will, with the policies of supposedly enlightened countries like India, where a rigid caste system has operated for centuries with governmental sanction.

And America's non-white citizens—I'm talking about the overwhelming majority, not the handful of hate-mongering paranoiacs who get all the publicity—love and respect and appreciate this country fully as much as its white citizens do. This attitude reflects, among other things, the fact that the standard of living of non-whites in the United States is rising even faster than that of the white population . . . a circumstance of which the non-white community is acutely aware.

I refer again to that LOOK-Gallup Study. It shows that while seventy-two per cent of all white adults are optimistic about the coming year, seventy-five per cent of the non-whites are optimistic. While fifty-four per cent of the whites expect a salary raise next year, the figure for non-whites is fifty-seven per cent. And while sixty-three per cent of the whites think it will be easier or just as easy to make ends meet in the coming year, seventy-two per cent of non-whites have that rosy expectation.

With an outlook like that, the purveyors of hate will fail miserably in their attempt to foment a clash between races in the United States. And the Racial Upheaval Chicken Lickens will have to find something else to cackle about.

So will the Atomic Anihilation Chicken Licken. This bird comes in two varieties. There's the kind who expects a giant H–bomb bang to obliterate mankind in one huge mushroom cloud. And there's the type who sees destruction coming in the form of slow radioactive poisoning.

Actually, there is nothing new about this species of Chicken Licken. In one form or another, he has been around since the first slingshot came on the scene and the nervous nellies of the day decided mankind was doomed. After all, with slingshots you could wipe out whole populations from a distance.

Then came gunpowder . . . and more hysteria. Later, the Swedish inventor Alfred Nobel saw doomsday in dynamite, while H. G. Wells envisioned it in poison gases and bacteriological warfare. Still others saw catastrophe in the stars and, clad in long white gowns, they travelled hither and yon with signs announcing the end of the world.

But mankind has somehow hung on, confounding all of the Chicken Lickens through thousands of years. And I strongly suspect mankind will be around for thousands of years to come, still making liars out of the pitiful gaggle of nitwits, charlatans and psycopaths who prophesy his demise.

I should note in passing that one subgroup of atom-age alarmists—the Strontium Ninety Chicken Lickens—has been phased out of existence. Scientists recently reported that the incidence of Strontium Ninety in milk is lower than at any time since 1961.

So there goes another bugaboo that used to scare the daylights out of people but is rarely even remembered today.

Needless to say, there are many additional kinds of Chicken Lickens afflicting our society. A whole poultry market full of them. I won't burden you with the complete roster, but I would like to touch briefly on two other sub-species: the Moral Decay Chicken Licken and the What Ever Happened to Our Cherished Freedoms Chicken Licken.

The Moral Decay Chicken Licken keeps flapping around in a state of agitation about all of the sexual promiscuity and public nudity and filthy language and drug addiction he keeps seeing and hearing. My advice to him is to quit looking and to quit listening. The morality of today's Americans—and I include the longest-haired teenagers—is so pure by past standards as to make even the casual student of history wonder what all the fuss is about. To appreciate just how painfully innocent our young people are, all one has to do is spend an afternoon reading about the things that went on in ancient India, ancient Persia, ancient China and medieval Europe, not to mention good old Sodom and Gomorrah. These modern X-rated movies are greasy kid stuff by comparison.

And to the What Ever Happened to Our Cherished Freedoms Chicken Lickens, I would like to say only this. If you think we have lost our freedom to speak out in America, I suggest you go to some other country—*any* other country—and say about that country and that society some of the things you have been saying about our country and our society and see how long you stay out of jail. Or away from a firing squad. The prisons of Europe and Asia and Africa and South America are filled with the kind of people who walk our streets today at complete liberty to sabotage our institutions and foment civil unrest. So, please, belabor me not about repression in the United States. We are the freest, fairest, most merciful country on earth and you, Mr. Chicken Licken, are living proof of it.

One thing most Chicken Lickens have in common is the tendency to speak ill of the present, to despair of the future and to look back longingly to the good old days when the world was such a peaceful, pleasant and all-around wonderful place to be alive in.

Out of curiosity, I did some checking to find out how good those old days really were. Take the good old days ten years ago. I got out the microfilms of The New York Times for the week of July 18, 1960, and here are some of the front-page headlines I found in that single seven-day period:

"Riot disrupts Newport Jazz Festival; Marines and Guardsmen Sent In" . . . "Congolese Police Kill Ten in Clash" . . . "Youths Squeezed by City Job Crisis" . . . "U.S. Files Protest on Cuban Seizure of Oil Refineries" . . . "Four Italians Slain in Red-Led Riot" . . . "Belgian Women and Children Flee as Troops Rebel in Congo Capital" . . . "Khrushchev Makes Threat on Berlin" . . . "Long Island Railroad Shut Down as Union Rejects Governor's Plan."

Those were the good old days of 1960. It then occurred to me that I hadn't gone back far enough. So I re-examined the wonderful times we all had *twenty* years ago—in 1950. That's the happy year sixty thousand North Koreans invaded South Korea and captured the capital city in less than a month. The delightful year Puerto Rican fanatics tried to kill President Truman. The truly magnificent year the U.S. Government had to seize all of the railroads to prevent a strike.

Or maybe I should have gone back *thirty* years—to 1940. Those were the glorious, halcyon days when German saturation bombing destroyed half of London . . . when Japan invaded French Indo-China . . . when the British Army was almost annihilated at Dunkirk.

Perhaps *fifty* years ago was the magic moment. Nineteen twenty. That's the year an anarchist's bomb exploded on Wall Street, killing thirty and injuring hundreds. The year the world was just beginning to recover from a flu epidemic that killed twenty million people. *Twenty million people.* An absolutely unbelievable number by today's health standards.

Or let's go back a hundred years—to when France and Germany were at each other's throats in the Franco-Prussian war . . . when Italy was wracked by revolution . . . when Black Friday hit the New York stock market . . . when the carpetbaggers were pillaging the American South . . . when rebels sacked Paris, killing sixty-seven hostages and burning scores of public buildings.

Or two hundred years ago . . . the time of the Boston Massacre.

Or three hundred years ago . . . when the bubonic plague swept Europe, taking over seventy thousand lives in London alone.

Incidentally, I would recommend Defoe's "A Journal of the Plague Year" for anyone who harbors the slightest doubt that life today is infinitely better than it was in the so-called good old days. And if you're too squeamish for Defoe, there's Pierre Goubert's "Louis the Fourteenth and Twenty Million Frenchmen." It tells about France in the good old Sixteen Sixties, when life expectancy was twenty-five and famine and disease and pillage and rape were the order of the day.

No, ladies and gentlemen, the sky is not falling. If anything, it is brighter and bluer and more full of promise than it has ever been before. Oh, of course, there are occasional clouds. There are diseases that have not been conquered and conflicts between nations that have not been resolved and poverty in some quarters that has yet to be alleviated.

But none of these problems is as overwhelming as it once was and each is being worked on by dedicated men and women who have at their disposal tools that our ancestors never even dreamed of.

Of course, we can't expect perfection overnight—even though there are some among us who demand instant Utopia. And we must be willing to make compromises. We simply cannot, for example, have all of the electric power we need to run our businesses and improve our homes without cutting down a few trees to make room for additional power plants. And we can't grow enough food to feed the world without using chemicals to kill the insects that otherwise would destroy that food.

Yet these are minor inconveniences at most. The sky is *not* falling. And as I look around at this sky that remains securely in place, I find it shining at its most brilliant over the nation that is our home. A nation so prosperous that even its poor people drive cars and go on cruises and still have money left over to send food and clothing to less fortunate lands. A nation so powerful that it can and does go to the aid of countries overrun by aggressive neighbors. A nation so just that it punishes its own soldiers when they commit crimes against humanity. A nation so secure and so charitable that it tolerates the shameful antics of that pathetic band of anarchists who keep clamoring for its downfall.

And even our Chicken Lickens are not beyond redemption. There is hope for them, too. I am reminded of a statement made by a famous American who at the time was deep in a trough of despondence and who was surrounded by others just as despondent as he.

"We have no men who are fit for the times," he said gloomily. "We are deficient in genius, in education, in travel, in fortune, in everything. I feel unutterable anxiety."

Those words were spoken over one hundred and eighty years ago. The speaker was a Boston lawyer named John Adams, soon to become the second President of the United States. And that country he was so downhearted about is our country. I think it turned out just fine, and this is only the beginning.

CONGRESS, PEOPLE WANT DETAILS OF PRESIDENT'S IMAGINATIVE BLUEPRINT

HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. STAFFORD. Mr. Speaker, the bold and imaginative proposals advanced by President Nixon in his state of the Union address have been enthusiastically received by an overwhelming portion of the Nation's press. While most commentators are properly reserving detailed comment until they see the specifics of the President's legislation, most also agree that the President has put forward a revolutionary and highly meaningful set of reforms.

An excellent editorial on this subject entitled "Congress, People Want Details of President's Imaginative Blueprint," was printed recently by the Nashville Banner. I include it in the RECORD:

DETAILS OF PRESIDENT'S IMAGINATIVE BLUEPRINT

In spirit, as in contents, President Nixon's "State of the Union" message last night lived up to its advance billing of "new approaches and new initiatives." It was bold and imaginative—well based, as a pattern of reform and philosophy, on administrative experience and objectives refined in the two initial years behind him, and a challenge for greater national progress in the years ahead.

Candor demands the realistic assessment to which details of the program will be subjected, still bearing in mind the desirability of the bulk of these proposals; a scrutiny which this newspaper hopes will center on the means to the ends stated, rather than for formulation of an obstacle course.

That is to say that in substantial measure the objectives accord with the national interest, and genuine progress for revitalization of government—as the President reiterated it—of, by, and for the people. There can be no quarrel, certainly, with that.

His description of the present welfare program as a "monstrous consuming outrage" was apt—and shared by constituents who have watched with shock and disgust as annually, almost daily for a generation, it has become more so. These have demanded real reforms. National sentiment applauds the terminology he employed concerning emphasis on a work incentive—the suggestion of help only for the helpless; but there is hesitancy and some consternation in further reference to a "guaranteed annual income" as the basis of such a program. And the President would contemplate that in vain unless the specifics spelled out are more realistic and palatable than the tentative references suggest.

America does want opened the doors to further and greater opportunity—to fulfill in boundless measure the national dreams and purposes of the greatest governmental system, and greatest land on earth.

To those open doors he pointed—with the ultimate objective the restoration of government to the hands of the people. That is not a new proposal. It has been his as frequently stated by him both in the presidential campaign and since.

He believes, as emphasized in salient paragraphs of specific reference last night, that such can be achieved—reversing the trend of resources and authority from local and state levels to Washington—by enlargement and implementation of the revenue-sharing plan. But more than that, with a boldness characteristic of the man, he has advocated not just reforms, but reorganization of the Federal Government to reduce its excess weight and cumbersome bureaucratic irresponsibility. And while he leaves that challenge to Congress to alter the legislative structure, he begins a movement for drastic overhaul and departmental reduction in the Executive branch.

In the area of profound human interest, the welfare reforms he seeks would include improved health care—the ideal objective a system of applied resources to that end which would make America not only the wealthiest, but the healthiest, land on earth.

To that worthy end, too, he proposes a major increase in federal aid to medical schools "to greatly increase the number of doctors and other health personnel"—obviously inclusive of greater research facilities in that realm. Such federal grants as originally provided were reduced and almost eliminated by action of Congress itself. With accent on the research needed, President Nixon has stipulated an extra $100 million to help find a cancer cure.

That can be done. It is an emancipation which every right-thinking American will adopt as the worthiest of objectives on the part of a people whose scientific skill is second to none.

He wants the Federal Government to do its part respecting environmental excellence—the right of the people with their own help to live in a world of clean air and water. He wants more parks and open areas for the people to enjoy—preserving a great national heritage.

He believes in the capacity of the nation, a free enterprise system, to work its way out of the inflationary problem which he inherited, and whose pace he has arrested. Concerning that he has pointed to signs of progress. Nevertheless, he sees a duty for responsible spending on the federal government's part, and has called for an expansionary budget.

That is something both he, and responsible congressional leaders, would have to watch carefully—with facilities of restraint to avert the excesses that in the past have ensued by the liberal motivation of spend and spend, tax and tax, elect and elect. He knows the dangers of that.

Obviously with the scope of such a message and program addressed to what he has called a "New American Revolution—a Peaceful Revolution," there are details concerning whose instant practicality, or desirability, questions arise. They are questions with which to deal forthrightly, with a view to the total and long-range national welfare. And on that basis, with non-partisan treatment, they can be resolved.

The President can look with pride on progress made in the two years just closed, on the program of deescalating a war—and strengthening the nation with regard to both domestic and foreign policy.

No such sweeping program at the federal level has been enunciated by any President since Franklin D. Roosevelt's memorable acceptance speech at Philadelphia in 1936.

In terms of vision, and sensitivity to the enduring interests of the people of the United States—enhancing the American dream without sacrificing its purpose—it was Richard M. Nixon at his best.

CRIME SHOULD NOT BE CONDONED

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ARCHER. Mr. Speaker, in the February issue of Fortune magazine there is a perceptive review by Sidney Hook of the recently published book: "Crime in America," authored by former Attorney General Ramsey Clark.

In his review, Professor Hook explores Mr. Clark's central thesis that responsibility for crime lies not with criminals but with society. As Mr. Hook shows, things are not quite that simple.

I include Mr. Hook's review in the RECORD.

[From Fortune Magazine, February 1971]

A SENTIMENTAL VIEW OF CRIME

(By Sidney Hook)

There can hardly be many adult Americans, no matter how remote from the highways of life, who are not by now aware that crime is a major national problem. Accordingly, it was to be expected that a book on crime by a former Attorney General of the U.S. would attract a lot of attention, and such has indeed been the case with Ramsey Clark's *Crime in America* (Simon & Schuster). It is an extraordinary book—in content, in style, and in the uncritical plaudits it has so far received. Were a reader to pick it up unaware of the author's identity, he would regard it as the effusions of a naive and sentimental social worker rather than the sober reflections of a man who for a time was the nation's principal law-enforcement officer.

The basic theme of the book is that responsibility for most crime lies not with the criminals but with society, and more specifically that poverty is the main cause of crime. The basic solution of the crime problem is therefore economic. We must reform society. We must "contain our acquisitive instinct" and relegate "selfishness" to the past. Our failure to do all this is attributed to deficiencies of our will. But the American character in which the American will is rooted has been as much determined by its social and physical environment as the character of criminals by *their* environment. The criminal, it nevertheless appears, is not morally responsible for his actions, while society—an abstraction that stands for the rest of us—*is* responsible.

The old and overly simple thesis that most crime is caused by economic deprivation is difficult to prove. First of all, it is based on statistical correlations that cannot by themselves establish causal connections. Second, as economic conditions have improved, crime rates have increased instead of decreasing. Third, at any economic level, the behavior of most individuals is not criminal. There must, therefore, be some other factors at work.

The prevention and control of crime, although guided of course by what we think we know, do not have to wait upon full elucidation of the multiple causes of crime, anymore than the control of population has to wait upon full elucidation of, and agreement upon, all the causes that make for overpopulation. Those who, in either matter, keep insisting that we devote all attention to the "real" or "true" or "underlying" causes perform a double disservice. They not only oversimplify complex and subtle questions of causation, but also impede and undermine imperfect but nonetheless worthwhile efforts to reduce the amount of actual harm being done.

Ramsey Clark ranges over the entire field of crime including the methods of detection and the procedures of arrest, parole, and corrections. At every point he displays a heartwarming and commendable interest in the human rights of criminals—but alas, little concern for the human rights of their victims. The fundamental weakness of his analysis is his failure to realize that there are conflicts of human rights, and that the requirements of wise decision making impose an order of priority. In the long run, were crime totally abolished in Clark's utopia, the human rights of all would be safeguarded; but in the succession of short runs that constitute the continuing present, we must often choose between the rights of the potential criminal and the rights of his potential victims. In a period when the number of violent crimes is rising rapidly, when in almost every large city citizens fear to leave their homes at night, it is psychologically unrealistic as well as morally unjustifiable to expect the potential victims of criminal behavior to give priority to the human rights of criminals if these conflict with their own rights.

Clark's failure to face up to the necessity for hard choices in the prevention and control of crime results in a shocking absence of common sense. "There is no conflict between liberty and safety," he declares. "We will have both, or neither." This is sheer balderdash. In many situations, liberty and safety are inversely related. If plane passengers were free to carry anything they please in their baggage and enjoy freedom from search, the safety of passengers in this age of hijacking would be correspondingly reduced. The safety of a traffic system depends upon restriction of motorists' freedom to drive in any lane or at any speed they please. Clark himself, with characteristic inconsistency, urges that, in the interest of safety and crime prevention, we severely abridge the freedom to acquire handguns and other lethal weapons.

The uncritical use of large abstractions leads Clark to positions that are little short of bizarre. He reiterates again and again that the end of law is justice. But surely this is not the only end of law, or always the most important. Most philosophers of law consider other ends to be at least as important: security (or reliability) and the ordered regulation of human affairs, so that human beings, knowing what to expect, can arrange their lives and business accordingly.

If justice were the sole end of law, then many of the procedural safeguards that shield the criminal from prosecution—and in defense of which Clark is rightly vehement—would have to be abandoned. For example, if conclusive evidence of a defendant's guilt has been acquired without a proper search warrant, justice in the case would certainly require that the evidence be admitted. And the privilege against self-incrimination, it has often been pointed out, has nothing to do with the ends of justice, for it is more often a shelter for the guilty than a shield for the innocent. One may of course say, as Blackstone did, "It is better that ten guilty persons escape than one innocent suffer." But no one can say this in the name of *justice.*

Clark's prejudices and one-sidedness are also manifest in his case against creation of a national police force in this country. (The F.B.I. is primarily an investigative agency.) The idea deserves fairer treatment than he gives it. He contends that concentration of police power would pose a threat to liberty. He believes in the dominance of local law enforcement, although in some areas of our country it is local law enforcement that has violated the basic rights of citizens, especially minorities. Nor is citizen participation in local law enforcement the unmixed blessing Clark apparently thinks it is. The lynch mobs and vigilante parties of yesteryear were made up of local citizens insisting on participation in law enforcement. And it certainly cannot be argued that in recent years local law enforcement has adequately protected the citizenry against criminal outrage.

It seems at least possible that a federal police force could be coordinated with local police in such a way as to avoid the danger of concentration of power and at the same time afford all citizens greater protection of the laws. But Clark disregards the possibility. He does not even ask, much less examine, the central question of whether, granting all the difficulties, dangers, and potential corruption in both local and federal police authorities, it would be easier to cope with them if we had a central police agency.

Clark makes some sound points, to be sure. He is certainly right in contending that we should put more effort and resources into rehabilitation of imprisoned criminals. And he is certainly right that speedier trials would be more effective than harsher punishments in reducing the incidence of crime. The book's merits, however, are outbalanced by faulty thinking and ritualistic rhetoric. Clark speaks eloquently of justice, of human dignity, and of reverence for life, but his words have a hollow ring because they are combined with judgments, exhortations, and sometimes insinuations that are incompatible with elementary fairness. It is possible, for example, to criticize the arguments for preventive detention of repeated offenders or for limitations upon abuse of the Fifth Amendment, without smearing those who hold such views as demagogues. (In a contrasting spirit, Clark refers to the Black Panthers and the Weathermen as "poor and unpopular groups and individuals" who might suffer from preventive-detention laws.)

THE IMAGINARY SHUDDER

On the whole, *Crime in America* holds the police up to obloquy. One gets the impression, indeed, that the country has more to fear from its police (who, of course, are not undeserving of criticism) than from its criminals. "A major portion of the American public, for a variety of reasons," Clark tells us, "feels a little shudder when a squad car goes by."

On the basis of my own experience—as one born and raised in a big-city slum, a lifelong city dweller, and a visitor to many of the nation's large metropolitan centers—I doubt that Ramsey Clark knows what a "major portion of the American public" feels. There have been times in the past, to be sure, when activist radicals were harried by municipal ordinances. But today the police squad car is usually welcomed as a sign of safety. The most common complaint about the police I have recently heard from people who live in cities (as opposed to people who write books about city problems) is that there are not enough policemen around.

Typical of Clark's book as a whole is the final sentence (final, that is, if we disregard a hectic, italicized Epilogue). "Our greatest need," it runs, "is reverence for life—mere life, all life—life as an end in itself." Like many other dubious assertions in *Crime in America,* this seems vaguely appealing on a first, hurried reading. But on scrutiny, it is a dangerously muddled sentiment. Devotion to life as an end in itself is incompatible with, among many other things, the passionate devotion to justice that Clark also urges upon us. Whoever glorifies "mere life, all life" is evading the necessity for making the distinctions that are required for a life worthy of man.

ADDRESS OF SECRETARY KENNEDY BEFORE GEORGIA ASSOCIATION OF BROADCASTERS

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. STEPHENS. Mr. Speaker, on January 27, 1971, the Honorable David M. Kennedy, Secretary of the Treasury, made an address in my home of Athens, Ga., before the Georgia Association of Broadcasters. At the invitation of Dr. Worth McDougald, head of the Department of Radio-TV-Film of the Henry W. Grady School of Journalism in Athens, I attended this session of the broadcasters and heard the address of the Secretary. The remarks he made were important and timely and I insert them in the RECORD for a wider circulation in America.

This address was given as one of the last public appearances of Mr. Kennedy before his pending retirement as Secretary of the Treasury and the assumption of his new responsibility with the administration. I am glad his abilities will continue to be used in serving the United States in an official capacity.

The remarks follow:

ADDRESS BY DAVID M. KENNEDY

It is a pleasure to be with you today. Recent decades have seen an industrial transformation of your region. And now a new and progressive spirit is broadening areas of opportunity for all of your citizens. Any visitor senses and respects the vast strides your region has been making. There are lessons here for all of us to learn. Today, however, I will be concerned primarily with national economic events.

This is the time of year in Washington when major decisions are being made on economic and financial policy. President Nixon has already pointed the way with his stirring State of the Union Message. But the President's Economic and Budget Messages are still to come. There is, therefore, an interlude during which the remarks of any Administration official on the economic and financial situation must be pitched in a minor key.

There is also the complication that it is sometimes difficult to remember exactly which of the budgetary and financial numbers are suitable for mention in public company, and which are still marked for future release. Indeed, this is a time of year when one can speak more freely the less one knows of the actual facts. My problem today is increased since your business—at which I know you are very good—is getting news and broadcasting it. You will understand, therefore, why my remarks must be fairly general and without any news breaks of the sort that sometimes generate a lively interest.

There are perhaps some compensations. Preoccupation with numbers or technical details may tend at times to divert our attention from larger issues that will be of enduring significance. Today, I would like to review with you one of those larger economic issues—inflation and the progress we have made in dealing with it. I will take a look back over my two years in the Treasury—not in terms of the full range of those activities for that would be a major undertaking, but simply in terms of the inflation problem.

When this Administration took office two years ago the Nation was faced with extremely serious inflationary pressures. An upsurge in Federal defense spending after mid-1965 was piled on top of sharply rising Federal spending for nondefense purposes. The economy was already moving toward full employment until its own momentum and this extra stimulus was too much. Total demand quickly became excessive and inflation for a time took on its classic form: too much money chasing too few goods.

The error in policy during the mid-1960's was the failure to pay for the sharply expanded defense effort through a curtailment of Federal spending increases for nondefense purposes, or an increase in taxes. This failure to cut expenditures or raise taxes placed an excessive burden on monetary policy. Tight money inevitably became the order of the day. Belatedly at mid-1968, a tax increase was finally passed in the form of the 10 percent surcharge. By then, however, a very strong inflationary momentum had built up, and a move toward monetary ease in the second half of 1968 had subsequently to be reversed.

In early 1969 there were two basic policy alternatives: continue an inflation-generating policy despite its short-term distortions and long-run risks; or, apply sufficient economic restraint to cool down the economy and check the trend toward chronic inflation. The latter, and more responsible, alternative was chosen. The chances were that the application of economic restraint would cause considerable temporary pain and hardship, but the alternative of caving in to inflation was still less attractive—indeed, it did not deserve, or receive, serious consideration.

We chose, therefore, to deal directly with the problem and imposed restraints on Federal spending, the basic cause of inflation. Between fiscal 1965 and fiscal 1968, total Federal outlays had risen by about $60 billion. To be sure, national defense outlays rose by about $31 billion of that total. But Federal nondefense outlays rose nearly as much, by more than $29 billion. In three short years, total Federal outlays rose by 50 percent and nondefense outlays by more than 40 percent. Small wonder that the economy turned onto a sharply inflationary course.

In the next two fiscal years, national defense outlays were flattened out and we applied tight restraint on Federal nondefense spending. Total Federal outlays were held to a rise of about 5 percent a year, in contrast to about 15 percent a year in the 1965–1968 period. This move to fiscal restraint was supplemented during much of 1969 by monetary restraint. The money supply had grown at more than 7½ percent in 1968. The rate of monetary growth was cut back to 3 percent in 1969 with very little growth occurring after midyear.

The application of restraint was successful in removing excess demand—the basic and original cause of the inflationary problem. By late 1969 and early 1970, total spending—both private and public—was back within the potential productive capacity of the economy for the first time since 1965.

As we know all too well, this did not signal a quick end to inflation. The successful application of restraint did, however, remove the basic cause of inflation—excess demand—and created an environment within which remaining inflationary pressures could gradually diminish.

Current inflationary difficulties, usefully described as "cost-push", are a lagged response to the earlier excess demand. One of the basic distortions of the inflationary process occurs in the wage-price area. Prices will very often outrun wage increases in the very early stages of an inflation. But this soon leads to higher wage demands thus pushing up costs. Profit margins narrow unless a business is able to pass on wage increases in the form of price increases. To the extent that price increases are passed on, further wage increases are likely to be demanded, and so on. The situation is aggravated by the fact that total productivity—output per manhour—tends to fall off temporarily when demand is restrained and output grows more slowly. Wages and prices may continue their upward and self-defeating spiral for a considerable period of time—even after demand has been cut back.

There are, however, clear signs of improvement in the inflationary situation despite the continuing pressures from the cost side. Consumer prices rose at about a 6 percent annual rate in the second half of 1969 and the first half of 1970. The increase since mid-1970 has been closer to 4½ percent. Wholesale prices rose about a 2 percent annual rate in the second half of 1970 and were virtually flat by the end of the year. In the second half of 1969 they were growing at more than a 4 percent rate. More sensitive—if less comprehensive—price measures show even greater improvement. For example, late this month an index of industrial raw materials prices was more than 10 percent below the level of a year earlier. In general, those prices that react quickly to changes in demand, or reflect special supply conditions, have been reacting about on schedule.

But there are also some areas in which prices and costs continue to rise at a disturbing rate. Recognition of the complexity and difficulty of the problem has been clearly reflected in the Administration's anti-inflationary policies in the wage-price area. Wage-price controls were ruled out from the first. So-called "incomes policies" in which government determines, or tries to determine, the various income shares going to different groups in the economy have not worked successfully in foreign countries. Efforts in this country during part of the 1960's with the less formal guideposts approach were hardly crowned with success.

The present Administration has proceeded cautiously in the wage-price area, recognizing that there are no panaceas. The stubborn nature of the inflation problem has made a pragmatic approach the only feasible one. Last summer President Nixon established the "inflation alerts" and a Productivity Commission. More recently there has been some intensification of the government's efforts in the wage-price field. Further specific steps may be required within the framework outlined by the President. In the last analysis, government does have an inescapable responsibility for the control of inflation. The only question is how that responsibility can best be met without harmfully impinging upon the private decision-making process.

Inflation will surely remain a problem for some time to come. But the crucially important steps to bring it under control have already been taken. Therefore, fiscal and monetary policy have moved into a new phase. There is a need now for a re-expansion of the economy to reduce unemployment and raise output. It is sometimes argued that to re-expand the economy before the last vestiges of inflation are removed may risk a return to earlier rates of price increase. It is important to recognize the risks of inflation but not to exaggerate them.

The current inflation—coexisting with an appreciable amount of unemployment—is a cost-push inflation and primarily takes the form of a distorted relationship between money wages and productivity. During the period 1960–1965, compensation per man-hour (money wages plus fringe benefits) rose at an average of a little over 4 percent a year. Productivity rose only a little less than 4 percent a year and unit labor costs were very nearly constant as were the wholesale prices of industrial commodities. In sharp contrast in 1969, the rise in compensation exceeded 7 percent, productivity rose only fractionally, and unit labor costs rose 6½ percent. But during 1970, a better productivity trend began to emerge after the first quarter with productivity gains at more than a 4 percent annual rate. Fourth quarter figures, when available, may be distorted by the General Motors strike.

Past experience suggests that as the economy expands productivity gains well above the normal may be achieved for a considerable period of time. Also, money compensation can—and should—rise less rapidly as the rate of price advance declines. Thus the existing gap between money wages and productivity can be narrowed from both sides.

Paradoxically, a fairly brisk expansion might do more to relieve upward cost pressures than a halting and incomplete one. Too slow a pace of expansion would mean sluggish improvement in productivity and perhaps very little relief from "cost-push" pressures. Once excess demand has been removed for an appreciable period of time, there is little point in keeping the economy in a sluggish state. The key to restoration of balance in costs and prices in the existing situation is a strong productive expansion, but one that stays within the extreme outer limits of capacity and does not return us to a condition of excess demand. This is the path along which economic policy will be seeking to direct the economy over the next year or two.

The main policy tools are fiscal and monetary policy. Responsibility for determining the appropriate course of monetary policy is properly that of the Federal Reserve. I will confine my attention, therefore, to the role that fiscal policy will be called upon to play. As I have already indicated, fiscal policy moved in a restraining direction in 1969, primarily through very close restraint on Federal nondefense expenditures. That restraint was a short-run imperative if excess demand inflation were to be checked. But now with the economy moving into the phase of steady expansion, there is a need for a budgetary rule which will avoid excessive spending yet help to stabilize the economy.

It is no secret that the principle of annual balance in the Federal budget is a defective guide in terms of the stability of the economy. For example, when the economy slows down and tax revenues fall off the Federal budget runs a deficit. Efforts to restore budget balance quickly by raising taxes and cutting expenditure, would simply drive the economy down further and be self-defeating.

Yet we cannot safely abandon all connection between Federal spending and taxes, leaving each year's budget decisions to be made on an *ad hoc* basis depending solely upon whether the economy seems to need a stimulant or a depressant. In the last analysis, the best test of the worthwhileness of any particular amount of Federal spending is a democratically determined willingness on the part of the public to pay at least that much in taxes.

In an effort to retain this crucial control over the growth of Federal spending without compromising the ability of the budget to help stabilize the economy, President Nixon has advanced a full employment budget rule. The rule is that save in exceptional circumstances Federal budget outlays should not exceed the amount of revenue the economy would produce when operating at full employment.

In the current situation with the economy temporarily well below full employment, an actual budget deficit is acceptable as a part of the program to promote economic stability. But there should be some objective guide to the maximum expenditures that might be contemplated without departing from the principle of long-run budgetary stability. The revenues that would be generated at full employment provide such a guide.

It is worth emphasizing that this rule sets an upper limit on Federal spending, but does not specify an amount by which Federal expenditures should necessarily increase year in and year out. If Federal spending can be held below this limit while meeting urgent national needs, then tax reductions or retirement of the Federal debt would be in order.

Suitably employed the full employment budget concept may become a valuable and widely accepted tool of budget planning. Certainly one hopes that this will prove to be the case. In any event, however, this concept will in no way supplant or substitute for our regular and accepted ways of arriving at the budget totals. It will simply provide an approximate guide in arriving at an overall Federal expenditure total consistent with the needs of the economic situation.

In concentrating today upon the inflation problem and the emerging expansion, I have singled out but one aspect of our domestic problems. Still, a strong productive domestic economy with relatively stable prices will be the foundation upon which much of our future progress in many directions will inevitably come to rest.

The strength and persistence of recent inflationary pressures should serve as a reminder to all of us how important it is to avoid excessive Federal spending and a destabilizing Federal budget. There are limits to how fast we can force the pace of economic expansion and limits to how much the Federal sector can do.

The policies of the last two years have set the stage for expansion of the economy. The task now will be to insure that the expansion proceeds at a brisk but orderly pace, without return to the heavy inflationary pressures of recent years.

LEAD POISONING

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. MITCHELL. Mr. Speaker, I wish to call to the attention of my colleagues a most significant development for the children of innercity America which was reported on Sunday in the New York Times.

I have been deeply concerned by the tragic high incidence of lead poisoning which continues in my city and in the large urban areas of this Nation. In Baltimore we have been attempting to screen young children who might be subject to lead poisoning from old paint in ghetto buildings, but we have been handicapped by the lack of a simple test suitable for mass screening.

Now the announcement has come of a simple and effective way to screen large numbers of children for evidence of lead poisoning before the affliction progresses to irreparable damage to the brain. This technique, according to the New York Times has been developed by Dr. Lester Hankin and Kenneth R. Hanson, biochemists at the Connecticut Agricultural Experiment Station, and Dr. Joseph M. Kornfield and William W. Ullman of the laboratory division of the Connecticut State Department of Health.

Mr. Speaker, this is a momentous advance for child health in our country and I wish not only to commend those who have developed this test but to urge my colleagues to capitalize on this development by fully funding the lead poisoning programs approved by the Congress.

The significance of this ailment is set forth in detail in the February issue of Scientific American magazine. I insert this article in the Record along with the newspaper story on the development of this new test:

[From the New York Times, Feb. 7, 1971]

Test Simplified for Lead Poison

New Haven.—A simple and effective way to screen large numbers of children for evidence of lead poisoning has been devised by four scientists in Connecticut.

The method was devised by Dr. Lester Hankin and Kenneth R. Hanson, biochemists at the Connecticut Agricultural Experiment Station, and Dr. Joseph M. Kornfield and William W. Ullman of the laboratory division of the Connecticut State Department of Health. Their research is described in the publication Clinical Pediatrics.

Lead poisoning is a serious public health problem, especially in the inner city. Poisoning from eating chips of lead paint can lead to neurological disorders and, in extreme cases, to mental retardation and even death.

Therefore, early detection is essential to effective treatment, and it is estimated that only a 10th of the children in "high-risk" areas have been tested.

Heretofore, two laboratory tests have been used to detect lead poisoning. One is based on the direct determination of lead in blood. This test is limited by the availability of medical personnel and the emotional problems of drawing blood samples from the children. In addition, there is a limit on the number of samples that can be tested daily.

The second method estimates the delta aminolevulinic acid content of urine. However, the collection of samples and their transport is clumsy. Also, the laboratory portion of the test is relatively lengthy. Consequently, testing the large numbers of children who warrant examination has not been practical.

The new test developed at the station uses a dipstick for sampling urine similar to that used for detecting sugar in urine. A specially treated iron exchange paper attached to a plastic holder is submerged in a sample of urine, then drained, dried in air, wrapped in aluminum foil and mailed to the laboratory.

At the laboratory the paper is tested for its acid content. The acid is a compound needed in the synthesis of blood. Normally, little or no acid is found in urine. Lead blocks the action of an enzyme that converts the acid to another compound in the blood-making chain. When lead blocks this enzyme, the acid piles up and is excreted in abnormal amounts in the urine.

Volunteers of the American Friends Service Committee distributed and used the new dipsticks in Hartford last summer with excellent results. The dipsticks, they found, were far easier to use and transport to the laboratory than the bottles of urine formerly collected.

Some mothers can take care of the sampling and mailing themselves. Laboratory personnel can test many more samples daily than by the older method.

[From Scientific American, February 1971]

Lead Poisoning

(By J. Julian Chisolm, Jr.)

Lead has been mined and worked by men for millenniums. Its ductility, high resistance to erosion and other properties make it one of the most useful of metals. The inappropriate use of lead has, however, resulted in outbreaks of lead poisoning in humans from time to time since antiquity. The disease, which is sometimes called "plumbism" (from the Latin word for lead) or "saturnism" (from the alchemical term), was first described by the Greek poet-physician Nicander more than 2,000 years ago. Today our concerns about human health and the dissemination of lead into the environment are twofold: (1) there is a need to know whether or not the current level of lead absorption in the general population presents some subtle risk to health; (2) there is an even more urgent need to control this hazard in the several subgroups within the general population that run the risk of clinical plumbism and its known consequences. In the young children of urban slums lead poisoning is a major source of brain damage, mental deficiency and serious behavior problems. Yet it remains an insidious disease: it is difficult to diagnose, it is often unrecognized and until recently it was largely ignored by physicians and public health officials. Now public attention is finally being focused on childhood lead poisoning, although the difficult task of eradicating it has just begun.

Symptomatic lead poisoning is the result of very high levels of lead in the tissues. Is it possible that a content of lead in the body that is insufficient to cause obvious symptoms can nevertheless give rise to slowly evolving and long-lasting adverse effects? The question is at present unanswered but is most pertinent. There is much evidence that lead wastes have been accumulating during the past century, particularly in congested urban areas. Increased exposure to lead has been shown in populations exposed to lead as an air pollutant. Postmortem examinations show a higher lead content in the organs of individuals in highly industrialized societies than in the organs of most individuals in primitive populations. Although no population group is apparently yet being subjected to levels of exposure associated with the symptoms of lead poisoning, it is clear that a continued rise in the pollution of the human environment with lead could eventually produce levels of exposure that could have adverse effects on human health. Efforts to control the dissemination of lead into the environment are therefore indicated.

The more immediate and urgent problem is to control the exposure to lead of well-defined groups that are known to be directly at risk: young children who live in dilapidated housing where they can nibble chips of leaded paint, whiskey drinkers who consume quantities of lead-contaminated moonshine, people who eat or drink from improperly lead-glazed earthenware, workers in certain small-scale industries where exposure to lead is not controlled. Of these the most distressing group is the large group of children between about one and three to five years of age who live in deteriorating buildings and have the habit of eating nonfood substances including peeling paint, plaster and putty containing lead. (This behavior is termed pica, after the Latin word for magpie.) The epidemiological data are still scanty: large-scale screening programs now in progress in Chicago and New York City indicate that between 5 and 10 percent of the children tested show evidence of asymptomatic increased lead absorption and that between 1 and 2 percent have unsuspected plumbism. Small-scale surveys in the worst housing areas of a few other cities reveal even higher percentages.

There is little doubt that childhood lead poisoning is a real problem in many of the older urban areas of the U.S. and perhaps in rural communities as well. Current knowledge about lead poisoning and its long-term effects in children is adequate to form the basis of a rational attack on this particular problem. The ubiquity of lead-pigment paints in older substandard housing and the prevalence of pica in young children indicate, however, that any effective program will require the concerted and sustained effort of each community. Furthermore, the continued use of lead-pigment paints on housing surfaces that are accessible to young children and will at some future date fall into disrepair can only perpetuate the problem.

Traces of lead are almost ubiquitous in nature and minute amounts are found in normal diets. According to the extensive studies of Robert A. Kehoe and his associates during the past 35 years at the Kettering Laboratories of the University of Cincinnati, the usual daily dietary intake of lead in adults averages about .3 milligram. Of this, about 90 percent passes through the intestinal tract and is not absorbed. Kehoe's data indicate that the small amount absorbed is also excreted, so that under "normal" conditions there is no net retention of lead in the body. In addition the usual respiratory intake is estimated at between five and 50 micrograms of lead per day. These findings must be reconciled with postmortem analyses, which indicate that the concentration of lead in bone increases with age, although its concentration in the soft tissues is relatively stable throughout life. The physiological significance of increasing storage in bone is not entirely clear, but it has caused considerable concern. It is quite clear that as the level of intake of lead increases, the rate of absorption may exceed the rate at which lead can be excreted or stored in bone. And when the rates of excretion and storage are exceeded, the levels of lead in the soft tissues rise. Studies in adults indicate that as the sustained daily intake of lead rises above one milligram of lead per day, higher levels of lead in the blood result and metabolic, functional and clinical responses follow. The reversible effects abate when the rate and amount of lead absorbed are reduced again to the usual dietary range.

As far as is known, lead is not a trace element essential to nutrition, but this particular question has not been adequately examined. Some of the adverse effects of lead on metabolism have nonetheless been studied in considerable detail. These effects are related to the concentration of lead in the soft tissues. At the level of cellular metabolism, the best-known adverse effect of lead is its inhibition of the activity of enzymes that are dependent on the presence of free sulfhydryl (SH) groups for their activity. Lead interacts with sulfhydryl groups in such a way that they are not available to certain enzymes that require them. In the living organism, under most conditions, this inhibition is apparently partial. Inhibitory effects of lead on other aspects of cellular metabolism have been demonstrated in the test tube. Such studies are preliminary. Most of the effects reported are produced with concentrations of lead considerably higher than are likely to be encountered in the tissues of man, so that speculation about such effects is unwarranted at this point.

The clearest manifestation of the inhibitory effect of lead on the activity of sulfhydryl-dependent enzymes is the disturbance it causes in the biosynthesis of heme. Heme is the iron-containing constituent that combines with protein to form hemoglobin, the oxygen-carrying pigment of the red blood cells. Heme is also an essential constituent of the other respiratory pigments, the cytochromes, which play key roles in energy metabolism. The normal pathway of heme synthesis begins with activated succinate (produced by the Krebs cycle, a major stage in the conversion of food energy to biological energy) and proceeds through a series of steps. Two of these steps are inhibited by the presence of lead; two others may also be inhibited, but at higher lead concentrations.

Lead is implicated specifically in the metabolism of delta-aminolevulinic acid (ALA) and in the final formation of heme from iron and protoporphyrin. Both of these steps are mediated by enzymes that are dependent on free sulfhydryl groups for their activity and are therefore sensitive to lead. The two steps at which lead may possibly be implicated are the formation of ALA and the conversions of coproporphyrinogen to protoporphyrin. Although the exact mechanism is not known, coproporphyrin (an oxidized product of coproporphyrinogen) accumulates in the urine and the red cells in lead poisoning. Whatever the mechanisms, the increased excretion of ALA and coproporphyrin is almost always observed before the onset of symptoms of lead poisoning, and the presence of either is therefore important in diagnosis.

The enzyme that catalyzes ALA metabolism is ALA dehydrase. A number of investigators, including Sven Hernberg and his colleagues at the University of Helsinki and Abraham Goldberg's group at the University of Glasgow, have studied the extent to which varying levels of lead in the blood inhibit ALA-dehydrase activity in red blood cell preparations in the laboratory. They have shown a direct relation between the concentration of lead in blood and the activity of the enzyme. Moreover, they find that there seems to be no amount of lead so small that it does not to some extent decrease ALA-dehydrase activity; in other words, there appears to be no threshold for this effect. If that is so, however, one would expect to see a progressive increase in the urinary excretion of the enzyme's substrate, ALA, beginning at very low blood-lead levels. This does not seem to be the case. Stig Selander and Kim Cramer in Sweden, correlating blood-lead and urine-ALA values, found that the first measurable increase in urine ALA is observed only after blood lead rises above approximately 30 micrograms of lead per 100 milliliters of whole blood. The apparent inconsistency between the effect of lead on the activity of an enzyme in the test tube and the accumulation of the enzyme's substrate in the body might be explained by the presence of an enzyme reserve. This hypothesis is consistent with the functional reserve exhibited in many biological systems.

Almost all the information we have on the effect of lead on the synthesis of heme comes from observations of red blood cells. Yet all cells synthesize their own heme-containing enzymes, notably the cytochromes, and ALA dehydrase is also widely distributed in tissues. The observations in red blood cells may therefore serve as a model of lead's probable effects on heme synthesis in other organ systems. Even so, the degree of inhibition in a given tissue may vary and will depend on the concentration of lead within the cell, on its access to the heme synthetic pathway and on other factors. For example, J. A. Millar and his colleagues in Goldberg's group found that ALA-dehydrase activity is inhibited in the brain tissue of heavily lead-poisoned laboratory rats at about the same rate as it is in the blood. When these workers used amounts of lead that produced an average blood-lead level of 30 micrograms per 100 milliliters of blood, the level of ALA-dehydrase activity in the brain did not differ significantly from the levels found in control rats that had not been given any added lead at all. It is now established experimentally that lead does interfere with heme synthesis in tissue preparations from the kidney, the brain and the liver as well as in red cells but the concentrations of lead that may begin to cause significant inhibition in these organs are not yet known.

Only in the blood is it as yet possible to see a direct cause-and-effect relation between the metabolic disturbance and the functional disturbance in animals or people. In the blood the functional effect is anemia. The decrease in heme synthesis leads at first to a decrease in the life-span of red cells and later to a decrease in the number of red cells and in the amount of hemoglobin per cell. In compensation for the shortage, the blood-forming tissue steps up its production of red cells; immature red cells, reticulocytes and basophilic stippled cells (named for their stippled appearance after absorbing a basic dye) appear in the circulation. The presence of stippled cells is the most characteristic finding in the blood of a patient with lead poisoning. The stippling represents remnants of the cytoplasmic constituents of red cell precursors, including mitochondria. Normal mature red cells do not contain mitochondria. The anemia of lead poisoning is a reversible condition: the metabolism of heme returns to normal, and the anemia improves with removal of the patient from exposure to excessive amounts of lead.

The toxic effect of lead on the kidneys is under intensive investigation but here the story is less clear. In acute lead poisoning there are visible changes in the kidney and kidney function is impaired. Again the mitochondria are implicated: their structure is visibly changed. Much of the excess lead is concentrated in the form of dense inclusions in the nuclei of certain cells, including those lining the proximal renal tubules. Robert A. Goyer of the University of North Carolina School of Medicine isolated and analyzed these inclusions and found that they consist of a complex of protein and lead. He has suggested that the inclusions are a protective device: they tend to keep the lead in the nucleus, away from the vulnerable mitochondria. Involvement of the mitochondria is also suggested by the fact that lead-poisoned kidney cells consume more oxygen than normal cells in laboratory cultures, which indicates that their energy metabolism is affected.

Kidney dysfunction, apparently due to this impairment in energy metabolism, is expressed in what is called the Fanconi syndrome: there is an increased loss of amino acids, glucose and phosphate in the urine because the damaged tubular cells fail to reabsorb these substances as completely as normal tubular cells do. The excessive excretion of phosphates is the important factor because it leads to hypophosphatemia, a low level of phosphate in the blood. There is some evidence that, when phosphate is mobilized from bone for the purpose of maintaining an adequate level in body fluids, lead that is stored with relative safety in the bones may be mobilized along with the phosphate and enter the soft tissues where it can do harm. The effect of acute lead poisoning on the kidney can be serious but, like the effect on blood cells, it is reversible with the end of abnormal exposure. Furthermore, the Fanconi syndrome is seen only at very high levels of lead in blood (greater than 150 micrograms of lead per 100 milliliters of blood) and only in patients with severe acute plumbism.

In the central nervous system the toxic effect of lead is least understood. Little is known at the metabolic level; most of the information comes from clinical observation of patients and from postmortem studies. Two different mechanisms appear to be involved in lead encephalopathy, or brain damage: edema and direct injury to nerve cells. The walls of the blood vessels are somehow affected so that the capillaries become too permeable; they leak, causing edema (swelling of the brain tissue). Since the brain is enclosed in a rigid container, the skull, severe swelling destroys brain tissue. Moreover, it appears that certain brain cells may be directly injured, or their function inhibited, by lead.

The effects I have been discussing are all those of acute lead poisoning, the result of a large accumulation of lead in a relatively short time. There are chronic effects too, either of the aftereffects of acute plumbism or the result of a slow buildup of a burden of lead over a period of years. The best-known effect is chronic nephritis, a disease characterized by a scarring and shrinking of kidney tissue. This complication of lead poisoning came to light in Australia in 1929, when L. J. J. Nye became aware of a pattern of chronic nephritis and early death in the state of Queensland. Investigation revealed that Queensland children drank quantities of rainwater that was collected by runoff from house roofs sheathed with shingles covered with lead-pigmented paint. In 1954 D. A. Henderson found that of 352 adults in Queensland who had had childhood lead poisoning 15 to 40 years earlier, 165 had died, 94 of chronic nephritis. Chronic lead nephropathy, which is sometimes accompanied by gout, is also seen in persistent, heavy moonshine drinkers and in some people who have had severe industrial exposure. In all these cases, however, the abnormal intake of lead persists for more than a decade or so before the onset of nephropathy. Most of the patients have a history of reported episodes of acute plumbism, which suggests that they have levels of lead in the tissues far above those found in the general population. Furthermore, there is the suspicion that factors in addition to lead may be involved.

The other known result of chronic overexposure to lead is peripheral nerve disease, affecting primarily the motor nerves of the extremities. Here the tissue damage appears to be to the myelin sheath of the nerve fiber. Specifically, according to animal studies, the mitochondria of the Schwann cells, which synthesize the sheath, seem to be affected. Various investigators, including Pamela Fullerton of Middlesex Hospital in London, have found that conduction of the nerve impulse may be impaired in the peripheral nerves of industrial workers who have had a long exposure to lead but who have no symptoms of acute lead poisoning.

These findings and others raise serious questions. It is clear that a single attack of acute encephalopathy can cause profound mental retardation and other forms of neurological injury that is permanent. Similarly, in young children repeated bouts of symptomatic plumbism can result in permanent brain damage ranging from subtle learning deficits to profound mental incompetence and epilepsy. Can a level of absorption that is insufficient to cause obvious acute symptoms nevertheless cause "silent" brain damage? This question remains unanswered, in part because of the difficulty in recognizing mild symptoms of lead poisoning in children and in part because the experimental studies that might provide some answers have not yet been undertaken.

Classical plumbism—the acute disease—is seen today primarily in children with the pica habit. Before discussing these cases in some detail I shall briefly take up two other current environmental sources of lead: earthenware improperly glazed with lead and lead-contaminated alcoholic beverages.

Michael Klein and his colleagues at McGill University recently reported two cases of childhood lead poisoning, one of which was fatal, that they traced to an earthenware jug in which the children's mother kept a continuously replenished supply of apple juice. The slightly acidic juice was leaching lead out of the glaze, the thin layer of glassy material fused to the ceramic surfaces of the jug. The investigators thereupon tested 117 commercial earthenware food and beverage containers and 147 samples made with 49 different commonly used glazes in the McGill ceramics laboratory. Excessive amounts of lead—more than the U.S. maximum permissible amount for glazes of seven parts per million—were leached out of half the vessels. (The maximum permissible amount should probably be reevaluated, since past methods of testing have not taken account of such variables as the quantity of the food or beverage consumed, its acidity, the length of time it is stored and whether or not it is cooked in the pottery.) As the McGill report points out, the danger of poisoning from lead-glazed pottery has been rediscovered periodically since antiquity. The Greeks knew about the danger but the Romans did not; they made the mistake of storing wine in earthenware. James Lind, who in 1753 recommended lemon or lime juice as a preventitive for scurvy, also warned that the juices should not be stored in earthenware jugs. Now thet index of suspicion has fallen too low: one physician poisoned himself recently by drinking a cola beverage (and 3.2 milligrams of lead) every evening for two years from a mug his son had made for him. Do these cases represent isolated occurrences? How many other people are similarly exposed? Clearly the first step is the testing of earthenware and a reevaluation of its fabrication and use for food and drink.

In the manufacture of moonshine whiskey, lead solder is used in the tubing of distillation units. Moreover, discarded automobile radiators that contain lead often serve as condensers. Lead is therefore found in most samples of confiscated moonshine. Lead encephalopathy, nephritis with gout and other lead-related conditions have been reported in moonshine consumers, largely in the southeastern part of the U.S. The problem of diagnosis is complicated by the fact that the symptoms of acute alcoholism and acute lead poisoning are similar in many ways. (Again there is a historical record. The McGill report noted that the Massachusetts Bay Colony forbade rum distillation in leaded stills in 1723 in an effort to prevent "dry grapes," an intestinal condition. In 1767 Sir George Baker blamed "the endemic colic of Devonshire" on the use of lead-lined troughs in the making of apple cider.)

Childhood lead poisoning in the U.S. is seen almost exclusively in children of preschool age who live in deteriorated housing built before 1940 (when titanium dioxide began to replace lead in the pigment of most interior paints). The causative factors are commonly a triad: a dilapidated old house, a toddler with pica and parents with inadequate resources (emotional, intellectual, informationtional and/or economic) to cope with the family's needs. The three factors interact to increase the likelihood that the child will eat chips of leaded paint. A chip of paint about the size of an adult's thumbnail can contain between 50 and 100 milligrams of lead, and so a child eating a few small chips a day easily ingests 100 or more times the tolerable adult intake of the metal! In one study conducted some years ago at the Baltimore City Hosptals and the Johns Hopkins Hospital, Harold E. Harrison and I found that the average daily fecal excretion of lead by children with severe plumbism was 44 milligrams. In a group of normal unexposed children we found a daily fecal lead excretion of less than .2 milligram of lead. In other words, pica for leaded paint results in genuinely massive exposures. And when the abnormal intake ceases, it may be several months or years before blood-lead levels return to normal.

The repeated ingestion of leaded-paint chips for about three months or longer can lead to clinical symptoms and eventually to the absorption of a potentially lethal body burden of lead. During the first four to six weeks of abnormal ingestion there are no symptoms. After a few weeks minor symptoms such as decreased appetite, irritability, clumsiness, unwillingness to play, fatigue, headache, abdoninal pain and vomiting begin to appear. These, of course, are all quite nonspecific symptoms, easily ignored as behavior problems or blamed on various childhood diseases. In a few weeks the lassitude may progress to intermittent drowsiness and stupor; the vomiting may become persistent and forceful; brief convulsions may occur. If the exposure to lead continues, the course of the disease can culminate abruptly in coma, intractable convulsions and sometimes death.

This picture of fulminating encephalopathy is commonest in children between 15 and 30 months of age; older children tend to suffer recurrent but less severe acute episodes and are usually brought to the hospital with a history of sporadic convulsions, behavior problems, hyperactivity or mental retardation. The symptoms tend to wax and wane, usually becoming more severe in summer. (Some 85 percent of all lead-poisoning cases are reported from May through October. This remarkably clear seasonal pattern is still not understood. It may be due at least in part to the fact that the ultraviolet component of sunlight increases the absorption of lead from the intestine.)

The symptoms of even acute encephalopathy are nonspecific, resembling those of brain abscesses and tumors and of viral and bacterial infections of the brain. Diagnosis depends, first of all, on a high level of suspicion. To make a positive diagnosis it is necessary to show high lead absorption as well as the adverse effects of lead. This requires the measurement of lead in blood and other specialized tests. Mild symptoms may be found in the presence of values of between 60 and 80 micrograms of lead per 100 milliliters of blood. As the blood-lead level rises above 80 micrograms the risk of severe symptoms increases sharply. Even in the absence of symptoms, in children blood-lead levels exceeding 80 micrograms call for immediate treatment and separation of the child from the source of lead.

Treatment is with potent compounds known as chelating agents (from the Greek *chēlē*, meaning claw): molecules that tend to bind a metal atom firmly, sequestering it and thus rendering it highly soluble [see "Chelation," by Harold F. Walton; SCIEN-

TIFIC AMERICAN, June, 1953]. Chelating agents remove lead atoms from tissues for excretion through the kidney and through the liver. With chelating agents very high tissue levels of lead can be rapidly reduced to levels approaching normal, and the adverse metabolic effects can be promptly suppressed. Initially two agents are administered by injection: EDTA and BAL. (EDTA, or edathamil, is ethylenediaminetetraacetic acid; BAL is "British Anti-Lewisite," developed during World War II as an antidote for lewisite, an arsenic-containing poison gas.) After the lead level has been reduced another agent, d-penicillamine, may be administered orally as a followup therapy.

Before chelating agents were available about two-thirds of all children with lead encephalopathy died. Now the mortality rate is less than 5 percent. Unfortunately the improvement in therapy has not substantially reduced the incidence of brain damage in the survivors. Meyer A. Perlstein and R. Attala of the Northwestern University Medical School found that of 59 children who developed encephalopathy, 82 percent were left with permanent injury: mental retardation, convulsive disorders, cerebral palsy or blindness. This high incidence of permanent damage suggests that some of these children must have had recurrent episodes of plumbism; we have found that if a child who has been treated for acute encephalopathy is returned to the same hazardous environment, the risk of permanent brain damage rises to virtually 100 percent. In Baltimore, with the help of the Health Department and through the efforts of dedicated medical social workers, we are able to make it an absolute rule that no victim of lead poisoning is ever returned to a dangerous environment. The child goes from the hospital to a convalescent home and does not rejoin his family until all hazardous lead sources have been removed or the family has been helped to find lead-free housing. Cases of permanent brain damage nevertheless persist. It appears that even among children who suffer only one episode, are properly treated and are thereafter kept away from lead, at least 25 percent of the survivors of lead encephalopathy sustain lasting damage.

Clearly, then, treatment is not enough; the disease must be prevented. Children with increased lead absorption must be identified before they become poisoned. Going a step further, the sources of excessive lead exposure must be eliminated.

Baltimore has taken a "case-finding" approach to these tasks. Free diagnostic services were established by the city Health Department in the 1930's. Physicians took advantage of the services, and increasing numbers of cases were discovered. Since 1951 the removal of leaded paint has been required in any dwelling where a child is found with a blood-lead value of more than 60 micrograms. The number of cases reported each year rose for some time as diagnostic methods and awareness improved, but recently it has leveled off. In order to reach children before they are poisoned, however, more is required than case-finding; what is needed is a screening program that examines entire populations of children in high-risk areas of cities. Chicago undertook that task in the 1960's. Last year New York City inaugurated a new and intensive screening program in which children are being tested for blood lead in hospitals and at a large number of neighborhood health centers; an educational campaign has been launched to bring lead poisoning and the testing facilities to public notice. As in Baltimore, a blood-lead finding of more than 60 micrograms results in an examination of the child's home. If any samples of paint and plaster contain more than 1 percent of lead, the landlord is ordered to correct the condition by covering the walls with wallboard to a height of at least four feet and by removing all leaded paint from wood surfaces; if the landlord does not comply, the city undertakes the work and bills him. Before the new program was begun New York was screening about 175 blood tests a week; by the end of the year it was doing about 2,000 tests a week. Whereas 727 cases of lead poisoning were reported in the city in 1969, last year more than 2,600 were reported. As Evan Charney of the University of Rochester School of Medicine and Dentistry has put it, "the number of cases depends on how hard you look."

Screening is complicated by technical difficulties in testing both children and dwellings. The standard dithizone method of determining blood lead requires between five and 10 cubic centimeters of blood taken from a vein—a difficult procedure in very small children—and the analysis is time-consuming. What is needed is a dependable test that can be carried out on a drop or two of blood from a finger prick. A variety of approaches are now being tried in several laboratories in order to reach this goal; as yet no microtest utilizing a drop or two of blood has been proved practical on the basis of large-scale use in the field. Several appear to be promising in the laboratory, so that field testing in the near future can be anticipated. As for the checking of dwellings, the standard method is laborious primarily because it requires the collection of a large number of samples. Several different portable instruments are under development, including an X-ray fluorescence apparatus that gives a lead-content reading when it is pointed at a surface, but these devices have not yet been proved reliable in the field.

Since World War II the incidence of lead poisoning (usually in the form of lead palsy) among industrial workers, which was once a serious problem, has been reduced by various control measures. The danger is now limited primarily to small plants that are not well regulated and to home industries.

There is increasing concern over environmental lead pollution. Claire C. Patterson of the California Institute of Technology has shown that the levels of lead in polar ice have risen sharply since the beginning of the Industrial Revolution. Henry A. Schroeder of the Dartmouth Medical School has shown that the burden of lead in the human body rises with age, and that this rise is due almost entirely to the concentration of lead in bone. Although man's exposure to lead in highly industrialized nations may come from a variety of sources, the evidence points to leaded gasoline as the principal source of airborne lead today. These observations have occasioned much speculation. It is nonetheless clear that a further rise in the dissemination of lead wastes into the environment can cause adverse effects on human health; indeed, concerted efforts to lower the current levels of exposure must be made, particularly in congested urban areas.

At the moment there is no evidence that any groups have mean blood levels that approach the dangerous range. Some, however, do have levels at which a minimal increase in urinary ALA, but nothing more, is to be expected. This includes people whose occupation brings them into close and almost daily contact with automotive exhaust. These observations emphasize the need to halt any further rise in the total level of exposure. A margin of safety needs to be defined and maintained. This will require research aimed at elucidating the effects of long-term exposure to levels of lead insufficient to cause symptoms or clear-cut functional injury. With regard to respiratory exposure, it is still not clear what fraction of the inhaled particles reaches the lungs and how much of that fraction is actually absorbed from the lung. Still another important question is the storage of lead in bone. Can any significant fraction of lead in bone be easily and quickly mobilized? If so, under what circumstances is it mobilized? There are more questions than answers to the problems posed by levels of lead only slightly higher than those currently found in urban man. Much research is required.

With regard to childhood lead poisoning, however, we know enough to act. It is impermissible for a humane society to fail to do what is necessary to eliminate a wholly preventive disease.

MINORITIES SHOWING GAINS ON SHRINKING U.S. PAYROLL

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. RHODES. Mr. Speaker, a recent column by Philip Shandler in the Washington Star points out that while the Federal work force has been decreasing, the position of blacks and other minorities who are employed by the Civil Service has been steadily improving. The improvement is not only in the numbers employed but also is in a steady upgrading to higher level jobs.

Some time ago, President Nixon said that he would not indulge in civil rights rhetoric. Rather, he felt that his administration should be judged on its deeds. The President evidently means to earn high marks in this area because it is obvious that this administration is quietly, but effectively, pursuing a program of opening up Federal job opportunities to members of minority groups.

I include Mr. Shandler's article, entitled "Minorities Showing Gains on Shrinking U.S. Payroll" in the Record:

THE FEDERAL SPOTLIGHT: MINORITIES SHOWING GAINS ON SHRINKING U.S. PAYROLL

(By Philip Shandler)

The position of minorities in the federal work force has been improving.

While Uncle Sam's payroll has been shrinking generally, the number of blacks, Spanish-Americans and other minorities on it has been increasing.

It's not just a percentage-comparison improvement, either. In some cases, there's been a raw-number increase.

And the rise is most marked where it's needed most: in upper-level jobs.

The situation is a remarkable reversal of the adage that historically has reflected the status of minorities in a recession: "Last hired, first fired."

The situation is reflected in the latest figures released by the Civil Service Commission on minority employment.

The data was compiled last May. A later survey was taken in November, but those figures haven't been released yet.

The minority censuses were directed in an executive order issued by President Nixon in August 1969. The first was made in November 1969.

In the six months between November 1969 and May 1970, the more recent survey shows, total net federal employment declined by almost 8,700 jobs. At the same time, there was a net increase of minorities on the federal payroll of almost 1,400.

Percentagewise, that's a rise of only .3 percent, from 500,508 minority workers to 501,871.

And only 14 of those new minority careerists are in the so-called super-grade positions, GS–16 to GS–18.

But the rate of rise clearly is improving:

Only 10 minorities were named to supergrade jobs in the two years preceding November 1969, according to the CSC.

And there has been a striking shift of minorities from blue-collar (Wage Board) to white-collar (General Schedule) positions.

In the blue collar area minority jobs did drop, by 2.5 percent. But that's compared with a decline of 3.1 percent among white workers. In numbers of jobs, the decline was 3,825 for minorities and 12,633 for whites.

At the same time, minority white collar jobs rose by 4,445 while nonminorities dropped by 1,241. That's an improvement of 2.4 percent for minorities, a decline of .1 percent for whites.

As things stand, minorities now comprise 19.4 percent of the federal work force of almost 2.6 million.

Blacks total 15 percent (389,355), Spanish-speaking 2.9 percent (73,968). Indian .7 percent (17,446), and Orientals .8 percent (21,102).

The minorities remain concentrated at the lower levels, however. While 111 minorities now hold super-grade jobs, there are thousands at lower levels. The largest number of blacks, for example, are at GS-4—31,804. That's 18.6 percent, compared with 1.5 percent at GS-17.

Indeed, the number of minorities is in almost inverse proportion to the level of the job. The slight exception is among Orientals, whose numbers rise from .4 percent at GS-1 to 1 percent at GS-9 through GS-11, before declining again.

Of the 111 minorities in top-level jobs, 75 are listed as Negro, 17 Spanish-surnamed, 13 Oriental and six American Indian.

In percentages, that's about 1.4 percent Negro, .3 percent Spanish-speaking .3 percent Oriental and under .2 percent Indian (there apparently are no Indian GS-18s).

When one considers that blacks comprise about 12 percent of the total population and the Spanish-speaking about .3 percent, most are still a long way from the top of the Civil Service.

MESSAGE ENCOURAGES THE PRESERVATION AND RESTORATION OF HISTORIC BUILDINGS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. REID of New York. Mr. Speaker, I was pleased to note the inclusion in President Nixon's environment message of proposals to encourage the preservation and restoration of historic buildings and other manifestations of our architectural heritage.

At the end of the 91st Congress, I introduced legislation with the same intention after an 18th century building near my home was demolished because funds could not be found to save it. The financial arrangements in my bill to encourage such historic preservation are somewhat different than those outlined in the President's proposals but I feel that the best provisions will be enacted if we have the benefit of examining several different approaches.

Accordingly, I am reintroducing today my bill to amend the National Historic Preservation Act of 1966 to provide grants and loans for persons who have buildings or structures registered in the National Register in order to preserve such historic properties.

While the historic preservation program now established under existing law is an indication of and a start on a national commitment to preserve significant elements of our past, it simply is not broad enough in scope or application to accomplish that goal. In the 4 years that the National Historic Preservation Act has been on the books, appropriations totaling $32 million have been authorized. Yet only $1.3 million of that sum has ever actually been appropriated.

Compared to other Western nations, this sum is pitifully small. England, for example, spends more than 6 million pounds annually on the preservation of historic buildings under the purview of the Historic Buildings and Ancient Monuments Act. In addition, private donations support the work of the national trust which maintains old historic homes and gardens and even villages as a private organization, relying on voluntary contributions and the receipt of property as a gift in lieu of estate taxes. France, too, spends several million in pursuit of similar historic preservation.

The recent destruction of an 18th century farmhouse in my district is an instructive example of the inadequacy of existing statutes.

A large corporation acquired property in Westchester County to build its world headquarters. On a corner of that land stood a farmhouse built in the late 18th century. While not a unique structure, the building incorporated several features peculiar to the Colonial period and nonexistent in contemporary architecture. The Westchester County Historical Society and a number of other local groups made persistent efforts to secure the funds necessary for the building's upkeep and to find a new location for it, since the corporation indicated it would be willing to move the structure. I tried to assist these interested citizens by attempting to secure Federal or State historical preservation funds.

And then one morning, while all these public-spirited efforts were in progress, a dulldozer appeared and demolished the farmhouse.

I shared the disappointment of local citizens at this unnecessary destruction and made plain my belief that it is a Federal responsibility to provide an appropriate mechanism for preserving such evidence of our national past.

The legislation I have introduced is one way of making it more difficult for the bulldozer to prevail over the preservation of our American heritage. This would be accomplished by providing Federal grants and loans for the restoration and preservation of historic structures to make them suitable for private occupancy or commercial use—to make them living historic sites rather than museums.

Specifically, my bill would:

First. Make funds available to counties to survey old buildings and structures and to have included in the National Register those which are "significant in American history, architecture, archeology, and culture, or whose lasting beauty of design and landscaping—including trees—have significantly enhanced the quality of American life." This will substantially expand the National Register which now contains some 1,100 properties as a result of Federal and statewide surveys. But more importantly, it recognizes some of the more intangible qualities of our American past; it recognizes, for example, that it is the large maple on the front lawn of an 18th century house which gives the house its charm and its character and that the maple ought to be preserved along with the house. In short, my bill emphasizes the esthetic quality of our American heritage, the way a building looks and feels as well as the presence in it for one night of George Washington or Abraham Lincoln.

Second. Provide that if the owner of such property agreed to have his property recorded in the National Register a restrictive covenant would be included in the deed which would prohibit alterations in or destruction of the property without the written approval of the Advisory Council on Historic Preservation.

Third. Make the owners of National Register property eligible for matching grants and low-interest loans to restore the structure in order to preserve, directly or indirectly, the salient historical features and make it suitable for private occupancy or commercial use.

Fourth. Permit the Secretary of the Interior to seek a court order restraining any attempt to alter or destroy a National Register property in the event that such alteration or destruction has not been approved by the Advisory Council on Historic Preservation.

A survey made by the National Register recently indicated that the States could match $2 million annually for 5 years for survey and planning, and that they could match the following figures for projects: fiscal year 1972, $28 million; fiscal year 1973, $34 million; fiscal year 1974, $41 million; and fiscal year 1975, $46 million. My bill makes authorizations based on these estimates.

Mr. Speaker, the greatness of a Nation is to a large extent measured by the use of its past to give stability to its present and to forge its future. There is some quality of strength, some feeling of continuity that is derived from contemporary use of homes and buildings that were the shelters and mainstays of our forebearers. Surely a large corporation, a community, a nation gains very little from destroying these links with our past; there is much more to be had from their restoration and constant use.

STILL THE FIRST OPTION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. SCHMITZ. Mr. Speaker, Dr. Henry Kissinger, Assistant to the President for National Security Affairs, said:

> If there is the danger of a general war in this administration, I do not believe, and we do not believe, that it will come from Southeast Asia. It is very hard to see what we could do in Southeast Asia that would produce a direct confrontation with the Soviet Union.

House Joint Resolution 71—formerly House Joint Resolution 1378—calls for a declaration of war against the Government of North Vietnam unless, within 30 days following passage of the resolution, they begin a large-scale withdrawal of their armies from the territory of their neighbors and release all American prisoners of war.

I have reintroduced this resolution because the overriding factor which determines the outcome of the war has not changed. The key to Communist victory has always been to protract the conflict, while the key to Allied success has always been to end it quickly and decisively. The first option of victory is still easily possible with the material we have on hand in Southeast Asia, and is more necessary than ever before.

Under the current guidelines limiting significant U.S. and allied military activity to allied territory, the Government of North Vietnam has no reason whatsoever either to stop the war or to release the American prisoners whom they hold. There are now prospective presidential candidates whose major campaign promise seems to be that they will surrender in Southeast Asia as soon as possible after taking the oath to protect the Nation from enemies, foreign and domestic.

For Hanoi, this opens up the real possibility of transforming the current U.S. policy of orderly retreat into a galloping rout—through the simple expedient of maintaining military pressure until the next election in the United States. The Soviet Union has promised the material necessary to prolong the war indefinitely. To the men of the North Vietnamese Politburo, some of whom have been waging a war for the conquest of Indochina for over 30 years, 2 more years must seem a very short time indeed to wait for complete victory.

The spirit of many Americans has flagged in the face of our self-imposed indecisive approach to the battle in Southeast Asia. This can be understood, but it cannot be applauded. We are not going to solve our problems at home by scuttling our allies abroad, just as we are not going to solve the problems in Asia by refusing to defeat the enemy.

The Congress of the United States has the power to declare war and direct the administration to utilize all necessary force to curtail North Vietnamese aggression. The administration, taking Dr. Kissinger at his word, does not feel that this would lead to a general war with the Soviet Union. Unless Dr. Gallup has now become a member of the Joint Chiefs of Staff, or fear of student unrest has become a determinant in military decisions—in which case we are not going to activity resist communism anywhere—there is no reason not to win.

It is time to stop simply talking about possible peace and move to eliminate the North Vietnamese capability to go on making war. As three noted authorities on communism—Stefan Possony, Robert Strausz-Hupe, and William Kintner—bluntly put it:

> If the Communists prove to have more courage, a stronger will, a more steadfast spirit, a clearer intellectual insight into conflict in the nuclear age, they obviously are the better men and deserve to win—and probably will.

SENATE—*Thursday, February 11, 1971*

(Legislative day of Tuesday, January 26, 1971)

The Senate met at 11:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, by whose providence this Nation was brought forth and in whose will it has been preserved, keep us ever mindful of Thy goodness and mercy which has been over us from the beginning until now. As with grateful hearts we honor the heroes of old, spare us from merely admiring the past when we would be doers of great deeds in the present. Help us to lift high the banner of freedom in our time not only in eloquent phrase but in practical programs. Let the mantle of Washington and of Lincoln fall upon their sons in this age.

In faith and hope that sends a shining ray far down the future's broadening way, send us to our tasks here, our travels and our talks beyond, with hearts aglow with the inspiration of Thy spirit.

In the Master's name. Amen.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Donald W. Whitehead, of Massachusetts, to be Federal Cochairman of the Appalachian Regional Commission, which was referred to the Committee on Public Works.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, February 10, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

POSTAL SERVICE PASSPORT APPLICATION FEES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 6, S. 531.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the bill (S. 531) to authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso clause in section 1 of the Act of June 4, 1920, as amended (22 U.S.C. 214), is hereby further amended by striking out the period after "$2" and inserting in lieu thereof "or to transfer to the Postal Service the execution fee of $2 for each application accepted by that Service."

SEC. 2. The amendment made by this Act shall become effective on the date of enactment and shall continue in effect until June 30, 1973.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session, to consider certain nominations on the Executive Calendar.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider executive business.

NATIONAL CREDIT UNION BOARD

The legislative clerk proceeded to read sundry nominations to the National Credit Union Board.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

THE STATE OF THE STATE MESSAGE TO THE MONTANA LEGISLATURE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a message presented by the distinguished Governor of the State of Montana, the Honorable Forrest H. Anderson, to the 42d Legislative Assembly of the State of Montana, be printed in the RECORD at the conclusion of my remarks.

This state of the State message by Governor Anderson is, I think, well worth the consideration, not only of the people of Montana, but also of the people of other States who may find themselves in a somewhat similar situation. I commend it to the Senate for its brevity and for the good advice which, in my opinion, the Governor has given to the legislature of my State.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

STATE OF THE STATE MESSAGE

(Presented to the 42d legislative assembly, Jan. 5, 1971, by Forrest H. Anderson, Governor of Montana)

The history of Montana is an epic of hard work, determination and courage.

It is the story of a people who settled an awesome wilderness and built a great progressive state.

It is a story of success and failure and good and bad times.

Today, we stand at the beginning of another decade in the history of Montana.

These are uncertain times.

The people of Montana are troubled by a collection of serious problems.

Yet I believe they are hopeful we can realize some of the great potentials of this state.

Montana is at an important juncture in its history.

Old answers are not sufficient to new questions.

We must seek a new direction.

The voters of this state spoke at the polls last November.

They want action.

They want change.

Referendums to call a constitutional convention and implement reorganization of the executive branch passed by overwhelming margins.

This, in my opinion, is testimony Montanans want something done.

It indicates that the people of this state have experienced too many failed hopes and too few accomplishments.

Montana cannot forever be the land of tomorrow.

Our people cannot live endlessly on expectations.

We must begin today the work that was never done.

This nation is experiencing an economic recession.

Unemployment is at the highest rate since 1963. Real economic growth has declined. And the most severe inflationary spiral in two decades continues upward.

The effects of these conditions are particularly acute on our state government.

Anticipated revenue growth from established sources has not been realized because of unemployment, the decline of our historic industries, and the lack of alternative development.

At the same time, inflation has drastically increased the costs of providing state government services.

The imbalance created by static revenue growth and the increasing cost of government is the immutable dilemma we face.

In times of diminishing income growth, government—like individual citizens—must judiciously control expenditures.

This is such a time.

It is a time for economic realism . . . a time to do what is possible without adding unreasonable taxes to the economic difficulties already affecting the people of this state.

Because this must be done, I am proposing what I believe is a reasonable minimum budget.

It is not an austerity program.

It is a strategy for stability during a period of economic uncertainty.

To increase the effect of our limited revenues, we must initiate a policy of priority funding.

Appropriation responses must be directed toward meeting the most immediate needs and solving the most serious problems of Montana and her people.

I believe the people should determine state priorities.

In Montana, the people have spoken.

Montanans have indicated that they want more efficient government, quality education and protection of the environment.

We must now act on these priorities.

The people have given us an irrevocable mandate to reorganize the executive branch of state government.

This mandate cannot be ignored.

And reorganization should not be delayed by those seeking favored status for particular interest groups.

We have the responsibility to reorganize the executive branch

More importantly, we have the opportunity to establish responsive and efficient government in Montana.

The initial priorities of this program should be reorganization of the Department of Administration and creation of an effective Department of Revenue. State government must have the capability to properly collect and administer revenue. These are the basic management tools which we must utilize to implement a sound reorganization program.

Good government is good management.

Unfortunately, this concept has rarely been applied in Montana.

In the past, Montana's fiscal policy has been to tax new sources of revenue to support ineffective administration.

It is time for a change.

I believe that before we tax new sources of revenue, we should improve our administrative capabilities to achieve better performance from existing revenue sources.

We cannot expect the people of Montana to subsidize inefficiency forever.

During the past two years, we have successfully applied improved management techniques to the administration of some state agencies.

The results have been encouraging.

But we can do better.

A sound executive reorganization program will allow us to apply good management to the operation of all state agencies.

If we are successful, state government will no longer be paralyzed by archaic administrative procedures.

It will no longer be a mysterious process that wastes too much and takes too long.

Revenue will be expended according to legislative intent.

We will know where the money is going and what it is going for.

A reorganized government will be better able to mobilize our resources to deal with the problems of our people.

Montana must have economic development.

Present unemployment, the decline in personal income and lack of opportunities for our people are unacceptable.

We must become more aggressive in seeking decent employment for Montanans.

We must be able to attract and control stable new industry.

A modern, reorganized government will give Montana a decided advantage in promoting the development of this state and the economic security of its people.

Education is the future happening today.

In Montana, a good education is more than an opportunity. It has become a right.

The people of this state have faithfully supported education throughout the years.

We have excellent primary and secondary schools, fine colleges and universities and one of the best vocational-technical education programs in the northwest.

This educational system is a tribute to Montanans and their faith in the young and belief in the future.

Taxes to support education are heavy, particularly in this inflationary period. But this is not the time to turn away from tomorrow.

I propose that we increase appropriations for education by 31 million dollars in the next biennium. This total will adequately fund the foundation program, university system, vocational-technical education and our long-range building requirements.

Education, however, is not beyond question. I recommend that improved administration and budget controls be applied to all phases of Montana's vast educational system. We must begin to measure the return we are getting at all educational levels.

Our greatest natural resource is our well-educated and talented young people.

Unfortunately, the products of our schools, like all Montana resources, are exported to other states.

We must have more and better employment opportunities to assure young Montanans the right to live and earn a decent income in this state. This can be done only if we get our house in order at all levels of government so priorities can be established and given meaning.

Only two or perhaps three generations are represented in this Assembly.

There will be many more generations of Montanans.

It is our responsibility to hold the unique environment of this state in trust for our children and their children.

We will be the greatest fools in the history of Montana if we fail to provide for the preservation of our air, water and land.

Time will not excuse us because we didn't know. We are all aware of the environmental destruction that has occurred in other parts of the country. The nation's rivers are becoming a continental sewage system. City skies are hung with acrid shrouds of smog. And natural landscapes have been torn up and replaced by stark concrete horizons.

We cannot allow this to happen in Montana.

To protect the environment, I recommend we appropriate funds to sufficiently staff our air and water pollution control agencies.

I also believe it is essential to improve the quality of water through the construction of secondary sewage facilities in many Montana communities. I recommend we set aside four million dollars as the state share of construction costs. This total will allow us to take full advantage of available federal matching funds.

I also strongly urge enactment of the water pollution control legislation developed by the Council on Natural Resources.

We cannot allow the creation of a lunar landscape in eastern Montana as the rich mineral resources of that area are developed. I, therefore, strongly urge the enactment of legislation to assure adequate reclamation.

Effective planning is the first step toward a better future.

Presently, Montana is experiencing haphazard subdivision and commercial development. This is perhaps the most severe threat to our environment.

Sound planning and supportive laws are the only means of preventing the cancerous growth of rural slums and the subsequent environment problems that have occurred in other parts of the country.

Montana has been bypassed by massive industrialization and the environmental stupidity of that movement.

Most of our natural environment has been protected to this point by good fortune.

We must begin now to protect that environment with good legislation and good administration.

I do not believe we can adjourn this Legislative Session in good conscience knowing the environment will be vulnerable to exploitation for another two years.

Quality of life is more than the great outdoors and the natural environment. It is also social and economic environment. It is employment, opportunity, police protection, hospitals, governmental services and the entire life experience in Montana.

The environmental movement is entirely just and essential.

We cannot, however, sacrifice social and economic progress in Montana to the ideals of environmental totalitarians.

Neither can we sacrifice the environment to uncontrolled industrialism and exploitation.

If extreme environmentalists were to make the decisions, Montana would revert to wilderness.

If irresponsible industrialists were to make the decisions, Montana would become a wasteland.

Neither course is acceptable.

We must stake out the common ground. Environmental protection and economic development, as I have so often said, are not mutually exclusive.

I believe a sound economy can exist in a quality environment. This is the essential compromise upon which the future depends. And I believe reasonable men, good laws and effective government can strike this balance.

Let us begin now to make Montana a great place to live and work.

Efficiency—education—and environment . . . this is not a slogan nor rhetorical trick. It is a reasonable program to enable state government to do what is necessary in a time when not everything is possible.

Thank you.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to the provisions of Public Law 77–250, appoints the Senator from Arkansas (Mr. McCLELLAN) to the Joint Committee on Reduction of Federal Expenditures vice Senator Holland, retired.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back the time assigned to me.

The PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from Massachusetts is recognized for 15 minutes.

SENATE CONCURRENT RESOLUTION 6—SUBMISSION OF A CONCURRENT RESOLUTION TO CONTINUE THE PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS

Mr. KENNEDY. Mr. President, on behalf of Senator MAGNUSON, Senator MATHIAS, and myself, together with Senators ALLEN, BEALL, BURDICK, CHILES, CRANSTON, GRAVEL, HART, HOLLINGS, HUGHES, HUMPHREY, INOUYE, JACKSON, JAVITS, JORDAN of North Carolina, McGEE, McGOVERN, METCALF, MUSKIE, NELSON, PASTORE, PELL, SPARKMAN, SPONG, STEVENS, STEVENSON, TUNNEY, and WILLIAMS, I send to the desk, for appropriate reference, a Senate concurrent resolution expressing the sense of Congress that the hospitals and outpatient clinics of the Public Health Service should continue their operations through the fiscal year 1972, pending a comprehensive study by Congress and the administration of the resources and capabilities of these facilities as part of the Nation's health-care system.

The PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics, was referred to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, a similar resolution has been introduced with broad support in the House of Representatives by Representative CLARENCE LONG, of Maryland, and I am hopeful that these resolutions will be approved by Congress at the earliest opportunity.

Of the many different aspects of the health crisis now facing the Nation, none is more immediate than the status of the eight hospitals and 26 outpatient clinics now being operated by the Public Health Service in 21 States, the District of Columbia, and the Commonwealth of Puerto Rico. In recent weeks, as all Members of the Senate are aware, there have been persistent rumors that the administration intends to close down some or all of these hospitals and clinics at the end of the current fiscal year.

I believe that it would be a tragic mistake to close these facilities at this time, before Congress has had a full opportunity to join the administration in exploring the important issues at stake, not only with respect to the existing health-care system of the Nation, but also with respect to the future potential of these hospitals and clinics.

Today, nearly a million Americans receive comprehensive health care through the PHS hospitals and clinics, including 500,000 merchant seamen, members of the Armed Forces, the Coast Guard, the Public Health Service, their dependents, and many others.

At a time when the Nation is already facing a severe shortage of health resources, it makes no sense to me to abolish facilities like those of the Public Health Service, which are now helping to meet the rising demand for health care in the communities where they exist. If the hospitals and clinics of the Public Health Service are closed, a million Americans now receiving PHS health services will be forced to turn elsewhere for their health care, thereby imposing a heavy new burden on other hospitals and clinics in the community.

We know the serious overcrowding that already exists in many of our public and private health facilities. I have grave doubts, for example, that the hospitals and facilities of the Veterans' Administration can or should be used to accommodate the patient population of the PHS facilities. Until we are convinced that we can adequately meet the shifting demand that will be created by closing the PHS facilities, simple logic compels us to keep the facilities open.

In addition, Congress has recently enacted legislation that carries important implications for the future of the PHS facilities in meeting the growing health-care needs of the Nation. The Emergency Health Personnel Act of 1971, which was originally proposed by Senator WARREN MAGNUSON and Senator HENRY JACKSON, of Washington, and which President Nixon signed into law last January, expands the role of the Public Health Service far beyond its present beneficiary group. The new act specifically authorizes the use of PHS personnel and facilities to meet health needs in urban and rural poverty areas, and in many other areas of the country suffering from critical shortages of health care and health personnel.

I intend to work with others in Congress to insure that adequate funds to implement this far-reaching new legislation are contained in the first supplemental appropriations bill to reach the Senate floor in the 92d Congress. I believe that the imaginative approach of the Emergency Health Personnel Act offers us the best hope we have had in many years to tap the rich emerging vein of idealism in recent medical graduates, and thereby ease the maldistribution of physicians that has plagued the Nation for so long.

Mr. President, yesterday I had an opportunity to visit HSMHA, the large HEW facility in Rockville, where I met a number of young doctors who are spending 2 years with the Public Health Service as part of their training. During our discussion, I asked these 2-year doctors, all recent graduates of medical schools, how many of them would actually have volunteered for service under the Emergency Health Personnel Act, and the overwhelming majority indicated that they would have done so. I think this response is an additional indication of the very strong sense of commitment our young doctors now have. They see the opportunity for such service as an exciting and important frontier. They want to participate in the growing movement to improve our health-care system and upgrade the quality of health care in the Nation.

Indeed, it would be a cruel irony for the administration to move now to close the PHS hospitals and outpatient clinics, at the very time when the ink is scarcely dry on this new health manpower legislation. Congress has acted to meet the shortage of doctors in areas of the country that desperately need them, and the administration should respond as the attached table indicates, many of the hospitals and clinics of the Public Health Service are located in cities and communities of the Nation where the doctor shortage is most acute, and where the Emergency Health Personnel Act can be of immediate assistance.

By closing these hospitals and clinics, the administration will be depriving these communities of the very facilities that the new PHS physicians would use as their base of operations for bringing good health care to the people of the area. In sum, if we are to implement the new act and expand the role of PHS personnel in delivering health care to our people, we cannot afford to cut back on the PHS facilities these personnel will need to carry out their role effectively.

The public statements of administration officials in recent weeks have emphasized repeatedly that no final decision has been made on the PHS facilities or on the implementation of the Emergency Health Personnel Act. But, a crucial line on page 403 of the massive 1972 budget appendix tells us otherwise. Under the heading "Patient Care and Special Health Services," which includes the PHS hospitals and clinics, the following line appears in the summary of personnel for the program:

Total number of permanent positions:

1970	6,271
1971	6,242
1972	970

The budget contains no adequate explanation of this drastic cutback in personnel in 1972 compared to 1971—a decline of 85 percent. Nevertheless, the explanation seems obvious. The administration intends to close the PHS hospitals and clinics, thereby forfeiting the valuable opportunity to use them as facilities for the implementation of the Emergency Health Personnel Act, and for the provision of better health care to the communities in which they are located.

The Public Health Service hospital in Boston offers an excellent example of the developing relationship between the PHS facilities and their surrounding communities. It illustrates the unfortunate consequences which the closing of such facilities will have on the growth of innovative health care programs in these areas.

The Boston PHS Hospital was the first of the U.S. Marine hospitals, dating back to 1798. It has delivered quality medical care over many years to fishermen, merchant seamen, members of the Coast Guard, servicemen at Hanscomb Field and Otis Air Force Base, and the numerous other beneficiaries designated by Congress as entitled to medical care under the auspices of the Public Health Service. The rate for the Boston hospital's 190 beds is $60 a day, far below the daily rate at civilian hospitals in the Boston area.

Today, the Boston PHS Hospital is involved in a number of programs in the Boston community, in addition to its ongoing activity of providing health care to its traditional beneficiaries. Among these programs are the following:

A family planning clinic is conducted three times a week for the Brighton-Allston community. This is a free clinic for all residents in the area, and it is staffed and funded by the maternal and infant care program in the city of Boston.

The college mental health center infirmary is now operational. This is a 20-bed unit staffed by the College Mental Health Center of Boston. It provides mental health services for college students from the 25 colleges in the Boston area. The PHS staff provides medical and surgical backup services for the program. In return, the PHS patients receive psychiatric services from the center.

The hospital is working with the family life center programs in Roxbury, sponsored by the OEO and the model city programs. The hospital has received requests to act as a backup to University Hospital and Beth Israel Hospital in meeting the inpatient needs of these programs.

Boston City Hospital has asked the hospital to provide specialized care for Boston City beneficiaries in the area of orthopedics.

Preliminary discussions are being held with the Governor's Committee on Law Enforcement and Administration of Criminal Justice, regarding the potential use of the hospital as an inpatient resource to support community programs for the rehabilitation of drug addicts and alcoholics.

Moreover, for a number of years, an affiliation agreement has been in effect between the Boston PHS Hospital and medical centers in the Boston area. Senior members of the hospital's medical department hold faculty appointments at all three medical schools in Boston—Harvard, Boston University, and Tufts. In addition, the hospital has become an especially important resource for clinical teaching at Boston University School of Medicine. This arrangement has been mutually beneficial to both institutions, providing improved care for the PHS hospital patients, and facilitating the education of increased numbers of interns, residents, and medical students.

Similar examples can be found throughout the country of the innovative way in which Public Health Service facilities are expanding their horizons to meet the health needs of America. I know, for instance, that the PHS hospitals in Baltimore, Seattle, and New Orleans have long been developing plans for community service. In many cases, I understand, PHS hospitals and clinics would be prepared to begin the actual delivery of health care to areas of need in their communities within a month or two of the date they are authorized to do so.

As chairman of the Senate Health Subcommittee, I intend to explore these issues in public hearings within the next few weeks. The resolution we are introducing today will buy us the time we need for Congress and the administration to reach the right answers to the many sensitive questions that have been raised.

One thing is clear, however. There must be no summary closing of any Public Health Service hospital or clinic. The death sentence that hangs over them must be stayed.

Mr. President, I ask unanimous consent that the text of the concurrent resolution may be printed at this point in the RECORD, together with a table showing the location of the PHS hospitals and outpatient clinics threatened with closing, and an excerpt on this issue from the budget appendix for the fiscal year 1972.

The PRESIDENT pro tempore. Without objection, the concurrent resolution will be printed in the RECORD, together with the additional material, as requested by the Senator from Massachusetts.

The concurrent resolution (S. Con. Res. 6) is as follows:

S. CON. RES. 6

Whereas the President declared in his state of the Union message that the improvement of national health care is one of his six great goals; and

Whereas the President has vowed to provide more medical services in areas that do not have adequate medical facilities; and

Whereas the Public Health Service was created by an Act of Congress in 1798, and the Congress broadened its responsibilities in 1956, in 1966, and in 1970 to provide comprehensive health care for merchant seamen, Coast Guardsmen, and military personnel and their families, and preventive medical care for urban and rural areas with inadequate medical facilities; and

Whereas the Public Health Service facilities provide medical services to more than one-half million people annually who could not obtain these services in the overcrowded private hospitals or on a first priority basis in the Veterans' Administration hospitals; and

Whereas many Public Health Service facilities require only minor alterations to carry out their responsibilities; and

Whereas, despite the President's commitment to improve national health care, the President's fiscal 1972 health budget proposes a reduction in funds and staff personnel that is discouraging employees and prospective employees of the Public Health Service; and

Whereas, despite the expansion of Public Health Services duties in the Emergency Health Personnel Act of 1971, the Secretary of Health, Education, and Welfare is considering closing the Public Health Service hospitals and clinics; and

Whereas, despite congressional creation of the Public Health Service, the Congress has not been consulted on ways to fulfill the responsibility of the Public Health Service to care for its patients without using Public Health Service facilities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Public Health Service hospitals and outpatient clinics should remain open at this time. The importance of health care delivery in urban and rural areas is so great that the administration should fund and staff these facilities at a sufficient level to allow them to perform their multiple responsibilities during the remainder of the fiscal year 1971 and during the entire fiscal year 1972. During this interval, the Secretary and the Congress should explore the resources and capabilities of these facilities in their communities, to determine which facility should continue to be operated by the Public Health Service, which facilities should be converted to community day operation, and which facilities, if any, should be closed.

It is the further sense of Congress that the hospitals and clinics of the Public Health Service should be considered an integral part of the national health care delivery system.

The material submitted by Mr. KENNEDY follows:

LOCATION OF PUBLIC HEALTH SERVICE HOSPITALS (8) AND OUTPATIENT CLINICS (26)[1] THREATENED WITH CLOSING

State	Hospital	Clinic
Alabama		Mobile.
California	San Francisco	San Diego, San Pedro.
Florida		Jacksonville, Miami, Tampa.
Georgia		Atlanta, Savannah.
Hawaii		Honolulu.
Illinois		Chicago.
Louisiana	New Orleans	
Maryland	Baltimore	
Maine		Portland.
Massachusetts	Boston	
Michigan		Detroit.
Missouri		St. Louis.
New York	Staten Island	Buffalo, New York City.
Ohio		Cleveland, Cincinnati.
Oregon		Portland.
Pennsylvania		Philadelphia, Pittsburgh.
South Carolina		Charleston.
Tennessee		Memphis.
Texas	Galveston	Houston, Port Arthur.
Virginia	Norfolk	
Washington	Seattle	
District of Columbia		Clinic.
Puerto Rico		San Juan.

[1] 4 additional clinics do not now appear to be threatened with closing: those in Balboa Heights (Canal Zone), Annette Island and Juneau (Alaska), and Charlotte Amalie (Virgin Islands).

[Excerpt from the budget of the U.S. Government (appendix) (fiscal year 1972) (pp. 402–403)]

PATIENT CARE AND SPECIAL HEALTH SERVICES

For carrying out, except as otherwise provided, the Act of August 8, 1946 (5 U.S.C. 7901), and under sections 301, 311, 321, 322, 324, 326, 328, 331, 332, 502, and 504 of the Public Health Service Act, section 1010 of the Act of July 1, 1944 (33 U.S.C. 763c) and section 1 of the Act of July 19, 1963 (42 U.S.C. 253a), [$79,889,000] *$69,979,000* of which $1,200,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with leprosy: *Provided*, That when the Health Services and Mental Health Administration establishes or operates a health service program for any department or agency, payment for the estimated cost shall be made by way of reimbursement or in advance for deposit to the credit of this appropriation. (*Department of Health, Education, and Welfare Appropriation Act, 1971.*)

PROGRAM AND FINANCING

[In thousands of dollars]

	1970 actual	1971 estimate	1972 estimate
Program by activities:			
1. Medical care for special groups:			
(a) Merchant seamen, lepers, and other primary beneficiaries	78,982	87,822	66,011
(b) Coast Guard	3,913	4,468	4,665
(c) Federal employees	3,141	4,188	4,505
2. Payment to Hawaii	1,200	1,200	1,200
3. Personnel detailed to other agencies	605	452	452
4. Program direction and management services	2,758	2,632	2,610
Total program costs, funded [1]	90,599	100,762	79,520
Change in selected resources [2]	755		−4,889
Total obligations	91,354	100,762	74,631
Financing:			
Receipts and reimbursements from—			
Federal funds	−11,916	−16,237	−4,652
Non-Federal sources [3]	−404	−432	
Unobligated balance lapsing	82		
Budget authority	79,116	84,093	69,979
Budget authority:			
Current authority:			
Appropriation	72,224	79,889	69,979
Pay increase (Public Law 91–305)	1,497		
Transferred to other accounts	−4	−95	
Transferred from other accounts	5,399		
Appropriation (adjusted)	79,116	79,794	69,979
Proposed transfer for wage board increases		351	
Proposed transfer for civilian pay act increases		2,118	
Proposed transfer for military pay act increases		1,830	
Relation of obligations to outlays:			
Obligations incurred, net	79,034	84,093	69,979
Obligated balance, start of year	6,021	6,427	6,147
Obligated balance, end of year	−6,427	−6,147	−6,609
Adjustments in expired accounts	537		
Outlays, excluding pay act supplemental	79,165	80,097	69,494
Outlays from wage board supplemental		351	
Outlays from civilian pay act supplemental		2,095	23
Outlays from military pay act supplemental		1,830	

[1] Includes capital outlay as follows: 1970, $1,893,000, 1971, $2,672,000; 1972, $209,000.

[2] Selected resources as of June 30 are as follows:

	1969	1970 adjustments	1970	1971	1972
Stores	657	1	732	732	3
Unpaid undelivered orders	4,133		4,814	4,814	654
Total selected resources	4,790	1	5,546	5,546	657

[3] Reimbursements from non-Federal sources represent collections from paying patients (42 U.S.C. 221).

Note. Excludes $80,000 in 1972 for activities transferred to (in thousands of dollars):

	1970	1971
Office of the Administrator	14	14
Comprehensive health planning and services	24	24
Departmental management	42	42

1. *Medical care for special groups.*—(*a*) *Merchant seamen, lepers, and other primary beneficiaries.*—In 1972, this activity will fund medical care for American merchant seamen, PHS Commissioned Corps personnel, and other beneficiaries. The budget places emphasis on the use of service agreements with private and Federal sources for such care and the conversion of the existing facilities to community use.

(b) *Coast Guard.*—This activity provides PHS personnel to staff infirmaries, dispensaries and sickbays at shore stations, air stations, and on board vessels. Contract care is also provided in civilian or other Federal facilities. As an adjunct service to insure the continuance of quality health care, this activity is also initiating programs in industrial, underwater and aviation medicine, and in environmental sanitation.

(c) *Federal employees.*—This activity provides surveys of and consultation to Federal agencies, Federal executive boards and associations, and Federal employee organizations, upon request, on the establishment and evaluation of Federal employee health activities. Occupational health programs are provided to Federal agencies on a reimbursable basis, on request. In 1972, an estimated 185,000 Federal employees will be able to avail themselves of health services in 90 health units operating under this activity.

2. *Payment to Hawaii.*—Grants are made to Hawaii to defray the cost of care and treatment of persons afflicted with leprosy. The average daily patient load is expected to be 170 in 1972, as compared with 172 in 1971 and 189 in 1970.

3. *Personnel detailed to other agencies.*—Medical, dental, and other professional personnel are detailed to other Federal agencies on a reimbursable basis.

4. *Program direction and management services.*—This activity provides advice, guidance, direction, and management services to the above activities. Emphasis will be placed on contracting for the care of primary beneficiaries.

OBJECT CLASSIFICATION

[In thousands of dollars]

	1970 actual	1971 estimate	1972 estimate
Personnel compensation:			
Permanent positions	52,107	58,456	14,117
Positions other than permanent	1,697	1,136	234
Other personnel compensation	4,067	4,045	764
Special personal service payments	132	252	
Total personnel compensation	58,003	63,889	15,115
Personnel benefits: Civilian employees	7,269	8,588	1,453
Benefits for former personnel	222	10	8,149
Travel and transportation of persons	1,002	980	752
Transportation of things	769	651	1,215
Rent, communications, and utilities	1,915	1,704	398
Printing and reproduction	180	195	40
Other services	10,160	11,819	44,427
Supplies and materials	8,128	9,353	1,753
Equipment	2,480	2,672	209
Lands and structures	211		
Grants, subsidies, and contributions	1,200	1,200	1,200
Insurance claims and indemnities	53		
Subtotal	91,592	101,061	74,711
Quarters and subsistence charges	−238	−299	−80
Total obligations	91,354	100,762	74,631

PERSONNEL SUMMARY

	1970 actual	1971 estimate	1972 estimate
Total number of permanent positions	6,271	6,242	970
Full-time equivalent of other positions	255	170	33
Average number of all employees	6,216	6,239	969
Average GS grade	7.1	7.3	7.6
Average GS salary	$10,075	$10,479	$10,943
Average salary of ungraded positions	$7,490	$7,715	$7,722

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDENT pro tempore. Five minutes.

Mr. KENNEDY. Mr. President, may I reserve that time and permit the distinguished Senator from Virginia (Mr. SPONG) to proceed?

The PRESIDENT pro tempore. Yes.

Mr. SPONG. Mr. President, I want to commend the distinguished Senator from Massachusetts for the resolution he has introduced today and also to commend the distinguished Senator from Maryland (Mr. MATHIAS) and the distinguished Senator from Washington (Mr. MAGNUSON) who initiated it with him.

This is a bad time in this country to cut back on any type of medical service, particularly the Public Health Services. One of the best examples of this point is the Public Health hospital in Norfolk, Va., where, I believe, it has been demonstrated, without contradiction, that to close that facility would represent a severe cut back in the medical services being rendered to the entire community.

I am pleased Mr. President, to join in the introduction of this resolution to provide for the continued operation of Public Health Service hospitals and clinics through fiscal year 1972 to permit time for a thorough study by the Congress and the administration of the role these facilities play.

As I have already said, one of the public health service hospitals is in Norfolk, Va. I am advised that there are presently no facilities in the Hampton Roads area which can provide the primary hospitalization service for those individuals who are being treated currently at the Public Health Service hospital. Certainly that hospital should not be eliminated without some firm plan to take care of those now being served there.

I testified on December 30, 1970, before the Committee on Merchant Marine and Fisheries in the House of Representatives concerning the Public Health Service hospital facilities at Norfolk and ask unanimous consent that my statement there be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WILLIAM B. SPONG, JR.

Mr. Chairman, I am aware of the role this subcommittee played in convincing the Bureau of the Budget that efforts several years ago to eliminate the Public Health Service Hospital in Norfolk were ill-conceived and unjustified. I appreciate the opportunity to testify. Also, I thank you for bringing to the attention of the Congress information indicating that consideration is again being given to the closing of not only the hospital in Norfolk but all Public Health Service hospitals.

Shortly after the conclusion of the hearings by this committee several years ago, the Public Health Service and the Bureau of the Budget announced that it had restudied the situation and had agreed to modernize the existing hospital in Norfolk. In 1969, because I had received no additional information concerning the progress of those plans, I inquired of the Public Health Service concerning developments in connection with the hospital in Norfolk. On September 23rd, 1969, I was advised by letters that a study under contract with a private firm was being made to determine and project the medical service requirements for a new or renovated hospital in the Norfolk area. A communication from the Public Health Service in January, 1970, again referred to a study to determine the mission, size, service requirements, and possible locations for a new or renovated hospital in the Norfolk area. That letter stated that the study would probably be completed in May or June of 1970. At no time in the correspondence was any mention of the possible elimination of either the hospital in Norfolk or the service provided by PHS hospitals.

It is my understanding that at the time your committee held hearings on this matter several years ago it was determined that neither the Veterans Administration hospital in the area nor local community hospitals could assume the additional patient load required for the treatment of Merchant seamen and Coast Guard personnel and others now served by that hospital. That situation still exists today. It is inconceivable to me that, in view of the precarious situation which prevails in the Veterans hospitals in Virginia now, considerably worse than five years ago, any conclusion could be reached at this time that the Veterans Administration hospital at Kecoughtan (or for that matter at Roanoke or Richmond), could assume additional patient load. In fact, I am informed that at this time those patients eligible for care under the Public Health Service program could not be adequately cared for in any other existing facility or combination of existing facilities.

I would not presume to recommend either the location or the extent of the facilities needed in the Norfolk area. But based on the information which I have it is inconceivable that anyone could suggest that medical facilities in that port are no longer needed for those individuals who are eligible for hospitalization under the Public Health Service program. Some facilities must be maintained and I hope that this committee will make this clear to the Executive Branch.

In the letter of September 23, 1969 from the Public Health Service reference is made to the close cooperation with the Norfolk Area Medical Center Authority and other local area health care groups to determine how the Public Health Service hospital can best interact with the Norfolk community.

This has been important because the Medical Center Authority is the major local agency which has led the drive for the establishment of a medical school in the area. The funds for the school are over fifty percent pledged and there is no reason to doubt at this point that the construction of the school will begin within eighteen months or at the most two years. It is reasonable to assume that the establishment of a new medical school, when operable will provide new and additional hospital beds for the community. In another action at the local level an existing hospital has announced that it will relocate its hospital to the Medical Center, the site of the new medical school. There is, I am told, every reason to expect the new beds provided by the medical school and the relocation of Leigh Memorial Hospital to be fully occupied by an increased load as a result of the medical school and the population growth. Any new health programs would only increase the problem. The point which I wish to make this morning is that medical facilities for those eligible for Public Health Service care are needed in the Tidewater, Virginia area and the elimination of such facilities at this time will not only affect those eligible for that service but will have a serious impact on the community as a whole because the service cannot be provided in other hospitals. It is therefore, important that the facility be retained unless and until some firm plan is established for such treatment. It is equally important that any plans be made with the full cooperation of the Medical Center Authority and other local health groups.

Mr. Chairman, I would like to include at this point the correspondence which I received from the Public Health Service in September of 1969 and January of 1970 along with a copy of a letter addressed to the President from the Virginia Council on Alcoholism and Drug Dependence, Inc. in the Tidewater area. I also have a letter from the Labor-Management Maritime Committee which includes additional statistics concerning the Public Health Service hospital and clinic data, and if that has not been made available I submit it for the Committee's attention.

Mr. SPONG. Mr. President, again I should like to commend the distinguished Senator from Massachusetts and his colleagues for introducing this resolution which I am pleased to cosponsor.

The PRESIDENT pro tempore. The Senator from Massachusetts (Mr. KENNEDY) is now recognized for his remaining 5 minutes.

Mr. KENNEDY. Mr. President I would like to yield the 5 minutes remaining to me to the distinguished Senator from Maryland (Mr. MATHIAS). I also ask unanimous consent that at the conclusion of the remarks of the Senator from Maryland, a statement commenting on the Public Health Service facilities in the State of California by the distinguished Senator from California (Mr. TUNNEY) be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. Mr. President, I am very grateful to the Senator from Massachusetts for yielding to me. I am also grateful to him for taking the initiative in bringing this matter to the Senate floor. His concern in the area of health care is well known. I am not only grateful to him but also, I must say, I believe the administration will welcome this opportunity to throw more light on the question of public health services.

There was a statement issued by the Department of Health, Education, and Welfare on January 29 which I think will be helpful to the Senate in its consideration of this matter. In that statement was the proposition that a substantial amount of care now provided under the Public Health services appropriation could be provided in other Federal installations at a lower cost, but that was clearly said to be an assumption. It was not stated to be a determined fact nor even a conclusion based on opinion. It was an assumption subject to being tested and proved. Today we are initiating at this end of the governmental process, a study of that sort.

The Department of Health, Education, and Welfare went on to say, and I quote from the same statement of January 29:

> If this cannot be done at the savings predicted in the budget, the required funds will be made available—through a later request to the Congress for additional funds if this proves necessary.

Mr. President, this is crucial language. It is crucial to me representing the State of Maryland. The Wyman Park Public Health Service Hospital in Baltimore and the community there have been very much upset by this question. I am assured by the Department of Health, Education, and Welfare that the visits made in Baltimore at the Wyman Park Public Health Service Hospital are only of the most tentative and preliminary kind. As this question is pursued, there will have to be other visits of much greater depth and detail, but no decision has been made in the Department and no decision has been made in the Public Health Service. As this is a question raised for debate, that is what we are going to do, and I think it will be done in cooperative and fruitful partnership with the administration.

Mr. President, I am hopeful that as we go through this debate, we can find there are ways the public health services can be improved and that the people to whom the Federal Government has made a positive commitment to provide health services will find that assurance, and that we will do everything we can to see that they get better medical treatment in the future.

I think this is a proper area of inquiry and I am glad to be a part of it. I am encouraged by the assurances we have that no decision has been made to cut off Public Health Service hospitals.

The PRESIDENT pro tempore. The time of the Senator from Maryland has expired.

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the distinguished Senator from Maryland.

The PRESIDENT pro tempore. The Senator from Maryland is recognized for 3 minutes in the morning hour.

Mr. MATHIAS. Mr. President, I appreciate very much the fact that the distinguished majority leader has yielded me additional time. I will try not to trespass further than necessary.

I do think that we can be encouraged in moving forward very rapidly with this study and that we can call on the Department of Health, Education, and Welfare for assistance and cooperation. I have every confidence that we will get that kind of cooperation.

Again, I thank the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Virginia (Mr. SPONG) for their leadership. I hope that we can come to a rapid conclusion with regard to this matter.

The difficulty when this type of question is raised is that it does create apprehension and concern among the people who are directly affected. I think once that is clearly understood, the apprehension and concern, which are perfectly natural, will be allayed.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend the Senator from Maryland for the contribution he has made.

The Public Health Service hospital in Baltimore, to which he referred, is widely recognized as one of the outstanding hospitals in the country. Its director, Dr. Edward J. Hinman, is known as one of the most gifted persons serving in the public health service system. I hope that over the course of the hearings we may invite Dr. Hinman to attend and that he will give us the benefit of his insight.

We cannot be content with the views of the policy planners in Washington. We also want to hear from the people in the field, the people who run these hospitals, who live with the medical problems and who know the services that the hospitals can provide to hundreds of thousands of Americans. We want to know their thoughts on the matter.

I commend the Senator from Maryland for speaking on this matter. Representing as he does the Public Health Service hospital in his State, he is speaking from a very strong position.

Mr. MATHIAS. Mr. President, I thank the Senator. I agree with him. We would like to hear from members of the working staff of the hospitals. The Wyman Park Hospital, which I visited recently, is doing an outstanding job not only in curative medicine, but also in preventive medicine, which is a very important field. I would like to also have some of the outpatients, some of those who have been hospitalized and know something concerning the hospitals.

I think that will be a part of the total picture that needs to be considered here, the human picture.

EXHIBIT 1

STATEMENT OF SENATOR TUNNEY

Mr. President, I join in sponsoring this resolution directing the Public Health Service hospitals and clinics to continue in operation through the fiscal year 1972, pending a thorough study by the Congress and the Administration of the present and potential future role of these facilities.

I am deeply disturbed at the possibility that an entire network of badly needed health facilities are about to be cast aside. The logic of a decision to close these hospitals and clinics without any long range planning and without any planning for the patients involved frankly baffles me. At a time when we desperately need to increase the delivery of health care to our citizens we find a plan afoot which has the direct effect of reducing the number of health care facilities available to our citizens.

I am particularly concerned at the effect of these threatened closures in California. These planned closings would deprive California and the West Coast region of an excellent hospital facility in San Francisco and clinics in San Diego and San Pedro. The loss of these facilities would not only be a tragic waste of resources but would also impose particular personal losses upon the many persons who depend upon these facilities for treatment, for learning and for employment. The highly skilled doctors, nurses and technicians employed at these institutions have in many cases devoted many years of their lives to serving the needs of a regional community.

The loss of the San Francisco hospital would impose a special burden upon minority groups. That hospital has long had an excellent record of minority employment. With unemployment in California already at a severe level, and with the effect already acute on minority employment, we cannot afford to throw more people out of work.

Of even greater significance is the treatment and research being conducted at the San Francisco facility in such areas as leprosy and tissue transplantation. The San Francisco hospital is a regional center for patient care for thousands of individuals. It is one of very few hospitals in the country in which treatment for leprosy is available. In addition, the hospital has kidney dialysis facilities which are vitally important for the treatment of kidney disease.

And finally, the San Francisco hospital is an outstanding teaching institution and resource. It provides core curriculum teaching for medical and dental students at the University of California Medical and Dental Schools. The closing of this hospital would be like carving out a major piece of a medical school. It is a major clinical resource for San Francisco City College, 60% of whose students are from minority groups. Programs for laboratory technicians, associate degree programs in nursing, training in radiology are all a part of the hospital's role as a teaching resource.

In summary, the value of the Public Health Service facilities to the citizens of California and the Western United States must not be sacrificed. I cannot support a plan for health services which has the ironic effect of closing badly needed health facilities.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I be recognized for 3 additional minutes.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 3 minutes in the morning hour.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD on behalf of the distinguished Senator from Washington (Mr. MAGNUSON) a statement he has prepared in support of the resolution, together with a letter which he and other Senators sent to the President, various correspondence with the Department of Health, Education, and Welfare, the U.S. Public Health Service hospital in Seattle, the University of Washington and other correspondence.

There being no objection, the statement and material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MAGNUSON

Mr. President, in his State of the Union Message on January 22nd of this year, President Nixon announced to the Nation that the "fourth great goal" of his Administration is to make this "the healthiest nation in the world."

And yet—despite that explicit commitment to the American people and despite a multiplicity of indications that this country is already in the midst of a health-care shortage of crisis proportions—this Administration appears bent on closing the eight PHS hospitals as well as the 30 PHS outpatient clinics.

Great national goals can be described in words, Mr. President, but they will never be achieved by mere words. As Chairman of the Labor, Health, Education, and Welfare Appropriations Subcommittee, I have had an opportunity to closely review the health needs and capabilities of this country and I believe the PHS hospitals should not be closed.

Mr. President, I have already detailed my concern in this matter to the Administration. On December 22, 1970 several of my distinguished colleagues and I wrote a lengthy letter to the President stating our opposition to closure of the PHS facilities at this time. In the interest of brevity I will ask to have a copy of that letter printed in the RECORD at the conclusion of my remarks rather than taking the Senate's time now to review the many reasons included in that letter for keeping these PHS facilities open.

Mr. President, I urge the members of this body to make their concerns for the health of the American people known by supporting the Concurrent Resolution which has been submitted today by the distinguished senior Senator from Massachusetts.

Mr. President, I ask unanimous consent that the letter which my fellow Senators and I sent to the President on December 22, 1970 be printed in the RECORD at this time together with other letters which I have received from concerned constituents who also oppose closing these PHS facilities.

WASHINGTON, D.C.,
December 22, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are deeply disturbed by the rumor that the Department of Health, Education and Welfare is considering closing some or all of the Public Health Service hospitals and outpatient clinics in the United States. Because of the integral part that these facilities now play in our national health network, and their great potential, we are writing to express our concern again, and to state that these facilities should be kept open.

As you know, nearly a million Americans currently receive comprehensive medical care through these hospitals and clinics. These include nearly 500,000 American seamen, members of the armed forces, the Coast Guard, Public Health Service and National Oceanic and Atmospheric Agency employees and their respective dependents. Well over

100,000 Bureau of Employment Compensation patients are also treated in these facilities every year.

In addition, these hospitals and clinics provide a training ground for hundreds of physicians and dentists who are serving in internship and residency programs, and for scores of paramedical personnel who are trained at these facilities. Research programs now underway at these facilities receive support in the amount of approximately $6,000,000 annually. These training programs have yielded enormous dividends in highly trained personnel who now staff these facilities, and who have gone on to provide health care to the country in many other roles, Federal and non-Federal. Considering the impending national health care crisis to which you and many Members of Congress have repeatedly called attention, this group of professionally excellent, although physically neglected, health facilities located in strategic urban and rural population centers are vital to our national health effort, and should be strengthened.

We strongly recommend a new mission for these hospitals and for the Public Health Service that is in keeping with current and future national health needs. Not only should they be strengthened in order to perform better their traditional roles—which cannot now be adequately performed on a nationwide basis by any other health organizations—but they should be modernized in order to undertake new missions to which they are uniquely suited. They can help, for example, in pioneering and developing model health care delivery systems, which will be of enormous significance not only to their immediate beneficiaries, but also to the public as a whole. We also believe that these facilities can be an integral part of solutions to the health problems of the communities in which they are located, if imaginative new roles are sought for them. If these facilities are modernized and adequately funded, they can serve as demonstration centers for experimental programs utilizing the expertise of the medical and paramedical Public Health Service personnel who wish to satisfy a deep social commitment to the health of the urban and rural poor, and to those who live in areas where adequate health care is not now available.

We believe that closing these facilities at this time would be a tragic error. Such action would have the effect of transferring Federal statutory beneficiaries to others, already over-burden Federal and non-Federal hospitals without significant prospect of reducing costs. It would deprive local communities of much-needed health facilities. It would abort ongoing training and research programs. It would disperse highly-trained medical personnel, and finally, it would seal the "front door" of the Public Health Service for potential careerists whose access, until now, has been largely through these clinical facilities.

Congress has repeatedly stressed the need to keep the Public Health Service alive and vital, and to adapt it to new roles. Only yesterday, Congress passed and sent to you an act that would expand the role of the Public Health Service in providing adequate medical care to this Nation. This act reflects the overwhelming, bi-partisan sentiment of Congress that the Public Health Service should not only continue its present functions, but should be utilized in bold new programs as well. Any decision to close the existing facilities of the Public Health Service would, therefore, not only have tragic consequences in terms of health care in the United States, but would be contrary to the expressed intent of Congress. We urge you, therefore, to support the maintenance and improvement of these hospitals and clinics.

Thank you for your time and consideration in this important matter.

Sincerely,

Warren G. Magnuson, Chairman Appropriations Subcommittee on the Departments of Labor, Health, Education and Welfare, and Related Agencies; Ralph W. Yarborough, Chairman Labor and Public Welfare Committee; Alan Cranston, Richard B. Russell, Walter Mondale, Jennings Randolph, Harrison Williams, Edward Kennedy, Morris Cotton, Harold Hughes, Henry Jackson, Caleb Boggs, Claiborne Pell.

PUBLIC HEALTH SERVICE,
January 20, 1971.

Senator WARREN MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: Recently, Elliot Richardson announced the proposed closure of the USPHS hospitals for budgetary reasons and because of obsolescence and underutilization. I am not familiar with programs of the other USPHS hospitals, and therefore will confine my remarks to the Seattle hospital.

While the Seattle hospital could stand to be modernized, it is most certainly not underutilized, and its closure would bring an end to an extremely active and productive program of training and research described below.

TRAINING PROGRAMS

Graduate Medical and Dental, University of Washington:

Interns: 17 Medical, 6 Dental.

Residents: 36 Medical, 4 Dental.

Fellows: 4 Medical.

Undergraduate Medical, University of Washington: 85 2nd to 4th year students per year, or 25% of the entire medical class.

Non M.D. and D.D.S. training

Dental Hygiene Students: 25 per year from University of Washington; 29 per year from Seattle Central Community College; 24 per year from Shoreline Community College.

Nursing Students: 60 per year from Seattle University.

Physical Therapy Students: 31 per year from University of Washington.

Occupational Therapy Students: 2 per year from University of Washington.

Pharmacy: 2 Residents and 8 students per year from University of Washington.

Medical Technology Students: 21 per year from University of Washington.

Miscellaneous Students:

1. Medical Records Technicians—4 per year from Shoreline Community College.
2. Medical Records Librarians—8 per year from Seattle University.
3. Ward clerks—6 per year from Highline Community College.
4. Operating Room Technicians—3 per year from Shoreline Community College.

Research programs for one year: (See table following letter.)

Patient care: July 1969 to June 1970

Bed capacity	262
Admissions	5,110
Average daily census	180
Average occupancy (percent)	68
Outpatient visits	110,000

Expense

Total	$7,737,479
Payroll	6,308,000

Personnel: 517. Does not include trainees on University of Washington stipends.

Most of the teaching and research at our hospital is coordinated with the University of Washington Medical School and in fact, we are one of the four University teaching hospitals.

What would be the consequences of the closure of the Seattle USPHS hospital? A total of 375 medical, dental and paramedical trainees, and $1,200,000 of research would have to be relocated.

The obvious move would be to the University of Washington, but statements by the University officials indicate that it has neither the physical nor financial resources to absorb all this. Furthermore, 517 people, earning $6,308,000 would be out of work in a city with over 12% unemployment. There are also 59 medical and dental staff members, not previously mentioned in this letter, myself included, whose professional development could be seriously compromised.

Although provisions are to be made to make medical care available to those patients now served by this hospital, two of the proposed alternatives (Madigan General in Tacoma, and the Bremerton Naval Hospital in Bremerton) require considerable traveling to reach, and neither have the variety of clinical services available at this hospital.

At a time when the output of trained medical personnel lags far behind the need, when patient care facilities are increasingly overburdened, and when aggressive and imaginative research provides hope for cure of fatal diseases, the decision to close this hospital would be tragic and totally lacking in foresight. If anything, the hospital should be totally renovated, or even rebuilt.

I hope that you will take what action you can to make these facts known to others. I am also writing President Nixon, and Senators Humphrey, Kennedy, Muskie, Hart, and Jackson. Thank you very much.

Sincerely,

KENNETH G. LERNER, M.D.,
Assistant Chief, Pathology Department.

RESEARCH PROJECTS WITH UNIVERSITY OF WASHINGTON ACCOUNTABILITY, AUGUST 1970[1]

Dr. Klebanoff:[2]			
NIH HD 02266-05	Uterine esoinophil	May 1970 to April 1971	$13,550
NIH AI 07763-04	Antimicrobial systems	January to December 1970	[3] 35,301
NIH AM 1000	Experimental clinical training	July 1970 to June 1971	160,658
Dr. Paulsen:			
NIH T 01 5161	Training grant, endocrinology	July 1970 to June 1971	43,599
NIH R 01 5436	Pituitary-gonadal interrelationship	September 1970 to August 1971	38,154
AEC AT (45-1) 2225	Effect of irradiation on the human testis	May 1970 to April 1971	32,500
Dr. Thomas:			
NIH CA 10895-02	Adult leukemia research center	November 1969 to October 1970	[3] 327,925
NIH CA 10167-04	Separation of blood by continuous flow centrifuge	January to December 1970	[3] 61,833
NIH CA AM 11438-07	Normal and abnormal bone marrow metabolism	January to December 1970	[3] 37,538
NIH AI 09-419-07	Irradiation and marrow transplantation in large animals	October 1969 to September 1970	[3] 83,911
NIH CA 10777-02	Immunologic aspects of autochthonous tumor regression	September 1969 to August 1970	[3] 20,009
NIH CA 05231-01	Oncology training program[4]	July 1970 to June 1971	71,659
NIH PH 43-67-1435	Evaluation of typing techniques in clinical homotransplantation	July 1970 to December 1971	41,081
American cancer T-280	Role of isogeneic and allogenic marrow in the therapy of cancer	March 1970 to February 1971	15,756
Dr. Turck: NIH AI 06311-06	Epidemiology of E. Coli infection	October 1969 to September 1970	[3] 43,742
Dr. Simpson: NIH AM 09822-04	Interaction of CO_2 fixation and the krebs cycle	September 1970 to August 1971	31,614
Total			1,058,830

Footnotes at end of table.

NIH GRANTS TO PHS COMMISSIONED OFFICERS

HE-10715-05	Cooperative study of treatment of hypertension: Willard P. Johnson, M.D., John McDonough, M.D., and Robert E. Wills, M.D.	September 1970 to August 1971	$32,384
HE-09753-07	Cooperative study of renal disease and hypertension: Robjert J. Griep, M.D	September 1970 to August 1971	24,929
	Federal health programs service intramural research	July 1970 to June 1971	70,980
	Total of 15 projects		128,293

[1] 75 to 90 people are employed on these projects.

[2] The research training unit of the department of medicine of the University of Washington under the direction of Seymour J. Klebanoff, M.D., trains approximately 7 or 8 physicians or dentists each year in basic research skills and techniques.

[3] Extended or renewed.

[4] We have the only oncology inpatient service in the city under direction of Dr. E. Donnall Thomas, professor of medicine and head, oncology division, University of Washington.

U.S. Public Health Service Hospital,
Seattle, Wash., January 21, 1971.
Hon. Warren G. Magnuson,
Senate Office Building,
Washington, D.C.

Dear Senator Magnuson: Threatened closure of the Seattle USPHS Hospital by DHEW would terminate many vital programs in medical care, medical training and medical research and would constitute a gross injustice to the affected individuals—patients, doctors-in-training, and hospital staff. These programs include:

1. Inpatient care for American Seamen, American Indians, active duty and retired uniformed services personnel and dependents.

2. Outpatient care for the same beneficiaries.

3. An active program of clinical teaching of medical students, interns, residents and subspecialty and research fellows. The teaching program at the Seattle USPHS Hospital constitutes a major share of the clinical teaching provided by the University of Washington Medical School and teaching hospitals, and abandonment of the program would seriously hamper the ability of the University to provide clinical teaching to doctors-in-training at all levels of accomplishment.

4. An active clinical research program. I am an advisory board member for a long-term cooperative study of the effects of blood pressure lowering drugs being conducted by six USPHS hospitals including the Seattle hospital. I am including a copy of a letter supporting this study by members of the advisory board, and I call your attention particularly to the last paragraph. Hospital closure would have immediate and disastrous affects on this study.

As a constituent, I earnestly implore you to work for the continued maintenance and strengthening of the Seattle USPHS Hospital, rather than its dissolution.

Sincerely yours,
John R. McDonough, M.D.,
Assistant Chief, Medicine; Chief, Cardiology, Seattle USPHS Hospital, Assistant Professor of Medicine, University of Washington School of Medicine.

The University of Iowa,
Iowa City, Iowa, January 4, 1970.
Dr. Eleanor Darby,
Executive Secretary, Clinical Evaluation Therapeutics Branch, Office of Associate Director for Clinical Applications, National Heart and Lung Institute, National Institutes of Health, Bethesda, Md.

Dear Dr. Darby: This is a report of the consultants who have been associated with the USPHS Cooperative Study on the Treatment of Mild Hypertension. We are submitting this report directly to you to help in the evaluation of this program in conjunction with its renewal application.

There is little doubt of the enormous impact of hypertension and hypertensive diseases and the importance of the question that this cooperative group has set about to answer. Whether treatment of mild to moderate sustained blood pressure elevation influences morbidity and mortality is of great social and economic significance. Published findings on the efficacy of therapy by the V.A. group for moderate and severe hypertensives (J.A.M.A. 202: 1028, 1967) and recently for moderately severe hypertensives (J.A.M.A. 213: 1143, 1970) makes the PHS study even more relevant. It is now critically important that drug efficacy be assessed for persons with mild blood pressure elevation who have no evidence of hypertensive or arteriosclerotic end organ disease. This Public Health Service Cooperative Study is now well along in the conduct of precisely this type of study.

The study design employs classic randomized double-blind treatment and placebo groups with subjects entered as matching pairs. Criteria for inclusion are rigorous and this can be seen in the ratio of persons entered in the study (378) to those screened (1299). Requirements for patient entry to the study included serial home blood pressure readings with average diastolic blood pressures of 90 to 115 mm of Hg, absence of clinical manifestations of coronary, hypertensive, cerebral vascular, peripheral vascular disease and diabetes, and absence of ECG, chest x-ray and biochemical abnormalities.

Randomization of the subjects is most impressive in the degree to which those in each regimen resemble each other in all characteristics measured. Also impressive is the care which has been taken to identify morbid and associated events. Morbid event criteria have been carefully defined and impartially applied with a clinical referee participating in the decision. All parties to the decision are blinded as to the allocation of the subject. Sequential analysis is being employed to allow more flexibility for termination of the clinical trial in the event that drug efficacy can be proven significant sooner than anticipated.

The conduct of the study has been exemplary. Six participating hospitals have employed the common protocol and rigor of application of criteria have been quite uniform. Dropouts (38) stand at 10% of patients admitted over an average subject time in the study of 24 months. Morbid events are occurring at a faster rate and dropouts at a slower rate than anticipated in the study design. These trends both operate to shorten the anticipated duration of the clinical trial.

The distribution of treated versus placebo subjects among those with morbid events favors drug efficacy. At the present the trend is strongly established but not significant. Review of the data suggests that results will probably become significant in another one to two years. The data further suggests a trend towards significance for the hypertensive morbid events but not for the arteriosclerotic ones for the distribution so far has been similar in treated and placebo groups.

In terms of the first rule of any control clinical trial, namely total adherence to protocol and maintenance of the randomization and double-blind techniques, we think this project must be given full credit.

A few specific comments are in order, chiefly concerning the analysis of the data.

The design of the study will not permit questions to be answered about the influence of hypertension and its treatment in subgroups of the population studied. Eighty per cent of the population is white male and hence the experience of the group is by and large carried by that segment. It is of interest, however, despite the fact that the numbers are few, that this study does have controlled observations on hypertensive women. This should provide valuable clues for the development of more definitive studies in this group.

It is recognized that the project is far from complete and that it is difficult and probably undesirable to try any extensive form of analysis until all data is in. Nevertheless it is important for the study to recognize that the multiple centers involved must have their experiences analyzed separately in order to detect any extraordinary trend. For instance, it would appear, with the present evidence, that the Boston Hospital has admitted 14% of the total admissions as of October 1, 1970 (55 out of 384) and it was responsible for some 41% of all morbid events (27% of all events that occurred in the treated group and 46% of all events that occurred in the placebo group). This may be purely fortuitous but this relatively large excess in one cooperating hospital should at least raise a number of questions and needs to be identified and discussed by the investigators.

The morbid event criteria may need reanalysis. For instance, of the four patients who had cardiac enlargement in the treated group, three actually had a reduction in blood pressure as measured in the standard way. Since it is quite likely that atherosclerotic coronary artery disease is often responsible for cardiac enlargement in the face of normal blood pressure, it may be necessary to remove this from the "hypertensive" morbid classification. It is also of interest that three of the four patients who had cardiac enlargement in the treated group were women.

It is hoped that an analysis will eventually be made of the results of treatment in different subgroups other than by hospitals. For example, as is shown in the following table, if the proportion of hypertensive and atherosclerotic events occurring in white males is broken down into two age bands, it would appear that treatment is beneficial for both hypertensive and atherosclerotic events in the older age groups, and it is only in the younger age groups where treatment has no beneficial effect for the atherosclerotic complications.

HYPERTENSIVE EVENTS, WHITE MALES BY AGE AND TREATMENT STATUS

Age	Treated		Placebo	
	Number admitted	Morbid events	Number admitted	Morbid events
Less than 46	50	0	47	5
46 to 55	53	1	70	8

ATHEROSCLEROTIC EVENTS, WHITE MALES BY AGE AND TREATMENT STATUS

Age	Treated		Placebo	
	Number admitted	Morbid events	Number admitted	Morbid events
Less than 46	50	3	47	0
46 to 55	53	1	70	4

These numbers, of course, are small, and these differences may not be significant. Nevertheless, this is an example of the type of question which should be put to the data.

There should also be additional attempts to determine the effect of some of the pretreatment characteristics on subsequent morbid events. As can be seen, for example, in the following table there is a marked effect of cigarette smoking on the occurrence of subsequent morbid events.

MORBID EVENTS BY CIGARETTE SMOKING

	Number admitted	Morbid events	Morbid events per 1,000 admitted
Never smoked	120	10	83
Past smokers	82	7	85
Present smokers	170	23	135
Less than ½ pack	34	4	118
½ to 1 pack	53	7	132
1 to 2 packs	68	10	147
2 or more packs	15	2	182

Little information is yet available on the incidence and importance of side effects and toxic reactions in the two groups. The initial impression is that these adverse reactions may be slightly more important in this study than they were in those patients in the two V.A. Cooperative Studies.

These comments are made to emphasize the enormous importance of the project, the very fine design of the study, its extraordinarily good implementation and the great benefits which are likely to come from it when it is finally analyzed completely. We strongly urge support of the study through to its completion. Failure to achieve the objective because of failure to provide continued support would represent not only a major loss to the individuals at risk in the total population but also to the nation and to health care over the world since so much can be gained for a relatively small additional investment.

The undersigned stand ready to offer their services for any additional inquiries you may have concerning this study.

Sincerely,

Walter M. Kirkendall, M.D.,
Professor of Medicine, Director, Renal-Hypertension-Electrolyte Division, University of Iowa College of Medicine.
Thomas R. Dawber, M.D.,
Associate Professor of Medicine, Boston University Medical Center.
H. Mitchell Perry, M.D.,
Professor of Medicine, Washington University.
John Cassell, M.D., M.P.H.,
Professor, Department of Epidemiology, School of Public Health, University of North Carolina.
John R. McDonough, M.D.,
Assistant Professor of Medicine, University of Washington.

University of Washington,
Seattle, Wash., January 21, 1971.

Hon. Warren G. Magnuson,
U.S. Senate,
Washington, D.C.

Dear Senator Magnuson: I am writing to reinforce the communications sent to you by other members of the University community as well as members of our state and local government concerning the proposed closure of the Seattle U.S. Public Health Service Hospital. I am attaching a copy of a letter sent recently to Dr. Vernon Wilson, Director of Health Services Mental Health Administration which summarized some of our concerns.

Briefly, it seems inconceivable that the present administration could recommend abrupt closure of this hospital when the School of Medicine and others depend on it so heavily for the training of physicians and other health manpower. We are placed in the extraordinary position of being asked to make commitments to increase our medical student class, for example, from 84 to 128 and at the same time of having the facilities upon which we depend to train physicians closed.

I should point out furthermore that the School of Medicine has a contract with the Public Health Service which requires that a year's notice be given prior to breaking the agreement. This matter is covered in more detail in my letter to Dr. Wilson.

As you will note from my letter we are requesting a four-year delay in the closure of the hospital so that programs currently accommodated there might be shifted to other locations when new construction for the Veterans Administration Hospital and for the University Hospital is completed. This delay, of course, is predicated on the assumption that such new construction in these other areas will proceed.

I sincerely hope that you will be able to help us with this critical matter.

Sincerely yours,

John R. Hogness, M.D.,
Director, Health Sciences Center.

University of Washington,
Seattle, Wash., January 7, 1971.

Dr. Vernon Wilson,
Administrator, Health Services Mental Health Administration, Rockville, Md.

Dear Dr. Wilson: This letter is written as a follow-up of our conversation concerning the planned closure of the USPHS Hospital in Seattle. It supports and augments the letter written to you recently by Dr. Robert Van Citters, Dean of the School of Medicine here at the University of Washington. At the outset I would like to emphasize again that the closure of the Seattle hospital would present very serious problems to the University of Washington, particularly, but not exclusively, to the School of Medicine. I would like, therefore, to request that the closure of the Seattle USPHS Hospital be postponed for four years. Such a delay would enable us to work further with the Veterans Administration to develop plans for a new Veterans Administration Hospital in this area and to complete plans for and construction of 200 additional beds on the University Hospital. Any closure prior to that time would be nearly disastrous for us.

It is appropriate to emphasize the very close relationship which exists between the University of Washington and the Seattle USPHS Hospital. It is my firm impression that this relationship is closer than that which exists anywhere else in the country. For example, Dr. Willard Johnson, Director, USPHS Hospital, is also Assistant Dean in the School of Medicine. Furthermore, internship and residency programs at the University of Washington are integrated with the USPHS Hospital so that interns and residents rotate automatically from other University facilities through the USPHS facility.

A very significant number of students at the University of Washington School of Medicine are assigned to and taught at the USPHS Hospital. For example, thirty percent of the basic clinical clerkship for all students in medicine is taught at the Seattle hospital. Twenty-three percent of all the basic teaching in the University affiliated hospital system (including the University Hospital) is carried out at the USPHS Hospital. This involvement is identified in our Physician's Augmentation Program grant application wherein we requested money for adding additional teaching space at the USPHS Hospital. The money for this was granted and the additional construction is currently being contracted. We are anticipating an increase in the number of entering medical students from 77 in 1967 to 125 in 1972. This increase was predicated upon the availability of the USPHS Hospital as clearly stated in our grant application.

At the present time the School of Medicine has forty-nine members of its faculty stationed at the USPHS Hospital. Some of these faculty have tenure. Faculty at the USPHS Hospital receive support from the State of Washington at the level of $139,000 annually and, in addition, $32,000 from University Hospital professional income resources are provided to this group. Among the faculty at the USPHS Hospital are four full professors, three associate professors, twenty-one assistant professors and sixteen instructors. Although twenty of the forty-nine faculty stationed at the USPHS Hospital are USPHS commissioned officers, many of these are provided additional University income in recognition of their teaching responsibilities. Thirteen of our faculty stationed at the Seattle hospital have major research programs at that hospital with an annual budget in excess of $800,000. There is in excess of 19,000 square feet of research space at the hospital and, in fact, the University's major cancer research program is based at the Seattle USPHS facility. The only cytocompatibility laboratory in the Northwest is based at the Seattle USPHS Hospital. Approximately $300,000 of the NIH money is invested in the cancer research facility alone. A large percentage of this investment has been made within the last eighteen months.

Finally, I should like to point out that the University of Washington has a hospital affiliation agreement with the USPHS and the Seattle hospital which provides that "this agreement may be terminated no sooner than one year following annual review provided such termination is requested by either party 90 days prior to the time of annual review."

Since the annual review date is July 1 this would mean that the affiliation agreement cannot be terminated by either party until July 1, 1972 at the very earliest. In addition, there is an agreement for an integrated internship program which states "termination of this agreement will be by request in writing initiated by either party effective July 1 provided the notification is received by March 31 of the preceding calendar year." These agreements are signed by Gabriel P. Ferrazano, M.D., Assistant Surgeon General and Jack Butler, M.D., Acting Director of Federal Health Program Service, respectively. Further, I believe that it might be pointed out that Seattle University has an agreement with the USPHS Hospital, which relates to its affiliated nursing program, which provides that the earliest possible date for termination of the agreement would be September 1, 1972.

I hope I have been able to convey to you the seriousness of the crisis that would be produced in Seattle and at the University of Washington (also at Seattle University) should the USPHS Hospital be closed. We urgently request that the closure of this hospital be delayed for four years.

Sincerely yours,

John R. Hogness, M.D.,
Director, Health Sciences Center.

January 20, 1971.

Hon. Warren Magnuson,
U.S. Senate,
Washington, D.C.

Dear Senator Magnuson: Since I last wrote, a two man "fact finding" team from HEW visited the Seattle USPHS hospital on January 18 and 19. From the discussions and meetings that took place, it seemed obvious that the proposed elimination of the hospital was a political decision not arrived at by consideration of facts. The closure would not result in cost reductions for patient care, and in fact, when beneficiaries are switched to contractual services, these costs could increase by several million dollars.

The elimination of 23% of the University of Washington Medical School teaching beds and 49 faculty members at a time when the school is preparing to increase its enrollment (the University of Washington has one of the smallest medical classes in the U.S., and is the only medical school in the Washington, Idaho, Montana, Wyoming and Alaska region), would severely compromise its teaching program. Because of the miserable economic situation in this state, financial support of the school is now quite limited and it could not replace such a loss in teaching facilities. There is also no way to relocate our already funded research programs without further expenditures.

I have enclosed a report done in 1965 which recommends that the five largest hospitals (this includes the Seattle facility) not be closed, but modernized and more fully utilized. This report has never been acted on and in fact has been politely ignored.

The current administration's attitude and actions show that it is not only continuing its "war on the people," but by continually proposing unwarranted cutbacks in already under-supported programs, it is escalating this "war." When reductions are justified for budgetary reasons and the result is even higher cost, the situation becomes ludicrous.

Senator, I beg you to take what action you have in your power to stop this insanity.

Sincerely,

KENNETH G. LERNER, M.D.,
Assistant Chief, Pathology Department.

DIVISION OF HOSPITALS BULLETIN NO. 66-43, SUPPLEMENT NO. 2

To: Medical Officers in Charge, U.S. Public Health Service Hospitals, U.S. Public Health Service Outpatient Clinics.

Subject: Recommendations of OST Report with Related Letters.

Applies to: All Stations.

Attached is a copy of the recommendations (5 pages) excerpted from the OST Report, together with copies of the following communications:

(1) Letter of June 18, 1965 to Dr. Hornig, Special Assistant for Science and Technology, The White House, from Bethuel M. Webster, Chairman of the Special Committee appointed by the President's Science Advisor to study the PHS General Hospital system.

(2) Memorandum of June 18, 1965 to the President, from Doctor Hornig.

(3) Letter of July 27, 1965 to the Secretary of Health, Education, and Welfare, from the President of the United States.

(4) Memorandum of August 13, 1965 to the Surgeon General of the Public Health Service, from the Under Secretary of Health, Education, and Welfare, stating that the Committee's recommendations have been approved by the President, and urging that we proceed without delay to develop and implement plans to modernize the PHS Hospitals, improve the training and research programs, and strengthen affiliations with university medical schools wherever possible.

Because of the importance of these documents we are sending you extra copies and request that they be distributed to interested persons within and outside your hospital and/or clinics. Hospital and clinic Service Chiefs, Deans of local Medical Schools, and other interested professional groups should be among those who will receive a copy.

G. P. FERRAZZANO, M.D.,
Assistant Surgeon General.

RECOMMENDATIONS

Our recommendations have been shaped by considerations not fully articulated in the body of the report. Not the least of these is recognition that values of great importance ought not be sacrificed in the interest of organized and budgetary simplicity and efficiency. We refer, for example, to the historic dependence of seafaring men—the Merchant Seamen and the Coast Guard—on the disciplined devotion of the Commissioned Corps, to the presence in the Public Health Service hospitals of teaching and training facilities peculiarly relevant to the total mission of the Public Health Service, and to the unique function of the Commissioned Corps itself as an agency supplying well-trained physicians to the Federal service.

The Committee recommends that the Public Health Service continue to operate a system of general hospitals.

We believe that transfer of the general hospitals of the Public Health Service to the Veterans Administration or other Federal agencies would not be in the public interest for several reasons:

1. *Care of patients*—Certain of the present beneficiaries in the Public Health Service general hospitals have medical requirements which these hospitals are especially adapted to satisfy. American seamen seek and must receive care while their ships are in port. Most of the beneficiaries are legally entitled to outpatient as well as inpatient care. To achieve continuity of care outpatient care should be under the same direction as bed care.

2. *Recruitment*—The general hospitals operated by the Public Health Service are the most important single source of medical and other health related specialists required by the Public Health Service. Of the 700 medical officers with more than 6 years in the Service, 428 began their careers in the Public Health Service hospitals.

3. *Training*—The Public Health Service needs general hospitals to train its medical specialists. The hospitals are now producing annually about 50 trained specialists for the Service. In our opinion the Public Health Service could not recruit this number of fully trained men outside the Service.

4. *Research and Demonstration*—An increasing amount of basic and clinical research is now going on in the Service's general hospitals.

In addition, the Division of Hospital Facilities of the Public Health Service is responsible for the planning and construction of hospitals, clinics and health services nationwide. Studies in planning, organizing and evaluating health care programs within hospitals are needed. The Public Health Service has a unique opportunity to use its general hospitals to organize and conduct such studies for demonstration purposes.

5. *Operating Costs*—The Committee does not believe that operating savings would result from transfer of the hospitals to the Veterans Administration. Except for a few dependents of retired military personnel (who now receive free care on a space-available basis only), all of the beneficiaries now in Public Health Service hospitals are legally entitled to medical care at Federal expense. Per diem costs in Public Health Service hospitals are comparable to those in other Federal hospitals.

6. *Plurality of Federal Hospital Systems*—Even if it could be shown that savings would be effected by a unified Federal medical care system, or by the transfer of Public Health Service hospitals to another Federal agency, the Committee believes that the advantages in a plurality of Federal hospital systems should be recognized. These advantages include medical care more directly oriented to the needs of special classes of beneficiaries and the ability to experiment and to compare the quality and cost of care delivered under different systems.

The Committee recommends that the general hospitals of the Public Health Service be modernized and that they be supported at levels consistent with the several important functions they should perform.

The Public Health Service has paramount responsibility for the health of the Nation. It follows that in providing direct medical care it should serve as a model.

Buildings—All of the hospitals have been erected since 1930. They have been inadequately maintained and are unsatisfactory not because of their age but rather because funds have not been made available for necessary improvement and modernization.

Equipment—Federal hospitals should have available the latest equipment and, indeed, should be among the leaders in the development of new equipment. The quality and quantity of equipment in Public Health Service hospitals are below standards. The shortage of equipment in such areas as operating rooms and x-ray departments has increased the cost of caring for patients. Hospitalization is sometimes unnecessarily prolonged because of delays in scheduling examinations or surgical procedures.

Operating Personnel—Per diem costs in the Public Health Service hospitals are about 25% lower than in other short-term general hospitals. Part of this difference is due to the fact that length of stay is longer than in community hospitals. Some of the difference, however, is due to lack of adequate operating support. The number of positions authorized in some important service departments is not sufficient to provide quality care for short-term hospital patients and should be increased.

The Committee recommends that additional training programs be developed in sciences and services basic to medicine and that existing programs be strengthened and extended. Responsibility for these programs should be shared with universities and with community health agencies.

While the hospitals are primarily engaged in discharging the patient care responsibilities of the Bureau of Medical Services, they should be made more useful to the other bureaus and divisions of the Service.

Training programs in the Public Health Service Hospitals are of importance as a means of recruiting and retaining physicians for the Service. A number of programs are affiliated with university medical schools. Some Public Health Service trainees are now trained in part in university hospitals, though few university trainees receive training in Service hospitals. University representatives informed the Committee that if ways could be found to support their trainees during absences from the university, they would assign them to the Public Health Service Hospitals. The Public Health Service could increase the number of top-flight physicians from which to recruit for the Service if it would support such rotation financially and otherwise.

Although the Division of Community Health is responsible for many of the important activities of the Public Health Service, there is no training program in community medicine conducted by the Division of Hospitals. Strong training programs in community medicine should be developed in cooperation with universities. The program recommended by the San Francisco Public Health Service Hospital and the School of Public Health, University of California (See Appendix XII) could serve as an example.

The Committee recommends that no assignment or position in the Public Health Service be restricted to commissioned corps officers.

We do not believe that the Commissioned Corps should be eliminated or weakened. On the contrary, we believe the Corps to be necessary to many of the missions of the Public Health Service. Nor do we intend to suggest exclusion of officers of the Commissioned Corps from eligibility for leadership positions. We believe strongly, however, that these positions should be filled on the basis of personal and professional qualifications. In the choice of its leaders the Public Health Service should have access to the entire scientific community. Appointment to such important positions as Surgeon General, Chief of the Bureau of State Services, and Director of Community or Environmental Health should not be conditioned on membership in the Commissioned Corps.

The White House,
Washington, June 18, 1965.
Dr. Donald F. Hornig,
Special Assistant for Science and Technology, the White House, Washington, D.C.

Dear Dr. Hornig: In a memorandum from the White House dated January 14 last you were informed that the President had reviewed a series of studies related to the Public Health Service general hospitals, and that this review had led to the conclusion that the seven smallest of the twelve hospitals should be closed and the remaining hospitals should be modernized and operated as first class general hospitals. It was stated that there was a clear need for the five largest hospitals in carrying out the total Federal responsibility for inpatient care and that the need to improve their physical condition and to strengthen their operational capability was well documented.

Because of "divergent views on the organizational location" of the Public Health Service general hospitals, you were requested by the President to organize an objective study (a) to "evaluate the merits of transferring responsibility for providing medical care for American seamen and the operation of the above five hospitals from the PHS to the Veterans Administration versus retaining them in the PHS" and (b) to "examine the use of these hospitals for recruitment and training of professional health personnel and alternative methods available to PHS to improve recruitment and training designed to better serve the PHS primary mission in the fields of medical research, community health, environmental health, and health manpower and also capable of meeting its other clinical and clinical related operations." Acting on the President's request for an objective study, you appointed our Committee.

At your request we have made the study desired by the President, and our report is submitted herewith.

Members of the Committee visited each of the five hospitals. We met with representatives of the Bureau of the Budget, the Veterns' Administration, and the medical schools with which the Public Health Service hospitals are cooperating, we well as with the Surgeon General, members of his staff, and members of the Commissioned Corps engaged in the administration and operation of the five hospitals. We conferred with representatives of the Coast Guard, the maritime unions, and the shipping industry. We considered the total responsibility of the Public Health Service for the health of the Nation as well as for the health of the Indians, Federal prisoners, and persons suffering from narcotic addiction and leprosy.

On the basis of the study and findings described in the body of the report we have concluded that the Public Health Service should continue to operate a system of general hospitals and, accordingly, that the five hospitals referred to in the White House memorandum of January 14 should not be transferred to the Veterans' Administration. We believe that the hospitals are an essential source of trained professional personnel, not just for the care of American seamen, their historic role, but for the many other medical and health services now supplied by the hospitals should be modernized and sup- We believe that the hospitals are an essential services they perform; that training programs in the sciences and services basic to medicine should be developed in close affiliation with related programs of university medical schools and community health agencies; and that, with a view to maximum development of the Public Health Service, top positions in the Service should not be restricted to members of the Commissioned Corps.

We want to emphasize that nothing we have said is intended to reflect unfavorably on the character or quality of Public Health Service officers responsible for the administration and operation of the hospitals we visited. Indeed, we believe that the hospitals are supplying necessary services on a high level of efficiency—services which reflect credit on the professional quality and morale of the Commissioned Corps. Our comments and recommendations are intended only to improve the hospitals and to remove uncertainty as to responsibility for their operation.

Persons too numerous to mention individually have willingly supplied the information and advice and other assistance we have requested. We do want to acknowledge that without the expert full time service of Mr. Milo Anderson of our staff it would have been impossible to complete the study in a period of about four months. Lastly, we want you to know how much we have enjoyed working together on this important assignment.

Respectfully submitted.

Bethuel M. Webster,
Chairman.
Ray E. Brown,
Charles G. Child III,
Kenneth E. Clark,
Philip P. Cohen,
Ralph Connor,
Robert F. Goheen,
C. Phillip Miller.

Memorandum for the President,
June 18, 1965

Last January, at the time Secretary Celebrezze announced the closing of the seven smallest Public Health Service Hospitals, you requested that a study be made to evaluate the transfer of the remaining five P.H.S. Hospitals to the Veterans Administration. To accomplish this end we were fortunate to obtain the services of the following distinguished citizens:

Mr. Bethuel M. Webster, Chairman, Webster, Sheffield, Fleischmann, Hitchcock & Chrystie, Rockefeller Plaza.

Mr. Ray E. Brown, Director, Graduate Degree Program Hospital Administration, Duke University.

Dr. Charles G. Child, III, Professor and Chairman, Department of Surgery, University of Michigan.

Dr. Kenneth E. Clark, Dean, College of Arts and Sciences, University of Rochester.

Dr. Philip P. Cohen, Professor and Chairman, Department of Physiological Chemistry, University of Wisconsin.

Dr. Ralph Connor, Chairman of the Board of Directors, Rohm & Haas Company.

Mr. Robert F. Goheen, President, Princeton University.

Dr. C. Phillip Miller, Professor Emeritus of Medicine, University of Chicago.

The Committee has completed its executive study and the final report is attached to this memo. The Committee's major conclusion is that the Public Health Service should continue to operate a system of general hospitals and that the five hospitals in question should therefore remain under P.H.S. control. However, during the course of its study the Committee members also raised serious questions which will require further action on our parts. Specifically, they recommended major changes to improve the operation of the hospitals themselves as well as changes in the role of the Commissioned Corps in Public Health Service activities.

I am sure that the Committee members would be pleased to explore their recommendations further with the White House staff or with H.E.W.

Donald F. Hornig.

The White House,
Washington, July 27, 1965.
Hon. Anthony J. Celebrezze,
Secretary of Health, Education, and Welfare, Washington, D.C.

Dear Secretary Celebrezze: I have received the enclosed report from a special committee created to study the future of the Public Health Service. Responsible officials in the Executive Office and the Bureau of the Budget have reviewed it.

The committee has recommended the continued operation of a general hospital system by the Public Health Service. It calls for the modernization of those hospitals suitable for retention in the system, and their support at levels consistent with the important functions they perform.

Further, the committee recommends additional training programs in the sciences and services basic to medicine; responsibility for these programs should be shared with universities and community health centers.

Finally, the committee has expressed its belief that no assignment or position in the Public Health Service should be restricted to Commissioned Corps officers.

I recommend the work of the committee to you. I believe we have been quite fortunate in securing this careful study and report, and I look forward to discussing its salient features with you at an early date.

Sincerely,

Lyndon B. Johnson.

Maritime Trades Department,
AFL–CIO,
Seattle, Wash., February 3, 1971.
Hon. Warren G. Magnuson,
Washington, D.C.
Re. Proposed closing of U.S. Public Health Service Hospitals

Dear Senator Magnuson: The proposal to close eight U.S. Public Health Service Hospitals has created grave concern on the part of those who are entitled to medical services provided by law. As a part of the maritime industry which is covered under the USPHS Act, we are opposed to the closing of any of these institutions, and we are particularly opposed to the closing of the Seattle facility.

Because of its central location—serving Alaska, Washington, Oregon and Idaho—the case load in this area not only taxes the present capacity but calls for enlarged facilities in the near future. There are other very valid considerations which we believe cannot be fully known to federal officials; otherwise, the contemplated closing would not have included the Seattle facility. We respectfully call to your attention that this is more than an ordinary hospital dispensing medical services. This is a facility engaged in ultra modern clinical research projects, working in close cooperation with the University of Washington Hospital. The benefits to medical science which are a direct result of this cooperative effort cannot be measured in dollars and cents, but those of us who are not calloused by bureaucratic insensitivity, value highly the lives saved and the prevention and cure of future ailments resulting from the joint medical research in these instances.

Moreover, the USPHS Hospital experimental cancer treatment unit is the only one of its kind on the Pacific Coast.

As emphasized previously, patient potential is perhaps greater here than in many other areas. This hospital must take care of all seamen, licensed and unlicensed deck and engineroom personnel on floating equipment, such as tendermen, tug and ferry boat employees, Coast Guard, Coast & Geodetic Survey, government fishery research personnel and all military personnel and their dependents. Indians and Eskimos are also included. Conservatively, one can estimate a potential of 30,000 people who must depend upon this location for needed medical treatment.

There has been talk about alternatives which we believe are not realistic for many reasons. The Veterans' Hospital in Seattle cannot handle any significant number of outside patients at this time. If the full impact of the Vietnam War-sustained injuries is to be properly taken care of—and by that we do not mean placing these patients on cots in hallways and closets as constituting proper care—the present Veterans' Hospital must be enlarged, and it will then still not be in a position to take outside patients in our opinion. To farm the maritime patients out to private hospitals will greatly increase the cost, but even with increased cost, many in need of medical service will not be able to obtain these services because of lack of facilities. Last but not last, how can one provide alternatives for the research and teaching programs between the USPHS Hospital and the University Hospital. As we see it, alternatives in this case appear to be a method of providing a sedative to remove some of the pain during the changeover. Once the transition has taken place, and we fully understand we are faced with less, or, in some instances, no medical services, we will neither have a hospital or a pill to ease our painful awakening.

The reason for closing seems to be budgetary restrictions. We see no savings to the taxpayer in farming out these medical services which are a responsibility of the government. We think the cost will be greater, with less service. Alternatives under the circumstances would appear to be a poor substitute for the real thing. We are utterly opposed to the ill-advised termination of this facility, and if the bureaucratic arm of our government persists in this effort, we should have a full-scale Congressional investigation. We are opposed to the closing of any facility where the average case load is sufficient to provide a medical necessity to keep these institutions in operation.

Respectfully submitted.

James O'Brien, Secretary, Puget Sound District Council, Maritime Trades Department AFL–CIO, Marine Cooks & Stewards, International Association of Machinsts & Aerospace Workers No. 79, Office & Professional Employees No. 8, Inlandboatmens' Union of the Pacific, Seattle Fire Fighters Union No. 27, District Council of Carpenters, Sailors' Union of the Pacific, Seafarers' International Union of North America, Puget Sound District Council of Lumber & Sawmill Workers, International Union of Operating Engineers No. 302, Marine Firemen, Oilers, Watertenders & Wipers, International Organization of Masters, Mates & Pilots Local No. 6, Boilermakers Local No. 104, Alaska Fishermen's Union.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I have been most impressed by the remarks made this morning and by the legislation introduced.

I can speak with some degree of knowledge relative to the hospital in the State of Maryland at Baltimore. Several Montanans have gone there and have been treated extraordinarily well. They have benefited from the knowledge of these dedicated physicians, nurses, and personnel, and they have shown on occasion decided improvement. It was a case of last resort for some of these people.

Mr. President, I would like to ask the distinguished Senator from Massachusetts if he would include my name as a cosponsor of his bill.

Mr. KENNEDY. Mr. President, I would be delighted to include the name of the distinguished majority leader as a cosponsor. The Senator's interest in this subject, is welcome, and I think his support for the measure is of great significance and importance.

Mr. President, I ask unanimous consent that the name of the Senator from Montana (Mr. MANSFIELD) be added as a cosponsor of the resolution.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I am very much disturbed by reports that 38 facilities operated by the Public Health Service are to be closed by the end of this fiscal year.

We hear a great deal these days about the health care crisis which our country is facing, as increasingly we have come to accept the premise that access to high quality health care is the right of all Americans, not the privilege of few.

Yet few of us would deny that today, many Americans do not enjoy this right.

We in the Congress have made speeches and enacted legislation. The ground has been laid in the Congress for major legislation in the area of health insurance this year.

And the President has promised broad reforms to bring health maintenance within the reach of those Americans who today cannot afford it.

In the debate on these proposals, we can rightfully expect that some of our most traditional assumptions will be challenged. This is as it should be, for the system we have used for so long has clearly not worked as well as it might have.

Yet in proposing needed changes, we must be careful not to reject the good from the past along with the bad.

For this reason, I support the resolution just introduced to keep our Public Health Service facilities open while we examine other alternatives for their use.

The Public Health Service hospitals and outpatient clinics have served us well over the years. It has been estimated that in 1969 alone, well over a million cases were handled by these facilities.

In my own State, the Public Health Service hospital in Portland cares for approximately 3,000 to 4,000 people in the area.

Yet the administration is seriously considering the closing of these facilities—without first providing alternative access to the care which the Public Health Service has provided.

I suggest, Mr. President, that such action may introduce an immediate and concentrated demand for care into a system which is already overloaded.

For example, Mercy Hospital in Portland has indicated that it will be willing to step into the gap created by closing the Public Health Service unit there. Yet directors of Mercy Hospital fear that the quality of care that will be provided for this new influx of patients may be less adequate than should be provided.

In hearings before the House Merchant Marine and Fisheries Committee last December, Secretary Richardson indicated his department's interest in converting existing PHS facilities into different kinds of health care units.

I would welcome such a step which could broaden the effectiveness and the outreach of these facilities. Indeed, up to now they have served only a limited segment of the population.

But I suggest, Mr. President, that the way to put these facilities to a more efficient use is not to close them first.

HEALTH FACILITIES CLOSING WOULD BE "TRAGIC MISTAKE," SAYS HUMPHREY

Mr. HUMPHREY. Mr. President, I rise in support of the Public Health Service resolution as one of the most pressing health matters facing this Congress.

We have heard reports that the administration is considering closing by the end of the current fiscal year, some or all of the eight hospitals and 30 outpatient clinics now being operated by the Public Health Service in 32 States, the District of Columbia, and the Commonwealth of Puerto Rico.

It would be a tragic mistake to shut down these health facilities without giving the Congress a full opportunity to explore the implications of such a move.

No action should be taken until the administration and the Congress have carefully considered the issues involved, the impact of this move on the hundreds of thousands of persons served by these facilities, and what it means to the existing health care system of the Nation.

Many of these facilities are more than treatment centers; they are deeply involved in the education and training of sorely needed doctors.

If closing any or all of these health care facilities is what this administration means when it is talking about a full-employment, expansionary budget, then I think something is very wrong with the way the administration views the needs of the American people.

Just 2 months ago, in December, President Nixon signed the Emergency Health Personnel Act of 1970, which expands the role of the Public Health Service by authorizing the use of PHS personnel and facilities to meet health needs in urban and rural poverty areas and other areas suffering from critical shortages of health care and health personnel.

When the President came up here last month and told us that he plans "new initiatives" in the fight against disease, I was one of those who applauded.

But, frankly, I worry about this administration's willingness to match its words with deeds. We hear them speak about conquering disease but we see them closing hospitals and clinics.

Mr. President, I was privileged to be invited to Philadelphia to address the National Cystic Fibrosis Research Foundation's Humanitaria Awards Dinner last night. Because those remarks were so pertinent to this resolution being submitted today, and because the issue of health care is one of the major issues before this 92d Congress, I ask unanimous consent that my remarks to the National Cystic Fibrosis Research Foundation be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR HUBERT H. HUMPHREY, HUMANITARIAN AWARDS DINNER, NATIONAL CYSTIC FIBROSIS RESEARCH FOUNDATION, PHILADELPHIA, PA., FEBRUARY 10, 1971

I have come here tonight to talk to you about a major concern of all Americans—the health of our people—the health of our nation.

I want to share with you my thoughts on health care, health research, on **health** facilities.

I come to you with a lifetime of concern and commitment on these matters, and I want to speak frankly.

I have been reading the President's budget for 1972 and I am impressed by his call for new initiatives in the fight against cancer and sickle cell anemia. His message holds much promise for a healthier America.

The President, in his inaugural address, called on the Nation to judge his administration not on its words but on its actions. So, taking this advice, let us look at the Nixon record on health.

Just a few months after coming to office, President Nixon acknowledged a "massive crisis" in the area of health care as he spoke of the dangers of the possible "breakdown in our medical care system that could have consequences affecting millions of people throughout the country."

That was mid-1969, and it was the last we heard from him for the next year.

Either the crisis vanished or Mr. Nixon chose to risk the breakdown in medical care that he so clearly foresaw.

Then, out of the silence, Mr. Nixon spoke. He said, "no!"

No to cancer and heart research.

No to hospital construction.

No to providing more general practice physicians.

No to funding Government health agencies.

No . . . No . . . No . . . No . . . No.

This is the same man who spoke of a "massive crisis" in health care.

Yet there was the veto—for the 1970 appropriation for the Department of Health, Education and Welfare, a decision that forced the closing of 19 National Institutes of Health Centers as well as a cutback of $21 million in funds for cancer and heart research as well as for cystic fibrosis and dozens of other killers.

Then another veto—this time it was the Hill-Burton Hospital Construction Bill . . . and then still another veto—this one against legislation to increase the Nation's supply of family physicians.

Now the Congress receives a budget that keeps the rate of spending on health down to the same level as last year—and I do not have to remind you that was a year of vetoes and severe cutbacks in medical research.

Some of those cutbacks were so drastic that a number of research projects had to be cancelled. One of those might have held a cure for cancer, an answer to heart disease, a solution for cystic fibrosis.

And a fact which is often overlooked is that carefully selected teams of doctors, scientists and technologists had to be disbanded. It could take years to reassemble these valuable research teams.

Unmet needs for health research—the difference between what NIH declared necessary and what was actually spent—totalled more than $201 million last year, double the sum for the year before. This year that amount is expected to drop into the neighborhood of $164 million.

That can hardly be called closing the gap between action and need.

This is money sorely needed to fight cancer, heart and lung disease, allergies, neurological diseases, arthritis and metabolic diseases, and so many, many others.

Large sums of money appropriated by the Congress never were spent. Just why these were withheld remains a mystery, but the action has had a devastating effect on health research and training.

Too often research funds took back seat to spending for administration and operations.

In the area of arthritis and metabolic diseases, which includes CF, the Congress appropriated $119 million for 1970 but the administration would permit the expenditure of only $106 million. This left $13 million unspent at the same time there was a need for nearly $40 million of additional funds.

Federally sponsored research for CF alone last year dropped by more than $80,000 to $2½ million. For fiscal 1971 it is expected to go up only about $100,000.

Now, before you say to yourself, "Aha, it's going up," think for a moment about the impact of an annual rate of inflation of 6%. That alone wipes out the increase. And to make things worse, there's the added cost of increasingly sophisticated research equipment needed.

The result is a *real* dollar *decrease* in research expenditures.

That's one way to look at Federal health research. Let's take another.

This year's Federal expenditure on CF research is about *half* the cost of *one* phantom jet.

(Maybe we could ask the Air Force or the Navy to donate just one fighter-bomber or two to CF. Think of what we could do with that money.)

Total basic health research spending in the 1972 budget ($580 million) is less than half of what it will cost taxpayers to build a supersonic transport plane.

Total Federal outlays for all biomedical research in this latest budget ($1.3 billion) come to less than the price of building one new aircraft carrier and its smaller supporting ships.

All this suggests to me that something is very wrong with our system of national priorities.

I'm not the only one that sees it this way. I want to tell you about a four-year study by the National Academy of Sciences.

A prestigious committee of 28 of the Nation's leading life scientists, working under Dr. Philip Handler, president of the academy, has warned that increasingly tight Federal budgets for medical research and life sciences are crippling the Nation's ability to halt disease and rescue the environment.

That's a pretty strong indictment, and they back it up with plenty of evidence.

Unless the country increases biomedical research, the report says, "By the turn of this century this country must double the number of physicians, nurses, technicians, hospital beds, and sanataria and learn to live with the equivalent increment in human suffering."

These distinguished scientists tell us that biologists stand at the exciting threshhold of "understanding life on molecular terms," and thus possibly on the verge of conquering such diseases as cancer and diabetes and some of the causes of mental retardation.

But at the same time, biologists and medical scientists have in effect suffered a 30% cut in real Federal dollars in the last five years or so. Squeezed research budgets, the committee reports, "are now restricting research activities, morale among life scientists is falling and apprehensions are rising."

To cure the problem, the committee urges steady increases in recent on-again, off-again Federal funds for research and training.

Listen to some of its other recommendations:

Basic biomedical research should grow by 12–15% a year above fiscal 1970 levels.

Hard-pressed universities should get "block support" grants so they can pay science faculties themselves, rather than have faculties constantly scurrying for research grants for their pay.

NIH graduate training programs alone should be doubled over five years and students in some vocations should be graduated with simpler doctorates than the time-consuming Ph.D. requiring independent research.

There should be similar expansions to build new buildings and facilities—programs now almost dormant—and to buy or use instruments, including computers.

Health care research and health services should be expanded as separate programs, not at the expense of biomedical research, as at present.

"A central mechanism" in some existing agency should be established for education and research in control of runaway population growth. They call this "a primary threat."

National Institute of Environmental Studies should be established to study man's effect on the deteriorating environment in the same way the present National Institute for Environmental Health Studies effects on man.

These distingiushed life scientists have helped identify the problem and told us what must be done. Now it is up to us to do something about it.

Our ability to resolve today's critical crises in health care depends on our national will. As with so many other tough problems, the ultimate determination is a matter of the priorities we set for ourselves as a democratic society.

For centuries, science and technology have offered the prospect of freedom from hunger and from the ravages of the elements.

In our generation, science and technology offer man a longer life and the easy prevention of unwanted life.

For the next generation, science and technology promise freedom from disability and disease and the added facility in the miraculous transplants of essential life maintaining organs.

But at the same time that we receive these life-sustaining gifts, there is a paradoxic expansion of the life destroying arsenal.

We have weapons that can wipe out humanity in an instant.

We have industrial emissions that poison our atmosphere and our waters.

We have transit systems and vehicles designed for movement—that make movement all but impossible.

We have advanced automation—and the resulting threat of unemployment.

We have a fine new medicine chest of wonder drugs—with price tags far beyond the reach of many of our citizens.

We cannot blame our scientists and our technicians for the way we apply their science and technology. The responsibility lies on our own doorstep.

There is no conceivable reason why the wealthiest, most scientifically advanced nation in the history of the world—the United States of America—is not also the healthiest Nation on earth.

Unfortunately, we are not.

Despite the fact that Americans last year spent over $70 billion on health care, we rank 13th among industrialized Nations in infant mortality, 11th in life expectancy for women and 18th in life expectancy for men.

All this points to one inescapable fact—Americans are less healthy now than they were 20 years ago when the national annual health expenditure was less than one-fifth what it is today.

Forty million Americans have no health insurance of any kind. No one actually has *health* insurance—it's really sickness insurance

And you've got to be sick, really sick, before you get any benefits.

It is rather ironic to note that a preponderant number of states in this wealthy Nation of ours require automobile insurance, but not one state requires the most minimal health coverage for all its citizens.

What we have here is a serious deficiency in basic planning, design and operation of our health care system—a failure of our society to establish national priorities. The time has come, I am convinced, to get both our priorities and our systems straightened out and functioning properly.

We are the only major Western nation

that does not have a national health care system for the majority of its citizens.

Because the need is so obvious, I have joined with 22 other United States Senators, both Democrats and Republicans, to cosponsor a bill to provide a comprehensive health care system for all Americans, the Health Security Act of 1971.

Years back I proposed a national health insurance system. It wasn't terribly sophisticated, but it was an idea.

I was called a dreamer, a socialist and a political neophyte . . . and a few other things I wouldn't care to repeat.

Today this concept of national health insurance is accepted, even endorsed and applauded by leaders of both major parties.

The President of the United States recently said that we simply have got to have some kind of system like this. He didn't feel that way when he was in Congress, but he is President now.

There is little question that the health care system in this country simply is not doing the job. It needs a complete overhaul. We have to reform the whole system of financing and delivery.

National health insurance is part of the answer to our country's health care problem, but it is not the whole answer. For that we must look farther. We must look toward expanding the supply of personnel and facilities. We must set our sights on making top quality health and medical care universally available.

And that means a significant increase in doctors, nurses and paramedical personnel. It means training new types of medical aides such as assistant physicians, family planning aides and community health workers. It means starting hundreds of additional group practice plans. It means providing new hospitals, research labs, other facilities and the necessary equipment.

It means increasing the number of neighborhood health centers, ambulatory clinics, maternity and well-baby clinics. It means raising the level and availability of health care in the ghettos and in rural areas.

Any effective restructuring of our health care system will require the concentrated effort of all citizens—of members of the health professions and their associations, of public health officials, of the health foundations such as CF, of the insurance industry, of labor and management, of the Congress and—perhaps most importantly—of the health consumer.

Such a health coalition—such a working force of dedicated, creative individuals and organizations—can do for the health of the Nation what the urban coalition hopes to do for the cities.

Such a coalition—manning medical think tanks and staffing medical task forces—can design a health care system appropriate to our advanced and affluent Nation's needs and desires.

Such a health system is possible only in a society which has its priorities straight—a society that puts the health and well-being of its citizens at the top of its agenda.

America needs the kind of leadership that will chart the ship of state on a course that understands what our priorities must be and pursues America's destiny.

Leadership imbued with the spirit that moves a nation, that speaks to the future and the vision of a better tomorrow.

America's greatness is not in her machines or her material wealth. It is in her sense of compassion, justice, opportunity for human dignity.

These are the intangibles that add meaning to life, liberty and the pursuit of happiness.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. The Senate will now proceed to the transaction of routine morning business, not to exceed 45 minutes, with statements limited to 3 minutes therein.

CHANGE OF TIME FOR VOTE ON TREATIES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the agreement reached in the Senate on yesterday relative to the vote on Executive L, the convention with Nicaragua, and Executive N, the extradition treaty with Spain, to take place at 1 o'clock on Wednesday next be vacated and that instead the vote take place at 3 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PEARSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE—CLOTURE MOTION

Mr. PEARSON. Mr. President, this debate over whether to take up Senate Resolution 9 is now in its third week. Surely, the time has now arrived for the Senate to bring the debate to a close by an act of filing a cloture motion.

However, I do wish to make it clear that by filing a cloture motion we proponents of a modest change in the cloture rule, as Senate Resolution 9 would provide, do not in any way—now or in the future—waive or forgo any right, constitutional or otherwise, to attempt to close off debate by means other than cloture. We wish, furthermore, to make it clear that we subscribe to the right of a majority of Senators, as evidenced in section 5 of article I of the U.S. Constitution, to make changes at the beginning of this or any future Congress in the Senate rules of procedure. Nor, I particularly wish to point out, does the act of filing a cloture motion on this occasion constitute on our part an acquiescence in paragraph 2 of rule XXXII. Since we have challenged a given rule and sought to amend it, it follows that we also do not acquiesce to any rules which inhibit the ability of the Senate to amend the rule we seek to change. That includes, therefore, paragraph 2 of rule XXXII, which we contend is also unenforceable in this situation. Paragraph 2 of rule XXXII is not applicable, in our judgment, because it is not one of the rules which has been accepted by acquiescence.

Having made our position clear, Mr. President, I do now send to the desk, under the provision of paragraph 2 of rule XXII of the Standing Rules of the Senate a motion signed by myself and 37 other colleagues to bring to a close the debate on whether to proceed to the consideration of Senate Resolution 9 and ask that it be read.

The PRESIDING OFFICER (Mr. GAMBRELL). Pursuant to the rule, the Chair directs the clerk to state the motion.

The assistant legislative clerk read the cloture motion, as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of the Resolution (S. Res. 9) amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

FRANK CHURCH, JAMES PEARSON, WM. B. SAXBE, ROBERT TAFT, Jr., HUGH SCOTT, JACOB JAVITS, ROBERT GRIFFIN, CLIFFORD P. CASE, J. GLENN BEALL, Jr., MIKE MANSFIELD.

EDWARD KENNEDY, JENNINGS RANDOLPH, CHARLES McC. MATHIAS, Jr., STUART SYMINGTON, THOMAS F. EAGLETON, PHILIP A. HART, JOHN V. TUNNEY, CLAIBORNE PELL, ADLAI STEVENSON, HUBERT HUMPHREY.

HARRISON WILLIAMS, FRED HARRIS, WM. PROXMIRE, LEE METCALF, DANIEL INOUYE, GEORGE McGOVERN, HAROLD E. HUGHES, CLINTON P. ANDERSON, ALAN CRANSTON, JOHN O. PASTORE.

VANCE HARTKE, CHARLES H. PERCY, THOMAS McINTYRE, GAYLORD NELSON, LLOYD BENTSEN, WALTER F. MONDALE, EDMUND S. MUSKIE, HENRY M. JACKSON.

ORDER FOR ADJOURNMENT FROM WEDNESDAY, FEBRUARY 17, 1971, TO THURSDAY, FEBRUARY 18, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Wednesday next it stand in adjournment until 12 o'clock meridian on Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALLOCATION OF TIME UNDER RULE XXII ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the 1 hour allotted under rule XXII on Thursday next be equally divided between the majority leader and the minority leader of their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 39—INTRODUCTION OF A JOINT RESOLUTION TO CREATE A PRESIDENTIAL COMMISSION TO MODERNIZE AND REFORM THE FEDERAL WELFARE SYSTEM

Mr. BYRD of Virginia. Mr. President, I introduce a joint resolution, which would create a Presidential commission for the purpose of seeking means of modernizing and reforming our present Federal welfare system. I ask that the joint resolution be appropriately referred.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 39) establishing a commission on seeking means of modernizing and organizing the Federal welfare programs, introduced by Mr. Byrd of Virginia, was received, read twice by its title, and referred to the Committee on Finance.

Mr. BYRD of Virginia. Mr. President, among the key questions facing the Congress, none is more important than revision of the Nation's welfare system.

The present system is costly and full of inequities. It was enacted as a stopgap program during the 1930's and is totally unsuited to the needs of today.

I agree with President Nixon's statement in his state of the Union message:

> The present welfare system has become a monstrous, consuming outrage—an outrage against the community, against the taxpayer, and particularly against the children it is supposed to help.

I am convinced, however, that we must look before we leap into a new welfare program.

The President has indicated that he will resubmit to the Congress the family assistance plan which failed of enactment in 1970.

Last year the Senate Finance Committee held extensive hearings on this proposal. During those hearings, I came to have four basic concerns about the administration's plan:

First. I have reservations about establishment of the principle of a guaranteed annual income.

The administration proposes a minimum figure of $1,600. But already the National Welfare Rights Organization demands $5,500 a year.

Second. The plan lacks proper work incentives.

While administration witnesses stated that work incentives were an important feature of the family assistance plan, evidence at the hearing showed that in many cases, under this new program, a worker would be better off quitting his job and taking welfare payments.

Third. The plan would raise the cost of welfare from $4.4 billion last year to $11.8 billion next year.

In this time of high inflation and large deficits, I do not believe that we can afford this kind of an increase.

Fourth. The administration's plan would increase the Nation's welfare rolls from 10 million persons to 24 million persons.

During the hearings, I asked this question, to which I received no satisfactory reply: "How can we reverse the trend toward the welfare state by more than doubling the number of persons on welfare?"

These, then, are my basic concerns about the family assistance plan. I must say that I do not regret that it was defeated last year.

Secretary of Health, Education, and Welfare Elliot Richardson, during last year's hearings, described the new program as "revolutionary and expensive."

It seems to me that before embarking on such a "revolutionary and expensive" program, we should carefully study all possible alternatives.

The plan submitted by the Department of Health, Education, and Welfare is not welfare reform, but rather welfare expansion.

Last year, I introduced a joint resolution which would create a presidential commission to study the welfare system and make recommendations for reorganizing it and modernizing it in an equitable way.

I am today introducing an identical resolution for consideration by the 92d Congress. I think this resolution is just as timely in 1971 as it was in 1970.

My resolution would insure that the welfare system does not remain on dead center. Constructive action can be taken at once.

I feel that we have a deep obligation to those who are physically or mentally unable to earn a living. I do not feel, however, that Congress has any right to turn over tax funds of hard-working citizens to able-bodied persons who refuse to work.

It is important that the present welfare program be reformed, but we must be sure we get something better. I think a broad-based commission of outstanding American citizens to study this program and bring in recommendations would be most desirable.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONCURRENT RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, the General Assembly of South Carolina has passed two concurrent resolutions memorializing Congress.

The first of these resolutions memorializes Congress to enact legislation changing the last day of daylight saving time to an earlier date. This proposal is of obvious concern to the people of South Carolina, and I urge that it be given consideration by Congress.

The second resolution memorializes Congress to restrain Federal agencies from interfering with projects not financed with Federal funds except projects deemed unsafe or unhealthy and which involve Federal jurisdiction. This resolution pertains to a proposed bridge connecting James Island and the mainland of Charleston County, S.C. It is the purpose of this resolution to inform Congress that the construction of this proposed bridge is being prevented because Federal approval has been withheld due to provisions contained in the National Environmental Policy Act of 1969. This resolution contends that the intent of this act is not being complied with in its application to this proposed construction.

Mr. President, I ask unanimous consent that these resolutions be printed at this point in the Record.

These being no objection, the resolutions were ordered to be printed in the Record, as follows:

A Concurrent Resolution Memorializing Congress To Enact Legislation Changing the Last Day of Daylight Saving Time to an Earlier Date

Whereas, the present termination date of Daylight Saving Time requires school children to depart for school in almost total darkness and creates similar difficulties in certain farming and other activities; and

Whereas, this situation could be remedied with great benefit and increased safety to those concerned and with little inconvenience to the general public if Daylight Saving Time ended at an earlier date. Now, therefore

Be it resolved by the Senate, the House of Representatives concurring:

That the Congress of the United States is hereby memorialized to incorporate within the Uniform Time Act the provision that the effective date for yearly terminating Daylight Saving Time should be no later than the first Sunday following Labor Day.

Be it further resolved that copies of this resolution be forwarded to the Clerk of the United States Senate, to the Clerk of the United States House of Representatives and to each member of Congress from South Carolina.

A Concurrent Resolution Memorializing the Congress of the United States To Restrain Federal Agencies From Interferring With Projects Not Financed With Federal Funds Except Projects Deemed Unsafe or Unhealthy and Which Involve Federal Jurisdiction

Whereas, there is an ever increasing traffic burden on the present route to James Island from the mainland of Charleston County; and

Whereas, approval of a proposed bridge to alleviate this situation has been voiced by all interested State and Federal agencies insofar as the design and compatibility with land and water traffic are concerned; and

Whereas, the proposed bridge would be paid for with State funds only; and

Whereas, Federal approval of the proposed bridge is being withheld because of provisions contained in the National Environmental Policy Act of 1969; and

Whereas, it is believed that the intent in passing this act did not include the use of its provisions by Federal agencies to frustrate trans-water traffic improvements especially when they are to be completely financed by State funds; and

Whereas, it appears that such act should be amended so as to reflect the true intent of Congress. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the Congress is hereby requested to amend the National Environmental Policy Act of 1969 so as to exempt its provisions from improvements financed entirely from funds other than Federal and to take any other action necessary to restrain Federal agencies from interferring with projects financed by public funds other than Federal except projects deemed unsafe or unhealthy and which involve Federal jurisdiction.

Be it further resolved that a copy of this resolution be forwarded to the President of the Senate, Speaker of the House of Representatives and to each member of Congress from South Carolina.

ORDER OF BUSINESS

The PRESIDING OFFICER. The period of the transaction of routine morning business has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business, with statements limited therein to 3 minutes, be extended for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESIGNATIONS FROM COMMITTEES

The PRESIDENT pro tempore laid before the Senate the following letters:

FEBRUARY 10, 1971.

Hon. SPIRO T. AGNEW,
The Vice President, U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: In light of my appointment to the Joint Committee on Atomic Energy, I hereby tender my resignation from the Senate Select Committee on Small Business.

Sincerely,

HOWARD H. BAKER, Jr.

FEBRUARY 10, 1971.

Hon. SPIRO T. AGNEW,
Office of the Vice President, Senate Office Building, Washington, D.C.

DEAR MR. VICE PRESIDENT: I hereby resign as a member of the Joint Committee on Atomic Energy.

Regards.

Sincerely,

NORRIS COTTON,
U.S. Senator.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON PROGRESS OF ROTC FLIGHT INSTRUCTION PROGRAM

A letter from the Acting Secretary of the Navy, transmitting pursuant to law, a report on the progress of the ROTC flight instruction program for fiscal year 1970 (with an accompanying report); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AMEND THE NATURAL GAS PIPELINE SAFETY ACT OF 1968

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Natural Gas Pipeline Safety Act of 1968 (with an accompanying paper); to the Committee on Commerce.

PROPOSED LEGISLATION TO PROVIDE AN EXTENSION OF THE INTEREST EQUALIZATION TAX

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to provide an extension of the interest equalization tax (with an accompanying paper); to the Committee on Finance.

PROPOSED LEGISLATION TO LOWER THE MANDATORY RETIREMENT AGE FOR FOREIGN SERVICE OFFICERS WHO ARE CAREER MINISTERS

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers (with accompanying papers); to the Committee on Foreign Relations.

PROPOSED LEGISLATION ON BEHALF OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

Three letters from the Director, Administrative Office of the United States Courts, transmitting drafts of proposed legislation (with accompanying papers) which were referred to the Committee on the Judiciary, as follows:

A bill to amend section 48 of the Bankruptcy Act (11 U.S.C. 76) to increase the maximum compensation allowable to receivers and trustees;

A bill to amend the Bankruptcy Act to abolish the referees' salary and expense fund, to provide that fees and charges collected by the clerk of a court of bankruptcy in bankruptcy proceedings be paid into the general fund of the Treasury of the United States, to provide salaries and expenses of referees be paid from the general fund of the Treasury, and to eliminate the statutory criteria presently required to be considered by the Judiciary Conference in fixing salaries of full-time referees; and

A bill to amend section 35 of the Bankruptcy Act (11 U.S.C. 63) and sections 631 and 634 of title 28, United States Code, to permit full-time referees in bankruptcy to perform the duties of a U.S. magistrate.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on Foreign Relations:

"1971 ASSEMBLY JOINT RESOLUTION 24

"Enrolled joint resolution relating to humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front

"Whereas, more than one thousand members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

"Whereas, North Vietnam and the National Liberation Front of South Vietnam have refused to identify prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners and thereby have violated the requirements of the 1949 Geneva Convention on prisoners of war, which North Vietnam ratified in 1957; and

"Whereas, the United States Government has repeatedly appealed to North Vietnam and the National Liberation Front to comply with the provisions of the Geneva Convention; and

"Whereas, the people of the State of Wisconsin are extremely concerned about her citizens now being held captive in Indochina; and

"Whereas, the people of the state of Wisconsin are equally concerned about those citizens from other states being held in North Vietnam and Indochina; now, therefore be it

"Resolved by the assembly, the senate concurring, That the legislature of the state of Wisconsin strongly desires proper treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Convention, and approves and indorses efforts by the United States government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war; and, be it further

"Resolved, That properly attested copies of this resolution be sent to the immediate relatives of all those Wisconsin citizens being held or reported missing in North Vietnam and Indochina; and be it further

"Resolved, That properly attested copies of this resolution be sent to the secretary of the United States Senate and the chief clerk of the House of Representatives and to each member of the congress from Wisconsin; and be it further

"Resolved, That properly attested copies of this resolution be sent to the President of the United States for immediate transmission to the representatives of North Vietnam and the National Liberation Front of South Vietnam."

A concurrent resolution of the Legislature of the State of Florida; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION NO. 1–B

"A concurrent resolution making application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment providing for sharing by state and local governments of federal income tax revenues

"Whereas, a resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the federal government and strengthened state governments, and

"Whereas, the federal government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from state and local governments, thereby creating a disabling fiscal imbalance between the federal government and the state and local governments, and

"Whereas, increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes, and

"Whereas, federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth, and

"Whereas, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system, and

"Whereas, the evident solution to this problem is a meaningful sharing of federal income tax resources, and

"Whereas, the United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation, and

"Whereas, in the event of such congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the legislatures of two-thirds of the several states to the Congress, calling for a constitutional convention, and

"Whereas, the Congress of the United States is required by the Constitution to call such a convention upon the receipt of applications from the legislatures of two-thirds of the several states, now, therefore, be it

"Resolved by the House of Representatives of the State of Florida, the Senate concurring:

"That, pursuant to Article V of the Constitution of the United States, the legislature of the state of Florida does hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the sixteenth amendment of the Constitution of the United States shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such monies for any purpose not inconsistent with any other provision of the Constitution of the United States.

"Be it further resolved that this application shall constitute a continuing application for such convention pursuant to Article V until the legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this legislature, and

"Be it further resolved that certified copies of this resolution be presented forthwith to the president of the United States senate and the speaker of the United States house of representatives and to the legislatures of each of the several states attesting the adoption of this resolution by the legislature of the State of Florida."

A resolution adopted by the Retired Officers Association, Washington, D.C., condemning the brutal treatment of prisoners by the enemy in Southeast Asia, and urging that all possible measures be taken to require the enemy to abide by the Geneva Convention; to the Committee on Foreign Relations.

A resolution adopted by the Montpelier, Vt., City Council, in support of intergovernmental sharing of Federal income tax revenue; to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 670. A bill to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes (Rept. No. 92–3).

EXECUTIVE REPORTS OF A COMMITTEE

Mr. SPARKMAN. Mr. President, as in executive session, I report favorably from the Banking, Housing and Urban Affairs Committee the names of Andrew J. Melton, Jr., Glenn E. Anderson, George J. Stigler, Donald T. Regan, and Byron D. Woodside, nominees to be the Directors of the Securities Investors Protection Corporation.

This Corporation was established pursuant to Public Law 91–598. Pursuant to section 3(c) of Public Law 91–598, the Board of Directors shall consist of seven members who are to serve staggered 3-year terms. The law further provides that two of these Directors shall be the designee of the Secretary of the Treasury and the designee of the Federal Reserve Board among their representative employees. Three of the Directors shall be appointed by the President from the securities industry and two of the Directors shall be appointed by the President from the general public.

This Board of Directors for the Corporation is somewhat unique among boards that have been established by legislation. It requires three members of the Board at least to be representatives from an industry which shall be served by the Securities Investment Protection Corporation.

In this connection, Mr. President, the question of conflict of interest arises in regard to the five Directors of the Board appointed from the industry and the public. This matter was very carefully considered by our committee during the hearings and, in addition to having a letter from the General Counsel of the Securities and Exchange Commission indicating that their present industry connections create no conflicts of interest with the functions they would perform on the Board, we were also assured in committee by each nominee that if: First, controversy arose between SIPC and one of the companies or firms from which a Director had been drawn, that Director would disqualify himself from acting in that particular controversy; and second that if the company or firm of a Board member was involved in a claim against another company or firm, the Board member would disqualify himself from acting in that controversy. I might add that the General Counsel's letter reaffirms the statements made to the committee by the nominees involved. I ask unanimous consent to have printed at this point in the RECORD the letter dated February 10, 1971, from the General Counsel of the Securities and Exchange Commission.

The PRESIDENT pro tempore. The reports will be received and the nominations will be placed on the Executive Calendar; and, without objection, the letter will be printed in the RECORD.

The letter, presented by Mr. SPARKMAN, is as follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., February 10, 1971.
Hon. JOHN J. SPARKMAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPARKMAN: This letter is written in response to a suggestion made at the hearings on February 10, 1971 before your Committee with respect to the confirmation of five members of the Board of Directors of the Securities Investor Protection Corporation (SIPC) established pursuant to the Securities Investor Protection Act of 1970 (Public Law 91–598) (The Act). Your Committee was concerned, as is usual practice in considering nominations requiring Senate confirmation, with possible conflicts of interest.

In considering this matter, certain aspects of the Act should be borne in mind. In the first place, SIPC is not a federal agency. Section 3(a)(1) of the Act specifically provides that it shall not be an agency or establishment of the United States Government. The Act specifies in considerable detail the composition and qualifications of the members of the Board of Directors. It provides that five directors shall be appointed by the President with the advice and consent of the Senate, of whom three shall be selected from among persons who are associated with and representative of the securities industry and two shall be selected from the general public and be persons who are not associated with any broker-dealer or securities industry group. In addition, there are two directors who are not appointed by the President or subject to Senate confirmation, one being an officer or employee of the Treasury Department designated by the Secretary of the Treasury and one being an officer or employee of the Federal Reserve Board designated by that Board.

As contemplated by the Act, three nominees for the Board of Directors Mr. Glenn E. Anderson, Mr. Andrew, Mr. Andrew J. Melton, Jr., and Mr. Donald T. Regan are executive officers of registered broker-dealers and are thus associated with and representative of the securities industry. All three of them are shareholders of the securities firms with which they are associated. In addition, they hold other investments. In my opinion, their association with the securities firms of which they are officers, creates, in itself, no conflict of interest and in any event this association is not only contemplated but required by the Act. A conflict of interest could arise, either if the firms of which they are officers were to become the subject of any specific action by SIPC or if they had a claim against any securities firm which was placed in liquidation pursuant to the Act and SIPC was called upon to consider the claim. All three of the nominees have advised me that in any such case they would disqualify themselves from participation in the matter.

The other two directors nominated by the President are Mr. Byron D. Woodside and Mr. George J. Stigler. As you have been advised, Mr. Woodside served as a member of the Securities and Exchange Commission from 1960 until 1967 when he retired and Mr. Stigler has, since 1958, been the Charles R. Walgreen Distinguished Service Professor of American Institutions at the University of Chicago. Both of these gentlemen have advised me that they no interest in, or association with, any broker or dealer or other securities industry member and have not had any association within the last two years. I understand that neither plans to acquire any interest whatsoever in any securities broker or dealer.

The other two directors who are not subject to confirmation by the Senate are Mr. Bruce K. MacLaury, Deputy Under Secretary of the Treasury and Mr. J. Charles Partee, Adviser to the Board of Governors of the Federal Reserve System. Both are, of course, subject to the statutes or rules with respect to conflicts of interest applicable to the agency in which they serve and I perceive no conflict of interest in their serving on the Board of Directors of SIPC in accordance with the Act.

I see no reason why directors of SIPC should not invest in the securities of companies not in the securities business since SIPC has no regulatory functions with respect to, or jurisdiction over, such companies.

In conclusion, after discussion with all of the persons nominated to serve on the Board of Directors of SIPC I do not believe that they have any conflict of interest, except for a potential conflict which might be regarded as existing by reason of compliance with the requirement of the Act that three directors be associated with and representative of the securities industry. In view of the understandings expressed by them at the hearings to me, I think no problem in this regard presently exists or is likely to arise.

Sincerely,
PHILIP A. LOOMIS, Jr.,
General Counsel.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SCHWEIKER:

S. 746. A bill to provide that U.S. Flag Day shall be a legal public holiday; and

S. 747. A bill for the relief of Dora Leticia Aspana and Aura Villeda Espana; to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 748. A bill to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank; and

S. 749. A bill to authorize U.S. contributions to the Special Funds of the Asian Development Bank; to the Committee on Foreign Relations.

(The remarks of Mr. FULBRIGHT when he introduced the bills appear below under separate headings.)

By Mr. MANSFIELD:

S. 750. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. MANSFIELD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. CANNON (by request):

S. 751. A bill to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile;

S. 752. A bill to authorize the disposal of vegetable tannin extracts from the national stockpile;

S. 753. A bill to authorize the disposal of thorium from the supplemental stockpile;

S. 754. A bill to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile;

S. 755. A bill to authorize the disposal of shellac from the national stockpile;

S. 756. A bill to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile;

S. 757. A bill to authorize the disposal of iridium from the national stockpile;

S. 758. A bill to authorize the disposal of mica from the national stockpile and the supplemental stockpile;

S. 759. A bill to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile;

S. 760. A bill to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile;

S. 761. A bill to authorize the disposal of diamond tools from the national stockpile;

S. 762. A bill to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile;

S. 763. A bill to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile;

S. 764. A bill to authorize the disposal of lead from the national stockpile and the supplemental stockpile;

S. 765. A bill to authorize the disposal of antimony from the national stockpile and the supplemental stockpile;

S. 766. A bill to authorize the disposal of zinc from the national stockpile and the supplemental stockpile;

S. 767. A bill to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile;

S. 768. A bill to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile;

S. 769. A bill to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

S. 770. A bill to authorize the disposal of columbium from the national stockpile and the supplemental stockpile;

S. 771. A bill to authorize the disposal of selenium from the national stockpile and the supplemental stockpile;

S. 772. A bill to authorize the disposal of celestite from the national stockpile and the supplemental stockpile;

S. 773. A bill to authorize the disposal of metallurgical grade chromite from the national stockpile and the supplemental stockpile;

S. 774. A bill to authorize the disposal of vanadium from the national stockpile;

S. 775. A bill to authorize the disposal of magnesium from the national stockpile;

S. 776. A bill to authorize the disposal of abaca from the national stockpile;

S. 777. A bill to authorize the disposal of sisal from the national stockpile; and

S. 778. A bill to authorize the disposal of kyanite-mullite from the national stockpile; to the Committee on Armed Services.

By Mr. GRAVEL:

S. 779. A bill for the relief of Nesibe Tahtaklic; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 780. A bill for the relief of Tunde Oberding; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. CURTIS, Mr. ERVIN, and Mr. GOLDWATER):

S. 781. A bill to amend the Food Stamp Act of 1964 in order to prohibit the distribution of food stamps to any household where the head of the household is engaged in a labor strike; to the Committee on Agriculture and Forestry.

By Mr. BAKER:

S. 782. A bill to amend certain provisions of the Federal Food, Drug, and Cosmetic Act; to the Committee on Labor and Public Welfare.

S. 783. A bill to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing; to the Committee on Veterans' Affairs.

S. 784. A bill to provide for a Commission on Transportation Regulatory Agencies to study and make recommendations with respect to the regulation of transportation by certain Federal agencies; to the Committee on Commerce.

(The remarks of Mr. BAKER when he introduced S. 782 and S. 783 appear below under the appropriate heading.)

By Mr. HRUSKA:

S. 785. A bill for the relief of Ilona Kocsan; and

S. 786. A bill for the relief of Dr. Wolf V. Heydebrand and his wife, Ruth Heydebrand; to the Committee on the Judiciary.

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 787. A bill to authorize the establishment of the Rimrocks National Monument in the State of Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. MANSFIELD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. GRIFFIN (for Mr. DOMINICK, Mr. JAVITS, and Mr. SCHWEIKER):

S. 788. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. GRIFFIN when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. COOPER:

S. 789. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture and Forestry.

(The remarks of Mr. COOPER when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. ALLEN:

S.J. Res. 38. Joint resolution proposing an amendment to the Constitution of the United States with respect to the terms of office and method of selection of judges of the Federal courts; to the Committee on the Judiciary.

(The remarks of Mr. ALLEN when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. BYRD of Virginia:

S.J. Res. 39. Joint resolution establishing a commission on seeking means of modernizing and organizing the Federal welfare programs; to the Committee on Finance.

(The remarks of Mr. BYRD of Virginia when he introduced the joint resolution appear earlier in the RECORD under the appropriate heading.)

S. 748—INTRODUCTION OF A BILL TO AMEND THE INTER-AMERICAN DEVELOPMENT BANK ACT

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to authorize payment and appropriation of two installments of $450 million each due on June 30, 1972, and June 30, 1973, as part of the U.S. share of the proposed increase in the resources of the Fund for Special Operations of the Inter-American Development Bank.

The bill has been requested by the Secretary of the Treasury, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Secretary of the Treasury dated January 29, 1971, to the Vice President.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 748) to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank, introduced by Mr. FULBRIGHT (by request), was received, read twice by its title, referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

S. 748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Inter-American Development Bank Act (22 U.S.C. 283 *et seq.*) is amended by adding at the end thereof the following new section:

"SEC. 19. (a) The United States Governor of the Bank is authorized to pay to the Fund for Special Operations two annual installments of $450,000,000 each in accordance with and subject to the terms and conditions of the resolution adopted by the Board of Governors on December 31, 1970, concerning an increase in the resources of the Fund for Special Operations and contributions thereto.

"(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of the two annual installments of $450,000,000 each for the United States share of the increase in the resources of the Fund for Special Operations of the Bank."

The letter presented by Mr. FULBRIGHT is as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., January 29, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: In accordance with the President's Message to Congress of January 26, 1971, I am transmitting proposed legislation to authorize payment and appropriation of two installments of $450 million each due on June 30, 1972 and June 30, 1973, as part of the United States share of the proposed increase in the resources of the Fund for Special Operations (FSO) of the Inter-American Development Bank.

Last year Congress authorized the United States Governor of the Bank to vote in favor of a resolution providing for a $1.5 billion replenishment of the Bank's FSO resources involving a $1 billion contribution by the United States and a $500 million contribution by the Latin American members of the Bank. Pursuant to this legislative authority, the United States Governor on December 30, 1970, cast the votes of the United States in favor of this resolution, which was formally adopted by the full membership of the Bank on December 31, 1970.

However, in the same legislation in which the United States vote for the replenishment resolution was authorized, Congress authorized payment and appropriation of only the first installment of $100 million of our contribution. The legislation I am submitting today would authorize the United States Governor to pay the two remaining installments of $450 million and would authorize the appropriation of these additional funds. This authorization, combined with the necessary appropriation, will allow the United States to make the installment payments coming due in fiscal years 1972 and 1973.

Favorable action on this legislation is essential for the maintenance of the Bank's central role in Latin American economic development and, indeed, for sustaining the pace of development in that area. As President Nixon stated in his signing statement on the International Financial Institutions Act:

"Full U.S. implementation of this replenishment of the Fund for Special Operations will enable the Bank to continue and expand its role as the hemisphere's major instrument for promoting development financing."

It would be appreciated if you would lay the proposed bill before the Senate. An identical bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Office of Management and Budget that the proposed legislation is in accord with the program of the President.

Sincerely yours,

DAVID M. KENNEDY.

S. 749—INTRODUCTION OF A BILL TO AMEND THE ASIAN DEVELOPMENT BANK ACT

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to authorize U.S. contributions to the Special Funds of the Asian Development Bank.

The bill has been requested by the Secretary of the Treasury and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Secretary of the Treasury dated January 29, 1971, to the Vice President.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 749) to authorize U.S. contributions to the Special Funds of the Asian Development Bank, introduced by Mr. FULBRIGHT (by request), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Asian Development Bank Act (22 U.S.C. 285–285a) is amended by adding at the end thereof the following new sections:

"SEC. 12. (a) Subject to the provisions of this Act, the United States Governor of the Bank is authorized to enter into an agreement with the Bank providing for a United States contribution of $100,000,000 to the Bank in two annual installments of $60,000,000 and $40,000,000, beginning in fiscal year 1971. This contribution is referred to hereinafter in this Act as the 'United States Special Resources'.

"(b) The United States Special Resources shall be made available to the Bank pursuant to the provisions of this Act and article 19 of the Articles of Agreement of the Bank, and in a manner consistent with the Bank's Special Funds Rules and Regulations.

"SEC. 13. (a) The United States Special Resources shall be used to finance specific high priority development projects and programs in developing member countries of the Bank with emphasis on such projects and programs in the Southeast Asia region.

"(b) The United States Special Resources shall be used by the Bank only for—

"(1) making development loans on terms which may be more flexible and bear less heavily on the balance of payments than those established by the Bank for its ordinary operations; and

"(2) providing technical assistance credits on a reimbursable basis.

"(c) (1) The United States Special Resources may be expended by the Bank only for procurement in the United States of goods produced in, or services supplied from, the United States, except that the United States Governor, in consultation with the National Advisory Council on International Monetary and Financial Policies, may allow eligibility for procurement in other member countries from the United States Special Resources if he determines that such procurement eligibility would materially improve the ability of the Bank to carry out the objectives of its special funds resources and would be compatible with the international financial position of the United States.

"(2) The United States Special Resources may be used to pay for administrative expenses arising from the use of the United States Special Resources, but only to the extent such expenses are not covered from the Bank's service fee or income from use of United States Special Resources.

"(d) All financing of programs and projects by the Bank from the United States Special Resources shall be repayable to the Bank by the borrowers in United States dollars.

"SEC. 14. (a) The letters of credit provided for in section 15 shall be issued to the Bank only to the extent that at the time of issuance the cumulative amount of the United States Special Resources provided to the Bank (A) constitute a minority of all special funds contributions to the Bank, and (B) are no greater than the largest cumulative contribution of any other single country contributing to the special funds of the Bank.

"(b) The United States Governor of the Bank shall give due regard to the principles of (A) utilizing all special funds resources on an equitable basis, and (B) significantly shared participation by other contributors in each special fund to which United States Special Resources are provided.

"SEC. 15. The United States Special Resources shall be provided to the Bank in the form of a nonnegotiable, noninterest-bearing letter of credit which shall be payable to the Bank at par value on demand to meet the cost of eligible goods and services, and administrative costs authorized pursuant to section 13(c) of this Act.

"SEC. 16. The United States shall have the right to withdraw all or part of the United States Special Resources and any accrued resources derived therefrom under the procedures provided for in section 8.03 of the Special Funds Rules and Regulations of the Bank.

"SEC. 17. For the purpose of providing United States Special Resources to the Bank there is hereby authorized to be appropriated $60,000,000 for fiscal year 1971 and $40,000,000 for fiscal year 1972, all of which shall remain available until expended."

The letter presented by Mr. FULBRIGHT is as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., January 29, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: In accordance with the President's Message to Congress on January 26, 1971, I am transmitting herewith proposed legislation which would authorize the United States to commit $100 million to the Consolidated Special Funds of the Asian Development Bank in two annual installments of $60 million and $40 million. Regrettably, Congress, in the closing days of the last session, did not include this proposal in the omnibus International Financial Institutions bill that was then pending. I would emphasize that the omission of the ADB provision did not constitute an adverse Congressional judgment on this legislation; rather, suggestions were made in both the House and the Senate that this legislation be taken up at the earliest opportunity in the Ninety-Second Congress.

As the President emphasized in his recent message to Congress, and in his statement issued on the occasion of the signing of the omnibus International Financial Institutions Act (P.L. 91–599, approved December 30, 1970), a United States contribution to the Special Funds of the Bank is urgently needed to maintain the United States commitment to peaceful development of the Asian region and to equip the Bank to play a major role in this field. Six other countries have made contributions to the Special Funds in the total amount of $160 million. Japan has pledged $100 million, $70 million of which is now available to the Bank for commitment. These contributions have been made in anticipation of a United States contribution. It is now up to us to do our part if we are to reap the benefits of burden sharing which multilateral financial institutions can provide.

The draft bill is in all respects identical with the bill submitted last year except for a change in the first two installments. In the light of the passage of time and the contributions already made by other countries, the draft bill differs from the bill submitted last year by combining the first two annual installments of $25 million and $35 million that were to be paid in fiscal years 1970 and 1971 into one installment of $60 million that would be committed in fiscal year 1971. The third installment of $40 million planned for fiscal 1972 would remain unchanged by the new proposed legislation.

I urge priority consideration of this contribution. As President Nixon stated in his December 30, 1970, signing statement:

"Failure to act early in the next session of the Congress would be a serious setback to the Bank's ability to obtain funds from other donors and build a strong, long-range, concessional lending facility."

A strong and effective Asian Development Bank will contribute greatly to the peaceful development of Asia and this is very much in the interest of the United States.

It would be appreciated if you would lay the proposed bill before the Senate. An identical bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Office of Management and Budget that the proposed legislation is in accord with the program of the President.

Sincerely yours,

DAVID M. KENNEDY.

S. 781—INTRODUCTION OF A BILL TO AMEND THE FOOD STAMP ACT OF 1964 TO PROHIBIT THE ISSUANCE OF FOOD STAMPS TO STRIKING WORKERS

Mr. THURMOND. Mr. President, on November 17, 1970, in the second session of the 91st Congress I introduced a bill which would amend the Food Stamp Act of 1964 to prohibit the issuance of food stamps to striking workers. Since the time I introduced this bill, I received overwhelming support for my position from citizens throughout the United States. In my estimation, the majority of the people of this country do not realize that food stamps are made available to striking workers. When this fact is made known, the reaction is always the same. Hard-working taxpayers are outraged to know that their tax dollars are being used to subsidize strikers.

If a strike is called and the Government steps in and subsidizes strikers—which supplying them with food stamps would do—then the Government is, in actuality, taking sides in the dispute against management. Labor-management relations are in many instances very complex and strikes may or may not be for a valid purpose. When a strike is called an obvious result to the worker is the cessation of his paycheck from his employer. This is a consideration that must be taken into account when a strike is called, whether the decision is made by the workers or by union officials. This decision should not be influenced by the fact that the workers will be subsidized by other taxpayers through the form of Federal programs such as the food stamp program.

There are many arguments that can be used in pointing out the impropriety of using the food stamp program to subsidize those who have jobs and who are able to support their families; but if the purpose of this program is clearly examined, it is obvious its intent is being abused when food stamps are issued to striking workers. The purpose of this program is to assist those who, because of inability to work or find employment, cannot support their families. This program is, of course, supported by the taxpayers who, I am sure, do not mind their tax dollars being used to help those who are genuinely in need. However, taxpayers should not be required to put food on the table of those who have jobs and voluntarily refuse to work.

Mr. President, I am very pleased to have the cosponsorship of Senators CURTIS, ERVIN, and GOLDWATER on this bill which would amend the Food Stamp Act of 1964. I introduce the bill for appropriate reference and ask that the text be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 781) to amend the Food Stamp Act of 1964 in order to prohibit the distribution of food stamps to any household where the head of the household is engaged in a labor strike, introduced by Mr. THURMOND (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of subsection (c) of section 5 of the Food Stamp Act of 1964, as amended (7 U.S.C. 2013), is amended to read as follows: "Refusal to work at a plant or site subject to a lockout for the duration of such lockout shall not be deemed to be a refusal to accept employment."

SEC. 2. Section 5 of the Food Stamp Act of 1964, as amended, is further amended by adding at the end thereof a new subsection as follows:

"(d) Notwithstanding any other provision of this Act, no household shall be eligible to participate in the food stamp program if the head of the household is on strike against his employer as the result of a labor dispute, except where such household was eligible for participation in such program prior to the time the head of the household went on strike against his employer. The provisions of this subsection shall not apply in any case in which the head of a household is not working because of an employer lockout. As used in this subsection the term 'head of the household' means the member of any household who provides over one-half of the support for the household."

S. 783—INTRODUCTION OF A BILL TO PROVIDE MORTGAGE PROTECTION LIFE INSURANCE FOR SERVICE-CONNECTED DISABLED VETERANS WHO HAVE RECEIVED GRANTS FOR SPECIALLY ADAPTED HOUSING

Mr. BAKER. Mr. President, yesterday the House Committee on Veterans' Affairs ordered reported H.R. 943, a bill to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing. The annual cost of such a program would be roughly $1½ million, and I can think of no more worthy investment. I therefore introduce, and ask that it be appropriately referred, a bill for the same purposes.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred.

The bill (S. 783) to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing, introduced by Mr. BAKER, was received, read twice by its title and referred to the Committee on Veterans' Affairs.

S. 784—INTRODUCTION OF A BILL TO PROVIDE A COMMISSION ON TRANSPORTATION REGULATORY AGENCIES

Mr. BAKER. Mr. President, there has been a great deal of discussion lately about our transportation regulatory agencies, their organization, procedures, and suitability as an efficient means of regulating transportation in the latter half of the 20th century. I think that the general consensus among representatives of the transportation industry and Members of Congress has been that the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission are all operating at less than maximum efficiency. Criticisms of these agencies range from mild to severe, but everyone seems to agree that some sort of reform in operating procedures or in the structure of the agencies is necessary if the Congress is going to continue to provide a regulatory system that will promote a balanced and economical transportation system in this country.

As a member of the Senate Commerce Committee's Subcommittee on Aviation, I have heard distinguished representatives of the American aviation industry testify before the subcommittee this week and last that the Civil Aeronautics Board is slow to act on proposals of the airlines to increase rates, and that this sluggishness of the regulatory agency in making decisions in these and other cases is, in part, responsible for the very poor economic situation in which the airlines find themselves today. Of course, the criticisms that my colleagues and I have heard from all segments of the surface transportation industry about the inefficiency of the Interstate Commerce Commission are too familiar to us all to make a detailed discussion of them here necessary.

It seems to me that the time has come for the Congress to consider making whatever changes are necessary in our regulatory structure to assure that the need for a coordinated national transportation system by water, highway, rail and air is met. I introduce today a bill to establish a Commission on Transportation Regulatory Agencies to study and make recommendations with respect to the regulation of transportation by the ICC, the CAB, and the FMC.

The Commission would be specifically mandated to consider the need for procedural reforms, organizational restructuring, and changes in the substantive laws administered by those agencies as well as the desirability of merging the three agencies. If a merger is found to be feasible and desirable, the Commission would make detailed recommendations with regard to the nature, powers, and functions of the new agency as well as changes in the substantive laws to be administered by it. If merger is found not to be feasible or desirable, the Commission would nonetheless be required to make detailed recommendations concerning each of the matters referred to above.

The study would last 3 years, but an interim report would be presented to the Congress within 18 months.

This bill is substantially the same as S. 3760, which I introduced in the 91st Congress and which attracted a considerable amount of attention from those in government and industry who are concerned about the regulatory problem. In this connection I am happy to be able to report that the approach contained in S. 3760 has won widespread approval not only among the regulatory agencies involved but also within the transportation industry.

The changes that I have made in the bill are designed to clearly express the intent that the study to be undertaken by the Commission shall include authority to recommend changes in the laws administered by the three agencies and the procedures under which they are presently operating. They are designed to require that detailed consideration be given to these matters prior to any recommended organizational restructuring of the three agencies.

The length of the study has been increased from 1 year to 3 because I felt additional time would be necessary to insure the type of thorough consideration of these complex issues contemplated by the bill.

Mr. President, it would be unfortunate if this bill providing for a Commission to searchingly examine the regulatory process were to become embroiled in the currently heated controversy over regulation as opposed to deregulation. It is not intended to be a thinly disguised mechanism for the bringing about of deregulation, although the Commission would not be precluded from concluding that less regulation in some areas would be desirable in the public interest.

What the Commission would be specifically authorized to do under the bill is to study the laws administered by each of the three transportation regulatory agencies with a view to making recommendations for substantitve changes necessary to provide for more evenhanded regulation of the different modes of transportation. For example, a study of the sort I have in mind was proposed with respect to the standards by which the lawfulness of freight rates is judged by the various agencies under a Senate joint resolution introduced by Senator PROUTY of which I was a cosponsor in the last Congress—Senate Joint Resolution 186.

The study commission approach seems to me to be the most responsible method for the Congress to follow in considering alteration of the regulatory system. It is the middle ground between two rather extreme proposals which have been made recently. One of these proposals would abolish the Interstate Commerce Commission outright with no effective alternative at hand to fill the regulatory void which would be created. The other proposal contemplates merger of the three transportation regulatory agencies with procedural and substantive changes to be considered after the agencies have been combined under one roof.

Mr. President, I think that it would be foolhardy for the Congress to make any fundamental change in our regulatory system without first paving the way for such change by: First making a careful study of the alternatives open to us; second, making the necessary changes in the statutes administered by the three agencies; and third, providing for the procedural changes which are found to be most conducive to efficient and fair regulation.

While I personally believe that merging the three agencies would provide the best solution to the problems created by our currently fragmented system of regulation of the various transportation modes, I do not feel that such a step should be taken without the most careful and thorough consideration of the regulatory structure within which each of the agencies operates prior to merger. I do not believe that a merger or any other form of structural change in the regulatory system will in and of itself solve the difficult problems associated with the regulation of transportation in our country today. Moreover, I am convinced that structural change such as the merging of the three transportation regulatory agencies will only be successful if it is preceded by a careful analysis and revision of the basic responsibilities, organization, and procedures of the three existing agencies.

Furthermore, the study mandated under the bill is extremely necessary and will yield enormous benefits regardless of whether it results in the recommended merger of our transportation regulatory agencies. By requiring the Commission to make detailed recommendations concerning the organization, procedures, and substantive laws administered by the agencies at present it should establish a foundation for legislation to upgrade the operations of those agencies. As I have frequently indicated, I believe that we must search the regulatory process for restraints which prevent efficient operations with a view to eliminating them wherever possible. At a minimum, the recommendations of the Commission should make this possible.

I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 784) to provide for a Commission on Transportation Regulatory Agencies to study and make recommendations with respect to the regulation of transportation by certain Federal agencies introduced by Mr. BAKER, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF COMMISSION

SECTION 1. There is hereby established a commission to be known as the Commission on Transportation Regulatory Agencies (hereinafter referred to as the "Commission").

MEMBERSHIP

SEC. 2. The Commission shall be composed of nine members who are not full-time officers or employees of the Federal Government and who shall be appointed as follows:

(a) Three appointed by the President of the United States, one of whom shall be designated as Chairman by the President;

(b) three appointed by the President of the Senate; and

(c) three appointed by the Speaker of the House of Representatives.

FUNCTIONS OF THE COMMISSION

SEC. 3. (a) The Commission shall study the organization, structure, operating procedures and policies applied for purposes of the regulation of transportation by the Interstate Commerce Commission, the Federal Maritime Commission, and the Civil Aeronautics Board and shall make such recommendations with respect to procedural reforms, organizational restructuring, and changes in the substantive laws administered by those agencies as the Commission may deem desirable.

In carrying out this responsibility, the Commission shall consider, among such other factors as it deems relevant, the need for—

(1) developing, coordinating, and preserving a national transportation system by water, highway, rail, and air;

(2) providing fair and impartial regulation of all modes of transportation;

(3) promoting safe, adequate, economical, and efficient transportation service;

(4) fostering sound economic conditions in transportation and among the several carriers; and

(5) encouraging the establishment and maintenance of reasonable charges for transportation services without unjust discriminations, undue preferences, or unfair competitive practices.

(b) In considering the desirability of organizational restructuring, the Commission shall consider whether merger of the three agencies would improve the ability of the resulting agency to achieve the objectives set forth in (a) above. If it concludes that such a merger would not be feasible or desirable, it shall so report, stating its reasons and making recommendations for the improvement of the organization, methods, and operation of the existing agencies. If it concludes that such a merger would be both feasible and desirable, it shall so report, stating its reasons, and shall make specific recommendations with respect to the nature, powers, and functions of the proposed regulatory agency and its relationship to the President, the Congress, the judiciary, the public and the carriers to be regulated. In either event, the Commission shall make such recommendations with respect to changes in the substantive laws presently administered by the three agencies as it may deem desirable.

COOPERATION BY EXECUTIVE DEPARTMENTS, AGENCIES, AND THE CONGRESS

SEC. 4. The Commission is authorized to request and accept from any executive department, agency, or congressional committee any information and assistance deemed necessary to carry out its functions under this statute. Each department, agency, or congressional committee is authorized, to the extent permitted by law and within the limits of available funds, to furnish information and assistance to the Commission.

COMPENSATION OF COMMISSION

SEC. 5. Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission. Each member of the Commission and personnel employed by the Commission shall be allowed travel expenses, including a per diem allowance, in accordance with sections 5703(b) and 5704 of title 5, United States Code, when engaged in the performance of services for the Commission.

PERSONNEL OF COMMISSION

Sec. 6. Without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates—

(1) the Commission is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of title 5, United States Code; and

(2) with the approval of the Commission, the Executive Director is authorized to appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule in section 5332 of title 5, United States Code) of such additional personnel as may be necessary to carry out the function of the Commission.

ADMINISTRATIVE SUPPORT SERVICES

Sec. 7. The Administrator of General Services shall provide administrative support services for the Commission on a reimbursable basis.

REPORT TO THE PRESIDENT AND THE CONGRESS AND TERMINATION

Sec. 8. The Commission shall make an interim and a final report to the President and the Congress with respect to its activities and containing its recommendations. The interim report shall be filed no later than eighteen months and the final report no later than three years from the date of enactment of this Act. The Commission shall terminate thirty days after the date of the submission of its final report. Upon termination, the Commission shall transfer all of its files to the Department of Transportation.

AUTHORIZATION

Sec. 9. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for the fiscal years 1972, 1973, and 1974.

SENATE JOINT RESOLUTION 38—INTRODUCTION OF A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION WITH RESPECT TO THE TERMS OF OFFICE AND METHOD OF SELECTION OF JUDGES OF THE FEDERAL COURTS

Mr. ALLEN. Mr. President, I take this occasion to introduce a Senate Joint Resolution proposing an amendment to the Constitution of the United States relating to the subject of appointments and terms of offices of Justices of the U.S. Supreme Court and of all judges of inferior courts created by Congress under provisions of article III of the U.S. Constitution.

Mr. President, I ask unanimous consent that the proposed resolution be printed in the Record at the conclusion of my remarks.

In print, the amendment may appear to some to be complicated. In fact, it is quite simple and the thrust and objectives of the proposed amendment can be stated in clear and precise terms.

First, the proposed amendment provides that Justices of the U.S. Supreme Court be appointed in the same manner as now but that they shall serve for terms of 8 years subject to reappointment and reconfirmation by the Senate for succeeding terms of 8 years.

Second, the proposed amendment provides that all judges of all U.S. inferior courts shall be appointed in the same manner as now but shall serve for terms of 6 years and subject to reappointment and reconfirmation for succeeding terms of 6 years with the following exception:

Judges of U.S. district courts would not be appointed in the same manner as now. Instead they would be elected by the qualified voters of the district within which the respective district courts are situated and subject to reelection for succeeding terms of 6 years.

Third, Congress is empowered to stagger the terms of office of all of the judgeships to which the proposed amendment applies, as nearly as may be practicable, in such a manner as to assure that one-fourth of the judges of the Supreme Court and one-third of the judges of inferior courts shall terminate every second year.

With further reference to judges of inferior courts, Congress is authorized to provide, as nearly as may be practicable, that one-third of those who are elected to office and one-third of those appointed to office shall terminate in the same year.

Naturally, in order to implement the above provisions, Congress is empowered to prescribe by law the time at which judges of the Supreme Court and inferior courts shall first take office under the provisions of this proposed amendment and to further prescribe initial terms of office which are shorter than terms of 8 and 6 years as the case may be.

Mr. President, it is not my purpose to elaborate on the compelling reasons which justify this proposed amendment. It is sufficient to say that the U.S. Supreme Court has assumed legislative and executive powers and functions and that it is imperative that this situation be corrected. It is imperative that any agency of government which exercises legislation or executive powers of Government be made responsible to the people or to elected representatives of the people. This amendment, if adopted, would accomplish this purpose.

Let me make one further observation to justify the imperative need to submit this proposed amendment to judgment of the people as to its wisdom and desirability.

President Nixon in his message to Congress on the subject of revenue sharing stated one case for revenue sharing and also for the need to reexamine our governmental institutions to make them more responsive. The following thoughts are expressed in the first few paragraphs of the President's message:

> One of the best things about the American Constitution, George Washington suggested shortly after it was written, was that it left so much room for change. For this meant that future generations would have a chance to continue the work which began in Philadelphia.
>
> Future generations took full advantage of that opportunity. For nearly two turbulent centuries, they continually reshaped their government to meet changing public needs. As a result, our political institutions have grown and developed with a changing, growing nation.
>
> Today, the winds of change are blowing more vigorously than ever across our country and the responsiveness of government is being tested once again. Whether our institutions will rise again to this challenge now depends on the readiness of our generation to 'think anew and act anew,' on our ability to find better ways of governing.
>
> Across America today, growing numbers of men and women are fed up with government as usual. For government as usual too often means government which has failed to keep pace with the times.
>
> Government talks more and taxes more, but too often it fails to deliver. It grows bigger and costlier, but our problems only seem to get worse. A gap has opened in this country between the worlds of promise and performance—and the gap is becoming a gulf that separates hope from accomplishment. The result has been a rising frustration in America, and a mounting fear that our institutions will never again be equal to our needs.
>
> We must fight that fear by attacking its causes. We must restore the confidence of the people in the capacities of their government. I believe the way to begin this work is by taking bold measures to strengthen State and local governments—by providing them with new sources of revenue and a new sense of responsibility.

With reference to some of the changes which have taken place in our Nation, I dare say that none has been more profound than the change resulting in the gradual accretion of powers in the U.S. Supreme Court to the extent that judicial, legislative, and executive powers and functions are exercised by the single nonelective and nonresponsive branch of Federal Government. The combination of such powers in one branch of government is despotic by definition and is judicial despotism in its practical effect. I cannot believe that despotism or despotic government is a wholesome change or one that should be longer tolerated.

Mr. President, the proposed amendment which I have introduced will go a long way toward correcting the problem. In my judgment, it may take two decades to restore our judicial system to sound constitutional principles. Let us begin now.

I shall have more to say on this subject from time to time.

The PRESIDING OFFICER (Mr. Gambrell). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 38) proposing an amendment to the Constitution of the United States with respect to the terms of office and method of selection of judges of the Federal courts, introduced by Mr. Allen, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S.J. Res. 38

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within 7 years after its submission to the States for ratification:

"Article —

"Section 1. Notwithstanding the provisions of the second sentence of section 1 of article III of the Constitution relating to the terms of office of judges of the United States, each judge of the supreme court shall hold his office for a term of eight years. Each judge of an inferior court established by the Congress under section 1 shall hold his office for a term of six years.

"Sec. 2. Notwithstanding the provisions of the second sentence of section 2 of article II of the Constitution, each judge of each United States District Court shall be elected by the persons within the judicial district within which such court is situated who are qualified to vote for members of the legislature of the State in which such court is situated.

"Sec. 3. The Congress shall provide by law a division of all the judgeships to which this article applies so that, as nearly as may be practicable, the terms of office of one-fourth of the judgeships of the supreme court, and one-third of the judgeships of inferior courts, shall terminate every second year. Such division of the judgeships of the inferior courts shall be made in such a manner that, as nearly as may be practicable, the terms of office of one-third of the judges of any class of inferior courts who are appointed to office, and one-third of the judges of inferior courts who are elected to office, shall terminate in the same year. Whenever a vacancy occurs in any judgeship, because of the death, resignation, retirement, or removal from office of the judge holding such judgeship, his successor shall be chosen for the remainder of his term in the same manner in which he was chosen.

"Sec. 4. Judges holding office under section 1 of article III of this constitution on the date of ratification of this article shall continue in office until their successors have been appointed or elected and have qualified for office under this article.

"Sec. 5. The Congress may carry this article into effect by appropriate legislation. The Congress shall prescribe by law the time at which the judges of the supreme court and of each inferior court shall first take office under this article. To carry into effect the provisions of section 3 of this article, the Congress may prescribe for the judges of each court who first take office under this article terms which are shorter than the terms prescribed by section 1 of this article."

ADDITIONAL COSPONSORS OF BILLS

S. 1

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Alaska, I ask unanimous consent that, at its next printing, the names of Senators Pell, Church, and Bentsen be added as cosponsors of S. 1, a bill to provide for better regulation of the Federal elective process, to provide a means of encouraging broad voter participation in the financing of Federal election campaigns, and for other purposes.

The PRESIDING OFFICER (Mr. Beall). Without objection, it is so ordered.

S. 23

At the request of the Senator from Pennsylvania (Mr. Schweiker), the Senator from Michigan (Mr. Griffin) was added as a cosponsor of S. 23, the Ethnic Heritage Studies Centers Act of 1971.

S. 215

At the request of the Senator from South Carolina (Mr. Thurmond), the Senator from North Carolina (Mr. Ervin) was added as a cosponsor of S. 215, to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution.

S. 732

At the request of the Senator from West Virginia (Mr. Byrd), on behalf of the Senator from West Virginia (Mr. Randolph), the Senator from Arkansas (Mr. McClellan) was added as a cosponsor of S. 732, a bill to amend the Public Works Acceleration Act.

ADDITIONAL COSPONSORS OF JOINT RESOLUTIONS

SENATE JOINT RESOLUTION 10

On request of the Senator from Michigan (Mr. Griffin) on behalf of the Senator from Tennessee (Mr. Brock), the Senator from Arizona (Mr. Fannin), the Senator from South Carolina (Mr. Thurmond), the Senator from New Jersey (Mr. Williams), the Senator from Alaska (Mr. Stevens), the Senator from North Dakota (Mr. Young), the Senator from Wyoming (Mr. McGee), the Senator from Vermont (Mr. Prouty), the Senator from Michigan (Mr. Hart), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), and the Senator from Georgia (Mr. Gambrell) were added as cosponsors of Senate Joint Resolution 10, to ask the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action."

SENATE JOINT RESOLUTION 32

At the request of the Senator from Tennessee (Mr. Baker), the Senator from Kentucky (Mr. Cook), and the Senator from Nebraska (Mr. Hruska) were added as cosponsors of Senate Joint Resolution 32 proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 10

At the request of the Senator from Pennsylvania (Mr. Schweiker), the Senator from North Dakota (Mr. Burdick), the Senator from Kansas (Mr. Dole), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Massachusetts (Mr. Kennedy), the Senator from Pennsylvania (Mr. Scott), the Senator from South Carolina (Mr. Thurmond), and the Senator from New Jersey (Mr. Williams) were added as cosponsors of Senate Resolution 10, to designate January 22 as Ukrainian Independence Day.

SENATE RESOLUTION 45

At the request of the Senator from West Virginia (Mr. Byrd), on behalf of the Senator from West Virginia (Mr. Randolph), the Senator from Washington (Mr. Magnuson) was added as a cosponsor of Senate Resolution 45, to authorize the Committee on Interior and Insular Affairs to make a study of national fuels and energy policy.

MULTIPLE REFERRAL OF A BILL

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Alaska (Mr. Gravel), I ask unanimous consent that S. 1, to provide for better regulation of the Federal elective process, to provide a means of encouraging broad voter participation in the financing of Federal election campaigns, and for other purposes, which presently is within the jurisdiction of the Committee on Rules and Administration, be given multiple referral and that it be referred to the Committee on Finance and the Committee on Commerce.

The PRESIDING OFFICER (Mr. Beall). Without objection, it is so ordered.

REFERRAL OF A BILL

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Alaska (Mr. Gravel), I ask unanimous consent that S. 9, to provide a means of financing Presidential and Congressional election campaigns, which is presently being considered by the Committee on Rules and Administration, be multiply referred to the Committee on Finance.

The PRESIDING OFFICER (Mr. Beall). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 6—SUBMISSION OF A CONCURRENT RESOLUTION TO EXPRESS THE SENSE OF CONGRESS RELATIVE TO CERTAIN ACTIVITIES OF PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS

Mr. KENNEDY (for himself, Mr. Magnuson, Mr. Mathias, Mr. Allen, Mr. Beall, Mr. Burdick, Mr. Chiles, Mr. Cranston, Mr. Gravel, Mr. Hart, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Jordan of North Carolina, Mr. McGee, Mr. McGovern, Mr. Mansfield, Mr. Metcalf, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Pell, Mr. Sparkman, Mr. Spong, Mr. Stevens, Mr. Stevenson, Mr. Tunney, and Mr. Williams) submitted a concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics, which was referred to the Committee on Labor and Public Welfare.

(The remarks of Mr. Kennedy when he submitted the concurrent resolution appear earlier in the Record under the appropriate heading.)

ADDITIONAL STATEMENTS

INCREASING PROBLEMS OF THE CURRENT FARM PROGRAM

Mr. SYMINGTON. Mr. President, in further reference to the steadily increasing problems currently being encountered as a result of this new farm legislation and its operation under this administration, we note a recent newspaper article written by Mr. Jack Hackethorne, one of the true agricultural experts in the State of Missouri.

In this article Mr. Hackethorne gives five practical illustrations of the extent the family-size farmer is suffering under the present legislation, along with its administration.

Mr. Hackethorne also states:

> A change in the law will be necessary before the small farmer can be helped. The set-aside eligibility requirement was delayed one year by an administrative order from the U.S. Department of Agriculture.

With this thinking we fully agree, as will all those interested in the plight of our farmers under this legislation.

I ask unanimous consent that the entire Hackethorne article "Plow Up That Grass, Gain 'Flexibility,'" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLOW UP THAT GRASS, GAIN "FLEXIBILITY"

(By Jack Hackethorne)

The Administration's new farm bill has small farmers in a pickle. Recently announced changes in eligibility set-aside provisions have quieted some of the rumbles from larger farmers, but even they had been unhappy about plowing up grass to comply with a set-aside provision requiring acres to be rotated.

A change in the law will be necessary before the small farmer can be helped. The set-aside eligibility requirement was delayed one year by an administrative order from the U.S. Department of Agriculture.

In Nodaway County, for example, 691 farms have a feed grain base of 25 acres or less. Many are maintaining their homes on these farms. Many of these small farms are owned by retired farmers drawing a small government payment and, in some cases, Social Security.

Many of these farms have been seeded for pasture and hay. If price support payments are collected, the new law requires a minimum of 45 percent of feed grain base be planted or the base will be reduced each year, eliminated after three years. To protect this base will require this grass land be broken out. Not only will this add to soil erosion and pollution problems but some farmers will be forced off the farm.

Emery Shell has an 88-acre farm south of Pickering. He is 73 years old and has lived on this place since 1949. Sheil has a 20-acre feed grain base, seeded to grass since 1961. "Now, to qualify, I must plow up some of the good grass and plant corn," he says. "It ought to raise good corn. It has had a rest, but I would be better off the way it was under the old program."

Carl E. Helzer lives on 78 acres south of Maryville. At 79, "I am not able to farm any more. All my ground is in grass and is terraced. I have been trying to get it all in grass. It is good farming and there is no erosion, and will be better land when I leave than what I moved on 40 years ago. I have no need for corn, and at my age I hate to plow up any grass."

Elbert Risser, Route 1, Sheridan, has 200 acres, "would just as soon have the entire farm seeded down in grass and feed a few cows. Now I will have to plow up 21 acres of fescue that would make an awful lot of winter pasture just to save feed grain base."

A controversial section of the program dealing with set-aside acres was temporarily delayed a year after a loud rumble from the midwest feed grain farmers.

Under the old farm program (Act of 1965) farmers were urged to take land out of feed grain production and to divert acres to soil conserving crops such as grass. If farmers harvest a crop from these diverted acres they lose government payment and price supports.

Under the Administration's new program farmers were asked to set aside acres (probably 20 percent of the feed grain base but the figure is yet to be announced) and take them out of production. If they set aside these acres along with conserving acres they would be free to grow all the corn and other feed grains they want on remaining acres. The catch is that the set-aside acres must have been used to grow crops in one of the past three years. This virtually rules out land diverted from production from year-to-year under the previous program. The effect would be to force farmers to rotate acres set aside each year. This would have disrupted cropping plans and increased costs by making it necessary to plow up land already seeded to grass and established grass seedings on land intended for feed grain crops.

H. H. Woolridge, in Cooper County, thinks the provision is "silly" and the delay should be made permanent. "I have been using 2 pounds of Atrazine per acre to keep the weeds and grass out of my corn for about 12 years. Grass will not grow on this ground. It does not make sense to plow up good grass and plant corn and then expect to establish a good cover of grass on those fields that have been in corn."

D. T. Weekley, who farms near Blackwater, said, "They are asking us to destroy what we have already done and to start over again."

NOTHING TO FEAR FROM FBI

Mr. HRUSKA. Mr. President, last year the Congress passed the Organized Crime Control Act of 1970 which imposed great new responsibilities on the FBI. These included new areas of combating organized crime and in investigating bombings at institutions receiving Federal assistance. Shortly after this act was passed, the Congress also approved a supplemental appropriation for the FBI to enable that agency to employ an additional 1,000 special agents to handle the new duties.

A great amount of misinformation was circulated about this increase of FBI manpower and the added responsibilities with respect to bombings. It was alleged the FBI was going to swamp college campuses around the country with its agents and take over the policing of student activities. Nothing could have been further from the truth.

Recently I came across an editorial in the Panama City, Fla., News Herald which speaks clearly to the charges that the FBI was going to be used to curtail freedom of speech on campuses. I think it is important to make this editorial comment a matter of record for the Congress and ask unanimous consent to include it in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NOTHING TO FEAR FROM FBI

Since its inception the Federal Bureau of Investigation has been and continues to be just what the title implies, an investigative arm of law enforcement. It is not a federal police force. Neither is it judge and jury for alleged criminal actions.

Alarmists, however, are crying again that the FBI plans to "saturate" college campuses with officers to curtail liberty and freedom of speech.

The whispering campaign against the FBI stems from President Nixon's provision for appointment of 1,000 additional agents in the fight against organized crime.

The Organized Crime Control Act of 1970 signed into law Oct. 1 specifically gives the FBI the responsibility for investigating bombings or bombing attempts on federal property or any institution receiving federal financial assistance.

The notion that such action presents a threat to the country is ridiculous.

As FBI Director J. Edgar Hoover observed, the FBI would be "more than pleased if it were never necessary to investigate a single bombing under the new act."

There's really nothing sinister and menacing about investigation acts of bombing and terrorism. They've almost doubled in number over 1969, and persons who worry about "repressive" law enforcement might better expand their energy in working to prevent these crimes.

GIFTS OF DAVID LAWRENCE

Mr. BYRD of Virginia. Mr. President, the February 11 edition of the Washington Post includes an article on Mr. David Lawrence, by Hank Burchard, a Washington Post staff writer.

The article describes Mr. Lawrence's philanthropies, which have been generous and of great benefit to the people of northern Virginia.

Mr. Lawrence is one of the Nation's most distinguished journalists. His was the first newspaper column to be syndicated by wire.

He became president and editor of U.S. News in 1933 and since 1959 has been chairman of the board and editor of U.S. News & World Report.

More than 300 newspapers carry Mr. Lawrence's daily column.

At the age of 82, Mr. Lawrence continues to write his column and maintain his interest in world affairs. His long career is one of singular achievement.

David Lawrence is a great newspaperman, a great American, and a wonderful friend.

I ask unanimous consent that the text of the Washington Post article "Gifts of David Lawrence" be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

GIFTS OF DAVID LAWRENCE

(By Hank Burchard)

David Lawrence came into this world with very little and wants to go out of it the same way, not that he's in any hurry.

Lawrence, 82, dean of American syndicated newspaper columnists (he invented the form in 1916), founder of his own news service and a flourishing weekly news magazine, friend and/or chastiser of Presidents from Taft to Nixon, respected spokesman for what might be called the Old Right, should be a wealthy man.

He isn't. He has given most of it away. Lawrence sold the news service, called the Bureau of National Affairs, to its employees in 1946 and did the same with his magazine, U.S. News & World Report, in 1962, at what associates called bargain prices.

The last of his major possessions, the magnificent Middlegate Farm near Centreville in Fairfax County, he gave to the people of the county in December, final title to pass when he does.

The farm is 639.8 acres, two-tenths of an acre less than one square mile. It was given without strings, lock, stock and barrel, including houses (3), furnishings, mementos and all—every thing except the news teletype printer in the wash house, which is the property of the Associated Press.

The rolling, wooded acres are assessed at $5 million, but the land is actually priceless, there being no other such piece of private property in the county.

He gave it the way he always does these things, the way he gave land for three Centreville churches, diffidently and at a distance. He gave the farm by sending a note to the County Board of Supervisors. All Lawrence asked was that the county resist attempts to build any more highways through what is to be known as Ellanor Campbell, Hayes Lawrence Park in honor of his late wife, and that the dilapidated one-lane bridge over Big Rocky Run be replaced with a two-lane bridge faced with stone from the pre-Revolutionary quarry on the property.

Lawrence added that it would be nice if the County Park Authority would allow the Rocky Run Garden Club, of which Mrs. Lawrence was a founder, to continue meeting in the old wheat mill as it has for 40 years or so. But he does not insist upon it.

There are those who use their philanthropy to buy a kind of immortality: to keep their names engraved in stone somewhere or to make sure some young fellow doesn't spend the fortune in a way of which its amasser would not have approved or to preserve some land the former owner loved.

Not Lawrence. He confesses affection for the trees that cover most of Middlegate Farm, but he doesn't demand their preservation. He'd like the mill, one of the largest and oldest in the county, to be restored (the Lawrences have used it as a guesthouse) but doesn't require it.

"The place will be theirs," he said. "I expect they'll take care of it. Ellanor and the children and I have had a great deal of pleasure from it and I hope the people of the county will."

Lawrence will talk about the land, which was camped on and fought over by both sides during the Civil War Battles of Bull Run (First and Second Manassas), but discourages questions about himself and his philanthropy.

"My wife loved the trees, couldn't stand to have one cut and didn't like to see them fall. She picked the land when we bought it in 1935 (the bulk of it for about $16,000). It was in her name. In her will (Mrs. Lawrence died in June, 1969) she said it was to be donated to a beneficiary of my choice.

"Through the years the Scouts and other groups had come to study nature there, so I thought we should leave it to the people who live in Fairfax and their friends."

Actually, Middlegate Farm is Lawrence's second major gift to Fairfax residents. The first, and some would say the most important one, was the county executive form of government, which was adopted by the voters in 1950 after a masterful campaign designed and executed principally by Lawrence.

In that fight he took on and beat every powerful political group: the entrenched Byrd Organization under the so-called Courthouse Crowd headed by the late Circuit Judge Paul E. Brown, and the coalition that had developed the reform movement, which included the League of Women Voters, the Federation of Citizens Association and the Good Government League. He also beat down the chairman of the county's governmental study commission, of which Lawrence was vice chairman.

The Byrd Organization was trying to hold on to the existing county board form, under which power was concentrated in the hands of Judge Brown, able and articulate and arch-conservative.

The coalition, including Lawrence's chairman, was pressing for the county manager form, under which all members of the ruling board would have been elected at large.

Lawrence cried a pox on both their houses in this pre-election letter to The Washington Post:

"The political power today in Fairfax County . . . is vested primarily in a few officials who are elected by county-wide voting. They are the ones who are today fighting change in Fairfax County's government.

"Their brothers under the skin—the politicians who are lurking behind the pressure groups to take over under the county manager system—will be more firmly entrenched in power than these few elected officials have been. . .

"Each voter would be voting for six supervisors under the county manager plan. It is conceivable that the voters in one district will know enough about the personal capacity of any of the 10 or more candidates for the board from the other districts—or will the voters have to depend upon the political machine or a coalition of pressure groups to hand them a slate on which to vote 'ja'?"

That kind of rhetoric apparently blew all his opponents down, good guys and bad buys together, because the voters gave their "ja" to Lawrence's plan by 5,210 to 3,502.

Lawrence then headed a team that put the county executive form into effect over a two-year period. The new government wasn't perfect by any means—several supervisors have gone to prison for zoning bribery conspiracy—but the more efficient and flexible county executive system at least survived the population boom that started in the 1950s.

Judge Brown, a Virginia gentleman of the old school, was not one to let political differences interfere with friendships. He continued to invite Lawrence as a speaker before the Off the Record Club, a group of Fairfax squires who met to discuss political issues privately and informally.

The squires no longer meet. Most are dead or retired. But David Lawrence marches on, cranking out five newspaper columns a week as he has for 55 years, plus the back page spot in the magazine. Whether he's at his vacation home in Sarasota, Fla., the farm or his suite at the Sheraton-Carlton Hotel, he always has his news ticker and a direct telephone line to his office at U.S. News.

His lifetime routine remains unbroken, although a friend said "it's just a routine now, with Ellanor gone. She was the center around whom he revolved."

Lawrence said it himself during the Medal of Freedom award ceremony at the White House on April 22:

"I have a sentimental interest in the White House. I started writing about White House activities when I graduated from Princeton in 1910 when Mr. Taft was President . . . It so happened in the early years I was sitting in the White House lobby when a beautiful girl went through to call on a member of the secretarial staff. Two and a half years later she became my wife. We were married for almost 51 years. The Lord sent me one of the most wonderful companions in the world and he took her away last year. I know if she could have been here she would have appreciated this hour very much, and I do, too.

"Thank you, Mr. President."

The President: "I am sure she is here right now."

Now, he doesn't want to talk about her with strangers. He shrugged off questions about the award scrolls and plaques, covering two walls of his office, which he has accumulated over the years. Never mind the Presidential Medal of Freedom presented to him "and seven other old guys."

Lawrence is a very private man.

And a busy one. He steps carefully now, not so big and vigorous as once, but he steps right along, aided and abetted by Obadiah William Person, his chauffeur of 27 years, who maneuvers the huge black Cadillac limousine through Washington traffic with a skill and abandon that would make any nut in a Volkswagen envious. The Cady does not have low-number license plates. It wouldn't occur to Lawrence to ask for them, although the President says Lawrence is the journalist he has known longest and best.

Out to the farm, roaring down Rt. 66 to the Centreville exit. Whipping past his lands and his pond and the Civil War earthworks. First stop, the wash house, to turn on the ticker. Paper jams. Damn machine won't work. Never mind.

Lawrence seems to be in a hurry, although he assures his interviewer he's not. The old man touches everything he passes in the cottage, everything he passes in the mill. He hasn't really lived at the farm since Mrs. Lawrence died.

RADIO FREE EUROPE AND RADIO LIBERTY

Mr. PEARSON. Mr. President, my distinguished colleague from New Jersey (Mr. CASE) has raised for scrutiny by Congress and the public the question of covert funding by the Central Intelligence Agency of Radio Free Europe and Radio Liberty. He has proposed legislation to authorize public funding of these stations. His statements have been well covered by the press, and considerable information of potential value to Senators is contained in this group of articles, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 24, 1971]

CASE WOULD BAR CIA AID FOR RADIO FREE EUROPE

(By Benjamin Welles)

WASHINGTON, January 23.—Senator Clifford P. Case, Republican of New Jersey, charged today that the Central Intelligence Agency had spent several hundred million dollars over the last 20 years to keep Radio Free Europe and Radio Liberty functioning.

Mr. Case, a member of the Appropriations and Foreign Relations Committees, said that he would introduce legislation Monday to bring Government spending on the two stations under the authorization and appropriations process of Congress. Representative Ogden R. Reid, Republican of Westchester, said today that he would introduce similar legislation in the House.

Radio Free Europe, founded in 1950, and Radio Liberty, formed a year later, both have powerful transmitters in Munich, West Germany, staffed by several thousand American technicians and refugees from Eastern Europe.

Radio Liberty broadcasts only into the Soviet Union, Radio Free Europe to other Eastern European countries except Yugoslavia.

Both organizations have offices in New York and purport to be privately endowed with funds coming exclusively from foundations, corporations and the public. Both, however, are extremely reticent about the details of their financing.

Senator Case noted in a statement that both Radio Free Europe and Radio Liberty "claim to be nongovernmental organizations sponsored by private contributions." However, he went on, "available sources indicate direct C.I.A. subsidies pay nearly all their costs."

The Senator said that the Central Intelligence Agency provided the stations with $30-million in the last fiscal year without formal Congressional approval.

DISCLOSURES RESTRICTED

Under the Central Intelligence Agency's operating rules, its activities—such as covert funding—are approved by the National Security Council. However, disclosure to Congress is limited to a handful of senior legislators on watchdog committees of each house.

The Central Intelligence Agency and Radio Free Europe both declined to comment today on Senator Case's statement. Efforts to elicit comment from Radio Liberty were unavailing.

Covert C.I.A. funding of the two stations has, however, been an open secret for years, although the C.I.A., in accordance with standing policy, and the two stations themselves have consistently refused to discuss either their operations or their funding.

Citing returns filed with the Internal Revenue Service in the 1969 fiscal year, Mr. Case said that the stations' combined operating costs that year totaled $33,997,336. Of this, he said, Radio Free Europe spent $21,109,935 and Radio Liberty $12,887,401.

FUNDS SOUGHT BY ADVERTISEMENT

"The bulk of Radio Free Europe's and Radio Liberty's budgets, or more than $30-million annually, comes from direct C.I.A. subsidies," Mr. Case charged. "Congress has never participated in authorization of funds to R.F.E. or R.L., although hundreds of millions of dollars in Government funds have been spent during the last 20 years."

Mr. Case pointed out that Radio Free Europe conducted a yearly campaign for public contributions under the auspices of the Advertising Council. Between $12-million and $20-million in free media space is donated annually to this campaign, he said, but the return from the public is "apparently less than $100,000."

Furthermore, he said, both stations attempted to raise money from corporations and foundations but contributions from these sources reportedly pay only a small part of the stations' total budgets.

Senator Case said that his proposed legislation would seek to amend the United States Information and Educational Exchange Act of 1948 to authorize funds for both stations in the fiscal year beginning next July 1. His proposal would call for an initial sum of $30-million, but he said that the sum would be subject to change.

BAR ON OTHER FUNDS

At the same time, Mr. Case said, his proposal would provide that "no other" United States Government funds could be made available to either station except under the provisions of the act. He also said that he would ask that Administration officials concerned with overseas information policies be called to testify in order to determine the amount needed for the station's operations.

"I can understand why covert funds might have been used for a year or two in an emergency situation when extreme secrecy was necessary and when no other Government funds were available," Mr. Case said.

But, he went on, the justification for covert funding has lessened over the years as international tension has eased, as the secrecy surrounding the stations has "melted away," and as more open means of funding could be developed.

"In other words," he said, "the extraordinary circumstances that might have been thought to justify circumvention of constitutional processes and Congressional approval no longer exist."

JOHNSON CREATED XXX

Mr. Case pointed out that in 1967, after there had been public disclosure that the C.I.A. had been secretly funding the National Student Association, President Johnson created a committee that was headed by Nicholas de B. Katzenbach, the Under Secretary of State, and that included Richard Helms, head of the C.I.A., and John W. Gardner, the Secretary of Health, Education and Welfare.

He further noted that on March 29, 1967, Mr. Johnson publicly accepted the committee's recommendation that "no Federal agency shall provide covert financial assistance or support, direct or indirect, to any of the nation's educational or voluntary organizations" and that "no programs currently would justify any exceptions to this policy."

People familiar with the operations of Radio Free Europe and Radio Liberty noted that both had been started at the peak of the Cold War and had just "gone rolling on" ever since. The Katzenbach committee, some sources said, had cut off covert funding from virtually all other recipients.

"They solved all the tough ones," one source said, "but they were under such pressure from Johnson to get their report out and get the heat from Congress and the public cut off that they didn't solve the funding of the stations. They turned it over to another committee."

The second committee, whose members these sources declined to identify, worked over a year and then turned in secret recommendations to Mr. Johnson. However, Mr. Johnson pigeonholed the recommendations and finally left the problem for the incoming Nixon Administration to solve, the sources said.

[From the Baltimore Sun, Jan. 24, 1971]

PUBLIC FINANCING OF OUTLETS ASKED; RADIO FREE EUROPE NOW IN CIA SPHERE, CASE WARNS

(By Peter J. Kumpa)

WASHINGTON, January 23.—Senator Clifford P. Case (R., N.J.) announced today that he will introduce legislation Monday to provide for open congressional financing of Radio Free Europe and Radio Liberty.

Mr. Case explained that, if approved, the legislation would remove the stations from the need for secret funds from the Central Intelligence Agency. He said that in the last fiscal year, the CIA provided a direct subsidy of $30 million to the stations which broadcast to the Soviet Union and five Eastern European Communist countries.

Although both Radio Free Europe and Radio Liberty claim to be non-governmental organizations sponsored by private contributions, the senator said that "available sources" indicate the CIA pays almost all their costs.

PRODUCES TAX RETURNS

He produced figures from returns filed with the Internal Revenue Service showing that the combined operating costs for the stations in fiscal 1969 was almost $34 million ($21,109,935 for Radio Free Europe and $12,887,401 for Radio Liberty).

Though a national advertising campaign under the auspices of the Advertising Council uses somewhere between $12 and $20 million in free media space to solicit contributions for the stations, Mr. Case said, returns from the public amount to less than $100,000.

The stations raise the rest of their budgets from corporate and foundation contributions, he said.

"Congress has never participated in authorization or appropriations of funds to Radio Free Europe or Radio Liberty, although hundreds of millions of dollars in government funds have been spent during the last 20 years," Senator Case said.

"I can understand why covert funds might have been used for a year or two in an emergency situation when extreme secrecy was necessary and when no other government funds were available" he went on.

LESSENING OF TENSION

But now, the senator asserted, with the lessening of international tension and with the melting of secrecy, some means of open financing of the stations should have been provided.

"In other words, the extraordinary circumstances that might have been thought to justify circumvention of constitutional processes and congressional approval no longer exist," Senator Case said.

The senator was not critical of the work of the stations, both of which have their main offices and studios in Munich, Germany. His legislation, in fact, would authorize $30 million for continuation of their work. He simply wants Congress to supervise the spending of taxpayers' money.

Radio Free Europe, started in 1950, broadcasts to Bulgaria, Hungary, Poland, Czechoslovakia and Romania. Radio Liberty, opened a year later, concentrates only on the Soviet Union. In 1956, Radio Free Europe was criticized for raising false hopes of help for the Hungarian rebels. Since then, the stations have been less controversial.

Informed congressional sources have no doubts about the close tie-up between the stations and the government.

A full-time liaison officer from the consulate in Munich is assigned to go over program content to make it conform to U.S. government policy, they point out. Because classified as well as unclassified government information is provided, security personnel check out the stations, the same sources report.

Further, they say U.S. embassy officials from Eastern Europe get briefings at Radio Free Europe. The station, in turn, uses the coded communications of the Munich consulate to keep in touch with Washington, the sources report.

Though their studios are in Germany, the transmitters for the stations are in Spain, Portugal and Taiwan, all countries with special arrangements with the United States, the sources report.

THE 1967 PANEL'S FINDINGS

In 1967, after disclosures of CIA financing of the National Student Association, a presidential committee made up of John Gardner, then Secretary of Health, Education and Welfare, Richard Helms, CIA director, and Nicholas de B. Katzenbach, then under secretary of State, recommended that no federal agency should provide covert funds for any of the nation's "educational or voluntary organizations."

President Johnson accepted the committee's recommendations. On March 29, 1967, he ordered all federal agencies to implement them.

Senator Case's bill, similar to one shortly to be introduced in the House by Representative Ogden R. Reid (R., N.Y.), would provide funds for the stations out of the Informational and Educational Exchange Act. It would forbid funding by any other government channel.

[From the Christian Science Monitor, Jan. 25, 1971]

CIA AGAIN CHARGED WITH POLICY MEDDLING

(By Robert P. Hey)

WASHINGTON.—Once again, charges of Central Intelligence Agency influence on U.S. foreign policy are reverberating through Congress.

Sen. Clifford P. Case charges that Radio Free Europe and Radio Liberty actually are financed—clandestinely—by the CIA, to the tune of more than $30 million annually.

The New Jersey Republican alleges "several hundred million dollars in United States Government funds" have been given these stations over the past 20 years without congressional approval or even knowledge.

In New York, Bernard Yarow, senior vice-president of Radio Free Europe, says his organization's reaction to the charges is: "No comment."

SUPPORT SUPPOSEDLY PRIVATE

Both stations beam information to Communist-controlled nations in Eastern Europe. They have stoutly maintained for years that they were financed through private contributions.

Senator Case, the New Jersey Republican, thinks it is high time all this was brought out into the open. He has introduced legislation to have the finances of both stations provided, openly, through the same authorization-and-appropriation process through which Congress controls the budgets of most governmental agencies.

These changes strengthen one present trend—the increasing insistence of Congress—particularly the Senate—on exerting influence upon the direction of United States foreign policy.

But all this also seems like a page out of the recent past. In 1967 it was disclosed that the CIA was funding what had been presumed to be an organization of students without government links, the National Student Association. The uproar at that time was thunderous over clandestine government penetration of student organizations, with all the implications of potential infringement on academic freedom.

EARLIER REPORT QUOTED

Senator Case now quotes, with considerable irony, a recommendation made by a presidential committee which investigated that CIA funding.

It recommended that "no federal agency shall provide covert financial assistance or support, direct or indirect, to any of the nation's educational or voluntary organizations," and that "no programs currently would justify any exception to this policy."

Sources close to Senator Case say he is not trying to close down Radio Free Europe, but merely to bring into the open the government's relationship to it.

The view here is that the CIA for 20 years has remained the financier of Radio Free Europe, in the Case charge, due to bureaucratic inertia. "It's the whole question of how does the government change," in the words of one source. No one here suggests there is any Machiavellian plot behind the CIA financing, at least, not at present.

The Case bill is expected to be referred to the Senate Foreign Relations Committee, chaired by Sen. J. Fulbright (D) of Arkansas, where it is assured a sympathetic hearing. Senator Case is a member of that committee.

[From the St. Louis Post-Dispatch,
Jan. 24, 1971]

Proposes CIA Cut Off Radio Station Funds

(By Richard Dudman)

Washington, January 23.—Senator Clifford P. Case (Rep.), New Jersey, proposed Saturday that the United States drop the pretense that Radio Free Europe and Radio Liberty are private enterprises and begin financing them openly.

Although the two propaganda stations have been widely known to be operations of the Central Intelligence Agency, Case became possibly the first public official to blurt out the truth publicly.

Radio Free Europe, beamed to Eastern Europe, and Radio Liberty, beamed to the Soviet Union, operate in Munich, West Germany, ostensibly on private contributions.

But Case said these contributions apparently come to less than $100,000 a year, with modest additional amounts from foundations and corporations, whereas the stations' operating expenses for fiscal 1969 were almost $34,000,000.

He showed copies of returns they filed with the Internal Revenue Service reporting that operating costs were $21,109,935 for Radio Free Europe and $12,887,401 for Radio Liberty.

FREE ADVERTISING

Case said he had been advised that between $12,000,000 and $20,000,000 in free media space was donated annually to the fund raising campaign under auspices of the Advertising Council.

"In the last 20 years several hundred million dollars in United States Government funds have been expended from secret CIA budgets to pay almost totally for the costs of these two radio stations broadcasting to Eastern Europe," Case said. "In the last fiscal year alone, over $30,000,000 was provided by CIA as a direct government subsidy; yet at no time was Congress asked or permitted to carry out its traditional constitutional role of approving the expenditure."

The Senator said he would introduce a bill Monday amending the United States Information and Educational Exchange Act of 1948 to authorize funds for the two stations in fiscal 1972. The bill also would provide that no other U.S. Government funds may go to either radio station except under provisions of the act.

POST ENDORSES HUMPHREY-REUSS REVENUE-SHARING BILL

Mr. HUMPHREY. Mr. President, Monday's Washington Post contained a lead editorial which addressed itself to the various revenue-sharing proposals now before the Congress.

I am gratified the editorial singled out the bill that Congressman Henry Reuss and I introduced for laudatory mention.

Senator Humphrey and "Congressman Reuss have put in a bill which would phase the funds progressively over a longer period of time, meanwhile encouraging the adoption or reform of income taxes by the States and a whole array of measures designed to bring State and local financial and governmental practices at least into the century which will shortly end."

Mr. President, that is indeed the thrust of the Humphrey-Reuss bill—to provide increasing Federal grants to States and local governments to ease their fiscal crunch and as an inducement to reform and streamline their governmental structures and processes.

Local government must be more responsive to the needs of their people. The Humphrey-Reuss bill will authorize the funds to help provide these services and to help State and local governments render themselves able to allocate these funds more efficiently and economically. Such reform will make both present revenues and expected Federal revenue sharing go just that much further.

Mr. President, I ask unanimous consent that the Post editorial for February 8, 1971, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mr. Nixon's Message on Revenue Sharing

There were not many surprises in the message on revenue sharing the President sent to Congress on Thursday. Mr. Nixon addressed himself primarily to the "general" (or real) revenue sharing of $5 billion with the states in the program's first year of operation, as distinct from the so-called "special revenue sharing" (more properly, consolidated grants) that has yet to be spelled out and which is meant to provide the states with $11 billion for broadly defined purposes.

The general revenue sharing measure Mr. Nixon outlined would automatically dispense an amount equal to 1.3 per cent of the nation's taxable personal income to state and local governments for use as they see fit. It is to include financial incentives for the states to maintain their own tax efforts and to work out their own sharing arrangements with local governments—"pass through" formulas, as they are known, that are particularly suited to the state's individual requirements and acceptable to a majority of its governing bodies (such as cities, townships, counties) representing a majority of its population. There is also to be provision for a federal audit which—given the ban on racially discriminatory use of the funds—could prove quite interesting in those cases where the funds might go into the general treasury of a state or local government: it is not inconceivable that with such a mixture of moneys, the federal government would acquire more leverage than it now has in eliminating discrimination from state-supported programs.

This, to be sure, remains in the realm of speculation as does so much else related to the meaning and ultimate effect of Mr. Nixon's proposal. However, "iffy" questions in this matter are especially interesting—indeed, it could be argued that whatever the fate of this particular measure, Mr. Nixon has done the nation a considerable service by initiating what could be a highly productive debate on problems that should have been faced long ago. We are not referring here to the rhetoric of "revolution" or to Mr. Nixon's own antic borrowing ("Power to the People") or to the elided logic that underlies talk of "giving back" to the states functions and responsibilities the federal government acquired only because the states refused to assume them in the first place. Rather, we have in mind the valuable and overdue focusing of attention on the urgency of devising an equitable and effective redistribution of the nation's tax revenue.

The argument over the precise amount of money—$5 billion—to be shared in the first full year of the general program is a case in point. That sum has been faulted both as too little and too much. But the dispute is not one of those conventional split-the-difference affairs in which the object is merely to reach agreement on the size of an outlay the federal government can afford. Each argument tends to rest, instead, on a particular theory of the merit and purpose of revenue sharing. $5 billion is far too small a sum if you take at face value the Nixon administration's stated aims. In fact the White House, ritually and repeatedly blaming the nation's social unrest on the gap between promise (or overpromise) and performance, has nonetheless started down a similar road itself in making large, power-to-the-people claims for the dispensation of an amount which is actually less than that by which state and local budgets increase annually. At most these funds can be expected to mitigate a rise in local taxes, not to take the place of such a rise. And the prospective administration measure carries an insufficiency of funds, incentives, and sanctions to ensure that the shared revenue will not merely be of help in perpetuating a variety of relationships between citizen and government and among divisions of government that sorely require change on grounds that range from moral to managerial.

It is for this last reason that others—chiefly legislators and political theorists who are not known for their scrimpiness with the public purse—are claiming that the $5 billion first year sum is too large. It is too large, they contend, to be dispensed to such uncertain effect when the means are at hand for a pass at revenue sharing that would at once reach the people and the state and local governments in severest need. This alternative would be for the federal government to assume all or almost all the costs of our national welfare programs—meaning that share which state and local governments are now obliged to pay. Meantime—the argument runs—while the state and local governments and their taxpayers would gain relief in the release of state and local welfare expenditures for other purposes, a more modest sum could be allocated to a phased general revenue sharing plan that would be, in Congressman Henry Reuss's terms, a "catalyst" not a "crutch."

This school of thought, to which we are ourselves inclined at this point, holds that the automatic allocation of federally collected revenue to the states represents a step that will not easily be reversed and one with critically important long-term implications and effects. From which it follows that it should not be taken loosely or lightly or in return for nothing in the way of improved, rationalized local government and a more equitable disposition of services financed from public funds. Representative Reuss has put in a bill which would phase the funds progressively over a longer period of time, meanwhile encouraging the adoption or reform of income taxes by the states and a whole array of measures designed to bring state and local financial and governmental practices at least into the century which will shortly end.

Mr. Nixon's message on general revenue sharing bore little evidence that the administration is thinking in terms of this objective. Nor is it enough to counter that such an objective flies in the face of returning money and power and decision to the states and/or the people: much of his program—that which he has pursued for the past two years and that which he is about to embark on now in specific fields—is premised on a collection of federal sanctions, incentives, directives and other necessary nosinesses that run directly contrary to the line of thought invoked in support of his revenue sharing plan. We bring this up not to sport with a policy inconsistency or to make a debater's point, but merely to suggest that in the best and most serious sense of the term, a rationalization of federal policy toward the states could be an invaluable outcome of the legislative debate ahead—especially if it is reflected in the legislative end-product.

AMERICAN PRISONERS OF WAR IN NORTH VIETNAM

Mr. BENNETT. Mr. President, few things are more distressing to the American people than the plight of those brave Americans who are confined in POW camps in Communist North Vietnam. I am pleased to lend my complete support to the widespread effort to bring public opinion pressure upon the Hanoi government to accord American prisoners their rights under the Geneva Convention and also to release them as part of an exchange program with the allies.

I was very much pleased when the Utah State Legislature passed a concurrent resolution memorializing the Democratic Republic of North Vietnam to take all necessary actions to insure fair and humane treatment for American prisoners of war and to insure the release of these prisoners unharmed. I add to this resolution my full support. I join with the legislators of my State in calling upon the Hanoi government to hear the pleas of Americans everywhere that these men be released. I call upon Hanoi to immediately identify every American held in captivity and to report fully his health condition and status. I urge the Government of North Vietnam to accept quickly a prisoner exchange program which will allow these brave Americans to be reunited with their families.

I believe that regardless of the varying viewpoints held by Americans, and the people of Utah concerning the war, that all support the basic objectives of this compassionate resolution. I ask unanimous consent that the resolution and the covering letter addressed to Premier Pham Van Dong be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Salt Lake City, Utah,
February 5, 1971.

Hon. Premier Pham Van Dong,
Democratic Republic of North Vietnam,
c/o North Vietnamese Delegation, Paris Peace Talks, Paris, France.

Honorable Premier Pham Van Dong: The Office of Secretary of State of the State of Utah, United States of America, has been instructed by its 39th Legislature to transmit to you copies of a Resolution, concurred in by both houses of its Legislature, memorializing the Democratic Republic of North Vietnam to take all necessary actions to insure fair and humane treatment for American prisoners of war and to assure the release of American prisoners of war unharmed.

Copies of this Resolution are enclosed to you by registered mail. Your acknowledgement would be appreciated.

Sincerely,

Clyde L. Miller,
Secretary of State.

American Prisoners of War in North Vietnam

(By Moroni L. Jensen and Dixie Leavitt)

A concurrent resolution of the 39th legislature of the State of Utah, the Governor concurring therein, memorializing the Democratic Republic of North Vietnam to take all necessary actions to insure fair and humane treatment for American prisoners of war and to assure the release of American prisoners of war unharmed

Be it resolved by the Legislature of the State of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof and the Governor concurring therein:

Whereas, an unavoidable incidence of the conflict in Southeast Asia is the taking of prisoners of war;

Whereas, prisoners of war are entitled to fair and humane treatment as members of the human race;

Now, therefore, be it resolved, that the Democratic Republic of North Vietnam is requested to take all necessary actions to insure fair and humane treatment for American prisoners of war and to assure the release of American prisoners of war unharmed.

Be it further resolved, that the 39th Legislature of the State of Utah is concerned about American prisoners of war in the Republic of North Vietnam and desires to add their names to the list of concerned citizens asking for the humane treatment or release of these prisoners.

Be it further resolved, that the members of the Legislature and the Governor of the State of Utah do hereby affix their signatures in support of this resolution.

Be it further resolved, that the Secretary of State of the State of Utah shall send copies of this Resolution to the President of the Democratic Republic of North Vietnam in Hanoi.

EXPANSION OF SOUTHEAST ASIA WAR DEPLORED

Mr. FULBRIGHT. Mr. President, I have received a telegram signed by 140 persons in Conway, Ark., and at Hendrix College, which is located in Conway.

The signers of the telegram deplore the continued involvement of the United States in Southeast Asia, and particularly the expansion of the war there.

I ask unanimous consent that the text of the telegram and the names of the signers be printed in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

Conway, Ark., *February 4, 1971.*

Senator J. William Fulbright,
Washington, D.C.:

We regret and deplore the continued involvement of the United States in Southeast Asia. Further use of air power in Cambodia and Laos can only contribute to an already intolerable situation. We urge you to do everything in your power to stop the expansion of this pointless conflict. We reject the idea that engaging the North Vietnamese on a larger scale will allow us to reduce our forces in Indochina. We also repudiate the use of ground troops in or out of uniform, armed or unarmed, in Cambodia or Laos.

Please have this read into the Congressional Record.

Jim Rorie, Max Kruse, Charles Chappell, Linda Abney, David Taylor, Mary Gwinn, Ted Kampbell, Herb Rummel, Jon Wagner, Joel Tull, Paul Faris, Temple Fay, Garrett McAinsh, Judy White, Arnold Nachman, Russ Chitwood, Marilela Pence, Warren Walker, Valerie Thwing, Robert Shoemaker, Fran Featherston, Margaret Stover, Mike McCully, Jean Rummeln.

Mike Carter, Richard Livingston, George McLean, Barbara Creggett, Lance Ellis, Dan Yarborough, Bill Briant, Ann Mallory, Phil Tracy, Elizabeth Harris, Ken McRae, Jim Crank, Kai Cuanll, Bill Hawes, Robert Isaacs, Kay Bowie, Morgan Rainwater, David Terrell, Dan Farley, Danny Flagg, Jim Major, Valerie Major, Wendy Westerlund.

James Gurley, Gary Villines, Steve Gibson, Douglas Westerlund, Karon Pitcock, Gary Hogan, Mike Wilcox, Ralph Doty, Jeff Hoy, Eua Gately, Jim Murphy, Gary Barnes, Tommy Porter, James Gibbons, Bill Strart, John Compton, Jim Fowler, Grady Trimble, Ron McDonald, John Hearnsberger, George Wingo, Eddie Harris, Sam Murray.

Jack Frost, Omar Greene, Bryan Stoves, Frances Nix, Fred Strebeck, Lynn McLean, Harriet Boyd, Cynthia Edwards, Herman Ashcraft, Terry Gill, Nancy Brawner, Mike McQuire, Lewis Leslie, Thomas Elliott, Davis Foster, Gary Cohen, Charles Daniel, Warren Blanchard, Guy Couch, Doug Christian, Gick Gallagher, Eston Williams, Charles Bush.

Chip Simpson, Jeanne Harris, Robert Atkinson, Gray Myers, Kathy Walker, Martin Hearne, Bob Razet, Bruce Wood, Mark Ray, Jay Sims, Ferris Baker, Tom Yarbrough, Richard Lewis, Ricky Pearce, Bernard Bevill, John Hargan, Sam Jones, Dennis Officer, H. Wilbourn, Van Goodin, Carlos Summers, George Kelly, Barbara Baker, Maralynn Troutman, Mike Shepherd.

Downie Talbot, James Keheley, Bob Kraemer, Richard Lancaster, Jim Edgar, Sarah Johnston, Angela Wood, Ron Wray, Brenda Stanley, Clark Fincher, Thomas Bemberg, Debby McLendon, Ned Denney, David Grace, Lyndon Strickland, Charlie Johnson, Thelma Hampton, Linda Tooke, Ann Givens.

AN EQUAL VOTE FOR EVERY AMERICAN

Mr. HUMPHREY. Mr. President, I have worked more than 17 years for the abolition of the electoral college in favor of direct popular election of the President and Vice President of the United States.

I am not alone. Polls show 80 percent of the American people support such a change. And so do a majority of both Houses of Congress.

I am proud to add my name as a cosponsor to Senate Joint Resolution 1, the constitutional amendment to provide for direct popular election of the President and Vice President.

This amendment would give each American an equal vote—a fundamental principle of our democratic process.

A similar amendment last year passed the House of Representatives by a lopsided 339-to-70 vote, but it was filibustered to death in this Chamber although it has the support of a majority of Senators.

The present system discourages candidates from campaigning in "safe" States and in small States. Direct election would give campaigns more of a national flavor. Candidates would continue to go where the most people are, but the smaller States would likely get more attention.

Every citizen of every State would have good reason to cast a vote. Each person's vote would count equally.

The direct election amendment is also carefully written to strengthen the two-party system by discouraging regional or splinter party candidates from either trying to throw the election into the House of Representatives or causing a run-off election.

I would personally prefer to see a run-off election if neither ticket got 40 percent of the popular vote, but I accept the alternative suggested by the junior Senator from Michigan (Mr. GRIFFIN) and the former Senator from Maryland, Mr. Tydings.

I do not feel a runoff would foster growth of third parties, nor would such an election be much of a problem to organize nationwide on short notice. Many other countries already are making effective use of the runoff election.

But, in working for such an important goal as direct election of the President and Vice President of the United States, it is best not to undermine our work by quibbling over relatively minor details.

What is so very vital, so urgent, is the long overdue need to let the people, not an anonymous group of electors, elect the President. And we ought to break down the paper curtain of outmoded registration laws which keep so many of our citizens from voting. In 1968, only 72 million out of a possible 120 million voting age citizens went to the polls.

The 1968 presidential election was decided by half a million votes. It very nearly ended up in the House of Representatives, where each State would have cast one vote.

What if either Mr. Nixon or myself had been elected by the House and the one chosen was not the popular vote winner? Inevitably, there would have been charges of a deal with backers of George Wallace. The loss of public confidence would have been staggering.

We ought to move ahead on this proposed amendment now while memories of the potential chaos of 1968 are still fresh. If both Houses of Congress will approve electoral reforms, I believe the necessary 38 States would ratify the constitutional change.

Such a change will require political leadership—from the White House to the courthouse. We can afford no less.

We cannot move toward the 21st century with 19th-century election laws. Let us make this the year we safeguard our Nation by putting the needed electoral reforms into the Constitution where they belong.

UTAH SUCCESS: WISDOM, WEALTH, PEOPLE

Mr. BENNETT. Mr. President, Utah recently celebrated its 75th anniversary of statehood. It was on January 4, 1896, that President Grover Cleveland signed a proclamation officially admitting Utah into the Union as the 45th State.

Between our State's humble pioneer beginning—marked by the epic struggles of the early Mormon settlers to tame a forbidding desert—and today's diamond anniversary of statehood, weaves a fascinating success story. A major part of this story is the economic development of Utah—a development made possible by human ingenuity, faith, and hard work, and the cultivation and harnessing of Utah's natural resources.

An article published in the Salt Lake Tribune of January 26, 1971, chronicled the significant milestones in Utah's economic development. The article, written by Mr. Robert H. Woody, draws from a speech by one of our State's leading educators and historians, Dr. Leonard Arrington, of Utah State University.

I am sure that Dr. Arrington's summary as reported by the Tribune will be of interest to others, so I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UTAH SUCCESS: WISDOM, WEALTH, PEOPLE

(By Robert H. Woody)

In our rush, we are so preoccupied with the present, we take little cognizance of the past.

Who were the people, what were the events that gave us the present?

Now with Utah in its 75th year as a state, economic historian Leonard J. Arrington has come up with a chronicle of events, products, persons and principles that gave us the present.

His chronicle highlighted the annual luncheon of the Utah Manufacturers Assn. luncheon Monday at Hotel Utah.

Here, in brief, is how Dr. Arrington, a professor of economics at Utah State University, sized it up:

MAJOR INDUSTRIAL EVENTS

The founding of the Perpetual Emigrating Co. in 1849 which organized the immigration of 80,000 persons to Utah in the next 40 years.

Completion of the transcontinental railroad in 1869.

Successful production of beet sugar in 1891.

Beginning of open-cut mining operations of Utah Copper Co. in 1906 at Bingham, giving birth to the single most productive mine in the world.

Start of steel production by Geneva Steel works in 1944.

Establishment of the missile industry in Utah in 1957.

THE MAJOR PRODUCTS

Agricultural specialties which sustained the pioneers during the first 50 years.

Mineral production, beginning with silver and lead, followed by copper, salt, gilsonite, uranium and now beryllium and magnesium.

Uranium, coal and petroleum.

Weapons, ranging from John Moses Browning's guns to the Air Force's Minuteman ICBM.

Products of pleasure and comfort, e.g., knitted goods, housetrailers, tents and sporting goods, and most recently, organs.

And on the "product" list—the graduates of high schools, technical schools, colleges and universities.

THE PRIME MOVERS, THE INNOVATORS, ENTREPRENEURS, ET CETERA

Certainly, the pioneer mother. "She supervised the education of pioneer boys and men. . . ."

Mormon Church leaders—Brigham Young, "that ever-present director and governor, who initiated and supported many important industries;" George Q. Cannon; Heber J. Grant, and today, Nathan Eldon Tanner."

THE INVENTORS

John Moses Browning, of course, the man who invented the repeating rifle, the automatic pistol, the machine gun rifle, and the antiaircraft gun.

L. L. Nunn, "whose genius and untiring energy made possible the long-distance transmission of electric power."

Philo Farnsworth, holder of the basic patents on television.

Daniel Jackling, "brilliant organizer and a master engineer and chemist, whose genius created the massive operations at Bingham."

David Eccles "and his imaginative and energetic sons, particularly Marriner and George, (of First Security Corp.) . . . (whose) labor has infused with life and profit hundreds of important enterprises."

Walter Mathesius, the first president of Geneva Steel. "Certainly one of the most kindly, most reasonable, most cultured, most competent and most respectful of all our industrial leaders."

Community cooperation in the establishment of local enterprises.

GREAT PRINCIPLES

Community support of gifted individuals capable of creating new products and industries.

Cooperation of church and private capital—"They have provided the residents with a kind of spontaneous combustion which has been mobilized by effective entrepreneurs for the support of desirable enterprise."

Cooperation of science and private capital in the development of an industry.

Cooperation of government and private capital for defense and development.

Emergence of Utah as a major regional manufacturing and distribution center.

And, now what of present and future?

The establishment of research centers at Provo, Salt Lake City and Logan! The stone age, iron age, bronze age, the invention of the longbow, gunpowder and atomic fission and fusion were the consequence of intellectual invention. "But the lesson is clear . . . that wisdom is important as well as wealth and strength."

MANAGING THE MACHINE SOCIETY

Mr. METCALF. Mr. President, the Legislative Reorganization Act of 1970, Public Law 91–510, is in part an attempt to provide the Congress with the information we need, in the form and at the time we need it, to make decisions in the public interest.

The act expanded the Legislative Reference Service of the Library of Congress into the Congressional Research Service, charged in part with:

> Rendering to Congress the most effective and efficient service and responding most expeditiously, effectively, and efficiently to the special needs of Congress.

Implicit in this charge is the use of tools—among them the computer—upon which business and executive departments are relying increasingly to their advantage.

There were a number of developments in this area during the 91st Congress. Some were included with my remarks in the Record of June 11, 1970, under the title "The Computer Age is Dawning on Capitol Hill."

The Committee on House Administration, acting upon the recommendations of its Special Subcommittee on Electrical and Mechanical Office Equipment, awarded $450,000 in contracts to eight companies for the continuing study of the information and analysis needs of the House of Representatives.

The emphasis in these contracts was upon translating the needs of the members and committees into concepts for services and a plan for the design, construction and operation of a system to provide these services. The eight companies were the Stanford Research Institute, the MITRE Corp., Computer Science Corp., System Development Corp., EDP Technology, Inc., General Computing Corp., Intech Corp., and Systems Consultants, Inc. The Special Subcommittee's Working Group on Automatic Data Processing has prepared two reports which include information on existing computer resources available to Congress and a discussion of the specific needs of Congress. Another report will be forthcoming in the near future.

Last August, the Senate Committee on Rules and Administration, following a staff study of automatic data processing in connection with legislative operations, established a Subcommittee on Computers Services.

Also this past year legislators and their staff members sat down with information and management specialists to talk over this problem of mutual concern. The proceedings of this meeting in May have been published in the AFIPS-ACM—American Federation of Information Processing Societies—Association for Computing Machinery—booklet entitled "Information Systems: Current Developments and Future Expansions." The summation talk, entitled "Managing The Machine Society," was given by Mr. Robert L. Chartrand, for the past 5 years adviser to the Congress on systems technology and its application. Because of the general interest in this subject, I ask unanimous consent that the summation be printed in the Record.

There being no objection, the summation was ordered to be printed in the Record as follows:

Managing the Machine Society

(By Robert L. Chartrand)

Thomas Jefferson: "I know no safe depository of the ultimate powers of society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it away from them, but to inform their discretion."

In the span of nearly two centuries since these United States became a nation, those responsible for governing have been especially sensitive to the role of the people in that government. Within the democratic process there is a continuing—and imperative—need for communication between the leadership and the electorate. A credibility gap may be caused by a number of things, but foremost among these is the quality of information provided the citizenry. The flow of information between all sectors of society not only must be sustained, but enhanced, if our civilization is to confront successfully the pressures and problems of our times.

A very real need was perceived which led to the convening of this special seminar, with its emphasis on the potential of information technology for the legislative process. While some thought has been given to the need for reshaping the Congress to meet the challenges of the future—as in the report of The Commission on the Year 2000 and certain aspects of the Reorganization Act of 1970—the particular problem of information exchange and utilization has only begun to be explored. Perhaps the selection of the famous Senate Caucus Room as the site for a colloquy between key legislative personnel and the foremost spokesmen of the new technology is more than fortuitous. It would seem that this meeting in these surroundings symbolizes the rapport which must be achieved between two disparate disciplinary groups. And without overstatement, this rapport can in the long term affect the effectiveness of the Congress.

If one were to characterize the chief dilemma facing our national leadership—the managers, if you will—today, it could be expressed in terms of "time for decision-making" and "selection of information." The problem is essentially the same for the President, a Congressman, a governor, or the mayor of a large city. Existing information systems are outmoded. Innovations which might provide better filters and more timely, accurate, relevant information are deprecated through misunderstanding or fear of change. Yet these changes must come, and they will occur in an environment where change has become a way of life.

The two-fold emphasis of this seminar—through an examination of current developments in information systems and the ramifications of future expansion of capabilities—is designed to indicate the technical feasibility and political realities of employing information technology. In addition, the importance of man maintaining mastery over his own creations deserves serious consideration. Such control can be achieved only through a coordinated effort by government, the industrial and academic researchers and developers, and the critical user community. Robert W. King was quite accurate in his treatise on "Technology and Social Progress" when he noted that:

"As mankind amalgamates itself more and more into a machine society, it will be the human elements who will make the essential accommodations and adjustments."

It is in the spirit of preparing ourselves, both legislators and technologists, that this discussion opportunity has been organized.

SCIENTIFIC MANAGEMENT IN AN AGE OF ANXIETY

The impact of technological innovation has been severe and the tradeoffs between benefits and deleterious effects doubtless will be debated for years to come. Some call this the "Age of Anxiety," and cite the concern felt by the populace as it witnesses unprecedented changes in traditional institutions, laws, and mores.

Our civilization *does* face problems of enormous scope and complexity. Some are in areas where our expertise and technological might can be applied with readily recognizable results, as in aerospace and military endeavors. In a number of other, equally critical, areas the benefits are less sure, and the adaptation of computer-oriented procedures and devices more difficult. Governmental officials at all levels are striving to provide the leadership which we must have if order is to come out of the confusion which is rampant in many areas today. The crux of the challenge is set forth in the report of the National Commission on Technology, Automation, and Economic Progress:

"Our problem is to marshall the needed technologies, some of which are known and some not yet known. If we are to clean up our environment, enhance human personality, enrich leisure time, make work humanly creative, and restore our natural resources, we shall need inventiveness in the democratic decision making process as well as in the needed technologies."

During this seminar, we have explored the effects of the systems approach in general and computer technology in particular on the values of our civilization. Especial attention has been paid to the application of automatic data processing to the social sciences. Man's creative genius has allowed him to develop machines which must be *understood and controlled*. An entire nation must be oriented to a new way of life, and educated in the social, political, and economic changes wrought by these innovations. No one can escape the intrusion of "the machine," for even the most simple function now seems to be linked irretrievably to communications networks and computer data banks. As the number of computers in this country nears the 100,000 mark, the swirls and eddies of their tidal wave are felt in the far reaches of our country.

The array of social and community problems which must be faced during the 1970 decade is sure to tax our every skill and resource. Air and water pollution, transportation, housing, health and welfare services, education, law enforcement—a formidable set of problems for "management" to deal with, and overcome. But we *do* have proven tools and techniques with which to solve these dilemmas. *How* we organize to meet this challenge, and how well we plan may decide whether our efforts result in success or failure. Management must analyze the overall situation in terms of established goals and then decide upon a course of action. This is often referred to as "management analysis," and the focus in our time, and at this seminar, is on *scientific* management analysis.

Many attending this session are well aware that scientific management analysis is not a new thing. One can go back several decades, both in government and in the industrial realm, to find the origins of such activity in the United States. The pioneering efforts of Frederick W. Taylor, commencing with his famous time studies, and the Gilbreths concentrated on improving production in factories. It was not long, however, until the principles of scientific management were being adopted by those responsible for government operations. The problems of government management were recognized both at the Federal and State levels prior to World War I, and the City of New York led the way at the municipal level. In 1916 the Federal Government established the Institute for Government Research, which was combined in 1928 with the Carnegie Institute of Economics and the Brookings School of Economics to become the present Brookings Institution.

President William Howard Taft was chief executive when the Committee on Efficiency and Economy was created in 1910. At about the same time, the "city management movement" got underway, led by Richard S. Childs. State reorganization proposals were prepared in several regions of the nation, with Illinois being the first to approve such a move in 1927. The President's Committee on Administrative Management was formed in 1937, giving impetus to a new, exciting, and generally better accepted approach to handling certain management functions. The two Hoover Commissions (in 1949 and 1955) carried many of the recommendations forward.

THE ADVENT OF PLANNING-PROGRAMMING-BUDGETING

These happenings provided a backdrop for the development and acceptance of what came to be called the "Planning-Programming-Budgeting System" or simply "PPBS" during the Kennedy and Johnson administrations. The management philosophy of Secretary of Defense Robert McNamara is reflected in his explanation of the strategy which he helped conceive and followed:

"I see my position here as being that of a leader, not a judge. I'm here to originate and stimulate new ideas and programs, not just to referee arguments and harmonize new interests. Using deliberative analysis to force alternative programs to the surface, and then making explicit choices among them is fundamental."

The Department of Defense became the test bed for many analytical techniques and procedures. The orientation and education of those charged with research and development, as well as those responsible for ongoing programs and projects, were performed with a concomitant emphasis on measuring the impact of the new approach on management at all levels. The importance of PPBS, which was expanded to virtually all Federal executive departments and agencies in 1965, soon became apparent to State and local government leadership looking for better ways of managing an increasingly complex political organism. While some of the notions embodied in PPBS were not new, it became a rallying cry, something the top level manager, the budgeteer, and the project implementer could identify with. The four major characteristics of this methodology merit restatement in the light of congressional interest in the exchange of essential fiscal and program data between the executive and legislative branches:

1. PPBS identifies basic governmental objectives and without regard to organization, relates all programs to these objectives;
2. The implications of given programs in the future are delineated in detail;
3. Cost considerations are set forth; and
4. A methodical examination of alternatives is executed, including each one's projected cost, results, and relationship to the stated objectives.

With the extension of PPBS to most Federal agencies, the Congress has had to assess its impact on the authorization-appropriations activities of its committees. The transition of handling budget request information within the Congress was bound to be gradual. Also, the persons responsible within the Bureau of the Budget for structuring and presenting the fiscal planning data recognized that—in the words of William Capron, former Assistant Director—"for the execution of the budget—we needed an input-oriented, organization-unit-oriented budget for administration."

Several committee elements, both in the Senate and the House of Representatives, have held hearings and engaged in further staff study to determine if traditional methods of budget preparation, submission, and review should or could be altered. The Joint Economic Committee, through its Subcommittee on Economy in Government, following hearings in 1967, prepared two compilations of papers on the role of PPBS. The first, issued early in 1969, was entitled "Innovations in Planning, Programming, and Budgeting in State and Local Governments" and provided a useful insight into PPB at the sub-Federal level through a series of illustrative case studies. Later in the same year, "The Analysis and Evaluation of Public Expenditures: the PPB Systems" was issued by the Subcommittee. Senator William E. Proxmire, the chairman, set the tone for the three-volume series in an instructive Foreword called "PPB, the Agencies and the Congress," which was followed by commentary of more than 50 specialists and experts knowledgeable about government spending policies and practices.

The role of management science in a technological society also has been scrutinized by the Subcommittee on National Security and International Operations of the Senate Committee on Government Operations. Under the leadership of Senator Henry M. Jackson, the Subcommittee conducted hearings during the 1967–1969 period with an emphasis on a "frank stock-taking of the benefits and costs of the planning-programming-budgeting system." The testimony—including statements by Charles L. Schultze, then Director of the Bureau of the Budget, and Comptroller General Elmer B. Staats—and subsequent dialogue allowed a more meaningful assessment of PPBS policy, management practices, personnel selection and performance, program evaluation procedures, and individual department and agency experience. Starting in 1967, the Subcommittee has issued a series of committee prints, designed to present various facets of PPBS; these have included volumes on "Uses and Abuses of Analysis," "Program Budgeting in Foreign Affairs: Some Reflections," and "Rescuing Policy Analysis from PPBS."

Yet another congressional element concerned with the need for more rational management of our government and society was the Special Subcommittee on the Utilization of Scientific Manpower of the Senate Committee on Labor and Public Welfare. Senator Gaylord Nelson, the Subcommittee chairman, carried out a series of hearings during 1965–1967 which stressed acquiring factual data and expert opinion on the utility of using systems analysis and computer technology in coping with non-defense, non-space societal problems. The transfer of aerospace technology to the civil sector was examined through testimony on the efficacy of PPBS, problem-oriented experience, and the developments in better management at all levels of government. A study then was prepared at the direction of the Subcommittee by the Science Policy Research Division of the Legislative Reference Service (Library of Congress). Entitled "Systems Technology Applied to Social and Community Problems," this volume presents a full treatment of the issues involved in Federal-State-local use of systems tools and techniques (including PPBS) in dealing with such problems as environmental pollution, transportation planning, housing redevelopment, and law enforcement and administration of justice. The value in this report, already viewed as a standard reference work, resides in its thorough review of legislative and executive efforts to utilize advanced management and program technology, current information—derived from questionnaires in 1966 and 1968—from State and local governments on use of systems analysis and automatic data processing, and a wide range of actual examples of the employment of innovative technology in specific problem areas.

The management of our machine society, then, might be viewed from several sides of a prism. First, better advance planning in a society of this complexity has become an absolute prerequisite. Second, on-going monitoring of programs in existence must be improved. In this area, a number of Senators and Representatives has called for the creation of an "Office of Program Analysis and Evaluation" capable of applying analytical techniques to the performance of all Federal program activity. Third, a measured hindsight evaluation of major programs in the light of stated national goals and departmental objectives is needed.

RATIONAL MANAGEMENT: THINGS TO REMEMBER

Merely pointing out the various optimum arrangements for managing a conglomerate nation does not answer all of the questions which must be considered. At present, many top level persons are debating the instrumentality which must be assigned these tasks, or perhaps established specifically to undertake such an effort. The Reorganization Act No. 2, prepared during the present administration, provides for certain modifications to and expansion (in selected areas) of the newly named Office of Management and Budget. Regardless of which governmental entity ends up as the capstone in the planning-managing-assessing hierarch, certain hard questions still must be considered:

Where shall the success, progress, or failure of a program or project be determined, and by what criteria?

What new or remodeled management practices can be instituted and made functional in order to achieve both larger national goals and more limited, problem-oriented agency objectives?

Are the necessary criteria for systems development and management to be the result solely of in-house thinking, or made with external consultant involvement?

As our Nation has become more and more complex, the need for cohesion and regulation in management has grown apace. With numerous activities cutting across agency lines, and yet others affecting government at *all* levels, a requirement for certain inviolable guidelines by which all involved elements must operate has arisen. Man's mastery of his environment is contingent upon such guidelines and the associated management dicta, and the measure of control will be increasingly vulnerable to mischance in the decades to come. Inasmuch as this seminar has been designed to involve congressional participants, whose concern for the effective functioning of our government is of long standing, the iteration of the key steps in outlining, developing in detail, testing, and finally implementing a given program can be useful in establishing a set of norms for future discussion. The enumeration of these steps is presented within the context of the role which information technology can and must play in decision-making—ergo, management—at the national level.

1. Preparation of the basic mission statement, in conformance with overall Federal responsibilities in the subject area.
2. Establishment of criteria for determination of departmental and sub-departmental long-range goals and short-range program objectives.
3. Delineation of lang-range goals in terms of management responsibility, planning-programming-budgeting functions, and for the purpose of providing for the ultimate implementers a framework of reference.
4. Identification of short-range program objectives for purposes of performance-cost analysis, inter-program comparison, resource allocation, and management assessment of longer-range impact.
5. Presentation of alternatives for each program, including quantitative and qualitative descriptions, all necessary summary, statistical and interpretative data, and projections (on a multiple-year basis) of program results in narrative and graphic form for examination and option selection by management.
6. Establishment, and check-out, of management control mechanisms, including man-machine arrangements, at all levels of governmental operation where program performance is directed and/or monitored.
7. Comparison and measurement, within a circumscribed time-activity framework, of progress or its lack in terms of both long-range goals and program objectives.
8. Evaluation of mission fulfillment by top level management, carried out within a context of changing national needs and commitments, and evaluations or related missions.

The intrusion of computer technology in the handling of the various data required to carry out all of the above functions has been a cause for public debate and private introspection in recent years. Many persons feel that as the use of electronics in communicating and processing data becomes more widespread, there is a danger that management will seek to capitalize upon its capacious memory, manipulative ability, and fantastic processing speed and in so doing, delimit the type of information which then is used in making critical decisions. Dr. Donald Michael, a perceptive observer of our changing society and the role of technology cautions his fellow man regarding the tendency to "select out" certain essential information:

"Already planners and administrators are tending to place undue emphasis on—that is, coming to value most—those aspects of reality which the computer can deal with just because the computer can do so. The individual—the point off the curve—becomes an annoyance."

SECURITY AND PRIVACY OF INFORMATION

Another area of critical concern to those responsible for managing the massive machinery of our society relates to protecting the privacy of the individual and the corporate entity. The trend today is to gather vast amounts of information so that certain functions may be expedited. In government, the handling of social security, census, and economic data requires huge information processing establishments. In the private realm, hundreds of applications now involve ADP, including such large volume areas as payroll, credit checks, insurance, and industrial inventory control. The need for—and control of—these data are commencing to receive, deservedly, a great deal of attention. Some critics of large scale data collection and computer manipulation speak in terms of the Orwellian 1984 controlled state. Others can accept the necessity of acquiring data necessary for managing, through improved planning, our society, but believe that the present approach to the problem is not well thought out, and should receive cognizance at the highest level of government. Many hard questions have been put to those designing the census data collection forms, and a second wave of concern now is evident as summary data is being made available for sale by franchised disseminators.

Where do we draw the line on what is demanded of the private citizen, or the corporation? Should not the individual be able to refuse to answer certain questions about his past, and do so without penalty or censure? In some instances, today, information collected from citizens for one purpose is then vended to others for completely different purposes. The built-in protection inherent in the decentralized, paper-oriented files of the past now is being obliterated by the capacities and capabilities of computer-supported information systems. The elements of our society are entitled to privacy, and the integrity of any files containing information on their past activities or present status deserve the utmost protection.

It is not enough simply to indulge in fatuous generalities about protecting the privacy of the citizen. There *are* identifiable forms of safeguards which can do much to guarantee personal and corporate privacy. In a study prepared for the Congress—entitled "The Federal Data Center: Proposals and Reactions"—several such safeguards are noted:

1. Legislative and administrative regulations, already in effect in some agencies, could be augmented and strengthened.

2. Establishment of uniform, multi-agency criteria controlling "need to know" both for government and other data users.

3. More explicit explanation of the scope and nature of the data available, thus reducing the number of unnecessary or illogical requests by users.

4. Creation and uniform use of classification and coding systems, to include the assignment of unique accession codes and indicators to privileged data elements.

5. Establishment of an expert in-house group for receiving, transcribing, and refining the request for information from the system according to the needs of the users and existing regulations.

6. Employment of "a number of servicing procedures based upon computer technology that can satisfy the needs of the user in most cases without violating disclosure regulations.

7. In some instances, data reduction by design can be performed thus transforming absolute figures to percentages, increments to gross and vice versa.

8. Anonymous sampling, with the removal of identifying data elements already has been used; here again the need for a uniform Federal set of procedures and criteria is apparent.

TECHNOLOGY BEGETS RESPONSIBILITY

The management of information and knowledge is a solemn responsibility. The mutual education of the lawmakers and technologists during this forum must continue, for none can gainsay the crescendoing effect of computers, communications and cybernetics on this and succeeding generations. This must be a matter for all to acquaint themselves with, for everyone is affected. On some occasions in history man has been called upon to answer a "call" largely on faith. This led to the witticism that "Man is ready to die for an idea, provided that idea is not quite clear to him." Those existing in our "one world" know without question that empathetic interaction between individuals, groups, and nations is on the upturn, and that the trend is irreversible. Each new challenge requires a wrenching change in our patterns of behavior or institutional modes of operation.

While none of us can assess fully the impact of this burgeoning technology on the nation and its peoples, we must strive to manage wisely. The ways in which we use the atomic generator, the laser, the electronic computer, will result in more than surface reverberations. We are closer to manipulating our future than ever before, and there must be a conscious connection in our leadership actions between the thought, the desire, and the end result. While most of our national planning will and must be directed toward tangible, material ends, there is a greater responsibility. There is an overriding *moral imperative* to examine with excruciating thoroughness the rationale for our technological programs, the direct and side effects of their execution, and the imprint which will be carried forward into the future. This will require the finest effort on the part of all facets of our society, and will result in action based on reason, and not futility.

BUDDY PONTIAC INNER CITY INTERNATIONAL TENNIS TOURNAMENT IN WASHINGTON, D.C.

Mr. HUMPHREY. Mr. President, over the weekend of February 5 through 7, a notable event took place in Washington, D.C. Twelve accomplished professional tennis players, including the top-ranked player in the United States, competed for $10,000 in prize money on a synthetic court laid over the basketball floor of an inner city high school gymnasium. This tournament, the Buddy Pontiac, Inc., Inner City International Tennis Classic, was designed to bring first-class tennis to youngsters who may get no closer to the game in their ordinary lives than a blacktop playground or the side wall of an apartment building. A lot of dedication and idealism went into this tournament, and I believe that the results were most encouraging.

Donald Dell, the 1968–69 Davis Cup captain and a longtime Washington area resident, has often spoken of the need to bring tennis to the ghetto instead of waiting for the inner city black players and spectators to make their way out to the suburbs. Until this was done, he felt, tennis would remain a rich man's sport in the eyes of most black citizens. The few, like Arthur Ashe, who overcome innumerable handicaps to rise to the top in American tennis, would only prove the rule that tennis is a country club activity.

Bill Riordan, who did so much to make Salisbury, Md., the capital city of U.S. indoor tennis, put his influence to work as president of the International Players Association and player coordinator for the U.S. tennis championship program. He lined up the 12 players who came to Washington on February 5. Next year he hopes to bring the inner city tennis tournament concept to a total of 13 American cities. This is a hopeful development, among other things because it is not a moneymaking venture for the promoters.

McKinley Technical High School, at Second and T Streets NE., is not the kind of place where you expect to see a tennis tournament. Although the court surface was excellent, there was too little room for the players along the sidelines and behind the baselines. The linesmen got in the way of sharply angled shots. High lobs bounced off the overhead lighting. Spectators constantly moved back and forth and talked almost incessantly. In other words, the audience treated this much as they would a baseball or basketball game, where formal etiquette hardly exists.

The great thing about it, however, was the attitude of both the players and the spectators. Not a single player expressed annoyance over crowd behavior or the constricted space around the court. To all appearances each of them realized that sacrifices had to be made for the purpose of presenting the best image of professional tennis to an audience which was largely unfamiliar with it. Although spectators had to be cautioned from moving directly in the line of sight of the players during the final singles match, the general deportment of the small crowd was excellent. When the youngsters and their parents overcame the mysteries of the scoring system, they followed the play with intense interest and genuine appreciation.

Attendance was sparse until the last day even though most of the seats were free of charge. On the first day, large numbers of young people were bused in. The audience was predominantly black, which was just what the tournament organizers had intended. Mayor Walter E. Washington, honorary chairman of the event, was present for part of the final match on Sunday.

The players came from Brazil, Chile, the British West Indies, Canada, Pakistan, Spain, and the United States. The best U.S. player was No. 1 ranking Cliff Richey, who lost a hard-fought semifinals match to the eventual winner, Jaime Fillol of Chile. Two other U.S. players included seventh-ranking Jim Osborne of Honolulu and ninth-ranking Jim McManus of Berkeley, Calif. The high point of the weekend was the five-set final between Fillol and Brazil's "Tiny Tom" Koch—pronounced "Kosh"—on Sunday. Koch, trailing two sets to one, broke Fillol's serve in the fourth set to set up a tiebreaker, which he won by a single point to even up the match. He was unable to hold off the Chilean in the fifth and final set. The crowd was treated to brilliant play. Both players wanted badly to win, but they never compromised their fine sportsmanship. They executed sharp volleys, crisp overheads and passing shots; their agility on the court was astounding. The players were a credit to the game and their countries.

Aside from Buddy Pontiac, Inc., the organizations contributing to the tournament were the U.S. Lawn Tennis Association, the Greater Washington Tennis Association, the District of Columbia Department of Recreation, the National Capital Park Service, the District of Columbia Public Schools, and the District of Columbia Youth Opportunity Services. Assisting were the Courtesy Patrol, the Metropolitan Boys Club, and the Police Boys Club. The tournament received prominent coverage in the Washington newspapers, and Sunday's play was shown live on the Eastern Educational Television Network—WETA, channel 26. Thus, the tournament had official and voluntary support from a variety of sources.

Mr. President, you and others in this chamber may be aware of my feelings with respect to football and baseball, especially if the competition involves a team from Minnesota. I am certainly not blind, however, to the civic consciousness revealed in the account which I have just given you of an attempt to engage the interest of inner city youth in a major sport which should be more and more accessible to people in our crowded cities. I hope that tournaments of this kind will stimulate demand for tennis courts and equipment throughout the cities of this land. We can only applaud the expressed wish of the tournament planners that out of such events will one day come "the Austin Carr of tennis" in Washington. For that matter, another Arthur Ashe would do just fine.

Mr. President, I request unanimous consent that certain items concerning the inner city tennis tournament be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 8, 1971]

TIEBREAKER RULE BRINGS CONFUSION: FILLOL TURNS ASIDE KOCH IN FIVE-SET TENNIS FINAL

(By Mark Asher)

Jaime Fillol of Chile continued his high level of tennis and defeated Thomaz Koch of Brazil, 6–1, 3–6, 6–4, 6–7, 6–4, for the Buddy Pontiac International championship yesterday at McKinley High School.

The even match between two South Americans, who had split six previous encounters in the past two years, turned on Koch's confusion about the rule on who serves first following a best-of-nine-point tiebreaker game.

Koch served the final three points and staved off a quadruple match point to win the fourth-set tiebreaker, 5–4. The tiebreaker is counted as a single game and in this case was counted as Fillol's service game.

According to the rules Koch should serve the next game. But Fillol was given the balls and served the first point of the fifth set before Haig Tufenk, the umpire, rectified the situation. Koch had won the point, which did not count.

"I was confused," the long-haired Brazilian said. "When I served I really wasn't in it."

SERVICE PROBLEMS HURT

Koch lost his service and each player then proceeded to hold his serve for the remainder of the match. But Koch noted he never should have been in such a predicament because he lost a 4–2 advantage in the third set when he ran into service problems and lost 16 of 18 points in dropping four straight games.

Tufenk explained the tiebreaker situation: "The problem is that neither the players nor the ballboys know the rules. It's the first time the tiebreaker has been used in Washington."

The tiebreaker is newly implemented on the indoor circuit this year as the game of tennis reaches streamlined proportions for television and attempts to lose its country club image.

EVERYBODY CONFUSED

Coincidentally, this player confusion arose at the nation's first professional indoor tournament at an indoor city facility. If the players were confused, imagine the confusion of the inner-city youth to whom the tournament was directed as a pilot project to expose them to the sport.

Following the match, one youngster turned to a reporter and asked, "Hey, mister. Who beat?"

In an informal survey, the youngsters in the crowd of 1,200 were most confused by tennis' traditional scoring system, which scores four points as 15, 30, 40 and game. They also wanted to know most about how much money the players make.

The scoring system made about as much sense to most of the 400 youths as the scoring in a cricket match does to the average American.

Bill Gaskins, the tournament director, said he would favor experimenting with a simplified scoring system next year. In addition, both he and the players did not object to noise during the match.

Both Fillol and Koch stopped play frequently yesterday. But Koch noted this was not because of the noise, but because of the movement behind the court, making it difficult for the players to follow the flight of the ball.

As for money, Fillol won about $20,000 last year. He is not considered among the world's 25 best players. The $1,500 he pocketed yesterday was the biggest payday of his career. Koch won $1,000. The match was the first loss in Washington by Koch, the winner of the 1969 Washington Star International.

Jim Osborne and Jim McManus of the United States defeated Juan Gisbert and Manuel Orantes of Spain, 3–6, 6–3, 6–3, for the doubles title.

BUDDY PONTIAC INC. WELCOMES AMERICA'S FIRST INNER-CITY TENNIS TOURAMENT

It is seldom that an individual or an institution is presented the opportunity to make a major contribution to an important cause. With this thought in mind, I should like to assure our honorary chairman, Mayor Walter Washington, our distinguished guests and all of the students attending the matches, that it is our sincere pleasure and our privilege to be associated with this event.

We are extremely grateful to Mr. William Riordan, player chairman for the U.S.L.T.A. for bringing to us an outstanding field of players; to the Greater Washington Tennis Association for their fund raising support; to Henry Kennedy our chairman for his expertise and general assistance; and certainly to Dr. James Jones, Director of Youth Opportunity Services, and his competent staff, who did so much to make ours a "first class" tournament in every respect.

As one who was born, schooled and has worked in the "inner city" during his entire lifetime, I can speak from experience regarding our progress to date and what still lies ahead in order to make our city into a model for the entire nation.

In recent years we have accomplished much, primarily through the utilization of government funding. In the future we may accomplish much more through the involvement of private industry in neighborhood and youth projects throughout our city.

Our secret hope is that somewhere in the grandstand sits tomorrow's Arthur Ashe, a boy who can go to the top of professional tennis, but be that as it may, we are certain that our matches and our high school tennis clinics will provide entertainment, challenge and personal fulfillment to the youth of our Nation's Capital . . . none deserve more.

Sincerely,

MORTON W. COHEN,
President, Buddy Pontiac, Inc.
WASHINGTON, D.C.

I am happy to serve as honorary chairman of this Inner City Tennis Tournament that will stimulate interest in tennis among inner-city residents.

We welcome to our city these international tennis stars—representing seven countries—who will participate. Their wide-range representation and outstanding skills will provide an arena in which young minds can be challenged, international goodwill fostered and tennis promoted.

We are extremely gratified that our Nation's Capital has been selected as the inaugural city for this event. Hopefully, as a result of our efforts in this first "Inner-City" Tennis Tournament, next year we will see similar programs instituted in other major metropolitan areas through the nation.

Proceeds from this tournament will go to the Washington Interscholastic Tennis Association to aid our on-going inner-city tennis programs.

This tournament is made possible through the concerted efforts of Buddy Pontiac, Inc., the United States Lawn Tennis Association, the Greater Washington Tennis Association, the D. C. Department of Recreation, National Capital Park Service, D. C. Public Schools and the D. C. Youth Opportunity Services, with the assistance of the Courtesy Patrol, the Metropolitan Boys Club and the Police Boys Club.

This is another fine example of business, government, community organizations and individual citizens working together to better our community.

Mayor WALTER E. WASHINGTON.

One of the more gratifying aspects of being a professional tennis player is watching interested youths developing their athletic talents in pursuit of becoming top-notch competitors. I am confident that seeing many of the world's top tennis players in action during this tournament will not only provide exciting sports entertainment for all but will inspire many potentially great athletes living in the inner-city to become seriously interested in the game of tennis as well.

Professional tennis, like football, basketball and baseball, now provides an excellent living for any underprivileged youth who works hard and makes it to the top. But more than that, the physical demands of tennis help develop a healthy mind and body for every boy or girl who plays the game.

I am very happy to welcome the many Washington area public school students to this great new tournament. You will be seeing outstanding champions competing for the title and prize money. I hope to compete here next year and challenge this year's winner. All of us owe a debt of thanks to Buddy Pontiac, Inc., for their successful effort to bring big-time tennis to the Washington inner-city.

Everyone cannot become a championship tennis player, but each of us *can be a championship person*—and that's what it's all about!

Sincerely,

ARTHUR ASHE.

THE SONTAY PRISON CAMP RAID

Mr. FULBRIGHT. Mr. President, Mr. Stuart H. Loory, one of the most perceptive journalists in Washington and a representative of the Los Angeles Times, has written an excellent account of the recent raid on the Sontay prison camp.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STORY BEHIND RAID ON SON TAY PRISON

(Stuart H. Loory)

WASHINGTON.—When Secretary of Defense Melvin R. Laird testified that the Administration had no way of knowing for certain that American prisoners would be found at Son Tay last November, he was understating an intelligence problem that gives American military planners the shivers.

Among all the other problems of fighting the war in Indochina, the problem of divining the intentions, plans and movements of the North Vietnamese has been the toughest.

That problem made the commando raid on the small compound only 23 miles west of Hanoi one of the biggest gambles in American military history—a gamble decided on by President Nixon for trying to get captured Americans out of North Vietnam but also for what one high Administration official has called "transcendent reasons."

Officially, the Son Tay raid was conducted for one reason only—to rescue American prisoners. Transcendent reasons are admitted only for the deepest background. But since the Administration admitted they existed, others have been speculating on what they might have been.

Idea No. 1: The American military machine, caught in a "dirty, grubby war" that no one wants, scarred by the tragedies at My Lai and stories of other atrocities, condemned at home and facing serious dissension in the field, needed an act of heroism to boost its morale.

Idea No. 2: The Nixon Administration, having helped create a prisoner-of-war lobby since grown impressively vocal, felt the political need to respond to its demands that something be done for the 339 Americans living under cruel conditions in North Vietnam.

Idea No. 3: The President had to show the North Vietnamese that they could not count on using the prisoners as hostages for a political settlement embarrassing to the United States, that he would take steps as drastic as invading North Vietnam to secure their freedom.

The President's gamble failed. To understand why, follow it from its inception late last May in a little-known office on the ninth corridor of the Pentagon's first floor.

Office 1E962 is marked "SACSA." The acronym stands for Special Assistance for Counter insurgency and Special Activities."

It was SACSA that conceived, planned, organized and oversaw the Son Tay operation.

SACSA is both a military officer and the office he directs. The officer, at the time the Son Tay raid was conceived, was Brig. Gen. Donald Dunwoody Blackburn, a 54-year-old infantryman whose career has such great storybook qualities that it has been the subject of a book and a movie—"Blackburn's Headhunters."

As a first lieutenant, Blackburn arrived in the Philippines in October, 1941, to become an adviser to the Philippine army. The following April he evaded capture by the Japanese on Bataan Peninsula, disappeared into the jungles of northern Luzon, organized a small guerrilla force of primitive tribesmen who were just beyond the practice of headhunting and fought a backwoods campaign against the Japanese until the war ended.

Blackburn became one of the recognized experts in "special warfare," the military's euphemism for American involvement in protecting friendly governments against incipient revolution.

In 1957, when the 1954 Geneva accords which settled the French Indochina war were being honored mostly in the breach by all involved, Blackburn joined the American military assistance advisory group in South Vietnam to help shore up the Saigon government of Ngo Dinh Diem against the then-budding Viet Cong insurgency.

In August, 1969, after a series of assignments in the United States and Vietnam, Blackburn was named SACSA.

SACSA, the office, was created by President John F. Kennedy early in his administration to systematize the United States' role in dealing with insurgencies throughout the world.

SPECIAL WARFARE BIBLE

SACSA's doctrine was originally set out in a three-inch thick volume that became the bible of special warfare. Originally that bible dealt mostly with counterinsurgency.

The early counterinsurgency doctrine was based on the simple premise that American technology—the same know-how that would land a man on the moon and create a machine-aided life of comfort for consumers—would conquer insurgencies.

To gain superiority over a guerrilla who has lived in a region for years, you need only fight him in the dark, provided you can see and he cannot, the doctrine said. So radios were developed to penetrate the jungle canopy, helicopters that fly 80 m.p.h. over areas where guerrillas move on foot were brought in. Heat-seeking infrared sensors for detecting enemy campfires were developed.

The enemy found it relatively simple to deal with Western technology. Learning of the campfire detectors, for example, he simply ordered no campfires could be built within a mile of camp, and that rendered infrared sensors relatively useless.

So the insurgency in South Vietnam, instead of being brought under control, developed into the longest war the United States has ever fought. The few thousand American advisers of the early 1960s grew into a force of over half a million ground troops.

By the time Blackburn established himself in the Pentagon's Room 1E962, counterinsurgency had passed its heyday.

THINKS ABOUT CONTRIBUTION

Last May, as concern over the fate of American war prisoners in North Vietnam was rising throughout the country and the military, Blackburn began to think about what contribution of his office could make.

Blackburn studied what was then known of Son Tay and the other known North Vietnamese POW camps and decided that, if prisoners were held at Son Tay, it was the only location where a raiding party could land. The other known prisons are all in downtown Hanoi.

In June, he presented the idea of liberating some American prisoners to the Joint Chiefs of Staff and received permission to conduct a "feasibility study."

"The initial phase started in June," Blackburn told the Times. "We really wanted to satisfy ourselves on the American prisoners. . . ."

Blackburn had consummate faith in the ability of the military to do the job without outside help. During the feasibility study, he called on the Central Intelligence Agency only minimally.

Working from reconnaissance photographs, the CIA built a scale model of the tiny compound, which was just over a half acre in all, the size of a medium-priced suburban housing lot, measuring 185 feet from north to south and 132 feet from east to west. The model was accurate right down to the location of branches on the trees.

"The CIA had a minimum participation in it," Blackburn said.

But the agency was apparently not asked to contribute intelligence on the key question: were there or were there not prisoners at Son Tay?

The feasibility study was completed in July and submitted to the Joint Chiefs of Staff and Laird. Mr. Nixon did not see it. Neither did Henry A. Kissinger, Mr. Nixon's chief foreign policy adviser, nor anyone else on the National Security Council staff.

Adm. Thomas H. Moorer, chairman of the Joint Chiefs, and Laird approved the feasibility study and gave the go-ahead for the drafting of a plan sometime in July.

Blackburn's team wrote a 200-page plan, a second-by-second scenario for the attempt, complete down to the assignments for each person and each piece of equipment involved. It even included proposals or diversionary air strikes over a wide area of northern North Vietnam.

"The further we got into the details, the more feasible the whole thing became," Blackburn said. "We had the plan broken down second by second. It was only five seconds from the time the chopper landed until we entered the first building where there were guards."

The detailed Son Tay plan was approved by Moorer and Laird in early August and, on Aug. 8, Air Force Brig. Gen. Leroy J. Manor and Army Col. Arthur D. (Bull) Simons were selected as commander and deputy commander of Joint Contingency Task Force Ivory Coast, with orders to carry out Blackburn's plan.

Manor, 49, commander of the Air Force's Special Operations Force, headquartered at Eglin Air Force Base, Fla., was chosen by the Air Force for the job. His selection was natural. The SOF, formerly named the Special Warfare Center, was established in 1961 as the Air Force's contribution to carrying out the original SACSA doctrine.

Simons, 52, like Blackburn, had experience in small-force operations going back to World War II in the Pacific, where he served as an officer in the Rangers—the forerunners of the Green Berets.

In 1961, he went to Laos as part of the White Star Mobile Training Team to help shore up the anti-Communist Laotian government in its civil war. In 1965, he went to Vietnam where, according to some reports, he played a role in infiltrating intelligence teams into North Vietnam.

Before Laird and Moorer approved the plan, they presented it to the President, who also approved. There is some indication that Kissinger was not told of the plan at that point, when all the momentum began for the raid three months later.

ASSEMBLED IN PANHANDLE

By Aug. 21, Joint Contingency Task Force Ivory Coast—101 men in all, half of whom would actually land at Son Tay—assembled at Eglin, an 800-square-mile reservation in Florida's panhandle.

The go-ahead for training the Ivory Coast task force was made on the "assumption" that prisoners would be found at Son Tay.

Actually, based on the record, there appears to have been a far better chance that there would be no prisoners found.

"We've drilled a lot of dry wells there," Blackburn said, admitting candidly that each time American authorities staged a rescue based on intelligence information they had received, the raids came too late.

Blackburn lent credence to this judgment when he told his interviewer that several rescue attempts had been made in South Vietnam and none had been successful.

American prisoners were almost never found where they were reported to have been. The "almost" is significant.

In July, 1969, the South Vietnamese army learned from a defector that Spec. 4 Larry D. Aiken of New York City, an infantryman, who had been captured two months earlier, was being held by the North Vietnamese north of the town of Tamky in the northern part of South Vietnam. A joint South Vietnamese-American rescue attempt was organized. Aiken was rescued—unconscious. The North Vietnamese had bashed his head in when the rescuers approached.

The rescue was publicized; Aiken's death, three weeks later, went unreported.

Several of the nine former American prisoners who have been released by the North Vietnamese, other military officials and some who are knowledgeable about prisoner-of-war procedures now privately predict that future rescue attempts would result in grave danger to captives in North Vietnam.

"It is a bunch of crap that the prisoners would be shot up," Blackburn said. "I would have bet a year's salary that, when we got in there, not one would be hurt. There wasn't any way those guys could have been hurt. The enemy would have had to break into those cell blocks just like we did. And he would have been worrying about his own hide."

JOB HARDER IN NORTH VIETNAM

If gathering accurate intelligence about the enemy in South Vietnam is impossible, it is doubly so in North Vietnam.

One former general with long experience in Vietnam said, "Every jot and title of intelligence we get out of there is stale. It can't be fresh. If it is fresh you can be sure it's been planted to deceive us."

Blackburn said intelligence for the mission came from three sources—interrogation of captured North Vietnamese soldiers in South Vietnam, captured documents and reconnaissance flights by American aircraft.

Captured documents and the captured North Vietnamese who carry them can hardly give an up-to-date account of what is happening in the north. It takes a minimum of three months for the typical North Vietnamese soldier to march down the Ho Chi Minh trail.

Aerial reconnaissance is another matter. The information that jet spy planes pick up can be carried back to South Vietnam, Thailand or some carrier at sea, processed and transmitted to Washington in hours.

Since World War II, American optical and aeronautical technologists have worked miracles with photography. Camera-carrying aircraft can snap stereo pictures from which interpreters can later divine such minute details as the size of bricks in a wall, vegetation on the ground, construction materials in a building.

CAN DETERMINE BUILDING HEAT

From infrared scanners, they can determin whether a building is heated.

From a series of pictures that would reveal traffic patterns, personnel movement, even such items as how garbage is disposed of, an experienced interpreter can make good deductions about what is going on on the ground.

There are two general hitches in aerial reconnaissance, as far as North Vietnam is concerned, and one particular hitch relating to Son Tay.

First, like so much in the Vietnam war, American reconnaissance technology was simply too sophisticated.

"They have consistently underflown our capability," Amrom H. Katz of Los Angeles, formerly of the RAND Corp. and a specialist in reconnaissance technology, said.

"For example, we are set up to spot trucks and they use bicycles. They operate just below our threshold."

After the Son Tay raid, Laird lamented that the technological approach had indeed not gone far enough. A camera that could see through roofs, Laird told the Senate Foreign Relations Committee, could have indicated for certain if there were prisoners at Son Tay.

Laird's assertion is open to question. Pictures are only as good as the men who read them.

That is the second hitch. A see-through camera might show people. Interpreters would have to have enough experience in studying North Vietnam to say whether the human forms are American prisoners.

The reconnaissance photos of Son Tay showed, according to Manor, that the topographical features of the courtyard were changing but the interpreters guessed wrong about the meaning of the change. They assumed that the changes, which showed a vegetable garden growing, were related to activities of the prisoners.

EXPERIENCE NECESSARY

To do a good job of interpreting photos of North Vietnam, interpreters with experience on the ground there are necessary. The United States has few, if any, such men.

Patrick J. McGarvey, a former employe of the Central Intelligence Agency and the Defense Intelligence Agency tells the story of how interpreters, in early 1966, were searching pictures for targets of the American bombing campaign against North Vietnam.

In one picture, they spotted a huge, heavily guarded compound at a village called Quynh Loc. The compound was isolated, ringed with barbed wire and included a number of buildings. Inside the compound were areas shut off from each other with more barbed wire. The conclusion of the interpreters, McGarvey said, was that the installation was a division headquarters. And so, a bombing raid was ordered against it on May 6, 1966.

A few days later the North Vietnamese charged that the United States had bombed a leper colony at Quynh Loc, killing 30 patients and wounding 34. Privately, according to McGarvey, the Pentagon later conceded the error.

The photo interpretation for the Son Tay mission was done by Christopher R. Guenther. For years Guenther has worked in DIA as an air defense specialist, studying pictures of the North Vietnamese countryside, picking out installations that would be of danger to American planes flying missions over North Vietnam.

He would not consent to an interview, but it is known from others that his work with the pictures shed no light on the question of whether there were prisoners at Son Tay. It was more concerned with the operational aspects of the raid—getting the commandos in and out safely.

The particular reconnaissance problem of Son Tay was that too many overflights would have alerted the North Vietnamese to impending danger.

Laird, however, testified that reconnaissance photos were the prime source of intelligence for the mission.

Neither the White House nor the Pentagon has disclosed the latest date on which the Administration knew for certain that Americans were being held at Son Tay.

SPOTTED AS POW CAMP IN 1967

Defense officials have said that it was spotted as a POW camp as far back as 1967. There has been one published report that last September a North Vietnamese defector, Tran Thuai, told American psychological warfare officials that in 1967 he was a prison observer at Son Tay, which he knew as Lamson I.

Actually Thuai's account was given to American intelligence experts earlier and was part of the intelligence report Blackburn received in May.

Officially, Pentagon spokesmen say they cannot disclose the last date on which they knew prisoners were at Son Tay because that, in turn, would compromise intelligence-gathering procedures. It is not unfair to speculate that it would prove a source of embarrassment to the Pentagon as well.

The assumption can be made that the last definite date was before Blackburn even started studying the feasibility of the raid. In fact, it might have been the information on which he originally began the study.

Once training began toward the end of August, the matter of whether there were prisoners at Son Tay became, in a sense, secondary. The operation had achieved a life of its own.

The mission planners were aiming toward two possible dates—they called them "windows." One was in October and one in November, when a quarter moon would be shining on Son Tay—a moon bright enough to give some light but dim enough to cover movements of the raiders.

The October date was scrubbed because of weather forecasts. At least, that is the official version. The possibility must be raised, however, that such matters as the impending congressional elections in the United States played some role in putting the raid off.

ABRAMS WAS NOT INFORMED

At that point, not even Gen. Creighton W. Abrams, commander of all Americans in Southeast Asia, had been informed that the raid was in prospect.

In early November, Blackburn and Manor flew to Saigon and briefed Abrams and Gen. Lucius D. Clay Jr., commander of the American air forces in Southeast Asia, on the plans.

There has been one report that Abrams opposed the idea.

Blackburn said that is not so.

Abrams, he reported, listened to the briefing, received the request for the accompanying air support that Clay's men would have to give, and then said: "You certainly seem to have thought of everything."

Only a few days before the mission, the raiders were moved from Eglin to Thailand. At that point they still did not know they were going to penetrate so deeply into North Vietnam.

"Simons told them just a few hours before they took off," Blackburn said, "and they all stood up and cheered."

On Nov. 18, Mr. Nixon discussed the forthcoming raid with Laird, Moorer, Kissinger and William P. Rogers, secretary of state. Only Rogers and U. Alexis Johnson, undersecretary of state for political affairs, from the State Department knew about the plan.

How, when or why Rogers and Johnson were told is not known. Blackburn said the planners deliberately tried to cut out civilian agencies of government for security's sake—not because they were not trusted, but just to be extra careful.

ADVISERS KEPT IN DARK

On Nov. 19, at a regular meeting of the National Security Council, Mr. Nixon apparently decided to keep even those most trusted advisers in the dark. Instead of telling them openly what would happen the next day, he slipped Laird a note saying that, regardless of the outcome, the operation had his wholehearted support.

The next day, Friday morning in Washington and Friday night in Southeast Asia, the troops were making ready to board their large, jet-powered HH-53 helicopters.

At bases in Thailand and on carriers at sea, the aircraft that would provide the cover and fly the diversionary strikes were ready to go. And at still other air bases, about 250 American planes were getting ready to strike a massive bombing attack on targets in southern North Vietnam, allegedly in retaliation for the shooting down, the week before, of an American reconnaissance plane by the North Vietnamese.

At about the time Simons was briefing his men in Thailand, Mr. Nixon was in the White House reviewing a weather report from the field. It was satisfactory and, in a formality, he gave the final "go" signal.

The raid itself is history. As American planes flew the diversionary strikes over a wide area of North Vietnam from Hanoi to the China Sea, firing live missiles at radar sites as well as lighting dummy flares, the raiding party, protected by fighter planes, picked its way down the upper Red River Valley and zoomed in on Son Tay.

A chopper landed at 2:18 a.m. Saturday (midafternoon in Washington), and within five seconds, the first empty cell was entered.

Ivory Coast task force knew in an instant that the camp had been empty for some time—"probably three months" as Manor said later.

The raiders had a high-level audience half a world away. In the National Military Command Center in the Pentagon, a group of men clustered around a loudspeaker. Present were Laird, Blackburn, his deputy, Col. Edward E. Mayer, Moorer and the other members of the Joint Chiefs.

RUNNING ACCOUNT GIVEN

About 11 a.m. Friday in Washington, a 12,000-mile direct line had been opened from Manor's secret Ivory Coast headquarters in Southeast Asia to the command center in the Pentagon's basement. And on that line, Manor gave his superiors a running account of the mission from takeoff to touchdown at Son Tay, from expectation to disappointment, from the first "zero-zero" reports to the conclusion.

Manor thought those first reports from Son Tay were garbled and refused to believe them. He passed this disbelief on to Washington.

Moorer, at the command center, in turn gave periodic reports to the White House. It is uncertain whether he talked directly to the President, but most of his reports were believed made to Brig. Gen. Alexander Haig of Kissinger's staff.

A controversy developed over how closely Richard Helms, director of the CIA, or his organization was consulted on the raid, after The Times published the fact that he was not involved in the final consideration and Sen. J. William Fulbright, chairman of the Senate Foreign Relations Committee, complained to Laird about this at a hearing.

Laird told the committee that he had advised Helms and consulted with him on the raid "four or five weeks" before it took place. (By that time, the training at Eglin was well under way.)

Later Laird told newsmen, "I well remember sitting in my office with the director of the Central Inteligence Agency as we waited for the helicopters to take off at Son Tay, as we waited for them to cross the border, as we waited for our first reports as to whether or not POWs had been rescued at Son Tay. I can well remember listening to the clock tick as we waited for those messages."

Actually, according to one source, Helms had gone to Laird's office on a different matter and Laird, after the first preliminary reports indicating no prisoners had been found at Son Tay, left the command center in disappointment, knowing no prisoners had been rescued, and went back to his office to meet Helms.

And so the clock ticked away on the Son Tay raid, leaving nothing to be done but to bring home all the commandos and decorate them for their heroism—and to explain the escapade to the American people and the world.

What did it all mean?

"It certainly put the prisoner-of-war issue on the front pages," a senior military official commented. "Before the raid you could not get any interest at all in POWs and now everyone's talking about them."

POW'S ON FRONT PAGES

POWs certainly are on the front pages now. But whether that will help in securing their release is problematic. One can argue that Hanoi will respond to such pressure only by making the prisoners a more important bargaining counter in any negotiation to end the war.

"It showed Hanoi that no part of its territory was invulnerable to American attack," another senior military officer said.

However, it also revealed to Hanoi that American intelligence on what's going on in the north is so poor that, even with the most careful planning and coordination and most masterful execution, American military operations in the north cannot achieve their goals.

It showed the wives of the prisoners and the prisoners themselves that we care, and that will boost morale, Laird has said.

The wives have, for the time being, been assuaged. No one can say, however, whether the prisoners have been given new hope. Most of the nine American prisoners who have been released so far say North Vietnamese security is so tight in the prisons that the Americans there still know nothing of the abortive rescue attempt.

LITHUANIAN INDEPENDENCE DAY

Mr. KENNEDY. Mr. President, it is only proper, considering the pride we all have of our own Nation as a symbol of freedom and justice, that we commemorate the 53d anniversary of Lithuanian independence.

Lithuanians have had a long and rich history in their continuing struggle for freedom and independence. It was just a half century ago that the courage and determination of the Lithuanian people were rewarded with the establishment of independence for their homeland. This achievement was realized after many years of suffering at great human costs—both in terms of body and spirit. Once having achieved independence, Lithuanians set up a constitutional government, a model of democratic ideals. Freedom of speech, assembly, and religion were the foundations of free Lithuania. Yet, in only a few short years, the hard-won freedom of the Lithuanian people was brutally snuffed out by the Stalinist government of the Soviet Union. In the 26 years since the end of World War II, Lithuania has remained an imprisoned state, a satellite of the Soviet Government.

We must all recognize, Mr. President, that it is indeed a credit to the courageous Lithuanian people, that after all these years they have maintained their freedom in mind and spirit. The continued determination of Lithuanians to win back their freedom and independence is an example for the entire world, an inspiring torch lighting the way for all men in the unending struggle for the freedom and the natural rights with which every man has been endowed.

Today, all Americans join in the continuing hope and determination of the Lithuanian people that someday soon freedom and independence for Lithuania will be more than the echo of an eternal dream; that the dream will become a long deserved reality.

SENATOR SCHWEIKER SUPPORTS DIRECT ELECTION OF THE PRESIDENT

Mr. SCHWEIKER. Mr. President, it is a privilege for me again this year to join the distinguished majority leader (Mr. MANSFIELD), the distinguished Senator from Indiana (Mr. BAYH), and many other Senators, in cosponsoring Senate Joint Resolution 1, proposing a constitutional amendment to provide for the direct election of the President and Vice President.

Last year, I testified before Senator BAYH's Subcommittee on Constitutional Amendments in favor of this proposed constitutional amendment, and I was gratified with the thoroughness and dispatch with which this subcommittee and the entire Judiciary Committee were able to report it to the Senate for full consideration. Unfortunately, through the use of the Senate filibuster, we were unable to follow the Members of the other body and bring this proposal to a vote. Thus it is heartening to see that the momentum will be maintained this year.

In my testimony last year, I stated my beliefs, which I still strongly maintain, that, first, a national President should be selected by the direct will of the people of our Nation, that, second, it is imperative for us to change the current electoral college system to eliminate the possibility, which currently exists, of a candidate winning the popular election but losing the electoral college vote, and, that, third, there is a need to increase the sense of personal participation by the voters in their role in selecting the President of the United States.

There is one new factor in our national electoral system which, I believe, adds even more weight to these three considerations: the lowering of the voting age to 18 in Federal elections. Not only are there more voters who now will participate in selecting the President, but there will be thousands of new voters who will want their individual vote to directly influence the outcome of the presidential election.

The fact remains that under the existing electoral college unit rule, whereby the plurality winner in a State receives all the electoral votes of that State each voter who casts a ballot for someone other than the plurality winner is, in effect, disfranchised. Although the proportional plan, whereby the States' electoral votes are cast in proportion to the number of votes each candidate receives in the election, and the district plan, whereby the electoral vote of each congressional district is given to the plurality winner in that district, are both improvements over the current unit rule, I feel strongly that if we are going to reform our system, we ought to take the full step necessary.

I cannot stress enough that the electoral college concept was created in an era when travel and communications were in their infancy and when such a representative system was the only feasible way to insure that the will of the people was being exercised. But today, when Presidents can instantly travel to any section of the country, and when the modern media allow a President to have an instant national constituency, the need for a two-stage election is removed. The people of a congressional district directly elect their Representative; the people of a State directly elect their Senators and Governor; the same logic that resulted in our Founding Fathers instituting these systems dictates, in my view, that the people of our Nation should likewise be able to directly elect their President.

The joint resolution has been changed since it was originally introduced last year, and I commend the sponsors of the resolution for making a number of important improvements and for building upon the experience of last year's debate to create a stronger measure, which I hope will have a better chance for speedy passage.

First of all, providing for an automatic formula as a substitute for an actual runoff election, in case no one candidate receives 40 percent or more of the popular vote, is a constructive change. Under the revised amendment, the candidate who receives the largest vote, but who does not receive 40 percent of the popular vote, is still the winning candidate if he would have had a majority under the electoral college system.

An important factor of this alternative tabulation is that it does not apply to a candidate who has received less than a plurality of the popular vote, and thus the electoral college formula cannot be applied to give the Presidency to a candidate who came in second in the popular vote.

A second important factor in this runoff provision is that the electoral votes of each State are applied automatically, eliminating any "deals" or maneuvering between candidates.

I feel this formula for a runoff is a significant step toward meeting the objections of critics of the direct election system, who feared chaos from the situation where a candidate did not receive a clear majority of the vote. The combination of a plurality of the popular vote, and a majority of the States, can help insure that the President-elect is truly the choice of the majority of the people in our Nation.

In addition, this resolution has been strengthened this year by changing the system by which a President is chosen by the Congress when there is no clear winner in the popular vote or electoral college runoff formula. Rather than having the choice made in the House of Representatives alone, utilizing a unit system by States, the final determination will be made by all Senators and Representatives, in joint session, voting individually. I support this change.

Finally, the resolution is improved by providing for the elimination of some of the most glaring inadequacies of the electoral college, in case the direct election proposal has been ratified by the necessary three-fourths of the States, but has not taken effect at the time of a presidential election. By binding each elector of the electoral college, the "faithless elector" problem is eliminated. And also, even with an electoral college system, in this interim situation, a failure to obtain an electoral college majority would result in the election of the President by a joint session of Congress, with each Senator and Representative voting separately.

Mr. President, all elected officials must do everything in their ability to restore the confidence of the public in our governmental institutions, and to make our electoral process fair and representative of the will of the people. In my judgment, there is no step which can do more to accomplish this than eliminating the archaic institution of the electoral college and approving the direct election of the President. The issue has been thoroughly studied and debated in recent years. Now is the time for action.

THE GREEK MILITARY DICTATORSHIP

Mr. GRAVEL. Mr. President, for a long time I have been concerned with our policy toward the Greek military dictatorship, which in fact negates both the spirit and the objectives of the Truman Doctrine of 1947. That is why today I would like to bring to the attention of the Senate two very interesting and useful documents which I do hope President Nixon and his foreign policy advisers will have a chance to study: First, an article written by the well-known syndicated columnists Rowland Evans and Robert Novak, published in the Washington Post of January 31, 1971, concerning the tragic but also most revealing Elias P. Demetricopoulos affair. Second, a statement addressed to the North Atlantic Assembly signed by 21 distinguished former Greek cabinet ministers, both conservatives and liberals, and representing a very wide spectrum of the political life of Greece, which was brought to my attention by my good friend Elias P. Demetricopoulos, a leader of the Greek resistance movement.

I ask unanimous consent that they be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Senator Fulbright Versus the Junta

(By Rowland Evans and Robert Novak)

Political reaction here against the dictatorial military regime in Greece has reached such a peak that Sen. J. W. Fulbright of Arkansas, chairman of the Senate Foreign Relations Committee, is quietly sending two committee investigators to Athens for an on-the-spot probe of how U.S. policy is being carried out.

What has moved Fulbright and other committee members is accumulating evidence that the military junta shows no intention of keeping its agreement with President Nixon of last Sept. 22. On that date, Mr. Nixon decided to resume full-scale arms shipments to Greece—a clear signal that the junta had worked itself back into the good graces of the United States. In return, the junta pledged political reforms, including release of political prisoners and a move toward democratic elections.

That end of the bargain is not being kept. Moreover, there is deepening suspicion on Capitol Hill that U.S. Ambassador Henry Tasea is too close to the colonels.

To make the committee's investigation, Fulbright has assigned two top investigators—Richard Moose and James Lowenstein, both ex-Foreign Service officers. They will proceed to Athens in the first on-the-spot congressional inquiry since the military dictatorship took power in a bloodless coup d'etat almost four years ago. Their last assignment was U.S. policy in Cambodia.

Although Fulbright has been brooding about the junta for many months, the recent tragedy involving the leading anti-junta Greek exile, Elias Demetracopoulos, played a significant part in the decision to dispatch Moose and Lowenstein.

Despite direct intervention of the State Department, Demetracopoulos was unable to obtain an advance safe-conduct pledge from the junta to visit his dying father in December. One result of that was a letter to Fulbright from three U.S. senators suggesting that Tasca be summoned to Washington for testimony before the Foreign Relations Committee.

Fulbright's response to the three Democrats—Sens. Frank Moss of Utah, Mike Gravel of Alaska and Quentin Burdick of North Dakota—stated that "the nature and conduct of U.S. relations with the junta have long been a source of consternation to me." He said that the Demetracopoulos incident "is similar to many others in the past few years."

Fulbright's subsequent decision for a committee probe in Athens carries the most serious implications for the junta and its souring relations with the Nixon administration.

MILLS' ALTERNATIVE

Despite veiled threats of retaliation against congressmen who oppose President Nixon's $5 billion revenue-sharing proposal, the political prognosis today is that the plan will die a slow and (in Congress) unlamented death.

The veiled threats, emanating from administration backers, hint that recalcitrant members of Congress may get redistricted by angry state legislatures into new and unfriendly districts. Almost all congressmen will be vulnerable to redistricting this year or next to take account of the 1970 census.

But the chance of that actually happening is zero. In fact, even if proponents of the plan could prove that it will happen, the opposition of both Rep. Wilbur Mills of Arkansas, powerful chairman of the Ways and Means Committee that will handle the President's general revenue-sharing plan, and Rep. John W. Byrnes of Wisconsin, ranking Republican member, assures the plan's defeat in the House.

Moreover, intimates of Mills predict that he is moving toward a substitute plan that would have roughly the same result as Mr. Nixon's general revenue-sharing proposal: gradual federalizing of the welfare program, with Uncle Sam picking up most or all the states' welfare bill, now running at $7.3 billion a year.

Some governors have been lobbying for just such a change for years. Switching from the present welfare program to Mr. Nixon's Family Assistance Plan, passed by the House but not the Senate last year, would cost the federal government an estimated $4 billion extra in the first year—but would *not* reduce state welfare costs more than $600 million.

A footnote: The President's "special" revenue-sharing plan—grouping present and narrow categorical grant programs into six broad functions such as education and transportation—has a far better prospect in Congress. I will not go to the Ways and Means Committee.

Statement Addressed to the North Atlantic Assembly (The Hague, 1970)

BY 21 FORMER GREEK MINISTERS

1. The undersigned Greek parliamentarians, residents of Athens, who have been ministers of Greek governments in the last ten years, address themselves to the parliamentarians of the NATO Assembly and invoke, on the occasion of the 1970 meeting in The Hague, their moral support in the pursuit of the implementation in Greece—a member of the Atlantic Alliance since 1952—of the objectives proclaimed in the preamble of the Treaty, namely the defence of Democracy, Freedom and Human dignity, which were all dismantled in Greece on 21 April 1967 by a coup of a small group of ambitious army officers who, under the pretext of a communist revolution, turned against the King, the then legal government and the ex-

pression of the popular will through the general election due on 28 May 1967.

2. Since then there have been loud public declarations, by those who captured power by force of arms and fraud, concerning the rapid return to constitutional order and the renewed functioning in our country of the democratic parliamentary system. Notwithstanding the binding obligations to this effect undertaken at various times by the military regime towards the member countries of the Council of Europe, the Common Market and NATO, including the U.S.A. (see inter alia, the Government's timetable presented by Foreign Minister Pipinelis to the Council of Europe and included in the white paper of the Greek Ministry of Foreign Affairs) and instead of the expected movement, after 3½ years, towards free elections for a Parliament and a Government backed by the electorate, indisputable facts and official pronouncements of authoritative Government personalities reveal the real intention of the Colonels to organize further and perpetuate their tyrannical regime. We recall that, following the unexpected announcement of the resumption of American military aid ("unexpected" because instead of progress towards normalisation there has been retrogression in Greece) and the visit of the American Defence Minister Laird to Athens, there have been official interviews and statements by the Deputy Prime Minister Patakos (one of the principal leaders of the coup) and by Press Minister Georgalas (who is the official spokesman of Colonel Papadopoulos), according to which

(a) the Pipinelis timetable, mentioned above, is hereafter not binding to the regime,

(b) elections will take place—if they ever do—at some undetermined time and after a multitude of conditions are satisfied, which, by their very nature, require decades, and, in any event, the question of whether they are satisfied or not, will be judged by the Colonels themselves,

(c) the "Revolution" is not—as it used to be constantly declared by the usurpers of power—an *interlude,* but will continue after the "elections," which means that the procedure will be such as to ensure 100% election of *their own men.*

3. The King remains exiled in Rome, with his constitutional responsibilities suspended. He receives indirect warnings that he may be dethroned or that the Constitutional Monarchy will be revoked because he does not deny the news published from time to time in the international press that "he continues to insist unwaveringly on the four basic preconditions for his return to Greece and the resumption of his Royal duties", which he enunciated when he found himself exiled in Rome, namely:

(i) release of all prisoners held for political reasons,

(ii) formation of a political government,

(iii) real press freedom,

(iv) in due course the holding of free elections.

Instead of these, the Junta is currently attempting a confidence trick—the creation of a strongly advertised and euphemistically named by the Colonels "small Parliament", which is to be elected by approximately 1000 (out of 5,500,000 Greeks of voting age) government-appointed electors. The members of this so-called Parliament, after being elected in this fashion, will be subject to the final approval of the dictator.

4. The martial law, with all its terrorist implications (daily arbitrary arrests, detention incommunicado in police and military stations, preventive arrests of indefinite duration, extraction of statements in the absence of a defense lawyer and trials by Court Martial) engulfs not only citizens acting or pronouncing themselves against the government, such as politicians, ex-military men, proprietors, editors and other staff of newspapers, on whom severe sentences are usually imposed, but the defence lawyers themselves who occasionally are subjected to disciplinary and pseudojudicial sanctions. But the terrorisation of 8,500,000 Greek citizens is not achieved only through martial law, the lifting of which by the end of September 1970 was categorically promised by Papadopoulos. A drastic measure with the same objective and one which has been used by the Junta from the first day of the coup and continuously to this day, has been the administrative deportation without any formality (not even the examination of those concerned or the opportunity for them to answer any charges). Deportations are made by irrevocable decision of the Minister of Public Order (formally co-signed by the decorative Minister of Justice), the initial period is nearly always extended (two and even three times) and the location varies from camps of "disciplined living" (Leros, Oropos) to inaccessible mountain villages. At intervals, the removal of the deportees from one village to another is ordered. The victims of deportations (with the sole charge that they have anti-junta sentiments) are left-wingers who were arrested immediately after the coup but also hundreds of centrists and right-wingers and in particular (1) brave and distinguished generals, admirals, officers of the army, navy and airforce of both high and low rank, some of them decorated by member-countries of NATO, including the United States (2) dozens of ex-Ministers and Deputies of ERE and the Centre Union, some of the latter held to this day. The Colonels claim (a) that the number of deportees is diminishing and is supposed to be smaller than 1500 and (b) that deportations were taking place even under parliamentary governments. A conclusive answer to the false claim in (b) has been given by the ex-Ministers of Justice Papaconstantinou (ERE) and Zigdis (Centre Union) and by the President of the last Greek Parliament Papaspyrou in his statement of 18 October 1970. As for (a) we observe that what matters is not the number under deportation at any one time, but that each of the 8,500,000 Greek citizens faces at any time the risk of arbitrary and unexplained arrest, detention, imprisonment or deportation.

5. As Greek parliamentarians, having served as members of parliamentary governments during the past ten years, we have an obligation to express a very strong protest against the continuing detention of our colleague from the Dodecanese, Mr. John Zigdis. Mr. Zigdis, who was a member of Parliament from 1950 to 1967, served in several governments as Minister and he was, until 1967, a member of the Greek delegations to the Consultative Assembly of the Council of Europe, the North Atlantic Assembly, the Parliamentary Commission of Association with the E.E.C., the Inter-Parliamentary Union. He is presently serving a five-year sentence to which he was condemned by a Military Tribual for committing the "crime" of asking publicly for the formation of a government of National Unity.

You, as our colleagues in the North Atlantic Assembly, have the duty to express your solidarity towards this prominent Greek former Minister, as well as towards our other detained colleagues and all those magistrates, officers, artists, intellectuals and other innocent Greek citizens, who are rotting in prison and in prison camps, after having been deprived of their freedom without any recourse to a due process of law.

It is also your duty, and it is the duty of your Governments, to contribute to a peaceful return of Greece to the democratic community of European nations. This is the only way by which the Greek people will recover their faith in the democratic ideas and the objectives of NATO which purport to preserve peace and to strengthen our democratic institutions.

ATHENS, *October 27, 1970.*

Signed:

Bakladsis, Emmanuel—Former Speaker of Parliament

Papaspyrou, Dimitri—Speaker of the last Parliament

Diamantopoulos, Jacob—Deputy Speaker of the last Parliament

Toumbas, John, (Admiral)—Former Minister of Foreign Affairs.

The following are Generals and Former Ministers.

Avramidis, Christos, Allamanis, Stelios, Galinos, Michael, Yannapoulos, Athanase, Thanopoulos, Dimitri, Kefaloyannis, Emmanuel, Maris, Costas, Kothris, Emmanuel, Mavridis, Athanase, Bakatselos, George, Papalazarou, Zisis, Papaligouras, Panayotis, Perrotis, Aristomenis, Pitoulis, Fotios, Rallis, George, Stefanopoulos, George and Chadsigakis, Dimitri.

Annexe:

(a) list of Centre Union Deputies under deportation or detention.

Angelousis, Angelos (since 21-4-1967).
Alevras, John (since 14-8-1968).
Katsikopoulos, Takis (since 21-4-1967).
Koniotakis, Constantin (since 14-8-1968).
Manavis, Charis (since June 1968).
Papadimitriou, John (since September 1968).
Papaspyrou, John (since 14-8-1968).
Charalamdopoulos, Constantin (since April 1968).

(b) In addition, fifteen Deputies, members of the EDA-party are under deportation or detention (since 21-4-1967).

SIGNIFICANCE OF RECENT DEVELOPMENTS IN SOUTHEAST ASIA

Mr. FULBRIGHT. Mr. President, Mr. Don Oberdorfer has written a perceptive and penetrating analysis of the significance of the recent developments in Southeast Asia. I commend Mr. Oberdorfer's analysis to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Feb. 11, 1971]

NIXON'S VIEW OF THE WAR

(By Don Oberdorfer)

What is President Nixon up to in Indochina? Why is he spreading the war geographically while phasing out American ground combat troops? What is he likely to do in the future?

In the absence of definitive projections or inside revelations, a reporter can only watch and listen and draw his own conclusions. These are mine:

The cardinal point is that the President seems truly to believe that a non-Communist South Vietnam is extremely important to the interests of the United States. He appears to believe this may be achievable and he is prepared to take important risks and incur large costs to further this cause.

In other words, the President appears to believe that the United States can win the war or, if you prefer, can avoid losing it. When he speaks of "peace," he does not mean the same thing the critics of the war mean. He means a non-Communist South Vietnamese regime, reasonably secure against enemies too weak or too scared to mount effective challenge. He means by "peace" what other people think of as "victory."

He has had, right along, a theory of how to achieve this, and it is derived in large measure from the Eisenhower administration. It involves the use of "Asians to fight Asians," instead of American ground troops. When the going gets tough, it involves the use of American airpower and seapower—and the threat of even more massive use of such power—to force the issue with the enemy.

In Vietnam, Mr. Nixon is withdrawing United States ground combat troops, partly because public opinion in this country leaves him little choice and partly because he believes that war-by-proxy (the Communists call it "special war") is a better way.

He has created a justification for continuing or even increasing the use of airpower and seapower—to protect the dwindling number of American troops remaining. He pointed out to visitors Wednesday that each withdrawal of U.S. troops leaves those who remain in greater jeopardy.

By extending the fighting to Cambodia last summer, Mr. Nixon eased the Communist military pressure on South Vietnam, reducing the possibility of major offensives last fall and early this year. The action also made more credible his public threats to respond massively against the enemy if things get tough. Though U.S. ground troops withdrew from Cambodia as promised, the United States is supplying and supporting 21,000 ARVN troops in Cambodia today and a Cambodian army which has grown to 200,000.

By extending the fighting to Laos this week, Mr. Nixon seeks to interfere with the Ho Chi Minh Trail supply lines, ease military pressure on South Vietnam and Cambodia, reduce the possibility of major offensives in late 1971 and early 1972, and demonstrate further that his threats of strong action are real. If one believes that a permanent non-Communist regime in South Vietnam is possible, then permanent interdiction of the Communist supply lines in Laos and Cambodia is nearly essential.

If it works, Mr. Nixon will be a hero. But the dangers are great.

The danger abroad is that the Vietnamese Communists may refuse to be deterred or to give up, as in the past, and that war-by-proxy may not go well. Forces supplied and supported by the United States could be fighting throughout Indochina and—if the going gets tough—Mr. Nixon could face a decision on massive air attacks on North Vietnam, bombing or mining of Haiphong harbor and other high-risk measures. The Soviet Union and China would have to decide whether to respond by giving their ally new weapons or other help.

The danger at home is that stretching-out of the war, and particularly air escalation, could further divide this country in a terrible and destructive way. A large part of the public, the press, the Congress, the private leadership of America and even high-ranking military officers and Administration officials no longer believe that victory is possible in Vietnam at any price this country is or should be prepared to pay.

Richard Nixon has not given up. Like Lyndon Johnson, he thinks he can win it, or at least is determined not to be the one to lose it. In one sense, we are back again in 1968. In another sense, we are back in 1965, or maybe 1954. The war goes on, in another of its infinite permutations.

SENATOR SCHWEIKER SUPPORTS CONSTITUTIONAL AMENDMENT FOR 18-YEAR-OLD VOTE

Mr. SCHWEIKER. Mr. President, it is an honor for me to join the distinguished Senator from West Virginia (Mr. RANDOLPH) as a cosponsor of Senate Joint Resolution 7, a constitutional amendment to lower the voting age to 18 in all Federal, State, and local elections.

In 1969, at the beginning of the 91st Congress, I introduced my own constitutional amendment for the 18-year-old vote, and subsequently joined as a cosponsor of Senator MANSFIELD's amendment to the Voting Rights Act of 1965, which enacted the 18-year-old vote through the regular statutory process. I have continuously supported lowering the voting age during my entire 12 years in Congress, and was delighted that last year Congress finally took some action on this worthwhile proposal.

This year, Senator RANDOLPH has already obtained the support of more than 80 Senators behind his constitutional amendment. I welcome this united effort, and hope that through all of us joining behind one resolution we can quickly pass this important measure and allow the States to begin the process of ratification.

The recent Supreme Court action, affirming the right of Congress to lower the voting age in Federal elections through a statutory amendment, but prohibiting any statutory change for the State and local level, has created a special urgency for us to take quick action to pass a comprehensive constitutional amendment.

First of all, there is an inherent unfairness, to the men and women between the ages of 18 and 21, and also the public at large, in having different standards apply to different offices in the same election year. It seems incongruous for a young man or woman to be able to vote for his Congressman and Senator, but not for his State Governor.

Secondly, the mechanical steps which the States and local communities will have to take in order to make sure that the differentiation between the Federal and State elections is adhered to will be costly, and confusing.

Because of both of these fundamentally unfair situations, the best way to clear up the confusion is to enact a constitutional amendment providing for the 18-year-old vote in all elections, to settle the issue once and for all.

A number of State referendums have indicated some opposition to lowering the voting age. However, many more States have indicated a willingness to bring our young people directly into our political process. I hope that under the incentives of the existing Federal law allowing 18-year-olds to vote and decisive congressional approval of a constitutional amendment, the States will follow suit and make it official.

My reasons for cosponsoring this joint resolution and urging swift approval, however, go far beyond the mere coordination of State and Federal requirements.

My primary reason for endorsing the 18-year-old vote is on the merits. Our young people have continually demonstrated the political awareness, the public concern, the desire to participate in our process, and the capability of exercising responsible judgment, sufficiently to have earned the right to vote.

In 1969, when I introduced my earlier resolution on the 18-year-old vote, I discussed the importance of the mass media and modern communications in providing greater sophistication among our young people concerning today's social problems. I also predicted generally that young people would demonstrate their concern for solving these problems in an effective and responsible fashion.

Since I made these remarks, one area of interest in particular stands out to prove my contentions: the environment. There have been many areas of political involvement where students and young men and women have had a significant impact, but I merely want to point out that it was our young people who created, and carried out, the events of Earth Day last April, an event which contributed enormously to the present awareness by all the public of our environmental problems. The fact that most persons recognize that cleaning up our environment is one of our most critical priorities is due in no small part to the initial work in the environment by our young people.

Actions by revolutionaries, bombings on our campuses and in cities, and irresponsible demonstrations are the work of a minority of young people. In addition, although I do not have any figures available to confirm my suspicion, I dare say that many of these active revolutionaries are over 21. This radical fringe should not be used to deprive the majorty of our responsible young people from having the right to vote.

As our problems become more complex, as the average age of our population gets lower and lower, and as the need for greater participation in our governmental processes by larger sections of our population becomes greater and greater, it is imperative that we allow young people this most basic right of our democratic society—the right to vote, and to have a say in the selection of elected officials. This basic responsibility and duty should not be differentiated between Federal and State levels—it is inherent in the electoral process regardless of what the specific office is.

I urge Senators to approve this measure quickly, and I equally urge all State legislators to share our concern and swiftly approve the 18-year-old vote.

LITHUANIAN INDEPENDENCE

Mr. HUMPHREY. Mr. President, on February 16 Americans of Lithuanian heritage will be celebrating the 53d anniversary of their country's independence and the 720th anniversary of the founding of the Lithuanian State.

This country has a long and rich history to which I should like to pay tribute today. Lithuania has provided a lasting example of a flourishing culture and political system whose strength and endurance remains a vivid example for the world today.

Lithuanians throughout the world are carrying on these fine national traditions with the hope of achieving once again the independence for their country that was theirs.

I want to join others in expressing my admiration for these people and in supporting their campaign for self-determination—a right to which all peoples throughout the world are entitled.

THE SOVIET UNION, THE UNITED STATES AND THE UNITED NATIONS

Mr. MUSKIE. Mr. President, last year the member countries of the United Nations joined in celebration of the 25th anniversary of that organization. In the addresses of their representatives to the General Assembly, the members pledged renewed support and effort toward increasing its vitality in its next quarter-century.

The United Nations did not survive 25 years by remaining the organization created in 1945. It adapted to cope with new challenges. It created new procedures and new machinery in its efforts to deal with a diversity of problems and crises as affairs among nations took new forms.

If it is to become all that we hope it can be, the United Nations must continue this evolution.

In this context, I would draw the attention of the Senate to an article which appeared in the Foreign Service Journal of December 1970, entitled "The Soviet Union, the United States, and the United Nations." The article was written by Prof. Richard Gardner, professor of law and international organization at Columbia University. It is significant, I believe, that the article was drawn from the text of a paper presented by Professor Gardner to the Soviet Academy of Sciences in June 1970. Both we and the people of the Soviet Union can profit from its wisdom.

In the course of the article Professor Gardner suggests a number of organizational and procedural changes for the United Nations intended to increase its effectiveness and to enable it to cope with contemporary international problems.

Problems are arising that require international cooperation of an unprecedented scope, and Professor Gardner deals with a number of these, such as development of the resources of the ocean and exploration of the solar system, controlling the world's burgeoning population and enriching the standard of living for our human race as a whole. In each case he offers serious proposals for change.

Of particular interest to me was Professor Gardner's argument that the protection of our environment must be the responsibility of all peoples and countries, and that only through international cooperation can we fulfill our role as guardians, not exploiters, of our natural heritage.

The 1972 Stockholm conference should be an important step in this direction.

We should also seek opportunities to work with the Soviet Union on environmental questions. Cooperation in this nonpolitical area would have a useful effect on our relations generally.

Professor Gardner's article is a thoughtful, provocative, and important document which deserves serious study.

I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Soviet Union, the United States, and the United Nations

(By Richard N. Gardner)

I believe, in the words of the Soviet memorandum submitted to the UN General Assembly on September 26, 1969, that "the strengthening of international security requires a fresh collective effort, fresh initiatives, and fresh action." What are needed, of course, are not just rhetorical declarations by the General Assembly, but concrete actions by our two countries and others and specific steps to strengthen the effectiveness of the United Nations.

Concrete measures to strengthen international security will require a new approach by both our countries. Perhaps I can best summarize the approach I have in mind by recalling the following exchange of views which I had at the UN several years ago with a member of the Soviet delegation.

"You believe," I remarked to him, "that history will demonstrate the superiority of your system and that 'rotten reactionary regimes' will fall into Communism like so many ripe apples. Although we disagree with your view of history, we certainly do not contest your right to hold it. And if you wish to place some baskets under the tree to catch the apples when they fall, we can't object to that either. But don't shake the tree—and don't try to pluck the apples off it!"

To which my Russian friend made what I thought was a very fair reply: "Very well," he said, "we won't do those things, but don't you Americans go around pasting the apples up either!"

This exchange, it seems to me, highlights the central problem. We shall never have peace and security as long as some countries claim a right to assist revolutionary forces in other countries under the banner of "wars of national liberaton," while other countries claim the right to aid established governments under the doctrine of individual or collective self-defense.

The world urgently needs a policy of non-interference in internal affairs of others, scrupulously observed by all states, large, middle, and small. This means that American power should never be used to prevent a people from choosing the government it wants—even if that is a Communist government. And Soviet power should never be used to prevent a people from choosing a government it wants—even if that is a non-Communist government.

In other words, we should both permit the political and social systems of other countries to develop under their own momentum, without outside interference. We should be prepared to accept history's verdict about the comparative merits of our two systems for other countries—and not try to "help history along."

You may ask at this point whether the United States is prepared to accept such a policy of mutual non-interference in the affairs of other countries. I believe the answer is yes. I would draw your attention in particular to the significant statement by Under Secretary of State Elliot Richardson before the Soviet-American Convocation in New York last month in which he called for a policy of reciprocal restraint by our two countries.

Both the United States and the Soviet Union have recently experienced the perils of over-involvement in third areas. As you know very well, the American people are anxious to end the Vietnam war and avoid military intervention elsewhere. The current trend in American opinion in favor of disengagement offers a great opportunity to the Soviet Union—not an opportunity to alter the balance of power unilaterally at our expense, which would be a very risky and unwise policy, and certain to provoke an American reaction, but rather an opportunity to work with us for mutual disengagement and political settlements in our common interest.

If such a policy of mutual non-interference is to work, it will require a much stronger UN capability for peacekeeping and peacemaking. For in specific situations there will be factual disputes as to what the people of a country want and whether there is actually intervention from outside. There is no really satisfactory way to resolve such disputes except through an international agency which can patrol borders, supervise elections, and verify compliance with non-intervention norms.

UN peacekeeping efforts, while imperfect, have made practical contributions in the Middle East, Cyprus, the Congo, and Kashmir. Both the Soviet Union and the United States have a common interest in using the UN to contain local conflicts that might draw in both our countries and trigger a nuclear war.

If we are honest with ourselves, however, we have to admit that neither the United State nor the Soviet Union is presently doing what it should do to strengthen the UN as a peacekeeping agency. Indeed, there is a widespread suspicion at the UN that the two superpowers want to keep the UN weak, so they can divide up the world between themselves without interference. But a two-power hegemony, based on spheres of influence, will not be acceptable to the rest of the world, nor does it serve the best interests of our two peoples.

What can our two countries do, in specific terms, to strengthen the UN's capacity for peacekeeping and peacemaking?

First, we can make better use of the peacekeeping machinery that already exists.

We should work together in the UN for a settlement of the Middle East conflict that will take account of the reasonable interests of all the countries in the area, and back such a settlement up with a UN force under a Security Council mandate so that the force could not be removed without the concurrence of all the Council's Permanent Members.

We should support the neutralization of South Vietnam, Laos, and Cambodia under UN guarantee, with a UN peacekeeping force to verify the cessation of hostilities, the withdrawal of all foreign forces, the inviolability of borders and the carrying out of free elections. The Soviet Union, as Co-chairman of the Geneva Conference, could take a historic first step toward this end by reconvening the Geneva Conference machinery.

Second, we should take joint initiatives to strengthen the UN's peacekeeping machinery. Such initiatives should include a $100 million Peace Fund, with substantial contributions from both the US and the USSR, to liquidate the UN's deficit and provide a modest sum for future peacekeeping emergencies.

I note with interest that the letter of Foreign Minister Andrei Gromyko to U Thant of April 29, 1970 calls for "the increase in the role and efficiency of the Security Council as the organ upon which the primary responsibility for the maintenance of international peace and security is conferred." In implementation of this point in your Foreign Minister's letter, let us now agree on guidelines for peacekeeping operations undertaken by the Security Council. These could provide for a committee of the Council consisting of the "Big Four" and troop supplying countries to advise the Secretary-General on the conduct of each peacekeeping operation, while preserving sufficient operational control in the Secretary-General to assure peacekeeping effectiveness. We should also agree that members of the Council should support financially those operations which the Council carries out consistently with these guidelines.

Third, we should develop new UN machinery for fact-finding and mediation.

There is a need for procedures for peaceful settlement that can provide a cooling-off period for the fever of controversy to subside, that can mobilize opinion behind a reasonable settlement and that can enable international agencies to take responsibility for outcomes for which the parties themselves cannot take full responsibility.

A new UN panel should be created of persons who could be drawn upon for fact-finding, mediation, and other kinds of assistance in the dispute-settlement. Its members should be chosen at least in part by means other than nomination by national governments with a view to each individual's personal qualifications.

It would be unrealistic for the time being to expect UN members to agree in advance to accept the judgments of third parties in all cases in which they were involved. But it is not unreasonable to ask UN members to agree in advance to accept the *process* of fact-finding or conciliation, reserving the right to challenge the facts found or settlements recommended by members of the panel. This would be a modest, but important, step forward toward a more civilized world peacemaking system.

Fourth, we should initiate joint studies of more far-reaching measures to transform the UN into a more effective instrument of world order.

Such studies should begin on a non-official level with conferences and joint studies by scholars and scientists from the US and USSR. The "Joint Statement of Agreed Principles for Disarmament Negotiations," negotiated by our two countries in the Zorin-McCloy talks of 1961, contains the following paragraph:

"7. Progress in disarmament should be accompanied by measures to strengthen institutions for maintaining peace and the settlement of international disputes by peaceful means. During and after the implementation of the programme of general and complete disarmament, there should be taken, in accordance with the principles of the United Nations Charter, the necessary measures to maintain international peace and security, including the obligation of States to place at the disposal of the United Nations agreed manpower necessary for an international peace force to be equipped with agreed types of armaments. Arrangements for the use of this force should ensure that the United Nations can effectively deter or suppress any threat or use of arms in violation of the purposes and principles of the United Nations."

Since that paragraph was negotiated, there has been no serious or sustained discussion between Soviet and American citizens on what changes in the UN would be necessary to make substantial progress toward disarmament possible. Let us begin a serious dialogue on this subject as soon as possible.

Fifth, we should make the UN universal—with membership for Mainland China and Taiwan, the two Germanys, the two Koreas, and the two Vietnams.

I believe US public opinion is moving rapidly in favor of universality of UN membership, and that this will soon be reflected in our official policy. Our Soviet colleagues should not interpret US efforts to bring mainland China out of its isolation as an unfriendly act toward the Soviet Union. Rather, they should see it as a necessary measure for effective peacemaking on a global scale.

Agreement by the Permanent Members of the Security Council would be needed to secure the admission of East and West Germany North and South Korea, and North and South Vietnam. But the seating of the People's Republic of China and Taiwan as successors to the membership of the Republic of China could be achieved by a vote of two-thirds of the General Assembly and by the procedural majority of nine in the Security Council, thus bypassing a possible veto by the Taiwan regime. Of course, the Security Council seat would be assigned to the People's Republic. The seating of all these regimes could be done in a way which did not prejudice the possibility of unification by peaceful means.

While it is true that the problems of the two Germanys, the two Koreas, the two Vietnams and the two Chinas are all different, a "package deal" on all of them would make it easier for many countries to swallow their opposition to the seating of one or more. Such a bold step would give the United Nations opportunities it now lacks for assisting peaceful settlements in Indochina and Korea, as well as elsewhere, would open new channels of communication between the two halves of these divided states, and would enhance the long-term potential of the organization for dealing with such global problems as development, population and environmental defense. New steps should also be taken to encourage Switzerland to seek membership, in recognition of the diplomatic as well as financial resources which the Swiss could make available.

If the twenty-fifth General Assembly is not prepared to seat these states immediately, it could at least appoint a committee to study how universality of membership might be achieved. The committee could provide an opportunity for the United States and the Soviet Union to reassess their positions. It could also recommend interim steps toward universality—the adherence of all states to multilateral conventions and invitations to all states to participate in such UN meetings as the 1971 Stockholm conference on the environment.

Sixth, we can work together to reduce the gap between voting power and real power in the United Nations.

One measure already under consideration would be to offer "ministates" associate membership in the organization with the privilege of circulating documents and addressing meetings, but without the privilege of voting and the burden of paying a share of UN expenses. Hopefully some of the "ministates" already in the United Nations as well as those that are expected to apply for membership could be persuaded to accept this new status.

Even with such an arrangement, however, there would still be a great disparity between voting power and real responsibility for implementing UN decisions. This problem exists even in the Security Council where, despite the Charter stipulation that members be chosen with regard to their contribution to the maintenance of international peace and security, six of the ten elected members currently pay the minimum .04 percent toward the expenses of the organization. The members might well consider some formula under which five of the ten elective seats could be reserved for ten middle powers (e.g. Japan, India, Italy, Brazil and the UAR), which would thus be guaranteed a place on the Council for two out of every four years.

In the General Assembly, where the disparity between voting power and real power is even greater, more use could be made of small committees (e.g. a Peacekeeping Finance Committee of 21) in which the large and middle powers would have a greater proportion of places than they have in the Assembly as a whole. To make such a committee system fully effective the Assembly would have to agree that resolutions could be adopted only when they had been approved both by the small committee and the General Assembly—in effect a bicameral arrangement. More fundamental—and probably incapable of adoption in the short run—would be a system of dual voting (double majorities), under which certain kinds of resolutions would be considered adopted only when approved by the regular two-thirds majority including a majority of the large and middle powers.

It is frequently argued that no reforms along these lines will be possible, since they require the approval of the small countries which now have the voting majority. Certainly such reforms will not be easy. But they may not be impossible if the small nations can be convinced by our two countries that the reforms would result in a United Nations more effective on matters of interest to them—and that in the absence of such reforms the major powers will increasingly bypass the organization on matters of substance.

The whole world has marveled at the heroic achievements of Soviet and American cosmonauts in outer space. As the two great space powers, it is natural that we should take the leadership in space cooperation. By cooperating under UN auspices, we can assure other countries that their interests will be fully protected, and we can encourage cooperation from other countries helpful to our space programs.

Our two countries, working with others, have already accomplished much by way of space cooperation in UN agencies. We have concluded the Outer Space Treaty banning weapons of mass destruction from outer space and prohibiting the appropriation of space and celestial bodies through claims of national sovereignty. We have developed the World Weather Watch, a global system for gathering, analyzing and disseminating weather information. We have agreed on the allocation of radio frequencies for space broadcasting. And we have drafted a treaty on the Rescue and Return of Astronauts. I believe we can take pride in these accomplishments, which have served the enlightened self-interest not only of our two countries but of all mankind.

But can we not go further still?

Let me recall to you the words of President Kennedy in his speech to the General Assembly of September 20, 1963:

"In a field where the States and the Soviet Union have a special capacity—the field of space—there is room for new cooperation, for further joint efforts in the regulation and exploration of space. I include among these possibilities a joint expedition to the moon. . . . Why . . . should the United States and the Soviet Union, in preparing for such expeditions, become involved in immense duplications of research, construction and expenditure? Surely we should explore whether the scientists and astronauts of our two countries—indeed, of all of world—cannot work together in the conquest of space, sending some day in this decade to the moon not the representatives of a single nation but the representatives of all of our countries."

I am proud to have played a part in President Kennedy's decision to make that bold offer of cooperation. Unfortunately, he died a few weeks later and the idea died with him. Instead, for the better part of a decade, our two countries conducted wholly separate space programs, with a massive duplication of effort and a substantial waste of expenditure on both sides. Important opportunities for the enhancement of international cooperation were lost. But surely it is not too late to try a new approach in the phase of space exploration that is now opening before us.

A first step toward fuller cooperation could be the creation of a United Nations Space Institute. The Institute, which might be located in Geneva or Vienna, would be a center for the cooperative planning of space exploration in which all UN members could be invited to take part.

Scientists from the United States and the Soviet Union and other countries could work together on such subjects as the medical problems of manned space flight. They could recommend a set of common priorities for mankind in space and a specific timetable of space missions.

Instead of both the United States and the Soviet Union putting instruments on Mars and Venus, for example, we could divide up responsibility for instrumented landings on different planets. Each such space venture would be considered part of a total UN program and every opportunity would be found to let other countries participate in the preparation of the venture and in the sharing of the information derived from it.

The Soviet Union and the United States could also establish a United Nations Space Station, a true joint venture of mankind in what most authorities now agree is the most important space task of the next decade.

Joint ventures in space between our two countries have hitherto been regarded as impractical by many people. It has been said that the presence of your astronauts and scientists at our launching sites would give you access to our rocket technology and thus prejudice our national security—and vice versa.

But technology now offers a way around this problem. Both our countries have developed the art of rendezvous and docking in space. Both of us could launch elements of a space station that could be assembled in outer space. The equipment could be agreed on in advance to assure compatibility. The astronauts, drawn not only from the United States and the Soviet Union but from other UN members, could be trained together at the United Nations Space Institute.

When other UN members, for example, Japan and European countries, develop sufficient space capabilities, they could be invited to launch additional modules for the space station. In the meantime, their scientific abilities could be used to the full in designing and producing the equipment to be launched by the US and the USSR.

A UN Space Station could be an orbiting astronomical laboratory, gathering information about the solar system and the universe beyond. It could also be used for practical earth applications—for weather forecasting, observing ice and snow accumulations, mapping ocean currents, monitoring the environment, and locating mineral deposits. One day it might help patrol troubled borders and verify arms control agreements.

Such a cooperative space program could serve the enlightened self-interest of all. The sharing of the costs of space exploration and the adoption of a space timetable geared to scientific cooperation rather than political competition could save billions of dollars which our two countries could devote to pressing domestic needs. The non-space powers, including the less developed countries, could participate more fully in space exploration. Every country would have access to information gained from space activities, for example, the discovery of mineral deposits made possible by observation from a space station. Finally—and by no means least important—significant political benefits could be realized in closer US-Soviet cooperation and a stronger United Nations.

I recall that in the course of drafting the Declaration of Legal Principles governing outer space adopted by the General Assembly in 1963 the Soviet delegation introduced the concept that the cosmonauts of our two countries should be regarded as "envoys of mankind." They will not be true "envoys of mankind" as long as our two countries maintain separate and competitive programs. Let us find ways to make these brave men "envoys of mankind" in fact as well as in name as they pilot spacecraft orbited as a joint venture of all mankind under the auspices of the United Nations.

Developing the resources of the seabed could be a highly significant joint project. The Soviet Union and the United States have the largest coastlines in the world, and the largest portions of the relatively shallow submerged area abutting the world's coastlines known as the continental shelf. We are the world's two foremost naval powers and the two countries furthest advanced in submarine technology. We are the world's principal consumers of the oil, natural gas and hard minerals which technology is making increasingly exploitable in submarine areas.

There are two key questions about these seabed resources that need early and satisfactory answers: First, what should be the width of the continental shelf in which a coastal state has exclusive mineral rights? Second, what kind of regime should apply to areas beyond the jurisdiction of coastal states? The discussions in the United Nations have so far not produced a clear answer to these questions. Instead, there has been an unfortunate polarization of views.

At one extreme, there are some UN members who want national jurisdiction in the seabed narrowly limited and who want the UN itself to carry on exploitation in the seabed beyond national jurisdiction, with most of the profits from this activity going to the less developed countries.

At the other extreme, there are some members who want to extend national jurisdiction out to the seaward edge of the continental rise, and who oppose any kind of international regime over a part of the seabed which contains valuable resources.

The first view is clearly unrealistic. There is little in the experience of the UN that suggests that it could effectively discharge this kind of operating responsibility. The know-how and the technology for exploitation of the seabed is in the hands of private companies and governments, mainly in our two countries. If the riches of the seabed are ever to get above water, adequate incentives and security of investment will have to be given those who have the ability to do the job.

The second view is no less shortsighted. The United States and the Soviet Union have only a fraction of the world's geological continental shelf. As the world's principal resource consumers, we should not be seeking a solution that puts 80 percent of the continental shelf of the world (and a similar portion of the seabed up to the continental rise) under the exclusive jurisdiction of other countries. Nor should we expect that bilateral negotiations to operate on the continental shelves of other countries will be more manageable than dealings with an international authority. Moreover, it is only just that the technologically advanced nations and those states placed in the proximity of rich offshore resources by an accident of nature should agree to allocate a reasonable portion of the value of these resources for the development of the two-thirds of humanity that lives in backwardness and poverty. And it is only fitting that the Soviet Union and the United States, committed as we are to the idea that property should be employed with due regard to the community interest, should join in support of a solution of this kind.

The Soviet Union and the United States, as countries furthest advanced in seabed technology, are in a strong position to negotiate an international regime acceptable to themselves as well as other nations. A UN agency could be established to license operations by governments, public enterprises and private companies, in return for an appropriate royalty. The royalties could be channeled for world development through appropriate international agencies.

The UN agency could be established for the seabed with voting arrangements assuring an appropriate voice for all the different interests involved—the Soviet Union, the United States and other leaders in seabed technology, developed countries, less developed countries, coastal and non-coastal states and so on. The amount of the royalty could be fixed at a level that would provide adequate incentives for seabed production and a generous amount of new financial resources for the developing countries.

Such an international regime would be far superior in terms of our countries' enlightened self-interest to the scramble for resources inherent in the extension of national jurisdiction to the seaward edge of the continental rise. An international regime, for one thing, would provide safeguards against wildcatting and a system for the orderly registering of claims and settling disputes. Most important of all, it would provide for international anti-pollution and conservation measures in a vast area of the seas that might otherwise be subject to unregulated or inadequately regulated national and private activity.

If an international regime can be worked out along these lines—and with Soviet and American leadership I believe it can—we could both accept a relatively narrow boundary for the continental shelf under national jurisdiction. To be specific, the limits of national jurisdiction could be set at 200 meters or a lateral distance of 50 miles from the shoreline, whichever is greater.

It is obvious that the width of the boundary is inseparably bound up with the nature of the international regime. What is less obvious, but probably true as a matter of practical politics, is that these questions are linked to the questions of the breadth of territorial waters and fishery rights. For example, certain Latin American countries less well endowed with seabed resources off their coasts than our two countries and concerned with rich off-coast fishery resources are not likely to make arrangements in the one area without satisfaction in the other. To put it more broadly, these and other states will want to trade off acceptance of a 12-mile territorial sea boundary (which our two governments are apparently now both prepared to support) in return for some special recognition of their fishery interests beyond and some reasonable sharing in the benefits of seabed resource development.

For these reasons, there will probably have to be one international conference to deal with all these complex law of the sea questions, or at least two closely related conferences—one on the seabed and the other on the territorial seas and fisheries. The tradeoffs are now too well and widely recognized to compartmentalize these questions. Of course, if one international conference is held, the different law of the sea questions could be discussed in separate commissions, but the final compromises could be made in inter-related negotiations at the senior political level.

The oceans, which cover some three-fourths of the surface of our planet, have received less popular attention than outer space, but their wise management is vital to the future of humanity. Let us seize the fleeting opportunity that now exists to protect and develop them through global cooperation.

Protection of the human environment is a logical area for Soviet-American cooperation in the United Nations. Our two countries cover vast areas of the world, and we are the two most advanced countries of the world industrially and scientifically. Therefore we have special responsibilities and potentialities for leadership in preventing the destruction of man's natural environment.

Both our countries have become concerned with environmental problems within our borders. We are both coming to recognize, I believe, that the problems of pollution and environmental degradation are not problems unique to either market economies or socialist economies. They are the result of a single-minded pursuit of growth and material satisfactions without sufficient regard to the quality of life. We must both change our value systems so that clear air and water and open spaces have at least equal importance to steel production and GNP.

Of course, some measures to protect the environment can be taken by individual nations acting alone. But there are parts of the environment that do not belong entirely to any one nation—the atmosphere, the sea, lakes and rivers bounded by more than one nation, migratory animals—whose effective management requires international cooperation. Even the management of the environment within the confines of a single nation may benefit from the sharing of national experience.

Moreover, there is growing recognition that how a nation deals with its national environment is no longer its own exclusive concern. The political map of the world is divided into nation states, but the world is a single system from the point of view of ecology. Air, water and soil pollution in one country can quickly affect its neighbors. The progressive poisoning of the oceans and the atmosphere could make our entire planet uninhabitable. All mankind depends on the same scarce and relatively shrinking resource pool, and therefore has an interest in the wise husbanding of resources wherever they may be located. Moreover, nations concerned with their competitive position in international trade may be reluctant to accept the additional costs of anti-pollution measures unless their foreign competitors do the same.

For all these reasons, the international community will be increasingly involved in environmental issues—even those that have hitherto been regarded as "domestic." Indeed, the most powerful impetus to international cooperation may now come from the urgent necessity of new trans-national measures to protect the global environment.

Our countries have already cooperated on environmental problems in such agencies as the Economic Commission for Europe, the World Health Organization, UNESCO, the International Atomic Energy Agency, and the International Maritime Consultative Organization. But opportunities for even closer cooperation will arise in two important meetings which lie ahead—the ECE Conference on the Environment in Prague in 1971 and the UN Conference on the Environment in Stockholm in 1972.

What specific measures of cooperation could our two countries propose at these meetings? Let me suggest some possibilities:

We could propose that the UN undertake a massive program to educate the world's people, particularly political leaders, on the problems of the environment; that it sponsor joint research efforts and studies; and that it finance the training of specialists to handle environmental problems.

We could propose that the UN organize a world-wide observation network, using satellites of the Soviet Union and the United States, as well as terrestrial devices, to monitor the world's environment on a continuing basis, and we could urge that the UN operate a service for the evaluation and dissemination of this information for all nations.

We could support the negotiation of international agreements providing for firm anti-pollution and other environmental commitments so that nations accepting their environmental responsibilities suffer no competitive disadvantage in international trade.

We could insist that multilateral aid programs be carried forward with due regard for their environmental implications, and we could encourage the application of environmental safeguards in bilateral aid.

Finally, we could support the establishment of a UN Program for the World Heritage. Such a program would include scenic, historic and natural resources now in danger of destruction whose survival is a matter of concern to all mankind.

Obviously, each nation should be free to decide whether or not to nominate a property within its territory for inclusion in the Program. At the same time, the community of nations should be free to decide whether or not to accept it.

Countries whose resources were included in the Program would gain the advantage of international advice and financial aid in their development with consequent benefits to their economies as a whole. And the world community would be in a position to safeguard unique and irreplaceable resources. Venice, Angkor Wat, some of the great wildlife reserves of Africa—in which all mankind has a common interest.

I believe there is a particularly urgent need for Soviet-American cooperation in international research on environmental problems. For example, some scientists say that our planet will eventually be rendered uninhabitable by the increase in the carbon dioxide content of the atmosphere. Others say that DDT and other wastes could seriously impair the oxygen-making function of the oceans. Just how serious are these problems and just what should we do about them? Can we find an acceptable substitute for DDT? Can we develop new technology which limits air and water pollution without stunting economic growth? Our two countries are the world leaders in science and technology. We have an opportunity—I would even say a duty—to take the lead in a global research program to find the answers to these questions.

Since environmental problems are global problems, it is only right that they should be dealt with in the United Nations. But the UN is not yet effectively organized for this purpose. With the existing UN pattern of functional specialization there is a danger that ecological interrelationships will not be adequately considered. For example, FAO voted recently to continue use of DDT; but this question needs to be looked at by a group whose thinking is not mainly focused on agricultural productivity. Moreover, environmental questions need to be considered in the UN at a higher level of decision-making than is presently the case.

It would be useful if, in advance of the 1972 Stockholm Conference, our two governments could consult with one another on the organizational changes in the UN that are necessary to make it a really effective world authority for environmental defense. I do not wish to anticipate the outcome of such possible consultations, but I do wish to express the doubt that the proper solution lies in the creation of yet another specialized agency, which would only compound existing problems of coordination.

Instead, I believe we should seek a solution through the strengthening of the UN's central machinery for coordinating and directing the work of the existing agencies. For example, we might create a new expert Commission on Science and the Environment, composed of the world's most eminent scientists, to deal with environmental as well as other scientific problems. We might change the committee structure of the General Assembly so that a Committee on Science and the Environment replaces the largely inactive Special Political Committee. And we might create a strong new Secretariat unit under an Under Secretary or Assistant Secretary-General to support this new work.

I have no fixed views on these organizational details; what I do feel confident about is that our two countries should work for a strong organization at the center which can make a harmonious and effective environmental effort out of the present piecemeal and often competitive activities of the different UN agencies.

The world population problem is supremely critical. The threat to man's future from unregulated population growth is now widely appreciated in both our countries. We have only to recall that it took hundreds of millions of years, from the beginning of life on earth until the beginning of this century, for world population to reach 1.5 billion, that this number doubled to 3 billion in the first 60 years of this century, and that it is likely to double again to 6 billion well before the end of this century. If present trends continue, world population will reach 12 billion by 2010, at which time many of our children and grandchildren will still be alive and probably cursing us for having allowed the population problem to reach such devastating proportions.

Population growth is a world problem, but it weighs particularly heavily on the prospects of the less developed countries. In many countries of Asia, Africa, and Latin America, the population is doubling every 20 or 30 years. The population of Latin America, which is about 250 million today, will reach 600 million by the year 2000. The figures for population growth in the principal countries of Asia between now and 2000 are even more frightening: India, 500 million to 1 billion; Indonesia, 120 million to 280 million; China, 800 million to at least 1.2 billion.

For many years neither the Soviet nor the American governments were prepared to recognize this problem. In a General Assembly debate on population in 1962, President Kennedy authorized me to make the first statement of an American official offering U.S. assistance in family planning to developing countries both bilaterally and through the UN. The Soviet representative in that debate expressed doubt that population growth was a serious problem or that UN action was appropriate. Since then, however, the Soviet Union has taken a more positive attitude toward international cooperation in this field.

To avoid any possible misunderstanding, let me emphasize that I am not an exponent of what you call the "neo-Malthusian fallacy"—that population control by itself is a solution for the problems of the developing countries. I fully agree with Professor Y. N. Guzevaty and other Soviet scholars whom I have read on this subject that population control is not a substitute for necessary changes in the political, economic and social structures of developing countries or for large transfers of capital and technical aid from the advanced countries. I do say, as he does, that without programs of family planning the efforts of most of the developing countries to raise their living standards significantly will be doomed to frustration. I also believe that, quite apart from its adverse effect on economic development, world population trends are dangerously overloading the natural environment, undermining the stability of the social order, and breeding tensions that will increasingly erupt into international as well as domestic violence.

I would go still further: I believe that the rate of population growth is now so great—and its consequences are now so grave—that ours is the last generation that has the opportunity to limit population growth on the basis of free choice. If we do not make voluntary family planning possible in this generation, we will make compulsory family planning inevitable in future generations. Surely that is an outcome we would all wish to avoid.

What can our two countries do about this urgent problem?

To begin with, we can take the question out of the area of ideological controversy and work together in the UN and elsewhere to emphasize the need for sound population policies on the part of all countries, regardless of their political or social systems. In particular we must explain to certain developing countries that the question is not simply the absolute size of their population in relation to their land area, but the *rate* of their population growth and the demands it imposes on their countries for more food, schools, housing, health facilities, and so on.

Second, we can accelerate family planning efforts in our own countries. It is true that the population problem is not exactly the same in the Soviet Union as in the United States, nor is it the same in either of our two countries as in the less developed countries. But access to modern methods of family planning is a good thing for Soviet and American women no less than it is for Asian, African and Latin American women. Moreover, we cannot be in the position of urging other countries to limit their populations while failing to follow this advice ourselves. A Soviet-American agreement to work toward zero population growth in our two countries by the end of this century could set an example for the world and make a historic contribution to the future of humanity.

Third, we can work together for a World Population Program under the auspices of the United Nations. The UN and its family of agencies are a logical place for increased efforts to deal with the population problem. The UN can help promote a broad consensus on the nature of the population problem and on what ought to be done about it. It can help countries share responsibility for taking controversial steps that may be opposed by certain domestic interests. It can help prevent family planning from becoming an international political issue, or a subject of disagreement between national or racial groups.

A World Population Program in the UN should be financed from voluntary contributions of at least $100 million a year. The fund could be used to stimulate research into improved contraceptive methods (our two countries could cooperate with particular benefit in this field). It could finance the training of medical and para-medical personnel and it could support other elements of effective family planning programs. The fund should be administered by a UN Commissioner for Population, who would be responsible for the implementation of population projects and represent the UN in dealings with governments and in international forums concerned with population.

There is time to mention only briefly one other area of global cooperation: aid and trade measures to help the less developed countries. Surely it would be in the interest of all humanity if our two countries, the greatest industrial powers in the world, could work together more effectively to accelerate the economic progress of the less developed countries.

It is true that our political objectives may differ in certain parts of the less developed world, but I believe we have a common long-term interest in the progress and stability of these areas. I realize that Soviet spokesmen have taken the position that the poverty and backwardness of the less developed countries result from colonialism and imperialism for which the Soviet Union bears no responsibility. But if this poverty and backwardness threatens your long-term interests—and if it offends your sense of social justice, as it must—then should you not do what you can to improve these conditions? And should not our two countries work together in this task so far as possible rather than squander scarce resources in politically motivated and wasteful forms of economic and military asistance? Would we not see more and better development if our aid were channeled in support of projects and programs worked out by impartial and professional international agencies?

If we are frank about it, I think we must admit that neither the United States nor the Soviet Union is yet doing what it should in aid to the less developed countries. Annual U.S. aid and capital transfers have dropped to about one-third of one percent of our GNP. The annual Soviet aid effort, if my statistics are correct, is about one-tenth of one percent of your GNP. At the very minimum, we should agree to the steady escalation of our assistance efforts to triple the proportion of our GNP represented by our aid to less developed countries. In view of the anticipated increases in the GNP of our two countries, this would mean increasing our aid by four or five times by 1980, while still permitting significant improvements in the standard of living of our own peoples.

Both our countries could do much more for the less developed countries in the field of trade. A really bold policy in this field is particularly necessary, since 80 percent of the foreign exchange of the developing countries comes from trade, and only 20 percent from aid. The developed market economies of the Atlantic region and Japan should, in my view, eliminate *all* their restrictions on the exports of the developing countries in agreed stages over a period of 10–20 years. As part of a global program of trade development, I would hope that the socialist countries of Eastern Europe could agree to undertakings of equivalent significance in view of the different character of their economic systems. I have in mind either global purchase commitments by the socialist countries on behalf of the developing countries or the progressive lowering of the prices at which the state economic authorities offer imported goods from developing countries for sale to the consumer.

The working out of such a global program of assistance to the developing countries through measures of aid and trade would be assisted if the socialist countries could be associated in some mutually acceptable way with certain international economic agencies in which they do not presently participate. I have in mind the General Agreement on Tariffs and Trade, the International Bank for Reconstruction and Development, the International Development Association, the International Monetary Fund, and the Asian Development Bank. If full membership should prove impractical for the time being, perhaps there are ways in which the socialist countries could associate themselves with certain selected activities of these agencies. For example, the Soviet Union might participate in the World Bank consortium for India, since all of us have a stake in India's political stability and development. If we examine the work of these agencies on a pragmatic and case-by-case basis, I am confident we could find possibilities for fruitful cooperation.

I conclude on the same basic theme on which I began. Let us focus on those things that unite us rather than on those things that divide us. Let us remember that we belong to one human family and that this brotherhood is more important than any national, racial or ideological differences. Let us constantly remind ourselves that we are fellow travelers on a common spaceship—planet earth—and that we can easily wreck our ship unless we work out cooperative ways of steering it.

NEW ERA FOR THE UNITED NATIONS

Mr. PROXMIRE. Mr. President, more than 25 years ago the United Nations, an instrument of world peace and of human rights was formed. Today, as well as in 1945, we can recognize that the United Nations, as presently constituted, is inadequate to meet fast-developing world needs.

In April and May of 1968 an International Conference on Human Rights was held at Tehran to determine the progress the United Nations had achieved in the field of human rights since 1948, to evaluate the effectiveness of methods and techniques involved—such as conventions—and the formulation of human rights program to be undertaken after 1968.

It is regrettable, said members of the conference, that in 1968 the world had not yet reached the point at which the issue of human rights can be lifted above national boundaries and bloc politics. Roy Wilkins, in an opening statement for the United States, stated this problem most succinctly:

> In part the problem is the unlimited claim of national sovereignty. I submit that under the United Nations Charter no nation is entitled to wrong its own citizens. Either Charter provisions dealing with human rights have meaning or they are a cruel fraud. If these provisions are meaningful, they must carry their thrust into the boundaries of member nations.

In the February 6 issue of the Saturday Review, Norman Cousins, in a brilliant editorial, discusses the struggle last fall in the United Nations by the Philippines, Mexico, Japan, Brazil, Haiti, Colombia, Nicaragua, and Costa Rica to open the question of Charter review. The aim was to strengthen the world body, to make international cooperation and organization a reality. It was hoped that the United Nations could effectively deal with colonialism and racism, and could make a start toward ending war and famine.

The struggle last fall opened a new era in the history of the United Nations. There is hope that the nationalism so apparent to Roy Wilkins in 1968 might be growing less strident.

The Secretary General of the United Nations, U Thant, has said many times that mankind must decide this decade whether it is willing to change in order to take advantage of its new potentials; to meet the challenge of a peaceful future or no future at all; to act imaginatively.

I suspect that one obstacle in the way of ratification of the Genocide Convention is the idea that the United States is giving up some of its national sovereignty or national rights. I have argued before on this floor showing that this fear is unfounded.

Our vote in favor of the U.N. resolution authorizing Secretary General U Thant to invite member nations to submit suggestions on charter review is an encouraging development and may provide a basis for ratifying the U.N. Human Rights Conventions.

Mr. President, we must affirm the strength of the United Nations as a body of international cooperation. We must reaffirm our belief that human rights do have meaning, that they are not a cruel fraud. We must change. We must act anew. We must meet the challenge before us. I therefore urge this body to give its advice and consent to the Convention on the Prevention and Punishment of the Crime of Genocide.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GOOD NEWS ABOUT THE U.N.

Change for the better in the world will not happen by accident. Nor will it happen because national governments spontaneously take dramatic initiatives against their sovereign interests and for the human interest. It will happen only as enough people understand that their biggest need today is to protect their planetary habitat.

But the development of public understanding requires information. And the essential information isn't always readily available. Consider, for example, the lack of public information about one of the most important and promising events in recent months concerning the United Nations. We refer to the decision of the U.N. to move in the direction of reforming the U.N. Charter. This represents a possible beginning for the long overdue retructuring and strengthening of the United Nations.

At the time of the founding of the U.N. at San Francisco in 1945, it was generally recognized that the U.N. as then constituted was inadequate to meet fast-developing world needs. But attempts to design a stronger organization were blocked by those nations, including the U.S. and U.S.S.R., that resisted any fundamental challenge to unfettered national sovereignty. Advocates of a strong U.N. were successful, however, in persuading a majority of delegates to accept two provisions in the Charter that could lead to a later attempt to strengthen the Charter. One provision specified that a conference could be called for revising the Charter whenever two-thirds of the delegates wished to do so. The second provision specified that, if they failed to do so, the question of Charter review would come up automatically within ten years.

This was the situation in 1955, when the United States and the Soviet Union led the opposition to Charter review. The United States contended that a revision conference would have the effect of hurting the U.N. since various nations would try to make the U.N. weaker than it was. Proponents of a review conference argued that any prescription for an ill patient involved some risk that the medication might also be harmful, but that it was irresponsible to forgo the kind of treatment that was so clearly indicated.

General Carlos P. Romulo, former President of the U.N. General Assembly and Foreign Minister of the Philippines, spoke prophetically about the widening of the arms race, areas of tension, the growing needs of the developing nations, and the predatory assault on the Earth's resources. These problems, he said, required adequate world authority.

Since 1955, when Charter review was defeated, the United Nations has not been in a position to prevent or deal effectively with wars and threats of wars in Vietnam, the Middle East, Biafra, the Sudan, and Goa. It has not been able to put an end to the volatile arms race. Nations making nuclear weapons have continued to do so, even though most of the other nations have agreed to forgo pursuit of nuclear power on the assurance that the United States and Soviet Union would seriously undertake negotiations looking to cessation of manufacture and reduction of existing nuclear stockpiles. Between them, the U.S. and the U.S.S.R. have accumulated some twenty tons of destructive force, in dynamite equivalents, for every person on the globe.

When the U.N. General Assembly met last fall, statement from different nations expressed concern about growing public skepticism throughout the world toward the U.N. Belief in the overriding need for world organization was as strong as ever, it was pointed out, but people were becoming disillusioned over the inability of the U.N. to cope with the principal problems of our time. Eight governments—the Philippines, Mexico, Japan, Brazil, Colombia, Nicaragua, Costa Rica, and Haiti—led the fight to reopen the question of Charter review. Once again General Romulo spoke eloquently and persuasively about the dominant challenges before the U.N. and gave nine examples of ways in which the world body could be strengthened. In effect, the changes he sought would make the U.N. an effective third party in peace negotiations such as are now going on in Paris; would upgrade the entire U.N. peacekeeping capability by providing specific machinery for peaceful settlement and agreement; would suspend the veto in the Security Council in matters of *common* world concern; would empower the World Court of Justice to decide cases even if the governments involved were unwilling to bring these cases before the body; and would strengthen the Human Rights Commission and the Economic and Social Council.

These changes, to be sure, do not add up to a federated United Nations with authority to make and invoke world law. But, as Carlos Romulo pointed out, they are the irreducible minimum if the U.N. is to have even a reasonable chance of doing its job.

The resolution supported by the eight governments did not call for Charter review. But at least the resolution has started the process; it requires that the Secretary General invite the member government to furnish him, before July 1, 1972, with specific views and suggestions on reviewing and reforming the Charter.

In this form, the resolution passed the General Assembly by a vote of 82 to 12. At first, the United States was opposed to any resolution leading to Charter review but, to its credit, joined the large majority when the vote was called.

It may be said that the resolution was so perfunctory that opponents to Charter review could vote for it in complete confidence that it would never come about. Not necessarily so. The great gain achieved by passage of the resolution is that it now provides world public opinion with a place to take hold. If enough people become sufficiently animated about the need to strengthen the U.N., they now have a track on which they can move. In the United States, public opinion is in a position to get the government to take the question seriously. Several men whose names have been mentioned for Presidential nomination have already identified themselves with the call for a stronger U.N. They can be encouraged to make world law through the U.N. a campaign issue in 1972.

One way or another, an opportunity for improving the U.N. now exists. Individual citizens keep asking what they can do; they now have at least one possible answer.

SENATOR SCHWEIKER COMMEMORATES FEBRUARY 16, 1971, LITHUANIAN INDEPENDENCE DAY

Mr. SCHWEIKER. Mr. President, on February 16, 1918, the Republic of Lithuania was established, recognizing one of the most outstanding group of people in Eastern Europe, who have suffered many invasions and much oppression in their long history.

However, the freedom of this Republic was relatively short lived, and since the beginning days of World War II, the people of Lithuania have tragically been in the status of a captive nation.

Next week, on February 16, 1971, Lithuanians all across America, and in many other parts of the globe, will be celebrating the 53d anniversary of the establishment of the Republic of Lithuania, and the prayers of all Lithuanians in the free world will go out to their relatives and friends who still remain under an oppressive yoke.

Since Congress will not be in session on this memorable occasion, I think it is pertinent for us to take a moment at this time to recognize this day, and express our understanding of its importance to Lithuanian communities, and to extend our sympathies to their cause of freedom.

The desire for freedom by the Lithuanian people was most poignantly demonstrated last November when a Lithuanian sailor on a Soviet fishing vessel jumped onto a U.S. Coast Guard cutter seeking political asylum, and Soviet personnel were permitted to board the cutter, beat the Lithuanian, and take him back to the Soviet ship. At the time I issued a strong statement of protest over our handling of this incident, which I would like to repeat at this time:

> President Nixon has called for a "very full and immediate investigation," and I commend the President for his concern and speedy action in investigating this shocking event.
>
> Indignation is the best word to describe my reaction to this incident. At a time when men and women in many Eastern European nations, including the Lithuanians, are struggling under the yoke of oppression, and when many of us in this country want to do whatever we can to ease the plight of the "Captive Nations," it is incomprehensible to me that any Americans would allow this Lithuanian to be returned to un-certain fate.
>
> In addition to my concern over this individual, I deplore this violation of the American tradition of granting political asylum. Many oppressed people around the world dream of the opportunity of coming to our free land, and this senseless rejection of a Lithuanian who sought this freedom can only discourage future attempts and tarnish our image.
>
> I look forward to seeing the results of the Presidents' investigation, and am confident that he will take the necessary Executive action to insure that this tragic incident is never repeated.

Mr. President, many communities throughout Pennsylvania will be taking part in commemorative exercises in recognition of Lithuanian Independence Day on February 16, but these will not be joyous occasions. As an example of the depth of feeling within the Lithuanian-American community, which is shared by Lithuanian supporters throughout Pennsylvania and throughout the world, I ask unanimous consent to have printed at the conclusion of my remarks, the declaration, which will be presented at the commemorative exercise to be held in Philadelphia.

I salute the Lithuanian people for their solidarity and their compassionate support for their people who still suffer the yoke of oppression, and I share their hope for freedom for all.

There being no objection, the declaration was ordered to be printed in the RECORD as follows:

DECLARATION

We, the participants in this commemorative exercise on the occasion of the 53rd Anniversary of the Restoration of Independence to Lithuania, on the 21st day of February 1971, at the Lithuanian Music Hall in Philadelphia, hereby affirm the following declaration:

(1) Lithuania has her own tradition of separate nationhood dating back to the establishment of the Kingdom of Lithuania in 1251.

(2) In 1918 the people of Lithuania had exercised their right of self-determination by declaring the restoration of independence to Lithuania, and Lithuania remained a fully independent and sovereign nation up to the outbreak of World War II.

(3) In the peace treaties of 1920, Soviet Russia recognized the sovereignty and independence of Lithuania and voluntarily and forever renounced all sovereign rights and claims over the Lithuanian people and territory.

(4) Since the occupation by the Soviets in 1940, Lithuania has been ruled by the Soviet Union as if she was its province and, in ef-

fect, a Soviet colony. Lithuania shares all essential characteristics of a dominated country with other subjugated and colonially ruled peoples of the world: (a) imposition by an alien rule by force; (b) alien domination of all political and economic activity; (c) systematic depopulation of the original inhabitants and an extensive settlement by nationals of the ruling country; (d) economic exploitation and artificial integration of the economies of the subject country with the economy of the ruling country; (e) forcible imposition of the cultural and spiritual values of the ruling nation in a sustained policy of ethnical assimilation—Russification in this case.

(5) The Soviet Union even today continues to ruthlessly suppress the human rights and aspirations to freedom of the Lithuanian people as most recently revealed by the clandestine efforts of the Soviets to force the return of Pranas and Algirdas Brazinskas after their dramatic escape to Turkey, by the Soviets' brutal beatings of Simas Kudirka after his heroically attempted pleas for asylum—in this case denied by the U.S. Coast Guard—and by the unduly harsh and unjust sentence of death imposed by the Soviets upon Vytautas Simokaitis after he and his wife sought to escape to Sweden.

Therefore we respectfully address to: Richard M. Nixon, President of the United States; William P. Rogers, U.S. Secretary of State; George Bush, U.S. Ambassador to the United States; Hugh Scott, Senate Minority Leader from Pennsylvania; Richard S. Schweiker, U.S. Senator from Pennsylvania; and the Congressional delegation from the state of Pennsylvania the following:

APPEAL

We urge that, without further delay, the United States initiate action in the United Nations to implement the Declaration on Granting of Independence to Colonial Countries and Peoples in reference to Lithuania by restoration of her independence since she has already exercised her right of self-determination by the Declaration of Restoration of Independence to Lithuania of February 16, 1918.

We further strongly urge the United States Government to issue explicit directives which would establish conclusive guidelines for the handling of political asylum requests. We especially emphasize that such directives necessarily be clear, precise and readily available to the public so that no such tragedies as that of Simas Kudirka would re-occur in the future.

NEW USES FOR HELIUM

Mr. HART. Mr. President, as we continue to expand construction of electric generating and transmission facilities, we are reminded constantly of the difficulties of reconciling increasing power demands with our concern for environmental preservation.

As new technologies develop, it is natural to hope that they will provide solutions to this ever-present problem.

One technological advance which gives good reason for such hope is the use of helium in the production and transmission of electricity. Several months ago, the able Assistant Secretary of the Interior, Hollis Dole, spoke eloquently on the use of helium in new technologies which may provide the breakthrough we have been seeking.

In his speech, Mr. Dole described the uses to which helium may be put in closed-cycle cooling systems and more efficient generating facilities. He went on to point out that helium is also potentially valuable in the long-distance underground transmission of electricity.

Since 1961, the Government has been engaged in a helium conservation program which the administration recently has announced will be terminated. Without going into the merits of the administration's action. I urge Senators to read Mr. Dole's speech and give some thought to the exciting prospects contained therein.

It is my hope that, through significantly expanded industrial research, new technology such as he described will enable us to meet the twin goals of producing sufficient power to meet the needs of our people and preserving our natural environment. The potential benefits he referred to would appear to argue strongly for rapid and thorough exploitation of helium-based technology.

I ask unanimous consent that Mr. Dole's speech be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

HELIUM AND THE ELECTRIC POWER INDUSTRY

(Remarks of Hon. Hollis M. Dole, Assistant Secretary, Mineral Resources Department of the Interior, to the annual meeting of the Northwest Electric Light & Power Association, Edmonton, Alberta, Sept. 21, 1970)

The motto on the front of an impressive Government building in Washington, says, "What is past is prologue." A visitor, on his first trip to Washington, asked the tour guide "Just exactly what does that mean?" The guide's answer was, "Man, you ain't seen nothing yet."

That about sums up how it is for helium's future in electric power—you ain't seen nothing yet.

Although helium in small quantities is presently used in the nuclear power industry some major new uses are on the electric power horizon. Not just in nuclear power generation, but in transmission and MHD generation as well. As for the significance of these new uses for helium—we're going to be impressed, I believe, with what develops in the future.

The importance of helium to the electric power industry is bound up in technology, which requires, for a number of specialized purposes, a material with some amazing properties. That's helium.

You don't have to get too involved in the physics and chemistry of helium to put together a profile that looks something like this:

Helium is a gaseous, inert element. It is extremely lightweight. Helium is tasteless, odorless, colorless, and nontoxic. It cannot be made radioactive. Liquid helium's temperature is only a few degrees above absolute zero.

These properties add up to the right combination for some extremely valuable uses.

In some nuclear power reactors (the Peachbottom installation in Pennsylvania, for example) helium transfers heat from the reactor to the steam system. The nuclear core, surrounded by helium, heats the gas to about 1,380 degrees Fahrenheit. The hot gas flows through steam generators where its heat converts water to steam. Passing through a purification cycle, the helium is compressed and returned to the reactor.

Steam is generated at 1,450 pounds per square inch, and 1,000 degrees Fahrenheit. Electric power is produced by a conventional steam turbine-driven generator. The Peachbottom installation is small—40,000 kilowatts—and was designed as a prototype. Actual operations started in June 1967, and so far as is known, the plant has operated without difficulty.

The helium capacity of Peachbottom is slightly less helium than the volume shipped as a compressed gas from a Bureau of Mines helium plant in *one* railway tank car. Loss from the system is small—about 400 cubic feet per day, or less than 150,000 cubic feet annually.

The Peachbottom reactor is the first helium-cooled atomic power station in North America, and the first nuclear plant capable of operating at modern high-temperature, high-pressure steam conditions. This makes it the first nuclear plant able to approach the high thermal efficiency of contemporary coal, gas, or oil-fired plants. It has the highest net efficiency—35 percent—of any nuclear plant yet built.

Peachbottom demonstrates the economic and technical feasibility of high-temperature, gas-cooled reactors using helium as the coolant. A second helium-cooled reactor plant is now under construction at Fort St. Vrain, Colorado. This will be a 330,000 kilowatt plant. It, too, will generate high-temperature, high-pressure steam dependent upon helium as the heat transfer agent. It will need about 900,000 cubic feet of the gas, with a helium-outlet temperature of about 1,430 degrees Fahrenheit. Present helium-cooled reactors will probably be followed by second- and third-generation reactors to reach the goal of the fast breeder reactor. These future reactors—helium-cooled—will likely produce new fuel supplies and offer a promise of solving the thermal pollution problem.

A study by the Bureau of Mines indicates that by the year 2000 our installed electrical generating capacity will be more than 3 times that of today. Many stations will probably be nuclear installations. A good portion could well be helium-cooled reactors. Some of the new installations may be steam plants, following on the technology of Peachbottom and Fort St. Vrain. Some of them may be direct-drive gas turbines, with hot helium spinning the turbines instead of steam.

Some work is being done, developing such a gas turbine for a nuclear plant. Helium is the substance that gives this idea the promise of some day becoming practical. Helium's special properties make it an ideal direct-drive gas as it does not undergo phase change, nor become radioactive, and is inert.

Shifting now to the low end of the temperature scale, let's look at another property of helium. I mentioned earlier that liquid helium produces the lowest temperature known. It is the coldest substance on earth. Liquid helium imparts a unique and useful property to some other materials—the property of superconductivity. This is how helium gets even more deeply involved with electric power technology.

At the near absolute temperature of liquid helium, some materials lose all electrical resistance. These materials become superconductors. Science has known about superconductivity for about 60 years. But only during the past ten years has research started pointing to possible practical applications with special significance for the power industry. One possibility is the development of superconducting transmission cables for the transmission of alternating current. Such cables could ease one of the bottlenecks in delivering large amounts of electricity to consumers with minimum environmental problems. Preliminary studies indicate that superconductors contained in a single pipe less than 20 inches in diameter could carry more power than New York City now uses. The superconducting pipe, superinsulated, and filled with liquid helium, would really be an energy "pipeline." This would mean that very large generating sites could be located where they would have minimal environmental impact. The actual electrical carrier would be a thin film of high-purity niobium (one of the best superconductors) deposited on one or both surfaces of conventional thin-wall copper pipe located within the outer shield. Helium liquefaction units to maintain a filled liquid pipe would be provided at intervals. According to some estimates, one such 20-inch line could handle up to 10,000 megawatts at 345,000 volts—or the equivalent of at least 20 ten-inch conventional cables at the same voltage. Environmentalists ought to purr-r over this concept.

How long it will take for superconducting lines to become an everyday part of power transmission operations depends on research progress—and on decisions made inside the power industry. If superconducting cables do become a reality, they'll be moving large blocks of power—essentially without loss and with a minimum of problem to the environment—from the generator to the consumer. Helium will make it possible.

Another application of superconductivity is with us now. Superconducting electromagnets—with coils cooled by liquid helium—have already become a common laboratory tool. They are uniquely useful because of their extremely high-strength magnetic fields.

The world's largest superconducting magnet was placed in operation more than a year ago by the Atomic Energy Commission at the Argonne National Laboratory. Part of the largest bubble chamber installation in existence, the 18 kilogauss magnet consists of 110 tons of circular coils stacked in a 1,600-ton steel yoke. A ten volt, 3,000 ampere power supply is all that is required to charge the magnet for operation. This is said to take about 2½ hours. After charging, the only power required to keep the magnet operating is its 250 horsepower liquid helium refrigerator. A conventional magnet of the same power is reported to require 10 million watts of power during operation. Cost of the magnet system, either superconducting or conventional was reported to be about $2,400,000. Operating costs of the superconducting magnet over a 10-year period were calculated to be $400,000, as compared to $4,000,000 for a conventional magnet. An advantage of ten to one.

The properties of superconducting magnets—high field strength—low operating cost—links them, and the helium that cools them, to the possible future power generation through another development, Magnetohydrodynamics. MHD power generation has a lot in common with conventional generators. In both, a conductor moves rapidly through a magnetic field, and an electromotive force (voltage) is produced at right angles both to the direction of motion and to the direction of the magnetic field.

What makes MHD revolutionary is that the conductor is not a rotating armature. Instead, it's a continuous flow of plasma-ionized gas. MHD is attractive because it has a calculated efficiency of 60 or 70 percent. The best steam turbine electrical plants are only 40 to 41 percent efficient. This promise of getting more out of the primary energy source is especially important to the nonrenewable and finite fossil fuel reserve.

Ideas for MHD plants fall into two broad categories. In the first, the ionized working gas is the combustion product from burning fossil fuel. The other uses super-heated helium or argon. In both, the plasma must be seeded with something like cesium to accelerate the degree of ionization. Both need superconducting magnets. Helium could thus come to play a dual role in MHD power generation.

MHD research and development in the United States, Japan, France, Germany, and the Soviet Union has identified some problem areas. One of these is the cost of seeding the plasma. Another is the development of suitable metals for the high temperatures involved. Technology for the magnet systems is ready for application if other problems can be solved.

Aside from these two possible future developments—superconducting power transmission and MHD generation—there are still others which could make helium extremely important to your industry. Superconducting transformers and superconducting motors are two of the intriguing possibilities. Some work has been done in France on superconducting transformers and the British are experimenting with a direct current superconducting motor. But most important, I believe, is that as technology advances, these possibilities come closer and closer to probabilities. What then is the future helium supply picture?

We believe helium supplies are adequate to support large demands until well into the next century. Helium is unique not only because of its combination of valuable properties, but also because of the unusual way in which it occurs. Helium is abundant in the universe—in fact, the sun and other stars are composed largely of hydrogen and helium. But helium is relatively scarce on earth. It occurs in our atmosphere in a concentration of only about 5 parts per million, or 5 ten thousandths of 1%—a concentration far too low to be of commercial value and requiring astronomical amounts of energy to recover. However, for reasons not completely understood, helium occurs in significant quantities in some deposits of natural gas. In the United States, natural gas from the great Hugoton-Panhandle area of Kansas, Oklahoma, and Texas is relatively rich in helium. (We consider any natural gas that contains three-tenths of one percent or more of helium by volume as "helium-rich" or "helium-bearing" natural gas.) About 85 percent of our known resources of helium occur in the Hugoton-Panhandle area, where concentrations occasionally approach 1½ to 2 percent, but average about ½ of one percent.

In a sense, helium is a by-product of natural gas. Unlike by-product materials which can be recovered at virtually any stage during processing and use, helium is irretrievably lost unless it is removed from the natural gas before the gas is burned. When natural gas is burned, helium, because it is inert, passes into the atmosphere along with the products of combustion. In such a case the lost helium represents nothing but waste. It adds nothing to the fuel value of the natural gas . . . serves no useful purpose as it vanishes into the atmosphere.

Each year, prior to 1961, ten times the helium needed to supply total domestic annual demand was going to fuel markets in helium-rich natural gas, and was lost. A unique and valuable natural resource, helium, was being removed in vast quantities from its place in nature, and wasted. Meanwhile, the importance of helium for Government use was expanding at a rapid rate, as its valuable properties were put to use in new space, defense, and atomic energy applications.

By the late 1950's, the Government became concerned about helium conservation. President Eisenhower appointed a cabinet committee to study the problem and recommend a program he could propose to Congress. As a result of the committee's work and President Eisenhower's subsequent recommendations, the 86th Congress passed the Helium Act of 1960, which authorized the Secretary of the Interior to sign long-term contracts to purchase helium which occurred in the natural gas that was being consumed. This saved the helium and made it available for future use—a real departure from the ordinary way of doing business as it paid for something for coming generations. Following enactment of the legislation, the Department of the Interior, through its Bureau of Mines, moved to put the helium conservation program in operation. Within a short time, contracts had been signed with four companies. All four contractors controlled large volumes of helium-bearing natural gas. The contracts called for them to build and operate helium extraction plants at their expense. The Government, in turn, would purchase the entire helium output of the plants, at a set price, subject only to a specified annual dollar limitation.

While the contractors were building their plants, the Bureau of Mines reworked some gas wells in the Government owned Cliffside gasfield (near Amarillo, Texas) and constructed a 430-mile pipeline system tying together the five private plants, and three existing Bureau of Mines helium plants. Helium deliveries began in January 1963.

The helium conservation program is simple. Five contractor plants extract helium from natural gas before gas goes to fuel markets. The "crude" helium—about 70 percent pure—is purchased by the Bureau of Mines. The pipeline system takes it from the extraction plants to the Cliffside field, where it is injected into a partially depleted underground natural gas reservoir. When needed in the future, it will be withdrawn, then refined to 99.997 percent purity for sale and use.

Technically, the conservation program has worked as planned. But other serious problems have arisen. The program is required to repay to the United States Treasury all costs of the program within 25 years including borrowed funds and interest. Income from the sale of helium is the source of funds to pay out the program. In the last few years, total helium demand has fallen below earlier predictions and a vigorous private helium industry has developed. The private helium industry undersells the Government and has captured much of the market which was counted on for revenue. Consequently, the program has a debt which cannot be repaid at the present level of income. Payments to contractors are in arrears. There is some feeling that the Government has stored too much helium. Others fear that not enough has been stored. During the last several months we have been negotiating with the helium conservation contractors in an effort to restore balance to the program.

To date, the Helium Conservation Program has placed more than 27 billion cubic feet of helium in storage for use in the future. That helium, plus any additional conservation purchases, will be available for use when it is needed.

This represents no small achievement. The conservation program shows clearly that with imagination, a precious and irreplaceable natural resource can be saved.

We know there are a few substitutes for helium. But for superconductivity and other applications near absolute zero, there are no substitutes. No other element measures up.

From the direction technology is leading, we can see that industry . . . especially the electric power industry . . . may become more familiar with helium.

FINANCING FOREIGN MILITARY OPERATIONS

Mr. **FULBRIGHT**. Mr. President, apparently there is some confusion over the legal effect of a proviso added in conference to a provision in section 838(a) of the Defense Appropriation Act which prohibits financing of South Vietnamese or other foreign military operations in support of the Cambodian or Laotian Governments.

In a press conference on January 20, Secretary Laird, commenting on congressional restrictions relating to the war, said:

> We will follow those mandates. But as far as air and sea activities, the law is very

clear that as far as the sanctuaries or as far as protecting the Vietnamization program, protecting American lives, insuring withdrawal, all of those terms are written very emphatically and clearly into the Congressional legislation, which passed in this last session of Congress.

There is no such language relating to use of American forces in any act passed by Congress last year.

A January 26 column by Col. R. D. Heinl, Jr., military analyst for the Detroit News, stated:

> In the defense appropriations act, passed at nearly the same time as Cooper-Church, Congress flatly said that any funds could be user for "actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia, or to aid the release of Americans held as prisoners of war."
>
> This is exactly what we are doing in Cambodia.

Section 838(a) of the Defense Appropriation Act, to which Secretary Laird and Colonel Heinl apparently were referring, relates only to U.S. financing of military operations by foreign forces; it has nothing whatsoever to do with the President's use of U.S. forces, of any kind. In order to help clear up the confusion as to the meaning and application of the proviso involved, I asked the Senate legislative counsel to prepare a memorandum on the legislative history of the matter. Mr. Hugh C. Evans, of that office, has written a concise, thorough memorandum which I believe will set the record straight.

I ask unanimous consent that the memorandum and the column by Colonel Heinl be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MEMORANDUM FOR SENATOR FULBRIGHT

This memorandum is written in response to your request, transmitted by Mr. Norvill Jones, for an opinion of this office regarding the third proviso of section 838(a) of the Department of Defense Appropriation Act, 1971 (P.L. 91–668). Specifically, you asked whether or not the language of that proviso provides any affirmative grant of authority to the President to use the Armed Forces of the United States in Cambodia.

I

The third proviso of section 838(a) of the Department of Defense Appropriation Act, 1971, was a provision which was added to that section by the conferees of the two Houses of Congress appointed to consider the differences between the House and Senate passed versions of H.R. 19590 of the 91st Congress. Section 838(a) provides as follows:

"SEC. 683. (a) Not to exceed $2,500,000,000 of the appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support: (1) Vietnamese and other free world forces in support of Vietnamese forces; (2) local forces in Laos and Thailand; and for related costs, on such terms and conditions as the Secretary of Defense may determine: *Provided*, That none of the funds appropriated by this Act may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States under section 310 of title 37, United States Code serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970: *Provided further*, That nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided further*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war."

A brief history of the development of the language of section 838(a) during the second session of the 91st Congress will provide some assistance in arriving at the intent and purpose of the language of the proviso here in question.

The text of section 838 (a), authorizing the use of funds appropriated to the Armed Forces of the United States to be available for their stated purposes to support Vietnamese and other free world forces and local forces in Laos and Thailand, is essentially the same language contained in section 502 of Public Law 91–441 (the military procurement authorization Act for fiscal year 1971), which amended section 401 (a) of Public Law 89–367, approved March 15, 1966 (80 Stat. 37). As passed by the House of Representatives, section 401 if H.R. 17123 of the 91st Congress, which subsequently was enacted as section 502 of Public Law 91–441 (the procurement authorization Act), amended subsection (a) of section 401 of Public Law 89–367 to read as follows:

"Funds authorized for appropriations for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such terms and conditions as the Secretary of Defense may determine."

The Senate Armed Services Committee retained that House provision but made two significant changes in the text thereof. It limited the amount of funds which could be expended under the authority granted to $2,500,000,000 and removed the requirement that the use of funds to support Vietnamese and other free world forces must be *in Vietnam* and authorized the use of such funds to support Vietnamese and other free world forces *in support of Vietnamese forces.*

The pertinent part of the amendment to section 401 (a) of Public Law 89–367, as it was reported to the Senate by the Senate Armed Services Committee, reads as follows:

"(a) (1) Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such same terms and conditions as the Secretary of Defense may determine."

The $2.5 billion limitation had been included in the Act authorizing funds for military procurement for fiscal year 1970. The change made by the committee in the support language was very carefully explained by the committee in its report as follows:

"The Committee is of the opinion that the use of the authority in section 401 of the fiscal year 1970 act (and its related appropriation act provision) to support South Vietnamese and other free world forces in border sanctuary operations in Cambodia and in protective reaction strikes in these same areas was correct. Such action is in line with the policy of Vietnamization which in turn has and will continue to assist in the reduction of U.S. forces in Vietnam and the protection of such U.S. forces as remain in Vietnam. Doubt has been expressed by some that because of the use of the words "In Vietnam" in this section, as to whether any support for South Vietnamese or free world forces outside of Vietnam in the sanctuaries of Cambodia is authorized. The Committee desires that there be no misunderstanding about the authority for those important actions and has accordingly changed the language of this section to remove all such doubt.

"In making this clarification it must be clearly understood that there is no intent to broaden the authorization beyond the support of participation in border sanctuary and related operations in order to protect U.S. forces in Vietnam or to accomplish protective reaction strikes. The purpose of the clarification is to make clear that the use of Defense funds is authorized to support in those areas of Cambodia where for the purposes of Vietnamization or the protection of U.S. troops military action becomes necessary.

"There is no intent to permit the use of DOD appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian Government." (PP. 106 and 107, Senate Report No. 91–1016, 91st Congress).

On August 20, 1970, while H.R. 17123 was being considered by the Senate, you offered an amendment to the committee amendment to section 401(a) of Public Law 89–367. You expressed concern that the removal of the requirement that support of Vietnamese and other free world forces must be "in Vietnam" might be looked upon as authorizing the use of funds to support Vietnamese and other free world forces to move into Cambodia and Laos and provide support to the Governments of Cambodia and Laos. Despite the statement contained in the report, you considered it very desirable to have in the statute language similar to that contained in the Senate report. Your amendment went one step beyond the report language in that it included a reference to the Government of Laos as well as Cambodia. In explaining your concern and the purpose of your amendment you said in part—

"Although the committee's stated intent was to make it clear that U.S. funds can be used to support Vietnamese operations in the Cambodian sanctuary area and for "protective reaction strikes in these locations" the change in language permits the executive branch to foot the bill for any operations the Vietnamese choose to undertake, including an invasion of Laos or China. And it would also permit the financing of any Thai operation in Laos or Cambodia as long as it is claimed that the action is to aid Vietnamese forces in these countries.

"There is certainly no assurance that the executive branch will follow the committee's restricted intent when the language in the statute is far more broad. And, the Senate has no assurance that the House conference report will not seize upon a generous—and quite different—interpretation of the new wording, superseding the effect which the Senate committee hoped to achieve. If the legislative history is confused, we can be sure that the executive branch officials who will be implementing this authority will choose the broadest interpretation possible. The only practicable way to insure that the language is not used to finance Vietnamese military adventures in Cambodia and Laos is to say so in the statute.

"The Senate is slowly but surely imposing effective limits on U.S. involvement in this tragic war. To approve the language in the bill, as now written, would reverse that process and invite a further expansion of the war by the Vietnamese and the Thais, using an American proxy. I hope that the Senate will continue to build on the record of the past and adopt this amendment by an overwhelming margin.

"Mr. President, as I conceive this amendment, it is, as I said, a further step in the same direction taken by the COOPER-CHURCH amendment, which was passed by this body only recently. It is also consistent with the amendments offered by the Senator from Kentucky and others last December on an appropriation bill, forbidding the sending of American ground combat forces to Laos and Thailand.

"All we are saying now is that money in this bill shall not be used to finance Vietnamese troops to go into Cambodia or into Laos." (CONGRESSIONAL RECORD, vol. 116, pt. 22, p. 29573–4).

Subsequently, during the course of the debate on your amendment you reiterated the purpose of the amendment:

"My intention in offering the amendment was to express my explicit agreement with the Senator's statement in the report. That was my purpose; to show I agree with the Senator's sentiment expressed in the report. My difficulty is that I was afraid the language in the bill itself did not accurately and forcefully enough reflect the Senator's intention. My intention is the same as his. I do not want us to get involved in all-out support of the Government of Cambodia—and that is what the report said—or the Government of Laos.

"Then, the only question is, how to tie that down so that the administration would be in agreement with the Senator and me. It is not that I disagree with the Senator but we might find ourselves in disagreement with future administrations," (CONGRESSIONAL RECORD, vol. 116, pt. 22, p. 29581).

The amendment was agreed to on August 21, 1970, as follows:

"On page 19, after the period in line 8, insert the following: 'Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.'" (CONGRESSIONAL RECORD, vol. 116, pt. 22, p. 29688).

That amendment was agreed to in conference without change and is the last sentence of section 401(a)(1) of Public Law 89-367, as amended by section 502 of Public Law 91-441, the military procurement authorization Act for fiscal year 1971. Another amendment offered by you to the same section 401(a)(1), relating to the use of funds under such section to pay free world forces in Vietnam, was also adopted by the Senate, agreed to in conference, and became a part of that section. The amount authorized to be expended under such section was set by the conferees at $2.8 billion.

Section 838(a) of the Department of Defense Appropriation Act, 1971, repeated the substance of section 401(a)(1) of Public Law 89–367 (as amended by the authorization Act) except for two changes: (1) the amount was reduced from $2.8 to $2.5 billion, and (2) the addition of the proviso here under consideration. The two so-called Fulbright amendments included in section 401(a)(1) of Public Law 89–367 are carried as the first two provisos in section 838(a) of the defense appropriation Act (Public Law 91–668). As originally passed by the House, H.R. 19590, which subsequently became Public Law 91–668, carried none of the provisos. The Senate added the two so-called Fulbright amendments and the third proviso was added by the Senate and House conferees at the insistence of the House conferees.

You were strongly opposed to the proviso added in conference. You were apprehensive that it could be interpreted as nullifying the intent of the second proviso relating to use of funds to support the Governments of Cambodia and Laos.

II

In attempting to determine the meaning of the proviso added in conference two points should be mentioned at the outset and kept in mind throughout the discussion: (1) section 838(a) deals only with authority to use funds appropriated for the use of the Department of Defense to support Vietnamese and other free world forces and local forces in Laos and Thailand, and (2) all three provisos are written in the negative, the first two imposing prohibitions on the use of funds made available under the section.

According to the discussion on the Senate floor during the consideration of the conference report on H.R. 19590, the House conferees insisted that the language of the last proviso be included to make it clear that the preceding proviso, relating to the use of funds to provide military aid to the Governments of Cambodia and Laos, did not prohibit the use of such funds to support Vietnamese and other free world forces in actions to promote the safe and orderly withdrawal or disengagement of United States troops from Southeast Asia or to aid in the release of Americans held as prisoners of war.

The debate on the Senate floor during consideration of the conference report on H.R. 19590 indicates that the conferees intended that the language have very limited application and was not any broad grant of authority.

Mr. ALLOTT. "Now, we come to the last few sentences, which is cause of concern to the Senator, and in view of the way he has been burned in the past, I can understand it:

"Or to aid in the release of Americans held as prisoners of war.

"I explained the House attitude on that. Now, the only question left is whether this is to be broadly interpreted, such as the Gulf of Tonkin resolution was stretched a few years ago. Is this to be taken as a resolution to permit these forces we are talking about in the beginning of section 838 to mount an invasion of Cambodia or Thailand or North Vietnam under the guise that it is done for the liberation of prisoners?"

Mr. FULBRIGHT. "That is correct."

Mr. ALLOTT. "I can only say this to the Senator. As far as I am concerned, there is no such element in it, and I am sure, listening to the conferees in the House all day, there is no such element as that in the minds of the conferees from the House.

"I am sure if the distinguished Senator from Maine were here, and she was another member of the conference, she would say the same thing. Other members of the conference were the Senator from Louisiana, the Senator from Arkansas, the Senator from Missouri, the Senator from North Dakota who is behind me. They would all say exactly the same thing: that *this is to be considered and interpreted in a restrictive manner and that is it is strictly what it says, which is to aid in the release of Americans held as prisoners of war.*

"Let me say for myself, and I am sure every member of the conference committee will agree, that as far as this is concerned, not one of us would vote for this language if we thought it meant by interpretation the possibility of an invasion, which the Senator from Arkansas is so concerned about. I do not know that I personally can add more than I have except to try to eliminate all of these other things and to bring it down to this one question and say this is how we all feel about it. I am sure no one disagrees with me."

Mr. YOUNG of North Dakota. "Mr. President, will the Senator yield?"

Mr. FULBRIGHT. "Certainly."

Mr. YOUNG of North Dakota. "I want to associate myself with the remarks made by the distinguished Senator from Colorado. There is no intent to broaden it. In fact, there is no possibility of that with South Vietnamese troops now in Cambodia. The fact that they are there makes this language more limiting in nature. There are two purposes for the assistance—our withdrawal of troops and rescuing our prisoners. We do have about 75 prisoners in Cambodia. There might be a problem there. If there is, I do not think there could possibly be objection to trying to get them out. The South Vietnamese are presently helping Cambodia. I think this language to some extent serves the purpose of the language sponsored by the Senator from Arkansas."

* * * * *

Mr. COOPER. "I was very interested in the statements made by the Senator from Colorado, the Senator from North Dakota, and the Senator from Louisiana, all conferees. They provide an interpretation of this section. *Would they say the proviso must be construed to mean that our support of Vietnamese or other free forces goes only to their use to insure and to protect the withdrawal of U.S. forces from Southeast Asia?*"

Mr. YOUNG of North Dakota. "*That is exactly what the language says.*"

Mr. COOPER. "We have argued for months in the Senate over the war power of the President. It has been interpreted many times on this floor that he has the power as Commander in Chief to protect American forces. I do not think there is any question about that. The differing ways that the power can be used is subject to debate, but in the present case—that is, regarding the war in Vietnam I believe the colloquy between the Senator from Idaho (Mr. CHURCH) and the Senator from Mississippi (Mr. STENNIS) on December 15 established very well what that power means.

"Do the Senators who are conferees agree that the proviso which appears in the conference report is designed chiefly for the protection of our Armed Forces under the constitutional power of the President?

"Would the Senator from North Dakota answer that question?"

Mr. YOUNG of North Dakota. "That would be my understanding of it."

Mr. COOPER. "What does the Senator from Colorado say?"

Mr. ALLOTT. "Yes; I shall be glad to answer for myself. Probably the right person to answer is the chairman of the committee, but the answer is 'Yes.'"

Mr. ELLENDER. "That is my answer."

Mr. COOPER. "The concern I have about the language has been expressed by the Senator from Arkansas. (Mr. Fulbright). But, I must say that the President of the United States and the Secretary of State have said publicly that the policy of the administration is withdrawal of our forces. In convention with the express policy of the President the interpretation given today is of extreme importance.

"Inasmuch as the language in question is the House language. I would like to ask the Senate conferees if their interpretation of the language is as important and as binding as the interpretation of the House managers?"

Mr. ALLOTT. "I would like to be corrected if either the Senator from North Dakota (Mr. Young) or the Senator from Louisiana (Mr. Ellender) have a different understanding, but in listening to all the discourse I detected not one word that would indicate that their interpretation of this language would be any different than the one we have tried to place on it on the floor. There was not one word said in the whole conference to indicate otherwise." (CONGRESSIONAL RECORD, vol. 116, pt. 33, p. 43905).

The explanation of the Chairman of the Appropriations Committee of the House of

Representatives during consideration of the conference report on H.R. 19590 in the House would seem to remove any doubt that the proviso under consideration here relates only to the second Fulbright amendment regarding the use of funds to provide military aid to the Governments of Cambodia and Laos and was not intended to relate to authority of the President to use the Armed Forces of the United States.

Mr. MAHON. "On October 7 of 1970, the defense procurement authorization bill became law—Public Law 91-441. In that bill, language with respect to the use of defense funds to support South Vietnamese and other free world forces in Cambodia or Laos was carried as follows:

" 'Nothing in Clause A of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.

" 'This provision appeared to be a direct denial of any right on the part of the President to use funds in the Defense appropriation bill for the support of the South Vietnamese or other free world forces in their efforts to prevent a Communist takeover in Cambodia or Laos. From the standpoint of the House conferees on the Defense appropriation bill, this language, which had been enacted into law, was intolerable at this particular point in time.

" 'Almost identical language was incorporated in the Senate version of the Defense appropriation bill. The House conferees refused to adopt the language, tie the President's hands, and make it impossible for him to use funds in the bill to support South Vietnamese and other free world forces in their efforts to prevent a Communist takeover in Cambodia or Laos.

" 'So, in the first conference we had with the other body, we left this language, which became known as the "Fulbright amendment," in the bill, but we modified the amendment by attaching the following proviso:

" '*Provided further*, That nothing contained in this section shall be construed to prohibit support of free world or local forces in actions designed to promote the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.'

"That language gave the President considerable latitude in the use of Defense funds to support the Vietnamese and other free world forces in their efforts to make Vietnamization operative, in their efforts to make the disengagement of U.S. troops possible, and in their efforts to prevent a very drastic deterioration in their military situation by a complete Communist takeover in Cambodia or Laos.

"So, in the conference today with the other body we agreed to include the objectionable language, which I have quoted, but we insisted upon a proviso which in substance is approximately the same proviso as was contained in the original conference agreement. This relates to section 838 of the Defense appropriation bill. The new proviso is as follows:

" '*Provided further*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war.'

"We thought that this sufficiently modified the provision in the bill which relates to the same subject and which was very restrictive upon the President.

"The fact is that the language in the Defense Procurement Authorization Act—Public Law 91-441—raised grave doubt in my mind as to whether or not that language actually would control the Defense appropriation bill carrying the money, but since this language had been almost identically repeated in the Defense appropriation bill in the Senate, it was thought we should take some action to modify what we consider to be the very damaging language to which I made reference.

"*So it seems to me the House of Representatives has performed a good function in making it possible for the President to have the latitude which is required to exercise his judgment, to meet the situation in Southeast Asia from the standpoint of the use of South Vietnamese and other free world forces.*" (CONGRESSIONAL RECORD, vol. 116, pt. 33, p. 43809).

Under basic rules of statutory construction, the proviso here in question must be read in the context of the entire subsection and not by itself. There is nothing in the entire provision relating to the use of the Armed Forces of the United States; the subject matter dealt with is the use of funds of the Department of Defense to provide foreign assistance ot Vietnamese and other free world forces and to local forces in Laos and Thailand. Certain specific limitations were added by the first two provisos regarding the use of those funds. The third proviso merely states that a certain interpretation shall not be placed upon the language of the section. The last proviso confers no affirmative authority for any purpose.

It may be argued, of course, that since the Congress explicitly stated in the third proviso that the section is not to be construed to prohibit certain actions, it intended that such actions be authorized. Even accepting the validity of this argument, any authority granted by the proviso would be circumscribed by the basic purpose of the subsection. Consequently, the most that can be said to have been granted under the third proviso is a sanction to use the funds made available under section 838(a) to support Vietnamese and other free world forces and local forces of Laos and Thailand in "actions required to insure the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war." To the extent that Vietnamese or other free world forces engage in any action designed to support Cambodia or Laos, the support of such action is not prohibited if such action is required for one of the two purposes stated in the third proviso.

III

It would be a strained construction of the third proviso of section 838(a) to conclude that it confers any affirmative authority on the President to use the Armed Forces of the United States in Cambodia. It is the conclusion here that the proviso does not grant any such authority and was not intended by the Congress to do so. This conclusion is predicated upon the wording of the proviso itself in context with the rest of section 838(a) and upon the purpose and legislative history of that section.

Respectfully,

HUGH C. EVANS,
Assistant Counsel.

FEBRUARY 8, 1971.

[From the Detroit News, Jan. 26, 1971]

COOPER-CHURCH AMENDMENT IS HELD INTACT

(By Col. R. D. Heinl, Jr.)

WASHINGTON.—An immediate and forseeable effect of the North Vietnamese military charades being conducted around and inside Phnom Penh has been to raise questions as to whether the "spirit" of Congress's Cooper-Church restriction on Cambodian operations is being violated by our forces.

The so-called Cooper-Church amendment was a Senate concoction adopted in conference by the House during closing moments of the late lameduck session. Its provisions are simple: no American ground troops or military advisers in Cambodia. This mandate is being rigorously adhered to.

Unfortunately, in the uproar of confusion and doubt that the word Cambodia instantly triggers, elements of the public, as well as editorial writers and politicians who really know better, are complaining that the "spirit" of Cooper-Church is being flouted by the President's authorization of U.S. air and helicopter support for the Cambodians.

Such complaints—as the Communists well understand—impugn and discredit the domestic as well as the international veracity of the President and of our government in general.

To get at the "spirit" of Cooper-Church, whatever it may exactly be, one has to look into the legislative history of the amendment, which is unusual to say the least.

To begin with, Cooper-Church represents a Senate notion, conceived in the covens of the anti-militarist New Left. It was never really passed by Congress at all, at least in the normal fashion.

The House of Representatives never debated Cooper-Church. Certainly the House didn't explore the implications of this amendment, let alone its "spirit." The only time the House ever specifically voted on Cooper-Church (in an earlier round nearly a year ago), it rejected it.

In the words of Rep. Samuel S. Stratton, New York Democrat, a senior member of the House Armed Services Committee, the restrictive amendment (which its sponsor, Senator Frank Church hailed as "an historic decision") was "slipped through in a conference committee as, frankly, a ransom to the Senate for getting their approval of the supplemental foreign aid appropriations for Cambodia."

Dismissing Cooper-Church as "a strictly shotgun wedding," Stratton bluntly said that the House (and the government) are committed only to the actual letter, and not to various broad or vague implications that its sponsors or supporters would like to read into it.

Looking behind the Cooper-Church restrictions and whatever they imply, it seems fair to ask those who are fussing so vocally—what do they really want?

Wind down the war? Cambodia or not, the war is irreversibly winding down (and the Communist rampage around Phnom Penh merely represents a desperate attempt to hype up U.S. opinion to the contrary).

Get the troops home? The troops are coming home. As this is written, we are 82,000 men ahead of (i.e., below) the troop ceiling scheduled for the present phase of our troop-withdrawal plans. All U.S. ground combat forces will be out of action in Vietnam by this summer.

Reduce American casualties? We had only 37 soldiers and airmen killed in Vietnam last week—a tenth of what were being inflicted before Mr. Nixon became president. More enlisted men are being killed in jeep accidents in Vietnam today than in combat.

Get Asians to fight their own land wars (i.e., the Nixon doctrine)?

The Cambodians, aided by the South Vietnamese, are making a surprising and resolute fight to defend their own homeland against foreign Communist invaders from North Vietnam, now backed, according to intelligence sources, by North Korean and Chinese elements in northeast Cambodia.

All we are doing is providing a minimum of supplies and some air support in the clinches.

Those who agonize over some imagined infringement of the Cooper-Church restriction (which incidentally represented the first limitation Congress has ever placed on the President's power to send U.S. troops into combat overseas) ought to look at another provision by the same Congress.

In the defense appropriations act, passed at nearly the same time as Cooper-Church, Congress flatly said that any funds could be used for "actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia, or to aid the release of Americans held as prisoners of war.

This is exactly what we are doing in Cambodia.

By helping to open Highway 4 into Phnom Penh, and by giving the Cambodians gear to fight their own battles, we are supporting an effort that keeps most of South Vietnam quiet, and will—despite Communist psychological warfare around Phnom Penh—assuredly facilitate continued orderly withdrawal of U.S. combat troops on schedule and as promised.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. GAMBRELL). The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9 to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection it is so ordered.

Mr. THURMOND. Mr. President, last week I participated in the debate on rule 22 and discussed the importance in the Senate rejecting any change in the present requirement to limit debate. At that time I began a discussion of a method used in the period between 1789 and 1806 to call for a vote on an issue. As pointed out, many writers appear to be under the impression that a limitation on debate existed at that time. The inference was incorrectly drawn because of the application of Senate rules which allowed the use of a motion called the previous question.

Mr. President, I feel that it is important to trace the development and use of "the previous question" to clear up any misunderstanding that there was any limitation of debate in the Senate in the period between 1789 and 1806. For this reason I shall continue a discussion of the use and application of the motion called the previous question.

Mr. President, there appear to have been 10 instances when the motion "previous question" came into play in the Senate between 1789 and 1806. Briefly, the circumstances in those 10 cases were this:

On August 17, 1789, a committee report on a House bill concerned with providing expenses for negotiating a treaty with the Creek Indians was taken up for consideration. The bill as referred from the House made no mention of measures to be taken to protect the people of Georgia in the event efforts for a treaty failed. After the resolution embodied in the committee report and a second resolution originating on the floor were moved and defeated, a third resolution was moved which proposed to authorize the President to protect the citizens of Georgia and to draw on the Treasury for defraying the expenses incurred. At this point in the proceedings the previous question was moved. A majority of nays prevailed and the Senate adjourned. The next day the bill was again brought up for consideration. After a number of motions pertaining to particular clauses in the bill were proposed and, save one, defeated, a resolution was moved making it the duty of Congress to provide for expenses incurred by the President in defense of the citizens of Georgia. At this point the previous question was again moved. It was defeated and the bill, with the solitary amendment previously adopted, was then put to a vote and approved.

On August 28, 1789, during the discussion of a bill fixing the pay of Senators and Representatives, William Maclay offered an amendment which sought to reduce the pay of Senator from $6 to $5 per day. Maclay records in his journal that his proposed amendment evoked a storm of abuse and that Izard, a Senator from South Carolina, moved for the previous question. He further notes that Izard was replied to that this would not smother the motion and that when it was learned that abuse and insult would not do, then followed entreaty. Maclay, however, remained undaunted. He knew that his amendment would be defeated; his object was simply to get a record vote on the amendment in the minutes. In this he was successful. The amendment was put to a vote and defeated, but the yeas and nays were recorded. The motion for the previous question was either not seconded or withdrawn since there is no mention of it in the Senate Journal. In this instance, as in the last two, it is clear that use of the previous question was attempted for the purpose of avoiding or suppressing an undesired decision. However, the reasons why the motion for the previous question was not persisted in are not clear. The critical factor to be resolved is whether the motion was killed voluntarily because it was undesired or forcibly because power was lacking to insist on it.

On January 12, 1792, consideration of the nomination of William Short to be Minister resident at The Hague was resumed. After a committee had reported certain information concerning Short's fitness to be appointed a resolution was moved which stated that no Minister should at that time be sent to The Hague. The previous question was then moved in its negative form; that is, that the main question be not now put, despite the fact that the rules provided only for the positive form of the mechanism. At this point, however, the Senate decided that the nomination last mentioned and the subsequent motion thereon, be postponed to Monday next. On that day, January 16, 1792, the Senate resumed its consideration of the nomination and the resolution moved on the nomination. The previous question was put in negative form and carried with the help of a tie-breaking vote by the Vice President. This removed the resolution which would have prohibited sending a resident Minister to The Hague. The Senate then proceeded to the Short nomination and approved it.

On May 6, 1794, James Monroe, then a Senator from Virginia, asked the permission of the Senate to bring in a bill providing, under certain limitations, for the suspension of the fourth article of the Treaty of Peace between the United States and Great Britain. The previous question in its normal, affirmative form was moved on Monroe's motion and it was approved by a vote of 12 to 7. The main question was then put and permission to bring in the bill was denied by a vote of 14 to 2. Monroe and John Taylor, his fellow Senator from Virginia, were the only Senators in favor.

Once more we may conclude that the previous question was moved in an attempt to avoid or suppress an undesired decision. This can be decided from the fact that neither the proponents nor the opponents of Monroe's motion had any reason to attempt to obstruct decision by prolonging debate. This certainly was not in Monroe and Taylor's interest; they wanted a decision on the motion, preferably an affirmative one. As for the opponents, their numbers were such that they had no need to obstruct decision. The only Senators, then, who had a motive for moving the previous question were those seven Senators who voted against the previous question. For these men the previous question offered a means of suppressing a decision they wished to avoid.

Unfortunately, the Annals do not record the name of the Senator who moved the previous question. Nonetheless, convincing evidence exists to support our deduction that the previous question was moved by a Senator who voted nay on that motion. John C. Hamilton's account indicates that such a Senator, James Jackson of Georgia, was the man who moved the previous question. He reports that Jackson made the following announcement to the Senate:

> I deem the proposition ill-timed * * * I wish for peace, and am opposed to every harsh measure under the present circumstances. I will move the previous question.

Debate continued after this statement, presumably because Jackson held back on his motion to allow the other Senators to have their say. Undoubtedly, the reasons why Jackson considered Monroe's motion as ill timed related to the fact that only a few weeks before John Jay had been appointed special envoy to Great Britain and was at that very moment making preparations to depart on his historic mission.

On April 9, 1798, after the Senate had gone into closed session James Lloyd, a stanch Federalist Senator from Maryland, moved that the instructions to the envoys to the French Republic be printed for the use of the Senate. Six days previous on the 3d, the President had submitted to Congress the instructions to and the dispatches from these envoys. Four days previous on the 5th, the Senate had agreed to publish the dispatches for the use of the Senate. These papers were the famous ones in which Talleyrand's agents were identified as x, y, and z and the whole affair was seen by the Federalists as a great vindication and triumph for their party.

Lloyd first moved his motion on the 5th when the Senate agreed to publish 500 copies of the dispatches, but it was postponed on that day. When he moved it again on April 9, 1798, John Hunter, a Senator from South Carolina, moved the previous question. The motion for the previous question was approved by a vote of 15 to 11, with Hunter voting nay. The main question; that is, that the instructions be printed, was also approved by a vote of 16 to 11, Hunter again voting nay.

In this instance, once again, it is clear that the previous question was not used as a mechanism for cloture. Rather, it was brought forward as a means of avoiding or suppressing an undesired decision. This is attested to by the fact that the Senate was in closed session when the previous question was moved and by the fact that Hunter, the mover of the previous question, voted nay both on his own motion and on the main question. It is also supported by the fact that 10 of the 11 Senators who voted nay on the motion for the previous question also voted nay on the main question.

On February 18, 1799, President Adams proposed to the Senate that William Vans Murray be appointed Minister Plenipotentiary to the French Republic for the purpose of making another attempt to settle our differences with France by negotiation. This proposal caused dismay and consternation in the ranks of the Federalists. For one thing, Adams acted suddenly on the basis of confidential communications he had received abroad without informing anyone in the Cabinet or the Senate as to his intentions. For another thing, a strong prowar faction existed among the Federalist Members of Congress and the party as a whole had been engaged in driving a number of war preparedness measures through Congress. Moreover, ever since the X, Y, Z affair the Federalists had been using the presumed wickedness and hostility of France as a weapon for humiliating and destroying the strength of the Jeffersonian Republicans. Lastly, a number of prominent Federalists distrusted Murray and thought him too weak.

The nomination of Murray was referred to a committee headed by Theodore Sedgwick, a Federalist Senator from Massachusetts. Meanwhile, pressure was brought to bear on Adams and he was threatened with a party revolt if he did not agree to modify his request for the appointment of Murray. The result was that on February 25, 1799, Adams sent a second message to the Senate asking that a commission, composed of Murray, Patrick Henry, and Oliver Ellsworth, be appointed in lieu of his original request. The next day, February 26, 1799, a resolution was moved and it passed in the affirmative. The effect of this decision was to bring about a vote on the resolution and it also was approved. The Senate then proceeded to consider the nominations of Murray, Henry, and Ellsworth to office and all three were approved on the following day.

In order to determine how the previous question was used in this instance we must consider the motives that seem to have prompted it. If the previous question was used for cloture, the Federalists would have been the ones to move it. However, there is no reason to believe that the Federalists were motivated to act in this manner. The Jeffersonians do not appear to have staged a filibuster on the resolution. In truth, this would have played into the hands of the war Federalists by giving them an excuse to refuse any kind of peace mission while throwing all blame on the Jeffersonians. Nor is there any reason to believe that the Federalists moved the previous question because they feared the consequences of a discussion on the resolution. The anti-Adams Federalists well realized that it was essential to unite on the commission idea as the only possible compromise under the circumstances and the problem of defection or embarrassment through debate was a slight one, if it existed at all.

In contrast, there are a number of reasons for believing that the Jeffersonians moved the previous question in an attempt to suppress the resolution. First, the Jeffersonians feared that the commission alternative might just be a subterfuge for torpedoing the negotiations. They much preferred the appointment of Murray alone and, second, tactically much was to be gained by confining the choice to simply approving or disapproving Murray. If he was approved, the Jeffersonians would have gotten exactly the kind of peace mission they desired; if he was disapproved, a party split in the ranks of the Federalists was likely and, what is more, the Federalists would stand before the public as a group of truculent warmongers.

Now it is true that the very reasons that would have led the Jeffersonians to attempt the previous question also helped to insure the defeat of the maneuver by solidifying the Federalists. Nonetheless, the Jeffersonians, not knowing exactly how united the Federalists were, could very well have thought the previous question worth a try. We may conclude, then, that in all probability this case is no different than the others we have considered.

On February 5, 1800, a bill for the relief of John Vaughn was brought up for its third reading. A motion was made to amend the preamble of the bill. On this motion the previous question was moved, but ruled out of order on the grounds that the mechanism could not be applied to an amendment. A motion was next made to postpone the question on the final passage of the bill until the coming Monday. This motion was defeated. Having disposed of the attempt to postpone, the majority then proceeded to vote down the amendment and approve the bill.

The purpose for which the previous question was used in this instance seems in no way to depart from the usual pattern. In this case the opponents of the amendment appear to have attempted to suppress it by applying the previous question. They failed in this but still succeeded in defeating the amendment in a direct vote.

The impeachment trial of Judge John Pickering of the New Hampshire district court commenced on March 2, 1804. The Representatives selected by the House to manage the impeachment completed their case against Pickering on March 8, 1804. Two days later Samuel White, a Federalist Senator from Delaware, rose and offered a resolution which stated that the Senate was not at that time prepared to make a final decision on the Pickering impeachment. The resolution also stated a number of reasons in support of its contention: That Pickering had not been able to appear but could be brought to Washington at a later date, that Pickering had not been represented by counsel, and that evidence indicating that Pickering was insane had been introduced.

The Jeffersonian leadership in the Senate received this resolution with hostility. Their first reaction was to try to suppress it by having it declared out of order, but this maneuver failed. That the Jeffersonians would have preferred not to face the resolution directly is quite understandable since it advanced potent legal grounds for inducing the Senate to refuse to convict Pickering, for example, that the trial had not been impartial and that Pickering as an insane man could not legally be held responsible for his acts. However, the hostility of the Jeffersonians was based on more than the fact that the resolution endangered the success of the Pickering impeachment. By implication it also threatened the success of the upcoming impeachment of the hated Judge Chase. To lose the Pickering impeachment on the grounds stated in the White resolution would create a precedent which denied the Senate broad, quasi-political discretion in impeachment and limited it to the determination of whether "high crimes and misdemeanors" in a quasi-criminal sense had actualy been committed.

Unfortunately, the three accounts we have of Senate proceedings on March 10, 1804, differ significantly. One area of important difference concerns the exact order of events on this day. Both the Annals and the diary of William Plumer report that the previous question was moved by Senator Jackson, Republican of Georgia, after Senator Nicholas, Republican of Virginia, urged that the

White resolution not be recorded, if defeated. Both these accounts report that Jackson's motion was followed by a statement of Senator White and by an amendment offered by Senator Anderson, Republican of Tennessee, which proposed to strike out of the resolution all material relating to Pickering's insanity and lack of counsel. In addition, both of these accounts report that after the moving of the Anderson amendment the Senate proceeded to vote down the White resolution. Despite these similarities an important difference does distinguish these two accounts. In the Plumer account Nicholas' statement, Jackson's motion, White's statement, and Anderson's motion are all made when the Senate is in closed session. In the Annals they are all made before the Senate is reported to have gone into closed session. We should also note that neither the Annals nor Plumer supply any further information regarding the previous question aside from the fact that it was moved. The Annals are similarly obscure with respect to the fate of Anderson's amendment, but Plumer records that this motion failed to secure a second which would explain why it was never brought to a vote.

Further complications are introduced when we add the report of events given in the diary of John Quincy Adams. Adams and Plumer were both Members of the Senate at this time. In the Adams account no mention is made of the previous question or of White's statement. Anderson's amendment is reported to have been moved when the Senate was in open session. Nicholas' remarks are reported as occurring later when the Senate was in closed session. In addition, in contrast to Plumer, Anderson's amendment is reported to have secured a second but to have been withdrawn when the Senate was in closed session.

A second important area of difference concerns the nature of the rules governing the Senate during the Pickering impeachment. According to Adams, the rules restricted debate to closed session and required all decisions to be taken in open session by a yea-and-nay vote. Thus, he reports that when the Senate was in closed session on the White resolution the Jeffersonians were very impatient to return to open session so as to end debate and bring the resolution to a vote. Adams further explains that the reason Anderson withdrew his amendment was to end debate on it in order that the time the Senate was in closed session need not be prolonged.

The Annals and Plumer's diary do not directly contradict Adams' interpretation of the rules. Indeed, on the whole, the record of events in these accounts does not depart from Adams' rendition of what the rules required. However, on occasion they do present examples of action which suggest either that the Senate did not necessarily follow its own rules or that Adams' interpretation is not entirely correct. In the Plumer account of events on March 5, 1804, the Senate is reported to have voted on two motions when it was still in closed session. In the Annals' account of events on March 10, 1804, and Plumer's account of events on March 9, 1804, the Senate is reported to have entered into debate when it was in open session.

Merely moving the previous question would not and could not have ended debate and forced the Senate to return to open session. As long as the previous question was not voted on and determined affirmatively, the only way debate could be cut off and a vote on the White resolution forced would have been by passing a motion to open the doors. It is true that, if the motion for the previous question received a second, it would have cut off debate on the main question; that is, on the White resolution. But debate could have and undoubtedly would have continued on the motion for the previous question itself. The Federalists would have objected strenuously to any Republican maneuver designed to avoid the necessity of directly facing the embarrassing issues contained in the White resolution. Given the fact that the previous question was moved after the White resolution had already been subject to discussion, we may conclude that instead of serving to end debate the motion for the previous question threatened to prolong it.

Second, both the Annals and Plumer record that Anderson's amendment was moved after the previous question while the Senate was still in closed session. This indicates that the previous question either failed to secure a second or was withdrawn soon after it was moved. Otherwise, an amendment of the main question would not have been in order. Thus, it cannot be argued that the Senate returned to open session to vote on the motion for the previous question since the motion itself seems to have been killed while the Senate was still in closed session. The fact that Adams does not even mention the previous question in his account supports our contention that the previous question was killed before it could play a significant role in the events of the day. Given the care with which Adams documents each and every Jeffersonian move to avoid facing or discussing the White resolution, it is highly unlikely that he would have failed to mention the previous question if it had been used as Brant and Douglas suggest.

The events of March 10, 1804, merely furnish another illustration of the use of the previous question for the purpose of suppressing an undesired discussion and/or decision? The answer is "Yes." We may note that on March 5, 1804, Jackson spoke and voted against allowing evidence bearing on Pickering's sanity to be introduced. We may note that on March 10, 1804, when the Senate returned to open session, he voted against the White resolution which listed insanity to be introduced. We may note vict Pickering. We may also note that Jackson moved the previous question immediately after Nicholas urged that the resolution not be recorded, if defeated. It is probable, therefore, that Jackson moved the previous question for the purpose of suppressing the White resolution rather than for the purpose of forcing a vote on it. If cloture were his aim and such an aim only would have been feasible if debate was in fact prohibited in open session, either that end could have been achieved more easily by simply moving to return to open session, or alternatively, if the Senate was already in open session, there would have been no reason not to press the previous question to its ultimate conclusion.

Why, then, would the previous question have been refused a second or withdrawn? The answer is that under the circumstances which existed the best way to get rid of the White resolution and clear the way for a vote on the impeachment was to face the resolution directly. The timing and the substance of Nicholas' words indicate that the Senate was just about ready to proceed to a vote on the White resolution. To introduce the previous question at such a point would be to complicate and prolong the proceedings. This is true whether or not the Senate could have actually voted on the previous question in closed session. In either event debate on the motion would still have been possible. It is also true whether the previous question was moved in open or closed session. Both the annals and Plumer indicate that debate took place immediately before and after the previous question was moved. This means that, if the previous question was moved in open session, debate was possible in open as well as closed session.

Thus, the reasons Adams suggests for the killing of Anderson's amendment probably apply to the previous question as well. The Jeffersonians desired to get rid of the White resolution and push on to a vote on the impeachment as fast as possible. They knew they had the votes to defeat the resolution. Moreover, though they might have preferred to suppress or amend the resolution, they also knew that they could not really save themselves from embarrassment by adopting either alternative. That Pickering had not appeared, that he had not been represented by counsel, and that evidence had been introduced indicating that he was insane were part of the record of the trial. Hence, it is not surprising that the Republicans elected to face the White resolution without delay. This was the course that promised the swiftest and surest attainment of their basic objective—the conviction of Pickering.

On December 24, 1804, the Senate resumed consideration of a set of rules proposed to govern the Senate during the Chase impeachment. These rules had been recommended by a select committee whose chairman was William Giles, a Virginia Republican, who led the anti-Chase forces in the Senate. Four days earlier, when the Senate was involved in a discussion of these rules, Stephen Bradley, an independent Republican from Vermont, had moved an amendment to one of the rules proposed by the Giles committee. Bradley, however, was ill on the 24th and was not present in the Chamber, John Quincy Adams reports in his diary that he therefore moved that the whole subject be postponed until Bradley could attend. This bid for postponement was defeated. Adams relates that "Giles then offered to postpone or put the previous question upon Mr. Bradley's amendment; but this the Vice President declared to be not in order." Following Burr's ruling, the Senate proceeded to vote down the amendment and before the day was ended it agreed to adopt all or most of the rules recommended by the Giles committee, including the rule on which Bradley's amendment had been moved.

This case presents another instance in which the previous question was attempted to suppress an undesired decision. Giles' intention was obviously to remove the amendment either through postponement or through the previous question as a preliminary to voting to adopt the rule. The practical effect of this would have been to kill the amendment, even though technically neither postponement nor the previous question would have permanently suppressed the amendment.

Mr. President, the motion "previous question," as it was included in the rules of the Senate between 1789 and 1905 is no precedent for cloture in the Senate. It was not then understood as a cloture mechanism, it was not designed to operate as a cloture mechanism and in practice, it was not used as a culture mechanism.

An explanation, or comment, on "the previous question" in Robert's Rules of Order is also illuminating on this subject. The passage to which I refer appears on page 117 of Robert's Rules of Order, Revised, 75th anniversary edition, as follows:

> Note on the previous question: Much of the confusion heretofore existing in regard to the previous question has arisen from the great changes which this motion has undergone. As originally designed, and at present used in the English Parliament, the previous question was not intended to suppress debate, but to suppress the main question, and therefore, in England, it is always moved by the enemies of the measures, who then vote in the negative. It was first used in 1604, and was intended to be applied only to delicate questions; it was put in this form, "shall the main question be put?" and being negatived, the main question was dismissed for that session. Its form was afterward changed to this, which is used at present, "Shall the main question be now put?" and if negatived the question was dismissed, at first only until after the ensuing debate was over, but now, for that day. The motion for the previous question could be debated; when once put to vote, whether decided affirmatively or negatively, it prevented any discussion of the main question, for, if decided affirmatively, the main question was immediately put, and if decided negatively (that is, that the main question be not now put), it was dismissed for the day.
>
> Our Congress has gradually changed the English previous question into an entirely different motion, so that, while in England, the mover of the previous question votes against it, in this country he votes for it. At first the previous question was debatable; if adopted it cut off all motions except the main question, which was immediately put to vote; and if rejected the main question was dismissed for that day as in England. Congress, in 1805, made it undebatable. In 1840 the rule was changed so as not to cut off amendments but to bring the House to a vote first upon pending amendments, and then upon the main question. In 1848 its effect was changed again so as to bring the House to a vote upon the motion to commit if it had been made, then upon amendments reported by a committee, if any, then upon pending amendments, and finally upon the main question. In 1860 Congress decided that the only effect of the previous question, if the motion to postpone were pending, should be to bring the House to a direct vote on the postponement, thus preventing the previous question from cutting off any pending motion. In 1860 the rule was modified also so as to allow it to be applied, if so specified, to an amendment or to an amendment of an amendment, without affecting anything else, and so that if the previous question were lost the debate would be resumed. In 1880 the rule was further changed so as to allow it to be applied to a single motions, or to a series of motions, the motions to which it is to apply being specified in the demand; and 30 minutes' debate, equally divided between the friends and the enemies of the proposition, was allowed after the previous question had been ordered, if there had been no debate previously. In 1890 the 30 minutes' debate was changed to 40 minutes. The previous question now is simply a motion to close debate and proceed to voting on the immediately pending question and such other pending questions as it has been ordered upon.

From this discussion it should be clear that between 1789 and 1806 "the previous question" used in the Senate was not intended to suppress debate, but to suppress the main question, and, therefore, to avoid a vote on a particular piece of legislation.

In 1816, the House of Representatives debated the issue of free debate. They adopted a strict cloture by a perversion of the meaning of "the previous question."

Mr. Gaston, speaking in favor of free debate, pointed out that the original purpose of "the previous question" was to postpone one subject in order to take up another. In other words, it was simply a demand that the House should first announce whether it was then expedient to decide the question under debate or to turn temporarily to other business.

The Continental Congress had followed this procedure and had made proper use of "the previous question."

Over the years after the First Congress, there were attempts to pervert the meaning of "the previous question." That was the reason for the debate in 1816. Mr. Gaston pointed out at that time that the House, in attempting to change the historic and true meaning of "the previous question," was abandoning its true principles.

On this particular question the elder Senator Henry Cabot Lodge said in 1893:

> There never has been in the Senate any rule which enabled the majority to close debate or compel a vote. "The previous question," which existed in the earliest years and was abandoned in 1806, was "the previous question" of England, and not that with which everyone is familiar today in our House of Representatives. It was not in practice a form of cloture, and it is, therefore, correct to say that the power of closing debate in the modern sense has never existed in the Senate.

Through the years the Senate has debated the pros and cons of unlimited debate, but it remains a fact that for 125 years, from 1789 to 1917, the Senate had no cloture rule at all. During that time the parade of great men to the Senate continued, and most of them were firm advocates of free debate. Since 1917, we have had a two-thirds requirement for cloture in one form or another.

In the interest of objectivity, let us compare rule XXII with rule XXIX, "The Previous Question," of "Robert's Rules of Order."

From 1949 until 1959, rule XXII required a two-thirds vote of all Senators to end debate. A parliamentary body acting under "Robert's Rules of Order" can end debate and force a vote on the pending question by passing a motion of the previous question by a two-thirds majority of those present and voting. Even under "Robert's Rules of Order" a majority vote, even with notice, cannot end debate.

The difference, in practical effect, was not overly large. For example, had the limitations of debate in the Senate always been governed by "The Previous Question" in the present "Robert's Rules of Order," no result on previous efforts to invoke cloture would have been different from the result under the rules as they have existed. Had the 1949–59 rule XXII of the Senate always controlled the limitation of debate, only in one instance would the result on cloture attempts have been changed. The particular instance to which I refer was a cloture vote which prevailed in 1927 under a rule requiring two-thirds of those present and voting to end debate.

The destruction between the 1949–59 rule XXII and Robert's "Previous Question," though slight in practical effect, is not without a strong basis in reason. "Robert's Rules of Order" was designed for the general use of societies, which, not being governmental bodies, have no authority to compel attendance of delegates. "Robert's Rules" therefore recognize the impracticality of making the actions of those bodies for whom his rules were designed contingent on membership. Robert used the most practical basis for his purposes for protecting the rights of minorities in societies generally.

The U.S. Senate, to understate the matter, occupies a position greatly different from the general societies for which "Robert's Rules" was designed. Its membership is under oath to support the Constitution and well and faithfully to discharge the duties of their offices. Surely a presumption by the rules of regular attendance is not unduly harsh. If it is too harsh, why has there been no attack on the provision of rule V which authorizes the Sergeant at Arms to compel the attendance of absent Senators?

Mr. President our Nation was established in a form which relies quite heavily on the principle of federalism. One of the principle facets of federalism incorporated into the Constitution is the equal representation of the several States in the U.S. Senate.

While not incorporated into the Constitution, the practice of permitting unlimited debate in the Senate until 1917 strengthened immeasurably the concept of federalism in the practical operation of our Government. In many ways, including the various cloture rules which have prevailed in the Senate since 1917, the concept of federalism has been weakened and our country hampered thereby.

The concept of federalism and its historical development is not, I am afraid, fully understood and appreciated and I feel that a review of some of the facets of this concept would be helpful to a decision on the pending question.

There is nothing particularly meritorious in a constitution, per se. A constitution has potentialities for providing at least two of the most desirable ingredients of a government—stability and political principles. Some constitutions provide practically none of either—as for example, the various Soviet constitutions, which are apparently changed at the whim of the Central Committee of the Communist Party and which are absolutely devoid of underlying principles.

The Constitution of the United States is a document to which we should and must adhere, not just because it is dignified by the high sounding name of "Constitution," not even because of its relatively ancient vintage. In the first place, our Constitution provides stability. It is difficult to change by the prescribed methods, and has thereby proved largely impervious to emotional fads and the glib sales pitches for political expedients.

The quality of stability, alone, however, could never inspire men to fervently swear to defend a document from all enemies foreign and domestic. And even stability, itself, could not derive in permanence from a relatively slow and intentionally difficult method of amendment. Something deeper is responsible for the deference which is the due of the Constitution of the United States. The something "more" in the Constitution of the United States is its reflection of sound and timeless principles.

The framers of the Constitution labored in conscious or subconscious awareness that government, while necessary, constituted a principal source of danger to individual liberty. The purpose of the Constitution is to provide a government with sufficient power to maintain order, commercial intercourse, and common defense, but so limited and arranged as to constitute a minimum possibility of its use to infringe on individual liberty. This purpose precluded resort to Rousseau's "pure democracy," on the one hand, and any major concentration of power on the other.

In seeking, and finding, the proper balance, the Constitution drew primarily on three concepts—republican form, the doctrine of separation of powers, and federalism—although not in equal quantities nor with equal consistency. When I speak of republican form or republicanism, I refer not to any political party but to a Republic, that type government in which the people govern themselves through election of persons to represent them.

In the shaping of this new Government the principles of republicanism were heavily relied on, although not consistently adhered to; for there is little, if anything, that smacks of republicanism in the judicial branch of the general government. Had the constitutional scheme relied solely on republicanism, the experiment in government would have been doomed to failure. The Constitution fairly shouts that republicanism is essential; but it, alone, is not sufficient to insure the preservation of individual liberty. Governments which are just republican in form are most susceptible of conversion at the hand of tyrants into instruments of despotism. As one impediment to such conversions, the powers of the National Government were separated according to their nature; and an elaborate system of checks and balances was devised to preserve the separation. Both the principles of republicanism and the implemented doctrine of separation of powers contributed most substantially to the dual objective of maintaining individual liberty and providing orderly government, but in neither, nor in the combination of them, alone, lies the secret that distinguishes our great constitutional system from the mediocre. While it must be acknowledged that the constitutional blend of republican principles with the doctrine of separation of powers results in a near perfect superstructure of government, it is not on the superstructure that the strength and duration of the Government depend, but on the foundation. The foundation of the constitutional system is federalism.

Federalism, as the foundation of our constitutional governmental system, cannot be numbered among the contributions of the delegates to the Philadelphia Convention, although with a few possible exceptions, the delegates both understood and endorsed the virtues of federalism. Indeed, when the convention met, it was predetermined by history that whatever governmental system, if any at all, might be designed, be precluded from any foundation other than federalism. The constitutional concept that the maximum safeguards consistent with the orderly government be imposed against the concentration of power in the hands of any individual or group—was thereby dictated in advance to the delegates at Philadelphia, so that it remained only for them to construct a superstructure of government which fitted the foundation and conformed to the concept. The plan they devised was a masterly one, inconsistencies and contradictions so widely cited by critics of the Constitution to the contrary, notwithstanding; for the inconsistencies and contradictions lie in the application of republican principles, as illustrated by the absence thereof from the judicial branch of the National Government; and in the application of the doctrine of separation of powers, as is illustrated by the Executive's power of veto over legislative acts. The deviations from the principle of republicanism and from the doctrine of separation of powers were made to achieve consistency with the even more important constitutional concept which has its roots in federalism.

Those who assembled at the Constitutional Convention in 1787 were not empowered as representatives of the population of European derivation on the American continent east of the Mississippi, north of Florida, and south of Canada, but as representatives of 13 separate States, or nations at that time, allied for specific purposes. The votes in the Convention were, therefore, by States, each having an equal voice in the deliberations, without any distinction as to the size or population of a particular State.

The proposed Constitution agreed on by the delegates was submitted not to the people as a whole, but to the several States; and by its very terms it could not be ratified by the affirmation of a majority—not even a large majority—of the population of the combined United States. but only by nine of the 13 States; and even when so ratified and adopted, it still applied only to those States which adopted it. Complete sovereignty lay with the people of any given State, and it was not within the legal power of the people of the other States, or all of them combined, to impose a political will from outside the State. The people of each State were sovereign.

Each of the Thirteen Colonies was a political entity. Although each as a colony, acknowledged the dominance of England, all attempts to eradicate distinctions between the separate colonies were repulsed. New England refused to be governed by England as New England, even while each colony in New England was still willing to be governed by England as an individual colony.

Even in the midst of a common cause—the war with England for independence—the colonies maintained their distinct and separate identity. The Declaration of Independence presented to England and to the world a united front, not as a people united—however much so they may have been—but as 13 States, united in purpose. By that instrument it was declared, not that the people of America are and ought to be free and independent, but that colonies are and "ought to be free and independent States."

The Revolution sought to establish 13 free countries, not one, and it succeeded. Under the Articles of Confederation the States preserved the separate status of each with the express provision "each State retains its sovereignty," except to the extent that the Congress of States was authorized to act for them in certain specific matters. Although associated as colonies by geography, allied in a common cause against England, and federated under the Articles of Confederation in the early days of their independence, the Thirteen Colonies became 13 nations and so remained when the Constitutional Convention met in 1787.

Nothing better illustrates the complete sovereignty of the several States than the history and manner of the ratification of the Constitution. The final clause of the Constitution provided that "The ratification of the Convention of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same." On June 21, 1788, the United States came into being, upon ratification of the Constitution by New Hampshire, the ninth State to do so. On the eastern seaboard there were then the United States, comprised of nine States, and four other independent nations, for a total of five. Of the other States, most ratified the Constitution and joined the United States shortly thereafter. None were compelled to do so. They could have remained separate and apart. Rhode

Island did remain a separate nation for almost 2 years, despite former alliances and common causes with the others, and when Rhode Island did join the Union on May 29, 1790, it was by a two-vote margin of the Convention of that State and not from any external compulsion.

Mr. President, I shall continue this address on another day.

Mr. MUSKIE. Mr. President, this is a time for change and a time of change in the U.S. Senate. I think it is clear that we must adapt our internal structures and procedures to the requirements of a highly industrialized, fast moving democracy. Congress cannot rigidly adhere to rules and practices that no longer serve any meaningful purpose and that hinder its work if it is to continue to be a responsible branch of Government and to enjoy the confidence of our people.

There have been cries for reform of Congress since our Nation was founded; but today I sense that there is a mood toward our Government—and Congress in particular—of cynicism, discouragement, and resignation borne of a conviction that reform will not come. There is a growing feeling that we cannot provide solutions to our common problems.

There is a growing feeling, Mr. President, that we cannot provide solutions to our common problems. Sometimes, it seems, our procedures are so outdated and encumbered that we respond neither to crisis nor to our constituents.

Many people have noted this widespread lack of confidence in Government. I believe it is the proper perspective in which to judge the efforts being made to revise rule XXII of the Senate in order to permit three-fifth rather than two-thirds of those present and voting to invoke cloture.

This is, Mr. President, a modest and reasonable reform of the Senate rules which has been repeatedly considered and should have been adopted long ago.

I urge the Senate to take this simple step forward.

Now, the debate over cloture, at the beginning of successive Congresses, has raised two central issues; namely, the need for allowing an adequate debate on any issue, and the protection of minority rights.

I feel that adequate debate and consideration of every measure would be fully protected by rule XXII even if it were amended. The two-thirds requirement for cloture, rather than three-fifths, is simply not needed for this purpose.

The issue of cloture, then, becomes the issue of a minority veto in the Senate. The question is: Should one-third of the Senate be granted an absolute veto over every piece of legislation that comes before this body? The answer, in my opinion, is "No."

DEBATE

Being realistic, we must recognize that on almost all measures, detailed discussion and drafting takes place in the committees. On almost every occasion when major legislation is considered, floor debate acquaints the Members of the Senate not involved in committee consideration with the provisions of a particular piece of legislation and arguments for its passage or rejection. Occasionally, legislation is actually written on the floor, and occasionally, extended debate is required because an issue is particularly complex or controversial. Normally, those who want to discuss any measure, even for hours on end, are granted that privilege without question. Indeed, experience suggests that the problem of debate in the Senate is usually one of germaneness, not inadequate time for discussion.

Of course, rule XXII is not written for the normal situation. But the proposed three-fifths modification of rule XXII would be more than sufficient to protect the rights of Senators to full debate. In the past decade, cloture was attempted 24 times; it succeeded on only four occasions. If the three-fifths modification had been in effect, cloture would have been invoked only eight times.

More significantly, the Senate moves toward cloture only after full debate, because many Senators, including myself, will not vote for it until an issue has been fully aired. In 1962, cloture was invoked after 2 months of debate on the Communications Satellite Act. Cloture on the Civil Rights Act of 1964 followed 57 days of formal debate; consideration of the Voting Rights Act of 1965 was ended after a month and a half of debate. Finally, the 1968 open housing law was voted upon after cloture stopped a full month of consideration. Certainly, modification of the two-thirds requirement to three-fifths will not alter the Senate tradition of full and adequate debate.

And it should be noted that even after cloture is obtained, rule XXII provides for 1 hour of floor time for each Senator. In 1968, 7 days of debate followed cloture on the civil rights bill. Theoretically, there could be debate for 6 hours every day lasting over 3 weeks after cloture under the provisions of the cloture rule.

There will always be enough Senators who believe deeply in full debate in principle and for their own protection, and they will not vote for cloture until after everyone has had his say. Thus rule XXII, as modified, to require three-fifths of those present and voting for cloture will remain as a firm protection for each Senator's "first amendment" rights on the floor.

The question before us then, is not so much one of the full debate, but one of minority veto.

MINORITY VETO

The question of minority rights in the Senate, as in the Nation, is necessarily complex. Let us recognize from the outset that our conception of democracy is much broader than just rule by a majority vote. At its core, the American conception of democracy has always contained many guarantees to real and potential minorities. Some guarantees concern democratic procedures, such as voting, free speech, and redress of Government; others involve substantive rights such as protection from Government harassment, intimidation, or injustice. But most important, our society of varying groups and diverse interests has evolved a system of government and tradition that permits each minority to have access to the decisionmaking when its own interests are at stake. We try—not always successfully—to consult every group that is affected by a decision. In order to maintain a democratic society and a government of consent, we must guarantee that every minority has substantial access to decisionmaking in areas that affect it.

These democratic principles and guarantees are imbedded in our traditions, our Constitution, and our institutions of Government. The Senate plays a key part in providing minorities—racial, geographic, and ideological—an access to power and a protection of their fundamental interests. Whether it has been State representation, committee structure, or Senate rules, this body is a fundamental piece of the structure of minority rights. No discussion of rule XXII, or any changes in the Senate should brush over this point lightly.

But minority protection and minority representation are not the equivalent of minority veto. Not at all. A minority veto is an extreme and powerful way to protect minorities, but it is not the only way by any means. This point is important, because minority rights must be balanced against majority rule. This may seem a trite phase, but it also represents the most difficult task of democratic government. The business of government must go on. In the long run, a substantial amount of what a majority wants must be granted, or democracy fails and government founders. Compromise is the key to accommodating the majority and minority. But obstruction is not compromise, and rule XXII too often is obstruction.

In striking the balance between the minority and the majority, we are working in the Senate with an ongoing legislative process. We are talking about the ability of minorities to influence the course of action, to make their weight felt, to demand a compromise. This is quite different from other kinds of minority rights—such as constitutional protection of democratic processes, which demand absolute protection.

In the Senate, we are concerned with relative power, with the shifting alliances and reappearing minorities. We must adjust the various rules, committee structures, and overall organization of the Senate to insure that minorities are not ignored and that they must be consulted, while allowing a majority to perform the tasks of Government.

When we examine candidly, the balance between the power of minorities and majorities in the Senate, I believe we can conclude only that rule XXII, as it is written and applied today, grants too much power to minorities. This results from two factors. First, the two-thirds requirement gives 34 or so Senators an absolute veto over any measure that comes before the Senate. This is not merely minority influence, it is absolute minority decision—in a negative way.

Second, the filibuster has been used more and more. In the past decade, cloture was attempted 24 times on major issues. It was successful only four times. It is impossible to count accurately the number of measures that were abandoned because a certain filibuster made the cause hopeless. Some of the most pressing business of the Nation, some of its most needed reforms, and protection of some of its most precious values were delayed or destroyed by rule XXII.

What has developed is almost a replacement of the normal majority rule of the body with a two-thirds majority rule. I see no sanction for this procedure in the Constitution, nor justification for it in our practice.

Our Nation needs a Congress that can grapple with its great problems, and that produces reasoned, adequate responses to those problems. Experience of the past decade indicates that events move so swiftly, and matters are so complex, that we can survive only if we anticipate our gravest challenges. But all too often, we are struggling to cope with yesterday's challenges. No wonder our citizens are so critical of our performance.

The cost of delay is often staggering. For example, had we been able to meet the challenge of the civil rights movement more rapidly, if we had granted equal rights more quickly, I am convinced that much of today's violence and disillusion among black people would not have developed. A majority was ready to act, but it could not.

Our Nation demands greater responsiveness from Congress. Responsiveness requires more than good listening; it requires a positive feedback—a response. But we move too lowly, mired in outdated traditions.

Our procedures are imbalanced. We have, with the two-thirds requirement of rule XXII, created a veto that seriously obstructs the main business of the Senate. For this reason, I support Senate Resolution 9 which would lower the requirement for cloture to three-fifths of those voting. This would still give a substantial minority veto, while allowing legislation to pass which receives the backing of a very large majority.

Such a change does not by any means deprive a minority of its influence in this body. In fact, our procedures are still riddled with rules and practices that grant what in effect are numerous vetos to small numbers in this body. The whole fabric of our traditions in the Senate is one of delay and compromise. No one will be trampled and nothing will be stampeded if this change is made.

We should also be clear that matters of fundamental importance, constitutional changes, require a two-thirds majority in the Senate regardless of rule XXII. We are only discussing the power of the majority over ordinary legislation. Indeed, it is significant that the Constitution does not provide for any minority veto at all in the Senate. Minority protection rested on the principle of State representation. The Founding Fathers of the Continental Congress and the organizers of the first Senate used the "previous question" allowing a majority to cut off debate. There is nothing sacred or constitutional about rule XXII or the two-thirds number, both of which have been changed often in the history of the Republic.

The prospects of amassing a two-thirds majority to bring about a vote may rest in large measure this year upon the vote-gathering efforts of the White House. I hope the President will publicly and forcefully back the efforts of those who are attempting to modernize the Senate procedures.

In the past 2 years this administration has on occasion blamed Congress for a failure to respond to its legislative programs. And no doubt, if the President's program does not move forward, we shall hear more of this. It seems to me incumbent upon an administration which asks so much responsiveness from Congress to help reform procedures so that programs cannot be stopped by a small minority.

I was deeply disappointed by the Vice President's failure to join our effort in reforming outdated Senate procedures. His failure to issue even an advisory opinion on the appropriate procedures needed to revise rule XXII not only represents a rejection on the position of the then Vice President HUBERT HUMPHREY in 1969, but also is a retreat from the stance President Nixon took as Vice President in 1958.

In such a complicated parliamentary situation as the one in which we find ourselves today, the assistance of the President of the Senate could be absolutely critical to the success of reform. In the light of the President's suggestion of January 5 of this year that Congress revise its "'turn-of-the-century' work schedules and procedures" coupled with a bitter attack upon our legislative record, the Vice President has a heavy burden of responsibility which he has evaded. We need the help of the President and the Vice President. I hope they will offer it. I ask for it.

If the Congress is to remain a responsive and responsible body, we must reform our procedures. If we are to begin to grapple with our most basic difficulties, we must streamline those procedures and make them more democratic. For if we cannot do better, if we cannot govern more effectively, we will lose the confidence of our people.

Modification of rule XXII is the first substantial step in that direction. If we fail to take it, we cannot begin serious reform.

APPLICATION OF GERMANENESS RULE

Mr. COOPER. Mr. President, I send to the desk a bill to provide——

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. BYRD of West Virginia. Mr. President, may I respectfully call to the attention of the able Senator from Kentucky that the Pastore rule covering germaneness has not yet run its course. It will do so shortly.

Mr. COOPER. I thank the Senator.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the standing rules of the Senate with respect to the limitation of debate.

Mr. HUMPHREY. Mr. President, ever since my first days in the U.S. Senate, I have been deeply concerned about the efficacy and adequacy, and, indeed, the justice of the rules of this body.

It has always been my view that each Senator as he comes to this body in each election has the opportunity to cast his vote as to the kind of rule or set of rules he would like to have to govern his performance or his participation.

This is why, during my career in the Senate and my service as a presiding officer of this body, I believed that each new Congress should have within its prerogative the right and the power to establish a new set of rules by majority rule.

The question before us is Senate Resolution 9, and that resolution represents years of consultation, years of cooperation and conciliation, over the subject of rule XXII. There have been Senators in this body in years past who believed in what we call a simple majority as the proper number to put a stop to debate under the rule of cloture. After all, article I of the Constitution provides that a quorum shall be adequate to do business, that a majority of a quorum can do business. It is entirely possible within this body, with 51 Senators answering the roll, that 26 of those 51 would pass important legislation.

There are others who believe we ought to have what is known as a constitutional majority to bring debate to a close, which would require, under the present number of Senators, 51 votes.

Changes have been made in rule XXII. At one time it was required that there be a two-thirds majority of Senators in order to impose cloture. We now have the requirement of a two-thirds majority of those present and voting to impose cloture—a slight modification, a slight improvement, over the earlier rule.

On this occasion, in this the 92d Congress, we are not pressing for a simple majority to close debate. We are not pressing for a constitutional majority to close debate. We are asking for a very slight modification of the existing rule XXII, which would permit three-fifths of the Senators present and voting to close debate. That would mean that if all 100 Senators were present, 60 could close debate.

Mr. President, a majority of this body, along with the House of Representatives, can declare war. A majority of this body, along with a majority of the House of Representatives, can appropriate hundreds of billions of dollars. A majority of this body can supena a citizen, can hold him in contempt of the Congress.

The only time that a vote of two-thirds is required under the Constitution is when it specifically so requires as in consent to treaties and the overriding of Presidential vetoes.

So while I have long been a supporter of what I consider to be a constitutional principle of representative government, namely, majority rule, I have indicated to the distinguished majority leader, to our distinguished majority whip, to my colleagues in this body, that I believe the time is at hand for us to settle on at least some modest improvement in the rules, and therefore I support Senate

Resolution 9, believing it will expedite the work of this body without in any way jeopardizing the rights of any Member of this body.

Let us not forget that even when cloture was applied, if it were applied, 100 hours of debate would be available, 1 hour for each Senator. Cloture is never applied, nor even attempted, until this body has worked its will for a long period of time, as the distinguished Senator from Maine (Mr. MUSKIE) has just so fully identified and outlined for us.

I would like to bring one message to my colleagues. I have been removed from this body as a Senator and a Presiding Officer for 2 years, returning here with the 92d Congress. I know that my colleagues have also been home to visit their constituents. I know that they are avid readers of the press, that they are alert to the weight and force of public opinion. But when one is away from here every day for some 2 years and hears the people complaining about what they consider to be the ineffectiveness of the congressional processes, the lag, the slowdown, the failure to act decisively, and when there are good citizens, without regard to party, who are unable to understand even though they are the educated and intelligent people that they are, why this body cannot move, why it is caught in its own system, why it is bogged down in its own procedures, while it fails to come to grips with substance and dilly-dallies with procedure—I think it is time for the Senate to take a good look at its processes.

Why do I say that? To restore the confidence of the people in congressional government, in the system of government which is ours.

Mr. President, I am privileged to be one of the signers of the cloture motion and it is my hope that cloture can be applied. But whatever may be the result of the cloture vote since every day, and day after day, so to speak, every Senator has had an opportunity to be heard and get on the record, I hope we can just go ahead and vote on Senate Resolution 9. We can amend the rules of the Senate by a simple majority, unless there is a filibuster, unless the most undemocratic of all procedures is exercised.

I repeat, in the filing of the cloture motion, and when that motion is called up for a vote, on Thursday next, I would hope we would have sufficient votes to apply cloture. Even after that we will have 100 hours of prolonged debate, in which period of time nothing new, really, can be said. It has been said time after time, year after year, week after week, month after month, day after day. God in his infinite wisdom could not create a new argument on rule XXII. It has all been said. It is but a matter now of each of us getting on record.

Therefore, I would hope those Senators who feel so strongly in opposition to Senate Resolution No. 9 would permit us just to come to a vote on the change of rule XXII from the figure of two-thirds of those present and voting to three-fifths of those present and voting—a modest change, but it may be very, very important. It protects individual rights. It protects the right of the minority to be heard. It protects people from any emotional action on the part of this body.

There is merit in debate. There is considerable merit even in prolonged debate over crucial issues. But there is no merit in a procedure which stops the processes of representative government; and that is what the effect of the present rule XXII has been in most instances, until we arrive at the point where the Nation is ready to explode.

I well recall when I was floor leader for the comprehensive Civil Rights Acts of 1964, the months of time that we put in to get action on that all important measure; and as has been said today, had we acted possibly five years or ten years sooner, much of the troubles that we have gone through these last few years might well have been avoided; at least I would have hoped so.

Mr. President, we are fortunate in having for Senate Resolution 9 great, broad bipartisan support, including the support of both the leaders, the majority leader and the minority leader of the Senate. We are fortunate in having support across all geographical areas of this country, from large States and small States, and from new Senators and Senators with considerable seniority.

I think that the resolution represents the distilled wisdom and judgment of this body. I remember, when the Senator from New Mexico (Mr. ANDERSON) first presented the proposal for a three-fifths vote of the Senate as an adequate number to end debate, there were those of us in those days who felt that this was not enough, and that he was not going far enough.

Perhaps it is to be expected that time and experience would bring about a rethinking of earlier positions. I would hope so. I believe it is desirable for us to move ahead, even if not as far as I would like, but to move in the right direction, namely forward. Sometimes we cannot make a quantum jump. Sometimes we have to settle for what may be even better: a qualitative improvement. I believe Senate Resolution 9 is a qualitative improvement, and I am convinced that the people will feel so.

My plea is not just to Senators, but to the whole institution of government, that we show by our actions here that we know we are in the last third of the 20th century, and that we act accordingly, and demonstrate that there may be need for change. Everything else is changing all around us. It is as inevitable as death itself. And yet, for some reason, there are those who feel that there needs to be no change in the procedures—particularly the all important procedure of debate, which govern the institutions of representative government.

I, too, rise to call upon the representative leaders of this government, in and out of Congress, to speak up now, not only for reform where it may be needed in the executive branch, but for reform where it is needed in the legislative branch.

Reforms are being made. They have been made in the Senate. There are more of them yet to be made. Reforms are being made in the other body. But the great reform that is needed is that which will permit this body to work its will without diminishing the rights of any minority, without in any way stifling appropriate, proper, and extended debate, so that the Senate of the United States can act.

It has been said today that the present President of the United States once, through an advisory opinion from the presiding officer's chair, gave impetus to the possibility of the change of rule XXII. It was an important advisory opinion, and I rose on that occasion, Mr. President, to support the then Vice President of the United States, Mr. Nixon. I was one of the Democrats who supported his advisory opinion. It is not a partisan matter with me. And now I would hope that, since the President of the United States is so deeply concerned about cooperation between the legislative branch and the executive, that once again he would at least remind the country and Congress that rules of procedure sometimes affect the substance of legislation. I am sure that he feels that, once having made his advisory opinion, it is a matter of record; and it is. For that I commend him. The President is a powerful political figure. I say to him, "You have asked for many changes in government, in direction, and in policy, and I would hope that one of those changes might be in procedures which could expedite other changes."

I would hope also that those who oppose us now on this change of rules would have a change of heart. Not a single State would be injured. Not a single citizen would be denied his equal protection of the laws. Not a single region will suffer if the Senate of the United States modifies rule XXII within the instructions of Senate Resolution 9. It is not a rule change that would deny anyone his rights or his citizenship privileges or senatorial prerogatives.

It is not a gag rule, as so often has been said in debates in other years. We do not gag a Senator or the Senate by changing rule XXII to the point where three-fifths of the Senators present and voting can terminate debate under cloture, with that termination having another lifeline of 100 hours of debate following cloture. That is not gagging. Gag rule, Mr. President, is when nothing can be done; when the processes of the Senate are gagged by the filibuster—an ugly word at a time when we need to be rid of ugliness, and a word, if you please, that defies every principle of democratic government.

Throughout the 50 States of this land, Mr. President—and we have many Members of this body who speak of the importance of local government and State government—there is not a single city council nor a single State legislature that I know of which permits the use of the filibuster to destroy or make inoperative the processes of majority rule. And yet we say the power of the Government of the United States is derived from the people, and the 10th amendment says that all powers not delegated to the National Government reside in the States or the people thereof. That is called the great principle of federalism. I would suggest that there is adequate precedent in history, in democratic principle, and in governmental practice, for the adoption of Senate Resolution 9, and I would further suggest that when we adopt it, we can be on with the important business of this body, which will gather up upon us rapidly as the weeks go by.

So, Mr. President, I join with other Senators in supporting Senate Resolution 9, and hope we may act promptly on it in the coming weeks.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. RANDOLPH. Mr. President, the able Senator, who comes to us again in the role as a Senator from Minnesota, is, of course, welcomed to this Chamber and remembered for his leadership in public affairs over a long period of time. This is not a cursory compliment, because I state it in connection with the continuing effort of the Senator from Minnesota, our former Vice President, to secure revision of Senate rule XXII.

I wonder if the Senator would tell us why he retreats at least in part from advocating the simple majority position to the position represented in the resolution of three-fifths of the Senate. I recall very well when he led a magnificent effort, in company with former Senator Wayne Morse, of Oregon, in pressing for a simple majority to limit debate.

Mr. HUMPHREY. I will be happy to respond to the Senator.

The Senator may recall that the distinguished minority whip, Senator Kuchel, the former Senator from California, was also a very active participant in those days, as was the Senator from West Virginia. I know that when he spoke to us in the Democratic caucus, he once again reminded us of his commitment to the principle of majority as the way of governing and also of stopping the so-called filibuster.

I say to the Senator from West Virginia that I have not abandoned my basic feeling or basic commitment to the right of a majority to govern, to legislate, to change rules, and to cut off debate. But I think that I am very realistic. I do not think that that is possible to achieve in this Senate. It was not possible before, and I have seen no real rush of converts.

I am anxious that we make some progress, that we at least relax and make more flexible, and I think much more effective, rule XXII by a modification such as presented in Senate Resolution 9.

Some people would say, "Well, you have abandoned your fight, Mr. HUMPHREY." My answer is, "No, I have not."

I must say that if my target is to run a mile and I feel that all that is possible within my means is to run a half mile, it is better to go the half mile than it is to stand still and never start on the journey.

I want to support Senate Resolution 9 because I want action, because I want to see things done in the Senate to restore the confidence of the people in the adequacy, the efficiency, the efficacy, and the ability of this body to govern and to legislate, and I believe that Senate Resolution 9 will help. It is not a cure, but it is more than a palliative. It is a step, an important step, in the right direction.

We have new leadership for it here, in the Senator from Idaho and the Senator from Kansas—bipartisan leadership. As I have said, we have the majority leader, the distinguished Senator from Montana, and the distinguished minority leader, the Senator from Pennsylvania, in support of it. I think we have in this body the votes overwhelmingly to adopt Senate Resolution 9; and I hope that those who have stood in opposition to it now will recognize that among the supporters of Senate Resolution 9 are some of their most faithful and trusting friends and associates.

That is my position.

Mr. RANDOLPH. Mr. President, I am grateful for the forthright response of my distinguished colleague in this matter. I did not presume to think that he had abandoned his earlier crusade. I, of course, join him wholeheartedly in wishing very much for modification from the two-thirds to the three-fifths.

But I want to vote in this body upon the simple majority, just as there have been earlier votes on the issue of a simple majority. I believe that it was right when it was offered in the past, and an amendment to require only a simple majority to limit debate is pending at the desk.

It shall be my purpose to support the three-fifths. But I am hopeful that we can vote on the other proposal. I do not want to move ahead of anyone in this matter, but if there is not an attempt to vote upon the simple majority, I will endeavor to have that done. I firmly believe that the Members of the Senate should be given this further opportunity.

I remind Senators—and I emphasize this—that limiting debate by a simple majority will not preclude adequate and sufficient debate on any important measure. We know that a cloture petition certainly would not be offered in the first 2 or 3 days of discussion and debate. It would be filed 10 days or 2 weeks or even longer after a matter comes before us for determination. After those several days—possibly weeks—of debate, if cloture were imposed by a simple majority, 100 hours of debate would remain, if it were to be used by the 100 Senators in this body. It is understood that the 1 hour allotted to each Senator could not be allotted to another Senator. Thus there would be a substantial time for Senators who might want to speak beyond the date when cloture had been invoked. This could add many days of debate on the subject matter under consideration.

So I trust that my colleague will not lessen his interest in the simple majority. He is a realist, as he has said. I am a realist, too. I know we are nearing the time when we can possibly modify rule XXII to require only three-fifths. I have read news stories, however, that we are five, six, or seven votes short even of that departure from the present rule. I reiterate my belief that we should have a testing again of the proposal to limit debate by a simple majority.

The Senator from Minnesota has just returned to this body, through the action of the electorate of Minnesota last November. I do not know what his exact majority was. It was a very substantial, splendid, and deserved majority. However, had he won by one vote, he would be in the Senate and he would be speaking at this time. That is the basic way we should govern and exercise control over the debate in this Chamber. We pass upon an important appropriation bill involving billions of dollars, and it can be approved if there is a majority in favor of that measure. That is our procedure here except in the case of a constitutional amendment.

In this time of so many critical and complex issues, we can no longer afford the luxury of unlimited debate. I have said many times that I felt there is a deterioration in the consideration of the public business when a filibuster is resorted to in the United States. It is my belief that the citizens of our Nation sense and feel this. They know well of the failure of the Senate to conduct crucial business in an orderly manner when the membership becomes engaged in a filibuster. A most recent and glaring example of our inability to proceed with consideration and action on legislative proposals was witnessed during the closing days of the 91st Congress. At that time, I stated that the filibuster in the Senate has created a legislative shambles. And I do not feel that my comment was an overstatement of the case. There is no doubt in my mind that we will find ourselves in that situation more and more. The very nature of our increasing responsibilities and issues which we must resolve demand that the Senate develop more orderly and reasonable procedures. Modification of rule XXII is long overdue. The Senate must make a change now—and that change should be approval of the proposal requiring only a simple majority to limit debate on an issue. Thomas Jefferson said:

> I know that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times.

The Senate is an institution and it must advance also to keep pace with the times.

Mr. President, I am grateful for the courtesy of the Senator from Minnesota in yielding to me.

I hope I may have his further expression—if he desires to make it—of an endorsement of this proposal that may be long in coming into being. When it does, it will be through the aid and the leadership of men like the Senator from Minnesota.

Mr. HUMPHREY. I respond to the Senator from West Virginia by saying that when the amendment providing for a simple majority is called up, it shall again have my vote. But I want to say to the Senator that I am most anxious that we make the progress that I believe this body must have, particularly at this very critical time, when there is great disenchantment with Government—really, a lack of faith on the part of the people, a lack of confidence in Government on the part of the people and in what we call parliamentary processes.

Therefore, we shall continue our struggle to improve these rules. I consider the three-fifths a decided improvement. I do not consider it to be all that

I want. The Senator may recall that I felt in my role as Presiding Officer of this body at one time that a majority, in the opening of a new Congress, had the right to establish its own rules. That was overruled by a vote of the Senate, but not overwhelmingly. It was a rather close vote. One learns in Government, particularly in our system of government, that we make our fight, we take our stand, we hopefully get a vote, and, if we lose, we accept that decision and come back to fight again another day.

What I am asking for and what the Senator from West Virginia is asking for is that we have the right to do that under rule XXII; namely, that we have the right to debate and come to a decision on the substance of legislation. But what rule XXII presently does is to deny this body in all too many instances—not all, but in too many instances—as has been described so fully by other Senators, the opportunity for the Senate and Senators to make an ultimate decision or a definitive decision on substance or substantive legislation.

What the Senator said a moment ago about the majority, for example, on appropriations, that the majority can make a declaration of war, and a majority can hold a fellow citizen in contempt of Congress—all kinds of things—practically everything we do here is by majority rule, with the exception of those few instances where it is specifically detailed by the Constitution that it will require other than a majority. For instance, that a quorum shall be sufficient to do business. When a majority of a quorum is had, we can do anything, with the exception of the limitations imposed in the Constitution.

But, again I say, I want our colleagues to know that we are not obstructionists, that those of us for favor and continue to favor what we call majority rule or constitutional majority in rule XXII shall not take the time to argue ad infinitum about that.

I would like the chance, once again, to reaffirm my position, but I would also like the opportunity to see the Senate get down to business on substance. I am going to help in every way that I can to bring about a reconciliation of views here. One thing the country needs today is reconciliation. It needs that more than anything else. We are going to have to spend, I believe, some time with each other, not to compromise away our principles, but I think, in a sense, to reconcile some of the minutia from the important things so that we make steady progress.

What this Nation needs is a cruising speed toward its objectives, not what we might call a hazardous takeoff or a crash landing. We do not need spurts. We need a steady forward movement.

I consider the modifications which are being suggested here in the rules a steady, forward, constructive movement. I want to do what I can in any way to help. In fact, may I say to the Senator, if I thought it would help to get one extra vote for the three-fifths, I would stand aside on any other proposal. I must say that to the Senator in all honor, even though this would be an abdication of what I have stood for for a long time, simply because I want to see action.

We have the right to call up the majority rule amendment, and if the Senator sees to that, as he has in the past, he will have my support. I will be, let me say, most pleased to stand shoulder to shoulder with him.

Mr. RANDOLPH. Mr. President, I am appreciative of the response of the Senator from Minnesota. As always, he speaks eloquently and effectively. I just want him to continue to climb the hill. I do not want him to feel that he has to stop at any point until he meets that summit toward which he looks.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and also ask unanimous consent that I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, has the period for germaneness passed?

The PRESIDING OFFICER (Mr. BEALL). It has.

S. 750—INTRODUCTION OF A BILL TO PROVIDE COMPENSATION FOR PERSONS INJURED BY CERTAIN CRIMINAL ACTS

Mr. MANSFIELD. Mr. President, the U.S. Senate in the past Congress, in my estimation, achieved an outstanding record in the area of crime control. It focused its attention squarely on every proposal submitted as a crime-fighting tool. It considered fully every recommendation offered against the criminal. And it passed an abundance of legislation. Hopefully, its efforts in the fight against crime will be effective.

For my own part in the fight, I introduced legislation which would increase penalties and make them mandatory for all persons convicted of crimes involving the use of guns. That measure was enacted into law. With it, the criminal gun user is on notice that his act of violence will be met squarely with a separate and certain penalty.

But in directing our full attention to how we can best combat the alarming crime rise we have ignored, unfortunately, certain aspects of the problem. The point has been reached, for example, where we must give consideration to the victim of crime—to the one who suffers because of crime. For him, society has failed miserably. Society has failed to protect its members adequately. To those who suffer, society has an obligation.

At the very least, the victim of crime should be made whole for suffering personal injury. To that end, at the close of the last Congress, I submitted a proposal to compensate those who suffer from criminal violence. Under it, any person who is personally injured in the perpetration of any crime would receive pecuniary compensation. There would be established a Federal Violent Crimes Compensation Commission which would make direct awards to the victim for injuries suffered in the course of the crime committed within the Federal criminal jurisdiction. In addition, a system of revenue sharing in the form of grants would underwrite similar State compensation commissions for the victims who suffer from crimes within State and local criminal jurisdictions.

I would only reiterate that, when the protection of society is not sufficient to prevent a person from being victimized, society then has the obligation to compensate the victim for that failure of protection. The measure I suggest covers everyone. The unsuspecting victim of rape. The policeman ambushed answering a routine call. The fireman shot by a sniper when responding to an alarm. The ghetto dweller. The suburbanite. In short, this proposal provides for all who suffer personal injury from criminal violence.

Mr. President, this is a time for bold action. This is a time for Congress to demonstrate to the people of America that it is as interested in the problems and suffering of victims of criminal acts as it is in protecting rights of accused criminals.

The time has come to give these matters early attention, and I hope that the Judiciary Committee can schedule early consideration of this and other measures which are designed to give long overdue consideration to the victim.

I submit my bill and ask unanimous consent, as it concerns the general criminal laws, that it be appropriately referred and that its text be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. BEALL). The bill will be received and appropriately referred; and, as requested by the Senator from Montana, the bill will be printed in the RECORD.

The bill (S. 750) to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; introduced by Mr. MANSFIELD, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE AND DEFINITIONS

SECTION 1. This Act may be cited as the "Criminal Injuries Compensation Act of 1971".

DEFINITIONS

SEC. 102. As used in this Act the term—

(1) "child" means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child, and a child conceived prior to but born after the death of the victim;

(2) "Commission" means the Violent Crimes Compensation Commission established by this Act;

(3) "dependent" means those who were wholly or partially dependent upon the income of the victim at the time of the death of the victim or those for whom the victim was legally responsible;

(4) "personal injury" means actual bodily harm and includes pregnancy, mental distress, nervous shock, and loss of reputation;

(5) "relative" means the spouse, parent, grandparent, stepfather, stepmother, child, grandchild, siblings of the whole or half blood, spouse's parents;

(6) "victim" means a person who is injured, killed, or dies as the result of injuries caused by any act or omission of any other person which is within the description of any of the offenses specified in section 302 of this Act;

(7) "guardian" means one who is entitled by common law or legal appointment to care for and manage the person or property or both of a child or incompetent; and

(8) "incompetent" means a person who is incapable of managing his own affairs, whether adjudicated or not.

TITLE II—ESTABLISHMENT OF VIOLENT CRIMES COMPENSATION COMMISSION

SEC. 201. (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the Violent Crimes Compensation Commission. The Commission shall be composed of three members to be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman, who shall have been a member of the bar of a Federal court or of the highest court of a State for at least eight years.

(b) There shall be appointed by the President, by and with the advice and consent of the Senate, an Executive Secretary and a General Counsel to perform such duties as the Commission shall prescribe in accordance with the objectives of this Act.

(c) No member of the Commission shall engage in any other business, vocation, or employment.

(d) Except as provided in section 206(1) of this Act, the Chairman and one other member of the Commission shall constitute a quorum. Where opinion is divided and only one other member is present, the opinion of the Chairman shall prevail.

(e) The Commission shall have an official seal.

FUNCTIONS OF THE COMMISSION

SEC. 202. In order to carry out the purposes of this Act, the Commission shall—

(1) receive and process applications under the provisions of this Act for compensation for personal injury resulting from violent acts in accordance with title III of this Act;

(2) pay compensation to victims and other beneficiaries in accordance with the provisions of this Act;

(3) hold such hearings, sit and act at such times and places, and take such testimony as the Commission or any member thereof may deem advisable;

(4) promulgate standards and such other criteria as required by section 504 of this Act; and

(5) make grants in accordance with the provisions of title V of this Act.

ADMINISTRATIVE PROVISIONS

SEC. 203. (a) The Commission is authorized in carrying out its functions under this Act to—

(1) appoint and fix the compensation of such personnel as the Commission deems necessary in accordance with the provisions of title 5, United States Code;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals;

(3) promulgate such rules and regulations as may be required to carry out the provisions of this Act;

(4) appoint such advisory committees as the Director may determine to be desirable to carry out the provisions of this Act;

(5) designate representatives to serve or assist on such advisory committees as the Director may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the purposes of this Act;

(6) use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

(7) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(8) request such information, data, and reports from any Federal agency as the Director may from time to time require and as may be produced consistent with other law; and

(9) arrange with the heads of other Federal agencies for the performance of any of his functions under this title with or without reimbursement and, with the approval of the President delegate and authorize the redelegation of any of his powers under this Act.

(b) Upon request made by the Administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates and statistics) available to the greatest practicable extent to the Administration in the performance of its functions.

(c) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section shall receive $——— a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

TERMS AND COMPENSATION OF COMMISSION MEMBERS

SEC. 204. (a) Section 5314, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(55) Chairman, Violent Crime's Commission".

(b) Section 5315, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Members, Violent Crime's Commission".

(c) Section 5316, title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(130) Executive Secretary, Violent Crimes Commission

"(131) General Counsel, Violent Crimes Commission".

(d) The term of office of each member of the Commission taking office after December 31, 1971, shall be eight years, except that (1) the terms of office of the members first taking office after December 31, 1971, shall expire as designated by the President at the time of the appointment, one at the end of four years, one at the end of six years, and one at the end of eight years, after December 31, 1971; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(e) Each member of the Commission shall be eligible for reappointment.

(f) A vacancy in the Commission shall not affect its powers.

(g) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(h) All expenses of the Commission, inincluding all necessary traveling and subsistence expenses of the Commission outside the District of Columbia incurred by the members or employees of the Commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Executive Secretary, or his designee.

PRINCIPAL OFFICE

SEC. 205. (a) The principal office of the Commission shall be in or near the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place.

(b) The Commission shall maintain an office for the service of process and papers within the District of Columbia.

PROCEDURES OF THE COMMISSION

SEC. 206. The Commission may—

(1) subpena and require production of documents in the manner of the Securities and Exchange Commission as required by subsection (c) of section 18 of the Act of August 26, 1935, and the provisions of subsection (d) of such section shall be applicable to all persons summoned by subpena or otherwise to attend or testify or produce such documents as are described therein before the Commission, except that no subpena shall be issued except under the signature of the Chairman, and application to any court for aid in enforcing such subpena may be made only by the Chairman. Subpenas shall be served by any person designated by the Chairman;

(2) administer oaths, or affirmations to witnesses appearing before the Commission, receive in evidence any statement, document, information, or matter that may in the opinion of the Commission contribute to its functions under this Act, whether or not such statement, document, information, or matter would be admissible in a court of law, except that any evidence introduced by or on behalf of the person or persons charged with causing the injury or death of the victim, any request for a stay of the Commission's action, and the fact of any award granted by the Commission shall not be admissible against such person or persons in any prosecution for such injury or death.

TITLE III—AWARD AND PAYMENT OF COMPENSATION

AWARDING COMPENSATION

SEC. 301. (a) In any case in which a person is injured or killed by any act or omission of any other person which is within the description of the offenses listed in section 302 of this Act, the Commission may, in its discretion, upon an application, order the payment of, and pay, compensation in accordance with the provisions of this Act, if such act or omission occurs—

(1) within the "special maritime and territorial jurisdiction of the United States" as defined in section 7 of title 18 of the United States Code; or

(2) within the District of Columbia.

(b) The Commission may order the payment of compensation—

(1) to or on behalf of the injured person; or

(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person;

(3) in the case of the death of the victim, to or for the benefit of the dependents or closest relative of the deceased victim, or any one or more of such dependents;

(4) in the case of a payment for the benefit of a child or incompetent the payee shall file an accounting with the Commission no

later than January 31 of each year for the previous calendar year;

(5) in the case of the death of the victim, to any one or more persons who suffered pecuniary loss with relation to funeral expenses.

(c) For the purposes of this Act, a person shall be deemed to have intended an act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent.

(d) In determining whether to make an order under this section, or the amount of any award, the Commission may consider any circumstances it determines to be relevant, including the behavior of the victim which directly or indirectly contributed to his injury or death, unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender.

(e) No order may be made under this section unless the Commission, supported by substantial evidence, finds that—

(1) such an act or omission did occur; and

(2) the injury or death resulted from such act or omission.

(f) An order may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act or omission, or if such act or omission is the subject of any other legal action. Upon application from the Attorney General or the person or persons alleged to have caused the injury or death, the Commission shall suspend proceedings under this Act until such application is withdrawn or until a prosecution for an offense arising out of such act or omission is no longer pending or imminent. The Commission may suspend proceedings in the interest of justice if a civil action arising from such act or omission is pending or imminent.

OFFENSES TO WHICH THIS ACT APPLIES

Sec. 302. The Commission may order the payment of, and pay, compensation in accordance with the provisions of this Act for personal injury or death which resulted from offenses in the following categories:

(1) assault with intent to kill, rob, rape;

(2) assault with intent to commit mayhem;

(3) assault with a dangerous weapon;

(4) assault;

(5) mayhem;

(6) malicious disfiguring;

(7) threats to do bodily harm;

(8) lewd, indecent, or obscene acts;

(9) indecent act with children;

(10) arson;

(11) kidnaping;

(12) robbery;

(13) murder;

(14) manslaughter, voluntary;

(15) attempted murder;

(16) rape;

(17) attempted rape;

(18) or other crimes involving force to the person.

APPLICATION FOR COMPENSATION

Sec. 303. (a) In any case in which the person entitled to make an application is a child, or incompetent, the application may be made on his behalf by any person acting his parent or attorney.

(b) Where any application is made to the Commission under this Act, the applicant, or his attorney, and any attorney of the Commission, shall be entitled to appear and be heard.

(c) Any other person may appear and be heard who satisfies the Commission that he has a substantial interest in the proceedings.

(d) Every person appearing under the preceding subsections of this section shall have the right to produce evidence and to cross-examine witnesses.

(e) If any person has been convicted of any offense with respect to an act or omission on which a claim under this Act is based, proof of that conviction shall, unless an appeal against the conviction or a petition for a rehearing or certiorari in respect of the charge is pending or a new trial or rehearing has been ordered, be taken as conclusive evidence that the offense has been committed.

ATTORNEYS' FEES

Sec. 304. (a) The Commission shall publish regulations providing that an attorney shall, at the conclusion of proceedings under this Act, file with the agency a statement of the amount of fee charged in connection with his services rendered in such proceedings.

(b) After the fee information is filed by an attorney under subsection (a) of this section, the Commission may determine, in accordance with such published rules or regulations as it may provide, that such fee charged is excessive. If, after notice to the attorney of this determination, the Commission and the attorney fail to agree upon a fee, the Commission may, within ninety days after the receipt of the information required by subsection (a) of this section, petition the United States district court in the district in which the attorney maintains an office, and the court shall determine a reasonable fee for the services rendered by the attorney.

(c) Any attorney who willfully charges, demands, receives, or collects for services rendered in connection with any proceedings under this Act any amount in excess of that allowed under this section, if any compensation is paid, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

NATURE OF THE COMPENSATION

Sec. 305. The Commission may order the payment of compensation under this Act for—

(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(2) loss of earning power as a result of total or partial incapacity of such victim;

(3) pecuniary loss to the dependents of the deceased victim;

(4) pain and suffering of the victim; and

(5) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable.

FINALITY OF DECISION

Sec. 306. The orders and decisions of the Commission shall be reviewable in the appropriate court of appeals, except that no trial de novo of the facts determined by the Commission shall be allowed.

LIMITATIONS UPON AWARDING COMPENSATION

Sec. 307. (a) No order for the payment of compensation shall be made under section 501 of this Act unless the application has been made within two years after the date of the personal injury or death.

(b) No compensation shall be awarded under this Act to or on behalf of any victim in an amount in excess of $25,000.

(c) No compensation shall be awarded if the victim was at the time of the personal injury or death living with the offender as his spouse or in situations when the Commission at its discretion feels unjust enrichment to or on behalf of the offender would result.

TERMS AND PAYMENT OF THE ORDER

Sec. 308. (a) Except as otherwise provided in this section any order for the payment of compensation under this Act may be made on such terms as the Commission deems appropriate.

(b) The Commission shall deduct from any payments awarded under section 301 of this Act any payments received by the victim or by any of his dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this Act), a State or any of its subdivisions, for personal injury or death compensable under this Act, but only to the extent that the sum of such payments and any award under this Act are in excess of the total compensable injuries suffered by the victim as determined by the Commission.

(c) The Commission shall pay to the person named in the order the amount named therein in accordance with the provisions of such order.

TITLE IV—RECOVERY OF COMPENSATION

RECOVERY FROM OFFENDER

Sec. 401. (a) Whenever any person is convicted of an offense and an order for the payment of compensation is or has been made under this Act for a personal injury or death resulting from the act or omission constituting such offense, the Attorney General may within — years institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action.

(b) Process of the district court for any judicial district in any action under this section may be served in any judicial district of the United States by the United States marshal thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

(c) The Commission shall provide to the Attorney General such information, data, and reports as the Attorney General may require to institute actions in accordance with this section.

EFFECT ON CIVIL ACTIONS

Sec. 402. An order for the payment of compensation under this Act shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

TITLE V—VIOLENT CRIMES COMPENSATION GRANTS

GRANTS AUTHORIZED

Sec. 501. Under the supervision and direction of the Commission the Executive Secretary is authorized to make grants to States to pay the Federal share of the costs of State programs to compensate victims of violent crimes.

ELIGIBILITY FOR ASSISTANCE

Sec. 502. (a) A State is eligible for assistance under this title only if the Executive Secretary, after consultation with the Attorney General, determines, pursuant to objective criteria established by the Commission under section 504, that such State has enacted legislation of general applicability within such State—

(1) establishing a State agency having the capacity to hear and determine claims brought by or on behalf of victims of violent crimes and order the payment of such claims:

(2) providing for the payment of compensation for personal injuries or death resulting from offenses in categories established pursuant to section 504;

(3) providing for the payment of compensation for—

(A) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(B) loss of earning power as a result of total or partial incapacity of such victim;

(C) pecuniary loss to the dependents of the deceased victim;

(D) pain and suffering of the victim; and

(E) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable, and which is based on a schedule substantially similar to that provided in title III of this Act.

(4) containing adequate provisions for the recovery of compensation substantially similar to those contained in title IV of this Act.

STATE PLANS

SEC. 503. (a) Any State desiring to receive a grant under this title shall submit to the Commission a State plan. Each such plan shall—

(1) provide that the program for which assistance under this title is sought will be administered by or under the supervision of a State agency;

(2) set forth a program for the compensation of victims of violent crimes which is consistent with the requirements set forth in section 502;

(3) provide assurances that the State will pay from non-Federal sources the remaining cost of such program;

(4) provide that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title; and

(5) provide that the State will submit to the Executive Secretary—

(A) periodic reports evaluating the effectiveness of payments received under this title in carrying out the objectives of this Act, and

(B) such other reports as may be reasonably necessary to enable the Executive Secretary to perform his functions under this title, including such reports as he may require to determine the amounts which local public agencies of that State are eligible to receive for any fiscal year, and assurances that such State will keep such records and afford such access thereto as the Executive Secretary may find necessary to assure the correctness and verification of such reports.

(b) The Executive Secretary shall approve a plan which meets the requirements specified in subsection (a) of this section and he shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State.

BASIC CRITERIA

SEC. 504. As soon as practicable after the enactment of this Act, the Commission shall by regulations prescribe criteria to be applied under section 502. In addition to other matters, such criteria shall include standards for—

(1) the categories of offenses for which payment may be made;

(2) such other terms and conditions for the payment of such compensation as the Commission deems appropriate.

PAYMENTS

SEC. 505. (a) The Executive Secretary shall pay in any fiscal year to each State which has a plan approved pursuant to this title for that fiscal year the Federal share of the cost of such plan as determined by him.

(b) The Federal share of programs covered by the State plan shall be 75 per centum for any fiscal year.

(c) Payments under this section may be made in installments, in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(d) Grants made under this section pursuant to a State plan for programs and projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated under section 603.

WITHHOLDING OF GRANTS

SEC. 506. Whenever the Executive Secretary, after reasonable notice and opportunity for a hearing to any State, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 503; or

(2) that in the operation of any program assisted under this Act there is a failure to comply substantially with any applicable provision of this Act;

the Executive Secretary shall notify such State of his findings and that no further payments may be made to such State under this Act until he is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected.

REVIEW AND AUDIT

SEC. 507. The Executive Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grantee that are pertinent to the grant received.

DEFINITION

SEC. 508. For the purpose of this title the term "State" means each of the several States.

TITLE VI—MISCELLANEOUS

REPORTS TO THE CONGRESS

SEC. 601. The Commission shall transmit to the President and to the Congress annually a report of its activities under this Act including the name of each applicant, a brief description of the facts in each case, and the amount, if any, of compensation awarded, and the number and amount of grants to States under title V.

PENALTIES

SEC. 602. The provisions of section 1001 of title 18 of the United States Code shall apply to any application, statement, document, or information presented to the Commission under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 603. (a) There are authorized to be appropriated for the purpose of making grants under title V of this Act $——— for the fiscal year ending June 30, 1972; $——— for the fiscal year ending June 30, 1973; and $——— for the fiscal year ending June 30, 1974.

(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out the other provisions of this Act.

EFFECTIVE DATE

SEC. 604. This Act shall take effect on January 1, 1971.

S. 787—INTRODUCTION OF THE RIMROCKS NATIONAL MONUMENT BILL

Mr. MANSFIELD. Mr. President, on behalf of my able colleague, Senator LEE METCALF and myself, I have sent to the desk legislation which would provide for the establishment of the Rimrock National Monument near Billings in eastern Montana. The purpose of this legislation is to authorize the inclusion of the Rimrocks, a fantastic natural formation, in the national park system as a national monument.

In the past year, a movement has been generated to give the Rimrocks National Monument status so as to protect them in their natural state and preclude any damaging development. In September of last year the National Park Service was most cooperative in sending a task force to Billings for an on-the-ground survey of the natural rock formations. It is my understanding that the Federal officials were most impressed with the beauty, history, and scientific values of the Rimrocks. This group is now in the process of preparing its report for the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, which will meet in April. Hopefully, this recommendation will be favorable. In the interim, the people of Montana wish to let it be known that we stand behind this proposal 100 percent, and it is for this reason that my distinguished colleague and I have now introduced this bill. As soon as the report to the Advisory Board is made available, I hope that the Congress will then be able to expedite the enactment of Senator METCALF's and my Rimrocks National Monument proposal.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks "The Case for the Rimrocks National Monument" as prepared by one of the many enthusiasts in the Billings area, Kim Larsen.

I also ask unanimous consent that a copy of the bill introduced by the Senators from Montana be printed in the RECORD.

The PRESIDING OFFICER (Mr. BEALL). The bill will be received and appropriately referred; and, without objection, the bill and the material referred to by the Senator from Montana will be printed in the RECORD.

The bill (S. 787) to authorize the establishment of the Rimrocks National Monument in the State of Montana, and for other purposes, introduced by Mr. MANSFIELD (for himself and Mr. METCALF), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve in public ownership for the education and inspiration of the people a significant natural area of open space containing typical geological and erosional features, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to designate an area of not to exceed eight hundred and fifty acres comprising the rimrocks adjacent to the City of Billings, Montana, for establishment as the Rimrocks National Monument.

SEC. 2. Within the area designated pursuant to section 1 the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange. Property owned by the State of Montana or any political subdivision thereof may be acquired only by donation. When the Secretary determines that lands and interests therein have been acquired in an amount sufficient to constitute an efficiently administrable unit for the purposes of this Act he shall establish the Rimrocks National Monument by publication of a notice to that effect in the Federal Register. Pending such establishment and thereafter, the Secretary shall administer the lands and interests therein acquired for the purposes of this Act in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

SEC. 3. In the administration of the national monument the Secretary shall cooperate with appropriate State, country, and municipal authorities for the purpose of assuring to the extent practicable the use of property adjacent to or in the vicinity of the national monument in a manner compatible with the purposes of this Act.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The material, presented by Mr. Mansfield, is as follows:

THE CASE FOR RIMROCKS NATIONAL MONUMENT

The beauty of the Rimrocks in southern Montana is almost indescribable. This is because of the fascinating daily changes in appearance the Rims go through as the sunlight and shadows play on the massive cliffs.

An array of yellows, reds, browns, and oranges sparkling from the Rimrocks, and interspersed with the green of pines and junipers, is as impressive as the colorful sunsets and sunrises in the Big Sky Country. At night the Rims seem to glow in the moonlight. When the sky becomes gray and rain or snow falls, the Rimrocks take on yet another majestic appearance with the moisture seeping down the face of the cliffs, creating interesting patterns. The Rimrocks and Montana's famed Big Sky complement each other, expressing themselves in the epitome of Western beauty.

The Rimrocks are the West That Was; the West of cowboy artist Charles Marion Russel; the West of General Custer, the Sioux, the Crow, the Cheyenne, and even the great Nez Perce; the West of Yellowstone Kelly, Will James, and Calamity Jane; the West first made famous by Meriwether Lewis and William Clark. The country of the Montana Rimrocks is a salutation to the history of the West that created a new culture in America.

The Montana Rimrocks offer both the amateur and professional geologist a treasure-trove of fascinating rock formations carved by time, wind, rain, and snow. Here are erosion factors that stand out impressively on the great Montana Plains.

Scenic beauty, history, and scientific values are the major attributes of the Rimrocks. They also are a refuge for some minor species of wildlife, some of which are facing extinction or at least exile because of an ever-expanding population. The Rims offer recreational opportunities for hikers, picnickers, artists, photographers, and Saturday morning explorers.

In approaching Billings, Montana, from the east, west, or south, the visitor first spots the Rimrocks as slight uprises on the horizon. They stretch some 60 miles west to east, from near the town of Laurel, through Billings, to Pompeys Pillar where William Clark left the only physical evidence of the Lewis and Clark Expedition in this part of the country by carving his name on the rock he named for the son of Sacajawea, the expedition's Indian guide.

From the distance these cliffs do not seem too impressive. They tend to blend into the rest of the rather flat landscape in the Billings area. They almost disappear completely for a short distance between Billings and Pompeys Pillar.

Perhaps this is why they have been ignored by many tourists in this motorized age which puts emphasis on making good time on the highways rather than enjoying the sights that are near the roads.

But, as native Montanans will attest, a real treat awaits the curious who investigate this unusual geological formation called the Rimrocks. As one comes closer to the Rimrocks, what at a distance left little impression, suddenly changes to sheer magnificence. And the treat becomes a feast for those who get out of their automobiles and explore the Rimrocks on foot.

Aside from the Pompeys Pillar area, the Rimrocks in Billings are the most spectacular. This is an unusual benefit for the city dweller since most cities offer nothing but pavement and commercial developments. The Rimrocks can be reached from any point in town in a matter of minutes. Truly relaxing recreation is available for everyone without having to fight infuriating traffic to get there. Indeed, any part of the 60 miles of the Rimrocks can be reached in a short time and with little difficulty.

But the Rimrocks are not a complete paradise. They are facing possible desecration from commercial developments and already are littered in parts with abandoned automobiles, empty beer cans, and waste paper. Other areas on top of the Rimrocks are being trampled down by motorcycles and trail bikes. The top of the Rims by Zimmerman Trail is cluttered with billboards. All of this can become worse if something constructive is not done immediately.

Indeed, commercialism has moved onto the Rims near Logan Field where an ugly night club destroys the view of the horizon. That area around the supper club is being considered by some business interests for a convention center-motel complex. That part of the Rimrocks called Sacrifice Cliff is despoiled by tall, ugly radio and television towers. An extremely beautiful section of the Rimrocks along the Yellowstone River east of Billings has been ruined by the construction of industrial plants. It is too late to do anything about the industry that has moved into that section of the Rimrocks. But there still is time to save the Rimrocks bordering the northern edge of Billings where some entrepreneurs want to build a commercial area.

News of the commercial undertaking disturbed many Billings resident in 1969 and they conducted a massive petition drive asking the county commissioners to save the Rimrocks. But the residents soon learned that it takes more effort than just a single petition drive to get something done in that maze called bureaucracy. Undaunted by their first defeat, the citizens took their case to court. All the local judges disqualified themselves from the case, and a Miles City, Montana, judge was called in to make a decision. The residents faced another defeat when the judge ruled in favor of the commercial interests.

It was a sad event for the hundreds of people who worked so hard to preserve the Rimrocks. It would be impossible to list everyone who put up the courageous and time-consuming effort to save the Rims. The organized drive was spearheaded by the Concerned Citizens for a Better Billings, led by Larry J. Keller and John Link, the Wilderness Club at Eastern Montana College, and other organizations. These groups were supported en masse by the residents of Billings, especially those who live in the shadow of the Rimrocks.

The court decision brought the drive almost to a halt. It was a long and difficult battle. Full-time could not be spent on the project because residents had to think about earning livings. They had to tend to their jobs so they could cope with the high cost of living and increasing taxes. But they did not lose their concern. They needed another avenue of attack. They found that avenue when The Billings Gazette published an editorial column suggesting that the Rimrocks be designated a National Monument. The column sparked new interest among the residents of Billings and the surrounding area. That column, reprinted here in full, stated:

When concerned Billings residents combed the city with petitions seeking support to preserve the Rims, which some want to desecrate with businesses and neon lights, they were faced with a few discouraging remarks.

"Why, I never notice them," one man said of the Rims when he refused to sign the petition.

This is the kind of complacent attitude opportunists take advantage of in seeking to change Billings' most spectacular scenery into another Grand Avenue.

This attitude and a Miles City judge's decision in favor of the businessmen is enough to make preservationists despair.

But they should not give up hope—yet. There are other possibilities which should be explored.

Montana's congressional delegation should be approached about the possibility of having the Rims designated a national monument.

Criteria for such designation are threefold: to conserve the scenery, and natural and historic objects, and the wildlife.

The Rims meet all three requirements, the most important being the scenery. The Rims become more majestic the closer the observer comes toward them. They are ever-changing throughout the day as the sun hits them from different angles. On top they provide pleasant surroundings for hikers and nature watchers.

The Rims and the surrounding country are important in Montana's history. The Indians used nearby areas as buffalo jumps. The Maguire and Zimmerman Trails played important roles in the area's early farming. This history should not be buried by neon signs and other business paraphernalia.

As natural objects, the Rims are treasure-troves for geologists and others interested in fascinating erosion factors and rock formations.

The Rims do not swarm with wildlife, but there are enough small animals and birds there to qualify. The Rims are a haven for those delicate species that cannot survive in a business atmosphere. The ever-expanding city already is driving away the Meadowlarks, Montana's state bird. Preservation of the Rims may stop this tragedy.

Businessmen should like the idea of a Rims National Monument because it would attract more tourists, who could use existing facilities not on the Rims. In an age of environmental concern, businessmen would do well to seek their dollars from the tourist trade rather than from businesses that would spoil the land.

Billings is noted as a stopping point for Eastern visitors heading for Yellowstone and Grand Teton National Parks. They stop here because of the convenience. But they do not stay any longer than they have to in their rush to the parks. A Rims National Monument may encourage the tourists to stay a bit longer and to spend a bit more money.

Under proper supervision, the magnificent Rims could be turned into a tourist mecca, offering respite from all the Grand Avenues in the country.

There is a strong case for a Rims National Monument. It might be the only solution to saving the Rims from encroaching business interests. But it must be done quickly before it is too late. Senators Mansfield and Metcalf and Congressmen Melcher and Olsen should be notified of the possibilities.

Future generations will thank those who helped to save such magnificent scenery from despoilation. And Billings residents would receive a tremendous bonus for themselves in having a national monument to be proud of.

The response to this suggestion was immediate. Senator Mike Mansfield of Montana, who serves as the Senate Majority Leader, looked into three possibilities for preserving the Rimrocks. He outlined these in a letter to the author.

"One," he said, "providing the City of Billings is interested in preserving this area, it should submit necessary application to the State Fish and Game Commission for designation as a Land and Water Conservation Area through the Bureau of Outdoor Recreation. The State of Montana presently has a backlog of $443,609 of unused Federal funds available for matching programs. These are fiscal year 1970 appropriations and are due to expire at the end of fiscal 1972, which would be June 30, 1972. Apparently, the State has this backlog. These funds are only held for a three year period and then reverted to the general fund of the Bureau of Outdoor Recreation.

"Two," Mansfield pointed out, "would be for me to request the National Park Service to send a Task Force of people to Billings to assess the situation and determine the feasibility of designation or legislation to preserve this area as a National Monument.

"Three," he continued, "would be to encourage the interested citizens of Billings to make their views known to the City Government about their desire for a finalization of plans for a City Park in this area."

It was Senator Mansfield's second suggestion that met with quick response and success. Through his efforts, the National Park Service decided to send a Task Force to Billings to study the feasibility of designating the Rimrocks a National Monument. The study group was scheduled to arrive in Billings 28 September 1970. After viewing the Rimrocks, the Task Force was to prepare a report to be presented to the Interior Secretary's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments at its semi-annual meeting in April, 1971.

The enthusiasm created by this quick development made optimists out of many Billings residents. More people than before came out in favor of saving the Rimrocks. They are now anxiously awaiting the decision of the Interior Department's Advisory Board.

The case for Rimrocks National Monument looks good. The fact that the Interior Department has shown interest in it is an excellent sign in itself. The fact that Pompeys Pillar, a part of the Rimrocks, is already a National Historical Landmark, makes the monument idea most feasible. If not designated a monument, extending the landmark designation to all the Rimrocks could well be in order.

The history surrounding the Rimrocks deserves nothing less than National Historical Landmark status. But at most it has earned National Monument status. The history of the Rims is monumental. It can only be stated briefly here.

This history begins with Pompeys Pillar. This is where William Clark rested on his exploration of the Western wilderness and where, during some idle moments, he carved his name on the rock, perhaps aware that sometime in the far future, the etching would be of great significance.

The West's history is incomplete without mention of the Indians. Pompeys Pillar served as a burial ground for the Indians. The Indians attacked General Custer at Pompeys Pillar prior to the battle at the Little Big Horn. It was Pompeys Pillar that Custer climbed so to survey the country ahead of him.

A huge butte between Billings and Laurel, which is part of the Rimrocks, played an important role for the early farmers and ranchers in the area. Because the steep-cliffed butte has only one accessible side, the settlers were able to use it as an excellent defense against attacking Indians.

Sacrifice Cliff played a sad part in history. Here Indians would leap to their deaths in an effort to rid themselves of the spirits that brought the scourge of smallpox to them.

At Gallery 85 in the Rimrocks area is a buffalo jump where the Indians easily killed the herds for food, clothing, and shelter. Near Billings to the southeast are the Indian Caves, which early tribes used as living quarters. The caves are in close enough proximity to the Rimrocks to be included within monument territory. Indeed, it would be a shame to exclude them. The caves are a monument themselves to the Billings area.

Also near Billings is the Black Otter Trail, named for an Indian chief, which leads to Boothill Cemetery where forgotten men of the West are buried. And near Boothill is the grave of Yellowstone Kelly, famous Indian scout and friend of the phenomenal Calamity Jane, who owned a ranch under another part of the Rimrocks near Laurel. Her ranch was near the so-called Sturgis Battlefield where Col. Samuel D. Sturgis engaged in battle with Chief Joseph and his Nez Perces as this Indian tribe was retreating to Canada to escape the cavalry. The Nez Perces, one of the best known peaceful tribes, were unjustly treated by the whites and forced from their home in Idaho. Their near-escape has become known as the greatest military retreat in American history. The warriors hid near the tops of the Rimrocks to fire upon Sturgis and his troops.

The Nez Perces also formed a small raiding party while in the area and attacked the small town of Coulson on the Yellowstone River. Coulson became famous as the site where the steamboat Josephine made history. The Josephine marked the highest steamboat navigation on the Yellowstone.

The Rimrocks are near the vast Montana interior where Charles Russell painted his immortal pictures of the West That Was. The Rimrocks country was the home of Western author Will James, whose log cabin still stands below the Rims in Billings. Billings itself was named for the railroad mogul who brought the iron horse to the Rimrocks country.

It is unfortunate that space does not allow extensive discussion of the history surrounding the Rimrocks. But this brief mention of a few of the historical highlights points out the historical significance of the Rimrocks.

The case for Rimrocks National Monument is substantial. In addition to meeting the criteria for such designation, it is important to take into account that America is now experiencing a great concern over environmental deterioration. America has learned in a most unfortunate way that the land cannot be mistreated and has witnessed much of the land succumb to commercialism and other desecrations. That land which is still free of commercialism should be preserved for us and the generations to come. Not to do so would only belie the ecological concern being expressed everywhere, from the White House to the little guy in the street. The Rimrocks offers a tremendous opportunity to show that that concern is genuine and real. Rimrocks National Monument will stand as a monument to the real greatness of man. This is the case. It is a strong and compelling case.

ORDER OF BUSINESS ON WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday next, immediately following the disposition of the reading of the Journal, the recognition of the majority and minority leaders, if they so desire, and the call of any unobjected-to items on the legislative calendar, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider five nominations which were reported earlier today by the Committee on Banking, Housing, and Urban Affairs. The nominations are at the desk.

This matter has been cleared with the minority.

I ask unanimous consent that Senate rule XXXVIII be waived, and that the Senate proceed to the immediate consideration of the nominations.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

SECURITIES INVESTOR PROTECTION CORPORATION

The legislative clerk read the names of Andrew J. Melton, Jr., of New York; Glenn E. Anderson, of North Carolina; George J. Stigler, of Illinois; Donald T. Regan, of New York; and Byron D. Woodside, of Virginia, to be Directors of the Securities Investor Protection Corporation for the terms indicated.

The PRESIDING OFFICER (Mr. Beall). Without objection, the nominations are considered and confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 788—INTRODUCTION OF THE DRUG IDENTIFICATION ACT OF 1971

Mr. GRIFFIN. Mr. President, at the request of the Senator from Colorado (Mr. Dominick), on his behalf and on behalf of the Senator from New York (Mr. Javits) and the Senator from Pennsylvania (Mr. Schweiker), I send to the desk a bill entitled "Drug Identification Act of 1971," for introduction and appropriate reference. I ask unanimous consent that certain remarks of the Senator from Colorado (Mr. Dominick) concerning the bill be printed in the Record at the appropriate place.

The PRESIDING OFFICER. (Mr. Beall). The bill will be received and appropriately referred; and, without objection, the statement will be printed in the Record.

The bill (S. 788) to amend the Federal Food, Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs, and for other purposes introduced by Mr. Griffin (for Mr. Dominick, for himself, Mr. Javits, and Mr. Schweiker), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Statement of Senator Dominick

Mr. President, I am pleased to introduce, on behalf of myself, the senior Senator from New York (Mr. Javits), and Senator Schweiker of Pennsylvania, the Administration's bill to amend the Federal Food, Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs and which may be cited by the short title, "Drug Identification Act of 1971."

The present labeling provisions of the Federal Food, Drug, and Cosmetic Act relating to the identification of drug products and their production or distribution origin do not require that this information be shown directly on the tablets or capsules of drugs marketed in these forms. Thus, in cases of personal emergency, such as overdosage or accidental ingestion of a drug, identification may be seriously delayed and may require elaborate and time-consuming laboratory analysis. A quick identification of the drug in such emergencies, by labeling and direct product coding, could facilitate prompt and appropriate medical treatment. A uniform drug coding system to identify drug manufacturers and distributors would also be of great value to the Department of Health, Education, and Welfare and other Federal agencies and to State agencies in the administration of drug purchase and reimbursement programs.

The bill would amend the Federal Food, Drug, and Cosmetic Act to authorize the Secretary to establish a uniform code or system of coding for prescription drugs representing (1) the identity of the manufacturer, (2) the identity of the drug, (3) the identity of the final packager if different from the manufacturer, (4) the dosage form and strength of the drug, and (5) the number of drug units in the package. The applicable code information would have to appear on the label of the trade package of each prescription drug. In addition, if the drug is in tablet or capsule form, each tablet or capsule would have to be marked with the code symbol representing the identity of the manufacturer and the identity and strength of the drug. The coding requirements would apply to drugs in intrastate as well as interstate commerce.

Where compliance would be impracticable because of the size or other relevant aspects of the container or the tablet or capsule, exemptions from these requirements could be granted if the exemption would not be inconsistent with protection of the public health.

The label of the trade package of a prescription drug would also have to bear the name and place of business of the manufacturer or, if different, the final packager; such a drug could no longer be marketed carrying only the name of the distributor who is not the final packager. It is the purpose of this feature to assist the Food and Drug Administration in effecting recalls of subpotent or other dangerous drugs down to the consumer level when necessary for protection of the public health and safety.

The name of a prescription drug (whether brand or generic) as written by the prescriber, and its strength, would be required to appear on the label of the drug container which is dispensed to the consumer, unless specifically indicated otherwise by the physician. In this event, the code symbols identifying the manufacturer and the drug and its strength would have to be on that label. In addition, the bill would make applicable to the container of the dispensed prescription drug the requirement of the Act, now applicable only to the trade package, that the label state the quantity of the contents. I might add parenthetically that the Secretary would, however, retain his present authority to exempt from this requirement packages so small that compliance would not be practicable.

The preparation of the drug code directory and its distribution, without charge, to hospitals, to poison control centers, and to such other persons as is deemed necessary to carry out the purposes of the bill would be the responsibility of the Department of Health, Education, and Welfare. Others could, of course, purchase the drug code directory from the Government Printing Office.

The coding requirements for prescription drugs imposed by this bill would take effect two years after the month in which regulations establishing the code system are promulgated and would be applicable to products manufactured thereafter. This lead time would permit drug manufacturers who do not now code their products to phase in such procedures in their manufacturing and distribution operations. Earlier effective dates are specified in the bill for other labeling requirements contained therein.

In closing, I would like to bring to the attention of my colleagues that this bill is designed to carry out the recommendation on this subject in the President's Consumer Message of October 30, 1969, and would carry out the recommendations by the President in his message on legislation not enacted during the 91st Congress.

S. 789—INTRODUCTION OF A BILL TO PROVIDE POUNDAGE QUOTAS IN LIEU OF ACREAGE ALLOTMENTS AS THE PRODUCTION CONTROL MECHANISM FOR THE BURLEY TOBACCO PRICE-SUPPORT PROGRAM

Mr. COOPER. Mr. President, I send to the desk a bill to provide poundage quotas in lieu of acreage allotments as the production control mechanism for the burley tobacco price-support program, and ask that it be appropriately referred.

On December 31, 1970, I introduced a similar bill in the 90th Congress, and I said at that time I did so in order that the proposal might be discussed by burley tobacco growers, their farm organizations, and other interested groups, and that following this opportunity for discussion I expected to introduce a similar bill early in this session of the Congress. Since that time, there have been meetings in Kentucky of representatives of farm organizations, cooperatives, warehouse groups, dealers, and others; meetings sponsored by the College of Agriculture of the University of Kentucky, presentations of the plan by county agents and others to farmers, and, I believe, discussions in all the other States producing burley tobacco.

I believe an understanding and consensus has developed in support of poundage controls for the burley price-support program—especially if the alternative is a large cut in acreage allotments for the 1971 crop.

There may be some difference in preference on some details of the proposal, and also I am sure there is concern among individual farmers, as may be expected, about any change in the burley tobacco program. However, there is also concern, and I am deeply concerned, that unless provision is made to keep the burley tobacco program sound, burley growers could lose their price-support program. It is for this reason that I am reintroducing a poundage control bill today.

I will ask the Senate Committee on Agriculture and Forestry to hold hearings promptly. I would hope before the end of February, and it may be that the House Committee on Agriculture will also wish to hold hearings and consider such a proposal.

I discussed in my statement on December 31 the problems now confronting the burley tobacco program, together with the provisions of the poundage proposal which has been developed, and I will ask that my statement at that time be included in the RECORD following my remarks.

In brief, it appears that acreage allotments—which have been the method of controlling production so that the price-support program for burley tobacco may operate without a large Government investment or cost to the taxpayers—will not in the future be able to effectively control burley tobacco production, and certainly without massive cuts in acreage which would injure thousands of growers. This situation arises because yields per acre are increasing approximately 4 percent a year, and at the same time the use of burley tobacco has begun to decline. Further, Government loan stocks now amount to nearly 1 year's supply, and if this surplus continues to increase, the program is likely to come under attack, and it would be more difficult to sustain public support and support in the Congress for the program.

I emphasize that the question of whether to shift from acreage allotments to poundage quotas is not, in my view, an issue between large and small growers. Rather, this is an effort to save the burley tobacco price-support program for all growers—large and small—in all the burley tobacco-producing States.

In December, I introduced, and we secured, a resolution postponing until March 1 the declaration which the Secretary of Agriculture is required to make announcing acreage allotments for the 1971 crop under the old program, and postponing the referendum on whether farmers wish to have a burley tobacco price support program with accompanying production controls for the next 3 years, which is held within 30 days of the quota declaration. I consider it very important that consideration of the poundage proposal take place before that referendum, and there is not much time remaining. Farmers must begin to make their plans for the 1971 crop.

Before this next referendum, I am concerned that the provisions of existing law governing acreage allotments will require the Secretary to announce a large reduction in burley tobacco acreage allotments—at perhaps 25 percent, and perhaps more. If poundage controls are enacted, on the other hand, the existing law would also be modified to provide for an orderly reduction of surplus supplies over a period of years, and because poundage controls would assure effective control farmers could produce and market crops not very much less than their average marketing in recent years.

I believe the proposal I am introducing today would be fair to all. It also includes some provisions which I believe would be helpful to farmers—including the carryover provision which provides some elements of crop insurance, and a provision for limited leasing of quotas within counties. But more important, I believe it would keep the burley tobacco program on a sound basis, so that it would not be brought down by surplus production or by controversy over sharp cuts in acreage.

Mr. President, I hope very much that this proposal would be considered by burley tobacco growers, all segments of the industry, the Department of Agriculture, by the Agriculture Committees of the Senate and the House of Representatives, and action taken before the next referendum. I ask unanimous consent that excerpts from my statement of December 31, and the text of the bill be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Beall). The bill will be received and appropriately referred; and, without objection, the bill and the excerpts from the statement will be printed in the Record.

The bill (S. 789) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, introduced by Mr. Cooper, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", is amended by adding immediately following section 318 a new section 319 to read as follows:

"FARM POUNDAGE QUOTAS FOR BURLEY TOBACCO

"Sec. 319. (a) Notwithstanding any other provision of law, if the amount of the national marketing quota for burley tobacco for the marketing year beginning October 1, 1971, as determined under section 312 of the Act will result in a reduction of more than 15 per centum in farm acreage allotments which are subject to reduction, and the Secretary finds that acreage allotments provided in section 313 of the Act as limited by Public Law 528, Eighty-second Congress (66 Stat. 597), as amended by Public Law 21, Eighty-fourth Congress (69 Stat. 24), approved March 31, 1955 (7 U.S.C. 1315), will not continue in future years to be effective in adjusting supplies to the reserve supply level, because of increasing per acre yields, decreasing usage or otherwise, the Secretary shall proclaim national marketing quotas for the three marketing years beginning October 1, 1971, as provided in this section.

Within thirty days following such proclamation, the Secretary shall conduct a referendum of the farmers engaged in the production of the 1970 crop of burley tobacco to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis as provided in this section for the three marketing years beginning October 1, 1971. If the Secretary determines that two-thirds or more of the farmers voting in such referendum approve marketing quotas on a poundage basis, marketing quotas as provided in this section shall be in effect for those three marketing years. If marketing quotas on a poundage basis are not approved by at least two-thirds of the farmers voting in such referendum, no marketing quotas or price support for burley tobacco shall be in effect for the marketing year beginning October 1, 1971. Thereafter, the provisions of section 312 of the Act shall apply: *Provided,* That national marketing quotas for burley tobacco for any marketing year subsequent to the marketing year beginning October 1, 1971, shall be proclaimed as provided in this section.

"(b) The Secretary shall determine and announce, not later than the February 1 preceding the second and third marketing years of any three-year period for which marketing quotas on a poundage basis are in effect under this section, the amount of the national marketing quota for each of such years. If marketing quotas have been made effective on a poundage basis under this section, the Secretary shall, not later than February 1 of the last year of three consecutive marketing years for which marketing quotas are in effect under this section, proclaim national marketing quotas for burley tobacco for the next three succeeding marketing years as provided in this section. Within thirty days following such proclamation, the Secretary shall conduct a referendum in accordance with section 312 (c) of the Act. If the Secretary determines that more than one-third of the farmers voting oppose the national marketing quotas, he shall announce the results and no marketing quotas or price support shall be in effect for such kind of tobacco for the first marketing year of such three-year period. Thereafter, the provisions of section 312 of the Act shall apply: *Provided,* That the national marketing quota and farm marketing quotas shall be determined as provided in this section. Notice of the farm marketing quota which will be in effect for his farm for the first marketing year covered by any referendum under this section shall insofar as practicable be mailed to the farm operator in sufficient time to be received prior to the referendum.

"(c) The national marketing quota determined under this section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 10 per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the 'national reserve') from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms (i.e., farms for which farm marketing quotas are not otherwise established).

"(d) When a national marketing quota is first proclaimed under this section, the Secretary shall through local committees determine a farm yield for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970. Such yield shall be determined by averaging the yield per acre for the four highest years of the five consecutive years beginning with the 1966 crop year: *Provided,* That if tobacco was produced on the farm in fewer than five of such years, the farm yield shall be the simple average of the yields obtained in the years during such period that burley tobacco was produced on the farm: *Provided further,* That if no burley tobacco was produced on the farm but the farm was considered as having planted burley tobacco during the immediately preceding five years, the farm yield will be appraised on the basis of the yields established for similar farms in the area on which burley tobacco was produced during such five year period: *And provided further,* That the farm yield established for any farm shall not exceed 3,500 pounds per acre.

"(e) A preliminary farm marketing quota shall be determined for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970, by multiplying the farm yield determined under subsection (d) of this section by the farm acreage allotment (prior to any reduction for violation of regulations issued pursuant to the Act) established for such farm for the marketing year beginning October 1, 1970. For each farm for which such a preliminary farm marketing quota is determined, a farm marketing quota for the first year shall be determined by multiplying the preliminary farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of all preliminary farm marketing quotas as determined under this subsection: *Provided,* That such national factor shall not be less than 95 per centum.

The farm marketing quota for each succeeding year shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for such succeeding marketing year. The farm marketing quota so computed for any farm for any year shall be increased by the number of pounds by which marketings from the farm during the immediately preceding year were less than the farm marketing quota (after adjustments): *Provided,* That any such increase shall not exceed the amount of the farm marketing quota (including leased pounds) for the immediately preceding marketing year prior to any increase for undermarketings or decrease for overmarketings. The farm marketing quota so computed for each farm for any year shall be reduced by the number of pounds by which marketings from the farm during the immediately preceding year exceeded the farm marketing quota (after adjustments): *Provided,* That if on account of excess marketings in the preceding year the farm marketing quota is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made in subsequent marketing years.

"The farm marketing quota for a new farm shall be the number of pounds determined by the county committee with approval of the State committee to be fair and reasonable for the farm on the basis of the past burley tobacco experience of the farm operator; the land, labor, and equipment available for the production of burley tobacco; crop rotation practices, and the soil and other physical factors affecting the production of burley tobacco: *Provided,* That the farm marketing quota for any such new farm shall not exceed 50 per centum of the average of the farm marketing quotas for similar farms for which farm marketing quotas are otherwise established: *Provided further,* That the number of pounds allocated to all new farms shall not exceed that portion of the national reserve provided by the Secretary for establishing quotas for new farms.

"(f) When a poundage program is in effect under this section, the farm marketing quota next established for any farm shall be reduced by the amount of burley tobacco produced on any farm (1) which is marketed as having been produced on a different farm; (2) for which proof of disposition is not furnished as required by the Secretary; and (3) as to which any producer on the farm files, or aids or acquiesces in the filing of, any false report with respect to the production or marketings of tobacco: *Provided,* That if the Secretary through the local committee finds that no person connected with such farm caused, aided, or acquiesced in any such irregularity, the next established farm marketing quota shall not be reduced under this subsection. The reductions required under this subsection shall be in addition to any other adjustments made pursuant to this section.

"(g) When a poundage program is in effect under this section, farm marketing quotas (after adjustments) for burley tobacco may be transferred to other farms in the same county under the terms and conditions contained in section 316 of the Act: *Provided*, That such transfers shall be on a pound for pound basis: *Provided further*, That any adjustment for undermarketings or overmarketings shall be attributed to the farm to which transferred: *And provided further*, That not more than 5,000 pounds may be transferred to any farm under this section.

"(h) Effective with the marketing year beginning October 1, 1976, no marketing quota, other than a new farm marketing quota, shall be established for a farm on which no burley tobacco was planted or considered planted in any of the five years immediately preceding the year for which farm marketing quotas are being established.

"(i) When marketing quotas under this section are in effect, provisions with respect to penalties for the marketing of excess tobacco and the other provisions contained in section 314 of the Act shall apply, except that:

"(1) No penalty on excess tobacco shall be due or collected until 110 per centum of the farm marketing quota (after adjustments) for a farm has been marketed, but with respect to each pound of tobacco marketed in excess of such percentage the full penalty rate shall be due, payable, and collected at the time of marketing on each pound of tobacco marketed, and any tobacco marketed in excess of 100 per centum of the farm marketing quota (after adjustments) will require a reduction in subsequent farm marketing quotas in accordance with section 319(e): *Provided*, That if the Secretary, in his discretion, determines it is desirable to encourage additional marketings of any grades of burley tobacco during any marketing year to insure traditional market patterns to meet the normal demands of export and domestic markets, he may authorize the marketing of such grades without the payment of penalty or deduction from subsequent quotas to the extent of 5 per centum of the farm marketing quota for the farm on which the tobacco was produced, and such marketings shall be eligible for price support.

"(2) The provisions with respect to penalties contained in the third sentence of section 314(a) shall be revised to read: 'If any producer falsely identifies or fails to account for the disposition of any tobacco, the Secretary, in lieu of assessing and collecting penalties based on actual marketings of excess tobacco, may elect to assess a penalty computed by multiplying the full penalty rate by an amount of tobacco equal to 25 per centum of the farm marketing quota (after adjustments) and the penalty in respect thereof shall be paid and remitted by the producer.'

"(3) The provisions contained in the fourth sentence of section 314 (a) shall not be applicable. For the first year a marketing quota program established under the provisions of this section is in effect, the farm marketing quota determined under the provisions of section 319(e) shall receive a temporary upward adjustment equal to the amount of carryover penalty-free burley tobacco for the farm. For subsequent years, the provisions of section 319 (e) shall apply.

"(j) The Secretary shall prescribe such regulations as he considers necessary for carrying out the provisions of this section."

SEC. 2. Section 378 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding subsection (d) to read as follows:

"(d) In applying the provisions of this section to a farm for which a tobacco marketing quota has been determined under section 319 of this Act, the words 'allotment' and 'acreage', wherever they appear, shall be construed to mean 'marketing quota' and 'poundage', respectively, as required."

SEC. 3. Subsection (c) of section 106 of the Agricultural Act of 1949, as amended, is amended to read as follows:

"(c) If acreage-poundage or poundage farm marketing quotas are in effect under section 317 or 319 of the Agricultural Adjustment Act of 1938, as amended, (1) price support shall not be made available on tobacco marketed in excess of 110 per centum of the marketing quota (after adjustments) for the farm on which such tobacco was produced, and (2) for the purpose of price support eligibility, tobacco carried over from one marketing year to another shall, when marketed, be considered tobacco of the then current crop."

The excerpt of the statement presented by Mr. COOPER is as follows:

A BILL TO AMEND THE TOBACCO MARKETING QUOTA PROVISIONS

(Reprinted from CONGRESSIONAL RECORD, December 31, 1970)

Mr. COOPER. Mr. President, my State of Kentucky produces most—some three-fourths—of the burley tobacco, which is second only to Flue-cured or "bright-leaf" tobacco in volume, in its importance to the agricultural economy—about $400 million for the 1970 crop—and in its contribution to the cash income of thousands of farm families. Burley tobacco is grown on 282,000 farm allotments, most of them family farm operations. Production was restricted to 231,000 acres in 1970, which means that the average allotment is less than 1 acre, on which a typical farmer might produce over a ton of tobacco selling this year for a little over 70 cents a pound.

During my service in the Senate, I have each year followed the progress of the tobacco price support and production control program, which is so important to farmers in Kentucky and other States. In fact, it was my amendment, with Senator Barkley in 1947, which secured 90 percent price support for tobacco as a permanent provision of law, and with Senator JORDAN of North Carolina in 1960 I sponsored the amendment which further stabilized the guarantee of 90 percent price support for tobacco.

Over the years the burley tobacco program has worked well, and every 3 years farmers have expressed their approval by voting in referendum by overwhelming majorities of 97 or 98 percent to continue the program. It has operated generally without large losses to the Government or heavy subsidy by the taxpayers—which have been characteristic of many other farm commodity programs—because tobacco growers have been willing to abide by the production controls necessary to keep their program sound.

I must say, however, that the burley tobacco program is now in difficulty, and I believe modifications must be made to continue to keep the program sound, and to avoid the loss of public support which would result if large Government loan stocks are allowed to build up. This could happen because burley yields per acre have increased about one hundred pounds per acre annually in recent years, reaching 2,585 pounds in 1970, and there is no sign they would not continue to do so under the present acreage control program. At the same time, the domestic use of burley tobacco has declined for the second consecutive year, and with continued use of filter cigarettes and changing manufacturing techniques, this trend also may continue.

In 1965, a modified system of production control known as acreage-poundage was adopted for flue-cured tobacco, but was not adopted for burley tobacco by the required two-thirds vote of growers in all States, in the special referenda held in 1966 and 1967. Further, the cuts in acreage allotments ordered for burley tobacco in 1964, 1965, and 1966, and again in 1970, have resulted in a greater proportion of farm allotments at or below the one-half acre minimum—which under present law is protected from cuts. Less than half the burley farm allotments—in fact, only 40 percent—are now subject to the acreage reductions which until now have been the method of keeping supplies in line with demand.

Now we are informed that under existing law, a cut in 1971 crop acreage allotments of at least 25 percent, and theoretically as much as 40 percent, will be required to bring supplies into line with use. Such a cut would work an extreme hardship on tens of thousands of farms which depend on burley tobacco for a large part of their livelihood. Even so, it would not solve the problem which confronts us, for it would simply drive more allotments into the protected half-acre category, and make production control through acreage adjustments increasingly ineffective and impractical for future years.

Those of us familiar with this problem—in the Congress, in the Department of Agriculture, and among the leadership of farm and grower groups in Kentucky and other burley-producing States—have recognized for some time that the situation was becoming critical, and efforts have been made over the last year to develop a solution. It was for this reason that representatives of Kentucky farm organizations and burley tobacco groups, together with representatives of the Department of Agriculture, presented their recommendations at a hearing held by the Senate Committee on Agriculture on December 8, which was chaired by Senator JORDAN of North Carolina. I think the facts brought out at that hearing show clearly that if the price support program for burley tobacco is to be saved, the production control mechanism, upon which that price support depends, must be modified.

This ought to be done before the Secretary of Agriculture proclaims the national marketing quota for the 1971 crop of burley tobacco. That would ordinarily be done by February 1, but will now be postponed for 30 days by the resolution which I introduced following the Senate hearing—a resolution cosponsored by Senators COOK, BAKER, JORDAN of North Carolina, ERVIN, BYRD of Virginia, and SPONG, and identical to the resolution introduced by Congressman WAMPLER of Virgina—which has been passed by the Senate and the House of Representatives. Within 30 days following the proclamation, the regular referendum will be held, to determine whether burley growers will have a price support and production control program for the next 3 years, or no program, no price support, and unlimited production.

It is already late, and there will not be a great deal of time for the Committees on Agriculture of the Senate and the House of Representatives to hold hearings and act to revise the burley tobacco program for the 1971 crop. The changes which need to be made must be discussed by burley farmers and their organizations, and by all concerned segments of the tobacco industry. It is for this reason that I am introducing today a bill proposing modifications in the system of production control for burley tobacco—changes which I consider could keep the burley price support program on a sound basis by avoiding increased Government stocks, and by removing the present incentive for each farmer to increase production on his limited and often repeatedly reduced acreage.

I do not take the position that this proposal is the final one that I may offer, or farmers may support, but I consider it a necessary start. I emphasize that I am introducing the bill at this time in order to make it available to those who are interested in the future of the burley tobacco program, and so that this proposal and any others which may be suggested may be discussed and considered before the Congress returns in late January. When the Congress returns, I would propose to reintroduce the bill, or a similar bill, and at that time it may be that other Members of Congress from States producing burley tobacco may wish to join me in doing so, or present recommendations of their own.

While the general plan of this bill evolved from meetings during 1970 of farmers and grower groups, together with representatives of cooperative, warehouse, and dealer organizations in Kentucky and in other States as well, its specific provisions are not identical to the recommendations, for example, of the Kentucky Farm Bureau Federation, the Tennessee Farm Bureau Federation, the Department of Agriculture, or any other that I have seen. I have tried to settle on a plan which will be fair to all, and which will fulfill the essential requirement of limiting production to the amount of burley tobacco which will actually be used.

Primarily, the bill would shift production controls for burley tobacco from a limitation on acreage planted and harvested—the familiar farm acreage allotments—to a limitation on the number of pounds of burley tobacco which may be marketed and sold from any farm—a farm poundage quota. As I have pointed out earlier, acreage controls can no longer continue to work if yields per acre keep increasing—through the application of fertilizer, irrigation, new varieties and other intensive cultural practices—if domestic use of burley continues to remain stable or decline somewhat, and particularly if the reductions in acreage which have always been used to control production can only be applied to fewer and fewer farms. The poundage quota system of production control proposed by the bill would, however, be much less complicated than the acreage-poundage system formerly proposed, and I believe will be easier for farmers to understand and work with.

If we can bring burley production under control in this way, only a modest reduction—certainly far less than 25 percent—would be required for the 1971 crop. In subsequent years, I believe effective production control would be assured without drastic cuts or without any cuts, while permitting an orderly reduction over a period of years of Government stocks.

I know that farmers in Kentucky and other States will want to know how their farm poundage quotas would be calculated under this proposal. I will outline the main provisions of the bill:

First. The poundage system for burley tobacco would not be proclaimed, and growers would vote in March instead on the usual acreage program, unless an acreage cut of more than 15 percent is required for the 1971 crop, and unless the Secretary of Agriculture finds also that the present system of acreage allotments will not continue to work because of increasing yields and declining use of burley tobacco. However, I must say it now appears that both of these conditions would be met. In fact, the Department estimates that an acreage cut of at least 25 percent would be required for the 1971 crop under the old program.

Second. (a) For each farm now having a burley allotment, the yield per acre—that is, the number of pounds marketed per acre of allotment—would be calculated for the 1970 crop just sold, and for the 1969, 1968, 1967, and 1966 crops. The four highest of these yields for the last 5 years would be averaged. In this way, if a farmer has had a poor crop year for any reason, that year would not be included. Farmers would have the advantage of their 1970 crop—a good year.

A 4-year average yield in excess of 3,500 pounds per acre would be reduced to that figure. Individual years could be higher than 3,500 pounds, and I do not believe many farms would have a 4-year average that would have to be reduced.

This average "farm yield" would then be multiplied by the 1970 farm acreage allotment—the burley acreage permitted for the farm this last year. The result is called the preliminary farm quota.

The total of the preliminary farm quotas for all burley farms would then be considered by the Secretary of Agriculture in view of the supplies on hand and the anticipated demand for the 1971 crop. If the total would somewhat exceed expected demand, the Secretary could reduce all preliminary farm quotas equally—but not by more than 5 percent for the 1971 crop.

That would establish farm poundage quotas for the 1971 crop—for most farms within 10 percent of their 1970 crop sales. I should think this would be more fair, and more effective than a cut of 25 percent or more under the present acreage system.

Third. In future years, after the Secretary of Agriculture has calculated estimated use of burley tobacco and the total production needed, each farm quota for the previous year would be adjusted up or down accordingly, with all farmers treated alike. The bill provides that in setting the total national marketing quota for future years, the Secretary may not require a reduction of more than 10 percent below the estimated use of barley tobacco.

Fourth. The poundage plan includes a crop insurance feature. If a farmer does not sell tobacco one year, or markets less than his quota—whether because of hail, drought, or for any other reason—the unused quota would be carried forward to the next year, and could be grown and sold, with price support, at that time. Similarly, if weather is good and the farmer produces a little more than his quota, it would not have to be destroyed. He could sell and receive price support for 10 percent more than his quota—but no more than that—which would be deducted from his farm quota for the next year.

Fifth. The bill also provides for the first time for the leasing of burley quotas. Leasing is already permitted for other types of tobacco. I have opposed leasing in the past because I believed it could lead to a concentration in the hands of fewer growers, and would increase surplus supplies. But with a change in the program, leasing may be appropriate. A burley quota could be leased to another farmer in the same county having a burley allotment. Not more than 5,000 pounds of quota could be leased by any farm. That is the equivalent of about 2 acres of tobacco. It would mean that any farmer already having an allotment—perhaps a one-half acre allotment last year—could lease 5,000 pounds of quota, and so grow perhaps three or four times his present production. Or a larger farm could lease and grow the quota of three or four or five minimum farms, which would provide these farmers some income. That seems to me an ample amount, and as much leasing as should be permitted, at least until we see how it works out.

I have given this outline of the poundage proposal I have offered so that it can be discussed, and I hope there will be meetings of farm groups and consideration by leadership of the burley industry in the coming weeks. To be effective, such a proposal would have to be enacted by the Congress in time for the 1971 crop, and before the referendum at which burley growers will decide whether or not to have a price support program for the next 3 years.

If the Secretary proclaims quotas by March 1, that referendum must be held before April 1. If this plan, or a similar one, is enacted by the Congress, burley growers would then vote instead on whether it should be in effect for the next 3 years, or whether there would be no production control program and no price support for burley tobacco in 1971.

I recognize that it is a difficult matter to propose changes in the burley tobacco program—particularly changes that affect the minimum acreage—for the program affects the livelihood and the incomes of thousands of farm families. But I am deeply concerned that unless changes are made so that a surplus will not continue to build up, the price support program for burley tobacco will go down.

I think it is clear to all who have looked at the facts, and who think about the burley program, that we have come to the end of the line in attempting to control burley tobacco production through acreage alone, especially at a time when most burley growers have become exempt from acreage reductions.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR WEDNESDAY AND THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, the Senate, pursuant to the provisions of House Concurrent Resolution 135, as amended, will shortly adjourn until 12 o'clock meridian on Wednesday, February 17, 1971.

The program for Wednesday next is as follows:

Immediately following disposition of the reading of the Journal and recognition of the two leaders under the order previously entered, there will be a period for the transaction of routine morning business with statements therein limited to 3 minutes. Indication has already been made that unobjected items on the Legislative Calendar may be called if the two leaders so desire. Under the previous order, the yeas and nays have been ordered on two items on the Executive Calendar, Executive L, 91st Congress, second session, the convention with Nicaragua, and Executive N, 91st Congress, second session, the Extradition Treaty with Spain. The first vote under the order previously entered will occur at 3 o'clock p.m. on Wednesday next. Following the rollcall vote on Executive L, the rollcall vote on Executive N will immediately occur.

Under the previous order the Senate will adjourn on Wednesday next at the close of business until 12 o'clock meridian on Thursday next. In view of the motion that has been entered to invoke cloture under rule XXII, the procedure on Thursday next will be as follows:

Immediately following the prayer and the disposition of the reading of the Journal, there will be 1 hour of debate on the motion to invoke cloture. That 1 hour will be equally divided between the majority leader and the minority leader or their designees. At the close of the hour a quorum is mandatory under the rule, and once the quorum has been established by a call of the roll, the Chair will order that the roll be called on the motion to close debate. A yea-and-nay vote is automatic under the rule.

All Senators are, therefore, hereby reminded of rollcall votes scheduled for Wednesday and Thursday next.

ADJOURNMENT TO WEDNESDAY, FEBRUARY 17, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the terms of House Concurrent Resolution 135, as amended, that the Senate stand in adjournment until 12 o'clock meridian on Wednesday next, February 17, 1971.

The motion was agreed to; and (at 3 o'clock and 28 minutes p.m.) the Senate adjourned until Wednesday, February 17, 1971, at 12 meridian.

NOMINATION

Executive nomination received by the Senate February 11 (legislative day of January 26), 1971:

APPALACHIAN REGIONAL COMMISSION

Donald W. Whitehead, of Massachusetts, to be Federal Cochairman of the Appalachian Regional Commission, vice John B. Waters, Jr.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 11 (legislative day of January 26), 1971:

NATIONAL CREDIT UNION BOARD

Richard H. Grant, of New Hampshire, to be Chairman of the National Credit Union Board.

The following-named persons to be members of the National Credit Union Board for the terms indicated:

John J. Hutchinson, of Connecticut, for a term expiring December 31, 1971.

Lorena Causey Matthews, of Tennessee, for a term expiring December 31, 1972.

DuBois McGee, of California, for a term expiring December 31, 1973.

Joseph F. Hinchey, of Pennsylvania, for a term expiring December 31, 1974.

James W. Dodd, of Texas, for a term expiring December 31, 1975.

Marion F. Gregory, of Wisconsin, for a term expiring December 31, 1976.

SECURITIES INVESTOR PROTECTION CORPORATION

The following-named persons to be Directors of the Securities Investor Protection Corporation for the terms indicated, to which offices they were appointed during the last recess of the Senate:

Andrew J. Melton, Jr., of New York, for a term expiring December 31, 1972.

Glenn E. Anderson, of North Carolina, for a term expiring December 31, 1972.

George J. Stigler, of Illinois, for a term expiring December 31, 1972.

Donald T. Regan, of New York, for a term expiring December 31, 1973.

Byron D. Woodside, of Virginia, for a term expiring December 31, 1973.

EXTENSIONS OF REMARKS

SECRETARY HITTLE ON THE BATTLE OF NEW ORLEANS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. HÉBERT. Mr. Speaker, I was pleased and honored that my good friend James D. Hittle, Assistant Secretary of the Navy, Manpower and Reserve Affairs, accepted an invitation to be guest speaker at the observance of the Battle of New Orleans on January 8.

His speech was enjoyed by the many New Orleanians in attendance, and I insert it in the RECORD at this point so all may have the benefit of his words:

ADDRESS BY THE HONORABLE JAMES D. HITTLE

It is for me a privilege to be with you on this occasion commemorating the Battle of New Orleans.

I hope that you will appreciate my feelings when I say that I view with some trepidation the privilege of being your speaker for this occasion. After all, each of you, because of your interest in the Battle of New Orleans, have, I strongly suspect, an intimate knowledge of that Battle to which this lovely city gave its name.

One of the most unenviable tasks is talking history to history buffs. However, because I like to think I am such a buff also, I trust that you will take a charitable view of my efforts.

It would be presumptuous, and quite redundant, were I to give you a stereotype rehash of the Battle of New Orleans. Its salient aspects are well set forth in history books from grade school on up. What I would like to do this evening is to discuss with you some of the Naval aspects of the Battle of New Orleans. Understandably, the general impression of the Battle of New Orleans is one of Andy Jackson and his sharpshooters standing behind bales of fine Louisiana cotton and mowing down successive waves of British Redcoats marching as if on parade.

With the exception of Andy and his sharpshooters delivering a deadly fire from behind the cotton ramparts, this is a very inadequate visualization of the Battle of New Orleans.

Actually, the Battle of the cotton bales was only a part—although a climactic one—of what was really a vast strategic Naval campaign by the British. In terms of modern Naval doctrine, British campaign culminating in the Battle of New Orleans falls into a clearly discernible operational pattern: the assembly and embarkation of the landing force, the transoceanic approach, the en route replenishment of supplies, preliminary operations, gun-fire support, reconnaissance, the ship to shore movement and the assault inland.

Actions by the United States defending forces sort out into clear cut procedures of current Naval doctrine for defense of a base against attack from the sea.

That base, we well know, was the City of New Orleans. Whatever the British may be faulted for in the conduct of that Naval campaign, they must be given a high grade for their strategic evaluation of the importance of New Orleans. New Orleans, from her founding, was destined to become a strategically important as well as a lovely city.

Endowed with a favorable geography, New Orleans not only has stood at the confluence of great waters, but she has stood at the confluence of great history.

The British knew full well, as did the citizens of New Orleans, Andy Jackson, and Commodore Patterson, that this city was both the sentinel and the gateway to the river highways leading to the heartland of the American continent. Likewise New Orleans was both the strategic springboard and economic gateway to the Gulf, the Caribbean, Western Europe, and the world.

The maritime character of your city is its fundamental strategic and geographic feature. In fact, the partnership between New Orleans and the Navy was founded in 1801 with the establishment of a Naval base and Marine Barracks here. The Naval base remains today. In addition, New Orleans is the Headquarters of the Eighth Naval and Marine Corps Districts which include five states of Louisiana, Arkansas, Texas, Oklahoma, and New Mexico, and the many Naval and Marine Corps installations within their boundaries. The Naval Air Station at Alvin Callendar Field is one of our major Reserve air bases, housing elements of the Reserve air components of all the Services.

It was on January 8, 1815, 156 years ago today, that U.S. Forces, under General Andrew Jackson whipped a numerically superior British force, and effectively broke the back of the British Southern Campaign.

Andrew Jackson's career was as distinguished and colorful as that of New Orleans itself. He gained prominence in the Army by his defeat of the Creek warriers at the famous battle of Horseshoe Bend in March 1814. Upon the resignation of General William Henry Harrison, this victory won him the commission of Major Genral to fill the vacancy created. He was given command of the Seventh Military District, with the task of defending Louisiana and the Gulf Coast.

In 1814, about the same time as the Battle of Horseshoe Bend in America, the Emperor of Russia and the Duke of Wellington entered the city of Paris, ending, temporarily, the war of the Allies against Napoleon. This victory enabled Britain to turn more attention to the war with the young upstart nation, her former colonies, across the Atlantic. And so, as Major General Andrew Jackson was assuming command of the Seventh Military District, major elements of the British Army of invasion commenced to gather at Bordeaux. With the news of the fall of Napoleon, there immediately followed rumors of a great British invasion of Louisiana.

The United States prepared its reception. Secretary of War John Armstrong issued new militia quotas from the territories of Kentucky, Tennessee, Georgia, and Louisiana to defend against the expected attack from the South.

Apprehensions in Washington and New Orleans couldn't have been more justified with respect to British offensive action against our young nation. With victory over France, and Napoleon exiled to Elba, England had naval and land forces available for the American campaign.

As the diaries of the British soldiers so well reflect, they didn't have much time to stack arms, take off their packs, and reminisce about their rough victory under Wellington on the Iberian Peninsula. Seasoned veterans who had fought under Wellington and Moore were ordered out of the rest camps in the Bordeaux and Bayonne areas. Embarking on ships commanded by Admiral Cochrane, they sailed as a mighty armada for the United States.

At this point, we should recognize that these British soldiers who were to sail up the Chesapeake, burn Washington, and later attack New Orleans were no recently recruited rabble. Rather, they were battle-seasoned, tough, well trained, disciplined and resourceful fighting men. They were flushed with victory over Napoleon, who had long ruled as military master of the Continent. It was these forces that the Americans under Jackson were to face on the approaches to New Orleans.

Bermuda, even then famous as a resort area, provided the site and atmosphere for an en-route rest for the invasion force.

Within the month the armada was ready to sail, and after an incendiary detour up the Chesapeake to Washington, headed to the Caribbean and the Gulf of Mexico. The target was New Orleans. After another stopover in Jamaica, the forces proceeded toward the Mississippi.

It all promised to be a pleasant, quick, and completely successful campaign.

I believe that history has neglected some aspects of this campaign. I refer primarily to the impact of seapower on what has been generally considered a land campaign.

Historians have correctly lauded General Andrew Jackson for his victory at the Battle of New Orleans. His contemporaries awarded him the Presidency. Yet, neither of these might have come to pass had it not been for Commodore Daniel Todd Patterson, U. S. Navy, his handful of light warships, and his full appreciation of the vital importance of the sea power on which the British operations depended.

This Naval officer, Patterson, is indeed worth our attention. It is hard to find out much about him in even the detailed history, but his role in the defense of New Orleans and all that the victory meant to the destiny of the United States was indeed considerable. A good case could be made that it was indispensable.

Commodore Patterson had not reached his 29th birthday when the British invaded Louisiana, yet he was already an "old sea dog" with 15 years of duty in the Navy behind him. More important, he had been "brought up right" in the tough, aggressive school of Navy leaders such as Barry and Truxtun, Preble and Porter—a school that, like the sea, demanded integrity, hard preparation, foresight, and valor.

At the age of 13 Patterson had gone to sea in the undeclared war with France. Next he sailed against the Barbary Pirates in the USS Constellation, toast of the Nation after Thomas Truxtun's stirring victories in her, and still afloat in Baltimore. On a later cruise in the illfated Philadelphia, he fell prisoner with the rest of the crew to the Barbary Pirates. Characteristically, Patterson did not simply pine away in prison, but under the tutelage of Bainbridge and Porter studied and improved himself in his profession.

After the Barbary wars Patterson began service on the lower Mississippi and the Gulf of Mexico. In December 1813, he became Commander of the New Orleans Station. With the limited means at his disposal, he immediately and vigorously began to develop his tiny fleet of inadequately-armed gunboats and to prepare for the expected British attack.

After an initial survey of the Mobile–New Orleans area, Patterson addressed a letter to Secretary of the Navy William Jones, requesting additional personnel to assist in the inevitably necessary defense of New Orleans. New Orleans, Patterson said, could be approached by the British from the sea, and Patterson was convinced that the approaches to New Orleans by water were so numerous that ". . . many vessels and vigilant officers would be required to guard them effectively." This well may stand as one of the great understatements in the history of warfare.

The British understood the strategic importance of New Orleans from the maritime point of view. Patterson knew it also, and he knew that the British knew it.

In planning their defense, the United States commanders had to decide whether to concentrate defenses at New Orleans or at Mobile. Both were strategically important, but there was doubt that either could be successfully defended if forces were split.

But, in the summer of 1814, the War Department decided to evacuate the Fort at Mobile Point. Commodore Patterson, keeping a weather eye to the sea and the impending British invasion, strongly opposed this move. He stated that if the fort were evacuated, the enemy could immediately and easily occupy it and command Mobile Bay, thus cutting off water communication between Mobile and New Orleans.

General Jackson, who was at Mobile at the time, considered that Mobile could therefore be more logically defended by sea forces, while New Orleans would be more defendable by land troops. In August, he ordered Patterson to "Without delay repair to Mobile with all gunboats and armed vessels under your command." Jackson apparently still believed that Mobile would be the point of the British attack from the sea.

Without benefit of today's more sophisticated approach to decision making, Patterson made one of the most remarkably accurate and foresighted estimates of the situation recorded in our military history. He foresaw the British intent to concentrate their attack on New Orleans. He envisioned an amphibious assault from Lake Borgne, rather than a difficult sea transit up the Mississippi, followed by an overland march from the western end of the lake to a point on the river below New Orleans, and a march on the city itself. Knowing that Lake Borgne was too shallow for the British ships-on-the-line, he knew that the landing forces would have to transit the lake in open barges to the landing area. He realized a tactical truth. His gunboats must not go to Mobile. They were vital to the defense of New Orleans.

Based upon this evaluation, Commodore Patterson spoke his mind to Jackson on September 2, 1814. He said that his small Naval force could be easily blockaded in Mobile Bay and effectively be cut off from New Orleans and the defense of the southern coast. He did more than give his opinion. He refused to carry out Andy Jackson's orders. He informed General Jackson that he was refusing his request because otherwise "the highly important city of New Orleans, the great depot of the Western country, would be left to the enemy who would in that event be able without difficulty to introduce in the country any number of troops they might wish without opposition and obtain possession of it were it known in New Orleans, that they were in the coast."

General Jackson, astute leader and wise man that he was, was impressed with the sound judgment and persuasive reasoning of Commodore Patterson. He heeded his advice. Jackson thus moved his forces to New Orleans, and with Patterson, commenced preparation for defense of the city.

Patterson based his plan for the Naval defense of New Orleans on the prediction that the British would land their landing forces at the Western extremity of Lake Borgne and proceed by land to the banks of the Mississippi at a point some 9 miles below the city.

In a letter to the Secretary of the Navy on November 18, 1814, Patterson predicted the British movements, and pointed out that he was manning the sloop Louisiana to aid in covering any attack that might be made by troops marching up along the river to New Orleans: ". . . nor can the enemy get beyond reach of her guns, having but a narrow slip of land to march on, on one side of the river and on the other side an impenetrable morass, through which an army cannot march nor transport artillery."

The British fleet reached the coast of Louisiana about the first of December. It was an awesome force. Under the command of Admiral Sir Alexander Cochrane, it consisted of 50 ships and a thousand guns, and had embarked a landing force of 8,000 men under the command of Major General Edward Pakenham—a vigorous, talented, brave officer, seasoned in command under Wellington.

As predicted by Patterson, the invasion point was the Western shore of Lake Borgne, via open barges. To delay the impending operation, Patterson dispatched five small gunboats and two small tenders to face this armada. They were no match for the overwhelming strength of the British fleet. But Jackson needed time. He had just begun to assemble his army at New Orleans.

Patterson's orders to Lieutenant Thomas Jones, in command of this small force, were to "sink the enemy, or be sunk". So with seven small ships with a total of 25 guns, Jones faced the task of holding off and disrupting the ship to shore movement of an 8,000 man landing force from the armada of 50 ships and 1,000 guns. In the face of these odds, Jones attacked and harassed the enemy until all of his ships were destroyed or captured. But he delayed the British for nine priceless days, giving Jackson time to ready his defenses.

Let us take the word of Admiral Alexander Cochrane, the British Commander-in-Chief, as to the delaying effect of these American gunboats. Cochrane reported that since "our principal means of transport were open boats, it became impossible that any movement of troops could take place until this formidable flotilla was either captured or destroyed."

It took the British nine days to complete these preliminary operations. But it can be said that these nine days and seven gunboats saved New Orleans.

News of the initial British landing on the western shore of Lake Borgne reached New Orleans as final preparations to meet the attack were being made.

Having reasoned that the British Army would approach by sea through the lakes, there appeared to be three approaches to New Orleans most likely—Lake Pontchartrain to Bayou St. John, Lake Borgne to Gentilly, or Lake Borgne to the river and up the river bank through the sugar plantations.

Patterson deducted correctly that the British would choose the latter route, and he stationed the sloop *Louisiana* and the schooner *Carolina* in the river accordingly. However, these ships were not manned for action. Patterson had noted the large numbers of unemployed and able bodied seamen wandering the streets of New Orleans and had repeatedly requested of General Jackson permission and funds to offer bounties for volunteers to man these ships. There were no funds available. But Jackson solved it by the declaration of martial law. "Volunteers" were recruited with a press-gang.

But the British had landed their troops at Lake Borgne and proceeded to the bank of the river. They made camp on December 23rd and began forming for the assault on New Orleans.

British Generals Pakenham and Keane really had their problems. This was a different kind of war from Europe. Their intelligence was shaky and information on the size and disposition of the United States forces had been contradictory. They were also nervous with the presence and bearing of Admiral Cochrane, the Commander-in-Chief of the expedition.

Admiral Cochrane's part in the invasion had been carried out with efficiency and success. He felt he could hardly be blamed in London for any errors of the Generals.

Cochrane became scornful of the Generals' doubts and indecision on how to proceed. Of course, he indicated, he could have his artillery guns ferried from the fleet and would blast the enemy's boats from the river; if Pakenham needed more room, Cochrane could dig a canal from the Bayou to the river to bring boats to carry the Army across the river; there had been enough dilly dallying; one hearty thrust in the traditional British manner should scatter the enemy rabble to the winds.

"If you wish", Cochrane said acidly, "I will take the city with my sailors and marines, and the army can bring up the baggage."

So as Keane and Pakenham worried, Cochrane scoffed. They found comfort in the belief that even if the American force were large, it was only an accumulation of untrained men, a mob without discipline, order, or experience. The first strong British attack would explode that mob in all directions.

Even when Jackson sent a small force to reconnoiter and contact was made, there was little thought that trouble was ahead. "Americans have never been known to attack", one officer said, "we need hardly expect them to do it now."

So some British troops as they got ashore stacked arms and returned to their napping, eating, foraging and enjoyment of the products of the plantation wine cellars.

It was later reported that when a British prisoner had told Jackson that Admiral Cochrane had boasted that he would eat Christmas dinner in New Orleans, Jackson had replied, "Perhaps so, but I shall preside at the feast." When Cochrane heard of this reply, he retorted, "I shall not only eat Christmas dinner in New Orleans, but spend the Carnival there."

As things turned out, this certainly must go down as one of the most inaccurate prophecies in military history.

As the British reached the river bank on December 23rd, Patterson stood down to meet them on board the schooner Carolina. Anchoring his ship abreast the enemy's camp, he was heard clearly to shout as Carolina's guns opened fire "Now then, give it to them for the honor of America!" His guns drove a whole division on the left river bank to cover and kept them there while Jackson attacked with his Tennessee Riflemen. The Carolina's guns kept the enemy behind the levee under cover all day of December 24th. It was not until dark that they were able to sneak out from under her gun muzzles. But her elevated guns followed the enemy inland and held them from the river bank until the night of December 27th.

It was on the 24th of December that on the far side of the Atlantic, British and United States commissioners signed the Treaty of Ghent which officially ended the War of 1812. But in the vicinity of New Orleans events were still moving irresistibly to the climactic battle of that war that had officially ended.

It is worth at least a moment of speculation in realizing that it was the lack of the kind of communications that we have today, that made the Battle of New Orleans inevitable after the signing of the peace treaty. Without the communications by which a distant command post could have told the field commanders not to fight the battle, the Battle of New Orleans soon took place. The results of that Battle, of course, strengthened the meaning of the treaty from the standpoint of the U.S. and contributed to the security of U.S. independence.

Patterson brought down the sloop Louisiana to help flank the breast works thrown up by Jackson's troops. Carolina was destroyed on December 27th, when two heavy British batteries that had been fitted at night scored direct hits and exploded her magazines. But Carolina's seamen then became artillerymen on shore, joining Jackson's troops.

On the morning of 28 December, the British Army started out for New Orleans but stumbled, instead, on Jackson's Army after only three miles of advance. They were mowed down by the long ship guns of the Louisiana who drove the British artillery back upon their infantry, forcing its withdrawal out of range.

Patterson now landed guns from the Louisiana on the opposite bank of the river, flanking the enemy's batteries as well as their columns.

On January 8th, the final major episode of the Battle of New Orleans was fought. It was fought at the exact spot predicted by Commodore Patterson two months previous. We must give due credit and admiration to this tough, seasoned British Army for reaching the final field of battle. After a difficult and harrassing landing at Lake Borgne, a cold, wet, and exhausting transit on foot to the Mississippi, and weathering the devastating Naval gunfire during the approach toward New Orleans, the British now marched straight into the deadly fire of Jackson's frontier sharpshooters.

In a period of 30 minutes, over 2,000 British fell, dead or wounded. American losses were 6 dead and 7 wounded.

During the battle General Pakenham was shot and killed while riding to rally his breaking troops. Upon reporting this news to Jackson, an Aide remarked, "That British officer certainly acted the hero to the last." Jackson paused for a moment and replied, "When our intellect fails us, we have to become heroes."

Patterson's battery was back in action the following day, however, on January 9th, as the shattered British Column sought refuge beyond the range of his guns. The heaviest guns from the breastworks and Patterson's water-battery kept up a day and night bombardment on the British camp.

It was impossible for the enemy to regroup for another advance and useless for them to remain. Each day brought reinforcements to Jackson's Army. The British abandoned their positions on the night of January 18th and began an agonizing retreat to their fleet.

Jackson returned to New Orleans on January 21st to a hero's welcome. The Battle of New Orleans was over. The triumph was clear. Our nation was more secure.

Although Patterson commanded his gallant and efficient subordinates, the leading part played by him in that heroic drama of New Orleans has not been adequately acknowledged by history. Yet, Jackson, who qualifies as an expert witness, did realize the importance of the Navy's role.

In a letter to the Secretary of the Navy dated January 27, 1815, Patterson wrote that General Jackson freely acknowledged that the "unwearied exertions of the small naval force on this station, from the first appearance of the enemy, has contributed in a great degree to his expulsion".

So, what does the Battle of New Orleans mean? In the first place, no victory against the vigorous and growing British Empire in the 19th century was meaningless.

The meaning of the Battle of New Orleans was, and is, that it strengthened the position of the United States as an independent Nation. Never again, after the blood letting at New Orleans, would the British challenge U.S. independence. It is also very possible, in the light of subsequent events, to conclude with considerable reason that had Jackson and Patterson not won the Battle of New Orleans, the United States might well have had to face British arms in the northwest over the "54–40 or fight" boundary crisis.

When viewed through the long-glass of history, the Battle of New Orleans stands with Saratoga and Yorktown in the trilogy of triumphs that made our country free.

GARVIN P. TAYLOR

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. RODINO. Mr. Speaker, recently Montclair, N.J. lost an outstanding citizen and a man who served this community personally and through his profession. The following editorial from the Montclair Times aptly portrays his contributions:

GARVIN P. TAYLOR

Garvin P. Taylor, who died last week at the age 80, was above all a gentleman of firmest principle. As its publisher, Mr. Taylor determined that The Times should be a family newspaper suitable to be read by all, the young as well as the old. From that high precept he never deviated.

In its responsibility to its readers, The Times would note criminal activities and departures from ethical procedures, but lurid details, he insisted, would be omitted.

"We must live with our readers who are our neighbors," he often said. "Let us publish a paper which will bring them the facts they should know, but without favor and without dwelling on the sensational or the sordid."

As any newspaper reflects the personality and the character of its management, so The Times has mirrored Garvin Taylor's resolve to make it unequalled in the nation in the thorough presentation of community issues with the strictest impartiality.

To this resolve the staff which Garvin Taylor assembled over the years dedicates itself without reservation. There could be no greater tribute to his memory from fellow professionals. His spirit will carry on as this newspaper faces the challenge of the Seventies.

SOCIAL SECURITY BENEFIT INCREASE NEEDED NOW

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. SCHWENGEL. Mr. Speaker, today I insert in the RECORD, part IV of the article entitled "Private and Public Retirement Pensions: Findings From the 1968 Survey of the Aged" by Walter W. Kolodrubetz.

The article follows:

PRIVATE AND PUBLIC RETIREMENT PENSIONS: FINDINGS FROM THE 1968 SURVEY OF THE AGED—PART IV

RELATIONSHIP TO SOCIAL SECURITY BENEFITS

Persons with private pensions were likely to have higher OASDHI benefits than those without private pensions. This difference is not surprising since private pension coverage historically has been concentrated in industries and occupations covered by OASDHI since its beginning and characterized by average and above-average earnings. Furthermore, private pensions normally accrue to those persons who spend most of their worklife in one job and thus have few interruptions in employment that could affect the average monthly earnings used to compute OASDHI benefits.

Almost half the married couples with private pensions had OASDHI benefits between $2,000 and $2,500; for about 10 percent, benefits were less than $1,250 (table 6). Their median benefit was $2,040. For married couples receiving only OASDHI in retirement, benefits were lower and more widely dispersed. Less than half as large a proportion as that for private pensioner couples received benefits of $2,000 or more, and five times as large a proportion received benefits less than $1,250. Their median OASDHI benefit of $1,483 was about $550 less than that received by the private pensioners. Nonmarried persons receiving only OASDHI in retirement benefits also had substantially lower OASDHI benefits than the nonmarried who also received private pensions.

TABLE 7.—SOURCE OF RETIREMENT BENEFITS BY PRIMARY INSURANCE AMOUNT FOR OASDHI BENEFICIARIES [1]: PERCENT OF AGED UNITS WITH MONEY INCOME FROM SPECIFIED RETIREMENT BENEFITS BY PRIMARY INSURANCE AMOUNT AS OF FEBRUARY 1968

Primary insurance amount [2]	Married couples with OASDHI benefits and—		Nonmarried persons					
			Total with OASDHI benefits and—		Men with OASDHI benefits and—		Women with OASDHI benefits and—	
	Private group pension	Other public pension	Private group pension	Other public pension	Private group pension	Other public pension	Private group pension	Other public pension
Less than $100.00	5	15	2	7	3	8	2	7
$55.00	3	25	1	11	1	12	1	10
$55.10 to $79.90	4	15	3	5	5	7	2	4
$80.00 to $99.90	7	9	3	5	3	6	3	5
$100,00 to $119.90	11	4	9	4	9	5	9	4
$120.00 to $139.90	20	5	13	5	21	5	10	5
$140.00 or more	41	5	25	8	43	8	15	8

[1] Excludes beneficiaries who received their first benefit in February 1967 or later, the transitionally insured, and special "age-72" beneficiaries.

[2] Though the DECA Survey information relates to 1967, the PIA amounts shown reflect the increases provided by the 1967 amendments to the Social Security Act. For couples with both members receiving benefits, PIA of the men; for widow beneficiaries, PIA of the deceased husband.

The distribution of OASDHI benefits for units receiving a government or railroad retirement pension in addition to OASDHI was considerably different from that for private pensioners. As noted earlier, many persons under State and local government systems have concurrent coverage under OASDHI, and presumably their OASDHI benefits would be at levels similar to those of private pensioners. Unfortunately, the Survey was not geared to distinguish between State and local government and other public pensions. The distribution therefore includes some State and local government retirees and civilian Federal Government and railroad retirees who did not have concurrent OASDHI coverage and earned OASDHI benefits from a different job. Persons who obtain OASDHI eligibility on jobs other than their career jobs typically qualify for low OASDHI benefits. As a result, OASDHI benefits for aged units receiving two public pensions were at a much lower level than those of aged units with private pensions.

For married couples with two public pensions, OASDHI benefits were also lower than they were for those receiving only OASDHI in retirement benefit income. Among nonmarried persons, however, OASDHI benefits for those with two public pensions were not much different, on the average, than those paid persons receiving only OASDHI benefits in retirement benefit income.

Private pensioners made up the bulk of the persons who received high benefits under the social security program in 1967. They were least represented in the group with low OASDHI benefits, because these retirees were unlikely prospects for private pension coverage during their working years. The close tie between receipt of private pensions and high OASDHI benefits is indicated in a different way in table 7. Forty-one percent of the married couples with PIA's of $140 or more had private pensions, compared with only 5 percent for those with PIA's under $100. Couples who also had other public pensions were concentrated at low PIA levels and accounted for 15 percent of the couples with a PIA less than $100. Nonmarried men had an almost identical pattern with that for dual pensioners by PIA amounts. A sixth of the nonmarried women with PIA's of $140 had private pensions, compared with 2 percent of those with PIA's under $100.

THE FUTURE OF THE PUBLIC HEALTH SERVICE HOSPITALS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, I commend to your attention and the attention of the whole House, the efforts which are currently afoot among honorable Members from all over the country to join in a meaningful register of protest to the Secretary of the Department of Health, Education, and Welfare with regard to the future of the Public Health Service Hospitals across the Nation. These fine institutions have performed yeoman service over the years and have a vital role to play in their communities today. To close them would be to shift the burden to the already crowded VA hospitals or result in further Federal subsidies to private hospitals—all at greater cost and resulting in a less efficient service for those served than under the existing arrangements.

Coming from Massachusetts as I do, I find it difficult to conceive of a future without the old Boston Marine Hospital, founded back in the early years of the Republic. After years of effort by the Boston Marine Society, an organization which itself dates back to 1742, Congress passed on February 24, 1798, "An act for relief of sick and disabled seamen." From this developed the U.S. Marine hospitals located in all large U.S. seaports.

The U.S. Marine Hospital in Brighton, Mass., is presently a going concern enjoying an excellent reputation and from all reports is well operated. The seagoing community which it serves, both the men and their families, and the Federal Government workers which receive treatment there, is a community which we should not brush aside in this day and age. A nation which ignores the heritage and wisdom of its forefathers is a foolish nation, indeed. I urge all Members to seriously consider joining me in cosponsoring the resolution introduced by the honorable gentleman from Maryland, CLARENCE LONG.

RECOGNIZING AND REJECTING ERRORS OF THE PAST

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. SCHMITZ. Mr. Speaker, one of the most curious aspects of American political dialog today is that it is the so-called liberals and progressives who are most insistent that what has been done by government cannot be undone, that once we are committed to a course of action we can never pull back from it. "You cannot turn back the clock," they cry—though when it comes to the activities of government which they dislike, such as maintaining a strong national defense, they are only to fertile in ideas of how to phase that out.

If the Left can demand that we reorder priorities to downgrade national defense, and get out of Vietnam, and obtain a hearing and widespread support for fundamental changes in our policy such as that, then it ought to be possible at least to obtain a fair hearing and reasonable consideration for fundamental changes in other areas of our policy which many Americans feel just as strongly to have been mistakes.

I have introduced legislation in two such areas. My H.R. 2632 would terminate American participation and membership in the United Nations. This resolution is identical to that introduced in past Congresses by my predecessor, the late Congressman James B. Utt of honored memory. During his service in Congress, the time for it was not yet ripe. Woolly hopes and childish illusions still obscured too much of the truth about the United Nations.

But now there is a growing appreciation of the fact that, far from being a panacea for international problems, the United Nations is at best an expensive and useless white elephant, and at worst an initial blueprint for world dictatorship. Can anyone point to any significant conflict anywhere in the world during the past 15 years which the United Nations has helped to resolve, or even to moderate? In the Middle East it has been a spectacular failure, while in Southeast Asia it has carefully looked the other way during the whole decade of war.

On the other hand, in several cases the United Nations actively intervened to stir up trouble. It was an aggressor in the Congo and has allowed itself to be used as a pawn to further the political ambitions of other African nations regarding Rhodesia. Furthermore, as in the genocide treaty now before the Senate, the United Nations is constantly seeking to interfere in the internal affairs of Western nations—but never in those of the Communist bloc.

Last December 21, on the House floor, during a debate on yet another appropriation of our tax money for the United Nations, Congressman H. R. GROSS of Iowa pointed out that the proposed expansion of the U.N. building in New York would cost $63.13 per square foot, "perhaps the most luxurious pace on this planet." He concluded with this blistering indictments:

> This legislation, Mr. Speaker, adds insult to injury. The already hump-backed American taxpayers are being asked to put up $66 million of the estimated $80 million cost of this project in a year when this Government has already knuckled under to a $14.7 million dues increase to the U.N. and its related agencies, and at a time when the multitude of deadbeat members of this organization owe more than $200 million in the form of unpaid dues and assessments. And that is to say nothing of the millions the U.N. owes us on the loans and credits we have extended.
>
> If the United Nations wants a fancy addition to the Tower of Babel it now occupies, let U Thant collect the back dues that would more than pay for it. Until that is done, let us not heap yet another burden upon the working men and women of this country who have already given far more than their fair share.

Although this appropriation was approved, last year, for the first time, the United States cut its funds to one of the subsidiary organizations of the United Nations—the International Labor Organization, which was rightly denounced as an anti-American propaganda forum. The United Nations tide is turning. It is time to recognize and reject this error of the past.

And the same should be done regarding the vote in Congress last year, in flat defiance of the Constitution, compelling the States to allow 18-year-olds to vote, though the people of most States had refused to do this. Many Members of Congress voted for this bill under the mistaken assumption that even our present Supreme Court could not be so derelict it its duty as to uphold it. That assumption has been proved false. But we need not live with this error forever. My H.R. 2633 would correct it by repealing the amendment to the Voting Rights Act which lowered the voting age to 18.

THE HUMANITY OF THE UNBORN CHILD

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. HOGAN. Mr. Speaker, on January 29, 1971, I asked that my testimony before the Maryland State Legislatures opposing a proposed bill which would allow abortion on demand be inserted in the RECORD for the information of all Members.

My brother, Dr. William J. Hogan, an obstetrician and gynecologist from Bethesda, Md., also presented some very moving testimony before the legislature describing the humanity of a fetus from the moment of conception. Prior to his testimony before the Maryland Legislature and since that time, he has spoken before various groups almost every night of the week to inform Maryland residents about the dangers of this "abortion on demand" bill.

Mr. Speaker, I include my brother's speech discussing the humanity and development of the unborn child at this point in the RECORD. I am certain that many Members will be interested in the facts about abortion contained therein which are rarely enunciated by the proponents of this kind of legislation.

The speech and article follow:

SPEECH BY DR. WILLIAM J. HOGAN

I have been asked to speak to you tonight on the subject of abortion. In my view, the abortion issue is one of the most agonizing and devastating problems of our times, and its effects will be with us for a long time to come.

A liberalization of attitudes and of many state laws has led to the widespread practice of abortion upon demand in the United States and throughout the world. This has very conveniently been accomplished by arbitrarily assigning the status of nonhumanity to the developing unborn child. This increasing loss of respect for human life has serious implications for the future of society.

Our Judeo-Christian tradition has been the strength and foundation of our way of life. It has taught us that God is the Author of all life and that man does not have the right to directly take the life of another innocent human being. These traditional concepts are now in danger of being lost.

A very powerful and, unfortunately, increasingly popular movement in this country and throughout the world seeks to place in the hands of man, power of dominion over the right to life of other men when it is convenient to do so.

Now the abortion question in 1970 is not the same issue that it was several years ago. Then the call was for laws that allowed abortion to be performed for the so-called "medical indications". These were as follows:

1. The preservation of the life and health of the mother (including psychiatric indications).
2. To prevent birth defects.
3. For rape and incest.

The fact is that these indications for abortion are today, in 1970, quite rare in reality and so the thrust is for abortion on demand. By abortion on demand is meant simply the destruction of the infant purely for the convenience of the mother, her family, or society or for no reason at all. Yet, until very recently, virtually everyone believed the infant's right to existence transcended any right of a woman, a family or society to its right to social conveniences.

According to the National Opinion Research Center, 85% of the population of the United States are opposed to abortion on demand. Unfortunately, the remaining 15% have gained widespread support from the news media and in many state legislatures while the 85% have been largely apathetic.

Now what basis do I have for stating that the traditional "medical indications" for abortion are becoming even more rare.

To quote some statistics in New York City, from 1943 to 1962 the therapeutic abortion rate dropped from 5.1 per 1,000 live births to 1.8 per 1,000 live births. Rarely is a medical disease an indication for abortion today.

As for birth defects, German measles, the most common reason to seek an abortion to prevent even a modest possibility of a congenital defect, will soon be a disease of the past. The epidemic of 1964 was the catalyst for the scientific community to develop not only the laboratory tests to accurately diagnose the presence of German measles but also the vaccine to prevent an individual from ever developing the disease. German measles should no longer be an indication for abortion.

In the recent past, Rh sensitization developed in 10% of Rh negative women bearing Rh positive children. Many of these children were born with severe anemia, jaundice and heart failure and were at high risk for brain damage. With the introduction of a new drug called Rhogam in the spring of 1968, this terrible medical problem has been virtually 100% eliminated for the future.

Considering psychiatric indications, the Minnesota Mortality Study, reported in the *American Journal of Obstetrics and Gynecology* in January 1968, points out that the suicide rate is four times as great in the general female population as it is in the pregnant female population. None of the fourteen suicides in pregnancy over a 16-year period in the State of Minnesota were associated with conditions that would constitute an unwanted pregnancy.

In the event of rape or incest, if a woman is of a determined mind to have an abortion performed and seeks medical attention within 7–8 days, some physicians will perform a medical curettage removing the lining of the womb. If she is pregnant it is impossible to discern because the pregnancy test will be negative and there will be no evidence of pregnancy in the tissue removed at this early time. This woman needs no liberalization of laws because there can be no law governing a pregnancy that cannot be shown to exist.

The administration of large doses of a hormone in this same time interval might delay or prevent ovulation or create an unfavorable environment for implantation of an early conceptus.

But then how common is pregnancy resulting from rape or incest? In Czechoslovakia the number of pregnancies terminated for the reason of rape constituted 0.0002% of 86,258 abortions performed in 1966.

What I have tried to show, then, is that the traditional medical reasons for doing an abortion are in fact becoming more rare all the time.

Having lost virtually all medical indications for abortion to the progress of medicine, the proponents for abortion on demand now become more dramatic and emotional and rhetorically shout: "The laws on abortion are unenforcible and therefore should be abolished" . . . or the "laws are not equally applied because the rich have access to abortion and the poor do not; therefore, there should be no law" . . . or further, "how many more women must die before the laws are changed?"

Now it is true that for many years a white man who murdered a black man in the southern states of this country was never convicted of his crime. Clearly the law was not enforced nor equally applied. Would anyone argue that for these reasons the laws against murder should have been abolished?

As for maternal mortality, in some countries where liberalization of abortion laws have taken place the death rate in women whose pregnancy was aborted, exceeds that of women who undergo delivery at term. In Sweden, a country which leads the world with the lowest prenatal mortality rate, has a 25% higher death rate for abortion than for natural pregnancy.

In March 1969, it was reported in the *American Journal of Obstetrics and Gynecology* that in the first year of the liberalized abortion law in the state of Colorado there was an 8% excessive hemorrhage rate associated with the abortion procedure, and a significant number of infections and uterine perforations were reported. The authors believe that an increased rate of loss of reproductive capacity will come to light in these women as time passes.

With these facts in hand anyone would ask why the criminal abortionist practices better medicine than the legal abortionist of today in his well equipped sterile operating room. The answer is that there are far more abortions being performed today than ever before and today's brave, bold abortionist ventures forth to terminate a pregnancy at much later stages of gestation than the criminal abortionist would have ever considered.

It is also a fact that in those countries where abortion laws have been passed, illegal criminal abortions have only increased in number.

Recently the legislatures of 17 states have liberalized their laws on abortion and in five of these the law allows for abortion on demand. In six other states and the District of Columbia the courts have ruled against existing abortion laws either because the law was said to be vague or because they were said to be in violation of a woman's right to destroy an unwanted or inconvenient pregnancy if she chooses.

The fact is, with or without laws, abortion on demand in reality is widely practiced. The woman simply states she wants to commit suicide or a German measles rash is fabricated by her doctor who then petitions the rubber stamp hospital committee and the matter is settled very quickly.

There is a profit involved to be sure. As Sir John Peel, President of the Royal College of Obstetricians and Gynecologists, has said, "a very large number of abortions are being done by a small handful of doctors for very large fees". This is as true in Montgomery County as it is in England.

A colleague of mine is very much conconcerned about the plight of the woman with an unwanted pregnancy. His compassion, however, is only ignited when the woman places $750.00 in cash in his hand, in advance. Only then is an abortion indicated in her case.

How do the proponents for abortion on demand justify their sanction for the wholesale destruction of human life for social convenience? They begin by assigning the status of non-humanity to the developing unborn child. They say that this individual child who can move and suck and grasp and—to the chagrin of the clumsy abortionist and the horror of the operating room nursing personnel—cry aloud when accidentally born, is no different than a set of tonsils or an appendix. Men of science abandoned this concept 400 years ago.

There is no disputing the fact that the fetus is a distinct human being with an individual, distinct genetic makeup different from every other creature from the beginning of time.

Every tonsil from the beginning of the world is essentially the same. Amusingly, one would be in very difficult circumstances if one declared his tonsils or his appendix as an income tax deduction.

Now it must be stated that many of the abortion proponents are honest dedicated people who share with others the common ground of concern for the problems of man. However, they are making the devastating mistake of ignoring or suppressing the painfully obvious fact that the infant within the womb is a member of our humanity and is entitled to the right to life as are all human beings.

Many of our young people who have genuinely idealistic concerns about overpopulation, poverty, the unwed mother, and all the problems facing society, have tragically been converted to the abortionist's way of thinking. Many others have lost the connotation of the word abortion or can no longer identify with the unborn child as a fellow human being or are simply tired of confrontation on social issues.

Let us explore further this humanity of the unborn infant. The obstetrician, the fetal physiologist, the embryologist, and the geneticist all tell us that this infant within the womb shares the same essential characteristics that all men possess. It differs from you and me only in that it has not reached many of its potentialities even as a one-week old infant has not reached its full potential. A three-year-old child cannot read and a prepubescent boy and girl has not reached its reproductive potential. Nonetheless, they are no less human all of us would agree.

If this infant shares our humanity, we destroy our humanity; we destroy the rationale of our concern for others in our society when we say we have the right to annihilate this human being in order to solve some other pressing problem that is less than the demand for the mother's life.

Is it rationale to assume that we can solve the problems of the underprivileged by institutionalizing abortion as the contraception of the poor? The destruction of human infants will not solve the agonizing problems of poverty, hunger, lack of education, poor housing, lack of job opportunities, the plight of the unwed mother, inadequate family planning programs or all the conditions that go to make up a situation where a child is unwanted.

Before we say to the unwanted unborn child that our solution for his problem of being unwanted is to destroy him, let us ask ourselves whether or not we might be destroying another Martin Luther King, a man from poor beginnings; or a Babe Ruth, an unwanted child from Baltimore; or a Helen Keller or Toulouse Lautrec, both handicapped persons. Even Moses, you will recall, was an unwanted child.

What if we could ask that unwanted unborn child what his choice would be, whether he would choose to be born unwanted or be impaled to death by a surgical curette. There is no doubt in my mind that he would choose life.

To further develop this question of who is this child within the womb and what is human life, I thought, as an obstetrician I might offer you some insights into how a human person develops.

As you know, conception, or the union of the male sperm with the female egg normally takes place in the Fallopian tube. One half of the genetic component is contributed by the female and one half by the male, so that we have set in motion the development of a unique distinct individual whose genetic composition is different from either of its parents and is different from any human being in the entire history of the world.

After a journey of about seven days the embryo arrives in the cavity of the womb and is implanted therein and requires only nutrition and time to develop into one of us.

By two weeks gestation the cardiovascular and nervous systems are developing.

At three weeks there is a heart beat with circulating blood.

All the internal organs that a complete human being possesses are present and developing by six weeks gestation.

By seven weeks the nervous system of the fetus is functional to the point that it flexes its neck when its mouth is tickled.

By eight weeks it has readable brain tracings, the skeleton has begun to form and the eyes, fingers, and toes are evident. After this point of eight weeks no new major structure will be added and further growth will consist of maturation and development. It is about this time that the woman is consulting her physician in order to confirm a diagnosis of pregnancy.

At 9–10 weeks the fetus swallows, squints, and moves.

By 10–12 weeks a heart beat can be detected in the doctor's office by means of ultrasonic techniques. The fetus now resembles you and me in every respect. Now the fetus will begin to suck his thumb.

At 20 weeks of pregnancy the fetus weighs 500 gms. or approximately one pound. Survival beyond this point is now a reality. Indeed an infant weighing less than one pound survived beautifully at Georgetown University Hospital within this past year. An infant of 397 gms. survived in Canada.

Yet, only a few years ago, the age of viability was thought to be 28 weeks gestation. Now about 10% of infants between 20 and 28 weeks can be expected to live.

It is now perfectly evident that any age of gestation set for survivability can no longer be considered immutable because of the great progress that medicine has made in the field of neonatology. Indeed, as Doctor Diamond has said, the 20-week survivability standard is about as sacred as the four-minute mile in the track world.

Further, with the rapid advances in medicine we will likely see the 12-week fetus, separated from its mother's womb, survive normally. It may even be possible in the future for an embryo to live in a laboratory environment from shortly after conception.

Now beyond 20 weeks the developing human being is termed a premature infant and all states require a birth certificate for such a child. He may at this time be claimed as a legal dependent for tax purposes as long as he is not delivered stillbirth.

Human development, then, is a single continuous process from implantation to the achievement of adult personhood. A ten-week fetus is not essentially different from a 20-week infant or a 30-week infant.

Though it may be safer to terminate a pregnancy earlier in gestation than later, it is totally illogical to choose any point in the continuous biological development of the child, such as the feeling of movement perceived by the mother, a heart beat heard by the doctor, or even the delivery of the infant as the beginning of Human life.

The deliberate termination of a pregnancy at whatever stage of development before viability is the same process; namely, the destruction of human life. It matters not whether it is four weeks or eight weeks or twenty weeks, or whether you can hear a heart beart with a stethoscope or whether the mother feels movement. It is the same process, the destruction of human life.

I would now like to show you some slides that illustrate the human development that I have been talking about.

(Stop and project 35 mm. slides.)

What will be the consequences of this ever-increasing loss of respect for human life? Of course, one does not know the answer to this question but if one examines unfolding events, the signs are quite ominous.

The right to inheritance, the right to own property, and the right to due process of law for the unborn child have in the past been protected by the courts. These are hollow rights indeed if one does not have the right to life.

A euthanasia (or so called "mercy killing") bill was introduced for the fourth consecutive year in the House of Lords in 1969 and was defeated by a margin of only 61–40. A similar bill has already been introduced in the Florida legislature this year. According to this bill, not only would one be permitted to decide for his own execution, but—and I quote from section 3—"in the event any person is unable to make such a decision because of mental or physical incapacity, a spouse or person or persons of first degree kinship shall be allowed to make such a decision, . . ."

You say it couldn't happen here! We have said all along that abortion on demand could not happen here and it very definitely has.

John Cardinal Heenan, the Catholic Primate of Britain, observed this week, as reported in *The Washington Post,* that the greatest shock given to mankind in modern time was not the atomic bomb on Hiroshima but the Nazi extermination of six million Jews. Further he noted that "the realization that national leaders in the 20th Century could plan the systematic destruction of a whole race put an end to the myth of human progress." Surely there were those in Germany who said, "it couldn't happen here."

What will be the effects on society when future physicians and health personnel have completely jettisoned the Hippocratic Oath in order that they might serve as exterminators as well as healers?

Shocking and alarming is the September 1970 report of the President's Task Force on the Mentally Retarded which recommends that the government provide active leadership for increased availability of abortions, voluntary sterilization, and birth control measures. Simply stated, the government can solve the problem of mental retardation by providing the means to destroy the mentally retarded or potentially retarded.

Might not the alleged atrocities at My Lai and the upsurge in impersonal vicious crimes in our country be an indication of how we as a people are coming to value human life?

One can even be concerned about our economic progress when, as was reported in *Medical World News* in June 1970, Dr. Yukimasa Watanabe, President of the Tokyo Association of Maternal Welfare, said that "the combination of contraception and abortion has skewed the Japanese population so far toward the older age groups that commercial interests are now openly predicting a severe labor shortage by the end of the 1970's."

In my view, on the basis of reason, logic, science, medicine, law, governmental policy, economics, and especially from the standpoint of man's humanity to man, direct, intentional abortion makes no sense at all.

In closing, I want to read to you a portion of Pearl S. Bucks' foreword to *"The Terrible Choice: The Abortion Dilemma"* which is a book based on the proceedings of the International Conference on Abortion sponsored by the Harvard Divinity School and the Joseph P. Kennedy, Jr., Foundation. She writes, "as a mother of a child retarded from phenylketonuria, I can ask myself at this reflective moment, if I had rather she had never been born. No, let me ask the question fully. Could it have been possible for me to have had foreknowledge of her thwarted life, would I have wanted abortion? Now with full knowledge of anguish and despair the answer is no, I would not. Even in full knowledge I would have chosen life. I fear the power of choice over life or death at human hands. I see no human being whom I could ever trust with such power—not myself, not any other. Human, wisdom, human integrity are not great enough. Since the fetus is a creature already alive and in the process of development, to kill it is to choose death over life. At what point shall we allow this choice? For me the answer is—at no point, once life has begun. At no point, I repeat, either as life begins or as life ends, for we who are human beings cannot, for our own safety, be allowed to choose death, life being all we know. Beyond life lie only faith and surmise, but not knowledge. Where there is no knowledge except for life, decision for death is not safe for the human race. . . ."

[From the America magazine, July 19, 1969]

HUMANIZNG THE ABORTION DEBATE

(By James J. Diamond)

A reading of the transcripts of abortion hearings reveals that whenever humanistic concepts are developed, they are more likely to be well developed by proponents of abortion rather than by its opponents. The admittedly difficult and demanding situations that arise from man's genitality readily elicit "gut reactions." Reactions of the same intensity are difficult to arouse through philosophic abstraction.

In pleading the case for liberalization, one need do scarcely more than present a 14-year-old child pregnant by her drunken father, a mother of three teen-aged children in the suburbs raped by an insane criminal, or a pitiable defective in a mental institution pregnant by an illiterate orderly. If the mother is white and the man is black, a few more votes will swing. Legislators are human and become sensitized.

This article acknowledges the human concerns inherent in the question of liberalization. It does not admit that all the gut or basically human considerations lie with the proposals for liberalization. There are many extremely human considerations, too, in the arguments against it. Some of these involve the experiences of people in other countries, who are beginning to learn by bitter retrospection. The time has come, I believe, to apprize our sensitive legislators of all the implications of abortion. There are monstrous realities lying in the wake of abortion.

The author, a cancer surgeon, is more than aware of the medical aspects of the abortion debate. He recognizes the problems for what they are—and, he hopes, with compassion and understanding. After what he feels has been an ample period of reading, thought and discussion with people in all walks of life, he would insist that in any honest debate the following ground rules should be observed by all the participants:

1. It must be understood that the debate is not at all a Catholic-nonCatholic affair. When the case is presented to a legislative committee, this fact must be kept in mind. To ignore it would be to insult the intelligence and good will of the committee members. In fact the Catholic Church has many allies.

2. No one should keep silent in this debate out of deference for the spirit of ecumenism. Such an excuse would be intellectually dishonest. It is no disservice to ecumenism if a scholar speaks out with conviction.

3. The abortion issue simply must not be handled before State legislative bodies as a *quid pro quo*. Obtaining textbooks or aid to parochial schools by means of silence on the abortion issue would amount to a betrayal.

We can begin our discussion by agreeing that, as human beings, we all have a well-developed tendency to assign varying degrees of humanness to other human beings. Take for example, the men and women of the Appalachia area. Americans in general simply ignored them. For a long time we made no effort to deliver them from their poverty, filth, disease, ignorance, starvation or despair. Yet today, when a cave-in occurs, we stare fixedly at our television sets as rescue efforts are made to drill a lifeline in to some trapped miners. Rescue teams slave to the point of physical collapse, the company expends a small fortune and families pray to a state of numbness, all in the unrealistic hope that somewhere in that shaft there exists a human life. Americans have thus judged the same persons twice. For years the Appalachia people were considered negligible; now they are salvage-worthy.

The basic, human, unrehearsed reaction of mankind is demonstrated here in the cave-in tragedy, just as it is when a submarine goes down, a plane is lost at sea or a building catches fire. Our instinctive reaction is to work on the assumption that somewhere in that mine, beneath that sea or beyond those flames is a human life to be saved. We don't demand proof that life is there; we act simply on the possibility.

In the case of abortion, however, our response operates in a manner diametrically opposite. Here the action is based on an assumption, a hunch, a hope or even a prayer that a human life does not exist in that uterus.

How can we make this disparity acceptable to ourselves? We do it by applying different values to humanity's several forms. The miners are full-grown men; the babies are but a few weeks old. We do not quibble about what kind of existence we would be returning the miners to—its quality, its desirability, its fulsomeness. We are able to raise these questions about the baby, however, since we have enough doubt about our attitude toward abortion to need all the psychological self-help we can get. This will become clearer if we reflect on the way we assign selective values to our fellow men, even when we admit their indisputable humanity.

The death of Martin Luther King in 1968 paralyzed all of us, even though we had been more or less indifferent to the deaths of Biafrans during the previous year (at least until it became the "in" thing to be Biafra-conscious). Even now, the idea of brown people dying in Vietnam, leaving little brown children as orphans, hardly seems as tragic as white Yanks dying there. And the rape of a B-girl from the Block in Baltimore simply does not arouse us as the rape of an aristocratic socialite does. Or again, compare the penalties we administer to the murderer of an adult and the disciplines we impose on the irresponsible father who fatally beats his own child, or on the unmarried mother who abandons her child within hours of parturition.

Through an irrational, inbred inconstancy we are able to assign a scaled degree of humanness to victims. As a criterion, we accept the yardstick of proximity to ourselves—proximity in geography, nationality, creed, color, social status, way of life, respectability, age or whatever else is convenient. And so too, by an act of subconscious legerdemain, we have relegated the intra-uterine baby to the same limbo that we have relegated other humans to. To make abortion palatable, we assign non-humanity to the unborn baby.

Is it really too much to ask that each of us—for or against abortion, learned or unlearned, bigoted or impartial, personally involved or no, revanchist or no—defer judgment as to whether intra-uterine babies possess human life? Let us at least wait till we have rid ourselves of an honestly acknowledged tendency to deny, in our minds, complete humanity to real live people just because they do not live next door, go to our church, wear our color of skin, belong to the same country club, speak the same language, avoid the same sins and keep the same company as we, their judges, do. For only when each man's death diminishes all of us shall we be competent to make a humanly integral assessment of the humanity possessed by those tiny "tumors" that manage to kick and cry and swallow and stretch out their hands and purse their lips.

The extent to which human emotions are involved in the case against abortion is underlined by the "Glasgow incident." A porter in a Glasgow hospital recently embarrassed the British liberal abortionists. It appears that a hysterotomy was performed on a 24-weeks-pregnant woman, and the porter was assigned the task of delivering the specimen to the incinerator. While en route the baby started to move and cry. Strange behavior for a "tumor." Being unsophisticated, the porter experienced a human emotion; so he took the baby to the premature nursery, where it lived for a day and a half.

The youngest survivor in medical literature is of about 20 weeks' gestation. Survivors with a birth weight between one and two pounds are documented. Practically no knowledgeable person considers the age of survivability as immutable; too many variables are involved. In this day of DNA synthesis, test-tube incubation, intra-uterine transfusions, talk in high circles of chromosomal manipulation and *in vitro* generation, the 20-week survivability standard is about as sacred as the four-minute mile.

Once a mother has finally seen a 20-week or a 12-week *wanted* baby grow old enough to enjoy a birthday party, will anyone anywhere be able to convince her that her next baby at 12 weeks is a tumor or an excrescence? The irony is that when (not if) science develops a heart-lung nutrient machine to hook into the umbilical vessels, or some such setup, our medical people will find positive indications for removing certain pregnancies from the uterus and allowing them to finish growth in the controlled environment. The old indications for abortion, such as heart disease, Hodgkin's disease, breast cancer and the like, will be espoused as indications for extra-uterine support.

But what of the Glasgow incident? This raises a host of questions with real gut value. Just who is the real abortion agent? Is it the surgeon who performs the hysterotomy? The pediatrician who denies the baby access to the premature nursery? The porter who delivers the extracta to the incinerator? The oil truck driver who fuels the incinerator? Again, do we need more refinement in our disposal procedures—one set of procedures for babies that insist on crying, and another set of procedures for disposing of trivia like arms and legs, or heads that have stopped crying? Or is it as simple as making sure that similar incidents don't get into the newspapers?

Shall we take positive or negative steps to make sure that the crying stops before incineration? If positive, what shall they be? If the steps are to be negative or omissive, shall we omit procedures and measures that are now standard (not extraordinary) in a premature nursery, where wanted babies are supported, even babies of similar gestation age? Project a little into the future, when measures now considered extraordinary will have become standard and even minimal, and failure to take these measures for a wanted baby may invite lawsuits or loss of license. Or are we to rewrite the ordinary/extraordinary stipulations of our euthanasia policy? And how long till we rethink the ban on euthanasia?

I do not apologize for the consummate crudity of some of the above questions. They are questions that have caused two British newspapers to reverse their stand on abortion, now that they have seen that the questions are no longer speculative or academic. We had better pose these gut questions to ourselves and our legislatures now, and not let the gut kilowatt power of the proponents of abortion go unchallenged.

I have not mentioned the Rubella vaccine earlier because it is already on the scene. It is not a total answer to the problem of viral infections in pregnancy. But it is one answer to a multifaceted problem.

I posit a theoretical situation in order to ask a real question. Let us suppose that in 1950 one State legislature had legalized abortion solely for mothers who incurred Rubella in pregnancy? Does anyone anywhere really believe that once the fence was down we would not have rapidly expanded to the present British practice? Does anyone, anywhere, really believe that once the Rubella vaccine proved effective, any legislature would repeal the liberalized laws, even though the original premise had been anachronized?

The loss of the didactive power of a law on society can be tremendous. The enforceability of a law is another thing. In some counties in our Southern States there have been no white convictions for the murder of a Negro; the murder laws are unenforceable. Would you therefore repeal the laws?

Jill Knight, M.P., recently reported that one London surgeon has attacked the esthetic problem nicely. At hysterotomy, he removes the baby with the amniotic sac intact so that the nurses will not hear the cry or see the movements of the hands and feet. One wonders if he is protecting the nurses or himself. The outstretched hand of a tiny baby must be a sight that only a truly dedicated son of Aesculapius can consign to the disposal system.

One California surgeon has exhibited impeccable logic. Since many normal children will be born to mothers with a background that might produce defective children, this man has now come out for infanticide. Just a few days ago, the Philadelphia *Inquirer* described the anger of mothers of defective children at Pennhurst State Hospital; they were incensed not by their defective children, but at the defective care given to the children, as they termed it. Is there anywhere one shred of evidence to suggest that defective adults consider themselves less deserving of continued life than intact adults?

Several aspects about the "quickening" or specific number of weeks demanded by some ethicists have doctors perplexed. They know that women have irregular periods, and faulty memories, and faulty honesty. Sometimes it is only a grossly inaccurate guess that expert obstetricians can make in pronouncing the date of delivery. X-ray evidence comes later; abdomens can be obese; local intra-abdominal conditions can vary; movements of the child are deceptive and inconstant. If any of our ethicists can distinguish between a 19-week pregnancy and a 22-week pregnancy, they should report their technique to the nearest medical center. Inaccuracy at this point can lead to some of the grotesqueries recited above. No matter where they draw their speculative line, they will in the next year or in the next few decades have to concoct a new criterion. Our aggressive scientists may crowd them all the way back to the blastocyst stage, perhaps to the point of fertilization of the oocyte.

Further, if termination of a pregnancy is validly indicated in the first week of pregnancy in order to prevent birth of the child (whether the indication derives from the mother or the child), then at what week does termination cease to be indicated and why does it cease to be indicated at just this point? If a child pregnant by incest does not present herself until she is six months pregnant (fear, embarrassment, ignorance?); if a married woman does not become depressed; if a sociological indication does not become apparent or sufficiently pressing; if a rape victim does not decide to terminate the pregnancy until the sixth or seventh month—what factor is the justifying one? The two months additional wait?

Has not the real harm to the mother already been done? How will termination really help the mother now? There is little that termination will spare her from if we consider actual parturition at term and surgical termination at six months and compare them. Both are traumatic ordeals, rife with psychiatric overlay, episodes burned into their lives. Is avoidance of a new unwanted child the problem, a child prone to be unloved, unwelcomed by society, a ward of the state, an expense to the taxpayer? Why not just kill it at birth? The ethicist does not yet buy infanticide. He does not want to deny humanity to a baby of over 20 weeks gestation or past quickening. He must make his stand at some speculative point.

When one actually gets down to real cases, proper analysis of the abortion question suddenly takes a different slant. It becomes quite necessary to dissect the situation and the arguments, sometimes word by word. We are all capable of recoiling at the idea of incest or rape; thalidomide monsters are not pretty; the prospect faced by the pregnant 15-year-old is not pleasant. The existence of these tragic developments must not be allowed to paralyze our peripheral vision.

A pathologist always examines a specimen both grossly and under the microscope. The one view aids him to comprehend the symptoms, the other aids him to gain insight into the cellular pattern and perhaps provide clues of fundamental research. The same holds true in large degree for abortion. The minute dissection of each thalidomide and Rubella tragedy led to measures that have brought us to the brink of success in the *prevention* of birth deformities.

The time has come for us to examine those cases where factors other than deformity constitute the indication for abortion—e.g., rape, incest, socio-economic, socio-psychologic and psychiatric conditions. Are not these indications for abortion also indications for better education, better sex education, better mental health measures, better child welfare laws, better poverty prevention measures? In fact, are they not living witness to the truth that we all need to do our basic homework better?

Does incest call out just for abortion, or does it make us want to work for prevention? Cannot we see to it that all demented men receive psychiatric care, that our Tobacco Roads are brought into the 20th century, that every pubertal girl will know exactly what her drunken daddy or experimental brother is up to?

Rape is a crime. Also a crime is the fact that many doctors, nurses, parents, counselors, victims and potential victims simply have no idea what to do when rape does occur.

There are a number of measures available to anyone who would consider abortion a valid option. What any given person does about her own pregnancy she does only as an individual; the moral considerations exist between her and her God. If her moral guideposts permit abortion, then they also permit prompt douching, a prompt curettage and prompt hormone therapy; perhaps soon she will even have as long as 28 days for deliberation.

If the victim simply does not believe there is any valid option other than acceptance of what has happened and all that it entails, she doesn't need any new laws. If this type of thinking constitutes a demand that rape information should be available more widely than it is at present, so be it. I have recently seen a sex education book used locally in the schools; it so fairly presents the necessary information that our children may soon know more rational and intelligent approaches to rape and incest than the clergy, most of the medical profession and the majority of parents.

Perhaps we should attack the rape-incest problem the way we tackled the Rubella problem; prevention of the pregnancy infection (infection by the virus being a complication of the pregnancy) is analogous to prevention of a complication of rape-incest, that is to say the pregnancy. Moralists dissenting with the individual decision can take umbrage under the individual conscience provision; pressure will be removed from theologians and legislators toying with the idea of crawling out onto speculative limbs. Most of all, if we do our job well at educating the public and all potential victims, we can nearly eliminate the number of pregnancies arising from rape and incest.

The abortion controversy has been good medicine for America. It has cast a glaring light on several unsavory facts of life: that mentally aberrant adults capable of incest are still left beyond our mental health programs; that ignorant pubertal females are still untouched by our sex education advances; that aboriginal Tobacco Roads still elude our civilizing efforts; that viral diseases still elude our researchers; that toxic drugs still slip through our screening processes; that our social and economic conscience is working far below capacity. No matter where we focus, we can discern that almost all cries for liberal abortion arise from situations that we have the ability to eradicate or decimate.

To some of the Catholics whom I have interviewed, a word or two seems indicated here. Two extreme positions are to be avoided. A posture of opposition to the liberalization of abortion laws must not spring from a blind, militant last-ditch effort to salvage what is still faintly recognizable of a faith long held in comfort. Opposition should be logical, honest, human and fully integrated with the faith and reason of today. On the other hand, reversal of position on abortion must be free of anxiety about one's personal ability to keep the faith as the storm clouds of euthanasia, infanticide, coercive abortion or even coercive sterilization, genetic engineering, chromosomal manipulation, cloning and *in vitro* gestation gather.

The writer performs surgery on infants every day. Good medical practice demands that when dealing with infants conservation is mandatory. This extends to testicles that are 14 years anticipatory, ovaries of the same future capacitance, breasts that will not escape from pre-ordinal status until puberty, beard areas that will not develop maturation until 18 years hence. Let nobody try to explain that conservation begins with birth, when the baby body only changes its dining habits, its airway—and its charm.

In solving the abortion question it may well become necessary to exclude some sources of scholarly wisdom. Fr. Robert F. Drinan has made a valid though still arguable point, a point protective of the future, in saying that perhaps the law should withdraw from the case. Moralists, too, might do well to stay out of the pilgrim field of embryology.

Surely, some sort of Hegelian solution can emerge from this. I envisage one that is comprehensive, one that bows in all directions: it will contain enough law to protect the future and the unborn child; enough aggressive sociology to prevent incest, rape and hardship pregnancies; enough aggressive scientific research to prevent deformities; enough medical and sex education to annihilate ignorance about pregnancy; enough common sense to develop the theology of love and the ethics of situationism with insight into both the fallibility and capability of mere humans; enough discipline to develop character; enough liberty to permit growth.

There is really, I suppose, only one voice that must remain in the discussion, the voice of humanity. That voice makes everything I say, everything that the various spokesmen say, seem suddenly meaningless. It is to be heard in the happy shouting of the children at the corner playing skip-rope with their mongoloid brother, who later runs up to kiss them and hold their hands. It is to be heard in the words of a recent patient of mine. She had a number tattooed on her arm when I examined her. The origin of the tatto was obvious and familiar—Buchenwald. I asked her if she would like to have it removed by plastic surgery, but she declined. She said she would wear it to the grave, for it was her diploma from the school of life. Her words were something close to these: "Doctor, I don't know where *you* learned what life is, but I know where I learned it. I don't even step on cockroaches now."

[JAMES J. DIAMOND, M. D., practices oncologic surgery at St. Joseph's Hospital, Reading, Pa.]

FULL DISCLOSURE LAWS NEEDED FOR FEDERAL CANDIDATES, OFFICERS, AND LOBBYISTS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BENNETT. Mr. Speaker, laws governing Federal lobbying and campaign financing presently on the books are so antique in their approach that they should be changed as promptly as possible.

Candidates can now escape the Federal Corrupt Practices Act of 1925 simply by the use of committees, which are not required by law to report. Lobbyists can easily escape effective regulation under the Lobbying Act of 1946 because of its extreme vagueness.

The Congress should change these 46-year-old and 25-year-old laws immediately. I have introduced the following bills to bring reform to three critical areas of political life: H.R. 1213, Federal Campaign Disclosure Act; H.R. 1215, House Financial Disclosure Act; and H.R. 1216, Federal Lobbying Disclosure Act.

When we speak of campaign and lobbying expenses, we are talking about large sums of money. It has been estimated that some $300 million was spent in campaign expenses in 1968. Similarly, 269 lobbyists and lobbying organizations reported spending $5.1 million in 1969 although it is public knowledge that many lobbyists and organizations do not register; and many of those who do register are unsure about which expenditures they should report and probably do not report all they should.

The full-disclosure concept, it has been said, comes as close as anything to being the all-purpose cleanser of American politics. I believe it.

Today, the American people want to know about political financing and they have that right. Lobbying and campaigning for the highest offices in our land are intertwined and in some cases inseparable.

FEDERAL LOBBYING DISCLOSURE ACT

I believe that the public disclosure of lobbying activities, along with certain and substantial penalties for the failure to disclose such activities, will go a long way toward restoring public trust in the legislative process.

In the 91st Congress, the House Committee on Standards of Official Conduct conducted extensive hearings into both campaign financing and lobbying, having been properly given this responsibility by the House of Representatives.

I have introduced a lobbying reform bill, the Federal Lobbying Disclosure Act, along the lines suggested by the House committee last year. This law would be administered by the Comptroller General of the United States, who is head of the General Accounting Office, an agency of the Congress.

Persons who are paid to lobby and the persons who pay them to make a direct presentation to a Member of Congress, to a committee, or to a staff member would be required to register. Persons who solicit others to communicate with Congress and promise them anything of value for so doing would be required to register, as would persons who spend more than $500 for the purpose of influencing legislation. Detailed records of fees received and expenditures made to influence legislation would have to be filed with the Comptroller General.

Certain kinds of activities necessary for the information of the public and of the Congress are exempted. Newspapers, books, regularly published periodicals, and radio and television stations are exempted, except for "house organs" which are controlled by persons required to register. Persons summoned or requested to appear before a public session of a committee of Congress are exempted. Persons whose expenditures of their own funds for the purpose of influencing legislation are less than $500 per year are exempted, as are official acts of public officials—elected or appointed—and activities which are subject to any Federal statute requiring reports covering contributions and expenditures in connection with campaigns for Federal elective office.

Stiff criminal penalties are included in the bill for violators of the act. This bill would take the place of the Federal Regulation of Lobbying Act, described to the committee "as a thoroughly deficient law."

FEDERAL CAMPAIGN DISCLOSURE ACT

I have also introduced legislation in the House of Representatives to correct inequities in and evasions of the Corrupt Practices Act which currently governs elections for Federal office. My bill follows the model Florida election law, known to Floridians as the "who gave it—who got it" law. This bill requires all candidates to have at least one campaign depository through which all campaign funds must flow and be accounted for, and it requires all candidates to have a campaign treasurer who is jointly responsible with the candidate for reporting fully all contributions and expenditures.

Other pertinent features of the bill include:

Limits on individual contributions to primary and pre-convention campaigns as well as contributions to general election campaigns—$1,000 per person for House candidates, $2,500 for Senate candidates, and $5,000 for President and Vice President for the primaries—or convention—and again for the general election.

Limits on total spending—5 cents per person based on the most recent decennial census for House and Senate candidates and one-half cent per person for Presidential candidates. The ceiling would apply in the primaries and again in the general election and includes all expenses for a candidate's campaign, even his own personal contributions and expenditures for the election. A limit of $10,000 is placed on the amount of personal funds a candidate may contribute to his own campaign.

A prohibition against deficit financing of campaigns, a prohibition against the receipt of any contributions 5 days prior to the election, and a requirement of reports of contributions and expenses 5 days prior to the election and on December 15 following the elections.

The Clerk of the House and the Secretary of the Senate are required to counsel candidates on the provisions of the law and to report violations to the Attorney General. in the case of violations of the law by the successful candidate, the Clerk and the Secretary are required to report the violations to the presiding officers of the House and Senate for appropriate action, even refusal to seat a violator. The Clerk and the Secretary are required to make all reports of contributions and expenditures available for public inspection.

HOUSE FINANCIAL DISCLOSURE ACT

I have also introduced the "House Financial Disclosure Act" which provides for public disclosure, by Members of the House of Representatives and by candidates for such office, of the major features of their finances. The purpose is to minimize conflict of interest situations. This bill requires disclosure of all sources of substantial income and gifts and the amounts. The bill also requires disclosure of the persons to whom a Member or candidate is in debt and the amounts. Minimum levels below which reports are not required are established to eliminate unnecessary burdens on a candidate or Member.

Money is the moral issue we are talking about. Knowledge of the expenditure and use of dollars to influence legislation and decisions and to elect individuals to Federal office must be made open and available to the public and the news media. As President Eisenhower wrote in 1967:

> If better laws, vigorously enforced with pitiless publicity are needed—and they surely are—we must still remember the wise old axiom that government can be no better than the men who govern. As citizens with the priceless right of franchise, we must insist upon the highest code of honor in public life.

I believe that the proposed Federal Lobbying Disclosure Act, the proposed Federal Campaign Disclosure Act, and the proposed House Financial Disclosure Act will, taken as a whole, go a long way toward reestablishing public trust.

Copies of the bills follow:

H.R. 1213

A bill to establish the Federal Campaign Disclosure Act to limit and control spending by Federal candidates.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Campaign Disclosure Act".

Sec. 2. As used in this Act—

(a) The term "election" means (1) a primary or runoff primary election, or a convention, or a caucus of a political party, held to nominate a candidate, and (2) a general or special election;

(b) The term "candidate" means an individual whose name is presented at an election for election as President or Vice President of the United States or a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

(c) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice-presidential electors;

(d) The term "contribution" includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, made to influence the result of an election or elections, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution;

(e) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or anything of value, made to influence the result of an election or elections, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure;

(f) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

(g) The term "Clerk" means the Clerk of the House of Representatives of the United States;

(h) The term "Secretary" means the Secretary of the Senate of the United States;

(i) The term "State" includes a territory or possession of the United States;

(j) The term "testimonial affair" means an affair held in honor of a candidate, or an individual who holds the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, or an individual who holds the office of President or Vice President of the United States, designed to raise funds on his behalf for any purpose not charitable, religious, or educational;

(k) The term "President" means the President of the United States and includes his running mate for Vice President.

Sec. 3. (a) Each candidate for President of the United States, or for Senator or Representative in, or Resident Commissioner to, the Congress of the United States, upon or before, and as a condition precedent to, qualifying as such candidate shall appoint one campaign treasurer of one political committee and shall file the name and address of such treasurer with the Clerk, on forms to be prescribed by him. Each candidate for President shall designate at least one but no more than fifty campaign depositories, and only one depository may be located in any one State. Each candidate for Senator may designate not more than one campaign depository in each congressional district in which he is conducting a campaign. Each candidate for Representative or Resident Commissioner shall designate one campaign depository. Each candidate shall file the name and address of his campaign depository or depositories with the Clerk, on forms to be prescribed by him, at the same time that he files the name and address of his treasurer with the Clerk. The candidate may designate himself or any other elector to act as such campaign treasurer and may designate as his campaign depository any federally chartered bank authorized by law to transact business in the United States.

(b) Any campaign treasurer for any candidate may appoint as many deputy treasurers as deemed necessary; provided such campaign treasurer herein provided for shall be responsible for the accounts of all such deputy campaign treasurers: *And provided further,* That the names and addresses of each deputy campaign treasurer shall be filed with the Clerk.

(c) Any candidate may remove a campaign treasurer or deputy campaign treasurer so appointed.

(d) In case of the death, resignation, or removal of a campaign treasurer, the candidate shall forthwith appoint a successor and certify the appointment in the manner provided in the case of an original appointment.

Sec. 4. (a) No contribution or expenditure of money or other thing of value, nor obligation therefor, including contributions, expenditures, or obligations of the candidate himself or of his family, shall be made, received, or incurred, directly or indirectly, in furtherance of the candidacy of any candidate for political office except through the duly appointed campaign treasurer or deputy campaign treasurers of the candidate.

(b) Any contribution received by the campaign treasurer or deputy campaign treasurer less than five days before an election shall be returned by him to the person contributing it and shall not be used or expended in behalf of the candidate or in furtherance of his candidacy.

Sec. 5. (a) All funds received in furtherance of the candidacy of any candidate shall, within twenty-four hours after receipt thereof (Sundays and holidays excepted), be deposited by the campaign treasurer or deputy campaign treasurers in a campaign depository of such candidate in an account designated "Campaign Fund of ——————— (name of candidate.)"

(b) A detailed statement showing the names, residence, and mailing addresses of the persons contributing or providing the funds so deposited, together with a statement of the amount received from, or provided by, each person shall accompany all deposits so made by the campaign treasurer or deputy campaign treasurers. Such statement shall be in triplicate upon a form prescribed by the Clerk, one copy to be retained by the campaign depository for its records, one copy to be filed by the depository, and one copy to be retained by the campaign treasurer for his records, which statements shall be certified as correct by the campaign treasurer.

Sec. 6. (a) No candidate, campaign treasurer, or deputy campaign treasurer shall authorize the incurring of any expense on behalf of the candidate or in furtherance or aid of his candidacy unless there are moneys on deposit in a campaign depository to the credit of the account known as the campaign fund of the candidate sufficient to pay the amount of the expenses so authorized, together with all other expenses previously authorized.

(b) No candidate, campaign treasurer or deputy campaign treasurer, acting on behalf of such candidate, shall expend or incur any obligation or expenditure of funds on behalf of his election in excess of the following:

(1) if a candidate for Senator or Representative at large, an amount equal to the amount obtained by multiplying 5 cents by the total number of individuals residing in his State according to the most recent decennial census, in a primary or runoff primary election or a convention, or a caucus of a political party, and again in a general or special election;

(2) if a candidate for Representative (otherwise than at large) or Resident Commissioner, an amount equal to the amount obtained by multiplying 5 cents by the total number of individuals residing in his district according to the most recent decennial census, in a primary or runoff primary election, or convention, or a caucus of a political party, and again in a general or special election; and

(3) if a candidate for election as President, an amount equal to the amount obtained by multiplying ½ cent by the total number of individuals residing in the United States according to the most recent decennial census in a primary or runoff primary election, or convention, or a caucus of a political party, and again in a general or special election.

(c) In the event that contributions are made to a candidate in excess of the amounts permitted to be expended, the excess shall be escheated to the United States and shall be remitted to the United States Treasury Department within sixty days after the general or special election.

Sec. 7. No expenses shall be incurred by any candidate for election to political office, or by any person in his behalf, or in furtherance or aid of his candidacy, unless prior to the incurring of the expense a written order shall be made in and upon the form prescribed by the Clerk, and signed by the campaign treasurer of the candidate authorizing the expenditure. No money shall be withdrawn or paid by any campaign depository from any campaign fund account except upon the presentation of such order, accompanied by the certificate of the person claiming the payment. Such certificate shall state the amount claimed is justly due and owing to the claimant, that the order truly states all of the purposes for which the indebtedness was incurred, and that no person other than the claimant is interested, directly or indirectly, in the payment of the claim.

Sec. 8. (a) No person (other than the candidate) shall contribute more than $1,000 to or on behalf of a candidate for the office of

Representative or Delegate or Resident Commissioner to the House of Representatives.

(b) No person (other than the candidate) shall contribute more than $2,500 to or on behalf of a candidate for the office of Senator.

(c) No person (other than the candidate) shall contribute more than $5,000 to or on behalf of a candidate for the office of President.

(d) The amounts stipulated in subsections (a), (b), (c) and (f) apply collectively for a primary or runoff primary election, or a convention, or a caucus of a political party, held to nominate a candidate, and again for a general or special election.

(e) Notwithstanding subsections (a), (b), and (c), a national, State, or local political committee of a party shall contribute no more than $2,500 to or on behalf of a candidate for the office of Representative or Delegate or Resident Commissioner to the House of Representatives, and no more than $5,000 to or on behalf of a candidate for the office of Senator, and no more than $25,000 to or on behalf of a candidate for the office of President. Contributions shall be made by any such political committee only for a general or special election.

(f) No individual who is a candidate may contribute more than $10,000 for or on behalf of his own campaign.

(g) For purposes of this section, any contribution or expenditure made by an individual's spouse or any of his dependent children is deemed to be made by such individual.

SEC. 9. No testimonial affair may be held unless a notice of intent to hold such an affair is filed with the Clerk prior to the date of the affair, setting forth the name and address of the person in charge, the purpose, and the person or group who will receive the benefit of funds in excess of the costs of the affair.

Within thirty days after the date of a testimonial affair, the person in charge of such affair shall file with the Clerk a report containing the names and addresses of each of the contributors and the amount contributed by each, the expenses incurred, and the disposition of funds raised.

Any contribution to a testimonial affair shall be subject to the limitations on campaign contributions set forth in this Act.

SEC. 10. (a) Each person who has appointed a campaign treasurer and designated a campaign depository shall report to his campaign treasurer all expenditures made by such person, and each campaign treasurer shall make a full and complete report of all moneys or other things of value contributed to him and to all deputy campaign treasurers of such person. The report by each campaign treasurer shall be made on the first Monday of each calendar quarter from the time the campaign treasurer is appointed until the person becomes an official candidate. Each campaign treasurer shall file a report with the Clerk containing, complete on the day next preceding the date of filing—

(1) the name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount or value, within the calendar year, together with the amount and date of such contribution;

(2) the total sum of all contributions made to or for such committee during the calendar year;

(3) the name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

(4) the total sum of expenditures made by or on behalf of such committee during the calendar year;

(5) a statement of every promise or pledge made by the candidate or by any person for him with his consent, prior to the closing of the polls on the day of the election, relative to the appointment or recommendation for appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy, and the name, address, and occupation of every person to whom any such promise or pledge has been made, together with the description of any such position. If no such promise or pledge has been made, that fact shall be specifically stated; and

(6) a copy of all campaign finance reports filed with the proper State official by the candidate or the campaign treasurer.

(b) When a person becomes an official candidate, his campaign treasurer shall file reports with the Clerk containing the same information as reports filed pursuant to paragraph (a) of this section until the date of the election, on the first and third Monday of each month preceding the election, and five days before the election. A final report shall be filed on the 15th day of December immediately following the general or special election.

(c) The statements required to be filed by subparagraphs (a) and (b) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

(d) All reports required by this section shall be filed with the Clerk not later than noon of the day designated, and all such reports shall be open to public inspection. Any report which is deemed to be incomplete by the Clerk shall be returned to the campaign treasurer unfiled with an explanation as to the reason why it is incomplete.

(e) The campaign treasurer shall certify as to the correctness of each report, and the candidate shall also bear the responsibility for the accuracy and veracity of each report. Each report shall be signed by the candidate and the campaign treasurer.

SEC. 11. Within thirty days after each election in which a candidate participates, the designated campaign depository or depositories of each such candidate shall file either the original or a true copy of all the deposit slips filed with the said depository by the campaign treasurer or deputy campaign treasurer and the original or a true copy of all authorizations of the campaign treasurer or deputy campaign treasurers upon which funds were withdrawn from said depository with the Clerk.

SEC. 12. A statement required by this Act to be filed by a candidate, treasurer, or depository of a political committee with the Clerk—

(a) shall be signed by both the candidate and the treasurer;

(b) shall be deemed properly filed upon arrival at the office of the Clerk at Washinton, District of Columbia, and shall be sent to the Clerk by registered, special delivery mail;

(c) shall be preserved by the Clerk for a period of six years from the date of filing, shall constitute a part of the public records of his office, and shall be open to public inspection; and

(d) shall in all cases be filed only with the Secretary if such candidate is a candidate for Senator.

SEC. 13. Appropriate forms (in the case of all candidates, treasurers, and depositories) necessary to effectuate the purposes of this Act, including the campaign treasurer's reports, the statements by the campaign depository, the deposit slip, the order authorizing expenditures, the certificate of the person to whom payment is made, and the order for payment, shall be prescribed by the Clerk.

SEC. 14. The Clerk shall (or the Secretary in the case of candidates for Senator) provide information and advice, in order to help any person ascertain what he must do in order to comply with the provisions of this Act, upon the request of such person.

SEC. 15. (a) Any person who violates any of the foregoing provisions of this Act shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) Any person who willfully violates any of the foregoing provisions of this Act shall be fined not more than $10,000 and imprisoned not more than two years.

(c) Prosecution for the violation of any of the provisions of this Act may not be commenced after four years have elapsed from the date of the violation.

(d) The district courts of the United States shall have jurisdiction over violations of this Act. Actions against alleged violators shall be brought by, and in, the name of the United States in the district court of the United States for any district in which such person is found or resides or transacts business.

SEC. 16. (a) If the Clerk ascertains that an individual who is seeking the office of Representative or Resident Commissioner, and has been elected to such office has violated any provision of this Act, he shall so inform the presiding officer of the House of Representatives, who may request that such body refuse to seat the violator.

(b) If the Secretary ascertains that an individual who is seeking the office of Senator, and has been elected to such office has violated any provision of this Act, he shall so inform the presiding officer of the Senate, who may request that such body refuse to seat the violator.

(c) If the Clerk ascertains that an individual who is seeking the office of President, and has been elected to such office, has violated any provision of this Act, he shall so inform the presiding officer of the House of Representatives.

SEC. 17. This Act shall not limit or affect the right of any person to make expenditures for proper legal expenses in contesting the results of an election.

SEC. 18. This Act shall not be construed to annul the laws of any State relating to the nomination or election of candidates, unless directly inconsistent with the provisions of this Act, or to exempt any candidate from complying with such State laws.

SEC. 19. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 20. The Federal Corrupt Practices Act, 1925, is repealed; and all other Acts or parts of Acts which are inconsistent herewith are repealed to the extent of such inconsistency.

SEC. 21. This Act shall take effect on the January 1 next following the calendar year in which it is enacted.

H.R. 1215

A bill to provide for public disclosure by Members of the House of Representatives and by candidates for such office and to give the House Committee on Standards of Official Conduct appropriate jurisdiction

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "House Financial Disclosure Act".

SEC. 2. (a) Each person serving as a Member of the House at the beginning of a calendar year shall file with the Clerk of the House of Representatives and the Committee on Standards of Official Conduct of the House of Representatives on or before April 30 of that year a written report containing the information required by this Act covering the preceding calendar year.

(b) Each candidate for the House of Representatives who is not a Member of the House shall file with the Clerk of the House at least fifteen days before the date on which is held the first election in which he is a candidate a written report containing the information required by this Act covering the preceding calendar year. Where an individual becomes a candidate after the beginning of such fifteen-day period, he shall file such a report within twenty-four hours after becoming a candidate.

(c) The report required to be filed under subsections (a) and (b) of this section shall be verified by the oath or affirmation of the person filing such report.

(d) All reports required under subsection (a) of this section shall be maintained by the Clerk of the House for the duration of the Member's consecutive terms in office as public records available for inspection at reasonable times by the public. All reports required under subsection (b) of this section shall be maintained for a period of one year by the Clerk of the House of Representatives as public records which shall be available for inspection at reasonable times by the public.

SEC. 3. (a) The report of the Member or candidate as required in this Act shall include a complete account of the Member's or candidate's gross income and that of his spouse and dependent children. For the purposes of this Act, gross income shall be defined as set forth in section 61 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 61). The report of income shall specifically include, though not to the exclusion of other items listed in section 61, the following information:

(1) the names and addresses of all persons and organizations from whom was received by the Member or candidate, or on his behalf with his knowledge and consent, any honorarium or compensation for services, including fees, commissions, salaries, and similar items, and the amount of such honorarium or compensation for services, or if not money, the substance of the honorarium or compensation and the appraised value thereof;

(2) gross income derived from business enterprises including the amounts thereof, the nature of his interest in the business, and the names and addresses of each such business;

(3) an itemization of all gains derived from dealings in property, including the names and addresses of other parties involved and a brief description of the transaction which took place;

(4) the sources from which were derived income from interest and the amounts thereof;

(5) the sources from which rents were derived and the amounts thereof;

(6) the sources from which royalties were derived and the amounts thereof;

(7) the sources from which dividends were derived and the amounts thereof;

(8) the names and addresses of all persons and organizations from whom he received assistance in the discharge of indebtedness and the aggregate amount or appraised value thereof;

(9) itemization of income or benefits derived from distribution of the Member's or candidate's share in any partnership or professional group, and the names and addresses of all persons and organizations from whose payments such distributions are made: *Provided, however,* That no such names and addresses need by furnished when the distribution to the Member or candidate from any such person or organization in said year is less than $1,000;

(10) itemization of income derived from an estate or trust in which the Member or candidate has an interest and the nature of that interest.

(b) The report shall list all gifts to the Member or candidate which in aggregate value exceed $100 in the year from a particular source. Included in the report shall be the name and address of the donor, the amount or value of his gifts, and a description thereof. The report shall also contain the name and address of a donor to the Member or candidate, his spouse and his dependent children when the amounts or values of such gifts given in the course of a calendar year from a particular source exceed $500, and shall describe each such gift and the value thereof.

(c) The report shall list assets held by the Member or candidate, by his spouse or dependent children, or by any of them jointly. The list shall include the value of each asset and a brief description thereof, but household furnishings and personal effects need not be reported.

(d) The report shall include the names and addresses of each person and organization to whom the Member or candidate, his wife or dependent children, or any of them jointly owe an aggregate amount in excess of $5,000, and include a statement of the total aggregate indebtedness of the Member or candidate and such family members.

(e) The report shall include a statement of any funds established by the Member or candidate, or on his behalf, to assist him in defraying expenses which may be incurred by reason of his being a Member or candidate. The report shall set forth the names and addresses of all persons contributing to the fund, the amount of each contribution, the amount of each expenditure from such funds, and the purpose of each such expenditure.

SEC. 4. (a) Section 2 of House Resolution 418, Ninetieth Congress, is amended by inserting "(a)" after "SEC. 2.", and by adding at the end thereof the following:

"(b) The committee shall have jurisdiction to review the report filed with it by a Member, under the House Financial Disclosure Act, and shall recommend to the House appropriate disciplinary action against any Member who it determines has failed to file any such report or knowingly and willfully filed a false report. Such violations shall be reported to the Attorney General. The committee shall develop and prescribe the forms to be used in making such reports."

(b) Subsection (a) of this section is enacted as an exercise of the rulemaking power of the House of Representatives, with full recognition of the right of such House to make changes therein at any time, in the same manner and to the same extent as in the case of any other rule of such House.

SEC. 5. Any Member or candidate who willfully fails to file a report required by this Act, or who knowingly and willfully files a false report under this Act, shall be fined not more than $1,000 or imprisoned for a period of time not to exceed one year or both.

SEC. 6. For purposes of this Act—

(1) The term "Member" means a Member of the House of Representatives, the Resident Commissioner from Puerto Rico, and a Delegate to the House of Representatives.

(2) The term "candidate" means an individual who has taken the action necessary under the law of a State to qualify him to be a candidate either in a primary election held to nominate a candidate for election to the House of Representatives, or in a general or special election held to fill the office of Member of the House of Representatives.

(3) The term "election" means a general or special election held to select a Member and a primary election held to nominate candidates for the office of Member.

(4) The term "gift" shall refer to something of value voluntarily transferred from one party to another without compensation or monetary consideration.

(5) The term "fund" shall refer to a sum of money or other material resources available for the use of a Member or candidate or anyone acting on his behalf.

(6) The term "asset" shall refer to an item of value owned or in which exists a beneficial interest.

H.R. 1216

A bill to provide for disclosures designed to elicit a balance of expression to the Congress with respect to legislative measures, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Lobbying Disclosure Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds—

(1) that the preservation of responsible democratic government requires that the fullest opportunity be afforded to the people of the United States to petition their Government for a redress of grievances and to express freely to individual Members of Congress and to committees of the Congress their opinion on legislation and on current issues;

(2) that, to achieve legislative results reflecting the true will of the majority, facts and opinions expressed to Congress by the advocates of one result must be balanced against the facts and opinions of those who may have opposing interests, and all such facts and opinions must be available to the Congress and all other Federal authority participating in the legislative process; and

(3) that the identity and activities of persons or groups who engage in efforts to persuade Congress to arrive at specific legislative results, either by direct communication to Congress or by solicitation of others to engage in such efforts, should be publicly and timely disclosed if there is to be a balance of expression upon which decisions by the Congress may be based.

(b) It is, therefore, the purpose of this Act to provide for the disclosure to the Congress, to the President, and to the public, of the activities, and the origin, amounts, and utilization of funds and other resources, of and by persons who seek to influence the legislative process.

DEFINITIONS

SEC. 3. When used in this Act, unless the context otherwise indicates, the term—

(a) "Person" includes an individual, partnership, committee, association, corporation, trust, and any other organization or group of persons.

(b) "Legislation" means bills, resolutions, amendments, and nominations in Congress or, as a matter of public knowledge, proposed to be presented or introduced in Congress.

(c) "Congress" means the Congress of the United States, or either House thereof.

(d) "Income" includes a gift, subscription, donation, or a transfer of funds, services, or anything of value (which includes but is not limited to statistics, data compilations, and studies); or a promise, contract, or agreement, whether or not legally enforceable, to make a contribution.

(e) "Expenditure" includes a purchase, payment, distribution, loan, advance, deposit, or a transfer of funds, services, or anything of value (which includes but is not limited to statistics, data compilations, and studies); or a promise, contract, or agreement, whether or not legally enforceable, to make an expenditure; and include expenditures by a person to further the activities of any person required to file a statement, when such expenditures are made with consent and knowledge of any such person, who is required to file a statement under this Act, if not separately reported by him.

(f) "Direct communication" includes all means of direct address to Congress, any Member, committee, joint committee, subcommittee, officer, or employee thereof; or the solicitation of an agency, department, or instrumentality of any branch of the Federal Government to make direct address to Congress, any Member, committee, joint committee, subcommittee, officer, or employee thereof.

(g) "Solicitation" means the asking, requesting, or urging of a person to himself engage in direct communication; or the asking, requesting, or urging that another person ask, request, or urge another to engage in direct communication.

(h) "Legislative agent" includes any person who, for any consideration, is employed or retained or engages himself to influence legislation, in person or through any other person, by means of direct communication.

(i) "Influence legislation" means any effort by any person to effect or prevent the introduction, passage, defeat, or amendment of legislation by Congress, any Member, committee, joint committee, or subcommittee thereof, through direct communication.

(j) "Statement" includes a notice of representation or a report required by this Act.

(k) "Member" includes a Senator, a Representative in Congress, a delegate to Congress, and the Resident Commissioner from Puerto Rico.

(l) "Consideration" means any payment of money or anything of value.

PERSONS SUBJECT TO THIS ACT

SEC. 4. This Act shall apply to—

(1) any person who is a legislative agent;

(2) any person who employs or retains one or more legislative agents;

(3) any officer or employee of a person, if such officer or employee attempts to influence legislation for or on behalf of such person;

(4) any person who effects the solicitation, orally or in writing of other persons or groups of persons to influence legislation, if such solicitation is made to any person who is paid, or is promised the payment of, any consideration for his efforts to influence legislation by the person who has effected the solicitation;

(5) any person whose expenditures for the purpose of influencing legislation directly or by means of the solicitation of other persons exceed $500 in the calendar year during which the communication or communications are made.

EXEMPTIONS

SEC. 5. This Act shall not apply to the following activities:

(1) the publication or dissemination, in the ordinary course of business, of news items, advertising, editorials, or other comments by a newspaper, book publisher, regularly published periodical, radio or television station (including an owner, editor, or employee thereof) except that this exemption shall not extend to house organs and other similar publications that are not distributed to the general public, notwithstanding qualification as a "newspaper" under the postal statutes, if—

(A) at least 50 per centum of any such house organ or similar publication is owned or controlled by a person otherwise required to file any statement under this Act, or

(B) the content of such organ or publication is controlled in whole or in part by such a person;

(2) acts of a public official (elected or appointed) in his official capacity;

(3) practices or activities subject to any Federal statute requiring reports covering contributions and expenditures in connection with campaigns for Federal elective office;

(4) any appearance by any person before any public session of a committee of the Congress if—

(A) such person is summoned or specifically requested to appear by the committee and such request is incorporated into the records of the committee, or

(B) such person, appearing on his own initiative, certifies to the committee that his appearance to the best of his knowledge is not the consequence of an action by any person required to file any statement under this Act, or

(C) such person, appearing on his own initiative, but his appearance is the consequence of an act by another person who to the best knowledge of the person appearing is required to file any statement under this Act, and the person appearing before the committee certifies to the committee the name of such other person, and such name is incorporated into the records of the committee.

OBLIGATIONS TO FILE

SEC. 6. (a) Every employee, officer, or person performing the functions of an officer, of any person required by this Act to file any statement or notice of termination shall be under obligation to cause such person to file such statement or notice of termination within the time prescribed by this Act.

(b) The obligation of any person to file any statement or notice of termination required by this Act shall continue from day to day, and discontinuance of the activity out of which the obligation arises shall not relieve any such person from the obligation to file any statement or notice of termination required by this Act.

(c) The filing of any statement or notice of termination required by this Act shall not be considered with respect to tests of substantiality of political activity under any other provision of law.

FILING OF NOTICE OF REPRESENTATION

SEC. 7. (a) Every person who, on or after the effective date of this Act, is employed or retained or engages himself as a legislative agent shall, prior to any direct communication to influence legislation or under extenuating circumstances with good cause shown within three days after the first such communication file a signed notice of representation with the Comptroller General. Such signed notice of representation shall be in such form and detail as the Comptroller General may prescribe, and must include an identification of such person, the person by whom he is employed or retained (if any), and any such person's specific area of legislative interest, and the person in whose interest he is working and the terms of such representation. If his status changes with respect to any of the information which the Comptroller General requires under this section, he shall immediately inform the Comptroller General in writing of any such changes.

(b) Any person required to register pursuant to this Act in connection with any activities for which he is to receive a contingent fee shall, before doing anything for which such fee is to be paid, file with the Comptroller General, in such detail as he may require, a description of the event upon the occurrence of which the fee is contingent, and, depending on the arrangement, a statement of the amount of the fee either in terms of a dollar amount or in terms of percentage of recovery. A copy of any such contingent fee contract may be filed with the Comptroller General by any registrant, and shall be so filed at the request of the Comptroller General.

RECORDKEEPING

SEC. 8. Any person who is subject to this Act shall—

(1) keep a detailed record of income received to influence legislation, which shall include the name and address of, and amount received from, any person from whom at last $25 has been received for such purpose during the calendar half-year; and in the case of any voluntary membership association or other person who regularly receives sums per time period (such as dues or subscriptions), the fraction of such sums as relates to the ratio of total sums expended by such association or other person to influence legislation to the total expenditures of such association or other person, shall be applied to receipts from members of such association or other person in determining amount received under this section;

(2) keep a detailed record of any expenditure to influence legislation, including a receipted bill or canceled check, if such expenditure is at least $25, except that the Comptroller General may require estimates of unrecorded expenditures for the purpose of influencing legislation, in such form and detail as he may prescribe, by persons who have not solicited, collected, or received any income required to be reported under section 8(1) of this Act; and

(3) preserve the records required to be kept by this section for a period of two years from the date that any information obtained from such records is filed with the Comptroller General pursuant to section 9.

FILING OF REPORTS

SEC. 9. Any person who falls within the class of persons enumerated in section 4 and not exempted under section 5 shall file a signed report with the Comptroller General. Such report shall be in such detail as the Comptroller General may prescribe, and must include an identification of such person, the person by whom he is employed or retained (if any), the person in whose interest he is working and the terms of such representation, and the information contained in the records required to be maintained under paragraphs (1) and (2) of section 8. Such report shall be filed with the Comptroller General between the 1st and 15th days of July, which will cover the preceding six-month period from the first day of January to the 30th day of June, and it shall be filed between the 1st and 15th days of January, which will cover the preceding six-month period from the first day of July to the 31st day of December. The Comptroller General may, in his discretion, permit joint reports by persons subject to this Act.

NOTICE OF TERMINATION

SEC. 10. Every legislative agent shall submit to the Comptroller General a notice of termination within thirty days after he ceases to be a legislative agent, on such form as the Comptroller General shall prescribe; and any person who has employed, retained, or engaged any legislative agent may submit a notice of termination to the Comptroller General, on such form as the Comptroller General shall prescribe, within thirty days after such legislative agent has ceased to represent him.

ADMINISTRATION OF THIS ACT

SEC. 11. Administration of this Act is hereby vested in the Comptroller General of the United States. He is authorized to promulgate such rules and regulations as are consistent with and necesary to carry out the provisions of this Act. Such rules and regulations shall be published in the Federal Register and interested persons shall be given an opportunity to submit comments thereon for a period of thirty days commencing with the date of such publication. He shall forward such comments with the text of the proposed rules and regulations within sixty days after the termination of the thirty-day period to the Committee on Standards of Official Conduct of the United States House of Representatives and to the Select Committee on Standards and Conduct of the United States Senate. Unless either of the above Committees, by a majority vote of its full membership, disapproves of such rules or regulations within thirty legislative days of receipt, the rules or regulations shall take effect.

FILING OF STATEMENT

SEC. 12. The Comptroller General shall in a manner compatible with any United States Government-wide standard classification index in existence or in the process of development at the effective date of this Act—

(1) develop and prescribe methods and forms for statements and notices of termina-

tion required to be filed by this Act and require the use of such forms by persons subject to the Act;

(2) compile and summarize, in a manner reflective of the full disclosure intent of this Act, information contained in statements and notices of termination filed pursuant to this Act and report the same to Congress after each reporting period;

(3) make available for public inspection all statements and notices of termination filed pursuant to this Act and all summaries compiled under paragraph (2);

(4) have any notices of representation and notices of termination received by him published in the Congressional Record within three days of such receipt; and

(5) ascertain whether any persons, other than legislative agents, have failed to file statements or notices of termination as required by this Act, or have filed incomplete or inaccurate statements or notices of termination, and give notice to such persons to file such statements as will conform with the requirements of this Act.

RETENTION OF COPIES IN LIEU OF ORIGINAL COPIES

SEC. 13. The Comptroller General is hereby authorized to retain, in lieu of statements filed hereunder, reproductions thereof made by microphotographic process. The retention of such microphotographic reproductions constitutes compliance with the statutory requirements for retention, and such reproduction shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

SANCTIONS

SEC. 14. (a) Upon the failure to comply with any provisions of this act by any person subject thereto, other than a legislative agent, the Attorney General may, upon the request of the Comptroller General, institute a civil action for a mandatory injunction, requiring such person to perform and duty imposed by this Act.

(b) Any legislative agent required to file a notice of representation or report under this Act, who fails to file such a notice or report, shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not more than $10,000 or imprisonment for not more than twelve months, or both.

(c) Whoever knowingly and willfully falsifies all or any part of any statement filed under this Act shall be guilty of a felony. and shall be punished by a fine of not more than $10,000, or imprisonment for not more than five years, or both.

(d) Whoever shall transmit, utter or publish to Congress any communication relating to any matter within the jurisdiction of Congress, or be a party to the preparation thereof, knowing such communication or any signature thereto is false, forged, counterfeit, or fictitious, shall be guilty of a felony and shall be punished by a fine of not more than $10,000 or imprisonment for not more than five years, or both.

SEVERABILITY

SEC. 15. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

REPEAL DATE

SEC. 16. The Federal Regulation of Lobbying Act (60 Stat. 839-842, 2 U.S.C. 261 et seq.) is repealed.

EFFECTIVE DATE

SEC. 17. The provisions of this Act shall take effect thirty days after its date of enactment.

FASCELL INTRODUCES LEGISLATION TO CONTROL OCEAN DUMPING

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. FASCELL. Mr. Speaker, last year we witnessed the alarming problem of indiscriminate ocean dumping rear its ugly head.

Oil dumping and disposal of chemical and biological weapons and radioactive wastes in our oceans finally came to the attention of the American people, and we were justifiably frightened by the implications.

At that time I said that we must have a national and international reappraisal of public policy if we are to prevent the destruction of the waters of the world. And I introduced legislation designed to effect that reappraisal.

I am pleased that one of my recommendations has already become a reality. In October of 1970, the Council on Environmental Quality issued its report to the President on ocean dumping.

In its findings and recommendations the report states:

1. The Council on Environmental Quality concludes there is a critical need for a national policy on ocean dumping.
2. Ocean dumped wastes are heavily concentrated and contain materials that have a number of adverse effects.
3. The volume of waste materials dumped in the ocean is growing rapidly.
4. Current regulatory activites and authorities are not adequate to handle the problem.
5. Unilateral action by the United States can deal with only a part of the problem. Effective international action will be necessary to prevent damage to the marine environment from ocean dumping.

These findings closely parallel my own legislative recommendations concerning policy and regulation in the area of ocean dumping.

Therefore, I am today reintroducing three proposals which will address themselves to the problems outlined in the report of the Council on Environmental Quality.

Beginning on the international level, I am sponsoring a concurrent resolution calling for an international agreement, under the auspices of the 1972 United Nations Conference on the Human Environment, to be held in Stockholm, to prohibit dumping in the waters of the world and provide the necessary framework for review and enforcement.

Second, in the field of national policy, I am proposing a bill empowering the Environmental Protection Agency with the final authority within the executive branch for approval of any plan to discharge military or waste material in international waters.

Finally, to provide regulation and review of the disposal of military material, I am introducing a resolution requiring that before any new munition or chemical can be introduced into the U.S. arsenal by the Department of Defense—or any other Federal agency—there must first be formulated and simultaneously approved by the Administrator of the Environmental Protection Agency, a specific date by which it must be disposed and the means of disposal.

In addition, an immediate review would be required of the Department of Defense of all munitions and chemicals on hand whose retention or ultimate disposal might present a hazard to mankind or the environment. Such a review would be for the purpose of determining the date and means of disposal, subject to certification by the Administrator of the Environmental Protection Agency.

The brutal realization that we had no policy or means of control of ocean dumping came last summer when this country found itself in the untenable position of having tons of a lethal chemical in a highly volatile munition with the ocean as the least objectionable place to get rid of it.

We must never let this happen again. It is ridiculous to determine the question of disposal only after an emergency already exists. There must be an established procedure and means of disposal predetermined.

This is what the proposed legislation is designed to provide.

Mr. Speaker, I am pleased that so many of our colleagues are joining me in supporting this legislative package which is so important to the protection of our beleaguered environment.

I commend the attention of our colleagues to a list of the cosponsors:

LIST OF COSPONSORS TO THREE FASCELL BILLS

Mr. Addabbo of New York.
Mr. Badillo of New York.
Mr. Barrett of Pennsylvania.
Mr. Boland of Massachusetts.
Mr. Brasco of New York.
Mr. Brooks of Texas.
Mr. Clark of Pennsylvania.
Mr. Derwinski of Illinois.
Mr. Donohue of Massachusetts.
Mr. Dulski of New York.
Mr. Duncan of Tennessee.
Mr. Edwards of California.
Mr. Eilberg of Pennsylvania.
Mr. Findley of Illinois.
Mr. Wm. Ford of Michigan.
Mr. Fuqua of Florida.
Mr. Gallagher of New Jersey.
Mr. Gibbons of Florida.
Mr. Haley of Florida.
Mr. Halpern of New York.
Mrs. Hansen of Washington.
Mr. Harrington of Massachusetts.
Mr. Hechler of West Virginia.
Mr. Mazzoli of Kentucky.
Mr. McClory of Illinois.
Mr. McFall of California.
Mr. Mikva of Illinois.
Mr. Moorhead of Pennsylvania.
Mr. Morse of Massachusetts.
Mr. Murphy of Illinois.
Mr. Nedzi of Michigan.
Mr. O'Hara of Michigan.
Mr. Pepper of Florida.
Mr. Pirnie of New York.
Mr. Rees of California.
Mr. Reid of New York.
Mr. Rodino of New Jersey.
Mr. Roncalio of Wyoming.
Mr. Rosenthal of New York.
Mr. Roybal of California.
Mr. Sikes of Florida.
Mr. Thompson of New Jersey.
Mr. Waldie of California.
Mr. Yates of Illinois.
Mr. Yatron of Pennsylvania.

In addition, the following Members are sponsoring one or two of the bills:

Mr. Bennett of Florida.
Mr. Lennon of North Carolina.
Mr. Matsunaga of Hawaii.
Mr. Mann of South Carolina.

Mr. Mailliard of California.
Mr. Rhodes of Arizona.

SECRETARY ROGERS ON THE RULE OF LAW AND THE SETTLEMENT OF INTERNATIONAL DISPUTES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. PUCINSKI. Mr. Speaker, my attention has been called to an address by Secretary of State Rogers before the American Society of International Law at New York City on the whole question of rule of law and settlement of international disputes.

I have pending before the House a resolution urging the United States to lead the world in bringing about an international agreement regarding the broad use of habeas corpus proceedings on behalf of political prisoners.

I was most pleased to learn that Secretary Rogers is an advocate of wider use of international law for settling disputes instead of resorting to armed conflict.

The address by Secretary Rogers follows:

THE RULE OF LAW AND THE SETTLEMENT OF INTERNATIONAL DISPUTES

Modern international law developed in an age when war was still the sport of kings. Today nations have the power to annihilate each other. This bleak fact underscores our vital need to search for alternatives to force or the threat of force as a means of settling disputes between nations.

A major objective of the Nixon administration is to further the development of a stable and progressive world community based on an accepted system of international law.

Outside the legal community—and within it, too, for that matter—there are those who are skeptical about the reality and value of international law. They ask if it is really law since there is no effective provision for enforcement. They question whether nations, notoriously unwilling to bow to processes of adjudication, will ever accept a broad international legal system. They refer to the failure of states to use the International Court of Justice and point out that it does not now have a single pending case on its docket.

Candor requires us to acknowledge that for the immediate future no international legal order, however restructured, is likely to solve many of the major disputes involving issues of war and peace.

And we must agree, with sadness, with allegation concerning the International Court of Justice.

There has been a certain euphoria in our approach to international law. Our rhetoric often has been out of touch with reality. In our zest to take giant steps we have failed to take the confidence-building smaller steps which are necessary to move from routine and less significant international cases to more important and major ones.

However, we need not exaggerate our lost opportunities. There has been considerable progress in some areas. I do not have to emphasize to this audience the important role that international law plays in our international relations. Territorial boundaries are largely respected, diplomacy functions effectively, and in such activities as shipping, international air travel, foreign trade and investment, et cetera, international law plays a vital role.

It is clear, however, that there is much to be done to advance the cause of international law. With that goal in mind, I would like to make these three recommendations:

First, we should try to breathe new life into the neglected—in fact, moribund—International Court of Justice.

Second, we should encourage greater use of multilateral lawmaking treaties.

Third, nations should live up to their obligations under international agreements.

THE INTERNATIONAL COURT OF JUSTICE

Why is the Court important?

International law requires more than treaties and agreements to fulfill its promise. A judicial system is needed to support it.

Regrettably, as I have indicated, the International Court of Justice has become increasingly inactive in recent years. Why is this so?

The basic problem is the reluctance of states to refer international disputes to the Court. States have not been willing to accept the idea of going to the Court on a regular basis, expecting to win some cases and lose others. If the legal adviser of the foreign ministry is not confident of victory, he recommends against litigation.

Refusal to submit a case to the Court unless it is virtually a sure win has a short-term advantage from a national vantage point. But what nations so far have failed to grasp or to accept is the long-range gain, from an international vantage point, of establishing a system of settling international disputes by legal methods.

In 1946 the United States accepted jurisdiction of the International Court only in cases which excluded matters of domestic jurisdiction "as determined by the United States of America." This gave the United States the right in each case to determine whether the Court had jurisdiction or not.

It is not generally known, however, that since 1946 we have committed ourselves, without reservation, to the jurisdiction of the Court with respect to disputes arising under some 20 multilateral treaties. These include, among others, the constitutions of a number of international organizations as well as the Japanese peace treaty. Similarly, we have committed ourselves to the Court's jurisdiction over more than 20 bilateral agreements, principally commercial treaties.

But this is far too few when you realize that we have become a party to 106 multilateral and 125 bilateral treaties since 1946.

This administration is committed to strengthening the role of international adjudication in the settlement of international disputes. We are taking specific steps to carry out this policy.

In the future the Department of State will examine every treaty we negotiate with a view to accepting, wherever appropriate, the jurisdiction of the International Court of Justice with respect to disputes arising under the treaty. In a treaty in which we or the other government cannot accept the Court's jurisdiction, we will urge the inclusion of other appropriate dispute-settlement provisions.

In addition, I have directed that wherever disputes arise with other countries, we give active and favorable consideration to the possibility of submitting them to the International Court of Justice. Recently we asked the Canadian Government to join us in submitting to the court the differences arising from Canada's intention to establish pollution and exclusive fisheries zones more than 12 miles from her coast. We are presently exploring the possibility of submitting several other disputes to the Court.

In this connection we can recall the early experience of our own Federal courts, which attracted legal business through increasing popular confidence in their handling of what at first were principally routine matters. We can also learn from the experience of other countries which have found the Court useful in resolving small disputes. For example, France and the United Kingdom submitted a case relating to two small islands. And Belgium and the Netherlands litigated before the Court the issue of sovereignty over a few small enclaves. In these and other cases involving relatively minor issues the Court has been able to develop important legal principles.

Advisory opinions are also important in building confidence. It is a disappointing fact that in the last 8 years no international organization has submitted a request to the Court for an advisory opinion, although clearly there has been no dearth of problems.

If changes in the statute of the Court are given serious consideration, I would like to suggest two ways in which its advisory jurisdiction might be expanded:

First, additional international organizations could be authorized to request advisory opinions. It would be particularly useful to give regional organizations access to the Court.

Second, serious consideration should be given to authorizing disputing states to ask the Court for an advisory opinion when they prefer that approach to a binding decision.

It is, of course, also important for states to accept and respect the pronouncements of the Court. In one important case when the Court made a courageous ruling—that United Nations members were obliged under article 17 of the charter to pay for U.N. peacekeeping activities assessed by the General Assembly—its implementation was blocked by certain states for political reasons.

However, we should recognize that the Court is at least partly to blame for its state of neglect. There is no doubt that its reputation was damaged by its decision in the South-West Africa case—that the complainants had no standing to present their claims—after more than 5 years of proceedings. A similar decision early this year in the Barcelona Traction case, after more than 7 years, has further eroded confidence in the Court.

I hope that the Court will take steps to prevent such delays in the future by deciding preliminary questions promptly without joining them to the merits of a dispute. The Court also should be willing to impose reasonable time limits on parties and their counsel.

I have requested my Legal Adviser, Mr. John Stevenson, to begin consultations with other governments to consider recommendations for possible improvements in the Court's procedures. The following suggestions may be worthy of consideration:

Greater use might be made of the chambers of the Court in an effort to relieve apprehensions about submitting disputes to the 15-judge tribunal sitting *en banc*.

The chambers could meet outside The Hague in order to make the Court move visible in other regions of the world.

Regional chambers could be established to make the Court more attractive to Latin American, Asian, and African states in disputes with other states in the same region.

Summary proceedings might be used more often, and the length of pleadings and oral argument might be appropriately limited.

MULTILATERAL LAWMAKING TREATIES

Turning now to my second point, I believe that we should make greater use of multilateral lawmaking treaties.

The need to develop new international law by the treaty or international agreement route has become more urgent because of advances in technology. To cite one example, the rapid growth of commercial aviation has confronted us with a dangerous international problem we never had before: airplane hijacking.

The United States has taken several steps to deal with this problem. We recently ratified the Tokyo convention on offenses committed aboard aircraft. We are actively participating in the International Civil Aviation Organization's efforts to draft a convention which would require the state where a hijacked aircraft lands either to punish the hijacker or to extradite him to a state where he can be punished.

Another major area urgently requiring multilateral treaties is the oceans, which cover 70 percent of the globe.

We are supporting measures at the United Nations for the preparation and conclusion of two supplementary law of the sea conventions. One would set the breadth of the territorial sea at 12 miles, with guaranteed rights of free transit through and over international straits and carefully defined preferential fishing rights for coastal states in the high seas adjacent to their territorial seas. The other would define the outer limit of the coastal states' sovereign rights to exploit the natural resources of the seabed and would establish an international regime governing exploitation of seabed resources beyond that limit.

In addition, yesterday we signed at the United Nations Headquarters here in New York the Convention on the Law of Treaties adopted at Vienna a year ago. This treaty provides the basic "contract law" for treatymaking, interpretation, and termination. It is a treaty of major importance.

In suggesting the need for increased efforts to conclude multilateral treaties developing and clarifying international law, I do not want to deprecate customary international law. We all recognize in the day-to-day conduct of our foreign relations the importance of observing the rules of custom which nations have accepted as appropriate rules for international conduct. They represent the accommodation and balancing of interests which states have found it in their reciprocal interests to make. Thus they are a very useful means of avoiding international conflict.

However, like our common law, the rules of customary international law are frequently somewhat vague. In certain areas, particularly where international standards for the protection of aliens' property rights are involved, they are under attack in the developing countries. These countries argue that they did not participate in the development of these customary rules and therefore should not be bound by them. While we may not accept this line of argument, we must take into account the threat it presents to the stability of the international legal system.

Multilateral lawmaking treaties have advantages over customary international law. They make the legal rules more precise. They bring the newly independent countries into the development and clarification of international law. And they should increase the willingness of states to submit disputes to international judicial tribunals.

RESPECT FOR INTERNATIONAL AGREEMENTS

The third point which needs to be stressed is that nations must live up to their obligations under international agreements. International law, like any other set of rules, can function effectively only in a climate of respect and observance.

It is important for states to respect the international agreements they enter into on economic and technical matters. But it is of much greater importance for them to honor their commitments under those agreements involving international peace and security.

In Laos and Cambodia—the focus of recent international concern—the cessation of all hostilities and respect for territorial integrity and neutrality are matters of international agreement.

North Viet-Nam committed itself in Laos in 1954 to a "complete cessation of all hostilities," withdrawal, and a prohibition on introducing "any reinforcements of troops or military personnel." In 1962 it undertook similar and even more substantial obligations. They included obligations not to "commit or participate in any way in any act" which might impair "directly or indirectly" the sovereignty or neutrality of Laos and not to use the territory of Laos for "interference in the internal affairs of other countries."

In Cambodia, North Viet-Nam committed itself in 1954 to a "complete cessation of all hostilities" to be enforced by its commanders "for all troops and personnel of the land, naval, and air forces" under its control. It also committed itself to the withdrawal from Cambodia of "combatant formations of all types which have entered the territory of Cambodia."

With those international agreements as a backdrop, what are the facts?

In Laos over 65,000 regular North Vietnamese troops have invaded and now occupy large portions of Laotian territory. About 40,000 are in the southern part of the country, along the Ho Chi Minh Trail. More than 25,000 North Vietnamese troops are in northern Laos. On February 12 this force launched the current offensive which has led to the increased anxieties. Prime Minister Souvanna Phouma has strongly objected and condemned this invasion of his country by the North Vietnamese—to no avail.

In Cambodia, as in Laos, North Viet-Nam has long been occupying territory in direct violation of its repeated treaty commitments to respect the country's neutrality. More than 40,000 North Vietnamese and Viet Cong troops have invaded and now occupy Cambodia. In Cambodia, as in Laos, Hanoi is using armed force against a state where it has no legitimate rights and against a people with whom it has no ethnic affinity. Both Prince Shianouk and his successor, Prime Minister Lon Nol, agree that this is the case.

A more explicit and unprovoked violation of the fundamental provisions of the Charter of the United Nations and of additional specific international obligations to respect the territory of others could hardly be imagined.

Seven nations endorsed the Geneva accords of 1954 upholding the independence and neutrality of Cambodia and Laos. Fourteen nations undertook further obligations in 1962 to hold consultations in the event of a violation, or threat of violation, of the neutrality of Laos. The violations of those accords by North Vietnam in Laos and Cambodia are explicit, uncontested, open, and without any shred of international sanction. Is it not time for nations which are signatories to international agreements actively to support them? Should not the international community itself more actively look for ways to shoulder its responsibilities?

Article 4 of the 1962 agreement on Laos is explicit in requiring the signatories to "consult" on measures to ensure observance of the agreement in event of a violation or even the threat of a violation. The Soviet Union, whose Foreign Minister is a cochairman of the Geneva conference, has a particular responsibility "to exercise supervision over observance" of the agreement. Yet, except for a proposal by the Soviet United Nations Representative, Mr. Malik, about reconvening the Geneva conference machinery—a proposal from which the Soviet Union has been steadily backpedaling since—the Soviet attitude has been negative toward exercise of its treaty responsibilities.

The flouting of international agreements which were freely entered into by Hanoi is not just a problem for the parties to the agreements. It is a problem for the world community. If states fail to honor their obligations solemnly agreed to, then the role of law in the settlement of international disputes becomes minimal and nations have no recourse but to resort to force to protect their sovereignty and territorial integrity.

In addition to the obligations of signatories to the 1954 accords, there are responsibilities of a more practical sort which concern particularly the states of the area. In this regard it is encouraging to note that the Foreign Ministers of such nations as Indonesia, Thailand, and Japan are initiating consultations to determine what action they can take in the international community to protect and restore the independence and neutrality of Cambodia.

In conclusion, the suggestions I have made today—to revive the International Court of Justice, to encourage more multilateral lawmaking treaties, and to insist on observance of international agreements—reflect my conviction that it is both necessary and possible to increase the role of international law in the settlement of disputes.

We must take steps which will build international confidence in international law. Mankind eventually must become wise enough to settle disputes in peace and justice under law. That is your goal—that is the goal of your Government.

CAMPUS 1970: WHERE DO WOMEN STAND?

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mrs. MINK. Mr. Speaker, discrimination against women in higher education is one of the most damaging forms of prejudice in our Nation, for it deprives a high proportion of our people of the opportunity for equal employment and equal participation in national leadership.

It is unfortunate but true that this form of prejudice is widespread among educators, the very group that should be leading the way for full equality of opportunity. One of the finest studies I have seen on this important subject is "Campus 1970: Where Do Women Stand?" a research report of a survey on women in academe by Dr. Ruth M. Oltman, Ph. D. Dr. Oltman is staff associate, higher education, of the American Association of University Women. Her report was published in December 1970.

In this project, Dr. Oltman compiled massive evidence from a survey of 750 colleges and universities showing that women do not have equal status with men in academe. At every level—student body, administration, faculty, and trustees—women are under-represented or placed in positions with little power in decisionmaking. This is particularly true in the large public institutions.

The study illustrates in a rather dramatic fashion the sex inequities on American campuses and suggests many areas in which the AAUW and its corporate member institutions might be involved in increasing utilization of women at all levels of academe. For the benefit of my colleagues, I have extracted sections of the report including the introduction, results of study, and summary and recommendations. I believe these should provide meaningful information on actions we should take now to redress this discriminatory situation.

The material follows:

CHAPTER I.—INTRODUCTION

A. Purpose

In January 1970 a questionnaire was sent to presidents of the 750 colleges and universities which hold corporate (institutional) membership in the American Association of University Women. Its purpose was to evaluate the activities of women and the extent of their participation at all levels of involvement—as students, administrators, faculty, and trustees. An extensive questionnaire explored the participation of women in decision-making; personnel policies affecting hiring, promotion, maternity leave, nepotism; special programs designed for mature women students; utilization of women's abilities in major offices and committees, as department heads, principal administrators, and trustees; and general attitudes of administration regarding women.

B. Background and related studies

The study grew out of a recognition by the AAUW Committee on Standards in Higher Education that the potential of women is not being appreciated, encouraged, or fully developed at any level of higher education:—student body, administration, faculty, or Board of Trustees. It was recognized that very little data is available to document the role of women in higher education and that if any improvement in this role is to be achieved much more information must be obtained. It was hoped that objective documentation of some of the inequities would contribute to greater awareness of the limitations in opportunities for women in higher education. The need for objective information is evidenced by the extensive data-collecting presently being undertaken by women's caucuses of many professional groups and the amount of research being done by professional women, by faculty and women students and by state commissions on the status of women.

A major recommendation of the President's Task Force on Women's Rights and Responsibilities, was that "All agencies of the Federal Government that collect economic or social data about persons should collect, tabulate, and publish results by sex as well as race." (13) The need for this is evidenced by the fact that few government and educational publications include data analysis by sex in educational statistics. The most complete statistics on women's role are published by the Women's Bureau, U. S. Department of Labor. These document the trends in the educational achievement (17) and employment status (16) of women, and projected trends for the future.

The National Science Foundation's Report on the 1968 Register of Scientific and Technical Personnel (12) gives data on the fields of employment and highest degrees earned by women scientists, who comprise nine percent of all scientists. The National Research Council (11) has published an analysis of doctoral recipients by sex in 26 academic disciplines. The Office of Education, in its annual Higher Education General Information Survey (HEGIS) study of institutions of higher education, has not provided analyses by sex, except for student enrollment (and for faculty rank in 1966). The National Education Association (NEA) completed a study on faculty ranks for 1959–66 and salaries for 1965–66 (10) which showed extensive differentials and evidence of the deterioration in the role of women as faculty members. NEA has not replicated this kind of research since, due to the difficulty in obtaining accurate data from the schools. The American Association of University Professors (AAUP) also has not published a comparative analysis of ranks and salaries for men and women faculty. Statistics in higher education, therefore, do not give a clear picture of the status of women as students, faculty or administrators. Equally important is the relative lack of up-to-date information about administrative practices which affect women in higher education, such as policies on maternity leave, nepotism, tenure, part-time appointments, and day care. Two studies of policies on nepotism have been done in the past ten years (3) (14). Information on women in non-professional jobs in higher education such as secretaries, house directors, and service personnel is also non-existent.

Further, there has been little analysis of the role of the woman student, although during the past year a number of student groups such as the Intercollegiate Association of Women Students (IAWS) and women's liberation groups on various campuses are forming their own commissions on the status of women students and examining their subordinate roles critically (7).

Psychological expectations of women also contribute much to the total picture. For example, the dilemma of women's conflict over achievement as non-feminine is well documented in Dr. Matina Horner's clinical study in *Psychology Today* (6). The cultural image and stereotypes of the female sex-role perpetuated by society undoubtedly form major impediments in early socialization of girls and in their ability to make full use of individual potential. They not only affect women's perceptions of themselves but also limit their perceptions of each other's resources and abilities, as Philip Goldberg's research has clearly demonstrated (4).

Little is known about the effect of pressures at the college level which limit the full intellectual development of women students or reinforce the results of previous negative socialization. Equally important is the quality of counseling provided at the college level which prepares women for their vocational, social and personal roles in society. Dr. Helen Astin's report (2) documents some of the factors which influenced the careers of women who earned Ph.D.'s in 1957. Early encouragement and definition of role were especially important. The career commitment of women doctorates is evidenced by the fact that 91 percent are working in their field of preparation, 81 percent full-time.

The present study was undertaken, therefore, to contribute additional data by surveying the role of women in institutions having corporate relationship to AAUW and an interest in and concern for women's education. It was anticipated also that the results would delineate areas for further study and action. The role of women in higher education and the extent of their participation was investigated by an assessing of some dimensions of the picture. It is not complete nor are the issues of casualty probed. Results furnish a statement of what exists. Higher education reflects the society of which it is a part, including the values, attitudes and roles assigned to women, and the socialization process which prepares women to accept these roles.

C. Questions to be answered

The concerns regarding the role of women in higher education were reflected in the following questions raised in preparing the questionnaire:

1. Women students:

a. What are their leadership roles on campus?

b. To what extent do they participate in development of student policy? On student-staff committees?

c. What campus programs are provided to meet their special needs in determining their roles as women?

d. What role does the Association of Women Students (AWS) play and how is it supported?

e. How many women go on for graduate study and receive financial aid, as compared with men?

f. What are the policies regarding pregnancy and birth control counseling?

g. What are the policies and programs for the mature woman student?

2. Women administrators:

a. What kinds of administrative positions are women most likely to hold?

b. Are women sought for all types of administrative positions?

c. To what extent are women administrators included in policy-making decisions?

3. Women faculty:

a. What department chairmanships are women most likely to hold?

b. How do they participate on committees determining institutional or faculty policies?

c. What institutional policies concern maternity leave?

d. How do nepotism policies affect the hiring, promotions, tenure of women?

4. Women trustees:

a. How does the number of women trustees compare to the toal number of men trustees?

CHAPTER IV.—RESULTS OF THE STUDY

A. Method of reporting

Results are reported by types of schools to avoid distortion of data by differences among the categories such as private, public, and coeducational schools, women's colleges, and schools with enrollment over 10,000 or under 1,000. Women's colleges were extracted from the sample of private schools and small colleges so that appropriate comparisons could be made with public schools and institutions with over 10,000 enrollment. In order to make valid comparisons among groups of different sizes, all data were changed to percentages.

The four-page questionnaire required extensive compilation of data on the role of women on the college campus. In many instances this information was not obtainable from one office or was not collected by the school. As a result, no response was given for some questions. Although instructions asked the respondent to distinguished between information that was "unavailable" (UA) or "did not apply" (DNA), the answers were often left blank. For this reason, percentages given for the data were computed on the number of actual responses to the question.

Information was not tabulated on seniors going on to graduate school, number of graduate fellowships and value, as this data was not given in consistent form, was not available, or the item was left blank.

B. Role of the woman student

Women students comprised approximately 41 percent of the total student population in four-year institutions of higher education in the United States in the fall of 1969 (15). Almost 2,400,000 women were enrolled in degree-credit programs during the 1969–70 school year, more than double the number enrolled ten years earlier. What has been the quality of their education? How are they being prepared for leadership? What campus programs are provided to meet their special needs? The questionnaire explored four areas in an effort to shed some light on the role of the woman student on the campuses surveyed.

1. Positions of Leadership on Campus:

Analysis of campus offices (see Table 6) most likely to be held by women on campus show that women students are most frequently found in positions which are primarily non-elective or appointive, such as editor of the yearbook or literary magazine, or chairman of the activities committee or freshman orientation—all positions requiring special skills, such as writing, and detail work. Greater opportunities for leadership are open to women on small campuses (under 1,000) or at private institutions (and women's colleges not included in this tabulation) than at very large, public or coeducational institutions.

Men are most likely to hold the elective, political offices such as president of the student body, class president, chairman of the Campus Judicial Board or Union Board of Governors—all positions with much power and influence. Again, these trends are accentuated on the large campuses and at public or coeducational schools. There is a tendency toward co-chairmanships (men and women) for positions such as chairman of freshman orientation or activities committee, some editorships, or judicial boards.

TABLE 6.—STUDENTS IN CAMPUS LEADERSHIP POSITIONS (1967–70) [1]

Position	Coed schools (376)			Public schools (189)			Private schools [2] (207)			Schools over 10,000 (63)			Schools under 1,000 [2] (53)		
	Men 3-years (percent)	Women 2 to 3 years (percent)	Total responses	Men 3 years (percent)	Women 2 to 3 years (percent)	Total responses	Men 3 years (percent)	Women 2 to 3 years (percent)	Total responses	Men 3 years (percent)	Women 2 to 3 years (percent)	Total responses	Men 3 years (percent)	Women 2 to 3 years (percent)	Total responses
President, student body	84	5	37	86	4	188	77	12	204	92	2	63	67	18	51
Class president	76	6	294	75	8	138	69	13	179	80	5	41	60	22	45
Chairman, union board of governors	65	12	209	64	13	125	63	15	92	62	11	47	69	16	19
Captain, debate	65	8	170	60	13	96	68	10	85	79	3	38	77	8	13
Chairman, campus judicial board	68	12	252	77	13	124	55	17	147	74	6	46	55	18	33
Editor, yearbook	17	49	362	19	46	183	15	54	201	25	48	1	12	52	50
Chairman, activities committee	47	27	259	47	30	128	43	31	150	42	22	36	33	38	42
Chairman, freshman orientation	40	24	259	44	26	124	35	29	156	44	28	43	40	32	35
Editor, literary magazine	39	30	263	43	23	127	33	41	153	49	16	49	17	63	32
Editor, campus paper	39	25	373	40	24	186	36	31	209	53	18	62	23	46	50

[1] To provide a clear picture of women's participation, instances are tabulated in which women held these offices at least ⅔ of the time during 1967–70. Instances of incumbency for one year only are not shown.

[2] Exclusive of women's colleges.

2. Programs for Women:

The study committee was particularly interested in knowing the kinds of events or special media which are planned on campus to meet the educational needs of the woman student in developing her potential, in determining her role, and in planning her future. Three areas were explored in the questionnaire:

a. *General.* Only 72 percent of the total study group responded to the question, "During the past year we have had —— programs (lectures, seminars, workshops, movies, etc.) related to the role or special educational needs of women." Forty-six percent of those responding, however, indicated they had *no* such programs, another 21 percent only one or two. Differences among the subgroups were marked—e.g. 72 percent of the coeducational schools had had none or no more than two such programs during the year, as compared to 42 percent of the women's colleges. Institutions over 10,000 and public schools, with more diverse resources and population, provided more programs than small colleges and private schools (see Table 7).

As so many institutions failed to respond to this item, it is possible that the actual percentage of schools having no programs is much higher than 46 percent. However, there are three schools (all small colleges under 1,000) with an accredited course on women. Nearly 10 percent (and over 15 percent of the women's colleges) state that they have had more than 10 identifiable programs, a "series" or "many" such programs, furnishing some hopeful evidence that the needs are being recognized.

b. *Association of Women Students (AWS).* Over 58 percent of the schools report that they have an Association of Women Students or a similar women's organization on campus. The percentage is lower on all women's campuses where the overall student government serves this purpose, and higher on larger public campuses, where there is diversity of governmental functions (see Table 7). Approximately 60 percent of the AWS groups have independent budgets.

TABLE 7.—PROGRAMS FOR WOMEN STUDENTS

Question	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1,000 [1] (53)		Public schools (189)		Private schools [1] (207)	
	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses
(a) Number of programs on women's interests in 1969–70		328		276		38		44		46		136		160
None	46		51		18		39		63		46		51	
1 to 2	21		21		24		16		24		18		22	
3 to 6	15		12		32		11		4		16		10	
7 to 10	4		4		5		9		0		6		2	
11 to 20	3		2		5		4		0		3		3	
Over 20	2		2		5		5		2		1		3	
Series	2		2		0		2		0		1		3	
Accredited course	1		0		3		0		4		0		1	
Many	3		2		5		7		2		3		3	
Some	4		4		3		7		0		6		3	
(b) AWS: Have an association of women students on campus		428		369		42		61		53		183		207
Yes	58		61		38		67		55		65		57	
No	42		39		62		33		45		35		43	
(c) Representation on student staff committees		412		369	(²)	(²)		63		52		184		205
As proportionately as men	44		45				33		52		44		46	
Proportionately less than men	43		48				67		29		50		43	
Proportionately more than men	13		7				0		19		6		11	

[1] Exclusive of women's colleges.

[2] DNA.

c. *Representation on student-staff committees.* Four hundred twelve of the 454 schools answered the question on representation of women students on student-staff committees, 43 percent indicating that women are represented "in smaller numbers, proportionately, than men." This percentage increases to 48 percent at coeducational schools, 50 percent at public schools, and 67 percent at schools over 10,000 (see Table 7). Schools under 1,000 show the largest participation of women.

3. Policies on Pregnancy, Resident, and Birth Control Counseling:

Policies in this area vary greatly (see Table 8). Most schools (98 percent) indicated that they do "permit pregnant women students to attend classes" and do "make necessary adjustments for them to complete their courses." Eighty-eight percent indicate that "married women, not living with their husbands, may live in the residence halls," but only 62 percent state that pregnant women may do so. Birth control information or counseling is provided by the Health Service in 43 percent of the schools surveyed; the others "make referrals to physicians outside the institution." It may be that many schools avoid the situation and do not attempt to handle the problem in either way.

Data indicate that large public institutions, with medical resources and a heterogeneous population of students are likely to be liberal in policy and to provide special services to the married or pregnant woman student. Small and private schools are almost as liberal in policy but do not generally furnish counseling in their health services, perhaps because of limitation of facilities and staff. The sample of women's colleges appears to be the most conservative on all aspects of policy and birth control counseling, although it had been anticipated that they would lead the way in services of this kind to their students because of their special role in women's education.

TABLE 8.—POLICIES ON PREGNANCY, RESIDENCE, AND BIRTH CONTROL COUNSELING

	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1,000[1] (53)		Public schools (189)		Private schools[1] (207)	
Question	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses
Permit pregnant women students to attend classes, will make academic adjustments needed		440		365		56		62		53		184		204
Yes	98		99		93		100		100		98		98	
No	2		1		7		0		0		2		2	
Permit pregnant women students to live in residence halls		394		324		43		54		48		161		184
Yes	62		64		47		78		58		75		55	
No	38		36		53		22		42		25		45	
Married women may live in residence halls		428		352		58		58		53		176		198
Yes	88		91		74		97		87		95		87	
No	12		9		26		3		13		5		13	
Birth control information available in Health Service		415		346		53		62		49		178		189
Yes	43		47		30		68		24		52		38	
No	57		53		70		32		76		48		62	
Birth control information not provided, but referrals made to outside doctors		299		242		41		28		42		113		147
Yes	59		62		44		54		52		61		60	
No	41		38		56		46		48		39		40	

[1] Exclusive of women's colleges.

4. Mature Women Students:

Only a small proportion of the schools surveyed were able to give statistics on the approximate number of mature women students enrolled. Ninety-five percent, however, indicated (see Table 9) that opportunities for completing a degree are available, 86 percent that some kind of counseling is provided, although the nature of this was not defined in the answers. In addition, 70 percent stated that scholarship aid is given when needed. Only 49 percent, however, make some adjustments in class hours or curricula to meet the needs of such students and less than half (43 percent) have a program (such as continuing education) especially designed for the returning mature woman student. Of the 454 schools, only 22 or five percent provide some kind of day care services for students with small children.

It should be noted that women's colleges are the most likely to provide counseling and day care services and to make adjustments for mature women. Large schools with over 10,000 enrollment have more facilities for special programs but do not provide extensive individual services. On the other hand, small schools with less than 1,000 students do not have diversified special facilities but appear to make up for this in more individualized treatment—counseling, needed adjustments, and scholarships. Private schools show a similar trend.

C. Women administrators

In answering the question "It is our policy to include women in a. top-level administrative positions" and b. "policy-making decisions," 87 to 92 percent of the total sample indicated affirmative responses. The most positive responses came from the sample of women's colleges, the large universities with enrollments over 10,000 stating more reservations.

TABLE 9.—PROGRAMS FOR MATURE WOMEN STUDENTS

	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1,000[1] (53)		Public schools (189)		Private schools[1] (207)	
Question	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses
Provide opportunities for mature women to complete degrees		448		370		59		61		53		188		206
Yes	95		95		98		95		98		96		95	
No	5		5		2		5		2		4		5	
Provide counseling for mature women		441		364		58		59		52		186		201
Yes	86		84		95		85		90		86		84	
No	14		16		5		15		10		14		16	
Provide scholarship help for mature women		434		359		56		60		53		182		200
Yes	70		72		62		60		78		72		71	
No	30		28		38		40		22		28		29	
Make adjustments in curriculum for mature women		432		360		53		59		53		183		201
Yes	49		46		6		49		53		50		45	
No	51		54		40		51		47		50		55	
Have special program for mature women		440		364		57		61		53		185		203
Yes	44		43		53		64		32		52		34	
No	56		57		47		36		68		48		66	
Provide day care services		444		366		59		61		53		185		204
Yes	5		4		9		5		2		5		3	
No	95		96		91		95		98		95		97	

[1] Exclusive of women's colleges.

In spite of such affirmative policy, however, this actual participation of women in administrative policy-making in higher education is conspicuously lacking, as Table 10A demonstrates. The position of women in administration is similar to that of women students—they are working at jobs requiring skills and attention to detail but without much relationship to policy-making or influence. Generally they are in positions at middle management level or which involve sex stereotypes, such as Dean of Nursing.

The study points up the comparatively greater opportunities for women in the administration of women's colleges and in schools with under 1,000 enrollment, especially in certain categories. In addition to the position of Dean of Women, women are most likely to hold positions such as head librarian, director of placement, director of financial aid or college counselor. They are least likely to be found in the positions of president, vice president, director of development, business manager, academic dean, dean of students, director of counseling, and college physician.

It should be noted that women are less likely to be head librarians in schools with enrollment over 10,000 and in public institutions than in private schools or schools with enrollment under 1,000. The same holds true for the positions of placement director, director of counseling, dean of students, assistant academic dean and director of financial aid. Categories such as president, director of development, college physician and business manager show little differential among institutions, despite size or type, except at the women's colleges, where women do hold many positions of responsibility.

TABLE 10A.—WOMEN IN COLLEGE ADMINISTRATION [1] (1967–70)

	Total group (454)			Coed schools (376)			Women's colleges only (59)			Schools over 10,000 (63)			Schools under 1,000 [2] (53)			Public schools (189)			Private schools [2] (207)		
	Men 3 yrs. (percent)	Women 2–3 yrs. (percent)	Total responses	Men 3 yrs. (percent)	Women 2–3 yrs. (percent)	Total responses	Men 3 yrs. (percent)	Women 2–3 yrs. (percent)	Total responses	Men 3 yrs. (percent)	Women 2–3 yrs. (percent)	Total responses	Men 3 yrs. (percent)	Women 2–3 yrs. (percent)	Total responses	Men 3 yrs. (percent)	Women 2–3 yrs. (percent)	Total responses	Men 3 yrs. (percent)	Women 2–3 yrs. (percent)	Total responses
President	88	11	441	95	5	366	50	47	56	100		58	87	13	53	97	3	184	92	8	200
Vice president	93	4	290	97	2	246	69	17	29	100		55	85	8	26	98		123	94	4	138
Director of development	95	4	381	97	2	314	86	6	50	98		52	98	3	47	96	1	140	97	3	189
Business manager	90	9	437	93	5	362	66	32	56	98	2	58	92	4	53	97	1	180	90	9	200
College physician	82	8	397	82	7	325	82	13	55	68	10	60	95	5	42	80	9	162	83	7	179
Director financial aid	70	23	440	79	15	364	21	67	57	85	12	61	61	32	51	84	9	183	71	23	201
Director placement	64	28	429	72	21	355	22	73	55	80	10	59	59	33	49	80	14	179	62	30	196
Director counseling	76	19	319	82	13	273	30	67	30	92	5	61	61	32	28	88	9	150	73	20	138
Dean of students	71	23	419	82	12	343	12	83	57	86	5	57	70	26	50	85	9	174	76	18	189
Head librarian	57	35	445	63	29	368	23	61	57	85	8	61	36	62	53	69	22	184	56	37	204
Academic dean	69	18	432	76	10	359	31	62	55	50	17	60	77	15	52	74	8	178	76	14	198
Associate or assistant academic dean	68	17	261	74	12	223	32	44	25	63	12	60	67	20	15	73	11	121	72	16	116
College counselor	36	25	318	38	17	265	27	51	41	18	16	49	58	26	31	35	19	140	39	22	139

[1] To provide a clear picture of women's participation, instances are tabulated in which women held these offices at least ⅔ of the time during 1967–70. Instances of incumbency for 1 year only are not shown.

[2] Exclusive of women's colleges.

Further evidence of the lack of utilization of women power in college administration is seen in the answers to an open-ended question which asked for a list of all positions in the administrative staff for which qualified women are generally sought. Only 19 percent of the schools indicated that they specifically seek "qualified persons, regardless of sex, except for Dean of Men and Dean of Women" and another nine percent answered generally "any position." The 454 schools in the survey listed only 427 such positions, an average of less than one position per school. Table 10B shows the distribution of responses in ten categories including all positions listed at least two percent or more. Again, there appear to be broader opportunities in women's colleges, fewer in large universities.

D. Faculty women

Nationally, women comprise about 22 percent of faculty at all ranks in higher education in the United States (4). Percentage of women decreases, however, as rank increases, with less than nine percent holding the rank of full professor (10). They are particularly absent at some of the "prestige" institutions and often are employed in non-tenured teaching positions.

TABLE 10B.—ADMINISTRATIVE POSITIONS FOR WHICH QUALIFIED WOMEN ARE SOUGHT [1]

Question	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1,000 [1] (53)		Public schools (189)		Private schools [1] (207)	
	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses
Qualified persons regardless of sex, except deans of men and women	19	427	19	347	17	53	17	64	13	38	22	184	16	186
Women's counselor	10		10		6		8		8		10		11	
Associate dean of students	10		11		6		5		21		11		11	
Any position at all	9		8		17		2		13		7		9	
Dean of nursing	8		9		2		16				12		5	
Dean of students	5		2		23		5		8		2		3	
Dean of home economics	5		6				14		3		9		2	
Registrar	4		5						8		1		8	
Director of admissions	3		2		8		3				3		2	
Librarian	3		3		4				5		3		3	
Director of placement	2		3		2		2				3		2	
Assistant to dean	2		2		2		5		3		2		2	

[1] Percentages represent proportion of total positions listed.

[2] Exclusive of women's colleges.

1. Department Heads:

It should be noted that 90 percent of the schools surveyed answered "yes" to the question "Our promotional policies are the same for men and women faculty." Data show, however, that women infrequently hold department chairmanships. Thirty-four of the schools in this study indicate no women as heads of academic departments, and the average number of women in such positions in all schools was 2.6 per school. When they are department chairmen, they are found primarily in the fields of home economics, physical education, English, languages, nursing and education. The opportunities in the women's colleges, however, are greater than in other schools, particularly in areas of the sciences, math, history and government and art. Table 11A gives all department categories mentioned two percent or more of the total listings.

TABLE 11A.—DEPARTMENTAL CHAIRMANSHIPS HELD BY FACULTY WOMEN [1]

Department	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1,000 [2] (53)		Public schools (189)		Private schools [2] (207)	
	Percent	Number responses	Percent	Number responses	Percent	Number responses	Percent	Number responses	Percent	Number responses	Percent	Number responses	Percent	Number responses
None	3	[3] 1 217	4	[4] 913		[5] 248	1	[6] 199	5	[7] 131	3	[8] 438	4	[7] 509
Home economics	13		15		6		21		8		21		10	
Physical education	9		10		7		14		6		15		7	
English, journalism, speech or theater arts	8		8		9		4		11		8		8	
Languages	8		8		10		4		12		6		11	
Nursing	8		9		4		11		5		10		7	
Education	6		6		6		3		7		2		7	
Business administration and economics	6		6		3		4		5		7		6	
Mathematics	4		4		6		0		8		3		5	
Fine arts, history of art	5		4		6		1		6		4		5	

Footnotes at end of table.

Department	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1,000 [2] (53)		Public schools (189)		Private schools [2] (207)	
	Percent	Number responses	Percent	Number responses	Percent	Number responses	Percent	Number responses	Percent	Number responses	Percent	Number responses	Percent	Number responses
Biology and earth science	4		3		9		8		3		3		3	
History, government, political science	4		4		6		4		2		3		4	
Physical science	4		2		7		1		4		1		4	
Sociology and anthropology	4		3		4		2		3		2		3	
Psychology	3		3		4		9		5		3		3	
Music	2		3		2		1		2		2		2	

[1] Percentages represent proportion of total number of chairmanships listed.
[2] Exclusive of women's colleges.
[3] On 2.6 per school.
[4] On 2.4 per school.
[5] On 4 per school.
[6] On 3.1 per school.
[7] On 2.5 per school.
[8] On 2.25 per school.

2. Representation:

Women at 35 percent of the schools surveyed are said to be represented on almost all faculty committees and boards and in other schools women appear to participate in diversified activities of the faculty such as the University Senate, Faculty Council, Administrative Council, committees on academic standing, student life and curriculum. They are less likely to be represented on committees for guidance, scholarships, judicial problems, long range planning, institutional research, admissions, educational or advisory policy, or to be advisers to campus organizations.

3. Policies on Maternity Leave for Faculty Women:

Seventy-nine percent of the schools have an official policy on maternity leave. Fifty-eight percent indicate that the time for such leave is "adjusted as needed." Only six percent stated that two months or less is granted; the other 36 percent grant 3–18 months for maternity leave. Most of the institutions continue fringe benefits during this period and will rehire in the same position and salary without loss of seniority. The questions, however, did not explore the application of these policies to women faculty without tenure. (See Table 11B.)

TABLE 11B.—POLICIES ON MATERNITY LEAVE FOR FACULTY WOMEN

Question	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1,000 [1] (53)		Public schools (189)		Private schools [1] (207)	
	Percent	Number responses	Percent	Number responses	Percent	Number responses	Percent	Number responses	Percent	Number responses	Percent	Number responses	Percent	Number responses
Have policy		430		356		54		58		52		178		198
Yes	79		81		67		81		77		82		78	
No	10		9		20		12		12		9		10	
No specific policy	11		10		13		7		11		9		12	
Period of time		308		262		31		45		34		137		139
Adjusted as needed	58		58		61		60		59		57		59	
2 months or less	6		5		10		4		12		4		5	
3 to 6 months	19		20		13		20		26		20		20	
2 semesters	3		3		3		0		0		2		4	
12 to 18 months	14		10		13		0		3		16		12	
Rehire in same position		310		265		30		41		34		141		138
Yes	93		93		93		93		94		94		92	
No	7		7		7		7		6		6		6	
Rehire in same level		294		251		27		39		34		136		130
Yes	97		97		96		95		100		97		97	
No	3		3		4		5		0		3		3	
Rehire at same salary		289		246		27		38		32		134		127
Yes	97		97		96		95		97		97		97	
No	3		3		4		5		3		3		3	
Rehire without loss of seniority		295		253		27		39		35		136		131
Yes	96		97		89		95		97		98		95	
No	4		3		11		5		3		2		5	
Continue fringe benefits		349		295		37		46		39		160		150
Yes	88		87		92		83		82		86		89	
No	12		13		8		17		18		14		11	

[1] Exclusive of women's colleges.

E. Policies on nepotism

Almost 35 percent of the schools reporting indicate that they have specific policies against nepotism in hiring of faculty. Nepotism policies are most evident on campuses of large schools, least evident at private and women's colleges and small campuses (see Table 12). In general, they affect husband-wife, parent-child and siblings relationships in the same proportion, although fewer schools answered questions on the latter two than on the first.

TABLE 12.—POLICIES ON NEPOTISM

Question	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1,000 [1] (53)		Public schools (189)		Private schools [1] (207)	
	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses
Have policy against		414		349		47		63		48		175		192
Yes	35		36		28		56		15		45		27	
No	65		64		72		44		85		55		73	
Husband-wife, same department 1968–69		330		279		37		44		39		143		149
Yes	58		59		46		77		38		62		56	
No	42		41		54		23		62		38		44	
Husband-wife, same department 1969–70		322		270		39		41		38		139		143
Yes	59		60		51		73		45		64		57	
No	41		40		49		27		55		36		43	
Husband-wife, different department 1968–69		359		305		39		50		48		153		166
Yes	88		90		69		94		79		95		85	
No	12		10		31		6		21		5		15	
Husband-wife, different department 1969–70		340		289		38		47		43		143		159
Yes	85		89		71		92		72		93		82	
No	15		11		29		8		28		7		18	

Footnote at end of table.

TABLE 12.—POLICIES ON NEPOTISM—Continued

Question	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1 000 [1] (53)		Public schools (189)		Private schools [1] (207)	
	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses
Parent-child		298		256		30		51		35		97		130
Yes	55		58		30		75		26		69		47	
No	45		42		70		25		74		31		53	
Siblings		294		252		30		47		36		136		127
Yes	53		56		23		75		25		68		45	
No	47		44		77		25		75		32		55	
Department exceptions		271		228		30		43		30		123		118
Yes	39		42		20		49		13		44		38	
No	61		58		80		51		87		56		62	

[1] Exclusive of women's colleges.

ANTI-NEPOTISM REGULATIONS AT CORPORATE MEMBER INSTITUTIONS

[In percent]

	No limitation		Specific rules or flexible rules	
	1960	1970	1960	1970
Public schools	32.1	54.8	67.7	45.2
Private schools	71.0	72.7	28.8	27.3
Total	55.4	65.2	44.5	34.8

There was a definite indication that, where policies *are* in force, they are more prevalent for hiring a husband and wife in the same department that in different departments. There is evidence, also, of some flexibility in application, 38 percent stating that there are some departmental exceptions.

In comparing the findings of this survey with those done in the AAUW study by Dolan and Davis in 1960, (3) there appears to have been some liberalizing of nepotism regulations in the public institutions in the past 10 years, but little change in the private sector, as the figures below indicate.

F. Women trustees

We are hearing more and more about the appointment of women trustees in our colleges and universities but they still are not represented as fully as they should be in view of enrollment of women and number of alumnae, particularly at the large public universities. Twenty-one percent of the schools surveyed had no women trustees and the percentage in this category is much higher for institutions with over 10,000 enrollment (32 percent), public schools (26 percent), and coeducational schools (24 percent). (See Table 13.)

TABLE 13.—WOMEN TRUSTEES

Number	Total group (454)		Coed schools (376)		Women's colleges (59)		Schools over 10,000 (63)		Schools under 1,000 [1] (53)		Public schools (189)		Private schools [1] (207)	
	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses	Percent	Number of responses
None	21	438	24	365	4	53	32	60	21	53	26	184	22	201
1	25		29		2		42		11		41		17	
2	18		19		8		16		15		19		19	
3	10	([2])	11	([2])	7	([2])	6	([2])	13	([2])	7	([2])	13	([2])
4–5	10	2	9	2	13	7	2	1	24	3	4	1	15	2
6–9	10		6		38		0		10		2		10	
10 or more	6		2		28		2		6		1		4	

[1] Exclusive of women's colleges. [2] Mode.

Twenty-five percent of the total sample have a token woman on the board, with the percentage of those having only one woman again shown as much higher at large public schools. Sixty-six percent of the women's colleges and 16 percent of the schools with under 1,000 students have six or more women trustees, but only two percent of schools with 10,000 or more students and three percent of the public institutions. The overall governance of an institution is obviously reflected in its policies. Does the lack of women in the top governing board have a relationship to the some of the differentials among institutions which have been previously noted? This is an area meriting further research.

CHAPTER V.—SUMMARY AND RECOMMENDATIONS

Results of the survey add to the increasing accumulation of data that women do not have equal status with men in academe. At every level—student body, administration, faculty, and trustees—women are under-represented or placed in positions with little power in decision-making. This is particularly true in the large public institutions. When they are represented, it is more often in the smaller or women's colleges where there is a shortage of men and when they have special skills in specific areas which have sex stereotypes.

Opinion or policy does not always equate with fact—e.g. 90 percent of the schools state that their promotional policies are the same for men and women faculty, yet in 34 schools (all coeducational) there are no women department heads and the mean number of women department heads in all schools is less than three per institution. Ninety percent stated that they do include women in top-level administrative positions. Yet women administrators are seldom employed in positions involving critical decision making and are not actively recruited at higher levels. In this period of increased student involvement in campus governance, 43 percent indicated that women students are represented in proportionately *smaller* numbers than men on student-staff committees. Forty-six percent indicated that during the past year they had had *no* programs related to the special educational needs of women on campus.

The study was, of necessity, a very general one, attempting to define the extent of women's involvement on campus and to create an awareness of discrimination where it may exist. In view of the variation in total responses from question to question, it is possible that the picture is not as favorable to women as the percentages may indicate, at first glance, as the number of "no responses" may contain a large proportion of negative answers.

Results point to a number of unanswered questions, indicating need for further study in depth, such as, for example, on nepotism and maternity policies for faculty women.

The study illustrates in a *rather dramatic fashion the sex inequities* on American campuses and suggests many areas in which AAUW and its corporate member institutions might be involved in increasing utilization of women at all levels in academe. The major areas indicated for action *now* are:

(1) development of more opportunities for women students in genuine leadership positions and participation in campus governance.

(2) development of better counseling and more programs specifically designed to meet the unique educational needs of women students, including the mature students.

(3) recruitment and employment of more women in administrative positions on campus and greater participation in high-level policy making.

(4) appointment or election of more trustees, particularly in coeducational schools and the large public institutions.

(5) improvement in recruitment of women for faculty and in promotional policies for faculty women, and examination of institutional policies which may contribute to covert or overt discrimination.

(6) elimination of regulations against nepotism in hiring and adoption of clear policies of employment on the basis of merit and training.

(7) establishment of clear maternity policies for all faculty women.

Other areas not covered by the study but which should be examined are:

(1) the recruitment of women for graduate schools, necessitating a close look at how women are motivated and counseled in their undergraduate years.

(2) the incentives offered to women in the way of stipends for graduate study.

(3) quotas or limitations placed on admission of women to graduate schools.

(4) the employment of college women after graduation—breadth of opportunity, training, salaries.

The needs are clearly established. Courageous leadership is imperative in assisting women in higher education to realize their potential and to make their maximum contribution to the academic community.

POWER TO THE PEOPLE: WHO ARE THE PEOPLE?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. RARICK. Mr. Speaker, in his state of the Union message, President Nixon described his "New American Revolution" as a peaceful revolution in which the power of Government was to be turned back to the people.

The question arises—Back to what people?

One would rationally conclude from the following remarks that the President was referring to people at the local level:

> The idea that a bureaucratic elite in Washington knows best what is best for people everywhere and that you cannot trust local government is really a contention that you cannot trust people to govern themselves. This nation is completely foreign to the American experience. Local government is the government closest to the people and it is most responsive to the individual person; it is people's government in a far more intimate way than the government in Washington can ever be.

The utterance of one Federal bureaucrat already compromises the above statement of the Chief Executive. Russell E. Train, the Nixon administration chief environmentalist, is reported to have said only yesterday at a meeting with a group of newsmen that the general aim of the Nixon administration is to return authority to the Government unit closest to the people. Train made it clear that "basic thrust" power in the area of environment control must reside with the Federal Government; that is, with him—an unelected Federal official.

He is also quoted as saying that he is not ready to accept Federal authority over zoning, but he is ready to take it out of the hands of local governments and put it with State governments.

By what authority does the administration undertake to shift "people power" control of zoning from local and county governments to the States, and eventually to the Federal Government?

Power over zoning has historically resided with the people at the State and local levels. The 10th amendment guarantees:

> Powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Mr. Train, as a high level representative of the Nixon administration, apparently justifies his position under the President's new revolution in that he is "the people."

A newsclipping follows my remarks:

[From the Washington Star, Feb. 9, 1971]

UNITED STATES SEEKS STATE REINS ON ZONING

(By Paul Hope)

Russell E. Train, the Nixon's administration's chief environmentalist, said today the administration is trying to shift control of zoning from local and county governments to the states in an effort to control pollution.

But he said that two major levers that would be helpful toward this—authority to withhold funds for highway and airport development—were taken out of President Nixon's proposed environmental control program before it went to Capitol Hill.

The attempt to shift control over zoning was stressed by Train today as a major point of the President's message on the environment which was sent to Congress yesterday.

"HOT POLITICAL ITEM"

Train, at a breakfast meeting with a group of newsmen, acknowledged that this could become a "hot political item."

In general, the aim of the Nixon administration is to return authority to the government unit closest to the people, but Train said that in the area of environment control the "basic thrust" must remain with the federal government.

Train said he is not ready to accept federal authority over zoning, but he is ready to take it out of the hands of local governments and put it with state governments. The "land use" section of the President's environmental message is aimed at this, he said.

FEDERAL PENALTIES

The program would encourage development of statewide land use (or zoning) plans and would provide penalties if this is not done.

Without a land use plan, a state could experience difficulty or delays in getting federal projects approved, he said. He also mentioned that federal planning money could be withheld.

But he said that the two big cudgels of highway and airport spending were taken out of an early draft of proposed legislation. These apparently would have authorized the withholding of federal highway and airport funds—both massive programs—for failure to comply with federal environmental standards.

Other sources said the provision was stricken Sunday, the day before the message went to the Hill.

Train said these were moved into the revenue sharing area of Nixon's 1971 legislative program. The theory behind the revenue sharing idea is to have fewer strings attached to federal funds going to the states. Attaching authority to withhold the funds under environmental legislation would attach more strings, not fewer, so the environmentalists lost that weapon.

RESISTANCE EXPECTED

In trying to move zoning control to the states, Train said resistance from local authorities could be expected. But he said federal officials desire "as much discussion as possible—a complete airing" of it.

Train pointed out two other places in the "political" arena where the administration's environmental program could run into troubles:

First, special interest lobbies will be battling provisions that affect their industries, such as restrictions on locations of and emissions from power plants.

The renewed request for a tax on leaded gasoline was mentioned as another.

Second, there undoubtedly will be a tendency for politicians to see political advantage in jumping into the environmental area with programs more costly than those recommended by the administration.

HOW TO SUCCEED IN BUSINESS WITHOUT BEING TRIED

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BOB WILSON. Mr. Speaker, with the rash of attacks on big business, I recently read an interesting speech by Lee Loevinger, partner, Hogan & Hartson, Washington, D.C., and former assistant attorney general for antitrust, before the Association for Corporate Growth, Inc., Wednesday, January 13, 1971, at the Hotel Pierre, New York City, entitled "How To Succeed in Business Without Being Tried," part IV:

> (Continued from part III) Henry Ford has established a Detroit Ghetto Recreation Center, and Ford Motor Company has opened employment centers in the Detroit Ghetto recruiting and training Blacks and the poor who have not previously been able to get such employment. Michigan Bell Telephone, Chrysler, and Parke-Davis have each adopted ghetto high schools which they are assisting with equipment and services. ITT devoted two pages of its last Annual Report to a brief description of contributions in the social-environmental field, mentioning a large increase in employment of minority groups, activities in pollution control, narcotics education, and other fields, and pledging to bear its share of social responsibility in the future. Not all businesses have adopted this philosophy yet, but the number of large businesses that are following a similar course, and the scope and variety of their activities, are too great to be described or summarized briefly. My view is that the conflict between private business interests and the general public interest is usually the result of a short-term appraisal and that as the basis of judgment is lengthened in time these interests tend to converge.
>
> Beyond this, business has a less dramatic but equally important social role that is often overlooked. This is to act as a counterpoise or check to the unlimited power of government. There are few forces in society capable of offering any effective check to unlimited expansion of governmental power. Historically business has been the strongest and most effective of these. Organized labor has recently grown to a stature of comparable power. However, the fact that the freedom and welfare of the individual requires limitation of government power, as much as action by the government, is seldom mentioned by activists who seek government support for a particular cause, or even by many who pass as social leaders or philosophers. With respect to monopoly, it is significant that historically monopoly has been the result of government action, and that the earliest cases and law against monopoly were directed not against business but against government power.
>
> Economic and industrial developments of the Nineteenth Century made it possible for business combinations to acquire monopolistic power without government grants, and this, in turn, resulted in the Sherman Act of 1890, which is still the basic American antitrust law. The philosophy and purpose of the Sherman Act, as the Supreme Court has held is not to inhibit business growth and expansion but to prevent abuses by private economic power of the kind which had formerly arisen out of government grants of monopoly power.
>
> We have now lived so long with the notion that business is limited in power and that we will not tolerate monopoly that we have almost forgotten the original source of economic abuse was in government power. But in the contemporary world the democratic and free society is still the exception. The majority of the world's peoples today live in societies that are authoritarian and tyrannical by American standards. Yet it is not the power of business that has made these societies as they are, it is the power of government. The maintenance of democracy and liberty in the United States depends upon our ability to sustain a delicate balance among the elements and forces within society. As the size and the power of government grows we must have other institutions

similarly growing in size and power to insure that the balance within society is maintained.

In ultimate impact the potentiality theory is inconsistent with basic antitrust philosophy. The premises of antitrust law and theory are that society is better served and democracy made more secure by the maintenance of numerous decision making centers. Under the undefined and undefinable scope of potentiality theory the determinations as to where and how much business can expand will inevitably be shifted from the numerous markets, executive suites and board rooms to the tight little group comprising the government antitrust enforcement bureaucracy. The power of the public, consumers, management and stockholders over economic development will be decreased and the power of government will be increased. The ultimate effect will be that of establishing government regulation to control the expansion, through internal growth or acquisition, of every business, large and small. The concentration of such power in government is as dangerous, and as contrary to the historical and fundamental spirit of antitrust, as the concentration of economic power in private hands. Thus the potentiality theory cannot be viewed simply as an attack on the size of a few large corporations, but must be seen as a disturbance of that basic balance of social forces upon which not only the economic growth but also the democratic and libertarian institutions of this country depend.

Further, the policy of the potentiality theory is a direct and immediate threat to the civil rights and political liberties of every individual. The basic thrust of potentiality theory is to equate the mere possibility of social harm or abuse with proof that such consequences are likely to occur. If potentiality equals proof, then accusation equals conviction; every citizen is a presumed criminal, and every prosecutor has the power of a tyrant. Under potentiality theory, dissent equals revolution, protest equals violence, profits equal success, and success equals monopolization. Under potentiality theory, business success is illegal and so is political opposition and social dissent. The potentiality theory is, thus, potentially the most subversive legal principle proposed to American courts in recent years.

Of course, the able and well intentioned lawyers of the Department of Justice neither intend nor expect potentiality theory to be used oppressively. But the theory carries its own refutation. The potentiality for abuse of government power is as great as that for abuse of economic power. Self-interest is not confined to business or to desire for profit. It is as often a drive for power or status as for money. It motivates government officials, politicians and bureaucrats as much as it motivates businessmen; and the urge to extend the scope of a law or the power of an agency is as great as the urge to make more profit.

There is today no field in which any unregulated business enterprise even approaches a monopoly of power. In its own field the government has, and always has had, a monopoly of power. The potential for the abuse of power is inherently infinitely greater in the unwise exercise of government power than in the improvident use of private economic power. To put it bluntly, the Department of Justice attack upon business under the potentiality theory carries a much more immediate threat of infringing individual liberty by government tyranny than any threat of business monopoly against which this attack could be directed.

Let it be clear that this argument carries no implication that either the premises or the principles of established antitrust law are wrong or should be limited in their enforcement. Established antitrust principles prohibit monopolization and mergers which have the actual or probable effect of substantially lessening competition. If any actual abuses occur or threaten, if any actual reciprocity develops, if any large corporation takes advantage of its size to secure business on the basis of reciprocal patronage or economic power rather than competitive merit, such things can readily be stopped under the antitrust laws, and there are numerous recent court decrees to prove it.

The greatest present threat to the public interest lies in establishment of the notion that government can act on the basis of theories of potential abuses. If this potentiality theory is valid in antitrust, it is equally valid in other fields. If potentiality theory permits the government to prohibit any situation in which a theoretical possibility of abuse might exist, our basic constitutional principles are in clear jeopardy. Under potentiality theory everyone who has ever an improper thought is a potential criminal, subject to injunction or penalty. Certainly the risks to democratic society are far greater from such legal theory than from any possibility of an improper or uneconomic merger.

Despite our democratic tradition, we live in a world where the tyranny of total government control is all around us, and even within our society there are individuals and groups who would destroy democratic institutions to establish authoritarian regimes. The potentiality theory has been used by totalitarian governments and would be ready philosophical justification for unlimited extension of government power in this country.

The good society must ultimately be one where the culture pattern is such that there is no inherent conflict between private interests and the public interest or common welfare. The strength and virtue of the free enterprise concept is that it provides means whereby pursuit of private interest may also serve the common good and public interest. The greatest damage that we suffer from the present physical and philosophical turmoil may be triumph of the notion that the public interest is something altogether different from and contrary to any private interest. We shall fail to maintain our democratic tradition and social institutions to the degree that society accepts and acts upon this premise.

Thus the ultimate question that the present period of turmoil and trial poses for us is not simply how we may achieve success in particular business enterprises, or even in our economy as a whole. The challenge we must face and meet is how to achieve success in maintaining democratic social institutions and a society in which individuals may, singly and together, earn the economic security and rewards which men in all ages have sought. The only power that is greater than the government in our society is the good sense of the people. Our only hope for maintaining democracy and personal freedom, or for achieving a good society, is that the good sense of the people will reject both the strident counsel of those who would destroy our governmental structure and the unwise doctrines of those who would extend government power beyond reasonable limits to dominate all our economic and social lives.

WILL PARVIN TESTIMONY REMAIN SECRET?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. SCHERLE. Mr. Speaker Human Events is a national weekly Washington report which serves a valuable role in disseminating the news behind the news concerning our National, State, and local governments. This outstanding newspaper delves in depth into many of the major issues which directly affect every citizen. Each article is approached with objectivity with an aim for the accurate presentation of the facts. An example of this excellent reporting is an article by Pulitzer Prize winning Clark Mollenhoff entitled "Will Parvin Testimony on Douglas Remain Secret?," which appeared in a recent edition:

WILL PARVIN TESTIMONY ON DOUGLAS REMAIN SECRET?

(By Clark Mollenhoff)

Albert B. Parvin has insisted that secrecy cloak 97 pages of the testimony he gave before the Securities and Exchange Commission (SEC) on his dealings with Supreme Court Justice William O. Douglas.

The 97 pages of testimony deal with the operations of the Parvin Foundation which he established in 1961, and that paid Douglas $12,000 a year as president until his resignation a year ago. SEC lawyers have permitted the testimony to remain secret rather than become involved in delays that they say would only stall the fraud action brought in connection with the manipulation of Parvin Dohrmann stock.

But the secrecy Parvin has imposed only deepens the mystery around the whole Parvin-Douglas relationship, for there is already enough information on the public record of the SEC to demonstrate that Al Parvin was not "just another businessman."

The defenders of Justice Douglas have contended that Parvin was "just a businessman" or "an interior decorator," and have discounted the general allegations in Congress that Al Parvin was indeed a front for a group of Mafia figures in Las Vegas gambling casinos.

Over a period of the last nine years, Justice Douglas has been paid more than $100,000 from the Parvin Foundation. The foundation was started in 1960 after Parvin sold the Flamingo Hotel and Casino to Morris Lansburg for $10 million.

A "finders fee" of $200,000 was paid to Meyer Lansky, a Florida gambling figure who has been identified in many hearings as the Mafia's money man. The agreement for Lansky to receive the $200,000 "finders fee" in the sale was signed by Albert Parvin and Lansky on May 23, 1960.

The agreement called for Lansky to collect $25,000 a year from the Flamingo over a period of eight years, and the $2 million received by Parvin above his original investment went into the Parvin Foundation.

The sale of the Flamingo didn't mean Parvin was getting out of Las Vegas gambling activities. His Parvin Dohrmann firm bought the Fremont Hotel and Casino in 1965, and has broadened its base in Las Vegas gambling since then with the purchase of the Stardust and the Aladdin. He has done some negotiating on the possibility of buying the Riviera.

In testimony, Parvin has admitted he wasn't a corporate officer who kept at arm's length from the gambling operations. He related that two of his employes, Edward Levinson and Edward Torres, gave him nightly reports on operations at the casinos and hotel.

Levinson was a business partner with Robert G. (Bobby) Baker in the Serv-U Vending Co. and in other enterprises involving Fred B. Black Jr., a Washington representative for North American Aviation.

Parvin has stated under oath he personally told Levinson he could no longer work at the Fremont after being indicted on federal income tax charges involving "skimming" of money from the top of the gambling winnings.

A story in *Life* magazine had identified

Levinson as one who delivered cash to Meyer Lansky in Florida for transmission to Swiss bank accounts. This action reportedly made Levinson vulnerable in the eyes of the Nevada Gaming Commission, which regulates gambling in that state.

Parvin admitted under oath that Torres was also under indictment on the same Internal Revenue charge involving the "skimming" at the night club. However, Parvin said he did not take action to separate Torres from the Fremont operations.

Parvin said Torres was such an efficient manager at the Fremont that Parvin reluctantly agreed to modify an employment contract to let Torres buy a piece of the Riviera. Parvin said he made the deal with Torres because negotiations for the purchase of the Aladdin were then on and Parvin was eager to have Torres available to manage that business also.

Torres, who was also a partner with Bobby Baker in Serv-U Vending, testified that he never had met Bobby Baker. Torres bought his interest in the vending company through Ed Levinson and knew nothing of the details or the other principals.

Levinson took the 5th Amendment before the Senate Rules Committee on his dealings with Bobby Baker on Serv-U and other contracts.

Torres and Levinson have contended that their casino interests have been purchased with straight bank loans, but there has never been any depth inquiry into how these loans were arranged. Nor has there been any more than superficial inquiry into the source of the funds that Parvin used to purchase the Flamingo in the period after it was opened by Bugsey Siegel. Siegel died in a hail of bullets in his Hollywood home, and his successor also was shot to death a short time after bowing out of the Flamingo in the mid-1950s.

Certainly the record shows at this stage that Albert Parvin was in an interesting business and had known many interesting Las Vegas types in the 25 years since he went west from Chicago to sell his interior decorating services in Las Vegas.

His link with Justice Douglas started in 1960 after he read Douglas' book, *America Challenged*. Parvin said the book inspired him to start the Albert Parvin Foundation as a vehicle to promote the thinking and writing of Justice Douglas. Within a few months the arrangement had the two on an "Al" and "Bill" relationship.

More of the life and relationship of "Bill" Douglas and "Al" Parvin is certain to be pulled into the open in the months ahead as the House of Representatives heats up the second round of its attempt to impeach Douglas.

The main thrust this year by the Douglas critics will be to get access to the secret SEC testimony by Parvin or get Parvin himself to testify in an open hearing.

They complain that, in clearing Douglas of any wrongdoing during the last session, the committee headed by Sen. Emanuel Celler (D.-N.Y.) didn't call either Douglas or Parvin to testify. The critics want to change that this time.

WATSON CHAPEL FIGHTS FOR PEOPLE POWER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. RARICK. Mr. Speaker, in his state of the Union address to the 92d Congress, President Nixon said:

> People came to America because they wanted to determine their own future rather than to live in a country where others determined their future for them.
>
> What this change means is that once again in America we are placing our trust in people.
>
> I have faith in people. I trust the judgment of people. Let us give the people of America a chance, a bigger voice in deciding for themselves those questions that so greatly affect their lives.

The good people of Watson Chapel School District of Arkansas, who have been ordered by Federal Judge Harris to completely reorganize the district's schools in accordance with a court order, want to run their schools according to the wishes of the local people. This is apparently what they feel the "New American Revolution" is supposed to be all about. They want, as our President stated:

> A bigger voice in deciding for themselves those questions that so greatly affect their lives.

Mr. Harris F. Mitchell, president of Watson Chapel School Board, has reported in testimony partially suppressed by the Federal judge, that over 90 percent of all the people in the district, both black and white, are not going to accept the HEW plan as they do not want their children to be herded like a bunch of cattle.

The issue in Watson Chapel is not an issue between integration and segregation since their schools racially mixed several years ago.

The great majority of the people want that everyone, not a few, have the same rights—Freedom of Choice.

It is impossible to understand how Judge Harris rationally arrived at his decision since the busing of pupils for the sole purpose of achieving racial balance is contrary to law. People at the local level are being governed more and more by men—Federal judges and bureaucrats—instead of by law.

Our basic law, the U.S. Constitution, was drafted when the sovereign States formed this great Nation by uniting together. They made a contract, the U.S. Constitution, with the Federal Government. In this contract, the States delegated certain powers to the Federal Government. The control of local schools was never one of those powers.

The Nation is watching the valiant Americans of Watson Chapel, who are making a last-ditch stand for individual liberty under the Constitution. They are truly fighting for "people power" for us all.

What will it take to make our Federal judges and our President realize that the Constitution as written was intended to perpetuate "people power"?

I include a letter by Mr. and Mrs. J. C. Farrell, an information sheet of a press conference of January 7, 1971, intended testimony of Harris F. Mitchell to the Federal Court, Pine Bluff, Ark., of February 5, 1971, several newsclippings, and an article entitled "Chaos and Confusion Threaten Neighborhood Schools," following my remarks.

The three articles follow:

JANUARY 7, 1961.

EDITOR: We are the parents of four children and two grandchildren, and as such we feel this letter must be written.

We have a terrible situation here at Watson Chapel. We have always had very good race relations in this area and also very good neighborhood schools. We have lived here for twenty-five years and have always been proud of the fact.

But now a man from HEW comes here for four hours and tries to destroy one of the finest school districts in the country. Also, a federal judge, Cren Harris, who will not listen to the legal defense attorney for the district, sits in judgment, not fairly or unbiased, but in the determination that he is right so everyone else must be wrong.

When I became a citizen of this great country twenty-five years ago, I had to study and learn the laws and rules by which I was expected to live.

I learned that freedom of speech was ours, which in this case has been denied. I learned that the laws were made by and for the people, with the Congress to enact them and the Supreme Court to uphold them.

Was all this a lie, as the people of this community are being overidden by an arrogant man who is letting personal feelings override his fair and impartial judgment.

My youngest son is in Vietnam fighting for his President and country. How can I have the heart to write and tell him they are not worth fighting for.

He knows that I, his mother, went through seven years of war and hell so we would not have to live under a dictatorship.

His father fought for three years on foreign soil to keep this country free. Are we now to be denied these very rights we fought so very hard for.

If you have any influence at all and I am confident you do have, please ask the President to intercede and have these federal HEW troublemakers leave us alone.

If you could find time to visit our community, you would see that we are law-abiding, but very, very disgusted citizens.

And we are speaking as parents of all children who want a good education with all the havoc and chaos that is caused by HEW. In such an atmosphere learning is impossible.

Yours very truly,

Mr. & Mrs. J. C. FARRELL.

INFORMATION SHEET

This press conference was called by citizens Olen Bearden, Robert Morris, Sterling West, Hugh Cash and Roy Baggett who circulated the petitions at Watson Chapel which set in motion the constitutional processes culminating in a date set for the election on the 15th of December 1970 to decide whether to split the school districts Watson Chapel predominately white from predominately Negro Coleman.

The purpose is to denounce the Federal interference with a state election and that if anyone is to be tried by the Federal Government these men are the ones to be tried.

And further to assure the people of Watson Chapel and the state of Arkansas that if the Federal Government is successful in stopping this election they will circulate petitions again and again until they are able to exercise their constitutional rights of holding an election by initiative and referendum provided for in the state and national constitutions.

They further contend that the Watson Chapel School Board and Mr. Spradlin, superintendent, had nothing whatsoever officially to do with the calling of the election and that the election was proper in every respect. It was passed on by the Attorney General, the Jefferson County School Supervisor, the Jefferson County School Board and the Election Commission.

And that this news conference is called in front of the State Capitol to call attention to the people of Arkansas that they are losing one more and perhaps the final freedom of State Rights—the right to call and have an election in order for the people to voice an opinion in the democratic way.

The question is how much longer are the taxpayers going to stand by and let a small minority conspire to destroy our society by burdening the taxpayers with tremendous sums to force race mixing in our social, educational and penal institutions—especially, when both races can see that it is failing and widening the gap between the races.

We feel that the reason this election was challenged by the NAACP only four days before it was to be held was because its representatives found out after inquiring that the vast majority of both races were going to vote for separation. Then the NAACP with the assistance of foundation money was able to persuade four Negro plaintiffs to challenge the election, and a federal judge hearing only the complaints of four Negroes out of 5,420 registered voters stopped the election process—the foundation of democracy.

Then on Monday of this week the NAACP lawyers Mr. George Howard and Mr. James Myerson of New York took depositions in a back door manner to try the case under relaxed evidence rules in an effort to secure all evidence without being presented before an aroused public in an open court room.

The citizens present today petitioned to join the dispute on the 14th of December 1970 by way of an Ex Parte petition contending that they alone obtained the necessary signatures to initiate the election, the necessary signatures required more than ten percent of the qualified voters and they could have gotten more than 50 percent if necessary within two days and they challenge the NAACP to get just one hundred signatures.

But they demand to be confronted on Monday, Jan. 11th, by four live Negro plaintiffs in the public court room at that time. Last Summer the School Board was tried by "Ghosts" in that the plaintiffs were never named only certified that they existed by the Attorney General of the US, which is contrary to the basic concept of our law as expressed in the 6th Amendment of the US Constitution.

The questions on Monday by the NAACP attorneys during the taking of depositions were more concerned with whether the School Board was going to comply with the Court Order to completely integrate or so-called "unitized" on the 18th of January other than the matter of the election.

The School board is frankly worried because they have looked around and can see failure of integrated or unitization in practically all schools which has been so affected. It was reported that there were five bomb threats in the Pine Bluff schools yesterday alone. And the school board takes the position that they were elected by the people and not appointed by the Federal Government to run the schools and not to ruin them, and further more particularly since the Supreme Court has not said that there will be forced busing to obtain racial balance nor has it told the people of the United States what is meant by a unitary school, they are in a dilemma.

The Order of Judge Harris on the 17th of Nov. 1970 has been appealed to the 8th Circuit Court of Appeals. The publishing of the appeal is being delayed because the school board cannot get a copy of the record, due to the fact that the reporter who took the proceedings has been near death with cancer. She turned it over to another lady who had complications with pregnancy and has been unable to finish it. She needs two more weeks. And just today Col. Warnock called the 8th Circuit Court of Appeals for 20 days delay to be added to the forty days usually alloted for submitting an appeal.

Also, announced apparently for the first time a request by citizens of a school district to its elected representatives and Senators to obtain funds from the legislature under the Constitutional Amendment number 44, the interposition amendment to help them and other schools fight the federal destruction of their schools. Copies of the letter is being distributed to members of the press.

J. NORMAN WARNOCK.

INTENDED TESTIMONY OF HARRIS F. MITCHELL, PRESIDENT OF WATSON CHAPEL SCHOOL BOARD, TO THE FEDERAL COURT

At this point, speaking for the Watson Chapel School Board and the Superintendent, I say that we do not now have, nor have we ever had, any intention of wilfully violating a court order, whether it be Federal or State. But this HEW Plan, which is trying to be forced upon us by the Justice Dept., will never work in our district.

We, the School Board and the Superintendent, have placed our designs upon the trestle board and worked diligently many nights until the wee hours of the morn trying to justify the implementation of this HEW Plan and each time we have come up with the same answer. It is educationally unsound and financially prohibitive. We know better than the Federal Agencies what our financial conditions are and we also know by observation of other school districts in the county and state, where forced integration has been implemented, there is nothing but chaos and confusion.

We believe that the HEW man who wrote the plan, who said he was a Program Officer, knows absolutely nothing about education, but has done this for social and political reasons only. If this government plan is forced upon us, then it is our opinion that the whole school district will be torn asunder.

We have tried to explain this plan to patrons of the district in groups of from 10 people to 2000 and they will not accept it. They want the HEW representatives to come to the district and explain it to them and convince them that it would be an improvement to education. We have tried sincerely to get this done, but as of now, we have never gotten an answer from them. At this point, we are in a state of confusion, we are in a dilemma and we are at a loss as to what to do. But we know that God in Heaven is always on the side of the right, and our cause being a just one, we know that we will be triumphant in the end.

This whole confrontation is not an issue between integration and segregation because we have already integrated several years ago, but we believe this to be a plan for socialization as I have stated before. We have been harassed by the HEW, the Justice Dept. and the biased Editor of the Pine Bluff Commercial. We were elected by the tax payers of the district to operate the schools to the best of our knowledge and ability. This we have done and until forced to do otherwise, we shall continue to do so. As I have stated to this court before, over 90% of all the people in the district, both black and white, are not going to accept this HEW Plan. They do not want their children to be herded like a bunch of cattle.

Regardless of what happens to the Watson Chapel School Board and Superintendent here today, we know that we have not broken any laws because the Supreme Court of the United States has never ruled on what a unitary school system is or whether forced busing is required to achieve racial balance. As long as we have one ounce of breath left in our bodies we shall continue to fight for what our forefathers gave to this great country and what has caused it to survive thus far and that is "Democracy."

We believe that instead of the Watson Chapel School Board and the Superintendent being on trial here today, this thing should be reversed and that we should be trying the HEW and Justice Dept. for trying to destroy our schools.

If this government plan, which we believe to be illegal, is going to be forced upon the Watson Chapel School District, then we think that the School Board and the Superintendent should be relieved of their duties and let the government run the schools, because we have no intention of doing their dirty work.

WARNOCK, CHAPEL GROUP VOICE PROTESTS AT CAPITOL

(By John Gannaway)

LITTLE ROCK.—John Norman Warnock, attorney for the Watson Chapel School Board, led about 60 patrons of the school district to the state Capitol yesterday to see Governor Bumpers and ask the state's help in fighting a federal court order to reorganize the district's schools.

Bumpers was not in his office when they arrived. However, Warnock held a press conference in the governor's conference room and voiced his and his supporters' objections to implementing plans drawn up by the federal Health, Education and Welfare Department for the reorganization of the district's schools.

He said that the whole matter hinged on the question of "whether this school board is going to obey the law of the land, promulgated by Congress, or the dictates of a dictatorial court, federal court . . ."

Warnock said that the Watson Chapel School Board "is the first school board which has gone the last mile, has walked up to the last legal door and said here we are—we are not going to run an HEW school."

He continued:

"And if you want to say that we are in contempt, take our bodies, put us in prison, fine us, but these people here today, according to petitions . . . say that they want to take the money from the school and if they fine them $500 a day, then we'll appropriate from the school funds until we dry up the school, for it is better to have no school than to have an HEW school."

Warnock, along with Harris Mitchell, school board president, Carlton Rhodes, vice president of the board, and Jim Horne and Sterling West, both members of the Watson Chapel Taxpayers Association, came armed with about 800 "certificates" from the school patrons that they said they intended to present to Bumpers.

The certificates represented some 800 families in Watson Chapel and stated, in effect, that those parents would not permit their children to be bused to another school in the district for the purpose of obtaining racial balance, they said.

Friday, Warnock will go into federal Distric Court in Pine Bluff before Judge Oren Harris to argue against a complaint filed against the school board by the United States asking why sanctions should not be imposed on the board for failing to comply with a federal court order to reorganize the district's schools by January 18.

Warnock said he was in the process of lining up 200 witnesses to testify Friday in behalf of the school board. He added that Clyde Watts of Oklahoma City—"he represents the only family which has been fined by federal court for refusing to bus their child across town for racial balance"—was scheduled to assist him in court Friday.

Warnock also indicated earlier that Dr. Mitchell Young of Texarkana, national president of Freedom, Inc., would be present for the hearing.

Gene Kelly, executive secretary to Bumpers, accepted the petitions for Bumpers, who was out of his office filming a television show with a national network.

Bumpers arrived at the Capitol shortly

after the press conference was over, and a few of the school patrons spoke to him before he went into his office for a 3 p.m. appointment.

Later in the day, Bumpers said that he was not going to "involve myself in a case that is pending in federal court right now."

Warnock said before the conference began that the reason the group wanted to speak to Bumpers was because they wanted protection from the federal government.

WARNOCK, CHAPEL DELEGATION VISIT CAPITOL TO PROTEST SCHOOL ORDER

Speaking of the Watson Chapel schools, Warnock said:

"We are a state school operated by the state and we expect to get state protection from federal interference to destroy our school."

Asked what the governor could do, Warnock said that under the 44th Amendment to the state Constitution—the interposition amendment—the governor had the police power to protect the citizens of the state. There is some question as to the legality of this amendment, he said.

He said the school wanted to be protected from encroachment and he added that "someone had started trouble with the Coleman School today." He was apparently referring to the walkout yesterday morning at Coleman High School in which some 150 to 200 high school students left the school building at about 9:30 a.m., held a rally and then left the school grounds.

Warnock said that an investigation would be made to find out "who ordered the children in the top three grades to walk out of the school."

Asked if he would go to jail, Warnock replied that he would.

"In fact," he said, "I would go to jail and let the school board out if it means that we can continue the school. I can sit in jail—they've promised to bring me Coca-Cola and sandwiches every day." He said there was a federal detention cell in Pine Bluff.

During the press conference, Warnock said that he and the group wanted to assure the governor that "we are peaceful and law-abiding in Watson Chapel and do not want any trouble."

"But," he added, "if there are those outside the state or outside the county or outside the district who want to come in and cause trouble, we want to have protection. And we want to have protection against, as far as legality is permissible, against the federal encroachment upon the operation of a state school—and that is why we are here."

"We do not care for the federal money, it is tainted every time it comes to a school and they can have it back as far as we are concerned," he added.

He said the school board members were going to do what they believed the majority of the patrons in the district wanted them to do "regardless of what the federal government is trying to impose upon them."

He added that they felt their first responsibility was to those who elected them rather than to "the social planners or the race-mixers who are conspiring in Washington and other places to destroy the school system of America."

Watson Chapel is operating its schools under the law of the land as made by Congress, "and only Congress makes the laws," he said.

"The 1964 Civil Rights Act . . . states that there will be no discrimination, but there will not be any forced busing or forced integration to obtain racial balance in schools," he said.

Warnock said they contended that the problems in the schools today were not due to a gap between the government and the people—"that gap is between the Congress and the courts, the federal courts and their interpretation of the law:"

He continued:

"Now there is this gap of two laws—the law of Congress, the 1964 Civil Rights Act, and the law of the federal courts which are interpreting to their pleasure the 14th Amendment.

"Just less than three years ago, they said you could not assign a child to a school according to race—that's what the 14th Amendment said. Two years ago, and less, the court did a complete about-face and now they say you must assign children to schools according to race to obtain racial balance, even if it means crossing, busing them 30 miles. This then is another law and the two laws are standing side by side."

He said the Supreme Court had never said and was delaying coming out with a decision on what constituted a unitary school or whether or not the Constitution required busing.

Warnock said that on Friday in the hearing before Harris, "we will make many motions." Among them will be a hardship motion, he said.

He said they were also going to question the qualifications of the HEW program planner, A. T. Miller of Dallas, who assisted in drawing up the plans for the reorganization of the Watson Chapel schools. The only reason for an HEW official to testify in court is because he is considered an expert, Warnock said.

He continued:

"Mr. Miller came from Dallas last July with a short pencil and a long title, with a clipboard and within four hours he dissected Watson Chapel School, which took four generations to build.

"Now, this same Mr. Miller was the one that worked on Wabbaseka, worked on England and worked on Pine Bluff.

"And to your knowledge, is Pine Bluff working under his plan now? Tell me?" Warnock asked. The Watson Chapel people answered, "No."

"Do you want Watson Chapel to be the same as Pine Bluff?" he asked and was greeted with another chorus of "No."

Warnock said he could not get any information on what other schools Miller had integrated from Washington or Dallas. He said he was sure the reason was "because they are ashamed to let the people know what he's done to other schools."

Warnock concluded:

"So, we stand here today to tell the people of the nation, the people of Arkansas, that we are citizens of this United States, that we pay taxes, that we pay, like other schools throughout the nation, more than 96 per cent of the operation of that school and whatever money they want to give they can keep—but we are going to run our school and we ask for the prayers of the people of Arkansas, the people of the nation, that we can, at this turning point, bring some senses back to the federal courts, which are dictating the downfall of the educational system of our country."

Before the conference, Warnock passed out copies of what he said was the intended testimony of Mitchell, the school board president, Friday in federal court.

According to the statement, Mitchell will testify that the HEW plans "will never work in our district."

It continues: "If this government plan is forced upon us, then it is our opinion that the whole school district will be torn asunder."

Watson Chapel Preserving Both Education and Rights

Editor

In reply to Cora Pote's letter to the editor—I would like to commend the school board and Col. Warnock for the great work they are doing to preserve education for all Watson Chapel district.

The majority of people, both black and white, want schools in their neighborhood where they can conveniently take their children and support school activities.

Neighborhood schools are one of our few freedoms left. If Cora Pote would like to take her children outside of the neighborhood school, and over to Coleman, she had this freedom to do so as we all chose where we wanted our children to attend school.

At one time, the majority was known to rule. It seems as though the minority are trying to rule now. Four people stopped an election that over a thousand had called for.

Our rights are being taken away from us by a minority of people.

It's time Americans stood up and acted like red blooded Americans. Our forefathers came to this country and fought for the freedoms that we are letting slip through our fingers, one by one.

Janet Russell.

Watson Chapel District Not Against School Integration

Editor

In reading the Editor to the commercial in Sunday paper, someone seems to think that people of the Watson Chapel School District are against integration. I wish to say this is not true.

All parents, students, and the over whelming majority of the people wish and want, that everyone, not a few, have the same rights. Freedom of Choice.

We approve of our School Board hiring Mr. John Norman Warnock, for we believe in men who put all children interest first, not a few judges who make decision, caring nothing for progress, or advancement of school be they black or white.

Let it be said, there is not a patron in the Watson Chapel School District that is against all children having a good education. But they are against seeing students who have a school in fair distance of home turned into an inferior student because of being hauled off early in the morning and returned home late at night. Will he be able to get all his assignments at school? Some may, but not all students are smart enough. What is gained by hauling children from one end of town to the other? Nothing at all.

All children must have the opportunity to attend school and never would we say that our colored teachers can not handle their schools.

Nor will it make a better student, be he black or white, just to set next to a student who is not of his race.

Let's put the Health of Our Children and Their Education above these so called laws.

Mary Watson.

Comply or Be Jailed, Judge Tells Board

(By Janey Joyce)

After a three-hour hearing this morning Federal Judge Oren E. Harris gave the Watson Chapel School Board until next Thursday to completely reorganize the district's schools in accordance with his November 17 court order.

If the board has not put the order completely into effect by noon Thursday, Harris said, the school board members and the school superintendent will each be fined $350 a day for each day that they fail to obey the order.

In addition, Harris said, the board members and the school superintendent will be imprisoned during the rest of the school year or until they comply with the order.

Harris gave this timetable:

—By Monday morning, parents should be advised of new school assignments.

—By Tuesday, faculty assignments should be made.

—By Wednesday, assignments should be completed.

—By Thursday morning, transfers of both pupils and teachers should take place.

The school district is to file a report of these transfers by noon Thursday with the court.

Harris also told John Norman Warnock of Camden, the school board's attorney, to "make no further public statements or cooperate in arranging mass meetings."

Both the federal Justice Department and attorneys for the Watson Chapel School Board rested their cases before noon.

Warnock rested his case without calling, any of the 200 witnesses he said were ready to testify.

W. H. (Sonny) Dillahunty, United States attorney for the Eastern District of Arkansas, called as witnesses the members of the school board and the principals of the two high schools and of three of the four elementary schools in the district.

When the hearing began at 10 o'clock this morning, Warnock and Clyde Watts of Oklahoma City, the school board's attorneys, made six motions asking for a "stay of execution." The motions were based on the point that the United States Supreme Court had made no decision on the issue of busing students to bring about racial balance in schools and on the point that the Watson Chapel court order is still on appeal to the Eighth United States Circuit Court of Appeals at St. Louis.

Harris denied each of the six motions.

The court order, issued by Harris last November 17, required the district to reorganize its schools on a unitary basis by January 18.

The school principals who testified were Talmadge E. Johnson of Watson Chapel High School; H. L. Watkins of Coleman High School; Don Knight of L. L. Owen Elementary School; Marvin King of Edgewood Elementary School; and David Watson of Coleman Elementary School.

Dillahunty asked each what had been done to change the racial composition of their schools and each answered that nothing had been done.

He then called Dale Spradlin, superintendent of the school district, and asked him what had been done to implement the court order. Spradlin said he could not act until he was ordered to do so by the school board. He added that he was ready to act as soon as the school board's instructions were given.

Harris asked Spradlin what he personally had done to carry out the order of the court as opposed to orders of the school board. Spradlin repeated that he was ready to carry out the order upon the instructions of the school board.

The next witness called by Dillahunty was Harris F. Mitchell, president of the school board. When asked what he had done to implement the court-ordered plan, Mitchell answered that his hands were tied because the district did not have the funds to implement the order.

Dillahunty then asked Mitchell if he would implement the court order, and Mitchell answered: "Not unless forced."

The other four school board members, Carlton Rhodes, J. M. Shults, Donnie Gene Crossett and C. E. Garman—testified that they had done nothing personally or as a board to implement the desegregation plan.

Dillahunty then rested his case.

Warnock told the judge that he had 200 witnesses, all residents of the school district, who were in court ready to testify, to show support for the school board and to tell why they did not think the plan should be implemented.

Harris told Warnock that the purpose of the hearing was not to consider the merits of the plan or the merits of desegregation, but to hear why the school board members should not have sanctions imposed against them for failing to implement the court order.

CHAPEL PATRONS URGED TO TAKE "NEIGHBORHOOD SCHOOL" STAND

(By Curtis Montgomery)

If the Watson Chapel School Board is forced to implement the integration plan of the Department of Health, Education and Welfare, the citizens of Watson Chapel should take their children to their neighborhood schools, and demand that they be educated there, Sterling West, a member of the Watson Chapel Taxpayers' Association, told some 4,500 persons who gathered at a public meeting Sunday afternoon at Whispering Pines farm off Sulphur Springs Road.

The meeting was called by a committee of the taxpayers' association to discuss the order handed down Friday by U.S. District Judge Oren Harris of El Dorado.

Judge Harris gave the Watson Chapel School Board until Thursday to complete reorganization of the district's school in accordance with his Nov. 17 decision.

He said if the order was not put into effect by noon Thursday, members of the board and the superintendent will be fined $350 a day for each day the order is disobeyed and in addition they will be imprisoned until they comply with the order.

"Asking them (the school board of Watson Chapel) to go to jail," West said, "is more than they should be asked to do. I know they would be perfectly willing to go, but it is now time for the people to step forward".

West said the federal government was "tearing down" the public school system. He said it was time to "stand up" to the federal government.

"We're out here for quality education," West said. "We know our schools better than they do. The schools still belong to us."

West's statements received enthusiastic applause from the crowd.

No school board members were present at the outdoor gathering which lasted over an hour despite freezing temperatures and cloudy skies. Attorney John Norman Warnock of Camden also was absent in accordance with a court order forbidding him to "make further public statements or cooperate in arranging mass meetings." Jim Horne, who served on the committee for the Taxpayers Association, said of Warnock, "He is short of height, but tall in stature."

Serving on the Taxpayers Committee with Horne and West were Olen Bearden, acting chairman, Robert Morris, Hugh Cash and Roy Baggett.

"We have been integrated for seven years here," West said in an interview following the meeting. "We have never fought integration. We have always had a good relationship with the blacks of the community."

Dr. Mitchell Young was scheduled to speak yesterday, but was unable to leave Texarkana because of the weather. Dr. Young is the national president of Freedom, Inc. and a member of United Concerned Citizens of America.

"The people," West further emphasized, "do not want any violence of any kind. They intend to win this fight and through the channels of law."

Dale Spradlin, superintendent of the school district said in court Friday that he was ready to carry out the order upon the instructions of the school board. The Watson Chapel head testified in court he could not act until he was ordered to do so by the school board.

Judge Harris gave a timetable for the reorganization of the Watson Chapel schools: (1) By Monday morning parents should be advised of new school assignments. (2) By Tuesday faculty assignments should be made. (3) By Wednesday assignments should be completed. (4) By Thursday transfers of pupils and teachers should take place.

Harris said that if the desegregation plan is not implemented, he would put the desegregation order into effect himself and place the Watson Chapel Schools under the direction of the county Board of Education and the state Education Department.

WATSON CHAPEL TO "BOW," OBEY ORDER, BOARD SAYS

(By Kay Patterson)

John Norman Warnock of Camden, attorney for the Watson Chapel School Board, announced Sunday night that the Board had agreed, with "great reluctance," to comply with federal Judge Oren E. Harris' order that the School District be completely desegregated by noon Thursday.

Warnock released a statement at 9:40 p.m. Sunday which he said had been prepared by the Board at an earlier meeting. The statement said:

"The Watson Chapel School Board has, with great reluctance and against its better judgment, but with upmost necessity when faced with extreme and arbitrary penalties, decided to bow to the court order and have instructed the superintendent to carry out the Judge Harris-HEW (Department of Health, Education and Welfare plan."

The statement continued:

"'We want it clearly understood,' Harris Mitchell, president of the Board, said, 'that this plan ordered by the court is not our plan and is not now or has it ever been voluntarily accepted by the School Board. We have asked our attorneys to appeal and to keep active on all other matters on appeal, including the application for a stay of execution to the Supreme Court of the United States.'"

When a reporter called Mitchell's home a few minutes later, Warnock answered the telephone. Mitchell said the statement was that of the School Board.

Judge Harris told the five School Board members and the school superintendent Friday that they would face heavy fines and imprisonment unless the District implemented the school plan by noon Thursday.

Judge Harris told the six men that they were in contempt of court for "deliberately" refusing to implement his desegregation order of November 17, 1970 and January 18.

Board members Mitchell, Donnie Crossett, Carlton Rhodes, C. E. Garman Sr., Jim Shults and Superintendent Dale Spradlin were told that if they did not comply with the judge's order that they would be fined $350 a day and be imprisoned for the remainder of the school term.

Judge Harris also told Warnock not to make any public statements about the case.

For the last six months white patrons have said they would not send their children to school under the HEW plan and the school board has refused to submit a compromise plan since last July.

Mitchell said he wasn't sure about the day that the board would implement Judge Harris' order. "I haven't even got a copy of it (the order)," he said. He said a copy of the order probably would be served today to the School Board by federal marshals.

Mitchell said that although he had attended Friday's hearing, "I can't remember every word the judge said. I've got to wait till I get the order from the judge, see what I mean?"

Although the School Board agreed to comply with the court order, Mitchell said he was "not going to urge the parents to do anything. What the parents do, I have nothing to do with that," he said.

Earlier Sunday, an estimated 1,000 persons agreed during a windy, meeting in a field near Pine Bluff that, if the HEW plan was put into effect Thursday, the parents would take their children to the schools they had been attending and demand that they be taught there. If this wasn't done, then the parents agreed to take their children home.

At that meeting, Sterling West, who presented the plan amid cries of "Yes, yes" from the crowd, was quoted as saying that "Under the HEW plan, the children would be as well off at home being tutored by their mothers * * *."

At about 10:15 p.m. Sunday, West, reached at Mitchell's home, said he felt that the "School Board made the only decision possible that they could make in compliance with the court order.

"I personally have mixed feelings about it at this time and I don't know what to say."

Asked about the decision of the parents reached earlier, West said "I think they'll do just what they said they'd do today." He stressed that the decision of the parents was not to avoid integration. "We've integrated already," he said. "We're just fighting for our neighborhood schools."

Chaos and Confusion Threaten Neighborhood Schools

(By Eugene Butler)

Probably never has there been a more popular institution in the United States than the neighborhood school. Yet this fine institution, revered and cherished by so many, is in dire peril. In many areas, the U.S. Department of Health, Education, and Welfare and the federal courts are rapidly and surely making its existence impossible.

All over the South, children are being forced against the will of their parents, to move from one school to another for the sole purpose of achieving what Washington bureaucrats regard as the best racial balance.

Children uprooted from familiar friends and surroundings and transplanted into an alien atmosphere are sorely troubled. Many have had to drop courses because bus schedules could not get them to the new school in time; they have been resentful because they were pulled out of their athletic teams and extracurricular activities. Many schools have been hit by wholesale boycotts by one race or another, by walkouts, and fights.

Morale among teachers has also declined disastrously. As long as teachers must be assigned on a basis of race, the selection of the best equipped teacher for a specific job is often impossible. There has been a flood of resignations.

The situation is perhaps most critical in Mississippi where an educational crisis of giant proportions is shaping up.

Hundreds of students—both white and black—are threatening to quit school. Parents are talking about withdrawing financial support, and private schools are springing up everywhere.

In September 1969, Mississippi's public schools had 576,000 pupils. Last spring the number was down to 550,000, and all the missing 26,000 were white. Today, the situation is even more serious.

A former governor of the state, Judge James P. Coleman of the U.S. Appellate Court, says: "There are going to be a lot of schools totally destroyed because we order on paper what can't be accomplished in real life. There will be places where there won't be any schools worth talking about."

There is a great deal of confusion about school integration. In fact, nothing is clear about it except that it has gotten our schools into a colossal mess. The Government itself is divided on the question. Congress has voted at least twice against forced mixing. As far back as 1964, it said in a civil rights bill: "Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance by requiring the transportation of pupils or students from one school to another or from one school district to another."

Then last March, President Nixon spoke out in favor of neighborhood schools and against bussing and racial mixture per se.

People were told at first that integration meant no more than allowing those Negroes who wanted to attend white schools to do so. This was accepted—no doubt reluctantly—by Southern people by the adoption of freedom-of-choice plans. By this means, parents (both white and black) were allowed to send their children to schools of their choice.

But freedom of choice did not produce enough mixing to suit either HEW or the Supreme Court. In May 1968, the Supreme Court in its Green decision pulled the props from under "freedom of choice." And finally, in October of last year, the Court called a halt to "all deliberate speed" and told Southern school districts to establish a unitary school system now.

In its original Brown vs. Board of Education desegregation case, the U.S. Supreme Court based its decision on that portion of the 14th amendment which states that no state shall ". . . deny to any person within its jurisdiction the equal protection of the laws."

On these skimpy grounds, the Court ordered that no child shall be placed in a specific school because of its race. Today, as a result of court decisions and HEW orders based on the same words in the same amendment, children are being directed to a specific school solely and entirely because of their race. The Court has made a 180° turn and is now doing exactly what it claimed was unconstitutional 16 years ago.

But for the South, there is now a glimmer of light in the persistent dark shadow that has been cast by Supreme Court school decisions. For years the Warren Court almost always voted unanimously in any decision having to do with school integration. But now, Chief Justice Burger—and also Justices Stewart, White, and Harlin—is beginning to have sober second thoughts as to where Court decisions are taking the schools of the Nation. Last spring, Chief Justice Burger admitted that "the time has come to clear up what seems to be a confusion, genuine or simulated, concerning the Court's prior mandates."

Wherever formal integration has been attempted with an arbitrarily large percentage of Negro students in a mixed school, the whites have moved out. In a few years the school becomes segregated again. This happened in Atlanta where 25 schools, once all white, were deliberately mixed in 1961. By 1967 these schools had passed the tip point at which whites move out. Today these schools are substantially all black. And there is not a major city in the South where large-scale forced mixing hasn't produced this result.

It may also be true that the Supreme Court is finally having a slight twinge of conscience as to the harsh, unfair, and discriminating way in which its school decisions are being enforced against the South while the North goes scot-free. Apparently HEW and the courts believe there are two different kinds of school segregation: one, the "legal" kind, due to the accident of residence, which is practiced in the North; the other, *de jure* segregation, alleged to be due to Southern laws and prejudice.

As a result of this discriminatory treatment, Southern schools are now much less segregated than are schools in some other areas. Arkansas schools have a higher percentage of desegregation than do those in California. And the schools of Milwaukee are quite as black as those of Miami. Southern people resent the unfair and discriminatory way in which integration is being enforced against this section. They also are beginning to wonder about the wide gap between what President Nixon says about school integration and what the people under him are doing about it.

For instance, he has said: "Transportation of pupils beyond normal geographic school zones for the purpose of achieving racial will not be required." Yet HEW, while claiming bussing is not mandatory, continues to refuse to accept district school plans that do not require it.

Both HEW and the courts seem fanatically wedded to the proposition that the only good school is a mixed school. More and more, they seem willing to go to any length to reach their objective regardless of how much it lowers the quality of education—or how much it strains a reasonable interpretation of the Constitution.

People are losing faith in integration as a cure for our most serious educational ills. Whites and Negroes are getting vitally concerned over the quality of education. They are beginning to recognize that much more good can be accomplished by improving schools that both Negroes and whites attend than by trying to change their racial composition. They are convinced that the major function of a school is to educate.

Finally, we believe that most people are now willing to accept "freedom of choice" as the only sensible approach to integration. If Congress and the courts would agree on a freedom-of-choice law, we could forget about bussing, pairing of schools, the senseless closing of schools, arbitrary racial mixing, and all the other stupid HEW guidelines. And it would end the chaos and confusion that threaten to destroy the neighborhood public school.

THE AUTHENTIC "NEW POLITICS"

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ASHBROOK. Mr. Speaker, supporters, activists, and luminaries of politically conservative persuasions from all areas of the Nation descended on Washington on February 4 for the second annual conservative awards dinner sponsored by the American Conservative Union and Young Americans for Freedom in conjunction with the nationally read publications, Human Events and National Review. For their outstanding efforts in implementing conservative principles Senator CLIFFORD HANSEN of Wyoming and Congressman ROBERT "BOB" MICHEL of Illinois received the annual awards.

The featured speaker, Senator JAMES L. BUCKLEY of New York, provided a psychological "lift" to conservative aspirations by noting that over 40,000 individuals mailed in contributions for his campaign while his manpower requirements were supplemented by the "most effective corps of student volunteers to work for any candidate anywhere in the country during the 1970 campaign."

Senator BUCKLEY's success story in the State of New York should provide us with much political food for thought, and for this reason I insert at this point in the RECORD the text of his speech delivered at the second annual conservative awards dinner here in Washington on February 4:

Speech of Senator James L. Buckley

I deeply appreciate the opportunity to join you in honoring Senator Hansen and Congressman Michel. Each has served the nation with distinction—both in positive terms and, at times, through a holding action which has withstood and delayed the pell mell rush to collectivism which has plagued America in the last decade. They have helped buy time—time within which increasing numbers of Americans have begun to assess, in the cold light of reality, the heady rhetoric of the new and fair deals, the new frontier and the great society.

We are now in the throes of a massive national hangover created by the excesses of the past. I am pursuaded that Americans in significant numbers are now in the mood to take the pledge; if only we can help them fight off the temptation to try a bit of the hair of the dog.

This is what I want to talk to you about tonight—this new mood in the land. And there is a new mood, or I would not be addressing you tonight, would not have the privilege of calling Senator Hansen and Congressman Michel "colleague."

During the last few years we have heard a great deal about a new politics, even about a new culture—and about the marvelous things that were in store for us as a result. In retrospect, all that now seems actually to have been new about the new politics is merely stylistic. The new politics of the late 1960's knew how to make use of the media, and it mobilized its volunteers. But as it appeared, briefly, in the McCarthy movement, and as it appeared on the political scene more generally, as *the* movement, it did not in fact ever repudiate the themes of the older liberalism. With respect to goals, it merely turned up the volume, as at a rock concert.

Where the other orthodox liberals wanted federal power to achieve their egalitarian goals, the new politics, so-called, wanted to impose equality today, instantly. The older liberals deeply distrusted the capitalist system. The new politics of the late 1960's hammered away at capitalism incessantly, attacking it as "materialism" or the "military industrial complex." The older liberalism disliked what it called the "nation state"—an ungainly phrase meant to stand in invidious contrast to the dawning "world state." The putative world state, it was understood, would establish permanent peace and prosperity. The new politics leaped over all this intervening and highly theoretical business and called for peace now.

The great complaint of the new politics, so called, as it emerged in 1968 and 1969 actually underlined its essential lack of newness. Characteristically, it pointed to the gap between liberal promises and liberal performance. But the allegedly "new" spokesmen never seemed to doubt that the promises and the principles behind them were just fine. They merely charged that the promises had not been fulfilled—and further, that they had not been fulfilled because those who had made them were hypocrites. Nothing could be clearer than that the so-called new politics was really the old liberal politics, all the same assumptions, all the same goals—though charging that the older liberals had not been militant enough. Nothing much was new about the new politics. It was merely more excited, and infinitely less civil. And it offered the American public no basis for a new hope.

Against this background, you can appreciate my astonishment, when, in the elation of election night, I found myself proclaiming—on live television, in color, coast-to-coast—that I owed my election to a "new politics" and that I was its voice. And it seems now that I am stuck with the phrase despite its copyright by the new left, and despite my normally fastidious respect for property rights.

But now that Richard Nixon is talking about more power to the people, I feel better about my preemption of the new politics. For it appears, if I may paraphrase Barry Goldwater, that plagiarism in pursuit of politics is no vice.

But I do feel compelled to explain what it was that I anointed myself the voice of—if only to dispel the notion that I took that occasion to make my first overture to the left.

Anyone closely associated with the New York political scene last fall understood what I was talking about. Because I was elected by a coalition which cut across the traditional political spectrum. It was a coalition which included an astonishing 42 percent of New York's blue collar vote. Over 900,000 Democrats crossed over to the Conservative Party line to give me more than 40 per cent of my total vote. And at least as of November 3rd of last year, it was a coalition which represented a majority sentiment in New York State. I say this on the authority of Charles Goodell, who has confirmed that well over half of his vote came from traditional Republican loyalists who in a run-off would have voted for me.

But there was much more to my campaign than the fact of a coalition which a few liberal commentators (a small minority of them, I should add) have tried to explain away as a conglomerate of haters—the sinister forces marshaled by "the night riders of the hard right," to use the rhetoric of one New York Times editorial.

Quite the contrary. It wasn't fear which caused tens of thousands of men and women to become involved for the first time in their lives in a political effort, and one at that which all the pros knew was doomed to failure. It wasn't hate which caused more than 40 thousand individuals to mail in contributions. It wasn't a hardening of political arteries which mobilized the largest, most effective corps of student volunteers to work for any candidate anywhere in the country during the 1970 campaign.

Rather, it was love of country, an abiding faith in country, an overriding concern for the welfare of America which brought together the coalition which elected me. Think back to the tremors which swept this nation a year ago, which shocked Americans into a realization of the extent to which American institutions and values had been eroded. They had witnessed a paralysis of authority as wave after wave of filth and violence reached their climax last May in the mindless orgy of destruction which burned a hundred campuses. And everywhere Americans turned, they saw other signs of a deep-seated national trouble: The seemingly uncontrollable rise in crime rates and welfare rolls; the noisy disruption of trials; the explosion of pornography; the flight from reality manifested both by the Woodstock phenomenon and the peace-at-any-price movement.

Small wonder that Americans in and out of New York felt an unprecedented concern last year over the institutional health of their country. This was the mood in New York throughout the campaign, a mood which I believe caused New Yorkers to vote for what they considered to be the national interest rather than for their private interests.

I know that it is difficult to read national trends into last year's elections. In state after state it is clear that local issues or acute economic dislocations had a decisive influence on the outcome.

But this was not the case in New York. There were no overriding local or economic issues. The campaign provided the voters with sharply defined alternatives, and the voters opted for the conservative alternative. Because they had concluded that on the really critical issues, the conservative view was the correct view. I submit, therefore, that what happened in New York last fall has a deep significance for us here tonight and for the country.

I believe we stand at a turning point. There is a fluidity in the political scene, a regrouping going on as Americans search for more realistic, more effective approaches to Government. And if New York is any indication, Americans are showing a new predisposition to listen to the conservative analysis and a new willingness to become directly involved in the political process. This is a willingness borne of a sense of urgency, and founded on a continuing faith in the essential soundness of the American system. This is the authentic "new politics" which I had in mind when I proclaimed myself the voice of that politics. It is a politics structured on reality, and a new understanding as to what reality is.

We have a significant opportunity to reshape the politics of this country precisely because the people are searching for new answers, honest answers—answers which substitute common sense for theory, and toughness for soft-headedness. And it is because of this new mood and understanding that we who have labored in the vineyards of conservatism have cause for hope.

There have been a number of factors which have opened up this opportunity. Perhaps the most important of these has been the palpable failure of the panaceas spun out by the liberal utopians. The liberal theologians have promised us that every one of our problems could and would be solved if only enough authority were concentrated in Washington and enough billions spent by the superior brains who have chosen to settle on the banks of the Potomac. Their programs have been adopted, the sprawling bureaucracies have been created, and those billions upon billions of dollars have been spent. But nothing has been solved. The problems have merely grown more acute while Government has increasingly intruded itself into every corner of the lives of its citizens.

Another, most important factor is the enduring common sense of the American people—a common sense which has restored sanity to our public affairs in the past and which can save us again if we will deal honestly with the public. The American people understand that we live in a predatory world and that we must look to our own defenses, if we are to remain secure and independent. They understand that in a world of nuclear missiles we can no longer retreat to a policy of isolationism. They understand the need for firmness in law enforcement if we are to cope with crime; and because they know human nature, they know that a free society cannot co-exist with chaos. They can sense what is false in political cant, and increasingly they resent being patronized or deceived. They are ready, in short, for a politics which will make a serious and sustained effort to bring political assumptions, political expectations and political language into the closest possible intimacy with reality.

This is the task which faces the conservative community today. Much has been accomplished already—especially by the distinguished organizations which have sponsored this dinner tonight. These sponsors have formulated and sustained an intelligent and persuasive critique of the prevailing orthodoxies and they have channeled conservative energies into increasingly effective action.

Most importantly, they have brought to young Americans a new awareness of the validity and utility of conservative insights. As a result, thousands of our brightest, young men and women have found intellectually satisfying and realistic alternatives to the tired proposals of the old left and the strident demands of the new. And because these young people have had to test their thinking in the inhospitable climate of the academic world, they have achieved a knowledge and a grasp of fundamentals which is giving them a growing influence among their peers.

But if we are to take the fullest advantage of the opportunities now being opened to us, we must do much more. We must take the initiative in formulating and then selling workable alternatives in a number of areas where conservatives have too often been silent. A new politics of reality requires that we be able to demonstrate for example, that we know how to cope with pollution without turning back the technological clock; that we can give minority groups effective access to economic opportunities without governmental paternalism: that the health needs of the poor can be adequately provided for without clamping a single program of government insurance on the entire population.

We who pride ourselves on our sense of reality, and on the fact that the principles which guide us are based on the realities of human nature, we must never lose sight of the fact that we must work within the here and now. Because among the realities within which we must operate are the political realities. This is particularly true of those of us who are members of the Congress. Time and again we will be called upon to make pragmatic judgments as to which of the less than ideal alternatives is achievable, which will advance us toward our goals, however circuitously. There will also be times when a proposal which is intellectually sound will be so out of phase with what is politically possible that an attempt to advance it would be worse than futile.

But events move rapidly in the political world; and whereas there is little we can do to change the realities of human nature, we can work to shape the climate which defines what is politically realistic. This requires persuasiveness and an infinite degree of patience; and above all it requires that we suppress the all-or-nothing impulse which has frustrated so many conservative enterprises in the past.

As we move into the 1970's, I propose that we face forward with a new spirit and a new resolve; that we summon the will and the courage to see things as they really are. And if we do, we will find the American people with us. Because we continue to be a special breed, prepared to accept the world for what it is while still pursuing our special vision of what it ought to be.

The new testament has taught us that the man who loves the world to excess will lose it. But there surely is a corollary. He who fails to see the world will most certainly lose it too.

WAR CRIMINALS AND REPARATIONS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. SCHMITZ. Mr. Speaker, at this point in the RECORD I would like to insert a very interesting analysis of the portion of an interview with Anne Bennett, wife of Dr. John C. Bennett, which appeared in the Catholic Voice and the National Catholic Reporter. Mrs. Bennett is one of those who have been journeying to North Vietnam in connection with the U.S. servicemen being held hostage by the North Vietnamese Communists.This analysis was prepared by a long time acquaintance, Mr. Gilbert Durand of California.

I would particularly like to draw my colleagues' attention to Mr. Durand's projection of the Communist plan for our men.

Once the American withdrawal becomes *fait accompli*, Hanoi will begin asking for war reparations. When the U.S. balks at the idea, it will learn that until war indemnity is paid there will be no return of the war "criminals." In short, the U.S. will be blackmailed into paying billions of dollars to the Communists to obtain the release of our prisoners-of-war. At that point the U.S. will realize, too late, that it has no persuasive bargaining power because its bargaining power (American Army) has been withdrawn from Vietnam.

Does this seem farfetched? At this very moment there are people in our own Nation trying to prove that American soldiers have committed war crimes of vast and serious nature. What is the purpose of this little show other than adding weight to the North Vietnamese accusations that the men they hold, also American servicemen, are war criminals? There can be no purpose whatsoever in these slurs and slanders of American servicemen other than to add weight to the line which has been steadfastly adhered to by the North Vietnamese Politboro that our men which they hold are not prisoners of war but rather war criminals.

Besides the possibility of reparations there is another use to which the enemy can put our men. Once American forces leave the area without using the degree of force against the enemy necessary to bring about the release of our men they hold, the next objective of the Communists is to overthrow the anti-Communist government of the Republic of Vietnam. The demand may well be that the United States curtail its assistance to our South Vietnamese allies in order to have our men returned.

With our bargaining power, our Armed Forces, withdrawn from the area, we will then be faced with the choice of either sending fighting men back, which is hardly likely, or acceding to the demands of the Dang Lao Dong Communist Party to stop the flow of materials which are needed to maintain a non-Communist South Vietnam.

Perhaps the Communists would prefer this approach to the reparations approach. Or perhaps they feel that first we will help them overthrow the Government of the Republic of Vietnam and then pay them for the privilege through reparations to retrieve our men. Who can say?

The only thing we can say is that the choice is up to them. As long as we allow the enemy to determine of their own volition what they will do with our servicemen, they have all the options.

The enemy has shown that he will not be significantly moved by pleas, petitions, and appeals to morality and conscience. It is time that we appealed to the Government of North Vietnam's desire to survive as the rulers of North Vietnam. It is time that we moved to destroy the enemy's powers to wage aggressive war and forcibly repatriate all our men. Prisoners are traditionally returned after a war is over. Let us end the war to the advantage of the United States, to the advantage of all the peoples of southeast Asia, to the advantage of captive American servicemen, to the advantage of everyone except the enemy.

It is time for an allied victory.

The analysis follows:

THE CATHOLIC VOICE NAILED ON POW STORY

JANUARY 27, 1971.

(By Gilbert Durand)

(NOTE.—Last Christmas Anne Bennett, wife of Dr. John C. Bennett, visited North Vietnam. On her return she was interviewed by Lynne Fitch. Parts of the interview were carried in The Catholic Voice, official organ of the Diocese of Oakland, Calif., of 1/7/71, and other parts in the National Catholic Reporter of 1/15/71. Both reportings are combined to constitute one "Fitch/Bennett Interview." A reasoned critique of this interview follows.)

As front paged by The Catholic Voice (1/7/71), the Lynne Fitch interview with Hanoi visiting pacifist Anne Bennett is mischievous, D-minus journalism that makes the Oakland diocesan paper incredible. The obvious hard questions were not asked, the Bennett statement was not compared to known facts, and certain "dead give-away" quotations were deleted.

Why, for example, was this Bennett statement: The Pentagon and the Nixon administration are *using the anguish* of the families of *detained pilots* to continue and to *escalate* the war in Vietnam" omitted from the Voice article?

Why were Voice readers not told of this character assassination contained in the Bennett report? She unjustly accuses President Nixon, Secretary Laird, and the Chiefs of Staff ("the Pentagon and the Nixon administration") of "*using* the anguish of families". No evidence is given because none exists. This baseless charge is both unbelievable and contemptible.

The "escalate the war" remark is an obvious falsehood, as witnessed by the U.S. withdrawal of over 200,000 troops from the Vietnam theatre.

Bennett's "detained pilots" ploy is a bamboozlement. Both Vietnams, as well as the United States, are signators to the 1949 Geneva Prisoner-of-War Convention. Communist Vietnam, however, refuses to accord prisoner-of-war status to captured U.S. airmen. Instead they are classified as *"criminals"*. Thus our pilots are defrauded of their civil and human rights. The term "detained pilots" is a circumlocution which has the effect of confusing Americans and not offending Hanoi. How then does Mrs. Bennett regard the prisoners—as POWs or as criminals? The families of our POWs would like to know. The Voice readers would like to know.

The Fitch/Bennett report speaks only of "pilots", "detained pilots" and "prisoners". It never mentions "prisoners-of-war". But the headlines of The Voice and the National Catholic Reporter use the word POWs. Why? Do not the editors know the difference? The damned important difference! The word POW is not mere graffito. It is an important legal term that guarantees civil rights and immunities.

Another Bennett comment deleted by The Voice is, "We saw for ourselves in Hanoi that the (North) Vietnamese have a human policy toward the detained pilots."

This is hard to reconcile with her own admission of seeing only 5 prisoners out of a possible total of 1534. It is also hard to square with the statement that "she did not know how typical the detention camp was". Although she says "we saw for ourselves" she admits that "no one knows how many detention camps there are or where they are". Her suspicions were not aroused upon being shown only a two-room, five-prisoner POW camp in the *city* of Hanoi. Why didn't she ask to see the other camps, the other prisoners? Why was she satisfied with a Potemkin Village?

Mrs. Bennett doesn't see the prisoners—but she *knows* the Communists are humane. She doesn't see the camps—but she *knows* the Communists are humane. Maybe a little red bird told her. Maybe the wish was father to the conclusion. In any event Mrs. Bennett, by her own account, is unqualified to pass judgment on North Vietnam's treatment of war prisoners.

Recently C.B.S. News carried film footage of our POWs in North Vietnam. Interestingly enough, the filming took place at the same time as Mrs. Bennett's Hanoi visit—the Christmas season. Our men were portrayed as well fed, well housed, and spent their time singing hymns, playing volleyball and receiving gift parcels from home. In fact, everything was so neat, so pat, that even Walter Cronkite felt compelled to caution the TV viewers as follows:

"The pictures were filmed by a Japanese film agency which has close ties to Hanoi. We stress, as we have stressed before, that the men in these films are a select group, produced for the cameras by the North Vietnamese under highly controlled conditions. The location is a showcase camp which some Westerners have nicknamed the Hanoi Hilton."

If C.B.S. could detect the Hanoi propaganda, why not The Voice? Mrs. Bennett is an elderly grandmother who "looks as though she should have spent the Christmas season making gingerbread cookies for her grandchildren." Thus her naivete may be overlooked. But what about The Catholic Voice? Its failure to warn its readers may be best described as a journalistic atrocity.

If our airmen are humanely treated, why is the International Committee of the Red Cross not permitted access to the Communist prison camps? Why is it necessary for Hanoi to hide the truth? By contrast, in South Vietnam the POW camps are under constant I.C.R.C. surveillance and the I.C.R.C. may confer privately with consigned personnel. Why do the Communists prefer Mrs. Bennett to the International Committee of the Red Cross?

A year ago Mr. H. Ross Perot flew, at his own expense, a planeload of POW relief supplies to Indochina. The Hanoi government cynically and *inhumanely* refused entry to this mission of mercy. Why was Mrs. Bennett and a single pair of gift spectacles more acceptable to the Communists than Mr. Perot and his planeload of POW relief?

A January 15, 1971 press report states: "Paris (AP)—The United States pressed the prisoner-of-war issue at the Paris peace talks Thursday by presenting a new list of American military personnel believed missing in Indochina. The Communists refused to look at it." The American delegation termed the Communist attitude "shocking and cynical." More properly it should be described as barbaric. How can Mrs. Bennett or anyone justify *this* Hanoi conduct as humane?

Mrs. Bennett says that the *sole* purpose of her Committee of Liaison with Families of American *Servicemen Detained* in Vietnam "is to facilitate the flow and communication between the *detained pilots* and their families." As representative of the Committee she carried POW mail to and from Hanoi.

Why is pacifist Bennett persona grata to Hanoi? Why doesn't Hanoi permit the International Red Cross to carry a *free* flow of mail between the POWs and their families? Why does Hanoi insist upon only a *selected and limited* flow of mail through "peacenik" letter carriers? Is Hanoi trafficking in human emotions? Is Hanoi contemplating a cruel and heartless blackmail scheme?

If Mrs. Bennett claims that the *sole* purpose of the Committee is "to facilitate the flow of the mail", why does she voluntarily insist upon saying, "The way to bring them (the prisoners) home to their families is to end the war"? Why does she have her picture taken in front of a sign reading "TO FREE THE POWs, END THE WAR"? If her Committee is so sincere about its *sole* purpose, she should not use her Committee mission and status to push another objective. Does the liaison Committee plan to use the Communist furnished POW lists and mail to orientate and organize the POW families in favor of "Get Out of Vietnam" policy? If an American mother joins the "peace" movement, will her mail be facilitated to her POW son? Who really is *using* the anguish of the families? President Nixon or Mrs. Bennett? The Pentagon or the Communists?

Mr. Ron Young, who accompanied Mrs. Bennett to Vietnam, is now going about the U.S.A. urging Americans *not* to complain to Hanoi about its mistreatment of our POWs. He says North Vietnam officials say it will slow the receipt of mail from prisoners' relatives. The Communists, unlike our government, reject the right of protest. In effect Hanoi is blackmailing grass roots America with "follow the Communist line if you want the mail to go through". Why doesn't The Voice fully identify Mrs. Bennett's confrere, Ron Young?

North Vietnam refuses to engage in a prisoner-of-war exchange even though the South Vietnam government has offered to exchange 100 Communists for each American prisoner-of-war. Why this Communist inhumane treatment of its very own? What say you, Mrs. Bennett? C.B.S. News on 1/25/71 showed the return of 40 Communist POWs to North Vietnam. Actually it turned out to be only 38 because when they arrived at the demilitarized zone, two of the POWs refused to go north. If the Communists are so humane, why don't they return our disabled POWs as we return theirs? How about that, Mrs. Bennett?

North Vietnam is now setting the stage for the most barbaric drama ever viewed by modern man. Consider the following:

The Hanoi government is a signer of the 1949 Geneva Convention. This agreement states that at the end of hostilities all prisoners-of-war are to be released and repatriated *without delay*. Now if the U.S. were to withdraw all its troops there would be, ipso facto, an end to the war between the U.S. and North Vietnam. This war termination should, according to the Geneva Convention, cause the *immediate* return of all our American POWs.

Not so! The Geneva Convention excepts from immediate liberation, those prisoners held for trial or serving sentences. Communist Vietnam consistently claims it has no American POWs—only American *criminals*. It has already promised to try them for their alleged crimes. Therefore, Mrs. Bennett errs when she says that the way to bring the prisoners home is to end the war. Ending the war will do no such thing.

Confirmation for this contemplated barbarism may be found in an obscure paragraph of an obscure AP dispatch on page 7 of the January 15, 1971 issue of the Los Angeles Times. The Communist Paris Talks Delegation is quoted as demanding that:

"The United States must agree to withdraw all of its forces from South Vietnam by next June 30. Then discussions '*can begin* immediately on the freeing of American military men held captive'."

Notice that again the Communists do not use the word prisoner-of-war. Notice that the Communists do not say, "we will *immediately free* the POWs". They say *"discussions can begin* on the freeing . . ." Discussions with Communists have a tendency to go on and on. The discussions in Korea have gone on for almost twenty years, and will probably go on for twenty more. Good will is essential to discussion. The Communist philosophy substitutes malice for good will.

Once the American withdrawal becomes *fait accompli*, Hanoi will begin asking for war reparations. When the U.S. balks at the idea, it will learn that until war indemnity is paid, there will be no return of the war "criminals". In short, the U.S. will be blackmailed into paying billions of dollars to the Communists to obtain the release of our prisoners-of-war. At that point the U.S. will realize, too late, that it has no persuasive bargaining power because its bargaining power (American Army) has been withdrawn from Vietnam.

Preposterous? No it is not, because we already have precedents for this Communist modus operandi: (a) The ransom of the freedom fighters from Communist Cuba; (b) The kidnapping of innocent public officials and holding them for ransom to be paid for by the freeing of convicted terrorists; and (c) The enslavement, as war reparations, of hundreds of thousands of ordinary German and Austrian soldiers of non-officer rank, who were compelled to work for many post-war years in Russian slave labor camps.

It is precisely because of this post-World War II experience that the Geneva Convention was adopted. It is precisely because of the Communists' desire to avoid their responsibility under the Geneva Convention that: (1) They call our captured servicemen criminals; (2) They avoid calling them prisoners-of-war; and (3) They require the total withdrawal of the American troops *before* "discussions can begin" on repatriation.

Secretary of Defense Melvin R. Laird recently advised Congress of numerous violations of twelve separate provisions of the Geneva POW Convention by North Vietnam (Arts. 13–23–26–30–34–70–71–72–109–120–122 and 126). Not twelve violations, but violations of twelve separate and distinct provisions. What is the explanation for the consistent violation of international agreements by the Communists?

The answer was given thirty-four years ago by Pope Pius XI when he prophetically wrote:* "Communism is *by its nature* anti-religious." Note that he does not use the words non-religious or atheist, but the term "anti-religious".

Pius continued: "How can any contract be maintained, and what value can any treaty have in which every guarantee of conscience is lacking? And how can there be talk of conscience when all faith in God and all *fear of God* have vanished? Take away this basis, and with it all moral law, *and there is no remedy* left to stop the gradual but inevitable destruction of peoples, families, the State, civilization itself."

If the Communist fears not God, then let him fear man. If he fears neither God nor man, then there is no hope for peoples, families, the State, civilization itself—or for POWs.

The Communist says, "To free the POWs—end the war." Let America say, "No POWs—no pullout!" This the Communist can and will understand—and be persuaded thereby.

Space does not permit detailed rebuttal to Mrs. Bennett's rosy view of religious practice in North Vietnam. Refugee Father Bui Duc Hien, St. Ambrose rectory in Berkeley, has already covered this subject in a letter to the Editor (Catholic Voice of 1/21/71). The infamous persecution of religion by the Communists has been voluminously documented. A quick rundown would require the total print space of every edition of The Voice for the next three years.

Let it suffice for all the world in general and The Catholic Voice in particular, to heed the counsel of Pope Pius XI in his encyclical, "Atheistic Communism":

"Aware of the universal desire for peace, the leaders of Communism pretend to be the most zealous promoters and propagan-

---

*Encyclical on Atheistic Communism—"Divini Redemptoris"—1937.

> dists in the movement for world amity . . . yet at the same time they cause rivers of blood to flow.
>
> "They try perfidiously to worm their way even into professedly Catholic and religious organizations. They carry their hypocrisy so far as to encourage the belief that Communism . . . will not interfere with the practice of religion.
>
> "See to it, Venerable Brethren, that the Faithful do not allow themselves to be deceived. Communism is intrinsically wrong, and no one who would save Christian civilization may collaborate with it in any undertaking whatsoever.
>
> "Those who permit themselves to be deceived . . . will be the first to fall victim of their error."
>
> So spoke Pius XI. So speak I.

RECENT ACTION TO HALT FLORIDA CANAL UNCONSTITUTIONAL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BENNETT. Mr. Speaker, on January 19 the President issued a statement in which he said:

> I am today ordering a halt to further construction of the Cross Florida Barge Canal.

This canal is somewhere between a third and a half complete. Fifty million dollars has been spent on it. It was being built because it is authorized by law and appropriated for by law.

The reasons ascribed by the President in the statement were that the Council on Environmental Quality recommended the halt and had pointed out to him "that the project could endanger the unique wildlife of the area and destroy this region of unusual and unique natural beauty," referring to the beautiful Oklawaha River Valley. Since ending the canal would allow the land to go back to private ownership; and since this narrow strip of land could hardly protect much wildlife anyway when one considers that only a short distance away are 439,000 acres of national forest where the wildlife could really be protected, it is apparent that the President was misled as to the wildlife protection which could result from closing the canal. Since the alternate route suggested by the Corps of Engineers would bypass the Oklawaha, this other point raised by the Council and relied upon by the President is also not a valid reason for abandoning the canal.

But this matter of the reasons for the action of the President is not what I would like to discuss at length today. I already discussed those reasons more at length on February 8, as has appeared in the CONGRESSIONAL RECORD at page 2086. No, what I would like to discuss today is the fact that if the President means to terminate the canal permanently, not just halt to restudy, then this action is unconstitutional. There is in fact no authority I know of to the contrary.

The Constitution does not say that the President shall execute the laws, but that "he shall take care that the laws be faithfully executed." (Art. 2, sec. 3.)

> To contend, that the obligation imposed upon the president to see the laws faithfully executed, implies a power to forbid their execution, is a novel construction of the constitution, and entirely inadmissable. *Kendall* v. *United States,* 37 U.S. 524, 611 (1838).

The authority given to the President to stop appropriations for a Federal project under the Constitution is in his right to veto. (Art. I, sec. 7.) But after a bill is signed, and appropriations are made, an executive officer cannot interfere with that law.

In the following comments I am making I have relied heavily upon the excellent brief of Gerald W. Davis, as published in the October 1964, edition of the Fordham Law Review.

Under our system of government it is the legislative branch which is to make and decide policy. The executive branch "is supposed to carry out the policies declared by Congress." (31 Cong. Dig., No. 1, p. 1, at 2 (1952).) (See MacLean, "President and Congress: The Conflict of Powers," 61 (1955).)

There is no provision of the Constitution which specifically requires the executive branch to spend money appropriated by Congress. The President is required, however, to "take care that the laws be faithfully executed." (U.S. Const. art. II, sec. 3.) Whether this constitutional provision vested in him discretion as to the execution of acts of Congress was argued in *Kendall* v. *United States ex rel. Stokes.* (37 U.S. (12 Pet.) 524 (1838).) Postmaster Kendall had disallowed claims of Stokes for carrying the mail. Congress passed an act directing Kendall to credit Stokes with the amount due. Kendall again refused to pay the claim, contending that only the President, under the power to see that the laws are executed could require that he pay the claims. The Supreme Court upheld a mandamus ordering the payment, holding that the President was not empowered to dispense with the operation of law upon a subordinate executive officer:

> When Congress imposes upon any executive officer any duty they may think proper, which is not repugnant to any rights secured and protected by the constitution . . . in such cases, the duty and responsibility grow out of and are subject to the control of the law, and not to the direction of the President. . . .
>
> To contend that the obligation imposed on the President to see the laws faithfully executed, implies a power to forbid their execution, is a novel construction of the constitution, and entirely inadmissible.

To avert a nationwide strike of steelworkers in April 1952, which he believed would jeopardize national defense, President Truman issued an Executive order directing the Secretary of Commerce to seize and operate most of the steel mills. According to the Government's argument in *Youngstown Sheet & Tube Co.* v. *Sawyer* (343 U.S. 579 (1952)), the directive was not founded on any specific statutory authority, but upon "the aggregate of the President's constitutional powers as the Nation's Chief Executive and the Commander in Chief of the Armed Forces." The Secretary of Commerce issued an order seizing the steel mills and the President promptly reported these events to Congress, but Congress took no action. It had provided other methods of dealing with such situations and had refused to authorize governmental seizures of property to settle labor disputes. The steel companies sued the Secretary and the Supreme Court rejected the broad claim of power asserted by the Chief Executive, holding that "the order could not properly be sustained as an exercise of the President's military power as Commander in Chief . . . nor . . . because of the several constitutional provisions that grant executive power to the President."

Mr. Justice Black, who delivered the opinion of the Court, noted:

> In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that "All legislative Powers herein granted shall be vested in a Congress of the United States. . . ." After granting many powers to the Congress, Article I goes on to provide that Congress may "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."
>
> The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a presidential policy be executed in a manner prescribed by the President. . . . The power of Congress to adopt such public policies as those proclaimed by the order is beyond question. . . . The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control.
>
> It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution "in the Government of the United States, or any Department or Officer thereof."

Mr. Justice Douglas, in a concurring opinion, noted:

> The power to recommend legislation, granted to the President, serves only to emphasize that it is his function to recommend and that it is the function of the Congress to legislate. Article II, Section 3 also provides that the President "shall take Care that the Laws be faithfully executed." But . . . the power to execute the laws starts and ends with the laws Congress has enacted.

The three dissenting Justices did not assert that the President could act contrary to a statute enacted by Congress. They argued that there was no statute which prohibited the seizure and that there was "no evidence whatever of any Presidential purpose to defy Congress or act in any way inconsistent with the legislative will."

Mr. Justice Jackson, concurring with the majority opinion, remarked on the "poverty of really useful and unambiguous authority applicable to concrete problems of executive power as they actually present themselves." He suggested that "Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress." Justice Jackson then listed the situations in which a President may doubt, or others may challenge, his powers and indicated the legal consequences of the factor of relativity to the powers of Congress:

> 1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate. . . . If his act is held unconstitutional under these circumstances, it usually means that the Federal Government as an undivided whole lacks power. . . .
>
> 2. When the President acts in absence of either a congressional grant or denial of authority, he can only reply upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law.
>
> 3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system.

The latter situation (3), as discussed by Mr. Justice Jackson, more nearly relates to the situation involved in the current action on the Cross Florida Barge Canal.

The Constitution does not subject the lawmaking power of Congress to presidential control, except for the veto process. The fact that Presidents in the past may have overridden congressional appropriations does not deprive Congress of its constitutional authority.

The matter of congressional appropriations for defense purposes lies in the third category of congressional-presidential relationships set forth by Justice Jackson. "Exclusive presidential control" cannot be sustained and the President is not empowered to impose conditions upon the exercise of congressional authority in this field. See Kauper, The Steel Seizure Case: Congress, the President and the Supreme Court, 51 Mich. L. Rev. 141 (1952).

The weight of authority is against the existence of an inherent presidential power to impound appropriated funds—Goostree. The Power of the President To Impound Appropriated Funds: With Special Reference to Grants-In-Aid to Segregated Activities, 11 Am. U.L. Rev. 32, 42 (1962).

The general theory underlying the Constitution is that Congress shall be responsible for the determination and approval of the fiscal policies of the Nation and that the executive shall be responsible for their faithful execution—Report of the President's Committee on Administrative Management at 15 (1937).

This division of authority was stated by President Wilson in a message to Congress on May 13, 1920:

> The Congress and the Executive should function within their respective spheres . . . The Congress has the power and the right to grant or deny an appropriation, or to enact or refuse to enact a law; but once an appropriation is made or a law passed, the appropriation should be administered or the law executed by the executive branch of the Government. (Report of Pres. Comm. on Admin. Mgt. at 15).

Congress has the final responsibility, subject to constitutional limitations and the President's veto power, for deciding which activities are to be undertaken by the Government and the amount of money to be spent on each. The President's role is to recommend to Congress a unified and comprehensive budget and to administer the budget as finally enacted—Committee on Organization of the Executive Branch of the Government Report on Budget and Accounting in the U.S. Government at 12–13 (1955).

A distinction must be made between the authorization and the actual appropriation of funds for a specified purpose. An act appropriating funds for defense purposes serves to implement a preceding authorization act passed by Congress.

Although an authorization may be considered as only constituting permission to expend funds for a particular purpose, an appropriation of funds implies a directive that such funds be expended to effect the purpose indicated.

> Congress in making appropriations has the power and authority not only to designate the purpose of the appropriation, but also the terms and conditions under which the executive department of the government may expend such appropriations. . . .
>
> The purpose of the appropriations, the terms and conditions under which said appropriations were made, is a matter solely in the hands of Congress and it is the plain and explicit duty of the executive branch of the government to comply with the same. Any attempt by the judicial branch of our government to interfere with the exclusive powers of Congress would be a plain invasion of the powers of said body conferred upon it by the Constitution of the United States. (Spaulding v. Douglas Aircraft Co., 60 F. Supp. 985, 988 (S.D. Cal. 1945), aff'd, 154 F. 2d 419 (9th Cir. 1946).)

The Supreme Court has also held that when Congress makes an appropriation in terms which constitute a direction to pay a sum of money to a particular person, the officers of the Treasury cannot refuse to make the payment—see, for example, *United States* v. *Louisville* (169 U.S. 249 (1898); *United States* v. *Price*, 116 U.S. 43 (1885); compare 22 Ops. Att'y Gen. 295 (1902).)

The cases I have cited clearly demonstrate that the President cannot lawfully disregard a duly enacted law. It could be argued that Congress by statute has authorized the President to exercise discretion as to whether funds appropriated for a particular public works project should be expended or impounded. An examination of the statutory law gives no substance to that argument.

Impounding of appropriated funds to prevent deficiencies and to effect economies in governmental operations was authorized by the General Appropriations Act of 1951. This act provided, in part, as follows:

> In apportioning any appropriation, reserves may be established to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriation was made available. . . .

Since this section appears to grant the Executive great latitude with respect to the impounding of appropriated funds, inquiry should be made as to legislative intent. The House Committee on Appropriations stated:

> The appropriation of a given amount for a particular activity constitutes only a ceiling upon the amount which should be expended for that activity. (H.R. Rep. No. 1797, 81st Cong., 2d Sess. 1, 9 (1950).)

In the same report it is said that officials responsible for the administration of an activity for which an appropriation is made "bear the final burden for rendering all necessary service with the smallest amount possible within the ceiling figure fixed by the Congress." The purpose of the act is to "require careful apportionment of all types of funds expended by Federal agencies and efficient administration of the Government's business."

The committee noted that in signing the National Military Appropriations Act for 1950, the President issued a statement indicating objections to the action of Congress in increasing funds for the Air Force, and directing the Secretary of Defense to place in reserve the amounts provided by Congress for increasing the Air Force structure. In this regard it was stated:

> It was not the purpose of the Congress in providing funds for the Air Force . . . in excess of budget estimates to establish or permit the President or the Secretary of Defense to establish reserves. . . ." In the minds of the Committee, this action "amounted to an item veto, a power not possessed by the President."
>
> It is perfectly justifiable and proper for all possible economies to be effected and savings to be made, but there is no warrant or justification for the thwarting of a major policy of Congress by the impounding of funds. If this principle of thwarting the will of Congress by the impounding of funds should be accepted as correct, then Congress would be totally incapable of carrying out its constitutional mandate of providing for the defense of the Nation.

Certainly it was not the intent of Congress that the Executive should be enabled to impound funds appropriated by Congress for defense purposes. There appears to be no statutory authority for the impounding of appropriated funds, except for purposes of economy and efficiency in executing the purposes for which the appropriation is made.

The President cannot dispense with the execution of the laws, under the duty to see that they are executed. To hold otherwise would be to confer upon him a veto power over laws duly passed and enrolled. To accord discretion to a President as to what laws should be enforced and how much, would enable him to interpose a veto retroactively.

Some may say, what can one do to see that the President carries out the Constitution? There have been no suits on recent impounding of funds for defense objectives, such as for the advanced bomber, as far as I know. There may be many reasons for this; but perhaps the most conclusive one has been the lack of standing of one to sue to enforce the Constitution in a particular case. In the matter of the Cross Florida Barge Canal there may well be such ability to sue however; because not only has the State of Florida entered into expensive contractual arrangements with the Federal Government on this matter, but many local real estate owners have been taxed through the years to contribute the local funds that have been expended in Florida for this canal. I understand from the papers suits are going to be brought.

It is sincerely to be hoped that the President will reconsider this matter and at least let the proponents of the canal be heard on the issues, which has not yet been allowed. Particularly, since the evidence is strong that the reasons for the President's action seem to have overlooked the fact that the Oklawaha can be inexpensively bypassed and that no wildlife preservation is in fact achievable by terminating the canal.

HELP FOR THE ELDERLY ON DRUG COSTS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. OBEY. Mr. Speaker, today on behalf of myself and 78 cosponsors, I am reintroducing legislation to provide outpatient prescription drug coverage under medicare.

This bill will establish a comprehensive drug insurance program for the 20 million Americans covered by medicare, giving them added protection against the consequences of illness at a time when they must live on very limited economic resources.

These are its features:

First, coverage of prescription drugs and certain nonprescription drugs of special life-sustaining value;

Second, financing under the part A, payroll tax, portion of medicare—unlike most other proposals, which would finance drug insurance through higher monthly premiums under the part B portion;

Third, selection by a formulary committee of the drugs to be covered;

Fourth, $1 copayment by the purchaser for each prescription.

The program would reimburse participating pharmacies on the following basis:

The "maximum allowable cost" of a qualified drug, plus

A professional fee which recognizes that costs and services vary from pharmacy to pharmacy—instead of a fixed dispensing fee.

This is how the program works:

A formulary committee, composed largely of physicians, selects the drugs to be covered. Each year it sends physicians and pharmacists a list of these qualified drugs—arranged alphabetically by their established, or generic, names—as well as—

An indexed listing of the trade or other names by which these drugs are known, together with the maximum allowable cost for various quantities, strengths, or dosage forms;

Supplemental lists arranged by diagnostic, therapeutic, or other classifications;

Information which promotes—under professional supervision—the safe and effective use of these drugs.

Financing the program under the part A portion of medicare means that an individual will pay for his drug insurance during his working years, rather than later when his income is sharply reduced due to retirement.

It also assures that nearly everyone over 65 will benefit, without having to pay monthly premiums, keep records, or file claims.

The beneficiary simply goes to the participating pharmacy of his choice. If the drug prescribed for him is listed in the formulary, he pays the pharmacist $1 to fill the prescription. If the prescribed drug is not listed in the formulary, he pays for it the same way he does now under medicare—out of his own pocket.

The pharmacist is then reimbursed by the program on the basis of maximum allowable cost plus professional fee. In determining the maximum allowable cost of multiple-source drugs, the formulary committee excludes prices of a drug which vary significantly from those of the lowest or lower cost versions of it that are of proper quality and generally available.

Mr. Speaker, I believe this bill contains the proper ingredients for an economically and medically feasible program—and a recipe for high-performance administration of it.

By choosing drugs carefully and taking into account their cost factors, the formulary committee can build savings into the program from the outset. It will list only medically necessary drugs, and do so in an economically reasonable way.

Also, the copayment feature stresses cost-effectiveness, because it reminds the drug purchaser that he is sharing in the cost of the program. And having nearly everyone over 65 covered means that the administrators of the program can quickly and inexpensively determine who is eligible for benefits.

Mr. Speaker, the Health, Education, and Welfare Department's Task Force on Prescription Drugs issued a series of background papers in 1968–69 substantiating the need and feasibility of a drug insurance program.

Since then, the President's Task Force on the Aging has filed a report entitled, "Toward a Brighter Future for the Elderly," in which it recommended that medicare be modified in five ways, including this one:

"Coverage of out-of-hospital drugs at the earliest date administratively feasible."

I believe this program for the elderly is timely. I also believe it is sound enough in terms of coverage, cost-effectiveness and administrative feasibility to warrant consideration by this body apart from the many broad health insurance proposals now in the design stage.

A complete list of the bill's cosponsors follows, together with a copy of the bill's text:

COSPONSORS

Joseph P. Addabbo (N.Y.).
Glenn M. Anderson (Calif.).
William R. Anderson (Tenn.).
Frank Annunzio (Ill.).
Les Aspin (Wis.).
William A. Barrett (Pa.).
Nick Begich (Alaska).
Bob Bergland (Minn.).
Mario Biaggi (N.Y.).
John Brademas (Ind.)
Frank Brasco (N.Y.).
James A. Burke (Mass.).
Phillip Burton (Calif.).
James A. Byrne (Pa.).
Charles J. Carney (Ohio).
Tim Lee Carter (Ky.).
Bob Casey (Tex.).
Shirley Chisholm (N.Y.).
Frank M. Clark (Pa.).
George W. Collins (Ill.).
Silvio O. Conte (Mass.).
Jorge L. Córdova (P.R.).
George Danielson (Calif.).
John H. Dent (Pa.).
Charles C. Diggs, Jr. (Mich.).
Harold D. Donohue (Mass.).
Robert F. Drinan (Mass.).
Don Edwards (Calif.).
Joshua Eilberg (Pa.).
Joe L. Evins (Tenn.).
Daniel J. Flood (Pa.).
Hamilton Fish, Jr. (N.Y.).
Donald M. Fraser (Minn.).
Cornelius E. Gallagher (N.J.)
Ella T. Grasso (Conn.)
Gilbert Gude (Md.)
Seymour Halpern (N.Y.)
Lee H. Hamilton (Ind.)
Richard T. Hanna (Calif.)
Julia Butler Hansen (Wash.)
Michael Harrington (Mass.)
Wayne L. Hays (Ohio)
Ken Hechler (W. Va.)
Louise Day Hicks (Mass.)
James J. Howard (N.J.)
Harold T. Johnson (Calif.)
Peter N. Kyros (Maine)
Mike McCormack (Wash.)
Stewart McKinney (Conn.)
Abner J. Mikva (Ill.)
F. Bradford Morse (Mass.)
Charles A. Mosher (Ohio)
John Moss (Calif.)
Morgan F. Murphy (Ill.)
James G. O'Hara (Mich.)
Claude Pepper (Fla.)
Bertram L. Podell (N.Y.)
Melvin Price (Ill.)
Roman C. Pucinski (Ill.)
Charles B. Rangel (N.Y.)
Ogden R. Reid (N.Y.)
Henry S. Reuss (Wis.)
Robert A. Roe (N.J.)
Teno Roncalio (Wyo.)
Benjamin S. Rosenthal (N.Y.)
Dan Rostenkowski (Ill.)
Edward R. Roybal (Calif.)
Fernand J. St Germain (R.I.)
James H. Scheuer (N.Y.)
John F. Seiberling (Ohio)
Harley O. Staggers (W. Va.)

Robert H. Steele (Conn.)
Frank Thompson, Jr. (N.J.)
Robert O. Tiernan (R.I.)
Joseph P. Vigorito (Pa.)
Lawrence G. Williams (Pa.)
Sidney R. Yates (Ill.)
Gus Yatron (Pa.)

H.R. —

A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a Formulary Committee, among the items and services covered under the hospital insurance program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 226(b)(1) of the Social Security Act is amended by striking out "and post-hospital home health services" and inserting in lieu thereof "post-hospital home health services, and qualified drugs".

(b) Section 1811 of such Act is amended by inserting "and qualified drugs" after "related post-hospital services".

(c) Section 1812(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (3) the following new paragraph:

"(4) Qualified drugs."

(d)(1) Section 1813(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) The amount payable for qualified drugs furnished an individual pursuant to any one prescription or certification and purchased by such individual at any one time shall be reduced by an amount equal to the applicable prescription copayment."

(2) Section 1813 of such Act is further amended by adding at the end thereof the following new subsection:

"(c)(1) Subject to paragraph (2), the prescription copayment which shall be applicable for the purposes of subsection (a)(4) shall be $1.

"(2) The Secretary shall, between July 1 and October 1 of 1975, and of each year thereafter, determine and promulgate the drug copayment which shall be applicable for the purposes of subsection (a)(4) during the succeeding calendar year. Such copayment shall be equal to $1 multiplied by the ratio of (A) the average per capita costs for qualified drugs during the calendar year preceding the year in which the determination is made to (B) the average per capita costs for qualified drugs during the calendar year 1973. Any amount so determined which is not a multiple of 10 cents shall be rounded to the nearest mutliple of 10 cents (or, if it is midway between two such multiples, to the next higher multiple of 10 cents). The average per capita costs for qualified drugs for any calendar year shall be determined by the Secretary on the basis of the best information available to him (at the time the determination is made) as to the amounts paid under this part for qualified drugs furnished during such year, by providers which have agreements in effect under section 1866, to individuals who are entitled to hospital insurance benefits under section 226, plus the amount which would have been so paid but for subsection (a)(4) of this section."

(e) Section 1814(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof ", and"; and

(3) by inserting after paragraph (7) the following new paragraph:

"(8) with respect to drugs or biologicals furnished pursuant to a physician's prescription, such drugs or biologicals are qualified drugs as defined in section 1861(t) and the provider has in his possession such prescription, or some other record of such prescription that is satisfactory to the Secretary or, with respect to drugs or biologicals not requiring a physician's prescription but determined by the Formulary Committee to be of a lifesaving nature, such drug or biological is a qualified drug as so defined and the provider has in his possession a physician's certification that it is medically required by such individual."

(f) Section 1814 of such Act is amended by adding at the end thereof the following new subsection:

"Limitation on Payment for Qualified Drugs

"(g) Payment may be made under this part for qualified drugs only when such drugs are dispensed by a licensed pharmacy (as defined in section 1861(z) of this Act) which is a provider of services for purposes of this part; except that payment under this part may be made for drugs dispensed by a physician where the Secretary determines that such drugs were required in an emergency or that there were no pharmaceutical services available from providers of services in the community, in which case the physician (under regulations prescribed by the Secretary) shall be regarded as a proivder of services for purposes of this part with respect to the dispensing of such drugs."

(g) The second sentence of section 1816(a) of such Act is amended by striking out clause (1) and inserting in lieu thereof the following: "(1) to provide consultative services to institutions, agencies, or establishments to enable them to establish and maintain fiscal records necessary for purposes of this part and otherwise to qualify as providers of services for such purposes, and".

SEC. 2. Part A of title XVIII of the Social Security Act is further amended by adding at the end thereof the following new sections:

"FORMULARY COMMITTEE

"SEC. 1818. (a)(1) There is hereby established, within the Department of Health, Education, and Welfare, a Formularly Committee, a majority of whose members shall be physicians, and which shall consist of two officials of such Department designated by the Secretary and seven individuals (not otherwise in the regular full-time employ of the Federal Government) who are of recognized professional standing and distinction in the fields of medicine, pharmacology, and pharmacy, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Chairman of the Committee shall be elected, from the appointed members thereof, by majority vote of the members of the Committee for a term of one year. A member may succeed himself as Chairman.

"(2) Each appointed member of the Formulary Committee shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of each term, and except that the terms of office of the members first taking office, as designated by the Secretary at the time of appointment, one shall expire at the end of the first year, one shall expire at the end of the second year, one shall expire at the end of the third year, and one shall expire at the end of the fourth year. A member shall not be eligible to serve continuously for more than two terms.

"(b) Appointed members of the Formulary Committee, while attending meetings or conferences thereof or otherwise serving on business of the Committee, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) (1) The Formulary Committee is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Formulary Committee such secretarial, clerical, and other assistance as the Formulary Committee may require to carry out its functions.

"(2) The Secretary shall furnish to the Formulary Committee such office space, materials, and equipment as may be necessary for the Formulary Committee to carry out its functions.

"(d) (1) The Formulary Committee shall compile, publish, and make available a Formulary of the United States (hereinafter in this title referred to as the 'Formulary').

"(2) The Formulary Committee shall periodically revise the Formulary and the listing of drugs so as to maintain currency in the contents thereof.

"(3) The Formulary shall contain an alphabetically arranged listing, by established name, of those drugs and biologicals that be deemed qualified drugs for purposes of the benefits provided under section 1812 (a) (4).

"(4) The Formulary Committee shall publish and disseminate at least once each calendar year among physicians, pharmacists, and other interested persons, in accordance with directives of the Secretary, (i) an alphabetical list naming each drug or biological by its established name and such other information as the Secretary deems necessary, (ii) an indexed representative listing of such trade or other names by which each such drug or biological is commonly known, together with the maximum allowable cost for various quantities, strengths, or dosage forms thereof, together with the names of the supplier of such drugs upon which the maximum allowable cost is based, (iii) a supplemental list or lists, arranged by diagnostic, prophylactic, therapeutic, or other classifications, of the drugs included in the Formulary, and (iv) information (including conditions of use required in the interest of rational drug therapy) which will promote the safe and effective use, under professional supervision, of the drugs listed in the Formulary.

"(5) The Formulary Committee shall exclude from the Formulary any drugs which the Formulary Committee determines are not necessary for proper patient care, taking into account other drugs that are available from the Formulary.

"(c)(1) In considering whether a particular drug shall be included in the Formulary, the Formulary Committee is authorized to obtain (upon request therefor) any record pertaining to the characteristics of such drug which is available to any other department, agency, or instrumentality of the Federal Government, and, as a condition of such inclusion, to require suppliers of drugs to make available to the Committee information (including information to be obtained through testing) relating to such drug. If any such record or information (or any information contained in such record) is of a confidential nature, the Formulary Committee shall exercise utmost care in preserving the confidentiality of such record or information and shall limit its usage thereof to the proper exercise of such authority.

"(2) The Formulary Committee shall establish such procedures as may be necessary to determine the propriety of the inclusion or exclusion in the Formulary of any drug, including such data and testing as it may require of a proponent of the listing of a drug in the Formulary.

"(f) (1) The Formulary Committee, prior to making a final determination to remove from listing in the Formulary any drug which would otherwise be included therein, shall afford a reasonable opportunity for a hearing on the matter to any person engaged in manufacturing, preparing, propagating, compounding, or processing the product who shows reasonable grounds for such a hearing. Any person adversely affected by the final decision of the Formulary Committee may obtain judicial review in accordance with the procedures specified in section 505 (h) of the Federal Food, Drug, and Cosmetic Act.

"(2) Any person engaged in the manufacture, preparation, propagation, compounding, or processing of any drug not included in the Formulary which such person believes to possess the requisites to entitle such drug to be included in the Formulary may petition for inclusion of such drug and, if such petition is denied by the Formulary Committee, shall, upon request therefor, showing reasonable grounds for a hearing, be afforded a hearing on the matter. The final decision of the Formulary Committee shall, if adverse to such person, be subject to judicial review in accordance with the procedures specified in section 505(h) of the Federal Food, Drug, and Cosmetic Act.

"(g) Drugs and biologicals shall be determined to be qualified drugs only if they can legally be obtained by the user only pursuant to a prescription of a physician; except that the Formulary Committee may include certain drugs and biologicals not requiring such a prescription if it determines such drugs or biologicals to be of a lifesaving nature.

"(h) In the interest of orderly, economical, and equitable administration of the benefits provided under section 1812(a) (4), the Formulary Committee may, by regulation, provide that a drug or biological otherwise regarded as being a qualified drug shall not be so regarded when prescribed in unusual quantities.

"MAXIMUM ALLOWABLE COST FOR QUALIFIED DRUGS

"SEC. 1819. (a) For purposes of this part, the term 'maximum allowable cost' means the following:

"(1) When used with respect to a prescription legend drug, such term means the lesser of—

"(A) the amount determined by the Formulary Committee, in accordance with subsection (b) of this section, plus a reasonable fee determined in accordance with subsection (c) of this section, or

"(B) the actual, usual, or customary charge at which the dispenser sells or offers such drug to the public.

"(2) When used with respect to a prescribed nonlegend drug such term means those charges which do not exceed the usual or customary price at which the dispenser offers or sells the product to the general public, plus a reasonable billing allowance.

"(b) (1) The Formulary Committee shall establish an amount or amounts at which each drug is generally available for sale (to establishments dispensing drugs) in a given strength or dosage form; and in any case in which a drug is so available and so sold by more than one supplier, the Formulary Committee shall exclude, in determining the maximum allowable cost, the amounts for such drugs of such suppliers as are sold at prices which vary significantly from the amounts for the lowest or lower cost drugs which have been determined to be of proper quality and which are generally available. If a particular drug in the Formulary is available from more than one supplier, and such drug as available from one supplier possesses distinct therapeutic advantages (as determined by the Formulary Committee on the basis of its scientific and professional appraisal of information available to it, including information and other evidence furnished to it by the supplier of such drug), then the amount recognized by the Formulary Committee for such supplier's drug shall be the price at which it is generally available to establishments dispensing drugs.

"(2) In considering (for purposes of the maximum allowable cost for any drug) the various sources from which and the varying prices at which such drug is generally available, there shall not be taken into account the price of any dug which is not included in the Formulary.

"(3) Whenever an amount or amounts at which a qualified drug is generally available for sale to the ultimate dispensers thereof vary significantly among the various regions of the United States or among such ultimate dispensers, the Formulary Committee may determine a separate amount or amounts with respect to such drug for various regions or for various classes of its ultimate dispensers.

"(c) (1) Any licensed pharmacy which is a provider of services for purpose of this part, shall, in a form prescribed by the Secretary, file with an intermediary or other agency designated by the Secretary a statement of a fee for the purpose of establishing the maximum allowable cost as defined in subsection (a). Such fee shall include such costs, including the costs of professional services and a fair profit, as are reasonably related to the provision of pharmaceutical service rendered to persons entitled to receive benefits under this part.

"(2) Any licensed pharmacy shall, except in cases to which subsection (a) (1) (B) applies, be reimbursed, in addition to any amounts provided for in subsection (b), the amount of the fee filed in paragraph (1), except that no fee shall exceed the largest fee filed by 90 per centum of such licensed pharmacies.

"(3) The Secretary shall, in addition to statements required pursuant to paragraph (2), require in a form and at a time suitable to him financial or other data to justify recognition of any fee (A) which amount falls between the fiftieth and ninetieth percentile of all fees filed by participating pharmacies, or (B) in any case where a participating licensed pharmacy has, in the preceding four calendar quarters, been among the highest 20 per centum by prescription volume of all pharmacies participating in the program in a State or intermediary area.

"(4) Where no fee statement or other information required by the Secretary has been filed by a licensed pharmacy otherwise qualified and participating in the program, fees to which such pharmacies may be entitled shall be limited to the amount of the lowest fee filed by any licensed pharmacy described in paragraph (1) above."

SEC. 3. (a) Section 1861(t) of the Social Security Act is amended—

(1) by inserting ", or as are approved by the Formulary Committee" immediately before the final period; and

(2) by adding at the end thereof the following new sentence: "The term 'qualified drug' means a drug or biological which (1) can be self-administered, (2) is furnished pursuant to a physician's prescription or a physician's certification that it is a lifesaving drug which is medically required by such individual when not an inpatient in a hospital or extended care facility, (3) is included by strength and dosage forms among the drugs and biologists approved by the Formulary Committee, (4) is dispensed (except as provided by section 1814(g)) by a pharmacist from a licensed pharmacy, and (5) which is generally available for sale to establishments dispensing drugs in an amount or amounts equal to or less than the amount or amounts established by the Formulary Committee pursuant to section 1819(b)."

(b) Section 1861(u) of such Act is amended by striking out "or home health agency" and inserting in lieu thereof "home health agency, or licensed pharmacy".

(c) Section 1861 (v) of such Act is amended—

(1) by striking out "The reasonable cost" in the first sentence of paragraph (1) and inserting in lieu thereof "Except as provided in paragraph (5), the reasonable cost"; and

(2) by adding at the end thereof the following new paragraph:

"(5) (A) With respect to any qualified drug, the maximum allowable cost shall be an amount determined in accordance with section 1819 of this Act."

(d) Section 1861 of such Act is further amended by adding at the end thereof the following new subsection:

"Licensed Pharmacy

"(z) The term 'licensed pharmacy' (with respect to any qualified drug) means a pharmacy, or other establishment providing community pharmaceutical services, which is licensed as such under the laws of the State in which such drug is provided or otherwise dispensed in accordance with this title."

(e) (1) The first sentence of section 1866 (a) (2) (A) of such Act is amended by striking out "and (ii)" and inserting in lieu thereof the following: "(ii) the amount of any copayment required pursuant to section 1813(a) (4), and (iii)".

(2) The second sentence of section 1866 (a) (2) (A) of such Act is amended by striking out "clause (ii)" and inserting in lieu thereof "clause (iii)".

SEC. 4. The amendments made by this Act shall apply with respect to items and services furnished on and after the 1st day of January 1973.

THE UPCOMING WEST GERMAN-CZECHOSLOVAK NEGOTIATIONS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. RARICK. Mr. Speaker, an understanding of the upcoming negotiations between West Germany and the Czechoslovak Government in Prague requires one to refresh his memory on the background of Czechoslovakia.

From 1945, Czechoslovakia was administered by a government led by the Communists who then seized full power in February of 1948. Twenty years later on August 21, 1968, the Red armies of the Warsaw Pact countries invaded and occupied Czechoslovakia under a unilateral declaration by the Soviet Union know as the Brezhnev doctrine, proving again that the Czech and Slovak people are nothing more than subjects of Soviet totalitarianism. The present Red regime in Prague is allowed to exist only because it obeys its orders from Moscow.

Thus, negotiations and overtures of friendship by the Brandt coalition government with the government in Prague do not constitute negotiations or friendship with the Czech and Slovak peoples, but rather with a puppet government which the people in Prague know full well is controlled by the Soviets, and who furthermore consider it to be de facto occupation by the Soviet Union.

The free Czechs and Slovaks living in the West have rejected the idea that Western governments should seek cooperation with and give economic aid to the regime in Prague, thereby bolstering its hold over its unwilling subjects.

The Sudeten German people, who were deported from their 800-year-old homeland in Czechoslovakia in 1945 under Communist initiative and leadership, are now being told by the Communist regime in Prague that the Munich agreement under which they and their homeland were transferred in 1938 to Germany should be declared "invalid from its very beginning."

The Sudeten Germans do not deny that the Munich agreement was concluded under threat of force, and they readily admit that it is no longer valid, having been violated by Hitler himself in 1939; however, they do object to the recent claim by the Prague government that the Munich agreement was never valid.

Elected representatives of the Sudeten Germans point out that the Sudeten Germans were not a party to the agreement at Munich, but agree that it was sanctioned under international law by representatives of the Governments of Germany, Great Britain, France, and Italy. They claim, therefore, that they cannot be punished as traitors to Czechoslovakia nor can they now be subjected to an indemnity by the Communist government in Prague for destroying their country as was done in 1938.

It is a fact of history that the Munich agreement was valid under international law until violated by Hitler. It would be naive for the present Socialist-Liberal government of West Germany to repudiate a universal view shared by the governments of the West which recognize international law, and condescend to accept the Communist position of the government in Prague which seeks only to strengthen its hold over the Czech and Slovak people, and to extort economic aid from West Germany in order to prolong its existence.

Recognition of the Munich agreement as "invalid from its very beginning" would be against the truth, the historical facts, commonsense, fairness, and justice. It would be playing into the hands of the Communists at the expense of the Czechs, the Slovaks, and the Sudeten Germans as well as repudiating the real friendship and support of all non-Communist nations.

PROVIDING USE OF FEDERAL TELECOMMUNICATION SYSTEM IN VA HOSPITALS

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. HASTINGS. Mr. Speaker, I have recently discovered that the Federal Telecommunications System is connected in all veterans hospitals, and that it is for use by authorized personnel only. This is the same service which is provided to all executive branch and legislative offices.

Since this system is in use most frequently during the ordinary business day, the service is idle for the most part between the hours of 5 p.m. and 8 a.m. Therefore, I am calling upon my colleagues to urge their support of my resolution to provide free use of the FTS in veterans hospitals after business hours.

Presently, there are 166 veterans hospitals, with a total capacity of 100,000 patients. Many veterans are unable to afford even adequate use of public telephones to contact their families and loved ones. I am, therefore, calling for legislation which calls for FTS service for our veterans as a small way of saying "thank you" for the service they have performed for the United States.

The cost of supplying such service would be minimal as it would only entail the addition of more telephone instruments to handle the capacity of each hospital. The number of telephones needed, along with the standards for usage, would be determined by the Veterans' Administration.

I urge my colleagues to join me in this effort.

REMARKS ON THE STATE OF THE UNION MESSAGE AND REVENUE SHARING

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mrs. MINK. Mr. Speaker, for the benefit of my colleagues I insert at this point in the RECORD my remarks on the President's state of the Union message and on revenue sharing:

STATE OF THE UNION

I find it a little hard to understand how the President could face the nation on January 22, 1971, and talk about closing the "gap between promise and performance in American government".

NIXON: ON JANUARY 22, 1971

"I will submit an expansionary budget this year . . . one that will help stimulate the economy and thereby open up new job opportunities for millions of Americans . . . By spending as if we were at full employment we will help to bring about full employment."

Nixon fiscal year 1970 deficit, $13 billion.

Nixon fiscal year 1971 deficit, $25 billion.

Nixon fiscal year 1972 projected deficit, $23 billion.

(Total Nixon deficit in 3 years), $61 billion.

"The third great goal is to continue the effort so dramatically begun last year to restore and enhance our natural environment. . . . I will propose a strong new set of initiatives to clean up our air and water . . ."

"As a fourth great goal, I will offer a far-reaching set of proposals for improving America's health care . . . a major increase in and redirection of aid to medical schools, to greatly increase the number of doctors and other health personnel . . . incentives to improve the delivery of health services, to get more medical care resources into those areas that have not been adequately served . . ."

"I have faith in people. I trust the judgment of people. Let us give the people a chance, a bigger voice in deciding for themselves those questions that so greatly affect their lives . . . For the black American, the Indian, the Mexican American and for those others in our land who have not had an equal chance, the nation at last has begun to confront the need to press open the door of full and equal opportunity."

NIXON'S VETO MESSAGES IN 1970

Veto of Education Funds, January 27, 1970:

"The inflation we have at the start of the Seventies was caused by heavy deficit spending in the Sixties. In the past Decade the Federal government spent more than it took in, $57 billion more . . . That is why I ordered Federal spending cuts this year." (Nixon also Vetoed the Education Budget for FY '71 on August 11, 1970)

Veto of Appropriation for Water Pollution Projects, August 11, 1970:

"I am determined to hold the line against a dangerous budget deficit . . . When we spend more than our tax system can produce, the average American either has to pay for it in higher prices or in higher taxes."

Veto of Funds for Hospital Construction, June 23, 1970:

"In these times there is no room in this massive program or in any other program for the kind of needless and misdirected spending represented in HR 11102. I again call upon the Congress to join me in holding down government spending to avoid a large budget deficit in FY 1971."

(Nixon also pocket vetoed S 3418 which appropriated $225 million to assist hospitals and medical schools in relieving shortage of doctors in family practice.)

Veto of a Jobs program for the Unemployed, December 16, 1970:

"I cannot accept this legislation . . . short term public service public employment can be a useful component of the nation's manpower policies . . . But public employment that is not linked to real jobs . . . is not a solution. I cannot accept a bill which so fully embraces this self-defeating concept."

What President Nixon should have said to the Nation on the Opening of the 92nd Congress was that the actions of the 91st Congress had been correct and that he, the President, had erred.

Now he is proposing deficit spending because it will help to bring about full employment.

Now he is submitting an expansionary budget because it will help to stimulate the economy and thereby open up new job opportunities.

In 1970 when Congress acted in accordance with this policy it was called by the President "irresponsible", its budgets "excessive" and "inflationary".

Of course the President's budgetary policy for 1971 is correct because the Congress was correct in 1970.

REVENUE SHARING?

In the early 1960's when our nation was prospering and Federal revenue surpluses were expected, a proposal called "Federal-State tax-sharing" was put forth as a way of distributing the extra funds. The only trouble was, the Vietnam war then began draining some $30 billion a year from our economy and the proposal was shelved.

The idea kept alive, however, as State and city governments hoped that someday all those "free" revenues would become available. During the recession of 1969–1971, these local units of government became increasingly short of revenue. A new drive was mounted by governors, mayors and State legislators, with the proposal re-named "revenue sharing."

In the State of the Union Message of January 22, 1971, President Nixon asked Congress to approve a $16 billion "revenue sharing" program. Since the Federal deficits under Mr. Nixon have been in the neighborhood of $15–$20 billion a year, we will undoubtedly have to raise taxes to finance the request, or run the risk of a $30–$40 billion deficit, or even worse see a substantial cutback in existing programs. I personally doubt that Congress will approve a tax increase to finance this plan of revenue sharing. With the economy in such poor shape, this is not the time to add new economic burdens.

Faced with these realities of the "State of the Union", the revenue sharing proposal comes at a time when the Federal government is itself bereft of funds to give back to local and State governments.

The use of the taxing powers of the Federal government I believe carries with it the responsibility of seeing that these funds are used for specific needs of the citizens of this country. Those programs which are strictly of a local or State nature should be financed by local and State taxes, and only augmented by Federal funds where the specific needs are justified.

If there are excess revenues being collected by the Federal government which are not needed to fund Federal programs, then I believe it is our responsibility to reduce the Federal tax burden directly. The Federal government should not use its taxing powers to raise more than it specifically needs for programs it will administer and implement.

It is generally acknowledged that cities and States are in need of more funds for local programs. These revenues should be raised locally and should not depend upon contributions from the Federal treasury. 17 States still do not have income taxes. The resources of the Federal treasury should not be substituted for the unwillingness of local government to tax its citizens for local services.

However where States and cities have been responsible in levying taxes for local programs and these taxes have reached a burdensome level, I do believe that relief should be provided the citizens of these communities, but not the governmental entity as would be the case under the revenue sharing device.

My proposal for relief of these over-taxed citizens would be to allow State income tax credits off of Federal income tax payments. Under the present Internal Revenue code local and State taxes are allowed only as deductions for determining the net taxable income. This provides only modest relief to taxpayers in jurisdictions with high tax rates. Thus I would now propose that State income taxes be allowed as tax credits against the Federal tax due. All other local and State taxes would continue to be taken as deductions.

This method of "revenue-sharing" would have the most direct benefit to the taxpayer. It would also serve to encourage States to enact income taxes at a level adequate to pay for the necessary services and operation of State governments. State governments would then begin to assume some of the burdens now placed on cities in the management of their urban programs.

Another proposal which I support to help cities and States pay for much needed programs such as mass transit systems, educational programs for the disadvantaged, manpower programs for the unemployed, welfare assistance, air and water pollution projects, sewer treatment plants, and low cost housing is to increase the Federal funding of these programs in the sum of $6 billion which is the "new" money suggested in the Nixon revenue sharing plan. This approach will be in keeping with the tax authority retaining the responsibility and accountability for programs it funds.

I do agree however that much of the bureaucratic paperwork that now accompanies Federal programs can be largely eliminated, and I shall support all efforts to reduce the Federal bureaucratic involvement in planning and utilization of these funds. Once the specific purposes are stipulated I do agree that the State and Local governments are responsible entities that will safeguard these monies from waste and mismanagement.

Hawaii as a State with a progressive income tax can benefit greatly from my income tax credit plan. With $6 billion more for such programs as mass transit, education, manpower training, welfare, housing, sewer projects and air pollution abatement, Hawaii will stand to gain needed funds for our programs we urgently need without suffering cutbacks and higher Federal taxes, which would be the consequences of the Nixon revenue sharing plan.

BRANDT'S DANGEROUS OSTPOLITIK

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ASHBROOK. Mr. Speaker, the New York Times of January 26 carried an account of an address by former German Chancellor Kurt George Kiesinger before the convention of his party, the Christian Democratic Union, concerning the present German Government's new policy toward East Europe and the Soviet Union. Lest one attribute Mr. Kiesinger's criticism of the new German policy to political motivations, it must be remembered that former high-ranking officials of the U.S. Government such as Gen. Lucius Clay, Ambassador John McCloy, and Secretary Acheson have likewise expressed serious concern regarding this policy. Even former Under Secretary of State George W. Ball, who served in the previous administration while it was making overtures to the East European countries, is concerned that Chancellor Brandt's policy will possibly have detrimental effects on Germany's firm Western ties.

More and more American citizens are becoming aware of the potential dangers of Chancellor Brandt's Ostpolitik. For example, members of the Veterans of Foreign Wars, an organization numbering 1,600,000 veterans, were alerted to the possible damage to the free world's solidarity in the February 1971, issue of its magazine, VFW. The magazine's regular columnist and long a student of international affairs, Donald L. Miller, emphasizes the necessity for opposing what could well become "a sellout of West Germany to the Soviet Union."

As more and more American citizens learn of the high stakes involved in the present German Ostpolitik, I am hopeful that our opposition will become loud and clear. The above-mentioned column by VFW's Donald L. Miller follows:

Along the Red Front

(By Donald L. Miller)

A veteran of the European and Asian theaters in WWII wrote to me recently to stress the need to look at past international blunders and come up with corrective actions. If "our learned men" don't come up with answers soon, he wrote, "we face an Armageddon before our 200th birthday."

And, of course, he's right. Since WWII we have pursued peace while the Soviets and Red Chinese have struggled for victory. We've sought cooperation; they've striven to humiliate, debilitate and defeat us.

Now, European Communists have unfolded a new scheme aimed at driving us out of Europe as they now are doing in the Arab East.

Phase one is West German recognition of Communist gains in Europe since WWII. This is all but wrapped up through the treaties Chancellor Willy Brandt has signed with Moscow and Warsaw.

The second and most crucial phase includes these items, according to East European Communists:

1. Admission of East and West Germany to the U.N.
2. Isolation of West Berlin from West Germany.
3. Assignment of European ambassadors in Helsinki, Finland, to the job of preparing for an all-European Security Conference.

Nikita Khruschev made the basic plans for the Secuurity Conference back in 1958. It will include the Soviets but exclude the U.S.

The stress will be on European common interests which Communists see as opposed to the basic interests of the U.S.

Plans already have been laid for the Soviets to pressure West European businessmen to turn to the Soviet Union and to Eastern Europe for markets and supplies instead of to the United States.

All this so far is preliminary. The cutting phase will be the demands for the liquidation of Radio Free Europe and Radio Liberty. NATO will have to go for the same reason. You don't use propaganda or set up military defenses against friends, do you?

And, in the end, according to Soviet plans made over a decade ago, Western Europe will lie defenseless. The ball then will go to native Communist parties. It'll be up to them, with Soviet help, to seize power, nationalize property and ally West European countries to the USSR.

But that's not the end. All of Western Europe combined with the Soviet Union will possess far greater power than that of the United States.

What then, Washington? Peaceful surrender or nuclear war?

Where did we go wrong? The underlying philosophy at Yalta and Potsdam is a starter. We sought to build a world on the basis of cooperation with a force that seeks to destroy us. And in 25 years the basic, tragic positions have not changed.

Of course, there is an immediate corrective measure. Recognize that the Soviet Union is an enemy, not a friend. And clearly state that the U.S. is opposed to a sellout of West Germany to the Soviet Union. Millions of bewildered West Germans are waiting for some clear sign that we care.

MAN'S INHUMANITY TO MAN— HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

SOUTH AFRICA AND NAMIBIA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BINGHAM. Mr. Speaker, the South African Government has taken what we may hope is a welcome initiative before the International Court of Justice in suggesting that South Africa may propose a plebiscite, to be jointly administered by the International Court of Justice and South Africa, in the disputed territory of South-West Africa, so that the people themselves may determine their future. There are many caveats and conditions before this proposal can be considered any breakthrough: but, even if it is little more than a flyer of a suggestion, it would appear more constructive to take up the proposal and make it workable than, as some have urged, to condemn it solely as a propaganda move and reject it out of hand.

The status of South-West Africa—officially rechristened Namibia by the U.N. in 1966—has been in dispute since 1946. At that time, South Africa refused to accept the territory as a U.N. trusteeship, although South Africa had originally been given jurisdiction by the League of Nations, with a mandate to promote the material and moral well-being and social progress of its inhabitants. In 1966 the United Nations, in a resolution supported by the United States, rescinded the mandate and took de jure authority over the territory. South Africa did not recognize this resolution and has retained de facto authority. The entire legal and political situation is complex, and I shall not go into it now. I will hope to go into the problem in greater detail on a later occasion.

For the present, I believe the United States should take affirmative note of the South African suggestion for a plebiscite, welcoming it as an opening in what has been a seemingly implacable situation for some years. I say this despite the fact that South Africa has no de jure legal standing in the territory in accord with the U.N. General Assembly and Security Council decisions, and in spite of the fact that the proposal is offered to the World Court in the course of its hearings on a question to which this proposal is not germane, and thus perhaps may not appropriately be granted consideration by the Court. It may well be all the more important therefore not to let the suggestion die aborning, if we believe it may be possible in some forum, whether the World Court, the Security Council, or wherever, to establish and agree upon the conditions in which a true plebiscite might be conducted.

Such a plebiscite would have to allow for universal individual adult balloting, with adequate supervision to insure its secrecy. There would have to be methods established by which the people could be informed of the ramifications of their choice. Time would be required beforehand for the non-South Africans supervisory group to travel and talk with people in Namibia even before they make proposals regarding the organization and supervision of the election; further time would be needed after terms were agreed for clarifying the issues to the people. The question of the rights of Namibian political exiles and prisoners whose principal goal has been to achieve self-determination would certainly be raised. There are many conditions which would have to be agreed prerequisite to a free and fair election. Hopefully the United States and other nations can come close enough in defining these conditions to permit pursuit of this initiative. Although the U.N. 11-nation Council for Namibia initially rejected the plebiscite proposal, one of the major political groups of Namibia, the South-West Africa Peoples Organization—SWAPO—has stated its acceptance of a plebiscite depending on the conditions under which the election takes place.

A fair election could provide a peaceful way of ascertaining the will of the South West African people—too long untested and ignored in the debate which has pitted South Africa against most of the rest of the world—and of fulfilling the original terms of the U.N. mandate, which called for self-determination. It could provide an opportunity for a graceful retreat by South Africa—and since it could fulfill the original terms of the mandate, of a graceful accession by the U.N. I would therefore urge our Government, and others concerned to find a resolution to the Namibian question which has been so long an impasse, to take the initiative and to propose methods by which a fair election might be held.

JEWS FLEEING SOVIET RUSSIA DISILLUSIONED WITH COMMUNISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. RARICK. Mr. Speaker, a revealing insight into what is taking place among the realinement of the people of the world today may be found in a recent report from Israel.

It seems that a majority of the Russian Jews who left their homeland in the early years went to Israel to build a socialist commonwealth.

Apparently this is not so with the newcomers. The Russian Jews presently escaping the Bolshevik terror have seen enough of socialism at work in Russia and by personal experience have learned that the better things in life are more likely to found in the capitalistic West than in the socialist East.

Noteworthy, this confrontation between the socialists and nonsocialists is showing up in Israel where the latest arrivals from Russia refuse to be convinced that the kibbutz is any different from the kolhoz and that neither are any good.

If the reports reaching us from Israel are authentic, we may well see a change in attitude and direction of the Israeli Government from socialism back to free enterprise capitalism, which in turn would manifest itself in the American society overnight.

If this is true, and becomes a reality, the West will certainly welcome the new anticommunist converts and the free world may yet be saved from world slavery under socialism and communism.

The basis for my comments comes from Mr. M. Z. Frank, whose monthly report from Israel was printed in the American Zionist for February 1971.

I include Mr. Frank's full report following my remarks:

LETTER FROM ISRAEL

(By M. Z. Frank[1])

THE NEWCOMERS FROM RUSSIA

The majority of those who came to Palestine from Soviet prisons or places of deportation, or those who managed to get out without such preliminaries in the early years of Communist rule, came with the idea of building not only a Jewish commonwealth but a socialist commonwealth as well. And they came ready to take part in the constant game of ideological combinations and divisions known as political parties.

Not so the newcomers. They did not come with the idea that the West is all rotten and capitalism is all wrong and that Jews in their homeland must build socialism. They have seen enough of socialism at work in Russia not to get excited over it. And they know that good things are more likely to be found in the capitalist West than in the socialist East. Unlike the Soviet immigrants in the 1920's the newcomers are not interested in kibbutz life. They have seen enough of kolkhozes to shy away from anything that resembles them. So far no one has succeeded in convincing them that the kibbutz, being a voluntary commune unlike the kolkhoz which is forced from above, is any good. Unlike their elders the new crop of immigrants from Russia have had no experience with political parties and relations between them, such as those in Israel. All parties in Russia have been dead for years—except the ruling Communist Party. They are bewildered by the multiplicity of political parties in Israel and by the fine ideological distinctions dividing them. If there is any political party to which they feel attracted it is *Herut*, which answers both their militant aggressive spirit and their unsophisticated black-and-white approach to politics.

The old *Mapainiks* view this with alarm and, unable to appreciate the motivations of a group whose political mentality is alien to them, they blame the success of *Herut* among the newcomers from the USSR on the skill of the *Herut* propagandists and on their on negligence in recruiting members. To remedy the situation they decided to entrust the task to Yona Kesseh, exactly the type of *Mapainik* who is sure to drive more young Russians into the ranks of *Herut*.

A new dimension in Zionism has now been created through the struggle waged by the recent arrivals from the Soviet Union who have become the spearhead of a world-wide campaign for a new Exodus: they forced the hands of the hitherto hesitant and timid leadership in and out of Zion. They are the heroes of 1970. They, the Yashas, Sashas, Abrashas, Nashas, Nadias and Natashes, who conducted hunger strikes and explained their position in Russian and Hebrew, have suddenly sprung into the limelight of Zionism. They have given Zionism a new life.

---

[1] *M. Z. Frank contributes a monthly report from Israel.*

ATTACKS INTENDED TO UNDERMINE VOUCHER PLAN, DELANEY SAYS

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. DELANEY. Mr. Speaker, the sudden intensity of attacks on my tuition voucher proposal strongly indicate a concerted effort by educational bureaucrats to undermine the groundswell of support for this legislation.

In the past few weeks a number of articles and editorials strongly opposing this approach to educational excellence have appeared in some of the Nation's most influential newspapers. Often conflicting arguments are advanced.

One article made a blatant and inflammatory appeal to prejudice by claiming that tuition grants—"Would open a large number of white public elementary schools to black applicants."

The next day another article quoted Governor Rockefeller as being opposed to tuition grants because they would end—"The whole movement to integrate the public schools of our country."

The fact is, the very essence of the tuition voucher concept is to provide equal educational opportunities for all children—regardless of race, religion, color, or geographical location.

Contrary to statements by bureaucratic fright peddlers, the evidence shows that supporters of the tuition voucher proposal are perhaps more dedicated to educational equality for all children than are the opponents of this legislation.

Not to be outdone in its opposition to the tuition grant plan is the Office of Economic Opportunity. However, their efforts are more subtle.

The OEO pilot project is scheduled to run for 5 years. While it offers hope to the hard-pressed, tuition-paying taxpayers with children in nonpublic schools, the experiment is apparently designed to bury the voucher plan under a mass of unfounded assumptions, which allegedly prove this approach to educational equality is not only unworkable, but un-American.

It is also interesting to note that this 5-year project will terminate at a time when the present administration is certain to have concluded its term of office.

As outlined in a recent speech by Dr. Thomas K. Glennan, OEO's Director of Research and Evaluation, their project would permit bureaucrats to deny children of the same family from enrolling in the same school. It would deny children of a denominational parish school the right to attend the school of their choice. It would discriminate against children of a particular race or religion if the school of their choice was, according to the bureaucrats, "oversubscribed."

Dr. Glennan also stated that:

> An unregulated voucher system would be a disaster for the nation's school system.

This highly charged scare statement has no basis in fact. The fact is public and nonpublic schools have existed in harmony for well over a century. There is every reason to expect this harmonious relationship to continue.

The tuition voucher is intended to improve our educational programs by encouraging fair and equitable competition. Its underlying basis is freedom of choice. This concept is the hallmark of our democratic system of government.

The OEO project would substitute a chance for a choice, and would raffle rights protected by the Constitution.

When I first advanced the idea of freedom of choice in education in 1961, I said:

> The existence of a free society is conditioned upon the existence of unshackled individuals with differing views and different approaches. Diversity is the quintessence of democracy. Uniformity is the hallmark of totalitarianism.

During the intervening 10 years, not one valid reason has been brought forth which would successfully challenge the application of this principle to our educational system.

American parents will not be denied. They demand a share of their own tax money to assist them in controlling the education of their children.

Parents in a growing number of communities throughout the Nation are opposing school bond issues and higher school taxes. The New York Times reported on February 8 that public school systems in St. Louis, Mo., Youngstown, Ohio, Scarsdale, Mount Pleasant, and East Islip, N.Y., have encountered a growing reluctance by voters to approve increases in school funding.

We can wait no longer to respond to these parents. For too long have we listened to spokesmen of the National Education Association. Let us now respond to the need of the mothers and fathers of 52 million schoolchildren.

HEROIN EPIDEMIC

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. PEYSER. Mr. Speaker, reports of heroin epidemics spreaking through every major city in the United States are becoming more common these days. Estimates are that there are 200,000 heroin addicts in the United States today. No major city is safe from the heroin problem. One report of the problem appeared in the newspaper just last week describing the problem in our Nation's Capital.

[From the Washington Post, Feb. 5, 1971]

CITY "HEROIN EPIDEMIC" CITED

(By William L. Claiborne)

Heroin addiction runs as high as 36 per cent among all young men between 20 and 24 years of age who live in a three-square-mile area beginning six blocks north of the White House, the city's Narcotics Treatment Administration estimated yesterday.

A study by the NTA, based on residency of addicts treated by the city, says the District is engulfed in an "alarming heroin epidemic."

If the study's figures are accurate, nearly half the city's estimated 16,800 addicts live in a 7.7 square mile section of the inner city that encompasses the most densely populated portion of Washington.

The dimensions of recent increases in the estimate of heroin use here are so great, according to the head of the city's Narcotics Treatment Administration (NTA), that a nearly 10-fold increase in the $3.5 million-a-year antidrug program is needed.

Describing the recent increases in the estimated number of addicts—from 1,162 to 16,800 in 18 months—as "ominous," Dr. Robert L. DuPont said his own program is only "skimming the surface."

He conceded that part of the increase in the addict population estimate can be attributed to vastly improved reporting methods, but said that the 16,800 figure could even be low. The estimate is based on annual heroin overdose deaths, with one death representing an estimated 200 addicts.

Even as it treats 20 per per cent of the estimated addicts here, a larger portion than any other major city, the NTA program remains "grossly inadequate," DuPont said.

The comprehensive profile of heroin addiction, which DuPont released at a District Building press conference yesterday, contained the NTA's first attempt to locate the addict population by neighborhoods.

Using the city's nine service areas as a geographical base, DuPont's staff distributed the 16,800 estimated addicts according to the percentage of NTA patients living in each service area.

The inner-city sectors showed that highest concentrations of heroin use—ranging to 40 addicts per 1,000 population—and the areas west of Rock Creek Park showed the least concentrations.

The extent of heroin use measured in percentages of certain age groupings surprised even the NTA officials.

The survey concludes that in service area 6, the model cities neighborhood that begins north of the White House and extends eastward toward the Capitol, 24 per cent of youths between ages 15 and 19 and 36 per cent of those between 20 and 24 are addicted to heroin.

The area has a total indicated addict population of 4,066, which is 24 per cent of the city's estimated addict population, a ratio of 40.2 addicts per 1,000 residents.

The model cities area has the highest population density per square mile (30,917), the highest number of welfare cases (3,990) and the highest number of poor families, based on 1966 Census Bureau figures.

Service area 7, another inner-city sector just to the north of the model cities sector, also had a disproportionately large estimated share of the addict population.

The area also has an estimated 24 per cent of the addict population, but because total population is higher, the ratio per 1,000 is 30.8.

That 4½-square-mile area is second to the model cities section in density, welfare load and poverty, according to DuPont's study.

LEAST ADDICTION

The lowest rate of heroin addiction, according to the NTA extrapolation, is in service area 8, which includes everything west of Rock Creek Park.

That area has only an estimated 67 heroin addicts, for a per thousand ratio of only 0.8. The area has the lowest population density, the lowest welfare caseload and the fewest poor families.

The number of addicts undergoing treatment by private physicians is not known, but presumably inclusion of them would increase the proportion of addicts in higher income areas.

Third in the highest concentration of addicts per 1,000 population, according to the study, is area 5 (near Northeast and Southeast). This was followed by area 3 (east of the Anacostia River and north of Pennsylvania) and area 4 (lower Anacostia).

Those areas had 27.7, 19.9 and 18 heroin addicts per 1,000 population, respectively.

A study of the NTA's 2,759 patients showed that 95 percent were black, 80 percent were male, 30 percent were between the ages of 16 and 20 and 29 percent were between 21 and 25 years old. Only 8 percent were over 41.

Fifty-eight percent were single and the average last year of school completed was the 10th grade. The average number of arrests before treatment was 4.7 and the average number of convictions was 1.7.

MARIJUANA USE

Forty-nine percent of the patients said marijuana was the first drug they used, while only 9 percent said they started on heroin. Other hard drugs, including barbiturates and amphetamines, were listed as the first drug used by 35 percent of the NTA patients.

DuPont released another report yesterday that showed the results of a six-month followup study of 625 addicts selected randomly from five NTA treatment centers. The study, DuPont said, shows that addicts in the NTA program are less likely to be arrested than those who quit it.

Of the 475 adult patients in the group, 55 percent remained in treatment programs and only 19 percent of the 475 were arrested during the six months. The highest retention rate (86 percent) was in a group of the adults receiving high doses of methadone, the synthetic narcotic that blocks the craving for heroin.

The younger addicts in the program, most of whom were on abstinence treatment, did not fare so well. Forty-two percent of the youths surveyed were arrested during the six months, and only 40 percent remained in the program.

A LITTLE STURM UND DRANG AT HUNTING CREEK

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. VANDER JAGT. Mr. Speaker, Esquire magazine in its February issue published an article by Prof. Joseph Sax of the University of Michigan Law School. It is a finely detailed analysis of politics and the legislative process at their worst—and best. Political scientists will find it a fascinating, thought-provoking story, and it is one to stimulate the student in the classroom.

I insert the article by Professor Sax in the RECORD at this point:

A LITTLE STURM UND DRANG AT HUNTING CREEK

(By Joseph Sax)

You say you care about the environment, so: 1) read the following details to learn what you're up against; 2) write a hundred times, "Money Can Always Wait."

No one paid any attention at the time, but the Alexandria *Gazette* for June 16, 1962, clearly signaled the trouble that was coming. The headline writers featured it as a legal dispute over a land auction; in retrospect, they would surely have written a very different story. A man named Vaughan Connelly had developed an apartment complex in Alexandria known as Hunting Towers, located on the shore of the Potomac River about halfway between Washington and Mount Vernon. The apartment houses were sold in 1959, but Connelly retained an adjacent 4.8-acre tract at the confluence of the Potomac and Hunting Creek. He had also borrowed $800,000 from the Teamsters Union pension fund, on which he defaulted, and thus the little tract at Hunting Creek, secured as collateral for the loan, went on the auction block.

The *Gazette* was intrigued with the legal intricacies—two bidders each claimed to have won the auction—and with the company which this Alexandria property was keeping; for not only was Connelly in hock to the Teamsters and in bankruptcy himself, but the first mortgage on the property was held by a firm whose leading figure was under indictment in Maryland. The paper noted only casually in the last paragraph of a long article: "The land itself now contains a parking lot and a sailing marina and swimming pool which are no longer in use. It is zoned for commercial development which permit the construction of certain types of apartments."

Ultimately the tract was sold to the Teamsters Union pension fund for about $150,000 per acre. Of course, people like to live on a river's edge with a view of the water, and urban shoreline property is always highly prized. But the astute observer might have noticed the special feature which gave these few acres unusual value; they commanded access to a much larger adjacent tract of shallowly submerged land. With a little dredging and filling, that small tract could be expanded into a much larger peninsula of land, with a magnificent vista of the Potomac and the Washington skyline.

There were a few complications, to be sure, but nothing that would seem insuperable to a sophisticated developer. Because states ordinarily hold title to submerged shorelands in trust for the benefit of the public, it would be necessary to settle claims of public ownership. Filling in navigable waters also requires a permit from the U.S. Army Corps of Engineers. And while the area was scarcely of wilderness character, it did provide a nesting area for diving ducks and adjoined land managed by the National Park Service. Any proposed development would thus have conservation implications, but it was hardly the Grand Canyon or the Redwoods. Quiet diligence was called for.

The first step was taken October 9, 1963, when applications to fill 36.5 acres of submerged land adjacent to the 4.8-acre tract were filed with the Corps of Engineers by Hunting Towers Operating Company, owner of the existing apartment houses, and Howard P. Hoffman Associates, a New York real-estate firm which held a contract to buy the 4.8-acre upland tract from the Teamsters pension fund.

Shortly after application for a landfill was filed with the Corps, a state legislator from Alexandria, James Thomson, introduced a seemingly routine bill into the Virginia House of Delegates. It recited, with the usual "whereases," that the owners of the Hunting Creek tract claimed riparian rights to the shore and wished to fill that land "so that productive use may be made thereof." It therefore authorized the Governor and Attorney General to execute a deed to 36.5 acres—the same submerged land for which a fill permit had been filed with the Corps—conveying all the state's right, title and interest for a sum to be fixed by the Governor, but not less than $60,000, about $1,650 per acre.

The bill was reported out of committee in four days. Two weeks later it passed the House unanimously on a day when a hundred bills were taken up. In another two weeks it was unanimously passed by the Senate on a day when sixty bills were before that body, and it became law soon thereafter. The bill engendered neither controversy nor debate as it made its way through the Virginia legislature. The document itself was not calculated to capture attention; beyond the brief statement of purpose mentioned above, its text was nothing more than a lengthy legal description of the land in question, with the classic metes-and-bounds description of the "thence running south 2707.33 feet" type.

To all appearances, it was a conventional piece of legislation settling a title uncertainty. While the bill was pending there was no public objection, which is hardly surprising, since its existence seems to have eluded the attention of everyone but its proponents. Even upon its enactment, the law received no mention in the newspapers, and Representative Thomson did not feel moved to issue a press release informing his constituents of his achievement. As the local paper put it many months later, the bill "was not mentioned in public statements by local legislators as among the activities of the session."

Because the bill involved their area, other local legislators were routinely informed. Marion Galland, who also represented Alexandria, was visited by the lawyer for Hunting Towers, whom she knew socially. He told her he was having Jim Thomson introduce the bill. "It's only a little old bill to use some wasteland," he said, "and it will bring increased tax revenues." Since he did not ask her to sponsor the legislation, and because she was not aware of any objections to it, she made no further inquiries.

It was not until some months later that she began to hear from friends in the immediate area that the law had significant conservation implications. As opposition became more vocal, Mrs. Galland publicly announced that she would have voted against the bill had she known at the time the information which was later brought to her attention.

Was she saying that a bill which was essentially the reflection of a single delegate's desires could become a duly enacted law of the states? "In a two-month period, we have before us fifteen hundred bills," she said. "Nobody is going to know enough to raise the red flag unless it's called to attention." But while the bill was pending no one outside the legislature even seemed to be aware of its existence. Where is the initiative to begin? "That is precisely the point," Mrs. Galland replied. "Citizen groups do not get alarmed in time, and developers are smart enough to associate themselves with the ruling caste in the legislature. The power structure in the legislature is allied with business interests."

Between March, 1964, when the bill was signed into law,[1] and the summer of that year, public opposition began to mobilize. It was not yet too late, for the Governor had not signed the deed to the land. In July, however, there was still every reason for the developers to remain confident; on the 30th the Alexandria paper carried the headline, "Animal Welfare League Attempts To Stop Landfill." The League had written the Governor and Secretary of the Interior Udall, noting that while its interests might seem remote from a landfill proposal, ". . . we have become acutely aware of the dislocation of wildlife. We have had to 'rescue' some forty opossums and assorted other animals, birds, and reptiles that have been forced into the city. We can only speculate as to how many others have been starved or have been killed off in the competition for survival in their dwindling habitat. We cite this experience to indicate our very real interest in saving the natural areas that remain around Alexandria."

---

[1] *Ch. 456 of the Acts of Assembly of Virginia (March 31, 1964).*

With the mild-mannered Animal Welfare League as their only vocal opponents, the developers did not yet have much to worry about. Joel Broyhill, the local congressman, had also received a letter from the League, and his legislative assistant announced that Congressman Broyhill was keeping the matter "under serious consideration." The assistant added, "He's watching it very carefully." Enter and exit Mr. Broyhill.

Meanwhile, Mrs. Galland, who had been asked to prevail upon the Governor not to sign the deed, failed to do so. She fully intended to, as she recalled five years later, but went off to Europe with her husband that summer and simply forgot all about it. In any event, Mrs. Galland noted, her representations would hardly have been likely to be effective, and that is what she had meant about developers associated themselves with the "ruling caste in the legislature." For Jim Thomson, the bill's sponsor, was a powerful member of the House leadership, and was related by marriage to the Byrd family, epitome of the establishment in American political life. The Governor would have been unlikely to go out on a limb for some bird watchers whose cause was being advanced by a junior delegate from Northern Virginia.

Mrs. Galland was only speculating, however astutely. But several years later another Northern Virginia legislator found out precisely how right she was. Representative Clive DuVal who represents Fairfax County had also been asked to intervene; he wrote the Governor and asked him to withhold action on the deed. The Governor was studying the matter; when he left office six years after the bill became law, he was still studying.

As of the Summer of 1964, the emerging landfill controversy was in suspended disarray. Enough had happened to indicate a degree of local opposition, but the opponents seemed to have nowhere to go. The legislature was out of session; the Governor's position was uncertain and there was no basis for confidence that he would not sign the deed rather soon after the matter got out of the newspapers. The Animal Welfare League, local opponents of high-rise buildings and scattered conservationists were not not mobilized for decisive action. The bulldozers might soon have been at work if attention had not shifted suddenly and surprisingly to the federal scene.

The fill permit was still pending before the Corps of Engineers. As is customary in such matters, the Corps referred the application for comment to the Bureau of Sport Fisheries and Wildlife of the U.S. Department of the Interior. The inquiry went to the regional office in Atlanta; there, as is also customary, it received what is known as a desk review. That is, officials looked over the documents and without further investigation decided that the matter was not worthy of a field investigation in light of their limited staff and other pressing business. Ordinarily, in such circumstances, the application would have been returned to the Corps without comment—giving neither Interior's approval nor disapproval.

In Washington, however, it was decided that a study should be made. "The reason that this was done," Dr. John Gottschalk, Director of the Bureau, later explained, "was because at this time, back in 1963 and 1964, there was an awakening of interest in trying to do something about improving the character and condition of the Potomac River." The regional office was ordered to make a study and report, and they determined to oppose the permit. The Corps was so informed in March, 1964; in June, at the Corps' request, a detailed statement of opposition, with supporting data, was prepared by the Fish and Wildlife Service.

At this time, while rudimentary efforts were still being made at the state level to keep the deed from issuing, the project's opponents apparently were unaware of the strong dissent which had been entered by the Interior Department, and which was sitting in the Corps' files. Probably the report would ultimately have been brought to public attention, but no effort was then made to publicize it either by the Corps or the Interior Department. Local opponents and federal officials each went their own ways. Indeed, as late as August of that year, months after the negative study of the Fish and Wildlife Service had been filed, the local paper reported only that Secretary of the Interior Udall "is believed to be particularly interested in preserving Dykes Marsh," an adjacent area. It wasn't until December—when the project had already been shelved—that a report appeared in the paper stating, without elaboration, that the application was opposed by the Fish and Wildlife Service.

Sometime during the Summer of 1964, again quite independently from the activities of local opponents, three United States Congressmen became interested in the landfill application, and protested to both the Corps and the Department of the Interior. The three, Henry Reuss of Wisconsin, John Saylor of Pennsylvania and John Moss of California, all are staunch conservationists, though it has never been clear why they undertook to intervene in this particular matter, which at the time seemed only one of thousands of local conservation controversies. Apparently they were not acting at the request of local citizens. Perhaps the presence of a controversy in the Potomac, almost literally in the shadow of the Capitol, attracted their attention, as it did that of the Fish and Wildlife Service. Some observers think it relevant that Congressman Moss resided and owned land in the affected area of Alexandria.

In any event, by autumn a combination of opposition forces had coalesced sufficiently to halt the project. With an adverse technical report from its staff and protests by several congressmen, Interior was obviously going to stand in opposition; local opposition was overt enough—if not independently powerful—that denial of the permit could not be viewed as an affront to a united Alexandria community. In December, the Corps wrote the applicants that it would take no further action to approve the requested permits. Interestingly, they did not deny the permits, nor did the proponents withdraw their applications. The proposal was simply shelved. Experienced opponents might have sensed that the time was ripe to move in for the kill, and seek a decisive rejection of the permit. But the Animal Welfare League and its allies do not have an institutional instinct for the jugular. The battle appeared to be won, and no one seemed inclined to disturb that rare event, a conservation victory achieved with relative ease.

Of course the developers had barely begun to fight; but they do not favor open combat. For three full years the Hunting Creek landfill dropped out of public attention. When the dispute got back into the headlines much later, the *Gazette* published an editorial entitled "Landfill Lull," and quoted a local speculator who, upon being denied a rezoning in another matter, had remarked philosophically, "Money can always wait." It should be inscribed on a plaque at Hunting Creek.

While others went back to saving opossums, the developers hired themselves a law firm in which one of the principal partners was the nephew of John McCormack, who was then Speaker of the U.S. House of Representatives. There is no evidence that Speaker McCormack himself ever became involved in the Hunting Creek matter, but perhaps there is, after all, something in a name. Mystery shrouds the activities of the developers and their law firm between December, 1964, when the landfill application was inactivated and October 10, 1967. But then the most extraordinary thing happened.

Without any prior indication, the Assistant Secretary of the Interior for Fish and Wildlife and Parks, Stanley Cain, sent a letter to the Corps, noting Interior's previous opposition to the Hunting Creek landfill; it continued: "However, since that time we have reconsidered our interests in this matter, in the light of existing conditions in the area. We have concluded that the granting of the applications would not significantly affect recreation or conservation values in the Hunting Creek area. Accordingly, we withdraw the objections interposed to the granting of the permits in accordance with the revised applications."

In the three-year period preceding Cain's letter, the developers had reduced the acreage sought to be filled, in response to concerns about Alexandria's sewage-disposal and riparian rights asserted by the National Park Service's adjacent land at Jones Point; however, even with those changes the Park Service and the Bureau of Sport Fisheries and Wildlife maintained their objections to the fill. In fact, Cain's statement in his letter that "we have reconsidered our interests in this matter" was supported neither by new field studies nor by revised evaluations on the part of expert staff members.

Indeed, Cain had not even notified Dr. John Gottschalk, Director of the Bureau of Sport Fisheries and Wildlife at Interior, that the letter had been sent, though Gottschalk was the official upon whose staff reports opposition to the permit had been based. More significantly, as it turned out, Cain failed to notify those congressmen who had earlier expressed opposition to the landfill. The various responses of concerned officials and agencies to Cain's unusual course of action are most instructive.

The first one to learn about the letter was Dr. Gottschalk, who at all times during this extended controversy remained firm in his opposition. Nonetheless, when Gottschalk was interviewed in 1969, he described his reaction this way:

"Someone in the Department called to tell me about the letter that Stan Cain had sent, withdrawing opposition to the permit, and I went charging over to see Cain. I said to him, 'Do you realize what you have done? You have fixed it so that we can't help you even if you really want to do this, and I don't think you do.' Cain replied that he understood this withdrawal of opposition was what the Secretary wanted, that Congressman John Dingell, chairman of the important subcommittee on fisheries and wildlife conservation, had withdrawn his opposition and that, as he understood it, the value of the area was not great."

What had Gottschalk meant about Cain fixing it so that Gottschalk couldn't help him? He replied that "Cain had been nudged," and that he would have been willing "to try to protect Stan against getting a bloody nose because of the response likely to arise from members of Congress opposed to the project when they found out that Interior had withdrawn its opposition."

When asked how he could have protected Cain, Gottschalk said, "Stan could have twisted my arm, maybe," that the Fish and Wildlife Service might have reconsidered their technical investigation and have provided a report upon which objections could be withdrawn. "But," he observed, "Cain said, 'I'll take the political heat for this; that's what I'm paid for.' "

Dr. Gottschalk didn't know and said he didn't want to know the source of the political heat that had "nudged" Cain. These comments by Dr. Gottschalk followed a rather extended monologue in which he strongly affirmed his feeling that to have permitted the landfill would have been a grave error, "a terrible opening wedge," as he described it, "the key to opening the door to destruction of the Potomac."

One is rarely privileged to see the interplay between personal relations and policy making so clearly displayed. Certainly Cain and Gottschalk mutually respect each other. Had Cain come to Gottschalk before the letter was sent, he would undoubtedly have been treated to a vigorous argument against the landfill permit. But Cain was considerate enough not to want to involve his colleague in the intricacies of weighing political and professional judgments against each other. Once the letter had been sent, and the damage done, Gottschalk's first thought was for the impact on his associate, a skilled expert, naïvely trapped in a politically untenable situation.

It did not take long for Assistant Secretary Cain to find out just how badly trapped he was. On November 16, Congressman Moss wrote Cain to find out if it was true that the Department had withdrawn its opposition, and Cain replied with a letter that set himself even deeper into the dilemma: "This responds to your letter of November 16. . . . While it is true that this Department interposed objections to both the original applications and the revised applications, the conservation values which would have been affected were relatively minimal. I understand that objections on conservation grounds were filed, nevertheless, in support of opposition to the proposed development from other governmental sources. However, much of the opposition has been withdrawn and it seems to us to be the sensible course of action to withdraw our objection . . . since it was made primarily in support of those who, in part at least, have now changed their minds." Like a good cross-examiner, Moss played his cards out slowly, letting the witness build bridges he then would have to pass. "I assume," Moss wrote, "the original action of opposition was based on careful studies of the effect upon wildlife. . . . If my initial premise is correct, then certainly there must be some sort of study upon which you based your subsequent action. Or is it your intention to tell me that you made 'a judgment' without any additional studies by the experts of the Fish and Wildlife Service?"

Of course Moss knew the answer, and he got what he wanted. A letter from Cain stating, "I can tell you that I did make a judgment without any additional studies of the fish and wildlife values at the site."

Finally there was the Corps. Being in receipt of Cain's letter, they blandly informed Congressman Reuss that the Corps was considering issuance of the permit. Thus matters stood at the end of 1967. At the state level, things were quiescent; no doubt state officials were glad to have responsibility for an increasingly divisive issue shifting to the federal government. The Governor still had not issued the deed, and the question was still being studied in his office. Local opposition was very quiet and apparently unaware of the heat being generated among federal agencies; the newspapers carried no Hunting Creek news between December, 1964, and December, 1967.

Strategically, it was not clear in December where the center of gravity of the controversy lay. Interior had locked itself into an uncomfortable posture, but thus far it was an unpublicized discomfort. Congressional opposition was strong, but very limited; congressional advocates of the project—if there were any—were being very reticent. Congressman Dingell's name had not been mentioned openly, though obviously it was his changed attitude—quitely withdrawing earlier quiet opposition—to which Cain had referred in his letter to Moss. The Corps was seemingly indifferent and probably wanted to get the matter resolved with as little noise as possible, whichever way it was to go. Theirs was a consensus, self-protective strategy, as it usually is in the implementation of their dredge-and-fill-permit function. Aware of significant differences of opinion about the project, the Corps decided to hold a public hearing.

By mid-December, it became obvious that Interior was not going to back down. Congressmen Moss and Reuss had a meeting in their offices on December 12 at which Cain was asked to appear; he sent an assistant in his place. In the world of Washington symbolism, that was an important clue. If there were any doubts, they were resolved in January, when Cain informed the Corps that Interior would not testify at the forthcoming Corps hearings.

Plainly something had to be done if the process was not now to move along inexorably toward a grant of the permit. It was time for the technique of the "new revelations, new dimensions to the controversy." On December 16, 1967, Hunting Creek hit the newspapers again with the headline "Apartment Foes Cite Race Issue." Moss and Reuss were charging that Hunting Towers, one of the applicants, was a notorious practitioner of racial discrimination, and they sought to bring the Corps directly into the issue by asking the Secretary of Defense to reject the landfill application on the ground that it would serve a segregated apartment project, and particularly one that discriminated against Negro servicemen.

It was a nice ploy, but it wasn't enough. Somewhere along the line, Hunting Towers withdrew its application from active consideration, and the permit had been reduced to a request for 9.5 acres of fill sought solely by Howard P. Hoffman Associates. This might have been the time for a careful examination into the underlying ownership of the various interests involved, which were at best confused and complex. It might not only have cast some light on the mysterious change of position by Stanley Cain at the Interior Department, but could conceivably have been used in illuminate the controversy's relation to the Byzantine world of real-estate development.

The economic interests in the land are tantalizingly vague. Howard P. Hoffman owns a contract to purchase the Hunting Creek tract (for which the permit is sought) from the Teamsters pension fund. While Hoffman refused to reveal the terms of the contract, it presumably would be economically advantageous to the pension fund if the permit were granted, for Hoffman's obligation to purchase the land from the Teamsters was apparently conditional upon obtaining permission to fill. Hoffman also says that he alone, with minor interest held by members of his family, is the sole owner of the right to purchase the land from the pension fund. Yet at the Corps hearing in 1968 a man named John Schwartz, of Columbus, Ohio, testified that he was part of Hoffman Associates and said, "I own an important part of the land under question here." Hoffman, however, says that Schwartz does not have any interest in the proposed development at Hunting Creek. Mr. Schwartz remains much of a mystery, except, as we shall see, that it was he who indirectly brought Senator Birch Bayh into the Hunting Creek morass.

Hunting Towers itself was sold in 1959 to a group of investors, who themselves sold the apartments in 1964 to people whom the firm handling the transaction would describe only as a group composed of "very well-known men from New York." When interviewed in 1969, Hoffman's lawyer, Sanford Grossman, said that one of the owners of Hunting Towers was Thomas E. Dewey. Upon receiving notes of that interview for confirmation, Grossman replied, "You have quoted me as making an affirmative statement of fact about Mr. Dewey, for which I would have no basis. I believe that in response to your query it might be said that: 'We have heard names like Mr. Dewey associated with this property.' "

Whether this landfill is consistent with intelligent planning for the Potomac River Basin ought not to depend on who wants it filled—not, that is, unless the government agencies charged with worrying about the Potomac themselves worry about who wants it filled. The staff counsel for the congressional subcommittee which ultimately held hearings on Hunting Creek was asked whether his investigations had revealed the identity of the investors. They had not, he said, because he had not been asked to discover this information by the congressmen involved. He seemed slightly miffed at the suggestion that a study of Hunting Creek should have been turned in this direction; the issue, he said, involves resource policy—whether we are going to let the Potomac be nibbled away by such developments—and not political influence.

The Corps hearings on February 21 were something of an anticlimax. The proponents explained their project, and rested essentially on the ground that the area in question was already seriously degraded, an assertion which no one ever questioned. Congressman Reuss spoke at length in opposition, reiterating that the technical objections of the Interior Department had never been rebutted, that the racial-discrimination problem should be considered and that the project should not be approved so long as Hunting Towers practiced discrimination even though its owners were no longer formally associated with this application.

Local citizen groups asserted that despite its present condition, the area retained important wildlife values, and—more significantly—that the way to deal with past mistakes in development was not to repeat them, but to correct them with restoration of the estuary.

Perhaps the most notable aspect of the hearing was the absence of state and local government agencies. The Governor, still studying away, sent no representative either from his office or from any other state agency such as the Game and Fisheries Commission. No state legislators or county officials appeared, and a representative of the City of Alexandria testified that the city concerned itself only with the engineering aspects of sewage disposal, and that it "has taken no position with respect to the aesthetic or conservation aspects of the proposal."

And, of course, there was no representative of the United States Department of the Interior, the only agency whose personnel had studied the landfill proposal. Although "the concerned Bureaus usually do appear and testify at Corps of Engineer hearings," Assistant Secretary Cain had decided that "this is an exceptional case in which . . . we decided there was no need to appear." It would seem that the most exceptional thing about the case was the fact that Cain's withdrawal of Interior Department objections had been made without the knowledge or agreement of the Bureaus involved.

What happened next—between the time of the Corps hearing in February and its action on the application in May of 1968—involved one of those fortuities which seem endemic to the governmental process. Mike

Frome, a well-known outdoors writer and conservation editor of *Field & Stream* magazine who lives near Mount Vernon, became involved in the case. According to Frome: "I found myself one day enjoying the most delightful daydream, in which I was privileged to spend my career writing about the natural and intellectual glory of America . . . and then the telephone rang. . . . It was a little old lady in tennis shoes. I could tell by the tone in her voice. . . . 'I have read your article in *Southern Living* about the Everglades,' said she, 'but you do not fully impress me. It is one thing to advocate protection of endangered birds a thousand miles away, but why have you been silent about endangered birds at Hunting Creek on the Potomac River, close to your home?' The lady left me no alternative but to pursue the issue."

Frome began to make inquiries, and Cain began to get worried; Dr. Gottschalk's predictions of the previous October were beginning to come to pass. Uncomfortable as his relations with Reuss and Moss were, they were at least quiet thus far, limited to abrasive letters sitting in congressional and Interior Department files. But the anticipation of publicity from a noted conservation writer would be most unpleasant. Cain at last began to realize just how unprotected he was in having withdrawn objections to the permit without any support from his experts.

On March 15, 1968, Cain sent the following formal memorandum to the Bureau of Sport Fisheries and Wildlife: "The pot still boils on the decision I made some time ago to remove objections to this permit. . . . The latest difficulty arises from Mike Frome who has asked that I reverse myself. . . . Today I had a chance to speak to Secretary Udall about the problem. He had earlier relegated the decision to me and had raised no objection to what I did. He merely wishes that we get a scientific-technical basis that can be stood on, whether we go 'yes' or 'no' on issuance of the permit. . . . Whatever the judgment of the Bureau turns out to be, I will go with it, as will the Secretary. Incidentally, I will not be bothered by reversing myself, if it will turn out that way. And if it doesn't, I'll have to take Mike Frome's possible barbs. *C'est la guerre!*" On April 4 George B. Hartzog, Director of the National Park Service, replied: "An important principle; that is, the preservation of our fast-disappearing environment . . . would appear to me to be involved here. The bills before Congress to preserve estuarine areas, and the Potomac River study as well, highlight the need to preserve the natural environment along the Potomac estuary. . . . The alteration of wetland areas . . . where they are at a premium . . . could set a precedent which might have disastrous consequences along the Potomac estuary and elsewhere. In short this small concession at Hunting Creek might be pointed to as a precedent for the right to undertake far larger and more destructive high-rise projects in other embayments along the Potomac. All things considered, I recommend the desirability of the Department restudying its recent decision at Hunting Creek [i.e., the decision to withdraw opposition to the proposed landfill]."

On April 8 Cain responded to the Park Service with a memorandum that, though probably written to be self-serving, was to be much regretted when Congressman Reuss got hold of it. ". . . I would like to clarify my role, which has not been an enviable one. I was told . . . that the original field report . . . was in weak opposition to the permit and that the fish and wildlife values claimed for the area were 'upgraded' here in Washington . . . that this was at least partly in response to certain congressional opinions . . . before I was Assistant Secretary. When the matter was brought to my attention . . . I was informed that some of the congressional objections had been withdrawn. John Dingell had done so in writing. . . . It was implied that others were no longer opposed. *It was at that point that I withdrew Interior's opposition, a decision based first on political considerations* and second on the feeling that the values were not great in the area to be filled. . . . I will be happy to reverse myself if [Fish and Wildlife] makes a strong case and if [the National Park Service] can give me evidence of the important values." (Emphasis added.)

The next day, April 9, Dr. Gottschalk sent Cain a strong memorandum in opposition to the landfill, concluding, "I think we must urge the Corps not to grant this permit." On April 10, Cain wrote Gottschalk, "I am in the position of having to accept your statements of the . . . values associated with the site . . . and I do so gladly. What this means is that I am now reversing the position that I took earlier." That same day Cain called the Corps to tell them that he had reversed himself.

Cain didn't act a moment too soon, for the Corps was about to issue the permit. At this point the Corps decided to refer the matter to the Under Secretary of the Interior for his formal decision as to the position of the Interior. Why exactly the Corps did this, rather than simply accepting Cain's reversal of position as a reinstatement of objection to the permit, has been a matter of some dispute. There was in effect a memorandum of understanding between the Corps and Interior requiring that "unresolving substantive differences" on landfill permits be referred to the Under Secretary of the Interior.

Whether there were unresolved differences is not clear. The Corps never took the position that it desired to issue the permit even if Interior opposed it, and, indeed, earlier they had taken just the opposite position. That is, they had refused to issue a permit so long as Interior opposed it. Nor, as of April 10, were there differences of view within Interior. Everyone there at that point agreed in opposing the permit.

The precise meaning of the memorandum of understanding is irrelevant. The point is simply that as of April 10 the Corps seemed to have a choice; they could have accepted Cain's current opposition as the position of Interior and gone on from there, or, as they did, have referred the matter back to Interior for another view by a more highly placed official. As it turned out, it made a difference; the Under Secretary, David Black, reversed Cain's reversal of Cain's earlier reversal of departmental objections. By late April Interior was back to its earlier no-objection position; and the next month the Corps granted the permit.

If the attempt to keep Interior's formal positions straight seems confusing, it is not nearly as confusing as the underlying facts. Why had Cain undergone this change of mind between October of 1967 and April of 1968? One version, taken from departmental memos, has already been described: Cain, under pressure from prospective bad publicity, felt impelled to take a current position which was supported by the evidence, the theory being that at best he could support his existing position with expert views, and at worst would have to reverse himself. But he would at least have a present position which could not be criticized. He got the evidence, reversed himself on that basis and accepted the professional judgment of his staff "gladly," if with some embarrassment.

Dr. Gottschalk tells essentially the same story, but in a version which makes Cain look rather better. The story begins the same way, but ends with Cain coming into Gottschalk's office and saying, "John, I've been thinking about Hunting Creek and I decided that I was wrong in changing my mind, and I'm going to change it back and reinstate my opposition. A lot of people have been talking to me, and I've decided that I had bad advice when I signed that letter last October. If I made a mistake, I want to correct it."

Oddly enough, Cain explained his April reversal in terms that are far less flattering to himself. In July Cain told a congressional committee that it was his present position, as of July, 1968, that Interior should not have objected to the landfill. He was taking the position that Interior should *not* have opposed the granting of the permit, that he had been right in October 1967, and wrong in April, 1968, when he reinstated opposition. How, he was asked, did he come to reinstate his objections in April?

Here is his testimony, taken directly out of the printed congressional hearings: [2]

Dr. CAIN. I also explained that by saying that a good deal of impact had come on me in the interim [between October of 1967 and April of 1968] from one source or another. I called together my personal staff . . . and my flip flop—and there is only one—is that I was advised by them unanimously to change my position, because if I did not I would have trouble.

Mr. VANDER JAGT. And did you?

Dr. CAIN. Yes, I changed it. Because I had the unanimous advice of my staff to do so.

Mr. VANDER JAGT. And now you are changing that position?

Dr. CAIN. But I have also told you that my personal opinion, taking everything into consideration, today is the same as it was on October 10.

Mr. VANDER JAGT. So your reversal of your reversal you do not agree with anymore. In your personal opinion, you just did that because your staff told you to do it?

Dr. CAIN. That is right. That is what I have said. I followed my staff. . . .

Mr. VANDER JAGT. So when you reversed the reversal you did not agree with that action that you took: is that correct?

Dr. CAIN. I think I agreed with advice that this was probably in a tactical sense to my advantage. . . .

Dr. CAIN. I explained that that reversal, if you please, was made on the unanimous advice of my staff for nonscientific, nontechnical reasons.

This extraordinary admission will seem peculiar only to one who fails to sense the rhythm and nuance of the governmental process. It must be remembered that this testimony, given in July, came while the official Interior Department position—determined by the Under Secretary—was one of no opposition to the permit. Thus Cain's testimony, self-deprecatory as it was, put him in agreement with his superior, the Under Secretary, and in accord with the Corps, which by then had granted the permit, largely on the basis of the Under Secretary's no-opposition position.

As of mid-April, 1968, the matter was in the hands of David Black, Under Secretary of the Interior. Black's role has been a matter of some controversy. A number of people—including the congressional investigators—seem to think that the question was referred to him by the U.S. Army Corps of Engineers because it could be anticipated that he would take a politically acceptable position of no opposition, which Cain at that point was either unwilling or unable to take.

Whatever Black's motivation, and however much or little he was attuned to the politics of the landfill, the significance of his intervention has quite a different point. For Black overtly rejected both the technical staff studies recommending opposition and the professional judgment of people like Gottschalk. Whatever Black's views were about conservation, the point is that he was a lawyer, and that his judgment about Hunting Creek represented a *legal* analysis of the Interior Department's role in the case. As he himself later explained, "I have the deepest respect for the scientific and technical capability of the Department's staff. I seek and value their advice. I yield to it on technical matters and am influenced by it on policy issues. In my view, however, the views expressed by some of those staff members in this instance represented subjective value judgment or preferences not based on clearly demonstrable evidence . . . to interfere with the use of private property to the extent of preventing its development requires some basis in law, supported by convincing proof that public values are threatened. . . . The record . . . persuaded me that a return to the departmental position of blanket opposition to the permit would constitute arbitrary and capricious action."

---

[2] Permit for Landfill in Hunting Creek, Virginia, Hearings before a Subcommittee of the Committee on Government Operations, House of Representatives, Ninetieth Congress, Second Session (1968). Part 2, Ninety-first Congress, First Session (1969).

One can be perplexed by Black's analysis on a number of grounds. His law itself is odd, to say the least, for it is hardly clear that an application to fill navigable waters (which is the basis for Corps jurisdiction over the application) is a "use of private property." Even if he were correct, however, it seems clear that the matter was not referred to Interior for a legal decision on that question. Since the Corps is the permit-granting agency, presumably it is to make the decision whether the evidence presented is legally sufficient to support the conclusions sought to be drawn from that evidence. The statute under which such permits are referred by the Corps to Interior makes this quite explicit. It provides that the Corps "shall consult with the United States Fish and Wildlife Service . . . [to obtain] the reports and recommendations of the Secretary of the Interior . . . *based* on surveys and investigations conducted by the United States Fish and Wildlife Service . . . for the purpose of determining means and measures that should be adopted to prevent the loss or damage to such wildlife resources. . . ." (Emphasis added.)

These things are not noted in order to explicate the law relating to dredge-and-fill permits, but rather to indicate the extraordinary change of role which occurred with Black's intervention. If the permit decision on a matter like Hunting Creek were someday to come before a court, for example, the conventional judicial response would be a refusal to look behind the decision on the ground that it is not the function of the courts to second-guess the special expertise of "those who know best."

This may be perfectly sensible if in fact the decision were the decision of aquatic biologists about impacts on fish and wildlife. But, in the Hunting Creek case, the decision reflected in the Interior Department's position as determined by Under Secretary Black—himself a lawyer—is simply a legal determination that (1) private property is at stake, (2) that Interior is not authorized to oppose the filling of that property in the absence of "convincing proof that public values are threatened," and (3) that the record contains no such convincing proof.

It is rather an intricate game that is played here. When an official like Black is brought before a congressional investigating committee and asked why he overruled his technical experts, he explains that he made a determination of law that their conclusions were not supported by the evidence. But had they been brought into a court, it is predictable that Department of the Interior's lawyers would have defended the decision as a matter of expert discretion which judges are neither competent nor authorized to probe or overrule.

One would have to search very diligently to find a government department saying, in any lawsuit where its technical experts were under challenge, what Under Secretary Black said at the hearings in explaining why he had departed from the advice of those experts. Staff experts, he indicated, were really concerned about a bad precedent, and not about the values of this particular area, though they had sought to identify values at Hunting Creek. As to this, Black said, ". . . we can take our stand on legitimate grounds and support them on the basis of real conservation values, not make weight arguments and statistical manipulations. . . ."

Mr. Moss. Are you charging that your Bureau of Sport Fisheries engaged in statistical manipulations?

Mr. Black. I think that statistics can be very misleading. And I think it can be demonstrated at this point that they are.

Mr. Moss. That isn't what you said. You said statistical manipulation. I regard that as a charge that your subordinate agencies have engaged in that practice. Is that what you want this record to reflect?

Mr. Black. Our subordinate agencies are very vigorous in protecting the interests that they deem within their particular parameter.

Mr. Moss. Is it your allegation that they have engaged in statistical manipulation?

Mr. Black. That was my testimony.

Mr. Moss. All right. I just wanted it to be clear.

This brings us back to the Corps. As of April, they were waiting to make their decision. Presumably one important element they were to consider was the evidence brought out in the February hearing. At that time, however, the public knew nothing about the internal machinations at Interior; in February Cain had not yet repented of his opposition, whether for scientific or tactical reasons. It was only known that the official departmental position was one of no opposition. Despite all the changes in the interim, the Corps did not decide to hold a second hearing. And when the Corps finally received Black's letter of April 26 reinstating or affirming a no-opposition position by Interior, it is not at all clear how they were to evaluate that letter, whether it was to be treated as a legal statement, a policy position about development of the Potomac, a judgment about the politics of the case, or an evaluation of the technical data available. Black's April 26 letter to the Corps hardly made things clear. The critical paragraph said: "As to the damage to conservation values, I have received and considered the views of people in and out of this Department. . . . I have also made a visual inspection of the affected area. . . . While there is no doubt of the opinions reached by those concerned with the conservation impact, their position is founded on subjective judgment considerations rather than any factual evidence which would support valid objections by this Department."

The Corps was at this point in what Cain had elsewhere described as "an unenviable position." No one but the Interior Department had actual studied the area and they had no objection to the permit. Nonetheless it was obvious that Interior was not following the advice of its own experts. The City of Alexandria was unwilling to take a position on anything but sewage disposal. The County had made no appearance. The Virginia Commission of Game and Fisheries was of the view that since the legislature had passed a statute authorizing conveyance of the land in 1964, the matter of possible effects of the landfill on waterfowl or other wildlife resources of the state had been decided by legislative action.

The Corps might have set out to make its own investigation; things were certainly tangled enough at Interior to suggest the usefulness of a fresh viewpoint. But that would have been to thrust itself into the middle of what was at best an uncomfortably controversial matter in which a lot of people would be dissatisfied with either outcome. The prudent thing was to be deferential; if Interior—the principal government agency with expertise on the matter—could find no basis for objection, the safe course was to issue the permit and let Interior take responsibility. Even though everyone knew that Interior's expertise had not been determinative of the Department's position.

Far from being over on May 29, 1968, when the Corps issued the permit, the Hunting Creek controversy had barely begun. The wrath of a congressman frustrated is something to reckon with, and Henry Reuss had reason to be more than a little annoyed. He had fought hard and long, had made his interest very clear, and been treated rather cavalierly by Interior; they had not bothered to keep him informed of various developments as they occurred, and even when he and Congressman Moss had made specific inquiries, they had been met with that very special kind of vague response which governmental officials usually reserve for obscure citizens. Moreover, it was obvious that something peculiar was going on at Interior; the situation was clearly ripe for a congressional investigation.

To have an investigation, however, you have to have a committee. Unfortunately, in the Ninetieth Congress Reuss didn't have one, but he was a member of the Natural Resources and Power Subcommittee of the House Committee on Government Operations, chaired by Congresman Robert Jones of Alabama. Though Jones himself had never evinced any interest in Hunting Creek, he agreed to hold hearings on the matter at Reuss's and Moss's insistence. As things go in Congress, it was an act of courtesy and grace; Jones essentially lent Reuss the services and staff of the subcommittee. Hearings were set for June, 1968, and letters were sent out under Jones' signature to the Corps requesting it to advise the permittee not to begin construction pending the hearings, and to the Governor of Virginia, informing him that hearings were to be held and inquiring about the status of the deed. Clearly such letters under the imprimatur of a powerful and respected congressman like Jones were enough to ensure that the deed would not issue, and that construction would not begin until the hearings had been completed.

Much of what the hearings revealed has already been indicated; in general, suffice it to note one Interior Department official's later observation that "the hearings were an emotional shocker for all of us." The principal victim, of course, was Assistant Secretary Cain whose "flip-flopping" was the subject of much lively discussion, and whose indiscreet memorandum, admitting that he had made "a decision based first on political considerations," was put triumphantly into the public record.

One matter that greatly interested committee members was how Cain had happened to write the letter of October, 1967, withdrawing Interior's objections. Had the Fish and Wildlife Service changed its position, they asked. No, it had not. Had Cain himself ordered or made a new field study, or had he himself reviewed the earlier studies, being an expert on these matters? He had not. Had he discussed his change of position with those officials before informing the Corps of this reversal? No, he had not. What, then, did inspire that October letter?

The first contact he had with the Hunting Creek matter, Cain explained, was "when this letter [withdrawing the objection] came to my desk asking, would I be willing to sign it." The letter was written by a fellow named Bernie Meyer, a lawyer in the office of the Solicitor of the Interior Department. Meyer had been asked to draft a letter withdrawing the objections by a fellow named Bill Pozen, a staff man in Secretary Udall's office. And how had Pozen come to ask Meyer to write letter for Cain to sign? "I may as well explain," answered Cain. . . . "I did get likewise from Mr. Pozen the sense that there was somebody that wanted this decision as fast as they could get it. . . . Mr. Pozen typically got numerous calls, handled numerous calls from all kinds of people on numerous matters. And he had been receiving calls on the Hunting Creek property." Who the callers were Cain did not know. "I'm glad I didn't ask," Cain said later; "I don't want to know." He told the Committee, "As far as I know they could have been either pro or con the permit. This is a thing I did not inquire into," although, Cain said, "I assumed it had something to do with the interest of the applicants." Pozen—who was never called to testify—later said that he might have talked to Senator Birch Bayh about the case, but didn't remember. When asked to try to jog his memory about congressional phone calls on Hunting Creek, he replied that he didn't want to have his memory jogged.

Cain's remarkable lack of curiosity interested the Committee, but they were even more interested in how he went about deciding whether or not to sign this letter that had been presented to him with "a sense of urgency about the signing of it." He first went to see Secretary Udall, who simply said to him—without any sense of urgency—"This is in your program area, I would like for you to take care of it."

Then, as indicated earlier, without examining the technical studies which had been made by his own subordinates, without consulting them and without making any investigation of his own, he signed the letter in what he himself described as "a decision based first on political considerations and second on the feeling that the values were not great in the area to be filled." Congressman Vander Jagt asked Cain to identify the political considerations that affected his decision.

"There is only one which I can testify to. And that is the position taken by Congressman Dingell, in which he first historically opposed the permit, and then in a letter to the Corps of Engineers removed his objections. And I said . . . he is a great conservationist, and particularly in the field of wildlife. So I depended very largely on John Dingell's action. . . . I also, as I said . . . had general information that the congressional interest was divided in this case."

Congressman Dingell's role in the controversy is puzzling. In May, 1964, he wrote the Corps expressing "opposition to this proposed filling as being inconsistent with the public interest, dangerous to fish and wildlife, destructive of navigation on the Potomac River, and injurious to the interests of boatmen, water skiers, fishermen and other riparian owners up and down the river." In August of that year, after the proposed fill had been revised and reduced in size, Dingell acknowledged receipt of the revision and said he would review his position after he had considered the views of the National Park Service and the Fish and Wildlife Service on the revised plans. Both these agencies, later in August, 1964, reiterated their opposition to the proposed landfill even as revised.

Congressman Dingell was not heard from again until April, 1967, at which time, though the objections of Interior to the landfill were still in effect, he withdrew his objections.

Congressman Dingell never responded to an invitation to talk about Hunting Creek, but in 1969 Cain gave his own speculation, noting that it was nothing more than that: "At the time Hunting Creek came up, the Corps needed a place to dump dredged spoil near Detroit and Dingell had supported them in using a place that was harmful to the environment. Dingell probably wanted to be consistent—though he was a good conservationist, on this spoil matter industry was more powerful. Dingell may not have felt he was in a position to object to Hunting Creek in light of what he had approved in Detroit at the same time."

The matter of congressional intervention was only slightly clarified by Under Secretary Black's testimony before the Committee. He had received phone calls while the Hunting Creek matter was in his office awaiting decision, he said "I received a telephone call from a Jerry Verkler who was a staff member of the Senate Interior Committee, expressing no concern on his own behalf but communicating to me that Senator Birch Bayh was interested in this, and he was more or less inquiring what the status of it was and who would be handling it."

Then "Senator Jackson, who is chairman of the Interior Committee, telephoned me in an entirely neutral fashion on behalf of Senator Bayh, emphasizing to me that he had no interest in the outcome of this whatever. He only wanted to be sure that it would receive a fair and impartial evaluation by me. . . . I had a telephone call from Senator Bayh himself, in which he expressed his interest in this development, in seeing that the permit was issued. He didn't—it was not in strong terms. He was hopeful that we would not continue to interpose objection to it, and I told him that it would receive fair evaluation. . . . The only Member of Congress who indicated he was in favor of it was Senator Birch Bayh. Congressman Dingell, while he didn't favor it, had quite explicitly withdrawn his objections . . ."

At this point Congressman Paul McCloskey of California asked: "While the interest of congressmen does not, and should not, affect your executive decision, I believe you testified you do not keep a careful record of congressional inquiry and interest in matters of this kind, do you not?"

"Mr. Black: Let me say, if I said that the wishes of Congress do not influence our decisions, I want to beat a hasty retreat, because obviously they do. . . . Ordinarily, a call from a Senator or Congressman does not slip my mind."

This little colloquy is a nice example of the public ballet that is so often performed before the decision-making curtain. It hardly lies in Mr. McCloskey's mouth to suggest that the interests of congressmen does not and should not affect decisions, since it was being demonstrated that very day by McCloskey's colleagues that a scorned congressman can be a very formidable adversary. At the same time, Mr. Black surely did not expect anyone to believe that telephone calls from the chairman of the Senate committee which principally deals with Interior Department affairs, simply to assure that an issue was being fairly considered, are routine events to which no particular significance is to be attached.

Black was being a little too clever. In admitting that he had received calls from Members of Congress interested in the grant of the permit, he made very clear that the opposition of other congressmen, such as Reuss, Moss and Saylor, had also been very forcefully brought to his attention. The implication is that both sides play the game, and such interposition is self-neutralizing. One may be permitted a little skepticism. It may often be that either decision will equally displease Members of Congress; it is not so clear that those who are equally displeased are equally important. And it is not likely that Mr. Black was insensitive to this consideration as he trampled around at Hunting Creek making that famous visual inspection. Surely he knew why Senator Bayh had thought it worthwhile to get the chairman of the Interior and Insular Affairs Committee to make a "neutral" inquiry on his behalf.

As one considers the implications of the testimony given by Black and Cain, it is less than comforting to recall how many and unpredictable elements there were in the events leading up to congressional involvement by those who opposed the project; in the opponents' willingness to continue their fight so diligently and so long; and—perhaps most significantly—how much more they had to do to get results than those who favored the project. It is striking that if Black and Cain were sensitive to congressional interest, as their testimony makes explicit, both resolved the matter in a fashion that pleased the congressmen who were least agitated about the project, when it would have been so much more natural to oppose it, supporting their own staffs.

If their testimony is to be believed, the only congressional support for the project came from a few congressmen who had done nothing more than write letters saying that they would not actively oppose the landfill; from Senator Jackson who said he had no interest other than fair consideration; and Senator Bayh, who made one phone call which "was not in strong terms," expressing hope that opposition to the project would not be continued. None of these congressmen ever supported the project publicly, or commented on the merits, or deigned to indicate why or on whose behalf they had become interested. It's an interesting question, after all, why a Senator from Indiana should exert himself on behalf of a proposal put forth by investors from New York.

On the other side were a group of representatives with a continuing interest in conservation, whose opposition was perfectly open, and whose reasons for opposition were spread fully upon the record. A very curious business indeed for an agency that is concerned about "the wishes of Congress." More curious still that no persons in the agency ever expressed the slightest interest in knowing why someone like Senator Bayh favored the project. Perhaps he had some useful information or ideas which might have aided in making a rational decision. Or possibly he was simply conveying the desire of a constituent with an investment interest, in which case, of course, officials at Interior would have to give his view less weight than that of congressmen whose opposition was based upon knowledge of the area, and upon an opinion about the proper directions for federal policy as it affected the Potomac, a matter of continuing legislative concern. But as we have been seeing, this was a case characterized by nothing so much as a lack of curiosity on the part of Interior Department officials.

Inquiries to Senator Bayh were answered by his administrative assistant, Robert Keefe. According to Keefe, the Senator first became acquainted with the Hunting Creek controversy in the late Spring of 1967. Bayh was in Indianapolis and an acquaintance by the name of Mike Sperling asked him to look into the Hunting Creek matter as a courtesy to a friend of Sperling's. The friend of Sperling's was none other than John Schwartz of Columbus, Ohio—the man who later appeared at the Corps hearing to say he was one of the Howard Hoffman associates, but whose interest in the project Hoffman denied.

Mr. Keefe says that he called the Department of the Interior in August or September of 1967 to inquire about Hunting Creek, and was told that except for some concern about the riparian rights of the National Park Service, the Department had not made any substantive judgment about the merits of the proposed landfill. In fact, Keefe says, he was led to understand that the Department had withheld making a response on the merits for political reasons—that is, that they were reluctant to comment on the merits of the proposal because it was known that some congressmen were opposed to it.

He recalls being told that the Fish and Wildlife Service had no negative position about the project, but that they had a "passive view."

Having learned this, Keefe says, he reported back to Mr. Sperling in Indianapolis that the best approach would be to get the Corps to renew its request for a report from Interior and get that Department to take a position one way or the other. This was sometime in September, 1967.

According to Keefe, the Corps then resubmitted the question to Interior and obtained the response that it had no objection to the landfill. The no-objection response to which Mr. Keefe referred was presumably the famous Cain "reversal" letter of October 10, 1967.

The foregoing description may very well represent what Keefe was told, or what he recollects, of the events of 1967, but it bears little relation to the documented facts. For as of the Summer of 1967, both the Fish and Wildlife Service and the National Park Service were on record as strongly opposing the landfill project on the merits. And both these agencies had reiterated their objections even after Hoffman reduced the size of the proposed project to accommodate concerns about riparian rights—which he had done almost three years earlier, in July, 1964.

Obviously someone was very confused about something. In an attempt at clarification, Keefe was asked whether any efforts had been made on Senator Bayh's behalf to learn about the merits of the dispute. Keefe replied that he had indeed inquired into the merits, and that it "looked as if Hoffman was getting a raw deal, and was being denied a permit for political reasons."

* * * * *

Frome wrote again in July and in October, both to Humelsine and to Marvin Sutherland, director of the Department of which Humelsine was chairman. It all ended with a letter from Sutherland in February, 1969: "Having read the transcript of the Hunting Creek hearings . . . I feel our departmental position remains substantially the same as it was when I wrote you last summer. . . . Thanks for keeping us informed."

Only after experiencing the difficulties of other approaches can one begin to understand how lawsuits get initiated in conservation controversies. Exactly what the lawsuit accomplished beyond drawing together the various citizen groups opposed to the permit will never be certain. It was filed on October 1. At the same time the Corps again asked the developers not to proceed on the project until the congressional committee had acted. The committee report, expected to be issued in October, did not actually come out until March 24, 1969. On October 3, the developers said that no further action would be taken until the committee issued its report.

With the revival and emerging coordination of citizen groups, local governments finally began to face the issue. In mid-September the Fairfax County Board of Supervisors sent the Governor a letter urging him not to sign over the deed of land to the developers. And on the 28th the Alexandria City Council, previously concerned only with sewage disposal, defeated by but a single vote a resolution that the Council request the Governor to withhold the deed.

If there was a fairly specific point in time when the balance of power finally shifted to the opponents, it was probably in those few weeks late in September or early October, 1968. It took much effort by many people in a variety of forums, and—significantly—it took four full years. No doubt in theory there were many things that might have been done differently, or earlier, and perhaps would have been, had there been skilled and experienced professional leadership from the beginning. But there wasn't; and there rarely is in controversies such as that at Hunting Creek.

The final outcome was now in the wind, but it was still to await some important events. When the committee report came out in March, 1969, it was unyieldingly critical of the Department of the Interior, charging violation of legal obligations, bad conservation judgment, bad policy, and acquiescence in an unjustified giveaway. The report contained little that had not been revealed in the hearings, but its title left nothing to the imagination—"The Permit for Landfill in Hunting Creek: A Debacle in Conservation."[3] It concluded with the recommendation that the Secretary of the Army revoke the permit.

There was only one more surprise in store for Hunting Creek watchers. It was late March, 1969. The Nixon Administration was now in office and the villains of the Hunting Creek debacle had departed for quieter places—Stanley Cain was back at the University of Michigan as a professor of conservation, and David Black was vice-president of the Dreyfus Fund in New York City. Dr. Gottschalk and George Hartzog of the National Park Service were still in office, and one day they were sharing a cab with Jim Watt, the new Assistant Secretary for Water and Power. Watt asked about Hunting Creek, and Hartzog said, "Let it go," forget it, "we are all sick of it."

A week later, Dr. Gottschalk got a telephone call from the assistant to the new Under Secretary, inquiring about Hunting Creek. Gottschalk said "it was messy and I'd just as soon not reopen it." And the Under Secretary's assistant replied, "What can we lose if we were to reinstate Interior's opposition to the landfill?" New Administration, new policy, and Interior Secretary Walter Hickel could do worse than reverse, for pro-conservation reasons, a Udall-regime decision.

The new Under Secretary, Russell Train, himself called Gottschalk and asked him to draft a letter for Secretary Hickel's signature reinstating the Department's opposition. It was done, and, says Gottschalk, "I have never seen anything signed so quickly, with hardly a word changed." On April 3, Hickel sent the letter to the Secretary of the Army. It was a blockbuster.

"I have had an opportunity to review the facts. . . . As you know, on April 26, 1968, former Under Secretary Black withdrew Departmental objections. . . . The Department now considers the proposal as a needless act of destruction of the environment of the Nation's Capital, and urges reconsideration of the permit previously issued. . . .

"The filling and the subsequent construction of an apartment building at the confluence of Hunting Creek with the Potomac River is not in keeping with the widely publicized goal of this Department to preserve and protect the values of the Potomac River. . . . The Department intends to firmly contest any needless filling of the Potomac or affront to its landscape. . . .

". . . The Hoffman proposal opens the door to future enlargements. . . . The justification would be essentially the same, that natural values have already been downgraded by existing developments. . . . The door should not be opened further. . . . The unnecessary nibbling of areas of high public value must be stopped. . . .

". . . The area in question has not lost any of its value. It still provides a feeding resting ground for migratory waterfowl . . . a vista across the Potomac . . . a natural margin for Jones Point. . . . The time has come for the government to take a firm stand to protect the fast-vanishing natural shorelines of our nation."

It all sounds familiar enough; indeed, it is hardly distinguishable from the 1963 report presented by Interior's staff biologist. Only the signature at the bottom had changed.

It is probably a good thing Secretary Hickel no longer had David Black as his Under Secretary; for it was Black who told a congressional committee that "a return to the departmental position of blanket opposition to the permit would constitute arbitrary and capricious action."

"C'est la guerre," Stanley Cain had said, when contemplating the possibility that he might have had to reverse himself. Another day, another firm national policy.

When the Corps held hearings again on September 18, 1969, public officials were virtually elbowing each other out of the way to express their opposition. Even the Alexandria City Council had voted unanimously in the Summer of 1969 to inform the Corps that the city opposed the project. State legislators, Fairfax County officials, Mr. Reuss of course, a lot of local organizations and—impressively for those who had watched the struggle developing—the new Assistant Secretary of the Interior for Fish and Wildlife, Leslie Glasgow, slowly and deliberately reading Secretary Hickel's letter. It was quite a show. The applicant's attorney looked very unhappy, and it was some measure of his sense of the outcome that he had filed a lawsuit that morning challenging the legality of revoking a permit once it had issued.[4]

In March, 1970, the State of Virginia repealed the 1964 law authorizing disposition of the Hunting Creek lands, and on April 13, 1970, the United States Corps of Engineers revoked the landfill permit. Victory at last? Perhaps, but as the man said, money can always wait.

LITHUANIAN INDEPENDENCE MARKED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. RODINO. Mr. Speaker, this is a period in history when the oppressed peoples of the world are raising their voices in resistance to their aggressors in a struggle to assert their national identities.

Since 1795, the people of Lithuania have been continually fighting to escape from the web in which they have been entangled. Since that year, when the country of Lithuania was annexed by Russia, numerous attempts have been made in an effort to establish a free country. After years of struggle these courageous people were able to repel their Russian invaders.

Freedom, however, was not secure yet as the people of this proud country staved off an attack by the Germans finally forcing them to hold an assembly of Lithuanian delegates in 1917. This assembly declared the nation of Lithuania free and independent state on February 16, 1918. Again in 1944 this people was deprived of its liberty, however.

At the 1958 meeting of the Lithuanian World Congress, a resolution was adopted appealing to the free nations of the world to "reaffirm the inalienable right of the Lithuanian people to national independence and individual freedom."

---

[3] House Report No. 91–113, Committee on Government Operations, House of Representatives, 91st Cong. 1st Sess. 1969.

[4] *H. P. Hoffman Associates v. Stanley R. Resor et al., Civil Action No. 2668–69 U.S. Dist. Ct. for the District of Columbia.*

Today, Mr. Speaker, on this 53d anniversary of the declaration of Lithuanian independence, I am again proud to reaffirm my support and urge all free people to work toward the goal of allowing the Lithuanian people and all peoples to direct their own destinies.

A TRIBUTE TO GEORGE WASHINGTON

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. CARNEY. Mr. Speaker, George Washington lived in a period when new forces and new ideas and ideals were being born into the world. His life and his every action displayed his devotion to the principles of a free land—a free America.

Although the statement that George Washington was the father of his country has become somewhat worn from overuse, it is nevertheless a true statement. No better definition of the man or the legend he has become fits so precisely. For it was this man who was the military mastermind of the Revolution. It was this man who led his country through those most crucial beginning years. But Washington was more than a genius-inspired military tactician or a masterful politician. The man's character was his greatest attribute as well as being a phenomenal asset to his country.

George Washington succeeded in turning back the British largely because he was able to keep the military coalition of the States from breaking off into fragments. He had the stature and the singleness of purpose that gave the States confidence, the rallying power, and the tenacity needed for victory. He was a man of goodwill and absolute integrity, in whom all Americans could believe.

After the war was won, it was Washington to whom the leaders of the several States turned. Washington was a great guiding force at the Constitutional Convention. He stood above the bitter debates that racked that prestigious group of men. His dedication to the concept of a strong, unified America helped bring together the many factions. Although he used his authority sparingly as presiding officer of the Constitutional Convention, Washington worked unceasingly for the ratification of the document.

When it became necessary to elect the first President, the choice of the electors was automatic. For 8 years, Washington presented a rarely matched example of leadership to his country. Today, we still stand in awe of his accomplishments.

Our country has been blessed with great men. Chief among them, and an inspiration to all who followed him, is George Washington—a man of monumental character. We can do no less than to remember the example he set for his beloved Nation.

RECYCLING OF WASTE PAPER

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. VANIK. Mr. Speaker, for several months now a group of students in the Greater Cleveland area have been diligently and earnestly working to develop recycling programs for paper, bottles, cans, and other materials. Their drive has met with remarkable success in the Cleveland area.

The concept of recycling received an important boost in Monday's "First Annual Report on the State of the Nation's Environment" sent to the Congress by the President.

In that message, the President stated:

> The Nation's solid waste problem is both costly and damaging to the environment. Paper, which accounts for about one-half of all municipal solid waste, can be reprocessed to produce a high quality product. Yet the percentage the Nation recycles has been declining steadily.
>
> To reverse this trend, the General Services Administration, working with the Council on Environmental Quality, has reviewed the Federal Government's purchasing policies. It found a substantial number of prohibitions against using paper with recycled content. Such prohibitions are no longer reasonable in light of the need to encourage recycling.
>
> As a result of this review, the GSA has already changed its specifications to require a minimum of 3 to 50 percent recycled content, depending on the product, in over $35 million per year of paper purchases. GSA is currently revising other specifications to require recycled content in an additional $25 million of annual paper purchases. In total, this will amount to more than one-half of GSA's total paper products purchases. All remaining specifications will be reviewed to require recycled content in as many other paper products as possible. The regulations will be reviewed continually to increase the percentage of recycled paper required in each.
>
> I have directed that the Chairman of the Council on Environmental Quality suggest to the Governors that they review State purchasing policies and where possible revise them to require recycled paper. To assist them, I have directed the Administrator of GSA to set up a technical liaison to provide States with the federally revised specifications as well as other important information on this new Federal program, which represents a significant first step toward a much broader use of Federal procurement policies to encourage recycling.

As a result of my meeting with some of the Cleveland students who have been working on the problem of solid wastes, I sent the following letter to the head of the new Environmental Protection Agency, William Ruckelshaus, on January 25.

I am pleased that the message to Congress gives such a favorable reply to my inquiry. The letter is as follows:

JANUARY 25, 1971.

Hon. WILLIAM RUCKELSHAUS,
Environmental Protection Agency,
Washington, D.C.

DEAR MR. RUCKELSHAUS: Has the Federal government, through the Government Printing Office and the General Services Administration, taken any steps to use paper in government documents which is made from recycled paper?

I believe that a vigorous government policy of purchasing such paper could help stimulate efforts and research in this area, thus providing valuable information and incentives to private conservation groups and industry.

Sincerely yours,
CHARLES A. VANIK,
Member of Congress.

SHOULD WE BAN "NO DEPOSIT" BOTTLES?

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ROBISON. Mr. Speaker, I am not at all surprised to find that a substantial number of my colleagues have introduced legislation, in this Congress, aimed at banning the "one-way," or "no-deposit" bottle—whether filled prior to use with a cola beverage, or with something more intoxicating.

This is—without in any way intending to question the sincerity of those who favor this idea as some sort of answer to our environmental problem—a highly attractive, but also overly simplistic, solution to the puzzle of what to do with the mountain of solid waste that confronts us as individuals, and that baffles those officials in local government charged with the task of, somehow, carting it away from our homes, offices, and factories, and disposing of the same in some sort of sanitary, "Keep-America-Beautiful" fashion.

For it is only a very partial—and probably discriminatory—solution, at best, by virtue of the fact that glass containers, of whatever sort as to original content, amount to only about 6 percent of the total municipal solid waste load in this country.

Certainly, it would be easy enough to go back to the returnable bottle—containing either beer or some other beverage—and for those, here, who see this as one, quick way for "doing their thing" for ecology, one can well understand the appeal these kinds of bills have, at either the local or Federal level. For we can go back to the returnable bottle if for no other reason than we know were once there. But what would this back-tracking really accomplish?

Beer and cola—or "soda pop"—bottles along our highways, back-country roads, and streambeds, are highly visible sights, and all-too-familiar reminders, along with their constant companions, the beverage cans, of an unfortunate human propensity for untidiness. So highly visible from a seemingly quantitative standpoint, in fact, that one has to look twice at such studies as have been conducted of roadside litter by the Highway Research Board before really believing that paper litter—including containers, newspaper, etc.—constitutes 59 percent of the overall load, while metal cans for beer, soft drink, and food and other purposes, accounts for 16 percent; plastic items 6 percent; miscellaneous, messy items for 13 percent, and glass bottles and jars for all purposes—beer, beverage, and food—for the remaining 6 percent. In the same way, Mr. Speaker, one has to take several trips down a supermarket aisle in order to remind oneself of the necessary perspective we ought to all have about glass containers—which is, that beverage bottles, whether of the "one-way" or "returnable-for-deposit" kind, only account for about one-half of the total mass, with the balance containing everything from baby food, fruit and fruit juices, to mayonnaise, pickles, syrup, and vegetables.

If you still doubt this, take an inventory—unpleasant task though it may be—of the contents of that "garbage" bag you carry down the cellar stairs later on tonight.

Mr. Speaker, these remarks are prompted not out of any desire to belittle the value—small though it might be in light of the fact that there is ample evidence that the public views throwaway and returnable bottles in virtually the same way—that banning such bottles may have in encouraging mankind to match his ingenuity with at least rudimentary tidiness. Instead, they are prompted out of a desire to encourage more of us to focus on ways and means to master the skills and disciplines necessary for recycling our waste products—of whatever kind—in the most fundamental fashion. As productive woodlands are overcut, so the recycling of waste paper would help conserve pulp. And, when we turn to metal containers, we are advised—and warned—that within a century, probably, tin, zinc, and aluminum reserves are expected to run out unless a reuse system of some kind is adopted. Then, finally, when it comes to the glass-container industry, it is essential to know that it is just as anxious as any environmentalist could be to settle on the proper, and most effective, method for recovering its glass products, in quantity, for remelting into new containers. To that industry, waste glass has a real value; many segments of that industry are already in the business of encouraging people, from Boy Scout groups to adult individuals—as evidence the Coca-Cola Bottling Co., of New York's willingness to pay a half-cent per bottle of any brand—except returnable Coke bottles, of course—and its setting up of collection points within the metropolitan area—to participate in helping them meet their needs. Thus, we need to concentrate on methods for encouraging public participation in this recycling effort—perhaps through local ordinances, such as the one formerly existing in Los Angeles requiring householders to separate their garbage into glass, metal, and other materials, that eventually got voted out as "too much bother;" or perhaps through such radical ideas as a "container" tax to aid in supplementing Federal research moneys available through the Federal Resource Recovery Act, of recent vintage, proceeds from which could be used to accelerate technological advances in improving litter pickup and waste-collection systems, and in improving and facilitating recycling, salvage and related activities.

There are many ways, Mr. Speaker, down which we might go in our mutual desire to help restore our earth setting to its rightful freshness; better ways, I submit, than in banning that easy target, the "one-way" glass bottle, only to have its mate—the "returnable" bottle—stand in ever-increasing numbers in our pantries, basements, and garages as mute evidence of our desire for the quick and easy answer to a highly complex, human problem.

FAMILY PLANNING

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. SCHEUER. Mr. Speaker, 18 months ago the President described in ringing phrases the immediate need for a national policy on population growth. He described how the population was growing faster than we could comfortably accommodate it and set a number of ambitious goals for the Federal Government in family planning programs and population research. The Congress responded to the problem by passing the Tydings-Scheuer-Bush family planning services and Population Research Act in November 1970 authorizing $382 million for the Federal Government to meet those presidentially supported goals. We thereby gave the administration an opportunity to move beyond its eloquent description of the need and develop a program of action equal to the problem.

The size of that program of action is now becoming clear. As the following editorial from the New York Times of February 1, 1971, points out, the administration's strong public declarations have become feeble appropriation requests. The Secretary of Health, Education, and Welfare has indicated that the administration will request that only $6 million be appropriated of the $72.75 million authorized by the Family Planning Act for fiscal year 1971, and only $57.3 of the $129 million authorized for fiscal year 1972. Thus the administration is requesting less than a third of the funds that the Congress has deemed appropriate.

Appropriation requests are not the only area where diminished zeal is apparent. As the Times editorial points out, some administration spokesmen are trying to dampen the rising concern about population growth in this country. They point to the fact that consumption has increased at a much faster rate than population, and it is this increasing consumption not population growth that generates such heavy pressures on our environment. However, Census Bureau figures indicate that a minimum of 37 percent of our growth in consumption in the next 15 years will be due to population growth alone. If slowing population growth would ease the consumption growth rate by one third, would not this be a significant easing of the pressures on our bruised and battered environment?

I commend the following thoughtful editorial to the attention of my colleagues:

SLOWDOWN ON FAMILY PLANNING

Although it is only a few weeks ago that President Nixon signed what he hailed as a "landmark" population bill, there are disturbing signs that the Administration may be backing away from the President's earlier pledge "to provide essential leadership" in the field of family planning.

A determination to fulfill that pledge is not evident in Mr. Nixon's 1972 budget. Although the new family planning legislation authorizes additional spending of $60 million for services and $50 million for research in the next fiscal year, the Administration has asked for incremental appropriations of only $47.3 million and $10 million respectively. The meager request for research is particularly disheartening because the success of service programs, both here and abroad, will depend heavily on the development of new birth control techniques and on increased understanding of the sociology and psychology of family planning.

This budgetary letdown was foreshadowed by a White House memorandum sent to Congressional leaders last month which helped to kill a Senate effort to appropriate $17 million in supplemental family planning funds for the current (1971) fiscal year.

Another hint of a weakened Administration attitude toward the population problem was indicated in a recent speech of Conrad F. Taeuber, chief demographer of the Census Bureau, implying that the present 1 per cent rate of population growth in the United States was nothing to worry about. The movement of Americans to urban centers and a sharp increase in per capita consumption have certainly been major contributors to such problems as crime and pollution, as Mr. Taeuber observed, but it would be irresponsible to ignore the impact of a population that has doubled in the last fifty years and which threatens to increase by fifty to 100 million by the end of the century.

It is true, as Mr. Taeuber points out, that consumption in this country has increased at a much faster rate than population. But this means that each additional American has added a multiple strain on resources. There is no convincing evidence now that the nation can cope with these strains unless efforts to improve technology and social organization are combined with a vigorous and unflagging determination to limit population size. Full funding of the population bill would be one reassuring expression of such determination.

EIGHTIETH BIRTHDAY OF LESSING J. ROSENWALD, PHILANTHROPIST

HON. JOHN WARE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. WARE. Mr. Speaker, on February 10, 1971, Lessing J. Rosenwald, of Jenkintown, Pa., will celebrate his 80th birthday. In view of his many generous gifts both to the Nation and to the State of Pennsylvania, it is appropriate that this important anniversary in the life of a fine American citizen be memorialized in this fashion.

Born in Chicago in 1891, he is the eldest son of the great philanthropist, Julius Rosenwald, who is remembered today as the principal founder of Sears Roebuck & Co., which in its own right has become an American institution. Lessing Rosenwald served as chairman of the board of the company until his retirement in 1939.

Since that time he has served on many boards and contributed both his time, his energy, and his money, in aiding worthy causes. One of his most recent honors, the Bok Award, presented to him in 1967, recognized his many contributions to improving the quality of life in Philadelphia.

The American people have an especial reason to be grateful to him for the gifts he has made to the Nation. The Library of Congress has received his splendid collection of illustrated printed books of five centuries, and the National Gallery of Art, his distinguished collection of fine prints and master drawings. For such generosity and public spirit, we salute him, we thank him, and we wish him many more fruitful years.

GEORGE WASHINGTON UNIVERSITY—150TH ANNIVERSARY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. GUDE. Mr. Speaker, on Tuesday, February 9, the George Washington University, the only private nonsectarian university in our Nation's Capital, commenced a yearlong celebration marking its 150th anniversary. It was on this date in 1821 that President James Monroe signed the charter approved by Congress under which the George Washington University still operates. Yesterday, as a graduate of the George Washington University School of Government and Business Administration, I had the pleasure to participate in the sesquicentennial ceremonies of the university. I feel deeply privileged to call the George Washington University my alma mater.

The school of government and business administration, which is presently under the direction of Dean J. C. Dockeray, has continued to contribute significantly through the years to our Nation and our National Capital area in preparing thousands of men and women for leadership positions in business, government and research.

Throughout its first 150 years the George Washington University has responded with strength and imagination to the changing academic needs of our growing society. All of her alumni look forward with pride to G.W.'s continued contribution to the advancement of higher education in America in her next 150 years.

BUDGET SLASHED FOR COAST GUARD RESERVE

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. SIKES. Mr. Speaker, a year ago Congress was shocked at an administration proposal to wipe out the budget for the Coast Guard Selected Reserve. The Congress rallied to this important service and in congressional action on the appropriations bill, the funds were restored and the strength of the Selected Reserve was set at 15,000. In hearings accompanying this legislative action, it was emphasized that the Coast Guard should make better utilization of its Reservists and establish peacetime missions.

The first step toward its goals has been taken. It would have appeared that a bright future lay ahead for the utilization of Coast Guard Reservists. Nevertheless, the administration's budget cutters have again slashed the budget for the Coast Guard Reserve. Apparently they have learned about the determination of Congress to carry on the work of this organization. In any event, Congress will have its work to do all over again. This is a mission which should be undertaken and carried through to completion. The Coast Guard Reserve can and does provide an important service. It offers valuable peacetime aid to regular components and should not be decimated.

In the current issue of the Officer, published by the Reserve Officers Association, there is an excellent commentary on the work of the Coast Guard Reserve. It is entitled "Reserves—Gold Mine in our Backyard" and it follows:

"RESERVES—GOLD MINE IN OUR BACKYARD"

What do an economist, admiralty lawyer, ecologist, petroleum engineer and radio broadcaster have in common? Ask RAdm John McCubbin, head of the Coast Guard's Office of Reserve. He'll tell you that these were among the many diverse skills recently marshalled by the Coast Guard to support special projects.

"This was the first time," says Admiral McCubbin, "that we have utilized our Reservists specifically for their civilian skills. Most of the specialists were needed as part of study groups working on reports for the President on hazardous materials and oil pollution. Although the Coast Guard has considerable expertise in these fields, the tight deadlines and the depth of the required studies indicated the need for outside assistance. Time limitations inhibited the Service from contracting for the work. So the Coast Guard looked to its Reserve.

WELL-DEFINED TASKS

First, the tasks were well-defined and the necessary specific skills were identified. Then Reserve rolls were carefully screened and a list of Reservists who could probably fill the requirements was prepared. Next each Reservist on the list was contacted to determine his availability because all active duty was to be on a voluntary basis.

The chief beneficiary of the recall was the Coast Guard's Office of Merchant Marine Safety headed by RAdm William F. Rea, III. "It was like finding a gold mine in our own backyard," said Admiral Rea. "We knew there was a lot of talent in the Reserve, but I must confess I never anticipated the broad scope of professional skills we located. Certainly, without the help of these Reserve experts we could not have accomplished our tasks within the available time."

SMALL GROUPS INVOLVED

The special Active Duty assignments involved a total of only 15 individuals. Five were used in the first study group; nine in the second study group; and one, the radio broadcaster, was used as a narrator at a Coast Guard sponsored international search and rescue seminar. But while the number of personnel was small, the impact of this utilization of Coast Guard Reservists is expected to be large.

Such Active Duty will not substitute for the mission-oriented training required of all Reserve personnel. But it serves as fresh reminder that Reserve forces can provide valuable peacetime aid to regular components.

HOW TO SUCCEED IN BUSINESS WITHOUT BEING TRIED

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BOB WILSON. Mr. Speaker, with the rash of attacks on big business, I recently read an interesting speech by Lee Loevinger, Partner, Hogan & Hartson, Washington, D.C., and former Assistant Attorney General for Antitrust, before the Association for Corporate Growth, Inc., Wednesday, January 13, 1971, at the Hotel Pierre, New York City, entitled "How to Succeed in Business Without Being Tried," part I:

HOW TO SUCCEED IN BUSINESS WITHOUT BEING TRIED

(By Lee Loevinger)

Is success illegal?

Ridiculous as this question seems it is one which businessmen are being forced to ask today.

Ironically, it is not the social dropouts or intellectual hippies who present this challenge but government itself. Recent antitrust statements and enforcement activity seem to question the legal status of business success.

In May 1969 the head of the Antitrust Division of the Department of Justice spoke about mergers, viewing with alarm an increase in size and numbers, and saying that the 200 largest industrial firms increased their assets from 48% of the total in 1948 to more than 58% by 1969, and that the Department of Justice would attempt to stem this tide. Two weeks later the Attorney General repeated these figures, warned against the dangers of conglomerate mergers and "super-concentration", and threatened that the Department would prosecute any merger among "the top 200 manufacturing firms or firms of comparable size in other industries."

These statements articulated the policy initiated in March 1969 when the Department began a series of suits against conglomerate mergers by large companies. The first was against LTV to force divestiture of its Jones & Laughlin Steel Co. stock. The second was against ITT to force divestiture of Canteen Corporation. Then the Department sued Northwest Industries to prevent its acquisition of B. F. Goodrich Company. August 1, 1969, the Department filed two suits against

ITT to prevent its merging with Hartford Fire Insurance Company or with Grinell Corporation.

These suits were based on claims that the mergers attacked would promote "super-concentration", or "aggregate concentration" in the general economy, would eliminate "potential competition" between the merging companies, and would provide opportunities or potentiality for the practice of reciprocity.

So far the suits have not been successful. Early in 1970 the Department consented to a decree giving LTV its option to divest either Jones & Laughlin or Braniff Airways and Okonite Company. Having prosecuted LTV for restricting potential competition in the steel industry, the Department settled the case by forcing divestiture of an airline and a company making electric cable and carpets. This is a little like accusing someone of burglary and then convicting him of bigamy. In the Northwest Industries case, the Department sought a preliminary injuction against takeover of B. F. Goodrich, but failed to prove probability of an anti-competitive effect, so was denied the injuction. Later the stock tender offer of Northwest Industries failed and was terminated, so the case became moot. The Department also sought a preliminary injunction against merger of ITT with Hartford and Grinell, but the trial court denied the injunction on the ground there was no probability of lessening competition or of the practice of reciprocity and there was a positive company policy against reciprocity.

Despite rejection by the lower courts, the Department has continued to assert its theory that the antitrust laws prohibit any merger which may eliminate "potential competition" or involve potential abuse of economic power, contending that the mere possibility a company might enter a new field makes it a "potential" competitor in that field, that the mere existence of "opportunity" for reciprocity involves the potentiality to get business by economic power rather than on the basis of price, quality or service, and that these possibilities should be prohibited under the antitrust laws. In addition, the allegations concerning "aggregate", or overall economic concentration, together with the nature of the suits filed and the statements of the Attorney General and the Assistant Attorney General in charge of Antitrust, indicate quite clearly, although not explicitly stating, that antitrust enforcement policy is now aimed at limiting corporate size, at least if attained through acquisition or merger.

What is the basis of the potentiality theory the Department is now using to attack mergers involving companies which it regards as too big or expansion of which it disapproves?

The theory that the economy is becoming more concentrated as a few large corporations get economic control, and that mergers cause such "super-concentration", or "aggregate concentration" as it is now called, has repeatedly been discovered and proclaimed at least since 1932. The first prominent statement of this view was by Berle and Means who claimed that in 1930 the 200 largest nonbanking corporations controlled about 50% of the corporate wealth. Extrapolating from their data they projected that by 1950 the 200 largest corporations would hold from 70% to 85% of corporate assets and that by 1970 practically all industrial activity would have been absorbed by the 200 largest corporations.

The Chief Economist of the FTC re-discovered this phenomenon of creeping monopoly in 1968, publishing his conclusions in staff papers for the Cabinet Committee on Price Stability in January 1969, and in a staff study for the FTC in November 1969. These were obviously the basis for the Department of Justice alarm. Curiously, it was found that in 1950 the 200 largest industrial corporations had 48% of all assets, which was less than the percentage found by Berle and Means in 1930, but that this ominously rose to about 59% by 1967. Nevertheless, the 750 page FTC staff report (often referred to as the "Mueller report") began with the conclusion that: "In unprecedented fashion the current merger movement is centralizing and consolidating corporate control and decision making among a relatively few vast companies." The Report particularly attacked conglomerate mergers, although conceding that conglomerate activity is not new, many large firms having been engaged in it since 1900, while only the use of the term is recent.

A basic fallacy invalidating the whole concept of aggregate concentration is the fact that both practical significance and theoretical ability to measure require us to deal with markets rather than vague abstractions such as manufacturing or the economy. Law and economics are based on this, and the Cabinet Committee study says that "measures of *market concentration* are recognized as the best available index of the degree of market power in an industry." The controlling economic force is competition and the purpose of the antitrust laws is to maintain it. But competition takes place only within markets, not within vague sectors like manufacturing or the economy. It is difficult to define markets precisely, or to gather very accurate data about them, but it is impossible to be precise or accurate about vague abstractions like manufacturing or the economy. Thus sweeping generalizations about aggregate concentration in manufacturing or the economy tell more about the emotional attitude of their authors than they do about the economic condition of the country.

The reason alarmists and those seeking to promote and expand enforcement activities use aggregate concentration figures is that a market analysis shows no cause for concern. The Cabinet Committee staff report says that "Average market concentration of manufacturing industries has shown no marked tendency to increase or decrease between 1947 and 1966 . . .", and that "the numbers of highly concentrated industries (those where 4 firms held 75 percent or more of shipments) fell from 30 to 22 [out of 213 industries]." (Continued in Part II.)

MRS. STEPHEN "RICKI" GOODYEAR: WOMAN OF THE YEAR

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. KOCH. Mr. Speaker, I have the pleasure of announcing to our colleagues that a great civic leader, Mrs. Stephen "Ricki" Goodyear is receiving the Woman of the Year Award from the Association for Children with Retarded Mental Development. This award is being granted to a woman for the first time in its 21-year history. I know Ricki Goodyear; she is an outstanding person and most assuredly is deserving of this great honor.

Mrs. Ricki Goodyear is the wife of the noted New York psychiatrist, Stephen Goodyear. She is chairman of the Association for Children With Retarded Mental Development's current building drive for a new rehabilitation and training workshop which will make available special psychiatric services for the mentally retarded.

Mrs. Stephen "Ricki" Goodyear joins, as recipient of the award, a long list of outstanding men including New York Deputy Mayor Timothy Costello, Manhattan Borough President Percy E. Sutton, and former Presidential Adviser William J. vander Heuvel.

TAX REFORM—EDUCATION EXPENSES

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. PRICE of Texas. Mr. Speaker, I have joined with the distinguished gentleman from Pennsylvania (Mr. COUGHLIN) and other concerned members in sponsoring legislation to establish tax credits for higher education and vocational training expenses. This marks the first of a series of bills I plan to introduce during this Congress which will be designed to affect meaningful tax reforms and to increase the disposable income of overburdened taxpayers.

Mr. Speaker, our higher educational system has been victimized by inflation. Operating costs for colleges, universities, and vocational schools have risen dramatically, as have tuition and living expenses for those in attendance. In my judgment appropriate corrective actions must be taken to alleviate problems caused by this condition. In my judgment amending the Internal Revenue Code to provide tax credits for higher education expenses is a step in the right direction.

According to the terms of my proposal, an education tax credit would be provided on a sliding scale; thus its provisions are designed to benefit primarily lower and middle income taxpayers. More specifically, 100 percent could be credited for the $200 spent on higher educational or vocational training; 25 percent could be taken for the expenses ranging from $200 to $500; and, 5 percent could be taken for the expenses from $500 to $1,500.

In addition, maximum educational tax credits would be provided up to $325 for those taxpayers whose annual adjusted gross income equals no more than $18,000. But for those taxpayers making more than $18,000 a year, the additional tax credit would be reduced by an amount equal to 1 percent of the taxpayers adjusted gross income exceeding the $18,000 ceiling.

I believe if this bill were enacted it would have several beneficial results. The loss in Federal tax revenues would be easily offset by the national economic growth that would occur if more individuals were educated and trained to make a greater level of contribution to the production of goods and services. This in turn would serve to increase Federal income tax revenues. It could also operate to lower Federal welfare costs. For example, the Department of Commerce has reported college graduates during their working careers earn an average of $213,000 more than do high school graduates. They earn an average of $371,000 more than do those that have 8 years of schooling or less.

Finally, instituting a system of educational tax credits would, as a matter of Federal policy, encourage taxpayers to utilize the services of those schools which provide better educational opportunities. This would facilitate a revitalization of private higher educational institutions, as the financial needs compelling many parents to send their children to publically subsidized marginal schools would be reduced by the extent of their education tax credit.

Mr. Speaker, I urge my colleagues to support this nonpartisan proposal. Effective tax reform must be a priority goal of the 92d Congress.

CUTTING THE HO CHI MINH TRAIL

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. WYMAN. Mr. Speaker, many American casualties too late, we are at long last witnessing a tactical operation in Southeast Asia that should have been undertaken long ago—the cutting of the Ho Chi Minh Trail. With South Vietnamese troops in the field, aided by U.S. airpower, the position of thousands upon thousands of enemy troops below the cut is bound to become precarious if the cut can hold until the monsoon rains, 2 months hence.

What is really involved is another demonstrable aid to U.S. disengagement from Vietnam. In this connection the attached column from Joseph Alsop appearing in this morning's Washington Post is of interest:

LAOS: NIXON'S REASONS

(By Joseph Alsop)

"There were sixteen good reasons against doing it, and there were only two reasons for doing it. But if you analyzed them, the two reasons for completely outweighed the 16 against—which were mostly domestic political reasons anyway."

Thus President Nixon himself, concerning his second great Southeast Asian gamble, to support the current, critical significant South Vietnamese drive across the border of Laos.

The first reason was the need to force the Hanoi war-planners to take the hardest kind of hard new look at their own situation and future prospects. A new look in Hanoi will hardly be avoidable, if the Laos trails are cut in the area around the little town of Sepone—which is the obvious aim of the big effort now in progress.

The intent, if the operation succeeds, is to keep the trails cut until the full onset of the rainy season in late spring. The big rains always make the Laos trails all but impassable, particularly for serious supply movement, until the dry season begins again. This will be about the beginning of next December.

For 10 months, then, about 130,000 North Vietnamese troops and other personnel in Cambodia and southern Laos, will have their unique existing lifeline severed—if all goes according to plan.

Yet if their unique lifeline is in fact severed as planned, they will get almost no replacements, or ammunition or other military supplies. In South Laos, where virtually no food is locally available, they will also get none of the rations they need from the north.

As to the President's second decisive reason for his gamble, it should also be obvious. It was to leave the South Vietnamese in a solid position to defend their own independence, after the withdrawal of U.S. troops.

There is nothing to prevent the South Vietnamese from cutting the Laos trails next dry season, if they manage to do so this time. In sum, the President has now moved to finish what he began when he invaded the Cambodian sanctuaries.

The great result of the Cambodian operation was to close off the main lifeline of the North Vietnamese invaders of their neighbor countries. This was the seaborne supply route, running through Sihanoukville and Cambodia.

In the old days, when Hanoi had an easy time of it, the rations for the 70,000 North Vietnamese troops in South Laos were also bought on the Chinese markets in Phnom Penh, and they were then trucked north. All that is over now, however, and as already stated, the other remaining lifeline of these same North Vietnamese troops is also likely to be cut.

Another effect of the President's decision one must add, is to underline the sheer ludicrousness that has so long pervaded most discussion of the Vietnamese war in this country. Take the howls about General Abrams' famous "news embargo," for example.

To begin with no sensible reporter ought ever to wish to describe in detail and in advance any forthcoming military operation. Doing so jeopardizes the lives of every man engaged in that operation. To go on with, this supposedly wicked embargo evidently left Hanoi utterly uncertain about where the blow would come. Otherwise there would have been a very nasty welcoming committee for the South Vietnamese, the moment they crossed the Laos border.

Yet there is a far better, and far more depressing example of the folly many people have indulged in during these last years. You simply need to calculate what would have happened, if the same changes in the lunatic rules of the war had been made four years ago. There could have been no Tet offensive, to begin with.

For it is now well established, by computing actual bills of lading picked up in Sihanoukville, that the Cambodian lifeline was vital to the Tet plan. Over 12,000 tons of supply—the enemy's essential sinews of war for the whole southern half of South Vietnam—are now known to have come through Sihanoukville in 1967 and up to March 1968.

Then too, the Hanoi government solemnly committed itself by treaty, negotiated on our side by Gov. Averell Harriman and duly signed in 1962, never to use the Laos trails for supply purposes. They broke that promise before the ink was dry on the treaty. But there was no reason to treat the trails as effective sanctuaries, any more than there was a reason to treat Hanoi's Cambodian bases as sanctuaries.

Untold blood and untold treasure have been wasted, in truth, because the courage to do what President Nixon has done was not found long ago.

A. J. NOLL

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. HUNGATE. Mr. Speaker, I was saddened to learn of the death of my good friend and fellow Democrat, Mr. A. J. Noll of Macon, Mo., on January 17, 1971.

Mr. Noll served as mayor of Macon for 21 years and his long and faithful service to the Democratic Party was most commendable. As one of northeast Missouri's most prominent businessmen, he contributed much to the growth, development, and improvement of the area in which he lived. A devoted husband, father, and friend, he will certainly be deeply missed by all who knew him.

MORE OF THE SAME

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. MANN. Mr. Speaker, I would like at this time to insert into the pages of the CONGRESSIONAL RECORD the following insightful editorial from the the Columbia, S.C., State, of February 8, 1971. I am among those who had dreamed of a balanced budget. I thought there was to be a new direction. Did I misunderstand?

The editorial follows:

PRESIDENT SHIFTS GEARS, ADOPTS DEFICIT FINANCING

Whatever President Nixon may hope, it is far from clear that the government can spend the country out of its economic crisis. This is the long-standing Democratic success formula, but it has not brought success. Instead, it has brought about precisely the economic crisis that Mr. Nixon proposes to combat with still more deficits.

The source of the present crisis is not hard to find. It does not lie, as his critics have suggested, in Mr. Nixon's stubborn failure to "prime the pump," a euphemism meaning to unbalance the budget. Today's crisis is directly attributable to President Johnson's monumental $25.1 billion deficit of 1968. Coming at a time when the economy was operating at full steam already, this disastrous deficit sent the economy skidding out of control. It is still skidding.

The question is what to do about it. A year ago, Mr. Nixon and his economic advisers put their heads together and concluded that painful as it might be, the nation would experience less discomfort in the long run if government applied the brakes. Last year's budget message consequently included a number of warnings about the dangers of deficit spending—warnings the President now has repudiated.

His newest budget message, far from striving for balance, prescribes an $11 billion deficit as an effective remedy for the nation's economic ills. Actually, the proposed deficit will be larger than that. Three years ago the government began embodying trust funds (principally Social Security) in the budget to make deficits seem smaller. The resulting distortion was called "unified" budget, and it is this budget President Nixon is using.

By standard accounting methods, the actual gross national debt during the next 17 months will climb by $46.8 billion—$22.4 billion of this in fiscal 1972, rather than the "modest" $11 billion deficit the President speaks of. Or, to put it another way, President Nixon's deficit for fiscal 1972 will be the largest deficit in history, with one exception: Lyndon Johnson's 1968 deficit, which did so much to bring about the present crisis.

Washington insiders' give Budget Director George Shultz most of the credit—or blame, if you prefer—for convincing Mr. Nixon to spend money the government doesn't have in order to end a crisis that came about because previous administrations followed identical advice. The President would have been wiser to listen to Dr. Milton Friedman, another adviser. Dr. Friedman accurately observes that inflationary budgets lead inevitably to inflation. Since inflated prices, combined with unemployment, make up the present economic difficulty, still more inflation is scarcely the way out.

Boiled down, the situation is this: Deficits piled on top of deficits have created a dangerously unbalanced national economy. To get out of this fix, it will be necessary to gear down the economy, briefly experiencing recession and some unemployment. Mr. Nixon's strategy a year ago, and it was beginning to work. Many economists were optimistic for the first time. But now the President has abandoned sound policy in favor of the opposition's strategy, and the lid is off. So are all bets on the recovery that, a short while back, seemed imminent.

REPEAL EMERGENCY DETENTION ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ANDERSON of California. Mr. Speaker, today I am pleased to join with my friends and colleagues for whom I have the deepest respect, Representative SPARK MATSUNAGA and Representative CHET HOLIFIELD, in introducing legislation to repeal the Emergency Detention Act.

Congressman MATSUNAGA has spearheaded this fight since June 3, 1969. I feel that there is no greater authority on this potentially oppressive legislation, which authorizes concentration camps in the United States, than Representative SPARK MATSUNAGA. His leadership in the fight to preserve civil liberties and to eliminate racism has been unsurpassed. His knowledge of constitutional safeguards and their application to our society has received my admiration since I entered Congress in January 1969.

The Emergency Detention Act violates constitutional guarantees and would probably be ruled unconstitutional if it were tested in the courts. However, according to Deputy Attorney General Richard G. Kleindienst, "the continuation of the Emergency Detention Act is extremely offensive to many Americans," and the Justice Department advocates its repeal since "the repeal of this legislation will allay the fears and suspicions—unfounded as they may be—of many of our citizens."

The fight to repeal the Emergency Detention Act is not a recent phenomena. In 1950, Pat McCarran, then chairman of the Senate Judiciary Committee, opposed it as a "concentration camp measure, pure and simple." Senator KARL MUNDT characterized its authority as "establishing concentration camps into which people might be put without benefit of trial, but merely by executive fiat."

President Harry Truman vetoed the Emergency Detention Act—only to later be overridden. In his veto message, President Truman stated that—

> They would very probably prove ineffective to achieve the objective sought . . . it may well be that persons other than those covered by those provisions would be more important to detain in the event of emergency.

Continuing, President Truman said that—

> The bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions. The basic error of these sections is that they move in the direction of suppressing opinion and belief.

Mr. Speaker, the Japanese-Americans know how this law can lead to abuses. During World War II, some 110,000 persons of Japanese ancestry were evacuated from the west coast and incarcerated. Two-thirds of those evacuated in 1942 were native-born American citizens, while the other one-third were aliens who were denied American citizenship by the laws of their adopted country. At this time, no criminal or civil charges of any kind were brought against any individual evacuee, or against the evacuees as a group.

President Truman's Civil Rights Commission declared that it was "The most striking mass interference since slavery with the right to physical freedom."

Thus, it is not surprising that the Japanese-American Citizens League is in the forefront of attempts to repeal the Emergency Detention Act.

Mr. Speaker, we must repeal this act which violates the constitutional and judicial traditions that are basic to our American way of life. Therefore, I take pride in joining with Congressman MATSUNAGA and Congressman HOLIFIELD in introducing this legislation.

THE KANSAS CITY KANSAN 50TH ANNIVERSARY

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. WINN. Mr. Speaker, on January 31, 1971, the Kansas City Kansan celebrated its 50th anniversary.

A daily newspaper is judged by many criteria, not the least of which is community service. The Kansan deserves a top rating there, as well as in other areas.

Kansas City, Kans., which the Kansan serves so well, is in my congressional district. I am proud to call to your attention the 50-year history of this fine publication, which has consistently proven itself a leader in its community.

As you all well know, it is the staff of a newspaper that all too often gets left out on such occasions of historical significance. For that reason, I call to your attention the following article from the Kansan's anniversary edition as well as the list of men and women who make the Kansan what it is today:

KANSAN STAFFERS: FOUR VETERANS HEAD LIST

Many of the photographs in today's 50th anniversary issue of The Kansan were made by Don Ballou, who "retired" Dec. 31, 1968, after 43 years as a full-time member of this newspaper's staff.

A number of the stories in today's issue are by Miss Lucille Doores, who is in her 50th year with the paper. The two represent 93 years of service with The Kansan.

Ballou's "retirement" is only partial, as he still is employed part-time in The Kansan's editorial department.

Ballou served as editorial writer 23 years. Before taking the post in 1945, he covered the courthouse, city hall, the Legislature and was a photographer and copyreader.

His first newspaper job was as a reporter for the Manhattan Chronicle in 1921. The following year he joined the Salina Daily Union as sports editor. In 1925 he came to The Kansan as market editor and copyreader.

Ballou's service on the newspaper is second in years only to that of Miss Doores. She is the only reporter still on the Kansan's staff who was hired in 1921.

Graduated from high school that year and apparently bent on a career as a Latin teacher, she was hired to do clerical work for the new daily.

It wasn't long before Lucille was handling news assignments.

Starting with the education beat, she next went to the Courthouse for several years, then to City Hall, covered developments from many sources, before returning to the courthouse, Federal court and politics.

Recipient of many honors, Miss Doores in 1965 was cited by the Wyandotte County Bar Assn., Kansas State Bar Assn., and the American Bar Assn., for an 11-part series on the Kansan code of civil procedure.

Other tributes include "Kansas Newspaper Woman of the Year," "Woman of Achievement" and the Headliner Award, all from Theta Sigma Phi, professional organization for women in journalism and communications. She also is in "Who's Who Among American Women and World Notables."

Ralph Wildermood, Mission, has worked in The Kansan composing room longer than any other printer on the staff.

He joined The Kansan in 1925 at age 18 as an apprentice printer and on August 19 will have completed 48 years with the paper.

Wildermood recalled that when he was hired The Kansan was on Minnesota in the 500 hundred block.

Vance Briley, 1137 S. 79th, Terrace, has seen many changes in his 45 years in The Kansan composing room.

At age 18 he was hired by The Kansan January 16, 1926, as an apprentice printer.

His employment has been continuous except for time in the Navy during World War II in the European theater.

KANSAN'S EMPLOYEES ARE LISTED

The following list contains the names of fulltime employees of The Kansan as of Jan. 31, 1971, the date of the 50th anniversary of the founding of this newspaper.

John H. Stauffer, editor.

BUSINESS OFFICE

Wylla Smith, Dorothy Bowline, Donna Clary, Ella Haas, Eileen Olson, Dolores Ostertag, Lynn Sparks, Beatrice Thomas.

ADVERTISING

Peter J. Esser, advertising director.

George Ackerson, Bertha Atchley, Joyce Cummings, Gregory Fields, Richard Gross, Electa Hill, Betty Jennings, Cora June, Robert Rayn, Mary Roseberry, Ann Samek, Alfred C. Scapellati, Ethan Sims, Rhoda Sternberg, Denise Whithorne.

EDITORIAL

Gay Kalbfleisch, managing editor.

Don Ballou, Edward S. Barnett, John Beal, Ruth Burns, Bert Campbell, James Carlson, Marvin Crowley, Lucille Doores, Margaret

Finnell, Robert Friskell, Ranola Garrison, Richard Grosko, Bernard J. McDonald, Charlotte McKenzie, Larry Moore, Marilyn Petterson, Cyril Scott, John Sharp, John R. Thomson, Doyle Trent, Gloria Vobejda, William G. Whistler Jr., LaVonne Young.

PRODUCTION

Lowell Baird, superintendent.

COMPOSING

Clarence Chaffin, foreman; Vance Briley, Robert M. Burnett, Bobby Chaffin, Robert Chappell, Eugene Fuller, Albert E. Gaw, Harland Grayson, M. B. Hawks, Lewis Lemon, Ralph McAllister, Richard Martin, Dwayne T. Miles, Terrence Miller, Isabelle M. Myers, Phil Noah, Frank Oblak, William Ratchford, Augustin Rocha, Lorene Reinkemeyer, Ray Stockert, Rebecca Swisher, J. H. Thompson, D. A. White, Haskel White, Ralph Wildermood.

STEREOTYPE

Walter Hellwig, Audley Hervey, Jerome Smith.

PRESS

Vaughn Stoner, foreman: Dan Crawford, William B. McConnell, Howell McDonald, Wayne Murphy, Jerry Owens, Arthur Williams.

CIRCULATION

Claude R. Stutzman, circulation manager.

Bill Bopp, Rosalie Rodriguez, Carmen Stencel, Margaret Warford.

District Managers—Tom Banion, Jim Blair, Dee DeLaughder, Mike Hall, James Henry, Phil Kelley, James Noah, John Ratcliff, Dennis Skoglund, Ronald Lee Tripp, Joe Warford.

MAIL

Clay Libich, Warren Lemberger, R. Dennis Moritz.

BUILDING

Morris C. Hedden, Leon Jordan.

Part time employees:

Advertising—Jerry Vest.

Circulation—Larry Debus, Jerome Deery, Keith Harrington, Phillip Kelly III, Michael Osipik, Michael Popee, Larry Sharek, John Uumer and Roy Vest.

NAVY HEROES ASSIST IN HUMANITARIAN WORK IN SOUTHEAST GEORGIA DISASTER

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BENNETT. Mr. Speaker, I have just received the following February 4 letter from Mayor Hans Tanzler of Jacksonville, Fla., together with its enclosure addressed to Admiral Heyworth. These letters speak eloquently of the heroic Navy assistance given to those who were tragically injured at the disastrous explosion at the Thiokol plant in southeast Georgia on February 3. The splendid actions described by Mayor Tanzler are typical of the high caliber of our Navy's personnel, both officer and enlisted. Jacksonville thus has another reason, through these splendid deeds, to be grateful for the Navy presence in our area:

FEBRUARY 4, 1971.

Hon. CHARLES BENNETT,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BENNETT: I enclose for your information a copy of a letter of appreciation which I have just sent to Rear Admiral Lawrence Heyworth, Jr., concerning the Navy's tremendous response following the tragic disaster at the Thiokol plant in south Georgia on February 3, 1971. I know I speak for thousands of people in north Florida and south Georgia when I tell you how grateful we are to have the officers and men of the Navy as neighbors, and that this response is typical of the good neighbor attitude they have always exhibited. I hope that you will see fit to properly recognize this humanitarian effort on the floor of the House and in the Congressional Record.

I am sure that if you had seen the tremendous team-work and smooth operation of our entire disaster organization involving the military, fire department, and police in rescuing the victims of this disaster and delivering them to our waiting hospitals you would have experienced the same tremendous sense of pride that I feel.

Sincerely yours,

HANS G. TANZLER, Jr.,
Mayor.

FEBRUARY 4, 1971.

Rear Adm. LAWRENCE HEYWORTH, Jr.,
USN Commander, Fleet Air Jacksonville
NAS, Jacksonville, Fla.

DEAR ADMIRAL HEYWORTH: May I express to you and the officers and men of your command my deep appreciation, and I know that I speak for all of the people of north Florida and south Georgia for the tremendously effective response made by the Navy during the terrible disaster at the Thiokol plant on February 3. When our fire operation center learned of the disaster the controllers requested Navy helicopters, doctors and corpsmen, and medical supplies as rapidly as possible at the scene of the disaster. Your command rapidly mobilized its facilities and dispatched two helicopters from Jacksonville and one from Glynco, Georgia to the scene with medical personnel and supplies. These helicopters were instrumental in rapidly transferring to our Jacksonville hospitals the most critically injured people. Working closely with our city rescue personnel, firemen, and police, badly injured victims were delivered from St. Mary's to the heliport at our Duval Medical Center and in many cases were in the operating room only ten minutes after the helicopters touched down. Shortly afterwards in response to my appeal for blood, over 300 Navy men volunteered as blood doners.

This humanitarian response by the Navy to aid our fellow citizens in south Georgia not only makes me even more grateful to have the Navy as part of our community in Jacksonville but makes me extremely proud to have been a Navy man. All of the officers and men of the fleet stationed in Jacksonville and Glynco can be assured that their actions yesterday will not be forgotten by the citizens in this area and that their image has never stood higher.

I hope that you will express the appreciation of the city and its citizens to all personnel concerned, and accept my appreciation for your outstanding leadership.

Sincerely yours,

HANS G. TANZLER, Jr.,
Mayor.

MEDUSA OIL COLLECTION SYSTEM

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. HOGAN. Mr. Speaker, the Reynolds Metals Co. of Richmond, Va., has achieved an excellent reputation for its innovative recycling techniques for solid waste materials. This new program, initiated by the company in the last few years, has earned Reynolds Metals praise from environmentalists around the country.

More recently, however, Reynolds Metals has pioneered in another field. In December of last year, the company demonstrated a new system for pickup of oil spills, known as the Medusa Oil Collection System. Again, this new technique will enable us to protect the environmental quality of our oceans and rivers and hopefully save from extinction the millions of fish and sea life which are endangered by oil spills.

Mr. Speaker, I include a description of this new technique, as well as the latest data on Reynolds' recycling process, at this point in the RECORD:

MEDUSA OIL COLLECTION SYSTEM

A new system for pickup of oil spills, reportedly even on the high seas, was demonstrated for the first time in Port Everglades, Fla., in December.

Built primarily of aluminum and light enough for helicopter transport to the scene of an oil spill, the "Medusa Oil Collection System" is to be built in three sizes.

The demonstration was witnessed by representatives of major oil companies and government officials.

Developed by Reynolds Submarine Services Corporation, the "Medusa" differs from similar systems in its flexible weir, or outside ring, over which the oil-rich water is drawn. The flexible weir sections move with wave action to maintain a high concentration of oil drawn over the weir.

Inside the weir, the oil is separated from the water which is then pumped out. The oil is collected in the sump from which it can be pumped to containers.

A small harbor model has a rated capacity of 1,100 gallons per minute. The intermediate size can handle 3,300 gallons per minute and the large open sea model is designed to process 10,000 gallons per minute, according to J. Louis Reynolds, president of Reynolds International, whose subsidiary developed and is building the new devices.

Also shown for the first time was a new aluminum flexible boom, or fence, to contain the oil slicks until the oil can be removed. Like the "Medusa," the boom is designed to flex with wave conditions. The light weight permits up to 1,000 feet of flexible boom to be carried by helicopter to the oil spill.

A harbor-size Medusa is 6½ feet in diameter with a weir of 18 feet in circumference and is powered by an eight-horsepower gasoline engine. The largest Medusa will be 18 feet in diameter, with a 48-foot weir, powered by a 30-horsepower gasoline engine or electric motor and is designed for use in high waves.

Two major oil companies have ordered production models.

Reynolds Submarine Services is a subsidiary company of Reynolds International, a subsidiary of Reynolds Metals Company. Reynolds Submarine Services of Miami, Fla., operates the Aluminaut, world's deepest diving submarine.

NEW: SEA SURFACE OIL RECOVERY SYSTEM

ANNOUNCEMENT

For the first time, oil spills can be efficiently collected under adverse water surface conditions of wave and current.

A breakthrough for quick recovery of inshore and offshore oil spillage is now available for your use. It is the MEDUSA System embodying a unique sea-surface following oil collection weir developed by Reynolds Submarine Services Corporation, a pioneer in pollution control systems.

THE MEDUSA

The MEDUSA is a lightweight high capacity skimming, separating and collection system for oil spill recovery. It is designed for immediate response operations. It meets all requirements for high speed transport, quick deployment and instant high capacity operation. The unique hydrodynamic stabilization, self-compensating weir features and shallow draft provide for the first time a dynamic system for application to all kinds of oil spillage.

WHAT IT WILL DO

The MEDUSA System is sized for application to small inshore spills or to the largest offshore oil spill disasters. The principle is effective and safe in coping with light petroleum products to heavy black crudes and residual oils.

The units offered range in processing rate from 100 gallons to 10,000 gallons per minute. Thus, economically priced MEDUSA units to meet the needs of the smallest marina up to the sizes needed for massive offshore oil spills are available.

The sea-surface following feature of the outer weir captures oil and water around the entire circumference and moves the oil into a wave-protected inner sump area where it is refined and collected. The water which enters flows smoothly downward and is discharged overboard. These features provide the capability for operation in high sea states and wind-chopped waters.

Polishing and concentrating of very thin or "rainbow" oil slicks may be efficiently accomplished without collecting great quantities of water.

The long circular weir of the MEDUSA permits the collection of more oil and less water. A shorter weir system of the same capacity will only collect more water.

MEDUSA may be towed, lifted or launched with the attachments provided. A self propelled feature is offered.

HOW IT WORKS

The MEDUSA is a self-contained floating vehicle which pumps oil-water mixtures over a flexible radial weir (A), into its interior, concentrates the oil in a central sump (B), pumps the water overboard (C), and transfers highly concentrated oil (D), to a container.

A central buoy-like structure (E), contains the motive power to drive a high flow water pump (F), and an oil transfer pump (G). Flexible lightweight arms (H), attached to the structure outwardly support the self-compensating concentric weir (A). The weir joins a fabric conical skirt (I) over which the oil-water mixture flows into a central sump area. As the oil-water mixture contacts the sump area, the oil moves inward toward the center in a low velocity vortex while the water continues to flow downward to the vertical propeller water pump at the base. The water is discharged overboard in a horizontal direction beneath the MEDUSA.

The oil in the concentric sump maintains radial momentum and flows smoothly inward where it concentrates at the vertical side of the buoy structure. The oil is removed by a floating circular weir (J). Pipelines from the weir take the oil to an oil transport pump inside the watertight buoy where it is conveyed to an external transfer hose.

Several related features provide the MEDUSA with unusual sea-keeping stability. The shallow-draft of the unit compared to its large diameter, the large metacentric height produced by a low center of buoyancy and central mass, the differential pressure across the partially evacuated interior and the exterior of the fabric skirt, and the outer weir wave-following high response action produce seaworthiness.

Independent two dimensional articulation is provided each of the outer concentric weir segments. Each segment is connected by the fabric skirt and seeks a constant weir depth independent of the water surface shape. The collective effect of the circumferential weir segments produce a constant-depth skimming action.

Weir depth (K), is controlled by the amount of liquid pumped through the system. At a pumping rate of 9000 gallons per minute on one unit, an effective weir depth of 3 inches is effected. By decreasing the pumping rate to 6000 gallons per minute, a weir depth of 2.25 inches is maintained. Although relatively high pump flow rates are used, the flow velocities inside are very low. The inward velocity is converted to radial flow allowing the oil to shear away from the water and move inward on the surface to the quiescent area of the sump. A slow vortex flow around the inner surface concentrates the oil for collection.

As the oil collects in the sump, the water is displaced downward. Depending upon the size of the MEDUSA, the sump will collect between 30 to 400 gallons before oil is transported downward and overboard. Oil pumped overboard is recycled through the system.

When the MEDUSA is shut down while collecting oil, the outer weir rises above the water and the oil is trapped inside. When collecting very light layers of oil, it is desirable to concentrate the oil in the sump to prevent pumping large quantities of water into a collection vessel. This is accomplished by cutting off or reducing the flow rate of the oil transport pump. The water pump continues to concentrate the oil until sufficient oil is present for highly concentrated collection.

MEDUSA CONSTRUCTION

The MEDUSA construction consists of marine alloy aluminum, a high strength oil compatible fabric, and other materials compatible with seawater. A choice of electric motor, air motor, or gasoline engine drives is offered within the central hull structures.

The function of the main drive shaft is to turn a vertical propeller water pump. The shaft passes through an interior graphite-ceramic water seal assembly. The oil transfer pump is run directly off the main drive shaft. The complete drive assembly may be readily unbolted and lifted from the hull in one piece.

The weir-arm-float assemblies extend outward from a concentric bar supported by the hull. They are bolted to a reinforced oil-compatible fabric skirt at each weir segment. The lower extremity of the skirt is bolted to the aluminum water pump shaft support assembly. A removable debris screen is attached to the outer weir.

The inner oil collection weir is connected to flexible suction hoses which enter the hull and duct oil to the oil transfer pump.

Special attention has been given to minimizing the use of dissimilar metals in order to prevent electrolysis. Anodic protection is provided.

Although the system is lightweight, emphasis has been given to rugged construction for marine and offshore work. The system design permits easy maintenance and operation; and safe handling.

News Release From Reynolds Metals Co.

RICHMOND, VA.—Litter-conscious individuals and organizations were paid $400,000 during 1970 for returning all-aluminum beverage cans to Rynolds Metals Company.

Reynolds officials made this announcement in conjunction with the opening of the company's ninth all-aluminum can reclamation center in Miami, Fla., today. The company already operates such centers in New York City (two); Newark, N.J.; Houston, Tex.; Tampa and Jacksonville, Fla., and Los Angeles and San Francisco, Calif.

Can collections for 1970 totaled four million pounds, the company said. This is equivalent to 80 million cans. Reynolds pays 10 cents a pound (approximately ½ cent a 12-ounce can) for all-aluminum cans brought to its centers.

A DESERVED TRIBUTE TO A UBIQUITOUS PUBLIC SERVANT

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. MURPHY of New York. Mr. Speaker, deserving tribute was paid to the Nation's vitally important intercity bus companies in a most interesting and informative page 1 article in the New York Times of February 7.

This sometimes-overlooked segment of our common carrier system provided transportation last year for 375 million of our citizens—more than twice the number who took domestic airline flights.

And, atypical in commercial transportation, the bus companies as a whole made a profit—albeit small and shrinking by the year, but still operating subsidy free.

I think the writer of the Times article put it most succinctly when he stated:

> The bus rider is, in some ways, sort of a forgotten man in the halls of government and in the levels of society that most influence government policy.
>
> In 1966, when five airlines were shut down by a strike for 43 days, the strike was painstakingly covered by the press, and Congress was on the verge of enacting a law to end the strike.
>
> Yet, last year, eastern operations of Continental Trailways, the Nation's second largest bus line, was struck for almost five months, and there was virtually no stir in Congress and little attention was paid by the press to the plight of the inconvenienced customers.

Mr. Speaker, for my colleagues who may not have seen this article about one of the important transportation elements under the jurisdiction of the House Committee on Interstate and Foreign Commerce, of which I have the privilege of being a member, under the leave to extend my remarks, I include the following:

For Short-Haul Buses, No Recession

(By Robert Lindsey)

Greyhound Bus 1370, about 16 hours out of Jacksonville, Fla., and headed north, had Interstate 65 all to itself as it rolled through the tobacco country between Nashville and Louisville, Ky., at 4 A.M.

In a front row seat of the darkened bus, 22-year-old Billy Webber, who had gotten on at Nashville with a khaki suitcase and an electric guitar that he hoped would earn him a living in Chicago, talked above the noise of hissing tires on concrete and the low rumble of the diesel engine:

"I flew once, when I was in the service," he said. "But the bus is okay with me. It takes maybe 10 hours more to get to Chicago than a plane, but it's $17 cheaper; I got time, and I need the money."

In a country beset by recession and inflation, lots of Billy Webbers are riding the bus these days, and while railroad and airline traffic is sagging, bus travel is holding its own.

There are the same faces in almost any bus depot in the nation: the poor and near-poor; blacks in the East and South, Mexican-Americans in the West and Southwest; the elderly, the lonely job-hunter, the wandering hippie, students, enlisted servicemen, and the people who live in more than 30,000 towns where a bus is the only means of public transportation, in or out.

Sweeping yellow fields of grain in Nebraska, spectacular mountain crags in the Rocky Mountains of Colorado and the High Sierras of California, the countless small towns in Middle America—they all form part of the backdrop to traveling America by bus.

Transcontinental bus travel—70 miles or more of grinding stop-and-go monotony with 15-minute "rest stops" every few hours—is declining, all but lost to the jet airliner. But, especially among Americans to whom a few hours' time is fair exchange for a few dollars' savings, bus travel is booming on shorter routes, particularly between cities 100 to 300 miles apart.

While the nation's airline industry is recovering from its worst year in history and a quasi-governmental corporation is preparing to rescue intercity passenger trains that railroads say have lost more than $100-million a year, the country's intercity bus lines are adding up 1970 before-tax profits of almost $90-million.

In an age of jumbo jets and experimental 120 mile-an-hour trains, the unglamorous—and sometimes shoddy—intercity bus year after year, despite a recent downward trend in total traffic, moves more Americans than any other mode of intercity transportation except the private automobile.

Last year, more than 250 million persons rode scheduled intercity buses and more than 125 million others traveled on special charter buses, logging a total of about 25 billion passenger miles.

The nation's airlines carried fewer people but moved them much farther: They boarded 140 million people and carried them about 103 billion passenger miles.

TWO DIFFERENT AMERICANS

In almost all ways, the average bus traveler is a different American from the one who flies in a jet: he is less affluent, more poorly educated, much more likely to be a blue-collar workers, unemployed, retired, or a resident of a center city poverty area.

A 1967 survey indicated that 57 per cent of the nation's intercity bus riders had family incomes of under $7,500 and 21 per cent came from families with incomes of less than $2,000. Only about 20 per cent of air travelers in the same study had incomes of less than $7,500.

One-quarter of the bus riders had no formal education or only a grade school education; only 29 per cent had attended college. In airliners, 66 per cent of the passengers had attended college.

The bus rider is, in some ways, sort of a forgotten man in the halls of government and in the levels of society that most influence Government policy. In 1966, when five airlines were shut down by a strike for 43 days, the strike was painstakingly covered by the press, and Congress was on the verge of enacting a law to end the strike.

Yet, last year, eastern operations of Continental Trailways, the nation's second largest busline, was struck for almost five months, and there was virtually no stir in Congress and little attention was paid by the press to the plight of the inconvenienced customers.

For the most part, bus travelers interviewed across the country gave high marks to the quality of their transportation.

NO STACKING UP IN AIR

"You can't beat it," Marc Rosen, 19, a Boston University sophomore, said as he boarded a Manhattan-bound Greyhound at Boston.

"It costs almost three times as much to fly and there's a lot less hassile," he added. "You keep your bag right with you. No waiting for luggage, no 45-minute taxi ride to the airport, and no stacking up over LaGuardia or anyplace else."

Earbie Davis, a black Veterans Hospital patient headed from Birmingham for a visit to his home in Cardova, Ala., said: "I'd rather ride the bus than anything."

At Los Angeles, Sean Michaels, 25, assistant casting director for American International Productions, said he was taking a bus to Flagstaff, Ariz., because he was afraid to fly and thought the bus service was "improving and the depots generally good."

Not everybody is as enthusiastic. In most Greyhound depots there are vending machines that, for two quarters, dispense a powder-blue blowup seat cushion. The purpose is to help the traveler take some of the pain out of bus travel. For long distance travelers, the cushion is probably a better symbol of bus travel than the racing dog that flashes over the side of Greyhound buses.

Especially for the traveler accustomed to the speed and comfort of airliners, a long bus ride seems agonizingly tedious, an interminable odyssey interrupted every few minutes by yet another stop at a small depot or rural gas station to take aboard more passengers.

Warren Looney, a retired military officer, flew from his home in Helena, Monta., to San Diego, Calif., looking for a job recently. He didn't get it and went home by bus because he didn't have much money left.

"It cost me $75 by plane and took me six hours," he said. "The busfare is $54 and it will take 48 hours.

"This is the most miserable way in the world to travel if you're going a long distance. There is no comfort. They think you're a camel—they won't let you get a drink of water between stops. There's not enough leg room. But I must admit the equipment and the service is better than it used to be. At least there are now rest rooms in the rear of most of the long-trip buses," he said.

The statistics for intercity bus travel include all passengers on regularly scheduled trips between different cities. Thus, it includes some daily commuter traffic between nearby cities, although this is a relatively small fraction of the total, according to bus industry statisticians.

AN 8-PERCENT DROP IN 3 YEARS

Over-all, scheduled bus traffic has declined about 8 per cent between 1966 and 1969, a drop that bus operators attribute at least partly to discount air fares—especially cut-rate fares for young people—introduced by the airlines in the mid 1960's.

Last year, the downward trend abated somewhat. According to preliminary estimates, the 75 largest bus companies, which do at least $1-million in business a year and are called Class I carriers by the Interstate Commission, experienced a drop of less than 1 per cent in scheduled revenue passenger miles—from 14,252 billion in 1969 to 14,170 billion in 1970.

The two largest companies, Greyhound and Continental Trailways, say that business was up significantly between cities 100 to 500 miles apart. The resurgence could increase more this year, according to some transportation experts, because airlines recently increased fares significantly on short-haul routes and curtailed some discounts. Between New York and Washington, for example, a one-way airline coach ticket now costs $27, compared with $10.65 on the bus and $17 for a coach seat on the Metroliner high-speed train.

To make buses more attractive, Continental Trailways last year expanded onto additional routes a service first tried experimentally more than a decade ago: A specially outfitted 28-passenger bus, with a small lounge, piped music, free newspapers and a hostess who serves light meals.

To polish the bus's image and combat the long-time image of bus depots on Skid Row, Greyhound has opened more than 20 "satellite" terminals in suburban areas during the last three years and says it plans more.

NEW TERMINALS OPENED

In scores of cities—Boston, for example—the downtown bus depot remains a sleezy, run-down gathering place for down-and-outers and other unsavory characters. But in some other cities—Los Angeles, St. Louis and Louisville, for example—attractive new terminals have opened recently.

"We're never going to be Saks Fifth Avenue," James L Kerrigan, the president of Greyhound said recently, "but we don't want to be. We want to be the discount store of transportation and can make money at it.

"It's amazing, we survived the '60's with all of the special discount air fares," he said in an interview in New York. "But we did, and the way air fares have been going, I think we may make some serious inroads in the business travel market."

Despite the exuberance of the industry, they concede that they do not make profits carrying passengers alone. Packages carried on the buses brought Greyhound $67-million in revenues last year, often this phase of the business makes the difference between a profit or no profit.

Although the low price, compared with planes and trains, remains the overwhelming attraction to bus travelers, many say they think that there is perhaps no better way to get the feel of America than by bus.

As Mrs. Mabel Washington, a young black mother from Philadelphia said recently as she was arriving at Boston:

"Why take a plane when you get there a little slower but don't pay near as much. No, I don't mind the ride. Least I can see something."

A 30-DAY SUPPLY OF DRUGS MIGHT BE FATAL

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. MILLER of California. Mr. Speaker, Dr. Lester E. Johnson of Alameda, Calif., addressed an open letter, later published in the Alameda Times Star, to Gov. Ronald Reagan, State Senator Lewis Sherman, State Assemblyman Robert Crown, Earl Brian, Jr., M.D., and Malcolm Merrill, M.D., protesting a new Medi-cal formula. He points out the danger in following the law in the use of certain drugs and the effect it could have upon some patients. While it is true Medi-cal may save an occasional $2.30, Dr. Johnson shows the other side of the coin.

I congratulate Dr. Johnson for his letter, which follows, and applaud him for writing it:

A 30-DAY SUPPLY OF DRUGS MIGHT BE FATAL

An Open Letter To: Governor Ronald Reagan, State Senator Lewis Sherman, State

Assemblyman Robert Crown, Earl Brian, Jr., M.D., Malcolm Merrill, M.D.

GENTLEMEN: About December 11 I received in my mail, a new Medi-cal formulary. About December 15 I received the first supplement to this with many corrections.

On December 15, a druggist, Mr. Ronald Nelson of the Santa Clara Pharmacy, Alameda, called me about two of my patients, both middle-aged women who are easily depressed and yet very anxious people. One of these two has attempted suicide several times.

I have found it necessary to use chlorol hydrate, one of the safest of the hypnotic and sedative drugs for relaxation and to induce sleep, for both of these people.

If I allow one capsule four times daily and two at bedtime for sleep, this means six a day. If in addition, I allow two more capsules to be taken should the patient awaken during the night, this means a total of eight capsules daily. A 30-day supply would be 240 capsules per month. This is most certainly a lethal dose in the event that one of these patients gets depressed and decides to end it all with an overdose.

I am fairly sure that one of these two people might possibly do just that. I am also fairly sure that the other one would begin to eat those capsules like jelly beans and become more confused, stagger or fall, and sleep far too long and too much for her own good.

I have other patients on whom I use a limited amount of Nembutal (pentobarbital) "yellow jackets," Seconal (secobarbital) "reds," and phenobarbital, all barbituates "barbs," and many patients on whom I use Butisol, perhaps the safest of all barbiturates. (This has now been removed from the formulary and prior authorization needed). I must now go back to phenobarbital which is not so safe, longer-acting and cumulative.

If I allow a patient one capsule of Nembutal at bedtime under the new ruling, I must prescribe thirty, this is a lethal dose. If I use Seconal "reds," one at bedtime, 30 of these is also a lethal dose.

If a child should swallow too many of his mother's or grandmother's sleeping pills, that child might die. Children up to the age of four years are apt to put anything in their mouths.

I might point out that many prominent, worthwhile people, especially entertainers, actors and actresses have committed suicide with an overdose of sleeping medications. Many a child has died from eating a relative's medications.

Some relatives of my patients have taken another's medications and sold them at school or on the street to other teenagers. Drugs are not food. Even aspirin and iron tablets have killed. It is most necessary and essential that I restrict the available quantity of all drugs that I use in my practice

The Alameda County Coroner's office published report for 1968 reveals there were 40 deaths from barbiturates, 21 deaths from barbiturates and alcohol, a total of sixty-one deaths, and no deaths from chloral hydrate were reported in 1968.

Their 1960 report lists 57 deaths from barbiturates, 18 deaths from barbiturates and alcohol, a total of seventy-five, and two deaths from chloral hydrate. Perhaps some of these deaths may be prevented.

Although I realize that the state Medi-cal fund is in trouble and many reforms are necessary. I intend to treat those welfare patients that I now have in my practice, and will accept the ten per cent in my fees as graciously as I can.

I do intend to protect my patients and their children from drug abuse and overdosage as best I can. This ruling demanding that I prescribe a minimum of thirty days supply of dangerous drugs, I find impossible to abide by.

One of nine consultants who have read this letter raised the question of money!

There need be no added charges by physicians. Most physicians will authorize refills of prescriptions by phone provided they are properly spaced and for safe amounts.

The state will incur, however, added charges to the pharmacies. Each prescription filled by the pharmacist costs an added $2.30 fee for services to the cost of the medication. This is charged whether the prescription calls for a three day or a thirty day supply. After all, the chief function of the pharmacist is that of protecting the public from unsafe medication.

Please, Governor Reagan, Senator Sherman, Assemblyman Crown and Doctor Brian, realize what a precarious position you are placing upon me, my patients, their relatives and the public health. This is a dangerous ruling against the public health and must be corrected as an emergency measure immediately. Every effort should be made to discourage the prescribing of large amounts of any drugs. We have a large enough problem with our present-day "drug culture" without polluting the scene with more drugs.

Sincerely and respectfully,
LESTER E. JOHNSON, M.D.,
ALAMEDA.

VETERANS TELL OF WAR CRIMES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. DELLUMS. Mr. Speaker, after public disclosure of the My Lai massacre, the American Civil Liberties Union and 34 prominent international jurists requested that President Nixon establish an independent panel to investigate war crime allegations. Instead, the President chose to let the military establishment investigate itself—with no outside public assistance.

As a public alternative, the Citizens' Commission of Inquiry on U.S. War Crimes in Vietnam was formed in December 1969 for the express purpose of providing an open forum for eye-witness testimony on war crimes.

From March to December 1970, the Commission held hearings in 13 cities across America. On December 1-3, 1970, CCI conducted a year-end report—the National Veterans' Inquiry into U.S. war crimes in Vietnam—at the Dupont Plaza hotel in Washington. Thirty-eight Vietnam veterans described in detail war crimes they had witnessed or participated in; testimonies received were about events which ranged in time from 1963 to 1970, in location from the DMZ to the Mekong delta.

These eye-witness accounts make it plainfully clear that what happened at My Lai was not an isolated abberation. Instead, My Lai and other atrocities became the inevitable consequence of tactical field policies: the free fire zone, search and destroy, the body count measure of success, the force removal of civilian populations.

President Nixon's decision to allow only the military to deal with war crimes and war crime responsibility has led to the situation that confronts us today—the military establishment willingly will not do anything about these horrors.

If the administration will not act, then Congress must. Last week I introduced House Joint Resolution 296 which calls for full-scale congressional inquiry on war crimes and war crimes responsibility.

Starting today, I am going to place in the RECORD the entire testimony collected at the December CCI hearings. The first installment is from seven veterans of the Americal Division. These honorably discharged soldiers describe wanton destruction, indiscriminate killing of civilians, and systematic torture of war prisoners and suspects as part of a way of life in the Americal Division. I believe these accounts bear close scrutiny in light of the recent decision to drop charges of war crimes complicity against General Koster, the former commanding general of the Americal.

The accounts follow:

MODERATOR. *The men who will now be giving their testimony all served with the Americal Division, with various brigades, some with military intelligence, over a period of about four or five years. This, incidentally, was the same division that Lieutenant Calley and Captain Medina belong to. It operated in Quang Nai Province, in I-Corps.*

The first witness will be John Beitzel, who is going to show us some slides.

JOHN BEITZEL. My name is John Beitzel. I was drafted in 1968, in August. I served a year in Vietnam from January of 1969 to January of 1970. I served in the 11 Brigade, 4th Battalion, 21st Infantry.

I'm going to show you some slides now, and make a little comment on them. I took all these slides myself, incidentally.

COMMENTS ON SLIDES

This is after a search and destroy operation. They brought a group of prisoners back—this was one. They were all suspected VC. None of them had any weapons found on them or anything of that sort. This particular prisoner right here was beaten before he came back, and continually beaten after he came back.

This is him again. You can't see him too well—he's in a bunker. This bunker was where the prisoners were kept before they were sent to our rear base camp. They were beaten in this bunker and kept there for quite a while.

This is the same prisoner right here. He was half dead by this point. The phone right in front there is the form of electrical torture. I saw them use this on his ears, his hands, and he was beaten continually while he was being interrogated. At this point he was still a VC suspect; he wasn't a confirmed VC. They eventually beat him so bad that they had to perform a tracheotomy on him in the field. They sent him in by Medivac, after some hesitation. The medic who was taking care of him also took part in beating him. The medic, after he performed the tracheotomy, asked the commanding officer whether he should send him in or not—or whether he should just take the tracheotomy out then and let him die. But he was sent in.

These were two prisoners. They were beaten too. I believe the one on the right was later killed. There was another VC woman further in the tunnel at the same time, and she was beaten and her face was totally disfigured.

These are the same two prisoners, after different periods of being beaten. This was the (sink hole?) where they were kept. In the previous picture, I had my picture taken with them. I didn't participate in the beatings myself. I was pretty friendly towards them.

This was a search and destroy operation. These were a number of villagers—we just took them out of their hootches and we usually did this and collected them all in the center and we picked a few out, interrogated them and generally mistreated them. It was the policy just to push them out of their vills and search through their hootches and just sort of like wreck the hootches looking for anything.

This is another picture of the same thing. This is also a search and destroy operation. There was a vill that they were getting fire from, they automatically named it a VC vill, or VC sympathizers. We had a big operation on this. We called in bulldozers and jets, napalm, everything. Our objective was just to level the vill. This picture right here—this was, somebody was found in the vill. He was taken out and we were all forming a perimeter, that was the center. That particular person was hit by a .45 in his head, beaten by the ARVNs. These other two on the side, they're two young kids who were also beaten by the ARVNs.

This is a picture of a VC suspect again. Not a VC. He was just found in the vill. Right at that point an ARNV soldier is pointing a .45 at his head, questioning him, pulling back the trigger and threatening to kill him if he didn't answer the questions. He was continually beaten.

This is a photo of a mutilation of a body. We overran this hill one day in June, 1969. There were a few dead VC or NVA. They cut off the ears and right now he's cutting the tooth—he had a gold tooth in his mouth and he's cutting the tooth out. The ear, as you can notice, is already taken off.

This is another close picture of the same thing. Those bodies were totally multilated. The legs were just completely burnt off. They are the first pictures I took of dead people and they're the last, too, because I couldn't stomach it after that.

I also saw innumerable amounts of other atrocities. For instance, we were working with a Recon element of our battalion. Recon element was a big body-count element, they always had the most body count—that's what they concentrated on. They had a smaller unit and could move around a lot easier. This particular unit, we were working with them, and we were on the same frequency on the radio. They reported over the radio to us because we were acting as liaison to our headquarters. They reported to us that they had 13 kills. Everybody thought that was nice. But later on, one of the platoons in my company went through the same vill. They came over the radio about an hour later and they said, "We can confirm the 13 kills reported by our Recon element." They said there were 9 women, 3 children, and a baby.

Also, at another incident, this was about March of 1969, we were searching through some vills and I heard shots, so I immediately ran over to see what was happening. I saw two Vietnamese in a rice field and they were shooting at them. I was wondering—and I shouted out, they looked like kids: "What are you shooting at?" A couple of people just yelled, "They're VC." So they continued shooting at them. We chased them. We found out that they were just two girls, approximately age twelve to fourteen, and one was shot, I think, very close to the heart—she was critically wounded. She was sent in by Medivac. The other one was a girl of the same age. But they had no weapons, nothing whatsoever. I think the reason this incident happened was we were always pressured for body count. Our unit was rather low, especially in our brigade, for body count—our company was very low. In fact, I heard one captain say to another captain one time right before we went out on a mission—"Maybe you can get some body count this time." Our battalion was really hitting a lot of heavy action. Our battalion commander also passed down the word that we weren't getting enough body count. Originally our missions just were to go out and search a vill and that would be the patrol. After a while, since our body count was so low, we had to go out on patrols all day long and we had to do a lot more night work, night ambushes—this was due to the fact of the low body count.

Also, it was a very popular thing to shoot gas grenades at young kids—because they were always the first to hit our hills after we left them, for food from our C-rations, etc., and they'd always come up immediately after we left. So our commanding officer told us to shoot gas grenades at them to chase them away or whatever. Once my commanding officer himself shot two bursts of M-16 rounds at a group of children. Fortunately it didn't hit any of them.

It was also a general policy to burn villages, especially the ones outside of Highway 1, Route 1, because—well, when I went there I was told that anyone who wasn't in the refugee vills or the main vills were VC or VC sympathizers, so whenever we worked a couple of kilometers off Highway 1, they were just VC so we generally burned the vills when we went through and killed chickens, animals, or whatever. Anybody moving at night, also, no matter where it was, was considered VC and they were shot at, artillery was called in on them.

It was also policy, especially in my unit, to have civilians walk point in case there were any booby traps. We always figured they knew where they were at, so we had them walk point. We would just take any civilians and drag them along with us all day long.

Another popular thing was throwing grenades into foxholes. That was a general thing—foxholes and bunkers. Most of the villages kept bunkers for air attacks. Whenever we went through we would just throw grenades into foxholes. I never really thought anybody was in them until one time, someone had a white phosphorous grenade and threw it inside. This was after they threw a couple of hand frags in. The white phosphorous smoked out this old VC about sixty, seventy, and the white phosphorous burned up his face and singed his whole body. Then after that, you know, I got to believing that there were people in the bunkers—civilians, not necessarily VC.

Whenever we were going on patrol it was always the thing that if you heard anything, no matter what, to recon by fire. If we saw anybody moving in the distance—outside Highway 1—we would call in artillery on anything that moved because the people were always told to move into the villages near the highway. There was also constant beating of VC suspects, not necessarily VC. There are many incidents I can tell about, but it's the matter of time, so I'll close up now.

MODERATOR. *Does anyone want to ask Mr. Beitzel any questions?*

From the FLOOR: How does the body-count pressure come down?

BEITZEL. I received it through my immediate officer, my lieutenant, platoon leader, and he told us it came from the CO, where the CO would usually tell us that it came from the battalion commander.

FLOOR. *Did you have any quotas?*

BEITZEL. We didn't have any direct quotas, no specific quotas.

FLOOR. *Did you have a system of rewards for a high body count?*

BEITZEL. Oh, yes, there was a system of rewards. For a while, whoever got the kill would get a—in the beginning it was a case of beer or a case of soda. The squad who had the kill or person who had the kill would get a case of beer or a case of soda. After I was there a while, it got to be a three-day pass.

FLOOR. *It seems that the Americal Division had such a high body count that everybody would be out on a three-day pass.*

BEITZEL. Well, a lot of times they promised a three-day pass but very often you didn't get it.

FLOOR. *Was there a system of competition between the squads or the platoons?*

BEITZEL. Not in my unit. I was fortunate in that my unit wasn't very gung-ho.

FLOOR. *Maybe I missed this at the beginning, but did you give us your unit and where you were in Vietnam?*

BEITZEL. I was in Vietnam from January, 1969, to January, 1970. My unit was 4th Battalion, 21st Infantry, 11th Brigade. Americal Division.

FLOOR. *What rank were you?*

BEITZEL. I was a sergeant, I was a squad leader.

FLOOR. *How old are you?*

BEITZEL. I'm twenty-one right now.

MODERATOR. *Are there any further questions, gentlemen?*

FLOOR. *Have you testified before?*

BEITZEL. No, this is my first time.

FLOOR. *How were you contacted?*

BEITZEL. A friend of mine was in an active anti-war thing. He told me about it, and I got interested in that way.

FLOOR. *Did you ever make any attempt to report this to a superior officer?*

BEITZEL. The only thing—I knew it would be worthless then. The only thing I could do while I was over there was that every time new people came over was just to let them know that we weren't gung-ho and that we weren't going to—that we, as individuals, weren't concerned with body count and my unit, my platoon especially, didn't concentrate on this. We tried to avoid it although we were pressured sometimes from our higher commands.

FLOOR. *Were you ever told at any time during your training that you should report atrocities or war crimes?*

BEITZEL. Never.

MODERATOR. *Okay, gentlemen, we'll move on now.*

MODERATOR. *The next witness now is Bob Anderson.*

ANDERSON. My name is Bob Anderson. I served as a sergeant in the Americal Division in Vietnam from October of 1967 to November of 1968. My period of service overlapped in the Tet offensive, I say the Tet offensive, and the incident in My Lai. I was with the 198th Light Infantry Brigade. I was not involved with My Lai, but I think I understand some of the kind of psychology of it, because things like that happen. I'm not here to convey any staggering new atrocity stories to anybody. I can only kind of try to represent myself as—as I think, anyway—an average Americal Division combat soldier serving in Vietnam during this period. I'm here to try to get across to the American people through the press a truer understanding of what that involves; hopefully, to get this thing over and avoid recurrence of this type of thing. So the things that I'll tell you are just kind of off the top of my head; they're just incidents that come back to me. I don't have any notes, I don't have anything specifically in mind, because I just would like to get across average occurrences to give a representative picture.

I don't think anybody has got a statistical profile on the experiences of Vietnam or what is an average Vietnam combat veteran. I can only say that I think I'm one. In the interests of time I can't relate hundreds and hundreds of incidents to you, but it wouldn't be difficult to do. So I suppose you have to accept almost on faith my word that these things are typical. But in the end, I think the people have to accept somebody's word on Vietnam, and the words they've been going on is that of people who have an interest, a personal stake, in that war: the career military, and people in government who can't back down from decisions that they've made. I have no stake in it. I went there, I might almost say, as an experience—to see.

I think that the unfortunate thing is that our policy continually subjects the Vietnamese people to a level of suffering that I think is unforgiveable. This does not always involve death; it may involve destruction or disruption. Why, in daily acts and in almost everything that is done in the field, these type of things are happening. I know of three instances that come to my mind that involve the loss of life of Vietnamese. There was no certainty of their having been, in any sense, an enemy. In fact, it's rather doubtful in my mind that they were. I think, just an instance—coming into a village in June of 1968.

The platoon leader was new in Vietnam and trying to make an impression on the platoon. Platoon-size recon operation—move into a village and all we were supposed to do was go out and walk around that day and see what was out there. The village chief, an old man, came out, attempted to bow and communicate in some way—we had no one that spoke Vietnamese. The platoon leader was trying to find out where the VC were if there were any, by talking in English to someone who could only reply in Vietnamese. While he was doing this, a young boy from the village came running by, for what reason, I don't know—personal panic, what his personal motives were, I don't know. The lieutenant whipped around and shot him, killed him. Well, as I say, he's new, he's out there as a low-level decision maker with no background to make these kind of decisions.

I served as a squad leader most of the time I was there, as a sergeant. I spent a great deal of time on night ambushes. I was in charge—I'm in radio contact, I'm out there with five or six people, I make the decisions as far as what happens, and who fires and things like this. I know of many, many instances where you're out there maybe on top of a hill near a village and it's getting on toward dark, maybe you're on a listening post at night or something of this type. The machine gunner would just to keep things quiet in the village at night, he would wait until it was almost dark and then when anybody moved down there, he would fire at them for a while. We'd never go back the next day to check and see if anybody's hit, anything like this.

All kinds of random thoughts come into my mind. Driving in trucks down Highway 1 and people from my unit sticking your foot out over the side of the vehicle trying to knock over an old Papa-san on a bicycle. The squad leader that I had when I first went over—one of the first times I was in the field—moving through a village and finding an old lady who didn't want to move off and leave her home like the rest of the people. She's crying, she's in tears, obviously doesn't speak any English and he didn't speak any Vietnamese, nobody there does. He says, "Where VC? Where VC?" and she doesn't do anything except scream in Vietnamese and cry. And he carried a .38 pistol of his own. He took that out and he tied her up, he fired a round right next to one ear, and asked her again where the VC were, same reply, fires a round next to the other ear. No reply. So he gets some brush, dry brush, put her down on that and light it on fire. Well, okay. People in the squad intervened and pulled her off before she could go up completely in flames.

This type of thing, this harassment—all the time. The Americal Division search and destroy policy—if we were out moving, we received a round or two rounds of sniper fire, didn't matter who fired it or where it came from, you moved to the nearest village, you got on line you moved through the village, you burned every hootch—a hootch is a Vietnamese home. It's made out of bamboo and thatch, its' all they've got. You put the zippo lighter to it and put it up. You destroy all their property, you spread the rice around on the ground, you break up their tools; you herd the people together, you send them off on a helicopter to be interrogated. And you've heard what happens in interrogations. I wasn't in on that.

These are impressions that are just in my mind. One after another. I would not try to tell you that every time an American soldier goes to the field in Vietnam he's going to kill an innocent South Vietnamese. But I would say, every time the Vietnamese people—and I'm not talking about the VC or the NVA—but I'm saying the Vietnamese people as a whole are going to suffer.

MODERATOR. *Any questions?*

FLOOR. *I want to ask this question, sir: knowing that black soldiers are dying disproportionately in Vietnam, what degree of racism do you attribute to these atrocities that are happening in Vietnam every day, vis-a-vis black, yellow, white, whatever?*

ANDERSON. This was not—racism was not really in the picture, I don't think, in 1968 in my unit, Americal Division, in the sense of ill feeling between blacks and whites or chicanos or anybody else within the unit. There's a general disregard for the Vietnamese people. It's not, in many cases, that there's a hate, it's just that they're there. They're in your way. Your whole object is to get through the year and get back and you just don't care. You just disregard them as people.

FLOOR. *How can you account for the fact that in the Second World War when we were fighting against the white Germans, we didn't have these abysmal atrocities that we're having now in Vietnam against the yellows?*

ANDERSON. That's maybe a complex question. Just—I feel that so many decisions are made by low-level people over there—they have to be made in the context of the general policy and your people down on that level maybe have a tendency to lose control or make bad decisions because they're not really—they shouldn't be making those decisions.

FLOOR. *What I'm really trying to say is, isn't there an underlying racism that pervades America and motivates our soldiers—quotes, our soldiers—to these abysmal atrocities that was perpetrated?*

ANDERSON. I think the underlying racism which, I think, it's fair to say there is in this country, leads us to a position where we don't equate the loss of lives over there, yellow people, Orientals, with the loss of life here. I think we're very callous as a people about this, yes.

FLOOR. *Were you, as a soldier, given any kind of training, or was there any information given to you, as to how you were supposed to treat Vietnamese civilians, and if so what happened to that information?*

ANDERSON. I can't think of any specific training as such. We were trained to go to Vietnam. We went through mock-up Vietnam villages. We had a certain number of lectures. The tone of the lectures—the general import of them—was that you cannot trust these people. You cannot separate the enemy from the friendly civilian population, therefore you must be constantly wary and on guard, and ready to respond at any time. Even children and women, and anyone there, can kill you. So I think as far as the official preparation you're intended to go over there expecting that the civilian population would be VC and therefore would be a threat to you. You're constantly on edge waiting to react to that.

FLOOR. *When and how did you first learn of the My Lai incident?*

ANDERSON. I learned of it through the press back here.

FLOOR. *In your own division you never heard any rumor or anything about it?*

ANDERSON. I heard nothing. I had a friend who was a medic who had worked with a unit that had gone down there in approximately that period of time. He said that there was a lot happening. That's all I heard, you know.

MODERATOR. Gentlemen, we'll move forward now to our next witness, who will be Nathan Hale, who's going to show us some slides also.

HALE. My name is Nathan Hale. I was an interrogator with the Americal Division. More specifically, my unit was the 198th Light Infantry Brigade in Vietnam from December 1967 to December 1968. These slides I'm about to show you are in conjunction with the Marine Corps on an operation called Daring Endeavor, in October, 1968. The first slide—well, as far as geographic location, it was south of Da Nang. The idea of the operation was to cut off a suspected enemy force.

COMMENTS ON SLIDES

The first slide shows just our means of transportation, and just the unit in general. This is a group of civilians, detainees, that we rounded up from one particular hamlet.

This slide shows just the way we talked to them. The man is bound. You have to understand, those ropes, they're not just loose. Generally when you take them off, their arms are just red and their arms are blue.

They don't come out they're blown out or dragged out, or any means possible.

This particular slide is an interrogation going on. You'll notice the Americans standing around. This is also the national field police. Of particular interest is, on the left-hand side, the man with his hand on his hip is a warrant officer. I would say that during the whole time there were officers present, including a lieutenant colonel.

This is out of sequence, but I'll tell you what happened. I had my boots off and I was drying them. I was here [pointing] when the national field police came over and threw a spoon into my fire. He then grabbed my sock, wrapped it around the spoon. He went over to where the man was. You can see them kicking this man, you can see the foot in motion. They're asking the man for information.

He's not talking, or he's not saying what he's supposed to say—that he is in fact a VC.

Here they're burning the skin from his neck with the spoon that the man came over and put in my fire. You'll notice that at no time is it just an exclusive thing: there's Americans present at all times. [In response to question about identification] That's the national field police—South Vietnam, yes.

This just can give you an example of disregard or apathy in the field or whatever. And that's it for the slides.

I was never formally trained as an interrogator, I was trained as an order-of-battle specialist at Fort Haliburg, which is a military intelligence school. I volunteered, by the way. All during the time prior to going to Vietnam, I was probably a good soldier. I was a good soldier in Vietnam. My experiences with interrogation, I learned in the field, I heard from—my S–2 told me, at the 1st of the 1st Cav, that I could use any means I wanted to. Just don't get caught. The idea of not getting caught is don't expose yourself to someone like the criminal investigation people, or a non-combatant, an inspecting officer. But I've beaten people in front of field-grade officers. I've beaten people in front of my S–2. I don't know if you're going to ask me the same thing, why didn't I ask someone—who am I going to tell, my S–2? He's there. I can relate to you one instance in February, 1968, where a man was kicked so severely that he died. But rather than expose this, rather than go through the paper work, my S–2 had him put in two 500-pound rice sacks, and the armored troop I was with dumped him. This, however, increased the body count by one.

FLOOR. *Can you give us some specifics? How* *did you beat these people, pistols? Boots?*

HALE. Yes, I used anything I wanted to use. I used a knife. I surface-cut people with a knife. I'd use boards, ropes, feet, fist, anything. The idea was to stay away from the face, though, always on the body.

FLOOR. *Was that a matter of individual initiative on your part or were you ordered to do that?*

HALE. I wouldn't say that it was a direct order. My only order was to get information by any means possible.

FLOOR. *How often did you do that?*

HALE. Well, when I was in the field, I did it on a daily basis.

FLOOR. *How did you use the knife?*

HALE. Just by—well, the prisoner was generally bound. I'd run the knife around him, sometimes just cut him but, you know, never stabbing.

FLOOR. *Ever kill any?*

HALE. No.

FLOOR. *What went through your mind when you were applying these techniques?*

HALE. That I was right.

FLOOR. *Why?*

HALE. Because I was told that I was right. And no one ever told me that I was wrong.

FLOOR. *Did it sort of come to you later that——*

HALE. It came to me, it came to me—I don't know when, I don't know where my cut-off point is, where I started to realize that everything I did wasn't the way it really is. It's—it's not—I can't, I can't live here and say well, that's over there, that's two years ago—well it's not.

FLOOR. *Did you take slides during your entire stay?*

HALE: Yes. But this is the only sequence I have of interrogation.

FLOOR. *What rank were you?*

HALE. I was a Specialist 5.

FLOOR. *Did you and other interrogators relish the beatings, or did you always justify to yourself, as a means of getting information?*

HALE. It was always justified by the information that you gathered, if any. Something about that—anybody, if you're beaten to a point, you're going to lie. When I was at divisional level, so often we would have to declassify people because of misinformation, because they were just beaten so severely. They had to lie to save their lives.

FLOOR. *How did you happen to take the pictures? Were all interrogation officers, are they allowed to carry cameras?*

HALE. I wasn't an officer. I was an enlisted man. No, I just happened to have my camera with me.

FLOOR. *Were you ever discouraged from taking pictures?*

HALE. No.

FLOOR. *How about your rank?*

HALE. I was a Specialist 5.

FLOOR. *Did you go to church when you were young? Did it have any effect on you?*

HALE. Did I go to church. No, I didn't go to church. Fortunately, my family sees that if I want to go to church I go, but I chose not to go. But I don't see what you're getting at.

FLOOR. *I was just curious.*

HALE. It affects me now but not because of religious beliefs.

FLOOR. *What about other soldiers who participated in that torture—a lot of them, I guess, were churchmen—did they ever put the two things together?*

HALE. That's part of the big myth, you see. You're taught that prior to going over—okay, you're a soldier, first, and everything else be damned, because that's the way it is.

FLOOR. *Did military chaplains witness much of this stuff?*

HALE. I personally saw a military chaplain as a door gunner, in one instance.

FLOOR. *Where was this?*

HALE. It was in Americal, 1st of the 1st. I'm not sure of the date.

FLOOR. *Where did you go to beat up people? Where did that take place?*

HALE. Most of my beating occurred at the 1st of the 1st Cav base camp, Hill 29.

FLOOR. *And can you give us some approximate dates?*

HALE. The man that was kicked to death was in February of 1968. I was also in the field in July of 1968, and Operation Daring Endeavor was October, 1968. But there were many times when I was just sent out to a unit, maybe for a couple of weeks or a couple of days.

FLOOR. *Did they just send you out to beat them up? Was that your sort of——*

HALE. No, my specialty was an interrogater and as interrogators were needed—if a large group of prisoners were gathered and they wanted the information, immediately, whatever that meant.

FLOOR. *Did you say 29, the 1st of the 1st Cav?*

HALE. 29—? Oh, Hill 29 is the area. Right.

FLOOR. *Anderson. Is that right, your name is Anderson, sir?*

HALE. My name is Hale, Nathan Hale.

FLOOR. *How old are you?*

HALE. I'm twenty-three.

FLOOR. *By any chance, are you any kin to the other——*

HALE. No.

FLOOR. *Mr. Hale, I'd like to say first of all I feel that your answers have been very direct—and incriminating, if you were in the military. You have made personal accusations against yourself which could incriminate you if you were in the military now. Also, I'd like to allude to this by saying, how much of indoctrination do you attribute to the fact of your atrocities, vis-a-vis not being indoctrinated by the military?*

HALE. First of all, I did everything solely on the basis of what I believed; prior to going, I was probably—I was right, you know. I wanted to go over there, I wanted to do my part. From there, I think what you're saying is, what do I believe——

FLOOR. *No, no, I'm not saying that. What I'm saying is, as an American, born in America, how could you be so vicious against yellow people? That's what I'm saying. To hell with the church bit.*

HALE. No, no, it's a racist thing. It's definitely a racist thing as far as I'm concerned.

FLOOR. *Thank you for your honest answer. How had it affected you personnally?*

HALE. Personally—I've had to go within myself and try and find, try to explain to myself what I've done. But I'm not—I'm not here to justify myself, I'm here to tell you the way it is, now, every day.

FLOOR. *Could you do the same actions if the so-called enemy were white people, not yellow people?*

HALE. I'm sure I could, I'm sure I could. Because——

FLOOR. *Then it isn't racism?*

HALE. I'm saying—okay—it's racist thing now. I would act on what I learned prior to this I know this because—maybe I'm going too far, but my brother-in-law was an interrogator also, in World War Two, and he tells me that they did the same things against the Germans, you see, so—I don't know.

FLOOR. *You think that it was a racist thing, now?*

HALE. I don't think, I can say yes, it is.

FLOOR. *It was easier to behave that way with the Vietnamese, though you could have behaved the same way with white enemies? Theoretically——*

HALE. Yes, it was easier, easier with the Vietnamese. Easier? Oh, wow. Of course it's easier, because of the whole thing—it's a big propaganda thing, of hate.

MODERATOR. All right, gentlemen, we'll move on to the next witness.

FLOOR. *I'd like to ask a question of the Commission. It occurs to me—I know you have this philosophical objection to naming commanding officers and such for fear that the Army will just forget about the whole thing—but you've now got, I don't know, about twelve, fifteen guys who have talked, and each one of them has a commanding officer who was around, has a lieutenant colonel perhaps that he could name who was on the scene. Why not draw up a list of every officer that you know was there, or every general that you know knew about these things, and have some indictments?*

MODERATOR. We're not trying to find out who's guilty on an individual basis. If we did that we'd probably have to draw up a list with 2,500,000 names on it. What we're trying to do is find the responsibility for these actions and we say that the responsibility is at the highest levels of planning. That these tactical field policies emanate from these highest levels of planning and create a strain, a type of atmosphere, in Vietnam, where these type of actions have to occur on a very, very frequent basis.

FLOOR. *Could you be more specific as what you mean by the highest levels of planning?*

MODERATOR. Well, wherever these things are planned. At the highest levels of government.

FLOOR. *Can you diffuse the responsibility by just throwing it at the highest levels of government?*

MODERATOR. Well, maybe we can start with the National Security Council. You have to start someplace.

I'd point out here that Captain Master is here, and will be joined later by other active-duty officers. They've come to this hearing in one part to determine whether they're going to bring charges against a number of high-ranking generals under Article 138 of the Uniform Code of Military Justice. The attempt, I suppose, is basically to—as I said to some people individually—take the monkey off the individual's back, take it off Calley's back, and put it a step higher—let the generals do what they will with the monkey once it's on their back.

FLOOR. *Of the Vietnam veterans who've returned, how many do you think share your views?*

MODERATOR. We'd only be speculating if we said that.

FLOOR. *Would you speculate?*

MODERATOR. No. Certainly all of them in this room do, I think.

FLOOR. *Article 138 is not a criminal charge, though, is it?*

MODERATOR. It gives the authority to any member of the armed forces to bring charges against anybody else in the armed forces.

Gentlemen, we have a limited amount of time. I'd like to move on—we have three more witnesses before this session is closed. The next witness will be Gary Battles.

While Gary is coming out and getting settled, I might mention I heard what was said about the chaplain and "thou shalt not kill," and I think it's an important point to know that at the chaplain's school they've changed that commandment. In their new edition of the Bible that commandment now reads, "Thou shalt not murder"—which is quite a bit different.

MODERATOR. *Gary Battles is our next witness. He served with the Americal Division, 1st Battalion, 20th Infantry, the battalion of Lieutenant Calley's platoon. Gary, did you ever witness the brutal treatment of civilians?*

BATTLES. Yes, I have. First of all, I'd like to say that I'm Gary Battles. I took my basic training at Fort Dix, New Jersey, I went on to advanced individual training at Fort Polk, Louisiana. I went overseas and I was put into Delta Company, 1st of the 20th, 11th Light Infantry Brigade, Americal Division. I started out in a regular line company—every time I talk about this stuff I just begin to shake because I can't believe everyone is just sitting there and not doing something about it.

One of the things that happened to us when I was in the country approximately thirty days was our helicopters landed, our company got out of the helicopters, I saw us moving into a U-shaped ambush. I brought it to the attention of our platoon leader, who was a lieutenant. It was a rice paddy, circled on all sides by dense jungle. In my training, which I paid attention to, because I thought I was doing what I should do because all the American people were allowing the Army to exist, and allowing it to act in Vietnam, I thought, well, this must be right, who am I to speak out? So I just let it—I told it to the platoon leader, we're going to get ambushed, it looked like it was according to our training, nothing was done. We proceeded to move forward, approximately 300 meters later, six men were killed instantly—what I mean by instantly is a matter of a minute or two. I was rather shocked. I had never seen dead people. I saw a lot pretty quick.

I was a radio man at the time. I called the colonel, or whoever the man is riding in the helicopter, called down, "We've made contact." Beautiful. Contact with the enemy is what we want, that's our policy. He started talking over the radio—he wanted a body count, he wanted a body count. I said, "Sir, we've had six men killed." And while I was talking about that another man wanted to use my radio. I asked him why—he said, "Because a man here has had a heart attack." Nineteen years old—he had a heart attack. By this time I could hardly function, I was only in the country approximately thirty days.

I got back on the radio, like I was supposed to do, just trying to relate to whatever I was trained. My job at the time was to talk on the radio. The colonel or whoever it was in the helicopter started asked again. He wanted a body count. I said, "Sir, we have six men killed, one man had a heart attack, we can't get ourselves together enough to pull back. We have men out there we believe are still alive. Some men here are really close to these men in the field and they want to crawl out there and save them. We can't do it." He goes," I don't care about that. I want a body count. "At that time, I thought, who does care? Maybe somebody out there can tell me who cares. If you care so much, why does it go on?

So at that time, I put my radio down. They asked me to shoot or something—put out some fire so these men can crawl out. At that time, a man crawled out, and he received a round in the back, lower back, in the buttocks, or whatever. He went out to the man, he got a hold of him, he had a hold of a small root. He wouldn't let go; he said, I'm too messed up, I don't want to go home anyway. He tried to get him to a gully(?), he got down, crawled back, received another round. This man came back. We're sitting in a perimeter, everything's quiet. No shooting—either the enemy had dispersed or whatever—I don't know what happened, everything was rather quiet. We got up to move back, received a few more rounds, and then we just set up our perimeter. The dust-offs landed, enemy shots at dust-off helicopters, we just started shooting into the woods again, into the jungle. You don't know where they are, you don't know who they are, anything about it, you just shoot; could be civilians, could be anyone. That's the way the whole thing is run. We were setting up a squad of who was closest to the squad was going out, and six out of the eight men were killed, asked if they could go back and so-called do a J-O-B, do a job, on the old woman and a child who we had passed prior to walking into the village. I told you, we got out of the helicopter we came across two people who were in a hootch with sixteen bowls of rice. Immediately the conclusion was drawn—these two people can't eat sixteen bowls of rice, therefore they're feeding the enemy. The captain was asked if the squad could do it; it happened to be a squad who I was rather close to, and I had rather big eyes at the time, trying to see exactly what was happening in Vietnam. The captain shook his head; we went back over around the hedgerow, threw an eighty-some-year-old women in a well, with about a seven-year-old girl. One grenade was thrown in the well and not too much happened, although there was screaming and whatever. If you're going to be thrown down a well—I don't have to go into it. The second grenade was thrown in—that's a waste of money, right there, another grenade was thrown into the well, and blood and whatever parts of the body, whatever, small parts, flesh, were thrown about twenty-some feet into the air. That's just one incident. That happened approximately thirty days after I was in the country.

Floor. *Where was this?*

Battles. This was behind LZ, just outside of Duc Phuo.

Floor. *When?*

Battles. This was June or July—June, it was about June 10th, about thirty-some days, twenty or thirty-some days after I got into the country. This would be 1969.

Moderator. *Gary, were these murdered civilians included in the body count?*

Battles. Of course. Every time—well, just like it says in Life magazine, if you engage contact with the enemy, it really doesn't matter, you immediately chalk up two. That's the way it is—that's the way it really is, and I don't believe nothing's being done about it. That's why I'm here.

Moderator. *Did you ever witness torture of Vietnamese suspects, civilians or prisoners in Vietnam?*

Battles. I've witnessed torture and I've witnessed killing of people. They've only given me two things to speak on about what happened to me so—I'll talk about that one. We were on a sweep, we had been ambushed by our own men, there's your Army really working with each other. We were moved out at 2:30 in the morning to pull off an ambush—whoever was organizing—I don't know where the organizing was done, I really don't, there seems to be a lack of it. We were ambushed by our own men. One man was killed and two men were wounded. But that's irrelevant—we're here to—supposedly irrelevant—we're here to talk about mistreating. This thing that happened this time, as we came back past the bunker after a small operation which I just told you about, which never came off because it was too messed up to even do, five people were seen running. They went into a bunker. I wouldn't have been running, I'd have been flying. I mean, if they're going to be shooting each other, what are they going to do to you. They got inside the bunker, they wouldn't come out, so two grenades were placed into the bunker. It's called a claymore mine—it was set up, slid into the bunker, the troops backed off, set up a perimeter, and they blew the bunker. Now, I don't see how they could have known these people were enemy. I don't think they really cared. I'll say, personally, I know they didn't. I'd like to know who sent us there—I'd like to know a lot of things about it.

Moderator. *Were officers ever present when this——*

Battles. Yes. When men were dragged out of the bunker and being VC suspects, or whatever—seems to be a good literary, whatever, what you want to call it—the officers came down in the helicopter. The men were dragged out of the bunker. One weapon was found inside—it didn't work, hadn't worked for a long time, you can tell, so they had no weapon. They were dragged out. Three were dead, two were still alive, one was just barely alive. The other one they went through the normal beating of him, slapping across the face. A young boy, who could speak Vietnamese, who traveled with our outfit, walked with us, he dragged barbed wire across their hands. He always did this. He did this in this one instance and they wouldn't talk, so one guy who I'd seen come in the country—kind of a heavyset guy, pretty nice guy, kind of easy-going in life I imagine, but it's not a way of life in Vietnam, it's a way of existence—he figures if we kill this man it'll be one less to worry about. Which is what happens every day, that's the way it is. If they're all dead, there wouldn't be a war, then we could all go home. There were several people who wanted to kill this man who was still alive. Somehow this guy got the lucky number. I don't know what it was, and he put eight rounds—the man only needed one round in his head—he didn't need any—he didn't need the ones he had in him, let alone eight more. He shot him eight times in the head. There were officers present. This question keeps coming up, though you should know by now—who do you turn to, who do you tell this to. I mean, you're talking up against a brick wall and if this comes out to be talking up against a brick wall to whoever's here trying to release this to the people, then I don't know what more we can do to let you know what's happening over there.

Floor. *How many Viet Cong suspects would you say were killed while you were there, that you saw?*

Battles. During my tour in Vietnam?

Floor. *Yes.*

Battles. Of all the incidents, like, of seeing artillery come into vills which I know there were people in there, and going in and seeing bodies, I would say a total of—it's really hard—I'd say somewhere near fifty. Over thirty and under fifty. Our unit, they were rather gung-ho, and when I was put into that unit I wanted to get home. I had a girl, I had parents—who now rather disown me because I'm talking out and telling the truth, but I believe in what I'm talking about because it is the truth.

Floor. *These were civilians?*

Battles. Yes, they were civilians. You can't tell civilans from who's the enemy. We shared rice and chicken heads with a man one day, we set up his vill that night, and that night we blew a claymore, went out the next morning and it was him, sneaking into the perimeter with H-1 hand grenades and an M-14 rifle. I don't know who gave it to him. Maybe he took training at Fort Dix with me. I have no idea. I could believe that—

Moderator. Any other questions?

Floor. *Could we have your age?*

Battles. I'm twenty-one. Glad to see it, too.

Moderator. Okay, we'll move on now to a man that served with Gary Battles, in his unit: Charles David Locke.

Locke. My name is David Locke, and I was in Vietnam from 19 January to 15 July this year. While I was in Vietnam I spent time in three different units: one was E Company, 1st of the 20th, 11th Brigade; D Company and C Company of the same brigade.

In E Company I was in 4.2 inch mortars, and while in the mortar platoon I participated in firing approximately one hundred white phosphorous rounds. It was old ammunition for the mortars and we were told to expend it so we fired it into three different villages, in the same area, burning and destroying everything there. They were populated, as far as I know. We were told they were populated and VC vills

While in Charlie Company, before I went or SRP—a short-range patrol—with about six other men, I was told by the CO that he didn't particularly like prisoners. And when we went out, there was three dinks spotted running across the field from where our night lager was. They were policing up food. They had no weapons; they were all dressed in black pajama bottoms; and we were told to chase them and kill them, at which time we chased them, and we killed one—well, we wounded him first and called in on the radio and said we had a dink that was wounded, and the CO said, "You got a what?" and the squad leader blew his head off and said, "We have a KIA. Our position has been given away and we need to get out of here, can you get us a couple choppers in and get us out." And the CO says, "No. Can you get me two more dinks."

When I left Nam I was told by the first sergeant that the CO needed approximately seven more kills before he'd be put in for major. This one dink that we did kill—we were ordered to booby trap the body and spread-eagle it so it couldn't be buried unless it was chopped up. Consequently, his ear was cut off and awarded to the platoon leader—which he kind of cherished. He enjoyed that.

We went on a search and destroy mission one time, in Delta Company. We were choppered out in three forces—a red, yellow, and green force. There was two blocking forces and a sweeping force. I was in a blocking force at the other end of the vill. The sweeping force was ordered to sweep through the vill, kill and burn everything in sight, which included people, and animals, and just burn the village down—and we were on the other side blocking, in case everybody ran out the other way. Well nobody made it out. They were all found in bunkers, where grenades had been thrown in, and in their hootches, some of them.

When I was in D Company I was a FO. I had called in two missions with white phosphorous, PD high explosives, which is point detonation and vertical time fuses—on, I believe it was, two occupied villages, they were supposedly VC. I suppose that did a little damage.

Moderator. *Gary, can I ask you, while you were in the 1st of the 20th, what was the general attitude of the men toward the Vietnamese people as a whole?*

Locke. Remember My Lai. "Remember My Lai" was what about 90 per cent of the people in the company had written on their hats.

Floor. *What did that mean?*

Locke. Remember My Lai? Charlie Company, 1st of the 20th, is the one that was in the My Lai incident, and these guys think that these people that are being put on trial, they think they're being shafted, because that's policy. You know, you get a good body count, you're uptight, you get a three-day pass, squad gets a case of beer. We went through this village and discovered some rice, turned out to be about a seventy-thousand-pound rice cache. Actually it was about a mile square. We took the rice from the people that they had been working all year long saving up, so they could eat during the rest of the year and take some to the market and sell it. Well, we took all that and delivered it to the compounds where the refugees were. We had a chopper pilot, he was lifting out on a chinook, he was lifted out about forty thousand pounds worth, I think, and he got shot in the arm, and immediately the CO took a platoon, and they ran through a village, killing and burning and everything. And they threw two frag grenades in this one bunker—somebody was spotted going in there and so they sent one man in there after him. And he pulled out fourteen people, of which one admitted to shooting the rifle that shot the chopper pilot. They sent an agent—I don't know whether it was CID or CIA but I remember looking on his collar and seeing the CI, I didn't see the third letter. He came out there and tortured the guy, right there. While I was eating my lunch. It was interesting, trying to eat, and listening to this guy get tortured. They were kicking him in various spots, using a pencil and jabbing him with that—beating on his chest—there were several forms—they were goughing his eyes, they were having a big time.

Floor. *David, you used the word dinks. What other words are used to describe Vietnamese people that are racial slurs?*

Locke. Gooks, slantheads—dinks was the most popular where I was at. It was the only thing. If it doesn't look American it's a dink. If it's a dink it's bad, therefore should be dead.

Floor. *David, what do you know about what happened in My Lai, anything, firsthand?*

Locke. No, no firsthand knowledge. I wasn't there when that happened. I got there the 19th of January, 1969, it was all over and pretty quiet. The only thing—they got over there is the people still wear this "Remember My Lai" thing on their hats, you know, "Remember My Lai" and "Kill More Dinks" and all this.

Floor. *In your experience, what has been reported as happening at My Lai was not usual?*

Locke. No, not at all. I mean, that happens quite often. They think it's a VC vill so they blow it away, get it off the map. Go through, clean the area out. Then thereafter anybody found in that area is automatically a VC, and they're going to kill that too. They've got whole big areas, whole valleys and things that are marked off limits. They let the farmers come in during the daytime, and at six o'clock they're supposed to be gone. If they find anybody in there between six and six, they're going to kill them, no ifs, ands or buts, no questions asked. It's quite frequent you find them there. They go in there and—one of these villages that we burned out with white phosphurous, later on when I was in Charlie Company, we went through there, and there was approximately fifty people in the vill again. They moved back into the vill and rebuilt it up. We had to sweep through it, take everybody out, send them in in choppers for interrogation, burn down the village, dig up gardens and graves hunting for rice and weapons—never found any weapons. We found a small, about two hundred pounds worth of rice, which wasn't worth anything.

Floor. *David, why did the people feel that the fellows at My Lai got the shaft?*

Locke. Because what happened at My Lai is not a special thing, there's nothing special about it. It got a lot of publicity, and so they're trying to shaft everybody to show that they're, you know, they're good, they're going to go along with the laws, they're not going to go and murder people like that every day. So they're trying—it's scapegoat, is what it is.

Floor. *What does "Remember My Lai" mean?*

Locke. Well, it remembers that—well, actually, I'm not too sure on that, it's just——

Floor. *Well, what did it mean to you?*

Locke. Remember that these guys went through to My Lai, found a VC vill, and so they did their job just like the higher people want them to, they wiped them out. All the bad guys, and now they're going to jail for it. And now it's the bad guys' fault for being there in the first place.

Floor. *It basically means, don't get caught?*

Locke. There it is—if you get caught, you know, it's your own skin.

Floor. *Who wears these hats?*

Locke. Who's wearing these hats? About 90 per cent of all the people in the 1st of the 20th—not the brigade, but in the 1st of the 20th. They all wear them.

Floor. *What happens if you didn't have it on your hat?*

Locke. What should happen?

Floor. *Will they say anything to you?*

Locke. No, they're not prejudiced.

Floor. *What does it mean, 1st of the 20th? I'm not clear about that.*

Locke. The 1st of the 20th is five companies, A, B, C, D, and E Now C Company was at My Lai. C Company, 1st of the 20th, that was My Lai. And all five of those companies, they tend to try to remember My Lai.

Floor. *This is the 1st Battalion of the 20th what?*

Locke. The 20th Infantry. Whatever that is.

Floor. *And they started wearing "Remember My Lai" when?*

Locke. As soon as the publicity about My Lai came out they started wearing it. Also, if you're wearing anything—just wearing the word My Lai on your shirt, on your hat, and a dink sees it, it's like seeing the ace of spades, it's taboo, and all that. That means that whoever's wearing it is a bad guy, he'll kill without mercy, and all this.

Floor. [*Inaudible.*]

Locke. By American ground troops? I didn't personally see too many civilians killed, just five or six. Like when you're with a company, and you're sweeping, you're walking through some rice paddies or something and all of a sudden a couple of rice paddies over a dink pops up and starts running, you don't ask him who he is, you ain't got time, you shoot at him, drop him. We used to settle on a hill and just fire out into the rice paddies at people, water buffaloes, to zero the guns, to make sure they're aimed straight.

Moderator. In the interests of time, let's just have one more question from the press.

Floor. *In this wearing of the word "My Lai" or of "Remember My Lai," does that mean, in your view, Mr. Locke, that these people were expressing their sympathy with Lieutenant Calley?*

Locke. Yes.

Floor. *How does it interpret——*

Locke. As an example of what should be done over there, what the higher echelon wants done over there. They want—it's a sea of people over there and they've got to dry up the sea in order to get the bad guys.

Floor. *What was it, an emblem, something like that?*

Locke. No, you just take your hat, and take a pen, and write "My Lai."

Moderator. Okay. I hate to interrupt, but we'll move on now to the next witness—all right, one question.

Floor. *Is it possible that what happened to Lieutenant Calley now could have happened to you gentlemen if it had been reported then?*

Locke. Very definitely. It could have happened to about—I don't know, about 25 or 30 percent of all the people who go over there. You know, you ain't got no choice—you either do what the brass tells you, and get in trouble for it, or you don't do what they tell you, and get in trouble for it. Either way you're getting shafted.

Moderator. Thank you. The first witness at this session will be Richard Dell.

Richard Dell. The name is Richard Dell. I served with Company B, 1st of the 6th Infantry, 198th Light Infantry Brigade. I also served with 1st of the 1st Armored Cav. They were both units attached to the Americal Division. I could tell of many things, many small instances, but in an effort to save time, I'm going to say a few of the things that I thought were more outstanding. Myself, I never saw a large-scale massacre of anyone, but I was witness to a few incidences of slaughter of civilians.

Like I know of one instance where we went in on a CA into a village. It was a hot CA, meaning the first lift of choppers caught fire, and they received fire from an NVA—I guess you might call it a squad, approximately seven people in uniform with weapons as good, in my opinion better than ours. When we went into this village, I was in the third lift, which means the third group of helicopters to come in. Since they can't land everybody at once, they bring you in at different lifts. By the time I got there the firing was over, the fire fight was over, and the company was pulling what you might call a sweep or search and destroy in that village.

During this time we took all the civilians and herded them into a central area so that they could be interrogated. We completely ransacked every hootch in the village, turned everything out, all their valuables; any boxes or anything that they might have had were opened, and looked for ammunition or anything. If one round of ammunition was found in that hootch, it was burned.

It was sort of a practice that if you didn't find anything, most people carried a round or two of enemy caliber weapon in their pocket and they would just throw it in the hootch, and then show the lieutenant and say, "I found this," and burn it down. At this time we sent three prisoners back in to battalion to be interrogated further. And then later on we captured another person. This person—like there was no more helicopters to take him in, and they didn't want to let him go, so the captain said he should be gotten rid of. So two people took the person's ID card, which—if a South Vietnamese doesn't have an ID card, he's a gook, he's a VC. Supposedly any loyal citizen has an ID card. So these two people took his ID card and put in their wallet and then told him to take off. He ran approximately ten yards and turned around to look to see what was happening, because his wife and his child were standing right there. When he turned around, there was a man with a M–60 machinegun and another man with an M–16, and they both let him have it. He got hit with maybe twenty, maybe thirty rounds of M–60 fire and M–16 fire. He was laying there, he was still alive, and the medic was asked, "Well, what can you do for this guy." So the medic laughed, pointed an M–16 at his head, pulled the trigger, then stuck a cigarette out in the wound laughing about it.

In another instance, we were on patrol. The company approximately two or three kilometers from us received sniper fire, so our patrol was ordered to head in that direction. While we were going in that direction, we apprehended two Vietnamese civilians working in a rice paddy. They weren't checked for ID, they weren't checked in any way to find out if they were VC or if they were just innocent bystanders. The lieutenant in charge of the patrol said that they should be just gotten rid of, and they were shot by the lieutenant and a few other people in the patrol.

I was also in the company which started a thing which is known as a rat patrol, where six or seven men will go outside the perimeter at night and roam around the countryside around our night lager. And in that time anything that moved or made a funny noise was dead. We were under orders to shoot first and ask questions later. We would walk through a village, and if any strange sounds were heard coming from a hootch or anything—it could have been people sleeping, just turning on their beds—we let loose. I know it was pretty indiscriminate because one of my friends was shot by another one of my friends. He thought he had heard something, opened up, and shot my buddy in the rear with an M–16.

Moderator. *Rick, was your company the only company in the battalion or the brigade that used rat patrol?*

Dell. Rat patrols were originated by a lieutenant in my company. He was new in country and he wanted to make a name for himself, so he volunteered us for rat patrols. And—one instance—we supposedly had good results. A lot of, you know, reported dead, confirmed body count. So because we had such supposedly good confirmed body count, it was made standard SOP for the 1st of the 6th, and I believe other units of the 198th Light Infantry Brigade while I was there.

One instance, we were outside of an LZ called LZ Baldy—which is a pretty big base camp between Chu Lai and Danang, just off of Highway 1. And while we were there, we were set up in a night lager. And up until this time we had been receiving a lot of sniper fire, a lot of booby traps, a lot of people were getting wounded and maimed. And we sent out a rat patrol one night, and they went into a village. When they went into this village, it was what you might call a secure village insomuch that there was PFs there—PFs is Popular Forces. They are similar to the National Guard. It's their policy that if they see strangers in the village, to ring the bell, the village bell. And the rat patrol was going through the village, and the PFs rung the village bell to warn the villagers that there was people roaming about the village. They didn't know if they were Americans or NVA, they didn't know. So as soon as they started ringing the bell, the rat patrol opened up, and just split, and then they came back into the night lager, and we called in a 175 mission on the village of about thirty or forty rounds.

And the next morning we were still set up in the night lager eating breakfast when you might call it a delegation from the village came up. There were approximately four or five people that came up under a Vietnamese flag and an American flag, walking into our perimeter. And they did this in the fact to show that we were wrong in blowing up their village, and they wanted to speak to us and find out why we did it. And when they walked into the perimeter, they were messed with by the other people in the company. The Vietnamese flag was taken away from one guy, a few of them were punched, a couple of them were tripped, they were just generally harrassed. And these people were coming into our camp to find out why we had destroyed their village when the village itself was only 1 or 2 kilometers from a big base camp, and there was troops of the South Vietnamese army stationed in that village for their own protection. And we had called in an artillery strike on them.

From the Floor. *Do you feel that this arbitrary killing of women and children started after Westmoreland gave the order for he wanted more body count?*

Dell. I don't know. I believe—like I was there before Westmoreland supposedly said that. I was there from August of 1967 to August of 1968, and during that time—that was the time of the big Tet offensive where Danang, the Marine regiment at Danang, was overrun, and my battalion was a reactionary battalion for Americal Division. In other words, whenever Americal intelligence had some report of an enemy build-up or an enemy concentration or a heavy attack on a base camp anywhere in the I Corps, we were picked up wherever we were in helicopters and flown to that place. And when we were called in it was usually declared as a free fire zone, meaning that the man on point, the man walking first in the company, whenever he felt that his personal safety was in danger, then he had like permission to open up on the opposite jungle line. It didn't matter if he knew anything was there, it could have been a friendly village or anything, it was just there might be somebody there who was going to shoot you and he acted on that.

Floor. *Would you say then that Westmoreland's statement was more or less superfluous because you were already getting as much body count as necessary?*

Dell. No, I don't know about that. I know that my whole time there that was the big thing. Get a bigger body count. I know in our battalion we had a little bulletin board—us and them, you know.

Floor. *Could you pin down some of the places where you say the two men opened fire on a man who didn't have an ID?*

Dell. Well, he had an ID. They took it from him. It happened in a place called the Rice Bowl. The exact position I couldn't tell you, I didn't even know where I was half the time, it was just, "We're walking 20 kicks this way today." We'd wake up and, "You carry this, and walk this way."

Moderator. *Rick, what was the area of responsibility of the 198th at that time?*

Dell. Anywhere in the Americal zone. It was reactionary. Whenever anything happened or they suspected anything happened, it was usually my battalion, a company from my battalion was flown in first.

Floor. *When was this incident when they took the ID card?*

Dell. I would say, March of 1968. But that's not a definite date.

Floor. *That was about the same time as the My Lai massacre, then.*

Dell. Just before.

Floor. *Do you know any way General Koster, your commander at the time, handed down pressure for body count? How did he act?*

Dell. I don't know, I never saw a general. We were lucky if the colonel came out once or twice the whole time I was there. It wasn't considered safe where we were for officers to come out.

Floor. *The higher officers usually stayed away?*

Dell. Yeah. Higher officers didn't have anything to do with any type combats.

Floor. *They kept their hands clean?*

Dell. I wouldn't necessarily say keep their hands clean. They didn't mind getting us killed, but they didn't want to get killed.

Floor. *You mentioned that American soldiers were often so anxious to shoot that they sometimes shot each other. Was that a common occurrence?*

Dell. That was an uncommon occurrence. But it was at night, and it's just a general thing. You don't walk outside the perimeter at night.

Floor. *How could you have gotten a clearance for a 175 mission on a village where there were Popular Forces?*

Dell. We just—the person who was in charge of the rat patrol called it in, said that they had received fire.

Floor. *But the clearance procedures were supposed to preclude that?*

Dell. There were a lot of "supposed to's."

Floor. *This is a question that has been coming across my mind during most of the testimony. What would happen to individuals such as yourself who would refuse, refuse to do these things, or what the Army calls, "Refuse to go to the field"?*

Dell. Well, my company itself, we were at a place called LZ Center, which sort of divides the As Hau Valley, it's right on the perimeter of the As Hau Valley. And we got trapped on top of a hill for three days, where we couldn't get out of our foxholes without being shot at. We were up against the headquarters battalion of the North Vietnamese heavy armored regiment. On the hill complex we were on, the NVA had eleven .53 caliber machine guns, approximately four mortar positions down in the valley, and approximately three recoil-less rifle positions down in the valley. So any time any of our men came out of our foxholes we were being shelled. And it took us two and a half days to get off of the hill. And we went down into the valley and spent a night just down in the valley and that evening orders came down for us to go back up the hill. And we as a company refused to go. We just told them to forget it. As a company we did this, like everybody except for the captain and one lieutenant. And the one lieutenant was behind us but he couldn't refuse a direct order or else he would have gotten fifteen years in Leavenworth, but there was nothing they could do to a whole company of us, unless they wanted to put the whole company in jail.

Floor. *When did this refusal take place?*

Dell. I'd say April of 1968.

Floor. *What company was that?*

Dell. It was Company B, 1st of the 6th Infantry, 198th Light Infantry Brigade.

Floor. *Was there any press coverage of your operations that you know of?*

Dell. The only time we saw the press was when we were in supposedly a secure area. There was a few times where they happened to be out there and we would get caught in a fire fight. But if we were on a sweep, or a search and destroy mission, where heavy contact was expected, they didn't come out.

Floor. *What was your CO's reaction to the refusal?*

Dell. He called up the colonel and told the colonel that the company refused and he wasn't going back up by himself.

Floor. *What was the colonel's reaction?*

Dell. The colonel was sort of ——— that we went back in the base camp that afternoon.

Floor. *Did you ever get any training about atrocities? How to report them or——*

Dell. We were told that there wasn't atrocities. We were told, you know, war's hell, that's just too bad. It was a matter of our whole training. I received orders for Vietnam the day I got out of AIT which is like the training you go through right after basic training. And we were constantly drilled on instances of young kids who were supposedly coming in, you know, to wash the dishes, coming into the base camp in the morning carrying explosives in with them. And we were told of instances of women coming in with explosives hidden on their body.

Moderator. *Rick, how many times did instances of this nature occur while you were there?*

Dell. I only saw it once. That was when I first got there. Our mess hall was blown up, and one of the cooks got killed by a grenade put in the stove, by one of the KPs.

Moderator. I'd like to point out again that all of the men who have spoken at this session served in Vietnam at various times with units of the Americal Division. An announcement about tomorrow is that two witnesses from military intelligence units will be giving their eyewitness testimony concerning the liquidation practice employed by the CIA's program, Operation Phoenix. I'd like to suggest—we're running a little bit behind—that we take a ten minute break, and then Professor Noam Chomsky from Massachusetts Institute of Technology will be speaking.

No break?

We don't have time.

No break.

Uhl. My name is Michael J. Uhl. I was a First Lieutenant in military intelligence. I was assigned to the 11th Brigade, 1st Military Intelligence Team of the 11th Brigade of the Americal Division in November of 1968. I'd like to just briefly make some comments about two points as far as military intelligence behavior in Vietnam—they are the systematic use of electrical torture and beatings, brutalization of Vietnamese noncombatants, detainees, by United States troops and military intelligence personnel; also, the general reliability of any information gathered by the military intelligence. Let me reverse the order and talk about the reliability first.

We created the methodology in my unit that we had a 62 per cent reliability factor. Because we paid people, we had a net in our counter-intelligence sytem. We would pay people to come in and give us information that we could never verify. Now this information was used, if we felt that it was relatively reliable—in other words if we felt that by going out to an area that was populated we might at least find a rice cache or just rice. We would try and interest an infantry battalion in reacting. However, most of the time our informtaion reports were used as input to artillery barrages, harassment and interdiction, B–52 raids and strikes and other air strikes. At the end of the day, the artillery liaison officer or the air liaison officer would call us up and say, "Give us some coordinates, we have some ordnance that we must expend." And so we would give them the coordinates—of populated areas, in many cases, and they would use these to fulfill their fire missions that evening. Specifically now, about electrical tortures, I witnessed myself—I was the team chief and as such I worked in both counter-intelligence and also in interrogation and order of battle—but I witnessed, not only in the interrogation section, which was located on the base camp, but also with the counter-intelligence agents out in the field, the frequent use of electrical torture using the TA–312 field telephone, which is part of the organic equipment of any combat unit. Now this was used—the wires coming from this telephone were bared and attached to the sensitive parts of detainees' bodies. I witnessed personally it being used on fingers, primarily also on ears The crank was turned and it gave out a charge. In one case, I saw a young girl, who was detained by an infantry unit, brought into the 11th Brigade base camp, brought back into a bunker at the interrogation center, and she was electrically tortured to the point that she menstruated and fell to the floor. In the field, I witnessed a young boy and an old man who were detained after an aborted operation—we were sent out there to look for a cave where there was supposedly some Viet Cong activity. Two people, this old man and young boy, were detained on their way from this rice field in the evening and they were bringing their water buffalo back to their hootch. Now, in the presence of two majors, an XO and the engineer adviser to the 1st of the 20th—which is the same battalion that Lieutenant Calley was in, incidentally—these two—a young boy, I'd say about twelve years old, and the old man I'd say in his sixties—were both pistol-whipped by American CI agents using .38 snub-nose revolvers, and they were electrically tortured. I'd say both of these men were gravely injured.

Electrical torture, at the 11th Brigade base camp, was used on a daily basis, on people who were generally classified as innocent civilians at the termination of the interrogation. Often these people were removed from their land at a great distance from the 11th Brigade, which was located at Duc Phuo, and then they were just turned loose at the gate and told to find their own way back to their land. Now, many of them were also classified as Civil Defendents. In fact, there was tremendous pressure from our headquarters, from our colonel, to classify people as Civil Defendents. These were people we were supposed to determine had somehow violated Vietnamese law. None of us were qualified, in fact, to interpret Vietnamese law, and none of us spoke the language. However, we were to determine whether these people were draft dodgers or in another way had violated the law. Many charges were trumped up because of the pressure and many people were classified as Civil Defendents who would otherwise have been classified as innocent civilians. There was tremendous pressure among the brigades to see who would have the largest number of Civil Defendents. It's significant to note that the reason there was such pressure to classify Civil Defendents is because we very rarely got bona fide guerrillas or NVA troops. I would say no more than a handful of people were actually classified as possible prisoners of war the entire time I was in Vietnam.

These people who were classified as Civil Defendents went through a cycle of torture. They were picked up by infantry units—in most cases because they were present in their villages at the time a sweep was going on. They were brutalized by the infantry, brought in, electrically tortured and beaten by the MI, turned over to MACV after they were classified as Civil Defendents, where they were again put through beatings and torturings, and finaly turned over to the national police, where they underwent another series of tortures and beatings. After this, they were either thrown into the already overcrowded jails or released.

Moderator. Are there any questions?

From the Floor. *How do you know about the cycle of tortures beyond your point and in advance of your point? You were in the MI unit—how do you know about the infantry and MACV?*

Uhl. Often, I was out in the field and witnessed the brutalization in the field. Many times people came in to us already bruised and told us through interpreters how they had been brutalized in the field. Now in MACV—we turned the people directly over to MACV, which was located some 500 meters outside of our front gate. We had very, very close liaison with MACV district headquarters in Duc Phuo. We also had very, very close liaison with the national police chief and the national police in Duc Phuo. We often witnessed these.

Floor. *Can you tell us a little bit about the kind of policy you were given as to the treatment of these prisoners—was it in writing?*

Uhl. No, this was de facto policy. I had heard about it when I was in military intelligence training when I was at Fort Holibird, off the record. After class, you'd go up to the instructor and say, "What's it *really* like in Vietnam?" And they'd tell you about prisoners being thrown out of helicopters, and 312 field phones and batteries used to electrically torture people, and other torture techniques, none of which I ever witnessed—water torture, bamboo, etc. When I got to Vietnam these SOPs—standard operating procedures—had already been established in the unit.

Floor. *There was nothing in writing then?*

Uhl. No, no. No directives in manuals.

Floor. *You say you were getting pressure from the Air Force and people like that for targets. They actually would call you up and say, "We have some ordnance we have to expend"? Could you elaborate on this whole thing?*

Uhl. We had an ordnance dump at the 11th Brigade headquarters, and every several days the stock was replenished. So they had so many rounds of high explosives, 8-inch, 105, and 155 howitzer rounds that they would expend within a certain period of time, because the convoy would be going back to Quen Yon to resupply, getting this stuff off the docks, it was re-cycled right back to the United States.

Floor. *Was there ever any competition—you know, we've got to fire so many shells, we've got to beat the other guys who didn't fire as many shells as us?*

Uhl. No, I don't know exactly even what the number of shells were that they had to fire. By the end of the night, they would try to get some targets. If they didn't get targets from the infantry units out in the field that day during their sweeps, they would come to us and ask us for coordinates.

Floor. *As military intelligence, you would rather get the artillery in because there was no verification whether your intelligence was right or wrong?*

Uhl. We could *never* verify whether our intelligence was right or wrong. Except in one or two cases where we did go out and find a rice cache, but I suspect that was more by coincidence.

Floor. *H and I served the interests of the MI people as well?*

Uhl. Oh, very definitely.

Floor. *Are there people responsible for this or is it something that grew up as a practice and everybody just followed it?*

Uhl. Some of the tactical field policies that do exist are subject to euphemistic coverings like "free fire zones," "search and destroy," "pacification," "relocation"—all of these things have been known to the American public for years—they're like pablum, you just take them down with the evening news. I guess they couldn't figure any way to cover up electrical torture so they never created a nice euphemism for it, but it has been going on since—to my knowledge—1963. We have a man who testifies to seeing it in 1963 in Special Forces.

FLOOR. *Was this electrical torture capricious, random? Was it standard with every detainee?*

UHL. I would say that the interrogation section of my team worked an average of twelve, fifteen hours a day. They were swamped: the infantry was just bringing—oh, twenty, thirty, forty detainees a day, mostly old men, women, girls. So I would really have no way to estimate. I would say it was used probably on a daily basis—since I was the administrator for the team, I wasn't present in the interrogation center at all times, but I wouldn't say it was used on every one of the forty during the day, but it was used on a daily basis. It was a matter of policy.

FLOOR. *Did you yourself see it every day?*

UHL. No, I didn't see it every day because I was not the interrogation officer. I had an XO who was the interrogation officer.

FLOOR. *Did you make a list of the number of times you saw electrical torture used? Circumstances, place, and so on? Did you keep a record yourself?*

UHL. No, I never did keep a record. The rationale at that time was that well, it didn't really hurt them. That's the way we brushed it off. Well, something doesn't leave any marks or anything—it's part of policy, and what can we do anyway.

FLOOR. *How was it determined who was a POW and who was a Civil Defendant?*

UHL. The interrogation officer.

FLOOR. *What knowledge did he use?*

UHL. You could not classify anyone as a prisoner of war unless he was captured with a weapon.

FLOOR. *How did you get into military intelligence?*

UHL. I was in ROTC and I applied and was accepted.

MODERATOR. Mike, in the interests of time we're going to move on now.

SHARING TAX REVENUE

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BROTZMAN. Mr. Speaker, for many years I have been concerned about the growing erosion of power and responsibility from the State and local governments of our country to the Federal Government. Although it is difficult to pinpoint the exact nature of this erosion, it is more than clear that the Federal Government's preemption of most of the sources of tax revenue has been a substantial contributing cause.

Eventually, it should be our aim in Congress to permit State and local governments the option of raising more or less revenue to meet their particular needs. However, as an immediate transitional step, I believe a program of general revenue sharing coupled with a greater reliance on block grants instead of categorical grants is necessary. It is for this reason that I have joined the distinguished gentleman from Ohio (Mr. BETTS) and 135 other distinguished Members of this body in introducing the legislation necessary to implement the President's request for $5 billion in new and unrestricted funds to be shared with State and local governments.

Five major features are included in the legislation I have introduced.

First, there is authorization for an annual appropriation of 1.3 percent of the personal income tax base for general distribution to the States and localities.

Second, the funds are to be distributed to the States on a per capita basis, with an adjustment to be made for each State's relative tax effort.

Third, all cities, counties, and townships are assured participation through the inclusion of a clearly defined and equitable "pass-through" formula.

Fourth, there is an incentive feature which encourages each State and its localities to develop an alternative intrastate distribution procedure which would be more responsive to local needs than might be the case with the procedure generally established in the bill.

Fifth, there are no Federal program or project "strings" governing the use of the funds.

Mr. Speaker, I am in complete accord with the remarks made by the President in his recent state of the Union message:

> Let's face it. Most Americans today are simply fed up with government at all levels. They will not—and should not—continue to tolerate the gap between promise and performance.
>
> The fact is that we have made the Federal Government so strong it grows muscle-bound and the States and localities so weak they approach impotence.
>
> If we put more power in more places, we can make government more creative in more places. For that way we multiply the number of people with the ability to make things happen—and we can open the way to a new burst of creative energy throughout America.

Revenue sharing is a bold attempt to close the gap between promise and performance. It offers the hope of recreating the delicate balance of federalism to which our Constitution was dedicated nearly 200 years ago. The theory of federalism is simply that common problems exist in diverse environments, and efforts to solve the problems must accurately reflect the peculiarities of each local situation. But, so long as the Federal Government's role continues to burgeon in the efforts to solve State and local problems, State and local governments will not be able to adequately meet the demands for their services.

When Congress enacts the general revenue sharing, and I sincerely hope that it will do so this year, precedents will be provided which will enable the United States, for the first time in its recent history, to yield some of its tax jurisdiction to levels of government which are closer to the people. I happen to believe that it is in the spirit of our Nation's tradition to have governmental powers located physically as close to the taxpayer as is practical.

President Nixon reminded us that the truly revered leaders are those who give power to the people, not those who take it away. I have faith in the American people to wisely and prudently shape their own destinies through their State and local governments. Let us act on the general revenue-sharing legislation, and give them the opportunity to do so. Let us take this first transitional step toward a more responsive and more responsible government at all levels.

EARTHQUAKE INSURANCE IS NEEDED

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ANDERSON of California. Mr. Speaker, tragedy has struck Southern California again.

Yesterday morning an earthquake shattered the lives, the hopes, the dreams, and the property of thousands of people in the Los Angeles area. At this hour, we do not know how many have lost their lives; we have not determined the amount of damage.

Many organizations—including the Federal, State, and local governments—will attempt to rebuild the ravaged area and to help the people put their lives back together.

But, more earthquakes will come. Dr. Robert Wallace, the chief geologist at the U.S. Geological Survey's national center for earthquake research, has been quoted as saying "there will certainly be more earthquakes."

On November 13, 1969, I introduced legislation that would provide insurance against damage and loss resulting from earthquakes and earthslides. The bill would establish a reasonable method of sharing the risk of losses through a program of insurance. Presently, it is uneconomical for the private insurance industry alone to make insurance available to those in need of such protection on reasonable terms and conditions.

The private insurance industry will carry out the program to the maximum extent practicable.

Under the earthquake insurance program envisioned by this bill, a policyholder could recoup all or a portion of his losses by presenting a claim to the insurance company that has insured his home and belongings. The insurance company would share its losses with the Federal Government.

Although California reportedly has approximately 700 earthquakes a year, rarely do they result in property damage. Yet, the fact remains the insurance industry does not insure homes and businesses against the hazards of earthslides and earthquakes. This will be remedied by a program that will be based on workable methods of pooling risks, minimizing costs, and distributing burdens equitably among those who will be protected by earthquake insurance.

I was extremely pleased that in Public Law 91-152, the Congress extended the flood insurance program to cover losses from water-caused mudslides.

However, this is not enough. We must extend the program to include earthquake insurance. Therefore, I am reintroducing legislation to provide insurance against damage and loss resulting from earthquakes. Through cooperation between the private and public sectors, I believe we can insure property owners against the sort of tragedy that centered in the San Fernando Valley yesterday. Such an earthquake insurance program as I have introduced would provide coverage of those involved in such unavoidable disasters as earthquakes and earthslides.

MISS BARBARA WALDEN

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. REES. Mr. Speaker, Miss Barbara Walden, one of the leading business executives in the black community of the United States and the head and founder of her own Barbara Walden Cosmetic Co., is an individual whose dedication to the basic principles of American citizenship is worthy of the attention and commendation of this body.

Despite the great demands she must meet as the head of a large business organization, Miss Walden has for the past 2 years undertaken a "one-woman crusade" to help women and girls among the underprivileged in various ethnic groups in a self-improvement and good grooming program.

At various times, Miss Walden has lectured and demonstrated good grooming and beautification techniques to such groups as Women's Job Corps, Voluntary Bureau for Youth, industrial center job training programs, the UCLA college commitment program—job training group—and to girls in junior and senior high schools located in various economic depressed areas.

Miss Walden, at her own expense, is usually accompanied by a group of 10 cosmetic and grooming experts, including six blacks, three whites, and one oriental.

Miss Walden is now in Washington to earmark a new schedule to carry her message of self-improvement and good grooming to the underprivileged women in various key cities across the country.

Her mission has had many rewards—human rewards of the highest order.

She has won the approval and the thanks of those leaders of the various women's groups she has contacted.

The greatest pleasure Miss Walden derives is when she can go to the underprivileged areas of our country and encourage young people to make personal grooming an important part of their adolescent life. In response to requests from Job Corps groups, homes for delinquent children, schools in depressed areas, and other civic agencies, Miss Walden lectures on the importance of pride in one's appearance.

Young people listen. She also attracts the parents there at the same time, because she feels if one reaches the parents, they will take pride in themselves to instill it in their children. Thus, the job is focused in the right direction. She feels it is also the duty of adults to impress all youth with the importance of good grooming and good health.

Miss Walden, indeed, has earned the commendation of her country and her fellow citizens for her work.

She is an inspirational and spiritual example of good citizenship to all Americans of every race, creed, and national origin.

HOW TO SUCCEED IN BUSINESS WITHOUT BEING TRIED—PART III

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BOB WILSON. Mr. Speaker, with the rash of attacks on big business, I recently read an interesting speech by Lee Loevinger, Partner, Hogan & Hartson, Washington, D.C., and former Assistant Attorney General for Antitrust, before the Association for Corporate Growth, Inc., Wednesday, January 13, 1971, at the Hotel Pierre, New York City, entitled "How to Succeed in Business Without Being Tried," part III:

(Continued from Part II.) Assistant Attorney General McLaren conceded that potentiality theory is not based on legal precedent or established principle when he testified before a Congressional Committee that previous Department of Justice policy had required a "reasonable likelihood of a substantial lessening of competition" as a basis for antitrust action. He declared that under his administration the Department of Justice might sue to prevent or undo mergers even though they met standards previously established, saying: "I have tried to warn businessmen and their lawyers that they cannot rely on the Merger Guidelines issued by my predecessors in this area—that we may sue even though particular mergers appear to satisfy those guidelines . . ." He suggested, in effect, that firms desiring to merge should first come to the Department of Justice for permission.

The earlier antitrust enforcement policy of attacking only those mergers which evidence showed would have a probable anticompetitive effect was soundly based on general legal principles and precedent. The law generally requires a preponderance of evidence establishing a reasonable probability and does not permit cases to be decided on the basis of speculation or surmise. With respect to the merger sections of the antitrust statutes, the Supreme Court has said that Congressional concern was with probabilities, not with certaintities, and not with "ephemeral possibilities." It seems clear that potentiality theory has been devised in an effort to block conglomerate and other mergers which have no adverse effect on competition but are objected to on grounds of other social goals or views.

If potentiality theory can be applied to merger cases to prohibit economic power because of mere possibility of abuse, there is no logical basis for refusing to reach the same conclusion with respect to economic power acquired by expansion or growth. Furthermore, the principles established for the prosecution of big business inevitably come, by a process of bureaucratic dilution and judicial extension, to be applied to small business as well.

The merger provisions of the antitrust laws were first applied to banks in 1961 when Antitrust brought three cases against proposed mergers of directly competitive banks with offices across the street from each other in Philadelphia, Chicago and New York, and with combined assets of $1.8 billion, $3.2 billion and $6 billion, respectively. In 1963 the Supreme Court held the anti-merger provisions of the antitrust laws applied to such banks. In June 1970, Antitrust prevented the merger of two small banks located in Phillipsburg, New Jersey (population 18,500), and in Easton, Pennsylvania (population 32,000). These small towns are separated by a river and connected only by two bridges. The combined assets of the two banks was $41 million—about one-hundredth the size of the banks involved in the original banking merger cases. As Justice Harlan said in dissent, the Phillipsburg Bank Case places in doubt the legality of a merger of any two competing banks no matter how small.

Under potentiality theory the size of monopolies found and prosecuted by the government will surely and progressively diminish until any expansion of business without advance permission comes to be regarded as potential monopolization or restraint of trade and illegal.

The potentiality theory is so specious that even the Department is unable or unwilling to follow it consistently. In several recent cases it has consented to mergers of large companies engaged in competitive activities on condition that the companies split off directly competitive segments of their business. It is obvious that a company which has been forced to get rid of a small part of its business in a particular area in order to attain greater scope is a potential competitor in the vacated area. Consistent application of the potentiality theory would preclude such mergers. This does not mean that those mergers were improperly approved, but it does demonstrate that the Department either doesn't really believe in potentiality theory or is unable to follow it consistently.

This is not surprising. Potentiality theory is a kind of legal ESP—extra-sensory proof. It relies on potentiality instead of reality, substitutes the ectoplasm of hypothesis for the protoplasm of fact, and offers faith in place of proof. If it is accepted by the courts, it will subvert some of our most important legal principles, with consequences far beyond the field of antitrust.

As a purely practical matter, the attack on conglomerates under potentiality theory is shortsighted and unwise. It threatens our economic welfare in both domestic and world markets. Most of our material needs are for economic goods, such as better housing, transportation, communication, food, and medical facilities, which are provided by business and industry. The experience of other countries shows that such needs are best satisfied where governments do least to interfere and most to encourage business development. The most rapidly growing economy since World War II has been that of Japan. Analysis of the Japanese economy indicates that its growth is not based, as some think, on cheap labor or exports, but on its own independent research and development effort. This, in turn, is the result of business firms with very large capital made available through government guaranties and highly diverse or conglomerate activities. Second only to Japan in economic growth has been West Germany, and this has been followed by other countries of the European Community, where government effort has been toward encouragement of larger multinational conglomerate firms able to operate across the artificial borders of nations and to provide capital and competence needed to furnish the goods and services required by the people.

These foreign developments not only offer a lesson as to the effective role of government, but also present a real and immediate challenge. In international trade, and in domestic markets, American business is increasingly challenged by foreign competition. This country no longer has an inherent advantage by virtue of quality, productivity or other special economic virtues. In textiles, radios, television, automobiles, shipbuilding, cameras, appliances, electronic devices, and many other fields, Japanese goods are not only competing but replacing American production. This competition has caused some to demand tariff protection and others to seek non-tariff trade restrictions. The danger of such measures should warn that before we institute trade barriers against foreign competition we should at least give American industry opportunity and freedom to compete without imposing arbitrary limitations and restrictions on its growth. Japanese and European enterprises are not only permitted but encouraged to expand. If American industry is to survive in the world market, and compete equally even in the American market, it must have freedom to build size, diversity and financial strength as a foundation for its activity.

The potentiality theory thus, ironically, involves great risk of frustrating the economic goals it ostensibly serves. If mergers can be forbidden on the basis of the potentiality theory, the size of permissible business mergers will inevitably be reduced over the years, as has happened in the banking field. There is substantial probablity this will stifle economic development in the United States so that we will be unable to compete effectively in the world market, technological progress will be retarded, and we will lose much of our domestic market to foreign competition unless we surrender the idea of free world trade and isolate ourselves by exclusionary trade barriers.

Furthermore, undue limitations on the activities and expansion of business from unwise government policies will have effects beyond the economic sphere. While the economic function is the primary and obvious role of business, it is not its only function or responsibility. The broader responsibility of business to society in general is rapidly gaining widespread recognition. TIME says the new job of business is "Reform Without Revolution", and that many U.S. corporate leaders have the philosophy that as a part of the total society business has an obligation to attack a broad range of social problems, if need be in a way that temporarily retards profits. In accordance with this philosophy many American business enterprises and leaders have taken significant action in recent years which has required economic size, strength and diversity. (Continued in Part IV.)

AFL-CIO PRESIDENT MEANY STATEMENT ON SOVIET PERSECUTION OF JEWS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ZABLOCKI. As you know, Mr. Speaker, this Congress and the entire world have expressed concern over the Soviet Union's treatment of that country's Jewish minority. Only recently a member of that minority was given a death sentence for his alleged participation in a hijacking attempt.

Joining others throughout the world in their expressed concern over this incident was AFL-CIO President George Meany. In order to share with my colleagues in the Congress the views expressed by Mr. Meany, I am pleased to enclose his statement in the RECORD at this point:

STATEMENT OF AFL-CIO PRESIDENT GEORGE MEANY

Vytautas Simukaitis, 34 years old, was sentenced to death on January 14th by a court of the Soviet Union for an alleged hijacking attempt. Simukaitis, a Lithuanian, is said to have been attempting to seek asylum in Sweden. He has but 10 days to appeal his sentence.

No less than the Soviet citizens of the Jewish faith in the recent trial in Leningrad, Simukaitis is the victim of Soviet terrorization of minority nationalities within the Soviet Union whose crime is to want to breathe the air of freedom.

The AFL-CIO stands firmly with the patriots of those captive nations and with Lithuanians the world over in this black night of repression and injustice wrought by imperialist communism and its leaders in the Soviet Union.

UGANDA AND THE NEW U.S. STATE DEPARTMENT POLICY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. RARICK. Mr. Speaker, the Foggy Bottom establishment over at the State Department has come up with another double standard on our African policy.

Until the Uganda coup, most Americans thought that U.S. policy toward Africa was to support national wars of liberation, and to show special favoritism to all black rulers.

Last month's successful war of liberation for the people of Uganda in ousting their dictator, Milton Obote, the self-admitted Communist, has drawn little attention.

Even the African news release reporting that deposed Obote's personal effects harbored boxes of Russian ammunition in Russian Red Cross boxes seemed to be of no interest to our foreign policy decisionmakers.

The new leader of Uganda, Maj. Gen. Idi Amin, a former disciple of Obote, who rose to power on the new winds of change has interesting credentials. General Amin is a black African, a Moslem, a former heavyweight boxing champion, and speaks with pride of his military service in the King's Africa Rifles and in Kenya fighting the Mau Mau terrorists.

These credentials, plus his apparent distaste for politics, are not qualities to make General Amin popular with many of the neighboring black rulers. For example, the exiled Obote has taken refuge with the Communist regime in Tanzania, which appears to be his base of operations to encourage other left-wing establishments from the Sudan, Kenya, and Tanzania to organize a military expedition to subjugate his liberated kingdom so that he might regain power.

Obote's thus far futile efforts are reminiscent of the erstwhile leader of Africa, "The Redeemer," Kwame Nkrumah when dethroned in Ghana. To most onlookers on the African scene, General Amin is a refreshing change. As a former military man interested in his people he can be no worse than his predecessor. Let the tom-toms beat and spears rattle, Obote will never be able to muster force to regain his throne, and his fellow comrade, Kenneth Kaunda, of Zambia, does not control enough sabers nor can he come up with enough paper gold to hire a white army.

Even our great ally, the British, announced recognition of the new Uganda government last week. But not so with our U.S. State Department whose only reported comment is that it prefers to wait and see what other African states do. By African states we are uncertain as to whether or not it includes South Africa, Rhodesia, Mozambique, and Angola.

In any event, it must be regarded as strange behavior for a constitutionally established department of our Government charged with the responsibility of carrying out foreign policy in the best interests of the American people, to now announce that certain unidentified African states hold a veto power over what is in the best interest of the American people.

Apparently, "the best interests of the American people" now hinges on which African votes the State Department can swap for in the United Nations.

South Africa, Rhodesia, and the Portuguese provinces of Angola and Mozambique become more "in the interests of the American people" all the while.

I include several related newsclippings following my remarks:

[From the Washington Post, Feb. 9, 1971]

UGANDA RECOGNITION DELAYED

DAR ES SALAAM, TANZANIA.—The United States does not anticipate taking any formal steps to recognize the new Uganda government led by Maj. Gen. Idi Amin until after African states have done so, a U.S. embassy spokesman said here yesterday.

However, he added, "We are maintaining routine working-level contacts for day-to-day business" with the new government, which ousted President Milton Obote on Jan. 25. Britain announced recognition of the new regime last week.

[From the New York Times, Jan. 28, 1971]

UGANDA'S NEW MILITARY RULER: IDI AMIN

Maj. Gen. Idi Amin, Uganda's new head of state, was the Ugandan army's heavyweight boxing champion for nearly 10 years.

He retired undefeated. And he has promised to try to do the same thing in the presidency: Retire unbeaten and hand over control to an elected government. General Amin—a large, bluff informal man known to almost everyone as "Idi"—led the military coup that deposed Milton Obote Monday.

He made it clear, however, that in doing so he was not changing his role: "I'm a professional soldier," he said on the Uganda radio 14 hours after starting the coup, "and I've always emphasized that a country's military should support a country's government while that government has the support of the people. I have not changed my views about this."

Idi Amin (the name is pronounced EE-dee ah-MEEN) was born about 1925 in the village of Koboko in the northern section of Uganda, then a British protectorate. He is a member of the Kakwa tribe, and as a boy he worked in the lush fields of the West Nile area and tended the family's goats. He did manage to acquire a primary-school education, although his school attendance was sporadic, varying with his father's ability to pay the fees.

In 1944, he enlisted in the Fourth (Uganda) Kings Africa Rifles. He saw service as a rifleman before the end of World War II in Burma, and when interviewed by British journalists in Kampala Tuesday, he was wearing the Burma campaign ribbon.

FOUGHT AGAINST MAU MAU

He was promoted to corporal in 1949, and took part in punitive expeditions against tribal marauders in Northern Uganda. In 1953, he saw action in the forests of Kenya against Mau Mau terrorists. General Amin, who is an enthusiastic rugby player, is reported to have described hunting Mau Mau as "the finest physical training a footballer could have."

Before the Ugandan battalion returned home in 1957, he had been promoted to sergeant. Then, in 1959, as efforts were being made to prepare Africans for self-government, the East African command of the British Army decreed the establishment of a new rank—"effendi"—for African noncommissioned officers who were potential officers.

General Amin was one of the first Ugandans to acquire this Kiplingesque title, and two years later he was commissioned. By the end of 1963, he was a major and by 1964 a colonel and deputy commander of Uganda's Army and Air Force.

In that same year, he carried out a special mission in the Congo on President Obote's orders, setting up training camps for Christophe Gbenye, the political heir of Patrice Lumumba and an opponent of General Joseph B. Mobutu. He was also in charge of collecting gold and ivory to buy arms for the "Simba" rebellion against General Mobutu, commander of the Congolese army. His handling of that affair led to a commission of inquiry in 1966 that showed both his and Mr. Obote's integrity.

General Amin and Mr. Obote were close friends; General Amin's fourth wife—as a Moslem he can and does have four wives, who have borne him seven children—is a member of Mr. Obote's Langi tribe. But General Amin has never tried to conceal his distaste for politics. He is, for example, entirely unknown to the members of Uganda's United Nations mission.

As a Moslem, too, General Amin would tend toward the conservative side of the political spectrum in Uganda, putting him increasingly at odds with Mr. Obote's announced "move to the left." When Mr. Obote acted to nationalize foreign-owned business, for example, there were rumblings of discontent in Moslem quarters.

General Amin's growing disaffection with Mr. Obote's policies became increasingly public, and Mr. Obote worked in a variety of ways to weaken General Amin's position.

But General Amin, heavier now than in his championship days but still displaying the boxer's spring walk, stayed very much the former sergeant, and maintained his popularity with the ranks. "I am not an ambitious man," he was quoted as saying earlier this week, "I am just a soldier with a concern for my country and its people."

[From the Christian Science Monitor, Jan. 30, 1971]

Uganda Coup Rejected: Tanzania Jars African Unity

(By Frederic Hunter)

Nairobi, Kenya.—The Tanzanian Government's refusal to recognize the coup d'etat in neighboring Uganda seriously threatens the continued existence of the East African Economic Community and Common Market.

Heretofore the community has been Africa's only truly working example of regional cooperation.

Following a Cabinet meeting Jan. 28, the Tanzanian Government announced that it did not recognize "the authority of those who have killed their fellow citizens in an attempt to overthrow the established government of a sister republic. It termed the coup "an act of treason to the whole cause of African progress and freedom."

The statement labeled talk of Tanzanian military action against Uganda as "nonsense."

Earlier in the week Idi Amin, who deposed President Obote Jan. 25, stated that intelligence reports warned him that Tanzania, backed by Chinese Communist arms, intended to take military action against Uganda at the request of the ousted Dr. Obote.

A variety of observers regard these reports as a ploy to strengthen Ugandan unity at a time when the new regime wishes to consolidate its power.

POLITICAL ACTION BANNED

In further measures toward unity General Amin dismissed Dr. Obote's Cabinet, clamped a temporary ban on political activities, and freed 55 political prisoners including former Prime Minister Benedicto Kiwanuku.

But the Tanzanian Government move has come as an even greater surprise than talk of possible military action. Tanzanian President Nyerere cut short an official visit to India in the face of a deteriorating international situation in East Africa.

Following a three-hour meeting between President Nyerere and Dr. Obote the Tanzanian Government issued a statement saying it continues to regard President Obote as the President of Uganda."

The action is not without precedent in the oft-jostled area of African politics. In that area, certain African leaders have sought to make their action harmonize morality with the realities of political life.

Dr. Obote's ouster no doubt came as a personal shock to the Tanzanian President. The two men, along with President Kaunda of Zambia, shared similar ideological viewpoints; together they were attempting to effect lasting social revolution in East Africa. The Ugandan coup appears to thwart that attempt.

STRAIN CALLED POSSIBLE

The Tanzanian attitude to the Uganda coup—which is presumed to reflect closely Dr. Nyerere's own thinking—could seriously strain working relationships within the East African community. The East African heads of state are the community's supreme governing body. They meet regularly to guide its business.

Should the community disintegrate, many observers would consider its loss even greater to the cause of African progress than the Obote ouster. It would probably lead some to reassess the political acumen of Dr. Nyerere.

The Tanzanian attitude about Uganda may suggest that Dr. Nyerere and his colleagues put more faith in friendship and similarity of ideological viewpoint than do politicians who are less concerned with moral stance.

POSITION CONSOLIDATED

Meanwhile, the Amin government appears to be consolidating its position. Dispatches from Kampala continue to report popular jubilation there. This is to be expected, however, since it is the heartland of the Ganda people, a tribe whose king Dr. Obote overthrew and whose institutions he worked to extinguish. How popular the new government is in the hinterlands is unclear. But there seems little doubt that it is firmly in control of the country.

As events muddy relations between Uganda and Tanzania, Kenya watches in official silence. The Kenyan political manner stresses pragmatism and both of Nairobi's independent newspapers have taken Uganda in stride.

Along with Tanzania, the Somali Government has refused to recognize the coup, according to Somali's ambassador in Dar es Salaam.

But the East African Standard in Kenya insists that the coup is "Uganda's own business."

"Could there be anything," it asks, "more detrimental to East African solidarity than the extremist attacks on Uganda and Kenya published during the past few days in Tanzania?"

"For the present," it continues, "it is essential to have a period of cooling down, taking the heat out of the situation inside Uganda and in neighboring states, so that good neighborliness can be cemented."

[From the New York Times, Jan. 31, 1971]

New Ugandan Regime Accuses Sudan of an Invasion and Warns Her To Stop

Kampala, Uganda.—The new military Government accused the neighboring Sudan of invading Uganda, a Kampala broadcast reported last night.

The Uganda radio said that Sudanese troops were advancing into Uganda and that at least one warplane was involved.

"Unless the violation of territorial integrity stops at once we will meet force by force and this need not necessarily be a localized affair," the broadcast said.

The radio reported that the statement had been issued by Maj. Gen. Idi Amin, leader of the military coup d'etat that overthrew President Milton Obote in this East African country on Monday.

A newsman who called General Amin's house was told the general was asleep. One of the general's aides said that there was no fighting at the moment and added that he was not prepared to say what action Ugandan troops had been taking.

The midnight broadcast by the Uganda radio said that Sudanese troops had been violating Uganda's border "for years" and that the new Government "considers that the time has now come for it to answer these unwarranted acts of aggression."

The announcement said that Sudanese troops raided the village of Namur on Tuesday and Thursday and that a plane dropped five bombs on the village. It did not say if there were any casualties.

Two days after taking power, General Amin announced that Tanzanian troops had been preparing to attack Uganda from the south on behalf of Mr. Obote, who was in Tanzania. This attack did not materialize. The Sudan, which has a leftist military Government, is Uganda's northern neighbor.

Amin Asks Wider Support

(By William Borders)

Kampala.—General Amin today invited 50 religious leaders to his heavily guarded house for tea and promised them, "Whatever I do will be done for God and my country."

The general also continued his behind-the-scenes negotiations for diplomatic recognition, as well as discussions about a new cabinet, whose make-up is expected to be announced within a few days.

From Uganda's northern and western farmlands, rich in cotton and coffee, to this tidy capital city on the shores of Lake Victoria, almost all reports indicated that General Amin's regime was fully in command of the country, and many of the priests and ministers who shook his hand respectfully this morning called him "Your Excellency."

The powerfully built general, a former boxing champion, greeted them on the second-floor veranda of his hillside home overlooking a garden brilliant with Bougainvillea plants and the city beyond.

"All I want to do is to reassure you together with all Ugandans and the whole world that our new Republic of Uganda will be guided by a firm belief in the equality and brotherhood of man, and in peace and goodwill to all," the general, a Moslem, said to polite applause. The majority of Ugandans are Christians.

General Amin has not spelled out all the reasons behind the coup. But he is regarded as more conservative than Mr. Obote, a self-styled socialist who used to speak of a "move to the left for his country."

Reading his text haltingly and with little evident feeling, General Amin continued: "I appeal to you to tell your followers to forget past quarrels and work together for the good of our country."

The general has made similar appeals during the week to other groups, including Mr. Obote's ministers, whom he dismissed but did not punish, except for Basil K. Bataringaya, the former Minister of Internal Affairs, who is said to be under arrest.

Mr. Obote, who was in Asia at the time of the coup, has returned to East Africa, but not to Uganda. Several of his closest aides are still with him, in Tanzania at last report, although his wife and children are still in Kampala unharmed.

Tanzania has stated that she still recognizes Mr. Obote as the President of Uganda, but several other African countries have remained silent on the matter.

It was considered significant that Kenya, another neighbor, had negotiated willingly with the Amin Government about the return, via Nairobi, the Kenyan capital, of lower ranking aides to Mr. Obote who had been with him in the Far East but who chose not to accompany him to Tanzania after the coup.

Non-African countries, including the United States and Britain, are said to be waiting for a chance to follow an African lead in recognizing General Amin as the head of the country.

"It's only a matter of time. Clearly Amin's in and Obote's out," one well-informed observer here said.

Thursday and yesterday, however, there were reports of scattered fighting in the Lango area of northern Uganda, near the Sudanese border. This is Mr. Obote's home region, where a few army units and individual officers had been holding out on his behalf.

Informed estimates put the total death toll in the coup at 50 to 100. It is thought here that most of the people killed were soldiers. But the toll includes a number of unrelated grudge killings of civilians by other civilians who were taking advantage of the confusion of the first few days.

[From the Washington Post, Feb. 1, 1971]

OUSTED UGANDAN MAKES KENYA TRIP

Ousted Ugandan President Milton Obote made a flying visit to Mombasa, Kenya yesterday, then returned to his exile in Tanzania.

Reuter quoted informed sources in Dar es Salaam, the capital of Tanzania, as saying Obote met Kenyan President Jomo Kenyatta at Malindi, a resort near Mombasa. Official sources in Nairobi, Kenya, refused to confirm that any meeting took place.

The overthrow of Obote in a coup led by Maj. Gen. Idi Amin was expected to drastically change the political balance of the East African Community, a common market organization composed of Kenya, Uganda and Tanzania.

The coup appears to have propelled Uganda toward Kenya, the most conservative of the three countries, and away from Tanzania which has so far refused to recognize Amin's government.

In Kampala, Uganda, Amin renewed his charges that troops from Sudan were advancing into his country. However, the report was later denied by one of Amin's aides.

Amin said Sudanese troops, massed on the Uganda border, had made several advances into Ugandian territory.

But Capt. Valerie Ochima the general's aide-de-camp, later denied the report.

Sudanese National Guidance Minister Omar Moussa also denied reports of an invasion in a broadcast from the Sudanese capital of Khartoum.

It is not clear where the reports of Sudanese incursions stemmed from, but it has been reported that a number of Uganda troops loyal to Obote have taken to the bush in the north and are defying a call by the army to end their "groundless resistance."

At Gulu, 50 miles south of the Sudanese border, Amin's troops rounded up so-called dissidents. His men are also reported to have secured an important airfield at Gulu where Ugandan Mig jet fighters are based, and an unconfirmed report said a detachment had moved out on the road to Moyo on the Sudan border.

In Khartoum, Sudan, an official said any military incident on the border would likely be connected with anti-guerrilla action.

The Sudanese guerrillas, called the Anya-Nyas, are black tribesmen who oppose the Arab Moslem government in Khartoum.

Obote has said that Sudan was one of the African governments whose support he would seek in an attempt to regain power.

[From the Washington Post, Feb. 4, 1971]

UGANDAN DELEGATION IN ETHIOPIA

ADDIS ABABA, ETHIOPIA.—A five-man Ugandan delegation arrived here today with a personal message from Gen. Idi Amin to Emperor Haile Selassie seeking recognition of the 10-day old military regime which overthrew President Milton Obote.

Heading the delegation is the former Ugandan ambassador to the United Nations, Apollo Kironde, who was appointed by Amin yesterday as minister of planning and economic development.

Kironde said he hopes to see the emperor to explain the latest developments in Uganda. He said he would also see officials of the Organization of African Unity, which has its headquarters in Addis Ababa.

The representatives of the new Ugandan regime were in Ethiopia in an apparent attempt to stave off the effects of a diplomatic effort by Obote and Tanzanian President Julius Nyerere early this week to isolate the Amin regime.

Obote, who has been living in Tanzania, paid a surprise five-hour visit here Monday. He had an hour-long talk with the emperor and met with the OAU acting secretary Mohammed Sahmoun.

[From the Washington Post, Feb. 3, 1971]

NEW UGANDA RULER NAMES 18 TO CABINET

(By Jim Hoagland)

NAIROBI, KENYA.—Uganda's military ruler, Maj. Gen. Idi Amin, named an 18-man cabinet today and moved toward filling the political vacuum that has existed around him since he seized power eight days ago.

Amin abolished parliament and announced he would rule by decree.

Amin's cabinet choices indicate he will lean heavily on civil servants to run the East African country of 8 million people until he steps aside for the "fair and free" elections he has promised at an unspecified future date.

Eight of the new cabinet ministers are experienced government administrators and two others are former diplomats.

Amin also named to his cabinet a few Baganda political leaders who were longtime foes of President Milton Obote, who was deposed by Amin's Jan. 25 coup. Most prominent among them is former parliament member Abu Mayanja, once imprisoned by Obote.

DIPLOMATIC RECOGNITION

The naming of the cabinet may help clear the way for diplomatic recognition of Amin's government. He dispatched a mission to Addis Ababa today in an apparent attempt to seek support from Ethiopian Emperor Haile Selassie and Organization of African Unity officials visited by Obote there Monday.

Amin's government announced yesterday it would boycott the Feb. 15 OAU meeting because it is being held in Tanzania, which still recognizes Obote.

A brief gunbattle reportedly flared in Kampala, the capital of Uganda, today when troops trapped an officer suspected of being loyal to Obote in a house that they riddled with bullets. The officer was said to have been captured.

Amin did not name any of Obote's former ministers to his cabinet.

SOLDIER'S ROLE

Only one soldier, Lt. Col. Oboite Gama, is in Amin's cabinet, in the key post of internal affairs minister. The police are represented by national police chief E. W. Oryema in the minor portfolio of minerals and water resources.

The cabinet choices will doubtlessly be analyzed for clues to the still largely unknown political thinking of Amin, a tough, career soldier who says he took power only to protect himself and the army from Obote's schemes.

Those who criticized Obote for refusing to heed technical advice may be heartened by Amin's willingness to use civil servants in key ministerial posts.

As foreign minister, however, he named one of his personal advisers, an attorney, Wanume Kibedi.

Amin may also have used the cabinet list to reinforce his now apparent alliance with the Baganda, the country's largest and most advanced tribe, which lives around Kampala and whose popular support gave his coup much of its early momentum.

BAGANDA OPPOSITION

The Baganda bitterly opposed Obote.

The informed political thinking in Kampala at the moment is that if Amin lives up to his promise of early elections, the old Baganda politicians who bogged the country down in ineffective bickering among themselves before Obote seized power will return to the forefront.

The main political issue is likely to be whether to retain the centralized system instituted by Obote or go back to the weak federalism of pre-1966.

Amin referred in his announcement today to the "second republic" of Uganda and has indicated several times that he does not favor a return to monarchy.

Amin, like Obote, is from a northern tribe, and took part in Obote's 1966 coup against the Kabaka, the traditional Baganda king.

But he was brought up in Baganda territory and speaks their language.

Amin has generated support by promising to allow traditional burial in Kampala for the Kabaka, who died in London in 1969, and to allow the return of the 15-year-old heir to the kabakaship, now living in London.

This, one key civil servant pointed out in the wake of the coup last week, "is bound to be a point of conflict between Amin and the Baganda. The Baganda were united for the past five years by one thing—their hatred for Obote. Once the euphoria of the coup goes away, it will be interesting to see if Amin can hold them together."

[From the Evening Star, Feb. 10, 1971]

UGANDA'S NEW LEADERS INHERIT DEFICIT ECONOMY

(By Nicholas W. Stroh)

KAMPAIA, UGANDA.—The most urgent problem facing the new military government here is the nation's faltering economy, presently saddled with a deficit of $65 million in a budget with $160 million revenue.

Foreign diplomats and economists generally are not optimistic over the ability of the government to take drastic measures many believe are required to breath life into Uganda's economy.

On Sept. 30 last year, the Bank of Uganda held more than $60 million in foreign reserves, an all-time high. Ninety days later, because of a drastic drop in coffee prices, the foreign reserve had shrunk to about $44 million.

CONFERENCE CENTER

Economists cite the internal fiscal situation in Uganda—insufficient shillings to meet immediate needs—as the crux of the dilemma. The situation is believed not yet critical, but is rapidly becoming so.

The situation began to deteriorate late last summer when President Milton Obote authorized the start of a $16.5 million conference center and hotel complex to house next summer's meeting of the Organization of African Unity which Uganda is to host.

The project is roughly 10 percent of Uganda's national budget.

BANKS BOUGHT NOTES

In order to get quick cash with which to pay bills and meet payrolls a few weeks before his overthrow, Obote told all ministries to cut their budgets 20 percent.

In addition, the government forced all commercial banks here to buy $45 million worth of short term—30, 60 and 90-day—treasury bills. Banks normally buy only small numbers of such bills.

Through sale of such notes, the government can get large sums of ready cash quickly and easily.

LOST REVENUE

The Obote government's May 1 nationalization of some 80 foreign and locally owned businesses is also cited by economists as a factor in the present problems, since the aftermath of nationalization was a business and import slow down.

This resulted in losses of customs duty and sales tax revenue which the government had been heavily counting upon to meet skyrocketing expenditures.

Expenses, such as the OAU project and costs for the holding of the conference next summer—transportation, lodging and administrative costs for the vast OAU Secretariat, etc.—had not been considered in budgetary planning here.

The operating surplus for fiscal year 1970 was the lowest in Uganda's history.

In addition to rising expenses for public prestige projects, economists here have been alarmed for several years over the growing military costs and especially unauthorized military expenses.

"The nationalization business really shook 'em up," said an American economist here.

"The government thought they could pay the companies for nationalization out of the profits of the individual firms. But the government has now discovered that many of the companies had far smaller profit margins than initially believed."

IMPORTS CONTROLLED

While the local fiscal situation is most discouraging, economists are also concerned with the foreign exchange picture and cite the drop in deposits as a sign of trouble.

The government is controlling imports carefully and banks were issued instructions recently to tighten up on credit to the private sector. Economists say this move will certainly conserve foreign exchange, but will result in less revenues from customs and excise taxes.

Economists believe two possible courses of action are justified, but both are probably politically impossible for the military government here:

1. Scrap completely or drastically revise downward the scale and scope of the OAU conference center presently under construction.
2. Denationalize business and industry, increasing future prospects for the foreign investment that Uganda so desperately requires.

TAX CUT UNLIKELY

Diplomats believe Maj. Gen. Idi Amin, who deposed Obote two weeks ago, may already have gotten himself in a situation from which it will be difficult to wiggle free himself.

In one of his earliest statements, the general said he took over from Obote to free "the common man" from excessive taxation. In another statement, he said, the Uganda armed forces must be strengthened.

Diplomats and observers are having difficulty believing a tax cut here is feasible for a long time, because of the budgetary problems and Amin's apparent commitment to strengthen his own army.

"In fact," said an unusually well-informed American economist here, "I believe the situation will become much worse before it gets any better."

U.S. RAILROADS AND THEIR FUTURE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, our Nation's transportation system is an important resource in our building for the future. America's fast growing transportation needs will call for increasingly efficient and diversified means of transportation. Our rail and highway networks and waterways, as well as our airlanes and pipelines must meet these needs.

Our Nation's railroads, too long ignored, have an important contribution to make. But we must do our part to make sure that our railroads can meet this challenge to assure our economy of continued sound growth.

My good friend, Senator George Smathers recently addressed a large audience of business and civic leaders, as well as public officials in Pittsburgh, Pa. Senator Smathers, who for 22 years served with distinction in both the U.S. House of Representatives and the U.S. Senate before his retirement in 1968, is continuing his outstanding service to the American people in his private life.

As general counsel to America's Sound Transportation Review Organization, ASTRO, Senator Smathers has demonstrated a deep interest in the development of an efficient railroad and transportation system in the United States that would be profitable both economically and in service rendered.

We in Pittsburgh found Senator Smathers' outstanding address of great interest, and it is a pleasure to place this address in the CONGRESSIONAL RECORD for the benefit of my colleagues and the American people:

REMARKS BY SENATOR GEORGE A. SMATHERS, MONDAY, JANUARY 11, 1971, PITTSBURGH HILTON HOTEL, PITTSBURGH, PA.

It probably was not intended, Mr. Gott, that I should live up to the expectations you have created in the minds of those who are in attendance here today. It will take much to measure up to all of your very gracious comments about me. Perhaps, however, you may be like the young farm boy down in my country who told his mother he had set the old bantam hen on two dozen eggs. "Why?" she asked. "You don't expect her to hatch that many do you?" "No, mamma," he answered. "I just wanted to see the derned old fool spread herself."

Truly, I do feel a little like that old hen, for it is hard—really hard—to cover the railroad ills—and their cures—without being too superficial for understanding.

Here in Pittsburgh, though, the railroad man feels very much at home. Four major lines serve the area. We like to think that our contribution to the community has stimulated the development of your extensive soft coal mines, your gas and oil industries and lime quarries. We gratefully acknowledge our close ties with your great steel plants and rolling mills, your electrical equipment industry, your glass manufacturers, plumbing fixture plants, shipyards and industrial laboratories and hundreds of other enterprises. In one way or another, Pittsburgh truly "reaches out" and touches the warp and woof of America and the railroads are proud to have had a part in the spread of the influence of this great community of yours.

You honor me and the railroad industry by your presence here today. You give substance to the concern and distress which a troubled arm of our nation's economy stirs in progressive business circles as a threat to our very stability. You sense the awesome and awful specter of bankruptcy and hear the cavalier cries for nationalization.

And you have come here to this meeting because it *matters*, whether you are aware of it or not, to you, personally, to your business, your city, your state and to your country.

I tell you now—the solvency and viability of the railroads is of vital importance—not because the railroads are in trouble, which they are—but because the nation will be in deeper trouble if the railroads are not able to measure up to the task that lies ahead.

Let me show you what is at stake.

Did you know that each man, woman and child in the country used or had used for him 3,840 *ton-miles* of rail traffic in 1969 alone? And did you know that railroads carry: 40% of the freight traffic involving furniture; 46% of the meat and dairy products; the majority of the grain traffic in Northern States; 63% for chemicals; 68% for primary metal products; 70% of the coal tonnage; 73% for cotton; 71% of household appliances traffic; 76% for autos and auto parts; and 78% for lumber and wood? In a word, that's more than carried by *all* the trucks, *all* the barges and *all* the air carriers, *combined*.

You will not be surprised that the need for more transportation capacity continues as the nation and its standards of living grow. We know that in the past thirty years a 55 percent increase in population has generated a whopping 249 percent increase in freight traffic. In the process, it has become quite clear *no* mode of transportation commands such technological advantage or possesses such capacity or potential that it can replace or fill the need for the other modes. So, *each* must be a *healthy* component in the national transportation system.

But what of tomorrow? What will be the role which public demand will set for the railroads?

Suffice it to say that today's total transportation capacity will be grossly inadequate for tomorrow's needs. By 1980, this nation must be able to move 46% *more* freight traffic. All of this will mean more demand for *every* type of transportation.

Railroads must plan an even more prominent role in meeting the challenges of tomorrow than they do today. Of *all modes*, railroads have the greatest ability to handle additional volume with a minimum of private and government expense. And the ecologist finds that the railroad's capacity is such that the expanded need can be met with little offense to the nation's landscape and with the minimum of air pollution.

Exactly how much traffic will move by rail depends largely on whether Federal Transportation policy will enable railroads to meet their potential. But the most conservative forecast indicates that by 1980, railroads will be handling nearly ⅓ more freight traffic than today—moving over one trillion ton-miles a year. And, let me tell you, the costs involved in meeting such a challenge are far too great to be borne by private capital in the light of present over-regulation by government and the consignment of the industry by current government regulatory and promotional practices to a place of secondary importance in the competitive business world.

Railroad earnings have dropped incredibly, despite increased traffic volume. Rate of return hit rock bottom in the last fiscal year—the lowest since the 1930's. At the end of the first nine months of 1970, 43 of the 71 major railroads had deficits in working capital and the industry faced a total deficit of $316 million. To be more specific, railroad earnings after the deduction of operating expenses and rents—a figure which sets the amount available to pay interest on borrowed money, to meet income taxes and to add to investment—have declined 50 percent in the period 1955–1969. The drop will be greater when 1970 figures are determined, for they were down more than 27% in the 12 month period ending September 30, 1970, compared with the similar period a year ago.

At this rate, net rail earnings after income taxes will be the lowest since 1938.

Now what about *total* earnings which would include non-rail earnings?

As of September 30, 1970, outside or non-transportation earnings accounted for 112 percent of total net income before taxes—compared to 16 percent in 1955. In other words, we have reached the point where non-transportation income is being used to make up transportation deficits.

Total earnings in 1970 will likely be lower than any year since 1940 and a dollar today will provide only 40% of materials and capital purchases as in 1940.

Perhaps the tragedy may be more clearly emphasized by comparing the last available 12 months' earnings with the additional wage increases proposed by the Presidential Emergency Board above the 13-½% level already legislated by Congress last month. If the current negotiations are settled according to the Board's recommendations—and to date labor has not agreed even to that level—the annual costs of the settlement in increased wages by the end of 1972 will be more than *four* times the total net income of the entire industry for 1970.

You, gentlemen, I know, are particularly conscious of the fate that has befallen the Penn Central. But, be assured, the condition of the industry cannot be written off as a localized problem affecting only some carriers or some regions. Because of a wide range of common interests and cooperative *real* sense, form a single transportation system. Thus, railroads are highly interdependent. More than half the rail traffic moves over two or more railroads. There is constant interchange of equipment and the rendition of joint services. So, no line can afford to ignore the effects of service failures or inadequacies on other carriers. The welfare of one affects the welfare of all. The weak must be made strong or the strong too will falter.

All of which brings me to explain ASTRO, which is an acronym for America's Sound Transportation Review Organization, a group set up by the Association of American Railroads a little over a year ago. In the beginning, this was a research team charged with making an exhaustive study of the railroad industry—its problems and its prospects.

We had no trouble finding the problems, so we undertook to sort them in piles. We defined the ills—and outlined the cures.

One basic cause of railroad troubles is the government telling us how to run our affairs—all in the name of regulation—anachronistic restraints carried over from the last century when the public had to be protected from the evils of a giant monopoly. Let me show you . . .

The Interstate Commerce Act, approved in 1887, has been continually amended, each amendment bringing with it more and more restraint and leaving to railroad management less and less initiative. Also came state legislation setting up systems designed in a small way to do what the ICC was doing nationally. Always there was the ever-swelling stream of legislation of a restrictive character, some fanatical, some political and some completely selfish, but all tending to increase the cost of operation and lessen the initiative of management.

In essence, the cardinal sin of regulators through the years has been to legislate, in effect, wasteful, ruinous over-competition and then to forestall the natural adjustments for such. So, government control, to the extent which regulation has brought it, is a failure and, more often than not, it decides economic questions politically.

The second basic cause of railroad problems is the disparity in government promotion of the various modes of transportation. It is absolutely incredible that a government can pour out unlimited tax dollars for modes of transportation in competition with railroads—and still treat railroads as though competition did not exist.

Railroad competitors benefit from vast outlays of government funds—some $24 billion in the past year alone. And yet this industry has been expected to meet all its needs from private sources. Our problems—especially money problems—can be laid directly to government partiality to other modes and the constraints put on the industry which are calculated to discourage experimentation and innovation and to block competitive rate-making leading to new business, lower transportation costs and, in turn, much-needed new capital.

To draw rather absurd parallels, suppose Federal regulations limited sales of products of Mr. Gott's company to items under 1 ton weight but no such restriction was placed on Jones & Laughlin. Or, again, suppose Pullman-Standard could sell its cars only with special equipment and other car manufacturers could sell identical cars without this equipment. Maybe H. J. Heinz would be taxed and Campbell would not.

What kind of competitive market would we have then? Well, ridiculous as it may seem, that's just about where the railroad industry finds itself in trying to compete with other modes of transportation today.

So here we find a sick industry with the potential of a giant—one that provides more than a half-million jobs in direct rail employment and which pours additional billions into the economy through taxes and purchases. How does it meet the demand for tomorrow when over $36 billion must be invested in rail plant, track and equipment, just to hold its own? Where do we go?

Believe me, the answer lies not in a growing number of bankruptcy petitions, which hardly stimulate the flow of private capital. When business integrity is gone, extinction and choas are not far behind.

So what about government take-over and nationalization?

Well, our studies—and our report—say no. As a matter of fact it is the worst of all possible solutions.

There isn't time here for a thorough-going analysis of nationalization, but we should mention a couple of points. First, nationalization would be very costly. The government couldn't just confiscate or take over the railroads. It must pay for them—and not even an act of Congress could provide otherwise. This point is frequetnly forgotten—or not mentioned by those whose approach to the problem is more in self-interest than anything else. "Take-over" would cost some $60 billion just to start with and that's merely to effect a transfer of title. Interest on the money borrowed to effect the transfer of title would begin at around $5 billion a year. *And* the capital needs of the railroads go on, no matter who has title. There is one thing certain in all this—the American taxpayer will have his burden increased enormously, for every dollar must come from new taxes.

I was intrigued to read the debate on the Senate floor last week during the consideration of the Rail Emergency Loan Guarantee bill. It was astonishing to see that some Senators were urging that since other great countries had nationalized railroads, the United States should follow the lead. Well, let me tell you, they had better look before they leap!

When nations go the nationalization route on transportation, without exception, the financial burden upon the public becomes greater.

The national railroads of Western Europe and Japan operate at an average 20 percent deficit—despite the fact that frequently they receive interest-free financing and pay no taxes. Large deficits are annually recorded by nationalized systems in Japan, France, West Germany, Italy and others, and the taxpayer pays for it all.

Great Britain came up with black ink in 1969 after some fancy bookkeeping including writing off several billions in capital debt and government subsidies for operation of uneconomic services, all at the expense of the taxpayer.

Finally, and I cannot emphasize this too strongly, nationalization of our railroads would mean inevitably the government control of *other* modes of transportation and the loss of freedom in the entire economic structure of our society. Surely, there are better solutions!

Meaningful relief must recognize a wide range of issues. Some measures must cover old ground because much of what we're governed by is old—and long overdue for change. Other measures must be bold and new, because the size of the problems demands big and new thinking.

In essence, (1) we need fairness and equal treatment among the several modes of transportation; (2) we need greater freedom from regulation. We want government help with our problems—but let me make it clear, we need a helping hand—not a handout.

ASTRO came up with a multi-faceted approach. But, be assured the ASTRO proposals are neither extravagant nor unrealistic . . . when weighed against the alternatives. Instead, they are a statement of reasonable rights and exceptions for an industry the nation must have—and must have in *good health*.

To place all modes on a more even footing, ASTRO urges a number of constructive steps that Congress can and should take:

It should exempt railroads from state and local property taxes on railroad rights-of-way, especially since rail competitors don't pay similar taxes. This exemption would require federal reimbursement to hard-pressed local governments which cannot afford the loss of these revenues.

Congress also should establish a single transportation fund, to be used by all modes in furthering a balanced transportation system. Use should be made of funds that are already available to eliminate rail-highway grade crossing hazards—and without restriction to so-called "federal-aid" highways, as is now the case.

In addition to proposing a guarantee of up to $400 million annually in loans for improvements to railroad rights-of-way, ASTRO findings urge assistance for railroads in updating and modernizing motive power and freight car fleets. Under our proposals government would:

(a) Guarantee loans for such purchases

and make low-interest loans available for equipment which is in short supply, and

(b) Create a non-profit corporation to acquire a "free-running" fleet of general purpose unassigned freight cars.

Billions of dollars are required for freight cars, locomotives, repairs, replacements, maintenance, innovative improvements, etc. —the railroads must have some help to do the efficieint and productive job of which they are capable and which public need dictates.

Railroads can—and fully intend to—finance a great part of this themselves. Basically, we seek loans and loan guarantees. But, for reasons I've already emphasized, it is increasingly difficult to find the funds needed for survival and growth. Starved of capital, the railroads have to seek means of opening up new sources of money. We want and need government help—the same kind of help the maritime, air and highway interests already enjoy. And because most of the help we seek is in the nature of loans, the ultimate cost to the government is relatively small. And think of the economic return to all the nation of a healthy industry.

Revised regulatory practices could result in improvements in many areas. A single regulatory agency would be a major step toward equity in transport regulation and would encourage the development of an integrated national transport system. The piecemeal surveillance of individual modes by several agencies has led only to confusion and diffusion.

We say: *Speed up* approvals for abandonments on little-used branch lines. *Expedite* the merger process; allow railroads to lower rates; *permit* experimentation and innovation; and, maybe most important of all, for the good of the nation, *revise* the laws barring companies from combining land, air and water service for "one-package" transportation.

We look not for across-the-board abolition of regulation—because some regulation would be necessary and helpful—but we seek greater reliance on economic forces, daily business decisions, and less reliance on regulation. Surely, this is a far better and quicker way to healthy transportation in the United States.

The experience of other nations teaches that railroads are nationalized primarily because they are needed, not merely because they are sick. And here in the United States you—and all your associates, neighbors and friends—have got to act boldly on behalf of our free railroads before they get so sick that nationalization is the only recourse.

Why? Because of your very real involvement with the industry. To further your own interest you must tell others—as many others as possible—that, believe me, whatever his interest or pursuit, each person in America has an enormous stake in the future of the railroads and must let his representative in Congress know of his interest. Let me tell you as a former Senator and Congressman, no legislation *goes* thru Congress—it is *pushed* thru by the efforts of the people back home who assert their concern and give voice to their wills.

In truth, railroads are people—millions of people. There are over ½ million employes whose stake is as high as management's. There are another ½ million in industry which supplies the needs of railroads. There are approximately a million owners—stockholders—innumerable beneficaries or interest holders of financial concerns and insurance companies with portfolios containing railroad securities. And then there are just plain people whose goods and sustenance depends upon the soundness of *all* transportation media.

Yes, I came here to tell you we all have a stake! For let us look upon the threat of bankruptcy, disruption and nationalization for what it really is and be *shocked* by what we see!

The demands of tomorrow require that government must necessarily bear an increasing and responsible burden. But the future clearly requires us to defend the field of private initiative and enterprise created by a philosophy justified by more splendid material accomplishments than the world has elsewhere seen. Let us not see, our government making those ventures into private industry which failures in the past and in other places have thoroughly discredited. Let us make certain that our government will intelligently support the needs of the railroads and that the industry will achieve a proper place in an economy where the opportunity of *all* our people rests.

APPENDIX A

ASTRO RECOMMENDATIONS

Regulatory reform

1. Creation of one single transport agency to regulate all modes.

2. Permit prices to be lowered when the resulting rate adds to the carriers' income.

3. Allow carriers to increase rates up to 6 percent each year until a satisfactory rate of return is reached.

4. Authorize, on an experimental basis, regulated carriers to quote prices on selective commodities without minimum rate regulations.

5. Implement administrative reforms to reduce the costly delays involving judicial review of regulatory decisions.

6. Remove the absolute bars to intermodal transportation companies and allow controlled experimentation.

7. Remove barriers for the abandonment of lines which fail to meet costs of operations.

8. Eliminate unnecessary delays in merger proceedings by reformed procedures.

Balanced Federal promotional policies

1. Relief from the burden of property taxation, with Federal reimbursement for lost State and local revenues:

a) prohibition of discriminatory property taxation.

2. Greater use of Federal funds, already appropriated, for programs to improve the safety of rail-highway grade crossings.

3. Federal assistance for railroad rights-of-way by:

a) establishment of a Federal transportation fund from which the railroads would draw up to $400 million, and to which they would contribute in user taxes;

b) guarantee of loans ($400 million limit) by Federal government;

c) tax incentives—rapid tax amortization on improvements; and

d) qualify railroads for relief from natural disasters, like other transportation facilities.

4. Federal assistance for the railroads' equipment supply through:

a) guarantee of private loans for all types of equipment;

b) low interest loans for general purpose freight cars in short supply;

c) creation of a Federally chartered non-profit corporation with a "free-running" fleet of general purpose unassigned freight cars; and

d) tax incentives—restoration of the investment tax credit for freight cars and locomotives.

5. Federal aid to develop a $100 million research program in railroad technology that is comparable to Federal programs for other modes.

Industry self-help

1. Creation of arbitration machinery for intraindustry disputes.

2. Improve its own marketing research.

3. Need for cost control cannot be permitted to compromise quality service.

4. Improve techniques for profit analysis.

5. Recruit young leaders from colleges and business schools.

6. Need for labor-management teamwork.

A REFORMER LOOKS AT THE WELFARE MESS

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. MORSE. Mr. Speaker, there are few problems more serious than those faced by our public welfare systems. There are also too few men, however, who have as well as the knowledge to develop constructive solutions, also the understanding of management skills, the political sensitivity, and the experience to promote the kind of intergovernmental cooperation essential to progress.

Harold Putnam, former Massachusetts State representative, and presently the New England regional director of the U.S. Department of Health, Education, and Welfare, is, fortunately, one of this rare breed.

It is indeed characteristic of his efforts to insure strengthened cooperation between the State and Federal governments that he recently delivered his findings and recommendations on the administration of public welfare in the Commonwealth of Massachusetts, by hand, having himself walked from the government center to Beacon Hill. It is even more characteristic that his style of delivery in no way overshadows the subtance of the report, which has been called a blueprint for a constructive administrative approach to welfare reform.

I am including at this point for the RECORD, an article from the Worcester Telegram which describes this report, and the man who has contributed so much in making for a better understanding of the welfare problem and for progress in finding effective solutions.

The article follows:

A REFORMER LOOKS AT THE "WELFARE MESS"

(By Richard H. Cunningham)

Former State Rep. Harold Putnam strolled from Government Center to Beacon Hill the other day to give his former colleagues advice on running a multi-million dollar welfare program.

Putnam, the new regional director of the U.S. Department of Health, Education and Welfare, advised the state legislators first to read a book: "The State and the Poor," edited by Samuel H. Beer and Richard E. Barringer.

He especially urged them to read the chapter on public assistance that was written by Charles I. Schottland, president of Brandeis University. Schottland, who was Social Security commissioner under President Eisenhower, was one of the earliest proponents of a guaranteed annual income for welfare recipients, and of many of the other welfare reforms now proposed by President Nixon.

Reading that book, says Putnam, is sure to knock out most of the misconceptions that legislators, or anybody else, may have about public welfare. It should help to shatter the myth that welfare recipients are a lazy and shiftless lot who ride around in Cadillacs while refusing to go to work.

Putnam, of course, has long been sort of a reformer, almost a stormy petrel at times within the Republican Party. He opposed the powerful Elmer Nelson, then chairman of the GOP state committee, in 1954 over a Republican redistricting plan he called a "ruthless gerrymander." His own partisans refused him a chance even to address the House on the subject at one point.

In a 1956 "guest editorial" in The Sunday Telegram, Putnam vigorously demanded a drastic overhaul of what he called the Model T system of state government. He fought to end the archaic powers of the Governor's Council, asked for a four-term for governor, with the governor and lieutenant governor running as a team, and recommended a Cabinet-type of government with more power in the executive.

Putnam has seen many of his proposals, then considered far-out, adopted. His wife is Glendora Putnam, chairman of the Massachusetts Commission Against Discrimination. After a defeat for Congress, Putnam became a top aide to the late U.S. Rep. Joseph W. Martin Jr., and then former U.S. Sen. Leverett Saltonstall.

HISTORIC MOMENT

Now from his office in Boston's John F. Kennedy building, Putnam is supervising the overall administration of approximately $5 billion in federal HEW programs across the six New England states—with $1,689,000,000 worth of HEW projects right here in Massachusetts. His interest in effective spending for state welfare stems from the fact that about half of the total $720 million welfare cost comes from Uncle Sam via his office.

That is why State Sen. Robert L. Cawley and Rep. John J. Desmond, co-chairman of a Special Legislative Committee Investigating Welfare appealed to Putnam for findings and recommendations from his department's experts concerning the administration of public welfare in the state.

Those recommendations were delivered personally by Putnam to the legislature. In a sense, Putnam's walk to Beacon Hill marked a probably historic moment, for the former legislator says that while cooperation with state government is a traditional part of federal-state relationships, a "working relationship with a state legislature is a new role for our department."

Putnam knows it is a sensitive role. The state welfare department, as well as the legislature itself, are understandably jealous of their own prerogatives—and there is danger they might well resent Uncle Sam sticking his beard into their affairs. But Putnam has high praise for State Welfare Commissioner Steven Minter, who came from Ohio last year, at Gov. Francis W. Sargent's behest to try to straighten out welfare department procedures.

Minter has already taken effective steps to do just that. His recent appointment of John E. Sears, a certified public accountant to be his assistant for administration, was a step toward unsnarling the tangled accounting.

But, says Putnam, public welfare systems generally are in deep trouble, and the plight of our poor is too desperate, and the limitations of state funds are too painfully real, for anything less than the total cooperation between the federal and state governments that is "essential to any meaningful solution to this cancerous problem."

NO CRITICISM

Putnam's new HEW report on state welfare is no sizzling document of criticism against any welfare officials. It makes no loose charges of fraud, or even gross mismanagement. It is more simply a blueprint for a constructive administrative approach to welfare reform—in the Nixon pattern—than an indictment of the welfare system.

It recommends first that the state legislature itself hire a competent and well-paid staff of professionals well-versed in public welfare to give it sound legislative advice—much in the way that the national Congress uses such experts. It suggests, too, that a well-trained staff administer Medicaid, and that there be better data processing and management methods generally. It urges expansion of the computer set-up in Boston, and would cut the number of welfare disbursing offices to a single one.

"The legislature," says Putnam, "has no career professionals available to help it cope with the skyrocketing costs of welfare." If experts were available, he adds, it would have "enormous import for the over-burdened taxpayer."

Civil service reform appears a must, says Putnam, if the so-called welfare mess is to be cleaned up. The average person stays with the welfare department only 14 months—and quits because of a variety of reasons and frustrations, he says. A new program of the U.S. Civil Service Commission in cooperation with the state Civil Service may help in providing funds to help some social workers obtain special training or go for Master's degrees. Such incentives may keep good personnel.

SERVICE, NOT QUALITY

The HEW study found that 40 percent of a civil service employe's score in seeking advancement depends simply on length of service, with no regard for quality of performance. And pay scales have become so distorted over the years that lower paid social workers are paid far more proportionately than the middle and top echelon ones, and that drives many competent people off the payroll.

Putnam is convinced that President Nixon's welfare plan, including the $1,600 income floor for welfare families will be adopted by Congress. He is convinced, too, that Uncle Sam will henceforth take a stronger than ever role both financially and administratively in state welfare. It is time, he says, to get going on a workable and good federal-state relationship in the social welfare field. It is not a time simply for scare headlines about alleged welfare abuses; it is a time for efficient administration.

THE 53D ANNIVERSARY OF LITHUANIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ANNUNZIO. Mr. Speaker, for those of us who embrace the ideals of freedom and self-determination, February 16 holds a special meaning, for it was on that day 720 years ago that Mindaugas the Great unified all Lithuanian principalities into one kingdom, and again, on that day, 53 years ago, the modern Republic of Lithuania was established. Thwarted time and time again through a long period of Russian domination, Lithuania finally became an independent state on February 16, 1918.

That historic day ushered in a new era for the Lithuanian people. They began rebuilding their devastated country, reestablishing democratic institutions there, and safeguarding their newly won freedom. In all these difficult tasks they made great strides, and in the ensuing two decades Lithuania became a prosperous productive country. The Lithuanians at last enjoyed the rewards of their own industrious efforts and the security of being free people.

Then came the turmoil of the Second World War. That war swept away all their achievements, robbing them of their hard-won freedom. Their country was invaded by the Red army and then made part of the Soviet Union in 1940. Those who dared to resist were executed or deported to slave labor camps in Siberia.

Today the Lithuanians are prisoners in their own homeland. They still resist Soviet rule in an unending fight for freedom. This is Lithuania's unique contribution, that of a small nation which does not accept defeat, which is not content to be simply a part of the Soviet Empire. This is the spirit which made Lithuania an independent nation against great odds once before and it is the spirit we honor today.

The United States has never recognized the forced incorporation of Lithuania into the Soviet Union. We have always sympathized with the Lithuanian desire to be free. It is with this in mind that I introduced House Concurrent Resolution 7 on January 22, 1971. This resolution expresses the sense of the Congress in opposition to Soviet Russia's incorporation of Latvia, Lithuania, and Estonia. My resolution is similar to the one that was enacted by the Congress in 1966, and the complete text of my bill, House Concurrent Resolution 7, follows:

H. CON. RES. 7

Whereas the Government and the people of the United States of America have maintained and enjoyed excellent and friendly relations with the Governments and peoples of the Baltic States Republics of Latvia, Lithuania, and Estonia, during the years of independence of these Republics; and

Whereas the concept of liberty and freedom of choice of government is still alive in this country, as it has been constantly since the Declaration of Independence; and

Whereas the evidence produced at the hearings of the select committee of the House of Representatives to investigate the incorporation of the Baltic States into the Union of Soviet Socialist Republics overwhelmingly tends to prove that the actions of the Union of Soviet Socialist Republics in relation to these free and independent Baltic Republics were contrary to the principles of international law and the principles of freedom; and

Whereas the people of this Nation have consistently shown great sympathy for the peoples of these three Republics, especially as a result of their enslavement and as a result of the inhuman exile and deportation of great numbers of law-abiding persons from their native lands to imprisonment in slave labor camps in the Union of the Soviet Socialist Republics: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the President of the United States of America should continue the American policy of nonrecognition of the unlawful absorption of the Baltic States Republics of Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics, and continue the recognition of the diplomatic and consular officers of these Republics, as the lawful representatives of these three nations in the United States of America; and

(2) the President should take such steps as may be appropriate, through the United States delegation to the United Nations, to raise in the United Nations the question of the forced incorporation of Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics and request the United Nations to conduct an investigation of conditions in the said Baltic Republics to the intent and purpose that Soviet armed forces, agents, and colonists be withdrawn therefrom, and that the exiled peoples of these Republics be returned thereto in freedom, and that free plebiscites and elections be held therein, under the supervision of the United Nations to let the people, in freedom, make their own election and choice as to government.

We who can enjoy the rewards of a free world must be relentless in expressing our support for those who are not so fortunate. In behalf of the people of Lithuania as well as the thousands of Lithuanian-Americans residing within the Seventh District of Illinois, which I have the honor to represent, I am proud to join my colleagues in commending the courage of the Lithuanian people and expressing the universal hope that the Lithuanian nation will again take its place in the family of free nations.

REVENUE SHARING, A LIFESAVER FOR STATE AND LOCAL GOVERNMENTS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BIAGGI. Mr. Speaker, President Nixon in his state of the Union message set as his fifth great goal the strengthening and renewal of State and local government. The instrument for this revitalization is to be Federal revenue sharing.

There is no doubt that our State and local governments are on the brink of financial disaster. Nine States have indicated they will soon go bankrupt. Other jurisdictions have begun cutting back on essential services. Still others have found it necessary to increase taxes again and again.

Inflation, increases in population, and demands for more services have virtually strangled the State and local governments' ability to meet their financial obligations. The property tax in most areas is already at the upper limit. Further increases will cause hardship to low- and moderate-income families and retired persons living on fixed incomes. Services now at a minimum cannot be cut further. The answer is a reallocation of income tax revenues to meet the rising cost of government at all levels.

WHY REVENUE SHARING?

Other plans for increasing State and local revenues have been advanced. One suggestion is that Federal taxes be lowered and State and local taxes be increased by an equal amount. However, after considering the massive problems of coordinating such a changeover among the Federal Government, the 50 States and the thousands of localities, such a proposal must be rejected at this time.

I say at this time because the emergency nature of the fiscal crises in our States and big cities calls for immediate action. Alternatives may be more appealing later, but right now revenue sharing as proposed appears to be the only answer.

For the longer run, a better plan could be devised that would draw on the tax-collecting resources of the Federal Government and still provide the States and localities with sufficient control over their own budgetary process.

Some opponents of revenue sharing contend that the problem could be solved with an increase in categorical, or "strings-attached" grants to the States and localities. However, a recent report shows that the major roadblock to improving the financial picture for these governments is the lack of sufficient general revenue to meet general expenditure needs.

In fiscal year 1967, the overall State and local government deficit was $64 million. This increased to $835 million in fiscal year 1969. However, the deficit in general funds—those available to meet all types of needs as opposed to funds earmarked for specific needs—was over $2 billion.

A recent updating of the study projected an overall deficit in 1975 of $9.19 billion and a general fund deficit of $14.8 billion. Federal revenue sharing would seek to improve the general fund outlook by providing untied Federal tax dollars directly to the State and local treasuries to be used for whatever purposes they feel are necessary.

WHICH REVENUE-SHARING PLAN?

Two major plans have been put forth, the administration proposal and the Humphrey-Reuss plan. Of the two, I favor the administration measure with its initial $5 billion allocation instead of the $3 billion program envisioned by Senator HUMPHREY and Representative REUSS. The need is very great, as the figures I have just quoted indicate. Moreover, Gov. Nelson Rockefeller of New York has indicated he hopes the Federal revenue-sharing amount will be increased to $10 billion.

Both plans have the same basic pass-through formula which permits 50 percent of the funds to go directly to local governments. Both also have a 10 percent incentive payment to encourage adoption of an intrastate distribution proposal, tailored to local needs, to be negotiated by the State and local governments and approved by the Secretary of the Treasury.

The Humphrey-Reuss proposal, however, would go a step further and require the States to adopt a master plan for governmental reorganization before being able to participate in the revenue sharing program after the first year. While the motive for this is sound, revenue sharing is not the vehicle for engineering the elimination of deficiencies in state and local governments.

ALLOCATIONS TO NEW YORK CITY AND STATE

New York State would receive the second largest allocation, $534 million, under the Nixon plan. New York City's share of that would be approximately $170 million. That figure, interestingly, is more than the total received by 43 States.

The increased revenues will go a long way toward solving many of the problems plaguing our city and State. It will hopefully help ease the city's grave financial crisis and keep Governor Rockefeller's proposed tax increases to a minimum.

SOME RESERVATIONS ABOUT THE PLAN

I do have some reservations about the President's proposal. Although there is emphasis on distribution of funds by population, there is no recognition of the fact that urban centers have far more problems than rural or suburban areas. In fact, many of the problems of the cities are a result of the services they provide for the outlying areas.

New York City, for example, with its vast concentration of business enterprises provides essential services to upstate counties. Although the city is able to tax these businesses, the income does not cover the full costs of providing transportation facilities, police and fire protection, trash collection, and other essential services. Yet, without the urban centers such as New York City, suburban and rural areas would be at a loss.

It is possible that the provisions calling for the formulation of an intrastate allocation plan to suit local needs would correct this apparent deficiency. Certainly the mechanism is there with the requirement that such a plan be approved by a majority of local governmental units representing a majority of the population. However, such an important matter should not be left to chance.

Therefore, I would hope that the committee, when it reviews the bill, would refine the provisions to provide for an increased emphasis on our urban areas in recognition of their compounded problems.

Also, the fact that there is no lower limit placed on participation in the program is objectionable. Many very small units of local government have minimal need for these scarce funds. Or, even if they do have a justifiable need, a cutoff line would force some very small localities to combine with neighboring units to form a more efficient form of government. Although the amount going to each of these small units may be very little, the cumulative total could add up to a fairly large sum.

THE IMPACT OF REVENUE SHARING

On balance, revenue sharing will have a substantial impact on our State and local governments. Although some critics suggest that the program will perpetuate inefficient and antiquated governmental systems, I rather think the plan will instill a desire for improvement on the part of the people. With increased responsibility afforded government at the local level, more qualified people will be attracted to public service.

But most importantly, the average citizen will feel closer to the power of government. He will be able to influence more directly the expenditure of a large chunk of his tax dollar. This is the essence of the American democratic system.

The alternative of more categorical grants and more Federal handouts means only more bureacracy and more tax dollars spent to build up the Federal payroll. This plan will spend the tax dollars where they will do the most good and eliminate the need to hire Washington bureaucrats to tell people how to spend the money.

I sincerely hope, Mr. Speaker, that my colleague from Arkansas (Mr. MILLS) will hold hearings on the proposal early in this session of the 92d Congress. A public airing of the issues involved is essential.

Any effort to hold up the legislation in committee would be to deny the people's representatives the right to decide one way or another whether revenue sharing is for them. There is no question that something must be done to save our State and local governments from financial ruin. To delay will only make eventual recovery all the more difficult.

MR. AND MRS. ALAMEDA

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. MILLER of California. Mr. Speaker, Alameda Eagles Aeire No. 1076 recently honored Jack and Marie Fleddermann as "Mr. and Mrs. of the Year."

The Fleddermanns have made a great contribution to Eagledom and to the city of Alameda, and I know that the citizens of that city are proud of this fine couple who have given so much of themselves to help others and to civic betterment. I include with these remarks an article appearing in the Alameda Times Star on January 31:

MR. AND MRS. ALAMEDA

(By Everett Johannes)

In recognition of their many years of service to Eagles, the members of Alameda Eagles Aeire No. 1076 and the Marie Fleddermann, both past presidents of their respective organizations, the Eagles' "Mr. and Mrs. Award."

A testimonial dinner in honor of the Fleddermanns will be held on Thursday evening, Feb. 18, at the Eagles Hall, 2305 Alameda Avenue. A no-host cocktail hour will be followed by the dinner at 6, to be followed by the dinner at 7:30.

Past President Fleddermann, who is known as "Mr. Eagle" to business, professional and civic leaders of Alameda, has taken an active part in Eagledom, practically from the time he was initiated into the organization. Within a few months of joining, he was elected to office and served through all the chairs culminating with his election as Worthy President for the term 1954–55.

Even after completing his term of office, he has been called on repeatedly to fill one of the chairs as vacancies occurred. At present he is completing his third term as Junior Past Worthy President.

Fleddermann is also ritual minded, having served on many of the championship teams of Alameda Aerie. At the Fresno State convention in 1957 he won his first 100 percent individual award. Ten years after that in Sacramento he won his second 100 per cent award. Going back to Fresno last year, and competing on two ritual teams—Aerie and District 11—he came back with two 100 percent awards, one on each team.

Past Madam President Marie Fleddermann has been active in the Auxiliary, holding various offices and ending up as Madam President for the term 1956–57. She also served as treasurer of the Auxiliary for five years, and at present is serving as chaplain.

She has served on several of the Auxiliary teams during the past years.

Past President and State Trustee William Trujillo is general chairman for the affair. Co-chairmen are Harry Wetherald and Roy Oyer.

Margaret Wetherald is chairman for the Auxiliary, with Pat Ourada and Mary Markel as co-chairmen.

As seating space is limited, reservations must be made not later than February 11. Phone Roy Oyer, secretary, 522-9588, or call 522-7577 or 522-8997.

The Fleddermanns took up residence in Alameda shortly after their marriage in 1931. After several years here they moved to Oakland and then purchased a ranch in Vacaville. Then came Pearl Harbor, and Jack went to work for the Navy at Mare Island Navy Yard. After several years at the naval installation and a return to ranching, the Fleddermanns moved back to Alameda and have resided here ever since.

Being theatrical people by nature, during the latter years of World War II the Fleddermanns went to work for the Alameda Recreation Department under Otto Rittler, producing talent shows and other entertainment at the various housing projects in the city. It was while working at one of the projects that Fleddermann got the idea for his Christmas song, "Dear Mr. Santa Claus," which is still being played and sung at Christmas time.

Mrs. Fleddermann spent over five years as a canteen worker with the Alameda Red Cross, and still helps out every year as a worker on the numerous charity and humanitarian drives.

The Fleddermanns have one daughter, Mrs. Frank McCallister, of Antioch. Fleddermann has two children by a previous marriage, Mrs. Philipp Coon, of Santa Rosa, and Jack Fleddermann, Jr., of Alameda, also a member of the Alameda Eagles.

Besides Eagledom, music, the stage and entertainment are the basic things that this well known couple are interested in at the present time.

Fleddermann has had quite a career in music and the theatre. During the silent movie era he worked in numerous theaters furnishing background music for the silent films, and also playing for the various vaudeville acts. When Talkies replaced the silent films and vaudeville went out, together with the majority of the theatre orchestras, Fleddermann organized dance bands which have provided music for the dancing public for years. He still has a group working casuals and week ends.

He is a life member of Locals 6 and 510 of the Musicians' Union. He started his professional career in 1906 while still in high school.

During World War I, while stationed at Camp Kearney with the 159th Infantry, Fleddermann organized a Dixieland jazz group which was known throughout the division. Upon the completion of the Liberty Theatre at the Camp, he received an assignment to organize an orchestra.

After the Armistice, Fleddermann was called upon to entertain the troops, this time as musical director of the "Sunshine Players", which included personalities such as Buster Keaton, Holmes and Koetch, Otto Fischer, Herb Janswick, George Kerns, Hank Dunn and Art Penny. The players made an extended tour of France playing at Y.M.C.A. and Knights of Columbus huts, and at base hospitals and troop outposts.

A TRIBUTE TO ABRAHAM LINCOLN

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. CARNEY. Mr. Speaker, Abraham Lincoln is today a symbol—a symbol of goodness that shines majestically against the brooding skies. The brilliance of that goodness has never been dimmed by the deeds of any lesser men.

Lincoln's origin in Kentucky, his youth in Indiana, and his maturity in Illinois are facts of time and place. In them, all Americans share a possessive pride without sentimental illusions. We recognize that in his climb to the country's leadership, Lincoln became the statesman.

To Americans, the birth, life, career, accomplishments, and tragic death of Abraham Lincoln are familiar stories. But like the words of the Bible, they grow more sweet by repetition.

Abraham Lincoln was the product of a crisis. During any time of national or international crises, it is a human tendency to repay hatred with hatred—or insult with insult. If that process were allowed to go on, it would become impossible for men—and nations—to cooperate.

Lincoln realized this, and he tried to teach this lesson to his countrymen. It cost him his life. I would like to think that if he were to come back today, he would say the sacrifice was not in vain.

Although as a man, Lincoln stood, both figuratively and literally, head and shoulders above his fellows, he never wavered in his belief in democracy and the good to be found in every man. His life illustrates, better than any rhetoric, the equality of opportunity we have in this great Republic. Born, in his own words "into the humblest walks of life," Lincoln climbed to the highest round on the ladder of success.

It has been said that "Lincoln proved to us that the good thread which runs through the lives of just ordinary persons is the thread, the true principle which binds and ever will bind this Republic into a sound and healthy and peaceful Nation."

It is my profound hope that our national aspirations will always be engraved in those simple golden words spoken by President Lincoln—words that he penned with his thoughts turned toward a brighter future—"that government of the people, by the people, for the people shall not perish from the earth."

As Americans we are thankful that a man named Abraham Lincoln lived, and as Americans we should dedicate ourselves to the proposition that this great man's fervent hope for his beloved America shall never be dimmed.

THE APPALACHIAN TRAIL—EDWARD B. GARVEY'S LONG WALK

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BYRON. Mr. Speaker, the Appalachian Trail is one of the great glories of the American scene. As a member of the National Advisory Council of the Appalachian Trail Conference, I have taken great pride in the conference and its achievements. The January 1971 Appalachian Trail bulletin carries an article by Mr. Edward B. Garvey who recently became the 53d person in the history of the trail to hike the entire distance from Georgia to Maine. I commend Mr. Garvey for his achievement—his deed is a tribute to his stamina and courage, to the

Appalachian Trail Conference, and the millions of Americans who enjoy walking and hiking.

THE ADVENTURE OF A LIFETIME

(By Edward B. Garvey)

As I write this article in late October my mind goes back just a short 2½ weeks to Wednesday, October 7. The time is 12:15 p.m. and I have just arrived at the summit of Baxter Peak on Mt. Katahdin. A beautiful day, a goal achieved. A goal which had been nothing more than a dream for perhaps 15 years but which had become a definite possibility in October 1969 when I retired after almost 35 years of service with the Federal Government. But let me go back a bit in time.

I joined the Potomac Appalachian Trail Club in late 1952. Two events that year made a vivid impression on me. The first was the announcement in PATC *Forecast* of the death of a certain Myron H. Avery. I had never known Avery; but from that time on I was to hear about him, read about him, and learn of his accomplishments. The second event was the 2,000-mile hike of the entire Appalachian Trail by PATC member George Frederick Miller, age 72. I read and reread the article on his trip, written by John P. Cowan, in the January-March 1953 issue of the PATC Bulletin.

I have been a hiking enthusiast almost from the time I joined the Boy Scouts in 1926 in Farmington, Minn. I even have in my possession a 1933 newspaper clipping announcing the death of Dan O'Leary, America's most famous hiker, whose hiking feats border on the incredible. Small wonder then that the article on Miller's 2,000-mile hike captured my imagination. Perhaps that was the time when I first entertained vague thoughts of someday hiking the entire Trail myself. When plans for my own hike became rather definite I went to my stack of Bulletins and from near the bottom of the pile pulled the one on Miller's hike. One of the features of his hike was a preprinted daily log form on which he recorded pertinent information on each day of the hike. This idea I borrowed lock, stock, and barrel. More on that later.

But here I am in March 1970. The start of the hike is a month away. There are two ways to plan a hike of this nature. One way is to tell no one of your plans. Then if you decide you have had enough after a few days or a few weeks, no one is the wiser and no embarassing explanations are in order. The other way is to tell everyone of your plans. Then you have no choice. Unless death or injury intervenes you must complete the entire hike. I chose the latter method. Notice of my hike appeared in the January 1970 issue of Trailway News. Shortly before my hike began I gave a midday talk to members of PATC on plans and preparations I had made. I was totally committed!

SENDOFF BY MEMBERS OF GEORGIA CLUB

In late March, my wife, my 11-year-old son Kevin, and I took a short Easter week vacation trip to the Everglades in Florida. On our return we arrived at Amicalola Falls State Park in North Georgia on the afternoon of April 3. Bob Harrell, outdoor editor of the Atlanta Constitution, was there and we talked at some length about my hike, my equipment, and the plans I had made for inspecting trailside shelters and Trail conditions. The Henry Morrises, the Ed Seiferles, and the Al Thompsons of the Georgia ATC also arrived at the Park about the same time we did. We stayed overnight at a cabin with the Morrises and the Seiferles. An early Saturday morning breakfast, a motor trip to Nimblewill Gap where I met for the first time my hiking companion from Kansas City, Elmer Schwengel. Picture taking, a few words of prayer by Jim Engel of the Georgia Club, a farewell to my wife and son, and we, Schwengel and I, were hiking toward Springer Mountain, the southern terminus of the A.T.

And now I encountered my first disappointment. Schwengel, a retired railroad switchman, age 67, was not in proper physical condition to hike. He had arrived at Springer 3 days earlier to get in some conditioning hikes. That was not enough. On the way up to Springer he found it necessary to 'rest' every 3 or 4 minutes. These were not typical hiker rests where you stand on the trial for 30 or 40 seconds to get your breath. Schwengel found it necessary to collapse on the ground for several minutes before he felt strong enough to continue. After 30 minutes or so I pushed on ahead hoping that he would catch up to me either at Springer Mountain or at the first shelter. I never saw him again but learned later that he made about 4 miles the first day, realized that he could not continue, and then returned to Kansas City.

I was amazed at how quickly and pleasantly I adapted, both physically and mentally, to the daily routine of life on the Appalachian Trail. I found that I could average 100 miles per week and still have enough time for the inspection work and paperwork to which I had committed myself on behalf of the Appalachian Trail Conference. I am convinced that anyone in reasonably good physical condition who makes reasonable preparation and acquires at least some of the camping and hiking skills can enjoy a traverse of the entire Trail—either in one year or over a period of years. But now I am propagandizing again. The more I hiked the Trail the more enthusiastic I became about it and the more did I describe its wonders to all those I chanced to meet during the 6-month period between April 4 and October 7; but before I run out of BULLETIN space let me describe just a bit of the daily routine on the Trail plus a few of the unusual experiences that came my way.

During the 17-year period from the time I joined the Trail Club until I began my hike I had become active in both Club and Trail Conference activities, I served as Supervisor of Trails for 6 years, and for one of those years directed the renovation of the Club's 19 trailside shelters. From these activities I developed a very keen interest in both trail maintenance and trailside shelters. In 1962 I became active in the affairs of the Appalachian Trail Conference. I served as Secretary from '64 to '67 and am now a member of the Board of Managers. I had felt for several years that some of the hikers who were walking the entire Trail could provide a valuable service to the Conference by inspecting and documenting the condition of the Trail, the trailside shelters, and the accuracy of the 10 detailed guidebooks which describe the route of the Trail. Working with Col. Les Holmes, Executive Director of the Conference, and using the George Miller idea of a printed daily log form, I set about developing a form that would provide needed information on both Trail conditions and shelter conditions. The form was printed on both sides and I made my entries with ballpoint pen. The form was satisfactory with respect to shelter information but did not allow sufficient space for describing Trail conditions. Committing myself to an inspection of the shelters meant that I must visit *every one* of the 270-odd shelters located on the Trail—and having visited them I must locate and pace off the distance to the water supply source at each one. Sometime during the day, but more frequently at the end of the day, I would complete the other items of the daily log form.

Updating the 10 guidebooks was another matter. I really had never used guidebooks to any great extent in my previous hiking. On this hike I walked with a guidebook clutched firmly in my hand. This may seem silly to some, but I found there was no practical way to check the accuracy of these books unless I had the information readily available. I made corrections on the guidebook pages and signed and dated each page. As I completed each book I mailed it to the Trail Conference and picked up at a post office a new guidebook which some member of my family had mailed to me.

In order to keep myself totally occupied I undertook the job of picking up all litter on that part of the A.T. that is a foot trail only (this excluded those parts of the Trail that utilize highways, fire roads, and other vehicular traffic area). My average "take" for this activity was about 15 cans per day and about 50 pieces of other type litter. If you are interested in statistics, I found that Baby Ruth is the No. 1 candy bar with Butterfinger a close second. If you chew tobacco, you will be pleased to learn that among those on the Trail it is a tossup between Beechnut and Red Man. Of all the cans I picked up, I found that about 50 percent were soft drink, about 30 percent were beer, and the remainder were food cans. The litter I saw at shelters was another matter. Perhaps 5 percent of the trash left at shelter trash areas was left there by backpackers. Backpackers to not carry 32-ounce cans of fruit juice, one-gallon cans of Coleman Fuel, 16-ounce cans of beer, nor huge cans of beef stew or other canned meats. I am convinced we can win the litter battle on the Trail itself. The problem of litter at trailside shelters is more serious.

So there you have my nonhiking daily routine. While I undertook this hike primarily for fun there were times, I must confess, when I wondered if I had not bitten off more than I could chew with respect to my nonhiking chores. However, if I were to hike the entire Trail again, I would with one exception try to perform the same chores. The one exception is the picking up of litter. I think I have proved that if one individual with a 35-pound pack on his back can pick up the litter from Georgia to Maine, then surely the various hiking clubs on their weekend hikes can do the job even better.

Now to the more interesting parts of the hike—the day-to-day hiking routine. I could provide material for any number of Bulletins on such subjects as equipment to be carried, menus and food preparation, rain gear, footwear, or stoves and fuel as opposed to wood fires for cooking. Experienced backpackers (and PATC has many) will chuckle at the weight of my pack. Inexperienced hikers frequently start out with tremendously heavy packs and gradually rid themselves of unneeded items. Not Garvey! I started out light (34 pounds at Springer Mountain, including 8 pounds of food). I kept the pack light during the first 725 miles and even managed to use up all my food on one occasion, reaching Roanoke, Va., with a pack weighing only 26 pounds. At that point, Roanoke, both my pack and I were at the lowest weight of the entire trip.

My weight had dropped from 158 with my hiking clothes on down to 143. And 158 is my normal weight. From then on things began to happen. Without going into whys and wherefores, I will simply say that when I left Reading, Pa., my pack weighed 43 pounds, including one quart of table wine. When I left Glencliffe, N.H., the pack was up to 46, including a 3-pound fruitcake mailed from Claxton, Ga., and picked up at Glencliffe. Monson, Maine, was my last resupply point and it is 118 miles from there to Mt. Katahdin. Furthermore, I deliberately planned a slow schedule for that last 118 miles as I wished to savor each day through that beautiful lake country of Maine. Consequently, I laid in a huge supply of food and staggered out of Monson with a pack which I estimated weighed between 52 and 54 pounds. This violates all the rules of good backpacking. All I can say in defense is that I lived pretty well during those last 10 days out of Monson, Maine!

FOOD FROM RURAL AND SMALL TOWN STORES

My day began when it was barely light enough to distinguish objects. It ended when I could no longer see to write my notes. Breakfast was generally dry cereal which was premixed with powdered milk and sugar. All I had to do was to add water, stir, and eat. On some occasions I was on the Trail within 35 minutes after arising; 45–50 minutes was the average. I lunched around 9:30 or 10. Another lunch around noon. Sometimes an afternoon lunch. One big meal at night. The food I used was what I could buy at rural and small town grocery stores.

I enjoyed the sashays into town to buy supplies. At these points I would buy a good meal, being certain to order green vegetables, salads, coleslaw, the type of food not included in my Trail diet. I would try to buy my restaurant meal at a slack time so that I could use the booth or table as an office for a couple of hours to read my mail, write a few letters, and bring my notes up to date. I had phenomenal luck catching rides into town and getting rides back to the Trail intersection. I had several things going for me in the ride-catching department—clothes for one thing. I wore shirt and trousers of the same color, either my "Appalachian Trail Blue" or my "Forest Service Green." On my shirt sleeve I wore either the blue, gold, and white A.T. "Maine-to-Georgia" patch or the green red, gold, and black PATC patch. With my 55 years, my gray hair and black hat I definitely looked "official." People might not know what organization I belonged to, but it was obvious that I was a reasonably respectable looking citizen belonging to *some* organization. A large segment of our population does not accept beards. When I needed rides I saw to it that I was clean shaven.

One of my most exciting rides was the 17-mile ride into Franklin, N.C., on a truck carrying 25 tons of hardwood timber. We roared in low gear both up the steep grades and down. I had heard the roar of that truck long before it came into view, and I was surprised that the driver stopped to pick me up. But here again, he saw and recognized my ATC patch. He was logging in the vicinity of the A.T., and he assured me he had orders not to cut, within 300 feet of the Trail. I knew the magic figure was 200 feet, but on this occasion I had enough sense to keep my mouth shut. An extra 100 feet of protection for the Trail was not to be thrown away! Another time I was picked up by a French Canadian logger in Maine. His knowledge of English was limited. He looked at my pack and said two words that sounded like "Oppolokkian Trail?" I nodded "Yes."

TRIP'S MOST UNUSUAL INCIDENT

No one can spend over 5 months on the Appalachian Trail without having some unusual experiences befall him. I was no exception. Space limitations in the Bulletin will permit the recounting of only one such experience. By the time this article is published many of you will already have heard at the November 16 Smithsonian program of my two encounters with rattlesnakes, my one encounter with a bear, my unsuccessful attempt to cross the Kennebec River in Maine, my unusual encounter with a moose at the unlikely time of 1:05 a.m. on an inky black night in Maine. You will have heard about the one really unpleasant night of the entire trip where I reached a shelter as the sun was falling and in looking for water to cook a late evening meal was unable to find my way back to the shelter in the fast gathering darkness. But Jim Shores, Bulletin editor, has assured me there is space to recount the most unusual incident of the trip.

The incident occurred on my first day of hiking in New Jersey at a point about 5 miles north of the Delaware Water Gap. Approaching me from the north were two people walking single file. The first person was a young man, barefooted, wearing a pair of dungarees. I could not get a good look at the second person. However, when I drew abreast—and I chose that word carefully—I saw that the second person was a very curvaceous young lady, and she was not wearing dungarees—nor was she wearing anything else! She seemed a little new at the nudist game and somewhat ill at ease. As I came within speaking distance she giggled and said "Nice day, hunh?" I smiled and replied with an enthusiastic "Indeed it is!"

Shortly after passing these two I heard a baby cry and looking to my left I saw a 1½-year-old white baby being comforted by a large naked black young man. I spoke to him and he returned my greeting. Beyond him were another 8 or 10 young adults, white, both sexes, all nude. I kept walking north cogitating on this unusual incident. Shortly thereafter I met Harry Nees of the New York-New Jersey Trail Conference who had hiked in from the north end of the section to meet me. I told him of my experience and he just shook his head sadly and said, "It just isn't right. I've maintained this section of the Trail for 15 years and have never seen anything more exciting than an occasional deer. Now you come up here from Virginia and the first day out you hit the jackpot!" Oddly enough I think I was one of the few who encountered this band of nudists because others that I met on the Trail who had come by that way shortly before or shortly after had not encountered them. It just goes to prove that hiking the A.T. can be a real adventure.

HUNGRY ALL THE TIME

I cannot terminate this article without mentioning food. I was underweight most of the time—hungry all the time. I experimented with a number of different foods and came up with some real winners: creamed tuna over rice or over potatoes; Lipton's packaged soups, green pea and potato being the two best; Appalachian Trail Mix (whole rice, lentils, barley—read my book for details); Claxton fruitcake; and the one food that I had with me at all times during the last 1,200 miles—Citadel Spread as concocted by Bill and Beth Oscanyan, PATC'ers of Bluemont, Va. This spread is a mixture of peanut butter, honey, bacon grease (or vegetable oil), and dried milk. Other goodies like nuts, raisins, or dates can be added. I used the mix as a snack, a dessert, or as part of my luncheon meal. It keeps for weeks unrefrigerated. I credited this mix with keeping my weight up during the last 2½ months of the hike. The recipe for the mix was given to literally scores of people that I met on the Trail and to whom I had given a small sample of this delicious concoction.

All good things must come to an end. The Southern Appalachians are behind me, the Middle Atlantic States, the Green Mountains, the White Mountains, and now I am hiking through the lake country of Maine. My excitement grows as I have now less than 100 miles to go. Entries in my diary and on my green calling cards left at each shelter show "Only 72 miles to go," "50 miles to Katahdin," etc. Weather has been horrible—8 days of rain in 10. Feet wet for days at a time. But I have gorgeous weather the last few days of my hike. I reach Katahdin Stream Campground on the afternoon of October 6.

At 6:55 a.m. on Wednesday, October 7, Tex Griffin, a freelance photographer, and I begin the last 5.2 miles to the summit of Baxter Peak. A bright sunny day. Tex takes over a hundred pictures. Time slips away until suddenly we see clouds coming in on us rapidly from the west. We begin to hurry now, having high respect for the sudden storms and low visibility that frequently beset Katahdin. As we near the summit of Baxter Peak the sky clears. More pictures. We break out the bottle of champagne and eat the last morsels of Claxton fruitcake and the Citadel Spread which I had hoarded for this occasion. Then we begin the trip back to the campground. We are both quiet, I particularly so. The trip I had planned for a whole year and the goal that I had hiked over 2,000 miles to reach are now behind me. I had not anticipated this emotional letdown, but it is there.

As we neared the campground we saw that we had a reception group waiting for us. Jim and Lois Shores, of Hyattsville, Md., who were vacationing in Maine, had motored over to meet me at the finish line. There were Mr. and Mrs. Ken Parr, from E. Burke, Vt. Ken was assistant scoutmaster of the Boy Scout troop I had joined in 1926. More picture taking by the 10 in our small group plus others at the campground who were planning hikes for the next day. We repaired to one of the lean-tos—champagne, wine, cheese, crackers, sardines, and kippered herring appeared as if by magic. Later we had a delicious buffet-type dinner.

The next day my wife arrived and we began a leisurely trip home along the Maine coast line. We arrived home at 10 p.m. on October 14 to find that another party of friends and neighbors was awaiting our return. More champagne, a special cake, welcome home signs—a fitting climax to the long hike.

WHAT IS NEXT?

And now that the long hike is over, what next? I lived and breathed Appalachian Trail for almost 24 hours a day during the half-year period that my hike was in progress. During the hike I met with several hundred people who had a direct interest in the Trail and with whom I discussed a wide ranging group of Trail problems—from trail design to trailside shelters and from trail club organization to activities of the Appalachian Trail Conference. I have furnished the Board of Managers of the Trail Conference with a detailed list of these observations and recommendations. I will write a few articles such as this one. I have committed myself to a few speaking engagements. I would love to write a book about the Trail, the things to be seen on it, the preparations to make, etc., but I must first find a publisher! And after these things are done I still have that little job as Chairman of the Shelters Committee for the Conference. There will be no lack of things to do.

Scores and scores of people went out of their way to make my trip more pleasant. There were those who cooked a meal for me on the Trail, who invited me into their homes for a meal or for a night's lodging, those who provided me with office space and typewriter, and many others who extended courtesies in a variety of ways. But the man who gave me the greatest help was Maurice A. (Gus) Crews whose article appeared in the April-June 1970 BULLETIN. Gus' biggest contribution was the preparation of a chart which I call the "cumulative mileage chart." On it he has listed from Georgia to Maine the location of every shelter, campground, highway crossing, post office stop, grocery resupply point, and other information. I carried these charts with me the entire trip and referred to them constantly. I hope that the Conference will reproduce them in card form and make them available to long-distance hikers.

I find that I am hiker No. 53 to hike the entire Trail. It is my sincere hope that in the immediate years ahead more and more hikers will hike this famous Trail from end to end. For those who do, I am certain that it will be for them as it was for me—"The Adventure of a Lifetime."

IN COMMEMORATION OF GREEK INDEPENDENCE

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. CARNEY. Mr. Speaker, this year we mark the 150th anniversary of Greek independence. I find it fitting to honor this historic event by introducing a bill today providing for the issuance of a special postage stamp in commemoration of this milestone in Greek history.

One hundred and fifty years ago, on March 25, 1821, Alexander Ypsilanti, a patriot, and Archbishop Germanos of Patras, unfurled the standards that sparked the revolt leading to Greek independence after four centuries of oppressive rule under the Ottoman Turks. The bloody struggle which ensued lasted for 7 long years. The age old flame for freedom, nurtured in ancient Greece, sustained by courageous determination and the awakening of strong nationalistic feelings served to unify the Greek struggle for independence. Although the Greek effort was supported by the British, French, and Russians, peace was not achieved until 1829 with the signing of the Treaty of Andrianople. On May 11, 1832, the three powers agreed to act as protectors of Greece, and 2 months later Turkey recognized Greece as an independent nation.

The Greek ideals of democracy and freedom, born in ancient Greece and serving as goals for which many nations have strived, once again prevailed in their homeland, and Greece took its rightful place among the free nations of the world.

Although modern Greece emerged to become a strong and viable state it fell victim to the ravages of World Wars I and II. During World War II the Greeks once again showed their willingness to fight to maintain the ideals cherished by free people throughout the world. The Greek Army successfully halted the 1940 Italian invasion, but was no match for the German Army in 1941. The end of World War II did not, however, end the nation's sufferings. The Greeks were then to endure a fierce and bitter civil war, in a struggle against a new and ominous threat—Communists seeking to overthrow the government.

The people of Greece hoped that their struggle for independence, begun 150 years ago, would bring lasting peace and freedom to their country. The developments just noted, however, indicate that there will always be challenges to the freedom of any people. There have been long periods of domestic peace and prosperity in Greece, with other periods of turbulence and limitations on freedom. The determination of the Greek people to attain and maintain individual freedom, democracy, and justice has suffered setbacks in recent years, but the desire for freedom has not been extinguished.

Modern man is indeed fortunate to have inherited examples of Greek political ideals, as well as examples of Greek art, sculpture, architecture, and literature. Americans in particular should remember the deep and lasting influence of Greece on our own way of life. A major contribution to the development of our own country has been made by Americans of Greek descent.

The dedication of the Greek people to their independence should be properly honored on the anniversary of their uprising against the Ottoman Turks. It seems highly appropriate to issue a postage stamp to commemorate Greek Independence Day and to honor the Greek people for their contributions to the freedom of all mankind. I join all Americans and the people of Greece in the hope for lasting peace and freedom.

DR. LYTLE ADAMS AND CAPT. NORMAN RINTOUL ARE REMEMBERED FOR AVIATION ACHIEVEMENTS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. RANDOLPH. Mr. President, history proceeds at such an accelerated pace that many of its makers are overlooked in the flurry of tomorrow's headlines. Three astronauts have just returned from an almost unbelievable voyage to the moon, and the world sighs in relief.

But in another day, in another way, two earlier adventurers contributed much to the sum total of man's knowledge of flight. On September 5, 1943, at the Clinton County Air Base near Wilmington, Ohio, the two men successfully launched the first ground-to-air missile—a human being. Dr. Lytle S. Adams, inventor of the air pickup device, and Capt. Norman Rintoul, on leave from the U.S. Air Force, flew the Stinson SR10F that launched Army Paratrooper Lt. Alexis Doster from the ground into the air at a speed of approximately 125 miles per hour. The device invented by Dr. Adams later was adapted by the Army for glider pickups during World War II, and was credited with many rescues of personnel behind enemy lines during the war.

The plane used in this daring experiment was presented to the Smithsonian Institutions in 1949 by Richard C. duPont, one of the founders of All-American Airways. The carrier, today known as Allegheny Airlines, serving 100 cities in 17 States, began an extensive airmail and air express pickup service throughout the East, and later converted its operations to conventional passenger service in seven eastern States. There were many localities in West Virginia that had this unique and useful service.

Dr. Adams was one of the true inventive pioneers of aviation. He has, I believe, initiated as many peacetime uses for the airplane as any individual. One of his monuments is the once barren deserts of the Southwest, soon to bloom once again with lush grasses first implanted by seed pellets by airplanes, another Adams innovation. In promoting his "Pellets for Peace" program, Dr. Adams wrote two decades ago:

> Man is a hundred years behind the ravages of erosion. The challenge requires the use of every conceivable implement to close the gap between poverty and abundance. Speed is of the essence.

But for all of his humanitarianism, Dr. Adams saw the potential of the airplane as a weapon of war. Hours after the Japanese attack on Pearl Harbor, I received a telephone call from him as he was en route to Washington, D.C. at my residence here. He had an idea, he said, of how the Japanese mainland could be brought to its knees. I referred him to the proper officials in the War Department, following his arrival in the Capital City on that memorable Sunday night. Thus was born one of the top-secret endeavors of World War II—the bat bomb. It was Dr. Adams' idea that hundreds of thousands of bats, each equipped with a small incendiary device, could someday be released by aircraft over major Japanese cities. The bats would seek shelter in the attics of thousands of flimsy buildings and, at a preset time, explode into a holocaust that would level these cities. In retrospect, such a proposal was contrary to the nature of the man. But the idea was adopted, great numbers of bats were collected for that purpose from the Carlsbad Caverns and the project was ready to go late in 1945. The atomic bombs at Hiroshima and Nagasaki precluded use of the bat bomb and the little known episode was locked in the files of the Defense Department.

I recall these events today because shortly after Christmas, at the age of 90, Dr. Lytle Adams died after a long illness at his home in Tucson, Ariz. He leaves a great legacy of inventive genius, his devoted wife, Rae, and two fine children. And last week Norman Rintoul, who piloted the first plane to safely pluck a human from this earth, died in Florida. Mary Jane, his dedicated wife, and their son David, mourn their husband and father as he begins that last long flight into the unknown.

His contributions to aviation have been skillfully recorded by a former associate, an air pioneer in his own right, Columnist Bill Hart of the Morgantown, W. Va., Dominion-News. Mr. President, I ask unanimous consent that the article on Captain Rintoul be placed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RINTOUL SITS HIGH IN COCKPIT

(By Bill Hart)

So long as men and women fly the skyways of the world, Capt Norman Rintoul's accomplishments will endure because this pioneer of aviation wrote many of the records into the books of aviation in peace and in war . . . in death he sits high in the cockpit among those who know the long and difficult road aviation has travelled since that warmish day in mid-summer in 1935 when Norm came to Morgantown as the pilot for Dr. Lytle S. Adams, the inventor of the airmail pickup device . . . Norm was the first to perfect the experimental pickup apparatus, the first to pick up a human from the ground in an airplane in flight; he tested more planes of all types for the government during World War II than any other pilot . . . his work in gliders made possible some of the spactacular saves in the now forgotten China-Burma theater of war—America's preview of what has developed in Vietnam and to a degree prior to that in Korea.

But it was not all in the conflict of war that Norm made his mark . . . he flew the first "Gooney Bird" DC–3 Allegheny Airlines ever owned . . . he was their No. 1 pilot when he retired two years ago, and some of his exploits in the days of the Tri-State Aviation Co. here—Tri-State became All-American and All-American became Allegheny Airlines—are legends that have lived throughout the years . . . some of them are so fantastic they seem impossible—some, indeed, even to those of us who lived through and shared them . . . now with three decades or more gone, we sometimes think the exploits were the figment of our imagination.

When the Congress appropriated $150,000 for research in the experimental pickup device at the repeated urging of then Congressman Jennings Randolph, Tri-State immediately became All-American Aviation because Dr. Adams sold out to Richard duPont who was a glider expert and was killed in making some tests with gliders . . . then, with duPont gone his widow sold the company and for several years it operated as All-American and then changed its name to Allegheny and began to haul passengers . . . it did not haul any passengers until in the 1940's . . . today Allegheny is the largest and strongest of the regional scheduled airlines . . . much of that success can be attributed to Captain Rintoul's work . . . in fact, in Newark at his retirement party two years ago he asked those in attendance to stand who had flown co-pilot with him and the hostesses to stand who had been on his ships . . . almost to a man and woman the crowd of more than 400 stood to cheer this slightly built, always shy fellow.

Our favorite story about Norm is one that hardly anybody believes . . . we told it at Norm's retirement parties, both in Newark and a few days later in Long Beach, Calif., where he was honored, by the Douglas Co. and a few, if any, believed z-1 . . . yet, here it is to show, we think, what a great pilot Norm was and how primitive was the equipment we had to fly in those late 1930's when this event happened . . . Mrs. Franklin Roosevelt—who came to Arthurdale frequently—and often was flown back to Hyde Park, N.Y. by Norm on a high-winged Bellanca monoplane—had been taken back to her Hyde Park home rather than Washington where—if you will remember, her husband was for quite a spell president of the United States . . . there were no radio beams as we know them today, little, if any, weather reporting, and so you either flew the railroad tracks, the high tension lines or the rivers.

The day in question Norm was returning to Morgantown, having stopped in Washington en route from Hyde Park and as he departed a sod field—along what is now Route 50 alternate—a storm developed . . . he guided the plane to the railroad tracks near Falling Rocks, Md., and flew the tracks—intent on Martinsburg . . . his co-pilot was calling out the landmarks and as they reached Harper's Ferry the weather became terrible; Norm had the plane "right down on the deck"—meaning very low—and his co-pilot yelled: "pull 'er up, quick" . . . Norm did just that and then asked "what's the matter?" . . . the co-pilot gasped "we ran out of railroad track" . . . replied Norm almost casually:

"Yeah, I forget to tell you there is a tunnel the tracks go through" . . . the co-pilot more in fright than anything said: "Well, you're so good—why didn't we fly through the tunnel and get out of this awful rain?" . . . Norm smiled a bit and said: "I would have, but I remembered Old No. 12 would be using the tunnel about now" . . . and so it was with all of us in the early days of aviation . . . to Norm's widow and his son—our deepest sympathy and may his soul through the mercy of God rest in peace.

GEN. THADDEUS KOSCIUSZKO—A GREAT SOLDIER AND STATESMAN

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. PEYSER. Mr. Speaker, on February 12, we pause to join our loyal Polish friends in celebration of the 225th anniversary of the birth of Gen. Thaddeus Kosciuszko.

Americans cannot recall without deep emotion that he was the brave and courageous Polish soldier and statesman who voluntarily entered the American Continental Army and distinguished himself in the battles of New York and Yorktown.

Even before our Declaration of Independence was signed this young Polish officer sailed across the Atlantic and appeared before Gen. George Washington to volunteer his military skill and training to help create a telling military force from the fledgling Continental Army.

Kosciuszko was commissioned a colonel of engineers in the Continental Army with the task of strengthening the breastworks at Saratoga as well as the fortifications along the Delaware River and at West Point. The ardor and the zeal of this young officer were equaled only by his courage. It is small wonder that Thomas Jefferson hailed him as "the purest son of liberty I have ever known."

Throughout the six long and bleak years of the American Revolution, Kosciuszko devoted himself to helping General Washington win the war. In addition to his engineering prowess which meant so much to the Continental Army, this talented officer fought valiantly on the battlefields in the North as well as in the South. Leading cavalry troops through the bitter campaign of the Carolinas, he played a major role in driving the British out of Charleston.

Kosciuszko might have chosen to dwell in America and enjoy the love and acclaim of the American people while making continued contributions to our Armed Forces of which he was now a full fledged general officer. The grateful Congress, in addition to land and money, had bestowed upon him all the rights and privileges of American citizenship.

Kosciuszko chose to return to Europe and to his native Poland where he issued a call to arms. Polish patriots rushed to his side to begin a telling battle for Polish independence. Unfortunately, the military might of Catherine the Great was so enormous, the efforts of Kosciuszko and his followers were in vain. The gallant leader was captured at the battle of Maciejowice and imprisoned in a dungeon. Only upon the death of Catherine was he liberated—sorely ill and suffering physically, but still with a burning passion for freedom.

Mr. Speaker, few men have contributed more to the gaining and preservation of liberty in this country than did Gen. Thaddeus Kosciuszko. None of our heroes is more deserving of our affection and our warmest praise. It is no wonder that since our own freedom was so significantly influenced by such Polish patriots as Kosciuszko, Pulaski, and others, we have such deep bonds of friendship with the Red-dominated people of Poland today. We can only repay our debts to these great colonial heroes by constantly championing the rights of the Polish people for the return of their independence and self-determination. To this end we should rededicate ourselves on the anniversary of one of our greatest Polish-American citizens.

CONSERVATION OF TIMBERLAND IN SOUTH CAROLINA

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. THURMOND. Mr. President, in a day when industrialization and population growth are slowly utilizing more and more of America's open spaces, it is refreshing to note that not all of our maiden outdoors will give way to the insatiable hunger of a growing and developing society.

It is good that our society is growing and developing, and it is good that natural resources are still available to make that progress possible. But I submit, Mr. President, that it is also good to preserve a small bit of yesteryear—it is good to reserve for following generations a small portion of God's original handiwork.

Mr. President, I refer to an article entitled "Four Holes Swamp; Sanctuary Planned," published in the Charleston, S.C., News and Courier of January 24. This fine article, written by this excellent paper's environmental editor, Mr. Farley Smith, reports that 3,500 acres of South Carolina timberland is being purchased by the Nature Conservancy and the National Audubon Society.

This huge tract includes 1,800 acres of what is believed to be the last large stand of uncut river-bottom cypress trees on the continent. These trees are probably the finest virgin cypress in existence anywhere. Some of these huge giants stand taller than a 10-story building, with circumference of more than 15 feet. They are older than our Nation itself. Some of them have stood for more than 700 years.

The area being purchased is known as Four Holes Swamp. It is an approximately 65-mile-long tributary of the Edisto River. Geographically, the site lies 35 miles northwest of Charleston and 70 miles southeast of Columbia.

This undisturbed wilderness offers more than 120 species of woody plants alone, and hundreds of species of birds migrate through or nest in the forest, adding to the abundance of wildlife already present. Mr. Smith's article informs us that the wild animals there include alligators, deer, otters, bobcats, raccoons, and many other smaller mammals, reptiles, and amphibians.

Mr. President, the article lists those individuals who are responsible for preserving Four Holes Swamp for conservation purposes. I hereby add my tribute to those already paid them. I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOUR HOLES SWAMP SANCTUARY PLANNED

(By Farley Smith)

Approximately 1,800 acres in Four Holes Swamp containing what is believed to be the last large stand of virgin river-bottom cypress trees on the continent, will become a sanctuary of the National Audubon Society.

The virgin tract is part of a 3,500-acre block between Holly Hill and Harleyville being purchased jointly by the Nature Conservancy and the National Audubon Society for $1,450,000.

The area is being bought by the two national conservation organizations from the Francis Biedler Estate.

The virgin forest, timeless and undisturbed, contains what are probably the finest quality virgin cypress trees in existence anywhere. The columned giants, many of which are taller than a 10-story building and have circumferences of over 15 feet, predate the founding of America, with life spans of more than 700 years. The trees are practically all that remain of the great cypress stands that once dotted the fresh water rivers of the eastern United States.

The Four Holes tract also contains impressive stands of original growth tupelo, gum and other hardwoods, and giant virgin pine trees.

The entire Four Holes Swamp is an approximately 65-mile-long tributary of the Edisto River. It begins about eight miles southeast of the Congaree River in Orangeburg County and winds its way south to join the Edisto about 10 miles northeast of Summerville. It is one of the largest "black-water" river bottom lands in the state.

The portion of the swamp being purchased by the Conservancy and the Audubon Society contains 3,415 acres. The virgin tract comprises some 1,783 acres. The remaining 1,622 acres, a part of which will serve as a buffer zone to the sanctuary, has been timbered, the latest cutting occurring in 1969.

Bordered on both sides by high bluffs, the virgin tract is an irregular triangle about four and one-half miles long and one-half to one and one-half miles wide. It contains about 40 miles of waterways including two main streams which are fed constantly by countless springs. The streams probably are as unpolluted as any that can be found in eastern North America.

Geographically, the site lies approximately 35 miles northeast of Charleston and 70 miles southeast of Columbia via I-26 and 10 miles southeast of Holly Hill via Highway 27.

In announcing the acquisition of the area, Tom Richards, president of the Nature Conservancy, said:

"We of the Nature Conservancy are pleased to join with the National Audubon Society in this effort to preserve this immensely valuable forest. We have worked with the National Audubon Society often in the past, but never on so large a scale. I feel certain that our planned acquisition of the area in Four Holes Swamp marks the beginning of an even stronger future alliance in striving together to preserve many of the nation's threatened wilderness and wildlife areas."

Richards praised the Biedler Estate for its decision to sell the extensive holding in the swamp for conservation purposes rather than to lumbering interests. The Biedler family once operated the Santee River Cypress Lumber Co. which carried out extensive timbering operations.

Others lauded as being highly instrumental in the long and continuing preservation efforts of the Four Holes tract were: Peter Manigault, president of the Post and Courier Publishing Companies and a member of the board of directors of the National Audubon Society; Mrs. D. L. Fleischmann, a director of the National Audubon Society and a member of the Conservancy's National Council; Robert F. Knoth, an independent consulting forester and agent for the Biedler interests in South Carolina; Farley Smith Jr., environmental writer for The News and Courier and the Charleston Evening Post; H. Exo Hilton, land conservation consultant from Cross; William P. Baldwin, land management consultant from Summerville; John Dennis, prominent botanist and ornithologist from Virginia; Jim Fowler, developer of the animal forest at Charles Towne Landing and a co-host of television's "Wild Kingdom"; and Dr. Charles H. Wharton, author and professor of biology at Georgia State University.

Both the Conservancy and the National Audubon Society have for some time been involved in the creation of privately established preserve areas.

The Nature Conservancy is the only national environmental organization whose resources are solely devoted to the preservation of ecologically and environmentally significant land. It has been involved in the conservation of about 210,000 acres of land throughout the country.

The National Audubon Society maintains and protects some 40 different areas of land and water from Maine to California as sanctuaries, in addition to involving its 115,000 members in environmental action and education.

Richards noted that although the contract for the acquisition of the Biedler tract in Four Holes Swamp has been made, donations are being sought at this time. He pointed out that all donations are tax deductible.

Charles H. Callison, executive vice president of the National Audubon Society, said in addition to preserving the virgin forest as a sanctuary, the area will be used for outdoor education, conservation and scientific purposes.

In a preliminary evaluation report of the area, Raymond J. Kordish, site planner for the Nature Center Planning Division of the National Audubon Society, said the best safeguard for the protection and perpetuation of the area is a policy of wise public use consistent with the natural values of the area.

"From ecological, educational and aesthetic viewpoints, it is an outstanding natural area that should be preserved for public use and enjoyment," Kordish said.

Kordish suggested a system of well-planned facilities and programs for the general public and for school groups stressing outdoor conservation education.

"For these purposes, an interpretive building, several water trails and boardwalks could be built with minimum disturbance to the swamp," he said.

Kordish also suggested that the area would be an excellent location for a small research facility, that, in addition to carrying out basic ecological research, could provide much useful information for an interpretive program.

From the start of such a program Kordish estimated that 20,000 visitors could be expected to make use of such facilities and programs annually and that eventually this number could be increased to 50,000 each year.

In the meantime, however, the Nature Conservancy and the National Audubon Society said H. Evo Hilton, who lives near the forest and has intimate knowledge of the area, will be in charge.

So rich and so rare are some of the wonders of the forest that observers have been moved to describe it as "a priceless ecological and biological laboratory," "a botanical wonderland" and "a heritage that should never be destroyed."

"It excels any other swamp I have ever seen," Charles H. Wharton, professor of biology at Georgia State University and author of "The Southern River Swamp," said. "Among the southern river swamps it's a jewel ecosystem."

Although the understory of the forest is relatively open, it offers a wide variety of plant life. More than 120 species of woody plants alone have been counted in the area and the list will undoubtedly grow.

The green-fly orchid with its delicate petaled blooms picturesquely appears on trees throughout the swamp. Spanish moss characteristically festoons the branches of the gerat cypresses. Resurrection ferns and cardinal flowers that grow along the banks of the narrow coffee-colored streams enhance the tranquil beauty of the primeval forest.

The area also contains an abundance of wildlife. Hundreds of species of birds either migrate through or nest in the forest. It is a preferred nesting site of herons and wood duck, and may provide sanctuary for the rare Bachmann's warbler.

Among the swamp denizens are alligators, deer, otters, bobcats, raccoons and a variety of smaller mammals, reptiles and amphibians.

The region, moreover, is rich in Revolutionary War history. Four Holes Swamp is a documented operating area of Gen. Francis Marion, the "Swamp Fox," and the virgin forest is typical of the cover where his forces camped between guerrilla like strikes on the British regulars.

As shadowy as the forest itself is the origin of the name Four Holes. It may have come from four large springs or possibly at some crossing in the swamp there were four "holes" or creeks. It also has been suggested that the name may have come from four branches or "holes" at the head waters of the swamp.

The swamp is mentioned in the early history of the state and may have been the last sanctuary of the Natchez Indians in South Carolina.

According to the Journal of Commons, the Colonial House of Commons decided on Sept. 16, 1738, that the Natchez Indians "now encamped at the Four Holes Swamp be sent as soon as possible to scout about Port Royal." Later, the Natchez were placed on an island reservation in Port Royal Sound.

HOW TO SUCCEED IN BUSINESS WITHOUT BEING TRIED—PART II

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. BOB WILSON. Mr. Speaker, with the rash of attacks on big business, I recently read an interesting speech by Lee Loevinger, Partner, Hogan & Hartson, Washington, D.C., and former Assistant Attorney General for Antitrust, before the Association for Corporate Growth, Inc., Wednesday, January 13, 1971, at the Hotel Pierre, New York City, entitled "How To Succeed in Business Without Being Tried," part II.

(Continued from Part I) Furthermore, there are a number of statistical flaws which discredit the concentration figures relied on by the Department of Justice. First, these figures are taken from census data which attribute all shipments from a plant or business to the industry in which it is primarily engaged. Since industry leaders are the larger companies and are most likely to be diversified, this exaggerates concentration ratios based on such data. As Fortune points out, this leads to ludicrous results. Although oil companies account for about 70% of U.S. production of lubricants and greases, this production is included in the census classification for the oil industry and there is a separate category for "lubricating oils and greases". Thus, concentration ratios for the lubricating oils and greases industry cover only ⅓ of American production of these products, and it is probable that none of the largest producers are included in statistics for the field

Second, accepted measures of economic concentration are the percentages of business controlled by a small number (commonly 4 or 8) of the leading firms in a market. Such statistical measures do not disclose asymmetry of market structure which affects market power. For example, a market in which the 4 largest firms control over 90% of the business would be called "concentrated" by anyone familiar with antitrust. Yet there is a vast difference between a market in which the 4 largest firms each control between 20% and 25% of the business and a market in which the largest firm controls 85% of the business, the second largest about 7%, the third about 1%, and all others fractions of one percent. The latter corresponds roughly to conditions in the telephone market, reflected in the market structure of telephone equipment manufacturing. Even conventional concentration statistics for such a market indicate little about its structure or power distribution.

A third distorting factor in such statistics is that production which is exported is included in the totals for the domestic market, but that imports produced abroad are excluded. This tends to attribute to domestic producers a larger market share than they actually have. Similarly, statistics based on assets include no only domestic assets but also foreign assets of companies engaged in foreign markets. Since larger companies are most likely to have substantial foreign assets, this exaggerates the percentage of assets apparently owned by larger companies in the domestic market.

A fourth factor making concentration figures unrealistic is that they are based upon industry classifications established for census purposes by product differentiation, which may or may not correspond to actual competitive markets. Census classifications give national totals for such products as steel, automobiles, bread, and milk regardless of whether economic realities permit these products to be sold in national, regional or local markets. As a result, it is possible to find contrary and conflicting trends in the statistics. For example, many products in the past have been sold in local markets that were highly concentrated or monopolized. As larger national companies diversify and move into these concentrated local markets there may be a statistical trend apparently showing national concentration, while in fact there may be more actual competition in local markets.

As a result of such flaws, the statistics relied on by the Department grossly distort the concentration in an economic sector such as manufacturing. Larger manufacturing companies have been the most active in diversifying into non-manufacturing markets in recent years. They own hotel chains, rental car services, credit card services, broadcasting stations, financial service companies, and many other service enterprises, as well as foreign subsidiaries. Yet the aggregate concentration statistics attribute all assets of such service enterprises and foreign subsidiaries to the diversified manufacturing companies in calculating percentage of national manufacturing assets controlled by such companies. Politicians who have tried to count votes this way have gone to jail.

Finally, determining whether there has been an increase in aggregate concentration, even without regard to defects in the statistics, depends entirely upon the data base selected. For example, taking the ten largest industrial companies by asset size, in 1954 they had 27.4% of the assets of the largest 500 but by 1968 held only 24.3% of all such assets. Taking the largest 50 industrial corporations, in 1954 they held 54.6% of the assets of the largest 500 while this percentage dropped to 52.2% by 1968.

The 200 largest industrial corporations do not remain the same from year to year, and to make a fair or rigorous comparison over a period of time it is necessary to specify the corporations involved, the years for which lists are drawn and the method of ranking. The increase in assets of the 200 largest industrials between 1954 and 1968 ranges from 173% to 248% depending upon whether you take the 200 largest at the beginning of the period, at the end of the period, or for the first and last year separately. All manufacturing corporations taken together increased their assets by 171% over the same period. Similarily, large acquisitions or mergers made about the same contribution to the growth of the 200 largest as they did to the growth of all manufacturing corporations over the period. A rigorous statistical analysis of large mergers in the manufacturing sector suggests that large mergers were more important in allowing companies below the 200 largest to challenge the position of those first in that group than in supporting the growth of those already among the 200 largest.

The Department claims about aggregate concentration are also discredited by the reports of two Presidential Commissions of experts which the Department has simply ignored. President Johnson appointed a Task Force on Antitrust Policy which reported that the concentration of economic activities in a few large firms "is not now imminent", and that "among the largest firms, the net effect of mergers has been to expand the size of smaller firms relative to the top few." President Nixon appointed a Task Force on Productivity and Competition which cautioned the Antitrust Division against "an active program of challenging conglomerate enterprises on the basis of nebulous fears about size and economic power", and said that such action on the basis of present knowledge "is not defensible".

One of the most recent, careful and scholarly reviews of this subject concluded that monopolistic control of manufacturing industry actually declined from 32% in 1899 to 29% in 1958. This conclusion is corroborated by the traditional and significant test of market price behavior. The head of the Antitrust Division recently testified before the Joint Economic Committee of Congress that a statistical study of price behavior showed that during periods of price stability there was no correlation between economic concentration and price changes and that during periods of inflation price increases were much less in concentrated industries than in those that are highly competitive. During the past decade, the cost of living has been increased substantially more by increases in the cost of services than by increases in the cost of manufactured commodities. Recent research at the UCLA Graduate School of Business Management has found that there is no significant relationship between market concentration and profit rates of companies in various markets, that the number of independent business enterprises has not declined but has increased over the last half century at the same rate as the population, and that the proportion of individuals who are independent entrepreneurs is larger today than it was thirty years ago. On the demonstrative evidence of performance in market price and increase in number of independent enterprises, as well as rigorous economic analysis of markets, the conclusion is compelled that there has been no overall, or aggregate, increase in economic concentration.

The logic of the theory on which conglomerate mergers are being attacked is as false as the premises on which the attack is based. The basic falacy in the potentiality theory is that it ignores the difference between mere possibility and reasonable probability. Anything and everything is possible. A pan of water on a hot stove may freeze; all the air in the room may suddenly collect near the ceiling, leaving the occupants to suffocate. Such things are not impossible, only extremely improbable. But such possibilities are so remote they must be disregarded for all practical purposes. The only rational basis for action is probability. Yet the potentiality theory disregards probability and seeks to enforce the antitrust laws on the basis of hypothetical possibility. Under potentiality theory, anyone who puts a pan of water on a hot stove may be found guilty of causing it to freeze—potentially! By the same reasoning, anyone who achieves business success may be found guilty of monopolizing—potentially! (Continued in Part III)

HOUSING RIGHTS ACT OF 1971

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. PRICE of Texas. Mr. Speaker, I have joined with the distinguished gentleman from California (Mr. WILSON) in introducing the Housing Rights Act of 1971.

In simple terms this proposal would create new legal conditions wherein needed numbers of good, solid, and attractive homes could be built utilizing cost-saving techniques such as prefabrication, modular construction, and other technological advances.

The barriers presently obstructing the accomplishment of this goal are twofold: Antiquated local building codes often retard the successful implementation of modern technology; and, many union contracts effectively prohibit prefabricated housing parts, modular housing, or other cost-saving practices from being efficiently employed in the building trade. Under the Housing Rights Act of 1971 such building codes or union agreements would be suspended in all federally financed housing projects.

The rationale for my proposal becomes very clear when conditions in the housing industry are analyzed. It has been estimated that if this Nation is to meet its housing needs in the coming decade, 26 million new dwellings need to be constructed. Of these, 6 million should be suitable for low- and moderate-income families.

The historical record of the housing industry is enough to give anyone pause about the sheer magnitude of this prospect. Never has the industry generated as many as 2 million new units in any one year. And in the last decade, the average annual output was less than 1.5 million.

Unfortunately, prospects for the future do not appear any more promising even when just the need for 6 million new federally assisted housing units is considered. For if the achievement of this goal is couched in terms of what was the record of the sixties, hopes for success are dim indeed. During the past 10 years, only 634,000 federally assisted united housing units have been erected; moreover, since the start of the problem in 1949, only 938,000 such dwellings have been constructed.

These undisputed facts disturb me greatly especially when they are coupled with the just-released U.S. Census report that the construction of both public and private housing declined 6 percent from the pace of the fifties. Consequently, I seriously question whether U.S. housing needs in general and rural housing needs in particular can be even approached much less met in the seventies.

Mr. Speaker, I am particularly troubled about the state of rural housing because according to the last census, and I have no reason to think circumstances have been dramatically reversed since:

Four out of every five urban residents—81.4 percent—live in sound homes with complete plumbing. Only a little more than one out of two rural families—56.7 percent—can claim equally good housing;

Rural areas account for nearly one-third of all housing units, but they contain about 44 percent of all the housing lacking structural soundness or complete plumbing;

Approximately 1.5 million rural families live in dilapidated structures and another 3.5 million live in structures needing major repairs;

In terms of living comforts, nearly one out of three homes—69.1 percent—do not have complete baths compared to more than nine out of 10 urban families—96.3 percent;

One out of five rural families—21 percent—do not have running water, while only a tiny minority of urban families—1 percent—lack similar facilities; and

Finally, nearly one out of every five rural families do not have both hot and cold running water, as contrasted to one out of 20 urban families.

While the causes of these difficulties are varied money, or the lack of it, surely lies at their roots. As I have stated before, although rural America has one-third of the Nation's population, it has one-half of its poverty stricken; a percentage if translated, means that almost 14 million poor people reside on farms, ranches, and small rural communities.

I have tried to strike at the core of these problems by introducing the Rural Job Development Act of 1971, a proposal designed to create new rural job opportunities for young people as well as older persons interested in bettering themselves. In addition, I have introduced the Human Investment Act of 1971, a bill aimed at providing businesses with a tax incentive to establish and maintain job training programs for the young, the unemployed, and the underemployed. While neither of these bills separately or together promise to solve all the ills of rural America, I do think they provide a workable approach to revitalizing rural areas and strengthening the very grassroots of our Nation.

At the same time, however, I must point out that these proposals are aimed at rural income problems. They do not really focus on rural housing problems. The causes of housing ills are far more complex than can be met by merely raising the income level of a particular area. For this reason, other measures must be resorted to; such as, the Housing Rights Act of 1971.

Mr. Speaker, if 6 million new federally assisted housing units are needed to meet the swelling demands of the seventies, reason and justice dictate that a very substantial number of them should be constructed in rural areas. This means more jobs for more people. This means better housing for more people.

But if tax dollars to be allocated to fund these efforts are to be used to their fullest advantage, and if the people for whom federally assisted housing is directed are to receive the fullest benefit, then all artificial obstacles must be removed. Outdated building codes, and regressive union agreements must be bypassed. The public interest demands nothing less.

TAXES AND THE RUSSIANS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. WOLFF. Mr. Speaker, I am introducing today two bills to provide some financial relief for local governments having jurisdiction over real estate owned by foreign governments.

One of these bills, which I first introduced during the last Congress, would authorize the Federal Government to reimburse local governments for property taxes lost because of diplomatic tax exemption or because of the voluntary waiving of taxation on certain real property owned by foreign governments. The other bill, which is similar to one introduced earlier this year by my colleague, the gentleman from New York (Mr. KOCH), would extend the responsibilities of the Executive Protection Service to include foreign missions, including consulates and residences throughout the country.

Both of the measures I am introducing today would provide considerable relief for the city of Glen Cove, located within my congressional district. Glen Cove is responsible for protecting an estate used as a weekend retreat by the Soviet representatives to the United Nations, but has not collected taxes on the estate since 1966, when the city acceded to the request of the U.S. delegation to the U.N. that real property taxes on the estate be waived.

In my judgment, if it is in the national interest of the United States to grant or request such tax exemptions for foreign governments, then it should be equally in the interest of the United States to reimburse the localities involved for their lost revenue. Each year since 1966, the city of Glen Cove and Nassau County have lost the substantial annual sums of $30,000 and $10,000, respectively. Such tax losses are intolerable for hard-pressed local governments; and yet a Federal judge recently permanently enjoined the city of Glen Cove from making any attempt to collect taxes or sell tax liens on the Soviet estate.

Mr. Speaker, we can all understand the necessity for tax exemptions for essential diplomatic office and residential facilities—especially when we realize that other countries reciprocate on such exemptions. However, the tax loss to Glen Cove seems like an unfair burden, especially when one considers that the United States is not even permitted to own property in the Soviet Union, but must rent its facilities. In addition, the property being exempted from local taxes in Glen Cove, Killenworth, is used exclusively on weekends for rest and recreation by the Soviet legation to the United Nations.

In view of the fact that the U.S. Representative to the United Nations originally requested this waiver of taxes, it seems to me to be in the interest of the city of Glen Cove and the Government of the United States that legislative relief be offered to this town, and others in similar circumstances. If a tax loss is in the interest of the United States in order to ease our relationships with foreign nations, then such tax loss should be borne by all the people of the United States—and should not be a penalty borne only by the community selected for a diplomatic office or residence, if that community accedes gracefully to a request for tax exemption.

Just as the Federal Government should assume the tax losses on foreign offices and residences, so it should be responsible for protection of such residences—whether or not they are located in Washington, D.C. At the present time the city of Glen Cove, which is unable to collect taxes on Killenworth, nonetheless provides police protection and other services to the estate. I believe that the Executive Protection Service should provide the needed guards, and thus relieve Glen Cove of the expenses involved, and free the local police to return to their own duties.

I hope that both of these measures vital to our local governments will receive attention early in this Congress. I am including in my remarks, for the information of my colleagues, a recent editorial from the Glen Cove Record Pilot which indicates the need for this legislation:

TAXES AND THE RUSSIANS

> Tax-collecting has been an unpopular job for almost forever, but it's never been forbidden, we think.
>
> And since a federal court has seen fit to prohibit the city of Glen Cove from extracting its just due in property taxes from the Russians at Killenworth, then we think the mayor is correct in asking the federal government to stand the costs.
>
> We hope the mayor does not back down in his efforts to make the United States assume the burdens of protection for its foreign guests. There is simply no justification for the assumption of tax and services charged by the 26,000 taxpayers of Glen Cove, in order as the mayor said this week, that "the U.S. government be able to maintain and preserve peaceful, safe living conditions for the Russian nationals residing at the estate." That is unjust. The costs should be shared by all U.S. citizens, since all have a stake in the state of Soviet-American relations.

PROPOSED DISTRICT OF COLUMBIA COMMUTER TAX

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. BYRD of Virginia. Mr. President, the Lynchburg, Va., News has discussed editiorially the proposal by the District of Columbia to impose its income tax on Virginia and Maryland residents who work in the District.

The proposed tax would be inequitable. It would cost Virginia $17 million annually in revenues, and Maryland $28 million.

It also would raise the tax bills of many residents of the Virginia and Maryland suburbs.

The editorial discusses some of the consequences of the proposed tax.

I ask unanimous consent that the editorial, entitled "A $17 Million Loss?" be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MATTER OF OPINION: A $17 MILLION LOSS?

We hope the General Assembly was paying attention when Senator Harry F. Byrd Jr. took the Senate floor last week to object to a proposed "reciprocal income tax" that could cost Virginia some $17 million a year in revenue.

The plan was proposed by the District of Columbia which has been trying for years to tax Virginians and Marylanders working in the District. In exchange, the District would let Virginia and Maryland tax its residents working in those states.

Under this arrangement, the District would collect an estimated $51 million, Senator Byrd noted, while Virginia would lose $17 million and Maryland $28 million.

As a result, Virginia and Maryland would have to make up the loss of such revenue by increasing taxes. This would mean that the taxpayers of these two states would, in effect, be paying a special tax to the District—over and above the portion they pay of the Federal Government's $537 million yearly subsidy to the District.

Virginia can't afford to lose $17 million in revenue and nobody knows it better than the Governor and the General Assembly. It would be wise to investigate the District proposal and support Senator Byrd's objections—vigorously.

DANGER IN BIG ARMIES

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. THURMOND. Mr. President, the Aiken, S.C. Standard of January 28, 1971, contains a throught-provoking editorial entitled "Danger in Big Armies."

Editor Samuel A. Cothran points out that conscription, if properly managed, greatly serves the needs of the Nation as well as the Army. He also notes that larger size armies than the United States has formerly had in peacetime will be needed in future years and that such an army, if entirely professional, might constitute a menance to our people.

Mr. President, these interesting comments deserve the consideration of Congress. I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DANGER IN BIG ARMIES

When it is properly administered, selective service provides a wholesome mix of the citizen soldier and the professional soldier and guards against a military class insulated from the nation as a whole. Besides, it is only by conscription that ranks of a large army can be filled at reasonable cost in the absence of a war which converts latent patriotism to action. The country abounds in people ready to fire off slogans against Communism from back home but there are not as many who are willing to pick up a rifle and go into the line.

President Nixon is nevertheless talking about an all-volunteer army. On that tack he is reacting partly to popular dislike of the draft and partly to the complaints about the current crop of draftees.

Most Americans will not live to see the day when military conscription becomes popular in the land, nor may the time ever come when amateur soldiers are as efficient on the whole as career professionals. Yet much of what is wrong with the draft could be cured by corrective action—eliminating deferments for college students, for instance—and amateur soldiers can be trained to fight splendidly.

All-volunteer armies are not without precedent in this country. What is unprecedented is the size of the one which Mr. Nixon would have to have if he did away with the draft. Without a leavening of citizen soldiers to keep lines of comunication open with civilian society, a big professional army could prove a menance to the people who created it. Anybody who doubts that statement ought to take lessons in history.

FIFTY-THIRD ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. WEICKER. Mr. President, February 16, 1971, marks the 53d anniversary of the independence of Lithuania. On this day in 1918, Lithuanian patriots declared their state an independent nation, thus ending foreign domination.

For 22 years, the proud people of this nation lived and thrived as they demonstrated their capacity and ability for self-government. During these years of freedom, Lithuanian leaders brought about land reform, expanded the nation's industry, built a transportation system, provided for a national education program, and enacted social legislation.

The progress and freedom enjoyed by the people of this developing nation was viewed as a menace by its neighbor the Soviet Union where political purges and the failures of communism made life a misery.

On August 3, 1940, the Lithuanian peoples' hopes for freedom and self-determination were destroyed as the nation was occupied by Soviet troops and Lithuania was declared a constituent republic of the U.S.S.R.

In World War II, the German forces drove the Russians out of Lithuania and the totalitarianism of communism was replaced by Nazi enslavement. In 1944, the U.S.S.R. reconquered the country and Lithuania became one more of the captive nations that has submerged under the oppression of communism.

In recent weeks we have seen prime examples of life under the yoke of the Communist oppressor. In Lithuania and in the Soviet Union, people are forced to take desperate actions in an attempt to obtain the basic freedom of free movement out of the country. Lithuanians, like the Russian Jews, are subject to constant pressure to give up their language and their culture. More than half of the churches in Lithuania, historically a Roman Catholic nation, have been closed down. It is obvious that it is the goal of the U.S.S.R. to bring about the complete extinction of the Lithuanian nation by destroying the culture, language, and heritage of its people.

On this anniversary of Lithuania freedom, it is fitting that the freedom-loving people of this Nation and world give encouragement and hope to the captive people of Lithuania and all oppressed nations that their cause is not forgotten.

The people of Lithuania have much spirit and faith in their national destiny, and their desire for independence is the common cause of all Lithuanians everywhere.

LIBERTY FOR LITHUANIA

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. MURPHY of New York. Mr. Speaker, in June 1940, the Russians overran Lithuania, Latvia, and Estonia and conducted a mass deportation to Siberia which caused the death of thousands of innocent people. Once more, I wish to pay tribute to the gallant freedom-loving peoples of these Baltic States who lost their independence 30 years ago and became captive nations of Soviet communism. For these beleaguered men and women, the dream of liberty still remains; and as long as freedom exists anywhere in the world, and as long as we here in the free world continue to give them encouragement to persevere, I know that these courageous people will not abandon their hope for liberation. During the 89th Congress, I sponsored one of the many resolutions urging that the United States exert every effort through the United Nations to win the right of self-determination for these captive nations. Through the ensuing Congresses, I have repeatedly sponsored measures to keep the light of liberty burning brightly as an inspiration to our brothers trapped behind the Iron Curtain.

I, therefore, include a brief history of 30 years of oppression and urge my colleagues to support the following resolution, which passed unanimously in the 89th Congress, in order that our belief in the fundamental rights and the inherent dignity of the courageous Lithuanians, Estonians, and Latvians may be reaffirmed by all nations. For the denial of freedom to the Baltic people is intolerable and a blow to the rights of all mankind.

The material follows:

LITHUANIA'S FIGHT FOR FREEDOM: 30 YEARS OF SOVIET OPPRESSION

For too long too many people throughout the world have been unaware of what happened to the people of Lithuania. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of Lithuania shows this to be a cruel fiction. The Communist regime did not come to power in Lithuania by legal or democratic process. The Soviets invaded and occupied Lithuania in June of 1940, and the Lithuanian people have been suffering in Russian-Communist slavery for more than 30 years.

Americans of Lithuanian origin or descent, numbering over 1,000,000 in the United States, and their friends in all parts of the country will commemorate two very important anniversaries during the second part of February, 1971: (1) They will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and (2) They will mark the 53rd anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the "accident of geography." From the West the country was invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians*. Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this republic in June of 1940. In one of history's greatest frauds, "elections" were held under the Red army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic Siberia. The people of Lithuania have never experienced such an extermination and annihilation in their long history through centuries as during the last three decades. Since June 15, 1940, Lithuania has lost more than one-fourth of the country's population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet-Russian occupation, however, the Lithuanians have waged an intensive fight for freedom. This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself. During the period between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The persecution of Solzhenitsyn, the clamp of Rostropovich and other dissenters in the Soviet Union received a great deal of publicity in the free world's press. Very well publicized were the Simas Kudirka-Coast Guard tragedy, the Hijacking of a Russian jet liner by Brazinskas and his son, death sentences imposed on two Jews and a young Lithuanian, Vytautas Simokaitis, for trying to escape the Communist tyranny. But this is only the tip of the iceberg of desperation in the Soviet empire. In slave labor camps in the Soviet Union millions of people are still being held. Many dissenters are being confined to psychiatric institutions and being murdered by the Kremlin thugs. It is an established fact that a brilliant Lithuanian linguist, Dr. Jonas Kazlauskas, 40 years old, was murdered in a psychiatric hospital three months ago. His only "crime" was that he had received an invitation to come to the University of Pennsylvania (in Philadelphia, Pennsylvania) as a guest professor for this very spring semester of 1971.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering people of Lithuania to get rid of the Communist regime in their country.

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, Estonia and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The United States Congress has made a right step into the right direction by adopting H. Con. Res. 416 that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

H. CON. RES. ——

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

MIRV AND SALT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. WYMAN. Mr. Speaker, in light of the current SALT talks, much controversy has arisen over the impact the U.S. deployment of MIRV will have on our negotiations with the Soviet Union. The Nixon administration has been unfairly criticized for not proposing a MIRV test moratorium, and some have even suggested that the MIRVing of our Minutemen missiles threatens the Soviet Union with a first strike.

An article discussing these questions appeared in the February 1971, issue of Air Force magazine entitled, "MIRV: Anatomy of an Enigma," written by Mr. Phillip A. Karber, a research fellow at the Center for Strategic and International Studies at Georgetown University. Mr. Karber, an arms control analyst, rebuts the criticisms of the administration's MIRV deployment and emphasizes that President Nixon's policy not only safeguards America's deterrent posture but also provides the sound basis upon which productive limitations on the destabilizing aspects of MIRV can be reached.

The article follows:

MIRV: ANATOMY OF AN ENIGMA

(By Phillip A. Karber)

On September 22, 1970, Gen. John D. Ryan, USAF Chief of Staff, told the Air Force Association that the Minuteman III missile, "with a multiple, independently targetable, reentry vehicle, will be our best means of destroying time-urgent targets like the long-range weapons of the enemy." This was misinterpreted, first in the Senate and subsequently in the press, as a provocative "first-strike" policy that would lead the USSR to believe the U.S. is attempting to threaten Soviet strategic forces. The resultant political uproar precipitated a disclaimer from Secretary of Defense Melvin R. Laird, who emphasized that the U.S. does not have, and is not attempting to establish, a "first-strike option."

Yet General Ryan's comment on the counterforce advantage of the MIRVed Minuteman is neither mistaken nor contradictory to

Administration policy. It merely fell victim to the unenlightened, emotional, and one-sided approach that has characterized recent public consideration of strategic issues. The purpose here is not to argue for or against MIRV but to discuss the logic upon which the Nixon Administration's MIRV policy and its implementation by the Defense Department is grounded.

MIRV AND STABILITY

When combined with high yields and great accuracy, a MIRVed missile potentially can destory more than one of an opponent's missile silos. For example, the Soviet SS–9, with its tremendous throw-weight of twenty-five megatons, could, when MIRVed, provide the USSR with the ability to destroy ninety-five percent of our land-based missiles. Thus, with approximately 400 boosters, the Soviet Union could knock out nearly 1,000 Minuteman missiles in a surprise first strike.

Only our manned strategic bombers and seabased Polaris force would survive. However, the B–52's are vulnerable to attack by Soviet submarine-launched missiles, as well as by the SCRAG orbital bombardment system, whose limited accuracy is offset by its advantage of short warning time and extremely high-yield warhead. Furthermore, the B–52s remaining would face the largest air defense system in the world, including more than 7,000 SAM launchers, which would be ready and waiting, unscathed, since the Minuteman missiles that could have disrupted the SAM defensive effort would have been destroyed in their silos.

While the portion of the Polaris force deployed at sea could survive a first strike, only about half are at sea and within range of their targets at any time. Also, since Polaris submarine-launched missiles cannot be fired in salvo, they would arrive over their targets at different times. This would leave the Polaris missiles vulnerable to the Soviet area-defense ABM system. Therefore, an American second strike would inflict less damage than the USSR received in World War II. And the Russians would still have more than 1,000 land-based missiles, mostly Minuteman-size but liquid-fueled SS–11s, plus their entire bomber force, remaining for countercity coercion or for mopup operations.

The impending Soviet strategic posture is *destabilizing* because it threatens a first strike by the USSR and accelerates the nuclear arms race by its continued deployment of the SS–9.

To counter the threat of a Soviet first strike, the Nixon Administration has wisely begun development of the Safeguard ABM system to protect our land-based missiles and bombers. By deploying 500 Minuteman III misiles carrying three MIRV warheads each and the Poseidon submarine-launched missiles, with ten to fourteen lower-yield MIRV warheads per booster, the President has also increased the penetration capability of our strategic retaliatory forces.

Unlike Soviet strategic developments, the American ABM and MIRV are *stabilizing* in that they counterbalance the SS–9 first-strike threat without posing a US first-strike threat to the Soviet strategic forces. Safeguard is not an area-defense ABM system and, therefore, does not impair the Soviet retaliatory capability; the Poseidon cannot be used in a first strike because of its limited accuracy, low MIRV payload, and limited range; and, while the MIRVed Minuteman force is capable of counterforce targeting, it does not constitute a preemptive threat to the Soviet Union.

If all the American Minutemen were MIRVed, they could destroy less than half of the Russian land-based missiles in a first strike. Even by the end of the decade, assuming that the current accuracy of our Minutemen is doubled, we would not have the means to launch a first strike against the Soviet Union.

POST-PREEMPTIVE COERCION

If we lack a preemptive capability, then why mention the counterforce role of our MIRVed Minutemen? Our land-based missile force was designed, through dispersion and hardening, to ride out any Soviet attack that has been feasible thus far. This posture not only decreases the possibility of a miscalculated launch but also provides the Commander in Chief with the flexibility of controlled retaliation. However, this prudent doctrine is weakened by the growth of the Soviet strategic arsenal. Should the Soviets attack our land-based retaliatory forces before Safeguard is fully operational, the President would have to decide whether or not to fire our surviving Polaris missiles against Soviet cities, in the full knowledge that the Russians then could wipe out American cities. The President expressed this worry in his State of the World message in February of last year:

"Should a President, in the event of a nuclear attack, be left with the single option of ordering the mass destruction of enemy civilians, in the face of certainty that it would be followed by the mass slaughter of Americans? Should the concept of assured destruction be narrowly defined and should it be the only measure of our ability to deter the variety of threats we may face?"

Clearly, enough of our strategic forces to do unacceptable damage to an attacker must be able to ride out a surprise first strike. But why should we passively watch the destruction of our Minuteman force in its silos if, through infrared satellite detection and over-the-horizon radar, we have sufficient and unambiguous warning that a massive attack has been launched? A Soviet first strike would require all of their SS–9s and most of their submarine-launched missiles. The remaining Soviet land-based missiles would be reserved as a coercive option—as a deterrent to and retaliation against a US countercity response. Yet, with a half-hour's warning and surveillance capability of infrared detection satellites to identify which Soviet missiles had not been fired, we could launch our Minutemen against the remaining Soviet missile force, thus foreclosing the Soviet coercive option. For every Russian missile destroyed, an American city would be spared and the Soviet SS–9s would have been wasted on empty silos.

MIRV increases the American deterrent, not only through the threat of assured destruction but also through the Minuteman potential of damage limitation. And, unlike the Soviet ABM system and MIRVed SS–9s, our damage-limitation capability is stabilizing, since it would threaten only the Soviet missiles held in reserve as a coercive force should the Russians launch a first strike.

MIRV AND ARMS CONTROL

Many popular and some professional commentators are now criticizing the Administration for not accepting recent congressional resolutions calling for a MIRV testing moratorium. They argue that the Administration failed to act when it could have halted the Soviet development of the MIRVed SS–9. This is purious hindsight at best, for the moratorium arms-control method of the 1950s, which utilized primitive international bargaining, is not necessarily the most applicable, efficient, or secure technique of stabilization in the decade of the 1970s.

The Nuclear Test Moratorium, in effect from 1958 through 1961, provides an excellent case study of the ineffectiveness of the moratorium method of arms control. The Nuclear Test Moratorium was the first arms-control measure to be effected in the post-war period. Because of political tensions and the lack of a successful bargaining precedent, this first nuclear arms limitation was more tacit and ambiguous than explicit. What success it had was due to the fact that nuclear weapons had been tested for thirteen years and because the technicians on both sides generally assumed that nuclear weapons technology had reached a plateau. The nuclear bomb of the late 1950s was not a new technological breakthrough but a weapon that had been extensively tested, the effects of which were catalogued in detail, and one with which both sides were closely matched in experience.

Yet, after three years of moratorium and after the USSR had achieved *theoretical* advances in large megatonnage and high-altitude detonation-effects technology, the Soviet unabashedly abrogated the Nuclear Test Moratorium without so much as an announcement. US intelligence failed to give warning of the Soviet preparations for testing; official political judgment erred in assessing Soviet intentions; and for unknown and unexplained reasons, a prudent US posture of readiness was not maintained despite the pleas and warnings of the military establishment and the Atomic Energy Commission.

It was the moratorium's potential for surprise abrogation, without even the moral or legal restraints of a negotiated treaty, that led President Kennedy to denounce the moratorium method as an ineffectual and destabilizing approach to arms control. His statement is just as relevant today as when it was made:

"We know enough about broken negotiations, secret preparations, and the advantages gained from a long test series never to offer again an uninspected moratorium.

"Some may urge us to try it again, keeping our preparation to test in a constant state of readiness. But in actual practice, particularly in a society of free choice, we cannot keep topflight scientists concentrating on the preparation of an experiment which may or may not take place on an uncertain date in the future, nor can large technical laboratories be kept fully alert on a standby basis, waiting for some other nations to break an agreement. This is not merely difficult or inconvenient. We have explored this alternative and found it impossible of execution."

The proposed MIRV testing moratorium resolutions introduced in the Congress have been extremely imprecise in defining MIRV, what type of testing would be allowed, the length of the abstention, whether it would automatically be terminated or extended, and through what means a suspected violation could be challenged without precipitating an international crisis. A tacit agreement cannot be expected to go into the detail that is necessary to achieve a successful moratorium on MIRV testing.

The wisdom of maintaining high arms-control standards was demonstrated by the recent examples of Soviet cheating along the Suez Canal. Here they blatantly violated a negotiated and easily verifiable agreement by moving in hundreds of missiles virtually overnight, thereby drastically altering the tactical military balance. This raises the question of whether *any* moratorium agreement to limit MIRV development or deployment can be depended on.

Both sides now have tested to such an extent that even a SALT agreement calling for a ban on all missile testing would not convince the Soviets of a reversal in our MIRV deployment or ensure us of their lack of operational confidence in the multiwarhead SS–9. A comprehensive deployment ban would require on-site inspection, which the Soviets have traditionally refused, and, according to the Nixon Administration's prestigious verification panel, no practicable amount of on-site inspection would add assurance to a MIRV deployment ban.

Yet, contrary to the prophets of doom, the destabilizing aspects of MIRV can be limited at the Strategic Arms Limitation Talks. The SS–9 is a threatening first-strike weapon be-

cause of its combination of multiple warheads, high accuracy, extremely large yield, and the extensive numbers being deployed. While we cannot ascertain the accuracy of a particular missile or verify, except through on-site inspection, whether it has been MIRVed, we can, through satellite observation, reliably estimate its yield and the extent of its deployment. As Dr. Harold Brown, former Secretary of the Air Force, suggested:

"It is possible that even without on-site inspection we can tell enough about each other's missiles to obtain reasonable assurance. This is so because the probable number of warheads per missile is proportionate to the payload of that missile, and payload, in turn, is directly related to the gross volume, which we may be able to determine unilaterally. Thus, a ceiling on numbers and sizes of missiles could also limit MIRVs to a number less than that needed for an effective first strike, and yet permit enough reentry vehicles to penetrate missile defenses—as required for deterrence. The size of the missile force and its general characteristics can probably be monitored satisfactorily without on-site inspection."

Thus, should the Soviets agree at SALT to limit the number of deployed SS–9s, in exchange for an American commitment to keep Safeguard from becoming an area-defense ABM, and should a mutual gross ceiling on all ICBMs be set, then the Minuteman, Poseidon, and the Soviet SS–11 missiles—even if MIRVed—would not have the numbers, accuracy, or yields to pose a first-strike threat on either side.

MIRV is destabilizing only to the extent that the Soviet Union is obstinate at SALT. If the Russians want strategic instability, as their continued deployment of the SS–9 has seemed to indicate, unilateral American abandonment of our MIRV option will furnish it.

53D ANNIVERSARY OF LITHUANIAN INDEPENDENCE—"EVERY RIGHT TO BE FREE"

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. SCOTT. Mr. President, February 16, 1971, marks the 53d anniversary of Lithuanian independence, that was all too short. The past 53 years for the Lithuanian people have been brutal and harsh. The worst suffering, however, has occurred and is at this moment occurring under the tyranny of the Iron Curtain, with one-fourth of the Lithuanian population of 3 million lost since June 15, 1940. Certainly, a small nation groping for sovereignty should be entitled to steer its own course in the world. Lithuania has every right to be free.

Recent unrest in Poland points to one oppressed nation's desire for freedom in Eastern Europe. That same desire is alive in Lithuania and is constantly trying to surface in examples of continuous defection from the Communist grip.

The subject of Lithuanian independence, as well as the other Baltic nations of Estonia and Latvia, should be immediately presented to the United Nations. Congress must remember the unanimous passage of Concurrent Resolution No. 416 during the 89th Congress that calls for the independence of the Baltic States. The 92d Congress can further utilize this legislation to communicate U.S. concern for the enslaved Lithuanian people.

On this 53d anniversary of Lituhanian independence, I will strive for the United States to live up to its commitments in the Atlantic Charter, "To see sovereign rights and self-government restored to those who have been forcibly deprived of them."

THE NIXON REVENUE-SHARING PLAN

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. THURMOND. Mr. President, a thoughtful column on revenue sharing by one of South Carolina's most outstanding journalists appeared in the Columbia Record of February 1, 1971.

The writer, H. Harrison Jenkins, points out that in the last four decades the United States has wandered from the principles set forth by Thomas Jefferson. Mr. Jenkins states that President Nixon's revenue-sharing plan would return some of the power in Washington to the people as envisioned by Jefferson. He notes that both political parties endorsed such an approach at their last conventions.

Mr. President, the editorial should be of interest to Members of the Congress and the people of the country as well. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Columbia (S.C.) Record, Feb. 1, 1971]

NIXON'S JEFFERSONIAN PRINCIPLE

(By H. Harrison Jenkins)

When the warm zephyrs of change catch unwary politicians bundled in their overcoats for winter's chill, they perspire. And the warm wind of change—a demand for a responsive government closer to the people—has nudged over Pacific boulders, ridged the Rockies, pulsated across the Plains, gyrated around the Great Lakes, arched the Appalachians and angled to the Atlantic.

Not a man usually unsusceptible to environmental bouleversements, President Nixon is dressed for the occasion. In his State of the Union speech, he asked Congress for "a peaceful revolution in which power was turned back to the people, in which government at all levels was refreshed and made truly responsive."

As part of a truly modern, functional government, he asked Congress to share Federal revenues with the states. Although the idea is not new, its time has come. Said Mr. Nixon: "The time has come to reverse the flow of power and resources from the states and communities to Washington and start power and resources flowing back from Washington to the states and communities and more important, to the people, all across America."

Few presidents in history have asked for more fundamental reforms than did Mr. Nixon—and the restoration of power to the states and cities, where people manage their smaller governmental units better, is a fundamental principle.

Other presidents have been as reformist: Jefferson, Lincoln, Teddy Roosevelt, Wilson, Franklin Roosevelt. Consider the inaugural address of the earliest, Thomas Jefferson. In his speech, Jefferson detailed the fundamental principles of the American republic, enumerating among them "the support of the state governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies." The Virginian added a warning in that address, saying that if the United States wandered from these principles "in moments of error of alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty and safety."

That basic principle was observed until about five decades ago and since then, the Federal government has accrued power unforeseen by Jefferson with state and Federal governments—despite energetic financial efforts—eroding and decaying.

Despite contrary impressions, national defense has accounted for increasingly smaller percentages of our Federal budget since 1959. At the same time, civilian programs—and especially human resources agencies by the dozens—have consumed increasingly larger percentages of the Federal budget.

Under the New Deal, the Fair Deal, the New Frontier and the Great Society, billions upon billions of dollars have been expended to solve problems of health, housing, transportation, race problems, education and poverty. While these programs, spewn from the same molds created in the 1930's, have alleviated some of the problems, they do not offer final solutions—nor do they promise in the foreseeable future even expectations of success.

The basic idea of Mr. Nixon's revenue sharing is to turn over to state and local governments some of the revenue collected by the Federal government to do with as they wish, each according to its need.

The principle is sound. Conservatives who oppose revenue sharing contend that it would be better if the Federal government reduced income taxes (its greatest source of revenue) by 10 per cent and leave that in the states. This isn't going to happen.

Thus, the viable options are: (1) to share revenue with the states, or (2) to increase Federal spending on old and new programs of human resources directed from Washington. Included are the staggering number of categorical grants which are termed Federal-state cooperation. The fact is that in this arrangement Washington is the senior partner and anyone who's had to comply with a set of Washington regulations knows that he could build a Mount Mitchell with the paperwork necessary for a single grant of a couple of thousand bucks.

So, Mr. Nixon has enunciated and will fight for a political principle—revenue sharing, which was endorsed by both national parties in the platforms of their last conventions. Mr. Nixon is keeping the Republicans' word. What of the Democrats?

Politically, the Democrats are going to look mighty foolish if they do not emerge with an equitable distribution alternative. And the present arguments advanced by Congressman Wilbur Mills are balderdash. The Democrats are supposed to be the party of change, innovation and creativity in government. They now sound like Neanderthals, and they can't wait too long before responding with sense and sensitivity.

The truth is that a profoundly disillusioned people living in a complex age lack confidence in government. The further removed from their source of power and surveillance, the greater the lack of confidence.

The United States has wandered from the principles enunciated by Jefferson and the principle of local government strength in domestic concerns must be regained. "Let us retrace our steps," said Jefferson. The principle of revenue sharing must be accepted by the Congress.

THE VIETNAM DISENGAGEMENT ACT AND THE EXTENSION OF THE COOPER-CHURCH AMENDMENT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, I am joining my colleagues in the House of Representatives in introducing two bills designed to bring an end to the war in Southeast Asia—the Vietnam Disengagement Act of 1971, which we are introducing today, and an amendment to the Special Foreign Assistance Act of 1971, which was introduced yesterday.

The Vietnam Disengagement Act of 1971 provides that no funds shall be authorized or expended to maintain a troop level of more than 284,000 in Vietnam after May 1, 1971. After this date any funds appropriated could be spent only for the safe, systematic withdrawal of the remaining forces in Southeast Asia, to insure the release of our prisoners of war, and to arrange for the safety of any of the South Vietnamese who may be physically endangered by the withdrawal of American forces.

The amendment to the Special Foreign Assistance Act would extend the provisions of the Cooper-Church amendment, which was passed last year, which bars the use of U.S. ground troops in Cambodia. Under the new provision, no funds could be used to introduce U.S. ground combat troops into Laos or to provide U.S. advisers for the Laotian military forces. This amendment would also prohibit the use of funds for U.S. air or sea combat support for any military operations in Laos, or to provide support of any kind for any military operations in Laos.

The policy advocated by these two bills is neither extreme nor unreasonable. In fact it is one which I believe will be favored by the American people, who are becoming fed up with Mr. Nixon's war games in Southeast Asia. The American public has thus far been remarkably patient with the disappointing results of the President's Vietnamization program and the risky military actions being taken under the guise of making this program viable.

In 1969, President Nixon told the Nation that—

> We have ruled out attempting to impose a purely military solution on the battlefield.

Yet last spring he proudly proclaimed the spectacular success of the Cambodian invasion. Next we were told that U.S. air power would be used anywhere in Cambodia or Laos against any force which might "ultimately" attack our troops.

On one day we are assured that no American troops are in Cambodia and on the next we are confronted with American troops in civilian clothing at the Cambodian Capitol Airport. I find it exceedingly difficult to reconcile the administration's verbal policy of "winding the war down" and bringing U.S. troops home with the policies presently being carried out by the Defense Department.

Mr. Speaker, now is the time for determined congressional action to bring an end to this war. Enactment of these two bills would assure both an end to the war and the release of our American prisoners.

I am including the text of both of these bills as follows:

THE VIETNAM DISENGAGEMENT ACT OF 1971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Vietnam Disengagement Act of 1971.

SEC. 2. Congress finds and declares that under the Constitution of the United States the President and the Congress share responsibility for establishing, defining the authority for, and concluding foreign military commitments; that the repeal of the Gulf of Tonkin Resolution raises new uncertainties about the source of authority for American involvement in Vietnam; that both the domestic and foreign policy interests of the United States require an expeditious end to the war in Vietnam; that the conflict can best be resolved through a political settlement among the parties concerned; that in light of all considerations, the solution which offers the greatest safety, the highest measure of honor, the best likelihood for the return of United States prisoners and the most meaningful opportunity for a political settlement would be the establishment of a date certain for the orderly withdrawal of all United States Armed Forces from Vietnam.

SEC. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620. (a) In accordance with public statements of policy by the President, no funds authorized to be appropriated under this or any other Act may be obligated or expended to maintain a troop level of more than two hundred and eighty-four thousand Armed Forces of the United States in Vietnam after May 1, 1971.

"(b) After May 1, 1971, funds authorized or appropriated under this or any other Act may be expended in connection with activities of American Armed Forces in and over Vietnam only to accomplish the following objectives:

(1) To bring about the orderly termination of military operations there and the safe and systematic withdrawal of remaining American Armed Forces by December 31, 1971;

(2) To insure the release of prisoners of war;

(3) To arrange asylum or other means to to assure the safety of South Vietnamese who might be physically endangered by withdrawal of American forces; and

(4) To provide assistance to the Republic of Vietnam consistent with the foregoing objectives."

Amending section 7. (a) of the Special Foreign Assistance Act of 1971 (P.L. 91-652) by adding a new paragraph (2):

(2) None of the funds authorized or appropriated pursuant to this or any other Act, may be used to finance the introduction of United States ground combat troops into Laos, to provide United States advisors to or for Laotian military forces, to, provide United States air or sea combat support for any military operations in Laos, or to provide support of any kind whatsoever by the United States or any other nation for a military operation of any kind whatsoever in Laos.

THE FEDERAL BUDGET

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. BYRD of Virginia. Mr. President, the February 8, 1971, edition of the Daily Progress of Charlottesville, Va., included an excellent editorial on the subject of the Federal budget.

The editorial points out that the so-called unified budget, by including trust fund surpluses with general funds, distorts the picture of the Nation's finances. The unified budget makes big deficits look smaller, and, unfortunately that is its only purpose.

I ask unanimous consent that the text of the editorial, "The Federal Budget," be included in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Charlottesville (Va.) Daily Progress, Feb. 8, 1971]

THE FEDERAL BUDGET

This will hardly be news to most people, but Tax Foundation Inc., revealed in a report last weekend that receipts of federal trust funds like Social Security have been growing more than twice as fast as general revenues and are becoming a "prominent element" in the tax burden.

In the ten-year period 1960–70, trust fund receipts rose by 210 per cent, from $19 billion to $59 billion while general revenues rose only 88 per cent from $76 billion to $143 billion, said the foundation. The unified budget includes both fund receipts and general revenues.

The new budget proposed by the President shows that the trend is accelerating, with trust fund receipts estimated to rise more than $66 billion in the current fiscal year and to $75 billion in fiscal 1972.

The combined, cumulative receipts of the trust funds since their beginning through June 30, 1969, totaled more than $489 billion, their expenditures more than $407 billion.

"Trust fund operations represent a large and rapidly expanding segment of the 'unified' federal budget," said the study which estimated that trust fund spending in fiscal 1970 exceeded $49 billion, or "more than 47 per cent of total federal spending for domestic purposes." This growth, the study added, has been particularly significant since the mid-1960s and this trend is likely to continue.

The 14 major funds—actually there are 831 trust funds including 673 Indian tribal funds—account for all but a major part of these total trust fund finances.

The Tax Foundation said inclusion of the trust funds' receipts and expenditures in the unified Federal budget, beginning in fiscal 1969, tends to obscure the true status of the budget since fund surpluses tend to offset deficits in the general or ordinary budget fund accounts.

The confusion said to be caused by this inclusion—and supporting Congress' complaint about the effect—is backgrounded by the study's illustration: in 1969, there was a federal budget surplus of $3.2 billion, inasmuch as an $8.7 billion surplus in the trust funds more than offset the $5.5 billion deficit in the federal fund accounts.

Similarly, in 1970, a trust funds surplus of $10.1 billion was applied to the $13 billion

Federal fund deficit, reducing the deficit to $2.9 billion.

The Tax Foundation study lends support to the observation that the federal budget is in far from good shape. If it is balanced or there should be a slight surplus, it is largely because of manipulation of trust funds, which do not give an accurate picture of the condition of the taxpayers' money.

It is still elementary that a balanced budget will come only from curtailed federal spending or increased taxes to take care of the federal spending. We doubt very much if the people of the United States would vote for more taxes.

GENERAL HODSON'S NEW AMERICAN REVOLUTION IN THE U.S. ARMY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. RARICK. Mr. Speaker, apparently the two-star general, Kenneth J. Hodson, the Judge Advocate General of the U.S. Army, is assured of his third star that he has been bucking for so hard. In fact, I am satisfied that he will shortly receive praise and international acclaim from the civil rights movement, the antiwar crowd, and every leftwinger in our country. He may even attain status as the military equivalent of Martin Luther King for his antiracist involvement and commitment.

General Hodson is prepared to purge from his staff every officer who will not compromise his first amendment rights of freedom of association by renouncing all family training, customs, and traditions.

The case at point is the matter of Capt. Jerry L. Finley, a member of the Judge Advocate General's Corps, who was suspended from his duties as a legal officer in Okinawa and faces expulsion from the U.S. Army because, as General Hodson states, he "deliberately and publicly refused to greet or to shake hands with a black officer at an officers' club on Okinawa."

General Hodson shows concern for neither personal freedoms nor human rights in the American tradition and apparently has decided that no white serviceman who does not shake hands with a Negro is the caliber of man who can serve as an officer in the U.S. Army.

Carrying his reasoning to a conclusion, General Hodson is prepared to give quasi-official notice to every white American, who still believes in exercising his individual freedom and first amendment rights, that he is unqualified to serve in the U.S. Army unless he gives notice that he will shake hands with every black, which must necessarily include Black Panthers, blacks wearing peace medals, and the other assortment of revolutionary agitators who are being given sanctuary in the armed services these days.

General Hodson's order may please the great majority of the antiwar, antimilitary industrial complex, but it can be expected to create havoc with the President's dream of an all-voluntary army.

This is indeed a tragic situation not only being tolerated, but upheld by a man in command of the legal department of the U.S. Army. General Hodson, more than any other man, is charged with maintaining military justice and fairness and with seeing that our soldiers' rights are protected under the so-called Uniform Code of Military Justice.

From what I have seen of the inaction and arbitrary noncooperation of Major General Hodson, the military service would benefit more by the elimination of General Hodson and his Black Panther-like pimp than it would by the elimination of Captain Finley.

The code of military justice and the country be hanged—so long as General Hodson's 201 file remains spotless.

Mr. Speaker, I include the statement of Captain Finley, delivered at a press conference on this date, and my correspondence and replies from the Judge Advocate General in the RECORD:

STATEMENT OF CAPT. JERRY L. FINLEY, JUDGE ADVOCATE GENERAL'S CORPS, U.S. ARMY

I was commissioned in the United States Army Reserve on 1 October 1970 as a First Lieutenant.

I entered on active duty 7 October 1970 as a Captain in the Judge Advocate General's Corps of the United States Army, at which time I was assigned to attend the 58th Basic Course at The Judge Advocate General's School in Charlottesville, Virginia. I graduated from this class on 18 December 1970, on the Commandant's List, which list is composed of the top 20% of the class.

I was assigned to the office of the Staff Judge Advocate, Headquarters, U.S. Army Ryukyus Islands (Okinawa) with a reporting date of 13 January and actually reported for duty on 10 January 1971. I was assigned and performed duties as a legally qualified defense counsel.

On 19 January, I was eating lunch with several other officers when a colored officer (Captain Ronald Branch) approached the table and started conversing with one of the officers sitting at the table. I assumed he was acquainted with this officer and continued eating my lunch. Thereafter, the officer with whom Captain Branch was talking introduced him to me, at which time I gave him a courteous oral greeting and continued to eat my lunch. Then the Captain reached across the seated officer's plate and stuck out his hand. I went on eating my lunch and noted the colored officer coming toward me. He arrived at my place and again stuck out his hand, saying, "Shake." I continued to eat. He then said, "You don't shake?" I replied, "No." There were no ensuing words nor was there any commotion whatsoever. Shortly thereafter, Captain Branch left.

The following day, on 20 January, I was summoned before Colonel C. E. Carney, the Staff Judge Advocate and advised that a complaint had been filed against me for not shaking hands with the colored officer.

I tried to explain to Colonel Carney that I did not shake hands with Captain Branch because first, I was busy eating my lunch, that I did not know this man—I had never seen him prior to that occasion. I advised Colonel Carney that in the section of the country from where I come, it is not customary nor considered in good taste to shake hands with colored people with whom one is not acquainted.

Colonel Carney summarily relieved me of my duties and informed me that I would be returned to the United States but told me that I would be subjected to no disciplinary action.

On 25 January, I was ordered to report to the Military District of Washington on 1 February 1971, at which time I was also informed that it had been recommended that I be eliminated from the United States Army.

I have never been formally charged or informed of exactly the grounds on which I should be eliminated from the Service.

If this is considered as "incident," I must admit I was not the aggressor but the innocent non-assertive victim. As an attorney and as an officer in the United States Army, before entering both professions I took an oath to preserve and defend the Constitution of the United States. In not shaking hands with a person, one is exercising his First Amendment right of freedom of association. I have tried to be an exemplary soldier and have observed every form of military courtesy as prescribed by Department of Army Regulations.

I have never refused to perform my duties nor have I been insubordinate in the performance of any of my duties. Prior to my departure from Okinawa, as a military attorney, I represented clients of every race to the very best of my legal talents.

I do not feel that as an officer, I am obligated to shake hands with every member of the armed forces, especially during the partaking of my meals. To conclude that an officer could be relieved of his duties and eliminated from the United States Army because he observed one of the rules of personal hygiene and exercised his First Amendment rights is beyond the reasoning of any intelligent citizen.

During my short military tour of duty, I have never been advised nor ordered to shake hands with any officer as a matter of military courtesy or discipline. Likewise, in my study of the military regulations and precedents, I have never seen any written orders requiring complete abdication of all civil liberties by any American because he is serving his country in the Armed Forces.

As a result of the action by the United States Army in accepting, condoning, and supporting the arrogant actions of agitator Branch's efforts to humiliate, degrade, and embarrass an officer of the United States Army, I have suffered undue physical, mental, and economic hardships. My career as an officer in the United States Army has been destroyed. Even if the recommendation that I be eliminated from the service is not approved, my chances for advancement or promotion are practically nil.

I had to leave an automobile in Okinawa that I had just purchased in order that I might perform my military duties more capably. I have now had to lease an apartment in the Washington, D.C. area, faced with the uncertainty of whether or not I will be here for a few days, weeks, months, or longer. I was forced to return to Washington, D.C. in less than half the time usually allowed for the distance involved. By relieving me of my duties in Okinawa, I was prevented from carrying out my legal duty to my clients who may well be denied their Constitutional right to counsel.

What has happened to me as a result of this arbitrary action by the Army is of little consequence when one considers the overall effect of similar actions by the Army on other officers and men. The realization that similar actions could and probably will be taken against any officer in the United States Army who does not comply with the demands of the agitators is frightening. If an officer in the legal department can be subjected to such treatment on a whim, then the effect of such constant threats upon the ability of any officer to perform his duties is demoralizing and frightening.

If an officer or enlisted man loses every freedom and civil liberty when he takes the oath to preserve and defend the Constitution, which expressly perpetuates under the First Amendment certain freedoms to all individuals, then all American men should be advised thereof before they offer to serve their country.

If this matter were properly investigated, I believe that it would be determined that I am not the first officer in the United States Army who has been humiliated, degraded, and embarrassed by this same colored officer.

Since asking Congressman Rarick to call this news conference, I have been advised orally that if I will not abdicate my rights under the First Amendment by socializing with persons other than those of my choice, then I may submit a request to be relieved from active duty.

Gentlemen, this is my prepared statement. I thank you for the courtesy of your presence and wish that I could say more, but inasmuch as I am still on active duty and the issue which I have reported to you is unresolved, in my own interest and in the interest of the Army, I feel it best that I do not entertain any question at this time. Thank you.

House of Representatives,
Washington, D.C., January 22, 1971.
Maj. Gen. Kenneth J. Hodson,
The Judge Advocate General,
U.S. Army,
Washington, D.C.

Dear General Hodson: In response to a telegram from CPT Finley, who advised that he had been relieved from duty, I immediately contacted the officer at his duty station for his explanation.

CPT Finley advised me that three days ago he was eating lunch in the cafeteria with several other JAG officers when a Negro officer, identified as CPT Ronald Branch, approached the table and started a conversation. CPT Finley felt that one of the JAG officers was apparently acquainted with CPT Branch. Thereafter, CPT Branch started shaking hands with the officers at the table and offered to shake hands with CPT Finley. CPT Finley states he courteously returned the oral greeting but did not extend his hand for the handshake. In fact, he indicated that he was engaged in eating and paid little attention to the Negro officer until he was asked if he was not going to shake hands, to which CPT Finley replied, "No."

CPT Finley advised that he was new at this station—that he had never seen CPT Branch before, and that there was no further exchange of words between the two. After talking with the other officers at the table, CPT Branch left.

CPT Finley said he disregarded the entire incident, but the following afternoon he was notified to report before Colonel C. E. Carney, Staff Judge Advocate. Colonel Carney advised CPT Finley that a complaint had been filed against him by CPT Branch and he was asked why he did not shake hands with the Negro officer. CPT Finley advised me that he straightforwardly explained to Colonel Carney that he did not shake hands with CPT Branch because first of all, he was busy eating his lunch, and secondly, because of the custom of the area in which he was raised being that white people do not shake hands with Negroes with whom they are not acquainted.

Thereafter, CPT Finley was notified that he was relieved of his duties but that he was subject to no disciplinary action and has since been doing nothing but remaining in and around his quarters.

CPT Finley advised me that he regretted notifying me of this incident by wire rather than by phone but that he had been refused permission to use the phone to call his Congressman or his attorney since it was explained that such a call would be personal rather than official business.

This is the gist of the conversation that I had with CPT Finley and seemingly all that he knows about the incident.

CPT Finley has advised me that he has tried to be an exemplary soldier and that he observes every form of military courtesy as prescribed by the Department of Army Regulations. However, he did not feel that as an officer he was obligated under the punishment of being relieved from duty to shake hands with every member of the armed forces, and especially during the partaking of his meals.

I have personally known CPT Finley for many years, as if he were a member of my own family, and I have never had any reason to doubt CPT Finley's sincerity, veracity, and patriotism to our country, nor have I ever known him to display anything other than the manners of a true gentleman.

Accordingly, I make this inquiry on behalf of CPT Finley, as to the basis for his being relieved from duty.

Sincerely,
John R. Rarick,
Member of Congress.

Department of the Army,
Office of the
Judge Advocate General,
Washington, D.C., January 28, 1971.
Hon. John R. Rarick,
House of Representatives,
Washington, D.C.

Dear Mr. Rarick: This is in reply to your letter of 22 January concerning Captain Jerry L. Finley, Judge Advocate General's Corps.

At the request of the Commanding General, Ryukyus Command, I have approved the reassignment of Captain Finley from Okinawa to the Office of the Staff Judge Advocate, Headquarters, Military District of Washington, Washington, D.C.

I have asked for a full report of the incident involving Captain Finley and shall provide you with further information when the report is received.

Sincerely yours,
Kenneth J. Hodson,
Major General, USA,
The Judge Advocate General.

House of Representatives,
Washington, D.C., January 30, 1971.
Maj. Gen. Kenneth J. Hodson,
The Judge Advocate General,
U.S. Army,
Washington, D.C.

Dear General Hodson: This will acknowledge your letter of January 28, 1971, in reply to my Special Delivery letter of January 22, 1971, sent to you personally and marked, "For Immediate Attention."

Your reply does not answer my inquiry. While you indicate that you will later advise me, following receipt of your report, nevertheless, you have approved of Captain Finley's reassignment.

Apparently you have some information on the subject of my inquiry; otherwise I must assume you would not have approved of the reassignment of Captain Finley to the Military District of Washington from Okinawa.

It is truly unfortunate that it has taken me eight days to even get an acknowledgment of my inquiry on a matter which by now may have destroyed the military career of a young officer.

I am very disappointed in the lax manner in which my inquiry has been handled. Certainly, I would have expected the courtesy of an immediate acknowledgment of my letter to you rather than the delay of eight days for a reply which sounds more like a brush-off or an effort to conceal the actions of your subordinates in the handling of this matter.

I hope that the military has not deteriorated to such a state of affairs that this is now SOP rather than exception to the rule.

I will await with great interest final receipt of your report, as indicated.

Yours very truly,
John R. Rarick,
Member of Congress.

Department of the Army,
Office of the Judge Advocate General
Washington, D.C., February 3, 1971.
Hon. John R. Rarick,
House of Representatives,
Washington, D.C.

Dear Mr. Rarick: This is in further response to your letters of 22 and 30 January concerning the reassignment of Captain Jerry L. Finley from Okinawa.

Preliminary information furnished by the Commanding General, Ryukyus Command, indicates that Captain Finley deliberately and publicly refused to greet or to shake hands with a black officer at an officers' club on Okinawa; upon being questioned, Captain Finley is reported to have said that his upbringing precluded his "socializing" with blacks, even under the circumstances outlined. On another occasion he refused to perform his Army duties when they required his conversing with a black officer. The commander therefore considered it in the best interests of the Army and his command that Captain Finley be reassigned.

As I advised you in my letter of 28 January, I have asked for a full report concerning Captain Finley and shall provide you with further information when the report is received and evaluated. In the meanwhile, Captain Finley is performing duty in the Office of the Staff Judge Advocate, Headquarters, Military District of Washington.

Sincerely yours,
Kenneth J. Hodson,
Major General, USA,
The Judge Advocate General.

ROTC IS NOT A DIRTY WORD TO CAROLINIANS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. THURMOND. Mr. President, it is refreshing and reassuring to note a South Carolina newspaper report that Reserve Officer Training Corps programs in South Carolina educational institutions remain productive and useful. I am proud that many South Carolina students still consider it an honor and privilege to serve their country in uniform.

Our country can be thankful that hundreds of our Nation's educational institutions and thousands of our Nation's youth continue to work together to develop leaders for our military. It is gratifying to know that South Carolina is one of many States still strongly supporting ROTC in spite of the disgraceful and un-American attitude of some students and institutions in some parts of the country.

In my judgment, the ROTC training program is one of our Nation's most valuable institutional assets. Whether a young man follows a military career or not, the training helps to develop leadership traits. It teaches self-reliance and self-discipline and helps to develop the attributes of dedicated citizenship and patriotism. Even though all these young officers do not follow a military career after serving their obligated tour, the programs provide a trained source of personnel in case of emergency.

Mr. President, this newspaper article was written by Mr. Ken Hare and was published in the January 31, 1971, issue of the State newspaper, Columbia, S.C. The writer's treatment of his subject was objective and the information obtained in his study should be useful to many interested parties. Although there have been some changes and some adverse reaction as a result of the wave of anti-military activities in the country due to the Vietnam war, South Carolina institutions are still making significant contributions to our Nation's security. In my view, anti-ROTC activities in the country are a demonstration of narrow-mindedness and shortsightedness.

Mr. President, I ask unanimous consent that the article, entitled, "ROTC Isn't a Dirty Word to Carolinians," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

ROTC Is Not a Dirty Word to Carolinians

(By Ken Hare)

Anti-military sentiment has gotten the Reserve Officers' Training Corps into hot water on many of the nation's campuses, but according to ROTC commanders and most of the state's college students, South Carolina is a "totally different kettle of fish."

But a few students throughout the state still link ROTC with the military, Vietnam and killing and want it removed from campus.

During the past year, ROTC has been under fire nationally with 16 colleges abolishing 23 ROTC units. Others have removed academic credits from the courses.

Enrollment has also dropped by 25 per cent during the current school year, but the Pentagon blames much of this drop on decreasing requirements for officers.

And more than 50 colleges have shifted ROTC from a compulsory status for all male students to a voluntary status in recent years. Included in this group is Clemson University, which dropped the requirement for all males to enroll in two years of ROTC during the past school year.

Clemson carries both Army and Air Force ROTC units.

"We have a totally different kettle of fish in South Carolina," says Capt. J. H. Fitzgerel, commander of the Naval ROTC unit at the University of South Carolina. "USC has no Timothy Leary."

And ROTC does, on the whole, look much healthier in South Carolina than throughout the rest of the United States.

Newberry College announced the addition of an Air Force ROTC unit in mid-December. The Citadel is in its first academic year with a Naval ROTC unit. Enrollment in ROTC programs is up at the majority of the state's participating colleges, with Clemson an exception because of the change from mandatory to voluntary programs.

Fitzgerel, who came to USC from a post in Vietnam, says the South is a "very fertile atmosphere from a standpoint of support."

"I don't think patriotism is a dirty word in South Carolina," Fitzgerel says.

The commander of the Army ROTC program at Clemson agrees with Fitzgerel that the South provides a more welcome atmosphere than the remainder of the nation for ROTC. Col. G. K. Maertens, a stocky military type with closely-cropped hair, says that the number who support abolishing ROTC at Clemson could be "counted on two hands."

"Right now we're being left alone," Maertens says, "but I'd better knock on wood."

And Dick Harpootlian, editor of the Clemson University student newspaper, The Tiger, agrees that a little wood-knocking might be in order for ROTC on the Clemson campus.

Harpootlian says the edge of antimilitary sentiment at Clemson has been dulled by the changeover from mandatory ROTC and the de-escalation of the war in Vietnam, but that he sees in the future a "move to eliminate academic credit for ROTC."

The Tiger editor says anti-ROTC sentiments may be limited to a minority of students at Clemson, but that Maerten's estimate of being able to count them "on two hands" was too low.

"There are some students who feel ROTC has no place on campus," Harpootlian says. "I think there may be a place for ROTC at a land grant college like Clemson, but it is my opinion that it should not receive academic credit."

"They're paid," Harpootlian said, speaking of ROTC cadets. "That's enough. I don't see how academic credit is justifiable."

Cadets in the ROTC advanced program leading to a commission as an officer in the military after graduation receive a $50 per month stipend. There is currently a move in Congress supported by the Pentagon to get this stipend raised to $100.

At Furman University, where the mandatory requirement similar to Clemson's was changed in 1968, sentiment against ROTC has shifted somewhat. But Cynthia Struby, editor of the Furman Paladin, estimates that there "could be as many as 40 or 45 per cent of the student body opposed to ROTC."

Miss Struby sees the student's opposition as being based on opposition to Vietnam and only being aimed at ROTC because of the military connection.

"I'm very glad it was made voluntary," she said, "but I think there is perhaps a place for it on campus, at least as long as those who don't want to take it don't have to."

The issue of academic credit is becoming more and more of a problem for the ROTC units. Among complaints of students are purported "crip" courses and the lack of an adequate academic background for ROTC instructors.

Many, such as Gary Jardim of USC, think ROTC should be moved off campus, or if it stays on campus, limited to the status of an extra-curricular activity.

"We're not denying anyone the right to take 'rotsey', the 18-year-old freshman said. "But we don't think it has a place on campus."

Jardim heads a group at the University called Progressive Students for Change. The group has listed among their major objectives the "end of the University's complicity with the Vietnam war," including the removal of ROTC from campus and a boycott of defense research contracts by USC.

Jardim readily admits that students wanting to do away with ROTC are a minority at the Columbia campus.

Fitzgerel denies that ROTC has any "gravy" courses, noting that Naval ROTC cadets are among the academic leaders on campus. His sentiments are echoed by Col. Joe N. Swanger, head of the Air Force ROTC unit at USC.

Swanger says that the Air Force is starting a policy of requiring ROTC instructors to have a Master's Degree.

"We try to even further enrich our program by using other faculty members as guest speakers," Swanger says.

As of now, neither the Navy nor the Army require master's degrees for instructors.

But even with academically qualified instructors, many students oppose the type of courses that receive credit.

"Many of the courses just teach you how to kill," says one Clemson senior who did not want his name used. "I went through 'rotsey' when it was mandatory, and I couldn't stand it."

VICTORY IN VIETNAM

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. WOLFF. Mr. Speaker, together with more than 50 other Members of the House, I am joining today in introducing the Vietnam Disengagement Act of 1971, which calls for an end to U.S. offensive operations by May 31 and for total withdrawal of U.S. forces from Vietnam by the end of the year.

On February 8, Newsday, the provocative Long Island paper, published an editorial which merits the consideration of all my colleagues. According to the editorial, we can yet win victory in Vietnam if we face up to the fact that the real enemy there is our own pride, begin a complete American withdrawal from Indochina, and then celebrate the victory for America's best instincts.

All Americans are concerned over the continuing bloodshed in Vietnam, and the neglect of domestic problems which has been wrought by our concentration of economic and human resources on fighting this war. If we are to become united again as a nation, if we are to attack the problems of crime and urban blight and pollution, we must end our involvement in Southeast Asia. I, therefore, include the recent Newsday editorial at this point in the Record:

Victory in Vietnam

In the beginning it was Vietnam, then Cambodia, and now Laos. No one who has watched the tragedy of Indochina unfold since the first American military mission arrived in Saigon 20 years ago should be surprised at our government's decision to spread death and devastation to still another country. It doesn't matter that the ground troops who have been crossing the Laotian border are South Vietnamese and not American. We subsidize them, arm them, train them, "advise" them, transport them and give them air, artillery and logistical support. They are our mercenaries; we call the shots; this is an American adventure—make no mistake about that.

And it is all quite understandable and justifiable if you can picture yourself sitting at a desk in the White House or the Pentagon. Just imagine the mounting frustration of waging an expensive, unpopular, bloody and unwinnable war—year in and year out—in a faraway land where our national interest is hard to define, let alone locate. Is it any wonder that our military and political leaders—who have staked their reputations on assurances, first of victory and then of "Vietnamization"—want to pull off one more spectacular operation? Especially one that—who knows—might vindicate them at last?

Never mind public opinion at home or abroad. Never mind the cost in blood and treasure. Never mind the peasants in the villages of Laos: They have now become as expendable as their brothers in Cambodia and Vietnam. Hell, our B–52s have already given parts of Laos the works; and by now it should make little difference to the poor wretches who live in these places whether they are machinegunned in ditches or bombed from the skies.

NOTHING HAS WORKED

Of course, this latest adventure won't work. Nothing we have done in Vietnam has worked. Not even last May's "incursion" that turned placid Cambodia into a slaughterhouse. A Reuters news dispatch from Cambodia last week quoted "senior Cambodian officers" as saying that "the Viet Cong were returning to sanctuaries cleared by South Vietnamese and U.S. troops last summer and building new ones opposite South Vietnam."

The reason things don't happen as programed by the Pentagon is that there is no way to win the kind of victory we seek so long as the willingness of the Vietnamese to die is greater than the willingness of Americans to kill. (We *could*, technically, obliterate Vietnam with nuclear weapons but *would* we—and would that be victory?) And after 25 years of fighting to rid their country of foreign troops, the Vietnamese aren't likely to quit now or even to negotiate on our terms. Time has always been on their side.

It took the French eight years to learn that you cannot subjugate a determined and patriotic people by superior fire-power. So they gave up trying. But it has been 10 years since the first American combat death in Vietnam, and our government is still trying—250,000 American casualties, 5,000,000,000 tons of bombs and $105,000,000,000 later. And we the people are paying this bill—in many more costly, corrosive ways than merely tax dollars.

Victory in Vietnam? It can yet be won if we face up to the fact that the real enemy is our own stubborn pride. We don't have to admit defeat if that is more than our collective national ego can stand; but we can and should admit to making a mistake. We can and should stop kidding ourselves—as we have been doing for 10 long bloody years.

It wouldn't be so hard. Not even politically. The latest Gallup poll reports that 73 per cent of our people now want to end American troop involvement in Vietnam by the end of the year.

At his next press conference, the President could simply announce that we have long since discharged whatever obligation we had to the Saigon generals; that this is and always was their war, not ours; and that our objective—to beef up their army—has been achieved.

As commander-in-chief he could then announce a complete and immediate American withdrawal from Indochina. Not a phase-out, but a pull-out. Not just ground troops but naval vessels, aircraft, helicopter gunships, patrol boats, military advisers, napalm, pesticides, everything lethal. And we would also bring home the hundreds of American prisoners now languishing in North Vietnamese camps.

The Vietnamese could continue their civil war if they wanted to. But for our part, we would finally stop killing innocent people and begin taking care of pressing and unfinished business here at home.

This would be a victory worth celebrating. A victory for America's best instincts. A victory for reason and humanity and common sense. A victory that the whole world would applaud.

LESSING J. ROSENWALD—NATIONAL BENEFACTOR

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. SCOTT. Mr. President, national greatness depends upon many things. Responsible leaders and wise lawmakers contribute to it. But greatness that endures, that grows and deepens and broadens with the times, comes only from great citizens, generous citizens, thinking citizens.

February 10 is the 80th birthday of a great citizen, one who has recognized his responsibility to the Nation and to its Government in ways that not only benefit this generation but will also enrich and teach generations yet to come.

The "Annual Report of the Librarian of Congress" for 1943 recorded "one of the most exciting and welcome gifts ever received by the Library," 500 choice titles presented by Lessing J. Rosenwald, of Jenkintown, Pa., describing it as one that "will always be numbered among the great examples of private beneficiation to the National Library." Further, said the Librarian, Mr. Rosenwald had, with "an unusual and imaginative understanding of the needs of the Government and the relation to each other of the Library of Congress and the National Gallery of Art—divided his collection of fine prints and printed books between the Gallery and the Library of Congress to the enrichment of both and the common advantage of the Government's holdings and service in letters and the arts."

In the succeeding years Mr. Rosenwald added to the books he had given to the Library. Among the additions is one that has delighted millions of visitors to the Library—the Giant Bible of Mainz, laboriously produced in manuscript at the same time that Gutenberg commenced the printing of his famous Bible. A continuing challenge to scholars, the Giant Bible not only astounds the beholder with its beauty but intrigues the bibliophile with the mystery that enshrouds its history.

Subsequent gifts increased the Rosenwald collection of the Library of Congress to 1,500 titles, when in July of 1964, Mr. Rosenwald announced the gift of more than 700 rare books, including a number of rarities in the field of Americana. He has also given the Library several thousand reference books relating to his special collecting interests. And, year by year, through his continuing generosity, these collections grow in richness and in numbers.

Mr. Rosenwald once said in speaking of the Library of Congress:

> The acquisition of this vast storehouse of information is in itself a formidable undertaking. It is, however, only the first step. The next and more difficult task is that of making the knowledge available to the people. Just as is the case now, some of this material can be consulted directly by those interested. In other cases, some of the material can be loaned under proper auspices to responsible, recognized institutions. Great progress has been made recently in this particular aspect, thus avoiding unnecessary duplication of required information. Possibly, of even greater importance in certain fields is that of scientific research into the secrets buried in this vast treasury of knowledge. Coupled with this last is the necessity for the publication of the results of the research when such findings merit it.

Accordingly, several choice items from the Rosenwald collection have been made available to scholars, libraries, and book collections through facsimile editions. Among them are the "Doctrina Christiana," the first book printed in the Philippines and of which the Rosenwald copy is the only known extent original; the lavishly illustrated first Paris edition of "Le Chevalier Délibéré," printed in 1488; an English translation of the Florentine "Fior Di Virtu" of 1491 with facsimiles of the original woodcuts; and the Latin edition of "The Dance of Death," printed in Paris in 1490 and considered one of the great examples of French book illustration. This book, printed by the Government Printing Office, was one of the Fifty Books of the Year in 1947.

No truly great person ever limits his generosity to his possessions; he gives of himself as well. One cannot catalog all the activities that have had the advantage of Mr. Rosenwald's counsel and support, but one can point to a few of the ways in which Librarians of Congress have made use of his wisdom. When Archibald MacLeish organized a Librarian's Committee of distinguished men in many fields to advise him on problems affecting the Library's relations with other libraries and institutions, he invited Lessing J. Rosenwald to be a member. Luther Evans, in forming a group of representative users of the Library, each eminent in a special field, who would undertake a "direct, fresh, and unprejudiced examination of the future role of the Library," asked Mr. Rosenwald to serve on it. And the present Librarian, L. Quincy Mumford, appointed him as honorary consultant in rare books for several terms.

Many years ago, in speaking of Lessing J. Rosenwald's gifts to the Library, the Librarian of Congress praised the "act of private munificence" by which "the American people have become heirs to much of the most precious heritage of the past."

As beneficiaries of his generosity, the people of the Nation hail the man who is more than a great collector, more than a great bibliophile. He is a great American.

A ZERO BALANCE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. ROBISON. Mr. Speaker, there are warning signs in abundance. If there is no response thereto on the part of Congress or the executive branch there will be no refuge behind the old excuse that we simply "did not know."

I refer to the steadily developing energy crisis, typified in so many ways by news stories such as the one appearing in the New York Times a few days ago to the effect that, on the second coldest day of this winter, the Consolidated Edison Co.—serving the metropolitan area—was using every single available kilowatt of its own and purchasing electrical power from outside sources; the first time ever, even including during last summer's troubles, that this company reported a zero balance in power reserves. The mini-blackout that ensued a few days after this—from causes still uncertain—was another ominous sign foreshadowing, in a very real way, the much more serious difficulties that can be expected this coming summer when air conditioners and the like again impose their especially heavy power burdens.

On numerous occasions now, I have addressed myself to this problem, to its causes and, in generalities—since it remains difficult to come up with specifics at this point in time—to possible remedies.

Surely, we can all at least agree that there is a need—an urgent need—for a review and a rationalization of power policies at both the State and Federal levels of government. The review procedure should encompass an inquiry into the reasons behind the fact that, historically, the use of electric power in this Nation has been doubling about every 10 years—and at even a bit faster rate of late; an inquiry into the true nature of that demand—with a special emphasis on the question of what portion thereof, if any, is manageable in the sense of controllables versus uncontrollables; an inquiry—and, so far as I know, for the first time an in-depth one—into the correlationship between such public planning as may exist in this field and the planning processes of the electric power industry, itself; plus, of course, an inquiry into the effect on these planning processes resulting from the quite-properly escalating concern we all exhibit over the contributions additional electric powerplants will make to an already staggering national burden of air and water pollution.

Mr. Speaker, at the moment I do not see much chance existing that any inquiry of this sort might develop on its own—either downtown in the executive branch, or here on Capitol Hill. This is because, in both instances, there is a confusing jumble of overlapping responsibilities, whether one is referring to those carried by different departments, agencies, or bureaus within the administration, or to legislative committees within the Congress.

The President, of course, if he saw fit could cut across this maze of conflicting and competing administrative activities and concerns. He could do it, perhaps, by referring such a task to the Federal Power Commission, an agency whose powers, duties, and responsibilities ought to probably be reviewed by Congress one of these days, anyway. Or, he could do it by requesting the Office of Science and Technology to broaden its own, inherent interest in this field. He could move in either of these directions, or in other directions to accomplish the same result, as I hope someday soon he will; and the reference to powerplant siting problems as made in his admirable environmental message sent us earlier this week does indicate a quickening of interest on his part in this general problem.

However, the prospect of action by the Chief Executive does not absolve us of our own responsibilities, here in the Congress.

Mr. Speaker, I assume you could use your own influence to initiate such an inquiry within this House—but I suspect you would be troubled, as am I, over the right answer to the question: What committee of this House, as presently constituted, would be the proper one to conduct such a study—and do it in an objective fashion, free of any bias stemming from its Members' interest in and expertise accumulated regarding that particular portion of the overall energy-source problem currently under its jurisdiction?

The answer does not easily come to mind.

Which is why, Mr. Speaker, after reviewing the remarks as made on January 21 of this year by Mr. FULTON, of Tennessee—and as reported on page 35 of the CONGRESSIONAL RECORD for that date—I have decided to join him as a cosponsor, following the current recess, in reintroducing House Resolution 155, which would establish a select House committee to investigate into the energy resource field and problems relating thereto as faced by this Nation.

Mr. FULTON—in his preliminary remarks—concentrated, and I think properly so, on the increasing nagging questions relating to our domestic fuel reserves; on our reservoirs of coal, gas, and oil as used to develop power. This is an essential area for study, along with consideration of the problems faced by the nuclear-power proponents, and specifically those being encountered by the Atomic Energy Commission about which I have acquired some familiarity as a member for some time now of the Public Works Subcommittee of the Committee on Appropriations. And he suggests a need for what he calls a "national fuel policy," which I think might well be broadened into something that could be called a "national energy policy;" but, no matter, for we seem to be working in the same general direction—that is, to acquire the necessary background information to enable the Congress to begin to unravel the various entangled strands that make up this complex fabric of recurring fuel and energy crises that threaten to further expose our citizens to danger and discomfort and, eventually, that threaten to strangle our national growth.

Mr. Speaker, I would now like to include two items. The first of these is an editorial from a recent issue of "The New York Times," commenting on New York City's own, special problems—a piece which speaks for itself:

THE MINI-BLACKOUT

> The mini-blackout which shrouded much of midtown Manhattan in absolute darkness for several stormy hours Sunday evening has pointed up, once again, the shocking vulnerability to breakdowns of the city's aging electrical generating system. Overstrained because major generating stations at Ravenswood and Indian Point have been out of commission for some time and the Arthur Kill plant was temporarily out of service, this system snapped at its oldest point. The break came in a tributary of the Waterside plant, constructed in 1901. This plant and its substations were trying to make up too large a share of the power normally supplied by these other stations.
>
> Recent weeks have been full of difficulties, in which voltage has been trimmed and New Yorkers have been asked to conserve electricity. This ominous series foreshadows, in a real way, much more severe difficulties this summer when air conditioners impose their especially heavy burdens.
>
> Warnings of potential disaster have been piling up for a long time. In 1965 there was a general blackout in the northeast part of the nation caused by failures that began outside New York City, but in 1959 there was a local power failure affecting central Manhattan. In 1961, there was another. Investigations in the wake of these failures urged a greater "sectionalization" of the Consolidated Edison system so that breakdowns would be minimal in impact.
>
> Recent company policy has been ambivalent: commendably, the number of networks has been increased from 17 in 1960 to 27 in 1970, but construction of the giant "Big Allis" generator at Ravenswood violated the essence of the recommendation. Its breakdown is at the core of much of today's troubles, causing other power stations to operate overtime.
>
> There is a need for both immediate and long-range remedial action. Consolidated Edison must move much more swiftly to improve its "fail-safe" mechanism which failed again. A better system could assure a constant flow of power, not create dizzying patterns of cutoff.
>
> For the longer-range, the company must acquire additional and more reliable generating capacity. It must proceed with the construction of new generating capacity at its Astoria site. The company's continuing difficulties underscore the wisdom of Mayor Lindsay's decision to permit this construction, despite the risk of further air pollution that it necessarily poses. The city must have adequate power, and the Astoria expansion is essential to provide it.
>
> Historically, the use of electrical power has been doubling about every ten years and this growth has accelerated within the past several years as a result of increasing per capita consumption reflected in the proliferation of home appliances and office air conditioners. Power demands for New York City will leap forward with the expected construction of an additional 32-million square feet of office space this year. When it goes into full operation next year, the new World Trade Center will consume as much electricity as the entire city of Schnectady.
>
> There is, therefore, the broader need for a rationalization of power policies at the state and Federal levels of government. As Mayor Lindsay pointed out in approving expansion of the Astoria site, policies at the highest level of government are in conflict. Maximum levels are properly set on pollution emission, but other official rules deny the availability of fuels that would assure compliance. The state must assume a larger role in designating power plant sites and resolving disputes that ensnare local communities.
>
> No city can survive without power, and New York least of all. The worry now is whether Consolidated Edison can acquire enough auxiliary gas turbine generating equipment to stagger through this emergency period caused by plant failures and inadequate replacement planning. Can it meet the peak power needs that air conditioners are sure to impose? If a winter mini-blackout shrouds midtown now, can a summer maxi-blackout be far behind?

The second such inclusion is a copy of the remarks as recently made by Joseph C. Swidler, Chairman of the New York State Public Service Commission, during a panel discussion before the Institute of Electrical and Electronic Engineers, Inc., as held in New York City.

Just to highlight Mr. Swidler's remarks—though I hope my colleagues will read them in their entirety—it is worth nothing that, as he says, the electric power industry is a tremendously big industry, earning revenues in excess of $30 billion a year, burning more than half the Nation's coal production, 5 percent of its oil and 17 percent of its gas production, as well as one having a crucial impact upon the Nation's environment. And, yet, this industry currently expends less than one-quarter of 1 percent of its revenues on research to improve the quality of its performance—as compared to an all-industry average in the United States of over 4 percent, about which half is funded by governmental sources. He then reminds us—if we need reminding—that, insofar as Federal assistance is concerned, though:

> . . . the government agencies in Washington deliver severe lectures on the need for improved technology for reliability and environmental protection, . . . the research budget in the energy area, except for nuclear systems, is miniscule in relation to the importance of the problems.

Finally, Mr. Swidler goes on from there to suggest—and I submit it is well worth thinking about—that Congress might:

> . . . earmark a special source of revenue to support a program of research which bore a reasonable relationship to the urgency and importance of the reliability and environmental problems presented by the electric power industry." He argues that, though ". . . the research needs of (this) industry are as endless as they are urgent.

It sits on the sidelines while Hydro Quebec, in Canada, is in the process of constructing its own $40 million research center near Montreal—access to which will soon be requested by American utilities and manufacturers because there will be nothing comparable to it in the United States. The Swidler proposal?—a Federal tax on energy use in the amount of 1 percent of gross revenues to be earmarked for research administered by a joint Federal-industry council. Well, he has thrown both us and the industry a challenge, to say the least; now, what are we going to do about it?

The article follows:

RESEARCH, RELIABILITY AND THE ENVIRONMENT IN THE POWER INDUSTRY

(By Joseph C. Swidler, Chairman, New York State Public Service Commission)

PANEL DISCUSSION AT A MEETING OF THE INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, INC., STATLER HILTON HOTEL, NEW YORK CITY, FEBRUARY 2, 1971

My specific assignment on this panel is to provide a state regulatory viewpoint on priorities, financing and administration of research into the problems of reliability and environmental protection of the power industry. The other panelists have been asked to speak on these problems from other viewpoints. The Program Committee was prudent in attempting thus to insure that all the panelists would not be covering the same ground. On more than one occasion when I have been on a panel, by the time my turn came there was very little that I could say that had not already been well covered. I doubt, however, that the effort of the Program Committee to parcel out assignments will outwit the panelists, because speakers have an irresponsible way of talking about what interests them. Most panelists have some other source of support than their income as panelists, so that it is hard to discipline them.

Let me start by describing the responsibilities of the New York Public Service Commission with respect to reliability and environmental protection. I presume that most public service commissions, even without special legislation on the subject, carry a degree of authority over these matters, arising out of their general surveillance of public utility service. Some have broad authority over the certification of all major utility facilities, which I presume implies the need to consider reliability and environmental factors as well as engineering and economic considerations. In the case of the New York Public Service Commission, our authority is explicit, but not unlimited.

As a result of legislation passed by the 1970 Legislature on the initiative of Governor Rockefeller, the Commission must certificate all new high voltage transmission lines before construction can begin. In order to secure a certificate which is suggestively called "a certificate of environmental compatibility and public need," the utility must demonstrate that any such line "represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations" and also "that such facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems, which will serve the interests of electric system economy and reliability."

The determination of the compatibility of a transmission line with long range expansion plans obviously raises a question as to the soundness of plans for generating sources, but there is no requirement for certification of generation as such. Whether and how to make provision for certification of thermal plants are questions confided by the Legislature to a Temporary Commission which is required to report its recommendations to the Governor and the Legislature. Governor Rockefeller has announced his intention to sponsor legislation on this subject in the current session, and his proposal may or may not be based on the recommendations of the Temporary Commission. It seems likely, therefore, that these questions will be resolved in the current legislative session, but I cannot say in what way.

A paragraph on power system planning was added to the Public Service Law last year which may prove of even more far-reaching importance than the certificating jurisdiction. I shall read it to you.

"The Public Service Commission shall encourage all persons and corporations subject to its jurisdiction to formulate and carry out long range programs, individually or cooperatively, for the performance of their public service responsibilities with economy, efficiency, and care for the public safety, the preservation of environmental values and the conservation of natural resources."

The Commission has constructed this language as mandating an effort to work with the power companies of the State, all of which are members of the New York Power Pool, in developing long range plans for new transmission and generation which will meet the statutory standards for adequacy, reliability, and environmental compatibility. The Commission is now in the process of working with the members of the New York Power Pool on the details of the arrangement, about which I shall say no more than that they will not relieve the companies of their planning responsibilities but will, I hope, provide an opportunity at each stage of the planning process for the Commission staff to review and appraise the status of the plans and to comment on their probable conformity with the statutory tests.

All this is by way of explaining that the Public Service Commission does indeed have an interest in the reliability and environmental impact of the power company systems in the State of New York, and necessarily in the improvement of those systems by bringing to bear the resources of the research community.

The essence of the Commission's interest can perhaps best be exemplified by the dilemma presented in many, if not most, certification and licensing proceedings. The proposed project may clearly threaten an adverse environmental impact either in terms of air pollution or because of the thermal effect on surface waters, or in some other way. The project may nevertheless be the best available answer to an urgent power need, within the limits of present-day technology. The choice is therefore between environmental damage on the one hand, and energy shortage on the other. This is the kind of a Hobson's choice which is destructive both of the prestige of the industry and the credibility of the licensing authority, not to mention the public well-being. It seems to me that this kind of dilemma could and should be resolved by the development through research of options which will make it possible to provide for the nation's energy needs without large-scale environmental damage.

Sometimes the environmental offense can be greatly mitigated, but only at vast additional cost, for example by purchase of low sulfur fuel, or by building the project at a great distance from the load. Whatever may be said by partisans in licensing cases about the great willingness of the public to pay much higher rates for a higher degree of environmental protection, their voices are not heard in the rate cases. Here, too, the dilemma of high cost or shortage is severe, and either horn may impale the regulatory agency, the utility and the public alike.

Two of the industry problems of highest priority are cleaning up stack gases and reducing the thermal load on surface waters. If it were clear that the technological difficulties standing in the way of progress on these problems were beyond the ready help of science and research, the regulatory agencies and the public might be willing to accept environmental impairment as the price for adequacy of energy supply. This is not the case, as I am led to believe. I am sure that the agenda of this conference will have made clear the enormous opportunities which lie before us to improve the technology of the power industry in these respects. It is frustrating to us as regulators, and infuriating to the public, that neither on the industry nor on the governmental level has there been a dedication of the money and scientific resources required to solve these and similar problems which have major impact on the reliability and environmental consequences of power generation and transmission.

The electric power industry is the largest in the country by far. Its revenues are now running at the rate of some 30 billion dollars a year. It burns more than half the nation's coal, 5% of the oil and 17% of the natural gas. It is not the only, nor the worst, environmental offender, yet its impact on the quality of the nation's environment is a crucial one. The public has made clear in the most forceful terms that it is not satisfied with the industry's level of performance insofar as environmental impact is concerned. The leaders of the industry themselves are far from satisfied with their own performance. Yet this great and vital industry, led by so many able and dedicated people, spends less than ¼ of 1% of its revenues on research to improve the quality of its performance. The all-industry average in the United States is over 4%, above half funded by government. The power industry spends only a tenth of the all-industry average even if the government share of the latter is disregarded in the comparison.

In recent years the various segments of the industry have joined to create the Electric Research Council, which serves an important coordinating role in administering the industry's research program, but its means are too limited for the task ahead. A far more ambitions program is essential if the industry is to move ahead in solving its environmental and reliability problems at the pace which their urgency requires.

The government agencies in Washington deliver severe lectures on the need for improved technology for reliability and environmental protection, but the research budget in the energy area, except for nuclear systems, is miniscule in relation to the importance of the problems. There are many claims on the federal budget, we all know, but this does not explain so distorted a sense of priorities as to place research for improved energy technology at the bottom of the federal spending schedule. Considering the scale of energy use and national expenditures for energy, there is no reason why research in the energy area should need to compete in the budget with welfare, national defense, education, the Mexican Boundary Commission and other expenditures in non-commercial areas. It would be easy for the Congress to earmark a special source of revenue to support a program of research which bore a realistic relationship to the urgency and importance of the reliability and environmental problems presented by the electric power industry.

It must seem strange to visitors from abroad to learn that the electric power industry of the United States, unlike most great electric power industries in the rest of the world—France, Great Britain and the U.S.S.R., to take three examples—does not maintain a single major research laboratory or testing facility, but relies entirely on the facilities of manufacturers, who are necessarily governed by their own proprietary interests and resulting sense of priorities, not to mention limitation of resources. I know it seems strange to me, and all the more so when I consider that the lack of testing facilities in this country makes it necessary for some utilities and manufacturers to seek the use of facilities abroad in testing high voltage equipment.

We are all familiar with the peculiarities of the institutional framework of the industry in the United States which inhibits an organized and massive effort to provide adequate research capability. There are over 3,000 industry units, no one accounting for as much as 10% of power output. They are divided among four institutional groups, federal systems, state and local public systems, cooperatives, and the private companies which constitute some three-fourths of the industry. This dispersion of service responsibility has many operating advantages, but it has also resulted in a diffusion of responsibility for the technological improvements essential for the welfare of the industry and the well-being of the consumers of this country.

The difficulty of the organizational problem is understandable, but what is difficult to understand is the failure of any adequate effort to cope with it. Where are the industry leaders who should be attempting to transcend these institutional limitations and to organize a research effort commensurate with the nation's needs? Where is the boldness required to determine the extent of needed research facilities and to create the plans for building and operating them? Where are the men of vision who will determine research needs and priorities and who will attempt to enlist nationwide participation in meeting the financial goals suggested in such an appraisal?

Hydro Quebec is now in the process of constructing its own $40 million research center near Montreal. There will be nothing comparable to it in the United States, and there is little question that American utilities and manufacturers will soon be applying for access to its use. I find nothing wrong with the cooperative use of this major test facility. Hydro Quebec is entitled to warm congratulations for building it. However, this one facility will not serve all the research needs on the North American continent, and it is a matter for concern that the inaction of the utilities of this country has created a research gap which is being filled by a neighbor in another country no larger than a number of single companies in the United States. I might add that there are manufacturers in Canada, too, which carry on research, and that U.S. manufacturers bid for Canadian business. Nevertheless, Hydro Quebec is mounting its own research effort, while U.S. power companies sit on the sidelines.

One of the best reasons for direct power industry participation in research is that only in this way can it obtain the services of research scientists qualified to appraise the quality and pace of the research conducted by manufacturers, universities and research institutes. I do not suggest that the power industry should carry out all or most of its research program with its own people and facilities, but it seems to me it cannot effectively determine research priorities or set research goals without at least a nucleus research staff of its own, of the very highest caliber.

The research needs of the industry are as endless as they are urgent. We need to learn to take sulphur out of the coal or the stack gases or both. We need to minimize nitrous oxide pollution in the burning of all fuels. We need to learn what other pollutants in stack gases may be doing harm now, or are likely to do so as fuel volumes grow, and deal with them before and not after a public alarm. We need to develop the technology of closed cycle cooling so that our industry will not remain a major threat to the ecology of surface waters. We need to develop new generating sources, as well as to improve existing ones, in order to make more efficient use of fuels both as a conservation measure and to bring down costs. We need a great deal of advanced work on metallurgy and on quality control in order to move to higher unit temperatures and pressures and to increase unit reliability. We need to accelerate development work on EHV and DC technology to reduce costs, improve reliability and avoid unnecessary drain on land resources for transmission line rights-of-way. We should be mounting an adequate research program in undergrounding of transmission lines, in response to the demand of the increasing number of people who find overhead lines aesthetically offensive.

It would be Utopian to think that enough money could be found to pursue all of these lines of research with equal vigor, and if the money were available there are probably not enough trained people to carry it on. The question, therefore, is how large a research effort is practical and feasible, and how is it to be financed and carried on. A number of people, myself among them, have advocated a federal tax on energy use in the amount of 1% of gross revenues, which produces something in the order of $300,000,000 at present levels of use if the tax is limited to the electric power industry, and much more if it is extended to other energy industries. The money would be earmarked for research and would be administered by a joint federal-industry council. Perhaps some of this money could be used to fund the creation of several national energy laboratories. Patterned after Argonne or Brookhaven, such laboratories would be geared to research and development in all areas of energy production and transmission. Such laboratories would complement the research done by private industry.

There is opposition to this plan on the ground, among others, that government participation would somehow distort the research program. I do not see why this should happen if the fund is properly established. Another objection, based on the history of the Highway Trust Fund, is that such funds tend to be self-perpetuating, even after the justification has disappeared. I cannot believe energy research is likely to be of only short-term importance, but I should see no objection to limiting the life of the fund to a reasonable period of years.

The tax proposal has the merit of providing a response to an urgent problem which has baffled the power industry for many years. It solves the institutional difficulty I have mentioned, that there are so many entities and varieties in the electric power industry, and such a resultant diffusion of responsibility, that the industry has almost totally renounced a research role. A federal tax would raise funds on a scale reasonably commensurate with needs, on the basis of nationwide participation and an equitable distribution of the costs. I do not argue this is the only possible road to research progress or necessarily the best one, but it is better than the present situation of almost total industry default in the research area. I should gladly support, and I believe most of the others who have suggested the tax device would support, any other realistic plan which achieved the same goals, and behind which the industry would unite. It seems to me that the challenge to the leaders of the industry is to come up with an alternative plan on an adequate scale, or to support this one.

ENVIRONMENTAL EDUCATION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. METCALF. Mr. President, although adults of our Nation are becoming fully aware of the dangers inherent in misuse of the environment, programs to pass this awareness on to our schoolchildren are often still in the formative stages.

For this reason, I was pleased to hear of a reception here last week when it was announced that the National Council of State Garden Clubs, as its 1971–72 civil development project, plans to distribute teachers' guides to conservation education to every school in the United States.

Congress has acted to encourage environmental education and it is gratifying to see citizen initiative in this vital area. The national projects chairman of this activity is a lady from Montana, Mrs. Lyle Johnsrud of Fort Benton.

In a news release Mrs. Johnsrud brought to my office, her organization outlines the goals of this most worthwhile endeavor.

I ask unanimous consent the news release be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

Environmental Education for All Children Goal of National Council of State Garden Clubs

WASHINGTON, D.C., JANUARY 27, 1971

National Council of State Garden Clubs, Inc. announced their Civic Development Project for 1971–1972 at a reception held today in Washington, D.C. The goal of the Project is to provide teachers with the material necessary to make conservation/environmental education an integral part of the educational activites in every classroom in the United States.

In the weeks and months ahead, members of Garden Clubs in communities across the nation will be contacting schools and teachers, neighbors, civic and business leaders for their support of what National Council has termed "one of the most important and far reaching programs ever undertaken by any national organization."

In a statement released at the reception, National Council of State Garden Clubs, Inc., said: "We have committed ourselves to this enormous nation-wide task because we firmly believe the greatest single step to safeguard our environment and to improve the quality of life is to provide the children in our schools with the means to understand and appreciate the world they will inherit.

"Earnestly seeking the support and aid of friends, neighbors, other civic organizations, businessmen and members of industry, our 387,700 members in over 14,500 Garden Clubs across the nation will work to donate the appropriate volume from the Series of Teachers' Curriculum Guides to Conservation Education, People and Their Environment, to teachers in every school in the United States."

People and Their Environment is a program written for teachers by teachers and designed to make conservation/environmental education an integral part of any school system's curriculum. It was edited under the direction of Dr. Matthew J. Brennan, and is published by J. G. Ferguson Publishing Company, a subsidiary of Doubleday & Company, Inc. Each of the eight volumes in the Series was specifically developed for a different grade level and/or subject area. The eight volumes are: Grades 1, 2, 3; Grades 4, 5, 6; Science, 7, 8, 9; Social Studies, 7, 8, 9; Social Studies, 10, 11, 12; Biology; Home Economics; and Outdoor Laboratory, 1–12.

Representing National Council of State Garden Clubs, Inc., at the reception were: 1st Vice-President and Acting President, Mrs. Maxwell W. Steel of Huntingdon, Pennsylvania; Vice Presidents: Mrs. Howard S. Kittel of Fort Worth, Texas and Mrs. Vernon L. Conner of Mount Dora, Florida; Treasurer, Mrs. Robert R. Crosby of New York, N.Y.; National Projects Chairman, Mrs. Lyle Johnsrud of Fort Benton, Montana; and Conservation Chairman, Miss Elizabeth Mason of Atlanta, Georgia.

FEDERALIZATION OF WELFARE AND REVENUE SHARING

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. VANIK. Mr. Speaker, in the current debate on the advantages to the State and local communities of the President's program of revenue sharing, it is important to compare the community benefit of the Federal assumption of full financial responsibility for welfare compared to President Nixon's plan on revenue sharing.

According to the President's proposal for a $5 billion "free" distribution of Federal funds to local communities based on a distribution of 1.3 percent of the personal taxable income base, the distribution in Cuyahoga County—Metropolitan Cleveland—would be as follows:

Cuyahoga County	$3,481,201
Cleveland	5,719,158
East Cleveland	268,079
Euclid	363,739
Shaker Heights	240,544
Highland Heights	11,754
Lyndhurst	52,213
Mayfield Heights	48,057
South Euclid	105,400
University Heights	$59,941
Pepper Pike	18,833
Total, revenue sharing	10,500,000

On the other hand, if the Federal Government were to assume the total cost of the welfare program it would release $85,056,999 in State and local dollars spent every year in Cuyahoga County. The present grand total cost of welfare in Cuyahoga County totals $140,925,581, as follows:

Federal	$55,868,582
State	74,616,969
Local	10,440,030

The reform and federalization of welfare would release $85 mililon in State and local expenditures in Cuyahoga County for other purposes including education, safety, and pollution control.

The 1971 welfare expenditures in Cuyahoga County are projected as follows:

Aid for dependent children:	
Federal	$27,588,352
State	34,642,726
Local	3,849,192
Total	66,080,270
Aid for aged:	
Federal	4,096,524
State	1,736,385
County, local	192,932
Total	6,025,841
Aid for disabled:	
Federal	2,215,250
State	1,495,795
County, local	166,200
Total	3,877,245
General relief:	
State	14,962,165
Local	4,987,388
Total	19,949,553
Vendor maintenance:	
Federal	898,954
State	734,356
County	81,595
Total	1,714,905
Medicaid:	
Federal	16,698,507
State	15,156,714
Total	31,855,221
Administration:	
Federal	4,192,995
State	5,771,246
Local	1,149,658
Total	11,113,899
Total welfare	140,925,581

Mr. Speaker, total Federal cost of welfare in Cuyahoga County is $55,868,582, total State cost of welfare in Cuyahoga County is $74,616,969, and total local cost of welfare in Cuyahoga County is $10,440,030.

The full Federal assumption of welfare programs would release $85,056,999 for other State and local programs.

The projection of costs and Federal contribution does not include the $16,800,000 Federal contribution in the food stamp program.

This alternative approach to revenue sharing must be carefully reviewed and compared. The reform of the welfare program and the development of uniform standards in administration would provide higher standards, more responsible administration and greater efficiency.

FACTS BEHIND RECENT MOVE IN LAOS

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 11, 1971

Mr. SCOTT. Mr. President, in the Washington Post yesterday, columnist Joseph Alsop has very clearly detailed the facts behind the recent move in Laos. I commend it to the attention of every Member of the Senate.

Mr. Alsop says President Nixon has demonstrated the courage of his convictions to end this war. The column points out that there were 16 reasons why the operation should not have been attempted, but there were two reasons that outweighed them, thus the courageous decision by President Nixon.

Mr. President, I ask unanimous consent that Mr. Alsop's column be printed in the Extensions of Remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

Laos: Nixon's Reasons

(By Joseph Alsop)

"There were sixteen good reasons against doing it, and there were only two reasons for doing it. But if you analyzed them, the two reasons for, completely outweighed the 16 against—which were mostly domestic political reasons anyway."

Thus President Nixon himself, concerning his second great Southeast Asian gamble, to support the current, critically significant South Vietnamese drive across the border of Laos.

The first reason was the need to force the Hanoi war-planners to take the hardest kind of hard new look at their own situation and future prospects. A new look in Hanoi will hardly be avoidable, if the Laos trails are cut in the area around the little town of Sepone—which is the obvious aim of the big effort now in progress.

The intent, if the operation succeeds, is to keep the trails cut until the full onset of the rainy season in late spring. The big rains always make the Laos trails all but impassable, particularly for serious supply movement, until the dry season begins again. This will be about the beginning of next December.

For 10 months, then, about 130,000 North

Vietnamese troops and other personnel in Cambodia and southern Laos, will have their unique existing lifeline severed—if all goes according to plan.

Yet if their unique lifeline is in fact severed as planned, they will get almost no replacements, or ammunition or other military supplies. In South Laos, where virtually no food is locally available, they will also get none of the rations they need from the north.

As to the President's second decisive reason for his gamble, it should also be obvious. It was to leave the South Vietnamese in a solid position to defend their own independence, after the withdrawal of U.S. troops.

There is nothing to prevent the South Vietnamese from cutting the Laos trails next dry season, if they manage to do so this time. In sum, the President has now moved to finish what he began when he invaded the Cambodian sanctuaries.

The great result of the Cambodian operation was to close off the main lifeline of the North Vietnamese invaders of their neighbor countries. This was the seaborne supply route, running through Sihanoukville and Cambodia.

In the old days, when Hanoi had an easy time of it, the rations for the 70,000 North Vietnamese troops in South Laos were also bought on the Chinese markets in Phnom Penh, and they were then trucked north. All that is over now, however, and as already stated, the other remaining lifeline of these same North Vietnamese troops is also likely to be cut.

Another effect of the President's decision, one must add, is to underline the sheer ludicrousness that has so long pervaded most discussion of the Vietnamese war in this country. Take the howls about General Abrams' famous "news embargo," for example.

To begin with no sensible reporter ought ever to wish to describe in detail and in advance any forthcoming military operation. Doing so jeopardizes the lives of every man engaged in that operation. To go on with, this supposedly wicked embargo evidently left Hanoi utterly uncertain about where the blow would come. Otherwise there would have been a very nasty welcoming committee for the South Vietnamese, the moment they crossed the Laos border.

Yet there is a far better, and far more depressing example of the folly many people have indulged in during these last years. You simply need to calculate what would have happened, if the same changes in the lunatic rules of the war had been made four years ago. There could have been no Tet offensive, to begin with.

For it is now well established, by computing actual bills of lading picked up in Sihanoukville, that the Cambodian lifeline was vital to the Tet plan. Over 12,000 tons of supply—the enemy's essential sinews of war for the whole southern half of South Vietnam—are now known to have come through Sihanoukville in 1967 and up to March 1968.

Then too, the Hanoi government solemnly committed itself by treaty, negotiated on our side by Gov. Averell Harriman and duly signed in 1962, never to use the Laos trails for supply purposes. They broke that promise before the ink was dry on the treaty. But there was no reason to treat the trails as effective sanctuaries, any more than there was a reason to treat Hanoi's Cambodian bases as sanctuaries.

Untold blood and untold treasure have been wasted, in truth, because the courage to do what President Nixon has done was not found long ago.

TAX SAVING INFORMATION FOR OUR SENIOR CITIZENS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. PEYSER. Mr. Speaker, as a result of the 1970 Tax Reform Act, there are new tax savings available to our senior citizens. In this year of rising costs these tax savings are especially welcome by our senior citizens who are struggling on their fixed incomes to meet rising bills.

The Senate Special Committee on the Aging has provided an excellent analysis of the tax reform bill as it relates to senior citizens, and I call it to the attention of my constituents:

TAX REFORM BILL ANALYSIS

Several provisions, such as the increase in the personal exemption and the new low-income allowance, in the new law will provide substantial tax relief for older Americans. Other measures, such as the increase in the standard deduction, can help to make tax preparation easier.

These proposals can produce important tax savings—in some cases amounting to several hundred dollars—for older taxpayers. Consequently a basic understanding of these relief measures will be essential for aged persons to receive full benefits from these provisions. Some of the major relief sections include:

Increase in personal exemption deduction: The Act provides for a four step increase in the personal exemption deduction from $600 to $750 by 1973. The four stages would be as follows:

$625 in 1970,
$650 for 1971,
$700 by 1972, and
finally $750 by 1973.

Older Americans will benefit doubly from this increased deduction.

Under prior law, a person who was at least 65 years old was entitled to the regular exemption of $600 plus an additional $600 deduction for age—for a total of $1,200. When this provision becomes fully effective, an elderly single taxpayer would be entitled to a $1,500 personal exemption deduction—$300 more than under previous law. By 1973, an elderly married couple would be entitled to an additional $600 deduction for personal exemptions.

Increase in standard deduction: A three stage increase in the standard deduction will provide significant relief for moderate-income elderly taxpayers. The present standard deduction—10 percent of adjusted gross income with a $1,000 ceiling—will be increased to 15 percent with a $2,000 maximum by 1973. Under the new law, the percentages and maximum deductions will reflect the following changes:

Year	Percentage of adjusted gross income (percent)	Ceiling
1971	13	$1,500
1972	14	2,000
1973	15	2,000

Low-income allowance.—Older Americans will also benefit substantially from the new low-income allowance—equivalent to the former minimum standard deduction plus an additional allowance which would equal a maximum amount of $1,100. More than 5 million tax returns will be removed from the tax rolls because of this provision.

The maximum $1,100 low-income allowance becomes operative in 1970, but it will be reduced in two steps to $1,000 by 1972 to correspond to the $100 increase in the personal exemption deduction for 1972. This new low-income allowance together with the personal exemption deduction would be almost equivalent to the poverty index, and would have the effect of removing virtually all persons in the poverty category from the tax rolls.

The effect of the $1,100 low-income allowance and the $625 personal exemption is to eliminate tax until income exceeds the following levels for elderly persons in 1970:

Number of persons	Nontaxable amount		
	Tax Reform Act	Prior law	Difference
1. Elderly single person (65 or older)	$2,350	$1,600	$750
2. Elderly married couple (both 65 or older)	3,600	3,000	600

Revision in tax rates for single individuals.—The new revised tax structure for single persons who do not support a household in which a dependent lives will benefit many elderly widows and widowers. (Approximately 3.6 million elderly women are widows and live alone.)

Under previous law, the tax rate for a single individual was substantially higher than for a married couple filing a point return with the same taxable income. In some instances a single taxpayer would pay 41 percent more in taxes than a married couple filing jointly. The new rate structure in the Tax Reform Act will help to relieve this inequity by providing a tax for single persons which will not be more than 20 percent of the tax paid on a joint return with comparable taxable income.

No withholding under Certain Circumstances.—Employees who certify to their employers that they had no tax liability for the preceding year and expect to have no tax liability for the current year will not have Federal income tax withheld from their wages.

About a half million persons 65 and over who work, are not subject to tax because of low taxable income. Previously, many elderly persons who owed no tax, still had to file returns to collect refunds because of the tax withheld.

Because of this provision and changes in filing requirements, more than 2 million older Americans will be relieved from the necessity of filing a tax return.

Reduction and Repeal of the Surtax: The 10 percent surcharge was reduced from 10 percent to 5 percent for the period from January 1, 1970 to June 30, 1970. Effective July 1, 1970, the surcharge will be discontinued. For an individual taxpayer, the effect will be to reduce the surtax to 2.5 percent on an annual basis for 1970 and to eliminate the surchage for 1971.

Liberalized income averaging.—Income averaging is available for individuals whose incomes fluctuate from year to year to help lessen the tax burden in high income years. Generally, a person is eligible for income averaging if taxable income for the current year is more than $3,000 greater than 133⅓ percent of his average taxable income for the preceding four years.

The Tax Reform Act will lower the 133⅓ percent requirement to 120 percent. In addition, long-term capital gains, wagering income, and substantial income from gifts—which previously did not qualify—would be eligible for averaging.

Tax savings under the Tax Reform Act.—In 1969 it is estimated that persons 65 and older had an income tax liability of $7.3 billion, exclusive of the surcharge. When fully effective, the relief provisions of the Tax Reform Act will reduce this liability by $640 million (at 1969 levels)—a reduction of about 9 percent. Assistant Secretary Edwin Cohen estimated that "The tax liability of those persons with adjusted gross incomes below $10,000 will be reduced by more than 25 percent, and that of persons with adjusted gross incomes below $5,000 will be reduced by more than 54 percent."

When the Act is fully effective, an elderly married couple will pay no Federal income tax until their joint income (exclusive of Social Security and other nontaxable income) exceeds $4,000—a $1,000 increase over the 1969 tax-free level of $3,000. Similarly, an elderly single individual will be able to have taxable income of $2,500 without owing any tax—$900 more than under previous law.